

- 6:00 p.m. Call to Order.
- Moment of Silence.
- Pledge of Allegiance.
- Roll Call.
- Proclamations:
- Petitions and Statements of Citizens (3 mins. per speaker).
- A. Consent Agenda:
1. Approve the City Council Meeting Minutes of the:
 - a. Regular Meeting of January 27, 2026
 2. Approve the Accounts Payable Register of February 10, 2026, as presented.
 3. Approve a one-year contract to the Municipal Risk Management Authority (MMRMA) at a total cost not to exceed \$658,933 for citywide comprehensive insurance for liability, property, and fleet auto coverage and risk management services beginning March 1, 2026, to March 1, 2027, and authorize the Authorized Member Representative (City Manager) to execute all documents related to this action on behalf of the city.
 4. Adopt the Notice of Intent resolution to fund construction of Fiscal Year 2025-2026 capital improvement projects, in the amount not to exceed \$6,000,000; and authorize the City Manager to execute all documents related to this action on behalf of the city.
 5. Approve Contract No. 25-5666 between the Michigan Department of Transportation and the City of Portage for the construction of the Austin Lake Trail and adopt a Resolution authorizing the City Manager to sign all documents related to the contract on behalf of the city.
 6. Approve the City Council Capital Project Policy.
 7. Adopt the Resolution for Charitable Gaming License recognizing The Chubby Mermaids swim club as a nonprofit organization in the City of Portage.
 8. Reschedule the Tuesday, March 10, 2026, Regular City Council Meeting to Monday, March 9, 2026, while retaining the start time of 6:00 p.m.
 9. Minutes of Boards & Commissions:
 - a. Park Board of January 7, 2026
 10. Materials Transmitted.
 11. Calendar of Meetings:
 - Environmental Board: Wednesday, February 11 at 7:00 p.m. in Conference Room 1 at Portage City Hall
 - Senior Citizens Advisory Board: Wednesday, February 18 at 2:30 p.m. in Conference Room 1 at Portage City Hall
 - Planning Commission: Thursday, February 18-19 at 7:00 p.m. in Council Chambers at Portage City Hall
- B. Communications:
- C. Public Hearings:
- D. Regular Business Agenda:
- E. Unfinished Business:

1. Adopt the amendment to Chapter 18, Cemeteries, of the Code of Ordinances.

F. Council Committee Reports:

G. New Business:

H. Statements of City Council and City Manager.

Adjournment.



QR Code to Access the Agenda & Agenda Packet

Use the camera on your phone or mobile device to scan the QR Code and then follow the instructions that appear on your screen.

The link will take you to <https://portagemi.portal.civicclerk.com/> where you can view the meeting agendas and agenda packets.

There is one opportunity for public comment during meetings. Each comment is limited to 3 minutes. The Americans with Disabilities Act (ADA) requires reasonable accommodations for participation. Please contact the City Clerk regarding accommodations.

CITY COUNCIL MEETING MINUTES FROM JANUARY 27, 2026

Mayor Patricia Randall called the Regular Meeting to order at 06:00 PM in the Council Chambers at Portage City Hall.

ROLL CALL: Councilmembers Chris Burns, Victor Ledbetter, Nicole Miller, Kathleen Olmsted, Jihan Young, and Mayor Patricia Randall were present.

ABSENT: Mayor Pro Tem Jim Pearson.

ALSO PRESENT: City Manager Pat McGinnis, Chief Operating Officer Adam Herringa, Chief Development Officer Peter Dame, City Attorney Catherine Kaufman, and City Clerk Erica Eklov.

At the request of Mayor Randall, the audience observed a moment of silence to reflect on making Portage a stronger, more inclusive, and unified community. Following the moment of silence, the City Council recited the Pledge of Allegiance.

PROCLAMATIONS:

Black History Month: Councilmember Young read the proclamation.

PETITIONS AND STATEMENTS OF CITIZENS:

1. Judy Kangas-Salters (9240 Portage Road) spoke in support of Phase One of Portage Road 360, while expressing concern about the isthmus area as it related to Phase Two.
2. Cheryl Secor (10429 Oakland Drive) expressed concerns regarding the waste hauler topic, campaign finance donations, and decorum at recent meetings.
3. Brian Harris (6314 Redfern Circle) spoke via phone and inquired about how the ballot initiative would affect the existing single waste hauler contract with Waste Management if it passed.
4. Dusti Morton (5816 Iowa Avenue) spoke via phone, noting she served as a member of the Historic District Commission (HDC), asked the Council to consider the historic aspects of the city cemetery as they review the amended ordinance.

CONSENT AGENDA: Mayor Randall shared where the public can access the meeting agenda and asked if any would like an item removed from the Consent Agenda. Councilmember Olmsted removed Item A.9, noting she would be recusing herself. Councilmember Miller removed Item A.8.

Motion by Councilmember Burns, seconded by Councilmember Young, to approve Consent Agenda as amended. Upon a roll call vote, motion carried 6 to 0.

Approval of Minutes: Motion by Councilmember Burns, seconded by Councilmember Young, to approve the City Council Meeting Minutes of the Board & Commission Interviews of January 13, 2026; Regular Meeting of January 13, 2026; and, the Special Meeting of January 20, 2026. Upon a roll call vote, motion carried 6 to 0.

Accounts Payable Register: Motion by Councilmember Burns, seconded by Councilmember Young, to approve the Accounts Payable Register of January 27, 2026, as presented. Upon a roll call vote, motion carried 6 to 0.

Portage Road Lake Center Corridor Reconstruction Project – Phase 1: Motion by Councilmember Burns, seconded by Councilmember Young, to award a construction contract to Brenner Excavating of Hopkins, Michigan, for the Portage Road Reconstruction project for an amount not to exceed \$4,477,268.10; amend a contract with Wightman in the amount of \$721,600 to provide

construction engineering and right-of-way services for the Portage Road Reconstruction project; and authorize the City Manager to execute all documents related to the contract on behalf of the city. Upon a roll call vote, motion carried 6 to 0.

2026 Local Streets Reconstruction Program Bid Tabulation: Motion by Councilmember Burns, seconded by Councilmember Young, to award a construction contract to Michigan Paving and Materials Company of Kalamazoo, Michigan for the 2026 Local Streets Reconstruction Program in an amount not to exceed \$1,862,255 and authorize the City Manager to execute all documents related to the contract on behalf of the city. Upon a roll call vote, motion carried 6 to 0.

MDOT Contract No. 25-5607 (West Centre Avenue - Oakland Drive to Shaver Road): Motion by Councilmember Burns, seconded by Councilmember Young, to approve Contract No. 25-5607 between the Michigan Department of Transportation and the City of Portage for the reconstruction of West Centre Avenue from Oakland Drive to Shaver Road and adopt a Resolution authorizing the City Manager to sign all documents related to the contract on behalf of the city. Upon a roll call vote, motion carried 6 to 0.

2026 Board of Review Recommendations: Motion by Councilmember Burns, seconded by Councilmember Young, to adopt the resolution setting the schedule for the 2026 Board of Review and approve the compensation rate for the Board of Review meetings and training. Upon a roll call vote, motion carried 6 to 0.

Moratorium Ordinance for Data Centers and BESS Projects: Motion by Councilmember Burns, seconded by Councilmember Young, to accept a temporary moratorium ordinance pertaining to data centers and battery energy storage systems for first reading and consider ordinance adoption on February 24, 2026. Upon a roll call vote, motion carried 6 to 0.

Minutes of Boards & Commissions: Motion by Councilmember Burns, seconded by Councilmember Young, to receive the minutes of the Human Services Board of December 4, 2025; and, the Environmental Board of December 10, 2025. Upon a roll call vote, motion carried 6 to 0.

Calendar of Meetings: Motion by Councilmember Burns, seconded by Councilmember Young, to receive the Calendar of Meetings as presented. Upon a roll call vote, motion carried 6 to 0.

COMMUNICATIONS:

Presentation of the Government Finance Officers Association Award: City Manager McGinnis, alongside Finance Director Lauren VanderVeen, presented the background information on the award. The Council commended Director VanderVeen for receiving the award for the 39th year running.

REGULAR BUSINESS AGENDA:

Appointment of Director of Public Works: City Manager McGinnis noted the City Charter stipulation regarding City Manager appointments to be confirmed by the Council relayed the accomplishments of Mr. Rowland. At the invitation of the City Manager, Mr. Rowland introduced himself. Mayor Randall thanked Mr. Rowland and highlighted the City Administration promoting within. Councilmember Miller thanked Mr. Rowland. Councilmember Burns read a citizen's letter in support of Mr. Rowland's promotion. Councilmember Ledbetter also spoke in support, appreciating Mr. Rowland's movement through the department.

Motion by Councilmember Burns, seconded by Councilmember Young, to confirm the appointment of Jereme Rowland as Director of Public Works. Upon a roll call vote, motion carried 6 to 0.

Chapter 18 Cemetery Ordinance Update: Councilmember Miller highlighted the last citizen commenter's inquiry regarding preservation in the cemeteries and requested the City Manager or the HDC liaison to comment. City Manager McGinnis responded, noting the City Administration was focused on updates to the cemetery ordinance, highlighting the prior Council meeting's agenda inclusion of a request for a marker variance. Clerk Eklov highlighted her experience in historic preservation, noting the city recently joined the Michigan Association of Municipal Cemeteries to ensure adherence to best practices as the city's cemeteries continued to grow and evolve and that staff would ensure involvement of the HDC when appropriate. Mayor Randall noted cemeteries in nearby municipalities had found ways to celebrate their settler families and history in a more permanent ways that she would like to see used in Portage.

Motion by Councilmember Miller, seconded by Councilmember Young, to accept for first reading the amendment to Chapter 18, Cemeteries, of the Code of Ordinances, and set the second reading for February 10, 2026. Upon a roll call vote, motion carried 6 to 0.

May Special Election Proposal Resolution: Mayor Randall noted Councilmember Olmsted had removed the item from the Consent Agenda and deferred to her. Councilmember Olmsted stated she would be recusing herself on the matter. Councilmember Burns noted he would be recusing himself from the matter as well, noting an indirect personal financial conflict of interest. Both stepped out of Council Chambers.

Councilmember Miller inquired about the wording as presented in the resolution and the potential impact on the city's current brush/leaf collection, as well as curbside recycling. City Attorney Kaufman responded that the proposed wording was taken verbatim from the heading of the initiative petition as prepared by the Take Back the Trash committee. She then noted that the proposed ordinance language prohibited an exclusive contract for any type of collection, including recycling and yard waste, if adopted by voters. Attorney Kaufman further stated that she had yet to provide an opinion regarding how the city would handle the current contract for those services. There was additional discussion regarding the ordinance provisions and waste services.

Councilmember Young inquired about the deadline for submission of the ballot language to the County Clerk. Attorney Kaufman responded that by 4:00 PM on February 10th was the requirement and noted that the City Council's next Regular Meeting was scheduled for the same date.

Councilmember Ledbetter suggested revisions to the resolution's wording, proposing increased clarity for voters. He stated that he preferred "provider(s)" instead of saying "person(s)" in all instances where the former was used. He then recommended replacing the word "choose" with the word "select" where it was noted. Councilmember Young asked Attorney Kaufman to confirm that this would not alter the intent of the original petition signers, to which Attorney Kaufman relayed that she would need to take the proposed revisions to the Take Back the Trash committee for approval. Discussion followed regarding the potential for an additional special meeting.

Councilmember Ledbetter formalized his recommendations as a motion for the proposed ballot proposal language resolution to replace instances of "person(s)" with "provider(s)" as well as replace "choose" with "select" for the May 5, 2026 Special Election, presuming the ballot proposal language with the changes is approved by the representatives of the petition committee. Seconded by Councilmember Miller. Upon a roll call vote, motion carried 4 to 0.

City Attorney Kaufman stated she, alongside the outside counsel, would contact the petitions committee's attorneys regarding the language revisions and follow-up with the Council. Following the vote, the recused members returned to the Chambers.

COUNCIL COMMITTEE REPORTS: None.

STATEMENTS OF CITY COUNCIL AND CITY MANAGER: Councilmember Olmsted noted Item A.7's moratorium, stating that staff's effort to compile an ordinance before the issue could come about was greatly appreciated. She then expressed excitement for the America 250 celebrations, highlighting its recognition of veterans and partnership with Portage HDC, noting the Commission is looking for an architect to serve.

Councilmember Ledbetter noted the many accolades for the city's snow removal. He encouraged safe driving in winter conditions and addressed the decorum comment and closed with disappointment regarding the expenditure needed for the special election and potential effects of the petitions initiative ordinance.

Councilmember Miller is looking forward to attending the upcoming Southwest Michigan First State of Economic Development event and highlighted the return of United Airlines to the Kalamazoo Airport, which will increase businesses in the area.

Councilmember Young began by encouraging the use of the skating rink once the temperatures increase and issued a reminder to help neighbors shovel or plow sidewalks. She then highlighted the Black History Month event on February 6 and the Portage Business Community Town Hall on February 10th. Councilmember Young closed with a reminder about local warming centers.

Councilmember Burns welcomed Jereme Rowland and thanked outgoing Director Rod Russell, highlighting his cost-saving efforts for the city during his career and completing many construction and road projects in-house.

City Manager McGinnis noted a farewell event for Director Russell on February 6th and the Parks & Recreation Cozy Market event scheduled for Sunday, February 1.

Mayor Randall thanked those in attendance despite the winter weather, as well as staff for their efforts during the week of winter storms. She then congratulated both incoming Public Works Director Jereme Rowland and outgoing Director Rod Russell. The Mayor also noted Portage's February 6th Black History Month celebration. She then discussed the single waste hauling contract and the resulting special election questions. She thanked city snow plowing crews and public safety officers and closed by expressing hope that the schools can resume soon.

ADJOURNMENT: Mayor Randall adjourned the meeting at 7:10 PM.

Erica L. Eklov, City Clerk

TO: Honorable Mayor and City Council

FROM: Pat McGinnis, City Manager

SUBJECT: Accounts Payable Register

SUPPORTING PERSONNEL: Lauren VanderVeen, Finance Director

ACTION RECOMMENDED: Approve the Accounts Payable Register of February 10, 2026, as presented.

The City Council reviews and approves the bi-weekly Accounts Payable Register, which includes automated clearing house payments, paper checks, auto-pay payments and electronic payments. The attached Accounts Payable Register covers the period January 18, 2026, through January 31, 2026, and notes \$1,194,497.17 in automated clearing house payments, \$1,339,095.67 in paper checks, \$48,997.46 in auto-pay payments and \$827,167.16 in electronic payments for a grand total of \$3,409,757.46.

FUNDING: Not Applicable

Attachments: 1. Accounts Payable Register of February 10, 2026

ACCOUNTS PAYABLE REGISTER
Check Dates From: 1/18/2026 to 1/31/2026

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Check Date	Check	Vendor Name	Description	Amount
Check Type: ACH Transaction				
01/23/2026	25837(A)	SEVERANCE ELECTRIC COMPANY,INC	PORTAGE ROAD/FOREST DR TRAF SIGNAL PROJ	252,985.02
01/30/2026	25838(A)	A & L INSULATION OPERATIONS, LLC	CDBG-INSTALL INSULATION WALLS & ATTIC	8,212.00
01/30/2026	25839(A)	ABONMARCHE CONSULTANTS, INC	ENGINEERING SVCS-MULT LOCS	29,228.55
01/30/2026	25840(A)	ALL CITY MANAGEMENT SERVICES, INC.	CROSSING GUARD CONTRACT	2,437.92
01/30/2026	25841(A)	ALL-TRONICS, INC.	SECURITY SERVICE MONITORING	159.00
01/30/2026	25842(A)	AMERICAN ARBOR LLC	REMOVAL-TORNADO DMG TREES/OVERGROWTH	38,000.00
01/30/2026	25843(A)	ANIMAL REMOVAL SERVICE, LLC	ANIMAL REMOVAL SERVICES	1,060.00
01/30/2026	25844(A)	AUNALYTICS INC	DISASTER RECOVERY SERVICES	445.00
01/30/2026	25845(A)	BEST WAY DISPOSAL, INC.	CURBSIDE RECYCLING PROGRAM EXTENSION	70,446.50
01/30/2026	25846(A)	C D W GOVERNMENT, INC.	REPLACEMENT DESK PHONES	848.79
01/30/2026	25847(A)	CAPITOL STRATEGIES, LLC	CONSULTING SERVICES	6,000.00
01/30/2026	25848(A)	CHARTER COMMUNICATIONS	INTERNET/VOICE	815.42
01/30/2026	25849(A)	COLLIER, MICHAEL	PER DIEM - MACP WINTER CONFERENCE	200.00
01/30/2026	25850(A)	COX, ELISA ROSE	PZSC FITNESS INSTRUCTOR	135.00
01/30/2026	25851(A)	CROWN TROPHY	FIRE OPERATING SUPPLIES	423.12
01/30/2026	25852(A)	CTM SERVICES, INC.	CHAIN & PADDLE KIT FOR ICE RESURFACER	1,153.51
01/30/2026	25853(A)	DASCOM AMERICAS SBI LLC	CITATION PAPER	1,295.00
01/30/2026	25854(A)	DATA CONSTRUCTS LLC	DNS FAILOVER SERVICES	80.50
01/30/2026	25855(A)	DEARBORN LIFE INSURANCE COMPANY	LIFE LTD AND STD INSURANCE	12,412.58
01/30/2026	25856(A)	DELTA DENTAL PLAN OF MICHIGAN	DENTAL INSURANCE	20,584.48
01/30/2026	25857(A)	DEMING, JONATHAN	PZSC FOOT CARE CLINIC	400.00
01/30/2026	25858(A)	DEPATIE FLUID POWER COMPANY	REPAIR & MAINTENANCE SUPPLIES	2,498.84
01/30/2026	25859(A)	ENG., INC.	CONSOLIDATED DRAIN REHAB, LIFT ST RENO	38,000.00
01/30/2026	25860(A)	ENGINEERED PROTECTION SYSTEMS, INC.	CARD READER-COMPOSITE SITE, CMO EXIT DOOR	6,483.84
01/30/2026	25861(A)	ENTENMANN-ROVIN CO.	MISC BADGES	469.00
01/30/2026	25862(A)	ESCAPE FIRE & SAFETY SERVICES, INC.	REPAIR & MAINTENANCE SUPPLIES	402.11
01/30/2026	25863(A)	FARR, TYLER	REIMB-EMT RECERTIFICATION	25.00
01/30/2026	25864(A)	FERGUSON US HOLDINGS, INC	BUILDING SUPPLIES	21.30
01/30/2026	25865(A)	FISHBECK THOMPSON CARR & HUBER, INC	BROWNFIELD PLAN 7716 S WESTNEDGE	1,456.25
01/30/2026	25866(A)	GENUINE PARTS COMPANY INC	REPAIR & MAINTENANCE SUPPLIES	3,371.91
01/30/2026	25867(A)	GORDON WATER SYSTEMS	WATER SERVICES	649.56
01/30/2026	25868(A)	GREATER KALAMAZOO UNITED WAY	UNITED WAY DEDUCTIONS FOR JANUARY 2026	81.04
01/30/2026	25869(A)	GRIFFIN PEST SOLUTIONS	PEST CONTROL SERVICES	164.00

ACCOUNTS PAYABLE REGISTER
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Check Date	Check	Vendor Name	Description	Amount
01/30/2026	25870(A)	GRYPHON PLACE	FY 25-26 HUMAN SERVICES BOARD	1,000.00
01/30/2026	25871(A)	HAAN, MEGAN KATHLEEN	PZSC BARRE INSTRUCTOR	150.00
01/30/2026	25872(A)	INDUSCO SUPPLY CO., INC.	JANITORIAL SUPPLIES	308.43
01/30/2026	25873(A)	INSIGHT PUBLIC SECTOR, INC.	ADOBE CREATIVE CLOUD ENTERPRISE	9,965.68
01/30/2026	25874(A)	IRTH SOLUTIONS LLC	MISS DIG TICKET MANAGEMENT	10,001.88
01/30/2026	25875(A)	J & H OIL COMPANY	FUEL PURCHASES, BULK HYDRO OIL	4,691.50
01/30/2026	25876(A)	JANSSEN, AMANDA	REIMB - COUNCIL MEETING WATER/SODA	37.55
01/30/2026	25877(A)	JB PRINTING	PZSC JAN/FEB 2026 NEWSLETTER	7,608.65
01/30/2026	25878(A)	KAL COUNTY FIRE CHIEFS ASSOC.	FIRE OFFICER I COURSE REGISTRATION	250.00
01/30/2026	25879(A)	KEHOE, EDWARD J	PZSC TAI CHI & QIGONG INSTRUCTOR	400.00
01/30/2026	25880(A)	KENDALL ELECTRIC, INC.	REPLACEMENT LIGHT POLE-ANGLING BOARD	3,098.01
01/30/2026	25881(A)	KLOSE, REBECCA ANN	PHOTOGRAPHY SERVICES	250.00
01/30/2026	25882(A)	KONICA MINOLTA BUSINESS SOLUTIONS	PRINTER MAINT/LEASE-MULT PRINTERS	1,579.87
01/30/2026	25883(A)	KURZAVA, MATTHEW STEPHEN	PZSC TAI CHI INSTRUCTOR	255.00
01/30/2026	25884(A)	LAWSON PRODUCTS, INC	REPAIR & MAINTENANCE SUPPLIES	386.83
01/30/2026	25885(A)	LENDING HANDS OF MICHIGAN, INC.	FY 25-26 HUMAN SERVICES BOARD	1,750.00
01/30/2026	25886(A)	LOWE'S HOME CENTER	CITY HALL PARKING LOT-ELECTRICAL SUP	350.55
01/30/2026	25887(A)	MARTIN, MATTHEW	PER DIEM-STAFF & COMMAND SCHOOL	261.00
01/30/2026	25888(A)	MAYHEW, BRYAN	PER DIEM-MACP WINTER CONFERENCE	200.00
01/30/2026	25889(A)	MCNALLY ELEVATOR CO.	ELEVATOR MAINTENANCES	174.83
01/30/2026	25890(A)	MORRISON INDUSTRIAL EQUIPMENT	FORKLIFT REPAIR & RENTAL	4,590.99
01/30/2026	25891(A)	MY GREEN MICHIGAN	MGM FOOD WASTE COMPOST SVC AGREEMENT	2,558.00
01/30/2026	25892(A)	NOTT, SARAH	PZSC ART INSTRUCTOR POLYMER CLAY	125.00
01/30/2026	25893(A)	O'BOYLE-COLWELL-BLALOCK & AS.	LAKEVIEW PARK A&E PHASE II	1,777.50
01/30/2026	25894(A)	ONSTAFF GROUP SERVICES LLC	TEMPORARY EMPLOYEE SERVICES	1,853.15
01/30/2026	25895(A)	OSWALT MECHANICAL, LLC	CDBG-REPLACE FURNACE	5,200.00
01/30/2026	25896(A)	PARIS CLEANERS	LAUNDRY SERVICES	854.03
01/30/2026	25897(A)	PEARSON, GERALD	PARK FACILITY CLEANING	3,525.00
01/30/2026	25898(A)	PERCEPTIVE CONTROLS, INC.	SCADA MAINTENANCE SERVICES	23,104.02
01/30/2026	25899(A)	PETERS CONSTRUCTION CO.	HYDRANT #2542 REPAIRS	29,703.10
01/30/2026	25900(A)	PIERMAN, BRANNON	FUEL REIMBURSE - INVESTIGATIVE INTERVIEW	10.00
01/30/2026	25901(A)	PLM LAKE & LAND MANAGEMENT	AQUATIC WEED MANAGEMENT	85.00
01/30/2026	25902(A)	PORTAGE COMMUNITY OUTREACH CENTER	FY 25-26 HUMAN SERVICES BOARD	15,750.00
01/30/2026	25903(A)	PORTAGE FIREFIGHTERS	IAFF UNION DUES FOR JANUARY 2026	2,040.00

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01/30/2026	25904(A)	PORTAGE POLICE COMMAND OFFICERS	PPCOA UNION DUES FOR JANUARY 2026	65.00
01/30/2026	25905(A)	PORTAGE POLICE OFFICERS ASSOC	PPOA UNION DUES FOR JANUARY 2026	735.00
01/30/2026	25906(A)	PRECISION PRINTER SERVICES INC	PRINTER SUPPORT SERVICES	572.38
01/30/2026	25907(A)	PREIN & NEWHOF	ROMENCE ROAD RECONS - ENGINEERING SVCS	4,433.65
01/30/2026	25908(A)	PREIN & NEWHOF	PROF SVCS - ALTERNATIVE WATER SOURCES	3,496.50
01/30/2026	25909(A)	RENEWED EARTH, INC.	COMPOST SITE MANAGEMENT	8,166.66
01/30/2026	25910(A)	ROAD EQUIPMENT PARTS CENTER	REPAIR & MAINTENANCE SUPPLIES	506.37
01/30/2026	25911(A)	ROE-COMM, INC.	MISC RADIO SERVICES	700.00
01/30/2026	25912(A)	ROSE, SANDRA K.	PZSC CARDIO DRUMMING INSTRUCTOR	200.00
01/30/2026	25913(A)	S B F ENTERPRISES, INC.	PRINT, PROCESS, MAIL WATER & SEWER BILLS	936.03
01/30/2026	25914(A)	SCHULTZ, KYLIE	PZSC BARRE INSTRUCTOR	120.00
01/30/2026	25915(A)	SEVERANCE ELECTRIC COMPANY, INC	TRAFFIC SIGNAL REPAIRS/MAINTENANCE	5,907.08
01/30/2026	25916(A)	SHINY BRITE WASHING SYSTEMS LLC	VEHICLE CAR WASHES	119.00
01/30/2026	25917(A)	SIMPLIFILE HOLDINGS, INC	RECORDING & SUBMISSION FEES	568.25
01/30/2026	25918(A)	SMART SOURCE, LLC	PRINTING SERVICES	73.00
01/30/2026	25919(A)	SMITH GARSON, INC.	FEDERAL ADVOCACY SERVICES	5,000.00
01/30/2026	25920(A)	STOUT, MELISSA	PZSC CHAIR YOGA & BARRE INSTRUCTOR	300.00
01/30/2026	25921(A)	SULLIVAN, WHITNEY	CITY HALL PLANT CARE	127.00
01/30/2026	25922(A)	TARGETSOLUTIONS LEARNING LLC	FIRE SOFTWARE-VECTOR LMS MEMBERSHIP	5,530.44
01/30/2026	25923(A)	TAYLOR, GRANT	REIMB EXPS-MMTA WINTER WORKSHOP	247.73
01/30/2026	25924(A)	TMK WORLDWIDE, LLC	METER SERVICE	781.88
01/30/2026	25925(A)	TOWNSQUARE MEDIA KALAMAZOO, LLC	PORTAGE POCKET PAY ADVERTISING	2,179.99
01/30/2026	25926(A)	TRUCK & TRAILER SPECIALTIES	NEW VEHICLE UPFITTING, REPAIR/MAINT SUP	260,817.69
01/30/2026	25927(A)	UNDERWOOD, TAMARA ANJANETTE	PZSC ENHANCED FITNESS, DRUMS ALIVE, BARRE	455.00
01/30/2026	25928(A)	UNIFIRST CORPORATION	HALLWAY CARPET RENTAL	227.25
01/30/2026	25929(A)	UNITED AUTO. IMPLEMENT WORKERS 2290	UAW UNION DUES FOR JANUARY 2026	953.60
01/30/2026	25930(A)	UNITED PARCEL SERVICE	UPS WEEKLY	39.96
01/30/2026	25931(A)	US SIGNAL COMPANY, LLC	INTERNET FIBER SERVICES	900.00
01/30/2026	25932(A)	VEOLIA WATER CONTRACT OPERATIONS	UTILITY SYSTEM OPERATION	216,198.03
01/30/2026	25933(A)	WEST MICHIGAN INT'L LLC	REPAIR & MAINTENANCE SUPPLIES	918.47
01/30/2026	25934(A)	WEST MICHIGAN STAMP & SEAL, INC	NOTARY STAMP & CRIMPER SET	69.75
01/30/2026	25935(A)	WIGHTMAN	ENGINEERING SVCS-MULT LOCS	28,333.13
01/30/2026	25936(A)	WOLFE, MATTHEW	PER DIEM-MACP WINTER CONFERENCE	280.00
01/30/2026	25937(A)	WOLVERINE LAWN SERVICES, INC.	SNOWPLOWING/CROSSWALK SERVICES	9,519.00

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Check Date	Check	Vendor Name	Description	Amount
01/30/2026	25938(A)	XEROX CORPORATION	XEROX COPIER FEES	178.52
			Total ACH	1,194,497.17

Check Type: Paper

01/23/2026	332706	AT&T	ELECTRONIC COMMUNICATIONS	220.53
01/23/2026	332707	CORMIER, STEVEN PAUL	PZSC MEN & WOMENS SELF DEFENSE INSTRUCT	600.00
01/23/2026	332708	QUEST DESIGN BUILD, LLC	FARMERS MARKET CONSTRUCTION	334,109.69
01/23/2026	332709	USPS	PZSC USPS POSTAGE FOR JB PRINTING	1,731.27
01/23/2026	332710	VERIZON WIRELESS	WIRELESS CARDS	582.08
01/23/2026	332711	WEBSTER, JOANN H	2025 SUMMER TAX REFUND - PRE CHANGE	1,255.24
01/30/2026	332712	A M LEONARD	SNOW SHOVELS	699.40
01/30/2026	332713	ACTIVE NETWORK LLC	RECREATION SOFTWARE CONTRACT BUYOUT	4,650.00
01/30/2026	332714	ALLEGRA PRINT & IMAGING	PRINTING SERVICES	577.00
01/30/2026	332715	ALLIED MECHANICAL SERVICE	HVAC SERVICES - MULT LOCATIONS	1,204.25
01/30/2026	332716	AMLD CONSULTING LLC	NETWORK PENETRATION TEST & ASSESSMENT	2,375.00
01/30/2026	332717	CARPENTER, JILL	GRAIN ELEVATOR FEES REFUND	440.00
01/30/2026	332718	CATHOLIC FAMILY SERVICES	FY 25-26 HUMAN SERVICES BOARD	5,500.00
01/30/2026	332719	CHARTER TOWNSHIP OF COMSTOCK	FIRE KNOX BOX	1,555.15
01/30/2026	332720	CHICAGO TITLE OF MICHIGAN, INC.	CDBG CHICAGO TITLE SEARCH	150.00
01/30/2026	332721	CITY OF KALAMAZOO TREASURER	SANITARY SEWER CHARGES	504,600.00
01/30/2026	332722	CLASSIC GLASS, INC.	WINDSHIELD REPLACEMENT	1,025.03
01/30/2026	332723	COMMUNITY HEALING CENTERS	FY 25-26 HUMAN SERVICES BOARD	3,000.00
01/30/2026	332724	CORE TECHNOLOGY CORP.	TALON MULTI BRIDGE/DESK TOP/TALON POINT	11,497.20
01/30/2026	332725	DEGRAFF, STANEY	STUART MANOR DEPOSIT REFUND	150.00
01/30/2026	332726	DISABILITY NETWORK SOUTHWEST MICH	FY 25-26 HUMAN SERVICES BOARD	5,000.00
01/30/2026	332727	EASTERN MICHIGAN UNIVERSITY	EMU FIRE STAFF AND COMMAND SCHOOL REG	3,500.00
01/30/2026	332728	ELLIS, STEVEN RICHARD	PZSC PRESENTER NATIONAL PARKS	100.00
01/30/2026	332729	EMERGENCY VEHICLE PRODUCTS	VEH UPFITTING'S, REPAIR & MAINT SUP	40,501.22
01/30/2026	332730	FAWLEY OVERHEAD DOOR, INC.	DPW WEST OVERHEAD DOOR REPAIR	589.00
01/30/2026	332731	FIRST REFORMED CHURCH OF PORTAGE	PZSC PARKING FEES 2026	1,200.00
01/30/2026	332732	FLEIS & VANDENBRINK ENGINEERING	LEXINGTON GREEN RENO A & E SERVICE	2,592.00
01/30/2026	332733	FLETCHER ENTERPRISES	SHOE MOLDING INSTALL & PAINT CLEAN UP	5,825.00
01/30/2026	332734	FORTITUDE GRAPHIC DESIGN & PRINTING	BLACK HISTORY MONTH CALENDARS 2026	2,818.39
01/30/2026	332735	GORDON FOOD SERVICE	MPIR CONCESSION SUP, PZSC MO INVENTORY	1,291.72

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Check Date	Check	Vendor Name	Description	Amount
01/30/2026	332736	GREATER KALAMAZOO FOP LODGE 98	FOP PORTION OF PPOA UNION DUES JAN 2026	3,597.26
01/30/2026	332737	HALL, WILLIAM G	GATE REPAIR, FENCE PAINTING	280.00
01/30/2026	332738	HALLAHAN & ASSOCIATES, P.C.	ASSESSING LEGAL SERVICES	4,673.32
01/30/2026	332739	HERITAGE COMMUNITY OF KALAMAZOO	PZSC RENTAL SECURITY DEP 01.14.26	250.00
01/30/2026	332740	HERRIMAN, SCOTT E	PZSC ENTERTAINMENT MUSICAL BINGO	400.00
01/30/2026	332741	HOCKEY SERVICES	REPLACEMENT RENTAL SKATES	2,478.50
01/30/2026	332742	HOME DEPOT CREDIT SERVICES	REPAIR & MAINTENANCE SUPPLIES	843.39
01/30/2026	332743	HOUSING RESOURCES, INC.	FY 25-26 HUMAN SERVICES BOARD	11,500.00
01/30/2026	332744	I A C P N E T	ANNUAL SERVICES	1,225.00
01/30/2026	332745	J & J LOCKSMITHS	SERVICE CALL - DOOR LOCK REPAIR MILLENIUM PK	190.00
01/30/2026	332746	JACOBS, CHRISTOPHER	MAILBOX REIMBURSEMENT	44.00
01/30/2026	332747	KALAMAZOO COUNTY HEALTH & COMMUNITY	KALAMAZOO CO. HAZARDOUS WASTE DISPOSAL	33.58
01/30/2026	332748	KALAMAZOO COUNTY TREASURER	SUBPOENA BY MAIL SERVICE	632.50
01/30/2026	332749	KALAMAZOO LITERACY COUNCIL	FY 25-26 HUMAN SERVICES BOARD	2,500.00
01/30/2026	332750	KENT COMMUNICATIONS INC.	MAILING OF PERSONAL PROPERTY STATEMENTS	447.16
01/30/2026	332751	KIESLER POLICE SUPPLY	HOLSTER RETURN RESTOCKING FEE	224.40
01/30/2026	332752	LENS EQUIPMENT LLC	RENEWAL OF SERVICES FOR GPS TRACKERS	499.00
01/30/2026	332753	LERETA LLC	2025 TAX REFUND FOR PRE CHANGE	7,596.71
01/30/2026	332754	MACDONALD, JENNIFER	SCHRIER BUILDING DEPOSIT REFUND	150.00
01/30/2026	332755	MALL CITY MECHANICAL	CITY HALL - HEATED SIDEWALK REPAIR	482.50
01/30/2026	332756	MCGREGOR, RUSSELL T.	PZSC RENTAL SECURITY DEP 1.17.26	350.00
01/30/2026	332757	MCS INVESTMENT GROUP LLC	SALT BRINE	2,241.69
01/30/2026	332758	MICH MUNICIPAL POLICE & FIRE REPAIR	POLICE VEHICLE REPAIR & MAINTENANCE	2,589.48
01/30/2026	332759	MICHIGAN FIRE INSPECTORS SOCIETY	MI FIRE INSPECTORS SOCIETY MEMBERSHIP	40.00
01/30/2026	332760	MIDWEST FOOD EQUIPMENT SERVICE	PZSC - REPAIR & SERVICE OVEN	304.00
01/30/2026	332761	MLIVE MEDIA GROUP	AFFIDAVIT & LEGAL NOTICES	378.71
01/30/2026	332762	NATIONWIDE POWER SOLUTIONS, INC.	UPS BATTERIES DUE FOR REPLACEMENT	1,421.27
01/30/2026	332763	OFFICE DEPOT, INC.	OFFICE SUPPLIES	167.54
01/30/2026	332764	ON DUTY GEAR, LLC	BALLISTIC VESTS, CARRIERS & MISC SUP	705.00
01/30/2026	332765	PALOMAKI, ANGELA	SCHRIER BUILDING DEPOSIT REFUND	150.00
01/30/2026	332766	PETER, BRENDA	MAILBOX REIMBURSEMENT	44.00
01/30/2026	332767	PIAM	SPRING 2026 CONFERENCE/MEMBERSHIP	500.00
01/30/2026	332768	PORTAGE GLASS & MIRROR	REPLACE BROKEN WINDOW	397.50
01/30/2026	332769	PORTAGE ROTARY	ROTARY DUES & QTRLY LUNCHES	1,061.10

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Check Date	Check	Vendor Name	Description	Amount
01/30/2026	332770	PRINCE OF PEACE LUTHERAN CHURCH	FY 25-26 HUMAN SERVICES BOARD	7,500.00
01/30/2026	332771	QUEST DESIGN BUILD, LLC	FARMERS MARKET CONSTRUCTION	169,184.21
01/30/2026	332772	RATHCO SAFETY SUPPLY, INC.	ROAD SIGNS MAJORS & LOCALS	1,319.75
01/30/2026	332773	RIDENOUR, CHRISTINA	SCHRIER BUILDING DEPOSIT REFUND	150.00
01/30/2026	332774	RUSCH PRODUCTIONS INC	BLACK HIS MO CHET ALLEN OPENER FOR SPEAKER	600.00
01/30/2026	332775	SAFE HIRING SOLUTIONS	SAFE VISITOR SOLUTIONS - SRO APP	250.00
01/30/2026	332776	SENIOR SERVICES, INC.	FY 25-26 HUMAN SERVICES BOARD	7,500.00
01/30/2026	332777	SESAC INC	2026 MUSIC LICENSE	1,278.00
01/30/2026	332778	SHAMBAUGH & SON, LP	PZSC MECHANICAL ROOM REPAIR	390.00
01/30/2026	332779	ST. BARNABAS EPISCOPAL CHURCH	FY 25-26 HUMAN SERVICES BOARD	2,000.00
01/30/2026	332780	STAIRHIME, AMIE	SCHRIER BUILDING DEPOSIT REFUND	150.00
01/30/2026	332781	STATE OF MICHIGAN (DOT)	WEST MILHAM AVENUE - CONTRACT	114,899.03
01/30/2026	332782	STEENSMA LAWN & POWER EQUIPMENT	SMALL EQUIPMENT REPAIR/MAINTENANCE	1,435.55
01/30/2026	332783	STOUT, TARA	GRAIN ELEVATOR DEPOSIT REFUND	150.00
01/30/2026	332784	SUN TITLE AGENCY, LLC	FINAL UTILITY BILL REFUND 10933 PORTAGE RD	19.74
01/30/2026	332785	T-MOBILE USA INC	MISC CELL PHONE CHARGES	3,397.14
01/30/2026	332786	TRINITY PREP CENTER LLC	BLKHMO DANCE GROUP PERFORMANCE	300.00
01/30/2026	332787	TWELVE BASKETS FOOD PANTRY	FY 25-26 HUMAN SERVICES BOARD	11,000.00
01/30/2026	332788	US HYD LLC	PLOW BLADE CYLINDER REBUILD	388.50
01/30/2026	332789	VK ENDEAVOURS LLC	ENGINEERING DESIGN-SCHRIER PARK	2,950.00
01/30/2026	332790	W MICH CRIMINAL JUSTICE TRAINING CO	POLICE STAFF & COMMAND SCHOOL REG	1,500.00
01/30/2026	332791	WILLIAMS & WORKS	ENGINEERING SERVICES-MULT LOCS	24,747.97
01/30/2026	332792	WRAPS N SIGNS	POLICE VEHICLE GRAPHICS INSTALL	189.00
01/30/2026	332793	WT BERESFORD CO.	NETBADGE CREDITS	60.00
Total Paper Checks				1,339,095.67

Check Type: Auto-Pay Payments

01/23/2026	CONSUMERS ENERGY	GAS-ELECTRIC	97.13
01/23/2026	MISSIONSQUARE	EMPLOYEE RETIREMENT WITHHOLDINGS	48,389.94
01/26/2026	FINTECHEFT	PZSC PROGRAM SUPPLIES	83.97
01/29/2026	FINTECHEFT	PZSC PROGRAM SUPPLIES	124.14
01/29/2026	CONSUMERS ENERGY	GAS-ELECTRIC	302.28
Total Auto-Pay Payments			48,997.46

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Check Date	Check	Vendor Name	Description	Amount
Check Type: Electronic Payments				
01/23/2026		MULTIPLE	WEEKLY TAX DISBURSEMENT 1/16/26	449,475.87
01/29/2026		SBF	POSTAGE - WATER/SEWER BILLS	651.05
01/30/2026		ARGENT	DEBT SERVICES	500.00
01/30/2026		MULTIPLE	WEEKLY TAX DISBURSEMENT 1/23/26	376,540.24
			Total Electronic Payments	827,167.16
			Grand Total	3,409,757.46

TO: Honorable Mayor and City Council

FROM: Pat McGinnis, City Manager

SUBJECT: Comprehensive Liability, Property, Auto Fleet Insurance and Risk Management Services

SUPPORTING PERSONNEL: Justin Williams, Purchasing Manager

ACTION RECOMMENDED: Approve a one-year contract to the Municipal Risk Management Authority (MMRMA) at a total cost not to exceed \$658,933 for citywide comprehensive insurance for liability, property, and fleet auto coverage and risk management services beginning March 1, 2026, to March 1, 2027, and authorize the Authorized Member Representative (City Manager) to execute all documents related to this action on behalf of the city.

The City of Portage has been insured by the Michigan Municipal Risk Management Authority (MMRMA) for comprehensive liability, property, and auto fleet insurance since 1984. Currently, under MMRMA, the city is self-insured \$75,000 before the insurance policy will respond to a liability loss. Over the past five years, the city has received an average of \$109,423.70 per year for distribution of assets, which was based on favorable claim experience by the city and investment income earned by the current service provider on its assets. Over those five years (2020-2025), the city's yearly self-insurance impact average was \$115,158.40 in deductibles and self-insured retention for every claim reported.

Year	Premium	Distribution of Assets	Total Premium After Distribution	Yearly Self-Insurance Impact	MMRMA Claim Contribution
2020	\$499,352	\$206,976	\$292,376	\$118,144	\$303,596
2021	\$504,273	\$99,741	\$404,532	\$21,153	\$4,127
2022	\$530,068	\$112,962	\$417,376	\$73,337	\$200,085
2023	\$547,680	\$94,665	\$453,015	\$88,999	\$239,828
2024	\$592,513	\$89,975	\$502,538	\$274,159	\$3,430,584
2025	\$608,865	\$52,223	\$556,642	N/A	N/A

On November 11, 2025, the city issued a Request for Proposal for comprehensive insurance coverage and related risk management services for its property, liability, and fleet auto exposures via BidNet. Five courtesy emails were sent to comparable insurance carriers, which included the Michigan Municipal League (Meadowbrook/MML), Gibson Insurance, Decker Agency, Brown and Brown, and Michigan Municipal Risk Management Authority (IBEX/MMRMA). Two proposals were received when the bid closed on January 22, 2026, from MMRMA and MML. However, MML total coverage max is \$10

million and MMRMA coverage is \$15 million. Also Zoning claims aren't covered by MML but are covered through MMRMA.

Therefore, it is recommended that City Council approve a one-year contract to the Municipal Risk Management Authority (MMRMA) at a total cost not to exceed \$658,933 for citywide comprehensive insurance for liability, property, and fleet auto coverage and risk management services beginning March 1, 2026, to March 1, 2027, and authorize the Authorized Member Representative (City Manager) to execute all documents related to this action on behalf of the city.

FUNDING: Funds have been budgeted within the Fiscal Year 2025-2026 Budget and will be included in the upcoming Fiscal Year 2026-2027 Budget.

Attachments:

1. Bid Tab_2025 RFP Comp Insurance Risk Mgmt Services
2. MMRMA Coverage Proposal

**2025 RFP COMPREHENSIVE LIABILITY, PROPERTY, FLEET INSURANCE
INSURANCE & RISK MANAGEMENT SERVICES
PROPOSAL TABULATION**
PROPOSAL OPENING ON JANUARY 22, 2026 AT 3 PM

IBEX Insurance Services	\$	658,933.00
27750 Stansbury Blvd Suite 100		
Farmington Hills, Michigan 48334		

Meadowbrook Inc	\$	736,199.00
PO Box 160		
Dewitt, Michigan 48820		

Opened by: Justin Williams
Justin Williams, Purchasing Manager

MICHIGAN MUNICIPAL RISK MANAGEMENT AUTHORITY COVERAGE PROPOSAL

Member:	City of Portage	Proposal No: Q000015522
Date of Original Membership:	March 10, 1986	
Proposal Effective Dates:	March 01, 2026 To March 01, 2027	
Member Representative:	Patrick McGinnis	Telephone #: (269) 329-4400
Regional Risk Manager:	Ibex Insurance Services	Telephone #: (248) 538-0470

A. Introduction

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

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

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

B. Member Obligation - Deductibles and Self Insured Retentions

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

Table I
Member Deductibles and Self Insured Retentions

COVERAGE	DEDUCTIBLE	SELF INSURED RETENTION
Liability	N/A	\$75,000 Per Occurrence
Vehicle Physical Damage	\$1,000 Per Vehicle	\$15,000 Per Vehicle \$30,000 Per Occurrence
Fire/EMS Replacement Cost	\$1,500 Per Occurrence	N/A
Property and Crime	\$1,500 Per Occurrence	N/A
Sewage System Overflow	N/A	\$75,000 Per Occurrence

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

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

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

- 1.
- 2.
- 3.
- 4.

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

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

C. MMRMA Obligations - Payments and Limits of Coverage

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

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

Table II
Limits of Coverage

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

Property and Crime		Limits of Coverage Per Occurrence		Annual Aggregate	
		Member	All Members	Member	All Members
1	Buildings and Personal Property	138,970,894	350,000,000	N/A	N/A
2	Personal Property in Transit	2,000,000	N/A	N/A	N/A
3	Unreported Property	5,000,000	N/A	N/A	N/A
4	Member's Newly Acquired or Constructed Property	10,000,000	N/A	N/A	N/A
5	Fine Arts	2,000,000	N/A	N/A	N/A
6	Debris Removal (25% of Insured direct loss plus)	25,000	N/A	N/A	N/A
7	Money and Securities	1,000,000	N/A	N/A	N/A
8	Accounts Receivable	2,000,000	N/A	N/A	N/A
9	Fire Protection Vehicles, Emergency Vehicles, and Mobile Equipment (Per Unit)	5,000,000	10,000,000	N/A	N/A
10	Fire and Emergency Vehicle Rental (12 week limit)	2,000 per week	N/A	N/A	N/A
11	Structures Other Than a Building	15,000,000	N/A	N/A	N/A
12	Dam/Dam Structures/Lake Level Controls	0	N/A	N/A	N/A
13	Transformers	2,500,000	N/A	N/A	N/A
14	Storm or Sanitary Sewer Back-Up	1,000,000	N/A	N/A	N/A
15	Marine Property	1,000,000	N/A	N/A	N/A
16	Other Covered Property	20,000	N/A	N/A	N/A
17	Income and Extra Expense	5,000,000	N/A	N/A	N/A
18	Blanket Employee Fidelity	1,000,000	N/A	N/A	N/A
19	Faithful Performance	Per Statute	N/A	N/A	N/A
20	Earthquake	5,000,000	N/A	5,000,000	100,000,000
21	Flood	5,000,000	N/A	5,000,000	100,000,000
22	Terrorism	50,000,000	50,000,000	N/A	N/A

Table III

Network and Information Security Liability, Media Injury Liability, Network Security Loss, Breach Mitigation Expense, PCI Assessments, Social Engineering Loss, Reward Coverage, Telecommunications Fraud Reimbursement, Extortion.			
	Limits of Coverage Per Occurrence/Claim	Deductible Per Occurrence/Claim	Retroactive Date
	\$2,000,000		
Coverage A Network and Information Security Liability: Regulatory Fines:	Each Claim Included in limit above Each Claim Included in limit above	\$25,000 Each Claim	7/1/2013
Coverage B Media Injury Liability	Each Claim Included in limit above	\$25,000 Each Claim	7/1/2013
Coverage C Network Security Loss Network Security Business Interruption Loss:	Each Unauthorized Access Included in limit above Each Business Interruption Loss Included in limit above	\$25,000 Each Unauthorized Access Retention Period of 72 hours of Business Interruption Loss	Occurrence
Coverage D Breach Mitigation Expense:	Each Unintentional Data Compromise Included in limit above	\$25,000 Each Unintentional Data Compromise	Occurrence
Coverage E PCI Assessments:	Each Payment Card Breach \$1,000,000 Occ./\$1,000,000 Agg. Included in limit above	\$25,000 Each Payment Card Breach	Occurrence
Coverage F Social Engineering Loss:	Each Social Engineering Incident \$100,000 Occ./\$100,000 Agg. Included in limit above	\$25,000 Each Social Engineering Incident	Occurrence
Coverage G Reward Coverage	Maximum of 50% of the Covered Claim or Loss; up to \$25,000 Included in Limit above	Not Applicable	Occurrence
Coverage H Telecommunications Fraud Reimbursement	\$25,000 Included in limit above	Not Applicable	Occurrence
Coverage I Extortion Coverage	Each Claim Included in limit above	\$25,000 Each Extortion Loss	Occurrence

Annual Aggregate Limit of Liability

Each Member Aggregate	All Members Aggregate
\$2,000,000	\$30,000,000

The Each Member Aggregate Limit of Liability for the combined total of all coverage payments of MMRMA and MCCRMA shall not exceed \$2,000,000 per Member for all Subjects of Coverage in any Coverage Period, regardless of the number of coverage events.

The All Member Aggregate Limit of Liability for the combined total of all coverage payments of MMRMA and MCCRMA shall not exceed \$30,000,000 for All Members for all Subjects of Coverage in any Coverage Period, regardless of the number of Members or the number of coverage events.

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

D. Contribution for MMRMA Participation

City of Portage

Period: March 01, 2026 To March 01, 2027

Coverages per Member Coverage Overview:	\$658,933
Stop Loss Coverage:	\$0
Member Loss Fund Deposit:	\$0
TOTAL ANNUAL CONTRIBUTIONS:	\$658,933

E. List of Addenda

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

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

Accepted By:

City of Portage

Proposal No:

Q000015522

MMRMA



Member Representative

MMRMA Representative

Date

1-20-2026

Date

ADDENDUM

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

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

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

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

P. FAA COMPLIANCE

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

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

EXCLUSIONS

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

Period: 03/01/2026 to 03/01/2027

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

Accepted By:
City of Portage

Member ID:
1049

MMRMA

Member Representative

Date



MMRMA Representative

1-20-2026

Date

TO: Honorable Mayor and City Council

FROM: Pat McGinnis, City Manager

SUBJECT: Adoption of Reimbursement Resolution and Notice of Intent Resolution

SUPPORTING PERSONNEL: Lauren VanderVeen, Finance Director

ACTION RECOMMENDED: Adopt the Notice of Intent resolution to fund construction of Fiscal Year 2025-2026 capital improvement projects, in the amount not to exceed \$6,000,000; and authorize the City Manager to execute all documents related to this action on behalf of the city.

The Capital Improvement Program (CIP) budget includes bond proceeds as part of the total revenue to fund projects each fiscal year. Bonding is necessary for projects approved and appropriated during Fiscal Year 2025-2026 to ensure a solid foundation for the CIP fund. This reimbursement resolution authorizes the city to proceed with CIP projects prior to the issuance of bonds and to incur capital expenditures for CIP projects before the issuance of bonds, and to be reimbursed for such expenditures from the proceeds of the bonds, which are expected to be Capital Improvement Bonds, Series 2026.

While a majority of the bonding will be utilized for the Portage Road/Lake Center Corridor Project, CIP projects considered for this reimbursement resolution are varied and provide the Finance Department with flexibility to adjust funding options that make the most prudent fiscal sense. More specifically, the bonding includes the cost to design, acquire, and construct certain capital improvements, including without limitation:

- improvements to the city's street system, including, without limitation, base construction and reconstruction, paving and repaving, traffic signal replacement and restoration, undergrounding utilities, right of way acquisition, storm sewer and drainage improvements, including without limitation, curb and gutter, signage, restoration;
- railway improvements, including without limitation constructing, reconstructing, and repairing railways;
- farmer's market construction, including without limitation, architectural and engineering services, construction administration, and construction;
- parks and recreation improvements, including without limitation, park, parking lot, and court improvements and renovations;
- and other capital improvements the city shall determine to make.

The issuance of bonds in an amount of up to \$6,000,000 will be the funding mechanism to pay for the above 2025-2026 CIP projects. In Fiscal Year 2025-2026, approximately \$5.7 million in debt principal will be paid and redeemed. With the maximum addition of \$6 million of new debt, total debt would increase by approximately \$283,000 from the prior fiscal year to an overall balance of approximately \$45.2 million. However, it is important to note that approval of this agenda item is not an indication that \$6 million in new debt will be issued. Rather, it authorizes the reimbursement of CIP expenses up to a \$6

million maximum. In reality, it is expected that, in spite of significant investment in Portage Road, debt levels are likely to remain the same or decrease.

The attached bond resolution was prepared by the City of Portage Bond Counsel, Dickinson Wright. If approved, the resolution approving the Notice of Intent to issue Capital Improvement Bonds will be published. A resolution authorizing the issuance of the Capital Improvement Bonds, Series 2026, and the Undertaking to Provide Continuing Disclosure will be presented at the April 21, 2026, City Council meeting. It is recommended that the City Council adopt the resolution approving the Notice of Intent to Issue Capital Improvement Bonds in an amount not to exceed \$6,000,000 and authorize the City Manager to execute all documents related to this action on behalf of the city.

FUNDING: Future debt service payments will be appropriately budgeted and funded by the Capital Improvement millage.

Attachments: 1. Notice of Intent Resolution CIP 2026

**CITY OF PORTAGE
(Kalamazoo County, Michigan)**

Resolution No. _____

**RESOLUTION TO PURCHASE, ACQUIRE AND CONSTRUCT
CAPITAL IMPROVEMENTS AND TO PUBLISH
NOTICE OF INTENT TO ISSUE MUNICIPAL SECURITIES**

Minutes of a regular meeting of the City Council of the City of Portage, Kalamazoo County, Michigan, held in the City Hall on February 10, 2026, at 6:00 p.m. local time.

PRESENT: _____

ABSENT: _____

The following resolution was offered by Member _____ and supported by Member _____:

WHEREAS, the City Council deems it to be in the best interest of the City of Portage (the “City”) to design, acquire, and construct certain capital improvements, including without limitation, improvements to the City’s Street Systems, including, without limitation, base construction and reconstruction, paving and repaving, storm sewer and drainage improvements, curb and gutter, signage, traffic signal replacement and restoration, undergrounding utilities, right of way acquisition; railway improvements, including without limitation constructing, reconstructing and repairing railways; farmer’s market construction, including without limitation, architectural and engineering services, construction administration, and construction; park parking lot and court improvements, including, without limitation, removal of asphalt, paving and repaving; and other capital improvements the City shall determine to make (the “Improvements”) and to finance the Improvements by the issuance of municipal securities which pledge the City’s limited tax general obligation pursuant to Section 517 of Act 34, Public Acts of Michigan, 2001, as amended (“Act 34”); and

WHEREAS, the City may proceed to acquire the Improvements prior to the issuance of the municipal securities; and

WHEREAS, the City may incur substantial capital expenditures for the Improvements prior to the issuance of the municipal securities and desires to be reimbursed for such expenditures from the proceeds of the municipal securities; and

WHEREAS, pursuant to Section 517 of Act 34, it is necessary to publish a Notice of Intent to Issue Municipal Securities for the Improvements.

NOW, THEREFORE, BE IT RESOLVED that:

1. The City Council hereby determines to purchase, acquire, and construct the Improvements and to pay for the cost through the issuance of one or more series of municipal

securities, which pledge the City's limited tax full faith and credit, pursuant to Section 517 of Act 34, in an amount of not to exceed \$6,000,000 (the "Municipal Securities").

2. A Notice of Intent to Issue Municipal Securities be published in accordance with Section 517 of Act 34, and the City Clerk is authorized and directed to publish the Notice of Intent to Issue Municipal Securities in a newspaper of general circulation in the City, which Notice shall be substantially in the form as set forth on Exhibit A attached hereto with such changes as are approved by the City Manager, and shall be at least one-quarter (1/4) page size in the newspaper.

3. The City may proceed to acquire and construct the Improvements using available funds of the City from the general fund, a fund for the general operations of the City, the street fund, a fund for the improvement of streets, and other funds of the City.

4. At such time as the City issues the Municipal Securities for the long-term financing of the acquisition of the Improvements, the City shall be reimbursed for its expenditures for the Improvements out of the proceeds of the Municipal Securities.

5. This Resolution and the expression of intent to seek reimbursement from future proceeds of the Municipal Securities is intended to satisfy the requirements of Section 150 of the Internal Revenue Code of 1986, as amended.

6. All resolutions and parts of resolutions insofar as they conflict with the provisions of this Resolution be and the same are hereby rescinded.

YEAS: _____

NAYS: _____

ABSTAIN: _____

RESOLUTION DECLARED ADOPTED.

Erica Eklov, Clerk

CERTIFICATION

I hereby certify that the foregoing is a true and complete copy of a Resolution adopted by the City Council of the City of Portage, Kalamazoo County, Michigan, at a meeting held on February 10, 2026, and that the public notice of the meeting was given pursuant to Act 267, Public Acts of Michigan, 1976, as amended.

Dated: February 10, 2026

Erica Eklov, Clerk

Approved as to Form: By:



Roger A. Swets

EXHIBIT A

[NOTE TO PUBLISHER - PUBLICATION MUST BE 1/4 PAGE SIZE]

NOTICE OF INTENT TO ISSUE MUNICIPAL SECURITIES TO THE ELECTORS OF THE CITY OF PORTAGE

PLEASE TAKE NOTICE that the City Council of the City of Portage (the “City”) intends to issue municipal securities in one or more series, in an amount of not to exceed \$6,000,000 (the “Municipal Securities”).

The Municipal Securities shall be issued for the purpose of defraying the cost to design, acquire and construct certain capital improvements, including without limitation, improvements to the City’s Street Systems, including, without limitation, base construction and reconstruction, paving and repaving, storm sewer and drainage improvements, curb and gutter, signage, traffic signal replacement and restoration, undergrounding utilities, right of way acquisition; railway improvements, including without limitation constructing, reconstructing and repairing trailways; farmer’s market construction, including without limitation, architectural and engineering services, construction administration, and construction; park parking lot and court improvements, including, without limitation, removal of asphalt, paving and repaving; and other capital improvements the City shall determine to make; and to pay the costs of issuance of municipal securities and capitalized interest, if any.

The Municipal Securities of this issue shall mature within the maximum terms permitted by law with interest on the unpaid balance at a rate to be determined upon the sale of the Municipal Securities, but in no event to exceed the maximum rate permitted by law. The Municipal Securities shall be issued pursuant to Act 34, Public Acts of Michigan, 2001, as amended (“Act 34”).

SOURCE OF PAYMENT

The principal of and interest on the Municipal Securities will be limited tax full faith and credit general obligations of the City, payable from any available funds of the City. Pursuant to this pledge of its limited tax full faith and credit, the City will be obligated to levy such ad valorem taxes upon all taxable property in the City as shall be necessary to make the payments of principal and interest on the Municipal Securities, which taxes, however, will be limited by applicable constitutional, statutory and charter limitations on the taxing power of the City.

RIGHT OF REFERENDUM

This notice is given, by order of the City Council of the City, to and for the benefit of the electors of the City in order to inform them of their right to petition for a referendum upon the question of the issuance of the Municipal Securities. The Municipal Securities will be issued, without submitting such a question to a vote of the electors, unless within 45 days after the date of publication of this notice a petition requesting a referendum upon such question, signed by not less than 10% or 15,000 of the registered electors residing within the City, whichever is the lesser, shall have been filed with the undersigned City Clerk. In the event that such a petition is filed, the Municipal Securities will not be issued unless and until the issuance thereof shall have

been approved by the vote of a majority of the electors of the City qualified to vote and voting thereon at a general or special election.

This Notice is published pursuant to the requirements of Section 517 of Act 34.

Erica Eklov, Clerk
City of Portage

TO: Honorable Mayor and City Council

FROM: Pat McGinnis, City Manager

SUBJECT: Austin Lake Trail

SUPPORTING PERSONNEL: Kathleen Hoyle, Director of Parks & Recreation

ACTION RECOMMENDED: Approve Contract No. 25-5666 between the Michigan Department of Transportation and the City of Portage for the construction of the Austin Lake Trail and adopt a Resolution authorizing the City Manager to sign all documents related to the contract on behalf of the city.

The Austin Lake Trail is a 3.0 mile, non-motorized, asphalt paved trail to run between the southern city limit, connecting with the Vicksburg Trail, and north to the Zylman Avenue trail, providing a connection between Vicksburg and the City of Portage trail network. As a result of this project, the Austin Lake Trail will provide safe, non-motorized connectivity through the southeast area of Portage while supporting positive economic development in the City of Portage. The trail will create a complete north-south corridor connecting Portage to Vicksburg and Schoolcraft, improving access to schools, shopping, work, and homes and enhancing the quality of life throughout the region.

On August 20, 2024, Eng Engineering was awarded an engineering service contract for design and construction engineering for this project. Because the project is partially funded by Transportation Alternative Program (TAP) and Kalamazoo Area Transportation Study (KATS) funds, the Michigan Department of Transportation (MDOT) is involved as a facilitator. The construction bid opening by MDOT was held on Friday, February 6, 2026. MDOT requires that an agreement with the local government agency be executed prior to the construction award. The estimated cost for project construction is \$4,102,500 with \$3,357,895 in TAP/KATS and the remaining \$744,605 to be financed by the Capital Improvement Program Funds, which includes a \$400,000 Michigan Department of Transportation (MDNR) Grant. If the contract is approved, construction on the trail is expected to begin spring 2026, pending acceptable receipt of bids. Completion is planned for December 2027. Trail construction is currently planned to begin at the northern terminus at Zylman Avenue and proceed southward. However, MDOT and the contractor may alter this plan.

It is recommended that City Council approve Contract No. 25-5666 between the MDNR and the City of Portage for construction of the Austin Lake Trail and adopt a Resolution authorizing the City Manager to sign all documents related to the contract on behalf of the city.

FUNDING: Sufficient funds are available in the 2025-2026 Capital Improvement Program budget.

Attachments:

1. Resolution MDOT Contract 25-5666 Austin Lake Trail
2. MDOT Project Agreement Austin Lake Trail #25-5666

CITY OF PORTAGE
RESOLUTION

At a regular meeting of the Council of the City of Portage, Kalamazoo County, Michigan, held at the City Hall in said City on the _____ day of _____, 2026 at 6:00 p.m., local time.

PRESENT: _____

ABSENT: _____

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

RESOLVED, that the City Council for the City of Portage does hereby authorize the City Manager, Patrick McGinnis, to sign all documents related to Contract No. 25-5666 between the City of Portage and the Michigan Department of Transportation. This contract is for construction of the Austin Lake Trail.

ADOPTED: YEAS:

NAYS:

ABSENT:

Erica L. Eklov, City Clerk

CERTIFICATION

I hereby certify this _____ day of _____, 2026 that the foregoing is a true and complete copy of the original on file in my office.

Erica L. Eklov, City Clerk

TAP

DA

Control Section	TAU 39000; TA 39000
Job Number	202661CON; 222145CON
Project	26A0153; 26A0073
CFDA No.	20.205 (Highway Research Planning & Construction)
Contract No.	25-5666

PART I

THIS CONTRACT, consisting of PART I and PART II (Standard Agreement Provisions), is made by and between the MICHIGAN DEPARTMENT OF TRANSPORTATION, hereinafter referred to as the "DEPARTMENT"; and the CITY OF PORTAGE, a Michigan municipal corporation, hereinafter referred to as the "REQUESTING PARTY"; for the purpose of fixing the rights and obligations of the parties in agreeing to the following improvements, in Portage, Michigan, hereinafter referred to as the "PROJECT" and estimated in detail on EXHIBIT "I", dated January 12, 2026, attached hereto and made a part hereof:

PART A – JOB #202661CON – FEDERAL PARTICIPATION

Hot mix asphalt share use path along Coxs Drive from Zylman Avenue to East Shore Drive, along East Shore Drive from Coxs Drive southerly and easterly to Nash Avenue with spurs to Balmoral Street, Hayes Street, Wells Street, Sassafras Trail and Branch Avenue, including clearing and tree removals, earthwork and grading, drainage, parking lot grading and hot mix asphalt paving, subbase and aggregate base, aggregate shoulder, concrete sidewalk, curb ramps, bench, trash receptacles, lighted bollards, bike repair station, fencing, landscaping, rain garden, permanent signing and pavement markings; and all together with necessary related work.

PART B – JOB #222145CON – FEDERAL PARTICIPATION

Hot mix asphalt share use path along East Shore Drive from Nash Avenue southerly and easterly along an old railbed to an existing trail in the Village of Vicksburg, including clearing, earthwork and grading, drainage, parking lot grading and hot mix asphalt paving, subbase and aggregate base, aggregate shoulder, concrete sidewalk, curb ramps, boardwalk, fencing, bench, trash receptacles, lighted bollards, landscaping, permanent signing and pavement markings; and all together with necessary related work.

WITNESSETH:

WHEREAS, pursuant to Federal law, monies have been provided for the performance of transportation enhancement activities; and

WHEREAS, it has been determined that the PROJECT qualifies for such funding by virtue of its direct relationship with the intermodal transportation system; and

WHEREAS, the reference "FHWA" in PART I and PART II refers to the United States Department of Transportation, Federal Highway Administration; and

WHEREAS, the PROJECT, or portions of the PROJECT, at the request of the REQUESTING PARTY, are being programmed with the FHWA, for implementation with the use of Federal Funds under the following Federal program(s) or funding:

TRANSPORTATION ALTERNATIVES PROGRAM

WHEREAS, the parties hereto have reached an understanding with each other regarding the performance of the PROJECT work and desire to set forth this understanding in the form of a written contract.

NOW, THEREFORE, in consideration of the premises and of the mutual undertakings of the parties and in conformity with applicable law, it is agreed:

1. The parties hereto shall undertake and complete the PROJECT in accordance with the terms of this contract.

2. The term "PROJECT COST", as herein used, is hereby defined as the cost of the physical construction necessary for the completion of the PROJECT, including any other costs incurred by the DEPARTMENT as a result of this contract, except construction engineering and inspection.

No charges will be made by the DEPARTMENT to the PROJECT for any inspection work or construction engineering.

The costs incurred by the REQUESTING PARTY for preliminary engineering, construction engineering, construction materials testing, inspection, and right-of-way are excluded from the PROJECT COST as defined by this contract.

The Michigan Department of Environment, Great Lakes, and Energy, hereinafter referred to as "EGLE", has informed the DEPARTMENT that it adopted new administrative rules (R 325.10101, et. seq.) which prohibit any governmental agency from connecting and/or reconnecting lead and/or galvanized service lines to existing and/or new water main. Questions regarding these administrative rules should be directed to EGLE. The cost associated with replacement of any lead and/or galvanized service lines, including but not limited to contractor claims, will be the sole responsibility of the REQUESTING PARTY.

3. The DEPARTMENT is authorized by the REQUESTING PARTY to administer on behalf of the REQUESTING PARTY all phases of the PROJECT including advertising and awarding the construction contract for the PROJECT or portions of the PROJECT. Such administration shall be in accordance with PART II, Section II of this contract.

Any items of the PROJECT COST incurred by the DEPARTMENT may be charged to the PROJECT.

4. The REQUESTING PARTY, under the terms of this contract, shall:
 - A. At no cost to the PROJECT
 - (1) Design or cause to be designed the plans for the PROJECT.
 - (2) Appoint a project engineer who shall be in responsible charge of the PROJECT and ensure that the plans and specifications are followed.
 - (3) Perform or cause to be performed the construction engineering, construction materials testing, and inspection services necessary for the completion of the PROJECT.
 - B. At least 10 days prior to any ceremony to be held in connection with the PROJECT, notify the DEPARTMENT.
 - C. When issuing any news release or promotional material regarding the PROJECT, give the DEPARTMENT and FHWA credit for participation in the PROJECT and provide a copy of such material to the DEPARTMENT.

The REQUESTING PARTY will furnish the DEPARTMENT proposed timing sequences for trunkline signals that, if any, are being made part of the improvement. No timing adjustments shall be made by the REQUESTING PARTY at any trunkline intersection, without prior issuances by the DEPARTMENT of Standard Traffic Signal Timing Permits.

5. The PROJECT COST shall be met in accordance with the following:

PART A

Federal Urban TAP Funds in combination with Federal Statewide TAP Funds shall be applied to the eligible items of the PART A portion of the PROJECT COST up to the lesser of: (1) \$1,992,822 or (2) an amount such that 81.85 percent, the normal Federal participation ratio for such funds, for the PART A portion of the PROJECT is not exceeded at the time of the award of the construction contract with Federal Urban TAP Funds limited to \$1,299,000 and used first. The balance of the PART A portion of the PROJECT COST, after deduction of Federal Funds, shall be charged to and paid by the REQUESTING PARTY in the manner and at the times hereinafter set forth.

PART B

Federal TAP Funds shall be applied to the eligible items of the PART B portion of the PROJECT COST up to the lesser of: (1) \$1,739,651 or (2) an amount such that 81.85 percent, the normal Federal participation ratio for such funds, for the PART B portion of the PROJECT is not exceeded at the time of the award of the

construction contract. The balance of the PART B portion of the PROJECT COST, after deduction of Federal Funds, shall be charged to and paid by the REQUESTING PARTY in the manner and at the times hereinafter set forth.

Any items of PROJECT COST not reimbursed by Federal Funds will be the sole responsibility of the REQUESTING PARTY.

6. No working capital deposit will be required for this PROJECT.

In order to fulfill the obligations assumed by the REQUESTING PARTY under the provisions of this contract, the REQUESTING PARTY shall make prompt payments of its share of the PROJECT COST upon receipt of progress billings from the DEPARTMENT as herein provided. All payments will be made within 30 days of receipt of billings from the DEPARTMENT. Billings to the REQUESTING PARTY will be based upon the REQUESTING PARTY'S share of the actual costs incurred less Federal Funds earned as the PROJECT progresses.

7. It is understood that the REQUESTING PARTY is responsible for the facilities constructed as the PROJECT and that said facilities may require special or unusual operation and/or maintenance. The REQUESTING PARTY certifies, by execution of this contract, that upon completion of construction and at no cost to the PROJECT or the DEPARTMENT, it will properly maintain or provide for the maintenance and operation of the PROJECT, making ample provisions each year for the performance of such maintenance work as may be required. Upon completion of the PROJECT, the REQUESTING PARTY shall accept the facilities constructed as built to specifications within the construction contract documents.

On projects involving the mobility for bicyclists, the REQUESTING PARTY will enact no ordinances or regulations prohibiting the use of bicycles on the facility hereinbefore described as the PROJECT and will amend any existing restrictive ordinances in this regard so as to allow use of this facility by bicycles. No motorized vehicles shall be permitted on such facility constructed as the PROJECT except those for maintenance or emergency assistance purposes, or mobility for persons with disabilities.

On projects involving the restoration of historic facilities, the REQUESTING PARTY agrees that the project will not be awarded until the owner of such facilities has an Historic Preservation Covenant, which includes an Historic Preservation Easement, or an Historic Preservation Agreement, as appropriate, with the Michigan State Historic Preservation Office in accordance with 1995 PA 60 for the purpose of ensuring that the historic property will be preserved. The REQUESTING PARTY also agrees that such facilities shall be maintained and repaired by the REQUESTING PARTY or owner, as applicable, at no cost to the DEPARTMENT or the PROJECT, in such a manner as to preserve the historical integrity of features, materials, appearance, workmanship, and environment.

On projects which include landscaping, the DEPARTMENT, at PROJECT COST, agrees to perform or cause to be performed, the watering and cultivating necessary to properly establish the plantings for a period of two growing seasons, in general conformance with Section 815.03(I) of the DEPARTMENT'S Standard Specifications for Construction. The REQUESTING PARTY shall maintain all plantings following completion of said period of establishment.

Failure of the REQUESTING PARTY to fulfill its responsibilities as outlined herein may disqualify the REQUESTING PARTY from future Federal aid participation in Transportation Alternatives Program projects or in other projects on roads or streets for which it has maintenance responsibility. Federal aid may be withheld until such time as deficiencies in regulations have been corrected, and the improvements constructed as the PROJECT are brought to a satisfactory condition of maintenance.

8. The performance of the entire PROJECT under this contract, whether Federally funded or not, will be subject to the provisions and requirements of PART II that are applicable to a Federally funded project.

In the event of any discrepancies between PART I and PART II of this contract, the provisions of PART I shall prevail.

Build America, Buy America Requirements (2 CFR Part 184 and 2 CFR 200.322) and Buy America Requirements (23 CFR 635.410) shall apply to the PROJECT and will be adhered to, as applicable, by the parties hereto.

9. The REQUESTING PARTY certifies that it is not aware if and has no reason to believe that the property on which the work is to be performed under this agreement is a facility, as defined by the Michigan Natural Resources and Environmental Protection Act [(NREPA), PA 451, 1994, as amended 2012]; MCL 324.20101(1)(s). The REQUESTING PARTY also certifies that it is not a liable party pursuant to either Part 201 or Part 213 of NREPA, MCL 324.20126 et seq. and MCL 324.21323a et seq. The REQUESTING PARTY is a local unit of government that has acquired or will acquire property for the use of either a transportation corridor or public right-of-way and was not responsible for any activities causing a release or threat of release of any hazardous materials at or on the property. The REQUESTING PARTY is not a person who is liable for response activity costs, pursuant to MCL 324.20101 (vv) and (ww).

10. If, subsequent to execution of this contract, previously unknown hazardous substances are discovered within the PROJECT limits, which require environmental remediation pursuant to either state or federal law, the REQUESTING PARTY, in addition to reporting that fact to EGLE, shall immediately notify the DEPARTMENT, both orally and in writing of such discovery. The DEPARTMENT shall consult with the REQUESTING PARTY to determine if it is willing to pay for the cost of remediation and, with the FHWA, to determine the eligibility, for reimbursement, of the remediation costs. The REQUESTING PARTY shall be charged for and shall pay all costs associated with such remediation, including all delay costs of the contractor for the PROJECT, in the event that remediation and delay costs are not deemed eligible by the FHWA. If the REQUESTING PARTY refuses to participate in the cost of remediation, the DEPARTMENT shall terminate the PROJECT. The parties agree that any costs or damages that the DEPARTMENT incurs as a result of such termination shall be considered a PROJECT COST.

11. If federal and/or state funds administered by the DEPARTMENT are used to pay the cost of remediating any hazardous substances discovered after the execution of this contract and if there is a reasonable likelihood of recovery, the REQUESTING PARTY, in cooperation

with EGLE and the DEPARTMENT, shall make a diligent effort to recover such costs from all other possible entities. If recovery is made, the DEPARTMENT shall be reimbursed from such recovery for the proportionate share of the amount paid by the FHWA and/or the DEPARTMENT and the DEPARTMENT shall credit such sums to the appropriate funding source.

12. The DEPARTMENT'S sole reason for entering into this contract is to enable the REQUESTING PARTY to obtain and use funds provided by the Federal Highway Administration pursuant to Title 23 of the United States Code.

Any and all approvals of, reviews of, and recommendations regarding contracts, agreements, permits, plans, specifications, or documents, of any nature, or any inspections of work by the DEPARTMENT or its agents pursuant to the terms of this contract are done to assist the REQUESTING PARTY in meeting program guidelines in order to qualify for available funds. Such approvals, reviews, inspections, and recommendations by the DEPARTMENT shall not relieve the REQUESTING PARTY of its ultimate control and shall not be construed as a warranty of their propriety or that the DEPARTMENT is assuming any liability, control, or jurisdiction.

The providing of recommendations or advice by the DEPARTMENT or its agents does not relieve the REQUESTING PARTY and the local agencies, as applicable of their exclusive jurisdiction of any of their highways and responsibility under MCL 691.1402 et seq., as amended.

When providing approvals, reviews and recommendations under this contract, the DEPARTMENT or its agents is performing a governmental function, as that term is defined in MCL 691.1401 et seq., as amended, which is incidental to the completion of the PROJECT.

Upon completion of the PROJECT, the REQUESTING PARTY shall accept the facilities constructed as built to specifications within the contract documents. It is understood that the REQUESTING PARTY shall own the facilities and shall operate and maintain the facilities in accordance with all applicable Federal and State laws and regulations, including, but not limited to, Title II of the Americans with Disabilities Act (ADA), 42 USC 12131 et seq., and its associated regulations and standards, and DEPARTMENT Road and Bridge Standard Plans and the Standard Specifications for Construction.

13. The DEPARTMENT, by executing this contract, and rendering services pursuant to this contract, has not and does not assume jurisdiction of any REQUESTING PARTY highway for purposes of MCL 691.1402 et seq., as amended. Exclusive jurisdiction of such highway for the purposes of MCL 691.1402 et seq., as amended, rests with the REQUESTING PARTY and other local agencies having respective jurisdiction.

14. The REQUESTING PARTY shall approve all of the plans and specifications to be used on the PROJECT and shall be deemed to have approved all changes to the plans and specifications when put into effect. It is agreed that ultimate responsibility and control over the PROJECT rests with the REQUESTING PARTY and local agencies, as applicable.

15. The REQUESTING PARTY agrees that the costs reported to the DEPARTMENT for this contract will represent only those items that are properly chargeable in accordance with this contract. The REQUESTING PARTY also certifies that it has read the contract terms and has

made itself aware of the applicable laws, regulations, and terms of this contract that apply to the reporting of costs incurred under the terms of this contract.

16. Each party to this contract will remain responsible for any and all claims arising out of its own acts and/or omissions during the performance of the contract, as provided by this contract or by law. In addition, this is not intended to increase or decrease either party's liability for or immunity from tort claims. This contract is also not intended to nor will it be interpreted as giving either party a right of indemnification, either by contract or by law, for claims arising out of the performance of this contract.

17. The parties shall promptly provide comprehensive assistance and cooperation in defending and resolving any claims brought against the DEPARTMENT by the contractor, vendors or suppliers as a result of the DEPARTMENT'S award of the construction contract for the PROJECT. Costs incurred by the DEPARTMENT in defending or resolving such claims shall be considered PROJECT COSTS.

18. The DEPARTMENT shall require the contractor who is awarded the contract for the construction of the PROJECT to provide insurance in the amounts specified and in accordance with the DEPARTMENT'S current Standard Specifications for Construction and to:

- A. Maintain bodily injury and property damage insurance for the duration of the PROJECT.
- B. Provide owner's protective liability insurance naming as insureds the State of Michigan, the Michigan State Transportation Commission, the DEPARTMENT and its officials, agents and employees, the REQUESTING PARTY and any other county, county road commission, or municipality in whose jurisdiction the PROJECT is located, and their employees, for the duration of the PROJECT and to provide, upon request, copies of certificates of insurance to the insureds. It is understood that the DEPARTMENT does not assume either ownership of any portion of the PROJECT or jurisdiction of any REQUESTING PARTY highway as a result of being named as an insured on the owner's protective liability insurance policy.
- C. Comply with the requirements of notice of cancellation and reduction of insurance set forth in the current standard specifications for construction and to provide, upon request, copies of notices and reports prepared to those insured.

19. This contract shall become binding on the parties hereto and of full force and effect upon the signing thereof by the duly authorized officials for the parties hereto and upon the adoption of the necessary resolutions approving said contract and authorizing the signatures thereto of the respective officials of the REQUESTING PARTY, a certified copy of which resolution shall be attached to this contract.

IN WITNESS WHEREOF, the parties hereto have caused this contract to be executed as written below.

CITY OF PORTAGE

MICHIGAN DEPARTMENT
OF TRANSPORTATION

By _____
Title:

By _____
for Department Director MDOT

By _____
Title:



January 12, 2026

EXHIBIT I

CONTROL SECTION	TAU 39000; TA 39000
JOB NUMBER	202661CON; 222145CON
PROJECT	26A0153; 26A0073

ESTIMATED COST

CONTRACTED WORK

	<u>PART A</u>	<u>PART B</u>	<u>TOTAL</u>
Estimated Cost	\$2,197,000	\$1,905,500	\$4,102,500

COST PARTICIPATION

GRAND TOTAL ESTIMATED COST	\$2,197,000	\$1,905,500	\$4,102,500
Less Federal Funds*	<u>\$1,798,244</u>	<u>\$1,559,651</u>	<u>\$3,357,895</u>
BALANCE (REQUESTING PARTY'S SHARE)	\$ 398,756	\$ 345,849	\$ 744,605

*Federal Funds for the PROJECT are limited to an amount as described in Section 5.

NO DEPOSIT

DOT

TYPE B
BUREAU OF HIGHWAYS
03-15-93

PART II

STANDARD AGREEMENT PROVISIONS

SECTION I COMPLIANCE WITH REGULATIONS AND DIRECTIVES

SECTION II PROJECT ADMINISTRATION AND SUPERVISION

SECTION III ACCOUNTING AND BILLING

SECTION IV MAINTENANCE AND OPERATION

SECTION V SPECIAL PROGRAM AND PROJECT CONDITIONS

SECTION I

COMPLIANCE WITH REGULATIONS AND DIRECTIVES

- A. To qualify for eligible cost, all work shall be documented in accordance with the requirements and procedures of the DEPARTMENT.
- B. All work on projects for which reimbursement with Federal funds is requested shall be performed in accordance with the requirements and guidelines set forth in the following Directives of the Federal-Aid Policy Guide (FAPG) of the FHWA, as applicable, and as referenced in pertinent sections of Title 23 and Title 49 of the Code of Federal Regulations (CFR), and all supplements and amendments thereto.
 - 1. Engineering
 - a. FAPG (6012.1): Preliminary Engineering
 - b. FAPG (23 CFR 172): Administration of Engineering and Design Related Service Contracts
 - c. FAPG (23 CFR 635A): Contract Procedures
 - d. FAPG (49 CFR 18.22): Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments—Allowable Costs
 - 2. Construction
 - a. FAPG (23 CFR 140E): Administrative Settlement Costs-Contract Claims
 - b. FAPG (23 CFR 140B): Construction Engineering Costs
 - c. FAPG (23 CFR 17): Recordkeeping and Retention Requirements for Federal-Aid Highway Records of State Highway Agencies
 - d. FAPG (23 CFR 635A): Contract Procedures
 - e. FAPG (23 CFR 635B): Force Account Construction
 - f. FAPG (23 CFR 645A): Utility Relocations, Adjustments and Reimbursement

- g. FAPG (23 CFR 645B): Accommodation of Utilities (PPM 30-4.1)
 - h. FAPG (23 CFR 655F): Traffic Control Devices on Federal-Aid and other Streets and Highways
 - i. FAPG (49 CFR 18.22): Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments—Allowable Costs
- 3. Modification Or Construction Of Railroad Facilities
 - a. FAPG (23 CFR 140I): Reimbursement for Railroad Work
 - b. FAPG (23 CFR 646B): Railroad Highway Projects
- C. In conformance with FAPG (23 CFR 630C) Project Agreements, the political subdivisions party to this contract, on those Federally funded projects which exceed a total cost of \$100,000.00 stipulate the following with respect to their specific jurisdictions:
 - 1. That any facility to be utilized in performance under or to benefit from this contract is not listed on the Environmental Protection Agency (EPA) List of Violating Facilities issued pursuant to the requirements of the Federal Clean Air Act, as amended, and the Federal Water Pollution Control Act, as amended.
 - 2. That they each agree to comply with all of the requirements of Section 114 of the Federal Clean Air Act and Section 308 of the Federal Water Pollution Control Act, and all regulations and guidelines issued thereunder.
 - 3. That as a condition of Federal aid pursuant to this contract they shall notify the DEPARTMENT of the receipt of any advice indicating that a facility to be utilized in performance under or to benefit from this contract is under consideration to be listed on the EPA List of Violating Facilities.
- D. Ensure that the PROJECT is constructed in accordance with and incorporates all committed environmental impact mitigation measures listed in approved environmental documents unless modified or deleted by approval of the FHWA.
- E. All the requirements, guidelines, conditions and restrictions noted in all other pertinent Directives and Instructional Memoranda of the FHWA will apply to this contract and will be adhered to, as applicable, by the parties hereto.

SECTION II

PROJECT ADMINISTRATION AND SUPERVISION

- A. The DEPARTMENT shall provide such administrative guidance as it determines is required by the PROJECT in order to facilitate the obtaining of available federal and/or state funds.
- B. The DEPARTMENT will advertise and award all contracted portions of the PROJECT work. Prior to advertising of the PROJECT for receipt of bids, the REQUESTING PARTY may delete any portion or all of the PROJECT work. After receipt of bids for the PROJECT, the REQUESTING PARTY shall have the right to reject the amount bid for the PROJECT prior to the award of the contract for the PROJECT only if such amount exceeds by ten percent (10%) the final engineer's estimate therefor. If such rejection of the bids is not received in writing within two (2) weeks after letting, the DEPARTMENT will assume concurrence. The DEPARTMENT may, upon request, readvertise the PROJECT. Should the REQUESTING PARTY so request in writing within the aforesaid two (2) week period after letting, the PROJECT will be cancelled and the DEPARTMENT will refund the unused balance of the deposit less all costs incurred by the DEPARTMENT.
- C. The DEPARTMENT will perform such inspection services on PROJECT work performed by the REQUESTING PARTY with its own forces as is required to ensure compliance with the approved plans & specifications.
- D. On those projects funded with Federal monies, the DEPARTMENT shall as may be required secure from the FHWA approval of plans and specifications, and such cost estimates for FHWA participation in the PROJECT COST.
- E. All work in connection with the PROJECT shall be performed in conformance with the Michigan Department of Transportation Standard Specifications for Construction, and the supplemental specifications, Special Provisions and plans pertaining to the PROJECT and all materials furnished and used in the construction of the PROJECT shall conform to the aforesaid specifications. No extra work shall be performed nor changes in plans and specifications made until said work or changes are approved by the project engineer and authorized by the DEPARTMENT.

- F. Should it be necessary or desirable that portions of the work covered by this contract be accomplished by a consulting firm, a railway company, or governmental agency, firm, person, or corporation, under a subcontract with the REQUESTING PARTY at PROJECT expense, such subcontracted arrangements will be covered by formal written agreement between the REQUESTING PARTY and that party.

This formal written agreement shall: include a reference to the specific prime contract to which it pertains; include provisions which clearly set forth the maximum reimbursable and the basis of payment; provide for the maintenance of accounting records in accordance with generally accepted accounting principles, which clearly document the actual cost of the services provided; provide that costs eligible for reimbursement shall be in accordance with clearly defined cost criteria such as 49 CFR Part 18, 48 CFR Part 31, 23 CFR Part 140, OMB Circular A-87, etc. as applicable; provide for access to the department or its representatives to inspect and audit all data and records related to the agreement for a minimum of three years after the department's final payment to the local unit.

All such agreements will be submitted for approval by the DEPARTMENT and, if applicable, by the FHWA prior to execution thereof, except for agreements for amounts less than \$100,000 for preliminary engineering and testing services executed under and in accordance with the provisions of the "Small Purchase Procedures" FAPG (23 CFR 172), which do not require prior approval of the DEPARTMENT or the FHWA.

Any such approval by the DEPARTMENT shall in no way be construed as a warranty of the subcontractor's qualifications, financial integrity, or ability to perform the work being subcontracted.

- G. The REQUESTING PARTY, at no cost to the PROJECT or the DEPARTMENT, shall make such arrangements with railway companies, utilities, etc., as may be necessary for the performance of work required for the PROJECT but for which Federal or other reimbursement will not be requested.
- H. The REQUESTING PARTY, at no cost to the PROJECT, or the DEPARTMENT, shall secure, as necessary, all agreements and approvals of the PROJECT with railway companies, the Railroad Safety & Tariffs Division of the DEPARTMENT and other concerned governmental agencies other than the FHWA, and will forward same to the DEPARTMENT for such reviews and approvals as may be required.
- I. No PROJECT work for which reimbursement will be requested by the REQUESTING PARTY is to be subcontracted or performed until the DEPARTMENT gives written notification that such work may commence.

- J. The REQUESTING PARTY shall be responsible for the payment of all costs and expenses incurred in the performance of the work it agrees to undertake and perform.
- K. The REQUESTING PARTY shall pay directly to the party performing the work all billings for the services performed on the PROJECT which are authorized by or through the REQUESTING PARTY.
- L. The REQUESTING PARTY shall submit to the DEPARTMENT all paid billings for which reimbursement is desired in accordance with DEPARTMENT procedures.
- M. All work by a consulting firm will be performed in compliance with the applicable provisions of 1980 PA 299, Subsection 2001, MCL 339.2001; MSA 18.425(2001), as well as in accordance with the provisions of all previously cited Directives of the FHWA.
- N. The project engineer shall be subject to such administrative guidance as may be deemed necessary to ensure compliance with program requirement and, in those instances where a consultant firm is retained to provide engineering and inspection services, the personnel performing those services shall be subject to the same conditions.
- O. The DEPARTMENT, in administering the PROJECT in accordance with applicable Federal and State requirements and regulations, neither assumes nor becomes liable for any obligations undertaken or arising between the REQUESTING PARTY and any other party with respect to the PROJECT.
- P. In the event it is determined by the DEPARTMENT that there will be either insufficient Federal funds or insufficient time to properly administer such funds for the entire PROJECT or portions thereof, the DEPARTMENT, prior to advertising or issuing authorization for work performance, may cancel the PROJECT, or any portion thereof, and upon written notice to the parties this contract shall be void and of no effect with respect to that cancelled portion of the PROJECT. Any PROJECT deposits previously made by the parties on the cancelled portions of the PROJECT will be promptly refunded.
- Q. Those projects funded with Federal monies will be subject to inspection at all times by the DEPARTMENT and the FHWA.

SECTION III

ACCOUNTING AND BILLING

A. Procedures for billing for work undertaken by the REQUESTING PARTY:

1. The REQUESTING PARTY shall establish and maintain accurate records, in accordance with generally accepted accounting principles, of all expenses incurred for which payment is sought or made under this contract, said records to be hereinafter referred to as the "RECORDS". Separate accounts shall be established and maintained for all costs incurred under this contract.

The REQUESTING PARTY shall maintain the RECORDS for at least three (3) years from the date of final payment of Federal Aid made by the DEPARTMENT under this contract. In the event of a dispute with regard to the allowable expenses or any other issue under this contract, the REQUESTING PARTY shall thereafter continue to maintain the RECORDS at least until that dispute has been finally decided and the time for all available challenges or appeals of that decision has expired.

The DEPARTMENT, or its representative, may inspect, copy, or audit the RECORDS at any reasonable time after giving reasonable notice.

If any part of the work is subcontracted, the REQUESTING PARTY shall assure compliance with the above for all subcontracted work.

In the event that an audit performed by or on behalf of the DEPARTMENT indicates an adjustment to the costs reported under this contract, or questions the allowability of an item of expense, the DEPARTMENT shall promptly submit to the REQUESTING PARTY, a Notice of Audit Results and a copy of the audit report which may supplement or modify any tentative findings verbally communicated to the REQUESTING PARTY at the completion of an audit.

Within sixty (60) days after the date of the Notice of Audit Results, the REQUESTING PARTY shall: (a) respond in writing to the responsible Bureau or the DEPARTMENT indicating whether or not it concurs with the audit report, (b) clearly explain the nature and basis for any disagreement as to a disallowed item of expense and, (c) submit to the DEPARTMENT a written explanation as to any questioned or no opinion expressed item of expense, hereinafter referred to as the "RESPONSE". The RESPONSE shall be clearly stated and provide any supporting documentation necessary to resolve any disagreement or questioned or no opinion expressed item of expense. Where the documentation is voluminous, the REQUESTING PARTY may supply appropriate excerpts and make alternate

arrangements to conveniently and reasonably make that documentation available for review by the DEPARTMENT. The RESPONSE shall refer to and apply the language of the contract. The REQUESTING PARTY agrees that failure to submit a RESPONSE within the sixty (60) day period constitutes agreement with any disallowance of an item of expense and authorizes the DEPARTMENT to finally disallow any items of questioned or no opinion expressed cost.

The DEPARTMENT shall make its decision with regard to any Notice of Audit Results and RESPONSE within one hundred twenty (120) days after the date of the Notice of Audit Results. If the DEPARTMENT determines that an overpayment has been made to the REQUESTING PARTY, the REQUESTING PARTY shall repay that amount to the DEPARTMENT or reach agreement with the DEPARTMENT on a repayment schedule within thirty (30) days after the date of an invoice from the DEPARTMENT. If the REQUESTING PARTY fails to repay the overpayment or reach agreement with the DEPARTMENT on a repayment schedule within the thirty (30) day period, the REQUESTING PARTY agrees that the DEPARTMENT shall deduct all or a portion of the overpayment from any funds then or thereafter payable by the DEPARTMENT to the REQUESTING PARTY under this contract or any other agreement, or payable to the REQUESTING PARTY under the terms of 1951 PA 51, as applicable. Interest will be assessed on any partial payments or repayment schedules based on the unpaid balance at the end of each month until the balance is paid in full. The assessment of interest will begin thirty (30) days from the date of the invoice. The rate of interest will be based on the Michigan Department of Treasury common cash funds interest earnings. The rate of interest will be reviewed annually by the DEPARTMENT and adjusted as necessary based on the Michigan Department of Treasury common cash funds interest earnings. The REQUESTING PARTY expressly consents to this withholding or offsetting of funds under those circumstances, reserving the right to file a lawsuit in the Court of Claims to contest the DEPARTMENT'S decision only as to any item of expense the disallowance of which was disputed by the REQUESTING PARTY in a timely filed RESPONSE.

The REQUESTING PARTY shall comply with the Single Audit Act of 1984, as amended, including, but not limited to, the Single Audit Amendments of 1996 (31 USC 7501-7507).

The REQUESTING PARTY shall adhere to the following requirements associated with audits of accounts and records:

- a. Agencies expending a total of \$500,000 or more in federal funds, from one or more funding sources in its fiscal year, shall comply with the requirements of the federal Office of Management and Budget (OMB) Circular A-133, as revised or amended.

The agency shall submit two copies of:

The Reporting Package
The Data Collection Form
The management letter to the agency, if one issued by the audit firm

The OMB Circular A-133 audit must be submitted to the address below in accordance with the time frame established in the circular, as revised or amended.

b. Agencies expending less than \$500,000 in federal funds must submit a letter to the Department advising that a circular audit was not required. The letter shall indicate the applicable fiscal year, the amount of federal funds spent, the name(s) of the Department federal programs, and the CFDA grant number(s). This information must also be submitted to the address below.

c. Address: Michigan Department of Education
Accounting Service Center
Hannah Building
608 Allegan Street
Lansing, MI 48909

d. Agencies must also comply with applicable State laws and regulations relative to audit requirements.

e. Agencies shall not charge audit costs to Department's federal programs which are not in accordance with the OMB Circular A-133 requirements.

f. All agencies are subject to the federally required monitoring activities, which may include limited scope reviews and other on-site monitoring.

2. Agreed Unit Prices Work - All billings for work undertaken by the REQUESTING PARTY on an agreed unit price basis will be submitted in accordance with the Michigan Department of Transportation Standard Specifications for Construction and pertinent FAPG Directives and Guidelines of the FHWA.
3. Force Account Work and Subcontracted Work - All billings submitted to the DEPARTMENT for Federal reimbursement for items of work performed on a force account basis or by any subcontract with a consulting firm, railway company, governmental agency or other party, under the terms of this contract, shall be prepared in accordance with the provisions of the pertinent FHPM Directives and the procedures of the DEPARTMENT. Progress billings may be submitted monthly during the time work is being performed provided, however, that no bill of a lesser amount than \$1,000.00 shall be submitted unless it is a final

or end of fiscal year billing. All billings shall be labeled either "Progress Bill Number _____", or "Final Billing".

4. Final billing under this contract shall be submitted in a timely manner but not later than six months after completion of the work. Billings for work submitted later than six months after completion of the work will not be paid.
5. Upon receipt of billings for reimbursement for work undertaken by the REQUESTING PARTY on projects funded with Federal monies, the DEPARTMENT will act as billing agent for the REQUESTING PARTY, consolidating said billings with those for its own force account work and presenting these consolidated billings to the FHWA for payment. Upon receipt of reimbursement from the FHWA, the DEPARTMENT will promptly forward to the REQUESTING PARTY its share of said reimbursement.
6. Upon receipt of billings for reimbursement for work undertaken by the REQUESTING PARTY on projects funded with non-Federal monies, the DEPARTMENT will promptly forward to the REQUESTING PARTY reimbursement of eligible costs.

B. Payment of Contracted and DEPARTMENT Costs:

1. As work on the PROJECT commences, the initial payments for contracted work and/or costs incurred by the DEPARTMENT will be made from the working capital deposit. Receipt of progress payments of Federal funds, and where applicable, State Critical Bridge funds, will be used to replenish the working capital deposit. The REQUESTING PARTY shall make prompt payments of its share of the contracted and/or DEPARTMENT incurred portion of the PROJECT COST upon receipt of progress billings from the DEPARTMENT. Progress billings will be based upon the REQUESTING PARTY'S share of the actual costs incurred as work on the PROJECT progresses and will be submitted, as required, until it is determined by the DEPARTMENT that there is sufficient available working capital to meet the remaining anticipated PROJECT COSTS. All progress payments will be made within thirty (30) days of receipt of billings. No monthly billing of a lesser amount than \$1,000.00 will be made unless it is a final or end of fiscal year billing. Should the DEPARTMENT determine that the available working capital exceeds the remaining anticipated PROJECT COSTS, the DEPARTMENT may reimburse the REQUESTING PARTY such excess. Upon completion of the PROJECT, payment of all PROJECT COSTS, receipt of all applicable monies from the FHWA, and completion of necessary audits, the REQUESTING PARTY will be reimbursed the balance of its deposit.

2. In the event that the bid, plus contingencies, for the contracted, and/or the DEPARTMENT incurred portion of the PROJECT work exceeds the estimated cost therefor as established by this contract, the REQUESTING PARTY may be advised and billed for the additional amount of its share.

C. General Conditions:

1. The DEPARTMENT, in accordance with its procedures in existence and covering the time period involved, shall make payment for interest earned on the balance of working capital deposits for all projects on account with the DEPARTMENT. The REQUESTING PARTY in accordance with DEPARTMENT procedures in existence and covering the time period involved, shall make payment for interest owed on any deficit balance of working capital deposits for all projects on account with the DEPARTMENT. This payment or billing is processed on an annual basis corresponding to the State of Michigan fiscal year. Upon receipt of billing for interest incurred, the REQUESTING PARTY promises and shall promptly pay the DEPARTMENT said amount.
2. Pursuant to the authority granted by law, the REQUESTING PARTY hereby irrevocably pledges a sufficient amount of funds received by it from the Michigan Transportation Fund to meet its obligations as specified in PART I and PART II. If the REQUESTING PARTY shall fail to make any of its required payments when due, as specified herein, the DEPARTMENT shall immediately notify the REQUESTING PARTY and the State Treasurer of the State of Michigan or such other state officer or agency having charge and control over disbursement of the Michigan Transportation Fund, pursuant to law, of the fact of such default and the amount thereof, and, if such default is not cured by payment within ten (10) days, said State Treasurer or other state officer or agency is then authorized and directed to withhold from the first of such monies thereafter allocated by law to the REQUESTING PARTY from the Michigan Transportation Fund sufficient monies to remove the default, and to credit the REQUESTING PARTY with payment thereof, and to notify the REQUESTING PARTY in writing of such fact.
3. Upon completion of all work under this contract and final audit by the DEPARTMENT or the FHWA, the REQUESTING PARTY promises to promptly repay the DEPARTMENT for any disallowed items of costs previously disbursed by the DEPARTMENT. The REQUESTING PARTY pledges its future receipts from the Michigan Transportation Fund for repayment of all disallowed items and, upon failure to make repayment for any disallowed items within ninety (90) days of demand made by the DEPARTMENT, the DEPARTMENT is hereby authorized to withhold an equal amount from the REQUESTING PARTY'S share of any future distribution of Michigan Transportation Funds in settlement of said claim.

4. The DEPARTMENT shall maintain and keep accurate records and accounts relative to the cost of the PROJECT and upon completion of the PROJECT, payment of all items of PROJECT COST, receipt of all Federal Aid, if any, and completion of final audit by the DEPARTMENT and if applicable, by the FHWA, shall make final accounting to the REQUESTING PARTY. The final PROJECT accounting will not include interest earned or charged on working capital deposited for the PROJECT which will be accounted for separately at the close of the State of Michigan fiscal year and as set forth in Section C(1).
5. The costs of engineering and other services performed on those projects involving specific program funds and one hundred percent (100%) local funds will be apportioned to the respective portions of that project in the same ratio as the actual direct construction costs unless otherwise specified in PART I.

SECTION IV

MAINTENANCE AND OPERATION

- A. Upon completion of construction of each part of the PROJECT, at no cost to the DEPARTMENT or the PROJECT, each of the parties hereto, within their respective jurisdictions, will make the following provisions for the maintenance and operation of the completed PROJECT:

1. All Projects:

Properly maintain and operate each part of the project, making ample provisions each year for the performance of such maintenance work as may be required, except as qualified in paragraph 2b of this section.

2. Projects Financed in Part with Federal Monies:

- a. Sign and mark each part of the PROJECT, in accordance with the current Michigan Manual of Uniform Traffic control Devices, and will not install, or permit to be installed, any signs, signals or markings not in conformance with the standards approved by the FHWA, pursuant to 23 USC 109(d).

- b. Remove, prior to completion of the PROJECT, all encroachments from the roadway right-of-way within the limits of each part of the PROJECT.

With respect to new or existing utility installations within the right-of-way of Federal Aid projects and pursuant to FAPG (23 CFR 645B): Occupancy of non-limited access right-of-way may be allowed based on consideration for traffic safety and necessary preservation of roadside space and aesthetic quality. Longitudinal occupancy of non-limited access right-of-way by private lines will require a finding of significant economic hardship, the unavailability of practicable alternatives or other extenuating circumstances.

- c. Cause to be enacted, maintained and enforced, ordinances and regulations for proper traffic operations in accordance with the plans of the PROJECT.

- d. Make no changes to ordinances or regulations enacted, or traffic controls installed in conjunction with the PROJECT work without prior review by the DEPARTMENT and approval of the FHWA, if required.

- B. On projects for the removal of roadside obstacles, the parties, upon completion of construction of each part of the PROJECT, at no cost to the PROJECT or the DEPARTMENT, will, within their respective jurisdictions, take such action as is necessary to assure that the roadway right-of-way, cleared as the PROJECT, will be maintained free of such obstacles.
- C. On projects for the construction of bikeways, the parties will enact no ordinances or regulations prohibiting the use of bicycles on the facility hereinbefore described as the PROJECT, and will amend any existing restrictive ordinances in this regard so as to allow use of this facility by bicycles. No motorized vehicles shall be permitted on such bikeways or walkways constructed as the PROJECT except those for maintenance purposes.
- D. Failure of the parties hereto to fulfill their respective responsibilities as outlined herein may disqualify that party from future Federal-aid participation in projects on roads or streets for which it has maintenance responsibility. Federal Aid may be withheld until such time as deficiencies in regulations have been corrected, and the improvements constructed as the PROJECT are brought to a satisfactory condition of maintenance.

SECTION V

SPECIAL PROGRAM AND PROJECT CONDITIONS

- A. Those projects for which the REQUESTING PARTY has been reimbursed with Federal monies for the acquisition of right-of-way must be under construction by the close of the twentieth (20th) fiscal year following the fiscal year in which the FHWA and the DEPARTMENT projects agreement covering that work is executed, or the REQUESTING PARTY may be required to repay to the DEPARTMENT, for forwarding to the FHWA, all monies distributed as the FHWA'S contribution to that right-of-way.
- B. Those projects for which the REQUESTING PARTY has been reimbursed with Federal monies for the performance of preliminary engineering must be under construction by the close of the tenth (10th) fiscal year following the fiscal year in which the FHWA and the DEPARTMENT projects agreement covering that work is executed, or the REQUESTING PARTY may be required to repay to the DEPARTMENT, for forwarding to the FHWA, all monies distributed as the FHWA'S contribution to that preliminary engineering.
- C. On those projects funded with Federal monies, the REQUESTING PARTY, at no cost to the PROJECT or the DEPARTMENT, will provide such accident information as is available and such other information as may be required under the program in order to make the proper assessment of the safety benefits derived from the work performed as the PROJECT. The REQUESTING PARTY will cooperate with the DEPARTMENT in the development of reports and such analysis as may be required and will, when requested by the DEPARTMENT, forward to the DEPARTMENT, in such form as is necessary, the required information.
- D. In connection with the performance of PROJECT work under this contract the parties hereto (hereinafter in Appendix "A" referred to as the "contractor") agree to comply with the State of Michigan provisions for "Prohibition of Discrimination in State Contracts", as set forth in Appendix A, attached hereto and made a part hereof. The parties further covenant that they will comply with the Civil Rights Acts of 1964, being P.L. 88-352, 78 Stat. 241, as amended, being Title 42 U.S.C. Sections 1971, 1975a-1975d, and 2000a-2000h-6 and the Regulations of the United States Department of Transportation (49 C.F.R. Part 21) issued pursuant to said Act, including Appendix "B", attached hereto and made a part hereof, and will require similar covenants on the part of any contractor or subcontractor employed in the performance of this contract.
- E. The parties will carry out the applicable requirements of the DEPARTMENT'S Disadvantaged Business Enterprise (DBE) program and 49 CFR, Part 26, including, but not limited to, those requirements set forth in Appendix C.

APPENDIX A

PROHIBITION OF DISCRIMINATION IN STATE CONTRACTS

In connection with the performance of work under this contract; the contractor agrees as follows:

1. In accordance with Public Act 453 of 1976 (Elliott-Larsen Civil Rights Act), the contractor shall not discriminate against an employee or applicant for employment with respect to hire, tenure, treatment, terms, conditions, or privileges of employment or a matter directly or indirectly related to employment because of race, color, religion, national origin, age, sex, height, weight, or marital status. A breach of this covenant will be regarded as a material breach of this contract. Further, in accordance with Public Act 220 of 1976 (Persons with Disabilities Civil Rights Act), as amended by Public Act 478 of 1980, the contractor shall not discriminate against any employee or applicant for employment with respect to hire, tenure, terms, conditions, or privileges of employment or a matter directly or indirectly related to employment because of a disability that is unrelated to the individual's ability to perform the duties of a particular job or position. A breach of the above covenants will be regarded as a material breach of this contract.
2. The contractor hereby agrees that any and all subcontracts to this contract, whereby a portion of the work set forth in this contract is to be performed, shall contain a covenant the same as hereinabove set forth in Section 1 of this Appendix.
3. The contractor will take affirmative action to ensure that applicants for employment and employees are treated without regard to their race, color, religion, national origin, age, sex, height, weight, marital status, or any disability that is unrelated to the individual's ability to perform the duties of a particular job or position. Such action shall include, but not be limited to, the following: employment; treatment; upgrading; demotion or transfer; recruitment; advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship.
4. The contractor shall, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, national origin, age, sex, height, weight, marital status, or disability that is unrelated to the individual's ability to perform the duties of a particular job or position.
5. The contractor or its collective bargaining representative shall send to each labor union or representative of workers with which the contractor has a collective bargaining agreement or other contract or understanding a notice advising such labor union or workers' representative of the contractor's commitments under this Appendix.
6. The contractor shall comply with all relevant published rules, regulations, directives, and orders of the Michigan Civil Rights Commission that may be in effect prior to the taking of bids for any individual state project.

7. The contractor shall furnish and file compliance reports within such time and upon such forms as provided by the Michigan Civil Rights Commission; said forms may also elicit information as to the practices, policies, program, and employment statistics of each subcontractor, as well as the contractor itself, and said contractor shall permit access to the contractor's books, records, and accounts by the Michigan Civil Rights Commission and/or its agent for the purposes of investigation to ascertain compliance under this contract and relevant rules, regulations, and orders of the Michigan Civil Rights Commission.
8. In the event that the Michigan Civil Rights Commission finds, after a hearing held pursuant to its rules, that a contractor has not complied with the contractual obligations under this contract, the Michigan Civil Rights Commission may, as a part of its order based upon such findings, certify said findings to the State Administrative Board of the State of Michigan, which State Administrative Board may order the cancellation of the contract found to have been violated and/or declare the contractor ineligible for future contracts with the state and its political and civil subdivisions, departments, and officers, including the governing boards of institutions of higher education, until the contractor complies with said order of the Michigan Civil Rights Commission. Notice of said declaration of future ineligibility may be given to any or all of the persons with whom the contractor is declared ineligible to contract as a contracting party in future contracts. In any case before the Michigan Civil Rights Commission in which cancellation of an existing contract is a possibility, the contracting agency shall be notified of such possible remedy and shall be given the option by the Michigan Civil Rights Commission to participate in such proceedings.
9. The contractor shall include or incorporate by reference, the provisions of the foregoing paragraphs (1) through (8) in every subcontract or purchase order unless exempted by rules, regulations, or orders of the Michigan Civil Rights Commission; all subcontracts and purchase orders will also state that said provisions will be binding upon each subcontractor or supplier.

Revised June 2011

APPENDIX B TITLE VI ASSURANCE

During the performance of this contract, the contractor, for itself, its assignees, and its successors in interest (hereinafter referred to as the "contractor"), agrees as follows:

1. **Compliance with Regulations:** For all federally assisted programs, the contractor shall comply with the nondiscrimination regulations set forth in 49 CFR Part 21, as may be amended from time to time (hereinafter referred to as the Regulations). Such Regulations are incorporated herein by reference and made a part of this contract.
2. **Nondiscrimination:** The contractor, with regard to the work performed under the contract, shall not discriminate on the grounds of race, color, sex, or national origin in the selection, retention, and treatment of subcontractors, including procurements of materials and leases of equipment. The contractor shall not participate either directly or indirectly in the discrimination prohibited by Section 21.5 of the Regulations, including employment practices, when the contractor covers a program set forth in Appendix B of the Regulations.
3. **Solicitation for Subcontracts, Including Procurements of Materials and Equipment:** All solicitations made by the contractor, either by competitive bidding or by negotiation for subcontract work, including procurement of materials or leases of equipment, must include a notification to each potential subcontractor or supplier of the contractor's obligations under the contract and the Regulations relative to nondiscrimination on the grounds of race, color, or national origin.
4. **Information and Reports:** The contractor shall provide all information and reports required by the Regulations or directives issued pursuant thereto and shall permit access to its books, records, accounts, other sources of information, and facilities as may be determined to be pertinent by the Department or the United States Department of Transportation (USDOT) in order to ascertain compliance with such Regulations or directives. If required information concerning the contractor is in the exclusive possession of another who fails or refuses to furnish the required information, the contractor shall certify to the Department or the USDOT, as appropriate, and shall set forth the efforts that it made to obtain the information.
5. **Sanctions for Noncompliance:** In the event of the contractor's noncompliance with the nondiscrimination provisions of this contract, the Department shall impose such contract sanctions as it or the USDOT may determine to be appropriate, including, but not limited to, the following:
 - a. Withholding payments to the contractor until the contractor complies; and/or
 - b. Canceling, terminating, or suspending the contract, in whole or in part.

6. **Incorporation of Provisions:** The contractor shall include the provisions of Sections (1) through (6) in every subcontract, including procurement of material and leases of equipment, unless exempt by the Regulations or directives issued pursuant thereto. The contractor shall take such action with respect to any subcontract or procurement as the Department or the USDOT may direct as a means of enforcing such provisions, including sanctions for non-compliance, provided, however, that in the event a contractor becomes involved in or is threatened with litigation from a subcontractor or supplier as a result of such direction, the contractor may request the Department to enter into such litigation to protect the interests of the state. In addition, the contractor may request the United States to enter into such litigation to protect the interests of the United States.

Revised June 2011

APPENDIX C

TO BE INCLUDED IN ALL FINANCIAL ASSISTANCE AGREEMENTS WITH LOCAL AGENCIES

Assurance that Recipients and Contractors Must Make (Excerpts from US DOT Regulation 49 CFR 26.13)

- A. Each financial assistance agreement signed with a DOT operating administration (or a primary recipient) must include the following assurance:**

The recipient shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of any US DOT-assisted contract or in the administration of its DBE program or the requirements of 49 CFR Part 26. The recipient shall take all necessary and reasonable steps under 49 CFR Part 26 to ensure nondiscrimination in the award and administration of US DOT-assisted contracts. The recipient's DBE program, as required by 49 CFR Part 26 and as approved by US DOT, is incorporated by reference in this agreement. Implementation of this program is a legal obligation and failure to carry out its terms shall be treated as a violation of this agreement. Upon notification to the recipient of its failure to carry out its approved program, the department may impose sanctions as provided for under Part 26 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. 1001 and/or the Program Fraud Civil Remedies Act of 1986 (31 U.S.C. 3801 et seq.).

- B. Each contract MDOT signs with a contractor (and each subcontract the prime contractor signs with a subcontractor) must include the following assurance:**

The contractor, sub recipient or subcontractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The contractor shall carry out applicable requirements of 49 CFR Part 26 in the award and administration of US DOT-assisted contracts. Failure by the contractor to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy as the recipient deems appropriate.

TO: Honorable Mayor and City Council

FROM: Pat McGinnis, City Manager

SUBJECT: City Council Capital Project Policy

SUPPORTING PERSONNEL: Lauren VanderVeen, Finance Director
Adam Herringa, Chief Operating Officer

ACTION RECOMMENDED: Approve the City Council Capital Project Policy.

During the last budget cycle, City Council inquired about modifying the way City Council and the City Administration manage capital projects once they are approved. Last fall, the City Administration met with Councilmember Burns to discuss his ideas and perspectives on ways to improve the capital project process. Following this discussion, as well as further discussion with the Finance Department, a proposed policy was drafted that establishes guidelines for the classification of revenue sources and provides direction for the closeout of capital projects. The policy also outlines acceptable uses of remaining project funds and defines procedures for addressing appropriated but dormant projects.

The policy is broken into three categories, including Revenue Source Classification, Completed Project Close-Out and Savings Reallocation, and Capital Project Sunset.

Revenue Source Classification

This section improves the reliability and transparency of the Capital Improvement Program (CIP) and annual budget by providing each revenue source and indicating likelihood of receipt prior to appropriation.

Project Close-Out and Savings Reallocation

This section establishes procedures for closing out completed projects, closing or restructuring inactive projects, and reallocating or eliminating appropriated funds in a transparent and auditable manner.

Capital Project Sunset

This section helps to prevent inactive or obsolete projects from retaining appropriations indefinitely and to promote periodic review of project viability and financial status.

The City Administration believes that the proposed policy achieves the ability for City Council to have greater insight into the Capital Improvement Program and its execution while at the same time being manageable for staff in the Finance Department. It is recommended that City Council approve the City Council Capital Project Policy.

FUNDING: N/A

Attachments: 1. Capital Project Policy-Final

City Council Capital Project Policy

The Capital Improvement Program (CIP) is the city's multi-year planning instrument used to identify needs and financing sources for public infrastructure improvements. The purpose of the CIP is to facilitate the orderly forecasting of infrastructure improvements; maintain, preserve, and protect the city's existing infrastructure system; provide for the purchase or scheduled replacement of equipment, and allocate funding sources. The CIP is intended to reflect a consensus of community needs, based on surveys and planning initiatives, the adopted goals and objectives of the City Council, the previous CIP budget and plan, and to take into consideration new information to meet the ever-changing needs and priorities of our community.

The purpose of this policy is to provide guidance to City Administration in three categories to include: Revenue Source Classification; Completed Project Close-Out and Savings Reallocation; and Inactive or Obsolete Capital Project Close-Out.

Revenue Source Classification

Purpose

To improve the reliability and transparency of the Capital Improvement Program (CIP) and annual budget by providing each revenue source and indicating likelihood of receipt prior to appropriation.

Policy

Definitions and Use:

Classification	Definition	Eligibility for Appropriation
Secured	Funds legally received or committed (e.g., executed grant, bonds to be issued, existing cash balance).	May be appropriated in the current fiscal year.
Probable	Funds formally approved but pending execution or receipt (e.g., awarded grant awaiting contract, state funding pending).	May appear in the CIP narrative but project cannot begin until funds are secured/agreements signed.

Classification	Definition	Eligibility for Appropriation
Contingent	Funds speculative or dependent on future applications, partners, or appropriations.	May appear in the CIP narrative but funding remains uncertain.

Revenue Labeling:

The CIP shall clearly indicate the funding sources of each project for all projects in the pending fiscal year. Revenue labeling for potential future projects is not necessary.

Appropriation Rule:

No project may commence until planned funding is secured or City Council authorizes the use of city funds to replace or supplement the outside funding that was not obtained.

Status Updates:

Finance shall update revenue classifications annually during budget preparation.

Transparency and Communication:

The adopted CIP shall include a summary of secured, probable, and contingent revenues for all projects in the pending fiscal year, supporting public understanding of project readiness. Such a summary is not necessary for potential future projects.

Project Close-Out and Savings Reallocation

Purpose

This policy establishes procedures for closing out completed projects, closing or restructuring inactive projects, and reallocating or eliminating appropriated funds in a transparent and auditable manner.

Definitions

1. Close-out is defined as the transfer of capital improvement construction projects from active to inactive status by taking the necessary administrative actions after delivery and performance have been completed.
2. The Contract Administrator is the department head or designated representative responsible for a project.

Policy

The Contract Administrator is responsible for initiating close out procedures to ensure that:

1. Final inspections have been completed in accordance with contractual obligations and agreements.
2. All interim or disallowed costs are settled.
3. The prime contractor has settled subcontractor work.
4. Contractor's release of liens has been submitted.
5. Contractor's final invoice has been submitted.
6. Contractor's retainage has been released.
7. The Contract Administrator notifies the Finance Department that all contractual obligations have been satisfied and that no further expenditure is anticipated.

Disposition of Residual Balances

1. If funds remain in excess of \$75,000 after project close-out, City Administration shall prepare a report for City Council recommending one of the following actions:

- a. Return funds to the original source or reserve (e.g., Capital Improvement Fund, bond proceeds account, grant fund).
- b. Reallocate funds to another project within the same fund, subject to Council approval.

The report may be prepared and presented as-needed or, at a minimum, on an annual basis during City Council's review of the budget.

2. If remaining appropriations are less than \$75,000, City Administration shall determine whether to return the funds to the original source or reserve or to reallocate the funds to another project.

Reporting

Closed projects and related fund movements shall be summarized in a Semi-Annual Capital Project Status Report.

Audit Compliance:

All transactions under this policy shall be traceable in the general ledger and documented to ensure compliance with Public Act 2 of 1968 (Uniform Budgeting and Accounting Act) and applicable bond covenants.

Capital Project Sunset

Purpose

To prevent inactive or obsolete projects from retaining appropriations indefinitely and to promote periodic review of project viability and financial status.

Policy

1. Sunset Period:

Any capital project with no expenditures or encumbrances for 24 consecutive months shall automatically be designated **inactive** and subject to review by City Council during the annual CIP review and approval.

2. Departmental Review:

Departments shall review inactive projects annually and recommend one of the following actions:

- a. Reauthorize (project still needed; timeline updated);
- b. Modify (scope or funding adjusted); or
- c. De-appropriate and close.

3. Council Action:

City Council shall act on the Finance Department's recommendations through a budget amendment or action to reauthorize, modify, or close each inactive project.

4. Reporting:

The annual **Capital Project Status Report** shall identify all projects exceeding the sunset period, with recommended actions and remaining balances.

5. Return of Funds:

Funds from closed or de-appropriated projects shall revert to the original funding source and become available for future appropriation in accordance with the

“disposition of residual balances” component of the **Capital Project Close-Out Policy**.

TO: Honorable Mayor and City Council

FROM: Pat McGinnis, City Manager

SUBJECT: Resolution for Charitable Gaming License - Chubby Mermaids Swim Club

SUPPORTING PERSONNEL: Erica Eklov, City Clerk

ACTION RECOMMENDED: Adopt the Resolution for Charitable Gaming License recognizing The Chubby Mermaids swim club as a nonprofit organization in the City of Portage.

Public Act 382 of 1972 requires that groups desirous of obtaining a gaming license from the State of Michigan secure a resolution from the local governing body recognizing the group as a nonprofit organization operating in the community. A gaming license permits a group to conduct raffles and raise funds in support of the organization for a period of one year.

A request was received from The Chubby Mermaids swim club to be recognized as a nonprofit organization operating in the community and allow for 50/50 raffles at games in 2026. The attached Resolution has been provided by the State of Michigan to recognize The Chubby Mermaids as a nonprofit organization operating in the City of Portage. According to the organization's by-laws, the Chubby Mermaids swim club is designed to focus on the needs and challenges of middle-aged women who are older and overweight, focusing on:

1. Creating a supportive and welcoming environment where our members can come together, share experiences, and work towards their personal fitness goals;
2. Tailoring swimming programs and fostering a sense of community;
3. Empowering women to embrace their journeys toward health and wellness.

The Chubby Mermaids have provided the Raffle License Application, a copy of the Articles of Incorporation, a copy of the nonprofit status from the Department of the Treasury Internal Revenue Service (IRS), a copy of the organization's by-laws, and business plan. It is recommended that the City Council adopt the Resolution for Charitable Gaming License recognizing The Chubby Mermaids swim club as a nonprofit organization in the City of Portage.

FUNDING: N/A

Attachments: 1. Local Governing Body Resolution for Charitable Gaming Licenses



State of Michigan
Michigan Gaming Control Board
Millionaire Party Licensing
3062 W. Grand Blvd, Suite L-700
Detroit, MI 48202-6062
Phone: (313) 456-4940
Fax: (313) 456-3405
Email: Millionaireparty@michigan.gov
www.michigan.gov/mgcb

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 nonprofit
COUNTY

organization operating in the community, for the purpose of obtaining charitable gaming licenses, be

considered for _____
APPROVAL/DISAPPROVAL

APPROVAL: Yeas: _____ DISAPPROVAL: 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

ADDRESS

Organization Information: _____
ORGANIZATION'S MAILING ADDRESS, STREET, CITY, ZIP

ORGANIZATION'S PRINCIPAL OFFICER NAME AND TITLE

()

PHONE NUMBER

TO: Honorable Mayor and City Council

FROM: Pat McGinnis, City Manager

SUBJECT: March 10th Regular Meeting Rescheduling

SUPPORTING PERSONNEL: Erica Eklov, City Clerk

ACTION RECOMMENDED: Reschedule the Tuesday, March 10, 2026, Regular City Council Meeting to Monday, March 9, 2026, while retaining the start time of 6:00 p.m.

The Michigan Municipal League's annual Capital Conference begins on Tuesday, March 10, and four of the members of City Council will be attending. As such, they will be unable to attend the March 10 City Council meeting due to the conflict and this will result in a loss of quorum. It is recommended that City Council reschedule the Tuesday, March 10, 2026, Regular City Council Meeting to Monday, March 9, 2026, while retaining the start time of 6:00 p.m.

FUNDING: N/A

Attachments: None

Minutes of Boards & Commissions

Portage Park Board Meeting Minutes

January 7, 2026

Board Present: Tara Gish – Chair, Elanor Riley – Secretary, Jen Gomes – Treasurer, Angelique McGuire, Josh Suarez, Matt Wollerman, Tim Young

Board Absent (Excused): Dawn Smith, Louann Palmer

Board Absent (Unexcused):

Guests: Kathleen Hoyle – Director of Parks and Recreation

Meeting was called to order at 6:32 PM by Chair Gish

I. INTRODUCTION OF GUESTS

1. No guests present

II. APPROVAL OF AGENDA

1. Motion to approve by Young
2. Second by Gomes
3. Motion approved

III. APPROVAL OF DECEMBER PARK BOARD MEETING MINUTES

1. Motion to approve by Riley
2. Second by Young
3. Motion approved

IV. NEW BUSINESS

1. Financial Report – Gomes
 - a. Receipt of Invoice for Book Box
 - i. Motion to pay invoice Gomes, second by Gish
 - ii. Motion approved
 - b. Board members discussed budgeting needs going forward
2. Park Department Report – Hoyle
 - a. Ice rink is operating thru March, depending on weather
 - b. Great attendance for ice rink events
 - c. Events are booking well, many are full
 - d. Black History Month events coming up with special guest Candacy Taylor
 - e. Program book is almost complete, awaiting a few final events
 - f. Movies have been separated from Friday at the Flats to make event management easier, moved to Ramona
 - g. Farmers Market construction in progress
 - h. Dam removal study by Army Corps of Engineers is still scheduled but has not been completed
 - i. Wollerman asked about any July 4 events and nothing is confirmed
3. Bicycle Advisory Committee Update – Bike Representative
 - a. Planning “P3” bike event - gathering sponsorships, etc

- b. Working on applying for the Bike Friendly city award - we currently have silver status and are going for gold
- 4. Portage Arts Committee Update – Hoyle
 - a. Nothing to report
- 5. Youth Advisory Committee Update – YAC Representative
 - a. Not present to provide report
- 6. Portage Parks Foundation Report – Gish
 - a. Have not met since our last meeting
- 7. Individual Park Reports – As assigned
 - a. Nothing to report
- 8. Subcommittee Reports
 - a. Traditional Holiday - Review Riley
 - i. Need more cookie volunteers next year
 - ii. Board members discussed feedback for traffic management with the cookie line
- 9. Initiative Reports – As Assigned
 - a. Lending/Seed Library Riley
 - i. Get the first one installed and see how it goes
 - b. Park Passports McGuire
 - i. Nothing to report at this time
 - ii. Hoyle stated that May is a good month to launch a program if possible
 - iii. Need to reevaluate vendors, possibly ask the High schools or community members to get involved
 - c. Mr. Crispy Giveaway Smith
 - i. Smith is working on this, not present to provide report
- 10. 2026 Calendar of Events – Gish
 - a. Board members reviewed events calendar, dates not set in stone yet, still TBD
 - b. Board members discussed ideas to draw more people to events with additional vendors / nonprofits / animal shelters
- 11. Foundation Request for Budget Item – Gomes
 - a. Initiatives still ongoing, board members discussed funding needs
 - b. Likely will be more involved with support for Foundation events
 - c. Wollerman asked if we could include expenses for Park Board / Park Department promotional materials, gather park feedback from citizens
 - d. Hoyle asked for board members to think about the messaging / story behind the walking sticks and medallions. If we are giving them to citizens, what are we trying to accomplish, what's the story we are trying to tell?

V. SUMMARY ACTIVITY

1. Board members reviewed summary activity

VI. COMMENTS FROM BOARD MEMBERS

1. Historic Preservation committee partnership?
2. Mr Crispy will be at the ice rink next weekend
3. Gish attempted to attend the zoning board meeting which was cancelled the next meeting is on 1/12 @ 7pm
4. Wollerman asked if we could have a quick Roberts Rules primer and Riley suggested that she could compile a guide and present at the next meeting

Meeting adjourned at 7:54 pm

Next meeting is on February 4, 2026 at Portage Parks and Recreation

Respectfully Submitted,

Elanor Riley

Park Board Secretary

TO: Honorable Mayor and City Council

FROM: Pat McGinnis, City Manager

SUBJECT: Chapter 18 Cemetery Ordinance Update

SUPPORTING PERSONNEL: Erica Eklov, City Clerk
Rodney Russell, Director of Public Works
Jereme Rowland, Deputy Director - Fleet & Facilities

ACTION RECOMMENDED: Adopt the amendment to Chapter 18, Cemeteries, of the Code of Ordinances.

During a recent review of Chapter 18, staff found several sections of the Code of Ordinances guiding the city's four municipal cemeteries had not been updated since the 1980s, maintaining outdated references, including oversight of the city's cemeteries to the Director of Parks and Recreation which changed in 2015. A comprehensive inspection by staff illustrated multiple instances of necessary updates and corrections following daily cemetery business transactions with citizens.

The city's cemeteries are collaboratively managed by both the Office of the City Clerk and the Department of Public Works. Staff from the Clerk's Office handle coordination with citizens, funeral homes, and marker vendors, while the Public Works staff oversee routine on-site maintenance, grave openings, marker foundations, and site showings. The ordinance updates and revisions are jointly proposed by both departments to ensure the continued desirability of the cemeteries, ease of communication with the public, and long-term, streamlined management.

The first reading of this ordinance occurred during the Regular Meeting on January 27, 2026. As such, it is recommended that the City Council now adopt the amendment to Chapter 18, Cemeteries, of the Code of Ordinances.

FUNDING: N/A

Attachments:

1. Chapter_18 CEMETERIES (2025 update) redline strikeout
2. Chapter_18 CEMETERIES (2025 update) clean
3. Chapter_18 CEMETERIES (2025 update) clean

Chapter 18 CEMETERIES¹

Sec. 18-1. Generally; authority of council.

All cemeteries established in the city, whether publicly or privately owned, shall continue as such and shall be subject to this chapter. All cemeteries established in the city after the effective date of the legislation found in 1964 Minute Book [\(Minute Book vol. 1\)](#), page 122, adopted November 10, 1964, shall be established and conducted subject to applicable statutes and this chapter. As the board of health of the city, the council shall establish and conduct cemeteries in the city.

(Min. Bk. 1964, p. 122, 11-10-1964; Code 1967, § 4-1; Code 1983, § 1064.01)

Sec. 18-2. Applicability of chapter to private cemeteries.

All provisions of this chapter and of any rule established under its authority which relate to the public health and the safety of persons and property shall apply equally to private cemeteries in the city and may be enforced against such cemeteries and the proprietors thereof, either by appropriate action in the circuit court for the county or by action by the city.

(Min. Bk. 1964, p. 122, 11-10-1964; Code 1967, § 4-2; Code 1983, § 1064.02)

Sec. 18-3. Authority of city manager.

The cemeteries of the city shall be under the general management and control of the city manager, subject to the authority of the council under section 18-1.

(Min. Bk. 1964, p. 122, 11-10-1964; Code 1967, § 4-3; Code 1983, § 1064.03)

Sec. 18-4. Adoption of rules and regulations.

The city manager shall make such rules and regulations as will promote the general purposes of this chapter, and for the general improvement of the public burying grounds, subject to the approval of the council.

(Min. Bk. 1964, p. 122, 11-10-1964; Code 1967, § 4-4; Code 1983, § 1064.04)

Sec. 18-5. Burial of animals.

No person shall bury a body other than a human body in a burial ground in the city, unless such burial ground is one designed and operated with the approval of the council for the burial of animals [s or](#) pets.

(Min. Bk. 1964, p. 122, 11-10-1964; Code 1967, § 4-11; Code 1983, § 1064.10)

Cross reference(s)—Animals, ch. 10.

¹Charter reference(s)—Authority to provide, maintain, etc., cemeteries, § 2.5(5)(ii), (7).

Cross reference(s)—Streets, sidewalks and other public places, ch. 66.

State law reference(s)—Authority to acquire and maintain cemeteries, MCL 128.1, MSA 5.3165.

Sec. 18-6. Records.

All records concerning burials, owners of right of burial permits within a city cemetery and the perpetual care funds shall be maintained in a separate record by the city clerk and shall be open to inspection at the office of the clerk. In this capacity, the city clerk or their designee shall function as the cemetery sexton. For record purposes, should permission from the city be required, it must be granted in writing in all instances to be kept on file in the office of the city clerk.

(Min. Bk. 1964, p. 122, 11-10-1964; Code 1967, § 4-5; Code 1983, § 1064.05)

Sec. 18-7. Purchase of burial right; burial right certificate.

- (a) No person shall bury a body in a city burial ground without having purchased a burial right and paid in full therefor.
- (b) A burial right certificate shall be issued in such form as the council shall prescribe.

(Min. Bk. 1964, p. 122, 11-10-1964; Code 1967, §§ 4-7, 4-8; Code 1983, § 1064.06)

Sec. 18-8. Burial right fees; transfer of burial rights.

- (a) Fees for right of burial in the cemeteries owned and operated by the city and for transfer of such rights shall be set by council resolution. The contents of such a resolution shall be on file and available for public inspection in the office of the city clerk and the ~~parks and recreation~~public works department. Upon payment of the fee set forth in such resolution, permission shall be granted for a right of burial, with the ~~title~~certificate of burial right and fee of the burial lot or grave remaining in the city.

1. For fee purposes, a "resident" is defined as someone who

i. Resides in the City of Portage or who died while residing in Portage;

ii. Died not residing in the City of Portage but who resided in the City of Portage at least 15 consecutive years;

iii. Died while not residing in Portage but who has a mother, father, husband, wife, brother, or sister who has been buried in Portage and wishes to be buried next to said relative.

- (b) No right of burial shall be disposed of or assigned by the owner without the permission of the city clerk, who may approve the transfer of such burial right by the owner to the owner's spouse, parents, or children.
- (c) If a burial right owner dies and is buried elsewhere, the city may reclaim the burial lot for the initial purchase price. The owner's parents, spouse or children shall be notified and awarded the first opportunity to repurchase the burial right at the current fees.

(Min. Bk. 1980, p. 131, Vol. 8, 1-22-1980; Code 1983, § 1064.07; Ord. No. 087-01, 2-17-1987)

Sec. 18-9. Multiple burials in single grave.

No person shall bury more than one body in a single grave, except:

- (1) A parent and an ~~infant~~child buried at the same time, if the ~~infant~~child is under the age of seven years;
- (2) Up to three cremated bodies in individual urns may be placed on a grave site in which a previous interment has been made; or

-
- (3) Up to four cremated bodies in individual urns per traditional site if no traditional interment is to be made if done under the supervision of the ~~parks-grounds~~ superintendent; and
 - (4) Up to two cremated bodies in individual urns per grave site in cremains only sections.

(Min. Bk. 1964, p. 122, 11-10-1964; Code 1967, § 4-12; Code 1983, § 1064.11; Ord. No. 092-19, 4-28-1992; Ord. No. 99-16, § 1064.11, 12-21-1999)

Sec. 18-10. Burial standards.

- (a) No person shall bury a body in a city burial ground except in accordance with state law and the regulations of the state and city boards of health. No person shall bury a body in a city burial ground except in a vault or grave liner.
- (b) All burials shall be considered earthly and a body or an urn/container holding cremains shall be buried in the ground or sealed in a columbarium niche.
- (c) All cremains shall be placed in a rigid, sealed urn/container. Urn/container size shall not exceed 14 inches in any dimension; length, height, or width. Total size of the urn/container shall not exceed one cubic foot.

(Code 1983, § 1064.12; Min. Bk. 1984, p. 262, Vol. 10, 12-18-1984; Ord. No. 14-01, 2-11-2014; Ord. No. 22-01, 3-22-2022)

Sec. 18-11. Notice required before funerals; restrictions on time of funerals.

~~Twenty-four~~**Forty-eight**-hour notice shall be given before a funeral to allow for proper grave opening, ~~except that notice for a Saturday funeral must be received by noon on Friday.~~ No funerals will be scheduled before 1:00 p.m. the first day of a workweek or the first workday following a city holiday. There will be no Sunday or holiday funerals.

(Code 1983, § 1064.13; Ord. No. 087-01, 2-17-1987; Ord. No. 095-12, 7-25-1995)

Sec. 18-12. Supervision of grave preparation.

A grave in a city cemetery shall be prepared under the supervision of the director of ~~parks and recreation~~**public works**. In this capacity, the director of public works or their designee shall function as the cemetery sexton

(Min. Bk. 1964, p. 122, 11-10-1964; Code 1967, § 4-15; Code 1983, § 1064.14; Ord. No. 092-19, 4-28-1992)

Sec. 18-13. Control of funerals held within cemetery.

Funerals held within the grounds of a cemetery shall be under the control of the director of ~~parks and recreation~~**public works**.

(Min. Bk. 1964, p. 122, 11-10-1964; Code 1967, § 4-16; Code 1983, § 1064.15; Ord. No. 092-19, 4-28-1992)

State law reference(s)—Permit for disposition of body, MCL 333.2850, MSA 14.15(2850).

Sec. 18-14. Change in location of grave.

No change in the location of a grave shall be made after a designation of the place of interment by the undertaker in charge, except on request of the owner or undertaker and at the expense of the one making the

request. The city shall not be responsible for a mistake in location occasioned by anyone except an employee of the city.

(Min. Bk. 1964, p. 122, 11-10-1964; Code 1967, § 4-17; Code 1983, § 1064.16)

Sec. 18-15. Reopening graves.

Graves shall not be reopened, except in case of necessity for the proper removal of a body to another location or upon an order for an investigation provided or permitted by law. Before a permit is authorized for the reopening of a grave, except in case of reopening for an investigation, the one making the request shall exhibit evidence of the right to remove the body for transfer.

(Min. Bk. 1964, p. 122, 11-10-1964; Code 1967, § 4-18; Code 1983, § 1064.17)

Sec. 18-16. Grades.

The director of ~~parks and recreation~~ public works shall establish grade levels at which all graves in a given area of a cemetery shall be kept.

(Min. Bk. 1964, p. 122, 11-10-1964; Code 1967, § 4-19; Code 1983, § 1064.18; Ord. No. 092-19, 4-28-1992)

Sec. 18-17. Approval of monuments and improvements.

The material and manner of erecting monuments, headstones and markers, and the pre-need placement of monuments, headstones and markers, in any sections of all cemeteries shall be subject to approval of the director of ~~parks and recreation~~ public works. Such approval shall be given for items that do not endanger public safety and which are not out of character with the cemetery.

(Min. Bk. 1964, p. 122, 11-10-1964; Code 1967, § 4-20; Code 1983, § 1064.19; Ord. No. 092-19, 4-28-1992)

Sec. 18-18. Fences, hedges and curbing prohibited on individual lots.

(a) Definitions.

1. Fence. A barrier, railing, or other upright structure enclosing an area of ground to mark a boundary, control access, or prevent escape.
2. Hedge. A fence or boundary formed by a dense row of shrubs or low trees.
3. Curbing. A raised edge or margin to strengthen or confine; an enclosing frame, border, or edging.

(b) No person shall erect an enclosure in the nature of a fence, hedge or curbing upon a cemetery lot or plot.

(Min. Bk. 1964, p. 122, 11-10-1964; Code 1967, § 4-21; Code 1983, § 1064.20)

Sec. 18-19. Planting of trees and shrubs.

(a) Definitions.

1. Tree. A woody perennial plant having a single usually elongated main stem generally with few or no branches on its lower part.

2. *Shrub.* Unless the context clearly indicates otherwise “shrub” includes bushes, and all other woody vegetation. See also Sec. 18-18 (a) 2.

(b) No trees or shrubs shall be planted or placed on a burial lot in a cemetery. Trees for living memorials may be planted only at locations designated and of a species approved by the director of ~~parks and recreation~~public works. Such approval shall be given when the location and species will not endanger public safety and will not be out of character with the cemetery.

(Code 1983, § 1064.21; Ord. No. 087-01, 2-17-1987; Ord. No. 092-19, 4-28-1992)

Sec. 18-20. Damaging or removing cemetery property; driving or riding off of designated ways; recreational activities.

No ~~person~~member of the public shall cut, remove, injure or carry away a tree, flower or other decorative planting; deface, injure, remove or displace any monument, marker or ornamental equipment; carry away, remove, destroy or injure any flower pot, vase, flower or other ornamentation; or traverse by mechanical means, or upon an animal, any portion of a cemetery except upon ways provided for such purpose. Recreational activities in cemeteries are prohibited.

(Min. Bk. 1964, p. 122, 11-10-1964; Code 1967, § 4-23; Code 1983, § 1064.22; Ord. No. 095-12, 7-25-1995)

Sec. 18-21. Removal of dangerous or dilapidated trees, plants or ornamentation.

Whenever, in the judgment of the director of ~~parks and recreation~~public works, any tree, plant, shrub or ornamentation has become unsightly, dangerous or detrimental to the adjacent lot owners, or the public use of the cemetery, the director may remove such tree, plant, shrub or ornamentation.

(Min. Bk. 1964, p. 122, 11-10-1964; Code 1967, § 4-24; Code 1983, § 1064.23; Ord. No. 092-19, 4-28-1992)

Sec. 18-22. Grave opening and closing charges.

The opening and closing of graves for adults, children, ashes, and infants shall be at a cost set by council resolution. The contents of the resolution shall be on file and available for public inspection in the office of the city clerk and the ~~parks and recreation~~public works department.

(Min. Bk. 1980, p. 131, Vol. 8, 1-22-1980; Code 1983, § 1064.24)

Sec. 18-23. Standards for markers and memorials.

- (a) *Material.* A marker, memorial, headstone or monument (all shall have the same meaning under this chapter) shall be of approved durable composition.
- (b) *Foundation.* A suitable ~~solid concrete~~ foundation, poured by the city, shall be provided for a marker or memorial by the owner of the burial right.
- (c) *Payment of cost of repairs.* All expenses incurred in the repairing of a marker or memorial shall be borne by the owner of the burial right.
- (d) *Design.* A monument or marker shall conform to the general plan of the cemetery, ~~and the council shall have final determination as to whether or not the monument or marker is in proper taste.~~
- (e) *Removal of dangerous or dilapidated monuments and markers.* If a monument or marker falls into disrepair or becomes unsightly, dangerous or detrimental to adjacent lot owners or the public, it may be removed by order of the city manager after giving 30 days' written notice to the owner of the burial right of the lot at the

address given at the time of purchase or a new address subsequently furnished to or available in the office of the city clerk or the assessor.

- (f) *Number.* Only one marker or memorial is permitted per grave except as noted in subsections (g) and (h) of this section.
- (g) *Location.* A monument or marker shall be located as shown on the official cemetery maps on file in the office of the city clerk for all graves with up to two interments on a line and in a location as determined by the ~~parks superintendent~~ director of public works. Graves with three or more interments may have a second flush monument or marker placed at the foot of the grave, or on a line and in a location as determined by the ~~parks superintendent~~ director of public works.
- (h) *Dimensions.* A monument or marker may not exceed the following size limitations: There is no right of appeal of these standards.
 - (1) ~~For a single lot,~~ thirty-eight inches in height as measured from the concrete foundation, 14 inches in width, and 38 inches in length for all graves with up to two interments.
 - (2) In a grouping of two or more lots, 38 inches in height as measured from the concrete foundation, 14 inches in width, and 60 inches in length. ~~and~~
 - (3) Flush marker at the foot of graves with three or more interments, or in cremains only sections, shall be 14 inches wide and 38 inches in length. Flush markers shall be flat, lying at grade level.
 - (4) Concrete foundations provided by the city shall not exceed found level by more than two inches, unless otherwise deemed necessary by the director of public works.
- (i) *Cremains.* Cremains and urns/containers shall not be attached to, incorporated into or made part of a monument or marker.

(Min. Bk. 1964, p. 122, 11-10-1964; Code 1967, § 4-26; Code 1983, § 1064.25; Ord. No. 087-01, 2-17-1987; Ord. No. 092-19, 4-28-1992; Ord. No. 99-16, § 1064.25, 12-21-1999; Ord. No. 14-01, 2-11-2014)

Sec. 18-24. Hours.

A cemetery of the city shall be open to the general public between 8:00 a.m. and sunset, and no person shall be permitted in the city cemetery at other times, except by permission of the director of ~~parks and recreation~~ public works.

(Min. Bk. 1964, p. 122, 11-10-1964; Code 1967, § 4-27; Code 1983, § 1064.26; Ord. No. 092-19, 4-28-1992)

Sec. 18-25. Gifts for cemetery purposes.

Whenever a person, by the terms of a deed or will or otherwise, makes a gift, bequest or devise to the city in trust for the perpetual maintenance and care of, or for the general upkeep and improvement of, a city cemetery, the city clerk shall review such gift, bequest or devise and forthwith issue to the donor or his representative a certificate of acknowledgment of receipt of the gift, bequest or devise, signed by the mayor and the clerk and bearing the corporate seal of the city, showing the purpose for which the gift was made. Funds paid to the clerk shall be immediately delivered to the city treasurer to await the resolution of the council providing for the deposit or investment thereof. Action of the council on receipt of such funds shall be taken at its next regular meeting and all such funds shall remain permanently under the control of the city.

(Min. Bk. 1964, p. 122, 11-10-1964; Code 1967, § 4-28; Code 1983, § 1064.27)

Sec. 18-26. Perpetual care of lots.

- (a) Perpetual care of a cemetery lot is included in the cost of the right of burial and shall include only watering, cutting and trimming the grass, top dressing and resodding, when necessary, and the general upkeep of the lot.
- (b) In the case of a lot enclosed with concrete or masonry walls, or otherwise, so as to cause extra labor in clipping the grass, an additional fee to be determined by the city manager shall be required by the city in order to guarantee perpetual care.
- (c) The city clerk shall keep a record showing the names of all persons contributing funds for cemetery purposes, the amounts received and the dates of receipts and deposits, or investments, and the clerk shall show the condition and amount of such funds in regular annual reports to the council.
- (d) All moneys received by the city in trust under this section shall be placed in the perpetual care fund and credited to that account, or to the cemetery improvement account, depending upon the purpose for which such moneys are given.

(Min. Bk. 1964, p. 122, 11-10-1964; Code 1967, § 4-29; Code 1983, § 1064.28)

Sec. 18-27. Burial of indigent persons and strangers.

A part of at least one city cemetery shall be set apart for single graves and shall be used as a burial place for indigent persons and strangers. Each grave therein shall be numbered, head boards made of durable wood or other material shall be placed thereon, and a record shall be kept thereof.

(Min. Bk. 1964, p. 122, 11-10-1964; Code 1967, § 4-30; Code 1983, § 1064.29)

Sec. 18-28. Design of new areas; lot dimensions.

As additional burial space is required in city cemeteries, official maps designating block, section and lot design shall be developed by the director of ~~parks and recreation~~ **public works**. An equal number of lots for flush and upright memorials shall be provided. Lots for adults and infants shall be developed as follows:

- (1) *Flush memorial lots.* Flush memorial lots shall be four feet in width by ten feet in length, and all memorials, monuments or markers shall be flush with the ground.
- (2) *Upright memorial lots.* Upright memorial lots shall be four feet in width by ten feet in length, and upright memorials are permitted.
- (3) *~~Infant-Youth~~ lots.* Lots for stillborns and those not exceeding ~~three months~~ **seven years** of age shall be four feet in width by five feet in length in a designated portion of the cemetery known as "Babyland." Additional Babyland sections shall be developed as demand requires.
- (4) *Cremains only lot.* Lots in the cremains only section shall be four feet by four feet with flush memorials only.

(Code 1983, § 1064.30; Ord. No. 092-19, 4-28-1992; Ord. No. 99-16, § 1064.30, 12-21-1999)

Sec. 18-29. Pets in city cemeteries.

Pets in all city cemeteries must be restrained on a six-foot or retractable leash. Persons in charge of or in control of pets on cemetery property shall be responsible for clean up and removal of excrement deposited by such pet.

(Ord. No. 14-01, 2-11-2014)

Sec. 18-30. Columbarium.

(a) Definitions.

1. *Columbarium (columbaria)* means an above ground repository composed of niches designed for the purpose of interring the remains of the deceased.
2. *Columbarium individual niche(s)* shall mean an individual recess within a columbarium, designated to contain the remains of one deceased within a single cremation urn or container; or the remains of two deceased within two cremation urns or containers.
3. *Columbarium niche front* means the granite piece covering the niche.
4. *Columbarium niche name inscription* means the front of the columbarium niche engraved with the name of the deceased and other pertinent information.
5. *Remains* means the ashes of a cremated human body.

(b) General.

1. ~~Ownership Rights~~ of burial space in a freestanding columbarium shall be considered the same as ~~ownership burial rights~~ of other cemetery property and shall descend according to state law.
2. Occupied niches must be marked by an inscription on the niche front, as best determined by the cemetery ~~custodian~~ sexton. No other additional ornamentation will be allowed on or in front of the niche.
3. Inscription shall be uniform in style on each niche front, as determined by the cemetery ~~custodian~~ sexton. The city clerk's office is responsible for arranging this service.
4. The city is not responsible for unauthorized remains deposited on the cemetery.
5. Flower holders, vases or other fixtures shall not be allowed to be attached to the niche front, nor placed on or around the columbarium.
6. With the exception of the interment of a second urn within a niche, any opening of a sealed niche shall be considered a disinterment and applicable fees will be charged.

(Ord. No. 22-01, 3-22-2022)

State law reference(s)—Cemetery Regulation Act, Act 251 of 1968, MCL 456.522

**AN ORDINANCE TO AMEND THE CODE OF ORDINANCES
OF THE CITY OF PORTAGE, MICHIGAN
BY AMENDING CHAPTER 18 CEMETERIES**

THE CITY OF PORTAGE ORDAINS:

That Chapter 18 shall be amended to read as follows:

Chapter 18 CEMETERIES¹

Sec. 18-1. Generally; authority of council.

All cemeteries established in the city, whether publicly or privately owned, shall continue as such and shall be subject to this chapter. All cemeteries established in the city after the effective date of the legislation found in 1964 Minute Book (Minute Book vol. 1), page 122, adopted November 10, 1964, shall be established and conducted subject to applicable statutes and this chapter. As the board of health of the city, the council shall establish and conduct cemeteries in the city.

(Min. Bk. 1964, p. 122, 11-10-1964; Code 1967, § 4-1; Code 1983, § 1064.01)

Sec. 18-2. Applicability of chapter to private cemeteries.

All provisions of this chapter and of any rule established under its authority which relate to the public health and the safety of persons and property shall apply equally to private cemeteries in the city and may be enforced against such cemeteries and the proprietors thereof, either by appropriate action in the circuit court for the county or by action by the city.

(Min. Bk. 1964, p. 122, 11-10-1964; Code 1967, § 4-2; Code 1983, § 1064.02)

Sec. 18-3. Authority of city manager.

The cemeteries of the city shall be under the general management and control of the city manager, subject to the authority of the council under section 18-1.

(Min. Bk. 1964, p. 122, 11-10-1964; Code 1967, § 4-3; Code 1983, § 1064.03)

Sec. 18-4. Adoption of rules and regulations.

The city manager shall make such rules and regulations as will promote the general purposes of this chapter, and for the general improvement of the public burying grounds, subject to the approval of the council.

(Min. Bk. 1964, p. 122, 11-10-1964; Code 1967, § 4-4; Code 1983, § 1064.04)

¹Charter reference(s)—Authority to provide, maintain, etc., cemeteries, § 2.5(5)(ii), (7).

Cross reference(s)—Streets, sidewalks and other public places, ch. 66.

State law reference(s)—Authority to acquire and maintain cemeteries, MCL 128.1, MSA 5.3165.

Sec. 18-5. Burial of animals.

No person shall bury a body other than a human body in a burial ground in the city unless such burial ground is one designed and operated with the approval of the council for the burial of animals or pets.

(Min. Bk. 1964, p. 122, 11-10-1964; Code 1967, § 4-11; Code 1983, § 1064.10)

Cross reference(s)—Animals, ch. 10.

Sec. 18-6. Records.

All records concerning burials, owners of right of burial permits within a city cemetery and the perpetual care funds shall be maintained in a separate record by the city clerk and shall be open to inspection at the office of the clerk. In this capacity, the city clerk or their designee shall function as the cemetery sexton. For record purposes, should permission from the city be required, it must be granted in writing in all instances to be kept on file in the office of the city clerk.

(Min. Bk. 1964, p. 122, 11-10-1964; Code 1967, § 4-5; Code 1983, § 1064.05)

Sec. 18-7. Purchase of burial right; burial right certificate.

(a) No person shall bury a body in a city burial ground without having purchased a burial right and paid in full therefor.

(b) A burial right certificate shall be issued in such form as the council shall prescribe.

(Min. Bk. 1964, p. 122, 11-10-1964; Code 1967, §§ 4-7, 4-8; Code 1983, § 1064.06)

Sec. 18-8. Burial right fees; transfer of burial rights.

(a) Fees for right of burial in the cemeteries owned and operated by the city and for transfer of such rights shall be set by council resolution. The contents of such a resolution shall be on file and available for public inspection in the office of the city clerk and the public works department. Upon payment of the fee set forth in such resolution, permission shall be granted for a right of burial, with the certificate of burial right and fee of the burial lot or grave remaining in the city.

1. For fee purposes, a “resident” is defined as someone who

i. Resides in the City of Portage or who died while residing in Portage;

ii. Died not residing in the City of Portage but who resided in the City of Portage at least 15 consecutive years;

iii. Died while not residing in Portage but who has a mother, father, husband, wife, brother, or sister who has been buried in Portage and wishes to be buried next to said relative.

(b) No right of burial shall be disposed of or assigned by the owner without the permission of the city clerk, who may approve the transfer of such burial right by the owner to the owner's spouse, parents, or children.

(c) If a burial right owner dies and is buried elsewhere, the city may reclaim the burial lot for the initial purchase price. The owner's parents, spouse or children shall be notified and awarded the first opportunity to repurchase the burial right at the current fees.

(Min. Bk. 1980, p. 131, Vol. 8, 1-22-1980; Code 1983, § 1064.07; Ord. No. 087-01, 2-17-1987)

Sec. 18-9. Multiple burials in single grave.

No person shall bury more than one body in a single grave, except:

- (1) A parent and a child buried at the same time, if the child is under the age of seven years;
- (2) Up to three cremated bodies in individual urns may be placed on a grave site in which a previous interment has been made; or
- (3) Up to four cremated bodies in individual urns per traditional site if no traditional interment is to be made if done under the supervision of the grounds superintendent; and
- (4) Up to two cremated bodies in individual urns per grave site in cremains only sections.

(Min. Bk. 1964, p. 122, 11-10-1964; Code 1967, § 4-12; Code 1983, § 1064.11; Ord. No. 092-19, 4-28-1992; Ord. No. 99-16, § 1064.11, 12-21-1999)

Sec. 18-10. Burial standards.

- (a) No person shall bury a body in a city burial ground except in accordance with state law and the regulations of the state and city boards of health. No person shall bury a body in a city burial ground except in a vault or grave liner.
- (b) All burials shall be considered earthly and a body or an urn/container holding cremains shall be buried in the ground or sealed in a columbarium niche. (c) All cremains shall be placed in a rigid, sealed urn/container. Urn/container size shall not exceed 14 inches in any dimension; length, height, or width. Total size of the urn/container shall not exceed one cubic foot.

(Code 1983, § 1064.12; Min. Bk. 1984, p. 262, Vol. 10, 12-18-1984; Ord. No. 14-01, 2-11-2014; Ord. No. 22-01, 3-22-2022)

Sec. 18-11. Notice required before funerals; restrictions on time of funerals.

Forty-eight-hour notice shall be given before a funeral to allow for proper grave opening. No funerals will be scheduled before 1:00 p.m. on the first day of a workweek or the first workday following a city holiday. There will be no Sunday or holiday funerals.

(Code 1983, § 1064.13; Ord. No. 087-01, 2-17-1987; Ord. No. 095-12, 7-25-1995)

Sec. 18-12. Supervision of grave preparation.

A grave in a city cemetery shall be prepared under the supervision of the director of public works. In this capacity, the director of public works or their designee shall function as the cemetery sexton

(Min. Bk. 1964, p. 122, 11-10-1964; Code 1967, § 4-15; Code 1983, § 1064.14; Ord. No. 092-19, 4-28-1992)

Sec. 18-13. Control of funerals held within cemetery.

Funerals held within the grounds of a cemetery shall be under the control of the director of public works.

(Min. Bk. 1964, p. 122, 11-10-1964; Code 1967, § 4-16; Code 1983, § 1064.15; Ord. No. 092-19, 4-28-1992)

State law reference(s)—Permit for disposition of body, MCL 333.2850, MSA 14.15(2850).

Sec. 18-14. Change in location of grave.

No change in the location of a grave shall be made after a designation of the place of interment by the undertaker in charge, except on request of the owner or undertaker and at the expense of the one making the request. The city shall not be responsible for a mistake in location occasioned by anyone except an employee of the city.

(Min. Bk. 1964, p. 122, 11-10-1964; Code 1967, § 4-17; Code 1983, § 1064.16)

Sec. 18-15. Reopening graves.

Graves shall not be reopened, except in case of necessity for the proper removal of a body to another location or upon an order for an investigation provided or permitted by law. Before a permit is authorized for the reopening of a grave, except in case of reopening for an investigation, the one making the request shall exhibit evidence of the right to remove the body for transfer.

(Min. Bk. 1964, p. 122, 11-10-1964; Code 1967, § 4-18; Code 1983, § 1064.17)

Sec. 18-16. Grades.

The director of public works shall establish grade levels at which all graves in a given area of a cemetery shall be kept.

(Min. Bk. 1964, p. 122, 11-10-1964; Code 1967, § 4-19; Code 1983, § 1064.18; Ord. No. 092-19, 4-28-1992)

Sec. 18-17. Approval of monuments and improvements.

The material and manner of erecting monuments, headstones and markers, and the pre-need placement of monuments, headstones and markers, in any sections of all cemeteries shall be subject to approval of the director of public works. Such approval shall be given for items that do not endanger public safety and which are not out of character with the cemetery.

(Min. Bk. 1964, p. 122, 11-10-1964; Code 1967, § 4-20; Code 1983, § 1064.19; Ord. No. 092-19, 4-28-1992)

Sec. 18-18. Fences, hedges and curbing prohibited on individual lots.

(a) *Definitions.*

1. *Fence.* A barrier, railing, or other upright structure enclosing an area of ground to mark a boundary, control access, or prevent escape.
2. *Hedge.* A fence or boundary formed by a dense row of shrubs or low trees.
3. *Curbing.* A raised edge or margin to strengthen or confine; an enclosing frame, border, or edging.

(b) No person shall erect an enclosure in the nature of a fence, hedge or curbing upon a cemetery lot or plot.

(Min. Bk. 1964, p. 122, 11-10-1964; Code 1967, § 4-21; Code 1983, § 1064.20)

Sec. 18-19. Planting of trees and shrubs.

(a) *Definitions.*

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1. *Tree*. A woody perennial plant having a single usually elongated main stem generally with few or no branches on its lower part.
 2. *Shrub*. Unless the context clearly indicates otherwise “shrub” includes bushes, and all other woody vegetation. See also Sec. 18-18 (a) 2.

(b) No trees or shrubs shall be planted or placed on a burial lot in a cemetery. Trees for living memorials may be planted only at locations designated and of a species approved by the director of public works. Such approval shall be given when the location and species will not endanger public safety and will not be out of character with the cemetery.

(Code 1983, § 1064.21; Ord. No. 087-01, 2-17-1987; Ord. No. 092-19, 4-28-1992)

Sec. 18-20. Damaging or removing cemetery property; driving or riding off of designated ways; recreational activities.

No member of the public shall cut, remove, injure or carry away a tree, flower or other decorative planting; deface, injure, remove or displace any monument, marker or ornamental equipment; carry away, remove, destroy or injure any flower pot, vase, flower or other ornamentation; or traverse by mechanical means, or upon an animal, any portion of a cemetery except upon ways provided for such purpose. Recreational activities in cemeteries are prohibited.

(Min. Bk. 1964, p. 122, 11-10-1964; Code 1967, § 4-23; Code 1983, § 1064.22; Ord. No. 095-12, 7-25-1995)

Sec. 18-21. Removal of dangerous or dilapidated trees, plants or ornamentation.

Whenever, in the judgment of the director of public works, any tree, plant, shrub or ornamentation has become unsightly, dangerous or detrimental to the adjacent lot owners, or the public use of the cemetery, the director may remove such tree, plant, shrub or ornamentation.

(Min. Bk. 1964, p. 122, 11-10-1964; Code 1967, § 4-24; Code 1983, § 1064.23; Ord. No. 092-19, 4-28-1992)

Sec. 18-22. Grave opening and closing charges.

The opening and closing of graves for adults, children, ashes, and infants shall be at a cost set by council resolution. The contents of the resolution shall be on file and available for public inspection in the office of the city clerk and the public works department.

(Min. Bk. 1980, p. 131, Vol. 8, 1-22-1980; Code 1983, § 1064.24)

Sec. 18-23. Standards for markers and memorials.

- (a) *Material*. A marker, memorial, headstone or monument (all shall have the same meaning under this chapter) shall be of approved durable composition.
- (b) *Foundation*. A suitable concrete foundation, poured by the city, shall be provided for a marker or memorial by the owner of the burial right.
- (c) *Payment of cost of repairs*. All expenses incurred in the repairing of a marker or memorial shall be borne by the owner of the burial right.
- (d) *Design*. A monument or marker shall conform to the general plan of the cemetery.
- (e) *Removal of dangerous or dilapidated monuments and markers*. If a monument or marker falls into disrepair or becomes unsightly, dangerous or detrimental to adjacent lot owners or the public, it may be removed by

order of the city manager after giving 30 days' written notice to the owner of the burial right of the lot at the address given at the time of purchase or a new address subsequently furnished to or available in the office of the city clerk or the assessor.

- (f) *Number.* Only one marker or memorial is permitted per grave except as noted in subsections (g) and (h) of this section.
- (g) *Location.* A monument or marker shall be located as shown on the official cemetery maps on file in the office of the city clerk for all graves with up to two interments on a line and in a location as determined by the director of public works. Graves with three or more interments may have a second flush monument or marker placed at the foot of the grave, or on a line and in a location as determined by the director of public works.
- (h) *Dimensions.* A monument or marker may not exceed the following size limitations. There is no right of appeal of these standards.
 - (1) For a single lot, thirty-eight inches in height as measured from the concrete foundation, 14 inches in width, and 38 inches in length for all graves with up to two interments.
 - (2) In a grouping of two or more lots, 38 inches in height as measured from the concrete foundation, 14 inches in width, and 60 inches in length.
 - (3) Flush marker at the foot of graves with three or more interments, or in cremains only sections, shall be 14 inches wide and 38 inches in length. Flush markers shall be flat, lying at grade level.
 - (4) Concrete foundations provided by the city shall not exceed found level by more than two inches, unless otherwise deemed necessary by the director of public works.
- (i) *Cremains.* Cremains and urns/containers shall not be attached to, incorporated into or made part of a monument or marker.

(Min. Bk. 1964, p. 122, 11-10-1964; Code 1967, § 4-26; Code 1983, § 1064.25; Ord. No. 087-01, 2-17-1987; Ord. No. 092-19, 4-28-1992; Ord. No. 99-16, § 1064.25, 12-21-1999; Ord. No. 14-01, 2-11-2014)

Sec. 18-24. Hours.

A cemetery of the city shall be open to the general public between 8:00 a.m. and sunset, and no person shall be permitted in the city cemetery at other times, except by permission of the director of public works.

(Min. Bk. 1964, p. 122, 11-10-1964; Code 1967, § 4-27; Code 1983, § 1064.26; Ord. No. 092-19, 4-28-1992)

Sec. 18-25. Gifts for cemetery purposes.

Whenever a person, by the terms of a deed or will or otherwise, makes a gift, bequest or devise to the city in trust for the perpetual maintenance and care of, or for the general upkeep and improvement of, a city cemetery, the city clerk shall review such gift, bequest or devise and forthwith issue to the donor or his representative a certificate of acknowledgment of receipt of the gift, bequest or devise, signed by the mayor and the clerk and bearing the corporate seal of the city, showing the purpose for which the gift was made. Funds paid to the clerk shall be immediately delivered to the city treasurer to await the resolution of the council providing for the deposit or investment thereof. Action of the council on receipt of such funds shall be taken at its next regular meeting and all such funds shall remain permanently under the control of the city.

(Min. Bk. 1964, p. 122, 11-10-1964; Code 1967, § 4-28; Code 1983, § 1064.27)

Sec. 18-26. Perpetual care of lots.

- (a) Perpetual care of a cemetery lot is included in the cost of the right of burial and shall include only watering, cutting and trimming the grass, top dressing and resodding, when necessary, and the general upkeep of the lot.
- (b) In the case of a lot enclosed with concrete or masonry walls, or otherwise, so as to cause extra labor in clipping the grass, an additional fee to be determined by the city manager shall be required by the city in order to guarantee perpetual care.
- (c) The city clerk shall keep a record showing the names of all persons contributing funds for cemetery purposes, the amounts received and the dates of receipts and deposits, or investments, and the clerk shall show the condition and amount of such funds in regular annual reports to the council.
- (d) All moneys received by the city in trust under this section shall be placed in the perpetual care fund and credited to that account, or to the cemetery improvement account, depending upon the purpose for which such moneys are given.

(Min. Bk. 1964, p. 122, 11-10-1964; Code 1967, § 4-29; Code 1983, § 1064.28)

Sec. 18-27. Burial of indigent persons and strangers.

A part of at least one city cemetery shall be set apart for single graves and shall be used as a burial place for indigent persons and strangers. Each grave therein shall be numbered, head boards made of durable wood or other material shall be placed thereon, and a record shall be kept thereof.

(Min. Bk. 1964, p. 122, 11-10-1964; Code 1967, § 4-30; Code 1983, § 1064.29)

Sec. 18-28. Design of new areas; lot dimensions.

As additional burial space is required in city cemeteries, official maps designating block, section and lot design shall be developed by the director of public works. An equal number of lots for flush and upright memorials shall be provided. Lots for adults and infants shall be developed as follows:

- (1) *Flush memorial lots.* Flush memorial lots shall be four feet in width by ten feet in length, and all memorials, monuments or markers shall be flush with the ground.
- (2) *Upright memorial lots.* Upright memorial lots shall be four feet in width by ten feet in length, and upright memorials are permitted.
- (3) *Youth lots.* Lots for stillborn and those not exceeding seven years of age shall be four feet in width by five feet in length in a designated portion of the cemetery known as "Babyland." Additional Babyland sections shall be developed as demand requires. (4) *Cremains only lot.* Lots in the cremains only section shall be four feet by four feet with flush memorials only.

(Code 1983, § 1064.30; Ord. No. 092-19, 4-28-1992; Ord. No. 99-16, § 1064.30, 12-21-1999)

Sec. 18-29. Pets in city cemeteries.

Pets in all city cemeteries must be restrained on a six-foot or retractable leash. Persons in charge of or in control of pets on cemetery property shall be responsible for clean up and removal of excrement deposited by such pet.

(Ord. No. 14-01, 2-11-2014)

Sec. 18-30. Columbarium.

(a) Definitions.

1. *Columbarium (columbaria)* means an above ground repository composed of niches designed for the purpose of interring the remains of the deceased.
2. *Columbarium individual niche(s)* shall mean an individual recess within a columbarium, designated to contain the remains of one deceased within a single cremation urn or container; or the remains of two deceased within two cremation urns or containers.
3. *Columbarium niche front* means the granite piece covering the niche.
4. *Columbarium niche name inscription* means the front of the columbarium niche engraved with the name of the deceased and other pertinent information.
5. *Remains* means the ashes of a cremated human body.

(b) General.

1. Rights of burial space in a freestanding columbarium shall be considered the same as burial rights of other cemetery property and shall descend according to state law.
2. Occupied niches must be marked by an inscription on the niche front, as best determined by the cemetery sexton. No other additional ornamentation will be allowed on or in front of the niche.
3. Inscription shall be uniform in style on each niche front, as determined by the cemetery sexton. The city clerk's office is responsible for arranging this service.
4. The city is not responsible for unauthorized remains deposited in the cemetery.
5. Flower holders, vases or other fixtures shall not be allowed to be attached to the niche front, nor placed on or around the columbarium.
6. With the exception of the interment of a second urn within a niche, any opening of a sealed niche shall be considered a disinterment and applicable fees will be charged.

(Ord. No. 22-01, 3-22-2022)

State law reference(s)—Cemetery Regulation Act, Act 251 of 1968, MCL 456.522

Dated: _____

Patricia M. Randall, Mayor

FIRST READING:

SECOND READING:

EFFECTIVE DATE:

CERTIFICATION

I, Erica Eklov, do hereby certify that I am the duly appointed and acting City Clerk of the City of Portage, and that the foregoing ordinance was adopted by the City of Portage on the ____ day of _____, 2026.

Erica L. Eklov, City Clerk

PREPARED BY:

Erica L. Eklov, City Clerk
7900 S. Westnedge Avenue
Portage, MI 49002

**AN ORDINANCE TO AMEND THE CODE OF ORDINANCES
OF THE CITY OF PORTAGE, MICHIGAN
BY AMENDING CHAPTER 18 CEMETERIES**

THE CITY OF PORTAGE ORDAINS:

That Chapter 18 shall be amended to read as follows:

Chapter 18 CEMETERIES¹

Sec. 18-1. Generally; authority of council.

All cemeteries established in the city, whether publicly or privately owned, shall continue as such and shall be subject to this chapter. All cemeteries established in the city after the effective date of the legislation found in 1964 Minute Book (Minute Book vol. 1), page 122, adopted November 10, 1964, shall be established and conducted subject to applicable statutes and this chapter. As the board of health of the city, the council shall establish and conduct cemeteries in the city.

(Min. Bk. 1964, p. 122, 11-10-1964; Code 1967, § 4-1; Code 1983, § 1064.01)

Sec. 18-2. Applicability of chapter to private cemeteries.

All provisions of this chapter and of any rule established under its authority which relate to the public health and the safety of persons and property shall apply equally to private cemeteries in the city and may be enforced against such cemeteries and the proprietors thereof, either by appropriate action in the circuit court for the county or by action by the city.

(Min. Bk. 1964, p. 122, 11-10-1964; Code 1967, § 4-2; Code 1983, § 1064.02)

Sec. 18-3. Authority of city manager.

The cemeteries of the city shall be under the general management and control of the city manager, subject to the authority of the council under section 18-1.

(Min. Bk. 1964, p. 122, 11-10-1964; Code 1967, § 4-3; Code 1983, § 1064.03)

Sec. 18-4. Adoption of rules and regulations.

The city manager shall make such rules and regulations as will promote the general purposes of this chapter, and for the general improvement of the public burying grounds, subject to the approval of the council.

(Min. Bk. 1964, p. 122, 11-10-1964; Code 1967, § 4-4; Code 1983, § 1064.04)

¹Charter reference(s)—Authority to provide, maintain, etc., cemeteries, § 2.5(5)(ii), (7).

Cross reference(s)—Streets, sidewalks and other public places, ch. 66.

State law reference(s)—Authority to acquire and maintain cemeteries, MCL 128.1, MSA 5.3165.

Sec. 18-5. Burial of animals.

No person shall bury a body other than a human body in a burial ground in the city unless such burial ground is one designed and operated with the approval of the council for the burial of animals or pets.

(Min. Bk. 1964, p. 122, 11-10-1964; Code 1967, § 4-11; Code 1983, § 1064.10)

Cross reference(s)—Animals, ch. 10.

Sec. 18-6. Records.

All records concerning burials, owners of right of burial permits within a city cemetery and the perpetual care funds shall be maintained in a separate record by the city clerk and shall be open to inspection at the office of the clerk. In this capacity, the city clerk or their designee shall function as the cemetery sexton. For record purposes, should permission from the city be required, it must be granted in writing in all instances to be kept on file in the office of the city clerk.

(Min. Bk. 1964, p. 122, 11-10-1964; Code 1967, § 4-5; Code 1983, § 1064.05)

Sec. 18-7. Purchase of burial right; burial right certificate.

(a) No person shall bury a body in a city burial ground without having purchased a burial right and paid in full therefor.

(b) A burial right certificate shall be issued in such form as the council shall prescribe.

(Min. Bk. 1964, p. 122, 11-10-1964; Code 1967, §§ 4-7, 4-8; Code 1983, § 1064.06)

Sec. 18-8. Burial right fees; transfer of burial rights.

(a) Fees for right of burial in the cemeteries owned and operated by the city and for transfer of such rights shall be set by council resolution. The contents of such a resolution shall be on file and available for public inspection in the office of the city clerk and the public works department. Upon payment of the fee set forth in such resolution, permission shall be granted for a right of burial, with the certificate of burial right and fee of the burial lot or grave remaining in the city.

1. For fee purposes, a “resident” is defined as someone who

i. Resides in the City of Portage or who died while residing in Portage;

ii. Died not residing in the City of Portage but who resided in the City of Portage at least 15 consecutive years;

iii. Died while not residing in Portage but who has a mother, father, husband, wife, brother, or sister who has been buried in Portage and wishes to be buried next to said relative.

(b) No right of burial shall be disposed of or assigned by the owner without the permission of the city clerk, who may approve the transfer of such burial right by the owner to the owner's spouse, parents, or children.

(c) If a burial right owner dies and is buried elsewhere, the city may reclaim the burial lot for the initial purchase price. The owner's parents, spouse or children shall be notified and awarded the first opportunity to repurchase the burial right at the current fees.

(Min. Bk. 1980, p. 131, Vol. 8, 1-22-1980; Code 1983, § 1064.07; Ord. No. 087-01, 2-17-1987)

Sec. 18-9. Multiple burials in single grave.

No person shall bury more than one body in a single grave, except:

- (1) A parent and a child buried at the same time, if the child is under the age of seven years;
- (2) Up to three cremated bodies in individual urns may be placed on a grave site in which a previous interment has been made; or
- (3) Up to four cremated bodies in individual urns per traditional site if no traditional interment is to be made if done under the supervision of the grounds superintendent; and
- (4) Up to two cremated bodies in individual urns per grave site in cremains only sections.

(Min. Bk. 1964, p. 122, 11-10-1964; Code 1967, § 4-12; Code 1983, § 1064.11; Ord. No. 092-19, 4-28-1992; Ord. No. 99-16, § 1064.11, 12-21-1999)

Sec. 18-10. Burial standards.

- (a) No person shall bury a body in a city burial ground except in accordance with state law and the regulations of the state and city boards of health. No person shall bury a body in a city burial ground except in a vault or grave liner.
- (b) All burials shall be considered earthly and a body or an urn/container holding cremains shall be buried in the ground or sealed in a columbarium niche. (c) All cremains shall be placed in a rigid, sealed urn/container. Urn/container size shall not exceed 14 inches in any dimension; length, height, or width. Total size of the urn/container shall not exceed one cubic foot.

(Code 1983, § 1064.12; Min. Bk. 1984, p. 262, Vol. 10, 12-18-1984; Ord. No. 14-01, 2-11-2014; Ord. No. 22-01, 3-22-2022)

Sec. 18-11. Notice required before funerals; restrictions on time of funerals.

Forty-eight-hour notice shall be given before a funeral to allow for proper grave opening. No funerals will be scheduled before 1:00 p.m. on the first day of a workweek or the first workday following a city holiday. There will be no Sunday or holiday funerals.

(Code 1983, § 1064.13; Ord. No. 087-01, 2-17-1987; Ord. No. 095-12, 7-25-1995)

Sec. 18-12. Supervision of grave preparation.

A grave in a city cemetery shall be prepared under the supervision of the director of public works. In this capacity, the director of public works or their designee shall function as the cemetery sexton

(Min. Bk. 1964, p. 122, 11-10-1964; Code 1967, § 4-15; Code 1983, § 1064.14; Ord. No. 092-19, 4-28-1992)

Sec. 18-13. Control of funerals held within cemetery.

Funerals held within the grounds of a cemetery shall be under the control of the director of public works.

(Min. Bk. 1964, p. 122, 11-10-1964; Code 1967, § 4-16; Code 1983, § 1064.15; Ord. No. 092-19, 4-28-1992)

State law reference(s)—Permit for disposition of body, MCL 333.2850, MSA 14.15(2850).

Sec. 18-14. Change in location of grave.

No change in the location of a grave shall be made after a designation of the place of interment by the undertaker in charge, except on request of the owner or undertaker and at the expense of the one making the request. The city shall not be responsible for a mistake in location occasioned by anyone except an employee of the city.

(Min. Bk. 1964, p. 122, 11-10-1964; Code 1967, § 4-17; Code 1983, § 1064.16)

Sec. 18-15. Reopening graves.

Graves shall not be reopened, except in case of necessity for the proper removal of a body to another location or upon an order for an investigation provided or permitted by law. Before a permit is authorized for the reopening of a grave, except in case of reopening for an investigation, the one making the request shall exhibit evidence of the right to remove the body for transfer.

(Min. Bk. 1964, p. 122, 11-10-1964; Code 1967, § 4-18; Code 1983, § 1064.17)

Sec. 18-16. Grades.

The director of public works shall establish grade levels at which all graves in a given area of a cemetery shall be kept.

(Min. Bk. 1964, p. 122, 11-10-1964; Code 1967, § 4-19; Code 1983, § 1064.18; Ord. No. 092-19, 4-28-1992)

Sec. 18-17. Approval of monuments and improvements.

The material and manner of erecting monuments, headstones and markers, and the pre-need placement of monuments, headstones and markers, in any sections of all cemeteries shall be subject to approval of the director of public works. Such approval shall be given for items that do not endanger public safety and which are not out of character with the cemetery.

(Min. Bk. 1964, p. 122, 11-10-1964; Code 1967, § 4-20; Code 1983, § 1064.19; Ord. No. 092-19, 4-28-1992)

Sec. 18-18. Fences, hedges and curbing prohibited on individual lots.

(a) *Definitions.*

1. *Fence.* A barrier, railing, or other upright structure enclosing an area of ground to mark a boundary, control access, or prevent escape.
2. *Hedge.* A fence or boundary formed by a dense row of shrubs or low trees.
3. *Curbing.* A raised edge or margin to strengthen or confine; an enclosing frame, border, or edging.

(b) No person shall erect an enclosure in the nature of a fence, hedge or curbing upon a cemetery lot or plot.

(Min. Bk. 1964, p. 122, 11-10-1964; Code 1967, § 4-21; Code 1983, § 1064.20)

Sec. 18-19. Planting of trees and shrubs.

(a) *Definitions.*

-
1. *Tree*. A woody perennial plant having a single usually elongated main stem generally with few or no branches on its lower part.
 2. *Shrub*. Unless the context clearly indicates otherwise “shrub” includes bushes, and all other woody vegetation. See also Sec. 18-18 (a) 2.

(b) No trees or shrubs shall be planted or placed on a burial lot in a cemetery. Trees for living memorials may be planted only at locations designated and of a species approved by the director of public works. Such approval shall be given when the location and species will not endanger public safety and will not be out of character with the cemetery.

(Code 1983, § 1064.21; Ord. No. 087-01, 2-17-1987; Ord. No. 092-19, 4-28-1992)

Sec. 18-20. Damaging or removing cemetery property; driving or riding off of designated ways; recreational activities.

No member of the public shall cut, remove, injure or carry away a tree, flower or other decorative planting; deface, injure, remove or displace any monument, marker or ornamental equipment; carry away, remove, destroy or injure any flower pot, vase, flower or other ornamentation; or traverse by mechanical means, or upon an animal, any portion of a cemetery except upon ways provided for such purpose. Recreational activities in cemeteries are prohibited.

(Min. Bk. 1964, p. 122, 11-10-1964; Code 1967, § 4-23; Code 1983, § 1064.22; Ord. No. 095-12, 7-25-1995)

Sec. 18-21. Removal of dangerous or dilapidated trees, plants or ornamentation.

Whenever, in the judgment of the director of public works, any tree, plant, shrub or ornamentation has become unsightly, dangerous or detrimental to the adjacent lot owners, or the public use of the cemetery, the director may remove such tree, plant, shrub or ornamentation.

(Min. Bk. 1964, p. 122, 11-10-1964; Code 1967, § 4-24; Code 1983, § 1064.23; Ord. No. 092-19, 4-28-1992)

Sec. 18-22. Grave opening and closing charges.

The opening and closing of graves for adults, children, ashes, and infants shall be at a cost set by council resolution. The contents of the resolution shall be on file and available for public inspection in the office of the city clerk and the public works department.

(Min. Bk. 1980, p. 131, Vol. 8, 1-22-1980; Code 1983, § 1064.24)

Sec. 18-23. Standards for markers and memorials.

- (a) *Material*. A marker, memorial, headstone or monument (all shall have the same meaning under this chapter) shall be of approved durable composition.
- (b) *Foundation*. A suitable concrete foundation, poured by the city, shall be provided for a marker or memorial by the owner of the burial right.
- (c) *Payment of cost of repairs*. All expenses incurred in the repairing of a marker or memorial shall be borne by the owner of the burial right.
- (d) *Design*. A monument or marker shall conform to the general plan of the cemetery.
- (e) *Removal of dangerous or dilapidated monuments and markers*. If a monument or marker falls into disrepair or becomes unsightly, dangerous or detrimental to adjacent lot owners or the public, it may be removed by

order of the city manager after giving 30 days' written notice to the owner of the burial right of the lot at the address given at the time of purchase or a new address subsequently furnished to or available in the office of the city clerk or the assessor.

- (f) *Number.* Only one marker or memorial is permitted per grave except as noted in subsections (g) and (h) of this section.
- (g) *Location.* A monument or marker shall be located as shown on the official cemetery maps on file in the office of the city clerk for all graves with up to two interments on a line and in a location as determined by the director of public works. Graves with three or more interments may have a second flush monument or marker placed at the foot of the grave, or on a line and in a location as determined by the director of public works.
- (h) *Dimensions.* A monument or marker may not exceed the following size limitations. There is no right of appeal of these standards.
 - (1) For a single lot, thirty-eight inches in height as measured from the concrete foundation, 14 inches in width, and 38 inches in length for all graves with up to two interments.
 - (2) In a grouping of two or more lots, 38 inches in height as measured from the concrete foundation, 14 inches in width, and 60 inches in length.
 - (3) Flush marker at the foot of graves with three or more interments, or in cremains only sections, shall be 14 inches wide and 38 inches in length. Flush markers shall be flat, lying at grade level.
 - (4) Concrete foundations provided by the city shall not exceed ground level by more than two inches, unless otherwise deemed necessary by the director of public works.
- (i) *Cremains.* Cremains and urns/containers shall not be attached to, incorporated into or made part of a monument or marker.

(Min. Bk. 1964, p. 122, 11-10-1964; Code 1967, § 4-26; Code 1983, § 1064.25; Ord. No. 087-01, 2-17-1987; Ord. No. 092-19, 4-28-1992; Ord. No. 99-16, § 1064.25, 12-21-1999; Ord. No. 14-01, 2-11-2014)

Sec. 18-24. Hours.

A cemetery of the city shall be open to the general public between 8:00 a.m. and sunset, and no person shall be permitted in the city cemetery at other times, except by permission of the director of public works.

(Min. Bk. 1964, p. 122, 11-10-1964; Code 1967, § 4-27; Code 1983, § 1064.26; Ord. No. 092-19, 4-28-1992)

Sec. 18-25. Gifts for cemetery purposes.

Whenever a person, by the terms of a deed or will or otherwise, makes a gift, bequest or devise to the city in trust for the perpetual maintenance and care of, or for the general upkeep and improvement of, a city cemetery, the city clerk shall review such gift, bequest or devise and forthwith issue to the donor or his representative a certificate of acknowledgment of receipt of the gift, bequest or devise, signed by the mayor and the clerk and bearing the corporate seal of the city, showing the purpose for which the gift was made. Funds paid to the clerk shall be immediately delivered to the city treasurer to await the resolution of the council providing for the deposit or investment thereof. Action of the council on receipt of such funds shall be taken at its next regular meeting and all such funds shall remain permanently under the control of the city.

(Min. Bk. 1964, p. 122, 11-10-1964; Code 1967, § 4-28; Code 1983, § 1064.27)

Sec. 18-26. Perpetual care of lots.

- (a) Perpetual care of a cemetery lot is included in the cost of the right of burial and shall include only watering, cutting and trimming the grass, top dressing and resodding, when necessary, and the general upkeep of the lot.
- (b) In the case of a lot enclosed with concrete or masonry walls, or otherwise, so as to cause extra labor in clipping the grass, an additional fee to be determined by the city manager shall be required by the city in order to guarantee perpetual care.
- (c) The city clerk shall keep a record showing the names of all persons contributing funds for cemetery purposes, the amounts received and the dates of receipts and deposits, or investments, and the clerk shall show the condition and amount of such funds in regular annual reports to the council.
- (d) All moneys received by the city in trust under this section shall be placed in the perpetual care fund and credited to that account, or to the cemetery improvement account, depending upon the purpose for which such moneys are given.

(Min. Bk. 1964, p. 122, 11-10-1964; Code 1967, § 4-29; Code 1983, § 1064.28)

Sec. 18-27. Burial of indigent persons and strangers.

A part of at least one city cemetery shall be set apart for single graves and shall be used as a burial place for indigent persons and strangers. Each grave therein shall be numbered, head boards made of durable wood or other material shall be placed thereon, and a record shall be kept thereof.

(Min. Bk. 1964, p. 122, 11-10-1964; Code 1967, § 4-30; Code 1983, § 1064.29)

Sec. 18-28. Design of new areas; lot dimensions.

As additional burial space is required in city cemeteries, official maps designating block, section and lot design shall be developed by the director of public works. An equal number of lots for flush and upright memorials shall be provided. Lots for adults and infants shall be developed as follows:

- (1) *Flush memorial lots.* Flush memorial lots shall be four feet in width by ten feet in length, and all memorials, monuments or markers shall be flush with the ground.
- (2) *Upright memorial lots.* Upright memorial lots shall be four feet in width by ten feet in length, and upright memorials are permitted.
- (3) *Youth lots.* Lots for stillborn and those not exceeding seven years of age shall be four feet in width by five feet in length in a designated portion of the cemetery known as "Babyland." Additional Babyland sections shall be developed as demand requires. (4) *Cremains only lot.* Lots in the cremains only section shall be four feet by four feet with flush memorials only.

(Code 1983, § 1064.30; Ord. No. 092-19, 4-28-1992; Ord. No. 99-16, § 1064.30, 12-21-1999)

Sec. 18-29. Pets in city cemeteries.

Pets in all city cemeteries must be restrained on a six-foot or retractable leash. Persons in charge of or in control of pets on cemetery property shall be responsible for clean up and removal of excrement deposited by such pet.

(Ord. No. 14-01, 2-11-2014)

Sec. 18-30. Columbarium.

(a) Definitions.

1. *Columbarium (columbaria)* means an above ground repository composed of niches designed for the purpose of interring the remains of the deceased.
2. *Columbarium individual niche(s)* shall mean an individual recess within a columbarium, designated to contain the remains of one deceased within a single cremation urn or container; or the remains of two deceased within two cremation urns or containers.
3. *Columbarium niche front* means the granite piece covering the niche.
4. *Columbarium niche name inscription* means the front of the columbarium niche engraved with the name of the deceased and other pertinent information.
5. *Remains* means the ashes of a cremated human body.

(b) General.

1. Rights of burial space in a freestanding columbarium shall be considered the same as burial rights of other cemetery property and shall descend according to state law.
2. Occupied niches must be marked by an inscription on the niche front, as best determined by the cemetery sexton. No other additional ornamentation will be allowed on or in front of the niche.
3. Inscription shall be uniform in style on each niche front, as determined by the cemetery sexton. The city clerk's office is responsible for arranging this service.
4. The city is not responsible for unauthorized remains deposited in the cemetery.
5. Flower holders, vases or other fixtures shall not be allowed to be attached to the niche front, nor placed on or around the columbarium.
6. With the exception of the interment of a second urn within a niche, any opening of a sealed niche shall be considered a disinterment and applicable fees will be charged.

(Ord. No. 22-01, 3-22-2022)

State law reference(s)—Cemetery Regulation Act, Act 251 of 1968, MCL 456.522

Dated: _____

Patricia M. Randall, Mayor

FIRST READING:

SECOND READING:

EFFECTIVE DATE:

CERTIFICATION

I, Erica Eklov, do hereby certify that I am the duly appointed and acting City Clerk of the City of Portage, and that the foregoing ordinance was adopted by the City of Portage on the ____ day of _____, 2026.

Erica L. Eklov, City Clerk

PREPARED BY:

Erica L. Eklov, City Clerk
7900 S. Westnedge Avenue
Portage, MI 49002