

7:30 p.m. Call to Order.

Invocation: Pastor John Moore of Pathfinder Church.

Pledge of Allegiance.

Roll Call.

Proclamations:

A. Approval of City Council Meeting Minutes.

1. Special Meeting for Boards and Commissions Applicant Interviews of January 10, 2017.
2. Regular Meeting Minutes of January 10, 2017.
3. Committee of the Whole Work Session of January 12, 2017.

* B. Approval of Consent Agenda Motions.

* C. Accounts Payable Register:

1. Communication from the City Manager recommending that City Council approve the Accounts Payable Register of January 24, 2017 as presented.

D. Public Hearings:

1. Communication from the City Manager recommending that City Council, subsequent to the public hearing, approve:
 1. Rezoning Application #16/17-2 (8546 Shirley Court) changing the zoning from R-1C, one family residential to PD, planned development; and
 2. the Tentative Plan Amendment for Greenspire Planned Development.

E. Petitions and Statements of Citizens:

F. Reports from the Administration:

1. Communication from the City Manager recommending that City Council confirm the appointment of Kendra Gwin as the Director of Transportation & Utilities, effective August 12, 2017.
2. Communication from the City Manager recommending that City Council accept the Comprehensive Annual Financial Report (CAFR) for fiscal year ended June 30, 2016.
- * 3. Communication from the City Manager recommending that City Council accept the donation of property on Martin Luther King Jr. Drive from Meyer C. Weiner & Company subject to all conditions of closing and City Attorney approval.
- * 4. Communication from the City Manager recommending that the City Council approve an order to abate interior and exterior debris from the Unsafe/Unfit Structure located at 3923 Florinda Avenue.
- * 5. Communication from the City Manager recommending that City Council:
 1. approve the Uniform Video Services Local Franchise Agreement submitted by Comcast pursuant to the Public Act 480 of 2006 (MCLA 44.3301 et. seq.), the Uniform Video Services Local Franchising Act;
 2. adopt the Resolution Authorizing Franchise, andauthorize the City Manager to execute all documents related to this action on behalf of the city.
- * 6. Communication from the City Manager recommending that City Council authorize the City Clerk to sign the School Election Consolidation Agreements.
- * 7. Communication from the City Manager regarding the December Environmental Summary Report - Information Only.

G. Communications:

1. Annual Goals and Objectives Update of the Youth Advisory Committee.

H. Unfinished Business:

1. Communication from the City Manager recommending that City Council adopt Resolution No. 3 for the Angling Road Sanitary Sewer Project #417-S, directing the preparation of the special assessment roll.

* I. Minutes of Boards and Commissions Meetings:

1. Portage Human Services Board of December 1, 2016, and January 5, 2017.
2. Portage Youth Advisory Committee of December 12, 2016.
3. Portage Planning Commission of January 5, 2017.

J. Council Committee Reports:

K. New Business:

L. Bid Tabulations:

- * 1. Communication from the City Manager recommending that City Council award a contract to perform design and construction engineering services for the 2017 Local Streets Reconstruction Project to Abonmarche Consultants, Incorporated, in the amount not to exceed \$131,118 and authorize the City Manager to execute all documents related to the contract on behalf of the city.

M. Other City Matters:

- * 1. Statements of Citizens.
- * 2. From City Council and City Manager.
- * 3. Reminder of Meetings:
 - a. Thursday, January 26, 4:30 p.m., Public Media Network Board of Directors, 3rd Floor, Epic Center, 359 South Kalamazoo Mall, Kalamazoo.
 - b. Wednesday, February 1, 8:15 a.m., Historic District Commission, City Hall Room No. 2.
 - c. Thursday, February 2, 6:30 p.m., Human Services Board, City Hall Room No. 1.
 - d. Thursday, February 2, 7:00 p.m., Planning Commission, Council Chambers.
 - e. Monday, February 6, 6:30 p.m., Youth Advisory Committee, City Hall Room No. 1.
 - f. Wednesday, February 8, 7:00 p.m., Environmental Board, City Hall Room No. 1.
 - g. Wednesday, February 8, 6:30 p.m., Park Board, Portage Senior Center.
 - h. Wednesday, February 8, 7:00 p.m., Gourdneck Lake Governmental Lake Board, Council Chambers.
 - i. Monday, February 13, 7:00 p.m., Zoning Board of Appeals, Council Chambers.

* N. Materials Transmitted.

- * 1. Department Monthly Reports

Adjournment.

MINUTES OF THE SPECIAL MEETING OF THE PORTAGE CITY COUNCIL OF BOARDS AND COMMISSIONS APPLICANTS JANUARY 10, 2017

Mayor Peter Strazdas called the meeting to order at 5:30 p.m. The following Councilmembers were present at this meeting: Councilmembers Richard Ford, Jim Pearson, Patricia Randall, Claudette Reid and Terry Urban and Mayor Peter Strazdas. Mayor Pro Tem Nasim Ansari was absent with notice and excuse. Also present were City Manager Laurence Shaffer and City Clerk James Hudson. Everyone introduced themselves and City Manager Shaffer explained the Board of Review process, the commitment necessary and a review of the efforts to get property information to the homeowners six weeks ahead of time to allow for an in depth study of their taxes.

* From 5:32 p.m. to 6:10 p.m., City Council interviewed Pat Buckley, Scott Steven Chu, Carol Eddy, Justin Gish, Leonard Lamberson, Linda Finch, Natalie Rowe, Lori Knapp, Keith Hearit and Margaret Harrell-Page for the Board of Review. Discussion followed regarding time commitment, the number and composition of Board of Review groups that may be necessary, the question of consistency between the two groups, the training sessions, the dates and the time commitment for attendance, how much time is needed to hear each of the appeals and the lack of the need for an Alternate. Further discussion followed.

* From 6:11 p.m. to 7:01 p.m., City Council interviewed Pete Everts, Scott Chu, Natalie Rowe, Linda Finch, Veronica Portis and Margaret Harrell-Page for the Zoning Board of Appeals. Discussion followed.

ADJOURN: Mayor Strazdas adjourned the meeting at 7:02 p.m.

James R. Hudson, City Clerk

CITY COUNCIL MEETING MINUTES FROM JANUARY 10, 2017

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

At the request of Mayor Strazdas, Pastor Richard Hertsel of the Centre Avenue Community Church of God of Portage gave the invocation and City Council and the audience recited the Pledge of Allegiance.

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

APPROVAL OF MINUTES: Motion by Ford, seconded by Reid, to approve the Regular Meeting Minutes of December 20, 2016, as presented. Upon a voice vote, motion carried 6 to 0.

Motion by Pearson, seconded by Randall, to approve the Pre-Council Meeting Notes of January 9, 2017, as presented. Upon a voice vote, motion carried 3 to 0 with Councilmembers Reid, Ford and Urban abstaining.

* **CONSENT AGENDA:** Mayor Strazdas asked Councilmember Urban to read the Consent Agenda. Councilmember Reid asked that Item F.1, Building Access and Video Surveillance, and F.2, Website Rebuild Project - Professional Services, be removed from the Consent Agenda. Councilmember Randall asked that Item F.4, 2017 March Board of Review, be removed from the Consent Agenda. Motion by Urban, seconded by Reid, to approve the Consent Agenda motions as amended. Upon a roll call vote, motion carried 6 to 0.

* **APPROVAL OF ACCOUNTS PAYABLE REGISTER OF JANUARY 10, 2017:** Motion by Urban, seconded by Reid, to approve the Accounts Payable Register of January 10, 2017. Upon a roll call vote, motion carried 6 to 0.

PUBLIC HEARINGS:

CHOPIN AVENUE AND MOZART STREET WATER MAIN PROJECT #317-W:

Mayor Strazdas introduced this item and asked City Manager Shaffer for comment. Mr. Shaffer deferred to Director of Utilities Chris Barnes, who reviewed the item, cited the location of the proposed sanitary sewer project and offered the use of the map previously contained in a past Council Agenda Packet to assist Council. He mentioned that Council adopted the Resolution of Necessity on December 6, 2016, for the project, listed some of the benefits to be derived, and noted that there is no mandatory water hook-up, so the wells on the properties can remain for household use and/or lawn watering where appropriate. He reminded Council that the bases of the charge to the property owner are front footage and water service with the front footage capped at 80 feet and the charge per foot at \$38.77; he also indicated that the 1 ¼ " lateral to hook up to water service is \$1,235. He indicated that the property owners were provided the information that these charges can be financed over 20 years and that construction is contemplated to commence during the Spring 2017 Construction Season.

In answer to Councilmember Randall, Mr. Barnes responded that the life expectancy of water lines depends on the soil and how the pipes are bedded; he then reflected that since 1970-72, Portage has used duct-a-liner water main pipes for replacement and for new construction which lasts 80-100 years, whereas in the past cast iron pipes were used by most communities that last about 50-75 years and he said that breaks appear often in cast iron sections.

Mayor Strazdas opened the public hearing for comments from the audience and hearing none, he entertained a motion to close the public hearing.

Motion by Reid, seconded by Randall, to close the public hearing. Upon a voice vote, motion carried 6 to 0. Discussion followed.

Motion by Pearson, seconded by Randall, to adopt Special Assessment Resolution No. 5 for the Chopin Avenue and Mozart Street Water Main Project #317-W, confirming the Special Assessment Roll. Upon a roll call vote, motion carried 6 to 0.

PETITIONS AND STATEMENTS OF CITIZENS: Gordon Smith, 2312 Holly Avenue, who indicated he was pulled over by a Police Officer on December 21, 2016, and mentioned the Michigan Court of Appeals decision that overturned the transportation of Medical Marijuana. He alleged that the Police Officers did not know that they were using incorrect discretion, and he said that the Police Sargent inferred that he would proceed with a *nolle prosequi* or that he would “nolle the case.” He indicated that the next day he received a call that the misdemeanor for illegal transportation (of Medical Marijuana) was obviously incorrect, so he spoke with a Portage Police Lieutenant who told him owing to Federal Statute, he cannot return the substance. So, he expressed his frustration with the process and mentioned that he had Attorney Joshua Colbert for legal representation. Discussion followed. Mayor Strazdas took the suggestion of City Attorney Randy Brown that the matter could be addressed with a meeting of the City Manager, the Police Department and the City Attorney’s Office. Motion by Reid, seconded by Randall, to refer the matter to the City Attorney and the City Manager. Upon a voice vote, motion carried 6 to 0. Discussion followed and Mayor Strazdas asked Mr. Smith to contact the Office of the City Manager to schedule the meeting.

REPORTS FROM THE ADMINISTRATION:

BUILDING ACCESS AND VIDEO SURVEILLANCE INFRASTRUCTURE

UPGRADE: Mayor Strazdas deferred to Councilmember Reid, who read the request and stated her objections that this proposed purchase was brought to Council without the use of the bidding process as a single entity providing the information, and the cost for products and services. She stated that when she asked why the purchase was not subjected to the bidding process, the response was that this is for a professional service under Portage Code of Ordinances, Section 2-172 - Exceptions to competitive bidding requirement. “Bidding will not be required in respect to contracts for professional services. In any other case where competitive bidding clearly is not practical or where no advantage would result to the city by requiring competitive bidding, the city council, upon the written recommendation of the city manager, may execute contracts without competitive bidding.” She argued that the installation of a building access and video surveillance system does not rise to the level of professional service and explained that professional service is traditionally considered services such as attorneys, consultants, etc. She commented that she considers this a technical service, albeit an important service. She complained that she had no information regarding whether this bid is valid, is high, is low, nor whether it is great or not without competitive information to review. She explained her findings through her own research online concerning companies that provide these products and services. She surmised that this purchase should be submitted for bid rather than provide one entity that can provide these products and services.

At the request of Mayor Strazdas, City Manager Larry Shaffer provided a brief overview of the project and the history of the efforts over the last twenty years with regard to a building access and video surveillance system. He noted that six or seven different vendors have been utilized during that time resulting in a hodge-podge system of surveillance cameras, management of those cameras and access to all of the Portage facilities. He stressed that this particular contract consolidates all of the camera systems of all of the Portage government buildings, automates all of the major doors throughout the community, allows remote management of the system, and provides a security camera system and recording system that monitors this activity. He noted that Engineering Protection

Services (EPS) is already a vendor used by the City in a number of different applications and has brought on new systems for the Treasury Department and a couple of other venues within the City and have worked very well for the City. He reviewed the request, reviewed the plethora of equipment and services involved, and explained that this is the coordinated, consolidated approach that can provide the most efficient and effective system. He reflected that much of the current system procured over the last twenty years is either inoperable or obsolete, and he explained that the advantage of this system is that it takes care of all of the security needs in the City buildings with one felled swoop. He expressed his appreciation and respect of the power of the bid process, but reminded Council that the bid process speaks to just cost, and not to the effectiveness necessary to meet the goal of the Portage community. He deferred to Director of Technology Services and Community Marketing Devin Mackinder, and asked him to speak of the particulars, the process utilized to create the recommendation for securing a comprehensive surveillance system. Also, he asked him to review the negotiations conducted on behalf of the City with this proposed purchase that is part of the Capital Improvement Program Budget as approved by City Council.

Mr. Mackinder differentiated EPS from all other vendors since they are not an “off the shelf” provider and are instead a very reputable designer, installer and maintainer of surveillance systems for larger entities such as colleges, municipalities, County Sheriff Offices and jails. He also indicated that EPS recently received a bid award from the State of Michigan for a very large project. He likened the process used for this purchase as very similar to the process used for the data storage project approved by City Council last year. He explained that the City brought a nearby company that would do a great job, give top quality treatment, and provide services at a reasonable price. He explained why it is important to have a company that has the certifications to design, install and maintain the surveillance system. He also mentioned that it does not happen very often where there are already several different vendors available here, similar to the BS&A purchase, from which to choose. He touted that in this case the City had six such vendors, but the goal of the IT Department is to consolidate to singular systems where feasible. He explained that some of the benefits of this goal are to have systems that are easier to maintain; that are easier to support; that have less people and time involved; that results in less time spent going through the purchasing process; where there are fewer contracts being sent to the City Attorney for approval as to form, etc. He indicated that, as a goal, staff reviewed in thorough detail all of the systems currently with the City with the intent of consolidating into one of the systems.

Mr. Mackinder listed EPS, Approved Protection and Severance Electric as probably the top three vendors considered, gave comparisons and praises regarding each of them, and disclosed that the Department conducted a small scale project review of each of them over one and a half years as a “test” to help in the decision-making. He settled on EPS because over the duration of the “test” they provided a flawless execution of their smaller scale project implementation; they knew what they were doing; and, their system worked very well and the quality of the product far exceeded expectations. After a lengthy discussion and consideration of the bid option with staff and the Administration, he cited the reason for not going out for bid was because this was an expansion of a top quality system already in place through a trusted vendor that has been with the City for a decade or more starting with the fire alarm system. He emphasized that EPS can respond to Portage needs in only fifteen minutes. He maintained that this avoids breaking up the project by bidding the services separately which affords the opportunity for failures, finger-pointing later on, and an eventual need for staff to somehow clean up the mess after the fact. He repeated that this purchase is an expansion of a top quality system already in place for a year and a half, and is very much the same process used for the data storage project approved by City Council last year where staff did their due diligence by reviewing several professional service designers, had them develop that design; and, their installers who were part of the engineering process installed the system.

Councilmember Reid indicated that it was her expectation that the project would not be broken up and that the Request for Proposal (RFP) would require the bidder to provide the products and services needed for the entire project. She concurred EPS is a good company and that this is a

good goal for the City, but she stressed the need to be good stewards of the City finances. She contended that this is not a case that cannot be bid and it does not appear that it is a case where there are not any other entities that can provide this service, and she stressed the need to do due diligence and explained. Also, she said that by bringing a bid forward, it ties the hands of Council because it is not possible now to go to the bid process because one entity has been identified that can meet the needs and has already said what they are going to charge for the products, services and maintenance; as a result, this puts that company in a disadvantage. Mr. Mackinder indicated he did not think this precludes the City from going out to bid and, if it is the pleasure of Council, the Administration could do that. Discussion followed and Mr. Mackinder gave his assurances that the process utilized followed the purchasing ordinance and, owing to the many, many layers of technical requirements, he considers this is a professional services contract request.

At the request of Mayor Strazdas, Mr. Shaffer discussed the BS&A Software as the operational software for the City that began with the property Assessor Module, then the Cemetery, Finance, Treasury and Community Development Building Modules. He indicated that it is a comprehensive platform with modules that become attached and pointed out that it becomes cheaper and effective for the City to utilize software packages that operate off of one single platform. He also referenced the landscape of thousands of institutions that have made automation mistakes because the systems are complicated and managing the processes can be very intricate; so, being good stewards not only means making sure the money spent is the smallest amount, but also that there is value for that money. He indicated he preferred to be in a position to give Council assurances that the system will work and not have to come back to Council and say the funds invested in a surveillance system were not spent wisely because the system is inoperable.

Mayor Strazdas expressed his sense that City Council feels that there is a need for this system and believes that EPS is a good company. He advocated getting together with the Administration on going out to bid on the few mega dollar City purchases; moreover, if the Administration feels the contract is for professional services and wishes to invoke the ordinance, then Council needs to be "on the same page" with that process. Mayor Strazdas reinforced his trust in the process used by Mr. Mackinder, but noted there appears to be a "disconnect" among the Administration and some of the Councilmembers over whether this constitutes a professional services contract or not. He advocated using the Committee of the Whole or at a Retreat to discuss a benchmark amount and/or what constitutes a professional service.

In answer to Councilmember Ford, Mr. Mackinder indicated that the City would be hosting the data, but EPS does have the capability of hosting the data, so the City could assign that to them. Councilmember Ford asked if there was a crossover that would allow the retention of the traffic cam data, and Mr. Mackinder indicated that that is a Severance Electric's System and is a closed system that is newer, really good and working quite well, so he did not want to interfere with it. He indicated that the traffic system is the only one he could not include in the consolidation and, at the direction of Mayor Strazdas, that he would research the question of storage capability of the data of that system. Councilmember Reid concurred that if there is a question of going to bid, even if the choice is single source, that the matter should come to City Council, first, before there are numbers attached to the product or service of the entity in order to determine the best practice to be used. Discussion followed.

Councilmember Urban complained that this is about the fifth time that a *fait accompli* has been brought to Council where a number is presented to Council making it difficult to bid. He referred to past discussions with the Administration to bring it to Council beforehand and this is the same answer as before, so the question becomes when is it going to stop, when is Council going to "put their foot down" and when are we going to ask for that bid. Councilmember Urban referred to the "test" set and asked why more vendors were not tested. Mr. Mackinder indicated that EPS was already a vendor on site; he was looking for a vendor to perform a myriad of services; he analyzed the six vendors performing services for Portage; and, in trying to be a good steward for Portage citizens and staff, Department Budgets, etc., he took the six vendors currently on site with an interest in

consolidating them into one. Out of the six vendors on site, he determined EPS could do the job, and he asked them to work on a plan which took many months to develop. In the process he found that a lot of the systems were not even working and, for two of them, the vendors did not even exist anymore. He again outlined all of the logic in consolidating into one vendor that he mentioned earlier, and the steps he took with EPS to ensure their ability to bring about a quality solution. He explained that he tested them by having them provide a small scale product, vetted them as a company, plus made sure they were going to provide a proper product and service before moving on to the larger scale. He reflected that he felt he and his team were performing a service for the community and felt fortunate that he had this rare opportunity where he had this many vendors on site to do the comparison. He stressed that if this were not the case, he would definitely request \$10,000 to \$15,000 to have a vendor design the system just as EPS did for the City, then go out for bid on it. He listed the benefits of doing it this way and explained that there are 600 pieces and parts to this system, and it's going to run the same five years from now as it is today. Discussion followed.

At the request of Mayor Strazdas, motion by Pearson, seconded by Ford, to approve the purchase and installation services of a building access and video surveillance system at a cost of \$280,000 and a five-year service contract in the annual amount of \$53,400, from Engineered Protection Services, Incorporated, and authorize the City Manager to execute all documents related to this action on behalf of the city. Councilmember Pearson praised Mr. Mackinder by saying he does an outstanding job, and explained that he and Council are "penny pinchers" and recognized his frustration. He said he was glad the matter was off Consent because he can now appreciate all of the work performed by EPS. He concurred that this is a good topic for the Retreat, and told Mr. Mackinder that he respected his time and talent, but Council and the Administration are all interested in saving money and thanked him.

City Attorney recognized that the professional service part of the Ordinance read by Councilmember Reid could be ambiguous, and indicated that professional service is usually regulated and licensed by the State, requires an abundance of specialized study as opposed to generalized study, so there are certain requirements for professional service. He said there is no definition in the City Ordinance that he can find, nor is there one in an Administrative Order for which he is aware. As a result, he contended Council could arguably approve this on the basis of no advantage would result to the city by requiring competitive bidding, or it would not be practical to go to bid since Mr. Mackinder laid out that argument in his presentation.

Councilmember Randall made the comparison of going to three architects when building a house, but not being concerned with how much time is spent on each design plan; and, maybe incorporating the three plans into one plan to create a very custom design plan. With technology changing so quickly, she asked if any of this will be obsolete in five years and will the City be looking at this level of expenditure every five years. Mr. Mackinder said what he is trying to avoid is to have to come back in five years and replace the entire system. He recognized, however, that needs change in this area and obviously technology continues to change. He said this proposal does allow for changes either wholesale or with individual pieces and the parts to a degree, except for the unknowns in technology in five years.

Mayor Strazdas recognized this as a process issue, and he asked staff to be thinking about a reasonable benchmark for a discussion on this matter where above a certain dollar amount, there will necessitate discussing and learning about the nuances of the project, when to bid or not bid, and the reasons to choose one or the other, or when to choose a "between" path. Discussion followed and Mayor Strazdas called for the question. Upon a roll call vote, motion carried 5 to 1. Yeas: Councilmembers Ford, Pearson, Randall and Urban and Mayor Strazdas. No: Councilmember Reid.

WEBSITE REBUILD PROJECT – PROFESSIONAL SERVICES: Mayor Strazdas deferred to Councilmember Reid, who reviewed the request and analysis. She noted that she herself has completed a rebuild of a website for her professional association and reviewed the credentials of CivicPlus as a top 100 capable website rebuilder. She surmised that that means there are 99 other companies that could have presented a bid, so she expressed her difficulty in understanding why this

purchase was not subjected to bid. She explained that the vendor can perform this service remotely and does not have to be on site for this, for example. At the request of Mayor Strazdas, City Manager Shaffer indicated that this purchase was acquired utilizing a cooperative purchase agreement through the Government Savings Agency (GS&A), a cooperative purchasing authority, which is allowed by City Ordinance. Through her experience as a purchaser for her agency, Councilmember Reid objected because she said everyone has a GS&A price, but this does not always mean this is the best value for the City of Portage and all entities that work with municipalities are going to have a GS&A price. Mr. Shaffer reflected that GS&A satisfies the ordinance requirements; CivicPlus has provided web page services to over 2,400 communities across the country; CivicPlus provided the Portage web page service, so they know Portage and staff knows their employees. He indicated value can be measured in not only efficiency or the lowest price, but also in quality or the best value for the dollar, and he confirmed his recommendation.

Mayor Strazdas recognized this as a process to show value, and Councilmember Ford asked that Mr. Mackinder speak to the no-cost rebuild of the external city website after 48 months of continuous service (\$45,900 value) and what that entails. Mr. Mackinder reflected that this is his fourth rebuild since 2002, explained that rebuild costs are on a scale of \$40-50,000 and that the City of Portage is not being gauged based on his past experience as a website developer himself and the per hour cost. He referenced paragraph four of the City Manager Communication dated January 10, 2017, in the Council Agenda Packet where all of the reasons for choosing CivicPlus over the other top municipal service providers are iterated, and where CivicPlus was “the only vendor able to provide all of the desired professional services at a low cost similar to the previous three website rebuilds, plus the ability to offer additional cost-saving options.” He also highlighted that CivicPlus offered a free rebuild of the internal city intranet site with an estimated value of \$15,000, plus a no-cost rebuild of the external city website after 48 months of continuous service with an estimated value of \$45,900. He pointed out that the City is rebuilding the site every four years because of the new technological features that enhance communications with Portage citizens and that help Portage do business as a municipality.

At the request of Mayor Strazdas, motion by Ford, seconded by Pearson, to approve the city website rebuild project with professional development services provided by CivicPlus to include a one-time amount of \$49,500 for the rebuild, an annually renewable maintenance and support in the amount of \$5,000 per year, with a five percent increase beginning in year three, and authorize the City Manager to execute all documents related to this action on behalf of the city. Councilmember Reid again contended that this purchase should have gone through the bidding process and noted there are many entities that can provide this type of service. Although she did not question that CivicPlus will do a good job rebuilding the site, she expressed her frustration that she has no alternatives to make a comparison. She argued in favor of the bid process laid out in the City Ordinance in order to determine the best value. She recognized that value is not just measured in dollars and that value can be “what you get for your money,” but she indicated that there is no way to make a proper evaluation because Council does not have the information. Mayor Strazdas concurred in part on a lot of her points, advocated the matrix used for engineering services or other such matrices in order to layer in all aspects of a project, and explained that the goal of Council and the Administration is the same - to get the best value for the best product. He reiterated that this matter is one that is properly addressed at the Council Retreat.

Mr. Mackinder confirmed that the cost of past bids for a website rebuild were all within \$5,000 of this cost price in response to Councilmember Randall.

Mayor Strazdas called for the question, and upon a roll call vote, motion carried 4 to 2. Yeas: Councilmembers Ford, Pearson and Randall and Mayor Strazdas. No: Councilmembers Reid and Urban.

* **HOUSEHOLD HAZARDOUS WASTE PROGRAM – INTERGOVERNMENTAL COOPERATION:** Motion by Urban, seconded by Reid, to approve a contract with Kalamazoo County to provide hazardous waste collection services at the Household Hazardous Waste Center for Portage

residents for the 2017 calendar year in the amount of \$41,000 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.

2017 MARCH BOARD OF REVIEW: Councilmember Randall described the item and indicated that she was really moved by the six returning Board of Review Members during the earlier interview session at 5:30 p.m. She noted their dedication, their passion and their willingness to serve as members. She said she noticed that there was not a lot of enthusiasm for serving as an Alternate Member as well because each of them wanted to be a part of the process. She explained that past practice for City Boards and Commissions would have all of them reappointed since they have had good attendance, have followed the rules and have served the City well. With that, she affirmed that all of these members deserve reappointment. She indicated that all but one of the members wanted twenty minute segments for appointments, explained that there is no way to know how many homeowners will file an appeal, and noted that the newly appointed Assessor adjusted 85 appeals last year before going to the Board of Review. Discussion followed. She cited the school millage as a possible surprise to some homeowners that may cause more of them to question their taxes. She indicated that the Assessor found great consistency with the two pods last year and explained. Lastly, she explained that having three Board of Review Members and two Alternate Members in a room when the homeowner comes before them for an appeal is very intimidating, and having only three Regular Members would be more appropriate. Discussion followed.

Mayor Strazdas concurred for two reasons, first, because there are six people with good experience and second, two pods gives the Assessor some flexibility if Council allows the release of one of the pods should the number of appeals goes down and explained. Mr. Shaffer concurred.

At the request of Mayor Strazdas, motion by Pearson, seconded by Randall, to adopt the resolution setting the dates and times for the 2017 March Board of Review, approve the use of two three-member pods for the 2017 March Board of Review with terms ending January 31, 2018, and appoint Patrick Buckley, Carol Eddy, Justin Gish, Keith Hearit, Lori Knapp and Leonard Lamberson. Discussion followed. At the request of Mayor Strazdas, motion by Pearson, seconded by Randall, to amend the motion and give staff the flexibility of eliminating one of the groups if very few people participate (in the appeal process), and to identify which three members are in each pod at the January 24, 2017 Regular City Council Meeting and which pod would be eliminated if very few people participate. Councilmember Reid indicated that last year when the numbers were down, she expressed her preference for one pod for reasons of consistency and she reflected on the high quality candidates who even asked for homework to review the appeals ahead of time in order to be prepared. She contended that this enthusiasm has to be balanced against citizen expectation of consistency between the two pods and explained. She strongly stressed giving staff the flexibility of eliminating one of the groups if very few people participate. Discussion followed. Upon a roll call vote, motion carried 6 to 0.

COMMUNICATION:

PUBLIC MEDIA NETWORK: Mayor Strazdas deferred to Mr. Shaffer, who deferred to Council Representative Reid, who is the Chair of Public Media Network (PMN). Councilmember Reid highlighted her communication contained in the Public Media Network FY 15-16 Annual Report found in the City Council Agenda Packet. Councilmember Urban asked a question outside of the report of how is the fact that AT&T is no longer selling the U-verse product, assuming it will go away, going to affect PMN, as Direct TV is not a contributor. Councilmember Reid indicated that this will cost PMN about 25% of its revenue from this source type, so the budget process will have to be modified since it would change the ways things are done and explained.

At the request of Mayor Strazdas, motion by Urban, seconded by Ford, to receive the verbal Public Media Network FY 15-16 Annual Report from Councilmember Reid. Upon a voice vote, motion carried 6 to 0.

DRAFT

* **MINUTES OF BOARDS AND COMMISSIONS MEETINGS:** City Council received the minutes of the Portage Planning Commission of December 1, 2016.

NEW BUSINESS:

* **APPOINTMENTS TO THE ZONING BOARD OF APPEALS:** Motion by Urban, seconded by Reid, to appoint John Byrnes, Jay Eichstaedt and Natalie Rowe as Members of the Zoning Board of Appeals with terms ending February 28, 2020, and Scott Chu as an Alternate Member with term ending February 28, 2020, and Veronica Portis as an Alternate Member with term ending February 28, 2018 to Zoning Board of Appeals. Upon a roll call vote, motion carried 6 to 0.

OTHER CITY MATTERS:

STATEMENTS OF CITY COUNCIL AND CITY MANAGER: Councilmember Reid restated her goal of getting the bid process question addressed at the Council Retreat. Discussion followed.

Councilmember Randall praised the Department of Public Services for their snowplowing efforts and recognized City Assessor Ed VanderVries, who was still in the audience and had sat through the entire meeting. She expressed her appreciation for his efforts to get the tax roll fair and equitable and the fact that the tax notices will go out February 10, 2017, three weeks before the State deadline which allows homeowners ample time to educate themselves regarding the valuation of their homes.

Councilmember Pearson concurred with Mayor Strazdas that Council does not have to be unanimous in everything, and when Council disagrees, it is because of how best to save money for the citizens of Portage.

City Manager Shaffer acknowledged Chris Barnes and his team who conducted a community meeting last evening with the neighbors along Angling Road to discuss the proposed water and sewer Special Assessment. He indicated that PMN recorded the meeting and it will be uploaded onto the City website so potential participants in that project who wished to see the meeting, but could not attend can still view it. Secondly, he acknowledged and thanked the Department of Public Services snow plow team for their great job performance during some very dicey weather.

Mayor Strazdas indicated that Mayor Pro Tem Ansari is out of town, but the Community Diversity Event on February 18, 2017, Fetzer Center, Western Michigan University, will have a couple of individuals who will share a story about an uncomfortable situation experienced in our community as requested by Councilmember Urban. Discussion followed.

MATERIALS TRANSMITTED:

* **MATERIALS TRANSMITTED OF DECEMBER 20, 2016:** Motion by Urban, seconded by Reid, to receive the Materials Transmitted of December 20, 2016. Upon a roll call vote, motion carried 6 to 0.

ADJOURNMENT: Mayor Strazdas adjourned the meeting at 9:00 p.m.

James R. Hudson, City Clerk

*Indicates items included on the Consent Agenda.

**MINUTES OF THE COMMITTEE OF THE WHOLE WORK SESSION
OF JANUARY 12, 2017**

Mayor Strazdas called the meeting to order at 6:00 p.m. The following Councilmembers were present: Richard Ford, Jim Pearson, Patricia M. Randall, Claudette Reid and Terry Urban, Mayor Pro Tem Nasim Ansari and Mayor Peter Strazdas. Also present were Kalamazoo County Consolidated Dispatch Authority Executive Director Jeff Troyer, City Manager Larry Shaffer, Deputy City Manager Rob Boulis, Finance Director Bill Furry, Public Safety Director Richard White, Technology Services Director Devin Mackinder, City Attorney Randy Brown and City Clerk James Hudson.

CENTRAL COUNTY DISPATCH AUTHORITY: Mayor Strazdas introduced the topic "Consolidated Dispatch Authority - 911" and recognized Councilmembers Reid and Pearson as valuable Council Representatives on the Authority. He added that City Attorney Randy Brown would be explaining the "off-ramping" option.

Councilmember Reid referenced the Kalamazoo County Commissioners action to hold a Special Election, May 2, 2017, to consider a ballot issue that would raise the current 42-cent surcharge to \$2.30 on all devices such as cell phones, landlines and tablets that are not data only in Kalamazoo County that can access 911 Dispatch. She indicated that there are other issues important for the communities that provide 911 Dispatch to address such as what to do with the funds once dispatch services are funded by the \$2.30 surcharge instead of the general fund. She reported with one landline with multiple phones is charged \$0.19 plus \$0.42 to support Consolidated Dispatch development, and the next generation 911 upgrade will cost approximately \$24 per person or \$80 per household per year. Discussion followed.

Councilmember Pearson indicated that Portage City Council has always been resistant to Consolidated Dispatch, so this Council asked for an "off-ramp" process which is explained on Page 14, Section B, of the Intergovernmental Agreement, and is taken from the 911 Act. One of the reasons for the request for an "off-ramp" option was to address the situation where a bad Executive Director might be hired, but he noted that the person chosen by the Kalamazoo Countywide Consolidated Dispatch Authority is Executive Director Jeff Troyer, who is present for this discussion tonight. Discussion followed regarding budget projections, the potential Portage citizen share of the budget responsibility, the number of call takers and dispatchers required to handle matters and the question of what to do with an approximate 0.25 reduction in the millage rate for Portage citizens.

Executive Director Jeff Troyer indicated that the first year has been one of planning. He outlined the timeline for the Consolidated Dispatch Authority, and noted that a process is in the works to search for a permanent facility which will need to be settled upon, renovated and/or redeveloped. He mentioned that a formal contingent plan was adopted today and put in place to meet the target date of the end of April 2018, but does not allow for a permanent space.

Mr. Troyer emphasized that the key advantages of this approach are: it puts Consolidated Dispatch in a position to strategically and operationally respond with future technology; it will be more cost effective than five Public Safety Answering Points (PSAP's); it will reduce upgrade costs; currently three of the 5 PSAPs' share the majority of the technologies; there are many systems that have to be continually upgraded; public safety is multi-dimensional; criminals and

emergencies do not have boundaries; one location instead of five enhances the resiliency, redundancy and reliability and plays a key role on fire responses; and consolidation will allow Public Safety Answering Point Technology. He said the system will be ready once the service providers have the ability, but it takes time. He stressed that in order to migrate to the next generation of technologies, the other PSAP's have to be on board or they will block progress.

At the request of Mayor Strazdas, Public Safety Director Richard White reviewed the Dispatch and PSAP Division cost projection and the Public Safety Budget reduction if Portage joins Consolidated Dispatch. He outlined the projected changes in personnel services, operations/maintenance, lost revenue, recurring expense/assets, cost of positions needed and the one-time cost of pay-out. He summed up the Budget costs that would be eliminated showing the Total Communications Budget of \$1,212,594 minus \$749,213 equals \$463,381 for the first year and the additional one-time cost of approximately \$171,500 added in; thereafter, the future total would be \$644,713. He reviewed the additional duties of Dispatchers that will remain as a Public Safety responsibility and a recommended solution to maintain those duties now performed by Dispatchers. He introduced Communications Supervisor Victoria Rose, Senior Deputy Police Chief of Operations Nick Arnold and Senior Deputy Police/Fire Chief of Administration Daniel Mills, who were present for the meeting.

Finance & Purchasing Director Bill Furry reviewed the impact on the General Fund and outlined the line items affected by a 0.25 millage reduction.

In reference to Page 14, Section B, of the Intergovernmental Agreement, City Attorney Randy Brown explained that "off-ramping" is possible six months after notice is provided. Moreover, he indicated that once the obligation is imposed, the City has thirty days to give notice to get out of the obligation in six months; and, once it is installed if the City wishes to withdraw, by State Statute, there has to be a notice and a public hearing and the City has to wait until January 1 of the following year to get out of the obligation. Discussion followed regarding the Transition Plan, the impact on the current employees and the desired ratio of Call Takers to Dispatchers to Supervisor.

In answer to Mayor Strazdas, Mr. Troyer indicated that the devices that will carry a surcharge fall into two categories, prepaid and postpaid. He indicated that prepaid devices have a weighted average and are handled by the State; postpaid devices are wireless and landline devices; and he advised everyone to look at their bill because every system is different, and check which devices are currently carrying a \$0.42 charge since those are the devices that will be charged \$2.30 if the measure passes in May. For businesses, he indicated multi-line surcharges are addressed in the Statute: the first ten devices pay a separate surcharge, but after that, the business pays one surcharge for each of the next 10 devices. Mr. Troyer indicated that the phone bills go to the address, for transients, visitors and wireless providers, so Mom and Dad will pay for their student. For landlord and tenants, the surcharge on the phone bill goes to the serviceable address, so this could be the landlord. Discussion followed regarding the breakdown and responsibilities of staff, the importance for Consolidated Dispatch with regards to safety, back-up plans, the ballot proposal and how to have an impact on the quality of the service.

Mr. White indicated that one of the elements of law Enforcement/Fire Accreditation is Communication, so this has to be addressed, or Portage will lose its accreditation. Discussion followed.

The following Portage citizens asked for clarifications: Phil Stinchcomb, 1607 Belaire, Charles Agosti, 1723 Romence Road and Mindy Tai, 1620 Romence Road. Discussion followed.

Councilmember Urban had questions about the proposed surcharge increase, the response from City Council if it passes, and whether the City can still “off-ramp” down the road if it has concerns. He also said the city might better benefit Portage taxpayers by looking at continuing to reduce the city's debt or putting the cost savings into programs or services that have been cut in recent years such as cultural programs.

Tom Haroldson, MLive Reporter, asked what the Council plans to do with the surplus in the General Fund that would result from the 0.25 millage roll back. Mayor Strazdas reminded him that he believes if there is any excess, the taxpayers have a right to it. He added that the city is not in dire straits where there is a need to take that money.

Mr. Troyer responded that this is a Countywide Public Safety Dispatch with a total of 48 employees which includes Dispatchers and Call Takers, for a total of 60 staff members that could be up and running in late April 2018. He mentioned that the Authority is still looking at several potential locations for a permanent facility. He said there would be a set aside for Capital Improvement each year which includes updates, but not included in the Budget are computers for Fire Trucks and Police Officers, but the IP Network is being built out. He said that there are at least five advantages to consolidated dispatch, including being better able to respond to future technologies, such as 911 text, videos or pictures; cost effectiveness; and improved coordination of mutual aid responses such as emergencies. Discussion followed. Mr. Troyer mentioned that part of the buildup will be hardware, phone systems, etc., and Portage is capable of being upgraded to the Intrado Viper System. Discussion followed.

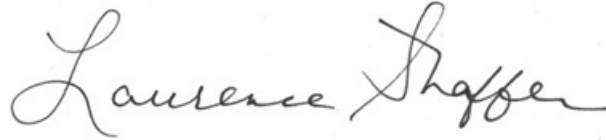
Mayor Strazdas asked Mr. Troyer what other counties have done, and are they property tax based or user fee based. Mr. Troyer responded 67% comes from user fees, not technically a tax, and the rest comes from the General Fund. He then shared that St. Joseph and Ottawa Counties have passed a millage to fund Consolidated Dispatch. Discussion followed.

ADJOURN: Mayor Strazdas summed up and adjourned the meeting at 9:28 p.m.

James Hudson, City Clerk

TO: Honorable Mayor and City Council

FROM: Laurence Shaffer, City Manager



SUBJECT: Accounts Payable Register

SUPPORTING PERSONNEL: William Furry, Director of Finance

ACTION RECOMMENDED: That City Council approve the Accounts Payable Register of January 24, 2017 as presented.

The City Council reviews and approves the bi-weekly Accounts Payable Register which includes automated clearing house payments, paper checks and auto-pay payments. The attached Accounts Payable Register covers the period December 18, 2016 through January 1, 2017 and notes \$1,037,656.32 in automated clearing house payments, \$451,851.80 in paper checks and \$33,952.26 in auto-pay payments for a grand total of \$1,523,460.38.

FUNDING: N/A

Attachments: 1. Accounts Payable Register

ACCOUNTS PAYABLE REGISTER
Check Dates From: 12/18/2016 To: 1/1/2017

Check Date	Check	Vendor Name	Amount
12/21/16	6125(A)	MEJEUR ELECTRIC LLC	2,500.00
12/21/16	6126(A)	MICHIGAN ELECTION RESOURCES, LLC	2,723.74
12/21/16	6127(A)	PARADIGM DESIGN, INC.	1,475.00
12/21/16	6128(A)	PCM SALES, INC.	40,550.00
12/21/16	6129(A)	TYLER TECHNOLOGIES, INC.	77,284.00
12/21/16	6130(A)	WINGFOOT COMMERCIAL TIRE	1,956.62
12/27/16	6131(A)	VICKSBURG ROOFING & SIDING CO.	6,725.00
12/28/16	6132(A)	BLUE CARE NETWORK-GREAT LAKES	79,872.34
12/30/16	6133(A)	A-1 SIGNS	41.40
12/30/16	6134(A)	ABONMARCHE CONSULTANTS, INC	23,925.31
12/30/16	6135(A)	ACCESS EMPLOYER STAFFING SERVICES	4,537.10
12/30/16	6136(A)	AIRGAS GREAT LAKES	197.40
12/30/16	6137(A)	ALL-TRONICS, INC.	78.00
12/30/16	6138(A)	AMERICAN SAFETY & FIRST AID	68.04
12/30/16	6139(A)	ANIMAL REMOVAL SERVICE, LLC	1,275.00
12/30/16	6140(A)	APPROVED PROTECTION SYSTEMS	448.90
12/30/16	6141(A)	ARGUS-HAZCO	554.65
12/30/16	6142(A)	BELL EQUIPMENT COMPANY	890.20
12/30/16	6143(A)	BYHOLT INC.	591.84
12/30/16	6144(A)	C D W GOVERNMENT, INC.	47.81
12/30/16	6145(A)	CARDINAL BUS, INC.	1,333.00
12/30/16	6146(A)	CARRIER & GABLE	1,230.35
12/30/16	6147(A)	CONTINENTAL LINEN SERVICES	59.11
12/30/16	6148(A)	DOUGLASS SAFETY SYSTEMS LLC	745.08
12/30/16	6149(A)	EG WORKFORCE SOLUTIONS	790.72
12/30/16	6150(A)	ETNA SUPPLY, INC.	1,550.00
12/30/16	6151(A)	EXTREME POWER EQUIPMENT, INC.	1,543.31
12/30/16	6152(A)	FERRELLGAS, LP	36.00
12/30/16	6153(A)	FIRE SERVICE MANAGEMENT	857.30
12/30/16	6154(A)	GRIFFIN PEST SOLUTIONS, INC.	50.00
12/30/16	6155(A)	INDUSCO SUPPLY CO., INC.	160.50
12/30/16	6156(A)	JONES & HENRY ENGINEERS, LTD	1,981.48
12/30/16	6157(A)	KEHOE, EDWARD J	150.00
12/30/16	6158(A)	LAWSON PRODUCTS, INC	594.23
12/30/16	6159(A)	MAIL MANAGEMENT, INC.	480.00
12/30/16	6160(A)	MAURER'S TEXTILE RENTAL SERVICES	162.43
12/30/16	6161(A)	MEEKHOF TIRE SALES & SERVICE INC.	649.07
12/30/16	6162(A)	MEJEUR ELECTRIC LLC	1,713.00
12/30/16	6163(A)	MICHIGAN PAVING & MATERIALS CO.	96,030.95
12/30/16	6164(A)	MONIFA A. JUMANNE, PH.D.	1,666.00
12/30/16	6165(A)	O'BOYLE-COLWELL-BLALOCK & AS.	2,665.00
12/30/16	6166(A)	PCM SALES, INC.	208.00
12/30/16	6167(A)	PORTAGE FIREFIGHTERS	1,726.08
12/30/16	6168(A)	PORTAGE ON-CALL FIREFIGHTERS	80.00

ACCOUNTS PAYABLE REGISTER
Check Dates From: 12/18/2016 To: 1/1/2017

Check Date	Check	Vendor Name	Amount
12/30/16	6169(A)	PORTAGE POLICE OFFICERS ASSOC	749.00
12/30/16	6170(A)	RIDGE AUTO NAPA	1,185.62
12/30/16	6172(A)	RIETH-RILEY CONSTRUCTION CO., INC	623,359.70
12/30/16	6173(A)	ROAD EQUIPMENT PARTS CENTER	587.77
12/30/16	6174(A)	SAFETY SERVICES, INC.	3,731.00
12/30/16	6175(A)	SEVERANCE ELECTRIC COMPANY,INC	32,660.10
12/30/16	6176(A)	SIMMONS FORD	720.06
12/30/16	6177(A)	SYNERGISTIC ONLINE SOLUTIONS	1,840.00
12/30/16	6178(A)	TYLER TECHNOLOGIES, INC.	701.50
12/30/16	6179(A)	UNITED AUTO. IMPLEMENT WORKERS 2290	601.54
12/30/16	6180(A)	VOLOGY DATA SYSTEMS	230.44
12/30/16	6181(A)	WARNER NORCROSS & JUDD LLP	3,975.00
12/30/16	6182(A)	WESTERN MICHIGAN INT'L TRUCKS	41.96
12/30/16	6183(A)	WINDER POLICE EQUIPMENT, INC.	217.99
12/30/16	6184(A)	WOLVERINE LAWN SERVICE, INC.	4,850.68
	SUBTOTAL:		59 CHECKS 1,037,656.32
12/19/16	10048	PETTY CASH-ALYSSA MILBECK	508.87
12/19/16	10049	PETTY CASH-MARILYN MARION	719.50
12/19/16	10050	PETTY CASH-BARB GARLOW	220.11
12/19/16	10051	PETTY CASH-JANET GATES	380.44
12/21/16	300888	A T & T	1,887.88
12/21/16	300889	AMERICAN WATER WORKS ASSOC.	374.00
12/21/16	300890	BOMMERSCHEIM WINDOW & DOOR LLC	4,741.15
12/21/16	300891	CITY OF PORTAGE	269.62
12/21/16	300892	CITY OF PORTAGE	91.71
12/21/16	300893	CITY OF PORTAGE	253.27
12/21/16	300894	EMERGENCY VEHICLE PRODUCTS	5,142.15
12/21/16	300895	HISCOCK, ELTON	44.00
12/21/16	300896	J & B PROFESSIONAL TREE SERVIC	1,350.00
12/21/16	300897	MILLER, CANFIELD, PADDOCK & STONE	19,724.50
12/21/16	300898	POLDERMAN'S FLOWER SHOP	135.85
12/21/16	300899	STATE INDUSTRIAL PRODUCTS CORP	1,207.08
12/21/16	300900	STATE OF MICHIGAN (MGT & BUDGE	230.00
12/21/16	300901	STUDENT HAULERS	1,200.00
12/21/16	300902	U S POSTMASTER	8,000.00
12/21/16	300903	VERIZON WIRELESS SERVICES, LLC	2,190.81
12/30/16	10052	PETTY CASH-DEREK HENSON	130.18
12/30/16	10053	PETTY CASH-ERICA EKLOV	471.94
12/30/16	10054	PETTY CASH-HOLLY CERNY	350.40
12/30/16	300904	A T & T	133.59
12/30/16	300905	ADP, INC.	4,248.88
12/30/16	300906	ALLEGRA PRINT & IMAGING	249.40
12/30/16	300907	ALLIED MECHANICAL SERVICE	2,797.87

ACCOUNTS PAYABLE REGISTER
Check Dates From: 12/18/2016 To: 1/1/2017

Check Date	Check	Vendor Name	Amount
12/30/16	300908	ANN TAYLOR, INC	2,687.62
12/30/16	300909	ANY CUTTING & WELDING	230.00
12/30/16	300910	ARCH, JULIE	62.50
12/30/16	300911	BALKEMA EXCAVATING, INC.	140,243.90
12/30/16	300912	BECKER ARENA PRODUCTS, INC.	1,465.71
12/30/16	300913	BEHL, JOHN E	845.37
12/30/16	300914	BMI	336.00
12/30/16	300915	BORGESS HEALTH ALLIANCE	510.00
12/30/16	300916	BRONSON HEALTHCARE GROUP	100.00
12/30/16	300917	BUCKHOLZ SR, JOSEPH A	1,073.35
12/30/16	300918	BUCKHOLZ SR, JOSEPH A	89.50
12/30/16	300919	BUSINESS SPEAKERS BUREAU	1,750.00
12/30/16	300920	CADWELL APPARELL	365.00
12/30/16	300921	CAMPBELL AUTO SUPPLY	21.82
12/30/16	300922	CASSIN, JOHN A & JEANNE K	216.85
12/30/16	300923	CHICAGO TITLE OF MI	18.08
12/30/16	300924	CLEANIT CORP	69.00
12/30/16	300925	CORELOGIC REAL ESTATE TAX SERVICE	4,246.69
12/30/16	300926	CORELOGIC REAL ESTATE TAX SERVICE	8,161.73
12/30/16	300927	CORELOGIC REAL ESTATE TAX SERVICE	1,727.41
12/30/16	300928	CORELOGIC REAL ESTATE TAX SERVICE	2,558.33
12/30/16	300929	CORELOGIC REAL ESTATE TAX SERVICE	1,797.33
12/30/16	300930	CORELOGIC REAL ESTATE TAX SERVICE	1,612.57
12/30/16	300931	CORELOGIC REAL ESTATE TAX SERVICE	918.09
12/30/16	300932	CORELOGIC REAL ESTATE TAX SERVICE	2,363.40
12/30/16	300933	CORELOGIC REAL ESTATE TAX SERVICE	1,198.07
12/30/16	300934	DATA STRATEGY LLC	1,223.90
12/30/16	300935	DAVE'S CONCRETE PRODUCTS, INC.	2,175.00
12/30/16	300936	DENOYER BROTHERS, INC.	42.07
12/30/16	300937	DINKLEMEYER, JENNIFER	25.46
12/30/16	300938	EMERGENCY VEHICLE PRODUCTS	27,769.48
12/30/16	300939	ENGINEERING NEWS - RECORD	69.00
12/30/16	300940	ENVIRONMENTAL SYSTEMS RESEARCH	1,500.00
12/30/16	300941	FANNING, LOUELLA OR ANTHONY	1,118.07
12/30/16	300942	FRIENDS OF PORTAGE SENIOR CENTER	1,155.00
12/30/16	300943	GOMEZ, FABION	72.50
12/30/16	300944	GORDON FOOD SERVICE	22.48
12/30/16	300945	GORDON WATER SYSTEMS	225.50
12/30/16	300946	GREATER KALAMAZOO FOP LODGE 98	3,432.50
12/30/16	300947	GREATER KALAMAZOO UNITED WAY	851.68
12/30/16	300948	HALT FIRE, INC.	112.52
12/30/16	300949	HERITAGE COMMUNITY OF KALAMAZOO	310.00
12/30/16	300950	HOME DEPOT	2,892.93
12/30/16	300952	HOUSER, DANIEL	75.00

ACCOUNTS PAYABLE REGISTER
Check Dates From: 12/18/2016 To: 1/1/2017

Check Date	Check	Vendor Name	Amount
12/30/16	300953	INT'L ASSOC FOR PROPERTY & EVIDENCE	50.00
12/30/16	300954	INT'L ASSOC FOR PROPERTY & EVIDENCE	50.00
12/30/16	300955	K S S ENTERPRISES	2,649.00
12/30/16	300956	KAL COUNTY FIRE CHIEFS ASSOC.	60.00
12/30/16	300957	KALAMAZOO CIVIC THEATRE	440.00
12/30/16	300958	KALAMAZOO COUNTY TREASURER	312.50
12/30/16	300959	KALAMAZOO OIL COMPANY	293.16
12/30/16	300960	KASTEN INSULATION SERVICES, INC.	2,480.00
12/30/16	300961	KEYSTONE EVENT MANAGEMENT CONCEPTS	340.00
12/30/16	300962	KLIMCZAK, MICHAEL S & CATHY B TRUST	2,108.88
12/30/16	300963	KNOX CO.	977.00
12/30/16	300964	KODAK ALARIS INC.	400.00
12/30/16	300965	KOERNER, LEANN	650.00
12/30/16	300966	KZOO TIRE COMPANY	2,020.00
12/30/16	300967	LABUS, NANCY	1,601.65
12/30/16	300968	LACKEY, ROBERTA & VANDERWEG, RENEE	955.60
12/30/16	300969	LAKE MICHIGAN CREDIT UNION	402.77
12/30/16	300970	LANGUAGE LINE, INC	231.18
12/30/16	300971	LERETA	2,399.52
12/30/16	300972	LERETA	1,916.44
12/30/16	300973	MCDONALD'S TOWING & RESCUE, INC.	30.00
12/30/16	300974	MED EXPRESS URGENT CARE, PC MICH	190.00
12/30/16	300975	MENARDS, INC	205.62
12/30/16	300976	MICH COMMUNICATION DIRECTORS ASSOC	100.00
12/30/16	300977	MICH MUNICIPAL POLICE & FIRE REPAIR	1,171.43
12/30/16	300978	MICHIGAN ASSOCIATION OF FIRE CHIEFS	160.00
12/30/16	300979	MICHIGAN ASSOCIATION OF FIRE CHIEFS	295.00
12/30/16	300980	MICHIGAN MUNICIPAL LEAGUE	9,068.00
12/30/16	300981	MICHIGAN MUNICIPAL TREASURERS ASSN	99.00
12/30/16	300982	MIDWEST ENERGY COOPERATIVE	279.24
12/30/16	300983	MIGALA CARPET ONE, INC.	290.50
12/30/16	300984	MLIVE MEDIA GROUP	978.25
12/30/16	300985	MOSES FIRE EQUIPMENT, INC.	958.00
12/30/16	300986	NICK HAINES	300.00
12/30/16	300987	NIEBOER HEATING & COOLING, INC.	3,120.00
12/30/16	300988	NYE UNIFORMS	1,586.58
12/30/16	300989	O'REILLY AUTO PARTS	40.09
12/30/16	300990	OFFICE DEPOT, INC.	4,060.23
12/30/16	300991	PAAM	100.00
12/30/16	300992	PANDIT, SONNY S & NEYYER, MONICA	1,147.15
12/30/16	300993	PERTRODATA CLIENT DISBURSEMENT	58.28
12/30/16	300994	PET VET FAMILY PET CARE CENTER	34.36
12/30/16	300995	PNC EQUIPMENT FINANCE	3,859.77
12/30/16	300996	PUBLIC MEDIA NETWORK	98,030.66

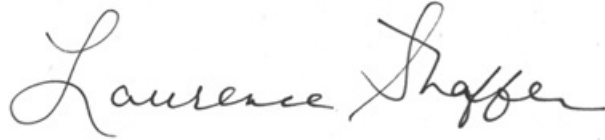
ACCOUNTS PAYABLE REGISTER
Check Dates From: 12/18/2016 To: 1/1/2017

Check Date	Check	Vendor Name	Amount
12/30/16	300997	PURNELL, COLE	989.79
12/30/16	300998	RATHCO SAFETY SUPPLY, INC.	327.50
12/30/16	300999	REFRIGERATION SERVICES	3,692.50
12/30/16	301000	ROOT SPRING SCRAPER CO.	372.50
12/30/16	301001	SAWALL, ROBERT B & LINDA M TRUST	3,074.09
12/30/16	301002	SCHIEDEL, DON	44.00
12/30/16	301003	SEELYE REAL ESTATE LLC	139.02
12/30/16	301004	SHILTS, DAWN	230.00
12/30/16	301005	SPITZNER, JAMES & BOBBIE	38.88
12/30/16	301006	STACEY BAKER	66.20
12/30/16	301007	STATE OF MICHIGAN	50.00
12/30/16	301008	STATE OF MICHIGAN (BOILER DIV)	130.00
12/30/16	301009	STEENSMA LAWN & POWER EQUIPMENT	535.85
12/30/16	301010	SUBURBAN MECHANICAL	208.00
12/30/16	301011	THAD REEDER AUTOMOTIVE LLC	2,449.44
12/30/16	301012	THROWER, BEV	44.00
12/30/16	301013	TL NEWS	616.20
12/30/16	301014	TRACTOR SUPPLY CORP.	32.99
12/30/16	301015	ULTIMATE TRAINING MUNITIONS, INC.	5,180.06
12/30/16	301016	UNION STREET HYDRAULICS	1,040.00
12/30/16	301017	UNITED PARCEL SERVICE	22.97
12/30/16	301018	USA TODAY	50.00
12/30/16	301019	VANDOORNIK, FRED	15.66
12/30/16	301020	WATKINS, ROSS & CO.	7,550.00
12/30/16	301021	WELLS FARGO HOME MORTGAGE	1,398.04
12/30/16	301022	WELLS FARGO REAL ESTATE TAX SERVICE	457.31
12/30/16	301023	WELLS FARGO REAL ESTATE TAX SERVICE	716.29
12/30/16	301024	XYBIX SYSTEMS, INC.	836.04
12/30/16	301025	SPECTRUM DJ SERVICE	250.00
	SUBTOTAL:	144 CHECKS	451,851.80
12/19/16	4228	CONSUMERS AUTO-PAY	2,780.07
12/20/16	4233	CONSUMERS AUTO-PAY	11,195.06
12/21/16	4278	CONSUMERS AUTO-PAY	209.82
12/22/16	4279	CONSUMERS AUTO-PAY	9,716.62
12/23/16	4280	CONSUMERS AUTO-PAY	8,566.64
12/28/16	4282	CONSUMERS AUTO-PAY	652.67
12/29/16	4299	CONSUMERS AUTO-PAY	47.15
12/29/16	4301	CITY WATER-SEWER AUTO-PAY	784.23
	SUBTOTAL:	8 CHECKS	33,952.26
	GRAND TOTAL:	211 CHECKS	1,523,460.38

** (A) DENOTES ACH PAYMENTS

TO: Honorable Mayor and City Council

FROM: Laurence Shaffer, City Manager



SUBJECT: Rezoning Application #16/17-2 (8546 Shirley Court) & Tentative Plan Amendment for Greenspire PD

SUPPORTING PERSONNEL: Vicki Georgeau, Director of Community Development

ACTION RECOMMENDED: That City Council, subsequent to the public hearing, approve:

1. Rezoning Application #16/17-2 (8546 Shirley Court) changing the zoning from R-1C, one family residential to PD, planned development; and
2. the Tentative Plan Amendment for Greenspire Planned Development.

An application has been received from Greenspire Equity V, LLC, American Village Builders and The Hinman Company requesting that 8546 Shirley Court be rezoned from R-1C, one family residential to PD, planned development. Additionally, and in conjunction with the proposed rezoning, the applicants are also requesting to amend the previously approved 2010 Tentative Plan for the Greenspire Planned Development involving: 3201, 3413 and 3423 West Centre Avenue; 3145, 8380 and 8401 Greenspire Drive; 3413 Fawn Cove; 8615 Tozer Court and 8546 Shirley Court, totaling approximately 94 acres. The Tentative Plan Amendment proposes to:

1. rezone/add the 1.42-acre parcel (8546 Shirley Court) into the overall Greenspire PD;
2. increase the total number of apartments by 12 units (from 692 to 704 total units);
3. reconfigure the size and location of proposed retail/office buildings along West Centre Avenue; and
4. revise the anticipated phasing/construction schedule.

As conveyed to City Council at the December 20, 2016 regular meeting, the Department of Community Development noted the proposed zoning change of 8546 Shirley Court to PD is consistent with the Comprehensive Plan/Future Land Use Map designations and is also consistent with the surrounding zoning/land use pattern. Furthermore, the addition of this 1.42-acre parcel and proposed tentative plan amendments are consistent with the previously approved 2010 Tentative Plan for the Greenspire Planned Development. For these reasons, staff is supportive of both the proposed zoning change to PD and the tentative plan amendment to the Greenspire Planned Development.

Subsequently, Council voted to schedule the public hearing for this matter for the January 24, 2017 meeting.

As such, it is recommended that City Council, subsequent to the public hearing, approve Rezoning Application #16/17-2 (8546 Shirley Court) changing the zoning from R-1C, one family residential to

PD, planned development; and approve the Tentative Plan Amendment for Greenspire Planned Development.

FUNDING: Not Applicable

Attachments:

1. Ordinance Amendment
2. December 20, 2016 City Council communication

**AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF
PORTAGE, MICHIGAN BY AMENDING ARTICLE 4 OF CHAPTER 42,
LAND DEVELOPMENT REGULATIONS OF THE CODIFIED ORDINANCES
OF PORTAGE, MICHIGAN**

THE CITY OF PORTAGE ORDAINS:

That Article 4 (Zoning) of Chapter 42, of the Codified Ordinances of Portage, Michigan, Official Zoning Map, be amended as follows:

Parcel of land described as follows:

A parcel of land located in Section 19, Township 3 South, Range 11 West, City of Portage, County of Kalamazoo, State of Michigan, and further described as follows:

Street Address

Parcel ID Numbers

8546 Shirley Court

00019-195-O

From R-1C, one family residential, to PD, planned development.

FIRST READING:

SECOND READING:

EFFECTIVE DATE:

Peter J. Strazdas, Mayor

STATE OF MICHIGAN)
) SS
COUNTY OF KALAMAZOO)

I 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 _____, 20____.

James R. Hudson, City Clerk

(App #16/17-02)

Approved as to Form:

Date: 12/8/2016

By: 

City Attorney

**FIRST READING
CITY OF PORTAGE, MICHIGAN
NOTICE**

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

NOTICE IS HEREBY GIVEN, that an Ordinance to amend Article 4 (Zoning) of Chapter 42 of the Codified Ordinances of Portage, Michigan, was introduced for first reading at a regular meeting of the City Council held on _____, 20____, and that the Council will hold a public hearing on the proposed amendment at the Portage City Hall in said City on _____, 20____, at 7:30 p.m. or as soon thereafter as may be heard.

NOTICE IS FURTHER GIVEN that the proposed amendment to Article 4 (Zoning) of Chapter 42, of the Codified Ordinances of Portage, Michigan reads as follows:

THE CITY OF PORTAGE ORDAINS:

That Article 4 (Zoning) of Chapter 42, of the Codified Ordinances of Portage, Michigan, Official Zoning Map, be amended as follows:

Parcel of land described as follows:

A parcel of land located in Section 19, Township 3 South, Range 11 West, City of Portage, County of Kalamazoo, State of Michigan, and further described as follows:

<u>Street Address</u>	<u>Parcel ID Numbers</u>
8546 Shirley Court	00019-195-O

From R-1C, one family residential, to PD, planned development, or any other classification permitted by law.

PLEASE TAKE FURTHER NOTICE that if the owners of at least twenty percent (20%) of the area of land included in the proposed zoning change, or if the owners of at least twenty percent (20%) of the area of land included within an area extending outward one hundred feet (100') from any point on the boundary of the land included in the proposed change, excluding public right-of-way or other publicly owned land, file a written protest petition against the proposed amendment presented to the City Council before final legislative action on the amendment, a two-thirds vote of the City Council will be required to pass the amendment.

Dated: _____

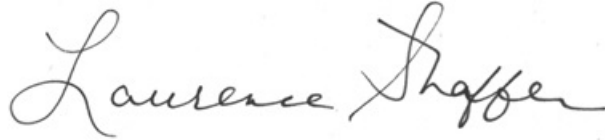
James R. Hudson, City Clerk

(App #16/17-02)

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TO: Honorable Mayor and City Council

FROM: Laurence Shaffer, City Manager



SUBJECT: Rezoning Application #16/17-2 (8546 Shirley Court) & Tentative Plan Amendment for Greenspire PD

SUPPORTING PERSONNEL: Vicki Georgeau, Director of Community Development

ACTION RECOMMENDED: That City Council:

1. accept Rezoning Application #16/17-2 (8546 Shirley Court) for first reading and the associated Tentative Plan Amendment for Greenspire Planned Development, and
2. set a public hearing for January 24, 2017.

An application has been received from Greenspire Equity V, LLC, American Village Builders and The Hinman Company requesting that 8546 Shirley Court be rezoned from R-1C, one family residential to PD, planned development. Additionally, and in conjunction with the proposed rezoning, the applicants are also requesting to amend the previously approved 2010 Tentative Plan for the Greenspire Planned Development involving several properties totaling approximately 94 acres. The Tentative Plan Amendment proposes to: 1) rezone/add the 1.42-acre parcel (8546 Shirley Court) into the overall Greenspire PD; 2) increase the total number of apartments by 12 units (from 692 to 704 total units); 3) reconfigure the size and location of proposed retail/office buildings along West Centre Avenue; and 4) revise the anticipated phasing/construction schedule.

The Department of Community Development notes the proposed zoning change of 8546 Shirley Court to PD is consistent with the Comprehensive Plan/Future Land Use Map designations and is also consistent with the surrounding zoning/land use pattern. Furthermore, the addition of this 1.42-acre parcel and proposed tentative plan amendments are consistent with the previously approved 2010 Tentative Plan for the Greenspire Planned Development. For these reasons, staff is supportive of both the proposed zoning change to PD and the tentative plan amendment to the Greenspire Planned Development.

The Planning Commission convened a public hearing during the November 17 and December 1, 2016 meetings to consider the rezoning request and tentative plan amendment. Mr. Greg Dobson of American Village Builders (applicant/property owner representative) was present at both meetings to support the requests. No citizens spoke during these meetings and no citizen communications have been received regarding the proposed rezoning and tentative plan amendment. After careful consideration, the Commission voted 7-0 to forward the recommendation to City Council and approve the Tentative Plan Amendment for Greenspire Planned Development.

FUNDING: Not Applicable

Attachments:

1. Ordinance Amendment
2. December 8, 2016 Planning Commission transmittal
3. November 17 and December 1, 2016 Planning Commission meeting minutes
4. November 23, 2016 Department of Community Development staff report with attachments

**AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF
PORTAGE, MICHIGAN BY AMENDING ARTICLE 4 OF CHAPTER 42,
LAND DEVELOPMENT REGULATIONS OF THE CODIFIED ORDINANCES
OF PORTAGE, MICHIGAN**

THE CITY OF PORTAGE ORDAINS:

That Article 4 (Zoning) of Chapter 42, of the Codified Ordinances of Portage, Michigan, Official Zoning Map, be amended as follows:

Parcel of land described as follows:

A parcel of land located in Section 19, Township 3 South, Range 11 West, City of Portage, County of Kalamazoo, State of Michigan, and further described as follows:

Street Address

Parcel ID Numbers

8546 Shirley Court

00019-195-O

From R-1C, one family residential, to PD, planned development.

FIRST READING:

SECOND READING:

EFFECTIVE DATE:

Peter J. Strazdas, Mayor

STATE OF MICHIGAN)
) SS
COUNTY OF KALAMAZOO)

I 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 _____, 20____.

James R. Hudson, City Clerk

(App #16/17-02)

Approved as to Form:

Date: 12/8/2016

By: 

City Attorney

**FIRST READING
CITY OF PORTAGE, MICHIGAN
NOTICE**

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

NOTICE IS HEREBY GIVEN, that an Ordinance to amend Article 4 (Zoning) of Chapter 42 of the Codified Ordinances of Portage, Michigan, was introduced for first reading at a regular meeting of the City Council held on _____, 20____, and that the Council will hold a public hearing on the proposed amendment at the Portage City Hall in said City on _____, 20____, at 7:30 p.m. or as soon thereafter as may be heard.

NOTICE IS FURTHER GIVEN that the proposed amendment to Article 4 (Zoning) of Chapter 42, of the Codified Ordinances of Portage, Michigan reads as follows:

THE CITY OF PORTAGE ORDAINS:

That Article 4 (Zoning) of Chapter 42, of the Codified Ordinances of Portage, Michigan, Official Zoning Map, be amended as follows:

Parcel of land described as follows:

A parcel of land located in Section 19, Township 3 South, Range 11 West, City of Portage, County of Kalamazoo, State of Michigan, and further described as follows:

<u>Street Address</u>	<u>Parcel ID Numbers</u>
8546 Shirley Court	00019-195-O

From R-1C, one family residential, to PD, planned development, or any other classification permitted by law.

PLEASE TAKE FURTHER NOTICE that if the owners of at least twenty percent (20%) of the area of land included in the proposed zoning change, or if the owners of at least twenty percent (20%) of the area of land included within an area extending outward one hundred feet (100') from any point on the boundary of the land included in the proposed change, excluding public right-of-way or other publicly owned land, file a written protest petition against the proposed amendment presented to the City Council before final legislative action on the amendment, a two-thirds vote of the City Council will be required to pass the amendment.

Dated: _____

James R. Hudson, City Clerk

(App #16/17-02)

Z:\JODY\PORTAGE\ORD\REZONE\16-17-02.DOCX

TO: Honorable Mayor and City Council

FROM: Planning Commission

DATE: December 8, 2016

SUBJECT: Rezoning Application #16/17-2, 8546 Shirley Court and Tentative Plan Amendment for Greenspire Planned Development

The Planning Commission convened a public hearing during the November 17th and December 1st, 2016 meetings to consider the rezoning application and tentative plan amendment submitted by Greenspire Equity V LLC, American Village Builders and The Hinman Company. The applicants are requesting that 8546 Shirley Court be rezoned from R-1C, one family residential to PD, planned development. Additionally, the applicants are also requesting that the previously approved 2010 Tentative Plan for Greenspire Planned Development be amended to 1) rezone/add the 1.42 acre parcel (8546 Shirley Court) into the overall Greenspire PD; 2) increase the total number of apartment units by 12 units (from 692 units to 704 units); 3) reconfigure the size and location of proposed retail/office buildings along West Centre Avenue; and 4) revise the anticipated phasing/construction schedule. Mr. Greg Dobson of American Village Builders (applicant/property owner representative) was present at both meetings to support the proposed rezoning and explain the tentative plan amendment. No citizens spoke at the meetings and no citizen communications have been received regarding the proposed rezoning and/or tentative plan amendment.

After careful consideration, a motion was made by Commissioner Bosch, seconded by Commissioner Stoffer, to recommend to City Council that 1) Rezoning Application #16/17-2 be approved and 8546 Shirley Court be rezoned from R-1C, one family residential to PD, planned development; and 2) The Tentative Plan Amendment for Greenspire Planned Development involving properties addressed as 3201, 3413 and 3423 West Centre Avenue; 3145, 8380 and 8401 Greenspire Drive; 3413 Fawn Cove; 8615 Tozer Court and 8546 Shirley Court, also be approved. The motion was unanimously approved 7-0.

Sincerely,


Paul Welch
Chairman

PLANNING COMMISSION

November 17, 2016

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

PLEDGE OF ALLEGIANCE:

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

IN ATTENDANCE:

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

ROLL CALL:

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

APPROVAL OF MINUTES:

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

PUBLIC HEARINGS:

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

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

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

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

SITE/FINAL PLANS:

None

NEW BUSINESS:

None

OLD BUSINESS:

None

STATEMENT OF CITIZENS:

None

ADJOURNMENT:

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

Respectfully submitted,

Christopher Forth, AICP
Deputy Director of Planning, Development and Neighborhood Services,

T:\COMMDEV\2016-2017 Department Files\Board Files\Planning Commission\Minutes\PCMin11172016.docx

PLANNING COMMISSION

December 1, 2016

The City of Portage Planning Commission meeting of December 1, 2016 was called to order by Chairman Welch at 7:00 p.m. in Council Chambers of Portage City Hall, 7900 South Westnedge Avenue. Four citizens were in attendance.

PLEDGE OF ALLEGIANCE:

Chairman Welch led the Commission, staff and citizens in the Pledge of Allegiance.

IN ATTENDANCE:

Christopher Forth, Deputy Director of Planning, Development and Neighborhood Services; Michael West, Senior City Planner; and Randall Brown, City Attorney.

ROLL CALL:

Mr. Forth called the roll: Bosch (yes), Stoffer (yes), Welch (yes), Schimmel (yes), Dargitz (yes), Richmond (yes) and Shoup (yes). A motion was offered by Commissioner Schimmel, seconded by Commissioner Stoffer, to approve the roll excusing Commissioners Patterson and Joshi. The motion was unanimously approved 7-0.

APPROVAL OF MINUTES:

Chairman Welch referred the Commission to the November 17, 2016 meeting minutes contained in the agenda packet. A motion was made by Commissioner Dargitz, seconded by Commissioner Stoffer, to approve the minutes as submitted. The motion was unanimously approved 7-0.

PUBLIC HEARINGS:

1. **Final Report: Rezoning Application #16/17-2, 8546 Shirley Court and Tentative Plan Amendment for Greenspire Planned Development.** Mr. Forth summarized the staff report dated November 23, 2016 regarding a request from Greenspire Equity V, LLC, American Village Builders and The Hinman Company that 8546 Shirley Court be rezoned from R-1C, one family residential to PD, planned development. Additionally and in conjunction with the proposed rezoning, the applicants are also requesting to amend the previously approved 2010 Tentative Plan for the Greenspire Planned Development. Mr. Forth summarized the proposed changes to the previously approved tentative plan and the previous discussion that occurred at the November 17th meeting. Mr. Forth briefly summarized the analysis section of the report and indicated that staff was recommending approval of both the rezoning request and tentative plan amendment.

Mr. Greg Dobson of American Village Builders (applicants representative) was present to support the rezoning application and tentative plan amendment. Mr. Dobson briefly discussed the ownership and control entities involved with the Greenspire Planned Development and the two primary principals (Joe Gesmundo and Roger Hinman). The public hearing was reconvened by Chairman Welch. No citizens spoke in regard to the proposed zoning change or tentative plan amendment. A motion was then made by Commissioner Bosch, seconded by Commissioner Stoffer, to close the public hearing. The motion was unanimously approved 7-0.

A motion was then made by Commissioner Bosch, seconded by Commissioner Stoffer, to recommend to City Council that 1) Rezoning Application #16/17-2 be approved and 8546 Shirley Court be rezoned from R-1C, one family residential to PD, planned development; and 2) The Tentative Plan Amendment for Greenspire Planned Development involving properties addressed as 3201, 3413 and 3423 West Centre Avenue; 3145, 8380 and 8401 Greenspire Drive; 3413 Fawn Cove; 8615 Tozer Court and 8546 Shirley Court, also be approved. The motion was unanimously approved 7-0.

planned development. The Commission also voted 7-0 to recommend to City Council that the Tentative Plan Amendment for Greenspire Planned Development involving properties addressed as 3201, 3413 and 3423 West Centre Avenue; 3145, 8380 and 8401 Greenspire Drive; 3413 Fawn Cove; 8615 Tozer Court and 8546 Shirley Court, also be approved.

Attached find the Planning Commission transmittal, Department of Community Development report and related materials for review.

Funding:

Not applicable

Attachments:

Planning Commission transmittal dated December 8, 2016

Planning Commission meeting minutes dated November 17th and December 1st, 2016

Department of Community Development staff report dated November 23, 2016 with attachments
Ordinance Amendment

TO: Planning Commission

DATE: November 23, 2016

FROM: Vicki Georgeau,  Director of Community Development

SUBJECT: Final Report: Rezoning Application #16/17-2, 8546 Shirley Court and Tentative Plan Amendment for Greenspire Planned Development

I. INTRODUCTION:

An application has been received from Greenspire Equity V, LLC, American Village Builders and The Hinman Company requesting that 8546 Shirley Court be rezoned from R-1C, one family residential to PD, planned development. Additionally and in conjunction with the proposed rezoning, the applicants are also requesting to amend the previously approved 2010 Tentative Plan for the Greenspire Planned Development involving properties addressed as 3201, 3413 and 3423 West Centre Avenue; 3145, 8380 and 8401 Greenspire Drive; 3413 Fawn Cove; 8615 Tozer Court and 8546 Shirley Court. The Tentative Plan Amendment proposes to 1) rezone/add the 1.42 acre parcel (8546 Shirley Court) into the overall Greenspire PD; 2) increase the total number of apartment units by 12 units (from 692 units to 704 units); 3) reconfigure the size and location of proposed retail/office buildings along West Centre Avenue; and 4) revise the anticipated phasing/construction schedule. Please refer to the attached application, narrative and tentative plan submitted by the applicant for additional details regarding the proposal.

Rezoning Application #16/17-2

Applicant	Property Address	Parcel Number	Zoning	
			Existing	Proposed
Greenspire Equity V, LLC.	8546 Shirley Court	00019-195-O	R-1C	PD
One parcel: 1.42 acres				

Tentative Plan Amendment – Greenspire Planned Development

Applicant	Property Addresses	Description	Zoning
American Village Builders, The Hinman Company and Greenspire Equity V, LLC	3201, 3413 and 3423 West Centre Avenue; 3145, 8380 and 8401 Greenspire Drive; 3413 Fawn Cove; 8615 Tozer Court; 8546 Shirley Court	94.22 acre tract of land (Mixed multiple family residential and retail/office development) -Excludes portion of Hampton Lake	PD, planned development (2010) (2016-proposed)

The original Greenspire Planned Development rezoning/tentative plan application received City Council approval in April 2010 subject to conditions and proposed the construction of a total of 692 multiple family residential units in multiple apartment buildings (384 apartment units already existing) within the interior of the property and construction of a total of 73,400 square feet of retail and 30,400 square feet of offices in a multiple building arrangement along West Centre Avenue. Since the 2010 PD rezoning and tentative plan approval, City Council has approved the following final/site plans:

- 2011 - Final Plan for Greenspire Retail I, 3201 West Centre Avenue, which included an approximate 13,400 square foot retail building and associated site improvements (construction complete).
- 2014 - Final Plan for Greenspire Apartments IV, 8380 Greenspire Drive, which included construction of 36 apartment units in two, 3-story buildings (construction complete).

- 2016 – Final Plan for Greenspire Apartments V, 8615 Tozer Court, which included construction of 70 apartment units in three, 3-story buildings and associated site improvements (construction underway).

II. TENTATIVE PLAN AMENDMENT PROCEDURES/REQUIREMENTS:

The PD, planned development chapter establishes a two-part review and approval process: Tentative plan review of the overall development concept and final plan review for each phase of the development. Under the terms of the ordinance, any change to the tentative plan, such as modifying an approved land use class or adding a land use class, requires formal review and approval, with public hearings, in a manner similar to a rezoning procedure.

Section 42-374 of the Land Development Regulations stipulates the development standards in the PD zoning district. This section provides flexibility in the types of land uses of which up to 20% of the total land area available can be utilized for nonresidential uses. Public water and public sanitary sewer is required. Overall density of the project may not exceed seven units per acre and density in any one phase may not exceed 12 units per acre. Building setbacks, building height, open space and screening are also regulated under the ordinance.

III. PUBLIC HEARING/COMMENTS:

The Planning Commission convened a public hearing to consider the PD rezoning and tentative plan amendment during the November 17, 2016 meeting. Mr. Greg Dobson of American Village Builders (applicant) was present to support the rezoning application and explain the proposed tentative plan amendment. No citizens spoke regarding the proposed PD rezoning and tentative plan amendment and no citizen communications have been received.

IV. FINAL ANALYSIS - PROPOSED TENTATIVE PLAN AMENDMENT:

A summary comparison between the 2010 approved tentative plan and 2016 proposed tentative plan amendment is provided in the table below. Specific aspects of the proposed tentative plan amendment are discussed in greater detail following the summary table.

Greenspire Planned Development		
Element	2010 Approved Tentative Plan	2016 Proposed Tentative Plan Amendment
Uses	Mixed use multiple family residential apartments and retail/office development	Mixed use multiple family residential apartments and retail/office development
Multiple Family Apartment Acreage	692 units on 81.90 acres (8.45 units per acre) - Combined Phases I, II, III, IV, V, VI - Multiple building arrangement	704 units on 83.32 acres (8.45 units per acre) - Combined Phase I, II, III, IV, V, VI - Multiple building arrangement - Includes 1.42 acre parcel (8546 Shirley Court)
Retail/Office Acreage	73,400 square feet retail and 30,400 square feet office on 10.9 acres - Multiple building arrangement - $103,800/10.9 = 9,522$ square feet per acre	45,000-60,000 square feet retail and 30,400 square feet office on 10.9 acres - Multiple building arrangement - $90,400/10.9 = 8,293$ square feet per acre
Phasing	Phases I, II, III Apartments (existing) - 384 units on 44.81 acres Phase IV Apartments (Spring 2010) - 36 units on 3.05 acres Phase IV-R Retail (Fall 2010) - 13,000 sq. ft. retail building	Phases I, II, III Apartments (existing) - 384 units on 44.81 acres Phase IV Apartments (existing) - 36 units on 3.05 acres Phase IV-R Retail (existing) - 13,000 sq. ft. retail building

Phasing (cont.)	Phase V Apartments (Spring 2011–Spring 2015) - multiple sub-phases - 168 units on 17.00 acres Phase VI Apartments and Retail/Office (unknown) - 104 units on 17.03 acres - 61,400 sq. ft. retail and 30,400 sq. ft. office	Phase V Apartments (Summer 2016–Fall 2019) - multiple sub-phases - 180 units on 18.42 acres Phase V-R Retail (Spring 2017) - Two, approximate 3,000 sq. ft. retail buildings Phase VI Apartments and Retail/Office west of Shirley Court (unknown) - 104 units on 17.03 acres - Up to 30,400 sq. ft. of office and remaining retail
Setbacks	30-foot setback around perimeter of property (exception: two apartment buildings constructed in Phase IV have a 15-foot setback from east property line) 80-foot setback from property line where adjacent to single family residences located along Tozer Court/Shirley Court. 25-foot setback from interior private streets and 30-foot separation between apartment buildings.	30-foot setback around perimeter of property (exception: two apartment buildings constructed in Phase IV have a 15-foot setback from east property line) 80-foot setback from property line where adjacent to single family residences located along Tozer Court/Shirley Court. 25-foot setback from interior private streets and 30-foot separation between apartment buildings.
Vehicular Access/ Pedestrian Circulation	Existing full service access drives from West Centre Avenue including Greenspire Drive (eastern portion of site) and full service drive (opposite Cooley Court). Shirley Court, right-in/right-out (western portion of site) Interconnected network of sidewalks along West Centre Avenue and within the interior of the apartment portion of the development.	Existing full service access drives from West Centre Avenue including a left-out restricted Greenspire Drive (eastern portion of site) and full service signalized drive (opposite Cooley Court). Shirley Court, right-in/right-out (western portion of site) Interconnected network of sidewalks along West Centre Avenue and within the interior of the apartment portion of the development.

Rezoning of 8546 Shirley Court and Incorporation into Planned Development – The proposed rezoning of 8546 Shirley Court and incorporation of the 1.42 acre parcel into the overall Greenspire Planned Development will allow for construction of 12 additional apartment units (692 units were approved in 2010 and with the addition of 8546 Shirley Court, the applicant is proposing 704 units total proposed with amendment). The additional 1.42 acres and 12 apartment units will not exceed the City Council approved overall development density of 8.45 units/per acre (704 units/83.32 acres = 8.45). As approved with the original 2010 PD rezoning and tentative plan, apartment buildings will be three-story and three-story walk-out buildings approximately 40-feet in height (measured at the mid-point of the roof, between the eave and peak). Each building will be approximately 40,000 square feet in size.

Reconfiguration of Proposed Retail and Office Buildings along West Centre Avenue – The 2016 tentative plan amendment proposes to reconfigure the size and layout of retail and/or office buildings within the approximate 10.9 acres along West Centre Avenue. Six, one-story (25-foot tall) retail buildings ranging in size between 6,000 - 25,000 square feet each and office buildings up to 40-feet in height and up to a total of 30,400 square feet are envisioned for this portion of the planned development. The total square footage of retail/office buildings will be reduced from 103,800 square feet (2010 approval) to 90,400 square feet. Office buildings will maintain a minimum 30-foot setback from West Centre Avenue.

Updated Project Phasing Timeline – Challenging economic conditions have slowed the originally anticipated application/construction schedule for the planned development. The 2016 tentative plan amendment includes an updated phasing schedule for the remaining portions of the planned development. Phase V of the apartment portion of the development is proposed to commence between the Summer 2016 – Fall 2019 and include 180 units on approximately 18.42 acres. Phase V-R of the retail portion of the development is proposed to commence during the Spring 2017 and consist of two, approximately 6,000 square foot buildings. While the timeline for construction of Phase VI of the apartments and the remaining portion of the retail/office portion of the development is unknown at this time, it is believed that this portion of the planned development will commence after the Spring of 2018.

V. FINAL ANALYSIS – REZONING APPLICATION #16/17-2:

The following analysis has been prepared based on general land use considerations, the Comprehensive Plan, traffic conditions and surrounding development patterns. Issues to be considered are consistency with the Future Land Use Plan Map and Development Guidelines, suitability of the existing zoning classification and the impacts of the proposed zoning classification.

Comprehensive Plan/Future Land Use Map Consistency. The Future Land Use Map component of the Comprehensive Plan identifies the rezoning site (8546 Shirley Court), along with surrounding properties, as appropriate for High Density Residential land use. Properties located to the north (along the south side of West Centre Avenue), within the northern portion of the Greenspire Planned Development, are designated on the Future Land Use Map for General Business land use. Properties located east, west and south of the Greenspire Planned Development are designated for Gourdneck State Game Area and Low Density Residential land use.

While these designations are intended to serve as a general guide for future development and rezoning considerations, specific zoning district boundaries need to be determined on a case-by-case basis considering overall consistency with the Comprehensive Plan/Future Land Use Map, surrounding land use/zoning pattern, development/redevelopment potential, impacts on adjacent properties and other factors. The proposed PD rezoning of 8546 Shirley Court and incorporation of this additional property into the Greenspire Planned Development is consistent with the Comprehensive Plan and Future Land Use Map.

Development Guidelines. The Development Guidelines are intended to be used by the Commission and staff when reviewing private development proposals, infrastructure improvement programs (i.e. public expenditures on streets, sewers and water mains that influence the location, intensity and timing of development) and public programs that affect the physical environment. The guidelines also provide direction and underpinning for regulations that affect land use (e.g. zoning, subdivision, parking, landscaping and others) and may suggest incentives to influence community development and adjustments to other policies that influence the use of land for consistency with community development objectives. The proposed PD rezoning of 8546 Shirley Court and incorporation of this additional property into the Greenspire Planned Development is consistent with applicable Development Guidelines contained in the Comprehensive Plan (see attached).

Suitability of Existing R-1C Zone/Impacts of Proposed PD Zone. The existing R-1C zoning designation can still be considered suitable for this area, as are the other R-1C zoned parcels to the immediate south, along Tozer Court and Shirley Court. The proposed PD zoning and assimilation of this 1.42 acre parcel into the overall Greenspire Planned Development project is also suitable for this area and will not result in any negative impacts on the remaining single family residences located to the south. As shown on the amended

tentative plan, no apartment development is proposed on this 1.42 acre parcel: The additional 12 apartment units gained by incorporating of the 1.42 acre parcel into the overall planned development will be located within Phase V of the apartment portion of the development.

Traffic Considerations. A detailed review of traffic related impacts was conducted with the 2010 PD rezoning and tentative plan approval, as well as subsequent apartment and retail final plans that were approved. The proposed PD rezoning of this 1.42 acre parcel and incorporation into the overall Greenspire Planned Development, along with traffic generation associated with 12 additional apartment units with future Phase VI of the development, can be accommodated by the adjacent roadway system. Installation of a traffic signal at the West Centre Avenue/Cooley Drive intersection, along with other traffic related improvements, are planned for 2017. Details associated with the design of the West Centre Avenue right turn lane and location of internal parking lot interconnections near West Centre Avenue will be further reviewed and finalized upon submittal of the final plan(s).

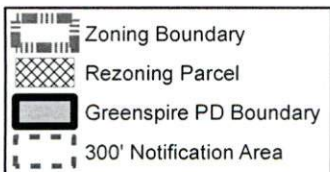
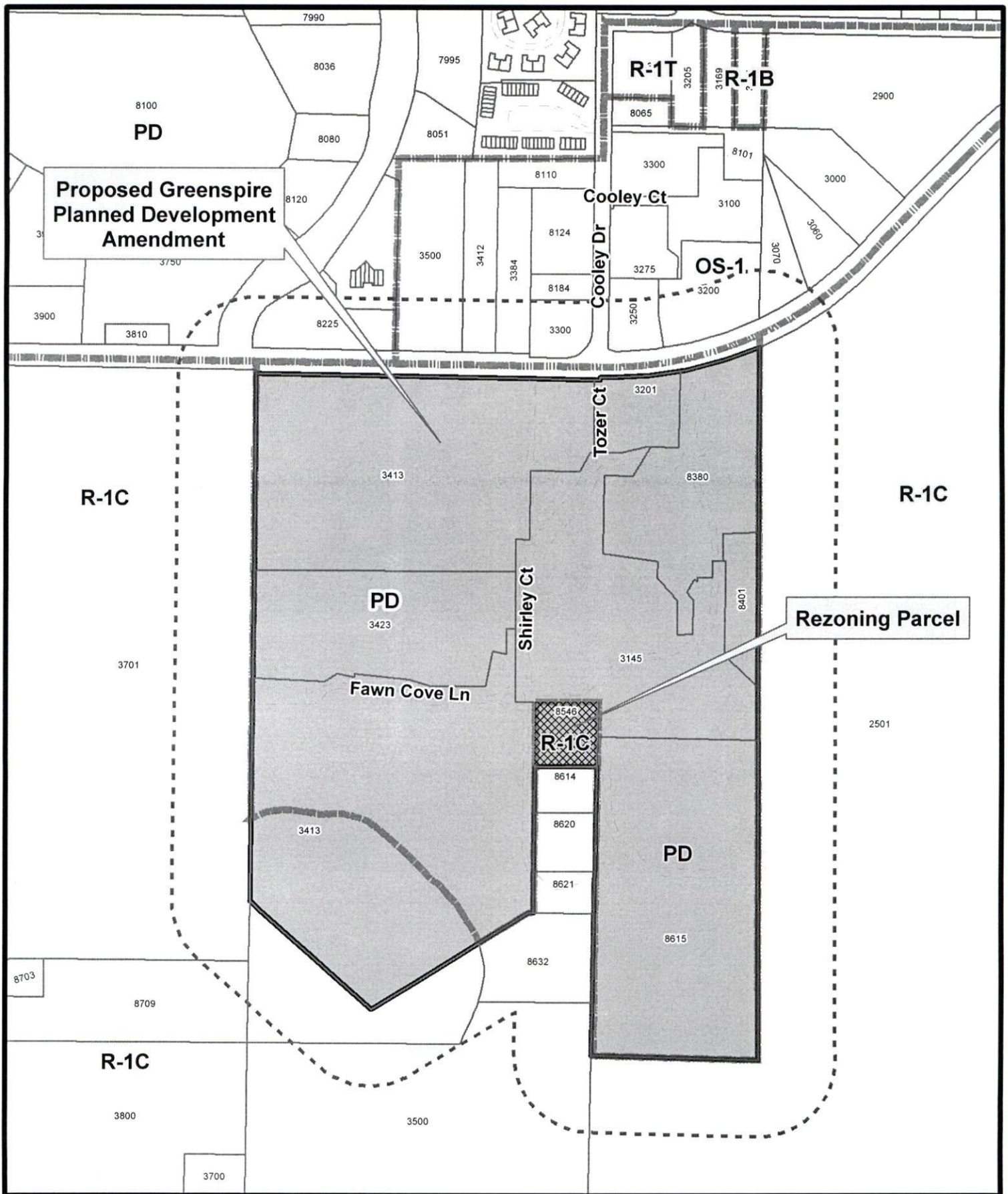
VI. RECOMMENDATION:

Based upon the above analysis and subject to any additional comments that may be received during the public hearing, staff advises that the Planning Commission recommend to City Council that Rezoning Application #16/17-2 be approved and 8546 Shirley Court be rezoned from R-1C, one family residential to PD, planned development.

Staff also advises that the Planning Commission recommend to City Council that the Tentative Plan Amendment for Greenspire Planned Development involving properties addressed as 3201, 3413 and 3423 West Centre Avenue; 3145, 8380 and 8401 Greenspire Drive; 3413 Fawn Cove; 8615 Tozer Court and 8546 Shirley Court, also be approved.

Attachments: Zoning/Vicinity Map
Aerial Photo Map
Future Land Use Map
Development Guidelines Table (PD)
Rezoning Application
2016 Tentative Plan Amendment (narrative, tentative plan, supporting documentation)
2010 Approved Tentative Plan

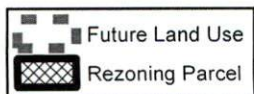
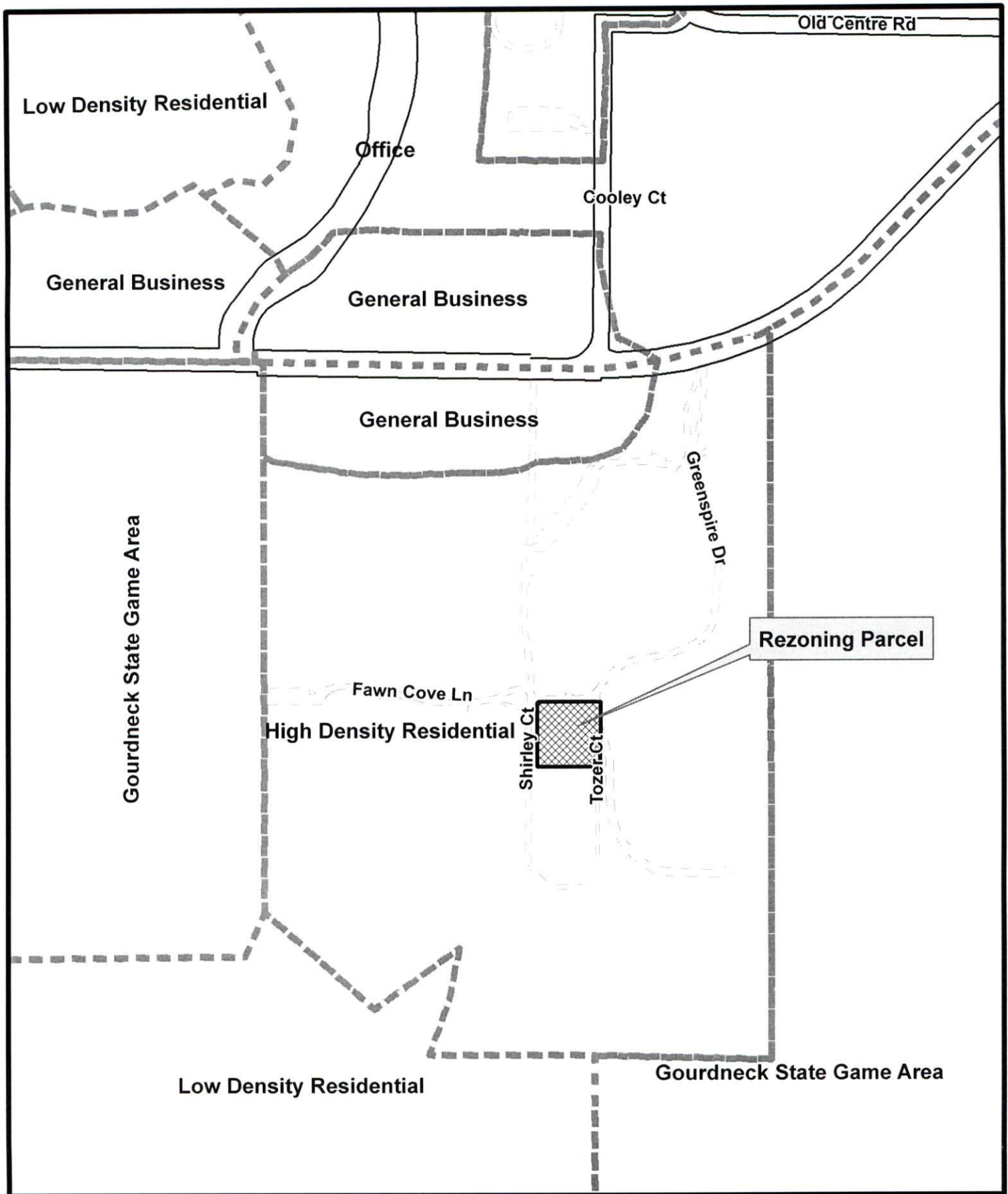
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Rezoning Application 16/17-02
 8546 Shirley Court and
 Proposed Tentative Plan Amendment



1 inch = 500 feet
 (30)



Future Land Use Map
 8546 Shirley Court and
 Proposed Tentative Plan Ammendment



1 inch = 500 feet
 (30)



DEVELOPMENT GUIDELINES

Rezoning Application #16/17-02 (Planned Development, PD)

Guideline	Description	Consistent	Comments
Rezoning – 1	Rezoning Request	Yes	Future Land Use Map designates rezoning site (8546 Shirley Court), along with surrounding properties as appropriate for high density residential land use. The proposed PD zone and incorporation of the 1.42 acre into the Greenspire Planned Development is consistent with this designation. The additional 1.42 acres and 12 apartment units will not exceed the overall development density of 8.45 units/per acre (704 unit/83.32 acres) previously approved by City Council in 2010.
Residential – 1	Protection of Residential Neighborhoods	Yes	The proposed PD rezoning and tentative plan amendment maintains the previously approved retail/office land use pattern along West Centre Avenue and continues the multiple family apartment land use pattern within the interior of the subject property. Design considerations have also been continued from the original 2010 PD rezoning/ tentative plan to minimize impacts on single family residences located along Shirley Court and Tozer Court. Importantly, no additional apartment units are proposed on the 1.42 acre rezoning parcel (8546 Shirley Court) which is located immediately north of these existing single family residences.
Residential – 2	Residential Development along Arterial Roadway	Yes	Access to the Greenspire Planned Development will continue to be provided through existing driveways from West Centre Avenue, a major thoroughfare. Installation of a traffic signal and improvements at the West Centre/Cooley Drive intersection and Greenspire Drive are planned for 2017.
Residential – 3a	Locational Criteria for Residential Uses	Yes	The rezoning site and overall Greenspire Planned Development has locational criteria consistent with the high density residential category. Overall development density for apartment portion of the PD will maintain the 8.45 units/per acre density (704 units/83.32 acres) previously approved in 2010 by City Council with the original Greenspire PD rezoning/tentative plan.
Residential – 4	Compatibility with Adjacent Land Use	Yes	The Greenspire Planned Development will continue to provide a creative mixture of apartment development and retail/office land uses that is consistent and compatible with the surrounding land use/zoning pattern. The project also continues the effective transition between West Centre Avenue and interior areas including single family residences located along Shirley Court/Tozer Court, Gourdneck State Game Area, Hampton Lake and natural wetland/ lowland areas.
Residential – 5	Open Space and Natural Resource Protection	Yes	The Greenspire Planned Development will continue to preserve in excess of 30 acres (32%) of the overall site in open space: natural wooded areas and wetlands. Continued protection of Hampton Lake will also occur.

Guideline	Description	Consistent	Comments
Residential – 6	Streets and Pedestrian Systems	Yes	Access to the Greenspire Planned Development will continue to be provided from West Centre Avenue. Interior private street network and pedestrian circulation network will also continue to be maintained and extended within the development.
Residential – 9	Residential Planned Unit Development	Yes	The Greenspire Planned Development will continue to facilitate additional multiple family residential development (Phases V and VI of Greenspire Apartments) with an overall density of 8.45 units/per acre (704 units/83.32 acres). Non-residential (retail/office) portion of the development will not exceed 20% of the total land area and will continue to be concentrated along West Centre Avenue.
Natural & Historic Resources – 1	Environmental Protection	Yes	Designated wetlands areas are located along the northwest and southeast portions of the site, while Hampton Lake and related floodplain areas border the southwest portion of the site. Development activities will largely avoid these areas and preserve environmentally sensitive open space.
Natural & Historic Resources – 2	Floodplain	Yes	See Natural & Historic Resources – 1 comments above
Natural & Historic Resources – 3	Water Quality	Yes	Storm water from the Greenspire Planned Development will continue to be collected, treated and conveyed to natural open spaces and wetland areas, as opposed to typical fenced retention basins.
Natural & Historic Resources - 4	Noise	Yes	Retail/office lands uses will continue to be concentrated along West Centre Avenue and appropriate separations and buffers will continue to be established to minimize noise related impacts.
Natural & Historic Resources - 5	Historic Resource Preservation	N/A	The subject site is not located within a historic district and does not contain any historic structures.
Natural & Historic Resources – 6	Open Space Preservation	Yes	See Residential – 5 and Natural & Historic Resources – 1 comments above
Transportation – 1	Transportation Systems	Yes	West Centre Avenue is a major arterial street with 2-lane minor arterial street with 27,275 vehicles per day (2012) and a capacity of 34,400 vehicles per day (level of service D). Anticipated traffic generation from the PD can be accommodated.
Transportation – 2	Street Design	Yes	Access to the Greenspire Planned Development will continue through the existing driveways from West Centre Avenue. A traffic signal and improvements is also planned for 2017 at the West Centre/Cooley Drive intersection and Greenspire Drive.
Transportation – 3	Access Management	Yes	See Transportation – 1 and Transportation – 2 above.
Transportation – 4	Non Motorized Travel	Yes	See Residential – 6 above.
Municipal Facilities & Services – 1	Sound Fiscal Growth	Yes	Existing and proposed public infrastructure is adequate to accommodate planned development.
Municipal Facilities & Services – 2	Sanitary Service	Yes	Sanitary sewer is available and will serve the planned development.
Municipal Facilities & Services – 3	Underground Utilities	Yes	Underground utilities will serve the planned development.

APPLICATION FOR ZONING AMENDMENT

Application number #16/17-2

Date 10-28-2016

APPLICATION INFORMATION:

Meetings of the Portage Planning Commission are held on the first and third Thursday of each month at 7:00 p.m. in the Council Chambers of Portage City Hall, 7900 South Westnedge Avenue, Portage, Michigan. All zoning amendment applications must be properly filled out and submitted to the Department of Community Development and the zoning amendment fee paid at least 15 working days prior to the meeting at which the public hearing is held. The applicant will be notified in writing of all such public hearing/meetings.

For more detailed information about the zoning amendment process, please refer to Portage Land Development Regulations, Article 4, Division 2, Subdivision 2.

TO THE PLANNING COMMISSION:

I (WE), the undersigned, do hereby respectfully make application and petition the Portage Planning Commission to amend the Zoning Ordinance and/or change the Zoning Map as hereinafter requested. In support of this application, the following is submitted:

ZONING MAP AMENDMENT

1. a. Platted Land:

The property is part of the recorded plat: The property sought to be rezoned is located at _____ between _____ Street and _____ Street on the _____ side of the street, and is known as Lot Number(s) _____ of _____ Plat (Subdivision). It has a frontage of _____ feet and a depth of _____ feet.

b. Unplatted Land:

The property is in acreage, and is not therefore a part of a recorded plat. The property sought to be rezoned is located and described as follows: (Indicate total acreage and parcel number).

8546 Shirley Court, 000191950, 1.418 acres +/-

2. a. Do you own the property to be rezoned? Yes ☒ No ☐

b. Name of the owner of the property to be rezoned: Greenspire Equity V, LLC

Address 8546 Shirely Court

3. My (our) interest in the property and purpose for submitting the proposed Zoning Amendment: to include the property as a part of the Greenspire PD.

4. CURRENT ZONING: R-1C PROPOSED ZONING: PD

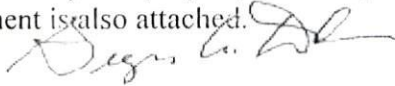
ZONING TEXT AMENDMENT

1. The proposed language to be considered is (attach additional sheets as necessary):

2. The Zoning Code Chapter and Section wherein the proposed text would be modified/inserted.

3. My (our) interest in and purpose for submitting the proposed Zoning Ordinance Amendment.

We attach a statement hereto indicating why, in our opinion, the change requested is necessary for the preservation and enjoyment of substantial property rights, and why such amendment will advance the public health, safety and welfare. An assessment of the impact of the proposal on the community and property of other persons in the vicinity of the amendment or affected by the amendment is also attached.



(Signature of Applicant)

(Signature of Applicant)

4200 W. Centre Ave, Portage, MI 49024

(Address)

(Address)

269.217.5477

(Phone)

(Phone)

A copy of all actions taken regarding this application shall be attached and shall be considered a part of this application.



BUILD SOMETHING BETTER.

November 10, 2016

Mr. Christopher Forth
Deputy Director of Planning and Community Development
City of Portage
2900 S. Westnedge Ave.
Portage, MI 49002

RE: Greenspire Planned Development "PD" Tentative Plan

AVB and The Hinman Company are pleased to submit to you an updated plan for our property on the south side of West Centre Avenue as depicted on the attached site plan. The majority of the property (98.6%) is already zoned PD - Planned Development. The following tentative plan (the "Tentative Plan") is consistent with the City of Portage Land Development regulations. This application seeks to revise and update the overall Tentative Plan. The following items have materially changed since the last Tentative Plan was approved by the City of Portage City Commission.

- Added the 1.42 acre Dillon parcel (8546 Shirley Court) bringing the total acreage from 102.56 to 103.98.
- Increased the total number of housing units by 12 units from 692 to 704 units as a result of adding the Dillon parcel to the overall development area. This is equal to the previously approved density of 8.45 units/acre.
- Changed the location and sized of the retail or office footprints. The overall commercial land area remains the same and well below the allowed 20% of the property at 10.9 acres total.
- Shifted a building to extend over the wetlands to take advantage of the scenic views on the western edge of the commercial area. The proper MDEQ permits would be applied for and received before any construction within the wetland.
- Changed phase VI from five buildings to six buildings, while keeping the unit counts unchanged at 104 units.

The proposed Tentative Plan provides for the continuation of an excellent development. Further, the proposed approach allows this property to achieve its highest and best use

while remaining true to the development principles that were originally established at Greenspire over 40 years ago.

Our master plan is consistent with the City of Portage Future Land Use Plan and our most recently approved Tentative Plan. The areas that we suggest as multi-family are shown as high density residential on the Future Land Use Plan and the commercial areas are noted on the Future Land Use Plan as general business. AVB and Hinman have individually and together had a great deal of experience developing within the PD framework both in the City of Portage and in other municipalities. Some of our very best developments have been the fruits of the City of Portage PD. We continue to believe that this development is suited very well to benefit from the PD ordinance and the PD process in general.

What follows are the answers to the 15 required questions that are provided in Section 42-375 of the City of Portage Land Development Regulations.

1. The PD area will include residential and commercial uses that are designed to integrate well with the adjacent existing residential and commercial uses.
2. The proposed PD development area is on all of the approximately 103.98 acres identified as Greenspire, on the property that is commonly referred to as Greenspire Apartments and more recently Greenspire Shoppes. In the proposed PD area we plan to develop a combination of multi-family, retail and office uses. Phase V A is under construction and consists of three multi-family apartment buildings containing 76 apartment units. Following the initial Phase V A construction, construction of the 5 remaining apartment buildings and 104 units in Phase V B would commence in the falls of 2018 and 2019. Future developments would include multi-family expansion (Phase VI) that would consist of approximately 104 new multi-family apartment units. Additional office and retail uses would be expanded as shown on the attached site plan as demand allows.

Using a cluster development allows us to provide in excess of 30 acres of open space within the development. The same care that has gone into the existing development of Greenspire to harness the natural beauty of this special land will continue in the PD area with first-rate landscaping and natural screening where appropriate. Additionally we will take advantage of the natural features and topography of this site by site planning to allow views of the beautiful forests, waterways, wetlands and sensitive areas that border this property.

3. The Greenspire Apartments development started in the early 1970's when Roger Hinman and Joe Gesmundo first began acquiring the property now known as Greenspire Apartments. Phase I began construction in 1976 on 8.015 acres and included the boulevard entrance from Centre Avenue, four apartment buildings, the clubhouse, the pool and the first tennis court. In 1978 Phase II was constructed and included seven additional apartment buildings and an additional

tennis court on 14.96 acres. In 1981 Phase III was constructed and included six new buildings on 21.84 acres. In total Phase I through Phase III included 17 buildings, 384 units (187 one beds, 144 two beds, and 53 three beds) over 44.815 acres. For density purposes the 384 units over 44.815 acres equals 8.57 units/acre. Phase IV was constructed in 2014 and 2015 and includes 36 units (12 one beds and 24 two beds) over 3.05 acres, bringing the average density to 8.77 units/acre.

Greenspire Phases V through VI will be developed in approximately five sub-phases beginning the Spring of 2016.

- a. Summer 2016. The first three buildings of the Phase V multi-family residential development commenced construction.
 - b. Fall 2018. Two more buildings of the Phase V multi-family residential development are planned to commence construction.
 - c. Spring 2017. The second retail building (shown as Phase V-R on the tentative plan) is scheduled to commence construction.
 - d. Fall 2019. The last two buildings of the Phase V multi-family residential development are planned to commence construction.
 - e. The timeline for construction of the multi-family buildings (Phase VI) and the office and retail buildings west of Shirley Court is unknown at this time. It is expected that construction would take place after the Spring 2018.
4. The time schedule is proposed in #3 above.
 5. The site plan and its associated phasing lines show how each stage of the development is independent, yet designed to integrate well into the development as well as the existing development pattern. Importantly, each phase of the Greenspire plan has been meticulously designed to integrate into the existing Greenspire Apartments master plan. The Cooley Drive entrance drive has been completed to provide an additional means of ingress and egress into the development. In a shared investment project with the City of Portage, the new traffic signal at Cooley and Centre Ave. which is slated to be completed in the spring 2017, will further improve ingress and egress to the Greenspire development. Additionally, when the area west of Cooley is developed, this area will be benefited by the right in/right out drive, at Shirley Court.

As we plan for pedestrian circulation throughout the site, we are leveraging miles of existing sidewalks through the existing Greenspire Phases I, II, III and IV as well as the newly constructed 13,000 sq. ft. retail center along Centre Ave. As we constructed the new entry drive from Centre Avenue west of the 13,000-square foot retail building, we constructed a sidewalk to provide a pedestrian entrance from Centre Ave. into the existing phases of Greenspire. By providing access to Centre Avenue to the entire PD via these new sidewalks, we are able to

get pedestrians to the under-construction signaled intersection at Cooley and Centre Ave. From this point, pedestrians can cross to the north side of Centre Avenue where sidewalks connect the full distance of Centre Avenue east and west. Phases V A, V B and VI all include additional sidewalks and pedestrian circulation as well.

Shirley Court presently provides legal access, via access easements recorded in 1953, 1962, and 1974, to the homes between Tozer Ct. and Shirley Ct. This access is presently a dirt two-track over the northern most 500' +/- and most of its distance south of Fawn Cove Lane. Improvement of the northern 500' +/- section of Shirley Court is not necessary for proper development of Greenspire through Phase V and Phase V-R. Additionally, improving this section of Shirley Court is not required or necessary to provide access to the Greenspire development, nor is it required by the City of Portage Fire Department. Therefore we do not plan to substantially improve the northernmost 500' +/- of Shirley Court until the construction of either Phase VI or the construction of the retail in Phase V-R. The exact timing of the Shirley Court improvements depends on the final plan site locations of the building labeled Phase V-R.

It should be further noted that the access agreements, originally recorded in 1953, 1962, and 1974, do not place any burden of maintenance or upkeep on Greenspire.

Phase V will also include, as shown in the attached Tentative Plan, a new entry statement that will direct residents and guests into Phase V. Additionally, as a part of the development of Phase V A the proposed screening on the west side of Phase V will be installed. The berm that is shown just west of our southwesternmost building in Phase V A, has been constructed and the 8' pine trees have been planted. Additionally, we would be willing to include some "private property" signs to remind our residents of the difference between Greenspire Property and the privately owned properties between Tozer Ct. and Shirley Ct.

6. The Tentative Plan land is located on the south side of Centre Avenue, east of Moorsbridge Road and west of Oakland Drive. The parcel is 103.98 acres in total. This 103.98 acres includes 9.76 acres of Hampton Lake. Entities owned and controlled by Joseph Gesmundo and Roger Hinman presently own all of this property under a variety of entity names and is commonly referred to as Greenspire Apartments.

It should be noted that we have done a fair amount of due diligence recently in regards to the property, in addition to our over 30 years of experience in owning the land. Specifically, the south end of Phase V is near some low-lying land. We have had this property evaluated recently in three manners. First, Tim Bureau of Tim Bureau Consulting, LLC, a former long-time MDEQ staffer, reviewed the area

in person to assure us that our buildings were not in any wetlands. Mr. Bureau has assured us that none of our buildings are in a wetland. Additionally, PSI was hired to conduct soil borings in the area of the southernmost building footprints in Phase V A. The PSI borings show an abundance of sand, down the full 25' of the borings' depth. Finally, our civil engineers have confirmed that these buildings are not within the floodplain.

7. The chart below demonstrates the land use and density for each phase. Please note that at final build out, our plan exceeds the 7.0 units per acre by 1.45 units per acre. This 8.45 units per acre is equal to the previous tentative plan approval for the Greenspire PD. If one were to revert to the previous RM-1 zoning, our density would allow 89 to 133 more units than we are requesting under this plan. In other words, RM-1 zoning would allow 793 to 837 units and we are only requesting 704 in this PD application. Owing to a portion of the property being Hampton Lake, and a portion of our property being dedicated to commercial use, our calculations use 83.32 acres to calculate residential density though the property being rezoned is 103.98 acres. For density comparison purposes the existing 420 units (Phase I through IV) over 47.865 acres equals 8.77 units/acre. Although 12 additional units are being added to the overall development project by incorporating Dillon parcel, we will maintain the same overall density of 8.45 units per acre (after Dillon house is demolished) as previously approved by the City of Portage, which is the combined residential unit per acre density shown on our Tentative Plan for Phases I through VI.

Phases	Density Units/Acre		Phase Acreage	Total Acreage
	Proposed Units	Not Including Hampton Lake or Commercial Area PD Calc		
Existing Buildings:				
Phase I	96	11.98	8.015	
Phase II	168	11.23	14.960	22.975
Phase III	120	5.49	21.840	44.815
Combined Phase I-III	384	8.57	44.815	
Phase IV	36	11.80	3.050	47.865
Combined Phase I-IV	420	8.77	47.865	
Proposed Buildings:				
Phase V A	76	8.25	9.210	57.075
Phase V B	104	11.29	9.210	66.285
Combined Phase V	180	9.77	18.420	66.285
Combined Phase I-V A & B	600	9.05	66.285	66.285
Phase VI	104	6.11	17.035	83.320
Phase I, II, III, IV, V, & VI Combined	704	8.45	83.320	

Retail/Office 10.9 acres

It should be noted that the allowable non-residential acreage is 20.79 acres at 20% of 103.98 acres.

45,000 to 60,000 sq. ft. of retail and up to 30,400 sq. ft. of office

Up to 90,400 sq. ft./10.9 acres = 8,293 sq. ft./acre

8. The roads, storm areas and entry statement areas as shown on the attached site plan, will be owned by the Gesmundo & Hinman entities reference herein and maintained by Lakewood Management Company as they have since the first building was constructed at Greenspire Apartments. Joe Gesmundo and Roger Hinman both hold ownership in and are the General Partners for Phase I which is owned by Greenspire Equity I.

9. The residential development units will consist of the following types of units:

Multi-family buildings – three-story buildings, and three-story walk out buildings approximately 40' feet high (as measure from the front elevation to the mid-point of the roof) with each building being approximately 40,000 sq. ft.

The commercial portion of the development will consist of the following types of buildings:

Six - One-story retail buildings, 25' high, between 6,000 sq. ft. and 25,000 sq. ft. each

Potentially office buildings 40' high, 30,400 sq. ft.

The office and retail buildings will be designed to integrate with the residential buildings while maintaining some of the general character of office buildings. The final product at Greenspire will take advantage of excellent colors, textures and materials to make every building look and feel great.

The proposed 3-story and 3-story walk-out multi-family buildings are required by current code to be fully protected by a wet-sprinkler system. As such we expect that all the new 3-story and 3-story walk-out multi-family buildings within Greenspire to be fully sprinkled.

We have used a 30' set back around the entire perimeter of the property except for the two buildings in Phase IV of the Multi-Family development where a 15' set back was necessary in order to facilitate our site plan. The 15' set back, only

for two buildings (36 units of Phase IV), was previously approved and allowed us to set the buildings back an appropriate distance from Greenspire Drive. For clarification purposes the decks/patios are now set at 10' from the property line in Phase IV and the building face will be 15' from the property line. In addition we have maintained 30' between each building and a 25' front setback from the edge of road.

The commercial/retail building heights will not exceed those which are allowed within the PD zoning district. The multi-family buildings are designed at approximately 40'.

We are executing a screening plan for the homes to the west of Tozar with transplanted white pine trees, to further shield their residences and associated view lines from our proposed development as shown on the attached Tentative Plan. We are presently executing this screening plan concurrently with the construction of Phase V A.

10. Storm water will be treated and piped via underground structures to the most appropriate common open space area in accordance with City of Portage requirements. In addition, some storm water capacity may be integrated into the design of the office sites. Storm water will be pre-treated according to City of Portage regulations and then released for infiltration into the previously mentioned lowland. These low-lying areas within the development provide plenty of space for this purpose and this plan will be developed to allow for natural looking rain basins/wetlands as opposed to typical, fenced off, deep and unsightly storm systems. Sanitary sewer will be connected to the available City of Portage sanitary sewer system which is available at Centre Avenue and at the Fawn Cove lift station.
11. The previous Tentative Plan was approved subject to seven conditions contained in the report from the City Manager to Council on 3-10-10. These same seven conditions would carry forward to this Tentative Plan submission.
12. Parking will be provided according to the City Ordinance. If feasible, we will try to bank some of the retail parking as typically the City requirements exceed those of our tenants. We expect to build out all of the required spaces for the residential multi-family units. The existing and proposed road widths are included and dimensioned on the attached site plan. Single story pitched roof garages and/or carports may be implemented into the site plan. The quantity of garages / carports shall not exceed 50% of total number of bedrooms. The construction finishes / materials will be complimentary to that of the Phase IV apartment building conceptual elevation submitted with this narrative. The specific quantity, location, and materials of the garages / carports will be detailed on the final site plan.

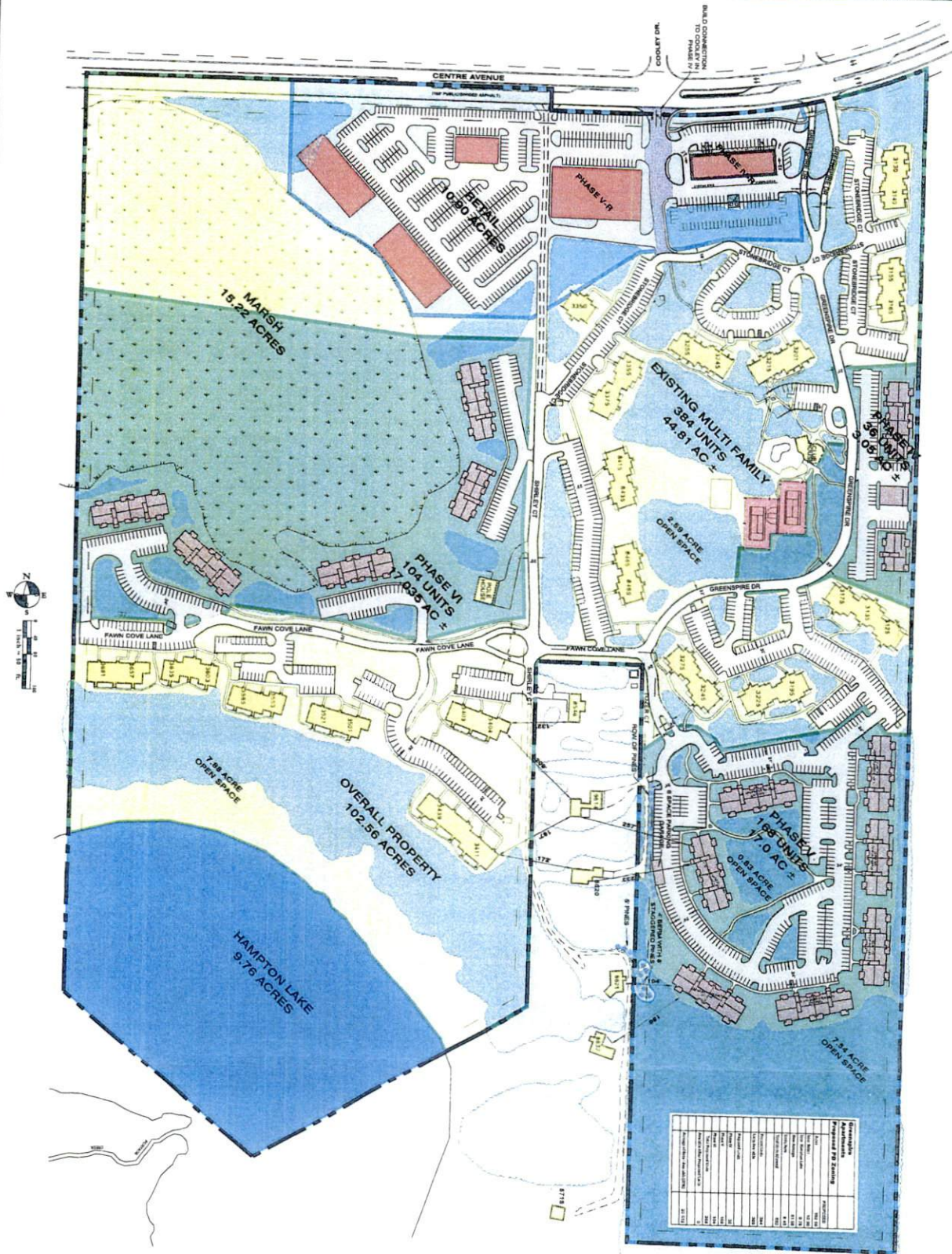
13. We do not anticipate the need for any other modifications to allow the subject property to be developed as presented herein.
14. As noted in #4 above, we intend to make our final submittal for the last planned phase in 2018.
15. Since the successful implementation of the plan is required both by the ordinance and by our own standards, we do not feel that any performance bonds are necessary. We have a long-standing reputation for successful completion of our projects and the meticulous management of our developments after build-out.

We look forward to the opportunity to discuss this plan with City Staff, Planning Commission and City Council.

Sincerely,

Greg Dobson

cc: Joe Gesmundo, Rich MacDonald, Roger Hinman



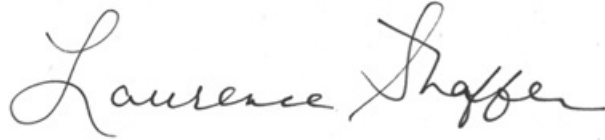
Sheet Title
PD ZONE MASTER PHASING PLAN
GREENSPIRE COMPLEX
AMERICAN VILLAGE BUILDERS, INC.

Project: PD ZONE MASTER PHASING PLAN
Client: AMERICAN VILLAGE BUILDERS, INC.
Date: 11/11/10
Scale: 1" = 100'

hurley & stewart
2800 South 111st Street
Bloomington, Michigan 48009
248.552.4900 Fax 248.552.4941
www.hurleyandstewart.com

TO: Honorable Mayor and City Council

FROM: Laurence Shaffer, City Manager



SUBJECT: Director of Transportation & Utilities

SUPPORTING PERSONNEL: Rob Boulis, Deputy City Manager

ACTION RECOMMENDED: That City Council confirm the appointment of Kendra Gwin as the Director of Transportation & Utilities, effective August 12, 2017.

In September 2016, Director of Transportation & Utilities, Christopher Barnes, announced plans for his retirement from the City of Portage for August 2017. Mr. Barnes has been a city employee for twenty (20) years, first as city engineer and then as department director.

Following a review of qualified candidates, I am pleased to recommend the appointment of Kendra Gwin to the position of Director of Transportation & Utilities for the City of Portage, effective August 12, 2017. Ms. Gwin has been with the city nearly seventeen (17) years and is currently the Utilities Engineer for the city. Since Mr. Barnes' promotion to director in 2010, Ms. Gwin has essentially served as his deputy, as well as successfully acting as interim director for several months in 2015 during Mr. Barnes' medical leave of absence. As of January 2017, Ms. Gwin has formally been promoted to the position of Deputy Director of Transportation & Utilities.

Ms. Gwin currently serves as a city liaison for the Michigan Department of Environmental Quality, Kalamazoo County Department of Environmental Health, Kalamazoo Public Service Department, South County Sewer and Water Authority, Safe Drinking Water Partners of SW Michigan and regional Utility Advisory Board. She is also charged with coordinating the city's utility operation and maintenance activities with the Suez Environmental.

She has a Bachelors of Science in Electrical Engineering from Tri-State University of Angola, Indiana. She is a state licensed Professional Civil Engineer and holds numerous National Emergency Management/FEMA certifications. Further, Ms. Gwin was the recipient of the city's 2015 Customer Service Teamwork Award and is a Member of the American Water Works Association & American Public Works Association. Ms. Gwin receives my full support as the city continues to move forward.

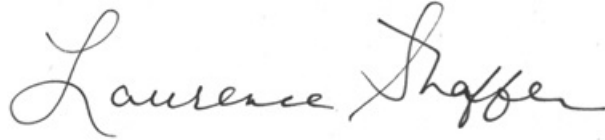
Consistent with the City Charter, Section 6.3 "City Manager" subsection B.2, which states, "*The City Manager shall appoint such of the administrative officers, subject to confirmation by the Council, as are not required by this Charter to be appointed by the Council,*" it is recommended that City Council confirm the appointment of Kendra Gwin as the Director of Transportation & Utilities, to be effective August 12, 2017.

FUNDING: Funding of the position of Director is included as part of the FY 2016-2017 Transportation & Utilities Department budget.

Attachments: 1. N/A

TO: Honorable Mayor and City Council

FROM: Laurence Shaffer, City Manager



SUBJECT: Comprehensive Annual Financial Report (CAFR)

SUPPORTING PERSONNEL: William Furry, Director of Finance

ACTION RECOMMENDED: That City Council accept the Comprehensive Annual Financial Report (CAFR) for fiscal year ended June 30, 2016.

The annual audit for fiscal year 2015-2016 has been completed by the city's external audit firm, Yeo and Yeo CPAs and Business Consultants. Following the audit, the Comprehensive Annual Financial Report for fiscal year ended June 30, 2016 was completed and filed as required by state statute. The city received a "clean" opinion, indicating the financial statements present fairly, in all material respects, the financial position of the government as of the audit date.

Jamie Rivette, CPA, Principal from Yeo and Yeo, will present highlights and discuss the audit report before City Council during its January 24, 2017 regular meeting. Highlights of the CAFR include:

- A net change in the General Fund fund balance of (\$2,958,982), a deficit due to the transfer of surplus fund balance in the amount of \$2,961,755 to the Capital Improvement Fund on November 3, 2015. A deficit occurs when an entity substitutes cash for revenue. As Council may recall, this deficit occurred in order for the City Administration to reduce the unappropriated fund balance to twenty-four (24%) percent, \$2.958 million was taken from cash to fund capital improvements, primarily neighborhood road re-surfacing;
- Total overall debt was \$70,875,000 -- down \$6,655,000 from the prior year;
- The defined benefit pension plan is 93% funded, while the Retiree Healthcare plan (Other Post-Employment Benefits) is 115% funded, representing a net asset, not a net liability, as in many other cities.

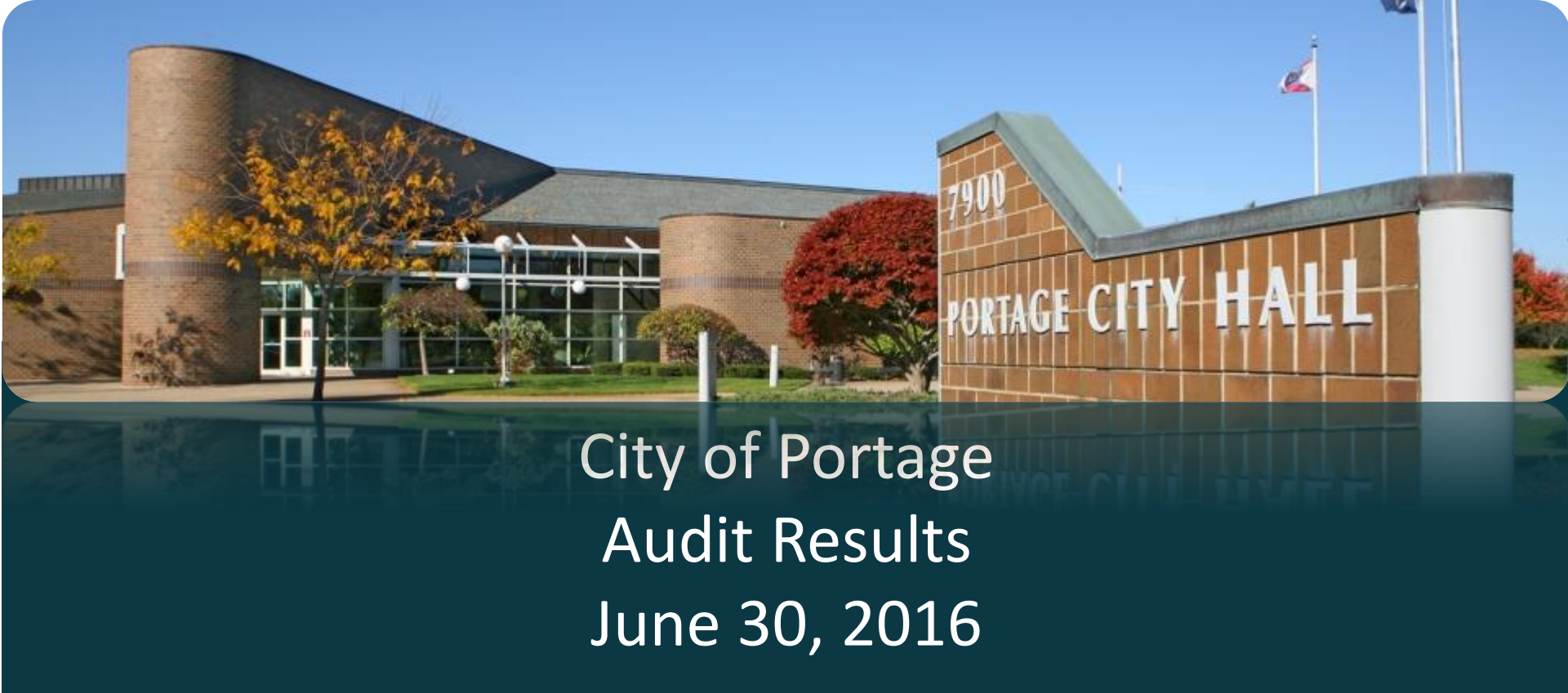
Bound copies of the 2016 CAFR are presented to City Council under separate cover of Materials Transmitted dated Tuesday, January 24, 2017, and the CAFR will be posted for public viewing on the city's website, on the Finance Department's page.

It is recommended that City Council accept the Comprehensive Annual Financial Report (CAFR) for fiscal year ended June 30, 2016.

FUNDING: N/A

Attachments:

1. Yeo & Yeo presentation
2. 2016 CAFR



City of Portage Audit Results June 30, 2016

Presented by
Jamie L. Rivette, CPA

Presented on
January 24, 2017

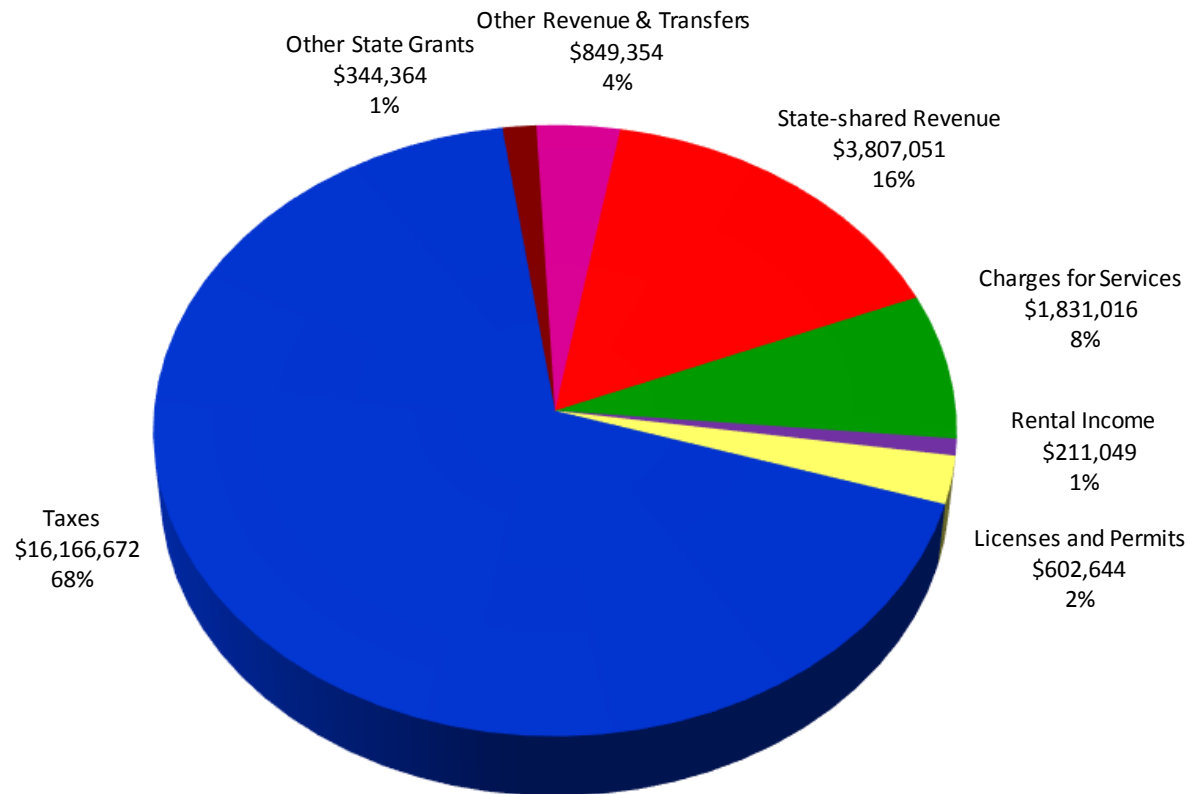


Audit Opinion

- Can only be issued by a licensed CPA firm
- Management's responsibility
 - Preparation and fair presentation in accordance with GAAP
 - Design, implementation and maintenance of internal controls
- Auditors' responsibility
 - Express opinions on the financial statements based on our audit
- Unmodified opinion – highest level of assurance
- Emphasis of matter – prior period adjustment

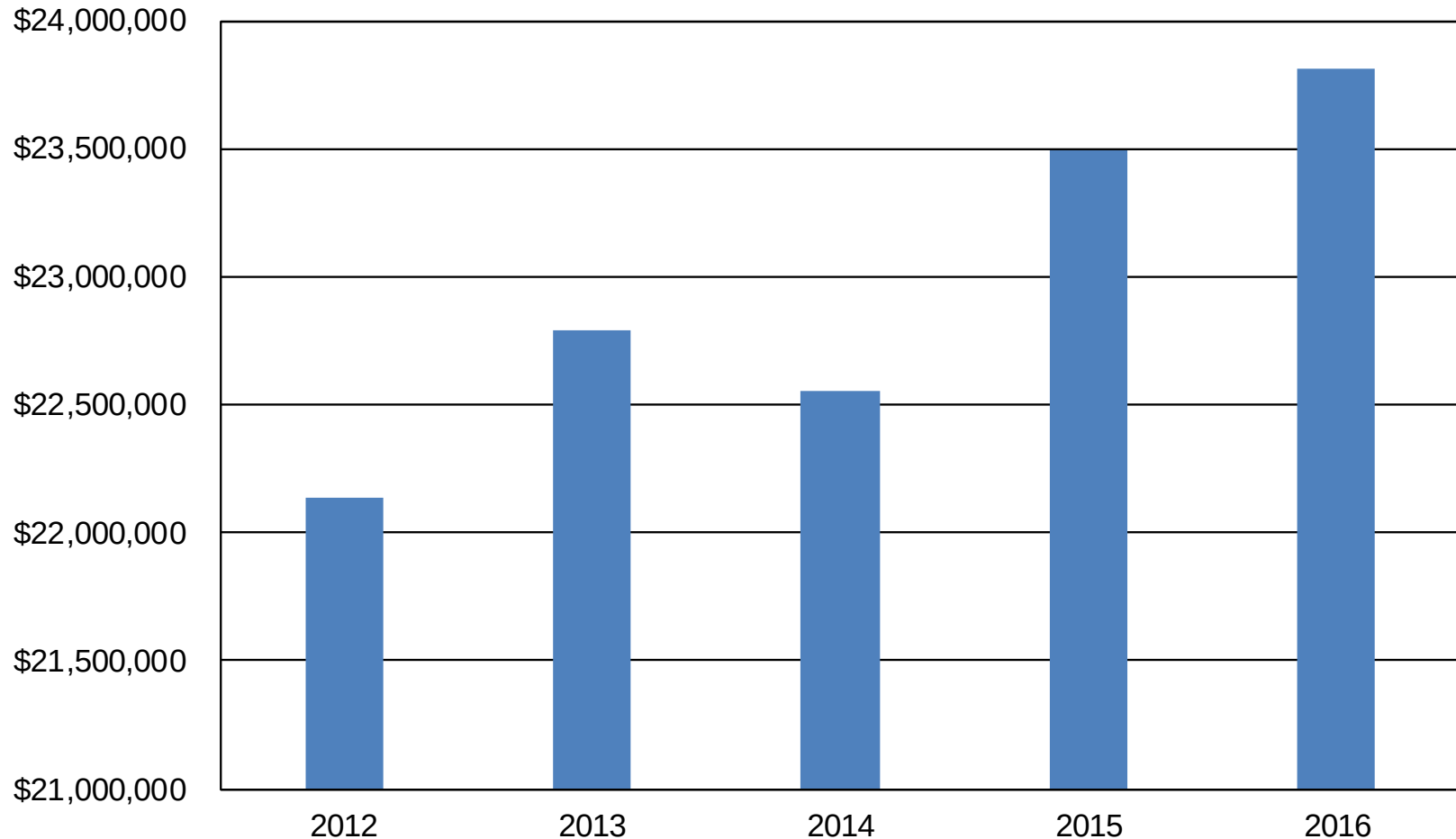


General Fund Revenue and Other Financing Sources 2016 - \$23,812,150



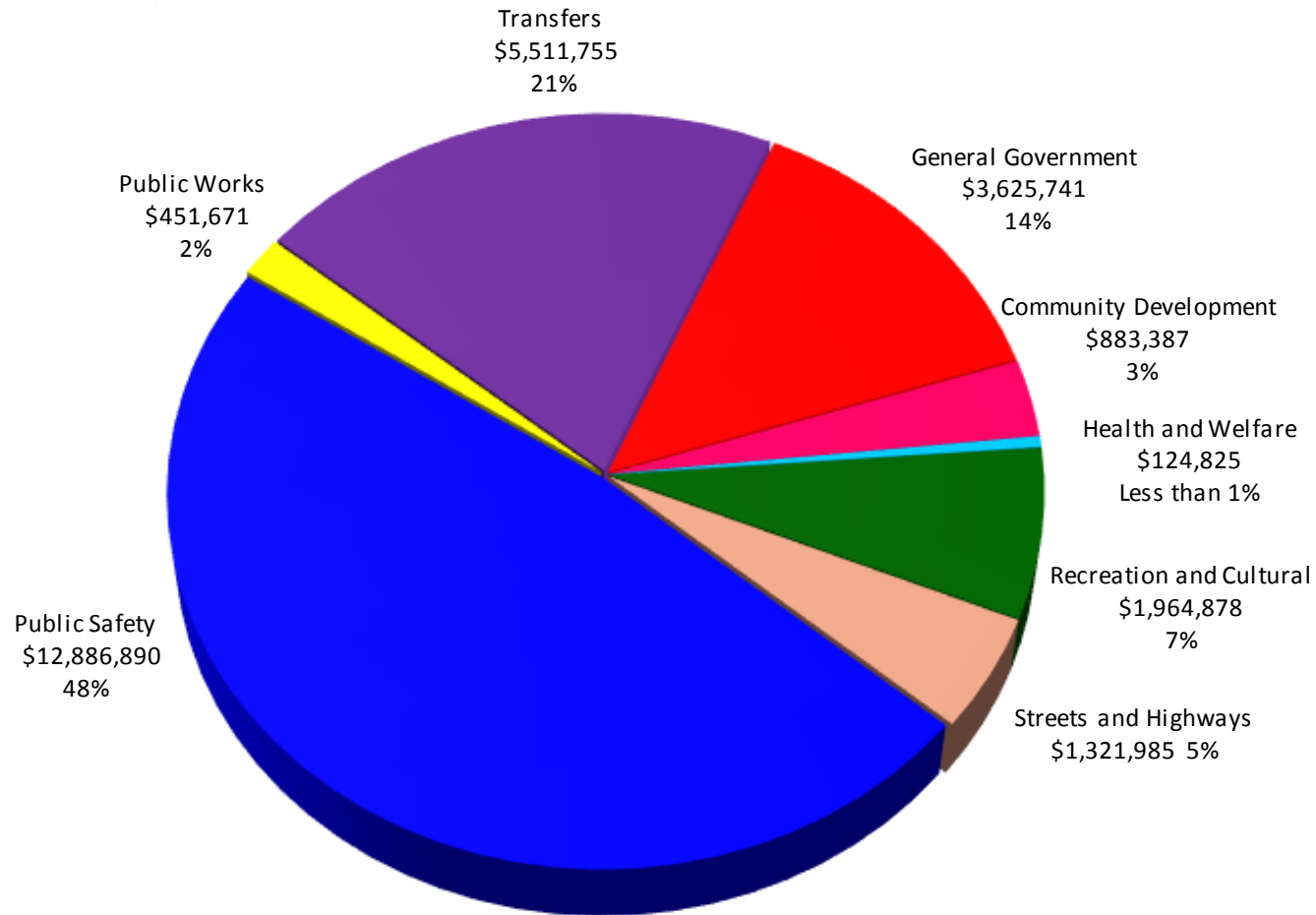


General Fund Revenue and Other Financing Sources



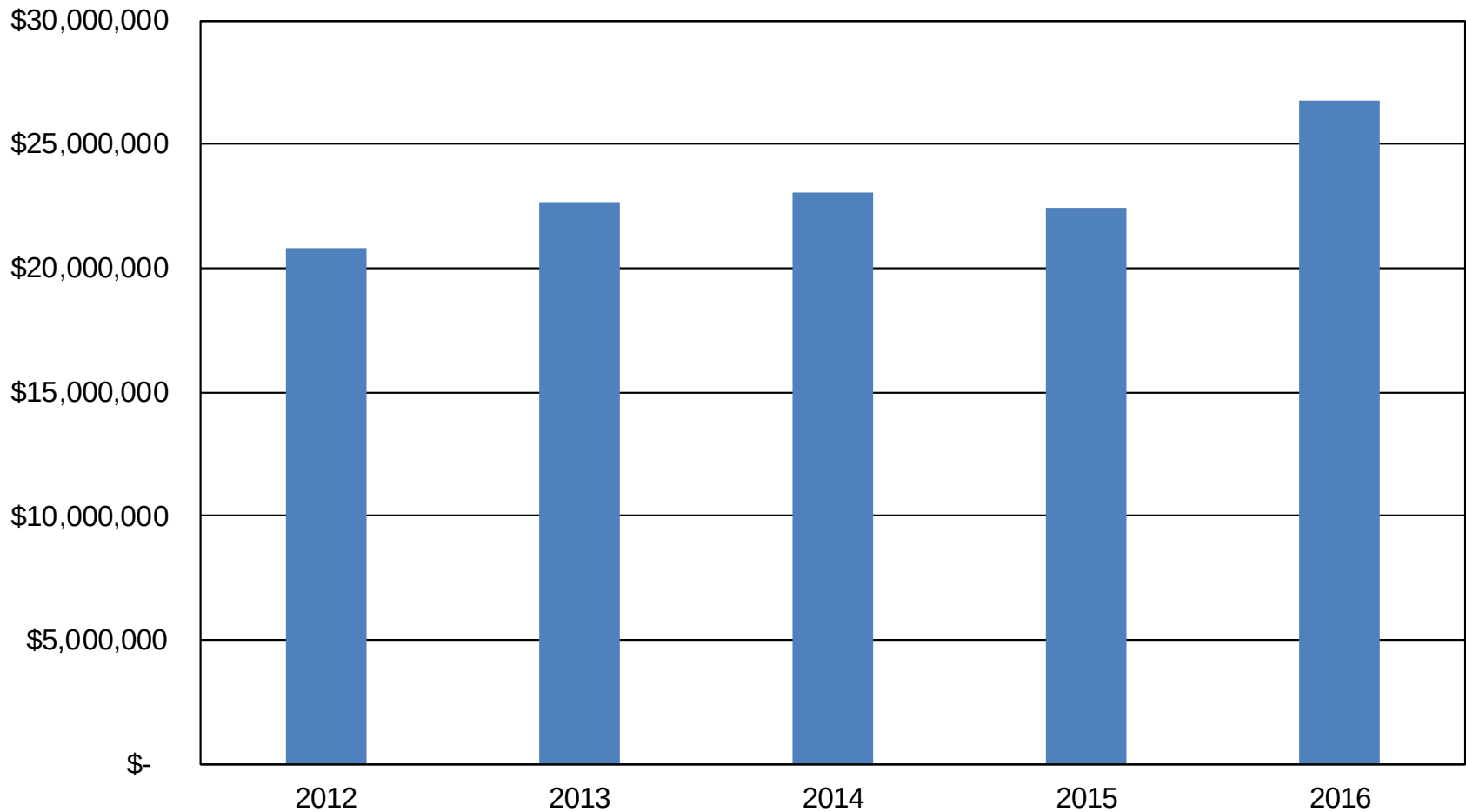


General Fund Expenditures and Other Financing Uses 2016 - \$26,771,132





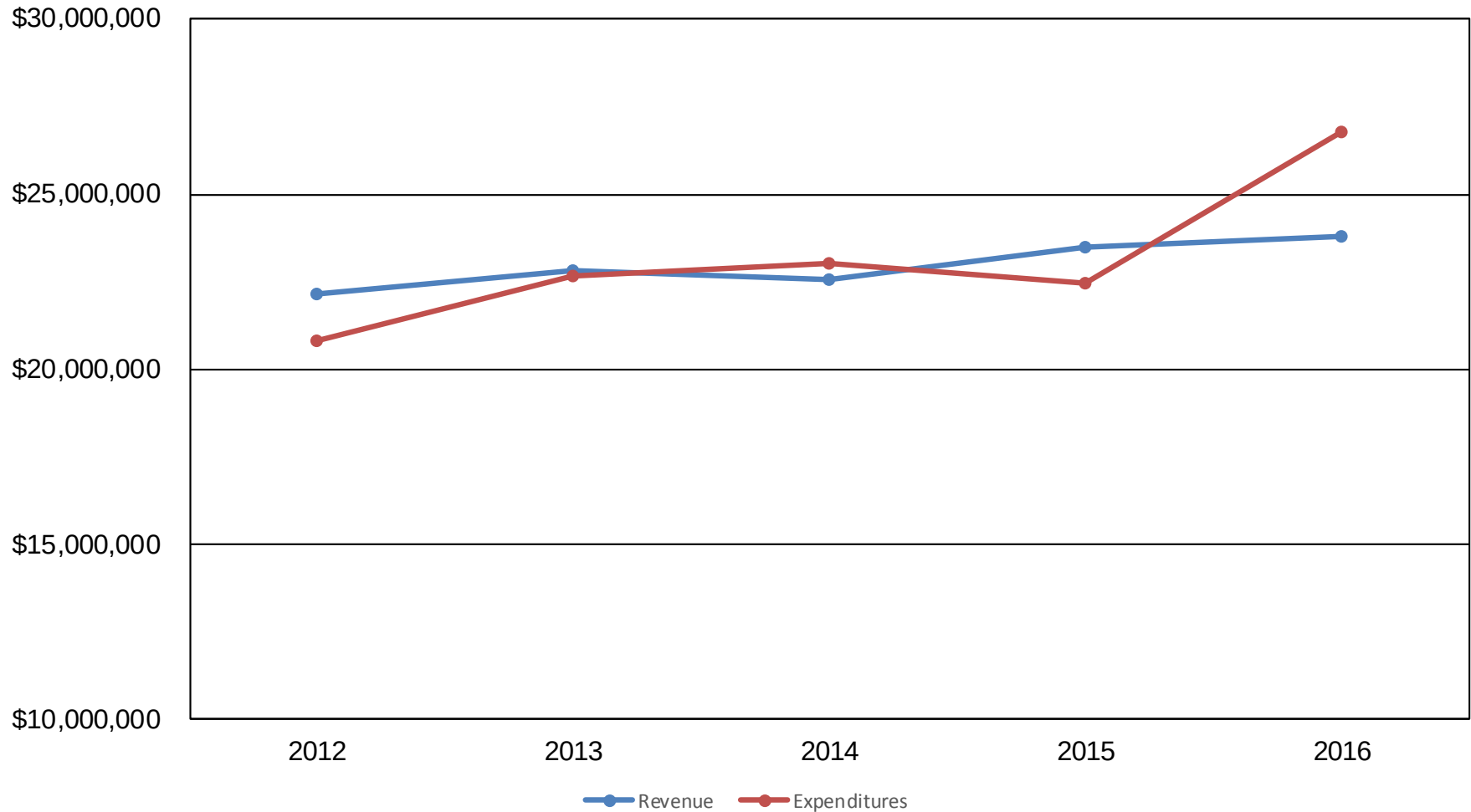
General Fund Expenditures and Other Financing Uses



City of Portage

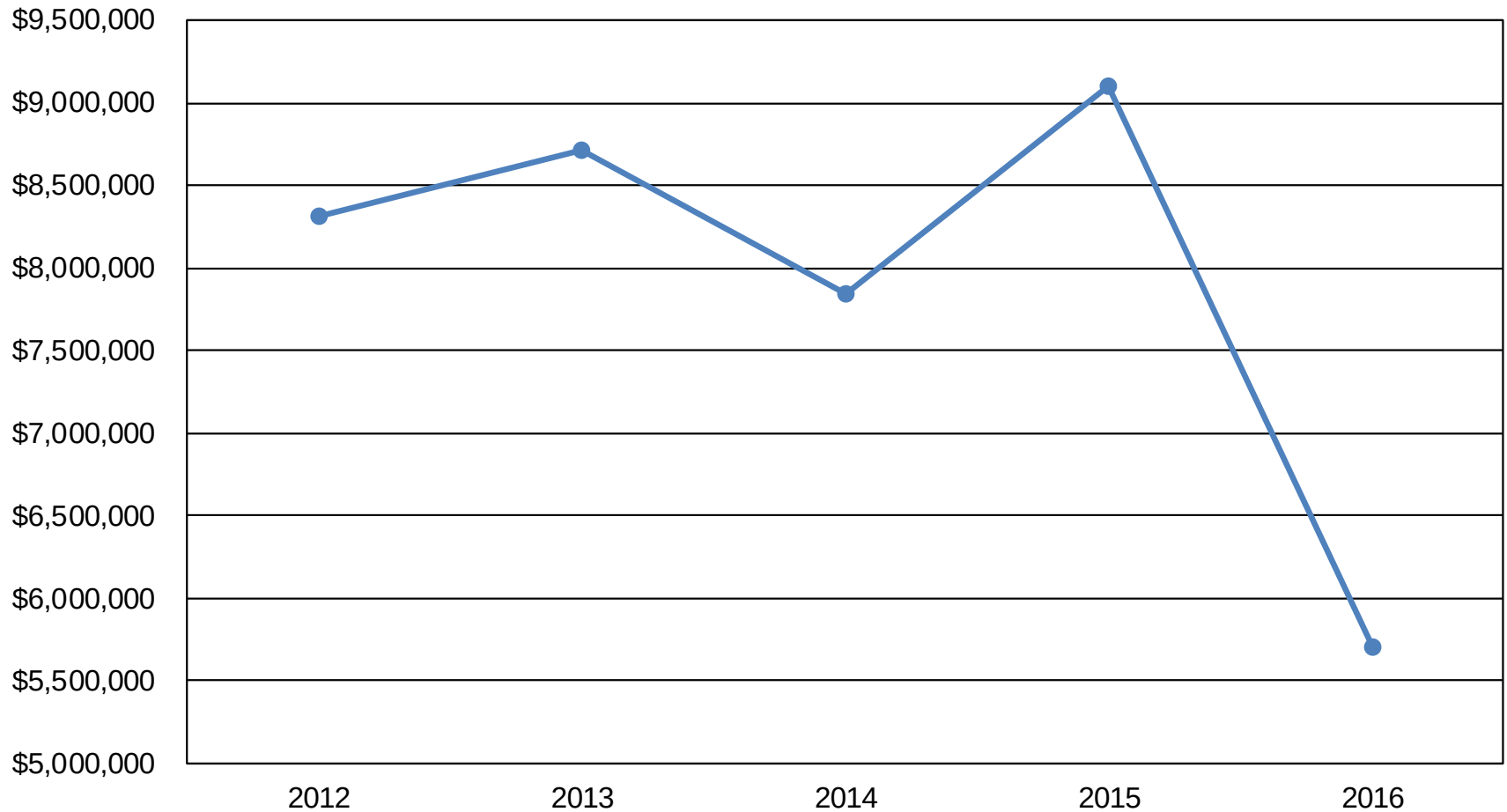


General Fund Revenues, Expenditures and Other Financing Sources and Uses



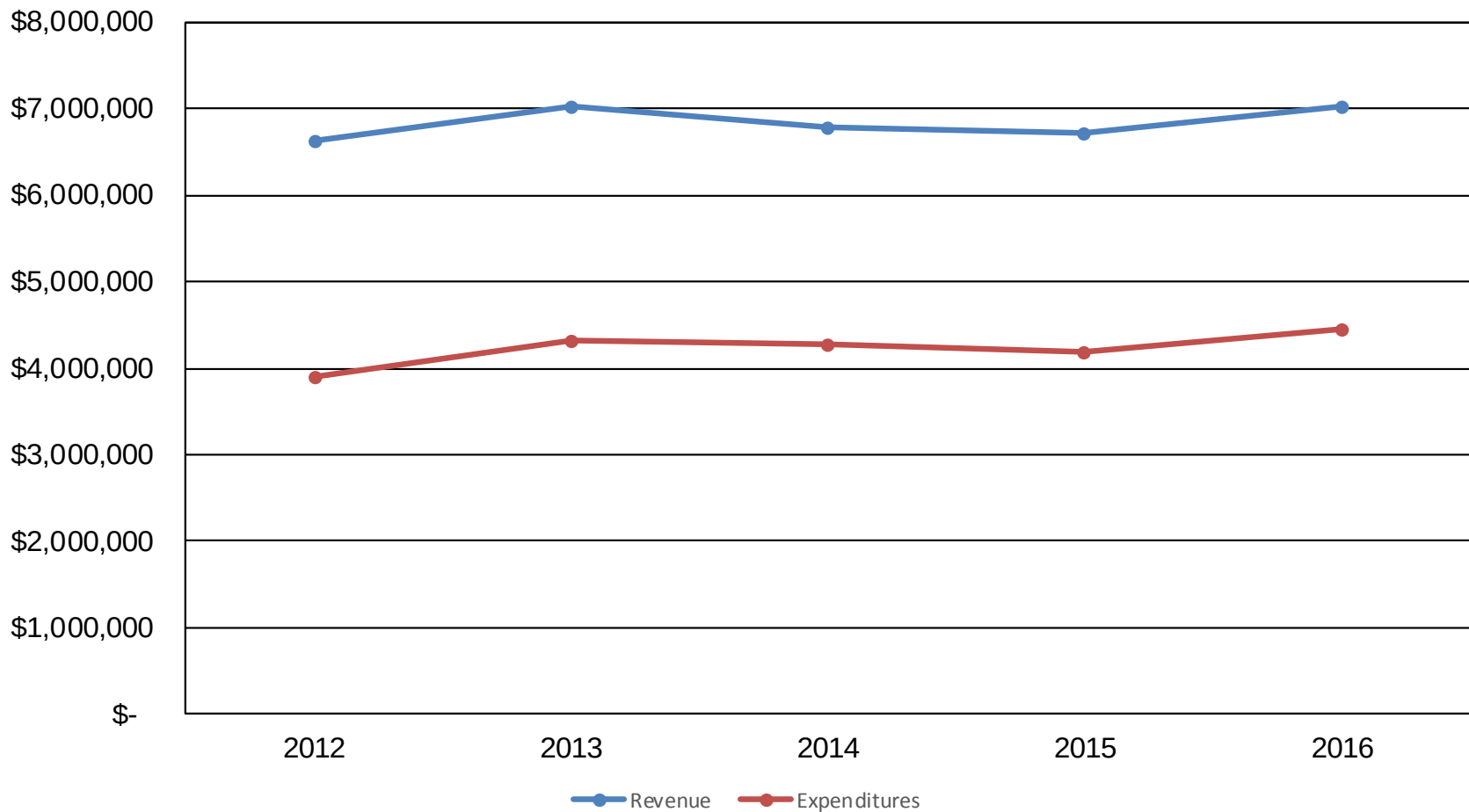


General Fund – Unassigned Fund Balance



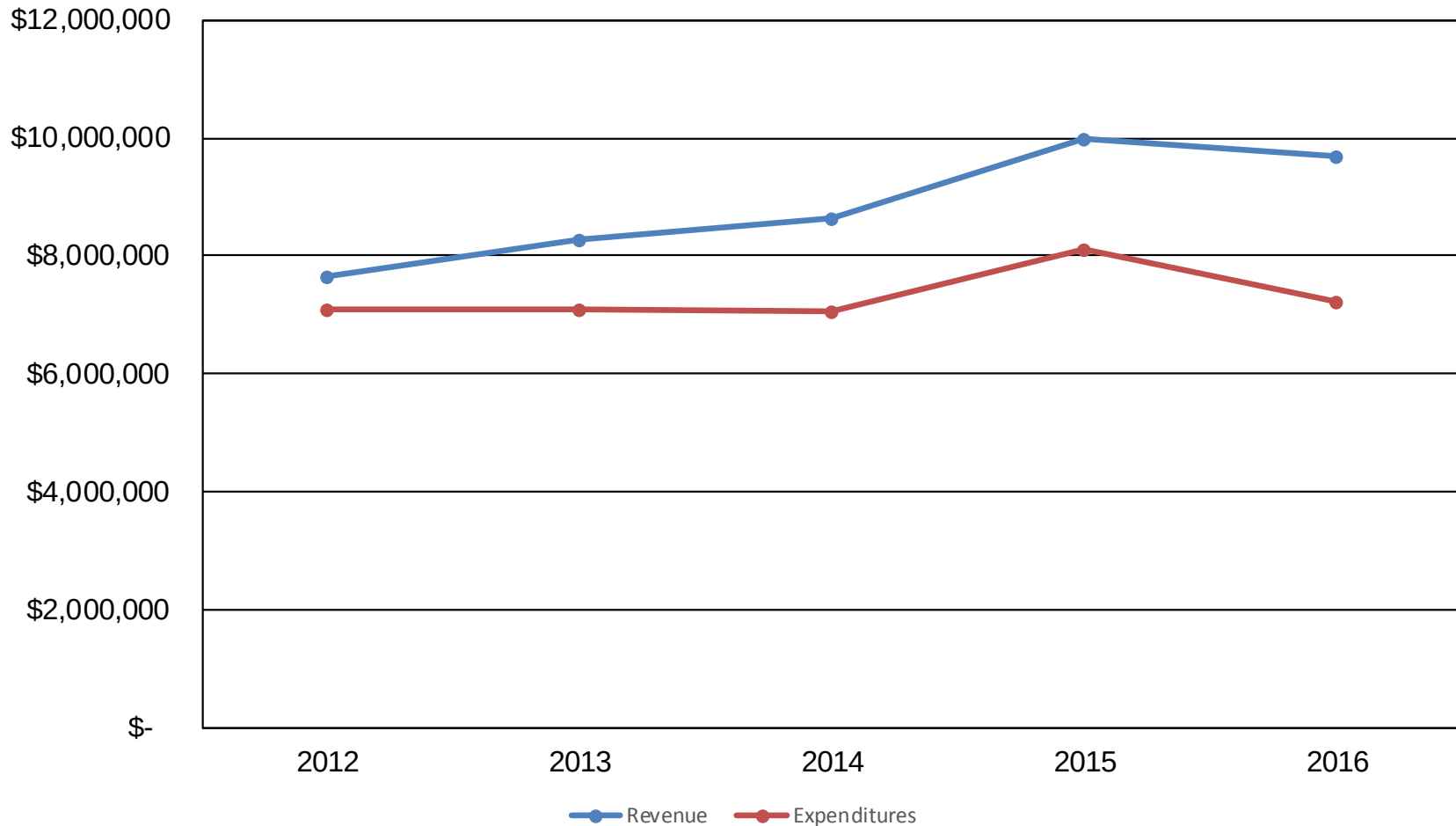


Water Fund Operations



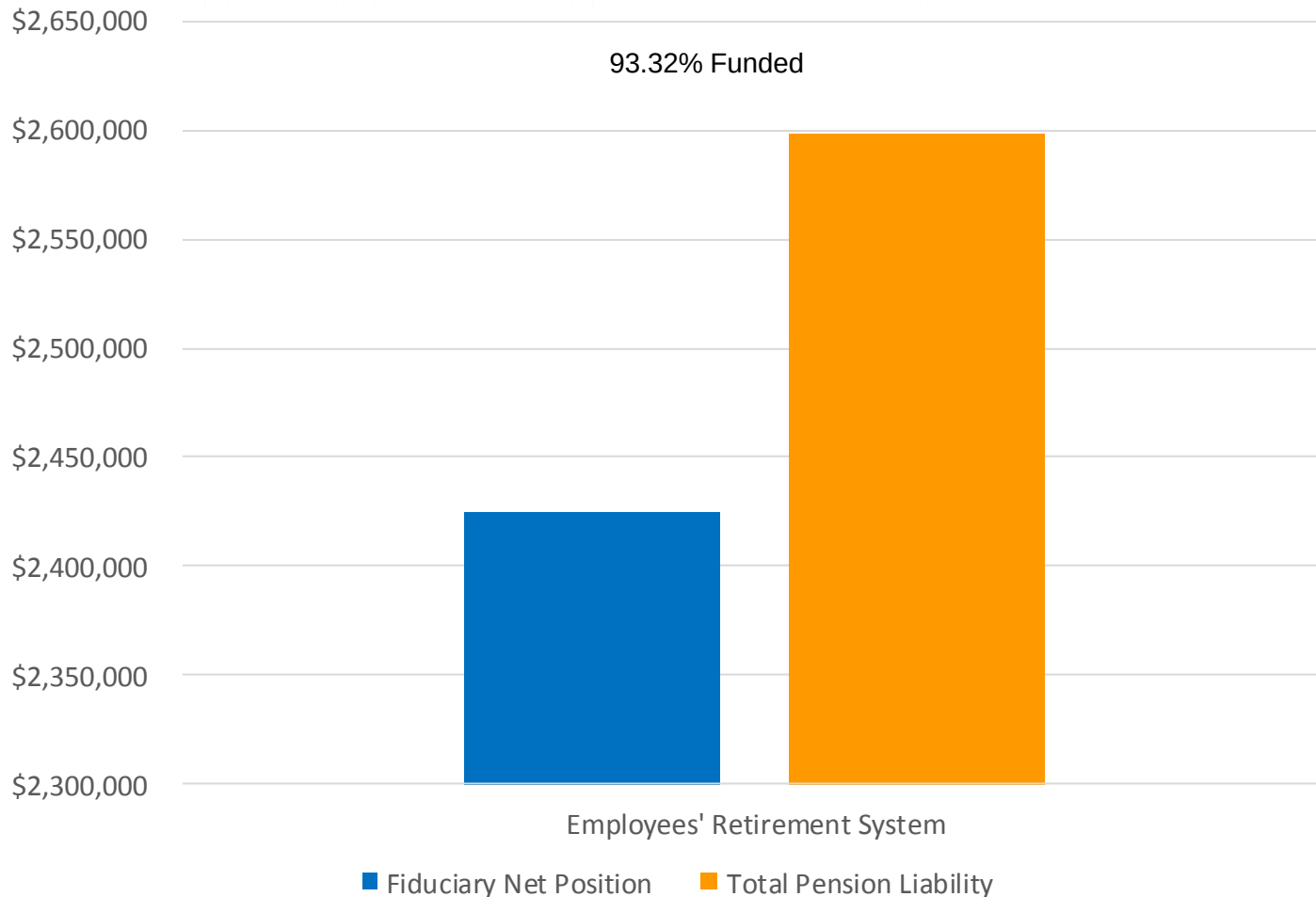


Sewer Fund Operations



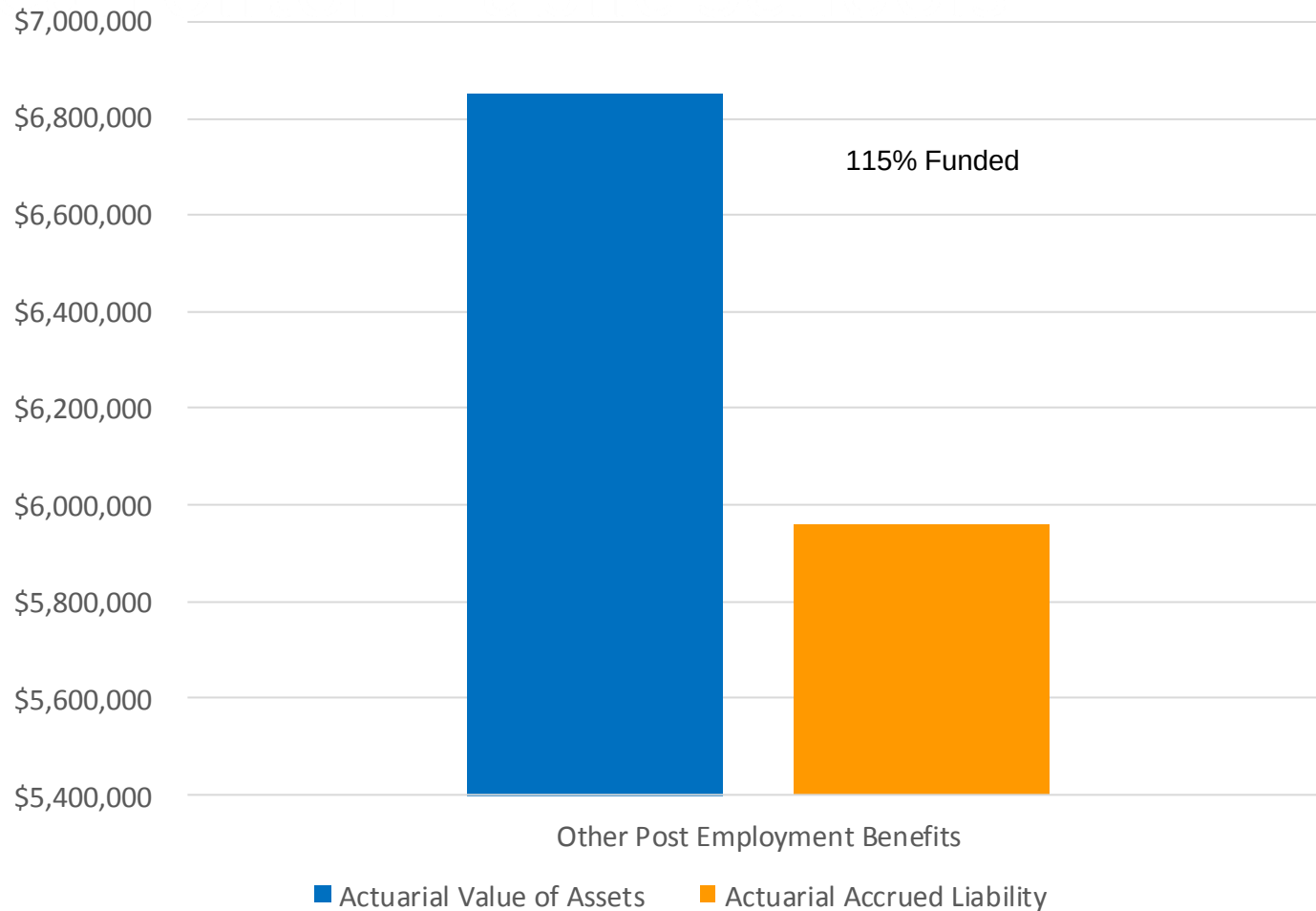


Pension Funding Status as of June 30, 2016





Retiree Healthcare Funding Status as of July 1, 2015





Internal Controls

Material Weaknesses

Prior Period Adjustment

No Significant Deficiencies



Matters for Management's Consideration

Current Year Comments

- Budgeting Process
- Petty Cash Expenditure Monitoring

Prior Year Comments

- Pension Trust Fund
- CDBG Program Income Fund
- Changes in GASB Standards

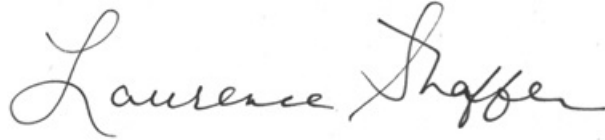


Thank you!

Jamie L. Rivette, CPA
(800) 968-0010

TO: Honorable Mayor and City Council

FROM: Laurence Shaffer, City Manager



SUBJECT: Donation of Property - MLK Drive

SUPPORTING PERSONNEL: W. Christopher Barnes, Director of Transportation & Utilities
Vicki Georgeau, Director of Community Development

ACTION RECOMMENDED: That City Council accept the donation of property on Martin Luther King Jr. Drive from Meyer C. Weiner & Company subject to all conditions of closing and City Attorney approval.

Meyer C. Weiner Associates has offered to donate a 0.52 parcel of land at the northeast corner of Constitution Boulevard and MLK Drive to the City of Portage for the purpose of establishing a memorial park to honor Dr. Martin Luther King, Jr. The attached vicinity map and surveys illustrate the location of this parcel.

The donation of this parcel by Meyer C. Weiner Associates is consistent with Section 5 of the December 15, 2015 Development Agreement entered into between the city and Meyer C. Weiner Associates for the reconstruction and dedication of MLK Drive. The property has been appraised for \$200,000.

Subsequent to the donation of this parcel of land to the city, a development plan for the memorial park will be prepared with community input. A fundraising campaign will be initiated for the development of a memorial park that appropriately honors the legacy of Dr. Martin Luther King, Jr., the accomplishments of the civil rights movement and the importance of diversity within our community.

It is therefore recommended that City Council accept the parcel donation from Meyer C. Weiner Associates for the proposed memorial park and authorize the City Manager or his designee to execute documents associated with the real estate transaction.

FUNDING: Meyer C. Weiner Associates will assume the costs related to the taxes, half of the property survey, half the property appraisal and the property's special assessment. The city will assume the costs for the remaining half of both the property survey and property appraisal, as well as the property title. The total cost of the appraisal is \$1,500, the total cost of the survey is estimated at \$2,000 and the total cost of the title is \$1,218.25.

Sufficient funds remain in the account established for costs associated with the MLK Drive reconstruction project to fund these expenses. This fund was originally created with an approved budget amendment for \$474,898 per the development agreement, with

funding from a donation from Meyer C. Weiner Associates together with special assessments from the adjoining properties.

- Attachments:**
1. Subject Parcel Map
 2. Survey
 3. Proposed MLK Park
 4. 2015 Development Agreement



EAST LINE, N.E. 1/4, SEC. 9, T. 3 S., R. 11 W.
AS ESTABLISHED BY PREVIOUS SURVEY.

E. 1/4 CORNER,
SEC. 9,
T. 3 S., R. 11 W.

N.00°08'00"W. 662.92'

DESCRIPTION OF PARCEL 1:

A parcel of land situated in the Northwest quarter and the Southwest quarter of Section 9, T. 3 S., R. 11 W., City of Portage, County of Kalamazoo, Michigan being more particularly described as follows:

Commencing at the East quarter corner of Section 9, T. 3 S., R. 11 W.; thence N. 0 deg. 08 min. 00 sec. W. 662.92 feet along the East line of said Section 9 to the Easterly extension of the South line of Mall Drive; thence N. 89 deg. 56 min. 30 sec. W. 1641.61 feet along said Easterly extension and said South line of Mall Drive; thence S. 0 deg. 08 min. 00 sec. E. 583.82 feet; thence N. 89 deg. 56 min. 30 sec. W. 298.74 feet; thence S. 0 deg. 01 min. 30 sec. E. 457.00 feet to the North line of Martin Luther King, Jr. Drive; thence N. 89 deg. 41 min. 56 sec. W. 870.00 feet along said North line; thence N. 0 deg. 01 min. 30 sec. W. 637.88 feet to a point S. 0 deg. 01 min. 30 sec. E. 66.46 feet from the South line of said Mall Drive; thence S. 86 deg. 34 min. 10 sec. W. 87.47 feet; thence S. 0 deg. 01 min. 30 sec. E. 504.22 feet to the Place of Beginning; thence N. 89 deg. 56 min. 30 sec. W. 192.65 feet to the East line of Constitution Boulevard; thence Southwesterly 78.76 feet along said East line and along the arc of a non-tangent curve to the right, having a radius of 1050.00 feet, a central angle of 04 deg. 17 min. 52 sec. and a chord of S. 15 deg. 50 min. 42 sec. W. 78.74 feet to the North line of said Martin Luther King Jr. Drive; thence S. 69 deg. 21 min. 12 sec. E. 48.99 feet along said North line; thence S. 72 deg. 14 min. 41 sec. E. 66.95 feet along said North line; thence Southeasterly 93.74 feet along said North line and along the arc of a curve to the left, having a radius of 307.72 feet, a central angle of 17 deg. 27 min. 14 sec. and a chord of S. 80 deg. 58 min. 19 sec. E. 93.38 feet; thence S. 89 deg. 41 min. 56 sec. E. 12.40 feet along said North line to a line extending S. 00 deg. 01 min. 30 sec. E. from the Place of Beginning; thence N. 00 deg. 01 min. 30 sec. W. 127.97 feet to the Place of Beginning, containing 0.52 acres (22,522 square feet) of land. Parcel subject to easements, conditions and restrictions of record.

S.00°08'00"E. 583.82'

SURVEYORS CERTIFICATE

I hereby certify that I have surveyed and mapped the parcel shown and described hereon; that the ratio of closure is one in five thousand or better and that this survey is in compliance with Section 3, P.A. 132 of 1970.

Ingersoll, Watson & McMachen, Inc.

Randy B. Ligman
P.S. No. 28413

L4 = S.69°21'12"E. 48.99'

L5 = S.72°14'41"E. 66.95'

L7 = S.89°41'56"E. 12.40'

C2

RADIUS = 307.72'

L. = 93.74'

CHORD = S.80°58'19"E. 93.38'

S.00°01'30"E.
66.46'

N.00°01'30"W. 637.88'

STORM WATER RETENTION AREA AND
CONSTRUCTION EASEMENT L. 1420, PG. 119 AS
AMENDED BY L. 1446, PG. 1357 AS AMENDED
BY L. 1967, PG. 501 AND L. 1967, PG. 452
AND L. 2072, PG. 1271.

N.00°01'30"W.
127.97'

S.86°34'10"W.
87.47'

S.00°01'30"E. 504.22'

N.89°56'30"W.
192.65'

CONSTITUTION BLVD.

RADIUS=1050.00'
L.=78.76'

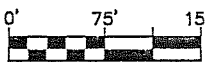
CHORD=S.15°50'42"W.
78.74'

S.89°41'56"E. 87.31'
(MEASURED AT 870.44')
N.89°41'56"W. 870.00'

MARTIN LUTHER KING, JR. DRIVE



GRAPHIC SCALE



- = IRON ROD PLACED
- = IRON ROD OR PIPE FOUND
- △ = "MAG" NAIL PLACED
- ▨ = PAVED AREAS

BOUNDARY SURVEY REPORT

VILLAGE GREEN PROPERTIES, LTD.

PROPERTY IN THE WEST 1/2, SECTION 9, CITY OF PORTAGE, MICHIGAN.

Ingersoll, Watson & McMachen, Inc.

CONSULTING CIVIL ENGINEERS AND LAND SURVEYORS

1133 East Milham Road • Kalamazoo Michigan 49002 • Area 616-344-6165 • Fax 616-344-0555

DATE

11/30/2016

SHEET No.

1 of 2

JOB No.

35242

(79)

Ingersoll, Watson & McMachen, Inc.

CONSULTING ENGINEERS AND LAND SURVEYORS

NOVEMBER 30, 2016

Job No. 35242

DESCRIPTION OF POND PARCEL:

A parcel of land situated in the Northwest quarter and the Southwest quarter of Section 9, T. 3 S., R. 11 W., City of Portage, County of Kalamazoo, Michigan being more particularly described as follows: Commencing at the East quarter corner of Section 9, T. 3 S., R. 11 W.; thence N. 0 deg. 08 min. 00 sec. W. 662.92 feet along the East line of said Section 9 to the Easterly extension of the South line of Mall Drive; thence N. 89 deg. 56 min. 30 sec. W. 1641.61 feet along said Easterly extension and said South line of Mall Drive; thence S. 0 deg. 08 min. 00 sec. E. 583.82 feet; thence N. 89 deg. 56 min. 30 sec. W. 298.74 feet; thence S. 0 deg. 01 min. 30 sec. E. 457.00 feet to the North line of Martin Luther King, Jr. Drive; thence N. 89 deg. 41 min. 56 sec. W. 870.00 feet along said North line to the Place of Beginning; thence N. 0 deg. 01 min. 30 sec. W. 637.88 feet to a point S. 0 deg. 01 min. 30 sec. E. 66.46 feet from the South line of said Mall Drive; thence S. 86 deg. 34 min. 10 sec. W. 87.47 feet; thence S. 0 deg. 01 min. 30 sec. E. 632.19 feet to said North line of Martin Luther King Jr. Drive; thence S. 89 deg. 41 min. 56 sec. E. 87.31 feet along said North line the Place of Beginning, containing 1.27 acres (55,448 square feet) of land. Parcel subject to easements, conditions and restrictions of record.

1133 East Milham Road Portage, Michigan 49002 Phone 269 344-6165 Fax 269 344-0555

L1 = N.89°41'56"W. 99.92'
L2 = N.72°14'41"W. 66.95'
L3 = N.75°40'42"W. 49.98'
L4 = S.69°21'12"E. 48.99'
L5 = S.72°14'41"E. 66.95'
L6 = S.89°41'56"E. 99.71'

C1
RADIUS = 343.72'
L. = 104.71'
CHORD = N.80°58'19"W. 104.30'

C2
RADIUS = 307.72'
L. = 93.74'
CHORD = S.80°58'19"E. 93.38'

C3
RADIUS = 1050.00'
L. = 41.48'
CHORD = N.19°05'03"E. 41.48'

RADIUS=1050.00'
L.=78.76'
CHORD=N.15°50'42"E.
78.74'

RADIUS=1050.00'
L.=178.85'
CHORD=N.25°08'15"E.
178.64'

CONSTITUTION BOULEVARD (PUBLIC)
N.29°53'24"E.
355.03'

16.5' WIDE UTILITY EASEMENT
L. 1378, PG. 1155
L. 1378, PG. 1157

EASEMENT FOR WATER FACILITIES
L. 1011, PG. 551

N.89°42'20"W. 568.19'

CONSUMERS ENERGY
L. 781, PG. 1047

"THE MEADOWS AT CONSTITUTION NO. 2"
L. 40, PG. 10

DESCRIPTION OF MARTIN LUTHER KING, JUNIOR DRIVE (Liber 1971 of Deeds, Page 0469, Kalamazoo County Records):

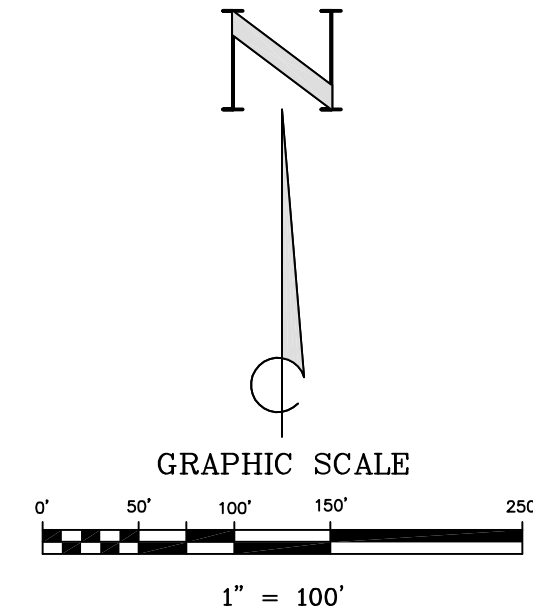
Commencing at the East quarter post of Section 9, Town 3 South, Range 11 West and running thence North 00 deg. 08 min. 00 sec. West along the East line of said Section, 662.92 feet to the South line of Mall Drive; thence North 89 deg. 56 min. 30 sec. West along said line 1641.61 feet; thence South 00 deg. 08 min. 00 sec. East 583.82 feet; thence North 89 deg. 56 min. 30 sec. West 298.74 feet; thence South 00 deg. 01 min. 30 sec. East 457.00 feet to the point of beginning of this description; thence continuing South 00 deg. 01 min. 30 sec. East 36.00 feet; thence North 89 deg. 41 min. 56 sec. West 970.38 feet; thence 104.71 feet along the arc of a curve to the right, having a radius of 343.72 feet, a central angle of 17 deg. 27 min. 15 sec. and a chord bearing North 80 deg. 58 min. 19 sec. West 104.30 feet; thence North 72 deg. 14 min. 41 sec. West 66.95 feet; thence North 75 deg. 40 min. 42 sec. West 49.98 feet to the Easterly right of way of Constitution Boulevard; thence along said right of way 41.48 feet along the arc of a curve to the left having a radius of 1050.00 feet, a central angle of 02 deg. 15 min. 48 sec. and a chord bearing North 19 deg. 05 min. 03 sec. East 41.48 feet; thence South 69 deg. 21 min. 12 sec. East 48.99 feet; thence South 72 deg. 14 min. 41 sec. East 66.95 feet; thence 93.74 feet along the arc of a curve to the left having a radius of 307.72 feet, a central angle of 17 deg. 27 min. 15 sec. and a chord bearing South 80 deg. 58 min. 19 sec. East 93.38 feet; thence South 89 deg. 41 min. 56 sec. East 970.15 feet to beginning.

PARCEL DESCRIPTION OF PROPERTY
ON THE SOUTH SIDE OF MARTIN LUTHER KING, JUNIOR DRIVE

A parcel of land situated in the Southwest quarter of Section 9, T. 3 S., R. 11 W., City of Portage, County of Kalamazoo, Michigan being more particularly described as follows:
Commencing at the East quarter corner of Section 9, T. 3 S., R. 11 W.; thence N. 0 deg. 08 min. 00 sec. W. 662.92 feet along the East line of said Section 9 to the Easterly extension of the South line of Mall Drive; thence N. 89 deg. 56 min. 30 sec. W. 1641.61 feet along said Easterly extension and said South line of Mall Drive; thence S. 0 deg. 08 min. 00 sec. E. 583.82 feet; thence N. 89 deg. 56 min. 30 sec. W. 298.74 feet; thence S. 0 deg. 01 min. 30 sec. E. 493.00 feet to the South line of Martin Luther King, Jr. Drive; thence N. 89 deg. 41 min. 56 sec. W. 870.00 feet along said South line to the Place of Beginning; thence S. 0 deg. 01 min. 30 sec. E. 422.77 feet to the North line of a Consumers Energy Company right-of-way as recorded in Liber 781 of Deeds on Page 1047, Kalamazoo County Records; thence N. 89 deg. 42 min. 20 sec. W. 568.19 feet along said North right-of-way line to the East line of Constitution Boulevard; thence N. 29 deg. 53 min. 24 sec. E. 355.03 feet along said East line; thence Northeasterly 178.85 feet along said East line and along the arc of a curve to the left having a radius of 1050.00 feet, a central angle of 9 deg. 45 min. 34 sec. and a chord of N. 25 deg. 08 min. 15 sec. E. 178.64 feet to said South line of Martin Luther King, Jr. Drive; thence S. 75 deg. 40 min. 42 sec. E. 49.98 feet along said South line; thence S. 72 deg. 14 min. 41 sec. E. 66.95 feet along said South line; thence Southeasterly 104.71 feet along said South line and along the arc of a curve to the left, having a radius of 343.72 feet, a central angle of 17 deg. 27 min. 15 sec. and a chord of S. 80 deg. 58 min. 19 sec. E. 104.30 feet; thence S. 89 deg. 41 min. 56 sec. E. 99.92 feet along said South line to the Place of Beginning, containing 4.45 acres of land.

PARCEL DESCRIPTION OF PROPERTY
ON THE NORTH SIDE OF MARTIN LUTHER KING, JUNIOR DRIVE

A parcel of land situated in the Northwest quarter and the Southwest quarter of Section 9, T. 3 S., R. 11 W., City of Portage, County of Kalamazoo, Michigan being more particularly described as follows:
Commencing at the East quarter corner of Section 9, T. 3 S., R. 11 W.; thence N. 0 deg. 08 min. 00 sec. W. 662.92 feet along the East line of said Section 9 to the Easterly extension of the South line of Mall Drive; thence N. 89 deg. 56 min. 30 sec. W. 1641.61 feet along said Easterly extension and said South line of Mall Drive; thence S. 0 deg. 08 min. 00 sec. E. 583.82 feet; thence N. 89 deg. 56 min. 30 sec. W. 298.74 feet; thence S. 0 deg. 01 min. 30 sec. E. 457.00 feet to the North line of Martin Luther King, Jr. Drive; thence N. 89 deg. 41 min. 56 sec. W. 870.00 feet along said North line to the Place of Beginning; thence N. 0 deg. 01 min. 30 sec. W. 637.88 feet to a point S. 0 deg. 01 min. 30 sec. E. 66.46 feet from the South line of said Mall Drive; thence S. 86 deg. 34 min. 10 sec. W. 87.47 feet; thence S. 0 deg. 01 min. 30 sec. E. 504.22 feet; thence N. 89 deg. 56 min. 30 sec. W. 192.65 feet to the East line of Constitution Boulevard; thence Southwesterly 78.76 feet along said East line and along the arc of a non-tangent curve to the right, having a radius of 1050.00 feet, a central angle of 04 deg. 17 min. 52 sec. and a chord of S. 15 deg. 50 min. 42 sec. W. 78.74 feet to the North line of said Martin Luther King Jr. Drive; thence S. 69 deg. 21 min. 12 sec. E. 48.99 feet along said North line; thence S. 72 deg. 14 min. 41 sec. E. 66.95 feet along said North line; thence Southeasterly 93.74 feet along said North line and along the arc of a curve to the left, having a radius of 307.72 feet, a central angle of 17 deg. 27 min. 14 sec. and a chord of S. 80 deg. 58 min. 19 sec. E. 93.38 feet; thence S. 89 deg. 41 min. 56 sec. E. 99.71 feet along said North line to the Place of Beginning, containing 1.79 acres of land.



↑ = VEHICULAR ACCESS
— = FENCE

DATE	REVISION	TENTATIVE PARCEL MAP VILLAGE GREEN PROPERTIES, LTD. PROPERTY IN THE N.W. 1/4 & S.W. 1/4, SEC. 9, CITY OF PORTAGE, MICHIGAN.		DATE	11/24/2015
		Ingersoll, Watson & McMachen, Inc. CONSULTING CIVIL ENGINEERS AND LAND SURVEYORS 1133 East Milham Road • Kalamazoo Michigan 49002 • Area 269-344-6165 • Fax 269-344-0555		JOB No.	35242
				SHEET No.	C
					35242.dwg, L.G.

DEVELOPMENT AGREEMENT
CONCERNING THE RECONSTRUCTION AND DEDICATION OF
MARTIN LUTHER KING, JR. DRIVE
PORTAGE, MICHIGAN

This Development Agreement ("Agreement") is entered into on this 15th day of December, 2015, by and between the City of Portage ("City"), a municipal corporation whose address is 7900 South Westnedge Avenue, Portage, Michigan and both Portage Centre Limited Partnership, a Michigan limited partnership, whose address is 700 Mall Drive, Portage, Michigan 49002 ("Portage Centre"), and Village Green Properties, Ltd., a Michigan limited partnership, whose address is 700 Mall Drive, Portage, Michigan 49024 ("Village Green") (with both Portage Centre and Village Green being collectively referred to at times as the "Company" herein).

Recitals

A. The parties desire to enter into this Agreement which describes and identifies certain rights and obligations of the parties with regard to the planning, designing, funding, inspecting and potential reconstruction to City standards and future maintenance of the private road known as Martin Luther King, Jr. Drive (collectively the "Project").

B. Martin Luther King, Jr. Drive ("Drive") is an approximately 1,250 linear feet private road that extends from Constitution Boulevard to Ring Road in Portage, Michigan.

C. Despite best efforts, the Drive is in need of extensive maintenance and repair, and Village Green desires to pay certain sums ("privately paid funds") toward a more permanent solution for improving and maintaining the Drive, pursuant to this Agreement.

D. Village Green desires to initially escrow certain funds, so as to then potentially pay such funds to the City, with those funds to then be used as some part or all of the City's share of the special assessment district to be established for completion of the Project, pursuant to this Agreement.

E. The parties to this Agreement agree that the dedication to the City, acceptance by the City as a public road, and reconstruction of the Drive serves the need for immediate maintenance of the Drive, and further serves the public's health, safety and welfare by ultimately providing the public a safer road which would be built to, and maintained by the City, according to City standards.

Therefore, the City and Company agree to the following:

1. If a petition is filed with the City, signed by the Company and authorized representatives of all owners of property who abut the Drive, stating the petitioners' desire to be financially committed to the cost of any special assessment for the Project, then City shall begin the special assessment process pursuant to City Ordinance Section 62.1(a)-(e) to establish a special assessment district. The petition shall be in the form required by City Ordinance Section 62.1(c). If such petition is not filed with the City by December 1, 2015 or if any petitioner that initially signs the petition withdraws support for the petition at any time before the successful establishment by the City of a special assessment district, either party may thereafter terminate this Agreement. The City shall keep Company updated as to the status of any petition, and any withdrawal of support for a petition.

2. Before the special assessment district is successfully established by City, Company shall complete the process required by City ordinance to separate as a stand-alone parcel the property upon which the Drive is located including the Company obtaining any necessary approvals that may be needed from the City including, but not limited to, any necessary approvals from the City of Portage Planning Commission ("Planning Commission") and/or the City of Portage City Council ("City Council"). The City shall cooperate with Company in Company getting this accomplished.

3. Within thirty (30) days of City Council approval of this Agreement, Village Green shall execute and place into escrow with the local title company providing the title insurance policy referenced in this paragraph a warranty deed sufficient to transfer marketable title of the Drive to the City, and Company shall pay the City's premium on an owner's title policy covering the Drive parcel, with all standard exceptions and with coverage in an amount reasonably acceptable to the City, in the event that the warranty deed is removed from escrow and made effective. Said title insurance policy limits shall not exceed \$10,000 and Company shall provide the City and its counsel with a title insurance commitment for the issuance of such policy, showing marketable title in favor of the Company, which commitment shall be deemed approved by the City unless the City provides Company with an objection to same within ten (10) days of City's receiving the title commitment. The warranty deed shall be held in escrow and remain ineffective and undelivered until the City's special assessment district related to the Project has been successfully established and all conditions herein are satisfied. Acceptance by the City of such deed is conditioned upon the required separation and corresponding land division of the Drive parcel, Planning Commission and City Council approval of any necessary land division(s) for the public improvements related to the Project, and obtaining any necessary variances from governing authorities from any inconsistent public street design standards. The establishment of a special assessment district by passage of Resolution #5 shall be conditioned upon the delivery by Village Green and the acceptance by the City Council of the escrowed warranty deed, and acceptance of such deed shall constitute formal acceptance by the City of the Drive as a public street right of way. The passage of Resolution #5 shall take place at the same City Council meeting as the City's acceptance of the warranty deed. Company shall prepare all instruments and documents it deems necessary to protect its interest in title should the special assessment process not be completed.

4. City may need necessary and appropriate access easements from various property owners to perform the required Project work. Further, access easements may also be needed from certain abutting owners to permit the City access for purpose of snow removal from and within the Drive. Establishment of the special assessment district is conditioned upon the City obtaining any necessary easements.

5. Company shall also escrow an accompanying warranty deed in favor of the City for a small parcel for the purpose of establishing a memorial park designed to honor Martin Luther King, Jr.. Company shall use its best efforts and good offices to solicit contributions for the design and construction of said memorial park. Such deed may be released from escrow upon the Project being completed, and the City having accepted the Drive parcel as a public street.

6. Within fifteen (15) days after City Council approval of this Agreement, the parties to this Agreement shall establish an escrow account with a mutually acceptable escrow agent. No later than five (5) days after establishment of the escrow account, Village Green shall deposit Two Hundred and Fifty Thousand (\$250,000.00) Dollars into the escrow account. The

escrow agent shall manage the account in accordance with this Agreement and any separate escrow agreement entered into with the escrow agent. City and Company shall equally divide all costs associated with the establishment, maintenance and management of the escrow account.

7. In the event that the Project is approved and a special assessment district is established, the escrow account may be used to fund a portion of the costs necessary to complete the Project. All funds requested by the City from the escrow account, to cover special assessment district obligations related to the Project, are to be released to pay such obligations pursuant to this Agreement, and considered and applied as "City at large share exclusively from privately paid funds". Company, as beneficial owner of real estate adjacent to the Drive and Project when not including the Drive, will be responsible for its standard share of any special assessment imposed, in addition to the \$250,000 of escrowed funds. Any of the \$250,000 of escrowed funds used toward the Project shall be considered funds paid by Village Green, to the City, for maintenance and construction of the Drive. The special assessment district shall fund all costs and expenses associated with the Project.

8. City shall design, bid, construct, inspect and be responsible for all aspects of the Project as well as the establishment of a special assessment district pursuant to City ordinance requirements. City shall strive to complete the Project prior to September 30, 2016.

9. In the event that the special assessment district and Project are formally approved, including by the City and any other governing authorities (if any), City and Company costs and expenses required to complete the Project including, but not limited to, the design, reconstruction, engineering and attorney fees, easement acquisition and inspection of the Drive, will be the final funds distributed, and drawn down by the City and reimbursed to the City and Company (as applicable) from the escrow account. Company's written pre-approval of each withdrawal from the escrow account for these purposes shall not be required, but Company shall be given notice of all funds received from the escrow account by City no later than seven (7) days after receipt of the withdrawal. The escrow agreement shall provide that the escrow agent is authorized to release escrow funds to the City only for the purposes authorized by this Agreement.

10. It is estimated between the parties to this Agreement that the total costs and expenses, including an itemization of all Company soft costs, necessary to complete the Project will be no more than Four Hundred and Seventy-Four Thousand, Eight Hundred and Ninety Eight Dollars (\$474,898.00). However, the anticipated cost of the Project will be better known when bids are received during the special assessment proceedings. Either party may terminate this Agreement without cost to the other party if no bid to complete the project which is acceptable to both the City and the Company is for total costs and expenses of Four Hundred and Seventy-Four Thousand, Eight Hundred and Ninety Eight (\$474,898.00) Dollars or less. However, if this Agreement is not terminated pursuant to this Section 10 and the cost of the completed Project exceeds the Four Hundred and Seventy-Four Thousand, Eight Hundred and Ninety Eight (\$474,898.00) Dollars, City and Village Green shall equally fund the excess (above \$474,898.00) required to complete the Project.

11. The estimated breakdown of the cost of the Project is as follows:

i)	Company's special assessment share	\$117,376.00
ii)	Other abutting property share	\$107,522.00
	Subtotal	\$224,898.00

iii)	City at large share from Village Green payment,	<u>\$250,000.00</u>
	Total	<u>\$474,898.00</u>

12. Expenditures for the Project shall first be paid from the funds paid by the owners of the properties in the special assessment district. After such amounts totaling not less than \$224,898.00 are exhausted, expenditures for the Project shall be taken from the escrow funds paid by Village Green, which once released shall be deemed privately paid funds. Any funds remaining in the escrow account after all Project costs have been paid and the Project is completed shall be returned to Village Green.

13. The parties to this Agreement agree and acknowledge that the City has authority to: a) accept the funds from Village Green for the Drive; b) accept the dedication of the Drive; c) rely upon any petition to establish the special assessment district; d) establish the special assessment district for the reconstruction of the Drive to City standards; and e) use the funds deposited by Village Green into escrow as part of the funding for the special assessment district, in strict accordance with this Agreement, without regard to whether there is a proportionate benefit between the funds privately paid by Village Green and an increase in value to the Company's property located within the special assessment district.

14. Company agrees not to object to, challenge or appeal the imposition of a special assessment to its property located within any established special assessment district based solely on a lack of proportionate benefit between the funds placed into escrow (and potentially paid to the City, in accordance with this Agreement) by Company and the increase in value of Company's property abutting the Drive. Company agrees and understands that the Two Hundred and Fifty Thousand (\$250,000.00) Dollar deposit into escrow and ultimate use as the City's share of the special assessment is, in no way, related to or dependent on a corresponding benefit in terms of increased property value.

15. Project costs shall include all "soft" costs and expenses incurred by the Company related to the Project, all of which shall be repaid to the Company out of Project funds but only to the extent that such repayment does not cause the Project to exceed the total Project cost of \$474,989.00 as provided in Section 10 of this Agreement. In addition, the Company will provide proof of these costs before repayment is made. If, for any reason, the special assessment district is not established, then in such event any deeds provided (or escrowed) by the Company under this Agreement shall remain ineffective and shall be returned to Company.

16. Company acknowledges and agrees that City has made no representation as to whether it will approve, deny or approve with conditions any approval, permit or requirement anticipated by this Agreement.

17. If any term or provision of this Agreement, or the application of any term or provision of this Agreement to a specific situation, is found to be invalid, void or unenforceable by a court of competent jurisdiction, the remaining terms and provisions of this Agreement shall continue in full force and effect.

18. This Agreement, together with any other written agreements specifically referenced in this Agreement, sets forth the entire understanding of the parties and all terms and conditions with respect to the matters discussed in this Agreement, and supersedes and annuls any and all other former agreements, preliminary drafts, prior versions, contracts,

negotiations, promises and/or representations, whether written or oral, expressed or implied, made by, for, or on behalf of Company and the City.

19. This Agreement shall be construed and governed in accordance with the laws of the State of Michigan without regard to its conflicts of law principals.

20. Time is of the essence with respect to this Agreement and all matters set forth herein.

21. This Agreement is made for the sole benefit of the parties hereto and their respective heirs, legal representatives, and successors, and no other person shall have any right or remedy or other legal interest of any kind under or by reason of this Agreement.

22. All notices and demands required or permitted under this Agreement shall be in writing and shall be served personally or by postage prepaid United States first-class, certified (return receipt requested), or registered mail, addressed to the party at the address indicated on page 1 hereof or to such other place as may be designated by notice given in accordance with this section. Notice shall be deemed to have been given on the earlier of (a) the date when received, or (b) two (2) business days after mailing if mailed in the State of Michigan.

23. No party may assign or otherwise transfer any part of its interest in this Agreement without the prior written consent of all parties hereto. The prohibition against any assignment shall be construed to include a prohibition against any assignment by creation of law. This Agreement is personal to the parties.

24. This Agreement may be signed in multiple counterparts, including by facsimile or other electronic counterparts, with the same effect as if the signatures were upon the same instrument.

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

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

27. Each of the parties shall execute and deliver to the other parties any documents as may be necessary or desirable for the purpose of giving full force and effect to the provisions of this Agreement, and shall do all other things necessary to this end, all without charge therefor.

28. This Agreement may be validly executed and delivered by facsimile transfer ("fax") or by electronic mail ("email"). Any signer who executes this Agreement and transmits this document by fax or email intends that the fax or email of their signature is to be deemed an original signature for all purposes. Any such fax or email printout and any complete photocopy of such fax or email printout is hereby deemed to be an original counterpart of this Agreement.

29. Authorization. Each party to this Agreement which is a corporation, limited partnership, general partnership, trust or other entity warrants and represents that it is properly

authorized by its board of directors, stockholders, partners and/or holders of beneficial interests to enter into this Agreement.

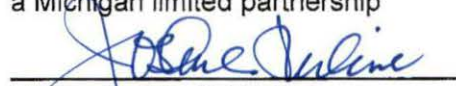
30. Binding Agreement. The Company has reviewed, understands and acknowledges this Agreement as an Agreement binding on the Company and, through the signing of this Agreement, intends to be bound hereunder.

The remainder of this page is left intentionally blank

Dated: 12/9, 2015.

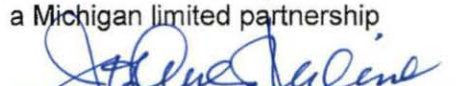
COMPANY:

PORTAGE CENTRE LIMITED
PARTNERSHIP,
a Michigan limited partnership


By: Joshua T. Weiner
Its: General Partner

Dated: 12/9, 2015.

VILLAGE GREEN
PROPERTIES, LTD.,
a Michigan limited partnership


By: Joshua T. Weiner
Its: General Partner

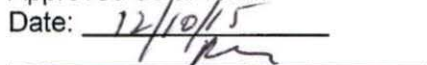
Dated: 12/16/15, 2015.

CITY:

CITY OF PORTAGE


By: Laurence Shaffer
Its: City Manager

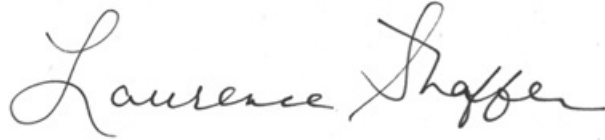
Approved as to form:

Date: 12/10/15

City Attorney

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TO: Honorable Mayor and City Council

FROM: Laurence Shaffer, City Manager



SUBJECT: Unsafe/Unfit Structure - Order to Abate Debris at 3923 Florinda Avenue

SUPPORTING PERSONNEL: Vicki Georgeau, Director of Community Development

ACTION RECOMMENDED: That the City Council approve an order to abate interior and exterior debris from the Unsafe/Unfit Structure located at 3923 Florinda Avenue.

In compliance with the Unsafe Structure Ordinance, on August 5, 2016, an Unsafe/Unfit Structure notice was provided to the owner and occupant of 3923 Florinda Avenue in regards to the living conditions and housing code violations within the dwelling. As background, initial work between the Michigan Department of Health and Human Services - Adult Protective Services (APS) and the homeowner to address the unfit/unsafe living conditions began in June 2016. The condition of the house was then referred to the Department of Community Development on August 1, 2016 by APS. The unsanitary living conditions reported by APS included: rotting food/garbage, cat feces and urine, a nonfunctioning water heater and unsanitary and malfunctioning kitchen appliances. A joint inspection by APS and the Department of Community Development on August 2, 2016 confirmed the unfit living condition of the house.

Subsequent to the initial notice to the property owner, on September 30, 2016, a Show Cause Hearing notice was provided due to lack of action by the property owner. As substantiated by a staff inspection on November 1, 2016, the condition of the house and garage continued to represent a "hoarding" situation with cast off debris and garbage, creating unfit and unsanitary living conditions. In addition, it was determined that the water heater, stove and refrigerator need to be repaired or replaced. At the November 7, 2016 Show Cause Hearing, the Construction Board of Appeals issued an Order requiring that within 45-days:

- The cast off debris and garbage from the house, garage and exterior property be removed and the kitchen and bathroom cleaned and sanitized. Emergency egress from the front door of the house and bedroom (egress window) need to be maintained. In addition, proper safety clearances (36-inch minimum) need to be maintained for the water heater, furnace and electrical service.
 - The refrigerator and stove need to be cleaned and repaired or removed. In addition, the water heater needs to be repaired or replaced.
 - A functioning smoke detector needs to be provided for the house.
 - The floor joists located under the bathroom need to be repaired by a licensed contractor. In addition, the attic vent needs to be fixed to prevent weather/animal intrusion.
- The exterior grading located around the deck needs to be filled and re-graded so that it slopes

away from the house to prevent basement water issues.

The Construction Board of Appeals included in their motion, that should the owner fail to comply with the Order, the matter would be referred to City Council seeking authorization for the city to have all cast off debris and garbage from the house, garage and exterior property removed and the kitchen and bathroom cleaned and sanitized. Once the debris and garbage are removed, a re-inspection the house would be performed to determine appropriate action for any remaining deficiencies. The costs associated with removing the cast off debris and garbage and sanitizing the kitchen and bathroom shall be paid by the property owner in accordance with Chapter 42, Article 13, Unsafe Structures, City of Portage Codified Ordinances. It is estimated the cost to carry out the abatement will be \$6,000, plus an administrative fee of \$350 and \$50 per hour or fraction thereof for city staff oversight of the abatement.

City staff have worked closely with the property owner with little effect. APS has also experienced little cooperation with the property owner. City staff have also requested that various other agencies contact the property owner to offer assistance (Community Mental Health, Housing Resources, Inc., and the Portage Police Division Chaplin) in resolving the housing code violations and/or offering assistance with alternative housing. Unfortunately, these efforts have not been well received by the property owner.

Based on the unsafe/unfit condition of the house, it is recommended that City Council approve an order to abate interior and exterior debris from the Unsafe/Unfit Structure located at 3923 Florinda Avenue.

FUNDING: Estimated cost of abatement is \$6,000, plus an administrative fee of \$350 and \$50 per hour or fraction thereof for city staff oversight of the abatement. The abatement cost will be billed to the property owner, and if not paid, added as a tax lien against the property.

Attachments:

1. November 9, 2016 communication – Findings of Construction Board of Appeal Show Cause Hearing
2. November 7, 2016 Construction Board of Appeals minutes
3. November 2, 2016 staff report to Construction Board of Appeals
4. December 30, 2016 photos of 3923 Florinda Avenue

November 9, 2016

Sent Certified and Posted at Site

Barbara Krauss
3923 Florinda Avenue
Portage, MI 49002

Dear Ms. Krauss:

RE: Findings of Construction Board of Appeals Show Cause Hearing – 3923 Florinda Avenue

This correspondence is provided to formally advise you of the Construction Board of Appeals Order for the house/property located at 3923 Florinda Avenue.

On November 7, 2016 at 5:00 PM in Conference Room #1, Portage City Hall, the Construction Board of Appeals held a Show Cause Hearing for the house/property located at 3923 Florinda Avenue. At the conclusion of the hearing, an order was established by the Board requiring that within 45-days:

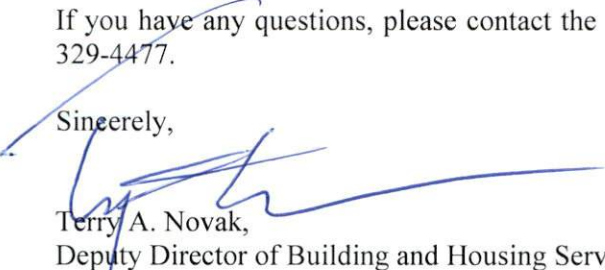
1. The cast off debris and garbage from the house, garage and exterior property be removed and the kitchen and bathroom cleaned and sanitized. Emergency egress from the front door of the house and bedroom (egress window) need to be maintained. In addition, proper safety clearances (36-inch minimum) need to be maintained for the water heater, furnace and electrical service.
2. The refrigerator and stove need to be cleaned and repaired or removed. In addition, the water heater needs to be repaired or replaced.
3. A functioning smoke detector needs to be provided for the house.
4. The floor joists located under the bathroom need to be repaired by a licensed contractor. In addition, the attic vent needs to be fixed to prevent weather/animal intrusion.
5. The exterior grading located around the deck needs to be filled and re-graded so that it slopes away from the house to prevent basement water issues.

If the property owner fails to comply with the Order, the matter is to be referred to City Council seeking authorization for the city to have all cast off debris and garbage from the house, garage and exterior property removed and the kitchen and bathroom cleaned and sanitized. Once the debris and garbage are removed, a reinspection the house is to be performed to determine appropriate action for any remaining deficiencies. The costs associated with removing the cast off debris and garbage shall be provided in accordance with Chapter 42, Article 13, Unsafe Structures, City of Portage Codified Ordinances.

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

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

Sincerely,



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

C. Shannon Wagoner, Department of Health and Human Services, 322 East Stockbridge Avenue, Kalamazoo, MI 49001

cc: Vicki Georgeau, Community Development Director

Christopher Forth, Deputy Director of Planning, Development and Neighborhood Services

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7900 South Westnedge Avenue ♦ Portage, Michigan 49002 ♦ (269) 329-4477

www.portagemi.gov

CITY OF PORTAGE CONSTRUCTION BOARD OF APPEALS

Minutes of Meeting – November 7, 2016

The City of Portage Construction Board of Appeals meeting of November 7, 2016 was called to order at 5:00 PM in Conference Room #1 of Portage City Hall, 7900 South Westnedge Avenue, Portage, Michigan.

MEMBERS PRESENT:

Gary Gilchrist; Barney Martlew; Lawrence Schmidt; Sheldon Smith and George Theodoru.

MEMBERS ABSENT:

None

MEMBERS EXCUSED:

Peter Carlson and William Leach.

IN ATTENDANCE:

Terry Novak, Deputy Director of Building and Housing Services and Senior Building Inspector Mike Beery.

APPROVAL OF MINUTES:

The minutes of September 12, 2016 were approved.

BOARD ACTION:

3923 Florinda Avenue – Show Cause Hearing

Chairman Schmidt opened the hearing. Ms. Barbara Krauss, property owner and Ms. Shannon Wagoner, Adult Protective Services representative were in attendance. Deputy Director Novak provided background information to the Board regarding the condition of the house and the joint efforts between Adult Protective Services (APS) and the Department of Community Development to correct the situation. Ms. Wagoner advised that APS had been working with Ms. Krauss since June 2016, and unfortunately, little improvement to the condition of the house had been demonstrated. Ms. Wagoner stated that due to the unsanitary condition of the house, and reluctance by Ms. Krauss to properly address the situation, APS requested action by the Department of Community Development. Senior Building Inspector Mike Beery provided a description of the unsanitary condition of the house and the other structural and drainage issues associated with it. Ms. Krauss continually advised the Board that she was making progress on cleaning the house and the difficulties she had experienced in obtaining contractors to do the work. Ms. Wagoner informed the Board that Service Masters had started cleaning the basement of the house in June, however, but was forced to stop due to objections from Ms. Krauss. The Board discussed the condition of the house and the concern for the safety of any occupant. Several Board members also voiced to Ms.

Krauss that a potential reason contractors would not work in the house to repair the structural or plumbing issues was due to its unsanitary condition. Ms. Wagoner interjected that once the house was cleaned, APS would be able to move forward and provide a new water heater for the house and assist with the other necessary repairs. Ms. Krauss continued insisting that she was making progress to which Ms. Wagoner disagreed.

After further discussion by the Board, a motion was made by Member Gilchrist requiring that within 45-days:

1. The cast off debris and garbage from the house, garage and exterior property be removed and the kitchen and bathroom cleaned and sanitized. Emergency egress from the front door of the house and bedroom (egress window) need to be maintained. In addition, proper safety clearances (36-inch minimum) need to be maintained for the water heater, furnace and electrical service.
2. The refrigerator and stove need to be cleaned and repaired or removed. In addition, the water heater needs to be repaired or replaced.
3. A functioning smoke detector needs to be provided for the house.
4. The floor joists located under the bathroom need to be repaired by a licensed contractor. In addition, the attic vent needs to be fixed to prevent weather/animal intrusion.
5. The exterior grading located around the deck needs to be filled and re-graded so that it slopes away from the house to prevent basement water issues.

If Ms. Krauss fails to comply with the Order, the matter is to be referred to City Council seeking authorization for the city to have all cast off debris and garbage from the house, garage and exterior property removed and the kitchen and bathroom cleaned and sanitized. Once the debris and garbage are removed, a re-inspection the house is to be performed to determine appropriate action for any remaining deficiencies. The costs associated with removing the cast off debris and garbage shall be provided in accordance with Chapter 42, Article 13, Unsafe Structures, City of Portage Codified Ordinances. The motion was seconded by Member Smith and passed unanimously.

ADJOURNMENT:

The Board meeting adjourned at 6:00 PM

Respectfully Submitted,

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

TO: Construction Board of Appeals

FROM: Vicki Georgeau, ^{JA}Director of Community Development

DATE: November 2, 2016

SUBJECT: Show Cause Hearing – 3923 Florinda Avenue

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

**STAFF
RECOM-**

MENDATION: The single-family detached house at 3923 Florinda Avenue has not been made habitable or safe in accordance with the provisions of the Codified Ordinances of the City of Portage.

In compliance with the Unsafe Structure Ordinance, an August 5, 2016 unsafe/unfit structure notice was sent certified mail and posted on the house advising that the property owner had 30-days to bring the property into compliance or further enforcement action would be pursued. On September 30, 2016, a Show Cause Hearing notice was sent certified mail and posted on the site due to the lack of action by the property owner.

As background, the condition of the house was initially referred to the Department of Community Development on August 1, 2016 by the Michigan Department of Health and Human Services, Adult Protective Services (APS). Initial work between APS and the homeowner to address the unfit/unsafe living conditions began in June 2016. The reported unsanitary living conditions by APS included: rotting food/garbage, cat feces and urine, and a nonfunctioning water heater and kitchen appliances. A joint inspection by APS and the Department of Community Development on August 2, 2016 confirmed the unfit living condition of the house.

As substantiated by staff inspections and the accompanying photographs obtained on November 1, 2016, the condition of the house and garage continue to represent a "hoarding" situation with various cast off debris and garbage and create an unfit and unsanitary living condition for occupancy. In addition, during the inspection it was determined that the water heater, stove and refrigerator need to be repaired or replaced. Attempts by staff to work with the property owner has demonstrated little improvement with the condition of the house. APS has also experienced a significant decline in participation by the owner to address the situation.

Staff is mindful of the difficulties encountered by the property owner in trying to address the situation. However, the unsafe/unfit condition of the house needs to be addressed to ensure the safety of the occupant. The condition of the house and property also creates a negative impact on the surrounding properties and neighborhood. It is the

recommendation of staff that the Construction Board of Appeals issue an Order requiring that within 45-days:

1. The cast off debris and garbage from the house, garage and exterior property be removed and the kitchen and bathroom cleaned and sanitized. Emergency egress from the front door of the house and bedroom (egress window) need to be maintained. In addition, proper safety clearances (36-inch minimum) need to be maintained for the water heater, furnace and electrical service.
2. The refrigerator and stove need to be cleaned and repaired or removed. In addition, the water heater needs to be repaired or replaced.
3. A functioning smoke detector needs to be provided for the house.
4. The floor joists located under the bathroom need to be repaired by a licensed contractor. In addition, the attic vent needs to be fixed to prevent weather/animal intrusion.
5. The exterior grading located around the deck needs to be filled and re-graded so that it slopes away from the house to prevent basement water issues.

Should the owner fail to comply with the Order, the matter would be referred to City Council seeking authorization for the city to have all cast off debris and garbage from the house, garage and exterior property removed and the kitchen and bathroom cleaned and sanitized. Once the debris and garbage are removed, a reinspection the house will be performed to determine appropriate action for any remaining deficiencies. The costs associated with removing the cast off debris and garbage shall be provided in accordance with Chapter 42, Article 13, Unsafe Structures, City of Portage Codified Ordinances.

Attachments: Vicinity Map of 3923 Florinda Avenue.
Unsafe structure notification dated August 5, 2016.
Show Cause Hearing notification dated September 30, 2016.
Photographs of 3923 Florinda Avenue.

T:\COMMDEV\2016-2017 Department Files\Address Files\F\Florinda\2016 10 31 VG 3923 Florinda Avenue (Show Cause Recommendation).docx



September 30, 2016

Sent Certified Mail and Posted on Site

Barbara Krauss
3923 Florinda Avenue
Portage, MI 49002

Dear Ms. Krauss:

RE: Notice of Show Cause Hearing – 3923 Florinda Avenue

The house located at 3923 Florinda Avenue has not been made safe in accordance with the provisions of the Codified Ordinances of the City of Portage, Michigan. The current condition of the house, as identified in the August 5, 2016 Unsafe/Unfit Structure Notice, is not fit for human occupancy as defined in Section 42-1341 of the City of Portage Code of Ordinances.

As a result of these continued violations, you are hereby notified that a hearing on the condition of the house at 3923 Florinda Avenue will be held before the Construction Board of Appeals at 5:00 P.M. on November 7, 2016. The meeting will be held in Conference Room One of Portage City Hall, 7900 South Westnedge Avenue, Portage, Michigan. At this hearing, you will have the opportunity to show cause as to why the debris and unsanitary conditions of the house should not be abated or otherwise made safe. The owner and any occupant of the house shall have the right at the hearing to cross-examine witnesses who testify against the owner's and/or occupant's interests and the right to produce witnesses on your own behalf, including the use of pictures, video tapes or other recording devices.

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

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

Sincerely,



Vicki Georgeau, AICP
Director

Attachment: Copy of August 5, 2016 Unsafe Structure Notice

C. Shannon Wagoner, Department of Health and Human Services, 322 East Stockbridge Avenue, Kalamazoo, MI 49001

cc: Terry A. Novak, Deputy Director of Building and Housing Services
Christopher Forth, Deputy Director of Planning, Development and Neighborhood Services

T:\COMMDEV\2016-2017 Department Files\Address Files\F\Florinda\2016 09 30 VG 3923 Florinda Avenue (Show Cause Hearing).docx

Ms. Barbara Krauss
3923 Florinda Avenue
Portage, MI 49002

August 5, 2016



Dear Ms. Krauss:

RE: Unsafe/Unfit Structure – 3923 Florinda Avenue

This communication is regarding the house and site conditions at 3923 Florinda Avenue. Please be advised that the City of Portage property maintenance regulations require that buildings and properties be maintained and repaired in the interests of protecting the health, safety and welfare of the occupants of the building and surrounding neighborhood. The current condition of the house at 3923 Florinda Avenue is unsafe/unfit for human occupancy as defined in Section 42-1341 of the City of Portage Code of Ordinances. Recent inspection of the house and site by Community Development staff identified the following conditions in need of attention/correction:

1. The house is filled with items and debris that restrict free passage throughout the dwelling, including a blocked front entrance door, creating unsanitary/unhealthy living conditions.
2. A fully functional and sanitary kitchen and bathroom with operational appliances and fixtures are required for the dwelling. (Because of the amount of debris present, it cannot be determined if these areas/fixtures are compliant with code requirements.)
3. A new water heater needs to be installed for the house.
4. The floor joists located under the bathtub have been cut and need to be repaired/replaced by a licensed contractor.
5. The exterior storage of debris and refuse items is not permitted under city ordinance and needs to be properly disposed of.
6. Exterior attic vent needs to be replaced to prevent weather elements and insects/small animals from gaining access.

Efforts to correct the above violations within thirty (30) days from the date of this notice is requested and necessary to avoid further enforcement action, which may include a hearing before the Construction Board of Appeals seeking an abatement order to remove debris. The costs of any abatement is due and payable by the property owner. It is requested that you contact Community Development to schedule an inspection of the dwelling when the above listed items have been addressed.

It is recognized that assistance may be necessary to correct these violations. You are encouraged to remain in contact with Ms. Shannon Wagoner, Adult Protective Services at 269-873-7426 for support and other help that may be available.

If you have any questions or need further information, please contact the Department of Community Development at 269-329-4477.

Sincerely,


Vicki Georgeau, AICP
Director

C. Shannon Wagoner, Adult Protective Services, 322 East Stockbridge Avenue, Kalamazoo, MI 49001

Ec. Terry Novak, Deputy Director of Building and Housing Services
Kyle Mucha, Zoning and Codes Administrator











EXTERIOR DECEMBER 30, 2016

POTS, PLASTIC CONTAINERS



COMPOST - PLASTIC



GARAGE DECEMBER, 30 2016

GARAGE ENTRY DOOR



MAIN GARAGE AREA



LIVING ROOM DECEMBER 30, 2016

FRONT ENTRY DOOR



LIVING ROOM



KITCHEN DECEMBER 30, 2016

ENTRY TO KITCHEN



SINK & COUNTER TOP



KITCHEN DECEMBER 30, 2016

STOVE/OVEN – FIRE DAMAGE



REFRIDGERATOR & DISHWASHER



BATHROOM DECEMBER, 30 2016

SHOWER



BATHROOM FROM HALLWAY



BEDROOMS DECEMBER 30, 2016

SLEEPING ROOM



OFFICE/WORK AREA



BASEMENT DECEMBER 30, 2016

WATER STAINS

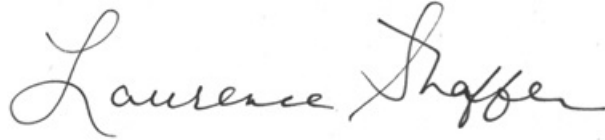


TWO CATS – LITTER BOX AREA



TO: Honorable Mayor and City Council

FROM: Laurence Shaffer, City Manager



SUBJECT: Comcast Uniform Video Services Local Franchise Agreement

SUPPORTING PERSONNEL: Devin Mackinder, Director of Technology Services

ACTION RECOMMENDED: That City Council:

1. approve the Uniform Video Services Local Franchise Agreement submitted by Comcast pursuant to the Public Act 480 of 2006 (MCLA 44.3301 et. seq.), the Uniform Video Services Local Franchising Act;
2. adopt the Resolution Authorizing Franchise, and

authorize the City Manager to execute all documents related to this action on behalf of the city.

On January 1, 2007, Public Act 480 (MCLA 44.3301 et. seq.), the Uniform Video Services Local Franchise Act, was established by the State Legislature to provide for uniformity in video franchise services agreements throughout the state. According to the PA 480, any video services provider seeking to provide video service in Portage must file a "Uniform Video Services Local Franchise Agreement" with the city. On January 9, 2017, the city received a Uniform Franchise Agreement from Comcast.

The agreement and Resolution Authorizing Franchise memorialize that there are four (4) public education and governmental (PEG) access channels in actual use, that Comcast will provide the same annual percentages for franchise fees of five (5%) percent of gross revenues and PEG support fees of two (2%) percent per month for each subscriber. The agreement between the City of Portage and Comcast does not waive the city police powers or its right to challenge or modify a Uniform Franchise if PA 480 is amended by the legislature in whole or in part, or overturned by the courts. The term of the agreement is for ten (10) years.

Therefore, it is recommended that City Council approve the Uniform Video Services Local Franchise Agreement submitted by Comcast, adopt the Resolution Authorizing Franchise and authorize the City Manager to execute all documents related to this action.

FUNDING: N/A

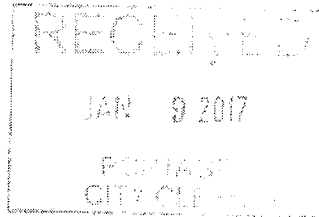
Attachments:

1. Comcast Franchise Agreement
2. Authorizing Franchise Resolution



Sent Via UPS

January 5, 2017



Mr. James Hudson, Clerk
City of Portage
7900 South Westnedge Avenue
Portage, MI 49002

Re: Michigan Uniform Video Service Local Franchise Agreement

Dear Mr. Hudson:

In accordance with the instructions set forth by the Michigan Public Service Commission in its provision of the Uniform Video Service Local Franchise Agreement, enclosed please find two completed Uniform Video Service Local Franchise Agreements along with the necessary Attachment 1s thereto filed on behalf of Comcast of Georgia/Michigan, LP. Kindly return one executed copy of the Agreement to me in the self addressed stamped envelope.

If you have any questions, please contact me directly at 616-575-0479 or Leslie Brogan, Senior Director of Government Affairs, at 517-334-5890.

Sincerely,

Jeffrey Snyder
Manager of External Affairs
Comcast, Heartland Region
3500 Patterson Rd., SE
Grand Rapids, MI 49512

Enclosure

UNIFORM VIDEO SERVICE LOCAL FRANCHISE AGREEMENT

THIS UNIFORM VIDEO SERVICE LOCAL FRANCHISE AGREEMENT ("Agreement") is made, pursuant to 2006 PA 480, MCL 484.3301 *et seq.* (the "Act") by and between the City of Portage, a Michigan municipal corporation (the "Franchising Entity"), and Comcast of Georgia/Michigan, LP, a California Limited Partnership Company doing business as Comcast.

I. Definitions

For purposes of this Agreement, the following terms shall have the following meanings as defined in the Act:

- A. "Cable Operator" means that term as defined in 47 USC 522(5).
- B. "Cable Service" means that term as defined in 47 USC 522(6).
- C. "Cable System" means that term as defined in 47 USC 522(7).
- D. "Commission" means the Michigan Public Service Commission.
- E. "Franchising Entity" means the local unit of government in which a provider offers video services through a franchise.
- F. "FCC" means the Federal Communications Commission.
- G. "Gross Revenue" means that term as described in Section 6(4) of the Act and in Section VI(D) of the Agreement.
- H. "Household" means a house, an apartment, a mobile home, or any other structure or part of a structure intended for residential occupancy as separate living quarters.
- I. "Incumbent video provider" means a cable operator serving cable subscribers or a telecommunication provider providing video services through the provider's existing telephone exchange boundaries in a particular franchise area within a local unit of government on the effective date of this act.
- J. "IPTV" means internet protocol television.
- K. "Local unit of government" means a city, village, or township.
- L. "Low-income household" means a household with an average annual household income of less than \$35,000.00 as determined by the most recent decennial census.
- M. "METRO Act" means the Metropolitan Extension Telecommunications Rights-of-Way Oversight Act, 2002 PA 48, MCL 484.3101 *et seq.*
- N. "Open video system" or "OVS" means that term as defined in 47 USC 573.
- O. "Person" means an individual, corporation, association, partnership, governmental entity, or any other legal entity.
- P. "Public rights-of-way" means the area on, below, or above a public roadway, highway, street, public sidewalk, alley, waterway, or utility easements dedicated for compatible uses.
- Q. "Term" means the period of time provided for in Section V of this Agreement.
- R. "Uniform video service local franchise agreement" or "franchise agreement" means the franchise agreement required under the Act to be the operating agreement between each franchising entity and video provider in this state.
- S. "Video programming" means that term as defined in 47 USC 522(20).
- T. "Video service" means video programming, cable services, IPTV, or OVS provided through facilities located at least in part in the public rights-of-way without regard to delivery technology, including internet protocol technology. This definition does not include any video programming provided by a commercial mobile service provider defined in 47 USC 332(d) or provided solely as part of, and via, a service that enables users to access content, information, electronic mail, or other services offered over the public internet.
- U. "Video service provider" or "Provider" means a person authorized under the Act to provide video service.
- V. "Video service provider fee" means the amount paid by a video service provider or incumbent video provider under Section 6 of the Act and Section VI of this Agreement.

II. Requirements of the Provider

- A. An unfranchised Provider will not provide video services in any local unit of government without first obtaining a uniform video service local franchise agreement as provided under **Section 3 of the Act** (except as otherwise provided by the Act).
- B. The Provider shall file in a timely manner with the Federal Communications Commission all forms required by that agency in advance of offering video service in Michigan.
- C. The Provider agrees to comply with all valid and enforceable federal and state statutes and regulations.
- D. The Provider agrees to comply with all valid and enforceable local regulations regarding the use and occupation of public rights-of-way in the delivery of the video service, including the police powers of the Franchising Entity.
- E. The Provider shall comply with all Federal Communications Commission requirements involving the distribution and notification of federal, state, and local emergency messages over the emergency alert system applicable to cable operators.
- F. The Provider shall comply with the public, education, and government programming requirements of Section 4 of the Act.
- G. The Provider shall comply with all customer service rules of the Federal Communications Commission under 47 CFR 76.309 (c) applicable to cable operators and applicable provisions of the Michigan Consumer Protection Act, 1976 PA 331, MCL 445.901 to 445.922.
 - i. Including but not limited to: MCL 445.902; MCL 445.903 (1)(a) through 445.903(1)(cc); MCL 445.903(1)(ff) through (jj); MCL 445.903(2); MCL 445.905; MCL 445.906; MCL 445.907; MCL 445.908; MCL 445.910; MCL 445.911; MCL 445.914; MCL 445.915; MCL 445.916; MCL 445.918.
- H. The Provider agrees to comply with in-home wiring and consumer premises wiring rules of the Federal Communications Commission applicable to cable operators.
- I. The Provider shall comply with the Consumer Privacy Requirements of 47 USC 551 applicable to cable operators.
- J. If the Provider is an incumbent video provider, it shall comply with the terms which provide insurance for right-of-way related activities that are contained in its last cable franchise or consent agreement from the Franchising Entity entered before the effective date of the Act.
- K. The Provider agrees that before offering video services within the boundaries of a local unit of government, the video Provider shall enter into a Franchise Agreement with the local unit of government as required by the Act.
- L. The Provider understands that as the effective date of the Act, no existing Franchise Agreement with a Franchising Entity shall be renewed or extended upon the expiration date of the Agreement.
- M. The Provider provides an exact description of the video service area footprint to be served, pursuant to **Section 2(3)(e) of the Act**. If the Provider is not an incumbent video Provider, the date on which the Provider expects to provide video services in the area identified under **Section 2(3)(e) of the Act** must be noted. The Provider will provide this information in Attachment 1 - Uniform Video Service Local Franchise Agreement.
- N. The Provider is required to pay the Provider fees pursuant to **Section 6 of the Act**.

III. Provider Providing Access

- A. The Provider shall not deny access to service to any group of potential residential subscribers because of the race or income of the residents in the local area in which the group resides.
- B. It is a defense to an alleged violation of Paragraph A if the Provider has met either of the following conditions:
 - i. Within 3 years of the date it began providing video service under the Act and the Agreement; at least 25% of households with access to the Provider's video service are low-income households.
 - ii. Within 5 years of the date it began providing video service under the Act and Agreement and from that point forward, at least 30% of the households with access to the Provider's video service are low-income households.
- C. [If the Provider is using telecommunication facilities] to provide video services and has more than 1,000,000 telecommunication access lines in Michigan, the Provider shall provide access to its video service to a number of households equal to at least 25% of the households in the provider's telecommunication

service area in Michigan within 3 years of the date it began providing video service under the Act and Agreement and to a number not less than 50% of these households within 6 years. **The video service Provider is not required to meet the 50% requirement in this paragraph until 2 years after at least 30% of the households with access to the Provider's video service subscribe to the service for 6 consecutive months.**

- D. The Provider may apply to the Franchising Entity, and in the case of paragraph C, the Commission, for a waiver of or for an extension of time to meet the requirements of this section if 1 or more of the following apply:
- i. The inability to obtain access to public and private rights-of-way under reasonable terms and conditions.
 - ii. Developments or buildings not being subject to competition because of existing exclusive service arrangements.
 - iii. Developments or buildings being inaccessible using reasonable technical solutions under commercial reasonable terms and conditions.
 - iv. Natural disasters
 - v. Factors beyond the control of the Provider
- E. The Franchising Entity or Commission may grant the waiver or extension only if the Provider has made substantial and continuous effort to meet the requirements of this section. If an extension is granted, the Franchising Entity or Commission shall establish a new compliance deadline. If a waiver is granted, the Franchising Entity or Commission shall specify the requirement or requirements waived.
- F. The Provider shall file an annual report with the Franchising Entity and the Commission regarding the progress that has been made toward compliance with paragraphs B and C.
- G. Except for satellite service, the provider may satisfy the requirements of this paragraph and Section 9 of the Act through the use of alternative technology that offers service, functionality, and content, which is demonstrably similar to that provided through the provider's video service system and may include a technology that does not require the use of any public right-of-way. The technology utilized to comply with the requirements of this section shall include local public, education, and government channels and messages over the emergency alert system as required under Paragraph II(E) of this Agreement.

IV. Responsibility of the Franchising Entity

- A. The Franchising Entity hereby grants authority to the Provider to provide Video Service in the Video Service area footprint, as described in this Agreement and Attachments, as well as the Act.
- B. The Franchising Entity hereby grants authority to the Provider to use and occupy the Public Rights-of-way in the delivery of Video Service, subject to the laws of the state of Michigan and the police powers of the Franchising Entity.
- C. The Franchising Entity shall notify the Provider as to whether the submitted Franchise Agreement is complete as required by the Act within 15 business days after the date that the Franchise Agreement is filed. If the Franchise Agreement is not complete, the Franchising Entity shall state in its notice the reasons the Franchise Agreement is incomplete. The Franchising Entity cannot declare an application to be incomplete because it may dispute whether or not the applicant has properly classified certain material as "confidential."
- D. The Franchising Entity shall have 30 days after the submission date of a complete Franchise Agreement to approve the agreement. If the Franchising Entity does not notify the Provider regarding the completeness of the Franchise Agreement or approve the Franchise Agreement within the time periods required under **Section 3(3) of the Act**, the Franchise Agreement shall be considered complete and the Franchise Agreement approved.
- i. If time has expired for the Franchising Entity to notify the Provider, The Provider shall send (via mail: certified or registered, or by fax) notice to the Franchising Entity and the Commission, using Attachment 3 of this Agreement.
- E. The Franchising Entity shall allow a Provider to install, construct, and maintain a video service or communications network within a public right-of-way and shall provide the provider with open, comparable, nondiscriminatory, and competitively neutral access to the public right-of-way.
- F. The Franchising Entity may not discriminate against a video service provider to provide video service for any of the following:
- i. The authorization or placement of a video service or communications network in public right-of-way.
 - ii. Access to a building owned by a governmental entity.
 - iii. A municipal utility pole attachment.
- G. The Franchising Entity may impose on a Provider a permit fee only to the extent it imposes such a fee on incumbent video providers, and any fee shall not exceed the actual, direct costs incurred by the Franchising Entity for issuing the relevant permit. A fee under this section shall not be levied if the Provider already has paid a permit fee of any kind in connection with the same activity that would otherwise be covered by the

permit fee under this section or is otherwise authorized by law or contract to place the facilities used by the Provider in the public right-of-way or for general revenue purposes.

- H. The Franchising Entity shall not require the provider to obtain any other franchise, assess any other fee or charge, or impose any other franchise requirement than is allowed under the Act and this Agreement. For purposes of this Agreement, a franchise requirement includes but is not limited to, a provision regulating rates charged by video service providers, requiring the video service providers to satisfy any build-out requirements, or a requirement for the deployment of any facilities or equipment.
- I. Notwithstanding any other provision of the Act, the Provider shall not be required to comply with, and the Franchising Entity may not impose or enforce, any mandatory build-out or deployment provisions, schedules, or requirements except as required by **Section 9 of the Act**.
- J. The Franchising Entity is subject to the penalties provided for under Section 14 of the Act.

V. Term

- A. This Franchise Agreement shall be for a period of 10 years from the date it is issued. The date it is issued shall be calculated either by (a) the date the Franchising Entity approved the Agreement, provided it did so within 30 days after the submission of a complete franchise agreement, or (b) the date the Agreement is deemed approved pursuant to **Section 3(3) of the Act**, if the Franchising Entity either fails to notify the Provider regarding the completeness of the Agreement or approve the Agreement within the time periods required under that subsection.
- B. Before the expiration of the initial Franchise Agreement or any subsequent renewals, the Provider may apply for an additional 10-year renewal under **Section 3(7) of the Act**.

VI. Fees

- A. A video service Provider shall calculate and pay an annual video service provider fee to the Franchising Entity. The fee shall be 1 of the following:
 - i. If there is an existing Franchise Agreement, an amount equal to the percentage of gross revenue paid to the Franchising Entity by the incumbent video Provider with the largest number of subscribers in the Franchising Entity.
 - ii. At the expiration of an existing Franchise Agreement or if there is no existing Franchise Agreement, an amount equal to the percentage of gross revenue as established by the Franchising Entity of 5 % (percentage amount to be inserted by Franchising Entity which shall not exceed 5%) and shall be applicable to all providers
- B. The fee shall be due on a quarterly basis and paid within 45 days after the close of the quarter. Each payment shall include a statement explaining the basis for the calculation of the fee.
- C. The Franchising Entity shall not demand any additional fees or charges from a provider and shall not demand the use of any other calculation method other than allowed under the Act.
- D. For purposes of this Section, "gross revenues" means all consideration of any kind or nature, including, without limitation, cash, credits, property, and in-kind contributions received by the provider from subscribers for the provision of video service by the video service provider within the jurisdiction of the franchising entity.
 - 1. **Gross revenues shall include all of the following:**
 - i. All charges and fees paid by subscribers for the provision of video service, including equipment rental, late fees, insufficient funds fees, fees attributable to video service when sold individually or as part of a package or bundle, or functionally integrated, with services other than video service.
 - ii. Any franchise fee imposed on the Provider that is passed on to subscribers.
 - iii. Compensation received by the Provider for promotion or exhibition of any products or services over the video service.
 - iv. Revenue received by the Provider as compensation for carriage of video programming on that Provider's video service.
 - v. All revenue derived from compensation arrangements for advertising to the local franchise area.
 - vi. Any advertising commissions paid to an affiliated third party for video service advertising.
 - 2. **Gross revenues do not include any of the following:**
 - i. Any revenue not actually received, even if billed, such as bad debt net of any recoveries of bad debt.
 - ii. Refunds, rebates, credits, or discounts to subscribers or a municipality to the extent not already offset by subdivision (D)(i) and to the extent the refund, rebate, credit, or discount is attributable to the video service.
 - iii. Any revenues received by the Provider or its affiliates from the provision of services or capabilities other than video service, including telecommunications services, information services, and services,

- capabilities, and applications that may be sold as part of a package or bundle, or functionality integrated, with video service.
 - iv. Any revenues received by the Provider or its affiliates for the provision of directory or internet advertising, including yellow pages, white pages, banner advertisement, and electronic publishing.
 - v. Any amounts attributable to the provision of video service to customers at no charge, including the provision of such service to public institutions without charge.
 - vi. Any tax, fee, or assessment of general applicability imposed on the customer or the transaction by a federal, state, or local government or any other governmental entity, collected by the Provider, and required to be remitted to the taxing entity, including sales and use taxes.
 - vii. Any forgone revenue from the provision of video service at no charge to any person, except that any forgone revenue exchanged for trades, barter, services, or other items of value shall be included in gross revenue.
 - viii. Sales of capital assets or surplus equipment.
 - ix. Reimbursement by programmers of marketing costs actually incurred by the Provider for the introduction of new programming.
 - x. The sale of video service for resale to the extent the purchaser certifies in writing that it will resell the service and pay a franchise fee with respect to the service.
- E. In the case of a video service that is bundled or integrated functionally with other services, capabilities, or applications, the portion of the video Provider's revenue attributable to the other services, capabilities, or applications shall be included in gross revenue unless the Provider can reasonably identify the division or exclusion of the revenue from its books and records that are kept in the regular course of business.
- F. Revenue of an affiliate shall be included in the calculation of gross revenues to the extent the treatment of the revenue as revenue of the affiliate has the effect of evading the payment of franchise fees which would otherwise be paid for video service.
- G. The Provider is entitled to a credit applied toward the fees due under **Section 6(1) of the Act** for all funds allocated to the Franchising Entity from annual maintenance fees paid by the provider for use of public rights-of-way, minus any property tax credit allowed under **Section 8 of the Metropolitan Extension Telecommunications Rights-of-Way Oversight Act (METRO Act)**, 2002 PA 48, MCL 484.3108. The credits shall be applied on a monthly pro rata basis beginning in the first month of each calendar year in which the Franchising Entity receives its allocation of funds. The credit allowed under this subsection shall be calculated by multiplying the number of linear feet occupied by the Provider in the public rights-of-way of the Franchising Entity by the lesser of 5 cents or the amount assessed under the **METRO Act**. The Provider is not eligible for a credit under this section unless the provider has taken all property tax credits allowed under the **METRO Act**.
- H. All determinations and computations made under this section shall be pursuant to generally accepted accounting principles.
- I. Any claims by a Franchising Entity that fees have not been paid as required under **Section 6 of the Act**, and any claims for refunds or other corrections to the remittance of the Provider shall be made within 3 years from the date the compensation is remitted.
- J. The Provider may identify and collect as a separate line item on the regular monthly bill of each subscriber an amount equal to the percentage established under **Section 6(1) of the Act**, applied against the amount of the subscriber's monthly bill.
- K. The Franchising Entity shall not demand any additional fees or charges from a Provider and shall not demand the use of any other calculation method other than allowed under the Act.

VII. Public, Education, and Government (PEG) Channels

- A. The video service Provider shall designate a sufficient amount of capacity on its network to provide for the same number of public, education, and government access channels that are in actual use on the incumbent video provider system on the **effective date of the Act** or as provided under **Section 4(14) of the Act**.
- B. Any public, education, or government channel provided under this section that is not utilized by the Franchising Entity for at least 8 hours per day for 3 consecutive months may no longer be made available to the Franchising Entity and may be programmed at the Provider's discretion. At such a time as the Franchising Entity can certify a schedule for at least 8 hours of daily programming for a period of 3 consecutive months, the Provider shall restore the previously reallocated channel.
- C. The Franchising Entity shall ensure that all transmissions, content, or programming to be retransmitted by a video service Provider is provided in a manner or form that is capable of being accepted and retransmitted by a Provider, without requirement for additional alteration or change in the content by the Provider, over the particular network of the Provider, which is compatible with the technology or protocol utilized by the Provider to deliver services.

- D. The person producing the broadcast is solely responsible for all content provided over designated public, education, or government channels. The video service Provider shall not exercise any editorial control over any programming on any channel designed for public, education, or government use.
- E. The video service Provider is not subject to any civil or criminal liability for any program carried on any channel designated for public, education, or government use.
- F. If a Franchising Entity seeks to utilize capacity pursuant to **Section 4(1) of the Act** or an agreement under **Section 13 of the Act** to provide access to video programming over one or more PEG channels, the Franchising Entity shall give the Provider a written request specifying the number of channels in actual use on the incumbent video provider's system or specified in the agreement entered into under **Section 13 of the Act**. The video service Provider shall have 90 days to begin providing access as requested by the Franchising Entity. The number and designation of PEG access channels shall be set forth in an addendum to this agreement effective 90 days after the request is submitted by the Franchising Entity.
- G. A PEG channel shall only be used for noncommercial purposes.

VIII. PEG Fees

- A. The video service Provider shall also pay to the Franchising Entity as support for the cost of PEG access facilities and services an annual fee equal to one of the following options:
 - 1. If there is an existing Franchise on the effective date of the Act, the fee (enter the fee amount _____) paid to the Franchising Entity by the incumbent video Provider with the largest number of cable service subscribers in the Franchising Entity as determined by the existing Franchise Agreement;
 - 2. At the expiration of the existing Franchise Agreement, the amount required under (1) above, which is _____% of gross revenues. (The amount under (1) above is not to exceed 2% of gross revenues);
 - 3. If there is no existing Franchise Agreement, a percentage of gross revenues as established by the Franchising Entity and to be determined by a community need assessment, is 2% of gross revenues. (The percentage that is established by the Franchising Entity is not to exceed 2% of gross revenues.); and
 - 4. An amount agreed to by the Franchising Entity and the video service Provider.
- B. The fee required by this section shall be applicable to all providers, pursuant to Section 6(9) of the Act.
- C. The fee shall be due on a quarterly basis and paid within 45 days after the close of the quarter. Each payment shall include a statement explaining the basis for the calculation of the fee.
- D. All determinations and computations made under this section shall be pursuant to generally accepted accounting principles.
- E. Any claims by a Franchising Entity that fees have not been paid as required under **Section 6 of the Act**, and any claims for refunds or other corrections to the remittance of the Provider shall be made within 3 years from the date the compensation is remitted.
- F. The Provider may identify and collect as a separate line item on the regular monthly bill of each subscriber an amount equal to the percentage established under **Section 6(8) of the Act**, applied against the amount of the subscriber's monthly bill.
- G. The Franchising Entity shall not demand any additional fees or charges from a Provider and shall not demand the use of any other calculation method other than allowed under the Act.

IX. Audits

- A. No more than every 24 months, a Franchising Entity may perform reasonable audits of the video service Provider's calculation of the fees paid under **Section 6 of the Act** to the Franchising Entity during the preceding 24-month period only. All records reasonably necessary for the audits shall be made available by the Provider at the location where the records are kept in the ordinary course of business. The Franchising Entity and the video service Provider shall each be responsible for their respective costs of the audit. Any additional amount due verified by the Franchising Entity shall be paid by the Provider within 30 days of the Franchising Entity's submission of invoice for the sum. If the sum exceeds 5% of the total fees which the audit determines should have been paid for the 24-month period, the Provider shall pay the Franchising Entity's reasonable costs of the audit.
- B. Any claims by a Franchising Entity that fees have not been paid as required under **Section 6 of the Act**, and any claims for refunds or other corrections to the remittance of the provider shall be made within 3 years from the date the compensation is remitted.

X. Termination and Modification

This Franchise Agreement issued by a Franchising Entity may be terminated or the video service area footprint may be modified, except as provided under **Section 9 of the Act**, by the Provider by submitting notice to the Franchising Entity. The Provider will use Attachment 2, when notifying the Franchising Entity.

XI. Transferability

This Franchise Agreement issued by a Franchising Entity or an existing franchise of an incumbent video service Provider is fully transferable to any successor in interest to the Provider to which it is initially granted. A notice of transfer shall be filed with the Franchising Entity within 15 days of the completion of the transfer. The Provider will use Attachment 2, when notifying the Franchising Entity. The successor in interest will assume the rights and responsibilities of the original provider and will also be required to complete their portion of the Transfer Agreement located within Attachment 2.

XII. Change of Information

If any of the information contained in the Franchise Agreement changes, the Provider shall timely notify the Franchising Entity. The Provider will use Attachment 2, when notifying the Franchising Entity.

XIII. Confidentiality

Pursuant to Section 11 of the Act. Except under the terms of a mandatory protective order, trade secrets and commercial or financial information designated as such and submitted under the Act to the Franchising Entity or Commission are exempt from the Freedom of Information Act, 1976 PA 442, MCL 15.231 to 15.246 and **MUST BE KEPT CONFIDENTIAL**.

- A. The Provider may specify which items of information should be deemed "confidential." It is the responsibility of the provider to clearly identify and segregate any confidential information submitted to the franchising entity with the following information:
 "[insert PROVIDER'S NAME]
 [CONFIDENTIAL INFORMATION]"
- B. The Franchising Entity receiving the information so designated as confidential is required (a) to protect such information from public disclosure, (b) exempt such information from any response to a FOIA request, and (c) make the information available only to and for use only by such local officials as are necessary to approve the franchise agreement or perform any other task for which the information is submitted.
- C. Any Franchising Entity which disputes whether certain information submitted to it by a provider is entitled to confidential treatment under the Act may apply to the Commission for resolution of such a dispute. Unless and until the Commission determines that part or all of the information is not entitled to confidential treatment under the Act, the Franchising Entity shall keep the information confidential.

XIV. Complaints/Customer Service

- A. The Provider shall establish a dispute resolution process for its customers. Provider shall maintain a local or toll-free telephone number for customer service contact.
- B. The Provider shall be subjected to the penalties, as described under **Section 14 of the Act**, and the Franchising Entity and Provider may be subjected to the dispute process as described in **Section 10 of the Act**.
- C. Each Provider shall annually notify its customers of the dispute resolution process required under **Section 10 of the Act**. Each Provider shall include the dispute resolution process on its website.
- D. Before a customer may file a complaint with the Commission under **Section 10(5) of the Act**, the customer shall first attempt to resolve the dispute through the dispute resolution process established by the Provider in **Section 10(2) of the Act**.
- E. A complaint between a customer and a Provider shall be handled by the Commission pursuant to the process as described in **Section 10(5) of the Act**.
- F. A complaint between a Provider and a franchising entity or between two or more Providers shall be handled by the Commission pursuant to the process described in **Section 10(6) of the Act**.
- G. In connection with providing video services to the subscribers, a provider shall not do any act prohibited by Section 10(1)(a-f) of the Act. The Commission may enforce compliance to the extent that the activities are not covered by **Section 2(3)(i) in the Act**.

XV. Notices

Any notices to be given under this Franchise Agreement shall be in writing and delivered to a Party personally, by facsimile or by certified, registered, or first-class mail, with postage prepaid and return receipt requested, or by a nationally recognized overnight delivery service, addressed as follows:

If to the Franchising Entity:
(must provide street address)

City of Portage:

7900 S. Westnedge Avenue

Portage, MI 49002

Attn: City Manager

Fax No.: 269-324-9244

If to the Provider:
(must provide street address)

1.
41112 Concept Dr.

Plymouth, MI 48170

Attn: VP of Government Affairs

Fax No.: 248-233-4719

2.
600 Galleria Pkwy

Atlanta, GA 30339

Attn: Sen. Vice President, Government Relations

3.
One Comcast Center
Philadelphia, PA 19103

Attn: Government Affairs Department

Or such other addresses or facsimile numbers as the Parties may designate by written notice from time to time.

XVI. Miscellaneous

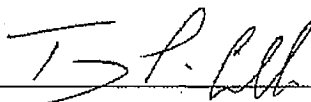
- A. Governing Law. This Franchise Agreement shall be governed by, and construed in accordance with, applicable Federal laws and laws of the State of Michigan.
- B. The parties to this Franchise Agreement are subject to all valid and enforceable provisions of the Act.
- C. Counterparts. This Agreement may be signed in one or more counterparts, each of which shall be deemed an original and all of which together shall constitute on and the same agreement.
- D. Power to Enter. Each Party hereby warrants to the other Party that it has the requisite power and authority to enter into this Franchise Agreement and to perform according to the terms hereof.
- E. The Provider and Franchising Entity are subject to the provisions of 2006 Public Act 480.

IN WITNESS WHEREOF, the Parties, by their duly authorized representatives, have executed this Franchise Agreement.

City of Portage, a Michigan Municipal Corporation

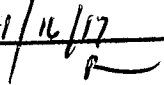
Comcast of Georgia/Michigan, LP, a California Limited Partnership doing business as Comcast

By
Print Name
Title
Address
City, State, Zip
Phone
Fax
Email

By 
Timothy P. Collins
Print Name
Regional Senior Vice President
Title
41112 Concept Drive
Address
Plymouth, MI 48170
City, State, Zip
734-254-1525
Phone
248-233-4719
Fax
Tim_Collins@cable.comcast.com
Email

FRANCHISE AGREEMENT (*Franchising Entity to Complete*)

Date submitted:
Date completed and approved:

APPROVED AS TO FORM
DATE 1/16/17

CITY ATTORNEY

ATTACHMENT 1

UNIFORM VIDEO SERVICE LOCAL FRANCHISE AGREEMENT (Pursuant To 2006 Public Act 480) (Form must be typed)

Date: January 4, 2017		
Applicant's Name: Comcast of Georgia/Michigan, LP		
Address 1: 41112 Concept Dr.		
Address 2		Phone: 248-233-4700
City: Plymouth	State: MI	Zip: 48170
Federal I.D. No. (FEIN): 94-3069241		

Company executive officers:

Name(s): Timothy P. Collins
Title(s): Regional Senior Vice President

Person(s) authorized to represent the company before the Franchising Entity and the Commission:

Name: Jeffrey Snyder		
Title: Manager, External Affairs		
Address: 3500 Patterson Rd, SE, Grand Rapids, MI 49512		
Phone: 616-575-0479	Fax:	Email: Jeffrey_Snyder@comcast.com

Name: Leslie A. Brogan		
Title: Senior Director, Government Affairs		
Address: 1401 E. Miller Rd., Lansing, MI 48911		
Phone: 517-334-5890	Fax: 517-334-1880	Email: Leslie_Brogan@comcast.com

Describe the video service area footprint as set forth in Section 2(3e) of the Act. (An exact description of the video service area footprint to be served, as identified by a geographic information system digital boundary meeting or exceeding national map accuracy standards.)

Comcast intends to serve, in accordance with the standards set forth in PA 480 of 2006, the present territorial corporate limits of the City of Portage, Michigan and any area henceforth annexed to or otherwise added to the City during the term of this franchise.

[Option A: for Providers that Options B and C are not applicable, a description based on a geographic information system digital boundary meeting or exceeding national map accuracy standards]

[Option B: for Providers with 1,000,000 or more access lines in Michigan using telecommunication facilities to provide Video Service, a description based on entire wire centers or exchanges located in the Franchising Entity]

[Option C: for an Incumbent Video Service Provider, it satisfies this requirement by allowing the Franchising Entity to seek right-of-way information comparable to that required by a permit under the METRO Act as set forth in its last cable franchise or consent agreement from the Franchising Entity entered into before the effective date of the Act]

Pursuant to Section 2(3)(d) of the Act, if the Provider is not an incumbent video Provider, provide the date on which the Provider expects to provide video services in the area identified under Section 2(3)(e) (the Video Service Area Footprint).

Date: September 2017

For All Applications:

**Verification
(Provider)**

I, Timothy P. Collins, of lawful age, and being first duly sworn, now states: As an officer of the Provider, I am authorized to do and hereby make the above commitments. I further affirm that all statements made above are true and correct to the best of my knowledge and belief.

Name and Title (printed): Timothy P. Collins, Regional Senior Vice President

Signature:

T.P. Collins

Date:

1-4-17

(Franchising Entity)

City of Portage, a Michigan municipal corporation

By

Print Name

Title

Address

City, State, Zip

Phone

Fax

Email

Date

ATTACHMENT

**CITY OF PORTAGE, MICHIGAN
RESOLUTION AUTHORIZING UNIFORM VIDEO SERVICE
LOCAL FRANCHISE AGREEMENT
COMCAST**

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 _____, 2017, at 7:30 p.m. local time.

PRESENT: _____

ABSENT: _____

Resolution offered by: _____

Seconded by: _____

WHEREAS, Public Act 480 of 2006 (the Uniform Video Services Local Franchise Act, hereafter the "Act") requires video service providers to obtain a franchise from a local unit of government by means of a Uniform Video Service Local Franchise Agreement ("Uniform Franchise"); and

WHEREAS, the Michigan Public Service Commission ("MPSC") on January 30, 2007 issued an order ("Order") that provided a Uniform Franchise form; and

WHEREAS, the City of Portage ("City") wishes to authorize the approval of a video service franchise with Comcast of Georgia/Michigan, LP, a California limited partnership Company ("Comcast "), doing business as "Comcast", with certain fees pursuant to the Act; and

WHEREAS, Comcast does not have an existing franchise agreement or Uniform Franchise with City; and

WHEREAS, City wishes to memorialize the franchise fees and fees as support for PEG channels being paid by Comcast under the Uniform Franchise; and

WHEREAS, City does not intend that by approving a Uniform Franchise that it shall be waiving rights, nor does it understand that the Act or the MPSC Order so requires.

NOW, THEREFORE, BE IT HEREBY RESOLVED, that City authorizes the approval of a video service franchise with Comcast (a video service provider) and establishes video service provider fees as set forth below and pursuant to the process established by the Act, which allows video service providers to obtain a franchise from City by means of a Uniform Franchise; and

BE IT FURTHER RESOLVED that pursuant to its authority under the Act, City hereby authorizes the approval of the Uniform Video Service Local Franchise Agreement submitted to the City by Comcast on or about January 17, 2017 with an annual video service provider fee, sometimes called a franchise fee, of five (5%) percent of gross revenues in Section VI(A)(ii) of the Uniform Franchise, which fee is hereby established in accordance with the Act for video service providers; and

BE IT FURTHER RESOLVED that pursuant to its authority under the Act, City hereby establishes that a fee of two (2%) percent of gross revenue is necessary as support for the cost of PEG access facilities and services, and such amount shall be entered into Section VIII(A)(3) of the Uniform Franchise; and

BE IT FURTHER RESOLVED that the City approval of Comcast's Uniform Franchise shall not be construed or understood to be a waiver by City of its police powers; rights it may possess under, or authority it may possess under, the Act, Michigan law, the Michigan constitution, or federal law; or its right to challenge or modify a Uniform Franchise if the Act in whole or in part is amended by the legislature or overturned by the courts; and

BE IT FURTHER RESOLVED that the City Manager is hereby authorized and directed in accordance with this Resolution to sign four copies of the Comcast Uniform Local Franchise Agreement on page 9 and on page 2 of Attachment 1 thereof, and the City Clerk is authorized and directed to retain one copy and to send fully signed copies to the following:

Comcast of Georgia/Michigan, LP
41112 Concept Dr.
Plymouth, MI 48170
Attn: VP of Government Affairs

Mr. Timothy P. Collins, Regional Senior Vice President
41112 Concept Dr.
Plymouth, MI 48170

BE IT FINALLY RESOLVED that the City administration is hereby authorized and directed to take all actions necessary to place the Comcast Uniform Local Franchise Agreement into effect in accordance with this resolution.

YEAS: _____

NAYS: _____

ABSENT: _____

RESOLUTION DECLARED ADOPTED.

James R. Hudson, City Clerk

STATE OF MICHIGAN)
)SS
COUNTY OF KALAMAZOO)

I, the undersigned, the duly qualified and acting City Clerk of the City of Portage, Kalamazoo County, Michigan, do hereby certify that the foregoing is a true and complete copy of a resolution adopted at a regular meeting of the City Council of said City, held on the ____ day of _____, 2017, the original of which resolution is on file in my office.

IN WITNESS WHEREOF, I have hereto affixed my official signature this ____ day of _____, 2017.

James R. Hudson, City Clerk

z:\jody\portage\res\resolution authorizing franchise - comcast.011817.doc

APPROVED AS TO FORM

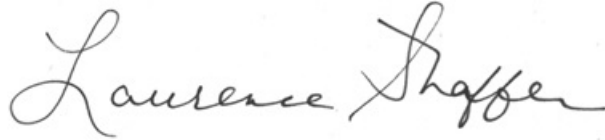
DATE

1/19/2017

CITY ATTORNEY

TO: Honorable Mayor and City Council

FROM: Laurence Shaffer, City Manager



SUBJECT: School Election Consolidation Agreements

SUPPORTING PERSONNEL: James Hudson, City Clerk

ACTION RECOMMENDED: That City Council authorize the City Clerk to sign the School Election Consolidation Agreements.

Please find attached the Election Consolidation Agreements as required by the State of Michigan under the election consolidation legislation (Act 116 of 1954). The purpose of these Election Consolidation Agreements is to define the roles of the County Clerk, Election Manager, Local Clerk and local schools within each jurisdiction in Kalamazoo County.

The proposed Election Consolidation Agreements cover any school election held during the calendar years 2017 - 2020. The proposed agreements reflect a continuation of the same duties and responsibilities as those agreements previously approved by City Council on March 12, 2013.

It is recommended that City Council authorize the City Clerk to sign the School Election Consolidation Agreements.

FUNDING: N/A

Attachments:

1. KVCC Election Agreement
2. KRESA Election Agreement
3. Comstock PS Election Agreement
4. Portage PS Election Agreement
5. Schoolcraft PS Election Agreement
6. Vicksburg PS Election Agreement

KALAMAZOO COUNTY CLERK & REGISTER OF DEEDS

Timothy A. Snow, Clerk & Register of Deeds

Phone: (269) 384-8141
Fax: (269) 384-8143
Email: tasnow@kalcounty.com

Kalamazoo County Clerk's Office
201 W. Kalamazoo Ave.
Kalamazoo, MI 49007

KALAMAZOO VALLEY COMMUNITY COLLEGE

Election Coordinating Committee Agreement
Effective January 1, 2017 through December 31, 2020

February 2, 2017 Report

Election Coordinator – Timothy A. Snow, Kalamazoo County Clerk
Additional counties included: BARRY, CALHOUN, ST. JOSEPH, VAN BUREN

Jurisdictions within KVCC:

Brady Township, Kalamazoo County
Charleston Township, Kalamazoo County
Climax Township, Kalamazoo County
Comstock Charter Township, Kalamazoo County
Cooper Charter Township, Kalamazoo County
Kalamazoo Charter Township, Kalamazoo County
Oshtemo Charter Township, Kalamazoo County
Pavilion Township, Kalamazoo County
Prairie Ronde Township, Kalamazoo County
Richland Township, Kalamazoo County
Ross Township, Kalamazoo County
Schoolcraft Township, Kalamazoo County
Texas Charter Township, Kalamazoo County
Wakeshma Township, Kalamazoo County
City of Galesburg, Kalamazoo County
City of Kalamazoo, Kalamazoo County
City of Parchment, Kalamazoo County
City of Portage, Kalamazoo County
Barry Township, Barry County
Johnstown Township, Barry County
Prairieville Township, Barry County
Bedford Township, Calhoun County
Leroy Township, Calhoun County
City of Battle Creek, Calhoun County
Leonidas Township, St. Joseph County
Mendon Township, St. Joseph County
Park Township, St. Joseph County
Almena Township, Van Buren County
Antwerp Township, Van Buren County

Election Coordinating Committee Members:

Kalamazoo County Clerk – Timothy A. Snow, Chair
Kalamazoo Regional Educational Service Agency-Board Secretary
Brady Township Clerk – Tracy Locey
Charleston Township Clerk – Linda Kramer
Climax Township Clerk – Marcia Lewis
Comstock Charter Township Clerk – Michelle Mohney
Cooper Charter Township Clerk – DeAnna Janssen
Kalamazoo Charter Township Clerk – Mark E. Miller
Oshtemo Charter Township Clerk – Dusty Farmer
Pavilion Township Clerk – Karen E. Siegart

Prairie Ronde Township Clerk – Theresa O. Cook
 Richland Township Clerk – Desiree LaDuke
 Ross Township Clerk – Monica Markillie
 Schoolcraft Township Clerk – Virginia M. Mongreig
 Texas Charter Township Clerk – Linda M. Kerr
 Wakeshma Township Clerk – Shawn Fritz
 Galesburg City Clerk – Karen Bresson
 Kalamazoo City Clerk – Scott A. Borling
 Parchment City Clerk – Shannon Stutz
 Portage City Clerk – James R. Hudson
 Barry Township Clerk – Debra Knight
 Johnstown Township Clerk – Sheri M. Babcock
 Prairieville Township Clerk – Ted DeVries
 Bedford Charter Township Clerk – Joyce Feraco
 Leroy Township Clerk – Brenda Schuetz
 Battle Creek City Clerk – Victoria Houser
 Leonidas Township Clerk – Donald Overholt
 Mendon Township Clerk – Donna Cupp
 Park Township Clerk – John E. English
 Almena Township Clerk – Sandra B. Rickli
 Antwerp Township Clerk – Heather Mitchell

The Kalamazoo Valley Community College Board of Trustees has 7 members, serving 6-year terms, elected on a rotating basis.

Delegation of Election Duties

Description	Responsible Official			
		County Clerk	Local Clerk	School Secretary
Notify County Clerk of number of Board positions to be elected and length of term .				X
Notify County Clerk of number of unexpired Board positions to be elected to partial terms and term expiration .				X
Transmit official ballot question/proposal language in Word format to County Clerk.				X
Accept ballot proposal language . MCL 168.301(d), 312		X		
Accept candidate filings and withdrawals . MCL 168.301, 303, 303(4)(6)		X		
Forward copies of Affidavits of Identity to Board Secretary following candidate withdrawal date.		X		
Accept request for special election from school district. MCL 168.301(2), 312		X		
Accept petitions for special elections called. MCL 168.641(4)		X		
Conduct special election requested in designated jurisdiction. MCL 168.301(3)			X	
Prepare ballot order .		X		
Forward proof ballots for proofing to local clerks and school secretary.		X		
Proof ballot and send to school.		X		
Receive applications and issue AV ballots .			X	
Proof ballot .		X	X	X
Accept returned AV ballots for precinct or AV Board processing.			X	

Description	Responsible Official			
		County Clerk	Local Clerk	School Secretary
Be available on Saturday prior to an election to issue absent voter ballots.			X	
Appoint Election Inspectors .			X	
Provide certification training to Election Inspectors. MCL 168.659		X		
Provide ID cards to voters if polling location is changed.		X		
Program voting equipment.		X		
Perform accuracy testing on voting equipment. MCL 168.778			X	
Publicize accuracy testing .		X		
Publicize Notice of Close of Registration .		X		
Publicize Notice of Election .		X		
Set up election parameters in QVF.		X		
Update voter history .			X	
Set up of voting precincts .			X	
Election day troubleshooting .		X	X	
Transmit election results to Kalamazoo County Clerk on election night.			X	
Deliver election envelopes to County Clerk(s) on election night after the close of polls. MCL 168.809(3)			X	
Store voted and unvoted ballots .			X	
Forward copy of Acceptance of Office to Election Coordinator within 10 days of notification of election. MCL 168.309				X
Canvass and forward certified election results to school administration.		X		
Transmit account of costs to County Clerk for joint billing within 30 days of special election.			X	
Present verified account of costs for special election to school district no later than 84 days after date of election. MCL 168.315		X		
Send certified millage questions to County Treasurer for tax roll updates.		X		
All other duties in conducting school elections as required by law.		X	X	

Precinct Boundaries and Polling Places Established for District's Elections

Michigan election law now governs the administration of school elections. As such, precincts established for the conduct of local school district elections, intermediate school district elections and community college district elections can cross city and township boundaries if desirable. The precincts must be established by the County Election Commission established in the Election Coordinator's county. The Kalamazoo County Election Commission will adopt a resolution to consolidate precincts not less than 60 days prior to the election, if necessary; and designate polling locations pursuant to MCL 168.659.

Precinct boundaries and polling locations for the conduct of the district's elections are, for the purposes of this report, the standard precinct boundaries for state and federal elections. The polling locations are assigned as follows:

Brady Township, Kalamazoo County
 Brady Township, Kalamazoo County
 Charleston Township, Kalamazoo County

Precinct 1 – Brady Township Hall, 13123 South 24th St.
 Precinct 2 – Chapman Memorial Church, 7520 East U Ave.
 Precinct 1 – Charleston Township Hall, 1499 South 38th St.

Climax Township, Kalamazoo County
 Comstock Charter Township, Kalamazoo County
 Comstock Charter Township, Kalamazoo County
 Comstock Charter Township, Kalamazoo County
 Comstock Charter Township, Kalamazoo County
 Comstock Charter Township, Kalamazoo County
 Comstock Charter Township, Kalamazoo County
 Comstock Charter Township, Kalamazoo County
 Cooper Charter Township, Kalamazoo County
 Cooper Charter Township, Kalamazoo County
 Cooper Charter Township, Kalamazoo County
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 Oshtemo Charter Township, Kalamazoo County
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 Oshtemo Charter Township, Kalamazoo County
 Pavilion Township, Kalamazoo County
 Pavilion Township, Kalamazoo County
 Pavilion Township, Kalamazoo County
 Prairie Ronde Township, Kalamazoo County
 Richland Township, Kalamazoo County
 Richland Township, Kalamazoo County
 Richland Township, Kalamazoo County
 Ross Township, Kalamazoo County
 Ross Township, Kalamazoo County
 Schoolcraft Township, Kalamazoo County
 Schoolcraft Township, Kalamazoo County
 Schoolcraft Township, Kalamazoo County
 Schoolcraft Township, Kalamazoo County
 Texas Charter Township, Kalamazoo County
 Texas Charter Township, Kalamazoo County
 Texas Charter Township, Kalamazoo County
 Texas Charter Township, Kalamazoo County
 Texas Charter Township, Kalamazoo County
 Wakeshma Township, Kalamazoo County
 City of Kalamazoo, Kalamazoo County
 City of Kalamazoo, Kalamazoo County
 City of Kalamazoo, Kalamazoo County
 City of Kalamazoo, Kalamazoo County

Precinct 1 – Climax Township Hall, 110 North Main St. (Climax)
 Precinct 1 – Comstock Community Center, 6330 King Highway
 Precinct 2 – Comstock Township Hall, 6138 King Highway
 Precinct 3 – Comstock Christian Reformed, 5300 Comstock Ave.
 Precinct 4 – Northeastern Baptist Church, 6536 East G Ave.
 Precinct 5 – New Life Victory Church, 2775 South 26th St.
 Precinct 6 – Kalamazoo Community Church, 2435 North 26th St.
 Precinct 7 – Northeastern Baptist Church, 6536 East G Ave.
 Precinct 8 – Church of God Worship Center – 5841 East H Ave.
 Precinct 1 – Cooper Township Hall, 1590 West D Ave.
 Precinct 2 – Fire Station #2, 3160 McKinley St.
 Precinct 3 – Spring Valley Wesleyan Church, 5240 Mt. Olivet Rd.
 Precinct 4 – North Bridge Church, 8824 Douglas Ave.
 Precinct 5 – Cooper’s Landing Comm. Room, 5001 Cooper’s Ldg.
 Precinct 1 – Lakewood Fire Station, 3100 Lake St.
 Precinct 2 – Northwood Fire Station, 2617 N. Burdick St.
 Precinct 3 – Grace Harbor Church, 811 Gorham Lane
 Precinct 4 – West Main School Dev. Center, 1627 West Main St.
 Precinct 5 – Westwood Fire Station, 1310 Nichols Rd.
 Precinct 7 – Hillside Middle School, 1941 Alamo Ave.
 Precinct 8 – Westland Meadows Comm. Room, 4300 Leisure Ln.
 Precinct 9 – Second Christian Reformed, 3015 Nichols Rd.
 Precinct 10 – Eastwood Fire Station, 2703 East Main St.
 Precinct 11 – Northeastern Elementary, 2433 Gertrude St.
 Precinct 12 – Sunnyside United Methodist – 2800 Gull Road
 Precinct 2 – Fire House #2, 3500 South 6th St.
 Precinct 3 – People’s Church, 1758 North 10th St.
 Precinct 4 – Voyage Church. 6339 Atlantic St.
 Precinct 5 – West Kalamazoo Christian Church, 454 S. Drake Rd.
 Precinct 6 – West Kalamazoo Christian Church, 454 S. Drake Rd.
 Precinct 7 – Voyage Church, 6339 Atlantic St.
 Precinct 8 – Oshtemo Community Center, 6407 Parkview Ave.
 Precinct 9 – Oshtemo Branch Library, 7265 West Main St.
 Precinct 10 – Oshtemo Methodist Church, 6574 Stadium Dr.
 Precinct 1 – Lakeland Reformed Church, 10442 S. Sprinkle Rd.
 Precinct 2 – Christian Evangelical Church, 9286 South 36th St.
 Precinct 3 – Pavilion Township Hall, 7510 East Q Ave.
 Precinct 1 – Prairie Ronde Township Hall, 8140 West W Ave.
 Precinct 1 – Gull Lake United Methodist, 8640 Gull Road
 Precinct 2 – Richland Township Hall, 7401 North 32nd St.
 Precinct 3 – Haven Church, 5350 N. Sprinkle Rd.
 Precinct 1 – Augusta Village Hall, 109 W. Clinton St.
 Precinct 2 – Yorkville Community Church, 11523 East D Ave.
 Precinct 1 – Schoolcraft Township Hall, 50 East VW Ave.
 Precinct 2 – Ken Krum Recreation Center, 519 E. Clay St.
 Precinct 3 – Vicksburg United Methodist Church, 217 S. Main St.
 Precinct 4 – Ken Krum Recreation Center, 519 E. Clay St.
 Precinct 1 – Calvary Reformed Church, 7829 South 5th St.
 Precinct 2 – Texas Township Hall, 7110 West Q Ave.
 Precinct 3 – M-Tec Center, 7107 Elm Valley Dr.
 Precinct 4 – Southridge Reformed Church, 6726 Texas Dr.
 Precinct 5 – Southridge Reformed Church, 6726 Texas Dr.
 Precinct 6 – Calvary Reformed Church, 7829 South 5th St.
 Precinct 1 – Wakeshma Township Hall, 13988 South 42nd St.
 Precinct 1 – First United Methodist Church, 212 S. Park St.
 Precinct 2 – Bernhard Student Center, Western Michigan Univ.
 Precinct 3 – First United Methodist Church, 212 S. Park St.
 Precinct 4 – Bernhard Student Center, Western Michigan Univ.
 Precinct 5 – Arcadia Elementary School, 932 Boswell Lane

Related Matters

As of January 1, 2017, this report shall be governed by and construed in accordance with the laws of the State of Michigan.

After January 1, 2017, if any clause, provision or section of the report shall be ruled invalid or unenforceable by a court of competent jurisdiction, the invalidity or unenforceability of such clause, provision or section shall not affect any remaining clauses, provisions or sections.

The report is binding on the undersigned jurisdictions until December 31, 2020, or until such time as an amended report is filed with the Michigan Department of State, Bureau of Elections.

IN ACCORDANCE WITH MCL 168.305(1), said meeting being held on February 2, 2017 at Oshtemo Township Hall, 7275 West Main St., Kalamazoo, MI;

IN WITNESS WHEREOF, the undersigned jurisdictions have executed this report by that through their respective duly authorized representatives as of the date so indicated.

Signed and dated this 2nd day of February 2017, by the members of the Election Coordinating Committee or their designee.

Timothy A. Snow
Kalamazoo County Clerk & Register of Deeds, Chair

Kalamazoo Valley Community College

Debra Knight
Barry Township Clerk, Barry County

Tracy Locey
Brady Township Clerk, Kalamazoo County

Sheri M. Babcock
Johnstown Township Clerk, Barry County

Linda Kramer
Charleston Township Clerk, Kalamazoo County

Ted DeVries
Prairieville Township Clerk, Barry County

Marcia Lewis
Climax Township Clerk, Kalamazoo County

Pamela A. Palmer
Barry County Clerk

Michelle Mohney
Comstock Charter Township Clerk, Kalamazoo County

Joyce Feraco
Bedford Charter Township Clerk, Calhoun County

DeAnna Janssen
Cooper Charter Township Clerk, Kalamazoo County

Brenda Schuetz
Leroy Township Clerk, Calhoun County

Mark E. Miller
Kalamazoo Charter Township Clerk, Kalamazoo County

Victoria Houser
Battle Creek City Clerk, Calhoun County

Dusty Farmer
Oshtemo Charter Township Clerk, Kalamazoo County

Anne B. Norlander
Calhoun County Clerk & Register of Deeds

Karen E. Siegwart
Pavilion Township Clerk, Kalamazoo County

Donald Overholt
Leonidas Township Clerk, St. Joseph County

Theresa O. Cook
Prairie Ronde Township Clerk, Kalamazoo County

Donna Cupp
Mendon Township Clerk, St. Joseph County

Desiree LaDuke
Richland Township Clerk, Kalamazoo County

John E. English
Park Township Clerk, St. Joseph County

Monica Markillie
Ross Township Clerk, Kalamazoo County

Lindsay Oswald
St. Joseph County Clerk & Register of Deeds

Virginia M. Mongreig
Schoolcraft Township Clerk, Kalamazoo County

Sandra B. Rickli
Almena Township Clerk, Van Buren County

Linda M. Kerr
Kalamazoo City Clerk, Kalamazoo County

Heather Mitchell
Antwerp Township Clerk, Van Buren County

Shawn Fritz
Wakeshma Township Clerk, Kalamazoo County

Suzie Roehm
Van Buren County Clerk

Karen Bresson
Galesburg City Clerk, Kalamazoo County

Shannon Stutz
Parchment City Clerk, Kalamazoo County

Scott A. Borling
Kalamazoo City Clerk, Kalamazoo County

James R. Hudson
Portage City Clerk, Kalamazoo County

KALAMAZOO COUNTY CLERK & REGISTER OF DEEDS

Timothy A. Snow, Clerk & Register of Deeds

Phone: (269) 384-8141
Fax: (269) 384-8143
Email: tasnow@kalcounty.com

Kalamazoo County Clerk's Office
201 W. Kalamazoo Ave.
Kalamazoo, MI 49007

KALAMAZOO REGIONAL EDUCATIONAL SERVICE AGENCY

Election Coordinating Committee Agreement
Effective January 1, 2017 through December 31, 2020

February 2, 2017 Report

Election Coordinator – Timothy A. Snow, Kalamazoo County Clerk
Additional counties included: BARRY, CALHOUN, ST. JOSEPH

Jurisdictions within K-RESA:

Brady Township, Kalamazoo County
Charleston Township, Kalamazoo County
Climax Township, Kalamazoo County
Comstock Charter Township, Kalamazoo County
Cooper Charter Township, Kalamazoo County
Kalamazoo Charter Township, Kalamazoo County
Oshtemo Charter Township, Kalamazoo County
Pavilion Township, Kalamazoo County
Prairie Ronde Township, Kalamazoo County
Richland Township, Kalamazoo County
Ross Township, Kalamazoo County
Schoolcraft Township, Kalamazoo County
Texas Charter Township, Kalamazoo County
Wakeshma Township, Kalamazoo County
City of Galesburg, Kalamazoo County
City of Kalamazoo, Kalamazoo County
City of Parchment, Kalamazoo County
City of Portage, Kalamazoo County
Barry Township, Barry County
Johnstown Township, Barry County
Prairieville Township, Barry County
Bedford Township, Calhoun County
Leroy Township, Calhoun County
City of Battle Creek, Calhoun County
Leonidas Township, St. Joseph County
Mendon Township, St. Joseph County
Park Township, St. Joseph County

Election Coordinating Committee Members:

Kalamazoo County Clerk – Timothy A. Snow, Chair
Kalamazoo Regional Educational Service Agency-Board Secretary
Brady Township Clerk – Tracy Locey
Charleston Township Clerk – Linda Kramer
Climax Township Clerk – Marcia Lewis
Comstock Charter Township Clerk – Michelle Mohny
Cooper Charter Township Clerk – DeAnna Janssen
Kalamazoo Charter Township Clerk – Mark E. Miller
Oshtemo Charter Township Clerk – Dusty Farmer
Pavilion Township Clerk – Karen E. Siegwart
Prairie Ronde Township Clerk – Theresa O. Cook
Richland Township Clerk – Desiree LaDuke

Ross Township Clerk – Monica Markillie
 Schoolcraft Township Clerk – Virginia M. Mongreig
 Texas Charter Township Clerk – Linda M. Kerr
 Wakeshma Township Clerk – Shawn Fritz
 Galesburg City Clerk – Karen Bresson
 Kalamazoo City Clerk – Scott A. Borling
 Parchment City Clerk – Shannon Stutz
 Portage City Clerk – James R. Hudson
 Barry Township Clerk – Debra Knight
 Johnstown Township Clerk – Sheri M. Babcock
 Prairieville Township Clerk – Ted DeVries
 Bedford Charter Township Clerk – Joyce Feraco
 Leroy Township Clerk – Brenda Schuetz
 Battle Creek City Clerk – Victoria Houser
 Leonidas Township Clerk – Donald Overholt
 Mendon Township Clerk – Donna Cupp
 Park Township Clerk – John E. English

The Kalamazoo Regional Educational Service Agency Board of Education has 5 members, serving 6-year terms, elected on a rotating basis by member school districts.

Delegation of Election Duties

Description	Responsible Official			
		County Clerk	Local Clerk	School Secretary
Transmit official ballot question/proposal language in Word format to County Clerk.				X
Accept ballot proposal language . MCL 168.301(d), 312		X		
Accept request for special election from school district. MCL 168.301(2), 312		X		
Accept petitions for special elections called. MCL 168.641(4)		X		
Conduct special election requested in designated jurisdiction. MCL 168.301(3)			X	
Prepare ballot order .		X		
Forward proof ballots for proofing to local clerks and school secretary.		X		
Proof ballot and send to school.		X		
Receive applications and issue AV ballots .			X	
Proof ballot .		X	X	X
Accept returned AV ballots for precinct or AV Board processing.			X	
Be available on Saturday prior to an election to issue absent voter ballots.			X	
Appoint Election Inspectors .			X	
Provide certification training to Election Inspectors. MCL 168.659		X		
Provide ID cards to voters if polling location is changed.		X		
Program voting equipment.		X		
Perform accuracy testing on voting equipment. MCL 168.778			X	
Publicize accuracy testing .		X		
Publicize Notice of Close of Registration .		X		
Publicize Notice of Election .		X		

Description	Responsible Official			
		County Clerk	Local Clerk	School Secretary
Set up election parameters in QVF.		X		
Update voter history .			X	
Set up of voting precincts .			X	
Election day troubleshooting .		X	X	
Transmit election results to Kalamazoo County Clerk on election night.			X	
Deliver election envelopes to County Clerk(s) on election night after the close of polls. MCL 168.809(3)			X	
Store voted and unvoted ballots .			X	
Forward copy of Acceptance of Office to Election Coordinator within 10 days of notification of election. MCL 168.309				X
Canvass and forward certified election results to school administration.		X		
Transmit account of costs to County Clerk for joint billing within 30 days of special election.			X	
Present verified account of costs for special election to school district no later than 84 days after date of election. MCL 168.315		X		
Send certified millage questions to County Treasurer for tax roll updates.		X		
All other duties in conducting school elections as required by law.		X	X	

Precinct Boundaries and Polling Places Established for District's Elections

Michigan election law now governs the administration of school elections. As such, precincts established for the conduct of local school district elections, intermediate school district elections and community college district elections can cross city and township boundaries if desirable. The precincts must be established by the County Election Commission established in the Election Coordinator's county. The Kalamazoo County Election Commission will adopt a resolution to consolidate precincts not less than 60 days prior to the election, if necessary; and designate polling locations pursuant to MCL 168.659.

Precinct boundaries and polling locations for the conduct of the district's elections are, for the purposes of this report, the standard precinct boundaries for state and federal elections. The polling locations are assigned as follows:

Brady Township, Kalamazoo County
 Brady Township, Kalamazoo County
 Charleston Township, Kalamazoo County
 Climax Township, Kalamazoo County
 Comstock Charter Township, Kalamazoo County
 Comstock Charter Township, Kalamazoo County
 Comstock Charter Township, Kalamazoo County
 Comstock Charter Township, Kalamazoo County
 Comstock Charter Township, Kalamazoo County
 Comstock Charter Township, Kalamazoo County
 Comstock Charter Township, Kalamazoo County
 Comstock Charter Township, Kalamazoo County
 Cooper Charter Township, Kalamazoo County
 Cooper Charter Township, Kalamazoo County
 Cooper Charter Township, Kalamazoo County
 Cooper Charter Township, Kalamazoo County
 Cooper Charter Township, Kalamazoo County

Precinct 1 – Brady Township Hall, 13123 South 24th St.
 Precinct 2 – Chapman Memorial Church, 7520 East U Ave.
 Precinct 1 – Charleston Township Hall, 1499 South 38th St.
 Precinct 1 – Climax Township Hall, 110 North Main St. (Climax)
 Precinct 1 – Comstock Community Center, 6330 King Highway
 Precinct 2 – Comstock Township Hall, 6138 King Highway
 Precinct 3 – Comstock Christian Reformed, 5300 Comstock Ave.
 Precinct 4 – Northeastern Baptist Church, 6536 East G Ave.
 Precinct 5 – New Life Victory Church, 2775 South 26th St.
 Precinct 6 – Kalamazoo Community Church, 2435 North 26th St.
 Precinct 7 – Northeastern Baptist Church, 6536 East G Ave.
 Precinct 8 – Church of God Worship Center – 5841 East H Ave.
 Precinct 1 – Cooper Township Hall, 1590 West D Ave.
 Precinct 2 – Fire Station #2, 3160 McKinley St.
 Precinct 3 – Spring Valley Wesleyan Church, 5240 Mt. Olivet Rd.
 Precinct 4 – North Bridge Church, 8824 Douglas Ave.
 Precinct 5 – Cooper's Landing Comm. Room, 5001 Cooper's Ldg.

Timothy A. Snow
Kalamazoo County Clerk & Register of Deeds, Chair

Kalamazoo Regional Educational Service Agency

Scott A. Borling
Kalamazoo City Clerk, Kalamazoo County

Tracy Locey
Brady Township Clerk, Kalamazoo County

Shannon Stutz
Parchment City Clerk, Kalamazoo County

Linda Kramer
Charleston Township Clerk, Kalamazoo County

James R. Hudson
Portage City Clerk, Kalamazoo County

Marcia Lewis
Climax Township Clerk, Kalamazoo County

Debra Knight
Barry Township Clerk, Barry County

Michelle Mohney
Comstock Charter Township Clerk, Kalamazoo County

Sheri M. Babcock
Johnstown Township Clerk, Barry County

DeAnna Janssen
Cooper Charter Township Clerk, Kalamazoo County

Ted DeVries
Prairieville Township Clerk, Barry County

Mark E. Miller
Kalamazoo Charter Township Clerk, Kalamazoo County

Pamela A. Palmer
Barry County Clerk

Dusty Farmer
Oshtemo Charter Township Clerk, Kalamazoo County

Joyce Feraco
Bedford Charter Township Clerk, Calhoun County

Karen E. Siegart
Pavilion Township Clerk, Kalamazoo County

Brenda Schuetz
Leroy Township Clerk, Calhoun County

Theresa O. Cook
Prairie Ronde Township Clerk, Kalamazoo County

Victoria Houser
Battle Creek City Clerk, Calhoun County

Desiree LaDuke
Richland Township Clerk, Kalamazoo County

Anne B. Norlander
Calhoun County Clerk & Register of Deeds

Monica Markillie
Ross Township Clerk, Kalamazoo County

Donald Overholt
Leonidas Township Clerk, St. Joseph County

Virginia M. Mongreig
Schoolcraft Township Clerk, Kalamazoo County

Donna Cupp
Mendon Township Clerk, St. Joseph County

Linda M. Kerr
Kalamazoo City Clerk, Kalamazoo County

John E. English
Park Township Clerk, St. Joseph County

Shawn Fritz
Wakeshma Township Clerk, Kalamazoo County

Lindsay Oswald
St. Joseph County Clerk & Register of Deeds

Karen Bresson
Galesburg City Clerk, Kalamazoo County

KALAMAZOO COUNTY CLERK & REGISTER OF DEEDS

Timothy A. Snow, Clerk & Register of Deeds

Phone: (269) 384-8141
Fax: (269) 384-8143
Email: tasnow@kalcounty.com

Kalamazoo County Clerk's Office
201 W. Kalamazoo Ave.
Kalamazoo, MI 49007

COMSTOCK PUBLIC SCHOOLS

Election Coordinating Committee Agreement
Effective January 1, 2017 through December 31, 2020

February 2, 2017 Report

Election Coordinator – Timothy A. Snow, Kalamazoo County Clerk
Election Manager – Michelle Mohny, Comstock Township Clerk
Additional counties included: NONE

Jurisdictions within Comstock Public Schools:

Comstock Charter Township, Kalamazoo County
Kalamazoo Charter Township, Kalamazoo County
Pavilion Township, Kalamazoo County
City of Kalamazoo, Kalamazoo County
City of Portage, Kalamazoo County

Election Coordinating Committee Members:

Kalamazoo County Clerk – Timothy A. Snow, Chair
Comstock Public Schools – School Board Secretary
Comstock Charter Township Clerk – Michelle Mohny
Kalamazoo Charter Township Clerk – Mark E. Miller
Pavilion Township Clerk – Karen E. Siegwart
Kalamazoo City Clerk – Scott A. Borling
Portage City Clerk – James R. Hudson

The Comstock Public Schools Board of Education has 7 members, serving 4-year terms, elected on a rotating basis.

Delegation of Election Duties

Description	Responsible Official			
	County Clerk	Election Manager	Local Clerk	School Secretary
Notify County Clerk of number of Board positions to be elected and length of term .				X
Notify County Clerk of number of unexpired Board positions to be elected to partial terms and term expiration .				X
Transmit official ballot question/proposal language in Word format to County Clerk.				X
Accept candidate filings and withdrawals . MCL168.301, 303, 303(4)(6)		X		
Forward copies of Affidavits of Identity to Election Coordinator and School Board Secretary following candidate withdrawal date.		X		
Accept ballot proposal language . MCL 168.301(d), 312	X	X		
Accept request for special election from school district. MCL 168.301(2), 312	X			

Description	Responsible Official			
	County Clerk	Election Manager	Local Clerk	School Secretary
Accept petitions for special elections called. MCL 168.641(4)		X		
Conduct special election requested in designated jurisdiction. MCL 168.301(3)			X	
Prepare ballot order .	X			
Forward proof ballots for proofing to local clerks and school secretary.	X			
Proof ballot and send to school.	X			
Receive applications and issue AV ballots .			X	
Proof ballot .	X	X	X	X
Accept returned AV ballots for precinct or AV Board processing.			X	
Be available on Saturday prior to an election to issue absent voter ballots.			X	
Appoint Election Inspectors .			X	
Provide certification training to Election Inspectors. MCL 168.659	X			
Provide ID cards to voters if polling location is changed.	X			
Program voting equipment.	X			
Perform accuracy testing on voting equipment. MCL 168.778			X	
Publicize accuracy testing .	X			
Publicize Notice of Close of Registration .	X			
Publicize Notice of Election .	X			
Set up election parameters in QVF.	X			
Update voter history .			X	
Set up of voting precincts .			X	
Election day troubleshooting .	X		X	
Transmit election results to Kalamazoo County Clerk on election night.			X	
Deliver election envelopes to County Clerk(s) on election night after the close of polls. MCL 168.809(3)			X	
Store voted and unvoted ballots .			X	
Forward copy of Acceptance of Office to Election Coordinator within 10 days of notification of election. MCL 168.309				X
Canvass and forward certified election results to school administration.	X			
Transmit account of costs to County Clerk for joint billing within 30 days of special election.			X	
Present verified account of costs for special election to school district no later than 84 days after date of election. MCL 168.315	X			
Send certified millage questions to County Treasurer for tax roll updates.	X			
All other duties in conducting school elections as required by law.	X	X	X	

Precinct Boundaries and Polling Places Established for District's Elections

Michigan election law now governs the administration of school elections. As such, precincts established for the conduct of local school district elections, intermediate school district elections and community college district elections can cross city and township boundaries if desirable. The precincts must be established by the County Election Commission established in the Election Coordinator's county. The Kalamazoo County Election Commission will adopt a resolution to consolidate precincts not less than 60 days prior to the election, if necessary; and designate polling locations pursuant to MCL 168.659.

Precinct boundaries and polling locations for the conduct of the district's elections are, for the purposes of this report, the standard precinct boundaries for state and federal elections. The polling locations are assigned as follows:

Comstock Charter Township, Kalamazoo County
Comstock Charter Township, Kalamazoo County
Comstock Charter Township, Kalamazoo County
Comstock Charter Township, Kalamazoo County
Comstock Charter Township, Kalamazoo County
Comstock Charter Township, Kalamazoo County
Comstock Charter Township, Kalamazoo County
Kalamazoo Charter Township, Kalamazoo County
Kalamazoo Charter Township, Kalamazoo County
Pavilion Township, Kalamazoo County
City of Kalamazoo, Kalamazoo County
City of Kalamazoo, Kalamazoo County
City of Portage, Kalamazoo County

Precinct 1 – Comstock Community Center, 6330 King Highway
Precinct 2 – Comstock Township Hall, 6138 King Highway
Precinct 3 – Comstock Christian Reformed, 5300 Comstock Ave.
Precinct 5 – New Life Victory Church, 2775 South 26th St.
Precinct 6 – Kalamazoo Community Church, 2435 North 26th St.
Precinct 7 – Northeastern Baptist Church, 6536 East G Ave.
Precinct 8 – Church of God Worship Center – 5841 East H Ave.
Precinct 10 – Eastwood Fire Station – 2703 East Main St.
Precinct 12 – Sunnyside United Methodist – 2800 Gull Road
Precinct 3 – Pavilion Township Hall – 7510 East Q Ave.
Precinct 10 – Spring Valley School – 3530 Mt. Olivet Rd.
Precinct 17 – Milwood United Methodist – 3919 Portage St.
Precinct 2 – Goldentree Apts Comm. Room – 4795 E. Milham Rd.

Related Matters

As of January 1, 2017, this report shall be governed by and construed in accordance with the laws of the State of Michigan.

After January 1, 2017, if any clause, provision or section of the report shall be ruled invalid or unenforceable by a court of competent jurisdiction, the invalidity or unenforceability of such clause, provision or section shall not affect any remaining clauses, provisions or sections.

The report is binding on the undersigned jurisdictions until December 31, 2020, or until such time as an amended report is filed with the Michigan Department of State, Bureau of Elections.

IN ACCORDANCE WITH MCL 168.305(1), said meeting being held on February 2, 2017 at Oshtemo Township Hall, 7275 West Main St., Kalamazoo, MI;

IN WITNESS WHEREOF, the undersigned jurisdictions have executed this report by that through their respective duly authorized representatives as of the date so indicated.

Signed and dated this 2nd day of February 2017, by the members of the Election Coordinating Committee or their designee.

Timothy A. Snow
Kalamazoo County Clerk & Register of Deeds, Chair

Secretary
Comstock Public School Board

Scott A. Borling
Kalamazoo City Clerk, Kalamazoo County

Michelle Mohny – Election Manager
Comstock Charter Township Clerk, Kalamazoo County

James R. Hudson
Portage City Clerk, Kalamazoo County

Mark E. Miller
Kalamazoo Charter Township Clerk, Kalamazoo County

Karen E. Siegwart
Pavilion Township Clerk, Kalamazoo County

KALAMAZOO COUNTY CLERK & REGISTER OF DEEDS

Timothy A. Snow, Clerk & Register of Deeds

Phone: (269) 384-8141
Fax: (269) 384-8143
Email: tasnow@kalcounty.com

Kalamazoo County Clerk's Office
201 W. Kalamazoo Ave.
Kalamazoo, MI 49007

PORTAGE PUBLIC SCHOOLS

Election Coordinating Committee Agreement
Effective January 1, 2017 through December 31, 2020

February 2, 2017 Report

Election Coordinator – Timothy A. Snow, Kalamazoo County Clerk
Election Manager – James R. Hudson, Portage City Clerk
Additional counties included: NONE

Jurisdictions within Portage Public Schools:

- City of Kalamazoo, Kalamazoo County
- City of Portage, Kalamazoo County
- Pavilion Township, Kalamazoo County
- Texas Charter Township, Kalamazoo County

Election Coordinating Committee Members:

- Kalamazoo County Clerk – Timothy A. Snow, Chair
- Portage Schools – School Board Secretary
- Kalamazoo City Clerk – Scott A. Borling
- Portage City Clerk – James R. Hudson
- Pavilion Township Clerk – Karen E. Siegwart
- Texas Charter Township Clerk – Linda M. Kerr

The Portage Public Schools Board of Education has 7 members, serving 4-year terms, elected on a rotating basis.

Delegation of Election Duties

Description	Responsible Official			
	County Clerk	Election Manager	Local Clerk	School Secretary
Notify County Clerk of number of Board positions to be elected and length of term .				X
Notify County Clerk of number of unexpired Board positions to be elected to partial terms and term expiration .				X
Transmit official ballot question/proposal language in Word format to County Clerk.				X
Accept candidate filings and withdrawals . MCL168.301, 303, 303(4)(6)		X		
Forward copies of Affidavits of Identity to Election Coordinator and School Board Secretary following candidate withdrawal date.		X		
Accept ballot proposal language . MCL 168.301(d), 312	X	X		
Accept request for special election from school district. MCL 168.301(2), 312	X			

Description	Responsible Official			
	County Clerk	Election Manager	Local Clerk	School Secretary
Accept petitions for special elections called. MCL 168.641(4)		X		
Conduct special election requested in designated jurisdiction. MCL 168.301(3)			X	
Prepare ballot order .	X			
Forward proof ballots for proofing to local clerks and school secretary.	X			
Proof ballot and send to school.	X			
Receive applications and issue AV ballots .			X	
Proof ballot .	X	X	X	X
Accept returned AV ballots for precinct or AV Board processing.			X	
Be available on Saturday prior to an election to issue absent voter ballots.			X	
Appoint Election Inspectors .			X	
Provide certification training to Election Inspectors. MCL 168.659	X			
Provide ID cards to voters if polling location is changed.	X			
Program voting equipment.	X			
Perform accuracy testing on voting equipment. MCL 168.778			X	
Publicize accuracy testing .	X			
Publicize Notice of Close of Registration .	X			
Publicize Notice of Election .	X			
Set up election parameters in QVF.	X			
Update voter history .			X	
Set up of voting precincts .			X	
Election day troubleshooting .	X		X	
Transmit election results to Kalamazoo County Clerk on election night.			X	
Deliver election envelopes to County Clerk(s) on election night after the close of polls. MCL 168.809(3)			X	
Store voted and unvoted ballots .			X	
Forward copy of Acceptance of Office to Election Coordinator within 10 days of notification of election. MCL 168.309				X
Canvass and forward certified election results to school administration.	X			
Transmit account of costs to County Clerk for joint billing within 30 days of special election.			X	
Present verified account of costs for special election to school district no later than 84 days after date of election. MCL 168.315	X			
Send certified millage questions to County Treasurer for tax roll updates.	X			
All other duties in conducting school elections as required by law.	X	X	X	

Precinct Boundaries and Polling Places Established for District's Elections

Michigan election law now governs the administration of school elections. As such, precincts established for the conduct of local school district elections, intermediate school district elections and community college district elections can cross city and township boundaries if desirable. The precincts must be established by the County Election Commission established in the Election Coordinator's county. The Kalamazoo County Election Commission will adopt a resolution to consolidate precincts not less than 60 days prior to the election, if necessary; and designate polling locations pursuant to MCL 168.659.

Precinct boundaries and polling locations for the conduct of the district's elections are, for the purposes of this report, the standard precinct boundaries for state and federal elections. The polling locations are assigned as follows:

City of Kalamazoo, Kalamazoo County	Precinct 17 – Milwood United Methodist, 3619 Portage St.
City of Kalamazoo, Kalamazoo County	Precinct 25 – Southern Hts. Christian Ref., 4141 E. Hillandale Dr.
City of Kalamazoo, Kalamazoo County	Precinct 26 – Parkview Hills Clubhouse, 3707 Greenleaf Circle
City of Portage, Kalamazoo County	Precinct 1 – Portage Schools "Doghouse" Gym, 1000 Idaho Ave.
City of Portage, Kalamazoo County	Precinct 2 – Goldentree Apts. Comm. Room, 4795 E. Milham Rd.
City of Portage, Kalamazoo County	Precinct 3 – Portage Senior Center, 320 Library Lane
City of Portage, Kalamazoo County	Precinct 4 – Lord of Life Lutheran Church, 9240 Portage Rd.
City of Portage, Kalamazoo County	Precinct 5 – Portage Schools "Stable" Gym, 8305 S. Westnedge
City of Portage, Kalamazoo County	Precinct 6 – Lord of Life Lutheran Church, 9240 Portage Rd.
City of Portage, Kalamazoo County	Precinct 7 – K-RESA Service Center, 1819 E. Milham Rd.
City of Portage, Kalamazoo County	Precinct 8 – Chapel Hill United Methodist, 7028 Oakland Dr.
City of Portage, Kalamazoo County	Precinct 9 – Prince of Peace Lutheran Church, 1747 W. Milham
City of Portage, Kalamazoo County	Precinct 10 – Portage Schools "Stable" Gym, 8305 S. Westnedge
City of Portage, Kalamazoo County	Precinct 11 – Kalamazoo First Assembly, 5500 Angling Rd.
City of Portage, Kalamazoo County	Precinct 12 – Portage Schools "Stable" Gym, 8305 S. Westnedge
City of Portage, Kalamazoo County	Precinct 13 – St. Catherine of Siena Church, 1150 W. Centre
City of Portage, Kalamazoo County	Precinct 14 – Chapel Hill United Methodist, 7028 Oakland Dr.
City of Portage, Kalamazoo County	Precinct 15 – Portage Schools "Doghouse" Gym, 1000 Idaho Ave
City of Portage, Kalamazoo County	Precinct 16 – The Bridge Church, 7200 Angling Rd.
City of Portage, Kalamazoo County	Precinct 17 – Pathfinder Church, 8740 S. Westnedge Ave.
City of Portage, Kalamazoo County	Precinct 18 – The Bridge Church, 7200 Angling Rd.
City of Portage, Kalamazoo County	Precinct 19 – Kalamazoo First Assembly, 5500 Angling Rd.
Pavilion Township, Kalamazoo County	Precinct 3 – Pavilion Township Hall, 7510 East Q Ave.
Texas Charter Township, Kalamazoo County	Precinct 4 – Southridge Reformed Church, 6726 Texas Dr.
Texas Charter Township, Kalamazoo County	Precinct 5 – Southridge Reformed Church, 6726 Texas Dr.

Related Matters

As of January 1, 2017, this report shall be governed by and construed in accordance with the laws of the State of Michigan.

After January 1, 2017, if any clause, provision or section of the report shall be ruled invalid or unenforceable by a court of competent jurisdiction, the invalidity or unenforceability of such clause, provision or section shall not affect any remaining clauses, provisions or sections.

The report is binding on the undersigned jurisdictions until December 31, 2020, or until such time as an amended report is filed with the Michigan Department of State, Bureau of Elections.

IN ACCORDANCE WITH MCL 168.305(1), said meeting being held on February 2, 2017 at Oshtemo Township Hall, 7275 West Main St., Kalamazoo, MI;

IN WITNESS WHEREOF, the undersigned jurisdictions have executed this report by that through their respective duly authorized representatives as of the date so indicated.

Signed and dated this 2nd day of February 2017, by the members of the Election Coordinating Committee or their designee.

Timothy A. Snow
Kalamazoo County Clerk & Register of Deeds, Chair

Secretary
Portage Public School Board

Karen E. Siegwart
Pavilion Township Clerk, Kalamazoo County

Scott A. Borling
Kalamazoo City Clerk, Kalamazoo County

Linda M. Kerr
Texas Charter Township Clerk, Kalamazoo County

James R. Hudson
Portage City Clerk, Kalamazoo County

KALAMAZOO COUNTY CLERK & REGISTER OF DEEDS

Timothy A. Snow, Clerk & Register of Deeds

Phone: (269) 384-8141
Fax: (269) 384-8143
Email: tasnow@kalcounty.com

Kalamazoo County Clerk's Office
201 W. Kalamazoo Ave.
Kalamazoo, MI 49007

SCHOOLCRAFT COMMUNITY SCHOOLS

Election Coordinating Committee Agreement
Effective January 1, 2017 through December 31, 2020

February 2, 2017 Report

Election Coordinator – Timothy A. Snow, Kalamazoo County Clerk
Election Manager – Virginia M. Mongreig, Schoolcraft Township Clerk
Additional counties included: NONE

Jurisdictions within Schoolcraft Community Schools: Prairie Ronde Township, Kalamazoo County
Schoolcraft Township, Kalamazoo County
Texas Charter Township, Kalamazoo County
City of Portage, Kalamazoo County

Election Coordinating Committee Members: Kalamazoo County Clerk – Timothy A. Snow, Chair
Schoolcraft Schools – School Board Secretary
Prairie Ronde Township Clerk – Theresa Cook
Schoolcraft Township Clerk – Virginia M. Mongreig
Texas Charter Township Clerk – Linda M. Kerr
Portage City Clerk – James R. Hudson

The Schoolcraft Community Schools Board of Education has 7 members, serving 6-year terms, elected on a rotating basis.

Delegation of Election Duties

Description	Responsible Official			
	County Clerk	Election Manager	Local Clerk	School Secretary
Notify County Clerk of number of Board positions to be elected and length of term .				X
Notify County Clerk of number of unexpired Board positions to be elected to partial terms and term expiration .				X
Transmit official ballot question/proposal language in Word format to County Clerk.				X
Accept candidate filings and withdrawals . MCL168.301, 303, 303(4)(6)		X		
Forward copies of Affidavits of Identity to Election Coordinator and School Board Secretary following candidate withdrawal date.		X		
Accept ballot proposal language . MCL 168.301(d), 312	X	X		
Accept request for special election from school district. MCL 168.301(2), 312	X			

Description	Responsible Official			
	County Clerk	Election Manager	Local Clerk	School Secretary
Accept petitions for special elections called. MCL 168.641(4)		X		
Conduct special election requested in designated jurisdiction. MCL 168.301(3)			X	
Prepare ballot order .	X			
Forward proof ballots for proofing to local clerks and school secretary.	X			
Proof ballot and send to school.	X			
Receive applications and issue AV ballots .			X	
Proof ballot .	X	X	X	X
Accept returned AV ballots for precinct or AV Board processing.			X	
Be available on Saturday prior to an election to issue absent voter ballots.			X	
Appoint Election Inspectors .			X	
Provide certification training to Election Inspectors. MCL 168.659	X			
Provide ID cards to voters if polling location is changed.	X			
Program voting equipment.	X			
Perform accuracy testing on voting equipment. MCL 168.778			X	
Publicize accuracy testing .	X			
Publicize Notice of Close of Registration .	X			
Publicize Notice of Election .	X			
Set up election parameters in QVF.	X			
Update voter history .			X	
Set up of voting precincts .			X	
Election day troubleshooting .	X		X	
Transmit election results to Kalamazoo County Clerk on election night.			X	
Deliver election envelopes to County Clerk(s) on election night after the close of polls. MCL 168.809(3)			X	
Store voted and unvoted ballots .			X	
Forward copy of Acceptance of Office to Election Coordinator within 10 days of notification of election. MCL 168.309				X
Canvass and forward certified election results to school administration.	X			
Transmit account of costs to County Clerk for joint billing within 30 days of special election.			X	
Present verified account of costs for special election to school district no later than 84 days after date of election. MCL 168.315	X			
Send certified millage questions to County Treasurer for tax roll updates.	X			
All other duties in conducting school elections as required by law.	X	X	X	

Precinct Boundaries and Polling Places Established for District's Elections

Michigan election law now governs the administration of school elections. As such, precincts established for the conduct of local school district elections, intermediate school district elections and community college district elections can cross city and township boundaries if desirable. The precincts must be established by the County Election Commission established in the Election Coordinator's county. The Kalamazoo County Election Commission will adopt a resolution to consolidate precincts not less than 60 days prior to the election, if necessary; and designate polling locations pursuant to MCL 168.659.

Precinct boundaries and polling locations for the conduct of the district's elections are, for the purposes of this report, the standard precinct boundaries for state and federal elections. The polling locations are assigned as follows:

Prairie Ronde Township, Kalamazoo County
Schoolcraft Township, Kalamazoo County
Schoolcraft Township, Kalamazoo County
Texas Charter Township, Kalamazoo County
City of Portage, Kalamazoo County

Precinct 1 – Prairie Ronde Township Hall, 8140 West W Ave.
Precinct 2 – Ken Krum Recreation Center, 519 E. Clay St.
Precinct 4 – Ken Krum Recreation Center, 519 E. Clay St.
Precinct 5 – Southridge Reformed Church, 6726 Texas Dr.
Precinct 10 – Central Elementary School, 8422 S. Westnedge

Related Matters

As of January 1, 2017, this report shall be governed by and construed in accordance with the laws of the State of Michigan.

After January 1, 2017, if any clause, provision or section of the report shall be ruled invalid or unenforceable by a court of competent jurisdiction, the invalidity or unenforceability of such clause, provision or section shall not affect any remaining clauses, provisions or sections.

The report is binding on the undersigned jurisdictions until December 31, 2020, or until such time as an amended report is filed with the Michigan Department of State, Bureau of Elections.

IN ACCORDANCE WITH MCL 168.305(1), said meeting being held on February 2, 2017 at Oshtemo Township Hall, 7275 West Main St., Kalamazoo, MI;

IN WITNESS WHEREOF, the undersigned jurisdictions have executed this report by that through their respective duly authorized representatives as of the date so indicated.

Signed and dated this 2nd day of February 2017, by the members of the Election Coordinating Committee or their designee.

Timothy A. Snow
Kalamazoo County Clerk, Chair

Secretary
Schoolcraft Community School Board

Linda M. Kerr
Texas Charter Township Clerk, Kalamazoo County

Theresa O. Cook
Prairie Ronde Township Clerk, Kalamazoo County

James R. Hudson
Portage City Clerk, Kalamazoo County

Virginia M. Mongreig – Election Manager
Schoolcraft Township Clerk, Kalamazoo County

KALAMAZOO COUNTY CLERK & REGISTER OF DEEDS

Timothy A. Snow, Clerk & Register of Deeds

Phone: (269) 384-8141
Fax: (269) 384-8143
Email: tasnow@kalcounty.com

Kalamazoo County Clerk's Office
201 W. Kalamazoo Ave.
Kalamazoo, MI 49007

VICKSBURG COMMUNITY SCHOOLS

Election Coordinating Committee Agreement
Effective January 1, 2017 through December 31, 2020

February 2, 2017 Report

Election Coordinator – Timothy A. Snow, Kalamazoo County Clerk
Election Manager – Virginia M. Mongreig, Schoolcraft Township Clerk
Additional counties included: ST. JOSEPH

Jurisdictions within Vicksburg Community Schools:

Brady Township, Kalamazoo County
Pavilion Township, Kalamazoo County
Schoolcraft Township, Kalamazoo County
Wakeshma Township, Kalamazoo County
City of Portage, Kalamazoo County
Leonidas Township, St. Joseph County
Mendon Township, St. Joseph County
Park Township, St. Joseph County

Election Coordinating Committee Members:

Kalamazoo County Clerk – Timothy A. Snow, Chair
Vicksburg Schools – School Board Secretary
Brady Township Clerk – Tracy Locey
Pavilion Township Clerk – Karen E. Siegwart
Schoolcraft Township Clerk – Virginia M. Mongreig
Wakeshma Township Clerk – Shawn Fritz
Portage City Clerk – James R. Hudson
Leonidas Township Clerk – Donald Overholt
Mendon Township Clerk – Donna Cupp
Park Township Clerk – Ed English

The Vicksburg Community Schools Board of Education has 7 members, serving 6-year terms, elected on a rotating basis.

Delegation of Election Duties

Description	Responsible Official			
	County Clerk	Election Manager	Local Clerk	School Secretary
Notify County Clerk of number of Board positions to be elected and length of term .				X
Notify County Clerk of number of unexpired Board positions to be elected to partial terms and term expiration .				X
Transmit official ballot question/proposal language in Word format to County Clerk.				X

Description	Responsible Official			
	County Clerk	Election Manager	Local Clerk	School Secretary
Accept candidate filings and withdrawals . MCL168.301, 303, 303(4)(6)		X		
Forward copies of Affidavits of Identity to Election Coordinator and School Board Secretary following candidate withdrawal date.		X		
Accept ballot proposal language . MCL 168.301(d), 312	X	X		
Accept request for special election from school district. MCL 168.301(2), 312	X			
Accept petitions for special elections called. MCL 168.641(4)		X		
Conduct special election requested in designated jurisdiction. MCL 168.301(3)			X	
Prepare ballot order .	X			
Forward proof ballots for proofing to local clerks and school secretary.	X			
Proof ballot and send to school.	X			
Receive applications and issue AV ballots .			X	
Proof ballot .	X	X	X	X
Accept returned AV ballots for precinct or AV Board processing.			X	
Be available on Saturday prior to an election to issue absent voter ballots.			X	
Appoint Election Inspectors .			X	
Provide certification training to Election Inspectors. MCL 168.659	X			
Provide ID cards to voters if polling location is changed.	X			
Program voting equipment.	X			
Perform accuracy testing on voting equipment. MCL 168.778			X	
Publicize accuracy testing .	X			
Publicize Notice of Close of Registration .	X			
Publicize Notice of Election .	X			
Set up election parameters in QVF.	X			
Update voter history .			X	
Set up of voting precincts .			X	
Election day troubleshooting .	X		X	
Transmit election results to Kalamazoo County Clerk on election night.			X	
Deliver election envelopes to County Clerk(s) on election night after the close of polls. MCL 168.809(3)			X	
Store voted and unvoted ballots .			X	
Forward copy of Acceptance of Office to Election Coordinator within 10 days of notification of election. MCL 168.309				X
Canvass and forward certified election results to school administration.	X			
Transmit account of costs to County Clerk for joint billing within 30 days of special election.			X	
Present verified account of costs for special election to school district no later than 84 days after date of election. MCL 168.315	X			

Description	Responsible Official			
	County Clerk	Election Manager	Local Clerk	School Secretary
Send certified millage questions to County Treasurer for tax roll updates.	X			
All other duties in conducting school elections as required by law.	X	X	X	

Precinct Boundaries and Polling Places Established for District's Elections

Michigan election law now governs the administration of school elections. As such, precincts established for the conduct of local school district elections, intermediate school district elections and community college district elections can cross city and township boundaries if desirable. The precincts must be established by the County Election Commission established in the Election Coordinator's county. The Kalamazoo County Election Commission will adopt a resolution to consolidate precincts not less than 60 days prior to the election, if necessary; and designate polling locations pursuant to MCL 168.659.

Precinct boundaries and polling locations for the conduct of the district's elections are, for the purposes of this report, the standard precinct boundaries for state and federal elections. The polling locations are assigned as follows:

Brady Township, Kalamazoo County	Precinct 1 – Brady Township Hall, 13123 South 24 th St.
Brady Township, Kalamazoo County	Precinct 2 – Chapman Memorial Church, 7520 East U Ave.
Pavilion Township, Kalamazoo County	Precinct 1 – Lakeland Reformed Church, 10442 S. Sprinkle Rd.
Pavilion Township, Kalamazoo County	Precinct 2 – Christian Evangelical Church, 9286 South 36 th St.
Schoolcraft Township, Kalamazoo County	Precinct 1 – Schoolcraft Township Hall, 50 East VW Ave.
Schoolcraft Township, Kalamazoo County	Precinct 3 – Vicksburg United Methodist Church, 217 S. Main St.
Wakeshma Township, Kalamazoo County	Precinct 1 – Wakeshma Township Hall, 13988 South 42 nd St.
City of Portage, Kalamazoo County	Precinct 4 – Lord of Life Lutheran Church, 9420 Portage Rd.
Leonidas Township, St. Joseph County	Precinct 1 – Leonidas Township Hall, 30970 King Road
Mendon Township, St. Joseph County	Precinct 1 – Mendon Township Hall, 136 N. Main St.
Park Township, St. Joseph County	Precinct 1 – Park Township Hall, 53640 Parkville Rd.

Related Matters

As of January 1, 2017, this report shall be governed by and construed in accordance with the laws of the State of Michigan.

After January 1, 2017, if any clause, provision or section of the report shall be ruled invalid or unenforceable by a court of competent jurisdiction, the invalidity or unenforceability of such clause, provision or section shall not affect any remaining clauses, provisions or sections.

The report is binding on the undersigned jurisdictions until December 31, 2020, or until such time as an amended report is filed with the Michigan Department of State, Bureau of Elections.

IN ACCORDANCE WITH MCL 168.305(1), said meeting being held on February 2, 2017 at Oshtemo Township Hall, 7275 West Main St., Kalamazoo, MI;

IN WITNESS WHEREOF, the undersigned jurisdictions have executed this report by that through their respective duly authorized representatives as of the date so indicated.

Signed and dated this 2nd day of February 2017, by the members of the Election Coordinating Committee or their designee.

Timothy A. Snow
Kalamazoo County Clerk, Chair

Secretary
Vicksburg Community School Board

James R. Hudson
Portage City Clerk, Kalamazoo County

Tracy Locey
Brady Township Clerk, Kalamazoo County

Donald Overholt
Leonidas Township Clerk, St. Joseph County

Karen E. Siegwart
Pavilion Township Clerk, Kalamazoo County

Donna Cupp
Mendon Township Clerk, St. Joseph County

Virginia M. Mongreig – Election Manager
Schoolcraft Township Clerk, Kalamazoo County

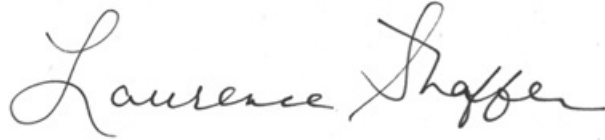
John E. English
Park Township Clerk, St. Joseph County

Shawn Fritz
Wakeshma Township Clerk, Kalamazoo County

Lindsay Oswald
St. Joseph County Clerk & Register of Deeds

TO: Honorable Mayor and City Council

FROM: Laurence Shaffer, City Manager



SUBJECT: December Environmental Summary Report

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

ACTION RECOMMENDED: Information Only

Attached please find the December 2016 Summary Environmental Activity Report from Department of Transportation & Utilities Director, W. Christopher Barnes, P.E. New material or material of specific interest to City Council is presented in italics.

City Council has a quality of environment goal to “enhance environmental quality and protect natural resources.” The summary report is intended for informational purposes and to keep the Council, Planning Commission and Environmental Board apprised of current environmental issues.

FUNDING: N/A

Attachments: 1. December Environmental Report

SUMMARY ENVIRONMENTAL ACTIVITY REPORT
December 2016 (*updates in italics*)

<u>Project/Activity</u>	<u>Description</u>	<u>Status</u>
Portage City Landfill	Ongoing groundwater monitoring of former municipal landfill.	Beginning in 1991, South Westnedge Park (landfill) has been monitored for on-site and off-site contamination. On July 23, 2013, City Council approved a three-year contract with American Hydrogeologic Corporation (AHC) to perform annual groundwater sampling. The site groundwater data will continue to be monitored to confirm continuation of the natural attenuation process. General groundwater quality continues to improve, but site will require monitoring for the foreseeable future. Initial groundwater and methane results indicate no off-site impact. AHC currently compiling MDEQ sampling requirement costs necessary for closure at the former landfill site. Weekly methane sampling is continuing on-site to collect base line data. AHC is completing the installation of private methane detection devices at several adjacent properties. Soil boring installation was completed on May 28, 2014. Current methane readings have been below detection levels. The 2 nd year of AHC's contract is underway with annual testing ongoing.
Site Inspection / Development Project Review	Review of existing business & industries and review of proposed business and industrial development projects for environmental protection purposes and/or building plans completed.	Coordination with property owners and City or State agencies ongoing. <i>Review of 6 site/building plan and/or plats completed in December 2016.</i>
Sewer Connection Program	Groundwater protection program requiring residential/business hookup to the sanitary sewer where available.	<i>Sanitary sewer hookup permits issued in December 2016: 5 residential; 0 commercial.</i>
West Lake Management Program	Special assessment district designed to maintain/improve lake conditions. Special emphasis on weed control and non-point source pollution reduction.	Five Year Lake Management Assessment District process was approved by City Council. The West Lake Improvement association has completed a five year plan for a new special assessment district. Special assessment process for 2015-2019 began on August 26, 2014. Resolution No. 5 completing the assessment was adopted October 21, 2014. Year-end report by the consultant is complete. The Association has selected to use Restorative Lake Sciences, LLC for consulting services 2015 weed

		treatment bids were received on February 24, 2015. City Council approved weed treatment contract with Professional Lake Management Company on April 10, 2015. Weed treatment was completed in June. The Association has elected to renew the contract with Restorative Lake Science for 2016. Weed treatment is complete for 2016.
Retention Basin Sampling Program (Groundwater Elevation)	Investigation regarding potential impact of retention basins on groundwater levels.	Historical monitoring continues to show minor impacts at most basins. From 1993 through 2009 the monitoring program showed stable groundwater impacts due to storm water infiltration. Alternative road salt practices continue to be considered and evaluated. Bids were received for a new four year program on April 16, 2014. The low bidder, Nova Consultants, was awarded a four-year contract by City Council on April 29, 2014. Monitoring performed in October 2014 and July 2015. Monthly sampling at two retention basins continues. Current findings show groundwater levels have risen approximately 6" over the 2015 levels.
Wellhead Protection Program (WHPP)	Development of program to protect City well fields and surrounding area from contamination resulting from improper land use.	Current Wellhead Protection was originally approved in 2001. Staff participated in a MDEQ Water Supply Emergency planning roundtable on June 10, 2013. Update of the program has been initiated as part of the Water Reliability Study in conjunction with Fishbeck, Thompson, Carr & Huber update work is complete. Final report preparation was submitted to the Michigan Department of Environmental Quality for review and approval. Letter of approval received from MDEQ on June 15, 2015. Program implementation is ongoing.
Leaf Compost Monitoring Program	Monitoring and analysis of groundwater at the new Oakland Drive Leaf Compost site.	City Council awarded contract on August 21, 2001 to Soil & Materials Engineers for monitoring and analysis of groundwater impact of the new compost operation. Drilling was completed in October 2001 and first sampling cycle was completed in February 2002. Semi-annual sampling was performed from 2002 to 2008 in June and January. Sampling and analysis results continue to show negligible groundwater impacts from the leaf composting. Sampling schedule was reduced to annual sampling in 2009 with results showing continued minor impact on groundwater quality. Sampling completed in June 2015, with report submitted. No significant change in groundwater impacts. 2016 report under review.

National Pollution
Discharge Elimination
System (NPDES)
Permit Implementation

Five year plan to implement the
current NPDES stormwater permit.

Received NPDES general permit on August 15, 2001. Renewal Application submission was made to MDEQ on March 7, 2003. New permit received in 2004 mandates involvement in several county watershed groups. City staff completed the submission of a Storm Water Pollution Prevention Initiative (SWIPPI) as required by NPDES permit. New certificate of coverage permit was issued by MDEQ on September 30, 2009. New permit covers a 5 year timeframe with first work item (updating the Public Participation Plan) completed December 11, 2009. Received a notice from MDEQ rescinding the 2008 permit due to a recent court case ruling. MDEQ reinstated the 2003 permit for implementation. Information on new permit requirement was received in February 2011. MDEQ expected to issue new permit in 2014. MDEQ scheduled an audit of the program on July 12, 2012. Audit completed with satisfactory results. City website updated in February to provide education of Illicit Storm Water Discharge. Program implementation is ongoing. Annual 2012-13 report was submitted on December 24, 2013. Comments received back have been reviewed by staff and response submitted to MDEQ. MDEQ concurred with city staff response. New permit application process announced in November 2014. New permit application was submitted in March 2015. Semi-annual report submitted to MDEQ on December 21, 2015. Implementation is ongoing.

National Pollution
Discharge Elimination
System (NPDES)
Permit Implementation

Kalamazoo River Mainstream
Watershed Management Plan

Proposals for completing the watershed plan were received by Kalamazoo County on September 15, 2005 and a contract awarded to Kieser & Associates in November 2005. Draft watershed plan submitted to MDEQ on December 30, 2005. Public participation plan update submitted to MDEQ on November 24, 2009. Kalamazoo River Watershed council completed a watershed update in November, 2011. No new developments.

Portage River Watershed
Management Plan

Original proposals for a Watershed Management Plan were received by the Kalamazoo County Road Commission and a contract awarded to the Kalamazoo County Conservation Service in November 2005. Draft watershed plan submitted to MDEQ on December 30, 2005. Interest has been raised by local conservation groups to update the Watershed Plan using grant funds. Grant application submitted by Kalamazoo and Calhoun County Conservation District to update the Watershed Plan in 2012. Grant for watershed update was awarded to Calhoun County Conversation District. A meeting was held on March 12, 2013 to discuss the designated uses of the Portage River/Little Portage Creek watershed, the total maximum daily load of E-coli from samples taken and a review of community ordinances and policies that help protect the Watershed. Meeting held on June 11, 2013 to discuss identified water quality problems in the watershed. Meeting held on December 11, 2013 to inform stakeholders of progress on data collection. Canoe trip inspection was held on September 13, 2014. No new developments.

Plan to implement and maintain an
Illicit Discharge Elimination Program
(IDEP) Storm Sewer Outfall Testing.

On February 19, 2002, City Council approved a new ordinance as required by the NPDES permit titled “Storm Water Illicit Discharges and Connections.” Program implementation is ongoing. Continued outfall sampling is required by permit and will be budgeted accordingly. IDEP program was updated for submittal to MDEQ on June 25, 2010, and part of the SWIPPI. Completed an area-wide brochure to educate the public on Illicit Storm Water Discharges in conjunction with the Kalamazoo County Drain Commissioner. On April 29, 2014 City Council awarded a contract to Nova Consultants, Inc., to perform annual investigations of storm outfalls and investigate all outfalls on a four-year cycle. Investigations scheduled for 2014 were completed in July with summary report received. Report submitted to MDEQ as part of the annual report. Follow-up reporting on IDEP procedures submitted on August 25, 2016.

Garden Lane Arsenic
Removal Facility

Native Prairie Restoration

Staff currently working with the Environmental Board on informative signs and long-term maintenance plans for the native planting landscape design in front of the Garden Lane Treatment Plant. New informational signs are complete and maintenance is ongoing. Native prairie burn

		completed in March 2016. Staff assisting the Environmental Board with invasive species control.
Environmental Incident/Spill Clean Up Notification	Environmental Protection Program to assist Portage Police/Fire Departments with spill containment and spill cleanup.	Emergency spill response contract for 2016-17 with Terra Contracting has been renewed.
Southwest Michigan Regional Sustainability Covenant	Collaborative effort with local government, academic, and other stakeholders to lead toward environmental, economic and social sustainability.	On May 12, 2009, City Council approved the Southwest Michigan Regional Sustainability Covenant. A sustainability work session was held April 14, 2010, to review elements of the covenant in cooperation with the City of Kalamazoo and the City of Battle Creek. A grant application was made to MDEQ for a greenhouse gas inventory study of the area. Notice received July 15, 2010 that the grant application was not successful. City staff attended a September 10, 2010 meeting in Grand Rapids to discuss sustainable economic, environment, and society programs. No new developments.
Deer Management	Assist the Environmental Board with the impact of the native deer population in the city.	In the fall of 2015, the Environmental Board conducted several on-line surveys to determine the public opinion of deer/human interaction in the city. On April 14, 2016, an open forum was held to discuss results of the survey, deer population estimation and gauge public opinion on deer impacts to public safety health and private property damage. <i>The city has contracted with the Kalamazoo Nature Center to install and monitor deer exclosures. The exclosures are being constructed as a local boy scout project and will help assess damage from deer in the areas they are placed. The agreement concerning deer exclosures between the city and the Kalamazoo Nature Centre expiring March 1, 2017 is extended in its entirety through October 1, 2017. Investigation work in conjunction with the board is ongoing.</i>
Identify Environmental Threats	Work with Chair of the Environmental Board to identify and prioritize potential environmental threats within the city.	<i>Select staff from various city departments attended workshop meetings with Environmental Board Chair to go through the process of identifying what are considered environmental threats from a city departmental view. Once threats were identified, the same staff participated in a ranking</i>

system to prioritize what environmental threats are most important. The same exercise was completed with the Environmental Board and the results of both were used to determine the most critical threats to the city and the focus on future environmental projects.

TO: Honorable Mayor and City Council

DATE: January 9, 2017

FROM: Lindy Nebiolo, Youth Advisory Committee Chairperson

SUBJECT: 2016-2017 Youth Advisory Committee Goals and Objectives

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

- 1.) Continue to support educating members of the YAC on the roles and functions of the City of Portage Government.
 - a. The Youth Advisory Committee met several times throughout the summer of 2016 with the sole purpose of learning more about local government and how it operates. Tours of various departments were held.
 - b. Youth members on other boards and commissions report back to the YAC at each meeting. Youth also participate on the Kalamazoo County Substance Abuse Task Force Youth Action Team.
- 2.) Continue a commitment to community service by volunteering time at organizations such as the Portage Community Center. In addition, to take initiative and volunteer in support of other causes as the need may arise.
 - a. We volunteered several times at the Portage Community Center in advance of Christmas and Thanksgiving and supported other events/activities of the Park Board and Environmental Board.
- 3.) Promote environmental awareness in the community by hosting an annual Earth Day event in conjunction with the Environmental Board and Park Board.
 - a. The annual Greenathon is planned for this spring at Celery Flats.
- 4.) Participate in and support community efforts – specifically those of the Kalamazoo County Substance Abuse Task Force – related to addressing substance abuse in the community. Provide teens an opportunity to socialize without the use of drugs and alcohol, including hosting activities such as the Snow Party and Teen Movie Night.
 - a. The Youth Advisory Committee participates in the annual Sticker Shock campaign coordinated by the Substance Abuse Task Force. The effort is held every spring and is designed to raise awareness about dangers surrounding the use of alcohol by minors. The City of Portage is hosting the event this year.
 - b. The Snow Party will be held on February 4th and was a big success last year with approximately 300 participants and more than a dozen entries in the cardboard sled contest.
 - c. The Youth Advisory Committee continues to partner with the Teen Library Board of the Portage District Library in hosting a Teen Movie Night and expanded activities at the library.
 - d. Support compliance checks by the Department of Public Safety and the Substance Abuse Task Force.

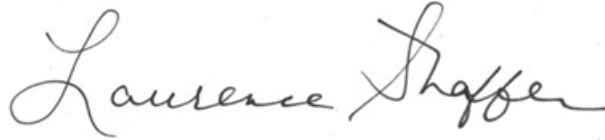
- e. Partner with the Breakfast Optimist Club and the Department of Public Safety to host a community movie night and law enforcement education opportunity. Over 600 people attended. The movie “Star Wars: The Force Awakens” was shown.
- 5.) Advise the City Council in areas / subjects under the purview of the Youth Advisory Committee.
 - a. Provided the annual presentation to City Council in January 2016.
- 6.) The Youth Advisory Committee is currently working with the Department of Public Safety and the Kalamazoo County Substance Abuse Task Force on a “Social Host” ordinance for the City of Portage and is planning to try to increase awareness in the community about the Youth Advisory Committee.
- 7.) Present an annual verbal report to the City Council.
 - a. Completed.

Sincerely,

Lindy Nebiolo, Chairperson
Youth Advisory Committee

TO: Honorable Mayor and City Council

FROM: Laurence Shaffer, City Manager



SUBJECT: Angling Road Sanitary Sewer Project #417-S

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

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

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

- On November 1, 2016, City Council adopted Resolution No. 1 for this project, accepted the City Manager reports dated November 1, 2016, and requested preparation of Resolution No. 2.
- On November 15, 2016, City Council adopted Resolution No. 2 for this project, setting a public hearing of necessity on December 6, 2016.
- On December 6, 2016, City Council tabled Resolution No. 3 on the necessity of the project until January 24, 2017.

On January 9, 2017 a neighborhood meeting was held at Portage City Hall where the scope and need of the project was presented. City staff answered questions and reviewed preliminary plans from the 14 property owners in attendance. A postcard survey was initiated for the proposed district; as of Friday, January 20, 2017, 28 of the 48 survey cards were returned with 14 in support of the project and 14 not in support (the final postcard survey tally will be provided to City Council via Materials Transmitted on January 24, 2017). A copy of the presentation (attached) was sent to those property owners not in attendance, along with the postcard survey. A video recording of the meeting has also been uploaded to the City of Portage web site.

Therefore, it is recommended that City Council, per the public hearing held on December 6, 2016, adopt Resolution No. 3 for the Angling Road Sanitary Sewer Project #417-S, directing the preparation of the special assessment roll.

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

Attachments: 1. Resolution No. 3

2. Segment of Approved 12/6/16 Meeting Minutes
3. Public Meeting Presentation

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

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

PRESENT: _____

ABSENT: _____

The following resolution was offered by:

Councilmember: _____, and seconded by:

Councilmember: _____.

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

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

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

NOW THEREFORE BE IT RESOLVED THAT:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

ADOPTED: YEAS: Councilmember: _____

NAYS: Councilmember: _____

ABSENT: Councilmember: _____

JAMES R. HUDSON, City Clerk

STATE OF MICHIGAN)
)ss
COUNTY OF KALAMAZOO)

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

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

JAMES R. HUDSON, City Clerk

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

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

CLIFFWOOD AVENUE AND ARCHWOOD DRIVE WATER MAIN PROJECT #316-

W: Mayor Strazdas introduced this item and deferred to City Manager Larry Shaffer, who deferred to Mr. Barnes, who indicated that his comments from the Cliffwood Avenue and Archwood Drive Sanitary Sewer Project #418-S item carry on to this issue. Discussion followed.

Councilmember Urban asked Mr. Barnes if there is any need to put this water line in to loop the system, and Mr. Barnes noted that it is always an advantage, but ultimately answered that it is not impacting anyone else's quality to a significant degree. He indicated that the only thing it does is not strengthen the fire flows available in that area of the City since there is a water tower, but not a lot of wells for supply in the southern part of the City. The loop would be an advantage to strengthen the system for fire protection.

Mayor Strazdas opened the public hearing. There being no discussion, motion by Pearson, seconded by Ansari, to close the public hearing. Upon a voice vote, motion carried 7 to 0.

Motion by Pearson, seconded by Reid, to deny Resolution No. 3 for the Cliffwood Avenue and Archwood Drive Water Main Project #316-W, and not direct the preparation of the special assessment roll. Upon a roll call vote, motion carried 7 to 0.

ANGLING ROAD SANITARY SEWER PROJECT #417-S: Mayor Strazdas introduced this item and deferred to City Manager Larry Shaffer, who indicated that installation of sanitary sewers has been part of the CIP since the year 2000. He noted that the City was successful in obtaining \$134,000 in the Federal Transportation Funds which are included in the current Transportation Improvement Funds to offset part of the costs of reconstructing 6,000 feet of Angling Road from Squire Heath Lane to Romence Road. The project consists of installation of sanitary sewer and the reconstruction of the existing road, installation of drainage structures and minor widening of the roadway formalizing that as a part of the Portage bikeway. He discussed the importance of sanitary sewer to the property owner and the community at large. He reiterated that sanitary sewer is necessary before reconstructing the road and maintenance efforts still continue regardless.

He stated that the total cost of the project is \$1.32 million with the property owner assessments at \$241,000, or 18% of the project; 69.2% of the cost of the project is funded by the city at large through capital improvement bonds, plus the \$134,000 in the Federal Transportation Funds; and, the Municipal Streets Fund contribution is \$165,000 from the millage that was passed in 2006. He reviewed the standard rate for sanitary sewer installation as \$43.77 per front foot of property and \$1,536 for the six inch lateral which is based on a maximum taxable frontage of 80 feet. He explained that the residents would not be required to connect to sanitary sewer until the County Health Department determined that the property owner's system was no longer functioning and this is designed to address the issue of no one can predict when a septic system is going to fail. Discussion followed. He noted that areas close to lakes and streams would have eighteen months to connect according to City Ordinance. Discussion followed.

Mayor Strazdas opened the public hearing. The following citizens spoke in opposition to the project: Janet Luchies, 7511 Angling Road and Gary Taylor, 7642 Angling Road. Discussion followed. City Attorney Randy Brown indicated that if there is a special assessment imposed, the cost of that special assessment must be proportionate to the benefit received; there must be an increase in the property value proportionate to the cost of that special assessment; so, that is a legal principle in the State of Michigan, and the City in the past through the City

Engineer and the City Assessor have determined that the methodology used by the City does reach that approximation and explained.

Ken DeHaan, 7024 Angling Road, spoke in opposition to the project. Discussion followed.

The following citizen spoke in favor to the project: Alan Griffin, 7249 Angling Road. Discussion followed. Mayor Strazdas confirmed with Mr. Shaffer that full discussions of the projects will occur with this and future projects before pursuing the process.

Motion by Reid, seconded by Ford, to close the public hearing. Upon a voice vote, motion carried 7 to 0. Discussion followed. Mr. Hudson confirmed that there was no petition in opposition filed on this matter for City Attorney Brown. Discussion followed.

Motion by Urban, seconded by Ford, to adopt Resolution No. 3 for the Angling Road Sanitary Sewer Project #417-S, directing the preparation of the special assessment roll. Discussion followed.

Motion by Pearson, seconded by Randall, to substitute the motion to adopt Resolution No. 3 for the Angling Road Sanitary Sewer Project #417-S, directing the preparation of the special assessment roll, to table until January 24, 2017. Upon a roll call vote, motion carried 4 to 3. Yeas: Councilmembers Pearson, Randall and Reid and Mayor Strazdas. No: Councilmembers Ford and Urban and Mayor Pro Tem Ansari. Discussion followed.

At the request for what Mr. Shaffer would do leading up to January 24, 2017, Mr. Shaffer offered that he would report to City Council on two different activities: He would send notice to the members of the neighborhood that there would be a neighborhood meeting at Portage City Hall; that he would be prepared to provide a full explanation as to the scope of the project and its need; that the Administration would answer any questions from the citizens involved; that he would take information and craft a report; and, that the City would conduct a survey. He would then provide Council with the results of the information session and results of the survey. Ultimately, he would come back with a full report on the results of those two activities.

CHOPIN AVENUE AND MOZART STREET WATER MAIN PROJECT #317-

W: Mayor Strazdas introduced this item and City Manager Larry Shaffer who deferred to Mr. Barnes for an outline of the scope of the project. Discussion followed. Mr. Barnes indicated that this Hearing of Necessity is for water installation on Chopin Avenue and Mozart Street, that a petition was received from the homeowners, and that the project is included in the CIP. He said that this area has wells that are from 50 to 75 feet deep, and the water quality may not always “be the best” owing to a high level of iron and the shallow nature of the wells. He cited potable water and fire protection as immediately benefiting the area, and no mandatory connection which would allow the property owners to keep their private wells or convert them to irrigation wells, if they wish. He noted that the estimated cost of the project is \$320,000 with the homeowners responsible for \$105,000 or 30% of the cost and the city at large at \$214,000 or 67% of the cost. He indicated that the assessments are capped at 80 feet and the special assessment rate of \$38.77 per foot and \$1,235 for 1 ¼ inch service has been used for the preparation of the preliminary special assessment roll. Furthermore, he said that these property owners received a notification letter for Resolution No. 3 along with the payment schedule and the amortization schedule for a 20 year period; and, if approved, the project would be constructed in 2017.

In answer to Councilmember Pearson, Mr. Barnes indicated that no post cards were mailed in this instance; that post cards are not always sent out and explained. Mayor Strazdas

Angling Road Sanitary Sewer

City Hall – Council Chambers

Portage City Hall

January 9, 2017 at 6 p.m.

Why Sanitary Sewer Now?

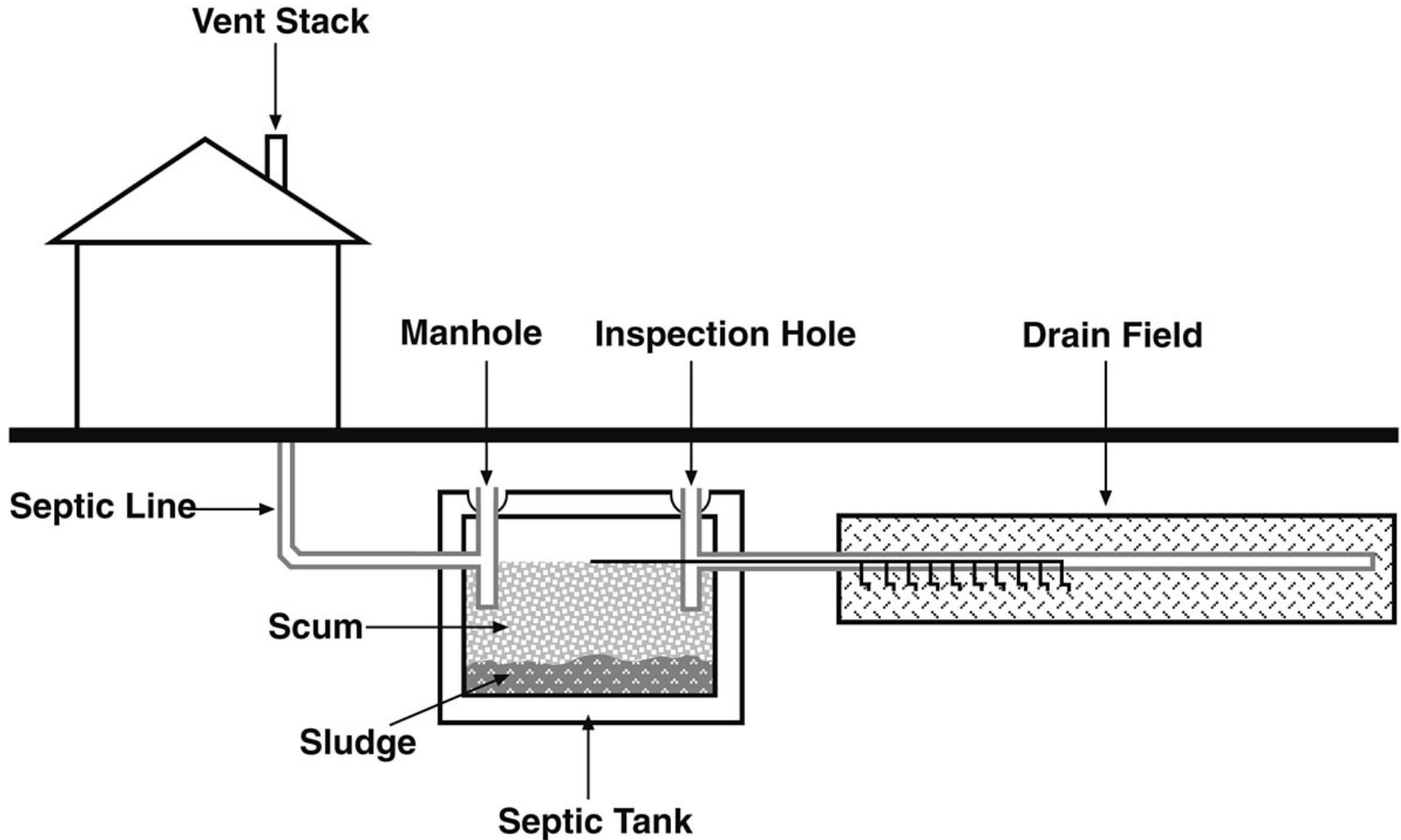
- Number of drinking wells
- Age of septic system
- Poor condition of Angling Road



Angling Road Unserved Area

- 48 unserved properties
- 45 houses
 - ▶ 22 Drywells
 - ▶ 16 Septic Trenches
 - ▶ 1 Drained
 - ▶ 9 No records
 - ▶ 14 Private Wells

Typical Septic System



Septic System Concerns

Signs a system is failing:

- Sinks and toilets drain slowly
- Backed-up plumbing
- Gurgling sounds coming from the plumbing
- Sewage odors in the house or yard
- Wet or mushy soil in the yard
- Standing water that is greyish in color
- Grass growing faster and greener in one particular area of the yard
- Bacteria in well water

Septic System Concerns (*cont'd*)

Long term septic system concerns:

- Contamination of private drinking wells – nitrate levels
- Contamination of general groundwater and surface water – septic inspection
- Home re-sale
- Pumping, maintenance, and replacement of septic systems

Drinking Water Risks

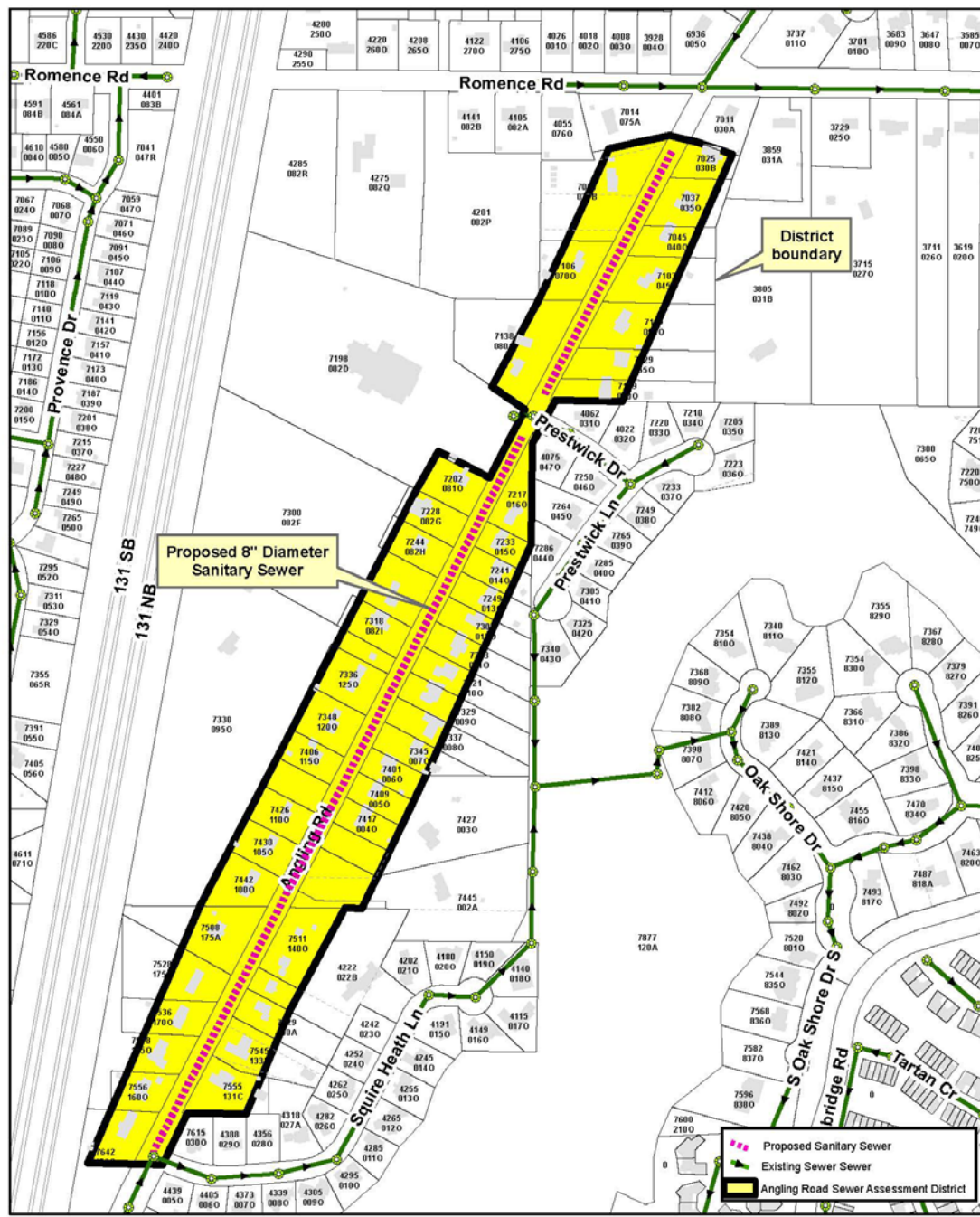
- Nitrates = 1.1 to 3.2 ppm
 - ▶ EPA maximum contaminate level = 10 ppm
- Typical City of Portage water Nitrates = 0.0 to 1.0
- High Nitrate levels are the cause of “Blue Baby Syndrome”

Septic System Life Expectancy

What is the life expectancy of a typical septic system?

- Depends on:
 - ❑ Materials – Construction
 - ❑ Water loading
 - ❑ Waste
 - ❑ Physical Condition – groundwater / tree roots

Typical life: 20-25 years
before maintenance and replacement



Sanitary Sewer Installation

Sewer Cost

- Rate = \$43.77 per foot
- Capped at 80 feet Frontage = \$3,501.60
- Sewer Lateral = \$1,536.67 from center of street to property line
- Approx. Total = \$5,038.27

Typical septic system replacement cost = \$6,000 to \$8,000

Project Funding

Special Assessments	\$241,618	(18.3%)
City Sewer Utility Fund	\$779,382	(59.0%)
Municipal Street Fund	\$165,000	(12.5%)
Federal Transportation Funds	\$134,000	(10.2%)

20 Year Financing Options

Principal	5,038.27	Declining balance		
Years	20			
Interest	4.000%			
Beginning Date	08/01/17			
	6,952.84	1,914.57	5,038.27	Balance
Date	Payment	Interest	Principal	Outstanding
2017	251.91	\$0.00	\$251.91	\$4,786.36
2018	443.36	\$191.45	\$251.91	\$4,534.45
2019	433.29	\$181.38	\$251.91	\$4,282.54
2020	423.21	\$171.30	\$251.91	\$4,030.63
2021	413.14	\$161.23	\$251.91	\$3,778.72
2022	403.06	\$151.15	\$251.91	\$3,526.81
2023	392.98	\$141.07	\$251.91	\$3,274.90
2024	382.91	\$131.00	\$251.91	\$3,022.99
2025	372.83	\$120.92	\$251.91	\$2,771.08
2026	362.75	\$110.84	\$251.91	\$2,519.17
2027	352.68	\$100.77	\$251.91	\$2,267.26
2028	342.60	\$90.69	\$251.91	\$2,015.35
2029	332.52	\$80.61	\$251.91	\$1,763.44
2030	322.45	\$70.54	\$251.91	\$1,511.53
2031	312.37	\$60.46	\$251.91	\$1,259.62
2032	302.29	\$50.38	\$251.91	\$1,007.71
2033	292.22	\$40.31	\$251.91	\$755.80
2034	282.14	\$30.23	\$251.91	\$503.89
2035	272.07	\$20.16	\$251.91	\$251.98
2036	262.06	\$10.08	\$251.98	\$0.00
	<u>\$6,952.84</u>			

Principal	5,038.27	Standard commercial		
Years	20			
Interest	4.000%			
Beginning Date	08/01/17			
	7,212.98	2,174.71	5,038.27	Balance
Date	Payment	Interest	Principal	Outstanding
2017	169.19	\$0.00	\$169.19	\$4,869.08
2018	370.72	\$194.76	\$175.96	\$4,693.12
2019	370.72	\$187.72	\$183.00	\$4,510.12
2020	370.72	\$180.40	\$190.32	\$4,319.80
2021	370.72	\$172.79	\$197.93	\$4,121.87
2022	370.72	\$164.87	\$205.85	\$3,916.02
2023	370.72	\$156.64	\$214.08	\$3,701.94
2024	370.72	\$148.08	\$222.64	\$3,479.30
2025	370.72	\$139.17	\$231.55	\$3,247.75
2026	370.72	\$129.91	\$240.81	\$3,006.94
2027	370.72	\$120.28	\$250.44	\$2,756.50
2028	370.72	\$110.26	\$260.46	\$2,496.04
2029	370.72	\$99.84	\$270.88	\$2,225.16
2030	370.72	\$89.01	\$281.71	\$1,943.45
2031	370.72	\$77.74	\$292.98	\$1,650.47
2032	370.72	\$66.02	\$304.70	\$1,345.77
2033	370.72	\$53.83	\$316.89	\$1,028.88
2034	370.72	\$41.16	\$329.56	\$699.32
2035	370.72	\$27.97	\$342.75	\$356.57
2036	370.83	\$14.26	\$356.57	\$0.00
	<u>\$7,212.98</u>			

Typical Property Owner Objections to Utility Installation

Assessment Cost

- Part of the City Charter
- Per 2006 City Referendum the cost of the street reconstruction is part of a separate millage and eliminated from the sewer assessment.

No Requirement to connect to sewer

- Per *2014 Sanitary Sewer / Street Reconstruction Policy*.

Questions?

W. Christopher Barnes, Director of Transportation & Utilities

Kendra Gwin, Utilities Engineer

Phone: 329-4422

CITY OF PORTAGE HUMAN SERVICES BOARD

Minutes of Meeting December 1, 2016

CALL TO ORDER: 6:34 p.m.

MEMBERS PRESENT: Diane Durian (excused), Effie Kokkinos (aye), Ray LaPoint (aye) Elma (Pat) Maye (arrived 6:36), Nadeem Mirza (aye), Edward Morgan (excused), Sandra Sheppard (aye), Fiorella Spalvieri (aye), Amanda Woodin (aye), Lindy Nebiolo (aye), Youth Representative. Motion made by Mirza and supported by Spalvieri to excuse Durian and Morgan. Motion passed 6-0.

CITIZENS PRESENT: Bill Lenehan, Sean McBride

STAFF PRESENT: Elizabeth Money, Neighborhood Program Specialist

APPROVAL OF MINUTES: Spalvieri moved and Mirza supported approval of the November 3, 2016 minutes. Motion passed 6-0.

NEW BUSINESS:

1. Presentation Kalamazoo County Transit Authority – Sean McBride: McBride provided an overview of public transit services provided by Kalamazoo County Transportation Authority (KCTA) the county-wide authority that operated the Metro County Connect (MCC) and the community service vans, and Central County Transportation Authority (CCTA) which operates the Metro Transit system within the urbanized areas. Information included: ridership numbers, data on the new extended hours and Sunday services, plans to expand the number of shelters, amenities, and technology, and funding. The overall system continues to expand even as fixed route numbers drop slightly (fixed route ridership follows national gas price trends and increases or decreases trend with gas price increases and decreases). Board members asked several questions which McBride answered, including: In response to a question about the competition of Uber, McBride indicated that MCC was not in competition with them because the MCC service was fully accessible, riders had comfort in knowing the driver, and had the established reputation of Metro. With regard to fares for the MCC, McBride stated that it depended on the rider as some fall under Federal laws that restrict the cost to twice the rate of the fixed route system. For other riders, the cost is \$12 and they have found that their fares are a good balance between providing the direct connect service and not having demand be more than they can service. MCC is always trying to enhance ridership experience, make it easier to ride the bus, receive bus information, and expand their base service by partnering with area businesses. But, the MCC service is always available to anyone in the county. Additional hybrids will not be purchased due to funding limitations. However, the technology in diesel buses has improved to the point that they are very efficient and cost effective. CCTA is looking into incorporating Park & Rides into the bus system and may start a pilot program to test the need for bus stops at these locations. McBride closed by stating that on October 1st the public transit system became an independent authority separate from the City of Kalamazoo.
2. Kalamazoo Transit Authority LAC update - Maye: Maye did not attend the November meeting as she now has a conflict and can longer attend the LAC meetings. Woodin will represent the city at future meetings.

3. Human Services Board April meeting: A discussion was had to move the April 6th Human Services Board meeting and public hearing to March 30th. As no one present had a conflict and the Board ready to move, the items was included in the agenda and Maye moved and Mirza supported the date change. Motion passed 7-0.

STATEMENT OF CITIZENS: There were no statements of citizens.

ADJOURNMENT: Mirza moved and Maye supported adjournment at 7:15. Motion passed 7-0.

Respectfully Submitted,



Elizabeth Money, Neighborhood Program Specialist

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CITY OF PORTAGE HUMAN SERVICES BOARD
Minutes of Meeting January 5, 2017

CALL TO ORDER: 6:33 p.m.

MEMBERS PRESENT: Diane Durian, Effie Kokkinos, Ray LaPoint, Elma (Pat) Maye, Nadeem Mirza (excused), Edward Morgan, Sandra Sheppard (excused), Fiorella Spalvieri, Amanda Woodin, Lindy Nebiolo, Youth Representative. Motion made by Maye and supported by Durian to excuse Mirza and Sheppard. Motion passed 7-0.

STAFF PRESENT: Elizabeth Money, Neighborhood Program Specialist

APPROVAL OF MINUTES: Morgan moved and Spalvieri supported approval of the December 1, 2016 minutes. Motion passed 7-0.

NEW BUSINESS:

1. Presentation by Applicants: Catholic Charities, Goodwill Industries, Gryphon Place, Housing Resources, Inc., Kalamazoo Literacy Council, Lending Hands of Michigan, Twelve Baskets, YWCA, and Portage Community Center: All applicants gave presentations regarding their grant requests from the General Fund and CDBG Fund. The Board had numerous questions and comments for the applicants that included clarification on projects, future program need(s), and community outreach.
2. Kalamazoo Transit Authority LAC update - Woodin: Woodin had no update to provide as the LAC had not met since the last board meeting.

STATEMENT OF CITIZENS: There were no statements of citizens.

ADJOURNMENT: Morgan moved and Maye supported adjournment at 8:20 p.m. Motion passed 7-0.

Respectfully Submitted,



Elizabeth Money, Neighborhood Program Specialist

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Youth Advisory Committee Meeting Minutes: December 12, 2016

- I. Call to Order
 - a. Meeting called to order at 6:35 p.m.
- II. Introductions and Attendance – Question of the day was what did you do during the snow day?
- III. Minutes for the November 14th YAC meeting were unavailable.
- IV. Youth Liaison Reports
 - a. Human Services Board: Lindy Nebiolo reported on the most recent meeting of the HSB
- V. City of Portage Promotional Video
 - a. Public Media Network is creating a promotional video for the City of Portage. YAC members may be recorded and interviewed while volunteering at PCC.
 - b. Permission slips are needed for you to participate in the promotional video
- VI. Social Host Ordinance Update
 - a. Anjana Krishnan summarized a recent meeting with the Portage Director of Public Safety, Richard White, the Substance Abuse Task Force and the YAC. The meeting focused on a potential Social Host Ordinance. A draft ordinance is being created and should be available for review by the YAC in January.
- VII. Autumn Activity
 - a. Volunteering at the Portage Community Center is upcoming. Dates are: December 13, 14, 15 and 19 from 3-5 p.m.
- VIII. Snow Party – Saturday, February 4th
 - a. Events – Snowman Building, Cardboard Sled Contest, Bonfire
 - b. Food vendor – Bigby, ChocolaTea, Sweetwaters and Waterstreet have been contacted by Chairperson Nebiolo. The YAC discussed potential costs and need for items such as hot chocolate to be available.
 - c. YAC members are encouraged to bring extra cardboard and snowman/sculpting supplies
 - d. Time of event is Noon to 3:00 - Be there at 11:30
 - e. Sledding contest is at 1:00 p.m.
 - f. Awards for winners – ribbon & free concessions
- IX. Goals and Objectives Update – January 24th City Council Meeting
 - a. Chairperson, Vice Chairperson, & Secretary: present goal & objectives to City Council.
 - b. In addition to current goals, the YAC discussed adding the following topics to the goals:
 - i. Social Host Ordinance
 - ii. Increase Community Awareness of the YAC
 1. Social Media
 - a. Facebook, Instagram, Twitter, etc.
 - iii. Internal Objective (Keep within YAC/Not for City Council)
 1. Develop Attendance Policy

- X. Volunteer Opportunities
 - a. Portage Senior Center Carnival – Saturday March 11th from 4-7 p.m.: Interested in participating but too early to commit. Will revisit at January meeting.
 - i. Volunteers needed to staff games, concessions and welcome table
 - b. Sidewalk shoveling for seniors - assist seniors with shoveling snow from their sidewalk
 - i. Not interested in making this a formal group activity but individual members can sign-up. Need more detail about what is involved and if shoveling is on a schedule and if locations can be close to home – many members cannot drive.
- XI. Martin Luther King, Jr. Event - Hand out pamphlets at the door & help with introductions onstage & Hand out flyers
 - a. Brazeal Dennard Choral & 20 minute dramatic presentation of “The Meeting” between MLK and Malcom X
 - b. Friday, February 24, 2017
 - c. 6-10 pm
 - d. PNHS Auditorium
- XII. Substance Abuse Task Force: Sticker Shock – Saturday, March 25. YAC will host at Portage City Hall.
- XIII. Greenathon – Saturday, April 22nd
- XIV. Next Meeting – Monday, January 9th

PLANNING COMMISSION

January 5, 2017

The City of Portage Planning Commission meeting of January 5, 2017 was called to order by Chairman Welch at 7:00 p.m. in Council Chambers of Portage City Hall, 7900 South Westnedge Avenue. Six citizens were in attendance.

PLEDGE OF ALLEGIANCE:

Chairman Welch led the Commission, staff and citizens in the Pledge of Allegiance.

IN ATTENDANCE:

Christopher Forth, Deputy Director of Planning, Development and Neighborhood Services; Michael West, Senior City Planner; and Randall Brown, City Attorney.

ROLL CALL:

Mr. Forth called the roll: Stoffer (yes), Welch (yes), Schimmel (yes), Dargitz (yes), Richmond (yes), Shoup (yes) and Joshi (yes). A motion was offered by Commissioner Stoffer, seconded by Commissioner Schimmel, to approve the roll excusing Commissioners Patterson and Bosch. The motion was unanimously approved 7-0.

APPROVAL OF MINUTES:

Chairman Welch referred the Commission to the December 1, 2016 meeting minutes contained in the agenda packet. A motion was made by Commissioner Dargitz, seconded by Commissioner Stoffer, to approve the minutes as submitted. The motion was unanimously approved 7-0.

PUBLIC HEARINGS:

1. Preliminary Report: Rezoning Application #16/17-3, 715 West Osterhout Avenue (Streamsong Residential Condominium). Mr. Forth summarized the preliminary staff report dated December 30, 2016 regarding a request from SDV Development LLC to rezone 715 West Osterhout Avenue from R-1C, one family residential to PD, planned development. Mr. Forth stated the PD rezoning would facilitate construction of 102 single-family detached and attached residential condominium dwellings on approximate 39 acres. Mr. Forth summarized various elements of the proposed tentative plan including access, private street design/layout, sidewalks and walking trails, wetlands and open space preservation, phasing and overall density of the development. Mr. Forth stated the request was very similar to the PD rezoning request and tentative plan that was submitted by Landmark Development Partners and reviewed and recommended for approval by the Planning Commission in May 2016: Applicant withdrew the request after Planning Commission review and before City Council consideration. Mr. Forth discussed minor differences between the two proposals including access changes and the inclusion of a clubhouse and pool with the SDV Development application.

Mr. Pat Flanagan of Ingersoll, Watson & McMachen (applicant's engineer) and Mr. Mike Seelye (SDV Development) were present to support the rezoning application and explain the planned development project. Mr. Flanagan discussed various elements of the planned development proposal including house sizes and construction styles, private streets, sidewalks, trails and the inclusion of a clubhouse/pool. Mr. Seelye discussed the similarities between this project and the Sterling Oaks planned development located between South Shore Drive and Bacon Avenue.

The public hearing was opened by Chairman Welch. No citizens spoke regarding the proposed rezoning and condominium development. After additional discussion, a motion was made by Commissioner Schimmel, seconded by Commissioner Dargitz, to adjourn the public hearing for Rezoning Application #16/17-3, 715 West Osterhout Avenue, to the January 19, 2017 meeting. The motion was unanimously approved 7-0.

SITE/FINAL PLANS:

None

NEW BUSINESS:

None

OLD BUSINESS:

None

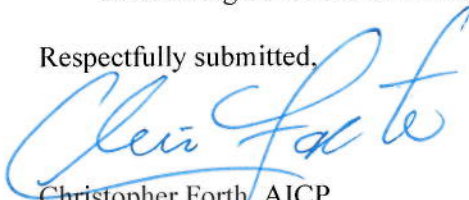
STATEMENT OF CITIZENS:

None

ADJOURNMENT:

There being no further business to come before the Commission, the meeting was adjourned at 7:20 p.m.

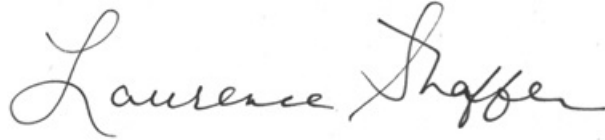
Respectfully submitted,



Christopher Forth, AICP
Deputy Director of Planning, Development and Neighborhood Services

TO: Honorable Mayor and City Council

FROM: Laurence Shaffer, City Manager



SUBJECT: 2017 Local Street Reconstruction - Tabulation of Proposals

SUPPORTING PERSONNEL: W. Christopher Barnes, Director of Transportation & Utilities
Jamie Harmon, Assistant City Engineer

ACTION RECOMMENDED: That City Council award a contract to perform design and construction engineering services for the 2017 Local Streets Reconstruction Project to Abonmarche Consultants, Incorporated, in the amount not to exceed \$131,118 and authorize the City Manager to execute all documents related to the contract on behalf of the city.

As part of the "Natural Place to Move" initiative and the 2015 complete streets policy, the City Administration continues to include "complete street" enhancements in construction projects such as additional street lighting, sidewalk connections, curb lawn tree planting and street widening. In order to meet this initiative, the local streets program continues to include full design and construction engineering services. Prior to 2016, the program focused primarily on construction resurfacing with minimum design engineering. During the construction phase of the 2016 program it was evident that having a consultant with experience in large project construction management was critical for providing additional oversight and inspectors as needed.

The reasoning for implementing prequalifications is outlined below.

- The 2017 Local Streets Reconstruction Project will affect residents on 33 local streets, therefore public relations, as well as complete street design will be very important. It is critical that the right consultant be chosen for this project and the City Administration determined that Michigan Department of Transportation (MDOT) prequalifications are required given the large scale of this project.
- By requiring MDOT prequalifications, the City Administration is confident that the bidders submitting proposals are capable of fulfilling the engineering services required in the 2017 Local Streets Reconstruction Project.
- There are over 50 state engineering firms prequalified by MDOT for this scope of work. Of these, 13 prequalified firms were invited to submit proposals. The project was also advertised on the city website, at local plan rooms and advertised in the Kalamazoo Gazette.

On January 10, 2017, two proposals were received for design and construction engineering services for

the project. Costs ranged from \$131,118 to \$193,098. Upon review, the lowest proposal properly addresses the full design engineering scope needed for the project. This proposal was from Abonmarche Consultants in the amount of \$131,118. Abonmarche Consultants has successfully completed similar projects for the city, most recently East Osterhout Avenue and the 2016 Local Streets Reconstruction Project.

Therefore it is recommended that City Council award a contract to Abonmarche Consultants, Incorporated, to perform design and construction engineering services for the 2017 Local Street Reconstruction Project in the amount not to exceed \$131,118 and authorize the City Manager to execute all documents related to the contract on behalf of the city.

FUNDING: Total funds in the amount of \$1,320,000 are budgeted in the 2017-2018 Capital Improvement Program budget for the 2017 Local Streets Reconstruction Programs to include design and construction engineering services.

Attachments: 1. 2017 Local Reconstruction Bid Tabulation

TABULATION OF PROPOSALS
2017 LOCAL STREET RECONSTRUCTION PROFESSIONAL ENGINEERING SERVICES

<u>FIRM</u>	<u>ESTIMATED PROJECT HOURS</u>			<u>PROPOSAL</u>		
	<u>DESIGN</u>	<u>CONSTRUCTION</u>	<u>TOTAL</u>	<u>DESIGN</u>	<u>CONSTRUCTION</u>	<u>TOTAL</u>
Abonmarche Consultants, Inc. 95 West Main St. Benton Harbor, MI 49022	476	1088	1564	\$46,190.00	\$84,928.00	\$131,118.00
Wightman & Associates, Inc. 9835 Portage Rd. Portage, MI 49002	873	981	1854	\$101,173.00	\$91,925.00	\$193,098.00

CITY OF PORTAGE

COMMUNICATION

TO: Laurence Shaffer, City Manager

DATE: January 4, 2017

FROM: Meshia Rose, Deputy City Assessor

SUBJECT: December 2016 Department Operations Report

The following information summarizes the operations of the City Assessor's Office during December 2016:

- **2016 December Board of Review:** The December Board of review was held on December 13, 2016. The purpose of the December BOR is to correct any errors or mutual mistakes of fact that are discovered after the mailing of the December tax billings. The 2016 corrections primarily consisted of principal residence exemption corrections, amended personal property filings and delayed poverty exemption and veteran exemption application submissions. After the December BOR changes were processed, the changes were communicated to the Finance Department and the Kalamazoo County Treasurer.
- **2017 Assessment Roll Preparation:** The Assessor's office is currently in the final stage of preparation of the 2017 assessment roll. This consists of the reassessment of all classes of real property in accordance with the 2016 county equalization tentative ratios, the processing of the numerous land divisions and parcel combinations, ownership changes, homestead exemption applications and rescinds, and the appraisal of any new construction that has taken place during 2016.
- **Personal Property Tax Returns:** Forms for the reporting of taxable personal property were mailed to approximately 1,900 businesses and manufacturers the last week of December and are due by February 20, 2017. Accordingly, there is a very narrow preparation/filing time window which intensifies the processing activity that takes place in the Assessor's Office in late February, as the Assessor's preliminary assessment roll must be finalized by March 1, 2017. Taxpayers who fail to file a return will be issued estimated assessments as required by statute. For businesses who qualify under the small business taxpayer's exemption, the form 5076 affidavit must be filed by February 10, 2017 to receive the exemption per statute. Our office will make every effort to notify the business owners of this requirement, but the requirement to file is ultimately the business owner's responsibility. For eligible manufacturing personal property, the corresponding exemption affidavit must be received by February 20, 2017.

- **2017 Assessment Change Notices:** It is estimated that we will be ready to send assessment change notices for residential properties by February 10, 2017. Commercial and industrial parcels will be mailed their assessment notices no later than February 24, 2017 for both real and personal. In addition to notification of the previously mentioned assessment changes, the mailing will also notify the taxpayers of their property classification, the change in Taxable Value and their appeal rights before the City of Portage Board of Review in early March.
- **Customer Service:** The staff of the City Assessor's Office provided a high level of customer service during the month of December. Prompt and courteous service was provided in response to the numerous telephone calls and personal visits from realtors, developers, private appraisers, title companies, and taxpayers. As we approach the upcoming March Board of Review, our office is committed to courteously serving our citizens and business owners with information, explanations and assistance regarding how to prepare and present their concerns and issues before the Board.

Please contact me if you have any questions concerning the information presented above.

TO: Laurence Shaffer, City Manager**DATE:** January 13, 2017**FROM:** James R. Hudson, City Clerk **SUBJECT:** December Monthly Report**CITIZEN ASSISTANCE AND PUBLIC INFORMATION**

As Liaison to the Youth Advisory Committee (YAC), participated with the packaging of gift baskets at Portage Community Center for families in need over the holidays. Also, worked with the youth on plans for the Snow Party for February 4, 2017, noon until 3:00 p.m., and reviewed the YAC Annual Report to City Council requirements.

Participated the Emergency Command Center Exercise. Attended a meeting of the Kalamazoo County Substance Abuse Task Force.

Attended Citywide Customer Service Training. Coordinated Freedom of Information Act (FOIA) and liquor license requirements with the various departments. Provided help to citizens for over-the-counter requests including voter information, guidance to appropriate departments and miscellaneous assistance. Processed Solicitor Permits and transmittal letters. Responded to requests for Notary service.

Prepared transmittals for documents, resolutions, deeds, solicitor permits, etc. to be sent to City Attorney and citizens. Performed research for city departments on a variety of topics.

QUALIFIED VOTER FILE AND ELECTIONS

Updated file and record changes resulting from the November Presidential Election. Participated in the November Presidential Election Recount by recruiting volunteers and helping to organize and oversee the operation for both Kalamazoo and Barry Counties.

Continued processing additions, changes, deletions from the QVF In-Box, for new voters and continued process of manually recording QVF changes/updates (addresses, DOB, ID numbers, etc.) on in-house Master Voter Cards and filing.

Continued the process of printing Master Cards and Voter ID Cards for all new registrations and changes and continued review of voter follow-up cards that need to be individually checked against city voter records. Processed notices to voters for whom ID cards have been returned, no signature was received at Secretary of State Offices, etc.

PUBLICATIONS

Published public and legal notices in the *Kalamazoo Gazette* as necessary for meetings and public hearings.

AGENDA PREPARATION AND FOLLOW-UP

Assisted with the process of building the Council Agenda on BoardSync. Prepared, collated and uploaded the December City Council Agenda Packets to the City website, and distributed Final Agendas and Suggested Motions to City Council for City Council Meetings.

Prepared Minutes and Resolutions of the Council Meetings for permanent records and indexed Approved Minutes of City Council Meetings. Prepared the Summary and Minutes of the two December Regular City Council Meetings and uploaded them on the website.

Completed preparation for the January Boards and Commissions Interviews. Provided follow-up communications, notices, Resolutions and Ordinances on Agenda items passed by City Council at the December City Council Meetings.

RECORDS

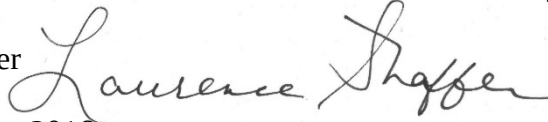
Added approved minutes of Council meetings to the Document Collection in Clerk's Index as well as Clerk folder on Sharecop for Internet and filed all contracts for the year.

Responded to request(s) from Public Safety Department for copies of Police Reports required during an investigation (reports are on microfilm).

Performed research for city departments on a variety of topics, retrieved documents for various departments from files and storage and assisted with the search and printing of various microfilm documents. Reviewed recently scanned and microfilmed documents for completeness and accuracy.

CEMETERIES

Made arrangements for three (3) grave openings/closings, including the preparation of invoices and Burial Rights Certificates and entry on the BS&A Cemetery Software module. Researched availability of cemetery lots for citizens in conjunction with the Parks Department and assisted with burials. Completed the quarterly review of the cemetery maps and updated them as necessary. Assisted individuals with genealogical research.

TO: Honorable Mayor and City Council**DATE:** January 2, 2017**FROM:** Laurence Shaffer, City Manager**SUBJECT:** Monthly Report – December 2016

The following summarizes some of the activities in which staff of the Office of the City Manager were involved during the month of December 2016.

1. City Council:

- Coordinated and/or prepared agenda and other materials for the following meetings:
 - City Council Regular Meetings on December 6 and 20.
 - Pre-Council meetings on December 5 and 19.

2. Represented the City of Portage in the following activities, among others:

- Attended the Human Services Board's annual holiday gathering on December 1.
- Met with Mayor Pro Tem Ansari on December 1.
- Attended a new police officer's swearing-in on December 2.
- Met with Dr. Monifa Jumanne on December 2, 9 and 20.
- Met with Southwest Michigan First on December 7, 15 and 22.
- Met with a resident of the Sugarloaf Drain area on December 8.
- Attended the Discover Kalamazoo Annual Meeting on December 8.
- Met with local representatives on bicycle safety on December 9.
- Met with Mayor Strazdas and Mayor Pro Tem Ansari on December 12 to plan the annual Council retreat.
- Met with Councilmember Ford on December 14.
- Met with LifeEMS representatives on December 14.
- Met with Mayor Strazdas and Mayor Pro Tem Ansari on December 14 to discuss a community diversity discussion event.
- Attended the Kalamazoo County Brownfield Authority development meeting on December 15.
- Met with the Executive Director of the Kalamazoo County Consolidated Dispatch Authority on December 16.

- Met with some residents on Rolling Hill Avenue on December 16.
- Met with Councilmember Pearson on December 19.
- Met with Mayor Pro Tem Ansari on December 20.
- Met with Representative Brandt Iden on December 20.
- Attended a meeting with Kalamazoo City Manager Jim Ritsema and Kalamazoo County administrators John Faul and Tracie Moored on December 21.
- Met with members of the Board of Review to discuss the 2017 MBOR on December 22.
- Met with former Parks Director Bill Deming on December 22.
- Attended the Senior Center's Aging Mastery class graduation on December 22.

3. Projects - Completed and Ongoing:

- Began planning for the 2017-2027 Capital Improvement Program.
- Continued PPOA/PPCOA contract negotiations for contracts that expired June 30, 2016.
- Reviewed various options and contract matters related to renewal of employee group health insurance.
- Continued review of city buildings to optimize energy efficiency.
- Reviewed medical marijuana related matters with city legal counsel.
- Reviewed and identified various city signage for cataloging and marketing efforts.
- Continued oversight of planning, design and construction for various city projects and developments.
- Consulted with city staff regarding Information Technology projects, as well as current Community Development, Finance, Transportation & Utility and Assessing matters.
- Prepared materials and attended the Historic District Commission monthly meeting on December 7.

4. Public Information and Citizen Assistance:

- Hosted the annual employee Customer Service Awards & Training Session on December 8.
- Attended a regular training exercise for the Emergency Coordination Center.
- Mailed the December *Portager* and coordinated production of the January *Portager* newsletter.
- Continued oversight of the *PortageAlert* system and notifications for those who registered through the portal for updates.
- Coordinated responses to citizen concerns/requests regarding a variety of matters, including snow plowing, mailbox damages, holiday events, etc.
- Updated and approved changes to the city website and city publications.
- Provided informational packets on Portage to citizens, realtors and businesses, as requested.

- Continued to collect and monitor Citizen Comment Card responses and submissions to the Online Customer Service Survey.
- Continued to collect and monitor SeeClickFix.com citizen concerns and questions, as well as ensure timely responses.

TO: Laurence Shaffer, City Manager**DATE:** January 12, 2017**FROM:** Vicki Georgeau, ^{VJ} Director of Community Development**SUBJECT:** Monthly Customer Service Report for December 2016

Staff performed research, conducted reviews, and developed recommendations and information necessary for the efficient and effective delivery of community planning and development services, construction permitting and neighborhood programs. All areas involved considerable commitment of staff resources necessary to ensure appropriate customer service, the protection of the public health, safety and welfare and the provision of community development programs. These services were provided together with processing and responding to citizen information requests performed on a continuous basis.

PLANNING, DEVELOPMENT AND NEIGHBORHOOD SERVICESPlanning Commission

December 1, 2016 meeting:

1. Reconvened a public hearing then recommended to City Council approval of Rezoning Application #16/17-2, 8546 Shirley Court and the Tentative Plan Amendment for Greenspire Planned Development.
2. Received a presentation from the Kalamazoo County Metropolitan Planning Commission regarding the County Master Plan Initiative.
3. Discussion the upcoming Planning Commission meeting schedule for 2017 and concurred to move the April 6th meeting to March 30th and the July 6th meeting to June 29th.

Zoning Board of Appeals

December 12, 2016 meeting:

1. Approved a temporary use permit for Lazy Man BarBQue, 7090 South Westnedge Avenue, to operate a mobile food trailer from December 13, 2016 through December 30, 2016, and from May 1, 2017 through October 30, 2017.
2. Approved a variance request for Lee Medema, 5643 Monticello Avenue, to erect an accessory building up to 1,020 square feet in size.
3. Approved a variance request for Craig LaPine, 9418 East Shore Drive, to construct a dwelling 28 feet in height, where the maximum permitted height is 25 feet.

Human Services Board

December 1, 2016 meeting:

1. Received a presentation from the Kalamazoo County Transit Authority.
2. Discussed the Kalamazoo Transit Authority LAC Update.

OTHER BOARD ACTIVITIES

- Downtown Development Authority - The Authority did not meet in December 2016.
- Local Development Finance Authority - The Authority did not meet in December 2016.
- Economic Development Corporation/Tax Increment Finance Authority/Brownfield Redevelopment Authority - The Authority did not meet in December 2016.

Citizen Information Requests:

During the month of December 2016, a total of 156 cases/violations were inspected or identified in response to citizen service requests or staff field observations: 109 sidewalk-snow; 16 parking; 11 debris/refuse; 10 inoperable vehicles; 3 sidewalk-obstruction; 3 zoning; 1 building maintenance; 1 sign; 1 access; 1 unsafe structure.

BUILDING AND HOUSING SERVICES

Construction Board of Appeals:

The Board did not meet in December.

Issued permits and conducted required building, electrical, plumbing and mechanical inspections to ensure compliance with local codes/ordinances. The following list shows major permits:

Type of Permit/Application	Number of Permits	Project Valuations
Single-family Attached	4	\$976,224
Residential Additions, Interior Remodels, Garages, Sheds, etc.	7	\$278,285
Commercial Additions, Interior Remodels, etc.	8	\$8,307,531
Permits Not on Report (i.e., demolition, electrical, plumbing, mechanical, driveway, sign, water use/sewer use, etc.).	213	N/A
Totals	232	\$9,562,040

CDBG Housing Assistance Programs

CDBG PROGRAMS				
Activity	Housing Rehabilitation	Water / Sewer	Emergency Repair	Down Payment Assistance
New Applications	2	0	0	0
Applications Approved	1	0	0	0
Loan Closings	2	0	N/A	0
Monthly Projects Completed	0	0	0	0
Projects Underway	8	0	0	0
FY YTD Projects Completed	1	0	1	0

CITY OF PORTAGE

COMMUNICATION

TO: Laurence Shaffer, City Manager

DATE: January 12, 2017

FROM: William Furry, Director of Finance *wfg*

SUBJECT: Monthly Report-December 2016

ACCOUNTING /PAYROLL

- Issued 366 accounts payable paper checks, totaling \$1,497,737.00, and made 183 vendor payments via the automated clearinghouse (ACH) totaling \$1,681,072.73 for a total expenditure of \$3,178,809.73.
- Completed the 15/16 Comprehensive Annual Financial Report (CAFR), receiving an unqualified audit opinion. An electronic version of the CAFR was prepared for posting on the City's website, and paper copies are expected from audit firm Yeo and Yeo.
- A copy of the Comprehensive Annual Financial Report was submitted to the Government Finance Officers Association for review, in application to the Certificate of Achievement for Excellence in Financial Reporting program.
- Following issue of final Accounts Payable checks for 2016, a work file was printed in preparation of vendor payment audit prior to printing 1099 MISC forms. Initial figures indicate at least 163 forms will be mailed, covering approximately \$1.8 million in vendor payments.
- Processed 2 regular payrolls, creating 496 checks and deposit advices for 237 employees, with a total monthly payroll expenditure of \$1,036,760.75.
- Processed quarterly payments to city council members.
- Processed final quarterly taxable benefit of employer provided vehicles for affected employees according to AO 1.21 and IRS Commuting Rule.
- Reviewed payroll records to prepare for issuance of form W-2s to employees following final pay of 2016 on December 22nd.
- Processed a special correcting payroll for 12/30/16 to correct an ADP error on deduction classification of Roth IRA for 7 employees, which is not reportable on form W-2, and to correct previously reported health plan value memo (as per the ACA) for 1 employee who had a late, year-end, allowable medical plan change.
- Performed special payroll maintenance for employees in preparation of 1st payroll of 2017 which includes the deletion of old calendar year goals, set up of new calendar year goals and deduction changes all pertaining to new elections of United Way and/or ICMA 457 deductions.
- Continued to assist employees with ADP electronic time system issues/problems.

TREASURY

- Began collecting 2016 winter taxes without penalty and interest and continued to collect 2016 summer taxes and special assessments, both with related penalty and interest.

- Mailed 79 Long Lake special assessment bills for 2016 at the request of the Long Lake Board. Note on bills gave information that 2017 bills will be mailed during normal S/A dates at the end of June 2017, due August 31, 2017.
- Treasury Specialist went to Small Claims Court for Delinquent Personal Property taxes.
- Treasury Supervisor attended meeting at Parks regarding new software and also attended a meeting at Community Development regarding possible new CDBG software.
- All Treasury staff attended Customer Service training and also HMP training session.
- Prepared and issued the following utility billing statements:
 - 5,452 regular quarterly bills (cycle 3); emailed 204 bills
 - 276 final bills (all cycles) an increase of 49 percent from December 2015; emailed 14 bills
- Prepared and issued the following utility billing delinquency notices:
 - 575 delinquent notices (cycle 2) an decrease of 12% from December 2015
 - 410 shut-off notices (cycle 2), an increase of 2% from December 2015
 - 28 delinquent notices to customers with inactive services (all cycles)
 - 46 inactive service delinquent notices sent to property owners
- Shut-off water service for 33 customers due to non-payment (shut-off date delayed to January 4, 2017 due to holidays).
- Processed 155 requests to initiate or terminate water/sewer services to residences and businesses. Staff handles on average 11 such requests a day.
- Staff assisted citizens by answering 894 phone calls during December 2016. Since July 1, 2016, a total of 8,565 phone calls have been handled, averaging 53 per day.
- During December 2016, staff worked with 99 customers at the Treasury counter who wanted information only. On average, 5 such customer contacts are handled each business day.

FINANCE/BUDGET

- Completed semi-annual employee performance evaluations.
- Assisted departments with budget questions.
- Prepared revenue estimates for the 2017/2018 operating budget.
- Provided revenue estimate to Director of Community Development for Human Services Board contribution estimate as required by A.O. 5.14.
- Received Utility budget estimates from Director of Transportation and Utilities as required by A.O. 5.10 to begin preparation of the annual utility rate study.
- Summarized information for Capital Improvement Program (CIP) in preparation for CIP review meetings.
- Reviewed the equipment rental schedule prepared by the Department of Public Services and updated the vehicle forms and distributed to applicable department heads.
- Prepared BS&A budget entry instructions and communicated to departments.
- Created budget preparation schedule for the review and approval of the City Manager.
- Reviewed the auditor's draft of the CAFR and provided changes to be made prior to issuance of the final report.
- Filed annual bond qualification statements with the State of Michigan after submission of CAFR.
- Prepared and filed the Act 51 Street Financial Report with the Michigan Department of Transportation.

- Prepared and filed the F-65 Annual Local Unit Fiscal Report with the Michigan Department of Treasury.
- Responded to Government Finance Officers Association (GFOA) comments on the 2014-2015 CAFR and submitted the 2015-2016 CAFR to the GFOA for the Certificate of Achievement for Excellence in Financial Reporting program.
- Completed the CIP roll of 2015-2016 budget into 2016-2017. Also, completed the budget roll for operating account purchase orders and prepared the list of 2015-2016 purchase orders to roll into 2016-2017 for Council approval.
- Began review of 2017-2027 CIP program and attended CIP review meetings with the Director of Community Development, City Manager, and Deputy City Manager.
- Cashed in maturing investments, analyzed cash position and reinvested called bonds.
- Prepared monthly investment scorecard, input investment activity and balances into SymPro software and generated monthly SymPro reports for the investment committee.
- Forwarded quarterly grant and donation report to the City Manager's Office.
- Finance staff attended the customer service and HMP training sessions.
- The director and deputy director attended the ECC Table Top Exercise.
- Reviewed and approved as appropriate accounts payable invoices and invoices with a purchase order prior to payment.
- Prepared and posted various budget amendments.
- Responded to various questions and requests from departments.

BENEFITS/COMPENSATION

- Continued to monitor, research, and implement requirements of the Affordable Care Act (ACA).
- Compiled and submitted data to comply with Employer-Provided Health Insurance Offer and Coverage reporting as required under the ACA.
- Continued to track City share of health insurance premium limits as provided for by PA-152.
- Calculated health insurance taxes and fees required under the ACA.
- Calculated and approved monthly payments for employee fringe benefit plans (medical, vision, dental, life and long-term disability insurance, flexible spending accounts, pension contributions, etc.).
- Completed process to establish new 401 Plan for City Manager, transfer funds, and consolidate plans.
- Began preparation of City-wide benefit budget for FY 2017/2018.
- Continued to administer Defined Benefit Plan, including locating and coordinating benefit payments for terminated vested participants.
- Continued process for IRS required restatement of Defined Benefit Plan.
- Continued 2017 health insurance renewal process for Blue Cross Blue Shield of Michigan and Blue Care Network.
- Continued preparations for 2017 Benefit Open Enrollment Period.
- Continued process for upcoming life and long-term disability renewal with The Hartford.
- Administered contractual wage adjustments per applicable labor agreements.
- Administered contractual bonus payments per applicable labor agreements.
- Responded to various employment verifications for employees.

WORKERS' COMPENSATION

- Continued with aggressive case management on a number of work related injury claims. Special attention continues to be directed toward high reserve cases. Focus also directed toward lost-time cases with emphasis placed on returning employees to restricted duty assignments.
- Continued to assist supervisory personnel with employees in restricted duty assignments.
- Provided information to the City third party administrator for the processing of workers' compensation claims.
- Provided direction to third party administrator in regard to workers' compensation claims.
- Prepared and submitted wage data for workers' compensation excess insurance carrier, Midwest Employers Casualty Company, to fulfill contract obligation.
- Compiled and submitted wage data for workers' compensation excess insurance carrier, Midwest Employers Casualty Company, to fulfill contract obligation.
- Updated the OSHA 300 Log.

TO: Laurence Shaffer, City Manager

DATE: January 16, 2017

FROM: Shannon Hertz, Director Human Resources 

SUBJECT: Human Resources Department Monthly Report – December 2016

RECRUITING

The following positions were filled in December:

Seasonal Laborers – Winter CDLs (2) (12 weeks)
Ice Rink Groomer (1)
SEPAs for 2016/2017 Ice Rink Season (10 re-hires)

The following positions have candidates identified:

Park Rangers (1)
Building Inspector/Permit Coordinator
Administrative Assistant Assessors Office
Deputy Director T & U
Police Officer (PT)

The following positions are open and/or recruitment efforts are ongoing:

On-Call Firefighters

Employment applications, assessments and recruitment activities:

78 Applications processed and screened
30 In person and phone interviews conducted – Shannon
7 Testing and other assessments conducted on individuals

SAFETY, TRAINING AND DEVELOPMENT

August activities to promote the education, development, training and safety of employees included the following:

- Randomly tested 4 participants for drug testing program.
- Conducted on-boarding for 0 new/returning employees.

HEALTH MANAGEMENT PROGRAM

- Continued to administer Health Management Program (HMP) for Department Head, Non-Union, PPCOA, PPOA and UAW employee groups.

BENEFITS

- Provided benefit consultation to employees terminating, retiring and beginning employment.
- Assisted employees and retirees with various benefit matters, including claim resolution and dependent eligibility.
- Processed benefit changes as necessary, including calculation and submission of payroll deductions including changes made during open enrollment.
- Issued retiree health insurance invoices to 6 retirees and 2 unions.
- Monitored Flexible Spending Account (FSA) reimbursements processed by Kushner & Company for 25 participants for the 2016-2017 plan year.
- Performed administrative requirements to meet legal compliance in regard to the Family Medical Leave Act (FMLA). Processed 27 notifications for employees.
- Performed administrative requirements to meet legal compliance in regards to the Consolidated Omnibus Budget Reconciliation Act (COBRA) for 2 COBRA participant.
- Documented and monitored sick leave usage.
- Continued preparations for annual benefits open enrollment.

ELECTIONS

- No activity.

CITY OF PORTAGE

COMMUNICATION

TO: Laurence Shaffer, City Manager

DATE: January 13, 2017

FROM: Kendall Klingelsmith, CPRP, Director of Parks, Recreation and Senior Citizen Services

SUBJECT: Monthly Operations Report for December 2016

PARKS & RECREATION:

PARK RESERVATIONS

Stuart Manor	1
Grain Elevator	<u>1</u>
Total:	2

PARKS:

Millennium Park opened December 8, 2016

Registration began for Ice Skating Lessons and Ski Lessons at Timber Ridge

EVENTS:

Traditional Holiday	1,500
Farmers Market	250
New Year's Eve Skate	100

SENIOR CITIZEN SERVICES:

ATTENDANCE AND ACTIVITIES

Activity Type	Duplicated	Unduplicated
Events	1464	478
Rides	37	13
Volunteers	236	131
Trips	18	12
Total Seniors Served	1755	634
Average of 92 served per day, 19 days		

MEMBERSHIP STATISTICS

Total Active Memberships	Membership Renewals	New Memberships
1,321	64	8

Age Range	Count	Percent
Ages 55-59	14	2.6
Ages 60-64	29	5.4
Ages 65-69	80	14.8
Ages 70-74	112	20.8
Ages 75-79	96	17.8

Ages 80-84	84	15.6
Ages Below 55	8	1.5
Ages Over 85	116	21.5
Totals	539	100
City/Town	Count	Percent
In Town	362	67.2
Out of Town	177	32.8
Totals	539	100%
Ethnicity	Count	Percent
African American	11	2.0
Asian American	5	.9
Caucasian	453	84
Hispanic	3	.6
Native American	5	.9
Native Pacific Islander	1	.2
Unknown	61	11.3
Totals	539	100
Gender	Count	Percent
Female	376	69.8
Male	163	30.2
Totals	539	100

VOLUNTEERISM

Volunteer Service Type	Hours	Pay Equivalent	Duplicated	Unduplicated
Administrative Support	2	43.58	2	1
Board Member	27.50	599.23	16	13
Club/Group Support	878.75	19147.94	179	106
Events/Programs	9	196.11	6	2
Kitchen	16.50	359.50	12	8
Transportation	51	111.30	12	3
Travel	16.58	361.35	9	3
Totals	1101.33	\$21819.01	236	131

TRAVEL PROGRAM

Category	Duplicated	Unduplicated
Day Trips	74	73
Extended Trips	3	3
Totals	77	76

FUNDRAISING

Income for the month of December was \$1,750 and includes transportation donations, memberships and fundraising.

OTHER SENIOR CENTER HIGHLIGHTS

- The monthly Heritage dinner series continues to be a popular event. 31 participated in the December dinner.
- PSC staff organized the first-ever “Unity in Diversity,” a multi-cultural holiday event. The following holidays were represented: Christmas, Hanukah, Kwanzaa, Lunar New Year, Eid-al-Fatir (End of Ramadan), and Diwali. Over 20 individuals attended.
- The first Aging Mastery Program class finished the series. 19 participants completed the full series and “graduated” from the program.
- Due to weather conditions, several programs were cancelled and/or rescheduled including the New Member Breakfast, Kwanzaa, and the Holiday Luncheon.
- 75 individuals took two motor coaches to Four Winds Casino in New Buffalo, MI on December 20.

TO: Laurence Shaffer, City Manager**DATE:** January 16, 2017**FROM:** Richard J. White, Public Safety Director – Police/Fire Chief *RJW***SUBJECT:** Monthly Report for December 2016

The Portage Crime Scene Unit is a specialized team of trained officers who are assigned to process crime scenes and investigate major accidents. Currently, the team is comprised of eight Crime Scene Technicians and three Accident Reconstructionists.

Crime Scene Technicians

The responsibility of the Crime Scene Technician is to identify, collect, and document evidence at a crime scene. The following chart shows the most frequently processed incidents:

INCIDENT	2015	2016
B & E / Home Invasion	75	72
Vehicle B & E	24	23
Death Investigation	24	36

One of the benchmarks of a successful crime scene unit is the outcome of the crime scene processing. In 2016, the Portage Crime Scene Unit showed a surge over previous years in the number of identifications, with 12 suspect and 2 non-suspect identifications. Reasons for the increase can be attributed to equipment improvements and increased time spent by technicians processing a crime scene. Crime scene processing is a very time-intensive task and cannot be rushed.

One of the primary goals of the Portage Department of Public Safety has been to upgrade the Crime Scene Unit with enhanced equipment and training. The most significant equipment upgrade was the purchase of the Focus 3D X 330 HDR Laser Scanner from FARO Technologies. With 3D documentation replacing crime, crash, and fire scene sketches, scene reconstruction can be now be visited multiple times to verify witness testimony or evaluate hypotheses. Investigators can accurately analyze line of sight, blood spatter, and bullet trajectories to complement other

techniques, such as offender's height estimation from video surveillance. By allowing investigators to capture these types of scenes in 3D, the latest technology now provides an exact record of an entire scene at the touch of a button and permits the site to be returned to normal use a short time later. This forensic tool makes it possible for forensic investigators to perform extensive analysis and create compelling courtroom exhibits.



The most significant event for the year for the Crime Scene Unit was processing the home invasion and stabbing on Cora Drive that occurred on May 5. It involved numerous evidence technicians over a two-day period to process and catalog evidence. The victim, a 43-year-old Portage resident, had been stabbed several times by an unknown subject, who had fled the residence through a rear door. Detectives subsequently located the 19-year-old suspect at school and arrested him. Detectives also determined that the suspect had stolen two vehicles and broken into other vehicles. Evidence technicians logged many hours collecting, documenting, and processing items from the scene of the stabbing and from the two stolen vehicles. Ultimately, the suspect was charged with Home Invasion First Degree, Assault with Intent to Do Great Bodily Harm, and two counts of Unlawful Driving Away of an Automobile.

Accident Reconstructionists

Accident reconstructionists are called to the scene on major traffic crash investigations to reconstruct the elements of the crash. They work jointly with crime scene technicians using sophisticated measuring equipment to map scenes, creating computer-based, three-dimensional representations.



POLICE DIVISION STATISTICAL SUMMARY

Police Incidents Dispatched:	2,935
Fire Incidents Dispatched:	400
Gun Registrations:	113
Warrants Obtained:	93
Expressway Incidents Handled:	45

ARRESTS

Total Adult Arrests: 278

Major Charges:

- Possession of Cocaine
- Sex Offense Against Child
- Burglary - Forced Entry
- Aggravated/Felonious Assault-Family-Gun

Total Juvenile Arrests: 25

Major Charges:

- Retail Fraud 1st Degree
- Malicious Destruction of Property
- Resisting Officer
- Entering Without Permission

DECEMBER CRIME STATISTICS

Violent Crimes:	93
Non-violent Crimes:	309

Reported Crimes - November 2016 Compared to November 2015:

Part I Crimes:	- 2.0%
Part II Crimes:	- 3.7%

Year-to-Date Comparison:

Part I & II Crimes Total YTD:	-20.2%
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TRAINING

Topics: ALICE Instructor (Alert, Lockdown, Inform, Counter, Evacuate)
Advanced Clandestine Lab
Advanced Roadside Impaired Driving Enforcement

VOLUNTEER HOURS

December:	155
YTD:	1,531

EMPLOYEES INJURED

December:	4
YTD:	23

FIRE DIVISION STATISTICAL SUMMARY

Calls for Service	Count
Fire	11
Overpressure Rupture	1
Rescue & Emergency Medical Service Incident	213
Hazardous Condition (No Fire)	18
Service Call	37
Good Intent	93
False Alarm and False Call	23
Special Incident Type	1

Total Calls **397**

Total Property Loss **\$225,700.00**

Inspections	Count
Annual Attempt & Inspection	1
Reinspection Attempt & Inspection	10
Plan Review	11
Key Box	3
Final or Move-in	5
Fire Protection Plan and Inspection	14
Other	17

Auto/Mutual Aid	Count
Mutual Aid Given - Comstock	3
Automatic Aid Received - Comstock	1
Mutual Aid Received - Comstock	1
Automatic Aid Received - KDPS	1
Automatic Aid Given - KDPS	3
Mutual Aid Given - South County	1
Automatic Aid Given - Texas Township	2
Automatic Aid Received - Texas Township	1
Mutual Aid Given - Texas Township	1
Mutual Aid Received - Texas Township	3
Mutual Aid Received - Oshtemo	1
Automatic Aid Received - Oshtemo	2
Mutual Aid Given - Oshtemo	6

Public Education	Adults & Children	
Car Seats	52	17
City Holiday Event	2,000	1,000
Public Relations	250	0
		Installed
Car Seats		45

Training	
Ice and Water Rescue	30
FireHouse Records Management	34
EMS Continuing Education	18
Hose Loads	35

December 2016 Significant Events

Officers were dispatched to a cellphone repair store after someone reported seeing three black males exit the business carrying boxes. Upon checking the business, officers found the front door unlocked and the store ransacked. Two other calls were received from a subject with the same voice but giving a different name, who said he had observed a vehicle with a gun shooting out the window. No shots were heard and no vehicle was located. The suspicious phone calls appeared to be some type of distraction by the caller. During the investigation, detectives determined that a former employee of the business was a suspect, and a search warrant was obtained for the suspect's residence. Upon conducting the search, detectives did not locate any of the stolen items, but did locate a stolen handgun, numerous types of illegal drugs, and what appeared to be a credit card cloning operation. The investigation continues.

Fire and police units were dispatched to a residential fire on Eckener. A police officer arriving on scene reported heavy fire with all occupants out of the structure. Fire crews were able to control the fire within twenty minutes. The three occupants of the home were treated and released by EMS personnel for smoke inhalation. Damage to the home and contents were estimated at \$150,000. The Fire Marshal determined the fire was caused by an electrical wire in a bedroom. A neighboring home sustained minor heat damage due to the fire.

The Communications Center received a call from a citizen who was watching three subjects burglarize parked vehicles in the parking lot of Southland Mall. Police units responded to the scene and located the subjects as they were entering a vehicle. The three subjects were Loy Norrix High School students who left during the lunch hour. All three admitted to participating in the vehicle entries.

The residents of an apartment complex reported leaving their residence while maintenance personnel repaired a heating problem. After returning to the apartment, the residents noticed some prescription pills were missing. Detectives installed covert cameras in the apartment, and the victims reported another maintenance issue to the apartment complex management. When the victims noticed more prescription pills missing, detectives reviewed the video and could see the maintenance employees removing the pills from a cabinet. The employees were arrested and charged with Larceny in a Building.

Employees of a convenience store, who live in a nearby mobile home park, heard an audible alarm at the convenience store and called the Portage Department of Public Safety. The employees walked over to the store and found the front door shattered. Surveillance video showed a male breaking out the glass with a propane bottle, walking around the counter, and filling a backpack with packages of cigarettes. Employees recognized the suspect as a subject who frequents the store. Officers contacted the suspect at his residence and found the backpack and stolen merchandise. The suspect was arrested for the burglary and an outstanding larceny warrant.

On December 19, the Communications Center received a report of a tractor trailer that had overturned on US-131 at I-94. Officers and firefighters arrived to find a 2005 Volvo tractor trailer, registered with a company from Flint, Michigan, overturned on the ramp from

northbound US-131 to westbound I-94. The male driver, a 53-year-old resident of Lapeer, Michigan, was uninjured. He had been driving northbound on US-131, attempted to turn onto the ramp, ran off the left edge of the roadway, and overturned. No other vehicles were involved. While investigating the accident, officers determined the driver was under the influence of alcohol, and he was arrested for operating while intoxicated. He was lodged at the Kalamazoo County Jail pending charges. A towing service removed the vehicle with heavy wreckers, and the roadway was reopened after approximately 3 ½ hours.

Fire units were dispatched to a structure fire on Barberry Avenue and found smoke and fire coming from the eaves on the rear of the structure above the kitchen. The fire was quickly extinguished with a single hand line. Extensive overhaul of the attic was completed. There were no injuries to residents or firefighters.

A pick-up truck ran a stop sign in the fog while heading east from Osterhout to Portage Road. The vehicle then crossed Portage Road and went into a ditch and into the woods immediately east of the intersection. The driver was still in the truck upon arrival of fire crews. The driver's door was blocked by a downed tree, and a chain saw was used to clear enough of the tree away to open the driver's door. Additional trees behind the vehicle were removed to make carrying the occupant up the embankment easier.



Fire units were dispatched to a production plant regarding a robotic welding arm that was smoldering. Smoke was in the building, and firefighters found an active fire in the filter unit for the robot. The plant was shut down for approximately two hours.



A contractor was replacing furnaces at Spring Manor when they hit a sprinkler head in a concealed space. This head was allowed to flow until fire crews arrived and shut down the system.

SPECIAL ACTIVITY

On December 6, the Portage Department of Public Safety participated in the “Shop with a Hero” event at the Meijer store located at 8850 Shaver Road. The program is organized by the Portage Community Center and sponsored by Meijer Stores, who provides gift cards to the children for their holiday shopping. A child can “shop with a hero” and purchase gifts for the child’s family. The gifts are then wrapped for them by local volunteers. The “heroes” come from local police, fire and emergency service agencies, and the military. Thirteen children participated in this year’s event.



On December 2, a “Swearing-in and Pinning Ceremony” was held in the Portage Council Chambers for Police Officer John Maney II.

RJW:JMH:jh

CITY OF PORTAGE

COMMUNICATION

TO: Laurence Shaffer, City Manager

DATE: January 13, 2017

FROM: Rod Russell, Director of Public Services



SUBJECT: Monthly Operations Report for December 2016

STREET MAINTENANCE ACTIVITIES

- Removed sand pile which had been dumped on South Westnedge Avenue
- Installed boulevard delineators on major streets
- Supported Transportation & Utilities Department by removing barrel of waste soil from Fire Training Facility
- Removed dumped mattress from Ashford Trail
- Continued with Schrier Park pavilion construction project
- Supported Traditional Holiday event on 12/3/16
- Continued to monitor construction of beaver dams in Oakland Drive swamp area
- Prepared all rental equipment used during Leaf Pickup Program for return to vendors
- Completed Fall Leaf Pickup program on 12/1/16 with 16,050 cubic yards of leaves collected
- Removed limbs from local streets that could damage snowplow trucks
- Removed limbs from city sidewalk locations that could damage equipment
- Installed turbidity fence along Oakland Drive swamp area south of Centre Avenue
- Prepared snowplowing fleet for winter maintenance requirements
- Helped with removal of leaves from parks system
- Unloaded truck load of new playground equipment for Parks & Recreation Department
- Removed 40.9 inches of snow from major/local streets, city owned sidewalks, park trails and cleared snow away from fire hydrants on major streets
- Added delineators to sidewalks and bikeways for winter snowplowing operations
- Replaced damaged and faded street signs
- Removed fallen trees from Eagle Harbor Avenue and Iowa Avenue
- Repaired 134 damaged mailboxes
- Supported Equipment Division with mechanic help on equipment issues
- Supported Equipment Division by installing metal storage racks in DPS garage
- Mixed salt with Boost liquid
- Mixed salt with sand for use on local streets
- Cleared snow off four bridge deck sidewalks
- Removed scrap metal from DPS facility
- Trimmed low branches in Dog Park area at South Westnedge Park
- Removed ice from DPS garage facility and grounds
- Repaired potholes on major and local streets

- Replaced burned out light bulbs in DPS garage facility
- Removed fallen tree from Indian Road
- Removed hanging limb at intersection of Flamingo Avenue and Palm Street
- Removed cul-de-sac snow
- Removed old water lines from DPS garage facility
- Installed WMU flags on South Westnedge Avenue
- Continued with removal of barbed wire fencing from Fire Training Center

Weekly Curbside Recycling Program - The following summarizes total weights of recyclable materials collected during the month of December 2016 as well as Fiscal Year-to-Date totals:

WEEKLY CURBSIDE RECYCLING PROGRAM COLLECTION SUMMARY
TOTAL WEIGHT OF RECYCLABLE MATERIALS COLLECTED

Date	Single Stream Recycling (tons)
December 2016	219.4
FY 2016-17	1,299.5

Note: There were 12 new requests for recycling service in the month of December.

PARKS MAINTENANCE ACTIVITIES

- Removed trash from park properties
- Prepared facilities for upcoming rentals
- Removed debris from trail system
- Repaired plumbing leaks in park facilities
- Repaired lighting issues in park facilities
- Removed leaves from the parks system
- Removed split rail fencing from Ramona Park
- Removed 40.9 inches of snow from parks, cemeteries, sidewalks, trails and City Centre
- Assisted Streets Division with removal of snow from major and local streets
- Installed ramps at Millennium Park Ice Rink
- Removed piles of snow from City Centre
- Repaired entrance gate at Schrier Park
- Replaced damaged park signs
- Removed hazardous icicles at Celery Flats Visitor's Center
- Supported two burials in city cemeteries
- Installed New Year's Eve ball at the ice rink
- Supported Traditional Holiday event on 12/3/16

FLEET & FACILITIES ACTIVITIES

The Fleet & Facilities Division generated 169 work orders for the month of December 2016. A total of \$14,871.87 was spent on billable labor hours while the parts costs were \$12,938.63. The outside contracted work was \$4,456.33.

December 2016	December 2015	
169	101	Work Orders
\$12,938.63	\$10,545.45	Parts Cost
\$14,871.87	\$11,863.88	Labor Cost
30	19	Preventative Maintenance (P.M.) Work Orders Completed
\$120.31	\$185.42	Average Cost per P.M
\$3,609.21	\$3,523.09	Total P.M. Cost
\$1,841.76	\$0.00	Contracted Repairs-Body & Painting
\$4,456.33	\$11,275.77	Contracted Repairs (Not Including Body & Paint)
\$13,875.92	\$14,022.43	Building Renovations

BUILDING MAINTENANCE

1. Custodial Operations
2. City Hall, Police, and Senior Center support services

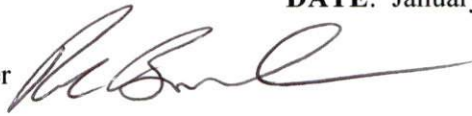
CITY OF PORTAGE

COMMUNICATION

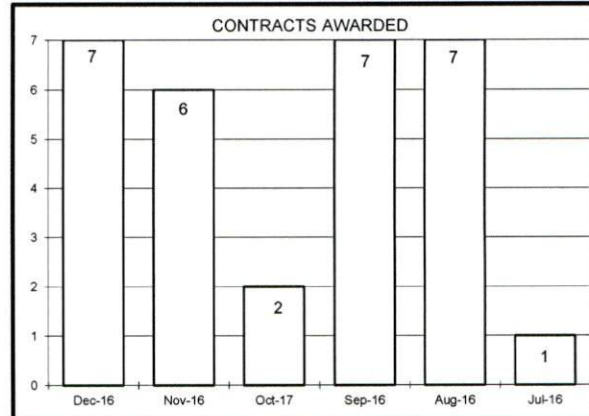
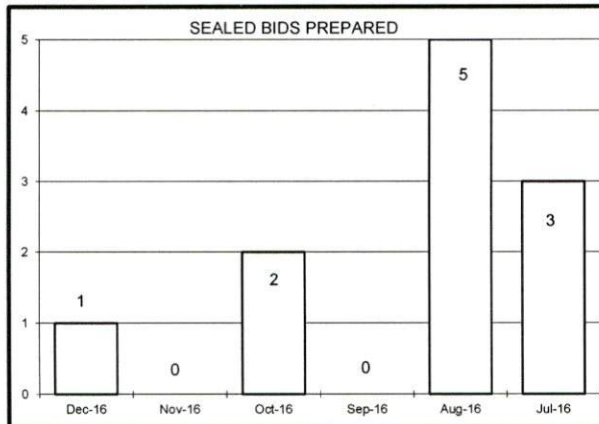
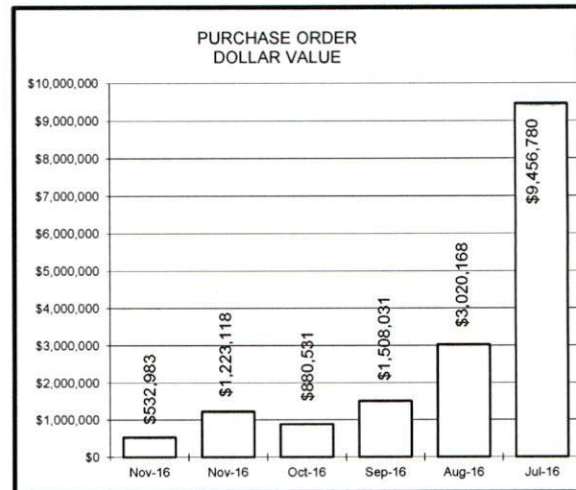
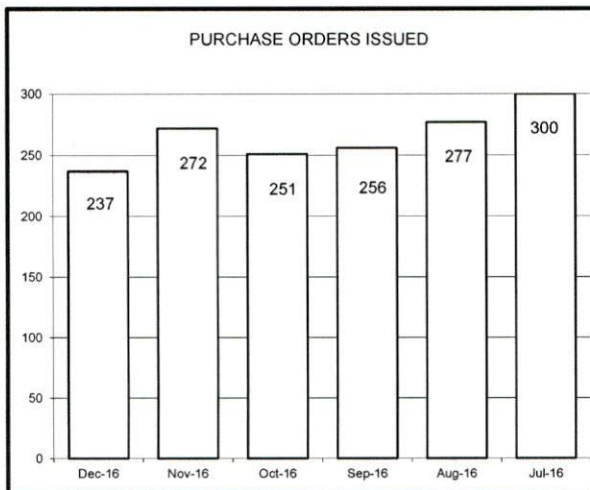
TO: Laurence Shaffer, City Manager

DATE: January 3, 2017

FROM: Rob Boulis, Deputy City Manager



SUBJECT: Purchasing Monthly Report - December 2016



SEALED BIDS OPENED / CONTRACTS AWARDED
 Comprehensive Janitorial Services
 Health Insurance - BCBSM
 Health Insurance - BCN
 Southwest Michigan First

SEALED BIDS PREPARED
 Professional Services - 2017 Local Street
 Reconstruction Project

- Five new claims were filed with MMRMA, three claims were settled.
- Purchasing staff added 11 new vendors to the purchasing software vendor file.

CITY OF PORTAGE

COMMUNICATION

TO: Laurence Shaffer, City Manager

DATE: January 13, 2017

FROM: Devin Mackinder, Director of Technology Services & Community Marketing



SUBJECT: Department Monthly Report – December, 2016

The following summarizes some of the public information and technology activities for the month of December.

Cable Access

Continued administration of the Cable Communications Franchise Agreement with Charter Communications, AT&T and the Cable Television Access Agreement with Public Media Network:

Significant Activities:

- Continued taping various special programs (HMP, PSI, Lunch & Learn, etc.)
- Continued working with Director Haasch on emergency broadcast protocols
- Continued working on new city marketing video materials
- Began working on the Comcast Uniform Video Franchise Service Agreement

Internet/Intranet Web Site

Continued with daily updates to city Internet and Intranet web sites as well as preparing for future updates and upgrades and compiling monthly statistics.

Significant Activities:

- Prepared a Council memorandum for selecting CivicPlus as the vendor of choice for the city websites rebuild project

Telecommunications

- Continued working on the Mobilitie ROW permit process
- Identified PROTEC and Grand Valley Metropolitan Council and Bloom, Slugget and Morgan attorneys as resources currently addressing new DAS and small cell permit applications received by municipalities which do not fall under the METRO Act perfectly.

Contract Administration

- No contracts this month.

Information Technology

Continued with several technology projects, supervising Technology Services Department staff and researching new technology opportunities that work toward city goals of providing efficient and cost-effective services.

Significant Activities:

- Continued working with the City of Kalamazoo new IT director on connecting fiber
- Continued PortageAlert mass notification system for emergency initiatives
- Continued development plan for new city website
- Continued investigating options for upgrading the decades-old multi-mode fiber ring
- Completed implementation of the ADP time and attendance system
- Continued researching various new technologies
- Continued researching posting live snow plow location tracking on the city website
- Began writing the Council memorandum for a citywide keyless entry and camera system project through EPS
- Set up a demo with the SeeClickFix system as a new Parks/Streets work order system
- Continued researching federal and state requirements for unmanned aircraft system
- Continued implementation of the Public Safety body worn cameras
- Worked with Consolidated Dispatch on installing new text-to-911 system

Marketing Activities

- Continued oversight and management of all city marketing activities
- Continued Branding support initiatives

CITY OF PORTAGE

COMMUNICATION

TO: Laurence Shaffer, City Manager

DATE: January 13, 2016

FROM: W. Christopher Barnes, Director of Transportation & Utilities 

SUBJECT: Transportation & Utilities Department Monthly Report for December 2016

The month of December 2016 was a busy month for both Transportation & Utilities staff and the Suez Environmental staff. In regards to the Suez Environmental operations, emphasis during the month continued to be directed at ensuring the various activities related to the utility operation were being completed professionally and in a manner to ensure that service levels committed under the Suez Environmental contract with the city are completed in a timely manner.

Major accomplishments involving the Suez operations during the month include:

1. Inspections continued on sewer lift stations and water wells. During the month of December, 488 inspections were made by Suez personnel.
2. Suez personnel received 51 customer service calls during December.
3. Suez personnel responded to 29 after-hour panel alarms as indicated on the SCADA control panel monitoring the city's water and sanitary sewer facilities.
4. Approximately 104 million gallons of water were produced/pumped during December. Production averaged around 3.4 million gallons of water per day during the month. Five hundred sixty water quality analyses were completed during the month.
5. Nine new meters were installed and 2 new service leads were required to be tapped during the month of December.
6. Miss Dig stakings were completed at 206 locations.
7. Five water main break occurred during the month at 530 East Centre Avenue, 1426 Woodland Drive, 7721 Pickering Avenue, 3218 Coachlite Avenue, and 6348 Westshire Street.
8. Suez personnel cleaned a total of 64,601 feet of sanitary sewer main and inspected and cleaned 302 manholes.

In the transportation and utility areas, the following activities in December were either completed or ongoing at month's end.

1. Review of new development plans from a transportation and utility standpoint continued during the month. Four development and building plans were reviewed.
2. The city and Suez Environmental are currently in the 5th year of a five-year contract renewal. On November 1, 2016 City Council awarded an additional 5 year contract extension through February 28, 2022. The Utility Contract Administrator was very busy overseeing the Suez Environmental operations, addressing customer concerns, inspecting public and private utility construction and inspecting city-owned stormwater and utility facilities. Recent focus by Suez has been sanitary sewer cleaning and water main repair.
3. The Traffic Engineering section was very active during the month of December investigating complaints/concerns regarding operation of traffic signals, performing traffic volume/accident analyses and reviewing new streetlight installations. Much effort was expended on the South Westnedge Avenue / Romence Road Safety project, and South Westnedge Avenue / Kilgore Road area. Work continued on a local street calming program and a collaborative sign policy with the Road Commission of Kalamazoo County and the City of Kalamazoo. The policy document was released for public comment in the October Portager. A follow up meeting with commenters is scheduled for January 23, 2017. A significant effort is underway to analyze traffic patterns on South Westnedge Avenue near Old Kilgore Road. Specifically, the evaluation of left turn traffic and potential future development. Holiday traffic counting and analysis is underway.
4. Beginning in 1994, the city has administered a Stormwater Retention Basin and Stormwater Outfall Testing and Monitoring. Annual results showed increasing groundwater table levels throughout the city along with stable storm water monitoring results. Report finalized and received in November 2013. Annual results indicate a 1 to 3 feet decrease in groundwater table since 2012, but generally a 6-inch increase due to recent rainfall. New “request for proposals” were solicited in February with proposals received on April 16, 2014. The low bid in the amount of \$22,756.04 for 2014 to 2018 was awarded to Nova Consultants on April 29, 2014. Sampling was completed in July and December. Recent water level results show the groundwater levels on the east side of the city reaching record 2009 levels in fall 2016 with levels in December falling approximately 6”.
5. City traffic signal maintenance is performed under contract to a specialized electrical traffic signal contractor. City staff initiated a new bid package for traffic maintenance with bids received July 23, 2015. Sole bid in the amount of \$176,300 submitted by Severance Electric. City Council approved on August 11, 2015. Severance Electric, Inc., began new contract on September 1, 2016. Recent work has focused on LED sign upgrades, illuminated sign replacements, and controller cleaning. The contractor replaced several older pedestrian signals at Portage/Bacon intersection with new countdown signals, and new controller at Constitution Boulevard and Mall drive.

Implementation of the Capital Improvement Construction Program was also an ongoing activity as the construction season was completed. Accomplishments during the month of December included the following:

1. In August 2015, the City Administration was awarded \$195,000 by the State of Michigan for the implementation of a Storm Water Basin Asset Plan. The plan will provide an assessment of the functionality and operation of the 73 city-maintained storm water basins. Engineer proposals were received on January 15, 2015. Nine proposals were received. After review, it was determined that three of the proposals best matched the needs of the city. Appointments were scheduled in March to interview the three firms and select the top proposal. On March 24, 2015 City Council awarded the contract to Hurley & Stewart, LLC, in the amount of \$209,000. Work is ongoing and final draft submitted in December for review.
2. The 2015 -16 Capital Improvement Program includes a project for a Local Street Neighborhood Calming Program. A budget of \$10,000 was established for professional services and the remaining \$15,000 will be used for implementation of the program. The city received letter proposals from six consulting firms on August 11, 2015 and has chosen to award the project to OHM in the amount of \$10,000 based on experience and their proposed approach to developing a project plan that will best meet the City's needs. Development of the program is underway. Draft Program complete.
3. The 2015-16 Capital Improvement Program includes the design and construction of new traffic signals and associated street improvements on West Centre Avenue at the intersections of Old Centre Road and Cooley Drive. Included in the project are modifications to the existing driveways on West Centre Avenue within the influence of the Greenspire Retail Drive/Cooley Drive intersection to promote use of the new protected left-turn phase at the traffic signal and limit left turns out of driveways close to the intersection. The project will consist of the minor turn lane construction, along with sidewalk modifications to meet Americans with Disability Act (ADA) requirements. On August 11, City Council awarded an engineering contract to Abonmarche Consultants, Inc., in the amount of \$75,160. Engineering is complete. Bids were received in July and August. City Council awarded contracts to Severance Electric Company on August 23, 2016 for \$446,967.80 (Cooley Drive) and \$294,965.33 (Old Centre). Preconstruction meeting held October 10, 2017 with construction underway, weather dependent.
4. The 2015-16 Capital Improvement Program includes the design and construction of new traffic signal equipment at South Westnedge Avenue and Kilgore Road and design work for the intersection of Portage Road and Lakeview Road. Proposals were received on September 10, 2015, with the low proposal of Abonmarche Consultants awarded a contract in the amount of \$46,835 on September 22, 2015. Engineering complete. Bidding opening held July 14, 2016. City Council awarded a contract to Severance Electric Company on August 23, 2016 in the amount of \$316,307.20. Preconstruction meeting held October 10, 2017. Construction is scheduled for spring 2017.
5. The 2015 - 2016 Capital Improvement Program was awarded on September 22, 2015 to include the traffic signal replacement at South Westnedge Avenue and Romence Road. As part of a federal safety program, \$261,000 of federal grant monies was secured for the project. On September 22, 2015, City Council awarded a contract to Abonmarche consultants in the amount of \$47,840 for engineering design and construction administration. Grade inspection completed for January 13, 2016 with MDOT. Bidding

set for October 2016. Low bid of \$356,695.06 submitted by Severance Electric Company. MDOT reviewing bids.

6. The 2014 – 2015 Capital Improvement Program includes a project to replace the 20” force main under US-131 from 12th Street to east of Angling Road. The force main has suffered several breakages and is nearing the end of its effective life. On March 30, 2016, an engineering contract was awarded to Prein & Newhof for design of the force main project. Under agreement with Texas Township, the township is responsible for approximately 94% of the project cost. Design is complete for a directional bore under the freeway. Bid opening held August 9, 2016. One bid received was substantially over the engineer’s estimation cost. Staff is in discussions with the contractor Texas Township and MDOT to identify cost saving measures. The project will be redesigned with construction alternatives and re-bid in January 2017.
7. The 2016-2017 Capital Improvement Program includes a project for reconstruction of Shaver Road from Vanderbilt Avenue to West Centre Avenue. The project also includes the replacement of existing cast iron water main. On September 6, 2016 City Council awarded engineering to OMM Engineering in the amount of \$145,600. Design engineering is complete. MDOT grade inspection held November 9, 2016. Project is scheduled for March 2017, bid letting by MDOT.
8. The 2016-2017 Capital Improvement Program includes projects in the Major Street Reconstruction Programs. These streets include:
 - a. Rockford Street, Schuring Road to Romence Road
 - b. Angling Road, Squire Heath Lane to Romence Road
 - c. Portage Road, Mandigo Avenue to Osterhout Avenue

On September 20, 2016 City Council awarded an engineering contract to Abonmarche consultants in the amount of \$260,600. Design engineering is underway. Angling Road includes the construction of sanitary sewer. Special Assessment process for Angling Road is scheduled to proceed through November and December 2016. Design work is underway.

9. The 2016-2017 Capital Improvement Program includes a project for construction of utilities at the following locations:
 - a. Mozart, Beethoven to North End (water)
 - b. Chopin, Mozart to West End (water)
 - c. Archwood/Cliffwood (water and sewer)

On September 20, 2016 City Council awarded an engineering contract to Midwest Civil Engineers in the amount of \$63,800. Design engineering is underway and the Special Assessment process is scheduled to proceed through November and December 2016. On December 6, 2016 the Archwood and Cliffwood Special Assessment Districts were not approved by City Council and the project was terminated. Chopin and Mozart’s projects are scheduled for addition on January 10, 2017.

10. Zylman Lift Station Rehabilitation

The 2015-16 Capital Improvement Program contains a project to replace the existing sanitary sewer lift station on Zylman Road to accommodate increased sewage flow in the area. On June 28, 2010 a contract was awarded to Balkema Excavating in the amount of \$477,325 for the project. Construction began November 5, 2016 and the new lift station is scheduled to be operational by January 20, 2017.