

7:30 p.m. Call to Order.

Invocation: Pastor Eric Giesow of Kalamazoo Valley Family Church.

Pledge of Allegiance.

Roll Call.

Proclamations:

1. Resolution of Respect for President John M. Dunn.

A. Approval of City Council Meeting Minutes.

1. Regular Meeting Minutes of January 24, 2017.
2. Pre-Council Meeting Minutes of February 13, 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 February 14, 2017 as presented.

D. Public Hearings:

E. Petitions and Statements of Citizens:

F. Reports from the Administration:

- * 1. Communication from the City Manager recommending that City Council approve the annual Microsoft licensing renewal fees with CDW-G at a total cost of \$50,388.13 and authorize the City Manager to execute all documents related to this action on behalf of the city.
- * 2. Communication from the City Manager recommending that City Council approve a *Performance Resolution for Governmental Agencies* for required permits to mow three Michigan Department of Transportation (MDOT) properties in the City of Portage.
- * 3. Communication from the City Manager recommending that City Council endorse a Local Grade Crossing Surface Program application to the Michigan Department of Transportation for the grade crossing at the Romence Road railroad crossing by the Grand Elk Railroad in the amount of \$51,036 and authorize the City Manager to execute all documents related to this matter on behalf of the city.
- * 4. Communication from the City Manager recommending that City Council establish April 18 and May 2, 2017, from 4:30 to 8:30 p.m. as the dates for review of the proposed Fiscal Year 2017-2018 Budget.
- 5. Communication from the City Manager recommending that City Council adopt the:
 1. Resolution of Support for the Kalamazoo County Brownfield Redevelopment Authority Brownfield Plan for Stryker Instruments; and approve the
 2. Brownfield Plan Development Agreement between the Kalamazoo County Brownfield Redevelopment Authority and City of Portage.
- 6. Communication from the City Manager recommending that City Council:
 1. accept the request from Stryker Instruments to create Industrial Development District No. 92 and the associated PA 198 Tax Abatement Application for a real and personal property tax abatement for 6520 Portage Road and;
 2. adopt Resolution No. 1-16 setting a public hearing on the creation of Industrial Development District No. 92 on February 28, 2017.

* 7. Communication from the City Manager recommending that City Council:

1. accept Rezoning Application #16/17-3 for first reading and set a public hearing for March 14, 2017, and;
2. subsequent to the public hearing, approve Rezoning Application #16/17-3 and rezone 715 West Osterhout Avenue from R-1C, one family residential, to PD, planned development.

* 8. Communication from the City Manager recommending that City Council approve the Final Plan for Portage Pediatric Dentistry at 3020 Old Centre Road.

* 9. Communication from the City Manager recommending that City Council adopt Resolution No. 4 for the Angling Road Sanitary Sewer Project #417-S, setting a public hearing on the Assessment Roll for February 28, 2017.

* 10. Communication from the City Manager recommending that City Council accept the follow-up report to the January 12, 2017 Committee of the Whole meeting concerning the Consolidated Dispatch millage.

* 11. Communication from the City Manager recommending that City Council change the meeting time for the remaining Pre-Council meetings for the 2017 calendar year to 8:00 a.m.

* 12. Communication from the City Manager recommending that City Council set Committee of the Whole meetings on April 10, September 12 and November 14, 2017.

G. Communications:

1. Mary Lou Campbell, 2628 Chopin Avenue.

H. Unfinished Business:

- * 1. 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.

* I. Minutes of Boards and Commissions Meetings:

1. Portage Youth Advisory Committee of January 9, 2017.
2. Human Services Board of January 19, 2017.
3. Planning Commission of January 19, 2017.

J. Council Committee Reports:

K. New Business:

L. Bid Tabulations:

M. Other City Matters:

1. Statements of Citizens.
2. From City Council and City Manager.

* 3. Reminder of Meetings:

- a. Wednesday, February 15, 2:30 p.m., Senior Citizen Advisory Board, Portage Senior Center.
- b. Wednesday, February 15, 5:00 p.m., Construction Board of Appeals, City Hall Room No. 1.
- c. Thursday, February 16, 7:00 p.m., District Library Board, Portage District Library.
- d. Thursday, February 16, 7:00 p.m., Planning Commission, Council Chambers.
- e. Thursday, February 23, 4:30 p.m., Public Media Network Board of Directors, 359 South Kalamazoo Mall, 3rd Floor, Epic Center, Kalamazoo.

N. Materials Transmitted.

- * 1. Materials Transmitted of January 24, 2017.

Adjournment.

Resolution of Respect

In Honor of President John M. Dunn for his 9 years of proactive and dedicated service to Western Michigan University, the County of Kalamazoo and the State of Michigan, and for being a worldwide Bronco Ambassador extraordinaire; and

WHEREAS, President Dunn became the eighth President of Western Michigan University in 2007, and has served with great distinction. He guided the University to be named one of the first “Tree Campuses” in the nation and one of Chronicle of Higher Education’s Best Colleges to Work For.

He established the Seita Scholars Program, which is the largest and most comprehensive college support program for former foster youth in the nation and has led to the establishment of Fostering Success Michigan as a state and national resource. He founded the WMU Homer Stryker M.D. School of Medicine, a community partnership funded by the largest gift in University history, a \$100 million gift from the Stryker family in 2011, as well as the gift that became the W.E. Upjohn M.D. Campus from MPI and Upjohn great grandson William U. Parfet, with its first class in 2014; and

WHEREAS, he presented WMU's first strategic plan adopted in 2012, which has since led to a new five-year iteration of the plan designed to keep the University moving forward as a learner-centered, discovery-driven and globally engaged university. He established a formal affiliation with the Thomas M. Cooley Law School in 2014 to form the WMU Cooley Law School, expanding opportunity on Cooley's four campuses and bringing first-year law classes to Kalamazoo in 2016. He fostered a minority enrollment increase of 5,043 students, with minority students now comprising more than 21 percent of the student body which is up from 10.2 percent in 2006-07; and

WHEREAS, WMU has been honored by Diversity in Higher Education Magazine for three consecutive years, and President Dunn was honored with the Magazine's "Giving Back" award in 2016. President Dunn was responsible for the construction of a new 230,000 square-foot, four-story, \$60 million structure, the sustainably designed Sangren Hall which is home to the College of Education and Human Development, and the Department of Sociology. He also expanded the Lee Honors College facility to accommodate dramatic increases to the size of the honors population which grew 56 % from 2010 to 2015 to a record of nearly 1,800 students; and

WHEREAS, President Dunn brought on campus the construction of the Zhang Legacy Collections Center, an \$8.3 million, 16,000-square-foot facility to house and organize the WMU Archives and Regional History Collections, and the expansion of WMU's national and international reputation in the area of sustainability, acknowledging WMU's commitment to energy savings, LEED certification for all new construction, solar arrays and EV charging. He also led the way for the construction of a new 67,000-square-foot, \$36 million Valley Dining Center to serve as a focal point for the Valley Residential Neighborhood on campus and offer nine restaurant-style venues, and the \$25 million renovation of Heritage Hall, the birthplace of WMU, returning the facility to use as an alumni center and a campus and community resource; and

WHEREAS, his perseverance resulted in a dramatic increase in service to veterans, with the 2009 establishment of an Office of Military and Veterans Affairs, the 2011 location of a VetSuccess On Campus Office at WMU leading to repeated national recognition for the University's commitment to student veterans and a ranking of 16th in the nation on *Military Times* “Best for Vets Colleges” list. His dedication resulted in an expansion of the International Community that included establishment of a WMU Confucius Institute, expanded relationships with such nations as Saudi Arabia, Brazil, the Dominican Republic and China, and the launch on campus of the Light Center for Chinese Studies (2011) and the Soga Japan Center (2014); and

WHEREAS, he expanded WMU facilities geographically, ranging from a new Metro Detroit location to expansion of aviation, health and human services programs and other academic offerings to Florida.

NOW, THEREFORE, on behalf of the City of Portage, I, Peter Strazdas, Mayor of Portage, do hereby recognize and thank President John M. Dunn for his many accomplishments and commitment to Western Michigan University and our community.

Peter Strazdas, Mayor, City of Portage

CITY COUNCIL MEETING MINUTES FROM JANUARY 24, 2017

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

At the request of Mayor Strazdas, Councilmember Urban gave an invocation and the City Council and the audience recited the Pledge of Allegiance.

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

APPROVAL OF MINUTES: Motion by Ansari, seconded by Reid, to approve the Special Meeting Minutes for Board and Commission Applicant Interviews of January 10, 2017 as presented. Upon a voice vote, motion carried 7 to 0.

Motion by Ford, seconded by Reid, to approve the Regular Meeting Minutes of January 10, 2017, as presented. Upon a voice vote, motion carried 7 to 0.

Motion by Randall, seconded by Ford, to approve the Committee of the Whole Work Session Meeting Minutes of January 12, 2017 as presented. Upon a voice vote, motion carried 7 to 0.

* **CONSENT AGENDA:** Mayor Strazdas asked Mayor Pro Tem Ansari to read the Consent Agenda. City Manager Shaffer asked that Item F.4, Abatement of Interior and Exterior Debris from Unsafe/Unfit Structure located at 3923 Florinda Avenue, be removed from the Consent Agenda. Councilmember Reid asked that Item F. 5, Uniform Video Services Local Franchise Agreement, be removed from the Consent Agenda. Motion by Reid, seconded by Randall, to approve the Consent Agenda Motions as amended. Upon a roll call vote, motion carried 7 to 0.

* **APPROVAL OF ACCOUNTS PAYABLE REGISTER OF JANUARY 24, 2017:** Motion by Reid, seconded by Randall, to approve the Accounts Payable Register of January 24, 2017, as presented. Upon a roll call vote, motion carried 7 to 0.

PUBLIC HEARINGS:

REZONING 16/17-2 (8546 SHIRLEY COURT) AND TENTATIVE PLAN AMENDMENT FOR GREENSPIRE PLANNED DEVELOPMENT: At the request of Mayor Strazdas and City Manager Shaffer, Chris Forth, Deputy Director of Planning, Development and Neighborhood Services, provided background information and the rationale for recommending approval on the proposed rezoning and Tentative Plan Amendment for Greenspire Planned Development. Councilmember Randall noted that the rezoning involved one parcel but queried about the neighboring parcels and whether the owners were aware of what is being proposed. Mr. Forth responded and indicated the ways in which neighboring properties have been notified and that no opposition has been registered. Mr. Greg Dobson of American Village Builders (the Applicant), 4200 West Centre Avenue, reviewed the various ways in which his company has consistently worked with neighboring properties to both benefit and limit development impact on these properties. Mr. Dobson provided insight into planned investment and reinvestment in the Greenspire development and also informed City Council of pending retail plans which are under development.

Motion by Reid, seconded by Ansari, to close the public hearing. Upon a voice vote, motion carried 7 to 0. Motion by Ford, seconded by Reid, to 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. Mayor Strazdas thanked

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American Village Builders for their work and quality development. Upon a roll call vote, motion carried 7 to 0.

REPORTS FROM THE ADMINISTRATION:

APPOINTMENT OF DIRECTOR OF TRANSPORTATION & UTILITIES: At the request of Mayor Strazdas, City Manager Shaffer reviewed the qualifications and rationale for his selection of Kendra Gwin as the Director of Transportation and Utilities. City Manager Shaffer also recognized and thanked the current Director of Transportation & Utilities, Chris Barnes, for his many years of service. Ms. Gwin spoke and thanked Mr. Barnes, Mr. Shaffer and City Council for their support and the opportunity. Ms. Gwin shared that it has been, and will continue to be, a privilege and a blessing to work for the City of Portage. Members of City Council expressed their support for Ms. Gwin in her new role and thanked Mr. Barnes for being a strong defender of the City and for his outstanding years of service. Motion by Randall, seconded by Reid, to confirm the appointment of Kendra Gwin as the Director of Transportation & Utilities, effective August 12, 2017. Upon a roll call vote, motion carried 7 to 0.

COMPREHENSIVE ANNUAL FINANCIAL REPORT FOR FISCAL YEAR ENDING JUNE 30, 2016: Mayor Strazdas deferred to City Manager Shaffer who asked Bill Furry, Finance Director, to review the Comprehensive Annual Financial Report (CAFR). Mr. Furry informed City Council that the annual audit was complete and pointed out that the 2015-2016 Budget finished with a deficit but reminded City Council that three million dollars was transferred out of the General Fund for local road projects and debt reduction. Mr. Furry stated that, even with this transfer factored in, the General Fund came out all right and should be in good shape for FY 2016-2017. Mr. Furry then introduced Ms. Jamie Rivette, representing the audit firm of Yeo & Yeo. Ms. Rivette provided a presentation on the audit results of the FY 2015-2016 budget and highlighted key aspects of the CAFR.

Mayor Strazdas thanked Ms. Rivette for her presentation and mentioned that we often hear and read about municipal employees embezzling funds or getting involved in a scam, he asked what type of assurances can be given that this has not and will not happen in Portage. Ms. Rivette stated that Yeo & Yeo reviewed internal controls and key transaction cycles from start to finish and that nothing was noted. She pointed out that, while they cannot review 100% of transactions, what was reviewed was found to be in good shape.

Motion by Ansari, seconded by Pearson, to accept the FY 2015-2016 audit and receive the Comprehensive Annual Financial Report for Fiscal Year Ending June 30, 2016.

Councilmember Pearson drew attention to the funding status of employee pensions and healthcare. He pointed out that the pension fund is 93% funded and retiree healthcare is 115% funded which stands in stark contrast to many communities in which these categories are woefully underfunded. Mayor Strazdas echoed Councilmember Pearson's comments and pointed out that the City long ago moved away from traditional pensions to employee-funded retirement plans. Upon a roll call vote, motion carried 7 to 0.

* **DONATION OF PROPERTY ON MARTIN LUTHER KING JR. DRIVE:** Motion by Reid, seconded by Randall, to 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. Upon a roll call vote, motion carried 7 to 0.

ABATEMENT OF INTERIOR AND EXTERIOR DEBRIS FROM UNSAFE/UNFIT STRUCTURE – 3923 FLORINDA AVENUE: City Manager Shaffer informed City Council that the property owner has taken action to abate the problems and is pledging to continue to address the situation. Mr. Shaffer stated that he would like to give the property owner another two weeks to work on the items identified in the report. He recommended that City Council hold off on taking action and

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that he would report back in two weeks with an update and recommended action. He expressed support for allowing the citizen, instead of the government, to address the problem. Motion by Pearson, seconded by Ansari, to postpone and table this item until the City Council meeting of February 14, 2017. Upon a roll call vote, motion carried 7 to 0.

UNIFORM VIDEO SERVICES LOCAL FRANCHISE AGREEMENT – COMCAST:

Councilmember Reid pointed out that the proposed Agreement indicates that Comcast will provide up to four Public, Education and Government channels but that the provider for the City of Portage, Public Media Network, has five such channels. Councilmember Reid inquired how this would work if only four of the five channels were carried by Comcast. Mr. Jeffrey Snyder of Comcast, residing at 3134 Chamberlin, Grand Rapids, stated that they are required to carry as many public access channels as the incumbent provider and, as a result, will carry all five channels. Motion by Reid, seconded by Ansari, to 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; adopt the Resolution Authorizing Franchise, and authorize the City Manager to execute all documents related to this action on behalf of the city. Upon a roll call vote, motion carried 7 to 0.

* **SCHOOL ELECTION CONSOLIDATION AGREEMENTS:** Motion by Reid, seconded by Randall, to authorize the City Clerk to sign the School Election Consolidation Agreements. Upon a roll call vote, motion carried 7 to 0.

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

COMMUNICATIONS:

ANNUAL UPDATE OF THE YOUTH ADVISORY COMMITTEE: At the invitation of Mayor Strazdas, Adam Herringa, staff liaison to the Youth Advisory Committee, introduced representatives of the Youth Advisory Committee, Lindy Nebiolo, Chairperson, William Chung, Vice-Chairperson and Cortney Chow, Secretary. The members of the Youth Advisory Committee provided City Council with an update on the committee's goals, objectives and activities. Mayor Strazdas thanked the youth for their hard work and dedication. Mayor Strazdas shared that he is encouraged by engagement of youth in the community and their determination to make a difference, especially as it relates to substance abuse in the community. Mayor Pro Tem Ansari expressed his support for working with the youth on an upcoming Respecting Diversity event.

Councilmember Reid asked for more information about the "social host ordinance" referenced by the youth in their report. Chairperson Nebiolo explained that a social host ordinance is an ordinance to specifically address such activities as the purchasing of alcohol for minors and providing a place for minors to gather where alcohol and other substances can be used.

Motion by Pearson, seconded by Reid, to receive the Annual Goals and Objectives Update of the Youth Advisory Committee. Upon a voice vote, motion carried 7 to 0.

UNFINISHED BUSINESS:

ANGLING ROAD SANITARY SEWER PROJECT #417-S: At the invitation of Mayor Strazdas, City Manager Shaffer provided an overview of public outreach efforts as it relates to this project. Mr. Shaffer then invited Chris Barnes, Director of Transportation and Utilities, to provide an update on the status of the special assessment process. Mr. Barnes highlighted efforts to engage residents in the project area and explained why, in his opinion, the project should move forward. Mr. Barnes shared with City Council that there are generally three factors taken into consideration when it comes to a sanitary sewer project. These factors include the age of existing septic systems,

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contamination of surface or underground water resources and the age of the road. Mr. Barnes stated that most septic systems for properties along Angling Road were initially installed in the 1960's and 1970's, that levels of nitrates in the water, while elevated, are still at acceptable levels and that the road is in poor condition. Mr. Barnes also highlight drainage, road shoulder and safety concerns with the existing roadway and explained that patching or resurfacing of the road would not address these concerns and would, in fact, exacerbate some of them.

Mayor Strazdas asked Mr. Barnes, in his opinion, for the danger of replacing the roadway but not including utilities. Mr. Barnes replied that eventually the roadway will have to be replaced and that there is never a good time to install utilities. Mr. Barnes opined that, when it comes to projects like this, the best time to do them is always yesterday. He continued by stating that when a septic system fails and there is no sanitary sewer available, the soonest sewer could be installed is, at minimum, a year away. He continued by stating that having sewer available is a tremendous advantage for a property owner and that, in the case of this project, there is no mandatory requirement for connection. The sewer would be in place if and when the homeowner needed it.

Councilmember Ansari inquired if there is a plan to install wider lanes on Angling Road. Mr. Barnes responded that there is no plan to widen lanes or reconstruct Angling Road if sewer is not a part of it.

City Manager Shaffer explained the cost breakdown of the project and that 18.3% of the cost would be assigned to property owners and over 80% to the City. Mr. Shaffer also explained that there are federal funds available for this project but, should the project not happen, the funding would not be available for patching or resurfacing.

Councilmember Pearson reviewed the issue of the response to survey cards sent out by the City to determine whether property owners were for or against the project. He shared that, citing the cards, a small majority of property owners seemed to be in favor of the project but that a survey turned in at the start of the meeting contained signatures of 33 people against the project. Mr. Pearson expressed concern about the differing numbers.

Councilmember Randall expressed her concern about the safety of the roadway, especially as it relates to road condition, shoulder width, road height and drainage issues. Councilmember Reid inquired as to the Pavement Surface and Evaluation Rating (PASER) for Angling Road. Mr. Barnes stated that it was rated a 3 (poor) on a scale of 1 to 10 with 10 being a brand new road.

Mr. Gary Taylor, 7642 Angling Road, presented City Council with a petition signed by property owners in opposition to the project. Mr. Taylor shared that he is speaking on behalf of the petitioners and that a majority of property owners would like the project halted. Mr. Taylor also expressed concern about excessive speeds on Angling Road and wondered when something would be done about it. Mr. Taylor shared that he would be in favor of resurfacing the road provided residents did not have to pay for it.

Councilmember Randall asked if, when residents signed the petition, they understood the project and that it would involve complete reconstruction. Mr. Taylor responded in the affirmative.

Mr. Barnes explained that resurfacing the roadway would be a Band-Aid approach that would last 10 years at the most because the pavement underneath is failing. He stated that reconstruction, on the other hand, would last at least 25 years and could address concerns related to shoulder width and drainage.

Councilmember Urban stated that, while he understands the concerns of residents, it is his belief that if the public were polled for support of any such improvement project, the majority would always be opposed primarily because of associated costs. Councilmember Urban pointed out the City Policy that utilities be installed whenever a street is reconstructed in an area unserved by either water or sewer. He also explained that Portage, being a young city, has many unserved areas and that there is never a good time to install sewer and/or water. Due to the condition of the street and the importance of the health and welfare of the greater community, Councilmember Urban emphasized that the time to act is now. Councilmember Ford concurred with Councilmember Urban and stated that the health and welfare of the residents and community must be taken into account.

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Mr. Alan Griffin, 7249 Angling Road, spoke in favor of the project and shared that his septic system is aging, pointed out the cost of replacing it, and the benefits of having a sewer to connect to. He also expressed frustration with existing drainage problems and the patchwork nature of the roadway.

Mr. Ken DeHann, 7024 Angling Road, spoke in opposition to the project stated that he has no need for a sanitary sewer system and that residents are opposed to it. He also wondered why, especially since the millage was passed to eliminate roadway special assessments, his road couldn't be reconstructed without having to have sewer installed as well. He continued by questioning the fairness of taxing residents for such a project as installing a sewer system when they don't need it.

Mr. Barnes explained the rationale and genesis of the policy to install utilities when a roadway is reconstructed. He also explained that, prior to passage of the millage in 2006, residents were assessed for both the cost of the roadway along with the cost of the sewer. Since passage of the millage, the former special assessment costs were cut in half. He also explained that, while not directly in front of his house, the community gets the benefit of the millage since residents drive down roads such as Constitution Boulevard and Martin Luther King Jr. Drive, both of which were recently reconstructed.

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.

Councilmember Randall explained that the City Council does listen to the concerns of residents and that there is a difference between reconstructing a small residential street such as Archwood and a road such as Angling. She continued by stating that Angling Road is similar to the recently completed reconstruction of Osterhout Avenue or South Shore Drive. Councilmember Randall continued by stating that part of living in a community is that the community bears the cost, even when there is not a perceived direct benefit and cited other road projects and schools as examples.

In response to a concern raised by Mayor Pro Tem Ansari, Mr. Barnes clarified that the project and related funding, including federal funding and special assessment funding, would only be available if the road, as is being proposed, is completely reconstructed.

Councilmember Reid emphasized the poor quality of the street and that the time to act is now, not to "push this down the road." Councilmember Pearson shared his support for engaging residents and making them part of the process. He then expressed the difficulty in voting for something knowing that residents are opposed. Councilmember Urban shared that, in the past, projects could be delayed, but only for so long until conditions got so bad that action had to be taken. Mayor Strazdas shared that although a majority of property owners are against it today, there is a benefit in having infrastructure available for tomorrow.

Upon a roll call vote, motion carried 7 to 0.

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

Portage Human Services Board of December 1, 2016, and January 5, 2017.

Portage Youth Advisory Committee of December 12, 2016.

Portage Planning Commission of January 5, 2017.

BID TABULATIONS:

*** DESIGN AND CONSTRUCTION ENGINEERING SERVICES FOR THE 2017 LOCAL STREETS RECONSTRUCTION PROJECT:** Motion by Reid, seconded by Randall, to 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. Upon a roll call vote, motion carried 7 to 0.

OTHER CITY MATTERS:

STATEMENTS OF CITY COUNCIL AND CITY MANAGER: Councilmember Ford congratulated Mr. Barnes on his retirement and Ms. Gwin on her promotion.

Councilmember Pearson stated that City Council has had several proposed sewer and water projects in recent weeks with three different outcomes. He continued by stating that City Council has had positive discussions on the topic of sewer and water and will continue to discuss and review to see if policy changes are needed. He closed by sharing his support for the recent City Council retreat and the discussions that occurred.

Councilmember Urban shared that discussions such as Angling Road are difficult to have and that many communities, particularly older communities, already have extensive utilities. He continued by sharing some of history of installation and connecting to the sewer system.

Councilmember Reid congratulated Ms. Gwin on her appointment and stated that, as it relates to sanitary sewer, education on such projects is a critical component. She continued by stating that there are many aspects of a project and that surveys are a piece of information that must be balanced with the needs of the community.

Councilmember Randall congratulated Mr. Barnes on his retirement and Ms. Gwin on her appointment. Councilmember Randall then shared some reflections on the City Council retreat. She stated that City Council reviewed accomplishments, opportunities for improvement and set high goals for the upcoming year. She echoed Councilmember Reid's sentiment that City Council does listen to residents but it can often be a difficult balance to assess the need of a resident or residents with the needs of the community. She thanked the Mayor for his leadership and the City Manager for all of the information provided at the retreat.

Mayor Pro Tem Ansari congratulated Mr. Barnes on his retirement and Ms. Gwin on her appointment. Mr. Ansari then reminded the community of the upcoming Respecting Diversity event.

Mayor Strazdas congratulated Mr. Barnes on his retirement and Ms. Gwin on her appointment. He then thanked Mr. Barnes for being willing to share his opinion and for his honesty and frankness. Mayor Strazdas then thanked City Council for an excellent retreat, for their camaraderie and for the ideas and goals for the coming year. He then congratulated City Council on its ability to work in a cooperative manner for the common good of the city. Mayor Strazdas concluded by sharing that he recently attended the presidential inauguration and "Michigan Ball" along with the Women's March on Washington.

MATERIALS TRANSMITTED:

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

ADJOURNMENT: Mayor Strazdas adjourned the meeting at 9:58 p.m.

Adam Herringa, Deputy City Clerk

***Indicates items included on the Consent Agenda.**

**MINUTES FROM THE SPECIAL PRE-MEETING
OF THE PORTAGE CITY COUNCIL
OF FEBRUARY 13, 2017**

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Mayor Pro Tem Nasim Ansari called the meeting to order at 9:00 a.m. The following Councilmembers were present: Councilmember Jim Pearson and Mayor Peter Strazdas were present via the conference phone line and Councilmember Patricia M. Randall joined the meeting via the conference phone line at 9:05 a.m. which established a quorum. Councilmembers Claudette Reid, Richard Ford and Terry Urban were absent with notice and excuse. Also in attendance were City Manager Larry Shaffer, Assistant to the City Manager Mary Beth Block and City Clerk James Hudson.

Mayor Pro Tem Ansari began reading the Agenda Outline to determine if there were any questions or concerns with the Agenda for February 14, 2017. City Manager Larry Shaffer explained that Items F.5, Brownfield Plan for Stryker Instruments, and F.6, Industrial Tax Abatement Application: Stryker Instruments (6520 Portage Road), were not on Consent because he considered them important enough that Council may wish to comment on them, and stressed that there is nothing controversial about either of them.

Councilmember Pearson asked Mayor Strazdas for a clarification regarding whether Council would wish to adopt a Resolution in support of the Consolidated Dispatch millage with regards to the January 12, 2017 Committee of the Whole Follow-up: Consolidated Dispatch, presented as Item F.10. Mayor Strazdas referred to the recent State Law and expressed his concern that elected officials cannot somehow support a millage. He pointed out that this is a tax, and not a millage, and asked Mr. Shaffer to have City Attorney Randy Brown distinguish the difference, if any. Councilmember Randall offered the suggestion to wait until Mr. Brown returns from his vacation and Mayor Strazdas concurred.

Mayor Strazdas reflected on the past practice of Council and inferred that City Council never adopted resolutions for wars, for political matters in Washington, D.C., federal policy matters, etc. He stated unless surrounding municipalities adopted resolutions together, the City of Portage stayed away from adopting such resolutions. He indicated he imparted this information to give Council guidance with regard to where resolutions may be considered appropriate for social issues or tax issues, for example.

Councilmember Pearson selected out the Resolution Against Human Trafficking as an exception to past practices and indicated his preference that Council follow policy on this particular matter. He explained that even though City Council has determined that the City has \$640,000 in savings in the budget that can be returned to Portage citizens, the City does not know the options or capabilities of the other jurisdictions in the area, and pointed out that the County Commission grappled with what to do here. He concluded that it is too early to even think about a Resolution without more information. Mayor Strazdas concurred and reviewed the process thus far.

Councilmember Pearson made the suggestion that individual Councilmembers can express his or her preference from the dais and recommended continuing that practice saying he was bothered by some of the wording contained in the resolution. Mayor Pro Tem Ansari concurred, but asked if he is suggesting that the resolution means that each Councilmember needs to endorse the tax or speak for or against it, and Councilmember Pearson answered in the affirmative. Mayor Strazdas asked Mr. Shaffer to share his thoughts with those Councilmembers who are not present.

In reference to Item F.12, 2017 Committee of the Whole Meetings, Councilmember Pearson indicated that he could understand setting the COW on April 10, 2017, but asked if there was something on the November 7, 2017 Election ballot regarding Marijuana, and Mr. Shaffer said he was not aware of such an issue. He reflected on information contained in the news that there was a possibility of a referendum regarding recreational Marijuana on the November 2018 Election ballot. He concluded that there would not be anything on the November 7, 2017 Election ballot regarding recreational Marijuana, and reminded Council of the December 2017 deadline for the Michigan Department of Licensing and Regulatory Affairs

(LARA) to promulgate regulations in relation to Medical Marijuana. Councilmember Pearson referred to the November 14, 2017 COW meeting on Marijuana and whether this was too soon after the November 7, 2017 Election, one week after the election, for a new Councilmember to be up to speed, for example.

In answer to Councilmember Pearson, Mr. Shaffer indicated that the COW meeting will take at least two hours depending upon the actions of LARA, and he mentioned that it appears that LARA may promulgate regulations prior to the deadline. He noted that once the regulations are promulgated, it makes sense to bring ordinances forward to Council, if Council is going to consider any of the five areas allowed by statute that will be regulated by LARA: cultivating, shipping, processing, testing and dispensing.

In answer to Councilmember Pearson regarding H.1, Unsafe/Unfit Structure – Order to Abate Debris at 3923 Florinda Avenue, Mr. Shaffer stated he called last week, expected real progress, City Inspections took photos on Friday, but there has been no real change; therefore, he indicated that he will advise Council to order this abatement because Mrs. Barbara Krauss has no ability to clean it up herself and needs assistance from outside. Councilmember Randall cited that her daughter attended the last meeting and left after Council deferred action. She then asked if Mrs. Krauss' daughter could be of any help and Mr. Shaffer answered in the negative. Mr. Shaffer said Police Chaplain Ken Hovencamp had people from his church come in to help who cleaned out two rooms and placed everything in the garage to be taken to the dump, but Mrs. Krauss brought most of the stuff back into the house that night. He indicated that this is a psychological affliction. He noted that he told Mrs. Krause that the last thing he wants is to do is be involved in her affairs. He said he told her that he would like to go in, get the house cleaned up, go away and leave her alone. He stressed his intent to be very respectful of Mrs. Krauss at the meeting, and prefers to be quiet about it, but is willing to share any information offline, if asked. He then provided a sampling of one of the conditions of the house when he disclosed that a dead and decomposed cat was found on the couch after it was cleared of debris.

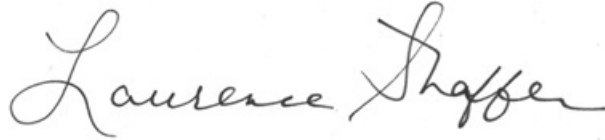
Councilmember Randall indicated that her cousin sits on a Board that deals with these matters in Grand Rapids and asked if Kalamazoo has anything that would deal with situations such as this. Mr. Shaffer said he was not aware of any, but would be happy to research it. Mayor Strazdas expressed his frustration that there is nothing else Council can do at this point except follow the ordinance. Mr. Shaffer concurred and wanted Council to know that staff has dealt with Mrs. Krauss as respectfully and considerately as possible, but he sees no other option except to intercede at this juncture. In response to Mayor Pro Tem Ansari, Mr. Shaffer indicated he would research staff conversations with the daughter of Mrs. Krauss and reemphasized his willingness to resolve this matter amicably.

ADJOURN: Mayor Pro Tem Ansari adjourned the meeting at 9:18 a.m.

James Hudson, City Clerk

TO: Honorable Mayor and City Council

FROM: Laurence Shaffer, City Manager



SUBJECT: Accounts Payable Register

SUPPORTING PERSONNEL: William Furry, Director of Finance

ACTION RECOMMENDED: That City Council approve the Accounts Payable Register of February 14, 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 January 1, 2017 through January 29, 2017 and notes \$631,653.15 in automated clearing house payments, \$2,129,222.79 in paper checks and \$106,904.71 in auto-pay payments for a grand total of \$2,867,780.65.

FUNDING: N/A

Attachments: 1. AP Register 2/14/17

ACCOUNTS PAYABLE REGISTER
Check Dates From: 1/1/2017 To: 1/29/2017

Check Date	Check	Vendor Name	Description	Amount
Check Type: ACH Transaction				
01/13/2017	6185(A)	A NEW LEAF	PLANT CARE FOR CITY	85.00
01/13/2017	6186(A)	A-1 SIGNS	PARK RANGER PATCHES	707.25
01/13/2017	6187(A)	ABONMARCHE CONSULTANTS, INC	ENGINEERING SERVICES	797.50
01/13/2017	6188(A)	ACCESS EMPLOYER STAFFING SERVICES	TEMP SERVICES	11,745.26
01/13/2017	6189(A)	ALL CITY MANAGEMENT SERVICES, INC.	CROSSING GUARDS	5,296.86
01/13/2017	6190(A)	ALL-PHASE ELECTRIC SUPPLY CO.	LIGHTING SUPPLIES	418.26
01/13/2017	6191(A)	ANALYTICAL TESTING & CONSULTIN	LEAD TESTING	450.00
01/13/2017	6192(A)	ANIMAL REMOVAL SERVICE, LLC	ANIMAL REMOVAL	1,090.00
01/13/2017	6193(A)	APOLLO FIRE EQUIPMENT COMPANY	FIRE EQUIPMENT	3,880.51
01/13/2017	6194(A)	ARGUS-HAZCO	FIRE SUPPRESSION	120.00
01/13/2017	6195(A)	ARROW UNIFORM RENTAL	ENTRY RUG RENTAL	45.70
01/13/2017	6196(A)	ASSOCIATED GOVERNMENT SERVICES INC	TEMP SERVICES	6,450.00
01/13/2017	6197(A)	BLUESTONE PSYCH	POST COE EVALUATION	465.00
01/13/2017	6198(A)	C C G SYSTEMS, INC.	SOFTWARE SUPPORT	5,463.64
01/13/2017	6199(A)	C C I SOUTH, INC.	TELEPHONE REPAIRS	97.00
01/13/2017	6200(A)	C T S TELECOM, INC.	TELEPHONE SERVICE	2,922.52
01/13/2017	6201(A)	CHARTER COMMUNICATIONS	CABLE TV SERVICE	629.28
01/13/2017	6202(A)	DATA CONSTRUCTS LLC	WEBSITE SERVICES	97.95
01/13/2017	6203(A)	DOUGLASS SAFETY SYSTEMS LLC	TECHNOLOGY SERVICE	59.79
01/13/2017	6204(A)	FISHBECK THOMPSON CARR & HUBER, INC	FIRE FLOW STUDY	1,061.80
01/13/2017	6205(A)	FURRY, WILLIAM	EMPLOYEE REIMBURSEMENT	147.00
01/13/2017	6206(A)	GLOBAL EQUIPMENT CO., INC.	ATTACHMENT STORAGE	435.46
01/13/2017	6207(A)	GLOBAL TELEMATIC SOLUTIONS LLC	GTS MONTHLY SUBSCRIP	625.00
01/13/2017	6208(A)	GRIFFIN PEST SOLUTIONS, INC.	PEST CONTROL	55.00
01/13/2017	6209(A)	HARTFORD LIFE INSURANCE COMPANY	LIFE INSURANCE	8,699.46
01/13/2017	6210(A)	HURST MECHANICAL, INC.	TRANE UNIT SERVICE	11,902.05
01/13/2017	6211(A)	INDUSCO SUPPLY CO., INC.	PAPER SUPPLIES	195.17
01/13/2017	6212(A)	JAROTH, INC	PAY PHONES	303.00
01/13/2017	6213(A)	KUSHNER & COMPANY, INC.	COBRA FEES	278.32
01/13/2017	6214(A)	LAKE MICHIGAN MAILERS, INC.	BAR CODING SERVICE	55.00
01/13/2017	6215(A)	LAND & RESOURCE ENGINEERING, INC	ENGINEERING SERVICES	460.00

ACCOUNTS PAYABLE REGISTER
Check Dates From: 1/1/2017 To: 1/29/2017

Check Date	Check	Vendor Name	Description	Amount
01/13/2017	6216(A)	LOWE'S HOME CENTER	OPERATING SUPPLIES	118.64
01/13/2017	6217(A)	MATERIALS RESOURCES	UNIFORM COSTS	1,134.00
01/13/2017	6218(A)	MAURER'S TEXTILE RENTAL SERVICES	UNIFORM RENTALS	317.46
01/13/2017	6219(A)	MEEKHOF TIRE SALES & SERVICE INC.	TIRE SUPPLIES	1,084.92
01/13/2017	6220(A)	MEJEUR ELECTRIC LLC	DPS LIGHT REPAIRS	852.50
01/13/2017	6221(A)	MICHIGAN PAVING & MATERIALS CO.	E. OSTERHOUT AVENUE	79,431.47
01/13/2017	6222(A)	MIDWEST CIVIL ENGINEERS	ENGINEERING SERVICES	6,805.00
01/13/2017	6223(A)	NEW FRESH CLEANING SERVICE	CLEANING SERVICES	147.50
01/13/2017	6224(A)	O'BOYLE-COLWELL-BLALOCK & AS.	DESIGN SERVICES	1,957.50
01/13/2017	6225(A)	PCM SALES, INC.	NETWORK MAINTENANCE	44,039.80
01/13/2017	6226(A)	PECKELS, CHRISTINE	SR CENTER INSTRUCTION	240.00
01/13/2017	6227(A)	PEOPLEFACTS, LLC 740303	CREDIT CHECK REPORTS	16.67
01/13/2017	6228(A)	PETERS CONSTRUCTION CO.	CONCRETE WORK	7,553.00
01/13/2017	6229(A)	POWERDMS, INC.	MANUALS	850.00
01/13/2017	6230(A)	RIDGE AUTO NAPA	VEHICLE SUPPLIES	1,221.46
01/13/2017	6232(A)	ROE-COMM, INC.	OPERATING SUPPLIES	350.00
01/13/2017	6233(A)	S B F ENTERPRISES, INC.	PRINTING SERVICES	1,583.80
01/13/2017	6234(A)	SECANT TECHNOLOGIES	CABLE MOVE - COUNCIL	97.50
01/13/2017	6235(A)	SIMPLIFILE LLC	DOCUMENT RECORDING	231.00
01/13/2017	6236(A)	SUEZ WATER ENVIRONMENTAL SERVICES	UTILITY OPERATIONS	167,775.40
01/13/2017	6237(A)	TECHNOLOGY SOLUTIONS	VIDEO SERVICES	85.00
01/13/2017	6238(A)	TYLER TECHNOLOGIES, INC.	SOFTWARE SERVICES	2,242.48
01/13/2017	6239(A)	VANDERVEEN, LAUREN	WEB-BASED TRNG	129.25
01/13/2017	6240(A)	WESTERN MICHIGAN INT'L TRUCKS	MAINTENANCE SUPPLIES	29.38
01/13/2017	6241(A)	WOLVERINE LAWN SERVICE, INC.	SNOW REMOVAL SERVICE	4,656.12
01/13/2017	6242(A)	WOOD PLUMBING LLC, D	BACKFLOW REPAIR	357.26
01/27/2017	6243(A)	ABONMARCHE CONSULTANTS, INC	ENGINEERING SERVICES	23,809.17
01/27/2017	6244(A)	ACCESS EMPLOYER STAFFING SERVICES	TEMPORARY EMPLOYEES	9,138.50
01/27/2017	6245(A)	AIRGAS GREAT LAKES	CYLINDER RENTALS	175.90
01/27/2017	6246(A)	ALL-PHASE ELECTRIC SUPPLY CO.	LIGHTING SUPPLIES	163.20
01/27/2017	6247(A)	ANIMAL REMOVAL SERVICE, LLC	ANIMAL REMOVAL	770.00
01/27/2017	6248(A)	APOLLO FIRE APPARATUS REPAIR	FIRE APPARATUS MAINT	29.20

ACCOUNTS PAYABLE REGISTER
Check Dates From: 1/1/2017 To: 1/29/2017

Check Date	Check	Vendor Name	Description	Amount
01/27/2017	6249(A)	ARROW UNIFORM RENTAL	ENTRY RUG RENTAL	45.70
01/27/2017	6250(A)	BCHS-HELPNET	EMPLOYEE SERVICES	1,349.07
01/27/2017	6251(A)	BILL'S LOCK SHOP, INC.	LOCK REPAIRS	190.00
01/27/2017	6252(A)	BLUE CARE NETWORK-GREAT LAKES	HEALTH CARE SERVICES	73,604.74
01/27/2017	6253(A)	C D W GOVERNMENT, INC.	WIRELESS AP UPGRADE	1,518.00
01/27/2017	6254(A)	CARRIER & GABLE	TRAFFIC CAMERA	3,325.00
01/27/2017	6255(A)	CLEAN EARTH ENVIRONMENTAL SERV	ENVIRONMENTAL SERV	460.00
01/27/2017	6256(A)	CONTINENTAL LINEN SERVICES	MAT SERVICE	59.11
01/27/2017	6257(A)	DELTA DENTAL PLAN OF MICHIGAN	DENTAL HEALTH CARE	18,132.95
01/27/2017	6258(A)	ENGINEERED PROTECTION SYSTEMS, INC.	VIDEO SERVICE	225.00
01/27/2017	6259(A)	EXTREME POWER EQUIPMENT, INC.	EQUIPMENT REPAIR	215.96
01/27/2017	6260(A)	GORDON WATER SYSTEMS	WATER SERVICE	22.25
01/27/2017	6261(A)	GREAT LAKES CHLORIDE, INC.	LIQUID DEICER	5,490.50
01/27/2017	6262(A)	GRIFFIN PEST SOLUTIONS, INC.	PEST TREATMENT	322.00
01/27/2017	6263(A)	GRYPHON PLACE	16/17 HPS PAYMENT	1,250.00
01/27/2017	6264(A)	HURLEY & STEWART, LLC	STORMWATER ASSET MGT	18,988.79
01/27/2017	6265(A)	HYDRO-CHEM SYSTEMS, INC.	DEGREASER & CLEANER	2,403.12
01/27/2017	6266(A)	INDUSCO SUPPLY CO., INC.	PAPER PRODUCTS	193.09
01/27/2017	6267(A)	INTERNATIONAL CODE COUNCIL, INC	MEMBERSHIP FEES	135.00
01/27/2017	6268(A)	IP CONSULTING, INC.	CISCO LICENSE RENEW	69.01
01/27/2017	6269(A)	KENDALL ELECTRIC, INC.	BUILDING MAINTENANCE	3,066.86
01/27/2017	6270(A)	KUIPER BUILDING SERVICES, LLC	CDBG - 9624 SPRINKLE	1,150.00
01/27/2017	6271(A)	LACOSTA FACILITY SUPPORT SERVICES	JANITORIAL SERVICES	1,890.48
01/27/2017	6272(A)	LAND & RESOURCE ENGINEERING, INC	ENGINEERING SERVICES	3,961.01
01/27/2017	6273(A)	LAWSON PRODUCTS, INC	MAINTENANCE SUPPLIES	1,224.45
01/27/2017	6274(A)	MATERIALS RESOURCES	OPERATING SUPPLIES	363.12
01/27/2017	6275(A)	MAURER'S TEXTILE RENTAL SERVICES	UNIFORM RENTALS	479.89
01/27/2017	6277(A)	MEEKHOF TIRE SALES & SERVICE INC.	UNIT SERVICES	698.60
01/27/2017	6278(A)	MEJEUR ELECTRIC LLC	WIFI ACCESS POINTS	790.00
01/27/2017	6279(A)	MIDWEST CIVIL ENGINEERS	ENGINEERING SERVICES	4,667.50
01/27/2017	6280(A)	NEW FRESH CLEANING SERVICE	JANITORIAL SERVICES	784.00
01/27/2017	6281(A)	NORMAN CAMERA CO.	OPERATING SUPPLIES	2,817.33

ACCOUNTS PAYABLE REGISTER
Check Dates From: 1/1/2017 To: 1/29/2017

Check Date	Check	Vendor Name	Description	Amount
01/27/2017	6282(A)	O'BOYLE-COLWELL-BLALOCK & AS.	PROFESSIONAL DESIGN	3,555.00
01/27/2017	6283(A)	PARADIGM DESIGN, INC.	PROFESSIONAL SERVICE	2,950.00
01/27/2017	6284(A)	PCM SALES, INC.	PHONE HEADSET	218.28
01/27/2017	6285(A)	PORTAGE FIREFIGHTERS	IAFF DUES JAN	1,726.08
01/27/2017	6286(A)	PORTAGE ON-CALL FIREFIGHTERS	ON CALL FF DUES JAN	80.00
01/27/2017	6287(A)	PORTAGE POLICE OFFICERS ASSOC	PPOA DUES JAN	756.00
01/27/2017	6288(A)	PREIN & NEWHOF	ENGINEERING SERVICE	1,974.00
01/27/2017	6289(A)	PRINTEK, INC.	PRINTER PAPER	630.62
01/27/2017	6290(A)	QUADRANT II MARKETING, LLC	FEB MARCH NEWSLETTER	2,153.40
01/27/2017	6291(A)	R P M MACHINERY, LLC	HVAC REPAIRS	953.74
01/27/2017	6292(A)	RIDDERMAN & SONS OIL CO. INC.	DIESEL FUEL	17,658.76
01/27/2017	6293(A)	RIETH-RILEY CONSTRUCTION CO., INC	COLD PATCH	324.20
01/27/2017	6294(A)	ROAD EQUIPMENT PARTS CENTER	MAINTENANCE SERVICE	3,550.85
01/27/2017	6295(A)	SEVERANCE ELECTRIC COMPANY, INC	TRAFFIC SIGNAL MAINT	7,134.11
01/27/2017	6296(A)	SIMMONS FORD	REPAIR MAINTENANCE	27.31
01/27/2017	6297(A)	SNELL, DEBRA	SR CENTER INSTRUCTION	216.00
01/27/2017	6298(A)	TOO CLEAN JANITORIAL	JANITORIAL SERVICES	520.00
01/27/2017	6299(A)	TYLER TECHNOLOGIES, INC.	EMPLOYEE TRAINING	850.00
01/27/2017	6300(A)	U S LAWNS- KALAMAZOO	CITY ORDINANCE MOWING	384.66
01/27/2017	6301(A)	UNITED AUTO WORKERS 2290	UAW DUES JAN	601.84
01/27/2017	6302(A)	VANCE OUTDOORS, INC.	TRAINING/EDUC-POLICE	1,000.95
01/27/2017	6303(A)	VANDERVEEN, LAUREN	WEB-BASED TRNG	184.00
01/27/2017	6304(A)	VISION SERVICE PLAN (OH)	VISION SERVICE PLAN	2,184.72
01/27/2017	6305(A)	W W GRAINGER INC	ICE CLEATS	252.24
01/27/2017	6306(A)	WARNER NORCROSS & JUDD LLP	ATTORNEY SERVICES	3,975.00
01/27/2017	6307(A)	WEST MICHIGAN STAMP & SEAL, INC	OFFICE SUPPLIES	29.75
01/27/2017	6308(A)	WOLVERINE LAWN SERVICE, INC.	SNOW REMOVAL SERVICE	654.00
01/27/2017	6309(A)	WOLVERINE POWER SYSTEMS	BACKUP GENERATOR	587.46
01/27/2017	6310(A)	WRAPS N SIGNS	SIGNAGE SERVICES	3,040.00
01/27/2017	6311(A)	XEROX CORPORATION	MAINTENANCE AGRMNT	1,155.79
			ACH PAYMENTS SUBTOTAL:	631,653.15

ACCOUNTS PAYABLE REGISTER
Check Dates From: 1/1/2017 To: 1/29/2017

Check Date	Check	Vendor Name	Description	Amount
Check Type: Paper Check				
01/03/2017	301026	TYLER HOME IMPROVEMENTS	CDBG - 5723 MT. VERN	5,910.00
01/04/2017	301027	ERVIN, MATTHEW	DJ SERVICE SKATE EVE	250.00
01/11/2017	301028	BLISS, STEVEN J	RETURN OF FORFEITURE	2,200.00
01/13/2017	301029	A T & T	TELEPHONE SERVICES	2,613.44
01/13/2017	301030	ADP, INC.	PAYROLL PROCESSING	945.96
01/13/2017	301031	ALLEGRA PRINT & IMAGING	PRINTING SERVICES	1,677.23
01/13/2017	301032	AMERICAN VILLAGE BUILDERS	BOND REFUND	750.00
01/13/2017	301033	ANTONIOTTI CHIROPRACTIC, LLC	HMP EDUCATION	250.00
01/13/2017	301034	APCO INTERNATIONAL	EMP TRNG - JOHNSON	199.00
01/13/2017	301035	APCO INTERNATIONAL	EMP TRNG - KELLEY-GIEBER	199.00
01/13/2017	301036	ATTORNEY'S TITLE AGENCY	REFUND FINAL UB	131.11
01/13/2017	301037	AUTOMATIC MICROFILM CO.	RECORDS FILMING	24.75
01/13/2017	301038	BESCO WATER TREATMENT, INC.	WATER SERVICE	88.75
01/13/2017	301039	BEST WAY DISPOSAL, INC.	CURBSIDE RECYCLING	44,991.54
01/13/2017	301040	BLACKBERRY SYSTEMS, INC.	CDBG - 2503 ROMENCE	4,729.48
01/13/2017	301041	BUILDERS LICENSE TRAINING	EMPLOYEE TRAINING	38.00
01/13/2017	301042	BYCE & ASSOCIATES, INC.	ARCHITECTURAL STUDY	7,100.00
01/13/2017	301043	CAMPBELL AUTO SUPPLY	VEHICLE REPAIR/MAINT	12.82
01/13/2017	301044	CANTEEN SERVICES	CONCESSION SUPPLIES	324.00
01/13/2017	301045	CAREERTRACK	HUMAN RESOURCES TRNG	149.00
01/13/2017	301046	CARTRIDGE WORLD	PRINTER	2,413.05
01/13/2017	301047	CENTER FOR PUBLIC SAFETY EXCELLENCE	EMPLOYEE TRAINING	1,210.00
01/13/2017	301048	CENTER FOR PUBLIC SAFETY EXCELLENCE	EMPLOYEE TRAINING	124.95
01/13/2017	301049	CEREAL CITY WINDOW CLEANING	WINDOW CLEANING	170.00
01/13/2017	301050	CHICAGO TITLE OF MICHGAN	REFUND OVERPAYMENT	118.85
01/13/2017	301051	CITY OF KALAMAZOO TREASURER	SANITARY SEWER FEES	274,083.82
01/13/2017	301052	CLEAR CHANNEL AIRPORTS	ADVERTISING	888.00
01/13/2017	301053	CONSUMERS ENERGY	STREETLIGHTS DEC	34,608.02
01/13/2017	301054	COSTAR REALTY INFORMATION, INC.	REALTY SALES INF	307.95
01/13/2017	301055	D L GALLIVAN INC.	COPY MACHINE CHARGES	209.61
01/13/2017	301056	DATA STRATEGY LLC	ROUTER LICENSE	2,141.90

ACCOUNTS PAYABLE REGISTER
Check Dates From: 1/1/2017 To: 1/29/2017

Check Date	Check	Vendor Name	Description	Amount
01/13/2017	301057	DEGRAFF, JOAN	PARK DEPOSIT REFUND	150.00
01/13/2017	301058	DEREK HENSON	MEMBERSHIP DUES	116.00
01/13/2017	301059	DEVON TITLE AGENCY	UTILITY OVERPAYMENT	47.34
01/13/2017	301060	ED & TED'S EXCELLENT ADVENTURES	SENIOR TRIP PAYMENT	1,532.00
01/13/2017	301061	EMERGENCY VEHICLE PRODUCTS	VEHICLE REPAIR	82.96
01/13/2017	301062	EMERSON NETWORK POWER, LIEBERT SVCS	SERVICE MAINTENANCE	2,575.00
01/13/2017	301063	ENGINEERED PROTECTION SYSTEMS, INC.	SERVICE MAINTENANCE	60.00
01/13/2017	301064	FIRST IMAGE	UNIFORMS-POLICE	720.50
01/13/2017	301065	FUN SERVICES	PARKS SUPPLIES	1,001.00
01/13/2017	301066	GANDER MOUNTAIN	WADERS	569.97
01/13/2017	301067	GORDON WATER SYSTEMS	WATER COOLER RENTAL	61.25
01/13/2017	301068	GOSS, RICHARD	PARK DEPOSIT REFUND	150.00
01/13/2017	301069	GRIFFIN PEST SOLUTIONS, INC.	PEST CONTROL	32.00
01/13/2017	301070	HOME DEPOT	MAINTENANCE SUPPLIES	321.57
01/13/2017	301071	HOWARD PRINTING	PORTAGER EXPENSES	3,101.20
01/13/2017	301072	HSBC BANK USA	TAX OVERPAYMENT	1,800.03
01/13/2017	301073	I A C P N E T	NET SERVICE ACCESS	1,225.00
01/13/2017	301074	INTEGRATED WEED CONTROL	PEST CONTROL	500.00
01/13/2017	301075	J & B PROFESSIONAL TREE SERVIC	TREE SERVICES	16,250.00
01/13/2017	301076	JAYBEE SIGNS	VEHICLE STRIPING	1,000.00
01/13/2017	301077	KAL COUNTY FIRE CHIEFS ASSOC.	IBC MEANS OF EGRESS	100.00
01/13/2017	301078	KAL COUNTY FIRE CHIEFS ASSOC.	KCFCA WINTER SEMINAR	500.00
01/13/2017	301079	KALAMAZOO AREA TRANSPORTATION STUDY	2017 KATS MEMBERSHIP	2,566.00
01/13/2017	301080	KALAMAZOO GAZETTE	SUBSCRIPTION RENEWAL	51.60
01/13/2017	301081	KAR LABORATORIES	WATER ANALYSIS	20.00
01/13/2017	301082	KATRUE, SRIKANTHA	SCHRIER PARK REFUND	500.00
01/13/2017	301083	KECK, PAT	CHAIR YOGA REFUND	42.00
01/13/2017	301084	KERR PUMP AND SUPPLY INC.	PUMP WOODHAMS	3,045.00
01/13/2017	301085	KLOSTERMAN DISTRIBUTING	MPRI CONCESSION SUPP	600.54
01/13/2017	301086	KUIPER BROTHERS MOVING INC.	STORAGE RENTAL FOR S	188.00
01/13/2017	301087	LERETA	TAX REFUND	343.92
01/13/2017	301088	MACNLOW ASSOCIATES	EMP TRNG - GRAY	699.00

ACCOUNTS PAYABLE REGISTER
Check Dates From: 1/1/2017 To: 1/29/2017

Check Date	Check	Vendor Name	Description	Amount
01/13/2017	301089	MACNLOW ASSOCIATES	EMP TRNG - SOENEN	699.00
01/13/2017	301090	MCDONALD'S TOWING & RESCUE, INC.	TOWING SERVICES	240.00
01/13/2017	301091	MCNALLY ELEVATOR CO.	BLDG REPAIR/MAINT	126.15
01/13/2017	301092	MEDIOLODGE OF PORTAGE	DINNER SERIES-75 LUNCHES	262.50
01/13/2017	301093	MERITAGE HOSPITALITY GROUP	BOND REFUND	330.00
01/13/2017	301094	MICH MUNICIPAL POLICE & FIRE REPAIR	VEHICLE REPAIR	498.09
01/13/2017	301095	MICHIGAN MUNICIPAL LEAGUE	EMPLOYMENT AD	80.20
01/13/2017	301096	MIKE CORFMAN	EDUCATOR SUPPLIES	150.00
01/13/2017	301097	MLIVE MEDIA GROUP	ADVERTISEMENTS	2,491.65
01/13/2017	301098	MML UNEMPLOYMENT FUND	MML UMEMPLOYMENT FUN	44.07
01/13/2017	301099	MULDERS LANDSCAPE SUPPLIES INC	SNOW PLOW OPERATORS	17,518.00
01/13/2017	301100	NASRO	EMPLOYEE TRAINING	395.00
01/13/2017	301101	NCH CORPORATION	FREE PENETRANT SPRAY	139.00
01/13/2017	301102	NELSON'S HARDWARE	MAILBOXES	1,199.20
01/13/2017	301103	NEUMAN, LESLIE	YOGA CLASS REFUND	120.00
01/13/2017	301104	NEW FRESH CLEANING	BID BOND REFUND	1,350.80
01/13/2017	301105	NYE UNIFORMS	UNIFORMS	665.91
01/13/2017	301106	OFFICE DEPOT, INC.	OFFICE SUPPLIES	1,113.76
01/13/2017	301109	PARIS CLEANERS	UNIFORM CLEANING	1,341.05
01/13/2017	301110	PARK CLUB OF KALAMAZOO	SR TRIP PAYMENT	1,120.00
01/13/2017	301111	PEDAL BICYCLES	RANGER BICYCLE & REPAIRS	2,005.94
01/13/2017	301112	PEERLESS-MIDWEST, INC.	CONSOLIDATED DRAIN	9,420.00
01/13/2017	301113	PETERMAN CONCRETE CO.	SCHRIER PARK	202.80
01/13/2017	301114	PODGORSKI, JOHN	CPSE MEMBERSHIP	325.00
01/13/2017	301115	PORTAGE BUDGET STORAGE, LLC	RECORDS STORAGE	3,252.00
01/13/2017	301116	PORTAGE BUDGET STORAGE, LLC	RECORDS STORAGE	2,352.00
01/13/2017	301117	PROFESSIONAL BUILDING SERVICES	BID BOND REFUND	2,986.20
01/13/2017	301118	PUBLIC SAFETY CENTER	GLOVES	74.77
01/13/2017	301119	R W L SIGN COMPANY, LLC	CITY SIGN DESIGN	70.00
01/13/2017	301120	RED THE UNIFORM TAILOR	UNIFORM MAINT	477.45
01/13/2017	301121	REPUBLIC SERVICES OF WEST MICHIGAN	WASTE SERVICES	670.53
01/13/2017	301122	RHOMAR INDUSTRIES INC.	LIQUID DEICER	1,454.98

ACCOUNTS PAYABLE REGISTER
Check Dates From: 1/1/2017 To: 1/29/2017

Check Date	Check	Vendor Name	Description	Amount
01/13/2017	301123	RIDDERMAN & SONS OIL CO. INC.	GASOLINE	21,764.25
01/13/2017	301124	RIVERSIDE INTEGRATED SYSTEMS, INC.	BLDG REPAIR/MAINT	450.25
01/13/2017	301125	ROBERTS BUILT HOMES	REFUND FINAL UB	194.04
01/13/2017	301126	ROWLEY BROTHERS, INC.	HYDRAULIC FLUID	635.59
01/13/2017	301127	SANDERSON DEHAAN IRRIGATION	IRRIGATION REPAIR	348.02
01/13/2017	301128	SCHAEFFER MANUFACTURING COMPANY	BULK DIESEL	5,449.06
01/13/2017	301129	SGI HEATING & COOLING	BOND REFUND	75.00
01/13/2017	301130	SHELBURNE, LAURIE	TRAINING MMTA WINTER	39.53
01/13/2017	301131	SHERWIN WILLIAMS	PAINT AND SUPPLIES	268.99
01/13/2017	301132	SIMMONS FORD	REPAIR MAINTENANCE	255.98
01/13/2017	301133	SIRCHIE FINGER PRINT LABORATORIES	OPERATING SUPPLIES	154.86
01/13/2017	301134	SONESTA ES SUITES AUBURN HILLS	EMPLOYEE LODGING	1,040.20
01/13/2017	301135	STAND UP DESK STORE	STAND UP DESK	221.89
01/13/2017	301136	STATE OF MICHIGAN	SEX OFFENDER FEES	150.00
01/13/2017	301137	STATE OF MICHIGAN (BOILER DIV)	STATE OF MICHIGAN (B	130.00
01/13/2017	301138	STATE SYSTEMS RADIO, INC	TOWER RENTAL	4,301.71
01/13/2017	301139	SUITS U TAILOR SHOP INC	UNIFORMS	479.00
01/13/2017	301140	TRACTOR SUPPLY CORP.	OPERATING SUPPLIES	37.99
01/13/2017	301141	ULINE, INC.	OPERATING SUPPLIES	418.35
01/13/2017	301142	UNITED PARCEL SERVICE	WEEKLY DELIVERY	15.52
01/13/2017	301143	USA TODAY	SUBSCRIPTION RENEWAL	25.00
01/13/2017	301144	VALK, KELLIE	PARK DEPOSIT REFUND	100.00
01/13/2017	301145	VANDERSLICK, DON	DAMAGED MAILBOX REIM	44.00
01/13/2017	301146	VANGUARD FIRE & SUPPLY CO., INC.	LIGHTING SUPPLIES	134.00
01/13/2017	301147	VARTEC, LLC	WINSCRIBE SOFTWARE	1,200.00
01/13/2017	301148	VERIZON WIRELESS SERVICES, LLC	WIRELESS SERVICES	2,497.19
01/13/2017	301149	WASTE MANAGEMENT	DISPOSAL SERVICES	80.29
01/13/2017	301150	WESTERN MICHIGAN INT'L TRUCKS	REPAIR & MAINTENANCE	121.89
01/13/2017	301151	MICHIGAN TOWNSHIPS ASSOCIATION	2017 BOARD OF REVIEW	675.00
01/13/2017	301152	C & C AUTO & TRUCK SERVICE, INC.	ENGINE 82 REPAIRS	7,078.50
01/13/2017	10055	PETTY CASH-ALYSSA MILBECK	REPLENISH PETTY CASH	418.72
01/13/2017	10056	PETTY CASH-HOLLY CERNY	REPLENISH PETTY CASH	19.27

ACCOUNTS PAYABLE REGISTER
Check Dates From: 1/1/2017 To: 1/29/2017

Check Date	Check	Vendor Name	Description	Amount
01/26/2017	301153	CHICAGO TITLE OF MICHIGAN, INC.	CLOSING COSTS	2,636.50
01/27/2017	301154	3SI SECURITY SYSTEMS, INC.	INVESTIGATIVE SUPPLI	408.00
01/27/2017	301155	45TH CIRCUIT COURT	BOND TRANSFER	500.00
01/27/2017	301156	56TH DISTRICT COURT	BOND TRANSFER	100.00
01/27/2017	301157	A PIZZA YEN	SR TRIP PAYMENT	200.00
01/27/2017	301158	A S C A P	ASCAP 2017 LICENSE	341.00
01/27/2017	301159	A T & T	TELEPHONE SERVICE	1,873.19
01/27/2017	301160	ACTIVE NETWORK LLC	ACTIVENET SOFTWARE	1,840.00
01/27/2017	301161	ADP, INC.	PAYROLL PROCESSING	4,851.50
01/27/2017	301162	ALLEGRA PRINT & IMAGING	PRINTING SERVICES	330.00
01/27/2017	301163	ALLEN EDWIN HOME BUILDERS	BOND REFUND	136.64
01/27/2017	301164	AMERICAN ASSOC OF CODE ENFORCEMENT	EMPLOYEE MEMBERSHIP	75.00
01/27/2017	301165	AMERICAN PLANNING ASSOCIATION	SUBSCRIPTION RENEWAL	61.00
01/27/2017	301166	ARROWHEAD SCIENTIFIC, INC.	FINGER PRINT SUPPLIE	585.21
01/27/2017	301167	BALKEMA EXCAVATING, INC.	ZYLMAN RENOVATION	81,681.25
01/27/2017	301168	BARRY, KELLY	SKI LESSONS REFUND	10.00
01/27/2017	301169	BEAVER RESEARCH COMPANY	MAINTENANCE SERVICE	320.61
01/27/2017	301170	BERKEY, CAROLYN	PARK DEPOSIT REFUND	100.00
01/27/2017	301171	BESCO WATER TREATMENT, INC.	WATER SERVICE	33.75
01/27/2017	301172	BLUE CROSS/BLUE SHIELD OF MICH	HEALTH INSURANCE	136,886.14
01/27/2017	301173	BOLLINGER INSURANCE	INSURANCE POLICY	500.00
01/27/2017	301174	BORGESS HEALTH ALLIANCE	MEDICAL SERVICES	605.00
01/27/2017	301175	BRINK'S, INC	BANK DELIVERY SERVICE	309.56
01/27/2017	301176	BRONSON HEALTHCARE GROUP	LEGAL BLOOD DRAWS	200.00
01/27/2017	301177	BURNS, MICHAEL	LICENSE RENEWAL	80.00
01/27/2017	301178	C. STODDARD & SONS INC.	FILTER RECYCLING	82.50
01/27/2017	301179	CAMPBELL AUTO SUPPLY	VEHICLE REPAIR/MAINT	187.36
01/27/2017	301180	CANTEEN SERVICES	CONCESSION SUPPLIES	186.00
01/27/2017	301181	CARLETON EQUIPMENT CO.	BRUSH HOG	250.00
01/27/2017	301182	CARLETON EQUIPMENT CO.	LOADER RENTAL	26,034.58
01/27/2017	301183	CARTRIDGE WORLD	PRINTER CARTRIDGE	30.60
01/27/2017	301184	CATHOLIC FAMILY SERVICES	16/17 HPS CONTRACT	5,817.50

ACCOUNTS PAYABLE REGISTER
Check Dates From: 1/1/2017 To: 1/29/2017

Check Date	Check	Vendor Name	Description	Amount
01/27/2017	301185	CHICAGO TITLE OF MI	UTILITY OVERPAYMENT	237.21
01/27/2017	301186	CIPICK, KRISTEN	DAMAGED MAILBOX	44.00
01/27/2017	301187	CLEANIT CORP	CAR WASHES	163.00
01/27/2017	301188	COLIN WILSON	PARK EVENT SERVICES	187.50
01/27/2017	301189	CORELOGIC REAL ESTATE TAX SERVICE	TAX REFUND	1,081.51
01/27/2017	301190	CORELOGIC REAL ESTATE TAX SERVICE	TAX REFUND	143.99
01/27/2017	301191	DEWOLF & ASSOCIATES, LLC	LEADERSHIP TRAINING	385.00
01/27/2017	301192	DUTCH VALLEY FOOD DISTRIBUTORS, INC	CONCESSION SUPPLIES	74.57
01/27/2017	301193	ED & TED'S EXCELLENT ADVENTURES	SR TRIP PAYMENT	59,115.00
01/27/2017	301194	ELECTION SOURCE	BALLOT RETESTING	6,360.00
01/27/2017	301195	EMERGENCY VEHICLE PRODUCTS	VEHICLE REPAIR	6,430.51
01/27/2017	301196	FAIR HOUSING CENTER OF SW MICHIGAN	16/17 HPS CONTRACT	1,500.00
01/27/2017	301197	FAWLEY OVERHEAD DOOR, INC.	MAINTENANCE SERVICE	137.00
01/27/2017	301198	FIREGOLD	VEHICLE LETTERING	7,834.74
01/27/2017	301199	FIRST PLACE SUPPLY, INC.	REPAIR & MAINTENANCE	533.99
01/27/2017	301200	GILLESPIE, GAR	TAX REFUND	26.02
01/27/2017	301201	GORNO FORD	NEW FIRE VEHICLES	266,567.00
01/27/2017	301202	GRAYBAR ELECTRIC CO.	LIGHTING CONTACTOR	534.00
01/27/2017	301203	GREATER KALAMAZOO FOP LODGE 98	PPCOA DUES	3,459.96
01/27/2017	301204	GREATER KALAMAZOO UNITED WAY	GBCKUW CONTRIBUTIONS	1,015.84
01/27/2017	301205	HALT FIRE, INC.	FIRE APPARATUS REPAIR	165.18
01/27/2017	301206	HAY, JOYCE	DAMAGED MAILBOX	44.00
01/27/2017	301207	HOLDER, DALE & MICHELE	SR TRIP REFUND	200.00
01/27/2017	301208	HOME DEPOT	HAND AND POWER TOOLS	458.88
01/27/2017	301209	IMSA	IMSA MEMBERSHIP DUES	100.00
01/27/2017	301210	INT'L ASSOC CHIEFS OF POLICE	MEMBERSHIP DUES	150.00
01/27/2017	301211	INT'L ASSOC CHIEFS OF POLICE	MEMBERSHIP DUES	150.00
01/27/2017	301212	KAL COUNTY FIRE CHIEFS ASSOC.	MEMBERSHIP DUES	50.00
01/27/2017	301213	KAL COUNTY FIRE CHIEFS ASSOC.	MEMBERSHIP DUES	160.00
01/27/2017	301214	KALAMAZOO COUNTY TREASURER	PASS-THROUGH PAYMENT	1,157.50
01/27/2017	301215	KALAMAZOO COUNTY TREASURER	DOG LICENSES 2016	3,235.00
01/27/2017	301216	KALAMAZOO COUNTY TREASURER'S ASSOC	MEMBERSHIP DUES	10.00

ACCOUNTS PAYABLE REGISTER
Check Dates From: 1/1/2017 To: 1/29/2017

Check Date	Check	Vendor Name	Description	Amount
01/27/2017	301217	KALAMAZOO OIL COMPANY	FUEL FOR SMALL EQUIP	105.00
01/27/2017	301218	KALAMAZOO SPORTSWEAR	SILK SCREEN SERVICES	228.75
01/27/2017	301219	KAR LABORATORIES	WATER ANALYSIS	40.00
01/27/2017	301220	KCASI	MEMBERSHIP DUES	30.00
01/27/2017	301221	KLOSTERMAN DISTRIBUTING	CONCESSION SUPPLIES	314.41
01/27/2017	301222	KONOPA, DONALD	SR TRIP REFUND	99.00
01/27/2017	301223	KZOO TIRE COMPANY	TIRES & TIRE REPAIR	2,603.55
01/27/2017	301224	LANGUAGE LINE, INC	INTERPRETATION SERVICE	187.38
01/27/2017	301225	LEADS ONLINE LLC	INVESTIGATIVE SFTWR	3,688.00
01/27/2017	301226	LENDING HANDS OF MICHIGAN, INC.	16/17 HPS CONTRACT	750.00
01/27/2017	301227	LENS EQUIPMENT	SURVEILLANCE CAMERA	414.00
01/27/2017	301228	LERMA, INC.	MEMBERSHIP DUES	50.00
01/27/2017	301229	LEXISNEXIS RISK SOLUTIONS	OPERATING SUPPLIES	150.00
01/27/2017	301230	LONZE, LYNN	SR CENTER REFUND	99.00
01/27/2017	301231	MAGLOCLEN	INVESTIGATIVE SUPPLIES	400.00
01/27/2017	301232	MCDONALD'S TOWING & RESCUE, INC.	TOWING SERVICES	248.00
01/27/2017	301233	MERCANTILE BANK	TAX REFUND	1,717.74
01/27/2017	301234	MICH MUNICIPAL POLICE & FIRE REPAIR	VEHICLE REPAIRS	1,508.35
01/27/2017	301235	MICHIGAN ASSOC OF MUNICIPAL CLERKS	MEMBERSHIP DUES	120.00
01/27/2017	301236	MICHIGAN MUNICIPAL LEAGUE	CONFERENCE EXPENSE	225.00
01/27/2017	301237	MICHIGAN TOWNSHIPS ASSOCIATION	BOR TRAINING BALANCE	302.40
01/27/2017	301238	MICKEL, CASSANDRA	PARK DEPOSIT REFUND	100.00
01/27/2017	301239	MIDWEST ENERGY COOPERATIVE	STREETLIGHT COSTS	279.24
01/27/2017	301240	MILLER, CANFIELD, PADDOCK & STONE	DEFINED BENEFIT PLAN	3,227.50
01/27/2017	301241	MLIVE MEDIA GROUP	CLASSIFIED ADVERTISE	513.91
01/27/2017	301242	NYE UNIFORMS	UNIFORMS	277.75
01/27/2017	301243	O'REILLY AUTO PARTS	VEHICLE MAINTENANCE	822.84
01/27/2017	301244	OFFICE DEPOT, INC.	OFFICE SUPPLIES	460.61
01/27/2017	301246	OTIS, ROBERTA	PARK DEPOSIT REFUND	150.00
01/27/2017	301247	P K CONTRACTING, INC.	LINE STRIPING	3,888.50
01/27/2017	301248	PIERCE MANUFACTURING, INC.	FIRE APPARATUS	906,879.00
01/27/2017	301249	POLDERMAN'S FLOWER SHOP	EMPLOYEE FLOWERS	145.85

ACCOUNTS PAYABLE REGISTER
Check Dates From: 1/1/2017 To: 1/29/2017

Check Date	Check	Vendor Name	Description	Amount
01/27/2017	301250	PYKE, ARLENE	DAMAGED MAILBOX	44.00
01/27/2017	301251	REFRIGERATION SERVICES	CHILLER SERVICES	1,250.00
01/27/2017	301252	RENEWED EARTH, INC.	WASTE REMOVAL	7,916.66
01/27/2017	301253	SLAVIN, NATHAN	EMPLOYEE TRAINING	454.75
01/27/2017	301254	SOUTHWEST MICHIGAN LIVING LLC	ADVERTISING	2,188.00
01/27/2017	301255	ST MICHAEL LUTHERAN CHURCH	UMPIRE CLINIC 2017	75.00
01/27/2017	301256	STAHL, LOIS	SR TRIP REFUND	300.00
01/27/2017	301257	STATE OF MICHIGAN (BOILER DIV)	BOILER INSPECTION	130.00
01/27/2017	301258	STATE OF MICHIGAN (DOT)	US-131 IMPROVEMENTS	5,891.69
01/27/2017	301259	STATE OF MICHIGAN (MDEQ)	SOIL EROSION EXAM	95.00
01/27/2017	301260	STATE OF MICHIGAN (MDEQ)	COMPOST FACILITY REG	600.00
01/27/2017	301261	STATE SYSTEMS RADIO, INC	RADIO INSTALLATIONS	521.00
01/27/2017	301262	SWEENEY, MARJORIE	YOGA CLASS REFUND	72.00
01/27/2017	301263	SWT EXCAVATING, INC	MANHOLE REPAIRS	2,081.02
01/27/2017	301264	TODD ARBANAS ENTERPRISES INC.	TREE REMOVALS	2,900.00
01/27/2017	301265	TRACTOR SUPPLY CORP.	PARKS SUPPLIES	110.96
01/27/2017	301266	TRAFFIC TECH SERVICES LLC	TRAFFIC COUNTING	215.00
01/27/2017	301267	U S POSTAL SERVICE	POSTAGE METER REFILL	2,750.00
01/27/2017	301268	U S POSTAL SERVICE (PORTAGE)	POSTAGE METER REFILL	1,000.00
01/27/2017	301269	U S POSTMASTER	POSTAGE METER REFILL	200.00
01/27/2017	301270	UNITED PARCEL SERVICE	WEEKLY DELIVERY SERV	24.37
01/27/2017	301271	VERIZON WIRELESS SERVICES, LLC	WIRELESS SERVICES	3,889.70
01/27/2017	301272	WAINER, HANNAH	DAMAGED MAILBOX	44.00
01/27/2017	301273	WERME, PATRICIA	DAMAGED MAILBOX	44.00
01/27/2017	301274	Y W C A, INC	16/17 HPS CONTRACT	5,842.50
01/27/2017	301275	ZEIGLER AUTO GROUP, HAROLD	POLICE VEHICLE MAINT	21.02
01/27/2017	301276	ZEIGLER MOTORSPORTS	ATV FRONT PLOW	759.80
			PAPER CHECK SUBTOTAL:	2,129,222.79

Check Type: Auto-Pay

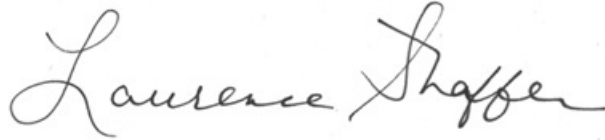
01/5/2017	4340	AUTO-PAY PAYMENTS	SR CNTR CREDIT CARD	294.12
01/9/2017	4342	AUTO-PAY PAYMENTS	CONSUMERS	3,930.94

ACCOUNTS PAYABLE REGISTER
Check Dates From: 1/1/2017 To: 1/29/2017

Check Date	Check	Vendor Name	Description	Amount
1/11/2017	4352	AUTO-PAY PAYMENTS	CONSUMERS	6,152.62
1/12/2017	4370	AUTO-PAY PAYMENTS	CONSUMERS	5,195.04
1/13/2017	4375	AUTO-PAY PAYMENTS	CONSUMERS	3,096.31
1/17/2017	4386	AUTO-PAY PAYMENTS	ATTORNEY BROWN	18,810.00
1/19/2017	4400	AUTO-PAY PAYMENTS	CONSUMERS	51,476.79
1/23/2017	4419	AUTO-PAY PAYMENTS	CONSUMERS	11,842.88
1/24/2017	4424	AUTO-PAY PAYMENTS	CONSUMERS	359.35
1/25/2017	4430	AUTO-PAY PAYMENTS	CONSUMERS	161.73
1/26/2017	4431	AUTO-PAY PAYMENTS	CONSUMERS	4,804.35
1/27/2017	4436	AUTO-PAY PAYMENTS	CONSUMERS	780.58
			AUTOPAY SUBTOTAL:	106,904.71
			GRAND TOTAL:	2,867,780.65

TO: Honorable Mayor and City Council

FROM: Laurence Shaffer, City Manager



SUBJECT: Annual Microsoft Licensing Renewals - Cooperative Purchase

SUPPORTING PERSONNEL: Devin Mackinder, Director of Technology Services

ACTION RECOMMENDED: That City Council approve the annual Microsoft licensing renewal fees with CDW-G at a total cost of \$50,388.13 and authorize the City Manager to execute all documents related to this action on behalf of the city.

The city technology infrastructure includes the Microsoft Windows server operating system, Microsoft Office software applications and Microsoft Exchange for email. Licensing to utilize the Microsoft products and services must be purchased on an annual basis.

In 2015, City Council authorized the City Administration to purchase the required Microsoft licensing through a three-year Microsoft Open Value Subscription government pricing program from the Microsoft licensing reseller, CDW-G, in the annual amount of \$50,388.13. Several benefits were extended to the city through this program, such as one fully bundled licensing service agreement for all Microsoft products used by the city, license upgrades at no additional cost and software assurance customer service.

The CDW-G pricing was provided through the National Intergovernmental Purchasing Alliance cooperative purchasing program which extended further pricing discounts to the city. Purchases in the amount of \$20,000 or more can be acquired through cooperative purchasing programs as per the city purchasing policies and procedures. While not required by the purchasing policies and procedures, two additional quotes were solicited from qualified Microsoft resellers at that time, which validated the CDW-G pricing as the lowest. As per the Microsoft Open Value Subscription, the city must renew with the initial Microsoft reseller, which in this case is CDW-G. Regardless, the Technology Services Department requested quotes from two other qualified Microsoft licensing resellers for this third renewal year, but received written confirmations that Microsoft would not allow them to offer quotes as CDW-G is the reseller on record for this three-year renewal subscription.

Therefore, it is recommended that City Council approve the annual Microsoft licensing renewal fees through CDW-G in the amount of \$50,388.13 and authorize the City Manager to execute all documents related to this action on behalf of the city.

FUNDING: Funds are budgeted and available in the Fiscal Year 2016-17 Technology Services operating budget for this purpose.

Attachments: 1. Microsoft Agreement

Open Value Subscription Agreement (State and Local)

Government

Agreement number
Microsoft to complete

V9081896

Previous Agreement(s)
number
Reseller to complete

V8371321

This agreement must be attached to a signature form to be valid.

This Government Open Value Subscription Agreement is entered into between Customer and Microsoft as of the effective date identified on the signature form.

Licensing Customer information

Customer ID: 80BB45B9
Entity name* City of Portage
Contact name: First* Maurice Last* hudson
Contact email address* Maurice.hudson@portagemi.gov
Street address* 7900 South Westnedge Ave.
City* Portage
State* MI
Postal code* 49002
Country* United States
Phone 6163294459
Tax ID (if applicable)
* indicates required fields

The personal information Customer provides in connection with this agreement will be used and protected according to the privacy statement available at <https://www.microsoft.com/licensing/servicecenter>.

Notices contact and online administrator

This individual receives online administrator permissions and thus may grant online access to others. This contact also receives all notices.

Entity name* City of Portage
Contact name: First* Maurice Last* hudson
Contact email address* Maurice.hudson@portagemi.gov
Street address* 7900 South Westnedge Ave.
City* Portage
State* MI
Postal code* 49002
Country* United States
Phone 6163294459

☐ This contact is a third party (not Customer)

Warning: This contact receives personally identifiable information of Customer.

* indicates required fields

This agreement consists of (1) the terms and conditions of this agreement, (2) the Product List, (3) the Product use rights, (4) the signature form, and (5) the Government Eligibility Definition on <http://www.microsoft.com/licensing/contracts>.

A. Select a purchasing option and license period.

Customer must select at least one Enterprise Product from the Product categories below to cover all Qualified Desktops in its enterprise, minimum 5 Qualified Desktops. To qualify for platform discount, check all three Product categories.

OS	☐ Please see the Product List for current Windows Desktop Operating System options
Office	☒ Please see the Product List for current Office options
CAL	☒ Please see the Product List for current CAL options

☐ Desktop qualifies for up-to-date (UTD) discount (attach UTD discount form). 1-year option does not offer UTD discount. Please select only one of the following two options:

☐	One-year Licensed Period (no UTD)	☒	Three-year Licensed Period (with UTD)
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B. Define Customer's Enterprise (select only one).

Use this section to identify which Affiliates are included in the Enterprise. . When a selection is made that includes affiliates, customer must cover all affiliates' qualified desktop with Enterprise Product from section A above, at the beginning of the agreement. Customer's Enterprise must consist of entire legal entities, not partial entities such as departments, divisions, or business units. Customer's Enterprise includes (Check only one box in this section):

- ☒ Customer only
- ☐ Customer and all Affiliates within Customer's Defined Region
- ☐ Customer and the following Affiliate(s) within Customer's Defined Region

☐ Customer and all Customers' Affiliates within its Defined Region with the following Affiliate(s) excluded:

Please indicate whether the Customer's Enterprise will include all new Affiliates acquired after the start of this agreement: Include future Affiliates

C. Identify the Subscriptions manager and Software Assurance and Online Services managers (if different from notices).

- a. **Software Assurance manager.** This contact will receive communication concerning Software Assurance benefits, and any additional TechNet subscriptions that have been ordered separately from Software Assurance under this agreement.

Entity name*
Contact name: First* Last*
Contact email address*

Street address*

City*

State*

Postal code*

Country*

Phone

** indicates required field*

- b. **Subscriptions manager.** This contact will receive communication concerning registration for MSDN Products ordered under this agreement.

Entity name*

Contact name: First* Last*

Contact email address*

Street address*

City*

State*

Postal code*

Country*

Phone

** indicates required field*

- c. **Online Services manager.** This contact will receive communication concerning Online Services.

Entity name*

Contact name: First* Last*

Contact email address*

Street address*

City*

State*

Postal code*

Country*

Phone

** indicates required field*

D. Name Customer's reseller or distributor.

a. Reseller

Entity name* CDW Logistics, Inc.

Contact name: First* Gabriel Last* Adler

Contact email address* gabradl@cdw.com

Street address* 200 N Milwaukee Ave

City* Vernon Hills

State* IL

Postal code* 60061

Country* United States

Phone 877-722-1384

** indicates required field*

b. Distributor (if applicable)

Entity name* Tech Data

Contact name: First* Microsoft Open Value Last* License

Contact email address* openvalue@techdata.com

Street address* 5350 Tech Data Drive

City* Clearwater
State* FL
Postal code* 33760
Country* United States
Phone 800-237-8931 x70028
** indicates required field*

Name of Microsoft contracting Affiliate and notices contact information for Microsoft

Microsoft Licensing, GP
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Terms and Conditions

1. Definitions.

“Additional Product” means any Product available in the Defined Region, other than an Enterprise Product, that a Customer chooses to license under this agreement;

“Affiliate” means

a. with regard to Customer,

- (i) any government agency, department, office, instrumentality, division, unit or other entity of the state or local government that is supervised by or is part of Customer, or which supervises Customer or of which Customer is a part, or which is under common supervision with Customer,
- (ii) any county, borough, commonwealth, city, municipality, town, township, special purpose district, or other similar type of governmental instrumentality established by the laws of Customer's state and located within Customer's state jurisdiction and geographic boundaries; and
- (iii) any other entity in Customer's state expressly authorized by the laws of Customer's state to purchase under state contracts; provided that a state and its Affiliates shall not, for purposes of this definition, be considered to be Affiliates of the federal government and its Affiliates; and

b. with regard to Microsoft, any legal entity that Microsoft owns, that owns Microsoft, or that is under common ownership with Microsoft;

“Customer” means the entity that has entered into this agreement and its Affiliates;

“Customer Data” means all data, including all text, sound, software, or image files that are provided to Microsoft by, or on behalf of, Customer through Customer's use of the Online Services.

“Defined Region” means the geographical region as defined on the regional listing located at <http://www.microsoft.com/licensing/licensing-options/open-regional.aspx> where the Customer is organized and operated;

“Eligible Entity” means any entity that meets the criteria posted at <http://www.microsoft.com/licensing/contracts>;

"Enterprise Product" means any Product that Microsoft lists on the Product List as qualifying for organization-wide or platform discount and that Customer chooses to license for all Qualified Desktops in its enterprise under this agreement;

"Fix(es)" means Product fixes, modifications or enhancements or their derivatives that Microsoft either releases generally (such as commercial Product service packs) or that Microsoft provides to Customer when performing services to address a specific issue;

"Industry Device" (also known as line of business device) means any device that: (1) is not useable in its deployed configuration as a general purpose personal computing device (such as a personal computer), a multi-function server, or a commercially viable substitute for one of these systems; and (2) only employs an industry or task-specific software program (e.g., a computer-aided design program used by an architect or a point of sale program) ("Industry Program"). The device may include features and functions derived from Microsoft software or third-party software. If the device performs desktop functions (such as email, word processing, spreadsheets, database, network or Internet browsing, or scheduling, or personal finance), then the desktop functions: (1) may only be used for the purpose of supporting the Industry Program functionality; and (2) must be technically integrated with the Industry Program or employ technically enforced policies or architecture to operate only when used with the Industry Program functionality;

"License" means, for any one of the Products identified in the Product List (including standard Licenses and upgrades for desktop operating systems), the right to run the version of the Product ordered;

"Microsoft" means the Microsoft Affiliate that has entered into this agreement and its Affiliates as appropriate;

"Online Services" means the Microsoft-hosted services identified in the Online Services section of the Product List;

"Product" means all products identified on the Product List, such as software, Online Services and other web-based services, including pre-release or beta versions ;

"Product List" means the statement published by Microsoft from time to time at <http://www.microsoft.com/licensing/contracts> or a successor site that Microsoft identifies, which lists the Products that are or may be made available under a licensing program (which availability may vary by region) and any Product-specific conditions or limitations on the acquisition of Licenses;

"Product use rights" are the use rights for each Product and version published at <http://www.microsoft.com/licensing/contracts> or a successor site;

"Qualified Device" means any device that is used by or for the benefit of Customer's Enterprise and is: (1) a personal desktop computer, portable computer, workstation, or similar device capable of running Windows Professional locally (in a physical or virtual operating system environment), or (2) a device used to access a virtual desktop infrastructure ("VDI"). Qualified Devices do not include any device that is: (1) designated as a server and not used as a personal computer, (2) an Industry Device, or (3) not managed (as defined in the Product List at the start of the applicable initial or renewal term of the Enrollment) as part of Customer's Enterprise.

At its option, the Customer may designate any device that is used by or for the benefit of the Customer's Enterprise (e.g., Industry Device) as a Qualified Device for all or a subset of Enterprise Products or Online Services the Customer has selected.

"Qualified User" means a person who (1) is a user of a Qualified Desktop or (2) accesses any server software or online services licensed within a Customer's Enterprise. It does not include a person who accesses server software or online services solely under a license identified in the Qualified User exemptions in the Product List;

"run" or "use" means to copy, install, use, access, display, or otherwise interact with a Product;

"Service Level Agreement" means the document specifying the standards Microsoft agrees to adhere to and by which it measures the level of service for an Online Service.

"Software Assurance" means an offering that provides benefits that can include new version rights and access to differentiated technologies and use rights for the Products for which it is acquired, spread payments, consulting services, training, support, and access to exclusive technologies; and

"Trade Secret" means information that is not generally known or readily ascertainable to the public, has economic value as a result, and has been subject to reasonable steps under the circumstances to maintain its secrecy.

2. *How the Open Value Subscription Agreement program works.*

- a. **What this agreement covers.** This agreement covers the Products and Software Assurance coverage Customer orders from the Product List under the Open Value Subscription program. Information about the use rights for Products licensed through the Open Value Subscription program is in the Product use rights. The Open Value Subscription program allows Customer and its Affiliates within the Defined Region to run Microsoft software only during the term of the agreement. There is a buy-out option for the Licenses at the end of the first or renewal term. If Customer exercises the buy-out option, the Licenses granted under this agreement will become perpetual.
- b. **One-year Licensed Period.** An order must be submitted to indicate the Products Customer chooses to run. Thereafter, customer may submit renewal orders to enter into another one-year or three-year Open Value Subscription for government agreement prior to the agreement expiration date.
 - (i) **Three-year Licensed Period.** An order must be submitted to indicate the Products Customer chooses to run. Thereafter, Customer must submit anniversary orders on the first and second anniversaries of the effective date of its agreement.
 - (ii) **About Software Assurance.** Under the Open Value Subscription program, all Products come with Software Assurance.
- c. **Online Services.** Online Services are provided as subscription services and are subject to the unique terms set forth in the Product use rights and the Product List.

3. *How to establish prices.*

- a. **Microsoft offers savings**
 - (i) When Customer selects a desktop platform, and
 - (ii) When Customer is migrating current versions of an Enterprise Product or desktop platform from another licensing program into this program, Microsoft offers a one-time reduced price (the price it charges the distributor/reseller) on the first year payment for the initial three-year Open Value Subscription agreement. Customer can consult its reseller for more details about the "up-to-date" (UTD) discount that Microsoft offers to its distribution channel. Customer is required to provide proof of licensing for the quantity that will qualify for the discount. Customer must have auditable licenses of the current versions or prior versions of the Enterprise Products or desktop platform. For a list of Products eligible for the UTD discount, please refer to the Product List.
- b. **Product price and payment terms set by Customer's reseller.** Customer must choose and maintain a reseller in its Defined Region. The License price and payment terms for all Products ordered will be determined by an agreement between Customer and Customer's reseller.
- c. **Microsoft's prices** (the prices it charges the distributor/reseller) to its distribution channel for Products under this agreement are established at the time the Product is first ordered and are re-established at renewal.

4. License grant – what Customer is licensed to run.

- a. **License Grant.** Microsoft grants Customer a non-exclusive, non-transferable, worldwide and limited right to install and use the Software and to access and use the Online Services. These rights are conditional on Customer's and its Affiliates continued compliance with the terms of this agreement, including payment for the Products.
- b. **Use by Affiliates.** Customer may sublicense the right to use the Products to Affiliates located in Customer's Defined Region. See the "Define Customer's Organization" section but, Affiliates may not sublicense these rights and their use must be consistent with the terms contained in this agreement.
- c. **Qualifying system License.** All operating system Licenses provided under this program are upgrade Licenses only. Full operating system Licenses are not available under this program. If Customer selects the desktop platform or Windows Desktop Operating System Upgrade, all Qualified Desktops on which Customer will run the Windows Desktop Operating System Upgrade must be licensed to run one of the qualifying operating systems identified in the Product List at <http://www.microsoft.com/licensing/contracts>. Note that the list of operating systems that qualify for the Windows Desktop Operating System Upgrade varies with the circumstances of the order. That list is more extensive at the time of the initial order than it is for some subsequent orders and system refreshes during the term of this agreement. Exclusions are subject to change when new versions of Windows are released.

For example: The following are not considered qualifying operating systems: (1) ANY Windows Home or Starter edition; (2) Embedded Systems; (3) Linux; (4) OS/2; and (5) Apple Macintosh added after the initial enrollment order. These are examples of exclusions only. Please see Product List for all current qualifying operating systems.

☐ (If applicable) If selecting Windows Desktop option, Customer acknowledges the following:

- (i) The Windows Desktop Operating System Upgrade licenses offered through this agreement are not full licenses. The Customer and any included Affiliates have qualifying operating system licenses for all Qualified Desktops on which the Windows Desktop Operating System Upgrade license is run.
 - (ii) In order to use a third party to reimage the Windows Operating System Upgrade, Customer must certify that it has acquired qualifying operating system licenses. See the Product List for details.
- d. **Perpetual and non-perpetual rights.** Subscription licenses, rights to access and use Online Services, and most Software Assurance rights are temporary. For all other licenses, the right to use Software becomes perpetual only when all license, Software Assurance, or license and Software Assurance payments for that Software have been made and the applicable Software Assurance term has expired. Perpetual licenses obtained via Software Assurance replace any perpetual licenses to the prior version.
 - e. **License confirmation.** All of the following, when taken together, are proof of Customer's License, or if the buy-out option is exercised, perpetual License: (1) this agreement, (2) the order confirmation, (3) for any transfers of perpetual Licenses allowed by this agreement, the documentation evidencing the License transfers, and (4) proof of payment.
 - f. **Non-Microsoft software and technology.**
 - (i) Customer is solely responsible for any non-Microsoft software or technology that it installs or uses with the Products or Fixes. Microsoft is not a party to and is not bound by any terms governing Customer's use of non-Microsoft software or technology. Without limiting the foregoing, non-Microsoft software or scripts linked to or referenced from any Product website, are licensed to Customer under the open source licenses used by the third parties that own such code, not by Microsoft;

- (ii) If Customer installs or uses any non-Microsoft software or technology with the Products or Fixes, it directs and controls the installation in and use of such software or technology in the Products or Fixes through its actions (e.g., through Customer's use of application programming interfaces and other technical means that are part of the Online Services). Microsoft will not run or make any copies of such non-Microsoft software or technology outside of its relationship with Customer.
 - (iii) If Customer installs or uses any non-Microsoft software or technology with the Products or Fixes, it may not do so in any way that would subject Microsoft's intellectual property or technology to obligations beyond those included in this agreement.
- g. Restrictions on use.** Customer may not:
 - (i) separate and use the components of a Product on two or more computers, upgrade or downgrade components at different times, or transfer components separately, except as provided in the Product use rights;
 - (ii) reverse engineer, decompile, or disassemble the Product or Fix, except where applicable law permits it despite this limitation;
 - (iii) distribute, sublicense, rent, lease, lend, or commercially host to third parties the Product or Fix, except as permitted in this agreement or in a separate agreement.
- h. License rights are not related to fulfillment of Software media; non-exclusive license.** These rights apply to the Licenses obtained under this agreement and are not related to any order of fulfillment of software media. Each Product is licensed to Customer, not sold. The Product is licensed on a non-exclusive basis and neither party is obligated to deal exclusively with the other.

5. *How to know what Product use rights apply.*

- a. Product use rights.** Microsoft publishes Product use rights for each version of each Product.
 - (i) **Product use rights for current and future versions of Products.** The Product use rights in effect on the effective date of this agreement will apply to the Customer's use of then-current versions of each Product. For future versions, the Product use rights in effect when those future versions are first released will apply. In both cases, subsequent changes made by Microsoft to the Product use rights for a particular version will not apply to Customer's use of that version; provided, however, that the use rights for Online Services and the process for updating them as the Online Services evolve are detailed in the Product use rights.
 - (ii) **Product use rights for earlier versions (downgrade).** If Customer runs an earlier version of a Product than the version that was current on the agreement effective date, the Product use rights for the version licensed, not the version being run, will apply. However, if the earlier version includes components that are not part of the licensed version, any Product use rights specific to those components will apply to the Customer's use of those components.
- b. No detrimental changes for Enterprise Products.** If a new version of an Enterprise Product has more restrictive use rights than the version that is current at the start of the applicable initial or renewal term of the agreement, those more restrictive use rights will not apply to the Customer's use of that Product during that term.
- c. Use rights for different language version.** If Customer is using any different language version of any Product licensed under its agreement, Customer's use of the different language version will be governed by the Product use rights for the version licensed under this agreement.

6. *How to order Products.*

- a. **Sign this agreement.** Customer will be directed to a password protected Microsoft Web site to accept this agreement and allow its reseller to place Customer's order. Customer will receive an agreement confirmation which will indicate Microsoft's acceptance of the agreement. The agreement confirmation may be sent by email. After the reseller places Customer's first order, Customer will receive an order confirmation. This agreement will be terminated if Customer fails to place an order within 30 days of the agreement confirmation date. If Customer is unable to access Microsoft's Web site, Customer should contact its reseller.
- b. **Submitting annual orders.** Customer must submit an annual order each year through its reseller, even if there is no change in the number of Products run.
 - (i) For Enterprise Products Customer has chosen, the annual order on the anniversary date must match the count of all Qualified Desktops of Customer and all Affiliates listed in the "Define Customer's Enterprise" section. The Qualified Desktop count can fluctuate from year to year but cannot fall below the minimum of 5 desktops. Enterprise Products can be run as required and reported at the anniversary order.
 - (ii) For Additional Products, the order must be for all Additional Products Customer runs. For new and additional copies, Customer must place orders in the month in which they are first run and will pay for the first year at that time.
 - (iii) Microsoft will give Customer prior written notice each anniversary to submit an annual order to Customer's reseller. If Microsoft does not receive an order within 60 days after the anniversary of the effective date, Microsoft may invoice Customer directly (or instruct a third party to invoice and collect for it), for all sums due during the term of this agreement (based upon estimated retail prices plus twenty percent to cover Microsoft's extra administration costs).
- c. **Pay for orders.** Customer must pay its reseller for the Products ordered.
- d. **Changing a reseller.** If Customer discontinues its relationship with the reseller, Customer must choose a replacement reseller in Customer's Defined Region. If Customer intends to change its reseller, Customer must notify Microsoft and the former reseller in writing on a form that Microsoft provides at least 30 days prior to the date on which the change is to take effect.

7. *Making copies of Products and re-imaging rights.*

- a. **Product use rights.** Microsoft publishes Product use rights for each version of each Product.
- b. **Copies necessary for internal deployment.** Customer may make as many copies of the licensed Products as necessary solely to distribute them for use by its users as outlined in this agreement. Copies must be true and complete copies (including copyright and trademark notices) and be made from media or a network source acquired from or made available by a Microsoft approved fulfillment source for that Product. Customer may use a third party to make and install these copies, but Customer agrees that it will be responsible for that third party's actions. Customer agrees to use reasonable efforts to make its employees, agents and other individuals that it allows to use the Products aware that the Products are licensed from Microsoft and subject to the terms of this agreement.
- c. **Right to re-image.** In certain cases, re-imaging is permitted using the Product media. Customer must acquire at least one License in order for it to be re-imaged. If the Microsoft Product(s) is licensed (1) from an original equipment manufacturer (OEM), (2) as full packaged Product through a retail source, or (3) under another Microsoft program, then media provided under this agreement may be generally used to create images for use in place of copies provided through that separate source. This right is conditional upon the following:

- (i) Separate License must be owned from the source for each Product that is re-imaged;
- (ii) The Product, language, version, and components of the copies must be identical to the Product, language, version, and all components of the copies they replace and the number of copies or instances of the re-imaged Product permitted remains the same.
- (iii) Except for copies of an operating system and copies of Products licensed under another Microsoft program, the Product type (e.g., upgrade or full License) must be identical to the Product type from the separate source.
- (iv) Any Product-specific requirements for re-imaging identified in the Product List.
- (v) Re-images made under this subsection remain subject to the terms and use rights provided with the License from the separate source. This subsection does not create or extend any warranty or support obligation.

8. Transferring and reassigning Licenses.

- a. **License transfers.** License transfers are not permitted, except that Customer may transfer fully-paid perpetual licenses to:

- (i) an Affiliate, or
- (ii) a third party solely in connection with the transfer of hardware or employees to whom the licenses have been assigned as part of (1) a divestiture of an Affiliate or a division of an Affiliate or (2) a merger involving Customer or an Affiliate.

Customer must notify Microsoft of a transfer of license by completing a transfer notice form, which can be obtained from <http://www.microsoft.com/licensing/contracts> and send the completed form to Microsoft before the license transfer. No License transfer will be valid unless Customer provides to the transferee, and the transferee accepts in writing, the applicable Product use rights, use restrictions, limitations of liability (including exclusions and warranty provisions), and the transfer restrictions described in this section. Any license transfer not made in compliance with this section will be void.

- b. **Internal Assignment of Licenses and Software Assurance.** Licenses and Software Assurance must be assigned to a single user or device within its organization. Licenses may be reassigned as described in the Product use rights.

9. Term and termination.

- a. This agreement will be effective on the date it is accepted by Microsoft unless a previous agreement or authorization number is provided. In that case, the effective date will be one day following the expiration of the previous agreement or authorization number.
- b. This agreement ends 12 or 36 full calendar months from the effective date. The term is indicated in the section of this agreement titled "Select a purchasing option and license period." Microsoft will provide Customer prior written notice advising of the renewal and buy-out options.
- c. Either party may terminate this agreement only in the event of a material breach by the other party. Except where the breach is by its nature not curable within 30 days, the terminating party must give the other party 30 days prior written notice and opportunity to cure.
- d. When this agreement expires or is terminated:
 - (i) If Customer does not submit a renewal order based on the "How to renew this agreement" section the agreement will expire. Since all Licenses under this agreement are temporary, Customer will not be eligible to obtain Software Assurance for those Licenses under any other program without first acquiring a perpetual License or a License and Software Assurance.

- (ii) If the agreement is terminated, or Customer does not exercise the buy-out option, or allows the agreement to expire, then all copies of the Products licensed under this agreement and its associated media must be deleted and destroyed. Microsoft may request written certification of the deletion and destruction.

10. How to renew this agreement.

- a. **Renew agreement by extension.** Customer has a one-time option to renew this agreement and place additional orders under it for one additional term of 36 full calendar months. If Customer wishes to renew agreement after the first term expires, it must submit a renewal order prior to or at the expiration of the first term. The new agreement will start the day after the first term ends. The renewal order must meet the minimum desktop requirement. If Microsoft makes a change to the Open Value Subscription program, Customer may have to enter into a new agreement.
- b. **Renew agreement by executing new agreement.** If Customer wishes to continue its subscription after the agreement expires, it must enter into a new agreement and place such orders under it for additional term(s) of 12 or 36 full calendar months. In order to be considered as a consecutive term for the buy-out eligibility calculation purpose, Customer must place such renewal order prior to or at the expiration of the agreement term. The new agreement will start the day after the existing agreement ends.

11. Buy-out.

Customer may elect to obtain perpetual Licenses for Products at the end of the three or more years of consecutive government Open Value Subscription term through One-year License Period option, or Three-year License Period option or combination of both. The buy-out order can be placed only at the end of the agreement term. Customer must submit an order to the reseller before the end of that term and pay the buy-out price. The buy-out price is determined by agreement between Customer and its reseller. The Customer can choose to buy-out Enterprise Products and Additional Products for the following quantities:

- a. **for Enterprise Products:** all Qualified Desktops covered by the orders placed during the final year of the agreement term; and
- b. **for Additional Products:** any quantity of Additional Products covered by the orders placed during the final year of the agreement.
- c. **for the buy-out option:** The Customer's prices for buy-out licenses will be the buy-out prices in effect for its price level for that Product as of the date that it places its first order for that Product or as specified with the initial order.

If Customer opts to buy-out Licenses, Customer must renew Software Assurance on or before the end of the agreement term by signing a new License agreement (e.g. Open Value agreement, Enterprise agreement).

12. Confidentiality.

To the extent permitted by applicable law, the terms and conditions of this agreement are confidential. Neither party will disclose such terms and conditions, or the substance of any discussions that led to them, to any third party other than Affiliates or agents, or to designated or prospective resellers who: (1) have a need to know such information in order to assist in carrying out this agreement; and (2) have been instructed by that all such information is to be handled in strict confidence.

Microsoft may use any technical information it derives from providing services related to Microsoft software for problem resolution, troubleshooting, Product functionality enhancements, and Fixes for Microsoft's knowledge base. Microsoft agrees not to identify or disclose any confidential information in any item in the knowledge base. Microsoft is not obligated to restrict the future work assignments of

people who have had access to Customer's confidential information. In addition, the parties and these people are free to use the information that these people remember related to information technology, including ideas, concepts, know-how, or techniques, so long as confidential information of the other party is not disclosed in the course of such use.

13. Warranties.

- a. Limited warranty.** Microsoft warrants that:
 - (i) Online Services will perform in accordance with the applicable Service Level Agreement; and
 - (ii) Products other than Online Services will perform substantially as described in the applicable Microsoft user documentation.
- b. Limited warranty term.** The limited warranty for:
 - (i) Online Services is for the duration of Customer's use of the Online Service, subject to the notice requirements in the applicable Service Level Agreement; and
 - (ii) Products other than Online Services is one year from the date Customer first uses the Product.
- c. Limited warranty exclusions.** This limited warranty is subject to the following limitations:
 - (i) any implied warranties, guarantees, or conditions last only during the term of the limited warranty, except where local law does not permit such a limitation;
 - (ii) the limited warranty does not cover problems caused by accident, abuse, or use of the Products in a manner inconsistent with this agreement or the Product use rights or resulting from events beyond Microsoft's reasonable control;
 - (iii) the limited warranty does not apply to components of Products that Customer is permitted to redistribute; and
 - (iv) the limited warranty does not apply to problems caused by the failure to meet minimum system requirements.
- d. Remedies for breach of limited warranty.** If Microsoft fails to meet any of the above limited warranties and Customer notifies Microsoft within the warranty term, then Microsoft will,
 - (i) for Online Services, provide the remedies identified in the Service Level Agreement for the affected Online Service;
 - (ii) For Products other than Online Service, at its option, either (1) return the price paid for the Product, or (2) repair or replace the Product.

These are Customer's only remedies for breach of the limited warranty, unless other remedies are required to be provided under applicable law.
- e. DISCLAIMER OF OTHER WARRANTIES.** OTHER THAN THIS LIMITED WARRANTY, MICROSOFT PROVIDES NO OTHER EXPRESS OR IMPLIED WARRANTIES OR CONDITIONS. MICROSOFT DISCLAIMS ANY IMPLIED WARRANTIES OF MERCHANTABILITY, FITNESS FOR A PARTICULAR PURPOSE, SATISFACTORY QUALITY, TITLE, OR NON-INFRINGEMENT. THESE DISCLAIMERS WILL APPLY UNLESS APPLICABLE LAW DOES NOT PERMIT THEM.

14. Defense of infringement, misappropriation, and third party claims.

- a. Microsoft Agreement to protect.** Microsoft will defend Customer against any claims made by an unaffiliated third party that any Product or Fix infringes that party's patent, copyright, or trademark or makes intentional unlawful use of its Trade Secret. Microsoft will also pay the

amount of any resulting adverse final judgment (or settlement to which Microsoft consents). This section provides Customer's exclusive remedy for these claims.

b. Limitations on defense obligation. Microsoft's obligations will not apply to the extent that the claim or award is based on:

- (i) Customer Data, non-Microsoft software, modifications Customer makes to, or any specifications or materials Customer provides or makes available for, a Product or Fix.
- (ii) Customer's use of the Product or Fix after Microsoft notifies it to discontinue that use due to a third party claim;
- (iii) Customer's combination of the Product or Fix with a non-Microsoft product, data, or business process; or damages based on the use of a non-Microsoft product, data or business process; or
- (iv) Customer's use of either Microsoft's trademarks or the use or redistribution of a Product or Fix in violation of this agreement or any agreement incorporating its terms.

Customer will reimburse Microsoft for any costs or damages that result from any of these actions.

c. Customer's agreement to protect. Customer will defend Microsoft against any claims made by an unaffiliated third party that:

- (i) any Customer Data or non-Microsoft software Microsoft hosts on Customer's behalf infringes the third party's patent, copyright, or trademark or makes unlawful use of its Trade Secret; or
- (ii) arises from violation of the Acceptable Use Policy, which is described in the Product use rights.

Customer must pay the amount of any resulting adverse final judgment (or settlement to which Customer consents). This section provides Microsoft's exclusive remedy for these claims.

d. Rights and remedies in case of possible infringement or misappropriation.

- (i) **Microsoft Offerings.** If Microsoft reasonably believes that a Product or Fix may infringe or misappropriate a third-party's intellectual property rights, Microsoft will seek to: (1) procure for Customer the right to continue to use the Product or Fix; or (2) modify or replace it with a functional equivalent to make it non-infringing and notify Customer to discontinue use of the prior version, which Customer must do immediately. If the foregoing options are not commercially reasonable for Microsoft, or if required by a valid judicial or government order, Microsoft may terminate Customer's license or access rights in the Product or Fix. In such a case, Microsoft will provide Customer with notice and refund any amounts Customer has paid for those rights to the Product or Fix (or for Online Services, any amount Customer has paid in advance for unused Online Services).
- (ii) **Customer Data or use of non-Microsoft software with Online Services.** If an unaffiliated third party asserts that Customer Data or non-Microsoft software or technology used by Customer with the Online Services violates their intellectual property rights, Microsoft may ask Customer to remove the allegedly infringing item. If Customer fails to do so within a reasonable period of time, Microsoft may suspend or terminate the Online Service to which the Customer Data or non-Microsoft software relates.

e. Obligations of protected party. Customer must notify Microsoft promptly in writing of a claim subject to the Subsection titled "Microsoft's agreement to protect" and Microsoft must notify Customer promptly in writing of a claim subject to the Subsection titled "Customer's agreement to protect." The party invoking its right to protection must (1) give the other party sole control over the defense or settlement; and (2) provide reasonable assistance in

defending the claim. The party providing the protection will reimburse the other party for reasonable out of pocket expenses that it incurs in providing assistance.

15. Limitations and exclusions on damages.

- a. **Limitation on liability.** To the extent permitted by applicable law, the liability of each party, its Affiliates, and its contractors arising under this agreement is limited to direct damages up to (1) for Products other than Online Services, the amount Customer was required to pay for the Product giving rise to that liability and (2) for Online Services, the amount Customer paid for the Online Service giving rise to that liability during the prior 12 months. These limitations apply regardless of the legal basis for the claim. However, these monetary limitations will not apply to:
 - (i) Obligations under the section titled "Defense of infringement, misappropriation, and third party claims";
 - (ii) liabilities arising out of any breach by either party of its obligations under the section titled "Confidentiality"; except that Microsoft's liability arising out of or in relation to Customer Data shall in all cases be limited to the amount Customer paid for the Online Service giving rise to that liability during the prior 12 months; or
 - (iii) violation by either party of the other party's intellectual property rights.
- b. **EXCLUSION OF CERTAIN DAMAGES.** TO THE EXTENT PERMITTED BY APPLICABLE LAW, WHATEVER THE LEGAL BASIS FOR THE CLAIM, NEITHER PARTY, NOR ANY OF ITS AFFILIATES OR CONTRACTORS, WILL BE LIABLE FOR ANY INDIRECT, CONSEQUENTIAL, SPECIAL, OR INCIDENTAL DAMAGES, OR DAMAGES FOR LOST PROFITS, REVENUES, BUSINESS INTERRUPTION, OR LOSS OF BUSINESS INFORMATION ARISING IN CONNECTION WITH THIS AGREEMENT, EVEN IF ADVISED OF THE POSSIBILITY OF SUCH DAMAGES OR IF SUCH POSSIBILITY WAS REASONABLY FORESEEABLE. HOWEVER, THIS EXCLUSION DOES NOT APPLY TO EITHER PARTY'S LIABILITY TO THE OTHER FOR VIOLATION OF ITS CONFIDENTIALITY OBLIGATIONS OR OF THE OTHER PARTY'S INTELLECTUAL PROPERTY RIGHTS.
- c. **Affiliates and contractors.** Neither Microsoft nor Customer shall bring any action against the other's Affiliates or contractors in respect of any matter which is disclaimed on their behalf in this Section. Each party will indemnify the other in the event of any breach of this provision.

16. Verifying compliance for Products.

- a. **Right to verify compliance.** Customer must keep records relating to the Products it and its Affiliates use or distribute. Microsoft has the right to verify compliance with the license terms for the Products, at Microsoft's expense.
- b. **Verification process and limitations.** Microsoft will provide Customer at least 30 days' notice of its intent to verify compliance. Microsoft will engage an independent auditor, which will be subject to a confidentiality obligation. Verification will take place during normal business hours and in a manner that does not interfere unreasonably with Customer's operations. Customer must promptly provide the independent auditor with any information it reasonably requests in furtherance of the verification, including access to systems running the Products and evidence of licenses for Products Customer hosts, sublicenses, or distributes to third parties. As an alternative, Microsoft may require Customer to complete Microsoft's self-audit process relating to the Products Customer and any of its Affiliates use or distribute. Such information will be used solely for purposes of determining compliance.
- c. **Remedies for non-compliance.** If verification or self-audit reveals any unlicensed use, Customer must within 30 days order sufficient licenses to cover its use. If unlicensed use is

5% or more, Customer must reimburse Microsoft for the costs Microsoft has incurred in verification and acquire the necessary additional licenses at 125% of the then current price list and Customer price level within 30 days. The unlicensed use percentage is based on the total number of licenses purchased compared to actual install base. If there is no unlicensed use, Microsoft will not undertake another verification of the same Customer for at least one year. By exercising the rights and procedures described above, Microsoft does not waive its rights to enforce this agreement or to protect its intellectual property by any other means permitted by law.

17. Miscellaneous.

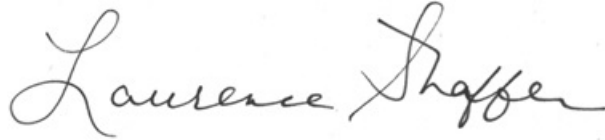
- a. **Notices to Microsoft.** Notices, authorizations, and requests in connection with this agreement must be sent by regular or overnight mail, or express courier to the addresses and numbers listed in this agreement. Notices will be treated as delivered on the date shown on the return receipt or on the courier confirmation of delivery.
- b. **No transfer of ownership.** Microsoft does not transfer any ownership rights in any licensed Product. Microsoft reserves all rights not specifically granted. The Products are protected by copyright and other intellectual property rights laws and international treaties.
- c. **Order of precedence.** In the case of a conflict between any documents identified in the first page that is not resolved expressly in the documents, their terms will control in the following order: (1) these terms and conditions and the accompanying signature form; (2) the Product List; (3) the Product use rights; and (4) all orders submitted under this agreement. The terms of any purchase order or any general terms and conditions Customer maintains do not apply. The terms of any purchase order or any general terms and conditions Customer maintains do not apply.
- d. **Law that applies to this agreement.** This agreement will be governed by and interpreted in accordance with the laws of Customer's State, without regard to the conflict laws provisions thereof.
- e. **Courts will enforce as many terms as the law permits.** If a court holds any term of this agreement to be illegal, invalid, or unenforceable, the remaining terms will remain in full force and effect and this agreement will be amended to give effect to the stricken section to the maximum extent possible.
- f. **Survival.** Provisions regarding Product use rights, restrictions on use, transfer of licenses, warranties, warranty limitations, limitation and exclusions on damages, defense against intellectual property claims, confidentiality, compliance verification, and obligations on termination or expiration will survive termination or expiration of this agreement.
- g. **Resellers and other third parties cannot bind Microsoft.** Resellers and other third parties do not have authority to bind or impose any obligation or liability upon Microsoft.
- h. **Subcontractors.** Microsoft may use contractors to support Online Services. Microsoft will be responsible for their performance subject to the terms of this agreement.
- i. **Customer's responsibility for others using the Product; third parties that may benefit from this agreement.** Customer must use reasonable efforts to make its employees, agents, Affiliates, and others using the Product aware that the Product may be used only according to this agreement. Customer is responsible for the acts and omissions of any people or businesses that make, install, or run copies of the Product.

Certain sections of this agreement are for the benefit of Microsoft Affiliates. As a result, Microsoft and its Affiliates are entitled to enforce this agreement. Except for Microsoft Affiliates, this agreement does not create any enforceable rights by anyone other than Microsoft and Customer. Any representation or agreement made by Microsoft's Affiliates that would change the terms of this agreement must be in writing and signed by Microsoft's authorized representative.

- j. **Privacy and security.** Microsoft and Customer will each comply with all applicable privacy and data protection laws and regulations (including applicable security breach notification law). However, Microsoft is not responsible for compliance with any laws applicable to Customer or Customer's industry that are not also generally applicable to information technology services providers. Customer consents to the processing of personal information by Microsoft and its agents to facilitate the subject matter of this agreement. Customer may choose to provide personal information to Microsoft on behalf of third parties (including Customer's contacts, resellers, distributors, administrators, and employees) as part of this agreement. Customer will obtain all required consents from third parties under applicable privacy and data protection law before providing personal information to Microsoft. The personal information Customer provides in connection with this agreement will be processed according to the privacy statement available at <https://www.microsoft.com/licensing/servicecenter> (see footer), except that Product-specific privacy statements are in the Product use rights. Personal data collected through Products may be transferred, stored and processed in the United States or any other country in which Microsoft or its service providers maintain facilities. By using the Products, Customer consents to the foregoing. Microsoft abides by the EU Safe Harbor and the Swiss Safe Harbor frameworks as set forth by the U.S. Department of Commerce regarding the collection, use, and retention of data from the European Union, the European Economic Area, and Switzerland. For Online Services, additional privacy and security details are in the Product use rights.
- k. **Advisor fee.** Microsoft, or its Affiliates, sometimes pays fees to software advisors, or other third parties authorized by Microsoft or one of its Affiliates. The fees are in exchange for their advisory Services. The payment of fees depends upon several factors, including the type of agreement under which Customer orders Licenses, which Licenses Customer orders, and whether Customer chooses to use an advisor. The fee amounts increase with the size of the orders Customer places under this agreement.
- l. **U.S. export.** Products and Fixes are subject to U.S. export jurisdiction. Customer must comply with all applicable international and national laws, including the U.S. Export Administration Regulations, the International Traffic in Arms Regulations, and end-user, end use and destination restrictions by U.S. and other governments related to Microsoft products, services, and technologies. For additional information related to Microsoft compliance with export rules, see <http://www.microsoft.com/exporting>. Customer will notify Microsoft at cmec@microsoft.com as to any regulatory or legal controls on the use, access or transfer of Customer's software or technology prior to such use, access or transfer to/by Microsoft. Customer will provide sufficient information to permit Microsoft to comply with applicable controls on Customer's software or technology.
- m. **Natural disaster.** In the event of a "natural disaster", Microsoft may provide additional assistance or rights by

TO: Honorable Mayor and City Council

FROM: Laurence Shaffer, City Manager



SUBJECT: Resolution for Mowing MDOT Properties

SUPPORTING PERSONNEL: Rod Russell, Director of Public Services

ACTION RECOMMENDED: That City Council approve a *Performance Resolution for Governmental Agencies* for required permits to mow three Michigan Department of Transportation properties in the City of Portage.

The Michigan Department of Transportation (MDOT) mows properties they own adjacent to roadways only once during the summer season. To keep these highly visible areas in the City of Portage properly maintained, annually the City of Portage Department of Public Services hires a contractor to regularly mow the following MDOT properties:

- I-94 & South Westnedge Avenue interchange and retention basins
- I-94 & Oakland Drive interchange and ride share lotUS-131
- West Centre Avenue interchange and ride share lot

The MDOT permits for the listed properties were renewed by MDOT on November 2, 2016. As part of the renewal process, MDOT requires a Performance Resolution for Governmental Agencies to be accepted by City Council. This resolution releases MDOT from any responsibilities or repairs should an incident involving the city or its contractor occur on the permitted MDOT properties.

Additionally, the Department of Transportation & Utilities is required to have a Performance Resolution on file with MDOT for any projects on MDOT property. MDOT has indicated that a single Performance Resolution can be submitted on behalf of the city to cover both departments. This form will remain on file with MDOT and does not need to be renewed unless changes are made to the form or changes occur to the structure of the city departments.

Therefore, it is recommended that City Council approve the Performance Resolution for Governmental Agencies for the required permits to mow these three MDOT properties.

FUNDING: Funding for the MDOT mowing activity is programmed in the Major Streets Roadside Maintenance Fund.

Attachments: 1. Performance Resolution (multi-departmental)

PERFORMANCE RESOLUTION FOR GOVERNMENTAL AGENCIES

This Performance Resolution is required by the Michigan Department of Transportation for purposes of issuing to a municipal utility an "Individual Permit for Use of State Highway Right of Way", or an "Annual Application and Permit for Miscellaneous Operations within State Highway Right of Way".

RESOLVED WHEREAS, the CITY OF PORTAGE
(city, village, township, etc.)

hereinafter referred to as the "GOVERNMENTAL AGENCY," periodically applies to the Michigan Department of Transportation, hereinafter referred to as the "DEPARTMENT," for permits, referred to as "PERMIT," to construct, operate, use and/or maintain utilities or other facilities, or to conduct other activities, on, over, and under State Highway Right of Way at various locations within and adjacent to its corporate limits;

NOW THEREFORE, in consideration of the DEPARTMENT granting such PERMIT, the GOVERNMENTAL AGENCY agrees that:

1. Each party to this Agreement shall remain responsible for any claims arising out of their own acts and/or omissions during the performance of this Agreement, as provided by law. This Agreement is not intended to increase either party's liability for, or immunity from, tort claims, nor shall it be interpreted, as giving either party hereto a right of indemnification, either by Agreement or at law, for claims arising out of the performance of this Agreement.
2. If any of the work performed for the GOVERNMENTAL AGENCY is performed by a contractor, the GOVERNMENTAL AGENCY shall require its contractor to hold harmless, indemnify and defend in litigation, the State of Michigan, the DEPARTMENT and their agents and employee's, against any claims for damages to public or private property and for injuries to person arising out of the performance of the work, except for claims that result from the sole negligence or willful acts of the DEPARTMENT, until the contractor achieves final acceptance of the GOVERNMENTAL AGENCY. Failure of the GOVERNMENTAL AGENCY to require its contractor to indemnify the DEPARTMENT, as set forth above, shall be considered a breach of its duties to the DEPARTMENT.
3. Any work performed for the GOVERNMENTAL AGENCY by a contractor or subcontractor will be solely as a contractor for the GOVERNMENTAL AGENCY and not as a contractor or agent of the DEPARTMENT. The DEPARTMENT shall not be subject to any obligations or liabilities by vendors and contractors of the GOVERNMENTAL AGENCY, or their subcontractors or any other person not a party to the PERMIT without the DEPARTMENT'S specific prior written consent and notwithstanding the issuance of the PERMIT. Any claims by any contractor or subcontractor will be the sole responsibility of the GOVERNMENTAL AGENCY.
4. The GOVERNMENTAL AGENCY shall take no unlawful action or conduct, which arises either directly or indirectly out of its obligations, responsibilities, and duties under the PERMIT which results in claims being asserted against or judgment being imposed against the State of Michigan, the Michigan Transportation Commission, the DEPARTMENT, and all officers, agents and employees thereof and those contracting governmental bodies performing permit activities for the DEPARTMENT and all officers, agents, and employees thereof, pursuant to a maintenance contract. In the event that the same occurs, for the purposes of the PERMIT, it will be considered as a breach of the PERMIT thereby giving the State of Michigan, the DEPARTMENT, and/or the Michigan Transportation Commission a right to seek and obtain any necessary relief or remedy, including, but not by way of limitation, a judgment for money damages.

5. The GOVERNMENTAL AGENCY will, by its own volition and/or request by the DEPARTMENT, promptly restore and/or correct physical or operating damages to any State Highway Right of Way resulting from the installation construction, operation and/or maintenance of the GOVERNMENTAL AGENCY'S facilities according to a PERMIT issued by the DEPARTMENT.
6. With respect to any activities authorized by a PERMIT, when the GOVERNMENTAL AGENCY requires insurance on its own or its contractor's behalf it shall also require that such policy include as named insured the State of Michigan, the Transportation Commission, the DEPARTMENT, and all officers, agents, and employees thereof and those governmental bodies performing permit activities for the DEPARTMENT and all officers, agents, and employees thereof, pursuant to a maintenance contract.
7. The incorporation by the DEPARTMENT of this resolution as part of a PERMIT does not prevent the DEPARTMENT from requiring additional performance security or insurance before issuance of a PERMIT.
8. This resolution shall continue in force from this date until cancelled by the GOVERNMENTAL AGENCY or the DEPARTMENT with no less than thirty (30) days prior written notice provided to the other party. It will not be cancelled or otherwise terminated by the GOVERNMENTAL AGENCY with regard to any PERMIT which has already been issued or activity which has already been undertaken.

BE IT FURTHER RESOLVED, that the following position(s) are authorized to apply to the DEPARTMENT for the necessary permit to work within State Highway Right of Way on behalf of the GOVERNMENTAL AGENCY.

Title and/or Name: _____

Director of Transportation & Utilities _____

Director of Public Services _____

I HEREBY CERTIFY that the foregoing is a true copy of a resolution adopted by

the _____
(Name of Board, etc)

of the _____ of _____
(Name of GOVERNMENTAL AGENCY) (County)

at a _____ meeting held on the _____ day

of _____ A.D. _____.

Signed _____ Title _____

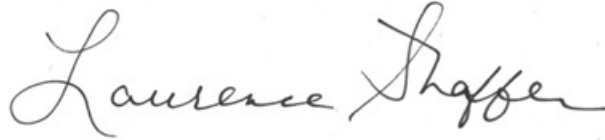
APPROVED AS TO FORM

DATE 1-31-17

CRB
CITY ATTORNEY

TO: Honorable Mayor and City Council

FROM: Laurence Shaffer, City Manager



SUBJECT: Romence Road Reconstruction - Grand Elk Railroad Grade Crossing

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

ACTION RECOMMENDED: That City Council endorse a Local Grade Crossing Surface Program application to the Michigan Department of Transportation for the grade crossing at the Romence Road railroad crossing by the Grand Elk Railroad in the amount of \$51,036 and authorize the City Manager to execute all documents related to this matter on behalf of the city.

Funding for reconstruction of the Romence Road Grand Elk Railroad Crossing (between South Westnedge Avenue and Lovers Lane) is included in the fiscal year 2016-2017 Capital Improvement Program budget. The project includes the replacement of the rubber panel and asphalt railroad grade crossing on Romence Road with a concrete panel grade crossing. Concrete panel crossings out-perform rubber versions, resulting in improved operational life compared to more traditional timber and rubber crossing materials. If the program application is approved by MDOT, city staff will coordinate with the Grand Elk Railroad such that the railroad construction and subsequent road closing will be accomplished in the summer of 2017. Construction for new grade crossings, such as Romence Road, typically require a two-week road closure.

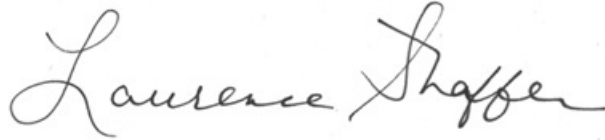
City staff and the Grand Elk Railroad have been developing plans for replacing this railroad crossing since the summer of 2016. The estimated total cost for the work required of Grand Elk Railroad (including labor, materials and construction supervision) is \$127,589. The contribution from the city would be 40% of the total cost (\$51,036). Normally, grade crossing improvements are financed completely with city funds. Should the program application not be approved, the city would be responsible for funding the cost of the entire project.

FUNDING: 2016-2017 Capital Improvement Program

Attachments: 1. Grand Elk Railroad cost summary

TO: Honorable Mayor and City Council

FROM: Laurence Shaffer, City Manager



SUBJECT: Fiscal Year 2017-2018 Proposed Budget Review Schedule

SUPPORTING PERSONNEL: William Furry, Director of Finance

ACTION RECOMMENDED: That City Council establish April 18 and May 2, 2017 from 4:30 to 8:30 p.m. as the dates for review of the proposed Fiscal Year 2017-2018 Budget.

City Council will receive the proposed Fiscal Year 2017-2018 budget on April 11, 2017. The budget review schedule has been developed to permit review of all budget aspects. Budget review sessions are proposed for Tuesday, April 18 and Tuesday, May 2 at 4:30 p.m. on each of the proposed dates in Conference Room #1 of Portage City Hall.

Further, a public hearing on the proposed budget will be held during the May 9, 2017 regular meeting of City Council, with formal adoption scheduled for May 23, 2017. As in the past, the review sessions, public hearing and other Council meetings will provide ample opportunity for public comment and analysis.

FUNDING: N/A

Attachments: 1. Budget Review Schedule

TENTATIVE FISCAL YEAR 2017-2018 BUDGET REVIEW ACTIVITY SCHEDULE

Review Session #1

Tuesday, April 18

Budget Overview	4:30 - 4:40 p.m.
Purchasing	4:40 - 5:00
Human Resources	5:00 - 5:20
City Assessor	5:20 - 5:40
	BREAK 5:40 - 6:10
Transportation & Utilities	6:10 - 6:30
Public Services	6:30 - 7:00
Parks, Recreation & Senior Citizen Services	7:00 - 7:30
Public Safety	7:30 - 8:30

Review Session #2

Tuesday, May 2

Legislative / Human Services	4:30 - 5:00 p.m.
Community Development	5:00 - 5:20
City Clerk	5:20 - 5:40
Technology Services	5:40 - 6:00
	BREAK 6:00 - 6:30
City Manager	6:30 - 6:50
Finance & Other Fund Activities	6:50 - 7:15
Capital Improvement Program	7:15 - 8:30

TO: Honorable Mayor and City Council

FROM: Laurence Shaffer, City Manager



SUBJECT: Brownfield Plan for Stryker Instruments

SUPPORTING PERSONNEL: Vicki Georgeau, Director of Community Development

ACTION RECOMMENDED: That City Council adopt the:

1. Resolution of Support for the Kalamazoo County Brownfield Redevelopment Authority Brownfield Plan for Stryker Instruments; and approve the
2. Brownfield Plan Development Agreement between the Kalamazoo County Brownfield Redevelopment Authority and City of Portage.

Pursuant to the Brownfield Redevelopment Financing Act (PA 381 of 1996, as amended), Stryker Instruments has proposed a Brownfield Plan through the Kalamazoo County Brownfield Redevelopment Authority (KCBRA) to facilitate eligible environmental, public infrastructure and site preparation activities. The proposed Brownfield plan is related to a development project that includes an approximate 485,000-square-foot research and development facility that will result in the retention of 966 jobs and the creation of 105 new jobs within the community. Stryker Instruments recently acquired nine parcels of land, including 1306 East Milham Avenue, 1700 East Milham Avenue, 6000 Portage Road, 6100 Portage Road, 6520 Portage Road, 1405 Ramona Avenue, 2221 Ramona Avenue, 2321 Ramona Avenue, and 2403 Ramona Avenue totaling 288 acres. As shown on the attached vicinity map, this land assemblage is bounded on the east by Portage Road, on the west by Lovers Lane, on the north by East Milham Avenue and on the south by Ramona Avenue. The proposed R&D facility will be located on approximately 79 acres of the southeast quadrant of this large land area. The total new building construction and infrastructure costs for the development are estimated at \$130 to \$150 million.

Stryker Instruments is requesting to utilize tax increment financing (TIF) for reimbursement of eligible expenses related to the facility. In addition, the City of Portage is partnering with Stryker Instruments and the KCBRA on the development project by realigning Lovers Lane north of Ramona Avenue to improve safety and road functionality. The City of Portage will fund the Lovers Lane improvements, which are slated to be complete in the summer of 2019 and will also utilize TIF for reimbursement of city expenses. A Development Agreement between the KCBRA and the City of Portage has been prepared to ensure completion of the project and reimbursement of city expenses. This development agreement has been reviewed and approved by the city's Bond Counsel. Finally, Stryker Instruments will seek a PA 198 tax abatement for the development project and the Brownfield Plan reflects a 12-year real property tax abatement period, which Stryker is eligible to receive under the City of Portage Industrial Tax Abatement Incentive Policy.

Attached is the January 20, 2017 Community Development staff report to the Portage Brownfield Redevelopment Authority, as well as the proposed Stryker Brownfield Plan prepared by Envirollogic Technologies, approved by the KCBRA on January 19, 2017. The subject properties are currently unimproved land, some having been used for crop production. The site is an eligible “facility” due to the presence of soil and groundwater contamination. Eligible activities associated with the Brownfield plan, proposed to be funded through state and local tax reimbursement, include the following:

- MDEQ Eligible Activities: Phase I and II Environmental Assessments; Baseline Environmental Assessment; Documentation of Due Care Compliance
- Local Tax Capture Only Activities: Contaminated soil management
- Michigan Strategic Fund Non-Environmental Activities: Public infrastructure; site preparation; Brownfield Plan and Act 381 Work Plan; contingencies and financing costs; KCBRA administration expenses; professional soft costs

Because the City of Portage is designated as a “qualified local unit of government,” capture of local and school tax dollars may also be utilized and is proposed with this plan. As shown in Table 1 in the Brownfield Plan, the estimated cost to complete all eligible activities is \$11,013,156. Included in these activities and costs, the KCBRA and the City of Portage have agreed to an approximate four years of tax capture for the Local Brownfield Revolving Fund (LBRF), but in no case more than \$2,500,000. The LBRF is used to make funds available for other brownfield projects in the county, including those that may be located in Portage. Finally, and as required by the Brownfield Redevelopment Financing Act involving the use of school tax increment revenues, \$897,000 must be deposited into the State Brownfield Redevelopment Fund.

As shown on Table 2 in the attached plan, and based on the significant level of investment being made by Stryker Instruments, the increase in taxable value available for capture is approximately \$62.9 million. Based on the proposed nine years of tax capture, the tax increment available for capture by all entities is \$14,535,392. Table 3 lists the estimated annual foregone tax revenue for each taxing jurisdiction. During the plan period, the City of Portage will forego approximately \$333,231 on an annual basis. Table 4 shows foregone tax revenue for each taxing jurisdiction over the nine-year plan period. As shown on Table 5, of the \$11,013,156 in eligible expenses, Stryker Instruments will receive up to \$6,565,283 in reimbursement for eligible activities and building/site expenses, including interest and potential contingencies. In addition, the City of Portage will receive up to \$810,873 for expenses related to Lovers Lane improvements, including interest and potential contingencies. After reimbursement of eligible activities and completion of LBRF captures, the tax revenue would be distributed to the traditional taxing jurisdictions.

The KCBRA reviewed the Brownfield Plan for Stryker Instruments on January 19, 2017 and recommended approval of the Plan to the County Board of Commissioners. Any approval by the County Board of Commissioners is contingent upon Portage City Council approval of the attached resolution and Brownfield Plan Development Agreement. Subsequent to City Council action, the County Board of Commissioners will hold a public hearing on February 21, 2017 to review and approve the Brownfield Plan.

The proposed brownfield plan will provide financial assistance to this significant and transformative development project, which will benefit the City of Portage and the larger metropolitan area through

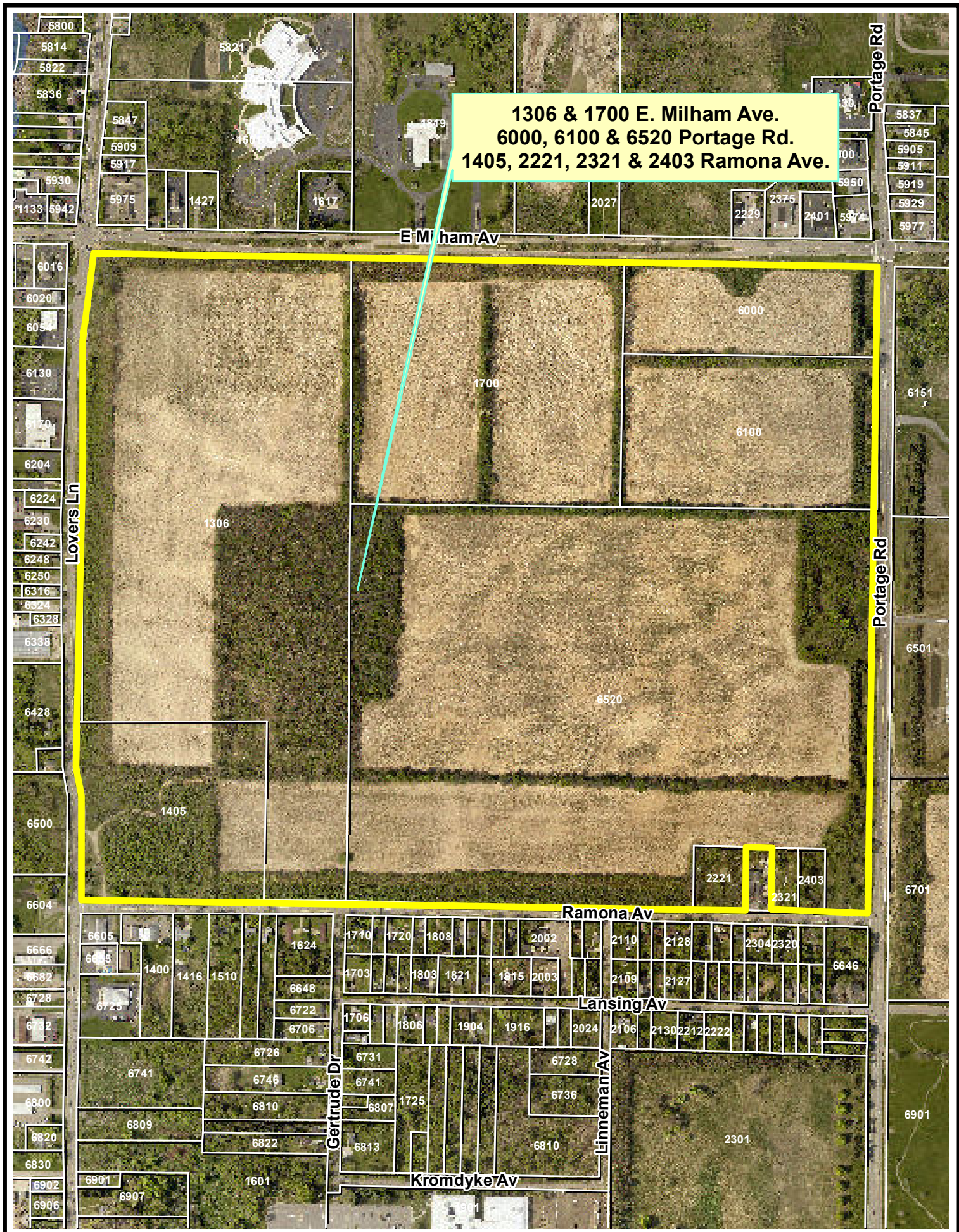
increased tax base, as well as retention and creation of quality jobs in the community. In addition to the economic benefits, the project represents an example of ongoing inter-governmental cooperation through the use of the KCBRA.

Therefore, it is recommended that City Council: approve the resolution of support for the Kalamazoo County Brownfield Redevelopment Authority Brownfield Plan for Stryker Instruments to include and also approve the Brownfield Plan Development Agreement between the Kalamazoo County Brownfield Redevelopment Authority and City of Portage.

FUNDING: City funds in the amount of \$654,000 for Lovers Lane improvements are included in the Brownfield Plan. Expenditures by the City of Portage for this capital improvement will be reimbursed through tax increment revenue as part of the Brownfield Plan Development Agreement with the KCBRA and City of Portage.

Attachments:

1. Stryker Brownfield Plan Vicinity Map
2. Resolution of Support
3. Brownfield Plan Development Agreement (without attachments)
4. January 20, 2017 Department of Community Development staff report
5. January 27, 2017 Portage Brownfield Redevelopment Authority Minutes



1 inch = 600 feet

Date: 2/2/2017

Proposed Stryker Brownfield Plan

**CITY OF PORTAGE, MICHIGAN
RESOLUTION IN SUPPORT OF A BROWNFIELD PLAN PURSUANT TO AND
IN ACCORDANCE WITH THE PROVISIONS OF ACT 381 OF THE PUBLIC ACTS
OF THE STATE OF MICHIGAN OF 1996, AS AMENDED**

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, the City Council of Portage, pursuant to and in accordance with the provisions of the Brownfield Redevelopment Financing Act, being Act 381 of the Public Acts of the State of Michigan of 1996, as amended (the "Act"), has formally resolved to participate in the Brownfield Redevelopment Authority (BRA) of Kalamazoo County (the "Authority") and has designated that all related brownfield activities for this project shall proceed through the Authority; and

WHEREAS, the Authority, pursuant to and in accordance with Section 13 of the Act, has reviewed, adopted and recommended for approval by the City Council, the Brownfield plan (the "Plan") attached hereto, to be carried out within the City, relating to the redevelopment of the property located at 1306 E. Milham, 1700 E. Milham, 6000 Portage Road, 6100 Portage Road, 1405 Ramona Avenue, 6520 Portage Road, 2221 Ramona Avenue, 2321 Ramona Avenue, and 2403 Ramona Avenue, Portage, Kalamazoo County, Michigan, (collectively the "Site"), as shown in Figures 1 & 2 of the Plan and more particularly described in the legal description contained within the attached Plan; and

WHEREAS, the City Council of Portage has reviewed the Plan, and was provided a reasonable opportunity to express its views and recommendations regarding the Plan and in accordance with Sections 13(13) of the Act; and

WHEREAS, as a result of its review of the Plan, the City Council of Portage concurs with approval of the Plan.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. **Plan Support.** Pursuant to the authority vested in the City Council of Portage, by the Act, the Plan is hereby supported in the form attached to this Resolution.
2. **Severability.** In the event any provision of this Resolution shall be held invalid or unenforceable by any court of competent jurisdiction, such holding shall not invalidate or render unenforceable any other provision herein.
3. **Repeals.** All resolutions or parts of resolutions in conflict with any of the provisions of this Resolution are hereby repealed.

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\stryker brownfield resolution.013117.docx

APPROVED AS TO FORM
DATE 2/1/17

CITY ATTORNEY

BROWNFIELD PLAN DEVELOPMENT AGREEMENT

(City of Portage)

THIS BROWNFIELD PLAN DEVELOPMENT AGREEMENT (the "Agreement"), is entered into between the **KALAMAZOO COUNTY BROWNFIELD REDEVELOPMENT AUTHORITY**, a Michigan public body corporate established pursuant to Act 381 of the Public Acts of 1996, as amended, MCL 125.2651 et seq. ("Act 381"), whose address is 201 W. Kalamazoo Avenue, Room 101, Kalamazoo, Michigan 49007 (the "Authority"), and the **CITY OF PORTAGE**, Michigan, (the "City"), as of the latest date of signature below.

RECITALS

WHEREAS, the Authority, the City, and Kalamazoo County (the "County") have determined that brownfield redevelopment constitutes the performance of an essential public purpose which protects and promotes the public health, safety and welfare;

WHEREAS, Kalamazoo County has established a Brownfield Redevelopment Authority and the Authority and the County have adopted a Brownfield Plan (the "Plan"), pursuant to the provisions of Act 381;

WHEREAS, the Authority and the County have designated certain properties that have conditions of environmental contamination, blight or obsolescence as appropriate sites for creating a Plan;

WHEREAS, Act 381 permits the use of the real and personal property tax revenues generated from the increase in value (the "Increment") to brownfield sites constituting Eligible Property under Act 381 resulting from their redevelopment to pay or reimburse the payment of costs of conducting Eligible Activities (these costs are referred to as "Eligible Costs") and, unless Developer is a liable party for the site contamination, permits the reimbursement to Developer of Eligible Costs it has incurred;

WHEREAS, Stryker Corporation, a Michigan corporation ("Developer") owns 288 acres of land in the City of Portage in Kalamazoo County bordered by Portage Road, East Milham Avenue, Lovers Lane and Ramona Avenue (the "Property") and legally described on the attached Exhibit A;

WHEREAS, the Property has been included in the Plan, and the Authority has determined that the Property qualifies as "Eligible Property" under the terms of Act 381;

WHEREAS, Developer intends to redevelop the Property, by constructing a 485,000 square foot research and development complex (the "Project"), with: total investment in the Project expected in the range of \$130 to \$150 million, including new building construction, new and improved roads, new sanitary and storm sewer mains, a new water main, and other improvement; total job creation at the Property location expected to be at least 105 jobs, and with 966 jobs retained by the Project, resulting in an increase of the property tax base within the City and County;

WHEREAS, the Project will require the Developer to incur Eligible Costs associated with certain Eligible Activities which may require the services of various contractors, engineers, environmental consultants, attorneys and other professionals ("Developer Eligible Costs"), (the Developer's Eligible Costs not to exceed \$6,500,000 together with interest thereon);

WHEREAS, the Authority and the Developer have entered a Brownfield Plan Development Agreement with effective date of January 27, 2017 (the "Stryker Development Agreement") to establish the procedure for reimbursement of Developer's Eligible Costs from Tax Increment Revenues under Act 381 as amended;

WHEREAS, the City will incur Eligible Costs in connection with the Project, consisting of public infrastructure to realign Lovers Lane ("City Eligible Costs") (the City Eligible Costs not to exceed \$654,000, plus contingencies) together with Interest thereon as provided in Section 4;

WHEREAS, the Authority will incur Administrative Costs in connection with the Project and intends to capture an additional amount not to exceed \$2,500,000 (the "Additional Authority Amount"), such Additional Authority Amount to be designated for the Local Brownfield Revolving Fund ("Local Fund"));

WHEREAS, the Authority and City are entering into this Agreement to establish the procedure for the reimbursement of the City Eligible Costs, Administrative Costs, and the Additional Authority Amount from Tax Increment Revenues under Act 381 as amended,

NOW THEREFORE, in consideration of the mutual covenants, conditions and agreements set forth herein, the parties agree as follows:

1. **Recitals.** The above recitals are acknowledged as true and correct, and are incorporated by reference into this Paragraph.
2. **The Plan.** The Plan, approved by the Authority and the Commission of the County, concurred by the City, is attached as Exhibit B and incorporated as part of this Agreement. To the extent provisions of the Plan or this Agreement conflict with Act 381, Act 381 controls.
3. **Term of Agreement.** Pursuant to the Plan, the Authority shall capture that amount of Tax Increment Revenues generated from real and personal property taxes allowed by law on the Eligible Property. Capture will begin in the first year after the year of the establishment of the Plan and will continue until the earlier of:

3.1 Full reimbursement to the Authority of its Administrative Costs, plus full reimbursement to the Developer of its Developer Eligible Costs together with interest thereon as provided in the Stryker Development Agreement, plus full reimbursement to the City of its City Eligible Costs together with Interest thereon as provided in Section 4, plus full payment to the Local Fund of the Additional Authority Amount; or

3.2 the last day of the fifteenth (15th) year of capture (the "End Date").

4. Reimbursement Source; Interest. During the term of this Agreement and except as otherwise set forth in this Agreement, the Authority shall reimburse the City for its City Eligible Costs, as limited under this Agreement, from all available Tax Increment Revenues collected from the real and personal property taxes on the Property. In addition, simple interest at the rate of two percent (2%) per annum ("Interest") shall accrue on all approved City Eligible Costs, in each case calculated from the date the Authority approves City's request for reimbursement for the pertinent City Eligible Costs until such City Eligible Costs are reimbursed in full. Interest will be calculated at the end of each calendar year based on the total unreimbursed City Eligible Costs outstanding at that time (other than accrued Interest). Principal amounts of the City Eligible Costs shall be reimbursed to City prior to Interest accruing thereon.

5. Reimbursement Process.

5.1 Cost Reimbursement Request. The City will provide sufficient documentation of the City Eligible Costs incurred, including the dates of each Eligible Activity, a complete description of the work, proof of payment, detailed invoices for the costs involved for each Eligible Activity, sworn statements, lien waivers and other back up documentation reasonably requested by the Authority, and a written statement certifying to the Authority that all such costs are "Eligible Costs". The information submitted by the City shall itemize and provide detail including amounts paid to the contractors and subcontractors who actually conducted the work related to the Eligible Activities, plus the reasonable cost of oversight of those contractors and subcontractors by the general contractor. City may request reimbursement prior to completion of all of its Eligible Activities but not more frequently than annually unless the Authority otherwise agrees. City must submit all requests within twelve (12) months following substantial completion of all of its Eligible Activities. Failure to provide the above noted information with a request, or within the twelve-month period following substantial completion of all of its Eligible Activities or within the time permitted by the Authority under Paragraph 5.2, may result in foregone reimbursement. The Authority shall not reimburse any additional amounts to the City once the Authority begins paying the Additional Authority Amount to the Local Fund.

5.2 Authority Staff Review. The Authority Staff shall review each reimbursement request within 30 days after receiving it. If Authority Staff determines that the documentation submitted by the City is not complete, then City shall cooperate in the Authority's review by providing, within 30 days of the Authority's request, any additional documentation of the Eligible Costs as deemed reasonable and necessary by the Authority in order to complete its review. Within 45 days following the receipt of such supplemental information, the Authority shall make the determination of whether the costs are eligible for reimbursement. If the City wishes to challenge that determination, it shall provide written notice to the Authority within 15 days of the determination, and the issue shall be brought to the Authority within 45 days thereafter for a final determination. The City shall not have any further appeal rights to challenge the final determination of the Authority and shall not be entitled to any claim or cause of action against Kalamazoo County or the Authority as a result of any determinations made in good faith regarding whether or not any cost submitted by the City constitutes an "Eligible Cost," and hereby grants the County and the Authority and their respective officers, agents and employees, a complete release and waiver of any claims or causes of action as a result of the foregoing.

5.3 Reimbursement. After both the summer and winter taxes are captured and collected on the Property, the Authority shall use such Tax Increment Revenue to make payments in the following order of payment and priority: 100% to the Authority until reimbursement in full of all of its Administrative Costs; then 100% to pay approved Developer Eligible Costs plus interest, if any, to the Developer in accordance with the Plan and Stryker Development Agreement; then 100% to the City until payment in full of all City Eligible Costs plus Interest, if any; then 100% to the Local Fund until payment in full of the Additional Authority Amount; all to the extent, and only to the extent, that taxes have been captured and are available in that fiscal year. In the event that there are insufficient Tax Increment Revenues available in any given year to reimburse all of the Authority's Administrative Costs, Developer's Eligible Costs plus interest, the City Eligible Costs plus Interest, and the Additional Authority Amount, then the Authority shall reimburse the Authority, Developer, City or Local Fund only from available Tax Increment Revenues. Once the Authority is fully reimbursed for its Administrative Costs, and the Developer is fully reimbursed for its Developer Eligible Costs plus interest, the City shall receive the available Tax Increment Revenue during the term of this Agreement until all of the amounts for which submissions have been made have been fully paid to the City, or the repayment obligation expires, whichever occurs first. The Authority shall make additional payments, on an annual basis, toward the City's remaining unpaid City Eligible Costs plus Interest during the term of this Agreement.

5.4 Method of Reimbursement. The Authority will reimburse the City for City Eligible Costs as follows:

Checks shall be payable to: "City of Portage"

Delivered by U.S. Mail to the following address:

Treasury Office
7900 South Westnedge Avenue
Portage, Michigan 49002

6. Adjustments. The parties acknowledge that adjustments regarding the amount of Tax Increment Revenue paid to the City may occur under any of the following circumstances:

6.1 Audit or Court Ruling: In the event that a state agency of competent jurisdiction conducting an audit of payments made to the City under this Agreement or a court of competent jurisdiction determines that any portion of the payments made to the City under this Agreement is unlawful, the City shall pay back to the Authority that portion of the payments made to the City within 30 days of the determination made by a state agency or the court as the case may be. However, the City shall have the right, before any such repayment is made, to appeal on its or the Authority's behalf, any such determination made by a state agency or court as the case may be. If the City is unsuccessful in such an appeal, the City shall repay the portion of payments found to be unlawful to the Authority within thirty (30) days of the date when the final determination is made on the appeal. The City shall be responsible for payment of all of the County's and Authority's legal fees associated with any determination of whether a City Eligible Cost for which reimbursement is requested constitutes an "Eligible Cost" and all of the County's and Authority's legal fees associated with the review or determination of such issues by any state agency or court.

6.2 Property Tax Appeal: In the event the Developer, or any other owner of any portion of the Property, files an appeal with the Michigan Tax Tribunal, related to the taxable value of parcels of property included in the Brownfield Plan, the Authority shall do the following:

- a. The Authority will remit Tax Increment Financing Reimbursement payments based upon the lowest taxable value being sought pursuant to the appeal;
- b. Any Tax Increment Revenue that is collected but not remitted as a result of a tax appeal shall be held in a separate account of the Authority until the pending appeal is adjudicated;
- c. Once any tax appeals are adjudicated, the Authority will either return the escrowed funds to the local unit in compliance with any tax appeal rulings, or will make payments pursuant to Section 5 of this agreement.

7. Cooperation. The City shall assist and cooperate with the Authority in providing information that the Authority may require in providing necessary reports to governmental or other agencies, including, but not limited to, information regarding the amount of City expenditures and capital investments with respect to the Project.

8. City's Representations, Warranties and Covenants. The City hereby makes the following representations, warranties and covenants:

8.1 Eligible Costs. The City will only submit for reimbursement under Paragraph 5 hereof such costs that it has reasonably determined are "Eligible Costs" within the meaning of Act 381.

8.2 Due Authorization. The representatives signing this Agreement are duly authorized by the City to enter into this Agreement.

9. Events of Default. Each of the following shall constitute an event of default:

9.1 Any representation or warranty made by the City in this Agreement proves to have been incorrect or incomplete in any material respect when made or deemed to be made.

9.2 The City fails to submit requests within the time periods required by the Agreement or otherwise fails to observe or perform any covenant or agreement contained in this Agreement for 30 days after written notice thereof shall have been given to the City by the Authority.

9.3 Any material provision of this Agreement shall cease to be valid and binding on the City or shall be declared null and void; the validity or enforceability of such provision shall be contested or denied by the City; or the City denies that it is bound by this Agreement.

10. Remedies upon Default. It is the intent of the parties to work cooperatively to allow the City to receive reimbursement of City Eligible Costs plus Interest in accordance with the terms of this Agreement. However, if any event of default as defined above shall occur and be continuing for 30 days after written notice of default from the Authority, the Authority shall have the right,

but not the obligation, to terminate this Agreement effective immediately upon notice to City, and exercise all other remedies available at law or in equity.

11. Legislative Authorization. This Agreement is governed by and subject to the restrictions set forth in the Act. In the event that there is legislation enacted in the future which alters or affects the amount of Tax Increment Revenues subject to capture, Eligible Properties, or Eligible Activities, then the City's rights and the Authority's obligations under this Agreement may be modified accordingly by agreement of the parties.

12. Plan Modification. The Plan and this Agreement may be modified to the extent allowed under the Act by mutual agreement of the parties.

13. Notices. All notices and other communications required or permitted under this Agreement shall be in writing, shall be deemed given when delivered, and shall be sent by personal delivery, overnight courier, or registered mail, return receipt requested, to the following addresses (or any other address that is specified in writing by either party):

If to City: City of Portage
Department of Community Development
7900 South Westnedge Avenue
Portage, Michigan 49002
Attn: Vicki Georgeau, Director

If to the Authority: Kalamazoo County Brownfield Redevelopment Authority
201 W. Kalamazoo Avenue, Room 101
Kalamazoo, Michigan 49007
Attention: Rachael A. Grover, Resource Coordinator

With copy to: Fred Schubkegel
Varnum, LLP
251 N. Rose Street, 4th Floor
Kalamazoo, MI 49007

14. Indemnification. To the extent permitted by Michigan law, City shall defend, indemnify and hold harmless the Authority and the County, and any of their respective past, present and future members, officials, employees, agents or representatives from all losses, demands, claims, judgments, suits, costs and expenses (including without limitation the costs and fees of attorneys or other consultants) arising from or related to (i) the capture and use of Tax Increment Revenue paid to City as a reimbursable payment under this Agreement made in excess of the amount of tax increment revenues the Authority is determined by the State or court to be allowed by law to use for that reimbursement, (ii) any negligence, intentional acts, errors or omissions of the City or its employees, contractors or agents related to the Project, or (iii) any breach of this Agreement by the City.

15. Governing Law. This Agreement shall be construed in accordance with and governed by the laws of the State of Michigan.

16. Binding Effect/Third Parties. This Agreement is binding on and shall inure to the benefit of the parties to this Agreement and their respective successors, but it may not be assigned by any party without the prior written consent of the other party. The parties do not intend to confer any benefits on any person, firm, corporation, or other entity which is not party to this Agreement other than the County.

17. Waiver. No failure of either party to complain of any act or omission on the part of the other party, no matter how long this same may continue, is considered as a waiver by that party to any of its rights hereunder. No waiver by either party, expressed or implied, of any breach of any provision of this Agreement is considered a waiver or a consent to any subsequent breach of this same or other provision.

18. Authorization. Each of the parties represents and warrants to the other that this Agreement and its execution by the individual on its behalf are authorized by the governing body of that party.

19. Entire Agreement. This Agreement supersedes all agreements previously made between the parties relating to the subject matter. There are no other understandings or agreements between them.

20. Headings. Headings in this Agreement are for convenience only and shall not be used to interpret or construe its provisions.

21. Definitions. The following capitalized terms are used in this Agreement with the following meanings:

"Administrative Costs" means the Authority's out-of-pocket costs associated with the Project (including reasonable attorney fees and costs, environmental consulting fees and costs, and similar fees and costs) as well as the Authority's indirect costs associated with the Project (including allocation of the fixed costs of the Authority staff.)

"Brownfield Plan" is defined by Section 2(g) of Act 381;

"Due Care Activities" is defined by Section 2(l) of Act 381;

"Eligible Activities" is defined by Section 2(n) of Act 381;

"Eligible Property or Properties" is defined by Section 2(o) Act 381;

"Tax Increment Revenues" is defined by Section 2(ii) of Act 381, and, for purposes of this Agreement, includes school taxes and local (non-school) taxes.

[SIGNATURES APPEAR ON NEXT PAGE]

In witness of their intent to be legally bound by the terms of this Agreement, each of the parties has set forth its signature below by its duly authorized representative.

KALAMAZOO COUNTY BROWNFIELD
REDEVELOPMENT AUTHORITY

By_____

Title_____

Date_____

CITY OF PORTAGE

By_____

Title_____

Date_____

EXHIBITS:

A (Legal Description of Property)

B (Copy of Brownfield Plan)

11374577_7.docx

TO: Brownfield Redevelopment Authority**DATE:** January 20, 2017**FROM:** Vicki Georgeau,  Director of Community Development**SUBJECT:** Kalamazoo County Brownfield Redevelopment Plan, Stryker Instruments -
1306 East Milham Avenue, 1700 East Milham Avenue, 6000 Portage Road, 6100
Portage Road, 6520 Portage Road, 1405 Ramona Avenue, 2221 Ramona Avenue,
2321 Ramona Avenue, and 2403 Ramona Avenue**I. INTRODUCTION:**

Pursuant to the Brownfield Redevelopment Financing Act (PA 381 of 1996, as amended), Stryker Instruments approached Kalamazoo County and requested assistance through the Kalamazoo County Brownfield Redevelopment Authority (KCBRA) with eligible environmental, public infrastructure and site preparation activities related to a development project that includes an approximate 485,000 square foot research and development facility that will result in the retention of 966 jobs and the creation of 105 new jobs within the community. Stryker Instruments recently acquired nine parcels of land that together comprise 288 acres. This land assemblage is bounded on the east by Portage Road, on the west by Lovers Lane, on the north by East Milham Avenue, and on the south by Ramona Avenue. The proposed R&D facility will be located on approximately 70 acres of the southeast quadrant of this large land area. The total new building construction and infrastructure costs for the development are estimated at \$130 to \$150 million. Attached is a vicinity map, conceptual plans and building elevations that illustrate the location of the parcels to be included in the Brownfield Plan and the development project.

Stryker Instruments is requesting to utilize tax increment financing (TIF) for reimbursement of eligible expenses related to the facility. In addition, the City of Portage is partnering with Stryker Instruments and the KCBRA on the development project by realigning Lovers Lane north of Ramona Avenue to improve safety and road functionality. The City of Portage will fund the Lovers Lane improvements, which are slated to be completed in the summer of 2019, and will also utilize TIF for reimbursement of city expenses. A Development Agreement between the KCBRA and the City of Portage is being prepared to ensure completion of the project and reimbursement of city expenses, which will be presented to City Council for review and approval. Finally, Stryker Instruments will be seeking a PA 198 tax abatement for the development project, and the Brownfield Plan reflects a 12-year tax abatement period, which Stryker is eligible to receive under the City of Portage Industrial Tax Abatement Policy.

Although the City of Portage has an established Brownfield Redevelopment Authority, Kalamazoo County has dedicated staff to administer Brownfield Plans and associated Tax Increment Financing of this magnitude. Attached is a letter dated January 20, 2017 from Ms. Rachael Grover, Resource Coordinator of the Kalamazoo County Department of Planning and Community Development regarding the proposed Brownfield Plan. This brownfield redevelopment will provide financial assistance to this significant and transformative development project, which will benefit the City of Portage and the larger metropolitan area through increased tax base and retention and creation of

quality jobs in the community. Regardless of the local governmental unit that implements the plan, the Brownfield Redevelopment Program is an important economic redevelopment tool to facilitate the successful reuse of contaminated, blighted and/or functionally obsolete properties, further improve the environment and/or properties, increase the local tax base/economy and create new job opportunities or retain existing. In addition to economic benefits, redeveloping brownfields encourages the reuse of commercial, industrial and residential properties in urban areas where public infrastructure is already in place. Furthermore, this project represents an example of ongoing inter-governmental cooperation through the use of the KCBRA and the financial assistance it can provide with upfront environmental study expenses. For Board information, this is the fourth collaborative brownfield project involving the City of Portage and Kalamazoo County.

II. PROPOSED KALAMAZOO COUNTY BROWNFIELD REDEVELOPMENT PLAN

Attached is a copy of the Stryker Research and Development Brownfield Plan prepared by Envirollogic Technologies and approved by the KCBRA on January 19, 2017. The subject properties are approximately 288 acres in size and is currently unimproved land, which some areas have been used for crop production. The site is an eligible “facility” due to the presence of soil and groundwater contamination. Eligible activities associated with the plan, proposed to be funded through state and local tax reimbursement, include the following:

MDEQ Eligible Activities

- Phase I and II Environmental Assessments
- Baseline Environmental Assessment
- Documentation of Due Care Compliance

Local Tax Capture Only Activities

- Contaminated Soil Management

Michigan Strategic Fund Non-Environmental Activities

- Public Infrastructure activities
- Site Preparation activities
- Brownfield Plan and Act 381 Work Plan
- Contingencies and Financing costs
- KCBRA administration expenses
- Professional soft costs

Because the City of Portage is designated as a “qualified local unit of government,” capture of local and school tax dollars may also be utilized and is proposed with this plan. As shown in Table 1 in the Brownfield Plan, the estimated cost to complete all eligible activities is \$11,013,156. Included in these activities and costs, the KCBRA and the City of Portage have agreed to an approximate four years of tax capture for the Local Brownfield Revolving Fund (LBRF), but in no case more than \$2,500,000. The LBRF is used to make funds available for other brownfield projects in the County, including those that may be located in Portage. Finally, and as required by the Brownfield Redevelopment Financing Act involving the use of school tax increment revenues, \$897,000 must be deposited into the State Brownfield Redevelopment Fund.

As shown on Table 2, and based on the significant level of investment being made by Stryker Instruments, the increase in taxable value available for capture is approximately \$62.9 million. Based on the proposed nine years of tax capture, the tax increment available for capture by all entities is \$14,535,392. Table 3 lists the estimated annual foregone tax revenue for each taxing jurisdiction. During this plan period, the City of Portage will forego approximately \$333,231 on an annual basis. Table 4 shows foregone tax revenue for each taxing jurisdiction over the nine-year plan period. As shown on Table 5, of the \$11,013,156 in eligible expenses, Stryker Instruments will receive up to \$6,565,283 in reimbursement for eligible activities and building/site expenses, including interest and potential contingencies. In addition, the City of Portage will receive up to \$810,873 for expenses related to Lovers Lane improvements, including interest and potential contingencies. After reimbursement of eligible activities and LBRF captures are complete, the tax revenue is distributed to the traditional taxing jurisdictions.

KCBRA reviewed the Brownfield Plan for Stryker Instruments on January 19, 2017 and recommended approval of the Plan to the County Board of Commissioners. Any approval by the County Board of Commissioners is contingent on Portage City Council approval of the attached resolution, which will be presented to City Council on February 14, 2017. The Brownfield Plan will be presented to the County Board Committee of the Whole on February 7, 2017 and a public hearing will be set for February 21, 2017 (subject to City Council approval of the resolution). It is anticipated that the plan will be approved by the Kalamazoo County Board of Commissioners subsequent to the public hearing on February 21st.

III. CITY OF PORTAGE BROWNFIELD REDEVELOPMENT PROGRAM

As background information for the Authority members, City of Portage Brownfield Redevelopment Program was established in 2001 with the designation of the EDC/TIFA Board as the Brownfield Redevelopment Authority and approval of the first brownfield redevelopment plan. Since 2001, seven brownfield redevelopment plans have been approved by the Authority and City Council.

The City of Portage adopted a Brownfield Redevelopment Policy in 2006, which was amended in 2015 to incorporate criteria, procedures and provisions to ensure that brownfield redevelopment applications are consistently and uniformly processed when received.

IV. RECOMMENDATION:

The KCBRA Brownfield Redevelopment Plan for Stryker Instruments has been reviewed in the context of the 2015 Brownfield Redevelopment Incentive Policy. The development of the property is consistent with City of Portage land use and environmental objectives and will provide additional tax base growth and related economic benefits to the community. The proposed plan also represents an important public-private partnership and continued intergovernmental cooperation. Based on the foregoing, staff advises that the Portage Brownfield Redevelopment Authority recommend to City Council that a resolution of support be approved for the Stryker Instruments brownfield plan.

Attachments: Vicinity maps, conceptual site plans and building elevations
January 20, 2017 letter from Ms. Rachael Grover, Kalamazoo County
Stryker Research and Development project Brownfield Plan

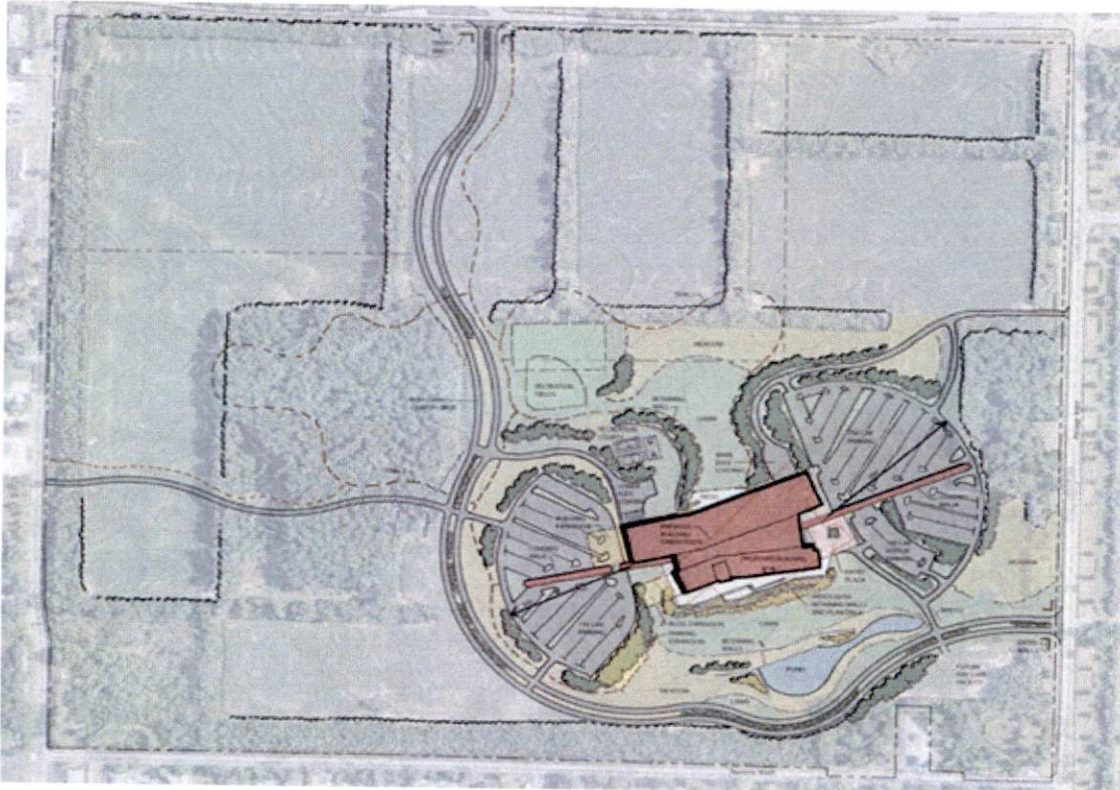
T:\COMMDEV\2016-2017 Department Files\Board Files\Brownfield Redevelopment\Stryker KCBRA plan to PBRA.docx

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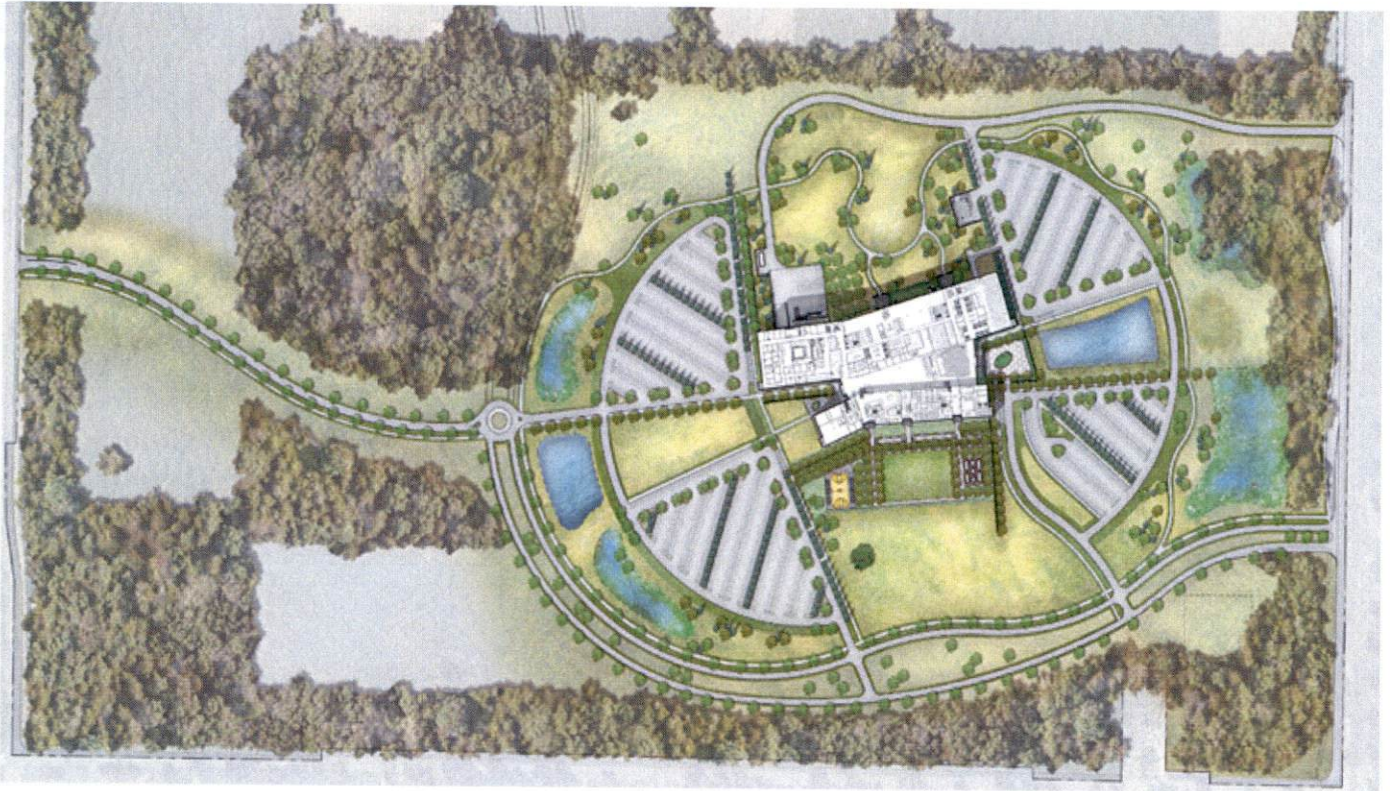
#23- Architectural and Site Plans
Proximity of site to adjacent area:



Overall site plan:



Developed area of the site:



South building elevation:





Kalamazoo County Brownfield Redevelopment Authority

201 West Kalamazoo Avenue, Rm. 101 · Kalamazoo, Michigan 49007
Phone: (269) 384-8305 · FAX: (269) 383-8920 · Email: ragrov@kalcounty.com

January 20, 2017

Victoria Georgeau, Director
Department of Community Development
City of Portage
7900 South Westnedge Ave.
Portage, MI 49002

Re: KCBRA Brownfield Plan for Stryker Research and Development Project, bounded by Portage Road, E. Milham Avenue, Ramona Avenue, and Lovers Lane in the City of Portage, Michigan

I. Project Background

On January 19, 2017, the Kalamazoo County Brownfield Redevelopment Authority (KCBRA) approved the application for Brownfield Redevelopment assistance for nine parcels of property located in the City of Portage and bounded by streets noted above. The application was submitted by the Stryker Corporation.

The focus of this project and the associated Brownfield Plan is to support the redevelopment of the property and to support the construction of new public infrastructure to serve the project and community. The property will be developed with a 485,000-square-foot research and development complex. Total new building construction costs are expected to be \$130 to \$150 million. The redevelopment will include new building construction, new and improved roads, new sanitary and storm sewer mains, a new water main, and other improvements. The Michigan Strategic Fund, Michigan Business Development Program, is supporting the Stryker expansion with the approval of a \$1,000,000 performance based grant. The support of this project allows for expansion of Stryker's medical instruments division, creating an estimated 105 jobs. The overall project construction is estimated to be completed in three years.

The nine parcels included in the Brownfield Plan are eligible property under Act 381 because four parcels of land are defined as a "facility". The remaining parcels are all contiguous and adjacent to the properties that are defined as facilities, as allowed under Act 381. Soil samples identified selenium above generic residential cleanup criteria. Groundwater samples indicated lead and nitrates were identified above generic residential cleanup criteria.



Kalamazoo County Brownfield Redevelopment Authority

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Also on January 19, 2017, the KCBRA voted to recommend the approval of the Brownfield Plan to the City of Portage Brownfield Redevelopment Authority, the Portage City Council, and the Kalamazoo County Board of Commissioners.

Discussion with staff from the City of Portage Department of Community Development indicates that staff will recommend to the Portage Brownfield Redevelopment Authority and the Portage City Council to allow the KCBRA to adopt the Brownfield Plan through the KCBRA.

II. The Brownfield Plan

The Brownfield Plan for the Stryker Research and Development Project will allow the KCBRA to use Tax Increment Financing (TIF) to reimburse a portion of the developer's eligible expenses related to environmental assessments, environmental due care, site preparation, and public infrastructure improvements in the redevelopment of the site. In addition, the Brownfield Plan will include reimbursement to the City of Portage for Lovers Lane safety and road improvements and to the KCBRA for administrative expenses.

All taxing jurisdictions will continue to collect taxes on the 2017 Taxable Value of the property. The taxes generated from the increase in Taxable Value only will be captured by the KCBRA for an estimated total of 9 years in order to pay back the developer, the City of Portage, and the KCBRA for eligible expenses and Administrative costs that have been incurred in the development of the property. Tax increment will be collected into the Local Brownfield Revolving Fund for up to an estimated \$2.5 million to aid in the redevelopment of additional Brownfield eligible projects in Kalamazoo County. Debt millages will not be captured by the KCBRA and will see an increase in the taxes collected in 2018.

Stryker Research and Development Project Brownfield Plan Summary:

Initial Taxable Value of Property (2017 Base Value):	\$ 1,887,100
Estimated Taxable Value after Redevelopment (estimated 3 years):	\$ 62,887,100
Tax Increment available for Tax Increment Financing:	\$ 61,000,000

Table 1 – Summary of Estimated Eligible Activities and Costs to Developer and the City of Portage (over 9 years estimated) \$11,013,156

This total includes:

\$74,250	Environmental Eligible Costs reimbursed to the developer
\$5,469,376	Non-Environmental Activities, including site preparation and public infrastructure improvements, reimbursed to the developer
\$654,000	Non-Environmental Activities, including site preparation and public infrastructure improvements, reimbursed to the City of Portage



Kalamazoo County Brownfield Redevelopment Authority

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\$929,644	15% contingencies
\$268,886	Interest to the developer and City of Portage on qualified principal balance (2% simple interest)
\$897,000	State Brownfield Redevelopment Fund (3 mils of SET as required by Act 381)
\$240,000	KCBRA Administrative/Operating Costs
\$2,500,000	Local Brownfield Revolving Fund (LBRF) to be used to support additional Brownfield Activities in Kalamazoo County

Table 4 – Captured Tax Increment Revenue per taxing jurisdiction (estimate over 9 years)

County Operating	\$1,169,431
County Transportation	\$ 99,800
CCTA Transport	\$ 187,125
County Public Safety	\$ 361,550
County Housing Fund	\$ 24,950
City of Portage	\$2,725,937
State School Operating/SET	\$3,860,766
KRESA	\$1,507,379
KVCC	\$ 701,968
District Library	<u>\$ 374,250</u>
Total	\$11,013,156

The development of the Stryker Research and Development Project site is an improvement for the site and the surrounding area in several ways:

1. The property will have an increased taxable value.
2. The County Brownfield Plan would constitute a cooperative inter-governmental effort.
3. TIF collected will reimburse the developer, the KCBRA, and the City of Portage for a portion of costs incurred in the completion of Brownfield Eligible Activities.
4. Local Brownfield Revolving Fund (LBRF) collection for an estimated 3 years allows the KCBRA to support additional Brownfield Activities in Kalamazoo County.

The KCBRA engaged input from the Portage Department of Community Development when developing the Plan. The proposed timeline for the approval of the Stryker Research and Development Project Brownfield Plan is as follows:

1. **January 19, 2017:** The KCBRA approved the application for request for a Brownfield Plan at the Stryker Project site.
2. **January 19, 2017:** The KCBRA approved the Brownfield Plan and recommend that the Portage Brownfield Redevelopment Authority, Portage City Council, and Kalamazoo County Board of Commissioners approve the Brownfield Plan.
3. **January 27, 2017:** The Portage BRA reviews the Brownfield Plan.



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4. **February 7, 2017:** Presentation of the Brownfield Plan to the Kalamazoo County Commission Committee of the Whole. Public Hearing is scheduled for February 21, 2017.
5. **February 14, 2017:** Pending Recommendation by the PBRA, The Portage City Council considers the Brownfield Plan for approval, by resolution.
6. **By February 10, 2017:** KCBRA staff sends notices to all affected taxing jurisdictions and prepares Public Notice 10 days prior to public hearing.
7. **February 21, 2017:** Pending outcome of the Portage City Council recommendation for approval, the Kalamazoo County Board of Commissioners will hold public hearing and is expected to adopt the Stryker Research and Development Project Brownfield Plan, by resolution.

III. City of Portage Support for Brownfield Plan

The KCBRA respectfully requests approval of the Brownfield Plan for the Stryker Research and Development project from the Portage Brownfield Redevelopment Authority and the Portage City Council. Support of this Brownfield Plan by the City of Portage is critical for the redevelopment and productive use of this property. The KCBRA understands the transformational impact this project will have for the City of Portage and for the Kalamazoo County community and is looking forward to the successful completion of this project.

Sincerely,

Rachael Grover
Resource Coordinator
Kalamazoo County Department of Planning and Community Development
ragrov@kalcounty.com
269.384.8305



**KALAMAZOO COUNTY
BROWNFIELD REDEVELOPMENT AUTHORITY**

BROWNFIELD PLAN

**STRYKER RESEARCH AND DEVELOPMENT PROJECT
PORTAGE ROAD AND E. MILHAM AVENUE
PORTAGE, MICHIGAN**

JANUARY 18, 2017

Approved by Kalamazoo County BRA: _____
Approved by City of Portage BRA: _____
Approved by City of Portage City Council: _____
Approved by Kalamazoo County Board of Commissioners: _____

Prepared with the assistance of:

**ENVIROLOGIC TECHNOLOGIES, INC.
2960 Interstate Parkway
Kalamazoo, Michigan 49048
(800) 272-7802**

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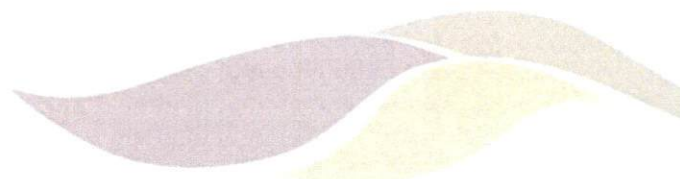
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**BROWNFIELD PLAN
STRYKER RESEARCH AND DEVELOPMENT PROJECT
PORTAGE ROAD AND E. MILHAM AVENUE
PORTAGE, MICHIGAN**

I. GENERAL DEFINITIONS AS USED IN THIS PLAN

The definitions in this plan are as defined in 1996 PA 381 Sec. 2

II. ELIGIBLE PROPERTIES

Introduction and Purpose

The purpose of this plan, to be implemented by the Authority, is to satisfy the requirements for a Brownfield Plan as specified in Act 381 of the Public Acts of the State of Michigan of 1996, as amended, MCL 125.2651 et. seq., which is known as the "Brownfield Redevelopment Financing Act." Terms used in this document are as defined in Act 381.

Eligible Property Information

The property included in this Plan is made up of nine whole parcels of land. The property in this Plan includes land that will be developed as a research and development center. Specifically, the following property is included in this Plan:

- Parcel 00010001A (1306 E. Milham)
- Parcel 00011020A (1700 E. Milham)
- Parcel 00011015A (6000 Portage)
- Parcel 00011030O (6100 Portage)
- Parcel 00010275O (1405 Ramona)
- Parcel 00011025O (6520 Portage)
- Parcel 00011050O (2221 Ramona)
- Parcel 00011040O (2321 Ramona)
- Parcel 00011035O (2403 Ramona)

A map showing the property location and approximate boundaries is included in Attachment A. It is possible that some of the parcels may be combined, split, or reconfigured in the future and may be assigned new tax identification number(s) as a result.

These parcels are eligible property under the Act because four parcels of land are defined as a “facility”. The remaining parcels are all contiguous and adjacent to the properties that are defined as facilities. Further, the nitrate groundwater contamination is presumed to be present across the site.

The eligible property also includes the right of ways adjacent to the property on Lovers Lane, E. Milham Avenue, Portage Road, and Ramona Avenue.

Proposed Redevelopment

The focus of this Brownfield Plan is to support the redevelopment of the property and to support the construction of new public infrastructure to serve the project and community. The property will be developed with a 485,000-square-foot research and development complex. Total new building construction costs are expected to be \$130 to \$150 million. The redevelopment will include new building construction, new and improved roads, new sanitary and storm sewer mains, a new water main, and other improvements.

Brownfield Conditions

Fishbeck, Thompson, Carr & Huber (FTCH) completed a Phase I and II Environmental Site Assessment (ESA) of the property. Specific concerns identified at the site included the past use of a portion of the property as an orchard and the placement of spoils on the site by an adjacent property owner. FTCH collected discrete soil samples in the area where spoils had been placed on the site and identified selenium above generic residential cleanup criteria. Three groundwater samples were collected at locations across the site. Lead was identified at one location above generic residential cleanup criteria and nitrates were identified at two locations above generic residential cleanup criteria. No impact was identified from the former orchard operation.

The Plan

- (a) A description of the costs of the plan intended to be paid for with tax increment revenues (Section 13(1)(a))**

Michigan Department of Environmental Quality Eligible Activities

BEA Activities

A Phase I ESA compliant with the ASTM E1527-13 standard and the standards for All Appropriate Inquiry has been completed. A Phase II ESA consisting of soil and groundwater sampling activities was completed. The cost for the Phase I and II ESA is \$20,650. The Baseline Environmental Assessment was prepared at a cost of \$2,100. These environmental costs are eligible for reimbursement using both local and school tax increment revenues by statute.

Due Care Activities

Documentation of Due Care Compliance as required by Part 20107a of NREPA has been prepared. This document demonstrates how the property will be developed in a manner that does not exacerbate environmental conditions or allow for unacceptable exposures to contaminants. The Due Care document was completed at a cost of \$1,500. The Due Care document is statutorily eligible for reimbursement using both local and school tax increment revenues.

During construction of buildings, parking lots, roads, etc. significant soil disturbance will occur. Generally, it is intended to keep all excavated soils on site. However, a certain volume of excess contaminated soil may be generated which would require disposal off site at a properly licensed landfill. That volume is not known at this time but for the purposes of this Plan is assumed to be as much as 1,250 cubic yards and would include removal of the contaminated soil pile identified by the environmental assessment. Activities may involve sampling soil to obtain landfill approvals, loading soil, transportation, disposal and associated activities. Costs for this activity are estimated to be \$50,000. These costs would be a local only cost.

Michigan Strategic Fund Eligible Non-Environmental Activities

The City of Portage is a Qualified Local Unit of Government. Non-environmental activities within a Qualified Local Unit of Government that are eligible for reimbursement with tax increment revenues include public infrastructure and site preparation costs.

Public Infrastructure

Public infrastructure activities allowed by MEDC guidance included in this project consist of the following costs to be incurred by Stryker:

- New construction of a public road through the project area in order to relieve traffic on existing public roads including deceleration and right-turn lanes on Lovers Lane and Portage Roads (\$833,266)

- Construction of a bike lane and multi-use trail to serve non-motorized traffic within existing right-of-ways and within the proposed east-west road right-of-way through the project site (\$181,525)
- Lighting within the new road right-of-way (\$250,000)
- Traffic signage within the various street right of ways (\$15,000)
- Curbs and gutters (\$235,425)
- Landscaping within the right of way (\$123,110)
- A new sanitary sewer main (\$151,650)
- A new storm sewer main (\$545,092)
- A new water main (\$335,400)
- A new traffic light (\$450,000)
- An urban stormwater management system (low-impact design) (\$200,000)

Also, the professional soft costs specifically associated with these activities is an eligible activity and are estimated to be \$305,000 in engineering, surveying, legal, and other professional services related to these activities.

Additionally, the City of Portage will undertake a street realignment project on Lovers Lane to improve safety and support the additional traffic burdens from this project. The street realignment project is anticipated to be a cost of \$654,000.

Site Preparation

The following site preparation activities are necessary to construct the project and public infrastructure and are allowed by MEDC guidance.

- Staking activities will be required to support the site preparation activities and are estimated at \$15,000. This will include staking target elevations for land balancing and rough grading.
- Geotechnical evaluations of the existing soil's capacity to support development have been completed at a cost of \$58,000.
- Development of the site will require extensive clearing and grubbing to prepare the site for development, estimated at \$42,500.
- Temporary access roads will be needed. These costs include roughing in the roads, grading, subbase material, and compaction to allow construction traffic to traverse the site (\$230,000).

- Temporary facilities will be required to support the three-year construction phase. The cost of temporary facilities is estimated to be \$25,000.
- Temporary traffic control will be required during installation of street improvements, installation of a new traffic signal and other work in the various right of ways abutting the project site. The cost for signage, lane closures, etc. over the course of the project is estimated to be \$10,000.
- Temporary erosion control is necessary due to the proximity of storm sewer outfalls to Portage Creek and the floodplain and must be maintained for the duration of the project. Costs are estimated at \$85,000 including deployment of erosion controls, inspection, and maintenance.
- Temporary site controls such as fencing, gates at main entrances, temporary lighting, signage, etc. will be required during the term of the construction phase and is estimated to be \$43,408.
- Extensive land balancing will be required to ensure a flat building site, safe road grades, and site drainage. The elevated topography in portions of the site makes this activity necessary in order to develop the site. These costs are estimated at \$150,000.
- Rough grading activities are estimated at \$450,000.
- Cut and fill operations to create a suitable development site consists of the movement of 220,000 cubic yards for a total cost of \$660,000.
- The professional soft costs (e.g., legal, engineering, design, surveying, etc.) associated with these specific eligible costs is also a reimbursable eligible expense. Professional soft costs have been estimated to be \$75,000.

The development of the Brownfield Plan is also an eligible activity. To capture the tax increment revenues attributable to school taxes, development and approval of an Act 381 Work Plan is also required. Development of these Plans is estimated to cost \$20,000 including preparation of the plan and associated fees.

Contingencies allowed in the Act of up to 15% on these costs are also an eligible expense.

Financing costs for the project are also considered an eligible activity. This plan allows for a 2% interest rate on the developer's and City of Portage's real expenses. Interest expense will not be approved for Brownfield and work plan preparation costs. The interest expense on the eligible activities is projected to be approximately \$228,886.

Authority Expenses

Eligible and actual costs incurred by the Kalamazoo County Brownfield Redevelopment Authority as allowed by Section 13(19) of the Act are also included in the Plan as an eligible expense. Such expenses could include costs of public notifications, legal, and other costs to administer the Plan. These will be reimbursed with local tax increment revenues only as required by the Act. These costs are estimated to be \$50,000 in the first three years of the Plan and \$30,000 for each additional year of capture for the Plan.

(b) A brief summary of the eligible activities that are proposed for each eligible property (Section 13(1)(b))

Environmental

Eligible environmental activities will include Baseline Environmental Assessment (BEA) activities; specifically, the development of a Phase I and II ESA and preparation of a BEA. Eligible environmental activities also include the development of a Documentation of Due Care Compliance. It is anticipated that excess contaminated soil will be generated during the construction phase of the project and require disposal off-site at a properly licensed landfill.

Non-Environmental

Non-environmental activities that are eligible for reimbursement with tax increment revenues include public infrastructure and site preparation costs. Public infrastructure activities allowed by MEDC guidance included in this project consist of

- New construction of a public road through the project area in order to alleviate traffic on existing public roads. This will include a new public road through the property and additional turn lanes on Lovers Lane and Portage Road.
- Realignment of Lovers Lane to improve safety and accommodate the increased traffic from this project (to be completed by the City of Portage)
- Construction of a bike lane and multi-use trail to serve non-motorized traffic within existing right-of-ways and within the proposed east-west road right-of-way through the project site
- Lighting within the new road right-of-way
- Traffic signage within the various street right-of-ways
- A new traffic light

- Curbs and gutters along the new road
- Landscaping within the right-of-way
- A new sanitary sewer main
- A new storm sewer main and urban stormwater management
- A new water main
- An urban stormwater management system (low impact design)
- The professional soft costs specifically associated with these activities is an eligible activity.

Site Preparation activities include

- Staking elevations and other data for site preparation activities
- Geotechnical evaluations of the existing soil's capacity to support development
- Extensive clearing and grubbing to prepare the site for development
- Temporary access roads including roughing in the roads, grading, subbase material, and compaction
- Temporary facilities to house staff and equipment during the three-year construction period
- Temporary traffic control during road construction activities and other work that requires safety considerations for public traffic
- Temporary erosion control is necessary and must be maintained during the duration of the project
- Temporary site controls such as fencing, gates at main entrances, temporary lighting, signage, etc. to provide a secure and safe work place and protect the public from hazards within the work area
- Extensive land balancing to prepare a flat building site, safe road grades, and site drainage
- Rough grading activities
- Cut and fill operations

The professional soft costs (e.g., legal, engineering, design, surveying, etc.) associated with these specific eligible costs is also a reimbursable eligible expense.

The development of the Brownfield Plan and Act 381 Work Plan is also an eligible activity.

Contingencies allowed in the Act of up to 15% on these costs are also an eligible expense.
Financing costs at a rate of 2% is also an eligible activity.

Authority expenses as allowed by Section 13(19) of the Act related to the management and implementation of the Plan are an eligible expense.

Refer to Table 1 for a summarization of eligible activities and costs expected to be incurred in the redevelopment.

Table 1

Summary of Eligible Costs

Stryker Research and Development Project
Nine Parcels
Portage, MI

Eligible Activities		Estimated Cost
BEA Activities		
Phase I and II Environmental Assessments	\$	20,650.00
Baseline Environmental Assessment	\$	2,100.00
Subtotal	\$	22,750.00
Due Care Activities		
Documentation of Due Care Compliance	\$	1,500.00
Contaminated Soil Management (Local Only)	\$	50,000.00
Subtotal	\$	51,500.00
Additional Response Activities		
Non Environmental Activities		
Public Infrastructure		
Roads (by Stryker)	\$	833,266.00
Roads (by City of Portage)	\$	654,000.00
Bike and Walking Paths	\$	181,525.00
Lighting in ROW	\$	250,000.00
Signage in ROW	\$	15,000.00
Curb and gutter	\$	235,425.00
Landscaping	\$	123,110.00
Sanitary Sewer Main	\$	151,650.00
Storm Sewer Main	\$	545,092.00
Water Main	\$	335,400.00
Traffic Light	\$	450,000.00
Urban Storm Water Management System	\$	200,000.00
professional soft costs (engineering, design, survey, other professionals)	\$	305,000.00
Subtotal	\$	4,279,468.00
Site Preparation		
Staking	\$	15,000.00
Geotechnical Evaluations	\$	58,000.00
Clearing and Grubbing	\$	42,500.00
Temporary Access Roads	\$	230,000.00
Temporary Facilities	\$	25,000.00
Temporary Traffic Control	\$	10,000.00
Temporary Erosion Control	\$	85,000.00
Temporary Site Control	\$	43,408.00
Land Balancing	\$	150,000.00
Rough Grading	\$	450,000.00
Cut and Fill Operations	\$	660,000.00
professional soft costs (engineering, design, survey, other professionals)	\$	75,000.00
Subtotal	\$	1,843,908.00
TOTAL COSTS OF ELIGIBLE ACTIVITIES	\$	6,197,626.00
Brownfield Plan	\$	20,000.00
Financing Costs (2%)	\$	228,885.71
Contingencies (15%)	\$	929,643.90
TOTAL REIMBURSEMENTS	\$	7,376,155.61
Administrative Costs of the Authority (estimated)	\$	240,000.00
Captured and Disbursed to State Revolving Fund	\$	897,000.00
Additional Capture for LBRF	\$	2,500,000.00
TOTAL TAX INCREMENT REVENUES CAPTURED	\$	11,013,155.61

(c) An estimate of the captured taxable value and tax increment revenues for each year of the plan from each parcel of eligible property. (Section 13(1)(c))

The Initial Taxable Value (ITV) for this Plan shall be the taxable value of the eligible property established at the time this Brownfield Plan is adopted (i.e., the 2017 Taxable Value). The initial taxable values identified in this Plan were estimated based on the market value of the property.

The development will occur primarily on these five parcels of land (Tax IDs: 00010-275-O, 00011-025-O, 00011-035-O, 00011-040-O, 00011-050-O). The remaining four parcels of land (Tax IDs: 00010-001-A, 00011-015-A, 00011-020-A, 00011-030-O) will be Qualified Agriculture property. Although these four parcels are in this Brownfield Plan, no tax increment is expected from these parcels in the immediate future. In addition, these parcels are exempt from school operating millage. Refer to Table 2 for further details.

The total 2017 taxable value of the development parcels included in this Plan is estimated to be \$1,887,100.

The construction of the new building and associated improvements are an estimated investment of \$130 to \$150 million. This investment is expected to result in an increase in the taxable value of the property over the following three years resulting from construction activities that will be completed between 2017 and 2019. The value of the land is anticipated to increase during each year of the construction. The first increase in taxable value would be realized and captured beginning with the 2018 Summer and Winter Taxes. Values will increase incrementally over the three-year construction period. When the project is completed at the end of 2019, the investment is expected to result in a taxable value of \$62,887,100 which would first be fully realized with the 2020 taxes. The \$62,887,100 estimate of future taxable value represents an expected average value of the real property over the life of the Plan. It is likely that initially taxable values will be higher and with depreciation will decrease over the term of the Plan.

This Plan anticipates that capture will begin with the 2018 taxes and continue to remain in force until all eligible activities are reimbursed and the allowable capture of revenues for placement in the Local Brownfield Revolving Fund (LBRF) (formerly known as the Local Site Remediation Revolving Fund) is complete. It should be noted that during the estimated term of the Brownfield Plan, the property (or portions of) will also be subject to an Industrial Facilities Tax (IFT) Exemption which will reduce millage rates for all taxes except the State Education Tax (SET) by

half. The IFT is proposed to go into effect January 1, 2019.

Refer to Tables 2, 3, and 4 for further detail of the tax increment revenues projected in each year of the Brownfield Plan.



Table 2
Estimate of Total Available Incremental Taxes
on Real Property
Stryker Research and Development Project
Portage, MI

Development Parcels

Year	Annual Total Capturable Millage†	Initial Taxable Value**	Tax Revenues from Initial Taxable Value	Estimated Future Taxable Value	Estimated Future Tax Revenues	Incremental Tax Revenues	Available for Capture
2018	52.6669	\$ 1,887,100.00	\$ 99,387.71	\$ 18,887,100.00	\$ 994,725.01	\$ 895,337.30	\$ 895,337.30
2019	29.3335	\$ 1,887,100.00	\$ 55,355.15	\$ 39,887,100.00	\$ 1,170,026.25	\$ 1,114,671.10	\$ 1,114,671.10
2020	29.3335	\$ 1,887,100.00	\$ 55,355.15	\$ 62,887,100.00	\$ 1,844,695.60	\$ 1,789,340.45	\$ 1,789,340.45
2021	29.3335	\$ 1,887,100.00	\$ 55,355.15	\$ 62,887,100.00	\$ 1,844,695.60	\$ 1,789,340.45	\$ 1,789,340.45
2022	29.3335	\$ 1,887,100.00	\$ 55,355.15	\$ 62,887,100.00	\$ 1,844,695.60	\$ 1,789,340.45	\$ 1,789,340.45
2023	29.3335	\$ 1,887,100.00	\$ 55,355.15	\$ 62,887,100.00	\$ 1,844,695.60	\$ 1,789,340.45	\$ 1,789,340.45
2024	29.3335	\$ 1,887,100.00	\$ 55,355.15	\$ 62,887,100.00	\$ 1,844,695.60	\$ 1,789,340.45	\$ 1,789,340.45
2025	29.3335	\$ 1,887,100.00	\$ 55,355.15	\$ 62,887,100.00	\$ 1,844,695.60	\$ 1,789,340.45	\$ 1,789,340.45
2026	29.3335	\$ 1,887,100.00	\$ 55,355.15	\$ 62,887,100.00	\$ 1,844,695.60	\$ 1,789,340.45	\$ 1,789,340.45
TOTAL							\$ 14,535,391.55

† - Does not include debt millages. Millage rates reduced by PA 198 IFT beginning in 2019.

* - Total includes maximum five year future capture to LBRF (Not to exceed \$2.5 million)

** Aggregate of estimated 2017 taxable values

Tax increment revenues from Personal Property will be captured, however the value and revenue from Personal Property is not reflected in this table.

Qualified Ag Parcels

Year	Annual Total Capturable Millage†	Initial Taxable Value**	Tax Revenues from Initial Taxable Value	Estimated Future Taxable Value	Estimated Future Tax Revenues	Incremental Tax Revenues	Available for Capture
2018	34.6669	\$ 1,376,756.00	\$ 47,727.86	\$ 1,376,756.00	\$ 47,727.86	\$ -	\$ -
2019	34.6669	\$ 1,376,756.00	\$ 47,727.86	\$ 1,376,756.00	\$ 47,727.86	\$ -	\$ -
2020	34.6669	\$ 1,376,756.00	\$ 47,727.86	\$ 1,376,756.00	\$ 47,727.86	\$ -	\$ -
2021	34.6669	\$ 1,376,756.00	\$ 47,727.86	\$ 1,376,756.00	\$ 47,727.86	\$ -	\$ -
2022	34.6669	\$ 1,376,756.00	\$ 47,727.86	\$ 1,376,756.00	\$ 47,727.86	\$ -	\$ -
2023	34.6669	\$ 1,376,756.00	\$ 47,727.86	\$ 1,376,756.00	\$ 47,727.86	\$ -	\$ -
2024	34.6669	\$ 1,376,756.00	\$ 47,727.86	\$ 1,376,756.00	\$ 47,727.86	\$ -	\$ -
2025	34.6669	\$ 1,376,756.00	\$ 47,727.86	\$ 1,376,756.00	\$ 47,727.86	\$ -	\$ -
2026	34.6669	\$ 1,376,756.00	\$ 47,727.86	\$ 1,376,756.00	\$ 47,727.86	\$ -	\$ -
TOTAL							\$ -

† - Does not include debt millages. Parcels subject to Ag Exemption are exempt from the 18 mil School Operating millage

** Aggregate of estimated 2017 taxable values

Table 3

Estimate of Annual Effect on Taxing Jurisdictions on Real Property Taxes
Following Full Construction (2020-2026)
Stryker Research and Development Project
Development Parcels
Portage, MI

SUMMER TAXES ¹											
Taxing Jurisdiction		City of Portage	KVCC	KRESA-ISD ⁴	State Ed ³	School Bldg Debt	School Oper	County Operating	CCTA Transport	Transportation	Total
Full Millage		10.9256	2.8135	6.0416	6	7.35	18	4.6871	0.75	0.4	56.9678
IFT Millage		5.4628	1.40675	3.0208	6	3.675	9	2.34355	0.375	0.2	31.4839
Initial Taxable Value	\$ 1,887,100.00	\$ 10,308.85	\$ 2,654.68	\$ 5,700.55	\$ 11,322.60	\$ 6,935.09	\$ 16,983.90	\$ 4,422.51	\$ 707.66	\$ 377.42	\$ 59,413.27
Future Taxable Value	\$ 62,887,100.00	\$ 343,539.65	\$ 88,466.43	\$ 189,969.35	\$ 377,322.60	\$ 231,110.09	\$ 565,983.90	\$ 147,379.06	\$ 23,582.66	\$ 12,577.42	\$ 1,979,931.17
Captured Taxable Value	\$ 61,000,000.00	\$ 333,230.80	\$ 85,811.75	\$ 184,268.80	\$ 366,000.00	\$ -	\$ 549,000.00	\$ 142,956.55	\$ 22,875.00	\$ 12,200.00	\$ 1,696,342.90

WINTER TAXES ²						
Taxing Jurisdiction		District Library	County Pub Safety	County Juv Home	County Housing Fund	Total
Full Millage		1.5	1.4491	0.2301	0.1	3.2792
IFT Millage		0.75	0.72455	0.11505	0.05	1.6396
Initial Taxable Value	\$ 1,887,100.00	\$ 1,415.33	\$ 1,367.30	\$ 217.11	\$ 94.36	\$ 3,094.09
Future Taxable Value	\$ 62,887,100.00	\$ 47,165.33	\$ 45,564.85	\$ 7,235.16	\$ 3,144.36	\$ 103,109.69
Captured Taxable Value	\$ 61,000,000.00	\$ 45,750.00	\$ 44,197.55	\$ -	\$ 3,050.00	\$ 92,997.55

1. Based on millages from 2016 taxes, subject to PA 198 Abatement
2. Based on millages from 2016 taxes, subject to PA 198 abatement
3. Three mills of SET conveyed to State Brownfield Redevelopment Fund. Not subject to PA 198.
4. Non-Debt portion of millage only
5. School as % of total 45.29%
6. Tax increment revenues from Personal Property will be captured, however the value and revenue from Personal Property is not reflected in this table.

Total Millage	33.1235
Total Annual Future Tax Liability	\$ 2,083,040.86
Total Capturable Local Millages	14.3335
Total Annual Capturable Local Tax Increment	\$ 874,340.45
Total Capturable School Millages	15.00000
Total Annual Capturable School Tax Increment	\$ 915,000.00
Total School and Local Tax Increment Revenue/Yr	\$ 1,789,340.45

Table 4

Captured Taxable Value and Tax Increment Revenue by Year and Aggregate for Each Taxing Jurisdiction
Stryker Research and Development Project
Development Parcels
Portage, MI

Year	Captured Taxable Value	City of Portage	KVCC	KRESA-ISD ⁴	State Ed ³	School Bldg Debt	School Oper	County Summer	CCTA Transport	Transportation	District Library	County Pub Safety	County Juv Home	County Housing Fund	Total
	Full Millage Rate	10.9256	2.8135	6.0416	6	7.35	18	4.6871	0.75	0.4	1.5	1.4491	0.2301	0.1	60.247
	IFT Millage Rate	5.4628	1.40675	3.0208	6	3.675	9	2.34355	0.375	0.2	0.75	0.72455	0.11505	0.05	33.1235
2018	\$ 17,000,000.00	185,735.20	47,829.50	102,707.20	102,000.00	-	306,000.00	79,680.70	12,750.00	6,800.00	25,500.00	24,634.70	-	1,700.00	895,337.30
2019	\$ 38,000,000.00	207,586.40	53,456.50	114,790.40	228,000.00	-	342,000.00	89,054.90	14,250.00	7,600.00	28,500.00	27,532.90	-	1,900.00	1,114,671.10
2020	\$ 61,000,000.00	333,230.80	85,811.75	184,268.80	366,000.00	-	549,000.00	142,956.55	22,875.00	12,200.00	45,750.00	44,197.55	-	3,050.00	1,789,340.45
2021	\$ 61,000,000.00	333,230.80	85,811.75	184,268.80	366,000.00	-	549,000.00	142,956.55	22,875.00	12,200.00	45,750.00	44,197.55	-	3,050.00	1,789,340.45
2022	\$ 61,000,000.00	333,230.80	85,811.75	184,268.80	366,000.00	-	549,000.00	142,956.55	22,875.00	12,200.00	45,750.00	44,197.55	-	3,050.00	1,789,340.45
2023	\$ 61,000,000.00	333,230.80	85,811.75	184,268.80	366,000.00	-	549,000.00	142,956.55	22,875.00	12,200.00	45,750.00	44,197.55	-	3,050.00	1,789,340.45
2024	\$ 61,000,000.00	333,230.80	85,811.75	184,268.80	366,000.00	-	549,000.00	142,956.55	22,875.00	12,200.00	45,750.00	44,197.55	-	3,050.00	1,789,340.45
2025	\$ 61,000,000.00	333,230.80	85,811.75	184,268.80	366,000.00	-	549,000.00	142,956.55	22,875.00	12,200.00	45,750.00	44,197.55	-	3,050.00	1,789,340.45
2026	\$ 61,000,000.00	333,230.80	85,811.75	184,268.80	366,000.00	-	549,000.00	142,956.55	22,875.00	12,200.00	45,750.00	44,197.55	-	3,050.00	1,789,340.45
TOTAL CAPTURED TAXES		\$ 2,725,937.20	\$ 701,968.25	\$ 1,507,379.20	\$ 2,892,000.00	\$ -	\$ 4,491,000.00	\$ 1,169,431.45	\$ 187,125.00	\$ 99,800.00	\$ 374,250.00	\$ 361,550.45	\$ -	\$ 24,950.00	\$ 14,535,391.55

1. Millage rates reduced by PA 198 IFT beginning in 2019
2. Tax increment revenues from Personal Property will be captured, however the value and revenue from Personal Property is not reflected in this table.
3. Half of SET conveyed to State Brownfield Redevelopment Fund
4. Non-debt portion only

- (d) The method by which the costs of the plan will be financed, including a description of any advances made or anticipated to be made for the costs of the plan from the municipality. (Section 13(1)(d))**

The costs of this Plan are anticipated to be borne by the developer. At this time, no advances are being made by the municipality to the developer though such advances could be made in the future to incentivize the project.

- (e) The maximum amount of note or bonded indebtedness to be incurred, if any. (Section 13(1)(e))**

The Kalamazoo County Brownfield Redevelopment Authority has no plans to incur indebtedness at this time, though such plans could be made in the future, if appropriate to support development of this site.

- (f) The duration of the Brownfield Plan, which shall not exceed the lesser of the period authorized under subsections (4) and (5) or 30 years. (Section 13(1)(f))**

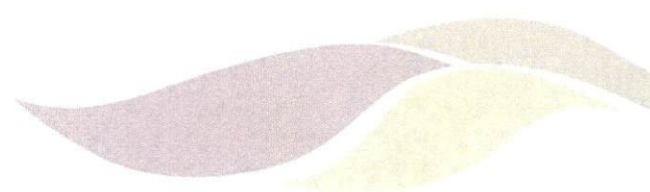
This Plan will remain in place until the developer and City of Portage are reimbursed for eligible expenses in full plus up to five full years of tax increment capture for deposit in the Authority's Local Brownfield Revolving Fund (LBRF) (not to exceed \$2,500,000 in total), or 30 years, whichever is less.

- (g) An estimate of the impact of tax increment financing on the revenues of all taxing jurisdictions in which the eligible property is located. (Section 13(1)(g))**

Refer to Tables 2, 3, and 4 for details.

- (h) A legal description of each parcel of eligible property to which the plan applies, a map showing the location and dimensions of each eligible property, a statement of the characteristics that qualify the property as eligible property and a statement of whether personal property is included as part of the eligible property. (Section 13(1)(h))**

A map showing the location of the property is included in Attachment A. The legal description of the nine parcels as provided by the City of Portage's GIS system is as follows:



Parcel 000100001A (1306 E. Milham)

SEC 10-3-11 E1/2 NE1/4 EXC S 220 FT OF W 967.42 FT EXCEPT THE S 65 FT OF THE N 98 FT
ALSO E 407.48 FT OF N 627 FT OF NE1/4 SE1/4

Parcel 00011020A (1700 E. Milham)

SEC 11-3-11 NW1/4 NW1/4 EXCEPT S 65' OF THE N 98'

Parcel 00011015A (6000 Portage)

SEC 11-3-11 N 17 A OF NE1/4 NW1/4 EXCEPT THE S 65 FT OF THE N 98 FT

Parcel 00011030O (6100 Portage)

SEC 11-3-11 S 23 A OF NE1/4 NW1/4 23 A

Parcel 00010275O (1405 Ramona)

SEC 10-3-11 S 220 FT OF E1/2 NE1/4 EXC E 407.48 FT THEREOF & N 627 FT OF E1/2 SE1/4
LYING E OF LOVERS LANE EXC E 407.48 FT THEREOF 17.9 A

Parcel 00011025O (6520 Portage)

SEC 11-3-11 S1/2 OF NW1/4 SEC 11 ALSO N 627 FT OF N1/2 SW1/4 ALL LYING N OF N LI OF
RAMONA AVE EXC COM 262 FT W AND 346.5 FT S OF CTR 1/4 POST FOR PT OF BEG TH W
660 FT TH S 280.5 FT TO N LINE OF RAMONA AVE TH E 660 FT TH N 280.5 FT TO PT OF BEG

Parcel 00011050O (2221 Ramona)

SEC 11-3-11 BEG AT PT 627 FT S & 658 FT W OF CTR 1/4 POST SEC 11 TH N 280.5 FT TH W
264 FT TH S 280.5 FT TH E 264 FT TO BEG 1.7A

Parcel 00011040O (2321 Ramona)

SEC 11-3-11 BEG AT PT 627 FT S & 394 FT W OF CTR 1/4 POST SEC 11 TH N 280.5 FT TH W
132 FT TH S 280.5 FT TH E 132 FT TO BEG .85A

Parcel 00011035O (2403 Ramona)

SEC 11-3-11 COM C1/4 POST SEC 11 TH S ON CTR LI PORTAGE RD 660 FT TH W 262 FT FOR
PL OF BEG TH N 313.5 FT TH W 132 FT TH S 313.5 FT TH E 132 FT TO PL OF BEG.

The parcels at 1306 E Milham, 6520 Portage, 6000 Portage and 2321 Ramona have been specifically identified as a “facility” (or facilities) as defined by Part 201 of NREPA (1994 PA 451) based on analytical data from soil or groundwater samples specifically acquired from those parcels. The groundwater impacts identified at the project site are presumed to be present across the project site and thus FTCH concluded that all nine parcels were facilities and included in a BEA. Additionally, the other five parcels which are presumed to be facilities, are contiguous and adjacent to those parcels where specific analytical data demonstrates the facility status of the project site.

The eligible property also includes that portion of the right of ways on Lovers Lane, E. Milham Avenue, Portage Road and Ramona Avenue that border the eligible property.

Personal property will be included as part of the eligible property. The tables in this Plan do not include estimates of personal property taxable values and the resulting revenues from the personal property tax. The complete cost of personal property for this project is not yet fully determined, nor is it clear at this time when the purchase of personal property will occur, if some of the personal property will be moved from other locations, and other details that affect the valuation and taxation of personal property. At this time, it is projected that total personal property costs will be about \$25.5 million including but not limited to furniture and fixtures, signage, artwork, fitness equipment, laboratory equipment, IT equipment, phones, security, and computers. The resulting estimated taxable value of personal property is expected to be about \$11 million immediately after purchase of the personal property and that value will decline quickly over the life of this Plan.

(i) Estimates of the number of persons residing on each eligible property to which the plan applies and the number of families and individuals to be displaced. (Section 13(1)(i))

No persons reside on the eligible property to which the plan applies.

(j) A plan for establishing priority for the relocation of persons displaced by implementation of the plan. (Section 13(1)(j))

Not applicable.

(k) Provision for the costs of relocating persons displaced by implementation of the plan. (Section 13(1)(k))

Not applicable.

(l) A strategy for compliance with 1972 PA 227, MCL 213.321 to 213.332. (Section 13(1)(l))

Not applicable.

(m) A description of proposed use of the Local Brownfield Revolving Fund (LBRF). (Section 13(1)(m))

The Brownfield Redevelopment Authority does plan to capture tax increment for the Local Brownfield Revolving Fund (LBRF) up to a maximum of \$2,500,000 or five years, whichever is less.

(n) Other material that the authority or governing body considers pertinent. (Section 13(1)(n))

Not applicable.

H:\Projects\Projects_P\Project Portage\Stryker BF Plan.docx

Table 5
Estimated Reimbursement Schedule
Stryker Research and Development Project
Nine Parcels
Portage, Michigan

Year	Incremental Taxes Available	Funds Disbursed									
		Stryker (School)	Stryker (Local)	Stryker (Subtotal)	City of Portage (School)	City of Portage (Local)	City of Portage (Subtotal)	Administrative Costs (Local)	LBRF (School)	LBRF (Local)	State Brownfield Redevelopment Fund
2018	\$895,337.30	\$357,000.00	\$437,337.30	\$794,337.30							
2019	\$1,114,671.10	\$456,000.00	\$494,671.10	\$1,745,008.40				\$50,000.00			\$51,000.00
2020	\$1,789,340.45	\$732,000.00	\$824,340.45	\$3,301,348.85				\$50,000.00			\$114,000.00
2021	\$1,789,340.45	\$732,000.00	\$844,340.45	\$4,877,689.30				\$50,000.00			\$183,000.00
2022	\$1,789,340.45	\$662,235.66	\$844,340.45	\$6,384,265.41				\$30,000.00			\$183,000.00
2023	\$1,789,340.45	\$73,831.45	\$107,186.13	\$6,565,282.99	\$69,764.34			\$30,000.00			\$183,000.00
2024	\$828,590.45				\$335,647.98	\$405,460.39	\$810,872.71	\$30,000.00	\$13,640.42	\$331,693.93	\$183,000.00
2025	\$828,590.45									\$874,340.45	
2026	\$828,590.45									\$874,340.45	
Totals	\$11,653,141.55	\$3,013,067.11	\$3,552,215.88	\$6,565,282.99	\$405,412.32	\$405,460.39	\$810,872.71	\$240,000.00	\$13,640.42	\$2,486,359.58	\$897,000.00

Administrative Costs reimbursed in compliance with Section 13(19) of the Act
Local Brownfield Revolving Fund (LBRF) School capture equivalent to percent of school TIR used to reimburse eligible environmental BEA Activities and Due Care Activities
Disbursements include Principal and Interest (Refer to Table 6 for detailed schedule of reimbursements)
2023 is estimated to be the final year of school TIR capture. A small amount of TIR is projected to be distributed to the school taxing jurisdictions.
In 2026 the capture into the LBRF is capped. Remaining funds will need to be distributed back to each local taxing jurisdiction on a proportional basis.
Tax increment revenues from Personal Property will be captured, however the value and revenue from Personal Property is not reflected in this table.

TABLE 6 - MEDC REIMBURSEMENT SCHEDULE
STRYKER RESEARCH AND DEVELOPMENT PROJECT, PORTAGE, MI

Tax Increment Revenue Capture Year (Brownfield Plan Year)		2018		2019	2020	2021
Current Taxable Value (Brownfield Plan Initial Taxable Value)		\$1,887,100.00		\$1,887,100.00	\$1,887,100.00	\$1,887,100.00
Taxable Value After Improvement ¹		\$18,887,100.00		\$39,887,100.00	\$62,887,100.00	\$62,887,100.00
Total Captured Taxable Increment (BRA)		\$17,000,000.00		\$38,000,000.00	\$61,000,000.00	\$61,000,000.00
Ratio of State to Local Taxes Available for TIF (as percentage)	State 45.29%/Local 54.71%					
State Taxes - Millage						
School Operating	18	\$306,000.00	9	\$342,000.00	\$549,000.00	\$549,000.00
SET	6	\$102,000.00	6	\$228,000.00	\$366,000.00	\$366,000.00
Total State Taxes	24	\$408,000.00	15	\$570,000.00	\$915,000.00	\$915,000.00
Local Taxes - Millage						
City of Portage	10.9256	\$185,735.20	5.4628	\$207,586.40	\$333,230.80	\$333,230.80
KVCC	2.8135	\$47,829.50	1.40675	\$53,456.50	\$85,811.75	\$85,811.75
KRESA	6.0416	\$102,707.20	3.0208	\$114,790.40	\$184,268.80	\$184,268.80
County Summer	4.6871	\$79,680.70	2.34355	\$89,054.90	\$142,956.55	\$142,956.55
CCTA Transport	0.75	\$12,750.00	0.375	\$14,250.00	\$22,875.00	\$22,875.00
Transportation	0.4	\$6,800.00	0.2	\$7,600.00	\$12,200.00	\$12,200.00
District Library	1.5	\$25,500.00	0.75	\$28,500.00	\$45,750.00	\$45,750.00
County Public Safety	1.4491	\$24,634.70	0.72455	\$27,532.90	\$44,197.55	\$44,197.55
County Housing	0.1	\$1,700.00	0.05	\$1,900.00	\$3,050.00	\$3,050.00
Total Local Taxes (Capturable)	28.6669	\$487,337.30	14.3335	\$544,671.10	\$874,340.45	\$874,340.45
Total State & Local Capturable Millages	52.6669	\$895,337.30	29.3335	\$1,114,671.10	\$1,789,340.45	\$1,789,340.45
Total Annual State Incremental Taxes		\$408,000.00		\$570,000.00	\$915,000.00	\$915,000.00
Total Annual Local Incremental Taxes		\$487,337.30		\$544,671.10	\$874,340.45	\$874,340.45
Annual Cumulative Tax Capture		\$895,337.30		\$1,114,671.10	\$1,789,340.45	\$1,789,340.45
Total Cumulative Tax Capture		\$895,337.30		\$2,010,008.40	\$3,799,348.85	\$5,588,689.30
Administrative Fee Captured by BRA ²		\$50,000.00		\$50,000.00	\$50,000.00	\$30,000.00
State Brownfield Redevelopment Fund ³		\$51,000.00		\$114,000.00	\$183,000.00	\$183,000.00
Total Annual Local Incremental Taxes Available for Capture		\$437,337.30		\$494,671.10	\$824,340.45	\$844,340.45
Total Annual State Incremental Taxes Available for Capture		\$357,000.00		\$456,000.00	\$732,000.00	\$732,000.00
Total Combined Yearly Incremental Taxes Available for Capture		\$794,337.30		\$950,671.10	\$1,556,340.45	\$1,576,340.45
MSF Non-Environmental Costs (Stryker)	\$6,289,783.00	\$2,096,595.00		\$2,096,594.00	\$2,096,594.00	
State Tax Reimbursement (Principal)		\$357,000.00		\$456,000.00	\$732,000.00	\$732,000.00
Local Tax Reimbursement (Principal)		\$437,337.30		\$494,671.10	\$824,340.45	\$844,340.45
Unreimbursed Non-Environmental Principal Costs		\$1,302,257.70		\$2,448,180.60	\$2,988,434.15	\$1,412,093.70
State Tax Reimbursement (Interest)		\$0.00		\$0.00	\$0.00	\$0.00
Local Tax Reimbursement (Interest)		\$0.00		\$0.00	\$0.00	\$0.00
Interest (if requested) ⁴		\$26,045.15		\$48,963.61	\$59,768.68	\$28,241.87
MSF Non-Environmental Costs (City of Portage)	\$752,100.00			\$752,100.00		
State Tax Reimbursement (Principal and Interest)		\$0.00		\$0.00	\$0.00	\$0.00
Local Tax Reimbursement (Principal and Interest)		\$0.00		\$0.00	\$0.00	\$0.00
Unreimbursed Non-Environmental Costs		\$0.00		\$752,100.00	\$752,100.00	\$752,100.00
Interest (if requested) ⁴				\$15,042.00	\$15,042.00	\$15,042.00
DEQ Environmental Costs	\$27,887.00	\$27,887.00				
State Tax Reimbursement (Principal and Interest)		\$0.00		\$0.00	\$0.00	\$0.00
Local Tax Reimbursement (Principal and Interest)		\$0.00		\$0.00	\$0.00	\$0.00
Unreimbursed Environmental Costs		\$27,887.00		\$27,887.00	\$27,887.00	\$27,887.00
Interest (if requested) ⁴		\$557.74		\$557.74	\$557.74	\$557.74
Local-Only Costs	\$57,500.00	\$57,500.00				
Local Taxes (Principal and Interest)		\$0.00		\$0.00	\$0.00	\$0.00
Unreimbursed Costs		\$57,500.00		\$57,500.00	\$57,500.00	\$57,500.00
Interest (if requested) ⁴		\$1,150.00		\$1,150.00	\$1,150.00	\$1,150.00
Total Cumulative Developer Reimbursement (Stryker)		\$794,337.30		\$1,745,008.40	\$3,301,348.85	\$4,877,689.30
Total Cumulative Developer Reimbursement (Portage)		\$0.00		\$0.00	\$0.00	\$0.00
Local Brownfield Revolving Fund (if requested) ⁵						
State Tax Capture		\$		\$	\$	\$
Local Tax Capture		\$		\$	\$	\$
Total		\$		\$	\$	\$

¹ Rise in taxable value based on % of construction completed in first three years, and an average expected TV over life of the Plan. IFT begins in 2019.

² May be taken from Local Tax Increment Revenue only. Actual amount to be determined based on property values, eligible costs, and actual total administrative expense of the Authority

³ 3 mills shall be taken from State Education Tax for up to 25 years

⁴ See MEDC Interest Policy Interest Calculation. Costs does not include interest on Brownfield or Work Plan Preparation Costs. Simple interest paid each year and is not compounded

⁵ May only be taken from DEQ & Local TIR only. Total capture in LBRF capped at \$2.5 million

TABLE 6 - MEDC REIMBURSEMENT SCHEDULE
STRYKER RESEARCH AND DEVELOPMENT PROJECT, PORTAGE, MI

Tax Increment Revenue Capture Year (Brownfield Plan Year)	2022	2023	2024	2025	2026
Current Taxable Value (Brownfield Plan Initial Taxable Value)	\$1,887,100.00	\$1,887,100.00	\$1,887,100.00	\$1,887,100.00	\$1,887,100.00
Taxable Value After Improvement ¹	\$62,887,100.00	\$62,887,100.00	\$62,887,100.00	\$62,887,100.00	\$62,887,100.00
Total Captured Taxable Increment (BRA)	\$61,000,000.00	\$61,000,000.00	\$61,000,000.00	\$61,000,000.00	\$61,000,000.00
Ratio of State to Local Taxes Available for TIF (as percentage)					
State Taxes - Millage					
School Operating	\$549,000.00	\$549,000.00	\$549,000.00	\$549,000.00	\$549,000.00
SET	\$366,000.00	\$366,000.00	\$366,000.00	\$366,000.00	\$366,000.00
Total State Taxes	\$915,000.00	\$915,000.00	\$915,000.00	\$915,000.00	\$915,000.00
Local Taxes - Millage					
City of Portage	\$333,230.80	\$333,230.80	\$333,230.80	\$333,230.80	\$333,230.80
KVCC	\$85,811.75	\$85,811.75	\$85,811.75	\$85,811.75	\$85,811.75
KRESA	\$184,268.80	\$184,268.80	\$184,268.80	\$184,268.80	\$184,268.80
County Summer	\$142,956.55	\$142,956.55	\$142,956.55	\$142,956.55	\$142,956.55
CCTA Transport	\$22,875.00	\$22,875.00	\$22,875.00	\$22,875.00	\$22,875.00
Transportation	\$12,200.00	\$12,200.00	\$12,200.00	\$12,200.00	\$12,200.00
District Library	\$45,750.00	\$45,750.00	\$45,750.00	\$45,750.00	\$45,750.00
County Public Safety	\$44,197.55	\$44,197.55	\$44,197.55	\$44,197.55	\$44,197.55
County Housing	\$3,050.00	\$3,050.00	\$3,050.00	\$3,050.00	\$3,050.00
Total Local Taxes (Capturable)	\$874,340.45	\$874,340.45	\$874,340.45	\$874,340.45	\$874,340.45
Total State & Local Capturable Millages	\$1,789,340.45	\$1,789,340.45	\$1,789,340.45	\$1,789,340.45	\$1,789,340.45
Total Annual State Incremental Taxes	\$915,000.00	\$915,000.00	\$915,000.00	\$915,000.00	\$915,000.00
Total Annual Local Incremental Taxes	\$874,340.45	\$874,340.45	\$874,340.45	\$874,340.45	\$874,340.45
Annual Cumulative Tax Capture	\$1,789,340.45	\$1,789,340.45	\$1,789,340.45	\$1,789,340.45	\$1,789,340.45
Total Cumulative Tax Capture	\$7,378,029.75	\$9,167,370.20	\$10,956,710.65	\$12,746,051.10	\$14,535,391.55
Administrative Fee Captured by BRA ²	\$30,000.00	\$30,000.00	\$0.00	\$0.00	\$0.00
State Brownfield Redevelopment Fund ³	\$183,000.00	\$183,000.00	\$0.00	\$0.00	\$0.00
Total Annual Local Incremental Taxes Available for Capture	\$844,340.45	\$844,340.45	\$874,340.45	\$874,340.45	\$874,340.45
Total Annual State Incremental Taxes Available for Capture	\$732,000.00	\$732,000.00	\$915,000.00	\$915,000.00	\$915,000.00
Total Combined Yearly Incremental Taxes Available for Capture	\$1,576,340.45	\$1,576,340.45	\$1,789,340.45	\$1,789,340.45	\$1,789,340.45
MSF Non-Environmental Costs (Stryker)	\$20,000.00				
State Tax Reimbursement (Principal)	\$648,595.24	\$0.00	\$0.00	\$0.00	\$0.00
Local Tax Reimbursement (Principal)	\$783,498.46	\$0.00	\$0.00	\$0.00	\$0.00
Unreimbursed Non-Environmental Principal Costs	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
State Tax Reimbursement (Interest)	\$0.00	\$73,831.45			
Local Tax Reimbursement (Interest)	\$0.00	\$89,187.87			
Interest (if requested) ⁴ , simple interest paid after all principal is paid.	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
MSF Non-Environmental Costs (City of Portage)					
State Tax Reimbursement (Principal and Interest)	\$69,764.34	\$335,647.98	\$0.00	\$0.00	\$0.00
Local Tax Reimbursement (Principal and Interest)	\$0.00	\$405,460.39	\$0.00	\$0.00	\$0.00
Unreimbursed Non-Environmental Costs	\$682,335.66	\$0.00	\$0.00	\$0.00	\$0.00
Interest (if requested) ⁴	\$13,646.71	\$0.00	\$0.00	\$0.00	\$0.00
DEQ Environmental Costs					
State Tax Reimbursement (Principal and Interest)	\$13,640.42	\$0.00	\$0.00	\$0.00	\$0.00
Local Tax Reimbursement (Principal and Interest)	\$16,477.54	\$0.00	\$0.00	\$0.00	\$0.00
Unreimbursed Environmental Costs	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Interest (if requested) ⁴	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Local-Only Costs					
Local Taxes (Principal and Interest)	\$44,364.45	\$17,998.26	\$0.00	\$0.00	\$0.00
Unreimbursed Costs	\$13,135.55	\$0.00	\$0.00	\$0.00	\$0.00
Interest (if requested) ⁴	\$262.71	\$0.00	\$0.00	\$0.00	\$0.00
Total Cumulative Developer Reimbursement (Stryker)	\$6,384,265.41	\$6,565,282.99			
Total Cumulative Developer Reimbursement (Portage)	\$69,764.34	\$810,872.71			
Local Brownfield Revolving Fund (if requested) ⁵					
State Tax Capture	\$	\$13,640.42	\$0.00	\$0.00	\$0.00
Local Tax Capture	\$	\$331,693.93	\$874,340.45	\$874,340.45	\$405,984.75
Total	\$	\$345,334.35	\$1,219,674.80	\$2,094,015.25	\$2,500,000.00

¹ Rise in taxable value based on % of construction completed in first three years, and an average expected TV over life of the Plan. IFT begins in 2019.

² May be taken from Local Tax Increment Revenue only. Actual amount to be determined based on property values, eligible costs, and actual total administrative expense of the Authority

³ 3 mills shall be taken from State Education Tax for up to 25 years

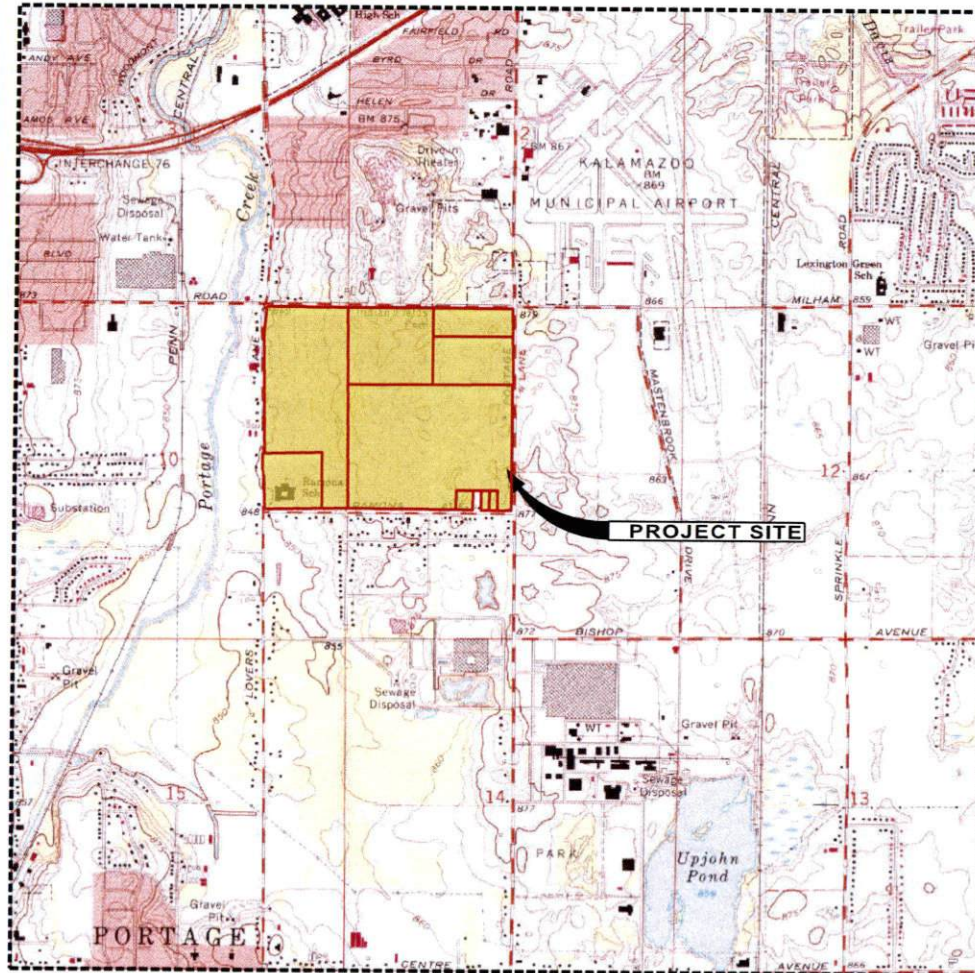
⁴ See MEDC Interest Policy Interest Calculation. Costs does not include interest on Brownfield or Work Plan Preparation Costs. Simple interest paid each year and is not compounded

⁵ May only be taken from DEQ & Local TIR only. Total capture in LBRF capped at \$2.5 million

**ATTACHMENT A
FIGURES**

Figure 1: Location Map
Figure 2: Eligible Properties





SOURCE: PORTAGE, MICHIGAN USGS 7.5 MINUTE TOPOGRAPHIC QUADRANGLE MAPS
 MAPTECH® U.S. TERRAIN SERIES™ ©MAPTECH®, INC. 606-433-8500



T 3 S., R. 11 W.
 KALAMAZOO COUNTY
 PORTAGE, MICHIGAN



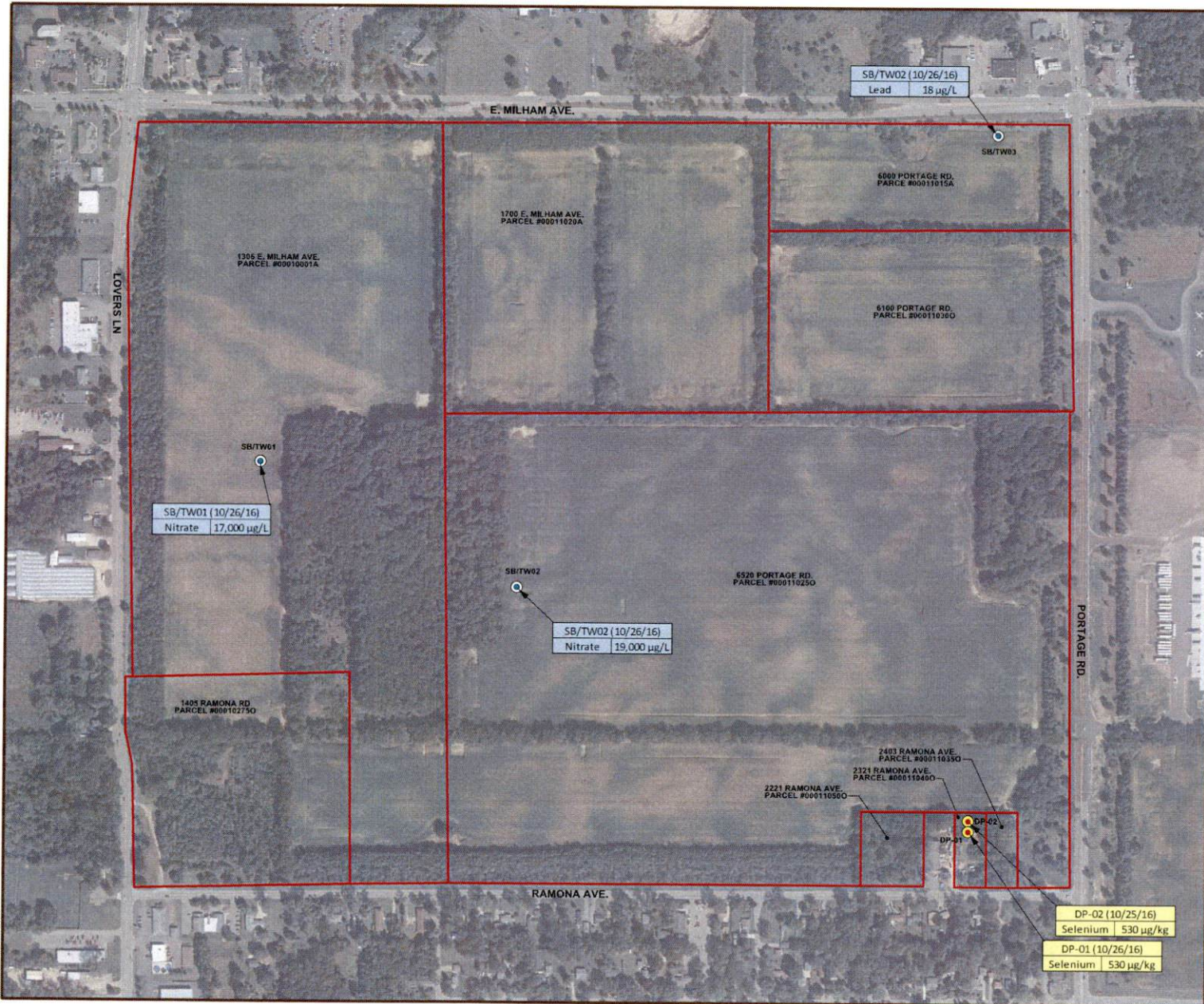
0 500 1000 2000 4000
 SCALE 1" = 2000'

envirollogic
 environmental consulting + services
 2960 INTERSTATE PARKWAY
 KALAMAZOO, MICHIGAN 49048
 PH: (269) 342-1100 FAX: (269) 342-4345

**STRYKER RESEARCH AND
 DEVELOPMENT PROJECT**
 NINE PARCELS
LOCATION MAP

PROJECT NO.
 160412
 FIGURE NO.
1

000000 AAAAAA Title: AA.dgn Model: Location Map



LEGEND

- SOIL BORING/TEMPORARY WELL LOCATION
- SOIL/DEBRIS PILE SAMPLE LOCATION



SCALE 1" = 400'

0 50 100 200 400 800

NOTE:
THIS IS NOT A PROPERTY BOUNDARY SURVEY. PROPERTY BOUNDARIES SHOWN ON THIS MAP ARE BASED ON AVAILABLE FURNISHED INFORMATION AND ARE APPROXIMATE ONLY AND SHOULD NOT BE USED TO ESTABLISH PROPERTY BOUNDARY LOCATION IN THE FIELD.

STRYKER RESEARCH AND DEVELOPMENT PROJECT

NINE PARCELS

SITE PLAN w/ BORINGS AND ANALYTICAL

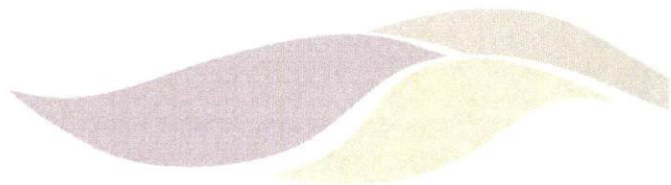
envirollogic
environmental consulting + services
2905 INTERSTATE PARKWAY
KALAMAZOO, MICHIGAN 49008
PH: (269) 342-1100 FAX: (269) 342-4945

PROJECT NO.
160412

FIGURE NO.

2

ATTACHMENT B
NOTICE OF PUBLIC HEARING



NOTICE OF PUBLIC HEARING

**THE BROWNFIELD REDEVELOPMENT AUTHORITY
OF KALAMAZOO COUNTY**

**REGARDING INCLUSION INTO THE COUNTY'S BROWNFIELD PLAN
OF NINE PARCELS OF PROPERTY LOCATED AT
1306 E. MILHAM, 1700 E. MILHAM, 6000 PORTAGE ROAD,
6100 PORTAGE ROAD, 1405 RAMONA AVENUE, 6520 PORTAGE ROAD
2221 RAMONA AVENUE, 2321 RAMONA AVENUE, AND 2403 RAMONA AVENUE
CITY OF PORTAGE,
IN THE COUNTY OF KALAMAZOO, MICHIGAN**

TO ALL INTERESTED PERSONS IN THE COUNTY OF KALAMAZOO

PLEASE TAKE NOTICE that the County Commissioners of the County of Kalamazoo, Michigan, will hold a Public Hearing on Tuesday, the 21st day of February 2017, at approximately 7p.m., Eastern Daylight time in the Commissioners Chambers within the County Building, 201 W. Kalamazoo Avenue, Kalamazoo, Michigan, to receive public comment on an amendment to the County's Brownfield Redevelopment Plan to include therein the properties located at 1306 E. Milham, 1700 E. Milham, 6000 Portage Road, 6100 Portage Road, 1405 Ramona Avenue, 6520 Portage Road, 2221 Ramona Avenue, 2321 Ramona Avenue, and 2403 Ramona Avenue, Portage, Michigan. The following legal parcels are included in the "eligible property":

Address: 6000 Portage Rd, City of Portage, Kalamazoo County

Parcel ID: 00011-015-A

Acreage: 15.1

Legal Description: The North 17 acres of the Northeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of Section 11, Town 3 South, Range 11 West, except The South 65 feet of the North 98 feet of the North 17 acres of the Northeast quarter of the Northwest quarter of Section 11, Township 3 South, Range 11 West, City of Portage, Kalamazoo County, Michigan, excepting the East 50 feet thereof lying in Portage Road.

Address: 6100 Portage Rd, City of Portage, Kalamazoo County

Parcel ID: 00011-030-0

Acreage: 22.43

Legal Description: The South 46 rods of the Northeast quarter of the Northwest quarter of Section 11, Town 3 South, Range 11 West, City of Portage, Kalamazoo County, Michigan.

Address: 6520 Portage Rd, City of Portage, Kalamazoo County

Parcel ID: 00011-025-0

Acreage: 112

Legal Description: SEC 11-3-11 S1/2 OF NW1/4 SEC 11 ALSO N 627 FT OF N1/2 SW1/4 ALL LYING N OF N LI OF RAMONA AVE EXC COM 262 FT W AND 346.5 FT S OF CTR 1/4 POST FOR PT OF BEG TH W 660 FT TH S 280.5 FT TO N LINE OF RAMONA AVE TH E 660 FT TH N 280.5 FT TO PT OF BEG

Address: 2403 Ramona Avenue, City of Portage, Kalamazoo County

Parcel ID: 00011-035-0

Acreage: 0.85

Legal Description: SEC 11-3-11 COM C1/4 POST SEC 11 TH S ON CTR LI PORTAGE RD 660 FT TH W 262 FT FOR PL OF BEG TH N 313.5 FT TH W 132 FT TH S 313.5 FT TH E 132 FT TO PL OF BEG.

Address: 2321 Ramona Avenue, City of Portage, Kalamazoo County

Parcel ID: 00011-040-0

Acreage: 0.85

Legal Description: SEC 11-3-11 BEG AT PT 627 FT S & 394 FT W OF CTR 1/4 POST SEC 11 TH N 280.5 FT TH W 132 FT TH S 280.5 FT TH E 132 FT TO BEG .85A

Address: 2221 Ramona Avenue, City of Portage, Kalamazoo County

Parcel ID: 00011-050-0

Acreage: 1.7

Legal Description: SEC 11-3-11 BEG AT PT 627 FT S & 658 FT W OF CTR 1/4 POST SEC 11 TH N 280.5 FT TH W 264 FT TH S 280.5 FT TH E 264 FT TO BEG 1.7A

Address: 1405 Ramona Avenue, City of Portage, Kalamazoo County

Parcel ID: 00010-275-0

Acreage: 17.9

Legal Description: Commencing at the East ¼ corner of Section 10, Town 3 South, Range 11 West, City of Portage, Kalamazoo County, Michigan, Thence (with bearings referred to the South ½ of the East line of said Section) South 89 degrees 57 minutes 00 seconds West along the East and West ¼ line 407.48 feet to the place of beginning of this description; thence South parallel to said East line 660.00 feet to center line of Ramona Avenue; thence South 89 degrees 57 minutes 00 seconds West along said center line 925.37 feet to the center line of Lovers Lane; thence North 00 degrees 01 minute 00 seconds West along said center line 492.78 feet; thence North 20 degrees 00 minutes 00 seconds West along said center line 177.95 feet to said East and West ¼ line; thence North along said center line 220.00 feet, thence North 89 degrees 57 minutes 00 seconds East parallel to said ¼ line 958.53 feet; thence South parallel to said East line 220.00 feet to the place of beginning.

Address: 1306 E Milham Avenue, City of Portage, Kalamazoo County

Parcel ID: 00010-001-A

Acreage: 79.27

Legal Description: the East $\frac{1}{2}$ of the Northeast $\frac{1}{4}$ except the South 220 feet of the West 967.42 feet also the East 407.48 feet of the North 627 feet of the Northeast $\frac{1}{4}$ Southeast $\frac{1}{4}$ of Section 10, Town 3 South, Range 11 West, except The South 65 feet of the North 98 feet of the Northeast quarter of the Northeast quarter of Section 10, Township 3 South, Range 11 West, City of Portage, Kalamazoo County, Michigan.

Address: 1700 E Milham Avenue, City of Portage, Kalamazoo County

Parcel ID: 00011-020-A

Acreage: 38.03

Legal Description: The Northwest $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of Section 11, Town 3 South, Range 11 West, City of Portage, County of Kalamazoo, except The South 65 feet of the North 98 feet of the Northwest quarter of the Northwest quarter of Section 11, Township 3 South, Range 11 West, City of Portage, Kalamazoo County, Michigan.

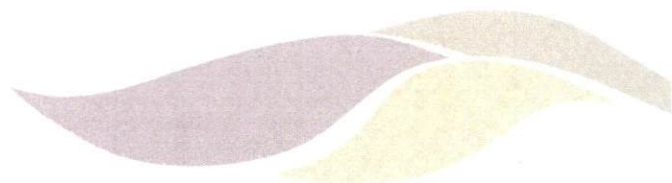
In addition to the nine parcels, eligible property for this Plan includes the right of ways for Lovers Lane, E. Milham Avenue, Portage Road and Ramona Avenue that abut the property.

The Brownfield Plan, which includes a site map and legal description of the parcel, is available for public inspection at the County Brownfield Redevelopment Authority office, located at 201 W. Kalamazoo Ave., Kalamazoo, Michigan 49007. All aspects of the plan are open for discussion at the public hearing.

FURTHER INFORMATION may be obtained from the Brownfield Redevelopment Authority of Kalamazoo County at (269) 384-8112. THIS NOTICE is given by order of the County Board of Commissioners of the County of Kalamazoo, Michigan.

Timothy A. Snow, Clerk
County of Kalamazoo

ATTACHMENT C
NOTICE TO TAXING JURISDICTIONS



NOTICE TO ALL TAXING JURISDICTIONS

The Kalamazoo County Board of Commissioners proposes to approve a Brownfield Plan for nine parcels of property located at 1306 E. Milham, 1700 E. Milham, 6000 Portage Road, 6100 Portage Road, 1405 Ramona Avenue, 6520 Portage Road, 2221 Ramona Avenue, 2321 Ramona Avenue, and 2403 Ramona Avenue, Portage, Kalamazoo County, Michigan.

The County of Kalamazoo has established a Brownfield Redevelopment Authority (the "Authority") in accordance with the Brownfield Redevelopment Act, Act No. 381 Of the Michigan Public Acts of 1996, as amended (the "Act").

The Act was enacted to provide a means for local units of government to facilitate the revitalization of environmentally distressed (and/or functionally obsolete or blighted) areas. The Authority Board has prepared and adopted a Brownfield Plan related to the redevelopment of the property located at 1306 E. Milham, 1700 E. Milham, 6000 Portage Road, 6100 Portage Road, 1405 Ramona Avenue, 6520 Portage Road, 2221 Ramona Avenue, 2321 Ramona Avenue, and 2403 Ramona Avenue, Portage, Kalamazoo County, Michigan. The anticipated future use of the property is for a Research and Development facility. Environmental contamination has been identified on the property from former uses and the property has been identified as a "facility" under Part 201 of NREPA. This document serves to notify local taxing units of the intent to approve a Brownfield Plan for the noted property.

The Act permits the use of the tax increment financing in order to provide the Authority with the means of financing the redevelopment projects included in the Brownfield Plan. Tax increment financing allows the Authority to capture tax revenues attributable to increases in the taxable value of real property located on the "eligible property", which may include certain adjacent or contiguous parcels. Increases in taxable value may be attributable to various factors, including new construction, rehabilitation, remodeling, alterations, and additions.

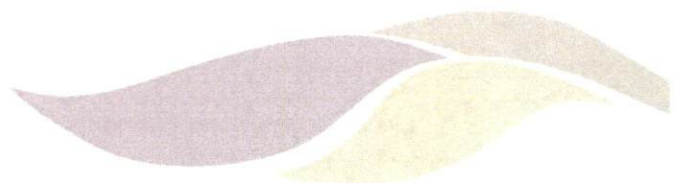
The plan will be considered for adoption at the February 21, 2017 meeting of the Kalamazoo County Board of Commissioners held at 7:00 pm in the Kalamazoo County Building, 201 W. Kalamazoo Avenue, Kalamazoo, Michigan. If you have any questions or comments concerning the Brownfield Redevelopment Authority or adoption of the Plan you may attend the meeting and express those concerns during the public comment period. You may also direct inquiries to Ms. Rachael Grover of the Kalamazoo County Department of Planning and Community Development (269) 384-8112.

Dated: _____, 2017

Mr. Timothy A. Snow
Kalamazoo County Clerk

ATTACHMENT D

RESOLUTIONS APPROVING A BROWNFIELD PLAN



**CITY OF PORTAGE
KALAMAZOO COUNTY, MICHIGAN**

**RESOLUTION IN SUPPORT OF A BROWNFIELD PLAN PURSUANT TO AND
IN ACCORDANCE WITH THE PROVISIONS OF ACT 381 OF THE PUBLIC ACTS
OF THE STATE OF MICHIGAN OF 1996, AS AMENDED**

February 14, 2017

At a regular meeting of the City Council of the City of Portage, Michigan, held in the Portage City Hall Council Chambers, located at 7900 South Westnedge, Portage, Michigan, on the 14th day of February, 2017, at 7:30 p.m.

PRESENT:

ABSENT:

MOTION BY:

SUPPORTED BY:

WHEREAS, the City Council of Portage, pursuant to and in accordance with the provisions of the Brownfield Redevelopment Financing Act, being Act 381 of the Public Acts of the State of Michigan of 1996, as amended (the "Act"), have formally resolved to participate in the Brownfield Redevelopment Authority (BRA) of Kalamazoo County (the "Authority") and have designated that all related brownfield activities for this project shall proceed through the Authority; and

WHEREAS, the Authority, pursuant to and in accordance with Section 13 of the Act, has reviewed, adopted and recommended for approval by the City Council, the Brownfield plan (the "Plan") attached hereto, to be carried out within the City, relating to the redevelopment of the property located at 1306 E. Milham, 1700 E. Milham, 6000 Portage Road, 6100 Portage Road, 1405 Ramona Avenue, 6520 Portage Road, 2221 Ramona Avenue, 2321 Ramona Avenue, and 2403 Ramona Avenue, Portage, Kalamazoo County, Michigan, (the "Site"), as shown in Figures 1 & 2 of the Plan and more particularly described in the legal description of the property contained within the attached Plan; and

WHEREAS, the City Council of Portage has reviewed the Plan, and was provided a reasonable opportunity to express their views and recommendations regarding the Plan and in accordance with Sections 13(13) of the Act; and

WHEREAS, as a result of its review of the Plan, the City Council of Portage concurs with approval of the Plan.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. **Plan Support.** Pursuant to the authority vested in the City Council of Portage, by the Act, the Plan is hereby supported in the form attached to this Resolution.
2. **Severability.** Should any section, clause or phrase of this Resolution be declared by the courts to be invalid, the same shall not affect the validity of this Resolution as a whole nor any part thereof other than the part so declared to be invalid.
3. **Repeals.** All resolutions or parts of resolutions in conflict with any of the provisions of this Resolution are hereby repealed.

AYES:

NAYES:

ABSTAINED:

RESOLUTION DECLARED ADOPTED.

STATE OF MICHIGAN)

) ss:

CITY OF PORTAGE)

I, the undersigned, the fully qualified and acting Clerk of the City of Portage, State of Michigan, do hereby certify that the foregoing is a true and complete copy of a resolution adopted by the City Council of the City of Portage at a regular meeting held on the 14th day of February, 2017, the original of which resolution is on file in my office.

IN WITNESS WHEREOF, I have hereunto set my official signature this 14th day of February, 2017.

James Hudson
City Clerk

KALAMAZOO COUNTY, MICHIGAN

**RESOLUTION APPROVING A BROWNFIELD PLAN
BY THE COUNTY OF KALAMAZOO
PURSUANT TO AND IN ACCORDANCE WITH
THE PROVISIONS OF ACT 381 OF THE PUBLIC ACTS
OF THE STATE OF MICHIGAN OF 1996, AS AMENDED**

At a regular meeting of the Board of Commissioners of Kalamazoo County, Michigan, held in the Board of Commissioners Room, County Administration Building located at 201 W. Kalamazoo Avenue, Kalamazoo, Michigan, on the 21st day of February, 2017 at 7 p.m.

PRESENT:

ABSENT:

MOTION BY:

SUPPORTED BY:

WHEREAS, the Kalamazoo County Board of Commissioners, pursuant to and in accordance with the provisions of the Brownfield Redevelopment Financing Act, being Act 381 of the Public Acts of the State of Michigan of 1996, as amended (the "Act"), have formally resolved to participate in the Brownfield Redevelopment Authority (BRA) of Kalamazoo County (the "Authority") and have designated that all related activities shall proceed through the BRA; and

WHEREAS, the Authority, pursuant to and in accordance with Section 13 of the Act, has reviewed, adopted and recommended for approval by the Kalamazoo County Board of Commissioners, the Brownfield plan (the "Plan") attached hereto, to be carried out within the City of Portage, relating to the development of a Research and Development facility on nine parcels of property located at 1306 E. Milham, 1700 E. Milham, 6000 Portage Road, 6100 Portage Road, 1405 Ramona Avenue, 6520 Portage Road, 2221 Ramona Avenue, 2321 Ramona Avenue, and 2403 Ramona Avenue, Portage, Michigan in the City of Portage, Michigan, (the "Site"), as more particularly described and shown in Figure 1 and Figure 2 contained within the attached Plan; and

WHEREAS, the Kalamazoo County Board of Commissioners have reviewed the Plan, and have been provided a reasonable opportunity to express their views and recommendations regarding the Plan and in accordance with Sections 13(13) of the Act; and

WHEREAS, the Kalamazoo County Board of Commissioners have noticed and held a public hearing in accordance with Section 13(10,11,12 and 13) of the Act, and

WHEREAS, the City of Portage has passed a resolution supporting adoption of the Plan;

WHEREAS, the Kalamazoo County Board of Commissioners have made the following determinations and findings:

- A. The Plan constitutes a public purpose under the Act;
- B. The Plan meets all of the requirements for a Brownfield plan set forth in Section 13 of the Act;
- C. The proposed method of financing the costs of the eligible activities, as described in the Plan, was feasible and the Authority has the ability to arrange the financing;
- D. The costs of the eligible activities proposed in the Plan are reasonable and necessary to carry out the purposes of the Act; and

WHEREAS, as a result of its review of the Plan, the Kalamazoo County Board of Commissioners concur with approval of the Plan.

NOW, THEREFORE, BE IT RESOLVED THAT:

- 1. **Plan Approved.** Pursuant to the authority vested in the Kalamazoo County Board of Commissioners, by the Act, the Plan is hereby approved in the form attached to this Resolution.
- 2. **Severability.** Should any section, clause or phrase of this Resolution be declared by the courts to be invalid, the same shall not affect the validity of this Resolution as a whole nor any part thereof other than the part so declared to be invalid.
- 3. **Repeals.** All resolutions or parts of resolutions in conflict with any of the provisions of this Resolution are hereby repealed.

AYES:

NAYES:

ABSTAINED:

RESOLUTION DECLARED ADOPTED.

STATE OF MICHIGAN)
COUNTY OF KALAMAZOO) ss:

I, the undersigned, the fully qualified Clerk of Kalamazoo County, State of Michigan, do hereby certify that the foregoing is a true and complete copy of a resolution adopted by the County Board of Commissioners of Kalamazoo County at a regular meeting held on the 21st day of February, 2017, the original of which resolution is on file in my office.

IN WITNESS WHEREOF, I have hereunto set my official signature this 21st day of February, 2017.

Timothy A. Snow, Kalamazoo County Clerk

Brownfield Redevelopment Authority

Minutes of Meeting – Tuesday, January 27, 2017

The meeting of the City of Portage Brownfield Redevelopment Authority was called to order by Vice-Chair Alburtus at 8:00 a.m. in Conference Room 1, Portage City Hall, 7900 South Westnedge Avenue, Portage, Michigan.

MEMBERS PRESENT: Eric Alburtus, Jeffrey Kalmbach, Devrim Yaman, Keith Lewandowski and Derek Debiak

MEMBERS EXCUSED: Jeffrey Monroe, Bradley Galin and Daniel Vomastek

IN ATTENDANCE: Vicki Georgeau, Community Development Director; Christopher Forth, Deputy Director; Jill VanDyken, Stryker Corporation; Rachael Grover, Kalamazoo County Department of Planning and Community Development; Joe Agostinelli, Southwest Michigan First and Chair of Kalamazoo County Brownfield Redevelopment Authority; Jill Bland, Southwest Michigan First; Jeff Hawkins, Envirollogic; and David Stegink, Envirollogic.

Vice-Chair Alburtus recognized past Portage Brownfield Redevelopment Authority member Robert Kelber who passed away since the last meeting of the Authority.

APPROVAL OF MINUTES: The minutes from the March 29, 2016 meeting were introduced for approval. A motion was offered by Lewandowski, seconded by Yaman to approve the minutes as submitted. The motion was approved 5-0.

BUSINESS:

1. Election of Officers. Vice-Chair Alburtus asked for officer nominations. Kalmbach offered to serve as the Chairman of the Authority; Vice-Chair Alburtus offered to continue in the capacity as the Vice-Chairman; and Debiak offered to serve as the Secretary/Treasurer. A motion was offered by Yaman, seconded by Alburtus to nominate the Kalmbach as Chairman, Alburtus as Vice-Chairman, and Debiak as Secretary/Treasurer of the Brownfield Redevelopment Authority. There being no further discussion, the motion was approved 5-0.
2. Kalamazoo County Brownfield Redevelopment Plan for Stryker Instruments, 1306 East Milham Avenue, 1700 East Milham Avenue, 6000 Portage Road, 6100 Portage Road, 6520 Portage Road, 1405 Ramona Avenue, 2221 Ramona Avenue, 2321 Ramona Avenue, and 2403 Ramona Avenue. Jill Bland explained the 4-5 year process working with Stryker Instruments officials to identify a location where certain operations can be consolidated. Bland indicated the impacts on the area, including Western Michigan University and the Kalamazoo/Battle Creek International, will be significant. Bland noted that throughout the 4-5 year evaluation process, Stryker officials emphasized commitment to the community.

Jill VanDyken, Stryker Instruments, summarized the proposed new development project. VanDyken summarized the growth that has occurred in the company and the challenges associated with operations in five separate buildings. This project will allow specific operations to be consolidated and function in one location. Up to 1,300 employees will be housed in this new facility. VanDyken summarized the exterior site improvements, exterior architectural building features and interior building operations. Yaman asked if all of the Stryker Instruments operations were relocating to this new facility. VanDyken indicated only commercial R & D operations will relocate to the new facility, not manufacturing. Operations will continue at existing facilities with the exception of staff at 6901 Portage Road. Lewandowski inquired about the facility located at 4100 East Milham. VanDyken said this existing facility will be adapted for additional manufacturing operations. Lewandowski also asked about a MDEQ air quality permit and FAA approval. Agostinelli stated an air quality permit for this facility likely won't be needed and VanDyken noted the company is working with the FAA.

Alburtus asked about improvements to Lovers Lane. Georgeau stated she would summarize improvements to Lovers Lane as well as other information contained in the staff report dated January 20, 2017. Georgeau noted the project represents an initial investment of \$130-150 million and proposes to retain 996 jobs and create approximately 105 new jobs. Georgeau briefly summarized the contamination that was identified on-site, eligible activities pursuant to PA 381 of 1996 and the tax increment financing process. Georgeau noted eligible public infrastructure activities will include a traffic signal on Portage Road, a new east-west public road and related public utilities from Portage Road to Lovers Lane, and re-alignment of the reverse curve on Lovers Lane located just north of Ramona Avenue. Due to the geometrics of the existing curve, several crashes have occurred at this location and the road project is proposed concurrent with the development project. Georgeau mentioned the Stryker Instruments has also requested a 12-year tax abatement from the City of Portage consistent with the adopted policy. Review of the brownfield plan and tax abatement application is scheduled for the February 14, 2017 City Council meeting. Finally, because the city will carry out the Lovers Lane improvements, a development agreement between the city and KCBRA will be necessary, which will also be presented to Council for approval.

Alburtus asked for an overview of the on-site contamination. Stegink noted Envirologic did not complete the initial assessment, but based on what was detected and the locations, the entire property must be treated as a contaminated site requiring due care activities. Debiak mentioned the environmental report stated lead and nitrates were found in the groundwater and asked if a source had been identified and whether they could migrate off-site. Stegink and Hawkins discussed several potential sources including spoil piles located near the southeast corner of the site, chemicals that may have been used on a past orchard/farming operation, or septic systems associated with former farmsteads. Hawkins indicated the spoil piles will be removed and with regard to the groundwater contamination, businesses and residents in the area are connected to municipal water. Although minimal remediation efforts are needed, Hawkins noted the level of on-site contamination does meet the requirements of the Brownfield Redevelopment statute. Agostinelli explained the added incentives of using the tax increment financing associated with brownfield redevelopment as compared to a local development financing authority. Debiak expressed some concern about setting a precedent involving future projects. Hawkins stated each site is reviewed and evaluated on a case-by-case basis.

There being no further discussion, a motion was offered by Alburtus, seconded by Kalmbach that the Brownfield Redevelopment Authority recommend to City Council that the resolution of support involving the KCBRA Brownfield Redevelopment Plan for 1306 East Milham Avenue, 1700 East Milham Avenue, 6000 Portage Road, 6100 Portage Road, 6520 Portage Road, 1405 Ramona Avenue, 2221 Ramona Avenue, 2321 Ramona Avenue, and 2403 Ramona Avenue be approved. The motion was approved 5-0.

STATEMENT OF CITIZENS:

None.

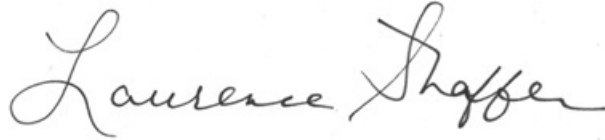
ADJOURNMENT: There being no further business to come before the Authority, the meeting was adjourned at 8:48 a.m.

Respectfully submitted,

Vicki Georgeau, Director

TO: Honorable Mayor and City Council

FROM: Laurence Shaffer, City Manager



SUBJECT: Industrial Tax Abatement Application: Stryker Instruments (6520 Portage Road)

SUPPORTING PERSONNEL: Vicki Georgeau, Director of Community Development

ACTION RECOMMENDED: That City Council:

1. accept the request from Stryker Instruments to create Industrial Development District No. 92 and the associated PA 198 Tax Abatement Application for a real and personal property tax abatement for 6520 Portage Road and;
2. adopt Resolution No. 1-16 setting a public hearing on the creation of Industrial Development District No. 92 on February 28, 2017.

Attached is a request from Stryker Instruments to create an Industrial Development District (IDD) at 6520 Portage Road and an associated PA 198 tax abatement application for a 12-year real property tax abatement and a six-year personal property tax abatement. Stryker Instruments plans to construct an approximate 485,000-square-foot research and development facility over the next two years within the boundaries of the proposed IDD. The boundaries encompass the building footprint and associated site improvements, such as the north access drive, off-street parking, storm water basins and private utilities. Stryker Instruments has requested an abatement for real and personal property improvements for the R&D facility totaling \$154,581,216 (\$143,718,466 in real property and \$10,862,750 in personal property investments).

Stryker Instruments recently acquired nine parcels of land that comprise 288 acres. This land assemblage is bounded on the east by Portage Road, on the west by Lovers Lane, on the north by East Milham Avenue and on the south by Ramona Avenue. The proposed R&D facility will be located on approximately 79 acres of the southeast quadrant of this large land area, currently addressed as 6520 Portage Road. Included in the application is an overall vicinity map, conceptual plans and building elevations that illustrate the location of the larger parcel assemblage and the location of the immediate development project. In addition to the real and personal property investment included in the tax abatement application, Stryker Instruments indicates the total investment in this development project exceeds \$224 million. This entails land acquisition, construction of public infrastructure, including the new east-west roadway, associated traffic signal and public utilities, and personal property investments that are not eligible for an industrial tax abatement.

Stryker Instruments will retain 966 full-time equivalent employees and will create 105 new jobs

within two years of the R&D facility project completion. As also indicated in the application, Stryker Instruments indicates the 966 employees to be retained will be relocated from five separate existing facilities currently located within the city at: 4100 East Milham Avenue; 6201 South Sprinkle Road, 6300 South Sprinkle Road; 1901 Romence Road Parkway and 6901 Portage Road. Stryker Instruments has further indicated that, with the exception of 6901 Portage Road, the four other facilities will continue to be utilized for either manufacturing or commercial operations associated with Stryker Instruments. Finally, the application indicates the average annual salary of the newly created jobs will be \$68,000.

The City Administration will finalize the review of the application and prepare the necessary analysis for City Council consideration at the proposed public hearing on February 28, 2017. As such, it is recommended that City Council accept the request from Stryker Instruments to create Industrial Development District No. 92 and the associated PA 198 tax abatement application for a real and personal property tax abatement for 6520 Portage Road, and adopt Resolution No. 1-16 setting a public hearing on the creation of Industrial Development District No. 92 on February 28, 2017.

FUNDING: Not applicable

Attachments:

1. January 19, 2017 correspondence from Brent Lalomia, Vice President, Quality and Facilities, Stryker Instruments and PA 198 application
2. Resolution No. 1-16
3. Vicinity Map of proposed IDD No. 92
4. PA 198 Abatement Breakdown Spreadsheet

January 19, 2017

Portage City Council
7900 South Westnedge Avenue
Portage, MI 49002

Dear Portage City Council:

Stryker Corporation was incorporated in Michigan in 1941 and is a global leader in medical technology. Their products are sold in over 100 countries through company-owned sales subsidiaries and branches as well as third-party dealers and distributors. Stryker's products include implants used in joint replacement and trauma surgeries; surgical equipment and surgical navigation systems; endoscopic and communications products used in a variety of medical specialties.

The Instruments Division is one of the fastest growing divisions and due to its growth over the past two decades is proposing to expand into a new Instruments campus to support up to 1,300 employees. The new campus to be built at 6100 Portage Road, will feature a customer experience center, a functioning showroom, a state of the art R&D test lab, and a bio-skills lab for research and new product development. The proposed facility will also provide required office space for their sales, marketing, and support functions and will accommodate current and future headcount growth. The facility will be approximately 485,000 square feet. Total anticipated capital investment in real and personal property is estimated to exceed \$200M over a three year period beginning in 2017. Investment in new jobs would be realized over three years beginning in 2017. As part of this expansion, 966 existing employees will be relocated from the following existing Stryker facilities;

1. Stryker Instruments Headquarters at 4100 E. Milham Avenue,
2. Stryker Instruments Plant at 6201 Sprinkle Road,
3. Stryker Instruments Quads Building at 1901 Romence Parkway,
4. Stryker Instruments Distribution at 6300 Sprinkle Road and
5. Stryker Instruments Bridge Building at 6901 Portage Road

This consolidation will generate efficiencies within Stryker and allow for additional growth for Stryker in Portage. It is anticipated that 105 net new jobs with an average salary of \$68,000 per year will be created in Portage as a result of this project. We respectfully request that the City of Portage grant approval of the attached request for tax abatement on the proposed corporate campus.

Because the project will take multiple years to complete, Stryker is requesting that the property tax abatement does not begin until the year beginning January 1, 2019.



Brent Lalomia
Vice President, Quality and Facilities
Stryker Instruments

Application for Industrial Facilities Tax Exemption Certificate

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

INSTRUCTIONS: File the original and two copies of this form and the required attachments (three complete sets) with the clerk of the local government unit. The State Tax Commission (STC) requires two complete sets (one original and one copy). One copy is retained by the clerk. If you have any questions regarding the completion of this form, call (517) 373-3302.

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

APPLICANT INFORMATION

All boxes must be completed.

1a. Company Name (Applicant must be the occupant/operator of the facility) Stryker Corporation, Instruments Division		1b. Standard Industrial Classification (SIC) Code - Sec. 2(10) (4 or 6 Digit Code) 339110	
1c. Facility Address (City, State, ZIP Code) (real and/or personal property location) 6520 Portage Road, Portage, MI 49002		1d. City/Township/Village (indicate which) City of Portage	1e. County Kalamazoo
2. Type of Approval Requested ☒ New (Sec. 2(5)) ☐ Transfer ☐ Speculative Building (Sec. 3(8)) ☐ Rehabilitation (Sec. 3(6)) ☐ Research and Development (Sec. 2(10)) ☐ Increase/Amendment		3a. School District where facility is located Portage	3b. School Code 39140
4. Amount of years requested for exemption (1-12 Years) 12 years Real Property, 6 years Personal Property			
5. Per section 5, the application shall contain or be accompanied by a general description of the facility and a general description of the proposed use of the facility, the general nature and extent of the restoration, replacement, or construction to be undertaken, a descriptive list of the equipment that will be part of the facility. Attach additional page(s) if more room is needed. **See Attached**			
6a. Cost of land and building improvements (excluding cost of land) * Attach list of improvements and associated costs. * Also attach a copy of building permit if project has already begun.		143,718,466	
6b. Cost of machinery, equipment, furniture and fixtures * Attach itemized listing with month, day and year of beginning of installation, plus total		10,862,750	
6c. Total Project Costs * Round Costs to Nearest Dollar		154,581,216	
		Total of Real & Personal Costs	
7. Indicate the time schedule for start and finish of construction and equipment installation. Projects must be completed within a two year period of the effective date of the certificate unless otherwise approved by the STC.			
	Begin Date (M/D/Y)	End Date (M/D/Y)	
Real Property Improvements	04/01/2017	12/31/2019	☒ Owned ☐ Leased
Personal Property Improvements	04/01/2019	06/01/2020	☒ Owned ☐ Leased
8. Are State Education Taxes reduced or abated by the Michigan Economic Development Corporation (MEDC)? If yes, applicant must attach a signed MEDC Letter of Commitment to receive this exemption. ☐ Yes ☒ No			
9. No. of existing jobs at this facility that will be retained as a result of this project. 966		10. No. of new jobs at this facility expected to create within 2 years of completion. 105 \$68,000 Average Annual Salary	
11. Rehabilitation applications only: Complete a, b and c of this section. You must attach the assessor's statement of SEV for the entire plant rehabilitation district and obsolescence statement for property. The Taxable Value (TV) data below must be as of December 31 of the year prior to the rehabilitation.			
a. TV of Real Property (excluding land)		N/A	
b. TV of Personal Property (excluding inventory)		N/A	
c. Total TV		N/A	
12a. Check the type of District the facility is located in: ☒ Industrial Development District ☐ Plant Rehabilitation District			
12b. Date district was established by local government unit (contact local unit)		12c. Is this application for a speculative building (Sec. 3(8))? ☐ Yes ☒ No	

APPLICANT CERTIFICATION - complete all boxes.

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

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

13a. Preparer Name Joe Salsbury	13b. Telephone Number (574)235-6871	13c. Fax Number (574)236-8692	13d. E-mail Address joe.salsbury@crowehorwath.com
14a. Name of Contact Person Dean Uminski	14b. Telephone Number (312) 966-3010	14c. Fax Number (312)899-5300	14d. E-mail Address dean.uminiski@crowehorwath.com
15a. Name of Company Officer (No Authorized Agents) Brent Lalomia, Vice President- Quality and Facilities			
15b. Signature of Company Officer (No Authorized Agents) 		15c. Fax Number	15d. Date 25-Jan-2017
15e. Mailing Address (Street, City, State, ZIP Code) 4100 E Milham Ave, Portage, MI 49002-9704		15f. Telephone Number (269)389-3395	15g. E-mail Address Brent.Lalomia@stryker.com

LOCAL GOVERNMENT ACTION & CERTIFICATION - complete all boxes.

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

16a. Documents Required to be on file with the Local Unit Check or Indicate N/A if Not Applicable ☐ 1. Notice to the public prior to hearing establishing a district. ☐ 2. Notice to taxing authorities of opportunity for a hearing. ☐ 3. List of taxing authorities notified for district and application action. ☐ 4. Lease Agreement showing applicants tax liability.		16b. The State Tax Commission Requires the following documents be filed for an administratively complete application: Check or Indicate N/A if Not Applicable ☐ 1. Original Application plus attachments, and one complete copy ☐ 2. Resolution establishing district ☐ 3. Resolution approving/denying application. ☐ 4. Letter of Agreement (Signed by local unit and applicant) ☐ 5. Affidavit of Fees (Signed by local unit and applicant) ☐ 6. Building Permit for real improvements if project has already begun ☐ 7. Equipment List with dates of beginning of installation ☐ 8. Form 3222 (if applicable) ☐ 9. Speculative building resolution and affidavits (if applicable)	
16c. LUCI Code		16d. School Code	
17. Name of Local Government Body		18. Date of Resolution Approving/Denying this Application	

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

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

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

Local Unit: Mail one original and one copy of the completed application and all required attachments to:

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

(For guaranteed receipt by the STC, it is recommended that applications are sent by certified mail.)

STC USE ONLY				
1. LUCI Code	2. Begin Date Real	3. Begin Date Personal	4. End Date Real	5. End Date Personal

**STRYKER CORPORATION – PA 198 APPLICATION ATTACHMENT –
LIST OF PARCEL NUMBERS TO BE INCLUDED AND LEGAL DESCRIPTIONS**

Tax Identification Number.:
00011-025-O

Commonly known as:
6520 Portage Road, Portage, Michigan

LEGAL DESCRIPTION OF THE PROPERTY

The Industrial Development District to be established is located on Parcel 00011-025-O at 6520 Portage Road, Portage, Michigan. The attached site plan and survey will conform to the perimeter of the building and all site improvements that will be made for the operation of Stryker Instrument's new corporate campus. A formal legal description is not available at this time. The formal legal description will be submitted prior to the public hearing when the industrial development district is created.

STRYKER CORPORATION - 6100 PORTAGE RD
INDUSTRIAL FACILITY EXEMPTION APPLICATION LAND AND BUILDING IMPROVEMENTS

*Beginning Date of Installation	4/1/2017
*Ending Date of Installation	12/31/2019

EQUIPMENT	INSTALLATION DATE	COSTS
Foundations		6,748,438
Structure/Exterior Enclosure		29,494,069
Interior Finishes		21,546,949
Coneying/Plumbing/HVAC/Electrical/Kitchen		53,260,301
Equipment		240,550
Private Sitework		10,052,036
Escalation/Bonding		2,380,652
Design and Estimate Contingency		8,943,024
Service/Insurance/Permit		11,052,447
TOTAL REAL PROPERTY COSTS- ELIGBLE FOR ABATEMENT		143,718,466

PUBLIC IMPROVEMENTS, PURCHASE OF LAND AND OTHER COSTS- NOT ELIGIBLE FOR ABATEMENT

Public Insfrastructure Improvements (Streets, bike baths, lighting, water/sewer, traffic light, etc)	4,034,485
Purchase of Land	8,798,324
Other Soft Costs (Insurance, Permitting, Legal, Etc)	42,083,578
TOTAL REAL PROPERTY- NOT ELIGIBLE FOR ABATEMENT	54,916,387

TOTAL REAL PROPERTY INVESTMENT	198,634,853
---------------------------------------	--------------------

*State Tax Commission Rule 55 (Notification of date of project completion; filing of final cost) states:

1. The applicant for an industrial facilities exemption certificate or a holder of a certificate shall notify the assessing officer and the commission of the date of completion as explained in section 16 of Act No. 198 of the Public Acts of 1974, as amended, being MCL 207.566.
2. The notification of completion of the project shall be filed within 30 days of completion.
3. The final cost of a facility shall be filed with the assessing officer and the commission within 90 days after completion.

STRYKER CORPORATION - 6100 PORTAGE RD
INDUSTRIAL FACILITY EXEMPTION APPLICATION MACHINERY & EQUIPMENT LIST

*Beginning Date of Installation	<u>4/1/2019</u>
*Ending Date of Installation	<u>6/1/2020</u>

EQUIPMENT	INSTALLATION DATE	COSTS
A/V Equipment	4/1/2019-6/1/2020	2,425,000
Voice/Data Cabling	4/1/2019-6/1/2020	1,042,750
IT/Phones	4/1/2019-6/1/2020	1,333,750
FF&E for R&D Employees	4/1/2019-6/1/2020	1,500,000
R&D Lab Equipment	4/1/2019-6/1/2020	2,500,000
Security Equipment	4/1/2019-6/1/2020	970,000
Signage - Interior/Exterior	4/1/2019-6/1/2020	363,750
Artwork/Branding	4/1/2019-6/1/2020	727,500
TOTAL MACHINERY & EQUIPMENT COSTS- ELIGBLE FOR ABATEMENT		<u>10,862,750</u>

OFFICE FURNITURE AND OFFICE EQUIPMENT- NOT ELIGIBLE FOR TAX ABATEMENT

Office Equipment	291,000
Furniture Fixtures and Equipment	14,020,000
Fitness Equipment	363,750
TOTAL PERSONAL PROPERTY- NOT ELIGBLE FOR ABATEMENT	<u>14,674,750</u>

TOTAL PERSONAL PROPERTY INVESTMENT	<u>25,537,500</u>
---	--------------------------

*State Tax Commission Rule 55 (Notification of date of project completion; filing of final cost) states:

1. The applicant for an industrial facilities exemption certificate or a holder of a certificate shall notify the assessing officer and the commission of the date of completion as explained in section 16 of Act No. 198 of the Public Acts of 1974, as amended, being MCL 207.566.
2. The notification of completion of the project shall be filed within 30 days of completion.
3. The final cost of a facility shall be filed with the assessing officer and the commission within 90 days after completion.

January 19, 2017

City of Portage
7900 South Westnedge Avenue
Portage, MI 49002

In October of 2016 Stryker Corporation purchased the following parcels for their new corporate campus to be located at 6100 Portage Rd, Portage, MI 49002.

00011-015-A 6000 Portage Road, Portage, Michigan
00011-030-O 6100 Portage Road, Portage, Michigan
00011-025-O 6520 Portage Road, Portage, Michigan
00011-050-O 2221 Ramona Road, Portage, Michigan
00011-040-O 2321 Ramona Road, Portage, Michigan
00011-035-O 2403 Ramona Road, Portage, Michigan
00010-275-O 1405 Ramona Road, Portage, Michigan
00010-000-1A 1306 E. Milham Road, Portage, Michigan
00011-020-A 1700 E. Milham Road, Portage, Michigan

Phase I & II Studies were conducted and the following contamination was found to exist at the following parcels;

Nitrates 00010-000-1A 1306 E. Milham Road, Portage, Michigan
Nitrates 00011-025-O 6520 Portage Road, Portage, Michigan
Selenium 00011-040-O 2321 Ramona Road, Portage, Michigan

The contamination was existing prior to Stryker purchasing. Thus, Stryker is proposing a Brownfield Plan to mitigate the documented environmental areas and bring them into compliance with all applicable environmental requirements during the development and construction of the site. The facility is not currently under any enforcement action by the Michigan DEQ or US EPA.



Brent Lalomia
Vice President, Quality and Facilities
Stryker Instruments

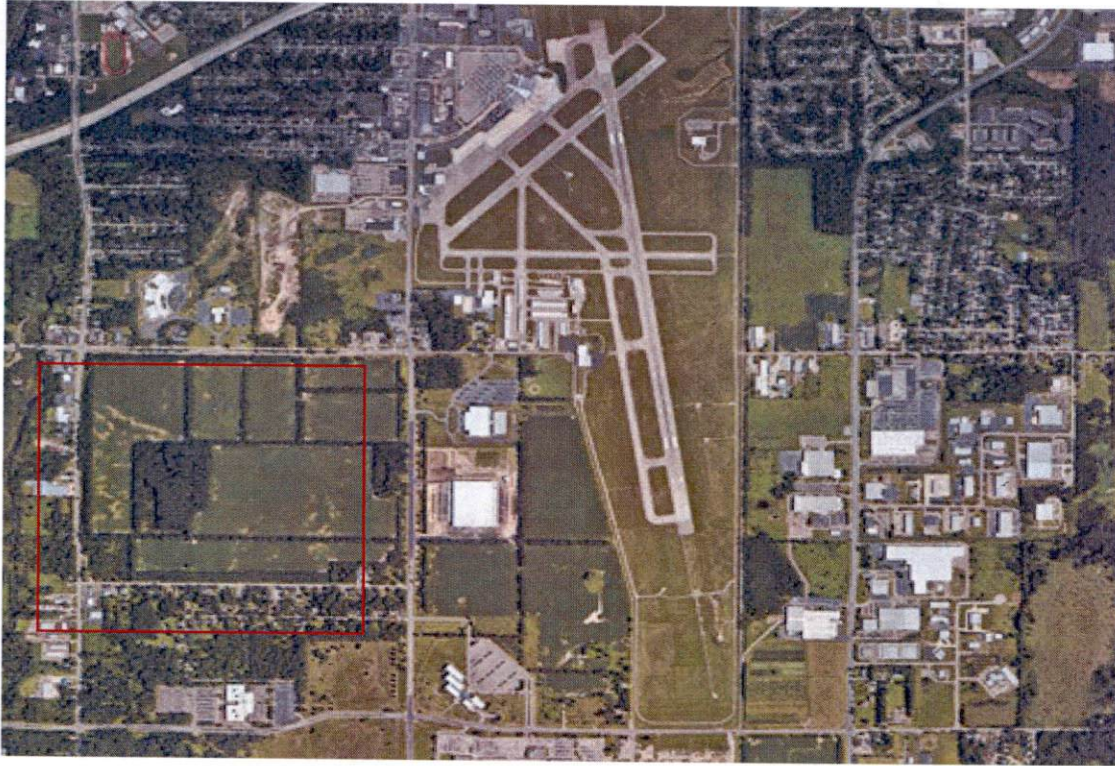


Notary Stamp:

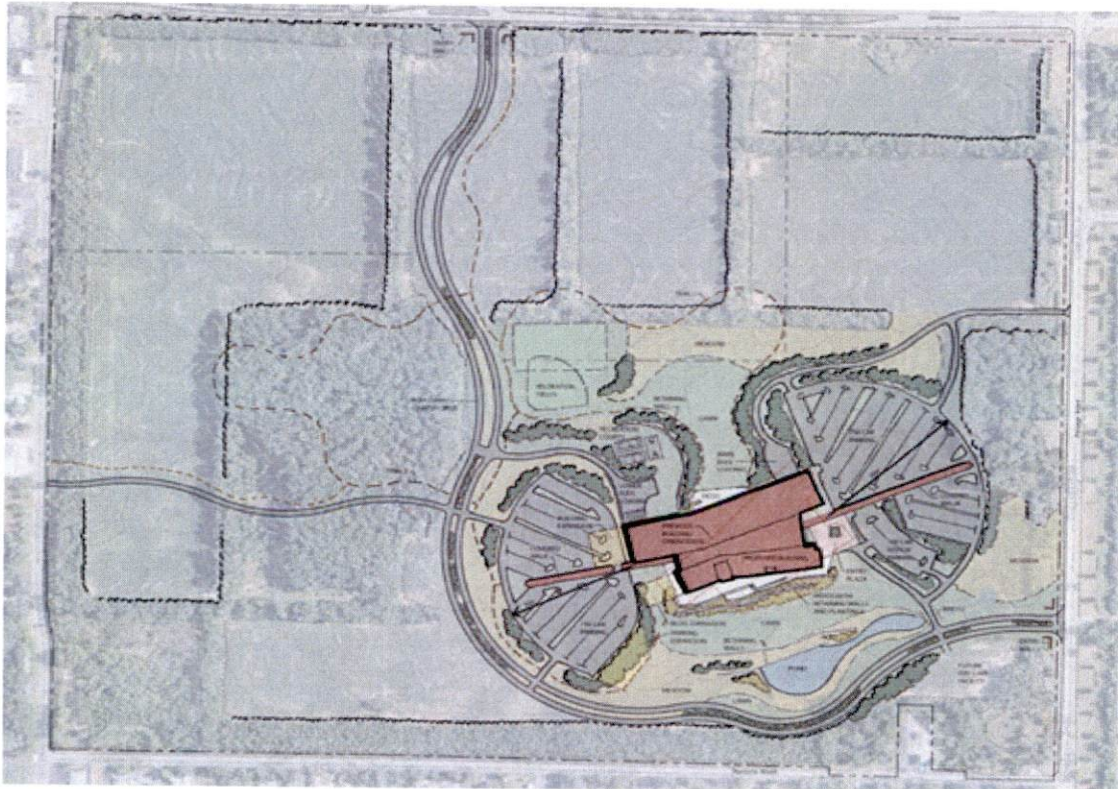
CINDY L. WIBORN
NOTARY PUBLIC - STATE OF MICHIGAN
COUNTY OF KALAMAZOO
My Commission expires Oct. 9, 2017
Acting In the County of Kalamazoo

I

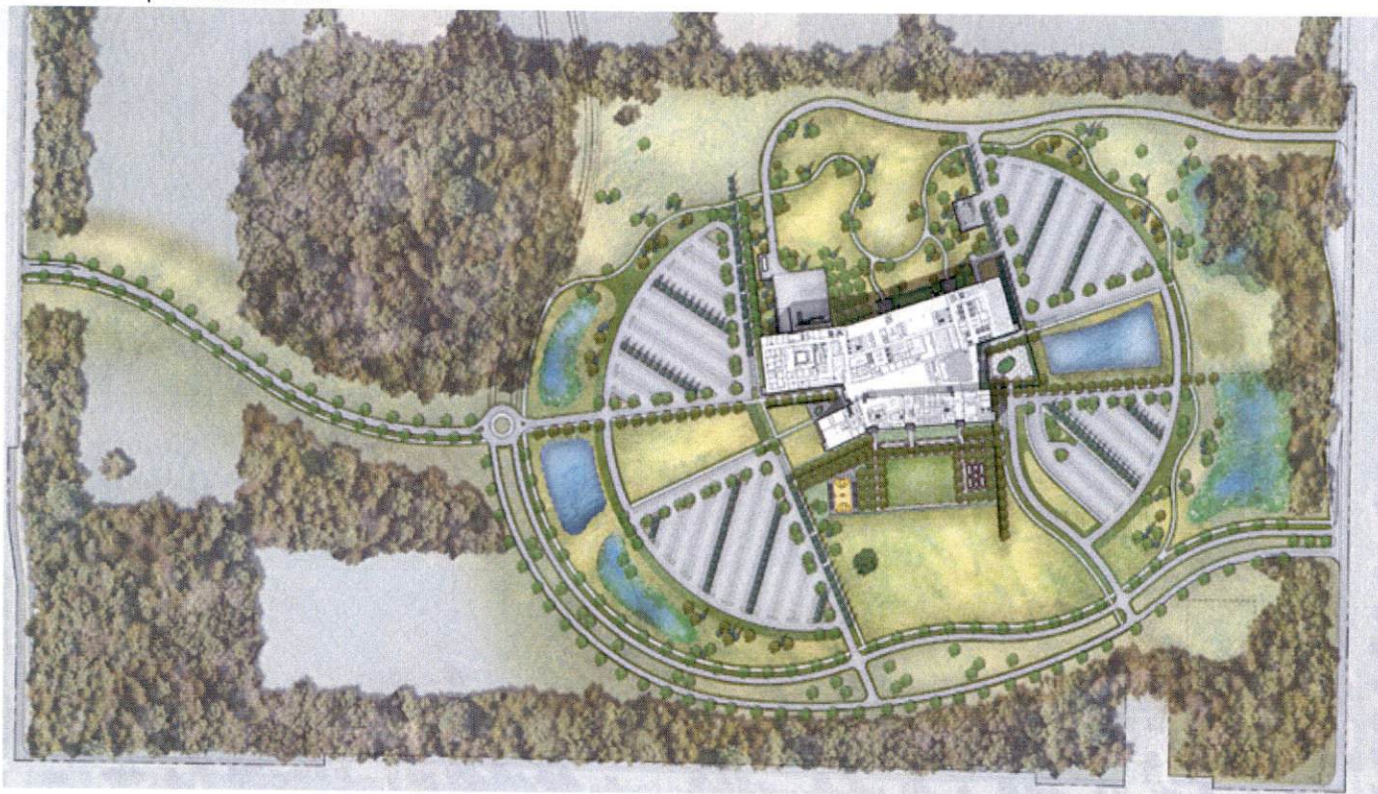
#23- Architectural and Site Plans
Proximity of site to adjacent area:



Overall site plan:



Developed area of the site:



South building elevation:



**CITY OF PORTAGE, MICHIGAN
RESOLUTION NO. 1-17**

**ESTABLISHING A PUBLIC HEARING FOR THE DESIGNATION
OF INDUSTRIAL DEVELOPMENT DISTRICT NO. 92
STRYKER CORPORATION, INSTRUMENTS DIVISION**

Minutes of a regular meeting of the City Council of the City of Portage, Michigan, held on _____, 2017, at 7:30 p.m. local time at the City Hall in the City of Portage, Michigan.

PRESENT: _____

ABSENT: _____

The following resolution was offered by:

Councilmember _____, and supported by Councilmember _____.

BE IT RESOLVED:

That a public hearing be held on the ____ day of _____, 2017, at 7:30 p.m. or as soon thereafter as may be heard at the City Hall, in the City of Portage, Michigan on the request of STRYKER CORPORATION, INSTRUMENTS DIVISION for the establishment of an Industrial Development District under Michigan Act No. 198 of P.A. 1974; and

That written notice by certified mail of said hearing be sent to the owners of all real property and the legislative body of each taxing unit which levies ad valorem taxes on the property located within the proposed district described in the attached Exhibit A at least ten (10) days before said hearing; and

That notice in substantially the form attached as Exhibit A be published in the Kalamazoo Gazette at least ten (10) days prior to said hearing.

ADOPTED: YEAS: Councilmember: _____

NAYS: Councilmember: _____

ABSENT: Councilmember: _____

RESOLUTION DECLARED ADOPTED:

JAMES R. HUDSON, City Clerk

CERTIFICATE

I hereby certify that the foregoing is a true and complete copy of a resolution adopted at a regular meeting of the City Council of the City of Portage, Michigan, Kalamazoo County, held on the _____ day of _____, 2017, the original of which is in the official proceedings of the City Council.

James R. Hudson, City Clerk

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

Approved as to Form:

Date: 2-2-17

By: CRB
City Attorney

EXHIBIT A

**CITY OF PORTAGE
NOTICE OF HEARING ON THE ESTABLISHMENT OF
INDUSTRIAL DEVELOPMENT DISTRICT NO. 92
UNDER ACT 198 OF P.A. 1974**

PLEASE TAKE NOTICE that on the _____ day of _____, 2017, at 7:30 p.m. or as soon thereafter as may be heard, a public hearing will be held at the City Hall in the City of Portage, Michigan on the request of STRYKER CORPORATION, INSTRUMENTS DIVISION for the establishment of an Industrial Development District under Michigan Act 198 of P.A. 1974 for a partial tax exemption for ad valorem property taxes.

PLEASE TAKE FURTHER NOTICE that said district is commonly described as property located at 6520 Portage Road, Portage, Michigan, and more particularly described as follows:

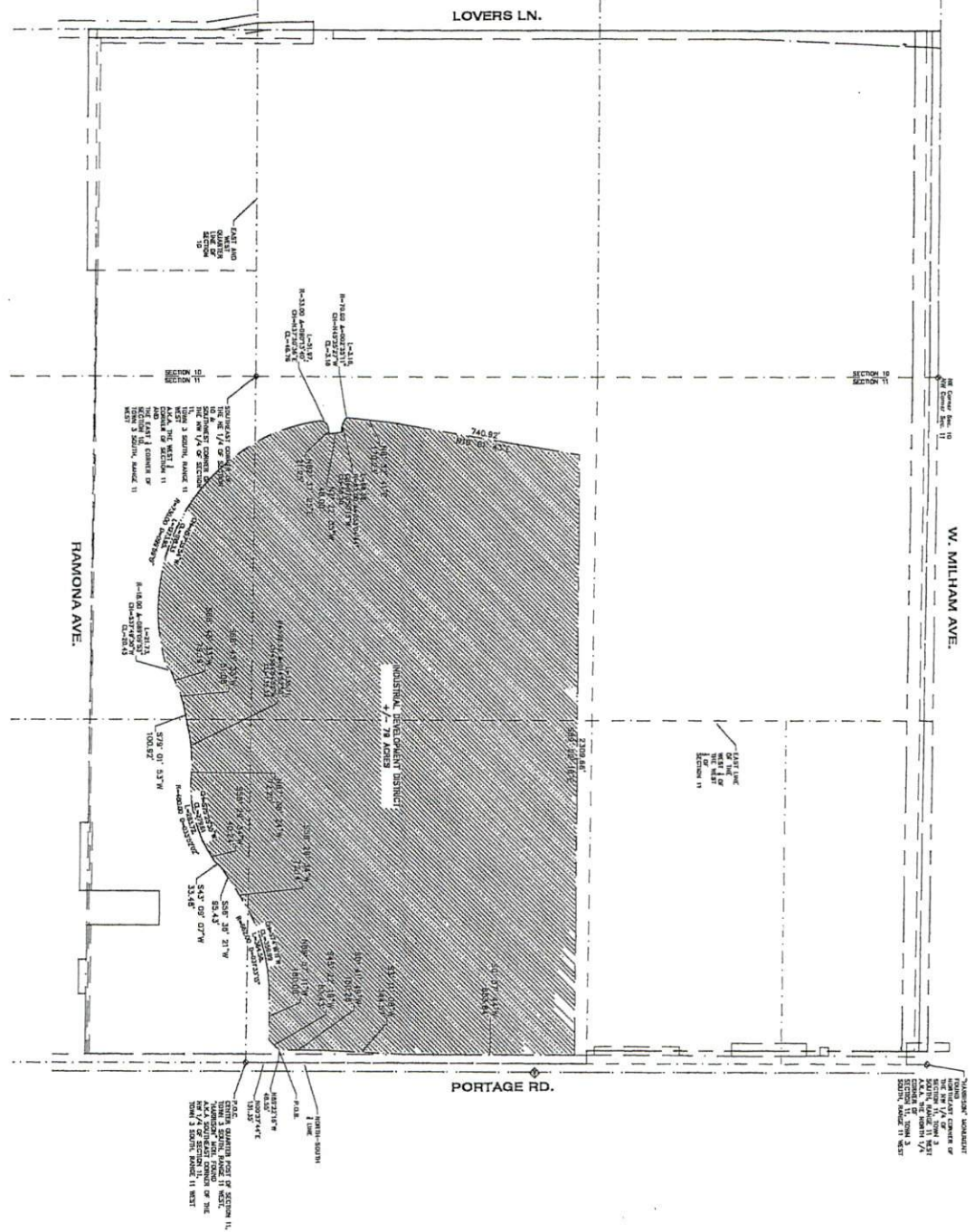
SEE ATTACHED MAP AS EXHIBIT.

Any resident or taxpayer of the City or other interested person shall have the right to appear and be heard at said hearing.

Dated: _____, 2017

James R. Hudson, City Clerk

Z:\JODY\PORTAGE\INDUSTRIAL\STRYKER #92\RESOLUTION #1.012717.DOCX



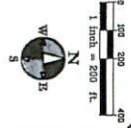
IDD

Sheet Title: INDUSTRIAL DEVELOPMENT DISTRICT
Project: STRYKER INSTRUMENTS DIVISIONS FACILITY
Client: STRYKER CORPORATION

Job No: 16-0000 P.M.T.S. Dtd: 1/25/97
DESIGNED FOR: REVISIONS
PREPARED BY: M.A.P. 1/25/97
COPYRIGHT © of Hurley & Stewart, LLC

HS
hurley & stewart

hurley & stewart, llc
2800 south 11th street
Kalamazoo, michigan 49008
268.552.4800 fax 268.552.4881
www.hurleystewart.com





STRYKER CORPORATION- PA-198 TAX ABATEMENT APPLICATION

6520 Portage Rd

Summary of Total Taxes Abated and Maximum Application Fee Calculation

Real & Personal Property

Total Real Property Taxes Abated (12 Years):	\$20,800,709
Total Personal Property Taxes Abated (6 Years):	\$567,937
Total Taxes Abated:	\$21,368,646
2% Application Fee Calculation:	2%
Maximum Allowable Fee Under Statute:	\$427,373
Application Fee per City Policy:	\$1,800

NOTE: With no abatement the estimated taxes generated for all taxing units over the 12 and 6 year periods would total:

	Abatement Period	Full Tax Rate	Total Period TV	Unabated Tax Amt.
Real Property	12	0.061241	753,089,517	\$46,119,955
Personal Property *	6	0.0370981	30,618,116	\$1,135,874
Total Unabated Tax Liability:				\$47,255,829

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

Report Created by Portage City Assessor's Office - 01 -30 -2017

STRYKER CORP. - 2017 PA-198 Tax Abatement Application

6520 Portage Rd

Real Property Investment: \$143,718,466

Real Property Taxes Abated Over 12-Year Abatement Period							
	Year 1 2018	Year 2 2019	Year 3 2020	Year 4 2021	Year 5 2022	Year 6 2023	Annual Depreciation
Cost	\$143,718,466	\$140,125,504	\$136,622,367	\$133,206,808	\$129,876,637	\$126,629,721	2.5%
SEV & TV	71,859,233	70,062,752	68,311,183	66,603,404	64,938,319	63,314,861	
Rate Abated	0.0276205	0.0276205	0.0276205	0.0276205	0.0276205	0.0276205	
Taxes Abated	\$1,984,788	\$1,935,168	\$1,886,789	\$1,839,619	\$1,793,629	\$1,748,788	
	Year 7 2024	Year 8 2025	Year 9 2026	Year 10 2027	Year 11 2028	Year 12 2029	Totals Over 12-Year Abatement Period
Cost	\$123,463,978	\$120,377,379	\$117,367,944	\$114,433,746	\$111,572,902	\$108,783,580	753,089,517
SEV & TV	61,731,989	60,188,689	58,683,972	57,216,873	55,786,451	54,391,790	
Rate Abated	0.0276205	0.0276205	0.0276205	0.0276205	0.0276205	0.0276205	
Taxes Abated	\$1,705,068	\$1,662,442	\$1,620,881	\$1,580,359	\$1,540,850	\$1,502,328	\$20,800,709

Detail of the Total Real Property Taxes Abated Over the 12-Year Period

Taxing Jurisdiction Name Tax Levy Description	PA-198 Est. Tax Rate (50% Level)	12-Year Combined TV	Total 12-Year Taxes Abated
City of Portage	0.0054628	753,089,517	\$4,113,977
Portage Pub. Schools (Operating)	0.0090000	753,089,517	\$6,777,806
Portage Public Schools (Debt)	0.0036750	753,089,517	\$2,767,604
State Education Tax	0.0000000	753,089,517	\$0
KVCC	0.0014068	753,089,517	\$1,059,409
KRESA	0.0032033	753,089,517	\$2,412,372
Kalamazoo County	0.0030681	753,089,517	\$2,310,554
Kalamazoo County Transport	0.0002000	753,089,517	\$150,618
CCTA Transport	0.0003750	753,089,517	\$282,409
Kalamazoo County Juvenile	0.0001264	753,089,517	\$95,191
Kalamazoo County Housing	0.0000500	753,089,517	\$37,654
Portage District Library	0.0007500	753,089,517	\$564,817
City of Portage 1% Tax Administration Fee	0.0003032	753,089,517	\$228,299
Total - All Taxing Entities	0.0276205		\$20,800,709

STRYKER CORP. - 2017 PA-198 Tax Abatement Application

6520 Portage Rd

Personal Property Investment: \$10,862,750

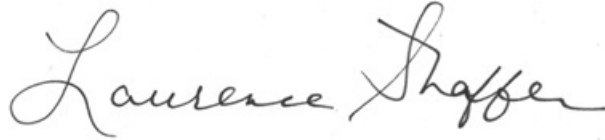
Personal Property Taxes Abated Over 6-Year Abatement Period							
	Year 1 2018	Year 2 2019	Year 3 2020	Year 4 2021	Year 5 2022	Year 6 2023	Annual Depreciation
Cost	\$10,862,750	\$10,591,181	\$10,326,402	\$10,068,242	\$9,816,536	\$9,571,122	2.5%
SEV & TV	5,431,375	5,295,591	5,163,201	5,034,121	4,908,268	4,785,561	
Rate Abated	0.0185491	0.0185491	0.0185491	0.0185491	0.0185491	0.0185491	
Taxes Abated	\$100,747	\$98,228	\$95,772	\$93,378	\$91,044	\$88,768	
							Totals Over 6-Year Abatement Period
							30,618,116
							\$567,937

Detail of the Total Real Property Taxes Abated Over the 6-Year Period

Taxing Jurisdiction Name Tax Levy Description	PA-198 Est. Tax Rate (50% Level)	6-Year Combined TV	Total 6-Year Taxes Abated
City of Portage	0.0054628	30,618,116	\$167,261
Portage Pub. Schools (Operating)	0.0000000	30,618,116	\$0
Portage Public Schools (Debt)	0.0036750	30,618,116	\$112,522
State Education Tax	0.0000000	30,618,116	\$0
KVCC	0.0014068	30,618,116	\$43,072
KRESA	0.0032033	30,618,116	\$98,079
Kalamazoo County	0.0030681	30,618,116	\$93,939
Kalamazoo County Transport	0.0002000	30,618,116	\$6,124
CCTA Transport	0.0003750	30,618,116	\$11,482
Kalamazoo County Juvenile	0.0001151	30,618,116	\$3,523
Kalamazoo County Housing	0.0000500	30,618,116	\$1,531
Portage District Library	0.0007500	30,618,116	\$22,964
City of Portage 1% Tax Administration Fee	0.0002431	30,618,116	\$7,442
Total - All Taxing Entities	0.0185491		\$567,937

TO: Honorable Mayor and City Council

FROM: Laurence Shaffer, City Manager



SUBJECT: Rezoning Application #16/17-3 (715 West Osterhout Avenue)

SUPPORTING PERSONNEL: Vicki Georgeau, Director of Community Development

ACTION RECOMMENDED: That City Council:

1. accept Rezoning Application #16/17-3 for first reading and set a public hearing for March 14, 2017, and;
2. subsequent to the public hearing, approve Rezoning Application #16/17-3 and rezone 715 West Osterhout Avenue from R-1C, one family residential, to PD, planned development.

A PD, planned development rezoning application and associated tentative plan/narrative has been submitted by SDV Development, LLC requesting to rezone an approximate 39-acre tract of land from R-1C, one family residential to PD, planned development. The applicant is proposing to construct a mixed residential condominium project consisting of 102 single family detached and attached residential dwellings with an overall density of approximately 2.6 units/per acre based on the entire 39-acre site (3.5 units/per acre when excluding wetlands and upland areas along east side of wetlands). The project will include a clubhouse/pool, private streets, sidewalks, on-site trails and preservation of natural areas for the enjoyment of the residents

Condominium dwellings will range in size between 1,550 to 1,850 square feet and will maintain a minimum 40-foot building setback around the perimeter of the property, a minimum 20-foot separation and will be setback at least 25 feet from the interior private streets. To provide a peripheral transition area to future phases of the Stateland Park subdivision to the west, the applicant will construct single family detached condominium units along the western portion of the planned development.

In a report dated January 12, 2017, the Department of Community Development recommends approval of the PD rezoning request and tentative plan. The PD district and tentative plan submitted by SDV Development, LLC is consistent with the Comprehensive Plan/Future Land Use Map designations and surrounding zoning/land use pattern along West Osterhout Avenue.

The Planning Commission convened a public hearing during the January 5 and 19, 2017 meetings. The applicant was present to support the request and explain the development project. No citizens spoke during the public hearing and no citizen communications have been received. At the conclusion of the January 19 meeting, the Commission voted unanimously to recommend to City Council approval of Rezoning Application #16/17-3 with the same findings contained in the staff report.

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

FUNDING: Not Applicable

Attachments:

1. Ordinance Amendment
2. February 3, 2017 Planning Commission transmittal
3. January 5 and 19, 2017 Planning Commission Minutes
4. January 12, 2017 Department of Community Development report

**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 33, 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

715 West Osterhout Avenue

00033-160-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 #16/17-03)

Z:\JODY\PORTAGE\ORD\REZONE\16-17-03.DOCX

TO: Honorable Mayor and City Council
FROM: Planning Commission
DATE: February 3, 2017
SUBJECT: Rezoning Application #16/17-3, 715 West Osterhout Avenue

The Planning Commission convened a public hearing during the January 5th and 19th, 2017 meetings to consider the PD rezoning application submitted by SDV Development, LLC to rezone 715 West Osterhout Avenue from R-1C, one family residential to PD, planned development. The Commission also reviewed the development plan that proposes 102 single-family detached and attached residential condominium on approximately 39 acres. Mr. Pat Flanagan of Ingersoll, Watson & McMachen (applicant's engineer) and Mr. Mike Seeley of SDV Development, LLC were present at both meetings to support the proposed rezoning application and explain the development project. No citizens spoke at either meeting and no citizen communications have been received regarding the proposed rezoning and residential development.

After careful consideration, a motion was made by Commissioner Bosch, seconded by Commissioner Patterson, to recommend to City Council that Rezoning Application #16/17-3 be approved and 715 West Osterhout Avenue be rezoned from R-1C, one family residential to PD planned development. The motion included the analysis and findings contained in the Department of Community Department including that the PD district and associated tentative plan/narrative submitted by SDV Development, LLC is consistent with the Comprehensive Plan/Future Land Use Map designations and surrounding zoning/land use pattern along West Osterhout Avenue. The motion was unanimously approved 8-0.

Sincerely,


Wayne Stoffer
Vice-Chairman

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.

PLANNING COMMISSION

January 19, 2017

The City of Portage Planning Commission meeting of January 19, 2017 was called to order by Vice-Chairman Stoffer at 7:00 p.m. in Council Chambers of Portage City Hall, 7900 South Westnedge Avenue. Two citizens were in attendance.

PLEDGE OF ALLEGIANCE:

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

IN ATTENDANCE:

Michael West, Senior City Planner; and Bryan Beach, Assistant City Attorney.

ROLL CALL:

Mr. West called the roll: Bosch (yes), Patterson (yes), Stoffer (yes), Schimmel (yes), Dargitz (yes), Richmond (yes), Joshi (yes) and Schoup (yes). A motion was offered by Commissioner Schimmel, seconded by Commissioner Bosch, to approve the roll excusing Chairman Welch. The motion was unanimously approved 8-0.

APPROVAL OF MINUTES:

Vice-Chairman Stoffer referred the Commission to the January 5, 2017 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 8-0.

PUBLIC HEARINGS:

1. **Final Report; Rezoning Application #16/17-3, 715 West Osterhout Avenue (Streamsong Residential Condominium).** Mr. West summarized the final staff report dated January 12, 2017 regarding a request from SDV Development LLC to rezone 715 West Osterhout Avenue from R-1C, one family residential to PD, planned development. Mr. West stated the PD rezoning would facilitate construction of 102 single-family detached and attached residential condominium dwellings on approximate 39 acres. Mr. West reviewed various aspects of the proposed tentative plan and also summarized the final analysis included in the staff report. Mr. West stated the proposed PD rezoning and tentative plan/narrative was consistent with the Future Land Use Map, Comprehensive Plan and surrounding zoning/land use pattern and was recommended for approval.

Mr. Pat Flanagan of Ingersoll, Watson & McMachen (applicant's engineer) was present to support the rezoning application and answer questions regarding the planned development project. The public hearing was opened by Vice-Chairman Stoffer. No citizens spoke regarding the proposed rezoning and condominium development. A motion was then made by Commissioner Bosch, seconded by Commissioner Schimmel, to close the public hearing. The motion was unanimously approved 8-0.

After a brief discussion, a motion was made by Commissioner Bosch, seconded by Commissioner Patterson, to recommend to City Council that Rezoning Application #16/17-3 be approved and 715 West Osterhout Avenue be rezoned from R-1C, one family residential to PD planned development. The motion included the analysis and findings contained in the Department of Community Department including that the PD district and associated tentative plan/narrative submitted by SDV Development, LLC is consistent with the Comprehensive Plan/Future Land Use Map designations and surrounding zoning/land use pattern along West Osterhout Avenue. The motion was unanimously approved 8-0.

SITE/FINAL PLANS:

None

TO: Planning Commission

DATE: January 12, 2017

FROM: Vicki Georgeau, ^hDirector of Community Development

SUBJECT: Final Report: Rezoning Application 16/17-3, 715 West Osterhout Avenue (Streamsong residential condominium PD)

APPLICATION INFORMATION:

A PD, planned development rezoning application has been received from SDV Development, LLC involving an approximate 39 acre parcel addressed as 715 West Osterhout Avenue. SDV Development, LLC has recently purchased the subject property and is requesting to change the zoning from R-1C, one-family residential to PD, planned development to accommodate a residential condominium project (Streamsong) consisting of single family detached and attached homes. Attached is the rezoning application, narrative and tentative plan.

EXISTING CONDITIONS:

The table below summarizes the existing conditions in this general area.

Existing Land Use/ Zoning	• <u>Rezoning Site</u>: Approximate 39 acre vacant property. The former single family dwelling was recently razed. • <u>North</u>: Across West Osterhout Avenue, single family residences and Schrier Park zoned R-1C. • <u>South</u>: Gourdneck State Game Area zoned R-1C. • <u>East</u>: A single family dwelling and vacant land zoned R-1C. • <u>West</u>: A single family dwelling and vacant land zoned R-1C.
Zoning/Development History	A similar PD application (Rezoning Application #15/16-5) involving 715 West Osterhout Avenue was considered by the Planning Commission in May 2016. The application also proposed a mix of attached and detached single family residential condominium units (102 units total). While this PD rezoning was recommended for approval by both staff and the Planning Commission, the applicant withdrew the application prior to City Council consideration. No other recent rezoning activities in the surrounding area.
Historic District/ Structures	This property is not located in a historic district and does not contain any historic structures.
Environmental	The eastern/southeastern portion of the subject property (approximately 6.3 acres) has been identified as regulated wetlands. The applicant hired a wetland consultant who performed a wetland assessment of the property and the wetland boundary is identified on the tentative plan drawing. No encroachment into the wetlands is proposed with the residential condominium development.
Public Streets	West Osterhout Avenue is classified as a 2-lane minor arterial roadway with a 2012 average daily traffic count of 4,436 vehicles. The capacity of this section of West Osterhout Avenue is 16,500 vehicles per day (level of service "D").
Public Utilities	Sanitary sewer and municipal water are available within the West Osterhout Avenue to serve the proposed development project.

ZONING CODE/PLANNED DEVELOPMENT PROCEDURES/REGULATIONS:

The PD, planned development chapter establishes a two-part review and approval process: Tentative plan review and final plan review for each phase of the development. The applicant is required to submit a tentative plan that outlines the development concept (phases) for the entire project. Although conceptual in nature, specific statements, proposals, plans and a schedule for development of the site are required. The submission of both written and graphic information constitutes a tentative plan.

The Planning Commission will provide a recommendation to City Council regarding the tentative plan. If approved, the planned development must proceed in accordance with the tentative plan. Approval of the tentative plan by Council constitutes rezoning of the land to PD and allows the submission of a final plan for Administrative, Planning Commission and City Council review. A final plan is submitted in detailed form and is subject to a review process similar to a site plan. If no final plan for development is submitted within two years from the date of approval of the tentative plan, Council may either extend the approval for a period not to exceed two years or initiate rezoning proceedings to re-designate the property to an alternate zoning classification. 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, will require formal review and approval, with public hearings, in a manner similar to a rezoning procedure.

In the PD district:

- The applicant must demonstrate that the plan cannot be developed under other sections of the Zoning Code or must provide a mixture of housing types.
- Up to 20% of the total land area can be utilized for nonresidential uses.
- The overall density may not exceed seven units per acre and density in any one phase may not exceed 12 units per acre.
- Single family lots cannot average less than 6,500 square feet with a minimum of 5,000 square feet.

PROPOSED TENTATIVE PLAN:

As indicated by the applicant, the objective of the planned development is to create an attractive, high quality neighborhood of single family detached and attached homes with a clubhouse/pool, private streets, sidewalks, on-site trails and preservation of natural areas for the enjoyment of the residents. A total of 102 residential dwelling units are proposed resulting in an overall development density of approximately 2.6 units/per acre based on the entire 39 acre site. When the density is calculated based on approximately 29 acres of usable land area available for development, density increases to 3.5 units/per acre. The applicant anticipates that approximately 70-80% of the residential structures will be single-family detached dwellings and the remainder will be single-family attached dwellings. Residential condominium units will include two and three bedroom floor plans and range between 1,550–1,850 square feet of living area, excluding any basement area and an attached two-car garage. Other features of the proposed planned development project include:

- Pedestrian Walkway/Trailway – Concrete sidewalks will be constructed on at least one side of the interior private streets. Additionally, a walking trail (stone or wood chip) will be constructed on an upland area along the east side of the property between the east property line and identified wetland area. This trail will also provide pedestrian access to the Gourdneck State Game Area located to the south. Additionally and for enhancement of the interior pedestrian circulation system, a pathway is also planned at the end of the cul-de-sac labeled “F” Drive. Finally, a pedestrian/vehicular connection is planned to connect this development to a future phase of the Stateland Park subdivision located immediately to the west.

- Open Space Features – Open space will be preserved to serve as an amenity to the development and to provide active and passive recreation options for the residents. Primary natural areas that will be preserved include the approximate 6.3 acres of wetlands located along the northeast and southeast portions of the property and an additional approximate 3.9 acres of upland located east and southeast of the wetland areas. A clubhouse/pool is also proposed near the main entry to the development which will offer active recreation for the residents. Finally, the applicant has indicated that mature trees and natural areas present around the perimeter of the property will be preserved to serve as a natural buffer and to provide visual screening.
- Storm Water Management - Storm water runoff associated with the project will be collected and disposed by a combination of infiltration swales and discharge to natural wetland areas. Additional information concerning the design of the storm water system, along with any necessary permits/approvals from the Michigan Department of Environmental Quality will be submitted with the final (site) plan.
- Vehicular Access/Private Streets – Access to the development will be provided through a single access drive from West Osterhout Avenue, along the western portion of the property opposite the Schrier Park entrance. A temporary emergency access drive will be constructed near Lloy Street. This temporary emergency access drive will be installed when the number of dwelling units within the development exceeds 30 and will be abandoned when a connection to the future phase of the Stateland Park subdivision (to the west) is completed. A network of curbed private streets will be provided within the interior of the development with a minimum drivable width of 26-feet.
- Building Setbacks – A minimum 40-foot building setback will be maintained around the perimeter of the property. Additionally and to provide a peripheral transition area to future phases of the Stateland Park subdivision to the west, the applicant has agreed to only construct single family detached condominium units along the western portion of the planned development. Residential condominium buildings will maintain a minimum 20-foot separation and will be setback at least 25-feet from the interior private streets.
- Project Phasing – The applicant envisions that the overall development project will be constructed in four phases with between 18-33 dwelling units constructed within each phase. Phase I of the development is anticipated to begin in 2017 and the last phase in 2023.

PUBLIC HEARING/COMMENTS:

The Planning Commission convened a public hearing to consider the PD rezoning and tentative plan/narrative during the January 5, 2017. Mr. Pat Flanagan of Ingersoll, Watson & McMachen (applicant's engineer) and Mr. Mike Seelye (SDV Development) were present to support the PD rezoning request and explain the planned development project. No citizens spoke during the meeting regarding the proposed PD rezoning and development and no citizen communications have been received.

FINAL ANALYSIS:

The final analysis has been prepared based on the Comprehensive Plan, traffic conditions, surrounding development patterns and general land use considerations. Issues to be analyzed include 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

Prior to recommending a zoning amendment, a determination that the proposed change is consistent with the Comprehensive Plan is appropriate. In the case of a rezoning, consistency is evaluated based on the Future Land Use Plan Map and also the Development Guidelines.

Future Land Use Plan Map -- The Future Land Use Plan Map component of the Comprehensive Plan designates the subject property, along with the majority of the surrounding properties, as appropriate for Low Density Residential land use. The adjacent State-owned property to the south is designated as the Gourdneck State Game Area, while the adjacent city-owned property to the north (Schrier Park) is designated for Park/Recreation land use. The Comprehensive Plan identifies the purpose of the Low Density Residential classification (1 to 4 units per acre) to establish areas for future low density, single family residential development, to protect existing established residential neighborhoods from the intrusion of incompatible land uses and to encourage new housing development to take advantage of available attractive natural features and other amenities. The Low Density Residential classification generally corresponds to the R-1B, R-1C, R-1D, R-1E and single-family residential uses in the PD zoning districts. The proposed PD zoning and single-family residential condominium development is consistent with the Future Land Use Map and Comprehensive Plan.

Development Guidelines -- The Development Guidelines are intended to be used by the Commission and staff when reviewing private development projects, infrastructure improvement programs (i.e. public expenditures on streets, sewers, water mains and others 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), may suggest incentives to influence community development and preservation and may suggest adjustments to other policies which influence the use of land for consistency with community development and preservation objectives. The proposed PD zone and associated tentative plan/narrative is consistent with applicable Development Guidelines contained in the Comprehensive Plan (see attached).

Suitability of Existing R-1C Zone /Impacts of Proposed PD Zone

Both the existing R-1C zoning and the proposed PD zoning/tentative plan are consistent with the Comprehensive Plan/Future Land Use Map and suitable for the subject property. Traditional single family residential developments (subdivisions/plats) under the R-1C zoning district are required to provide a minimum lot size of 12,000 square feet (14,400 square feet for corner lots). This minimum lot size requirement generally results in a development density between 2-3 units/acre. Based on approximately 29 acres of usable land area available for development and the location of the wetland areas, the R-1C zone would yield approximately 78 single-family lots (2 units per acre). As proposed by the applicant, 102 dwelling units are planned if the property is rezoned to PD, planned development and tentative plan approved. The approximate 30% increase in the number of dwelling units under the PD district is primarily

attributed to the proposed mixture of housing types (single-family attached, single-family detached and duplexes) and more narrow, private streets (public streets require a 60-foot wide right-of-way) within a condominium form of development. While the PD ordinance establishes a maximum overall development density of 7 units/acre, the proposed PD rezoning and tentative plan/narrative proposes an overall development density of approximately 2.6 units/acre (3.5 units/acre on 29 acres of developable land) consistent with a low density residential development pattern in the vicinity.

Traffic Considerations

According to The ITE Trip Generation Manual, Eighth Edition, a single family residence will generate between 5-6 vehicle trips (10-12 vehicle trip ends) on an average weekday, 24-hour period. At full build-out, a total of 102 single family residences will generate between 510-612 vehicle trips on an average weekday, 24-hour period (1,020-1,224 vehicle trip ends). For Commission information, vehicle trip ends count each car that visits a site twice, once for entering and once for exiting. In conjunction with this residential development, a left-turn lane in West Osterhout Avenue will be required.

Environmental Impacts

As indicated previously, approximately 6.3 acres located along the eastern portion of the subject property have been identified as regulated wetlands. The tentative plan does not identify any construction activities (homes, private streets, utilities) occurring within designated wetland areas. Additional review of regulated wetlands, including any proposed discharge of storm water from the development, will be considered with submittal of the final (site) plan for each phase of the project.

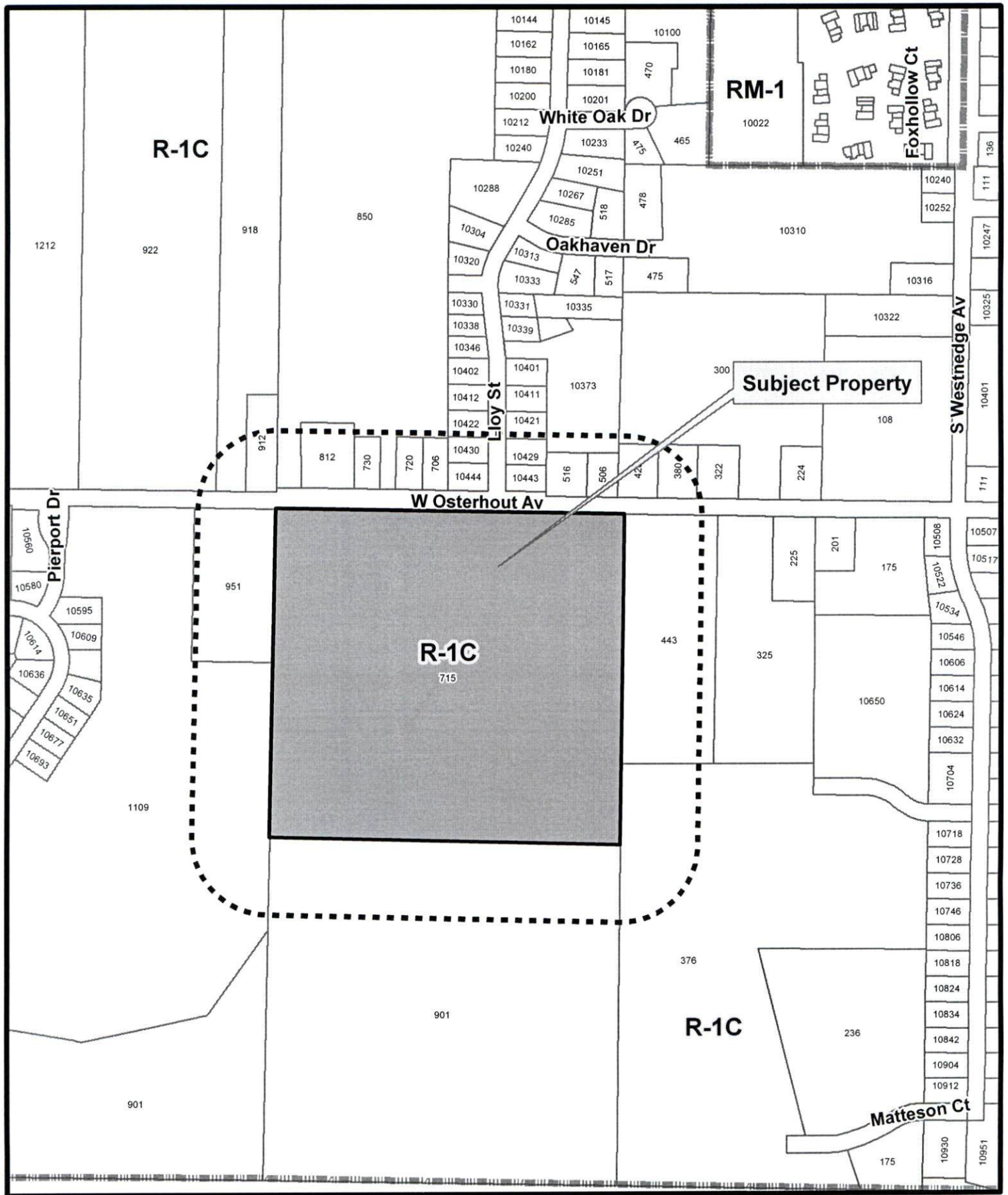
RECOMMENDATION:

Subject to any additional comments that may be received during the public hearing, staff advises the Planning Commission to recommend to City Council that Rezoning Application #16/17-3 be approved and 715 West Osterhout Avenue be rezoned from R-1C, one family residential to PD planned development.

The PD district and proposed residential condominium development is appropriate in this area of the City and will provide assurances to surrounding property owners on the specific type of development that will be built on the property while providing design flexibility to the developer. The PD district and associated tentative plan/narrative submitted by SDV Development, LLC is consistent with the Comprehensive Plan/Future Land Use Map designations and surrounding zoning/land use pattern along West Osterhout Avenue.

Attachments: Zoning/Vicinity Map
Future Land Use Map
Aerial Photo Map
Development Guidelines Table (PD)
Rezoning Application
December 29, 2016 Narrative and Tentative Plan

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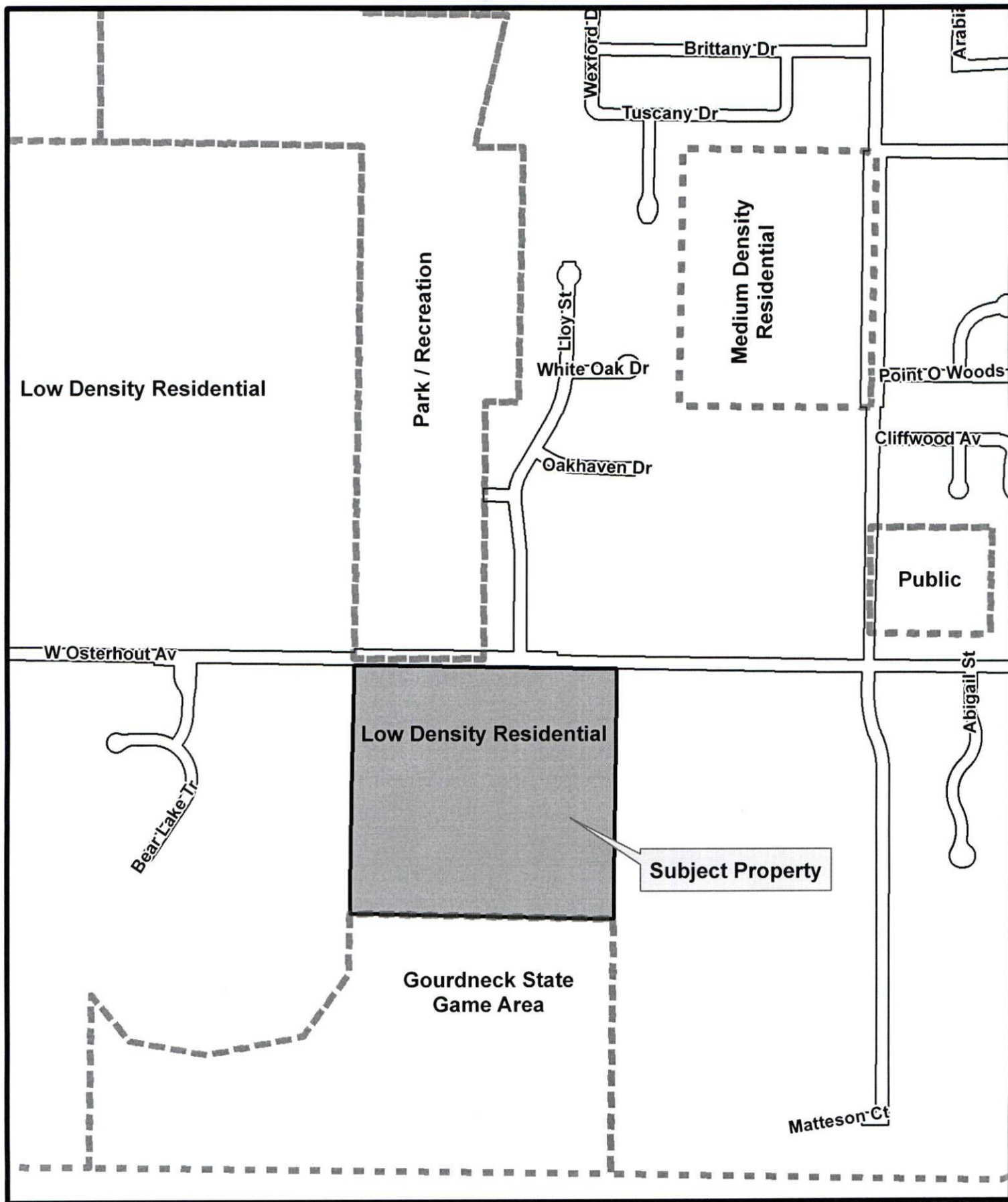
-  300' Notification For Subject Property
-  Subject Property
-  Zoning Boundary

Rezoning: 16/17 - 3

715 West Osterhout Avenue



1 inch = 500 feet



 Future Land Use
 Subject Property

Future Land Use Map 715 West Osterhout Avenue



1 inch = 667 feet



 Subject Property

Rezoning: 16/17 - 3
715 West Osterhout Avenue



1 inch = 500 feet
(148)

DEVELOPMENT GUIDELINES

Rezoning Application #16/17-03

(Planned Development, PD)

Guideline	Description	Consistent	Comments
Rezoning – 1	Rezoning Request	Yes	Future Land Use Map designates rezoning site, along with the majority of the surrounding properties, as appropriate for low density residential land use. The proposed PD zone and associated tentative plan/narrative is consistent with this designation. The residential condominium project proposes a combination of single family detached and attached dwellings with an overall development density of approximately 2.6 units/acre.
Residential – 1	Protection of Residential Neighborhoods	Yes	The proposed single-family residential PD is consistent and compatible with the surrounding zoning and land use pattern: Non-residential land uses are not proposed with the PD.
Residential – 2	Residential Development along Arterial Roadway	Yes	The proposed single-family residential PD project will be situated along West Osterhout Avenue (minor arterial) with access provided from West Osterhout Avenue.
Residential – 3a	Locational Criteria for Residential Uses	Yes	Rezoning site has locational criteria consistent with the low density residential category (1-4 units/acre): Overall development density for single-family residential PD will be approximately 2.6 units/acre with access from a minor arterial roadway, municipal water/sanitary sewer and underground private utilities.
Residential – 4	Compatibility with Adjacent Land Use	Yes	The single-family residential PD and related development density is consistent and compatible with the surrounding low density residential zoning and land use pattern.
Residential – 5	Open Space and Natural Resource Protection	Yes	The single-family residential PD will preserve approximately 6.3 acres of wetlands located along the northeast/southeast portions of the property, and an additional 3.9 acres of upland area located east and southeast of the wetland areas. A clubhouse/pool is also proposed near the main entry to the development. Mature trees and natural areas present around the perimeter of the property will also be preserved to serve as an amenity to the development and also provide natural screening and buffering.
Residential – 6	Streets and Pedestrian Systems	Yes	Access will be provided from West Osterhout Avenue, a minor arterial street. Concrete sidewalks will be constructed on at least one side of the interior private streets. Additionally, a walking trail (wood chips/stone) will also be constructed on the upland portion of the property, between the east property line and wetland areas, which will also provide access to the Gourdneck State Game Area (to the south). Finally, a pedestrian connection is also planned along the west side of the site to connect with a future phase of the Stateland Park subdivision.

Guideline	Description	Consistent	Comments
Residential – 9	Residential Planned Unit Development	Yes	The PD project will create an attractive, high quality neighborhood of single-family detached and attached homes with private streets, sidewalks, trails and preservation of natural areas for the enjoyment of the residents. Each home will feature high quality construction, maintenance free materials and energy efficient features. Floor plans (two and three bedroom) will range from 1,550 – 1,850 square feet, exclusive of any basement area, and include a two-car attached garage. Most, if not all, homes will also have a front porch and either a deck, patio or 4-season room attached to the rear of the dwelling. No nonresidential uses are proposed with the PD.
Natural & Historic Resources – 1	Environmental Protection	Yes	A wetlands assessment of the 39 acre property has identified approximately 6.3 acres of wetlands along the northeast and southeast portions of the site. These wetland areas, plus an additional approximate 3.9 acres of uplands located along the eastern portion of the property will be preserved as an amenity for the development. Additionally, mature trees and natural areas present around the perimeter of the property will also be preserved for the enjoyment of the residents.
Natural & Historic Resources – 2	Floodplain	N/A	The rezoning site is not encumbered by floodplain areas.
Natural & Historic Resources – 3	Water Quality	Yes	Storm water from the project will be collected and disposed by a combination of infiltration swales and discharge to natural wetland areas. Additional information regarding the design of these systems, along with any necessary permits/approvals from the Michigan Department of Environmental Quality will be submitted with the final (site) plan.
Natural & Historic Resources - 4	Noise	N/A	The rezoning site is not situated near excessive noise generators such as the Kalamazoo/Battle Creek International Airport or major freeway arteries.
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 Osterhout Avenue is a 2-lane minor arterial street with 4,436 vehicles per day (2012) and a capacity of 16,500 vehicles per day (level of service D). Anticipated traffic generation from the PD can be accommodated. In conjunction with the residential condominium project, a left-turn lane in West Osterhout Avenue will be constructed by the developer.
Transportation – 2	Street Design	Yes	Access to the development will be provided through a single access drive from West Osterhout Avenue, along the western portion of the property opposite the Schrier Park entrance drive. A temporary emergency access drive will be constructed near Lloy Street when the number of dwelling units within the development exceed 30 and will be abandoned when a connection to the future phase of the Stateland Park

			subdivision to the west is completed. A network of curbed private streets with a minimum drivable width of 26-feet will be provided within the interior of the development. Final design will be further evaluated with the final/site plan submittal.
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.

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COMMUNITY DEVELOPMENT

APPLICATION FOR ZONING AMENDMENT

Application number #16/17-3

Date 12-8-16

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: n/a

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). #715 West Osterhout Ave. / Parcel # 00033-160-0
The northwest 1/4 of the Southeast 1/4 of Section 33, Town 3 South,
Range 11 West, City of Portage, Kalamazoo County, Michigan.
Area = 39 acres

2. a. Do you own the property to be rezoned? Yes _____ No X (Have signed sales agreement)

- b. Name of the owner of the property to be rezoned: SDV Development, LLC

Address 3820 Stadium Drive, Kalamazoo, MI 49008

3. My (our) interest in the property and purpose for submitting the proposed Zoning Amendment: Own property / rezoning for proposed PD.

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

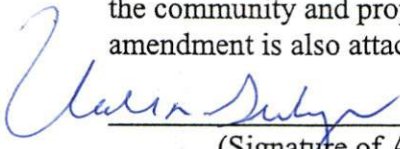
ZONING TEXT AMENDMENT n/a

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.



**Mike Seelye,
SDV Development, LLC**

(Signature of Applicant)

(Signature of Applicant)

**3820 Stadium Drive
Kalamazoo, MI 49008**

(Address)

(Address)

(269) 375-3820

(Phone)

(Phone)

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

December 29, 2016

RECEIVED
DEC 29 2016
COMMUNITY DEVELOPMENT

**NARRATIVE for Proposed
'STREAMSONG' PLANNED DEVELOPMENT
Located on Osterhout Avenue
in The City of Portage**

**DEVELOPER:
SDV DEVELOPMENT, LLC
Attn: MIKE SEELYE
3820 STADIUM DRIVE
KALAMAZOO, MI 49008**

INTRODUCTION:

This proposed Planned Development, or PD, is situated on the south side of Osterhout Avenue, approximately 3/8 mile west of South Westnedge Avenue, in Section 33, City of Portage, Michigan. The subject property contains 39.0 acres (excluding Osterhout Avenue right-of-way) and measures one quarter mile east/west by one quarter mile north/south. The site is mostly wooded, and is surrounded by properties that are mostly wooded. Despite the property having a rural feel to it, it is located less than 10 minutes from many City of Portage businesses and other City amenities. Proposed on site are approximately 102 dwellings of high quality, energy efficient construction. Each dwelling will be served by a private road network. This PD will offer a variety of dwelling floor plans along with a mixture of housing types (single family detached, single family attached, and possibly duplex dwellings).

PURPOSE & OBJECTIVES:

The objectives of this PD development are as follows:

- 1) To create an attractive, high quality neighborhood of single family homes for couples, small families, and single individuals.
- 2) To eliminate many maintenance duties and responsibilities for homeowners such as mowing, weed control, raking of leaves, cleaning of gutters, snow shoveling, tree trimming, etc.
- 3) To provide a single family neighborhood with high quality, energy efficient homes, but at the same time eliminate much of the maintenance that comes with home ownership.
- 4) To create a neighborhood with typical densities, but at the same time provide permanent open space, on-site natural areas, walking trails, and a clubhouse that can be enjoyed by the residents.

CONDOMINIUM / OWNERSHIP:

The PD will be developed as a condominium with the residents owning and maintaining the inside of the dwelling (the condominium "unit"). The condominium association will own and maintain everything exterior to each unit, including yard areas ("limited common areas") and streets / natural areas ("general common areas"). Exterior maintenance that will be provided by the Condominium Association will include the exterior of the dwellings, gutters, lawns, sidewalks, driveways, private streets, natural areas, etc. The yard area surrounding each dwelling be "limited common area" and will be for the use and enjoyment of that unit owner. The private streets, sidewalks, on site trails, and natural areas will be designated as "general common areas." The clubhouse/pool area that will be constructed as part of phase one will also be a general common area. These general common areas will be for the use and enjoyment of all residents.

THE SITE:

This PD is located on the south side of Osterhout Avenue in the Southeast quarter of Section 33. The property address is 715 West Osterhout Avenue. Situated east of the subject property are two large parcels, each with a home on it. South of the subject property is land owned by the State of Michigan. West of the subject property is a large parcel with a home on it, as well as some vacant land (future development area for the "Stateland Park" subdivision). North of the property, on the north side of Osterhout Avenue, are single family dwellings and Schrier Park. All adjoining properties, as well as the subject property, are currently zoned R-1C per the City's Zoning Map. The subject property is covered by mature trees and younger trees, with the mature trees being spread out. The site is unique with nice hardwoods and rolling terrain, and the intent is to preserve as many trees as possible. Within the southeasterly and easterly portions of the property is land that is significantly lower than the northwesterly portion of the property. A wetland assessment of the property has been completed and the conservative wetland boundary has been shown on the Tentative Plan. The Wetland Assessment report has been provided to the City for reference. The northerly and westerly portions of the property are relatively high. Along the entire north edge of the property is Osterhout Avenue, a City of Portage public street. Soils within the proposed building areas are Oshtemo Sandy Loam per the USDA's Soil Survey of Kalamazoo County.

PHASING:

It is anticipated that the development will be constructed in four phases, with each phase consisting of between 18 and 31 dwellings. Construction of utilities, roadways, and dwellings for phase one is planned to commence during 2017. Construction for each subsequent phase is anticipated to commence approximately every two years. The currently anticipated size, limits, and density of each phase has been shown on the submitted Tentative Plan. Phase one is anticipated to include 28 units on 8.4 acres. Phase one will also include the clubhouse/pool area. Phase two is anticipated to include 31 units on 9.0 acres. Phase three is anticipated to include 25 units on 16.7 acres. Phase four is anticipated to include 18 units on 4.9 acres. Please note that the proposed phasing could be altered based on utility routing, final design, City requirements, etc.

ON-SITE DWELLINGS:

The proposed dwellings within this PD will typically measure approximately 44 feet wide and 60 to 70 feet deep. Each dwelling will have between approximately 1550 square feet and 1850 square feet of living area (excluding any basement area), an attached two-car garage, and the dwellings will typically be single story with a basement. It is anticipated that three dwelling sizes will be offered (1550-1650, 1650-1750, and 1750-1850 square feet). Most or all dwellings will have a front porch. Most dwellings will have a deck, patio, or 4-season room on the rear of the dwelling. A mixture of housing types will be included.

ON-SITE DWELLINGS: (cont.)

It is anticipated that approximately 70 % to 80% of the on site units will be single family detached dwellings and that approximately 20% to 30% of the on site units will be single family attached dwellings. Single family attached dwellings and duplexes shall comply with City requirements. All dwelling construction shall comply with City and State construction codes. Each home will feature quality construction, maintenance free materials, and various energy efficient features. Conceptual Front Building Elevations have been attached to this Narrative for general review. Final Building Plans will be prepared after the property has been rezoned to 'PD'. The units will be constructed to meet and exceed energy codes. The look from the street will be a blend of craftsman, cottage, and New England styles. While the front elevations will be different, the look will have an intentional feel with design consistency among the various building fronts throughout the development. It is anticipated the dwelling prices will start in the \$200,000 range for smaller units. For the larger units with a finished walkout basement and other upgrades, dwelling costs will likely approach or exceed the \$350,000 range.

STREETS, SIDEWALKS, and DRIVEWAYS:

On site paved streets will be private and will incorporate concrete roll curb on each edge and will have a minimum drivable pavement width of 26.1 feet. It is intended that the streets will be wide enough to allow parking on one side of the street per Fire Department requirements. All streets shall be designed and constructed in accordance with City requirements. Access to and from the site will be from one location and shall include one entry lane (14 feet wide) and two exit lanes (lane widths equal 11 feet). A landscaped island may be incorporated into the access drive. A 20 foot wide temporary emergency access drive from Osterhout Avenue will be constructed when the number of units exceeds 30. The temporary emergency access drive will be abandoned when a 20 foot wide permanent emergency access drive is constructed to "Stateland Park." Lighting along each street will be from a yard light within each front yard. Concrete sidewalks will be constructed on at least one side of each street. The sidewalks will be set back from the back of curb a minimum of 3.0 feet. Also incorporated within the development will be a nature trail within the easterly, undeveloped portion of the property. This nature trail will extend southerly to the State owned property adjoining to the south. Other concrete walkways and nature trails may be incorporated into the development. Driveways for each dwelling will be constructed of concrete and will have a length of at least 25.0 feet as measured from the back of curb. The length of the driveways will allow temporary vehicle parking for one or two vehicles depending on driveway width. Off-street parking areas may be incorporated into the PD. All streets, walks, trails, driveways, and parking areas will be maintained by the Condominium Association.

STORM SEWER SYSTEM and DRAINAGE:

Crowned, paved roadways and concrete curb and gutter will direct storm water run-off to the proposed private storm sewer drains and pipes. The storm water run-off will be disposed of by a combination of infiltration and discharge to the on site lowland areas. The storm water system will comply with City requirements. Design of the system will be subject to City review and approval, as well as review and permitting through the State of Michigan MDEQ if required.

WATER MAINS, FIRE HYDRANTS, and SANITARY SEWERS:

Installed along all private roads will be City Portage public water mains and sanitary sewers, including house leads to each dwelling. Fire hydrants will be installed at locations approved by the City of Portage. These utilities shall be designed and installed in accordance with City requirements, and appropriate utility easements shall be granted to the City. Note that there is an existing 20 inch public water main on the north side of Osterhout Avenue, and an existing 8 inch public sanitary sewer near the center line of Osterhout Avenue.

PRIVATE UTILITIES:

The site will be served with underground natural gas, electric, telephone, and cable TV lines. It is anticipated that these underground lines will be situated on the side of the street opposite the public water main. There is an overhead power line within the northerly portion of the property (see Tentative Plan). We are currently working with Consumers Energy to relocate this power line underground or re-route it above ground. We are not proposing that this overhead power line be left in it's current location.

OPEN SPACE and NATURAL AREAS:

A significant portion of the property will be designated as a permanent natural area. This includes the far easterly and southeasterly portions of the property. The area of the subject property is 39.0 acres excluding the Osterhout Avenue right-of-way area. We currently estimate that approximately 6.3 acres of the property is wetland area, and that approximately 3.9 acres of the property (east and southeast of the wetland area) will remain as a permanent natural area. Within this permanent natural area will be a nature trail that extends southerly to the State of Michigan land. Around the perimeter of the development, natural areas and trees will be preserved to serve as a natural buffer and visual screening. A clubhouse and pool area will be included within phase one of this PD project.

ZONING, BUILDING SETBACKS, and DENSITY:

The property is currently zoned R-1C single family residential. Typical lot sizes within R-1C are 12,000 square feet and larger. City required building setbacks for R-1C are 30 feet (front yard), 12 feet (side yard), and 40 feet (rear yard). Typical densities for subdivisions within R-1C are 2 - 3 lots per acre. With this PD development, we are proposing a 40 foot perimeter setback (abutting adjoining properties), a minimum 20.0 feet between buildings, and a minimum distance of 25.0 feet between the back of the concrete curb and the front of the dwelling. Note that any duplex buildings, if incorporated, would share a common building wall, and that any attached single family dwellings would be connected with an architectural wall. With this PD, the density will be approximately 2.6 dwellings per acre. Per the City's Ordinance, the maximum allowable density for a PD is 7 dwellings per acre.

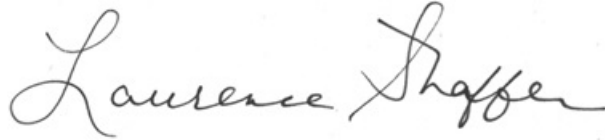
CONDOMINIUM MASTER DEED:

The typical "plat restrictions" or "deed restrictions" for a subdivision will be replaced with the Condominium Master Deed. The Master Deed shall also include survey plans, house plans, rules of ownership, mapping of general common areas, limited common areas, and unit areas, and other rules and regulations. Within the Master Deed, the streets and utilities for each phase will be designated as "need to be built," while each unit will be designated as "need not be built." The Master Deed will be prepared by a local real estate Attorney, and the Survey Plans within the Master Deed will be prepared by a local Land Surveying Office. The Master Deed will be subject to City review and comment prior to recording.



TO: Honorable Mayor and City Council

FROM: Laurence Shaffer, City Manager



SUBJECT: Final Plan for Portage Pediatric Dentistry (3020 Old Centre Road)

SUPPORTING PERSONNEL: Vicki Georgeau, Director of Community Development

ACTION RECOMMENDED: That City Council approve the Final Plan for Portage Pediatric Dentistry at 3020 Old Centre Road.

A final plan has been submitted to construct an approximate 7,000-square-foot professional dental office and associated site improvements at 3020 Old Centre Road. The approximate 1.2-acre site is zoned PD, planned development and located within the larger Woodbridge Hills Planned Development. The plan has also been reviewed and approved by The Moors of Portage Architectural Control Committee.

Consistent with the City of Portage Access Management Ordinance and the previously approved site plan for Southwest Michigan Dermatology at 3000 Old Centre Road (parcel to east), access to the site will be provided through the existing full service driveway from Old Centre Road. This existing driveway has been constructed on the joint property line and will be shared between Southwest Michigan Dermatology and Portage Pediatric Dentistry including internal parking lot connections. Storm water from the development will be collected and conveyed to an infiltration basin located along the north side of the proposed building.

In a Department of Community Development report dated January 27, 2017, staff recommends approval of the Final Plan for Portage Pediatric Dentistry at 3020 Old Centre Road. At the February 2, 2017 meeting, the Planning Commission reviewed and also recommended to City Council approval of the Final Plan.

FUNDING: Not Applicable

Attachments:

1. February 3, 2017 Planning Commission transmittal
2. February 2, 2017 (DRAFT) Planning Commission minutes
3. January 27, 2017 Department of Community Development staff report

TO: Honorable Mayor and City Council
FROM: Planning Commission
DATE: February 3, 2017
SUBJECT: Final Plan for Portage Pediatric Dentistry, 3020 Old Centre Road

During the February 2, 2017 meeting, the Planning Commission reviewed and discussed the Final Plan for the above captioned development project. Mr. Walt Hansen of Hansen Building and Design Corporation (applicant's representative) was present to support the application and explain the development project. No citizens spoke regarding the project.

The final plan for Portage Pediatric Dentistry has been designed in substantial conformance with the approved tentative plan for the Woodbridge Hills Planned Development. After a brief discussion, a motion was made by Commissioner Patterson, seconded by Commissioner Stoffer, to recommend to City Council that the Final Plan for Portage Pediatric Dentistry, 3020 Old Centre Road, be approved. The motion was unanimously approved 8-0.

Sincerely,


Paul Welch
Chairman

PLANNING COMMISSION

February 2, 2017

 DRAFT

The City of Portage Planning Commission meeting of February 2, 2017 was called to order by Chairman Welch at 7:00 p.m. in Council Chambers of Portage City Hall, 7900 South Westnedge Avenue. Three 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 Randy Brown, City Attorney.

ROLL CALL:

Mr. West called the role: Patterson (yes), Stoffer (yes), Welch (yes), Bosch (yes), Dargitz (yes), Richmond (yes), Schoup (yes) and Joshi (yes). A motion was offered by Commissioner Stoffer, seconded by Commissioner Patterson, to approve the role excusing Commissioner Schimmel. The motion was unanimously approved 8-0.

APPROVAL OF MINUTES:

Chairman Welch referred the Commission to the January 19, 2017 meeting minutes contained in the agenda packet. A motion was made by Commissioner Patterson, seconded by Commissioner Stoffer, to approve the minutes as submitted. The motion was unanimously approved 8-0.

SITE/FINAL PLANS:

1. Final Plan: Portage Pediatric Dentistry, 3020 Old Centre Road. Mr. West summarized the staff report dated January 27, 2017 regarding a final plan submitted by Portage Pediatric Dentistry to construct an approximate 7,000 square foot professional dental office and associated site improvements at 3020 Old Centre Road. Mr. West stated the subject property is zoned PD, planned development and part of the larger Woodbridge Hills Planned Development project and is located within an area designated for office land use. Mr. West discussed the shared access arrangement between Portage Pediatric Dentistry and the adjacent Southwest Michigan Dermatology site to the east. Mr. West also stated the plan has been reviewed and approved by The Moors of Portage Architectural Control Committee.

Mr. Walt Hansen of Hansen Building and Design Corporation (applicant's representative) was present to discuss the proposed development. Mr. Hansen also introduced the owner of Portage Pediatric Dentistry, Dr. Jody Wrathall. After a brief discussion, a motion was made by Commissioner Patterson, seconded by Commissioner Stoffer, to recommend to City Council that the Final Plan for Portage Pediatric Dentistry, 3020 Old Centre Road, be approved. The motion was unanimously approved 8-0.

PUBLIC HEARINGS:

None.

OLD BUSINESS:

None

TO: Planning Commission**DATE:** January 27, 2017**FROM:** Vicki Georgeau,  Director of Community Development**SUBJECT:** Final Plan for Portage Pediatric Dentistry, 3020 Old Centre Road**I. INTRODUCTION:**

A final plan has been submitted by Portage Pediatric Dentistry to construct an approximate 7,000 square foot professional dental building and associated site improvements at 3020 Old Centre Road. The 1.2 acre property is zoned PD, planned development and part of the larger Woodbridge Hills planned development project. The proposed use is consistent with the Woodbridge Hills tentative plan designation of office for this area. The plan was also been reviewed and approved by The Moors of Portage Architectural Control Committee on January 26, 2017 (see attached letter).

Consistent with the City of Portage Access Management Ordinance and the previously approved site plan for Southwest Michigan Dermatology at 3000 Old Centre Road (parcel to east), access to the site will be provided through the existing full service driveway from Old Centre Road. This existing driveway has been constructed on the joint property line and will be shared between Southwest Michigan Dermatology and Portage Pediatric Dentistry including internal parking lot connections. No new access drives from Old Centre Road will be constructed with the project.

Storm water from the development will be collected and conveyed to an infiltration basin located along the north side of the proposed building. Outdoor lighting units associated with the proposed development will include light poles with shielded fixtures and will conform to applicable ordinance standards.

II. RECOMMENDATION:

The final plan has been reviewed by the City Administrative departments. Staff advises the Planning Commission to recommend to City Council that the Final Plan for Portage Pediatric Dentistry, 3020 Old Centre Road, be approved.

Attachments: January 27, 2017 correspondence from The Moors of Portage Architectural Control Committee
Final Plan Sheets

T:\COMMDEV\2016-2017 Department Files\Board Files\Planning Commission\PC reports\Site Plans\2017 01 27 Portage Pediatric Dentistry, 3020 Old Centre Road-FP.doc

**THE MOORS OF PORTAGE ASSOCIATION
ARCHITECTURAL CONTROL COMMITTEE
7950 MOORSBRIDGE ROAD
PORTAGE, MICHIGAN 49024**

269/329-0366

RECEIVED
JAN 27 2017
COMMUNITY DEVELOPMENT

Date: January 26, 2017

To: Hansen Building and Design Corp.
3020 Old Centre Avenue
Portage, MI 49024

Re: **Dr. Jody Wrathall, D.D.S., new building**

The Architectural Control Committee (ACC) recently met to discuss your Request.

☐ This request has been approved as submitted.

- ☒ This request has been approved as submitted under the following conditions:
- Sample color of siding. ACC cannot approve color from a computer printout.
 - Confirm shingle color.
 - ACC requests a little more landscaping on the North West Corner along the building.
 - No signage was submitted. This will be submitted at a later date.
 - All submittals must conform to the City of Portage Planned Development Ordinances.

☐ Additional information is required:

☐ This request has been denied for the following reasons:

Please be advised that any modifications to your Request and/or application materials submitted to the ACC in connection with your Request which are made after ACC approval must be resubmitted to the ACC for additional approval. ACC approval does not constitute a representation or confirmation that any such plans comply or do not comply with applicable laws, rules, regulations or ordinances. Applicants are encouraged to review all such applicable laws, as well as the declarations, design guidelines and other applicable documents that may govern the Request. With regard to new structures, in addition ACC approval, the location of structures must be staked and approved by the ACC before site clearing or building construction commences.

Thank you for submitting your request. If you have any questions on the above, please contact Sheila Mowry at 329-0366.

Sincerely,

Joseph L. Gesmundo

Elizabeth Wright
Elizabeth Wright

Richard MacDonald
Rich MacDonald

Please sign, date and return a copy for our files.

I (we) agree to implement our changes or additions as approved above.

Signature _____

Date _____

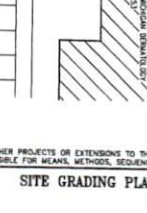
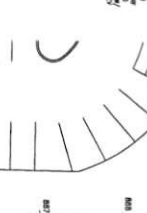
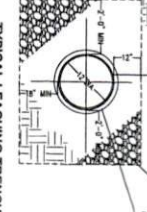
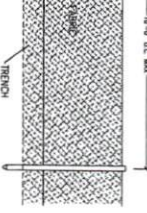
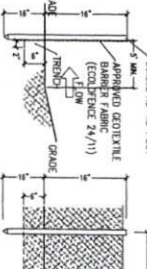
The ACC would like to thank you and applaud your effort in keeping Woodbridge Hills a great place to live.

GENERAL NOTES

1. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE MICHIGAN DEPARTMENT OF TRANSPORTATION STANDARD SPECIFICATIONS FOR HIGHWAYS AND BRIDGES.
2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.
3. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AND PUBLIC ROADS AT ALL TIMES.
4. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING UTILITIES AND STRUCTURES.
5. THE CONTRACTOR SHALL MAINTAIN ADEQUATE DRAINAGE AND EROSION CONTROL MEASURES THROUGHOUT THE PROJECT.
6. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE REMEDIATION OF ANY DISTURBED AREAS.
7. THE CONTRACTOR SHALL MAINTAIN ADEQUATE RECORDING AND AS-BUILT DRAWINGS.
8. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING TREES AND LANDSCAPE FEATURES.
9. THE CONTRACTOR SHALL MAINTAIN ADEQUATE SAFETY MEASURES THROUGHOUT THE PROJECT.
10. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING HISTORIC AND CULTURAL RESOURCES.

SOIL EROSION CONTROL

1. ALL EROSION CONTROL MEASURES SHALL BE INSTALLED PRIOR TO THE START OF CONSTRUCTION.
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STORM WATER DESIGN CRITERIA

1. DESIGN FLOW: 1.0 CFS (1.0 MGAL PER HOUR)
2. DESIGN VELOCITY: 1.0 FPS (1.0 MGAL PER HOUR)
3. DESIGN SLOPE: 1.0% (1.0 MGAL PER HOUR)
4. DESIGN TIME OF CONCENTRATION: 1.0 HOUR (1.0 MGAL PER HOUR)
5. DESIGN STORAGE: 1.0 CFS (1.0 MGAL PER HOUR)
6. DESIGN DETENTION: 1.0 CFS (1.0 MGAL PER HOUR)
7. DESIGN RELEASE: 1.0 CFS (1.0 MGAL PER HOUR)
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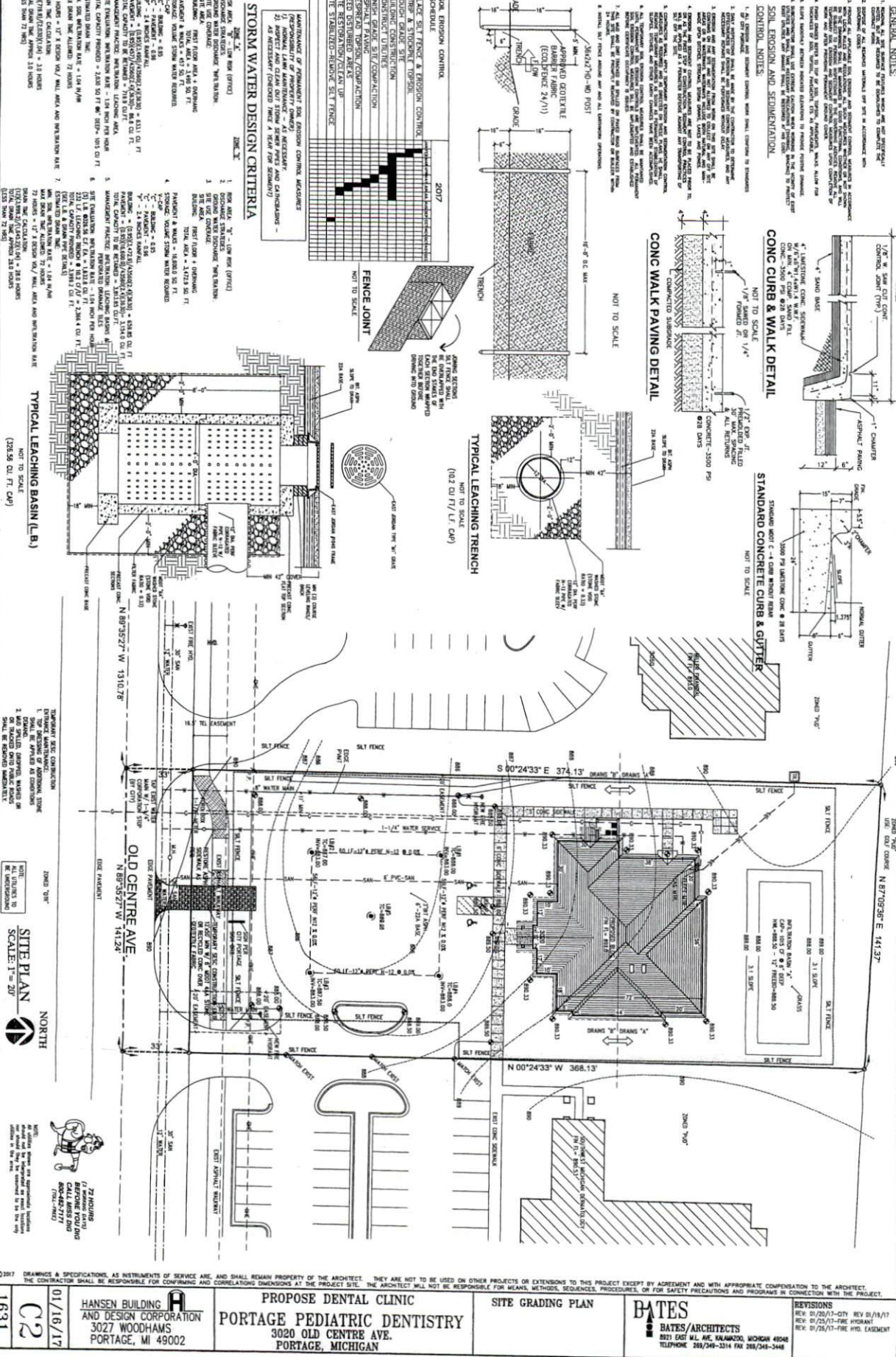
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HANSEN BUILDING
AND DESIGN CORPORATION
3027 WOODHAMS
PORTAGE, MI 49002

PROPOSE DENTAL CLINIC
PORTAGE PEDIATRIC DENTISTRY
3020 OLD CENTRE AVE.
PORTAGE, MICHIGAN

BATES
BATES/ARCHITECTS
1801 E. 10TH AVE. N. SUITE 200
PORTAGE, MI 49002
PHONE 268/340-3314 FAX 268/340-3448

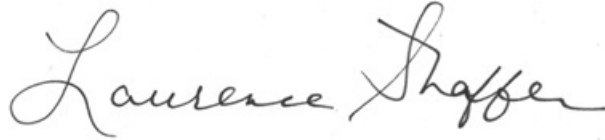
DATE: 01/16/17
SCALE: 1" = 20'

REVISIONS:
REV: 01/16/17 - CITY
REV: 01/16/17 - FIRE HYDRANT
REV: 01/16/17 - FIRE HYD. EXEMPT

1631

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. 4 for the Angling Road Sanitary Sewer Project #417-S, setting a public hearing on the Assessment Roll for February 28, 2017.

Attached is Special Assessment Resolution No. 4 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 held the public hearing of necessity and tabled action on Resolution No. 3 until January 24, 2017.
 - In response to citizen concerns, a neighborhood meeting for this project was held on January 9, 2017 at City Hall where the scope and need of the project was presented; 14 property owners attended. A postcard survey was also completed for the proposed district with the majority returned in support of the project. A video recording of the public meeting is available on the City of Portage website.
- On January 24, 2017, City Council adopted Resolution No. 3, on the necessity of the project, directing the preparation of the assessment roll.

Therefore, it is recommended that City Council adopt Resolution No. 4, setting a public hearing on the Assessment Roll for February 28, 2017.

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. 4

**CITY OF PORTAGE
SPECIAL ASSESSMENT RESOLUTION NO. 4
ANGLING ROAD SANITARY SEWER PROJECT
DISTRICT #417-S**

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: _____

The following resolution was offered by:

Councilmember: _____, and seconded by:

Councilmember: _____.

WHEREAS, the City Assessor has, pursuant to resolution of the City Council, and in accordance with the provisions of the Special Assessment Ordinance of the City, prepared a Special Assessment Roll and has filed the same with the City Clerk for presentation to the City Council for review and certification for the hereinafter described public improvement:

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.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. Said Special Assessment Roll shall be filed with the office of the City Clerk and shall be available for public inspection during regular working hours on regular working days.

2. The City Council shall meet on the 28 day of February, 2017 at 7:30 p.m., local time, or as soon thereafter as may be heard, in the City Hall in said City to review said Special Assessment Roll and hear any objections thereto.

3. The City Clerk shall cause notice of the filing of said Special Assessment Roll and of the time and place of said meeting to be mailed and published in accordance with the

requirements of the Charter and the Special Assessment Ordinance of the City of Portage; said notice shall be in substantially the form attached hereto as Exhibit "A".

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

YEAS: Councilmember: _____

NAYS: Councilmember: _____

ABSENT: Councilmember: _____

RESOLUTION DECLARED ADOPTED:

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 _____, 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

PREPARED BY:
Randall L. Brown
Portage City Attorney
1662 East Centre Avenue
Portage, Michigan 49002

Approved as to Form:
Date: 1/25/2017
By: [Signature]
City Attorney

EXHIBIT "A"

**CITY OF PORTAGE, MICHIGAN
NOTICE OF PUBLIC HEARING TO REVIEW SPECIAL ASSESSMENT ROLL FOR
ANGLING ROAD SANITARY SEWER PROJECT
DISTRICT #417-S**

TO THE OWNERS OF THE FOLLOWING DESCRIBED PROPERTY:

PLEASE TAKE NOTICE that the City Council of the City of Portage has declared its intention to proceed with the following described public improvement:

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.

and has designated the Special Assessment District against which all or a part of the cost of said improvement is to be assessed as consisting of all the following described land, to wit:

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

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

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

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

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

E&W1/4 LI SD SEC TH N 89 DEG 54 MIN 20 SEC E ALG E&W1/4 LI 240.01 FT TO PL OF BEG 0.81 A

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

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

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

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

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

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

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

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

THE POB, RESERVING THE NWLY 33 FT FOR ROADWAY PURPOSES OF ANGLING RD.

SEC 18-3-11 BEG 177.43 FT S OF NW COR E1/2 SW1/4 SEC 18, TH S 240.57 FT, TH S 85 DEG 28 MIN 20 SEC E 294.65 FT TO PT ON CTR LI ANGLING RD, TH S 27 DEG 21 MIN 05 SEC W 123.46 FT, TH N 86 DEG 29 MIN 16 SEC W 238.18 FT, TH S 118.34 FT, TH W 81.84 FT TO E LI OF HWY US 131 TH NE TO P.O.B.

COMMENCING AT THE W 1/4 CORNER OF SEC 18, T3S, R11W; TH S 89 DEG-53'-17" E 1862.51 FT ALONG THE E AND W 1/4 LINE OF SAID SEC TO THE CENTERLINE OF ANGLING RD; TH S 26 DEG-54'-30" W 81.11 FT ALONG SAID CENTERLINE; TH S 27 DEG-19'-50" W 432.82 FT ALONG SAID CENTERLINE TO THE POB; TH S 60 DEG-26'-20" E 149.52 FT; TH S 78 DEG-13'-23" E 245.86 FT; TH S 27 DEG-09'-50" W 89.24 FT; TH N 89 DEG-53'-17" W 434.65 FT TO THE CENTERLINE OF ANGLING RD; TH N 27 DEG-19'-50" E 227.94 FT ALONG SAID CENTERLINE TO THE POB, CONTAINING 1.488 ACRES.

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

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

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

PLEASE TAKE NOTICE that a Special Assessment Roll has been prepared and is on file in the office of the City Clerk for public examination during regular working hours on regular working days; said Special Assessment Roll has been prepared for the purpose of defraying that part of the cost which the City Council has decided should be paid and borne by the Special Assessment for the above described public improvement project in the City of Portage.

PLEASE TAKE NOTICE that the City Council will meet on the 28 day of February, 2017 at 7:30 p.m., local time, or as soon thereafter as may be heard, in the City Hall in said City for the purpose of reviewing the Special Assessment Roll, at which time and place an opportunity will be given to all persons interested to be heard.

PLEASE TAKE FURTHER NOTICE that the owner or any person having an interest in property that is specially assessed may file a written appeal with the Michigan Tax Tribunal within 30 days after confirmation of the special assessment roll. However, appearance and

protest at the public hearing are required in order to appeal the special assessment to the Michigan Tax Tribunal. An owner or other party in interest or his or her agent may (1) appear in person at the hearing to protest the special assessment or (2) file his or her appearance or protest by letter before the close of the hearing. The City Council shall maintain a record of parties who appear to protest at the hearing. If the hearing is terminated or adjourned for the day before a party is provided the opportunity to be heard, a party whose appearance was recorded shall be considered to have protested the special assessment in person.

Dated: _____, 2017

James R. Hudson
City Clerk

TO: Honorable Mayor and City Council

FROM: Laurence Shaffer, City Manager



SUBJECT: January 12, 2017 Committee of the Whole Follow-up: Consolidated Dispatch Millage

SUPPORTING PERSONNEL: Richard White, Director of Public Safety - Police / Fire Chief

ACTION RECOMMENDED: That City Council accept the follow-up report to the January 12, 2017 Committee of the Whole meeting concerning the Consolidated Dispatch millage.

Summary

The City Council had previously expressed its intent to understand the financial impact of the assignment of emergency dispatch services from the Portage Public Safety Division to the Kalamazoo County Consolidated Dispatch Authority (KCCDA). Laurence Shaffer, City Manager, Bill Furry, Finance Director, Jeff Troyer, Director of KCCDA and Richard White, Director of Public Safety reported to the City Council on the various outcomes of such a transfer of function. Mr. Shaffer reported that with the reduction of the City of Portage 2016/2017 General Fund Budget of a net \$1,101,594 and the retention by the City of Portage expenses associated with Public Safety Department staffing on weekends, holidays and from 5 p.m. to 7 a.m. during the workweek estimated to cost \$461,000, the net savings to the Portage General Fund for FY 2018/2019 is approximately \$640,000 allowing for a millage reduction of 0.25 of the total General Fund millage of 7.5 or a reduction of 3.33%.

Background

The City Council had previously decided to conduct a Committee of the Whole (COW) meeting in order to receive information from the City Administration and the administration for KCCDA upon the relative impacts that consolidated dispatch might have on the City of Portage budget and operations. One of the questions of particular interest to the City Council was what the impact might be to the City of Portage millage rate upon the movement of the actual financial obligations to conduct emergency dispatch from the City of Portage's General Fund portfolio to the KCCDA portfolio. The City Council received presentations from City Manager Laurence Shaffer, Finance Director Bill Furry, KCCDA Director Jeff Troyer and Director of Public Safety Richard White. The presentation included a detailed analysis of the budgetary impact of moving the responsibility from the City of Portage to the KCCDA. Copies of that analysis are attached.

Fundamentally, with the release or termination of employment of 13 City of Portage emergency dispatchers and one (1) dispatch manager, as well as with the loss of the revenue attributed to the State of Michigan and its contributions for 9-1-1, the City of Portage would realize a net reduction of

\$640,000 in its General Fund operating budget. Director Bill Furry explained that, such a reduction would allow for a millage decrease in the General Fund from 7.5 mills to 7.25 mills, or a reduction of 0.25; as a percentage that would mean a millage reduction of some 3.33%.

The City Council received a report from Mr. Troyer that identified the scheduling issues associated with consolidated dispatch. The first important scheduling issue would be the determination of the voters at the referendum to be conducted on May 2, 2017 of revising the surcharge for a phone, both hard line and cell phones, from the present \$0.42 per device to \$2.30 per device. Mr. Troyer explained that the formula also requires that individuals with more than one phone would pay the same surcharge for each phone up to ten (10) phones. Thereafter from phone eleven (11) to twenty (20) the entity or institution would pay just one more additional surcharge per unit for each additional ten (10) devices that are being utilized. Mr. Furry explained that the tax reduction on a typical single family residential property in the City of Portage would amount to \$19.22 per household per year. Mr. Shaffer explained that moving the payment for this service from a General Fund supported activity to a user fee would incorporate all of those properties and institutions that presently enjoy a tax exemption, and therefore, are not paying for dispatch services. That might include Western Michigan University, Bronson and Borgess hospitals and the other tax exempt that have phone systems but do not pay for a central dispatch.

The City Council and the City Attorney made it clear that this Council could not hold any future City Councils to any particular millage reduction. However, the majority of the Council-members wished to indicate their individual support for a millage reduction to City of Portage taxpayers attributable to the assignment of City of Portage expense for emergency dispatch to the Kalamazoo County Consolidated Dispatch Authority.

FUNDING: N/A

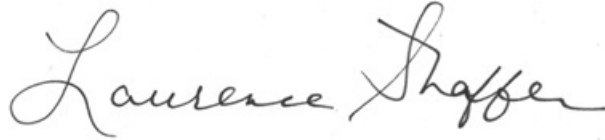
Attachments: 1. Consolidated Dispatch Budgetary Analysis

GENERAL FUND	16/17 Estimated	17/18 Projected	18/19 Projected	19/20 Projected
Property taxes	13,876,765	15,000,000	14,862,500	15,159,750
Admin Fees	900,000	900,000	900,000	900,000
Penalties	80,000	80,000	80,000	80,000
Fees and permits - inc @ 2.5% / year	531,103	544,381	557,990	571,940
Federal revenue	5,840	5,840	5,840	5,840
State revenue (LCSA)	1,692,832	1,188,791	1,188,791	1,188,791
State shared revenue - inc @ 1% / year	4,055,421	4,095,975	4,136,935	4,178,304
Other grants	37,837	37,837	37,837	37,837
Charges for services	275,313	279,443	283,634	287,889
Interest and rents	224,998	228,373	231,799	235,276
Other revenue	294,463	298,880	303,363	307,914
Loss of PSAP state revenue		(37,333)	(113,000)	(114,695)
Transfers In	4,000	4,060	4,121	4,183
TOTAL REVENUE	21,978,572	22,626,246	22,479,810	22,843,028
EXPENDITURES				
General Government	3,704,020	3,748,945	3,794,543	3,840,826
Senior Citizen Services	572,103	580,685	589,395	598,236
Parks & Recreation	814,748	826,969	839,373	851,964
Police Department				
Admin	570,995	579,560	588,253	597,077
Youth Services	418,180	424,453	430,820	437,282
Investigations	623,581	632,935	642,429	652,065
Patrol	4,559,489	4,627,882	4,697,300	4,767,760
Training	143,876	146,034	148,224	150,448
Dispatch - by \$840K	1,012,433	747,620	188,000	190,820
Dispatch - payouts, spring 2018	-	180,000	-	-
Emergency Warning	6,100	6,192	6,284	6,379
PSAP	164,845	55,773	-	-
Tech Services	362,273	367,708	373,223	378,822
Drug Law	273,665	277,770	281,937	286,166
Building Maintenance	78,417	79,593	80,787	81,999
TOTAL POLICE	8,213,856	8,125,518	7,437,258	7,548,816
Fire Department				
TOTAL FIRE	4,607,108	4,676,214	4,746,357	4,817,553
Community Development	806,668	818,768	831,050	843,516
General Public Services	408,626	414,756	420,977	427,292
Building & grounds	1,375,671	1,233,524	1,252,027	1,270,807
TOTAL EXPENDITURES	20,502,800	20,425,379	19,910,981	20,199,009
Revenues less Expenditures	1,475,772	2,200,867	2,568,829	2,644,018
Change in Revenue less Expenditures		725,095	367,962	75,189
ASSUMPTIONS				
Annual rev & exp increases unless otherwise stated		1.5%	1.5%	1.5%
Taxable value (000s)	1,903,318	2,000,000	2,050,000	2,091,000
TV increase		5.1%	2.5%	2.0%
General Fund millage	7.5000	7.5000	7.2500	7.2500

	Taxable value	Millage reduction	Tax reduction
Average single family residence - effect of millage reduction	\$ 76,891	0.2500	\$ 19.22

TO: Honorable Mayor and City Council

FROM: Laurence Shaffer, City Manager



SUBJECT: 2017 Pre-Council Meeting Time Adjustment

SUPPORTING PERSONNEL: Rob Boulis, Deputy City Manager

ACTION RECOMMENDED: That City Council change the meeting time for the remaining Pre-Council meetings for the 2017 calendar year to 8:00 a.m.

The City Charter requires the City Council to meet at least twice per month. During the regular meeting of November 17, 2015, Council requested to re-establish the preparatory Council meetings prior to the regular City Council meetings, during which Councilmembers have the opportunity to review upcoming agenda business with the ability to ask questions and request additional information.

City Council set the schedule for Pre-Council meetings for the 2017 calendar year at the regular meeting of December 20, 2016; however, subsequent discussion at the January 23 City Council Goal-Setting Retreat sought to alter the meeting time. Following a survey of Council, the first choice, with 6 of 7 in favor, was 8:00 a.m. The second choice was 7:45 a.m. with 5 voting in favor.

As such, it is recommended that City Council change the time for the 2017 Pre-Council meetings to 8:00 a.m.

FUNDING: N/A

Attachments: 1. 2017 Meetings

2017 City Council Meeting Dates

January						
Su	Mo	Tu	We	Th	Fr	Sa
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

February						
Su	Mo	Tu	We	Th	Fr	Sa
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28				

March						
Su	Mo	Tu	We	Th	Fr	Sa
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

April						
Su	Mo	Tu	We	Th	Fr	Sa
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30						

May						
Su	Mo	Tu	We	Th	Fr	Sa
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

June						
Su	Mo	Tu	We	Th	Fr	Sa
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	

4/14 - Good Friday: City Hall Closed at 12 noon

July						
Su	Mo	Tu	We	Th	Fr	Sa
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

August						
Su	Mo	Tu	We	Th	Fr	Sa
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

September						
Su	Mo	Tu	We	Th	Fr	Sa
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

October						
Su	Mo	Tu	We	Th	Fr	Sa
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

November						
Su	Mo	Tu	We	Th	Fr	Sa
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30		

December						
Su	Mo	Tu	We	Th	Fr	Sa
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

11/7 - Election Day

PPS Christmas Break is undetermined at this time.

 Council Meeting Date

 US Holiday (City Hall Closed)

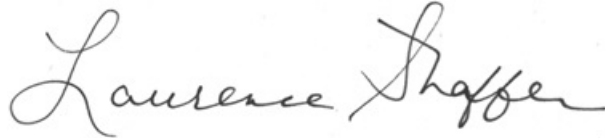
 2nd & 4th Tuesday of the Month

 PPS Break

 Pre-Council Meetings

TO: Honorable Mayor and City Council

FROM: Laurence Shaffer, City Manager



SUBJECT: 2017 Committee of the Whole Meetings

SUPPORTING PERSONNEL: Rob Boulis, Deputy City Manager

ACTION RECOMMENDED: That City Council set Committee of the Whole meetings on April 10, September 12 and November 14, 2017.

Following the January 23, 2017 City Council Retreat session, it was requested that several Committee of the Whole (COW) meetings be scheduled to discuss various topics of concern.

As such, it is recommended that COW meetings be established according to the following schedule:

<u>Date :</u>	<u>Topic :</u>
April 10, 2017	Millage Reduction, Financial Planning, Millage Rate, Budget Stabilization, Debt Reduction and Act 51 Funding
September 12, 2017	Winter Parking Ordinance
November 14, 2017	Medical Marijuana

FUNDING: N/A

Attachments: 1. N/A

RECEIVED

FEB 09 2017

CITY MANAGER'S OFFICE
PORTAGE, MI

Mr. Shaffer

Concerning the water main development on Chopin Ave. I have lived here for 30 years.

My water smells and is undrinkable.

I buy all my drinking and cooking water.

I also backup to the woods and I feel we need a fire hydrant at the end of our street. I know it has been indicated I could drive a new well but there is no guarantee it will be "good" water.

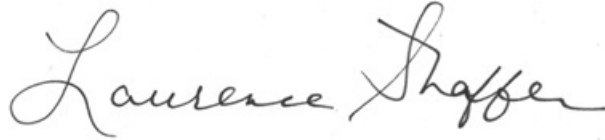
Therefore I urge the commission to go ahead with the plan for city water on Chopin Ave.

Thank You

Mary Lou Lampert
2628 Chopin Ave.

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.

Since the January 24th City Council meeting, city staff have received photos documenting progress on the clean-up efforts, but considerable work remains to remove and properly dispose of interior and exterior debris. As of the writing of this staff report, an interior inspection of the house has not been completed to verify if clean-up efforts have continued or stalled. An inspection was scheduled for late afternoon on Friday, February 10th and while the results of this inspection were not available at the time the Council agenda was finalized, an update will be provided to City Council prior to the February 14th meeting.

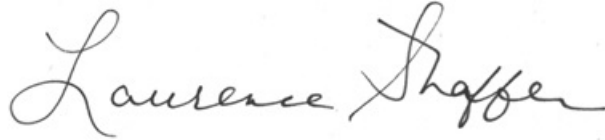
Based on the remaining unsafe/unfit condition of the house and the information available at the time this report was written, it is recommended that City Council approve an order to abate interior and exterior debris from the Unsafe/Unfit Structure located at 3923 Florinda Avenue.

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. January 24, 2017 City Council Communication

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:

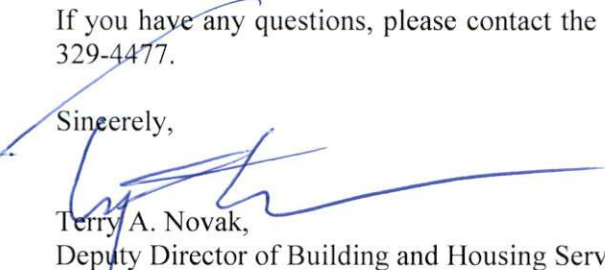
1. The cast off debris and garbage from the house, garage and exterior property be removed and the kitchen and bathroom cleaned and sanitized. Emergency egress from the front door of the house and bedroom (egress window) need to be maintained. In addition, proper safety clearances (36-inch minimum) need 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.

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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

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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



YAC Meeting Minutes: January 09, 2017

- I. Call to Order
 - a. Meeting called to order at 6:30
- II. Introductions and Attendance – Reviewed what everyone did over the holiday break.
- III. Motion to Approve the Minutes of Last Meeting
 - a. Motion approved with no changes.
- IV. Youth Liaison Reports
 - a. Human Services:
 - i. Presentations about outreach organizations for grants
 - ii. 2nd meeting in two weeks
 - iii. Organizations: Portage Community Center, Lending Hands
 - b. Senior Citizens Board: Facility expansion, Aging mastery graduation, Revisiting Health and Wellness
 - c. Environmental Board: Open
- V. Review Volunteering at Portage Community Center
 - a. Wrapped presents
 - b. Brought friends/good involvement
 - c. Need more organization for volunteering
- VI. Snow Party- Saturday, February 4th
 - a. Event held from 12:00-3:00
 - b. YAC members and City Staff should arrive at 11:30/11:45 to begin preparing for event
 - c. May bring chairs, sleds, materials, etc.
 - d. Kwong Orthodontics donating \$100 and donut holes
 - e. Potential Vendor(s): Waterstreet, Bigby (in favor of Bigby)
 - f. Alt (if weather is bad): basketball, sidewalk chalk, etc.
- VII. Goals and Objectives Update- January 24th 7:30pm City Council Meeting
 - a. Everyone is welcome to attend the meeting
 - b. New Goals:
 - i. Working with Public Safety and the “Social Host” ordinance
 - ii. Awareness for YAC
 - c. Same Goals:
 - i. Emphasis on community service/involvement
 - ii. Learning more about local government
- VIII. Attendance Policy
 - a. If you have 3 unexcused absences, you will receive a warning and be potentially removed from the committee
 - b. Excused absences (school activities, etc.) will only be excused if you contact Adam, president, VP, or secretary beforehand
- IX. Diversity Event- Saturday, February 18th
 - a. Requested from Mayor and Mayor Pro Tem
 - b. WMU Fetzer Center
 - c. Raise awareness for respect, unity, and diversity in the community
 - d. Still solidifying the event details
 - e. Come and get involved!
- X. Martin Luther King, Jr. Event, Friday 24th, 2017

- a. Brazeal Dennard Chorale & 20min dramatic presentation of “The Meeting” between MLK and Malcom X
 - b. 6-10pm @PNHS auditorium
- XI. Sticker Shock, March 18th Saturday morning (2-3 hours)
 - a. Hosted by Kzoo County Substance Abuse Task Force
 - b. Location: Portage City Hall
 - c. Voting on stickers
- XII. Green-a-Thon Earth Day Festival-Saturday, April 22nd
 - a. 11am-3pm
 - b. Vendors, activities, support for Earth Day
 - c. Artists? PN choir leaders, etc.
 - d. Other Ideas? PC/PN gardening club, KAMSC earthlings, etc.
- XIII. Summer Movie
 - a. Email Lindy movie ideas
 - b. Pick 2: optimist club & teen movie night
 - c. Voting later
- XIV. Volunteer Opportunities
 - a. Portage Senior Center Carnival- Saturday, March 11th 4-7pm
 - i. Volunteers to staff games, concessions, etc.
 - ii. More discussion in Feb.
 - iii. Sidewalk shoveling for seniors (independent based)
- XV. Next Meeting- Monday, February 6th (moved to 1st Monday of the month)

CITY OF PORTAGE HUMAN SERVICES BOARD

Minutes of Meeting January 19, 2017

CALL TO ORDER: 6:35 p.m.

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

STAFF PRESENT: Elizabeth Money, Neighborhood Program Specialist

CITIZEN PRESENT: Kathryn Hanfland

APPROVAL OF MINUTES: Morgan moved and Mirza supported approval of the January 5, 2017 minutes. Motion passed 8-0.

OLD BUSINESS:

- * 1. Human/Public Service Grant Applications – Communications from Lending Hands of Michigan and Twelve Baskets: Woodin referenced the two communications and Money added that Twelve Baskets had indicated in their application that they did not have the required insurance but the email indicated they could obtain it. Nebiolo asked if the insurance was even necessary and staff responded that it was to protect the city from liability. If grant applicants were unable to obtain the insurance or, if it was a financial burden, then they would not be able to receive grant funds.

NEW BUSINESS:

- * 1. Human/Public Service Grant – Summary Forms and Board Scoring: Kokkinos stated for the record that she has a professional relationship with The Ark and provides therapeutic services by contract but that her relationship with them will not affect her decision making. Woodin opened the conversation regarding scores. The Board went through the applications together, compared scores, discussed, and agreed upon final scores. Board comments and questions included that criteria question number 5 is difficult to answer – especially given that some agencies cannot collect information on clientele; that presentations were better this year, and the Board was pleased with the new applicants but expressed concern about the limited funding. The Board requested that they be notified when applicants submit their required reports. A discussion was had concerning the uniqueness of new applicant Twelve Baskets as there were numerous food pantries in the area (including the currently funded Portage Community Center (PCC)), staff provided information obtained from the Food Bank of South Central Michigan that listed food pantries in the area, and some Board members felt they didn't make a strong enough case for their uniqueness or coordination of services - although they try and provide fresh meat. It was noted that Twelve Baskets scores more points by asking for a larger funding amount and being a new organization. The Board discussed the other new applicant, Kalamazoo Literacy Council, the impact of literacy work amongst the community, how it impacts an individual and a family, and that it was an educational service and fell into a basic need funding category. It was noted that PCC was

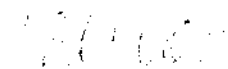
requesting more than 30% of their budget for FY 2017-18. Money indicated a conversation occurred with PCC and that the loss of budgetary funds was anticipated to be isolated to FY 2016-17 and they were aware of the large decrease from last year. With regards to the scoring, the Board agreed on most figures and compromised on 211 with some Board members arguing the 24/7 service they provide on behalf of other agencies including the YWCA, HRI, and The Ark qualifies them for 100 points for criteria question 1, but that a 24 hour hotline did fall into the 60 point category. Since their service is necessary or a more productive method to receive housing assistance, the Board agreed to grant them 80 points and that the small group who reviewed the grant process needs to revisit this since 211 is an ongoing recipient, they are unique, and their work and integration with other organizations extends beyond just being a call center. It was asked how the city communicated to new applicants and Money indicated letters were mailed to area service organizations, past applicants, anyone who had requested an application, an article was placed in the *Portager*, and information was available on the city website. After scoring was agreed upon the following rank/score was determined: 1) Portage Community Center/250; 2); The Ark/230; 3) HRI & YMCA/225; 5) Twelve Baskets/210; 6) 211/195; 7) Lending Hands/185; 8) Goodwill & Kalamazoo Literacy Council/170. LaPoint moved and Maye supported accepting the rank and score as stated. Motion carried 7-0 (Mirza left at 8:57).

2. Kalamazoo Transit Authority LAC update - Woodin: Woodin indicated the 50th Anniversary was coming up and celebration plans were being prepared and that ridership continues to exceed previous records. .

STATEMENT OF CITIZENS: No statement was made by the citizen present.

ADJOURNMENT: Maye moved and LaPoint supported adjournment at 9:08 p.m. Motion passed 7-0.

Respectfully Submitted,



Elizabeth Money, Neighborhood Program Specialist

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PLANNING COMMISSION

January 19, 2017

The City of Portage Planning Commission meeting of January 19, 2017 was called to order by Vice-Chairman Stoffer at 7:00 p.m. in Council Chambers of Portage City Hall, 7900 South Westnedge Avenue. Two citizens were in attendance.

PLEDGE OF ALLEGIANCE:

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

IN ATTENDANCE:

Michael West, Senior City Planner; and Bryan Beach, Assistant City Attorney.

ROLL CALL:

Mr. West called the roll: Bosch (yes), Patterson (yes), Stoffer (yes), Schimmel (yes), Dargitz (yes), Richmond (yes), Joshi (yes) and Schoup (yes). A motion was offered by Commissioner Schimmel, seconded by Commissioner Bosch, to approve the roll excusing Chairman Welch. The motion was unanimously approved 8-0.

APPROVAL OF MINUTES:

Vice-Chairman Stoffer referred the Commission to the January 5, 2017 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 8-0.

PUBLIC HEARINGS:

1. Final Report; Rezoning Application #16/17-3, 715 West Osterhout Avenue (Streamsong Residential Condominium). Mr. West summarized the final staff report dated January 12, 2017 regarding a request from SDV Development LLC to rezone 715 West Osterhout Avenue from R-1C, one family residential to PD, planned development. Mr. West stated the PD rezoning would facilitate construction of 102 single-family detached and attached residential condominium dwellings on approximate 39 acres. Mr. West reviewed various aspects of the proposed tentative plan and also summarized the final analysis included in the staff report. Mr. West stated the proposed PD rezoning and tentative plan/narrative was consistent with the Future Land Use Map, Comprehensive Plan and surrounding zoning/land use pattern and was recommended for approval.

Mr. Pat Flanagan of Ingersoll, Watson & McMachen (applicant's engineer) was present to support the rezoning application and answer questions regarding the planned development project. The public hearing was opened by Vice-Chairman Stoffer. No citizens spoke regarding the proposed rezoning and condominium development. A motion was then made by Commissioner Bosch, seconded by Commissioner Schimmel, to close the public hearing. The motion was unanimously approved 8-0.

After a brief discussion, a motion was made by Commissioner Bosch, seconded by Commissioner Patterson, to recommend to City Council that Rezoning Application #16/17-3 be approved and 715 West Osterhout Avenue be rezoned from R-1C, one family residential to PD planned development. The motion included the analysis and findings contained in the Department of Community Department including that the PD district and associated tentative plan/narrative submitted by SDV Development, LLC is consistent with the Comprehensive Plan/Future Land Use Map designations and surrounding zoning/land use pattern along West Osterhout Avenue. The motion was unanimously approved 8-0.

SITE/FINAL PLANS:

None

NEW BUSINESS:

None

OLD BUSINESS:

1. Kalamazoo County Metropolitan Planning Commission – County Master Plan Initiative. Mr. West summarized the previous review of this matter and the presentation given to the Planning Commission at the December 1, 2016 meeting by Ms. Lotta Jarnefelt of the Kalamazoo County Planning Department, Ms. Michelle Bennett of Becker & Raeder (project consultant) and Mr. Steven Cook of the Kalamazoo County Planning Commission. Mr. West discussed the one page summary of the Portage City Master Plan prepared by Kalamazoo County and asked if the Commission had any recommended changes. Mr. West indicated that staff was recommending an additional paragraph to better describe the Portage community.

The Commission discussed the one page summary and agreed with the staff recommended expansion of the introductory paragraph. Additionally, Commissioner Patterson suggested changing the end of the last sentence in the first paragraph to read "...as evidenced by Portage's extensive multi-use trail system." (as opposed to just referencing the Portage South Central Greenway). The Commission concurred and had no further recommended changes.

STATEMENT OF CITIZENS:

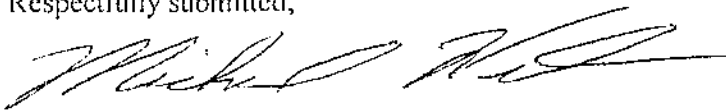
None

ADJOURNMENT:

Commissioner Dargitz and Commissioner Richmond inquired about the recent removal of split rail fencing around city parks. Commissioner Dargitz stated she had contacted the Parks Department and was told the split rail fencing was being removed and would not be replaced due to maintenance issues and costs. Commissioner Dargitz expressed safety concerns with the removal and indicated that she thought the split rail fencing served as an important visual and physical barrier, especially where adjacent to parking lots and public streets. The area around Lakeview Park/Portage Road was cited as an example. Commissioner Dargitz suggested that city staff consider installation of smaller sections of split rail fencing and/or planted vegetation to provide this visual/physical barrier in select locations around city parks. Mr. West stated he would discuss this matter with the Director of Parks and Recreation and provide a response to the full Commission, either in the form of an email or a memo that would be included in the next agenda meeting packet.

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

Respectfully submitted,

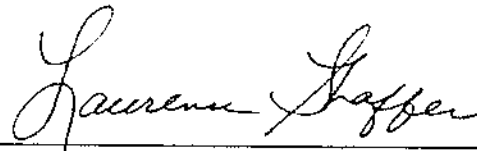


Michael K. West, AICP
Senior City Planner

MATERIALS TRANSMITTED

Tuesday, January 24, 2017

1. **Supplemental Information for the January 24, 2017 City Council Agenda, Item H.1:**
Communication from the City Manager regarding the Angling Road Sanitary Sewer Special Assessment survey – Information Only.
2. Communication from the City Manager regarding follow-up information on the Kalamazoo County Consolidated Dispatch Authority – Information Only.
3. Communication from the City Manager regarding the 2016 SeeClickFix Summary Report – Information Only.

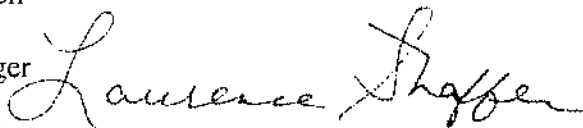


Laurence Shaffer, City Manager

cc: Rob Boulis, Deputy City Manager

TO: Honorable Mayor and City Council

FROM: Laurence Shaffer, City Manager



SUBJECT: **Item H.1 Supplemental Information:** Angling Road Sanitary Sewer Special Assessment survey

Please see the attached survey with an update on the status of the property owner postcard survey for the Angling Road Sanitary Sewer Project #417-S. The city has received one additional postcard response since the City Council agenda was published on Friday, January 20. The response is in favor of the proposed special assessment project.

Attachments: January 24, 2017 Angling Road Sanitary Sewer Project Survey

Angling Road Sanitary Sewer Project - District No. 417-S

Tentative Assessment Roll

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

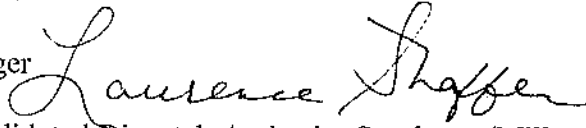
Street Address	Total Assessment	Support	Not
7024 ANGLING RD	\$5,038.27		1
7025 ANGLING RD	\$5,038.27	1	
7037 ANGLING RD	\$5,038.27	1	
7045 ANGLING RD	\$5,038.27		
7103 ANGLING RD	\$5,038.27	1	
7106 ANGLING RD	\$5,038.27		1
7119 ANGLING RD	\$5,038.27		
7129 ANGLING RD	\$5,038.27	1	
7138 ANGLING RD	\$5,038.27	1	
7139 ANGLING RD	\$5,038.27		1
7202 ANGLING RD	\$5,038.27		
7217 ANGLING RD	\$5,038.27		1
7228 ANGLING RD	\$5,038.27	1	
7233 ANGLING RD	\$5,038.27		1
7241 ANGLING RD	\$5,038.27		
7244 ANGLING RD	\$5,038.27	1	
7249 ANGLING RD	\$5,038.27	1	
7300 ANGLING RD	\$5,038.27		
7305 ANGLING RD	\$5,038.27	1	
7313 ANGLING RD	\$5,038.27	1	
7318 ANGLING RD	\$5,038.27		
7321 ANGLING RD	\$5,038.27		1
7329 ANGLING RD	\$5,038.27		
7330 ANGLING RD	\$5,038.27		
7336 ANGLING RD	\$5,038.27		
7337 ANGLING RD	\$5,038.27		
7345 ANGLING RD	\$5,038.27		
7348 ANGLING RD	\$5,038.27		
7401 ANGLING RD	\$5,038.27	1	
7406 ANGLING RD	\$5,038.27		1
7409 ANGLING RD	\$5,038.27		
7417 ANGLING RD	\$5,038.27		
7426 ANGLING RD	\$5,038.27		1
7427 ANGLING RD	\$5,038.27		1
7430 ANGLING RD	\$5,038.27		
7442 ANGLING RD	\$5,038.27		1
7445 ANGLING RD	\$5,038.27		1
7508 ANGLING RD	\$5,038.27		
7511 ANGLING RD	\$5,038.27		1
7519 ANGLING RD	\$4,819.42		
7528 ANGLING RD	\$5,038.27	1	
7529 ANGLING RD	\$5,038.27		
7536 ANGLING RD	\$5,038.27		
7545 ANGLING RD	\$5,038.27		1
7548 ANGLING RD	\$5,038.27	1	
7555 ANGLING RD	\$5,038.27	1	
7556 ANGLING RD	\$5,038.27	1	
7642 ANGLING RD	\$5,038.27		1
48 Properties	\$241,618.11	15	14

Updated 10-4-16 JRB

ASSESSOR\Special Assessments\2016\417-S Angling Road

TO: Honorable Mayor and City Council

FROM: Laurence Shaffer, City Manager



SUBJECT: Kalamazoo County Consolidated Dispatch Authority Surcharge/Millage

Please see the attached e-mail with an update on the status of the Kalamazoo County Consolidated Dispatch Authority agreement and surcharge/millage. This information is provided in light of the discussion at the January 12, 2017 Committee of the Whole meeting.

Attachments: January 24, 2017 E-mail from Thom Canny

Erica Eklov

From: Laurence Shaffer
Sent: Tuesday, January 24, 2017 3:04 PM
To: Erica Eklov
Subject: FW: KCCDA agreement change

Categories: City Manager

City Manager
Office of the City Manager
City Hall – 7900 South Westnedge Avenue
Portage, Michigan 49002

Phone – 269-329-4400
Cell – 413-658-7089

From: Thom M. Canny [mailto:tmcann@kalcouny.com]
Sent: Tuesday, January 24, 2017 12:32 PM
To: 'Jeff Troyer' <jtroyer@kccda911.org>; Brown & Associates <brownandassociates@att.net>
Cc: Laurence Shaffer <shafferl@portagemi.gov>; Claudette Reid <reidc@portagemi.gov>; Peter Strazdas <strazdas@portagemi.gov>; Jim Pearson <pearsonj@portagemi.gov>
Subject: RE: KCCDA agreement change

Thank you all for your messages and discussion. I just spoke with Mr. Brown about these two items and offer the following thoughts.

1. Charge v Surcharge. Both the statute (MCL 424.1401, et seq.) and our Interlocal Distribution Agreement use “9-1-1 Charge” and “9-1-1 Surcharge” interchangeably. Interestingly enough, as I just looked at the Distribution Agreement, the Agreement in Section 1 states that the revenues generated by the 9-1-1 **charge** of \$0.42 will be referred to as “**Surcharge** Revenues.” Emphasis added. Based on this review, I think we can use either “surcharge” or “charge” in the Amendment.

In order to keep this Amendment as simple and uncontroversial as possible, I see no problem in retaining the Agreement’s original use of the word “charge” in the Amendments to Section 1 and 3.

2. Duly Authorized v Specific Dollar amount. After talking with Mr. Brown I had a chance to give this question more thought and reaffirm that the best practice will be to use the term “duly authorized 9-1-1 charge” as opposed to inserting a specific dollar amount. We anticipate and hope that the voters will approve the ballot proposal, but, if they do not, inserting “\$2.30” into the Agreement will be rendered void and the County Board will need to default to its statutory authority to assess a \$0.42 charge. Also, if the voters do not approve the ballot question in May of this year, there might be a second ballot attempt in November of 2017 or May 2018 that asks for a different charge (somewhere between \$0.42 and \$2.30). Using the term “duly authorized” instead of a specific dollar amount permits greater flexibility to respond to the vote in May of this year. Accordingly, I recommend keeping the “duly authorized” language instead of a specified charge.

Thank you for your time and consideration to this message.

Thom Canny

From: Jeff Troyer [mailto:jtroyer@kccda911.org]

Sent: Monday, January 16, 2017 8:11 AM

To: Brown & Associates <brownandassociates@att.net>

Cc: Laurence Shaffer <shafferl@portagemi.gov>; Claudette Reid <reidc@portagemi.gov>; Peter Strazdas <strazdas@portagemi.gov>; Jim Pearson <pearsonj@portagemi.gov>; Thom M. Canny <tmcann@kalcouny.com>

Subject: RE: KCCDA agreement change

Good Morning Mr. Brown,

Thank you for sending your comments/suggestions. Kalamazoo County Corporation Counsel Thom Canny will be reaching out to each entity/signatory and their legal counsels to gather feedback, therefore I've copied Mr. Canny on this email.

1. The wording in the draft amendment "duly authorized 9-1-1 surcharge" was recommended by Mr. Canny and I'm sure he can provide details as to why he suggested this language. That being said, I know the approach for amending the Agreement was to utilize language that would encompass 9-1-1 surcharge in general (voter approved and authorized by the Board of Commissioners) so that in the event the surcharge decreases/increases over time, we do not have to amend the Agreement. If we use "duly authorized \$2.30 per month 9-1-1 surcharge" it would be specific to \$2.30; no other amounts. This is similar to the situation we are currently in with the wording in the existing Agreement (specific to \$.42).
2. Surcharge versus Charge – I'm not sure that there is a specific reason for changing this term and again, will allow Mr. Canny to respond to this. I do know the proposition for funding on the May ballot refers to a "surcharge".

Thanks in advance and as stated previously, I'm sure Thom Canny can provide specific details on both items.

Jeff Troyer

Executive Director

Kalamazoo County Consolidated Dispatch Authority

Moore Hall – Mailstop #5215

1903 W. Michigan Ave.

Kalamazoo, MI 49008-5215

Phone: (269) 718-2195

From: Jim Pearson [mailto:pearsonj@portagemi.gov]

Sent: Friday, January 13, 2017 5:16 PM

To: Brown & Associates <brownandassociates@att.net>; Troyer Jeff <JTroyer@KCCDA911.org>

Cc: Laurence Shaffer <shafferl@portagemi.gov>; Claudette Reid <reidc@portagemi.gov>; Peter Strazdas <strazdas@portagemi.gov>

Subject: Re: KCCDA agreement change

Hi Jeff-

Please see Portage City Attorney Randy Brown's comments below regarding your draft document and get back to him.

Thanks,

Jim

Sent from my iPhone

On Jan 13, 2017, at 2:55 PM, Brown & Associates <brownandassociates@att.net> wrote:

Jim:

I would suggest that the Amendment specifically include that the surcharge is \$2.30 as the original states that it is \$0.42. So the Amendment would provide "duly authorized \$2.30 per month 9-1-1 surcharge".

I am also curious as to why Jeff changed the word "charge" to "surcharge". The Enabling Act uses the words interchangeably, but only includes a definition for a "county 9-1-1 charge".

If you have any questions, please advise.

Have a great weekend.

Randy

From: [Jim Pearson](#)

Sent: Thursday, January 12, 2017 6:08 PM

To: [Laurence Shaffer](#)

Cc: [Claudette Reid](#) ; [Peter Strazdas](#) ; brownandassociates@att.net

Subject: KCCDA agreement change

Hi Larry-

Attached is the following:

DRAFT First Amendment to the Agreement for the Distribution of County 9-1-1

Surcharge Revenues.

Bacially, it amends the prior City Council approved 42 cent surcharge to allow a \$2.30 surcharge per phone (issue before voters in May 2017).

We request that you have City Attorney Brown review the document. If there is no problem, we request that it be placed on the Jan 24th City Council Agenda for approval. The County Commission can not approve the change until all five PSAP units of government give prior approval.

If Portage City Council approves, please inform KCCDA Executive Director Jeff Troyer.

Thanks,

Jim Pearson

Claudette Reid

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TO: Honorable Mayor and City Council
FROM: Laurence Shaffer, City Manager 
SUBJECT: 2016 SeeClickFix Summary Report

SUPPORTING PERSONNEL: Devin Mackinder, Director of Technology Services & Community Marketing

Following the discussion at the January 23 City Council Goal-Setting Retreat, attached is a copy of the 2016 SeeClickFix Summary Report.

Per Director Mackinder, the Report It! application continues to add value in terms of including residents with the identification and rectifying issues in the community. Over 600 issues were reported by citizens utilizing this tool which is available on the city website and MI.Portage mobile application. This system was completely upgraded in 2015 to the SeeClickFix platform which has dramatically enhanced data tracking, reporting, transparency and citizen interaction. Reports that used to take days to compile can now be completed in a few minutes through the SeeClickFix system. The city currently tracks 35 issue types on SeeClickFix which is more than double the amount tracked on the old system. One report can provide detailed information on the type and number of issues reported during a given timeframe and the average time it takes for the city to acknowledge and close an issue. Issue-specific reports can also be run to show all associated activity. A map can also be generated from SeeClickFix identifying the location of the issues and the issue status (open, acknowledged, closed). Such information can be very useful to City Administration in terms of performance, issues identification and problem areas with regard to infrastructure (i.e. potholes, etc.) and violations enforcement.

Many of the lengthier issues are part of code enforcement oversight. Per procedure, properties are inspected by Community Development Department staff within not more than three business days. City Code then requires that the property owner or occupant receive a written violation notice with up to ten (10) days to address the violation. If the violation is not corrected after the time period specified, additional enforcement action will be taken as determined appropriate. Many issues remain in the "acknowledged" category while the code enforcement process ensues. Nonetheless, Director Mackinder plans to discuss these statistics with department heads with the intent of improving service.

Attachments: 2016 SeeClickFix Summary Report

SeeClickFix Report for 2016

Between Jan 01, 2016 and Dec 31, 2016

619 issues were opened

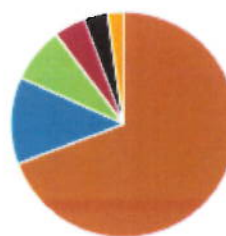
507 issues were acknowledged

582 issues were closed

The average time to acknowledge was 1.2 days.

The average time to close was 13.8 days.

Issues by Source



widgets - 419
web - 81
iphone - 50
android - 32
city initiated - 22
mobile web - 15
facebook - 0

SERVICE REQUEST TYPE	OPENED	ACKNOWLEDGED	CLOSED	DAYS TO ACK.	DAYS TO CLOSE
Other	77	57	73	3.1	11.6
Tall Grass and Weeds	65	63	64	1.1	23.8
Private Property Blight	64	62	57	1.3	28.5
Damaged Mailbox	60	52	55	0.9	4.3
Parking on Lawn	44	41	43	0.7	22.0
Pothole	37	33	37	0.7	6.5
Street Light Issue	42	16	40	0.8	10.6
Dead Animal	27	24	27	0.6	2.9
Abandoned/Inoperable Vehicle - Private Property	27	26	23	0.8	27.9
Snow & Ice Removal - Street	17	13	17	0.2	1.1
Abandoned/Inoperable Vehicle - on Street	20	5	19	2.2	6.0
Inoperable Traffic/Pedestrian Signal	18	10	16	0.6	6.3
Vision Obstruction	16	11	16	0.3	7.7
Litter	14	14	11	1.2	16.6
Damaged or Missing Street Sign	13	12	12	0.9	7.8
Damaged Curb/Sidewalk	12	12	9	0.7	17.1
Tree Inspection	11	8	11	0.4	2.3
Damaged Park Equipment	9	8	9	0.5	14.6
Flooding	10	6	10	1.1	3.7

Jan 01, 2016 to Dec 31, 2016

1 of 2

Land Use and Zoning Issue	8	7	8	0.5	19.7
Bike Trail Repair	7	7	7	4.4	21.1
Snow & Ice Removal - Sidewalk	8	8	5	0.4	7.5
Lawn Damage	7	6	7	0.2	3.7
Leaf Pickup Misses	3	3	3	1.3	25.7
Park Facilities	2	2	2	0.4	1.2
Brush Removal Misses	1	1	1	0.6	31.6
Basketball Hoop in Right-of-Way	0	0	0	0.0	0.0
Brick Wall Repair	0	0	0	0.0	0.0
Building & Permit Issue	0	0	0	0.0	0.0
Guardrail Repair	0	0	0	0.0	0.0
Irrigation Equipment in Right-of-Way	0	0	0	0.0	0.0
Manhole Cover Missing	0	0	0	0.0	0.0
Recycling Misses	0	0	0	0.0	0.0
Spring Clean-up Misses	0	0	0	0.0	0.0
Street Pavement Markings	0	0	0	0.0	0.0
GEOGRAPHY	OPENED	ACKNOWLEDGED	CLOSED	DAYS TO ACK.	DAYS TO CLOSE
Portage City Boundary 2-3	619	507	582	1.2	13.8