FINAL AGENDA FOR THE COUNCIL MEETING
CITY OF PORTAGE
APRIL 11, 2017

7:30 p.m. Call to Order.

Invocation:

Pledge of Allegiance.

Roll Call.

Proclamations:

1. Fair Housing Resolution.

A. Approval of City Council Meeting Minutes.

1. March 28, 2017 Regular Meeting Minutes.
2. April 10, 2017 Pre-Council Meeting Minutes.
3. April 10, 2017 Committee of the Whole Meeting Minutes.

* 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 April 11, 2017 as presented.

D. Public Hearings:

E. Petitions and Statements of Citizens:

F. Reports from the Administration:

1. Presentation of the Proposed Fiscal Year 2017-2018 Budget.

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

   1. approve Contract #17-5063 between the Michigan Department of Transportation and the City of Portage for the installation of sanitary sewer, hot mix asphalt and curb and gutter work on Angling Road from Squire Heath Lane to Romence Road;
   2. adopt a Resolution authorizing the City Manager to sign Contract #17-5063

   and authorize the City Manager to sign all other documents related to this project on behalf of the city.

* 3. Communication from the City Manager recommending that City Council adopt:

   1. the Resolution Accepting Newly Constructed Dedicated Streets as Public Streets and
   2. the Resolution Designating the Street Administrator for the City of Portage.

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

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

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

* 5. Communication from the City Manager recommending that City Council approve the proposed "Attachment 2" to the Comcast Michigan Uniform Video Services Local Franchise Agreement and authorize the City Manager to execute all documents related to this action on behalf of the city.

* 6. Communication from the City Manager recommending that City Council set a Special Meeting on Tuesday, May 9, 2017, beginning at 5:15 p.m., to interview Board and Commission applicants.

G. Communications:

1. Annual update of the Human Services Board.

H. Unfinished Business:

* I. Minutes of Boards and Commissions Meetings:

1. Human Services Board of March 2, 2017.

J. Council Committee Reports:

K. New Business:

L. Bid Tabulations:

* 1. Communication from the City Manager recommending that City Council approve a three-year contract with Renewed Earth, Incorporated, with three one-year renewal options, to provide yard waste recycling services in a total amount of $327,000 and authorize the City Manager to execute all documents related to the contract and subsequent renewals on behalf of the city.

* 2. Communication from the City Manager recommending that City Council approve the purchase of heating, ventilation and air conditioning units from A-1 Refrigeration Sales and Service, Inc. at a total cost of $550,000 and authorize the City Manager to execute all related documents on behalf of the city.

M. Other City Matters:

1. Statements of Citizens.

2. From City Council and City Manager.

3. Reminder of Meetings:

a. Wednesday, April 12, 6:30 p.m., Youth Advisory Committee, Council Chambers.

b. Wednesday, April 12, 6:30 p.m., Park Board, Schrier Park followed by Bishop's Bog.

c. Wednesday, April 12, 7:00 p.m., Environmental Board, City Hall Room No. 1.

d. Monday, April 17, Austin Lake Governmental Lake Board, Council Chambers. Rescheduled to Wednesday, May 10, 7 p.m., Council Chambers.

e. Tuesday, April 18, 4:30 p.m., City Council Budget Review Session, City Hall Room No. 1.

f. Wednesday, April 19, 2:30 p.m., Senior Citizens Advisory Board, Portage Senior Center.

g. Thursday, April 20, 7:00 p.m., Portage District Library Board, Portage District Library.

h. Thursday, April 20, 7:00 p.m., Planning Commission, Council Chambers.

i. Tuesday, April 25, 7:00 p.m., Annual National Arbor Day Tree Planting Ceremony, Portage City Hall.

N. Materials Transmitted.

* 1. Materials transmitted of March 28, 2017.

Adjournment.

City of Portage
Proclamation

FAIR HOUSING RESOLUTION

WHEREAS, 2017 is the 49th anniversary of the Federal Fair Housing Act, Title VIII of the Civil Rights Act of 1968, as amended, to prohibit housing discrimination when based on race or color, national origin, religion, sex, familial status or disability, and declared that equal housing opportunity is a basic right of every American; and

WHEREAS, the Michigan State Legislature passed the Elliott-Larsen Civil Rights Act of Michigan in 1976 to protect people from housing discrimination based on religion, color, race, national origin, age, sex, familial status or marital status; and

WHEREAS, the Michigan State Legislature passed the Michigan Persons and Disabilities Civil Rights Law of 1976 to protect individuals with disabilities from housing discrimination; and

WHEREAS, the City of Portage passed a Non-Discrimination Ordinance in 2016 to prohibit housing discrimination based on their actual or perceived race, color, religion, national origin, sex, age, height, weight, marital status, physical or mental disability, family status, sexual orientation or gender identity, and has completed an Analysis of Impediments to Fair Housing, and annually undertakes activities to further fair housing efforts and educate the public on fair housing issues; and

WHEREAS, equal housing opportunity is a goal to be achieved within the City of Portage.

NOW, THEREFORE BE IT RESOLVED, that I, Peter J. Strazdas, by virtue of the authority vested in me as the Mayor of Portage, Michigan, do hereby resolve the month of April 2017, as ***FAIR HOUSING MONTH*** in hope that this observance will promote fair housing practices throughout the City.

Signed this 11th day of April 2017

Peter J. Strazdas, Mayor

CITY COUNCIL MEETING MINUTES FROM MARCH 28, 2017

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

At the request of Mayor Strazdas, Pastor Stefan Davis of Radiant Church, Portage Campus, gave the invocation and City Council and the audience recited the Pledge of Allegiance.

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

PROCLAMATION: Mayor Strazdas issued a Child Abuse Prevention Month Proclamation which was received by Sarah Joshi and Carol Dedow of the Kalamazoo County Child Abuse and Neglect Prevention Council.

APPROVAL OF MINUTES: Motion by Pearson, seconded by Reid, to approve the March 14, 2017 Regular Meeting Minutes as presented. Upon a voice vote, motion carried 5 to 0 with Councilmember Randall abstaining.

* **CONSENT AGENDA:** Mayor Strazdas asked Councilmember Randall to read the Consent Agenda. Motion by Randall, seconded by Reid, to approve the Consent Agenda motions. Councilmember Ford indicated that he would be abstaining from voting on item F.5, Height Modification for Stryker Instruments, due to a conflict of interest. Upon a roll call vote, motion carried 6 to 0 with the vote for item F.5 being 5 to 0.

* **APPROVAL OF ACCOUNTS PAYABLE REGISTER OF MARCH 28, 2017:** Motion by Randall, seconded by Reid, to approve the Accounts Payable Register of March 28, 2017. Upon a roll call vote, motion carried 6 to 0.

REPORTS FROM THE ADMINISTRATION:

APPOINTMENT OF DIRECTOR OF PARKS, RECREATION AND SENIOR CITIZEN SERVICES: City Manager Shaffer introduced Kathleen Hoyle and reviewed her qualifications and his rationale for her selection as the Director of Parks, Recreation and Senior Citizen Services. Ms. Hoyle thanked Mr. Shaffer for his comments and expressed her gratitude for the appointment and appreciation for the opportunity. Motion by Pearson, seconded by Ford, to confirm the appointment of Kathleen Hoyle as the Director of Parks, Recreation & Senior Citizen Services, effective April 10, 2017. Upon a roll call vote, motion carried 6 to 0.

* **ESTABLISHMENT OF PUBLIC HEARING ON WATER/SEWER RATES:** Motion by Randall, seconded by Reid, to establish a public hearing on April 25, 2017 to consider resolutions to:

1. adopt the recommendation that the sewer commodity rate remain at $4.60 per 1,000 gallons of metered water;
2. adopt the recommendation that the water commodity be increased to $3.20 per 1,000 gallons of metered water;
3. adopt the recommendation that adjustments be made to the water base quarterly charges as noted in the 2017 Utility Rate Financial Study;
4. adopt the recommendation that the new rates become effective on October 1, 2017; and

5. adopt the recommended water and sewer franchise area fees and other service fees and charges as outlined in the 2017 Utility Rate Financial Study.

Upon a roll call vote, motion carried 6 to 0.

* **IMPLEMENTATION OF COMPLETE STREETS POLICY INTO THE 2016 LOCAL STREETS RECONSTRUCTION PROGRAM:** Motion by Randall, seconded by Reid, to approve:

1. Change Order No. 1 in the amount of $99,086.15 to Michigan Paving & Materials, Inc., for additional work,
2. Contract Amendment No. 1 in the amount of $22,945.00 to Abonmarche Consultants for additional inspection and construction administration, and
3. a budget transfer in the amount of $122,031.15 from the Major Street Reconstruction account to the Local Street Reconstruction account

in an effort to effectively implement the Complete Streets policy into the 2016 Local Streets Reconstruction Program. Upon a roll call vote, motion carried 6 to 0.

* **EMERGENCY REPAIRS TO THE NEWELL'S LANE LIFT STATION:** Motion by Randall, seconded by Reid, to approve a contract with Perceptive Controls, Incorporated, in the amount not to exceed $37,000 for emergency repairs related to the Newell's Lane Lift Station, and authorize the City Manager to execute all documents related to the contract on behalf of the city. Upon a roll call vote, motion carried 6 to 0.

* **HEIGHT MODIFICATION FOR STRYKER INSTRUMENTS – 6520 PORTAGE ROAD:** Motion by Randall, seconded by Reid, to approve a Height Modification for Stryker Instruments to allow construction of a building at 6520 Portage Road (1941 Stryker Way) to a height ranging from 62 feet-6 inches to 77 feet. Upon a roll call vote, motion carried 5 to 0. Councilmember Ford abstained from voting due to a conflict of interest.

LAND DIVISIONS WITH PUBLIC IMPROVEMENTS FOR STRYKER INSTRUMENTS – 6520 PORTAGE ROAD: Prior to the introduction of this item, Councilmember Ford recused himself and left Council Chambers due to a conflict of interest on the matter. Following his departure, at the request of Mayor Strazdas, City Manager Shaffer provided an overview of the agenda item and the planned Stryker research and development facility to be located at 6520 Portage Road. Director of Community Development, Vicki Georgeau, reviewed the rationale for the request, recommendations of the Administration and related actions taken by City Administration and the Planning Commission. Director Georgeau specifically focused on the potential access from the Parcels 1 and 2 to Ramona Avenue, the desire to balance the interest of future development with concerns related to the residences along this street and efforts being made by Stryker to help strike this balance.

Director Georgeau also discussed the City Administration's recommendation to allow access to Ramona Avenue from Parcels 1 and 2 which are located at the eastern and western ends of the street. Following a query from Mayor Strazdas, Director Georgeau explained that the planned Stryker development on Parcel 4 (the research and development facility) would only have access to Lovers Lane and Portage Road, thus reducing the traffic burden on Ramona Avenue. She also reviewed the proposed trailways and walkways that are planned as part of the Stryker facility.

Mayor Strazdas inquired as to what type of development could occur in Parcels 1 and 2 and Ms. Georgeau indicated that each parcel is zoned for industrial use meaning a warehouse, compounding facility, office space, research and development, etc. could be located there. Councilmember Reid inquired about the current zoning for these parcels and what type of access would be required should they be developed. Director Georgeau replied that "reasonable access" would be required but that this could likely occur on the planned street "Stryker Way." She continued by stating that future developers may not get all of the access they desire and that restrictions can be put in place. City Attorney Brown concurred with Director Georgeau but shared that, depending on the development, the City may not be in a position to completely prohibit access to Ramona but can take steps to protect the residents of Ramona Avenue. In response, Councilmember Urban inquired what type of development is not allowed under an industrial designation. Director Georgeau shared that, in 2003, the City altered how industrial land can be developed and put some restrictions in place to help preserve industrial space in Portage and limit non-industrial use in designated industrial areas. She then reviewed the zoning history of the parcels and discussed the possibility of further division of the parcels and, depending on the proposed development, special land use permitting.

Councilmember Randall discussed the possibility of Parcel 2 being further divided and that, depending on the division, access to Ramona would have to be granted. Ideally, she pointed out, this access would be directly across from the existing B-3 designated parcel access located on the south side of Ramona.

Brent Lalomia, residing at 7551 Dunross, and Vice-President of Quality and Facilities for Stryker Instruments, spoke on behalf of Stryker Instruments. Mr. Lalomia stated that, with regard to Parcels 1 and 2, Stryker does not have any development plans at this time. With regard to the research and development facility planned for Parcel 4, he stated that Stryker has worked with local, county and state officials to put in a development that would not exclusively fit the needs of Stryker but to balance the needs of Stryker with those of nearby residents and the broader community. Mr. Lalomia cited the collaboration and compromise in the proposed development of Parcel 4, creation of Stryker Way, efforts to limit access to Ramona, retention of trees, etc. as examples of their commitment to community. Mr. Lalomia concluded that Stryker was in support of the recommendation of City Administration, that it is a good compromise and that it will allow for positive future development. Mayor Strazdas then thanked Stryker for their efforts in the development of Parcel 4 and for the company's commitment to the community and high quality projects.

Councilmember Reid raised the possibility of a change in zoning designation and what impact this might have on access to the two parcels. City Attorney Brown opined that a rezoning would be a substantive change of circumstances and that, should action be taken this evening to limit access to Ramona, the matter of access to Ramona could be revisited.

Motion by Pearson, seconded by Randall, to approve the land divisions with public improvements for Stryker Instruments (6520 Portage Road) subject to:

1. Approval of final engineering drawings for the proposed public street, municipal water, sanitary sewer and storm sewer; and
2. Recording the land division survey drawings and legal descriptions with the Kalamazoo County Register of Deeds –

also subject to approval of Item F.6 subsection 3. Upon a roll call vote, motion carried 5 to 0.

Motion by Randall, seconded by Pearson, to approve the land divisions with public improvements for Stryker Instruments (6520 Portage Road) subject to vehicular access to Ramona Avenue for resulting Parcel 1 and Parcel 2 be limited with the exception of the easterly 212 feet of Parcel 1 directly opposite of the OS-1, Office Service zoning on the southwest corner of Ramona Avenue and Portage Road, and westerly 450 feet of Parcel 2 directly opposite of the B-3, General Business zoning on the southeast corner or Ramona Avenue and Lovers Lane.

Mayor Strazdas recognized the concerns expressed by residents and of the unknowns involved with these parcels. Mayor Strazdas expressed his support for the recommendation of City Administration and emphasized the track record of Stryker working with and supporting the community as a reason why. He pointed out the efforts being made in the current development by Stryker to protect the adjacent neighbors and that the proposed access would be a mirror image of access provided to those properties across the street from Parcels 1 and 2. Mayor Strazdas then commended the applicant on working with the City to find a compromise proposal.

Councilmember Pearson stated that he watched the Planning Commission debate on this topic and also noted the idea of a "mirror image" for permitted access (access to Parcels 1 and 2 being opposite of access granted to properties across the street). He continued by pointing out the inclusion of 1,000 trees in the development, compliance and adherence to the Future Land Use map, fact that Stryker could have asked for direct access to Ramona and willingness of Stryker to work with their neighbors on development projects.

Councilmember Randall stated her belief that when Stryker thrives, the City of Portage thrives. She pointed out that Stryker was under no obligation to put in Stryker Way nor the trailways and other enhancements.

Councilmember Reid pointed out that future development of Parcels 1 and 2 will necessarily involve taking another look at access to Ramona Avenue. She stated that the proposed access under consideration limits uncertainty and does not lock the City nor future development in place.

Councilmember Urban echoed the comments of Councilmember Reid and stated that the information related to the 2003 change in industrial development guidelines was helpful. He also shared his belief that, depending on circumstances, limiting all cut-through traffic can be difficult at best.

Upon a roll call vote, motion carried 5 to 0.

SIXTH AMENDMENT TO THE URBAN COOPERATION ACT AGREEMENT ESTABLISHING THE PUBLIC MEDIA NETWORK: City Manager Shaffer reviewed the details of the Sixth Amendment to the Urban Cooperation Act Agreement and thanked the City of Portage representatives on the Public Media Network (PMN) Board of Directors, Don Ramlow, Ed Sackley and Councilmember Claudette Reid. Mr. Shaffer then explained why he is recommending that City Council not approve the amendment nor the proposed changes to the Board of Director By-Laws.

Councilmember Reid, who also serves as the Chair of the Public Media Network Board of Directors, provided a history of as to why the proposed changes to the by-laws and amendment to the Urban Cooperation Act Agreement were being requested by the PMN Board of Directors. Councilmember Reid further explained how members of the PMN Board of Directors are currently distributed and how they would be distributed under the PMN proposal. Councilmember Reid shared that the changes are being driven, in large part, by the inability of the PMN Board of Directors to obtain a quorum at their meetings. Councilmember Reid also explained that the proposed changes in by-laws are different than she originally hoped and how that came to be. Councilmember Reid expressed her support for the recommendation of City Administration to not approve the amendment nor the changes in by-laws. Councilmember Reid then stated that a two-thirds majority is needed to approve the proposed changes. As a result, even if Portage votes "no," the changes may still be approved if four of the six members of the consortium vote in favor. Councilmember Reid concluded her remarks by expressing her support for the PMN consortium and for the work of PMN.

Mayor Strazdas emphasized the need for fair and equitable representation on the PMN Board of Directors and that number of subscribers and financial contribution be taken into account. Councilmember Reid expressed hope that, should the largest members not feel as though they are adequately represented, PMN would take a second look and come back with another proposal.

Councilmember Pearson emphasized the importance of cooperation and fair representation in the County among various governmental entities and cited the efforts related to the Transit Authority and Consolidated Dispatch as examples of governmental units working together. Mayor Strazdas shared Councilmember Pearson's comments and opined that we cannot regress to a place where governmental entities cannot work together and must come to agreement on a fair and equitable system of governance.

Councilmember Ford, along with other members of City Council, offered ideas and suggestions to Councilmember Reid on how the matter of obtaining quorum might be addressed.

Don Ramlow, representative of the City of Portage on the PMN Board of Directors and resident of 509 Velvet Avenue, shared his belief that PMN is a great organization, has many accomplishments, is adapting for the future and a positive force in Portage and Kalamazoo County. With regard to the proposed changes, Mr. Ramlow stated that their primary problem is related to quorum and being able to conduct business at meetings. He spoke about the importance of having a functional and equitable Board of Directors. In response to a question from Mayor Strazdas, Mr. Ramlow expressed optimism that PMN will succeed in developing a working model of governance and that PMN and its Board of Directors are committed to positive action.

Councilmember Urban shared that he has served on the PMN Board of Directors and that it is frustrating waiting for a quorum. He expressed agreement that something needs to change in this regard. He continued by expressing his support for Portage being a part of the PMN consortium and that he hopes to see a modified recommendation as it relates to membership and the by-laws.

Mayor Strazdas asked that those members of City Council or the public who have ideas or suggestions that may help PMN address their quorum issue, send them to Councilmember Reid or the other Portage representatives on the PMN Board of Directors (Ed Sackley and Don Ramlow).

Councilmember Urban inquired if there were individuals who routinely missed meetings. Councilmember Reid replied that there is one jurisdiction in particular that is not an active participate and expressed optimism that this was about to change.

Motion by Pearson, seconded by Randall, to not approve the Sixth Amendment to the Urban Cooperation Act Agreement Establishing the Public Media Network to Limit the Number of Representatives on the Board of Directors of Public Media Network and not approve the proposed changes to the Board of Directors By-Laws. Upon a roll call vote, motion carried 6 to 0.

* **FEBRUARY ENVIRONMENTAL REPORT – INFORMATION ONLY:** Motion by Randall, seconded by Reid, to receive the February Environmental Activity Report as information only. Upon a roll call vote, motion carried 6 to 0.

* **MINUTES OF BOARDS AND COMMISSIONS MEETINGS:** City Council received the minutes of:

Portage Zoning Board of Appeals of December 12, 2016.
Portage Planning Commission of March 2, 2017.

BID TABULATIONS:

SOUTH 12TH STREET LIFT STATION FORCE MAIN REPLACEMENT: At the request of Mayor Strazdas, City Manager Shaffer provided a brief history of this project and that it was off the consent agenda pending approval by the Texas Township Board which occurred last evening. Motion by Urban, seconded by Randall, to award a construction contract for the South 12th Street (South) Lift Station Force Main Replacement to Kamminga & Roodvoets, Incorporated, in the amount not to exceed $567,323 and approve a professional services contract amendment with Prein & Newhoff, Incorporated, in the amount not to exceed $60,500 to perform construction engineering services for the South 12th Street (South) Lift Station Force Main Replacement. Upon a roll call vote, motion carried 6 to 0.

* **NORFOLK CIRCLE SANITARY SEWER REHABILITATION PROJECT:** Motion by Randall, seconded by Reid, to award a contract for the Norfolk Circle Sanitary Sewer Rehabilitation Project to Corby Energy Services, Inc., in the amount not to exceed $83,480, and authorize the City Manager to execute all documents related to the contract on behalf of the city. Upon a roll call vote, motion carried 6 to 0.

* **MOWING AND TRIMMING OF WELL HOUSES, BASINS AND LIFT STATIONS:** Motion by Randall, seconded by Reid, to approve a three-year contract with the low bidder J&J Lawn Service, Incorporated, in the annual amount of $39,986 for mowing and trimming of well houses, basins and lift stations within the city with the option for three, one-year renewals; 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 6 to 0.

* **MAINTENANCE OF THE WASTEWATER AND WATER SUPERVISORY CONTROL AND DATA ACQUISITION SYSTEM (SCADA):** Motion by Randall, seconded by

Reid, to award a contract for maintenance of the wastewater and water Supervisory Control and Data Acquisition (SCADA) System to Perceptive Controls, Incorporated, for the period of April 1, 2017, to March 31, 2018, with the option to renew for four one-year periods to Perceptive Controls, Incorporated, in the base amount of $36,150 with hourly rates as bid for call-in work and additional facilities as necessary and authorize the City Manager to execute all documents related to the contract on behalf of the city. Upon a roll call vote, motion carried 6 to 0.

OTHER CITY MATTERS:

STATEMENTS OF CITY COUNCIL AND CITY MANAGER: Councilmember Reid encouraged residents to vote in the May 2nd election and pointed out that a millage renewal for KRESA and Consolidated Dispatch were on the ballot.

Councilmember Randall congratulated Kathleen Hoyle on being selected the Director of Parks, Recreation and Senior Citizen Services, expressed her belief that Ms. Hoyle will be a strong advocate for our region and community and complimented City Manager Shaffer on his selection.

Councilmember Ford echoed the comments of Councilmember Randall and thanked City Attorney Brown for responding to his questions so quickly.

Councilmember Pearson offered his congratulations to Ms. Hoyle and shared that, when it comes to parks and trails in the community much has been accomplished but a lot more can be done.

Mayor Strazdas shared that recently there have been some great activities in Portage and cited the 50th anniversaries of Portage Rotary, Boy Scout Troop 244 and local churches as examples. He pointed out that the City of Portage was founded 54 years ago and that many significant things happened in the aftermath of the formation. The creation of organizations such as Portage Rotary, churches and Boy Scout troops are examples and have helped form and maintain the moral fabric of the community.

MATERIALS TRANSMITTED:

* **MATERIALS TRANSMITTED OF MARCH 14 AND DEPARTMENTAL MONTHLY REPORTS:** Motion by Randall, seconded by Reid, to receive the Materials Transmitted of March 14 and the departmental monthly reports.

ADJOURNMENT: Mayor Strazdas adjourned the meeting at 9:36 p.m.

Adam Herringa, Deputy City Clerk

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

DRAFT

NOTES FROM THE SPECIAL PRE-MEETING OF THE PORTAGE CITY COUNCIL OF APRIL 10, 2017

Mayor Strazdas called the meeting to order at 8:00 a.m. Mayor Strazdas called the roll. Councilmember Jim Pearson was present via the conference phone line, and Councilmember Claudette Reid was able to call in at 8:02 after a few tries and also be present via the conference phone line. Councilmembers Richard Ford, Patricia M. Randall and Terry Urban and Mayor Pro Tem Nasim Ansari were absent with notice and excuse. Also in attendance were Deputy City Manager Rob Boulis and City Clerk James Hudson.

Mayor Strazdas asked if there were any questions or concerns with the Agenda for April 11, 2017. Under Item G.1, Annual Update of the Human Services Board, Councilmember Pearson asked whether the Human Services Board (HSB) addressed how new non-profit organizations in Portage that serve a high percentage of Portage citizens can obtain funding. He also mentioned that Council suggested asking the HSB to go over the questionnaire at a Committee of the Whole Meeting last summer. He recalled that he concurred with Councilmember Urban and his suggestion that, for this year only, if there is any change in the score due to the scoring with the old rules versus the new rules, to check to see if there was an improvement for a chance of funding for new non-profit organizations in Portage that serve a high percentage of Portage citizens. He asked that the HSB or staff report back to City Council if that occurred, or if there is a difference in the scoring on this.

Councilmember Reid called in at 8:02 a.m., and Councilmember Pearson reiterated his concern with Item G.1 for her at the request of Mayor Strazdas. She concurred with his concern. Councilmember Reid addressed Item F.5, Comcast Uniform Video Service Local Franchise Agreement – Attachment 2, that proposes to bring the fee amount for Comcast to the same level as Charter Communications which is going from \$0.35 to \$0.40 per month per subscriber. She asked whether Comcast is also paying the Video Service Provider fee of 5%. Mr. Hudson answered in the Affirmative as it is part of the Uniform Video Service Local Franchise Agreement.

Councilmember Reid reviewed L.1, Leaf Compost Site Management and Processing – Bid Tabulation, asked if the amount reflected is an increase and, if so, how much. Deputy City Manager Rob Boulis indicated that it is a small increase from what he was told, and that he would get the specifics for Council. He confirmed for Mayor Strazdas that this was a re-bid, and Councilmember Reid noted that there was only one bidder, however. Mayor Strazdas asked for any other questions, but there were none.

Councilmember Pearson asked whether there are materials posted anywhere for the Committee of the Whole (COW) Meeting at 6:00 p.m. tonight, and Mr. Boulis indicated if there is, he would get an e-mail out, but he was not aware of any. According to Mr. Hudson, the information was not ready on Friday, so it must not be ready yet.

ADJOURN: Mayor Strazdas adjourned the meeting at 8:10 a.m.

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James Hudson, City Clerk

MINUTES OF THE COMMITTEE OF THE WHOLE WORK SESSION OF APRIL 10, 2017

Mayor Strazdas called the meeting to order at 6:00 p.m. The following Councilmembers were present: Richard Ford, Jim Pearson, Patricia M. Randall, Claudette Reid and Terry Urban, Mayor Pro Tem Nasim Ansari and Mayor Peter Strazdas. Also present were City Manager Larry Shaffer, Deputy City Manager Rob Boulis, Finance Director Bill Furry, Transportation & Utilities Director Chris Barnes and City Clerk James Hudson.

Mayor Strazdas introduced the topics of discussion: Millage Reduction, Financial Planning, Millage Rate, Budget Stabilization, Debt Reduction and Act 51 Funding. He deferred to City Manager Larry Shaffer, who introduced Finance Director Bill Furry and Transportation & Utilities Director Chris Barnes. He presented a PowerPoint which included a comparative of Goals and their resultant effect: Reduce Debt which would provide a positive Standard and Poor's Bond Rating and show Portage is not a debtor community; Increase Reserves, especially the Tax Stabilization Fund, which would provide fiscal stability; Improve the Bond Rating which would reduce debt cost; Increase Capital Improvement Program since these investments create value; Millage Stabilization which is appreciated by City taxpayers and an Increase in Operational Revenue which contributes to the log-term financial viability of the City through economic development. He cited the Personal Property Tax Reimbursement to the General Fund from the State of Michigan at $550,000 for FY 2016-2017 and proposed investing in the Tax Stabilization Fund with the surplus. He also cited the Five-Year Personal Property Assessment Loss at $177,721,800 or 8% that has been offset by $1,915,450 Revenue Reimbursement from the State of Michigan. He noted that the Assessed Value of the real property of the City is approximately $2.1 billion which puts Portage fully back to the point when personal property values were included in the City's tax base.

Mr. Shaffer advocated a goal of providing 15% of the General Fund, or potentially $3,750,000, in the Tax Stabilization Fund as outlined in the Ordinance approved by City Council in November of 2015. He reviewed the status of the City's debt showing a reduction of 36% since FY 2007-2008 and contrasted Governmental Debt reduction with Utility Debt reduction, and explained Utility Debt reduction is contingent upon the nature of bonds and when they can be retired. Discussion followed. In response to Councilmember Randall, he discussed the use of a lot more cash for projects when available to avoid debt and ultimately reduce debt by retiring debt. He explained that heretofore, the City was incurring an equal amount of new debt to that which was being retired, and now the City is retiring debt and not incurring new debt. He indicated that those two factors are helping to reduce the debt load.

Mr. Shaffer asked Mr. Furry to assist and he explained that the City cannot just "pay off a mortgage" since bonds have their own callable window dates and explained. He reviewed the Debt Reduction Table and noted that a new Fire Station and a water tower which may require bonding will slow down the debt reduction effort and explained. Discussion followed regarding funding options and renegotiation of the water agreements with the City of Kalamazoo and South County. Discussion followed. In response to Mayor Strazdas, Mr. Shaffer pointed out that it is a good time for Portage and all of the financial models are positive. Discussion followed.

Next, Mr. Shaffer discussed the City of Portage Bond Rating of "AA" according to the Standard & Poor's Index. He emphasized that it is very strong and is at investment grade. He indicated that the two issues listed by Standard & Poor's were the size of the debt (which is being reduced) coupled with exposure to a large disruption in the industrial base. However, because of the recent announcements by the largest taxpayers of Portage, Pfizer and Stryker, he said the prospects in a disruption of the industrial base is limited, at least for the short term. As a result, he and Mr. Furry plan to work with Bond Counsel John Axe and plan to press Standard & Poor's to give Portage every opportunity for an AA+ rating.

In response to Councilmember Pearson, Mr. Furry indicated that the debt level should be 15 to 20% or less of revenues, which is the General Fund to attain the AAA rating which equates to a reduction to a range of somewhere in the $20+ million range. Discussion followed. In answer to Councilmember Pearson, Mr. Shaffer compared the interest paid on debt versus the interest gained on the Tax Stabilization Fund by stating "cash is king" and the more cash on hand, the better the bond rating. Mr. Furry added that other factors are the cost of borrowing, bond counsel fees, Standard & Poor's fees, interest costs, etc. and that a good surplus in the General Fund, or the fund balance, is 15% which is currently at 24%. Mr. Shaffer then pointed out that the AAA rated communities are at 24% or more, and cited Holland and Rochester. He advocated retaining the 24% Fund Balance and funding the Tax Stabilization Fund and mentioned that every twenty years there is a need for the Tax Stabilization Fund. Discussion followed.

Councilmember Randall restated her position that the Council is not elected to accrue wealth; that it has the ability to tax and advocated taking from the 24% Fund Balance and putting it to use somewhere else; and, she explained the tax dollars should be utilized close to the years those paying the taxes are living in the community. Discussion followed. Mr. Shaffer summed up that the Administration is trying to increase the capital improvement program efforts, increase reserves, decrease debt and balance the City resources so everything is not going toward the reduction of debt. Discussion followed.

In answer to Councilmember Pearson, Transportation & Utilities Director Chris Barnes discussed the current schedule to repave the 140 miles of local streets every 24 years and what it would take to have the streets on a schedule of every 15 years. Discussion followed. In answer to Councilmember Ford, Mr. Furry indicated that the City includes the reimbursements from the State of Michigan in the budget expecting those funds to come to the City of Portage and explained. Discussion followed.

Mr. Furry stated the reimbursement from the State to offset the Personal Property Tax loss for 2016 was expected to be $1,676,536, but because of the "fluke" in the formula, it came in at $2,466,027.77 which resulted in an unanticipated surplus and explained. Discussion followed.

Mr. Furry analyzed Act 51 which has three components which were listed by Mr. Barnes: gas tax, license plate registration charge increase and future appropriations from future legislatures. Mr. Barnes pointed out that each of the three listings contribute 1/3 of the Act 51 funds. However, he suggested using only the first two because the future appropriations from future legislatures is not guaranteed and explained. Discussion followed.

At the request of Mayor Strazdas, Mr. Barnes explained how to move to a shorter repaving schedule from 24 years. He indicated that the City would need to repave when the streets reach a level 5 PASER Rating instead of a level 4 PASER Rating that would require an extra $1.6 million per year which would total $2.8 million when added to the current cost of $1.2 million per year. He pointed out what he can not anticipate is the return owing to the need to go through the entire cycle, but he did indicate that it would take an extra $1.2 million per year to get to 15 years, and an extra $3.2 million per year to get to seven years. Discussion followed.

To demonstrate the investment in the streets as it affects the quality of the streets, City Manager Shaffer reviewed the street maintenance effort since 2006/07 using a bar graph for Constant dollars per mile of streets and a line graph juxtaposed over the bar graph to delineate the PASER Rating. Discussion followed.

Mr. Shaffer reviewed his chart on Capital Improvements to show the increased investment levels in projects. Discussion followed regarding PASER ratings, cracks, ruts, potholes. Discussion followed. Mr. Shaffer indicated that the City has doubled its efforts on maintenance using the crack sealer machine and now uses the durapatcher as well. Discussion followed.

City Manager Shaffer reviewed his chart on Taxable Value by Unit of Government from 2008-2016 revealing that Portage is indeed the largest contributor of funds to Kalamazoo County. He pointed to his Table on Major Street Fund Act 51 revenue as covered by Mr. Furry as a review and discussed his Total Budget Table that broke down the General Fund, CIP, Water Fund, Sewer Fund and Streets Fund as topics for discussion at the Presentation of the Budget during the April 11, 2017 Regular Meeting of City Council.

Mayor Strazdas asked that Council discussion follow the main topics of Roads, Debt Reduction, Revenue and the Stabilization Fund. Discussion followed. In response to Councilmember Reid, Councilmember Urban read the three categories allowable for disbursements from the Debt Stabilization Fund which requires the adoption of a Resolution by 2/3 majority of City Council: First, to cover a General Fund deficit per the Annual Audit; second, to prevent a reduction in the level of public services or in the number employees at any time in the fiscal year when the budgeted revenue is not being collected in an amount sufficient to cover budgeted expenses. Mr. Shaffer emphasized that the City Council has to appropriate the funds from the Fund Balance by a simple majority vote and the Administration cannot appropriate it. Councilmember Urban read the third requirement: to prevent a reduction in the level of public services or in the number of employees when in preparing the budget for the next fiscal year the estimated revenues do not appear sufficient to cover estimated expenses; last, to cover expenses arising because of a natural disaster, including a flood, fire or tornado. However, if federal or state funds are received to offset the appropriations from the Fund, that money shall be returned to the Fund. Discussion and analysis followed. Mr. Shaffer explained that the Administration can control expenditures, but cannot control state funding which is 12-15% so the biggest challenge is a dramatic reduction in state funding.

Councilmember Pearson advocated what was done last year with the surplus – to decide what to do with the surplus once it is known to City Council as it is less restrictive and explained.

Councilmember Randall advocated considering taking of funds from the growth owing to higher projections in that area. Mr. Shaffer expressed his preference for keeping reserves since he has seen three downturns in his experience and prefers having reserves to bridge terrible times. Mayor Strazdas concurred with Councilmember Randall and explained. Discussion followed. Mr. Shaffer provided assurances that the City is in good shape and City Council can make any decision it wants, and the City will be fine. Council discussed the advantages and the disadvantages of the Stabilization Fund. Discussion followed.

Mayor Strazdas summed up and sensed a consensus of Council to not contribute to the Stabilization Fund. He then asked Council to consider the Fund Balance percentage and what to do with any surplus funds and articulated some of the options. Discussion followed.

Each Councilmember explained his or her position on the desirable level of the Fund Balance. City Manager Shaffer noted that there are some large expenditures contemplated for the City in the not so distant future such as: a fire station, a senior center and a large land acquisition. Discussion followed. Councilmember Urban made the point that there is no room in the millage for an increase without a vote from the public; and, if the City is in need, the citizens will be in need, too, and will not be so inclined to vote to increase taxes. Discussion followed.

City Manager Shaffer acknowledge the hard work from Bill Furry, Chis Barnes, Rob Boulis and the rest of the Budget Team. Discussion followed.

ADJOURN: Mayor Strazdas summed up and adjourned the meeting at 8:00 p.m.

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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 April 11, 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 March 12, 2017 through March 26, 2017 and notes $456,568.26 in automated clearing house payments, $549,474.02 in paper checks and $69,525.96 in auto-pay payments for a grand total of $1,075,568.24.

FUNDING: N/A

Attachments: 1. Accounts Payable Register

ACCOUNTS PAYABLE REGISTER

Check Dates From: 3/12/2017 To: 3/26/2017

Check Type: ACH Transaction

Check Date	Check	Vendor Name	Description	Amount
03/24/2017	6528(A)	NEW LEAF, A	CITY HALL PLANT CARE	85.00
03/24/2017	6529(A)	ABONMARCHE CONSULTANTS, INC	CONSTRUCTION ENGINEER	28,975.11
03/24/2017	6530(A)	ACCESS EMPLOYER STAFFING SERVICES	TEMPORARY EMPLOYEES	6,987.39
03/24/2017	6531(A)	ALL CITY MANAGEMENT SERVICES, INC.	CROSSING GUARDS	2,492.64
03/24/2017	6532(A)	ALL-TRONICS, INC.	QUARTERLY EQUIPMENT	78.00
03/24/2017	6533(A)	ARROW UNIFORM RENTAL	ENTRY RUG RENTAL	93.79
03/24/2017	6534(A)	ASSOCIATED GOVERNMENT SERVICES INC	FILL IN INSPECTIONS	550.00
03/24/2017	6535(A)	BLUE CARE NETWORK-GREAT LAKES	INSURANCE PREMIUM	116,262.95
03/24/2017	6536(A)	BRENNER OIL CO.	GASOLINE	10,981.25
03/24/2017	6537(A)	C D W GOVERNMENT, INC.	CAR CAMS MAINTENANCE	7,980.28
03/24/2017	6538(A)	CARRIER & GABLE	TRAFFIC SIGNAL SUPPL	6,293.00
03/24/2017	6539(A)	CHARTER COMMUNICATIONS	CABLE TV SERVICE	102.76
03/24/2017	6540(A)	CLEAN EARTH ENVIRONMENTAL SERV	FIRE FACILITY MAINT.	453.70
03/24/2017	6541(A)	CLEANIT CORP	CAR WASHES	260.00
03/24/2017	6542(A)	DELTA DENTAL PLAN OF MICHIGAN	DENTAL INSURANCE	17,574.13
03/24/2017	6543(A)	DEPATIE FLUID POWER CO., INC.	HOSES AND FITTINGS	1,661.45
03/24/2017	6544(A)	DUST & CAMPBELL, P.C.	MTT RESEARCH FEB 201	159.52
03/24/2017	6545(A)	ENGINEERED PROTECTION SYSTEMS, INC.	VIDEO SERVICE	513.00
03/24/2017	6546(A)	FARM N GARDEN	MAINTENANCE SUPPLIES	22.74
03/24/2017	6547(A)	FURRY, WILLIAM	SHOPKEEP CHARGES	282.00
03/24/2017	6548(A)	GAIL ANDRUS TRAVEL	TRIP VENDOR PAYMENT	550.25
03/24/2017	6549(A)	GORDON WATER SYSTEMS	BOTTLED WATER	233.25
03/24/2017	6550(A)	GRIFFIN PEST SOLUTIONS, INC.	BLDG REPAIR/MAINT	1,007.00
03/24/2017	6551(A)	HOWARD PRINTING	PORTAGER PRINTING	5,167.20
03/24/2017	6552(A)	INDUSCO SUPPLY CO., INC.	REPAIR/MAINT SUPPLIES	1,263.38
03/24/2017	6553(A)	INTERNATIONAL CODE COUNCIL, INC	CODE BOOKS	92.00
03/24/2017	6554(A)	KUSHNER & COMPANY, INC.	PLAN ADMINISTRATION FEES	535.29
03/24/2017	6555(A)	LAND & RESOURCE ENGINEERING, INC	ENGINEERING SERVICES	142.50
03/24/2017	6556(A)	LAWSON PRODUCTS, INC	PRIMARY WIRE	1,751.39
03/24/2017	6557(A)	M & M CUSTOM FABRICATING INC.	NAME BADGES	33.86
03/24/2017	6558(A)	MATERIALS RESOURCES	FLOOR CLEANER	35.04

Check Date	Check	Vendor Name	Description	Amount
03/24/2017	6559(A)	MAURER'S TEXTILE RENTAL SERVICES	UNIFORM RENTALS	454.35
03/24/2017	6561(A)	MEJEUR ELECTRIC LLC	ELECTRICAL REPAIRS	338.00
03/24/2017	6562(A)	MICHIGAN ELECTION RESOURCES, LLC	I VOTED STICKERS	168.00
03/24/2017	6563(A)	MICHIGAN KAL ELECTRONICS, INC.	STATION PAGING	660.00
03/24/2017	6564(A)	NEW FRESH CLEANING SERVICE	JANITORIAL SERVICES	499.00
03/24/2017	6565(A)	PCM SALES, INC.	P4300 SUPPORT RENEWAL	42,918.90
03/24/2017	6566(A)	PERCEPTIVE CONTROLS, INC.	TEMP CONTROL PANEL	10,173.00
03/24/2017	6567(A)	PREIN & NEWHOF	ENGINEERING SERVICES	747.55
03/24/2017	6568(A)	PROFESSIONAL HEALTH SERVICES, INC.	HEALTH SERVICES	3,877.00
03/24/2017	6569(A)	QUADRANT II MARKETING, LLC	NEWSLETTER PRODUCTION	2,093.40
03/24/2017	6570(A)	REFRIGERATION SERVICES	ICE RINK CHILLER SERV	415.00
03/24/2017	6571(A)	RIDGE AUTO NAPA	VEHICLE MAINT SUPPLIES	6.88
03/24/2017	6572(A)	S B F ENTERPRISES, INC.	2017 COMMERCIAL ASSMNT	221.73
03/24/2017	6573(A)	SEVERANCE ELECTRIC COMPANY,INC	TRAFFIC SIGNAL MAINT	3,012.23
03/24/2017	6574(A)	SNELL, DEBRA	INSTRUCTOR PAYMENT	216.00
03/24/2017	6575(A)	SOLARWINDS, INC.	SOLARWINDS SERVER	642.00
03/24/2017	6576(A)	SUEZ WATER ENVIRONMENTAL SERVICES	MONTHLY OPERATING COST (ADDITIONAL $6,283.68 FOR PUMP RENTAL)	174,059.08
03/24/2017	6577(A)	THE POSTMAN INC.	FENCE REPAIR	500.00
03/24/2017	6578(A)	TOO CLEAN JANITORIAL	JANITORIAL SERVICES	1,040.00
03/24/2017	6579(A)	VANDERVEEN, LAUREN	EMPLOYEE TRAINING	85.00
03/24/2017	6580(A)	W W GRAINGER INC	SAFETY SUPPLIES	19.22
03/24/2017	6581(A)	WINGFOOT COMMERCIAL TIRE	FIRE APPARATUS MAINT	1,401.69
03/24/2017	6582(A)	XEROX CORPORATION	LEASE PAYMENT	400.36
			TOTAL ACH PAYMENTS:	**456,568.26**

Check Type: Paper Check

Check Date	Check	Vendor Name	Description	Amount
03/14/2017	301641	CALHOUN COUNTY JUSTICE COMPLEX	BOND RECEIPT	500.00
03/16/2017	10069	PETTY CASH-JANET GATES	REPLENISHMENT CHECK	359.54
03/17/2017	301642	A T & T	TELEPHONE SERVICE	2,613.44
03/24/2017	10070	PETTY CASH-BARB GARLOW	REPLENISHMENT CHECK	261.82
03/24/2017	10071	PETTY CASH-DEREK HENSON	REPLENISHMENT CHECK	310.62
03/24/2017	10072	PETTY CASH-HOLLY CERNY	REPLENISHMENT CHECK	331.88

Check Date	Check	Vendor Name	Description	Amount
03/24/2017	301643	63RD DISTRICT COURT	BOND RECEIPT	250.00
03/24/2017	301644	7TH DISTRICT COURT	BOND RECEIPT	400.00
03/24/2017	301645	A T & T	TELEPHONE SERVICE	1,869.90
03/24/2017	301646	A T & T LONG DISTANCE	LONG DISTANCE SERVICE	7.17
03/24/2017	301647	ADAM HERRINGA	VEHICLE TITLE FEES	213.15
03/24/2017	301648	ADP, INC.	ENTERPRISE ETIME	5,890.82
03/24/2017	301649	ALLEGRA PRINT & IMAGING	BROCHURES AND PRINTING	311.40
03/24/2017	301650	AME VERTICAL	FIRE SCBA MAINTENANCE	1,722.13
03/24/2017	301651	ARIF, MUHAMMAD	ANNUAL SE MI TRANSPORT	184.58
03/24/2017	301652	ARIF, MUHAMMAD	PLASTIC HAND HOLE COVERS	111.72
03/24/2017	301653	ATLH PUBLICATIONS	PUBLICATION SERVICE	935.00
03/24/2017	301654	B S & A SOFTWARE	SOFTWARE ANNUAL SERV	2,480.00
03/24/2017	301655	BAILEY, JANE	TRIP REFUND	79.00
03/24/2017	301656	BEAUDOIN, LOIS	TRIP REFUND	99.00
03/24/2017	301657	BLUE CROSS/BLUE SHIELD OF MICH	INSURANCE PREMIUM	67,844.80
03/24/2017	301658	BRINK'S, INC	BANK DEPOSIT DELIVERY	310.29
03/24/2017	301659	BRONSON HEALTHCARE GROUP	HEALTH SERVICES	100.00
03/24/2017	301660	BULLSEYE WINDSHIELD REPAIR	WINDSHIELD REPAIR	60.00
03/24/2017	301661	C A L E A	ANNUAL RENEWAL	4,065.00
03/24/2017	301662	CALHOUN COUNTY JUSTICE COMPLEX	BOND RECEIPT	100.00
03/24/2017	301663	CALHOUN COUNTY SHERIFF'S OFFICE	EMP TRG - PIERMAN	150.00
03/24/2017	301664	CAMPBELL AUTO SUPPLY	AUTO SUPPLIES	2.31
03/24/2017	301665	CARTRIDGE WORLD	PRINTER SUPPLIES	39.59
03/24/2017	301666	CHICAGO TITLE OF MI	OVERPAYMENT REFUND	8.65
03/24/2017	301667	CLASSIC GLASS, INC.	WINDSHIELD REPAIR	607.33
03/24/2017	301668	CPR SAVERS & FIRST AID SUPPLY	FIRE TRAINING SUPPLIES	1,612.55
03/24/2017	301669	D C PLUMBING	CITY HALL WATER HEATER	1,345.00
03/24/2017	301670	D L GALLIVAN INC.	COPY MACHINE USAGE	126.91
03/24/2017	301671	DEREK HENSON	FIRE PREVENTION DUES	125.00
03/24/2017	301672	DICK'S SPORTING GOODS	CAMERA/LOCK	519.92
03/24/2017	301673	ED & TED'S EXCELLENT ADVENTURES	TRIP VENDOR PAYMENT	1,827.00
03/24/2017	301674	EMERGENCY VEHICLE PRODUCTS	FIRE APPARATUS MAINT	4,402.77
03/24/2017	301675	FADER EQUIPMENT, INC.	ASPHALT ROLLER RENTAL	405.00

Check Date	Check	Vendor Name	Description	Amount
03/24/2017	301676	FAWLEY OVERHEAD DOOR, INC.	FIRE FACILITY MAINT	444.00
03/24/2017	301677	FIRST PLACE SUPPLY, INC.	FIRE OFFICE SUPPLIES	762.75
03/24/2017	301678	FLETCHER ENTERPRISES	FIRE FACILITY MAINT.	940.00
03/24/2017	301679	FUN SERVICES	EQUIPMENT AND SUPPLIES	708.11
03/24/2017	301680	GIFFEN, CAREY	OVERPAYMENT REFUND	5.14
03/24/2017	301681	HIGHLAND CANINE TRAINING	EMP TRNG - MAYHEW	159.00
03/24/2017	301682	HOME DEPOT	MAINTENANCE SUPPLIES	1,978.53
03/24/2017	301683	INDIANA WIPING CLOTH, INC.	WIPING CLOTHS	1,065.00
03/24/2017	301684	INT'L INSTITUTE MUNI. CLERKS	MEMBERSHIP	300.00
03/24/2017	301685	KAL COUNTY FIRE CHIEFS ASSOC.	FIRE OPS TRAINING	250.00
03/24/2017	301686	KALAMAZOO COUNTY TREASURER	COLONIAL ACRES MOBIL	517.50
03/24/2017	301687	KALAMAZOO GAZETTE	SUBSCRIPTION	105.60
03/24/2017	301688	KALAMAZOO NATURE CENTER, INC.	OUTREACH PROGRAMS	330.00
03/24/2017	301689	KALINKA, AMI	DAMAGED MAILBOX	44.00
03/24/2017	301690	KOZAR, MARIE	TRIP REFUND	40.00
03/24/2017	301691	KZOO TIRE COMPANY	TIRE REPAIR	15.00
03/24/2017	301692	LITENBERG, JACK & MARY	TRIP REFUND	198.00
03/24/2017	301693	M M R M A	INSURANCE PREMIUM	247,738.00
03/24/2017	301694	MAXWELL PRODUCTS, INC.	CRACK SEALING MATERIAL	9,905.72
03/24/2017	301695	MCDONALD'S TOWING & RESCUE, INC.	TOWING SERVICES	66.00
03/24/2017	301696	MEADOW BROOK THEATRE	TRIP VENDOR PAYMENT	1,368.00
03/24/2017	301697	MED EXPRESS URGENT CARE, PC MICH	HEALTH SERVICE	95.00
03/24/2017	301698	MEDILODGE OF PORTAGE	SR. CNTR ACTIVITIES	315.00
03/24/2017	301699	MEIKLE, CATHERINE	TRIP REFUND	79.00
03/24/2017	301700	MENARDS, INC	HAND TOOLS	457.69
03/24/2017	301701	MICH MUNICIPAL POLICE & FIRE REPAIR	POLICE VEHICLE REPAIRS	2,378.74
03/24/2017	301702	MICHIGAN ASSESSOR ASSOCIATION	MCAT CERT	200.00
03/24/2017	301703	MICHIGAN ASSESSOR ASSOCIATION	MAA MEMBERSHIP	75.00
03/24/2017	301704	MICHIGAN MUNICIPAL LEAGUE	AD FOR CITY ENGINEER	178.00
03/24/2017	301705	MICHIGAN SECRETARY OF STATE	REGISTRATION RENEWAL	156.00
03/24/2017	301706	MICHIGAN SECRETARY OF STATE	MUNICIPAL PLATES	65.00
03/24/2017	301707	MIDWEST ENERGY COOPERATIVE	STREETLIGHT ENERGY	279.24
03/24/2017	301708	MLIVE MEDIA GROUP	CLASSIFIED ADS	2,660.34

Check Date	Check	Vendor Name	Description	Amount
03/24/2017	301709	MOHNEY, DIANE	TRIP REFUND	125.00
03/24/2017	301710	MOORE MEDICAL, LLC	FIRE EMS SUPPLIES	1,437.30
03/24/2017	301711	NYE UNIFORMS	UNIFORMS	51.99
03/24/2017	301712	O'REILLY AUTO PARTS	REPAIR SUPPLIES	29.38
03/24/2017	301713	OAKLAND COMMUNITY COLLEGE	EMPLOYEE TRAINING	100.00
03/24/2017	301714	OAKLAND POLICE ACADEMY	EVIDENCE TECHNICIAN	695.00
03/24/2017	301715	OFFICE DEPOT, INC.	OFFICE SUPPLIES	1,254.54
03/24/2017	301717	ONCE UPON A PRINCESS	VOLUNTEER RECOGNITION	250.00
03/24/2017	301718	PERK, NIKKI	PARK DEPOSIT REFUND	100.00
03/24/2017	301719	PORTAGE BUDGET STORAGE, LLC	STORAGE RENTAL	3,036.00
03/24/2017	301720	PUBLIC MEDIA NETWORK	QUARTERLY PAYMENT	99,127.28
03/24/2017	301721	RADISSON LANSING HOTEL	EMPLOYEE TRAINING	440.55
03/24/2017	301722	RANDALL L BROWN & ASSOC. PLC	LAKE EFFECT APPEAL	100.00
03/24/2017	301723	RATHCO SAFETY SUPPLY, INC.	TRAFFIC CONTROL SERV	774.50
03/24/2017	301724	SCHMITT, TRACY	EMPLOYEE REIMBURSEMENT	57.03
03/24/2017	301725	SINCLAIR RECREATION, LLC	PLAYGROUND EQUIPMENT	1,050.00
03/24/2017	301726	SOS TECHNOLOGIES	FIRE EMS SUPPLIES	955.80
03/24/2017	301727	SOUTHWEST MICHIGAN FIRST	ASSOCIATION FEES	12,500.00
03/24/2017	301728	STATE OF MICH - STATE POLICE	FIRE OPS TRAINING	340.00
03/24/2017	301729	STATE OF MICHIGAN	SEX OFFENDER REGISTR	600.00
03/24/2017	301730	STATE OF MICHIGAN	BOILER CERTIFICATION	250.00
03/24/2017	301731	STATE OF MICHIGAN (DOT)	FOREST DR RECONSTRUCTION	12,313.40
03/24/2017	301732	STATE OF MICHIGAN (MDEQ)	WATER REPORTING FEE	200.00
03/24/2017	301733	STOB, NANCY	TRIP REFUND	135.00
03/24/2017	301734	SUITS U TAILOR SHOP INC	ALTERATIONS	202.00
03/24/2017	301735	SUZANNE GERNAAT	SR CENTER INSTRUCTOR	430.00
03/24/2017	301736	SYMPRO INC.	ANNUAL MAINTENANCE	6,912.60
03/24/2017	301737	THE BATTERY STATION LLC	BATTERIES	341.65
03/24/2017	301738	THE TREE MOVER, LLC	TREE MOVING SERVICES	1,295.00
03/24/2017	301739	THOMAS HAMANN	GRAPHIC DESIGN	1,182.50
03/24/2017	301740	TODD ARBANAS ENTERPRISES INC.	TREE MAINTENANCE	10,175.00
03/24/2017	301741	TOTAL PROPERTY MANAGEMENT GROUP	REFUND BID BOND	2,869.93
03/24/2017	301742	TRACTOR SUPPLY CORP.	SUPPLIES - PARKS DIV	79.97

Check Date	Check	Vendor Name	Description	Amount
03/24/2017	301743	TULLOCK, SHERRY	OVERPAYMENT REFUND	150.00
03/24/2017	301744	U S POSTMASTER	POSTAGE METER REFILL	3,000.00
03/24/2017	301745	UNITED PARCEL SERVICE	WEEKLY DELIVERY SERV	29.42
03/24/2017	301746	VERIZON WIRELESS SERVICES, LLC	WIRELESS SERVICE	1,943.58
03/24/2017	301747	WEBER, KATHLEEN	TRIP REFUND	79.00
03/24/2017	301748	WINDEMULLER ELECTRIC, INC.	TEMP ELECTRIC SERV	2,625.00
03/24/2017	301749	WITMER PUBLIC SAFETY GROUP	PPE GEAR	337.95
03/24/2017	301750	WMPIF	REQUIRED CODE UPDATE	85.00
03/24/2017	301751	XEROX GOVERNMENT SYSTEMS LLC	FH SOFTWARE RENEWAL	5,250.00
03/24/2017	301752	YONKE, RICHARD & MARILYN	TRIP REFUND	100.00
			TOTAL PAPER CHECKS:	**549,474.02**

Check Type: Auto-Pay Payment

Check Date	Check	Vendor Name	Description	Amount
3/13/2017	4640	CONSUMERS ENERGY	GAS-ELECTRIC SERVICE	2,198.70
3/14/2017	4645	CONSUMERS ENERGY	GAS-ELECTRIC SERVICE	2,341.46
3/15/2017	4647	CONSUMERS ENERGY	GAS-ELECTRIC SERVICE	19,951.38
3/15/2017	4642	BROWN & ASSOCIATES	ATTORNEY FEES	18,810.00
3/16/2017	4651	CONSUMERS ENERGY	GAS-ELECTRIC SERVICE	12,255.37
3/17/2017	4663	CONSUMERS ENERGY	GAS-ELECTRIC SERVICE	1,120.98
3/20/2017	4664	CONSUMERS ENERGY	GAS-ELECTRIC SERVICE	8,344.91
3/21/2017	4665	CONSUMERS ENERGY	GAS-ELECTRIC SERVICE	1,453.56
3/23/2017	4671	CONSUMERS ENERGY	GAS-ELECTRIC SERVICE	3,049.60
			TOTAL AUTO-PAY PAYMENTS:	**69,525.96**
			GRAND TOTAL:	**1,075,568.24**

PORTAGE
A Natural Place to Move

TO: Honorable Mayor and City Council

FROM: Laurence Shaffer, City Manager Laurence Shaffer

SUBJECT: MDOT Contract #17-5063 (Angling Road from Squire Heath Lane to Romence Road)

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

ACTION RECOMMENDED: That City Council:

1. approve Contract #17-5063 between the Michigan Department of Transportation and the City of Portage for the installation of sanitary sewer, hot mix asphalt and curb and gutter work on Angling Road from Squire Heath Lane to Romence Road;
2. adopt a Resolution authorizing the City Manager to sign Contract #17-5063

and authorize the City Manager to sign all other documents related to this project on behalf of the city.

The 2016-2017 Capital Improvement Program budget contains a project for the reconstruction of Angling Road from Squire Heath Lane to Romence Road, including sanitary sewer installation, hot mix asphalt and curb and gutter work. Major street reconstruction projects are selected based on pavement condition, average daily traffic and federal aid eligibility, as well as potential adjacent development activities.

On September 20, 2016, Abonmarche Consultants was awarded an engineering services contract in the amount of $130,000 for design and construction engineering for this project. The bid opening by the Michigan Department of Transportation (MDOT) for the construction is scheduled on April 7, 2017. MDOT requires that an agreement with the local government agency be executed prior to construction award. The estimated total cost of the project is $1,618,000, with $134,000 in Federal Safety funds and the balance of $1,484,000 being funded by the 2016-2017 major streets and sanitary sewer Capital Improvement Program. Because the project involves Federal Surface Transportation funding, MDOT is involved as a facilitator.

Following the contract award by MDOT, construction will likely commence in spring 2017 with completion in the summer of 2017.

Therefore, it is recommended that City Council approve Contract #17-5063 between the Michigan Department of Transportation and the City of Portage for Angling Road from Squire Heath Lane to Romence Road, adopt a Resolution authorizing the City Manager to sign Contract #17-5063 and authorize the City Manager to sign all documents related to this project on behalf of the city.

FUNDING: The estimated total cost of the project is $1,618,000 with $134,000 in Federal Surface Transportation funds and the balance of $1,484,000 will be funded by the 2016-2017 major streets and sanitary sewer Capital Improvement Program.

Attachments: 1. Resolution for Contract #17-5063

CITY OF PORTAGE

Resolution

At a regular meeting of the Council of the City of Portage, Kalamazoo County, Michigan, held at the City Hall in said City on the _______ day of _______________, 2017 at 7:30 p.m., local time.

PRESENT: Councilmembers ____

ABSENT: Councilmembers ____

The following resolution was offered by Councilmember____________________and seconded by Councilmember__________________.

RESOLVED, the City Council for the City of Portage, does hereby authorize the City Manager, Laurence Shaffer, to sign contract 17-5063 between the City of Portage and the Michigan Department of Transportation. This contract is for reconstruction work along Angling Road from Squire Heath Lane to Romence Road including sanitary sewer installation, hot mix asphalt curb and gutter work; and all together necessary related work.

ADOPTED: YEAS:

NAYS:

ABSENT:

____

James R. Hudson, City Clerk

CERTIFICATION

I hereby certify this _______ day of _________________ , 2017 that the foregoing is a true and complete copy of the original on file in my office.

____

James R. Hudson, City Clerk

APPROVED AS TO FORM

DATE 3/30/17

CITY ATTORNEY

TO: Honorable Mayor and City Council

FROM: Laurence Shaffer, City Manager

SUBJECT: Resolution Accepting New Public Streets - Act 51 Mileage Certification

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

ACTION RECOMMENDED: That City Council adopt:

1. the Resolution Accepting Newly Constructed Dedicated Streets as Public Streets and
2. the Resolution Designating the Street Administrator for the City of Portage.

The Annual Act 51 Mileage Certification Report requires that all streets constructed during the preceding calendar year be accepted for public use through the adoption of a resolution by the jurisdiction's governing body. In the case of new streets constructed within the confines of new residential development, although these streets are technically accepted through the plat approval process, Act 51 requires the governing body to adopt one inclusive resolution accepting these streets incorporated in the new development, which merely need to be listed in the resolution. This action certifies that the new streets conform to city specifications and can be dedicated for public use, which qualifies these streets for annual roadway maintenance funding in accordance with the provisions of Act 51, Public Act 1951, as amended. The previous Annual Act 51 Mileage Certification Report for the year of 2015 was adopted by Council in March 2016.

Streets constructed and dedicated for the 2016 calendar year include:

- Martin Luther King Jr. Drive

As City Council is aware, Martin Luther King Jr. Drive was dedicated in June 2016 and adjacent property owner petitioned for a street special assessment to fund the reconstruction as part of a development agreement. A condition of the agreement is that the city assume jurisdiction and maintenance of the street.

With the certification of MLK Drive, a total of 0.22 centerline miles of local street will be added to the city street network, bringing the total centerline miles of local streets to 148.64 miles. Coupled with the existing 72.04 centerline miles of major streets, a total of 220.68 centerline miles of streets will make up the City of Portage street system.

In addition to the resolution accepting new public streets, a resolution must be adopted by City Council designating a new Act 51 Street Administrator. This action is required since the current Act 51 Street Administrator, W. Christopher Barnes, Director of Transportation & Utilities will be retiring from the city in the summer of 2017. The Michigan Department of Transportation requires that the local jurisdiction designate the Act 51 Street Administrator with a resolution adopted by the local governing body. In this case, the City Administration recommends Ray Waurio, Deputy Director of Streets & Equipment, be designated as the Act 51 Street Administrator effective June 1, 2017.

Therefore, it is recommended that City Council adopt the Resolution Accepting Newly Constructed Dedicated Streets as Public Streets and the Resolution Designating the Street Administrator for the City of Portage.

FUNDING: N/A

Attachments:
1. Resolution Accepting Newly Constructed Dedicated Streets as Public Streets
2. Resolution Designating the Street Administrator for the City of Portage

CITY OF PORTAGE

RESOLUTION ACCEPTING NEWLY CONSTRUCTED DEDICATED STREETS AS PUBLIC STREETS

At a regular meeting of the Council for the City of Portage, Michigan, Kalamazoo County, Michigan, held at the City Hall on the ___ day of _________, 2017, at 7:30 p.m., local time.

PRESENT:____

ABSENT:____

Resolution offered by: ______________________________________

Seconded by ____

WHEREAS, it is necessary to furnish certain information to the State of Michigan to place platted streets within the City Local Street System for the purpose of obtaining funds under Act51, P.A. 1951 as amended:

AND WHEREAS, streets were constructed and dedicated during the 2017 calendar year.

NOW, THEREFORE, BE IT RESOLVED: that the center line of said streets are described in the following:

A public right-of-way for streets described as Martin Luther King Jr. Drive (public right-of-way) situated in the Southeast and Southwest quarter of Section 19, Town 3 South, Range 11 West, City of Portage, Michigan, Kalamazoo County, Michigan, being more particularly described as follows:

Commencing at the East quarter post of Section 9, Town 3 South, Range 11 West, City of Portage, Kalamazoo County, Michigan and running thence North 00 deg. 08 min. 00 sec. West along the East line of said Section, 662.92 feet to the South line of Mall Drive; thence North 89 deg. 56 min. 30 sec. West along said line 1641.61 feet; thence South 00 deg. 08 min. 00 sec. East 583.82 feet; thence North 89 deg. 56 min. 30 sec. West 298.74 feet; thence South 00 deg. 01 min. 30 sec. East 457.00 feet to the point of beginning of this description; thence continuing South 00 deg. 01 min. 30 sec. East 36.00 feet; thence North 89 deg. 41 min. 56 sec. West 970.36 feet; thence 104.71 feet along the arc of a curve to the right, having a radius of 343.72 feet, a central angle of 17 deg. 27 min. 15 sec. and a chord bearing North 80 deg. 58 min. 19 sec. West 104.30 feet; thence North 72 deg. 14 min. 41 sec. West 66.95 feet; thence North 75 deg. 40 min. 42 sec. West 49.98 feet to the Easterly right of way of Constitution Boulevard; thence along said right of way 41.48 feet along the arc of a curve to the left having a radius of 1050.00 feet, a central angle of 02 deg. 15 min. 48 sec. and a chord bearing North 19 deg. 05 min. 03 sec. East 41.48 feet; thence South 69 deg. 21 min. 12 sec. East 48.99 feet; thence South 72 deg. 14 min. 41 sec. East 66.95 feet; thence 93.74 feet along the arc of a curve to the left having a radius of 307.72 feet, a central angle of 17 deg. 27 min. 15 sec. and a chord bearing South 80 deg. 58 min. 19 sec. East 93.38 feet; thence South 89 deg. 41 min. 56 sec. East 970.15 feet to beginning.

BE IT FURTHER RESOLVED that said streets are located within city rights-of-way and are under the control of the City of Portage; that said streets are public streets and are for public street purposes; and that said streets are accepted into the City Local Street System.

That all resolution or parts of resolutions insofar as they conflict with this provision of this resolution are hereby rescinded.

Dated: ___________________ , 2017

____
James R. Hudson, City Clerk

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 on my office.

APPROVED AS TO FORM
DATE 4/3/17
____
CITY ATTORNEY

____
James R. Hudson, City Clerk

CITY OF PORTAGE

RESOLUTION DESIGNATING THE
STREET ADMINISTRATION FOR THE CITY OF PORTAGE

At a regular meeting of the Council for the City of Portage, Michigan, Kalamazoo County, Michigan, held at the City Hall on the ___ day of ________, 2017, at 7:30 p.m., local time.

PRESENT:____

ABSENT:____

Resolution offered by: ____________________________________

Seconded by ____

WHEREAS, SECTION 13(9) of Act 51, Public Acts of 1951 provided each incorporated city and village to which funds are returned under the provisions of this section, that, "the responsibility for street improvements, maintenance, and traffic operations work, and development, construction or repair of off-street parking facilities and construction or repair of street lighting shall be coordinated by a single administrator to be designated by the governing body who shall be responsible for and shall represent the municipality in transactions with the State Transportation Department pursuant to this act."

NOW, THEREFORE, BE IT RESOLVED: that Ray Waurio, Deputy Director of Streets Equipment be designated as Street Administrator for the City of Portage in all transactions with the State Transportation Department as provided in Section 13 of the Act.

BE IT FURTHER RESOLVED that all resolutions or parts of resolutions insofar as they conflict with this provision of this resolution are hereby rescinded.

Dated: _________ _________ , 2017

____
James R. Hudson, City Clerk

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 on my office.

____
James R. Hudson, City Clerk

APPROVED AS TO FORM
DATE 4/3/17
____
CITY ATTORNEY

PORTAGE
A Natural Place to Move

CITY COUNCIL AGENDA ITEM F.4.
APRIL 11, 2017

TO: Honorable Mayor and City Council

FROM: Laurence Shaffer, City Manager Laurence Shaffer

SUBJECT: Charter Communications Uniform Video Services Local Franchise Agreement Renewal

SUPPORTING PERSONNEL: Devin Mackinder, Director of Technology Services

ACTION RECOMMENDED: That City Council:

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

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

On January 1, 2007, Public Act 480 of 2007 (MCLA 44.3301 et. seq.), the Uniform Video Services Local Franchise Act, was established by the State Legislature to provide for uniformity in video franchise service agreements throughout the state. According to the act, any video services provider seeking to provide video service in a municipality must file a Uniform Video Services Local Franchise Agreement with the said municipality. On March 22, 2017, the City of Portage received a Uniform Franchise Agreement renewal from Charter Communications. The last agreement with Charter Communication was approved by City Council in August 2007.

The renewal agreement and associated Authorizing Franchise Resolution memorialize the following:

1. There are five (5) public educational and governmental (PEG) access channels in actual use;
2. Charter Communications will provide the same annual percentages for franchise fees of five (5) percent of gross revenues and PEG support fees of $0.40 cents per month for each subscriber, which is an increase of $0.05 cents from the previous 2007 agreement with Charter;
3. The new agreement does not waive the city police powers or its right to challenge or modify a Uniform Franchise if the Act in whole or in part is amended by the legislature or overturned by the courts, and
4. The term of the agreement is for another ten (10) years.

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

FUNDING: N/A

Attachments:
1. Charter Universal Video Services Local Franchise Agreement
2. Resolution

City of Portage

INSTRUCTIONS FOR
UNIFORM VIDEO SERVICE LOCAL FRANCHISE AGREEMENT

Pursuant to 2006 Public Act 480, MCL 484.3301 *et seq*, any Video Service Provider seeking to provide video service in one or more service areas in the state of Michigan after January 30, 2007, shall file an application for a Uniform Video Service Local Franchise Agreement with the Local Unit of Government ("Franchising Entity") that the Provider wishes to service. Pursuant to Section 2(2) of 2006 PA 480, "Except as otherwise provided by this Act, a person shall not provide video services in any local unit of government without first obtaining a uniform video service local franchise as provided under Section 3." Procedures applicable to incumbent video service providers are set forth below.

As of the effective date (January 1, 2007) of the Act, no existing franchise agreement with a Franchising Entity shall be renewed or extended upon the expiration date of the agreement. The incumbent video Provider, at its option, may continue to provide video services to the Franchising Entity by electing to do one of the following:

1. Terminate the existing franchise agreement before the expiration date of the agreement and enter into a new franchise under a uniform video service local franchise agreement.

2. Continue under the existing franchise agreement amended to include only those provisions required under a uniform video service local franchise.

3. Continue to operate under the terms of an expired franchise until a uniform video service local franchise agreement takes effect. An incumbent video Provider with an expired franchise on the effective date has <u>120</u> days after the effective date of the Act to file for a uniform video service local franchise agreement.

On the effective date (January 1, 2007) of the Act, any provisions of an existing Franchise that are inconsistent with or in addition to the provisions of a uniform video service local Franchise Agreement are unreasonable and unenforceable by the Franchising Entity.

If, at a subsequent date, the Provider would like to provide video service to an additional Local Unit of Government, the Provider must file an additional application with that Local Unit of Government.

<u>The forms shall meet the following requirements:</u> .

- The Provider must complete both the "<u>Uniform Video Service Local Franchise Agreement</u>" and "<u>Attachment 1 - Uniform Video Service Local Franchise Agreement</u>" forms if they are seeking a new/renewed Franchise Agreement, and send the forms by mail (certified, registered, first-class, return receipt requested, or by a nationally recognized overnight delivery service) to the appropriate Franchising Entity. Until otherwise officially notified by the Franchising Entity, the forms shall be sent to the Clerk or any official with the responsibilities or functions of the Clerk in the Franchising Entity. **"<u>Attachment 2 - Uniform Video Service Local Franchise Agreement</u>" is not required to be filed at this time *unless* it is being used regarding amendments, terminations, or transfers pertaining to an <u>existing</u> Uniform Video Service Local Franchise Agreement. (Refer to Sections X to XII of the Agreement, as well as Section 3(4-6) of the Act.)**

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

    1. The Provider may specify which items of information should be deemed "confidential." It is the responsibility of the provider to clearly identify and segregate any confidential information submitted to the franchising entity with the following information:

        "[insert PROVIDER'S NAME]
        [CONFIDENTIAL INFORMATION]"

2. The Franchising Entity receiving the information so designated as confidential is required (a) to protect such information from public disclosure, (b) exempt such information from any response to a FOIA request, and (c) make the information available only to and for use only by such local officials as are necessary to approve the franchise agreement or perform any other task for which the information is submitted.

3. Any Franchising Entity which disputes whether certain information submitted to it by a provider is entitled to confidential treatment under the Act may apply to the Commission for resolution of such a dispute. Unless and until the Commission determines that part or all of the information is not entitled to confidential treatment under the Act, the Franchising Entity shall keep the information confidential.

- Responses to all questions must be provided and must be amended appropriately when changes occur.
- All responses must be printed out, typed, signed/dated (where appropriate), and mailed (certified, registered, first class, return receipt requested, or by a national recognized overnight delivery service) to the appropriate party.
- The Agreement and Attachments are templates. Tab through the documents and fill in as appropriate, use the appropriate "dropdown box" (City/Village/Township) when indicated.
- For sections that need explanation, if the Provider runs out of space, the Provider should then submit the application with typed attachments that are clearly identified.
- The Franchising Entity shall notify the Provider as to whether the submitted Franchise Agreement is complete as required by this Act within 15 business days after the date that the Franchise Agreement is filed. If the Franchise Agreement is not complete, the Franchising Entity shall state in its notice the reasons the franchise agreement is incomplete. The Franchising Entity cannot declare an application to be incomplete because it may dispute whether or not the applicant has properly classified certain material as "confidential."
- A Franchising Entity shall have 30 days after the submission date of a complete Franchise Agreement to approve the agreement. If the Franchising Entity does not notify the Provider regarding the completeness of the Franchise Agreement or approve the Franchise Agreement within the time periods required under this subsection, the franchise agreement shall be considered complete and the Franchise Agreement approved. The Provider shall notify both the Franchising Entity and the Michigan Public Service Commission of such an approved and completed Agreement by completing **Attachment 3 - Uniform Video Service Local Franchise Agreement**.
- For changes to an existing Uniform Video Service Local Franchise Agreement (amendments, transfers, or terminations), the Provider must complete the "**Attachment 2 - Uniform Video Service Local Franchising Entity**" form, and send the form to the appropriate Franchising Entity.
- For information that is to be submitted to the Michigan Public Service Commission, please use the following address:

Michigan Public Service Commission
Attn: Video Franchising
P.O. Box 30221
Lansing, MI 48909

Fax: (517) 284-8200

Questions should be directed to the Telecommunications Division, Michigan Public Service Commission at (517) 284-8190.

UNIFORM VIDEO SERVICE LOCAL FRANCHISE AGREEMENT

THIS UNIFORM VIDEO SERVICE LOCAL FRANCHISE AGREEMENT ("Agreement") is made, pursuant to 2006 PA 480, MCL 484.3301 *et seq*, (the "Act") by and between the City of Portage, a Michigan municipal corporation (the "Franchising Entity"), and CC 10 LLC , a Delaware Limited Liability corporation doing business as Charter Communications.

I. Definitions

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

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

II. Requirements of the Provider

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

III. Provider Providing Access

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

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

D. The Provider may apply to the Franchising Entity, and in the case of paragraph C, the Commission, for a waiver of or for an extension of time to meet the requirements of this section if 1 or more of the following apply:
   i. The inability to obtain access to public and private rights-of-way under reasonable terms and conditions.
   ii. Developments or buildings not being subject to competition because of existing exclusive service arrangements.
   iii. Developments or buildings being inaccessible using reasonable technical solutions under commercial reasonable terms and conditions.
   iv. Natural disasters
   v. Factors beyond the control of the Provider

E. The Franchising Entity or Commission may grant the waiver or extension only if the Provider has made substantial and continuous effort to meet the requirements of this section. If an extension is granted, the Franchising Entity or Commission shall establish a new compliance deadline. If a waiver is granted, the Franchising Entity or Commission shall specify the requirement or requirements waived.

F. The Provider shall file an annual report with the Franchising Entity and the Commission regarding the progress that has been made toward compliance with paragraphs B and C.

G. Except for satellite service, the provider may satisfy the requirements of this paragraph and Section 9 of the Act through the use of alternative technology that offers service, functionality, and content, which is demonstrably similar to that provided through the provider's video service system and may include a technology that does not require the use of any public right-of-way. The technology utilized to comply with the requirements of this section shall include local public, education, and government channels and messages over the emergency alert system as required under Paragraph II(E) of this Agreement.

IV. Responsibility of the Franchising Entity

A. The Franchising Entity hereby grants authority to the Provider to provide Video Service in the Video Service area footprint, as described in this Agreement and Attachments, as well as the Act.

B. The Franchising Entity hereby grants authority to the Provider to use and occupy the Public Rights-of-way in the delivery of Video Service, subject to the laws of the state of Michigan and the police powers of the Franchising Entity.

C. The Franchising Entity shall notify the Provider as to whether the submitted Franchise Agreement is complete as required by the Act within 15 business days after the date that the Franchise Agreement is filed. If the Franchise Agreement is not complete, the Franchising Entity shall state in its notice the reasons the Franchise Agreement is incomplete. The Franchising Entity cannot declare an application to be incomplete because it may dispute whether or not the applicant has properly classified certain material as "confidential."

D. The Franchising Entity shall have 30 days after the submission date of a complete Franchise Agreement to approve the agreement. If the Franchising Entity does not notify the Provider regarding the completeness of the Franchise Agreement or approve the Franchise Agreement within the time periods required under **Section 3(3) of the Act**, the Franchise Agreement shall be considered complete and the Franchise Agreement approved.
   i. If time has expired for the Franchising Entity to notify the Provider, The Provider shall send (via mail: certified or registered, or by fax) notice to the Franchising Entity and the Commission, using Attachment 3 of this Agreement.

E. The Franchising Entity shall allow a Provider to install, construct, and maintain a video service or communications network within a public right-of-way and shall provide the provider with open, comparable, nondiscriminatory, and competitively neutral access to the public right-of-way.

F. The Franchising Entity may not discriminate against a video service provider to provide video service for any of the following:
   i. The authorization or placement of a video service or communications network in public right-of-way.
   ii. Access to a building owned by a governmental entity.
   iii. A municipal utility pole attachment.

G. The Franchising Entity may impose on a Provider a permit fee only to the extent it imposes such a fee on incumbent video providers, and any fee shall not exceed the actual, direct costs incurred by the Franchising Entity for issuing the relevant permit. A fee under this section shall not be levied if the Provider already has paid a permit fee of any kind in connection with the same activity that would otherwise be covered by the permit fee under this section or is otherwise authorized by law or contract to place the facilities used by the Provider in the public right-of-way or for general revenue purposes.

H. The Franchising Entity shall not require the provider to obtain any other franchise, assess any other fee or charge, or impose any other franchise requirement than is allowed under the Act and this Agreement. For purposes of this Agreement, a franchise requirement includes but is not limited to, a provision regulating rates charged by video service providers, requiring the video service providers to satisfy any build-out requirements, or a requirement for the deployment of any facilities or equipment.

I. Notwithstanding any other provision of the Act, the Provider shall not be required to comply with, and the Franchising Entity may not impose or enforce, any mandatory build-out or deployment provisions, schedules, or requirements except as required by **Section 9 of the Act**.

J. The Franchising Entity is subject to the penalties provided for under Section 14 of the Act.

V. Term

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

B. Before the expiration of the initial Franchise Agreement or any subsequent renewals, the Provider may apply for an additional 10-year renewal under **Section 3(7) of the Act.**

VI. Fees

A. A video service Provider shall calculate and pay an annual video service provider fee to the Franchising Entity. The fee shall be 1 of the following:

- i. If there is an existing Franchise Agreement, an amount equal to the percentage of gross revenue paid to the Franchising Entity by the incumbent video Provider with the largest number of subscribers in the Franchising Entity.
- ii. At the expiration of an existing Franchise Agreement or if there is no existing Franchise Agreement, an amount equal to the percentage of gross revenue as established by the Franchising Entity of ___5__% (percentage amount to be inserted by Franchising Entity which shall not exceed 5%) and shall be applicable to all providers

B. The fee shall be due on a quarterly basis and paid within 45 days after the close of the quarter. Each payment shall include a statement explaining the basis for the calculation of the fee.

C. The Franchising Entity shall not demand any additional fees or charges from a provider and shall not demand the use of any other calculation method other than allowed under the Act.

D. For purposes of this Section, "gross revenues" means all consideration of any kind or nature, including, without limitation, cash, credits, property, and in-kind contributions received by the provider from subscribers for the provision of video service by the video service provider within the jurisdiction of the franchising entity.

1. **Gross revenues shall include all of the following:**
   - i. All charges and fees paid by subscribers for the provision of video service, including equipment rental, late fees, insufficient funds fees, fees attributable to video service when sold individually or as part of a package or bundle, or functionally integrated, with services other than video service.
   - ii. Any franchise fee imposed on the Provider that is passed on to subscribers.
   - iii. Compensation received by the Provider for promotion or exhibition of any products or services over the video service.
   - iv. Revenue received by the Provider as compensation for carriage of video programming on that Provider's video service.
   - v. All revenue derived from compensation arrangements for advertising to the local franchise area.
   - vi. Any advertising commissions paid to an affiliated third party for video service advertising.

2. **Gross revenues do not include any of the following:**
   - i. Any revenue not actually received, even if billed, such as bad debt net of any recoveries of bad debt.
   - ii. Refunds, rebates, credits, or discounts to subscribers or a municipality to the extent not already offset by subdivision (D)(i) and to the extent the refund, rebate, credit, or discount is attributable to the video service.

iii. Any revenues received by the Provider or its affiliates from the provision of services or capabilities other than video service, including telecommunications services, information services, and services, capabilities, and applications that may be sold as part of a package or bundle, or functionality integrated, with video service.
iv. Any revenues received by the Provider or its affiliates for the provision of directory or internet advertising, including yellow pages, white pages, banner advertisement, and electronic publishing.
v. Any amounts attributable to the provision of video service to customers at no charge, including the provision of such service to public institutions without charge.
vi. Any tax, fee, or assessment of general applicability imposed on the customer or the transaction by a federal, state, or local government or any other governmental entity, collected by the Provider, and required to be remitted to the taxing entity, including sales and use taxes.
vii. Any forgone revenue from the provision of video service at no charge to any person, except that any forgone revenue exchanged for trades, barters, services, or other items of value shall be included in gross revenue.
viii. Sales of capital assets or surplus equipment.
ix. Reimbursement by programmers of marketing costs actually incurred by the Provider for the introduction of new programming.
x. The sale of video service for resale to the extent the purchaser certifies in writing that it will resell the service and pay a franchise fee with respect to the service.

E. In the case of a video service that is bundled or integrated functionally with other services, capabilities, or applications, the portion of the video Provider's revenue attributable to the other services, capabilities, or applications shall be included in gross revenue unless the Provider can reasonably identify the division or exclusion of the revenue from its books and records that are kept in the regular course of business.

F. Revenue of an affiliate shall be included in the calculation of gross revenues to the extent the treatment of the revenue as revenue of the affiliate has the effect of evading the payment of franchise fees which would otherwise be paid for video service.

G. The Provider is entitled to a credit applied toward the fees due under **Section 6(1) of the Act** for all funds allocated to the Franchising Entity from annual maintenance fees paid by the provider for use of public rights-of-way, minus any property tax credit allowed under **Section 8 of the Metropolitan Extension Telecommunications Rights-of-Way Oversight Act (METRO Act)**, 2002 PA 48, MCL 484.3108. The credits shall be applied on a monthly pro rata basis beginning in the first month of each calendar year in which the Franchising Entity receives its allocation of funds. The credit allowed under this subsection shall be calculated by multiplying the number of linear feet occupied by the Provider in the public rights-of-way of the Franchising Entity by the lesser of 5 cents or the amount assessed under the **METRO Act**. The Provider is not eligible for a credit under this section unless the provider has taken all property tax credits allowed under the **METRO Act**.

H. All determinations and computations made under this section shall be pursuant to generally accepted accounting principles.

I. Any claims by a Franchising Entity that fees have not been paid as required under **Section 6 of the Act**, and any claims for refunds or other corrections to the remittance of the Provider shall be made within 3 years from the date the compensation is remitted.

J. The Provider may identify and collect as a separate line item on the regular monthly bill of each subscriber an amount equal to the percentage established under **Section 6(1) of the Act**, applied against the amount of the subscriber's monthly bill.

K. The Franchising Entity shall not demand any additional fees or charges from a Provider and shall not demand the use of any other calculation method other than allowed under the Act.

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

A. The video service Provider shall designate a sufficient amount of capacity on its network to provide for the same number of public, education, and government access channels that are in actual use on the incumbent video provider system on the **effective date of the Act** or as provided under **Section 4(14) of the Act**.

B. Any public, education, or government channel provided under this section that is not utilized by the Franchising Entity for at least 8 hours per day for 3 consecutive months may no longer be made available to the Franchising Entity and may be programmed at the Provider's discretion. At such a time as the Franchising Entity can certify a schedule for at least 8 hours of daily programming for a period of 3 consecutive months, the Provider shall restore the previously reallocated channel.

C. The Franchising Entity shall ensure that all transmissions, content, or programming to be retransmitted by a video service Provider is provided in a manner or form that is capable of being accepted and retransmitted by a Provider, without requirement for additional alteration or change in the content by the Provider, over the particular network of the Provider, which is compatible with the technology or protocol utilized by the Provider to deliver services.

D. The person producing the broadcast is solely responsible for all content provided over designated public, education, or government channels. The video service Provider *shall not* exercise any editorial control over any programming on any channel designed for public, education, or government use.

E. The video service Provider is not subject to any civil or criminal liability for any program carried on any channel designated for public, education, or government use.

F. If a Franchising Entity seeks to utilize capacity pursuant to **Section 4(1) of the Act** or an agreement under **Section 13 of the Act** to provide access to video programming over one or more PEG channels, the Franchising Entity shall give the Provider a written request specifying the number of channels in actual use on the incumbent video provider's system or specified in the agreement entered into under **Section 13 of the Act**. The video service Provider shall have 90 days to begin providing access as requested by the Franchising Entity. The number and designation of PEG access channels shall be set forth in an addendum to this agreement effective 90 days after the request is submitted by the Franchising Entity.

G. A PEG channel shall only be used for noncommercial purposes.

VIII. PEG Fees

A. The video service Provider shall also pay to the Franchising Entity as support for the cost of PEG access facilities and services an annual fee equal to one of the following options:

$0.40 Per month. Per Subscriber __1.__ If there is an existing Franchise on the effective date of the Act, the fee (enter the fee amount ______) paid to the Franchising Entity by the incumbent video Provider with the largest number of cable service subscribers in the Franchising Entity as determined by the existing Franchise Agreement;

2. At the expiration of the existing Franchise Agreement, the amount required under (1) above, which is ______% of gross revenues. (The amount under (1) above is not to exceed 2% of gross revenues);

3. If there is no existing Franchise Agreement, a percentage of gross revenues as established by the Franchising Entity and to be determined by a community need assessment, is _____% of gross revenues. (The percentage that is established by the Franchising Entity is not to exceed 2% of gross revenues.); and

4. An amount agreed to by the Franchising Entity and the video service Provider.

B. The fee required by this section shall be applicable to all providers, pursuant to Section 6(9) of the Act.

C. The fee shall be due on a quarterly basis and paid within 45 days after the close of the quarter. Each payment shall include a statement explaining the basis for the calculation of the fee.

D. All determinations and computations made under this section shall be pursuant to generally accepted accounting principles.

E. Any claims by a Franchising Entity that fees have not been paid as required under **Section 6 of the Act**, and any claims for refunds or other corrections to the remittance of the Provider shall be made within 3 years from the date the compensation is remitted.

F. The Provider may identify and collect as a separate line item on the regular monthly bill of each subscriber an amount equal to the percentage established under **Section 6(8) of the Act**, applied against the amount of the subscriber's monthly bill.

G. The Franchising Entity shall not demand any additional fees or charges from a Provider and shall not demand the use of any other calculation method other than allowed under the Act.

IX. Audits

A. No more than every 24 months, a Franchising Entity may perform reasonable audits of the video service Provider's calculation of the fees paid under **Section 6 of the Act** to the Franchising Entity during the preceding 24-month period only. All records reasonably necessary for the audits shall be made available by the Provider at the location where the records are kept in the ordinary course of business. The Franchising Entity and the video service Provider shall each be responsible for their respective costs of the audit. Any additional amount due verified by the Franchising Entity shall be paid by the Provider within 30 days of the Franchising Entity's submission of invoice for the sum. If the sum exceeds 5% of the total fees which the audit determines should have been paid for the 24-month period, the Provider shall pay the Franchising Entity's reasonable costs of the audit.

B. Any claims by a Franchising Entity that fees have not been paid as required under **Section 6 of the Act**, and any claims for refunds or other corrections to the remittance of the provider shall be made within 3 years from the date the compensation is remitted.

X. Termination and Modification

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

XI. Transferability

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

XII. Change of Information

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

XIII. Confidentiality

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

A. The Provider may specify which items of information should be deemed "confidential." It is the responsibility of the provider to clearly identify and segregate any confidential information submitted to the franchising entity with the following information:
"[insert PROVIDER'S NAME]
[CONFIDENTIAL INFORMATION]"

B. The Franchising Entity receiving the information so designated as confidential is required (a) to protect such information from public disclosure, (b) exempt such information from any response to a FOIA request, and (c) make the information available only to and for use only by such local officials as are necessary to approve the franchise agreement or perform any other task for which the information is submitted.

C. Any Franchising Entity which disputes whether certain information submitted to it by a provider is entitled to confidential treatment under the Act may apply to the Commission for resolution of such a dispute. Unless and until the Commission determines that part or all of the information is not entitled to confidential treatment under the Act, the Franchising Entity shall keep the information confidential.

XIV. Complaints/Customer Service

A. The Provider shall establish a dispute resolution process for its customers. Provider shall maintain a local or toll-free telephone number for customer service contact.

B. The Provider shall be subjected to the penalties, as described under **Section 14 of the Act**, and the Franchising Entity and Provider may be subjected to the dispute process as described in **Section 10 of the Act**.

C. Each Provider shall annually notify its customers of the dispute resolution process required under **Section 10 of the Act**. Each Provider shall include the dispute resolution process on its website.

D. Before a customer may file a complaint with the Commission under **Section 10(5) of the Act**, the customer shall first attempt to resolve the dispute through the dispute resolution process established by the Provider in **Section 10(2) of the Act**.

E. A complaint between a customer and a Provider shall be handled by the Commission pursuant to the process as described in **Section 10(5) of the Act**.

F. A complaint between a Provider and a franchising entity or between two or more Providers shall be handled by the Commission pursuant to the process described in **Section 10(6) of the Act**.

G. In connection with providing video services to the subscribers, a provider shall not do any act prohibited by Section 10(1)(a-f) of the Act. The Commission may enforce compliance to the extent that the activities are not covered by **Section 2(3)(l) in the Act**.

XV. Notices

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

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

City of Portage:

7900 S. Westnedge
Portage MI 49002
269-329-4400
Attn: City Manager
Fax No.: 269-329-4506

If to the Provider:
(must provide street address)

Charter Communications
12405 Powerscourt Drive
St. Louis, MO 63131
Attn: Legal Department
Fax No.: 314-965-6640

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

XVI. Miscellaneous

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

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

City of Portage, a Michigan Municipal Corporation

By

Print Name

Title

Address
7900 S. Westnedge

City, State, Zip
Portage MI 49002

Phone
269-329-4400

Fax
269-329-4506

Email

APPROVED AS TO FORM
DATE 4/5/2017
CITY ATTORNEY

CC 10 LLC, a Delaware Limited Liability corporation doing business as Charter Communications

Mark E. Brown

By

Print Name
Mark E. Brown

Title
VP, State Government Affairs

Address
12405 Powerscourt Drive

City, State, Zip
St. Louis, MO 63131

Phone
314-543-2306

Fax
314-965-8793

Email

FRANCHISE AGREEMENT *(Franchising Entity to Complete)*

Date submitted:
Date completed and approved:

<u>ATTACHMENT 1</u>

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

Date: March 10, 2017		
Applicant's Name: CC 10 LLC, dba Charter Communications		
Address 1: 12405 Powerscourt Drive		
Address 2:		Phone: 314-965-0555
City: St. Louis	State: Missouri	Zip: 63131
Federal I.D. No. (FEIN): 43-1933057		

Company executive officers:

Name(s): Thomas M. Rutledge
Title(s): President and Chief Executive Officer

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

Name: Marilyn Passmore		
Title: Director, Government Affairs		
Address: 4670 E. Fulton, #102, Ada, MI 49301		
Phone: 616-607-2377	Fax: 616-975-1107	Email: marilyn.passmore@charter.com

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

The area provided service is the City of Portage, MI. Upon request, Charter Communications shall provide route maps showing the location of the Cable System, to Municipality, access to "as-built" maps, and updated route maps to reflect any changes. Municipality shall give Grantee a minimum of 48 hours notice of the request to view "as-built" maps, unless there exists an emergency situation requiring earlier viewing. Charter Communications' local office and engineering contact information (engineering drawings/"as-built" map addresss) is listed below. This information also applies to 24 hour emergencies:

Keith Schierbeek-Director of Field Operations
1433 Fulton Street
Grand Haven, MI 49417
Phone: 616-607-2302
email: keith.schierbeek@charter.com

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

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

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

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

Date: N/A

For All Applications:

Verification

(Provider)

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

Name and Title (printed): Mark E. Brown, VP State Government Affairs	
Signature: Mark E. Brown	*Date:* 3/15/17

(Franchising Entity)

City of Portage, **a Michigan municipal corporation**

By

Print Name

Title

Address

7900 S. Westnedge

City, State, Zip

Portage MI 49002

Phone

269-329-4400

Fax

269-329-4506

Email

Date

APPROVED AS TO FORM

DATE 4/5/2017

CITY ATTORNEY

CITY OF PORTAGE, MICHIGAN
RESOLUTION AUTHORIZING UNIFORM VIDEO SERVICE
LOCAL FRANCHISE AGREEMENT
CHARTER COMMUNICATIONS

At a regular meeting of the Council of the City of Portage, Kalamazoo County, Michigan, held at the City Hall in said City on the _______ day of ____________, 2017, at 7:30 p.m. local time.

PRESENT: ____

ABSENT: ____

Resolution offered by: ____

Seconded by: ____

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

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

WHEREAS, the City of Portage ("City") wishes to authorize the approval of a video service franchise with C 10 LLC, a Delaware Limited liability corporation doing business as Charter Communications, with certain fees pursuant to the Act; and

WHEREAS, Charter Communications does have an existing franchise agreement with City; and

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

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

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

BE IT FURTHER RESOLVED that pursuant to its authority under the Act, City hereby authorizes the approval of the Uniform Video Service Local Franchise Agreement submitted to the City by Charter Communications on or about April 13, 2017 with an annual video service provider fee, sometimes called a franchise fee, of five (5%) percent of gross revenues in Section VI(A)(i) of the Uniform Franchise, which fee is hereby established in accordance with the Act for video service providers; and

BE IT FURTHER RESOLVED that pursuant to its authority under the Act, City hereby establishes that a fee of $0.40 per month for each subscriber is necessary as support for the cost of PEG access facilities and services, and such amount shall be entered into Section VIII(A)(3) of the Uniform Franchise; and

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

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

Mark E. Beams
V.P. State Government Affairs
CC 10 LLC, a Delaware Limited Liability Corporation
12405 Powerscourt Drive
St. Louis, MO 63131

Charter Communications
12405 Powerscout Drive
St. Louise, MO 63131
Attn: Legal Department

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

YEAS: ____

NAYS: ____

ABSENT: ____

RESOLUTION DECLARED ADOPTED.

____
James R. Hudson, City Clerk

STATE OF MICHIGAN)
)SS
COUNTY OF KALAMAZOO)

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

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

____
James R. Hudson, City Clerk

z:\jody\portage\res\resolution authorizing franchise - charter.040517.doc

APPROVED AS TO FORM
DATE 4/5/2017
CITY ATTORNEY

TO: Honorable Mayor and City Council

FROM: Laurence Shaffer, City Manager Laurence Shaffer

SUBJECT: Comcast Uniform Video Services Local Franchise Agreement - Attachment 2

SUPPORTING PERSONNEL: Devin Mackinder, Director of Technology Services

ACTION RECOMMENDED: That City Council approve the proposed "Attachment 2" to the Comcast Michigan Uniform Video Services Local Franchise Agreement and authorize the City Manager to execute all documents related to this action on behalf of the city.

On January 24, 2017, City Council approved the Comcast Uniform Video Services Local Franchise Agreement submitted by Comcast pursuant to Public Act 480 of 2006 (MCLA 44.3301 et. seq.), and adopted the Resolution Authorizing Franchise, which set the Public, Education and Government (PEG) fee due the city at two percent (2%) of gross revenue.

The division of Comcast that handles government franchises was not agreeable to the two percent fee assigned by the city and indicated that Public Act 480 required the city to assign the same amount currently charged to the incumbent cable provider. In this case, the incumbent provider is Charter Communications, which is charged $0.35 cents per month per subscriber.

The decision was made to work with Comcast on an alternate proposal that would benefit both parties, resulting in the attached document known as "Attachment 2" which states that:

> *"Comcast will raise its 35 cents per subscriber PEG fee up to 40 cents per subscriber if, and when, the incumbent provider with the largest number of subscribers in the city of Portage increase their PEG fee to that amount, upon written notification by the city of Portage. The new amount will be effective throughout the remaining term of the Franchise Agreement."*

Therefore, it is recommended that City Council approve the proposed "Attachment 2" for the Comcast Michigan Uniform Video Service Local Franchise Agreement and authorize the City Manager to execute all documents related to this action on behalf of the city.

FUNDING: N/A

Attachments:
1. March 9, 2017 Letter from Comcast
2. Attachment 2

Comcast

Comcast Cable
3500 Patterson Ave SE
Grand Rapids, MI 49512

March 9, 2017

RECEIVED
MAR 14 2017
CITY MANAGER'S OFFICE
PORTAGE, MI

Mr. Laurance Shaffer
City Manager of Portage
7900 South Westnedge Avenue
Portage, MI 49002

Re: Universal Video Service Local Franchise Agreement

Dear Mr. Shaffer,

I am writing to you regarding the Universal Video Service Local Franchise Agreement ("Franchise Agreement") between Comcast and the city of Portage approved on January 24, 2017 by the Portage City Council. As I am sure you are aware, there has been discussion as to what the proper PEG fee should be.

Pursuant to PA 480 of 2006, the Uniform Video Services Local Franchise Act, Section 6 (8, Comcast is required to remit a PEG fee equal to that paid by the incumbent cable provider with the largest number of subscribers which, in the case of the City of Portage, is 35 cents per subscriber. Portage city staff has informed Comcast that this incumbent cable provider's franchise will be renewed later this year and they have indicated they are willing to increase their PEG fee to 40 cents per subscriber. In the event this franchise renewal occurs, and their PEG fee increases, Comcast would be willing to adjust the PEG fee in its Franchise Agreement with the City of Portage to an amount equal to what the incumbent cable provider agrees to remit, not to exceed 40 cents per subscriber. This new PEG fee amount would go into effect the month following the enactment of the renewal between the City of Portage and the incumbent cable provider with the largest number of subscribers and be effective throughout the remaining term of the Franchise Agreement.

Please feel free to contact me with questions or comments. We look forward to providing customers in the City of Portage with the best services in the industry.

Thank you,

Jeffrey Snyder
Government Affairs Manager
P – (616)575-0479
C – (616)560-1922
Jeffrey_snyder@comcast.com

Cc: Leslie Brogan,
Sr. Director of Government Affairs

PORTAGE
A Natural Place to Move

Office of the City Manager

March 23, 2017

Mr. Jeffrey Snyder
Government Affairs Manager
Comcast Cable
3500 Patterson Avenue SE
Grand Rapids, MI 49512

Dear Mr. Snyder,

I am in receipt of your March 9, 2017 letter regarding the Uniform Video Services Local Franchise Act PEG fee. I am in agreement with the Comcast proposal as described in the March 9, 2017 letter and would like to thank you for working with the city through this issue. The city looks forward to having Comcast as a cable service provider.

Feel free to contact myself or Devin Mackinder, Director of Technology Services & Community Marketing, with any questions you may have.

Sincerely,

Laurence Shaffer
City Manager

c: Devin Mackinder, Director of Technology Services & Community Marketing

COMCAST

Sent Via UPS

March 31, 2017

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

Re: Michigan Uniform Video Service Local Franchise Agreement Attachment 2

Dear Mr. Hudson:

In accordance with the instructions set forth by the Michigan Public Service Commission in its provision of the Uniform Video Service Local Franchise Agreement, enclosed please find an Attachment 2 memorializing the PEG fee that was agreed to by letter dated March 23, 2017 from Laurence Shaffer, City Manager.

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

Sincerely,

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

Enclosure

ATTACHMENT 2

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

Affected Franchise Agreement(s): City of Portage

Date: March 28, 2017

Type of Change *(Check one)*: ☒ Amended ☐ Termination ☐ Transfer

Current information on record:

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

For Amended Agreement(s):

Agreement that is being Amended: City of Portage and Comcast of Georgia/Michigan, LP

Types of Amendments:

A. Change in Legal Name or assume business name, etc: *(Approval from Secretary of State must be attached.)*

1. Existing Name:
2. New Name:

B. Change in Principal Business Address or Name of Person Authorized to Receive Notice:

1. New Principal/business office address:

Address 1:	
Address 2:	
City, State, Zip:	
Email:	
Phone:	Fax:

2. New Name and Title of person authorized to receive notice:

Name:	Title:
Address 1:	
Address 2:	
City, State, Zip:	
Email:	
Phone:	Fax:

C. Increase/Decrease in the Territory:

1. Reason for the change:
2. Description of change:
3. List the new unit(s) and unincorporated area(s) to be served under this change:

D. Additional changes (*please attach any additional changes that have been made, which have not been previously recorded in this Attachment)*:

The amount of the PEG fee in Section VIII A.3 is modified by the following:

(1) 2% is stricken and 35 cents per subscriber is inserted.

(2) Comcast will raise its 35 cents per subscriber PEG fee up to 40 cents per subscriber if, and when, the incumbent provider with the largest number of subscribers in the city of Portage increases their PEG fee to that amount, upon written notification by the city of Portage. The new amount will be effective throughout the remaining term of the Franchise Agreement.

For Termination:

Effective date of Termination:
Agreement associated with the Termination:
Identify the number of customers covered by the Agreement being terminated:
Identify the method used to notify the Franchising Entity of the termination of service (Attach a copy of the notification):

For Transfer of Agreement(s):

(A transfer will require the new franchise holder or new controlling parent company to complete the information for the "New Agreement Holder")

Name of Current Franchise Holder:	
Contact Name:	
Address 1:	
Address 2:	
City, State, Zip:	
Email:	
Phone:	Fax:
Federal I.D. No. (FEIN):	

Name of New Franchise Holder or controlling parent company as applicable:	
Contact Name:	
Address 1:	
Address 2:	
City, State, Zip:	
Email:	
Phone:	Fax:
Federal I.D. No. (FEIN):	
Email:	

Company executive officers:

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

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

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

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

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

Explain the transaction that defines the transferee as a successor in interest (Attachments are acceptable):

Effective date of Transfer: *(Per 2006 Public Act 480: A notice of transfer shall be filed with the Franchising Entity within 15 days of the completion of the transfer)*
Agreement associated with the Transfer:

For All Applications:

Verification

(Provider)

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

Name and Title (printed): Timothy P. Collins, Regional Senior Vice President	
Signature: T. P. Colli	*Date:* 3-29-17

(Franchising Entity)

City of Portage, a Michigan municipal corporation

By

Print Name

Title

Address

City, State, Zip

Phone

Fax

Email

Date

APPROVED AS TO FORM
DATE 4/5/2017

CITY ATTORNEY

ATTACHMENT2

TO: Honorable Mayor and City Council

FROM: Laurence Shaffer, City Manager

SUBJECT: Board and Commission Interviews

SUPPORTING PERSONNEL: James Hudson, City Clerk

ACTION RECOMMENDED: That City Council set a Special Meeting on Tuesday, May 9, 2017, beginning at 5:15 p.m., to interview Board and Commission applicants.

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

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

Construction Board of Appeals	2 expiring terms
EDC/TIFA and BRA	1 vacancy
Environmental Board	1 vacancy
Local Officers Compensation Commission	2 expiring terms
Park Board	2 vacancies
Planning Commission	2 expiring terms, 2 vacancies
Zoning Board of Appeals	1 vacancy
Youth Advisory Committee	16 expiring terms, 14 vacancies

As reflected on the attached Board and Commission Vacancy Summaries, applicants will be interviewed at this time to fill vacancies on the Construction Board of Appeals, EDC/TIFA and BRA, Environmental Board, Local Officers Compensation Commission, Park Board, Planning Commission, Zoning Board of Appeals and Youth Advisory Committee. It is recommended that City Council set a Special Meeting on Tuesday, May 9, 2017, beginning at 5:15 p.m., to interview Board and Commission applicants.

FUNDING: N/A

Attachments: 1. Vacancy Summary (Youth)

2. Vacancy Summary (Boards)

BOARDS/COMMISSIONS VACANCY SUMMARY FOR MAY 9, 2017 SPECIAL MEETING

YOUTH APPLICANTS

	INTERVIEWS	***5:15 pm***						
		YAC *16 exp terms* *14 vacancies* **1 yr term**	***ENV*** *1 exp term* **1 yr term**	***HDC*** *1 exp term* **1 yr term**	***HSB*** *1 exp term* **1 yr term**	***PKB*** *1 exp term* **1 yr term**	***SR CITZ*** *1 exp term* **1 yr term**	***STATUS***
	Aiyla Arif	**Member**						**Appointed 05/12/15**
	Riya Chaudhary	**Member**						**Appointed 05/10/16**
	Tom Chen	**Applicant**						
	Megan Chow	**Member**						**Appointed 05/10/16**
	Casey Flanagan	**Member**						**Appointed 05/10/16**
	Vivek Ganapa	**Applicant**						
	Alexa Gavlas	**Member**						**Appointed 05/10/16**
	Vishnu Ghantasala	**Member**						**Appointed 05/10/16**
	Lauren Hart	**Member**			**Applicant**			**Appointed 05/10/16**
	Maham Khanum	**Member**						**Appointed 05/10/16**
	Tanvi Khurmi	**Member**	**Applicant**	**Applicant**	**Applicant**	**Applicant**		**Appointed 05/12/15**
	Anjana Krishnan	**Member**						**Appointed 05/14/13**
	Sydney Kruggel	**Applicant**						
	Emily Zantjer Lin	**Applicant**	**Applicant**		**Applicant**			
	Benjamin Miller	**Member**		**Applicant**	**Applicant**			**Appointed 05/12/15**
	Ruwarashe Mukwada	**Applicant**						
	Sheila Mwanda	**Member**	**Applicant**	**Applicant**	**Applicant**		**Applicant**	**Appointed 05/10/16**
	Siddhant Pagariya	**Applicant**						
	Rushik Patel	**Applicant**						
	Samhita Sunkara	**Member**						**Appointed 05/10/16**
	Sana Syed	**Member**						**Appointed 05/10/16**

04/10/17

NOTE: Legend on Page 2

BOARD/COMMISSION VACANCY SUMMARY FOR MAY 9, 2017 SPECIAL MEETING

INTERVIEWS	*5:45 pm*	*pm*	*pm*	*pm*	*pm*	*pm*	*pm*	
APPLICANTS	*PC* 2 exp terms 2 vacancies **3 yr terms**	*ZBA* 1 vacancy **3 yr term**	*CBA* 2 exp terms **3 yr terms**	*ENV* 1 vacancy **3 yr term**	*PK BD* 2 vacancies **3 yr terms**	*LOCC* 2 exp terms **6 yr terms**	*EDC/TIFA and BRA* 1 vacancy **6 yr term**	**STATUS**
Scott Steven Chu		**Alternate**						**Appointed 03/01/17**
Veronica L. Demaio		**Alternate**						**Appointed 03/01/17**
Pete James Everts		**Applicant**	**Applicant**					
Linda Finch		**Applicant**	**Applicant**	**Applicant**	**Applicant**			
Bryan Hamilton				**Applicant**	**Applicant**			
Margaret E. Harrell-Page	**N/P**	**N/P**	**N/P**	**N/P**	**N/P**	**N/P**	**N/P**	
Joshua Hill						**Member**		**Appointed 05/12/09**
William J. Leach, Sr.			**Member**					**Appointed 10/04/05**
Bill Patterson	**Member**							**Appointed 05/12/09**
Jean Peterman		**Applicant**						
Samantha Pounders				**Applicant**	**Applicant**			
Caroline Richmond	**Member**							**Appointed 05/13/14**
Sheldon Smith			**Member**					**Appointed 01/12/16**
Danielle Stoops				**Applicant**	**Applicant**			
William Strong				**Applicant**				
Paul Summers						**Member**		**Appointed 05/12/15**
Amanda M. Tabata				**Applicant**				

NOTE: **Alternate – currently serving as an Alternate Member of a Board or Commission and is seeking appointment or reappointment.**
Member – currently serving as a Member of a Board or Commission and is seeking reappointment.
Applicant – new applicant seeking appointment to a Board or Commission.
N/P – no preference

TRANSMITTAL FROM
HUMAN SERVICES BOARD

DATE: March 31, 2017

TO: Honorable Mayor and City Council

FROM: Amanda Woodin, Chair, Human Services Board AW

SUBJECT: FY 2016-2017 Board update

On behalf of the Human Services Board, I am to writing to summarize the activities of the Human Services Board during the current fiscal year:

- The Board attended the July 26, 2016 Council Committee of the Whole meeting regarding the General Fund and Community Development Block Grant (CDBG) Program human/public service funding process. A Subcommittee of the Board subsequently met on August 9, 2016 to further review and refine the evaluation criteria used for annual grant recommendations to Council. The full Board further reviewed revisions to the criteria and made a recommendation to Council, which was presented and accepted by Council on October 18, 2016.

- Red Ribbon Week promotion was also accomplished in October 2016 which included a proclamation in acknowledgement of the substance and tobacco use prevention event.

- The Board held the required public hearings for the CDBG Program, and reviewed the following documents: FY 2015-16 Consolidated Annual Performance Evaluation Report and the 2017-18 Annual Action Plan over several meetings ending on March 30, 2017.

- The Board also reviewed human/public service funding applications and recommended funding levels for FY 2017-18 to City Council.

- The Board received an update from the Fair Housing Center of Southwest Michigan on March 30, 2017 that included information on trainings and activities within Portage.

- The Board received an overview from the Kalamazoo Transit Authority and the Kalamazoo County Transit Authority (KCTA) on bus services and changes in Portage.

- Board member Woodin has continued to report to the Board regarding the Kalamazoo Transit Authority Local Advisory Committee (LAC) activities, and other transit issues on a monthly basis.

- During the March 30, 2017 meeting, the Board discussed and adopted goals for FY 2017-18.

I look forward to discussing the activities of the Human Services Board at an upcoming Council meeting.

Attachment: 2017-2018 Human Services Board Goals and Objectives

2017-2018 HUMAN SERVICES BOARD
GOALS AND OBJECTIVES

HUMAN SERVICES BOARD

1. Fulfill advisory role requirements for CDBG program and human/public service funding requests.
   a) To make recommendations regarding the Community Development Block Grant (CDBG) Program.
   b) To make recommendations regarding human/public service funding from the CDBG Program and General Fund to the City Council.
      1. Convene public hearings for the CDBG Program Consolidated Plan, Annual Action Plan, and Consolidated Annual Performance Evaluation Report.
      2. Hear appeals from the CDBG Housing Program Guidelines.
      3. Review fair housing activities.
      4. Review applications and presentations from agencies for human/public services and recommend funding levels to City Council.

2. To serve as a resource and provide information to City Council regarding public transportation in the City of Portage.
   a) Advise City Council on matters pertaining to public transportation in the City of Portage and make recommendations as appropriate.
      1. Review public transportation needs within the City of Portage.
      2. Review countywide demand/response of transportation services.

3. To serve as a resource to City Council for special projects.
   a) To take appropriate action on projects as assigned by City Council.
   b) Review mechanisms for identifying human service needs in the community.
   c) Identify and educate City Council on emerging human service issues in Portage.
      1. Continue to serve on Kalamazoo Transit Authority Local Advisory Committee.
      2. Assist City Council with Red Ribbon Week activities.
      3. Review summary of activities pertaining to the city Non-Discrimination Ordinance and diversity initiatives.

4. Forward to City Council an update to goals for current fiscal year and recommended goals for upcoming fiscal year as directed.

T:\COMMDEV\2016-2017 Department Files\Board Files\Human Services Board\G&O\17-18 Goals and Objectives to CC.docx

CITY OF PORTAGE HUMAN SERVICES BOARD
Minutes of Meeting March 2, 2017

CALL TO ORDER: 6:35 p.m.

MEMBERS PRESENT: Diane Durian, Ray LaPoint, Elma (Pat) Maye, Nadeem Mirza, Sandra Sheppard, Fiorella Spalvieri, Amanda Woodin, and Lindy Nebiolo, Youth Representative.

MEMBERS EXCUSED: Motion made by Durian, supported by Spalvieri to excuse Morgan and Kokkinos. Motion passed 7-0.

STAFF PRESENT: Vicki Georgeau, Director of Community Development

APPROVAL OF MINUTES: Spalvieri moved and LaPoint supported approval of the February 2, 2017 minutes as submitted. Motion passed 7-0.

OLD BUSINESS:

FY 2017-18 Human/Public Service Funding – Board recommendation: Woodin inquired if the city has been notified regarding the CDBG Program entitlement grant for 2017-18. Georgeau indicated the city does not yet know what the grant amount would be, but that the Board is requested to make a recommendation to Council regarding human/public service funding so that a final draft of the city budget can be completed. Once the city is formally notified by HUD regarding its entitlement grant for next year, the human/public service funding would have to be revisited. Woodin referenced the February 2nd meeting minutes and noted that of the funding options presented in the staff report, four Board members and Nebiolo had previously indicated option 1 was appropriate, two members thought option 2 was the best option, and two were undecided. In response to Woodin, Georgeau indicated that option 1 is preferred by staff and noted that while the Portage Community Center (PCC) has requested city funding that exceeds 30% of their 2016-17 operating budget, limiting the grantee to 30% would necessitate a $4,758 cut in funding from their current fiscal year grant. Georgeau noted that if option 1 funding is recommended, a condition should be included that PCC renew their fund development efforts so that the 30% funding cap can be met in future years. Woodin indicated option 2 seems appropriate as it rewards grantees that perform very well and provides more funding for new applicants. Spalvieri noted that PCC services are not billable like some of the other applicants and PCC is therefore more reliant on grant funds. Under option 1, no agency is losing funding as PCC funding is held steady, existing grantees are receiving an increase and new applicants are receiving a grant award as well. Spalvieri indicated that to be sure PCC is improving in the area of fund development, perhaps a mid-year report to the city and Board would be appropriate. Georgeau indicated support for this idea, as PCC previously had a part-time fund development staff position which is currently vacant. Durian indicated it would be helpful for PCC to provide a report to the Board and noted that a PCC representative used to attend Board meetings on a regular basis. Durian also noted that PCC is the main human service agency in the community. Georgeau concurred that PCC is the main portal to services and that referrals to PCC are routinely provided for emergency assistance and other services. LaPoint noted that the PCC funding request represents 31.2% of their current operating budget and that their 2017-18 budget has not yet been developed. LaPoint also noted that the 30% cap has not been firmly established by a formal policy or resolution, and that the amount of funding over the recommended 30% cap is small percentage. LaPoint and Maye noted that Twelve Baskets is requesting funding for a food pantry, a service already provided by PCC, and that under option 2, more funding would be provided to Twelve Baskets and other applicants. Georgeau reminded the Board that the evaluation criteria awards more points for applicants that avoid duplication of services. Durian asked for clarification regarding the grant recommendation to Kalamazoo Literacy Council. Georgeau indicated that services were recently added within the city and that the grant amount was small and reasonable to fund as requested. After further discussion, Spalvieri moved and Maye supported a motion that the funding recommended in option 1 be recommended to City Council, with the condition that PCC renew their fund development efforts so that the 30% funding cap be met in future years, and that PCC provide a mid-year report to the Board regarding fund development activity. The funding amounts recommended in option 1 includes the following: PCC-$124,314 ($39,726 from the CDBG Program and $84,588); Catholic Charities-$12,392; Housing Resources-$21,400; YWCA-$12,200; Gryphon Place-$2,700; Twelve Baskets-$1,800; Lending Hands-$1,700; Goodwill Industries-$1,550; Kalamazoo Literacy Council-$1,000. Upon voice vote, the motion passed 7-0.

NEW BUSINESS:

Kalamazoo Transit Authority LAC update - Woodin: Woodin indicated there was no meeting held since the last Human Services Board meeting, so there is no new information to report.

STATEMENT OF CITIZENS: No citizens were present.

ADJOURNMENT: Maye moved and Sheppard supported adjournment at 7:35 p.m. Motion passed 7-0.

Respectfully Submitted,

Vicki Georgeau

Vicki Georgeau, Director of Community Development

TO: Honorable Mayor and City Council

FROM: Laurence Shaffer, City Manager Laurence Shaffer

SUBJECT: Leaf Compost Site Management and Processing - Bid Tabulation

SUPPORTING PERSONNEL: Rod Russell, Director of Public Services

ACTION RECOMMENDED: That City Council approve a three-year contract with Renewed Earth, Incorporated, with three one-year renewal options, to provide yard waste recycling services in a total amount of $327,000 and authorize the City Manager to execute all documents related to the contract and subsequent renewals on behalf of the city.

The City of Portage compost facility, located at 10905 Oakland Drive, serves as a depository for loose leaves, bagged leaves and brush collected as part of the various curbside collection programs. A contracted vendor provides composting services, including brush grinding, screening and removal of the compost materials on an annual basis. As part of the current contract, the vendor supplies the compost materials as a blended ingredient in producing bulk growing media to greenhouse and nursery growers located in Michigan, Indiana and Ohio. The growers utilize the media for container-grown perennial plants, thus, completing the full cycle in the recycling process. The processing, initially performed at the city's compost site, ensures the total annual volume of yard waste collected and deposited at the compost facility by the city is fully recycled as mandated by Michigan Department of Environmental Quality regulations.

The current contract with Renewed Earth, Incorporated, of Kalamazoo, Michigan, is set to expire on July 1, 2017. As such, a Request for Proposals (RFP) was developed for removal of brush and leaf materials from the city compost site on an annual basis. A three-year contract was requested, to include three one-year annual renewal options, in an effort to ensure a long-term commitment to the process.

Eight vendors were invited to bid and the RFP was advertised on the city website and in the Kalamazoo Gazette. Only one company, Renewed Earth, submitted a bid in the annual amount of $109,000 for Fiscal Years 2017-2018, 2018-2019 and 2019-2020, for a total three-year amount not to exceed $327,000. Renewed Earth has performed satifactorily over the six years of the current contract.

Therefore, it is recommended that a three-year contract, with three one-year renewal options be awarded to Renewed Earth, Incorporated, in the annual amount of $109,000 for Fiscal Years 2017-2018, 2018-2019 and 2019-2020, for a total three-year amount of $327,000 and authorize the City Manager to execute all documents related to this contract and subsequent renewals on behalf of the city.

FUNDING: Funds are budgeted to cover the cost of these services in the Fiscal Year 2017-2018 Budget and will be programmed in subsequent years as required.

Attachments: 1. Bid Tabulation

TABULATION OF PROPOSALS
LEAF AND BRUSH DISPOSAL/COMPOST SITE MAINTENANCE

Year	Renewed Earth 5111 S. 9th street Kalamazoo, MI 49009
July 1, 2017	$109,000.00
July 1, 2018	$109,000.00
July 1, 2019	$109,000.00
3-Year Total	$327,000.00

Proposals Opened 3/23/2017

TO: Honorable Mayor and City Council

FROM: Laurence Shaffer, City Manager Laurence Shaffer

SUBJECT: Heating, Cooling, Ventilation and Air Conditioning for the Police Headquarters Building

SUPPORTING PERSONNEL: Daniel Mills, Senior Deputy Police / Fire Chief
Rod Russell, Director of Public Services

ACTION RECOMMENDED: That City Council approve the purchase of heating, ventilation and air conditioning units from A-1 Refrigeration Sales and Service, Inc. at a total cost of $550,000 and authorize the City Manager to execute all related documents on behalf of the city.

The majority of the heating, ventilation and air conditioning system at the Police facility is original to the building, purchased in 1970 and well past its expected useful life. The chiller and boiler were replaced in 2007 and are not recommended to be replaced. All other components within the system are in need of replacement.

Bids were requested for the purchase and installation of HVAC upgrades, including heating, ventilation and air conditioning units, and bids were opened on March 29, 2017. Three companies presented bids, with the low bid of $550,000 submitted by A-1 Refrigeration Sales and Service, Inc. of Kalamazoo. The city received positive references for A-1 Refrigeration from previous customers.

Therefore, it is recommended that City Council approve the purchase of heating, ventilation and air conditioning units from A-1 Refrigeration Sales and Service, Inc. at a total cost of $550,000 and authorize the City Manager to execute all related documents on behalf of the city.

FUNDING: This project will be funded through $499,894.73 from fiscal year 2015-2016 and $48,912.81 from fiscal year 2012-2013 of the Capital Improvement Program (CIP) budgets, as well as $1,192.46 from the fiscal year 2016-2017 General Fund.

Attachments: 1. Bid Tabulation

BID TABULATION
POLICE FACILITY HVAC UPGRADES

Item	A-1 Refrigeration Sales & Service, Inc. 6461 Valley Industrial Drive Kalamazoo, MI 49009	Jergens Piping Corp. 20130 M-60 Mendon, MI 49072	Hurst Inc. 5800 Safety Dr. Belmont, MI 49306
Base Bid	$480,000.00	$485,900.00	$640,393.00
Alternate- Ceiling Tile Remove/Replace	$70,000.00	$67,400.00	$69,800.00
Project Total	$550,000.00	$553,300.00	$710,193.00
Additional Costs			
Materials/Labor Markup	15.0%	10.0%	15.0%
Subcontractor Mark-up	7.5%	5.0%	10.0%
Proposed Schedule			
Proposed Start Date	6/1/2017	May 2017	Mid May
Proposed Completion Date	10/1/2017	December 2017	Mid August

Bids Opened 3/29/2017

PORTAGE
A Natural Place to Move

MATERIALS TRANSMITTED

Tuesday, March 28, 2017

1. **Updated Communication for the March 28, 2017 City Council Agenda Item F.7**: Public Media Network.

2. **Supplemental Information for the March 28, 2017 City Council Agenda Item L.1**: 12th Street (South) Lift Station Force Main Replacement.

3. Copy of E-mail Response to Mr. Steve Butler & Mr. Gary Taylor (7642 Angling Road) – Information Only.

Laurence Shaffer

Laurence Shaffer, City Manager

cc: Rob Boulis, Deputy City Manager

7900 South Westnedge Avenue ▪ Portage, Michigan 49002 ▪ (269) 329-4400
www.portagemi.gov

PORTAGE
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TO: Honorable Mayor and City Council

FROM: Laurence Shaffer, City Manager Laurence Shaffer

SUBJECT: Public Media Network

SUPPORTING PERSONNEL: Devin Mackinder, Director of Technology Services

ACTION RECOMMENDED: That City Council:

1. not approve the Sixth Amendment to the Urban Cooperation Act Agreement Establishing the Public Media Network to Limit the Number of Representatives on the Board of Directors of Public Media Network and
2. not approve the proposed changes to the Board of Directors By-Laws.

Attached is correspondence from Harry (Hap) Haasch, Executive Director of Public Media Network (PMN). Mr. Haasch on behalf of the PMN Board of Directors is requesting that the City of Portage consider two actions.

Urban Cooperation Act Agreement - Amendment 6

First, PMN is proposing that the City of Portage adopt the proposed amendment to the Urban Cooperation Act Agreement that would revise the number of members presently allowed on the Board of Directors for the City of Portage from five to three. The logic behind that request for PMN, as I understand it, is that a smaller board will allow PMN to achieve a quorum with fewer board members.

It is my recommendation that the City Council not approve the Sixth Amendment to the Urban Cooperation Act Agreement in that, any reduction in the representation for the City of Portage on the on the Board of Directors for PMN is not in the best interests of the City of Portage. Portage contributes approximately thirty one percent (31%) of the total annual revenue for PMN. In my opinion, the City of Portage should have representation on the PMN Board of Directors that is more closely aligned with its contributions, along with the size of Portage's subscriber population.

PMN Board of Director By-Law Changes

Relative to the proposed revisions of the PMN Board of Directors By-Laws, four actions are being recommended by the Board of Directors of PMN. First, the By-Laws discuss the creation of a description of the role and responsibility of each board committee. Second, the recommendation from the PMN Board of Directors on the By-Laws recommends creating a provision for conflict of interest policy that presently is not in the By-Laws. Third, the PMN Board of Directors recommends that the By-Laws be changed to reflect its recommendations for the Urban Cooperation Agreement to cap the representation of any member municipality to three. And forth, to reduce the number of At Large members from five to three and that change be done three years from the implementation of the revised By-Laws. At that time the three At Large positions would be elected by the municipal representatives to staggered terms for one, two and three years. Thereafter the At Large members will be elected to three year terms, with a limit of three consecutive terms. While I would recommend approval of the first two proposed actions, the third proposed action is not recommended for the reasons noted above. Similarly, I do not recommend the fourth modification, as this would give the At Large membership group a disproportionate weight on the board for three years, relative to the municipal members who are immediately capped at three. Therefore, I do not recommend approval of the proposed changes to the By-Laws.

The City of Portage is fortunate to currently be represented by three individuals on the PMN Board of Directors: Councilmember Claudette Reid is presently serving as the PMN Board chair, Ed Sackley is a board member, having previously served as the PMN Board Treasurer / Secretary and Don Ramlow is the final City of Portage representative.

FUNDING: N/A

Attachments: 1. January 2, 2017 Letter from PMN Director Hap Haasch

PORTAGE
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CITY COUNCIL AGENDA ITEM F.7.
MARCH 28, 2017

RED-LINE / STRIKEOUT VERSION

TO: Honorable Mayor and City Council

FROM: Laurence Shaffer, City Manager Laurence Shaffer

SUBJECT: Public Media Network

SUPPORTING PERSONNEL: Devin Mackinder, Director of Technology Services

ACTION RECOMMENDED: That City Council:

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PMN Board of Director By-Law Changes

Relative to the proposed revisions of the PMN Board of Directors By-Laws, ~~three~~ four actions are being recommended by the Board of Directors of PMN. First, the By-Laws discuss the creation of a description of the role and responsibility of each board committee. Second, the recommendation from the PMN Board of Directors on the By-Laws recommends creating a provision for conflict of interest policy that presently is not in the By-Laws. Third, the PMN Board of Directors recommends that the By-Laws be changed to reflect its recommendations for the Urban Cooperation Agreement ~~in~~

~~reducing~~ to cap the representation of any member municipality to three. And forth, to reduce the number of ~~at-large~~ At Large members from five to three and that ~~that~~ change be done ~~immediately rather than over~~ three years from the implementation of the revised By-Laws. At that time the three At Large positions would be elected by the municipal representatives to staggered terms for one, two and three years. Thereafter the At Large members will be elected to three year terms, with a ~~transition period~~limit of three consecutive terms. While I would recommend approval of the first two proposed actions, the third proposed action is not recommended for the reasons noted above. Similarly, I do not recommend the fourth modification, as this would give the At Large membership group a disproportionate weight on the board for three years, relative to the municipal members who are immediately capped at three. Therefore, I do not recommend approval of the proposed changes to the By-Laws.

The City of Portage is fortunate to currently be represented by three individuals on the PMN Board of Directors: Councilmember Claudette Reid is presently serving as the PMN Board chair, Ed Sackley is a board member, having previously served as the PMN Board Treasurer / Secretary and Don Ramlow is the final City of Portage representative.

FUNDING: N/A

Attachments: 1. January 2, 2017 Letter from PMN Director Hap Haasch

PORTAGE
A Natural Place to Move

MATERIALS TRANSMITTED
MARCH 28, 2017

TO: Honorable Mayor and City Council

FROM: Laurence Shaffer, City Manager Laurence Shaffer

SUBJECT: Agenda Item L.1 - 12th Street (South) Lift Station Force Main Replacement UPDATE

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

As relayed in the City Council communication for Agenda Item L.1 regarding the South 12th Street (South) Lift Station Force Main Replacement, Texas Township is obligated to pay 94.35% of the operation, maintenance and replacement of the South 12th Street Pumping Station per a 2013 Agreement. Texas Township was scheduled to review/approve their portion of this project at their regular meeting on March 27, 2017.

Attached is a copy of Texas Township's March 27, 2017 agenda materials, as well as a copy of an e-mail from Texas Township Superintendent Julie VanderWiere noting approval of the proposed 12th Street Lift Station project.

As such, the action recommended by the City Administration remains as written.

Attachments: March 27, 2017 Texas Township Board Meeting Agenda
March 28, 2017 E-mail from Superintendent Julie VanderWiere

Charter Township of TEXAS

BOARD AGENDA ITEM

BOARD MEETING DATE: March 27, 2017

DEPARTMENT/COMMITTEE: Township Board

SUBJECT: 12th Street Lift Station Maintenance Project

SPECIFIC ACTION REQUESTED: *Approve contract award for 12th Street Lift Station Maintenance Project through City of Portage*

TIME FRAME: ASAP

FUNDING SOURCE: CIP

IS THIS A BUDGETED ITEM? yes **Account #** (if known): **Fund 401**

NEW OR RENEWAL? New

OTHER PERTINENT INFORMATION: Per the contract signed on June 11, 2013, between the City of Portage and Texas Township, Texas Township is responsible for 94.35% of the operation and maintenance of the 12th Street Lift Station. Additionally, there is a 15% Administrative fee that is included in the charges for these repairs. The City of Portage is responsible for maintaining this lift station that Texas Township accounts for 94.35% of the flow.

In the past five years there have been several major breaks in the system that required extensive repairs. An evaluation of the system was conducted during the repairs and it was determined that the force main going under M131 needed to be replaced. Prein & Newhof was selected by the City of Portage to design this replacement force main.

Three bids were received by the City of Portage for the repair work and Kamminga & Roodvoets, Inc. was the lowest bidder at $567,323. The City of Portage plans to approve the project at their meeting on March 28, 2017. The project is expected to start this Spring and be completed in July. City of Portage plans to bill the Township quarterly with along with the standard billing.

I am requesting the Board approve the lowest bidder and the expenditure for the project.

PERSON SUBMITTING: **Superintendent VanderWiere**

For Board Use Only:

This requires **voice vote**: Yes No   This requires **roll–call vote**: Yes No

Hinkle_____ Kerr_____ Roberts_____ Mazer _____ Boven_____ Loeks_____ Brown_____

From: Christopher Barnes
Sent: Tuesday, March 28, 2017 11:16 AM
To: Erica Eklov
Subject: Fwd: South 12th Street Lift Station Force Main Replacement
Attachments: doc01570020170317111339.pdf; ATT00001.htm

Begin forwarded message:

From: "Julie VanderWiere" <julievw@texastownship.org>
To: "Christopher Barnes" <barnesc@portagemi.gov>, "Kendra Gwin" <gwink@portagemi.gov>
Subject: FW: South 12th Street Lift Station Force Main Replacement

Just wanted to let you both know that the Board approved the expenditure tonight at their meeting. Please keep me apprised of the project

-----Original Message-----
From: Kendra Gwin [mailto:gwink@portagemi.gov]
Sent: Friday, March 17, 2017 12:29 PM
To: Julie VanderWiere
Subject: South 12th Street Lift Station Force Main Replacement

Good Afternoon Julie,

Attached is a letter you will be receiving by mail from Director Barnes. Since the city plans to award this contract on March 28, I thought it should get to you sooner than snail mail. Please let us know if award of this contract needs to be postpone due to procedures required on your end.

Have a good weekend,

Kendra Gwin, PE
Deputy Director
Transportation & Utilities
City of Portage
269-329-4442

From: Christopher Barnes
Sent: Tuesday, March 14, 2017 4:09 PM
To: 'Gary Taylor'; Laurence Shaffer; Jamie Harmon
Cc: Erica Eklov; Rob Boulis; Victoria Georgeau; Mary Beth Block
Subject: RE: Letter

Mr. Butler and Mr. Taylor:

As we spoke at the Angling road open house, only one tee will be removed at your property- near your driveway- as part of the project. I apologize for any misunderstanding regarding the tree removal marking. We certainly understand that trees are very important features for property owners and as a "Tree City" we carefully evaluate each tree for condition and health.

From: Gary Taylor [mailto:liberty.village62@gmail.com]
Sent: Saturday, March 11, 2017 10:35 AM
To: Laurence Shaffer
Cc: Erica Eklov; Rob Boulis; Victoria Georgeau; Christopher Barnes; Peter Strazdas; Jim Pearson; Claudette Reid; Patricia Randall; Terry Urban; Richard Ford; Richard White; Nasim Ansari
Subject: Re: Letter

Mr. Shaffer,

That's fine. I would like to address something you, the council, and Mr. Barnes previously stated. You said we would only lose one large oak tree in our yard. Even neighbors heard this. Now, after the board meeting we've gotten this threatening letter and yesterday some city employees came over and said they thought they'd cut the large oak tree right in front of our house. Gary explained he didn't want it cut and Mr. Barnes had assure us only the one on the side yard would be cut. They said they'd check, but as soon as Gary went in, they marked the tree. Just like all dealings with the city council, apparently dishonesty and deception prevails.
For a city that brags about being a "natural place" and tree friendly this is ironic. This old tree has been here longer than this city, and definitely longer than the road, and yet it needs to go, for a bike lane; for a curb, or just to show the power of the City and its government. After the councils comments about being here to serve the people, it certainly appears that you, the city, is here to serve your own self interest and have no plans to respect individual citizens.
We will be making an appointment to speak personally with you.
Steve Butler.

Peace be with you

On Mar 9, 2017, at 13:45, Laurence Shaffer <shafferl@portagemi.gov> wrote:

> Mr. Butler and Mr. Taylor,
>
> Sorry to hear of your difficulties. I would love to discuss with you. Please give the office a call and Erica will set up a meeting so that we might discuss.
>
> I hope to talk with you soon.

Larry Shaffer
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: Gary Taylor [mailto:liberty.village62@gmail.com]
Sent: Wednesday, March 08, 2017 12:22 PM
To: Laurence Shaffer <shafferl@portagemi.gov>
Cc: Christopher Barnes <barnesc@portagemi.gov>; Peter Strazdas <strazdasp@portagemi.gov>; Jim Pearson <jimpearson4@gmail.com>; Claudette Reid <reidc@portagemi.gov>; Patricia Randall <randallp@portagemi.gov>; Terry Urban <urbant@portagemi.gov>; Richard Ford <fordr@portagemi.gov>; Richard White <whiter@portagemi.gov>; Nasim Ansari <ansarin@portagemi.gov>
Subject: Letter

Mr.Schaffer,
I received a letter on March 06, 2017 from a Mr. Mais dated March 02, 2017, in which he made the allegation that we were in violation of the "City of Portage Codes of Ordinances" and gave us 2 days to "correct the violation". He cited Section 24-113(a)(2) stating "accumulation or storage of refuse". He specifically mentioned "55 gallon drums, "cast off" carpet, and other miscellaneous indoor items stored outside next to shed and shipping pallets in front yard". Since

he has no email I can find, I'm addressing this to you.
First I'd like to assure you and him that these items have been dealt with. I would also like to address several concerns I have about the City's conduct in this situation.
I wasn't aware that the City of Portage was a large HOA where I couldn't use my property freely, but even if the letter was true, giving senior citizens 2 days to rectify ANY minor infraction is ridiculous. The fact that the weather is still limiting for outside work makes it more so. As for the items mentioned, they were NOT refuse. All but the 1 small pallet sitting next to the recycle/trash bin on the side of our house were in the back part of our 2 acres where "No Trespassing" signs are clearly visible. It's hard for me to understand

how an inspection was done without our knowledge.

We have been in the city less than a year, so we are still remodeling and getting organized. As seniors and a disabled vet. we do move slower than several years ago. We have observed MANY other properties in Portage with similar or more "accumulation" and yet we get threatened while others' are obviously allowed for almost a year.

After our contacts with, and petition against the City over the Angling Road Sewer Project, and repeated complaints about the lack of traffic control, I'm concerned that this "letter" is retaliation for voicing our concerns. Considering the timing, it does appear that we have become "targets" for the City.

As a former administrator I understand you, or the City will never admit if it is true, but I do want you to know how it appears, especially considering the timing. Since we have ever intention of getting out of here as soon as possible, I hope we do not have any further problems from the city services.

Steve Butler

Peace be with you