

7:30 p.m. Call to Order.

Invocation: Pastor Ron Hansen of Pathfinder United Methodist Church

Pledge of Allegiance.

Roll Call.

Proclamations:

A. Approval of City Council Meeting Minutes:

1. Approval of the December 1, 2015 Regular City Council 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 December 15, 2015, as presented.

D. Public Hearings:

E. Petitions and Statements of Citizens:

F. Reports from the Administration:

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

- a. approve Contract 15-5486 between the Michigan Department of Transportation and the City of Portage for traffic signal improvements along Lovers Lane and East Kilgore Road;
 - b. adopt a Resolution authorizing the City Manager to sign Contract 15-5486;
 - c. approve a contract amendment with Abonmarche Consultants for construction administration services at a cost not to exceed \$42,758;
- and authorize the City Manager to sign all other documents related to the project on behalf of the city.

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

- a. approve the Development Agreement concerning the reconstruction and dedication of Martin Luther King Jr. Drive, Portage, Michigan;
- b. approve the Martin Luther King Jr., Drive land division with public improvements for 6601 Constitution Boulevard; and
- c. adopt Resolution No. 1, approving the special assessment for properties contained within the preliminary special assessment roll, accepting the City Manager Report and requesting preparation of Resolution No. 2 for the Martin Luther King Jr. Drive Project #998-R.

* 3. Communication from the City Manager recommending that City Council approve the Final Plan for Greenspire Apartments (Phase V), 8615 Tozer Court, subject to finalization of the storm water design and approval by the MDEQ to discharge into the wetland area.

- * 4. Communication from the City Manager recommending that City Council:
 - a. approve one-year contract renewals with Blue Cross Blue Shield of Michigan and Blue Care Network for employee health insurance;
 - b. maintain current employer/employee cost sharing practices by taking action to exempt the city from requirements of P.A. 152 for the 2016 medical benefits plan year;

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

- * 5. Communication from the City Manager recommending that City Council approve:
 - a. the purchase of Wi-Fi hardware from Secant Technologies through the Regional Educational Media Center cooperative purchasing program in the amount of \$13,512.13;
 - b. professional installation services from Secant Technologies in the amount of \$10,862;
 - c. extension of the city-owned fiber infrastructure installed by the city fiber maintenance provider, Midwest Communications Services, in the amount of \$20,802, and
 - d. installation of electrical equipment through Mejeur Electric LLC in the amount of \$500;

for a total project cost of \$45,676.13 for the provision of public/private Wi-Fi at the Celery Flats Historical Area 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 approve the annual licensing and software maintenance services agreement with BS&A, Incorporated, at a total cost of \$42,745 and authorize the City Manager to execute all related documents on behalf of the city.
- * 7. Communication from the City Manager recommending that City Council adopt Resolution No. 2 for the South Shore Drive Sanitary Sewer Project #416-S, setting a public hearing of necessity on January 12, 2016.
- * 8. Communication from the City Manager regarding the November 2015 Summary Environmental Report - Information Only.
- * 9. Department Monthly Reports

G. Communications:

H. Unfinished Business:

- * 1. Communication from the City Manager recommending that City Council adopt the:
 - a. 2016 Proposed Changes to Fee Schedules;
 - b. proposed 2016 Charges for Documents (FOIA Fees);
 - c. recommended 2016 Recreation Program Fee Revisions;
 - d. Resolutions for Community Development Fees, Electrical Permits, Building Permits, Plumbing Permits and Mechanical Permits; and
 - e. 2016 Special Assessment Rate Resolution.

* I. Minutes of Boards and Commissions Meetings:

- 1. Portage Public Schools Regular Business Meeting of October 26 and November 23 and Committee of the whole Work Session of November 9, 2015.
- 2. Portage Human Services Board of November 5, 2015.
- 3. Portage Planning Commission of November 19, 2015.

J. Council Committee Reports:

K. New Business:

L. Bid Tabulations:

- * 1. Communication from the City Manager recommending that City Council award a contract to perform design and construction engineering services for the 2016 Local Streets Reconstruction Project to Abonmarche Consultants, Incorporated, in the amount not to exceed \$197,140 and authorize the City Manager to execute all documents related to the contract on behalf of the city.
- * 2. Communication from the City Manager recommending that City Council approve a contract with Volunteer Energy Services, Inc., for the procurement of natural gas, with the option for five annual renewals, and authorize the City Manager to execute all documents on behalf of the City of Portage.

* M. Other City Matters:

- 1. Statements of Citizens.
- 2. From City Council and City Manager.
- 3. Reminder of Meetings:

* Reminder of Meetings:

- a. Wednesday, December 16, 8:15 a.m., Historic District Commission, City Hall Room No. 1
- b. Wednesday, December 16, 9:00 a.m., Historic District Commission Study Committee Special Meeting, City Hall Room No. 1.
- c. Wednesday, December 16, 2:30 p.m., Senior Citizen Advisory Board, Portage Senior Center.
- d. Thursday, December 17, 7:00 p.m., District Library Board, Portage District Library.
- e. Thursday, December 17, 7:00 p.m., Planning Commission, Council Chambers.
- f. Thursday, December 24, 4:30 p.m., Public Media Network Board of Directors - CANCELLED.
- g. Wednesday, January 6, 8:15 a.m., Historic District Commission, City Hall Room No. 2.
- h. Wednesday, January 6, 6:30 p.m., Park Board, Stuart Manor at Celery Flats.
- i. Thursday, January 7, 6:30 p.m., Human Services Board, City Hall Room No. 1.
- j. Thursday, January 7, 7:00 p.m., Planning Commission, Council Chambers.
- k. Monday, January 11, 6:30 p.m., Youth Advisory Committee, City Hall Room No. 1.
- l. Monday, January 11, 7:00 p.m., Zoning Board of Appeals, Council Chambers.
- m. Tuesday, January 12, 5:30 p.m., City Council Special Meeting to Interview Board and Commission Applicants.

N. Materials Transmitted.

- 1. Materials Transmitted of December 1, 2015.

Adjournment.

CITY COUNCIL MEETING MINUTES FROM DECEMBER 1, 2015

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

At the request of Mayor Pro Tem Ansari, Pastor Matt Munson of the Valley Family Church gave the invocation and City Council and the audience recited the Pledge of Allegiance.

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

APPROVAL OF MINUTES: Motion by Reid, seconded by Ford, to approve the Regular Meeting Minutes of November 17, 2015, as presented. Upon a voice vote, motion carried 6 to 0.

* **CONSENT AGENDA:** Mayor Pro Tem Ansari asked Councilmember Reid to read the Consent Agenda. Councilmember Urban asked that Item F.5, 2016 Pre-Council Meetings, and Councilmember Ford asked that Item F.7, Board and Commission Interviews, be removed from the Consent Agenda. Motion by Reid, seconded by Pearson, to approve the Consent Agenda motions as amended. Upon a roll call vote, motion carried 6 to 0.

* **APPROVAL OF ACCOUNTS PAYABLE REGISTER OF DECEMBER 1, 2015:** Motion by Reid, seconded by Pearson, to approve the Accounts Payable Register of December 1, 2015, as presented. Upon a roll call vote, motion carried 6 to 0.

PETITIONS AND STATEMENTS OF CITIZENS: Paul Schmidt, 9862 Fort Myers Parkway, reflected on a recent deer survey and mentioned that on November 5, 2015, on a vote of 10 to 1, the City of Ann Arbor agreed to have the United States Department of Agriculture, Animal and Plant Health Services cull the local deer herd by 100, and cited other Michigan cities that have done the same thing, including Big Rapids, Mt. Pleasant, Manistee and Grand Haven. City Manager Shaffer received the Ann Arbor News Articles on the matter offered by Mr. Schmidt.

REPORTS FROM THE ADMINISTRATION:

2016 FEE SCHEDULES: City Manager Shaffer explained that this item contains various proposed fees as charges for Department activities and was originally on the Consent Agenda. However, he did not get to answer all of the questions posed by some Councilmembers, and asked that the item be postponed until December 15, 2015. Discussion followed.

Motion by Reid, seconded by Ford, to postpone item F.1, the adoption of the proposed 2016 Charges for Documents (FOIA Fees); recommended 2016 Recreation Program Fee Revisions; Resolutions for Community Development Fees, Electrical Permits, Building Permits, Plumbing Permits and Mechanical Permits; and 2016 Special Assessment Rate Resolution, until December 15, 2015. Upon a roll call vote, motion carried 6 to 0. Discussion followed.

* **TENTATIVE AMENDMENT FOR THE OAKLAND HILLS AT CENTRE PLANNED DEVELOPMENT:** Motion by Reid, seconded by Pearson, to accept the Tentative Amendment for the Oakland Hills at Centre Planned Development and set a public hearing for January 12, 2016, at 7:30 p.m. or as soon thereafter as may be heard and, subsequent to the public hearing, approve the Tentative Plan Amendment for the Oakland Hills at Centre Planned Development subject to the two conditions cited in the October 30, 2015 Department of Community Development staff report. Upon a roll call vote, motion carried 6 to 0.

* **SOUTH SHORE DRIVE SANITARY SEWER PROJECT #416-S:** Motion by Reid, seconded by Pearson, to adopt Resolution No. 2 for the South Shore Drive Sanitary Sewer Project #416-S, setting a public hearing of necessity on December 15, 2015, at 7:30 p.m. or as soon thereafter as may be heard. Upon a roll call vote, motion carried 6 to 0.

* **RESOLUTION FOR MOWING MDOT PROPERTIES:** Motion by Reid, seconded by Pearson, to adopt a Performance Resolution for Governmental Agencies for required permits to mow three Michigan Department of Transportation (MDOT) properties in the City of Portage. Upon a roll call vote, motion carried 6 to 0.

2016 PRE-COUNCIL MEETINGS: Upon the request of Mayor Pro Tem Ansari, City Manager Larry Shaffer deferred to Councilmember Urban, who asked that this item be removed from the Consent Agenda. Motion by Urban, seconded by Reid, to waive Attorney/Client Privilege for the Opinion of City Attorney Randy Brown dated November 24, 2015, concerning this issue. Discussion followed. Upon a roll call vote, motion carried 4 to 2. Yeas: Councilmembers Reid, Urban and Ford and Mayor Pro Tem Ansari. No: Councilmembers Pearson and Randall.

Councilmember Urban indicated that he had concerns with this business item and read the two main paragraphs of the Opinion of City Attorney Randy Brown dated November 24, 2015, without citing the subparagraphs. He pointed out that City Attorney Brown had concerns with the Open Meetings Act (OMA) and the strict rules that would therefore be necessary. He stressed that the Opinion reads such that there would be so many constraints on discussion at the meeting that it would be of little use. He reminded Council that each Councilmember can always call Mr. Shaffer with questions; and he could continue to supply everyone with the answers as he has done in the past. He cited a couple of the limitations cited in the subparagraphs of the Opinion: Council could not discuss the answers received from questions at the meeting with one another, and not being able to answer the questions of a citizen who might show up. As a result, he indicated that he does not believe such a meeting serves any useful purpose since, in order to be in compliance with the Open Meetings Act, and the Public Notice required for a Special Meeting of City Council, to set these meetings up makes no sense at all. Without listing them, he noted that Council has commented to him that they have a multitude of ways to contact Mr. Shaffer with questions that he can then disseminate to the rest of Council in order to protect against Open Meetings Act violations. Finally, he questioned why the proposed time for a Pre-Council meeting was not one that was indicated on the Doodle Survey of Council that was conducted to determine a mutually convenient time to meet.

Councilmember Pearson commented that he contacted City Attorney Brown ostensibly because he objected to his Opinion since he thought it squelched transparency; and, what he wanted was extensive City Council discussion (at the Pre-Council Meetings). He recommended that Council take this matter up at the Council Retreat for an in depth analysis, line by line, in order to open up (Pre-Council Meetings) to full transparency. He said that Councilmember Urban used this document against having Pre-Council Meetings; and, that he has gone on record saying that, when he was elected to Council, his only commitment was to show up twice a month for City Council Meetings (as determined by *City Charter*). He indicated that Council has had Pre-Council Meetings in the past; Pre-Council Meetings do open up transparency; he is fully in favor of having Pre-Council Meetings; and, he is sure Council can get a mutually convenient time on their schedules as evidenced by the results of the Doodle Survey. Also, since there is no voting at these Pre-Council Meetings, the consensus, or the majority, of this Council is to be able to call in and use modern technology, and he said he asked Mr. Brown why this was not addressed in his Opinion, as he felt it should be since it should be a part of the discussion of full Council.

Councilmember Reid objected to the characterization that Councilmember Urban only signed on for two meetings a month as it is really not accurate since all Councilmembers have responsibilities

beyond the Regular City Council Meetings such as serving on external/community committees, on-going committees, task groups and boards. She stressed that this is a regularly scheduled special meeting of City Council that has to meet at a time that is universally acceptable. She pointed out that Council did not get the results of the Doodle Survey, and she said she was interested in the results of the survey as she wanted to know what the time options were. She recognized from Mr. Brown's Opinion that the Pre-Council Meetings were not going to have discussion and be very constrained. She recognized that the current procedure is also somewhat constrained, but it allows Council to ask questions and get information as needed and cited item F.1, 2016 Fee Schedules, as a good example that explains how the current method works and works well for decision-making. She emphasized the effectiveness of the use of e-mails, the need to follow the Open Meetings Act guidelines to protect against legal issues as articulated by Attorney Brown, and the importance of still getting questions answered. She pointed out that if there is an interest in discussion, that is a different type of meeting than the Pre-Council Meetings being considered here; that is a different type of meeting; and, Council is not considering the type of Pre-Council Meetings that have happened in the past because that was a sub-quorum group and a different "animal."

Councilmember Reid also addressed the requirement that City Council had to have very clear rules for these Pre-Council Meetings according to Attorney Brown, and mentioned that Council cannot have Pre-Council Meetings until those rules have been developed and passed by Council. For these reasons, she said she is not in favor of approving the schedule as presented until Council has these matters solved.

Councilmember Randall expressed dissatisfaction with the Opinion of City Attorney Brown dated November 24, 2015, but did not have a chance to call him. She thought the objective was that Council would work together as a team, and that was Mayor Strazdas' intent because each Councilmember comes to a meeting with a different set of information that was verbally conveyed. She said she was virtually excluded from this information during the first four years on Council, and the scheduling of Pre-Council Meetings was meant to be a way of bringing everyone along, all on the same page, at the same time, everyone hears it together, and create some good will among the Councilmembers. She expressed her opinion that it is the job of Council to set the Agenda on how to run these meetings as a policy. She outlined how Kalamazoo County Meetings are run, and indicated that she would be speaking with a couple of individuals in order to find out how to honor transparency and still adhere to the Open Meetings Act.

Councilmember Urban indicated that the City Council has already implemented the Committee of the Whole (COW) which is what the County does for the meetings to which she referred. However, the Pre-Council Meetings are different from the COW; people have gone to jail for violating the Open Meetings Act, and he does not intend to violate the Act. He said that he has always valued the legal opinion of Mr. Brown and, as Councilmember Pearson indicated, Council needs to discuss this at the Council Retreat, so setting a schedule, starting these meetings, before the discussion of the rules and setting the rules is inappropriate.

Councilmember Ford indicated that he does not plan to attend very many of these Pre-Council Meetings; that any Special Meetings regarding the Agenda can easily be properly noticed; questions at these meetings should be limited to the Agenda items; no one on Council intends to discuss items outside the Agenda; and, he sees this as a way for Council to get information face to face, if preferred, and explained. He referenced the sub-quorum meeting format with only three Councilmembers: the Mayor, the Mayor Pro Tem and the Consent reader, as was used in the past. He said that not many or no citizens showed up at City Hall owing to the 7:30 a.m. time of the meeting, and spoke in support of the meeting as a question and answer session for the exchange of information.

City Attorney Brown interjected that the intent of his Opinion may have become somewhat exaggerated. He indicated that at the last meeting, he understood that the Council would be setting a Regular Special Meeting of Council where a quorum could be present that would be restricted to questions from City Council to the City Manager and only the answers would be provided. He indicated that he did not talk to any Councilmember afterwards, but it occurred to him that there were some issues that needed to be resolved; and, they are not insurmountable, but they need to be resolved. He explained

that his Opinion was written to clarify so there was no ambiguity and no violations later, and Mr. Shaffer agreed that it is important that Council be aware of some of these issues and how to handle them. Mayor Pro Tem Ansari concurred. City Attorney Brown indicated that the crux of the Opinion is the Special Meeting Notice and the rules that need to be set up to determine the limit of the discourse at this meeting or how to proceed and explained. In response to Mayor Pro Tem Ansari and the request from Councilmember Reid, Mr. Shaffer said from the Doodle Survey, he understood a consensus developed around the 9:00 a.m. time, so that is the time reflected on the proposed Pre-Council Meetings Schedule.

Councilmember Reid indicated that her reason for asking about the Doodle Survey was because she felt a consensus was not adequate because the time needs to be a time that is available to all of Council.

In answer to Councilmember Pearson, Councilmember Urban pointed out that the 9:00 a.m. time was not one of the survey options, but he and the rest of Council confirmed that they were available at that time. Councilmember Pearson indicated that he went to a lot of Pre-Council Meetings when it was not his turn, and found that he had more information than the other Councilmembers. Therefore, he asked to bring Pre-Council Meetings back, but saw that it was important that all Councilmembers had the same information, so he suggested that it be open to all Councilmembers, record it, take minutes, and whatever else is necessary. He stated he agreed with Councilmember Urban that this matter needs to be discussed further at the Council Retreat.

Motion by Pearson, seconded by Randall, to set the Pre-Council Meetings for the 2016 Calendar Year to start on February 8, 2016, to give City Council time to have a full discussion at the January 22, 2016 City Council Retreat.

Councilmember Ford referred to the Councilmember training for the electronic agenda on SuiteOne coming up which may be useful as a means to notify the City Manager of questions, and stressed the importance of setting some ground rules: questions only, an answer by the City Manager and possible follow-up questions and explained.

Councilmember Urban concurred with Councilmember Ford which is a reason not to schedule Pre-Council Meetings because the questions can be asked via e-mail and the answers can be disseminated to all Councilmembers by e-mail, even if the questions are asked over the phone or in person. He questioned the reasonableness of scheduling a Special Meeting and to tie staff up producing minutes for all of Council, which would have to be done fairly quickly in order to be useful in notifying Councilmembers who did not attend of what went on at the meeting. He noted that he was the one who asked that someone be allowed to fill in when there was a Councilmember who could not attend one of the Pre-Council Meetings in the past, and that he would still advocate that position if that procedure was still in place. He contrasted the proposed Pre-Council Meetings with the Pre-Council Meetings of the past because it means setting an Agenda which limits what can be discussed and questions that go beyond the Agenda of the Regular Meeting cannot be asked. He said that making Pre-Council Meetings formal is not going to add transparency to anything; no citizens are going to show up; and, quite likely most citizens will not know about the meetings. He said it makes no sense when Council can ask the same question by e-mail, by phone or by visiting the City Manager face to face as is currently the case. Discussion followed. Upon a roll call vote, motion carried 5 to 1. Yeas: Councilmembers Ford, Pearson, Randall and Reid, and Mayor Pro Tem Ansari. No: Councilmember Urban.

AUSTIN LAKE GOVERNMENTAL LAKE BOARD – APPOINT NEW MEMBER:

Councilmember Pearson provided an explanation and perspective of the necessity to appoint a member to the Austin Lake Governmental Lake Board with the vacancy created by the leaving of former Mayor Pro Tem Ed Sackley, who is leaving his position on the Board. City Clerk James Hudson confirmed that the string of e-mails with Mr. Sackley confirms his intent and no formal resignation letter is necessary. Councilmember Pearson related that Mr. Sackley will act as Chair of the Board on December 9, 2015; there will be a vote for new officers; the lake scientists will give preliminary report in January 2016, and he reflected on the wisdom of selecting a Councilmember to serve prior to the Council Retreat effective January 1, 2016, in order to receive the report from the lake scientists and be fully on board for the first meeting in January 2016. Discussion followed. Motion by Pearson, seconded by Reid, to appoint

Mayor Pro Tem Ansari to the Austin Lake Governmental Lake Board. Discussion followed. Upon a roll call vote, motion carried 6 to 0.

BOARD AND COMMISSION INTERVIEWS: Councilmember Ford expressed his agreement with City Council Policy to reappoint Board members in good standing, but questioned the procedure of not informing applicants of this Policy who are interested in a Board or Commission where each of the members with expiring terms wish to be reappointed. He indicated that this would allow the applicant to choose whether or not to “waste” his or her Tuesday night or not come to the interviews.

Councilmember Reid responded that there have been times when an applicant came to interview for one position, and while at the interview session found out about other positions and, if the applicant does not come at all, that opportunity is lost. She pointed out that this is a Policy that is not only based upon attendance, but also on how the applicant has worked and that is not something that can be determined ahead of time. She spoke in opposition to the idea of not inviting the applicant because she did not wish to reduce the number of people who are coming to volunteer for Boards and Commissions and explained that Council is usually able to find a good fit for the applicants who are interested and did not wish to reduce those numbers because of this. Discussion followed.

Councilmember Urban indicated that perseverance and a showing of interest has served many applicants in the past as it was deemed by Council that it was time to place an applicant on a Board who consistently showed up for the interviews, Council got to know the person and a proper fit could be found. Discussion followed.

Motion by Randall, seconded by Reid, to set a Special Meeting on Tuesday, January 12, 2016, at 5:30 p.m., to interview Board and Commission applicants. Upon a roll call vote, motion carried 6 to 0.

* **LDFA REFUNDING BONDS SAVINGS – ANALYSIS REPORT:** Motion by Reid, seconded by Pearson, to receive the communication from the City Manager regarding the refunding of Local Development Finance Authority Bonds, Series 2004, as information only. Upon a roll call vote, motion carried 6 to 0.

UNFINISHED BUSINESS:

* **HARRIS DRIVE VACATION REQUEST:** Motion by Reid, seconded by Pearson, to adopt the Resolution to vacate the south approximate 57 feet of Harris Drive. Upon a roll call vote, motion carried 6 to 0.

* **MINUTES OF BOARDS AND COMMISSIONS MEETINGS:** City Council received the minutes of the Portage Public Schools District Advisory Council of October 15, 2015.

OTHER CITY MATTERS:

STATEMENTS OF CITY COUNCIL: Councilmember Urban referenced the discussions by Councilmembers Ford, Reid and himself of the essays from Portage Public School Children entitled, “Why I Love Portage” to determine the winning pair of students who will be given the opportunity to turn on the Christmas lights in Portage and that he was looking forward to the Annual Tree Lighting Ceremony on December 5, 2015, at 7 p.m.

Councilmember Reid mentioned the upcoming Council of Governments (COG) Meeting, December 2, 2015, 3:30 p.m. at the Kalamazoo County Road Commission, 3801 East Kilgore Road, where they will discuss the structuring of the upcoming Countywide Public Transit for the Demand Service and the County Sheriff millage campaigns. She also noted that the COG would be reviewing a recent survey to help determine how to best serve each of the municipal members within COG.

Councilmember Randall highlighted the Annual Tree Lighting Ceremony as a wonderful family event and acknowledged the passing of Communication Services Employee Janet Hughes and extended her condolences to her family.

Councilmember Ford congratulated the MSU Spartans for winning the Big 10 East Football Championship, concurred that the Annual Tree Lighting Ceremony is a great event, and shared that he recently was able to enjoy the new snow with his family on the sledding hill at Oakland Park.

Councilmember Pearson thanked Mayor Pro Tem Ansari for stepping in at the very next meeting after his appointment to run the meeting this evening.

City Manager Shaffer reflected on the comment by Councilmember Randall regarding the tragic loss of Janet Hughes, and noted that she always dreamt of traveling to Israel; she was a woman of deep faith; she made it to Israel where she passed away. He noted that many of her Church group were at the memorial service and shared some of her experiences in Israel. He said that in some ways, it was a great tragedy, but in other ways a great joy to hear that one of our own achieved something that was so high on her list of wishes.

Mayor Pro Tem Ansari indicated that he has had citizens express concern about the unknown impact of the potential merger of Pfizer, Inc., and Allergan that would create the largest pharmaceutical company in the world with a deal worth about \$250 billion. He said that the importance of Pfizer to the local economy cannot be overstated. He noted that Pfizer employs over 1,800 employees at the Portage manufacturing facility, has a taxable value of just over \$300 million and contributes more than \$2.9 million in taxes to Portage. He indicated that Pfizer has applied for a variance to the Zoning Board of Appeals for the construction of a 100,000 square foot facility on its Portage campus. He indicated that future construction has also been discussed and the goal of the City of Portage is to remain an open and credible partner to ensure that the pharmaceutical giant continues to support and enhance its largest manufacturing facility within the City of Portage.

ADJOURNMENT: Mayor Pro Tem Ansari adjourned the meeting at 8:40 p.m.

James R. Hudson, City Clerk

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

TO: Honorable Mayor and City Council

FROM: Laurence Shaffer, City Manager



SUBJECT: Accounts Payable Register

SUPPORTING PERSONNEL: William Furry, Finance Director

ACTION RECOMMENDED: That City Council approve the Accounts Payable Register of December 15, 2015 as presented.

The City Council reviews and approves the bi-weekly Accounts Payable Register which includes automated clearing house payments, paper checks and auto-pay payments. The attached Accounts Payable Register covers the period November 22, 2015 through December 6, 2015 and notes \$117,522.61 in automated clearing house payments, \$414,690.07 in paper checks and \$13,636.56 in auto-pay payments for a grand total of \$545,849.24.

FUNDING: N/A

Attachments: 1. Accounts Payable Register

CITY OF PORTAGE ACCOUNTS PAYABLE REGISTER

Check Dates From: 11/22/2015 To: 12/06/2015

| Check Date | Check | Vendor Name | Amount |
|------------|---------|-------------------------------------|-----------------------------|
| 12/04/15 | 4590(A) | ABONMARCHE CONSULTANTS, INC | 22,888.25 |
| 12/04/15 | 4591(A) | ADMIRAL LOCK & KEY SERVICE | 286.75 |
| 12/04/15 | 4592(A) | B & B YARDSCAPE | 1,035.00 |
| 12/04/15 | 4593(A) | BATTERIES PLUS | 163.55 |
| 12/04/15 | 4594(A) | BELL EQUIPMENT COMPANY | 288.64 |
| 12/04/15 | 4595(A) | BREATHING AIR SYSTEMS | 378.35 |
| 12/04/15 | 4596(A) | CARRIER & GABLE | 5,580.15 |
| 12/04/15 | 4597(A) | CITY OF PORTAGE | 218.16 |
| 12/04/15 | 4598(A) | CLEAN EARTH ENVIRONMENTAL SERV | 1,238.30 |
| 12/04/15 | 4599(A) | CONTINENTAL LINEN SERVICES | 34.27 |
| 12/04/15 | 4600(A) | DEPATIE FLUID POWER CO., INC. | 208.68 |
| 12/04/15 | 4601(A) | EMPLOYMENT GROUP, INC. | 1,112.30 |
| 12/04/15 | 4602(A) | FIRE SERVICE MANAGEMENT | 895.52 |
| 12/04/15 | 4603(A) | GAIL ANDRUS TRAVEL | 596.75 |
| 12/04/15 | 4604(A) | GLOBAL TELEMATIC SOLUTIONS LLC | 800.00 |
| 12/04/15 | 4605(A) | INDUSCO SUPPLY CO., INC. | 273.31 |
| 12/04/15 | 4606(A) | IRISH AYRES ENTERPRISES, LLC | 920.00 |
| 12/04/15 | 4607(A) | JONES & HENRY ENGINEERS, LTD | 2,843.92 |
| 12/04/15 | 4608(A) | KEHOE, EDWARD J | 300.00 |
| 12/04/15 | 4609(A) | MAURER'S TEXTILE RENTAL SERVICES | 804.55 |
| 12/04/15 | 4611(A) | MEJEUR ELECTRIC LLC | 3,255.00 |
| 12/04/15 | 4612(A) | PCM SALES, INC. | 66,553.06 |
| 12/04/15 | 4613(A) | PECKELS, CHRISTINE | 180.00 |
| 12/04/15 | 4614(A) | PORTAGE FIREFIGHTERS | 1,402.44 |
| 12/04/15 | 4615(A) | PORTAGE ON-CALL FIREFIGHTERS | 120.00 |
| 12/04/15 | 4616(A) | PORTAGE POLICE OFFICERS ASSOC | 728.00 |
| 12/04/15 | 4617(A) | PREIN & NEWHOF | 2,700.90 |
| 12/04/15 | 4618(A) | ROTO-ROOTER SEWER & DRAIN SERV | 56.00 |
| 12/04/15 | 4619(A) | S B F ENTERPRISES, INC. | 752.80 |
| 12/04/15 | 4620(A) | SNELL, DEBRA | 120.00 |
| 12/04/15 | 4621(A) | UNITED AUTO. IMPLEMENT WORKERS 2290 | 587.16 |
| 12/04/15 | 4622(A) | UNITED WATER ENVIRONMENTAL SERVICES | 200.80 |
| | | SUBTOTAL: | 32 CHECKS 117,522.61 |
| 11/24/15 | 295877 | STATE OF MICHIGAN (DEPT LABOR) | 150.00 |
| 12/04/15 | 295878 | 57TH DISTRICT COURT | 300.00 |
| 12/04/15 | 295879 | 62A DISTRICT COURT | 250.00 |
| 12/04/15 | 295880 | 7TH DISTRICT COURT | 100.00 |
| 12/04/15 | 295881 | 7TH DISTRICT COURT WEST | 165.00 |
| 12/04/15 | 295882 | A I S CONSTRUCTION EQUIP. CO. | 474.96 |
| 12/04/15 | 295883 | A PIZZA YEN | 340.00 |
| 12/04/15 | 295884 | A T & T | 126.55 |
| 12/04/15 | 295885 | ADP, INC. | 798.12 |
| 12/04/15 | 295886 | ALL CITY MANAGEMENT SERVICES, INC. | 3,115.80 |

CITY OF PORTAGE ACCOUNTS PAYABLE REGISTER

Check Dates From: 11/22/2015 To: 12/06/2015

| Check Date | Check | Vendor Name | Amount |
|------------|--------|-------------------------------------|-----------|
| 12/04/15 | 295887 | ALL-TRONICS, INC. | 81.00 |
| 12/04/15 | 295888 | ALLEGRA PRINT & IMAGING | 324.00 |
| 12/04/15 | 295889 | ALSAID, DANIA | 100.00 |
| 12/04/15 | 295890 | ALTA EQUIPMENT CO. | 260.88 |
| 12/04/15 | 295891 | ANY CUTTING & WELDING | 120.00 |
| 12/04/15 | 295892 | APCO INTERNATIONAL | 92.00 |
| 12/04/15 | 295893 | APPLIED IMAGING | 2,449.24 |
| 12/04/15 | 295894 | ARROWHEAD SCIENTIFIC, INC. | 524.22 |
| 12/04/15 | 295895 | AT&T YELLOW PAGES | 106.04 |
| 12/04/15 | 295896 | BAILEY CONTRACTORS INC. | 16.80 |
| 12/04/15 | 295897 | BARNES, W. CHRISTOPHER | 49.22 |
| 12/04/15 | 295898 | BEST WAY DISPOSAL, INC. | 45,044.84 |
| 12/04/15 | 295899 | BRIDGEWORKS II, LLC | 3,750.00 |
| 12/04/15 | 295900 | BROWNELL'S INCORPORATED | 33.76 |
| 12/04/15 | 295901 | BUNELL, LINDA | 25.00 |
| 12/04/15 | 295902 | C A L E A | 98.00 |
| 12/04/15 | 295903 | CAMPBELL AUTO SUPPLY | 21.98 |
| 12/04/15 | 295904 | CARLETON EQUIPMENT CO. | 333.55 |
| 12/04/15 | 295905 | CITY OF KALAMAZOO TREASURER | 692.05 |
| 12/04/15 | 295906 | COASTAL TRAINING TECHNOLOGIES CORP | 799.95 |
| 12/04/15 | 295907 | COLE KRUM CHEVROLET | 164.45 |
| 12/04/15 | 295908 | COSTAR REALTY INFORMATION, INC. | 294.68 |
| 12/04/15 | 295909 | CUMMINGS BRIDGEWAY LLC | 314.50 |
| 12/04/15 | 295910 | D L GALLIVAN INC. | 287.56 |
| 12/04/15 | 295911 | DAVIS & ASSOCIATES | 182.00 |
| 12/04/15 | 295912 | DOUGLASS SAFETY SYSTEMS LLC | 725.56 |
| 12/04/15 | 295913 | DYLHOFF, RANDY | 170.00 |
| 12/04/15 | 295914 | EMERGENCY VEHICLE PRODUCTS | 195.00 |
| 12/04/15 | 295915 | EXTREME POWER EQUIPMENT, INC. | 76.31 |
| 12/04/15 | 295916 | FIRST DUE FIRE SUPPLY CO. | 13,167.20 |
| 12/04/15 | 295917 | GORDON WATER SYSTEMS | 362.50 |
| 12/04/15 | 295918 | GRAHAM FORESTRY SERVICE, INC. | 1,840.00 |
| 12/04/15 | 295919 | GRANDSTAFF, ANNE | 62.00 |
| 12/04/15 | 295920 | GREATER KALAMAZOO FOP LODGE 98 | 549.20 |
| 12/04/15 | 295921 | GREATER KALAMAZOO FOP LODGE 98 | 2,855.84 |
| 12/04/15 | 295922 | GREATER KALAMAZOO UNITED WAY | 937.56 |
| 12/04/15 | 295923 | GRIFFIN PEST SOLUTIONS, INC. | 55.00 |
| 12/04/15 | 295924 | GUARDIAN TRACKING, LLC | 3,462.50 |
| 12/04/15 | 295925 | HOME DEPOT | 335.12 |
| 12/04/15 | 295926 | HOWARD PRINTING | 9,097.50 |
| 12/04/15 | 295927 | KALAMAZOO AREA TRANSPORTATION STUDY | 1,500.00 |
| 12/04/15 | 295928 | KALAMAZOO COUNTY HEALTH & COMMUNITY | 6,270.95 |
| 12/04/15 | 295929 | KALAMAZOO COUNTY TREASURER | 214.25 |
| 12/04/15 | 295930 | KALAMAZOO GAZETTE | 41.55 |

CITY OF PORTAGE ACCOUNTS PAYABLE REGISTER

Check Dates From: 11/22/2015 To: 12/06/2015

| Check Date | Check | Vendor Name | Amount |
|------------|--------|-------------------------------------|-----------|
| 12/04/15 | 295931 | KALAMAZOO LANDSCAPE SUPPLIES | 769.75 |
| 12/04/15 | 295932 | KALAMAZOO ROD & GUN CLUB | 60.00 |
| 12/04/15 | 295933 | KENT COUNTY DPW | 67.50 |
| 12/04/15 | 295934 | KEYSTONE EVENT MGMNT CONCEPTS, INC. | 170.00 |
| 12/04/15 | 295935 | KLOOSTER, FRAN | 45.00 |
| 12/04/15 | 295936 | KNIGHT, ANDREW | 109.55 |
| 12/04/15 | 295937 | KZOO TIRE COMPANY | 1,103.36 |
| 12/04/15 | 295938 | LIFE CYCLE LLC | 28.00 |
| 12/04/15 | 295939 | M COVILLE EXCAVATING | 335.00 |
| 12/04/15 | 295940 | MEEKHOF TIRE SALES & SERVICE INC. | 687.05 |
| 12/04/15 | 295941 | MICH MUNICIPAL POLICE & FIRE REPAIR | 500.30 |
| 12/04/15 | 295942 | MICH. RECREATION & PARK ASSOC. | 370.00 |
| 12/04/15 | 295943 | MICHIGAN MUNICIPAL LEAGUE | 243.10 |
| 12/04/15 | 295944 | MICHIGAN PAVING & MATERIALS CO. | 4,366.97 |
| 12/04/15 | 295945 | MIDWEST ENERGY COOPERATIVE | 268.78 |
| 12/04/15 | 295946 | MILLS, DANIEL | 2,212.94 |
| 12/04/15 | 295947 | MISS DIG SYSTEM, INC. | 2,559.99 |
| 12/04/15 | 295948 | MLIVE MEDIA GROUP | 1,058.58 |
| 12/04/15 | 295949 | MONIFA A. JUMANNE, PH.D. | 900.00 |
| 12/04/15 | 295950 | MOORE ELECTRICAL SERVICE, INC. | 2,500.00 |
| 12/04/15 | 295951 | MULDERS LANDSCAPE SUPPLIES INC | 18,400.00 |
| 12/04/15 | 295952 | NEW FRESH CLEANING SERVICE | 1,380.00 |
| 12/04/15 | 295953 | NORTHERN AUTO BODY | 3,260.65 |
| 12/04/15 | 295954 | NYE UNIFORMS | 89.98 |
| 12/04/15 | 295955 | O'BOYLE-COLWELL-BLALOCK & AS. | 100.00 |
| 12/04/15 | 295956 | OFFICE DEPOT, INC. | 549.00 |
| 12/04/15 | 295958 | ONSTAFF USA INC | 22,240.60 |
| 12/04/15 | 295959 | PAPER CENTRAL | 1,087.00 |
| 12/04/15 | 295960 | PETERS, DONNA | 292.00 |
| 12/04/15 | 295961 | PETTY CASH-PARKS | 150.77 |
| 12/04/15 | 295962 | PETTY CASH-SENIOR CENTER | 379.81 |
| 12/04/15 | 295963 | PLAYWORLD MIDSTATES | 1,097.75 |
| 12/04/15 | 295964 | PORTAGE GLASS & MIRROR | 225.00 |
| 12/04/15 | 295965 | PREMIER TRUCK SALES & RENTAL, INC. | 14,736.00 |
| 12/04/15 | 295966 | PRINTEK, INC. | 317.66 |
| 12/04/15 | 295967 | PROCLAMATION BRASS | 100.00 |
| 12/04/15 | 295968 | PROFESSIONAL RETAIL SERVICE | 139.00 |
| 12/04/15 | 295969 | PUBLIC MEDIA NETWORK | 96,562.28 |
| 12/04/15 | 295970 | QUADRANT II MARKETING, LLC | 2,068.40 |
| 12/04/15 | 295971 | RAMSDELL, QUINN | 90.99 |
| 12/04/15 | 295972 | RATHCO SAFETY SUPPLY, INC. | 1,714.92 |
| 12/04/15 | 295973 | REPUBLIC SERVICES OF WEST MICHIGAN | 200.00 |
| 12/04/15 | 295974 | RIDGE AUTO NAPA | 2,395.18 |
| 12/04/15 | 295975 | RIVERSIDE INTEGRATED SYSTEMS, INC. | 595.00 |

CITY OF PORTAGE ACCOUNTS PAYABLE REGISTER

Check Dates From: 11/22/2015 To: 12/06/2015

| Check Date | Check | Vendor Name | Amount |
|------------|--------|--------------------------------|------------------------------|
| 12/04/15 | 295976 | ROWLEY BROTHERS, INC. | 1,503.25 |
| 12/04/15 | 295977 | S A MORMAN & CO. | 1,973.00 |
| 12/04/15 | 295978 | SCHUBKEGEL, FRED | 149.51 |
| 12/04/15 | 295979 | SENTRY AIR SYSTEMS INC | 1,934.59 |
| 12/04/15 | 295980 | SHORELINE TOURS & TRAVEL | 8,087.76 |
| 12/04/15 | 295981 | SOUTH BEND UNIFORM | 250.00 |
| 12/04/15 | 295982 | SPYGLASS GROUP LLC | 1,330.61 |
| 12/04/15 | 295983 | STAP BROS LAWN & LANDSCAPE,INC | 4,769.57 |
| 12/04/15 | 295984 | STATE OF MICHIGAN (DOT) | 88,970.25 |
| 12/04/15 | 295985 | STATE OF MICHIGAN (MGT & BUDGE | 230.00 |
| 12/04/15 | 295986 | STATE SYSTEMS RADIO, INC | 254.25 |
| 12/04/15 | 295987 | TASER INTERNATIONAL, INC | 3,444.09 |
| 12/04/15 | 295988 | THE IRRIGATOR | 2,345.95 |
| 12/04/15 | 295989 | UNITED PARCEL SERVICE | 25.64 |
| 12/04/15 | 295990 | VALLEY CITY ENVIRONMENTAL | 3,965.00 |
| 12/04/15 | 295991 | VANCE OUTDOORS, INC. | 40.30 |
| 12/04/15 | 295992 | VANDENBERG, NANCY | 570.00 |
| 12/04/15 | 295993 | VARTEC, LLC | 1,200.00 |
| 12/04/15 | 295994 | VERIZON WIRELESS SERVICES, LLC | 1,894.62 |
| 12/04/15 | 295995 | VLIESTRA, RAY | 7.39 |
| 12/04/15 | 295996 | WALZ, KRISTINE OR TYLER | 70.24 |
| 12/04/15 | 295997 | WHEELER, JOYCE | 42.00 |
| 12/04/15 | 295998 | XAVUS SOLUTIONS | 1,200.00 |
| | | SUBTOTAL: | 121 CHECKS 414,690.07 |
| 11/24/2015 | 2428 | Utilities auto-pay payments | 305.61 |
| 11/30/2015 | 2448 | Utilities auto-pay payments | 13,330.95 |
| | | SUBTOTAL: | 2 CHECKS 13,636.56 |
| | | GRAND TOTAL: | 155 CHECKS 545,849.24 |

** (A) DENOTES ACH PAYMENTS

TO: Honorable Mayor and City Council

FROM: Laurence Shaffer, City Manager



SUBJECT: Traffic Signal Improvements - Lovers Lane and East Kilgore Road

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

ACTION RECOMMENDED: That City Council:

- a. approve Contract 15-5486 between the Michigan Department of Transportation and the City of Portage for traffic signal improvements along Lovers Lane and East Kilgore Road;
- b. adopt a Resolution authorizing the City Manager to sign Contract 15-5486;
- c. approve a contract amendment with Abonmarche Consultants for construction administration services at a cost not to exceed \$42,758;

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

The local Transportation Improvement Plan (TIP) is administered by the Kalamazoo Area Transportation Study (KATS). The 2014-2017 TIP includes a traffic signal improvement project at Lovers Lane and East Kilgore Road which has also been included in the FY 2015 – 2016 Capital Improvement Program (CIP) budget.

The project consists of the installation of new traffic signal hardware and software, as well as fiber optic cable installation and connections from the East Kilgore Road / Woodmont Drive intersection to the Lovers Lane / East Centre intersection. Both KATS and the Michigan Department of Transportation (MDOT) have approved the improvements along Lovers Lane and East Kilgore Road. It has been the policy of MDOT over the years to submit cost sharing agreements to local municipalities once the project has been advertised for construction bids. This project was bid on December 4, 2015. MDOT cannot award a construction contract without a completed cost sharing agreement from the local municipality. The estimated construction cost of the project is \$388,447, of which \$352,850 is federal Congestion Mitigation and Air Quality (CMAQ) funds. The city share of the project cost is estimated at \$35,597, which will be funded through the FY 2015 – 2016 CIP budget. In the event that the construction costs are greater than the estimates included in this cost-sharing agreement, a budget amendment may be processed by the city to obligate the appropriate local share funds.

On February 10, 2015, City Council awarded an engineering contract to Abonmarche Consultants for the initial design of the traffic signal improvements. MDOT requires that the local agency perform the construction administration, including construction staking and inspection, material testing, and other

administrative tasks to ensure the project is completed as intended. For consistency in the design and construction process, it is critical that the design engineer perform the construction administration portion of the project. The City Administration requested a proposal from Abonmarche Consultants to perform the necessary administrative services. The submitted cost of \$42,750 is reasonable for the highly technical work involved.

Therefore, it is recommended that City Council approve Contract 15-5486 between MDOT and the City of Portage for traffic signal improvements at Lovers Lane and East Kilgore Road, adopt a Resolution authorizing the City Manager to sign Contract 15-5486, approve a contract amendment with Abonmarche Consultants for construction administration services at a cost not to exceed \$42,758 and authorize the City Manager to sign all documents related to the project on behalf of the city.

FUNDING: FY 2015 - 2016 Capital Improvement Program funds.

Attachments: 1. Resolution for Contract 15-5486

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 _____, 2015 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, Larry Shaffer, to sign contract 15-5486 between the City of Portage and the Michigan Department of Transportation. This contract is for traffic signal interconnection work along Lovers Lane from East Centre Avenue northerly to East Kilgore Road and along East Kilgore Road from Lovers Lane westerly to west Burdick Street; including traffic signal improvements at Lovers Lane and Romence Road Parkway and all together with necessary related work.

ADOPTED: YEAS:
NAYS:
ABSENT:

James R. Hudson, City Clerk

CERTIFICATION

I hereby certify this _____ day of _____, 2015 that the foregoing is a true and complete copy of the original on file in my office.

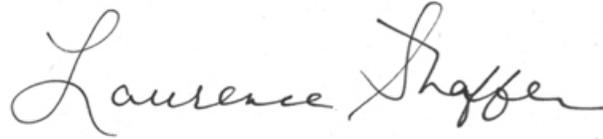
APPROVED AS TO FORM
DATE 11/24/15

CITY ATTORNEY

James R. Hudson, City Clerk

TO: Honorable Mayor and City Council

FROM: Laurence Shaffer, City Manager



SUBJECT: Martin Luther King, Jr. Drive Reconstruction Project

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

ACTION RECOMMENDED: That City Council:

- a. approve the Development Agreement concerning the reconstruction and dedication of Martin Luther King Jr. Drive, Portage, Michigan;
- b. approve the Martin Luther King Jr. Drive land division with public improvements for 6601 Constitution Boulevard; and
- c. adopt Resolution No. 1, approving the special assessment for properties contained within the preliminary special assessment roll, accepting the City Manager Report and requesting preparation of Resolution No. 2 for the Martin Luther King, Jr. Drive Project #998-R.

Martin Luther King, Jr. (MLK) Drive is a private street that serves as a connection between Constitution Boulevard and Ring Road at Crossroads Mall. MLK Drive was partially constructed as Weiner Court in approximately 1982 and then extended in 1987 to connect with Constitution Boulevard, also constructed in 1987.

MLK Drive is an important collector road, providing access to significant retail and entertainment uses within the regional shopping district of the community. Proper and continued maintenance of MLK Drive is needed to promote the strength of this district within the city. However, for an extended period of time, MLK Drive has not been sufficiently maintained. For that reason, the City Administration has been in discussion with the Meyer C. Weiner Company (MCW), the owner of the private street, to develop a public-private collaboration that will provide a long-term solution to an ongoing maintenance challenge for the private property owners and the community at large. Various actions are proposed as part of this unique public-private collaboration, resulting in the improvement of the street according to public standards and the acceptance of MLK Drive by the city as a public street. If approved by the Council, the city will undertake the design and reconstruction of MLK Drive and MCW will contribute funding to pay the city-share of a proposed special assessment project as specified in a recommended Development Agreement with the City of Portage. These actions are detailed below and include approval of the Development Agreement, a land division with public improvements and creation of a Special Assessment District for properties abutting MLK Drive.

Development Agreement

The terms of the Development Agreement concerning the reconstruction and dedication of MLK Drive have been established by the City Administration and MCW over the past several months, which include the following significant provisions:

1. Approval of the Development Agreement is contingent upon receipt of a petition for a Special Assessment District from MCW and authorized representatives of all property abutting MLK Drive. As detailed in subsequent paragraphs, these petitions have been received. The agreement also specifies that it may be terminated by either the city or MCW if any petitioner withdraws support for the special assessment district prior to its establishment.
2. The Development Agreement stipulates that MCW will pay for the city-share costs that would otherwise be incurred as part of a Special Assessment District for public street reconstruction. In particular, upon approval of the agreement, MCW will deposit into escrow \$250,000 to cover the estimated soft and hard construction costs associated with the street reconstruction.
3. The overall cost for the street reconstruction is estimated at \$474,898. Of this overall cost, \$224,898 will be included in a Special Assessment District and charged to abutting property owners using the adopted 2015 Special Assessment Rates for Commercial Street Reconstruction on the benefit derived from the project (calculated based on street frontage), while the remainder of the hard and soft costs will be paid from the \$250,000 in escrow.
4. Within 30 days of City Council approval of the Development Agreement, MCW will complete the process to formally divide 6601 Constitution Boulevard, creating a separate parcel for MLK Drive, and will execute and place into escrow a warranty deed for MLK Drive. The warranty deed will be held in escrow until the Special Assessment District is formally established (by adoption of Special Assessment Resolution #5). The city's acceptance of the warranty deed will occur concurrent with the passage of Resolution #5.
5. Finally, MCW shall also escrow an accompanying warranty deed in favor of the city for a small parcel for the purpose of establishing a memorial park designed to honor Martin Luther King, Jr. MCW shall assist with the design, construction and fundraising for the memorial park.

MLK Drive has a 36-foot right-of-way and a corresponding 36-foot pavement width, with city standard curb on both sides and several storm water catch basins located within the street to facilitate drainage. A sidewalk is located on private property along the north side of MLK Drive, which extends from Constitution Boulevard to Ring Road. In addition, a private sidewalk exists from the east access drive of Celebration Cinema to Ring Road on the south side of MLK Drive. Other than this segment of sidewalk, no additional sidewalks are located on the westerly remainder of the Celebration Cinema frontage or the vacant land on the southeast corner of MLK Drive and Constitution Boulevard. The proposed project will improve access to the adjacent businesses between Constitution Boulevard and Ring Road at Crossroads Mall and provide development opportunities for adjacent vacant parcels. In addition to complete pavement reconstruction, the project involves replacement of existing concrete curb and gutter where necessary, storm drainage improvements, additional fire protection, sidewalks, street lighting and street trees. These improvements are detailed below:

- Curb and gutter: The existing curb and gutter will be primarily retained. However, approximately 25% of the existing curb is sunken, broken or damaged and will require replacement.
- Storm drainage: The existing storm drainage leaching basins will be relocated outside of the

existing roadway, with several new basins constructed near Ring Road to prevent run-off from entering the Crossroads Mall property.

- Fire protection: Fire hydrants will be installed along the public street at 300-foot intervals, consistent with International Fire Code standards. The fire hydrant extensions will be made from the existing water main adjacent to MLK Drive.
- Sidewalks: The existing sidewalk along the north side of MLK Drive is satisfactory, but will require the installation of barrier free access at the public street intersection of Constitution Boulevard and Ring Road. In addition, the existing timber retaining wall that overhangs the sidewalk south of Brann's Steakhouse (700 MLK Drive) will need to be removed and replaced with a modular block wall, similar to the block wall on the south side of MLK Drive. Finally, an easement for the sidewalk located on private property will be required prior to acceptance of MLK Drive by the city. The sidewalk along the south side of MLK Drive owned by Celebration Cinema will remain private and a new sidewalk will be constructed from Constitution Boulevard to the westerly edge of the Celebration Cinema parking lot as part of the project. An easement will also be required for the new sidewalk on the south side of MLK Drive as part of the project.
- Street lighting: Street lights will be installed along MLK Drive, consistent with public street standards.
- Street trees: Approximately 15 trees will be planted on the north side of MLK Drive and 10 trees on the south side, consistent with city standards.

Land Division

A land division with public improvements is proposed to facilitate the reconstruction of MLK Drive according to public street standards. An application has been submitted by MCW to divide the property at 6601 Constitution Boulevard into three new parcels: one parcel defining the boundaries of MLK Drive, one new parcel to the north of MLK Drive and one new parcel to the south. Upon the completion of the reconstruction project, it is proposed that MLK Drive be accepted by the City of Portage as a public street. In order for the city to accept the MLK Drive right-of-way and initiate the proposed Special Assessment District, the land division with public improvements must be reviewed by the Planning Commission and approved by the City Council.

Certain aspects of the proposed project will not meet the public street standards specified in Section 42-803, Streets, Subdivision and Land Development Regulations and variances from City Council will be required. These prescribed standards are as follows:

1. 60-foot street right-of-way width and 44-foot pavement width for a collector street;
2. Sidewalks on the south side of the street in front of Celebration Cinema;
3. Cul-de-sac turnaround at Ring Road; and
4. Public water, sanitary sewer and storm sewer disposal facilities.

As noted above, the private street was constructed more than 20 years ago and providing additional right-of-way concurrent with the proposed reconstruction project is impractical given the existing development pattern. While the pavement width does not meet the standard for a collector street, the 36-foot width for the subject three-lane collector is sufficient to safely and efficiently move motorized and non-motorized traffic. Pedestrian and other non-motorized traffic can utilize the existing sidewalk on the north side of the street and the proposed sidewalk on the south side of the street extending east

to the Celebration Cinema parking lot. With regard to the sidewalks on the south side of the street in front of Celebration Cinema, the existing development pattern and change of grade on the east side of the property are significant and present challenges with the provision of a public sidewalk that will meet accessibility standards for a public sidewalk. With regard to sidewalk installation between the westerly access drive and west property line, installation of a sidewalk would necessitate removal of the existing trees or encroachment into the off-street parking lot. As noted above, the project will include the construction of a sidewalk on the south side of the street from Constitution Boulevard to the west edge of the Celebration Cinema parking lot. In addition, the Northwest Portage Bikeway is available directly south of the cinema property and provides a multi-use trail to the vicinity.

With regard to the cul-de-sac turnaround required for public streets that terminate at private property, MLK Drive terminates at Ring Road, which is a private street. There are existing cross access agreements between the private property owners of MLK Drive and Ring Road, which will be conveyed to the City of Portage prior to the acceptance of MLK Drive as a public street.

Finally, all adjacent properties are served by public water and sanitary sewer, as shown on the water and sanitary sewer map within the attached Department of Community Development report dated November 25, 2015. Therefore, extension of these utilities along MLK Drive is not necessary to properly serve existing and future development. With regard to storm sewer facilities, as noted above, storm water drainage will be provided through a series of leaching basins that will be designed and constructed to properly handle storm water runoff.

On December 3, 2015, the Planning Commission reviewed and unanimously recommended approval of the MLK Drive land division with public improvements to City Council.

Funding / Special Assessment

To facilitate the financing of the reconstruction of MLK Drive, a Special Assessment District has been petitioned by the following property owners adjacent to the current private street:

1. Meyer C. Weiner Company (Village Green Properties LTD, 6601 Constitution Boulevard; Portage Central Limited Partnership, 6500 Ring Road);
2. Celebration Cinema (Jackson Entertainment, LLC, 6600 Ring Road);
3. Brann's (Sizzlin Five, LLC, 700 Martin Luther King Drive); and
4. General Growth Properties (Kalamazoo Mall, LLC, 6500 South Westnedge Avenue).

The special assessment financing is in conformance with the proposed development agreement between the City of Portage and MCW. As noted above, the total estimated cost of the MLK Drive Project is \$474,898. The improvements are proposed to be funded by the utilization of special assessment bonds and property owner funding as provided in the proposed development agreement. The commencement of the special assessment process is recommended at this time to allow for construction to begin in the spring of 2016 with the intent to complete the project during the summer of 2016. Construction activities will be in cooperation with the adjacent property owners so as to minimize disruption to the businesses.

Summary

The City Administration has worked diligently over the past several months to develop the above

described public-private collaboration. It is recommended that City Council first approve the Development Agreement concerning the reconstruction and dedication of Martin Luther King Jr. Drive, Portage, Michigan, the Martin Luther King Jr. Drive land division with public improvements for 6601 Constitution Boulevard and Resolution No. 1, approving the special assessment for properties contained within the preliminary special assessment roll, accepting the City Manager Report and requesting preparation of Resolution No. 2 for the Martin Luther King, Jr. Drive Project #998-R. These recommended actions must be approved separately and in the order in which they are presented; if the preceding recommended action(s) were to not be approved by the City Council, the City Administration would rescind the remaining recommendation(s). Approval of these recommended actions by the Council will result in a long-term solution to the maintenance of this important collector street to various regional shopping and entertainment facilities within the community.

FUNDING: As per the Development Agreement, the city will not incur costs with the proposed street reconstruction project. After the street is dedicated to and accepted by the city, long-term maintenance costs will be incurred by the city and will be incorporated into the Department of Public Services departmental budget.

Attachments:

1. December 7, 2015 Planning Commission Transmittal
2. December 3, 2015 Planning Commission Minutes
3. Department of Community Development Report Dated November 25, 2015
4. Development Agreement
5. Special Assessment District City Manager Report
6. Special Assessment District Resolution #1

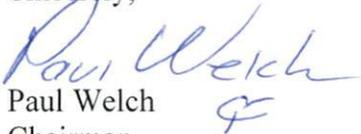
TO: Honorable Mayor and City Council
FROM: Planning Commission
DATE: December 7, 2015
SUBJECT: Martin Luther King Jr. Drive – Land Division with Public Improvements

During the December 3, 2015 meeting, the Planning Commission reviewed and discussed the proposal to divide the property at 6601 Constitution Boulevard into three new parcels, including one parcel to define the boundaries of Martin Luther King Jr. Drive (MLK). The proposal also includes reconstructing MLK Drive according to public street standards and upon completion, the City of Portage would accept it as a public street.

Mr. Josh Weiner, Meyer C. Weiner Company, was present to support the proposal. City Manager Larry Shaffer was also present to support the proposal and answer questions from the Commission members. No one else was present to speak in support or opposition to the proposed land division with public improvements and acceptance of MLK Drive as a public street after reconstruction is complete.

After a brief discussion concerning acceptance of MLK Drive as a public street, a motion was made by Commissioner Bosch, seconded by Commissioner Stoffer, to recommend to City Council approval of the Martin Luther King Drive, land division with public improvements, 6601 Constitution Boulevard, including the variances noted in the Department of Community Development staff report dated November 25, 2015. The motion was unanimously approved 8-0.

Sincerely,


Paul Welch
Chairman

T:\COMMDEV\2015-2016 Department Files\Memos\City Council\2015 12 04 MCC MLK land division-reconstruct.docx

A large, light-colored stamp with the word "DRAFT" in bold, slanted capital letters. To the left of the text is a small icon of a document with a pencil.

OLD BUSINESS:

None.

NEW BUSINESS:

1. Land Division Involving Public Improvements for Martin Luther King Jr. Drive, 6601 Constitution Boulevard. Mr. Forth summarized the report involving an application submitted by the Meyer C. Weiner Company to divide the property at 6601 Constitution Boulevard into three new parcels: one parcel defining the boundaries of Martin Luther King Jr. Drive (MLK), which is currently a private street; one new parcel to the north; and one new parcel to the south of MLK. The purpose of this project to facilitate the reconstruction of MLK Drive according to public street standards and upon completion, it is proposed that MLK Drive be accepted by the City of Portage as a public street. Mr. Forth summarized the existing conditions of the MLK Drive, proposed improvements, and method to finance the project. Mr. Forth also noted the building front yard setback will change from 30 feet to 75 feet and the property owners are aware of this change and the impact it will have on future development projects. Finally, Mr. Forth noted four variances from Public street standards would need to be approved by City Council with the proposal: 1) reduced right-of-way and pavement width; 2) continuous sidewalk on the south side of the street in front of Celebration Cinema; 3) cul-de-sac turnaround at Ring Road; and 4) public water, sanitary sewer and storm sewer disposal facilities. With regard to utility availability, Commissioner Felicijan asked if the property were split, would public utilities be available to the new parcels. Mr. Forth responded that based on the current utility locations and vacant land areas, new parcels could be served by existing public utilities.

The applicant, Mr. Josh Weiner, Meyer C. Weiner Company, spoke in support of the proposed land division with public improvements. Mr. Weiner noted that if MLK Drive becomes a public street, it will be good for future development activity. Mr. Weiner also briefly discussed the special assessment process that will be used to finance the road reconstruction project over the next 10 years. Finally, Mr. Weiner commented that the city is better equipped to maintain this roadway.

Commissioner Dargitz asked if there was a public need to have this roadway transferred to the city as a public street. Mr. Forth noted that MLK Drive, unlike Ring Road, is collector road that provides important access to Crossroads Mall. Commissioner Dargitz expressed concern that acceptance of MLK Drive may set a precedence for other private roadways by deferring maintenance costs to the city. Mr. Forth indicated before a private can be accepted as a public street, it must meet city standards. City Manager Shaffer indicated there is no cost to the city to reconstruct MLK Drive: 50% of the project would be financed by the Meyer C. Weiner Company and 50% through the special assessment process. Total cost of the project is approximately \$475,000. Mr. Shaffer noted the city is better able to maintain city streets and Act 51 funding helps offset maintenance costs. Mr. Shaffer indicated the current condition of the roadway has a negative impact on potential economic development projects. Commissioner Dargitz asked if the city can require the private roadway owner to better maintain the road. Mr. Shaffer stated the city does not have a standard for maintaining MLK Drive and may have to declare it a public nuisance and attempt to force a solution. The proposal before the Commission is a collaborative solution through enforcement.

There being no further discussion, a motion was made by Commissioner Bosch, seconded by Commissioner Stoffer, to recommend to City Council approval of the Martin Luther King Jr. Drive, land division with public improvements, 6601 Constitution Boulevard, including the variances noted in the Department of Community Development staff report dated November 25, 2015. The motion was unanimously approved 8-0.

STATEMENT OF CITIZENS:

None.

TO: Planning Commission

DATE: November 25, 2015

FROM: Vicki Georgeau, ^WDirector of Community Development

SUBJECT: Martin Luther King Drive, land division with public improvements, 6601 Constitution Boulevard

I. INTRODUCTION:

An application has been submitted by Meyer C. Weiner Company to divide the property at 6601 Constitution Boulevard into three new parcels: one parcel defining the boundaries of Martin Luther King Drive, which is currently a private street, and one new parcel to the north, and one new parcel to the south of Martin Luther King (MLK) Drive. This land division application is unique in that it represents a public-private partnership that proposes the following:

- The land division with public improvements is proposed to facilitate the reconstruction of MLK Drive according to public street standards. Upon the completion of the reconstruction project, it is proposed that MLK Drive be accepted by the City of Portage as a public street. As discussed in more detail below, because MLK Drive is an existing private street and due to surrounding development patterns, some exceptions to the public street standards are requested as part of this application.
- To facilitate the financing of the reconstruction of MLK Drive, a special assessment district has been petitioned by the following property owners adjacent to the current private street:
 - ✓ Meyer C. Weiner Company (Village Green Properties LTD, 6601 Constitution Boulevard; Portage Central Limited Partnership, 6500 Ring Road);
 - ✓ Celebration Cinema (Jackson Entertainment, LLC, 6600 Ring Road);
 - ✓ Brann's (Sizzlin Five, LLC, 700 Martin Luther King Drive); and
 - ✓ General Growth Properties (Kalamazoo Mall, LLC, 6500 South Westnedge Avenue).
- As part of the special assessment proposal, the city will undertake the design and reconstruction of MLK Drive and Meyer C. Weiner will contribute funding to pay the city-share of the special assessment project via a development agreement with the City of Portage.

The attached maps illustrate the boundaries of the existing 6601 Constitution Boulevard parent parcel, the three resulting parcels proposed with the land division with public improvements, and the parcels to be included in the proposed special assessment district. As additional information for the Planning Commission, the proposed development agreement, land division with public improvements, initiation of the special assessment district process, and the design engineering contract for the reconstruction project are planned to be reviewed by City Council on December 15, 2015.

II. BACKGROUND INFORMATION:

MLK Drive was partially constructed as Weiner Court in approximately 1982, and then extended in 1987 to connect with Constitution Boulevard, which was also constructed in 1987. MLK Drive is a private street with a 36-foot right-of-way and a corresponding 36-foot pavement width. The private street was

constructed with standard curb on both sides and has several storm water leaching basins located within the street to facilitate drainage. A sidewalk is located on private property along the north side of MLK Drive, which extends from Constitution Boulevard to Ring Road. A private sidewalk exists from the east access drive of Celebration Cinema to Ring Road on the south side of MLK Drive. Other than this segment of sidewalk, there is no sidewalk located on the westerly remainder of the Celebration Cinema frontage, nor the vacant land on the southeast corner of MLK Drive and Constitution Boulevard.

As shown on the attached zoning map, the properties adjacent to MLK Drive are zoned B-2, Community Business, with the exception of the vacant parcel at the southeast corner of MLK Drive and Constitution Boulevard, which is zoned RM-1, multi-family residential. It is noted that the front yard setbacks for the B-2 zoned properties that front on MLK Drive will be increased from 30 feet to 75 feet when the street is dedicated as a public street. This change in setback may impact future development of the B-2 zoned properties, which is understood by the adjacent property owners.

Concurrent with the street reconstruction, the following improvements will be made:

- Storm water: The existing storm drainage leaching basins will be relocated outside of the existing roadway, with several new basins constructed near Ring Road to prevent run-off from entering the Crossroads Mall property.
- Fire protection: Five fire hydrants will be installed along the public street at 300-foot intervals, consistent with International Fire Code standards. The fire hydrant extensions will be made from the existing water main adjacent to MLK Drive.
- Curb and gutter: The existing curb and gutter will be primarily retained. However, approximately 25% of the existing curb is sunken, broken or damaged and will require replacement.
- Street lighting: Street lights will be installed along MLK Drive, consistent with public street standards.
- Sidewalks: The existing sidewalk along the north side of MLK Drive is satisfactory, but will require the installation of barrier free access at the public street intersection of Constitution Boulevard and Ring Road. In addition, the existing timber retaining wall that overhangs the sidewalk south of Brann's will need to be removed and replaced with a modular block wall, similar to the one on the south side of MLK Drive. Finally, an easement for the sidewalk located on private property will be required prior to acceptance of MLK Drive by the city. The sidewalk along the south side of MLK Drive owned by Celebration Cinema will remain private, and a new sidewalk will be constructed from Constitution Boulevard to the westerly edge of the Celebration Cinema parking lot as part of the project. An easement will also be required for the new sidewalk on the south side of MLK Drive as part of the project.
- Street trees: Approximately 15 trees will be planted on the north side, and 10 trees on the south side of MLK Drive, consistent with city standards.

In order for the city to accept the MLK Drive right-of-way and initiate the special assessment district, a land division with public improvements must first be reviewed by the Planning Commission and approved by the City Council. Certain aspects of the proposed project will not meet the public street standards specified in Section 42-803, Streets, of the Subdivision and Land Development Regulations and variances from City Council will be required. These standards are as follows:

1. 60-foot street right-of-way width, and 44-foot pavement width for a collector street;
2. Sidewalks on the south side of the street in front of Celebration Cinema;

3. Cul-de-sac turnaround at Ring Road; and
4. Public water, sanitary sewer and storm sewer disposal facilities.

As noted above, the private street was constructed over 20 years ago and providing additional right-of-way concurrent with the proposed reconstruction project is impractical giving the existing development pattern. While the pavement width does not meet the standard for a collector street, the 36-foot width for the subject three-lane collector is sufficient to safely and efficiently move motorized and non-motorized traffic. As noted above, pedestrian and other non-motorized traffic can utilize the existing sidewalk on the north side of the street and the proposed sidewalk on the south side of the street extending east to the Celebration Cinema parking lot. With regard to the sidewalks on the south side of the street in front of Celebration Cinema, the existing development pattern and change of grade on the east side of the property are significant and present challenges with the provision of a public sidewalk that will meet accessibility standards for a public sidewalk. With regard to sidewalk installation between the westerly access drive and west property line, installation of a sidewalk would necessitate removal of the existing trees or encroachment into the off-street parking lot. As noted above, the project will include the construction of a sidewalk on the south side of the street from Constitution Boulevard to the west edge of the Celebration Cinema parking lot. In addition, the Northwest Portage Bikeway is available directly south of the cinema property and provides a multi-use trail to the vicinity.

With regard to the cul-de-sac turnaround required for public streets that terminate at private property, MLK Drive terminates at Ring Road, which is a private drive. There are existing cross access agreements between the private property owners of MLK Drive and Ring Road, which will be conveyed to the City of Portage prior to the acceptance of MLK Drive as a public street.

Finally, all adjacent properties are served by public water and sanitary sewer, as shown on the attached water and sanitary sewer map. Therefore, extension of these utilities along MLK Drive is not necessary to properly serve existing and future development. With regard to storm sewer facilities, as noted above, storm water drainage will be provided through a series of leaching basins that will be designed and constructed to properly handle storm water runoff.

IV. RECOMMENDATION:

The City Administration has developed the above described public-private partnership over the past several months, which will result in a long-term solution to the maintenance of this key collector street to various regional shopping facilities within the community. Based on the above, staff advises the Planning Commission recommend to City Council approval of the Martin Luther King Drive, land division with public improvements, 6601 Constitution Boulevard, including the variances noted in items 1-4 above.

Attachments: Location map
 Zoning map
 Water and sanitary sewer map
 Proposed Special Assessment District map
 November 19, 2015 land division application from Meyer C. Weiner Company



Mall Dr

Ring Rd

Independence Dr

Constitution Bl

Martin Luther King Dr

PORTAGE CENTRAL LTD PARTNERSHIP 879

PORTAGE CENTRAL LTD PARTNERSHIP 6500

PORTAGE CENTRAL LTD PARTNERSHIP 6500

VILLAGE GREEN PROPERTIES LTD 6601

SIZZLIN FIVE, LLC 700

GENERAL GROWTH PROPERTIES LP 6650

JACKSON ENTERTAINMENT, LLC 6600

Proposed 36' RW

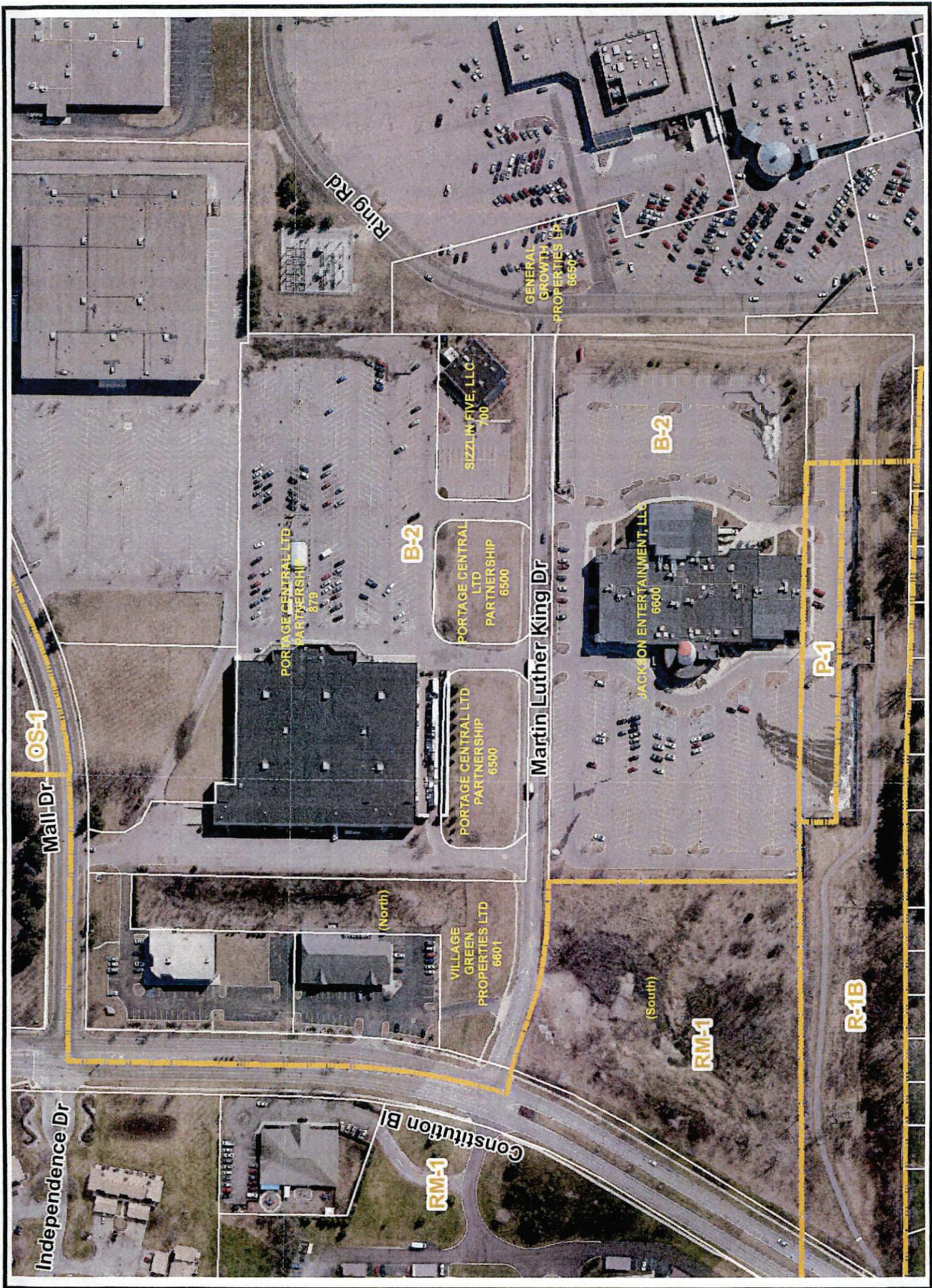
Property to be divided

(North)

(South)

Martin Luther King Drive
Location Map





Martin Luther King Drive Area
Zoning Map



1 inch = 200 feet
Date: 11/20/2015





Independence Dr

Mall Dr

Ring Rd

Constitution Bl

PORTAGE CENTRAL LTD PARTNERSHIP
879

PORTAGE CENTRAL LTD PARTNERSHIP
6500

PORTAGE CENTRAL LTD PARTNERSHIP
6500

SIZZLIN FIVE, LLC
700

(South)

(North)

VILLAGE GREEN PROPERTIES LTD
6601

JACKSON ENTERTAINMENT, LLC
6600

Martin Luther King Dr

GENERAL GROWTH PROPERTIES LP
6650



Martin Luther King Drive Proposed Special Assessment District



1 inch = 200 feet
Date: 11/19/2015



November 19, 2015

Vicki Georgeau
Director, Department of Community Development
City of Portage
7900 South Westnedge Avenue
Portage, MI 49002

RECEIVED

NOV 19 2015

COMMUNITY DEVELOPMENT

Re: Land Division Application
6601 Constitution Boulevard

Dear Ms. Georgeau:

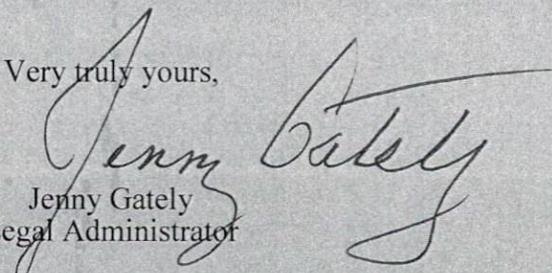
Per your request and in preparation for the Planning Commission's review on December 3rd of the above-referenced matter, enclosed please find the following:

- Land Division Application for Village Green Properties, Ltd.;
- Letter explaining the request for the Land Division;
- Survey outlining the proposed Land Division; and
- Check in the amount of \$180.00.

Please note that the survey contains a legal description of Martin Luther King Drive; however, new legal descriptions will need to be created for the two remaining, stand-alone parcels. I have engaged the services of Ingersoll Watson & McMachen, Inc. to draft the new legal descriptions, and per your direction, I have asked Randy Ligman to contact Christopher Barnes directly to work through the City's requirements for the new legal descriptions.

If you have any questions or need additional information from me at this time, please feel free to give me a call.

Very truly yours,


Jenny Gately
Legal Administrator

Encls.

KREIS ENDERLE

KREIS, ENDERLE, HUDGINS & BORSOS, P.C.

R. Ryan McNally

Direct Dial 616-254-8406
rmcnally@KreisEnderle.com

40 Pearl St., N.W., 5th Floor
Grand Rapids, MI 49503-2612
616-254-8400
Fax 616-254-8410

www.KreisEnderle.com

November 19, 2015

Vicki Georgeau
Director, Department of Community Development
City of Portage
7900 South Westnedge Avenue
Portage, MI 49002

**Re: Land Division Application
6601 Constitution Boulevard**

Dear Ms. Georgeau:

I represent and am writing on behalf of Village Green Properties, Ltd., as owner of the above-referenced property (the "Property"). With this correspondence you will find a completed Land Division Application, through which applicant is requesting that the Property parcel be split into three (3) remainder parcels, with one such remainder parcel being Martin Luther King Drive ("MLK Drive") as it currently exists. MLK Drive would dissect the other two remainder parcels, as shown on the drawing(s) submitted with our application. As you know, this is all being requested pursuant to a broader proposal to reconstruct and dedicate MLK Drive to the City of Portage, as a public street.

Due to the existing configuration of MLK Drive and adjacent development patterns, certain public street standards otherwise required for new public streets will require variances. We request the City's assistance in obtaining same. In particular, I understand that variances will be required as to:

1. 60 foot street right-of-way width;
2. Sidewalks on south side of street in front of Celebration Cinema;
3. Cul-de-sac turnaround at Ring Road; and
4. Public water, sanitary sewer, and storm sewer.

Variances are necessary and requested due primarily to (i) the special circumstances affecting the Property; (ii) the fact that such variances will not be detrimental to the public welfare or injurious to other properties; and (iii) the reality that, without these variances, the property rights of the applicant would be negatively impacted such that the entire project (any reconstruction of MLK Drive and dedication of same to the City) would be economically infeasible. As you know, the applicant and related entities are pulling together so as to primarily fund through a combination of private donations and public assessment the broad reconstruction of MLK Drive, largely consistent with current City public street standards. Such reconstruction would benefit all surrounding property owners and the City, and would enhance the long term viability of the entire Crossroads Mall corridor.

As to the particular variances requested, please consider each of the following:

1. 60 foot street right-of-way width.

The current width of MLK Drive is and has proven adequate. The issue with MLK Drive is the current state of disrepair, all of which can be solved through the proposed reconstruction.

2. Sidewalks on south side of street in front of Celebration Cinema.

There are sidewalks all along the north side of MLK Drive, and this is not a heavily traveled pedestrian area.

3. Cul-de-sac turnaround at Ring Road.

The various open parking areas on the property immediately east of MLK Drive allow for sufficient turnaround access. We are confident that the City will make an arrangement with the subject property owners, as necessary, so as to adequately document any turnaround and access requirements.

4. Public water, sanitary sewer, and storm sewer.

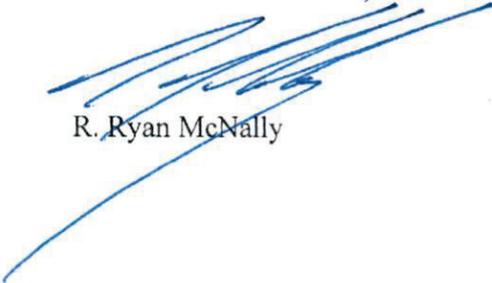
As you know, public water, sanitary sewer, and storm sewer exist throughout this entire region to serve all property owners, including those along MLK Drive.

We are excited about the potential MLK Drive reconstruction. We want to work together with the City to allow the surrounding property owners and the public to utilize these street improvements, the bulk of which would be funded by my client.

As always, I hope you will contact me with any questions or concerns.

Very truly yours,

KREIS, ENDERLE,
HUDGINS & BORSOS, P.C.



R. Ryan McNally

RRM/sr
Enclosure

APPLICATION FOR LAND DIVISION/LOT LINE ADJUSTMENT

The City of Portage is responsible for the review of all proposed Land divisions within the community.

Please complete this application form, attach two (2) copies of all required documents as indicated, and submit it to the City of Portage Department of Community Development. **YOU MAY FIND IT HELPFUL TO REFER TO THE LAND DIVISION PROCEDURE OF THE CITY OF PORTAGE AND THE LAND DIVISION ACT. ASSISTANCE IN COMPLETING THIS APPLICATION AVAILABLE UPON REQUEST.** You will receive a letter regarding the approval or denial of this request within 10 working days of submittal of a **complete** application.

Please Note: Whenever a survey and/or legal description is called for as part of this application, it must be at a scale no smaller than 1 inch = 50 feet.

PLEASE PRINT NEATLY AND PRESS FIRMLY - YOU ARE MAKING FOUR COPIES

I. APPLICANT INFORMATION

1. Applicant Name(s) Village Green Properties, Ltd.
 Address 700 Mall Drive
 City Portage State MI Zip 49024
 Phone Number: (H) _____ (W) 269-323-2441
2. Property Owner (if different) _____
 Address _____
 City _____ State _____ Zip _____
 Phone Number: (H) _____ (W) _____
3. Application Type: Split Combination Other Separated by private road

II. PARENT (ORIGINAL) PARCEL INFORMATION - Attach additional form for each parent parcel as of 3/31/97

1. Address 6601 Constitution Boulevard
 2. Tax ID # 00009-045-H
 3. Size (acres) 7.1
 4. **ATTACH** legal description of parent parcel.
 5. **ATTACH** survey map of parent parcel including existing buildings, structures and easements.
 6. **ATTACH** proof of fee ownership (copy of tax bill, deed, mortgage, etc.), and letter of consent from property owner (if different than applicant).
 7. Please indicate if the following parent parcel characteristics exist. Check **yes** to all that apply:
- | Characteristic | Yes | No | Characteristic | Yes | No |
|------------------------------------|-------------------------------------|-------------------------------------|--------------------------|-------------------------------------|-------------------------------------|
| Existing Structure(s) | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Access to public water | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Floodplains | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Underground Storage Tank | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Slopes ≥ 1:4 pitch | <input type="checkbox"/> | <input type="checkbox"/> | Contaminated Soil | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Access to Public Sewer <u>RM-1</u> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | Abandoned Well | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
8. Current zoning: RM-1
 9. Do the proposed divisions have frontage on a Major Thoroughfare? If yes, application of Access Management Ordinance, including formal access and shared access arrangements, may be necessary. Yes No

III. CHILD (PROPOSED) PARCEL INFORMATION (FOR LAND DIVISIONS ONLY)

1. Number of child parcels: 3
 2. Intended Use: _____
 3. Will any of the child parcels be declared "Not Buildable"? Yes No
 4. **ATTACH** survey map of all proposed child parcels, including existing buildings, structures and easements.
 5. **ATTACH** legal description of all proposed child parcels.
 6. The child parcels have 66 feet of frontage on a public street: Yes No
 7. The lot depth does not exceed four times the width: Yes No
 8. Each child parcel has minimum lot area and lot width for the zoning district in which it is located: Yes No
 9. Is the right to make a future division(s) being transferred to a child parcel created from the parent parcel or tract? Yes No
 If yes, attach completed **Notice to Assessor of Transfer of the Right to Make a Division of Land** form.
 10. If municipal utilities are not available, **ATTACH** Kalamazoo County Health Department approval for the suitability of on-site water supply and/or sewage disposal.

IV. REVIEW FEE: Land Division Application: \$150 per application plus \$10 for each child parcel proposed over two. Lot Line Adjustment: \$100 per application.

V. SIGNATURE

I understand that review and approval by the City of Portage will commence upon the submission of a complete Land Division Lot Line Adjustment Application and will be reviewed within 10 working days. Approval will become void after 90 days if legal documents are not recorded at the Kalamazoo County Register of Deeds and filed with the City of Portage Assessor.

Jenny Bately
Signature

11/19/15
Date

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

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

Recitals

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

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

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

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

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

Therefore, the City and Company agree to the following:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The remainder of this page is left intentionally blank

CITY MANAGER REPORT

CITY OF PORTAGE

TO: Honorable Mayor and City Council

FROM: Laurence Shaffer, City Manager

DATE: December 2, 2015

SUBJECT: Martin Luther King, Jr. Drive Reconstruction Project #998-R

I, the undersigned, being City Manager of the City of Portage, Michigan, in pursuance of a resolution adopted by the City Council, relative to the above entitled special assessment project, hereby report the probable cost, extent, necessity of the proposed improvement, the boundaries, the estimated useful life and suggested method of apportioning of the cost of the project, the proportion, and other necessary and pertinent information as follows:

Probable Cost: \$474,898

Extent of Project: Reconstruct Martin Luther King, Jr. Drive from Constitution Boulevard to Ring Road including curb and gutter, sidewalk, storm drainage, hot mix asphalt pavement along with all necessary utility installations and adjustments.

Necessity: The reconstruction of Martin Luther King, Jr. Drive is needed to improve access, storm drainage, and pavement conditions and provide pedestrian facilities in preparation for the acceptance of the street as a public right of way.

Boundaries: Commencing at the East quarter post of Section 9, Town 3 South, Range 11 West and running thence North 00 deg. 08 min. 00 sec. West along the East line of said Section, 662.92 feet to the South line of Mall Drive; thence North 89 deg. 56 min. 30 sec. West along said line 1641.61 feet; thence South 00 deg. 08 min. 00 sec. East 583.82 feet; thence North 89 deg. 56 min. 30 sec. West 298.74 feet; thence South 00 deg. 01 min. 30 sec. East 457.00 feet to the point of beginning of this description; thence continuing South 00 deg. 01 min. 30 sec. East 36.00 feet; thence North 89 deg. 41 min. 56 sec. West 970.36 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.

Useful Life: 20 Years

| | | |
|--------------------------------|-------------------------|-------------------------------|
| Method of Apportioning: | Special Assessments | \$ 224,897.50 (47.36%) |
| | Property Owner at Large | <u>\$ 250,000.00 (52.64%)</u> |
| <hr/> | TOTAL | \$474,898.00 |

Laurence Shaffer
City Manager

Attachments

**CITY OF PORTAGE
SPECIAL ASSESSMENT RESOLUTION NO. 1
MARTIN LUTHER KING JR. DRIVE RECONSTRUCTION PROJECT # 998-R**

At a regular meeting of the Council for the City of Portage, Kalamazoo County, Michigan, held at the City Hall Building in said City on the ____ day of _____, 2015, at 7:30 p.m., local time.

PRESENT: _____

ABSENT: _____

The following resolution was offered by _____
and seconded by _____

WHEREAS, the City Council of the City of Portage is of the opinion that it is desirable and necessary for the public health, safety and welfare that the following described public improvement be constructed:

Reconstruct Martin Luther King Jr. Drive from Constitution Boulevard to Ring Road including curb and gutter, sidewalk, storm drainage, hot mix asphalt pavement along with all necessary utility installations and adjustments.

WHEREAS, the Special Assessment Ordinance of the City provides that before determining to make any improvement by means of special assessment procedures, the City Council shall secure certain information from the City Manager.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The City Council, in response to a property owner petition, hereby commences special assessment proceedings for the above described public improvement.
2. The matter of making such public improvement shall be referred to the City Manager who is hereby directed to prepare a report which shall include all necessary and pertinent information which will enable the Council to ascertain the probable cost, extent and necessity of the proposed improvement, the boundaries, the estimated useful life, a suggested method of

TO: Honorable Mayor and City Council

FROM: Laurence Shaffer, City Manager



SUBJECT: Final Plan for Greenspire Apartments (Phase V), 8615 Tozer Court

SUPPORTING PERSONNEL: Vicki Georgeau, Director of Community Development

ACTION RECOMMENDED: That City Council approve the Final Plan for Greenspire Apartments (Phase V), 8615 Tozer Court, subject to finalization of the storm water design and approval by the MDEQ to discharge into the wetland area.

A final plan has been submitted by H & G LLC, Inc. to construct Phase V of the Greenspire Apartments, on property addressed as 8615 Tozer Court, within the Greenspire Planned Development (PD). Phase V proposes construction of three, three-story apartment buildings (two 27,818-square-foot buildings with 28 units each and one 15,820-square-foot building with 14 units) and associated site improvements. Future construction of five additional apartment buildings is also planned within the remaining portion of the Phase V area for a total of 168 units on 17 acres of land. In conjunction with the final plan, the applicant has also submitted an updated time schedule for anticipated construction within the remaining phases of the Greenspire PD.

Consistent with the 2010 approved tentative plan / PD rezoning, the apartment buildings will maintain a minimum 30-foot setback from the outer perimeter of the property, a minimum 80-foot setback from the west property line where there are abutting single family residences on Tozer Court / Shirley Court and will not exceed 40 feet in height. As discussed during the 2010 approval process, screening will be provided along the west side of the Phase V parcel, between the apartments and the single family residences located along Tozer Court / Shirley Court. A landscaped earth berm with 8-foot tall spruce tree plantings will be installed on the west side of Building 1 and a row of 8-foot tall spruce trees will be installed along Tozer Court. Where possible, mature trees will be preserved along the western portion of the site and "Private Property / No Trespassing" signage will be installed between Phase V and the single family residential properties located to the west.

Greenspire Drive provides access to West Centre Avenue for the Greenspire Apartment complex (including Phase V). A secondary access drive from West Centre Avenue to Stonebridge Court, opposite Cooley Drive, is also present adjacent to the Greenspire Retail portion of the PD. Efforts to signalize the West Centre Avenue / Cooley Drive intersection are underway and installation is tentatively planned to occur in FY 2016-17. As part of the proposal to signalize the West Centre and Cooley Drive / Stonebridge Court intersection, Greenspire Drive will be modified to prevent northbound left turn movements. Sidewalks will be installed within Phase V that will link to the existing sidewalk network in the Greenspire PD accommodating pedestrian movements throughout the apartment complex and to / from the retail portion of the PD.

Storm water from the development will be collected and conveyed to a treatment cell located along the

south side of the apartment buildings, prior to being discharged into the adjacent lowland / wetland area situated along the southern portion of the parcel. Based on the design of the storm water system with a resulting discharge into the adjacent wetland area, it is unknown at this time if a permit from the Michigan Department of Environmental Quality (MDEQ) will be necessary.

In a Department of Community Development report dated November 13, 2015, staff is recommending approval of the Final Plan for Greenspire Apartments (Phase V), 8615 Tozer Court, subject to finalization of the storm water design and approval by the MDEQ to discharge into the wetland area. At the November 19, 2015 meeting, the Planning Commission reviewed and also recommended to City Council approval of the Final Plan subject to the same conditions.

FUNDING: N/A

- Attachments:**
1. November 20, 2015 Planning Commission transmittal
 2. November 19, 2015 Planning Commission Minutes
 3. Department of Community Development Report dated November 13 2015 (with attachments)

TO: Honorable Mayor and City Council
FROM: Planning Commission
DATE: November 20, 2015
SUBJECT: Final Plan for Greenspire Apartments (Phase V), 8615 Tozer Court

During the November 19, 2015 meeting, the Planning Commission reviewed and discussed the Final Plan for the above captioned development project. Mr. Greg Dobson, representing H & G II, LLC, was present to support the final/site plan and explain the development project. Two citizens spoke regarding the proposed development project: 1) Mrs. Betty Lee Ongley, 8620 Tozer Court and 2) Ms. Lori Olsen, 3411 Fawn Cove. Mrs. Ongley discussed the development history of Greenspire Apartments, expressed concern regarding possible trespassing and privacy issues and asked for consideration of installation of a privacy fence. Mr. Dobson stated he would be glad to meet with Mrs. Ongley to further discuss her concerns. Olsen expressed concerns regarding loss of wildlife habitat/woods and ask that as many trees as possible be preserved during construction.

The final plan for Greenspire Apartments (Phase V) has been designed in substantial conformance with the 2010 approved tentative plan/narrative for the Greenspire Planned Development. After a brief conversation, a motion was made by Commissioner Patterson, seconded by Commissioner Stoffer, to recommend to City Council that the Final Plan for Greenspire Apartments (Phase V), 8615 Tozer Court, be approved subject to finalization of the storm water design and approval by the MDEQ to discharge into the wetland area. The motion was unanimously approved 7-0.

Sincerely,


Paul Welch
Chairman

PLANNING COMMISSION

November 19, 2015

DRAFT

The City of Portage Planning Commission meeting of November 19, 2015 was called to order by Chairman Welch at 7:00 p.m. in Council Chambers of Portage City Hall, 7900 South Westnedge Avenue. Eleven citizens were in attendance.

PLEDGE OF ALLEGIANCE:

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

IN ATTENDANCE:

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

ROLL CALL:

Mr. Forth called the roll and the following Commissioners were present: Patterson (yes), Stoffer (yes), Welch (yes), Felicijan (yes), Somers (yes) and Richmond (yes). A motion was made by Commissioner Felicijan, seconded by Commissioner Somers, to approve the roll excusing Commissioners Bosch, Dargitz and Schimmel. The motion was unanimously approved 6-0.

APPROVAL OF MINUTES:

Chairman Welch referred the Commission to the November 5, 2015 meeting minutes contained in the agenda packet. A motion was made by Commissioner Patterson, seconded by Commissioner Felicijan, to approve the minutes as submitted. The motion was unanimously approved 6-0. Commissioner Schimmel arrived at 7:07pm

SITE/FINAL PLANS:

1. Final Plan: Greenspire Apartments (Phase V), 8615 Tozer Court. Mr. Forth summarized the staff report dated November 13, 2015 regarding a request from H & G II, Inc. to construct Phase V of Greenspire Apartments within the Greenspire Planned Development (PD). Mr. Forth stated Phase V proposes construction of three, three-story apartment buildings (two 27,818 square foot buildings with 28 units each and one 15,820 square foot building with 14 units) and associated site improvements on property addressed as 8615 Tozer Court. Mr. Forth indicated future construction of five additional apartment buildings is also planned within the remaining portion of the Phase V area for a total of 168 units on 17 acres of land. Mr. Forth reviewed aspects of the final plan including access, sidewalks, storm water and screening planned along the west side of the property, adjacent the single family residences located along Tozer Court/Shirley Court. Mr. Forth stated the final plan has been designed in conformance with the approved tentative plan/narrative and was recommended for approval subject to finalization of the storm water system design and approval by the MDEQ.

Mr. Greg Dobson representing H & G II, Inc. was present to support the application and explain the development history of the Greenspire PD. Mr. Dobson presented a photograph of the apartment buildings constructed in Phase IV and indicated the same buildings would be constructed in Phase V. Mr. Dobson summarized his conversations with adjacent neighbors along Tozer Court/Shirley Court and discussed proposed screening and signage that will be installed with construction of Phase V. Mr. Dobson indicated a consultant has been hired to work with the MDEQ to determine whether any permitting or approvals would be necessary to discharge storm water into the adjacent wetland area.

Two citizens spoke regarding the proposed development project: 1) Ms. Betty Lee Ongley, 8620 Tozer Court and 2) Ms. Lori Olsen, 3411 Fawn Cove. Ms. Ongley discussed the development history of Greenspire Apartments, expressed concern regarding possible trespassing and privacy issues and asked for consideration of installation of a privacy fence. Ms. Olsen expressed concerns regarding loss of wildlife habitat/woods and ask that as many trees as possible be preserved during construction. Mr. Dobson stated he would be glad to meet with Ms. Ongley and discuss her request. Mr. Dobson also stated the Greenspire development has a long history of

 **DRAFT**

preserving the environment and creating a natural feel for its residents that would continue with construction of Phase V.

After a brief discussion, a motion was made by Commissioner Patterson, seconded by Commissioner Somers, to recommend to City Council that the Final Plan for Greenspire Apartments (Phase V), 8615 Tozer Court, be approved subject to finalization of the storm water design, and approval by the MDEQ to discharge into the wetland area. The motion was unanimously approved 7-0.

PUBLIC HEARINGS:

1. Preliminary Report: Rezoning Application #15/16-2, 480 Admiral Avenue. Mr. West summarized the preliminary staff report dated November 13, 2015 regarding a request from Chad Scott to rezone 480 Admiral Avenue from RM-1, multiple family residential and I-1, light industry to R-1T, attached residential. Mr. West indicated the applicant was requesting the rezoning to facilitate construction of a four-unit attached residential building along the northern portion of the property, at the eastern terminus of Cameo Avenue. Mr. West discussed the Future Land Use Map designation of single-family detached-medium density residential of the subject parcel and adjacent properties, along with the surrounding zoning and land use pattern. Mr. West then reviewed the split zoning of the subject parcel (RM-1, south portion and I-1, north portion), the irregular shape of the property, access limitations and the presence of potential wetland areas and poor soils, particularly along the southern portion of the property. Mr. West briefly discussed the I-1 zoning designation of the adjacent city owned parcel to the east and south and the rear portion of three parcels on Dorset Street and the inconsistency with the Future Land Use Map and existing zoning/land use pattern. In an effort not to delay the applicant, Mr. West stated it was recommended that the Planning Commission consider a possible rezoning of these properties at a later date, consistent with the approved Work Program.

Mr. Chad Scott (applicant/property owner) and Mr. Greg Radd of Nederveld Associates (applicant's consultant) were present to support the zoning change and to discuss the proposed four-unit attached residential building planned along the northern portion of the property. Mr. Radd stated a preliminary wetland delineation was performed several years ago and the southern portion of the property was found to be wetlands. Mr. Radd stated this delineation would be updated and development would be concentrated to the northern portion of the property, where higher ground and better soils are present. The public hearing was opened by Chairman Welch. No citizens spoke regarding the proposed rezoning. After a brief discussion, a motion was made by Commissioner Patterson, seconded by Commissioner Stoffer, to adjourn the public hearing for Rezoning Application #15/16-2, 480 Admiral Avenue, to the December 3, 2015 meeting. The motion was unanimously approved 7-0.

OLD BUSINESS:

None.

NEW BUSINESS:

None.

STATEMENT OF CITIZENS:

None.

ADJOURNMENT:

There being no further business to come before the Commission, the meeting was adjourned at 7:35 p.m.

Respectfully submitted,

Christopher T. Forth, AICP
Deputy Director of Planning, Development & Neighborhood Services

TO: Planning Commission**DATE:** November 13, 2015**FROM:** Vicki Georgeau,  Director of Community Development**SUBJECT:** Final Plan for Greenspire Apartments (Phase V), 8615 Tozer Court.**I. INTRODUCTION:**

A final plan has been submitted by H & G II, Inc. requesting approval to construct Phase V of the Greenspire Apartments within the Greenspire Planned Development (PD). The final plan for Phase V proposes construction of three, three-story apartment buildings (27,818 square feet with 28 units, 27,818 square feet with 28 units and 15,820 square feet with 14 units) and associated site improvements on property addressed as 8615 Tozer Court. Future construction of five additional apartment buildings is also planned within the remaining portion of the Phase V area and includes a total 168 units on 17 acres of land. The overall residential component of the Greenspire PD involves a total of 81.9 acres and 692 residential units with a density of 8.45 units per acre. In conjunction with the final plan submittal for Phase V, the applicant has also submitted an updated time schedule for anticipated construction within the remaining phases of the Greenspire PD (see attached letter from Mr. Greg Dobson dated November 12, 2015).

The Greenspire PD rezoning and tentative plan/narrative were approved by City Council on April 13, 2010. Consistent with the 2010 approval, the apartment buildings will maintain a minimum 30-foot setback from the outer perimeter of the property, a minimum 80-foot setback from the west property line where abutting single family residences on Tozer Court/Shirley Court and will not exceed 40-feet in height. Additionally, the apartments will maintain a minimum 30-foot separation between buildings and will be setback a minimum of 25-feet from the interior, private street. As discussed during the 2010 approval of the tentative plan, screening will be provided along the west side of the Phase V parcel, between the apartments and the single family residences located along Tozer Court/Shirley Court. As shown on the approved tentative plan, a landscaped earth berm with 8-foot tall spruce tree plantings will be installed on the west side of building 1 and a row of 8-foot tall spruce trees will be installed along Tozer Court. Mature trees along the western portion of the site will be preserved, where possible. Finally, "Private Property/No Trespassing" signage will be installed between Phase V and the single family residential properties located to the west. According to the applicant, the adjacent residences to the west have reviewed and agreed to the proposed screening arrangement and signage plan.

Greenspire Drive provides access to West Centre Avenue for the Greenspire Apartment complex (including Phase V). A secondary access drive from West Centre Avenue to Stonebridge Court, opposite Cooley Drive, is also present adjacent to the Greenspire Retail portion of the PD. Efforts to signalize the West Centre Avenue/Cooley Drive intersection are underway and installation is tentatively planned to occur in FY2016-17. As part of the proposal to signalize the West Centre and Cooley Drive/Stonebridge Court intersection, Greenspire Drive will be modified to prevent northbound left turn movements. Sidewalks will be installed within Phase V that will link to the existing sidewalk network located throughout the Greenspire PD accommodating pedestrian movements throughout the apartment complex and to/from the retail portion of the development along West Centre Avenue.

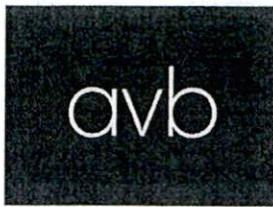
Storm water from the development will be collected and conveyed to a treatment cell located along the south side of the apartment buildings, prior to being discharged to the adjacent lowland/wetland area situated along the southern portion of the parcel. Based on the design of the storm water system, it is unknown at this time if a MDEQ permit is necessary. Review/approval by the Michigan Department of Environmental Quality (MDEQ), if necessary, to discharge into the wetland area is pending. Finally, outdoor lighting units associated with Greenspire Apartments (Phase V) will be similar to the existing apartments and will include light poles and building mounted fixtures with shielded fixtures in conformance with applicable ordinance standards.

II. RECOMMENDATION:

The final plan has been reviewed by the City Administrative departments and is consistent with the approved Greenspire PD tentative plan/narrative. Subject to any additional comments received, staff advises that the Planning Commission recommend to City Council approval of the Final Plan for Greenspire Apartments (Phase V), 8615 Tozer Court, subject to finalization of the storm water design, and approval by the MDEQ to discharge into the wetland area, if necessary.

Attachments: Letter from Greg Dobson dated November 12, 2015
Final Plan Sheets for Greenspire Apartments (Phase V)
2010 Approved Tentative Plan

S:\2015-2016 Department Files\Board Files\PLANNING COMMISSION\PC Reports\Site Plans\Greenspire Apartments (Phase V), 8615 Tozer Court-FP.doc



BUILD SOMETHING BETTER.

COMMUNITY DEVELOPMENT
NOV 12 2015
RECEIVED

November 12, 2015

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

RE: Greenspire Planned Development "PD" Tentative Plan

AVB and The Hinman Company are pleased to submit to you an updated plan for our property on the south side of West Centre Avenue as depicted on the attached site plan. The property is zoned PD - Planned Development and the following is simply and update as is relates to the schedule for the project development.

The Greenspire Apartments development started in the early 1970's when Roger Hinman and Joe Gesmundo first began acquiring the property now known as Greenspire Apartments. Phase I began construction in 1976 on 8.015 acres and included the boulevard entrance from Centre Avenue, four apartment buildings, the clubhouse, the pool and the first tennis court. In 1978 Phase II was constructed and included seven additional apartment buildings and an additional tennis court on 14.96 acres. In 1981 Phase III was constructed and included six new buildings on 21.84 acres. In total Phase I through Phase III included 17 buildings, 384 units (187 one beds, 144 two beds, and 53 three beds) over 44.815 acres. For density purposes the 384 units over 44.815 acres equals 8.57 units/acre.

After the rezoning to PD in 2010 was approved the following construction and development has taken place.

- Phase IV R – the first 12,000 sq. ft. retail building was constructed in 2010.
- Phase IV was constructed in 2014 and 2015 and includes 36 units (12 one beds and 24 two beds) over 3.05 acres.

The following is the schedule for future developments.

- Phase V, would commence construction in the fall of 2015 and consist of three multi-family apartment buildings containing 70 apartment units
- Construction on the approximately 5 remaining apartment buildings and 98 units in phase V would commence in the falls of 2016 and 2017.
- Future developments would include multi-family expansion (Phase VI) that would consist of approximately 104 new multi-family apartment units. The timing for this phase is not yet known.

- Additional office and retail uses would be expanded as shown on the attached site plan as demand allows. The exact timing for this phase is not yet known.

The office and retail buildings will be designed to integrate with the residential buildings while maintaining some of the general character of office buildings. The final product at Greenspire will take advantage of excellent colors, textures and materials to make every building look and feel great. We have attached an example of our apartment building elevation for your review.

As a part of Phase 5, we will install the proposed screening as shown on the attached plan on the west side of Phase V, we would be willing to include some "private property" signs to remind our residents of the difference between Greenspire Property and the privately owned properties between Tozer Ct. and Shirley Ct.

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

Sincerely,



Greg Dobson

cc: Joe Gesmundo, Rich MacDonald, Roger Hinman

Site Plan Review

GREENSPIRE PHASE V

**Greenspire Drive
Portage, Michigan
11/13/15**

OWNER
H & G II, LLC
750 TRADE CENTRE WAY, SUITE 100
PORTAGE, MI 49002
(269) 342-8600

CONSTRUCTION MANAGER

AVB CONSTRUCTION, INC.
4200 W. CENTRE AVENUE
PORTAGE, MI 49024
269.329.2022

ARCHITECT

progressive AE
1511 4 Mile Rd NE
Grand Rapids, MI 49525
(616) 361-2664

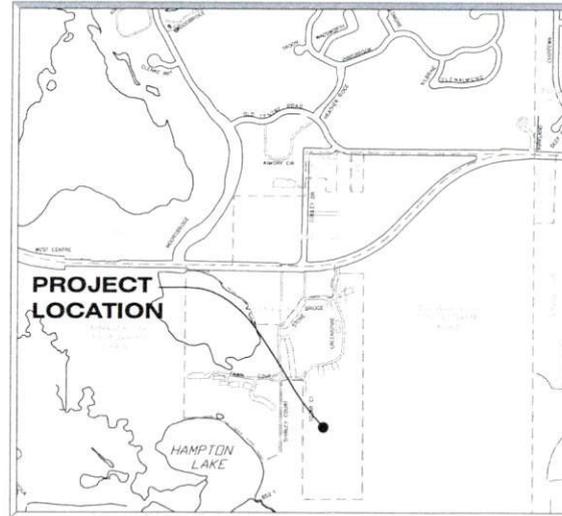
PLANS PREPARED BY:

HS
hurley & stewart
hurley & stewart, llc
2300 south 11th street
kalamazoo, michigan 49009
269.552.4960 fax 652.4961
www.hurleystewart.com



UTILITY CONTACTS:

| | |
|--|------------------|
| CONSUMERS ENERGY CO 6100 BRANCH 2500 E. COOK STREET KALAMAZOO, MI 49001 269.337.2311 | ELECTRIC/GAS |
| CHAPTER COMMUNICATIONS 4777 LANE 4176 COMMERCIAL AVE PORTAGE, MI 49024 269.625.7403 | CABLE TELEVISION |
| AT&T LACEY JOHNSON 2915 WILLOW ST KALAMAZOO, MI 49001 269.384.4474 | TELEPHONE |
| CITY OF PORTAGE CARTER/TCO 7715 S. WESTMEADE AVENUE PORTAGE, MI 49024 269.324.9235 | WATER/ SANITARY |



SITE LOCATION MAP
SCALE: 1" = 500'



DRAWING INDEX

| SHT # | DESCRIPTION |
|-------|---------------------------------------|
| C-0 | TITLE SHEET |
| C-1 | EXISTING CONDITIONS - DEMOLITION PLAN |
| C-2 | SITE LAYOUT PLAN |
| C-3 | SITE GRADING PLAN |
| C-4 | SITE UTILITIES |
| C-5 | STORM SEWER PLAN |
| C-6 | SITE DETAILS |
| C-7 | STORM WATER DETAILS |
| C-8 | SANITARY SEWER PROFILE |
| C-9 | WATER MAIN PROFILE |
| L-1 | LANDSCAPE PLAN |
| L-2 | LANDSCAPE ENLARGEMENT PLAN |



EXISTING UTILITIES SHOWN BY GRAN ARE ASSUMED AND SHOWN AS SUCH AS SHOWN AND APPROVED. EXISTING UTILITIES ARE NOT BE INTERFERED TO BE CLASH. EXISTING UTILITIES SHOULD BE LOCATED BY THE USER AND THE USER SHOULD BE RESPONSIBLE FOR THE USER.

**ISSUED FOR:
SITE PLAN REVIEW**
09/02/15

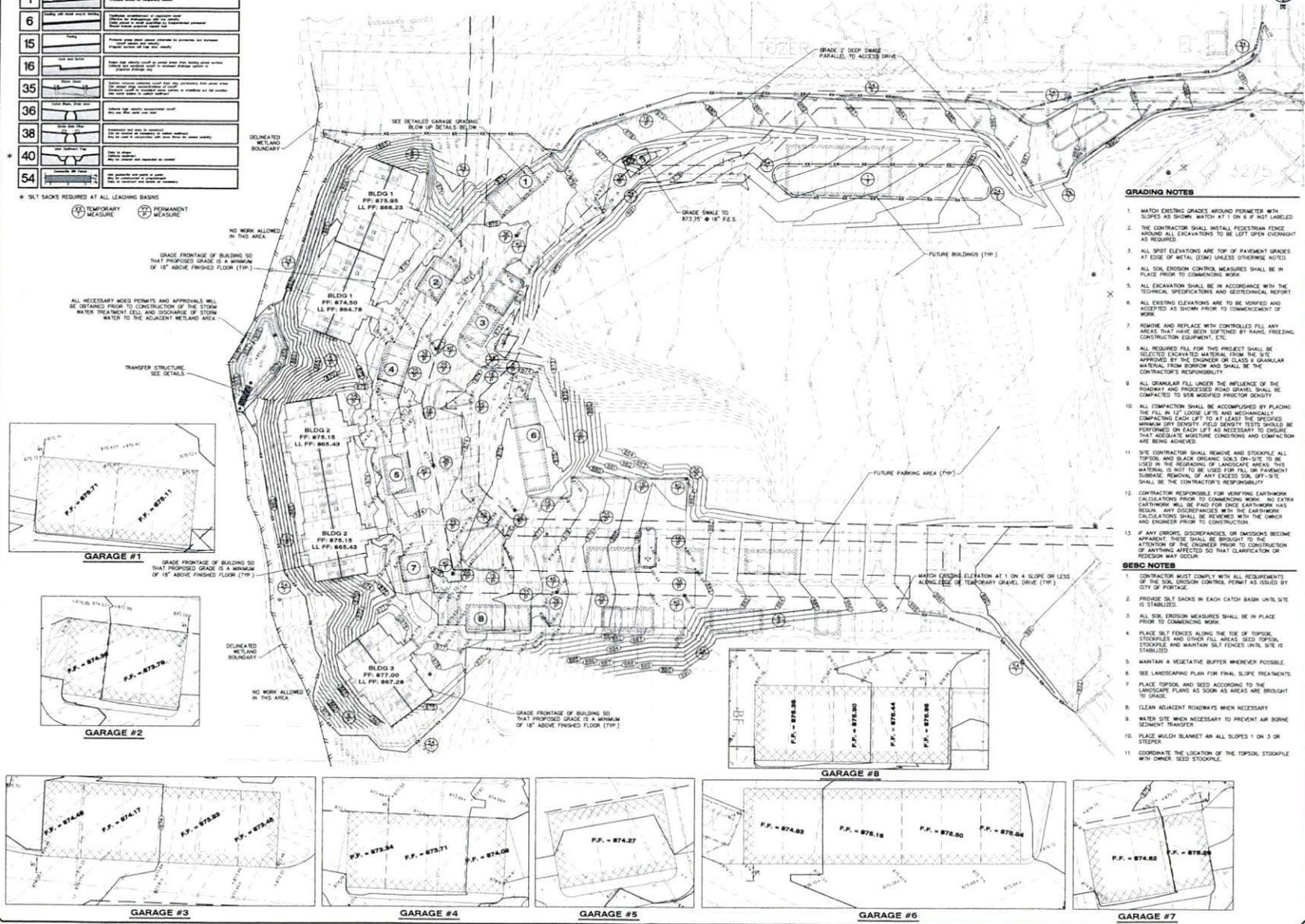
SOIL EROSION AND SEDIMENTATION CONTROL MEASURES

| KEY | DETAIL | CHARACTERISTICS |
|-----|------------------|---|
| 1 | Strip Silt Fence | Install on perimeter where slopes are 1:1 or steeper. |
| 6 | Strip Silt Fence | Install on perimeter where slopes are 1:1 or steeper. |
| 15 | Strip Silt Fence | Install on perimeter where slopes are 1:1 or steeper. |
| 16 | Strip Silt Fence | Install on perimeter where slopes are 1:1 or steeper. |
| 35 | Strip Silt Fence | Install on perimeter where slopes are 1:1 or steeper. |
| 36 | Strip Silt Fence | Install on perimeter where slopes are 1:1 or steeper. |
| 38 | Strip Silt Fence | Install on perimeter where slopes are 1:1 or steeper. |
| 40 | Strip Silt Fence | Install on perimeter where slopes are 1:1 or steeper. |
| 54 | Strip Silt Fence | Install on perimeter where slopes are 1:1 or steeper. |

* SILT SACKS REQUIRED AT ALL LEACHING BASINS
 (T) TEMPORARY MEASURE (P) PERMANENT MEASURE



ALL DISTANCES SHOWN ARE APPROXIMATE LOCATIONS DERIVED FROM AERIAL PHOTOGRAPHS AND SURVEY DATA. THEY SHOULD NOT BE INTERPRETED TO BE EXACT LOCATIONS AND SHOULD BE TREATED AS SUCH. FIELD WORK PERFORMED BY: LANDTECH PROFESSIONAL SURVEYING



GRADING NOTES

- MATCH EXISTING GRADES AROUND PERIMETER WITH SLOPES AS SHOWN MATCH AT 1' OR 2' NOT LABELED.
- THE CONTRACTOR SHALL INSTALL PEDESTRIAN FENCE AROUND ALL EXCAVATIONS TO BE LEFT OPEN OVERNIGHT AS REQUIRED.
- ALL SPOT ELEVATIONS ARE TOP OF PAYMENT GRADES AT EDGE OF METAL (EOM) UNLESS OTHERWISE NOTED.
- ALL SOIL EROSION CONTROL MEASURES SHALL BE IN PLACE PRIOR TO COMMENCING WORK.
- ALL EXCAVATION SHALL BE IN ACCORDANCE WITH THE TECHNICAL SPECIFICATIONS AND GEOTECHNICAL REPORT.
- ALL EXISTING ELEVATIONS ARE TO BE VERIFIED AND ACCEPTED AS SHOWN PRIOR TO COMMENCEMENT OF WORK.
- REMOVE AND REPLACE WITH CONTROLLED FILL ANY AREAS THAT HAVE BEEN SOFTENED BY RAINS, FREEZING, CONSTRUCTION EQUIPMENT, ETC.
- ALL REQUIRED FILL FOR THIS PROJECT SHALL BE SELECTED EXCAVATED MATERIAL FROM THE SITE APPROVED BY THE ENGINEER OR CLASS II GRANULAR MATERIAL FROM BORROW AND SHALL BE THE CONTRACTOR'S RESPONSIBILITY.
- ALL GRANULAR FILL UNDER THE INFLUENCE OF THE ROADWAY AND PROPOSED ROAD GRADIENTS SHALL BE COMPACTED TO 95% MODIFIED PROCTOR DENSITY.
- ALL COMPACTOR SHALL BE ACCOMPLISHED BY PLACING THE FILL IN 4" LOOSE LIFTS AND MECHANICALLY COMPACTING EACH LIFT TO AT LEAST THE SPECIFIED MINIMUM DRY DENSITY. FIELD DENSITY TESTS SHOULD BE PERFORMED AS NECESSARY TO INSURE THAT ADEQUATE MOISTURE CONDITIONS AND COMPACTION ARE BEING ACHIEVED.
- SITE CONTRACTOR SHALL REMOVE AND STOCKPILE ALL TOPSOIL AND BLACK ORGANIC SOILS ON-SITE TO BE USED IN THE REGRADING OF LANDSCAPE AREAS. THIS MATERIAL IS NOT TO BE USED FOR FILL OR PAVEMENT SUBGRADE. REMOVAL OF ANY EXCESS SOIL OFF-SITE SHALL BE THE CONTRACTOR'S RESPONSIBILITY.
- CONTRACTOR RESPONSIBLE FOR VERIFYING EARTHWORK CALCULATIONS PRIOR TO COMMENCING WORK. NO EXTRA PAYMENT WILL BE PAID FOR ONCE EARTHWORK HAS BEGUN. ANY DISCREPANCIES WITH THE EARTHWORK CALCULATIONS SHALL BE REVIEWED WITH THE OWNER AND ENGINEER PRIOR TO CONSTRUCTION.
- IF ANY ERRORS, DISCREPANCIES, OR OMISSIONS BECOME APPARENT THESE SHALL BE BROUGHT TO THE ATTENTION OF THE ENGINEER PRIOR TO CONSTRUCTION OF ANYTHING AFFECTED SO THAT CLARIFICATION OR REDISIGN MAY OCCUR.

SECC NOTES

- CONTRACTOR MUST COMPLY WITH ALL REQUIREMENTS OF THE SOIL EROSION CONTROL PERMIT AS ISSUED BY CITY OF PORTAGE.
- PROVIDE SILT SACKS IN EACH CATCH BASIN UNTIL SITE IS STABILIZED.
- ALL SOIL EROSION MEASURES SHALL BE IN PLACE PRIOR TO COMMENCING WORK.
- PLACE SILT FENCES ALONG THE TOE OF TOPSOIL STOCKPILES AND OTHER FILL AREAS. SEED TOPSOIL STOCKPILE AND MAINTAIN SILT FENCES UNTIL SITE IS STABILIZED.
- MAINTAIN A VEGETATIVE BUFFER WHENEVER POSSIBLE.
- SEE LANDSCAPING PLAN FOR FINAL SLOPE TREATMENTS.
- PLACE TOPSOIL AND SEED ACCORDING TO THE LANDSCAPING PLANS AS SOON AS AREAS ARE BROUGHT TO GRADE.
- CLEAN ADJACENT ROADWAYS WHEN NECESSARY.
- WATER SITE WHEN NECESSARY TO PREVENT AIR BORNE SEDIMENT TRANSPORT.
- PLACE MULCH BLANKET ON ALL SLOPES 1 ON 3 OR STEEPER.
- COORDINATE THE LOCATION OF THE TOPSOIL STOCKPILE WITH OWNER SEED STOCKPILE.

Hurley & Stewart, Inc.
 1000 South 11th Street
 Suite 200
 Portage, WI 54901
 Phone: 920.735.4400 Fax: 920.735.4401
 www.hurleyandstewart.com



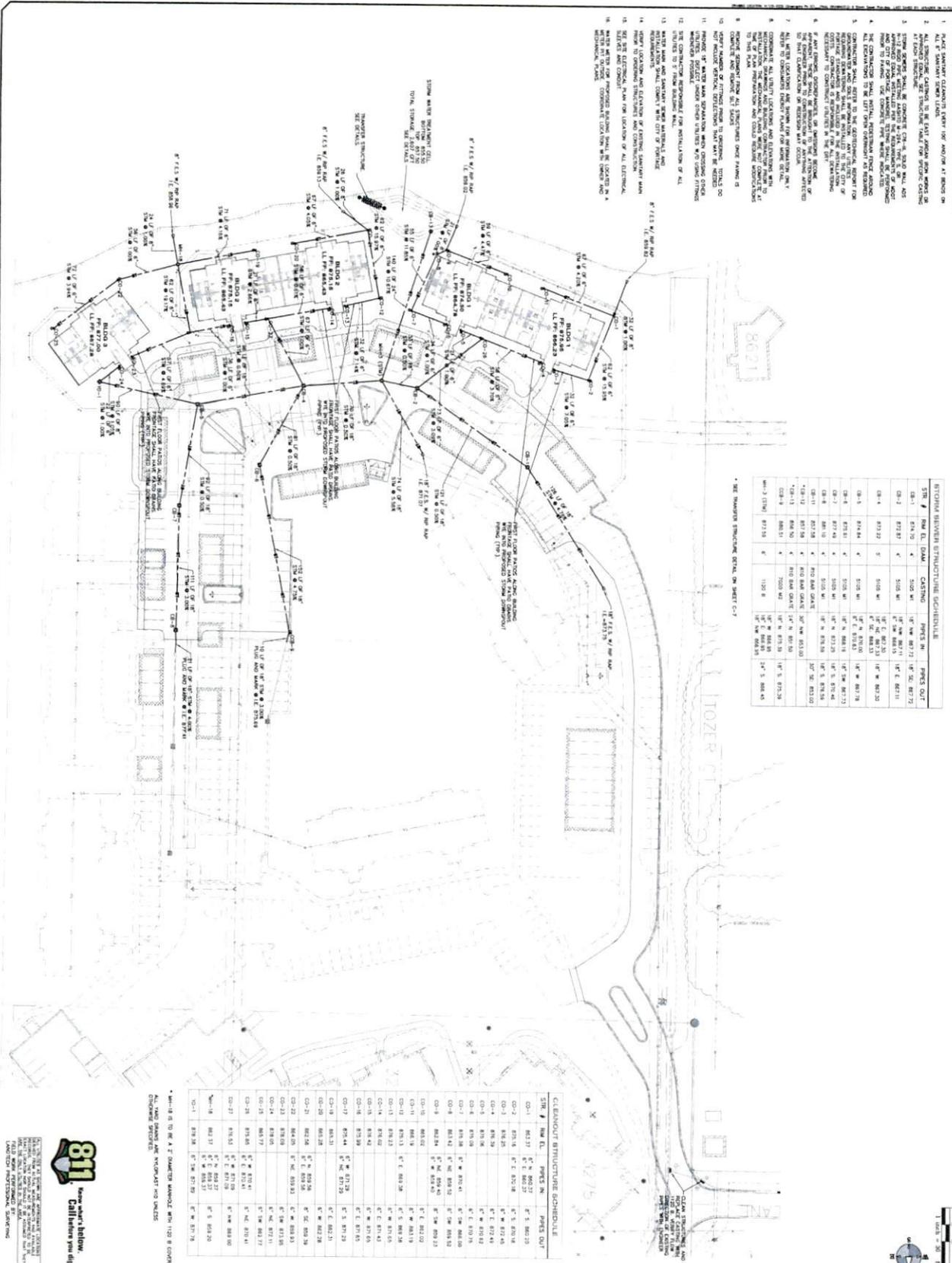
PROJECT: GREENSPIRE APARTMENTS PHASE V
 SHEET: C-3
 DATE: 11/27/18
 DRAWN BY: [Name]
 CHECKED BY: [Name]
 APPROVED BY: [Name]

**SITE GRADING PLAN
 GREENSPIRE APARTMENTS PHASE V
 H&G II, LLC**

Sheet Title: [Blank]
 Project: [Blank]
 Date: 11/27/18
 Sheet: C-3

UTILITY NOTES

1. PLACE SANITARY CLEANOUT EVERY 100' FOR 100' OR MORE IN ALL STRUCTURE COLUMNS TO BE EAST JORDAN BORN WORKS IN ACCORDANCE WITH THE CITY OF GREENSBORO, NC.
2. STRIP SERVICE SHALL BE CONDUCTED IN 12" DIA. HOLES AND APPROVED DATE ESTABLISHED BY THE DEVELOPER OR AGENT FROM TO FURNISH THE CONCRETE FORM WORK AND REINFORCEMENT FOR CONCRETE PIPES.
3. THE CONCRETE SHALL BE PLACED IN 12" DIA. HOLES AND APPROVED DATE ESTABLISHED BY THE DEVELOPER OR AGENT FROM TO FURNISH THE CONCRETE FORM WORK AND REINFORCEMENT FOR CONCRETE PIPES.
4. CONCRETE SHALL BE PLACED IN 12" DIA. HOLES AND APPROVED DATE ESTABLISHED BY THE DEVELOPER OR AGENT FROM TO FURNISH THE CONCRETE FORM WORK AND REINFORCEMENT FOR CONCRETE PIPES.
5. CONCRETE SHALL BE PLACED IN 12" DIA. HOLES AND APPROVED DATE ESTABLISHED BY THE DEVELOPER OR AGENT FROM TO FURNISH THE CONCRETE FORM WORK AND REINFORCEMENT FOR CONCRETE PIPES.
6. CONCRETE SHALL BE PLACED IN 12" DIA. HOLES AND APPROVED DATE ESTABLISHED BY THE DEVELOPER OR AGENT FROM TO FURNISH THE CONCRETE FORM WORK AND REINFORCEMENT FOR CONCRETE PIPES.
7. CONCRETE SHALL BE PLACED IN 12" DIA. HOLES AND APPROVED DATE ESTABLISHED BY THE DEVELOPER OR AGENT FROM TO FURNISH THE CONCRETE FORM WORK AND REINFORCEMENT FOR CONCRETE PIPES.
8. CONCRETE SHALL BE PLACED IN 12" DIA. HOLES AND APPROVED DATE ESTABLISHED BY THE DEVELOPER OR AGENT FROM TO FURNISH THE CONCRETE FORM WORK AND REINFORCEMENT FOR CONCRETE PIPES.
9. CONCRETE SHALL BE PLACED IN 12" DIA. HOLES AND APPROVED DATE ESTABLISHED BY THE DEVELOPER OR AGENT FROM TO FURNISH THE CONCRETE FORM WORK AND REINFORCEMENT FOR CONCRETE PIPES.
10. CONCRETE SHALL BE PLACED IN 12" DIA. HOLES AND APPROVED DATE ESTABLISHED BY THE DEVELOPER OR AGENT FROM TO FURNISH THE CONCRETE FORM WORK AND REINFORCEMENT FOR CONCRETE PIPES.
11. CONCRETE SHALL BE PLACED IN 12" DIA. HOLES AND APPROVED DATE ESTABLISHED BY THE DEVELOPER OR AGENT FROM TO FURNISH THE CONCRETE FORM WORK AND REINFORCEMENT FOR CONCRETE PIPES.
12. CONCRETE SHALL BE PLACED IN 12" DIA. HOLES AND APPROVED DATE ESTABLISHED BY THE DEVELOPER OR AGENT FROM TO FURNISH THE CONCRETE FORM WORK AND REINFORCEMENT FOR CONCRETE PIPES.
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16. CONCRETE SHALL BE PLACED IN 12" DIA. HOLES AND APPROVED DATE ESTABLISHED BY THE DEVELOPER OR AGENT FROM TO FURNISH THE CONCRETE FORM WORK AND REINFORCEMENT FOR CONCRETE PIPES.



STORM SEWER STRUCTURE SCHEDULE

| ITEM # | PIPE DIA. | DEPTH | CONCRETE | PIECES IN | PIECES OUT |
|--------|-----------|-------|----------|-----------|------------|
| CS-1 | 12" DIA. | 4' | CONCRETE | 12 | 12 |
| CS-2 | 12" DIA. | 4' | CONCRETE | 12 | 12 |
| CS-3 | 12" DIA. | 4' | CONCRETE | 12 | 12 |
| CS-4 | 12" DIA. | 4' | CONCRETE | 12 | 12 |
| CS-5 | 12" DIA. | 4' | CONCRETE | 12 | 12 |
| CS-6 | 12" DIA. | 4' | CONCRETE | 12 | 12 |
| CS-7 | 12" DIA. | 4' | CONCRETE | 12 | 12 |
| CS-8 | 12" DIA. | 4' | CONCRETE | 12 | 12 |
| CS-9 | 12" DIA. | 4' | CONCRETE | 12 | 12 |
| CS-10 | 12" DIA. | 4' | CONCRETE | 12 | 12 |
| CS-11 | 12" DIA. | 4' | CONCRETE | 12 | 12 |
| CS-12 | 12" DIA. | 4' | CONCRETE | 12 | 12 |
| CS-13 | 12" DIA. | 4' | CONCRETE | 12 | 12 |
| CS-14 | 12" DIA. | 4' | CONCRETE | 12 | 12 |
| CS-15 | 12" DIA. | 4' | CONCRETE | 12 | 12 |
| CS-16 | 12" DIA. | 4' | CONCRETE | 12 | 12 |
| CS-17 | 12" DIA. | 4' | CONCRETE | 12 | 12 |
| CS-18 | 12" DIA. | 4' | CONCRETE | 12 | 12 |
| CS-19 | 12" DIA. | 4' | CONCRETE | 12 | 12 |
| CS-20 | 12" DIA. | 4' | CONCRETE | 12 | 12 |
| CS-21 | 12" DIA. | 4' | CONCRETE | 12 | 12 |
| CS-22 | 12" DIA. | 4' | CONCRETE | 12 | 12 |
| CS-23 | 12" DIA. | 4' | CONCRETE | 12 | 12 |
| CS-24 | 12" DIA. | 4' | CONCRETE | 12 | 12 |
| CS-25 | 12" DIA. | 4' | CONCRETE | 12 | 12 |
| CS-26 | 12" DIA. | 4' | CONCRETE | 12 | 12 |
| CS-27 | 12" DIA. | 4' | CONCRETE | 12 | 12 |
| CS-28 | 12" DIA. | 4' | CONCRETE | 12 | 12 |
| CS-29 | 12" DIA. | 4' | CONCRETE | 12 | 12 |
| CS-30 | 12" DIA. | 4' | CONCRETE | 12 | 12 |
| CS-31 | 12" DIA. | 4' | CONCRETE | 12 | 12 |
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| CS-33 | 12" DIA. | 4' | CONCRETE | 12 | 12 |
| CS-34 | 12" DIA. | 4' | CONCRETE | 12 | 12 |
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| CS-36 | 12" DIA. | 4' | CONCRETE | 12 | 12 |
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| CS-40 | 12" DIA. | 4' | CONCRETE | 12 | 12 |
| CS-41 | 12" DIA. | 4' | CONCRETE | 12 | 12 |
| CS-42 | 12" DIA. | 4' | CONCRETE | 12 | 12 |
| CS-43 | 12" DIA. | 4' | CONCRETE | 12 | 12 |
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| CS-69 | 12" DIA. | 4' | CONCRETE | 12 | 12 |
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| CS-73 | 12" DIA. | 4' | CONCRETE | 12 | 12 |
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| CS-76 | 12" DIA. | 4' | CONCRETE | 12 | 12 |
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| CS-78 | 12" DIA. | 4' | CONCRETE | 12 | 12 |
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| CS-93 | 12" DIA. | 4' | CONCRETE | 12 | 12 |
| CS-94 | 12" DIA. | 4' | CONCRETE | 12 | 12 |
| CS-95 | 12" DIA. | 4' | CONCRETE | 12 | 12 |
| CS-96 | 12" DIA. | 4' | CONCRETE | 12 | 12 |
| CS-97 | 12" DIA. | 4' | CONCRETE | 12 | 12 |
| CS-98 | 12" DIA. | 4' | CONCRETE | 12 | 12 |
| CS-99 | 12" DIA. | 4' | CONCRETE | 12 | 12 |
| CS-100 | 12" DIA. | 4' | CONCRETE | 12 | 12 |

811
Know what's below.
Call before you dig.

STORM SEWER PLAN
GREENSPIRE APARTMENTS PHASE V
H&G II, LLC

Sheet Title: STORM SEWER PLAN
Project: GREENSPIRE APARTMENTS PHASE V
Client: H&G II, LLC

HS hurley & stewart
2900 south 11th street
Raleigh, NC 27605
919.876.4660 fax 919.876.4661
www.hurleyandstewart.com

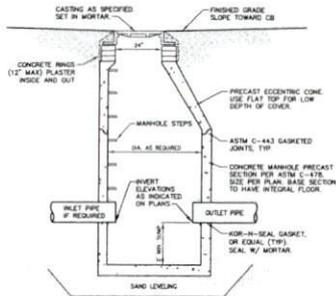
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DATE: 08/14/18

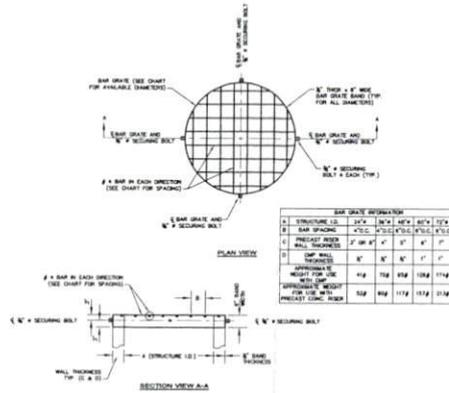
DESIGNED BY: [Name]

CHECKED BY: [Name]

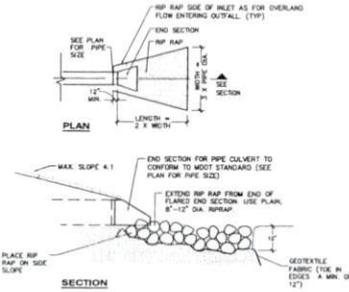
APPROVED BY: [Name]



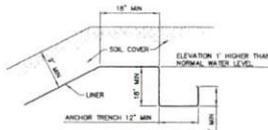
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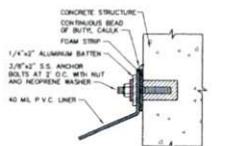
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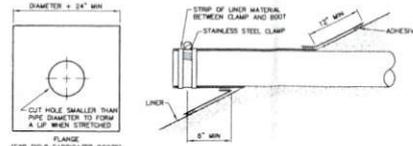
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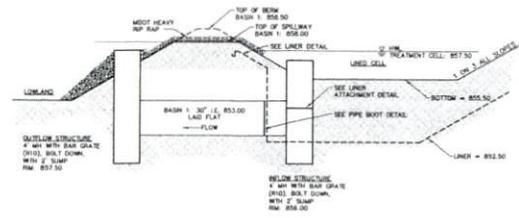
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LINER ATTACHMENT DETAIL
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PIPE BOOT DETAIL
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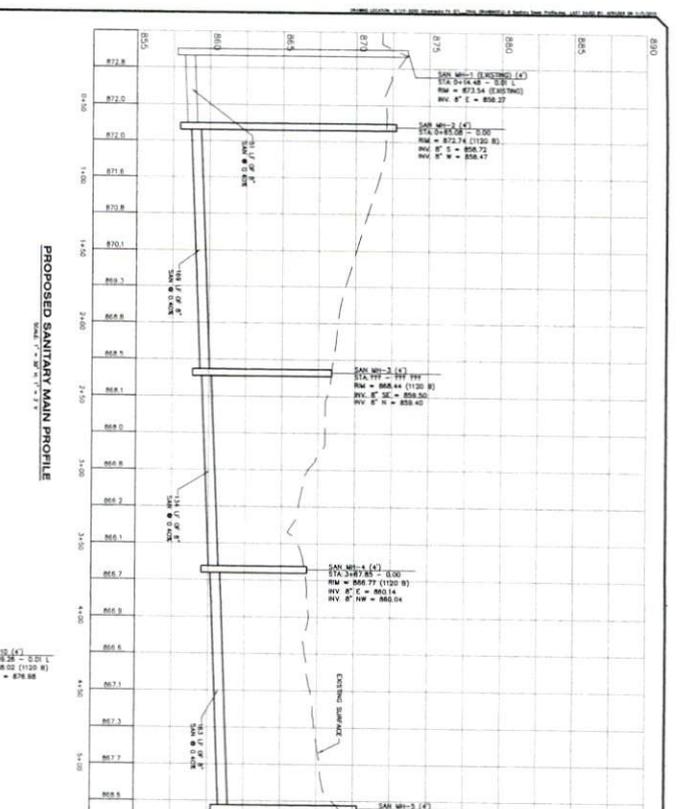
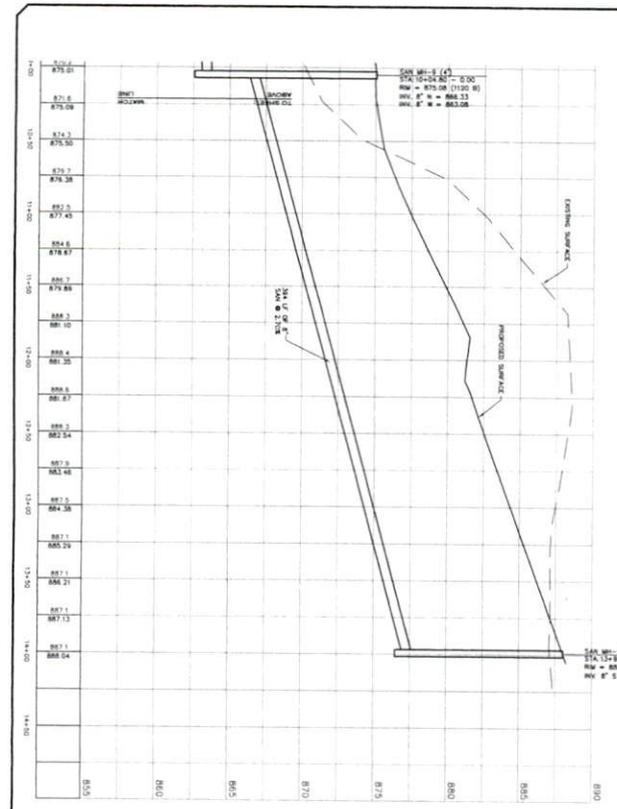
TRANSFER STRUCTURE DETAIL
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HURLEY & STEWART, INC.
2200 ROAD 110, STREET
10000, WYOMING 82002
307.482.4600 FAX 307.552.4401
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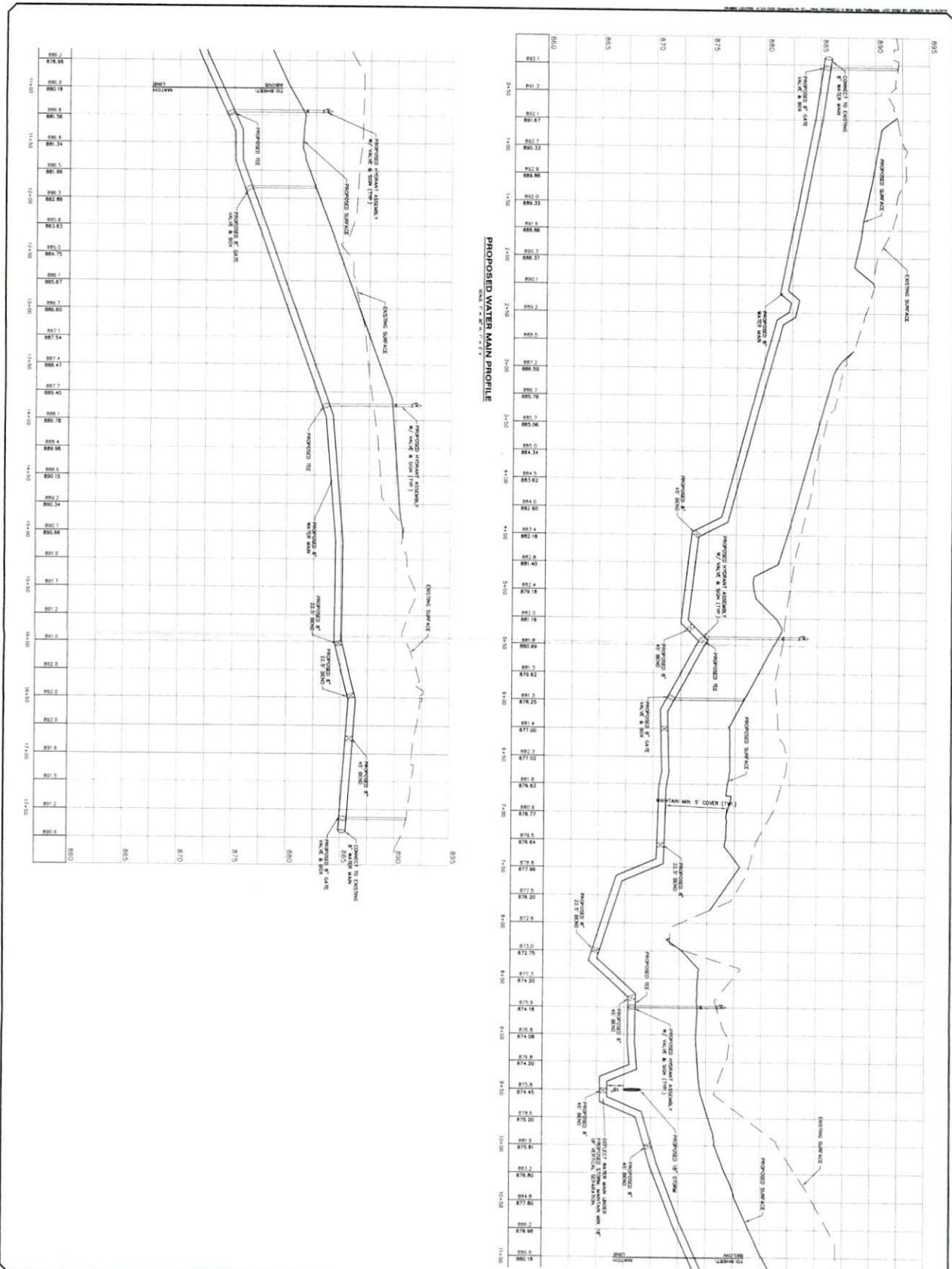
ALICE HILLIS
PROJECT MANAGER
307.482.4600
307.552.4401
www.hurleystewart.com

STORM WATER DETAILS
GREENSPIRE APARTMENTS PHASE V
H&G II, LLC

Sheet Title
Project
11/13/16
Sheet
C-7



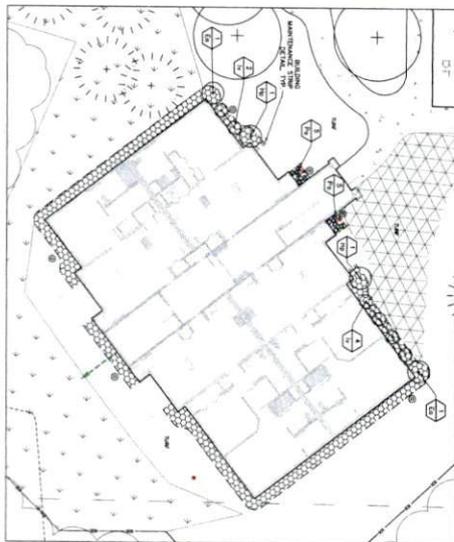
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| C-8 <small>Sheet</small> | Sheet Title | SANITARY SEWER PROFILE GREENSPIRE APARTMENTS PHASE V H&G II, LLC | <small>Job No. 01-000774</small> <small>DATE: 01/13/10</small> <small>DESIGNED FOR: NEWARK</small> <small>DATE: 01/13/10</small> <small>PROJECT: GREENSPIRE</small> <small>DATE: 01/13/10</small> <small>CLIENT:</small> | Hurley & Stewart, Inc. <small>2800 South 11th Street</small> <small>Indianapolis, Michigan 46209</small> <small>319.552.4960 Fax 319.552.4961</small> <small>www.hurleyandstewart.com</small> |
| | Project | | | |
| | Client | | | |



| | | | | |
|-----------------------|-------------|---|-------------------------------|-------------------------|
| C-9 1/17/21 | Sheet Title | WATER MAIN PROFILE GREENSPIRE APARTMENTS PHASE V H&G II, LLC | Job No. 15-0202 7 W | Date 04/26/21 11/13/21 |
| | Project | | PROPOSED WATER MAIN | DATE PLOTTED 01/14/15 |
| | Client | | GREENSPIRE APARTMENTS PHASE V | DATE COMMENTED 01/13/15 |

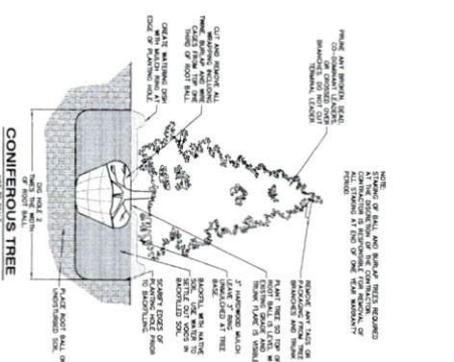
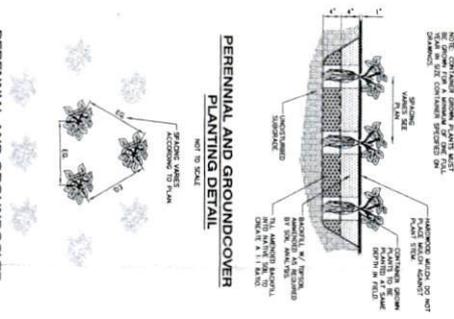
hurly & stewart, llc
 2800 south 11th street
 Kalamazoo, michigan 49009
 262.525.4560 fax 262.525.4561
 www.hurlystewart.com

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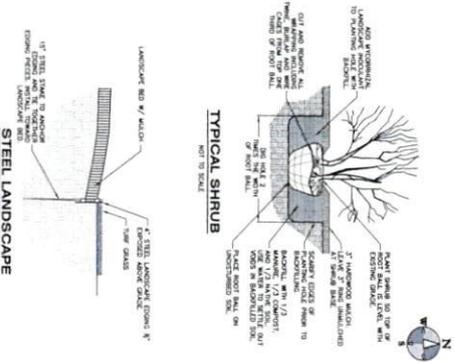
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NOT TO SCALE

PERENNIAL AND GROUNDCOVER PLANT SPACING DETAIL
NOT TO SCALE



CONIFEROUS TREE
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PERENNIAL AND GROUNDCOVER PLANTING DETAIL
NOT TO SCALE



TYPICAL SHRUB
NOT TO SCALE



STEEL LANDSCAPE EDGING DETAIL
NOT TO SCALE

L-2

Sheet Title: **LANDSCAPE ENLARGEMENT PLAN**
Project: **GREENSPIRE APARTMENTS PHASE V**
Client: **H&G II, LLC**

| NO. | DATE | DESCRIPTION |
|-----|----------|----------------------|
| 1 | 01/15/15 | ISSUE FOR PERMITTING |
| 2 | 01/15/15 | ISSUE FOR PERMITTING |
| 3 | 01/15/15 | ISSUE FOR PERMITTING |

HS
hurley & stewart
2800 south 11th street
Kokomo, IN 46909
261 552 4860 fax 261 552 4861
www.hurleyandstewart.com

DATE: 01/15/15
SCALE: AS SHOWN
DRAWN BY: [Name]
CHECKED BY: [Name]
APPROVED BY: [Name]

TO: Honorable Mayor and City Council
FROM: Laurence Shaffer, City Manager
SUBJECT: Health Insurance Contract Renewals

SUPPORTING PERSONNEL: William Furry, Finance Director

ACTION RECOMMENDED: That City Council:

- a. approve one-year contract renewals with Blue Cross Blue Shield of Michigan and Blue Care Network for employee health insurance;
- b. maintain current employer/employee cost sharing practices by taking action to exempt the city from requirements of P.A. 152 for the 2016 medical benefits plan year, and authorize the City Manager to execute all documents related to the contract renewals on behalf of the city.

Health insurance is provided by the city to all full-time non-union and union personnel as part of an overall comprehensive benefit package which is key to attracting and retaining quality employees. City employees have the opportunity to enroll in one of two city health insurance plans specific to employee groups: Blue Cross Blue Shield of Michigan Community Blue (PPO) or Blue Care Network Classic Large (HMO).

Current health insurance contracts with Blue Cross Blue Shield of Michigan and Blue Care Network expire on January 31, 2016. As part of the health insurance contract renewal process for the 2016 plan year, the city received increased premiums for all plans. Increases to premiums (excluding taxes and fees) are as follows:

| | | |
|------------------------------|-----------------------------|-------|
| BCBSM Community Blue (PPO-1) | IAFF | 4.95% |
| BCBSM Community Blue (PPO-2) | Department Head & Non-Union | 4.91% |
| BCN Classic Large (HMO) | PPCOA, PPOA & UAW | 9.83% |

The state health insurance premium caps for 2016 increased by 2.5%. As such, the increased cost to the city is limited to 2.5% plus the impact the premium increase has on associated taxes and fees.

| Current State Insurance Premium Caps | | 2016 State Insurance Premium Caps | |
|--------------------------------------|-------------|-----------------------------------|-------------|
| Single Coverage | \$ 5,992.30 | Single Coverage | \$ 6,142.11 |
| 2 Person Coverage | \$12,531.75 | 2 Person Coverage | \$12,845.04 |
| Family Coverage | \$16,342.66 | Family Coverage | \$16,751.23 |

In 2013, the state legislature amended Public Act 152 to expand the definition of “medical benefit plan cost” to include the amounts public employers pay directly or indirectly for taxes and fees associated

with health insurance. Based upon this action, the costs for taxes and fees would have had to be passed directly to employees. P.A. 152 also provides that an exemption to the requirements of the Act can be exercised for the next succeeding year by a two-thirds vote of the City Council. As such, the Council took action in January 2015 to exempt the city from P.A. 152 for the 2015 plan year allowing the city to continue to pay up to the caps for health insurance premiums and pay the costs associated with taxes and fees.

It is recommended that City Council again take action to exempt the city from P.A. 152 for the upcoming 2016 plan year. If approved, this action will simply enable a continuation of current practice in conformance with P.A. 152 as originally enacted in 2011.

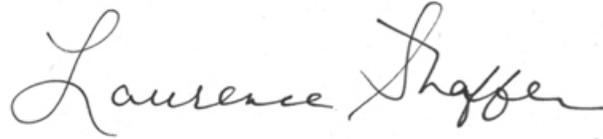
As a result of the increased premiums received during the renewal process, the city took action to solicit bids from additional carriers, all of which refused to quote for the 2016 renewal. At this time the city is continuing to work with BCBSM and BCN on possible adjustments to the existing benefit structure in an effort to lower premiums for city employees. Adjustments to the benefit structure, if any, will have little to no impact to the city premium share.

FUNDING: Funds have been budgeted in fiscal year 2015-2016 and are available to support the cost of employee health insurance coverage for the balance of the current fiscal year. Funds will be budgeted for fiscal year 2016-2017.

Attachments: 1. N/A

TO: Honorable Mayor and City Council

FROM: Laurence Shaffer, City Manager



SUBJECT: Public/Private Wi-Fi Construction at the Celery Flats

SUPPORTING PERSONNEL: Devin Mackinder, Director of Technology Services

ACTION RECOMMENDED: That City Council approve:

- a. the purchase of Wi-Fi hardware from Secant Technologies through the Regional Educational Media Center cooperative purchasing program in the amount of \$13,512.13;
- b. professional installation services from Secant Technologies in the amount of \$10,862;
- c. extension of the city-owned fiber infrastructure installed by the city fiber maintenance provider, Midwest Communications Services, in the amount of \$20,802, and
- d. installation of electrical equipment through Mejeur Electric LLC in the amount of \$500

for a total project cost of \$45,676.13 for the provision of public/private Wi-Fi at the Celery Flats Historical Area and authorize the City Manager to execute all documents related to this action on behalf of the city.

As part of the Bicentennial Park and “City Centre” area, the Celery Flats Historical Area is one of the most utilized public spaces located within the city limits for numerous year-round recreational and social activities and events. The City Administration desires to introduce public Wi-Fi to Celery Flats as an additional amenity for patrons to enjoy.

Earlier in the year, the Technology Services Department solicited Secant Technologies to design a customized Wi-Fi system that would provide public wireless services for the patrons of the Celery Flats, as well as private wireless services connecting to the city network infrastructure. It was required that the design meet specific hardware, software and usage requirements provided by the Technology Services Department, such as the use of Meraki and Cisco hardware and software, public and private VLAN segregation, bandwidth capability, individual public usage durations, remote systems management, appropriate security and scalability for potential future add-on uses such as connecting IP surveillance cameras along the section of bikeway connecting the Celery Flats with the Portage District Library.

Secant Technologies was selected due to their knowledge of the current city network and demonstrated experience with providing this type of work. Secant has designed and installed Wi-Fi systems for

several clients including the city of South Haven's public marina and boat launch area.

The design build proposal submitted by Secant in the amount \$24,374.13 meets the Technology Services requirements and includes the equipment which was procured under the Regional Educational Media Center cooperative purchasing program and the configuration and installation professional services.

The Technology Services Department then solicited a bid from the current city fiber maintenance provider, Midwest Communications, for extending the city fiber network with high-capacity, 12-strand single mode fiber from City Hall to the Celery Flats in order to connect the Wi-Fi system back to the city network and Internet broadband service. Midwest Communications submitted a quote in the amount of \$20,802 which includes a discount of \$9,100, as the trenching will be handled by the City of Portage Public Services Department. Midwest has also waived the cost for connecting the extended portion of the fiber to the existing city fiber, which terminates at the Portage District Library.

The Technology Services Department then solicited a quote from Mejuer Electric in order to provide electrical power to the Wi-Fi equipment. Mejuer was selected based on the satisfactory service provided to the city in the past and knowledge of this type of project. The quote received from Mejuer Electric in the amount of \$500 includes running power to the Wi-Fi mesh antennas that will be positioned at four historic buildings located at the Celery Flats.

Because this project includes the mounting of Wi-Fi mesh antennas to historic buildings located at Celery Flats, the Director of Technology Services requested and received approval from the Historic District Commission at its July 1, 2015 meeting based on the proposed Secant build design.

Therefore, it is recommended that City Council approve the public/private Wi-Fi at the Celery Flats Historical Area initiative in the amount of \$45,676.13 and authorize the City Manager to execute all documents related to this action on behalf of the city. Work will be completed no later than late spring 2016 or earlier, weather permitting.

FUNDING: Funds are available in the Fiscal Year 2015-16 Cable Access Capital Outlay Fund.

- Attachments:**
1. Historic Commission Approval
 2. Wi-Fi Coverage Area
 3. Image of Wi-Fi Antenna

CITY OF PORTAGE

COMMUNICATION

TO: Devin Mackinder, Director of Technology Services
and Community Marketing

DATE: July 1, 2015

FROM: Erica Eklov, Administrative Assistant / HDC Staff Liaison *EEK*

SUBJECT: Celery Flats Historical Area Wi-Fi Proposal

The following is offered regarding your presentation with the Secant representative before the Historic District Commission's July 1, 2015 meeting. The Commission was in favor of the project as proposed, with the antennas for Stuart Manor, Grain Elevator and Schoolhouse (if needed) placed on the interior. Additionally, the Commission favored antenna placement on the Hayloft Theatre near roof eaves, colored red to match the current siding and shielded, as you proposed.

Thank you for your time and effort to consult the Historic District Commission on this project. Feel free to contact me with any additional questions.

c: Mark Reile, HDC Chairperson



DATE ISSUED
 2015-05-01

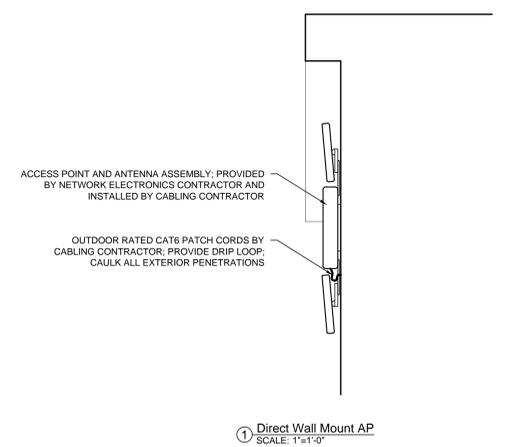
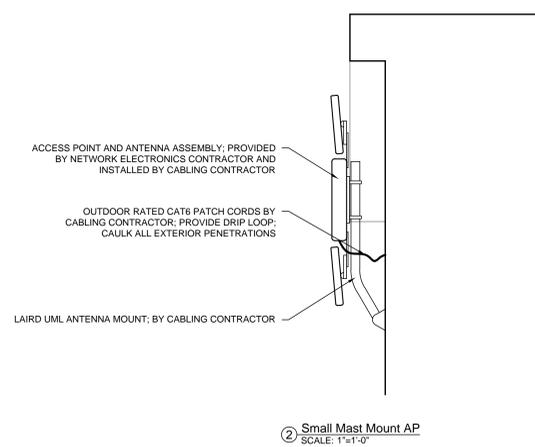
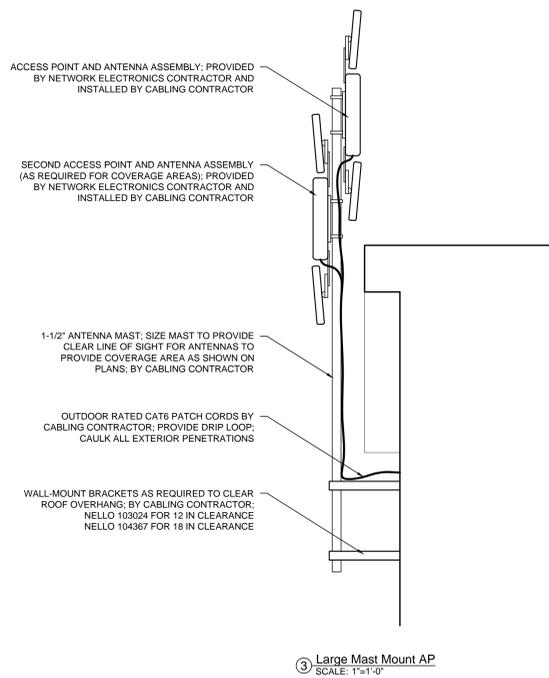
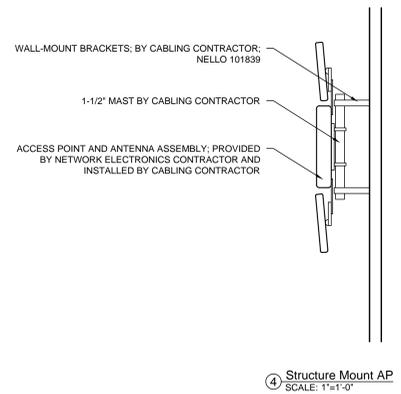
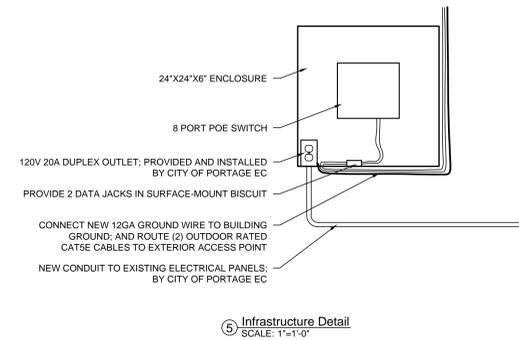
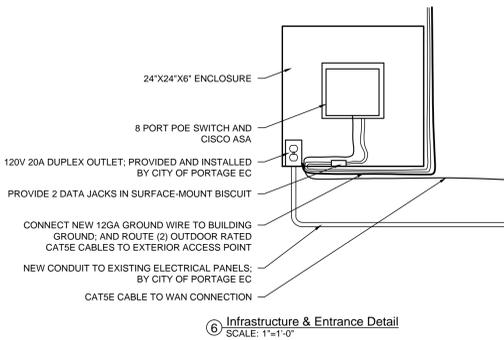
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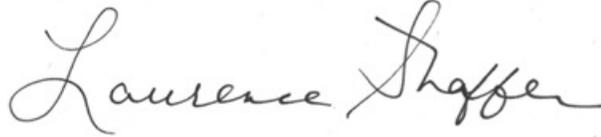
SHEET NO.
T3.1





TO: Honorable Mayor and City Council

FROM: Laurence Shaffer, City Manager



SUBJECT: Annual BS&A Integrated Municipal Software Licensing and Maintenance Fees

SUPPORTING PERSONNEL: Devin Mackinder, Director of Technology Services

ACTION RECOMMENDED: That City Council approve the annual licensing and software maintenance services agreement with BS&A, Incorporated at a total cost of \$42,745 and authorize the City Manager to execute all related documents on behalf of the city.

BS&A is an integrated municipal software system consisting of 17 separate applications that allows the city to perform key business operations that include core financials, utility billing, assessing, planning, zoning and permitting. This system also includes the “AccessMyGov” online services module to assist customers with online payments, utility billing and assessing searches and city performance data review.

BS&A was installed in 2014 and replaced the outdated and more expensive Sungard H.T.E. system which had been used by the city since 1997. Migrating to BS&A allowed the city to utilize modern municipal software services while also reducing the annual maintenance and licensing fees by approximately \$25,500.

Licensing and maintenance service agreements are subject to renewal on a year-to-year basis. The purchase of annual licensing and software maintenance allows the city to continue utilizing this software application and take advantage of the latest updates. The renewal cost for Fiscal Year 2015-2016 is \$42,745 which is an increase of less than \$120 as compared to the previous year.

Therefore, it is recommended that Council approve the annual licensing and maintenance services agreement with BS&A, Incorporated in the amount of \$42,745 and authorize the City Manager to execute all related documents on behalf of the city.

FUNDING: Funds are budgeted and available in the Fiscal Year 2015-16 Information/Technology operating budget for this purpose.

Attachments: 1. N/A

TO: Honorable Mayor and City Council

FROM: Laurence Shaffer, City Manager



SUBJECT: South Shore Drive Sanitary Sewer Project #416-S

SUPPORTING PERSONNEL: James Hudson, City Clerk
W. Christopher Barnes, Director of Transportation and Utilities

ACTION RECOMMENDED: That City Council adopt Resolution No. 2 for the South Shore Drive Sanitary Sewer Project #416-S, setting a public hearing of necessity on January 12, 2016.

The adoption of Resolution No. 2 in the Special Assessment process requires that notice be provided in the *Kalamazoo Gazette* at least ten (10) days before the time of hearing and that the notice be sent by first class mail to all owners or persons with interest in the property in the special assessment district at least ten (10) days before the date of the hearing. Regrettably, the publication and mailing requirement have not been met. As such, it is recommended that the public hearing of necessity be held at the January 12, 2016 meeting of the City Council.

Attached is Special Assessment Resolution No. 2 for the South Shore Drive Sanitary Sewer Project #416-S. The FY 2015 - 2016 Capital Improvement Program budget includes the installation of infrastructure improvements to South Shore Drive from South Westnedge Avenue to West End Drive. In addition to sanitary sewer, the project area will be reconstructed and receive widened bicycle lanes, asphalt pavement replacement, minor storm drainage improvements and replacement of the existing water main. South Shore Drive from South Westnedge Avenue to West End Drive currently does not have accessible sanitary sewer service available to abutting properties.

Previous Council action relating to this project includes:

- On November 17, 2015, City Council adopted Resolution No. 1 on this project, accepted the City Manager Report dated October 13, 2015, and requested preparation of Resolution No. 2.

It is recommended that City Council adopt Resolution No. 2 for the South Shore Drive Sanitary Sewer Project #416-S, setting a public hearing of necessity on January 12, 2016.

FUNDING: The improvements are funded in FY 2015-2016 of the Capital Improvement Program (CIP) budget by the utilization of special assessment bonds, city-share bonds and Municipal Street millage funds.

Attachments: 1. Special Assessment #416-S - Resolution 2

**CITY OF PORTAGE
SPECIAL ASSESSMENT RESOLUTION NO. 2
SOUTH SHORE DRIVE SANITARY SEWER PROJECT, DISTRICT #416-S**

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

PRESENT: _____

ABSENT: _____

The following resolution was offered by:

Councilmember: _____, and seconded by:

Councilmember: _____.

WHEREAS, the City Council has adopted the initial resolution commencing special assessment proceedings for the construction and financing of the hereinafter described public improvement; and

WHEREAS, the City Council of the City of Portage has caused to be prepared by the City Manager, the report called for in Section 62-2 of the City Ordinances; and

WHEREAS, the same has been received and reviewed by the City Council; and

WHEREAS, the City Council desires to proceed further with the improvement.

NOW THEREFORE BE IT RESOLVED THAT:

1. The City Council tentatively determines that the improvement hereinafter described and also described in the City Manager's report is necessary.

2. The City Council determines that the nature of the improvement is:

Install approximately 1,300 feet of 8 inch diameter sanitary sewer main and appurtenances in South Shore Drive from South Westnedge Avenue to West End Drive to serve existing properties on this section of South Shore Drive. Sewer services will be installed to abutting properties and are included in the assessment.

And that the expected useful life of said improvement is 20 years.

3. The City Council determines that the properties within the special assessment district will receive the special benefits and, further, determines that the total estimated cost of the improvement will not exceed \$390,000.00, of which total cost the sum of no more than \$46,535.00 shall be assessed against the special assessment district, and the sum of no more than \$243,465.00 shall be borne by the City-at-large.

4. The City Council hereby designates the special assessment district against which all or a part of the cost of said improvement is to be assessed, as consisting of the following described land, to wit:

Unplatted Land: The Northernmost 200 feet from the centerline of South Shore Drive of all unplatted land lying adjacent to or abutting the following described portion of right-of-way for South Shore Drive between South Westnedge Avenue and West End Drive, located within the northwest quarter of Section 27, City of Portage, Michigan and more particularly described as follows:

Situated in northwest corner of Section 27, Town 3 South, Range 11 West, City of Portage, Kalamazoo County, Michigan; Commencing at the West quarter post of Section 27, thence North 1,379.25 feet; thence East 141 feet to Place of Beginning; thence continuing East 90 feet; thence South 471.25 feet; thence East 561 feet; thence North 742.50 feet; thence West 651 feet; thence South 271.25 feet to the Place of Beginning and ending of the above described.

Platted Land:

The Northernmost 200 feet from the centerline of South Shore Drive of Lots No. 7, 9, 10, 11 and 12 as originally recorded in the South Shore Plat.

Also;

The Northernmost 200 feet from the centerline of South Shore Drive portion of former lot 8 as originally recorded in the South Shore Plat, excluding property lying South of a line extending from the Southeast corner of former lot 9 (now lot 10A) to lot 7 of said plat.

5. The City Council determines that the cost of the benefits is to be assessed by frontage abutting on said improvement.

6. The City Council hereby accepts and approves the City Manager's report and directs that it, along with the resolution, be filed with the City Clerk and be made available for public inspection.

7. The City Council will meet at the City Hall located at 7900 South Westnedge Avenue in the City of Portage, on the ____ day of _____, 2016, at 7:30 p.m., or as soon thereafter as may be heard, at which time and place the City Council will hear all interested parties with respect to the necessity of the improvement, and to the special assessment district therefor.

8. The City Clerk is hereby ordered to cause notice of such hearing to be published once prior to said hearing in the KALAMAZOO GAZETTE, a newspaper in general circulation in the City, said publication to be at least ten (10) days before the time of hearing, and shall cause notice of said hearing to be mailed by first class mail to all owners or persons with interest in the property in the special assessment district, as shown on the current assessment roll of the City, at least ten (10) days before the date of said hearing. Said notice shall conform substantially to Exhibit "A" attached hereto and incorporated herein.

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

ADOPTED: YEAS: Councilmember: _____

NAYS: Councilmember: _____

ABSENT: Councilmember: _____

JAMES R. HUDSON, City Clerk

STATE OF MICHIGAN)
)ss
COUNTY OF KALAMAZOO)

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

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

JAMES R. HUDSON, City Clerk

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

Approved as to Form:
Date: 12/8/15
By: [Signature]
City Attorney

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EXHIBIT "A"

**CITY OF PORTAGE, MICHIGAN
NOTICE OF PUBLIC HEARING ON THE NECESSITY OF A
SPECIAL ASSESSMENT IMPROVEMENT BY THE CITY OF PORTAGE
SOUTH SHORE DRIVE SANITARY PROJECT, DISTRICT #416-S**

TO THE OWNERS OF THE FOLLOWING DESCRIBED PROPERTY AND ALL OTHER INTERESTED PARTIES:

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

Install sanitary sewer and appurtenances in South Shore Drive from South Westnedge Avenue to West End Drive to serve existing properties on South Shore Drive. Sewer services will be installed to abutting properties and are included in the assessment.

Unplatted Land: The Northernmost 200 feet from the centerline of South Shore Drive of all unplatted land lying adjacent to or abutting the following described portion of right-of-way for South Shore Drive between South Westnedge Avenue and West End Drive, located within the northwest quarter of Section 27, City of Portage, Michigan and more particularly described as follows:

Situated in northwest corner of Section 27, Town 3 South, Range 11 West, City of Portage, Kalamazoo County, Michigan; Commencing at the West quarter post of Section 27, thence North 1,379.25 feet; thence East 141 feet to Place of Beginning; thence continuing East 90 feet; thence South 471.25 feet; thence East 561 feet; thence North 742.50 feet; thence West 651 feet; thence South 271.25 feet to the Place of Beginning and ending of the above described.

Platted Land:

The Northernmost 200 feet from the centerline of South Shore Drive of Lots No. 7, 9, 10, 11 and 12 as originally recorded in the South Shore Plat.

Also;

The Northernmost 200 feet from the centerline of South Shore Drive portion of former lot 8 as originally recorded in the South Shore Plat, excluding property lying South of a line extending from the Southeast corner of former lot 9 (now lot 10A) to lot 7 of said plat.

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

TAKE FURTHER NOTICE that the City Council will meet on the ____ day of _____, 2016, at 7:30 p.m. or as soon thereafter as may be heard, at the City Hall, 7900 South Westnedge Avenue, in the City of Portage, for the purpose of hearing all interested parties concerning the necessity of said improvement and the special assessment district therefor.

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

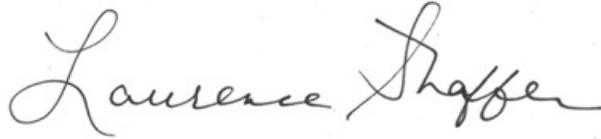
PLEASE TAKE FURTHER NOTICE that the owner or any person having an interest in property that is specially assessed may file a written appeal with the Michigan Tax Tribunal within 30 days after confirmation of the special assessment roll. However, appearance and protest at the public hearing are required in order to appeal the special assessment to the Michigan Tax Tribunal. An owner or other party in interest or his or her agent may (1) appear in person at the hearing to protest the special assessment or (2) file his or her appearance or protest by letter before the close of the hearing. The City Council shall maintain a record of parties who appear to protest at the hearing. If the hearing is terminated or adjourned for the day before a party is provided the opportunity to be heard, a party whose appearance was recorded shall be considered to have protested the special assessment in person.

DATED: _____, 2016

JAMES R. HUDSON, City Clerk

TO: Honorable Mayor and City Council

FROM: Laurence Shaffer, City Manager



SUBJECT: November Environmental Summary Report

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

ACTION RECOMMENDED: Information Only

Attached please find the November 2015 Summary Environmental Activity Report from Department of Transportation & Utilities Director, W. Christopher Barnes, P.E. New material or material of specific interest to City Council is presented in italics.

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

FUNDING: N/A

Attachments: 1. November 2015 Environmental Summary Activity Report

SUMMARY ENVIRONMENTAL ACTIVITY REPORT
November 2015 (*updates in italics*)

| <u>Project/Activity</u> | <u>Description</u> | <u>Status</u> |
|--|---|---|
| Portage City Landfill | Ongoing groundwater monitoring of former municipal landfill. | -Beginning in 1991, South Westnedge Park (landfill) has been monitored for on-site and off-site contamination. On July 23, 2013, City Council approved a three-year contract with American Hydrogeologic Corporation (AHC) to perform annual groundwater sampling. The site groundwater data will continue to be monitored to confirm continuation of the natural attenuation process. General groundwater quality continues to improve, but site will require monitoring for the foreseeable future. Initial groundwater and methane results indicate no off-site impact. AHC currently compiling MDEQ sampling requirement costs necessary for closure at the former landfill site. Weekly methane sampling is continuing on-site to collect base line data. AHC is completing the installation of private methane detection devices at several adjacent properties. Soil boring installation was completed on May 28, 2014. Current methane readings have been below detection levels. The 2 nd year of AHC's contract is underway with annual testing ongoing. |
| Site Inspection/Development Project Review | Review of existing business & industries and review of proposed business and industrial development projects for environmental protection purposes and/or building plans completed. | -Coordination with property owners and City or State agencies ongoing. <i>-Review of 1 site/building plan and/or plats completed in November 2015.</i> |
| Sewer Connection Program | Groundwater protection program requiring residential/business hookup to the sanitary sewer where available. | <i>-Sanitary sewer hookup permits issued in November 2015: 7 residential; 0 commercial.</i> |
| West Lake Management Program | Special assessment district designed to maintain/improve lake conditions. Special emphasis on weed control and non-point source pollution reduction. | -Five Year Lake Management Assessment District process was approved by City Council. The West Lake Improvement association has completed a five year plan for a new special assessment district. Special assessment process for 2015-2019 began on August 26, 2014. Resolution No. 5 completing the assessment was adopted October 21, 2014. Year-end report by the consultant is complete. The Association has selected to use |

| | | |
|---|---|---|
| | | <p>Restorative Lake Sciences, LLC for consulting services for 2015. Treatment application completed in mid-June. Follow-up inspection of treatment will be done by Restorative Lake. The 2015 weed treatment bids were received on February 24, 2015. City Council approved weed treatment contract with Professional Lake Management Company on April 10, 2015. Weed treatment was completed in June. The Association has requested to renew the contract with Restorative Lake Science for 2016.</p> |
| <p>Retention Basin Sampling Program (Groundwater Elevation)</p> | <p>Investigation regarding potential impact of retention basins on groundwater levels.</p> | <p>-Historical monitoring continues to show minor impacts at most basins. From 1993 through 2009 the monitoring program showed stable groundwater impacts due to storm water infiltration. Alternative road salt practices continue to be considered and evaluated. Bids were received for a new four year program on April 16, 2014. The low bidder, Nova Consultants, was awarded a four-year contract by City Council on April 29, 2014. Monitoring performed in October 2014 and July 2015. Monthly sampling at two retention basins continues. Current findings show groundwater levels of approximately the same as 2014 levels.</p> |
| <p>Wellhead Protection Program (WHPP)</p> | <p>Development of program to protect City well fields and surrounding area from contamination resulting from improper land use.</p> | <p>-Current Wellhead Protection was approved March, 2001. Staff has met internally to discuss the future needs to update the plan pending grant opportunities. Staff participated in a MDEQ Water Supply Emergency planning roundtable on June 10, 2013. Update of the program has been initiated as part of the Water Reliability Study in conjunction with Fishbeck, Thompson, Carr & Huber update work currently underway. Wellfield delineation completed. Engineering intern has completed contamination source inventory. Final report preparation was submitted to the Michigan Department of Environmental Quality for review and approval. Letter of approval received from MDEQ on June 15, 2015. Program implementation is ongoing. Staff is working on annual report summary to MDEQ.</p> |
| <p>Leaf Compost Monitoring Program</p> | <p>Monitoring and analysis of groundwater at the new Oakland Drive Leaf Compost site.</p> | <p>- City Council awarded contract on August 21, 2001 to Soil & Materials Engineers for monitoring and analysis of groundwater impact of the new compost operation. Drilling was completed in October 2001 and first sampling cycle was completed in February 2002. Semi-annual sampling was performed from 2002 to 2008 in June and January. Sampling and analysis results continue to show negligible groundwater impacts from the</p> |

leaf composting. Sampling schedule was reduced to annual sampling in 2009 with results showing continued minor impact on groundwater quality. Sampling completed in June 2015, with report submitted. No significant change in groundwater impacts.

National Pollution
Discharge Elimination
System (NPDES)
Permit Implementation

Five year plan to implement the
current NPDES stormwater permit.

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

National Pollution
Discharge Elimination
System (NPDES)
Permit Implementation

Kalamazoo River Mainstream
Watershed Management Plan

-First meeting was held September 17, 2004. Proposals for completing the watershed plan were received by Kalamazoo County on September 15, 2005 and a contract awarded to Kieser & Associates in November 2005. Draft watershed plan submitted to MDEQ on December 30, 2005. Review comments received from MDEQ and revised watershed plan due in December 2006. A letter not to revise the Watershed Plan was submitted to the MDEQ on March 17, 2008. Public participation plan update submitted to MDEQ on November 24, 2009. Kalamazoo River Watershed council completed a watershed update in November, 2011. No new developments.

Portage River Watershed
Management Plan

-Public participation plan submitted June 28, 2004. Proposals for a Watershed Management Plan were received by the Kalamazoo County Road Commission and a contract awarded to the Kalamazoo County Conservation Service in November 2005. Draft watershed plan submitted to MDEQ on December 30, 2005. A letter not to revise the Watershed Plan was submitted to the MDEQ on March 17, 2008. Public participation plan update submitted to MDEQ on November 24, 2009. Based upon MDEQ comments, the plan was revised and resubmitted on December 21, 2009. Interest has been raised by local conservation groups to update the Watershed Plan using grant funds. Grant application submitted by Kalamazoo and Calhoun County Conservation District to update the Watershed Plan in 2012. Grant for watershed update was awarded to Calhoun County Conversation District. First kick-off meeting held December 13, 2012 to introduce working partners and information gathering. A meeting was held on March 12, 2013 to discuss the designated uses of the Portage River/Little Portage Creek watershed, the total maximum daily load of E-coli from samples taken and a review of community ordinances and policies that help protect the Watershed. Meeting held on June 11, 2013 to discuss identified water quality problems in the watershed. Meeting held on December 11, 2013 to inform stakeholders of progress on data collection. Canoe trip inspection was held on September 13, 2014. No new developments.

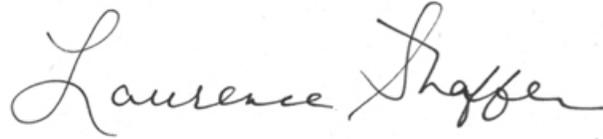
Plan to implement and maintain an
Illicit Discharge Elimination Program
(IDEP) Storm Sewer Outfall Testing.

-On February 19, 2002, City Council approved a new ordinance as required by the NPDES permit titled "Storm Water Illicit Discharges and Connections." Program implementation is ongoing. Continued outfall sampling is required by permit and will be budgeted accordingly. IDEP program was updated for submittal to MDEQ on June 25, 2010, and part of the SWIPPI. Completed an area-wide brochure to educate the public on Illicit Storm Water Discharges in conjunction with the Kalamazoo County Drain Commissioner. On April 29, 2014 City Council awarded a contract to Nova Consultants, Inc., to perform annual investigations of storm outfalls and investigate all outfalls on a four-year cycle. Investigations scheduled for 2014 were completed in July with summary report received. Report will be submitted to MDEQ as part of the annual report. Next report due in December 2015.

| | | |
|---|--|---|
| Garden Lane Arsenic Removal Facility | <i>Native Prairie Restoration</i> | Staff currently working with the Environmental Board on informative signs and long-term maintenance plans for the native planting landscape design in front of the Garden Lane Treatment Plant. New informational signs are complete and maintenance is ongoing. Native prairie burn is being planned for 2016. |
| Environmental Incident/Spill Clean Up Notification | Environmental Protection Program to assist Portage Police/Fire Departments with spill containment and spill cleanup. | Emergency spill response contract for 2014-15 with Terra Contracting has been renewed. <i>The number of environmental incident/spill investigations performed in November – 0. Number of environmental cleanups in November– 0.</i> |
| Southwest Michigan Regional Sustainability Covenant | Collaborative effort with local government, academic, and other stakeholders to lead toward environmental, economic and social sustainability. | On May 12, 2009, City Council approved the Southwest Michigan Regional Sustainability Covenant. A sustainability work session was held April 14, 2010, to review elements of the covenant in cooperation with the City of Kalamazoo and the City of Battle Creek. A grant application was made to MDEQ for a greenhouse gas inventory study of the area. Notice received July 15, 2010 that the grant application was not successful. City staff attended a September 10, 2010 meeting in Grand Rapids to discuss sustainable economic, environment, and society programs. No new developments. |

TO: Honorable Mayor and City Council

FROM: Laurence Shaffer, City Manager



SUBJECT: 2016 Fee Schedules

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

ACTION RECOMMENDED: That City Council adopt the:

- a. 2016 Proposed Changes to Fee Schedules;
- b. proposed 2016 Charges for Documents (FOIA Fees);
- c. recommended 2016 Recreation Program Fee Revisions;
- d. Resolutions for Community Development Fees, Electrical Permits, Building Permits, Plumbing Permits and Mechanical Permits; and
- e. 2016 Special Assessment Rate Resolution.

Service, permit and activity fees have historically been updated and implemented on a calendar year basis following an annual administrative review of fees for various city services and activities, as well as special assessment rates. Proposed fee modifications for the 2016 calendar year are recommended to facilitate continued service provision and to comply with the Council adopted goal to “Maintain the financial health of the city.” The recommended fee modifications for 2016 are based on service cost considerations. A comprehensive listing of all recommended changes to fees for the 2016 year is attached and are detailed below.

Charges for Documents (FOIA) Fee Schedule

Under the Freedom of Information Act 442 of 1976 (FOIA), municipalities are allowed to recover costs incurred in providing certain documents for public purchase. Fees for FOIA requests are periodically revised to reflect actual costs for providing materials. A review of fees has recently been completed, with only minor changes to the document fees proposed. The attached Proposed 2016 Charges for Documents identifies proposed fee changes, which are summarized below:

- Under the Finance Section, Special Assessment/Tax History not on computer (prior to 2004) and Utility Bill History Information is being offered at no charge owing to the small amount of time it takes to perform the look-up and the subsequent amount of time to process a charge for the information.
- Under the Community Development Section, the 2016 Charges for Documents reflects that

maps, plans, tracings, plats, etc., are all available as part of the GIS Mapping Service.

Recreation and Park Facility Fee Schedule

Fee schedules for recreation programs and park facilities are reviewed yearly to ensure that programs offered are able to meet public demand in a cost-effective manner and continue to promote the quality of life within the community. A scholarship program is in place to provide subsidies for disadvantaged youth and ensure program access for most activities. The recommended 2016 Recreation Program Fee Revisions identify proposed fee changes, which are summarized below:

- The number of individuals participating in ice skating lessons continues to increase each year. By increasing the instructor pay and number of instructors, the city is able to serve more skaters. The increase from \$20 to \$21 will partially cover the additional cost of instructors.
- The ice rink is a great option for private rental birthday parties and group skates. An increase in this fee from \$100 to \$105 will partially cover additional costs associated with opening and grooming the rink for the reservation period.
- Football and soccer fields are in high demand during their respective seasons and experience a lot of wear and tear due to the nature of the sports. The age and use of the fields have required additional maintenance which will continue in years to come. Furthermore, fees for football and soccer fields have held steady for many years. The increases recommended on the fee schedule reflect an approximate five percent (5%) increase across the board for the field use.
- The Hayloft Theatre has seen a significant increase in rentals as this facility has become a popular wedding and reception venue. Additional cleaning fee options were added to the schedule last year. In order to streamline the reservation fee and offer simplified rental rates, removal of the interior restroom fee, along with an increase to the daily maximum and wedding fees is recommended. This will ensure that all rental groups will receive this service.

Cemetery Fees and Charges

City cemetery fees are reviewed annually to ensure that the General Fund subsidy for this operation remains at or below \$50,000. Fees were last modified in 2015. **No changes to the existing cemetery fees and charges are recommended for 2016.**

Senior Center Class and Facility Fee Schedule

The current fee system for classes identifies member and non-member rates, providing an incentive for older adults to join and become members of the Senior Center. A scholarship program through the Friends of the Portage Senior Center is in place to provide assistance to seniors of low income and to ensure program access to all older adults in the community. The Senior Center also has published rental rates, consistent with City of Portage park facilities. **No modifications to the existing fees are recommended at this time.**

Community Development Fees for Service

The annual review for Community Development service fees (Planning, Development and Neighborhood Services, and Building and Housing Services) has been accomplished. In 2015, one new fee was added for a mural, which was a new section added to the Zoning Code in 2014. The last comprehensive increase in Community Development Fees occurred in 2006. Since that time, only minor fee changes have been made.

The actual cost to process development applications is determined by analyzing staff resources needed to complete plan reviews, field inspections, written communications, legal notices, direct mailing and copy and record retention expenses. Based on a recent analysis, the costs of service delivery have remained relatively unchanged and only minor revisions are recommended to Planning and Zoning fees for 2016, which include:

- *Street Vacation or Land Sale.* The current fee for a citizen to request either a street vacation or to purchase city-owned land is \$825 per application. If the land sale occurs, the portion of the \$825 fee, less appraisal and publication costs, is credited towards the purchase. In addition to appraisal and publication of notice costs, the city staff and attorney incurs staff time facilitating the real estate transaction, and additional costs such as preparation of surveys and legal descriptions for utility, drainage and/or access easements are not uncommon. It is therefore recommended that the entire base fee of \$825 be retained to cover city costs associated with an appraisal, publication costs, survey costs, and city staff and attorney time.
- *Kalamazoo County Brownfield Redevelopment Plan.* Although the City of Portage has an established Brownfield Redevelopment program, local property owners have recently requested assistance through the Kalamazoo County Brownfield Redevelopment Authority (KCBRA) with eligible environmental remediation activities. Unlike the City of Portage, Kalamazoo County has funding available through a revolving loan fund to pay for the up-front expenses of completing assessment studies (e.g. Phase 1 and Baseline Environmental Assessment) and preparation of Brownfield Plans. Two KCBRA plans that included a tax increment financing element have been submitted to the city for review and approval: 9008 Portage Road (Disaster Restoration) and 4460 Commercial Avenue (Accu-Mold). The Disaster Restoration plan was approved and the Accu-Mold plan was withdrawn after City Council approval, but prior to Kalamazoo County Board approval. Even though the Plan is prepared and coordinated by Kalamazoo County, the City Administration, Portage Brownfield Redevelopment Authority and City Council must also review/approve the brownfield plan. At this time, the city does not have a fee for a KCBRA sponsored brownfield plan. To offset city staff and city attorney time and resources utilized to review such proposals, a \$500 fee per KCBRA plan is recommended. This fee is less than the \$1,100 City of Portage brownfield plan since it takes less staff time to review/process a KCBRA plan.
- *Electronic Submission of Building Plans.* A function of the Department of Community Development is to archive all site and building plans. Historically, this task was accomplished by an independent contractor that created microfiche cards for each plan sheet. As digital technology improved and archiving requirements changed, the department acquired equipment to scan and archive all site and building plans, eliminating department costs associated with retaining the services of a private contractor. However, department staff scan approximately 2,000 plan sheets annually, and an average set of plans takes approximately 30 minutes of staff time to scan and archive. In an effort to streamline the process for both staff and the development community, an electronic version of site, building and as-built plans will be requested to be submitted subsequent to approval. If an applicant chooses not to provide an electronic copy of the plans, a fee of \$30 for the first 20 sheets plus \$1.00 per sheet thereafter is proposed in an effort to help offset equipment repair/replacement. Since the vast majority of plans are now prepared in an electronic format, this fee is not expected to have a significant impact on the development community.

A resolution for Community Development fees is attached detailing all current fees and the recommended fee adjustments for 2016.

Public Safety Department Fees

Fire Division:

- Fire Division fees, including fees for false fire alarms, campfire permits, fireworks permits and follow-up business inspection fees, were last updated in December 2008. Furthermore, two additional fees were implemented in 2015, including a radio amplification system testing fee and a compliance check fire inspection fee. **All of these fees have been reviewed and no changes are recommended for the 2016 calendar year.**

Police Division:

- Article 2, Section 78-66 of the Portage Code of Ordinances allows the city to impose emergency response fees upon individuals who have been adjudicated guilty of any state law pertaining to the act of impaired driving. The fees are based on the cost of the response of public safety personnel to these incidents and were last modified in December 2008. **No changes are recommended for these fees for the 2016 calendar year.**
- Michigan Compiled Laws (MCL) 765.12a gives the Department of Public Safety authority to collect a fee from persons arrested pursuant to a warrant issued by a court. The Arrest Warrant Processing Fee may be collected to defray the expense of receiving, depositing and delivering bail or bond money to the court, which Portage police officers accomplish on a daily basis. **No changes are recommended for these fees for the 2016 calendar year.**

Right-of-Way and Excavation Permits

Chapter 66 – Streets, Sidewalks and Other Public Places of the Code of Ordinances, sets the requirements and procedures for performing excavations and other work in the public rights-of-way of the city. Persons proposing to perform any such work shall first obtain a permit from the Transportation & Utilities Department. The fee, insurance and bonding requirements are to be set by resolution of the City Council and were last modified in 2013. **Review of the costs associated with permit processing, plan review and site inspection indicates that no fee increase is warranted for 2016.**

Soil Erosion and Sediment Control Permits

Part 91, Soil Erosion and Sediment Control (SESC), of the Natural Resources and Environmental Protection Act, 1994 PA 451 is the State of Michigan law regulating construction activities, including earth changes to ensure that any earth change is accomplished in a manner that will effectively reduce accelerated soil erosion and resulting sedimentation. The City of Portage acts as the local municipal enforcement agency for projects involving earth changes within the city limits. Persons proposing to perform any such work shall first obtain a permit from the Transportation & Utilities Department, the fees for which were last modified in 2013. **A review of the costs associated with permit processing, plan review and site inspection activity indicates that no fee increase is warranted for 2016.**

Special Assessment Rates

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

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

Special assessment rates are updated using a variety of factors: actual construction cost for comparable city projects; national construction cost indexes and applicable construction cost data from the Kalamazoo Builders Exchange, a local clearing house for public and private construction cost information. Recent improvement in the local economy has resulted in significant price increases for construction projects during 2015. Each special assessment rate was analyzed separately so that the recommended 2016 rates also properly reflect the City Council policy on property owner cost-sharing of needed infrastructure improvements. Due to increasing complexity of city utility projects, the city has experienced not only an increase in material prices, but higher construction labor and engineering design costs as well. Special Assessment rates were calculated based primarily on the actual bid history of completed 2015 projects. Thus, rates for some construction items such as sanitary sewer, increases at a different rate than that of water main. A Special Assessment Rate Resolution reflecting the proposed rates for 2016 is provided for the consideration of Council.

FUNDING: N/A

- Attachments:**
1. 2016 Proposed Changes to Fee Schedules
 2. Proposed 2016 Charges for Documents
 3. Recommended 2016 Recreation Program Fee Revisions
 4. Resolutions for Community Development Fees, Electrical Permits, Building Permits, Plumbing and Mechanical Permits
 5. 2016 Special Assessments Rate Resolution

2016 Proposed Changes to Fees Schedules

| City Clerk | Current Fee Amount | Proposed Fee Amount | Change | Change |
|--|---------------------------|---|-----------------------------|---------------|
| <u>Freedom of Information Act Fees</u> | | | | |
| Finance: Special Assessment/Tax History not on computer (prior to 2004) | \$2.00 Per Year | \$0.00 Per Year | (\$2.00) | -100% |
| Finance: Utility Bill History Information | \$5.00 Each | \$0.00 Each | (\$5.00) | -100% |
| Parks, Recreation & Senior Citizen Services | Current Fee Amount | Proposed Fee Amount | Change | Change |
| <u>The Ice Rink at Millennium Park Fees</u> | | | | |
| Ice Skating Lessons | \$20.00 Per Person | \$21.00 Per Person | \$1.00 | 5% |
| Group Rink Rental | \$100.00 Per 1-1/2 Hours | \$105.00 Per 1-1/2 Hours | \$5.00 | 5% |
| <u>Football and Soccer Field Fees</u> | | | | |
| Weeknight League Play - 2-3 Hours (Non-Profit) | \$250.00 Per Season | \$260.00 Per Season | \$10.00 | 4% |
| Weeknight League Play - 2-3 Hours (For-Profit) | \$410.00 Per Season | \$430.00 Per Season | \$20.00 | 5% |
| Weekend League Play - 4-6 Hours (Non-Profit) | \$385.00 Per Season | \$405.00 Per Season | \$20.00 | 5% |
| Weekend League Play - 4-6 Hours (For-Profit) | \$610.00 Per Season | \$640.00 Per Season | \$30.00 | 5% |
| Weekend Tournament - Full Day (Non-Profit) | \$200.00 Per Field | \$210.00 Per Field | \$10.00 | 5% |
| Weekend Tournament - Full Day (For-Profit) | \$310.00 Per Field | \$325.00 Per Field | \$15.00 | 5% |
| Camps & Clinics - 4 Hours - (Non-Profit) | \$75.00 Per Field | \$80.00 Per Field | \$5.00 | 7% |
| Camps & Clinics - 4 Hours (For-Profit) | \$120.00 Per Field | \$130.00 Per Field | \$10.00 | 8% |
| <u>Celery Flats Historical Area Facility Rental</u> | | | | |
| Hayloft Theatre Group Rental - Daily Maximum | \$750.00 | \$770.00 | \$20.00 | 3% |
| Hayloft Theatre Wedding Fee | \$750.00 | \$770.00 | \$20.00 | 3% |
| Hayloft Theatre Cleaning Fee | \$15.00 | \$0.00 | (\$15.00) | -100% |
| Community Development | Current Fee Amount | Proposed Fee Amount | Change | Change |
| Street Vacation or Land Sale Application Fee | \$825.00 Per Application | \$825.00 Per Application | (See Comment ¹) | |
| ¹ Currently, the fee (less the appraisal and publication costs) is credited towards the purchase. It is proposed that the entire fee be retained to cover all city costs. | | | | |
| Kalamazoo County Brownfield Development Redevelopment Plan | NEW FEE | \$500.00 Per Application | NEW FEE | |
| Building Plans - Paper Submission Fee | NEW FEE | \$30.00 First 20 Sheets \$1.00 Per Add'l Sheet | NEW FEE | |

2016 Proposed Changes to Fees Schedules

| Transportation & Utilities | Current Fee Amount | Proposed Fee Amount | Change | Change |
|---|--------------------|---------------------|----------|--------|
| <u>Special Assessment Rates - Residential</u> | | | | |
| Water | \$35.16 | \$38.77 | \$3.61 | 10% |
| Sewer | \$35.14 | \$43.77 | \$8.63 | 25% |
| Unassessed Sewer | \$65.95 | \$77.92 | \$11.97 | 18% |
| Sewer Through Unimproved Land | \$27.36 | \$32.50 | \$5.14 | 19% |
| new storm sewer) | \$83.18 | \$104.65 | \$21.47 | 26% |
| adequate storm sewer) | \$64.06 | \$81.44 | \$17.38 | 27% |
| reconstruction or sanitary sewer installation) | \$51.29 | \$56.79 | \$5.50 | 11% |
| Petitioned Street Reconstruction | \$35.29 | \$40.02 | \$4.73 | 13% |
| Petitioned Storm Sewer (done separate from street reconstruction) | \$25.71 | \$38.18 | \$12.47 | 48% |
| Sidewalk | \$28.34 | \$34.76 | \$6.42 | 23% |
| Sewer Lead | \$1,096.00 | \$1,536.67 | \$440.67 | 40% |
| Sewer Lead-Unimproved Land | \$1,096.00 | \$1,536.67 | \$440.67 | 40% |
| <u>Special Assessment Rates - Commercial / Industrial</u> | | | | |
| Water | \$45.92 | \$50.64 | \$4.71 | 10% |
| Sewer | \$38.12 | \$47.48 | \$9.36 | 25% |
| Unassessed Sewer | \$80.75 | \$95.40 | \$14.65 | 18% |
| Sewer Through Unimproved Land | \$32.74 | \$38.89 | \$6.15 | 19% |
| Petitioned Street Reconstruction with Curb & Gutter (including new storm sewer) | \$88.70 | \$111.59 | \$22.90 | 26% |
| Petitioned Street Reconstruction with Curb & Gutter (existing adequate storm sewer) | \$69.38 | \$88.21 | \$18.83 | 27% |
| Petitioned Curb and Gutter (done in conjunction with either street reconstruction or sanitary sewer installation) | \$51.29 | \$56.79 | \$5.50 | 11% |
| Petitioned Street Reconstruction | \$40.59 | \$46.03 | \$5.44 | 13% |
| Petitioned Storm Sewer (done separate from street reconstruction) | \$27.71 | \$41.16 | \$13.44 | 48% |
| Sidewalk | \$29.75 | \$36.49 | \$6.74 | 23% |
| Sewer Lead | \$1,096.00 | \$1,536.67 | \$440.67 | 40% |
| Sewer Lead-Unimproved Land | \$1,096.00 | \$1,536.67 | \$440.67 | 40% |

**CITY OF PORTAGE
2016 CHARGES FOR DOCUMENTS**

| ORIGINATING DEPARTMENT | DOCUMENT TITLE | CHARGES PER COPY | | ONLINE AVAILABILITY |
|------------------------|--|------------------------------|------------------------------|--|
| | | FORMER | NEW CHARGES | |
| City Manager | Advisory Board Minutes | No Charge | No Charge | Last Twelve Months Online for: Minutes and Agendas for Construction Board of Appeals, Human Services Board, Zoning Board of Appeals, Planning Commission, DDA and EDC/TIFA, L.D.F.A., Historic District Commission, Senior Citizens Advisory Board, Park Board and Environmental Board. |
| | Advisory Board Agendas | No Charge | No Charge | See Above |
| | Advisory Board Agenda Packets | \$.10/pg + * | \$.10/pg + * | Available Online |
| | City Maps | No Charge | No Charge | GIS Mapping Service Available Online |
| Finance | Budget (Paper copy)* | \$.10/pg + * Plus Mailing | \$.10/pg + * Plus Mailing | Available Online |
| | Budget CD ROM* | \$0.38 Plus Mailing | \$0.38 Plus Mailing | Available Online |
| | Comprehensive Audit (Paper Copy) | \$.10/pg + * Plus Mailing | \$.10/pg + * Plus Mailing | Available Online |
| | Comprehensive Audit CD ROM* | \$0.38 Plus Mailing | \$0.38 Plus Mailing | Available Online |
| | *Upon Availability | Plus Mailing | Plus Mailing | |
| | Full Copy of Electronic Property Tax File | \$0.38 | \$0.38 | Not Available Online |
| | Tax Payment Receipts (duplicates requested other than time of payment) | No Charge | No Charge | Available Online |
| | Individual Parcel Look-up Online | No Charge | No Charge | Available Online |
| | Special Assessment/Tax History on computer (since 2004) | No Charge | No Charge | Available Online |
| | Special Assessment/Tax History not on computer (prior to 2004) | \$2.00/year | No Charge | Not Available Online |
| | Utility Bill History Information | \$5.00 | No Charge | Not Available Online |
| * Upon Availability | | | | |
| Assessor | Property Appraisal Card/Owner of Record | No Charge | No Charge | Not Available Online |
| | Property Appraisal Card/Non-Property Owner | \$.10/pg + * | \$.10/pg + * | Not Available Online |
| | Additional Cards | \$.10/pg + * | \$.10/pg + * | Not Available Online |
| | Data Sales Report | \$.10/pg + * | \$.10/pg + * | Not Available Online |
| | Annual Database download for Realtors Association | * | * | Not Available Online |

**CITY OF PORTAGE
2016 CHARGES FOR DOCUMENTS**

CHARGES FOR DOCUMENTS CONT.

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

**CITY OF PORTAGE
2016 CHARGES FOR DOCUMENTS**

CHARGES FOR DOCUMENTS CONT.

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

**CITY OF PORTAGE
2016 CHARGES FOR DOCUMENTS**

CHARGES FOR DOCUMENTS CONT.

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

**CITY OF PORTAGE
2016 CHARGES FOR DOCUMENTS**

CHARGES FOR DOCUMENTS CONT.

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

* NOTE: Charge per document is \$0.10/page, labor costs and up to 50% of the hourly wage for benefit costs of lowest paid individual capable of performing the work, plus mailing costs. For requests involving in excess of 15 minutes of staff time, the charge will be based on the nearest quarter-hour increment after the first quarter hour rounded down.

2016 RECREATION PROGRAM FEE RECOMMENDED REVISIONS

(Revisions indicated in bold)

| ACTIVITY | 2014 FEES | 2015 FEES | 2016 FEES |
|---|-----------|-----------|--------------|
| Adult Softball Leagues (13 games) | \$540 | Same | Same |
| Non-resident fee per person | \$20 | Same | Same |
| Non-resident team fee – 2 wks prior to deadline | \$680 | Same | Same |
| Late registration fee | \$40 | Same | Same |
| Over 50 teams | \$660 | Same | Same |
| Doubleheader teams | \$1050 | Same | Same |
| Team conduct violation | \$20 | Same | Same |
| Late Summer Softball Leagues (7 games) | \$400 | Same | Same |
| Ice Skating Lessons | | | |
| Per person | \$20 | Same | \$21 |
| Youth Cross Country Ski Lessons | | | |
| Per person | \$15 | Same | Same |
| Adult Cross Country Ski Lessons | | | |
| Per person | \$20 | Same | Same |
| Downhill Skiing Fee | | | |
| Per person | \$5 | Same | Same |
| Family | \$10 | Same | Same |
| Ramona Park Vehicle Permits | | | |
| Resident Daily pass | \$5 | Same | Same |
| Non-resident Daily pass | \$10 | Same | Same |
| Resident Annual pass | \$25 | Same | Same |
| Non-resident Annual pass | \$45 | Same | Same |
| Daily Bus pass | \$50 | Same | Same |
| The Ice Rink @ Millennium Park | | | |
| Skate fee per person | \$4 | Same | Same |
| Skate Rental | \$3 | Same | Same |
| Skate Sharpening | \$3 | Same | Same |
| 10 Skate Discount Card | \$25 | Same | Same |
| Group Rental – 1 ½ hours | \$100 | Same | \$105 |

2016 RECREATION PROGRAM FEE RECOMMENDED REVISIONS

(Revisions indicated in bold)

| PARK FACILITIES | 2014 FEES | 2015 FEES | 2016 FEES |
|---------------------------------------|-----------|-------------|--------------|
| FOOTBALL & SOCCER FIELDS | | | |
| League Play | | | |
| Weeknights (2-3 hours) | | | |
| Field/Season non-profit | \$250 | Same | \$260 |
| Field/Season profit | \$410 | Same | \$430 |
| Weekends (4-6 hours) | | | |
| Field/Season non-profit | \$385 | Same | \$405 |
| Field/Season profit | \$610 | Same | \$640 |
| Weekend Tournaments | | | |
| Field/Day non-profit | \$200 | Same | \$210 |
| Field/Day profit | \$310 | Same | \$325 |
| Camps and Clinics | | | |
| Field per 4 hrs non-profit | \$75 | Same | \$80 |
| Additional hourly fee non-profit | \$10 | Same | Same |
| Field per 4 hrs profit | \$120 | Same | \$130 |
| Additional hourly fee profit | \$20 | Same | Same |
| Team Practice Reservation Fee | | | |
| Non-profit 1 ½ hour fee | \$15 | Same | Same |
| Profit 1 ½ hour fee | \$30 | Same | Same |
| SOFTBALL FIELDS | | | |
| Youth League Tournaments | | | |
| Field/Day non-profit | \$50 | \$60 | Same |
| Field/day profit | \$75 | Same | Same |
| Deposit | \$100 | Same | Same |
| Adult Softball Tournaments | | | |
| Field/Day non-profit | \$50 | \$60 | Same |
| Field/Day profit | \$75 | Same | Same |
| Deposit | \$100 | Same | Same |
| Practice Field Reservation | | | |
| Per 1 ½ hour | \$10 | Same | Same |
| Softball Tournament Field Preparation | | | |
| Fee per day per field | \$50 | \$60 | Same |
| Independent Leagues (no prep) | | | |
| Field per season | \$380 | Same | Same |

2016 RECREATION PROGRAM FEE RECOMMENDED REVISIONS

(Revisions indicated in bold)

| PARK FACILITIES | 2014 FEES | 2015 FEES | 2016 FEES |
|---|-------------|-----------|-------------------------|
| SCHRIER PARK RENTAL | | | |
| Weekends/Holidays – first 3 hrs | \$190 | Same | Same |
| Additional hourly fee | \$60 | \$50 | Same |
| Daily maximum fee | \$400 | Same | Same |
| Weekdays (Mon-Fri) – first 3 hrs | \$140 | Same | Same |
| Additional hourly fee | \$40 | \$35 | Same |
| Daily maximum fee | \$290 | Same | Same |
| Non-Profit Meetings per hour | \$25 | Same | Same |
| Damage deposit | \$100 | Same | Same |
| OPEN PAVILION RENTAL | | | |
| Weekends/Holidays | \$110 | Same | Same |
| Weekdays (Mon – Fri) | \$70 | Same | Same |
| Central Park | | | |
| Lakeview Park #1 & #2 | | | |
| Ramona Park #1 & #2 | | | |
| Westfield Park | | | |
| SPECIAL EVENT SERVICE | | | |
| Daily fee | \$250-\$375 | Same | Same |
| Damage deposit | \$100 | Same | Same |
| SOUTH WESTNEDGE SKATEPARK | | | |
| Special Event Rental – 4 hrs | \$150 | Same | Same |
| CELERY FLATS RENTAL | | | |
| Schoolhouse Classroom daily fee | \$50 | Same | Same |
| Damage deposit | \$50 | Same | Same |
| Gazebo Rental – first 3 hrs | \$65/3 hrs | Same | Same |
| Additional hourly fee | \$15 | Same | Same |
| Damage deposit | \$50 | Same | Same |
| Grain Elevator | | | |
| Group Rental – first 3 hrs | \$125 | Same | Same |
| Additional hourly fee | \$30 | Same | Same |
| Damage deposit | \$100 | Same | Same |
| Hayloft Theatre * | | | |
| Group Rental – first 5 hrs | \$350 | \$400 | Same |
| Additional hourly fee | \$50 | \$60 | Same |
| Daily maximum | \$700 | \$750 | \$770 |
| Wedding fee | \$700 | \$750 | \$770 |
| Friday Rehearsal option | NA | \$100 | Same |
| Outside Performance - evening | \$300 | Same | Same |
| Rental fee - Chairs | NA | \$60 | Same |
| Cleaning fee - Interior restroom | NA | \$15 | \$0 – DELETE FEE |
| Damage deposit | \$100 | \$150 | Same |

2016 RECREATION PROGRAM FEE RECOMMENDED REVISIONS

(Revisions indicated in bold)

| PARK FACILITIES | 2014 FEES | 2015 FEES | 2016 FEES |
|--|-----------|-----------|-----------|
| Stuart Manor * | | | |
| Group Rental – first 3 hrs | \$140 | Same | Same |
| Additional hourly fee | \$30 | Same | Same |
| Damage deposit | \$150 | Same | Same |
| Amphitheatre * | | | |
| Group Rental – first 3 hrs | \$140 | \$180 | Same |
| Additional hourly fee | \$30 | Same | Same |
| Damage Deposit | \$100 | Same | Same |
| OVERLANDER BANDSHELL | | | |
| Non-Profit Group – first 3 hrs | \$140 | Same | Same |
| Additional hourly fee | \$40 | Same | Same |
| Profit-Making Group* - first 3 hrs | \$115 | Same | Same |
| Additional hourly fee | \$40 | Same | Same |
| 15% of gross receipts | | | |
| Past Sunset – Additional hourly fee | \$30 | Same | Same |
| Damage deposit | \$100 | Same | Same |
| <i>*Extra Fees: 15% of gross receipts plus applicable fees for additional staff, special equipment, rehearsals</i> | | | |
| WALK-RUN FUNDRAISING EVENTS | | | |
| Base fee | \$450 | Same | Same |
| Over 200 Participants Additional fee per participant | \$0.75 | Same | Same |
| Early Set-Up | \$100 | Same | Same |
| Additional Staff Charges (per hour) | \$25 | Same | Same |
| Damage/deposit reservation | NA | \$100 | Same |

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

Minutes of a regular meeting of the City Council for the City of Portage, Michigan held on _____, 2015 at 7:30 p.m. local time at the City Hall in the City of Portage, Michigan.

PRESENT: _____

ABSENT: _____

The following resolution was offered by:

Councilmember: _____, and supported by:

Councilmember: _____.

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

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

| <u>SERVICE</u> | <u>FEE</u> |
|--|--|
| 1. Access Management Appeal | \$330 per appeal |
| 2. Accessory Buildings | \$275 per application |
| 3. Accessory Use – Keeping of chickens | \$50 per application |
| 4. Brownfield Redevelopment Plan or Amendment | \$1,100 per application |
| 5. Brownfield Redevelopment Plan (Kalamazoo County Plan) | \$500 per application |
| 6. Building Height Modification | \$330 per request involving action only by the Planning Commission \$550 per request involving action by the Planning Commission and City Council |
| 7. Business Special Event | \$110 per application |

| | | |
|-----|--|---|
| 8. | Collection Box Application • Annual Renewal Fee | \$100 per application \$50 annually |
| 9. | Comprehensive Plan Amendment | \$825 per amendment |
| 10. | Development plan scanning | \$30 for first 20 sheets plus \$1/sheet thereafter |
| 11. | Home Occupation Permit - Active | \$150 per permit |
| 12. | Industrial Tax Abatement | 2 percent of the total property taxes abated or \$1,800, whichever is less |
| 13. | Land Division | \$150 plus \$10 for each "child" parcel over two |
| 14. | Mural Permit | \$110 per mural application |
| 15. | Noxious Weed abatement | Documented cost of the abatement plus an administrative fee of \$200 per zoning lot |
| 16. | Nuisance Abatement | Documented cost of the abatement, plus an administrative fee of \$350, plus \$50/hour or fraction thereof of staff to complete the abatement |
| 17. | Parking Plans | \$165 base fee and \$5 per 500 square feet of parking area |
| 18. | PILOT (Payment in lieu of taxes) | \$750 per application |
| 19. | Planned Development Tentative Plan | \$550 per tentative plan plus the rezoning fee |
| 20. | Commercial Planned Development Concept Plan | \$825 per conceptual plan • \$550 per conceptual plan if processed concurrent with rezoning application • \$220 per conceptual plan if combined with a specific plan and less than 10 acres |
| 21. | Planning and Zoning re-inspection fee | \$56 per hour (1 hour minimum fee) |
| 22. | Public Utility Plan | \$250 for one utility \$350 for more than one utility \$50 per easement document (review/record fee) |

| | | |
|-----|---|--|
| 23. | Sign Permits | \$110 per permanent freestanding sign application \$110 per permanent wall sign application \$55 per temporary or directional sign application \$55 per permanent freestanding or wall sign application for sign panel change to existing sign, where no structural sign modifications are proposed |
| 24. | Single-family Condominium - Preliminary approval | \$440 plus \$22 per lot |
| 25. | Single-family Condominium - Final preliminary approval | \$660 plus \$22 per lot |
| 26. | Single-family Condominium - Final approval | \$660 plus \$38 per lot |
| 27. | Small On-site Wind Energy Systems | \$130 per application |
| 28. | Special Land Use Permit | \$220 per group child care home application \$330 for all others |
| 29. | Special meeting of the Planning Commission or Zoning Board of Appeals | \$220 |
| 30. | Street Vacation or Land Sale | \$825 per application |
| 31. | Zoning Amendment | Map - \$1,100 for the first acre; then \$75 for each additional acre or fraction thereof Text - \$825 per amendment |
| 32. | Zoning Board of Appeals | \$135 for all one-family residential uses \$330 for all others |
| 33. | Zoning Compliance Review | \$50 per general zoning review/day care license \$100 per lot line adjustment \$150 for state license zoning review/annual renewals |

34. Site Plan Review

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

| <u>Use</u> ¹ | <u>Zoning Classification</u> | <u>Fee</u> ^{2, 3} |
|---|--|--|
| Multiple Family | R-1T; RM-1; RM-2 | \$385 + \$11/dwelling unit |
| Planned Development | PD | \$385 + \$11/dwelling unit \$357 + \$6/100 sq. ft. gross floor area (commercial) exclusive of basement space \$440 + \$6/500 sq. ft. gross floor area (industrial) exclusive of basement space |
| Mobile Home Community | MHC | \$385 + \$11/Mobile Home Unit |
| Commercial | OS-1; OTR; B-1; B-2; B-3; CPD; CCA; CCMU | \$357 + \$6/100 sq. ft. of gross floor area, exclusive of basement space. |
| Institutional | R-1A through R-1E; R-1T RM-1; RM-2; PD | \$385 + \$6/100 sq. ft. of gross floor area, exclusive of basement space. |
| Industrial | I-1; I-2; OTR; | \$440 + \$6/500 sq. ft. of gross floor area, exclusive of basement space. |
| Recreational (golf courses and other open space type recreational uses) | R-1A through R-1E; PD | \$412 + \$12/acre over 3 acres. |

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

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

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

YES: Councilmember _____

NAYS: Councilmember _____

ABSENT: Councilmember _____

RESOLUTION DECLARED ADOPTED: _____

CERTIFICATION

I hereby certify that the foregoing is a true and complete copy of this resolution adopted at a regular meeting of the City Council of the City of Portage, Kalamazoo County, Michigan held on _____, 2015, the original of which is in the official proceedings of the City Council.

James R. Hudson, City Clerk

Approved, as to form:

Date 11/23/15
[Signature]

City Attorney

**CITY OF PORTAGE
SPECIAL ASSESSMENT RATE
RESOLUTION**

At a regular meeting of the City Council of the City of Portage, Kalamazoo County, Michigan, held in Council Chambers in the Portage City Hall in said City on the _____ day of _____, 2015 at 7:30 p.m.

PRESENT: _____

ABSENT: _____

The following resolution was offered by:

Councilmember _____ and seconded by:

Councilmember _____:

WHEREAS, the Portage Charter gives Council the power to make public improvements within the City; and

WHEREAS, MCL 117.4(d) and Chapter 9 of the Portage Charter also empower Council to defray the cost of public improvements "which are of such a nature as to benefit especially any property or properties within a district" by special assessment upon such property in proportion to the benefit derived or to be derived; and

WHEREAS, Council is of the opinion that it is fair and equitable to special assess for certain public improvements which specially benefit properties; and

WHEREAS, such special assessment process allows for the continued expansion and preservation of the infrastructure, to the benefit of the residents; and

WHEREAS, Council has adopted a "Special Assessment Policy Resolution" as amended at the regular meeting of said Council on the 21st day of May, 1991; and

WHEREAS, said Policies provide for adoption of Special Assessment rates by resolution of Council to maintain a cost sharing balance between abutting property owners and the City at large; and

WHEREAS, increased construction costs make it appropriate to amend the existing special assessment rates to maintain the cost sharing balance between abutting property owners and the City at large.

NOW, THEREFORE BE IT RESOLVED THAT:

1. The City of Portage adopt the special assessment rates as indicated on Attachment "A", attached hereto and incorporated herein, with said rates to become effective for any special assessment district initiated after January 1, 2016, and to remain in effect until modified by subsequent resolution of Council.

2. The City of Portage utilize the special assessment rates as indicated on Attachment "A", with said rates to become effective after January 1, 2016 for connection to any water or sanitary sewer extension district (unassessed water or sanitary sewer main). The fee for connection to an unassessed water main shall consist of the current charge for the water service line (from the water main to the curb shut off), the water meter charge, and the front footage charge based on current special assessment rates. The water service charge and meter charge must be paid in full at the time of issuance of the water permit but the front footage charge may be spread over twenty years. The fee for an up-sized water service lead shall consist of the difference in cost between the 1 1/4 inch service assessed and the selected size current rate at the time of connection.

3. The fee for connection to an unassessed sanitary sewer main shall consist of the current "trunk and branch" fee, a sewer meter charge (if the structure is not connected to public water), the street lead charge (service line from the sanitary sewer main to the property line), and the front footage charge based on the current special assessment rates for unassessed sewers. The sewer trunk and branch fee, street lead charge, and sewer meter charge (when applicable) must be paid in full at the time of issuance of the sewer use permit but the front footage charge may be spread over twenty years.

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

ADOPTED: YEAS: Councilmember: _____

NAYS: Councilmember: _____

ABSENT: Councilmember: _____

James R. Hudson, City Clerk

CERTIFICATION

STATE OF MICHIGAN)
)
COUNTY OF KALAMAZOO)

I, the undersigned, the duly qualified and acting City Clerk of the City of Portage, County of Kalamazoo, State of 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 _____, 20____, the original of which is on file in my office.

IN WITNESS THEREOF, I have hereto affixed my official signature this _____ day of _____, 20____.

James R. Hudson, City Clerk

z:\jody\portage\res\special assessment rate resolution.021915.doc

APPROVED AS TO FORM

DATE 11/19/15

CITY ATTORNEY

Attachment "A"

SPECIAL ASSESSMENT RATES 2016

| | Residential | | Commercial/Industrial | |
|---|--------------------|--------------------------|------------------------------|--------------------------|
| | 2015 | Proposed for 2016 | 2015 | Proposed for 2016 |
| Water | \$ 35.16 | \$ 38.77 | \$ 45.92 | \$ 50.64 |
| Sewer | \$ 35.14 | \$ 43.77 | \$ 38.12 | \$ 47.48 |
| Unassessed Sewer* | \$ 65.95 | \$ 77.92 | \$ 80.75 | \$ 95.40 |
| Sewer through Unimproved Land | \$ 27.36 | \$ 32.50 | \$ 32.74 | \$ 38.89 |
| Petitioned Street Reconstruction with Curb & Gutter (including new storm sewer) | \$ 83.18 | \$ 104.65 | \$ 88.70 | \$ 111.59 |
| Petitioned Street Reconstruction with Curb & Gutter (existing adequate storm sewer) | \$ 64.06 | \$ 81.44 | \$ 69.38 | \$ 88.21 |
| Petitioned Curb and Gutter (done in conjunction with either street reconstruction or sanitary sewer installation) | \$ 51.29 | \$ 56.79 | \$ 51.29 | \$ 56.79 |
| Petitioned Street Reconstruction | \$ 35.29 | \$ 40.02 | \$ 40.59 | \$ 46.03 |
| Petitioned Storm Sewer (done separate from street reconstruction) | \$ 25.71 | \$ 38.18 | \$ 27.71 | \$ 41.16 |
| Sidewalk | \$ 28.34 | \$ 34.76 | \$ 29.75 | \$ 36.49 |
| Drive Approach (Single) | \$ 1,144.00 | \$ 1,144.00 | \$ 1,144.00 | \$ 1,144.00 |
| Drive Approach (Double) | \$ 1,960.00 | \$ 1,960.00 | \$ 1,960.00 | \$ 1,960.00 |
| Sewer Lead | \$ 1,096.00 | \$ 1,536.67 | \$ 1,096.00 | \$ 1,536.67 |
| Sewer Lead-Unimproved Land | \$ 1,096.00 | \$ 1,536.67 | \$ 1,096.00 | \$ 1,536.67 |
| 3/4-in. Water Service | \$ 984.00 | \$ 984.00 | \$ 984.00 | \$ 984.00 |
| 1-in. Water Service | \$ 1,160.00 | \$ 1,160.00 | \$ 1,160.00 | \$ 1,160.00 |
| 1 1/4-in. Water Service | \$ 1,235.00 | \$ 1,235.00 | \$ 1,235.00 | \$ 1,235.00 |

* This rate will apply to sewer extension districts initiated prior to 11-7-06.

**BOARD OF EDUCATION
REGULAR BUSINESS MEETING MINUTES**

October 26, 2015

The regular business meeting of the Board of Education of the Portage Public Schools held on Monday, October 26, 2015, was called to order at 6:30 p.m. by President Van Antwerp in Conference Room 1 at the Administration Building, 8107 Mustang Drive. He welcomed an audience of 45 people; all in attendance recited the Pledge of Allegiance.

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

Board Members Absent: None

REVISIONS/APPROVAL OF AGENDA

Motion offered by Mr. Droppers, seconded by Mr. Rathburn, that the Board of Education approve the agenda as printed.

Motion carried unanimously.

REPORTS

Superintendent's Report. Superintendent Bielang welcomed and recognized the Central High School Men's Tennis Team for their state championship. Central High School Principal, Mr. Eric Alburtus, introduced the Athletic Director, Mr. Joe Wallace. The Team Captains introduced players and Mr. Wallace introduced the head coach and coaching staff: Mr. Peter Militzer, Ms. Nancy Martin and Mr. Erik Anderson. President Van Antwerp presented the team with a certificate of recognition.

Superintendent Bielang offered best wishes to: the Northern High School Men's Soccer Team as they advance to the finals; and the Central High School Football Team as they compete in the playoffs. He congratulated the Central High School Marching Band for being named Class A Grand Champions. The Superintendent acknowledged and thanked all Curious Kids staff for recognizing national *Lights On After School Day* to celebrate quality after school programs. Superintendent Bielang informed the audience the District had received the embargoed M-STEP (Michigan Student Test of Educational Progress) test results and he looks forward to discussing this information at a future date. He reminded the Trustees of an upcoming Kalamazoo County School Officers Association Meeting scheduled for Tuesday, November 17. The Superintendent reported on interviews related to the Bond Proposals with the Lori Moore Show, WoodTV8 and WMUK radio; Bond endorsement from the MLive Editorial Board; informative articles by Mr. Tom Haroldson, Gazette Reporter; and final visits to staff and Parent Teacher Organization meetings to share information and answer questions. Superintendent Bielang informed the audience that the "Yes For the Future" Committee is planning a reverse trick or treat event on October 31 in order to get out and talk to citizens about the Proposals.

Transition Programs. Mr. Michael Huber, Director of Curriculum, introduced Mr. Kent White, Activities Director at Central High and Mr. Colin Killmer, Northern High Teacher. Mr. White and Mr. Killmer shared background information on the Student Ambassadors program at Central High and the Link Crew program at Northern High. Both programs were designed to mentor freshman as they transition into high school connecting them with upper classmen.

Financial Report. Mrs. Karla Colestock, Director of Finance, shared the financial report for the three month period ending September 30, 2015.

COMMENTS OR COMMUNICATIONS

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

Mrs. Judi Santek, 7537 Autumn Street, a citizen, thanked the Board and Administration for the continuous transparency during the planning process as well as communicating and educating citizens regarding Bond Proposals 1 and 2.

President Van Antwerp opened the floor for Trustee comments.

Dr. Shelton-Harris thanked Mr. Bradley Galin, Human Resources Director, for co-presenting on the Bond Proposal at a recent PTO (Parent Teacher Organization) meeting.

Mrs. Novaria shared news of upcoming “Kids First” or “Yes for the Future” presentations to educate the community on the Bond Proposals.

Mrs. Willson noted she looks forward to approving the Bond Resolution. She highlighted the activities involved with Red Ribbon Week and reported on the MASB (Michigan Association of School Boards) “OK2SAY” billboard campaign in support of student safety. The program is designed to empower students, parents, school personnel, community mental health service programs, and law enforcement to share and respond to student safety threats.

President Van Antwerp shared highlights of the MASB Fall Conference with the audience. He was pleased with the valuable sessions and urged Trustees to attend the Fall 2016 Conference.

CONSENT AGENDA

President Van Antwerp presented the following Consent Agenda items for approval by the Board of Education: The minutes of the September 28, 2015, Regular Business Meeting, October 12, 2015 Special Meeting and Committee of the Whole Work Session and October 12, 2015, Closed Session and approval of the Central High School Field Trip to Costa Rica (June 20-28, 2016).

There being no objections, motion carried unanimously.

ACTION ITEMS

Motion offered by Mr. Rathburn, seconded by Mr. Snyder, that the Board of Education adopt the Resolution Declaring Support for the Portage Public Schools Bond Proposals, as presented.

Mrs. Novaria read the Resolution. Trustee discussion pertained to: being impressed with the bottom up, a thank you to Superintendent Bielang for utilizing a community driven process; listening to community feedback; utilizing a portion of the previous Bond to hold millage rates steady; a community investment that could attract businesses to the area; tax rates still among the lowest locally; the economic advantages for the District regarding the current interest rates; location of the stadiums/event facilities; investing in students as well as supporting learning and teaching.

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

Motion offered by Mr. Snyder, seconded by Mr. Rathburn, that the Board of Education adopt the Michigan Schools Energy Cooperative (MISEC) Resolution, as presented.

Mrs. Willson read the Resolution.

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

Motion offered by Mrs. Willson, seconded by Mrs. Novaria, that the Board of Education approve the Red Ribbon Week Proclamation, as presented.

Dr. Shelton-Harris read the Resolution.

Motion carried unanimously.

Motion offered by Dr. Shelton-Harris, seconded by Mr. Rathburn, that the Board of Education approve the following new teacher appointment: Ms. Corey McMichael, as presented.

Mr. Bradley Galin, Human Resources Director, provided background information on Ms. McMichael.

Motion carried unanimously.

There being no further business to come before the Board, the meeting was adjourned at 7:53 p.m.

Respectfully submitted,

Edna Kent
Recording Secretary



RESOLUTION

A **RESOLUTION** by the Portage Public Schools Board of Education in support of the November 3, 2015 Bond Proposals:

WHEREAS: in 2007, plans were put in place to address facility needs at Central and Northern High Schools, construct two new elementary schools and a new transportation and maintenance facility – all through the support of the Portage community; and

WHEREAS: at that time, it was recognized that facility needs went beyond those projects and there would need to be additional phased renovations and construction to address the remaining facility needs of the District; and

WHEREAS: as a community we have continually recognized the importance of financing our children’s education – including school facilities; and

WHEREAS: Portage Public Schools has a consistent record of accountability, using local dollars exactly as portrayed and voted upon, within budget, to achieve its comprehensive plan for sustaining high-performing schools; and

WHEREAS: a Facility Master Planning Steering Committee was formed that included many facets of the local community to facilitate a process that included the review of extensive data and the involvement of over 1,000 community and staff members; and

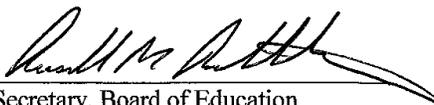
WHEREAS: the planning process was a great opportunity to work collaboratively with District residents through Community Dialogues and on-line surveys; and

WHEREAS: the recommendations made by the Steering Committee will influence and impact the future direction of the District for generations to come; and

WHEREAS: on June 22, 2015, the Portage Public Schools Board of Education adopted a Resolution which places Proposal #1 for Middle Schools and other District-wide improvements and Proposal #2 for multi-purpose outdoor athletic and performance facilities on the November 3, 2015 election ballot; and

WHEREAS: investing money into the quality of education provided to Portage students is an investment in the financial and economic future of the community;

NOW, THEREFORE BE IT RESOLVED that the Portage Public Schools Board of Education urges the local voters to vote in favor of both proposals on the November 3, 2015, election ballot in order to enhance the current and future educational needs of all Portage Public School District students.


Secretary, Board of Education

The undersigned duly qualified and acting Secretary of the Board of Education of Portage Public Schools, Kalamazoo County, Michigan, hereby certifies that the foregoing constitutes a true and complete copy of a resolution adopted by the Board at a regular meeting held on October 26, 2015, the original of which is part of the Board's minutes. The undersigned further certifies that notice of the meeting was given to the public pursuant to the provisions of the "Open Meetings Act" (Act 267, Public Acts of Michigan, 1976, as amended).


Secretary, Board of Education

A regular meeting of the Portage Public Schools Board of Education was held in the Administration Building, 8107 Mustang Drive, Portage, Michigan 49002, on the 26th day of October 2015, at 6:30 p.m.

RESOLUTION

WHEREAS, in 2000, PA 141 provided the opportunity for electric consumers to purchase electric supply at significant savings from alternate energy suppliers; and

WHEREAS, Portage Public Schools is currently purchasing their electric supply from an alternate electric supplier and by participating in the Electric Choice Program has been able to reduce its electricity rates by over \$460,000; and

WHEREAS, the Michigan Association of Intermediate School Administrators, the Michigan Association of School Administrators, the Michigan Association of School Boards, the Michigan School Business Officials, and the Middle Cities Education Association have come together and formed the Michigan Schools Energy Cooperative to purchase electric supply at a significant savings from alternate energy suppliers for Michigan's K-12 public schools and community colleges; and

WHEREAS, the Michigan Schools Energy Cooperative has saved over \$100,000,000 in electric supply costs for the districts it serves; and

WHEREAS, the Michigan Schools Energy Cooperative has on average saved \$35 per pupil for over 540,000 pupils in both 2013 and 2014 for the districts it serves; and

WHEREAS, the significant savings for the districts participating in the Michigan Schools Energy Cooperative have been available to educate the students in these districts and have otherwise provided taxpayers significant savings; and

WHEREAS, Portage Public Schools supports the work of the Michigan Schools Energy Cooperative and desires to continue to have the opportunity to purchase its electric supply at significant savings from alternate energy suppliers;

NOW, THEREFORE, LET IT BE RESOLVED:

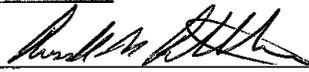
Portage Public Schools urges the Legislature to support and continue the current opportunity for school districts to purchase electric supply at significant savings from alternate energy suppliers.

BE IT FURTHER RESOLVED that we instruct our District Administration to work with our legislators and associated advocacy organizations to urge the Legislature to support and continue the current opportunity for school districts to purchase electric supply at significant savings from alternate energy suppliers.

Resolved this 26TH day of October, 2015.

Roll Call Vote: Passed: X Failed: _____

Russell Rathburn
Board Representative Name


Board Representative Signature

PROCLAMATION

RED RIBBON WEEK

October 23-31, 2015

WHEREAS, tobacco, alcohol, prescription drug abuse and other drug usage among young people is a serious concern; and

WHEREAS, it is imperative that visible, unified prevention education efforts by community members be launched to reduce the demand for drugs; and

WHEREAS, Portage Public Schools works in partnership with the Portage Department of Public Safety to offer Red Med boxes for the safe disposal of unwanted prescription medication to reduce access to prescription drug abuse; and

WHEREAS, the National Federation of Parents for Drug-Free Youth, the Kalamazoo County Substance Abuse Task Force, and the Portage Public Schools are sponsoring the National Red Ribbon Campaign offering citizens the opportunity to demonstrate their commitment to drug-free lifestyles; and

WHEREAS, the National Red Ribbon Campaign will be celebrated in communities throughout America during "**Red Ribbon Week**", October 23-31, 2015; and

WHEREAS, business, government, law enforcement, schools, religious institutions, service organizations, youth, physicians, senior citizens, the military, sports teams, and individuals will demonstrate their commitment to drug-free, healthy lifestyles by wearing and displaying red ribbons during this week-long campaign; and

NOW, THEREFORE, BE IT RESOLVED, that the Board of Education of the Portage Public Schools does hereby proclaim October 23-31, 2015 as **RED RIBBON WEEK**, and encourage Portage citizens to participate in drug prevention education activities, showing our commitment to a drug-free community.

BE IT FURTHER RESOLVED, that the Board of Education of the Portage Public Schools encourages all citizens to pledge: **My Choice . . . Drug-Free.**

Proclaimed this 26th day of October, 2015
Portage Public Schools Board of Education

**BOARD OF EDUCATION
REGULAR BUSINESS MEETING REVISED MINUTES**

November 23, 2015

The regular business meeting of the Board of Education of the Portage Public Schools held on Monday, November 23, 2015, was called to order at 6:30 p.m. by President Van Antwerp in Conference Room 1 at the Administration Building, 8107 Mustang Drive. He welcomed an audience of 12 people; all in attendance recited the Pledge of Allegiance.

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

Board Members Absent: Terri Novaria

REVISIONS/APPROVAL OF AGENDA

Motion offered by Mrs. Willson, seconded by Dr. Shelton-Harris, that the Board of Education approve the agenda as printed.

Motion carried unanimously.

REPORTS

Superintendent's Report. Superintendent Bielang reported on the following: fall count totals have been submitted to the State; the District received applications from six architectural firms (Stantec; GMB; Perkins & Will Progressive; Kingscott; TowerPinkster; and TMP Architecture) and five construction manager firms (CSM Group Christman; Miller Davis; Owen Ames Kimball; Skillman; and avb Triangle) in response to the Request For Proposals and interviews will be conducted; he thanked the Educational Specifications Committee noting they have completed their work which will be processed and presented by the end of the year. This information will also be shared with and utilized by the architects when designing the middle schools. Superintendent Bielang noted the District is close to naming a Bond underwriter as well. He wished a Happy Thanksgiving and safe travels to all.

Secondary Music Programs. Mr. Michael Huber, Director of Curriculum, introduced Mrs. Rennee Flynn, Secondary Music Team Leader and Band Teacher at Central High and Central Middle School; Mr. Pat Flynn, Central High School Band Teacher; Mr. Robert Jordan, North Middle and Central High School Vocal Music Teacher and Mr. Josh Bartz, Music Department Chair and Band Teacher at Northern High School. Mrs. Flynn, Mr. Flynn, Mr. Jordan and Mr. Bartz shared a presentation on all secondary music programs in the District. Superintendent Bielang and all Trustees complimented and thanked the Directors for their successful competitions, leadership and teamwork.

Financial Report, Monthly Financial Statement. Mrs. Karla Colestock, Director of Finance, shared the financial report for the four month period ending October 31, 2015.

Financial Report, 2014/2015 Audit Presentation. Mrs. Colestock shared highlights of the 2014/15 Audit and introduced Mrs. Kristin Hoogerwerf, an Auditor from Rehmann. Mrs. Hoogerwerf provided details on the 2014/15 Comprehensive Annual Financial Report, Single Audit Act Compliance Report, and Management Letter. Several Trustees recognized and thanked Mrs. Karla Colestock and her staff for their outstanding efforts on the District finances.

COMMENTS OR COMMUNICATIONS

President Van Antwerp opened the comments and communications portion of the meeting and asked if there were any citizens who would like to speak to the Board. Seeing no one come forward, President Van Antwerp opened the floor for Trustee comments.

Mr. Snyder offered Happy Thanksgiving wishes to all.

Mr. Rathburn shared news of the successful Breadlift event last weekend, noting Northern High and Central High exceeded their fundraising goal of over \$20,000 for The March of Dimes. He offered accolades to all involved with the production of All Shook Up at Northern High School.

Mrs. Willson informed the audience the annual Varsity Ice Hockey Classic game between Central and Northern High Schools will take place on Monday, December 7 at 6:30 p.m. at Wings Stadium. She also offered Thanksgiving wishes to all.

President Van Antwerp shared observations from attending the Educational Specifications Committee meetings and commented on the Committee's comprehensive look at the future of middle school education. President Van Antwerp thanked staff for their support of those less fortunate this holiday season.

President Van Antwerp announced the Board Policy Committee plans to meet on Tuesday, December 1.

CONSENT AGENDA

President Van Antwerp presented the following Consent Agenda items for approval by the Board of Education: The minutes of the October 26, 2015, Regular Business Meeting and the November 9, 2015 Committee of the Whole Work Session.

There being no objections, motion carried unanimously.

ACTION ITEMS

Motion offered by Mr. Snyder, seconded by Mr. Rathburn, that the Board of Education adopt the Resolution that authorizes the Portage Public Schools to continue summer tax collections in 2016, as presented.

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

Motion offered by Mrs. Willson, seconded by Mr. Snyder, that the Board of Education accept the 2014/2015 Comprehensive Annual Financial Report, Single Audit Act Compliance Report, and Management Letter, as presented.

Trustees thanked Mrs. Colestock and the Business Office staff for their efforts on the successful audit.

Motion carried unanimously.

There being no further business to come before the Board, the meeting was adjourned at 7:08 p.m.

Respectfully submitted,

Edna Kent
Recording Secretary

PORTAGE PUBLIC SCHOOLS

RESOLUTION ON SUMMER TAX COLLECTIONS

WHEREAS, this Board of Education by resolution on **December 11, 1995**, determined to impose a summer tax levy to collect all of school property taxes, including debt service, upon property located within the district, beginning with 1996 and continuing from year to year until specifically revoked by this Board of Education.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. This Board of Education pursuant to 1976 PA 451, as amended (the "School Code"), hereby invokes its previously adopted ongoing resolution imposing a summer tax levy of all school property taxes, including debt service, upon property located within the district and continuing from year to year until specifically revoked by this Board of Education and requests each city and/or township in which this districts located to collect those summer taxes.

2. The Superintendent, or his/her designee, is authorized and directed to forward to the governing body of each city and/or township in which this district is located a copy of this Board's resolution imposing a summer property tax levy on an ongoing basis and a copy of this resolution requesting that each such city and/or township agree to collect the summer tax levy for 2016 in the amount as specified in this resolution. Such forwarding of the resolution and the request to collect the summer tax levy shall be sent so that they are received by the appropriate governing bodies before January 1, 2016.

3. Pursuant to and in accordance with Section 1613(1) of the School Code, the Superintendent or his/her designee is authorized and directed to negotiate on behalf of this district with the governing body of each city and/or township in which the district is located for the reasonable expenses for collection of the district's summer tax levy that the city and/or township may bill under MCLA 280.1611 or MCLA 280.1612. Any such proposed agreement shall be brought before this Board for its approval or disapproval.

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

Resolved this 23rd day of November, 2015.

AYES: Members Kurt Droppers, Rusty Rathburn, Celeste Shelton-Harris, Bo Snyder, Randy

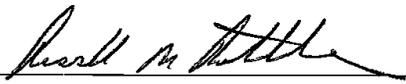
Van Antwerp and Joanne Willson

NAYS: Members None

ABSENT: Members Terri Novaria

Roll Call Vote: Passed: 6-0 Failed: _____

Resolution declared adopted.



Russell M. Rathburn
Secretary

**BOARD OF EDUCATION
COMMITTEE OF THE WHOLE WORK SESSION MINUTES**

November 9, 2015

The work session of the Board of Education of the Portage Public Schools held on Monday, November 9, 2015, was called to order at 6:30 p.m. by President Van Antwerp in Conference Room 1 at the Administration Building, 8107 Mustang Drive. He welcomed an audience of 16 people; all in attendance recited the Pledge of Allegiance.

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

Board Trustees Absent: None

REVISIONS/APPROVAL OF AGENDA

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

Motion carried unanimously.

REPORTS

Superintendent's Report. Superintendent Bielang reminded the audience of an upcoming event entitled CommuniTeen Read 2015: The Harlem Hellfighters by Max Brooks. This is free and open to the public, teens and adults are welcome to attend on Thursday, November 12 in the Central High School Auditorium at 7:00 p.m.

The Superintendent noted District student conferences were being held this week.

In recognition of the successful Bond Proposals, Superintendent Bielang offered thanks to: the Facilities Master Planning Steering Committee and co-chairs Dr. Rockelle Rogers-Branhan and Dr. Colleen Semler led by Dr. William DeJong, CEO and Senior Advisor of DeJong Richter; the Board of Education; Mr. Gary Goscenski, Perspectives Consulting Group, Inc.; the Kids First Committee, chaired by Dr. Colleen Semler; Administration, staff and students; Mr. Rick Chambers, Rick Chambers and Associates; and most importantly to the community. The Superintendent informed the audience the District is currently in search of an architect and construction manager; plan to meet with financial advisors; will hold the second set of Educational Specifications Committee meetings to help develop middle school instructional space; plan to continue disseminating information on the District web site and are currently responding to community questions.

President Van Antwerp echoed Superintendent Bielang's thanks to all groups and individuals mentioned as well as to the Superintendent for leading the process.

COMMENTS OR COMMUNICATIONS

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

Mrs. Alison Seim, 2012 Ames Drive, a parent, shared further concern about a denied student transfer.

Ms. Emily Cottingham, 3627 Arbutus Train, a parent, shared concern about the Seim transfer denial.

Mrs. Sarah Baker, 5769 Stoney Brook Road, a parent and the Community Relations Manager, offered thanks to the Board for supporting the Bond proposals.

President Van Antwerp opened the floor for Trustee comments.

Mrs. Willson reminded Trustees of the Kalamazoo County School Officers Association meeting on November 17. She echoed Superintendent Bielang's thanks to all involved with the Bond proposals, noted she was proud to be a part of the process and looks forward to continued transparency throughout the projects.

Mr. Droppers thanked the community for the equitable decision on the multi-purpose stadiums.

Mrs. Novaria echoed all the previous comments thanking the community for their support. She noted to process used by the District made all the difference.

Mr. Rathburn echoed the previous comments thanking the community for their support. He offered special thanks to Mrs. Sarah Baker, Dr. Colleen Semler and the community.

Mr. Snyder commented on numerous discussions he overheard and the excitement surrounding the passing of the Bond proposals.

Dr. Shelton-Harris noted she is excited to see the future campus transformations in the District.

President Van Antwerp acknowledged he was amazed by the community support for education allowing more opportunities for District students. He offered thanks to Superintendent Bielang, District staff and Mrs. Sarah Baker.

Mrs. Willson shared performing arts news: All Shook Up was playing at Northern High; she thanked the Alamo Draft House for hosting a benefit for the All Shook Up cast; and Dear Phoebe was playing at Central High School.

President Van Antwerp shared two handouts with Trustees: "Meet Michigan's New State Superintendent, Brian Whiston," and "Eight Traits of Effective School Boards." He reminded trustees of the Kalamazoo County School Officers Association meeting to be held on November 17.

President Van Antwerp inquired if there were any Board Committee Reports and Mrs. Karla Colestock, Director of Finance, noted the Audit Committee plans to meet on November 23.

DISCUSSION ITEM

Mrs. Karla Colestock discussed the recommendation to adopt the resolution that authorizes the Portage Public Schools to continue our summer tax collections in 2016. She responded to a Trustee question pertaining to the manner in which other counties and townships collect taxes.

ACTION ITEMS

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

Superintendent Bielang shared background information on this Monitoring Report and responded to Trustee questions regarding future policy discussions, an employee survey, engaging internal stakeholders, continuous improvements and value statements.

Motion carried unanimously.

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

Superintendent Bielang shared background information on this Monitoring Report.

Motion carried unanimously.

There being no further business to come before the Board, the meeting was adjourned at 7:16 p.m.

Respectfully submitted,

Edna Kent
Recording Secretary

CITY OF PORTAGE HUMAN SERVICES BOARD

Minutes of Meeting November 5, 2015

CALL TO ORDER: 6:30 p.m.

MEMBERS PRESENT: Effie Kokkinos, Ray LaPoint, Nadeem Mirza, Edward Morgan, Fiorella Spalvieri, Amanda Woodin.

MEMBERS EXCUSED: Diane Durian, Sandra Sheppard.

MEMBERS UNEXCUSED: Elma (Pat) Maye

STAFF PRESENT: Elizabeth Money, Neighborhood Program Specialist

APPROVAL OF MINUTES: Woodin moved and Mirza supported approval of the September 3, 2015 minutes (due to lack of a quorum, no October 1, 2015 meeting). Motion passed 6-0.

OLD BUSINESS

1. Human/Public Service Application/Process Review update: LaPoint (acting chair) lead the discussion on the proposed changes to the application and criteria. Woodin asked for clarification on the audit question and what an applicant could do if they were not required to prepare an audit. Money informed her any organization applying was instructed to contact city staff if they could not meet the requirements and staff would work with them on an alternative solution (if possible). Mirza recommended switching questions 12 and 13. Overall, the Board was pleased with the new application, praised staff and the small group members on their work, and felt the changes would result in a more streamlined and easier to read application. Woodin moved to accept and use the proposed application and criteria immediately with questions 12 and 13 switched and all formatting and typos corrected as needed, Morgan supported. Motion passed 6-0.

NEW BUSINESS:

1. CDBG Program Consolidated Plan – Citizen Participation Plan: LaPoint referenced the material provided in the agenda packet. Money explained the significance of the Consolidated Plan, referenced the table and pointed out the public hearings that were the responsibility of the Board, and indicated it was updated every five years.
2. Election of Officers: Woodin moved and Kokkinos supported tabling the election of officers until the December meeting when more members would be present. Motion passed 6-0.
3. Kalamazoo Transit Authority LAC update - Maye: As Maye was not present, no update was provided.

STATEMENT OF CITIZENS: No citizens were present.

ADJOURNMENT: Woodin moved and Mirza supported adjournment of the meeting at 7:03.
Motion passed 6-0.

Respectfully Submitted,

Elizabeth Money, Neighborhood Program Specialist

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PLANNING COMMISSION

November 19, 2015

The City of Portage Planning Commission meeting of November 19, 2015 was called to order by Chairman Welch at 7:00 p.m. in Council Chambers of Portage City Hall, 7900 South Westnedge Avenue. Eleven citizens were in attendance.

PLEDGE OF ALLEGIANCE:

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

IN ATTENDANCE:

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

ROLL CALL:

Mr. Forth called the roll and the following Commissioners were present: Patterson (yes), Stoffer (yes), Welch (yes), Felicijan (yes), Somers (yes) and Richmond (yes). A motion was made by Commissioner Felicijan, seconded by Commissioner Somers, to approve the roll excusing Commissioners Bosch, Dargitz and Schimmel. The motion was unanimously approved 6-0.

APPROVAL OF MINUTES:

Chairman Welch referred the Commission to the November 5, 2015 meeting minutes contained in the agenda packet. A motion was made by Commissioner Patterson, seconded by Commissioner Felicijan, to approve the minutes as submitted. The motion was unanimously approved 6-0. Commissioner Schimmel arrived at 7:07pm

SITE/FINAL PLANS:

1. Final Plan: Greenspire Apartments (Phase V), 8615 Tozer Court. Mr. Forth summarized the staff report dated November 13, 2015 regarding a request from H & G II, Inc. to construct Phase V of Greenspire Apartments within the Greenspire Planned Development (PD). Mr. Forth stated Phase V proposes construction of three, three-story apartment buildings (two 27,818 square foot buildings with 28 units each and one 15,820 square foot building with 14 units) and associated site improvements on property addressed as 8615 Tozer Court. Mr. Forth indicated future construction of five additional apartment buildings is also planned within the remaining portion of the Phase V area for a total of 168 units on 17 acres of land. Mr. Forth reviewed aspects of the final plan including access, sidewalks, storm water and screening planned along the west side of the property, adjacent the single family residences located along Tozer Court/Shirley Court. Mr. Forth stated the final plan has been designed in conformance with the approved tentative plan/narrative and was recommended for approval subject to finalization of the storm water system design and approval by the MDEQ.

Mr. Greg Dobson representing H & G II, Inc. was present to support the application and explain the development history of the Greenspire PD. Mr. Dobson presented a photograph of the apartment buildings constructed in Phase IV and indicated the same buildings would be constructed in Phase V. Mr. Dobson summarized his conversations with adjacent neighbors along Tozer Court/Shirley Court and discussed proposed screening and signage that will be installed with construction of Phase V. Mr. Dobson indicated a consultant has been hired to work with the MDEQ to determine whether any permitting or approvals would be necessary to discharge storm water into the adjacent wetland area.

Two citizens spoke regarding the proposed development project: 1) Ms. Betty Lee Ongley, 8620 Tozer Court and 2) Ms. Lori Olsen, 3411 Fawn Cove. Ms. Ongley discussed the development history of Greenspire Apartments, expressed concern regarding possible trespassing and privacy issues and asked for consideration of installation of a privacy fence. Ms. Olsen expressed concerns regarding loss of wildlife habitat/woods and ask that as many trees as possible be preserved during construction. Mr. Dobson stated he would be glad to meet with Ms. Ongley and discuss her request. Mr. Dobson also stated the Greenspire development has a long history of

preserving the environment and creating a natural feel for its residents that would continue with construction of Phase V.

After a brief discussion, a motion was made by Commissioner Patterson, seconded by Commissioner Somers, to recommend to City Council that the Final Plan for Greenspire Apartments (Phase V), 8615 Tozer Court, be approved subject to finalization of the storm water design, and approval by the MDEQ to discharge into the wetland area. The motion was unanimously approved 7-0.

PUBLIC HEARINGS:

1. Preliminary Report; Rezoning Application #15/16-2, 480 Admiral Avenue. Mr. West summarized the preliminary staff report dated November 13, 2015 regarding a request from Chad Scott to rezone 480 Admiral Avenue from RM-1, multiple family residential and I-1, light industry to R-1T, attached residential. Mr. West indicated the applicant was requesting the rezoning to facilitate construction of a four-unit attached residential building along the northern portion of the property, at the eastern terminus of Cameo Avenue. Mr. West discussed the Future Land Use Map designation of single-family detached-medium density residential of the subject parcel and adjacent properties, along with the surrounding zoning and land use pattern. Mr. West then reviewed the split zoning of the subject parcel (RM-1, south portion and I-1, north portion), the irregular shape of the property, access limitations and the presence of potential wetland areas and poor soils, particularly along the southern portion of the property. Mr. West briefly discussed the I-1 zoning designation of the adjacent city owned parcel to the east and south and the rear portion of three parcels on Dorset Street and the inconsistency with the Future Land Use Map and existing zoning/land use pattern. In an effort not to delay the applicant, Mr. West stated it was recommended that the Planning Commission consider a possible rezoning of these properties at a later date, consistent with the approved Work Program.

Mr. Chad Scott (applicant/property owner) and Mr. Greg Radd of Nederveld Associates (applicant's consultant) were present to support the zoning change and to discuss the proposed four-unit attached residential building planned along the northern portion of the property. Mr. Radd stated a preliminary wetland delineation was performed several years ago and the southern portion of the property was found to be wetlands. Mr. Radd stated this delineation would be updated and development would be concentrated to the northern portion of the property, where higher ground and better soils are present. The public hearing was opened by Chairman Welch. No citizens spoke regarding the proposed rezoning. After a brief discussion, a motion was made by Commissioner Patterson, seconded by Commissioner Stoffer, to adjourn the public hearing for Rezoning Application #15/16-2, 480 Admiral Avenue, to the December 3, 2015 meeting. The motion was unanimously approved 7-0.

OLD BUSINESS:

None.

NEW BUSINESS:

None.

STATEMENT OF CITIZENS:

None.

ADJOURNMENT:

There being no further business to come before the Commission, the meeting was adjourned at 7:35 p.m.

Respectfully submitted,

Christopher T. Forth, AICP
Deputy Director of Planning, Development & Neighborhood Services

TO: Honorable Mayor and City Council

FROM: Laurence Shaffer, City Manager



SUBJECT: 2016 Local Street Reconstruction Program - Tabulation of Proposals

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

ACTION RECOMMENDED: That City Council award a contract to perform design and construction engineering services for the 2016 Local Streets Reconstruction Project to Abonmarche Consultants, Incorporated, in the amount not to exceed \$197,140 and authorize the City Manager to execute all documents related to the contract on behalf of the city.

The City Administration recently approved the expansion of the annual local streets program to include “complete street” enhancements, such as additional street lighting, sidewalk connections, curb lawn tree planting and street widening, which are part of the “Natural Place to Move” city initiative. In order to meet this initiative, the current local streets program has been expanded to include full design engineering services. Historically, the program focused primarily on construction resurfacing with minimum design engineering prior to awarding the project to a contractor.

On November 3, 2015, City Council approved a budget transfer in the amount of \$2,961,755 from the General Fund to the Capital Improvement Fund, in part to fund major and local street projects. The additional funding allows the design and reconstruction of three divisions of local streets which includes approximately 12.9 miles to be reconstructed in 2016. This project is approximately three times larger than previous local street programs over the past several years and will represent the largest single Local Street Reconstruction Program in the city’s history. The addition of full design engineering services includes topographic survey and drawings for each of the 57 streets included in the program for 2016 and will require a great deal of effort in a compressed schedule to have the project ready for bid in March 2016. Winter weather may also limit the ability of survey crews to collect data. The City Administration has worked diligently to secure engineering proposals such that a prompt contract award will allow utilization of relatively clear winter weather before inclement weather becomes an increasing issue.

On December 3, 2015, proposals were received for design and construction engineering services for the project. Six firms expressed interest in the project and submitted proposals. Costs ranged from \$129,570 to \$334,000. As an added criteria, the City Administration requested sample drawings of similar local street projects be submitted, which were reviewed and factored in the selection criteria. It was also stressed in the project pre-proposal meeting that all of the selection criteria would be evaluated and that although cost is a factor, qualifications and experience for the design of local streets would be a key factor.

Upon review of the six proposals received, the two lowest proposals did not properly address the full design engineering scope requested for this project. Based upon the scope of services proposed in the two low cost proposals, the city would need to hire additional full-time staff to oversee this project for its duration. This project will affect residents on 57 local streets and public relations, as well as complete street design, will be very important. It is critical that the right consultant be chosen for this project and the City Administration strongly feels that awarding this project to one of these two firms is not in the city's best interest, given the large scale of the project and the number of residents affected.

The four remaining proposals were reviewed in detail and Abonmarche Consultants, Incorporated, was judged to be the best and strongest proposal for the project. Of the four proposals, the cost was at \$197,140, and aligns with what the City Administration had estimated for a project of this scope and size.

Abonmarche Consultants has proposed to dedicate two full survey crews to complete the topographic survey and provide an additional construction inspector during construction (as needed) to manage the project, which will be bid as two separate projects. Divisions A and B will be bid initially with construction to begin in May 2016. Division C will be bid later with construction to begin in July 2016. There will be two full months of overlap in construction, which will require more than one construction inspector as proposed by the next lowest cost proposal. Abonmarche Consultants did address the additional construction effort in their proposal and committed to a strong construction supervision performance. Abonmarche Consultants has successfully completed similar projects for the city, with most recent being the South Westnedge Avenue Reconstruction Project (Mall Drive to Dawnlee Avenue). The Assistant City Engineer will work very closely with the consultant to ensure a successful local street program.

In consideration of all these factors, it is recommended that City Council award a contract to Abonmarche Consultants, Incorporated, to perform design and construction engineering services for the 2016 Local Streets Reconstruction Project in the amount not to exceed \$197,140 and authorize the City Manager to execute all documents related to the contract on behalf of the city.

FUNDING: Funds in the amount of \$1,890,000 are budgeted in the 2015-2016 Capital Improvement Program and funds in the amount of \$920,000 are budgeted in the 2016-2017 Capital Improvement Program. The total amount budgeted to the project totals \$2,810,000 of which the \$214,800 for construction engineering is included.

Attachments: 1. Tabulation of Proposals

TABULATION OF PROPOSALS
2016 LOCAL STREET RECONSTRUCTION PROGRAM

| FIRM | DESIGN | ESTIMATED HOURS | | COST PROPOSAL | | | | | | |
|---|--------|-----------------|-------|-----------------|--------------|--------------|-------------|--------------|--------------|-----------------------|
| | | CONSTRUCTION | TOTAL | DIVISIONS A & B | | | DIVISION C | | | GRAND TOTAL |
| | | | | DESIGN | CONSTRUCTION | TOTAL | DESIGN | CONSTRUCTION | TOTAL | DIVISIONS A, B, AND C |
| Jones & Henry Engineers, Ltd. 4791 Campus Drive Kalamazoo, MI 49008 | 442 | 1798 | 2240 | \$20,010.00 | \$63,580.00 | \$83,590.00 | \$11,300.00 | \$34,680.00 | \$45,980.00 | \$129,570.00 |
| Midwest Civil Engineers, Inc. 13560 76th Street South Haven, MI 49090 | 735 | 2364 | 3099 | \$25,000.00 | \$69,500.00 | \$94,500.00 | \$13,000.00 | \$34,500.00 | \$47,500.00 | \$142,000.00 |
| Abonmarche Consultants, Inc. 95 West Main Street Benton Harbor, MI 49002 | 804 | 1732 | 2536 | \$52,160.00 | \$79,270.00 | \$131,430.00 | \$26,080.00 | \$39,630.00 | \$65,710.00 | \$197,140.00 |
| OMM Engineering, Inc. 1680 E. Paris Ave. SE, Suite 300 Grand rapids, MI 49546 | 1376 | 1918 | 3294 | \$72,490.00 | \$70,780.00 | \$143,270.00 | \$36,190.00 | \$35,340.00 | \$71,530.00 | \$214,800.00 |
| Wightman & Associates, Inc. 264 Western Ave. Allegan, MI 49010 | 1216 | 2079 | 3295 | \$85,495.00 | \$107,853.00 | \$193,348.00 | \$48,890.00 | \$53,927.00 | \$102,817.00 | \$296,165.00 |
| Paradigm Design, Inc. 550 3 Mile Rd. NW, Suite B Grand Rapids, MI 49544 | 1587 | 2422 | 4009 | \$97,400.00 | \$123,850.00 | \$221,250.00 | \$44,850.00 | \$67,900.00 | \$112,750.00 | \$334,000.00 |

TO: Honorable Mayor and City Council

FROM: Laurence Shaffer, City Manager



SUBJECT: Natural Gas – Alternate Gas Supplier

SUPPORTING PERSONNEL: Rob Boulis, Deputy City Manager
Judy Johnson, Purchasing Manager

ACTION RECOMMENDED: That City Council approve a contract with Volunteer Energy Services, Inc. for the procurement of natural gas, with the option for five annual renewals, and authorize the City Manager to execute all documents on behalf of the City of Portage.

Until 2012, the city procured natural gas through Consumers Energy. In 2012, the city took advantage of the State of Michigan Alternate Gas Supply Program and contracted with IGS Energy for natural gas supply. The city has saved over \$27,000 during this four-year contract, when compared to Consumers Energy prices. However, the contract with IGS Energy will expire in February 2016.

Proposals for natural gas were solicited from twenty (20) suppliers, and on December 3, 2015, four proposals were received. The proposals were reviewed for cost, contract terms and customer references. Implementing the low-cost proposal submitted by Volunteer Energy Services, Inc. is expected to further increase savings for the purchase of natural gas. The proposals were structured on utilizing the monthly settlement price of the commodity through the New York Mercantile Exchange (NYMEX) with an added rate proposed by the bidder. As an example, the November 2015 settlement rate was \$2.033 per MCF; accepting the low bid adder rate of \$0.49, the cost to the city for the purchase of natural gas would be \$2.523 per MCF. The low bid adder rate of \$0.49 per MCF proposed by Volunteer Energy Services, Inc. compares very favorably to the \$0.85 adder rate in the current contract. The city also retains the ability, as part of this agreement, to convert the variable rate program to a long-term fixed-rate cost structure at a future date.

Therefore, it is recommended that the city contract with Volunteer Energy Services, Inc. of Ann Arbor, Michigan for a one-year period, with the option for five, 12-month contract renewals.

FUNDING: The city Operating Budget includes funding for natural gas supply.

Attachments: 1. Tabulation of Proposals

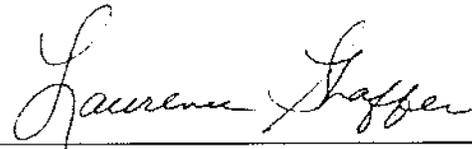
NATURAL GAS
TABULATION OF PROPOSALS

| <u>SUPPLIER</u> | <u>MCF ADDER RATE</u> |
|--|-----------------------|
| Volunteer Energy Services, Inc. 709 W. Ellsworth Rd. Ann Arbor, MI 48108 | \$0.49 |
| Constellation Energy 56380 Buffalo Three Rivers, MI 49093 | \$0.60 |
| IGS Energy, Inc. 6100 Emerald Parkway Dublin, OH 43016 | \$0.80 |
| My Choice Energy 6034 King Road Marine City, MI 48039 | \$1.15 |

MATERIALS TRANSMITTED

Tuesday, December 01, 2015

1. **DECEMBER 1, 2015 CITY COUNCIL AGENDA ITEM F.1:** Communication from the City Manager recommending removal of Agenda Item F.1 (2016 Fees) from the December 1st agenda and postpone until the December 15, 2015 City Council meeting.
2. Communication from the City Manager regarding the Portage 2025 Renewal Event – Final Report.

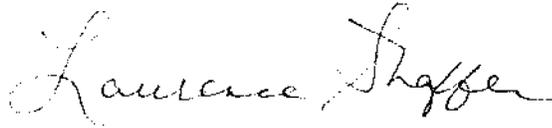


Laurence Shaffer, City Manager

cc: Rob Boulis, Deputy City Manager

TO: Honorable Mayor and City Council

FROM: Laurence Shaffer, City Manager



SUBJECT: December 1, 2015 Agenda Item F.1 - Remove

It is recommended that Item F.1 on the December 1, 2015 City Council Agenda regarding the various city fee schedules for 2016 be removed from the items of business. The City Administration would like to add the item to the next City Council meeting of December 15, 2015.

Attachments: N/A

TO: Honorable Mayor and City Council

FROM: Laurence Shaffer, City Manager

SUBJECT: Portage 2025 Renewal Event – Final Report

Attached for the review and use of the City Council is the Portage 2025 Renewal Event Final Report, a documentation of the October 3, 2015 renewal event held at Portage Central High School. This report represents the framework for the future of the City of Portage and will serve as the basis for future planning strategies (Council Goals and Objectives, Fiscal Year Budget, Ten-Year Capital Improvement Program, etc.). In consideration of the goals established / affirmed by the Portage 2025 Renewal Event participants, it is recommended that this final report be at the forefront of the discussion during the upcoming January 22, 2016 City Council Goal Setting Session.

As additional information, an electronic copy of the Portage 2025 Renewal Event Final Report has been forwarded to each of the event participants, along with an internet link to the renewal event video (<http://mediacenter.portagemi.gov/Video/20/01557>). Furthermore, a Department Head meeting is planned for later this month to discuss, among other topics, the results of the renewal event and to review the established / affirmed goals.

Attachments: Portage 2025 Renewal Event Final Report (w/o attachment)