

**FINAL AGENDA FOR THE COUNCIL MEETING
CITY OF PORTAGE
January 12, 2010**

5:30 p.m. Special Meeting to Interview Boards and Commissions Applicants.
7:30 p.m. Call to Order.

Invocation: Dr. Bill Abernathy of Berean Baptist Church.

Pledge of Allegiance.

Roll Call.

Proclamation:

- A. Approval of the December 15, 2009 Regular Meeting Minutes.
- * B. Approval of Consent Agenda Motions.
- * C. Communication from the City Manager recommending that City Council approve the Check Register of January 12, 2010, as presented.
- D. Public Hearing:
- E. Petitions and Statements of Citizens:
- F. Reports from the Administration:
 - * 1. Communication from the City Manager recommending that City Council:
 - a. accept Ordinance Amendment #09-A for first reading and establish a public hearing on February 9, 2010; and
 - b. subsequent to the public hearing, approve Ordinance Amendment #09-A and
 - i. adopt Appendix G of the 2006 State of Michigan Construction Code, 2009 Flood Insurance Study and 2009 Flood Insurance Rate Maps, which updates Section 42-991 and inserts Section 42-995, Floodplain Management Regulations, designating the city as the enforcing agency;
 - ii. repeal Zoning Code Sections 42-320 to 42-330, Flood Hazard Areas; and
 - iii. repeal Zoning Code Sections 42-162(D)(1)(2), Flood Boundaries.
 - * 2. Communication from the City Manager recommending that City Council adopt:
 - a. the Refunding Bond Resolution authorizing the sale of Limited Tax General Obligation City Share Refunding Bonds, Series 2010, in an amount not-to-exceed \$2,750,000; and
 - b. adopt the Resolution approving the Undertaking to Provide Continuing Disclosure by the City of Portage for the Limited Tax General Obligation City Share Refunding Bonds, Series 2010.
 - * 3. Communication from the City Manager recommending that City Council adopt Resolution No. 1, accept the City Manager Report and request preparation of Resolution No. 2 for the West Lake Management Program Special Assessment District No. 011-Q.
 - * 4. Communication from the City Manager recommending that City Council alter production of the city newsletter, the *Portager*, from monthly to six times per year, commencing with the March 2010 issue.
 - * 5. Communication from the City Manager recommending that City Council approve the Final Plan for Oakland Hills Condominium (Phase II), 8716 Oakland Drive.
 - * 6. Communication from the City Manager recommending that City Council approve a one-year labor agreement between the City of Portage and the Portage Police Officers Association and authorize the Mayor and City Clerk to execute all documents on behalf of the city.
 - * 7. Communication from the City Manager recommending that City Council approve one-year contract renewals for employee health insurance with Blue Care Network (HMO), Priority Health (HMO), and Blue Cross Blue Shield of Michigan (PPO and Traditional), and a two-year contract renewal with Vision Services Plan, and authorize the City Manager to execute all documents on behalf of the city.

- * 8. Communication from the City Manager recommending that City Council approve a two-year pricing agreement with ADP, Incorporated, to perform payroll services on behalf of the City of Portage at a first-year cost of \$32,258 and a second-year cost of \$32,850 and authorize the City Manager to execute all documents related to the contract on behalf of the city.

G. Communications:

H. Unfinished Business:

- * 1. Communication from the City Manager recommending that City Council adopt the proposed amendment to the City of Portage Code of Ordinances by adding Article 7, Indiana & Michigan Power Company Electric Franchise, to Chapter 14, Businesses, Sections 14-192 through 14-202.

* I. Minutes of Boards and Commissions Meetings:

- 1. Portage Senior Citizen Advisory Board of November 18, 2009.
- 2. Portage Park Board of December 2, 2009.
- 3. Portage Planning Commission of December 3, 2009.
- 4. Portage Brownfield Redevelopment Authority Draft of December 21, 2009.

J. Ad-Hoc Committee Reports:

K. New Business:

L. Bid Tabulations:

- * 1. Communication from the City Manager recommending that City Council approve a one-year contract in the not-to-exceed amount of \$24,859 with State Systems Radio, Inc., for radio maintenance, with the option to renew for three additional one-year periods, and authorize the City Manager to execute all documents related to the contract on behalf of the city.

M. Other City Matters:

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

* 3. Reminder of Meetings:

- a. Wednesday, January 13, 8:00 a.m., Kalamazoo Regional Chamber of Commerce Public Policy Council, The Chamber Building, 346 W. Michigan Avenue, Kalamazoo.
- b. Wednesday, January 13, 7:00 p.m., Environmental Board, City Hall Room #1.
- c. Monday, January 18, 8:00 a.m., Legislative Roll Call, The Chamber Building.
- d. Wednesday, January 20, 2:30 p.m., Senior Citizen Advisory Board, Portage Senior Center.
- e. Thursday, January 21, 6:30 p.m., Human Services Board, City Hall Room #1.
- f. Thursday, January 21, 7:00 p.m., Portage District Library Board, Portage District Library.
- g. Thursday, January 21, 7:00 p.m., Planning Commission, City Council Chambers.

N. Materials Transmitted of December 14 and 18, 2009.

Adjournment.

CITY COUNCIL MEETING SUMMARY

December 15, 2009

CHECK REGISTER

- ◆ Approved the Check Register of December 15, 2009, as presented.

PUBLIC HEARING

- ◆ Adopted the Resolution approving an amended Brownfield Redevelopment Plan by adding Brownfield Redevelopment Plan Amendment No. 6 involving 8019 Portage Road.

PETITIONS AND STATEMENTS OF CITIZENS

- ◆ Alison Lincoln, indicated that Michigan Blood, a nonprofit organization based in Grand Rapids, will soon have a new location at 524 East Milham Avenue, Portage, by January 2010, and will begin supplying blood donated by the public to Borgess Medical Center and to Bronson Methodist Hospital.

REPORTS FROM THE ADMINISTRATION

- ◆ Adopted the Refunding Bond Resolution authorizing the sale of Michigan Transportation Fund Refunding Bonds, Series 2010, in an amount not-to-exceed \$7,500,000; and the Resolution Approving the Undertaking to Provide Continuing Disclosure by the City of Portage for the Michigan Transportation Fund Refunding Bonds, Series 2010.
- ◆ Approved the contract with Kalamazoo County for Household Hazardous Waste collection during the 2010 calendar year in the not-to-exceed amount of \$32,000 and authorized the City Manager to execute all documents related to the contract on behalf of the city.
- ◆ Authorized payment to the Michigan Municipal League in the amount of \$9,238 for year 2010 membership dues.
- ◆ Approved contracts with Office Max Contract, Inc., through MiDEAL for the purchase of office supplies and products through January 1, 2011, and any MiDEAL contract extensions offered to Office Max Contract, Inc., thereafter; Office Depot Business Solutions Division through U.S. Communities Government Purchasing Alliance for the purchase of office supplies and products through January 1, 2011, and any U.S. Communities contract extensions offered to Office Depot Business Solutions thereafter; and authorized the City Manager to execute all documents related to the contracts on behalf of the city.
- ◆ Adopted the Resolution setting the dates and times for the March 2010 Board of Review sessions.
- ◆ Accepted the results of the 2009 Portage Community Survey conducted annually by the Kercher Center for Social Research at Western Michigan University.
- ◆ Received the communication from the City Manager regarding the 2009 Tax Rate Survey as information only.
- ◆ Received the communication from the City Manager regarding the November 2009 Summary Environmental Activity Report as information only.
- ◆ Received the Department Monthly Reports from the various city departments
- ◆ Allocated up to 0.55 percent of the General Fund for support of human service agencies for Fiscal Year 2010-2011.
- ◆ Approved the Resolution adopting the 2010-2011 Council Mission Statement and Goals and Objectives for the City of Portage as established at the City Council Goal Setting Session on December 11 and 12, 2009.

NEW BUSINESS

- ◆ Approved the fourteen Portage City Council 2010 Priorities and the 2010 City Council Standing Committee Appointments.

AD HOC COMMITTEE REPORT

- ◆ Adopted the Resolution of Intent for the City of Portage to join the Public Media Network for the provision of Cable Access Public, Education and Government programming services within the community.

STATEMENTS OF CITY COUNCIL

- ◆ City Council wished all a Merry Christmas and/or a safe and happy holiday.
- ◆ Councilmember Randall enjoyed the Stuart Mannor Tea and the singing of the Portage Northern High School Quartet.
- ◆ Councilmember Reid emphasized the importance of recognizing the warnings of a stroke: sudden numbness or weakness of the face, arm or leg, especially on one side of the body; sudden confusion, trouble speaking or understanding; sudden trouble seeing in one or both eyes; sudden trouble walking, dizziness, loss of balance or coordination; or sudden, severe headache with no known cause, and advised getting the patient to the hospital fast.
- ◆ Councilmembers O'Brien, Campbell and Urban expressed their delight and satisfaction as volunteers serving lunch to seniors at the Senior Center.
- ◆ Mayor Pro Tem Sackley complimented the Administration for the newly installed Portage City Seal in City Council Chambers and thanked everyone who recently supported Portage Public Schools and their families.
- ◆ Mayor Strazdas disclosed a common theme of respect and teamwork among City Council during the recent retreat and commended City Council for their work on the unprecedented number of ad hoc committee meetings in 2009.

COMPLETE MINUTES OF EACH CITY COUNCIL MEETING ARE AVAILABLE ON THE CITY WEBSITE AT PORTAGEMI.GOV, IN CITY HALL AND IN THE DISTRICT LIBRARY. MINUTES OF CITY BOARDS AND COMMISSIONS ARE AVAILABLE ON REQUEST FROM VARIOUS DEPARTMENTS.

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

Mayor Strazdas introduced Associate Pastor John Moore of the Portage First United Methodist Church, who gave the invocation and Cub Scout Troop 235 led City Council and the audience in the recitation of the Pledge of Allegiance.

The City Clerk called the roll with the following members present: Councilmembers Elizabeth A. Campbell, Margaret E. O'Brien, Patricia M. Randall, Claudette S. Reid and Terry R. Urban, Mayor Pro Tem Edward J. Sackley and Mayor Peter J. Strazdas. Also in attendance were City Manager Maurice S. Evans, City Attorney Randall Brown and City Clerk James R. Hudson.

APPROVAL OF MINUTES: Motion by Sackley, seconded by O'Brien, to approve the December 1, 2009 Regular Meeting Minutes as presented. Upon a voice vote, motion carried 7 to 0.

* **CONSENT AGENDA:** Mayor Strazdas asked Councilmember Randall to read the Consent Agenda. Motion by O'Brien, seconded by Reid, to approve the Consent Agenda Motions as presented. Upon a roll call vote, motion carried 7 to 0.

* **APPROVAL OF CHECK REGISTER OF DECEMBER 15, 2009:** Motion by O'Brien, seconded by Reid, to approve the Check Register of December 15, 2009. Upon a roll call vote, motion carried 7 to 0.

PUBLIC HEARING:

CITY OF PORTAGE BROWNFIELD REDEVELOPMENT PLAN AND PLAN AMENDMENT NO. 6: Mayor Strazdas opened the public hearing and introduced Community Development Director Jeffrey Erickson, who reviewed the process and explained the request. Also, he disclosed that the applicant is requesting local support for a Michigan Business Tax credit of \$803,000 and the use of tax increments from the captured value of the Treystar development in the maximum amount of \$297,000 over a four-year period to cover the cost of eligible activities and administrative costs associated with the redevelopment of the property. He emphasized that the redevelopment of the approximate eight acre site is consistent with City of Portage land use, commercial revitalization and environmental objectives and will provide additional tax base growth, new jobs and related economic benefits to the community. He pointed out that this project is considered to be a catalyst to promote other private development and redevelopment activities along the Portage Road corridor. He then deferred to Fritz Brown, who was present and representing Treystar, for any questions regarding the project.

At the request of Mayor Strazdas, Mr. Erickson explained that this is Amendment No. 6 to the Brownfield Redevelopment Plan and is consistent with the policy adopted by City Council in 2008. Discussion followed.

Fritz Brown, 3505 Sandhill Lane, thanked Mr. Erickson and Deputy Director of Planning and Development Services Chris Forth for their help with the project, expressed appreciation to City Council for their interest and explained that here is an incentive to get the property developed as quickly as possible in order to capture the taxes in a timely manner. Discussion followed.

Shashin Kothawala, 6914 Northstar Avenue, Kalamazoo, asked whether the Michigan Business Tax would apply to the entire eight acres and Mr. Erickson explained that it would and that the Tax Increment Financing applies to the eight acres also. Discussion followed.

Mr. Erickson explained that Treystar had preliminary findings regarding soil contamination from Atwell-Hicks and that the remediation costs and the capture of the taxes applies to the entire eight acres because the other parcels in the project are contiguous to the gas station parcel. He explained the approval process, the soil monitoring process, that Treystar will be submitting all funded activities to the

city and that the onus is on Treystar to develop the property as they stand to benefit, the sooner the better. Discussion followed.

Motion by O'Brien, seconded by Reid, to close the public hearing. Upon a voice vote, motion carried 7 to 0. Motion by Sackley, seconded by O'Brien, to adopt the Resolution approving an amended Brownfield Redevelopment Plan by adding Brownfield Redevelopment Plan Amendment No. 6 involving 8019 Portage Road. Discussion followed. City Attorney Brown indicated that the requests for reimbursements go to the Brownfield Authority, not the City of Portage. Discussion followed. Upon a roll call vote, motion carried 7 to 0.

PETITIONS AND STATEMENTS OF CITIZENS: Alison Lincoln, indicated that Michigan Blood, a nonprofit organization based in Grand Rapids, will soon have a new location at 524 East Milham Avenue, Portage, by January 2010, and will begin supplying blood donated by the public to Borgess Medical Center and to Bronson Methodist Hospital.

In response to Councilmember Reid, Ms. Lincoln indicated that the only function of Michigan Blood is to obtain blood with the top priority being community hospitals, and is not affiliated with the Red Cross.

In response to Councilmember Randall, Ms. Lincoln said a person can only tag blood for oneself in the hospital, and blood can not be specifically tagged for a specific person through Michigan Blood.

REPORTS FROM THE ADMINISTRATION:

* **ADOPTION OF REFUNDING BOND RESOLUTIONS:** Motion by O'Brien, seconded by Reid, to adopt the Refunding Bond Resolution authorizing the sale of Michigan Transportation Fund Refunding Bonds, Series 2010, in an amount not-to-exceed \$7,500,000 and to adopt the Resolution Approving the Undertaking to Provide Continuing Disclosure by the City of Portage for the Michigan Transportation Fund Refunding Bonds, Series 2010. Upon a roll call vote, motion carried 7 to 0.

* **HOUSEHOLD HAZARDOUS WASTE PROGRAM – INTERGOVERNMENTAL COOPERATION:** Motion by O'Brien, seconded by Reid, to approve the contract with Kalamazoo County for Household Hazardous Waste collection during the 2010 calendar year in the not-to-exceed amount of \$32,000 and authorize the City Manager to execute all documents related to the contract on behalf of the city. Upon a roll call vote, motion carried 7 to 0.

* **MICHIGAN MUNICIPAL LEAGUE DUES:** Motion by O'Brien, seconded by Reid, to authorize payment to the Michigan Municipal League in the amount of \$9,238 for year 2010 membership dues. Upon a roll call vote, motion carried 7 to 0.

* **OFFICE PRODUCTS CONTRACTS:** Motion by O'Brien, seconded by Reid, to approve a contract with Office Max Contract, Inc., through MiDEAL for the purchase of office supplies and products through January 1, 2011, and any MiDEAL contract extensions offered to Office Max Contract, Inc., thereafter; Office Depot Business Solutions Division through U.S. Communities Government Purchasing Alliance for the purchase of office supplies and products through January 1, 2011, and any U.S. Communities contract extensions offered to Office Depot Business Solutions thereafter; and authorize the City Manager to execute all documents related to the contracts on behalf of the city. Upon a roll call vote, motion carried 7 to 0.

* **2010 BOARD OF REVIEW RESOLUTION:** Motion by O'Brien, seconded by Reid, to adopt the Resolution setting the dates and times for the March 2010 Board of Review sessions. Upon a roll call vote, motion carried 7 to 0.

2009 PORTAGE COMMUNITY SURVEY: Motion by O'Brien, seconded by Reid, to accept the results of the 2009 Portage Community Survey conducted annually by the Kercher Center for Social Research at Western Michigan University. Upon a roll call vote, motion carried 7 to 0.

* **2009 TAX RATE SURVEY – INFORMATION ONLY:** Motion by O'Brien, seconded by Reid, to receive the communication from the City Manager regarding the 2009 Tax Rate Survey as information only. Upon a roll call vote, motion carried 7 to 0.

* **NOVEMBER 2009 SUMMARY ENVIRONMENTAL ACTIVITY REPORT:** Motion by O'Brien, seconded by Reid, to receive the communication from the City Manager regarding the November 2009 Summary Environmental Activity Report as information only. Upon a roll call vote, motion carried 7 to 0.

* **DEPARTMENT MONTHLY REPORTS – INFORMATION ONLY:** Motion by O'Brien, seconded by Reid, to receive the Department Monthly Reports from the various city departments as information only. Upon a roll call vote, motion carried 7 to 0.

* **FISCAL YEAR 2010-2011 HUMAN SERVICES:** Motion by O'Brien, seconded by Reid, to allocate up to 0.55 percent of the General Fund for support of human service agencies for Fiscal Year 2010-2011. Upon a roll call vote, motion carried 7 to 0.

* **FISCAL YEAR 2010-2011 COUNCIL MISSION STATEMENT AND GOALS AND OBJECTIVES:** Motion by O'Brien, seconded by Reid, to adopt the Resolution adopting the 2010-2011 Council Mission Statement and Goals and Objectives for the City of Portage as established at the City Council Goal Setting Session on December 11 and 12, 2009. Upon a roll call vote, motion carried 7 to 0.

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

Portage Park Board of November 4, 2009.

Portage Human Services Board of November 5, 2009.

Portage Planning Commission of November 19, 2009.

AD HOC COMMITTEE REPORT:

INTENT TO JOIN PUBLIC MEDIA NETWORK (PMN): Councilmember Reid recused herself from discussion or voting on the item as she has a conflict of interest as her daughter works for Public media Network. Mayor Strazdas introduced the item and deferred to Mayor Pro Tem Sackley, who provided a history and some of the background of cable access in the City of Portage for the last twenty-five years. He explained that City Council had become interested in changing cable access since their Mayors Exchange visit to the City of Novi where three communities were pooling their resources for this effort. He pointed out that in Kalamazoo County, the City of Portage has a similar opportunity by joining the City of Parchment, Texas Township, Oshtemo Township, Kalamazoo Township and the City of Kalamazoo in the Public Media Network for the provision of Cable Access Public, Education and Government programming services.

Councilmember O'Brien expressed her appreciation to Portage Public Schools and the Public Media Network for working together to make this happen by June 2010. Discussion followed.

Public Media Network Executive Director Harry Haasch, Public Media Network Board Chairman Jerry Brown and Portage Public Schools Community Relations Director Tom Vance spoke in favor of the proposed Resolution of Intent. Discussion followed.

Mayor Strazdas thanked all of the participants, especially Chief Information Officer Devin Mackinder, for their support in what he termed a “watershed moment for regional cooperation.”

Mayor Pro Tem Sackley thanked Portage Public Schools Superintendent Marsha Wells for getting personally involved and for her support.

Motion by O’Brien, seconded by Sackley, to adopt the Resolution of Intent for the City of Portage to join the Public Media Network for the provision of Cable Access Public, Education and Government programming services within the community. Discussion followed. Upon a roll call vote, motion carried 6 to 0 with Councilmember Reid abstaining.

NEW BUSINESS:

2009 COUNCIL GOAL SETTING SESSION RESULTS: Mayor Strazdas introduced the item, including the 2010 City Council Standing Committee and Ad Hoc Committee Appointments, City Council Priorities 2010 and asked for comment. Councilmember Engaging Youth Committee will no longer be in place as it has been folded into another committee. Mayor Strazdas listed the fourteen City Council 2010 Priorities: CABLE Access, Customer Service, Portage Government Contraction, Traffic Monitoring/Electronic Speed Signs, Cell Phone Texting/Texting Ban/Ordinance, Continued Cost Savings, Disposition of Legal Matters, Portage Police Department K-9 Officer, Regional Cooperative Initiatives, City Centre – Uptown Regional Concept, Gallup Training (Innovative Leadership), Fair and Accurate Property Tax assessment, 2025 Renewal, and Neighborhood Revitalization Engagement. Mayor Strazdas indicated that the various City Council Committees would be addressing these topics throughout the next calendar year and asked for a motion of approval. Motion by O’Brien, seconded by Reid, to approve the 2010 City Council Standing Committee and Ad Hoc Committee Appointments and City Council Priorities 2010. Upon a voice vote, motion carried 7 to 0.

OTHER CITY MATTERS:

STATEMENTS OF CITY COUNCIL: City Council wished all a Merry Christmas and/or a safe and happy holiday.

Councilmember Randall enjoyed the Stuart Mannor Tea and the singing of the Portage Northern High School Quartet.

Councilmember Reid emphasized the importance of recognizing the warnings of a stroke: sudden numbness or weakness of the face, arm or leg, especially on one side of the body; sudden confusion, trouble speaking or understanding; sudden trouble seeing in one or both eyes; sudden trouble walking, dizziness, loss of balance or coordination; or sudden, severe headache with no known cause, and advised getting the patient to the hospital fast.

Councilmembers O’Brien, Campbell and Urban expressed their delight and satisfaction as volunteers serving lunch to seniors at the Senior Center.

Mayor Pro Tem Sackley complimented the Administration for the newly installed Portage City Seal in City Council Chambers and thanked everyone who recently supported Portage Public Schools and their families.

Mayor Strazdas disclosed a common theme of respect and teamwork among City Council during the recent retreat and commended City Council for their work on the unprecedented number of ad hoc committee meetings in 2009.

ADJOURNMENT: Mayor Strazdas adjourned the meeting at 9:17 p.m.

James R. Hudson, City Clerk

* Indicates items included on the Consent Agenda.

CITY OF PORTAGE

COMMUNICATION

TO: Honorable Mayor and City Council

DATE: January 6, 2010

FROM: Maurice S. Evans, City Manager



SUBJECT: Check Register

ACTION RECOMMENDED: That City Council approve the Check Register of January 12, 2010 as presented.

Attached please find the Check Register for the period December 9, 2009 through January 5, 2010, which is recommended for approval.

c: Daniel S. Foecking, Finance Director

CHECK DATE	CHECK NUMBER	VENDOR NAME	VENDOR #	BANK CODE	CHECK AMOUNT
12/11/2009	268951	CAPITAL ADVANTAGE LEASING	994		18,453.05
12/11/2009	268952	DEHAAN HEATING	209		2,125.00
12/11/2009	268953	EXTERIORS OF KALAMAZOO INC.	4135		11,492.00
12/11/2009	268954	FERRIS BUILDING SERVICES INC	4268		2,508.00
12/11/2009	268955	KALAMAZOO COUNTY TREASURER	514		3,878.60
12/11/2009	268956	KALAMAZOO REG'L EDUC SVS AGENC	721		55.27
12/11/2009	268957	KALAMAZOO REGIONAL CHAMBER	3499		5,000.00
12/11/2009	268958	MLGMA	943		110.00
12/11/2009	268959	PORTAGE DISTRICT LIBRARY	810		849.63
12/11/2009	268960	PORTAGE PUBLIC SCHOOLS	590		1,172.61
12/11/2009	268961	PRAIRIE EDGE CHR REF CHURCH	999999		1,201.43
12/11/2009	268962	RIETH-RILEY CONSTRUCTION CO.,	4386		178,510.57
12/11/2009	268963	VESTAL BUILDERS	4239		3,500.00
12/18/2009	268964	CONSUMERS ENERGY	743		00
12/18/2009	268965	A I S CONSTRUCTION EQUIP. CO.	640		1,537.70
12/18/2009	268966	AT&T	849		3,616.41
12/18/2009	268967	A-1 SIGNS	2873		210.00
12/18/2009	268968	ACCENT ENGRAVING, INC.	101		111.98
12/18/2009	268969	ACCURINT	3491		150.00
12/18/2009	268970	AIRGAS GREAT LAKES	106		18.85
12/18/2009	268971	ALEXANDER, ALLISON	999999		147.85
12/18/2009	268972	ALEXANDER, ALLISON	999999		116.00
12/18/2009	268973	ALLEGRA PRINT & IMAGING	533		2,233.43
12/18/2009	268974	ALLIED WASTE SERVICES #249	3078		40,106.15
12/18/2009	268975	ANALYTICAL TESTING & CONSULTIN	2136		450.00
12/18/2009	268976	GAIL ANDRUS TRAVEL	2071		1,415.00
12/18/2009	268977	ANIMAL REMOVAL SERVICE, LLC	3428		690.00
12/18/2009	268978	ANY CUTTING & WELDING	3347		1,560.00
12/18/2009	268979	APOLLO FIRE EQUIPMENT COMPANY	1253		210.13
12/18/2009	268980	APPLIED INDUSTRIAL TECHNOLOGIE	1944		153.00
12/18/2009	268981	ARISTA TRUCK SYSTEMS	4459		816.16
12/18/2009	268982	ARROW UNIFORM RENTAL	4058		105.60
12/18/2009	268983	AUTOMATIC DATA PROCESSING	3305		1,091.45
12/18/2009	268984	AUTOMATIC MICROFILMING CO.	863		2,124.88
12/18/2009	268985	Brent Snyder Code Services LLC	999999		369.00
12/18/2009	268986	BALKEMA EXCAVATING, INC.	130		1,980.00
12/18/2009	268987	BANK OF NEW YORK MELLON	3939		500.00
12/18/2009	268988	BEL-AIRE HEATING & AIR COND	999999		40.00
12/18/2009	268989	BILL'S LOCK SHOP, INC.	146		846.00
12/18/2009	268990	BLEAKLEY, CYPHER, PARENT, WARR	3240		170.00
12/18/2009	268991	BLUE CROSS/BLUE SHIELD OF MICH	642		120,304.05
12/18/2009	268992	BMI GENERAL LICENSING	999999		305.00
12/18/2009	268993	BORGESS HEALTH ALLIANCE	151		475.00
12/18/2009	268994	BREW TIME BEVERAGE, INC.	4367		100.00
12/18/2009	268995	BRIGHAM EXCAVATING	152		475.00
12/18/2009	268996	BRINK'S, INC	153		218.31
12/18/2009	268997	BRONSON METHODIST HOSPITAL	156		475.00
12/18/2009	268998	BROWN EQUIPMENT CO., INC.	3185		9,870.00
12/18/2009	268999	BROWN, LORI	999999		128.22
12/18/2009	269000	C B C INNOVIS INC	2887		150.00
12/18/2009	269001	CABELA'S, INC.	3067		14.75
12/18/2009	269001	CABELA'S, INC.	3067		333.55

CHECK DATE	CHECK NUMBER	VENDOR NAME	VENDOR #	BANK CODE	CHECK AMOUNT
12/18/2009	269002	CAMPBELL AUTO SUPPLY	437		95.44
12/18/2009	269003	CASH REGISTER SALES & SERVICE	2619		83.20
12/18/2009	269004	MICHIANA METRONET	534		9,755.08
12/18/2009	269005	CHARTER COMMUNICATIONS	3080		22.22
12/18/2009	269006	CHIESA, MARIO	999999		437.50
12/18/2009	269007	CIMCO REFRIGERATION	2118		2,506.45
12/18/2009	269008	CITY OF KALAMAZOO (PUBLIC UTIL	540		254,492.12
12/18/2009	269009	CITY OF PORTAGE	177		8,708.84
12/18/2009	269010	CLOVERDALE EQUIPMENT OF WEST M	1930		120.66
12/18/2009	269011	CONSUMERS CREDIT UNION	999999		172.19
12/18/2009	269012	CONSUMERS ENERGY	743		40,635.72
12/18/2009	269015	CONSUMERS ENERGY-BILL, PMT CNT	189		59,281.94
12/18/2009	269016	CONTINENTAL LINEN SUPPLY CO.	191		65.00
12/18/2009	269017	COOL, JENNIFER	999999		5.00
12/18/2009	269018	CROSSROADS CAR WASH	195		178.00
12/18/2009	269020	CROSSROADS EXPERT AUTO SERVICE	4109		2,192.67
12/18/2009	269021	CROSSROADS TITLE AGENCY	999999		28.01
12/18/2009	269022	DEAN TRAILWAYS OF MICHIGAN	3468		335.00
12/18/2009	269023	DRIESENGA & ASSOCIATES, INC.	3277		5,805.86
12/18/2009	269024	DUTHLER FORD TRUCKS, INC.	223		12.36
12/18/2009	269025	DYHLOFF, RANDY	532		100.00
12/18/2009	269026	ETNA SUPPLY, INC.	692		72.40
12/18/2009	269027	FATHER & SON PRODUCTIONS	1122		250.00
12/18/2009	269028	FAWLEY OVERHEAD DOOR, INC.	690		257.80
12/18/2009	269029	FEDERAL ARMY & NAVY SURPLUS	4491		173.80
12/18/2009	269030	FINNERMANS FARM & GARDEN SERVI	13		337.65
12/18/2009	269031	FIRE SERVICE MANAGEMENT	2608		1,153.86
12/18/2009	269032	FOSTER, KAREN	999999		105.00
12/18/2009	269033	GALL'S, INC	25		48.00
12/18/2009	269034	GORDON FOOD SERVICE	502		530.72
12/18/2009	269035	GORDON WATER SYSTEMS	517		61.25
12/18/2009	269036	GOTTA GO PORTABLES	3465		95.00
12/18/2009	269037	GOVCONNECTION, INC.	4198		674.88
12/18/2009	269038	GREAT LAKES CHLORIDE, INC.	4483		1,947.32
12/18/2009	269039	GREGWARE EQUIPMENT CO.	4397		85.24
12/18/2009	269040	GRIFFIN PEST CONTROL, INC.	598		75.00
12/18/2009	269041	HANSEN BUILDING AND DESIGN	999999		570.00
12/18/2009	269042	HAVILAND PRODUCTS	2574		694.80
12/18/2009	269043	HERNANDEZ, JUSTIN	999999		1,000.00
12/18/2009	269044	HI-TECH ELECTRIC CO.	1327		2,032.86
12/18/2009	269045	RED HOLMAN PONTIAC GMC	572		47,505.75
12/18/2009	269047	HOME DEPOT	691		552.96
12/18/2009	269048	I S G	3433		45.00
12/18/2009	269049	IERVOLINA, SUSAN	2074		180.00
12/18/2009	269050	INDIANA WIPING CLOTH, INC.	61		130.45
12/18/2009	269051	INDUSCO SUPPLY CO., INC.	63		682.89
12/18/2009	269052	IAAO BANK LOCKBOX	3146		335.00
12/18/2009	269053	THE IRRIGATOR	2047		1,534.00
12/18/2009	269054	KAHN, WILMA	2868		336.00
12/18/2009	269055	KAL CO MEDICAL CONTROL AUTH	735		38.78
12/18/2009	269056	KAL HUMAN RESOURCE MGT ASSOC	808		120.00

CHECK DATE	CHECK NUMBER	VENDOR NAME	VENDOR #	BANK CODE	CHECK AMOUNT
12/18/2009	269057	KALAMAZOO COUNTY TREASURER	514		635.00
12/18/2009	269058	KALAMAZOO GAZETTE	89		1,141.68
12/18/2009	269059	KENT POWER EQUIPMENT, INC.	4311		535.53
12/18/2009	269060	KEYSTONE AUTO REPAIR, INC.	584		1,939.33
12/18/2009	269061	KIESER & ASSOCIATES	234		3,269.31
12/18/2009	269062	KOZMINSKE, MICHELE	532		900.00
12/18/2009	269063	KZOO TIRE COMPANY	564		1,485.00
12/18/2009	269064	L C UNITED PRINTING CO., INC.	4383		125,480.00
12/18/2009	269065	LANGUAGE LINE, INC	1093		108.92
12/18/2009	269066	LAUGHTER WORKS	4475		150.00
12/18/2009	269067	LEWIS PAPER PLACE, INC.	242		102.34
12/18/2009	269068	LIFE EMS	2951		279.12
12/18/2009	269069	LONG LAKE BOARD	1720		1,605.00
12/18/2009	269070	MAIN STREET PORTRAITS INC	4481		175.00
12/18/2009	269071	MCCARTHY SMITH LAW GROUP, PLC	2950		3,254.35
12/18/2009	269072	MCDA	9999999		75.00
12/18/2009	269073	MCDONALD'S TOWING & RESCUE, IN	728		65.00
12/18/2009	269074	MCNALLY ELEVATOR CO.	256		43.81
12/18/2009	269075	MENARDS, INC	258		.00
12/18/2009	269076	MI ASSOC. OF CHIEFS OF POLICE	2157		85.00
12/18/2009	269077	MICHIGAN ASSOCIATION OF CLERKS	619		100.00
12/18/2009	269078	MIDLAND ENGINE, INC	1986		2,391.42
12/18/2009	269079	MIDWEST ENERGY COOPERATIVE	2030		215.84
12/18/2009	269080	MILLER, CANFIELD, ET AL	528		100.00
12/18/2009	269081	MISS DIG SYSTEM, INC.	279		980.40
12/18/2009	269082	MOORE MEDICAL, LLC	3850		812.95
12/18/2009	269083	MORRIS-RAKOWSKI, JOY E	3971		193.50
12/18/2009	269084	MULDERS LANDSCAPE SUPPLIES INC	286		16,832.00
12/18/2009	269085	NELSON'S HARDWARE	1566		1,100.00
12/18/2009	269086	NEW FRESH CLEANING SERVICE	4351		7,566.00
12/18/2009	269087	NICHOLSON, SANDY	9999999		1,761.06
12/18/2009	269088	NOVIUS	4233		250.00
12/18/2009	269089	NYE UNIFORMS	299		356.90
12/18/2009	269090	OFFICE DEPOT, INC.	1721		174.23
12/18/2009	269092	OFFICEMAX INCORPORATED	301		1,460.06
12/18/2009	269093	ONE WAY PRODUCTS	440		253.00
12/18/2009	269094	P C MALL GOV. INC.	3945		144.00
12/18/2009	269095	P K CONTRACTING, INC.	1737		132.00
12/18/2009	269096	JAROTH - P T S	3957		606.00
12/18/2009	269097	PARIS CLEANERS	1794		1,409.30
12/18/2009	269098	PERCEPTIVE CONTROLS, INC.	3764		1,900.00
12/18/2009	269099	PETERS CONSTRUCTION CO.	1638		1,239.47
12/18/2009	269100	PRECISION PRINTER SERVICES INC	2594		162.30
12/18/2009	269101	PREMIER TRUCK SALES & RENTAL,	4052		33,000.00
12/18/2009	269102	QUALITY AIR HEATING & COOLING,	3621		832.33
12/18/2009	269103	BETH RAMBOW & ASSOCIATES	4490		300.00
12/18/2009	269104	RATHCO SAFETY SUPPLY, INC.	327		1,084.90
12/18/2009	269105	RELIABLE MANAGEMENT SYSTEMS, I	4354		331.00
12/18/2009	269106	REPUBLIC WASTE SERVICES OF W M	4443		55,695.75
12/18/2009	269109	RIDGE AUTO NAPA	4338		1,788.30
12/18/2009	269110	RIETH-RILEY CONSTRUCTION CO.,	4386		885.15

CHECK DATE	CHECK NUMBER	VENDOR NAME	VENDOR #	CHECK AMOUNT
12/18/2009	269111	RIGHT-WAY RENTAL, INC.	337	120.00
12/18/2009	269112	ROAD EQUIPMENT PARTS CENTER	339	468.79
12/18/2009	269113	ROMENCE GARDENS, INC	343	105.74
12/18/2009	269114	ROSE PEST SOLUTIONS	634	31.00
12/18/2009	269115	ROWLEY BROTHERS, INC.	346	1,581.25
12/18/2009	269116	S B F/CORONA GRAPHICS	3481	1,871.90
12/18/2009	269117	SEVERANCE ELECTRIC COMPANY, INC	353	2,600.00
12/18/2009	269118	SIGNWRITER & SERIGRAPHICS	2376	35.00
12/18/2009	269119	SIRCHIE FINGER PRINT LABORATOR	786	211.15
12/18/2009	269120	SNELLING PERSONNEL SERVICES	2107	871.02
12/18/2009	269121	SOIL & MATERIALS ENGINEERS, INC	1423	1,000.00
12/18/2009	269122	S KALAMAZOO COUNTY FIRE AUTHOR	4324	3,325.00
12/18/2009	269123	SPARTAN DISTRIBUTORS INC.	2707	408.76
12/18/2009	269124	SPAULDING MFG. CORP.	1929	228.00
12/18/2009	269125	STAP BROS LAWN & LANDSCAPE, INC	366	180.00
12/18/2009	269126	STATE OF MICHIGAN (DOT)	368	123,709.32
12/18/2009	269127	STATE OF MICHIGAN (MDEQ)	820	200.00
12/18/2009	269128	STEENSMA LAWN & POWER EQUIPMEN	3222	267.80
12/18/2009	269129	SUPERIOR EQUIPMENT LLC	1107	1,689.80
12/18/2009	269130	T-MOBILE USA INC	3665	29.99
12/18/2009	269131	THOMPSON, HELENE	4417	153.00
12/18/2009	269132	TIGER DIRECT, INC.	4272	31.98
12/18/2009	269133	TOM COOK	999999	345.00
12/18/2009	269134	TRACTOR SUPPLY CORP.	2817	51.96
12/18/2009	269135	UNDERGROUND SECURITY COMPANY	980	28.57
12/18/2009	269136	UNITED PARCEL SERVICE	545	190.00
12/18/2009	269137	UNITED RENTAL	2177	72.00
12/18/2009	269138	UNITED WATER NACO LLC	4304	164,479.63
12/18/2009	269139	WESSENDORF, GREGORY	532	89.99
12/18/2009	269140	WEST MICHIGAN STAMP & SEAL, INC	415	17.00
12/18/2009	269141	WEST SHORE FIRE, INC.	419	52.25
12/18/2009	269142	WESTERN MICHIGAN INT'L TRUCKS	4306	1,988.00
12/18/2009	269143	WIGHTMAN & ASSOCIATES, INC.	425	660.00
12/18/2009	269144	WINDER POLICE EQUIPMENT, INC.	429	36.75
12/18/2009	269145	WINGFOOT COMMERCIAL TIRE	2613	992.12
12/21/2009	269146	PETTY CASH-FIRE	610	53.00
12/21/2009	269147	PETTY CASH-PARKS	536	463.85
12/21/2009	269148	PETTY CASH-POLICE DEPT.	890	289.01
12/30/2009	269149	A+ ELECTRIC	4060	299.74
12/30/2009	269150	A T & T LONG DISTANCE	4496	1,000.00
12/30/2009	269151	A-1 AMERICAN FLAGPOLES & FLAGS	2656	130.00
12/30/2009	269152	ACCENT ENGRAVING, INC.	101	25.50
12/30/2009	269153	ADAMS BUILDING CONTRACTORS, IN	4350	214,979.20
12/30/2009	269154	ALEXANDER, ALLISON	999999	301.24
12/30/2009	269155	ALLEGRA PRINT & IMAGING	533	90.74
12/30/2009	269156	ARROW UNIFORM RENTAL	4058	105.60
12/30/2009	269157	ATTORNEYS TITLE AGENCY LLC	999999	1,475.48
12/30/2009	269158	AUTOMATIC DATA PROCESSING	3305	874.84
12/30/2009	269159	AVTECH LABORATORIES INC	999999	6,196.35
12/30/2009	269160	B & B YARDSCAPE	3114	2,895.00
12/30/2009	269161	BERTOLINA, JOCELYN	999999	42.00

CHECK DATE	CHECK NUMBER	VENDOR NAME	VENDOR #	CHECK AMOUNT
12/30/2009	269162	BITTERSWEET ACRES	1123	200.00
12/30/2009	269163	BORGESS HEALTH ALLIANCE	151	1,610.00
12/30/2009	269164	BOWERS MANUFACTURING COMPANY	999999	2,906.98
12/30/2009	269165	BREW TIME BEVERAGE, INC.	4367	328.00
12/30/2009	269166	BRONSON VICKSBURG HOSPITAL	157	100.00
12/30/2009	269167	BROTHER MOBILE SOLUTIONS	4486	154.51
12/30/2009	269168	BROWNE, MARCIA L.	999999	159.97
12/30/2009	269169	CAMPBELL AUTO SUPPLY	437	28.35
12/30/2009	269170	CHARTER COMMUNICATIONS	3080	60.00
12/30/2009	269171	CINTAS CORP.	2206	15.61
12/30/2009	269172	COLE-CENTURY	999999	12,969.60
12/30/2009	269173	COMMUNICATOR AWARDS	2195	85.00
12/30/2009	269174	CONSUMERS CREDIT UNION	999999	291.52
12/30/2009	269175	CONSUMERS ENERGY-BILL PMT CNT	189	14,767.52
12/30/2009	269176	CONTINENTAL LINEN SUPPLY CO.	151	100.50
12/30/2009	269177	COST CONTROL ASSOCIATES, INC.	3516	1,724.92
12/30/2009	269178	CROSSROADS EXPERT AUTO SERVICE	4109	693.79
12/30/2009	269179	DEHAAN HEATING	748	3,369.00
12/30/2009	269180	DIXON ENGINEERING, INC	209	412.00
12/30/2009	269181	DURLACH, MICHAEL J	999999	769.01
12/30/2009	269182	EMERGENCY VEHICLE PRODUCTS	2948	3,992.48
12/30/2009	269183	EMPLOYMENT GROUP, INC.	959	2,144.86
12/30/2009	269184	ENGINEERED PROTECTION SYSTEMS,	2973	126.00
12/30/2009	269185	ENVIRONMENTAL SYSTEMS RESEARCH	2069	5,400.00
12/30/2009	269186	EVANS, JAMES & JENNIFER	999999	6,184.84
12/30/2009	269187	EXTERIORS OF KALAMAZOO INC.	4135	1,289.00
12/30/2009	269188	FDC ENTERPRISES	999999	80.00
12/30/2009	269189	FEMA CORPORATION	999999	1,190.79
12/30/2009	269190	FEMA CORPORATION	999999	1,416.83
12/30/2009	269191	FIRST AMERICAN R/E TAX SERVICE	999999	135.62
12/30/2009	269192	FIRST AMERICAN R/E TAX SERVICE	999999	2,512.48
12/30/2009	269193	FIRST AMERICAN REAL EST TAX	999999	1,078.08
12/30/2009	269194	FIRST AMERICAN TITLE CO.	386	100.00
12/30/2009	269195	FREUND CONTAINER	2173	489.01
12/30/2009	269196	GILCHRIST, ROBERT M	999999	1,032.63
12/30/2009	269197	GLEESING, KEVIN	532	100.00
12/30/2009	269198	GLOBUS & COSMOS	3487	5,576.00
12/30/2009	269199	GORDON FOOD SERVICE	502	57.64
12/30/2009	269200	GORDON WATER SYSTEMS	517	183.50
12/30/2009	269201	GOTTA GO PORTABLES	3465	51.00
12/30/2009	269202	GRAHAM FORESTRY SERVICE, INC.	464	1,080.00
12/30/2009	269203	GREATER KALAMAZOO FOP LODGE 98	623	5,310.50
12/30/2009	269204	GREATER KALAMAZOO UNITED WAY	628	1,820.23
12/30/2009	269205	GREEN PATH	999999	289.91
12/30/2009	269206	GREGWARE EQUIPMENT CO.	4397	103.66
12/30/2009	269207	HAMILTON, KATIE	999999	42.00
12/30/2009	269208	HAMILTON, MICHELLE	999999	42.00
12/30/2009	269209	HANSEN COLLISION FLEET-KALAMAZ	3885	725.00
12/30/2009	269210	HI-TECH ELECTRIC CO	1327	8,906.47
12/30/2009	269211	HOEKSEMA BROTHERS GREENHOUSES	999999	72.94
12/30/2009	269212	HOME DEPOT	691	49.36

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CHECK DATE	CHECK NUMBER	VENDOR NAME	VENDOR #	BANK CODE	CHECK AMOUNT
12/30/2009	269213	HOWARD, SHIRLEY	999999		29.08
12/30/2009	269214	HOWELL, KATIE AND	999999		1,000.00
12/30/2009	269215	I A C P	999999		120.00
12/30/2009	269216	I A C P N E T	1227		1,200.00
12/30/2009	269217	I S G	3433		67.50
12/30/2009	269218	IMAGIN INC	999999		75.00
12/30/2009	269219	INDUSCO SUPPLY CO., INC.	63		1,132.50
12/30/2009	269220	INDUSTRIAL TEST SYSTEMS, INC.	4498		1,073.75
12/30/2009	269221	INT'L PERSONNEL MGMT ASSOC	1048		66.50
12/30/2009	269222	INTERFIBE CORPORATION	999999		736.29
12/30/2009	269223	INTERNATIONAL CODE COUNCIL, IN	3244		100.00
12/30/2009	269224	J & J LAWN SERVICE, INC.	457		13,596.25
12/30/2009	269225	J M B DEMOLITION, LLC	4363		4,098.00
12/30/2009	269226	KAL CO MEDICAL CONTROL AUTH	735		982.17
12/30/2009	269227	KALAMAZOO COUNTY ROAD COMMISSI	87		325.51
12/30/2009	269228	KALAMAZOO COUNTY STATE BANK	999999		19.39
12/30/2009	269229	KALAMAZOO GAZETTE	89		611.37
12/30/2009	269230	KALAMAZOO REGIONAL CHAMBER	3499		470.00
12/30/2009	269231	KAMMINGA & ROODVOETS, INC.	999999		80.00
12/30/2009	269232	KCASI	999999		30.00
12/30/2009	269233	KOLBE, JULIANNE	4495		3,412.20
12/30/2009	269234	KUHNS, NATHAN, LOTUS & LORETTA	999999		1,157.64
12/30/2009	269235	LEMEN OIL CO.	2595		19,525.88
12/30/2009	269236	LONG LAKE BOARD	1720		1,471.25
12/30/2009	269237	MANN + HUMMEL USA INC	999999		8,706.40
12/30/2009	269238	MAXEY, KATHERINE ET AL	999999		2,576.30
12/30/2009	269239	MEIJER, INC., STORE #196	2307		199.00
12/30/2009	269240	MEILKE, RENEE	999999		44.00
12/30/2009	269241	MENARDS, INC	258		338.58
12/30/2009	269242	MLGMA	943		9,238.00
12/30/2009	269243	MICHIGAN TAX TRIBUNAL REPORTER	3012		235.00
12/30/2009	269244	MILITBARGER SNEAD, LUCAS	999999		553.97
12/30/2009	269245	MOBILE FACILITY	999999		2,294.99
12/30/2009	269246	T MORGAN INC.	376		128.01
12/30/2009	269247	MORRIS, DANIELLE & STEPHANIE	999999		1,258.49
12/30/2009	269248	MORTON, NANCY GAIL	999999		10.00
12/30/2009	269249	MOTSINGER, TERRY	999999		953.34
12/30/2009	269250	NATIONAL COUNCIL ON THE AGING	519		145.00
12/30/2009	269251	NELSON'S HARDWARE	1566		75.51
12/30/2009	269252	NEOPOST	1208		260.00
12/30/2009	269253	NEW WORLD SYSTEMS	1154		8,344.00
12/30/2009	269254	NICHOLSON, SANDY	999999		100.00
12/30/2009	269255	OFFICE DEPOT, INC.	1721		862.71
12/30/2009	269257	OFFICEMAX INCORPORATED	301		697.72
12/30/2009	269258	ONE WAY PRODUCTS	440		559.10
12/30/2009	269259	OTTEN TROPHIES	304		324.00
12/30/2009	269260	PA CONSTRUCTION & SNOW PLOWING	4419		1,524.70
12/30/2009	269261	PEAVEY COMPANY	1199		42.40
12/30/2009	269262	PENN. RAYMOND & JANET	999999		35.30
12/30/2009	269263	PHARMOPTIMA LLC	999999		4,461.62
12/30/2009	269264	PORTAGE FIREFIGHTERS	625		2,314.80

CHECK DATE	CHECK NUMBER	VENDOR NAME	VENDOR #	BANK CODE	CHECK AMOUNT
12/30/2009	269265	PORTAGE ON-CALL FIREFIGHTERS	504		189.42
12/30/2009	269266	PORTAGE POLICE OFFICERS ASSOC	624		2,305.45
12/30/2009	269267	PRECISION PRINTER SERVICES	999999		68.48
12/30/2009	269268	PRECISION PRINTER SERVICES INC	2584		1,046.55
12/30/2009	269269	PRIORITY HEALTH	4254		14,329.95
12/30/2009	269270	PROSECUTING ATTORNEY ASSOC.	1309		100.00
12/30/2009	269271	QUALITY TRANSMISSION INC.	2927		1,192.23
12/30/2009	269272	RENTALEX OF MICHIGAN, INC.	3442		247.00
12/30/2009	269273	RESIDENTIAL APPRAISAL SERVICE	4497		200.00
12/30/2009	269274	RICHMOND, RYAN	999999		42.00
12/30/2009	269275	ROE-COMM, INC.	341		64.45
12/30/2009	269276	RYAN, JOHN & VIRGINIA	999999		108.68
12/30/2009	269277	SARCOM, INC.	1194		40,416.67
12/30/2009	269278	SCHMALL, BETHANY	999999		42.00
12/30/2009	269279	SHERWIN WILLIAMS	356		160.92
12/30/2009	269280	SKILLQUEST INTERNATIONAL LLC	456		95.00
12/30/2009	269281	SNELLING PERSONNEL SERVICES	2107		1,368.00
12/30/2009	269282	SNOW, RICHARD	999999		29.08
12/30/2009	269283	SOUTHWEST MICHIGAN GOV CONSULT	4484		4,068.75
12/30/2009	269284	SPRING CREST CUSTOM DRAPERIES	776		390.00
12/30/2009	269285	STAINLESS FABRICATING & ENGRNG	999999		524.19
12/30/2009	269286	STATE SYSTEMS RADIO, INC	369		22.50
12/30/2009	269287	STOP TECH, LTD	2680		60.40
12/30/2009	269288	STRYKER INSTRUMENTS	999999		1,650.14
12/30/2009	269289	STRYKER INSTRUMENTS	999999		2,336.74
12/30/2009	269290	SUNDMAN, PENNY	999999		150.90
12/30/2009	269291	THE ARCADIA INSTITUTE	999999		100.00
12/30/2009	269292	THERMO FISHER FINANCIAL SERV	999999		16,228.32
12/30/2009	269293	TRACTOR SUPPLY CORP.	2817		47.91
12/30/2009	269294	U A W, LOCAL 2290	1862		667.67
12/30/2009	269295	UNITED PARCEL SERVICE	545		20.00
12/30/2009	269296	UNITED PETROLEUM	396		560.60
12/30/2009	269297	VANDER ROEST, JOHN & TRENA	999999		20.77
12/30/2009	269298	VINCENT SOO & CO.	4356		260.00
12/30/2009	269299	WELLS FARGO HOME MORTGAGE	999999		2,896.08
12/30/2009	269300	WELLS FARGO HOME MORTGAGE	999999		1,665.49
12/30/2009	269301	WOLFE, MATTHEW	532		900.00
12/30/2009	269302	WOLVERINE LAWN SERVICE, INC.	1089		4,906.00
12/30/2009	269303	3RD B DISTRICT COURT	999999		100.00
12/30/2009	269304	8150 BUILDING, LLC	999999		18.47

DATE RANGE TOTAL * 1,970,984.01 *

CITY OF PORTAGE

COMMUNICATION

TO: Honorable Mayor and City Council

DATE: January 4, 2010

FROM: Maurice S. Evans, City Manager



SUBJECT: Ordinance Amendment #09-A, Flood Hazard Management Regulations

ACTION RECOMMENDED: That City Council:

- a. accept Ordinance Amendment #09-A for first reading and establish a public hearing on February 9, 2010; and
- b. subsequent to the public hearing, approve Ordinance Amendment #09-A and
 - i) adopt Appendix G of the 2006 State of Michigan Construction Code, 2009 Flood Insurance Study and 2009 Flood Insurance Rate Maps, which updates Section 42-991 and inserts Section 42-995, Floodplain Management Regulations, designating the city as the enforcing agency;
 - ii) repeal Zoning Code Sections 42-320 to 42-330, Flood Hazard Areas; and
 - iii) repeal Zoning Code Section 42-162(D)(1)(2), Flood Boundaries.

On August 17, 2009, the Federal Emergency Management Agency (FEMA) notified the city that the update of the Flood Insurance Study and the Flood Insurance Rate Maps was complete. FEMA initiated the update process in September 2005, provided the preliminary study and flood maps to the city in August 2007, published base flood elevation information in the Kalamazoo Gazette in January 2009 and conducted the final appeal period that ended in May 2009. As required by FEMA, the City of Portage must ensure that flood hazard management regulations in the city are consistent with the National Flood Insurance Program (NFIP) requirements by February 17, 2010. The city has participated in the NFIP since the early 1980s and adopted floodplain regulations in 1983.

The Department of Community Development and the City Attorney have reviewed the State of Michigan model ordinance, which includes adoption of Appendix G of the 2006 State of Michigan Construction Code. The existing Zoning Code sections referencing flood hazard areas were also reviewed. To facilitate compliance with the NFIP, and consistent with the recommendation by the Michigan Department of Environmental Quality, adoption of Appendix G of the State Construction Code, with the repeal of Zoning Code Sections 42-320 through 330 and 42-162 are recommended.

The Planning Commission reviewed the proposed ordinance modifications during the November 19, 2009 meeting and conducted a public hearing at the December 3rd and 17th, 2009 meetings. After discussion of the issues and proposed ordinance changes, the Planning Commission voted 7-1 to recommend to City Council that Ordinance Amendment #09-A, as proposed by the City Administration be adopted. It is recommended that City Council accept Ordinance Amendment #09-A for first reading, establish a public hearing on February 9, 2009, and after the hearing, adopt the proposed ordinance.

Attachment: Communication from the Department of Community Development

CITY OF PORTAGE

COMMUNICATION

TO: Maurice S. Evans, City Manager

DATE: December 29, 2009

FROM: Jeffrey M. Erickson, Director of Community Development

SUBJECT: Ordinance Amendment #09-A, Flood Hazard Management Regulations

The City of Portage has participated in the National Flood Insurance Program (NFIP) since the early 1980s when the Federal Emergency Management Agency (FEMA) issued Flood Insurance Rate Maps that identified the Special Flood Hazard Areas in the city. FEMA has advised the city in a letter dated August 17, 2009 that the 2009 review and update process of the Flood Insurance Study and Flood Insurance Rate Maps for the City of Portage has been completed and, as a result, the city must now ensure that flood hazard management regulations in effect in the community are consistent with NFIP requirements by February 17, 2010.

As you know, the City Administration regularly communicates information to Portage residents about flood hazards. The publication of the Portager is used and has contained articles about flood hazards and the city participation in the NFIP Community Rating System. As of May 2009, Portage was one of 20 communities in the state that participated in this program. Also, in January 2009, information about the new flood study and new flood hazard area maps were the subject of an article in the Portager.

The Department and the City Attorney have reviewed the State of Michigan model ordinance, which includes adoption of the attached Appendix G of the 2006 State of Michigan Construction Code. The existing Zoning Code sections referencing flood hazard areas were also carefully examined. Appendix G essentially continues the current practices in the city. While Appendix G does not list specific types of land uses or structures that are permitted in flood hazard areas, this state-recommended regulation ensures that construction activities will occur consistent with stringent floodplain requirements, will be accomplished in a manner that minimizes or eliminates the loss of life and/or property, and construction will not impede the flow of flood waters. The Zoning Code will continue to regulate the types of land uses and the setbacks, mass and density of development based on the established and applicable residential, commercial and industrial zoning districts.

The existing flood hazard area regulations in the Zoning Code were adopted in 1983, subsequent to FEMA issuing the first Flood Insurance Rate Maps for the City of Portage. With the improved data about areas subject to flood hazards and the sophistication of construction practices new, more appropriate regulation of private property is necessary. Michigan communities are fortunate that the State Construction Code has been adopted and provides for uniform regulations. The State Construction Code contains flood hazard area management regulations, which are applicable to development activities in the flood hazard areas. These regulations establish the framework for consistent flood hazard area management throughout the State of Michigan and communities are encouraged to adopt the model ordinance, which exceeds the minimum NFIP requirements. Several other Michigan communities including the City of Kalamazoo, Texas Township, the cities of Midland, Sterling Heights and Troy have adopted Appendix G to manage development activities in flood hazard areas. Furthermore, the City of Kalamazoo and Texas Township have repealed existing, dated Zoning Code regulations related to flood hazard management with adoption of Appendix G, and Oshtemo Township is in process.

In the December 11, 2009 Department of Community Development report, staff recommended the following ordinance modifications:

- 1) Adopt Appendix G of the 2006 State of Michigan Construction Code, 2009 Flood Insurance Study and 2009 Flood Insurance Rate Maps, which updates Section 42-991 and inserts Section 42-995, Floodplain Management Regulations, designating the city as the enforcing agency;
- 2) Repeal Zoning Code Sections 42-320 to 42-330, Flood Hazard Areas; and
- 3) Repeal Zoning Code Section 42-162(D)(1)(2), Flood Boundaries.

At the December 17, 2009 meeting, the Planning Commission voted 7-1 to recommend that City Council approve Ordinance Amendment #09-A, as proposed by the Community Development Department. Attached find the Planning Commission transmittal and draft meeting minutes, Department of Community Development communication and related materials for your information and review.

Attachments: Appendix G, State of Michigan Construction Code
Planning Commission transmittal dated December 29, 2009
Planning Commission Minutes dated November 19th, December 3rd and December 17th, 2009
Department of Community Development report dated December 11, 2009
Ordinance Amendment

APPENDIX G

FLOOD-RESISTANT CONSTRUCTION

The provisions contained in this appendix are not mandatory unless specifically referenced in the adopting ordinance.

SECTION G101 ADMINISTRATION

G101.1 Purpose. The purpose of this appendix is to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific flood hazard areas through the establishment of comprehensive regulations for management of flood hazard areas designed to:

1. Prevent unnecessary disruption of commerce, access and public service during times of flooding;
2. Manage the alteration of natural flood plains, stream channels and shorelines;
3. Manage filling, grading, dredging and other development which may increase flood damage or erosion potential;
4. Prevent or regulate the construction of flood barriers which will divert floodwaters or which can increase flood hazards; and
5. Contribute to improved construction techniques in the flood plain.

G101.2 Objectives. The objectives of this appendix are to protect human life, minimize the expenditure of public money for flood control projects, minimize the need for rescue and relief efforts associated with flooding, minimize prolonged business interruption, minimize damage to public facilities and utilities, help maintain a stable tax base by providing for the sound use and development of flood-prone areas, contribute to improved construction techniques in the flood plain and ensure that potential owners and occupants are notified that property is within flood hazard areas.

G101.3 Scope. The provisions of this appendix shall apply to all proposed development in a flood hazard area established in Section 1612 of this code, including certain building work exempt from permit under Section 105.2.

G101.4 Violations. Any violation of a provision of this appendix, or failure to comply with a permit or variance issued pursuant to this appendix or any requirement of this appendix, shall be handled in accordance with Section 113.

SECTION G102 APPLICABILITY

G102.1 General. This appendix, in conjunction with the *International Building Code*, provides minimum requirements for development located in flood hazard areas, including the subdivision of land; installation of utilities; placement and replacement of manufactured homes; new construction and repair,

reconstruction, rehabilitation or additions to new construction; substantial improvement of existing buildings and structures, including restoration after damage; and certain building work exempt from permit under Section 105.2.

G102.2 Establishment of flood hazard areas. Flood hazard areas are established in Section 1612.3 of the *International Building Code*, adopted by the governing body on [INSERT DATE].

SECTION G103 POWERS AND DUTIES

G103.1 Permit applications. The building official shall review all permit applications to determine whether proposed development sites will be reasonably safe from flooding. If a proposed development site is in a flood hazard area, all site development activities (including grading, filling, utility installation and drainage modification), all new construction and substantial improvements (including the placement of pre-fabricated buildings and manufactured homes) and certain building work exempt from permit under Section 105.2 shall be designed and constructed with methods, practices and materials that minimize flood damage and that are in accordance with this code and ASCE 24.

G103.2 Other permits. It shall be the responsibility of the building official to assure that approval of a proposed development shall not be given until proof that necessary permits have been granted by federal or state agencies having jurisdiction over such development.

G103.3 Determination of design flood elevations. If design flood elevations are not specified, the building official is authorized to require the applicant to:

1. Obtain, review and reasonably utilize data available from a federal, state or other source, or
2. Determine the design flood elevation in accordance with accepted hydrologic and hydraulic engineering techniques. Such analyses shall be performed and sealed by a registered design professional. Studies, analyses and computations shall be submitted in sufficient detail to allow review and approval by the building official. The accuracy of data submitted for such determination shall be the responsibility of the applicant.

G103.4 Activities in riverine flood hazard areas. In riverine flood hazard areas where design flood elevations are specified but floodways have not been designated, the building official shall not permit any new construction, substantial improvement or other development, including fill, unless the applicant demonstrates that the cumulative effect of the proposed devel-

opment. when combined with all other existing and anticipated flood hazard area encroachment, will not increase the design flood elevation more than 1 foot (305 mm) at any point within the community.

G103.5 Floodway encroachment. Prior to issuing a permit for any floodway encroachment, including fill, new construction, substantial improvements and other development or land-disturbing activity, the building official shall require submission of a certification, along with supporting technical data, that demonstrates that such development will not cause any increase of the level of the base flood.

G103.5.1 Floodway revisions. A floodway encroachment that increases the level of the base flood is authorized if the applicant has applied for a conditional Flood Insurance Rate Map (FIRM) revision and has received the approval of the Federal Emergency Management Agency (FEMA).

G103.6 Watercourse alteration. Prior to issuing a permit for any alteration or relocation of any watercourse, the building official shall require the applicant to provide notification of the proposal to the appropriate authorities of all affected adjacent government jurisdictions, as well as appropriate state agencies. A copy of the notification shall be maintained in the permit records and submitted to FEMA.

G103.6.1 Engineering analysis. The building official shall require submission of an engineering analysis which demonstrates that the flood-carrying capacity of the altered or relocated portion of the watercourse will not be decreased. Such watercourses shall be maintained in a manner which preserves the channel's flood-carrying capacity.

G103.7 Alterations in coastal areas. Prior to issuing a permit for any alteration of sand dunes and mangrove stands in flood hazard areas subject to high velocity wave action, the building official shall require submission of an engineering analysis which demonstrates that the proposed alteration will not increase the potential for flood damage.

G103.8 Records. The building official shall maintain a permanent record of all permits issued in flood hazard areas, including copies of inspection reports and certifications required in Section 1612.

SECTION G104 PERMITS

G104.1 Required. Any person, owner or authorized agent who intends to conduct any development in a flood hazard area shall first make application to the building official and shall obtain the required permit.

G104.2 Application for permit. The applicant shall file an application in writing on a form furnished by the building official. Such application shall:

1. Identify and describe the development to be covered by the permit.
2. Describe the land on which the proposed development is to be conducted by legal description, street address or

similar description that will readily identify and definitely locate the site.

3. Include a site plan showing the delineation of flood hazard areas, floodway boundaries, flood zones, design flood elevations, ground elevations, proposed fill and excavation and drainage patterns and facilities.
4. Indicate the use and occupancy for which the proposed development is intended.
5. Be accompanied by construction documents, grading and filling plans and other information deemed appropriate by the building official.
6. State the valuation of the proposed work.
7. Be signed by the applicant or the applicant's authorized agent.

G104.3 Validity of permit. The issuance of a permit under this appendix shall not be construed to be a permit for, or approval of, any violation of this appendix or any other ordinance of the jurisdiction. The issuance of a permit based on submitted documents and information shall not prevent the building official from requiring the correction of errors. The building official is authorized to prevent occupancy or use of a structure or site which is in violation of this appendix or other ordinances of this jurisdiction.

G104.4 Expiration. A permit shall become invalid if the proposed development is not commenced within 180 days after its issuance, or if the work authorized is suspended or abandoned for a period of 180 days after the work commences. Extensions shall be requested in writing and justifiable cause demonstrated. The building official is authorized to grant, in writing, one or more extensions of time, for periods not more than 180 days each.

G104.5 Suspension or revocation. The building official is authorized to suspend or revoke a permit issued under this appendix wherever the permit is issued in error or on the basis of incorrect, inaccurate or incomplete information, or in violation of any ordinance or code of this jurisdiction.

SECTION G105 VARIANCES

G105.1 General. The board of appeals established pursuant to Section 112 shall hear and decide requests for variances. The board of appeals shall base its determination on technical justifications, and has the right to attach such conditions to variances as it deems necessary to further the purposes and objectives of this appendix and Section 1612.

G105.2 Records. The building official shall maintain a permanent record of all variance actions, including justification for their issuance.

G105.3 Historic structures. A variance is authorized to be issued for the repair or rehabilitation of a historic structure upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a his-

toric structure, and the variance is the minimum necessary to preserve the historic character and design of the structure.

Exception: Within flood hazard areas, historic structures that are not:

1. Listed or preliminarily determined to be eligible for listing in the National Register of Historic Places; or
2. Determined by the Secretary of the U.S. Department of Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined to qualify as an historic district; or
3. Designated as historic under a state or local historic preservation program that is approved by the Department of Interior.

G105.4 Functionally dependent facilities. A variance is authorized to be issued for the construction or substantial improvement of a functionally dependent facility provided the criteria in Section 1612.1 are met and the variance is the minimum necessary to allow the construction or substantial improvement, and that all due consideration has been given to methods and materials that minimize flood damages during the design flood and create no additional threats to public safety.

G105.5 Restrictions. The board of appeals shall not issue a variance for any proposed development in a floodway if any increase in flood levels would result during the base flood discharge.

G105.6 Considerations. In reviewing applications for variances, the board of appeals shall consider all technical evaluations, all relevant factors, all other portions of this appendix and the following:

1. The danger that materials and debris may be swept onto other lands resulting in further injury or damage;
2. The danger to life and property due to flooding or erosion damage;
3. The susceptibility of the proposed development, including contents, to flood damage and the effect of such damage on current and future owners;
4. The importance of the services provided by the proposed development to the community;
5. The availability of alternate locations for the proposed development that are not subject to flooding or erosion;
6. The compatibility of the proposed development with existing and anticipated development;
7. The relationship of the proposed development to the comprehensive plan and flood plain management program for that area;
8. The safety of access to the property in times of flood for ordinary and emergency vehicles;
9. The expected heights, velocity, duration, rate of rise and debris and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and
10. The costs of providing governmental services during and after flood conditions including maintenance and

repair of public utilities and facilities such as sewer, gas, electrical and water systems, streets and bridges.

G105.7 Conditions for issuance. Variances shall only be issued by the board of appeals upon:

1. A technical showing of good and sufficient cause that the unique characteristics of the size, configuration or topography of the site renders the elevation standards inappropriate;
2. A determination that failure to grant the variance would result in exceptional hardship by rendering the lot undevelopable;
3. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, nor create nuisances, cause fraud on or victimization of the public or conflict with existing local laws or ordinances;
4. A determination that the variance is the minimum necessary, considering the flood hazard, to afford relief; and
5. Notification to the applicant in writing over the signature of the building official that the issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage, and that such construction below the base flood level increases risks to life and property.

SECTION G201 DEFINITIONS

G201.1 General. The following words and terms shall, for the purposes of this appendix, have the meanings shown herein. Refer to Chapter 2 for general definitions.

G201.2 Definitions.

DEVELOPMENT. Any man-made change to improved or unimproved real estate, including but not limited to, buildings or other structures, temporary or permanent storage of materials, mining, dredging, filling, grading, paving, excavations, operations and other land disturbing activities.

FUNCTIONALLY DEPENDENT FACILITY. A facility which cannot be used for its intended purpose unless it is located or carried out in close proximity to water, such as a docking or port facility necessary for the loading or unloading of cargo or passengers, shipbuilding or ship repair. The term does not include long-term storage, manufacture, sales or service facilities.

MANUFACTURED HOME. A structure that is transportable in one or more sections, built on a permanent chassis, designed for use with or without a permanent foundation when attached to the required utilities, and constructed to the Federal Mobile Home Construction and Safety Standards and rules and regulations promulgated by the U.S. Department of Housing and Urban Development. The term also includes mobile homes, park trailers, travel trailers and similar transportable structures that are placed on a site for 180 consecutive days or longer.

MANUFACTURED HOME PARK OR SUBDIVISION. A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

* **VARIANCE.** A grant of relief from the requirements of this section which permits construction in a manner otherwise prohibited by this section where specific enforcement would result in unnecessary hardship.

VIOLATION. A development that is not fully compliant with this appendix or Section 1612, as applicable.

SECTION G301 SUBDIVISIONS

G301.1 General. Any subdivision proposal, including proposals for manufactured home parks and subdivisions, or other proposed new development in a flood hazard area shall be reviewed to assure that:

1. All such proposals are consistent with the need to minimize flood damage;
2. All public utilities and facilities, such as sewer, gas, electric and water systems are located and constructed to minimize or eliminate flood damage; and
3. Adequate drainage is provided to reduce exposure to flood hazards.

G301.2 Subdivision requirements. The following requirements shall apply in the case of any proposed subdivision, including proposals for manufactured home parks and subdivisions, any portion of which lies within a flood hazard area:

1. The flood hazard area, including floodways and areas subject to high velocity wave action, as appropriate, shall be delineated on tentative and final subdivision plats;
2. Design flood elevations shall be shown on tentative and final subdivision plats;
3. Residential building lots shall be provided with adequate buildable area outside the floodway; and
4. The design criteria for utilities and facilities set forth in this appendix and appropriate *International Codes* shall be met.

SECTION G401 SITE IMPROVEMENT

G401.1 Development in floodways. Development or land disturbing activity shall not be authorized in the floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment will not result in any increase in the level of the base flood.

G401.2 Flood hazard areas subject to high velocity wave action.

1. Development or land disturbing activity shall only be authorized landward of the reach of mean high tide.
2. The use of fill for structural support of buildings is prohibited.

G401.3 Sewer facilities. All new or replaced sanitary sewer facilities, private sewage treatment plants (including all pumping stations and collector systems) and on-site waste disposal systems shall be designed in accordance with Chapter 8, ASCE 24, to minimize or eliminate infiltration of floodwaters into the facilities and discharge from the facilities into floodwaters, or impairment of the facilities and systems.

G401.4 Water facilities. All new or replacement water facilities shall be designed in accordance with the provisions of Chapter 8, ASCE 24, to minimize or eliminate infiltration of floodwaters into the systems.

G401.5 Storm drainage. Storm drainage shall be designed to convey the flow of surface waters to minimize or eliminate damage to persons or property.

G401.6 Streets and sidewalks. Streets and sidewalks shall be designed to minimize potential for increasing or aggravating flood levels.

SECTION G501 MANUFACTURED HOMES

G501.1 Elevation. All new and replacement manufactured homes to be placed or substantially improved in a flood hazard area shall be elevated such that the lowest floor of the manufactured home is elevated to or above the design flood elevation.

G501.2 Foundations. All new and replacement manufactured homes, including substantial improvement of existing manufactured homes, shall be placed on a permanent, reinforced foundation that is designed in accordance with Section 1612.

G501.3 Anchoring. All new and replacement manufactured homes to be placed or substantially improved in a flood hazard area shall be installed using methods and practices which minimize flood damage. Manufactured homes shall be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement. Methods of anchoring are authorized to include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces.

SECTION G601 RECREATIONAL VEHICLES

G601.1 Placement prohibited. The placement of recreational vehicles shall not be authorized in flood hazard areas subject to high velocity wave action and in floodways.

G601.2 Temporary placement. Recreational vehicles in flood hazard areas shall be fully licensed and ready for highway use, and shall be placed on a site for less than 180 consecutive days.

G601.3 Permanent placement. Recreational vehicles that are not fully licensed and ready for highway use, or that are to be placed on a site for more than 180 consecutive days, shall meet the requirements of Section G501 for manufactured homes.

SECTION G701 TANKS

G701.1 Underground tanks. Underground tanks in flood hazard areas shall be anchored to prevent flotation, collapse or lateral movement resulting from hydrostatic loads, including the effects of buoyancy, during conditions of the design flood.

G701.2 Above-ground tanks. Above-ground tanks in flood hazard areas shall be elevated to or above the design flood elevation or shall be anchored or otherwise designed and constructed to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the design flood.

G701.3 Tank inlets and vents. In flood hazard areas, tank inlets, fill openings, outlets and vents shall be:

1. At or above the design flood elevation or fitted with covers designed to prevent the inflow of floodwater or outflow of the contents of the tanks during conditions of the design flood.
2. Anchored to prevent lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the design flood.

SECTION G801 OTHER BUILDING WORK

G801.1 Detached accessory structures. Detached accessory structures shall be anchored to prevent flotation, collapse or lateral movement resulting from hydrostatic loads, including the effects of buoyancy, during conditions of the design flood. Fully enclosed accessory structures shall have flood openings to allow for the automatic entry and exit of flood waters.

G801.2 Fences. Fences in floodways that may block the passage of floodwaters, such as stockade fences and wire mesh fences, shall meet the requirement of Section G103.5.

G801.3 Oil derricks. Oil derricks located in flood hazard areas shall be designed in conformance with the flood loads in Sections 1603.1.6 and 1612.

G801.4 Retaining walls, sidewalks and driveways. Retaining walls, sidewalks and driveways shall meet the requirements of Section 1803.4.

G801.5 Prefabricated swimming pools. Prefabricated swimming pools in floodways shall meet the requirements of Section G103.5.

SECTION G901 REFERENCED STANDARDS

ASCE 24-05	Flood Resistance Design and Construction	G103.1, G401.3, G401.4
HUD 24 CFR Part 3280 (1994)	Manufactured Home Construction and Safety Standards	G201
IBC-06	International Building Code	G102.2

method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this code in quality, strength, effectiveness, fire resistance, durability and safety.

104.11.1 Research reports. Supporting data, where necessary to assist in the approval of materials or assemblies not specifically provided for in this code, shall consist of valid research reports from approved sources.

104.11.2 Tests. Whenever there is insufficient evidence of compliance with the provisions of this code, or evidence that a material or method does not conform to the requirements of this code, or in order to substantiate claims for alternative materials or methods, the building official shall have the authority to require tests as evidence of compliance to be made at no expense to the jurisdiction. Test methods shall be as specified in this code or by other recognized test standards. In the absence of recognized and accepted test methods, the building official shall approve the testing procedures. Tests shall be performed by an approved agency. Reports of such tests shall be retained by the building official for the period required for retention of public records.

**SECTION 105
PERMITS**

105.1 Required. Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit.

105.1.1 Annual permit. In place of an individual permit for each alteration to an already approved electrical, gas, mechanical, or plumbing installation, the enforcing agency is authorized to issue an annual permit upon application therefore to any person, firm, or corporation. The applicant shall be licensed in accordance with the requirements of 1956 PA 217, MCL 338.881 et seq., 1984 PA 192, MCL 338.971 et seq., or 2002 PA 733, MCL 338.3511 et seq.

105.1.2 Annual permit records. The person to whom an annual permit is issued shall keep a detailed record of alterations made under an annual permit. Access to the records shall be provided at all times and the records shall be filed with the enforcing agency.

105.2 Work exempt from permit. Exemptions from permit requirements of the code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of the code or any other laws or ordinances of this jurisdiction. Permits shall not be required for any of the following:

- (a) Building permits shall not be required for any of the following:
 - (i) One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed 120 square feet (11.15 m²).

- (ii) A fence that is not more than 6 feet (1 829 mm) high.
 - (iii) Oil derricks.
 - (iv) A retaining wall that is not more than 4 feet (1 219 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding class I, II or III-A liquids.
 - (v) A water tank supported directly upon grade if the capacity is not more than 5,000 gallons (18 927 L) and the ratio of height to diameter or width is not greater than 2 to 1.
 - (vi) A sidewalk or driveway that is not more than 30 inches (762 mm) above grade and is not over any basement or story below and which are not part of an accessible route.
 - (vii) Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.
 - (viii) Temporary motion picture, television and theater stage sets and scenery.
 - (ix) Prefabricated swimming pools accessory to a group R-3 occupancy, as applicable in section 101.2, which are less than 24 inches (610 mm) deep, do not exceed 5,000 gallons (19 000 L) and are installed entirely above ground.
 - (x) Shade cloth structures constructed for nursery or agricultural purposes and not including service systems.
 - (xi) Swings and other playground equipment accessory to 1- and 2-family dwellings.
 - (xii) Window awnings supported by an exterior wall which do not project more than 54 inches (1 372 mm) from the exterior wall and do not require additional support of group R-3, as applicable in section 101.2 and group U occupancies.
 - (xiii) Movable cases, counters, and partitions.
- (b) Electrical permits shall not be required for any of the following:
- (i) Repairs and maintenance: Minor repair work, including the replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles.
 - (ii) Radio and television transmitting stations: The provisions of the code do not apply to electrical equipment used for radio and television transmissions, but do apply to equipment and wiring for power supply and to the installation of towers and antennas.
 - (iii) Temporary testing systems: A permit is not required for the installation of any temporary system required for the testing or servicing of electrical equipment or apparatus.
- (c) Mechanical permits shall not be required for any of the following:
- (i) Portable gas heating appliance.

- (ii) Replacement of any minor part that does not alter approval of equipment or make the equipment unsafe.
 - (iii) Portable heating appliance.
 - (iv) Portable ventilation equipment.
 - (v) Portable cooling unit.
 - (vi) Steam, hot or chilled water piping within any heating or cooling equipment regulated by the code.
 - (vii) Replacement of any part that does not alter its approval or make it unsafe.
 - (viii) Portable evaporative cooler.
 - (ix) Self-contained portable refrigeration unit that is not more than 1.5 horsepower (1119 W).
- (d) Plumbing permits shall not be required for any of the following:
- (i) The stopping of leaks in drains, water, soil, waste, or vent pipe. However, if any concealed trap, drainpipe, water, soil, waste, or vent pipe becomes defective and it becomes necessary to remove and replace the drain or pipe with new material, then the work is considered new work and a permit shall be obtained and inspection made as provided in the code.
 - (ii) The clearing of stoppages or the repairing of leaks in pipes, valves, or fixtures, and the removal and reinstallation of water closets, if the repairs do not involve or require the replacement or rearrangement of valves, pipes, or fixtures.

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105.2.1 Emergency repairs. Where equipment replacements and repairs must be performed in an emergency situation, the permit application shall be submitted within the next working business day to the building official.

105.2.2 Repairs. Application or notice to the building official is not required for ordinary repairs to structures, replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles. Such repairs shall not include the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or load-bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the egress requirements; nor shall ordinary repairs include addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, soil, waste, vent or similar piping, electric wiring or mechanical or other work affecting public health or general safety.

105.2.3 Public service agencies. A permit shall not be required for the installation, alteration or repair of generation, transmission, distribution or metering or other related equipment that is under the ownership and control of public service agencies by established right.

105.3 Application for permit. To obtain a permit, the applicant shall first file an application therefor in writing on a form

furnished by the department of building safety for that purpose. Such application shall:

1. Identify and describe the work to be covered by the permit for which application is made.
2. Describe the land on which the proposed work is to be done by legal description, street address or similar description that will readily identify and definitely locate the proposed building or work.
3. Indicate the use and occupancy for which the proposed work is intended.
4. Be accompanied by construction documents and other information as required in Section 106.
5. State the valuation of the proposed work.
6. Be signed by the applicant, or the applicant's authorized agent.
7. Give such other data and information as required by the building official.

105.3.1 Action on application. The building official shall examine or cause to be examined applications for permits and amendments thereto within a reasonable time after filing. If the application or the construction documents do not conform to the requirements of pertinent laws, the building official shall reject such application in writing, stating the reasons therefor. If the building official is satisfied that the proposed work conforms to the requirements of this code and laws and ordinances applicable thereto, the building official shall issue a permit therefor as soon as practicable.

105.3.2 Time limitation of application. An application for a permit for any proposed work shall be deemed to have been abandoned 180 days after the date of filing, unless such application has been pursued in good faith or a permit has been issued; except that the building official is authorized to grant one or more extensions of time for additional periods not exceeding 90 days each. The extension shall be requested in writing and justifiable cause demonstrated.

105.4 Validity of permit. The issuance or granting of a permit shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of this code or of any other ordinance of the jurisdiction. Permits presuming to give authority to violate or cancel the provisions of this code or other ordinances of the jurisdiction shall not be valid. The issuance of a permit based on construction documents and other data shall not prevent the building official from requiring the correction of errors in the construction documents and other data. The building official is also authorized to prevent occupancy or use of a structure where in violation of this code or of any other ordinances of this jurisdiction.

105.5 Expiration. Every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within 180 days after its issuance, or if the work authorized on the site by such permit is suspended or abandoned for a period of 180 days after the time the work is commenced. The building official is authorized to grant, in writing, one or more extensions of time, for periods not more than 180 days each.

ADMINISTRATION

pletion issued under the provisions of this code wherever the certificate is issued in error, or on the basis of incorrect information supplied, or where it is determined that the building or structure or portion thereof is in violation of any ordinance or regulation or any of the provisions of this code.

SECTION 111 SERVICE UTILITIES

111.1 Connection of service utilities. No person shall make connections from a utility, source of energy, fuel or power to any building or system that is regulated by this code for which a permit is required, until released by the building official.

111.2 Temporary connection. The building official shall have the authority to authorize the temporary connection of the building or system to the utility source of energy, fuel or power.

111.3 Authority to disconnect service utilities. The building official shall have the authority to authorize disconnection of utility service to the building, structure or system regulated by this code and the codes referenced in case of emergency where necessary to eliminate an immediate hazard to life or property. The building official shall notify the serving utility, and wherever possible the owner and occupant of the building, structure or service system of the decision to disconnect prior to taking such action. If not notified prior to disconnecting, the owner or occupant of the building, structure or service system shall be notified in writing, as soon as practical thereafter.

SECTION 112 BOARD OF APPEALS

112.1 Means of appeal. An interested person may appeal a decision of the enforcing agency to the board of appeals in accordance with the act. An application for appeal shall be based on a claim that the true intent of the code or the rules governing construction have been incorrectly interpreted, the provisions of the code do not apply, or an equal or better form of construction is proposed. The decision of a local board of appeals may be appealed to the construction code commission in accordance with the act and time frames.

Exception: Requests for barrier free design exception shall be in accordance with 1966 PA 1, MCL 125.1352 to 125.1356.

R 408.30414

112.2 Limitations on authority. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply or an equally good or better form of construction is proposed. The board shall have no authority to waive requirements of this code.

112.3 Qualifications. The board of appeals shall consist of members who are qualified in accordance with the act.

R 408.30414

SECTION 113 VIOLATIONS

113.1 Unlawful acts. It shall be unlawful for any person, firm or corporation to erect, construct, alter, extend, repair, move, remove, demolish or occupy any building, structure or equipment regulated by this code, or cause same to be done, in conflict with or in violation of any of the provisions of this code.

113.2 Notice of violation. The building official is authorized to serve a notice of violation or order on the person responsible for the erection, construction, alteration, extension, repair, moving, removal, demolition or occupancy of a building or structure in violation of the provisions of this code, or in violation of a permit or certificate issued under the provisions of this code. Such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation.

113.3 Prosecution of violation. If the notice of violation is not complied with promptly, the building official is authorized to request the legal counsel of the jurisdiction to institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the building or structure in violation of the provisions of this code or of the order or direction made pursuant thereto.

113.4 Violation penalties. It is unlawful for any person, firm, or corporation to violate a provision of the code or fail to conform with any of the requirements thereof, or erect, construct, alter, extend, repair, move, remove, demolish, or occupy any building, structure, or equipment regulated by the code, or cause work to be performed or done, in conflict with or in violation of the approved construction documents or directive of the enforcing agency, or a permit or certificate issued under the code. A violator shall be assessed a fine in accordance with the act.

R 408.30410

SECTION 114 STOP WORK ORDER

114.1 Authority. Whenever the building official finds any work regulated by this code being performed in a manner either contrary to the provisions of this code or dangerous or unsafe, the building official is authorized to issue a stop work order.

114.2 Issuance. Upon notice from the enforcing agency, work on any building or structure that is being done contrary to the code or in a dangerous or unsafe manner shall immediately cease. Notice shall be in accordance with the act. A person who is served with a stop work order, except for work that the person is directed to perform to remove a violation or unsafe condition is subject to the penalty provisions prescribed in the act.

R 408.30411

SECTION 115 UNSAFE STRUCTURES AND EQUIPMENT

115.1 Conditions. Structures or existing equipment that are or hereafter become unsafe, insanitary or deficient because of inadequate means of egress facilities, inadequate light and ven-

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1611.2 Ponding instability. For roofs with a slope less than $\frac{1}{4}$ inch per foot [1.19 degrees (0.0208 rad)], the design calculations shall include verification of adequate stiffness to preclude progressive deflection in accordance with Section 8.4 of ASCE 7.

1611.3 Controlled drainage. Roofs equipped with hardware to control the rate of drainage shall be equipped with a secondary drainage system at a higher elevation that limits accumulation of water on the roof above that elevation. Such roofs shall be designed to sustain the load of rainwater that will accumulate on them to the elevation of the secondary drainage system plus the uniform load caused by water that rises above the inlet of the secondary drainage system at its design flow determined from Section 1611.1. Such roofs shall also be checked for ponding instability in accordance with Section 1611.2.

SECTION 1612 FLOOD LOADS

1612.1 General. Within flood hazard areas as established in Section 1612.3, all new construction of buildings, structures and portions of buildings and structures, including substantial improvement and restoration of substantial damage to buildings and structures, shall be designed and constructed to resist the effects of flood hazards and flood loads. For buildings that are located in more than one flood hazard area, the provisions associated with the most restrictive flood hazard area shall apply.

1612.2 Definitions. The following words and terms shall, for the purposes of this section, have the meanings shown herein.

BASE FLOOD. The flood having a 1-percent chance of being equaled or exceeded in any given year.

BASE FLOOD ELEVATION. The elevation of the base flood, including wave height, relative to the National Geodetic Vertical Datum (NGVD), North American Vertical Datum (NAVD) or other datum specified on the Flood Insurance Rate Map (FIRM).

BASEMENT. The portion of a building having its floor subgrade (below ground level) on all sides.

DESIGN FLOOD. The flood associated with the greater of the following two areas:

1. Area with a flood plain subject to a 1-percent or greater chance of flooding in any year; or
2. Area designated as a flood hazard area on a community's flood hazard map, or otherwise legally designated.

DESIGN FLOOD ELEVATION. The elevation of the "design flood," including wave height, relative to the datum specified on the community's legally designated flood hazard map. In areas designated as Zone AO, the design flood elevation shall be the elevation of the highest existing grade of the building's perimeter plus the depth number (in feet) specified on the flood hazard map. In areas designated as Zone AO where a depth number is not specified on the map, the depth number shall be taken as being equal to 2 feet (610 mm).

DRY FLOODPROOFING. A combination of design modifications that results in a building or structure, including the attendant utility and sanitary facilities, being water tight with

walls substantially impermeable to the passage of water and with structural components having the capacity to resist loads as identified in ASCE 7.

EXISTING CONSTRUCTION. Any buildings and structures for which the "start of construction" commenced before the effective date of the community's first flood plain management code, ordinance or standard. "Existing construction" is also referred to as "existing structures."

EXISTING STRUCTURE. See "Existing construction."

FLOOD or FLOODING. A general and temporary condition of partial or complete inundation of normally dry land from:

1. The overflow of inland or tidal waters.
2. The unusual and rapid accumulation or runoff of surface waters from any source.

FLOOD DAMAGE-RESISTANT MATERIALS. Any construction material capable of withstanding direct and prolonged contact with floodwaters without sustaining any damage that requires more than cosmetic repair.

FLOOD HAZARD AREA. The greater of the following two areas:

1. The area within a flood plain subject to a 1-percent or greater chance of flooding in any year.
2. The area designated as a flood hazard area on a community's flood hazard map, or otherwise legally designated.

FLOOD HAZARD AREA SUBJECT TO HIGH VELOCITY WAVE ACTION. Area within the flood hazard area that is subject to high velocity wave action, and shown on a Flood Insurance Rate Map (FIRM) or other flood hazard map as Zone V, VO, VE or V1-30.

FLOOD INSURANCE RATE MAP (FIRM). An official map of a community on which the Federal Emergency Management Agency (FEMA) has delineated both the special flood hazard areas and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY. The official report provided by the Federal Emergency Management Agency containing the Flood Insurance Rate Map (FIRM), the Flood Boundary and Floodway Map (FBFM), the water surface elevation of the base flood and supporting technical data.

FLOODWAY. The channel of the river, creek or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

LOWEST FLOOR. The floor of the lowest enclosed area, including basement, but excluding any unfinished or flood-resistant enclosure, usable solely for vehicle parking, building access or limited storage provided that such enclosure is not built so as to render the structure in violation of this section.

SPECIAL FLOOD HAZARD AREA. The land area subject to flood hazards and shown on a Flood Insurance Rate Map or other flood hazard map as Zone A, AE, A1-30, A99, AR, AO, AH, V, VO, VE or V1-30.

START OF CONSTRUCTION. The date of permit issuance for new construction and substantial improvements to existing structures, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement or other improvement is within 180 days after the date of issuance. The actual start of construction means the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of a slab or footings, installation of pilings or construction of columns.

Permanent construction does not include land preparation (such as clearing, excavation, grading or filling), the installation of streets or walkways, excavation for a basement, footings, piers or foundations, the erection of temporary forms or the installation of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main building. For a substantial improvement, the actual "start of construction" means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

SUBSTANTIAL DAMAGE. Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT. Any repair, reconstruction, rehabilitation, addition or improvement of a building or structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the improvement or repair is started. If the structure has sustained substantial damage, any repairs are considered substantial improvement regardless of the actual repair work performed. The term does not, however, include either:

1. Any project for improvement of a building required to correct existing health, sanitary or safety code violations identified by the building official and that are the minimum necessary to assure safe living conditions.
2. Any alteration of a historic structure provided that the alteration will not preclude the structure's continued designation as a historic structure.

1612.3 Establishment of flood hazard areas. To establish flood hazard areas, the governing body shall adopt a flood hazard map and supporting data. The flood hazard map shall include, at a minimum, areas of special flood hazard as identified by the Federal Emergency Management Agency in an engineering report entitled "The Flood Insurance Study for [INSERT NAME OF JURISDICTION]," dated [INSERT DATE OF ISSUANCE], as amended or revised with the accompanying Flood Insurance Rate Map (FIRM) and Flood Boundary and Floodway Map (FBFM) and related supporting data along with any revisions thereto. The adopted flood hazard map and supporting data are hereby adopted by reference and declared to be part of this section.

1612.3.1 Alternate flood hazard provisions. Absent the adoption of a flood hazard map and supporting data, flood hazard areas as determined by the state under its administration of the Part 31, floodplain regulatory authority of the natural resources and environmental protection act, 1994 PA 451, MCL 324.101 to 324.90106, shall become the basis for regulation of floodplain development within the community and section 1612 shall apply to buildings and structures within those areas.

1612.4 Design and construction. Buildings and structures as defined in ASCE 24 table 1-1, listed in chapter 35, and located in flood hazard areas shall be designed and constructed in accordance with sections 1512.4.1 to 1612.4.5 of the code.

1612.4.1 Buildings and structures located in flood hazard areas subject to high velocity wave action shall be designed and constructed in accordance with flood hazard areas subject to high velocity wave action of ASCE 24 listed in chapter 35.

1612.4.2 Type II buildings located in flood hazard areas not subject to high velocity wave action shall be designed and constructed in accordance with section 2.0 basic requirements for flood hazard areas and shall have the lowest floors elevated 1 foot (305 mm) above the 100-year design flood elevation.

1612.4.3 Type III and IV buildings located in flood hazard areas not subject to high velocity wave action shall be designed and constructed in accordance with section 2.0 basic requirements for flood hazard areas and shall have the lowest floors elevated 1 foot (305 mm) above the 500-year flood level.

1612.4.4 If the lowest floor of nonresidential buildings and structures as defined in ASCE 24 listed in chapter 35 are located in flood hazard areas and are not elevated as required in accordance with sections 1612.4.2 and 1612.4.3, Type II buildings shall be flood proofed to 1 foot above the design flood elevations and Type III & IV buildings shall be flood proofed to 1 foot above the 500-year flood level in accordance with the flood proofing requirements contained in ASCE 24 listed in chapter 35.

1612.4.5 Crawl space interior floor grade elevation shall comply with section 1807.1.2.1 of the code.

R 408.30451c

1612.5 Flood hazard documentation. The following documentation shall be prepared and sealed by a registered design professional and submitted to the building official:

1. For construction in flood hazard areas not subject to high-velocity wave action:
 - 1.1. The elevation of the lowest floor, including the basement, as required by the lowest floor elevation inspection in Section 109.3.3.
 - 1.2. For fully enclosed areas below the design flood elevation where provisions to allow for the automatic entry and exit of floodwaters do not meet the minimum requirements in Section 2.6.2.1 of ASCE 24, construction documents shall include a statement that the design will provide for equalization of hydrostatic flood forces in accordance with Section 2.6.2.2 of ASCE 24.
 - 1.3. For dry floodproofed nonresidential buildings, construction documents shall include a statement that the dry floodproofing is designed in accordance with ASCE 24.
2. For construction in flood hazard areas subject to high-velocity wave action:

- 2.1. The elevation of the bottom of the lowest horizontal structural member as required by the lowest floor elevation inspection in Section 109.3.3.
- 2.2. Construction documents shall include a statement that the building is designed in accordance with ASCE 24, including that the pile or column foundation and building or structure to be attached thereto is designed to be anchored to resist flotation, collapse and lateral movement due to the effects of wind and flood loads acting simultaneously on all building components, and other load requirements of Chapter 16.
- 2.3. For breakaway walls designed to resist a nominal load of less than 10 psf (0.48 kN/m²) or more than 20 psf (0.96 kN/m²), construction documents shall include a statement that the breakaway wall is designed in accordance with ASCE 24.

SECTION 1613 EARTHQUAKE LOADS

1613.1 Scope. Every structure, and portion thereof, including nonstructural components that are permanently attached to structures and their supports and attachments, shall be designed and constructed to resist the effects of earthquake motions in accordance with ASCE 7, excluding Chapter 14 and Appendix 11A. The seismic design category for a structure is permitted to be determined in accordance with Section 1613 or ASCE 7.

Exceptions:

1. Detached one- and two-family dwellings, assigned to Seismic Design Category A, B or C, or located where the mapped short-period spectral response acceleration, S_s , is less than 0.4 g.
2. The seismic-force-resisting system of wood-frame buildings that conform to the provisions of Section 2308 are not required to be analyzed as specified in this section.
3. Agricultural storage structures intended only for incidental human occupancy.
4. Structures that require special consideration of their response characteristics and environment that are not addressed by this code or ASCE 7 and for which other regulations provide seismic criteria, such as vehicular bridges, electrical transmission towers, hydraulic structures, buried utility lines and their appurtenances and nuclear reactors.

1613.2 Definitions. The following words and terms shall, for the purposes of this section, have the meanings shown herein.

DESIGN EARTHQUAKE GROUND MOTION. The earthquake ground motion that buildings and structures are specifically proportioned to resist in Section 1613.

MAXIMUM CONSIDERED EARTHQUAKE GROUND MOTION. The most severe earthquake effects considered by this code.

MECHANICAL SYSTEMS. For the purposes of determining seismic loads in ASCE 7, mechanical systems shall include plumbing systems as specified therein.

ORTHOGONAL. To be in two horizontal directions, at 90 degrees (1.57 rad) to each other.

SEISMIC DESIGN CATEGORY. A classification assigned to a structure based on its occupancy category and the severity of the design earthquake ground motion at the site.

SEISMIC-FORCE-RESISTING SYSTEM. That part of the structural system that has been considered in the design to provide the required resistance to the prescribed seismic forces.

SITE CLASS. A classification assigned to a site based on the types of soils present and their engineering properties as defined in Section 1613.5.2.

SITE COEFFICIENTS. The values of F_a and F_v , indicated in Tables 1613.5.3(1) and 1613.5.3(2), respectively.

1613.3 Existing buildings. Additions, alterations, modification, or change of occupancy of existing buildings shall be in accordance with Sections 3403.2.3 and 3406.4.

1613.4 Special inspections. Where required by Section 1705.3, the statement of special inspections shall include the special inspections required by Section 1705.3.1.

1613.5 Seismic ground motion values. Seismic ground motion values shall be determined in accordance with this section.

1613.5.1 Mapped acceleration parameters. The parameters S_s and S_1 shall be determined from the 0.2 and 1-second spectral response accelerations shown on Figures 1613.5(1) through 1613.5(14). Where S_1 is less than or equal to 0.04 and S_s is less than or equal to 0.15, the structure is permitted to be assigned to Seismic Design Category A.

1613.5.2 Site class definitions. Based on the site soil properties, the site shall be classified as either Site Class A, B, C, D, E or F in accordance with Table 1613.5.2. When the soil properties are not known in sufficient detail to determine the site class, Site Class D shall be used unless the building official or geotechnical data determines that Site Class E or F soil is likely to be present at the site.

1613.5.3 Site coefficients and adjusted maximum considered earthquake spectral response acceleration parameters. The maximum considered earthquake spectral response acceleration for short periods, S_{MS} , and at 1-second period, S_{M1} , adjusted for site class effects shall be determined by Equations 16-37 and 16-38, respectively:

$$S_{MS} = F_a S_s \quad \text{(Equation 16-37)}$$

$$S_{M1} = F_v S_1 \quad \text{(Equation 16-38)}$$

where:

F_a = Site coefficient defined in Table 1613.5.3(1).

F_v = Site coefficient defined in Table 1613.5.3(2).

S_s = The mapped spectral accelerations for short periods as determined in Section 1613.5.1.

S_1 = The mapped spectral accelerations for a 1-second period as determined in Section 1613.5.1.

equal to $S_{DS}/2.5$ is used, where S_{DS} is determined in accordance with Section 21.2.1 of ASCE 7.

1802.3 Soil classification. Where required, soils shall be classified in accordance with Section 1802.3.1 or 1802.3.2.

1802.3.1 General. For the purposes of this chapter, the definition and classification of soil materials for use in Table 1804.2 shall be in accordance with ASTM D 2487.

1802.3.2 Expansive soils. Soils meeting all four of the following provisions shall be considered expansive, except that tests to show compliance with Items 1, 2 and 3 shall not be required if the test prescribed in Item 4 is conducted:

1. Plasticity index (PI) of 15 or greater, determined in accordance with ASTM D 4318.
2. More than 10 percent of the soil particles pass a No. 200 sieve (75 μm), determined in accordance with ASTM D 422.
3. More than 10 percent of the soil particles are less than 5 micrometers in size, determined in accordance with ASTM D 422.
4. Expansion index greater than 20, determined in accordance with ASTM D 4829.

1802.4 Investigation. Soil classification shall be based on observation and any necessary tests of the materials disclosed by borings, test pits or other subsurface exploration made in appropriate locations. Additional studies shall be made as necessary to evaluate slope stability, soil strength, position and adequacy of load-bearing soils, the effect of moisture variation on soil-bearing capacity, compressibility, liquefaction and expansiveness.

1802.4.1 Exploratory boring. The scope of the soil investigation including the number and types of borings or soundings, the equipment used to drill and sample, the in-situ testing equipment and the laboratory testing program shall be determined by a registered design professional.

1802.5 Soil boring and sampling. The soil boring and sampling procedure and apparatus shall be in accordance with generally accepted engineering practice. The registered design professional shall have a fully qualified representative on the site during all boring and sampling operations.

1802.6 Reports. The soil classification and design load-bearing capacity shall be shown on the construction documents. Where required by the building official, a written report of the investigation shall be submitted that includes, but need not be limited to, the following information:

1. A plot showing the location of test borings and/or excavations.
2. A complete record of the soil samples.
3. A record of the soil profile.
4. Elevation of the water table, if encountered.
5. Recommendations for foundation type and design criteria, including but not limited to: bearing capacity of natural or compacted soil; provisions to mitigate the effects of expansive soils; mitigation of the effects of liquefac-

tion, differential settlement and varying soil strength; and the effects of adjacent loads.

6. Expected total and differential settlement.
7. Pile and pier foundation information in accordance with Section 1808.2.2.
8. Special design and construction provisions for footings or foundations founded on expansive soils, as necessary.
9. Compacted fill material properties and testing in accordance with Section 1803.5.

SECTION 1803 EXCAVATION, GRADING AND FILL

1803.1 Excavations near footings or foundations. Excavations for any purpose shall not remove lateral support from any footing or foundation without first underpinning or protecting the footing or foundation against settlement or lateral translation.

1803.2 Placement of backfill. The excavation outside the foundation shall be backfilled with soil that is free of organic material, construction debris, cobbles and boulders or a controlled low-strength material (CLSM). The backfill shall be placed in lifts and compacted, in a manner that does not damage the foundation or the waterproofing or dampproofing material.

Exception: Controlled low-strength material need not be compacted.

1803.3 Site grading. The ground immediately adjacent to the foundation shall be sloped away from the building at a slope of not less than one unit vertical in 20 units horizontal (5-percent slope) for a minimum distance of 10 feet (3048 mm) measured perpendicular to the face of the wall. If physical obstructions or lot lines prohibit 10 feet (3048 mm) of horizontal distance, a 5-percent slope shall be provided to an approved alternative method of diverting water away from the foundation. Swales used for this purpose shall be sloped a minimum of 2 percent where located within 10 feet (3048 mm) of the building foundation. Impervious surfaces within 10 feet (3048 mm) of the building foundation shall be sloped a minimum of 2 percent away from the building.

Exception: Where climatic or soil conditions warrant, the slope of the ground away from the building foundation is permitted to be reduced to not less than one unit vertical in 48 units horizontal (2-percent slope).

The procedure used to establish the final ground level adjacent to the foundation shall account for additional settlement of the backfill.

1803.4 Grading and fill in flood hazard areas. In flood hazard areas established in Section 1612.3, grading and/or fill shall not be approved:

1. Unless such fill is placed, compacted and sloped to minimize shifting, slumping and erosion during the rise and fall of flood water and, as applicable, wave action.
2. In floodways, unless it has been demonstrated through hydrologic and hydraulic analyses performed by a registered design professional in accordance with standard

engineering practice that the proposed grading or fill, or both, will not result in any increase in flood levels during the occurrence of the design flood.

3. In flood hazard areas subject to high-velocity wave action, unless such fill is conducted and/or placed to avoid diversion of water and waves toward any building or structure.
4. Where design flood elevations are specified but floodways have not been designated, unless it has been demonstrated that the cumulative effect of the proposed flood hazard area encroachment, when combined with all other existing and anticipated flood hazard area encroachment, will not increase the design flood elevation more than 1 foot (305 mm) at any point.

1803.5 Compacted fill material. Where footings will bear on compacted fill material, the compacted fill shall comply with the provisions of an approved report, which shall contain the following:

1. Specifications for the preparation of the site prior to placement of compacted fill material.
2. Specifications for material to be used as compacted fill.
3. Test method to be used to determine the maximum dry density and optimum moisture content of the material to be used as compacted fill.
4. Maximum allowable thickness of each lift of compacted fill material.
5. Field test method for determining the in-place dry density of the compacted fill.
6. Minimum acceptable in-place dry density expressed as a percentage of the maximum dry density determined in accordance with Item 3.
7. Number and frequency of field tests required to determine compliance with Item 6.

Exception: Compacted fill material less than 12 inches (305 mm) in depth need not comply with an approved report, provided it has been compacted to a minimum of 90 percent Modified Proctor in accordance with ASTM D 1557. The compaction shall be verified by a qualified inspector approved by the building official.

1803.6 Controlled low-strength material (CLSM). Where footings will bear on controlled low-strength material (CLSM), the CLSM shall comply with the provisions of an approved report, which shall contain the following:

1. Specifications for the preparation of the site prior to placement of the CLSM.
2. Specifications for the CLSM.
3. Laboratory or field test method(s) to be used to determine the compressive strength or bearing capacity of the CLSM.
4. Test methods for determining the acceptance of the CLSM in the field.
5. Number and frequency of field tests required to determine compliance with Item 4.

SECTION 1804

ALLOWABLE LOAD-BEARING VALUES OF SOILS

1804.1 Design. The presumptive load-bearing values provided in Table 1804.2 shall be used with the allowable stress design load combinations specified in Section 1605.3.

1804.2 Presumptive load-bearing values. The maximum allowable foundation pressure, lateral pressure or lateral sliding-resistance values for supporting soils near the surface shall not exceed the values specified in Table 1804.2 unless data to substantiate the use of a higher value are submitted and approved.

Presumptive load-bearing values shall apply to materials with similar physical characteristics and dispositions.

Mud, organic silt, organic clays, peat or unprepared fill shall not be assumed to have a presumptive load-bearing capacity unless data to substantiate the use of such a value are submitted.

Exception: A presumptive load-bearing capacity is permitted to be used where the building official deems the load-bearing capacity of mud, organic silt or unprepared fill is adequate for the support of lightweight and temporary structures.

1804.3 Lateral sliding resistance. The resistance of structural walls to lateral sliding shall be calculated by combining the values derived from the lateral bearing and the lateral sliding resistance shown in Table 1804.2 unless data to substantiate the use of higher values are submitted for approval.

For clay, sandy clay, silty clay and clayey silt, in no case shall the lateral sliding resistance exceed one-half the dead load.

1804.3.1 Increases in allowable lateral sliding resistance. The resistance values derived from the table are permitted to be increased by the tabular value for each additional foot (305 mm) of depth to a maximum of 15 times the tabular value.

Isolated poles for uses such as flagpoles or signs and poles used to support buildings that are not adversely affected by a 0.5 inch (12.7 mm) motion at the ground surface due to short-term lateral loads are permitted to be designed using lateral-bearing values equal to two times the tabular values.

SECTION 1805

FOOTINGS AND FOUNDATIONS

1805.1 General. Footings and foundations shall be designed and constructed in accordance with Sections 1805.1 through 1805.9. Footings and foundations shall be built on undisturbed soil, compacted fill material or CLSM. Compacted fill material shall be placed in accordance with Section 1803.5. CLSM shall be placed in accordance with Section 1803.6.

The top surface of footings shall be level. The bottom surface of footings is permitted to have a slope not exceeding one unit vertical in 10 units horizontal (10-percent slope). Footings shall be stepped where it is necessary to change the elevation of the top surface of the footing or where the surface of the ground slopes more than one unit vertical in 10 units horizontal (10-percent slope).

TO: Honorable Mayor and City Council

FROM: Planning Commission

DATE: December 29, 2009

SUBJECT: Ordinance Amendment #09-A, Flood Hazard Management Regulations

During the November 19, 2009 meeting, the Planning Commission reviewed and discussed proposed modifications to the flood hazard management regulations. A public hearing to formally consider Ordinance Amendment #09-A was convened during the December 3rd and 17th, 2009 Planning Commission meetings. Mr. Earnest Sarkipato, Floodplain Engineer for the Michigan Department of Environmental Quality (MDEQ), was present at the December 3rd meeting and provided a short presentation regarding the National Flood Insurance Program (NFIP) and the City of Portage participation since the early 1980s. No other citizens spoke in regard to the proposed ordinance amendment.

After a thorough review of the proposed ordinance modifications over the course of three public meetings, a motion was made by Commissioner Bailes, seconded by Commissioner Welch, to recommend to City Council the following ordinance modifications: 1) Adopt Appendix G, Flood Insurance Study and Flood Insurance Rate Maps, updating Article 8, Section 42-991 consistent with the State Construction Code and inserting Section 42-995, Floodplain Management Regulations, designating the city as the enforcing agency; 2) Repeal the Flood Hazard Areas Ordinance (Sections 42-320 to 42-330, Article 4, Division 4, Subdivision 9 of the Zoning Code); and 3) Repeal Section 42-162(D)(1)(2), Flood Boundaries. After a brief discussion and a roll call vote: Bosch (yes), Cheesebro (yes), Welch (yes), Stoffer (yes), Patterson (yes), Fox (yes), Pearson (no) and Bailes (yes), the motion was approved 7-1. Commissioner Pearson stated that he supports items 1 and 3 in the motion, however, opposes item 2 and repealing of Sections 42-320 to 42-330.

Sincerely,

CITY OF PORTAGE PLANNING COMMISSION



Thomas A. Fox
Chairman

Ms. Bartels is currently in the process of finalizing a group child care home license with the State of Michigan, pending Planning Commission review/approval.

The applicant, Ms. Bartels was present to answer questions pertaining to the request. Ms. Bartels informed the Commission that she lost the person who planned to assist her with child care. As a result, the State of Michigan will not issue her a license to operate a group child care home without at least one additional person to assist with the child care. Chairman Fox asked if Ms. Bartels wants to withdraw the application. Ms. Bartels indicated that since she has paid the review fee and she may find another person to assist, she does not want to withdraw the request. Mr. Forth stated the special land use approval is valid for a period of six months.

Mr. Dennis Menz, 9860 Oak Forest Circle, Kalamazoo, spoke on behalf of the resident that resides at 2525 Radcliffe Avenue. Mr. Menz opposed issuance of the special land use permit citing concerns involving noise, traffic and operation of a commercial use in a residential area. Al Van Kampen, 6908 Cypress, asked that no play equipment be allowed in the front yard area. Attorney Brown stated the Planning Commission could impose such a condition. There being no further public comment, a motion was made by Commissioner Welch, seconded by Commissioner Dargitz, to close the public hearing. The motion was unanimously approved.

Attorney Brown stated that there are only six Planning Commissioners present and five affirmative votes are needed to approve the special land use permit. Attorney Brown also clarified that the proposed group child care home is not a commercial use in a residential area. It is a use permitted subject to conditions and if it meets all conditions, the use must be approved.

There being no further discussion, a motion was offered by Welch, seconded by Bailes, to approve the special land use permit for Ms. Erin Bartels, 2535 Radcliffe Avenue, to establish a group child care home for up to 12 children subject to installation of a six foot high screening fence around the rear yard area. There was discussion on the motion including State of Michigan approval of the day care license, suitability of the existing fence along the south and west property lines, need for a screening fence between the house and side property lines and orientation of the screening fence vertical and horizontal supports. Based on the discussion, the motion was amended by Welch and supported by Bailes to approve the special land use permit for Ms. Erin Bartels, 2535 Radcliffe Avenue, to establish a group child care home for up to 12 children subject to installation of a six foot high screening fence along the east property line with the vertical and horizontal supports facing towards the rear yard of 2535 Radcliffe Avenue, approval of the State of Michigan group child care home license and staff be contacted when the applicant begins to operate the group child care home. Upon a roll call vote: Cheesebro (yes); Bailes (yes), Patterson (yes), Welch (yes), Fox (yes), Dargitz (yes). The motion was approved 6-0.

PLATS/RESIDENTIAL CONDOS:

None.

OLD BUSINESS:

None.

NEW BUSINESS:

1. Ordinance Amendment 09-a, Floodplain Management Regulations. Mr. Forth stated the Flood Insurance Study Base Flood Elevation update for the City of Portage has been completed and the city must now adopt revised flood plain management regulations as required by the Federal Emergency Management Agency (FEMA). Mr. Forth indicated staff has been in contact with the Floodplain Engineer with the Michigan Department of Environmental Quality (MDEQ) regarding alternatives to ensure compliance with the NFIP regulations. The MDEQ is recommending Michigan communities adopt Appendix G of the 2006 Michigan Building Code for flood plain management purposes.

Department staff and the City Attorney concluded Appendix G will effectively regulate proposed development activities within the floodplain and are recommending the Flood Hazard Areas Ordinance (Sections 42-320 to 42-330, Article 4, Division 4, Subdivision 9 of the Zoning Code) be repealed and Article 8, Section 42-991 be updated to include Section 42-995, Floodplain Management Regulations, designating the city as the enforcing agency and adopt Appendix G, Flood Insurance Study and Flood Insurance Rate Maps.

Mr. Terry Novak, Deputy Director of Building Services was also present to explain the proposed ordinance amendment. Mr. Novak indicated the State of Michigan is strongly encouraging Michigan communities to adopt Appendix G in an effort to unify/standardize floodplain regulations throughout the state. Commissioner Dargitz indicated she believes the current Flood Hazard Areas Ordinance contained in the Zoning Code is clearer and more restrictive than Appendix G and would, therefore, be consistent with NFIP minimum requirements. Staff discussed with Commissioner Dargitz the similarities and inconsistencies between Appendix G and the Flood Hazard Areas Ordinance, other communities that have adopted Appendix G, inconsistency issues associated with maintaining two regulations (Zoning Code and Appendix G) to manage floodplain activities and adopting Appendix G with amendments. Commissioner Welch stated Appendix G should be adopted without amendments for clarity and consistency purposes.

Mr. Forth stated that staff would consider the comments made during the meeting and provide additional information to the Planning Commission in advance of the December 3, 2009 public hearing.

STATEMENT OF CITIZENS:

None.

ADJOURNMENT:

There being no further business, the meeting was adjourned at 8:50 p.m.

Respectfully submitted,

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

owner/operator of Mullins Auto Service, spoke and confirmed that he is requesting that the Planning Commission withdraw the special land use permit. A motion was then made by Commissioner Welch, seconded by Commissioner Bosch, to withdraw the Special Land Use Permit for Mullins Auto Service (expansion), 9444 South Sprinkle Road. The motion was unanimously approved.

SITE/FINAL PLANS:

1. Site Plan for Mullins Auto Service (expansion), 9444 South Sprinkle Road. Mr. West summarized the staff report dated November 25, 2009 involving a site plan to expand the existing automobile repair facility located at 9444 South Sprinkle Road. Mr. West stated the proposed expansion project involves an approximate 2,400 square foot building addition, parking lot expansion, driveway modifications and associated site improvements. In conjunction with the site plan, Mr. West stated the applicant was also requesting a sidewalk waiver along the public street frontages citing the lack of sidewalk in the surrounding area, lack of pedestrian traffic and safety concerns. Mr. West indicated the Kalamazoo County Road Commission (KCRC) has informed staff that sidewalk along the South Sprinkle Road frontage was not desired. Mr. West also stated that no sidewalk was present along Branch Avenue, no sidewalk was planned for Branch Avenue in the ten-year Capital Improvement Program and the surrounding uses do not generate significant pedestrian traffic.

The Commission and staff briefly discussed the proposed access arrangement. Mr. Steve Mullin, owner/operator of Mullins Auto Service, was present to support the application. After a brief discussion, a motion was made by Commissioner Cheesebro, seconded by Commissioner Welch, to approve the Site Plan for Mullins Auto Service (expansion), 9444 South Sprinkle Road, including a sidewalk waiver along Branch Avenue given the lack and demand for sidewalk in this area. The motion was unanimously approved.

PUBLIC HEARINGS:

1. Preliminary Report: Ordinance Amendment 09-A, Flood Hazard Management Regulations. Chairman Fox introduced Mr. Earnest Sarkipato, Floodplain Engineer for the Michigan Department of Environmental Quality (MDEQ), who gave a short presentation regarding the National Flood Insurance Program (NFIP) and the City of Portage participation since the early 1980s. Mr. Sarkipato discussed the history of the NFIP and stated the Federal Emergency Management Agency (FEMA) will offer the program to communities who agree to manage development within flood hazard areas and adopt regulations which meet minimum requirements. Mr. Sarkipato also discussed the NFIP Community Rating System (CRS) and indicated the City of Portage has a class 8 rating which provides a 10% reduction in flood insurance policy premiums to the approximate 32 participants. Mr. Sarkipato stated the City of Portage was last audited in 1996 and was found to be in conformance with NFIP requirements. Finally, Mr. Sarkipato provided a brief discussion of the differences between floodplains and wetlands and how they are regulated separately by the federal/state government.

Mr. Forth summarized the preliminary staff report dated November 25, 2009. As recommended by Mr. Sarkipato and Mr. Les Thomas (NFIP Coordinator) of the MDEQ, Mr. Forth stated that staff and the City Attorney are advising that Appendix G of the 2006 State of Michigan Building Code be adopted, along with the updated Flood Insurance Study and Flood Insurance Rate Maps. Mr. Forth also discussed the several ambiguities which exist in the current ordinance and indicated that staff and the City Attorney were also recommending that Section 42-162(D)(1)(2), Flood Boundaries and Sections 42-320 to 42-330, Flood Hazard Areas be repealed and Section 42-991 be updated to include Section 42-995, Floodplain Management Regulations, designating the city as the enforcing agency and adopting Appendix G, Flood Insurance Study and Flood Insurance Rate Maps. Mr. Forth indicated the recommended ordinance modifications will eliminate the existing ambiguities which exist in the current ordinance and meet NFIP requirements for continued participation in the flood insurance program. Mr. Terry Novak, Deputy Director of Building Services, was also present and restated that the State of Michigan is strongly encouraging

Michigan communities to adopt Appendix G in an effort to unify/standardize floodplain regulations throughout the state.

Commissioner Pearson asked several questions regarding the differences between the current ordinance and the proposed ordinance amendment. Although ambiguities exist in the current ordinance, Mr. Forth clarified that the current ordinance does not prohibit building construction within the floodplain. Attorney Brown stated the current ordinance is very ambiguous but does allow building construction within the floodplain. Attorney Brown indicated that any changes to the ordinance which would prohibit building construction within the floodplain could be considered a "taking". Attorney Brown reviewed various sections of the current ordinance which reference allowances for building construction within the floodplain. Mr. Forth stated that very few applications have been made for building construction within the floodplain due, in part, to higher construction costs and insurance premiums. Commissioner Patterson stated he was a builder and it was his experience that builders will generally avoid construction in the floodplain given the added expense resulting from higher construction standards. Commissioner Patterson indicated that generally only a portion of a structure is built within a floodplain and only when limited alternatives are available to the builder. Mr. Novak discussed the design standards contained in Appendix G of the 2006 State of Michigan Building Code.

Commissioner Dargitz asked Attorney Brown for clarification regarding ambiguities within the current ordinance and expressed concerns regarding the elimination of the intent/objectives contained in Section 42-320 ordinance. Commissioner Dargitz referenced Section 42-322.C of the current ordinance which describes how conflicts in requirements are resolved. Commissioner Dargitz stated she believes the current ordinance does not allow building construction within the floodplain other than those uses listed as principal permitted uses in Section 42-323 (A through H). Commissioner Dargitz indicated she believes the current ordinance meets NFIP requirements and does not support repealing the existing ordinance sections. Attorney Brown restated examples of ambiguities and inconsistencies which exist in the current ordinance and stated that he believes the current ordinance should be repealed with adoption of Appendix G. Attorney Brown indicated it was his legal opinion that the principal permitted uses referenced in Section 42-323 (A through H) are overlay uses which are allowed beyond those listed in the underlying zoning district. Mr. Forth stated that the purpose and objectives section of the ordinance are contained on the first page of Appendix G and are very similar to the current ordinance language. Mr. Forth stated that very little change/impact would occur with the ordinance amendment and building construction would still be allowed in the floodplain. Mr. Forth stated that the underlying zoning district governs what types of land uses can be built in the floodplain and Appendix G would establish the specific construction requirements for the buildings/structures. Chairman Fox asked if the flood hazard areas ordinance functions as an "overlay" ordinance with the underlying zoning establishing the types of uses allowed. Attorney Brown restated that it was his opinion that Section 42-323 (A through H) of the current ordinance listed uses which are permitted, above and beyond, the uses allowed by the underlying zoning district.

After additional discussion and upon no additional public comment, a motion was made by Commissioner Bailes, seconded by Commissioner Welch, to adjourn the public hearing for Ordinance Amendment #09-A, Flood Hazard Management Regulations, to the December 17, 2009 meeting. The motion was unanimously approved.

PLATS/RESIDENTIAL CONDOS:

None.

OLD BUSINESS:

None.

NEW BUSINESS:

 **DRAFT**

PUBLIC HEARINGS:

1. Final Report: Ordinance Amendment 09-A, Flood Hazard Management Regulations. Mr. Forth summarized the final staff report dated December 11, 2009. Mr. Forth discussed the State of Michigan model ordinance and inconsistencies/ambiguities which exist in the current ordinance. Mr. Forth discussed the National Flood Insurance Program (NFIP), Community Rating System (CRS) and indicated the City of Portage rating would not change with the proposed ordinance modifications. After consultation with the City Attorney, staff is advising that the Planning Commission recommend to City Council the following ordinance modifications: 1) Adopt Appendix G, Flood Insurance Study and Flood Insurance Rate Maps, updating Article 8, Section 42-991 consistent with the State Construction Code and inserting Section 42-995, Floodplain Management Regulations, designating the city as the enforcing agency; 2) Repeal the Flood Hazard Areas Ordinance (Sections 42-320 to 42-330, Article 4, Division 4, Subdivision 9 of the Zoning Code); and 3) Repeal Section 42-162(D)(1)(2), Flood Boundaries.

The public hearing was reconvened by Chairman Fox. No citizens spoke in regarding to the proposed ordinance modifications. A motion was made by Commissioner Bosch, seconded by Commissioner Stoffer, to close the public hearing. The motion was unanimously approved. A motion was then made by Commissioner Bailes, seconded by Commissioner Welch, to recommend to City Council the following ordinance modifications: 1) Adopt Appendix G, Flood Insurance Study and Flood Insurance Rate Maps, updating Article 8, Section 42-991 consistent with the State Construction Code and inserting Section 42-995, Floodplain Management Regulations, designating the city as the enforcing agency; 2) Repeal the Flood Hazard Areas Ordinance (Sections 42-320 to 42-330, Article 4, Division 4, Subdivision 9 of the Zoning Code); and 3) Repeal Section 42-162(D)(1)(2), Flood Boundaries. Commissioner Pearson stated that he supports items 1 and 3 in the motion, however, opposes item 2 and repealing of Sections 42-320 to 42-330. Commissioner Pearson stated that Sections 42-320 to 42-330 are very specific in the type of buildings which are allowed in the floodplain and does not believe the ordinance language is confusing. After a brief discussion and a roll call vote: Bosch (yes), Cheesebro (yes), Welch (yes), Stoffer (yes), Patterson (yes), Fox (yes), Pearson (no) and Bailes (yes), the motion was approved 7-1.

PLATS/RESIDENTIAL CONDOS:

None.

OLD BUSINESS:

None.

NEW BUSINESS:

None.

STATEMENT OF CITIZENS:

None.

7:25 p.m. The Commission took a short recess and reconvened the meeting in Conference Room No. 1 at 7:30 p.m. to discuss proposed amendments to the sign ordinance regulations and home occupation regulations.

1. Ordinance Amendment 09-B, Sign Ordinance Regulations. Mr. Forth summarized the staff report dated December 12, 2009 regarding proposed amendments to Sections 42-545(B), 42-550(A) and 42-551(A) of the sign regulations. Mr. Forth explained that changes to Section 42-545(B) were intended to address

TO: Planning Commission

DATE: December 11, 2009

FROM: Jeffrey M. Erickson, Director of Community Development

SUBJECT: Final Report: Ordinance Amendment #09-A, Flood Hazard Management Regulations

I. INTRODUCTION

The City of Portage participates in the National Flood Insurance Program (NFIP) and has been a participant since the early 1980's when the Federal Emergency Management Agency (FEMA) issued Flood Insurance Rate Maps that identified the Special Flood Hazard Areas in the city. FEMA has advised the city that the 2009 update and review process of the Flood Insurance Study Base Flood Elevation and Flood Insurance Rate Maps for the City of Portage is complete and, as a result, the city must now ensure flood hazard management regulations are consistent with NFIP requirements, prior to February 17, 2010.

II. BUILDING CODE/ZONING CODE PROVISIONS

Department staff and the City Attorney have reviewed adoption of the Appendix G from the 2006 State of Michigan Building Code (as recommended by State officials) and the Flood Hazard Areas Ordinance (FHAO) contained in the Zoning Code (copies Appendix G and the FHAO were previously provided to the Commission). The following information is provided.

Building Code Appendix G Alternative. Department staff contacted the Michigan Department of Environmental Quality for input on best practices. Several discussions have taken place with Mr. Ernest Sarkipato, Floodplain Engineer and Mr. Les Thomas, NFIP Coordinator, who are knowledgeable of the requirements to ensure compliance with the NFIP regulations and are encouraging Michigan communities to adopt the State of Michigan model ordinance. The model ordinance was prepared with assistance from the Attorney General's Office and includes reference to the effective Flood Insurance Study, Flood Insurance Rate Maps and the application of Appendix G.

Unlike other states, Michigan communities are fortunate in that a single state construction code has been adopted for uniformity and the code contains flood hazard area management regulations, which are applicable to all development activities in the flood hazard areas. These regulations ensure consistent flood hazard area management throughout the State of Michigan and exceed the minimum NFIP requirements. Several other Michigan communities including the City of Kalamazoo, Texas Township, Midland, Sterling Heights and Troy have adopted Appendix G to manage development activities in the flood hazard areas. Furthermore, Texas Township and the City of Kalamazoo repealed existing Zoning Code regulations related to flood hazard management with adoption of Appendix G and Oshtemo Township is in process.

The recommended Appendix G does not list specific types of land uses or structures that are permitted in flood hazard areas. Since flood hazard areas may not be as environmentally sensitive as designated wetland areas, for example, the intent of Appendix G is not to prohibit construction in the flood hazard

areas but to ensure construction occurs consistent with stringent requirements, does not impede flood waters and to minimize or eliminate the loss of life and/or property. The types of land uses and location of structures are still regulated by the applicable, underlying zoning district.

Flood Hazard Areas Ordinance – This section of the Zoning Code (attached) was adopted in 1983 when FEMA issued the first Flood Insurance Rate Maps for the City of Portage. Continuation or modification of the FHAO is not recommended due to inconsistencies and ambiguities. Sections 42-323 and 42-325 list specific principal permitted uses and accessory structures and uses, which is generally consistent with other zoning districts and could be interpreted as meaning the only uses and structures permitted in the district. However, other sections (such as Section 42-323 that reference other provisions; Sections 42-327 and 42-328 that reference obtaining a building permit; and Sections 42-323 and 42-325 that specify submittal of floor elevations including a basement, as examples, clearly indicate that the type of uses and structures are not limited to just the principal permitted and accessory structures and uses) are unclear and inconsistent making administration of the ordinance difficult and subject to interpretation and confusing for property owners.

Related to the existing FHAO is Section 42-162(D)(1)(2), Flood Boundaries (previously provided), which is also recommended to be repealed. Section 42-162(D)(1)(2) designates the Zoning Board of Appeals as the appellate body to resolve disputes regarding the boundary of a flood hazard area. According to FEMA, property owners who disagree with the boundary location have several options. Depending on the specific circumstances, a property owner can apply for a Letter or Determination Review (LODR), a Letter of Map Amendment (LOMA) or a Letter of Map Revision Based on Fill (LOMR-F). Important technical information is obviously necessary to appeal application of the floodplain regulations and will necessitate proper review by FEMA.

Importantly, a comparison of FHAO to Appendix G indicates that the recommended Appendix G contains many of the same provisions such as an Intent and Objectives section, definitions, reference to the establishment of boundaries, application/permitting process, dredging and filling activities and a variance process.

III. PUBLIC REVIEW/COMMENT

During the December 3, 2009 meeting, the Planning Commission convened a public hearing regarding proposed Ordinance Amendment #09-A. Mr. Earnest Sarkipato, Floodplain Engineer for the Michigan Department of Environmental Quality (MDEQ), provided a short presentation regarding the National Flood Insurance Program (NFIP) and the City of Portage participation since the early 1980s. Mr. Terry Novak, Deputy Director of Building Services, was also present and restated that the State of Michigan is strongly encouraging Michigan communities to adopt Appendix G in an effort to unify/standardize floodplain regulations throughout the state. No one else spoke in support or opposition to the proposed ordinance amendment.

IV. COMMUNITY RATING SYSTEM

During the December 3, 2009 meeting, Mr. Sarkipato also discussed the NFIP Community Rating System (CRS) and noted the City of Portage is only one of a few communities (20 total) in Michigan

that participate in the CRS program. The Community Rating System (CRS) is a voluntary NFIP incentive to encourage and reward communities who adopt/implement floodplain management practices that exceed the minimum NFIP requirements. These additional floodplain management practices result in reduced flood insurance premium rates to reflect the decreased flood risk due to community actions meeting three goals of the CRS, which are reduce flood losses, facilitate accurate insurance rating and promote the awareness of flood insurance. To achieve the three goals, CRS activities focus on public information, mapping and regulations, flood damage reduction, and flood preparedness.

As of May 2009, there are 20 communities who participate in the CRS Program. The City of Portage currently has a class 8 rating (highest rating is class 1) which provides a 10% reduction in flood insurance policy premiums to the approximate 32 participants. The highest state rating is Class 5 with most communities in the 7-9 class rating range.

Mr. Scott Cofoid, Insurance Service Office and Community Rating System Specialist, was contacted regarding the effect of adopting Appendix G and repealing the current FHAO. Mr. Cofoid indicated that the current CRS classification will not be affected by adopting Appendix G (see attached e-mail communication dated December 7, 2009). Additionally, Mr. Cofoid advised Mr. Sarkipato in an e-mail message dated December 7, 2009 (attached) that the city is not awarded any points for prohibiting development in the floodplain.

V. RECOMMENDATION

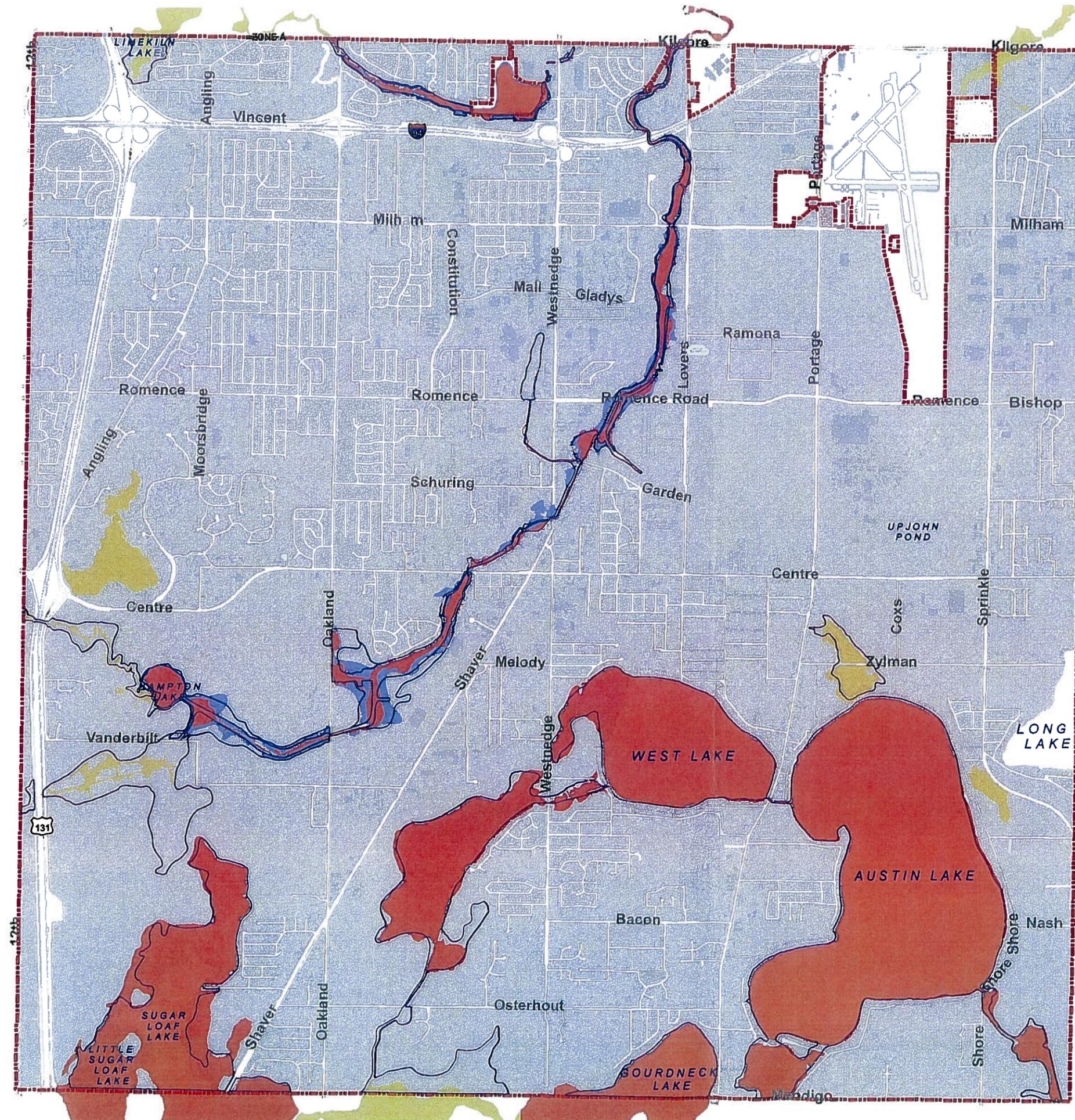
Based on the forgoing analysis, the Planning Commission is advised to recommend to City Council the following ordinance modifications:

1. Adopt Appendix G, Flood Insurance Study and Flood Insurance Rate Maps, updating Article 8, Section 42-991 consistent with the State Construction Code and inserting Section 42-995, Floodplain Management Regulations, designating the city as the enforcing agency;
2. Repeal the Flood Hazard Areas Ordinance (Sections 42-320 to 42-330, Article 4, Division 4, Subdivision 9 of the Zoning Code); and
3. Repeal Section 42-162(D)(1)(2), Flood Boundaries.

Attachments: Flood Insurance Rate Map
E-mail communication from Scott Cofoid dated December 7, 2009
E-mail message from Mr. Sarkipato dated December 7, 2009
Ordinance Amendments

FEMA National Flood Insurance Program Flood Insurance Rate Map

Special Flood Hazard Areas 1983 and 2010 Boundaries



Legend

- 1983 Zone A
- 1983 Zone B
- 2010 AE - 100 Year Floodplain
- 2010 A- 100 Year Floodplain
- 2010 500 Year Floodplain
- City Boundary



1 in = 3,235 ft

Terry Novak - RE: City of Portage, Michigan -- Community Rating System

From: "Cofoid, Scott" <SCofoid@iso.com>
To: "Terry Novak" <novakt@portagemi.gov>
Date: 12/7/2009 11:08 AM
Subject: RE: City of Portage, Michigan -- Community Rating System

Terry,

I have reviewed the Michigan State Building Code, Appendix G and find that your CRS classification will not be affected by adopting it. You are currently receiving credit for the numerous floodplain regulations that are included in the State Building Code. Appendix G does not add or delete any of those items. Additional credit may be available if you adopt the State of Michigan Model Ordinance if it contains higher standards than the state code. Unfortunately, I have not seen a recent copy of the state model ordinance in order to confirm any CRS points at this time, but will gladly review it if you need me to. If you have any further questions, please feel free to contact me.

Scott W. Cofoid, CFM

ISO / CRS Specialist

1126 Schuyler St.

Peru, IL 61354

Phone/Fax: (815) 220-1002

From: Terry Novak [mailto:novakt@portagemi.gov]
Sent: Monday, December 07, 2009 9:43 AM
To: Cofoid, Scott
Subject: City of Portage, Michigan -- Community Rating System

Mr. Scott W. Cofoid
 Insurance Services Office
 1126 Schuyler Street
 Peru, IL 61354

Dear Scott,

Thank you for speaking with me on December 4, 2009 regarding the City of Portage Community Rating System. As we discussed, the City of Portage participates in the National Flood Insurance Program and FEMA recently completed an update of the Flood Insurance Study Base Flood Elevation for the City. The city must now adopt the new Flood Insurance Rate Maps and ensure flood hazard management regulations are consistent with the National Flood Insurance Program requirements. Staff has been in contact with Michigan Department of Environmental Quality (MDEQ) officials and is in the process of repealing its current Flood Hazard Areas Ordinance which is located in the Zoning Code and adopting Appendix G of the 2006 State of Michigan Building Code for flood hazard area management. To facilitate this process, MDEQ has recommended and provided a model ordinance incorporating Appendix G for uniformity purposes consistent with the Michigan Single State

Construction Code (based on the International Code) which is required to be administered and enforced throughout the State. MDEQ has indicated that the majority of Michigan communities have adopted the model ordinance.

Your assistance in reviewing Appendix G, 2006 State of Michigan Building Code (attached) and indicating if additional Community Rating System credits may be obtained with its utilization and uniform regulation is requested. For informational purposes, Sections 1612, 105, 1612 and 1803 of the 2006 State of Michigan Building Code are also attached.

If you have any questions regarding this matter or need additional information, please contact me at your earliest convenience.

Thank you for your assistance.

Terry Novak
Deputy Director of Building Services
Department of Community Development
City of Portage, Michigan 49002
(269) 329-4467
Fax (269) 329-4506

This email is intended for the recipient only. If you are not the intended recipient please disregard, and do not use the information for any purpose.

Christopher Forth - CRS ranking, ordinance adoption (City of Portage, Kalamazoo co.)

From: "Sarkipato, Ernest (DEQ)" <SARKIPATOE@michigan.gov>
To: "Christina Dargitz" <cmikodh@yahoo.com>
Date: 12/7/2009 11:20 AM
Subject: CRS ranking, ordinance adoption (City of Portage, Kalamazoo co.)

Commissioner Dargitz,

I received the below response from the CRS specialist with Insurance Services Office.

Please forward the below information on to the other commissioners for their consideration over the next 2 weeks.

Ernie

From: Cofoid, Scott [mailto:SCofoid@iso.com]
Sent: Friday, December 04, 2009 9:54 AM
To: Thomas, Les (DEQ)
Cc: Sarkipato, Ernest (DEQ)
Subject: RE: City of Portage, Kalamazoo co.

Les,

I just sent an email to Ernie on this matter, but to explain it a little more fully, every CRS point that Portage gets for their floodplain management ordinance is based on the state building code. So, unless that changes, I don't see them losing too much, if anything, if they repeal their current ordinance.

They should be fine, unless the state code is changing g too.

Scott W. Cofoid, CFM
ISO / CRS Specialist
 1126 Schuyler St.
 Peru, IL 61354
 Phone/Fax: (815) 220-1002

From: Thomas, Les (DEQ) [mailto:THOMASL@michigan.gov]
Sent: Friday, December 04, 2009 8:47 AM
To: Cofoid, Scott
Cc: Sarkipato, Ernest (DEQ)
Subject: City of Portage, Kalamazoo co.

12/4/09

Good morning Scott,

City of Portage is in CRS at level 8. Would you know if that level was in part based upon having an ordinance that is more restrictive than NFIP min.? And, if so and if they were to repeal the ordinance I presume it may reduce their CRS rating. ??? your thoughts.. This is something that has come to Ernie Sarkipato's attention in attempting to address ordinance questions some community officials are raising.

Thanks—les.

This email is intended for the recipient only. If you are not the intended recipient please disregard, and do not use the information for any purpose.

Ernie,

Portage does not get any points under the CRS Program for basically prohibiting development in the FP. They get credit for

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the 1' of freeboard they have (75 pts.) and the fact that they require critical facilities to be elevated to at least the 500-yr. level (50 pts.). Both of these are state requirements anyway, so I would guess they would still keep these requirements.

I don't really see any effect on their CRS rating from the issue you bring up. Even if I'm missing something, they have plenty of points to stay in their current Class.

Scott W. Cofoid, CFM

ISO / CRS Specialist

1126 Schuyler St.

Peru, IL 61354

Phone/Fax: (815) 220-1002

From: Sarkipato, Ernest (DEQ) [mailto:SARKIPATOE@michigan.gov]

Sent: Thursday, December 03, 2009 3:18 PM

To: Cofoid, Scott

Subject: City of Portage, Kalamazoo County, MI

Scott,

I'm in talks with the City of Portage as they prepare to update their ordinance to adopt the new DFIRMs.

I wasn't aware until JUST now that they were a participant in the CRS.

The debate is fairly heated, because the existing ordinance pretty much prohibits residential, commercial, or industrial development in the FP. There is a big push to do away with that language since it's more stringent than NFIP and State regulations.

I didn't have a problem with this, but will this affect the City's standing in the CRS?

Please advise. Feel free to call me!

Ernie Sarkipato
Floodplain Engineer - Kalamazoo District Office
Michigan Department of Environmental Quality
269.567.3564 ph
269.567.9440 fx
sarkipatoe@michigan.gov

This email is intended for the recipient only. If you are not the intended recipient please disregard, and do not use the information for any purpose.

**ORDINANCE TO AMEND THE CODE OF ORDINANCES
OF THE CITY OF PORTAGE, MICHIGAN
BY AMENDING ARTICLE 8, TECHNICAL CODES
OF CHAPTER 42, LAND DEVELOPMENT REGULATIONS**

THE CITY OF PORTAGE ORDAINS:

That Article 8, Technical Codes, of Chapter 42, Land Development Regulations, is hereby amended as follows:

Section 42-991. Building Code.

(a) *Assumption of Responsibility for Administration and Enforcement.* Pursuant to the provisions of State Construction Code Act being Act 230 of the Public Acts of 1972 as amended, the Department of Community Development of the city is hereby designated as the Department of Building Safety and, as such, is the enforcing agency to discharge the responsibility for administration and enforcement of the Michigan Building Code and the Act throughout its corporate limits. The Director of the Department of Community Development and/or his designee, shall be designated as the Chief Building Official as that term is used in the Michigan Building Code.

(b) *No change.*

(c) *No change.*

Section 42-992. *No change.*

Section 42-993. *No change.*

Section 42-994. *No change.*

Section 42-995. Floodplain Management Regulations.

(a) *Enforcing agency.* Pursuant to the provisions of the State Construction Code, Act No. 230 of the Public Acts of 1972, as amended, the city hereby designates the Chief Building Official and other officers and employees as shall be designated by the chief building official, as the enforcing agency to discharge the responsibilities of the city thereunder. The City of Portage assumes responsibility for the administration and enforcement of said Act throughout its corporate limits.

(b) *Code Appendix Enforced.* Pursuant to the provisions of the State Construction Code, Act No. 230 of the Public Acts of 1972, as amended, Appendix G of the Michigan Building Code shall be enforced by the enforcing agency within the City of Portage.

(c) *Designation of Regulated Flood Prone Hazard Areas.* The Federal Emergency Management Agency (FEMA) Flood Insurance Study (FIS) entitled the City of Portage Flood Insurance Study, dated February 17, 2010, and the Flood Insurance Rate Map(s) (FIRMS) panel numbers 0284D, 0285D, 0295D, 0301D, 0302D, 0303D, 0304D, 0310D, 0311D, 0315D and 0320D dated February 17, 2010 are adopted by reference and declared to be a part of Section 1612.3 of the Michigan Building Code.

(d) *Fees.* Fees required under the State Construction Code adopted in this Article shall be determined by resolution of council.

FIRST READING:

SECOND READING:

EFFECTIVE DATE:

Peter J. Strazdas, Mayor

Approved as to Form:

Date: 1/4/10
Rer

City Attorney

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES
OF THE CITY OF PORTAGE, MICHIGAN BY AMENDING
SECTION 42-162(D) OF CHAPTER 42, LAND DEVELOPMENT REGULATIONS

THE CITY OF PORTAGE ORDAINS:

That Chapter 42, Article 4, Section 42-162(D) is **repealed**.

Yeas:

Nays:

Dated: _____, 20____.

Peter J. Strazdas, Mayor

FIRST READING:
SECOND READING:
ORDINANCE #:
EFFECTIVE DATE:

CERTIFICATION

I, James R. Hudson, do hereby certify that I am the duly appointed and acting City Clerk of the City of Portage and that the foregoing ordinance was adopted by the City of Portage on the ____ day of _____, 20____.

James R. Hudson, City Clerk

PREPARED BY:
Randall L. Brown (P34116)
Portage City Attorney
1662 East Centre Avenue
Portage, MI 49002
(269) 323-8812

Approved as to Form:

Date: 2/4/90

City Attorney

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES
OF THE CITY OF PORTAGE, MICHIGAN
BY REPEALING SUBDIVISION 9 OF ARTICLE 4, SECTIONS 42-320 TO SECTION 42-330 OF
CHAPTER 42, LAND DEVELOPMENT REGULATIONS

THE CITY OF PORTAGE ORDAINS:

That Chapter 42, Article 4, Subdivision 9, Sections 42-320 through Section 42-330 is
repealed.

Yeas:

Nays:

Dated: _____, 20__.

Peter J. Strazdas, Mayor

FIRST READING:
SECOND READING:
ORDINANCE #:
EFFECTIVE DATE:

CERTIFICATION

I, James R. Hudson, do hereby certify that I am the duly appointed and acting City Clerk
of the City of Portage and that the foregoing ordinance was adopted by the City of Portage on
the ____ day of _____, 20__.

James R. Hudson, City Clerk

PREPARED BY:
Randall L. Brown (P34116)
Portage City Attorney
1662 East Centre Avenue
Portage, MI 49002
(269) 323-8812

Approved as to Form:

Date: 1-4-2010

CRB

City Attorney

CITY OF PORTAGE

COMMUNICATION

TO: Honorable Mayor and City Council

DATE: January 4, 2010

FROM: Maurice S. Evans, City Manager



SUBJECT: Adoption of Bond Refunding Resolutions

ACTION RECOMMENDED: That City Council adopt:

- a. the Refunding Bond Resolution authorizing the sale of Limited Tax General Obligation City Share Refunding Bonds, Series 2010, in an amount not-to-exceed \$2,750,000; and
- b. adopt the Resolution approving the Undertaking to Provide Continuing Disclosure by the City of Portage for the Limited Tax General Obligation City Share Refunding Bonds, Series 2010.

The attached Bond Resolution and Continuing Disclosure Resolution are part of the legal process required to issue bonds to refinance six existing City Share bond issues. The projects associated with these six bond issues are attached for the information of Council. These documents were prepared by Bond Counsel, John Axe. Estimated present value savings of \$17,000 are expected from the bond sale due to favorable interest rates. Bids for the Limited Tax General Obligation City Share Refunding Bond issue will be taken on either February 23, 2010 or March 9, 2010 depending on interest rate market conditions.

cc: Daniel S. Foecking, Finance Director
John R Axe, Bond Counsel

Proposed City Share refunding refinances 6 bond issuers

<u>Project Title</u>	<u>Original Issue</u>	<u>Type</u>	<u>Year Issued</u>
Cora Drive, Marylynn Court	\$ 89,000	sewer	1995
Coral, Chapel	50,000	water	1995
Corstange/Oakside-Portage	20,000	sewer	1995
East Shore Drive	302,000	sewer	1995
Westnedge Heights/Outer Drive	344,000	roads	1995
Drury Lane, Lakewood-Garden Lane	21,100	water	1997
Missouri, Utah, Van Hoesen	126,700	water	1997
Old Centre/Moorsbridge-Centre	39,300	water	1997
Terry Lane, Karendale, Roger	59,500	water	1997
Upper Darby, Lakewood, Drury Lane	58,400	water	1997
Brookwood Drive Water Main	201,000	water	1998
Dogwood curb and gutter	58,000	roads	1998
Heverly Downs Sewer	138,000	sewer	1998
Milham Business/Tech. Park	123,000	roads	1998
Portage Road Sewer	71,000	sewer	1998
South Shore Water Main	14,000	water	1998
Andrews, Mandigo, Portage Water	114,000	water	1999
Forest Drive Water Main	17,200	water	1999
Gabardine Ave Water Main	92,000	water	1999
Milham, South Westnedge to Lovers Lane	179,600	roads	1999
Oakland Drive Water Main	72,200	water	1999
Rolling Hill, Shuman Water Main	63,500	water	1999
Romence Road Sewer	80,200	sewer	1999
Romence Road Water Main	37,300	water	1999
Shaver Road/Centre-Vanderbilt	429,400	roads	1999
Shaver Road to South city limits	284,600	roads	1999
Mall Drive Reconstruction	65,000	roads	2000
Romence Road Parkway	515,000	roads	2000
Romence Road Parkway Sewer	128,000	sewer	2000
Romence Road Parkway Water Main	252,000	water	2000
East Centre/Portage-Sprinkle	532,700	roads	2002
East Centre/Portage-Sprinkle	203,000	sewer	2002
East Milham/Lovers-Portage	372,700	roads	2002
East Milham, Willoughby	207,100	sewer	2002
West Milham/Oakland-South Westnedge	211,200	roads	2002
Zylman Road	52,100	roads	2002
Zylman, Cox's Drive	220,400	water	2002
Zylman/Portage-Sprinkle	650,800	sewer	2002

CITY OF PORTAGE

At a _____ meeting of the City Council of the City of Portage, Kalamazoo County, Michigan, held in Portage, Michigan on _____, 2010 at ___:___ .m., Eastern Standard Time there were:

PRESENT: _____

ABSENT: _____

The following resolution was offered by _____ and seconded by _____:

**REFUNDING BOND RESOLUTION
REFUNDING BONDS NOT TO EXCEED \$2,750,000
City of Portage General Obligation Limited Tax City Share
Refunding Bonds, Series 2010**

WHEREAS, on December 7, 1995, the City of Portage (the "City"), pursuant to the City Charter, issued the City of Portage General Obligation Limited Tax City Share Bonds, Series 1995, dated November 1, 1995 in the original principal amount of \$805,000 of which \$340,000 in principal amount of bonds maturing in the years 2010 through 2015 remains outstanding (the "1995 Bonds"); and

WHEREAS, on December 18, 1997, the City of Portage (the "City"), pursuant to the City Charter, issued the City of Portage General Obligation Limited Tax City Share Bonds, Series 1997, dated November 1, 1997 in the original principal amount of \$305,000 of which \$125,000 in principal amount of bonds maturing in the years 2010 through 2017 remains outstanding (the "1997 Bonds"); and

WHEREAS, on November 19, 1998, the City of Portage (the "City"), pursuant to the City Charter, issued the City of Portage General Obligation Limited Tax City Share Bonds, Series 1998, dated November 1, 1998 in the original principal amount of \$605,000 of which \$245,000 in principal amount of bonds maturing in the years 2010 through 2018 remains outstanding (the "1998 Bonds"); and

WHEREAS, on December 14, 1999, the City of Portage (the "City"), pursuant to the City Charter, issued the City of Portage General Obligation Limited Tax City Share Bonds, Series 1999, dated November 1, 1999 in the original principal amount of \$1,370,000 of which \$270,000 in principal amount of bonds maturing in the years 2010 through 2019 remains outstanding (the "1999 Bonds"); and

WHEREAS, on November 30, 2000, the City of Portage (the "City"), pursuant to the City Charter, issued the City of Portage General Obligation Limited Tax City Share Bonds, Series 2000, dated November 1, 2000 in the original principal amount of \$960,000 of which \$285,000 in principal amount of bonds maturing in the years 2010 through 2020 remains outstanding (the "2000 Bonds"); and

WHEREAS, on September 10, 2002, the City of Portage (the "City"), pursuant to the City Charter, issued the City of Portage General Obligation Limited Tax City Share Bonds, Series 2002, dated September 1, 2002 in the original principal amount of \$2,450,000 of which \$1,190,000 in principal amount of bonds maturing in the years 2010 through 2022 remains outstanding (the "2002 Bonds"); and

WHEREAS, the 1995 Bonds, the 1997 Bonds, the 1998 Bonds, the 1999 Bonds, the 2000 Bonds and the 2002 Bonds are hereafter referred to together as (the "Prior Bonds"); and

WHEREAS, all of the outstanding principal amount of the Prior Bonds may be called for redemption on June 1, 2010; and

WHEREAS, the Prior Bonds were issued at a time when interest rates were higher than is currently the case and the City wishes to restructure its debt; and

WHEREAS, the City has determined that it is necessary and appropriate at this time to issue a series of refunding bonds pursuant to Act No. 34, Public Acts of Michigan, 2001, as amended ("Act 34"), to refund the all of the Prior Bonds on the June 1, 2010 (the "Refunded Bonds") both to possibly obtain a lower rate of interest and to restructure the existing debt.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PORTAGE as follows:

1. **Issuance of Refunding Bonds.** Refunding bonds of the City aggregating in the principal estimated sum of not to exceed Two Million Seven Hundred and Fifty Thousand Dollars (\$2,750,000) (the "Refunding Bonds") shall be issued and sold pursuant to the provisions of Act 34, and other applicable statutory provisions, for the purpose of refunding the Refunded Bonds, subject, however, to adjustment as described under "INCREASE OR DECREASE IN AGGREGATE AMOUNT OF REFUNDING BONDS", Section 7. The maximum amount of Bonds to be issued shall not exceed \$2,750,000.

2. **Refunding Bond Details.** The Refunding Bonds shall be known as "City of Portage General Obligation Limited Tax City Share Refunding Bonds, Series 2010" and shall be dated April 1, 2010 or such later date not more than twelve calendar months thereafter as the Finance Director of the City shall provide in the Request for Proposal. The Refunding Bonds shall be fully registered Refunding Bonds, both as to principal and interest, in

any one or more denominations of \$5,000 or a multiple of \$5,000 numbered from 1 upwards as determined by the Finance Director of the City, regardless of rate and maturity date. If \$2,595,000 in Refunding Bonds are issued and subject to the provisions of Section 6, the Refunding Bonds shall mature on December 1 in each year as follows:

<u>YEAR</u>	<u>AMOUNT</u>	<u>YEAR</u>	<u>AMOUNT</u>	<u>YEAR</u>	<u>AMOUNT</u>
2010	\$290,000	2015	\$265,000	2019	\$155,000
2011	255,000	2016	195,000	2020	130,000
2012	275,000	2017	205,000	2021	110,000
2013	155,000	2018	190,000	2022	115,000
2014	255,000				

The Refunding Bonds shall be in substantially the form attached hereto as *EXHIBIT A* with such changes, additions or deletions as are not inconsistent with this resolution.

3. **Discount.** The Refunding Bonds may be offered for sale at a price of not less than 99% of the face amount thereof, and the Finance Director of the City is authorized, in his or her discretion, to provide for a higher minimum purchase price in the Request for Proposal of the Refunding Bonds.

4. **Payment of Interest and Date of Record.** The Refunding Bonds shall bear interest payable December 1, 2010, and semi-annually thereafter on each June 1 and December 1 until maturity, with the average interest rate on the Refunding Bonds being not in excess of 6%, and the rate of interest on the Refunding Bonds maturing in any one year being not in excess of 7% per annum. Interest shall be mailed by first class mail to the registered owner of each Refunding Bond as of the applicable date of record.

The date of record shall be May 15 with respect to payments to be made on June 1 and November 15 with respect to payments to be made on December 1.

5. **Prior Redemption.** The Refunding Bonds shall not be subject to redemption prior to maturity.

6. **Adjustment of Refunding Bond Maturities.** The Finance Director or City Manager of the City is authorized by order in the form attached as *EXHIBIT B* to adjust the amounts of the maturities of the Refunding Bonds, as set forth in Section 6.

7. **Increase or Decrease in Aggregate Amount of Refunding Bonds.** In the event the amount necessary to refund the Refunded Bonds shall be more or less than currently estimated or it shall be necessary to adjust any maturity or maturities, the Finance Director or City Manager of the City shall increase the estimated principal amount of the Refunding Bonds by up to \$155,000, or decrease the estimated principal amount of the Refunding Bonds by up to \$500,000 to the extent required to avoid the issuance of more Refunding Bonds than will be required in light of the amount

of Refunding Bonds to be issued and proposals received, which change, increase or decrease may be applied to any one or more of the maturities and the Request for Proposal attached as *Exhibit B* shall so provide or be changed accordingly. In the event the City determines to contribute additional amounts toward the refunding of the bonds, the Refunding Bonds shall further be reduced by the amount of such contribution.

8. Bond Registrar and Paying Agent/Book Entry Depository Trust. The Finance Director of the City shall designate, and may enter into an agreement with, a bond registrar and paying agent for the Bonds (sometimes referred to as the "Bond Registrar") which shall be a bank or trust company located in the State of Michigan which is qualified to act in such capacity under the laws of the United States of America or the State of Michigan. The Finance Director of the City from time to time as required may designate a similarly qualified successor bond registrar and paying agent. The Bonds shall be deposited with a depository trustee designated by the Finance Director of the City who shall transfer ownership of interests in the Bonds by book entry and who shall issue depository trust receipts or acknowledgments to owners of interests in the Bonds. Such book entry depository trust arrangement, and the form of depository trust receipts or acknowledgments, shall be as determined by the Finance Director and City Clerk of the City after consultation with the depository trustee. The depository trustee may be the same as the Bond Registrar otherwise named by the Finance Director, and the Bonds may be transferred in part by depository trust and in part by transfer of physical certificates as the Finance Director may determine.

9. Mutilated, Lost, Stolen or Destroyed Refunding Bonds. In the event any Refunding Bond is mutilated, lost, stolen, or destroyed, the Mayor and City Clerk of the City may, on behalf of the City, execute and deliver, or order the Bond Registrar to authenticate and deliver, a new Refunding Bond having a number not then outstanding, of like date, maturity and denomination as mutilated, lost, stolen, or destroyed.

In the case of a mutilated Refunding Bond, a replacement Refunding Bond shall not be delivered unless and until such mutilated Refunding Bond is surrendered to the Bond Registrar. In the case of a lost, stolen, or destroyed Refunding Bond, a replacement Refunding Bond shall not be delivered unless and until the City and the Bond Registrar have received such proof of ownership and loss and indemnity as they determine to be sufficient, which shall consist at least of (i) a lost instrument Refunding Bond for principal and interest remaining unpaid on the lost, stolen or destroyed Refunding Bond; (ii) an affidavit of the registered owner (or his or her attorney) setting forth ownership of the Refunding Bond lost, stolen or destroyed and the circumstances under which it was lost, stolen or destroyed; (iii) the agreement of the owner of the Refunding Bond (or his or her attorney) to fully indemnify the City and the Bond Registrar

against loss due to the lost, stolen or destroyed Refunding Bond and the issuance of any replacement Refunding Bond in connection therewith; and (iv) the agreement of the owner of the Refunding Bond (or his or her attorney) to pay all expenses of the City and the Bond Registrar in connection with the replacement, including the transfer and exchange costs which otherwise would be paid by the City.

10. **Execution and Delivery.** The Mayor and Clerk of the City are hereby authorized and directed to execute the Refunding Bonds for and on behalf of the City by manually executing the same or by causing their facsimile signatures to be affixed. If facsimile signatures are used, the Refunding Bonds shall be authenticated by the Bond Registrar before delivery. The Refunding Bonds shall be sealed with the City's seal or a facsimile thereof shall be imprinted thereon. When so executed and (if facsimile signatures are used) authenticated, the Refunding Bonds shall be delivered to the Finance Director of the City, or his agent, who is hereby authorized and directed to deliver the Refunding Bonds to the purchaser upon receipt in full of the purchase price for the Refunding Bonds.

11. **Full Faith and Credit.** The principal of and interest on the Refunding Bonds are payable primarily out of the collection of a portion of the capital improvements taxes levied for each year through and including the year ending June 30, 2022, in anticipation of which the Refunding Bonds are to be issued. In addition, the full faith and credit of the City are hereby irrevocably pledged to the prompt payment of the principal of and interest on the Refunding Bonds when due. If the foregoing collections shall not be sufficient to pay the principal of and interest on the Refunding Bonds as the same shall become due, then moneys sufficient to meet such deficiency shall be advanced from the general funds of the City. The City's ability to raise such funds is subject to applicable constitutional, statutory and charter limitations on the taxing power of the City.

12. **Bond Payment Fund.** The City shall establish and maintain a bond payment fund (the "Bond Payment Fund") to be used solely for the purpose of (i) paying principal of, premium, if any, and interest on the Refunding Bonds as well as costs, including the fees and expenses of the Bond Registrar, incidental to the Refunding Bonds; (ii) the annual fees and expenses of the escrow agent under an escrow agreement; and (iii) the fees and expenses of the paying agent or paying agents for the Refunding Bonds.

13. **Use of Proceeds.** The proceeds of the sale of the Refunding Bonds shall be used as follows:

- a. Accrued interest shall be transferred to the Bond Payment Fund created pursuant to Section 12 above;

- b. There shall next be transferred to an escrow fund (the "Escrow Fund") an amount which will be sufficient to pay when due the principal of, premium, if any, and interest on the Refunded Bonds when due upon redemption; and
- c. The balance of the proceeds shall be used to pay some or all of the costs of financing including, but not limited to, publication costs, financial costs, consultant fees, counsel fees, printing costs, application fees, bond insurance premiums, rating fees and any other fees or costs incurred in connection with the financing.

14. **Escrow Agreement; Redemption of Refunded Bonds.** In order that the Refunded Bonds may be properly defeased in accordance with Act 34, the City shall enter into an escrow agreement (the "Escrow Agreement"), with a bank or trust company designated by the Finance Director of the City. The Escrow Agreement shall be in substantially the form attached as *EXHIBIT C* to this Resolution (with such changes, modifications and additions as may be approved by the Finance Director of the City). The Escrow Agreement shall be completed with appropriate figures prior to execution on behalf of the City by the Mayor and Clerk of the City.

Upon execution of the Escrow Agreement and delivery of the Refunding Bonds, the City and/or the escrow agent shall take all necessary steps to cause the Refunded Bonds to be redeemed at the earliest possible redemption date or dates.

15. **Investments.** Moneys in the Bond Payment Fund may be continuously invested and reinvested in United States government obligations, obligations the principal and interest on which are unconditionally guaranteed by the United States government, or in interest-bearing time deposits selected by the Finance Director of the City which are permissible investments for surplus funds under Act No. 20, Public Acts of Michigan, 1943, as amended. Such investments shall mature, or be subject to redemption at the option of the holder, not later than the dates moneys in such fund will be required to pay the principal of, premium, if any, and interest on the Refunding Bonds. Obligations purchased as an investment of moneys in the Bond Payment Fund shall be deemed at all times to be a part of such fund, and the interest accruing thereon and any profit realized from such investment shall be credited to such fund.

16. **Depositories.** All of the banks located in the State of Michigan are hereby designated as permissible depositories of the moneys in the funds established by this Resolution, except that the moneys in the Bond Payment Fund shall only be deposited in such banks where the principal of, premium, if any, and interest on the Refunding Bonds are payable. The Finance Director of the

City shall select the depository or depositories to be used from those banks authorized in this Section.

17. **Arbitrage and Tax Covenants.** Notwithstanding any other provision of this Resolution, the City covenants that it will not at any time or times:

(a) Permit any proceeds of the Refunding Bonds or any other funds of the City or under its control to be used directly or indirectly (i) to acquire any securities or obligations, the acquisition of which would cause any Refunding Bond to be an "arbitrage bond" as defined in Section 148 of the Internal Revenue Code of 1986, as amended (the "Code"), or (ii) in a manner which would result in the exclusion of any Refunding Bond from the treatment afforded by Section 103(a) of the Code by reason of the classification of any Refunding Bond as a "private activity bond" within the meaning of Section 141(a) of the Code, as a "private loan bond" within the meaning of Section 141(a) of the Code or as an obligation guaranteed by the United States of America within the meaning of Section 149(b) of the Code; or

(b) Take any action, or fail to take any action (including failure to file any required information or other returns with the United States Internal Revenue Service or to rebate amounts to the United States, if required, at or before the time or times required), within its control which action or failure to act would (i) cause the interest on the Refunding Bonds to be includible in gross income for federal income tax purposes, cause the interest on the Refunding Bonds to be includible in computing any alternative minimum tax (other than the alternative minimum tax applicable to interest on all tax-exempt obligations generally) or cause the proceeds of the Refunding Bonds to be used directly or indirectly by an organization described in Section 501(c)(3) of the Code, or (ii) adversely affect the exemption of the Refunding Bonds and the interest thereon from the State of Michigan income taxation.

18. **Qualified Tax-Exempt Obligations.** The Refunding Bonds are designated as "qualified tax-exempt obligations" for purposes of deduction of interest expense by financial institutions under the provisions of Section 265 of the Code, unless at the time the Refunding Bonds are issued, it is determined that the Refunding Bonds are ineligible to be so designated, in which case the Request for Proposal shall thereby reflect such change in designation.

19. **Defeasance or Redemption of Refunding Bonds.** If at any time,

(a) the whole amount of the principal of, premium, if any, and interest on all outstanding Refunding Bonds shall be paid, or

- (b) (i) sufficient moneys, or Government Obligations (as defined in this Section) not callable prior to maturity, the principal of, premium, if any, and interest on which when due and payable will provide sufficient moneys, to pay the whole amount of the principal of, premium, if any, and interest on all outstanding Refunding Bonds as and when due at maturity or upon redemption prior to maturity shall be deposited with and held by a trustee or an escrow agent for the purpose of paying the principal of, premium, if any, and interest on such Refunding Bonds as and when due, and (ii) in the case of redemption prior to maturity, all outstanding Refunding Bonds shall have been duly called for redemption (or irrevocable instructions to call such Refunding Bonds for redemption shall have been given)

then, at the time of the payment referred to in clause (a) of this Section or of the deposit referred to in clause (b) of this Section, the City shall be released from all further obligations under this Resolution, and any moneys or other assets then held or pledged pursuant to this Resolution for the purpose of paying the principal of, premium, if any, and interest on the Refunding Bonds (other than the moneys deposited with and held by a trustee or an escrow agent as provided in clause (b) of this Section) shall be released from the conditions of this Resolution, paid over to the City and considered excess proceeds of the Refunding Bonds. In the event moneys or Government Obligations shall be so deposited and held, the trustee or escrow agent holding such moneys or Government Obligations shall, within 30 days after such moneys or Government Obligations shall have been so deposited, cause a notice signed by it to be given to the registered holders hereof not more than sixty (60) days nor less than forty-five (45) days prior to the redemption setting forth the date or dates, if any, designated for the redemption of the Refunding Bonds, a description of the moneys or Government Obligations so held by it and that the City has been released from its obligations under this Resolution. All moneys and Government Obligations so deposited and held shall be held in trust and applied only to the payment of the principal of, premium, if any, and interest on the Refunding Bonds at maturity or upon redemption prior to maturity, as the case may be, as provided in this Section.

The trustee or escrow agent referred to in this Section shall (a) be a bank or trust company permitted by law to offer and offering the required services, (b) be appointed by resolution of the City, and (c) at the time of its appointment and so long as it is serving as such, have at least \$25,000,000 of capital and unimpaired surplus. The same bank or trust company may serve as trustee or escrow agent under this Section and as Bond Registrar so long as it is otherwise eligible to serve in each such capacity.

As used in this Section, the term "Government Obligations" means direct obligations of, or obligations the principal, premium, if any, and interest on which are unconditionally guaranteed by, the United States of America.

20. **Filing with Municipal Finance Division:** If necessary the City Manager, or if there is no City Manager, the Mayor is authorized and directed to:

- (a) apply to the Municipal Finance Division of the Michigan Department of Treasury for approval of the sale of the Refunding Bonds;
- (b) file with such application all required supporting material; and
- (c) pay all fees required in connection therewith.

21. **Negotiated Sale - Request for Proposal:** The City hereby determines that in order to save the cost of publication of an official Request for Proposal that it will sell the Refunding Bonds at a negotiated sale after solicitation of proposals from prospective purchasers by its Financial Consultant. The City's Financial Consultant is authorized to solicit proposals from at least twenty-five prospective purchasers and to circulate a Request for Proposal at least seven days prior to the date fixed for receipt of proposals for the purchase of the Refunding Bonds. The Request for Proposal shall be in substantially the form attached to this resolution as Exhibit D with such changes therein as are not inconsistent with this resolution and as are approved by the City Finance Director after conferring with Bond Counsel. The Financial Consultant is hereby designated to act for and on behalf of the City to receive proposals for the purchase of the Refunding Bonds and to take all other steps necessary in connection with the sale and delivery thereof.

22. **Retention of Bond Counsel.** The firm of Axe & Ecklund, P.C., attorneys of Grosse Pointe Farms, Michigan, is hereby retained to act as bond counsel for the City in connection with the issuance, sale and delivery of the Refunding Bonds.

23. **Retention of Financial Consultants.** Municipal Financial Consultants Incorporated, Grosse Pointe Farms, Michigan, is hereby retained to act as financial consultant and advisor to the City in connection with the sale and delivery of the Refunding Bonds.

24. **Conflicting Resolutions.** All resolutions and parts of resolutions in conflict with the foregoing are hereby rescinded.

25. **Effective Date.** This Resolution shall become effective immediately upon its adoption and shall be recorded in the minutes of the City as soon as practicable after adoption.

Discussion followed. The results of a roll-call vote on the foregoing resolution were as follows:

YES: _____

NO: _____

ABSTAIN: _____

THE RESOLUTION WAS THEREUPON DECLARED ADOPTED.

CITY CLERK'S CERTIFICATE

The undersigned, being the duly qualified and acting Clerk of the City of Portage, Michigan, hereby certifies that (1) the foregoing is a true and complete copy of a resolution duly adopted by the City at a _____ meeting held on _____, 2010, at which meeting a quorum was present and remained throughout, (2) the original thereof is on file in the records of the proceedings of the City Council in my office; (3) the meeting was conducted, and public notice thereof was given, pursuant to and in full compliance with the Open Meetings Act (Act No. 267, Public Acts of Michigan, 1976, as amended); and (4) minutes of such meeting were kept and will be or have been made available as required thereby.

James R. Hudson, City Clerk

[SEAL]

las.r1-por184

UNITED STATES OF AMERICA-STATE OF MICHIGAN

CITY OF PORTAGE
GENERAL OBLIGATION LIMITED TAX
CITY SHARE REFUNDING BOND, SERIES 2010

RATE MATURITY DATE DATE OF ISSUANCE CUSIP

_____ 1, _____

=====

REGISTERED OWNER:

PRINCIPAL AMOUNT:

=====

FOR VALUE RECEIVED, the City of Portage (the "City"), Kalamazoo County, State of Michigan, hereby acknowledges itself indebted and for value received, hereby promises to pay to, CEDE & CO., as nominee for THE DEPOSITORY TRUST COMPANY, New York, New York (the "Depository Trustee"), the Principal Amount set forth above on the Maturity Date specified above, unless redeemed prior thereto as hereinafter provided. The Depository Trustee will act as securities depository for this refunding bond (the "Refunding Bond") and the other bonds of this series. Purchases of beneficial interests in the refunding bonds will be made in book-entry-only form, in denominations of \$5,000 each or any integral multiple thereof. The refunding bonds have an original issuance date of _____, _____, and will bear interest from the Date of Issuance payable on _____ 1, _____, and semiannually thereafter on the first day of _____ and _____ in each year to and including the Maturity Date or earlier redemption of this Refunding Bond. The principal, premium (if any) and interest on the refunding bonds will be paid at the principal corporate trust office of _____, the paying agent and bond registrar (the "Bond Registrar"). So long as the Depository Trustee or its nominee, CEDE & CO., is the registered owner of the refunding bonds, such payments will be made directly to the Depository Trustee or such nominee. Disbursement of such payments to the Depository Trustee is the responsibility of the Depository Trustee, and disbursements of such payments to the beneficial owners is the responsibility of the Depository Trustee Participants and Indirect Participants. Such payments of principal, premium (if any) or interest are payable in lawful money of the United States of America.

This Refunding Bond is one of a series of bonds of like date and tenor except as to denomination, date of maturity and interest rate, numbered from 1 upwards, aggregating the principal sum of _____ Dollars (\$_____), issued by the City, pursuant to and in full conformity with the Constitution and statutes of the State of Michigan and especially Act No. 34, Public Acts of Michigan, 2001, as amended ("Act 34") to provide funds to be deposited with _____, Michigan, as escrow agent (the "Escrow Agent"),

under an escrow agreement dated as of _____, _____. The Escrow Agent will use such proceeds to acquire non-callable direct obligations of the United States which, when paid in accordance with their terms, will provide sufficient funds (i) to pay when due, to and including _____, _____, the interest on the City's outstanding _____, _____, dated _____, maturing in the years ____ through ____ (the "Refunded Bonds") and (ii) on _____, to redeem the Refunded Bonds maturing in the years ____ through _____.

This Refunding Bond and the Refunding Bonds of this series are issued in anticipation of the collection of a portion of the capital improvement taxes to be levied by the City. In addition, if the foregoing collection of taxes is insufficient for any reason to make prompt payment of the principal of and interest on this Refunding Bond when due, the City shall make such payments from its general funds. The limited tax full faith and credit of the City is pledged for the payment of the principal of and interest on this Refunding Bond and the series of which this Bond is one. The City, however, does not have the power to levy any tax unlimited as to rate or amount for the payment of principal of and interest on this Refunding Bond or the Refunding Bonds of this series in excess of its constitutional, statutory or charter limitations.

The date of record for the payment of principal of, premium (if any) or interest on this Refunding Bond shall be the fifteenth (15) day of the month preceding the date such payment is due.

This Refunding Bond and the other refunding bonds of this series have _____ been designated as "qualified tax-exempt obligations" within the meaning of Section 265(b)(3) of the Internal Revenue Code of 1986, as amended.

Refunding bonds shall not be subject to redemption prior to maturity.

This Refunding Bond shall not be valid or become obligatory for any purpose or be entitled to any security or benefit until the certificate of authentication hereon has been duly executed by the Bond Registrar, as authenticating agent.

REFERENCE IS HEREBY MADE TO THE FURTHER PROVISIONS OF THIS BOND SET FORTH ON THE REVERSE HEREOF, AND SUCH FURTHER PROVISIONS SHALL FOR ALL PURPOSES HAVE THE SAME EFFECT AS IF SET FORTH ON THE FRONT SIDE HEREOF.

It is hereby certified and recited that all acts, conditions and things required by law precedent to and in the issuance of this Refunding Bond and the other bonds of this series, have happened and have been performed in due time, form and manner as required by law, and that the total indebtedness of the County,

including the series of bonds of which this is one, does not exceed any constitutional or statutory limitation.

IN WITNESS WHEREOF, the City of Portage, Kalamazoo County, Michigan, by its City Council has caused this Refunding Bond to be executed in its name with the facsimile signatures of its Finance Director and its Mayor, has caused a facsimile of its seal to be affixed hereto, and has caused this Refunding Bond to be authenticated by the Bond Registrar, as the City's authenticating agent, all as of the Date of Issuance set forth above.

CITY OF PORTAGE

By:
Mayor

[SEAL]

By:
Clerk

DATE OF AUTHENTICATION:

BOND REGISTRAR'S CERTIFICATE OF AUTHENTICATION

This is Refunding Bond is one of a series of bonds designated "City of Portage General Obligation Limited Tax City Share Refunding Bonds, Series 2010".

By: _____,
as Bond Registrar and Authenticating Agent
Authorized Representative

ASSIGNMENT

FOR VALUE RECEIVED, the undersigned hereby sells, assigns and transfers unto _____ this Refunding Bond and all rights hereunder and hereby irrevocably constitutes and appoints _____ attorney to transfer this Refunding Bond on the books kept for registration thereof with full power of substitution in the premises.

Dated: _____

Signature:

Notice: The signature(s) to this assignment must correspond with the name as it appears upon the face of this Refunding Bond in every particular, without alteration or enlargement or any change whatsoever.

Signature Guaranteed:

Signature(s) must be guaranteed by an eligible guarantor institution participating in a Securities Transfer Association recognized signature guarantee program.

The transfer agent will not effect transfer of this Refunding Bond unless the information concerning the transferee requested below is provided:

Name and Address: _____

(Include information for all joint owners if bond is held by joint account)

PLEASE INSERT SOCIAL SECURITY NUMBER OR OTHER IDENTIFYING NUMBER OF TRANSFEREE

(Insert number for first named transferee if held by joint account)

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ORDER ADJUSTING MATURITIES

\$ _____
CITY OF PORTAGE
GENERAL OBLIGATION LIMITED TAX
CITY SHARE REFUNDING BONDS, SERIES 2010

The undersigned, _____ of the City of Portage, as authorized in the Award Resolution for the above referenced refunding bonds adopted by the City of Portage on _____ 1, _____, hereby establishes the final maturities for said refunding bonds with interest rates thereon, as follows:

Due	Amount	Rate
_____ 1		

Dated: _____

City of Portage' _____

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ESCROW AGREEMENT

**CITY OF PORTAGE
County of Kalamazoo, State of Michigan**

This escrow agreement (the "Agreement"), dated as of _____, _____, is between the CITY OF PORTAGE, State of Michigan (the "City") and _____, as escrow agent (the "Escrow Agent").

WHEREAS, the City has previously issued the following bonds of which the principal amounts listed below remain outstanding:

<u>Prior Bonds</u> <u>City of Portage</u> <hr/> <u> Bonds, Series </u> <u>dated </u> <u>(the "Prior Bonds")</u>	Outstanding <u>Principal</u> \$ <u> </u> <u>maturing in</u> <u>the years</u> <u> thru </u>
--	--

(all of such outstanding bonds hereinafter referred to as the "Prior Bonds") all bearing interest, due as to principal and subject to redemption as more fully described in APPENDIX I to this Agreement.

WHEREAS, for the purpose of paying the principal and interest on the Prior Bonds when due on _____ 1, _____ and on that date of redeeming the Prior Bonds maturing in the years _____ through _____ in the total aggregate principal amount of \$ _____ (the "Refunded Bonds"), the City has, pursuant to a refunding bond resolution adopted on _____ (the "Resolution") authorized the issuance of a series of refunding bonds dated _____ 1, _____, as designated and described in the Resolution and hereafter (the "Refunding Bonds"); and

WHEREAS, pursuant to the Refunding Bond Resolution, the Escrow Agent has been appointed by the City for the purpose of assuring the payment of the principal of, premium (if any) and interest on the Refunded Bonds and the Finance Director of the City has been authorized and directed to execute this Agreement.

NOW, THEREFORE, in consideration of the premises and the mutual covenants and agreements set forth below, the City and the Escrow Agent agree as follows for the respective equal and proportionate benefit and security of the holders of the Refunded Bonds;

Section 1. Appointment of Escrow Agent. The Escrow Agent is hereby appointed and agrees to act in such capacity to comply with all requirements of this Agreement, and to be custodian of the escrow fund (the "Escrow Fund"), to perform its

duties as custodian of the Escrow Fund created under this Agreement, but only upon and subject to the following express terms and conditions:

(a) The Escrow Agent may perform any of its duties by or through attorneys, agents, receivers or employees but shall be answerable for the conduct of the same in accordance with the Standards specified in this Agreement and shall be entitled to advice of counsel concerning all matters of and the duties under this Agreement, and may in all cases pay such reasonable compensation to such counsel and in addition to all such attorneys, agents, receivers and employees as may reasonably be employed in connection with the same. The Escrow Agent may act upon the opinion or advice of any counsel. The Escrow Agent shall not be responsible for any loss or damage resulting from any action or non-action taken in good faith in reliance upon such opinion or advice.

(b) The Escrow Agent shall not be responsible for any recital in this Agreement, or in the Refunding Bonds or for the validity of the execution by the City of this Agreement or of any supplements to it or instruments of further assurance. The Escrow Agent shall not be bound to ascertain or inquire as to the performance or observance of any covenants, conditions or agreements on the part of the Authority, except as set forth in this Agreement. The Escrow Agent shall be only obligated to perform such duties and only such duties as are specifically set forth in this Agreement and no implied covenants or obligations shall be read into this Agreement against the Escrow Agent.

(c) The Escrow Agent may become the owner of the Refunding Bonds or the Refunded Bonds with the same rights which it would have if not Escrow Agent.

(d) The Escrow Agent shall be protected in acting upon any notice, request, consent, certificate, order, affidavit, letter, telex, telegram or other paper or document believed to be genuine and correct and to have been signed or sent by the proper person or persons. Any action taken by the Escrow Agent pursuant to this Agreement upon the request or consent of any person who at the time of making such request or consent is the owner of any prior bond, shall be conclusive and binding upon all future owners of the same prior bond.

(e) As to the existence or non-existence of any fact or as to the sufficiency or validity of any instrument, paper or proceeding, the Escrow Agent shall be entitled to rely upon a certificate of the City signed by (i) the City Clerk or Finance Director of the City, or (ii) any other duly authorized person as sufficient evidence of the facts contained in it, but may secure such further evidence deemed

necessary or advisable, but shall in no case be bound to secure the same. The Escrow Agent may accept a certificate of the City Clerk or Finance Director of the City to the effect that a resolution in the form attached to such certificate has been adopted by the City as conclusive evidence that such resolution has been duly adopted, and is in full force and effect.

(f) The permissive right of the Escrow Agent to do things enumerated in this Agreement shall never be construed as a duty. The Escrow Agent shall only be responsible for the performance of the express duties outlined in this Agreement and it shall not be answerable for other than its gross negligence or willful default in the performance of those express duties.

(g) At any and all reasonable times the Escrow Agent and its duly authorized agents, attorneys, experts, accountants and representatives, shall have the right fully to inspect any and all of the books, papers and records of the City pertaining to the Refunded Bonds, and to take such memoranda from and in regard to the same as may be desired.

(h) The Escrow Agent shall not be required to give any bond or surety in respect of the execution of the powers contained in or otherwise in respect to this Agreement.

(i) Before taking any action under this Agreement (except making investments, collecting investments and making payments to the paying agents with respect to the Refunded Bonds) the Escrow Agent may require that a satisfactory indemnity bond be furnished for the reimbursement of all expenses to which it may be put and to protect it against all liability except liability which is adjudicated to have resulted from gross negligence or willful default by reason of any action so taken.

(j) The Escrow Agent shall be, and hereby is indemnified and saved harmless by the City from all losses, liabilities, costs and expenses, including attorney fees and expenses, which may be incurred by it as a result of its acceptance of the Escrow Account or arising from the performance of its duties hereunder, unless such losses, liabilities, costs and expenses shall have been finally adjudicated to have resulted from the bad faith or gross negligence of the Escrow Agent, and such indemnification shall survive its resignation or removal, or the termination of this Agreement.

(k) The Escrow Agent shall, in the event that (i) any dispute shall arise between the parties with respect to the disposition or disbursement of any of the assets held hereunder or (ii) the Escrow Agent shall be uncertain as to how to proceed in a situation not explicitly addressed by

the terms of this Agreement whether because of conflicting demands by the other parties hereto or otherwise, be permitted to interplead all of the assets held hereunder into a court of competent jurisdiction, and thereafter be fully relieved from any and all liability or obligation with respect to such interpleaded assets. The parties hereto other than the Escrow Agent further agree to pursue any redress or recourse in connection with such a dispute, without making the Escrow Agent a party to the same.

(l) The Escrow Agent shall have only those duties as are specifically provided herein, which shall be deemed purely ministerial in nature, and shall under no circumstance be deemed a fiduciary for any of the parties to this Agreement. The Escrow Agent shall neither be responsible for, nor chargeable with, knowledge of the terms and conditions of any other agreement, instrument or document between the other parties hereto, in connection herewith. This Agreement sets forth all matters pertinent to the escrow contemplated hereunder, and no additional obligations of the Escrow Agent shall be inferred from the terms of this Agreement or any other Agreement. IN NO EVENT SHALL THE ESCROW AGENT BE LIABLE, DIRECTLY OR INDIRECTLY, FOR ANY (i) DAMAGES OR EXPENSES ARISING OUT OF THE SERVICES PROVIDED HEREUNDER, OTHER THAN DAMAGES WHICH RESULT FROM THE ESCROW AGENT'S FAILURE TO ACT IN ACCORDANCE WITH THE STANDARDS SET FORTH IN THIS AGREEMENT, OR (ii) SPECIAL OR CONSEQUENTIAL DAMAGES, EVEN IF THE ESCROW AGENT HAS BEEN ADVISED OF THE POSSIBILITY OF SUCH DAMAGES.

(m) Any banking association or corporation into which the Escrow Agent may be merged converted or with which the Escrow Agent may be consolidated or any corporation resulting from any merger, conversion or consolidation to which the Escrow Agent shall be a party, or any banking association or corporation to which all or substantially all of the corporate trust business of the Escrow Agent shall be transferred, shall succeed to all the Escrow Agent's rights, obligations and immunities hereunder without the execution or filing of any paper or any further act on the part of any of the parties hereto, anything herein to the contrary notwithstanding.

(n) In the event that any escrow property shall be attached, garnished or levied upon by any court order, or the delivery thereof shall be stayed or enjoined by an order of a court, or any order, judgment or decree shall be made or entered by any court order affecting property deposited under this Agreement, the Escrow Agent is hereby expressly authorized, at its sole discretion, to obey and comply with all writs, orders or decrees so entered or issued, which it is advised by legal counsel of its own choosing is binding upon it, whether with or without jurisdiction, and in the event that the Escrow Agent obeys or complies with any such

writ, order or decree it shall not be liable to any of the parties hereto or to any other person, firm or corporation, by reason of such compliance notwithstanding such writ, order or decree be subsequently reversed, modified, annulled set aside or vacated.

Section 2. Escrow Fund. On _____, _____ the City will irrevocably deposit moneys with the Escrow Agent for the account of the City from the proceeds of the Refunding Bonds (\$_____) to establish the Escrow Fund for the Refunded Bonds in an amount which together with the income from the escrow assets, shall be held in the Escrow Fund to be maintained by the Escrow Agent and used to pay (i) principal and the interest on the Refunded Bonds that become due on _____ 1, _____ and (ii) to redeem on said date all of the outstanding and callable Refunded Bonds prior to their scheduled maturity; and to pay the applicable call premiums on the Refunded Bonds in accordance with Section 3 hereof.

Section 3. Redemption of Refunded Bonds. The City will redeem, prior to their scheduled maturity, Refunded Bonds as follows:

<p>Prior Bonds <u>City of Portage</u> <hr/> <u> </u> Bonds, Series <u> </u> dated <u> </u></p>	<p>Principal to be Refunded \$ <u> </u> maturing in the years <u> </u> thru <u> </u></p>
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The City by execution of this Escrow Agreement, hereby authorizes the Escrow Agent to give the paying agent for the Refunded Bonds irrevocable instructions to call the Refunded Bonds and at the expense of the City not more than sixty (60) nor less than forty-five (45) days before _____ 1, _____, their redemption date. The Escrow Agent shall give to the paying agent for the Refunded Bonds such notice, in substantially the form attached to this Agreement as APPENDIX II. The paying agent for the Refunded Bonds shall mail such notice on or before thirty (30) days prior to the redemption date, as set forth in APPENDIX II, to the registered owner or owners at the addresses listed on the registration books of the City maintained by the paying agent for the Refunded Bonds.

Section 4. Investments. As directed by the City, moneys deposited in the Escrow Fund shall be immediately invested in direct obligations of the United States of America and/or obligations the principal of, premium (if any) and interest on which are fully guaranteed by the United States of America described on APPENDIX III ("Investment Securities"), except for _____ (\$_____) which will be held in the Escrow Fund as the beginning balance for the Refunded Bonds. The Escrow Agent agrees to cause to be purchased United States Government Obligations known as "SLGS" (State and Local Government Series) from the United States Department of Treasury on the date shown in APPENDIX III.

The investment income from the Investment Securities in the Escrow Fund shall be credited to the Escrow Fund and shall not be reinvested. The Escrow Agent shall not sell any Investment Securities. All moneys not invested as provided in this Agreement shall be held by the Escrow Agent as a trust deposit.

Section 5. Use of Moneys. Except as expressly provided in this Agreement, no paying agents' fees for the payment of principal of, premium (if any) or interest on the Refunding Bonds or the Refunded Bonds or other charges may be paid from the escrowed moneys or Investment Securities prior to retirement of all Refunded Bonds, and the City agrees that it will pay all such fees from its other legally available funds as such payments become due prior to such retirement.

Section 6. Deficiency in Escrow Fund. At such time or times as there shall be insufficient funds on hand in the Escrow Fund for the payment of the principal of, premium (if any) and interest falling due on the Refunded Bonds, the Escrow Agent shall promptly notify the City of such deficiency, as provided for under Section 12 below.

Section 7. Reports to City. The Escrow Agent shall deliver to the Finance Director of the City a semi-annual statement reflecting each transaction relating to the Escrow Fund; and on or before the first day of February of each year shall deliver to the City a list of assets of the Escrow Fund as of December 31 of said year ended and a transaction statement for the Escrow Fund for the year then ended.

Section 8. Fees of Escrow Agent. The Escrow Agent agrees with the City that the charges, fees and expenses of the Escrow Agent throughout the term of this Agreement shall be the total sum of _____ Dollars (\$____) payable on the date of closing, which charges, fees and expenses shall be paid from moneys deposited with the Escrow Agent from bond proceeds.

Section 9. Payments from Escrow Fund. The Escrow Agent shall without further authorization or direction from the City, collect the principal of and interest on the Investment Securities promptly as the same shall become due and, to the extent that Investment Securities and moneys are sufficient for such purpose, shall make timely payments out of the Escrow Fund to the proper paying agent or agents or their successors for the Refunded Bonds, of moneys sufficient for the payment of the principal of, premium (if any) and interest on such Refunded Bonds as the same shall become due and payable, all as set out in *APPENDIX IV and APPENDIX V*. The payments so forwarded or transferred shall be made in sufficient time to permit the payment of such principal of, premium (if any) and interest by such paying agent or agents without default. The City represents and warrants that the Escrow Fund will be sufficient to make the

foregoing and all other payments required under this Agreement. The paying agent for the Prior Bonds is shown in *APPENDIX I*.

When the aggregate total amount required for the payment of principal of, premium (if any) and interest on the Refunded Bonds have been paid to the paying agent as provided above, the Escrow Agent shall transfer any moneys or Investment Securities then held under this Agreement for the Refunded Bonds to the City, and this Agreement shall cease.

Section 10. Interest of Bondholders Not Affected. The Escrow Agent and the City recognize that the holders from time to time of the Refunded Bonds have a beneficial and vested interest in the Investment Securities and moneys to be held by the Escrow Agent as provided in this Agreement. It is therefore recited, understood and agreed that this Agreement shall not be subject to revocation or amendment and no moneys on deposit in an Escrow Fund for the Refunded Bonds can be used in any manner for another series.

Section 11. Escrow Agent Not Obligated. None of the provisions contained in this Agreement shall require the Escrow Agent to use or advance its own moneys or otherwise incur financial liability in the performance of any of its duties or the exercise of any of its rights or powers under this Agreement. The Escrow Agent shall be under no liability for interest on any funds or other property received by it under this Agreement, except as expressly provided.

Section 12. Payment of Other Amounts. The City agrees that it will promptly and without delay remit to the Escrow Agent such additional sum or sums of money as may be necessary to assure the payment of any Refunded Bonds and to fully pay and discharge any obligation or obligations or charges, fees or expenses incurred by the Escrow Agent in carrying out any of the duties, terms or provisions of this Agreement that are in excess of the sums provided for under Sections 4 and 6 above.

Section 13. Segregation of Funds. The Escrow Agent shall hold the Investment Securities and all moneys received by it from the collection of, principal and interest on the Investment Securities, and all moneys received from the City under this Agreement, in a separate escrow account.

Section 14. Resignation of Escrow Agent. The Escrow Agent may resign as such following the giving of thirty (30) days prior written notice to the City. Similarly, the Escrow Agent may be removed and replaced following the giving of thirty (30) days prior written notice to the Escrow Agent by the City. In either event, the duties of the Escrow Agent shall terminate thirty (30) days after the date of such notice (or as of such earlier date as may be mutually agreeable); and the Escrow Agent shall then deliver the balance of the Escrow Fund then in its possession to a successor Escrow Agent as shall be appointed by the City.

If the City shall have failed to appoint a successor prior to the expiration of thirty (30) days following the date of the notice of resignation or removal, the then acting Escrow Agent may petition any court of competent jurisdiction for the appointment of a successor Escrow Agent or for other appropriate relief and any such resulting appointment shall be binding upon the City.

Upon acknowledgment by any successor Escrow Agent of the receipt of the then remaining balance of the Escrow Fund, the then acting Escrow Agent shall be fully released and relieved of all duties, responsibilities, and obligations under this Agreement.

Section 15. Benefit. This Agreement shall be for the sole and exclusive benefit of the City, the Escrow Agent and the holders of the Refunded Bonds. With the exception of rights expressly conferred in this Agreement, nothing expressed in or to be implied from this Agreement is intended or shall be construed to give to any person other than the parties set forth above, any legal or equitable right, remedy or claim under or in respect to this Agreement.

Section 16. Severability. If any provision of this Agreement shall be held or deemed to be invalid or shall, in fact, be illegal, inoperative or unenforceable, the same shall not affect any other provision or provisions contained in this Agreement or render the same invalid, inoperative or unenforceable to any extent whatsoever.

Section 17. Notices. Any notice, request, communication or other paper shall be sufficiently given and shall be deemed given when delivered or mailed, by registered or certified mail, postage prepaid or sent by facsimile transmission, except reports as required in Section 7 which may be delivered by regular mail, as follows:

If to the City:

If to the Escrow Agent:

The City and the Escrow Agent may designate any further or different addresses to which subsequent notices, requests, communications or other papers shall be sent and shall be required to provide written notification of said address change.

Section 18. Costs of Issuance. Simultaneously with the transfer of bond proceeds from the Refunding Bonds establishing the Escrow Fund, sufficient moneys from bond proceeds shall be transferred to the Escrow Agent and used to pay all of the costs of issuance for the Refunding Bonds including, but not limited to, financial costs, consultant fees, counsel fees, printing costs, application fees, bond insurance premiums, rating fees and any other fees or costs incurred in connection with the financing. All such costs shall be authorized by the Finance Director of the City, under the "Closing Memorandum", and shall be paid on _____, ____.

Section 19. Governing Law. This Agreement shall be governed by and construed in accordance with the laws of the State of Michigan.

IN WITNESS WHEREOF, the parties to this Agreement have duly executed it by their duly authorized officers as of the date first above written.

CITY OF PORTAGE

By: _____

Its: Finance Director of the City

as Escrow Agent

By: _____

Its: _____

APPENDIX I

\$ _____

REMAINING ORIGINAL DEBT SERVICE SCHEDULE

Bond Registrar and Paying Agent:

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APPENDIX II

[FORM OF NOTICE OF REDEMPTION]

NOTICE OF REDEMPTION

\$ _____

Dated as of _____

DUE _____ 1, _____ THROUGH _____ 1, _____

NOTICE IS HEREBY GIVEN that the City of Portage, County of Kalamazoo, Michigan has called for redemption, on _____ 1, _____ (the "Redemption Date"), all of the callable outstanding _____ pursuant to the redemption provisions contained in the Bonds, bearing the original issue date of _____ 1, _____ maturing in the principal amounts, on the dates, bearing interest at the rates, with the "CUSIP" numbers, as follows:

<u>Principal</u>	<u>Rate</u>	<u>CUSIPS*</u>	<u>Due</u>
------------------	-------------	----------------	------------

Said Bonds will be redeemed at _____% of the par value thereof.

Said Bonds should be surrendered for redemption to _____, as paying agent, for payment as of the Redemption Date, after which date all interest on said Bonds shall cease to accrue, whether said Bonds are presented for payment or not.

Bonds may be surrendered for payment as indicated below. The method of delivery is at the option of the holder, but if by mail, registered mail is suggested.

Under the provisions of the Interest and Dividend Tax Compliance Act of 1983 and the Comprehensive National Energy Policy Act of 2002, paying agents making payments of principal on municipal securities may be obligated to withhold a 31% tax from remittances to individuals who have failed to furnish the paying agent with a certified and valid Taxpayer Identification Number on a fully completed Form W-9. Holders of the above described Bonds, who wish to avoid the application of these provisions, should submit certified Taxpayer Identification Numbers on I.R.S. Form W-9 when presenting their securities for redemption.

* No representation is made as to the correctness of the CUSIP numbers either as printed on the Bonds or as contained herein.

CITY OF PORTAGE, COUNTY OF KALAMAZOO, MICHIGAN

APPENDIX III

\$ _____

Dated as of _____

Investment Securities to be Acquired Pursuant
to the Escrow Agreement

<u>Purchase Date</u>	<u>Investment Amount</u>	<u>Rate</u>	<u>Maturity</u>	<u>Investment Type</u>
--------------------------	------------------------------	-------------	-----------------	------------------------

_____				Uninvested Cash
\$ _____				Total Escrow Requirement

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APPENDIX IV

\$ _____

Dated as of _____

Redemption Schedule

Redemption Premium: _____%

Date	Principa l	Interest	Redeemed Principal	Redemption Premium	Total Debt Service	Annual Total
<hr/>						
<hr/>						

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APPENDIX V

\$ _____

Dated as of _____

ESCROW CASH FLOW ANALYSIS

___ - Beginning Cash \$ ___
 ___ - Balance:

Date	Beginnin g			SLG	Intere st	Total	Debt Service Defeasance	Net Cash Flow	Ending	
	Cash	Princip al	Rate						Cash	Present Value
										%

Total Cost of Escrow Securities: \$ _____

[FORM OF REQUEST FOR PROPOSAL]
OFFICIAL REQUEST FOR PROPOSAL

§

KALAMAZOO COUNTY
State of Michigan
CITY OF PORTAGE GENERAL OBLIGATION LIMITED TAX
CITY SHARE REFUNDING BONDS, SERIES 2010

SEALED OR ELECTRONIC PROPOSALS: Sealed written proposals for the purchase of the bonds described herein (the "Refunding Bonds") will be received by the undersigned on behalf of the City of Portage (the "City"), at the office of the City Finance Director, 7900 South Westnedge Ave., Portage, Michigan, 49002 on _____, _____, until ____:____.m., Eastern _____ Time, at which time and place the proposals will be publicly opened and read.

In the alternative, sealed written proposals will also be received on the same date and until the same time by an agent of the undersigned at the Municipal Advisory Council of Michigan, Buhl Building, 535 Griswold, Suite 1850, Detroit, Michigan 48226, where they will be publicly opened simultaneously. Proposals received at Portage, Michigan will be read first followed by proposals received at the alternate location. Proposers may choose either location to present proposals and good faith checks, but not both locations.

Any proposer may submit a proposal in person to either proposing location. However, no proposer is authorized to submit a FAX proposal to Portage, Michigan.

Also in the alternative, electronic proposals will also be received on the same date and until the same time by an agent of the undersigned Bidcomp/Parity. Further information about Bidcomp/Parity, including any fee charged, may be obtained from Bidcomp/Parity, Eric Washington, 1359 Broadway, 2nd floor, New York, New York, 10018, (212) 849-5021.

If any provision of this Request for Proposal shall conflict with information provided by Bidcomp/Parity as the approved provider of electronic proposing services, this Request for Proposal shall control.

The Refunding Bonds will be awarded or all proposals will be rejected by the City at a meeting to be held within twenty-four hours of the sale.

BOND DETAILS: The Refunding Bonds will be dated _____ 1, _____ and will be known as "City of Portage General Obligation Limited Tax City Share Refunding Bonds, Series 2010". The Refunding Bonds will be fully registered Refunding Bonds in any one or more denominations of \$5,000 or a multiple of \$5,000,

numbered from 1 upwards and will bear interest from their date payable _____ 1, _____ and semi-annually thereafter until maturity. The Refunding Bonds will mature on the 1st day of _____ in each year as follows:

<u>YEAR</u>	<u>AMOUNT</u>	<u>YEAR</u>	<u>AMOUNT</u>
-------------	---------------	-------------	---------------

PRIOR REDEMPTION: The Refunding Bonds shall not be subject to redemption prior to maturity.

INTEREST RATE AND BIDDING DETAILS: The Refunding Bonds shall bear interest at a rate or rates not exceeding ___% per annum, to be fixed by the bids therefor, expressed in multiples of 1/8 or 1/20 of 1%, or both. The interest on any one bond shall be at one rate only. All bonds maturing in any one year must carry the same interest rate. THE INTEREST RATE BORNE BY BONDS MATURING IN ANY YEAR SHALL NOT BE AT A RATE LOWER THAN THE RATE BORNE BY BONDS MATURING IN ANY PRECEDING YEAR. No proposal for the purchase of less than all of the Refunding Bonds, at a price less than ___% of their par value or at an interest rate or rates that will result in a net interest cost exceeding __%, will be considered.

TERM BOND OPTION: Refunding Bonds maturing in the years _____ - _____, inclusive, are eligible for designation by the original purchaser at the time of sale as serial refunding bonds or term refunding bonds, or both. There may be more than one term bond maturity. However, principal maturities designated as term refunding bonds shall be subject to mandatory redemption, in part, by lot, at par and accrued interest on _____ 1st of the year in which the Refunding Bonds are presently scheduled to mature. Each maturity of term refunding bonds and serial refunding bonds must carry the same interest rate. Any such designation must be made at the time the proposals are submitted.

BOOK-ENTRY-ONLY: The Refunding Bonds will be issued in book-entry-only form as one fully-registered bond per maturity and will be registered in the name of Cede & Co., as nominee for The Depository Trust Company ("DTC"), New York, New York. DTC will act as securities depository for the Refunding Bonds. Purchase of the Refunding Bonds will be made in book-entry-only form, in the denomination of \$5,000 or any multiple thereof. Purchasers will not receive certificates representing their interest in Refunding Bonds purchased. The book-entry-only system is described further in the nearly final official statement for the Refunding Bonds.

BOND REGISTRAR, PAYING AGENT AND DATE OF RECORD: _____, _____, Michigan has been selected as paying agent and bond registrar (the "Bond Registrar") for the Refunding Bonds. The Bond Registrar will keep records of the registered holders of the Refunding Bonds, serve as transfer agent for the Refunding Bonds, authenticate the original and any re-issued refunding bonds and

pay interest by check or draft mailed to the registered holders of the Refunding Bonds as shown on the registration books of the City kept by the Bond Registrar on the applicable date of record. The date of record for each interest payment shall be the 15th day of the month before such payment is due. The principal of and redemption premium, if any, on the Refunding Bonds will be paid when due upon presentation and surrender thereof to the Bond Registrar. As long as DTC, or its nominee Cede & Co., is the registered owner of the Refunding Bonds, payments will be made directly to such registered owner. Disbursement of such payments to DTC participants is the responsibility of DTC and disbursement of such payments to the beneficial owners of the Refunding Bonds is the responsibility of DTC participants and indirect participants as described in the nearly final official statement for the Refunding Bonds. The City may from time to time as required designate a successor bond registrar and paying agent.

PURPOSE AND SECURITY: The Refunding Bonds are to be issued pursuant to the provisions of the City Charter and Act No. 34, Public Acts of Michigan, 2001, as amended ("Act 34"), for the purpose of refunding the City of Portage General Obligation Limited Tax City Share Bonds, Series _____, dated _____ maturing in the years _____ through _____ (the "Refunded Bonds"), of which \$_____ remains outstanding and is being refunded. The Refunding Bonds are issued in anticipation of, and payable primarily from, the collection of a portion of the capital improvement taxes to be levied by the City. In addition, if the foregoing collection of taxes is insufficient for any reason to make prompt payment of the principal of and interest on this Refunding Bond when due, the City shall make such payments from its general funds. The limited tax full faith and credit of the City is pledged for the payment of the principal of and interest on the Refunding Bonds. The City, however, does not have the power to levy any tax unlimited as to rate or amount for the payment of principal of and interest on the Refunding Bonds in excess of its constitutional, statutory or charter limitations.

ESCROW AGENT: Proceeds from the Refunding Bonds will be transferred to _____, _____, Michigan as escrow agent (the "Escrow Agent") under an escrow agreement dated _____ 1, _____ (the "Agreement"), who will use such proceeds to acquire investment obligations sufficient to pay principal of, premium, if any, and interest on the Refunded Bonds when due or upon the first permissible redemption date for the Refunded Bonds.

ADJUSTMENT IN PRINCIPAL AMOUNT: The aggregate principal amount of this issue has been determined as the amount necessary to defease the Refunded Bonds and pay a portion or all of the costs of issuance of the Refunding Bonds, assuming certain conditions and events exist on the date of sale. The City reserves the right to increase the total par amount of the Refunding Bonds by an amount not to exceed \$_____ or decrease the total par amount of the Refunding Bonds by an amount not to exceed _____

\$_____ prior to the sale or following the opening of proposals. The purchase price will be adjusted proportionately to the increase or decrease in issue size, but the interest rates specified by the successful proposer for all maturities will not change. The successful proposer may not withdraw the proposal as a result of any changes made within these limits.

ADJUSTMENT IN DISCOUNT: In the event the principal amount of this issue is increased or decreased, the premium or discount proposed, if any, will be adjusted upwards or downwards so that it is the same percent as the premium or discount originally proposed.

BOND INSURANCE AT PURCHASER'S OPTION: If the Refunding Bonds qualify for issuance of any policy of municipal bond insurance or commitment therefor at the option of the proposer/purchaser, the purchase of any such insurance policy or the issuance of any such commitment shall be at the option and expense of the purchaser of the Refunding Bonds. Any increased costs of issuance of the Refunding Bonds resulting from such purchase of insurance shall be paid by the purchaser. Any additional rating agency fees shall be the responsibility of the purchaser. FAILURE OF THE MUNICIPAL BOND INSURER TO ISSUE THE POLICY AFTER THE REFUNDING BONDS HAVE BEEN AWARDED TO THE PURCHASER SHALL NOT CONSTITUTE CAUSE FOR FAILURE OR REFUSAL BY THE PURCHASER TO ACCEPT DELIVERY OF THE REFUNDING BONDS FROM THE CITY.

GOOD FAITH: A certified or cashier's check drawn upon an incorporated bank or trust company or a wire transfer in an amount equal to 2% (\$_____) of the face amount of the Refunding Bonds, and payable to the order of the City will be required of the successful proposer as a guarantee of good faith on the part of the proposer, to be forfeited as liquidated damages if such proposal be accepted and the proposer fails to take up and pay for the Refunding Bonds. If a check is used, it must accompany each proposal. If a wire transfer is used, the successful proposer is required to wire the good faith deposit not later than Noon, prevailing Eastern Time, on the next business day following the sale using the wire instructions provided by Municipal Financial Consultants Incorporated. The good faith deposit will be applied to the purchase price of the Refunding Bonds. No interest shall be allowed on the good faith checks, and checks of each unsuccessful proposer will be promptly returned to such proposer's representative or by registered mail. The good faith check of the successful proposer will be cashed immediately, in which event, payment of the balance of the purchase price of the Refunding Bonds shall be made at the closing.

AWARD OF THE REFUNDING BONDS - TRUE INTEREST COST: The Refunding Bonds will be awarded to the proposer whose proposal produces the lowest true interest cost determined in the following manner: the lowest true interest cost will be the single interest rate (compounded on _____ and semi-annually thereafter)

necessary to discount the debt service payments from their respective payment dates to _____ in an amount equal to the price proposed, excluding accrued interest. _____ is the anticipated date of delivery of the Refunding Bonds.

LEGAL OPINION: Proposals shall be conditioned upon the approving opinion of Axe & Ecklund, P.C., attorneys of Grosse Pointe Farms, Michigan (the "Bond Counsel") a copy of which opinion will be printed on the reverse side of each bond and the original of which will be furnished without expense to the purchaser of the Refunding Bonds at the delivery thereof. The fees of Bond Counsel for services rendered in connection with such approving opinion are expected to be paid from bond proceeds. Except to the extent necessary to issue such opinion and as described in the official statement, Bond Counsel has not been requested to examine or review and has not examined or reviewed any financial documents, statements or other materials that have been or may be furnished in connection with the authorization, issuance or marketing of the Refunding Bonds, and therefore, has not expressed and will not express an opinion with respect to the accuracy or completeness of the official statement or any such financial documents, statements or materials.

TAX MATTERS: In the opinion of Bond Counsel, subject, however to certain qualifications described herein, under existing law, the interest on the Refunding Bonds is excluded from gross income for federal income tax purposes, such interest is not an item of tax preference for purposes of the federal alternative minimum tax imposed on individuals and corporations, although for the purpose of computing the alternative minimum tax imposed on certain corporations, such interest is taken into account in determining certain income and earnings. In the further opinion of Bond Counsel, the Refunding Bonds and interest thereon are exempt from all taxation in the State of Michigan except estate taxes, gross receipts taxes and taxes on gains realized from the sale, payment or other disposition thereof.

"QUALIFIED TAX EXEMPT OBLIGATIONS": The Refunding Bonds have _____ been designated as "qualified tax-exempt obligations" within the meaning of Section 265(b)(3) of the Internal Revenue Code of 1986.

CERTIFICATE REGARDING "ISSUE PRICE": The Purchaser will be required, as a condition of delivery of the Refunding Bonds, to certify the "issue price" of the Refunding Bonds within the meaning of Section 1273 of the Code, which will include a representation that at least 10 percent of each maturity of the Refunding Bonds has been sold to the public (excluding bond houses, brokers or similar persons or organizations acting in the capacity of underwriters or wholesalers) at a price not exceeding the stated initial offering price. In addition, if the successful proposer will obtain a municipal bond insurance policy or other credit enhancement for the Refunding Bonds in connection with their original issuance, the successful proposer will be

Internet

In addition, the City has authorized the preparation and distribution of a Nearly Final Official Statement containing information relating to the Refunding Bonds via the Internet. The Nearly Final Official Statement can be viewed and downloaded at www.i-dealprospectus.com/PDF.asp?doc= or at www.tm3.com.

The City will furnish to the successful proposer, at no cost, ___ copies of the Final Official Statement within seven (7) business days after the award of the Refunding Bonds. Additional copies will be supplied upon the proposer's agreement to pay the cost incurred by the City for those additional copies.

The City shall deliver, at closing, an executed certificate to the effect that as of the date of delivery the information contained in the Final Official Statement, including revisions, amendments and completions as necessary, relating to the City and the Refunding Bonds is true and correct in all material respects, and that such Final Official Statement does not contain any untrue statement of a material fact or omit to state a material fact necessary to make statements therein, in light of the circumstances under which they were made, not misleading.

CUSIP NUMBERS: It is anticipated that CUSIP numbers will be printed on the Refunding Bonds, but neither the failure to print such numbers nor any improperly printed number shall constitute cause for the purchaser to refuse to accept delivery of or to pay for the Refunding Bonds. All expenses for printing CUSIP numbers on the Refunding Bonds shall be paid for by the City, except that the CUSIP Service Bureau charge for the assignment of such numbers shall be the responsibility of and shall be paid for by the purchaser.

FURTHER INFORMATION: Additional information may be obtained from Meredith A. Shanle, Municipal Financial Consultants Incorporated, 21 Kercheval Ave., Suite 360, Grosse Pointe Farms, Michigan 48236, telephone (313) 884-1550.

THE RIGHT IS RESERVED TO REJECT ANY OR ALL BIDS.

ENVELOPES: Envelopes containing the bids should be plainly marked "Proposal for City of Portage General Obligation Limited Tax City Share Refunding Bonds, Series 2010."

Finance Director
City of Portage

las.r1-por184

CITY OF PORTAGE

At a _____ meeting of the City Council of the City of Portage, Kalamazoo County, Michigan, held in Portage, Michigan on _____, 2010 at __:__ .m., Eastern Standard Time there were:

PRESENT: _____

ABSENT: _____

The following preamble and resolution were offered by _____ and seconded by _____.

RESOLUTION APPROVING THE UNDERTAKING TO PROVIDE CONTINUING DISCLOSURE BY THE CITY OF PORTAGE FOR THE CITY OF PORTAGE GENERAL OBLIGATION LIMITED TAX CITY SHARE REFUNDING BONDS, SERIES 2010

WHEREAS, the City of Portage (the "City") by resolution of its Council has approved the issuance of the City of Portage General Obligation Limited Tax City Share Refunding Bonds, Series 2010 in the principal amount of not to exceed \$2,750,000 (the "Refunding Bonds"); and

WHEREAS, Bond Counsel, in order to comply with federal securities regulations, has prepared this resolution.

NOW, THEREFORE, IT IS RESOLVED BY THE COUNCIL OF THE CITY OF PORTAGE as follows:

1. This Council, for and on behalf of the City of Portage, hereby covenants and agrees, for the benefit of the beneficial owners of the Refunding Bonds to be issued by the City of Portage for the Project, to enter into a written undertaking (the "Undertaking") required by Rule 15c2-12 promulgated by the Securities and Exchange Commission pursuant to the Securities and Exchange Act of 1934 (the "Rule") to provide continuing disclosure of certain financial information and operating data and timely notices of the occurrence of certain events in accordance with the Rule. The Undertaking shall be substantially in the form to be attached to the official statement. The Undertaking shall be enforceable by the beneficial owners of the Refunding Bonds or by the Underwriter on behalf of such beneficial owners (provided that the Underwriter's right to enforce the provisions of the Undertaking shall be limited to a right to obtain specific enforcement of the City's obligations hereunder and under the Undertaking), and any failure by the City to comply with the provisions of the Undertaking shall not be deemed a default with respect to the Refunding Bonds.

The Mayor, City Finance Director, City Clerk and/or other officer of the City charged with the responsibility for issuing the Refunding Bonds shall provide a Continuing Disclosure Certificate for inclusion in the transcript of proceedings, setting forth the terms of the City's Undertaking.

2. All resolutions, or portions thereof, insofar as they may be in conflict with the foregoing, are hereby rescinded.

A vote on the foregoing resolution was taken and was as follows:

YES: _____

NO: _____

ABSTAIN: _____

CERTIFICATION

The undersigned, being the duly qualified and acting Clerk of the City of Portage, hereby certifies that (1) the foregoing is a true and complete copy of a resolution duly adopted by the Council of the City of Portage at a _____ meeting held on _____, 2010, at which meeting a quorum was present and remained throughout, (2) that an original thereof is on file in the records of the City, (3) the meeting was conducted, and public notice thereof was given, pursuant to and in full compliance with the Open Meetings Act (Act No. 267, Public Acts of Michigan, 1976, as amended), and (4) minutes of such meeting were kept and will be or have been made available as required thereby.

Clerk, City of Portage

SEAL

las.rc-por184

CITY OF PORTAGE

COMMUNICATION

TO: Honorable Mayor and City Council

DATE: January 4, 2010

FROM: Maurice S. Evans, City Manager



SUBJECT: West Lake Weed Management – 2010 Application Program

ACTION RECOMMENDED: That City Council adopt Resolution No. 1, accept the City Manager Report and request preparation of Resolution No. 2 for the West Lake Management Program Special Assessment District No. 011-Q.

The West Lake Improvement Association (Association) has requested city assistance in creating a new five-year assessment district for the management of aquatic plants in West Lake. Previous five-year West Lake management assessment programs were approved by City Council in 1988, 1993, 1999 and 2005. It is the desire of the West Lake residents, as indicated in the attached letter from the Association, to continue current lake management efforts. Maintenance efforts in the past have concentrated on herbicide treatment of the lake for control of nuisance aquatic plants. Currently, \$85,273 remains in the project account from the previous five-year program.

The Association has requested a new assessment budget of approximately \$141,700. Utilizing the available funds in the project account reduces the anticipated additional five-year cost of the management program to \$56,396. As in previous five-year programs, the Association has requested the city participate in the management plan in the amount of 20% of the anticipated cost of the five-year program, or \$11,279 with the riparian owners funding 80% of the program, or approximately \$45,117 (\$38 per parcel per year.). At the request of the Association, this amount would be assessed against the lake riparians on a per parcel basis as was done in the 1999 and 2005 assessment districts. Per parcel assessment is preferred by the Association since all riparian owners have the right to utilize the lake equally, regardless of lot size.

The five-year management plan for West Lake includes herbicide treatment of lake aquatic plants. In 1988, the City Attorney and Bond Counsel determined that control of aquatic plants as part of an overall lake management program represented a public improvement and that a special assessment district could be established as permitted by City Charter and Ordinances.

Protecting city resources is appropriate as lakes provide an overall benefit to the quality of life in the city. The city share cost would be funded within the Capital Improvement Program. It is recommended that City Council initiate the project by adopting Resolution No. 1, accepting the City Manager Report and requesting preparation of Resolution No. 2 for the West Lake Management Program Special Assessment District No. 011-Q.



WEST LAKE

IMPROVEMENT ASSOCIATION

James Hudson
Portage City Clerk
7900 So. Westnedge Ave
Portage, Mich.

Jan 4, 2010

Dear Mr. Hudson;

This letter is a request to initiate a special assessment process. The present assessment for the continued improvement of West Lake which has been in place for the last 5 years expires this year.

We are hereby requesting a new assessment of \$38 per West Lake property owner per year. This request replaces the previous amount of \$25 per property owner per year. This will also increase the City of Portage commitment to \$11,279 over the next 5-year period or 20% of the total assessment.

Some history --

Over the past 20+ years our West Lake Improvement Association has addressed invasive weed problems by employing trained professionals to spray herbicides. Using this reactive method of weed treatment was merely maintaining water quality. In recent years our board has become more proactive and retained a lake management company to do a thorough lake study. This study revealed 83-87% of the water in West Lake is run off from the entire basin and much of it coming directly in from untreated storm drains.

While the City and lake residents paid to treat the lake for weeds, many storm drains were pumping contaminants and fertilizer run off into our lake, feeding the weeds. Working hand and hand with City Engineers two of the four most contaminated drains have been enhanced or upgraded. There is still much more to do and this is why our board and WLIA members voted at our May 2009 annual meeting to increase the 5 year special assessment per property owner to cover estimated future costs of lake treatment. While this is an increase, it is still much lower than the 2000-2004 assessment of \$67.00 per resident per year. Our board has been respectful of the needs of the lake and lake water while being very cost conscious.

The future--

These monies are needed to assure that WLIA has the funds to properly manage the lake plan formulated by Lakeshore Environmental in 2008.

We will continue to treat the lake with herbicides, requiring permits and surveys for approval to apply the herbicides, as we have in the past. We have found that by working closely with the herbicide technicians and the lake management group, utilizing new technologies not available in the past, we should be able to reduce the lake area requiring weed treatment, thereby reducing the associated costs.

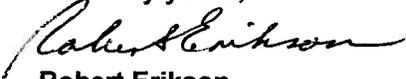
In the past year we are seeing a new problem as Zebra Mussels have invaded the lake. We are working closely with biologists from the lake management team to find an effective way to control, and hopefully eradicate these lake pests.

The WLIA was chartered to protect the water and water quality of West Lake and that is precisely why our board is asking for support and passage of the assessment renewal at \$38.00 per property owner per year and \$2,255 per year from the City of Portage. As we have demonstrated in the past, the directors of the West Lake Improvement Association will do everything we can to utilize the monies generated from the assessment in the most efficient manner possible to achieve the best results for lake residents and public users of the lake.

Years	2010	2011	2012	2013	2014	5 Years
Herbicide Treatment	18,550	13,910	13,910	13,910	13,910	74,190
Professional Services	7,000	7,000	7,000	7,000	7,000	35,000
Contingency	2,555	2,091	2,091	2,091	2,091	10,919
Total Lake Treatment per year	28,105	23,001	23,001	23,001	23,001	120,109
Contingency						21,560
Total Expenses						\$141,669
Income						
237 Properties @\$38 ea per Yr	9,023	9,023	9,023	9,023	9,023	45,117
City Contribution per Year	2,255	2,255	2,255	2,255	2,255	11,279
Total Per Year	11,278	11,278	11,278	11,278	11,278	56,396
2009 Fund Balance						85,273.39
Total income						\$141,669

The current balance of the West Lake Fund is \$85,273.39

Sincerely yours,



Robert Erikson
President
West Lake Improvement Association
Phone 269 324 4937
e-mail raerikson@msn.com

CC. **W. Christopher Barnes, P.E.**
Dallas Williams, P.E.
Margaret O'Brien, City Council Member

CITY OF PORTAGE

SPECIAL ASSESSMENT RESOLUTION NO. 1

WEST LAKE MANAGEMENT PROGRAM SPECIAL ASSESSMENT DISTRICT #011-Q

At a regular meeting of the Council of the City of Portage, Kalamazoo County, Michigan, held at the City Hall Building in said City on the _____ day of _____, 2010, at ____ o'clock ____ p.m., Prevailing Local Time.

PRESENT: _____

ABSENT: _____

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

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:

Establish funding to provide for the management of West Lake including herbicide treatment of aquatic plants.

AND 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, at the request of the West Lake Improvement Association, 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 apportioning the cost of the project and what proportion, if any, should be paid by the City-at-large.
3. The City Manager is hereby directed to file said report and recommendation with the City Clerk as soon as the same has been prepared.

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

ADOPTED: YEAS: _____
NAYS: _____
ABSENT: _____

James R. Hudson, City Clerk

STATE OF MICHIGAN)
) ss
COUNTY OF KALAMAZOO)

I, the undersigned, the duly qualified and acting City Clerk of the City of Portage, County of Kalamazoo, State of Michigan, do hereby certify that the foregoing is a true and complete copy of a resolution adopted at a _____ meeting of the City Council of said City, held on the _____ day of _____, 2010, the original of which resolution is on file in my office.

IN WITNESS THEREOF, I have hereto affixed my official signature this _____ day of _____, 2010.

James R. Hudson, City Clerk

APPROVED AS TO FORM
DATE 1/4/10
[Signature]
CITY ATTORNEY

CITY MANAGER REPORT

CITY OF PORTAGE

TO: Mayor and City Council

FROM: Maurice S. Evans, City Manager

DATE: January 4, 2010

SUBJECT: West Lake Management Special Assessment District No. 011-Q

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, if any, to be paid by the City-at-large, and other necessary and pertinent information as follows:

Probable Cost: \$56,396

Extent of Project: Establish funding to provide for the management of West Lake including herbicide treatment of aquatic plants.

Necessity: To maintain the quality and usefulness of West Lake for the riparian lake owners and general public.

Boundaries: Unplatted Land: Land located in Section 22 described as beginning 99 ft. west and approximately 540 ft. south of the center ¼ Post of Section 22 on the North shore line of West Lake; thence Westerly along said north shore line of West Lake and West Lake channel to the Southwest corner of Lot 132 of the recorded plat of Fabercrest #2; thence South 42 degrees East approximately 90 ft. to the South line of West Lake channel; thence Easterly along said South line approximately 1,150 ft. to the west shore of West Lake; thence Southerly along said shore approximately 2,100 ft. to the Northeast corner of Lot 4 of the recorded plat of Matteson's Park and place of ending; Also land located in Section 27 described as: Beginning at the Northwest corner of Lot 30 of the recorded plat of West Lake Beach, which is on the South shore of West Lake, thence Westerly along said shore line approximately 165 ft. to the place of ending.

Platted Land: Lots 7 through 57 inclusive of Ames West Lake Park; Lots 1 through 10 inclusive of Burr's West Lake Resort; Lots 1 through 15 inclusive and Lot 89 of Dixie-Mac Park; Lots 129 through 140 inclusive of Fabercrest #2; Lots 1 through 26 inclusive of Hilliard's Plat; Lots 1 through 14 inclusive

of James W. Scott West Lake; Lots 3 through 37 inclusive of Matteson's Park; Lots 1 through 13 and Lots 28 through 46 inclusive of Newell's West Lake Subdivision; Lots 1 through 26 inclusive of Pleasant View Beach; Lots 1 through 14 inclusive of Reid's Plat; Lots 2 through 30 inclusive of West Lake Beach.

Useful Life: 5 Years

Method of Apportioning	Special Assessments	\$45,117 (80%)
	City Share	<u>\$11,279</u> (20%)
	TOTAL	\$56,396

Attachments

Maurice S. Evans
City Manager

CITY OF PORTAGE

COMMUNICATION

TO: Honorable Mayor and City Council

DATE: January 5, 2010

FROM: Maurice S. Evans, City Manager 

SUBJECT: *Portager* Production

ACTION RECOMMENDED: That City Council alter production of the city newsletter, the *Portager*, from monthly to six times per year, commencing with the March, 2010 issue.

As part of the Council Goal Retreat session held during December, 2009 City Council reviewed a variety of cost savings measures to assist with budgetary challenges facing the city. One measure related to the production of the *Portager* newsletter. Although, according to the 2009 Community Survey the *Portager* represents an important source of information for happenings in Portage city government, a production schedule of six times per year as opposed to monthly will allow for distribution of the most critical information, yet reduce cost.

A production schedule that includes distribution of the *Portager* in January, March, May, June, September and December will allow for the inclusion of annual inserts most important for participation in various city services and programs, including timely notice for various events. Reduction of the production schedule as noted will generate an estimated savings of \$38,500 annually. Council approval of the modified *Portager* production schedule is, therefore, recommended.

CITY OF PORTAGE

COMMUNICATION

TO: Honorable Mayor and City Council

DATE: January 4, 2010

FROM: Maurice S. Evans, City Manager 

SUBJECT: Final Plan for Oakland Hills Condominium (Phase II), 8716 Oakland Drive

ACTION RECOMMENDED: That City Council approve the Final Plan for Oakland Hills Condominium (Phase II), 8716 Oakland Drive.

Attached is a report from the Community Development Director concerning the Final Plan for Phase II of the Oakland Hills Condominium Planned Development (PD) submitted by American Village Development. The 82 acre tract is situated west of Oakland Drive, north of Portage Creek and was rezoned PD, in November 2005. Fifty-four residential units have been constructed. An amendment to the tentative plan was approved in 2006 when the development project was modified to reduce the number and type of dwelling units from 180 to 138 units, to change the phasing and redesign the infrastructure improvements.

The Final Plan involves the construction of 30 attached single-family residential condominium units (15 two-unit attached dwellings), extension of the interior private street network and associated site improvements. Consistent with Section 42-375 of the Zoning Code, final plans in a PD zoning district require City Council approval after the review and recommendation of the Planning Commission.

The Final Plan for the Oakland Hills Condominium PD (Phase II) substantially conforms with the approved tentative plan as amended in 2006, and the requirements in Zoning Code Section 42-375.H., Standards for final plan. While challenging economic conditions have slowed the originally anticipated construction schedule, the overall development plan for the Oakland Hills Condominium PD remains virtually identical to the 2006 approved tentative plan, as amended, in terms of gross residential density, building layout and coverage, common open space, access and the location/design of streets and utilities.

The Planning Commission reviewed the project during the December 17, 2009 meeting and recommended that the Final Plan be approved, consistent with the recommendation of the City Administration. It is recommended that City Council approve the Final Plan for Oakland Hills Condominium (Phase II), 8716 Oakland Drive.

Attachment: Department of Community Development Communication

CITY OF PORTAGE

COMMUNICATION

TO: Maurice S. Evans, City Manager

DATE: December 29, 2009

FROM: Jeffrey M. Erickson, Director of Community Development

SUBJECT: Final Plan for Oakland Hills Condominium (Phase II), 8716 Oakland Drive.

American Village Development has submitted a final plan for construction of Phase II of the Oakland Hills Condominium Planned Development (PD). The Final Plan includes the construction of 30 additional attached single-family residential condominium units (15 two-unit attached dwellings), extension of the interior private street network and associated site improvements. Access to Phase II will continue through the existing boulevard entrance from Oakland Drive (Oakland Hills Boulevard). The stabilized gravel drive further south along Oakland Drive will continue to be maintained to satisfy emergency vehicle/fire department accessibility and will be paved with the final phase of the development (Phase II Future). The internal private street and sidewalk network will be extended to accommodate Phase II and will be maintained by the condominium association. Storm water runoff will be directed to a series of existing retention areas.

The Final Plan of the Oakland Hills Condominium PD has been designed in substantial conformance with the approved tentative plan as amended in 2006 and Zoning Code Section 42-375.H., Standards for final plan. While challenging economic conditions have slowed the originally anticipated construction schedule since the 82 acre tract was rezoned in 2005, the overall development plan for the Oakland Hills Condominiums remains virtually identical to the approved tentative plan as amended in terms of gross residential density, building layout and coverage, common open space, access and the location/design of streets and utilities. The total number of residential units has been slightly reduced from 138 to 136 units, with 82 units in this overall second phase.

In a report dated December 11, 2009, the Department of Community Development recommended approval of the Final Plan for Oakland Hills Condominium (Phase II) at 8716 Oakland Drive. At the December 17, 2009 meeting, the Planning Commission voted unanimously to recommend City Council approval of the Final Plan. Attached find the Planning Commission transmittal and draft meeting minutes, Department of Community Development communication and related materials.

Attachments: December 11, 2009 Department of Community Development report (with attachments)
Planning Commission transmittal dated December 29, 2009
Planning Commission (Draft) meeting minutes from December 17, 2009

TO: Planning Commission

DATE: December 11, 2009

FROM: Jeffrey M. Erickson, Director of Community Development

SUBJECT: Final Plan for Oakland Hills Condominiums (Phase II), 8716 Oakland Drive.

I. INTRODUCTION/BACKGROUND:

A final plan has been submitted by American Village Development for approval to construct Phase II of the Oakland Hills Condominium Planned Development (PD). As background for the Commission, the Oakland Hills Condominium PD rezoning/tentative plan was initially approved in February 2005. The final plan for Phase I of the development, which involved construction of 54 attached single family residential condominium units, a clubhouse, off-street parking areas and associated improvements on approximately 39 acres, received City Council approval in November 2005. To date, the applicant has indicated that 43 of the 54 units have been sold and two additional units are under contract. The final plan for Phase II proposes the construction of 30 additional attached single-family residential condominium units (15 two-unit attached dwellings), extension of the interior private street network and associated site improvements. The entire 82 acre property is zoned PD, planned development.

II. FINAL PLAN REVIEW/ANALYSIS:

The final plan for Phase II has been designed consistent with the tentative plan amendment that received City Council approval in August 2006 (attached).

	2006 Tentative Plan	2009 Final Plan (Phase II)
Total Number of Units	84 units	82 units
Building Setbacks	40-foot perimeter 25-foot (front) back from road 20-foot between buildings	40-foot perimeter 25-foot (front) back from road 20-foot between building
Phasing/Schedule	Phase I (Fall 2005 – Fall 2007) Phase II (Fall 2006 – Fall 2010)	Phase I (Fall 2005 – Fall 2007) Phase II (Fall 2006 – Fall 2010) Phase II Future (Fall 2011 – Fall 2013)
Units	Phase I – 54 units Phase II – <u>84 units</u> 138 units (Total)	Phase I – 54 units Phase II – 30 units Phase II Future – <u>52 units</u> 136 units (Total)
Streets (private)	26-foot wide, rolled concrete curbs	26-foot wide, rolled concrete curbs
Access	<u>Primary:</u> Boulevard entrance from Oakland Drive (Oakland Hills Boulevard) <u>Secondary:</u> Temporary stabilized gravel access further south from Oakland Drive (to be improved/paved with Phase II)	<u>Primary:</u> Boulevard entrance from Oakland Drive (Oakland Hills Boulevard) <u>Secondary:</u> Temporary stabilized gravel access further south from Oakland Drive (to be improved/paved with Phase II Future)
Sidewalks	One side of interior private streets Portion of Oakland Drive frontage Future pedestrian trail (open space)	One side of interior private streets Portion of Oakland Drive frontage Future pedestrian trail (open space)

The final plan for Phase II of the Oakland Hills Condominium planned development has been designed in substantial conformance with the 2006 approved tentative plan and Section 42-375.H (Standards for final plan). While challenging economic conditions have slowed the originally anticipated application/construction schedule, the overall development plan for the Oakland Hills Condominiums remains virtually identical to the 2006 approved tentative plan amendment in areas of total dwelling units, gross residential density, building layout and coverage, common open space, access and the location/design of streets and utilities. The developer has reduced the total number of remaining units from 84 units to 82 units (138 to 136 total) and is ready to begin construction of Phase II. The applicant is proposing to file application/commence construction of Phase II of the project according to the following schedule: Phase II and 30 units (Winter 2010 – Fall 2011) and Phase II Future and 52 units (Fall 2011 – Fall 2013). As information for the Commission, a separate final plan for Phase II Future, along with a request for an extension to the commencement date for construction (per Section 42-375.K), if necessary, will be submitted by the developer for Planning Commission/City Council review and approval.

Access to the Oakland Hills Condominium development will continue through the existing boulevard entrance from Oakland Drive (Oakland Hills Boulevard) and the stabilized gravel drive located further south on Oakland Drive. The stabilized gravel drive will continue to be maintained to satisfy emergency vehicle/fire department accessibility and will be paved with the final phase of the development (Phase II Future). The internal private street network will be extended (Oakland Hills Circle and Shady Oak Cove) to accommodate Phase II and will be maintained by the condominium association. Installation of 5-foot wide concrete sidewalks along one side of all interior private streets will continue with Phase II. Municipal water and sanitary sewer will be extended to serve Phase II and storm water runoff will be directed to a series of existing retention areas.

Given the state of the economy, it is encouraging that American Village Development is pursuing additional development of this project. The Oakland Hills Condominium PD is an important and attractive residential community in the city which has been carefully planned and designed to preserve natural features present on the property [approximately 48 acres (58%) to be maintained as common open space area] with a low overall development density of approximately 1.7 units per acre.

III. RECOMMENDATION:

The final plan has been reviewed by the City Administrative departments. Staff advises that the Planning Commission recommend to City Council that the Final Plan for Oakland Hills Condominiums (Phase II), 8716 Oakland Drive, be approved.

Attachment: December 10, 2009 correspondence from Mr. Jack Gesmundo
Final Plan Sheets for Phase II
Approved Tentative Plan Amendment (August 2006)

s:\commdev\department files\board files\planning commission\pc reports\site plans\oakland hills condos (phase ii), 8716 oakland drive.doc



December 10, 2009

American Village Builders, Inc.

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

RE: Oakland Hills Phase II Final Plan and Utility Review

We are excited to submit to you phase II of Oakland Hills for Final Plan and Utility Review. This submittal is for a previously approved phase Planned Unit Development.

The Oakland Hills Community has been established as one of the premier condominium communities in Portage and Southwestern Michigan. As with all of our developments, our focus is on creating great communities. Oakland Hills has beautiful natural entry statement that creates a "sense of arrival".

A center-point of all our developments is natural beauty. We have harnessed this in many ways at Oakland Hills with beautiful landscaping, natural screening and views of the beautiful forests, waterways and environmentally sensitive areas that border the property. At the heart of this community is a clubhouse and swimming pool. The land adjacent to the west is the Gourdneck State Forest, to the south is the Portage Creek and to the north we boarder wetlands.

Oakland Hills Phase I includes 54 units of attached condominiums. The first condominium unit was completed and sold in June 2006. To date, we have sold a total of 43 condominiums plus 2 more homes are under contract.

We are fortunate to have the sold 43 homes since opening, but due to the economy we are behind in our overall development plan. The previously approved and proposed times for application/construction are as follows:

Previously Approved

Phase I	Fall of 2005 through Fall of 2007
Phase II	Fall of 2006 through Fall of 2010

Proposed

Phase I	Fall of 2005 through Fall of 2007
Phase II	Fall of 2006 through Fall of 2010
Phase II Future	Fall of 2011 through Fall of 2013

Phase II and Phase II Future, will include 82 condominium units. The condominium units will consist of two unit buildings. The development phase lines have been included on the submitted plans. The site plan and the associated phasing lines shows how each stage of the development is independent yet designed to integrate into the development.

Oakland Hills Circle will serve as the collector road and connects to Oakland drive at two locations. The portion of Oakland Hills Circle that is in Future Phase II has been graveled and is maintained and plowed for snow to allow emergency and construction traffic access.

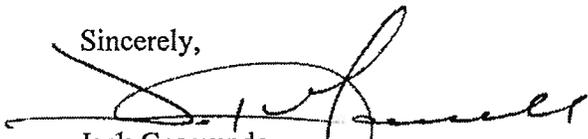
We have spent a considerable amount of time and finances to design six new floor plans and revise one of our existing plans. This will give us an offering of eight plans. We will have five plans in our Creekside series with 1,200 to 2,000 square feet on the main level. Our Forestview series will have three plans from 2,000 to 2,500 square feet on the main level. It is anticipated that the Creekside plans will have an average sale price in the \$250,000+/- range and the Forestview will average \$375,000+/-.

Parking will be accommodated in the driveways of each unit. Off-street visitor parking will be provided, as shown on the attached site plan. Additionally, the 26 foot wide streets will be posted for parking on one side of the street only. We have used a 40' set back around the entire perimeter of the property. In addition we will maintain 20' between each building and a 25' front setback from the edge of road.

We look forward to working with the City of Portage to establish a linear trail in this area of the community. As plans develop for such a connection we will work together with the City to ensure connection to this development. Additionally, a sidewalk has been established along a portion of the west side of Oakland Drive in the approved areas in order to further provide pedestrian access along Oakland Drive.

We look forward to the opportunity to discuss this plan with City Staff, Planning Commission and City Council. We feel this will be an extension of a first-class development for the City of Portage and American Village Development II, L.L.C.

Sincerely,



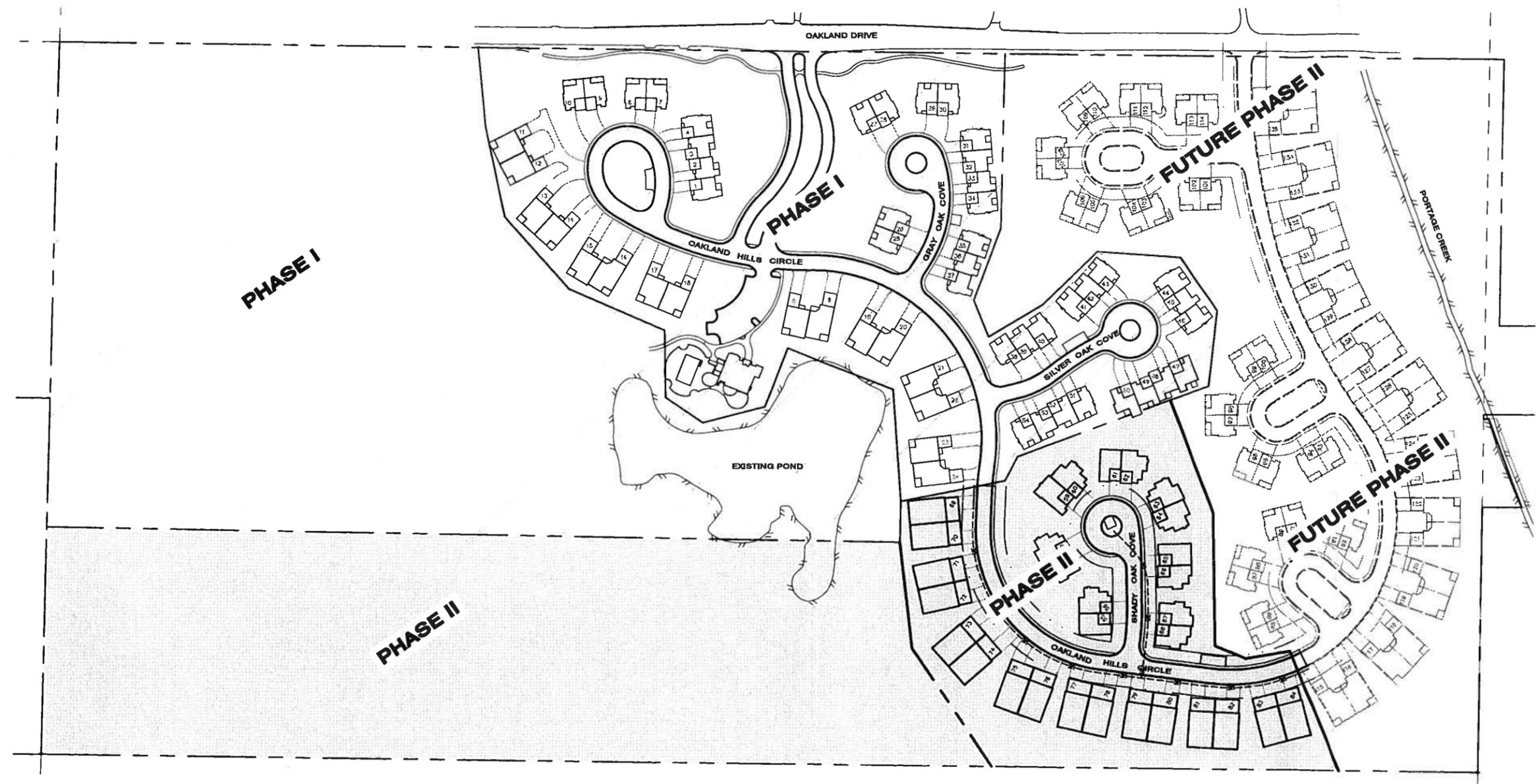
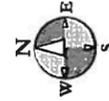
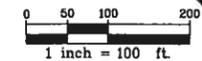
Jack Gesmundo
Vice President Sales & Marketing

CC. Joseph Gesmundo, Daryl Rynd & Greg Dobson



This site plan is a conceptual drawing and is not intended to be used as a legal document. It is subject to change without notice. The actual construction of the project will be governed by the final approved plans and specifications.





SITE STATISTICS

PHASE 1

38.569 ACRES
54 TOTAL UNITS = 1.40 UNITS PER ACRE

TOTAL DWELLING UNITS = 54 CONSTRUCTION TYPE V-B
 (9) TYPE A UNITS 2,243 SFT 30' STREET HEIGHT (245 OPT. PORCH)
 (7) TYPE B UNITS 1874-2024 SFT 30' STREET HEIGHT (295 OPT. PORCH)
 (38) TYPE C UNITS 1,108-1,196 SFT 22' STREET HEIGHT (120 OPT. PORCH)
 (1) CLUBHOUSE APPROX. 4000 SFT 35' STREET HEIGHT

PHASE 2

24.019 ACRES
30 TOTAL UNITS = 1.25 UNITS PER ACRE

TOTAL DWELLING UNITS = 30 CONSTRUCTION TYPE V-B
 (18) TYPE A UNITS 2,100-2,500 SFT UP TO 30' STREET HEIGHT
 (14) TYPE B UNITS 1,200-2,000 SFT UP TO 30' STREET HEIGHT

FUTURE PHASE 2

19.315 ACRES
52 TOTAL UNITS = 2.69 UNITS PER ACRE

TOTAL DWELLING UNITS = 52 CONSTRUCTION TYPE V-B
 SPECIFIC SQUARE FOOTAGE AND HEIGHT TO BE DETERMINED

OVERALL DEVELOPMENT

81.903 ACRES
136 TOTAL UNITS = 1.66 UNITS PER ACRE

SEE BUILDING PLANS FOR MORE DETAIL AND DIMENSIONS.

PARKING

EACH UNIT PROVIDED WITH 2 CAR GARAGE. VISITOR PARKING PROVIDED IN UNIT DRIVEWAYS AND IN VISITOR SPACES.
 VISITOR SPACES:
 PHASE I = 13
 PHASE II = 7

SETBACKS

SETBACKS = 40' ON ALL SIDES OF PROPERTY
 = 25' FROM INTERIOR ROADS
 = 20' SEPARATION BETWEEN BUILDINGS

PRELIMINARY
NOT FOR CONSTRUCTION



Know what's below.
Call before you dig.

ALL UTILITIES AS SHOWN ARE APPROXIMATE LOCATIONS DERIVED FROM ACTUAL MEASUREMENTS AND AVAILABLE RECORDS. THEY SHOULD NOT BE INTERPRETED TO BE EXACT LOCATION NOR SHOULD IT BE ASSUMED THAT THEY ARE THE ONLY UTILITIES IN THE AREA.
 FIELD WORK PERFORMED BY:
 LANDTECH PROFESSIONAL SURVEYING

Job No.: 09-007D P.M. STAS Drtl. WP 9A/QC. 12/11/09
 ISSUED FOR REVISIONS:
 1 SITE PLAN REVIEW 11/25/09
 2 REVISIONS FOR CITY COMMENTS 12/11/09
 hurley & stewart, llc
 2500 south 11th street
 Kalamazoo michigan 49009
 269.552.4960 fax 269.552.4961
 www.hurleystewart.com
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**OVERALL DEVELOPMENT PLAN
 OAKLAND HILLS - PHASE II
 AVD II**

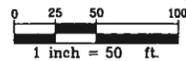
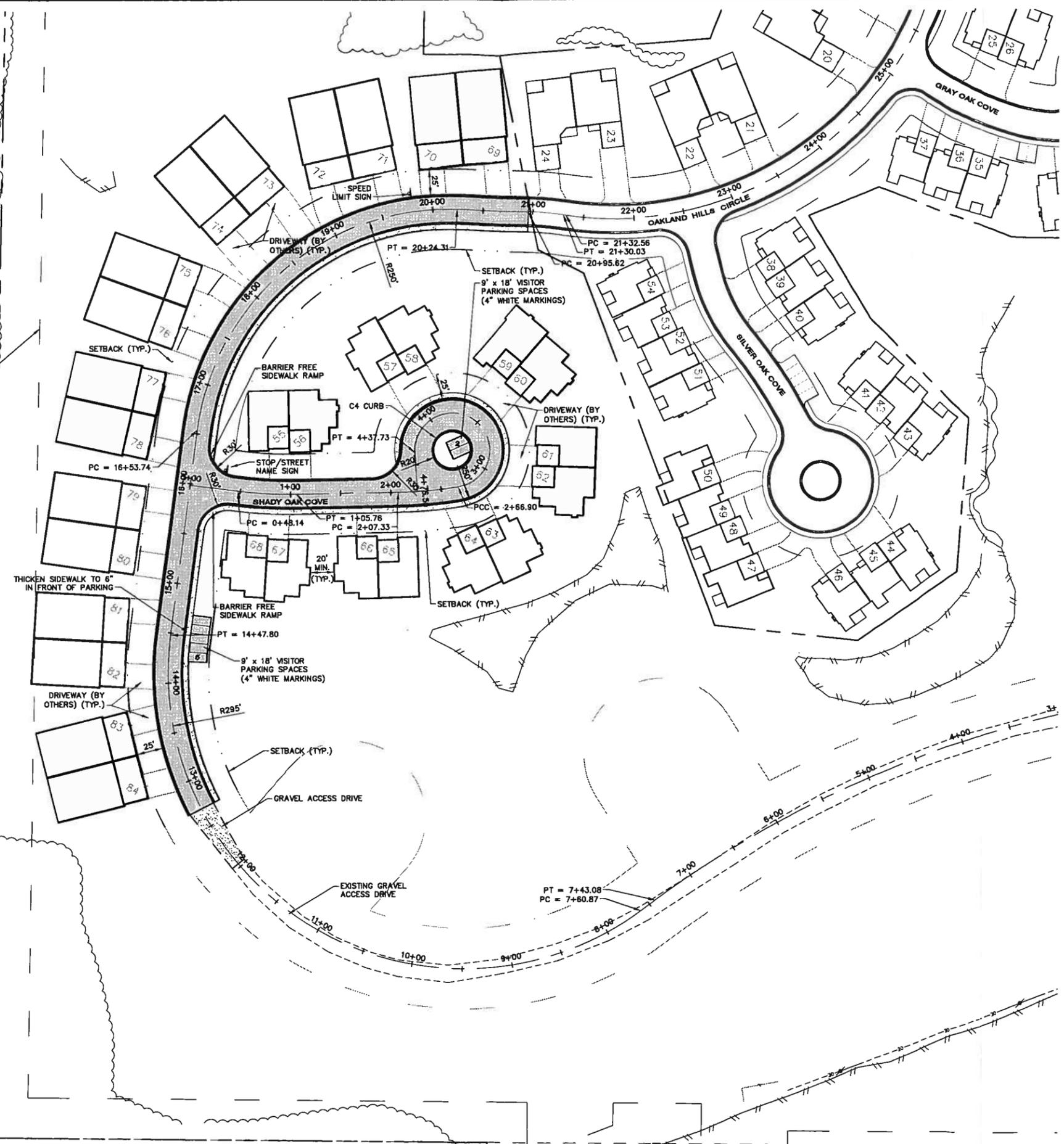
Sheet Title:
 Project:
 Client:

12/11/09
 Sheet
C-1

NOTES

1. ALL DIMENSIONS SHOWN ARE TO THE EDGE OF METAL.
2. PROVIDE CURB CUTS/RAMPS AT ALL BARRIER FREE ACCESS POINTS.
3. PAVEMENT MARKINGS AND SIGNAGE SHALL CONFORM TO THE CURRENT MICHIGAN MANUAL OF UNIFORM TRAFFIC CONTROL DEVICES AND MICHIGAN BARRIER FREE CODE.
4. SEE LANDSCAPE PLANS FOR HARDSCAPE, DETAILED GRADING IN LANDSCAPED AREAS AND SIGNAGE.
5. PLACE FIRE HYDRANT AND 'NO PARKING THIS SIDE OF STREET' SIGNS AT EACH HYDRANT LOCATION AND A 'NO PARKING THIS SIDE OF STREET' SIGN MIDWAY BETWEEN HYDRANTS.
6. EXCEPT WHERE OTHERWISE INDICATED ON THESE PLANS, ALL MATERIALS AND WORKMANSHIP SHALL BE IN ACCORDANCE WITH THE MICHIGAN DEPARTMENT OF TRANSPORTATION STANDARD SPECIFICATIONS FOR HIGHWAY CONSTRUCTION, 2003 EDITION, AND CITY OF PORTAGE STANDARDS SPECIFICATIONS.
7. 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 REDESIGN MAY OCCUR.
8. ALL WORK SHALL CONFORM TO ALL LOCAL, STATE AND FEDERAL LAWS, RULES AND REGULATIONS IN FORCE AT THE TIME OF CONSTRUCTION.
9. ALL EXTERIOR CONCRETE SHALL BE MDOT GRADE P1 (3500PSI), AIR ENTRAINED, LIMESTONE AGGREGATE, BROOM FINISHED, CURING SEAL.
10. MINIMUM BUILDING TO BUILDING SEPARATION SHALL BE 20 FEET.
11. MINIMUM SETBACK FROM INTERIOR ROADS SHALL BE 25 FEET.
12. SIGNAGE SHALL BE BY OWNER AND SHALL MATCH PHASE I SIGNAGE.

SETBACK (TYP.)



LEGEND

- HMA PAVEMENT
- CONCRETE SIDEWALK
- CONCRETE CURB AND GUTTER TYPE VARIES

PRELIMINARY
NOT FOR CONSTRUCTION



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FIELD WORK PERFORMED BY:
LANDTECH PROFESSIONAL SURVEYING

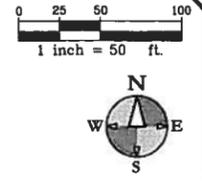
Job No. 09-007D P.M. FAS Drl: MP 94/95: 12/11/09
ISSUED FOR REVISIONS: 11/25/09
SITE PLAN REVIEW 12/11/09
2 REVISIONS PER CITY COMMENTS 12/11/09

h s
hurley & stewart
2800 south 11th street
Kalamazoo, Michigan 49009
269.562.4960 fax 269.562.4961
www.hurleystewart.com

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LAYOUT PLAN
OAKLAND HILLS - PHASE II
AVD II

Sheet Title:
Project:
Client:
12/11/09
Sheet
C-3



GRADING NOTES

1. MATCH EXISTING GRADES AROUND PERIMETER WITH SLOPES AS SHOWN. MATCH AT 1 ON 4 IF NOT LABELED.
2. THE CONTRACTOR SHALL INSTALL PEDESTRIAN FENCE AROUND ALL EXCAVATIONS TO BE LEFT OPEN OVERNIGHT AS REQUIRED.
3. ALL SPOT ELEVATIONS ARE TOP OF PAVEMENT GRADES AT EDGE OF METAL (EOM) UNLESS OTHERWISE NOTED.
4. ALL SOIL EROSION CONTROL MEASURES SHALL BE IN PLACE PRIOR TO MASS GRADING.
5. ALL EXISTING ELEVATIONS ARE TO BE VERIFIED AND ACCEPTED AS SHOWN PRIOR TO COMMENCEMENT OF WORK.
6. REMOVE AND REPLACE WITH CONTROLLED FILL ANY AREAS THAT HAVE BEEN SOFTENED BY RAINS, FREEZING, CONSTRUCTION EQUIPMENT, ETC.
7. 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.
8. ALL GRANULAR FILL UNDER THE INFLUENCE OF THE ROADWAY, DRIVES, WALKS, BUILDINGS AND PROCESSED ROAD GRAVEL SHALL BE COMPACTED TO 95% MODIFIED PROCTOR DENSITY.
9. ALL COMPACTION SHALL BE ACCOMPLISHED BY PLACING THE FILL IN 12" LOOSE LIFTS AND MECHANICALLY COMPACTING EACH LIFT TO AT LEAST THE SPECIFIED MINIMUM DRY DENSITY. FIELD DENSITY TESTS SHOULD BE PERFORMED ON EACH LIFT AS NECESSARY TO ENSURE THAT ADEQUATE MOISTURE CONDITIONS AND COMPACTION ARE BEING ACHIEVED.
10. 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 SUBBASE. REMOVAL OF ANY EXCESS SOIL OFF-SITE SHALL BE THE CONTRACTOR'S RESPONSIBILITY.
11. CONTRACTOR RESPONSIBLE FOR VERIFYING EARTHWORK CALCULATIONS PRIOR TO COMMENCING WORK. NO EXTRA EARTHWORK 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.
12. 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 REDESIGN MAY OCCUR.

SOIL EROSION AND SEDIMENTATION CONTROL MEASURES

KEY	DETAIL	CHARACTERISTICS
6	Seeding with Mulch and/or Matting	Facilitates establishment of vegetative cover. Effective for discharge with low velocity. Easily placed in small quantities by inexperienced personnel. Should include prepared topsoil seed.
13	Straw Bale	Used where vegetation is not easily established. Effective for high velocities or high concentrations. Periodic removal is advised and. Disrupts energy flow at system outlets.
15	Paving	Protects areas which cannot otherwise be protected, but increases runoff volume and velocity. Irregular surfaces will help slow velocity.
16	Curb and Gutter	Keeps high velocity runoff on paved areas from leaving paved surface. Collects and conducts runoff to enhanced drainage system or prepared drainage way.
35	Storm Sewer	System removes collected runoff from site, particularly from paved areas. Can accept large concentrations of runoff. Conducts runoff to municipal sewer system or abated out fall location. Use catch basins to collect sediment.
36	Catch Basin, Drain Inlet	Collects high velocity concentrated runoff. May use filter cloth over inlet.
54	Detention Silt Fence	Use geotextile and posts or poles. May be constructed or prepackaged. Easy to construct and locate as necessary.

TEMPORARY MEASURE PERMANENT MEASURE

PRELIMINARY
NOT FOR CONSTRUCTION

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

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FIELD WORK PERFORMED BY:
LANDTECH PROFESSIONAL SURVEYING

EARTHWORK CALCULATIONS

ASSUMPTIONS:
 1. 9" PROPOSED SURFACE AVERAGE DEPTH
 2. NO EXISTING TOPSOIL
 3. 20% LOSS FOR ALL CUT

TOTAL CUT = 10,750 CYD x 0.80 = 8,600 CYD AVAILABLE FOR FILL
 TOTAL FILL = 14,586 CYD
 REQUIRED FILL NEEDED = 6,086 CYD

1 ON 2 SLOPE
 1 ON 1 SLOPE (RETAINING WALL OR REINFORCED SLOPE BY OWNER)
 INSTALL MULCH BLANKET ON ALL SLOPES STEEPER THAN 1:3 (TYP.)

SEBC NOTES

1. ALL WORK WILL COMPLY WITH THE PROVISIONS OF THE SOIL EROSION AND SEDIMENTATION CONTROL ACT (PA 347 OF 1972 AS AMENDED) ADMINISTERED BY THE CITY OF PORTAGE.
2. AVOID UNNECESSARY DISTURBING OR REMOVING EXISTING VEGETATED TOPSOIL OR EARTH COVER. THESE AREAS ACT AS SEDIMENT FILTERS.
3. ALL TEMPORARY SOIL EROSION PROTECTION SHALL REMAIN IN PLACE UNTIL REMOVAL IS REQUIRED FOR FINAL CLEANUP AND APPROVAL.
4. CLEAN ADJACENT ROADWAYS WHEN NECESSARY.
5. CONTRACTOR TO PROVIDE STRAW BALE DAMS OR SILT FENCES ACROSS ALL DITCHES, SWALES, AND ROUGH CUT ROADS WHICH EXIST FROM THE SITE TO ELIMINATE SEDIMENT RUNOFF. PROVIDE STRAW BALE DAMS, SILT FENCES OR INSTALL FILTER FABRIC UNDER INLETS AT ALL STORM SEWER STRUCTURES DURING CONSTRUCTION.
6. NO SITE WORK SHALL BEGIN UNTIL THE SILT FENCE IS INSTALLED.
7. ALL SOIL PILES SHALL BE SURROUNDED BY SILT FENCE IF ALLOWED TO REMAIN IN PLACE FOR MORE THAN 7 DAYS. TOPSOIL PILES SHALL BE SEEDING IF ALLOWED TO REMAIN IN PLACE FOR MORE THAN 20 DAYS. SPOIL PILES SHALL NOT BE PLACED WITHIN 50' FROM ANY TEMPORARY OR PERMANENT WATERCOURSE.
8. THE CONTRACTOR SHALL COMPLY WITH THE WEEKLY RECOMMENDATIONS OF THE CERTIFIED STORM WATER OPERATOR.
9. ALL INLETS IN PAVED AREAS SHALL HAVE SILT SAVER SEDIMENTATION REDUCERS DURING CONSTRUCTION.

Job No. 09-007D P.M.T.S. Drl. J.P. Q.A.C. 12/11/09
 ISSUED FOR REVISIONS: 11/25/08
 1. SITE PLAN REVIEW 12/11/09
 2. REVISIONS PER CITY COMMENTS 12/11/09

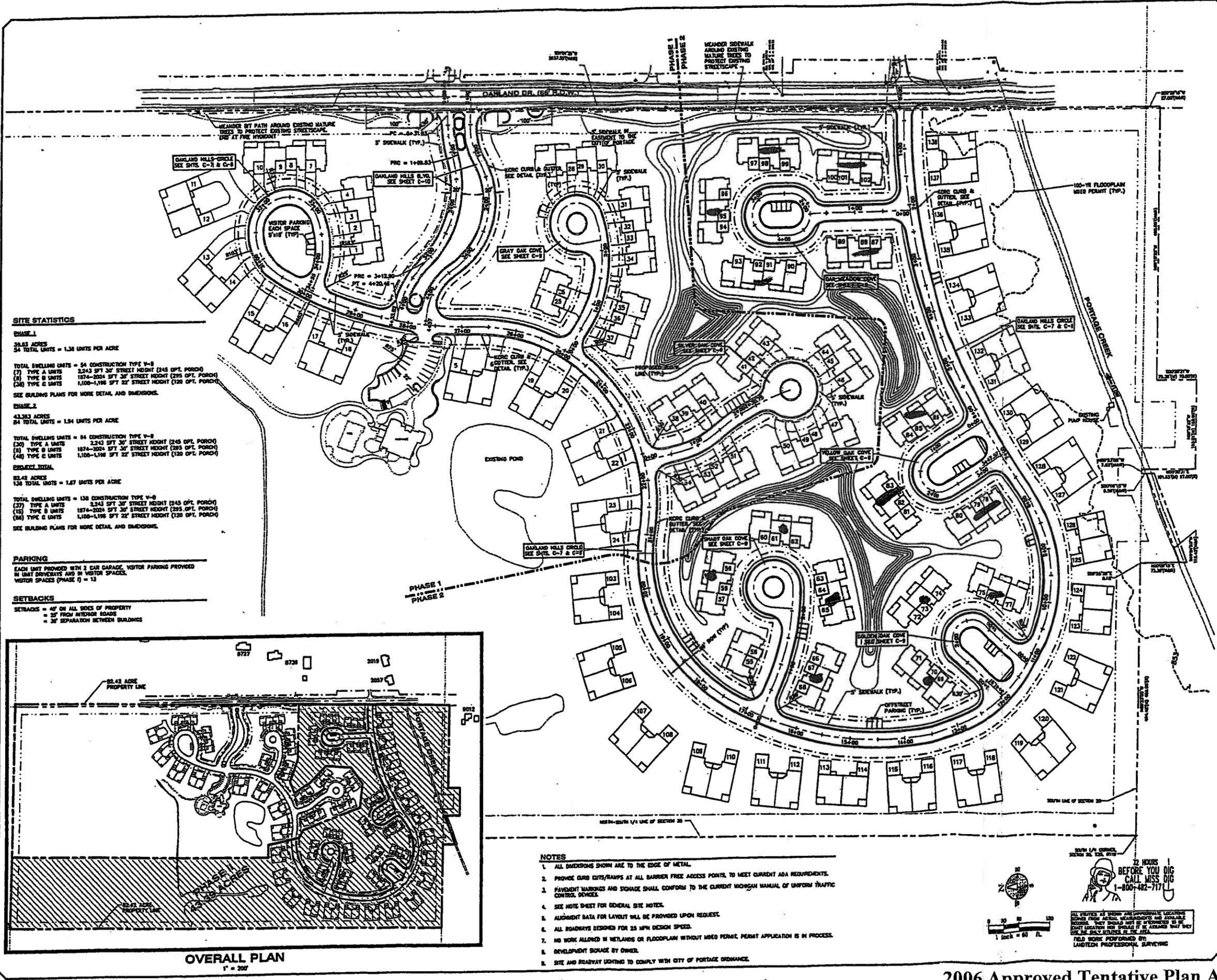
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 2800 south 11th street
 Kalamazoo, michigan 49009
 269.552.4960 fax 269.552.4961
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GRADING - SOIL EROSION PLAN
OAKLAND HILLS - PHASE II
AVD II

Sheet Title:
 Project:
 Client:

12/11/09
 Sheet
C-4



SITE STATISTICS

PHASE 1
 34.83 ACRES
 54 TOTAL UNITS = 1.58 UNITS PER ACRE

TOTAL DWELLING UNITS = 54 CONSTRUCTION TYPE V-B
 (7) TYPE A UNITS 2,243 SFT 30' STREET HEIGHT (245 OPT. PORCH)
 (8) TYPE B UNITS 1,874-2,024 SFT 30' STREET HEIGHT (235 OPT. PORCH)
 (38) TYPE C UNITS 1,108-1,196 SFT 22' STREET HEIGHT (130 OPT. PORCH)
 SEE BUILDING PLANS FOR MORE DETAIL AND DIMENSIONS.

PHASE 2
 43.363 ACRES
 84 TOTAL UNITS = 1.94 UNITS PER ACRE

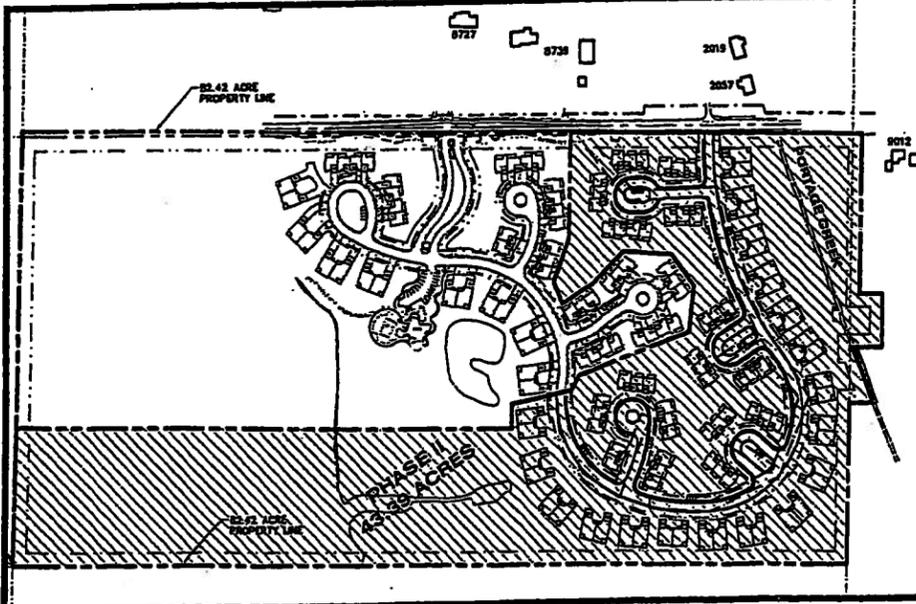
TOTAL DWELLING UNITS = 84 CONSTRUCTION TYPE V-B
 (30) TYPE A UNITS 2,243 SFT 30' STREET HEIGHT (245 OPT. PORCH)
 (8) TYPE B UNITS 1,874-2,024 SFT 30' STREET HEIGHT (235 OPT. PORCH)
 (46) TYPE C UNITS 1,108-1,196 SFT 22' STREET HEIGHT (130 OPT. PORCH)
 SEE BUILDING PLANS FOR MORE DETAIL AND DIMENSIONS.

PROJECT TOTAL
 82.193 ACRES
 138 TOTAL UNITS = 1.67 UNITS PER ACRE

TOTAL DWELLING UNITS = 138 CONSTRUCTION TYPE V-B
 (37) TYPE A UNITS 2,243 SFT 30' STREET HEIGHT (245 OPT. PORCH)
 (16) TYPE B UNITS 1,874-2,024 SFT 30' STREET HEIGHT (235 OPT. PORCH)
 (84) TYPE C UNITS 1,108-1,196 SFT 22' STREET HEIGHT (130 OPT. PORCH)
 SEE BUILDING PLANS FOR MORE DETAIL AND DIMENSIONS.

PARKING
 EACH UNIT PROVIDED WITH 2 CAR GARAGE. VISITOR PARKING PROVIDED IN UNIT DRIVEWAYS AND IN VISITOR SPACES.
 VISITOR SPACES (PHASE 1) = 13

SETBACKS
 SETBACKS = 40' ON ALL SIDES OF PROPERTY
 = 25' FROM INTERIOR ROADS
 = 30' SEPARATION BETWEEN BUILDINGS



OVERALL PLAN
 1" = 200'

- NOTES**
1. ALL DIMENSIONS SHOWN ARE TO THE EDGE OF METAL.
 2. PROVIDE CURB CUTS/RAMPS AT ALL BARRIER FREE ACCESS POINTS, TO MEET CURRENT ADA REQUIREMENTS.
 3. PAVEMENT MARKINGS AND SIGNAGE SHALL CONFORM TO THE CURRENT INDIANAPOLIS MANUAL OF UNIFORM TRAFFIC CONTROL DEVICES.
 4. SEE NOTE SHEET FOR GENERAL SITE NOTES.
 5. ALIGNMENT DATA FOR LAYOUT WILL BE PROVIDED UPON REQUEST.
 6. ALL ROADWAYS DESIGNED FOR 25 MPH DESIGN SPEED.
 7. NO WORK ALLOWED IN WETLANDS OR FLOODPLAIN WITHOUT WBER PERMIT. PERMIT APPLICATION IS IN PROCESS.
 8. DEVELOPMENT SCHEDULE BY OWNER.
 9. SITE AND ROADWAY LIGHTING TO COMPLY WITH CITY OF PORTAGE ORDINANCE.



22 HOURS BEFORE YOU DIG
 CALL MISS DIG
 1-800-482-7171

ALL UTILITIES AS SHOWN ARE APPROXIMATE LOCATIONS BASED ON FIELD SURVEYING AND AVAILABLE RECORDS. THEY SHOULD NOT BE ASSUMED TO BE EXACT LOCATIONS NOR SHOULD THEY BE ASSUMED TO BE THE ONLY UTILITIES IN THE AREA.
 FIELD WORK PERFORMED BY:
 LAUTTECH PROFESSIONAL SURVEYING

CONSTRUCTION MANAGER
AVB CONSTRUCTION, INC.
 4200 W. CENTRE AVENUE
 PORTAGE, MI 49024
 269.329.4800

hurlay & stewart, llc
 1000 Michigan Avenue
 Suite 400
 Indianapolis, Indiana 46202
 317.632.4800 Fax 317.632.4801
 www.hurlaystewart.com

CONCEPTUAL LAYOUT PLAN
OAKLAND HILLS CONDOMINIUMS PH 2
AVD II, INC

Sheet Title: _____
 Project: _____
 Client: _____

5/8/06
 Sheet
C-3

TO: Honorable Mayor and City Council
FROM: Planning Commission
DATE: December 29, 2009
SUBJECT: Final Plan: Oakland Hills Condominium (Phase II), 8716 Oakland Drive.

During the December 17, 2009 meeting, the Planning Commission reviewed and discussed the Final Plan for the above captioned development project. Mr. Jack Gesmundo of American Village Development was present to support the proposed project.

The final plan for Phase II has been designed in substantial conformance with the 2006 approved tentative plan amendment for the Oakland Hills Condominium planned development and Section 42-375.H (Standards for final plan). After a brief discussion, a motion was offered by Commissioner Cheesebro, seconded by Commissioner Welch, to recommend to City Council that the Final Plan for Oakland Hills Condominium (Phase II), 8716 Oakland Drive, be approved. The motion was unanimously approved.

Sincerely,



Thomas A. Fox
Chairman

PLANNING COMMISSION

 **DRAFT**

December 17, 2009

The City of Portage Planning Commission meeting of December 17, 2009 was called to order by Chairman Fox at 7:00 p.m. in Council Chambers of Portage City Hall, 7900 South Westnedge Avenue. Two citizens were in attendance.

MEMBERS PRESENT:

Jim Pearson, Rick Bosch, Wayne Stoffer, Cory Bailes, James Cheesebro, Bill Patterson, Paul Welch and Chairman Thomas Fox.

MEMBERS ABSENT:

None.

MEMBERS EXCUSED:

Miko Dargitz.

IN ATTENDANCE:

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

PLEDGE OF ALLEGIANCE:

The Planning Commission, staff and audience recited the Pledge of Allegiance.

APPROVAL OF MINUTES:

Chairman Fox referred the Commission to the December 3, 2009 meeting minutes. A motion was made by Commissioner Cheesebro, seconded by Commissioner Bailes, to approve the minutes as submitted. The motion was unanimously approved.

SITE/FINAL PLANS:

1. Final Plan: Oakland Hills Condominiums (Phase II), 8716 Oakland Drive. Mr. West summarized the staff report dated December 11, 2009 involving the final plan submitted by American Village Development to construct Phase II of the Oakland Hills Condominium planned development. Mr. West stated the final plan for Phase II proposes construction of 30 attached single-family residential units (15 two-unit buildings), extension of the interior private street network and associated site improvements. Mr. West indicated the final plan for Phase II has been designed in substantial conformance with the 2006 approved tentative plan amendment and Section 42-375.H (Standards for final plan) of the Zoning Code.

Mr. Jack Gesmundo of American Village Development was present to support the application. Mr. Gesmundo distributed a schematic drawing of the overall project area and provided a brief history of the PD, planned development rezoning and development project to date. Mr. Gesmundo discussed the economy and market conditions and the impact it has had on the original construction schedule. The public hearing was then opened by Chairman Fox. No citizens were present to speak regarding the development project. A motion was then made by Commissioner Cheesebro, seconded by Commissioner Welch, to recommend to City Council that the Final Plan for Oakland Hills Condominiums (Phase II), 8716 Oakland Drive, be approved. The motion was unanimously approved.

CITY OF PORTAGE

COMMUNICATION

TO: Honorable Mayor and City Council

DATE: January 4, 2010

FROM: Maurice S. Evans, City Manager



SUBJECT: Proposed One-Year Labor Agreement with the Portage Police Officers Association

ACTION RECOMMENDED: That City Council approve a one-year labor agreement between the City of Portage and the Portage Police Officers Association and authorize the Mayor and City Clerk to execute all documents on behalf of the city.

The City Administration has been negotiating with the Portage Police Officers Association (PPOA) regarding a replacement contract for the labor agreement that expired on June 30, 2009. A tentative agreement has been reached and was ratified by PPOA members. The agreement covers 51 police officers, radio operators and police service technicians for a period from July 1, 2009, through June 30, 2010.

Wages and benefits are maintained at current levels in the new agreement. Changes to the new agreement are limited to the administration of the clothing allowance to comply with IRS regulations and minor contractual changes limited to the assignment of overtime and shift scheduling.

City Council approval of the one-year labor agreement is recommended.

CITY OF PORTAGE

COMMUNICATION

TO: Honorable Mayor and City Council

DATE: January 8, 2010

FROM: Maurice S. Evans, City Manager 

SUBJECT: Health Insurance Contract Renewals

ACTION RECOMMENDED: That City Council approve one-year contract renewals for employee health insurance with Blue Care Network (HMO), Priority Health (HMO), and Blue Cross Blue Shield of Michigan (PPO and Traditional), and a two-year contract renewal with Vision Services Plan, and authorize the City Manager to execute all documents on behalf of the city.

The City of Portage provides health insurance to all full-time non-union and union personnel as part of a comprehensive benefit package. Health insurance benefits are a key element of a competitive benefit package important to attracting and retaining high quality employees.

Controlling the increase in the cost of health insurance is a universal issue involving many variables outside the control of the city. Nevertheless, the city continues to attempt to decrease the rate of increase in costs by promoting improved health practices of employees. In addition, the city continues to alter the structure of the insurance benefit within the constraints presented by four labor agreements and a relatively small employee population (both of which restrict negotiating leverage with insurance carriers). The city also passes along a portion of health insurance premium costs to employees. Union employee rates of contribution are negotiated as part of all labor agreements. Non-union employee rates of contribution have been established as part of the city Health Management Program (HMP) where participant levels of contribution correlate to successful/unsuccessful participation in the HMP. In general, rates of employee contribution range from 5% to 20% of premiums.

Four (4) health insurance plans are currently in place: Employees represented by the Portage Police Officers Association (PPOA) are provided health insurance coverage through Blue Care Network (HMO), Blue Cross Blue Shield of Michigan High Option (traditional) and Priority Health (HMO). Employees represented by the Portage Police Command Officers Association (PPCOA) are provided health insurance coverage through Blue Care Network (HMO) and Blue Cross Blue Shield of Michigan High Option (traditional). Employees represented by the United Auto Workers (UAW) are provided health insurance coverage through Blue Care Network (HMO). Employees represented by the International Association of Fire Fighters (IAFF) and all non-union employees are provided health insurance coverage through Blue Cross Blue Shield of Michigan (PPO).

The City Administration was able to negotiate the following average rate renewal increases for active personnel:

Blue Care Network (HMO)	UAW and PPOA	5.22%
BCBSM (PPO-2)	Dept. Head & Non-Union	9.48%
Priority Health (HMO)	PPOA	9.61%
BCBSM (PPO-1)	IAFF	10.25%
Blue Care Network (HMO)	PPCOA	11.32%
BCBSM High Option (Traditional)	PPOA and PPCOA	11.82%

Vision benefits for union personnel are included in the health care plans. Vision benefits for non-union personnel are provided through Vision Services Plan (VSP). The City Administration was able to negotiate a two-year rate renewal with VSP at no increase in rates provided the city agrees to increase co-pays for eye examinations and decrease co-pays for prescription glasses. The two-year rate renewal with changes in the noted benefit levels is recommended.

Current health insurance plans expire on January 31, 2010. Sufficient funds were appropriated in the current budget to address the increase in rates for the balance of the fiscal year and will be budgeted as appropriate for fiscal year 2010-2011. Council approval is recommended.

CITY OF PORTAGE

COMMUNICATION

TO: Honorable Mayor and City Council

DATE: January 7, 2010

FROM: Maurice S. Evans, City Manager



SUBJECT: ADP Payroll Services Pricing Agreement Renewal

RECOMMENDED ACTION: That City Council approve a two-year pricing agreement with ADP, Incorporated, to perform payroll services on behalf of the City of Portage at a first-year cost of \$32,258 and a second-year cost of \$32,850 and authorize the City Manager to execute all documents related to the contract on behalf of the city.

The city has used ADP, Incorporated, payroll management services and software since 2004 as a result of an extensive payroll evaluation process. ADP was found to offer the most complete range of service options at the lowest price. On March 3, 2008, Council approved a two-year pricing agreement renewal with ADP in the annual amount of \$51,032 which is set to expire February 1, 2010.

The city has negotiated a favorable two-year pricing renewal agreement with ADP for the continuation of payroll management services and software of \$32,258 for the first year of the agreement and \$32,850 for the second year of the agreement. ADP continues to provide dependable and efficient payroll management services to the city and this renewal agreement provides a cost-savings compared to the previous pricing agreement. A portion of the cost reduction is due to a discontinuation of certain services and modules that are no longer needed.

It is recommended that Council approve the two-year pricing agreement with ADP, Incorporated, to perform payroll services on behalf of the City of Portage at a first-year cost of \$32,258 and a second-year cost of \$32,850 and authorize the City Manager to execute all documents related to the contract. Funds have been allocated in the Fiscal Year 2009-10 Budget and will be appropriated in future fiscal year budgets for this contract.

**AN ORDINANCE TO AMEND THE CODE OF ORDINANCES
OF THE CITY OF PORTAGE, MICHIGAN
BY ADDING ARTICLE 7 OF CHAPTER 14
BUSINESSES**

THE CITY OF PORTAGE ORDAINS:

That Chapter 14 shall be amended to add the following:

ARTICLE 7. INDIANA & MICHIGAN POWER COMPANY ELECTRIC FRANCHISE.

Section 14-192. Grant; term.

The City of Portage, Kalamazoo County, Michigan, hereby grants the right, power and authority to Indiana Michigan Power Company, an Indiana corporation, its successors and assigns, hereinafter called the "grantee" to construct, maintain and commercially use electric lines consisting of towers, masts, poles, crossarms, guys, braces, feeders, transmission and distribution wires, transformers and other electrical appliances, for the purpose of transmitting, transforming and distributing electricity on, under, along and across the highways, streets, alleys, bridges, waterways, and other public places, and to do a local electric business in the City of Portage, Kalamazoo County, Michigan. Said local business to be limited to the territory grantee is permitted to operate within in accordance with Michigan law and the Michigan Public Service Commission.

Section 14-193. Consideration.

In consideration of the rights, powers and authority hereby granted, said grantee shall faithfully perform all things required by the terms hereof.

Section 14-194. Conditions.

- a. The grantee and its contractors and subcontractors shall not unduly burden or interfere with the present or future use of any of the highways, streets, alleys, bridges, waterways and other public places (hereinafter called "public ways") within the city. The grantee and its contractors and subcontractors shall at the grantee's sole cost and expense, repair the same and leave it in as good condition as before the opening or excavation was made. The grantee has the right to trim trees that are located within the public right-of-way, if necessary in the conducting of such business, subject, however, to the supervision of the city's Department of Transportation and Utilities. The grantee and its contractors and subcontractors shall complete such repair within the time specified on the permit issued by the city. In the event that the grantee and its contractors and subcontractors fail to make such repairs within the time specified on the permit, the city shall be entitled to complete the repair and the grantee shall pay the reasonable costs of the city for such repair.

b. Except in emergencies, no public way shall be opened for the installation or repair, on any of grantee's facilities, unless an application is made to the city stating the nature of the proposed work and the route and upon obtaining a right-of-way permit pursuant to applicable city ordinances. Before any installation is commenced, grantee must secure all necessary permits, licenses and approvals from all appropriate departments, agencies, boards or commissions of the city or other governmental entity as is required by law. No permit shall be issued, unless the location and depth of grantee's facilities within the public way are identified at the time of application.

c. The grantee and its contractors and subcontractors shall, at the grantee's own cost and expense, protect, support, disconnect, relocate in or remove from the public ways, any of its facilities when required to do so by the city, due to street or other public excavation, construction, repair, grading, regrading; the installation of sewers, drains, water pipes, or municipally-owned facilities of any kind; the construction, vacation or relocation of streets pursuant to the city's discharge of a governmental function; or other public improvements by the city.

d. Grantee's representative shall attend, when requested by the city, preconstruction meetings conducted by the city in connection with any public improvement projects in the public ways in the city, which may affect any of grantee's facilities. Grantee's representative shall notify the city and its contractors of any conditions of grantee's facilities which may affect the project and grantee shall make provisions, as necessary, to prevent its facilities (or their condition) from delaying or otherwise interfering with the project.

e. Any easements over or under private property, necessary for the construction, repair or maintenance of grantee's facilities, shall be arranged and paid for by grantee. Any easement over or under property owned by the city, other than the public ways, shall be separately negotiated with the city. The city shall be under no obligation to grant such easements. The foregoing shall not be construed to negate or limit, in any way, grantee's right or ability to exercise its power of eminent domain, pursuant to state law as it may presently exist, or may hereafter be amended.

f. The grantee and its contractors and subcontractors shall comply with all zoning and land use regulations, as may now exist or may hereafter be amended.

g. The city may remove or damage grantee's facilities as reasonably necessary in the case of fire, disaster or other emergencies, as determined by the city mayor, city manager, police chief or fire chief. In such event, neither the city nor any agent, contractor, or employee thereof, acting at the direction of the city, shall be liable to grantee for any damage caused to the grantee or its facilities.

h. Grantee shall keep reasonably accurate, complete and current maps and records of its facilities. If the city or its contractors are working the public ways in the vicinity of grantee's facilities, grantee agrees, if requested by the city, to furnish maps and/or records of the specific area requested. Nothing herein shall be construed to modify the requirements of or the parties obligations under the Miss Dig Act (MCL 460.701 et seq.) as it now exists or may hereafter be amended.

Section 14-195. Hold Harmless.

The grantee and its contractors and subcontractors shall use due care at all times in exercising the privileges herein contained. The grantee shall hold harmless, defend and indemnify the city and its officers, agents, and employees from and against all costs, claims, damages, liabilities, expenses, judgments and proceedings of whatever nature including, without limitation, attorney's fees arising from the grantee's exercise of its rights pursuant to this ordinance (whether by the grantee or the grantee's contractor or subcontractors). Notwithstanding the foregoing, grantee shall not be required to hold harmless, defend and indemnify the city and its officers, agents, and employees from and against any costs, claims, damages, liabilities, expenses, judgments and proceedings of whatever nature which arise out of the gross negligence or intentional misconduct of the city and its officers, agents and employees.

Section 14-196. Franchise not exclusive.

The rights, power and authority herein granted are not exclusive.

Section 14-197. Revocation.

The franchise granted by this ordinance is subject to revocation upon 60 days written notice by the party desiring such revocation.

Section 14-198. Michigan Public Service Commission, jurisdiction.

Said grantee shall, as to all other conditions and elements of service not herein fixed, be and remain subject to the reasonable rules and regulations of the Michigan Public Service Commission or its successors, applicable to electric service in said city.

Section 14-199. No liability.

a. The city, its agents, employees and contractors, are not liable to grantee or to grantee's customers for any interference with or disruption in the operation of grantee's electrical system, or for any damages arising out of grantee's use of the public rights-of-way.

b. Nothing herein contained constitutes, nor should the same be construed as, a waiver of any governmental immunity otherwise provided to the city, its agents, employees, officers, or representatives as provided for under common law or statute.

Section 14-200. No assignment.

Grantee may not assign this agreement to any other person, firm or corporation without the prior written approval of the city except that assignment to a corporate affiliate of grantee, which corporate affiliate is controlled by grantee, will not be considered an assignment for the purposes of this agreement. The city may not unreasonably withhold its consent to an assignment if the assignee is financially able to carry out the grantee's obligations under this agreement.

Section 14-201. Compliance with laws.

Grantee and its contractors and subcontractors shall comply with all applicable laws, statutes, ordinances, rules and regulations regarding the installation, construction, ownership or use of the grantee's electrical system, whether federal, state or local, now in force or which are later promulgated. Further, grantee shall be subject to the provisions of the City of Portage Charter, Chapter 13, Utility Franchises and Municipal Utilities.

Section 14.202. Effective Date.

This ordinance shall take effect upon the date of publication thereof; provided, however, it shall cease and be of no effect after 30 days from its adoption unless within said period the grantee shall accept the same in writing filed with the city clerk. Upon acceptance and publication hereof, this ordinance shall constitute a contract between said city and said grantee.

Dated: _____

Peter J. Strazdas, Mayor

FIRST READING:
SECOND READING:
ORDINANCE #:
EFFECTIVE DATE:

CERTIFICATION

I, James R. Hudson, do hereby certify that I am the duly appointed and acting City Clerk of the City of Portage and that the foregoing ordinance was adopted by the City of Portage on the _____ day of _____, 2009.

James R. Hudson, City Clerk

PREPARED BY:
Randall L. Brown (P34116)
Portage City Attorney
1662 East Centre Avenue
Portage, MI 49002
(269) 323-8812

Approved as to Form:

Date: 11/2/09
[Signature]

City Attorney

z:/jody/portage/ord/nonzone/Amendment to Chap 14 – Add Article 7.102709

CITY OF PORTAGE

COMMUNICATION

TO: Honorable Mayor and City Council

DATE: November 12, 2009

FROM: Maurice S. Evans, City Manager



SUBJECT: City Ordinance Amendment

ACTION RECOMMENDED: That City Council accept for first reading the proposed amendment to the City of Portage Code of Ordinances by adding Article 7, Indiana & Michigan Power Company Electric Franchise to Chapter 14, Businesses, Sections 14-192 through 14-202, approve the Resolution to introduce and place the ordinance on file for public inspection and consider final adoption on January 12, 2010.

While electric power is supplied to nearly all customers in the City of Portage by Consumers Energy Company, a small area in Sugar Island Estates off West and East Higley Circle is serviced by Indiana & Michigan Power Company. Currently, only one residence is serviced by this company.

The agreement between the Indiana & Michigan Power Company and the City of Portage is now expired. The City Attorney has worked with representatives of the Indiana & Michigan Power Company and recommends adding Article 7, Indiana & Michigan Power Company Electric Franchise to Chapter 14, Businesses to the City of Portage Code of Ordinances so as to grant the company the authority to continue supplying electric power to this very small area in the southern most part of the city.

It is recommended that City Council accept for first reading the proposed amendment to the City of Portage Code of Ordinances by adding Article 7, Indiana & Power Company Electric Franchise to Chapter 14, Businesses, Sections 14-192 through 14-202, approve the Resolution to introduce and place the ordinance on file for public inspection and consider final adoption on January 12, 2010.

Attachments

**CITY OF PORTAGE, MICHIGAN
RESOLUTION TO INTRODUCE AND PLACE ON FILE FOR PUBLIC INSPECTION
THE INDIANA & MICHIGAN POWER
COMPANY FRANCHISE ORDINANCE**

Minutes of a regular meeting of the City Council for the City of Portage, Michigan held on
November 17, 20_09 at 7:30 p.m. local time at City Hall in the City of Portage, Michigan.

PRESENT: Campbell, O'Brien, Randall, Reid, Sackley, Strazdas, Urban

ABSENT: None.

The following resolution was offered by:

COUNCILMEMBER: Reid and supported by

COUNCILMEMBER: Urban.

BE IT RESOLVED that the City of Portage accept for First Reading the Indiana & Michigan
Power Company Franchise Agreement Ordinance;

BE IT FURTHER RESOLVED that the Franchise Ordinance remain on file with the City
Clerk for public inspection for at least 30 days before final adoption.

BE IT FURTHER RESOLVED that the notice in substantially the form attached as Exhibit
A, shall be published in a newspaper of general circulation within the City giving notice of the
introduction of the Ordinance and the right to inspect same before final adoption.

AYES: Councilmember Campbell, O'Brien, Randall, Reid, Sackley, Strazdas, Urban

NAYS: Councilmember None.

ABSENT: Councilmember None.

RESOLUTION DECLARED ADOPTED: November 17, 2009

James R. Hudson, City Clerk

EXHIBIT A

CITY OF PORTAGE, MICHIGAN
NOTICE OF INTENT TO ADOPT THE INDIANA & MICHIGAN POWER COMPANY
FRANCHISE ORDINANCE
IN THE CITY OF PORTAGE, MICHIGAN

PLEASE TAKE NOTICE, that on the ____ day of _____, 20____, the City Council of the City of Portage voted to introduce for First Reading the Indiana & Michigan Power Company Franchise Ordinance.

PLEASE TAKE FURTHER NOTICE that the Indiana & Michigan Power Company Franchise Ordinance is on file with the City Clerk and open for public inspection. Said Ordinance will be so held by the City Clerk for at least thirty (30) days after introduction before final adoption and may be inspected at the Clerk's office during regular working hours. After said thirty (30) day period, the Council may take final action and adopt said Franchise Ordinance.

Dated: _____, 2008

James R. Hudson, City Clerk

CITY OF PORTAGE

COMMUNICATION

TO: Honorable Mayor and City Council

DATE: January 4, 2010

FROM: Maurice S. Evans, City Manager



SUBJECT: State Systems Radio, Inc. – Police Radio Maintenance Agreement

ACTION RECOMMENDED: That City Council approve a one-year contract in the not-to-exceed amount of \$24,859 with State Systems Radio, Inc., for radio maintenance, with the option to renew for three additional one-year periods, and authorize the City Manager to execute all documents related to the contract on behalf of the city.

The city radio communications infrastructure provides critical radio networking for Police and Fire communications. The infrastructure includes radio base stations, satellite receivers, consoles, mobile and portable radios and mobile computers. Routine preventive maintenance is necessary to ensure a reliable, dependable system.

Sealed bids were solicited in November, with State Systems Radio, Inc., submitting the only bid. State Systems Radio holds the current contract for radio maintenance and has provided excellent service in the past. This bid is a reduction of nearly \$1,500 over the 2009 contract. The bid tabulation is attached for the information of City Council.

It is recommended that City Council accept the bid of State Systems Radio, Inc., for radio maintenance in the not-to-exceed amount of \$24,859, with the option to renew for three additional one-year periods at the bid price, and authorize the City Manager to execute all documents related to this contract.

BID TABULATION
POLICE RADIO EQUIPMENT MAINTENANCE

State Systems Radio
5090 Sprinkle Road
Portage, MI 49002

<u>Est. Units</u>	<u>Description</u>	<u>Annual Cost Ea.</u>	<u>Annual Price</u>
<i>SEGMENT 1: Portable and Mobile Radios</i>			
50	Bendix E&G Series Portables	\$55.00	\$2,750.00
1	Motorola MT1000	\$67.00	\$67.00
20	Vertex VX210A Portables	\$55.00	\$1,100.00
2	Vertex VX160 Portable	\$55.00	\$110.00
7	Kenwood TK2102 Portable	\$48.00	\$336.00
4	Kenwood TK2212 Portable	\$48.00	\$192.00
7	Kenwood TK2170 Portable	\$50.00	\$350.00
3	Kenwood TK2140 Portable	\$50.00	\$150.00
18	Kenwood TK790 Portable	\$60.00	\$1,080.00
14	Kenwood TK760G Mobile	\$50.00	\$700.00
1	Kenwood TK7150 Mobile	\$65.00	\$65.00
1	Kenwood TK940 Mobile	\$50.00	<u>\$50.00</u>
	Annual Total Segment 1		\$6,950.00
 <i>SEGMENT 2: Base Station/Control Equipment</i>			
1	Genayre – base – Fire Dept.	\$264.00	\$264.00
1	Micor – base – Fire Dept. Backup	\$60.00	\$60.00
1	Tait Base Station 2 Fire Dept. TAC	\$264.00	\$264.00
1	Kenwood Co FD 12 th St.	\$60.00	\$60.00
1	Voter Card – Special for FD TAC	\$12.00	\$12.00
1	Data Radio - base	\$264.00	\$264.00
1	ACU1000 JPS	\$264.00	\$264.00
4	Kenwood – base - ACU	\$50.00	\$200.00
1	Kenwood – base remote dispatch	\$50.00	\$50.00
1	MSR-2000 – transmitter – PD	\$264.00	\$264.00
12	Tait –receivers	\$60.00	\$720.00
1	TKB-720 - base	\$60.00	\$60.00
1	Tait Repeater PD TAC	\$100.00	\$100.00
5	EF Johnson 800 Mhz control stations	\$100.00	\$500.00
2	JPS voters	\$120.00	\$240.00
1	Kenwood Rack Mount Receiver TKB-2400	\$50.00	\$50.00
1	Informer – Federal FC	\$10.00	\$10.00
1	Timer – 10 min	\$12.00	\$12.00
1	Multi coupler – TX-RX, 8 port, VHF with Pre-Amp	\$50.00	\$50.00
1	Dispatch, Desktop Base, TK750	\$65.00	<u>\$65.00</u>
	Annual Total Segment 2		\$3,509.00
 <i>SEGMENT 3: Vehicle Electronic Systems & Other Equipment Repair</i>			
200 Hours	Hourly Repair Cost	<u>\$64.00</u>	<u>\$12,800.00</u>
\$2,000.00	Estimated Annual	<u>20% Discount</u>	\$1,600.00
	Annual Total Segment 3		\$14,400.00
Total Segment 1			\$6,950.00
Total Segment 2			\$3,509.00
Total Segment 3			<u>\$14,400.00</u>
Grand Total			\$24,859.00

MATERIALS TRANSMITTED

Monday, December 14, 2009

1. **To be added to the December 15, 2009, City Council Consent Agenda as Item F.10 –** Communication from the City Manager recommending that City Council allocate up to 0.55 percent of the General Fund for support of human service agencies for Fiscal Year 2010-2011.
2. **To be added to the December 15, 2009, City Council Agenda as Item F.11 –** Communication from the City Manager recommending that City Council approve the Resolution adopting the 2010-2011 Council Mission Statement and Goals and Objectives for the City of Portage as established at the City Council Goal Setting Session on December 11 and 12, 2009.
3. Communication from the City Manager regarding a communication from Attorney Deborah Ondersma on the Proposed Opinion and Judgment issued by the Michigan Tax Tribunal on the Elluru vs. City of Portage tax appeal.
4. Communication from the City Manager regarding the 2009 City Council Goal Setting Session Results.



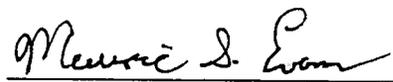
Maurice S. Evans, City Manager

cc: Brian J. Bowling, Deputy City Manager

MATERIALS TRANSMITTED

Friday, December 18, 2009

1. Communication from the City Manager regarding the 2009 City Council Goals Setting Session – Goals and Objectives / Priorities.



Maurice S. Evans, City Manager

cc: Brian J. Bowling, Deputy City Manager