FINAL AGENDA FOR THE COUNCIL MEETING
CITY OF PORTAGE
October 23, 2012

6:30 p.m. Special Meeting to interview applicants for the Investment Committee.

7:30 p.m. Call to Order.

Invocation: Pastor Todd Korpi of the Kalamazoo First Assembly of God.

Pledge of Allegiance.

Roll Call.

Proclamations: Pancreatic Cancer Awareness Month.
Make a Difference Day.
Red Ribbon Week.

A. Approval of the Committee of the Whole, Special and Regular Meeting Minutes of October 9, 2012.

* B. Approval of Consent Agenda Motions.

* C. Communication from the City Manager recommending that City Council approve the Accounts Payable Register of October 23, 2012, as presented.

D. Public Hearings:

1. Public Hearing for Resolution No. 2-12 regarding the expansion of Industrial Development District No. 1.
   a. Communication from the City Manager recommending that City Council adopt Resolution No. 2-12 expanding Industrial Development District No.1.

2. Public Hearing for Resolution No. 4-12 regarding the issuance of the Industrial Facilities Exemption Certificate for Mueller Copper Tube Products Company for real and personal property in the estimated amount of $26.5 million.
   a. Communication from the City Manager recommending that City Council:
      i. adopt Resolution No. 4-12, approving the Industrial Facilities Exemption Certificate for the Mueller Copper Tube Products Company at 6700 Sprinkle Road (for five years on the real property and personal property) in the total amount of $26.5 million; and
      ii. approve the tax abatement agreement and the affidavit between the City of Portage and Mueller Copper Tube Products Company.

E. Petitions and Statements of Citizens:

F. Reports from the Administration:

* 1. Communication from the City Manager recommending that City Council approve the substitution of the Angling Road (West Centre Avenue to Squire Heath Lane) and Romence Road Parkway (Lovers Lane to Portage Road) projects for the Portage Road (East Milham Avenue to Byrd Drive) and Oakland Drive (I-94 to Kilgore Road) projects in the 2011-2014 Kalamazoo Area Transportation Study (KATS) Transportation Improvement Program.

* 2. Communication from the City Manager recommending that City Council affirm additional events and activities to commemorate the 50th Anniversary of the City of Portage as presented herein.

* 3. Communication from the City Clerk recommending that City Council grant the request to transfer ownership of the 2012 Class C Licensed Business with Dance and Entertainment Permits located at 3750 East Kilgore Road, Portage, MI 49002, Kalamazoo County (The Venue), from DSV Entertainment, LLC, to Stellant, LLC.

* 4. Communication from the City Clerk recommending that City Council grant the request for an upgrade of the 2000 Tavern licensed business, located at 6300 South Westnedge (Pizza Hut), Portage, MI 49002, Kalamazoo County to Class C Liquor License.

* 5. Communication from the City Manager regarding the Michigan Association of Municipal Attorneys – Information Only.

* 6. Communication from the City Manager regarding the September 2012 Summary Environmental Activity Report - Information Only.

* 7. Department Monthly Reports.

G. Communications:

1. Verbal communication from Linda Teeter, Chairperson of the Kalamazoo County Transit Authority, providing a brief update on regional public transit efforts.

2. Communication from the Mayor recommending that City Council direct the City Manager to modify the city website to provide a convenient link to volunteer opportunities within the City of Portage.

H. Unfinished Business:

* I. Minutes of Boards and Commissions Meetings:

1. Portage Historic District Commission of September 5, 2012.
2. Portage Park Board of September 5, 2012.
3. Portage Youth Advisory Committee of September 10, 2012.
4. Portage Zoning Board of Appeals of September 10, 2012.
5. Portage Environmental Board of September 12, 2012.

J. Ad-Hoc Committee Reports:

1. Communication from the Ad-Hoc Advisory Board Review Committee recommending that City Council adopt the 2012-2013 Advisory Boards and Commissions Goals and Objectives.

K. New Business:

L. Bid Tabulations:

* 1. Communication from the City Manager recommending that City Council approve the purchase of two four-wheel drive one-half ton pickup trucks, one two-wheel drive one ton pickup truck, two 7400 tandem axle dump/plow trucks, and one four-wheel drive three-quarter ton Fire Command vehicle through the State of Michigan Purchasing Program (MiDEAL) at a total cost not to exceed $460,757 and authorize the City Manager to execute all documents related to these purchases on behalf of the city.

* 2. Communication from the City Manager recommending that City Council approve the AT&T Master Contract Agreement for the continuation of telecommunication services through October 2015 in the annual amount of $59,000 and authorize the City Manager to execute all documents related to this agreement 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, October 24, 7:00 p.m., Public Meeting, proposed Eliason Nature Reserve Master Development Plan, Council Chambers.
b. Thursday, October 25, 4:30 p.m., Public Media Network Board of Directors, 359 South Kalamazoo Mall, 3rd Floor, Kalamazoo.
c. Thursday, November 1, 6:30 p.m., Human Services Board, City Hall Room #1.
d. Thursday, November 1, 7:00 p.m., Planning Commission, Council Chambers.

N. Materials Transmitted of October 5, 2012.

Adjournment.

CITY COUNCIL MEETING SUMMARY

October 9, 2012

CHECK REGISTER

- Approved the Check Register of October 9, 2012, as presented.

REPORTS FROM THE ADMINISTRATION

- Adopted Resolution No. 1-12 setting a public hearing on the expansion of Industrial Development District No. 1 for October 23, 2012, at 7:30 p.m. or as soon thereafter as may be heard; and Resolution No. 3-12 setting a public hearing on the issuance of the Industrial Facilities Exemption Certificate for Mueller Copper Tube Products Company for real and personal property in the estimated amount of $26.5 million for October 23, 2012.
- Approved the height modification for Mueller Plastics, 6700 Sprinkle Road, to allow three existing 50-foot tall silos and construction of two new 60-foot tall silos.
- Granted the request from Trigo Pizza Company, Inc., to transfer ownership of the 2012 Tavern License to the newly constructed building at 6300 South Westnedge Avenue, Portage, MI 49002, Kalamazoo County (Pizza Hut), from the razed building at the same address.
- Granted the request from Riviera Maya, Inc., to transfer ownership of the 2012 Class C Licensed Business from escrow (Cheeseburger in Paradise, 6050 West Main Street, Kalamazoo) to 5036 South Westnedge Avenue, Portage, MI 49002, Kalamazoo County (Riviera Maya).
- Granted the request to transfer ownership of the 2012 Class C Licensed Business located at 6675 South Westnedge Avenue, Portage, MI 49002, Kalamazoo County, from Applebee's of Michigan, Inc., (Applebee's) to TSFR Apple Venture, LLC.
- Set a Special Meeting at 6:30 p.m., Tuesday, October 23, 2012, to interview applicants for the Investment Committee.
- Received the communication from the City Manager regarding the Analysis of Zoning Consistency (FY 2011-2012 Update) as information only.

AD HOC COMMITTTEE REPORT

- Received the report from Mayor Strazdas regarding the discussion at the October 9, 2012 Meeting of the 50th Anniversary Committee of the Whole.

NEW BUSINESS

- Reappointed Ric Perry as Portage Public School Representative and appointed Jeff Kalmbach with terms ending December 31, 2018, and appointed Eric Albertus as Portage Public School Representative with unfulfilled term ending December 31, 2014, and Robert Kelber with unfulfilled term ending December 31, 2017, to the Economic Development Corporation/Tax Increment Finance Authority/Brownfield Redevelopment Authority; reappointed William Beck and Martha Dahlinger and appointed Christin DeJong with terms ending October 1, 2015, to the Environmental Board; reappointed Diane Durian, Raymond LaPoint and Sandra Sheppard with terms ending October 1, 2015, and appointed Ed Morgan and Amanda Woodin with unfulfilled terms ending October 1, 2014, to the Human Services Board; reappointed Patricia Berninger and Ann Perkins and appointed Trudy Riker with terms ending October 1, 2015, and reappointed Mary Maisto and appointed Monifa Jumann with Alternate terms ending October 1, 2014, to the Senior Citizens Advisory Board; reappointed Mark Reile and Katie vanLonkhuyzen and appointed Suzanne Nemeth with terms ending December 31, 2015, and appointed Jim Ebert with unfulfilled term ending December 31, 2013, to the Historic District Commission; and, appointed Doug Barrett, Karista Gallick and Tucker Webb with terms ending October 1, 2015, to the Park Board

BID TABULATIONS

- Awarded a three-year contract to Mulder's Landscape Supply, Incorporated, to provide eight contracted seasonal snowplow operators at a cost of $67,336 for Fiscal Year 2012-2013, $67,336 for Fiscal Year 2013-2014 and $70,072 for Fiscal Year 2014-2015 with the option to renew the contract for up to three years and authorized the City Manager to execute all documents related to the contract and subsequent renewals on behalf of the city.
- Awarded a contract to the low bidder, Peters Construction Company, Incorporated, for the construction of the 2012 Storm Drainage Improvements Project in the not to exceed amount of $147,450 and authorized the City Manager to execute all documents related to this project on behalf of the city.
- Awarded a contract for softball field improvements at South Westnedge Park to TJM Services, LLC, in the amount of $29,040 and authorized the City Manager to execute all documents related to this agreement on behalf of the city.
- Approved the low bid from Gail Andrus Travel, LLC, for motor coach services for the 2013 Portage Senior Center travel program in the amount of $23,653 and authorized the City Manager to execute all documents related to this action on behalf of the city.

STATEMENTS OF CITY COUNCIL

- Councilmember Randall highlighted the 15th Annual Portage Invitational Cross Country Meet at West Middle School, pointed out that local restaurants have indicated that it is their biggest day of the year and thanked the organizers.
- Mayor Pro Tem Reid said she was honored to present the Proclamation Honoring seventeen year old Claressa Shields, the 2012 Olympic Gold Medal Winner in Women's Boxing, at Portage North Middle School, and invited everyone to attend the "Shindig," Saturday, October 13, 2012, at 7 p.m. in the Hayloft Theatre located at the Celery Flats Historical Area.
- Mayor Strazdas had high praise for the quality and quantity of Board and Commission applicants at the Special Meeting.

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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.

City of Portage
Proclamation

PANCREATIC CANCER AWARENESS MONTH

WHEREAS, in 2012, an estimated 43,920 people will be diagnosed with pancreatic cancer, 37,390 will die in the United States and approximately 1,370 will die in Michigan as there is no cure for pancreatic cancer and no improvements in survival rates in the last 40 years; and

WHEREAS, once symptoms of pancreatic cancer present themselves, it is usually too late for an optimistic prognosis, and 74 percent of pancreatic cancer patients die within the first year of their diagnosis while 94 percent of pancreatic cancer patients die within the first five years; and

WHEREAS, as the fourth leading cause of cancer death in the United States, pancreatic cancer is one of the deadliest cancers, and of all the racial/ethnic groups in the United States, African Americans have the highest incidence rate of pancreatic cancer, between 34 percent and 70 percent higher than the other groups; and

WHEREAS, pancreatic cancer research constitutes only approximately 2 percent of the National Cancer Institute's federal research funding which is significantly less than other cancer killers and a figure far too low given the severity of the disease, its mortality rate, and how little is known about how to arrest it; and

WHEREAS, the Pancreatic Cancer Action Network is the first and only national patient advocacy organization that serves the pancreatic cancer community in Portage and nationwide by focusing its efforts on public policy, research funding, patient services, public awareness education related to developing effective treatments and a cure for pancreatic cancer; and

WHEREAS, the Pancreatic Cancer Action Network and its affiliates in Portage support those patients currently battling pancreatic cancer, as well as to those who have lost their lives to the disease, and are committed to nothing less than a cure; and

WHEREAS, the good health and well-being of the residents of Portage are enhanced as a direct result of increased awareness about pancreatic cancer and research into early detection, causes, and effective treatments.

NOW, THEREFORE, BE IT RESOLVED THAT I, Peter J. Strazdas, Mayor of the City of Portage, Michigan, do hereby proclaim November 2012 as ***"PANCREATIC CANCER AWARENESS MONTH"*** in Portage.

Signed this 23rd day of October 2012

Peter J. Strazdas, Mayor

City of Portage
Proclamation

MAKE A DIFFERENCE DAY

WHEREAS, serious social problems concern our nation and city and threaten our future; and

WHEREAS, connecting with others and working together through volunteer service can bridge the differences that separate people and help solve serious social problems; and

WHEREAS, we, the American people and the citizens of the City of Portage have a tradition of philanthropy and volunteerism; and

WHEREAS, in 2011, three million people cared enough about their communities to volunteer on Make A Difference Day, accomplishing thousands of projects in every state; and

WHEREAS, the City of Portage encourages its citizens to find ways to make a difference in the Portage community; and

WHEREAS, the City of Portage website offers a convenient link to volunteer opportunities within the City of Portage; and

WHEREAS, 2012 makes the 22nd annual Make A Difference Day held in partnership with Points of Light and USA WEEKEND Magazine; and

WHEREAS, the City of Portage supports a vibrant community to enrich the lives of our citizens;

NOW, THEREFORE, I, Peter J. Strazdas as Mayor of the City of Portage, do hereby proclaim October 27, 2012 as MAKE A DIFFERENCE DAY in the City of Portage and urge all citizens to participate in volunteer projects as we work together to meet the needs of our neighbors.

IN WITNESS WHEREOF, I have set my hand and caused the Great Seal of the City of Portage, to be affixed this 23rd Day of October, 2012.

Signed this 23rd day of October 2012

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Peter J. Strazdas, Mayor

City of Portage
Proclamation

NATIONAL RED RIBBON PROCLAMATION

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

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

WHEREAS, the National Family Partnership, the Red Ribbon Coalition, Mothers Against Drunk Driving, Students Against Drunk Driving, Portage Public Schools and the Kalamazoo County Substance Abuse Task Force are sponsoring the National Red Ribbon Campaign offering citizens the opportunity to demonstrate their commitment to drug-free lifestyles; and

WHEREAS, the National Red Ribbon Campaign will be celebrated in communities throughout America during **"Red Ribbon Week," October 23-31, 2012**; and

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

WHEREAS, the community of Portage further commits its resources to ensure the success of the Red Ribbon Campaign.

NOW, THEREFORE, BE IT RESOLVED THAT I, Peter J. Strazdas, Mayor of the City of Portage, Michigan, do hereby proclaim the week of October 23-31, 2012, as **RED RIBBON WEEK**, and encourage Portage citizens to participate in drug prevention education activities, showing our commitment to a drug-free community.

BE IT FURTHER RESOLVED that the **City Council of the City of Portage** encourages all citizens to pledge: **My choice.....Drug-Free.**

Signed this 23rd day of October 2012

Peter J. Strazdas, Mayor

DRAFT

MINUTES OF THE MEETING OF THE PORTAGE CITY COUNCIL COMMITTEE OF THE WHOLE OF OCTOBER 9, 2012 – 50TH ANNIVERSARY OF THE CITY OF PORTAGE

Mayor Peter Strazdas called the meeting to order at 3:59 p.m. The following Councilmembers were present: Councilmembers Elizabeth Campbell, Jim Pearson, Patricia Randall and Terry Urban, Mayor Pro Tem Claudette Reid and Mayor Peter Strazdas. Councilmember Edward Sackley was absent with excuse. Also present were City Manager Maurice Evans and City Clerk James Hudson.

Mayor Strazdas listed six major ideas proposed by the Administration in the City Manager communication dated October 5, 2012, for commemorating the 50th Anniversary of the City of Portage:

1. A commemorative edition of the *Portager*.
2. Proclamations from government representatives.
3. A display of historical documents.
4. A video "collage" with the help of the Public Media Network.
5. Major community events being planned to celebrate the 50th Anniversary, including a winter half marathon in cooperation with the Kalamazoo Area Runners Club; a groundbreaking ceremony of Phase I of the Eliason Nature Reserve property; a concert in the 2013 Summer Entertainment Series; and a new logo. Discussion followed.

City Council revealed their opposition to the polar dive and expressed interest and support for the citizen recommendation of the "fifty flowers" idea, including a big "50" at each entrance to the City where feasible and at City Hall; two banners resulting from a possible art competition among the three high schools with the Administration making the necessary contacts; possibly include businesses in the banner or sign efforts; set Portage flags along South Westnedge Avenue; a coffee table book in collaboration with volunteers and led by former Mayor Pro Tem Ted Vliek; use of the electronic billboard; use of public transportation to get those in need to the various event offerings; and, approval of one of the logo designs informally presented to City Council, so request the Administration to bring the logo design options before City Council for consideration. Discussion followed regarding cost and funding, and mention was made that the Portage flags along South Westnedge could be intermingled with a flag with the new city logo on it at every other posting.

City Council liked the Senior Citizens Advisory Board suggestion of a parade with a theme of 50 years ago with 60's vehicles and dress, but indicated that it could get very expensive to have an appreciation event for Board Members and Commissioners, but the outdoor art competition would be great and even a significant community art piece could be commissioned with private dollars which would require a fundraising effort led by City Councilmembers. There was a consensus for the suggestion that a voucher for the 50th Anniversary dedicated Summer Series event or any Summer Series event for Board and Commissioner Members would be appropriate. Discussion followed.

Councilmember Campbell revealed an effort by the Portage Rotary Club to dedicate a

"Peace Pole" with a "peace garden" and "peace benches" as a memorial of the 50th Anniversary that could become a landmark for the city. Discussion followed.

Councilmember Randall suggested promoting local businesses by involving them in the celebration and proposed a book with businesses that are 50 years old or older to be highlighted in the book. Discussion followed.

Mayor Pro Tem Reid offered the idea of video interviews of senior citizens to obtain a prospective of Portage then and now and Councilmember Urban requested that the petition to form a Charter Commission for the Township to consider becoming a city be obtained and to interview surviving petition signers as part of the video. Discussion followed.

Mayor Strazdas summed up and recapped each of the suggestions discussed.

ADJOURN: Mayor Strazdas adjourned the meeting at 5:05 p.m.

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James R. Hudson, City Clerk

DRAFT

MINUTES OF THE SPECIAL MEETING OF THE PORTAGE CITY COUNCIL OF OCTOBER 9, 2012 - BOARDS AND COMMISSIONS APPLICANTS

Mayor Strazdas called the meeting to order at 5:15 p.m. The following Councilmembers were present: Councilmembers Elizabeth Campbell, Jim Pearson, Patricia Randall, Edward Sackley and Terry Urban, Mayor Pro Tem Claudette Reid and Mayor Peter Strazdas. Also in attendance was City Clerk James R. Hudson.
The proceedings were:

* 5:15-5:31 p.m., Council interviewed Eric Alburtus, Robert Kelber, Doug Barrett, Ric Perry and Jeff Kalmbach for the Economic Development Corporation/Tax Increment Finance Authority and Brownfield Redevelopment Authority. Discussion followed. Councilmembers Elizabeth Campbell left the meeting.

* 5:32-6:03 p.m., Council interviewed William Beck, Martha Dahlinger, Christin DeJong, Robert Kelber, James Ebert, David Mayfield and William Strong for the Environmental Board. Discussion followed.

* 6:04-6:19 p.m., Council interviewed Diane Durian, Sandra Sheppard, Edward Morgan, Karista Gallick and Amanda Woodin for the Human Services Board. Discussion followed. Councilmember Campbell returned at 6:07 p.m.

* 6:20-6:39 p.m., Council interviewed Trudy Riker, Mary Maisto, Monifa Jumanne, Edward Morgan and Lorrainne Aiken for the Senior Citizens Advisory Board. Chairperson Ruth Ann Meyer was present for questions and discussion. Discussion followed.

* 6:40-6:49 p.m., Council interviewed Suzanne Nemeth and Karista Gallick for the Historic District Commission. Discussion followed.

* 6:50-6:59 p.m., Council interviewed Karista Gallick for the Park Board. Vice Chairperson Sue Williams was present for questions and discussion. Discussion followed.

ADJOURN: Mayor Strazdas adjourned the meeting at 6:59 p.m.

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James R. Hudson, City Clerk

DRAFT

CITY COUNCIL MEETING MINUTES FROM OCTOBER 9, 2012

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

At the request of Mayor Strazdas, Pastor Joan Herbon of the Lord of Life Lutheran Church of Portage gave an invocation and Derrick Allard of Boy Scout Troop 285 led City Council and the audience in the Pledge of Allegiance.

The City Clerk called the roll with the following members present: Councilmembers Elizabeth A. Campbell, Jim Pearson, Patricia M. Randall, Edward J. Sackley, Terry R. Urban, Mayor Pro Tem Claudette S. Reid and Mayor Peter J. Strazdas. Also in attendance were Deputy City Manager Brian J. Bowling, City Attorney Randy Brown and City Clerk James R. Hudson.

APPROVAL OF MINUTES: Motion by Sackley, seconded by Reid, to approve the September 25, 2012 Regular Meeting Minutes as presented. Upon a voice vote, motion carried 7 to 0.

* **CONSENT AGENDA:** Mayor Strazdas asked Councilmember Urban to read the Consent Agenda. Councilmember Urban asked that Item K.1, Appointment to Various Boards and Commissions, be added to the Consent Agenda. Motion by Urban, seconded by Campbell, to approve the Consent Agenda motions as amended. Upon a roll call vote, motion carried 7 to 0.

* **APPROVAL OF ACCOUNTS PAYABLE REGISTER OF OCTOBER 9, 2012:** Motion by Urban, seconded by Campbell, to approve the Accounts Payable Register of October 9, 2012. Upon a roll call vote, motion carried 7 to 0.

REPORTS FROM THE ADMINISTRATION:

* **MUELLER COPPER TUBE PRODUCTS COMPANY – PA 198 TAX ABATEMENT:** Motion by Urban, seconded by Campbell, to adopt Resolution No. 1-12 setting a public hearing on the expansion of Industrial Development District No. 1 for October 23, 2012, at 7:30 p.m. or as soon thereafter as may be heard; and to adopt Resolution No. 3-12 setting a public hearing on the issuance of the Industrial Facilities Exemption Certificate for Mueller Copper Tube Products Company for real and personal property in the estimated amount of $26.5 million for October 23, 2012, at 7:30 p.m. or as soon thereafter as may be heard. Upon a roll call vote, motion carried 7 to 0.

* **HEIGHT MODIFICATION FOR MUELLER PLASTICS, 6700 SOUTH SPRINKLE ROAD:** Motion by Urban, seconded by Campbell, to approve the height modification for Mueller Plastics, 6700 South Sprinkle Road, to allow three existing 50-foot tall silos and construction of two new 60-foot tall silos. Upon a roll call vote, motion carried 7 to 0.

* **TRANSFER OWNERSHIP OF THE 2012 TAVERN LICENSE TO THE NEWLY CONSTRUCTED BUILDING AT 6300 SOUTH WESTNEDGE AVENUE, PORTAGE, MI 49002, KALAMAZOO COUNTY (PIZZA HUT):** Motion by Urban, seconded by Campbell, to grant the request from Trigo Pizza Company, Inc., to transfer ownership of the 2012 Tavern License to the newly constructed building at 6300 South Westnedge Avenue, Portage, MI 49002, Kalamazoo County (Pizza Hut), from the razed building at the same address. Upon a roll call vote, motion carried 7 to 0.

* **TRANSFER OWNERSHIP OF THE 2012 CLASS C LICENSED BUSINESS FROM ESCROW TO RIVIERA MAYA, INC.:** Motion by Urban, seconded by Campbell, to grant the request from Riviera Maya, Inc., to transfer ownership of the 2012 Class C Licensed Business from escrow (Cheeseburger in Paradise, 6050 West Main Street, Kalamazoo) to 5036 South Westnedge Avenue, Portage, MI 49002, Kalamazoo County (Riviera Maya). Upon a roll call vote, motion carried 7 to 0.

* **TRANSFER OWNERSHIP OF THE 2012 CLASS C LICENSED BUSINESS FROM APPLEBEE'S OF MICHIGAN, INC., (APPLEBEE'S) TO TSFR APPLE VENTURE, LLC:** Motion by Urban, seconded by Campbell, to grant the request to transfer ownership of the 2012 Class C Licensed Business located at 6675 South Westnedge Avenue, Portage, MI 49002, Kalamazoo County, from Applebee's of Michigan, Inc., (Applebee's) to TSFR Apple Venture, LLC. Upon a roll call vote, motion carried 7 to 0.

* **SPECIAL MEETING WITH INVESTMENT COMMITTEE:** Motion by Urban, seconded by Campbell, to set a Special Meeting on Tuesday, October 23, 2012, beginning at 6:30 p.m. to interview applicants for the Investment Committee. Upon a roll call vote, motion carried 7 to 0.

* **ANALYSIS OF ZONING CONSISTENCY (FY 2011-2012 UPDATE) – INFORMATION ONLY:** Motion by Urban, seconded by Campbell, to receive the communication from the City Manager regarding the Analysis of Zoning Consistency (FY 2011-2012 Update) as information only. Upon a roll call vote, motion carried 7 to 0.

* **MINUTES OF BOARDS AND COMMISSIONS:** City Council received the minutes for the following boards and commissions:

Portage Public Schools Board of Education Policy Governance of July 17, Regular Business of August 20, and Special and Committee of the Whole of September 10, 2012.
Portage Senior Citizens Advisory Board of August 15, 2012.
Portage Human Service Board of September 6, 2012.
Portage Planning Commission of September 20, 2012.

AD HOC COMMITTEE REPORT:

50TH ANNIVERSARY COMMITTEE OF THE WHOLE: Mayor Strazdas reviewed the discussion at the 50th Anniversary Committee of the Whole Meeting earlier in the day. The consensus at the meeting was to let volunteers do what they want; let the Youth Advisory Committee do the three items they suggested; have the Historic District Commission organize a Train Barn tour and tour of Historic Homes; have the Planning Commission organize a Community Art Competition, if there is money, and promote a local business tie-in for the Anniversary; work with the Portage Rotary on the installation of a Peace Pole; have the Public Media Network work on the production of a video of Portage citizens' rendition of the history of Portage; have the Human Service Board look into advertising on the electronic billboards and the procurement of transportation for special events for those in need; let Former Mayor Pro Tem Vliek work with his volunteers to create a "Coffee Table Book of Portage" without the use of city dollars; and, work with the Administration on a Commemorative *Portager*; Proclamations from state representatives and the Governor, a display of historical photographs, documents and memorabilia in City Hall; the creation of a historical video collage, a winter half marathon in cooperation with the Kalamazoo Area Runners Club, a fundraising effort to support an

expanded 2013 Summer Entertainment Series, including a "50th Anniversary Concert," the "50th Anniversary Groundbreaking" event for Phase I of the Eliason Nature Preserve, Summer Series Event voucher for Board and Commission volunteers, the 50th Anniversary theme for the Memorial Day Parade, a New City Logo presentation (using the four previously presented versions to be brought back for consideration and formal action) and tagline, flowers with "50th Anniversary" theme, Portage flags along South Westnedge Avenue, and a Banner Competition among the three high schools.

NEW BUSINESS:

* **APPOINTMENTS TO VARIOUS BOARDS AND COMMISSIONS:** Motion by Urban, seconded by Campbell, to reappoint Ric Perry as Portage Public School Representative and appoint Jeff Kalmbach with terms ending December 31, 2018, and appoint Eric Alburtus as Portage Public School Representative with unfulfilled term ending December 31, 2014, and Robert Kelber with unfulfilled term ending December 31, 2017, to the Economic Development Corporation/Tax Increment Finance Authority/Brownfield Redevelopment Authority; reappoint William Beck and Martha Dahlinger and appoint Christin DeJong with terms ending October 1, 2015, to the Environmental Board; reappoint Diane Durian, Raymond LaPoint and Sandra Sheppard with terms ending October 1, 2015, and appoint Ed Morgan and Amanda Woodin with unfulfilled terms ending October 1, 2014, to the Human Services Board; reappoint Patricia Berninger and Ann Perkins and appoint Trudy Riker with terms ending October 1, 2015, and reappoint Mary Maisto and appointed Monifa Jumann with Alternate terms ending October 1, 2014, to the Senior Citizens Advisory Board; reappoint Mark Reile and Katie vanLonkhuyzen and appoint Suzanne Nemeth with terms ending December 31, 2015, and appoint Jim Ebert with unfulfilled term ending December 31, 2013, to the Historic District Commission; and, appoint Doug Barrett, Karista Gallick and Tucker Webb with terms ending October 1, 2015, to the Park Board. Upon a roll call vote, motion carried 7 to 0.

BID TABULATIONS:

* **CONTRACTED SNOWPLOW OPERATORS - RECOMMENDATION:** Motion by Urban, seconded by Campbell, to award a three-year contract to Mulder's Landscape Supply, Incorporated, to provide eight contracted seasonal snowplow operators at a cost of $67,336 for Fiscal Year 2012-2013, $67,336 for Fiscal Year 2013-2014 and $70,072 for Fiscal Year 2014-2015 with the option to renew the contract for up to three years and authorize the City Manager to execute all documents related to the contract and subsequent renewals on behalf of the city. Upon a roll call vote, motion carried 7 to 0.

* **2012 STORM DRAINAGE IMPROVEMENTS PROJECT:** Motion by Urban, seconded by Campbell, to award a contract to the low bidder, Peters Construction Company, Incorporated, for the construction of the 2012 Storm Drainage Improvements Project in the not to exceed amount of $147,450 and authorize the City Manager to execute all documents related to this project on behalf of the city. Upon a roll call vote, motion carried 7 to 0.

* **SOUTH WESTNEDGE PARK SOFTBALL FIELD IMPROVEMENTS:** Motion by Urban, seconded by Campbell, to award a contract for softball field improvements at South Westnedge Park to TJM Services, LLC, in the amount of $29,040 and authorize the City Manager to execute all documents related to this agreement on behalf of the city. Upon a roll call vote, motion carried 7 to 0.

* **BID RECOMMENDATION - 2013 PORTAGE SENIOR CENTER MOTOR COACH SERVICES:** Motion by Urban, seconded by Campbell, to approve the low bid from Gail Andrus Travel, LLC, for motor coach services for the 2013 Portage Senior Center travel program in the amount of $23,653 and authorize the City Manager to execute all documents related to this action on behalf of the city. Upon a roll call vote, motion carried 7 to 0.

OTHER CITY MATTERS:

STATEMENTS OF CITY COUNCIL: Councilmember Randall highlighted the 15th Annual Portage Invitational Cross Country Meet at West Middle School, pointed out that local restaurants have indicated that it is their biggest day of the year and thanked the organizers.

Mayor Pro Tem Reid said she was honored to present the Proclamation Honoring seventeen year old Claressa Shields, the 2012 Olympic Gold Medal Winner in Women's Boxing, at Portage North Middle School, and invited everyone to attend the "Shindig" on Saturday, October 13, 2012, at 7 p.m. in the Hayloft Theatre located at the Celery Flats Historical Area.

Mayor Strazdas had high praise for the quality and quantity of Board and Commission applicants at the Special Meeting.

ADJOURNMENT: Mayor Strazdas adjourned the meeting at 7:53 p.m.

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James R. Hudson, City Clerk

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

CITY OF PORTAGE **COMMUNICATION**

TO: Honorable Mayor and City Council **DATE:** October 15, 2012

FROM: Maurice S. Evans, City Manager

SUBJECT: Accounts Payable Register

ACTION RECOMMENDED: That City Council approve the Accounts Payable Register of October 23, 2012 as presented.

Attached please find the Accounts Payable Register for the period September 30, 2012 through October 14, 2012, which is recommended for approval.

c: Daniel S. Foecking, Finance Director

CHECK DATE	CHECK NUMBER	VENDOR NAME	VENDOR #	CHECK AMOUNT
10/05/2012	282631	U S POSTMASTER	392	3,396.43
10/12/2012	282632	A I S CONSTRUCTION EQUIP. CO.	640	1,294.60
10/12/2012	282633	AT&T	849	3,874.69
10/12/2012	282634	AT&T	849	49.50
10/12/2012	282635	A-1 SIGNS	2873	536.10
10/12/2012	282636	ALERT-ALL CORP.	4733	790.00
10/12/2012	282637	ALL-PHASE ELECTRIC SUPPLY CO.	108	116.33
10/12/2012	282638	ALLEGRA PRINT & IMAGING	533	1,381.73
10/12/2012	282639	AMERICAN HYDROGEOLOGY CORP.	114	19,950.00
10/12/2012	282640	APPROVED FIRE PROTECTION CO.	630	395.00
10/12/2012	282641	ARROWHEAD SCIENTIFIC, INC.	3744	183.05
10/12/2012	282642	AUSTIN, MARTHA	999999	130.00
10/12/2012	282643	ADP, INC.	3305	912.47
10/12/2012	282644	AUTOMATIC MICROFILMING CO.	863	6,881.07
10/12/2012	282645	BAIRD, ANNE	999999	60.00
10/12/2012	282646	BAKER, MICHAEL	654	95.00
10/12/2012	282647	BALKEMA EXCAVATING, INC.	130	1,512.00
10/12/2012	282648	BARRETT SIGN	999999	55.00
10/12/2012	282649	BATES, LOIS	999999	65.00
10/12/2012	282650	BAYMONT INN AND SUITES HOWELL	4829	391.68
10/12/2012	282651	BCHS-HELPNET	1732	1,251.21
10/12/2012	282652	BEARING SERVICE	1157	36.48
10/12/2012	282653	BESCO WATER TREATMENT, INC.	3339	10.30
10/12/2012	282654	BREAD OF LIFE, LLC	4729	77.39
10/12/2012	282655	BREATHING AIR SYSTEMS	4466	21.95
10/12/2012	282656	BRINK'S, INC	153	263.30
10/12/2012	282657	FENNEMA ENTERPRISES, LLC	4645	80.00
10/12/2012	282658	BRUNER, GREGORY	999999	450.00
10/12/2012	282659	C B C INNOVIS INC	2887	20.60
10/12/2012	282660	CAMPBELL AUTO SUPPLY	437	212.45
10/12/2012	282661	CELEBRATION CINEMA - GR, L.P.	2932	341.00
10/12/2012	282662	CHARTER COMMUNICATIONS	3080	327.30
10/12/2012	282663	CHICAGO TITLE OF MICHIGAN INC	999999	43.12
10/12/2012	282664	CITY OF KALAMAZOO (TRANS MILLA	4649	3,500.68
10/12/2012	282665	CITY OF KALAMAZOO TREASURER	540	756.73
10/12/2012	282666	CITY OF PORTAGE	177	151.53
10/12/2012	282667	COMSTOCK PUBLIC SCHOOLS	1671	184.53
10/12/2012	282668	CONSUMERS CONCRETE CORP.	187	488.50
10/12/2012	282669	CONSUMERS ENERGY	743	39,168.21
10/12/2012	282670	CONSUMERS ENERGY-BILL PMT CNT	189	4,116.31
10/12/2012	282671	CROSSROADS CAR WASH	195	189.50
10/12/2012	282672	CTT/MTU	999999	55.00
10/12/2012	282673	CURTIS, JAMES & LISA	999999	391.49
10/12/2012	282674	CUSTOMIZED CLEANING SERVICES,	3622	700.00
10/12/2012	282675	DATA CONSTRUCTS LLC	4741	196.35
10/12/2012	282676	DETROIT SALT CO.	1653	67,923.05
10/12/2012	282677	ELIZABETH RUDDICK AND	999999	2,905.00
10/12/2012	282678	EMERGENCY VEHICLE PRODUCTS	2948	4,452.77
10/12/2012	282679	EVANS, MAURICE	532	392.18
10/12/2012	282680	FADER EQUIPMENT, INC.	688	833.82
10/12/2012	282681	FBINAA MICHIGAN CHAPTER	999999	120.00

CHECK DATE	CHECK NUMBER	VENDOR NAME	VENDOR #	CHECK AMOUNT
10/12/2012	282682	FLETCHER ENTERPRISES	1399	1,400.00
10/12/2012	282683	FOECKING, DANIEL	532	890.94
10/12/2012	282684	FORTIER, SANDRA JO	999999	80.00
10/12/2012	282685	FREEMIRE, SUE	999999	70.00
10/12/2012	282686	GRAHAM FORESTRY SERVICE, INC.	464	1,912.50
10/12/2012	282687	GRIFFIN PEST CONTROL, INC.	598	55.00
10/12/2012	282688	GWIN, KENDRA	532	.00
10/12/2012	282689	GWIN, KENDRA	999999	255.00
10/12/2012	282690	HALT FIRE, INC.	4781	138.34
10/12/2012	282691	HASTINGS AIR ENERGY CONTROL	939	243.95
10/12/2012	282692	HAUN, KEVIN L	674	47.00
10/12/2012	282693	HEIMRICH, KIM	999999	184.05
10/12/2012	282694	HOADLEY, LEO	4228	110.00
10/12/2012	282695	HOME DEPOT	691	155.22
10/12/2012	282696	HUDSON, JAMES	532	178.30
10/12/2012	282697	I-DEAL, LLC	2719	1,500.00
10/12/2012	282698	IERVOLINA, SUSAN	2074	100.00
10/12/2012	282699	INTERSECT TECHNOLOGIES	379	394.00
10/12/2012	282700	JAGER, RICHARD	999999	70.00
10/12/2012	282701	KALAMAZOO CIVIC THEATRE	999999	175.00
10/12/2012	282702	KALAMAZOO OIL COMPANY	4511	50.94
10/12/2012	282703	KALAMAZOO REGIONAL CHAMBER	3499	25.00
10/12/2012	282704	KERKSTRA PRECAST, INC.	706	4,826.00
10/12/2012	282705	KING, MIKE	999999	50.00
10/12/2012	282706	KLEMM, KARL	532	74.36
10/12/2012	282707	KLOOSTER, FRAN	999999	114.75
10/12/2012	282708	KLOSTERMAN DISTRIBUTING	3805	38.20
10/12/2012	282709	LABONTE, JAMES	999999	75.11
10/12/2012	282710	LAJOICE, MARY	999999	70.00
10/12/2012	282711	LAKE MICHIGAN CREDIT UNION	999999	57.55
10/12/2012	282712	LEMMEN OIL CO.	2595	12,144.00
10/12/2012	282713	LEXISNEXIS/MATTHEW BENDER	2701	342.50
10/12/2012	282714	LIFELOC TECHNOLOGIES, INC.	3732	179.11
10/12/2012	282715	LORD, JAMES	532	2,234.46
10/12/2012	282716	LOUCKS, JANET	999999	65.00
10/12/2012	282717	LOWE'S HOME CENTER	2630	389.88
10/12/2012	282718	MACOMB COMMUNITY COLLEGE	1409	1,000.00
10/12/2012	282719	MACOMB COMMUNITY COLLEGE	1409	415.00
10/12/2012	282721	MAURER'S TEXTILE RENTAL SERVIC	4746	312.66
10/12/2012	282722	MICH DEPT OF LICENSING &	999999	50.00
10/12/2012	282723	MICH MUNICIPAL POLICE & FIRE R	4777	1,077.35
10/12/2012	282724	MICHIGAN PAVING & MATERIALS CO	3389	493,654.12
10/12/2012	282725	MICHIGAN TAX TRIBUNAL	999999	25.00
10/12/2012	282726	MICHIGAN URBAN SEARCH AND RESC	4806	600.00
10/12/2012	282727	MID-AMERICA APPRAISAL CO.	3523	760.00
10/12/2012	282728	MIDWEST CUSTOM EMBROIDERY COMP	613	342.00
10/12/2012	282729	MILLER, SUSAN	999999	80.00
10/12/2012	282730	MML UNEMPLOYMENT FUND	4476	2,167.84
10/12/2012	282731	NATIONAL FIRE PROTECTION ASSOC	4099	62.85
10/12/2012	282732	NEW FRESH CLEANING SERVICE	4351	4,999.00
10/12/2012	282733	NICOLA, ROBERT J & H	999999	660.00

CHECK DATE	CHECK NUMBER	VENDOR NAME	VENDOR #	CHECK AMOUNT
10/12/2012	282734	NYE UNIFORMS	299	325.91
10/12/2012	282736	OFFICE DEPOT, INC.	1721	1,253.71
10/12/2012	282737	OFFICEMAX INCORPORATED	301	162.28
10/12/2012	282738	OPALEWSKI, JOHN	999999	322.00
10/12/2012	282739	OTSEGO COUNTY ABSTRACT COMPANY	999999	15.53
10/12/2012	282740	P K CONTRACTING, INC.	1737	2,536.59
10/12/2012	282741	PALENICK, THOMAS	532	250.00
10/12/2012	282742	PARIS CLEANERS	1794	995.75
10/12/2012	282743	PATESEL, TERRY	4455	188.00
10/12/2012	282744	PATTOK, JESSICA	999999	100.00
10/12/2012	282745	PAVEMENT RESTORATION OF MICH	307	659.00
10/12/2012	282746	PETERMAN CONCRETE CO.	310	2,854.00
10/12/2012	282747	PETERS CONSTRUCTION CO.	1638	20,898.40
10/12/2012	282748	PETERSON, JANET	999999	100.00
10/12/2012	282749	PETTY CASH-CITY HALL	767	209.77
10/12/2012	282750	PETTY CASH-DPS	538	156.30
10/12/2012	282751	POSTMAN INC., THE	4790	1,140.00
10/12/2012	282752	PRO-FLEET	3209	2,301.00
10/12/2012	282753	PROFESSIONAL TREE SERVICE, INC	321	11,750.00
10/12/2012	282754	PSCHIGODA, LORRAINE	999999	80.00
10/12/2012	282755	RATHCO SAFETY SUPPLY, INC.	327	779.60
10/12/2012	282756	REED, ELIZABETH	999999	100.00
10/12/2012	282757	RELIABLE MANAGEMENT SYSTEMS, I	4354	366.00
10/12/2012	282758	RENEWED EARTH, INC.	4686	7,916.66
10/12/2012	282759	REPUBLIC SERVICES OF WEST MICH	4443	903.58
10/12/2012	282760	RIDGE AUTO NAPA	438	176.39
10/12/2012	282761	ROMENCE GARDENS, INC	343	197.05
10/12/2012	282762	SECANT TECHNOLOGIES	870	4,760.00
10/12/2012	282763	SHERWIN WILLIAMS	356	367.82
10/12/2012	282764	SIMMONS FORD	2064	1,648.58
10/12/2012	282765	SPRINT	3721	1,450.36
10/12/2012	282766	SPRUCE TREES DIRECT LC	999999	3,500.00
10/12/2012	282767	SPRUCE TREES DIRECT LLC	4823	46,669.00
10/12/2012	282768	STATE OF MICHIGAN (DOT)	368	138,411.02
10/12/2012	282769	STATE SYSTEMS RADIO, INC	369	1,826.43
10/12/2012	282770	STEENSMA LAWN & POWER EQUIPMEN	3222	447.96
10/12/2012	282771	SUNGARD PUBLIC SECTOR	449	66,338.32
10/12/2012	282772	SUTTER, CAROLYN	999999	95.00
10/12/2012	282773	T A SCOTT CONSTRUCTION	999999	370.00
10/12/2012	282774	T D S METROCOM, LLC	4539	3,041.99
10/12/2012	282775	T-MOBILE USA INC	3665	29.99
10/12/2012	282776	TAYLOR, MARGE	999999	80.00
10/12/2012	282777	TEMPLE, LOIS	999999	55.00
10/12/2012	282778	TERBERG, JOYCE	999999	65.00
10/12/2012	282779	THOMPSON PUBLISHING GROUP	385	438.50
10/12/2012	282780	JOHANNA THOMPSON	4682	3,778.02
10/12/2012	282781	TMI HOSPITALITY	999999	80.00
10/12/2012	282782	TRACTOR SUPPLY CORP.	2817	87.25
10/12/2012	282783	TRUGREEN	390	57.00
10/12/2012	282784	UNITED PARCEL SERVICE	545	211.99
10/12/2012	282785	US DEPARTMENT OF HOUSING	999999	68.26

CHECK DATE	CHECK NUMBER	VENDOR NAME	VENDOR #	CHECK AMOUNT
10/12/2012	282786	VANCE OUTDOORS, INC.	4808	3,330.00
10/12/2012	282787	VANDERMEER, KIMBERLY	999999	23.09
10/12/2012	282788	VANDYKE, RICHARD	999999	60.00
10/12/2012	282791	VERIZON WIRELESS SERVICES, LLC	4653	.00
10/12/2012	282792	VERMEER, JEREMY	532	529.16
10/12/2012	282793	WEBSTER, CHARLOTTE	999999	70.00
10/12/2012	282794	WELLER AUTO PARTS INC.	4668	1,016.00
10/12/2012	282795	WERTZ, MEGAN	999999	490.00
10/12/2012	282796	WESTERN MICHIGAN UNIVERSITY	2944	1,400.00
10/12/2012	282797	WHITE, RICHARD	532	1,301.88
10/12/2012	282798	WIGHTMAN & ASSOCIATES, INC.	425	315.00
10/12/2012	282799	WIGHTMAN & ASSOCIATES, INC.	3785	31,114.75
10/12/2012	282800	WINDEMULLER ELECTRIC, INC.	3061	5,006.76
10/12/2012	282801	WINGFOOT COMMERCIAL TIRE	2613	515.86
10/12/2012	282802	WOLVERINE LAWN SERVICE, INC.	1089	57.51
10/12/2012	282803	DAN WOOD COMPANY	2019	6,800.00
10/12/2012	282804	10TH DISTRICT COURT	999999	258.00
10/12/2012	282805	5TH DISTRICT COURT	999999	100.00
10/12/2012	282806	57TH DISTRICT COURT	999999	187.00
10/12/2012	282807	63RD DISTRICT COURT	999999	219.00
10/12/2012	282809	VERIZON WIRELESS SERVICES, LLC	4653	1,844.27

DATE RANGE TOTAL * 1,091,885.67 *

PREPARED 10/15/2012, 8:58:13
PROGRAM: GM176L
CITY OF PORTAGE

ELECTRONIC FUNDS TRANSFER REGISTER

FROM: 09/30/2012 TO: 10/14/2012

ACCOUNTING PERIOD 01/2013

PAYMENT NO	VENDOR NO	VENDOR NAME	TRANSFER DATE	AMOUNT	TRACE NUMBER	EFT BATCH	BANK CODE
1460		AMERICAN SAFETY & FIRST AID	10/12/2012	400.77	072000320000001	0000001	00
1461		ANDRUS TRAVEL, GAIL	10/12/2012	2,960.00	072000320000002	0000001	00
1462		ANIMAL REMOVAL SERVICE, LLC	10/12/2012	1,830.00	072000320000003	0000001	00
1463		B & B YARDSCAPE	10/12/2012	7,546.25	072000320000004	0000001	00
1464		BATTERIES PLUS	10/12/2012	25.00	072000320000005	0000001	00
1465		BEEBE, RON	10/12/2012	94.00	072000320000006	0000001	00
1466		C D W GOVERNMENT, INC.	10/12/2012	150.00	072000320000007	0000001	00
1467		C M P DISTRIBUTORS, INC.	10/12/2012	633.00	072000320000008	0000001	00
1468		CAPITAL ADVANTAGE LEASING	10/12/2012	8,932.20	072000320000009	0000001	00
1469		CARRIER & GABLE	10/12/2012	929.00	072000320000010	0000001	00
1470		ENGINEERED PROTECTION SYSTEMS, INC.	10/12/2012	278.25	072000320000011	0000001	00
1471		ETNA SUPPLY, INC.	10/12/2012	2,374.69	072000320000012	0000001	00
1472		FORSHEE, MARK	10/12/2012	132.00	072000320000013	0000001	00
1473		FURRY, WILLIAM	10/12/2012	90.00	072000320000014	0000001	00
1474		INDUSCO SUPPLY CO., INC.	10/12/2012	325.84	072000320000015	0000001	00
1475		IRISH AYRES ENTERPRISES, LLC	10/12/2012	8,981.75	072000320000016	0000001	00
1476		KEHOE, EDWARD J	10/12/2012	220.00	072000320000017	0000001	00
1477		KOPEC, CASEY	10/12/2012	135.00	072000320000018	0000001	00
1478		KUIPER BUILDING SERVICES LLC	10/12/2012	750.00	072000320000019	0000001	00
1479		MALZ, DONALD	10/12/2012	90.00	072000320000020	0000001	00
1480		MATER HOME IMPROVEMENT LTD	10/12/2012	5,550.00	072000320000021	0000001	00
1481		MEDEMA, TIMOTHY	10/12/2012	94.00	072000320000022	0000001	00
1482		MEJEUR ELECTRIC LLC	10/12/2012	447.00	072000320000023	0000001	00
1483		PACIFIC TELEMGMT SERVS, JAROTH INC	10/12/2012	303.00	072000320000024	0000001	00
1484		POULIOT, GRETCHEN	10/12/2012	60.00	072000320000025	0000001	00
1485		QUALITY AIR HEATING & COOLING, INC.	10/12/2012	832.33	072000320000026	0000001	00
1486		ROE-COMM, INC.	10/12/2012	103.00	072000320000027	0000001	00
1487		SAFETY SERVICES, INCORPORATED	10/12/2012	130.00	072000320000028	0000001	00
1488		SARCOM, INC	10/12/2012	3,240.00	072000320000029	0000001	00
1489		SCHOOLCRAFT CONCRETE CONSTRUCTION	10/12/2012	18,000.00	072000320000030	0000001	00
1490		SNELL, DEBRA	10/12/2012	105.00	072000320000031	0000001	00
1491		THOMPSON, HELENE	10/12/2012	190.00	072000320000032	0000001	00
1492		UNITED PETROLEUM	10/12/2012	198.78	072000320000033	0000001	00
1493		UNITED WATER ENVIRONMENTAL SERVICES	10/12/2012	167,775.40	072000320000034	0000001	00
1494		WEST, STEVE	10/12/2012	141.00	072000320000035	0000001	00

GRAND TOTAL: 234,047.26 NO. OF CHECKS: 35

CITY OF PORTAGE **COMMUNICATION**

TO: Honorable Mayor and City Council **DATE:** October 19, 2012

FROM: Maurice S. Evans, City Manager

SUBJECT: Mueller Copper Tube Products Company – PA 198 Tax Abatement

ACTION RECOMMENDED: That City Council adopt Resolution No. 2-12 expanding Industrial Development District No. 1.

At the City Council meeting on October 9, 2012, a PA 198 Tax Abatement application submitted by Mueller Copper Tube Products Company was provided to Council. Also provided to Council was a preliminary analysis of the tax abatement request, a review of the approval process, as well as the environmental, project impact and property tax issues associated with the application. As indicated in the application submitted by Mueller, a total investment of $26.5 million is proposed that will result in the retention of one job and creation of 78 jobs. While Mueller initially requested a waiver for a 12-year abatement for real and personal property, on October 19th Mueller revised the application (attached) and is now requesting a five-year abatement for both real and personal property.

At the October 9th Council meeting, two public hearings were set for October 23, 2012.

- The first public hearing is to review a proposed expansion of Industrial Development District No. 1 to facilitate construction of a rail spur from the southwest corner of the property, extending to the southwest side of the building.
- The second public hearing is to review the requested Industrial Facilities Exemption Certificate, tax abatement agreement and affidavit between the City of Portage and Mueller.

To facilitate this project by Mueller, the City Administration recommends that subsequent to the first public hearing, Council approve the expansion of Industrial District No. 1 to accommodate the proposed rail spur investment. The district expansion is limited to the route of the proposed rail spur and this site improvement will assist Mueller with reduced raw material shipping costs.

Attached is the revised Mueller application, the resolution to expand the district and the October 3rd communication from Community Development that provides additional information in regard to the request by Mueller. As noted above, subsequent to action on the requested district expansion, Council will consider the request for the Industrial Facilities Exemption Certificate.

Attachment: Communication from Jack Treas, Mueller Industries received October 19, 2012
Resolution 2-12
October 3, 2012 communication from Community Development

Mueller Industries, Inc.
8285 Tournament Drive, Suite 150
Memphis, TN 38125
P 901.753.3200

RECEIVED
OCT 19 2012
COMMUNITY DEVELOPMENT

Honorable Mayor Peter Strazdas and Portage City Council,

Based on a detailed review of terms contained in the PA 198 Tax Abatement Agreement, Mueller Industries respectfully requests to amend its original application for 12 years of consideration related to potential expansion and upgrade of the facility located at 6700 Sprinkle Road in Portage, Michigan to an agreement of 5 years, with the option to extend for an additional 3 years. As previously mentioned, in order to outfit the plant to produce large volumes of plastic DWV fittings, Mueller is prepared to invest over $23.9 million in new equipment and $2.6 million in land and building improvements. Mueller would like to make this facility its primary manufacturing facility of plastics fittings. In addition 78 new jobs are planned to be made available to the local public over the next two years.

Our request for change in abatement duration is based on current and mid-range economic conditions. Being in a commodities business, it is critical that our supply chain costs are kept to a minimum. Granting us a 5-year abatement, with the option to extend for an additional 3 years will allow us the confidence to meet the investment goals we have outlined for the initial term of the agreement, while providing a benefit to Mueller to help defray the logistics cost disadvantage associated with manufacturing outside of our optimum location.

We would like to thank everyone in advance for their consideration of our request and assistance in this process.

Sincerely,

Jack Treas
Vice President and General Manager
Mueller Plastic Systems

CITY OF PORTAGE
RESOLUTION NO. 2-12
EXPANDING PORTAGE INDUSTRIAL DEVELOPMENT DISTRICT NO. 1
MUELLER COPPER TUBE PRODUCTS CO.

Minutes of a regular meeting of the City Council for the City of Portage, Michigan held on _____, 2012, at 7:30 p.m. local time at City Hall in the City of Portage, Michigan.

PRESENT: _____

ABSENT: _____

The following resolution was offered by:

COUNCILMEMBER: _____, and supported by:

COUNCILMEMBER: _____.

WHEREAS, the City Council has met in public hearing as heretofore resolved and noticed for the purpose of determining whether a certain described area located at 6700 Sprinkle Road, Portage, Michigan, may be expanded as an Industrial Development District, pursuant to 1974 PA 198, MCLA 207.551, et seq.; and

WHEREAS, such location meets all of the prerequisites of the cited Act;

NOW THEREFORE, BE IT RESOLVED that the following described property be the Expanded Portage Industrial Development District No. 1:

City of Portage, County of Kalamazoo, State of Michigan is fully described as follows:

PART OF THE SOUTHWEST QUARTER OF SECTION 12, TOWN 3 SOUTH, RANGE 11 WEST, COMMENCING AT THE CENTER QUARTER POST OF SECTION 12; THENCE SOUTH 0° 05' 10" WEST 849.61 FEET ALONG THE EAST LINE OF THE SAID SOUTHWEST QUARTER OF SECTION 12; THENCE NORTH 89° 54' 50" WEST 929.78 FEET; THENCE SOUTH 0° 05' 10" WEST 277.20 FEET TO THE PLACE OF BEGINNING OF THIS DESCRIPTION: THENCE SOUTH 43° 04' 41" WEST 439.47 FEET; THENCE SOUTHWESTERLY 124.82 FEET ON A 493.34 FOOT RADIUS CURVE TO THE LEFT WHOSE LONG CHORD BEARS SOUTH 35° 49' 47" WEST 124.49 FEET TO THE EASTERLY RIGHT OF WAY OF THE NORFOLK SOUTHERN/GRAND ELK RAILROAD; THENCE SOUTH 00° 17' 54" WEST 72.69 FEET ALONG THE SAID RAILROAD RIGHT OF WAY; THENCE NORTHEASTERLY 181.45 FEET ON A 463.34 FOOT RADIUS CURVE TO THE RIGHT WHOSE LONG CHORD BEARS NORTH 31° 51' 33" EAST 180.30 FEET; THENCE NORTH 43° 04' 41" EAST 407.29 FEET; THENCE NORTH 0° 05'

10" EAST 43.99 FEET TO THE PLACE OF BEGINNING. CONTAINING 0.40 ACRES. SUBJECT TO EASEMENTS, RESTRICTIONS, AND RIGHTS OF WAY OF RECORD.

ADOPTED: AYES: Councilmember _____

NAYS: Councilmember _____

ABSENT: Councilmember _____

All resolutions or parts of resolutions are, to the extent of any conflict with this resolution, rescinded.

RESOLUTION DECLARED ADOPTED:

_____
James R. Hudson, City Clerk

CERTIFICATION

I hereby certify that the foregoing is a true and complete copy of Resolution #2-12 adopted at a regular meeting of the City Council of the City of Portage, Kalamazoo County, Michigan held on _____, 2012, the original of which is in the official proceedings of the City Council.

_____
James R. Hudson, City Clerk

PREPARED BY:
RANDALL L. BROWN
Portage City Attorney
1662 East Centre Avenue
Portage, Michigan 49002
(269) 323-8812

Approved as to Form:
Date: 10/12/12
By: _____
City Attorney

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CITY OF PORTAGE **COMMUNICATION**

TO: Maurice S. Evans, City Manager **DATE:** October 3, 2012

FROM: Vicki Georgeau, Director of Community Development

SUBJECT: Mueller Copper Tube Products Company, 6700 Sprinkle Road – PA198 Tax Abatement

Mueller Copper Tube Products Company has submitted a PA198 Tax Abatement application for $2.6 million in real property investments (including a 3,900 square foot building addition, building improvements and construction of a rail spur to the southwest side of the existing building) and $23.9 million in personal property investments including the purchase and relocation of machinery and equipment to the manufacturing facility at 6700 Sprinkle Road. One job will be retained and 78 new jobs are planned within two years of completion of the project. The expansion of Industrial Development District No. 1 is requested to facilitate the proposed rail spur site improvement, while the remaining real and personal property investment will occur within the existing Industrial Development District (IDD).

The process to receive a tax abatement is initiated with the filing of a request to establish, expand or re-establish an IDD. A public hearing is held on the request, which in this case involves the expansion of the existing district to facilitate the planned rail spur improvement that will extend from the southwest corner of the property to the southwest side of the building. Following the public hearing and the decision to expand the existing district, the second step in the process involves review of the application for an industrial facilities exemption certificate. As required by the State of Michigan, the city may not approve a new industrial facilities exemption certificate unless there is a written agreement between the city and the owner of the industrial facility, which must be formally filed with the Michigan Department of Treasury. Also, the Michigan State Tax Commission requires an affidavit, executed by the local unit of government and the applicant, which states that there are no additional payments or similar charges other than the required application fee. The tax abatement agreement is considered by the Council when the industrial facilities exemption certificate is reviewed and will include provisions related to the jobs created or retained, the facility to be constructed and related issues. The necessary affidavit regarding fees will also be considered. The tax abatement procedure concludes when, within 60 days of the date of filing, City Council approves the resolution for an industrial facilities exemption certificate. The application materials and related information are then forwarded to the Tax Commission and the agreement is submitted to the Department of Treasury. If City Council adopts a resolution disapproving the application for the certificate, the applicant may still proceed and file the application with the Tax Commission, which renders final approval or disapproval of the industrial facilities exemption certificate.

The City Council established Industrial Tax Abatement Incentive Policy adopted April 29, 2008 outlines the steps to review an abatement application, and the length of time an abatement can be granted for real and personal property investment respectively.

- With regard to the process for review, consideration of expansion of an IDD, and review and approval of an industrial facilities exemption certificate normally occurs over the course of three separate Council meetings to permit the City Administration and City Council ample time to complete the necessary

analysis and review. With regard to the application submitted by Mueller, it is recommended the process be expedited so that the public hearing to expand the IDD and the public hearing to consider the industrial facility exemption certificate can be considered over the course of two meetings. This process is recommended for the Mueller application so that the city can submit the required information to the Michigan Department of Treasury and State Tax Commission prior to their October 31st annual deadline. In addition, as noted above, the vast majority of the abatement request involves real and personal property tax investment within the existing IDD. The IDD expansion is only requested to facilitate the rail spur investment of $350,000.

- With regard to the length of time an abatement can be granted, the established City Council policy specifies that a six year abatement is appropriate for real property and a three-year abatement is appropriate for personal property investments. The adopted policy also indicates that an additional three-year abatement can be initially granted for both real and personal property where an applicant proposes to locate to an underutilized industrial facility that has been vacant for more than one year. According to Mueller representatives, and consistent with city records, the plant was last used for operations in May 2010, and has been vacant since January 2011. Therefore, consistent with the adopted policy, Mueller is eligible for up to a nine-year abatement on real property and up to a six-year abatement on personal property, while the applicant has requested the maximum abatement permitted by state statute of 12 years for both real and personal property. PA198 of 1974 permits an eligible industry that received abatement for a period shorter than 12 years to apply for another industrial facilities exemption certificate. Per the Tax Commission, the local jurisdiction must permit, by resolution, the additional certificate application and the application must be submitted by the applicant within the final year in which the original certificate is effective. If the local jurisdiction disapproves an application, then the applicant has no right of appeal. The total period of the tax abatement cannot exceed the maximum 12 years established in the statute.

Preliminary Environmental Analysis

A preliminary planning and environmental investigation of the proposed industrial activity has been completed. The facility is situated on property that is zoned I-1, light industry and adjacent properties are also zoned light industry. All state and federal regulations pertaining to hazardous material handling, storage and disposal will be met, and the facility is connected to municipal sanitary sewer and water. The facility is located within the Sprinkle Road Industrial Corridor, an area identified for continued industrial development in the City of Portage Comprehensive Plan.

Project Impact Analysis

A project impact analysis has been prepared for the project. As noted in the impact analysis, the proposed investment consists of $2,635,438 of real property improvements and $23,898,201 of personal property. Assumptions utilized in the analysis are detailed on page one of the report. Sample calculations are included on the following pages and a summary table organizes the results of these calculations for City Council reference.

An analysis has been prepared that shows impact on the city of an abatement approved consistent with the adopted policy of City Council (with a nine-year 50% abatement of real property and a six-year 50% abatement of personal property), and an expanded abatement as requested by the applicant (12-year 50% abatement of both real and personal property). The following table shows the impacts:

	9-year/6-year abatement	12-year abatement
Cumulative Revenue to the City (over 20 years)	$167,608	$71,189
Direct General Fund Cost	$218,420	$314,842
Primary/Secondary Economic Benefits (based on 78 new jobs)	$4,185,729	$4,185,729

As indicated, cumulative net revenue to the city would be reduced by approximately 42% over 20 years, and the direct General Fund cost would be increased by about 44% due to the additional years of the requested 12 year abatement, as compared to a 9-year real and 6-year personal abatement consistent with adopted policy. Also, the resulting primary/secondary economic benefit to the broader community does not increase with a longer abatement period.

Property Tax Analysis

An estimate of property taxes has also been prepared. With no abatement and the real property taxed at the full 57.08 mill rate and personal property taxed at a reduced manufacturer rate of 32.84 mills, the estimated taxes generated for all taxing units would total $2,258,251 over a nine-year real and six-year personal property tax abatement period. Over a 12-year period, if no abatement were granted, the estimated taxes generated for all taxing units would total $3,366,771. The table below provides more detail regarding the total tax revenue foregone over the period of the requested real and personal property tax abatement, compared to a nine-year real and six-year personal property tax abatement period:

	9-year/6-year abatement	12-year abatement
City of Portage	$334,270	$505,839
Portage District Library	$45,011	$68,140
Kalamazoo County	$202,716	$306,883
KVCC	$84,428	$127,812
KRESA	$146,032	$221,072

Conclusion

The application is complete, and with the exception of the extended abatement time period requested, is generally consistent with the adopted industrial tax abatement policy. The property is served by municipal utilities, zoned for industrial use and developed for industrial activities. The planned real and personal property investment, which will result in the relocation of Mueller back to the City of Portage and the estimated creation of 78 new jobs, will create a significant economic benefit to the community.

Consideration of the expansion of the district to accommodate the proposed rail spur construction, and the requested industrial facility exemption certificate can be accomplished by City Council after separate public hearings on October 23, 2012.

Attachment: Mueller Copper Tube Products Company PA 198 application
Vicinity Map (showing District No. 1 and the proposed expansion area)
Project Impact Analysis

c: Robert Luders, Financial Services Director
Dan Foecking, Finance Director
James Bush, City Assessor

Mueller Industries, Inc.
8285 Tournament Drive, Suite 150
Memphis, TN 38125
P 901.753.3200

RECEIVED
OCT 02 2012
COMMUNITY DEVELOPMENT

Honorable Mayor Peter Strazdas and Portage City Council,

Mueller Industries respectfully submits the attached PA 198 application related to potential expansion and upgrade of the facility located at 6700 Sprinkle Road in Portage, Michigan. In order to outfit the plant to produce large volumes of plastic DWV fittings, Mueller is prepared to invest over $23.9 million in new equipment and $2.6 million in land and building improvements. Mueller would like to make this facility its primary manufacturing facility of plastics fittings. In addition 78 new jobs are planned to be made available to the local public over the next two years.

In order for Mueller to remain profitable and protect the sustainability of their plastic business, a rail spur would have to be added to take advantage of lower raw material delivery costs.

Mueller is requesting incentives from the state of Michigan and the City of Portage to help defray accelerated operating costs associated with manufacturing in Michigan. Mueller is also asking for an abatement of 12 years on the real and personal property.

Please find attached the completed PA 198 form for your review and action. We would like to thank everyone in advance for their consideration of our request and assistance in this process.

Sincerely,

Jack Treas
Vice President and General Manager
Mueller Plastic Systems

Michigan Department of Treasury
1012 (Rev. 5-07)

Application for Industrial Facilities Tax Exemption Certificate

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

INSTRUCTIONS: File the original and two copies of this form and the required attachments (three complete sets) with the clerk of the local government unit. The State Tax Commission (STC) requires two complete sets (one original and one copy). One copy is retained by the clerk. If you have any questions regarding the completion of this form or would like to request an informational packet, call (517) 373-3272.

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

APPLICANT INFORMATION

All boxes must be completed.

▸ 1a. Company Name (Applicant must be the occupant/operator of the facility) Mueller Copper Tube Products Co	▸ 1b. Standard Industrial Classification (SIC) Code - Sec. 2(10) (4 or 6 Digit Code) 3261	
▸ 1c. Facility Address (City, State, ZIP Code) (real and/or personal property location) 6700 Sprinkle Road, Portage, MI 49002	▸ 1d. City/Township/Village (indicate which) City-Portage	▸ 1e. County Kalamazoo
▸ 2. Type of Approval Requested ☒ New (Sec. 2(4)) ☐ Transfer (1 copy only) ☐ Speculative Building (Sec. 3(8)) ☐ Rehabilitation (Sec. 3(1)) ☐ Research and Development (Sec. 2(9))	▸ 3a. School District where facility is located Portage 4. Amount of years requested for exemption (1-12 Years) 12	▸ 3b. School Code 39140

5. Per section 5, the application shall contain or be accompanied by a general description of the facility and a general description of the proposed use of the facility, the general nature and extent of the restoration, replacement, or construction to be undertaken, a descriptive list of the equipment that will be part of the facility. Attach additional page(s) if more room is needed.

Please see attached.

6a. Cost of land and building improvements (excluding cost of land) * Attach list of improvements and associated costs. * Also attach a copy of building permit if project has already begun.	▸ $2,635,438.00 Real Property Costs
6b. Cost of machinery, equipment, furniture and fixtures * Attach itemized listing with month, day and year of beginning of installation, plus total	▸ $23,898,201.00 Personal Property Costs
6c. Total Project Costs * Round Costs to Nearest Dollar	▸ $26,533,639.00 Total of Real & Personal Costs

7. Indicate the time schedule for start and finish of construction and equipment installation. Projects must be completed within a two year period of the effective date of the certificate unless otherwise approved by the STC.

	Begin Date (M/D/Y)	End Date (M/D/Y)	
Real Property Improvements ▸	9/12/12	9/12/14	▸ ☒ Owned ☐ Leased
Personal Property Improvements ▸	9/12/12	9/12/14	▸ ☒ Owned ☐ Leased

▸ 8. Are State Education Taxes reduced or abated by the Michigan Economic Development Corporation (MEDC)? If yes, applicant must attach a signed MEDC Letter of Commitment to receive this exemption. ☐ Yes ☒ No

▸ 9. No. of existing jobs at this facility that will be retained as a result of this project. 1	▸ 10. No. of new jobs at this facility expected to create within 2 years of completion. 78

11. Rehabilitation applications only: Complete a, b and c of this section. You must attach the assessor's statement of SEV for the entire plant rehabilitation district and obsolescence statement for property. The Taxable Value (TV) data below must be as of December 31 of the year prior to the rehabilitation.

a. TV of Real Property (excluding land) _____

b. TV of Personal Property (excluding inventory) _____

c. Total TV _____

▸ 12a. Check the type of District the facility is located in:

☒ Industrial Development District ☐ Plant Rehabilitation District

▸ 12b. Date district was established by local government unit (contact local unit) 9/23/75	▸ 12c. Is this application for a speculative building (Sec. 3(8))? ☐ Yes ☒ No

APPLICANT CERTIFICATION - complete all boxes.

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

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

13a. Preparer Name	13b. Telephone Number	13c. Fax Number	13d. E-mail Address
Daniel Lawrence	(901) 753-3200	(901) 753-3231	dplawrence@muellerindustries
14a. Name of Contact Person	14b. Telephone Number	14c. Fax Number	14d. E-mail Address
Jack Treas	(901) 753-3200	(901) 753-3231	jbtreas@muellerindustries.com
▶ 15a. Name of Company Officer (No Authorized Agents)			
Kent McKee			
15b. Signature of Company Officer (No Authorized Agents)		15c. Fax Number	15d. Date
		(901) 753-3231	
▶ 15e. Mailing Address (Street, City, State, ZIP Code)		15f. Telephone Number	15g. E-mail Address
8285 Tournament Drive Suite 150 Memphis TN 38125		(901) 753-3200	kmckee@muellerindustries.co

LOCAL GOVERNMENT ACTION & CERTIFICATION - complete all boxes.

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

▶ 16. Action taken by local government unit

☐ Abatement Approved for _____ Yrs Real (1-12), _____ Yrs Pers (1-12)

After Completion ☐ Yes ☐ No

☐ Denied (Include Resolution Denying)

16a. Documents Required to be on file with the Local Unit

Check or Indicate N/A if Not Applicable

- ☐ 1. Notice to the public prior to hearing establishing a district.
- ☐ 2. Notice to taxing authorities of opportunity for a hearing.
- ☐ 3. List of taxing authorities notified for district and application action.
- ☐ 4. Lease Agreement showing applicants tax liability.

16b. The State Tax Commission Requires the following documents be filed for an administratively complete application:

Check or Indicate N/A if Not Applicable

- ☐ 1. Original Application plus attachments, and one complete copy
- ☐ 2. Resolution establishing district
- ☐ 3. Resolution approving/denying application.
- ☐ 4. Letter of Agreement (Signed by local unit and applicant)
- ☐ 5. Affidavit of Fees (Signed by local unit and applicant)
- ☐ 6. Building Permit for real improvements if project has already begun
- ☐ 7. Equipment List with dates of beginning of installation
- ☐ 8. Form 3222 (if applicable)
- ☐ 9. Speculative building resolution and affidavits (if applicable)

16c. LUCI Code	16d. School Code
17. Name of Local Government Body	▶ 18. Date of Resolution Approving/Denying this Application

Attached hereto is an original and one copy of the application and all documents listed in 16b. I also certify that all documents listed in 16a are on file at the local unit for inspection at any time.

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

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

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

State Tax Commission
Michigan Department of Treasury
P.O. Box 30471
Lansing, MI 48909-7971

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

STC USE ONLY				
▶ LUCI Code	▶ Begin Date Real	▶ Begin Date Personal	▶ End Date Real	▶ End Date Personal

Mueller Industries, Inc. is a global leader in the manufacturing and distribution of copper tube and fittings; brass and copper alloy rod, bar and shapes; aluminum and brass forgings; aluminum and copper impact extrusions; plastic fittings, pipe and valves; refrigeration valves and fittings; and fabricated tubular products. Operations are located throughout the United States, Canada, Mexico, China, and Great Britain.

Mueller Industries acquired Colonial Engineering's Kalamazoo plastics manufacturing operation in 1994, and later expanded the facility to accommodate a distribution center. In September 2011, one of Mueller's plastics facilities was destroyed by a fire. All of Mueller's injection molding presses were lost in this fire. Mueller is committed to grow its plastics business, and made the decision to rebuild and expand at a permanent location, to be decided. There were several possible sites discussed to rebuild this operation, and Mueller decided to go back to the facility in Portage for the short term, and would like to expand there, hoping to defray many of the higher operating costs with incentives from the state of Michigan and the city of Portage.

Mueller intends to add seventy eight new jobs over the span of the next two years. Mueller anticipates the average salary of new employment created will be over forty five thousand dollars per year, including benefits. Mueller will also be investing over twenty six million dollars in infrastructure and equipment for the new operation. Mueller's facility located at 6700 Sprinkle Road, Portage MI 49002, will be remodeled to accommodate a state of the art plastics injection molding operation. Mueller will utilize new equipment, and intends to add a rail spur for bulk material delivery. New injection molding machines will make a wide range of PVC and ABS plastic fittings for flow control. There will also be a warehouse and distribution center.

The Mueller facility will undergo a variety of improvements to better accommodate the proposed manufacturing process. The floors will be resurfaced. The walls and inside of the building will be resurfaced and painted. The parking lot will also be repaired to better accommodate our employees as well as distribution needs. Mueller will also be adding a grinding room to recycle scrap materials. Also, the offices and restrooms will receive upgrades and improvements.

Mueller has requested a twelve year abatement for real and personal property. The state of Michigan recently changed the manner by which it taxes corporate consolidated groups. While the expectation was that the liability of companies with a significant in-state presence would decrease, the corporate tax liability of the Mueller group has actually increased significantly. Despite this increase in the cost of doing business in Michigan, Mueller is still considering making this investment due to the availability of the facility and our longstanding partnership with the city and state. The abatements will assist Mueller in cost savings which will allow Mueller to further invest in the facility as growth continues.

Mueller Industries Proposed Employment

Mueller Industries
6700 Sprinkle Road
Portage MI 49002

	New Jobs Created	Average Salary
Managers	4	$ 65,520
Material Handling	14	$ 34,320
Clerical	5	$ 40,560
Technicians	16	$ 62,400
Mechanics	7	$ 49,920
Unskilled	29	$ 34,320
Plant Manager	1	$ 118,750
Engineers	2	$ 84,375
Total New Jobs	78	$ 45,846

Industrial Facility Tax Exemption Machine & Equipment List

Mueller Industries
6700 Sprinkle Road
Portage MI 49002

*Beginning Date of Construction June 2012
*Completion Date of Construction June 2014

Machinery and Equipment	Installation Dates		Costs
Presses	** See Note 1	$	15,683,000
Molds/Tooling	June-13	$	3,400,000
Other Equipment (QC,Toolroom,Cranes,Maint,Signage,Safety)	December-12	$	275,000
Grinders (Press side and central)	50% Jan 2013, 50% with remainder of presses by end of 2013	$	644,000
Conveyers (Press side)	50% Jan 2013, 50% with remainder of presses by end of 2013	$	342,000
Barcode Printers for Packline	December-12	$	40,000
Resin,Water,Compressed Air,Silo, Pumps, Railcar Pump	February-13	$	1,507,000
Forklifts & Stretch Wrappers	December-12	$	180,000
IT & Security	December-12	$	150,000
Pack Line/Label Printers/Pushback Racking Re-Install	December-12	$	165,000
Distribution Center- Racking	June-13	$	150,000
Contingency	December-13	$	352,201
Machine Rigging	50% Jan 2013, 50% with remainder of presses by end of 2013	$	100,000
Automatic Guided Vehicles	December-13	$	500,000
Barcode Laser Printers at Presses	December-13	$	410,000
		$	23,898,201
Land/Building Improvements			
Rail Spur Contruction	February-13	$	350,000
Building Improvements	January-13	$	1,957,438
Lighting/Electrical	January-13	$	328,000
		$	2,635,438
Building Improvements			
Grand Total		$	26,533,639

Notes:
1- First 4 Presses were installed in June-July 2012. The second order of presses will be installed toward the end of 2012.
The remainder of the presses will be installed by end of 2013

The facility is located on Parcel- 00012-101-C. The legal description is as follows:

SEC 12-3-11 BEG AT A POINT 1,253.43 FT N OF THE S 1/4 POST SEC 12 FOR POB; TH W 1091.61 FT, TH S 42 DEG W 355.92 FT, TO PENN RR ROW; TH N ALONG S ROW 907.26 FT; TH E 639.70 FT; TH S 84 DEG E 397.08 FT; TH E 264.3 FT; TH S 620 FT TO POB.

MUELLER COPPER TUBE PRODUCTS INC.

CERTIFICATE OF SECRETARY

I, Kent A. McKee, Vice President - Finance and Treasurer of Mueller Copper Tube Products Inc., a corporation duly organized and existing under the laws of the State of Delaware (the "Company"), hereby certify that I am authorized to make the following certifications and do so hereby certify:

1. The Company's facility at 6700 Sprinkle Road in Portage, Michigan, is not under any enforcement action by the Michigan Department of Natural Resources and Environment or the United States Environmental Protection Agency.

2. I further certify that the officers of the Company were elected to the office shown below effective May 3, 2012, and that they remain officers of the Company as of this date:

NAME	OFFICE
Gregory L. Christopher	President
Kent A. McKee	Vice President—Finance and Treasurer
Gary C. Wilkerson	Vice President—Legal and Secretary

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Company this 27 day of September, 2012.

Kent A. McKee

Corporate Seal

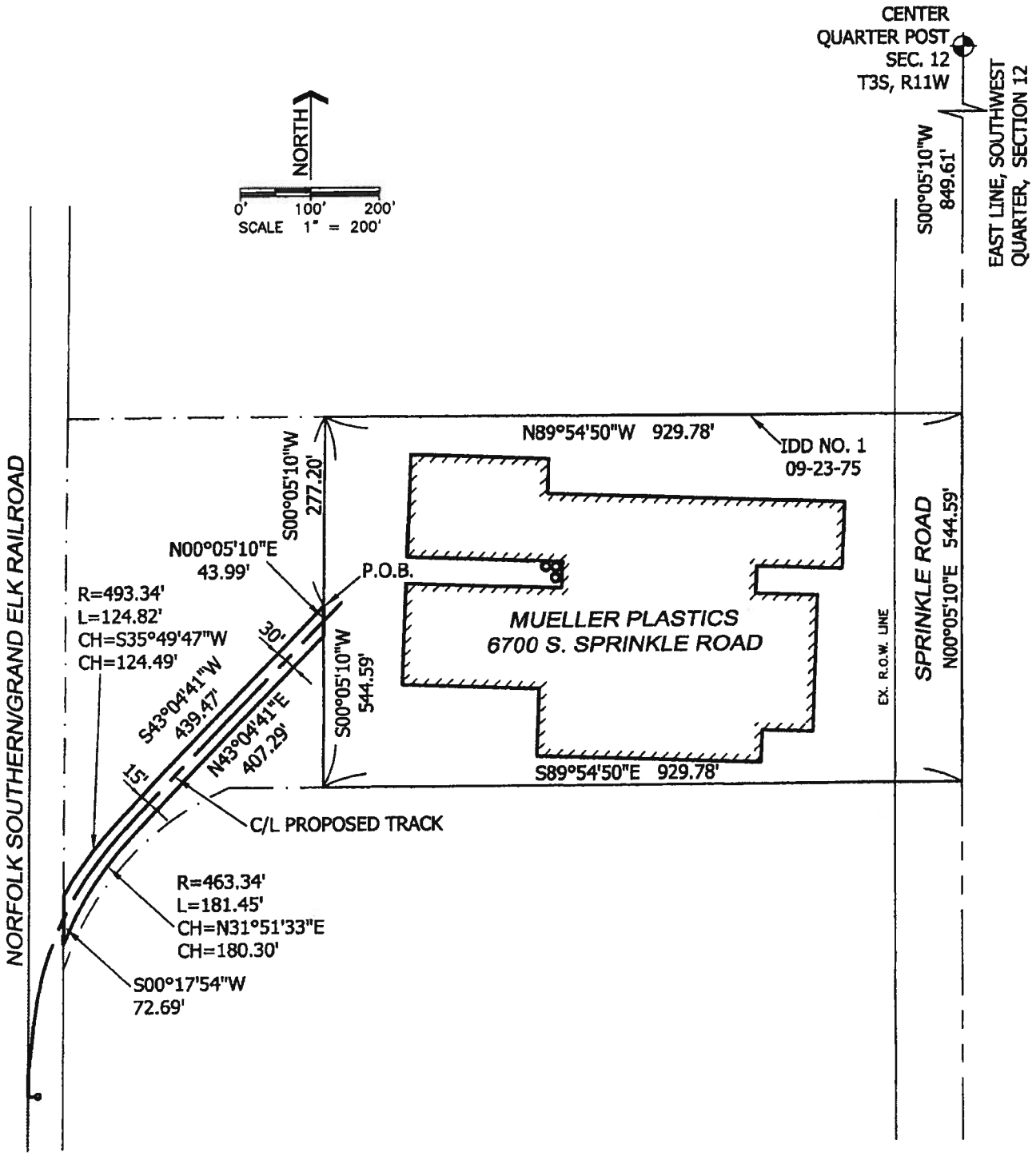
STATE OF TENNESSEE)
) ss.
COUNTY OF SHELBY)

PERSONALLY appeared before me, KENT A. MCKEE, with whom I am personally acquainted, and who acknowledged that he executed the within instrument for the purposes therein contained and who further acknowledged that he is the Vice President—Finance and Treasurer of the Company and is authorized by the Company to execute this instrument.

WITNESS my hand, at office this 27th day of September, 2012.

Mara E. Seaton, Notary Public

MARA E. SEATON
STATE OF TENNESSEE NOTARY PUBLIC
SHELBY COUNTY, TENN.
My Comm. Expires August 15, 2015



PROPERTY SKETCH & DESCRIPTION
OF PROPOSED RAILROAD TRACK AREA
OUTSIDE OF EXISTING INDUSTRIAL
DEVELOPMENT DISTRICT:
P.A. 198

PREPARED FOR:
MUELLER PLASTICS
6700 S. SPRINKLE ROAD
PORTAGE, MICHIGAN

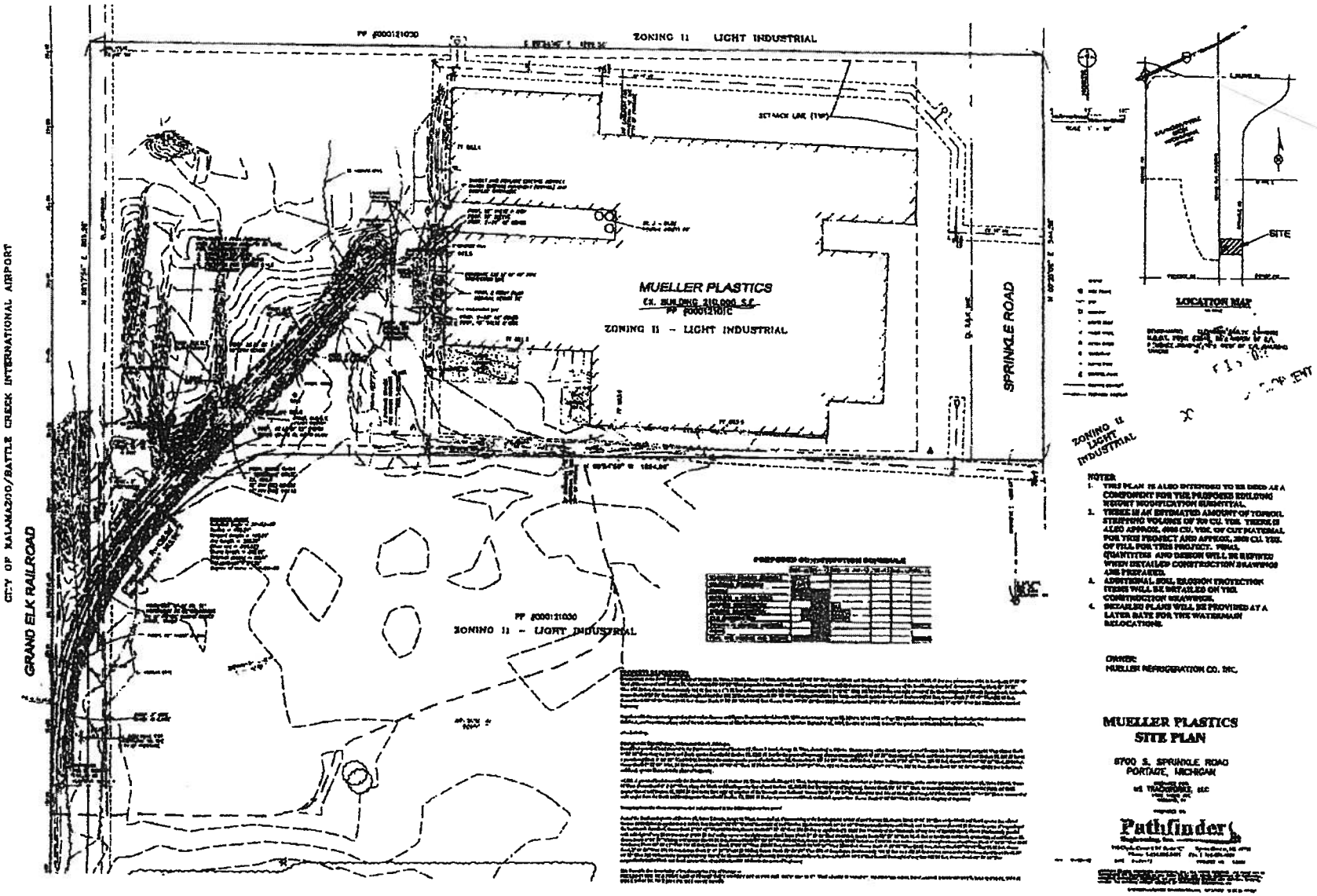
DATE
9-27-12
PROJECT NO.
12038
SHEET NO.
1 OF 2

Pathfinder
Engineering, Inc.
795 Clyde Court S.W. Suite "C" Byron Center, MI 49315
Phone 1-616-878-3885 Fax 1-616-878-4559

S:\12038\dwg\12038 CONSTRUCTION 9-21-12.dwg 9/27/2012 9:20:56 AM EDT

PATHFINDER ENGINEERING 12038 – MUELLER PLASTICS

PROPOSED RAILROAD TRACK AREA DESCRIPTION OUTSIDE OF EXISTING INDUSTRIAL DEVELOPMENT DISTRICT:
PART OF THE SOUTHWEST QUARTER OF SECTION 12, TOWN 3 SOUTH, RANGE 11 WEST, COMMENCING AT THE CENTER QUARTER POST OF SECTION 12; THENCE SOUTH 0° 05' 10" WEST 849.61 FEET ALONG THE EAST LINE OF THE SAID SOUTHWEST QUARTER OF SECTION 12; THENCE NORTH 89° 54' 50" WEST 929.78 FEET; THENCE SOUTH 0° 05' 10" WEST 277.20 FEET TO THE PLACE OF BEGINNING OF THIS DESCRIPTION: THENCE SOUTH 43° 04' 41" WEST 439.47 FEET; THENCE SOUTHWESTERLY 124.82 FEET ON A 493.34 FOOT RADIUS CURVE TO THE LEFT WHOSE LONG CHORD BEARS SOUTH 35° 49' 47" WEST 124.49 FEET TO THE EASTERLY RIGHT OF WAY OF THE NORFOLK SOUTHERN/GRAND ELK RAILROAD; THENCE SOUTH 00° 17' 54" WEST 72.69 FEET ALONG THE SAID RAILROAD RIGHT OF WAY; THENCE NORTHEASTERLY 181.45 FEET ON A 463.34 FOOT RADIUS CURVE TO THE RIGHT WHOSE LONG CHORD BEARS NORTH 31° 51' 33" EAST 180.30 FEET; THENCE NORTH 43° 04' 41" EAST 407.29 FEET; THENCE NORTH 0° 05' 10" EAST 43.99 FEET TO THE PLACE OF BEGINNING. CONTAINING 0.40 ACRES. SUBJECT TO EASEMENTS, RESTRICTIONS, AND RIGHTS OF WAY OF RECORD.


ZONING II LIGHT INDUSTRIAL
MUELLER PLASTICS
ZONING II - LIGHT INDUSTRIAL
SPRINKLE ROAD
GRAND ELK RAILROAD
CITY OF KALAMAZOO/BATTLE CREEK INTERNATIONAL AIRPORT
ZONING II - LIGHT INDUSTRIAL
SITE
LOCATION MAP
ZONING II LIGHT INDUSTRIAL
NOTES:
1. THIS PLAN IS ALSO INTENDED TO BE USED AS A COMPONENT FOR THE PROPOSED EXISTING REPORT MODIFICATION SUBMITTAL.
2. THERE IS AN ESTIMATED AMOUNT OF TOPSOIL STRIPPING VOLUME OF 700 CU. YDS. THERE IS ALSO APPROX. 4000 CU. YDS. OF CUT MATERIAL FOR THIS PROJECT AND APPROX. 3000 CU. YDS. OF FILL FOR THIS PROJECT. FINAL QUANTITIES AND DESIGN WILL BE REFINED WHEN DETAILED CONSTRUCTION DRAWINGS ARE PREPARED.
3. ADDITIONAL SOIL EROSION PROTECTION ITEMS WILL BE DETAILED ON THE CONSTRUCTION DRAWINGS.
4. DETAILED PLANS WILL BE PROVIDED AT A LATER DATE FOR THE WATERMAIN RELOCATIONS.
OWNER:
MUELLER REFRIGERATION CO. INC.
MUELLER PLASTICS
SITE PLAN
5700 S. SPRINKLE ROAD
PORTAGE, MICHIGAN
Pathfinder

IDD #1

CITY OF PORTAGE, MICHIGAN

RESOLUTION
DESIGNATION PORTAGE INDUSTRIAL DEVELOPMENT DISTRICT NO. 1

Minutes of a regular meeting of the City Council of the City of Portage, Michigan held on September 23, 1975, at 8 o'clock p.m., eastern standard time at the Police-Court Building in the City Council Chambers.

PRESENT: Ongley, Adams, Bloom, Cenzilla, Corstange, Hinga, Stern

ABSENT: None

The following resolution was offered by Councilman Hinga and supported by Councilman Adams:

WHEREAS, the City Council has met in public hearing as heretofore resolved and noticed for the purpose of reviewing the request of the Remsafe Corporation that a certain described area owned by Carroll J. Haas and Elaine Haas be established as an Industrial Development District of the City of Portage;

WHEREAS, during said public hearing the City Council has heard all persons desiring to be heard either orally or in writing with respect to the designation of the subject area as an Industrial Development District, pursuant to 1974 PA 198, MCLA, Sec. 207.551, et seq.;

WHEREAS, such application and designation meet all of the prerequisites of the cited Act;

NOW, THEREFORE, BE IT RESOLVED, that the following described property be designated Portage Industrial Development District No. 1:

Section 12, Town 3 South, Range 11 West,
Beginning at a point 849.61 feet South of center quarter post of said Section 12, thence West 929.78 feet, thence South 544.59 feet, thence East 929.78 feet to the East line of said Section, thence North along the East line 544.59 feet to place of beginning, reserving Burkhart Road right-of-way for highway, approximately 10.5 acres.

AYES: Councilmen Ongley, Adams, Bloom, Cenzilla, Corstange, Hinga, Stern

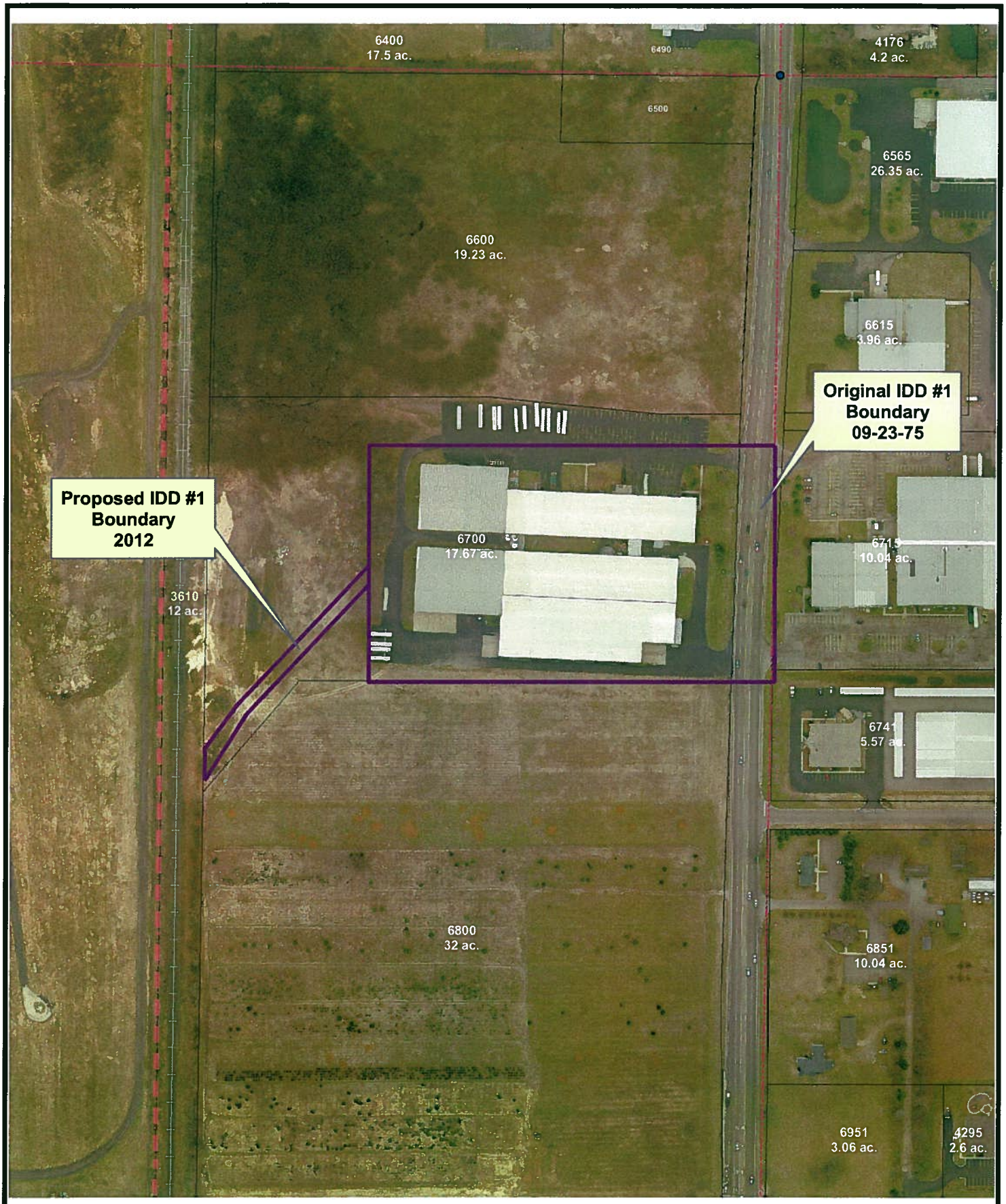
NAYS: None

RESOLUTION DECLARED ADOPTED: 9-23-75

CERTIFICATE

I hereby certify that the foregoing is a true and complete copy of a resolution adopted at a regular meeting of the City Council of the City of Portage, Kalamazoo County, Michigan, held on September 23, 1975, the original of which is in the official proceedings of the City Council.

Lois B. Johnson
LOIS B. JOHNSON, City Clerk



IDD #1

6700 S Sprinkle Road

1 inch = 300 feet

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PROJECT IMPACT ANALYSIS - Mueller Copper Tube Products Co.

Assumptions used in the following calculations:

Market value of property to be added (including rail spur):	
Real property	$2,635,438
Personal property	$23,898,201
Percentage tax abatement requested: (consistent with City Council policy)	
Real property	50.00%
Personal property	50.00%
Years of abatement requested:	
Real property	9
Personal property	6
Non-recoverable City share costs of requested:	
Roadway improvements	$0
Drainage improvements	$0
Sanitary sewer improvements	$0
Water delivery improvements	$0
Number of new employees	78
Average annual income of each new employee	$45,846
Percentage of new employees assumed to be residents	32.30%
Propensity for resident employees to consume locally	60.00%
Propensity for non-resident employees to consume locally	50.00%
County income multiplier	2.00
Percentage of new employees constructing new homes	20.00%
Value of new home as a factor of annual income	2.00
Number of members per household (2010 census)	2.40
Population, 2010 (Bureau of Census)	46,292
General Fund expenditures net of certain offsetting revenues: i.e., user charges and fees, grants, reimbursements	$19,071,167
Current General Fund millage rate	7.5000
Per capita state revenue sharing to General Fund	$69.56
Average annual inflation rate (2007 to 2012)	2.03%
Annual increase in industrial real property value	-3.50%
Annual increase in residential real property value	0.00%

PROJECT IMPACT ANALYSIS - Mueller Copper Tube Products Co.

CALCULATION OF ECONOMIC BENEFITS TO THE COMMUNITY:

Equation 1-Calculation of additional payroll generated

Number of new employees	Average annual income	Total new annual payroll
78	$45,846	$3,575,980

Equation 2-Calculation of primary economic benefit to the community from payroll income

Percentage of new employees assumed to be residents.....	32.30%
Propensity for resident employees to consume locally.....	60.00%
Propensity for non-resident employees to consume locally.....	50.00%

	Distribution of labor force	Average annual income	Propensity to consume locally	Primary economic benefit	
Resident employees.....	25	$45,846	60.00%	$687,688	
Non-resident employees.....	53	$45,846	50.00%	$1,214,916	
				$1,902,604	$1,902,604

Equation 3-Calculation of secondary economic benefit to the community from payroll income

Total primary benefit	County income multiplier	Propensity to consume locally	Secondary economic benefit	
$1,902,604	2.00	60.00%	$2,283,125	$2,283,125

---ADDITIONAL ECONOMIC BENEFITS TO THE COMMUNITY..... $4,185,729

PROJECT IMPACT ANALYSIS - Mueller Copper Tube Products Co.

CALCULATION OF ADDITIONAL GENERAL FUND REVENUE:

Equation 4-Calculation of gross taxes to be generated from new project

Market value of property to be added:

Real property	$2,635,438
Personal property	$23,898,201

Current General Fund millage rate 7.50

	First year property SEV	Millage rate	First year property taxes	
Real	$1,317,719	7.50	$9,883	
Personal	$10,873,681	7.50	$81,553	$91,436

Equation 5-Calculation of additional property tax from new residents

Percentage of new employees constructing new homes 20.00%

Value of new home as a factor of annual income 2.00

Number of new homes	Avg market value of each new home	Total SEV of new homes	General Fund millage rate	First year property taxes	
16	$91,692	$733,534	7.50	$5,502	$5,502

Equation 6-Calculation of additional state revenue sharing to the General Fund

Number of members per household 2.40

Per capita state revenue sharing to General Fund $70

Number of new resident employees	Number of members per household	Number of new residents	Per capita state revenue sharing	Additional state revenue sharing	
25	2.40	60	$70	$4,173	$4,173

----ADDITIONAL GENERAL FUND REVENUE $101,111

PROJECT IMPACT ANALYSIS - Mueller Copper Tube Products Co.

CALCULATION OF ADDITIONAL GENERAL FUND COSTS:

Equation 7-Annual tax abatement costs

Percentage tax abatement requested:

Real property	50.00%
Personal property	50.00%

Years of abatement requested:

Real property	9
Personal property	6

	First year General Fund property tax	Requested abatement rate	First year tax abatement	
Real	$9,883	50.00%	$4,942	
Personal	$81,553	50.00%	$40,777	$45,719

Equation 8-Additional service costs

Population, 2010 (Bureau of Census) 46,292

General Fund expenditures net of certain offsetting revenues:
i.e., user charges and fees, grants, reimbursements $19,071,167

Costs of services	Number of residents	Cost per resident	Number of new residents	Additional cost for new residents	
$19,071,167	46,292	$412	60	$24,720	$24,720

Equation 9-Public facilities cost, non-recoverable City share

Road improvements	Drainage improvements	Sanitary sewer improvements	Water delivery improvements	Total improvements	
$0	$0	$0	$0	$0	$0

—TOTAL ADDITIONAL GENERAL FUND COSTS $70,439

CALCULATION OF RELATIVE COMPARISON FACTOR

Equation 10-Relative comparison investment factor/initial cost per job created

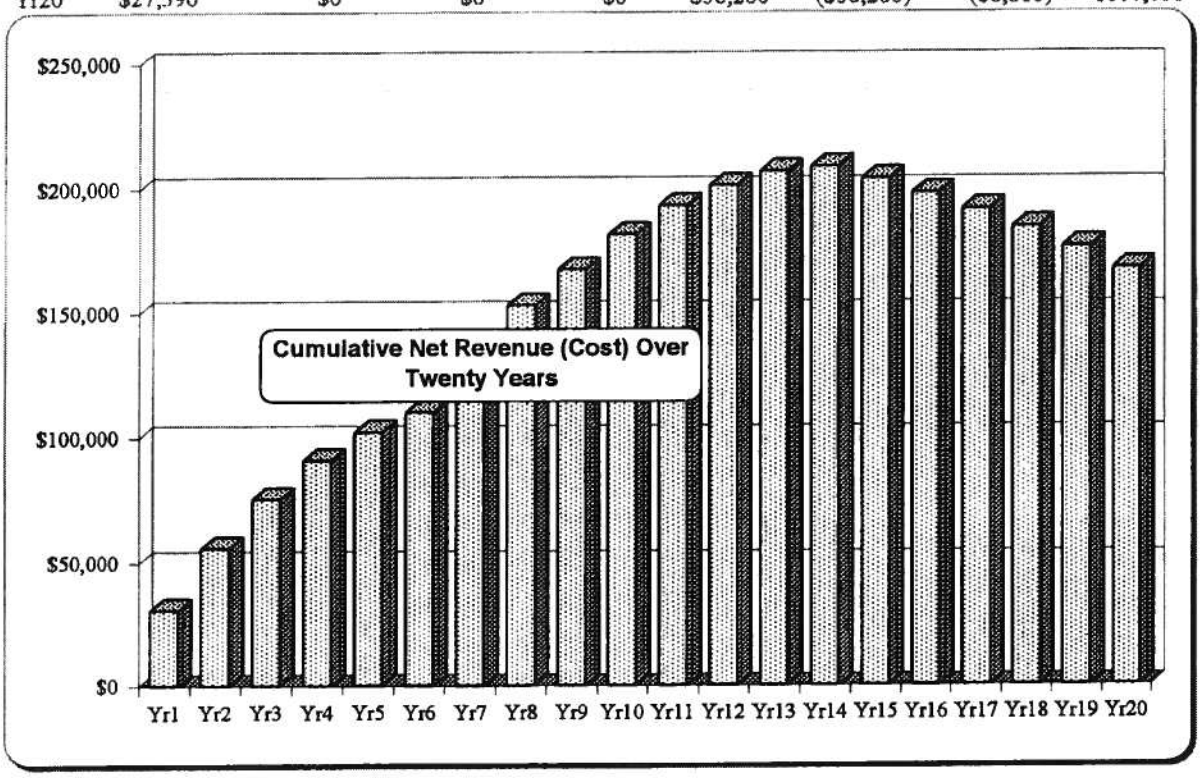
Additional revenues	Additional (costs)	Net additional (cost)/revenue	Number of jobs created	(Cost)/revenue per job created
$101,111	($70,439)	$30,672	78	$393

Long term comparison of increased revenues to increased costs

PROJECT IMPACT ANALYSIS - Mueller Copper Tube Products Co.

reflecting the effects of inflation on property values and General Fund expenditures
and the decreasing value of personal property due to depreciation

Year	Revenue	Infrastructure costs	General Fund real property tax abatement	General Fund personal prop. tax abatement	General Fund service costs	Expenditures	Net annual (cost)/revenue	Cumulative (cost)/revenue
Yr1	$101,111	$0	$4,942	$40,777	$24,720	($70,438)	$30,673	$30,673
Yr2	$90,992	$0	$4,769	$35,848	$25,221	($65,837)	$25,155	$55,828
Yr3	$80,886	$0	$4,602	$30,919	$25,733	($61,253)	$19,633	$75,461
Yr4	$73,482	$0	$4,441	$27,334	$26,255	($58,029)	$15,453	$90,914
Yr5	$66,092	$0	$4,285	$23,749	$26,787	($54,821)	$11,271	$102,185
Yr6	$60,507	$0	$4,135	$21,061	$27,330	($52,526)	$7,982	$110,167
Yr7	$55,831	$0	$3,991	$0	$27,884	($31,875)	$23,957	$134,123
Yr8	$51,166	$0	$3,851	$0	$28,450	($32,301)	$18,865	$152,988
Yr9	$47,409	$0	$3,716	$0	$29,027	($32,743)	$14,666	$167,654
Yr10	$43,663	$0	$0	$0	$29,616	($29,616)	$14,047	$181,701
Yr11	$41,721	$0	$0	$0	$30,216	($30,216)	$11,505	$193,206
Yr12	$38,894	$0	$0	$0	$30,829	($30,829)	$8,065	$201,271
Yr13	$36,973	$0	$0	$0	$31,454	($31,454)	$5,519	$206,790
Yr14	$34,166	$0	$0	$0	$32,092	($32,092)	$2,074	$208,864
Yr15	$27,786	$0	$0	$0	$32,743	($32,743)	($4,957)	$203,907
Yr16	$27,688	$0	$0	$0	$33,407	($33,407)	($5,719)	$198,188
Yr17	$27,599	$0	$0	$0	$34,084	($34,084)	($6,485)	$191,703
Yr18	$27,520	$0	$0	$0	$34,775	($34,775)	($7,255)	$184,448
Yr19	$27,451	$0	$0	$0	$35,481	($35,481)	($8,030)	$176,418
Yr20	$27,390	$0	$0	$0	$36,200	($36,200)	($8,810)	$167,608



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PROJECT IMPACT ANALYSIS - Mueller Copper Tube Products Co.

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				$1,902,604	$1,902,604

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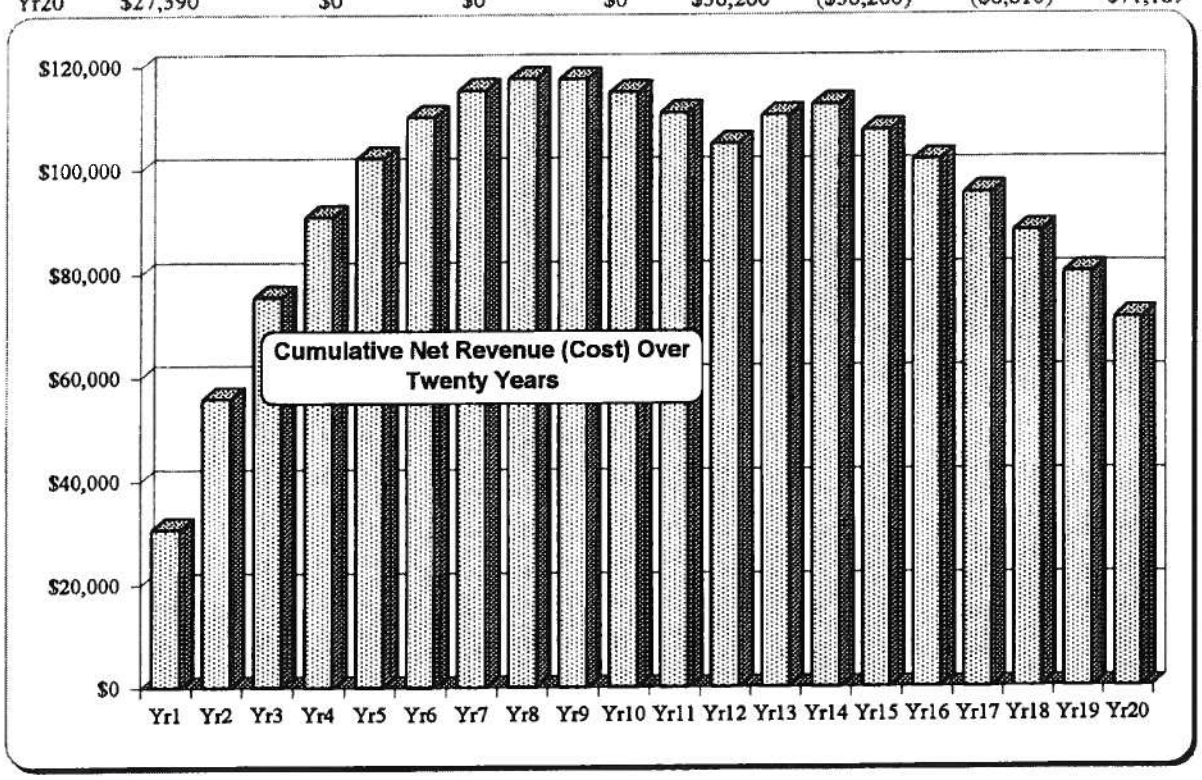
Yr6	$60,507	$0	$4,135	$21,061	$27,330	($52,526)	$7,982	$110,167
Yr7	$55,831	$0	$3,991	$18,820	$27,884	($50,695)	$5,137	$115,303
Yr8	$51,166	$0	$3,851	$16,580	$28,450	($48,881)	$2,286	$117,589
Yr9	$47,409	$0	$3,716	$14,787	$29,027	($47,530)	($121)	$117,468
Yr10	$43,663	$0	$3,586	$12,995	$29,616	($46,197)	($2,534)	$114,934
Yr11	$41,721	$0	$3,461	$12,099	$30,216	($45,775)	($4,054)	$110,880
Yr12	$38,894	$0	$3,340	$10,754	$30,829	($44,923)	($6,029)	$104,852
Yr13	$36,973	$0	$0	$0	$31,454	($31,454)	$5,519	$110,371
Yr14	$34,166	$0	$0	$0	$32,092	($32,092)	$2,074	$112,445
Yr15	$27,786	$0	$0	$0	$32,743	($32,743)	($4,957)	$107,488
Yr16	$27,688	$0	$0	$0	$33,407	($33,407)	($5,719)	$101,769
Yr17	$27,599	$0	$0	$0	$34,084	($34,084)	($6,485)	$95,284
Yr18	$27,520	$0	$0	$0	$34,775	($34,775)	($7,255)	$88,029
Yr19	$27,451	$0	$0	$0	$35,481	($35,481)	($8,030)	$79,999
Yr20	$27,390	$0	$0	$0	$36,200	($36,200)	($8,810)	$71,189



Michigan Department of Treasury
1012 (Rev. 5-07)

Application for Industrial Facilities Tax Exemption Certificate

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

INSTRUCTIONS: File the original and two copies of this form and the required attachments (three complete sets) with the clerk of the local government unit. The State Tax Commission (STC) requires two complete sets (one original and one copy). One copy is retained by the clerk. If you have any questions regarding the completion of this form or would like to request an informational packet, call (517) 373-3272.

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

APPLICANT INFORMATION

All boxes must be completed.

▶ 1a. Company Name (Applicant must be the occupant/operator of the facility) Mueller Copper Tube Products Co	▶ 1b. Standard Industrial Classification (SIC) Code - Sec. 2(10) (4 or 6 Digit Code) 3261	
▶ 1c. Facility Address (City, State, ZIP Code) (real and/or personal property location) 6700 Sprinkle Road, Portage, MI 49002	▶ 1d. City/Township/Village (indicate which) City-Portage	▶ 1e. County Kalamazoo
▶ 2. Type of Approval Requested ☒ New (Sec. 2(4)) ☐ Transfer (1 copy only) ☐ Speculative Building (Sec. 3(8)) ☐ Rehabilitation (Sec. 3(1)) ☐ Research and Development (Sec. 2(9))	▶ 3a. School District where facility is located Portage	▶ 3b. School Code 39140
	4. Amount of years requested for exemption (1-12 Years) 5	

5. Per section 5, the application shall contain or be accompanied by a general description of the facility and a general description of the proposed use of the facility, the general nature and extent of the restoration, replacement, or construction to be undertaken, a descriptive list of the equipment that will be part of the facility. Attach additional page(s) if more room is needed.

Please see attached.

6a. Cost of land and building improvements (excluding cost of land) * Attach list of improvements and associated costs. * Also attach a copy of building permit if project has already begun.	▶ $2,635,438.00 Real Property Costs
6b. Cost of machinery, equipment, furniture and fixtures * Attach itemized listing with month, day and year of beginning of installation, plus total	▶ $23,898,201.00 Personal Property Costs
6c. Total Project Costs * Round Costs to Nearest Dollar	▶ $26,533,639.00 Total of Real & Personal Costs

7. Indicate the time schedule for start and finish of construction and equipment installation. Projects must be completed within a two year period of the effective date of the certificate unless otherwise approved by the STC.

	Begin Date (M/D/Y)	End Date (M/D/Y)	
Real Property Improvements ▶	9/12/12	9/12/14	▶ ☒ Owned ☐ Leased
Personal Property Improvements ▶	9/12/12	9/12/14	▶ ☒ Owned ☐ Leased

▶ 8. Are State Education Taxes reduced or abated by the Michigan Economic Development Corporation (MEDC)? If yes, applicant must attach a signed MEDC Letter of Commitment to receive this exemption. ☐ Yes ☒ No

▶ 9. No. of existing jobs at this facility that will be retained as a result of this project. 1	▶ 10. No. of new jobs at this facility expected to create within 2 years of completion. 78

11. Rehabilitation applications only: Complete a, b and c of this section. You must attach the assessor's statement of SEV for the entire plant rehabilitation district and obsolescence statement for property. The Taxable Value (TV) data below must be as of December 31 of the year prior to the rehabilitation.

a. TV of Real Property (excluding land) _____

b. TV of Personal Property (excluding inventory) _____

c. Total TV _____

▶ 12a. Check the type of District the facility is located in:

☒ Industrial Development District ☐ Plant Rehabilitation District

▶ 12b. Date district was established by local government unit (contact local unit) 9/23/75	▶ 12c. Is this application for a speculative building (Sec. 3(8))? ☐ Yes ☒ No

APPLICANT CERTIFICATION - complete all boxes.

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

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

13a. Preparer Name Daniel Lawrence	13b. Telephone Number (901) 753-3200	13c. Fax Number (901) 753-3231	13d. E-mail Address dplawrence@muellerindustries
14a. Name of Contact Person Jack Treas	14b. Telephone Number (901) 753-3200	14c. Fax Number (901) 753-3231	14d. E-mail Address jbtreas@muellerindustries.com
▶ 15a. Name of Company Officer (No Authorized Agents) Kent McKee			
15b. Signature of Company Officer (No Authorized Agents)		15c. Fax Number (901) 753-3231	15d. Date
▶ 15e. Mailing Address (Street, City, State, ZIP Code) 8285 Tournament Drive Suite 150 Memphis TN 38125		15f. Telephone Number (901) 753-3200	15g. E-mail Address kmckee@muellerindustries.co

LOCAL GOVERNMENT ACTION & CERTIFICATION - complete all boxes.

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

▶ 16. Action taken by local government unit

☐ Abatement Approved for _____ Yrs Real (1-12), _____ Yrs Pers (1-12)

After Completion ☐ Yes ☐ No

☐ Denied (Include Resolution Denying)

16a. Documents Required to be on file with the Local Unit

Check or Indicate N/A if Not Applicable

- ☐ 1. Notice to the public prior to hearing establishing a district.
- ☐ 2. Notice to taxing authorities of opportunity for a hearing.
- ☐ 3. List of taxing authorities notified for district and application action.
- ☐ 4. Lease Agreement showing applicants tax liability.

16b. The State Tax Commission Requires the following documents be filed for an administratively complete application:

Check or Indicate N/A if Not Applicable

- ☐ 1. Original Application plus attachments, and one complete copy
- ☐ 2. Resolution establishing district
- ☐ 3. Resolution approving/denying application.
- ☐ 4. Letter of Agreement (Signed by local unit and applicant)
- ☐ 5. Affidavit of Fees (Signed by local unit and applicant)
- ☐ 6. Building Permit for real improvements if project has already begun
- ☐ 7. Equipment List with dates of beginning of installation
- ☐ 8. Form 3222 (if applicable)
- ☐ 9. Speculative building resolution and affidavits (if applicable)

16c. LUCI Code	16d. School Code
17. Name of Local Government Body	▶ 18. Date of Resolution Approving/Denying this Application

Attached hereto is an original and one copy of the application and all documents listed in 16b. I also certify that all documents listed in 16a are on file at the local unit for inspection at any time.

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

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

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

State Tax Commission
Michigan Department of Treasury
P.O. Box 30471
Lansing, MI 48909-7971

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

STC USE ONLY				
▶ LUCI Code	▶ Begin Date Real	▶ Begin Date Personal	▶ End Date Real	▶ End Date Personal

CITY OF PORTAGE, MICHIGAN
RESOLUTION NO. 1-12

ESTABLISHING A PUBLIC HEARING FOR THE EXPANSION OF INDUSTRIAL DEVELOPMENT DISTRICT NO. 1
MUELLER COPPER TUBE PRODUCTS CO.

Minutes of a regular meeting of the City Council of the City of Portage, Michigan, held on _____, 2012, at 7:30 p.m. local time at the City Hall in the City of Portage, Michigan.

PRESENT: _____

ABSENT: _____

The following resolution was offered by:

Councilmember _____, and supported by Councilmember _____.

BE IT RESOLVED:

That a public hearing be held on the _____ day of _____, 2012, at 7:30 p.m. or as soon thereafter as may be heard at the City Hall, in the City of Portage, Michigan on the request of MUELLER COPPER TUBE PRODUCTS CO., for the expansion of an Industrial Development District under Michigan Act No. 198 of P.A. 1974; and

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

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

ADOPTED: YEAS: Councilmember: _____

NAYS: Councilmember: _____

ABSENT: Councilmember: _____

RESOLUTION DECLARED ADOPTED:

_____
JAMES R. HUDSON, City Clerk

CERTIFICATE

I hereby certify that the foregoing is a true and complete copy of a resolution adopted at a regular meeting of the City Council of the City of Portage, Michigan, Kalamazoo County, held on the _____ day of _____, 2012, the original of which is in the official proceedings of the City Council.

_____
James R. Hudson, City Clerk

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

Approved as to Form:
Date: 9/28/12
By: _____
City Attorney

EXHIBIT A

CITY OF PORTAGE
NOTICE OF HEARING ON THE EXPANSION OF
INDUSTRIAL DEVELOPMENT DISTRICT NO. 1
UNDER ACT 198 OF P.A. 1974

PLEASE TAKE NOTICE that on the _____ day of _____, 2012, at 7:30 p.m. or as soon thereafter as may be heard, a public hearing will be held at the City Hall in the City of Portage, Michigan on the request of MUELLER COPPER TUBE PRODUCTS CO., for the expansion of Industrial Development District No.1 under Michigan Act 198 of P.A. 1974 for a partial tax exemption for ad valorem property taxes.

PLEASE TAKE FURTHER NOTICE that said district is commonly described as property located at 6700 Sprinkle Road, Portage, Michigan, and more particularly described as follows:

City of Portage, County of Kalamazoo, State of Michigan is fully described as follows:

PART OF THE SOUTHWEST QUARTER OF SECTION 12, TOWN 3 SOUTH, RANGE 11 WEST, COMMENCING AT THE CENTER QUARTER POST OF SECTION 12; THENCE SOUTH 0° 05' 10" WEST 849.61 FEET ALONG THE EAST LINE OF THE SAID SOUTHWEST QUARTER OF SECTION 12; THENCE NORTH 89° 54' 50" WEST 929.78 FEET; THENCE SOUTH 0° 05' 10" WEST 277.20 FEET TO THE PLACE OF BEGINNING OF THIS DESCRIPTION: THENCE SOUTH 43° 04' 41" WEST 439.47 FEET; THENCE SOUTHWESTERLY 124.82 FEET ON A 493.34 FOOT RADIUS CURVE TO THE LEFT WHOSE LONG CHORD BEARS SOUTH 35° 49' 47" WEST 124.49 FEET TO THE EASTERLY RIGHT OF WAY OF THE NORFOLK SOUTHERN/GRAND ELK RAILROAD; THENCE SOUTH 00° 17' 54" WEST 72.69 FEET ALONG THE SAID RAILROAD RIGHT OF WAY; THENCE NORTHEASTERLY 181.45 FEET ON A 463.34 FOOT RADIUS CURVE TO THE RIGHT WHOSE LONG CHORD BEARS NORTH 31° 51' 33" EAST 180.30 FEET; THENCE NORTH 43° 04' 41" EAST 407.29 FEET; THENCE NORTH 0° 05' 10" EAST 43.99 FEET TO THE PLACE OF BEGINNING. CONTAINING 0.40 ACRES. SUBJECT TO EASEMENTS, RESTRICTIONS, AND RIGHTS OF WAY OF RECORD.

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

Dated: _____, 2012

_____
James R. Hudson, City Clerk

Z:\JODY\PORTAGE\INDUSTRIAL\MUELLER PLASTICS\RESOLUTION #1 EXPANSION.092812.DOCX

CITY OF PORTAGE, MICHIGAN
RESOLUTION NO. ~~[illegible]~~ 8-12
TO SET THE PUBLIC HEARING ON A FACILITIES TAX
EXEMPTION CERTIFICATE FOR MUELLER COPPER TUBE PRODUCTS CO.
EXPANDED INDUSTRIAL DEVELOPMENT DISTRICT NO. 1

Minutes of a regular meeting of the City Council of the City of Portage, Michigan held on _____, 2012 at 7:30 p.m., local time in the City Hall in the City of Portage.

PRESENT: _____

ABSENT: _____

The following resolution was offered by Councilmember _____, and supported by: Councilmember _____ .

WHEREAS, pursuant to 1974 PA 198, MCLA Sec. 207.551, et seq., the City Council has established Expanded Industrial Development District No.1 ("Expanded District");

WHEREAS, MUELLER COPPER TUBE PRODUCTS CO., owner of the realty located within said Expanded District, has applied for an Industrial Facilities Exemption Certificate under the provisions of 1974 PA 198, Sec. 5(1);

WHEREAS, 1974 PA 198 Sec. 5(2) provides that before acting upon an application for an Industrial Facilities Certificate, the City Council shall afford the applicant, the assessor, and a representative of the affected taxing units an opportunity for a hearing;

NOW THEREFORE, BE IT RESOLVED as follows:

(1) That the application of MUELLER COPPER TUBE PRODUCTS CO., for an Industrial Facilities Exemption Certificate shall remain on file in the office of the City Clerk.

(2) That the City Council shall meet at the City Hall on _____, 2012 at 7:30 p.m., local time, or as soon thereafter as may be heard, and shall provide to the City Assessor and a representative of each of the taxing units an opportunity to be heard on the question of MUELLER COPPER TUBE PRODUCTS CO., application for an Industrial Facilities Exemption Certificate with regard to proposed new facility and installation of equipment and machinery within said Expanded District.

(3) That the City Clerk immediately inform, by letter, the City Assessor, and the legislative body of each taxing unit which levies ad valorem taxes in the City of Portage on the property located within said Expanded District, as follows:

(a) The City of Portage has established MUELLER COPPER TUBE PRODUCTS CO., Expanded District No.1 and has now received and will consider an application for a Facilities Exemption Certificate for building construction and the installation of equipment and machinery within said district.

(b) That the City Council shall meet on _____, 2012, at the City Hall at 7:30 p.m., local time, or as soon thereafter as may be heard, to afford the City Assessor and a representative of each said taxing unit an opportunity to be heard with regard to the said application.

(c) That, as to MUELLER COPPER TUBE PRODUCTS CO., Expanded District No. 1, the Facilities Exemption Certificate would be in the amount of $_____, for expenditures in the amount of $_____.

(4) All resolutions or parts of resolutions are, to the extent of any conflict with this resolution, rescinded.

ADOPTED: AYES: Councilmember _____

NAYS: Councilmember _____

ABSENT: Councilmember _____

_____
James R. Hudson, City Clerk

CERTIFICATE

I hereby certify that the foregoing is a true and complete copy of a resolution adopted at a regular meeting of the City Council of the City of Portage, Michigan, Kalamazoo County, held on the day of _____, 2012, the original of which is in the official proceedings of the City Council.

_____
James R. Hudson, City Clerk

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

Approved as to Form:
Date: 9/28/12
By: _____
City Attorney

z:\jody\portage\industrial\mueller plastics\resolution #3.092712.docx

CITY OF PORTAGE **COMMUNICATION**

TO: Honorable Mayor and City Council **DATE:** October 19, 2012

FROM: Maurice S. Evans, City Manager

SUBJECT: Mueller Copper Tube Products Company – PA 198 Tax Abatement

ACTION RECOMMENDED: That City Council:

a. adopt Resolution No. 4-12, approving the Industrial Facilities Exemption Certificate for the Mueller Copper Tube Products Company at 6700 Sprinkle Road (for five years on the real property and personal property) in the total amount of $26.5 million; and

b. approve the tax abatement agreement and the affidavit between the City of Portage and Mueller Copper Tube Products Company.

At the City Council meeting on October 9, 2012, a PA 198 Tax Abatement application submitted by Mueller Copper Tube Products Company was provided to Council. Also provided to Council was a preliminary analysis of the tax abatement request, a review of the approval process, as well as the environmental, project impact and property tax issues associated with the application. As indicated in the application submitted by Mueller, a total investment of $26.5 million is proposed that will result in the retention of one job and creation of 78 jobs. While Mueller initially requested a 12-year abatement period, on October 19th Mueller revised the application (attached) and is now requesting a five-year abatement for both real and personal property.

To facilitate this project proposed by Mueller, the City Administration recommends that subsequent to the public hearing, City Council approve an Industrial Facilities Exemption Certificate in conformance with City Council policy for a period of five-years for real and personal property. In addition, approval of the required tax abatement agreement and affidavit is recommended. These recommendations are based on the following:

- The established City Council policy specifies up to a six-year abatement for real property and up to a three-year abatement for personal property. The adopted policy also permits an additional three-year abatement for both real and personal property where an applicant proposes to locate to an underutilized industrial facility that has been vacant for more than one year. Because the facility at 6700 Sprinkle Road has been vacant since January 2011, Mueller is eligible for an initial five-year abatement on personal property as requested.

- Mueller has also requested the option to extend the abatement for an additional three years. The adopted City Council policy permits an applicant to request an additional three-year abatement certificate for both real and personal property within the final year in which an existing certificate is effective. In considering such requests, Council may approve the additional period if the applicant has fulfilled all of the terms of the original tax abatement and exceeds either: a) the number of new jobs promised and retained, or b) the estimated project cost (investment) as indicated in the initial industrial facilities exemption certificate application. Presuming Mueller complies with the provisions of the tax abatement agreement and exceeds the employment or investment currently proposed, the applicant would be eligible to receive an extended abatement, and the combined abatement period would total eight-years for real and personal property.

Attached are the resolution, tax abatement agreement and affidavit with regard to fees for the Mueller Copper Tube Products Company application as prepared by the City Attorney for consideration of Council. It is recommended that City Council adopt and approve these items as detailed by the City Administration.

Attachments: Communication from Jack Treas, Mueller Industries received October 19, 2012
Resolution 4-12
Tax Abatement Agreement
Affidavit with Regard to Fees

Mueller Industries, Inc.
8285 Tournament Drive, Suite 150
Memphis, TN 38125
P 901.753.3200

RECEIVED
OCT 19 2012
COMMUNITY DEVELOPMENT

Honorable Mayor Peter Strazdas and Portage City Council,

Based on a detailed review of terms contained in the PA 198 Tax Abatement Agreement, Mueller Industries respectfully requests to amend its original application for 12 years of consideration related to potential expansion and upgrade of the facility located at 6700 Sprinkle Road in Portage, Michigan to an agreement of 5 years, with the option to extend for an additional 3 years. As previously mentioned, in order to outfit the plant to produce large volumes of plastic DWV fittings, Mueller is prepared to invest over $23.9 million in new equipment and $2.6 million in land and building improvements. Mueller would like to make this facility its primary manufacturing facility of plastics fittings. In addition 78 new jobs are planned to be made available to the local public over the next two years.

Our request for change in abatement duration is based on current and mid-range economic conditions. Being in a commodities business, it is critical that our supply chain costs are kept to a minimum. Granting us a 5-year abatement, with the option to extend for an additional 3 years will allow us the confidence to meet the investment goals we have outlined for the initial term of the agreement, while providing a benefit to Mueller to help defray the logistics cost disadvantage associated with manufacturing outside of our optimum location.

We would like to thank everyone in advance for their consideration of our request and assistance in this process.

Sincerely,

Jack Treas
Vice President and General Manager
Mueller Plastic Systems

Michigan Department of Treasury
1012 (Rev. 5-07)

Application for Industrial Facilities Tax Exemption Certificate

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

INSTRUCTIONS: File the original and two copies of this form and the required attachments (three complete sets) with the clerk of the local government unit. The State Tax Commission (STC) requires two complete sets (one original and one copy). One copy is retained by the clerk. If you have any questions regarding the completion of this form or would like to request an informational packet, call (517) 373-3272.

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

APPLICANT INFORMATION

All boxes must be completed.

▶ 1a. Company Name (Applicant must be the occupant/operator of the facility) Mueller Copper Tube Products Co	▶ 1b. Standard Industrial Classification (SIC) Code - Sec. 2(10) (4 or 6 Digit Code) 3261	
▶ 1c. Facility Address (City, State, ZIP Code) (real and/or personal property location) 6700 Sprinkle Road, Portage, MI 49002	▶ 1d. City/Township/Village (indicate which) City-Portage	▶ 1e. County Kalamazoo
▶ 2. Type of Approval Requested ☒ New (Sec. 2(4)) ☐ Transfer (1 copy only) ☐ Speculative Building (Sec. 3(8)) ☐ Rehabilitation (Sec. 3(1)) ☐ Research and Development (Sec. 2(9))	▶ 3a. School District where facility is located Portage	▶ 3b. School Code 39140
	4. Amount of years requested for exemption (1-12 Years) 5	

5. Per section 5, the application shall contain or be accompanied by a general description of the facility and a general description of the proposed use of the facility, the general nature and extent of the restoration, replacement, or construction to be undertaken, a descriptive list of the equipment that will be part of the facility. Attach additional page(s) if more room is needed.

Please see attached.

6a. Cost of land and building improvements (excluding cost of land) * Attach list of improvements and associated costs. * Also attach a copy of building permit if project has already begun.	▶ $2,635,438.00 Real Property Costs
6b. Cost of machinery, equipment, furniture and fixtures * Attach itemized listing with month, day and year of beginning of installation, plus total	▶ $23,898,201.00 Personal Property Costs
6c. Total Project Costs * Round Costs to Nearest Dollar	▶ $26,533,639.00 Total of Real & Personal Costs

7. Indicate the time schedule for start and finish of construction and equipment installation. Projects must be completed within a two year period of the effective date of the certificate unless otherwise approved by the STC.

	Begin Date (M/D/Y)	End Date (M/D/Y)	
Real Property Improvements ▶	9/12/12	9/12/14	▶ ☒ Owned ☐ Leased
Personal Property Improvements ▶	9/12/12	9/12/14	▶ ☒ Owned ☐ Leased

▶ 8. Are State Education Taxes reduced or abated by the Michigan Economic Development Corporation (MEDC)? If yes, applicant must attach a signed MEDC Letter of Commitment to receive this exemption. ☐ Yes ☒ No

▶ 9. No. of existing jobs at this facility that will be retained as a result of this project. 1	▶ 10. No. of new jobs at this facility expected to create within 2 years of completion. 78

11. Rehabilitation applications only: Complete a, b and c of this section. You must attach the assessor's statement of SEV for the entire plant rehabilitation district and obsolescence statement for property. The Taxable Value (TV) data below must be as of December 31 of the year prior to the rehabilitation.

a. TV of Real Property (excluding land) _____

b. TV of Personal Property (excluding inventory) _____

c. Total TV _____

▶ 12a. Check the type of District the facility is located in:

☒ Industrial Development District ☐ Plant Rehabilitation District

▶ 12b. Date district was established by local government unit (contact local unit) 9/23/75	▶ 12c. Is this application for a speculative building (Sec. 3(8))? ☐ Yes ☒ No

APPLICANT CERTIFICATION - complete all boxes.

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

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

13a. Preparer Name	13b. Telephone Number	13c. Fax Number	13d. E-mail Address
Daniel Lawrence	(901) 753-3200	(901) 753-3231	dplawrence@muellerindustries
14a. Name of Contact Person	14b. Telephone Number	14c. Fax Number	14d. E-mail Address
Jack Treas	(901) 753-3200	(901) 753-3231	jbtreas@muellerindustries.com
▶ 15a. Name of Company Officer (No Authorized Agents)			
Kent McKee			
15b. Signature of Company Officer (No Authorized Agents)		15c. Fax Number	15d. Date
		(901) 753-3231	
▶ 15e. Mailing Address (Street, City, State, ZIP Code)		15f. Telephone Number	15g. E-mail Address
8285 Tournament Drive Suite 150 Memphis TN 38125		(901) 753-3200	kmckee@muellerindustries.co

LOCAL GOVERNMENT ACTION & CERTIFICATION - complete all boxes.

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

▶ 16. Action taken by local government unit

☐ Abatement Approved for _____ Yrs Real (1-12), _____ Yrs Pers (1-12)

After Completion ☐ Yes ☐ No

☐ Denied (Include Resolution Denying)

16a. Documents Required to be on file with the Local Unit

Check or Indicate N/A if Not Applicable

- ☐ 1. Notice to the public prior to hearing establishing a district.
- ☐ 2. Notice to taxing authorities of opportunity for a hearing.
- ☐ 3. List of taxing authorities notified for district and application action.
- ☐ 4. Lease Agreement showing applicants tax liability.

16b. The State Tax Commission Requires the following documents be filed for an administratively complete application:

Check or Indicate N/A if Not Applicable

- ☐ 1. Original Application plus attachments, and one complete copy
- ☐ 2. Resolution establishing district
- ☐ 3. Resolution approving/denying application.
- ☐ 4. Letter of Agreement (Signed by local unit and applicant)
- ☐ 5. Affidavit of Fees (Signed by local unit and applicant)
- ☐ 6. Building Permit for real improvements if project has already begun
- ☐ 7. Equipment List with dates of beginning of installation
- ☐ 8. Form 3222 (if applicable)
- ☐ 9. Speculative building resolution and affidavits (if applicable)

16c. LUCI Code	16d. School Code
17. Name of Local Government Body	▶ 18. Date of Resolution Approving/Denying this Application

Attached hereto is an original and one copy of the application and all documents listed in 16b. I also certify that all documents listed in 16a are on file at the local unit for inspection at any time.

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

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

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

State Tax Commission
Michigan Department of Treasury
P.O. Box 30471
Lansing, MI 48909-7971

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

STC USE ONLY				
▶ LUCI Code	▶ Begin Date Real	▶ Begin Date Personal	▶ End Date Real	▶ End Date Personal

CITY OF PORTAGE, MICHIGAN
RESOLUTION NO. 4-12

APPROVING THE APPLICATION OF
MUELLER COPPER TUBE PRODUCTS CO.
INDUSTRIAL FACILITIES EXEMPTION CERTIFICATE
FOR EXPANDED PORTAGE INDUSTRIAL DEVELOPMENT
DISTRICT NO. 1

Minutes of a regular meeting of the City Council of the City of Portage, Michigan held on the day of _____, 2012 at 7:30 p.m., local time at the City Hall in the City of Portage.

PRESENT: _____

ABSENT: _____

The following resolution was offered by:

Councilmember _____, and supported by

Councilmember _____.

WHEREAS, pursuant to 1974 PA 198, MCLA Sec. 207.551 et seq., after a duly noticed public hearing held on the _____ day of _____, 2012, this Council by resolution, established expanded Portage Industrial Development District No. 1 (hereinafter "District") as requested by sole owner of the property therein described; and;

WHEREAS, by resolution adopted _____, 2012, the City Council accepted the application of MUELLER COPPER TUBE PRODUCTS CO., for an Industrial Facilities Exemption Certificate for a new facility and equipment to be installed in the District, and directed the City Clerk to notify the City Assessor and the legislative body of each taxing unit which levies ad valorem taxes on the property located within said District, that the application for the Facilities Exemption Certificate would be considered at a meeting of the City Council on _____, 2012, and that an opportunity to be heard would be provided to the Assessor and to a representative of each of the bodies so notified; and

WHEREAS, during a regular meeting of the City Council held _____, 2012, the applicant, the Assessor and representative of the affected taxing units were afforded an opportunity to be heard:

NOW THEREFORE BE IT RESOLVED AS FOLLOWS:

1. That this City Council finds:

   (a) That the construction of the facility had not begun earlier than six (6) months before _____, the date of acceptance of the application for the Industrial Facilities Exemption Certificate;

   (b) That the application relates to a program which when completed will constitute a new facility within the meaning of 1974 PA 198 and will be situated in the District established in Portage on _____, by resolution of the City Council;

   (c) That completion of facility is calculated to, and will at the time of issuance of the certificate, have the reasonable likelihood to create employment, retain employment, or prevent a loss of employment in the City of Portage.

   (d) That the application applies to a new facility and equipment;

   (e) That the aggregate SEV of real and personal property exempt from ad valorem taxes within the City of Portage, after granting this certificate, will be _____ percent of an amount equal to the sum of SEV of the City plus the SEV of personal and real property thus exempted; however, the City Council specifically finds that the granting of the exemption applied for will not substantially impede the operation of, or impair the financial soundness of, any unit of local government.

That the application of FEMA CORPORATION for an Industrial Facilities Exemption Certificate with regard to the construction of a new facility and equipment located in the District be and is hereby approved for a period of ___ years for the machinery and equipment (personal property) with an ending date of _____, and ___ years for the building (real property) with an ending date of _____, and is conditioned upon execution of an agreement between MUELLER COPPER TUBE PRODUCTS CO., and the City. MUELLER COPPER TUBE PRODUCTS CO., may, within the final year in which the certificate is effective, apply for another certificate. If the City disapproves of said application, there is no right of appeal of that decision.

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

ADOPTED: AYES: COUNCILMEMBER _____

NAYS: COUNCILMEMBER _____

ABSENT: COUNCILMEMBER _____

_____
James R. Hudson, City Clerk

Certificate

I hereby certify that the foregoing is a true and complete copy of Resolution #4-12 adopted at a regular meeting of the City Council of the City of Portage, Michigan, Kalamazoo County, held on the day of _____, 2012, the original of which is in the official proceedings of the City Council.

_____
James R. Hudson, City Clerk

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

Approved as to Form:
Date: 10/12/12
By: _____
City Attorney

Z:\JODY\PORTAGE\INDUSTRIAL\MUELLER PLASTICS\RESOLUTION #4.101212.DOCX

TAX ABATEMENT AGREEMENT

This Agreement is made between THE CITY OF PORTAGE, a Michigan Municipal Corporation, of 7900 South Westnedge Avenue, Portage, Michigan 49002, hereinafter referred to as "CITY", and MUELLER COPPER TUBE PRODUCTS CO., a Delaware Corporation, of 6700 Sprinkle Road, Portage, Michigan 49002, hereinafter referred to as "APPLICANT."

THE PARTIES AGREE AS FOLLOWS:

1. The CITY has established an Expanded Industrial Development District #1 in which the APPLICANT proposes to locate a facility in the City of Portage, County of Kalamazoo, State of Michigan and which is described as follows:

> All that certain piece of real estate located in the City of Portage, County of Kalamazoo and State of Michigan and more fully described as follows:
>
> See Attached Exhibit A.

2. The APPLICANT has filed an application (which is incorporated herein by reference) with the CITY requesting an industrial facilities exemption certificate ("certificate") for personal property and the building improvements located at 6700 Sprinkle Road, Portage, Michigan, within Expanded Industrial Development District #1.

3. The APPLICANT has represented that the application relates to a new or replacement facility within the meaning of Public Act 198 of 1974, MCLA 207.551, et seq.

4. The term of the certificate granted by the CITY shall be five (5) years for personal property (machinery and equipment) and five (5) years for real property (building). This agreement shall remain in force as to each certificate granted for the term of said certificate.

5. The APPLICANT has represented to the CITY that granting of the certificate will enable the facility to be completed, which will have the reasonable likelihood to create employment, retain employment, and prevent a loss of employment within the CITY.

6. The APPLICANT agrees to maintain at least 1 existing employees and hire at least 78 new employees during the term of the certificate. Failure to hire and maintain these positions shall be considered a material breach of this Agreement unless APPLICANT can show by clear and convincing evidence that the breach was caused by unfavorable economic business conditions, loss of business, or some other reason beyond the control of APPLICANT.

7. The APPLICANT agrees to maintain the facility for the entire period of the Certificate within the CITY and not to move or relocate the facility, business, or any portion of either outside the industrial development district without first obtaining the permission of the CITY. If APPLICANT relocates the facility, business, or any portion of either outside of the industrial development district during the period in which the industrial facilities exemption certificate is in effect, the APPLICANT shall repay to the CITY and all taxing authorities the amount of taxes that were abated by reason of the Certificate. The payment provided in this section shall be distributed in the same manner as the industrial facilities tax is distributed.

8. The APPLICANT agrees that during the term of the certificate, all CITY taxes shall be timely paid. Further, APPLICANT agrees that by accepting the benefits of the tax abatement, it waives appeal of personal and/or real property tax assessments concerning property which is the subject of the certificate. Appeal of the personal and/or real property taxes which is the subject of the certificate during the term of the certificate shall result in revocation of the certificate and/or termination of the district and APPLICANT shall repay to the CITY and all taxing authorities the amount of taxes that were abated by reason of the certificate.

9. The APPLICANT further agrees that during the term of the certificate, the APPLICANT shall be in full compliance with all applicable CITY codes.

10. The APPLICANT further agrees that during the term of the certificate, the APPLICANT shall not discriminate against any person on the basis of race, creed, color, sex, religious orientation, or other criteria not reasonably related to the job.

11. The APPLICANT further agrees to submit an annual project performance report to the CITY, addressed to City Council, provided under oath, setting forth the progress in attaining and maintaining the requirements of this Agreement and the provisions of the certificate application. Such reports shall be furnished in duplicate on or before July 1 of each year and shall contain, at minimum, the following:

(a) The number of new jobs promised in the certificate and the actual number of new jobs created.

(b) The number of employees at the time of the application and the current number of employees.

(c) If projection for creation or retention of jobs was not reached, give explanation.

(d) The estimated project cost given in the application and the actual project cost.

(e) If actual project costs differ substantially from projected cost, give explanation.

12. The APPLICANT agrees that if employment has not been retained or reached as represented, the construction and/or expansion project has not been completed or expenditures made as described in the Application, or if APPLICANT fails to fulfill any other provision of this Agreement as well as the provisions of Act 198 of 1974, the CITY shall have the right to reduce the term or revoke the certificate and APPLICANT shall repay to the CITY and all taxing authorities the amount of taxes that were abated by reason of the certificate plus all accrued interest, penalties and administrative fees applicable to said tax exemptions in the amount as would be collected if the same were considered delinquent. Any payments due under this paragraph may be collected by either court proceedings or by adding to the next taxes due against the APPLICANT'S property on the next tax roll of the CITY.

13. After the certificate is issued, the CITY agrees to maintain the same in full force and effect during the term of the certificate, subject to any regulations and requirements of state law, and subject to any breach of the provisions of this agreement by APPLICANT.

14. The parties agree that the CITY, in approving the tax abatement, has relied on the actions, representations and promises (including the Application) of the APPLICANT. Default of any of the provisions of this Agreement may be enforced in law or equity. The parties agree that exclusive jurisdiction to resolve any disputes on this contract shall be Kalamazoo County, Michigan.

15. If the various sections and provisions of this Agreement shall be deemed to be declared by any court of competent jurisdiction to be unconstitutional or invalid, the same shall not affect the validity of the Agreement as a whole or any section or provision hereof other than the section or provision so declared to be unconstitutional or invalid.

16. The benefits herein shall accrue to and the obligations hereof shall bind the successors, assignees, and transferees of the APPLICANT.

17. The APPLICANT further agrees that should ownership of the business and/or facility for which the Public Act 198 exemption certificate is issued be changed in the future, thereby requiring a hearing in front of the City of Portage Council under state law, that the transferee or new owner shall abide by all the terms and conditions of this Agreement, and that APPLICANT will communicate all terms and conditions of this Agreement to the transferee or new owner and assist the City in obtaining the signature of the authorized agent of the transferee or new owner on this Agreement or an identically worded Agreement.

By signatures of representatives of both the APPLICANT and the CITY below, it is understood that both the APPLICANT's investment in the project and the CITY's investment through the granting of a certificate is to encourage economic growth. It is also acknowledged that certain economic conditions can, at times, prohibit the maintenance of the APPLICANT's targeted status. It is understood that if such conditions exist at the time of the designated APPLICANT reports, the governing body of the CITY will carefully evaluate the APPLICANT's situation, and will inform the APPLICANT if any action is considered in order to give the APPLICANT an opportunity for correction.

Dated: _____, 2012

WITNESSED:

_____

_____

MUELLER COPPER TUBE PRODUCTS CO.,
a Delaware corporation

By:_____
Gregory L. Christopher
Its: President

STATE OF MICHIGAN)
)SS
COUNTY OF KALAMAZOO)

On this ____ day of _____, 2012 before me personally came the above named Gregory L. Christopher, as President, and on behalf of Mueller Copper Tube Products Co., who acknowledges that he has read the foregoing Tax Abatement Agreement by him subscribed and knows the contents thereof, and that he has the authority of said corporation to execute this Agreement, and acknowledges that he executed the same as his free act and deed.

_____
, Notary Public
Kalamazoo County, Michigan
My Commission Expires: _____
Acting in Kalamazoo County, Michigan

SIGNED, SEALED AND DELIVERED
IN THE PRESENCE OF:

CITY OF PORTAGE, a Michigan Municipal Corporation

_____

By:_____
PETER J. STRAZDAS
Its: Mayor

_____

By:_____
JAMES R. HUDSON
Its: Clerk

STATE OF MICHIGAN)
)SS
COUNTY OF KALAMAZOO)

On this _____ day of _____, 2012 before me personally came the above named Peter J. Strazdas and James R. Hudson, to me personally known, who being duly sworn, did and each for himself say that they are respectively the Mayor and Clerk of the municipal corporation named in and who executed the within instrument and that said instrument was signed on behalf of said corporation by authority of its City Council; and said James Graham and James R. Hudson acknowledge said instrument to be the free act and deed of said municipal corporation.

_____
, Notary Public
Kalamazoo County, Michigan
My Commission Expires:_____
Acting in Kalamazoo County, Michigan

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

Approved as to Form:
Date: 10/19/12
By: RLB
City Attorney

z:\jody\portage\industrial\mueller plastics\tax abatement agreement with 12-12.101112.docx

EXHIBIT A

PART OF THE SOUTHWEST QUARTER OF SECTION 12, TOWN 3 SOUTH, RANGE 11 WEST, COMMENCING AT THE CENTER QUARTER POST OF SECTION 12; THENCE SOUTH 0° 05' 10" WEST 849.61 FEET ALONG THE EAST LINE OF THE SAID SOUTHWEST QUARTER OF SECTION 12; THENCE NORTH 89° 54' 50" WEST 929.78 FEET; THENCE SOUTH 0° 05' 10" WEST 277.20 FEET TO THE PLACE OF BEGINNING OF THIS DESCRIPTION: THENCE SOUTH 43° 04' 41" WEST 439.47 FEET; THENCE SOUTHWESTERLY 124.82 FEET ON A 493.34 FOOT RADIUS CURVE TO THE LEFT WHOSE LONG CHORD BEARS SOUTH 35° 49' 47" WEST 124.49 FEET TO THE EASTERLY RIGHT OF WAY OF THE NORFOLK SOUTHERN/GRAND ELK RAILROAD; THENCE SOUTH 00° 17' 54" WEST 72.69 FEET ALONG THE SAID RAILROAD RIGHT OF WAY; THENCE NORTHEASTERLY 181.45 FEET ON A 463.34 FOOT RADIUS CURVE TO THE RIGHT WHOSE LONG CHORD BEARS NORTH 31° 51' 33" EAST 180.30 FEET; THENCE NORTH 43° 04' 41" EAST 407.29 FEET; THENCE NORTH 0° 05' 10" EAST 43.99 FEET TO THE PLACE OF BEGINNING. CONTAINING 0.40 ACRES. SUBJECT TO EASEMENTS, RESTRICTIONS, AND RIGHTS OF WAY OF RECORD.

AFFIDAVIT WITH REGARD TO FEES
OF 198 APPLICATION FOR
MUELLER COPPER TUBE PRODUCTS CO.

STATE OF MICHIGAN)
)ss.
COUNTY OF KALAMAZOO)

NOW COME Affiants, James R. Hudson and Gregory L. Christopher, and state as follows:

1. James R. Hudson is the City Clerk and an official for the City of Portage.

2. Gregory L. Christopher is the President of the applicant, MUELLER COPPER TUBE PRODUCTS CO., who is an applicant for an industrial facilities exemption certificate.

3. Affiants are aware of the following provision, being Section 5(3) of Act No. 198 of the Public Acts of 1974:

> *The local government unit may charge the applicant an application fee to process an application for an industrial facilities exemption certificate. The application fee shall not exceed the actual cost incurred by the local government or unit in processing the application or 2% of the total property taxes stated under this Act for the term that the industrial facilities exemption certificate is in effect, whichever is less. A local government unit shall not charge an applicant any other fee under this Act.*

4. Affiants state that no payment of any kind in excess of the fee allowed by the above provision of Act 198 as amended has been made or promised in exchange for favorable consideration of an exemption certificate application.

5. Affiants realize that any fee, payment in lieu of taxes, donations, or any other such payments as a condition precedent to approving industrial facilities exemption certificates would be contrary to the legislative intent of Act 198.

6. Each affiant has the authority to make this affidavit on behalf of the entity he or she represents.

CITY OF PORTAGE, a Michigan Municipal Corporation

Date: _____, 2012

By:_____
JAMES R. HUDSON
Its: City Clerk

Subscribed and sworn to before me this _____ day of _____, 2012.

_____
_____,Notary Public
Kalamazoo County, Michigan
My commission expires: _____
Acting in Kalamazoo County, Michigan

MUELLER COPPER TUBE PRODUCTS CO., a Delaware Corporation

Date: _____, 2012

By:_____
GREGORY L. CHRISTOPHER
Its: President

Subscribed and sworn to before me this _____ day of _____, 2012.

_____
_____,Notary Public
Kalamazoo County, Michigan
My commission expires: _____
Acting in Kalamazoo, Michigan

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

Z:\JODY\PORTAGE\INDUSTRIAL\MUELLER PLASTICS\AFFIDAVIT FOR AGREEMENT.092712.DOCX

CITY OF PORTAGE **COMMUNICATION**

TO: Honorable Mayor and City Council **DATE:** October 19, 2012

FROM: Maurice S. Evans, City Manager

SUBJECT: Major Street Reconstruction Program

ACTION RECOMMENDED: That City Council approve the substitution of the Angling Road (West Centre Avenue to Squire Heath Lane) and Romence Road Parkway (Lovers Lane to Portage Road) projects for the Portage Road (East Milham Avenue to Byrd Drive) and Oakland Drive (I-94 to Kilgore Road) projects in the 2011 – 2014 Kalamazoo Area Transportation Study (KATS) Transportation Improvement Plan.

As part of the 2012-13 Capital Improvement Program, four streets were approved for reconstruction:

Mall Drive - Constitution Boulevard to South Westnedge Avenue
Forest Drive - Lovers Lane to Portage Road
Angling Road - West Centre Avenue to Squire Heath Lane
Romence Road East - Portage Road to Sprinkle Road

These four street projects are included in the Major Street Reconstruction Program (MSRP). The MSRP is intended to provide funding for major and collector street reconstruction. Funds for the MSRP come primarily from the Municipal Street Fund millage and Federal Surface Transportation Program (STP) funds. The STP funds are allocated to local agencies through the Kalamazoo Area Transportation Study (KATS) via a four-year Transportation Improvement Program (TIP), which is approved by the KATS policy committee. Projects selected for inclusion into the current TIP are based on:

- Traffic volume
- Pavement condition
- Project continuity with other nearby projects
- Federal funding eligibility

Projects proposed for federal aid must be balanced between the above listed criteria. The current TIP covers years 2011 through 2014 and includes approved federal funding amounts for eligible major street projects. The City of Portage projects included in the current TIP are:

Approved TIP Year	Street	2011 Paser Rating *	Prev. Reconst. Date	Estimated Construct. Cost
2013	Forest Drive (Lovers Lane to Portage Rd.)	4	1990	$447,000
	Oakland Drive (I-94 to Kilgore Rd.)	7 – 3	1995	$257,000
	Portage Road (E. Milham Ave. to Byrd Dr.)	4	1997	$515,000
	Mall Drive (Constitution Blvd - S. Westnedge Ave.)	3 – 4	2000	$339,000

Approved TIP Year	Street	2011 Paser Rating	Prev. Reconst. Date	Estimated Construct. Cost
2014	Portage Rd. (West Centre Ave. to Lakeview Drive)	3 – 5	1999	$1,050,000
	S. Westnedge Ave. (Osterhout Ave. to S. Shore Drive)	4	1995	$752,000

** Paser ratings are an asset management system adopted by the State of Michigan which rates roadways based on a 10 to 1 scale (10 = Excellent, 1 = Failed). A rating of "3" is considered Poor.*

The current TIP schedule was predicated on the completion of the I-94 widening project in 2011. Two streets, Oakland Drive from I-94 to Kilgore Road, and Portage Road from East Milham Avenue to Byrd Drive, were part of the official I-94 detour route. Review of the current street condition reveals that the two street segments are much better than anticipated. Conversely, Angling Road, inclusive of the section from West Centre Avenue to Squire Heath Lane, was used as a detour route for construction on West Milham Avenue and has suffered to a greater extent than other areas from the increased detour traffic. This section of Angling Road currently has a Paser rating of "2". In regard to the Romence Road Parkway, the section from Lovers Lane to Portage Road was delayed in the TIP last year to make funding available for the recently completed West Centre Avenue Project (Oakland Drive to Shaver Road). The condition on Romence Road Parkway has a Paser rating of "3" and continues to decline, suitably positioning it for reconstruction.

As a result, subsequent to City Council approval, city staff will work with KATS to amend the TIP to exchange the Portage Road and Oakland Drive projects with the Romence Road and Angling Road projects. Acceptance of this plan modification will enable the Angling Road and Romence Road projects to be included for funding assistance in Federal Fiscal Year 2013, with funds obligated in October 2012 for construction in 2013.

It is recommend that City Council approve the substitution of Angling Road (West Centre Avenue to Squire Heath Lane) and Romence Road Parkway (Lovers Lane to Portage Road) for the Portage Road (East Milham Avenue to Byrd Drive) and Oakland Drive (I-94 to Kilgore Road) projects in the 2011 – 2014 Kalamazoo Area Transportation Study Improvement Plan.

CITY OF PORTAGE **COMMUNICATION**

TO: Honorable Mayor and City Council **DATE:** October 19, 2012

FROM: Maurice S. Evans, City Manager

SUBJECT: City of Portage 50th Anniversary Celebration Ideas

ACTION RECOMMENDED: That City Council affirm additional events and activities to commemorate the 50th Anniversary of the City of Portage as presented herein.

The City Council 50th Anniversary Committee (Committee of the Whole) met on Tuesday, October 9, 2012 to consider additional suggested activities and events provided by Advisory Boards and Commissions and Portage residents. In accordance with Council action on September 11, 2012 to accept as presented the activities, events and actions to commemorate the 50th Anniversary outlined by the City Administration in the attached City Manager communication dated September 4, 2012, the following series of events and activities are in process:

1. A commemorative edition of the *Portager* is being developed for distribution in February 2013 highlighting major community milestones over the past 50 years. *Portager* editions throughout 2013 will be utilized to publicize 50th Anniversary activities and events.
2. Proclamations will be requested from state representatives and the Governor to recognize City of Portage incorporation during a February 2013 City Council meeting.
3. A display of historical photographs, documents and memorabilia is being compiled for display within City Hall for the duration of the 2013 calendar year.
4. An historical video "collage" is under development and will be aired as the City Council meeting introduction for the 2013 calendar year and at other times on cable access channels.
5. Major community events to celebrate the 50th anniversary during 2013 which have been initiated include:
   - In cooperation with the Kalamazoo Area Runners Club, a winter half marathon will be held on February 17, 2013.
   - Plans for development of the Eliason Nature Reserve are underway, with a "50th Anniversary Groundbreaking" event planned for Phase I in July 2013.
   - A fundraising effort will be launched to support an expanded 2013 Summer Entertainment Series, including a "50th Anniversary Concert."
6. As a "placemaking" activity and to capitalize on community attributes established over the past 50 years, attention is being focused on Portage as a community supportive of active lifestyles and strong neighborhoods. The new community logo and tagline (*A Natural Place to Move*) has been produced for introduction in January 13, 2012, as well as other activity-based supportive actions.

Subsequently, the City Council 50th Anniversary Committee has recommended that the following events and activities be planned with the assistance of community volunteers, various Advisory Boards and Commissions and the City Administration:

COMMUNITY VOLUNTEER ACTIVITIES

Coffee Table Book: Development of a commemorative 50th Anniversary coffee table book concerning the history of the City of Portage as recommended by former Mayor Pro Tem Ted Vliek, Sr., was agreed to by the City Council. A communication will be developed from the Mayor to Mr. Vliek to request he coordinate community volunteers to develop the book, with the consideration that no city dollars or staff time will be allocated to this activity.

BOARD AND COMMISSION ACTIVITIES

Youth Advisory Committee Activities: As proposed, the **Youth Advisory Committee** is encouraged to incorporate the 50th Anniversary theme in its three existing events: 1) Snow Party, 2) Green-a-thon and 3) Teen Movie Night.

Tour of Historic Homes and Train Barn Open House: The **Historic District Commission** is requested to explore the potential of a tour of Portage historic homes, potentially including a one-day open house at the Train Barn. A report and recommendation by the Historic District Commission to the City Council as to the feasibility of this activity no later than December 18, 2012 will be requested.

Community Art Competition: The Planning Commission suggested the idea of a community art competition, to which the City Council agreed. However, the City Administration considers the **Park Board** to be better suited to conduct this activity. It is recommended that the Park Board be requested to explore the possibility of a community art competition, taking into account that no city dollars will be allocated for this activity and that a sponsor will be necessary. A report and recommendation by the Park Board to the City Council as to the feasibility of this activity no later than December 18, 2012 will be requested.

Recognition of Portage Businesses: The **Planning Commission** is asked to consider ways in which the Portage business community can be recognized as part of the 50th Anniversary Celebration. A report and recommendation by the Planning Commission to the City Council as to suggestions for this activity no later than December 18, 2012 will be requested.

Additionally, any Advisory Board and Commission wishing to promote a "no-cost" 50th Anniversary event or activity will be encouraged to do so.

CITY ADMINISTRATION ACTIVITIES

In addition to the activities and events (noted on page 1) previously accepted by the Council, the City Administration is charged with development of plans for the following activities.

Electronic Billboards: The City Administration will investigate the use of the existing Adams Outdoor Advertising electronic billboard on South Westnedge Avenue to display the 50th Anniversary Logo, along with advertisements for 50th Anniversary events and activities. In addition, should the Portage Public Schools proposed electronic billboards be installed and operational, the City Administration will request their use for this purpose.

Recognition of Advisory Board and Commission Members: The City Administration will distribute vouchers to all active Advisory Board and Commission members for admittance of two individuals to the planned "50th Anniversary Concert." Additionally, consideration will be given to adding a "VIP" element for these volunteers.

Documentary – History of the City of Portage: The City Administration will inquire with Public Media Network (PMN) as to the potential for production of a documentary about the history of the City of Portage. The documentary would consist of interviews with long-time Portage residents and former elected officials conducted by PMN staff. The production would air on PMN on a schedule to be determined. A report and recommendation by the City Administration to the City Council as to the feasibility of this activity no later than November 20, 2012 is anticipated.

Anniversary Flower Displays: The City Administration will investigate a collaboration with Kalamazoo In Bloom for the planting of flowers on city grounds for the spring / summer of 2013 to reflect a 50th Anniversary theme. A report and recommendation by the City Administration to the City Council concerning a planting plan and associated costs no later than November 20, 2012 is anticipated.

Flags Along South Westnedge Avenue: The City Administration will determine the cost (labor and materials) of displaying City of Portage flags along South Westnedge Avenue for the duration of the 2013 calendar year. A report and recommendation by the Administration to the City Council concerning the costs associated with this activity no later than November 20, 2012 is anticipated.

CITY COUNCIL ACTIVITIES

50th Anniversary Parade: The City Council will coordinate an increased presence in the annual VFW Memorial Day Parade. Advisory Board and Commission members will be recruited to participate and a 60's theme will be promoted, with classic cars and vintage attire. It is recommended that the City Council appoint a sub-committee to facilitate this activity.

Rotary International Peace City: The City Council, with Councilmember Campbell managing the project, will investigate the designation of the City of Portage as a Rotary International Peace City. This designation would involve proclamations and the installation of a 20-foot tall "Peace Pole" on city grounds, which would be funded and maintained by the Portage Rotary Club. It is recommended that the Portage Rotary Club present a plan in this regard to the City Administration no later than December 18, 2012.

50th Anniversary Banner Competition: It is recommended that Mayor Strazdas (with assistance from the City Administration) send a letter of inquiry to the Superintendent of Portage Public Schools to determine the interest in organizing a competition among the three high schools (Portage Central, Portage Community and Portage Northern High Schools) to design a banner recognizing the City of Portage 50th Anniversary. The winning banner would be chosen by the Portage City Council and the PPS Board of Education. The winning banner would be displayed at the PPS championship sign locations for the duration of the 2013 calendar year. The banner could also be displayed in the City Hall lobby, along with the planned display of historical photographs, documents and memorabilia.

Time Capsule: The City Council 50th Anniversary Committee discussed a "Time Capsule" without finalizing details. It is requested that the City Council advise the City Administration as to its desires concerning this activity.

A number of the above described activities will carry an associated cost. As the Council has established a limited budget of $5,000 to conduct 50th Anniversary activities, cost estimates for each activity will be provided to Council as an element of the reports to be provided as outlined. It is recommended that Council affirm the additional events and activities to commemorate the 50th Anniversary of the City of Portage as presented above.

CITY OF PORTAGE **COMMUNICATION**

TO: Honorable Mayor and City Council **DATE:** September 4, 2012

FROM: Maurice S. Evans, City Manager

SUBJECT: City of Portage 50th Anniversary Events

ACTION RECOMMENDED: That City Council:

a. accept as presented the activities, events and actions to commemorate the 50th Anniversary of the City of Portage;
b. appoint a City Council Ad Hoc Committee to consider additional suggested activities and events from Advisory Boards and Commissions and Portage residents; and
c. request that the Ad Hoc Committee present the additional suggested activities and events to the City Council no later than October 23, 2012.

With 2013 marking the 50th Anniversary of Portage incorporating as a city, it is appropriate that the time period be commemorated by activities and events to reflect upon the history of the city. Equally important, the 50th Anniversary presents an opportune time to consider the future of the community in light of the work of past community leaders to forge the character of the city. Two distinct but linked actions are presented in this regard:

1. To celebrate Portage history, the following series of activities and events are presented in recognition of the golden anniversary of the city:

   - A commemorative edition of the *Portager* will be developed and distributed in February 2013 highlighting major community milestones over the past 50 years. *Portager* editions throughout 2013 will be utilized to publicize 50th Anniversary activities and events.
   - Proclamations will be requested from state representatives and the Governor to recognize City of Portage incorporation during a February 2013 City Council meeting.
   - A display of historical photographs, documents and memorabilia will be established within City Hall and maintained for the duration of the 2013 calendar year.
   - An historical video "collage" will be developed and aired as the City Council meeting introduction for the 2013 calendar year and at other times on cable access channels.
   - Major community events being planned to celebrate the 50th anniversary during 2013 include:
     - In cooperation with the Kalamazoo Area Runners Club, a winter half marathon will be held in February 2013.
     - A fundraising effort will be launched to support an expanded 2013 Summer Entertainment Series, including a "50th Anniversary Concert."
     - Plans for development of the Eliason Nature Reserve are underway, with a "50th Anniversary Groundbreaking" event planned for Phase I for July 2013.

2. It is equally important at the mid-century mark of the city's incorporation to initiate actions to refresh the commitment of Portage city government to, and connection with the community. Visioning exercises undertaken by residents with *Portage 2025* reflect the desire of residents to promote a healthy, active lifestyle through use of city natural resources and development of sustainable, well-maintained recreational amenities. In concert with these desires, a series of actions are appropriate to establish the framework for ensuring a quality community environment in the years ahead.

   To capitalize on the numerous attributes that have formed the community as *A Place for Opportunities to Grow* over the past 50 years, attention will be redirected to focus on Portage as a community supportive of active lifestyles and strong neighborhoods. Reflective of this focus, the community logo will be recast as *A Natural Place to Move* (see attached). Supplemental actions are also planned to renew the commitment of the city to supporting an activity-based infrastructure and quality neighborhoods including:

   - Utilizing unbudgeted revenue encumbered from the fiscal year 2011-12 budget to support additional street, bikeway and trailway reconstruction during 2012 and 2013 (additional local street reconstruction for 2012 was approved by City Council on July 10, 2012).
   - Evaluating the need for future phases of the South Westnedge Enhancement Program projects (SWEPs) and, if found appropriate, recommending the reprogramming of funding committed to SWEPs through a fiscal year 2013-14 Capital Improvement Program initiative to support "complete streets," additional local and major street improvements and bikeway and trailway maintenance and expansion.
   - A commitment of funding to maintain paved trailways during winter months, allowing for year-round use.
   - A commitment of funding for development of additional marketing materials designed to feature and enhance the use of the city's natural resources and recreational amenities.
   - Addition of the Eliason Nature Reserve to the city park infrastructure through Phase I development completion in 2013.

Recommitting to the appropriate maintenance and improvement of past city investments in open space preservation, park and trailway development and street infrastructure will position the city for continued growth. As a community rich with natural resources and a well developed infrastructure to support active lifestyles, the City of Portage is *A Natural Place to Move.*

It is recommended that City Council accept these activities, events and actions to commemorate the 50th Anniversary of the City of Portage. It is further recommended that City Council appoint an Ad Hoc Committee to consider additional suggested activities and events from Advisory Boards and Commissions and Portage residents, which have been requested and are to be submitted to the City Administration by September 28, 2012. Subsequently, the Ad Hoc Committee can present the additional suggested activities and events to the City Council no later than October 23, 2012.

Attachment

PORTAGE

A Natural Place to Move

PORTAGE

A Natural Place to Move

PORTAGE

A Natural Place to Move

CITY OF PORTAGE **COMMUNICATION**

TO: Honorable Mayor and City Council **DATE:** October 15, 2012

FROM: James R. Hudson, City Clerk

SUBJECT: Transfer ownership of 2012 Class C Licensed Business from DSV Entertainment, LLC, to Stellent, LLC.

ACTION RECOMMENDED: That City Council grant the request to transfer ownership of the 2012 Class C Licensed Business with Dance and Entertainment Permits located at 3750 East Kilgore Road, Portage, MI 49002, Kalamazoo County (The Venue), from DSV Entertainment, LLC, to Stellent, LLC.

The Michigan Liquor Control Commission has requested that City Council approve the transfer of ownership of the 2012 Class C Licensed Business with Dance and Entertainment Permits located at 3750 East Kilgore Road, Portage, MI 49002, Kalamazoo County (The Venue), from DSV Entertainment, LLC, to Stellent, LLC. DSV Entertainment, LLC, will no longer be a part of the business and Stellent, LLC, will be the new owner and operator of the business and plans to change the name, but has not settled upon one as yet.

The Community Development, Finance and Public Safety departments recently completed approvals for this request. Therefore, it is recommended that City Council approve the transfer.

Attachment: Department of Licensing and Regulatory Affairs resolution

c: Maurice S. Evans, City Manager

Michigan Department of Licensing and Regulatory Affairs
Liquor Control Commission (MLCC)
7150 Harris Drive, P.O. Box 30005 - Lansing, Michigan 48909-7505
Toll Free (866) 813-0011 • www.michigan.gov/lcc

Business ID: _____
Request ID: _____
(For MLCC use only)

Local Government Approval

(Authorized by MCL 436.1501)

Instructions for Applicants:

- Provide a copy of your Application for New Licenses, Permits, or Transfer of Ownership or Interest in License (form LCC-3011 for Retail or form LCC-3015 for Manufacturers and Wholesalers) to the local unit of government.

Instructions for Local Legislative Body:

- Complete this resolution, or provide a resolution, a letter of certification from the clerk, or minutes from the meeting at which this request was considered.

At a _____ (regular or special) meeting of the _____ (township, city, village) council/board called to order by _____ on _____ (date) at _____ (time) the following resolution was offered:

Moved by _____ and supported by _____

that the application from STELLENT, LLC (name of applicant)

for the following license(s): CLASS C (TRANSFER FROM DSV ENTERTAINMENT, LLC) (e.g. Class C, Tavern, B-Hotel, Micro Brewer)

and the following permits, if applied for: ☒ Dance Permit ☒ Entertainment Permit ☐ Topless Activity Permit

☐ Extended Hours Dance Permit Hours Required: _____

☐ Extended Hours Entertainment Permit Hours Required: _____

to be located at 3750 E. KILGORE RD., KALAMAZOO, MI 49002

be considered for _____ (approval or disapproval).

Approval		Disapproval	
Yeas:	_____	Yeas:	_____
Nays:	_____	Nays:	_____
Absent:	_____	Absent:	_____

It is the consensus of this body that it _____ (recommends/does not recommend) this application be considered for approval by the Michigan Liquor Control Commission.

I hereby certify that the foregoing is true and is a complete copy of th resolution offered and adopted by the _____ (township, city, village) council/board at a _____ (regular or special) meeting held on _____ (date).

Name and title of authorized officer (please print): _____

Signature and date of authorized clerk: _____

Phone number and e-mail of authorized officer: _____

LARA is an equal opportunity employer/program.Auxiliary aids, services and other reasonable accommodations are available upon request to individuals with disabilities.

CITY OF PORTAGE **COMMUNICATION**

TO: Honorable Mayor and City Council **DATE:** October 17, 2012

FROM: James R. Hudson, City Clerk

SUBJECT: Upgrade 2000 Tavern licensed business (Pizza Hut) to Class C

ACTION RECOMMENDED: That City Council grant the request for an upgrade of the 2000 Tavern licensed business, located at 6300 South Westnedge (Pizza Hut), Portage, MI 49002, Kalamazoo County, to Class C Liquor License.

The Michigan Liquor Control Commission has requested City Council consideration of the attached Resolution for an upgrade of the 2000 Tavern licensed business, located at 6300 South Westnedge Avenue (Pizza Hut), Portage, Michigan 49002, Kalamazoo County, to a Class C Liquor License. City Council expressed no objections to the request to transfer the 2000 Tavern licensed business from Michigan Pizza Hut, Inc., to Trigo Pizza Company, Inc., on October 9, 2012, with the location remaining the same. A Tavern Liquor License allows a business to sell beer and wine only for consumption on the licensed premises, and the Class C Liquor License allows the business to sell beer, wine and liquor fro consumption on the premises.

Approvals were recently completed by the Community Development, Finance and Public Safety Departments for this request. Therefore, it is recommended that City Council grant the request for an upgrade of the 2000 Tavern licensed business, located at 6300 South Westnedge (Pizza Hut), Portage, MI 49002, Kalamazoo County, to Class C.

Attachment: LC-1305

c Maurice S. Evans, City Manager

Michigan Department of Licensing and Regulatory Affairs
Liquor Control Commission (MLCC)
7150 Harris Drive, P.O. Box 30005 - Lansing, Michigan 48909-7505
Toll Free (866) 813-0011 • www.michigan.gov/lcc

Business ID: _____

Request ID: _____
(For MLCC use on

Local Government Approval

(Authorized by MCL 436.1501)

Instructions for Applicants:

- Provide a copy of your Application for New Licenses, Permits, or Transfer of Ownership or Interest in License (form LCC-3011 for Retail or form LCC-3015 for Manufacturers and Wholesalers) to the local unit of government.

Instructions for Local Legislative Body:

- Complete this resolution, or provide a resolution, a letter of certification from the clerk, or minutes from the meeting at which th request was considered.

At a regular (regular or special) meeting of the City of Portage (township, city, village) council/board

called to order by _____ on _____ (date) at _____ (time)

the following resolution was offered:

Moved by _____ and supported by _____

that the application from Trigo Pizza Company, Inc. (name of applicant)

for the following license(s): Upgrade from Tavern to Class C (e.g. Class C, Tavern, B-Hotel, Micro Brewer)

and the following permits, if applied for: ☐ Dance Permit ☐ Entertainment Permit ☐ Topless Activity Permit

☐ Extended Hours Dance Permit Hours Required: _____

☐ Extended Hours Entertainment Permit Hours Required: _____

to be located at 6330 S. Westnedge, Portage

be considered for approval (approval or disapproval).

Approval	Disapproval
Yeas: _____	Yeas: _____
Nays: _____	Nays: _____
Absent: _____	Absent: _____

It is the consensus of this body that it recomends (recommends/does not recommend) this application be considered for approval by the Michigan Liquor Control Commission.

I hereby certify that the foregoing is true and is a complete copy of th resolution offered and adopted by the _____ (township, city, village) council/board at a _____ (regular or special) meeting held on _____ (date).

Name and title of authorized officer (please print): _____

Signature and date of authorized clerk: _____

Phone number and e-mail of authorized officer: _____

LARA is an equal opportunity employer/program Auxiliary aids services and other reasonable accommodations are available upon request to individuals with disabilities

CITY OF PORTAGE **COMMUNICATION**

TO: Honorable Mayor and City Council **DATE:** October 16, 2012

FROM: Maurice S. Evans, City Manager

SUBJECT: Michigan Association of Municipal Attorneys – Information Only

Attached for the information of Council is a news release from the Michigan Association of Municipal Attorneys (MAMA). As will be noted, the news release highlights the re-election of City Attorney Randall Brown as President of the organization. Attorney Brown served this past year as President of the MAMA and the prior two years as Vice President.

The City Administration congratulates Attorney Brown for his re-election and continued service with the MAMA.

Press Release

1675 Green Road
Ann Arbor, MI 48105
Ph: 734-662-3246
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FOR IMMEDIATE RELEASE
Contact: Matt Bach
Michigan Municipal League
mbach@mml.org; (734) 669-6317

Randall L. Brown Re-Elected as President of Michigan Association of Municipal Attorneys

LANSING, Michigan, Sept. 20, 2012 – The Michigan Association of Municipal Attorneys is pleased to announce that Portage City Attorney Randall L. Brown was re-elected as President of the organization at its Annual Meeting held in Lansing September 20, 2012.

Brown states that his first year as President has been "very busy and productive" and he is "looking forward to the new challenges of the next year". He thanks and congratulates all those who worked hard to organize and present very successful and educational programs, the publication of the new MAMA book "Michigan Local Government Ethics" as well as the establishment of the first Law School/MAMA Municipal Externship program.

Brown has been on the Board of Directors of the Michigan Association of Municipal Attorneys and on the Board of the Michigan Municipal League Legal Defense Fund since 1999. Brown served the past year as president and prior two years as Vice President of the municipal attorneys association. He has been legal counsel for Portage for the past 28 years and the city attorney since 1993. In 2010, Brown was awarded the Portage City Attorney contract for another five years. He is also a member of the Legislative Concerns Committee, the Professionalism and Education Committee, and is involved in other committee work dealing with issues affecting municipalities in Michigan.

He graduated from Cooley Law School cum laude with distinction in 1981 and received the Most Distinguished Student award and was the law school's first editor-in-chief of the Law Review. Brown was a law clerk for the Honorable C.H. Mullen before entering private practice in 1984 and now employs two associate attorneys in his law firm, Randall L. Brown & Associates, PLC, in Portage. Besides municipal law, the firm represents clients in the areas of real estate, domestic relations, business entities, criminal law, probate/estate planning and bankruptcy.

As a long-standing and dedicated public official, City Attorney Brown addresses a broad range of legal issues on a regular basis, including matters concerning the Freedom of Information Act, Open Meetings Act, contract and land use issues among many others. He is also the village attorney for the Village of Mendon in St. Joseph County, Michigan. He lives with his wife Cindy in Portage and they have two children, Sarah and Jason.

Also during the annual meeting Thursday, the Association re-elected Troy City Attorney Lori Grigg Bluhm as vice president of MAMA for the 2012-13 term.

About the Michigan Association of Municipal Attorneys: The Michigan Association of Municipal Attorneys (MAMA) is a chartered section of the Michigan Municipal League, which is a Michigan non-profit corporation. MAMA was established in 1935 as an affiliated organization of the League. The Association is governed by a Board of Directors elected by the member municipal attorneys. Membership consists of every city and village attorney, who represents a member of the Michigan Municipal League, their deputies and assistants, and League staff members duly admitted to practice law in the State of Michigan. Any attorney admitted to practice law in Michigan who has a substantial interest in municipal law may become an associate member upon application and approval by the Board of Directors. Any student enrolled in a recognized law school may be a law student member upon application and approval by the Board of Directors.

###

CITY OF PORTAGE **COMMUNICATION**

TO: Honorable Mayor and City Council **DATE:** October 10, 2012

FROM: Maurice S. Evans, City Manager

SUBJECT: September 2012 Summary Environmental Activity Report – Information Only

Attached please find the September 2012 Summary Environmental Activity Report from Department of Transportation & Utilities Director, W. Christopher Barnes. New material, or material of specific interest to City Council is presented in italics.

These items serve to update the Council on environmental affairs.

c: W. Christopher Barnes, Director of Transportation & Utilities
Planning Commission
Portage Environmental Board

CITY OF PORTAGE **COMMUNICATION**

TO: Maurice S. Evans, City Manager **DATE:** October 10, 2012

FROM: W. Christopher Barnes, Director of Transportation & Utilities WCB

SUBJECT: September 2012 Environmental Activity Report – Information Only

In keeping with goals and objectives adopted by the Council emphasizing the need to enhance environmental quality and protect natural resources, the following information is intended to keep the Council, Planning Commission and Environmental Board apprised of current environmental issues.

Important environmental issues being monitored and coordinated by the Administration are attached. The Summary Environmental Activity Report will continue to be provided on a monthly basis to the Council, Planning Commission and Environmental Board.

Attachment

SUMMARY ENVIRONMENTAL ACTIVITY REPORT
September 2012 (*updates in italics*)

Project/Activity	**Description**	**Status**
Portage City Landfill	Ongoing groundwater monitoring of former municipal landfill.	-City Council awarded a 3 year contract to American Hydrogeologic Corporation (AHC) on February 23, 2010 to perform annual groundwater sampling. The site groundwater data will continue to be monitored to confirm continuation of the natural attenuation process. Sampling shows continued improvement in groundwater quality. Sampling completed in April 2010. Annual report submitted to MDNRE in June 2010. General groundwater quality continues to improve, but site will require monitoring for the foreseeable future. 2011 sampling completed in March. 2011 annual report submitted to MDEQ, with moderate groundwater quality improvements. *Investigation into methane gas presence in the groundwater is underway.* First round of sampling completed in April 2012. Second round of sampling completed in June 2012. Initial results indicate no off-site impact. *Annual report under staff review for submission to MDEQ. Review meeting held September 21, 2012 with MDEQ with follow-up in October.*
Site Inspection/Development Project Review	Review of existing business & industries and review of proposed business and industrial development projects for environmental protection purposes and/or building plans completed.	-Coordination with property owners and City or State agencies ongoing. *-Review of 4 site/building plans and/or plats completed in September 2012.*
Sewer Connection Program	Groundwater protection program requiring residential/business hookup to the sanitary sewer where available.	*-Sanitary sewer hookup permits issued in September 2012*: *2 residential; 1 commercial. One connection made as part of the mandatory sewer connection program.*
West Lake Management Program	Special assessment district designed to maintain/improve lake conditions.	-Five Year Lake Management Assessment District process was approved by City Council on March 23, 2010. Construction began on the Austin Dam reconstruction in December 2006 and new structure completed in March 2007. Filtration system construction was substantially completed in July 2008. The 2011 lake survey and treatment preparations are complete. Additional areas requested by the Association for treatment. Amendment to the 2011 Treatment Program approved by City Council on August 9, 2011. Lake Association has completed 2012 plan and lake treatment completed in May 2012. Review of program underway by Lakeshore Environmental Consultants. Additional treatment is likely based on consultants review.

Retention Basin Sampling Program (Groundwater Elevation)	Investigation regarding potential impact of retention basins on groundwater levels.	-Historical monitoring continues to show minor impacts at most basins. From 1993 through 2009 the monitoring program showed stable groundwater impacts due to stormwater infiltration. Alternative road salt practices continue to be considered and evaluated. On March 23, 2010, City Council awarded a four-year contract to Wightman Environmental. Program will focus primarily on groundwater level information. The 2011 annual report received. Groundwater results show that the general groundwater table on the east side of Portage has risen approximately one foot in 2011 and is generally at levels seen in 2009. Groundwater levels, especially on the east side of Portage, have decreased in 2012 as a result of seasonal rainfall deficiencies.
Wellhead Protection Program (WHPP)	Development of program to protect City well fields and surrounding area from contamination resulting from improper land use.	-Wellhead Protection Grant award received from MDEQ on August 30, 1999 and Council accepted the grant on October 5, 1999. Council also awarded contract to Earth Tech to complete WHPP. Earth Tech completed the final wellhead protection plan and MDEQ submittal was made on October 14, 2000. Plan was reviewed by MDEQ with written approval received in March, 2001. Staff has met internally to discuss the future needs to update the plan pending grant opportunities. Plan implementation is ongoing.
Leaf Compost Monitoring Program	Monitoring and analysis of groundwater at the new Oakland Drive Leaf Compost site.	-City Council awarded contract on August 21, 2001 to Soil & Materials Engineers for monitoring and analysis of groundwater impact of the new compost operation. Drilling was completed in October 2001 and first sampling cycle was completed in February 2002. Semi annual sampling was performed from 2002 to 2011 in June and January. Sampling and analysis results continue to show no groundwater impacts from the leaf composting. Sampling schedule was reduced to annual sampling in 2009 with results showing continued minor impact on groundwater quality. Annual sampling completed in June 2011 minimal impacts noted. *Sampling completed in June 2012 with minimal groundwater impacts.*
National Pollution Discharge Elimination System (NPDES) permit implementation	Five year plan to implement the current NPDES stormwater permit.	-Received NPDES general permit on August 15, 2001. Renewal Application submission was made to MDEQ on March 7, 2003. New permit received in 2004 mandates involvement in several county watershed groups. City staff completed the submission of a Stormwater Pollution Prevention Initiative (SWIPPI) as required by NPDES permit. SWIPPI submitted on October 21, 2005. New certificate of coverage permit was issued by MDEQ on September 30, 2009. New permit covers a 5 year timeframe with first work item (updating the Public Participation Plan) due December 11, 2009. Plan update completed with other local governments and submitted November 24, 2009. Staff completed an updated SWIPPI submittal to MDNRE. SWIPPI was submitted for MDNRE approval on June 25, 2010. Permit implementation is ongoing. Received a notice from MDNRE rescinding the 2008 permit due to a recent court case ruling.

		MDNRE reinstated the 2003 permit for implementation. Information on new permit requirement was received February 2011. MDNRE expected to issue new permit in 2014. City staff presented public information with other local agencies at the 2011 Home Expo on March 9-12, 2011. Tour of Liberty Park Stormwater treatment was held September 6, 2011 for the Southwest Michigan Soil Control Association. 2010-11 annual report was submitted on January 20, 2012. Implementation is ongoing. Stormwater informational talk was given to Pfizer, Inc., employees on April 28, 2012. MDEQ scheduled an audit of the program for July 12, 2012. Audit completed with satisfactory results. Several follow-up items with MDEQ to be addressed by staff. Program implementation is ongoing.
National Pollution Discharge Elimination System (NPDES) permit implementation	Kalamazoo River Mainstem Watershed Management Plan	-First meeting was held September 17, 2004. Proposals for completing the watershed plan were received by Kalamazoo County on September 15, 2005 and a contract awarded to Kieser & Associates in November 2005. Draft watershed plan submitted to MDEQ on December 30, 2005. Review comments received from MDEQ and revised watershed plan due in December 2006. A letter not to revise the Watershed Plan was submitted to the MDEQ on March 17, 2008. Public participation plan update submitted to MDEQ on November 24, 2009. Kalamazoo River Water Festival was held on August 14, 2010 with City of Portage participation. Preliminary grant request submitted September 16, 2010 for West Fork of Portage Creek storm water enhancements. Complete grant application was submitted on October 25, 2010. Notice received July 18, 2011 that grant application was not awarded. Kalamazoo River Watershed council completed a watershed update in November, 2011. No new developments.
	Portage River Watershed Management Plan	-Public participation plan submitted June 28, 2004. Proposals for a Watershed Management Plan were received by the Kalamazoo County Road Commission and a contract awarded to the Kalamazoo County Conservation Service in November 2005. Draft watershed plan submitted to MDEQ on December 30, 2005. Follow-up meetings are held monthly to facilitate an implementation schedule. Portage River Watershed public meeting held in Vicksburg on April 11, 2006. Review comments received from MDEQ and revised watershed plan due November 2006. Revised Watershed Plan submitted November 30, 2006, follow up meetings to be held as necessary. A letter not to revise the Watershed Plan was submitted to the MDEQ on March 17, 2008. Public participation plan update submitted to MDEQ on November 24, 2009. Based upon MDEQ comments, the plan was revised and resubmitted on December 21, 2009. Interest has been raised by local conservation groups to update the current Watershed Plan using grant funds. Meeting held on May 9, 2011 among stakeholders to determine interest in updating the current water shed plan. Second meeting held on June 20, 2011, and grant application submitted by Kalamazoo and Calhoun

		County Conservation District to update the Watershed Plan. Grant outcome pending.
	Plan to implement and maintain an Illicit Discharge Elimination Program (IDEP).	-On October 21, 2001, City Council awarded a contract to Fishbeck, Thompson, Carr and Huber for the Portage Creek element of the IDEP, which was completed in July 2002. On February 19, 2002, City Council approved a new ordinance as required by the NPDES permit titled "Storm Water Illicit Discharges and Connections". On April 28, 2004, City Council accepted a grant from the State of Michigan in the amount of $152,264 and awarded a contract to Fishbeck, Thompson, Carr and Huber in the amount of $184,264 for the remainder of the IDEP for the entire city. Program implementation is ongoing as funding allows. Continued outfall sampling is required by permit and will be budgeted accordingly. IDEP program was updated for submittal to MDNRE on June 25, 2010, and part of the SWIPPI. Implementation is ongoing.
	Storm Sewer Outfall Testing	On March 23, 2011 City Council awarded a four year contract to Wightman Environmental to perform testing of (selected storm sewers). Surface water discharges. This work is required as part of the NPDES permit. 2011 annual report received with minor surface water impacts from the Woodland Avenue discharge. *Testing will continue in November 2012 and June 2013. Testing results are reported to MDEQ.*
Garden Lane Arsenic Removal Facility	Construction of a water treatment facility at the Garden Lane Wellfield to remove arsenic, iron and manganese from the groundwater.	-City Council approved an agreement with Fishbeck, Thompson, Carr & Huber, Inc. on January 10, 2006 to prepare a feasibility study to meet new USEPA arsenic standards for drinking water. Feasibility study completed in August 2006. Engineering proposals for the project were received August 14, 2007. Project engineering awarded to Earth Tech by City Council on September 11, 2007. Contract awarded by City Council on December16, 2008 to Adams Building Contractors, Inc., Jackson, Michigan. Preconstruction meeting was held January 29, 2009. Facility is in operation with ribbon cutting held August 2, 2010. City staff gave a presentation on August 9, 2010 to the Michigan Chapter of the American Water Works Association about the arsenic removal of the facility. The facility is producing approximately one million gallons of water per day. Staff conducted a tour of the facility on April 27, 2011 to the local Chapter of the National Society of Professional Engineers. Facility is in regular operation. Plant tour for Stryker Engineering group was held on June 19, 2012. City Staff in conjunction with the Environmental Board is working on a sustainable native planting landscape design with Native Connections Inc. for the facility. *Regrading and installation of landscaping to begin in late October 2012.*

Environmental Incident/Spill Clean Up Notification	Environmental Protection Program to assist Portage Police/Fire Departments with spill containment and spill cleanup.	*-The number of environmental incident/spill investigations performed in September 2012 – 0. Number of environmental cleanups in September – 0.* Emergency spill response contract for 2012-13 with Terra Contracting is in place.
Hampton Wetland Area Water Level	Assistance with the Inverness Condominium Association to Review Surface Water Levels	-Ongoing assistance with the Condominium Association to develop appropriate measures to regulate the rising water level in Hampton Wetlands Area located on the north side of West Centre Avenue and east of Angling Road. Met with MDNRE staff to determine feasible method to lower water levels. Association currently working with MDNRE permit staff on February 26, 2010 to clarify permit requirements. Lower groundwater table elevation has reduced the concerns from the Condominium Association. Conference call with MDNRE held on December 8, 2010 to discuss permit submission updates. Condo Association discussing project with other property owners for support. Association submitted a letter to City Administration asking that the city consider the Wetland Water Level Regulation a municipal project. On March 22, 2011, city staff response recommending the Association consider governmental lake board. The Association is considering next steps. No new developments.
Southwest Michigan Regional Sustainability Covenant	Collaborative effort with local government, academic, and other stakeholders to lead toward environmental, economic and social sustainability.	-On May 12, 2009, City Council approved the Southwest Michigan Regional Sustainability Covenant. A sustainability work session was held April 14, 2010, to review elements of the covenant in cooperation with the City of Kalamazoo and the City of Battle Creek. A grant application was made to MDNRE for a greenhouse gas inventory study of the area. Notice received July 15, 2010 that the grant application was not successful. City staff attended a September 10, 2010 meeting in Grand Rapids to discuss sustainable economic, environment, and society programs. No new developments.

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CITY OF PORTAGE **COMMUNICATION**

TO: Portage City Council **DATE:** October 19, 2012

FROM: Mayor Peter J. Strazdas

SUBJECT: Make a Difference – Volunteering in the City of Portage

ACTION RECOMMENDED: That City Council direct the City Manager to modify the city website to provide a convenient link to volunteer opportunities within the City of Portage.

In harmony with Make a Difference Day on October 27, 2012, and in response to recent inquiries from residents concerning how one can contribute to the City of Portage, I recommend that the City Council direct the City Manager to modify the city website to provide a convenient link to volunteer opportunities within the City of Portage.

The attached draft website page has been developed as a "one-stop" location for volunteering and donation opportunities.

Attachment

Make a Difference

A great city is built by the sacrifice of volunteers that give it a spirit of community. The City of Portage encourages its citizens to find ways to make a difference in the Portage community and offers this convenient link to volunteer opportunities within the City of Portage.

- **External Links**
  Volunteer Kalamazoo

Donate Time

Community Service Projects

There are many opportunities for individuals and groups of all sizes to make a difference in Portage! Projects range from park cleanup, flower planting (spring), park shelter upgrades, and other projects tailored to you or your group.

Volunteer

Eagle Scout Projects

City staff work directly with individual Eagle Scout candidates to design a service project that matches your skills and ambitions.

Volunteer

Event Staffing

The City is always in need of volunteers to staff recreational and entertainment events such as the Traditional Holiday and Tree Lighting Ceremony, Summer Entertainment Series events, among others. Jobs include everything from event set-up, staffing ticket booths and concession stands to crowd control.

Volunteer

Department Staffing Volunteers

City departments can often use the help of good volunteers, particularly the Office of the City Clerk and at the Portage Senior Center. Among other tasks, volunteers assist with election activates, reception duties and even drive the Senior Center bus.

Volunteer

Donate Dollars

Water Features

The City of Portage is blessed with several water features that add to the aesthetics of the community – Millennium Park fountain, Lovers Lane Trailhead fountain and

Liberty Park waterfall and stream. During these challenging economic times, the city has focused its efforts on maintaining core services for Portage residents and has reduced the funding of water feature operations. We have been asked, "Can I give the city the money to run the Millennium Park Fountain?" The answer is, "Yes!" The city is accepting pledges to fund the operation of the three water features. Pledges will be totaled on May 1, 2013 to determine if there is sufficient funding to operate one, two or three water features.

Pledge

City Centre Flowers

Each spring, with the assistance of Kalamazoo In Bloom, the city transforms the Portage City Centre into a vibrant, thriving sea of color and texture. You may have noticed in recent years, however, that the number of flowers planted in the City Centre – and in other flowerbeds across the city – have been reduced. Like the water features, flowers add to the beauty and quality of life in Portage and residents often ask if they can donate to the purchase of flowers. Click the DONATE button to print a donation form to designate your tax-deductable donation to the Parks fund for the purchase of flowers.

Donate

Portage Senior Center

Did you know that the Portage Senior Center (PSC) is only partially funded by the City of Portage? Small grants from the Area Agency on Aging help support staffing, transportation and health promotion with more than 50 percent of operating funds raised by Staff, PSC members and the Friends of the Portage Senior. Additional funds for operating expenses and other equipment and building needs are raised through membership fees, special fund raising events, trips, occasional grants, participant fees, donations and memorial gifts. Currently, the PSC is in need of a large screen television for the multipurpose room and laptop computers for the computer lab. Visit the Friends of the Portage Senior Center website to make your tax-deductible contribution.

Donate

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CITY OF PORTAGE **COMMUNICATION**

TO: Honorable Mayor and City Council **DATE:** October 15, 2012

FROM: Ad-Hoc Advisory Board Review Committee
Councilmember Elizabeth Campbell (Chair)
Councilmember Jim Pearson
Councilmember Claudette Reid

SUBJECT: 2012-2013 Goals for Advisory Boards

ACTION RECOMMENDED: That City Council adopt the 2012-2013 Advisory Boards and Commissions Goals and Objectives.

The City Council Ad-Hoc Advisory Board Review Committee met on October 2, 2012 to review the goals and objectives submitted by the various Advisory Boards and Commissions for Fiscal Year 2012-2013. As a result, the attached Advisory Boards and Commissions 2012-2013 Goals and Objectives are recommended for Council approval.

Attachment

ADVISORY BOARDS AND COMMISSIONS
RECOMMENDED 2012-2013 GOALS AND OBJECTIVES

ENVIRONMENTAL BOARD

1. Continue to implement the City Council approved Purple Loosestrife bio-control plan:
   a. Release additional beetles at appropriate surveyed sites as beetle supplies are available.
   b. Provide oversight to the work group.
   c. Submit an annual progress report to the City Council.

2. Enhance environmental quality and protect natural resources.
   a. Continue to promote effective recycling plans, the use of recycled/recyclable products and responsible disposal of hazardous and solid waste.
   b. Protect water quality through the continued implementation of water management principles, including surface water, groundwater and storm water programs.
   c. Promote environmental protection, planning, monitoring and educational programs.

3. Promote environmental awareness in the community by hosting an annual Earth Day event in conjunction with the Youth Advisory Committee and Parks Board.

4. Advise the City Council in areas / subjects under the purview of the Environmental Board.

5. Forward update to goals for FY 2012-13 (November 2012 and April 2013) and recommended goals for FY 2013-14 (April 2013).

6. Present an annual verbal report to the City Council.

HISTORIC DISTRICT COMMISSION

1. Safeguard the heritage of the city through the exterior preservation of the historic district by evaluating and considering applications for Certificates of Appropriateness. Identify and evaluate historically significant structures in the City of Portage.

2. Increase visibility and public awareness of the Portage Historic District.
   a. Continue with book sales of *Where the Trails Crossed.*
   b. Continue to support the historic educational programs with area youth via Portage Public Schools, the Portage Community Center and other outlets.
   c. Continue to have communication and cooperation with similar organizations in the local community.

3. Maintain a Library exhibit wall of framed photos representing the history of Portage. Continue to add new material throughout the year. This exhibit will be on display at the Portage District Library.

4. Present a Preservation Award to a citizen who has met the criteria as established by the Portage Historic Commission.

5. Continue the biannual newsletter called *Picket Fences* to be distributed to homeowners of Portage historic homes, councilmembers and other supporters.

6. Observe National Preservation Week in May by presenting a special event in the community.

7. Advise the City Council in areas / subjects under the purview of the Historic District Commission

8. Forward update to goals for FY 2012-13 (November 2012 and April 2013) and recommended goals for FY 2013-14 (April 2013).

9. Present an annual verbal report to the City Council in May in conjunction with National Preservation Month.

HUMAN SERVICES BOARD

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

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

3. Serve as a resource to City Council for special projects.
   a. Take appropriate action on projects as assigned by City Council
   b. Review mechanisms for identifying human service needs in the community.
   c. Identify and educate City Council on emerging human service issues in Portage.
      - Continue to serve on Metro Transit ADA Advisory Committee.
      - Assist City Council with Red Ribbon Week activities.

4. Forward update to goals for FY 2012-13 (November 2012 and April 2013) and recommended goals for FY 2013-14 (April 2013).

5. Present an annual verbal report to the City Council.

PARKS BOARD

1. Continue to work on development of the "Friends of the Park" volunteer and support program. As part of this effort Park Board members will be assigned to help coordinate and/or assist with major activities provided by the Board and the city.

2. Continue implementation of the expanded "Get Active Portage" day at Ramona Park, to include a youth triathlon, health fair and Paddle Fest kayak races.

3. Promote environmental awareness in the community by hosting an annual Earth Day event in conjunction with the Youth Advisory Committee and Environmental Board.

4. Implement a new "Landmark Sculpture" activity for the community to promote recycling. This event would engage participants in creating Kalamazoo County landmarks out of discarded goods and objects. Evaluate for continuation in 2013.

5. Plan for development and implementation of a new Park Board sponsored community event for the 2013-14 Fiscal Year.

6. Work together with the City Administration to facilitate the development of a Park Master Plan for the Eliason property on Shaver Road.

7. Advise the City Council in areas / subjects under the purview of the Parks Board.

8. Forward update to goals for FY 2012-13 (November 2012 and April 2013) and recommended goals for FY 2013-14 (April 2013).

9. Present an annual verbal report to the City Council.

PLANNING COMMISSION

1. Continue to guide development to appropriately planned area of the community and consider the protection of environmentally sensitive areas such as those identified in the City of Portage Sensitive Land Use Inventory Map, including regulated wetlands, groundwater and surface water, with the intent to achieve a well organized, balanced, sustainable and efficient use of land at densities that:
   a. Meets the current and future needs of city residents
   b. Protects key natural and historic resources
   c. Complements the existing and planned capacity of streets and infrastructure

2. During project plan review, consider the following:
   a. Parking lot interconnection, driveway consolidation, access from adjacent local/collector street or other methods intended to improve traffic flow and safety.
   b. Adjacent residential neighborhood protection measures.
   c. Protection of environmentally sensitive areas such as those identified on the City of Portage Sensitive Land Use Inventory Map, including regulated wetlands, groundwater and surface water.

3. Consider and act appropriately upon site-specific re-zonings in the context of the 2008 Comprehensive Plan and the 2008 City Centre Area Plan to encourage residential, commercial, industrial, planned development and high-tech development opportunities, as appropriate.

4. Consider Zoning Code text amendments including, but not limited to, City Council referrals and ordinances that emphasize, as appropriate, a green, sustainable and healthy community focus.

5. When appropriate, engage the Youth Advisory Committee in the planning process.

6. Review the 2013 Major Thoroughfare Plan (Chapter 8 of the Comprehensive Plan) Status Update.

7. Review and recommend the annual Capital Improvement Program.

8. Forward update to goals for FY 2012-13 (November 2012 and April 2013) and recommended goals for FY 2013-14 (April 2013).

9. Respond to City Council referrals and directives.

SENIOR CITIZEN ADVISORY BOARD

1. Help to increase new and renewal membership to 2,000 or more.

2. Help to increase funding for operational support: investigate new ideas and sources of funding in cooperation with the Friends of the Portage Senior Center.

3. Continue development of innovative programming to reach the population of seniors 50 years of age and older.

4. Advise the City Council and the Portage Senior Center management on issues or projects pertaining to seniors and the Portage Senior Center.

5. Help Senior Center management to increase the number of volunteer leaders to build current and future programs.

6. Continue to explore opportunities for interaction and partnering with the Portage Community Center.

7. Forward update to goals for FY 2012-13 (November 2012 and April 2013) and recommended goals for FY 2013-14 (April 2013).

8. Present an annual verbal report to the City Council.

YOUTH ADVISORY COMMITTEE

1. Continue to support educating members of the Youth Advisory committee on the roles and functions of City of Portage Government.

2. Continue a commitment to community service by volunteering time at organizations such as the Portage Community Center. In addition, take the initiative to volunteer in support of other causes as the need may arise.

3. Promote environmental awareness in the community by hosting an annual Earth Day event in conjunction with the Environmental Board and Parks Board.

4. Participate in and support community efforts – specifically those of the Kalamazoo County Substance Abuse Task Force – related to addressing substance abuse in the community.
   a. Provide teens an opportunity to socialize without the use of drugs and alcohol, including hosting activities such as the Snow Party and Teen Movie Night.

5. Advise the City Council in areas / subjects under the purview of the Youth Advisory Committee.

6. Forward update to goals for FY 2012-13 (November 2012 and April 2013) and recommended goals for FY 2013-14 (April 2013).

7. Present an annual verbal report to the City Council.

CITY OF PORTAGE **COMMUNICATION**

TO: Honorable Mayor and City Council **DATE:** October 18, 2012

FROM: Maurice S. Evans, City Manager

SUBJECT: Vehicle Purchase Recommendation

ACTION RECOMMENDED: That City Council approve the purchase of two four-wheel drive one-half ton pickup trucks, one two-wheel drive one ton pickup truck, two 7400 tandem axle dump/plow trucks, and one four-wheel drive three quarter ton Fire Command vehicle through the State of Michigan Purchasing Program (MiDEAL) at a total cost not to exceed $460,757 and authorize the City Manager to execute all documents related to these purchases on behalf of the city.

Included for purchase in the Council adopted 2012-2013 Equipment Fund Capital Outlay Budget are replacements for two four-wheel drive one-half ton pickup trucks, one two-wheel drive one ton pickup truck and two 7400 tandem axle dump/plow trucks. Included in the Council adopted 2012-2013 Capital Improvement Program (CIP) budget is the replacement of one four-wheel drive three-quarter ton Fire Command vehicle. These new vehicles will replace vehicles that have reached the end of serviceable life.

All replacement vehicles identified can be purchased through the State of Michigan Purchasing Program Michigan Extending Agreements Locally (MiDEAL), at a total cost not to exceed $460,757. The City of Portage has entered into the MiDEAL program to utilize the extended purchasing agreement service, as there is a significant economic advantage realized by the city when purchasing through this cooperative program. All vehicles being replaced will be sold at auction through the Kalamazoo County Intergovernmental Auction Program, with a total estimated auction value of $35,000.

It is recommended that City Council approve the purchase of vehicles as noted above through the MiDEAL program and authorize the City Manager to execute all documents related to these purchases on behalf of the city. Funds are budgeted in the Fiscal Year 2012-13 Equipment Fund Capital Outlay budget and the Fiscal Year 2012-2013 CIP budget for replacement of these vehicles.

CITY OF PORTAGE **COMMUNICATION**

TO: Honorable Mayor and City Council **DATE:** October 15, 2012

FROM: Maurice S. Evans, City Manager

SUBJECT: AT&T Services Master Contract Agreement

ACTION RECOMMENDED: That City Council approve the AT&T Master Contract Agreement for the continuation of telecommunication services through October 2015 in the annual amount of $59,000 and authorize the City Manager to execute all documents related to this agreement on behalf of the city.

The City of Portage has three separate contract agreements with AT&T for the provision of 54 backup Centrex lines, 13 public safety alarm system analog circuit lines and basic local and long-distance phone service totaling approximately $76,200 annually. The Technology Services Department worked with AT&T to combine the three separate agreements under one three-year master contract agreement. A cost savings of approximately $17,000 annually is expected under the new master agreement due to the special MI-Deal government pricing.

It is recommended that City Council approve the AT&T contract agreement for the continuation of telecommunication services through October 2015 in the annual amount of $59,000 and authorize the City Manager to execute all related documents. Funds are budgeted and available in the Fiscal Year 2012-13 Budget.

CITY OF
PORTAGE
A Place for Opportunities to Grow

MATERIALS TRANSMITTED

Friday, October 05, 2012

1. Communication from the City Manager regarding the City of Portage 50th Anniversary Celebration Ideas – Information Only.

2. Communication from the City Manager regarding the Eliason Nature Preserve Master Plan – Information Only.

Maurice S. Evans

Maurice S. Evans, City Manager

cc: Brian J. Bowling, Deputy City Manager

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