

**FINAL AGENDA FOR THE COUNCIL MEETING  
CITY OF PORTAGE  
November 20, 2012**

7:30 p.m. Call to Order.

Invocation: Pastor Paul Naumann of St. Michael Lutheran Church.

Pledge of Allegiance: Boy Scout Troop #244.

Roll Call.

Proclamations.

A. Approval of the Regular Meeting Minutes of November 6, 2012.

\* B. Approval of Consent Agenda Motions.

\* C. Communication from the City Manager recommending that City Council approve the Accounts Payable Register of November 20, 2012, as presented.

D. Public Hearings:

E. Petitions and Statements of Citizens:

F. Reports from the Administration:

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

- a. Resolution No. 1-12 setting a public hearing on the expansion of Industrial Development District No. 53 for December 4, 2012; and
- b. Resolution No. 3-12 setting a public hearing on the issuance of the Industrial Facilities Exemption Certificate for Bowers Manufacturing Company for real and personal property in the estimated amount of \$2.81 million for December 4, 2012.

\* 2. Communication from the City Manager recommending that City Council grant an extension to November 1, 2014, for the completion of sidewalk and street tree installation, subject to submittal of a revised irrevocable bank letter of credit or other surety acceptable to the City Attorney, for the following residential plats:

- a. Avalon Forest/Avalon Woods No. 1 and 2 (T.A. Scott Construction)
- b. Austin Shores Condominium Subdivision (BEX Farms, Inc.)
- c. Holiday Village East No. 3 and South No. 3 (WTM, Incorporated)
- d. Stateland Park Subdivision (Granite Development Properties).

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

- a. authorize the purchase and installation of City of Portage flags along South Westnedge Avenue for the duration of the 2013 calendar year; and
- b. not pursue the production of a City of Portage historical documentary.

\* 4. Communication from the City Manager regarding the 2012 Tax Rate Survey – Information Only.

\* 5. Communication from the City Manager regarding the Holiday Tree Lighting/Traditional Holiday Celebration – Information Only.

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

\* 7. Department Monthly Reports.

\* 8. Communication from the City Clerk regarding the Board of Canvassers Report with the results of the November 6, 2012 General Presidential Election.

G. Communications:

\* 1. Communication from Mayor Strazdas recommending that City Council approve the 2013 calendar year appointments to City Council Committees as noted.

H. Unfinished Business:

1. Presentation/recommendation from the City Council Ad Hoc Property Committee regarding the property at 10323 Archwood Drive.
  - a. Communication from the City Manager recommending that City Council reject the tax reverted property addressed as 10323 Archwood Drive and authorize the City Manager to advise the Kalamazoo County Treasurer of this action by November 30, 2012.

\* I. Minutes of Boards and Commissions Meetings:

1. Portage Zoning Board of Appeals of October 8 and October 15, 2012.
2. Portage Youth Advisory Committee of October 8, 2012.
3. Portage Environmental Board of October 10, 2012.
4. Portage Park Board of October 10, 2012.
5. Portage Planning Commission of November 1, 2012.

J. Ad-Hoc Committee Reports:

1. Presentation by Councilmember Ed Sackley regarding an update on the recent activity of the Sign Committee.

K. New Business:

L. Bid Tabulations:

- \* 1. Communication from the City Manager recommending that City Council:
  - a. approve Contract 12-5505 between the Michigan Department of Transportation and the City of Portage concerning funding for street improvements on Romence Road East, from Portage Road to Sprinkle Road;
  - b. approve an engineering services contract with Wightman & Associates, Incorporated, for construction inspection and administration for street improvements on Romence Road East, Portage Road to Sprinkle Road, in the not to exceed amount of \$46,800;
  - c. adopt a Resolution authorizing the City Manager to sign Contract 12-5505; and authorize the City Manager to sign all other documents related to the Michigan Department of Transportation and consultant contracts for this project on behalf of the city.
- \* 2. Communication from the City Manager recommending that City Council reaffirm the emergency action taken by the City Administration in accepting the quotation by Peters Construction Company in the not to exceed amount of \$39,381.68 and authorize the City Manager to execute all documents related to this matter 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. Tuesday, November 27, 4:00 p.m., Public Open House regarding street improvements and water main replacement on Forest Drive, Council Chambers.

N. Materials Transmitted of November 2 and 6, 2012.

Adjournment.

# CITY COUNCIL MEETING SUMMARY

November 6, 2012

## CHECK REGISTER

- ◆ Approved the Check Register of November 6, 2012, as presented.

## REPORTS FROM THE ADMINISTRATION

- ◆ Approved Contract 12-5523 between the Michigan Department of Transportation and the City of Portage for funding of the Centre Avenue/Portage Road Traffic Signal Interconnection Project; and adopted a Resolution authorizing the City Manager to sign Contract 12-5523 and any other documents related to this project on behalf of the city.
- ◆ Reviewed the proposed 2013 Recreation and Open Space Plan Update; approved the distribution of the 2013 Recreation and Open Space Plan Update to the Planning Commissions of adjacent communities and to the Kalamazoo County Planning Commission; and asked City Manager Evans to have it put on the City website.
- ◆ Awarded a one-year contract renewal to Safety National Casualty Corporation for workers' compensation excess insurance coverage for an annual fee of \$50,116 plus payroll adjustments; approve a one-year contract renewal with Eagle Claims Management for workers' compensation third party administration for an annual fee of \$8,686; and authorized the City Manager to execute all documents related to these contract renewals on behalf of the city.
- ◆ Referred the transfer of foreclosed property at 10323 Archwood Drive to the City Council Property Committee.
- ◆ Established the 2013 schedule of regular City Council meetings.

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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 COUNCIL MEETING MINUTES FROM NOVEMBER 6, 2012

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

At the request of Mayor Strazdas, Minister Mike Drew of Workplace Chaplains gave an invocation and City Council and the audience recited 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 and Terry R. Urban, Mayor Pro Tem Claudette S. Reid and Mayor Peter J. Strazdas. Also in attendance were City Manager Maurice S. Evans, Assistant City Attorney Charlie Bear and City Clerk James R. Hudson.

**APPROVAL OF MINUTES:** Motion by Reid, seconded by Urban, to approve the October 23, 2012 Special and Regular Meeting Minutes as presented. Upon a voice vote, motion carried 6 to 0 with Councilmember Campbell abstaining.

\* **CONSENT AGENDA:** Mayor Strazdas asked Councilmember Campbell to read the Consent Agenda. Councilmember Pearson asked that Item F.4, Tax Reverted Property at 10323 Archwood, be removed from the Consent Agenda and Mayor Pro Tem Reid asked that Item F.2, 2013 Recreation and Open Space Plan Update, be removed from the Consent Agenda. Motion by Urban, seconded by Reid, to approve the Consent Agenda motions as amended. Upon a roll call vote, motion carried 7 to 0.

\* **APPROVAL OF ACCOUNTS PAYABLE REGISTER OF NOVEMBER 6, 2012:** Motion by Urban, seconded by Reid, to approve the Accounts Payable Register of November 6, 2012. Upon a roll call vote, motion carried 7 to 0.

### REPORTS FROM THE ADMINISTRATION:

\* **MICHIGAN DEPARTMENT OF TRANSPORTATION (MDOT) CONTRACT FOR CENTRE AVENUE/PORTAGE ROAD TRAFFIC SIGNAL INTERCONNECTION PROJECT:** Motion by Urban, seconded by Reid, to approve Contract 12-5523 between the Michigan Department of Transportation and the City of Portage for funding of the Centre Avenue/Portage Road Traffic Signal Interconnection Project; and adopt a Resolution authorizing the City Manager to sign Contract 12-5523 and any other documents related to this project on behalf of the city. Upon a roll call vote, motion carried 7 to 0.

**2013 RECREATION AND OPEN SPACE PLAN:** Mayor Pro Tem Reid asked whether the 2013 Recreation and Open Space Plan Update draft document is available on line for residents to review. City Manager Evans indicated that the draft document is not currently on line, but that it is possible. Discussion followed. Motion by Reid, seconded by Pearson, to review the proposed 2013 Recreation and Open Space Plan Update; and approve the distribution of the 2013 Recreation and Open Space Plan Update to the Planning Commissions of adjacent communities and to the Kalamazoo County Planning Commission. Upon a voice vote, motion carried 7 to 0.

\* **WORKERS' COMPENSATION EXCESS INSURANCE AND THIRD PARTY ADMINISTRATION CONTRACTS:** Motion by Urban, seconded by Reid, to award a one-year contract renewal to Safety National Casualty Corporation for workers' compensation excess insurance coverage for an annual fee of \$50,116 plus payroll adjustments; approve a one-year contract renewal with Eagle Claims Management for workers' compensation third party administration for an annual fee of \$8,686; and authorize the City Manager to execute all documents related to these contract renewals on behalf of the city. Upon a roll call vote, motion carried 7 to 0.

**TAX REVERTED PROPERTY AT 10323 ARCHWOOD DRIVE:** Councilmember Pearson reviewed the contents of the communication from City Manager Evans dated October 29, 2012, and reviewed the history of the vacant property at 10323 Archwood Drive. He mentioned that the taxes were not paid and the property reverted upon foreclosure to the County Treasurer, who provided two options: to be sold or to be deeded back to City of Portage. He indicated that the taxes are \$12,000 and the city has to pay the taxes regardless of what happens unless it is sold. He then asked that if the \$12,000 is owed and the City Assessor says the property is assessed at \$33,000, why not take the property back and sell it for a gain? Mr. Evans agreed with his logic, but pointed out that none of the city departments identified a need for the property and the neighbors are interested in doing something with it and he advised against the buying foreclosed properties by the city. Discussion followed.

Councilmember Pearson said he visited the property which lies on a cul-de-sac, that it is not a blighted area and the value of the homes there range from \$135,000 to 178,000 and the property appears to be buildable, especially with a housing development nearby. He advocated considering keeping the property and attempting to sell it in the future and pointed out that the proposed community garden for the vacant property at 10323 Archwood Drive has the long-term consequences of a potential \$30,000 in lost taxes over a decade to the city, the library and the school district and asked does a community garden justify the loss in revenue for the community? Discussion followed.

Mr. Sackley indicated that there were two auctions and no one placed a bid on the property, that it has no sewer or water, that the basement was part of the backfill when the property was demolished and that there are thirteen homes on Archwood and eight of the families have expressed an interest in having a community garden and those same families have been maintaining the property for years anyway. He pointed out that if the city takes the property back, it should have to maintain it. Discussion followed.

In answer to Mayor Pro Tem Reid, Mr. Evans indicated that if the city retains ownership in the property, considering the housing market or how long the property may be left unsold, the city is responsible for maintaining it with no taxes being collected.

Councilmember Randall concurred with Councilmember Pearson and to do everything possible to get this property back on the tax roll, provided alternative approaches and explained. She cited the Plainwell example of selling properties for one dollar in order to get them back on the tax roll.

Councilmember Campbell discussed market demand, the housing market "turn around" and suggested calling a meeting to review this parcel and to look at all of the properties owned by the city. Discussion followed.

Mayor advocated getting the highest value for the property which means putting a house on it and discussed alternatives looking for a hybrid approach that would reap proceeds in the end, but was not interested in having the city maintain it into the future.

Councilmember Urban stated that the government body is going to own the property regardless, either the city or the county, and advocated the city owning it in order to try to recoup our loss. Discussion followed.

At the suggestion of Mayor Strazdas motion by Sackley, seconded by Campbell, to refer this matter (the request from the City Manager to reject the transfer of foreclosed property at 10323 Archwood Drive and authorize the City Manager to advise the Kalamazoo County Treasurer of this action by November 30, 2012), to City Council Property Committee for discussion, including an inventory of all of the other residential properties that the city owns as that would include outlots because sometimes what we might not consider viable property others might, especially if you are going to add on to the side lot, and bring it back at the next Regular City Council Meeting. Discussion followed. Upon a roll call vote, motion carried 7 to 0.

\* **2013 CITY COUNCIL MEETING SCHEDULE:** Motion by Urban, seconded by Reid, to establish the 2013 schedule of regular City Council meetings. 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 Special and Regular Business of September 24 and Special and Committee of the Whole Work Session of October 8, 2012.

Portage Human Services Board of October 4, 2012.

Portage Planning Commission of October 4 and 18, 2012.

**ADJOURNMENT:** There being no further discussion, Mayor Strazdas adjourned the meeting at 8:08 p.m.

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James R. Hudson, City Clerk

\*Indicates items included on the Consent Agenda.

**CITY OF PORTAGE**

**COMMUNICATION**

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**TO:** Honorable Mayor and City Council

**DATE:** November 12, 2012

**FROM:** Maurice S. Evans, City Manager



**SUBJECT:** Accounts Payable Register

**ACTION RECOMMENDED:** That City Council approve the Accounts Payable Register of November 20, 2012 as presented.

Attached please find the Accounts Payable Register for the period October 28, 2012 through November 11, 2012, which is recommended for approval.

c: Daniel S. Foecking, Finance Director

CHECK DATE	CHECK NUMBER	VENDOR NAME	VENDOR #	BANK CODE	CHECK AMOUNT
11/09/2012	282987	AT&T	849		4,187.08
11/09/2012	282988	AGRO SALES NORTH LLC	3943		46.74
11/09/2012	282989	ALLEGRA PRINT & IMAGING	533		851.27
11/09/2012	282990	J. ALLEN & CO. INC.	67		381.30
11/09/2012	282991	APOLLO FIRE EQUIPMENT COMPANY	1253		1,718.47
11/09/2012	282992	ARROWHEAD SCIENTIFIC, INC.	3744		363.72
11/09/2012	282993	ATTORNEYS TITLE AGENCY LLC	4796		300.00
11/09/2012	282994	ADP, INC.	3305		886.87
11/09/2012	282995	AUTOMATIC MICROFILMING CO.	863		1,032.72
11/09/2012	282996	B S & A SOFTWARE	1148		5,645.00
11/09/2012	282997	BESCO WATER TREATMENT, INC.	3339		16.80
11/09/2012	282998	BEST WAY DISPOSAL, INC.	142		525.00
11/09/2012	282999	BORGESS HEALTH ALLIANCE	151		180.00
11/09/2012	283000	BRANHAM, AMBER	999999		100.00
11/09/2012	283001	BRIDGEPORT EQUIPMENT CO.	4499		165.65
11/09/2012	283002	BRINK'S, INC	153		173.72
11/09/2012	283003	BROWSINK AND BOS EQUIPMENT	4124		46.35
11/09/2012	283004	C B C INNOVIS INC	2887		908.00
11/09/2012	283005	CALHOUN COUNTY JUSTICE CENTER	999999		10.71
11/09/2012	283006	CARRINGTON MORTGAGE SRV, LLC	999999		176.68
11/09/2012	283007	CHARTER COMMUNICATIONS	3080		300.00
11/09/2012	283008	CITY OF GRAND RAPIDS	4702		3,342.58
11/09/2012	283009	CITY OF KALAMAZOO (TRANS MILLA	4649		34,983.13
11/09/2012	283010	CITY OF PORTAGE	177		246.00
11/09/2012	283011	CONRAD, LANCE	999999		521.85
11/09/2012	283012	CONSUMERS CONCRETE CORP.	187		39,210.77
11/09/2012	283013	CONSUMERS ENERGY	743		4,248.86
11/09/2012	283014	CONSUMERS ENERGY-BILL PMT CNT	189		25.00
11/09/2012	283015	CRIME PREVENTION ASSOC OF MICH	999999		636.60
11/09/2012	283016	DRANE'S CATERING	204		2,869.25
11/09/2012	283017	DEPATIE FLUID POWER CO., INC.	211		197.91
11/09/2012	283018	DIESEL INJECTION SERVICE, LLC	1874		22,080.18
11/09/2012	283019	EMERGENCY VEHICLE PRODUCTS	2948		270.00
11/09/2012	283020	FADER EQUIPMENT, INC.	688		4,400.00
11/09/2012	283021	FELDER COMMUNICATIONS GROUP, I	3025		844.10
11/09/2012	283022	GANNETT MICHIGAN NEWSPAPERS	4508		1,440.00
11/09/2012	283023	GRAHAM FORESTRY SERVICE, INC.	464		561.36
11/09/2012	283024	GREAT LAKES FURNITURE SUPPLY,	3285		123.00
11/09/2012	283025	GRIFFIN PEST CONTROL, INC.	598		300.48
11/09/2012	283026	GUEST SERVICES, INC.	3526		2,393.66
11/09/2012	283027	HALT FIRE, INC.	4781		1,200.00
11/09/2012	283028	LARRY L HARRIS & ASSOCIATES	759		1,025.00
11/09/2012	283029	B L HARROUN & SON INC.	124		62.00
11/09/2012	283030	HAVENS, ELAINE	999999		296.68
11/09/2012	283031	HAWKEY, KEVIN	532		220.00
11/09/2012	283032	HESS, JILL	999999		64.54
11/09/2012	283033	HOME DEPOT	691		162.46
11/09/2012	283034	HUDSON, JAMES	532		200.00
11/09/2012	283035	IERVOLINA, SUSAN	2074		350.00
11/09/2012	283036	IARO LOCKBOX	3146		32.95
11/09/2012	283037	INTERNATIONAL CODE COUNCIL, IN	3244		

PROGRAM: GM350L FROM 10/28/2012 TO 11/11/2012

CITY OF PORTAGE

\*ALL\*

BANK CODE

CHECK DATE	CHECK NUMBER	VENDOR NAME	VENDOR #	CHECK AMOUNT
11/09/2012	283038	IREM	999999	935.40
11/09/2012	283039	KALAMAZOO COUNTY TREASURER	514	29,589.13
11/09/2012	283040	KALAMAZOO LANDSCAPE SUPPLIES	90	328.00
11/09/2012	283041	KALAMAZOO OIL COMPANY	4511	405.12
11/09/2012	283042	KALAMAZOO REG'L EDUC SVS AGENG	721	72,934.71
11/09/2012	283043	THE KALAMAZOO SYMPHONY	480	4,250.00
11/09/2012	283044	KALAMAZOO VALLEY COMMUNITY COL	230	17,169.22
11/09/2012	283045	KAVA	999999	40.00
11/09/2012	283046	KELLY RADIATOR & AUTO REPAIR	4591	1,264.48
11/09/2012	283047	KERKSTRA PRECAST, INC.	706	953.00
11/09/2012	283048	KNOX CO.	1362	326.00
11/09/2012	283049	KUSTOM SIGNAL, INC	237	137.83
11/09/2012	283050	KZOO TIRE COMPANY	564	823.95
11/09/2012	283051	LAWSON PRODUCTS, INC	240	2,608.96
11/09/2012	283052	LEWIS PAPER PLACE, INC.	242	34.93
11/09/2012	283053	LOEDEMAN'S CARPET & UPHOLSTERY	4688	459.00
11/09/2012	283054	LONGMAN, SHARON	999999	100.00
11/09/2012	283055	LOWE'S HOME CENTER	2630	357.94
11/09/2012	283056	MARSHALL, ELLA	999999	75.00
11/09/2012	283057	MATERIALS RESOURCES	3775	379.08
11/09/2012	283059	MAURER'S TEXTILE RENTAL SERVIC	4746	329.06
11/09/2012	283060	MCDONALD'S TOWING & RESCUE, IN	728	254.00
11/09/2012	283061	MCDONNELL, JOSEPH	532	500.00
11/09/2012	283062	MENARDS, INC	258	16.94
11/09/2012	283063	MERARI'S HOME SERVICES	999999	200.00
11/09/2012	283065	MICH MUNICIPAL POLICE & FIRE R	4777	3,216.55
11/09/2012	283066	MICHIGAN ELECTION RESOURCES, L	264	123.50
11/09/2012	283067	MIDWEST ENERGY COOPERATIVE	2030	1,491.82
11/09/2012	283068	MILLER, WADE	999999	234.20
11/09/2012	283069	MLIVE MEDIA GROUP	89	541.51
11/09/2012	283070	MODERNISTIC CARPET CLEANING CO	281	83.10
11/09/2012	283071	NELSON'S APPLIANCE SERVICE	2955	330.00
11/09/2012	283072	NEW FRESH CLEANING SERVICE	4351	123.50
11/09/2012	283073	A NEW LEAF	635	4,999.00
11/09/2012	283074	NYE UNIFORMS	299	85.00
11/09/2012	283076	OFFICE DEPOT, INC.	1721	589.39
11/09/2012	283077	OFFICEMAX INCORPORATED	301	1,581.26
11/09/2012	283078	ONE WAY PRODUCTS	440	306.99
11/09/2012	283079	OTTEN TROPHIES	304	108.00
11/09/2012	283080	PALENICK, THOMAS	532	25.00
11/09/2012	283081	PALENICK, THOMAS	532	345.00
11/09/2012	283082	PEERLESS-MIDWEST, INC.	1231	628.34
11/09/2012	283083	PETERMAN CONCRETE CO.	310	9,275.00
11/09/2012	283084	PETROPOULOS, ANGELOS & JAMIE	999999	1,366.00
11/09/2012	283085	PETRULIO, MARY LOU	999999	21.63
11/09/2012	283086	PETTY CASH-FIRE	610	246.00
11/09/2012	283087	PETTY CASH-PARKS	536	202.85
11/09/2012	283088	PFIZER - SLS	999999	372.87
11/09/2012	283089	JOSEPH G POLLARD CO.	3273	100.00
11/09/2012	283090	PORTAGE DISTRICT LIBRARY	810	48.50
11/09/2012	283091	PORTAGE PUBLIC SCHOOLS	590	301.31
11/09/2012	283091	PORTAGE PUBLIC SCHOOLS	590	86,773.23

CHECK DATE	CHECK NUMBER	VENDOR NAME	VENDOR #	BANK CODE	CHECK AMOUNT
11/09/2012	283092	PRICE, CHRISTOPHER	999999		610.00
11/09/2012	283093	JOHN E REID & ASSOCIATES INC.	3243		425.00
11/09/2012	283094	RELIABLE MANAGEMENT SYSTEMS, I	4354		331.00
11/09/2012	283096	RIDGE AUTO NAPA	438		2,682.33
11/09/2012	283098	RLETH-RILEY CONSTRUCTION CO.,	4386		5,069.10
11/09/2012	283099	RIGHT-WAY RENTAL, INC.	337		50.00
11/09/2012	283100	RUN FOR THE SON	999999		208.25
11/09/2012	283101	RUZICK, JOSEPHINE	999999		77.00
11/09/2012	283102	SELECT PORTFOLIO SERVICING INC	999999		16.34
11/09/2012	283103	SPRINT	3721		14.50
11/09/2012	283104	STANLEY STEEMER GREAT LAKES LL	2920		1,110.00
11/09/2012	283105	STATE OF MICHIGAN (MDEQ)	820		130.69
11/09/2012	283106	STATE OF MICHIGAN (TREASURY)	722		6,608.27
11/09/2012	283107	STATE OF MICHIGAN DNRE	4118		200.00
11/09/2012	283108	STATE SYSTEMS RADIO, INC	369		21,118.50
11/09/2012	283109	STEENSMALAWN & POWER EQUIPMEN	3222		883.47
11/09/2012	283110	STUMP, MARILYN	999999		58.00
11/09/2012	283111	SUCCESS COMMUNICATIONS, INC	999999		359.00
11/09/2012	283112	SUCCESS COMMUNICATIONS, INC	999999		259.00
11/09/2012	283113	SUTTER, CAROLYN	999999		110.00
11/09/2012	283114	T-MOBILE USA INC	3665		29.99
11/09/2012	283115	JOHANNA THOMPSON	4682		646.00
11/09/2012	283116	TRACTOR SUPPLY CORP.	2817		821.62
11/09/2012	283117	TRUGREEN	390		69.00
11/09/2012	283118	U S POSTMASTER	392		3,079.87
11/09/2012	283119	UNITED PARCEL SERVICE	545		186.40
11/09/2012	283120	VANCE OUTDOORS, INC.	4808		409.76
11/09/2012	283123	VERIZON WIRELESS SERVICES, LLC	4653		2,317.57
11/09/2012	283124	VERMEER, JEREMY	532		145.89
11/09/2012	283125	W W WILLIAMS	2034		444.37
11/09/2012	283126	WALL STREET JOURNAL	999999		187.20
11/09/2012	283127	WATTS, ROBERT G	999999		168.00
11/09/2012	283128	WINDEMULLER ELECTRIC, INC.	3061		2,600.00
11/09/2012	283129	WINDER POLICE EQUIPMENT, INC.	429		14.92
11/09/2012	283130	WINGFOOT COMMERCIAL TIRE	2613		1,268.62
11/09/2012	283131	WNUK, JACKIE	999999		67.00
11/09/2012	283132	WOLVERINE WORLDWIDE INC	999999		9.09
11/09/2012	283133	YONKE, RICHARD & MARILYN	999999		132.00
11/09/2012	283134	7TH DISTRICT COURT EAST	999999		200.00
11/09/2012	283135	911 TRAINING INSTITUTE	999999		349.00

DATE RANGE TOTAL \*

441,922.29 \*

FROM: 10/28/2012 TO: 11/11/2012

PAYMENT NO	VENDOR NO NAME	TRANSFER DATE	AMOUNT	TRACE NUMBER	EFT BATCH	BANK CODE
1527	ADMIRAL LOCK & KEY SERVICE	11/09/2012	18.75	072000320000001	0000001	00
1528	AMERICAN SAFETY & FIRST AID	11/09/2012	132.38	072000320000002	0000001	00
1529	ANDRUS TRAVEL, GAIL	11/09/2012	993.75	072000320000003	0000001	00
1530	B & B YARDSCAPE	11/09/2012	5,486.25	072000320000004	0000001	00
1531	BATTERIES PLUS	11/09/2012	327.01	072000320000005	0000001	00
1532	C D W GOVERNMENT, INC.	11/09/2012	3,826.13	072000320000006	0000001	00
1533	CAPITAL ADVANTAGE LEASING	11/09/2012	22,737.20	072000320000007	0000001	00
1534	CROWN TROPHY	11/09/2012	55.00	072000320000008	0000001	00
1535	EMPLOYMENT GROUP, INC.	11/09/2012	5,238.58	072000320000009	0000001	00
1536	ETNA SUPPLY, INC.	11/09/2012	38.43	072000320000010	0000001	00
1537	FIRE SERVICE MANAGEMENT	11/09/2012	786.42	072000320000011	0000001	00
1538	GRAINGER INC, W W	11/09/2012	1,735.24	072000320000012	0000001	00
1539	HI-TECH ELECTRIC CO.	11/09/2012	2,054.19	072000320000013	0000001	00
1540	INDUSCO SUPPLY CO., INC.	11/09/2012	1,019.72	072000320000014	0000001	00
1541	IRISH AYLES ENTERPRISES, LLC	11/09/2012	7,043.90	072000320000015	0000001	00
1542	KAHN, WILMA	11/09/2012	120.00	072000320000016	0000001	00
1543	KEHOE, EDWARD J	11/09/2012	305.00	072000320000017	0000001	00
1544	KUSHNER & COMPANY, INC.	11/09/2012	48.87	072000320000018	0000001	00
1545	MEJEUR ELECTRIC LLC	11/09/2012	320.00	072000320000019	0000001	00
1546	PACIFIC TELEMGT SERVS, JAROTH INC	11/09/2012	303.00	072000320000020	0000001	00
1547	PECKELS, CHRISTINE	11/09/2012	240.00	072000320000021	0000001	00
1548	POULIOT, GRETCHEN	11/09/2012	60.00	072000320000022	0000001	00
1549	PRECISION PRINTER SERVICES INC	11/09/2012	1,234.76	072000320000023	0000001	00
1550	QUALITY AIR HEATING & COOLING, INC.	11/09/2012	20,227.00	072000320000024	0000001	00
1551	ROAD EQUIPMENT PARTS CENTER	11/09/2012	1,818.34	072000320000025	0000001	00
1552	SAFETY SERVICES, INCORPORATED	11/09/2012	1,578.85	072000320000026	0000001	00
1553	SARCOM, INC	11/09/2012	39,080.43	072000320000027	0000001	00
1554	SCHOOLCRAFT CONCRETE CONSTRUCTION	11/09/2012	1,420.00	072000320000028	0000001	00
1555	SNELL, DEBRA	11/09/2012	252.00	072000320000029	0000001	00
1556	UNITED WATER ENVIRONMENTAL SERVICES	11/09/2012	167,775.40	072000320000030	0000001	00
1557	WOOD PLUMBING LLC, D	11/09/2012	208.65	072000320000031	0000001	00

GRAND TOTAL:

286,485.25 NO. OF CHECKS:

31

**CITY OF PORTAGE**

**COMMUNICATION**

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**TO:** Honorable Mayor and City Council

**DATE:** November 14, 2012

**FROM:** Maurice S. Evans, City Manager



**SUBJECT:** Bowers Manufacturing Company – PA 198 Tax Abatement

- ACTION RECOMMENDED:** That City Council adopt:
- a. Resolution No. 1-12 setting a public hearing on the expansion of Industrial Development District No. 53 for December 4, 2012; and
  - b. Resolution No. 3-12 setting a public hearing on the issuance of the Industrial Facilities Exemption Certificate for Bowers Manufacturing Company for real and personal property in the estimated amount of \$2.81 million for December 4, 2012.

The accompanying report from the Community Development Director summarizes the tax abatement application submitted by Bowers Manufacturing Company. The application involves building and equipment improvements at the Bowers manufacturing facility at 6565 Sprinkle Road in the estimated amount of \$2.81 million. The attached report also explains the tax abatement review and approval process, as well as the environmental, project impact and property tax issues associated with this application. As indicated in the application submitted by Bowers, 215 existing jobs will be retained with this project and 25 new jobs are projected to be created.

The City Administration recommends that the resolutions be adopted to set two public hearings on December 4, 2012; the first involving the expansion of the existing Industrial Development District No. 53 and the second involving consideration of the industrial facilities exemption certificate requested by the applicant.

Attachments: Communication from the Department of Community Development  
Resolutions No. 1-12 and 3-12

## CITY OF PORTAGE

## COMMUNICATION

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**TO:** Maurice S. Evans, City Manager

**DATE:** November 12, 2012

**FROM:** Vicki Georgeau, <sup>VM</sup> Director of Community Development

**SUBJECT:** Bowers Manufacturing Company, 6565 Sprinkle Road – PA198 Tax Abatement

Bowers Manufacturing Company has submitted a PA198 Tax Abatement application for \$2.15 million in real property investments (including a 37,895 square foot building addition, 6,950 square feet of loading docks and related building improvements to the east side of the existing building) and \$663,445 in personal property investments (including the purchase of machinery and equipment) for the manufacturing facility at 6565 Sprinkle Road. The project will result in the creation of 25 new jobs and the retention of 215 existing jobs within two years of completion of the project. While a portion of the building addition is located within Industrial Development District No. 53, an expansion of the district is necessary to facilitate the project and the entire building addition and loading dock areas.

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 building addition that will extend from the east 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.

As background, Industrial Development District No. 53 was originally established in August 1988 and encompassed 15 acres. Subsequent to the establishment of IDD No. 53, the company completed several building additions and corresponding district expansions and received tax abatements in 1993, 1996, 2000 and 2007. City staff met with Bowers Manufacturing, Southwest Michigan First and the Michigan Economic Development Corporation on June 8, 2012 to discuss the planned investment and building expansion, as well as available local and state incentives, including a PA 198 tax abatement from the City of Portage. At that time, city staff understood that the building addition was located within the existing

IDD boundaries. Therefore, it was communicated to Bowers that no expansion of the IDD was needed to accommodate the building addition and facilitate a PA 198 application. Bowers received site plan approval on August 2, 2012, and building permit approval on August 28<sup>th</sup>. Construction of the building project subsequently commenced and is underway.

Upon submission of the October 26, 2012 tax abatement application, it was determined that the building addition and loading docks extend beyond the existing IDD boundaries. In order to resolve this discrepancy and to facilitate this project, Ms. Heather Burris of the Property Services Division of the Michigan Department of Treasury was contacted, who has indicated that District No. 53 can be expanded subsequent to start of construction to correct the discrepancy. The State will allow the expansion of IDD No. 53 and the issuance of an industrial facilities exemption certificate for an additional tax abatement based on unique circumstances, and consideration that: Bowers contacted the city with ample time to expand the district prior to start of construction if it were determined necessary; it was initially understood by city staff that no expansion of the district was needed; and that the tax abatement request is consistent with Council adopted policy and the city intended to support the request to facilitate the project, consistent with prior tax abatements approved for Bowers Manufacturing Company. Therefore, the October 26, 2012 tax abatement application has been revised to include the district expansion needed for approval of the new industrial facilities exemption certificate.

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 Bowers, 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. As indicated above, while a portion of the building is located within the existing IDD boundaries, construction has begun and Bowers is eager to have this request acted upon and forwarded to the State Department of Treasury and Tax Commission for final consideration.

#### 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 \$2,148,000 of real property improvements and \$663,445 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.

Through the analysis, and consistent with the adopted policy of the City Council, with a six-year 50% abatement of real property and a three-year 50% abatement of personal property, the proposed project will result in cumulative revenue to the city of \$24,869 over the twenty years of the impact analysis. The direct General Fund abatement cost to the city varies between \$5,160 for the first year and \$4,028 for the sixth year with the total abatement cost to the city approximating \$27,154. With 25 new jobs anticipated, the development would generate an estimated \$1,243,550 of additional economic benefits to the community.

### **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 \$393,988 over a six-year real and three-year personal property tax abatement period. The tax revenue foregone by the following local units of government if the abatement is approved would total \$98,476: The City of Portage would forego \$40,774; Portage District Library would forego \$5,430; Kalamazoo County would forego \$24,470; KRESA would forego \$17,617; and KVCC would forego \$10,185. Portage Public Schools revenue is subject to the 1994/95 school aid legislation and is largely provided by the State. The total tax abatement valuation percentage approved by the Council with the inclusion of this application would equal 2.39%. This figure reflects the active industrial tax abatements that have been approved by the Council as a percentage of the total city State Equalized Value.

### **Conclusion**

As noted above, the Michigan Department of Treasury will allow the expansion of the district to correct an error with regard to the IDD No. 53 boundaries. Importantly, the application is consistent with the adopted industrial tax abatement policy and the expanded district encompasses the footprint of the building addition and loading dock areas on the east side of the building. Also, the facility is connected to municipal utilities and is situated in an industrial area that is in conformance with the Comprehensive Plan. The planned real and personal property investment, which will result in the creation of 25 new jobs, will create an economic benefit to the community.

Consideration of the expansion of the district to accommodate the building addition and loading dock areas, and the requested industrial facility exemption certificate can be accomplished by City Council after separate public hearings on December 4, 2012

Attachments: Bowers Manufacturing Company PA 198 application  
Vicinity Map (showing District No. 53 and the proposed expansion area)  
Aerial photo and site plan of building addition and loading dock areas  
Project Impact Analysis

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



# Bowers Manufacturing Company

6565 South Sprinkle Road • Portage MI 49002-9717  
PHONE (269) 323-2565 • FAX (269) 323-1639  
www.bowers-mfg.com • email: info@bowers-mfg.com

RECEIVED

OCT 26 2012

COMMUNITY DEVELOPMENT

October 26, 2012

City of Portage  
Dept of Community Development  
Vicki Georgeau, Director  
7900 S Westnedge Ave  
Portage MI 49002

ATTN: Mayor Peter Strazdas and City Council Members

Dear Mayor Strazdas:

Please accept this letter of request regarding the attached Application for Industrial Facilities Tax Exemption Certificate.

Our project includes a 38,000 square foot building addition to house equipment and personnel to meet the needs of a new customer. This customer is an automotive supplier to high end German auto manufacturers. At the minimum we will add 25 additional jobs. The annual salaries of these jobs range from \$30,000 to \$55,000. Some additional positions required in our Engineering areas will even exceed that range.

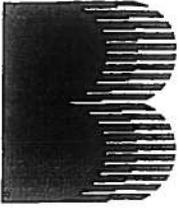
The district is already established and does not need any revision to accommodate this expansion.

All requested information is submitted, in quadruplet.

Sincerely,

Jon H. Bowers  
President

Enclosures: Application L-4175  
Attachment of Detailed Additions  
Legal Description District #53  
Site Plan Approval  
Building Permit



# Bowers Manufacturing Company

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October 26, 2012

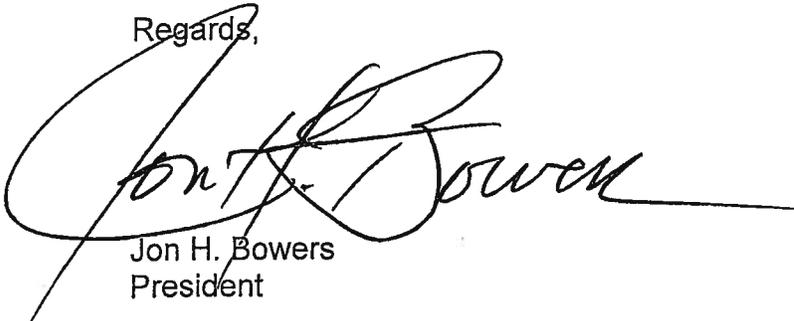
Mr. James Hudson  
City of Portage Clerk  
7900 S Westnedge Ave  
Portage MI 49002

RE: PA198 Application-Environmental Statement

Dear Mayor and City Council:

Bowers Manufacturing Company is in compliance with applicable environmental requirements and is not under any enforcement action by either the Michigan Department of Environmental Quality or the U.S. Environmental Protection Agency.

Regards,



Jon H. Bowers  
President

Notarized this 26<sup>th</sup> Day of October, 2012



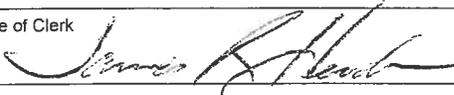
Karyn Walker

Karyn A Walker, Notary Public  
Kalamazoo County Michigan  
Commission Expires 01/31/2013

# 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 <u>October 26, 2012</u>
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) <b>BOWERS MANUFACTURING COMPANY</b>		1b. Standard Industrial Classification (SIC) Code - Sec. 2(10) (4 or 6 Digit Code) <b>3490</b>	
1c. Facility Address (City, State, ZIP Code) (real and/or personal property location) <b>6565 S SPRINKLE RD</b>		1d. City/Township/Village (indicate which) <b>PORTAGE</b>	1e. County <b>KALAMAZOO</b>
2. Type of Approval Requested <input checked="" type="checkbox"/> New (Sec. 2(4)) <input type="checkbox"/> Transfer (1 copy only) <input type="checkbox"/> Speculative Building (Sec. 3(8)) <input type="checkbox"/> Rehabilitation (Sec. 3(1)) <input type="checkbox"/> Research and Development (Sec. 2(9))		3a. School District where facility is located <b>PORTAGE</b>	3b. School Code <b>39140</b>
4. Amount of years requested for exemption (1-12 Years) <b>6 REAL/3PERSONAL</b>			

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

SEE ATTACHED LISTING

6a. Cost of land and building improvements (excluding cost of land) .....	▶ <u>\$2,148,000.00</u>
* Attach list of improvements and associated costs. * Also attach a copy of building permit if project has already begun.	Real Property Costs
6b. Cost of machinery, equipment, furniture and fixtures .....	▶ <u>\$663,445.00</u>
* Attach itemized listing with month, day and year of beginning of installation, plus total	Personal Property Costs
6c. Total Project Costs .....	▶ <u>\$2,811,445.00</u>
* Round Costs to Nearest Dollar	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 ▶	<u>8/28/12</u>	<u>8/27/14</u>	▶ <input checked="" type="checkbox"/> Owned <input type="checkbox"/> Leased
Personal Property Improvements ▶	<u>6/1/12</u>	<u>5/31/14</u>	▶ <input checked="" type="checkbox"/> Owned <input type="checkbox"/> 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. <b>215</b>	10. No. of new jobs at this facility expected to create within 2 years of completion. <b>25</b>
---	--

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 .....	_____

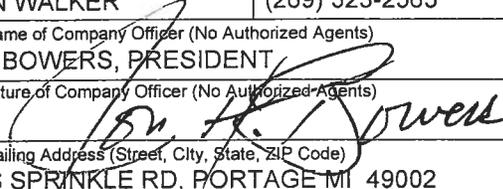
12a. Check the type of District the facility is located in:  
 Industrial Development District       Plant Rehabilitation District

12b. Date district was established by local government unit (contact local unit) <b>4/20/07</b>	12c. Is this application for a speculative building (Sec. 3(8))? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> 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 KARYN WALKER	13b. Telephone Number (269) 323-2565	13c. Fax Number (269) 323-1639	13d. E-mail Address karynw@bowers-mfg.com
14a. Name of Contact Person KARYN WALKER	14b. Telephone Number (269) 323-2565	14c. Fax Number (269) 323-1639	14d. E-mail Address karynw@bowers-mfg.com
▶ 15a. Name of Company Officer (No Authorized Agents) JON H BOWERS, PRESIDENT			
15b. Signature of Company Officer (No Authorized Agents) 		15c. Fax Number (269) 323-1639	15d. Date 10-25-12
▶ 15e. Mailing Address (Street, City, State, ZIP Code) 6565 S SPRINKLE RD, PORTAGE MI 49002		15f. Telephone Number (269) 323-2565	15g. E-mail Address karynw@bowers-mfg.com

**LOCAL GOVERNMENT ACTION & CERTIFICATION - complete all boxes.**

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

▶ 16. Action taken by local government unit <input type="checkbox"/> Abatement Approved for _____ Yrs Real (1-12), _____ Yrs Pers (1-12) After Completion <input type="checkbox"/> Yes <input type="checkbox"/> No  <input type="checkbox"/> Denied (Include Resolution Denying)	16b. The State Tax Commission Requires the following documents be filed for an administratively complete application: <b>Check or Indicate N/A if Not Applicable</b> <input type="checkbox"/> 1. Original Application plus attachments, and one complete copy <input type="checkbox"/> 2. Resolution establishing district <input type="checkbox"/> 3. Resolution approving/denying application. <input type="checkbox"/> 4. Letter of Agreement (Signed by local unit and applicant) <input type="checkbox"/> 5. Affidavit of Fees (Signed by local unit and applicant) <input type="checkbox"/> 6. Building Permit for real improvements if project has already begun <input type="checkbox"/> 7. Equipment List with dates of beginning of installation <input type="checkbox"/> 8. Form 3222 (if applicable) <input type="checkbox"/> 9. Speculative building resolution and affidavits (if applicable)
16a. Documents Required to be on file with the Local Unit <b>Check or indicate N/A if Not Applicable</b> <input type="checkbox"/> 1. Notice to the public prior to hearing establishing a district. <input type="checkbox"/> 2. Notice to taxing authorities of opportunity for a hearing. <input type="checkbox"/> 3. List of taxing authorities notified for district and application action. <input type="checkbox"/> 4. Lease Agreement showing applicants tax liability.	
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

Bowers Manufacturing Company  
Attachment to Application for PA198-2012

Type	632 Section	Description	Estimated Cost	
Real		SiteWork/Paving/Curb	\$ 280,000	Actual Contract
Real		Building Addition 38,005 Sq.Ft.	1,003,000	Actual Contract
Real		Electrical	615,000	Estimated
Real		Mechanical	250,000	Estimated
		<b>Total Real Property</b>	<b>\$ 2,148,000</b>	
Personal	A	Furniture & Fixtures	19,700	Actual to Date
Personal	A	Furniture & Fixtures	20,000	Estimated
Personal	F	Computer Equipment	21,345	Actual to Date
Personal	F	Computer Equipment	10,000	Estimated
Personal	B	Machinery/Equipment	342,400	Actual to Date
Personal	B	Machinery/Equipment	250,000	Estimated
		<b>Total Personal Property</b>	<b>\$ 663,445</b>	
			<b>\$ 2,811,445</b>	

Details of Actual to Date:

- Lineal Brush Machine
- Punch Press
- Hydraulic Grinder
- Vertical Mill
- KwickMark Marking System
- Kaltenbach Saw
- Autocad Computer Upgrade
- Wet Dust Collectors
- Anodize Tank
- Saw Puller
- Cushman Carts (2)
- Document Storage Computer
- Pump Rebuild
- Quality Imaging System
- Building Access Control System
- Welding Table

LEGAL DESCRIPTION FOR BOWERS MANUFACTURING  
OF REVISED INDUSTRIAL DEVELOPMENT DISTRICT #53  
(REVISED TO INCLUDE BUILDING ADDITIONS SUBSEQUENT TO 1988)

APRIL 20, 2007  
(REVISED NOVEMBER 12, 2012)  
(PROJECT NO. 120347)

A PARCEL OF LAND SITUATED IN THE SOUTHEAST QUARTER OF SECTION 12, TOWN 3 SOUTH, RANGE 11 WEST, CITY OF PORTAGE, COUNTY OF KALAMAZOO, STATE OF MICHIGAN: COMMENCING AT THE SOUTH QUARTER CORNER OF SECTION 12, TOWN 3 SOUTH, RANGE 11 WEST, CITY OF PORTAGE, COUNTY OF KALAMAZOO, MICHIGAN; THENCE NORTH 00° 00' 04" WEST 2,247.70 FEET ALONG THE NORTH AND SOUTH QUARTER LINE OF SAID SECTION TO THE PLACE OF BEGINNING; THENCE NORTH 89° 21' 53" EAST, 568.18 FEET PARALLEL WITH THE EAST AND WEST QUARTER LINE OF SAID SECTION; THENCE SOUTH 00° 00' 04" EAST 425 FEET PARALLEL WITH SAID NORTH AND SOUTH QUARTER LINE; THENCE NORTH 89° 21' 53" EAST 516.60 FEET PARALLEL WITH SAID EAST AND WEST QUARTER LINE; THENCE NORTH 00° 00' 04" WEST 825.00 FEET PARALLEL WITH SAID NORTH AND SOUTH QUARTER LINE TO SAID EAST AND WEST QUARTER LINE; THEN SOUTH 89° 21' 53" WEST 1,084.78 FEET ALONG SAID EAST AND WEST QUARTER LINE TO SAID NORTH AND SOUTH QUARTER LINE; THENCE SOUTH 00° 00' 04" EAST 400.00 FEET ALONG SAID NORTH AND SOUTH QUARTER LINE TO THE PLACE OF BEGINNING. CONTAINING 15.00 ACRES OF LAND. PARCEL BEING SUBJECT ON THE WEST TO HIGHWAY EASEMENT, AS RECORDED IN LIBER 711, ON PAGE 327, KALAMAZOO COUNTY FOR SPRINKLE ROAD.

ALSO THAT PART OF SAID SOUTHEAST QUARTER OF SECTION 12, DESCRIBED AS: COMMENCING AT THE SOUTH QUARTER CORNER OF SAID SECTION 12; THENCE NORTH 00° 00' 04" WEST 2,247.70 FEET ALONG THE NORTH AND SOUTH QUARTER LINE OF SAID SECTION; THENCE NORTH 89° 21' 53" EAST, 568.18 FEET PARALLEL WITH THE EAST AND WEST QUARTER LINE OF SAID SECTION; THENCE SOUTH 00° 00' 04" EAST 425 FEET PARALLEL WITH SAID NORTH AND SOUTH QUARTER LINE; THENCE NORTH 89° 21' 53" EAST 516.60 FEET PARALLEL WITH SAID EAST AND WEST QUARTER LINE; THENCE NORTH 00° 00' 04" WEST 620.51 FEET PARALLEL WITH SAID NORTH AND SOUTH QUARTER LINE TO THE POINT OF BEGINNING; THENCE CONTINUING NORTH 00° 00' 04" WEST 138.00 FEET; THENCE SOUTH 89° 56' 41" EAST 202.53 FEET; THENCE SOUTH 00° 03' 19" WEST 138.00 FEET; THENCE NORTH 89° 56' 41" WEST 202.40 FEET TO THE POINT OF BEGINNING. CONTAINING 0.641 OF AN ACRE.

ALSO THAT PART OF SAID SOUTHEAST QUARTER OF SECTION 12, DESCRIBED AS: COMMENCING AT THE SOUTH QUARTER CORNER OF SAID SECTION 12; THENCE NORTH 00° 00' 04" WEST 2,247.70 FEET ALONG THE NORTH AND SOUTH QUARTER LINE OF SAID SECTION; THENCE NORTH 89° 21' 53" EAST, 568.18 FEET PARALLEL WITH THE EAST AND WEST QUARTER LINE OF SAID SECTION; THENCE SOUTH 00°

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SUBJECT TO SURVEY.

Department of Community Development

August 6, 2012

Mr. Scott Musser  
Delta Design Systems  
8240 Stadium Drive  
Kalamazoo, MI 49009

Dear Mr. Musser:

Re: Site Plan Approval for Bowers Manufacturing, 6565 South Sprinkle Road, Portage, Michigan

At the meeting of August 2, 2012, the Portage City Planning Commission voted unanimously to approve the site plan for the above captioned development project. Enclosed for your records is a copy of the approved site plan. Site plan approval is valid for a period of six months. If construction activity does not commence within this six month period, the approval will expire and a new application will need to be submitted for Planning Commission reconsideration.

A Soil Erosion and Grading permit will be needed prior to commencement of any earth change activities. Assistance with construction and building related permits is available when you are ready for this aspect of the project. You may contact Christopher Forth, Deputy Director of Planning, Development and Neighborhood Services at 329-4474 for additional information and assistance regarding this matter.

Sincerely,



Vicki Georgeau, AICP  
Director

c: Bowers Manufacturing, 6565 South Sprinkle Road, Portage, MI 49002  
Christopher Barnes, Director of Transportation and Utilities  
John Podgorski, Senior Deputy Fire Chief  
Christopher Forth, Deputy Director of Planning, Development and Neighborhood Services  
Terry Novak, Deputy Director of Building and Housing Services

S:\2012-2013 Department Files\Board Files\Planning Commission\PC Result Letters\2012 08 06 VG Bowers Manufacturing- SP approval.doc

01/20/12  
DATE

PORTAGE, MICHIGAN

12-206  
PERMIT No.

# BUILDING PERMIT

THIS PERMIT MUST BE POSTED ON THE SITE

## PROJECT DESCRIPTION

Bowels  
Addition

Location 6565 South Sprin klc

Owner Bowers

Contractor Delta Design Systems

CONTRACTORS MUST CALL 329-4466 FOR THE FOLLOWING INSPECTIONS:

These Permits Must Be Obtained Separately

BUILDING	ELECTRICAL	PLUMBING	MECHANICAL
FOOTINGS/WALLS	UNDERGROUND	UNDERGROUND	UNDERGROUND
FRAME/ROOF	ROUGH-IN	ROUGH-IN	ROUGH-IN
FIREPLACES	SERVICE	SEWER	FINAL
DRYWALL/PLASTER	FINAL	FINAL	

*[Signature]*  
Department of Community Development

FAILURE TO COMPLY WILL RESULT IN BEING DENIED AN OCCUPANCY PERMIT & CONTRACTORS BEING SUBJECT TO FINE.

FINAL

	Qty	UOM	Amount	Total
FACTORY & IND. LOW HAZ.	37,895	SQFT	.00	.00

=====

Permit . . . . .	BUILDING PERMIT			
Additional desc . . .	NEW ADDITION F-2			
Sub Contractor . . .				
Permit Fee . . . . .	13,798.58		Plan Check Fee . . .	.00
Issue Date . . . . .			Valuation . . . . .	2,764,819

Quantity	Unit Charge	Per	Extension
		BASE FEE	6,420.88
1,765.00	4.1800	THOU COM - 1000001 AND UP	7,377.70

=====

Permit . . . . .	SEWER USE PERMIT			
Additional desc . . .				
Sub Contractor . . .				
Permit Fee . . . . .	600.00		Plan Check Fee . . .	.00
Issue Date . . . . .			Valuation . . . . .	0

Quantity	Unit Charge	Per	Extension
2.00	300.0000	EA SEWER TAP FEE	600.00

-----

Other Fees . . . . . PLAN REVIEW - MIN. FEE 757.90

Fee summary	Charged	Paid	Credited	Due
Permit Fee Total	14,398.58	.00	.00	14,398.58
Plan Check Total	.00	.00	.00	.00
Other Fee Total	757.90	.00	.00	.00
Grand Total	14,398.58	.00	.00	14,398.58

-----

Special Notes and Comments

- \*\*\*\*\*
- NO FORM EXECUTED BY THIS DEPARTMENT IMPLIES OR PROVIDES EXEMPTION FROM ANY CODE OR ORDINANCE REQUIREMENT.  
\*\*\*\*\*
  - APPLICANT IS RESPONSIBLE FOR BEING SUFFICIENTLY FAMILIAR WITH, AND HAVE A WORKING KNOWLEDGE OF MATERIALS, CODES AND ORDINANCES OF THE CITY OF PORTAGE TO ENSURE COMPLIANCE WITH SAME.  
\*\*\*\*\*
  - IT IS THE APPLICANT'S RESPONSIBILITY TO CALL FOR NECESSARY INSPECTIONS.  
\*\*\*\*\*
  - EXPIRATION: PERMIT SHALL EXPIRE AND BECOME NULL AND VOID IF THE BUILDING OR WORK AUTHORIZED IS NOT COMMENCED WITHIN 180 DAYS FROM THE DATE OF ISSUANCE, OR IF THE BUILDING OR WORK AUTHORIZED IS SUSPENDED OR ABANDONED FOR A PERIOD OF 180 DAYS.  
\*\*\*\*\*
  - STATE LAW ACT 53: THREE WORKING DAYS BEFORE YOU DIG -- CALL TOLL FREE MISS DIG 1-800-482-7171.  
\*\*\*\*\*
  - FOLLOW-UP INSPECTIONS NECESSITATED BY NONCOMPLIANCE OF CODES MAY BE SUBJECT TO RE-INSPECTION FEES.

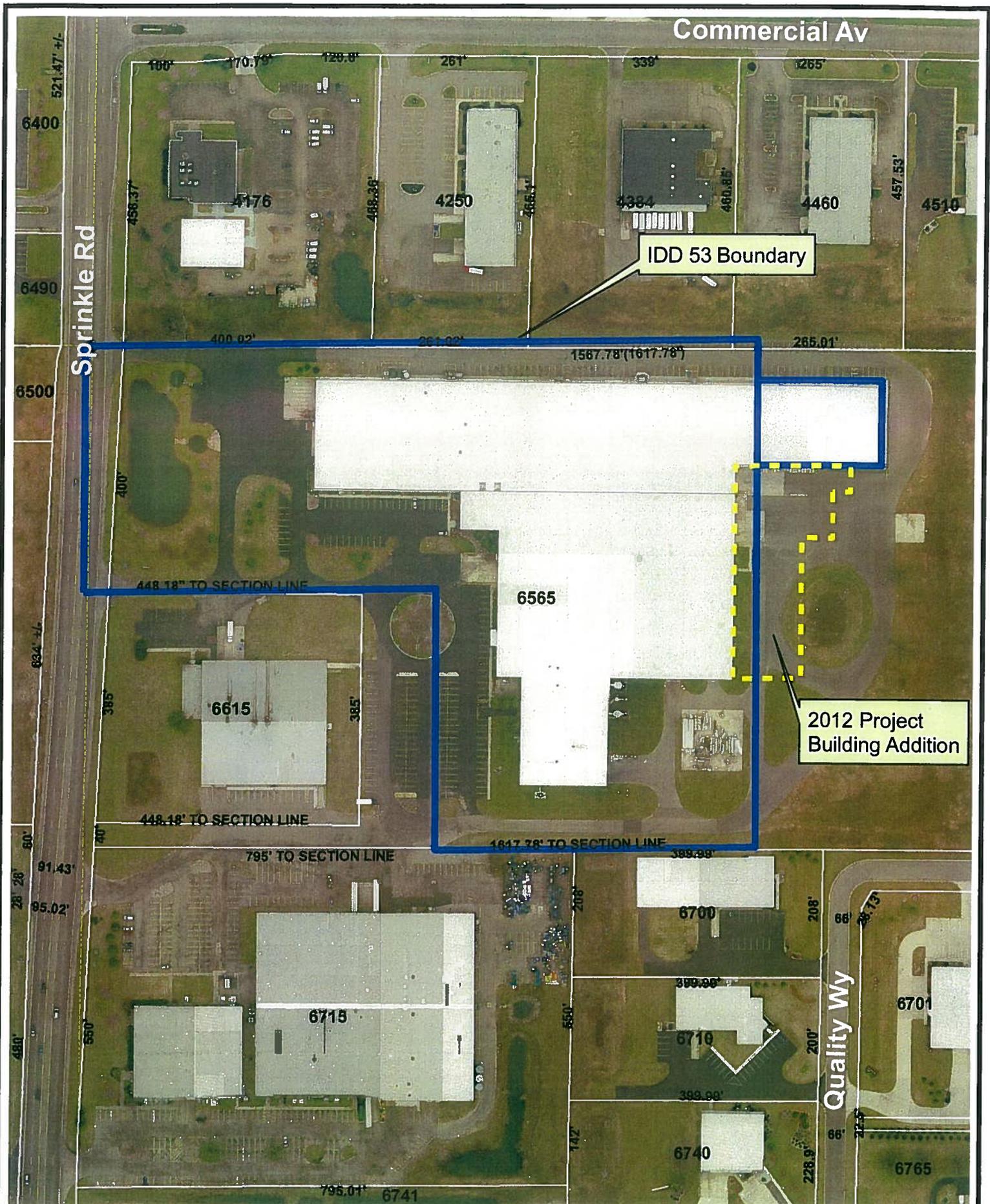


\*\*\*\*\*  
 7. SECTION 23A OF THE STATE CONSTRUCTION CODE ACT OF 1972, ACT NO. 230 OF PUBLIC ACTS OF 1972, BEING SECTION 125.1523A OF THE MICHIGAN COMPILED LAWS, PROHIBITS A PERSON FROM CONSPIRING TO CIRCUMVENT THE LICENSING REQUIREMENTS OF THIS STATE RELATING TO PERSONS WHO PERFORM WORK ON A RESIDENTIAL BUILDING OR A RESIDENTIAL STRUCTURE. VIOLATORS OF SECTION 23A ARE SUBJECT TO CIVIL FINES.  
 \*\*\*\*\*

Plan review has been approved without electrical plans submitted from Electrical Contractor. Work should not commence until electrical plans are obtained by the Department of Community Development. field verify plumbing and mechanical

-----  
 Required Inspections

Seq	Insp Code	Description	Initials	Date
Permit type . . . BUILDING PERMIT				
10	100	FOOTINGS AND FOUNDATIONS	_____	___/___/___
20	101	FRAMING	_____	___/___/___
30	103	FINAL - BUILDING	_____	___/___/___
30	102	DRYWALL	_____	___/___/___
30	PLAN	FINAL - PLANNING/LANDSCAPING	_____	___/___/___
30	FIRE	FINAL - FIRE	_____	___/___/___
30	UTIL	FINAL - UTILITIES	_____	___/___/___
30	ENGF	FINAL - ENGINEERING	_____	___/___/___
1000	FTC	FINAL TO CLOSE PROJECT	_____	___/___/___
Permit type . . . SEWER USE PERMIT				
1000	506	FINAL SEWER USE	_____	___/___/___



Commercial Av

Sprinkle Rd

IDD 53 Boundary

2012 Project Building Addition

Quality Wy

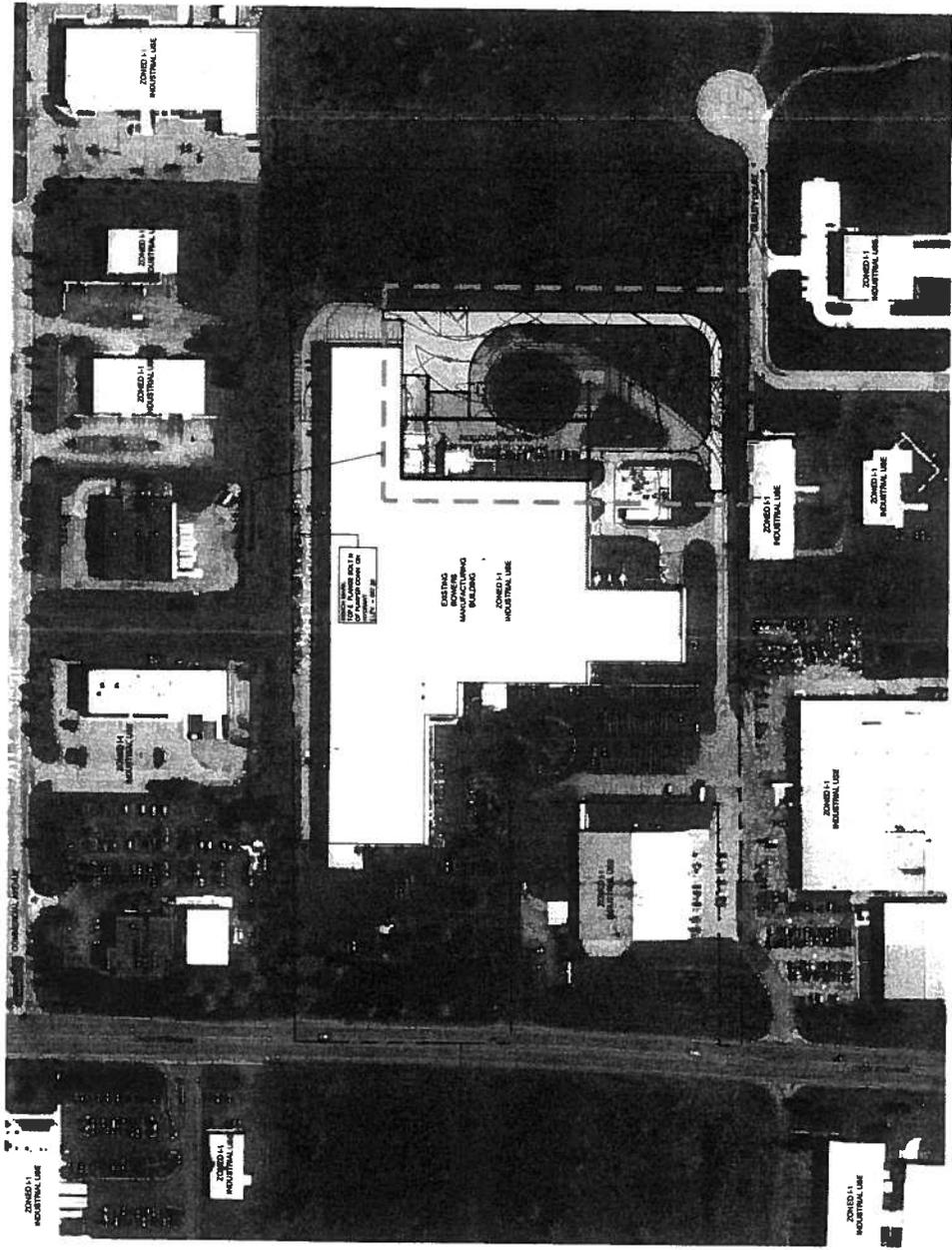


Vicinity Map  
 6565 Sprinkle Road  
 Bowers Manufacturing IDD #53

1 inch = 200 feet  
 Date: 11/7/2012

Imagery: March 2009

 <p><b>WIGHTMAN &amp; ASSOCIATES, INC.</b> ENGINEERING SURVEYING ARCHITECTURE</p> <p>1000 North 10th Street Tomball, Texas 77375 Tel: 281.291.1200 Fax: 281.291.1201 www.wightman.com</p>	<p>PROJECT NAME: <b>DELTA DESIGN SYSTEMS, INC. MANUFACTURING BUILDING ADDITION</b> PREPARED BY: WPA DATE: 05/11/10</p>	<p>DESIGNED BY: <b>DELTA DESIGN SYSTEMS, INC.</b> MANUFACTURING BUILDING ADDITION DATE: 05/11/10 SCALE: 1" = 100'</p>	<p>NO. 1232 DATE: 05/11/10 BY: WPA CHECKED BY: WPA DATE: 05/11/10 SCALE: 1" = 100'</p>	<p>REVISIONS</p> <p>NO. 1232 DATE: 05/11/10 BY: WPA CHECKED BY: WPA DATE: 05/11/10 SCALE: 1" = 100'</p>	<p>ENLARGED OVERALL SITE LAYOUT</p> <p>JOHN # 120347 120347-3</p>
--	--	---	--	---	---



ENLARGED OVERALL SITE LAYOUT  
SCALE: 1" = 100'



**PROJECT IMPACT ANALYSIS - Bowers Manufacturing Company**

Assumptions used in the following calculations:

Market value of property to be added (including rail spur):	
Real property.....	\$2,148,000
Personal property.....	\$663,445
Percentage tax abatement requested: (consistent with City Council policy)	
Real property.....	50.00%
Personal property.....	50.00%
Years of abatement requested:	
Real property.....	6
Personal property.....	3
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.....	25
Average annual income of each new employee.....	\$42,500
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.....	0.00%
Annual increase in residential real property value.....	0.00%



**PROJECT IMPACT ANALYSIS - Bowers Manufacturing Company**

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.....			\$2,148,000
	Personal property.....			\$663,445
	Current General Fund millage rate			7.50
	First year property SEV	Millage rate		First year property taxes
Real	\$1,074,000	7.50		\$8,055
Personal	\$301,867	7.50		\$2,264
				\$10,319

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
	5	\$85,000	\$212,500	7.50	\$1,594
					\$1,594

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
	8	2.40	19	\$70	\$1,322
					\$1,322

---ADDITIONAL GENERAL FUND REVENUE..... \$13,235

**PROJECT IMPACT ANALYSIS - Bowers Manufacturing Company**

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.....			6
	Personal property.....			3
	First year General Fund property tax	Requested abatement rate	First year tax abatement	
Real	\$8,055	50.00%	\$4,028	
Personal	\$2,264	50.00%	\$1,132	\$5,160

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	19	\$7,828

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..... \$12,988

CALCULATION OF RELATIVE COMPARISON FACTOR

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

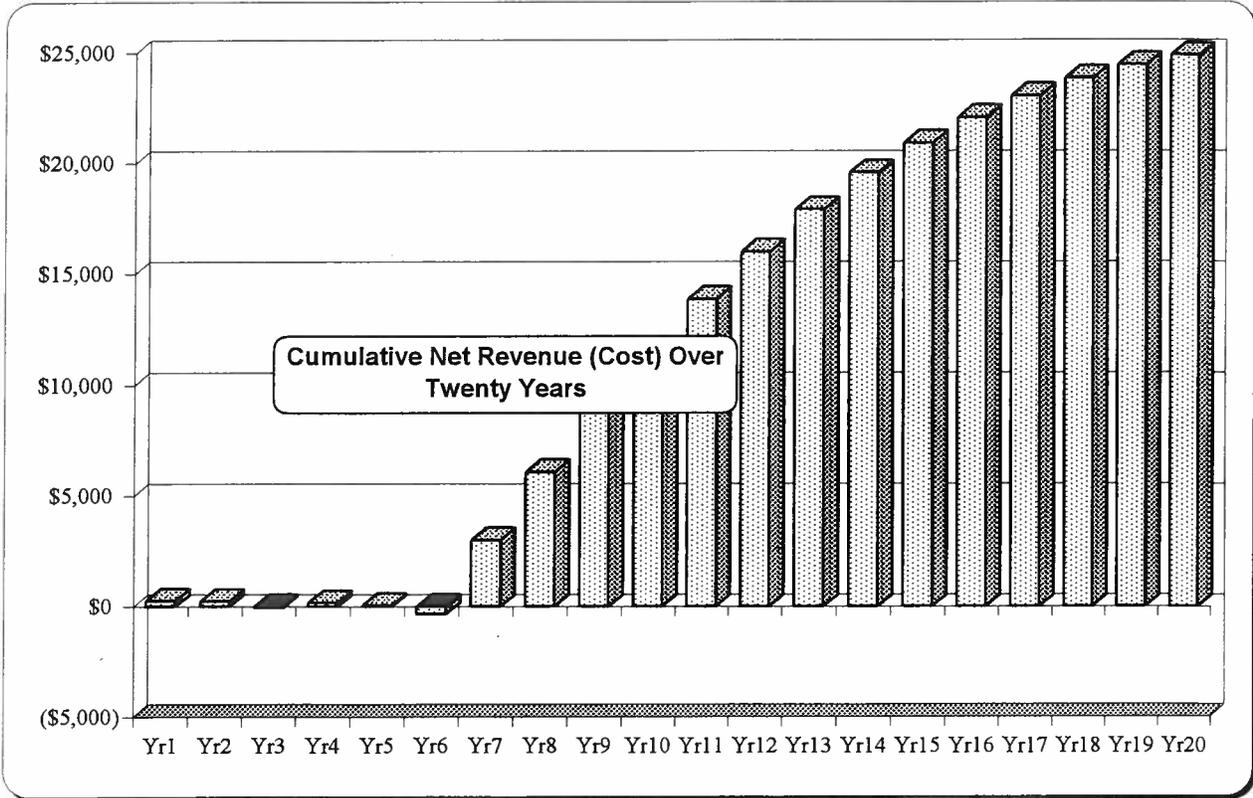
Additional revenues	Additional (costs)	Net additional (cost)/revenue	Number of jobs created	(Cost)/revenue per job created
\$13,235	(\$12,988)	\$247	25	\$10

Long term comparison of increased revenues to increased costs

**PROJECT IMPACT ANALYSIS - Bowers Manufacturing Company**

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	\$13,235	\$0	\$4,028	\$1,132	\$7,828	(\$12,988)	\$248	\$248
Yr2	\$12,987	\$0	\$4,028	\$995	\$7,987	(\$13,010)	(\$23)	\$225
Yr3	\$12,742	\$0	\$4,028	\$859	\$8,149	(\$13,035)	(\$293)	(\$68)
Yr4	\$12,571	\$0	\$4,028	\$0	\$8,314	(\$12,342)	\$230	\$162
Yr5	\$12,400	\$0	\$4,028	\$0	\$8,483	(\$12,511)	(\$111)	\$51
Yr6	\$12,279	\$0	\$4,028	\$0	\$8,655	(\$12,683)	(\$404)	(\$353)
Yr7	\$12,185	\$0	\$0	\$0	\$8,830	(\$8,830)	\$3,355	\$3,003
Yr8	\$12,091	\$0	\$0	\$0	\$9,009	(\$9,009)	\$3,082	\$6,085
Yr9	\$12,022	\$0	\$0	\$0	\$9,192	(\$9,192)	\$2,830	\$8,915
Yr10	\$11,953	\$0	\$0	\$0	\$9,378	(\$9,378)	\$2,575	\$11,490
Yr11	\$11,936	\$0	\$0	\$0	\$9,568	(\$9,568)	\$2,368	\$13,858
Yr12	\$11,894	\$0	\$0	\$0	\$9,762	(\$9,762)	\$2,132	\$15,990
Yr13	\$11,878	\$0	\$0	\$0	\$9,960	(\$9,960)	\$1,918	\$17,908
Yr14	\$11,838	\$0	\$0	\$0	\$10,162	(\$10,162)	\$1,676	\$19,584
Yr15	\$11,698	\$0	\$0	\$0	\$10,369	(\$10,369)	\$1,329	\$20,913
Yr16	\$11,734	\$0	\$0	\$0	\$10,579	(\$10,579)	\$1,155	\$22,068
Yr17	\$11,770	\$0	\$0	\$0	\$10,793	(\$10,793)	\$977	\$23,045
Yr18	\$11,807	\$0	\$0	\$0	\$11,012	(\$11,012)	\$795	\$23,840
Yr19	\$11,845	\$0	\$0	\$0	\$11,236	(\$11,236)	\$609	\$24,449
Yr20	\$11,883	\$0	\$0	\$0	\$11,463	(\$11,463)	\$420	\$24,869



**CITY OF PORTAGE, MICHIGAN  
RESOLUTION NO. 1-12**

**ESTABLISHING A PUBLIC HEARING FOR THE DESIGNATION  
OF INDUSTRIAL DEVELOPMENT DISTRICT NO. 53  
BOWERS MANUFACTURING COMPANY**

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 BOWERS MANUFACTURING COMPANY for the establishment of an Industrial Development District under Michigan Act No. 198 of P.A. 1974; and

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

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

ADOPTED: YEAS: Councilmember: \_\_\_\_\_

NAYS: Councilmember: \_\_\_\_\_

ABSENT: Councilmember: \_\_\_\_\_

RESOLUTION DECLARED ADOPTED:

\_\_\_\_\_  
JAMES R. HUDSON, City Clerk

CERTIFICATE

I hereby certify that the foregoing is a true and complete copy of a resolution adopted at a regular meeting of the City Council of the City of Portage, Michigan, Kalamazoo County, held on the \_\_\_\_\_ day of \_\_\_\_\_, 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  
(269) 323-8812

Approved as to Form:

Date: 11-14-12

By: CRB  
City Attorney

EXHIBIT A

**CITY OF PORTAGE  
NOTICE OF HEARING ON THE ESTABLISHMENT OF  
INDUSTRIAL DEVELOPMENT DISTRICT NO. 53  
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 BOWERS MANUFACTURING COMPANY for the establishment of an Industrial Development District under Michigan Act 198 of P.A. 1974 for a partial tax exemption for ad valorem property taxes.

PLEASE TAKE FURTHER NOTICE that said district is commonly described as property located at 6565 South Sprinkle Road, Portage, Michigan, and more particularly described as follows:

See attached Exhibit B.

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\BOWERS #53\2012\RESOLUTION #1.111312.DOCX

EXHIBIT B

LEGAL DESCRIPTION FOR BOWERS MANUFACTURING  
OF REVISED INDUSTRIAL DEVELOPMENT DISTRICT #53  
(REVISED TO INCLUDE BUILDING ADDITIONS SUBSEQUENT TO 1988)

APRIL 20, 2007  
(REVISED NOVEMBER 12, 2012)  
(PROJECT NO. 120347)

A PARCEL OF LAND SITUATED IN THE SOUTHEAST QUARTER OF SECTION 12, TOWN 3 SOUTH, RANGE 11 WEST, CITY OF PORTAGE, COUNTY OF KALAMAZOO, STATE OF MICHIGAN: COMMENCING AT THE SOUTH QUARTER CORNER OF SECTION 12, TOWN 3 SOUTH, RANGE 11 WEST, CITY OF PORTAGE, COUNTY OF KALAMAZOO, MICHIGAN; THENCE NORTH 00° 00' 04" WEST 2,247.70 FEET ALONG THE NORTH AND SOUTH QUARTER LINE OF SAID SECTION TO THE PLACE OF BEGINNING; THENCE NORTH 89° 21' 53" EAST, 568.18 FEET PARALLEL WITH THE EAST AND WEST QUARTER LINE OF SAID SECTION; THENCE SOUTH 00° 00' 04" EAST 425 FEET PARALLEL WITH SAID NORTH AND SOUTH QUARTER LINE; THENCE NORTH 89° 21' 53" EAST 516.60 FEET PARALLEL WITH SAID EAST AND WEST QUARTER LINE; THENCE NORTH 00° 00' 04" WEST 825.00 FEET PARALLEL WITH SAID NORTH AND SOUTH QUARTER LINE TO SAID EAST AND WEST QUARTER LINE; THEN SOUTH 89° 21' 53" WEST 1,084.78 FEET ALONG SAID EAST AND WEST QUARTER LINE TO SAID NORTH AND SOUTH QUARTER LINE; THENCE SOUTH 00° 00' 04" EAST 400.00 FEET ALONG SAID NORTH AND SOUTH QUARTER LINE TO THE PLACE OF BEGINNING. CONTAINING 15.00 ACRES OF LAND. PARCEL BEING SUBJECT ON THE WEST TO HIGHWAY EASEMENT, AS RECORDED IN LIBER 711, ON PAGE 327, KALAMAZOO COUNTY FOR SPRINKLE ROAD.

ALSO THAT PART OF SAID SOUTHEAST QUARTER OF SECTION 12, DESCRIBED AS: COMMENCING AT THE SOUTH QUARTER CORNER OF SAID SECTION 12; THENCE NORTH 00° 00' 04" WEST 2,247.70 FEET ALONG THE NORTH AND SOUTH QUARTER LINE OF SAID SECTION; THENCE NORTH 89° 21' 53" EAST, 568.18 FEET PARALLEL WITH THE EAST AND WEST QUARTER LINE OF SAID SECTION; THENCE SOUTH 00° 00' 04" EAST 425 FEET PARALLEL WITH SAID NORTH AND SOUTH QUARTER LINE; THENCE NORTH 89° 21' 53" EAST 516.60 FEET PARALLEL WITH SAID EAST AND WEST QUARTER LINE; THENCE NORTH 00° 00' 04" WEST 620.51 FEET PARALLEL WITH SAID NORTH AND SOUTH QUARTER LINE TO THE POINT OF BEGINNING; THENCE CONTINUING NORTH 00° 00' 04" WEST 138.00 FEET; THENCE SOUTH 89° 56' 41" EAST 202.53 FEET; THENCE SOUTH 00° 03' 19" WEST 138.00 FEET; THENCE NORTH 89° 56' 41" WEST 202.40 FEET TO THE POINT OF BEGINNING. CONTAINING 0.641 OF AN ACRE.

ALSO THAT PART OF SAID SOUTHEAST QUARTER OF SECTION 12, DESCRIBED AS: COMMENCING AT THE SOUTH QUARTER CORNER OF SAID SECTION 12; THENCE NORTH 00° 00' 04" WEST 2,247.70 FEET ALONG THE NORTH AND SOUTH QUARTER LINE OF SAID SECTION; THENCE NORTH 89° 21' 53" EAST, 568.18 FEET PARALLEL WITH THE EAST AND WEST QUARTER LINE OF SAID SECTION; THENCE SOUTH 00° 00' 04" EAST 425 FEET PARALLEL WITH SAID NORTH AND SOUTH QUARTER LINE; THENCE NORTH 89° 21' 53" EAST 516.60 FEET PARALLEL WITH SAID EAST AND WEST QUARTER LINE; THENCE NORTH 00° 00' 04" WEST 274.82 FEET PARALLEL WITH SAID NORTH AND SOUTH QUARTER LINE TO THE POINT OF BEGINNING; THENCE CONTINUING NORTH 00° 00' 04" WEST 345.69 FEET; THENCE SOUTH 89° 56' 41" EAST 153.18 FEET; THENCE SOUTH 00° 01' 37" EAST 47.60 FEET; THENCE SOUTH 89° 58' 23" WEST 30.00 FEET; THENCE SOUTH 00° 01' 37" EAST 75.00 FEET; THENCE SOUTH 89° 58' 23" WEST 50.00 FEET; THENCE SOUTH 00° 01' 37" EAST 222.87 FEET; THENCE SOUTH 89° 58' 23" WEST 73.34' TO THE POINT OF BEGINNING. CONTAINING 0.75 OF AN ACRE.

SUBJECT TO SURVEY.

**CITY OF PORTAGE, MICHIGAN  
RESOLUTION NO. 3-12  
TO SET THE PUBLIC HEARING ON A FACILITIES TAX  
EXEMPTION CERTIFICATE FOR BOWERS MANUFACTURING COMPANY  
INDUSTRIAL DEVELOPMENT DISTRICT NO. 53**

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 Industrial Development District No.53;

WHEREAS, BOWERS MANUFACTURING COMPANY, owner of the realty located within said 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 BOWERS MANUFACTURING COMPANY 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 BOWERS MANUFACTURING COMPANY application for an Industrial Facilities Exemption Certificate with regard to

proposed new facility and installation of equipment and machinery within said Industrial Development 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 Industrial Development District, as follows:

(a) The City of Portage has established BOWERS MANUFACTURING COMPANY Industrial Development District No.53 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 BOWERS MANUFACTURING COMPANY Industrial Development District No. 53, 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  
(269) 323-8812

Approved as to Form:  
Date: 11-14-12  
By: CRB  
City Attorney

# CITY OF PORTAGE

# COMMUNICATION

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**TO:** Honorable Mayor and City Council

**DATE:** November 12, 2012

**FROM:** Maurice S. Evans, City Manager



**SUBJECT:** Residential Subdivision Sidewalk Extension Requests

**ACTION RECOMMENDED:** That City Council grant an extension to November 1, 2014 for the completion of sidewalk and street tree installation subject to submittal of a revised irrevocable bank letter of credit or other surety acceptable to the City Attorney, for the following residential plats:

- a. Avalon Forest/Avalon Woods No. 1 and 2 (T. A. Scott Construction)
- b. Austin Shores Condominium Subdivision (BEX Farms, Inc.)
- c. Holiday Village East No. 3 and South No. 3 (WTM, Incorporated)
- d. Stateland Park Subdivision (Granite Development Properties)

Attached for consideration of the City Council are several letters received from developers/builders of single-family residential subdivisions in various areas of the community. The correspondence requests an extension of time to install required sidewalks and street trees along the public streets on remaining vacant lots located within these subdivisions. The developers/builders have cited the large number of available vacant lots, the continued sluggish housing market and economic constraints as principal reasons for the requests. This issue was last considered by City Council in October 2010, when extensions were previously approved. The following is a brief summary about each subdivision and request.

Avalon Forest/Avalon Woods No. 1 and No. 2. On June 10, 2003 and August 10, 2004, City Council granted final plat approvals for Avalon Forest/Avalon Woods No. 1 and No. 2, respectively. At the request of the developer, T.A. Scott Construction, City Council later granted two, one-year extensions and two, two-year extensions for required sidewalk and street tree installations, with the last extension expiring on November 1, 2012. During the past two years, only one single family building permit was requested by the developer and sidewalks/street trees remain to be installed on 26 of the 96 total lots (Lots 3, 6 and 50 are corner lots and have sidewalk/street tree installed on one side). On behalf of T.A. Scott Construction, Mr. Thomas Scott is requesting the extension towards completion of the sidewalk and street tree installation.

Austin Shores Condominium Subdivision. In March 2005, City Council granted final approval for this single family condominium development. At the request of Mr. Jeff Chupp (original developer) and Irwin Union Bank, City Council has also granted two, one-year extensions and two, two-year extensions, with the last extension expiring on November 1, 2012. The property was foreclosed upon and is now owned primarily by BEX Farms, Inc. No building permits for new residential construction have been issued during the past two-year period and 43 of the 61 total lots remain vacant. On behalf of BEX Farms, Inc., Mr. Jeff Balkema is requesting the extension towards completion of the sidewalks and street trees.

Holiday Village East No. 3 and South No. 3. In March 2007, City Council granted final approval for the plats of Holiday Village East No. 3 and South No. 3, subject to installation of sidewalks by October 2008. At the request of the developer, WTM, Inc., City Council granted two, two-year extensions, with the last extension expiring on November 1, 2012. During the past two years, only four single family building permits have been requested by the developer and 23 of the 36 total lots remain vacant. On behalf of WTM, Inc., Mr. Jeff Hansen is requesting an extension of time to complete the sidewalk and street tree installation.

Stateland Park Subdivision. City Council granted final approval for the plat of Stateland Park in December 2006, subject to installation of sidewalks and street trees by November 2008. At the request of the original developer, Broekema/Scott, LLC, City Council granted two, two-year extensions, with the last extension expiring on November 1, 2012. During the past two years, five single family building permits have been issued and 8 of the 19 total lots remain vacant. These remaining vacant lots have been purchased by Granite Development Properties. On behalf of Granite Development Properties, Mr. David Miller is requesting the extension towards completion the sidewalk and street tree installation.

As previously indicated, recovery of the local residential housing market from the 2008 recession continues to be sluggish and these developers/builders continue to be significantly impacted. Consequently, the City Administration again recommends that a two-year extension (until the end of the 2014 construction season) be granted to complete the sidewalks and street trees along the local streets in these subdivisions.

Consistent with Section 42-831 of the Land Development Regulations, each developer must provide a new or extended irrevocable letter of credit or other surety acceptable to the City Attorney for this period of extension. Should the developer not complete the improvements and other arrangements are not made, the surety will be used to fund completion of the sidewalks and street trees.

Attachments: Letter from TA Scott Construction dated November 5, 2012  
Avalon Forest/Avalon Woods No. 1 and No. 2 Vicinity Map  
Letter from BEX Farms, Inc. dated October 30, 2012  
Austin Shores Condominium Subdivision Vicinity Map  
Letter from WTM, Inc. dated November 2, 2012  
Holiday Village East No. 3 and South No. 3 Vicinity Map  
Letter from Granite Development Properties dated November 7, 2012  
Stateland Park Subdivision Vicinity Map



1154 West VW Ave. Schoolcraft, MI 49087  
Ph: (269) 720-7729  
Fax: (269) 679-2831

RECEIVED  
NOV 08 2012  
COMMUNITY DEVELOPMENT

November 5, 2012

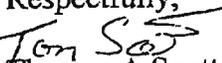
City of Portage  
7900 South Westnedge Ave  
Portage, MI 49002

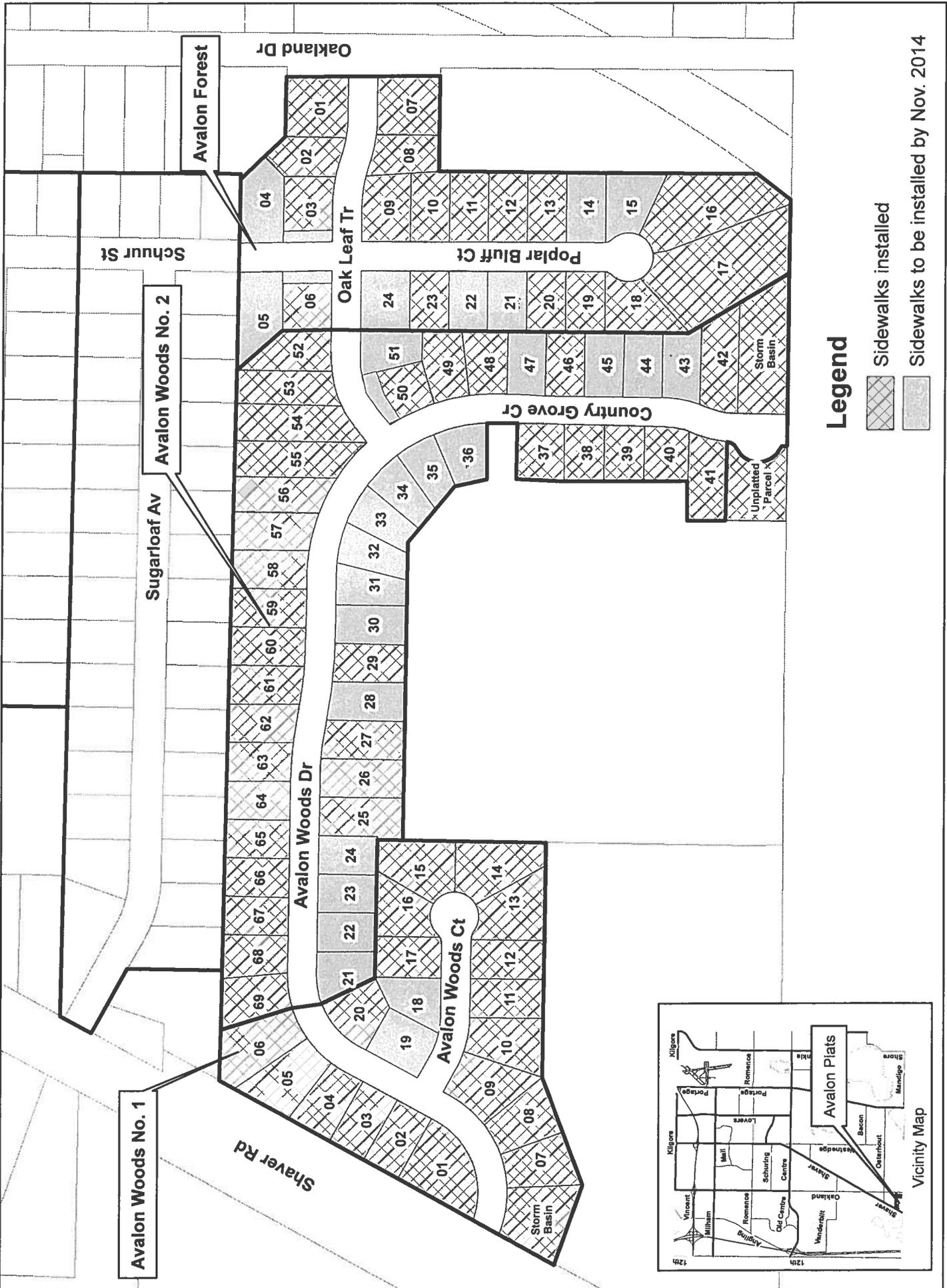
RE: Avalon Woods/Avalon Forest sidewalk completion and street trees

Dear City Council,

The housing market has continued to be slow but we have seen some improvement in the past few months. T A Scott is hopeful that we will be able to start a new home in the subdivision this spring.

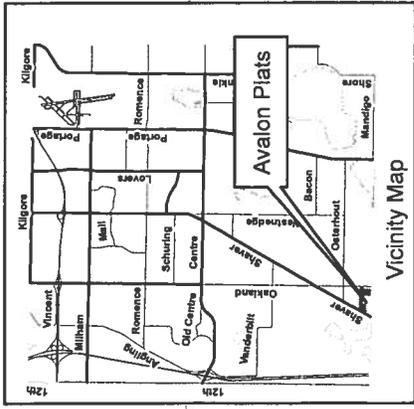
We appreciate your patience and are asking for you to consider a two-year extension for sidewalks and street trees until November 2014. We will continue to work closely with the Planning Department.

Respectfully,  
  
Thomas A. Scott



### Legend

-  Sidewalks installed
-  Sidewalks to be installed by Nov. 2014



## Avalon Woods No. 1 and 2 and Avalon Forest





# BALKEMA EXCAVATING, INC.

FOUNDED 1911

## DEVELOPMENT AND UNDERGROUND CONTRACTORS

1500 RIVER STREET  
PHONE (269) 345-5289

KALAMAZOO, MICHIGAN 49048  
FAX (269) 345-1137

**RECEIVED**

OCT 30 2012

COMMUNITY DEVELOPMENT

Oct 30, 2012

Mr. Christopher T. Forth

CITY OF PORTAGE  
7900 South Westnedge  
Portage, MI 49002

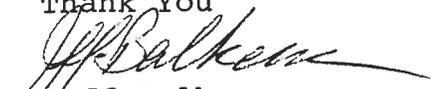
Re: Austin Shores  
Request for extension

Dear Mr. Forth

Please find enclosed a 2 year continuation bond for the uncompleted sidewalk and street trees for the Autin Shores Plat.

Please donot hesitate to call if you have any further questions,

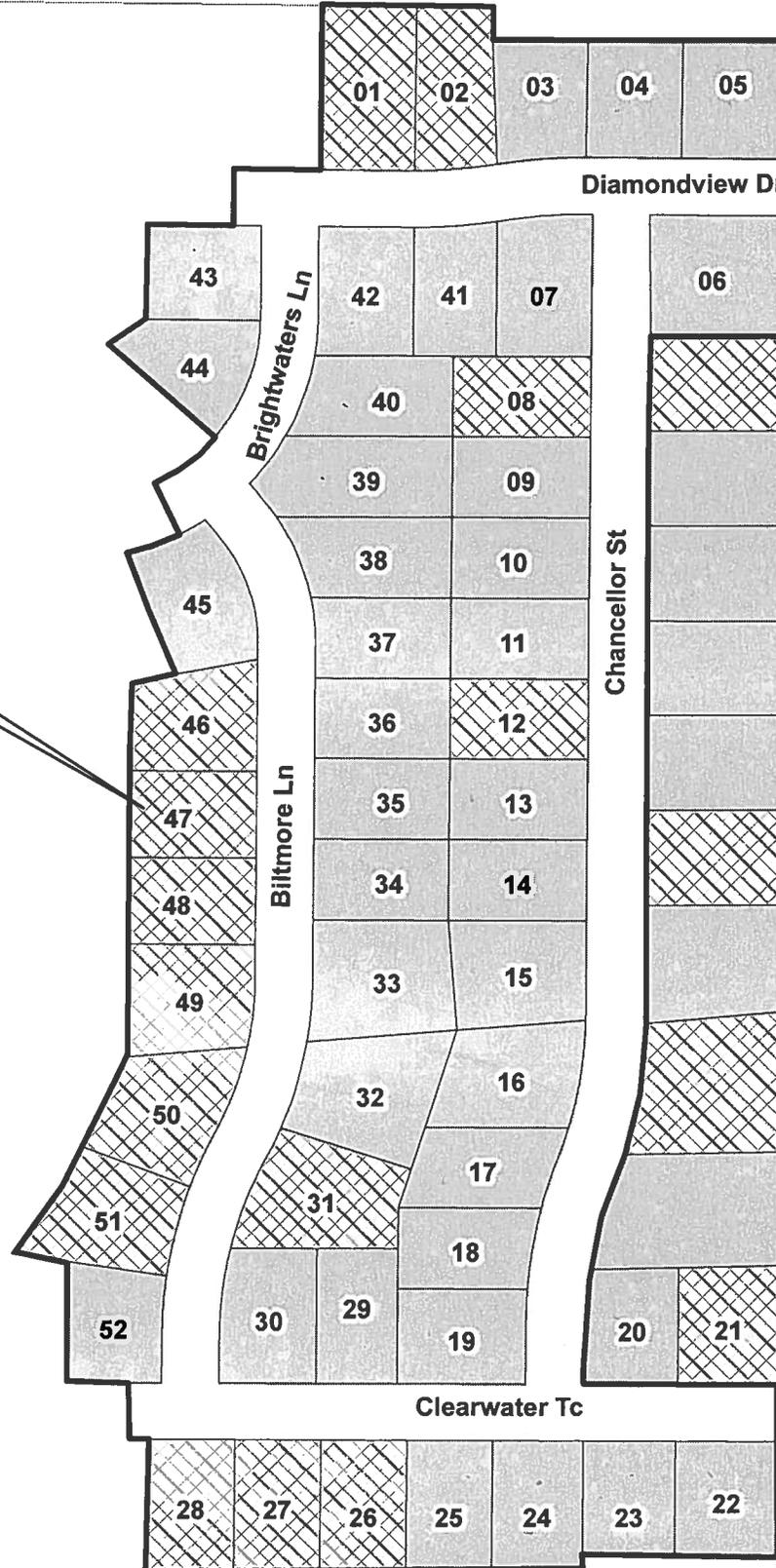
Thank You



Jeff Balkema



Austin Shores



**Legend**

-  Sidewalks to be constructed by Nov. 2014
-  Sidewalks installed

**Austin Shores**



Date: 11/8/2012



## WTM, Inc. – Jeff Hansen – Builder

1226 Breckenridge Way, Portage, MI 49002

Phone (269) 806-6614 FAX (269) 321-0970

Jeff@BuildWithHansen.com

Friday, November 02, 2012

RE: Completion of Sidewalk and Street Trees at Holiday Village East and South No. 3

Dear Chris Forth and City of Portage Counsel Members,

On behalf of WTM, Inc., I am formally requesting an extension of the completion date related to sidewalks and trees needed in Holiday Village to be November 1, 2014.

A certified letter of credit will be forthcoming directly from 1<sup>st</sup> Source Bank within 14 days business days to the city. This letter of credit will insure the full cost of the remaining Sidewalk and Tree project with a value of \$32,231. The letter of credit is set to expire November 6, 2014.

There are currently 23 lots available in Holiday Village East and South No. 3. An extension request is due to our current economic times, however, we anticipate increased activity in the next two years. We have created a new marketing plan and process, set to roll out in the spring.

Constructing sidewalks and trees prior to home construction would cause an undo economic hardship for WTM. In addition, previously installed sidewalks would need to be replaced as homes as future homes built, essentially costing twice the financial and material resources. Sidewalks constructed prior to home construction become destroyed, uneven, or do not conform to the final ground elevation. After the home building, shedding water properly within existing sidewalk becomes a potential problem.

Additionally, installation, tear-out and reinstallation of sidewalks is in contradiction of the practice of Green and Energy Star Construction that we employ. The financial and environmental cost may well exceed the perceived benefit.

On behalf of WTM, Inc, I sincerely appreciate your time and consideration. Please feel free to contact me with any questions you may have.

Sincerely,

Jeff Hansen

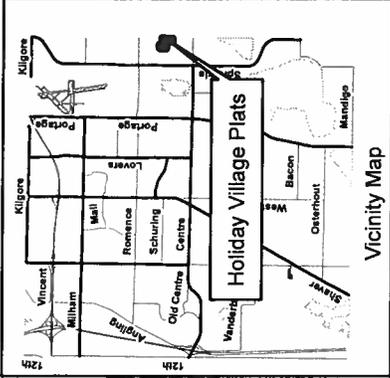
WTM, Inc. Managing Builder

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NOV 07 2012  
COMMUNITY DEVELOPMENT



Quality, Experience, & Satisfaction





Holiday Village East No. 3

Holiday Village South No. 3

**Legend**

 Sidewalks installed

 Sidewalks to be installed by Nov. 2012



# Holiday Village South No. 3 and East No. 3

# Granite Development Properties

8808 Pine Island Court South Mattawan, MI 49071 Phone (269) 372-9738 Fax (269) 372-9739

November 7, 2012

Mr. Chris Forth, AICP, Deputy Director  
City of Portage Dept. of Community Development  
7900 South Westnedge Avenue  
Portage, MI 49002

RECEIVED  
NOV 08 2012  
COMMUNITY DEVELOPMENT

RE; Sidewalks at "Stateland Park"

Dear Chris:

I am writing this in regards to the letter I received from you dated October 1, 2012 about the completion of sidewalks and street trees for the lots I own at Stateland Park. I am requesting that the City consider granting a two-year extension to the time frame for the installation of the concrete sidewalks for these lots.

This request is based on the following:

- 1) The current housing market in the area is very slow.
- 2) I purchased 10 lots about 4 years ago and 7 of them are still vacant and currently for sale.
- 3) Installation of sidewalks now would dictate that most of the walks would eventually be destroyed during future house construction. The sidewalks would need replacing anyway.

Again I ask the City of Portage consider extending the time frame for the sidewalk installation for my lots at Stateland Park to October 31, 2014.

Please feel free to contact me if you would like to discuss this matter.

Thank you for your continued assistance.

Sincerely,



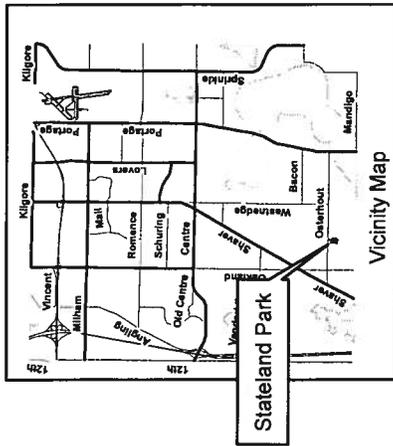
David Miller

W Osterhout Av

Pierport Dr

Bear Lake Cr

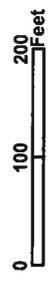
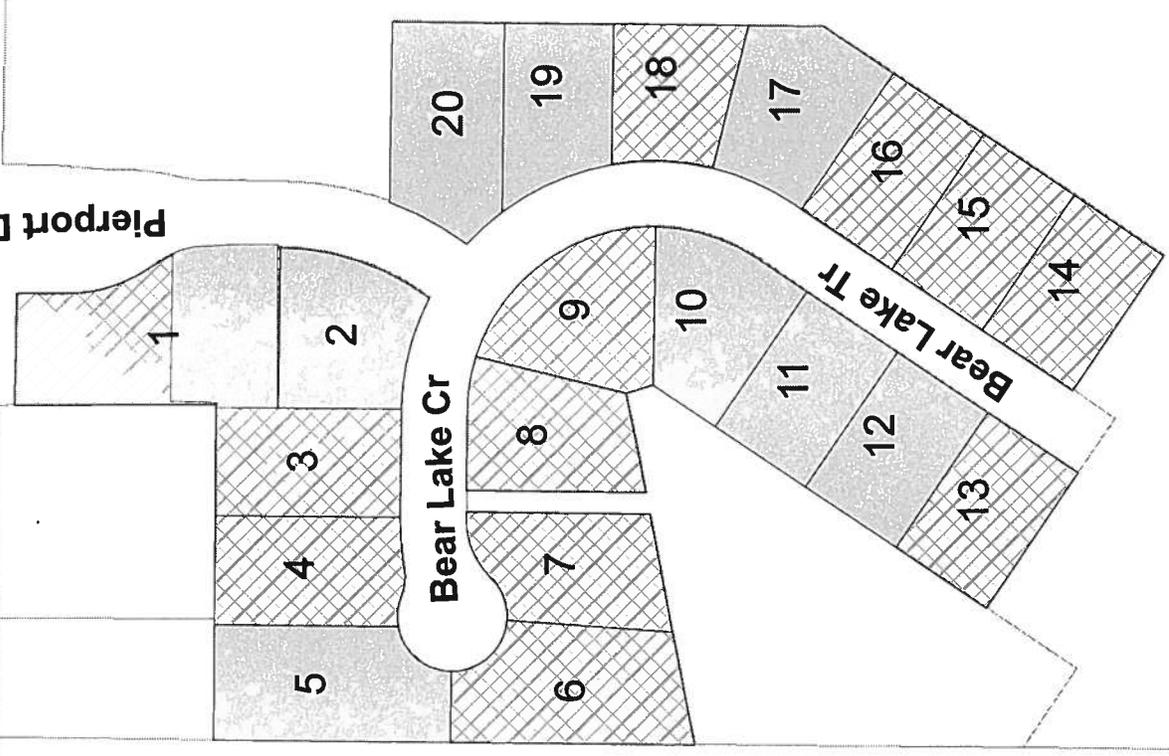
Bear Lake Tr



**Legend**

 Sidewalks installed

 Sidewalks to be installed by Nov. 2014



**Statelead Park**

Date: 11/9/2012

# CITY OF PORTAGE

# COMMUNICATION

**TO:** Honorable Mayor and City Council

**DATE:** November 15, 2012

**FROM:** Maurice S. Evans, City Manager



**SUBJECT:** 50<sup>th</sup> Anniversary Events and Activities

**ACTION RECOMMENDED:** That City Council:

- a. authorize the purchase and installation of City of Portage flags along South Westnedge Avenue for the duration of the 2013 calendar year; and
- b. not pursue the production of a City of Portage historical documentary.

Three potential activities have been further reviewed and considered for potential incorporation as 50<sup>th</sup> Anniversary events. A brief overview and recommendation concerning these activities is noted below.

**Anniversary Flower Display:** Planning is underway to incorporate a 50<sup>th</sup> Anniversary themed flower display in the large circular flowerbed at the northeast corner of Library Lane and South Westnedge Avenue. This activity can be accomplished at no additional cost over the annual cost associated with floral displays in the City Centre. No Council action pertaining to this activity is required.

**City of Portage Flag Display on South Westnedge Avenue:** City of Portage flags can be displayed on South Westnedge Avenue for the duration of the 2013 calendar year (with the exception of when national and WMU flags are traditionally displayed) for an estimated cost of \$4,800 including materials and labor. Sufficient funds for this activity were programmed as part of the Fiscal Year 2012-2013 City Council budget. It is recommended that Council approve this activity.

**Documentary – History of Portage:** A meeting was held with Public Media Network (PMN) to determine 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 and would be aired on PMN on a schedule to be determined. It was made clear in the meeting with PMN that PMN staff do not have the ability to produce such a project without the assistance of an individual to facilitate the various associated activities. Given other service priorities, the obligation of staff time to this project is not recommend. Therefore, should the Council desire to move forward with production of a documentary, it is recommended that a community volunteer having an interest in Portage history and the ability to successfully facilitate interviews and independently review and edit the resulting video be identified.

## CITY OF PORTAGE

## COMMUNICATION

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**TO:** Honorable Mayor and City Council

**DATE:** November 12, 2012

**FROM:** Maurice S. Evans, City Manager



**SUBJECT:** 2012 Tax Rate Survey – Information Only

The 2012 Municipal Tax Rate Survey is attached for the information of Council. As in prior years, the Office of the City Assessor has conducted the municipal tax rate survey – a survey of select Michigan cities. The survey responses have been compiled and summarized in the attached chart and are sorted according to the 2012 city millage rates.

As shown on the chart, the City of Portage had the seventh lowest millage rate of the 43 responding cities, dropping one place from 2011. It should be noted that one of the of the responding cities with a millage rate lower than that of the City of Portage (Grand Rapids) levies a city income tax in addition to the city millage.

Attachment

## 2012 MUNICIPAL TAX RATE SURVEY (OF SELECTED MICHIGAN CITIES)

November 1, 2012

Responding City	Parcel Count 2012	(Estimated) Population 2010 Census	Income Tax <sup>2</sup> City	Total City Millage Rate 2012	Rate Rank City Millage	Property Taxes <sup>3</sup> 2012 (City Only)
Ferndale	11,135	19,900	No	29.5714	43	\$2,203
Dearborn	37,506	98,153	No	26.8600	42	\$2,001
Eastpointe	15,247	32,442	No	24.6102	41	\$1,834
Southfield	33,639	71,739	No	23.2345	40	\$1,731
Warren	62,899	134,056	No	22.9656	39	\$1,711
Roseville	20,415	47,299	No	22.8494	38	\$1,703
Madison Heights	13,222	29,694	No	22.4250	37	\$1,671
Wyandotte	12,756	25,883	No	22.2500	36	\$1,658
Southgate	11,624	30,047	No	21.9799	35	\$1,638
East Lansing	9,158	48,579	No	21.8369	34	\$1,627
Taylor	25,944	63,131	No	21.7113	33	\$1,618
Garden City	12,649	27,692	No	21.6003	32	\$1,610
Kalamazoo	26,243	74,262	No	20.8205	31	\$1,551
Bay City	16,078	34,932	No	20.0935	30	\$1,497
Saint Clair Shores	28,932	59,715	No	19.4518	29	\$1,449
Dearborn Heights	25,609	57,774	No	18.3416	28	\$1,367
Allen Park	13,679	28,210	No	17.4900	27	\$1,303
Monroe	9,291	20,733	No	16.6977	26	\$1,244
Ann Arbor	36,097	113,934	No	16.5720	25	\$1,235
Port Huron	13,956	30,184	Yes	16.0869	24	\$1,199
Mount Pleasant	6,255	26,016	No	15.7500	23	\$1,174
Marquette	7,797	21,355	No	15.2725	22	\$1,138
Jackson	16,173	33,534	Yes	15.1389	21	\$1,128
Holland	13,614	33,051	No	15.1085	20	\$1,126
Midland	18,630	41,863	No	14.7900	19	\$1,102
Battle Creek	24,475	52,347	Yes	14.7360	18	\$1,098
Adrian	8,656	21,133	No	14.6039	17	\$1,088
Saginaw	26,981	51,508	Yes	14.5637	16	\$1,085
Westland	31,400	84,094	No	14.2331	15	\$1,061
Livonia	46,148	96,942	No	13.3872	14	\$998
Flint	60,153	102,434	Yes	13.1000	13	\$976
Romulus	11,716	23,989	No	12.9975	12	\$968
Sterling Heights	46,395	129,699	No	12.6858	11	\$945
Muskegon	16,798	38,401	Yes	12.0789	10	\$900
Wyoming	27,514	72,125	No	11.8873	9	\$886
Royal Oak	27,641	57,236	No	11.7261	8	\$874
<b>Portage</b>	<b>18,906</b>	<b>46,292</b>	<b>No</b>	<b>10.7778</b>	<b>7</b>	<b>\$803</b>
Novi	20,613	55,224	No	10.2000	6	\$760
Norton Shores	11,989	23,994	No	9.9500	5	\$741
Kentwood	18,279	48,707	No	9.7064	4	\$723
Rochester Hills	27,370	70,995	No	9.7060	3	\$723
Grand Rapids	68,829	188,040	Yes	8.1716	2	\$609
Burton	15,000	29,999	No	7.6946	1	\$573

<sup>1</sup>This report was prepared by the City of Portage Assessor's Office using (survey) information received from selected Michigan cities. The primary selection criterion was a population of at least 20,000 people. Estimated population provided by the 2010 US Census Bureau.

<sup>2</sup>Cities with an income tax, except Grand Rapids and Saginaw reportedly levy 1.00 percent for residents and 0.50 percent for non-residents. Grand Rapids & Saginaw reportedly levies 1.50 percent for residents and 0.75 percent for non-residents. Muskegon, Port Huron, Battle Creek, Jackson & Flint reportedly levies 1.00 percent for residents and 0.50 for non-residents.

<sup>3</sup>These taxes are based on a taxable value of \$74,514, which is the average taxable value of a single-family residence in the City of Portage for 2012.

## CITY OF PORTAGE

## COMMUNICATION

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**TO:** Honorable Mayor & City Council

**DATE:** November 12, 2012

**FROM:** Maurice S. Evans, City Manager



**SUBJECT:** Holiday Tree Lighting/Traditional Holiday Celebration - Information Only

On Saturday, December 1, 2012, beginning at 7:00 p.m., the annual Tree Lighting/Traditional Holiday Celebration will take place. The evening tree lighting ceremony festivities begin with City Council participation at Point Garden, which is located at the intersection of South Westnedge Avenue and Library Lane. Following the tree lighting, participants will carol along the Bicentennial Park Trail to the Celery Flats Historical Area for the Traditional Holiday Celebration.

The Holiday Celebration will feature music and special activities. Refreshments will be provided at the Hayloft Theatre at the close of the event. This celebration encourages the public to enter into the spirit of holiday giving by donating to the less fortunate. Collection bins will be located at Celery Flats to receive donations of new toys, new winter hats, new winter mittens and non-perishable food items for distribution to area service organizations. Monetary donations to aid the less fortunate will also be collected at this event.

**CITY OF PORTAGE**

**COMMUNICATION**

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**TO:** Honorable Mayor and City Council

**DATE:** November 12, 2012

**FROM:** Maurice S. Evans, City Manager



**SUBJECT:** October 2012 Summary Environmental Activity Report – Information Only

Attached please find the October 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

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**TO:** Maurice S. Evans, City Manager

**DATE:** November 12, 2012

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



**SUBJECT:** October 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  
October 2012 (*updates in italics*)

<u>Project/Activity</u>	<u>Description</u>	<u>Status</u>
Portage City Landfill	Ongoing groundwater monitoring of former municipal landfill.	<p>-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. <i>Investigation into methane gas presence in the groundwater is underway.</i> First round of sampling completed in April 2012. Second round of sampling completed in June 2012. Initial results indicate no off-site impact. <i>Annual report under staff review for submission to MDEQ. Review meeting held September 21, 2012 with MDEQ with follow-up on October 10, 2012. AHC working on methane due diligence plan for implementation.</i></p>
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.	<p>-Coordination with property owners and City or State agencies ongoing. -<i>Review of 6 site/building plans and/or plats completed in October 2012.</i></p>
Sewer Connection Program	Groundwater protection program requiring residential/business hookup to the sanitary sewer where available.	<p>-<i>Sanitary sewer hookup permits issued in October 2012: 2 residential; 2 commercial.</i></p>
West Lake Management Program	Special assessment district designed to maintain/improve lake conditions.	<p>-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.</p>
Retention Basin Sampling Program (Groundwater	Investigation regarding potential impact of retention basins on	<p>-Historical monitoring continues to show minor impacts at most basins. From 1993 through 2009 the monitoring program showed stable groundwater impacts due to</p>

Elevation)	groundwater levels.	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. <i>Groundwater monitoring results show that the general groundwater table on the east side of Portage, have decreased in 2012 as a result of seasonal rainfall deficiencies. Groundwater levels are generally 24" below 2011 levels.</i>
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 annually to MDEQ in January.*

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 December 16, 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 mid November 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 October 2012 – 0. Number of environmental cleanups in November – 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.

**CITY OF PORTAGE**

**COMMUNICATION**

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**TO:** Honorable Mayor and City Council

**DATE:** November 19, 2012

**FROM:** James R. Hudson, City Clerk



**SUBJECT:** Board of Canvassers Report

Attached is a copy of the Kalamazoo County Board of Canvassers Report with the results of the November 6, 2012 General Presidential Election.

Attachment

c Maurice S. Evans, City Manager

NAME HEADING CANVASS

GENERAL ELECTION  
KALAMAZOO COUNTY, MICHIGAN  
NOVEMBER 6, 2012

PORTAGE CITY

RUN DATE:11/16/12 02:17 PM

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0151 Portage City 1	1748	724	41.42
0152 Portage City 2	1955	772	39.49
0153 Portage City 3	1894	893	47.15
0154 Portage City 4	1595	789	49.47
0156 Portage City 5	1552	818	52.71
0157 Portage City 6	1859	1039	55.89
0158 Portage City 7	1398	691	49.43
0159 Portage City 8	1904	1058	55.57
0160 Portage City 9	1522	879	57.75
0161 Portage City 10	2135	1067	49.98
0162 Portage City 11	2034	1110	54.57
0163 Portage City 12	2138	968	45.28
0164 Portage City 13	1463	747	51.06
0165 Portage City 14	1730	983	56.82
0167 Portage City 15	1945	939	48.28
0168 Portage City 16	2442	1346	55.12
0169 Portage City 17	1800	947	52.61
0170 Portage City 18	1795	901	50.19
0171 Portage City 19	1341	672	50.11
0172 Portage City 20	1825	1010	55.34
0173 Portage City 21	1233	678	54.99
0175 Portage City AV 8	0	100	
0177 Portage City AV 10	0	3038	
0178 Portage City AV 11	0	3213	
CANDIDATE TOTALS	37308	25382	68.03

	VOTES	PERCENT
PRECINCTS COUNTED (OF 24)	24	100.00
REGISTERED VOTERS - TOTAL	37,308	
BALLOTS CAST - TOTAL	25,382	
VOTER TURNOUT - TOTAL		68.03
Straight Party		
Note for not more than 1 (WITH 24 OF 24 PRECINCTS COUNTED)		
Republican (REP)	5,720	49.90
Democratic (DEM)	5,536	48.30
Libertarian (LIB)	110	.96
U.S. Taxpayers (UST)	32	.28
Green (GRN)	52	.45
Natural Law (NLP)	12	.10

ELECTORS OF PRESIDENT AND VICE-PRESIDENT		
Note for not more than 1 (WITH 24 OF 24 PRECINCTS COUNTED)		
Mitt Romney (REP)	11,918	47.16
Barack Obama (DEM)	12,966	51.31
Virgil H. Goode, Jr. (UST)	70	.28
Jill Stein (GRN)	137	.54
Ross C. Anderson (NLP)	30	.12
WRITE-IN	149	.59

UNITED STATES SENATOR		
Note for not more than 1 (WITH 24 OF 24 PRECINCTS COUNTED)		
Pete Hoekstra (REP)	10,753	43.49
Debbie Stabenow (DEM)	13,156	53.21
Scotty Boman (LIB)	461	1.86
Richard A. Matkin (UST)	131	.53
Harley Mikkelsen (GRN)	175	.71
John D. Little (NLP)	37	.15
WRITE-IN	13	.05

REPRESENTATIVE IN CONGRESS 6TH DISTRICT		
Note for not more than 1 (WITH 24 OF 24 PRECINCTS COUNTED)		
Fred Upton (REP)	13,262	53.78
Mike O'Brien (DEM)	10,792	43.76
Christie Gelineau (LIB)	445	1.80
Mason Gatties (UST)	144	.58
WRITE-IN	16	.06

REPRESENTATIVE IN STATE LEGISLATURE 61ST DISTRICT		
Note for not more than 1 (WITH 24 OF 24 PRECINCTS COUNTED)		
Margaret E. O'Brien (REP)	13,762	57.70
Michael E. Martin (DEM)	10,046	42.12
WRITE-IN	42	.18

MEMBER OF THE STATE BOARD OF EDUCATION		
Note for not more than 2 (WITH 24 OF 24 PRECINCTS COUNTED)		
Todd A. Courser (REP)	9,959	23.32
Melanie A. Kurdys (REP)	10,318	24.16
Michelle Fecteau (DEM)	10,635	24.90
Lupe Ramos-Montigny (DEM)	8,697	20.36
Andy LeCureaux (LIB)	826	1.93
Karen Adams (UST)	782	1.83
Gail M. Graeser (UST)	345	.81
Candace R. Caveny (GRN)	693	1.62
Dwain Reynolds III (GRN)	391	.92
WRITE-IN	61	.14

REGENT OF THE UNIVERSITY OF MICHIGAN		
Note for not more than 2 (WITH 24 OF 24 PRECINCTS COUNTED)		
Dan Horning (REP)	9,674	23.18
Robert Steele (REP)	9,628	23.07
Mark Bernstein (DEM)	10,323	24.73
Shauna Ryder Diggs (DEM)	9,192	22.02
James Lewis Hudler (LIB)	613	1.47
Gregory Scott Stempfle (LIB)	543	1.30
Joe Sanger (UST)	441	1.06
Gerald T. VanSickle (UST)	276	.66
Eric Borregard (GRN)	557	1.33
Nikki Mattson (NLP)	409	.98
WRITE-IN	86	.21

TRUSTEE OF MICHIGAN STATE UNIVERSITY		
Note for not more than 2 (WITH 24 OF 24 PRECINCTS COUNTED)		
Melanie Foster (REP)	10,596	25.85
Jeff Sakwa (REP)	9,253	22.57
Joel Ferguson (DEM)	9,990	24.37
Brian Mosallam (DEM)	8,676	21.16
Michael H. Miller (LIB)	849	2.07
Bill Mohr II (UST)	469	1.14
Stephen J. Young (UST)	464	1.13
Lloyd Clarke (GRN)	614	1.50
WRITE-IN	85	.21

GOVERNOR OF WAYNE STATE UNIVERSITY		
Note for not more than 2 (WITH 24 OF 24 PRECINCTS COUNTED)		
Michael J. Busuito (REP)	9,727	24.38
Satish B. Jasti (REP)	8,558	21.45
Sandra Hughes O'Brien (DEM)	10,334	25.90
Kim Trent (DEM)	9,083	22.76
Robert Gale (UST)	531	1.33
Marc J. Sosnowski (UST)	477	1.20
Margaret Guttshall (GRN)	649	1.63
Latham Redding (GRN)	448	1.12
WRITE-IN	94	.24

VOTES PERCENT

VOTES PERCENT

PROSECUTING ATTORNEY

Note for not more than 1  
(WITH 24 OF 24 PRECINCTS COUNTED)  
 Scott Pierangeli (REP) . . . . . 12,654 54.49  
 Jeffrey S. Getting (DEM) . . . . . 10,516 45.28  
 WRITE-IN. . . . . 53 .23

SHERIFF

Note for not more than 1  
(WITH 24 OF 24 PRECINCTS COUNTED)  
 Ward D. Lawrence (REP) . . . . . 11,060 48.00  
 Richard C. Fuller, III (DEM) . . . . . 11,923 51.74  
 WRITE-IN. . . . . 59 .26

CLERK & REGISTER OF DEEDS

Note for not more than 1  
(WITH 24 OF 24 PRECINCTS COUNTED)  
 Timothy A. Snow (REP) . . . . . 12,777 56.18  
 Brian Johnson (DEM) . . . . . 9,928 43.65  
 WRITE-IN. . . . . 37 .16

TREASURER

Note for not more than 1  
(WITH 24 OF 24 PRECINCTS COUNTED)  
 Mary Balkema (REP) . . . . . 13,400 58.59  
 Grace Borgfjord (DEM) . . . . . 9,436 41.26  
 WRITE-IN. . . . . 36 .16

RAIN COMMISSIONER

Note for not more than 1  
(WITH 24 OF 24 PRECINCTS COUNTED)  
 Nasim Ansari (REP) . . . . . 10,814 47.62  
 Patricia A. S. Crowley (DEM) . . . . . 11,838 52.13  
 WRITE-IN. . . . . 56 .25

URVEYOR

Note for not more than 1  
(WITH 24 OF 24 PRECINCTS COUNTED)  
 ary D. Hahn (REP) . . . . . 14,934 97.33  
 WRITE-IN. . . . . 410 2.67

UNTY COMMISSIONER 8TH DISTRICT

Note for not more than 1  
(WITH 2 OF 2 PRECINCTS COUNTED)  
 avid C. Maturen (REP) . . . . . 436 90.64  
 WRITE-IN. . . . . 45 9.36

COUNTY COMMISSIONER 10TH DISTRICT

Note for not more than 1  
(WITH 11 OF 11 PRECINCTS COUNTED)  
 Phil Stinchcomb (REP) . . . . . 5,768 52.63  
 Connor Farrell (DEM). . . . . 5,166 47.14  
 WRITE-IN. . . . . 25 .23

COUNTY COMMISSIONER 11TH DISTRICT

Note for not more than 1  
(WITH 11 OF 11 PRECINCTS COUNTED)  
 John W. Zull (REP) . . . . . 5,551 52.09  
 Jamie J. Jager (DEM). . . . . 5,080 47.67  
 WRITE-IN. . . . . 25 .23

JUSTICE OF SUPREME COURT

Note for not more than 2  
(WITH 24 OF 24 PRECINCTS COUNTED)  
 Doug Dern . . . . . 1,124 3.28  
 Connie Marie Kelley . . . . . 6,619 19.34  
 Stephen Markman . . . . . 8,373 24.46  
 Bridget Mary McCormack . . . . . 7,532 22.01  
 Kerry L. Morgan . . . . . 1,120 3.27  
 Colleen O'Brien . . . . . 8,334 24.35  
 Bob Roddis . . . . . 963 2.81  
 WRITE-IN. . . . . 162 .47

JUSTICE OF SUPREME COURT

Note for not more than 1  
(WITH 24 OF 24 PRECINCTS COUNTED)  
 Mindy Barry. . . . . 1,508 8.21  
 Shelia Johnson. . . . . 6,973 37.98  
 Brian Zahra. . . . . 9,776 53.25  
 WRITE-IN. . . . . 103 .56

JUDGE OF COURT OF APPEALS

Note for not more than 2  
(WITH 24 OF 24 PRECINCTS COUNTED)  
 Kirsten Frank Kelly . . . . . 13,522 54.33  
 Michael Riordan . . . . . 11,122 44.69  
 WRITE-IN. . . . . 244 .98

JUDGE OF CIRCUIT COURT

Note for not more than 2  
(WITH 24 OF 24 PRECINCTS COUNTED)  
 J. Richardson Johnson . . . . . 12,021 46.69  
 Pamela L. Lightvoet . . . . . 13,511 52.48  
 WRITE-IN. . . . . 214 .83

JUDGE OF PROBATE COURT

Note for not more than 1  
(WITH 24 OF 24 PRECINCTS COUNTED)  
 Curtis J. Bell. . . . . 14,396 98.52  
 WRITE-IN. . . . . 217 1.48

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VOTES PERCENT

VOTES PERCENT

JUDGE OF DISTRICT COURT  
 Note for not more than 1  
 (WITH 24 OF 24 PRECINCTS COUNTED)  
 Paul J. Bridenstine . . . . . 14,177 98.49  
 WRITE-IN. . . . . 218 1.51

PROPOSAL 12-1  
 Note for not more than 1  
 (WITH 24 OF 24 PRECINCTS COUNTED)  
 YES . . . . . 11,690 48.78  
 NO. . . . . 12,273 51.22

BOARD MEMBER COMSTOCK PUBLIC SCHOOLS  
 Note for not more than 3  
 (WITH 2 OF 2 PRECINCTS COUNTED)  
 Richard Hathaway . . . . . 83 32.30  
 Michael Hicks . . . . . 76 29.57  
 Jacqueline Wahl . . . . . 97 37.74  
 WRITE-IN. . . . . 1 .39

PROPOSAL 12-2  
 Note for not more than 1  
 (WITH 24 OF 24 PRECINCTS COUNTED)  
 YES . . . . . 8,454 34.70  
 NO. . . . . 15,908 65.30

BOARD MEMBER COMSTOCK PUBLIC SCHOOLS  
 Note for not more than 1  
 (WITH 2 OF 2 PRECINCTS COUNTED)  
 WRITE-IN. . . . . 14 100.00

PROPOSAL 12-3  
 Note for not more than 1  
 (WITH 24 OF 24 PRECINCTS COUNTED)  
 YES . . . . . 8,613 35.37  
 NO. . . . . 15,739 64.63

BOARD MEMBER PORTAGE PUBLIC SCHOOLS  
 Note for not more than 2  
 (WITH 24 OF 24 PRECINCTS COUNTED)  
 Chelsea Herriman . . . . . 8,920 32.26  
 Rusty Rathburn. . . . . 8,955 32.39  
 Bo Snyder . . . . . 9,547 34.53  
 WRITE-IN. . . . . 228 .82

PROPOSAL 12-4  
 Note for not more than 1  
 (WITH 24 OF 24 PRECINCTS COUNTED)  
 YES . . . . . 8,475 35.11  
 NO. . . . . 15,664 64.89

BOARD MEMBER SCHOOLCRAFT COMMUNITY SCHOOLS  
 Note for not more than 2  
 (WITH 2 OF 2 PRECINCTS COUNTED)  
 Darby Fetzer . . . . . 39 53.42  
 Michael Rochholz . . . . . 34 46.58  
 WRITE-IN. . . . . 0

PROPOSAL 12-5  
 Note for not more than 1  
 (WITH 24 OF 24 PRECINCTS COUNTED)  
 YES . . . . . 6,758 28.19  
 NO. . . . . 17,219 71.81

BOARD MEMBER VICKSBURG COMMUNITY SCHOOLS  
 Note for not more than 2  
 (WITH 2 OF 2 PRECINCTS COUNTED)  
 Virgil C. Knowles. . . . . 208 47.27  
 Carol Lohman . . . . . 231 52.50  
 WRITE-IN. . . . . 1 .23

PROPOSAL 12-6  
 Note for not more than 1  
 (WITH 24 OF 24 PRECINCTS COUNTED)  
 YES . . . . . 8,118 33.35  
 NO. . . . . 16,225 66.65

BOARD OF TRUSTEES MEMBER  
 KALAMAZOO VALLEY COMMUNITY COLLEGE  
 Note for not more than 3  
 (WITH 24 OF 24 PRECINCTS COUNTED)  
 Darne Johnson Apolo . . . . . 4,848 14.30  
 Greg Kolich. . . . . 5,024 14.82  
 Susan Miller . . . . . 9,625 28.39  
 Anna L. Whitten . . . . . 8,210 24.22  
 Kenneth Young . . . . . 5,911 17.43  
 WRITE-IN. . . . . 286 .84

PORTAGE SCHOOL PROPOSAL PORTAGE PUBLIC SCHOOLS  
 Note for not more than 1  
 (WITH 24 OF 24 PRECINCTS COUNTED)  
 YES . . . . . 12,997 58.31  
 NO. . . . . 9,291 41.69

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 Note for not more than 1  
 (WITH 24 OF 24 PRECINCTS COUNTED)  
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# CITY OF PORTAGE

# COMMUNICATION

**TO:** Portage City Council

**DATE:** November 20, 2012

**FROM:** Mayor Peter J. Strazdas

**SUBJECT:** City Council Committee Appointments – **Agenda Item G.1.**

**ACTION RECOMMENDED:** That City Council approve the 2013 calendar year appointments to City Council Committees as noted.

I recommend that City Council approve the 2013 calendar year appointments to City Council Committees as noted below:

	Committee	Appointment(s)
On-going Committees	City Manager Salary Review/Evaluation Committee	Pearson (Chair), Sackley, Urban
	Water / Sewer (Utility) Rate Committee	Sackley (Chair), Campbell, Reid
	Advisory Board Review Committee	Pearson (Chair), Campbell, Reid
	City Council Investment Committee	Strazdas, Evans
	Community Survey Committee	Reid (Chair), Sackley, Urban
	City Council Property Committee	Campbell (Chair), Randall, Sackley
	City Council School / Library Committee	Strazdas (Chair), Campbell, Pearson
External / Community Committees	Kalamazoo Area Transportation Study Policy Committee	Urban, Reid (Alternate)
	Discover Kalamazoo Advisory Board	Randall
	Kalamazoo County Environmental Health Advisory Council	Randall
	Austin Lake Board	Pearson, Sackley
	Long Lake Board	Urban
	Community Action Board	Reid
	PMN Board	Reid, Sackley
	Metro Transit ADA Local Advisory Committee	Reid (Liaison)
	Kalamazoo County Public Arts Commission	Sackley
	Council of Governments (COG)	Strazdas, Reid (Alternate)
General	Pre-Council Meetings	Strazdas, Reid, Consent Agenda Reader (Rotating)
	Legislative Roll Call	Open to All
2013 Topics	Sign Committee	Sackley (Chair), Campbell, Urban
	Business & the City of Portage Committee	Randall (Chair), Campbell, Pearson
	Pre-qualified Sites Committee	Strazdas (Chair), Randall, Urban
	Lake Center Business Committee	Sackley (Chair), Pearson, Reid

## CITY OF PORTAGE

## COMMUNICATION

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**TO:** Honorable Mayor and City Council

**DATE:** November 13, 2012

**FROM:** Maurice S. Evans, City Manager



**SUBJECT:** 10323 Archwood

**ACTION RECOMMENDED:** That City Council reject the tax reverted property addressed as 10323 Archwood and authorize the City Manager to advise the Kalamazoo County Treasurer of this action by November 30, 2012.

Additional information was requested at the City Council meeting of November 6, 2012 in regard to the tax reverted property at 10323 Archwood. The attached material is provided in response. This information was shared with the City Council Property Committee on November 12, 2012. An additional communication dated November 14, 2012 from Community Development Director Vicki Georgeau is also attached and is being provided to the Council Property Committee for their meeting scheduled for November 20, 2012 at 6:30 p.m.

As outlined in the attached material, the City Administration maintains the recommendation to reject this tax reverted property. The vacant residential property at 10323 Archwood has no public purpose and can most appropriately be managed / placed into productive use through the Kalamazoo County Land Bank.

## CITY OF PORTAGE

## COMMUNICATION

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**TO:** Maurice S. Evans, City Manager

**DATE:** November 9, 2012

**FROM:** Brian J. Bowling, Deputy City Manager



**SUBJECT:** 10323 Archwood / City-owned residential properties – Information Only

Additional information was requested at the City Council meeting of November 6, 2012 in regard to a tax reverted parcel addressed as 10323 Archwood and other city-owned residentially owned property. Specific information is outlined in the attached communication from Community Development Director Georgeau concerning the property at 10323 Archwood. A separate communication from Community Development Director Georgeau is attached concerning other city-owned residentially zoned property.

The following additional information is provided concerning the parcel at 10323 Archwood:

**Taxes Owed:** The Kalamazoo County Treasurer indicates a total tax liability on this parcel of \$12,885.79. The total amount owed from the City of Portage is \$7001.59 if paid in December, regardless of whether the city accepts or rejects ownership of the parcel. The balance of the amount owed is to be addressed by other local tax jurisdictions.

**Sale Proceeds:** Should the city take possession of the parcel and sell the property at a later date, the city maintains 100% of the proceeds from the sale.

The recommendation to reject this tax reverted property is maintained. Past city-related property acquisitions have been for specific public purposes and / or strategic initiatives. The vacant residential property at 10323 Archwood has no public purpose and can be most appropriately managed / placed in productive use through the Kalamazoo County Land Bank. The Kalamazoo County Land Bank has been established as an areawide authority for the purpose of acquiring and repurposing tax foreclosed properties in Kalamazoo County. In instances where public use of tax reverted properties can not be determined, it is believed relying on the Kalamazoo County Land Bank for disposition and reuse of these properties is appropriate, eliminates a duplicative effort on the part of city staff and presents an excellent opportunity for intergovernmental cooperation and collaboration.

# CITY OF PORTAGE

# COMMUNICATION

**TO:** Brian J. Bowling, City Manager

**DATE:** November 9, 2012

**FROM:** Vicki Georgeau, Director of Community Development

**SUBJECT:** 10323 Archwood – Tax reverted property

**RECEIVED**

NOV 09 2012

CITY MANAGER'S OFFICE  
PORTAGE, MI

In response to the discussion at the November 6<sup>th</sup> Council meeting, additional review of the tax reverted property at 10323 Archwood Drive has been completed. The following information is provided for consideration:

- Subsequent to severe water damage to the two-story dwelling, Council authorized a raze order in May 2010. Community Development subsequently demolished the dwelling, removed the foundation to approximately four-feet below grade, removed the driveway, abandoned the water well and septic tank, and re-graded the site. The cost of this demolition was \$4,668, which was billed to the property owner as a tax lien. The scope of work included in the Raze Order was standard and focused on elimination of the Unsafe Structure hazard, while limiting the cost billed to the property owner, and to the city in the event the property went into tax foreclosure.
- The vacant property is 0.47 acres in size and zoned one-family residential. While there is no public sewer or water available, redevelopment for residential purposes is feasible. The estimated cost to remove the remaining foundation, abandoned septic tank and concrete debris is \$3,500. If a new home were constructed, the estimated cost for a typical water well and septic tank is \$4,000 and \$3,700 respectively. If public sewer and water were extended on Archwood, the estimated water and sewer connection costs (including the special assessment) would be \$3,800 and \$3,700 respectively. An additional \$4,500 would be incurred for the water and sewer service lines from the public mains to the dwelling.
- If the city refuses ownership of this property, it will be transferred to the Kalamazoo County Land Bank Authority. In the short term, the Land Bank intends to permit the lot to be adopted for a community garden maintained by neighborhood residents. While the neighborhood residents would be responsible for maintaining the vacant lot and garden, if maintenance issues were to arise, the Land Bank would ultimately be responsible for addressing such issues.

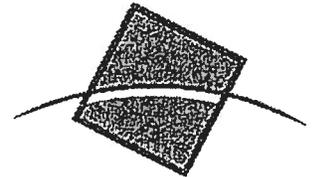
At this time, the Land Bank reportedly has no long term plans for the vacant lot. However, it is understood from my discussion with the Executive Director of the Land Bank that the long term goal is to sell all tax reverted properties for redevelopment or disposition (for example through their Side Lot Program). As additional information, attached is the 2011 Annual Report for the Kalamazoo County Land Bank Authority.

- Based on a re-evaluation by the City Assessor, the vacant lot has an estimated value of \$31,500, which has been adjusted to account for site remediation conditions. While the housing market has shown some recent improvements over the past several months, the city may not be able to sell the lot for this estimated value, and it could take an extended period of time to sell the lot for redevelopment. If the city were to own the lot, annual maintenance costs are estimated at \$1,300 (i.e. grass mowing and liability insurance costs).
- The property was inspected on October 23<sup>rd</sup> and no code violations were observed. In addition, no tall grass or other violations have been reported or observed since the dwelling was demolished. Since the property was abandoned by the property owner and Mortgagor, it is presumed the adjacent property owners have been maintaining the vacant lot.

As previously indicated, based on the above, other than recouping the cost of delinquent taxes to be paid to Kalamazoo County, the city does not have a specific public need for the property. In addition, the Kalamazoo County Land Bank Authority was recently established to specifically address the re-use and redevelopment of tax reverted properties. While the Land Bank has indicated the property may be adopted and used for a community garden in the short term, if the city were to refuse ownership of this vacant lot, it would be appropriate for the city to request the Land Bank actively pursue the sale of the lot for redevelopment.

If you have any questions or comments, I am available to meet with you at your convenience.

Attachment: Kalamazoo County Land Bank Authority 2011 Annual Report



KALAMAZOO COUNTY  
**LANDBANK**

# Kalamazoo County Land Bank Authority 2011 Annual Report

## 1. Year In Review

In its second year, the Kalamazoo County Land Bank has worked to successfully apply its mission in the neighborhoods of Kalamazoo.

Late 2010, the Land Bank acquired more than 100 properties in the city of Kalamazoo through tax foreclosure and a transfer of properties from the City of Kalamazoo. In 2011, the Land Bank has worked to repurpose those properties to stabilize and improve Kalamazoo's neighborhood's housing stock and property values, in large part through Neighborhood Stabilization Funds awarded in 2010. With its Consortium partners, the City of Kalamazoo, these funds have allowed the Land Bank to demolish, rehabilitate, and construct new housing, as well as demolish a blighted commercial building, and initiate planning and funding for quality senior living developments.

The Land Bank expanded their garden and beautification programs in 2011, expanding residential yards and implementing community gardens and greenspace. Vacant parcels have been sold to adjacent neighbors in order to adjust to the declining inner ring neighborhood population and to provide for more spacious yards and garden opportunities.

**Performance Measures:** In 2011, the Land Bank began the year with a total of 215 blighted, foreclosed and vacant properties. Through the year, 71 properties were sold or leased, and 35 parcels have projects in progress. The Land Bank acquired an additional 43 properties throughout the 2011 year, 11 of which were sold before year end. This means the Land Bank ended 2011, its first year of being staffed for the entire year, having repurposed or begun the process of repurposing 41% of its inventory.

Sales interest has been strong in 2011. The two completed rehabs were sold or had an offer pending at years end, five of the sixteen 2011 completed new homes were sold, and there is a pipeline of buyers completing required income qualification processes and seeking pre-approvals in order to make offers as well as several sales that have subsequently closed in 2012.

**Mary Balkema**

Chair  
Kalamazoo County  
Treasurer



**Kelly Clarke**

Executive Director  
Kalamazoo County Land  
Bank



**Board members:**

**Jill Bland**

Vice President  
Southwest Michigan First



**Jerome Kisscorni**

Executive Director  
CoK Economic Develop-  
ment Corporation



**James Marquardt**

Attorney  
Lewis, Reed & Allen P.C.



**Chuck Vliek**

Program Vice President  
Local Initiative Support  
Corporation (LISC)



**Staff:**

**Kenn Hartmann**

Assets and  
Acquisitions Manager



**Amanda Woodin**

Finance and Admin-  
istration Manager



**Catie Boring**

Beautification  
Coordinator,  
LISC AmeriCorps

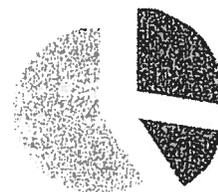


**Tom Doherty**

Special Projects  
Coordinator,  
LISC AmeriCorps

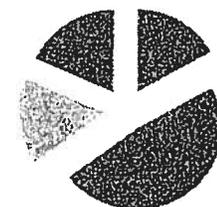


### Properties (258)



■ Sold (71)  
■ Disposition In Progress (35)  
● LB Owned (152)

### Repurposed Property Breakdown



■ Adopt-a-Lots (12)  
■ Sidelots (34)  
■ Homes Sold (12)  
■ Other (13)

Construction Progress			
Type	In Progress	Complete	Total
New Homes	7	16	23
Rehabs	10	2	12

Properties being returned to tax rolls 2011 Transactions			
Type	Sold	Pending	Total
New Homes	5	2	7
Rehabs	1	1	2
Side-Lots	34	6	40
Other	13	1	14

## 2. Organization

### Board

The 2011 board's diverse experience including real-estate, law, economic and community development has been an asset as the organization implemented a variety of programs and managed a diverse inventory of property in 2011.

Mary Balkema has continued to spearhead the organization as chairperson and has provided invaluable expertise, time and talent creating a strong partnership between the Treasurer's Office and the Land Bank and continues to provide strategic direction to the Land Bank in its efforts.

Open Meetings have been held monthly throughout the year at the Kalamazoo County Administration building.

In 2011, the Land Bank welcomed Chuck Vliek, Program Vice President at Local Initiatives Support Corporation, who has provided valuable community development expertise and knowledge to the organization.

The Land Bank thanks Justin VanderArk and Al Rowe for their invaluable service and contributions in 2011.

### Staff

The Land Bank's dedicated staff underwent a few transitions in 2011 to accommodate as programs evolved and expanded.

Former staff member, Kristen Ramer, took a job with one of the Land Bank's partners, Local Initiative Support Corporation (LISC). The Land Bank thanks Kristen for her service and wishes her success at LISC.

In order to meet the growing needs of the Land Bank, three additional positions were filled in 2011.

Kenn Hartmann was hired as the Assets and Acquisitions Manager. Kenn has managed the residential demolitions for the Land Bank, as well as larger scale projects, such as the Creamery demolition and the Senior Development contract with NACD.

In September, a second LISC AmeriCorps joined the Land Bank as a Special Projects Assistant, helping Kenn with contracts and coordinating maintenance of properties.

In December the Land Bank hired Amanda Woodin, Finance and Administration Manager, to oversee organizational accountability in the areas of finance, compliance, and administrative matters.

Kelly Clarke has continued to provide executive oversight and leadership to the organization as Executive Director and Catie Boring is continuing a second year of AmeriCorps service with the Land Bank, managing the Land Bank's vacant lot disposition plans and strategies.

### The Bright Side

The Kalamazoo County Land Bank was highlighted on the public television program, The Bright Side, a video production sponsored by the Community and Economic Development Corporation of Michigan. The Land Bank applied for a spot on the program and was chosen in November, 2011. The crew interviewed several residents involved in Land Bank projects and the program featured some of the Land Banks most transformed properties. The video can be viewed at [www.brightsidetv.com](http://www.brightsidetv.com).

### Resources

In 2011, the Land Bank was successful in leveraging additional resources complimenting the 2011 \$100,000 allocation from the Kalamazoo County Board of Commissioners and the 2010 NSP2 grant for \$6,100,00 to be expended by December 2012.

The Land Bank thanks the following funders for their generous support.

Chase Bank  
Freddie Mac  
Kendeda Fund for Sustainability  
Lake Michigan Credit Union  
Local Initiatives Support Corporation  
Metro Title  
PNC  
Waterstreet Coffee Joint



Land Bank staff take a break for a picture.

*Mission: to create vibrant communities through eliminating blighted properties, creating affordable housing opportunities, stabilizing properties and returning properties to the tax rolls*

### 3. Projects-Neighborhood Stabilization Program II

#### Single Family New Construction

At years end, through NSP and the partnership with the City of Kalamazoo, the Land Bank has supported the construction of 20 new homes-14 at Marketplace, two near completion in Stuart Neighborhood, and four completed or nearly completed in the Northside Neighborhood.

**Marketplace:** The Land Bank is working in a unique partnership with the City of Kalamazoo and the Kalamazoo Homebuilders Association to develop the 7 acre parcel called Marketplace. In 2011, 14 were built, 5 were sold, and several new homes are planned for next year.



**Willard Street:** The Land Bank acquired 3 blighted homes on the 700 block of Willard Street in Kalamazoo's Stuart Neighborhood. These 3 homes had sat vacant for years, attracting illegal activity and problems for the otherwise stable residential block. The Land Bank demolished the 3 homes, and contracted with American Village Builders to build two new homes architecturally sensitive to the historic neighborhood. The Land Bank worked with block residents, the Kalamazoo County Drain Commissioner, Pat Crowley, OCBA's Ken Peregón, Waterstreet Coffee Joint, and Metro Title to raise funds for a spring curb lawn beautification project.

**North Rose Street:** The Land Bank has worked closely with the Northside Association for Community Development to strategically build homes to improve the quality and values of the Northside Neighborhoods housing stock. The Land Bank acquired four adjacent properties in the 1000 block of North Rose and built two new homes to complement the rehabilitation of 216 Norway, an NSP rehab owned by the Land Bank.



Just three blocks south, the Land Bank was able to demolish a blighted house in the 700 block of North Rose and has replaced it with a beautiful ranch-style home at 725

North Rose built by Glas and Associates. These homes received such positive feedback; the Land Bank was able to acquire two more properties to build the fourth

North Rose Street house under construction by Roberts Development Group, at 1002 North Rose Street.

#### Rehabs

The Land Bank is working with the City of Kalamazoo to rehabilitate 15 strategically scattered homes in Kalamazoo. These homes are undergoing full gut rehabs, completely redone to meet energy standards and offer modern floor plans. In 2011, two homes were completed in early fall, one sold and the other ended the year with a pending offer. Ten are under construction and will be complete in the spring of 2012.

#### Demolitions

**Residential:** In 2011, twenty nine abandoned, vacant, dangerous and blighted residential structures were demolished. The Land Bank has replaced four of these houses with new construction. The rest of the properties have been replaced with grass and in some cases fences to tie the block together allowing the neighborhood a new sense of space and wider yards. Eight of these now demolished properties have been purchased by adjacent neighbors to expand their yard. Several of these side-lot purchasers have beautified their expanded lots with flowers and fencing.

**Commercial:** In 2010, the Land Bank acquired the Creamery Building on Portage Road. The Creamery was identified by the Neighborhood Association and residents as a dangerous building in need of demolition. The Land Bank demolished the building during the fall of 2011. The site will be replaced with interim green-space and is hoped to be eventually repurposed as a mixed use development potentially including destination retail or restaurant tenant.

#### Multi-Family Developments

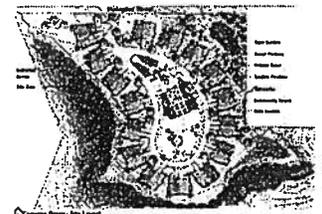
**Prairie Gardens:** In 2011, the City of Kalamazoo and Western Michigan University demolished the blighted and abandoned Blakeslee Hospital, known as the old tuberculosis sanitarium, with NSP funds. This dangerous property has been a longstanding problem for the community. The Land Bank will be replacing this with a senior housing development, Prairie Gardens. Pictured to the right, the development will offer 12 to 14 units and serve independent seniors. The development group, made up of Bycc Engineering, OCBA Landscape Architects, and Glas Associates, will start construction in the Spring of 2012. The site will be equipped with walking trails, a community garden space and garden shed. The Land Bank held a community charrette, inviting seniors to express needs and wishes for the design firm's plan.



923 Russell Rehab



Demolition and Side-lot on North Burdick Street.



Prairie Gardens Site Map

### 3. Projects-Neighborhood Stabilization Program II (continued)

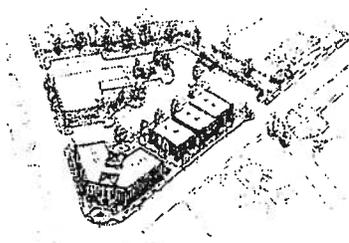
#### Multi-Family Developments (cont.):

**North Street Commons:** The Land Bank has been fortunate to work with the Northside Association for Community Development (NACD) to implement needed independent senior living in Kalamazoo's Northside Neighborhood. The City and the Land Bank are providing funding for NACD to construct a six unit independent senior living complex on its campus, adjacent to Park Street Market, the successful local grocery store, and integrated with NACD's wider plans for its campus.



*Ground Breaking at NACD's Senior Development*

### 5. In the Community



*Concept sketch for future "Creamery" development drawn by Byce Engineering.*

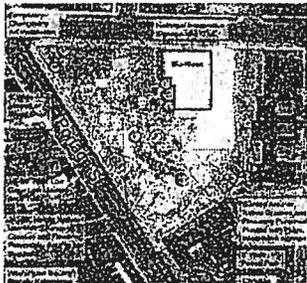
**Creamery Charrette:** The Land Bank teamed with the Edison Neighborhood Association to host a community charrette to direct the future development of the Creamery site. Thanks to Byce and Associates and OCBA, we were able to host three meetings to engage residents on their wants, needs, and wishes and to come up with a vision for the one acre parcel at the corner of Portage Street and Lake Street.

During a morning session, the Land Bank invited students from the Edison Environmental Academy to share their desires for the interim greenspace.



*Students wanted to attract butterflies and birds.*

Subsequent sessions were made up of stakeholders, such as nearby business holders and organizations, and residents from Edison Neighborhood. The re-sounding vision was for a multi-use, multi-story building, offering residents family dining and retail, and that would serve as a "destination place" attracting residents from the neighborhood, as well the wider area.



*OCBA drew this interim greenspace plan from resident and stakeholder discussion.*



*Kalamazoo College volunteers helped plant flowers on Egleston Blvd.*

**Parkway Planting:** In an effort to improve neighborhoods, block by block, the Land Bank operates the Parkway Planting Program. Through this program, blocks can apply for resources from the Land Bank to improve their block's curbside appeal through garden and greenspace enhancement. This year the Land Bank helped several blocks improve their curb appeal, including the 1700 and 1800 block of Egleston. This block is the home of the Edible Edison Garden, as well as three NSPII rehabs underway.



*Volunteer Kalamazoo & Biggs Gilmore volunteer group.*

**560 Phelps:** During the spring, the Land Bank teamed up with the Eastside Neighborhood Association, Volunteer Kalamazoo, and Biggs Gilmore to clean-up the Eastside Neighborhood, and specifically the corner of East Main and Phelps Avenue. The Land Bank has owned 560 Phelps Avenue since 2010 and has struggled to keep the property clean of litter and loitering. The Land Bank worked with two teams from Biggs Gilmore on projects around the property. One team worked to clear shrubs and brush, pick-up trash, rake and remove low-hanging branches at 560 Phelps to help deter loiterers and illegal activities. Other teams were assigned similar jobs, but the most transforming work was the repainting of the East Main Food and Beverage, the store next door to 560 Phelps. The second Land Bank team made a flower box and planted flowers at the store next to help transform the look and help with the street appeal.

**Habitat for Humanity:** The Land Bank was able to donate two properties to Kalamazoo Valley Habitat for Humanity in 2011. In turn, Habitat transformed one of the properties in two days into a new home! The Virginia Avenue property was chosen for the annual Fast Built, a project between Habitat for Humanity and the Homebuilders Association where volunteers build a home in 36



*Habitat for Humanity house.*

#### 4. Projects: Gardens and Greenspace

The Land Bank owns more than 100 vacant properties acquired through various ways- tax foreclosure, City of Kalamazoo property transfer, and NSP demolitions. In an effort to repurpose these vacant lots, the Land Bank administers several garden and greenspace programs.

**Side-Lot:** Adjacent home-owners, if eligible, may purchase Land Bank property for \$20 with an approved re-use plan. In 2011, thirty three side-lots were sold to expand neighbor's yards. A few properties were split between neighbors from each side, and one resident, Michelle Morin, purchased her backyard through the side-lot program (*pictured at right*).

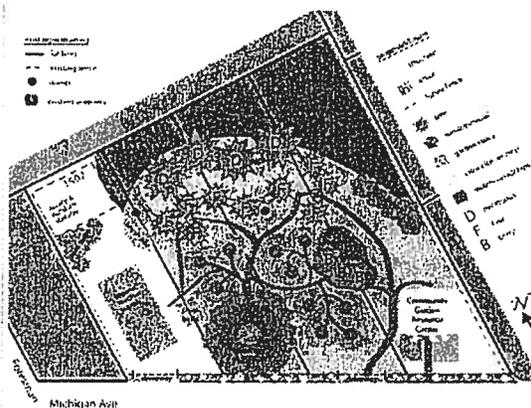
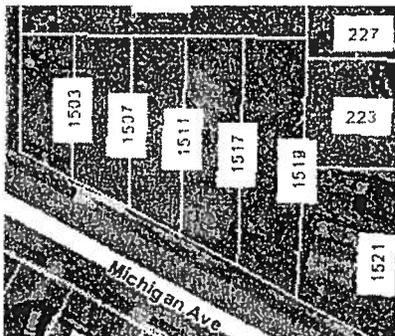
**Adopt-A-Lot:** Residents not adjacent, but interested in Land Bank property for gardening and greenspace can adopt property. Residents or groups interested in starting a community garden or pocket park can apply, and once their plan is approved can enter into a year-long lease for that property. The Campus Beet, a WMU student association adopted 1205 Summit in the spring of 2011 and started a community garden where students can learn to grow their own food, as well as connect to the surrounding WMU community through food sharing and children's events held at the garden.

**Community Garden Resource Shed:** Although many people have the desire to take on Land Bank property for gardens and greenspace, we've found that not all have the knowledge or resources to do so. To respond to this need, the Land Bank built a resource shed to use as a garden resource lending library to provide residents interested in gardens and greenspaces the resources necessary to implement their projects. The Land Bank, along with more than 50 volunteers built a handsome garden shed at 1519 East Michigan Avenue in October and November, which will receive its final touches in the spring of 2012.

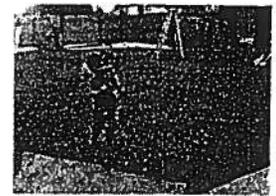
The shed sits adjacent to three Land Bank properties that have been adopted by neighbors, Dale Abbott and Tomme Maile, to establish the Trybal Revival Eastside Eco-Garden, a public permaculture garden. The shed and permaculture garden will be a hub for gardeners, novice and experienced, to borrow tools and resources to garden, as well as learn and teach others about the benefits and intricacies of gardening.

Dale and Tomme made great strides in 2011 to help repurpose the Land Bank property on East Michigan. They were awarded funds from the Kalamazoo Community Foundation to plant trees and perennials, they hosted several volunteer workdays to clean up the property-cutting down brush and picking up trash, built a fence and compost area, and made beds for spring planting in 2012. The Land Bank is excited to help support such a great community greening project!

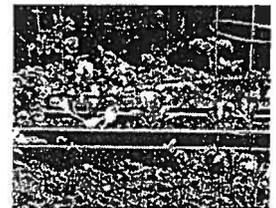
The Land Bank was awarded a grant from the Kendeda Fund to design a sustainable Community Greenhouse, where residents can grow food year round, as well as learn hands-on about gardening. The Land Bank plans to fundraise in 2012 in order to construct a greenhouse adjacent to the Community Garden Resource Shed at 1521 East Michigan Ave.



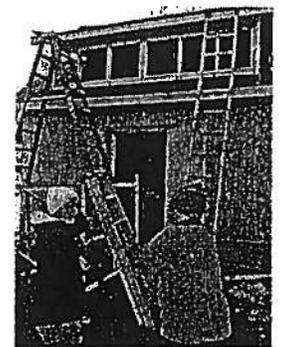
*What Is, And What Is To Come-- (Right) Aerial view of the 4 adjacent lots on East Michigan Avenue. (Left) The landscape plan for the Trybal Revival Eastside Eco-Garden and Community Garden Resource Shed.*



*Michelle Morin's children playing in their new backyard.*



*Campus Beet Vegetable Garden*



*Volunteers committed to build the shed, despite the cold.*

## 5. Thank You!

The Kalamazoo County Land Bank thanks its Board and all the dedicated partners, and volunteers that have assisted its efforts over the last year.

### Community Volunteers

Dale Abbott & Tomme Maile  
Cara & Nate Danis  
Esteven Juarez  
Larry & Sue Hill  
Kalamazoo College Student Volunteers  
Ka'Desh Community Garden  
Pamela Jenkins  
Ellen Maxwell  
Hannah McKinney  
Michigan Statewide LISC AmeriCorps  
MSU Master Gardeners  
Paul McNellis  
Olivia Rappel  
Gail Shannon  
Sherry Tomlinson  
Andy Wilkerson  
WMU Campus Beet Students

### Non-Profit Partners

Capital Access  
Center for Community Progress  
Edson Business Academy  
Edison Environmental Academy  
Fair Food Matters  
Fire  
Galilee Baptist Church  
Kalamazoo Community Foundation  
Kalamazoo Neighborhood Housing Services  
Kalamazoo Valley Habitat for Humanity  
Local Initiatives Support Corporation (LISC)  
Michigan State Land Bank  
MSU Extension-Linda Whitlock  
Volunteer Kalamazoo

### Kalamazoo Neighborhood Associations

Eastside-Pat Taylor  
Edison-Tammy Taylor  
Fairmont-Melissa Linkfield  
Northside-Mattie Jordan-Woods  
Stuart-Matthew Baldwin-Wilson

### City of Kalamazoo

City Commissioners & Mayor  
Martha Aills  
Dorla Bonner  
Jeff Chamberlain  
Anna Crofoot  
Sharron Ferraro  
Laura Lam  
Lee Larson  
Gracia Mason  
Robert McNutt  
Rick Suwarsky

### Kalamazoo County

County Board of Commissioners  
Dave Artley  
Peter Battani  
Thom Canny  
Pat Crowley  
Jason Enos  
John Faul  
Lotta Jarnefelt  
Cheri McCaffery  
Register of Deeds Department

### Kalamazoo County Treasurer's Staff

Starr Adams  
Peggy Bresnahan  
Diane Burlew  
Sherry Coffey-Ezell  
Julie Harrison  
Billie Longnecker  
Greg Vliestra  
Mary Wyatt

### Past and Present Board Members

Mary Balkema  
Jill Bland  
Jerome Kisscorni  
James Marquardt  
Al Rowe  
Justin VanderArk  
Chuck Vliet

### Other Partners

American Village Builders  
Bronson Hospital  
Byce & Associates  
Cutting Edge  
DLZ  
Durwood Custom Homes  
Envirologic  
Fleis & VandenBrink  
Glas Associates  
Hidden Savanna Nursery  
Home Builders Association of Greater Kalamazoo  
The Home Depot  
Homrich  
Jacqua Realtors  
Jim Roberts Construction  
Kalamazoo College  
Kalamazoo Family Health Center  
Lam & Associates  
Lowe's  
Martz Home Builders, LLC  
Mary Ann's Michigan Trees  
Metro Title  
Milan Salon  
Millennium Restaurant Group  
Miller Davis  
OCBA Landscape Architects  
Park Place Remodeling  
Prudential Preferred Realtors  
Roberts Development Group, Inc  
RE/MAX Advantage  
Southwest Michigan Appraisal  
The Growing Place, LLC  
Water Street Coffee Joint  
Wenke Greenhouses  
Western Michigan University

**Land Bank Volunteers of the Year:** The Land Bank would like to recognize spectacular community volunteers for their selfless dedication of talent and service to their communities. This year, the Land Bank recognizes Dale Abbott and Tomme Maile of the Eastside Neighborhood and Andy Wilkerson of the Northside Neighborhood. These three individuals have gone above and beyond to create a clean, safe, and pleasing natural and built environment for their neighborhoods and their work is greatly appreciated!



**RECEIVED**

NOV 14 2012

**CITY OF PORTAGE**

**CITY MANAGER'S OFFICE COMMUNICATION**  
**PORTAGE, MI**

---

**TO:** Maurice S. Evans, City Manager

**DATE:** November 14, 2012

**FROM:** Vicki Georgeau, <sup>16</sup>Director of Community Development

**SUBJECT:** 10323 Archwood, tax reverted property, and Kalamazoo County Land Bank Authority tax capture

In response to the discussion at the November 12<sup>th</sup> Council Property Committee, the following additional information is provided in regard to questions raised by Committee members:

- The manner in which the 10323 Archwood property was listed and offered through the county's tax sale auction. On April 17, 2012, the Kalamazoo County Treasurer provided the attached notice to the Portage Treasurer regarding tax foreclosed properties in the city. The communication indicates that local units of government can purchase tax foreclosed properties prior to the initial Public Land Auction, provided a Public Purpose can be identified. The City of Portage did not complete the "Application to obtain Real Estate for Public Purpose" for any of the tax foreclosed properties within the City of Portage.

On July 31, 2012, an initial Public Land Auction was held, during which the property at 10323 Archwood was listed for sale with a minimum bid of \$14,250 (consisting of delinquent taxes, interest, penalties and costs associated with the foreclosure process). A second Public Land Auction was held on September 24, 2012 with no minimum bid requirement. During the second auction, the property was included for sale in a "bundle" of over 50 other properties. As you know, the property did not sell at either auction, and will now be conveyed to the City of Portage unless the city formally refuses the property.

The County Treasurer "bundles" tax foreclosed properties for sale for a myriad of reasons, but in general, the vast majority of such properties have conditions that make them inappropriate for private ownership. It is rare that a group of bundled properties will be purchased at auction by a private property owner, which is the intent of the County Treasurer (Note: According to Title Check LLC, which administers the Public Land Auctions for over 50 counties in Michigan, this is a common practice utilized by County Treasurers). Subsequent to the second auction, many of the bundled properties may be conveyed to the Kalamazoo County Land Bank Authority, while many others may be retained by the Kalamazoo County Treasurer.

As additional information, attached is a summary of the Michigan Public Land Auction process, and a description of the manner in which tax foreclosed properties are posted and listed for sale. In addition, a notice of the Public Land Auction is published in a newspaper of general circulation, and many County Treasurers also utilize print, radio and outdoor advertising media to promote such auctions.

- Prior tax reverted properties offered to the city as first right of refusal. As noted above, each year after the tax foreclosure process is complete, the County Treasurer notifies local Treasurers of tax foreclosed properties available for purchase through “first right of refusal” provided there is a public purpose. With regard to tax reverted properties that did not sell at auction and are to be conveyed to the city unless refused, the Finance Director has no documentation of a prior similar circumstance.
- Written information regarding the Land Bank Authority's capture of increased tax revenues for a period of 5 years after redevelopment occurs. Attached are two documents that explain the “Eligible Tax Reverted Property Specific Tax” that applies to properties sold by a Land Bank Authority. In summary, a property held by a Land Bank Authority is tax exempt and a property sold by a Land Bank Authority receives the 50% of the property taxes for a five-year period after the sale. This tax is to assist with the costs of administration of a Land Bank Authority.

If you have any questions or comments, I am available to meet with you at your convenience.

Attachments: April 17, 2012 communication from Kalamazoo County Treasurer  
Michigan Public Land Auction General Information and Tax Sale Website information  
Frequently Asked Questions for Taxes Collected on Property Owned or Sold by a Land Bank Fast  
Track Authority  
State Tax Commission Bulletin No. 12 of 2004

C: Brian J. Bowling, Deputy City Manager  
Daniel Foecking, Finance Director  
James Bush, City Assessor



## Kalamazoo County Treasurer

201 West Kalamazoo Avenue, Rm. 104 • Kalamazoo, Michigan 49007  
Phone: (269) 384-8124 • Fax: (269) 383-8905

Mary Balkema, Treasurer  
Greg Vlietstra, Deputy Treasurer

April 17, 2012

Dear Local Treasurer:

Please find enclosed a listing of properties in your city/township/village that were foreclosed upon pursuant to Public Act 123. Under PA 123, your board may purchase any or all of these properties by paying the minimum bid prior to the public auction which will be held in early August.

Properties purchased can only be used for public purpose. The Attorney General's office has concluded that Public Purpose generally means an activity that meets all of the following standards:

1. The activity will benefit the community as a body.
2. The activity is directly related to the functions of government. (i.e. parks, cemeteries, parking)
3. The activity does NOT have as its primary objective the benefit of a private interest.

Taking a parcel by the local unit and giving or selling it to a non-profit or an individual is not a public purpose.

If you are interested in purchasing any of the properties, please complete the attached application and return to me so the property can be withheld from the auction. Subsequently, I will also eventually need the approved minutes from the Board meeting where action is taken.

If I do not receive the application by June 1, 2012, I will assume you have no interest in the parcels and I will place them in the auction.

If you have any questions or comments, please call me at 269 384-8134.

Thank-you,

Mary Balkema  
Kalamazoo County Treasurer

# Application to obtain Real Estate for Public Purpose

Pursuant to Michigan Compiled Laws, Section 211.78m

Name, Address, Phone number and Contact Person of Local Unit making application:

## Parcel Information:

Tax ID #:

County:

City/Village/Township Name:

Street address:

**Public Purpose for acquiring this property is (describe in detail):**

This acquisition  **has**  **has not** been specifically authorized by resolution of the governing body of the Local Unit. (**Attach minutes and resolution**)

The Local Unit  **does**  **does not** plan to resell or transfer this property to another person, entity or group.

Entity is:

- Individual(s)    A non-profit entity    A for Profit entity  
 A government Board, Commission, Agency or Department.

Name and address of Purchaser (if known at this time):

If property is being sold or transferred, please state end-users Public Purpose of this property:

Will property be returned to the tax roll?

Yes

No

**Applicable regulation Disclosure:**

The Foreclosing Governmental Unit (FGU) discloses that MCL 211.78m requires:

- That a sale/transfer under this section must be for a **“Public Purpose”**;
- That if the property is sold or transferred at a profit (as therein defined), that such profit **MUST be returned to the FGU** and deposited in its delinquent tax property sales proceeds account for the year in which the property was purchased by the city, village, township, or county.

The Foreclosing Governmental Unit (FGU) requires, as a condition of this application, that the Local Unit agrees to:

- **Fully indemnify the FGU** and its agents for any and all costs, damages, awards, fees and other matters which may arise from, or as a consequence of, the foreclosure through which the property was obtained, including (but not limited to): title defense actions, environmental remediation, and boundary disputes.
- **Maintain and perpetuate the "Public Purpose" use** of the property.
- **Reconvey the property to the FGU** (at the unilateral option of the FGU, without "profit" as defined in MCL 211.78m) at any time it is no longer used for the specific "public purpose" given herein, unless a suitable alternate "public purpose" has been approved by the FGU.
- **Obtain approval of the FGU for any sale or transfer** of this property not herein disclosed, at any time in the future that it may occur, at least 14 days prior to such event.
- **Provide copies** of all transfer documents and financial settlement statements regarding any sale or transfer, within 30 days of such event, without further request.
- **Compensate the FGU** for any "profit" (as defined in MCL 211.78m) in this same time period if the property is sold or transferred.

**These conditions must be agreed to by the Applicant, and will be made covenants/restrictions to such transfer in the conveyance documents.**

The Applicant  agrees  does not agree to the terms disclosed above, and consents to their inclusion in the documents of conveyance.

Submitted by :

Signature: \_\_\_\_\_

Name and official capacity:

Application dated :    /    /

---

*For FGU Use*

Received:    /    /    Response:     Approved     Denied

04/17/2012  
10:35 AM

FORECLOSURE LIST FOR KALAMAZOO COUNTY  
For 2012 Foreclosures of 2009 and prior taxes  
CITY OF PORTAGE

BY: PMIBRES

Interest Computed As Of Foreclosure Date

PARCEL	TAX INTEREST/FEES DUE	DUE	TOTAL DUE	TAX YEARS DELINQUENT
90-3402-036-0	20,172.61	7,529.38	27,701.99	2011 2010 2009 2008 2007

HIGHLAND BROOK #2 LOT 36

Property Address: 4433 BRIARHILL DR PORTAGE MI  
Owner: JP MORGAN CHASE BANK

90-5760-015-0 11,601.31 2,892.85 14,494.16 2011 2010 2009

NORTONS SUBDIVISION LOT 15

Property Address: 22960 10332 PORTAGE RD PORTAGE MI  
Owner: SUPERIOR REAL ESTATE INVEST CO

90-5820-007-0 10,599.62 2,286.17 12,885.79 2011 2010 2009

OAK FOREST PARK LOT 7

Property Address: 10323 ARCHWOOD DR PORTAGE MI  
Owner: CLARK VI, GEORGE W

90-6241-039-O      122.54      355.49      478.03      2011 2010 2009

PLATEAU ACRES #2 LOT 39

Property Address: 2611 ROLLING HILL AV PORTAGE MI  
Owner: VAN VOORST, ELIZABETH F

---

90-7200-059-O      803.53      503.64      1,307.17      2011 2010 2009

ROSEDALE SUBDIVISION LOT 59

Property Address: 8116 HOWARD ST PORTAGE MI  
Owner: BORGES, JOSE LUIS & MARIA I

---

90-9057-013-O      3,368.00      987.13      4,355.13      2011 2010 2009

WESTNEDGE HEIGHTS LOTS 13-14-15-16 BLK H

Property Address: 5927 UTAH AV PORTAGE MI  
Owner: WELCH, TIMOTHY C

---

PARCEL COUNT: 6      46,667.61      14,554.66      61,222.27

Don't Have an Account? Click Here to Register Now!

USERNAME

PASSWORD

[sign in](#)

[Forgot Your Password?](#)

[Just want to watch? Click here!](#)

[We are showing LIVE video feeds when possible! Click here for more information.](#)

[Click Here For Previous Auction Results](#)

The catalogs listed in bold above are those with lot information available. The others will be loaded as we gather data. The information listed here is ALL the information we currently have. Please do not call requesting information on particular lots.

[Contact Information](#)

**Mailing List**

[Sign Up](#)

Enter your e-mail address to be part of our mailing list.

## Michigan Public Land Auction

### General Information

If you are unfamiliar with the tax sale process, please view our frequently asked questions.

Public Act 123 of 1999 dramatically reformed the method by which Michigan County Governments manage tax-delinquent real-estate.

Under prior law, liens on parcels were offered to private investors at the annual May tax sale. Property owners were then subject to foreclosure of these liens and ultimately the loss of their property. Those property liens not purchased by private investors (usually the less desirable properties) ultimately reverted directly to the State of Michigan, which processed them and sold them at regional 'scavenger sales' held by the Michigan Department of Natural Resources.

Under the new law, the sale of liens has been replaced by direct foreclosure to the County Treasurer, or to the State of Michigan if the County 'opts out' of participating in the process. The properties are then sold by deed at auction.

For investors and buyers this system eliminates the uncertainty of predicting which property owners will redeem their parcels from lien sale. At the new land auctions the high bidder is awarded a deed to the parcel, and all of the previous complications involving tax lien foreclosure are removed.

12 Michigan counties 'opted out' of the new system, and the sale of lands foreclosed by these county treasurers is being handled by the Michigan Department of Treasury. Information regarding land sales in these counties can be obtained on the Michigan Department of Treasury auction webpage.

Title Check, LLC which acts as the authorized representative in foreclosure for 56 of the 83 counties in Michigan, currently acts as the liquidation agent for 52 Michigan counties. Parcels which will be offered on behalf of these counties can be viewed on this website.

There are at least 2 annual sale dates for these parcels, with the first sale requiring a minimum bid to purchase the lands. This minimum bid consists of the property taxes for which the parcel reverted, as well as accrued interest, penalties, and other costs associated with the foreclosure process. This minimum bid auction takes place at a date not earlier than July at the discretion of the seller. The second auction, which takes place at least 28 days after the reserve auction, is an absolute sale, where the highest bidder becomes the buyer with no minimum bid requirement.

In a few counties the auctions are only held locally, and there is no method for online bidding. We can, however accept absentee bids verbally with the proper identification and deposit.

In most auctions however, the buyers 'on the floor' bid in real-time against buyers from around the world via online live auctions.

**All of the property information we have available is listed on this site.** If you need additional information, please contact the local assessor for the City/Village/Township the property is located in. We do not have lot sizes, property condition reports, maps or other similar detail beyond what is already listed on this site.

#### Online Sale Information

A number of the counties affiliated with Title Check, LLC have authorized sale of parcels via internet bidding as a parallel method to the on-site 'live' auctions. In these instances, internet bids will be taken at the same time as the live auction through our website.

### Information and Guidelines

- [Online Registration](#)
- [Online Instructions](#)
- [Parcels I am watching](#)
- [General Information](#)
- [Before the sale](#)
- [Rules of auction](#)
- [Registering ON SITE](#)
- [Pre Bid Instructions](#)
- [Useful Forms](#)
- [Links](#)
- [More FAQs...](#)

[Find Parcel](#)



[Home](#)

**In order to bid online:**

- 1.) You must register on our site.
- 2.) You must have a valid credit card with \$1000.00 USD available to post as a deposit.

You will be required to pre-authorize a \$1,000 charge against a major credit card prior to being allowed to bid on-line even if you are a prior customer. If you are not the successful bidder in any online sales, there will be no charge to your account. **BE ADVISED** the authorization may take 30-60 days to self-expire. **(Debit card users BE AWARE, holds are released by your bank!)** We do not (and can not) release any holds on credit cards.

The pre-authorization must be placed **not more than 30 days** prior to the sale date. One authorization is acceptable for all auctions occurring within 30 days of its placement.

In addition to the winning bid amount, internet bidders pay a 13% BUYER PREMIUM, with a 3% discount for payment by cash, check, money order, bank, cashiers, or travellers check. There is also a \$20 fee for PROCESSING AND RECORDING OF THE DEED for each parcel.

If you fail to complete the transaction for any reason, your credit card will be charged the amount of \$1000 which will be forfeited as a non-refundable deposit (regardless of the purchase amount of the auction parcel(s) bid on), and you will be banned from future bidding.

We've heard almost every imaginable excuse from bidders that get Buyer's Remorse.. Be aware that there are NO exceptions to this deposit forfeiture rule. If you bid on the wrong parcel. or change your mind. you still bought it!

**Be prepared to pay or do not bid!**

**PLEASE BE ADVISED:** Michigan Law gives County Treasurers the right to pursue legal action against bidders who refuse to complete transactions. This may include (but not be limited to) suit to compel completion of the sale, and/or criminal charges of fraud or other intentional act.

Don't Have an Account? Click Here to Register Now!

USERNAME

PASSWORD

Forgot Your Password?

Just want to watch? Click here!

We are showing LIVE video feeds when possible! Click here for more information.

[Click Here For Previous Auction Results](#)

The catalogs listed in bold above are those with lot information available. The others will be loaded as we gather data. The information listed here is ALL the information we currently have. Please do not call requesting information on particular lots.

Contact Information

Mailing List

Enter your e-mail address to be part of our mailing list.



## Michigan Public Land Auction

**Welcome to the tax-sale.info website!**

We have begun posting auction properties to our website in the counties where the data has become available. Please remember, the lists posted online at this time are considered to be **VERY TENTATIVE** lists in many instances; and many parcels may be added, removed, or bundled over the next few months prior to auction. The State and local units of government have the "first right" to acquire property for public purpose prior to auction date.

Signs are posted on property when we visit them to photograph and document them. It may be several days after signs appear before there is information about the property available on this website. If you see a sign but do not find information here yet, please be patient and check back in a day or two. Please note that *the office staff has no more information than what is posted here.*

Also, **NEW** to this year we have added a Facebook page which will feature some of our best properties, and allow potential buyers to ask questions about them, and receive answers. This link can be found at: <https://www.facebook.com/TCAuctions>.

We also have an improved Pre-Registration system that will allow on-site buyers to Pre-Register prior to the auction, and input their deed information fields for various deed sets to customized grantees. This will speed up the check-in/check-out process for on-site buyers, and help to expedite the auction process. **Please utilize the upgraded online Pre-Registration process to cut your check-in/check-out time in half!**

Thank you for your patience!

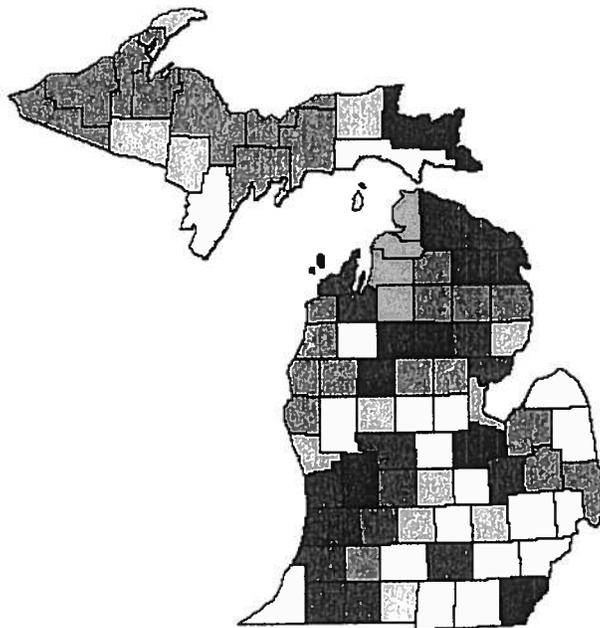
**A reminder**

It is illegal to enter buildings to "inspect" them, even if they are already open. Treasurers can and WILL prosecute anyone caught breaking and entering properties to "inspect" them.

**Information and Guidelines**

- General Information
- Before the sale
- Rules of auction
- Registering ON SITE
- Registering for ONLINE bidding
- Pre Bid Instructions
- Useful Forms
- Links
- More FAQs...

Click on a county to view its available parcels.



Find a Parcel

Go



*Michigan Land Bank  
Fast Track Authority*

## **Frequently Asked Questions for Taxes Collected on Property Owned or Sold by a Land Bank Fast Track Authority**

### **What is the Eligible Tax Reverted Property Specific Tax?**

P.A. 260 of 2003 (known as the Tax Reverted Clean Title Act) provides for the levy of a specific tax upon property sold or otherwise conveyed by a Land Bank Fast Track Authority which qualifies for the five-year exemption (see State Tax Commission Bulletin – 2004-12 – [http://www.michigan.gov/treasury/0,1607,7-121-1751\\_2228\\_2230\\_28932-104691--,00.html](http://www.michigan.gov/treasury/0,1607,7-121-1751_2228_2230_28932-104691--,00.html)). The legal name for the tax is the **Eligible Tax Reverted Property Specific Tax**.

### **How is the Eligible Tax Reverted Property Specific Tax Collected and when is it levied?**

The specific tax levied on certain properties sold or otherwise conveyed by a Land Bank Fast Track Authority is an annual tax, payable at the same times, in the same installments, and to the same officer or officers as taxes imposed under the General Property Tax Act and the State Education Tax Act.

### **Where does the money go?**

To assist with the costs of administration of the Land Bank Fast Track Authority, the Act (PA 260 of 2003) allows for 50% of the property taxes to be distributed to the Authority that sold the property.

For summer taxes, 50% of the State Education Tax (SET) and 50% of the county allocated mills must be distributed to the Land Bank Fast Track Authority that sold the property and the 50% difference paid to the taxing unit.

**Example:** If the total summer tax bill is \$1,000, once paid by the taxpayer - then 50% or \$500 would be attributed to the Land Bank Fast Track Authority that sold the property, and the remainder would be distributed in accordance with the General Property Tax Act – so 3 out of the 6 mills of the SET and 50% of the county allocated would be transmitted to the County Treasurer for processing in accordance with MCL 211.43 (10 business days after the 1<sup>st</sup> and 15<sup>th</sup>).

**Frequently Asked Questions for Taxes Collected on Property Owned or Sold by a  
Land Bank Fast Track Authority  
Page 2 of 4**

**What form must be used to transmit a school aid payment relating to 50% of the 18  
local operating mills for the Eligible Tax Reverted Property Specific Tax?**

The county treasurer should use a voucher entitled "Return for Michigan State Education Tax, Mobile Home Tax, Agriculture Property Recapture Tax, and Eligible Tax Reverted Property Specific Tax" which is a Michigan Department of Treasury Form 2720 – [http://www.michigan.gov/documents/taxes/2720\\_183021\\_7.pdf](http://www.michigan.gov/documents/taxes/2720_183021_7.pdf) to submit the school aid fund payments.

**See State Tax Commission Memorandum date June 28, 2005 and STC approved  
Distribution Worksheet for the Eligible Tax Reverted Property Specific Tax**

A city or township treasurer should check with the county treasurer to determine how best to transmit payments to the county.

As required by MCL 211.1025 [http://www.michigan.gov/documents/STCMemo\\_6-28-05\\_130118\\_7.pdf](http://www.michigan.gov/documents/STCMemo_6-28-05_130118_7.pdf):

(5) For intermediate school districts receiving state aid under sections 56, 62, and 81 of the state school aid act of 1979, 1979 PA 94, MCL 388.1656, 388.1662, and 388.1681, of the amount of eligible tax reverted property specific tax that would otherwise be disbursed to an intermediate school district, all or a portion, to be determined on the basis of the tax rates being utilized to compute the amount of state aid, **shall be paid to the state treasury to the credit of the state school aid fund** established by section 11 of article IX of the state constitution of 1963.

(6) The amount of eligible tax reverted property specific tax described in subsection (2) that would otherwise be disbursed to a local school district for school operating purposes **shall be paid instead to the state treasury and credited to the state school aid fund** established by section 11 of article IX of the state constitution of 1963.

For a county treasurer or staff of the Office of County Treasurer, please use Michigan Department of Treasury Form 2720 – [http://www.michigan.gov/documents/taxes/2720\\_183021\\_7.pdf](http://www.michigan.gov/documents/taxes/2720_183021_7.pdf), to transmit the portion of the taxes to be credited for the school aid fund. Please mail this to Department 77627, Michigan Department of Treasury, P.O. Box 77000, Detroit, MI 48277-0627. If you have any additional questions you may call (517) 373-3227.

**Frequently Asked Questions for Taxes Collected on Property Owned or Sold by a  
Land Bank Fast Track Authority  
Page 3 of 4**

**Where should a local unit send a payment to the State Land Bank Fast Track Authority?**

State of Michigan Land Bank Fast Track Authority  
PO Box 30766  
Lansing, Michigan 48909

**Where should one call or send correspondence regarding property sold or currently held by the State Land Bank Fast Track Authority?**

State of Michigan Land Bank Fast Track Authority  
7150 Harris Drive  
Lansing, Michigan 48909

Phone (517) 636-5149

**Where should a local unit send a payment for the County Land Bank?**

Please check with your county treasurer on how to process your county land bank payment.

**Where does the local unit send the 50% of the SET for those properties that fall under an – Eligible Tax Reverted Property Specific Tax?**

As required by MCL 211.1025 [http://www.michigan.gov/documents/STCMemo\\_6-28-05\\_130118\\_7.pdf](http://www.michigan.gov/documents/STCMemo_6-28-05_130118_7.pdf), a local unit collecting the summer SET payments for property sold or otherwise conveyed by a Land Bank Fast Track Authority that qualifies for the five-year exemption, should send these payments on to the county treasurer in the same manner as required by MCL 211.43. Please check with your county treasurer to ensure that your local unit is reporting this detail in a format that will agree with the county's settlement process.

**What if the five-year exemption overlaps with the last years of a Renaissance Zone where the taxes are not totally exempt?**

See [STC Bulletin 12 of 2004](#) and [PA 376 of 1996](#)

**When does the Eligible Tax Reverted Property Specific Tax Apply?**

The specific tax is not levied upon property still held by the Land Bank Fast Track Authority. The specific tax only applies to those properties sold or otherwise conveyed by a Land Bank Fast Tract Authority and is exempt from regular property taxes for a five-year period.

**When does the five-year exemption start for the Eligible Tax Reverted Property Specific Tax? Is it applied for the total tax year? For example the property is conveyed after the summer taxes but before the winter taxes – similar to a BOR adjustment does it apply for only the taxes going forward or are adjustments made during the year of the sale or conveyance?**

Property owned by a Land Bank Fast Track Authority is exempt from ad valorem property taxes. If the property was exempt before acquired by the Authority it remains exempt. If the Authority acquires property other than through tax foreclosure and it is not exempt when acquired, it becomes exempt the following year, *i.e.*, as of December 31 of the year acquired by the Authority, and the Authority may be responsible for the taxes in the year it was acquired. If the Authority acquires property by tax foreclosure at the end of the foreclosure process, it is also exempt for the year of acquisition. When the Authority sells or conveys the property, it is exempt from the ad valorem property tax, but subject to the specific tax, for the following five years.

Example: The Land Bank Fast Track Authority takes ownership of a property in May 2004 and sells it in July 2007. The property is not exempt from 2004 property taxes unless the property was already exempt; the Authority is responsible for making sure the 2004 taxes are paid. The property is exempt for 2005, 2006 and 2007. The property is exempt from the ad valorem property tax, but subject to the specific tax, for the five years after it is sold by the Authority. Thus, the property is exempt for 2007, but is subject to the specific tax for 2008 through 2012.

**How are the payment of taxes handled for property located within a Brownfield Plan?**

Property included in a Brownfield plan under the Brownfield Redevelopment Financing Act (BRFA), MCL 125.2651 et seq., is not exempt from ad valorem real property taxes under the General Property Tax Act, MCL 211.7gg, and will not yield specific taxes to the Land Bank Fast Track Authority, if the Brownfield plan includes assistance to the Land Bank Fast Track Authority to clear or quiet title to the property or sell or otherwise convey the property. MCL 211.7gg(3). However, the Land Bank Fast Track Authority would not lose its specific tax proceeds where the Brownfield plan includes assistance to the Land Bank Fast Track Authority to clear or quiet title to the property or sell or otherwise convey the property if the Land Bank Fast Track Authority had pledged the specific tax for the repayment of bonds, notes or a reimbursement agreement, prior to selling the property, unless the Land Bank Fast Track Authority agrees to waive its proceeds. If BRFA funds are not used to clear or quiet title to the property or sell or otherwise convey the property, the Land Bank Fast Track Authority will receive its specific tax revenues from property in a Brownfield based on the taxable value of the property (although the other 50% of the specific tax is subject to capture under the BRFA).

www.michigan.gov  
(To Print: use your browser's print function)

Release Date: November 16, 2004  
Last Update: November 16, 2004

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State Tax Commission Bulletin No. 12 of 2004

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DATE: October 28, 2004  
TO: Assessors Equalization Directors  
FROM: State Tax Commission

SUBJECT:

**1) Exemption of Property Owned or Sold  
by a Land Bank Fast Track Authority**

**2) Specific Tax Levied Upon Owners of  
Eligible Tax Reverted Property**

Public Acts (P.A.) 260 and 261 of 2003 were signed by Governor Granholm on January 5, 2004, with an effective date of January 5, 2004. Copies of these acts are available on the Internet at [www.michiganlegislature.org](http://www.michiganlegislature.org). When you reach the site, click on **Public Acts** and enter the act number and the year **2003**.

**P.A. 261 of 2003** provides for an exemption from taxation under the General Property Tax Act for the following:

1. Property whose title is held by a Land Bank Fast Track Authority.
2. Certain property conveyed by a Land Bank Fast Track Authority. This exemption is for a 5-year period.

The provisions of P.A. 261 of 2003 will be discussed in paragraph A of this bulletin.

**P.A. 260 of 2003** provides for a specific tax to be levied upon the owners of Eligible Tax Reverted Property. The provisions of P.A. 260 of 2003 will be discussed in paragraph B of this bulletin.

**NOTE:** There are also 4 other related laws which will not be discussed in this bulletin. They are P.A. 258 of 2003, P.A. 259 of 2003, P.A. 262 of 2003, and P.A. 263 of 2003.

1. P.A. 258 of 2003 (HB 4483) authorizes the creation of Land Bank Fast Track Authorities.
2. P.A. 259 of 2003 (HB 4480) amends the Brownfield Redevelopment Financing Act.
3. P.A. 262 of 2003 (HB 4488) allows the State Treasurer to invest surplus funds in loans to a Land Bank Fast Track Authority or a Brownfield Redevelopment Authority.
4. P.A. 263 of 2003 (HB 4484) amends certain provisions of the General Property Tax Act dealing with notice requirements to delinquent property tax holders.

## **A) Exemption of Property Owned or Sold by a Land Bank Fast Track Authority.**

**P.A. 261 of 2003** exempts the following 2 groups of properties from the collection of taxes under the General Property Tax Act, **STARTING IN 2005**.

**NOTE:** The exemption for the second group listed below is for a period of 5 years.

1. Real property whose title is held by a Land Bank Fast Track Authority on December 31 of the prior year. 2005 is the first year that property held by a Land Bank Fast Track Authority can qualify to be exempt, provided that the title to the property was held by the Land Bank Fast Track Authority on 12-31-04.

**NOTE:** Land Bank Fast Track Authorities, generally speaking, are authorized by P.A.258 of 2003 to acquire, quiet title to and dispose of tax-reverted property.

2. **For a period of 5 years**, real property (not including property discussed in the **Exception** below) sold or otherwise conveyed by a Land Bank Fast Track Authority. The 5 year exemption period starts in the assessment year following the year that the property is conveyed by the Land Bank Fast Track Authority and continues for an additional four years after that.

**EXCEPTION:** The 5-year exemption for property sold or otherwise conveyed by a Land Bank Fast Track Authority does NOT include certain property included in a Brownfield Plan under the Brownfield Redevelopment Financing Act. Property in a Brownfield Plan shall NOT receive the 5-year exemption discussed above if BOTH of the following conditions are satisfied:

(a) The brownfield plan for the property includes assistance provided to a Land Bank Fast Track Authority authorized by section 2(l)(iv)(E) of the brownfield redevelopment financing act, (MCL 125.2652).

AND

(b) If the land bank fast track authority has issued bonds or notes, or has entered into a reimbursement agreement, pledging or dedicating the specific tax levied under the Tax Reverted Property Clean Title Act prior to the sale of the property to which the 5-year exemption applies, the land bank fast track authority approves the release of the 5-year exemption.

## **B) The Specific Tax Levied Upon Owners of Eligible Tax Reverted Property.**

**P.A. 260 of 2003** (known as the Tax Reverted Clean Title Act) provides for the levy of a specific tax upon property sold or otherwise conveyed by a Land Bank Fast Track Authority which qualifies for the 5-year exemption discussed earlier in this bulletin. This specific tax is also referenced in P.A. 261 of 2003. The legal name for the tax is the **Eligible Tax Reverted Property Specific Tax**.

**NOTE:** While the State Tax Commission is not generally authorized to supervise the administration of specific taxes, the following information is being provided as a service to assessors.

**IMPORTANT NOTE:** The specific tax is not levied upon property still held by the Land Bank Fast Track Authority. It only applies to those properties sold or otherwise conveyed by a Land Bank Fast Track Authority AND exempt from regular property taxes for a 5-year period.

### **1) Determination of True Cash Value and Taxable Value by the Assessor.**

**P.A. 260 of 2003** provides that a Land Bank Fast Track Authority shall provide to the assessor a list of all property sold or otherwise conveyed by the Land Bank Fast Track Authority in that calendar year. P.A. 260 of 2003 provides that this list must be provided no later than December 31 of each year.

P.A. 260 of 2003 further states that the assessor shall determine the true cash value and taxable value of these parcels in the same way that they are determined under the General Property Tax Act. This means that status day for the estimate is December 31 of the prior

year. This also means that the same rules for capping and uncapping taxable value apply.

## 2) Homeowner's Principal Residence Exemption.

The amount of the specific tax in each year is the amount of tax that would have been collected on a parcel under the General Property Tax Act, if that parcel was not exempt. An owner of property subject to the specific tax, where the property is a homeowner's principal residence, may claim an exemption for that portion of the specific tax attributable to up to 18 mills of school operating tax to the extent that the exemption is available to properties assessed on the regular assessment roll. An owner of property subject to the specific tax must claim the homeowner's principal residence exemption in the same way and using the same forms as are required on the regular assessment roll.

## 3) Collection and Disbursement of the Specific Tax.

### a. Collection.

The specific tax levied on certain properties sold or otherwise conveyed by a Land Bank Fast Track Authority is an annual tax, payable at the same times, in the same installments, and to the same officer or officers as taxes imposed under the General Property Tax Act and the State Education Tax Act.

### b. Disbursement.

The specific tax shall be disbursed as follows:

- i. Fifty percent of the specific tax shall be disbursed to and among the State of Michigan, cities, townships, villages, school districts, counties, or other taxing units, at the same times and in the same proportions as required by law for the disbursement of taxes collected under the General Property Tax Act.
- ii. Fifty percent of the specific tax shall be disbursed to the authority that sold or otherwise conveyed the property under the Land Bank Fast Track Act.
- iii. For intermediate school districts receiving state aid under sections 56, 62, and 81 of the State School Aid Act of 1979, all or a portion of the amount of specific tax that would otherwise be disbursed to an intermediate school district shall be paid to the state treasury to the credit of the state school aid fund. The amount to be paid to the state treasury is to be determined on the basis of the tax rates being utilized to compute the amount of state aid.
- iv. The amount of specific tax that would otherwise be disbursed to a local school district for school operating purposes shall be paid instead to the state treasury and credited to the state school aid fund.

**IMPORTANT NOTE:** The officer or officers who make disbursements shall send a copy of the amount of disbursement made to each unit to the State Tax Commission on a form provided by the Commission. This form has not yet been completed. When it is completed, it will be placed on the Internet at [www.michigan.gov/treasury](http://www.michigan.gov/treasury). When you reach the site, click on **Forms**, then click on **Property Tax-**

**Abatement/Exemption.****4) Property Located in a Renaissance Zone.**

Property located in a Renaissance Zone is exempt from the specific tax discussed in this bulletin to the extent and for the duration provided pursuant to the Michigan Renaissance Zone Act, 1996 PA 376, MCL 125.2681 to 125.2696, except for that portion of the eligible tax reverted property specific tax attributable to a tax described in section 7ff(2) of the General Property Tax Act. The specific tax calculated under this subsection shall be disbursed proportionately to the taxing unit or units that levied the tax described in section 7ff(2) of the General Property Tax Act, 1893 PA 206, MCL 211.7ff.

**5) Unpaid Specific Tax.**

If unpaid, specific taxes discussed in this bulletin are not subject to return as delinquent taxes under the General Property Tax Act. The amount of the specific tax applicable to real property, until paid, is a lien upon that real property. Proceedings upon the lien as provided by law for the judicial foreclosure of mortgage liens upon real property may commence after the date that the taxes would have been returned as delinquent under the General Property Tax Act, if the property had not been exempt under the General Property Tax Act and only upon the filing by the appropriate collecting officer of a certificate of nonpayment of the eligible tax reverted property specific tax applicable to the real property, together with an affidavit of proof of service of the certificate of nonpayment upon the owner of that property by certified mail, with the register of deeds of the county in which the property is situated.

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**CITY COUNCIL SIGN COMMITTEE**  
Minutes of Meeting, November 8, 2012

**MEMBERS PRESENT:** Mayor Strazdas, Councilman Sackley, Councilman Urban

**STAFF PRESENT:** City Manager Evans, Community Development Director Georgeau

Councilman Sackley called the meeting to order at approximately 10:00 a.m.

Georgeau provided a review of the October 26, 2012 communication to the Committee, which summarized the definitions and regulations with regard to temporary signs and window signs. Also discussed were trends with regard to sign administration (number and type of sign permits issued annually) and enforcement issues and options. With regard to variance trends, Georgeau explained that a large number of signs involved freestanding sign size, height or setback, and that fewer wall sign variances have been received since the ordinance was revised in 2003 for “big box” retailers. In addition, about one-third of sign variances involve changes to existing non-conforming signs, as the Zoning Code intent is to gradually phase out signs that do not meet current sign regulations. With regard to input from the Planning Commission and Zoning Board of Appeals (ZBA), Georgeau indicated two workshops meetings were held on October 4<sup>th</sup> and October 15<sup>th</sup> respectively. The Planning Commission in general viewed business signs as having a role in “place making” or impacting community character. The Planning Commission noted that the community needs to decide what it wants to look like in determining if the sign regulations are appropriate or need to be changed. The ZBA had more specific feedback given the Board’s role in reviewing sign variance requests. In particular, the ZBA suggested that wall signs for big box retailers may be too restrictive, and changes to sign panel on nonconforming signs is too cumbersome. Neither the Planning Commission or ZBA had specific recommendations for the Committee, but both did express an interest in regulations for window signs and providing a mechanism to permit “creative” or unique signs that do not otherwise meet the Zoning Code.

With regard to enforcement, Sackley suggested more options to deal with temporary signs. Georgeau noted for temporary signs in the public ROW, the best approach is to promptly remove and dispose of such signs, while more traditional legal enforcement action can be effective with temporary signs on private property.

With regard to next steps for the Committee, Strazdas indicated that additional input is appropriate from the business community, sign industry representatives and/or completion of a community survey. Evans indicated there was some prior discussion of having a joint survey with the Council Business in the City Committee. Sackley indicated it would be more appropriate to have a separate survey completed on signs specifically. Urban indicated that after review by staff and several Council members over the past couple of years, it appears the Zoning Code may need some tweaks but overall the Zoning Code does not appear to need major revisions. Sackley noted there had not been a comprehensive review of the sign regulations in many years and recommended additional input is needed to determine if Urban is correct, or if significant changes are needed. Urban noted that several amendments had been made over the years, with several since 2003. Sackley recommended that the Committee recommend to Council the convening of a workshop that is widely publicized with everyone in the community encouraged to attend: business owners, developers, sign industry representatives, and Portage citizens. Sackley noted that the draft survey developed by staff could be administered via Survey Monkey. Georgeau noted the survey had been initially developed as a Survey Monkey instrument and that it could easily be uploaded to the city web site and available for attendees to complete prior to attending the workshop. In this manner, initial feedback on potential issues of interest and concern could be determined and reviewed during the workshop. Sackley indicated administration of the survey prior to the workshop may be problematic and suggested the workshop be facilitated to ensure balanced perspective.

After further discussion, it was the consensus of the Committee to report to Council at the retreat and then report to the full Council on November 20<sup>th</sup> with regard to: hosting a widely attended sign workshop/forum, using the input received to administer a broader survey on business signs, and subsequently review input from all sources to determine next steps with regard to the Zoning Code sign regulations.

As there was no further discussion, the meeting was adjourned at approximately 11:15 a.m.

## CITY OF PORTAGE

## COMMUNICATION

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**TO:** Honorable Mayor and City Council

**DATE:** November 12, 2012

**FROM:** Maurice S. Evans, City Manager



**SUBJECT:** Michigan Department of Transportation Contract – Romence Road East (Portage Road to Sprinkle Road)

**ACTION RECOMMENDED:** That City Council:

- a. approve Contract 12-5505 between the Michigan Department of Transportation and the City of Portage concerning funding for street improvements on Romence Road East, from Portage Road to Sprinkle Road;
- b. approve an engineering services contract with Wightman & Associates, Incorporated, for construction inspection and administration for street improvements on Romence Road East, Portage Road to Sprinkle Road, in the not to exceed amount of \$46,800;
- c. adopt a Resolution authorizing the City Manager to sign Contract 12-5505; and  
authorize the City Manager to sign all other documents related to the Michigan Department of Transportation and consultant contracts for this project on behalf of the city.

The City Administration recently received a proposed contract between the Michigan Department of Transportation (MDOT) and the City of Portage concerning planned improvements on Romence Road East from Portage Road to Sprinkle Road. The planned improvements include a new asphalt pavement, lengthening of an existing taper lane and sidewalk enhancements to comply with the *Americans With Disabilities Act*.

The Transportation Improvement Plan (TIP) is administered by the Kalamazoo Area Transportation Study (KATS). In March 2012, the City Administration was informed that an additional \$84,000 in federal aid would be available through KATS. On March 27, 2012, City Council supported the re-establishment of the Romence Road East (Portage Road to Sprinkle Road) project in the 2012 KATS Transportation Improvement Plan.

Both KATS and MDOT have approved the Romence Road East project for federal funding. The cost of all planned improvements related to the Romence Road East (Portage Road to Sprinkle Road) project is estimated at \$381,300 with a maximum federal funding contribution of \$84,000. City share of the project cost is estimated at \$297,300 which will be funded by the Capital Improvement Program.

It has been MDOT's policy over the years to submit cost sharing agreements to local municipalities once the project has been advertised for construction bids. MDOT cannot award a construction contract without a signed cost sharing agreement from the local municipality. The city share of expenses is based on estimated construction costs developed by the consulting engineer and refined by MDOT staff engineers.

Subsequent to the contract award by MDOT, construction of this project will commence in the summer of 2013 and the project will be turned over to the city for construction inspection and administration.

Necessary plans, specifications and a MDOT program application for this project on behalf of the city was completed by Wightman & Associates, Incorporated. To maintain continuity from design to construction inspection and administration, city staff requested a cost proposal from the consultant to perform necessary construction inspection, administration and reporting, as required by MDOT and the Federal Highway Administration. The cost proposal in the amount of \$46,800 was received and is considered to be reasonable and appropriate for the required work. The performance of Wightman & Associates, Incorporated, has been excellent on other recently completed city projects. Funds for this work have been budgeted in the Fiscal Year 2012-13 Capital Improvement Program.

It is recommended that City Council approve Contract 12-5505 between the Michigan Department of Transportation and the City of Portage for street improvements on Romence Road East (Portage Road to Sprinkle Road); the engineering services contract with Wightman & Associates, Incorporated, in the not to exceed amount of \$46,800; adopt a Resolution authorizing the City Manager to sign Contract 12-5505 and authorize the City Manager to sign all other documents related to the Michigan Department of Transportation and consultant contracts for this project on behalf of the city.

Attachment - Resolution

**CITY OF PORTAGE**

**RESOLUTION**

At a regular meeting of the Council of the City of Portage, Kalamazoo County, Michigan, held at the City Hall in said City on the \_\_\_\_\_ day of \_\_\_\_\_, 2012 at 7:30 p.m., local time.

PRESENT: \_\_\_\_\_

ABSENT: \_\_\_\_\_

The following resolution was offered by:

Councilmember: \_\_\_\_\_ and seconded by:

Councilmember: \_\_\_\_\_

RESOLVED, that the City Council for the City of Portage does hereby authorize the City Manager, Maurice S. Evans, to sign Contract 12-5505 between the City of Portage and the Michigan Department of Transportation. This contract is for hot mix asphalt milling and resurfacing work along Romence Road East from Portage Road to Sprinkle Road.

ADOPTED: YEAS: Councilmember: \_\_\_\_\_

NAYS: Councilmember: \_\_\_\_\_

ABSENT: Councilmember: \_\_\_\_\_

CERTIFICATION

I hereby certify this \_\_\_\_\_ day of \_\_\_\_\_, 2012 that the foregoing is a true and complete copy of the original on file in my office.

\_\_\_\_\_  
James R. Hudson, City Clerk

APPROVED AS TO FORM  
DATE 11/8/12  
[Signature]  
CITY ATTORNEY

# CITY OF PORTAGE

# COMMUNICATION

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**TO:** Honorable Mayor and City Council

**DATE:** November 15, 2012

**FROM:** Maurice S. Evans, City Manager



**SUBJECT:** Water Main Abandonment Under the Grand Elk Railroad

**ACTION RECOMMENDED:** That City Council reaffirm the emergency action taken by the City Administration in accepting the quotation by Peters Construction Company in the not to exceed amount of \$39,381.68 and authorize the City Manager to execute all documents related to this matter on behalf of the city.

Recently, a leak was discovered in the water main that crosses under the Grand Elk Railroad approximately 500 feet north of the South Westnedge Avenue grade crossing. The water main that crosses under the railroad tracks from the Public Services building to South Westnedge Avenue is an original 6 inch diameter main. Due to the complexity of the water main configuration, a section of water main in front of the Public Services building and a section of water main on South Westnedge Avenue were shut down until a plan could be developed to eliminate the small diameter water main under the railroad. The shutting down of the water mains did not disrupt water service to any customers, however, it did disable a fire hydrant at the Public Services building and a fire hydrant at the Public Safety building. The disabled fire hydrants represent a recognized risk to the Public Services and Public Safety buildings and is a fire protection liability.

Plans for the water main abandonment have been developed by the Transportation & Utilities Department staff and quotes for the project were requested from five local construction companies. There are many challenges associated with this project due to the close proximity of South Westnedge Avenue, the driveway to the Public Services building, age of the water main and the bordering Grand Elk railroad tracks. As such, it is difficult for contractors to quantify their bids for this work. On October 24, 2012, a single quote was received from Peters Construction Company in the amount of \$39,381.68. The other four companies declined the opportunity to quote the project. On November 12, 2012, the location of the water main abandonment was field verified and found to be extremely close to the Grand Elk Railroad tracks. The proximity of the railroad tracks and the potential damage of city and railroad infrastructure accelerated the necessity of the abandonment. In order to prevent further delay in re-establishing water service to the fire hydrants, construction was commenced on November 13, 2012 and is expected to be complete by November 21, 2012. For these reasons, immediate action was required prior to the November 20, 2012, City Council meeting.

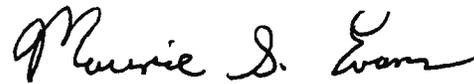
It is recommended that City Council reaffirm the emergency action taken by the City Administration in accepting the quotation by Peters Construction Company in the not to exceed amount of \$39,381.68 to abandon a section of water main under the Grand Elk Railroad

approximately 500 feet north of the South Westnedge Avenue grade crossing and authorize the City Manager to execute all documents related to this matter on behalf of the city. Sufficient funds are available in the water budget to cover the cost of the water main abandonment.

**MATERIALS TRANSMITTED**

Friday, November 2, 2012

1. Communication from the City Manager regarding the Investment Committee Appointment.



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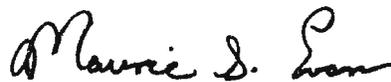
Maurice S. Evans, City Manager

cc: Brian J. Bowling, Deputy City Manager

**MATERIALS TRANSMITTED**

Tuesday, November 6, 2012

1. Communication from the City Manager regarding the Citizen Comment Summary for October 2012 –Information Only.



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Maurice S. Evans, City Manager

cc: Brian J. Bowling, Deputy City Manager