

**AGENDA FOR THE COUNCIL MEETING
CITY OF PORTAGE
December 4, 2012**

7:30 p.m. Call to Order.

Invocation: Reverend Scott Oberle of Portage United Church of Christ.

Pledge of Allegiance.

Roll Call.

Proclamation:

A. Approval of the November 20, 2012 Regular Meeting Minutes.

* B. Approval of Consent Agenda Motions.

* C. Communication from the City Manager recommending that City Council approve the Accounts Payable Register of December 4, 2012, as presented.

D. Public Hearings:

1. Public hearing on the expansion of Industrial Development District No. 53.

a. Communication from the City Manager recommending that City Council adopt Resolution No. 2-12 expanding Industrial Development District No. 53.

2. 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.

a. Communication from the City Manager recommending that City Council:

i. adopt Resolution No. 4-12, approving the Industrial Facilities Exemption Certificate for the Bowers Manufacturing Company at 6565 Sprinkle Road (for six years on the real property and three years on the personal property) in the total amount of \$2.81 million; and

ii. approve the tax abatement agreement and affidavit between the City of Portage and Bowers Manufacturing Company.

E. Petitions and Statements of Citizens:

F. Reports from the Administration:

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

a. accept Rezoning Application #12-01 for first reading and set a public hearing for January 8, 2013; and

b. subsequent to the public hearing, consider approving Rezoning Application #12-01 and rezone 9136 Shaver Road to B-3, general business.

* 2. Communication from the City Manager recommending that City Council approve the contract with Kalamazoo County for household hazardous waste collection during the 2013 calendar year in the not to exceed amount of \$26,000 and authorize the City Manager to execute all documents related to the contract on behalf of the city.

* 3. Communication from the City Clerk recommending that City Council set a Special Meeting on Tuesday, January 8, 2013, beginning at 5:30 p.m. to interview board and commission applicants.

* 4. Communication from the City Manager recommending that City Council refer the request from Mr. Roger L. Schiefler regarding the property at 117 East Centre Avenue to the Ad Hoc Property Committee for review and recommendation.

G. Communications:

1. Communication from Kalamazoo County regarding current vacancies on county-wide boards and commissions.
2. Communications from several Portage Central High School students regarding environmental initiatives.

H. Unfinished Business:

* I. Minutes of Boards and Commissions Meetings:

1. Portage Zoning Board of Appeals of October 8 and October 15, 2012.
2. Portage Public Schools Board of Education Regular Business of October 22, Policy Governance Session of October 23 and Special Meeting and Committee of the Whole Work Session of November 5, 2012.

J. Ad-Hoc Committee Reports:

K. New Business:

L. Bid Tabulations:

- * 1. Communication from the City Manager recommending that City Council accept the proposal submitted by J.P. Morgan Chase Bank for comprehensive banking services for a period of five years and authorize the City Manager to execute all documents related to this contract on behalf of the city.

M. Other City Matters:

1. Statements of Citizens.
2. From City Council and City Manager.
- * 3. Reminder of Meetings:
 - a. Wednesday, December 5, 8:15 a.m., Historic District Commission, City Hall Room #2.
 - b. Wednesday, December 5, 6:30 p.m., Park Board, Stuart Manor, Celery Flats.
 - c. Thursday, December 6, 6:30 p.m., Human Services Board, City Hall Room #1.
 - d. Thursday, December 6, 7:00 p.m., Planning Commission, Council Chambers.
 - e. Monday, December 10, 6:30 p.m., Youth Advisory Committee, City Hall Room #1.
 - f. Monday, December 10, 7:00 p.m., Zoning Board of Appeals, Council Chambers.
 - g. Tuesday, December 11, 8:00 a.m., Board of Review, City Hall Room #1.
 - h. Wednesday, December 12, 7:00 p.m., Environmental Board, City Hall Room #1.
 - i. Monday, December 17, 8:00 a.m., Legislative Roll Call, Chamber Building, 346 W. Michigan Ave., Kalamazoo.
 - j. Monday, December 17, 6:30 p.m., Portage Public Schools Board of Education, Council Chambers.

N. Materials Transmitted of November 20, 2012.

Adjournment.

City Council Meeting Summary

November 20, 2012

CHECK REGISTER

- ◆ Approved the Check Register of November 20, 2012, as presented.

PETITIONS AND STATEMENTS OF CITIZENS

- ◆ Jan Sackley, 10314 Archwood Drive, indicated as a courtesy and respect for City Council's time, that she would be making comment on Item H.1, 10323 Archwood Drive.

REPORTS FROM THE ADMINISTRATION

- ◆ Adopted Resolution No. 1-12 setting a public hearing on the expansion of Industrial Development District No. 53 for December 4, 2012, at 7:30 p.m. or as soon thereafter as may be heard; and adopted 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, at 7:30 p.m. or as soon thereafter as may be heard.
- ◆ Granted 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: Avalon Forest/Avalon Woods No. 1 and 2 (T.A. Scott Construction); Austin Shores Condominium Subdivision (BEX Farms, Inc.); Holiday Village East No. 3 and South No. 3 (WTM, Incorporated); and Stateland Park Subdivision (Granite Development Properties).
- ◆ Authorized the purchase and installation of City of Portage flags along South Westnedge Avenue for the duration of the 2013 calendar year; and referred the pursuit of the production of a City of Portage historical documentary to the Portage members of the Public Media Network Board to identify volunteers who could follow through on such a production.
- ◆ Received the communication from the City Manager regarding the 2012 Tax Rate Survey as information only.
- ◆ Received the communication from the City Manager regarding the Holiday Tree Lighting/Traditional Holiday Celebration as information only.
- ◆ Received the communication from the City Manager regarding the October 2012 Summary Environmental Activity Report as information only.
- ◆ Received the Department Monthly Reports.
- ◆ Receive the Board of Canvassers Report with the results of the November 6, 2012 General Presidential Election.

COMMUNICATION

- ◆ Approved the 2013 calendar year appointments to City Council Committees with the one change of replacing Councilmember Campbell with Mayor Strazdas.

UNFINISHED BUSINESS

- ◆ Received the presentation/recommendation from the City Council Ad Hoc Property Committee regarding the property at 10323 Archwood Drive, accepted the tax reverted property addressed as 10323 Archwood Drive, authorized the City Manager to advise the Kalamazoo County Treasurer of this action by November 30, 2012, and directed the Administration to provide an appraisal of the property, present it to the City Council Property Committee to determine the next step for the marketing of the parcel and the price of the parcel itself.

AD HOC COMMITTEE REPORT

- ◆ Received the presentation by Councilmember Ed Sackley regarding an update on the recent activity of the Sign Committee and adopted the three action items contained in the Committee report.

BID TABULATIONS

- ◆ Approved 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; approved 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; adopted a Resolution authorizing the City Manager to sign Contract 12-5505; and authorized 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.
- ◆ Reaffirmed 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 authorized the City Manager to execute all documents related to this matter on behalf of the city.

NEW BUSINESS

- ◆ Adopted the global Council goals as discussed at the November 16, 2012 City Council Retreat, adopted the specific topics agreed upon at the Retreat various Topic Committees and adopted the respective task assignments agreed upon at the Retreat.

STATEMENTS OF CITY COUNCIL AND CITY MANAGER

- ◆ Mayor and Council wished everyone a safe and happy Thanksgiving.
- ◆ Councilmember Randall reminded everyone of the 2012 Kalamazoo Area Runners Turkey Trot 5K Time Prediction Run that will be held on the cross country course at Portage West Middle School, 7145 Moorsbridge Road, Portage, at 9:00 a.m. on Thanksgiving Day, Thursday, November 22, 2012. She indicated that participants are asked to consider bringing socks (men's, women's and children's sizes) for the Kalamazoo Gospel Mission and a toothbrush, toothpaste, shampoo, conditioner or a small toy for a child for the Portage Community Center. She also reminded everyone of the annual Tree Lighting and Traditional Holiday Celebration that begins at 7 p.m. Saturday, December 1, 2012.
- ◆ Councilmember Sackley highlighted the task of the Lake Center Business District Committee to investigate the applicability of the Michigan Urban Core Initiative to the Lake Center Business District corridor.
- ◆ Mayor Pro Tem Reid indicated that she and Councilmembers Sackley and Urban would be enjoying the special task of reading the "I Love Portage" contest essays from local students.
- ◆ Mayor Strazdas indicated that he will be in Washington, D.C., during the annual Tree Lighting and Traditional Holiday Celebration, but would very much prefer to be in Portage. He cautioned everyone to lock up their homes when they leave town. He also praised City Council for their hard work at the Annual Retreat as it was the healthiest retreat in years citing that City Council focused on growth in our community and "rallied around it."

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 20, 2012

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

At the request of Mayor Strazdas, Pastor Paul Naumann of St. Michael Lutheran Church of Portage gave an invocation and Boy Scout Troop 244 led City Council and the audience in the recitation of the Pledge of Allegiance.

The City Clerk called the roll with the following members present: Councilmembers Elizabeth A. Campbell, 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, City Attorney Randy Brown and City Clerk James R. Hudson.

APPROVAL OF MINUTES: Motion by Reid, seconded by Urban, to approve the November 6, 2012 Regular Meeting Minutes as presented. Upon a voice vote, motion carried 7 to 0.

* **CONSENT AGENDA:** Mayor Strazdas asked Councilmember Randall to read the Consent Agenda. Mayor Pro Tem Reid asked that Item F.3, 50th Anniversary Events and Activities, be removed from the Consent Agenda. Councilmember Sackley asked that Item G.1, City Council Committee Appointments, 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 20, 2012:** Motion by Pearson, seconded by Reid, to approve the Accounts Payable Register of November 20, 2012. Upon a roll call vote, motion carried 7 to 0.

PETITIONS AND STATEMENTS OF CITIZENS: Jan Sackley, 10314 Archwood Drive, indicated as a courtesy and respect for City Council's time, that she would be making comment on Item H.1, 10323 Archwood Drive.

REPORTS FROM THE ADMINISTRATION:

* **BOWERS MANUFACTURING COMPANY – PA 198 TAX ABATEMENT:** Motion by Urban, seconded by Reid, to adopt Resolution No. 1-12 setting a public hearing on the expansion of Industrial Development District No. 53 for December 4, 2012, at 7:30 p.m. or as soon thereafter as may be heard; and Resolution No. 3-12 setting a public hearing on the issuance of the Industrial Facilities Exemption Certificate for Bowers Manufacturing Company for real and personal property in the estimated amount of \$2.81 million for December 4, 2012, at 7:30 p.m. or as soon thereafter as may be heard. Upon a roll call vote, motion carried 7 to 0.

* **RESIDENTIAL SUBDIVISION SIDEWALK EXTENSION REQUESTS:** Motion by Urban, seconded by Reid, to 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: Avalon Forest/Avalon Woods No. 1 and 2 (T.A. Scott Construction); Austin Shores Condominium Subdivision (BEX Farms, Inc.); Holiday Village East No. 3 and South No. 3 (WTM, Incorporated); and Stateland Park Subdivision (Granite Development Properties). Upon a roll call vote, motion carried 7 to 0.

50TH ANNIVERSARY EVENTS AND ACTIVITIES: Mayor Pro Tem Reid indicated that she discussed the possibility of a production of a documentary on the history of Portage with City Manager Evans, who indicated that the resultant cost to city staff would be too burdensome. Discussion followed. Motion by Reid, seconded by Pearson, to authorize the purchase and installation of City of Portage flags along South Westnedge Avenue for the duration of the 2013 calendar year; and to refer the pursuit of the production of a City of Portage historical documentary to the Portage members of the Public Media Network Board to identify volunteers who could follow through on such a production. Upon a roll call vote, motion carried 7 to 0.

* **2012 TAX RATE SURVEY - INFORMATION ONLY:** Motion by Urban, seconded by Reid, to receive the communication from the City Manager regarding the 2012 Tax Rate Survey as information only. Upon a roll call vote, motion carried 7 to 0.

* **HOLIDAY TREE LIGHTING/TRADITIONAL HOLIDAY CELEBRATION – INFORMATION ONLY:** Motion by Urban, seconded by Reid, to receive the communication from the City Manager regarding the Holiday Tree Lighting/Traditional Holiday Celebration as information only. Upon a roll call vote, motion carried 7 to 0.

* **OCTOBER 2012 SUMMARY ENVIRONMENTAL ACTIVITY REPORT – INFORMATION ONLY:** Motion by Urban, seconded by Reid, to receive the communication from the City Manager regarding the October 2012 Summary Environmental Activity Report as information only. Upon a roll call vote, motion carried 7 to 0.

* **DEPARTMENT MONTHLY REPORTS:** Motion by Urban, seconded by Reid, to receive the Department Monthly Reports from the various city departments. Upon a roll call vote, motion carried 7 to 0.

* **BOARD OF CANVASSERS REPORT:** Motion by Urban, seconded by Reid, to receive the Board of Canvassers Report with the results of the November 6, 2012 General Presidential Election. Upon a roll call vote, motion carried 7 to 0.

COMMUNICATION:

CITY COUNCIL COMMITTEE APPOINTMENTS: Councilmember Sackley noted the Property Committee change replacing Councilmember Campbell with Mayor Strazdas. Discussion followed. Motion by Sackley, seconded by Campbell, to approve the 2013 calendar year appointments to City Council Committees with the one change of replacing Councilmember Campbell with Mayor Strazdas. Discussion followed. Upon a roll call vote, motion carried 7 to 0.

UNFINISHED BUSINESS:

10323 ARCHWOOD DRIVE: Once Mayor Strazdas introduced this item of business, Councilmember Sackley recused himself and indicated that he would not be involved in the discussion of this matter, nor would he be voting on this matter. He indicated that he attended the Property Committee meeting on Monday, November 12, 2012, but did not attend the meeting earlier this evening from which the recommendation came.

Councilmember Campbell discussed the role of the Kalamazoo County Land Bank versus the role of the City of Portage with regard to the property and the options reviewed by the Council Property Committee. She indicated that the long term goal of the Land Bank is to sell the property as soon as possible. Discussion followed.

Councilmember Randall noted that when the County takes it back, no taxes will accrue to the City of Portage, no revenue from the sale, plus the City will still have to pay back five years of property tax, and the highest and best use is to return it to the tax roll, so she recommended that City Council accept the property.

Motion by Campbell, seconded by Randall, to receive the presentation/recommendation from the City Council Ad Hoc Property Committee regarding the property at 10323 Archwood Drive, accept the tax reverted property addressed as 10323 Archwood Drive, authorize the City Manager to advise the Kalamazoo County Treasurer of this action by November 30, 2012, and direct the Administration to provide an appraisal of the property and present it to the City Council Property Committee to determine the next step for the marketing of the parcel and the price of the parcel itself. Discussion followed.

Mayor Strazdas cautioned that there is a cost to appraise it, market it and maintain it. Discussion followed regarding the cost to market the property, to maintain it and to obtain an appraisal. In answer to Mayor Pro Tem Reid, Councilmember Campbell indicated that there was no discussion about the neighbors going forward with a community garden. Discussion followed.

Councilmember Pearson indicated that the most important thing is to return the parcel to the property roll. Discussion followed regarding the County property auctions, the rationale behind the procedures used when bundling properties at second auctions and the amounts owed on the property.

Community Development Director Vicki Georgeau weighed in with the information that it is Council Policy to obtain an appraisal and then sell it for that amount, and that the city does not acquire property unless there is a public purpose or a strategic economic development reason. Discussion followed.

Councilmember Urban asked about the Kalamazoo County Land Bank note in their brochure indicating that the property may be sold for \$20.00 to adjacent property owners and Ms. Georgeau explained. Discussion followed. She also responded to questions regarding the reasons for bundling properties at auctions from Councilmember Randall and the level of experience of staff in selling property from Mayor Pro Tem Reid. Discussion followed.

Jan Sackley, 10314 Archwood Drive, introduced herself as a Fiduciary Consultant and past Senior Vice President of one of the largest banks in the country where one of her responsibilities was ensuring full compliance with Public Act 20. She pointed out that proceeds minus expenditures equals profit and emphasized that land speculation by the city is not permitted under Public Act 20. She further explained the City's duty under Public Act 20 and asked City Council to consider the tax consequences of the property. Discussion followed regarding all options, especially the issues surrounding accepting the property or rejecting the property. Councilmember Randall provided a letter from an interested builder, William F. Fries, Jr., 6740 Bluegrass Street, who is a Member of the City of Portage Board of Review. Discussion followed.

Upon a roll call vote, motion carried 5 to 1 with Councilmember Sackley abstaining. Yeas: Councilmembers Campbell, Pearson, Randall and Urban and Mayor Strazdas. No: Mayor Pro Tem Reid.

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

Portage Zoning Board of Appeals of October 8 and October 15, 2012.

Portage Youth Advisory Committee of October 8, 2012.

Portage Environmental Board of October 10, 2012.

Portage Park Board of October 10, 2012.

Portage Planning Commission of November 1, 2012.

AD HOC COMMITTEE REPORT:

CITY COUNCIL AD HOC SIGN COMMITTEE: Councilmember Sackley reviewed the minutes of the November 8, 2012 City Council Sign Committee meeting and referred to the consensus of the Committee as reported at the City Council retreat to host a widely attended sign workshop/forum, using the input received to administer a broader survey on business signs, and to review input from all sources and stakeholders to determine the next steps with regard to the Zoning Code sign regulations. Mayor Strazdas indicated that it was interesting to note that the Planning Commission and the Zoning Board of Appeals were given the opportunity to discuss the sign ordinance and disagreed with the amount of restrictions that need to be included in the sign ordinance. Discussion followed.

Motion by Pearson, seconded by Campbell, to receive the presentation by Councilmember Ed Sackley regarding an update on the recent activity of the Sign Committee and to adopt the three action items contained in the Committee report. Upon a voice vote, motion carried 7 to 0.

NEW BUSINESS:

2012 CITY COUNCIL GOALS SETTING SESSION RESULTS – INFORMATION ONLY: Mayor Strazdas added this item and indicated the Council Goals and Council Committee Tasks should be approved. Discussion followed. Motion by Pearson, seconded by Campbell, to adopt the global Council goals as discussed at the November 16, 2012 City Council Retreat, adopt the specific topics agreed upon at the Retreat various Topic Committees and adopt the respective task assignments agreed upon at the Retreat. Discussion followed. Upon a roll call vote, motion carried 7 to 0.

BID TABULATIONS:

* **MICHIGAN DEPARTMENT OF TRANSPORTATION - ROMENCE ROAD EAST (PORTAGE ROAD TO SPRINKLE ROAD):** Motion by Urban, seconded by Reid, to 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; 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; 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. Upon a roll call vote, motion carried 7 to 0.

* **WATER MAIN ABANDONMENT UNDER THE GRAND ELK RAILROAD:** Motion by Urban, seconded by Reid, to 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. Upon a roll call vote, motion carried 7 to 0.

OTHER CITY MATTERS:

STATEMENTS OF CITY COUNCIL: Mayor and City Council wished everyone a safe and happy Thanksgiving.

Councilmember Randall reminded everyone of the 2012 Kalamazoo Area Runners Turkey Trot 5K Time Prediction Run that will be held on the cross country course at Portage West Middle School, 7145 Moorsbridge Road, Portage, at 9:00 a.m. on Thanksgiving Day, Thursday, November 22, 2012. She indicated that participants are asked to consider bringing socks (men's, women's and children's sizes) for the Kalamazoo Gospel Mission and a toothbrush, toothpaste, shampoo, conditioner or a small toy for a child for the Portage Community Center. She also reminded everyone of the annual Tree Lighting and Traditional Holiday Celebration that begins at 7 p.m. Saturday, December 1, 2012.

Councilmember Sackley highlighted the task of the Lake Center Business District Committee to investigate the applicability of the Michigan Urban Core Initiative to the Lake Center Business District corridor.

Mayor Pro Tem Reid indicated that she and Councilmembers Sackley and Urban would be enjoying the special task of reading the "I Love Portage" contest essays from local students.

Mayor Strazdas indicated that he will be in Washington, D.C., during the annual Tree Lighting and Traditional Holiday Celebration, but would very much prefer to be in Portage. He cautioned everyone to lock up their homes when they leave town. He also praised City Council for their hard work at the Annual Retreat as it was the healthiest retreat in years citing that City Council focused on growth in our community and "rallied around it."

ADJOURNMENT: Mayor Strazdas adjourned the meeting at 9:23 p.m.

James R. Hudson, City Clerk

*Indicates items included on the Consent Agenda.

CITY OF PORTAGE

COMMUNICATION

TO: Honorable Mayor and City Council

DATE: November 26, 2012

FROM: Maurice S. Evans, City Manager



SUBJECT: Accounts Payable Register

ACTION RECOMMENDED: That City Council approve the Accounts Payable Register of December 4, 2012 as presented.

Attached please find the Accounts Payable Register for the period November 11, 2012 through November 25, 2012, which is recommended for approval.

c: Daniel S. Foecking, Finance Director

CHECK DATE	CHECK NUMBER	VENDOR NAME	VENDOR #	CHECK AMOUNT
11/14/2012	283136	CELEBRATION CINEMA - GR, L.P.	2932	.00
11/23/2012	283137	A I S CONSTRUCTION EQUIP. CO.	640	574.04
11/23/2012	283138	AT&T	849	4,061.75
11/23/2012	283139	AT&T	849	49.50
11/23/2012	283140	A T & T LONG DISTANCE	4060	6.71
11/23/2012	283141	A-1 SIGNS	2873	45.00
11/23/2012	283142	ABSOLUTE VIDEO PRODUCTIONS	3682	420.00
11/23/2012	283143	ALL-PHASE ELECTRIC SUPPLY CO.	108	350.00
11/23/2012	283144	ALLEGRA PRINT & IMAGING	533	2,503.63
11/23/2012	283145	AMERICAN BUSINESS EQUIPMENT, I	112	3,200.00
11/23/2012	283146	ANY CUTTING & WELDING	3347	510.00
11/23/2012	283147	APPRAISAL INSTITUTE	999999	76.00
11/23/2012	283148	ADP, INC.	3305	1,422.12
11/23/2012	283149	B M C SOFTWARE, INC.	4809	1,548.00
11/23/2012	283150	BEGEMAN, CRAIG	532	59.50
11/23/2012	283151	BILL'S LOCK SHOP, INC.	146	9.70
11/23/2012	283152	BITTERSWEET ACRES	1123	200.00
11/23/2012	283153	BLUE CROSS/BLUE SHIELD OF MICH	642	94,907.83
11/23/2012	283154	BORGESS HEALTH ALLIANCE	151	180.00
11/23/2012	283155	BYHOLT INC.	68	1,576.27
11/23/2012	283156	CARLETON EQUIPMENT CO.	168	20,175.00
11/23/2012	283157	CHARTER COMMUNICATIONS	3080	104.07
11/23/2012	283158	CITY OF KALAMAZOO (TRANS MILLA	4649	1,267.95
11/23/2012	283159	CLELAND, BETTY	999999	22.00
11/23/2012	283160	CNTR FOR PUB SFTY EXCELLENCE	999999	1,300.00
11/23/2012	283161	COLE, DEBORAH D	532	135.00
11/23/2012	283162	COMPREHENSIVE RETAIL SOLUTIONS	2619	84.00
11/23/2012	283163	COMSTOCK PUBLIC SCHOOLS	1671	987.80
11/23/2012	283166	CONSUMERS ENERGY-BILL PMT CNT	189	50,816.98
11/23/2012	283167	CORPORATE COLORS	193	88.00
11/23/2012	283168	DAVIS, CHRIS	532	150.00
11/23/2012	283169	DAVIS, SHAWN	532	150.00
11/23/2012	283170	DENOYER BROTHERS, INC.	210	11.26
11/23/2012	283171	DEVON TITLE AGENCY	3542	236.53
11/23/2012	283172	JACK DOHENY SUPPLIES INC.	69	1,182.47
11/23/2012	283173	E J USA, INC.	226	300.38
11/23/2012	283174	EXCAL VISUAL LLP	4836	1,106.75
11/23/2012	283175	FAWLEY OVERHEAD DOOR, INC.	690	235.00
11/23/2012	283176	FERRELLGAS, LP	384	125.94
11/23/2012	283177	FLETCHER ENTERPRISES	1399	626.00
11/23/2012	283178	GIRL SCOUTS HEART OF MICHIGAN	4798	225.00
11/23/2012	283179	GORDON WATER SYSTEMS	517	223.75
11/23/2012	283180	GRIFFIN PEST CONTROL, INC.	598	184.00
11/23/2012	283181	TAMMY HAMMEL	3858	100.00
11/23/2012	283182	HANSEN BUILDING AND DESIGN COR	999999	1,240.00
11/23/2012	283183	HOEKSTRA ROOFING CO.	1186	252.73
11/23/2012	283184	HOME DEPOT	691	842.76
11/23/2012	283185	I-O CONNECTIONS	4834	154.00
11/23/2012	283186	INSTITUTE OF TRANSP. ENGINEERS	1731	470.40
11/23/2012	283187	IP CONSULTING, INC.	4642	349.81
11/23/2012	283188	THE IRRIGATOR	2047	202.50

CHECK DATE	CHECK NUMBER	VENDOR NAME	VENDOR #	CHECK AMOUNT
11/23/2012	283189	J & J LAWN SERVICE, INC.	457	15,417.50
11/23/2012	283190	JOHNS, STEVEN	532	150.00
11/23/2012	283191	JONES, DAN	532	150.00
11/23/2012	283192	KALAMAZOO COUNTY CLERK	83	3,457.86
11/23/2012	283193	KALAMAZOO GAZETTE	4756	83.10
11/23/2012	283194	KALAMAZOO LANDSCAPE SUPPLIES	90	97.00
11/23/2012	283195	KENDALL ELECTRIC, INC.	231	133.37
11/23/2012	283196	LAKE MICHIGAN MAILERS, INC.	682	144.18
11/23/2012	283197	LANDSCAPE FORMS	1955	340.00
11/23/2012	283198	LAWSON PRODUCTS, INC	240	1,144.21
11/23/2012	283199	LEMMEN OIL CO.	2595	34,935.35
11/23/2012	283200	LEWIS PAPER PLACE, INC.	242	98.40
11/23/2012	283201	LILEK, MICHAEL	532	33.53
11/23/2012	283202	LOCEY SWIM POOL CO.	243	24.56
11/23/2012	283203	LOWE'S HOME CENTER	2630	1,051.33
11/23/2012	283204	M & M CUSTOM FABRICATING INC.	4576	26.50
11/23/2012	283205	MAILFINANCE	1208	744.27
11/23/2012	283206	MARKUS, MICHAEL	532	150.00
11/23/2012	283207	MATERIALS RESOURCES	3775	176.73
11/23/2012	283208	MAURER'S TEXTILE RENTAL SERVIC	4746	249.49
11/23/2012	283209	MCDONALD'S TOWING & RESCUE, IN	728	37.00
11/23/2012	283210	MCDONNELL, JOSEPH P.	532	905.25
11/23/2012	283211	MCGRAW HILL CONSTRUCTION ENR	999999	82.00
11/23/2012	283212	MCGNALLY ELEVATOR CO.	256	105.81
11/23/2012	283213	MENARD'S (WEST MAIN)	4696	4,865.96
11/23/2012	283214	MENARDS, INC	258	254.94
11/23/2012	283215	MICH COM DEV DIRECTOR ASSOC	1029	285.00
11/23/2012	283216	MICHIGAN ELECTION RESOURCES, L	264	25.00
11/23/2012	283217	MIDWEST COMMUNICATION SERVICES	1983	420.00
11/23/2012	283218	MIGALA CARPET ONE, INC.	3184	1,003.55
11/23/2012	283219	MLIVE MEDIA GROUP	89	939.36
11/23/2012	283220	MOYER, JAMES	532	150.00
11/23/2012	283221	NESBITT, FRED	532	150.00
11/23/2012	283222	NEW FRESH CLEANING SERVICE	4351	1,253.00
11/23/2012	283223	NEW VICK THEATRICALS, INC.	999999	750.00
11/23/2012	283224	NICHOLS, RICHARD	999999	535.37
11/23/2012	283225	NYE UNIFORMS	299	142.50
11/23/2012	283227	OFFICE DEPOT, INC.	1721	1,050.71
11/23/2012	283228	OFFICEMAX INCORPORATED	301	105.93
11/23/2012	283229	OWEN, JERRY	532	147.83
11/23/2012	283230	PARIS CLEANERS	1794	1,173.35
11/23/2012	283231	PETERMAN CONCRETE CO.	310	1,465.90
11/23/2012	283232	PETTY CASH-CITY MANAGER	805	160.22
11/23/2012	283233	PETTY CASH-DPS	538	160.62
11/23/2012	283234	PETTY CASH-PARKS	536	297.41
11/23/2012	283235	PETTY CASH-POLICE DEPT.	890	383.68
11/23/2012	283236	PETTY CASH-SENIOR CENTER	537	371.23
11/23/2012	283237	POLDERMAN'S FLOWER SHOP	4157	41.95
11/23/2012	283238	PORTAGE NORTHERN CHOIR	999999	100.00
11/23/2012	283239	PREMIER TRUCK SALES & RENTAL,	4052	66,000.00
11/23/2012	283240	PRIORITY HEALTH	4254	21,572.72

BANK CODE

ALL

CHECK DATE	CHECK NUMBER	VENDOR NAME	VENDOR #	CHECK AMOUNT
11/23/2012	283241	PRO SERVICES, INC.	4597	130.00
11/23/2012	283242	PROFESSIONAL TREE SERVICE, INC	321	6,950.00
11/23/2012	283243	PRUDENTIAL NURSERY	937	15,000.00
11/23/2012	283244	QUEZADA, PAUL A	532	142.60
11/23/2012	283245	RENEWED EARTH, INC.	4686	7,916.66
11/23/2012	283246	REPUBLIC SERVICES OF WEST MICH	4443	42,362.40
11/23/2012	283247	RIDGE AUTO NAPA	438	971.82
11/23/2012	283248	RIETH-RILEY CONSTRUCTION CO.,	4386	309.23
11/23/2012	283249	ROSSIO, STEVE	2561	100.00
11/23/2012	283250	ROWLEY BROTHERS, INC.	346	1,690.50
11/23/2012	283251	SEVERANCE ELECTRIC COMPANY, INC	353	255.00
11/23/2012	283252	SHERWIN WILLIAMS	356	88.70
11/23/2012	283253	SOUTHWEST MICHIGAN GOV CONSULT	4484	150.00
11/23/2012	283254	SPRINT	3721	1,260.41
11/23/2012	283255	STATE OF MICHIGAN	2082	600.00
11/23/2012	283256	STATE OF MICHIGAN (MDEQ)	820	600.00
11/23/2012	283257	STATE SYSTEMS RADIO, INC	369	9,994.43
11/23/2012	283258	T D S METROCOM, LLC	4539	55,779.00
11/23/2012	283259	TELEVENT DTN, INC.	4667	3,016.95
11/23/2012	283260	JOHANNA THOMPSON	4682	564.75
11/23/2012	283261	TIGER DIRECT, INC.	4272	6,228.50
11/23/2012	283262	TIMID RABBIT MAGIC & MAS. SHOP	1124	302.06
11/23/2012	283263	TMI COMPRESSED AIR SYSTEMS INC	4458	125.00
11/23/2012	283264	TRACTOR SUPPLY CORP.	2817	666.19
11/23/2012	283265	TRUGREEN	390	108.69
11/23/2012	283266	TWISS, SCOTT	999999	82.00
11/23/2012	283267	U S POSTAL SERVICE (PORTAGE)	503	100.00
11/23/2012	283268	UNITED PARCEL SERVICE	545	1,000.00
11/23/2012	283269	VALLEY CITY ENVIRONMENTAL SERV	4467	67.06
11/23/2012	283270	VANBECK ROOFING & SIDING CO.	399	2,148.56
11/23/2012	283271	VANDAM, COREY	532	1,940.00
11/23/2012	283272	VANGUARD FIRE & SUPPLY CO., IN	3996	150.00
11/23/2012	283273	VANLEUWEN, STEVEN	999999	184.40
11/23/2012	283274	WEST MICHIGAN STAMP & SEAL, INC	415	100.00
11/23/2012	283275	WESTERN MICHIGAN UNIVERSITY	2944	11.00
11/23/2012	283276	WIGHTMAN & ASSOCIATES, INC.	425	500.00
11/23/2012	283277	WIGHTMAN & ASSOCIATES, INC.	3785	3,850.00
11/23/2012	283278	WINDER POLICE EQUIPMENT, INC.	429	3,409.25
11/23/2012	283279	WOLVERINE POWER SYSTEMS	4322	48.99
11/23/2012	283280	WORKPLACE RESULTS LLC	999999	475.00
11/23/2012	283281	XEROX CORPORATION	2684	1,150.00
11/23/2012	283282	5 ALARM FIRE & SAFETY	3099	3,420.92

DATE RANGE TOTAL *

532,625.87 *

PAYMENT NO	VENDOR NO	VENDOR NAME	TRANSFER DATE	AMOUNT	TRACE NUMBER	EFT BATCH	BANK CODE
1558		ABONMARCHE CONSULTANTS, INC	11/23/2012	6,347.31	072000320000001	0000001	00
1559		ALRO STEEL CORPORATION	11/23/2012	365.60	072000320000002	0000001	00
1560		AMERICAN SAFETY & FIRST AID	11/23/2012	112.98	072000320000003	0000001	00
1561		ANIMAL REMOVAL SERVICE, LLC	11/23/2012	1,315.00	072000320000004	0000001	00
1562		BATTERIES PLUS	11/23/2012	239.20	072000320000005	0000001	00
1563		BELL EQUIPMENT COMPANY	11/23/2012	807.00	072000320000006	0000001	00
1564		BLUE CARE NETWORK-GREAT LAKES	11/23/2012	61,003.52	072000320000007	0000001	00
1565		CONTINENTAL LINEN SUPPLY CO.	11/23/2012	126.59	072000320000008	0000001	00
1566		DELTA DENTAL PLAN OF MI	11/23/2012	19,732.33	072000320000009	0000001	00
1567		EMPLOYMENT GROUP, INC.	11/23/2012	8,266.79	072000320000010	0000001	00
1568		ENGINEERED PROTECTION SYSTEMS, INC.	11/23/2012	402.25	072000320000011	0000001	00
1569		ETNA SUPPLY, INC.	11/23/2012	23.93	072000320000012	0000001	00
1570		HARTFORD LIFE INSURANCE COMPANY	11/23/2012	7,864.07	072000320000013	0000001	00
1571		HI-TECH ELECTRIC CO.	11/23/2012	1,314.70	072000320000014	0000001	00
1572		INDUSCO SUPPLY CO., INC.	11/23/2012	1,566.02	072000320000015	0000001	00
1573		KUSHNER & COMPANY, INC.	11/23/2012	331.82	072000320000016	0000001	00
1574		LAND & RESOURCE ENGINEERING & SURVE	11/23/2012	520.00	072000320000017	0000001	00
1575		MCCARTHY SMITH LAW GROUP, PLC	11/23/2012	3,522.70	072000320000018	0000001	00
1576		MEJUR ELECTRIC LLC	11/23/2012	746.00	072000320000019	0000001	00
1577		MIDLAND ENGINE, INC	11/23/2012	827.84	072000320000020	0000001	00
1578		PRECISION PRINTER SERVICES INC	11/23/2012	502.90	072000320000021	0000001	00
1579		QUALITY AIR HEATING & COOLING, INC.	11/23/2012	832.33	072000320000022	0000001	00
1580		ROE-COMM, INC.	11/23/2012	1,075.00	072000320000023	0000001	00
1581		SAFETY SERVICES, INCORPORATED	11/23/2012	1,600.80	072000320000024	0000001	00
1582		SARCOM, INC	11/23/2012	1,763.62	072000320000025	0000001	00
1583		TECHNOLOGY SOLUTIONS	11/23/2012	2,000.00	072000320000026	0000001	00
1584		VISION SERVICE PLAN INSURANCE CO	11/23/2012	1,984.77	072000320000027	0000001	00
1585		360 SERVICES, INC.	11/23/2012	211.46	072000320000028	0000001	00

GRAND TOTAL: 125,406.53 NO. OF CHECKS: 28

CITY OF PORTAGE

COMMUNICATION

TO: Honorable Mayor and City Council

DATE: November 26, 2012

FROM: Maurice S. Evans, City Manager



SUBJECT: Bowers Manufacturing Company – PA 198 Tax Abatement

ACTION RECOMMENDED: That City Council adopt Resolution No. 2-12 expanding Industrial Development District No. 53.

At the City Council meeting on November 20, 2012, a PA 198 Tax Abatement application submitted by Bowers Manufacturing Company was provided to Council. Also provided was a preliminary analysis of the tax abatement request, a review of the approval process, as well as the environmental, project impact and property tax issues associated with the application. As indicated in the application submitted by Bowers Manufacturing, a total investment of \$2.81 million is proposed that will result in the retention of 215 existing jobs and the creation of 25 new jobs.

At the November 20th Council meeting, two public hearings were set for December 4, 2012 for the following:

- The first public hearing is to review a proposed expansion of Industrial Development District No. 53 to facilitate construction of a 37,895 square foot building addition and 6,950 square feet of loading docks and related building improvements on the east side of the manufacturing facility located at 6565 Sprinkle Road.
- The second public hearing is to review the requested Industrial Facilities Exemption Certificate, tax abatement agreement and affidavit between the City of Portage and Bowers.

To facilitate this project by Bowers Manufacturing, the City Administration recommends that subsequent to the first public hearing, City Council approve the expansion of Industrial District No. 53 to accommodate the building addition and related real property improvements.

Attached is the resolution to expand the district and the previously supplied November 12th communication from Community Development Director Georgeau that provides additional information in regard to the request by Bowers. As noted above, subsequent to action on the requested district expansion, City Council will consider the request for the Industrial Facilities Exemption Certificate.

Attachment: Resolution 2-12
November 12th communication from Community Development

**CITY OF PORTAGE
RESOLUTION NO. 2-12
DESIGNATING PORTAGE INDUSTRIAL DEVELOPMENT DISTRICT NO. 53
BOWERS MANUFACTURING COMPANY**

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

PRESENT: _____

ABSENT: _____

The following resolution was offered by:

COUNCILMEMBER: _____, and supported by:

COUNCILMEMBER: _____.

WHEREAS, the City Council has met in public hearing as heretofore resolved and noticed for the purpose of determining whether a certain described area located at 6565 South Sprinkle Road, Portage, Michigan, may be established as an Industrial Development District, pursuant to 1974 PA 198, MCLA 207.551, et seq.; and

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

NOW THEREFORE, BE IT RESOLVED that the following described property be designated Portage Industrial Development District No.53:

See attached Exhibit A.

ADOPTED: AYES: Councilmember _____

NAYS: Councilmember _____

ABSENT: Councilmember _____

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

RESOLUTION DECLARED ADOPTED:

James R. Hudson, City Clerk

CERTIFICATION

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

James R. Hudson, City Clerk

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

Approved as to Form:

Date: 11-14-12

By: CRB

City Attorney

EXHIBIT A

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

COMMUNICATION

TO: Maurice S. Evans, City Manager

DATE: November 12, 2012

FROM: Vicki Georgeau,  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 28th. 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.

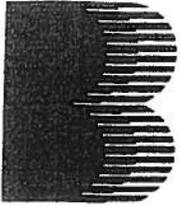
Conclusion

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

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

October 26, 2012

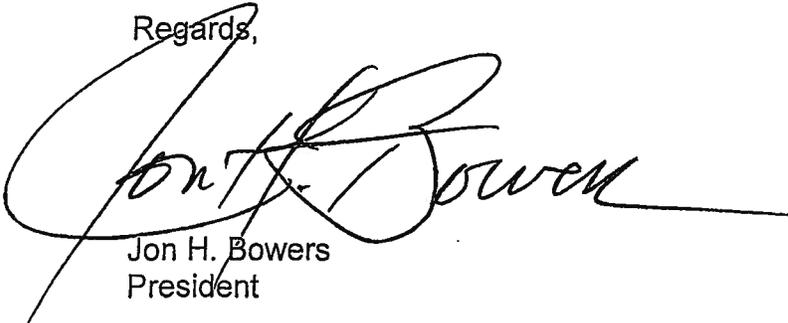
Mr. James Hudson
City of Portage Clerk
7900 S Westnedge Ave
Portage MI 49002

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 26th Day of October, 2012



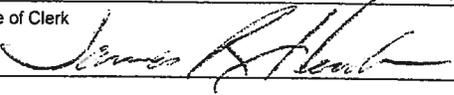
Karyn Walker

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 <i>October 26, 2012</i>
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) BOWERS MANUFACTURING COMPANY		1b. Standard Industrial Classification (SIC) Code - Sec. 2(10) (4 or 6 Digit Code) 3490	
1c. Facility Address (City, State, ZIP Code) (real and/or personal property location) 6565 S SPRINKLE RD		1d. City/Township/Village (indicate which) PORTAGE	1e. County KALAMAZOO
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 PORTAGE	3b. School Code 39140
		4. Amount of years requested for exemption (1-12 Years) 6 REAL/3PERSONAL	

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) * Attach list of improvements and associated costs. * Also attach a copy of building permit if project has already begun.	▶ <u>\$2,148,000.00</u> Real Property Costs
6b. Cost of machinery, equipment, furniture and fixtures * Attach itemized listing with month, day and year of beginning of installation, plus total	▶ <u>\$663,445.00</u> Personal Property Costs
6c. Total Project Costs * Round Costs to Nearest Dollar	▶ <u>\$2,811,445.00</u> 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. 215	10. No. of new jobs at this facility expected to create within 2 years of completion. 25
---	--

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:

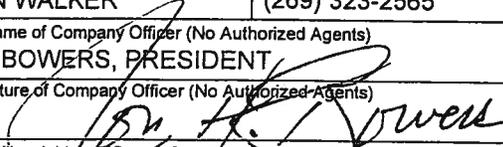
Industrial Development District Plant Rehabilitation District

12b. Date district was established by local government unit (contact local unit) 4/20/07	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: Check or Indicate N/A if Not Applicable <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 Check or Indicate N/A if Not Applicable <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	
17. Name of Local Government Body		16d. School Code	
		▶ 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
Total Real Property			\$ 2,148,000	
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
Total Personal Property			\$ 663,445	
			\$ 2,811,445	

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°

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.

	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

1. NO FORM EXECUTED BY THIS DEPARTMENT IMPLIES OR PROVIDES EXEMPTION FROM ANY CODE OR ORDINANCE REQUIREMENT.

2. 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.

3. IT IS THE APPLICANT'S RESPONSIBILITY TO CALL FOR NECESSARY INSPECTIONS.

4. 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.

5. STATE LAW ACT 53: THREE WORKING DAYS BEFORE YOU DIG -- CALL TOLL FREE MISS DIG 1-800-482-7171.

6. FOLLOW-UP INSPECTIONS NECESSITATED BY NONCOMPLIANCE OF CODES MAY BE SUBJECT TO RE-INSPECTION FEES.

2/12/2012
DATE

PORTAGE, MICHIGAN

12-206
PERMIT No.

BUILDING PERMIT

THIS PERMIT MUST BE POSTED ON THE SITE

PROJECT DESCRIPTION

Bowels
Addition

Location 6565 South Sprink

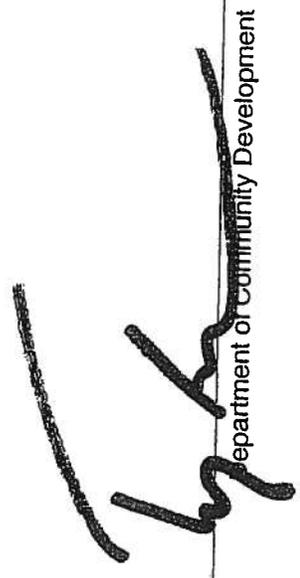
Owner Bowers

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	
FINAL			


Department of Community Development

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

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

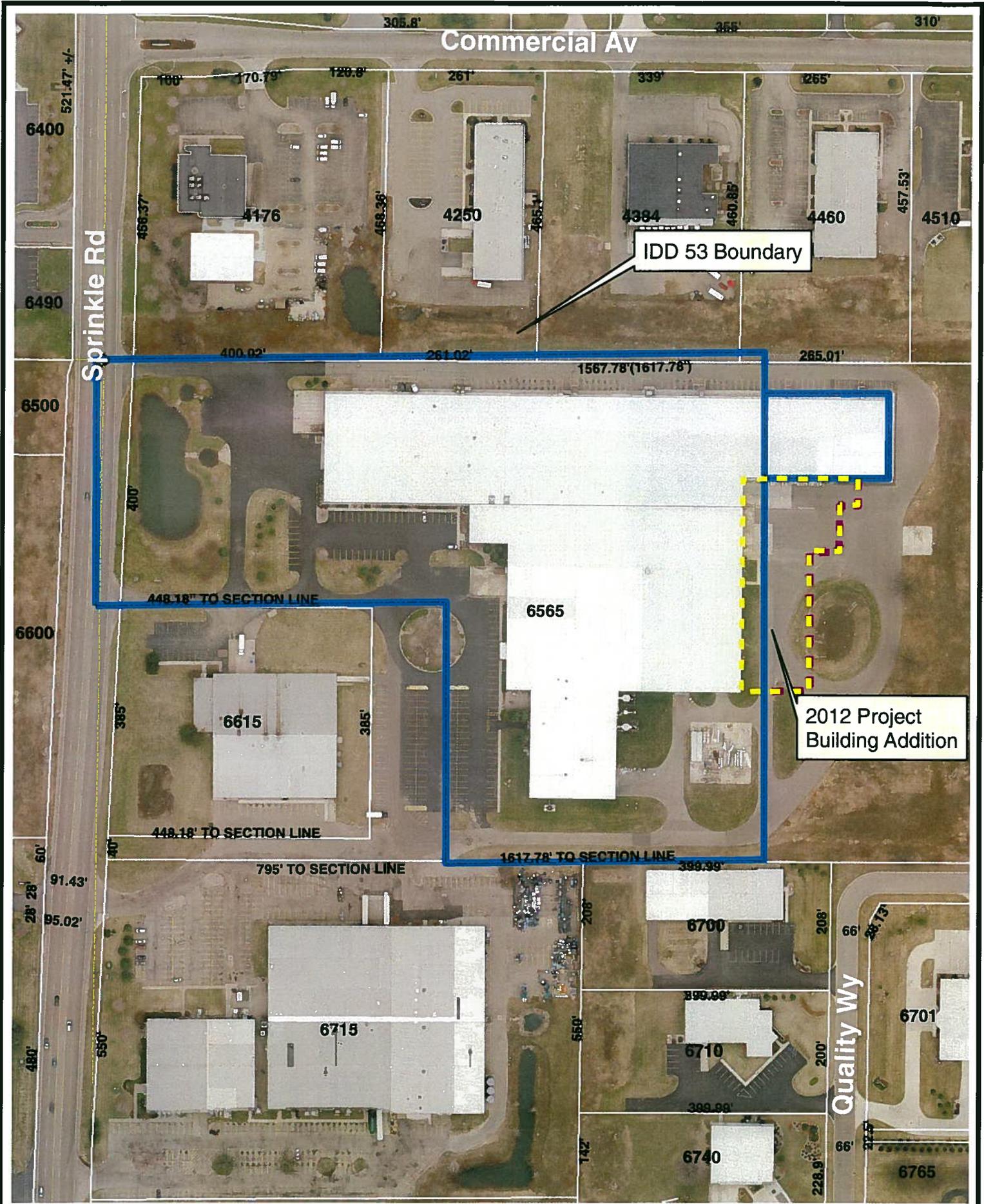
c: Bowers Manufacturing, 6565 South Sprinkle Road, Portage, MI 49002
Christopher Barnes, Director of Transportation and Utilities
John Podgorski, Senior Deputy Fire Chief
Christopher Forth, Deputy Director of Planning, Development and Neighborhood Services
Terry Novak, Deputy Director of Building and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

 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

Sec	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	_____	___/___/___



Vicinity Map
 6565 Sprinkle Road
 Bowers Manufacturing IDD #53

1 inch = 200 feet
 Date: 11/26/2012

W&A
WIGHTMAN & ASSOCIATES, INC.
 ENGINEERING & ARCHITECTURE
 SURVEYING

1000 Peachtree Street, N.E.
 Atlanta, Georgia 30309
 Phone: 404.525.1100
 Fax: 404.525.1101
 1000 Peachtree Street, N.E.
 Atlanta, Georgia 30309
 Phone: 404.525.1100
 Fax: 404.525.1101

PROJECT NAME:
BOWERS TUNING BUILDING ADDITION
 PROJECT NO.: 10000

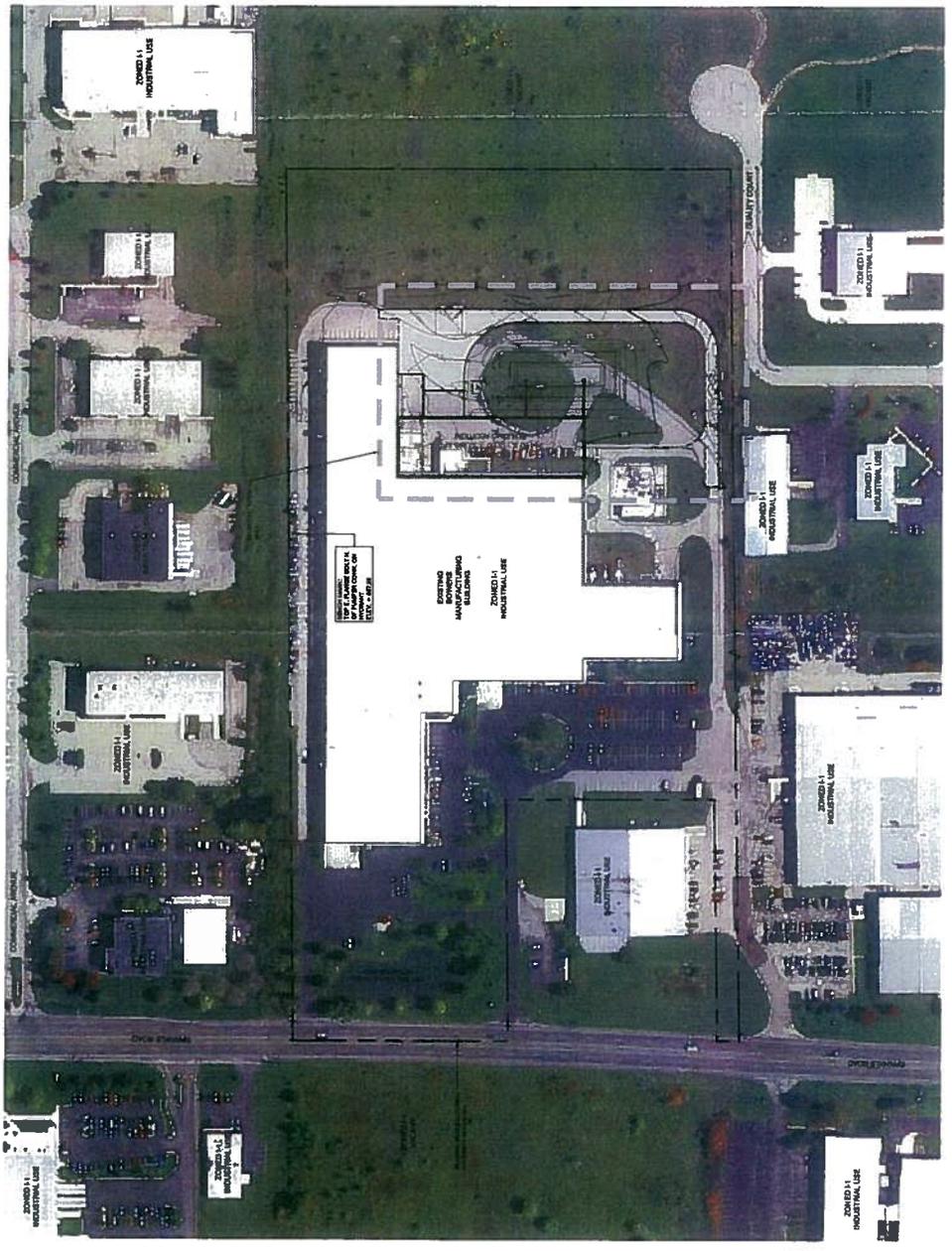
ARCHITECT OF RECORD:
PERKINS+WILL
 600 North Dearborn Street
 Chicago, IL 60610
 Phone: 312.345.5000
 Fax: 312.345.5001

ARCHITECT OF RECORD:
PERKINS+WILL
 600 North Dearborn Street
 Chicago, IL 60610
 Phone: 312.345.5000
 Fax: 312.345.5001

DATE: JULY 12, 2012
 SCALE: 1" = 40'

ENLARGED OVERALL SITE LAYOUT
 SHEET 1" = 40'

FORM NO. 120347
 120347-3



ENLARGED OVERALL SITE LAYOUT
 SHEET 1" = 40'

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
					\$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

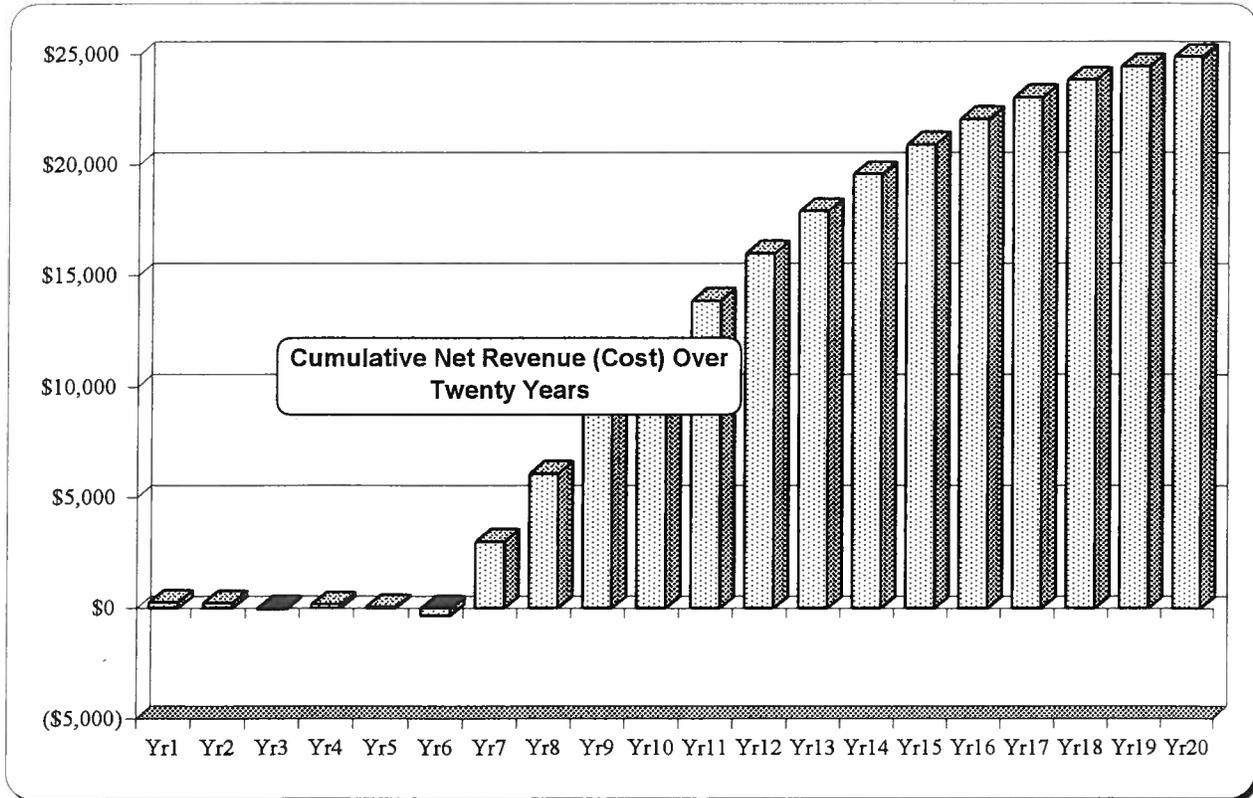
Additional revenues	Additional (costs)	Net additional (cost)/revenue	Number of jobs created	(Cost)/revenue per job created
\$13,235	(\$12,988)	\$247	25	\$10

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

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

TO: Honorable Mayor and City Council

DATE: November 26, 2012

FROM: Maurice S. Evans, City Manager



SUBJECT: Bowers Manufacturing Company – PA 198 Tax Abatement

ACTION RECOMMENDED: That City Council:

- a. adopt Resolution No. 4-12, approving the Industrial Facilities Exemption Certificate for the Bowers Manufacturing Company at 6565 Sprinkle Road (for six years on the real property and three years on the personal property) in the total amount of \$2.81 million; and
- b. approve the tax abatement agreement and affidavit between the City of Portage and Bowers Manufacturing Company.

At the City Council meeting on November 20, 2012, a PA 198 Tax Abatement application submitted by Bowers Manufacturing Company was provided to Council. Also provided, was a preliminary analysis of the tax abatement request, a review of the approval process, as well as the environmental, project impact and property tax issues associated with the application. As indicated in the application submitted by Bowers, a total investment of \$2.81 million is proposed that will result in the retention of 215 existing jobs and creation of 25 new jobs.

To facilitate this project proposed by Bowers Manufacturing, the City Administration recommends that subsequent to the public hearing, City Council approve an Industrial Facilities Exemption Certificate, which is in conformance with City Council policy for a period of six years for real property and three years for personal property. In addition, approval of the required tax abatement agreement and affidavit is recommended.

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

Attachments: Resolution 4-12
Tax Abatement Agreement
Affidavit with Regard to Fees

**CITY OF PORTAGE, MICHIGAN
RESOLUTION NO. 4-12**

**APPROVING THE APPLICATION OF
BOWERS MANUFACTURING COMPANY
INDUSTRIAL FACILITIES EXEMPTION CERTIFICATE
FOR THE FACILITY IN PORTAGE INDUSTRIAL DEVELOPMENT
DISTRICT NO. 53**

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

PRESENT: _____

ABSENT: _____

The following resolution was offered by:

Councilmember _____, and supported by

Councilmember _____.

WHEREAS, pursuant to 1974 PA 198, MCLA Sec. 207.551 et seq., after a duly noticed public hearing held on the _____ day of _____, 2012, this Council by resolution, established Portage Industrial Development District No. 53 as requested by BOWERS MANUFACTURING COMPANY, sole owners of the property therein described; and;

WHEREAS, by resolution adopted _____, 2012, the City Council accepted the application of BOWERS MANUFACTURING COMPANY for an Industrial Facilities Exemption Certificate for a new facility and equipment to be installed in the Portage Industrial Development District No. 53, and directed the City Clerk to notify the City Assessor and the legislative body of each taxing unit which levies ad valorem taxes on the property located within said Industrial Development District No. 53, that the application for the Facilities Exemption Certificate would be considered at a meeting of the City Council on

_____, 2012, and that an opportunity to be heard would be provided to the Assessor and to a representative of each of the bodies so notified; and

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

NOW THEREFORE BE IT RESOLVED AS FOLLOWS:

1. That this City Council finds:

- (a) That the construction of the facility had not begun earlier than six (6) months before _____, the date of acceptance of the application for the Industrial Facilities Exemption Certificate;
- (b) That the application relates to a program which when completed will constitute a new facility within the meaning of 1974 PA 198 and will be situated in Portage Industrial Development District No. 53 established in Portage on _____, by resolution of the City Council;
- (c) That completion of facility is calculated to, and will at the time of issuance of the certificate, have the reasonable likelihood to create employment, retain employment, or prevent a loss of employment in the City of Portage.
- (d) That the application applies to a new facility and equipment;
- (e) That the aggregate SEV of real and personal property exempt from ad valorem taxes within the City of Portage, after granting this certificate, will be _____ percent of an amount equal to the sum of SEV of the City plus the SEV of personal and real property thus exempted; however, the City Council specifically finds that the granting of the exemption applied for will not substantially impede the operation of, or impair the financial soundness of, any unit of local government.

That the application of BOWERS MANUFACTURING COMPANY for an Industrial Facilities Exemption Certificate with regard to the construction of a new facility and equipment located in Portage Industrial Development District No. 53 (BOWERS MANUFACTURING COMPANY) be and is hereby approved for a period of 3 years for the machinery and equipment (personal property) with an ending date of _____, and 6 years for the building (real property) with an ending date of _____, 20____, and is conditioned upon execution of an agreement between BOWERS MANUFACTURING COMPANY and the City. BOWERS MANUFACTURING COMPANY may, within the final year in which the certificate is effective, apply for another certificate. If the City disapproves of said application, there is no right of appeal of that decision.

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

ADOPTED: AYES: COUNCILMEMBER _____

NAYS: COUNCILMEMBER _____

ABSENT: COUNCILMEMBER _____

James R. Hudson, City Clerk

Certificate

I hereby certify that the foregoing is a true and complete copy of 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, Michigan 49002
(269) 323-8812

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

TAX ABATEMENT AGREEMENT

This Agreement is made between THE CITY OF PORTAGE, a Michigan Municipal Corporation, of 7900 South Westnedge Avenue, Portage, Michigan 49002, hereinafter referred to as "CITY", and BOWERS MANUFACTURING COMPANY, a Michigan Corporation, of 6565 South Sprinkle Road, Portage, Michigan 49002, hereinafter referred to as "APPLICANT."

THE PARTIES AGREE AS FOLLOWS:

1. The CITY has established an industrial development district #53 in which the APPLICANT proposes to locate a facility in the City of Portage, County of Kalamazoo, State of Michigan and which is described as follows:

See attached legal description.

2. The APPLICANT has filed an application (which is incorporated herein by reference) with the CITY requesting an industrial facilities exemption certificate ("certificate") for personal property and the building improvements located at 6565 South Sprinkle Road, Portage, Michigan, within Industrial Development District #53.

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

4. The term of the certificate granted by the CITY shall be three (3) years for personal property (machinery and equipment) and six (6) years for real property (building). This agreement shall remain in force as to each certificate granted for the term of said certificate.

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

6. The APPLICANT agrees to maintain at least 215 existing employees and hire at least 25 new employees during the term of the certificate. Failure to hire and maintain these positions shall be considered a material breach of this Agreement unless APPLICANT can show by clear and convincing evidence that the breach was caused by unfavorable economic business conditions, loss of business, or some other reason beyond the control of APPLICANT.

7. The APPLICANT agrees to maintain the facility for the entire period of the Certificate within the CITY and not to move or relocate the facility, business, or any portion of either outside the industrial development district without first obtaining the permission of the CITY. If APPLICANT relocates the facility, business, or any portion of either outside of the industrial development district during the period in which the industrial facilities exemption certificate is in effect, the APPLICANT is liable to the CITY for an amount equal to the difference between the industrial facilities tax to be paid by the owner or lessee of that facility for that facility for the tax years remaining under the industrial facilities exemption certificate that is in effect and the general ad valorem property tax that the Applicant would have paid if the Applicant did not

have an industrial facilities exemption certificate in effect for those years. The payment provided in this section shall be distributed in the same manner as the industrial facilities tax is distributed.

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

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

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

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

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

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

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

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

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

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

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

14. The parties agree that the CITY, in approving the tax abatement, has relied on the actions, representations and promises (including the Application) of the APPLICANT. Default of any of the

provisions of this Agreement may be enforced in law or equity. The parties agree that exclusive jurisdiction to resolve any disputes on this contract shall be Kalamazoo County, Michigan.

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

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

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

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

Dated: 11-19, 2012

WITNESSED:

Sherry H Barrett
[Signature]

By: [Signature]
JON H. BOWERS
Its: PRESIDENT

STATE OF MICHIGAN)
)SS
COUNTY OF KALAMAZOO)

On this 19th day of November, 2012 before me personally came the above named Jon H. Bowers, as President, and on behalf of Bowers Manufacturing Company, who acknowledges that he has read the foregoing Tax Abatement Agreement by him subscribed and knows the contents thereof, and that he has the authority of said corporation to execute this Agreement, and acknowledges that he executed the same as his free act and deed.

Karyn A Walker
Notary Public
Kalamazoo County, Michigan
My Commission Expires: 1-31-13
Acting in Kalamazoo County, Michigan
Karyn A Walker, Notary Public
Kalamazoo County Michigan
Commission Expires 01/31/2013

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.

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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.

**AFFIDAVIT WITH REGARD TO FEES
OF 198 APPLICATION FOR
BOWERS MANUFACTURING COMPANY**

STATE OF MICHIGAN)
)ss.
COUNTY OF KALAMAZOO)

NOW COME Affiants, James R. Hudson and Jon H. Bowers, and state as follows:

1. James R. Hudson is the City Clerk and an official for the City of Portage.
2. Jon H. Bowers is the President of the applicant, BOWERS MANUFACTURING COMPANY, who is an applicant for an industrial facilities exemption certificate.

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

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

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

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

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

CITY OF PORTAGE, a Michigan Municipal Corporation

Date: _____, 2012

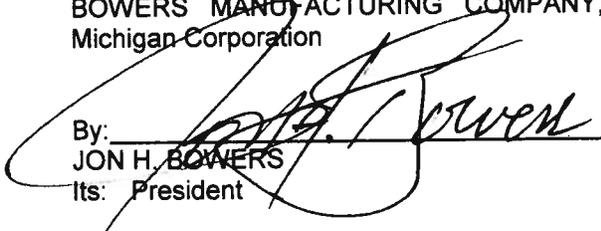
By: _____
JAMES R. HUDSON
Its: City Clerk

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

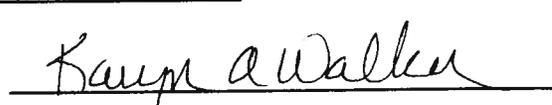
Notary Public
Kalamazoo County, Michigan
My commission expires: _____
Acting in Kalamazoo, Michigan

BOWERS MANUFACTURING COMPANY, a Michigan Corporation

Date: 11-19, 2012

By: 
JON H. BOWERS
Its: President

Subscribed and sworn to before me this 19th day of November, 2012.



Notary Public
Kalamazoo County, Michigan
My commission expires: 1-31-13
Acting in Kalamazoo, Michigan

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

Prepared by:
Randall L. Brown
Attorney for City of Portage
1662 East Centre Avenue
Portage, MI 49002
(269) 323-8812

CITY OF PORTAGE

COMMUNICATION

TO: Honorable Mayor and City Council

DATE: November 26, 2012

FROM: Maurice S. Evans, City Manager



SUBJECT: Rezoning Application #12-01 (9136 Shaver Road)

ACTION RECOMMENDED: That City Council:

- a. accept Rezoning Application #12-01 for first reading and set a public hearing for January 8, 2013; and
- b. subsequent to the public hearing, consider approving Rezoning Application #12-01 and rezone 9136 Shaver Road to B-3, general business.

An application has been received from Mr. Robert Wiitanen requesting that 9136 Shaver Road be rezoned from I-1, light industry to B-3, general business. According to the applicant, the rezoning is being requested to facilitate redevelopment of the site for a new Mulligans Grill and Sports Bar. In the attached report dated November 9, 2012, the Department of Community Development recommends that 9136 Shaver Road be rezoned to B-3, general business. The rezoning request is consistent with the Comprehensive Plan, Future Land Use Map and surrounding land use/zoning pattern. The rezoning will also provide the applicant redevelopment flexibility in areas of site design, building and parking setbacks, signage and visibility.

The Planning Commission convened a public hearing during the November 1 and 15, 2012 meetings. After considering the proposed rezoning, the Planning Commission voted 8-0 to recommend to City Council that Rezoning Application #12-01 be approved consistent with the staff recommendation.

Attachment: Communication from the Department of Community Development

CITY OF PORTAGE

COMMUNICATION

TO: Maurice S. Evans, City Manager

DATE: November 26, 2012

FROM: Vicki Georgeau, ^{VA} Director of Community Development

SUBJECT: Rezoning Application #12-01, 9136 Shaver Road

An application has been received from Mr. Robert Wiitanen requesting that 9136 Shaver Road Avenue be rezoned from I-1, light industry to B-3, general business. According to the applicant, the rezoning is being requested to facilitate redevelopment of the site for a new Mulligans Grill and Sports Bar.

The Future Land Use Plan Map component of the Comprehensive Plan identifies the rezoning site, along with properties to the north and south, as being situated within the Shaver Road Business Corridor. The Shaver Road Business Corridor consists of a mixture of land uses with growing/stable industrial uses primarily located along the east side of Shaver Road and a mixture of light industrial and commercial uses and some nonconforming single-family dwellings located along the west side of Shaver Road. The west side of the corridor has experienced significant (re)development activity during the past 10-15 years including the Meijer and Walmart facilities and additional redevelopment is expected in the future. The proposed B-3 zoning district is consistent with the Comprehensive Plan designation for the subject property.

In a report dated November 9, 2012 the Department of Community Development has recommended that Rezoning Application #12-01 be approved and 9136 Shaver Road be rezoned to B-3, general business. The Planning Commission convened a public hearing during the November 1st and 15th, 2012 meetings. The applicant, Mr. Robert Wiitanen, was present at both meetings to support the rezoning application and explains his plans to construct a new Mulligans Grill and Sports Bar. No additional citizens spoke during these meetings and no written communications have been received from the area residents or concerned citizens. At the conclusion of the November 15th meeting, the Commission voted 8-0 to recommend to City Council that Rezoning Application #12-01 be approved consistent with the staff recommendation.

Attached find the Planning Commission transmittal, Department of Community Development report and related materials for review.

Attachments: Planning Commission transmittal dated November 26, 2012
Planning Commission Minutes dated November 1st and 15th, 2012
Department of Community Development report dated November 9, 2012
Ordinance Amendment

TO: Honorable Mayor and City Council
FROM: Planning Commission
DATE: November 26, 2012
SUBJECT: Rezoning Application #12-01, 9136 Shaver Road

The Planning Commission convened a public hearing during the November 1st and 15th, 2012 meetings to consider the rezoning of 9136 Shaver Road from I-1, light industry to B-3, general business. Mr. Robert Wiitanen (owner/applicant) was present at both meetings to support the rezoning application and explain plans to demolish the existing restaurant/bar and construct a new Mulligans Grill and Sports Bar. No additional citizens spoke during the November 1st and 15th meetings and no written communications were received from area residents or interested citizens.

After careful consideration, a motion was made by Commissioner Stoffer, seconded by Commissioner Patterson, to recommend to City Council that Rezoning Application #12-01 be approved and 9136 Shaver Road be rezoned to B-3, general business with a finding that the proposed zoning change is consistent with the Comprehensive Plan, Future Land Use Map and surrounding land use/zoning pattern and will provide the applicant redevelopment flexibility in areas of site design, building and parking setbacks, signage and visibility. The motion was unanimously approved.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Cheesebro". The signature is fluid and cursive, written over a white background.

James Cheesebro, Chairman
City of Portage Planning Commission

PLANNING COMMISSION

November 1, 2012

The City of Portage Planning Commission meeting of November 1, 2012 was called to order by Chairman Cheesebro at 7:00 p.m. in Council Chambers of Portage City Hall, 7900 South Westnedge Avenue. Two citizens were in attendance.

MEMBERS PRESENT:

Wayne Stoffer, Bill Patterson, Miko Dargitz, David Artley, Allan Reiff and James Cheesebro.

MEMBERS ABSENT:

Dave Felicijan.

MEMBERS EXCUSED:

Paul Welch and Rick Bosch.

IN ATTENDANCE:

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

PLEDGE OF ALLEGIANCE:

Chairman Cheesebro led the Commission in the Pledge of Allegiance.

APPROVAL OF MINUTES:

Chairman Cheesebro referred the Commission to the October 18, 2012 meeting minutes contained in the agenda packet. A motion was offered by Commissioner Artley, seconded by Commissioner Stoffer, to approve the minutes as submitted. The motion was unanimously approved.

PUBLIC HEARINGS:

1. **Preliminary Report: Rezoning Application #12-01, 9136 Shaver Road.** Mr. West summarized the preliminary staff report dated October 26, 2012 regarding a request received from Mr. Robert Wiitanen to rezone 9136 Shaver Road from I-1, light industry to B-3, general business. Mr. West stated the rezoning was being requested to facilitate redevelopment of the site for a new Mulligans Grill and Sports Bar. Mr. West discussed the Future Land Use Map designation, surrounding zoning/land use pattern, suitability of the existing I-1 zone and the potential impacts of the proposed B-3 zone. Mr. West also discussed the different building/parking setback requirements in the I-1 and B-3 zones and indicated the applicant desired to redevelop the new Mulligans Grill and Sports Bar under the less restrictive B-3 standards.

Mr. Robert Wiitanen was present to support the rezoning request and explain his plans to redevelop the Mulligans Grill and Sports Bar. Mr. Wiitanen stated the existing restaurant/bar was over 50 years old and it was time to invest in a new, modern establishment. Mr. Wiitanen indicated the proposed B-3 zone allows for more redevelopment flexibility in areas of building setbacks, parking setbacks and signage and will ensure better visibility along Shaver Road. The public hearing was then opened by Chairman Cheesebro. No citizens spoke in regards to the proposed rezoning. After a brief discussion, a motion was made by Commissioner Artley, seconded by Commissioner Reiff, to adjourn Rezoning Application #12-01, 9136 Shaver Road, to the November 15, 2012 meeting. The motion was unanimously approved.

SITE/FINAL PLANS:

None.

plan approval in an effort to save time and move the project forward. In September 2012, Mr. Forth indicated City Council granted both the waiver and extension which included two minor changes to the conceptual plan: 1) Building 3 (a 19,500 square foot retail building) was replaced with the Repertoire Restaurant and a future second building, and, 2) The second floors within Buildings 4 and 5 were eliminated. Commissioners Welch and Bosch asked about the applicant's request to exceed the maximum parking requirement. Mr. Forth reviewed the Zoning Code parking standard for sit-down style restaurants and discussed the uniqueness of the proposed restaurant/jazz-blues club and referred the Commission to the information provided by the applicant regarding the anticipated parking need. Commissioner Dargitz asked for an explanation regarding the elimination of residential land use from the conceptual plan. Mr. Forth stated that residential land use component was not part of the approved conceptual plan but a reference was made by the developer in the 2006 written narrative for possible future residential units on the second floor of some of the commercial buildings.

Mr. Todd Hurley (applicant's engineer) and Mr. Mike Marshburn (original developer, PCL Curtis LLC) were present to support the development project. Mr. Hurley summarized the applicant's need for the additional parking spaces and discussed the collaborative efforts with the MDEQ to enclose the open ditch and improve storm water management. Mr. Hurley stated the entire development includes shared/cross access and shared parking. Mr. Marshburn discussed the original 2006 conceptual plan and the "vision" for possible future residential land use within the project. However, Mr. Marshburn indicated recent changes to the conceptual plan were the result of the changing economy and were necessary to meet market demands and individual user needs. Mr. Marshburn stated the continuation of boulevard accesses, internal sidewalks and connectivity between sites have resulted in a very pedestrian friendly development project. Commissioner Felicijan expressed concern that there may not be enough parking for the proposed use. Commissioner Reiff expressed similar concern, but noted there was area to the west to expand parking, if necessary. Mr. Hurley stated the applicant felt comfortable that the 111 requested parking spaces would be adequate for the use.

The Commission, applicant representatives and staff further discussed parking, access, traffic and changes to the original conceptual plan. After additional discussion, a motion was made by Commissioner Bosch, seconded by Commissioner Stoffer, to approve the Specific Plan for the Repertoire Restaurant, 412 West Centre Avenue, including the request to exceed the maximum parking requirement and construct a total of 111 spaces for the use based on documented evidence provided by the applicant that the additional parking is necessary and will not adversely impact the subject property, surrounding properties or related natural features. The motion was unanimously approved.

PUBLIC HEARINGS:

1. **Final Report: Rezoning Application #12-01, 9136 Shaver Road.** Mr. West summarized the final staff report dated November 9, 2012 regarding a request received from Mr. Robert Wiitanen to rezone 9136 Shaver Road from I-1, light industry to B-3, general business. Mr. West stated the rezoning was being requested to facilitate redevelopment of the site for a new Mulligans Grill and Sports Bar. Mr. West indicated the rezoning request was consistent with the Future Land Use Map/Comprehensive Plan designations, as well as the surrounding zoning/land use pattern, and was recommended for approval by staff.

Mr. Robert Wiitanen was present to support the rezoning request and explain his plans to redevelop the Mulligans Grill and Sports Bar. Mr. Wiitanen stated his plans were to begin construction in late winter/early spring and have the new restaurant/bar ready in the summer of 2013. The public hearing was reconvened by Chairman Cheesebro. No citizens spoke in regards to the proposed rezoning. A motion was made by Commissioner Welch, seconded by Commissioner Bosch, to close the public hearing. The motion was unanimously approved. After a brief discussion, a motion was made by Commissioner Stoffer, seconded by Commissioner Patterson, to recommend to City Council that Rezoning Application #12-01 be approved and 9136 Shaver Road be rezoned to B-3, general business. The proposed zoning change is consistent with the Comprehensive Plan, Future Land Use Map and surrounding land use/zoning pattern and will provide the applicant redevelopment flexibility in areas of site design, building and parking setbacks, signage and visibility. The motion was unanimously approved.

TO: Planning Commission **DATE:** November 9, 2012
FROM: Vicki Georgeau, ^{1/2} Director of Community Development
SUBJECT: Final Report: Rezoning Application #12-01, 9136 Shaver Road

I. INTRODUCTION:

An application has been received from Mr. Robert Wiitanen requesting that 9136 Shaver Road Avenue be rezoned from I-1, light industry to B-3, general business. According to the applicant, the rezoning is being requested to facilitate redevelopment of the site for a new Mulligans Grill and Sports Bar.

Applicant	Property Address	Description	Zoning	
			Existing	Proposed
Robert Wiitanen	9136 Shaver Road	Parcel 00028-110-O	I-1	B-3
One parcel - 1.88 acres				

II. EXISTING CONDITIONS:

Land Use/Zoning	<p><u>Rezoning Site:</u> Mulligans Grill and Sports Bar (3,914 square foot building), parking lot and associated site improvements that were constructed in 1960.</p> <p><u>West/South:</u> Vacant land, 9220 Shaver Road, zoned I-1, light industry.</p> <p><u>North:</u> Nonconforming single family residence and accessory storage, 9126 Shaver Road, zoned I-1, light industry.</p> <p><u>East:</u> Across Shaver Road, industrial land use zoned I-2, heavy industry.</p>
Zoning/Development History	<p>No rezoning of properties in the surrounding area since adoption of the 2008 Comprehensive Plan. However, significant rezoning did occur further to the north, along the west side of Shaver Road, during the late 1990s and early 2000s.</p> <p>In 1999/2000, several properties located between 8830 and 9010 Shaver Road were rezoned from I-1, light industry to B-3, general business to facilitate the Meijer redevelopment project.</p> <p>In 2002/2003, several properties located between 8250 and 8540 Shaver Road were rezoned from I-1, light industry, B-3, general business and RM-1, multiple family residential to CPD, commercial planned development to facilitate the Walmart redevelopment project.</p>
Historic District/Structures	The subject site is not located within a historic district and does not contain any historic structures.
Public Streets	Shaver Road is designated as a 4-5 lane major arterial with 19,108 vehicles per day (2011); capacity of 32,500 vehicles per day (level of service "D").
Public Utilities	Municipal water and sewer are available.
Environmental	The City of Portage Sensitive Land Use Inventory Map does not identify wetland and/or floodplain areas on the subject site. However, a designated wetland area is identified on the adjacent parcel to the west.

III. PUBLIC REVIEW/COMMENT

The Planning Commission convened a public hearing at the November 1, 2012 meeting. Mr. Robert Wiitanen (applicant/owner) was present to support the rezoning request and explain his plans to redevelop the Mulligans Grill and Sports Bar. Mr. Wiitanen stated the proposed B-3 zone allows for more redevelopment flexibility in areas of building setbacks, parking setbacks and signage and will ensure better visibility along Shaver Road. No additional citizens spoke during the November 1, 2012 public hearing.

IV. FINAL ANALYSIS:

The following analysis has been prepared based on general land use considerations, the Comprehensive Plan, traffic conditions and surrounding development patterns. Issues to be considered are consistency with the Future Land Use Plan Map and Development Guidelines, suitability of the existing zoning classification and the impacts of the proposed zoning classification.

Comprehensive Plan/Future Land Use Map Consistency. The Future Land Use Plan Map component of the Comprehensive Plan identifies the rezoning site, along with properties to the north and south, as being situated within the Shaver Road Business Corridor. The Comprehensive Plan describes the Shaver Road Business Corridor as a developing corridor that serves as an employment generator and source of production of a variety of products and commercial needs that benefit the city. The Shaver Road Business Corridor consists of a mixture of land uses with growing/stable industrial uses primarily located along the east side of Shaver Road and a mixture of light industrial and commercial uses and some nonconforming single-family dwellings located along the west side of Shaver Road. The west side of the corridor has experienced significant (re)development activity during the past 10-15 years including the Meijer and Walmart facilities and additional redevelopment is expected in the future that will strengthen corridor and provide additional job opportunities. The proposed B-3 zoning district is consistent with the Comprehensive Plan designation for the subject property.

Development Guidelines. The Development Guidelines are intended to be used by the Commission and staff when reviewing private development proposals, infrastructure improvement programs (i.e. public expenditures on streets, sewers and water mains that influence the location, intensity and timing of development) and public programs that affect the physical environment. The guidelines also provide direction and underpinning for regulations that affect land use (e.g. zoning, subdivision, parking, landscaping and others), may suggest incentives to influence community development and preservation and may suggest adjustments to other policies that influence the use of land for consistency with community development objectives. The proposed B-3 zoning district is consistent with applicable development guidelines contained in the Comprehensive Plan (attached).

Suitability of Existing I-1 Zone/Impacts of Proposed B-3 Zone. Both the existing I-1, light industry zone and proposed B-3, general business zone are consistent with the Comprehensive Plan/Future Land Use Map designation for the Shaver Road Business Corridor. The west side of the Shaver Road Business Corridor is intended to include a mixture of light industry and commercial land uses and the existing zoning/land use pattern reflects this arrangement. The subject site and immediately adjacent parcels are zoned I-1, while properties located further to the north and near the southwest corner of Shaver Road and Vanderbilt Avenue are zoned B-3. The I-1 district allows a variety of land uses including manufacturing, compounding, processing, packaging, assembly and/or treatment of finished or semi-finished products from previously prepared materials. The B-3 district allows a variety of retail/commercial land uses that can serve pass-by traffic along major streets and the employment base that exists in the area including general retail, personal service establishments, sit-down and fast-food restaurants, minor auto repair, car washes and motels/hotels.

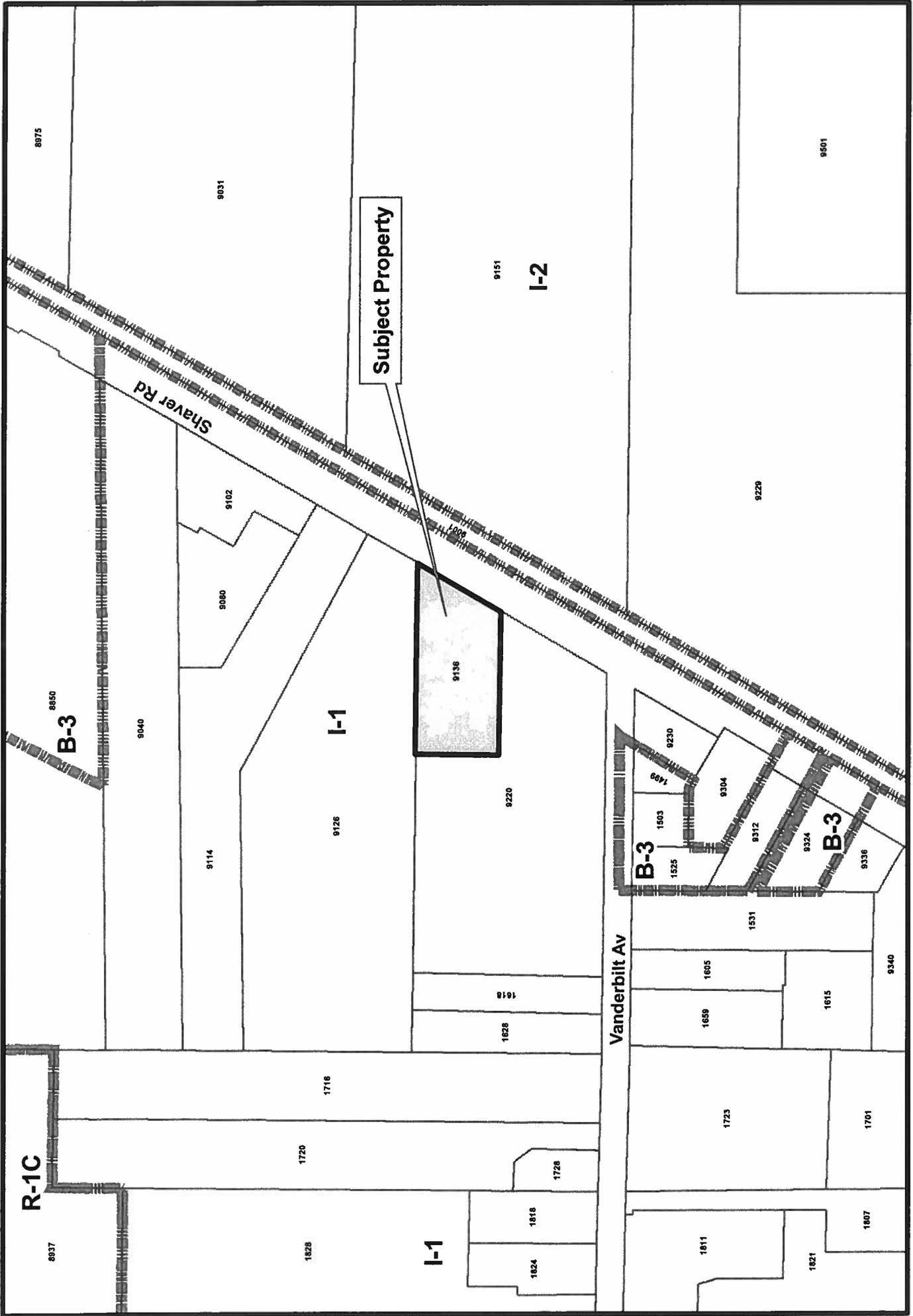
The applicant is requesting the zoning change from I-1 to B-3 to facilitate redevelopment of the site for a new Mulligans Grill and Sports Bar. As information for the Commission, the site has been operated as a restaurant/bar since its original construction in 1960. While the restaurant/bar use at the site is protected as a permitted use in the I-1 zone, the applicant has indicated that redevelopment of a new Mulligans Grill and Sports Bar is less restrictive under the proposed B-3 zone. For example, the minimum front yard building setback in the I-1 district is 75-feet, compared to 30-feet in the B-3 district. Similarly, the minimum front yard parking setback in the I-1 district is 50-feet, compared to 10-feet in the B-3 district. The lesser building/parking setback requirements under the proposed B-3 zone provide more redevelopment options and flexibility for the applicant.

Traffic Considerations. Under either the existing I-1 zone or proposed B-3 zone, the 1.88 acre property could accommodate an approximate 20,500 square foot building based on 25% lot coverage. While traffic generation from such a development would vary based upon the specific use(s) of the site, any additional traffic generation resulting from a zoning change to B-3 can be accommodated by the adjacent roadway network. When Shaver Road was reconstructed as a 4-5 lane boulevard street in 2004, consideration was given to future commercial/industrial growth and development along the corridor. Shaver Road is currently operating at less than 60% capacity with approximately 19,108 vehicles per day travelling the corridor (capacity of 32,500 vehicles per day – level of service “D”). Specific access management related issues including proposed access location, shared and/or cross access will be reviewed during the site plan stage of redevelopment.

V. RECOMMENDATION:

Subject to any additional comments that may be received during the public hearing, staff advises the Planning Commission to recommend to City Council that Rezoning Application #12-01 be approved and 9136 Shaver Road be rezoned to B-3, general business. The proposed zoning change is consistent with the Comprehensive Plan, Future Land Use Map and surrounding land use/zoning pattern and will provide the applicant redevelopment flexibility in areas of site design, building and parking setbacks, signage and visibility.

Attachments: Zoning/Vicinity Map
Future Land Use Map
Aerial Photograph Map
Development Guidelines (B-3)
Rezoning Application



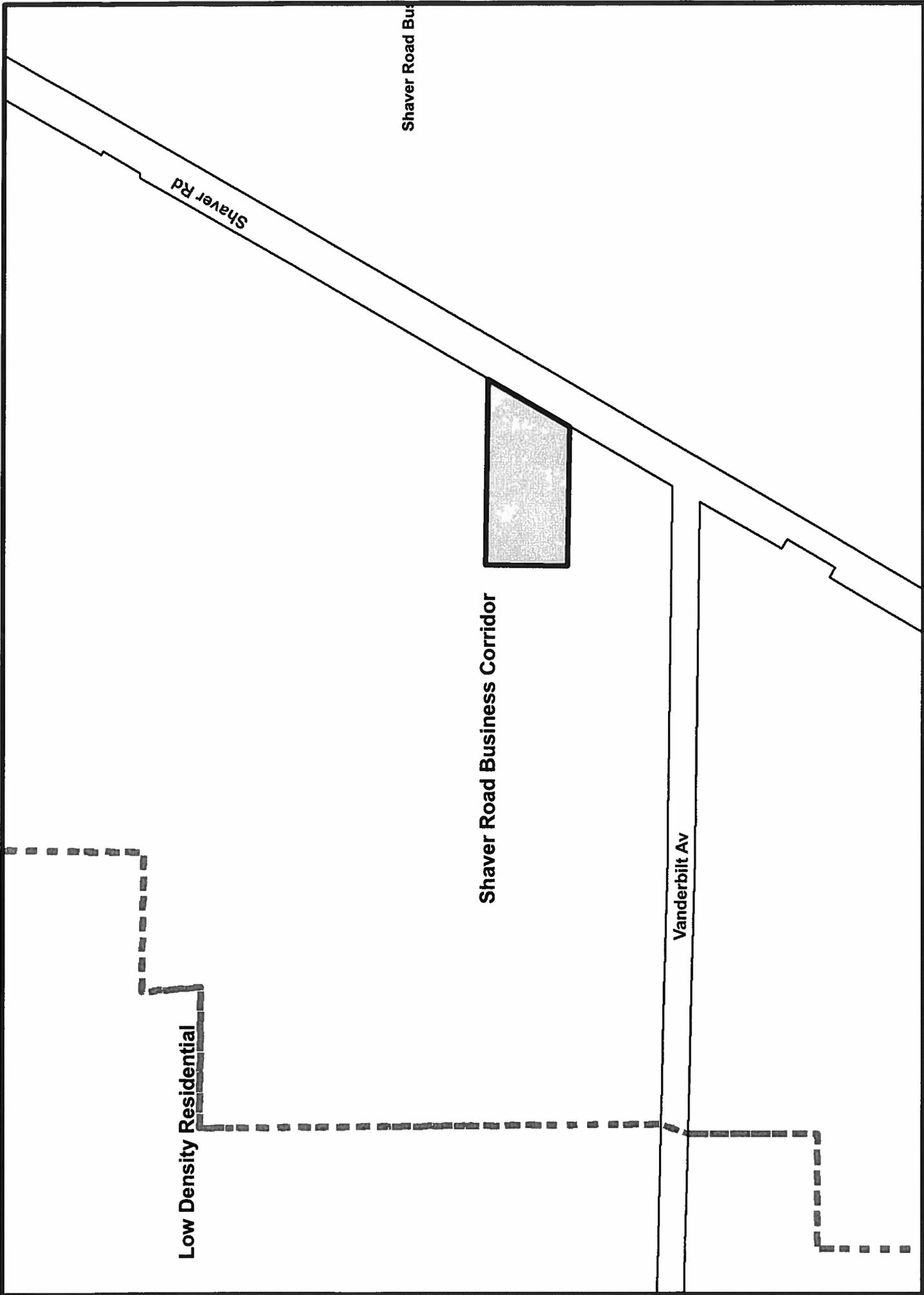
Subject Property

Rezoning #12-01 9136 Shaver Road

 Zoning Boundary
 Subject Properties
 300' Notification Boundary



1 inch = 300 feet



Low Density Residential

Shaver Rd

Shaver Road Bus

Shaver Road Business Corridor

Vanderbilt Av

Future Land Use Map 9136 Shaver Road

Future Land Use
Subject Properties



1 inch = 300 feet



Subject Property

Aerial Photo 9136 Shaver Road

 Subject Property



1 inch = 100 feet

DEVELOPMENT GUIDELINES
Rezoning Application #12-01 (B-3, General Business)

Guideline	Description	Consistent	Comments
Rezoning Requests Z-1	Consistency with Future Land Use Plan	Yes	Future Land Use Map designates 9136 Shaver Road, as well as properties to the north and south, as being situated within the Shaver Road Business Corridor with light industrial uses located along the east side of Shaver Road and a mixture of light industrial and commercial uses located along the west side of Shaver Road.
Commercial – 1	Coordinated Development	Yes	While a coordinated commercial expansion and/or redevelopment project is not currently planned for the rezoning site, future commercial development will include coordinated site design such as shared and cross access and pedestrian circulation.
Commercial – 2	Commercial/Office Uses in General	Yes	The rezoning is being requested to facilitate redevelopment of the Mulligan Grill and Sports Bar consistent with other commercial redevelopments within the Shaver Road Business Corridor.
Commercial – 3	Local Business Uses	N/A	Rezoning site is not situated within an area designated for local or neighborhood commercial uses.
Commercial – 4	Regional and General Commercial Uses	Yes	Rezoning site is situated along the west side of the Shaver Road Business Corridor where a mixture of light industrial and commercial land uses is planned. Property has frontage on Shaver Road and access will be obtained through this major arterial street.
Commercial – 5	Portage Commerce Square	N/A	Rezoning site is not situated within the Portage Commerce Square.
Commercial – 6	Office/Commercial Site Design	Yes	Site design issues including pedestrian circulation, shared/cross access, storm water management, building location, screening and buffering will be reviewed at site plan stage of development.
Natural & Historic Resources - 1	Environmental Protection	Yes	City of Portage Sensitive Land Use Inventory does not identify wetland/floodplain areas on the subject property, however, designated wetland areas are identified on adjacent parcel to west.
Natural & Historic Resources - 2	Floodplain	Yes	Rezoning site is not situated within the 100-year floodplain.
Natural & Historic Resources - 3	Water Quality	Yes	Storm water system will be reviewed at the site plan stage of development.
Natural & Historic Resources – 4	Noise	Yes	Site design issues including noise associated with the proposed B-3 zoning district reviewed at the site plan stage of development.
Natural & Historic Resources – 5	Historic Resource Preservation	Yes	The rezoning site does not contain any historic buildings and is not situated within an established historic district.

Transportation – 1	Transportation Systems	Yes	Shaver Road is a 4-5 lane major arterial roadway with 19,108 vehicles per day (2011) and a capacity of 32,500 vehicles per day. While anticipated traffic generation can be accommodated, issues associated with shared/cross access will be reviewed at the site plan stage of development consistent with the City of Portage Access Management Ordinance.
Transportation – 2	Street Design	Yes	Subject property has frontage on Shaver Road and coordinated access design issues including shared/cross access will be reviewed at the site plan stage of development.
Transportation – 3	Access Management	Yes	See Transportation – 1 and Transportation – 2 above.
Transportation – 4	Non Motorized Travel	Yes	Specifics associated with the inclusion of walkways and pathways will be reviewed at the site plan stage of development.
Transportation – 5	Right-of-Way Preservation	Yes	Reviewed at the site plan stage of development.
Transportation – 6	Parking	Yes	Reviewed at the site plan stage of development.
Municipal Facilities & Services – 2	Sanitary Service	Yes	Sanitary sewer is available.
Municipal Facilities & Services –3	Underground Utilities	Yes	Reviewed at the site plan stage of development.

RECEIVED
OCT 09 2012

APPLICATION FOR ZONING AMENDMENT

Application number 12-1

Date October 9, 2012

APPLICATION INFORMATION:

Meetings of the Portage Planning Commission are held on the first and third Thursday of each month at 7:00 p.m. in the Council Chambers of Portage City Hall, 7900 South Westnedge Avenue, Portage, Michigan. All zoning amendment applications must be properly filled out and submitted to the Department of Community Development and the zoning amendment fee paid at least 15 working days prior to the meeting at which the public hearing is held. The applicant will be notified in writing of all such public hearing/meetings.

For more detailed information about the zoning amendment process, please refer to Portage Land Development Regulations, Article 4, Division 2, Subdivision 2.

TO THE PLANNING COMMISSION:

I (WE), the undersigned, do hereby respectfully make application and petition the Portage Planning Commission to amend the Zoning Ordinance and/or change the Zoning Map as hereinafter requested. In support of this application, the following is submitted:

ZONING MAP AMENDMENT

1. a. Platted Land:

The property is part of the recorded plat: The property sought to be rezoned is located at 9136 Shaver Rd between Centre Street and Van Der Bilt Street on the west side of the street, and is known as Lot Number(s) _____ of _____ Plat (Subdivision). It has a frontage of 200' feet and a depth of 410' feet.

b. Unplatted Land:

The property is in acreage, and is not therefore a part of a recorded plat. The property sought to be rezoned is located and described as follows: (Indicate total acreage and parcel number).

2. a. Do you own the property to be rezoned? Yes No _____

b. Name of the owner of the property to be rezoned: Robert + Tiffany Wiltanen

Address 29506 Heritage Ln. Paw Paw, MI 49079

3. My (our) interest in the property and purpose for submitting the proposed Zoning Amendment: We are current owners of this property. We would like to construct a new 100' x 60' Bar + Grill + remove existing structure.

4. CURRENT ZONING: I-1 PROPOSED ZONING: B-3

ZONING TEXT AMENDMENT

- 1. The proposed language to be considered is (attach additional sheets as necessary):

- 2. The Zoning Code Chapter and Section wherein the proposed text would be modified/inserted.

- 3. My (our) interest in and purpose for submitting the proposed Zoning Ordinance Amendment.

We attach a statement hereto indicating why, in our opinion, the change requested is necessary for the preservation and enjoyment of substantial property rights, and why such amendment will advance the public health, safety and welfare. An assessment of the impact of the proposal on the community and property of other persons in the vicinity of the amendment or affected by the amendment is also attached.

[Signature] _____ (Signature of Applicant) _____ (Signature of Applicant)

29506 Heritage Ln _____ (Address) _____ (Address)

269-370-0942 _____ (Phone) _____ (Phone)

A copy of all actions taken regarding this application shall be attached and shall be considered a part of this application.

**AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF
PORTAGE, MICHIGAN BY AMENDING ARTICLE 4 OF CHAPTER 42,
LAND DEVELOPMENT REGULATIONS OF THE CODIFIED ORDINANCES
OF PORTAGE, MICHIGAN**

THE CITY OF PORTAGE ORDAINS:

That Article 4 (Zoning) of Chapter 42, of the Codified Ordinances of Portage, Michigan, Official Zoning Map, be amended as follows:

Parcel of land described as follows:

Tract of land located in Section 28, Township 3 South, Range 11 West, City of Portage, County of Kalamazoo, State of Michigan, and further described as follows:

<u>Street Address</u>	<u>Parcel ID Number</u>
9136 Shaver Road	00028-110-O

From I-1, light industry to B-3, general business.

FIRST READING:
SECOND READING:
EFFECTIVE DATE:

Peter J. Strazdas, Mayor

STATE OF MICHIGAN)
) SS
COUNTY OF KALAMAZOO)

I do hereby certify that I am the duly appointed and acting City Clerk of the City of Portage and that the foregoing Ordinance was adopted by the City of Portage on the _____ day of _____, 2012.

James R. Hudson, City Clerk

(App #12-01)

Approved as to Form:
Date: 11/26/12
By: [Signature]
City Attorney

**ADOPTION OF ZONING ORDINANCE
CITY OF PORTAGE, MICHIGAN
NOTICE**

**TO THE RESIDENTS AND PROPERTY OWNERS OF THE CITY OF PORTAGE AND
ALL OTHER INTERESTED PERSONS.**

NOTICE IS HEREBY GIVEN, that an Ordinance to amend Article 4 (Zoning) of Chapter 42 of the Codified Ordinances of Portage, Michigan, was adopted by the City Council at a regular meeting held on the _____ day of _____, 2012, and will become effective _____, 2012.

NOTICE IS FURTHER GIVEN that Article 4 (Zoning) of Chapter 42, Land Development Regulations, of the Codified Ordinance of Portage, Michigan, has been amended as follows:

THE CITY OF PORTAGE ORDAINS:

That Article 4 (Zoning) of Chapter 42, of the Codified Ordinances of Portage, Michigan, Official Zoning Map, be amended as follows:

Parcel of land described as follows:

Tract of land located in Section 28, Township 3 South, Range 11 West, City of Portage, County of Kalamazoo, State of Michigan, and further described as follows:

<u>Street Address</u>	<u>Parcel ID Numbers</u>
9136 Shaver Road	00028-110-O

From I-1, light industry to B-3, general business.

PLEASE TAKE NOTICE that a copy of the Ordinance as amended may be purchased or inspected at City Hall on any business day except public and legal holidays from and after publication of this Notice from 8:00 a.m. to 5:00 p.m. local time. Further, a copy of a map showing the property rezoned is also available at the time and days noted above.

Dated: _____

James R. Hudson, City Clerk

(App #12-01)

**FIRST READING
CITY OF PORTAGE, MICHIGAN
NOTICE**

**TO THE RESIDENTS AND PROPERTY OWNERS OF THE CITY OF PORTAGE AND
ALL OTHER INTERESTED PERSONS.**

NOTICE IS HEREBY GIVEN, that an Ordinance to amend Article 4 (Zoning) of Chapter 42 of the Codified Ordinances of Portage, Michigan, was introduced for first reading at a regular meeting of the City Council held on _____, 2012, and that the Council will hold a public hearing on the proposed amendment at the Portage City Hall in said City on _____, 2012, at 7:30 p.m. or as soon thereafter as may be heard.

NOTICE IS FURTHER GIVEN that the proposed amendment to Article 4 (Zoning) of Chapter 42, of the Codified Ordinances of Portage, Michigan reads as follows:

THE CITY OF PORTAGE ORDAINS:

That Article 4 (Zoning) of Chapter 42, of the Codified Ordinances of Portage, Michigan, Official Zoning Map, be amended as follows:

Parcel of land described as follows:

Tract of land located in Section 28, Township 3 South, Range 11 West, City of Portage, County of Kalamazoo, State of Michigan, and further described as follows:

<u>Street Address</u>	<u>Parcel ID Numbers</u>
9136 Shaver Road	00028-110-O

From I-1, light industry to B-3, general business or any other classification allowed by law.

PLEASE TAKE FURTHER NOTICE that if the owners of at least twenty percent (20%) of the area of land included in the proposed zoning change, or if the owners of at least twenty percent (20%) of the area of land included within an area extending outward one hundred feet (100') from any point on the boundary of the land included in the proposed change, excluding public right-of-way or other publicly owned land, file a written protest petition against the proposed amendment presented to the City Council before final legislative action on the amendment, a two-thirds vote of the City Council will be required to pass the amendment.

Dated: _____

James R. Hudson, City Clerk

(App #12-01)

CITY OF PORTAGE

COMMUNICATION

TO: Honorable Mayor and City Council

DATE: November 28, 2012

FROM: Maurice S. Evans, City Manager



SUBJECT: Household Hazardous Waste Program – Intergovernmental Cooperation

ACTION RECOMMENDED: That City Council approve the contract with Kalamazoo County for household hazardous waste collection during the 2013 calendar year in the not to exceed amount of \$26,000 and authorize the City Manager to execute all documents related to the contract on behalf of the city.

Through the Kalamazoo County Household Hazardous Waste Center, household hazardous waste collection is provided at 1301 Lamont Avenue (near the Kalamazoo County Fairgrounds) for all Portage residents. The City of Portage has participated in this joint intergovernmental program since the early 1990's, with a portion of the Curbside Recycling Millage set aside for this purpose.

An annual contract between the city and county establishes the terms and conditions for Portage resident participation at the Household Hazardous Waste Center. Under the agreement as prepared by the Kalamazoo County Health and Community Services Department, costs are charged on a quarterly basis to each unit of government based on a percentage of participation.

The program will continue the same procedures as in previous years. The collection program provides three, four-hour drop-off periods on selected week days, as well as a four-hour period on the second Saturday of every month. The two special Saturday collection days will be discontinued due to a decrease in Portage resident participation and the opportunity to save \$6,000 per year in this budget. This decrease in participation can be attributed to the active advertising by the Household Hazardous Waste Center staff regarding their regular hours of operation. In reviewing historical data, an amount not to exceed \$26,000 will be sufficient to address the costs associated with the Household Hazardous Waste contract for the period January 1, 2013 through December 31, 2013.

It is recommended that City Council approve a contract with Kalamazoo County to provide hazardous waste collection services at the Household Hazardous Waste Center for Portage residents during the 2013 calendar year in the not to exceed amount of \$26,000 and authorize the City Manager to execute all documents related to the contract on behalf of the city. Funds for the first six months of the contract are budgeted and available in the Fiscal Year 2012-2013 budget and funds for the remainder of the contract will be included in the Fiscal Year 2013-2014 budget.

CITY OF PORTAGE

COMMUNICATION

TO: Honorable Mayor and City Council

DATE: November 26, 2012

FROM: James R. Hudson, City Clerk



SUBJECT: Special Meeting with Board and Commission Applicants

ACTION RECOMMENDED: That City Council set a Special Meeting on Tuesday, January 8, 2013, beginning at 5:30 p.m. to interview board and commission applicants.

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

Board of Review	6 expiring terms
Human Services Board	1 vacancy
Investment Committee	1 vacancy
Zoning Board of Appeals	2 expiring terms

As reflected on the attached Board and Commission Vacancy Summary, applicants are needed at this time to fill vacancies on the Board of Review, Human Services Board, Investment Committee and Zoning Board of Appeals.. It is recommended that City Council set a Special Meeting on Tuesday, January 10, 2012, beginning at 5:30 p.m. to interview board and commission applicants.

Attachment: Vacancy Summary

c Boards/Commissions Chairs
Boards/Commissions Ex Officios

BOARD/COMMISSION VACANCY SUMMARY FOR JANUARY 8, 2013 SPECIAL MEETING

INTERVIEWS	5:30 pm	pm	pm	pm	pm	RESPONSES
APPLICANTS	BD REV 6 exp terms 01/31/13	HSB 1 vacancy 10/01/13	INVEST COMM 1 vacancy	ZBA 2 exp terms 02/28/13		
William E. Brandt	Applicant					
Richard C. Buehrle, Sr.	Applicant					
Bill Fries	Member					Appointed 01/11/11
Richard H. Kraas			Applicant			
Robert Linenger				Member		Appointed 01/13/04
Wesley J. Mazurek	Member					Appointed 05/27/08
Jay S. Olweean	Member					Appointed 01/12/10
Michael Quinn	Member					Appointed 01/10/12
Randall Schau				Applicant		
Betty Schimmel				Member		Appointed 01/13/04
Michael F. Simon	Member					Appointed 01/11/11
William A. Strong	Applicant					

NOTE: Alternate – currently serving as an Alternate Member of a Board or Commission and is seeking appointment or reappointment.
 Member – currently serving as a Member of a Board or Commission and is seeking reappointment.
 Applicant – new applicant seeking appointment to a Board or Commission.

CITY OF PORTAGE

COMMUNICATION

TO: Honorable Mayor and City Council

DATE: November 30, 2012

FROM: Maurice S. Evans, City Manager



SUBJECT: 117 East Centre Avenue Property

ACTION RECOMMENDED: That City Council refer the request from Mr. Roger L. Schiefler regarding the property at 117 East Centre Avenue to the Ad Hoc Property Committee for review and recommendation.

In the attached communication dated November 4, 2012, Mr. Roger L. Schiefler has presented the city with an offer of sale for the property addressed as 117 East Centre Avenue. It is recommended that City Council refer this matter to the Ad Hoc Property Committee for further review. A recommendation from the committee to City Council for the December 18, 2012 regular meeting is suggested.

11/7/12
a
gm

November 4, 2012

RECEIVED

NOV 07 2012

CITY MANAGER'S OFFICE
PORTAGE, MI

Mr. Maurice Evans, City Manager
Portage City Hall
7900 S. Westnedge Ave.
Portage, MI 49002

Dear Mr. Evans,

Vicki Georgio recommended that I write you a letter. I am the owner of the 117 E. Centre Ave. vacant lot that I paid around \$145,000 for a few years ago. Originally there was a house on the property, but because of its' poor condition, I had it torn down (for an additional \$5,000). The back taxes are approximately \$3,000. I would offer it to the City of Portage for \$5,000 TOTAL. Timing, as you know is everything, therefore, I would like to close as soon as possible. I know the city wheels move slowly, but hopefully you may put this on a 'fast track'.

Thank you for your consideration.

RLS Development LLC



Roger L. Schiefler
Cell: (616) 450-3550
Email: rschiefler@gmail.com

CC: Vicki Georgio
CC: Todd Almassian, Lawyer



Kalamazoo County Government

201 West Kalamazoo Avenue • Kalamazoo, Michigan 49007-3777
Phone: (269) 384-8111 • Fax: (269) 384-8032

*C:CM
cc*



November 26, 2012

PORTAGE City Council

The Kalamazoo County Board of Commissioners regularly seeks area residents interested in serving on county-wide boards and commissions. It would be most appreciated if you could post, circulate, or include in your township's newsletter the current vacancies listed below.

Economic Development Corporation Board of Directors/Brownfield Redevelopment Authority

The Brownfield Redevelopment Authority (BRA) facilitates the redevelopment of environmentally contaminated and underutilized properties located within participating municipalities through the use of tax increment financing and other incentives as authorized by state Brownfield redevelopment legislation. The BRA serves those local units in the County who are not currently served by a local BRA. (Members of this Authority are automatically members of the Economic Development Corporation Board of Directors). Contact: Lotta Jarnefelt 384-8115.

The Economic Development Corporation (EDC) Board of Directors meets on an as-needed basis, on the fourth Thursday of each month at 4:00 p.m. in Room 207A of the County Administration Building. This Board deals with specific projects within Kalamazoo County that are funded through bonding. Its purpose is to assist local industrial and commercial enterprises in their development and expansion programs. Appointments are made for six-year terms of office. (This board does not meet on a consistent basis – Members of this Board are automatically members of the Brownfield Redevelopment Authority) Contact: Lotta Jarnefelt 384-8115.

Older Adult Services Advisory Council

The Older Adult Services Advisory Council's primary function is to act in an advisory capacity to the County Board of Commissioners through the Human Services Department related to the provision of services to the senior population of the Kalamazoo community. Membership requirements state that half the members must be age 60 or over, and other members will represent a nutrition provider, social service provider, a local elected official and general public. Appointments are made for three-year terms of office. Meetings are held the second Wednesday of each month at 3:30 p.m. at the Nazareth Complex. Contact: Judy Sivak 373-5153.

Road Commission

The Kalamazoo County Road Commission meets on alternating Tuesdays at 3:30 p.m. at the Road Commission's office located at 3801 East Kilgore Road. The Road Commission, a separate legal entity, is charged with the responsibility for construction and maintenance of the Kalamazoo County road system. At least four of the five members must reside in a township. Contact: Joanna Johnson 381-3171.

PLEASE NOTE: Applications will be accepted for the Road Commission through Monday, December 3rd at 8:00 a.m.

Soil Erosion & Sedimentation Control Board of Appeals

This Board will hear appeals from decisions made by the County Soil Erosion & Sedimentation Control Program. Members must have a current and valid Soil Erosion and Sedimentation Control Training Certificate. Meetings will be held on a quarterly or "as needed" basis. Staff Liaison: Kellie Layman 383-8308.

Veterans Affairs Committee

The Veterans Affairs Committee meetings are held on as needed bases. It is responsible for administering the County Department of Veteran Affairs, which will coordinate and administer benefits to veterans. Appointments are made for four-year terms of office. Contact: Don Jarzambek 373-5304

Applications or further information can be obtained by calling the Board of Commissioners Office at 269.383.8849. Applications and information regarding all the county's boards and commissions can also be found at the County's Web Site at www.kalcounty.com.

Sincerely,



Tina Becker
Administrative Assistant

C: Commissioner John Zull

City of Portage, Michigan
7900 South Westnedge Avenue
Portage, Michigan 49002

Imani Jenkins from PCHS 9th grade
7629 Woodcrest St.
Portage, Michigan
November 13, 2012



Dear City Council Members of Portage Michigan:

I am a science enthusiast, and I anticipate ameliorating the environment in different ways. My research about solar energy brought to my attention all the great things it can do to save money and the climate. I really think Portage should consider going to Solar powered energy because we have such a small city, of only 44 thousand people. As a result of using this alternative source of energy, we could be an example to other towns showing how we are helping the world a little at a time. Solar powered energy is always available, so we never have to worry about us exhausting the sun's heat rays. We could have solar thermals all over, and it would heat up houses and water for an inexpensive price. I want to feel encouraged that we as a city are going to conserve energy and resources. The energy from the sun is calculated in kilowatts, and one kilowatt can power a 10 watt light bulb for ten hours. Solar panels are the newfangled way of enjoying life's pleasures. There are some naysayers out there who don't think we will be able to accomplish this goal, and that carbon doesn't hurt the environment, but Mother Nature says differently. Gandhi said, "Be the change you wish to see in the world". Knowing this, should empower us to move forward!

Sincerely,

Imani Grant Jenkins
Imani Jenkins from Portage Central High School 9th grade

7629 Woodcrest St.

Portage, Michigan 49024

City of Portage
7900 South Westnedge Avenue
Portage, Michigan 49002

RECEIVED

NOV 27 2012

CITY MANAGER'S OFFICE
PORTAGE, MI

November 13, 2012

Dear City of Portage:

Have you ever needed to recycle something, but you just didn't have a place to recycle it? I think everyone has experienced this. Because trash cans are more common than recycling bins in the city, people tend to inadvertently throw things away rather than look for a recycling bin. When something is thrown in the trash, it is remitted to a landfill, so our earth gets dirtier than it already is. We are oblivious to what we are doing to the earth. We don't own the earth; the earth is letting us live on it. One day, by fault of our own, the earth will no longer be safe for us to live on. If Portage placed recycling bins next to every trash can, a person walking by has the option to recycle something instead of throwing it away. I know that one little city doesn't make a huge difference in saving the earth, but I believe that, if we set a good example, other cities will follow our lead. The earth needs our help. Please consider the information stated above, and help Portage become a city that recycles!

Sincerely,

Laura Johnson, Student
Portage Central High School
8135 S. Westnedge Avenue
Portage, Mi 49002

City of Portage
7900 South Westnedge Avenue
Portage, MI 49002

RECEIVED

NOV 27 2012

CITY MANAGER'S OFFICE
PORTAGE, MI

November 13, 2012

Dear Portage City Hall,

I am a Portage citizen. My family always recycles and we are incessantly on the go.

Sometimes, we are very busy, so we stop at McDonalds to buy a pop. Well, on the label it says, "recyclable", but where is there to recycle them? I mean, if we are on the go on an odyssey, where do you expect to see a place where we actually can recycle these cups?

That is our problem. To make Portage a better place, I think each business should supply a recycling bin for paper at their building, and I believe they should enforce people to use them. By doing this, I assume people like my family will use them to recycle the cups.

Just think who all would benefit from this; the recycling companies, the people, the businesses, and of course, the environment; all because we recycle! As Gandhi said, "Be the change you want to see in the world." I say we can fabricate this with simply some recycling bins.

Sincerely,

Mikaela Santek
7370 Jamaica Lane
Portage MI, 49002

CITY OF PORTAGE

COMMUNICATION

TO: Honorable Mayor and City Council

DATE: November 26, 2012

FROM: Maurice S. Evans, City Manager



SUBJECT: Proposal Tabulation and Recommendation - Banking Services

ACTION RECOMMENDED: That City Council accept the proposal submitted by J.P. Morgan Chase Bank for comprehensive banking services for a period of five years and authorize the City Manager to execute all documents related to this contract on behalf of the city.

Proposals were opened on November 1, 2012 for comprehensive banking services for the City of Portage. Proposals were solicited in order to take advantage of increased cash management efficiencies made possible by the most advanced technology, innovative ways to increase customer service and to ensure that the city receives the best quality service at the most advantageous price. Six banks submitted proposals (one of which was non-responsive).

The evaluations included a review of the capacity of the banks to provide service, both for Portage citizens paying bills and for staff in performing day-to-day tasks, as well as bank fees. Crucial features required by the city include: security for access and transactions, Automated Clearing House (ACH) check conversion, ACH and wire transfers, customer credit card payment services, reconciliation services, and check image capture and retrieval. The ability to review the image of a check processed weeks or months before, while a citizen is on the phone, has proven to increase citizen satisfaction.

While not the lowest proposal, based on functionality and price, J.P. Morgan Chase Bank offers the greatest value to the city. Just as important, the account structure and services offered by J.P. Morgan Chase Bank will allow for efficient and effective cash management. J.P. Morgan Chase has offered a bid price of \$2,118 per month for comprehensive banking services, which is less than what is currently being charged and maintains the high level of services currently enjoyed by the city.

It is recommended that City Council award a contract to J.P. Morgan Chase Bank for comprehensive banking services for a period of five years and authorize the City Manager to execute all documents related to this contract on behalf of the city. A proposal tabulation is attached for the information of Council.

Banking Proposal Tabulation – Monthly Cost Summary

<u>Financial Institution</u>	<u>Monthly Total</u>
Chemical Bank 8025 Creekside Drive Portage, MI 49024	\$ 208.00
PNC Bank 6944 S. Westnedge Ave. Portage, MI 49002	\$2,112.00
JP Morgan Chase 141 E. Michigan Ave. Kalamazoo, MI 49007	\$2,118.00
Comerica Bank PO Box 75000 Detroit, MI 48275	\$2,210.00
Huntington National Bank 50 Monroe Avenue NW Grand Rapids, MI 49503	\$2,931.00
Bank of America – Merrill Lynch 100 Federal Street Boston, MA 02110	Non-Responsive

MATERIALS TRANSMITTED

Tuesday, November 20, 2012

1. **TO BE ADDED TO THE NOVEMBER 20, 2012 CITY COUNCIL AGENDA AS ITEM F.8:** Communication from the City Clerk regarding the Board of Canvassers Report.
2. **TO BE ADDED TO THE NOVEMBER 20, 2012 CITY COUNCIL AGENDA AS ITEM G.1:** Communication from the Mayor regarding the City Council Committee Appointments.
3. Communication from the City Manager regarding the City Council Goal Setting Session Results – Information Only.



Maurice S. Evans, City Manager

cc: Brian J. Bowling, Deputy City Manager