

**FINAL AGENDA FOR THE COUNCIL MEETING  
CITY OF PORTAGE  
December 18, 2012**

7:30 p.m. Call to Order.

Invocation: Pastor John Moore of Pathfinder Church.

Pledge of Allegiance.

Roll Call.

Proclamations.

A. Approval of the Regular Meeting Minutes of December 4, 2012.

\* B. Approval of Consent Agenda Motions.

\* C. Communication from the City Manager recommending that City Council approve the Accounts Payable Register of December 18, 2012, as presented.

D. Public Hearings:

E. Petitions and Statements of Citizens:

F. Reports from the Administration:

\* 1. Communication from the City Manager recommending that City Council authorize the Mayor and City Clerk to execute the two-year replacement labor agreement with the Portage Police Officers Association in accordance with the Act 312 Arbitration Award.

\* 2. Communication from the City Manager recommending that City Council approve:  
a. one-year contract renewals for employee health insurance offered through Blue Care Network-10 (HMO plan), and Blue Cross Blue Shield of Michigan (PPO-1 and PPO-2 plans);  
b. up to a one year contract for PPOA retiree supplemental health insurance through Blue Care Network (Medicare Advantage plan) and  
authorize the City Manager to execute all documents on behalf of the city.

\* 3. Communication from the City Manager recommending that City Council:  
a. adopt:  
i. the Proposed 2013 Charges for Documents fee schedule;  
ii. the recommended fee schedules for recreation programs and park facilities for 2013;  
iii. the Resolution for Community Development Fees; and  
iv. the 2013 Special Assessment Rate Resolution and  
b. approve the proposed new Arrest Warrant Processing Fee.

\* 4. Communication from the City Manager recommending that City Council adopt the Resolution setting the dates and times for the 2013 March Board of Review sessions.

\* 5. Communication from the City Manager recommending that City Council authorize payment to the Michigan Municipal League in the amount of \$8,554 for year 2013 membership dues.

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

\* 7. Department Monthly Reports.

G. Communications:

1. Communication from Kalamazoo County 8<sup>th</sup> District Court Chief Judge Paul J. Brindenstine dated November 30, 2012, regarding the proposed closure of the 8<sup>th</sup> District Court South location.

- a. Communication from the City Manager recommending that City Council refer the request from the Kalamazoo County District Court to modify the District Court Consolidation Agreement to the City Manager with authorization to negotiate the terms of the modification.
2. Report from the Historic District Commission regarding the potential of a tour of Portage historic homes and Train Barn open house in recognition of the city's 50<sup>th</sup> Anniversary.
3. Report from the Park Board regarding the possibility of a community art competition in recognition of the city's 50<sup>th</sup> Anniversary.
4. Report from the Planning Commission regarding ways in which the Portage business community can be recognized as part of the 50th Anniversary Celebration.

H. Unfinished Business:

\* I. Minutes of Boards and Commissions Meetings:

1. Portage Historic District Commission of October 3 and November 7, 2012.
2. Portage Human Services Board, November 1, 2012.
3. Portage Park Board of November 7, 2012.
4. Portage Youth Advisory Committee of November 11, 2012.
5. Portage Zoning Board of Appeals of November 12, 2012.

J. Ad-Hoc Committee Reports:

1. Presentation by Councilmember Elizabeth Campbell regarding an update on the recent activity of the Ad Hoc Property Committee.

K. New Business:

L. Bid Tabulations:

- \* 1. Communication from the City Manager recommending that City Council approve the low bids for comprehensive janitorial services submitted by:
  - a. New Fresh Cleaning Services in the amount of \$16,560 for the Police Division Building; and
  - b. LaCosta Facility Support Services in the amount of \$13,212 for City Hall, \$19,764 for the Parks, Recreation and Public Services Building, \$6,780 for the Senior Center and \$3,744 for the District Court; both for the period of January 13, 2013, to January 11, 2014, with the option of three one-year renewals and authorize the City Manager to sign all other documents related to this action 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. Thursday, December 20, 7:00 p.m., District Library Board, Portage District Library.
  - b. Thursday, December 20, 7:00 p.m., Planning Commission, Council Chambers.
  - c. Thursday, January 3, 6:30 p.m., Human Services Board, City Hall Room #1.
  - d. Thursday, January 3, 7:00 p.m., Planning Commission, Council Chambers.
  - e. Monday, January 7, 6:30 p.m., Portage Public Schools Board of Education, Council Chambers.
  - f. Tuesday, January 8, 5:30 p.m., Special Meeting of Portage City Council to Interview Board and Commission Applicants, City Hall Room #1.

N. Materials Transmitted of Tuesday, December 4, 2012.

Adjournment.

# City Council Meeting Summary

December 4, 2012

## CHECK REGISTER

- ◆ Approved the Check Register of December 4, 2012, as presented.

## PUBLIC HEARINGS

- ◆ Adopted Resolution No. 2-12 expanding Industrial Development District No. 53.
- ◆ Adopted 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 approved the tax abatement agreement and affidavit between the City of Portage and Bowers Manufacturing Company.

## PETITIONS AND STATEMENTS OF CITIZENS

- ◆ Ed Halcomb, 9834 Woodlawn Drive, requested Fire Station No. 3 be manned with firefighters and fire equipment twenty-four hours a day, seven days a week, provided a review of his life experiences as a firefighter for the City of Portage and listed some of his credentials as support for his position.

## REPORTS FROM THE ADMINISTRATION

- ◆ Accepted Rezoning Application #12-01 for first reading and set a public hearing for January 8, 2013, at 7:30 p.m. or as soon thereafter as may be heard, to consider approving Rezoning Application #12-01 and rezone 9136 Shaver Road to B-3, general business, subsequent to the public hearing.
- ◆ Approved 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 authorized the City Manager to execute all documents related to the contract on behalf of the city.
- ◆ Set a Special Meeting on Tuesday, January 8, 2013, beginning at 5:30 p.m. to interview board and commission applicants.
- ◆ Referred the request from Mr. Roger L. Schiefler regarding the property at 117 East Centre Avenue to the Administration, who would refer the matter directly to the Ad Hoc Property Committee for review and recommendation.

## COMMUNICATIONS

- ◆ Received the communication from Kalamazoo County Board of Commissioners Administrative Assistant Tina Becker regarding current vacancies on county-wide boards and commissions and placed it on the city website.
- ◆ Referred the communications from several Portage Central High School students regarding environmental initiatives to the Environmental Board for review and recommendation.

## BID TABULATIONS

- ◆ Accepted the proposal submitted by J.P. Morgan Chase Bank for comprehensive banking services for a period of up to five years and authorized the City Manager to execute all documents related to this contract on behalf of the city.

## STATEMENTS OF CITY COUNCIL

- ◆ Councilmember Pearson gave tribute to Christine Berro, Portage District Librarian, who is retiring and recognized her as a very active volunteer in the community. Mayor Strazdas concurred.
- ◆ Councilmember Campbell noted the Portage Northern High School versus Portage Central High School 9<sup>th</sup> Annual Hockey Classic, Monday, December 10, 2012, at 6 p.m. which serves as a fundraiser for the Portage Rotary Club. Discussion followed.
- ◆ Councilmember Urban cited good weather at the Annual Christmas Tree Lighting Ceremony, Saturday, December 1, 2012, and told the Mayor he was missed.
- ◆ Mayor Pro Tem Reid listed some of the volunteer opportunities on some of the Kalamazoo County Boards from the communication from Kalamazoo County Board of Commissioners Administrative Assistant Tina Becker regarding current vacancies on county-wide boards and commissions. She also concurred with Councilmember Urban and indicated there were large crowds of people in attendance at the tree lighting ceremony.
- ◆ Mayor Strazdas expressed his excitement over the new development in the industrial sector of the city and conjectured it is a signal for an economic turn-around.

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

## CITY COUNCIL MEETING MINUTES FROM DECEMBER 4, 2012

DRAFT

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

At the request of Mayor Strazdas, Councilmember Terry Urban gave an invocation and City Council and the audience recited the Pledge of Allegiance.

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

**APPROVAL OF MINUTES:** Motion by Sackley, seconded by Reid, to approve the November 20, 2012 Regular Meeting Minutes as presented. Upon a voice vote, motion carried 7 to 0.

\* **CONSENT AGENDA:** Mayor Strazdas asked Mayor Pro Tem Reid to read the Consent Agenda. Councilmember Sackley asked that Items F.4, 117 East Centre Avenue Property, and L.1, Proposal Tabulation and Recommendation – Banking Services, be removed from the Consent Agenda. Motion by Pearson, 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 DECEMBER 4, 2012:** Motion by Pearson, seconded by Reid, to approve the Accounts Payable Register of December 4, 2012. Upon a roll call vote, motion carried 7 to 0.

### **PUBLIC HEARINGS:**

**BOWERS MANUFACTURING COMPANY – PA 198 TAX ABATEMENT:** Mayor Strazdas opened the public hearing and City Manager Maurice Evans explained that the purpose of this public hearing is to review the request by Bowers Manufacturing to expand Industrial Development District No. 53 (IDD No. 53) in order to facilitate the 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. He indicated that the proposed investment of \$2.81 million will result in the creation of 25 new jobs. He reviewed the history of IDD No. 53, including the grant of tax abatements in 1993, 1996, 2000 and 2007. Discussion followed.

Mayor Strazdas opened the public hearing to comments from the audience. Hearing none, motion by Sackley, seconded by Campbell, to close the public hearing. Upon a voice vote, motion carried 7 to 0. Motion by Sackley, seconded by Campbell, to adopt Resolution No. 2-12 expanding Industrial Development District No. 53. Upon a roll call vote, motion carried 7 to 0.

**BOWERS MANUFACTURING COMPANY – PA 198 TAX ABATEMENT:** Mayor Strazdas opened the public hearing and City Manager Evans explained that the request for the tax abatement is in conformance with the City Council policy of granting a six-year abatement for real property and a three-year abatement for personal property. He also indicated that this is representative of quality growth in the County and that there is the additional requirement to approve the tax abatement agreement and the affidavit of fees.

Mayor Strazdas opened the public hearing to comments from the audience and Jim Bush, General Manager of Bowers Manufacturing, indicated that Bowers Manufacturing has had the good

fortune of having many expansions with the help of City Council. He expressed his appreciation and indicated that the Company has already hired 30 people and will probably hire another 60.

Mayor Strazdas expressed his concerns for the city and other taxing units such as the Portage District Library who will see some tax losses with each tax break over three or six years, but he stressed that there will be a net tax gain from the expansion plus the economic boost for the local economy by the pay brought by new jobs.

Mr. Bush explained the manufacturing process involved and listed some of the companies who are customers of Bowers Manufacturing. Discussion followed.

Motion by Sackley, seconded by Reid, to close the public hearing. Upon a voice vote, motion carried 7 to 0.

Motion by Sackley, seconded by Pearson, to 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 approve the tax abatement agreement and affidavit between the City of Portage and Bowers Manufacturing Company. Upon a roll call vote, motion carried 7 to 0.

**PETITIONS AND STATEMENTS OF CITIZENS:** Ed Halcomb, 9834 Woodlawn Drive, requested Fire Station No. 3 be manned with firefighters and fire equipment twenty-four hours a day, seven days a week, provided a review of his life experiences as a firefighter for the City of Portage and listed some of his credentials as support for his position. Discussion followed.

#### **REPORTS FROM THE ADMINISTRATION:**

\* **REZONING APPLICATION #12-01 (9136 SHAVER ROAD):** Motion by Pearson, seconded by Reid, to accept Rezoning Application #12-01 for first reading and set a public hearing for January 8, 2013, at 7:30 p.m. or as soon thereafter as may be heard, to consider approving Rezoning Application #12-01 and rezone 9136 Shaver Road to B-3, general business, subsequent to the public hearing. Upon a roll call vote, motion carried 7 to 0.

\* **HOUSEHOLD HAZARDOUS WASTE PROGRAM – INTERGOVERNMENTAL COOPERATION:** Motion by Pearson, seconded by Reid, to 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. Upon a roll call vote, motion carried 7 to 0.

\* **SPECIAL MEETING WITH BOARD AND COMMISSION APPLICANTS:** Motion by Pearson, seconded by Reid, to set a Special Meeting on Tuesday, January 8, 2013, beginning at 5:30 p.m. to interview board and commission applicants. Upon a roll call vote, motion carried 7 to 0.

**117 EAST CENTRE AVENUE PROPERTY:** Mayor Strazdas turned to Councilmember Sackley, who asked that this item be removed from the Consent Agenda. Councilmember Sackley indicated that it is not necessary to refer this matter to the City Council Property Committee since the Committee is present and shared his discussion with City Manager Evans, who indicated he is ready to proceed with the purchase, recognizing that an environmental study needs to be conducted on the property. He reflected his intent to refer the matter to the Administration, to conduct an environmental study, to negotiate an agreement with the seller and to present the agreement to City Council for approval in order to provide good customer service to Mr. Schiefler, who wrote his letter four weeks ago. Discussion followed.

In answer to the concerns expressed by Councilmember Pearson, Mr. Evans indicated that he has had time to investigate the matter further since the early Monday morning discussion with him at the Preparatory City Council Subcommittee Meeting. He pointed out that the property is zoned B-3, general business, that a preliminary investigation shows no pollution on the property, but the Administration still wishes to perform a Phase I Environmental Assessment there. He acknowledged the need to have a public purpose before purchasing the property and reflected on the efforts in the past to expand the Senior Center and the accumulation of surrounding properties for those efforts. At his request, Community Development Director Vicki Georgeau displayed a vicinity map and focused on 117 East Centre and city-owned parcels in the area. Mr. Evans summed up by saying that the purchase of this property is in compliance with what would be best for the community with regards to the development of the area; that the price is reasonable even without any negotiations with Mr. Schiefler; that he would recommend to the Property Committee that the Administration proceed with the purchase of the property; and, that City Council could act on the matter now recognizing that the agreement would be brought back to City Council for approval. He expressed a concern with the time frame and discussion followed.

Councilmember Urban raised the question of what is the purpose of purchasing this property and his concern that the only reason that can be given at this time is for resale as there appears that there is neither a legal public purpose in mind for this property or the area properties, nor an economic development purpose at this time. At his request, City Attorney Brown indicated that a public purpose is very broad, and he was not too concerned about whether the city could propose a public purpose for the property. He asked City Council to keep in mind that a written agreement would need to be signed, first, and then the due diligence elements of the process would be addressed, subsequently.

Mr. Evans indicated that the purchase of this property would strengthen the city's position that it was for a public purpose as the city would be placed in a better position to facilitate development of the area as the property would be controlled by the municipality instead of a private individual. He also pointed out that any purchase agreement approved by City Council would have contingencies as a part of the agreement. Discussion followed about the time frame of the negotiations.

Mayor Pro Tem Reid expressed her concern about setting a precedent by purchasing the property without a stated purpose and her interest in obtaining a list of possible use options that would serve a public purpose. She advocated including the plan for a public purpose as part of the due diligence portion of the process. Discussion followed.

Motion by Sackley, seconded by Reid, to authorize the City Administration to proceed with negotiating a purchase agreement with the seller, Mr. Roger L. Schiefler, with the agreement to be brought back to City Council for approval. Discussion followed. Councilmember Urban expressed his reservations. Motion withdrawn.

Motion by Pearson, seconded by Randall, to 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. Discussion followed.

Motion by Pearson, seconded by Randall, to amend the motion to read to refer the request from Mr. Roger L. Schiefler regarding the property at 117 East Centre Avenue to the Administration, who would refer the matter directly to the Ad Hoc Property Committee for review and recommendation. Discussion followed and Councilmember Urban expressed his reservations with the discussion of the motion as he does not agree that sales negotiations are appropriate as yet and he understood that this is part of the intent of the discussion. Discussion followed. Upon a roll call vote, motion carried 6 to 0 with Councilmember Urban abstaining.

## COMMUNICATIONS:

**KALAMAZOO COUNTY BOARD OF COMMISSIONERS ADMINISTRATIVE ASSISTANT TINA BECKER:** At the request of Mayor Strazdas, Mr. Evans indicated that this communication was probably distributed to all of the municipalities in Kalamazoo County. At the request of Mayor Pro Tem Reid, City Manager Evans agreed to place this information on the city website. After discussion, motion by Urban, seconded by Campbell, to receive the communication from Kalamazoo County Board of Commissioners Administrative Assistant Tina Becker regarding current vacancies on county-wide boards and commissions. Upon a voice vote, motion carried 7 to 0.

**PORTAGE CENTRAL HIGH SCHOOL STUDENTS:** Councilmember Sackley reviewed the communications and recommended referring the letters to the Environmental Board. Motion by Reid, seconded by Pearson, to refer the communications from several Portage Central High School students regarding environmental initiatives to the Environmental Board for review and recommendation. Upon a voice vote, motion carried 7 to 0.

\* **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 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.

## BID TABULATION:

**PROPOSAL TABULATION AND RECOMMENDATION – BANKING SERVICES:** Councilmember Sackley raised the question of why J.P. Morgan Chase Bank was recommended instead of one of the two lowest bidders for banking services for the city. Councilmember Campbell questioned the recommended contract period of five years and advocated no more than a three year period owing to the change in technologies.

Finance Director Daniel Foecking responded to Councilmember Campbell by saying that the prices quoted are for a one year period and he agreed with her that technology has moved forward. He cited the example that J.P. Morgan Chase Bank takes scanned checks from multiple sources and transfers it into the city's bank account on the same day at a reduced cost. He pointed out that this is much more streamlined than the process used by J.P. Morgan Chase Bank six years ago saying that this is a much improved process used by them six years ago. He also explained that the prices quoted are for a one year period and can be adjusted after the first year, that Chase has reduced their prices twice in the last six years and the current bid reflects yet another cost reduction. Discussion followed.

Motion by Sackley, seconded by Reid, to accept the proposal submitted by J.P. Morgan Chase Bank for comprehensive banking services for a period of up to five years and authorize the City Manager to execute all documents related to this contract on behalf of the city. Discussion followed.

At the request of Councilmember Pearson, motion by Sackley, seconded by Reid, to amend the motion to read accept the proposal submitted by J.P. Morgan Chase Bank for comprehensive banking services for a period of consecutive one-year contracts up to five years and authorize the City Manager to execute all documents related to this contract on behalf of the city. Discussion followed. Upon a roll call vote, motion carried 7 to 0.

**OTHER CITY MATTERS:**

**DRAFT**

**STATEMENTS OF CITY COUNCIL:** Councilmember Pearson gave tribute to Christine Berro, Portage District Librarian, who is retiring and recognized her as a very active volunteer in the community. Mayor Strazdas concurred.

Councilmember Campbell noted the Portage Northern High School versus Portage Central High School 9<sup>th</sup> Annual Hockey Classic, Monday, December 10, 2012, at 6 p.m. which serves as a fundraiser for the Portage Rotary Club. Discussion followed.

Councilmember Urban cited good weather at the Annual Christmas Tree Lighting Ceremony, Saturday, December 1, 2012, and told the Mayor he was missed.

Mayor Pro Tem Reid listed some of the volunteer opportunities on some of the Kalamazoo County Boards from the communication from Kalamazoo County Board of Commissioners Administrative Assistant Tina Becker regarding current vacancies on county-wide boards and commissions. She also concurred with Councilmember Urban and indicated there were large crowds of people in attendance at the tree lighting ceremony.

Mayor Strazdas expressed his excitement over the new development in the industrial sector of the city and conjectured it is a signal for an economic turn-around.

**ADJOURNMENT:** There being no further discussion, Mayor Strazdas adjourned the meeting at 9:12 p.m.

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James R. Hudson, City Clerk

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

**CITY OF PORTAGE**

**COMMUNICATION**

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**TO:** Honorable Mayor and City Council

**DATE:** December 10, 2012

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



**SUBJECT:** Accounts Payable Register

**ACTION RECOMMENDED:** That City Council approve the Accounts Payable Register of December 18, 2012 as presented.

Attached please find the Accounts Payable Register for the period November 25, 2012 through December 9, 2012, which is recommended for approval.

c: Daniel S. Foecking, Finance Director

CHECK DATE	CHECK NUMBER	VENDOR NAME	VENDOR #	BANK CODE	CHECK AMOUNT
11/26/2012	283283	IERVOLINA, SUSAN	2074		192.00
11/26/2012	283284	PHILLIPS, GLEN & CONNIE	999999		116.00
11/26/2012	283285	ROHRIG, GLENN	999999		826.55
11/26/2012	283286	SILLS, RAE	4571		490.00
11/26/2012	283287	SUTTER, CAROLYN	999999		15.00
11/26/2012	283288	JOHANNA THOMPSON	4682		1,635.00
11/26/2012	283289	WEST MICHIGAN GLASS SOCIETY	4518		145.00
11/30/2012	283290	U S POSTMASTER	391		4,900.00
12/06/2012	283291	DEVON TITLE & JASON J BAKER	999999		3,023.00
12/07/2012	283292	AT&T	849		4,126.71
12/07/2012	283293	AT&T	849		49.70
12/07/2012	283294	A-1 SIGNS	2873		1,545.86
12/07/2012	283295	AHOLA, REBECCA	999999		52.00
12/07/2012	283296	AIRGAS GREAT LAKES	106		1,041.49
12/07/2012	283297	ALLEGRA PRINT & IMAGING	533		806.37
12/07/2012	283298	AMERICAN PLANNING ASSOCIATION	804		355.00
12/07/2012	283299	APOLLO FIRE EQUIPMENT COMPANY	1253		302.99
12/07/2012	283300	APPLIED IMAGING	2416		478.00
12/07/2012	283301	ADP, INC.	3305		1,120.01
12/07/2012	283302	BAILEY CONTRACTORS INC., ROBER	771		5,996.00
12/07/2012	283303	BALKEMA EXCAVATING, INC.	130		1,512.00
12/07/2012	283304	BESCO WATER TREATMENT, INC.	3339		54.25
12/07/2012	283305	BORGESS HEALTH ALLIANCE	151		1,580.00
12/07/2012	283306	BRANCH, JOYCE	999999		734.00
12/07/2012	283307	BRAY, CARRIE	999999		74.00
12/07/2012	283308	BREAD OF LIFE, LLC	4729		53.44
12/07/2012	283309	BRONNER'S CHRISTMAS DECORATION	154		789.05
12/07/2012	283310	BRONSON HEALTHCARE GROUP	4813		200.00
12/07/2012	283311	C B C INNOVIS INC	2887		20.60
12/07/2012	283312	C T S TELECOM, INC.	4768		1,348.34
12/07/2012	283313	CHARTER COMMUNICATIONS	3080		176.68
12/07/2012	283314	CHICAGO TITLE OF MICHIGAN	999999		265.56
12/07/2012	283315	CITY OF KALAMAZOO (TRANS MILLA	4649		562.64
12/07/2012	283316	CITY OF KALAMAZOO TREASURER	540		246,180.21
12/07/2012	283317	CITY OF PORTAGE	177		6,561.97
12/07/2012	283318	CLEAN EARTH ENVIRONMENTAL SERV	1821		440.00
12/07/2012	283319	COLE CENTURY BUICK PONTIAC GMC	902		544.16
12/07/2012	283320	CONSUMERS ENERGY-BILL, PMT CNT	189		977.60
12/07/2012	283321	CONTROLLED F.O.R.C.E., INC.	4827		1,540.00
12/07/2012	283322	CROSSROADS CAR WASH	195		145.50
12/07/2012	283323	DEER CONTRACTING & LANDSCAPE	2544		1,094.00
12/07/2012	283324	DEGRAFF, JOAN	999999		100.00
12/07/2012	283325	DEPATIE FLUID POWER CO., INC.	211		613.91
12/07/2012	283326	DIESEL INJECTION SERVICE, LLC	1874		2,571.78
12/07/2012	283327	EMERGENCY VEHICLE PRODUCTS	2948		5,866.39
12/07/2012	283328	FIDELITY NAT'L TITLE CO	999999		325.25
12/07/2012	283329	FLETCHER ENTERPRISES	1399		478.00
12/07/2012	283330	FLIERS UNDERGROUND SPRINKLING	1407		505.49
12/07/2012	283331	FLUID POWER ENGINEERING	4349		559.19
12/07/2012	283332	FORCE AMERICA, INC.	3927		240.92
12/07/2012	283333	GLEESING, MARIE	532		272.00

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 CHECK DATE CHECK NUMBER VENDOR NAME VENDOR # BANK CODE CHECK AMOUNT  
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CHECK DATE	CHECK NUMBER	VENDOR NAME	VENDOR #	BANK CODE	CHECK AMOUNT
12/07/2012	283334	GORDON WATER SYSTEMS	517		41.25
12/07/2012	283335	GREATER KALAMAZOO FOP LODGE 98	623		823.80
12/07/2012	283336	GREATER KALAMAZOO FOP LODGE 98	623		4,201.38
12/07/2012	283337	GREATER KALAMAZOO UNITED WAY	628		1,567.17
12/07/2012	283338	HOLIDAY INN EXPRESS	999999		276.00
12/07/2012	283339	HOME DEPOT	691		673.30
12/07/2012	283340	HYDRO-CHEM SYSTEMS, INC.	4039		206.85
12/07/2012	283341	IERVOLINA, SUSAN	2074		192.00
12/07/2012	283342	INTL ASSOC OF FINANCIAL CRIMES	999999		65.00
12/07/2012	283343	THE IRRIGATOR	2047		2,637.25
12/07/2012	283344	J-AD GRAPHICS, INC	4444		2,121.00
12/07/2012	283345	KALAMAZOO COUNTY ROAD COMMISSI	87		944.74
12/07/2012	283346	KALAMAZOO COUNTY TREASURER	514		527.50
12/07/2012	283347	KALAMAZOO COUNTY TREASURER	999999		50.00
12/07/2012	283348	KALAMAZOO GAZETTE	4756		41.55
12/07/2012	283349	KALPORT DEVELOPMENT COMPANY	999999		1,681.78
12/07/2012	283350	KALSIC, CVNTHIA	999999		88.00
12/07/2012	283351	KENT COUNTY DPW	2663		67.50
12/07/2012	283352	KUIPER BROTHERS MOVING INC.	1066		1,505.00
12/07/2012	283353	KUSTOM SIGNAL, INC	237		158.24
12/07/2012	283354	KZOO TIRE COMPANY	564		62.00
12/07/2012	283355	LEXISNEXIS/MATTHEW BENDER	2701		164.50
12/07/2012	283356	LONG LAKE BOARD	1720		990.00
12/07/2012	283357	LORD, JAMES	532		237.83
12/07/2012	283358	M & M CUSTOM FABRICATING INC.	4576		13.25
12/07/2012	283359	MAURER'S TEXTILE RENTAL SERVIC	4746		323.58
12/07/2012	283360	MI ASSOC. OF CHIEFS OF POLICE	2157		115.00
12/07/2012	283361	MICH MUNICIPAL POLICE & FIRE R	4777		506.72
12/07/2012	283362	MICHIGAN PAVING & MATERIALS CO	3389		10,275.21
12/07/2012	283363	MIDWEST ENERGY COOPERATIVE	2030		234.20
12/07/2012	283364	MIKELSONS, MARTIN	999999		100.00
12/07/2012	283365	MLIVE MEDIA GROUP	89		1,058.66
12/07/2012	283366	NATIONAL LINK	999999		55.65
12/07/2012	283367	NEW FRESH CLEANING SERVICE	4351		5,032.75
12/07/2012	283368	NEW WORLD SYSTEMS	1154		31,081.00
12/07/2012	283369	NEXTEL	1709		14.50
12/07/2012	283370	NOMAD TECHNOLOGIES, INC.	4824		26,791.00
12/07/2012	283371	NYE UNIFORMS	299		2,671.61
12/07/2012	283372	OFFICE DEFOT, INC.	1721		1,041.77
12/07/2012	283373	PAPER CENTRAL	2623		1,095.00
12/07/2012	283374	PETERS CONSTRUCTION CO.	1638		1,489.02
12/07/2012	283375	PETTY CASH-PARKS	536		382.27
12/07/2012	283376	PORTAGE FIREFIGHTERS	625		2,160.48
12/07/2012	283377	PORTAGE ON-CALL FIREFIGHTERS	504		440.00
12/07/2012	283378	PORTAGE POLICE OFFICERS ASSOC	624		2,507.67
12/07/2012	283379	PUBLIC MEDIA NETWORK	4582		86,652.71
12/07/2012	283380	QUADRANT II MARKETING, LLC	3139		2,273.08
12/07/2012	283381	QUANTUM CONSTRUCTION CO., INC.	1863		18,762.17
12/07/2012	283382	RATHCO SAFETY SUPPLY, INC.	327		1,405.20
12/07/2012	283383	RHINO PRODUCTS, INC.	736		129.50
12/07/2012	283384	SOUTHWEST MICHIGAN GOV CONSULT	4484		2,000.00

\*ALL\*

CHECK DATE	CHECK NUMBER	VENDOR NAME	VENDOR #	BANK CODE	CHECK AMOUNT
12/07/2012	283385	STALKER RADAR	4825		1,266.23
12/07/2012	283386	STATE OF MICHIGAN	999999		300.00
12/07/2012	283387	STATE OF MICHIGAN (DOT)	368		.00
12/07/2012	283388	STEENMA LAWN & POWER EQUIPMENT	3222		.00
12/07/2012	283389	C. STODDARD & SONS INC.	1444		.00
12/07/2012	283390	SUITS U TAILOR SHOP INC	4237		.00
12/07/2012	283391	JOHANNA THOMPSON	4682		.00
12/07/2012	283392	TRUCK & TRAILER SPECIALTIES	639		.00
12/07/2012	283393	U S POSTMASTER	392		.00
12/07/2012	283394	UNITED PARCEL SERVICE	545		.00
12/07/2012	283395	VALUAMERICA	999999		.00
12/07/2012	283396	VAN BUREN COUNTY	4792		.00
12/07/2012	283397	VANGUARD FIRE & SUPPLY CO., IN	3996		.00
12/07/2012	283400	VERIZON WIRELESS SERVICES, LLC	4653		.00
12/07/2012	283401	WESTERN MICH ASSOC OF FIRE CHI	1212		.00
12/07/2012	283402	WESTERN MICHIGAN INT'L TRUCKS	4306		.00
12/07/2012	283403	WESTERN MICHIGAN UNIVERSITY	1598		.00
12/07/2012	283404	WIGHTMAN & ASSOCIATES, INC.	425		.00
12/07/2012	283405	WINGFOOT COMMERCIAL TIRE	2613		.00
12/07/2012	283406	XEROX CORPORATION	2684		.00
12/07/2012	283407	XPRESS CAPITAL, LLC	999999		.00
12/07/2012	283408	63RD DISTRICT COURT	999999		.00
12/07/2012	283409	STATE OF MICHIGAN (DOT)	368		1,899.88
12/07/2012	283410	STEENMA LAWN & POWER EQUIPMENT	3222		880.94
12/07/2012	283411	C. STODDARD & SONS INC.	1444		55.00
12/07/2012	283412	SUITS U TAILOR SHOP INC	4237		50.00
12/07/2012	283413	JOHANNA THOMPSON	4682		1,960.00
12/07/2012	283414	TRUCK & TRAILER SPECIALTIES	639		127.53
12/07/2012	283415	U S POSTMASTER	392		3,130.00
12/07/2012	283416	UNITED PARCEL SERVICE	545		24.00
12/07/2012	283417	VALUAMERICA	999999		19.42
12/07/2012	283418	VAN BUREN COUNTY	4792		408.30
12/07/2012	283419	VANGUARD FIRE & SUPPLY CO., IN	3996		440.00
12/07/2012	283422	VERIZON WIRELESS SERVICES, LLC	4653		3,003.53
12/07/2012	283423	WESTERN MICH ASSOC OF FIRE CHI	1212		75.00
12/07/2012	283424	WESTERN MICHIGAN INT'L TRUCKS	4306		575.16
12/07/2012	283425	WESTERN MICHIGAN UNIVERSITY	1598		464.40
12/07/2012	283426	WIGHTMAN & ASSOCIATES, INC.	425		3,925.00
12/07/2012	283427	WINGFOOT COMMERCIAL TIRE	2613		1,416.30
12/07/2012	283428	XEROX CORPORATION	2684		19.67
12/07/2012	283429	XPRESS CAPITAL, LLC	999999		19.86
12/07/2012	283430	63RD DISTRICT COURT	999999		100.00

printer problem  
 voided and reissued

DATE RANGE TOTAL \* 541,699.47 \*

PAYMENT NO	VENDOR NO	VENDOR NAME	TRANSFER DATE	AMOUNT	TRACE NUMBER	EFT BATCH	BANK CODE
1589		ABONMARCHE CONSULTANTS, INC	12/07/2012	3,303.25	072000320000001	0000001	00
1590		ALL-TRONICS, INC.	12/07/2012	81.00	072000320000002	0000001	00
1591		ALRO STEEL CORPORATION	12/07/2012	212.14	072000320000003	0000001	00
1586		ANDRUS TRAVEL, GAIL	11/26/2012	1,973.00	072000320000001	0000001	00
1592		ANDRUS TRAVEL, GAIL	12/07/2012	3,060.00	072000320000004	0000001	00
1593		ANIMAL REMOVAL SERVICE, LLC	12/07/2012	675.00	072000320000005	0000001	00
1594		ARGUS-HAZCO	12/07/2012	4,489.49	072000320000006	0000001	00
1595		ARROW UNIFORM RENTAL	12/07/2012	180.60	072000320000007	0000001	00
1596		BATTERIES PLUS	12/07/2012	70.89	072000320000008	0000001	00
1597		D & D PRINTING CO.	12/07/2012	102.00	072000320000009	0000001	00
1598		EMPLOYMENT GROUP, INC.	12/07/2012	3,815.98	072000320000010	0000001	00
1599		ETNA SUPPLY, INC.	12/07/2012	216.00	072000320000011	0000001	00
1600		FIRE SERVICE MANAGEMENT	12/07/2012	1,329.13	072000320000012	0000001	00
1601		HI-TECH ELECTRIC CO.	12/07/2012	631.82	072000320000013	0000001	00
1602		INDUSCO SUPPLY CO., INC.	12/07/2012	118.49	072000320000014	0000001	00
1603		IRISH AYRES ENTERPRISES, LLC	12/07/2012	3,426.75	072000320000015	0000001	00
1604		KAHN, WILMA	12/07/2012	96.00	072000320000016	0000001	00
1605		KEHOE, EDWARD J	12/07/2012	810.00	072000320000017	0000001	00
1606		LAND & RESOURCE ENGINEERING & SURVE	12/07/2012	490.75	072000320000018	0000001	00
1607		MEJEUR ELECTRIC LLC	12/07/2012	2,091.00	072000320000019	0000001	00
1608		PECKELS, CHRISTINE	12/07/2012	240.00	072000320000020	0000001	00
1587		POULIOT, GRETCHEN	11/26/2012	60.00	072000320000002	0000001	00
1609		PRECISION PRINTER SERVICES INC	12/07/2012	709.50	072000320000021	0000001	00
1610		REHMANN GROUP LLC	12/07/2012	1,000.00	072000320000022	0000001	00
1611		S B F/CORONA GRAPHICS	12/07/2012	1,590.32	072000320000023	0000001	00
1612		SARCOM, INC	12/07/2012	39,080.43	072000320000024	0000001	00
1613		SNELL, DEBRA	12/07/2012	294.00	072000320000025	0000001	00
1588		THOMPSON, HELENE	11/26/2012	442.50	072000320000003	0000001	00
1614		U A W, LOCAL 2290	12/07/2012	749.31	072000320000026	0000001	00
1615		UNITED PETROLEUM	12/07/2012	576.30	072000320000027	0000001	00
1616		WOOD PLUMBING LLC, D	12/07/2012	1,112.00	072000320000028	0000001	00
1617		360 SERVICES, INC.	12/07/2012	2,285.75	072000320000029	0000001	00

GRAND TOTAL:

75,313.40 NO. OF CHECKS:

32

## CITY OF PORTAGE

## COMMUNICATION

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**TO:** Honorable Mayor and City Council

**DATE:** December 12, 2012

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



**SUBJECT:** Proposed Two-Year Labor Agreement

**ACTION RECOMMENDED:** That City Council authorize the Mayor and City Clerk to execute the two-year replacement labor agreement with the Portage Police Officers Association in accordance with the Act 312 Arbitration Award.

The city and Portage Police Officers Association (PPOA) have been involved with negotiations for a replacement labor agreement that expired June 30, 2011. Subsequent to the inability of the parties to reach a mutually acceptable replacement agreement, the PPOA filed for Act 312 binding arbitration as permitted by State law. The Act 312 process has now concluded and the independent arbitrator has presented his award. Financial terms of the new agreement are comparable to the agreement reached with the Portage Police Command Association (PPCOA) in January 2012. Highlights of the award include:

- Wages remain at current levels.
- During the arbitration process, the PPOA accepted the city proposal on health insurance as previously accepted by the PPCOA. The plan includes limitations on employer contributions to health insurance as prescribed by Public Act 152 of 2011 (i.e., \$5,500 for single coverage, \$11,000 for two-person coverage and \$15,000 for family coverage, adjusted February 1, 2013 based upon the medical care component of the U.S. Consumer Price Index).
- Implementation of a medical, flexible spending plan.
- A decrease of ten percent in the amount the city pays to employees who opt out of the city health insurance plan.
- A decrease in the pension contribution for new hires to ten percent of annual base wage.
- A decrease in sick leave accruals for new hires from eight hours per month to four hours per month, with a maximum accumulation of 1,000 hours.
- In lieu of a first year wage increase, a signing bonus of \$900 payable on the first full payroll following execution of the labor agreement.
- In lieu of a second year wage increase, a one-time bonus equal to one and one-half percent of base wage, payable on the first full payroll following the later of January 1, 2013 or the execution of this Agreement.

- The replacement labor agreement will expire on June 30, 2013.

The City Administration is pleased with the results of the arbitration award and execution of the revised contract is recommended.

**CITY OF PORTAGE**

**COMMUNICATION**

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**TO:** Honorable Mayor and City Council

**DATE:** December 14, 2012

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



**SUBJECT:** Health Insurance Contract Renewals

**ACTION RECOMMENDED:** That City Council approve:

- a. One-year contract renewals for employee health insurance offered through Blue Care Network-10 (HMO plan), and Blue Cross Blue Shield of Michigan (PPO-1 and PPO-2 plans);
- b. Up to a one year contract for PPOA retiree supplemental health insurance through Blue Care Network (Medicare Advantage plan) and authorize the City Manager to execute all documents on behalf of the city.

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

Public Act 152 of 2011 limits the amount public employers may pay for employee medical benefits. Limits (i.e., employer caps) are adjusted annually and are tied to inflation based upon the medical component of the Consumer Price Index. Effective February 1, 2013, Public Act 152 provides a 3.5 percent increase to employer caps as follows: \$5,500 to \$5,692.50 annually for single coverage; \$11,000 to \$11,385 annually for two-person coverage and \$15,000 to \$15,525 annually for family coverage.

Current health insurance plans expire on January 31, 2013. As part of the health insurance contract renewal process, the city received the following rate changes:

Blue Care Network-10 (HMO)	PPCOA & UAW	+4.75 to 8.45%
BCBSM (PPO-1)	IAFF	+20.85%
BCBSM (PPO-2)	Dept. Head & Non-union	+20.85%

The difference in rate changes between insurance plans is primarily related to the experience (i.e., the amount of utilization/cost) within the plan over the prior year. The HMO plan, Blue Care Network (BCN), is "community rated" meaning the plan experience is measured based upon utilization from a broad group of users, in addition to

City of Portage employees and dependents. The Blue Cross Blue Shield of Michigan (BCBSM) plans are all “experience rated,” meaning the rate changes relate mostly to the utilization of City of Portage employees and dependents. After several years of excellent experience results, the 2012 plan year was particularly challenging for the BCBSM city health insurance plans as a result of several ongoing extremely high claim events. Regardless, the city will absorb only 3.5 percent of any increase in annual premiums due to the limitations of Public Act 152.

As City Council is aware, the City Administration negotiated replacement labor agreements for contracts that expired June 30, 2011 with the Portage Police Command Officers Association (PPCOA) and the United Auto Workers (UAW). Through this process, and as a way of managing increased premium costs that were required to be passed onto city employees, the City Administration identified alternative health insurance benefit plans for the 2012 plan year. The UAW and PPCOA agreed to the alternative plans, which were implemented February 1, 2012 and April 1, 2012, respectively. A replacement labor agreement that expired June 30, 2012 was also negotiated with the International Association of Fire Fighters (IAFF). The IAFF requested health insurance benefit level reductions as part of the replacement labor agreement, which was implemented July 1, 2012.

The Portage Police Officers Association (PPOA) labor agreement, also expiring on June 30, 2011, is included for approval on the current Council Agenda as a result of a recent Public Act 312 arbitration award. Although the PPOA retained the high employee cost BCN-5 plan during contract negotiations and the subsequent Public Act 312 arbitration process, the revised labor agreement provides a less expensive alternative with a change from BCN-5 to BCN-10 for active employees and non-Medicare eligible retirees. The revised labor agreement also eliminates the Priority Health (HMO) plan and the BCBSM (traditional) plan for active and retired personnel, along with the addition of the Blue Care Network Medicare Advantage Plan for Medicare eligible retirees.

Department Head and Non-Union personnel are currently provided with health insurance coverage through the BCBSM PPO-2 plan. For the second consecutive year, adjustments to the benefit levels of the BCBSM-PPO-2 plan have been implemented to control the rate of increase in costs to Department Head and Non-Union personnel. With the plan adjustments, the City Administration has been able to reduce the increase in premiums (which impacts primarily on the employee) for the Department Head and Non-Union plan from 20.85 percent to approximately 11.00 percent.

As a final element, effective January 1, 2012, Public Act 142 of 2011, the Health Insurance Claims Assessment Act, imposed a 1 percent assessment on all health care claims. The assessment is applied to all medical, dental and vision related claims. Accordingly, the City Administration incorporated funding in the amount of \$30,000 for the mandated assessment as part of the fiscal year 2012/2013 health insurance benefit budget, which will again be budgeted for fiscal year 2013/2014.

Funds have been budgeted and are available to support health insurance coverage for the balance of the current fiscal year and will be budgeted for fiscal year 2013/2014. As a result, Council approval is recommended for one-year contract renewals for the Blue Care Network-10 (HMO) and BCBSM (PPO-1 and PPO-2) health insurance plans. Council approval is also recommended for up to a one-year contract with Blue Care Network for the Medicare Advantage Plan.

# CITY OF PORTAGE

# COMMUNICATION

**TO:** Honorable Mayor and City Council

**DATE:** December 11, 2012

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



**SUBJECT:** 2013 Fee Schedules

**ACTION RECOMMENDED:** That City Council:

- a. adopt:
  - i. the Proposed 2013 Charges for Documents fee schedule;
  - ii. the recommended fee schedules for recreation programs and park facilities for 2013;
  - iii. the Resolution for Community Development Fees; and
  - iv. the 2013 Special Assessment Rate Resolution and
- b. approve the proposed new Arrest Warrant Processing Fee.

Service and activity fees have historically been updated and implemented on a calendar year basis. Accordingly, the annual review of fees for various city services and activities, as well as special assessment rates, has been accomplished. Proposed fee modifications for the 2013 calendar year are recommended to facilitate continued service provision and to comply with the Council adopted goal to "Maintain the financial health of the city." Recommended fee modifications for 2013 are based on service cost considerations and are detailed below.

### Charges for Documents (FOIA) Fee Schedule

Fees for document requests are periodically revised to reflect actual costs for providing materials. A review of document fees has recently been completed, with only minor changes to three Public Safety fees recommended. **Attachment 1 identifies proposed fee changes, with the majority of fees remaining as currently established.** Proposed changes are summarized below:

- ◆ Elimination of the fees for faxing a police report and for a criminal record check is proposed. Requests would be accomplished at no charge.
- ◆ Reduction of the visa clearance / adoption fee is proposed as technology has reduced the administrative costs to fulfill requests of this nature.

### Recreation and Park Facility Fee Schedule

Fee schedules for recreation programs and park facilities are reviewed yearly to ensure that programs offered are able to meet public demand in a cost-effective manner and continue to promote the quality of life within the community. A scholarship program is in place to provide subsidies for disadvantaged youth and ensure program access for most activities. **Attachment 2 identifies proposed fee changes, which are summarized below:**

- ◆ A new team conduct deposit is proposed for adult softball teams, which will be forfeited if team members violate softball rules of conduct during the season. The deposit requirement is intended to reduce poor conduct issues.

- ◆ A slight increase to the group rental fee for the Ice Rink at Millennium Park is proposed to cover facility preparation expenses.
- ◆ A new deposit for group rentals of canoes or kayaks is recommended. During the 2012 season, four “no-shows” occurred for group reservations, which require significant staff preparations. The deposit requirement is expected to encourage groups to cancel a reservation in advance when necessary.
- ◆ An increase to the practice length for football and soccer fields (non-profit only) is proposed, along with a proportionate fee increase. The current one-hour practice length has proven to be insufficient for most groups.
- ◆ Adjustments to Schrier Park rental fees are recommended to require a minimum three-hour rental period. Experience has proven that most patrons underestimate the time needed to prepare for and clean up after an event, resulting in use of the facility longer than the reserved period. Additionally, the proposed three-hour minimum is consistent with those at Stuart Manor, the Grain Elevator, the Amphitheatre and the Overlander Bandshell.
- ◆ An increase to the Celery Flats Gazebo rental period by one-hour is recommended at the same rental fee. The increased rental period is meant to encourage additional use of the Gazebo.

#### Cemetery Fees and Charges

City cemetery fees are reviewed annually to ensure that the General Fund subsidy for this operation remains at or below \$50,000. Fees remain competitive in the area and are adequate to meet the subsidy goal. Therefore, the existing fee structure is reasonable and remains appropriate for services provided. **No modifications to the existing city cemetery fees are recommended at this time.**

#### Community Development Fees for Service

An annual review of Community Development fees to determine if modifications are necessary for the 2013 calendar year has been accomplished. Revenue generated from fees for services such as commercial, office and industrial development applications; plan reviews; permit issuance; building inspections and residential projects, including various advisory board applications are necessary to offset the cost of providing these services.

The last comprehensive increase involving Community Development fees occurred in 2006. Between 2006 and 2012, only minor changes were made to the fee schedule. In 2012, two fee reduction proposals were approved and implemented, involving: 1) lowering the sign permit fee for sign panel replacements on an existing sign, where no structural changes to the sign are proposed, from \$110 to \$55, and 2) re-approval of a previously approved site plan is charged at one-half the applicable site plan review fee if submitted within 18 months of the initial approval date.

Administrative overhead costs in 2013 will remain similar to 2012 levels. The hourly rate for professional staff (based on hourly rate, benefits and building overhead) has increased only slightly, while legal publication costs have slightly decreased. As a result and based on the above, no modifications to the current fee schedule are proposed for 2013. However, **one new fee is proposed to help offset administrative costs necessary to process a Payment in Lieu of Taxes (PILOT) ordinance amendment for federally-aided housing projects.** There currently is no fee charged to process PILOT requests. As background information regarding PILOTs, Public Act 346 of 1966 created the Michigan State Housing Development Authority (MSHDA) and tax exemptions and Payment of Lieu of Taxes were permitted for certain housing developments intended to address low-income housing needs. The tax exemption approved for eligible projects remains in effect for as long as the authority or federally-aided mortgage is

outstanding. In lieu of paying property taxes, an annual payment or service charge is established based on a specified percentage of annual shelter rents.

Consistent with the other administrative review fees, the administrative costs (staff and attorney time, publication costs and copy expenses) to process a PILOT application was carefully considered. Although requests for a PILOT are infrequently received, the amount of staff time and the publication costs necessary to process each application is significant. The most recent request, Centre Street Village Apartments located on East Centre Avenue, required a considerable amount of staff and City Attorney time. The estimated administrative cost to process a PILOT application is \$1,395 per application. However, the Community Development fees established to process a large majority of applications do not cover the full cost of processing the application. Therefore, a fee of \$750 is recommended for each PILOT application. The recommended fee is similar to other established fees from a cost recovery perspective. **The Resolution for Community Development Fees, which includes all current fees and the recommended new PILOT fee, is provided in Attachment 3.**

### Public Safety Department Fees

#### *Fire Division:*

- ♦ Fire Division fees, including fees for false fire alarms, campfire permits, fireworks permits and follow-up business inspection fees, were last updated in December 2008. **These fees have been reviewed and no changes are recommended for the 2013 calendar year.**

#### *Police Division:*

- ♦ Article 2, Section 78-66 of the Portage Code of Ordinances allows the city to impose emergency response fees upon individuals who have been adjudicated guilty of any state law pertaining to the act of impaired driving. The fees are based on the cost of the response of public safety personnel to these incidents and were last modified in December 2008. **No changes are recommended for these fees for the 2013 calendar year.**
- ♦ Michigan Compiled Laws (MCL) 765.12a gives the Department of Public Safety authority to collect a fee from persons arrested pursuant to a warrant issued by a court. The Arrest Warrant Processing Fee may be collected to defray the expense of receiving, depositing and delivering bail or bond money to the court, which Portage police officers accomplish on a daily basis. **It is recommended that the City of Portage implement the Arrest Warrant Processing Fee in the amount of \$10, which is the maximum fee allowable by law.** This fee has been adopted by every law enforcement jurisdiction county-wide.

### Right-of-Way Permit

Article 2, Section 66 of the Portage Code of Ordinances contains provisions for the issuance and enforcement of permits for the repair, operation and maintenance of private facilities such as utilities, or for privately constructed driveways. Fees associated with the permit requirement are based on staff time to review the permit application and inspection functions. Also included in the ordinance is the imposition of bonding requirements for utilities or street excavation by private contractors. The current \$10 permit fee is deemed to be appropriate for the staff effort required, although upcoming changes to national traffic standards will likely require additional staff efforts to review and administrate the permit program. **No changes are recommended for the Right-of-Way Permit fee for the 2013 calendar year;** however, the above noted changes may necessitate a fee adjustment in the near future.

### Soil Erosion and Sediment Control Permits

Part 91, Soil Erosion and Sediment Control (SESC), of the Natural Resources and Environmental Protection Act, 1994 PA 451 is the State of Michigan law regulating construction activities, including earth changes to ensure that any earth change is accomplished in a manner that will effectively reduce accelerated soil erosion and resulting sedimentation. The City of Portage acts as the local municipal enforcement agency for projects involving earth changes within the city limits. The fee structure is established to cover the cost of permit processing, plan review and site inspection activities. These fees were last modified for the 2010 calendar year. As the current fees are still comparable to other local enforcing agencies and are reasonable for the services provided, **no increase is recommended.**

### Special Assessment Rates

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

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

Special assessment rates are updated using a variety of factors: actual construction cost for comparable city projects; national construction cost indexes and applicable construction cost data from the Kalamazoo Builders Exchange, a local clearing house for public and private construction cost information. Each special assessment rate was analyzed separately so that the recommended 2013 rates also properly reflect the City Council policy on property owner cost-sharing of needed infrastructure improvements. Due to increasing complexity of city utility projects, the city has experienced not only an increase in material prices, but higher construction labor costs as well. **Therefore, an increase of 2.5 percent, matching the national Construction Cost Index, is recommended for the 2013 special assessment rates.** A Special Assessment Rate Resolution (**Attachment 4**) is attached for the consideration of Council.

Based on the review of service costs and inflationary changes, it is recommended that the Council approve the proposed new Arrest Warrant Processing Fee. It is further recommended that Council adopt the Proposed 2013 Charges for Documents fee schedule, the recommended fee schedules for recreation programs and park facilities for 2013, the Resolution for Community Development Fees and the 2013 Special Assessment Rate Resolution be approved as outlined above and in the attached materials.

- Attachments
1. Revised Charges for Documents Fee Schedule
  2. Proposed Recreation Program Fees and Park Facility Rental Fees
  3. Community Development Fees for Service
  4. 2013 Special Assessment Rate Resolution

# **Attachment 1**

**CITY OF PORTAGE  
PROPOSED 2013 CHARGES FOR DOCUMENTS**

<b>ORIGINATING DEPARTMENT</b>	<b>DOCUMENT TITLE</b>	<b>CURRENT</b>	<b>CHARGES PER COPY PROPOSED 2013</b>	<b>ONLINE AVAILABILITY</b>
City Manager	Advisory Board Minutes	No Charge	Same	Last Twelve Months Online for: Minutes and Agendas for Construction Board of Appeals, Human Services Board, Zoning Board of Appeals, Planning Commission, DDA and EDC/TIFA, L.D.F.A., Historic District Commission, Senior Citizens Advisory Board, Park Board and Environmental Board.
	Advisory Board Agendas	No Charge	Same	See Above
	Advisory Board Agenda Packets	\$4.00/ea.	Same	Available Online
	City Maps	No Charge	Same	GIS Mapping Service Available Online
Finance	Budget (Paper copy)*	\$46.20	\$30.00	Available Online
		Plus Mailing	Plus Mailing	
	Budget CD ROM*	\$5.00	Same	Available Online
		Plus Mailing	Same	
	Comprehensive Audit (Paper Copy)	\$30.00	Same	Available Online
		Plus Mailing	Same	
	Comprehensive Audit CD ROM*	\$5.00	Same	Available Online
	*Upon Availability	Plus Mailing	Same	
	Full Copy of Electronic Property Tax File	\$50.00	Same	Not Available Online
	Tax Payment Receipts (duplicates requested other than time of payment)	No Charge	Same	Available Online
	Individual Parcel Look-up Online	No Charge	Same	Available Online
	Special Assessment/Tax History on computer (since 2004)	No Charge	Same	Available Online
	Special Assessment/Tax History not on computer (prior to 2004)	\$2.00/year	Same	Not Available Online
	Utility Bill History Information	\$5.00	Same	Not Available Online
	* Upon Availability			
Assessor	Property Appraisal Card/Owner of Record	No Charge	Same	Not Available Online
	Property Appraisal Card/Non-Property Owner	\$1.00/ first page then \$0.10 /pg.	Same	Not Available Online
	Additional Cards	\$0.10/pg.	Same	Not Available Online
	Data Sales Report	\$3.00/pg.	Same	Not Available Online
	Annual Database download for Realtors Association	\$50.00	Same	Not Available Online

**CITY OF PORTAGE  
PROPOSED 2013 CHARGES FOR DOCUMENTS**

**CHARGES FOR DOCUMENTS CONT.**

<b>ORIGINATING DEPARTMENT</b>	<b>DOCUMENT TITLE</b>	<b>CURRENT</b>	<b>CHARGES PER COPY PROPOSED</b>	<b>ONLINE AVAILABILITY</b>
Purchasing	Bid Specifications (First copy) Contract Conditions & Specifications Additional Copy	No Charge No Charge \$25.00	Same Same Same	Available Online Available Online
City Clerk	City Charter Precinct Maps (Color) Council Minutes and Agendas Council Agenda Packets	\$6.00 \$6.00 No charge \$25.00	Same Same Same Same	Available Online GIS Mapping Service Available Online Prior Year Available Online Prior Year Available Online
	Qualified Voter Information (plus postage)	Plus Mailing \$30.00/hr. Plus \$1.00/CD	Same Same Same	Not Available Online
	Qualified Voter Information-Electronic Copy	\$1.00/CD	Same	Not Available Online
	Tax Abatement Application	2% of taxes abated during the term of the tax abatement not to exceed	Same	Available Online
Employee Development	Employee Records - If Available to employee or designee 1st Copy 2nd copy To non-employee	No Charge \$0.40/pg. \$0.40/pg.	Same Same Same	Not Available Online
Benefit Services	Employee Records - If Available to employee or designee 1st Copy 2nd copy To non-employee	No Charge \$0.40/pg. \$0.40/pg.	Same Same Same	Not Available Online
Fire	EMS Reports	\$0.40/pg. \$2 minimum	\$5.00	Not Available Online
	Environmental Impact Statements	\$0.40/pg. \$2 minimum	\$31.80/hr.	Not Available Online
	NFIRS Reports	\$0.40/pg. \$2 minimum	\$5.00	Not Available Online

**CITY OF PORTAGE  
PROPOSED 2013 CHARGES FOR DOCUMENTS**

**CHARGES FOR DOCUMENTS CONT.**

ORIGINATING DEPARTMENT	DOCUMENT TITLE	CHARGES PER COPY		ONLINE AVAILABILITY
		CURRENT	PROPOSED	
Police	POLICE REPORTS:			
	Minor Incident Report	\$3.50	Same	Not Available Online
	Up to 20 pages	\$5.00	Same	
	From 21-40 pages	\$7.00	Same	
	From 41-60 pages	\$9.00	Same	
	Accident Reports:			
	UD-10 Form	\$5.00	Same	Not Available Online
	w/supplemental info up to 20 pages	\$5.00	Same	Not Available Online
	From 21-40 pages	\$7.00	Same	
	From 41-60 pages	\$9.00	Same	
	Over 60 pages	Cost/hr.	Same	
	Police Reports Facsimile Charge	\$0.50/ea.	Same	Not Applicable
	Photographs:			Not Available Online
	4 x 6 Color Photos	\$1.00	Same	
	5 x 7 Color Photos	\$1.50	Same	
	5x7 & 8 x 10 Color Photos	\$5.00	Same	Not Available Online
	*Digitally processed	34.00/hr.	Same	Not Available Online
	Photo in series	\$7.50	Eliminated	
	Subsequent Photos in series	\$2.00	Eliminated	Not Available Online
	Booking Photo	\$3.50	Same	Not Available Online
	Booking Room Videos	\$25/ea. Plus	Same	
	Mobile Video Digital Recordings	\$1.50/DVD	Same	
	*Digital Photos to Disc	\$25/ea. Plus	Same	
Visa Clearance	\$1.50/DVD	Same	Not Available Online	
Criminal Record Check	\$34.00/hr.	Same	Not Available Online	
Audio Tapes	\$5.00	Same	Not Available Online	
	\$30.00/hr. Plus	Same	Not Available Online	
	\$1.00/CD	Same		
Non-criminal Fingerprints			Not Available Online	
Resident or Portage Business	\$8.00/card	Same		
Non-resident	\$15.00/card	Same		
Application to Set Aside Conviction Permit	\$8.00	Same	Not Available Online	
<b>Bond Fee</b>	<b>\$10.00</b>	<b>New</b>		

**CITY OF PORTAGE  
PROPOSED 2013 CHARGES FOR DOCUMENTS**

**CHARGES FOR DOCUMENTS CONT.**

ORIGINATING DEPARTMENT	DOCUMENT TITLE	CHARGES PER COPY		ONLINE AVAILABILITY
		CURRENT	PROPOSED	
Community Development (Maps, plans, tracings, plats, etc.)	PAPER FORMAT - IN COLOR:			
	8 x 11 ("A" size) without Aerial	\$1.00	Same	GIS Mapping Service Available Online
	11 x 17 ("B" size) without Aerial	\$2.00	Same	
	18 x 24 ("C" size) without Aerial	\$3.00	Same	
	24 x 36 ("D" size) without Aerial	\$5.00	Same	
	30 x 30 ("E" size) without Aerial	\$10.00	Same	
	8 x 11 ("A" size) with Aerial	\$2.00	Same	
	11 x 17 ("B" size) with Aerial	\$5.00	Same	
	18 x 24 ("C" size) with Aerial	\$10.00	Same	
	24 x 36 ("D" size) with Aerial	\$20.00	Same	
	30 x 30 ("E" size) with Aerial	\$25.00	Same	
	Building Plan/Site Plan (24x36) (copyright restrictions may apply)	\$5.00/sheet	Same	Not Available Online
	Planning and Zoning Code with Land Development Regulations	\$25.00 Plus Mailing	Same	Available Online
	Zoning Map, Future Land Use Map (11x17)	\$5.00	Same	Available as part of GIS Mapping Service
	Zoning Map, Future Land Use Map (24x36)	\$10.00	Same	Available as part of GIS Mapping Service
	Subdivision and Land Division Regulations	\$5.00	Same	Available Online
	Comprehensive Master Plan	\$40.00 Plus Mailing	Same	Available Online
	Major Thoroughfare Plan	\$7.00 Plus Mailing	Same	Available Online
	Capital Improvement Project (CIP) Packet	\$40.00 Plus Mailing	Same	Available Online
	Property Notification Address List	\$20.00	Same	Not Applicable
	CDBG Consolidated Plan	\$10.00 Plus Mailing	Same	Available Online
	CDBG Annual Action Plan	\$5.00 Plus Mailing	Same	Available Online
	Analysis of Impediments to Fair Housing Study	\$10.00 Plus Mailing	Same	Available Online
	DIGITAL FORMAT:			
	Digital Aerial Photo of City (one foot pixel resolution)	\$40/section	Same	GIS Mapping Services Available Online
	Digital Aerial Photo of Entire City (one foot pixel resolution) - All Sections	\$750.00	Same	GIS Mapping Services Available Online

**CITY OF PORTAGE  
PROPOSED 2013 CHARGES FOR DOCUMENTS**

**CHARGES FOR DOCUMENTS CONT.**

ORIGINATING DEPARTMENT	DOCUMENT TITLE	CHARGES PER COPY		ONLINE AVAILABILITY
		CURRENT	PROPOSED	
Community Development (Continued) (Maps, plans, tracings, plats, etc.) Continued	Digital Topographic Maps	\$25/quarter section	Same	GIS Mapping Services Available Online
	All 36 Sections	\$1,500.00	Same	GIS Mapping Services Available Online
	Digital (GIS) Map Layers (streets, hydrology, zoning, etc.)	\$100/file	Same	GIS Mapping Services Available Online
	Digital (GIS) Parcel Map Layer	0.10/parcel	Same	GIS Mapping Services Available Online
		\$25 minimum	Same	
		\$750 maximum	Same	
		\$50.00/hr.	Same	
		\$10/request	Same	
	Custom Mapping			
	Building/Site Plan e-mailed (copyright restrictions may apply)			GIS Mapping Services Available Online Not Available Online
Information Technology	Compact Disk	\$1.00/ea.	Same	Not Applicable
	DVD Productions (copy of)	\$1.50/ea.	Same	Not Applicable
	Computer Research	\$50.00/hr.	Same	Not Applicable

NOTE: The minimum cost for any document not listed above shall be \$1.00 plus \$0.10 for each additional page after the first page. For requests involving in excess of 15 minutes of staff time, the charge will be based on the nearest quarter-hour increment after the first quarter hour.

## **Attachment 2**

## RECOMMENDED 2013 RECREATION PROGRAM FEE REVISIONS

(Revisions indicated in bold)

ACTIVITY	2011 FEES	2012 FEES	2013 FEES
Adult Softball Leagues (13 games) Late Summer Softball Leagues (7 games)	\$505/team \$20/non-resident \$375/team	\$510/team \$20/non-resident \$380	Same + <b>\$20 team conduct deposit</b> Same + <b>\$20 team conduct deposit</b>
Drama Day Camp	\$375/person	\$385/person	Same
Ice Skating Lessons	\$20/person	Same	Same
Youth Cross Country Ski Lessons	\$15/person	Same	Same
Adult Cross Country Ski Lessons	\$20/person	Same	Same
Downhill Skiing Fee	\$5/person, \$10/family	Same	Same
Ramona Park Vehicle Permits	\$5/resident daily \$10/non-resident daily \$25/resident annual \$45/non-resident annual \$50 daily bus pass	Same Same Same Same	Same Same Same Same
The Ice Rink @ Millennium Park	\$4/person skate fee \$25/10 skate discount \$80/group rental  \$3/skate rental \$3/skate sharpening	Same Same Same  Same Same	Same Same <b>\$100/group rental 1-½ hrs</b> Same Same
Celery Flats Livery Group Rental Fees	\$15/One person kayak \$18/Two person canoe/kayak No Deposit	Same Same  Same	Same Same  <b>\$50 deposit due at reservation applied to rental fee</b>

<b>PARK FACILITY</b>	<b>2011 FEES</b>	<b>2012 FEES</b>	<b>2013 FEES</b>
<b>FOOTBALL &amp; SOCCER FIELDS</b>			
League Play Weeknights (2-3 hours)	\$250/field/season non-profit \$410 field/season profit	Same Same	Same Same
Weekends (4-6 hours)	\$385/field/season non-profit \$610 field/season profit	Same Same	Same Same
Weekend Tournaments	\$200/field/day non-profit \$310 field/day profit	Same Same	Same Same
Camps and Clinics	\$75/field per 4 hours + \$10 each additional hour non-profit \$120/field per 4 hours + \$20 each additional hour profit	Same Same	Same Same
Team Practice Reservation Fee	\$10 per hour non-profit \$20 per hour profit	Same Same	<b>\$15 per 1-½ hrs</b> Same
<b>SOFTBALL FIELDS</b>			
Youth League Tournaments	\$50/field/day nonprofit \$75/field/day profit \$100 deposit	Same Same Same	Same Same Same
Adult Softball Tournaments	\$50/field/day non-profit \$75/field/day profit \$100 deposit	Same Same Same	Same Same Same
Practice Field Reservation	\$10/1-1/2 hrs	Same	Same
Softball Tournament Field Preparation Fee	\$50/field/day	Same	Same
Independent Leagues	\$380/field/season	Same	Same
<b>SCHRIER PARK RENTAL</b>			
Parties, Reunions, etc.	Weekends/Holidays \$60 per hour/ \$385 maximum Monday-Friday \$45 per hour/\$260 maximum	Same Same	<b>\$190/3 hrs, \$60/hr,</b> <b>\$400 maximum</b> <b>\$140/3hrs, \$40/hr,</b> <b>\$290 maximum</b>
Non-Profit Meetings	\$25/hour	Same	Same
Damage Deposit	\$100	Same	Same
<b>PICNIC SHELTER FEE</b>			
Central #1	\$100/day weekends/holidays \$70 Monday-Friday	\$110 Same	Same Same
Lakeview #1 & #2	\$100/day weekends/holidays \$70 Monday-Friday	\$110 Same	Same Same
Ramona #1 & #2	\$100/day weekends/holidays \$70 Monday-Friday	\$110 Same	Same Same
<b>SPECIAL EVENT SERVICE FEE</b>			
Special Event Service Fee	\$250-\$375/day	Same	Same
Damage Deposit	None	\$100	Same
<b>CELERY FLATS ADMISSION FEES</b>			
General Admission	\$3/adult; \$2/child	Same	Same
Booked Tours	\$2.50/person \$2.00/Portage Schools	Same Same	Same Same
<b>SOUTH WESTNEDGE SKATEPARK FEES</b>			
Special Event Rental	\$150 per 4 hour period	Same	Same

<b>PARK FACILITY</b>	<b>2011 FEES</b>	<b>2012 FEES</b>	<b>2013 FEES</b>
<b>CELERY FLATS RENTAL FEES</b>			
Schoolhouse Classroom Fee	\$50/day	Same	Same
Damage Deposit	\$50	Same	Same
Gazebo Rental	\$65/2 hours; \$15/ea. add. hr.	Same	\$65/3 hrs; \$15/ea add. hr.
Damage Deposit	\$50	Same	Same
Grain Elevator			
Group Rental	\$125/3 hrs; \$30 ea.add. hr.	\$125/3 hrs; \$30 ea. add. hr.	Same
Damage Deposit	\$100	Same	Same
Hayloft Theatre *			
Group Rental	\$350/5 hours; \$50 ea. add. hr.;	Same	Same
	\$700 daily maximum	Same	Same
Wedding fee	None	\$700	Same
Outside Performance	\$300/night	Same	Same
Damage Deposit	\$100	Same	Same
Stuart Manor *			
Group Rental	\$140/3 hrs.; \$30 ea. add. hr.	Same	Same
Damage Deposit	\$150	Same	Same
Amphitheatre *			
Group Rental	\$140/3 hrs.; \$30 ea. add. hr.	Same	Same
Damage Deposit	\$100	Same	Same
<b>OVERLANDER BANDSHELL</b>			
Non-Profit Group	\$140/3 hrs; \$40 ea add hr	Same	Same
Profit-Making Group*	\$115/3 hrs.; \$40 ea. add. hr. plus 15% gross receipts	Same	Same
Past Sunset	\$30/hour additional	Same	Same
Damage Deposit	\$100	Same	Same
<b>WALK-RUN FUNDRAISING EVENTS</b>			
0-200 Participants	\$425 base fee	\$450 base fee	Same
200 or More Participants	\$385 base fee \$0.75 per each add. person over 200	\$450 base fee Same	Same Same
Early Set-Up	\$100	Same	Same
Additional Staff Charges (per hour)	\$25	Same	Same
<i>*Extra Fees: 15% of gross receipts plus applicable fees for additional staff, special equipment, rehearsals</i>			

# **Attachment 3**

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

Minutes of a regular meeting of the City Council for the City of Portage, Michigan held on \_\_\_\_\_, 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: \_\_\_\_\_.

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

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

<u>SERVICE</u>	<u>FEE</u>
1. Access Management Appeal	\$330 per appeal
2. Accessory Buildings	\$275 per application
3. Accessory Use – Keeping of chickens	\$50 per application
4. Brownfield Redevelopment Plan or Amendment	\$1,100
5. Building Height Modification	\$330 per request involving action only by the Planning Commission
	\$550 per request involving action by the Planning Commission and City Council
6. Business Special Event	\$110 per application
7. Comprehensive Plan	\$825 per amendment
8. Active Home Occupation Permit	\$150 per permit
9. Industrial Tax Abatement	2 percent of the total property taxes abated or \$1,800, whichever is less

10.	Nuisance Abatement	Documented cost of the abatement, plus an administrative fee of \$350, plus \$50/hour or fraction thereof of staff to complete the abatement
11.	Noxious Weed abatement	Documented cost of the abatement plus an administrative fee of \$200 per zoning lot
11.	Parking Plans	\$165 base fee and \$5 per 500 square feet of parking area
12.	PILOT (Payment in lieu of taxes)	\$750 per application
13.	Planned Development Concept Plan/ Tentative Plan	\$825 per plan \$550 per plan if processed concurrent with rezoning application \$220 per conceptual plan if combined with a specific plan and less than 10 acres
14.	Planning and Zoning re-inspection fee	\$56 per hour (1 hour minimum fee)
15.	Public Utility Plan	\$250 for one utility \$350 for more than one utility
16.	Sign Permits	\$110 per permanent freestanding sign application \$110 per permanent wall sign application \$55 per temporary or directional sign application \$55 per permanent freestanding or wall sign application for sign panel change to existing sign, where no structural sign modifications are proposed
17.	Single-family Condominium - Preliminary approval	\$440 plus \$22 per lot
18.	Single-family Condominium - Final preliminary approval	\$660 plus \$22 per lot
19.	Single-family Condominium - Final approval	\$660 plus \$38 per lot
20.	Small On-site Wind Energy Systems	\$130 per application

- |     |  |   |
|-----|--|---|
| 21. | Special Land Use Permit  | \$220 per group child care home application<br>\$330 for all others   |
| 22. | Street Vacation or Land Sale<br>(fee will be credited if land sale occurs, less appraisal and publication costs) | \$550 per application not involving an independent appraisal<br>\$825 per application involving an independent appraisal                  |
| 23. | Special meeting of the Planning Commission or Zoning Board of Appeals  | \$220   |
| 24. | Zoning Amendment   | Map - \$825 for the first acre; then \$75 for each additional acre or fraction thereof<br>Text - \$825 per amendment                      |
| 25. | Zoning Board of Appeals  | \$135 for all one-family residential uses<br>\$330 for all others   |
| 26. | Zoning Compliance Review   | \$50 per general zoning review/day care license<br>\$100 per lot line adjustment<br>\$150 for state license zoning review/annual renewals |
| 27. | Site Plan Review   | Variable base fee plus unit/square footage charges as follows:  |

<u>Use</u> <sup>1</sup>	<u>Zoning Classification</u>	<u>Fee</u> <sup>2, 3</sup>
Multiple Family	R-1T; RM-1; RM-2	\$385 + \$11/dwelling unit
Planned Development	PD	\$385 + \$11/dwelling unit \$357 + \$6/100 sq. ft. gross floor area (commercial) exclusive of basement space \$440 + \$6/500 sq. ft. gross floor area (industrial) exclusive of basement space
Mobile Home Community	MHC	\$385 + \$11/Mobile Home Unit

Commercial	OS-1; OTR; B-1; B-2; B-3; CPD; CCA; CCMU	\$357 + \$6/100 sq. ft. of gross floor area, exclusive of basement space.
Institutional	R-1A through R-1E; R-1T RM-1; RM-2; PD	\$385 + \$6/100 sq. ft. of gross floor area, exclusive of basement space.
Industrial	I-1; I-2; OTR;	\$440 + \$6/500 sq. ft. of gross floor area, exclusive of basement space.
Recreational (golf courses and other open space type recreational uses)	R-1A through R-1E; PD	\$412 + \$12/acre over 3 acres.

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

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

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

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

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

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

RESOLUTION DECLARED ADOPTED: \_\_\_\_\_

### CERTIFICATION

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

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

Approved as to form:

Date 12/10/12

[Signature]

City Attorney

# **Attachment 4**

**CITY OF PORTAGE  
SPECIAL ASSESSMENT RATE  
RESOLUTION**

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

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

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

The following resolution was offered by:

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

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

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

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

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

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

WHEREAS, Council has adopted Policies Regarding Special Assessment for Public Improvements at the regular meeting of said Council on the 21<sup>st</sup> day of May, 1991; and

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

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

NOW, THEREFORE BE IT RESOLVED THAT:

1. The City of Portage adopt the special assessment rates as indicated on Attachment "A", attached hereto and incorporated herein, with said rates to become effective for any special assessment district initiated after January 1, 2013, and to remain in effect until modified by subsequent resolution of Council.

2. The City of Portage utilize the special assessment rates as indicated on Attachment "A", attached hereto and incorporated herein, with said rates to become effective after January 1, 2013 for connection to any water or sanitary sewer extension district (unassessed water or sanitary sewer main). The fee for connection to an unassessed water main shall consist of the current charge for the water lead (from the water main to the curb shut off), the water meter charge, and the front footage charge based on current special assessment rates. The water lead charge and meter charge must be paid in full at the time of issuance of the water permit but the front footage charge may be spread over twenty years. The fee for an up-sized water lead shall consist of the difference in cost between the ¾ inch service assessed and the selected size current rate at the time of connection.

The fee for connection to an unassessed sanitary sewer main shall consist of the current "trunk and branch" fee, a sewer meter charge (if the structure is not connected to public water), the street lead charge (service line from the sanitary sewer main to the property line), and the front footage charge based on the current special assessment rates for unassessed sewers. The sewer trunk and branch fee, street lead charge, and sewer meter charge (when applicable) must

be paid in full at the time of issuance of the sewer use permit but the front footage charge may be spread over twenty years.

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

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

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

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

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

CERTIFICATION

STATE OF MICHIGAN     )  
  )  
COUNTY OF KALAMAZOO)

I, the undersigned, the duly qualified and acting City Clerk of the City of Portage, County of Kalamazoo, State of Michigan, do hereby certify that the foregoing is a true and complete copy of a resolution adopted at a regular meeting of the City Council of said city, held on the \_\_\_\_ day of \_\_\_\_\_ 2012, the original of which is on file in my office.

IN WITNESS THEREOF, I have hereto affixed my official signature this \_\_\_\_ day of \_\_\_\_\_, 2012.

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

APPROVED AS TO FORM  
DATE 11/27/12  
Rus  
CITY ATTORNEY

## Attachment "A"

## SPECIAL ASSESSMENT RATES 2013

Cost Per Front Foot

	Residential		Commercial/Industrial	
	2012	Proposed for 2013	2012	Proposed for 2013
Water	\$ 30.57	\$ 31.33	\$ 39.92	\$ 40.92
Sewer	30.55	\$ 31.31	33.13	\$ 33.96
Unassessed Sewer*	57.33	\$ 58.76	70.19	\$ 71.94
Sewer through Unimproved Land	23.79	\$ 24.38	28.46	\$ 29.17
Petitioned Street Reconstruction with Curb & Gutter (including new storm sewer)	72.30	\$ 74.11	77.09	\$ 79.02
Petitioned Street Reconstruction with Curb & Gutter (existing adequate storm sewer)	55.68	\$ 57.07	60.30	\$ 61.81
Petitioned Curb and Gutter (done in conjunction with either street reconstruction or sanitary sewer installation)	44.59	\$ 45.70	44.59	\$ 45.70
Petitioned Street Reconstruction	30.67	\$ 31.44	35.29	\$ 36.17
Petitioned Storm Sewer (done separate from street reconstruction)	22.35	\$ 22.91	24.09	\$ 24.69
Sidewalk	20.07	\$ 20.57	24.82	\$ 25.44

Cost Per Improvement

Drive Approach	\$ 1,494.00	\$ 1,531.00	\$ 1,494.00	\$ 1,531.00
Sewer Lead	953.00	\$ 977.00	953.00	\$ 977.00
Sewer Lead-Unimproved Land	953.00	\$ 977.00	953.00	\$ 977.00
3/4-in. Water Service	937.00	\$ 960.00	937.00	\$ 960.00
1-in. Water Service	1008.00	\$ 1,033.00	1008.00	\$ 1,033.00
1 1/4-in. Water Service	1073.00	\$ 1,100.00	1073.00	\$ 1,100.00

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

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**CITY OF PORTAGE**

**COMMUNICATION**

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**TO:** Honorable Mayor and City Council

**DATE:** December 10, 2012

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



**SUBJECT:** 2013 March Board of Review Resolution

**ACTION RECOMMENDED:** That City Council adopt the Resolution setting the dates and times for the 2013 March Board of Review sessions.

The Board of Review meets annually in March for the purpose of hearing current-year property assessment appeals. The attached Resolution has been prepared to set the meeting dates for the first session of the Board of Review on March 11, 12, 13, and 14, 2013, and for the second session on March 26, 2013, in accordance with the City Charter.

Whether the Board of Review will consist of three, six or nine members as chosen by Council, the meeting times as stated in the Resolution would remain applicable to the Board of Review. Appointments to the Board of Review are to be considered at the January 8, 2013 City Council meeting.

It is recommended that the Resolution be adopted by the City Council.

Attachment



**CITY OF PORTAGE**

**COMMUNICATION**

---

**TO:** Honorable Mayor and City Council

**DATE:** December 12, 2012

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



**SUBJECT:** Michigan Municipal League Dues

**ACTION RECOMMENDED:** That City Council authorize payment to the Michigan Municipal League in the amount of \$8,554 for year 2013 membership dues.

Membership in the Michigan Municipal League (MML) has provided a form of representation on state legislative issues that affect local government. The MML offers educational opportunities for elected officials and also assists municipal leaders with the administration of community services. The MML also provides access to a number of government-related services including the Legal Defense Fund, the Municipal Litigation Center, information and research gathering, human resource inquiries, home rule charters and the MML resource center. Currently, 521 of Michigan's 533 cities and villages are members of the MML, which has increased from the 517 members in 2012.

Due to the financial challenges many municipalities are currently facing, the MML reduced dues by 12 percent in 2010-2011. The MML has introduced a modest 2.7 percent increase from 2012 rates for the 2013 year, increasing the City of Portage dues from \$8,329 to \$8,554.

It is recommended that City Council authorize payment to the Michigan Municipal League in the amount of \$8,554 for year 2013 membership dues. Funds for the membership renewal have been budgeted in the Fiscal Year 2012-13 Budget.



michigan municipal league

Better Communities. Better Michigan.

December 03, 2012

Mr. James Hudson  
City Clerk  
Portage  
7900 S. Westnedge Ave.  
Portage, MI 49002-5160



Dear Mr. Hudson,

Thank you for your continued participation and support of the Michigan Municipal League. The League is your advocate for all the important issues facing local government. With the continuing challenges we face in Lansing and Washington our work for you is even more critical. As we move forward together, the League is working for you to help create a more prosperous state with more vibrant communities. We are enjoying unprecedented access to key leaders, and are confident that we will achieve great things in the months ahead. We will continue to fight for you on the issues that matter most, and support every member by leading advocacy efforts in support of municipal issues.

The League will remain on the cutting edge, helping forge a new Michigan. The League's Center for 21st Century Communities (21c3) is working to assist local officials in identifying, developing, and implementing programs and strategies to enhance our member communities' ability to be vibrant places for the 21st century, providing low-cost education related to effective and efficient governance. Further, our Legal Defense Fund is providing advocacy of a different type as they continue to work to protect your interests in the courts and regulatory arena.

The League's Board of Trustees recognizes the strained financial conditions present in many Michigan communities. We have worked very hard over the last several years to reduce our dues burden which has resulted in savings of over 30%, and this year we are passing along a modest 2.7% inflationary adjustment to League dues.

Alone your municipality is one voice; but when combined with the voices of communities across Michigan, we can make a real difference. Michigan Municipal League membership is one of the best investments your community can make. Be sure to maximize your membership by contacting us with your questions, and by actively participating at League events. Thank you for your support. We look forward to our continued partnership with your community.

Sincerely,

Daniel P. Gilmartin  
Executive Director & CEO

David Lossing  
President, 2012-2013

Enc.



# michigan municipal league

## *Member Benefits at a Glance*



### **Advocacy of Municipal Issues**

- Legislative Advocacy – expert advocacy and dedicated representation at the state and federal levels on municipal issues
- Legislative Committees – member advisory committees help shape League-wide positions on important matters
- Legislative Link E-Newsletter – a weekly rundown of legislative activity
- Inside 208 Blog – timely conversations on legislative and advocacy issues

### **Information**

- Inquiry Service – information and custom research on your municipal questions
- Center for 21<sup>st</sup> Century Communities (21c3) – tools to better position your community for the 21<sup>st</sup> century
- Directory of Michigan Municipal Officials* – annual listing of elected and key appointed city and village officials
- The Review* – bimonthly magazine geared specifically to the municipal audience
- Wage and Salary Database – searchable database of 143 titles, available to respondents of the annual online survey

### **Educational Opportunities (*member rates apply*)**

- Convention and Capital Conference – gain tools to improve your community and receive the latest Lansing updates
- Seminars and workshops – on-site and online training opportunities
- Elected Officials Academy – certification program designed to help elected officials lead in the 21<sup>st</sup> century

### **Documents on the League's Website**

- EVIP Resource Page – guidance on how to qualify for EVIP funding
- E-Books, including: *Handbook for Municipal Officials* and *Handbook for General Law Village Officials*
- One-Pager *Plus* Fact Sheets – easy to read summaries of common municipal topics
- Sample contracts, ordinances, policies, resolutions, and Request for Proposals (RFPs)

### **Insurance Programs (*premiums apply*)**

- League Workers' Compensation Fund
- League Liability and Property Pool
- League Sponsored BCBSM Program
- Unemployment Compensation Fund

### **Savings and Vendor Services**

- Natural Gas Purchasing Program – a program designed to reduce your gas utility costs
- Telecommunications – cut your telecom costs by partnering with Abilita, a telecommunications consulting leader
- U.S. Communities Government Purchasing Alliance – favorable pricing to various products and services
- Business Alliance Program – vendors who provide services to the municipal market

### **Additional League Services (*member rates apply*)**

- CDL Drug and Alcohol Testing Consortium – random testing program in accordance with DOT regulations
- Classified Ads – municipal job openings, as well as items for sale, on the League's website
- Consulting Services – draw on the League's expertise for your management consulting needs
- Executive Search Service – recruit the League to facilitate your executive search process
- Legal Defense Fund (LDF) – legal assistance to LDF member municipalities in cases that have statewide impact

Questions? Contact: Holly Ingram, Finance Department; [hingram@mml.org](mailto:hingram@mml.org); (800) M-LEAGUE;  
Access the League's website by visiting [www.mml.org](http://www.mml.org).



michigan municipal league

MICHIGAN MUNICIPAL LEAGUE  
MEMBERSHIP RENEWAL INVOICE

2012 - 2013

**Portage**

ID: 403

Date: 12/01/2012

Membership Period: 02/01/2013 - 01/31/2014

Current Balance

* MML Dues	7,776.00
** Legal Defense Fund	778.00
	<hr/>
	\$8,554.00



**Total Due by February 01, 2013:  
\$8,554.00**

**Please sign, date and return one invoice copy with your payment.**

Make checks payable to the Michigan Municipal League and mail to the address below. Thank you.

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Date)

\* MML dues include annual subscriptions to *The Review* for your officials at \$12.00 per subscription, which is 50% of the regular subscription rate.

\*\* The Legal Defense Fund is an optional charge. The purpose of the Fund is to provide specialized legal assistance to member municipalities in cases that have significant statewide impact.

**See what the League can do for you by visiting [www.mml.org](http://www.mml.org)**

Michigan Municipal League  
P.O. Box 7409  
Ann Arbor, MI 48107-7409  
800-653-2483

**CITY OF PORTAGE**

**COMMUNICATION**

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**TO:** Honorable Mayor and City Council

**DATE:** December 10, 2012

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



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

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

These items serve to update the Council on environmental affairs.

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

**CITY OF PORTAGE**

**COMMUNICATION**

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

**DATE:** December 10, 2012

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



**SUBJECT:** November 2012 Environmental Activity Report – Information Only

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

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

Attachment

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

<u>Project/Activity</u>	<u>Description</u>	<u>Status</u>
Portage City Landfill	Ongoing groundwater monitoring of former municipal landfill.	<p>-City Council awarded a 3 year contract to American Hydrogeologic Corporation (AHC) on February 23, 2010 to perform annual groundwater sampling. The site groundwater data will continue to be monitored to confirm continuation of the natural attenuation process. Sampling shows continued improvement in groundwater quality. Sampling completed in April 2010. Annual report submitted to MDNRE in June 2010. General groundwater quality continues to improve, but site will require monitoring for the foreseeable future. 2011 sampling completed in March. 2011 annual report submitted to MDEQ, with moderate groundwater quality improvements. Investigation into methane gas presence in the groundwater is underway. First round of sampling completed in April 2012. Second round of sampling completed in June 2012. Initial results indicate no off-site impact. <i>Annual report submitted to MDEQ.</i> Review meeting held September 21, 2012 with MDEQ with follow-up in October. <i>AHC currently preparing future monitoring plan and cost estimate.</i></p>
Site Inspection/Development Project Review	Review of existing business & industries and review of proposed business and industrial development projects for environmental protection purposes and/or building plans completed.	<p>-Coordination with property owners and City or State agencies ongoing. -<i>Review of 4 site/building plans and/or plats completed in November 2012.</i></p>
Sewer Connection Program	Groundwater protection program requiring residential/business hookup to the sanitary sewer where available.	<p>-<i>Sanitary sewer hookup permits issued in November 2012: 3 residential; 1 commercial. One connection made as part of the mandatory sewer connection program.</i></p>
West Lake Management Program	Special assessment district designed to maintain/improve lake conditions.	<p>-Five Year Lake Management Assessment District process was approved by City Council on March 23, 2010. Construction began on the Austin Dam reconstruction in December 2006 and new structure completed in March 2007. Filtration system construction was substantially completed in July 2008. The 2011 lake survey and treatment preparations are complete. Additional areas requested by the Association for treatment. Amendment to the 2011 Treatment Program approved by City Council on August 9, 2011. Lake Association has completed 2012 plan and lake treatment completed in May 2012. Review of program underway by Lakeshore Environmental Consultants. <i>Planning underway for the 2013 season.</i></p>

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

MDNRE reinstated the 2003 permit for implementation. Information on new permit requirement was received February 2011. MDNRE expected to issue new permit in 2014. City staff presented public information with other local agencies at the 2011 Home Expo on March 9-12, 2011. Tour of Liberty Park Stormwater treatment was held September 6, 2011 for the Southwest Michigan Soil Control Association. 2010-11 annual report was submitted on January 20, 2012. Implementation is ongoing. Stormwater informational talk was given to Pfizer, Inc., employees on April 28, 2012. MDEQ scheduled an audit of the program for July 12, 2012. Audit completed with satisfactory results. Several follow-up items with MDEQ to be addressed by staff. Program implementation is ongoing.

National Pollution Discharge Elimination System (NPDES) permit implementation  
 Kalamazoo River Mainstem Watershed Management Plan

-First meeting was held September 17, 2004. Proposals for completing the watershed plan were received by Kalamazoo County on September 15, 2005 and a contract awarded to Kieser & Associates in November 2005. Draft watershed plan submitted to MDEQ on December 30, 2005. Review comments received from MDEQ and revised watershed plan due in December 2006. A letter not to revise the Watershed Plan was submitted to the MDEQ on March 17, 2008. Public participation plan update submitted to MDEQ on November 24, 2009. Kalamazoo River Water Festival was held on August 14, 2010 with City of Portage participation. Preliminary grant request submitted September 16, 2010 for West Fork of Portage Creek storm water enhancements. Complete grant application was submitted on October 25, 2010. Notice received July 18, 2011 that grant application was not awarded. Kalamazoo River Watershed council completed a watershed update in November, 2011. No new developments.

Portage River Watershed Management Plan

-Public participation plan submitted June 28, 2004. Proposals for a Watershed Management Plan were received by the Kalamazoo County Road Commission and a contract awarded to the Kalamazoo County Conservation Service in November 2005. Draft watershed plan submitted to MDEQ on December 30, 2005. Follow-up meetings are held monthly to facilitate an implementation schedule. Portage River Watershed public meeting held in Vicksburg on April 11, 2006. Review comments received from MDEQ and revised watershed plan due November 2006. Revised Watershed Plan submitted November 30, 2006, follow up meetings to be held as necessary. A letter not to revise the Watershed Plan was submitted to the MDEQ on March 17, 2008. Public participation plan update submitted to MDEQ on November 24, 2009. Based upon MDEQ comments, the plan was revised and resubmitted on December 21, 2009. Interest has been raised by local conservation groups to update the current Watershed Plan using grant funds. Meeting held on May 9, 2011 among stakeholders to determine interest in updating the current watershed plan. Second meeting held on June 20, 2011, and grant application submitted by Kalamazoo and Calhoun County Conservation District to update the Watershed Plan. *Grant for watershed update was awarded to Calhoun County Conservation District. First kick-off meeting scheduled for December 13, 2012.*

Plan to implement and maintain an Illicit Discharge Elimination Program (IDEP).

-On October 21, 2001, City Council awarded a contract to Fishbeck, Thompson, Carr and Huber for the Portage Creek element of the IDEP, which was completed in July 2002. On February 19, 2002, City Council approved a new ordinance as required by the NPDES permit titled "Storm Water Illicit Discharges and Connections". On April 28, 2004, City Council accepted a grant from the State of Michigan in the amount of \$152,264 and awarded a contract to Fishbeck, Thompson, Carr and Huber in the amount of \$184,264 for the remainder of the IDEP for the entire city. Program implementation is ongoing as funding allows. Continued outfall sampling is required by permit and will be budgeted accordingly. IDEP program was updated for submittal to MDNRE on June 25, 2010, and part of the SWIPPI. Implementation is ongoing.

Storm Sewer Outfall Testing

On March 23, 2011 City Council awarded a four year contract to Wightman Environmental to perform testing of (selected storm sewers). Surface water discharges. This work is required as part of the NPDES permit. 2011 annual report received with minor surface water impacts from the Woodland Avenue discharge. *Testing will continue in November 2012. Report will be due in January 2013. Testing results are reported to MDEQ.*

Garden Lane Arsenic Removal Facility

Construction of a water treatment facility at the Garden Lane Wellfield to remove arsenic, iron and manganese from the groundwater.

-City Council approved an agreement with Fishbeck, Thompson, Carr & Huber, Inc. on January 10, 2006 to prepare a feasibility study to meet new USEPA arsenic standards for drinking water. Feasibility study completed in August 2006. Engineering proposals for the project were received August 14, 2007. Project engineering awarded to Earth Tech by City Council on September 11, 2007. Contract awarded by City Council on December 16, 2008 to Adams Building Contractors, Inc., Jackson, Michigan. Preconstruction meeting was held January 29, 2009. Facility is in operation with ribbon cutting held August 2, 2010. City staff gave a presentation on August 9, 2010 to the Michigan Chapter of the American Water Works Association about the arsenic removal of the facility. The facility is producing approximately one million gallons of water per day. Staff conducted a tour of the facility on April 27, 2011 to the local Chapter of the National Society of Professional Engineers. Facility is in regular operation. Plant tour for Stryker Engineering group was held on June 19, 2012. City Staff in conjunction with the Environmental Board is working on a sustainable native planting landscape design with Native Connections Inc. for the facility. *Regrading and installation of native landscaping seeding completed on November 16, 2012. Germination results in spring 2013 will determine if additional seeding is required.*

Environmental Incident/Spill Clean Up Notification

Environmental Protection Program to assist Portage Police/Fire Departments with spill containment and spill cleanup.

-*The number of environmental incident/spill investigations performed in November 2012 – 1. Number of environmental cleanups in November – 0. Emergency spill response contract for 2012-13 with Terra Contracting is in*

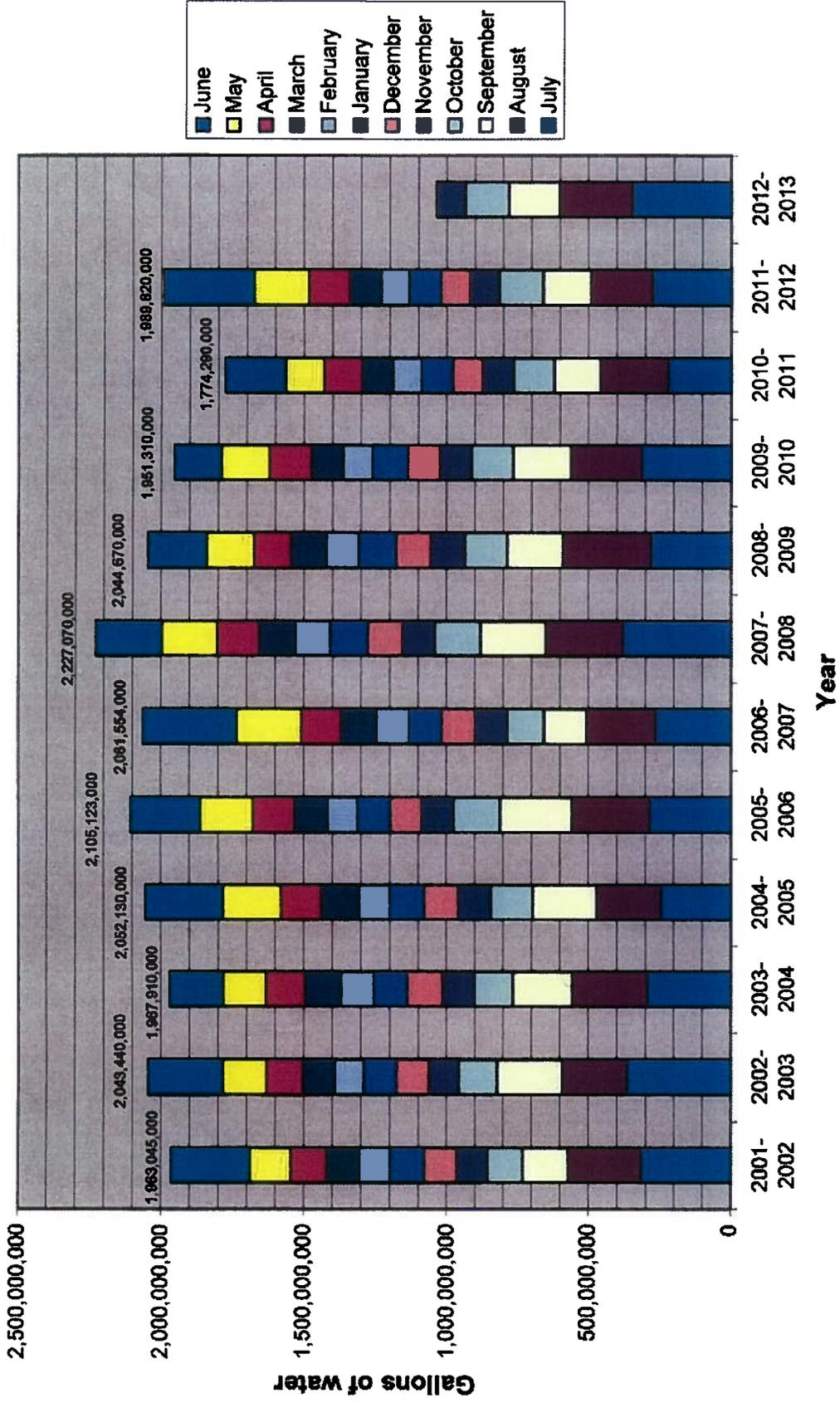
place. *One minor gasoline spill occurred on November 27, 2012 on Romence Road. Investigation revealed little environmental impact and clean up was performed by the owner's environmental response company.*

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

# Water Production





12/14/12  
RMB  
gms

# STATE OF MICHIGAN KALAMAZOO COUNTY DISTRICT COURT

HON. PAUL J. BRIDENSTINE 227 WEST MICHIGAN AVENUE KALAMAZOO, MI 49007 PHONE (269) 384-8103 FAX (269) 384-8176

November 30, 2012

**RECEIVED**

DEC 03 2012

CITY MANAGER'S OFFICE  
PORTAGE, MI

Hon. Peter Strazdas  
Mayor  
City of Portage  
7900 South Westnedge Ave.  
Portage, MI 49002

Re: 8<sup>th</sup> District Court South Location

Dear Mayor Strazdas,

Thank you again for meeting with me a few weeks back concerning the South Location courthouse. Since then, I have had further opportunity to consider the 8<sup>th</sup> District Court's situation following District Court Judge Carol A. Husum's announcement that she would be retiring on February 28, 2013.

To recap, once Judge Husum retires, Public Act 19 (2012) mandates that her judicial seat will not be filled. As a result, the 8<sup>th</sup> District Court will proceed with six judges instead of seven. Currently, the 8<sup>th</sup> District Court conducts business at three locations: 1) *North Location*, which handles criminal matters north of Kilgore Road at the Michigan Avenue courthouse; 2) *Crosstown Location*, which handles civil matters north of Kilgore Road; and 3) *South Location*, which handles both criminal and civil matters for jurisdictions south of Kilgore Road.

In 1997, the County of Kalamazoo, the 8<sup>th</sup> District Court and the City of Portage entered into a Consolidation Agreement where the 8<sup>th</sup> District Court agreed to keep the South Location courthouse open to conduct business for the jurisdictions south of Kilgore Road. For fifteen years, the 8<sup>th</sup> District Court has worked with the City of Portage, the County of Kalamazoo and the other jurisdictions in the region to provide this service in an efficient way. I believe this effort has been a success. While I still believe that the South Location provides an important and worthy service, with the significant change in the 8<sup>th</sup> District Court's circumstances, a continued court presence at the South Location will make conducting the District Court's business too much of a challenge and create substantial inefficiencies county-wide.

After conferring with my colleagues and considering the District Court's overall operation, as well as, input from you and other City of Portage and County of Kalamazoo representatives, I am

asking that the City of Portage agree to modify the Consolidation Agreement and allow the 8<sup>th</sup> District Court to be relieved of the responsibility of providing court services at the current South Location courthouse after March 1, 2013. You should know that I am also sending a letter to the County of Kalamazoo asking that they take similar action and to have their legal counsel review the Consolidation Agreement and prepare an Amendment based on my request.

The Consolidation Agreement is the product of many years of effort to consolidate three separate district courts that existed in Kalamazoo for nearly thirty years while maintaining benefits of local influence. While early life under the Consolidation Agreement was a struggle to get everyone on the same page with policy and procedure, what has evolved is a streamlined, successful and state-recognized District Court with wonderful, hard-working and dedicated staff.

The effect of Judge Husum's retirement will mean that in March, 2013, each of the remaining six judges will assume more than 15% additional caseload. In fact, according to the state's recent Judicial Resources Recommendation, each Kalamazoo County District Court Judge will now be required to do more work than should be expected of a district judge. This impact will further stretch the District Court's ability to provide the type of service the community has grown accustomed to including prompt resolution of cases, as well as, successful efforts at collecting outstanding debt. Additionally, this increased per-judge responsibility may compromise the District Court's ability to perform certain non-mandatory but worthy functions, such as its significant involvement in specialty courts. While these and other challenges are daunting, they will be made even more difficult, if not impossible, should the District Court continue to operate out of three locations.

Over the past fifteen years, the 8<sup>th</sup> District Court has faithfully honored the terms of the Consolidation Agreement, along with the spirit of the Agreement. The Court has been a good tenant and maintained the facility as a full-service courthouse with all forms of civil and criminal cases until we were unable to perform certain criminal case functions when the City of Portage closed its lockup facility in 2010. We have strived to keep our costs to the County down, including not demanding a metal detection screening unit. Further, the District Court has kept District Judge Robert Kropf, initially elected by the citizens of Portage to represent their City in 1990, located at the South Location despite the fact that since 1998 all of the judges had county-wide jurisdiction and since 2006, the Court has had county-wide election districts. Finally, the District Court has frequently defended efforts to close the facility by insisting that the Court provides a valuable, cost-effective service to the citizens who have court matters and who live south of Kilgore Road. The Court is mindful that the influx of cases from the South Location may compromise the current high level of service at the North Location and Crosstown Location but it will do its very best to ensure that the entire county's District Court needs are met into the future.

Despite the fact that this Agreement does not require concurrence or input from other jurisdictions, I have communicated with two of the larger communities that would be affected by a closure of the South Location courthouse. I have informed each of the Village Managers of Schoolcraft and Vicksburg of the difficulty the District Court would have in conducting its business with six judges separated at three locations and how a significant negative impact to the cause of justice county-wide would occur if a judge remained at the South Location. I have also discussed this with the current municipal attorneys who represent each of these jurisdictions in the

enforcement of their respective ordinances. I have assured these attorneys that the District Court will do its very best to make their transition as smooth as possible.

Certainly, I would be happy to meet with you or other representatives of the City of Portage to talk with them about this issue. Thank you very much.

Very truly yours,



Paul J. Bridenstine  
Chief Judge

cc: Mr. Maurice Evans, City of Portage Manager ✓

## CITY OF PORTAGE

## COMMUNICATION

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**TO:** Honorable Mayor and City Council

**DATE:** December 13, 2012

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



**SUBJECT:** Termination of Lease for 8th District Court

**ACTION RECOMMENDED:** That City Council refer the request from the Kalamazoo County District Court to modify the District Court Consolidation Agreement to the City Manager with authorization to negotiate the terms of the modification.

The Kalamazoo County District Court is requesting the City of Portage modify the attached District Court Consolidation Agreement (DCCA) that was approved by the Court, the City of Portage, the County of Kalamazoo and the City of Kalamazoo in 1997. The requested modification would allow the 8<sup>th</sup> District Court to be relieved of the responsibility of providing court services at the current South Location courthouse (the Portage Police/Court Building) after March 1, 2013. As noted in the attached letter from Judge Paul Bridenstine the closure is being requested because of a decrease in operational capacity with reduction of one judicial seat in the 8<sup>th</sup> District Court. The closure would also serve as a cost savings measure for the District Court which currently pays a lease amount of \$40,500 annually to the City of Portage.

To assist the City Council in evaluating the request from Judge Bridenstine, the following background information is provided that highlights the potential benefits and concerns associated with the termination of the current lease as provided in the DCCA.

- The term of the lease Agreement for the real property of the City of Portage (i.e., the upper floor of the Police/Court Building) is "*in perpetuity unless otherwise agreed to by the City of Portage, the County and the Consolidated Court.*"

The City Administration and Portage City Council were supportive of the administrative consolidation of the courts in 1997. However, the above-noted language from the Agreement primarily resulted from a concern on behalf of the Portage City Council for the potential of a unilateral decision by the county to relocate the Portage District Court from the City of Portage. Prior to this, the Portage District Court Judge was elected solely by Portage residents. The Portage City Council may have considered it important when deliberating the Agreement that the District Court remain available in the City of Portage to serve Portage and other south county residents, in particular since the judge was elected solely by Portage residents. All District Court Judges are now elected by the entire Kalamazoo County electorate.

- The DCAA provides that no entity can unilaterally terminate the lease agreement. If Portage chose not to agree to termination of the lease, the County could always close the Court and maintain the lease which would be costly. Further, the Agreement also provides that the County will not seek a county-wide vote for a tax supported bond issue for any new District Court facility or major expansion without the approval of the Portage City Council, the Kalamazoo City Commission and the Kalamazoo County Board of Commissioners.
- In terms of the financial impact to the city associated with termination of the current lease arrangement, the city would realize a rental income loss of \$40,500 annually. The annual payment relates to the costs of basic building maintenance and utilities associated with District Court occupancy of the Police/Court Building. These building maintenance and utility-related costs would necessarily be assumed by the city with termination of the lease arrangement. Similarly, various building maintenance costs would be solely absorbed by the City of Portage if court occupancy of the building ends. At this time, per the Agreement, Kalamazoo County has responsibility for District Court-related building repair/maintenance items, such as repair of the public elevator.
- With regard to operational considerations:
  - Relocation of the Portage District Court from the Police/Court Building would eliminate any potential security/liability concerns associated with the court operation. Although the city does not routinely provide any special security for court operation, on rare occasions Portage Public Safety will post additional staff in the court area where Portage-related cases have a potential security concern. Courtroom security concerns that may otherwise exist would also be eliminated from the Portage Police/Court Building and associated parking areas with relocation of the Portage District Court.
  - Relocation of the Portage District Court would impose additional time demands on city staff required appearances at the court. Community Development and Portage Public Safety staff is routinely involved in appearances at the Portage District Court in regard to city enforcement matters. The time devoted to these appearances would increase due to necessity for travel to/from a new location, presumably at Crosstown Parkway or in downtown Kalamazoo. The Community Development Department noted the necessity for 35 such District Court appearances in 2011, in addition to approximately 150 appearances necessitated by Portage Public Safety personnel during this time period (day shift only). If one-hour of additional time is assumed with each (relocated) District Court appearance, approximately one week of productivity will be lost in Community Development. The impact on Public Safety would translate into approximately one month of lost productivity with the court relocation. There may be a considerably greater impact upon Portage Public Safety due to lost time associated with actual court appearances.

- The scheduling of Portage ordinance enforcement cases, bench trials, formal hearings on civil infraction citations, probation violation hearings and other city-related court matters combined with the change in location from the current Portage District Court will significantly impact upon service demands required of the Portage City Attorney. Preliminary scheduling plans suggest a diversion of attorney time from other city matters, perhaps tripling the amount of court appearance time necessary from the office of the City Attorney. Opportunities for addressing the demands associated with the court closure/change in case scheduling are as yet to be defined but, at minimum, would be expected to add to the cost of the existing contract with the City Attorney as much as \$20,000 to \$25,000 annually.

In summary, from an operations and budget perspective, the most direct impacts of a relocation of the District Court from the City of Portage will be on the loss of productivity associated with travel time to/from a relocated District Court and necessary time spent at this facility not otherwise incurred presently, as well as the probable impact upon (and costs associated with) added City Attorney services. Prior to agreeing to District Court relocation, opportunities for the court to limit time at a relocated facility by Portage personnel and attorney staff should be pursued.

It is being recommended to refer the request from the Kalamazoo County District Court to modify the District Court Consolidation Agreement to the City Manager with authorization to negotiate the terms of the modification. Once a proposed agreement is reached on the terms of modification, the Agreement will be presented to City Council for approval.

Attachments:

1. District Court Consolidation Agreement (1997)
2. November 30, 2012 letter from Chief Judge Paul Bridenstine

**DISTRICT COURT**

**CONSOLIDATION**

**AGREEMENT**

## **DISTRICT COURT CONSOLIDATION AGREEMENT**

THIS AGREEMENT is entered into this tenth day of April, 1997, by and between the CITY OF KALAMAZOO, MICHIGAN, THE CITY OF PORTAGE, MICHIGAN, municipal corporations (hereinafter referred as "Cities"), with offices respectively located at 241 West South Street, Kalamazoo, Michigan, and 7900 South Westnedge Avenue, Portage, Michigan, the COUNTY OF KALAMAZOO, a Michigan political subdivision (hereinafter referred to as "County"), with offices located at 201 West Kalamazoo Avenue, Kalamazoo, Michigan, and the several District Court Judges presently holding office in Kalamazoo County (hereinafter referred to as "Judges") on behalf of the 8th District Court and the 9th District Court, Divisions I and II (hereinafter referred to as D-8, D9-1, and D9-2) and their successors.

WHEREAS, the Cities are third class control units responsible for the D9-1 and D9-2 District Courts, and the County is a second class control unit for the Eighth District Court; and

WHEREAS, the three units desire to administratively consolidate the three courts into a first class District Court with the County acting as a first class control unit and to ultimately physically consolidate D-8 and D9-1 court operations; and

WHEREAS, administrative consolidation of the three courts will ultimately more efficiently serve all residents of the County and will provide operational efficiencies and cost savings which will benefit all residents of Kalamazoo County; and

WHEREAS, the County acknowledges that, under Michigan law, the District courts have certain inherent authority as co-equal branches of government, and local funding units are obligated to provide them with such funding as shall be reasonable and necessary, subject to the provisions of Michigan Supreme Court Administrative Order 1985-6; and

WHEREAS, the Kalamazoo County Board of Commissioners, under Michigan law, has certain budgetary, accounting, and auditing responsibilities concerning the expenditures for the Courts, as well as for all County finances;

NOW, THEREFORE, IT IS HEREBY UNDERSTOOD AND AGREED by the parties as follows:

1. **LEASE OF REAL PROPERTY**

The Cities hereby agree to lease to the County on January 1, 1999, facilities occupied by the respective District Courts on the effective date of this agreement, together with all improvements now erected thereon for the amount of One Dollar (\$1.00) and other valuable consideration, part of said other consideration being the assumption and payment by the County of operations, such as utilities, custodial, normal maintenance, etc. which are involved due to the County presence. The Cities and the County will agree to an annual fee for these services which shall be remitted to the Cities on a quarterly basis.

The City of Kalamazoo agrees to keep in good order and repair the roof and the four (4) outer walls of the current District Court facility located at the corner of Rose and Lovell Streets in the City of Kalamazoo, including the doors, door frames, window glass, window casings, window frames, windows or any of the appliances or appurtenances of said doors or window casings, window frames and windows or any attachments thereto or attachments to said building or Premises used in connection therewith unless damage is caused by the County.

The City of Kalamazoo also agrees to maintain and repair as necessary the furnace, air conditioning system, if any, hot water heater, electrical system, and plumbing, including water and sewage, if applicable at the current facility, and will make any other repairs necessary to maintain the Premises in safe order and good

order (unless repair is necessitated by County). Reasonable use, wear and tear, damage by the elements, and unavoidable casualty shall not be considered the responsibility of the County. With the approval of the City and the Chief Judge, the County shall have the right to make modifications to the leased premises at the sole expense of the County.

The City of Portage and the County agree that the County shall assume responsibility for all normal repairs and maintenance for the City of Portage court facility leased by the County upon the effective date of this agreement. Thereafter, the determination of the necessity for major improvements/expansion at the Portage court facility and the responsibility for the costs of any improvement or expansion shall be the County's responsibility.

Should the City of Kalamazoo build a new District Court facility, the County shall lease the new facility or portion of such facility applicable to the District Court and shall assume the responsibility for all repairs, maintenance, and improvements of any kind at that facility as soon as it is open for use by the courts. In the event of any defect or flaw of any sort which is covered by warranty, performance bond or any type of guarantee is discovered in the new City of Kalamazoo District Court facility, the City agrees to pursue all such legal remedies as shall be available to it in order to have the responsible third party or parties take such action as may be required of them.

All three parties understand that it may be necessary to adjust upward or downward the size of the leased premises. The parties agree to make these decisions on a mutual basis.

All leased properties shall be subject to all restrictions, covenants, easements, limitations, licenses, agreements, leases, etc., affecting the property. It is understood and agreed that improvements thereon are leased "as is" with no warranties or guarantees as to their fitness, condition, or use.

The term of this lease for the real property of the City of Portage will be in perpetuity unless otherwise agreed to by the City of Portage, the County, and the consolidated Court, and that during such time such real property will be available to be used for District Court programs.

## 2. FACILITY EXPANSION

The County recognizes the dual use of the City of Kalamazoo Public Safety/Court facility and the pressing issue posed by that facility in terms of insufficient and inadequate space. The County further acknowledges that ultimately the Kalamazoo County Courthouse will no longer be able to accommodate District Court operations. This agreement also recognizes the efficiencies which would be created by the physical consolidation of the 8th and 9-1 District Courts.

It is therefore agreed by the parties that, when it is decided to physically consolidate D-8 and D9-1, unless it is accomplished by a voter supported bond issue, the City of Kalamazoo and the County of Kalamazoo agree to negotiate an equitable funding formula for the cost of acquiring property as needed, designing, constructing and financing such facilities as the consolidation of the two court facilities may require. It is further agreed by the City of Kalamazoo and the County of Kalamazoo that, for the purpose of determining the City's equitable share of such costs, consideration will be given to any and all costs incurred by the City to renovate or replace the existing 9-1 court facility. At the time of physical consolidation of D-8 and D9-1, the lease on the present property owned by the City of Kalamazoo described under Section 1 of this Agreement would terminate. The parties further agree that the County will not seek a County-wide vote for a tax supported bond issue for any new District court facility or major expansion without the approval of the Portage City Council, the Kalamazoo City Commission, and the County Board of Commissioners.

This agreement recognizes the need for improved facilities for the 8th and 9-1 District Courts as well as the efficiencies that would be achieved by their physical consolidation. However, nothing in this agreement should be construed as committing any party to make any physical improvement in any existing facility, to build any new facility, or to physically consolidate all or part of any current court facility or function. In the event that the City of Kalamazoo renovates or constructs new facilities for the 9-1 Court, it may retain a portion of its ordinance fines, penalties and costs for debt service expenses pursuant to the provisions of §3A of this Agreement, which deals with the statutory distribution of fines and costs.

In the event that physical consolidation occurs after a new District Court facility is constructed by the City, the County will be responsible for the added cost from design through construction, together with added costs for parking facilities.

### **3. SALE OF PERSONAL PROPERTY**

The Cities further agree, in consideration of One Dollar (\$1.00) and other good and valuable consideration, receipt of which is hereby acknowledged, to convey, transfer, and assign to the County on January 1, 1999, by bill of sale or assignment, all of the personal property owned by the Cities and used in conjunction with the ownership, maintenance, and operation of the courts, including but not limited to equipment, fixtures, implements, supplies, motor vehicles, and all goods and chattels used in connection with the operation of said courts. The assets to be conveyed, transferred, and delivered to the County shall include all of the assets and properties pertaining to the district courts. It is agreed and understood that all of said personal property is sold on an "as is" basis with no warranties or guarantees made as to their condition or use.

#### **3A. STATUTORY DISTRIBUTION OF FINES AND COSTS**

Pursuant to the District Court Act, the consolidation of district courts in Kalamazoo County will create a first-class district court from what were previously one (1) second-class and one (1) third-class court with two election

divisions. These statutory designations in part deal with the disposition of fines and costs as follows:

**Third Class Courts:**

Statute Fines	100%	to	Libraries
Statute Costs	100%	to	Unit
Ordinance Fines	100%	to	Unit
Ordinance Costs	100%	to	Unit

**First Class Courts:**

Statute Fines	100%	to	Libraries
Statute Costs	100%	to	County
Ordinance Fines	1/3	to	Unit
	2/3	to	County
Ordinance Costs	1/3	to	Unit
	2/3	to	County

Under the current structure for third-class district courts, one-hundred percent (100%) of ordinance fines and costs go to the control unit, which is responsible for one-hundred percent (100%) of the costs. When a first-class court is created, the County will be responsible for one-hundred percent (100%) of the costs but will only receive two-thirds (2/3) of the ordinance fines and costs with the other one-third (1/3)

going to the local government units, including the Cities as depicted in Exhibit I.

The Cities agree that they will remit to the County on a quarterly basis an amount equal to their respective share of ordinance fines and costs for the prior quarter, beginning with the effective date of this agreement, except that the City of Kalamazoo may retain up to Two Hundred Thousand Dollars (\$200,000) annually for actual costs associated with construction of or debt service for any new or renovated facilities for the 9-1 Court facility. The City of Kalamazoo's right to retain such annual amounts shall cease once the debt service for the project(s) is satisfied.

**4. COUNTY TO ASSUME FULL OPERATION OF THE COURTS**

The County hereby assumes and agrees to fund the courts and to pay or provide for the payment of all liabilities, indebtedness, and expenses of operation, maintenance, and improvements of and to the courts incurred subsequent to December 31, 1998, and to assume all grant requirements if any, except as provided by this section. The County hereby expressly assumes and agrees to perform and abide by all of the terms, conditions, covenants, and obligations contained in said grants and any leases, easements, or other documents, and hereby agrees to

indemnify, defend, and hold harmless the Cities, their officials, agents, and employees from any and all liability arising from the obligations contained in said instruments arising or occurring after December 31, 1998.

The County further agrees that all financial obligations of the Cities of any kind or nature whatsoever which pertain to the operation of the district court which are incurred subsequent to December 31, 1998 shall be the sole responsibility of the County, and the Cities shall have no obligation therefor.

After said date, the financial responsibility of the County shall be determined by the budget appropriation process of the County. The County further agrees to defend, indemnify, and hold harmless the Cities, their officials, agents, and employees against any liability or loss based on any claims, demands, losses, damages, judgments of any kind or nature arising from the leasing, operation, and maintenance by the County of the courts which occur after December 31, 1998.

To the extent that the County is fiscally impaired by the consolidation during the first three years of consolidation, the Cities will subsidize the County up to the following annual amounts for the first three calendar years of this agreement:

Portage. . . . .	\$195,000.00
Kalamazoo. . . . .	\$135,000.00

The maximum subsidies and impairment levels are based on actual 1994 experience

averaged with 1996 tentative budgets as depicted in Exhibit I. In the event that not all of the subsidies are needed, the Cities will contribute pro-rated shares based on the maximum subsidies.

The Cities agree to defend, indemnify, and hold harmless the County, its officials, agents, and employees against any liability or loss based on any claims, demands, losses, damages, or judgments of any kind or nature, arising from the ownership, operation, and maintenance by the Cities of their respective district court facilities or from the court operations which occur on or prior to December 31, 1998.

It is agreed that in all lawsuits wherein the Cities are or become a party as a result of an occurrence on or prior to December 31, 1998, the Cities shall be and remain the real party in interest and shall have sole authority to prosecute said lawsuits to conclusion, whether by trial or settlement. All parties agree to cooperate concerning lawsuits by or against any of the parties.

## 5. PERSONNEL

At the time of consolidation, employees of the former D9-1 and D9-2 shall become employees of the County of Kalamazoo in the Consolidated District Court. With respect to employee benefits, individual employees of D9-1 and D9-2 may choose to come under the County's program at the time of consolidation. Employees wishing to transfer to the County's program are encouraged to make such election prior to the cut over date, but will be provided a window of up to forty-five (45) days

past the cut over date to make the choice. Employees choosing not to transfer to the County's employee benefit program will receive benefits as described below (Section B - Section G). Once a decision is made, that decision will be binding.

Upon a showing through the MERC process that fifty-one percent (51%) or more of the non-exempt employees of the Consolidated District Court wish to be represented by a bargaining agent, the County will recognize that bargaining agent. Should the eligible employees of the Consolidated District Court affiliate with a union, the terms of this agreement which affect wages, hours, and terms and conditions of employment will be subject to collective bargaining.

#### **5A. COMPENSATION**

At the effective transfer date, former employees of D9-1 and D9-2 will be compensated at their former rate of pay. Subsequently, all employees of the Consolidated District Court will be placed on the County of Kalamazoo's salary schedule. Placement on the County's salary schedule shall not result in a lowering of rate of pay and the County will recognize each employee's existing anniversary date. Prior to placement on the County's salary schedule, the administrators of D9-1 and D9-2 will prepare position descriptions (PDQs) containing the work responsibilities for all Court positions. The County will then process the PDQs to determine their point value and, thence, their placement on the salary schedule. An employee receiving a salary in excess of the County's applicable salary schedule shall be "red circled" (salary frozen)

until such time as the employee is eligible for an adjustment under the County salary schedule.

**5B. INSURANCE**

The insurance programs currently available to the employees of D9-1 and D9-2, as depicted in Exhibit III shall be replicated and available until three years subsequent to the effective date of the creation of and cut over to the Consolidated Court. Subsequent to that date, all employees of the Consolidated District Court shall participate in the then existing insurance programs offered by the County.

**5C. RETIREMENT (cf EXHIBIT IV)**

**1. Former Employees of D9-1**

Upon the effective date of consolidation, the County shall amend its existing pension plan in a manner which will continue the then existing retirement plan for former employees of D9-1, as depicted in Exhibit IV. Current D9-1 employees may choose either of the following options:

- (a) Any employee shall have the same right to withdraw monies from the City of Kalamazoo pension funds that he/she would have

in the event that he/she were leaving the service of the City, including refund of the employee's contributions and interest. Employees who take this option will give up all future rights, benefits, and claims against the City of Kalamazoo pension funds and will not be entitled to any sick leave payout from the City at the time of retirement.

(b) Those employees who qualify, both in terms of years of credit service (thirty [30] months) and otherwise, shall be entitled to take advantage of the benefits conferred by the Reciprocal Retirement Act, which is Public Act 88 of 1961, as amended, if they so desire. This act provides vesting for regular retirement only and does not provide for duty and death benefits, early retirement and other provisions of such retirement.

It is understood that with Option (b), benefit checks will come from the applicable City and County plans based upon their respective retirement systems. The number of years to determine "Final Average Compensation" for the City and County shall be determined by the provisions of the applicable City and County retirement plans at the time of retirement.

Individual D9-1 employees will be informed, in writing, of these retirement options and the impact each option will have with regard to

that employee's retirement benefit structure, incorporation of sick leave payments, etc. Prior to the date of consolidation, individual employees will be required to choose, in writing, between the two plans.

2. Former D9-2 Employees

Upon consolidation, the County will contract with a provider to continue the current retirement plan for all former employees of District Court 9-2. For employees who have elected to participate in all County benefit programs, such employees shall be considered as new hires for retirement purposes.

**5D. LEAVE POLICIES**

With regard to the use of leave, whenever possible, consistent with the orderly and efficient administration of the Consolidated District Court, policies and practices of the former 9-1 and 9-2 District Courts will be continued. The Consolidated District Court shall establish the holiday schedule for the Court after due consideration of the Supreme Court and the County's holiday schedule.

1. Sick Leave

Prior to the date of consolidation, administrators of D9-1 and D9-2

shall calculate the accumulated sick leave of each employee and shall notify the County and the employee of his/her total accumulated sick leave. Subsequent to consolidation, when the employee utilizes sick leave, the County will first deduct the time from sick leave accumulated as an employee of the County in the Consolidated District Court. If and when sick leave accumulated as a County employee is exhausted, sick leave will be taken from the accumulation of D9-1 and D9-2 sick leave.

(a) City of Kalamazoo - At the time that former D9-1 employees retire from employment with the Consolidated District Court, the City of Kalamazoo will be obligated to pay to each employee a sum equal to seventy-five percent (75%) non-union fifty percent (50%) union of the accumulated sick leave (after deduction of any D9-1 sick leave utilized while an employee of the Consolidated District Court) at the employee's rate of pay as of the date of the creation of the Consolidated District Court. Said obligation must be in compliance with the pre-consolidation retirement policy of the City. Any employee who decides to withdraw from the City's retirement plan at the time of consolidation (Section C above) shall not be entitled to any sick leave payout at the time of retirement from the Consolidated District Court.

(b) City of Portage - The City of Portage will be obligated to pay sick leave pursuant to the pre-consolidation policy of the City

at such time as former D9-2 employees retire from the Consolidated District Court.

2. Vacation Pay

The Cities will certify to the County the accrued vacation leave balances for each employee at the time of consolidation. The employees will be credited with their balances to be used as employees of the Consolidated District Court.

**5E. MISCELLANEOUS FRINGE BENEFITS**

The Consolidated District Court will continue to provide longevity payments, tuition reimbursement and parking reimbursement to the former employees of D9-1 and D9-2 to the extent that these benefits were provided by those courts, as depicted in Exhibit III, at the time of the effective date of consolidation.

**5F. PERSONNEL POLICIES**

All persons who begin employment with the Consolidated District Court shall be employees of the County of Kalamazoo and subject to all applicable County policies and practices relative to County employment in the Consolidated District Court.

**5G. JUDGES' BENEFITS**

As with court employees, current judges will continue to be eligible for applicable benefits as existed prior to consolidation.

**6. COMMON BUSINESS SYSTEMS AND FINANCING**

It is understood by all parties that an initial investment in business related systems will be necessary to attain unification and commonality between the three operations. It is agreed that such costs, estimated to be One Hundred Seventy Five Thousand Dollars (\$175,000) and which will be mutually agreed to before incurring obligation for such equipment and before approval of this agreement, will be financed by each of the present control units in accordance with the prorated number of new cases filed for the two (2) years preceding the creation and cut over of the consolidated court.

**7. PREVIOUS AGREEMENT BETWEEN CONTROL UNITS ON ORDINANCE PRISONERS, WITNESS FEES, ETC.**

Because the County of Kalamazoo will become a first class control unit, the County will be responsible for all costs of ordinance/statute witness fees and prisoner housing. Therefore, the previous agreement entered into by the three units as part of a court judgment (Circuit Court File #C 733 00 387 C2) on the 10th day of November, 1975 is hereby mutually terminated.

8. BUDGET AND STAFFING TARGETS

Recognizing one of the values of Court consolidation is based on the ability of a consolidated Court to provide equal or better services to the public at less cost, and recognizing the financial commitment of Paragraph 3a, the parties recognize a lump sum Consolidated Court budget target of \$3,753,000 in terms of 1996 dollars as depicted in Exhibit II. The parties further agree to attempt to achieve this target over the first three years of Consolidated Court operation in approximately equal reductions in net operating costs or revenue alterations utilizing the following:

- 1. As vacancies occur in the Court, such positions will be reviewed for replacement until the total in terms of 1996 dollars reaches \$417,000; and/or

*12.27-00*  
*Notes - I read in the 12-26-00 budget that the City of Kansas & County were having a fight over who pays for prisoner housing. Do you recall if this issue will be an impact*

of fines and costs and make

*BjB* *here also, or was it not part of the consolidation discussions?*

es to work with the County goals.

*I think we should get rid of the cost if at all possible. I don't recall any specifics discussed, however. We really should not be in the jail business in any shape or form.*

The insurance policies as held by the Cities for the Court operations, court employees, and personal property shall be terminated as of 12:01 a.m. on the effective day of this agreement and the County shall assume any liability or risk of loss

## **8. BUDGET AND STAFFING TARGETS**

Recognizing one of the values of Court consolidation is based on the ability of a consolidated Court to provide equal or better services to the public at less cost, and recognizing the financial commitment of Paragraph 3a, the parties recognize a lump sum Consolidated Court budget target of \$3,753,000 in terms of 1996 dollars as depicted in Exhibit II. The parties further agree to attempt to achieve this target over the first three years of Consolidated Court operation in approximately equal reductions in net operating costs or revenue alterations utilizing the following:

1. As vacancies occur in the Court, such positions will be reviewed for replacement until the total in terms of 1996 dollars reaches \$417,000; and/or
2. The Court will annually review its schedule of fines and costs and make appropriate adjustments thereto.
3. The Court, through its Chief Judge, agrees to work with the County Board of Commissioners to achieve these fiscal goals.

## **9. INSURANCE**

The insurance policies as held by the Cities for the Court operations, court employees, and personal property shall be terminated as of 12:01 a.m. on the effective day of this agreement and the County shall assume any liability or risk of loss

that occurs after that date. Thereafter, the County shall provide and pay for the necessary insurance for said courts and all their operations, except that the Cities shall be responsible for insurance for the court buildings until such time as title to the buildings passes to the County.

In the event of fire or other damage to the Premises or personal property leased, the Parties mutually waive their rights of subrogation and recovery against each other, their agents, employees, or sublessees to the extent that they are insured or are required to carry insurance for said loss. The Cities agree to maintain insurance and/or assume the responsibility for loss or damage to the building and personal property owned by the Cities. The coverage shall be on an all-risk-of-physical-loss basis in the standard insurance form. The County shall maintain insurance and/or assume the responsibility for personal property owned by the County and business interruption insurance with coverage to be on an all-risk-of-physical-loss basis in the standard insurance form. Both the Cities and County will maintain said coverage with limits equal to the full replacement cost of building and/or personal property as the case may be.

**10. NECESSARY DOCUMENTS**

The Cities and the County hereby agree to execute such other necessary documents as may be required to successfully complete the orderly transfer of D9-1 and D9-2 from the Cities to the County Consolidated Court.

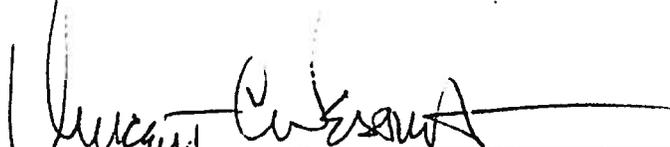
11. DOCTRINE OF MERGER NOT TO APPLY

The Cities and the County hereby agree that the requirements and obligations set forth in this agreement shall not be extinguished or released by the doctrine of merger.

12. JUDICIAL AND LEGISLATIVE APPROVAL

It is understood that this agreement shall not take effect unless the necessary statutory authority is provided by the State of Michigan to create a first-class consolidated district court with the same election districts with D-8, D9-1, and D9-2.

**EIGHTH DISTRICT COURT**

By:   
\_\_\_\_\_  
Vincent C. Westra, District Court Judge

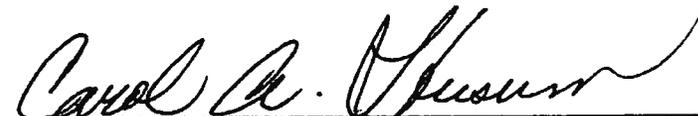
By:   
\_\_\_\_\_  
Richard A. Santoni, District Court Judge

**NINTH DISTRICT COURT, DIVISION I**

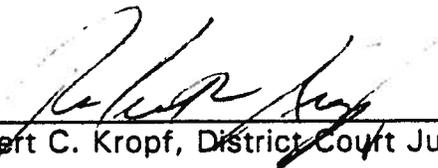
By:   
Ann L. Hannon, District Court Judge

By:   
Quinn E. Benson, District Court Judge

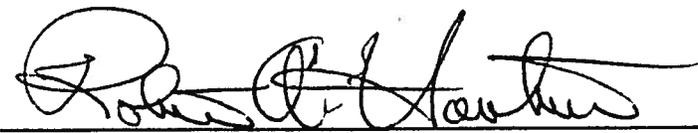
By:   
James P. Coyle, District Court Judge

By:   
Carol A. Husum, District Court Judge

**NINTH DISTRICT COURT, DIVISION II**

By:   
Robert C. Kropf, District Court Judge

 **COUNTY OF KALAMAZOO, a Michigan Political Subdivision**

By:   
Robert A. Houtman, Chairman  
Kalamazoo County Board of Commissioners

By:   
Timothy A. Snow, County Clerk/Register of Deeds

APPROVED AS TO FORM

DATE 4/8/97

LCB  
CITY ATTORNEY

**CITY OF PORTAGE, a Municipal Corporation**

By: [Signature]  
Michael Stampfer, City Manager

**FORM APPROVED**

[Signature]  
4-7-97

**CITY ATTORNEY**

**CITY OF KALAMAZOO, a Municipal Corporation**

By: [Signature]  
Pat DiGiovanni, Acting City Manager

**WITNESSETH:**

[Signature]  
Ley Smith, Exec. Vice President  
and President Pharma Product  
Center United States

[Signature]  
Gary Brown, Mayor  
City of Portage

[Signature]  
Barbara Larson, Mayor  
City of Kalamazoo

[Signature]  
Ronald Fleckenstein, President  
Council of Governments

[Signature]  
The Hon. Richard Lamb  
Circuit Court Judge

[Signature]  
The Hon. Kenneth Long, Retired  
District Court Judge

[Signature]  
The Hon. C.H. Mullen, Retired  
Circuit Court Judge

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**EXHIBITS**

**I - IV**

EXHIBIT I  
CITY SUBSIDIES  
AND  
ESTIMATED ORDINANCE FINES AND COSTS

The following Exhibit averages the bottom lines of Exhibits I-A and I-B, the year end 1994, 1996 Budget status, and the effect of one third of the estimated ordinance fines and costs being remitted to the Cities. It then compares the results with the results of Exhibit II, the Consolidated Budget for 1996, to show the resulting fiscal impact of consolidation on all of the units:

	<u>County of Kalamazoo</u>	<u>City of Kalamazoo</u>	<u>City of Portage</u>
Average Surplus (Deficit) Preconsolidation	\$ 395,000	\$(135,000)	\$(195,000)
Surplus (Deficit) Consolidation	(530,000)	410,000 <sup>1</sup>	125,000 <sup>1</sup>
Positive (Negative) Variance	(925,000)	545,000	320,000

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<sup>1</sup> Estimated ordinance fines and costs going to cities.

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## EXHIBIT I: CITY SUBSIDIES AND ESTIMATED ORDINANCE FINES/COSTS

The preconsolidation deficits of the cities are then used to establish the three-year commitments to the County to assist in avoiding fiscal impairment to the County. It also shows the estimated one-third of ordinance fines and costs which the court will remit to cities. Such amounts will be remitted back to the County on a quarterly basis, except for an amount up to \$200,000 for facility construction as noted in Section 3-A.

EXHIBIT I-A  
A SUMMARY OF FINANCIAL POSITIONS  
OF COURT OPERATIONS AND  
NET IMPACT TO CONTROL UNITS  
JUNE 30, 1994/DECEMBER 31, 1994

	<u>12-31-94</u> <u>D8</u>	<u>12-31-94</u> <u>D9-1</u>	<u>06-30-94</u> <u>D9-2</u>	<u>Total</u>
State/Local Revenues	\$1,437,000	\$1,746,000	\$ 547,000	\$3,730,000
Ordinance Prisoner Revenues	83,000	-0-	-0-	83,000
Ordinance Prisoner Expense	-0-	65,000	18,000	83,000
Court Expenditures	<u>\$1,100,000</u>	<u>\$1,855,000</u>	<u>\$ 727,000<sup>1</sup></u>	<u>\$3,682,000</u>
Surplus(Deficit) to Units	<u>\$ 420,000</u>	<u>\$ (174,000)</u>	<u>\$ (198,000)</u>	<u>\$ 48,000</u>

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<sup>1</sup> Excludes \$34,000 City of Portage administrative fees

EXHIBIT I-B  
1996 COURT BUDGETS  
AND NET IMPACT TO CONTROL UNITS  
SHOWN AT THE  
CURRENT BUDGET PROCESS STATUS  
AS OF JULY 25, 1995

	<u>12-31-96</u> <u>D8</u>	<u>12-31-96</u> <u>D9-1</u>	<u>06-30-96</u> <u>D9-2</u>	<u>Total</u>
State/Local Revenues	\$1,535,000	\$2,075,000	\$ 565,000	\$4,175,000
Ordinance Prisoner Revenues	90,000	-0-	-0-	90,000
Ordinance Prisoner Expense	-0-	70,000	20,000	90,000
Court Expenditures	<u>1,253,000</u>	<u>2,098,000</u>	<u>739,000</u> <sup>1</sup>	<u>4,090,000</u>
Surplus/(Deficit) to Units	<u>\$ 372,000</u>	<u>\$ (93,000)</u>	<u>\$ (194,000)</u>	<u>\$ 85,000</u>

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<sup>1</sup> Excludes \$54,000 City of Portage administration fees

EXHIBIT II  
1996 FISCAL POSITION  
OF THE UNITS  
WITH A CONSOLIDATED COURT

	12-31-96 County of <u>Kalamazoo</u>	12-31-96 City of <u>Kalamazoo</u>	06-30-96 City of <u>Portage</u>	<u>Total</u>
State/Local Revenues	\$3,640,000	\$ 410,000	\$ 125,000	\$4,175,000
Consolidated Court Cost	<u>4,170,000<sup>1</sup></u>	<u>-0-</u>	<u>-0-</u>	<u>4,170,000</u>
Surplus/(Deficit) to Units	<u>\$ (530,000)</u>	<u>\$ 410,000</u>	<u>\$ 125,000</u>	<u>\$ 5,000</u>

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<sup>1</sup> Excludes City of Portage administration fees, includes County fringe rate of thirty (30%) percent, excludes City of Kalamazoo audit costs.

## BENEFIT COMPARISON

INSURANCE	KALAMAZOO COUNTY	CITY OF PORTAGE	CITY OF KALAMAZOO	CITY OF KALAMAZOO-UNION
Insurance	KalFlex Cafeteria Plan Options			
Eligibility	90 Days + duration of month hired Must work at least 20 hrs/wk	Immediate health. Life & Dental - 30 days	30 days, monthly co-pay - 5% of premium	Same
Health	Choice of 2 traditional, 2 HMO plans, or opt out BCN and PHP-\$10 Office co-pay, pre- existing - Not applicable KC1-80/20, 100/300, 300/500 KC2-80/20, 250/500, 750/500 Opt-Out - \$800 cash back for family	Choice of BCN, PHP, or BC/BS BCN and PHP-\$5 co-pay BC/BS-90/10, Ded. \$100-1P, \$200-Family 1995 Caps: 1P-\$200, 2P-\$420, Family-\$435 No cost currently to employees, no pre-existing conditions on any	Choice of 3 carriers, no pre- existing conditions on any BC/BS-Self funded, Basic 100%, MM 100/200 then 90% BCN-Self-funded, \$10 co-pay PHP-Self-funded, \$10 co-pay Cost - about \$7.00/mo. single, \$17.00/mo. family	Same
Prescription	RX-\$5 co-pay, incl. all health plans	RX-\$2 co-pay	Rx co-pay-\$5, eff. 1-1-96	Rx co-pay - \$4.00
Dental	Traditional 100/50/50, \$800 max. DMO 100/60/60, no maximum Opt-Out - \$250 cash back for family	100/75/50, orthodontia \$1,000 100% City paid	Delta Dental-incl. orthodontia 100% paid premium \$800 max per person/per year \$1,000 orthodontia max incl. adults	Same-AFSCME \$500 max ortho- dontia KMEA-\$1,000 orthodontia 1-1-96 ATU-\$500 max orthodontia (no adult orthodontia)
Vision	Opt-In - \$5 co-pay exam, \$7.50 co-pay lenses Opt-Out - \$60 cash back for family	N/A	N/A	N/A
Term Life	Based on .5 x compensation with \$10,000 minimum - optional to \$330,000 maximum	\$20,000 + \$20,000 optional at \$9.00/mo. Dependent life optional - \$10,000 spouse \$5,000 children	\$30,000 after 9 months Optional up to total of \$50,000 based on age (i.e., age 45 - .75/1000)	\$20,000 after 9 months ATU - \$15,000 after 9 months Optional up to total \$50,000
Reimbursement Accounts	Medical-\$130 minimum/\$2,000 max. Dependent care - \$520 minimum/ \$5,000 maximum	N/A	Medical - \$2,400 maximum Dependent Care - \$5,000 maxi- mum	Same

	KALAMAZOO COUNTY	CITY OF PORTAGE	CITY OF KALAMAZOO	CITY OF KALAMAZOO-UNION
Disability	STD, 100% County paid, 60% benefit LTD, 100% County paid, 60% benefit	STD - n/a LTD - 2/3 of wage, 100% paid	LTD - Voluntary-Prem on pre-tax basis - 66-2/3 w/3% COLA choice of 30-90-180 day wait	Same
Vacation	Accumulate 4 hrs/pay period (2 wks) + 16 hours, 5-9 years + 32 hours, 10-14 years + 48 hours, 15-19 years + 64 hours, 20+ years 240 hrs. max (280 hrs/managers)	40 hrs after 6 mos employment 80 hrs after 12 mos employment 120 hrs. after 5 yrs employment 160 hrs. after 14 yrs employment Maximum to 1.5 times allotment	Accumulate 4 hrs/pay period 1-5 years 6 hrs/pay period 5-10 years 7 hrs/pay period 10-15 years 8 hrs/pay period 15+ years Maximum 240 hours, 30 days	3.5 hrs/1-5 years, max. 160 5.0 hrs/5-10 yrs, max. 160 6.5 hrs/10-15 yrs, max 200 7.5 hrs/15+ years, max 200
Holidays	12 days/year	12 days/year	13 days/year	Same
Personal Business	N/A	N/A	1 day	N/A
Personal Leave	N/A	N/A	N/A	Quarterly Conversion, max 24 hrs
Sick Leave	Accumulate 3 hrs/pay period (2 wks)	Six days after 6 mos employment-8 hrs/mo thereafter Cap 1,000 hours	Accumulate 4hrs/pay period (2wks)	3.5 hrs/pay period
Accumulated Hours Payoff at Retirement	Unlimited 50%/800 hours maximum	50% after 10 yrs for retirement death or termination in good standing 125 day maximum	Unlimited Ret - 75% death - 50% term 25% after 8 yrs, 50% after 10 yrs	Unlimited Ret - 50% death - 50% Term 15% after 10 yrs, 25% after 15 yrs
Longevity	\$20/yr after 6 yrs + \$5/yr each five years	N/A	\$50/yr after 5 years maximum \$1,500	\$45/yr after 5 years maximum \$1,125
Retirement Vesting Multiplier Norm. Ret Age Early Ret Health Ins D&V Ins	Defined Benefit Plan 100% County Pd 8 years 2.2 / 2.5 - Managers Age 60 Age 55 with .4 of 1% reduction/mo 100% paid for retiree 100% paid for retiree	Defined Contribution, 100% pd Immediate Age 59½ to withdraw no penalty from 401K after termination No insurance for retirees	3% Contribution + Deferred Comp 10 years 1.7 Age 62 with 10 years 57/25 Age 55 with 15 years w/reduction Retiree/spouse paid 95% at age 62 w/10 years	4% Contribution 10 years 1.7 Age 62 with 10 years 57/25 Age 55 with 15 yrs w/reduction Retiree/spouse paid 95% at age 62 w/10 years
Deferred Compensation	Optional 457 Plan 25% to \$7,500/year maximum	Optional 457 Plan 25% up to \$7,500/year maximum	Mandatory 457 Plan 1% of Salary City match 25% to \$7,500 maximum	Optional 457 Plan 25% to \$7,500 maximum
Tuition Reimbursement	75% paid up to \$500 maximum	Up to 100% for A Grade \$1,000/year maximum	75% - \$250 maximum	\$75% - \$400 maximum
Liability	100% County paid	100% City paid		
Parking	100% County provided	100% City provided	\$30 monthly maximum	\$25 monthly maximum

EXHIBIT IV  
DISTRICT COURT D9-1

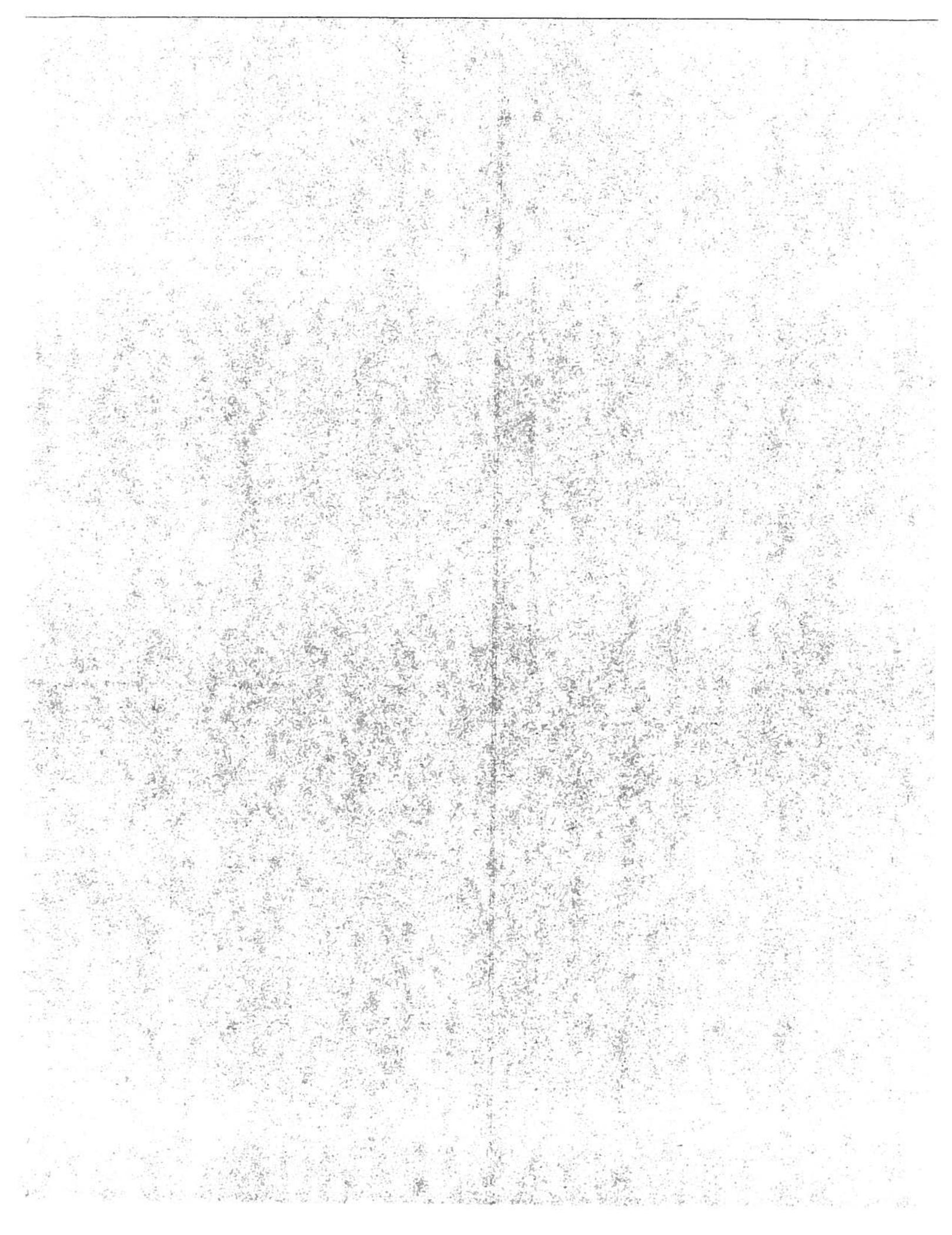
District Court exempt and union employees (UAW) are categorized as general members of the City of Kalamazoo Employees' Retirement System. Benefits in effect as of September 9, 1996 are as follows:

<u>Regular Retirement Age</u>	Age fifty-seven (57) with twenty-five (25) years of service, OR age sixty-two (62) with ten (10) years of service.
<u>Benefit Allowance</u>	Years of credited service multiplied by 1.7% of final average compensation. Final average compensation is the average of the highest thirty six (36) consecutive months earnings out of the last ten (10) years.
<u>Early Retirement Age</u>	Age fifty-five (55) with fifteen (15) years of service. Computed as a regular retirement but reduced by four-tenths (4/10) of one percent (1%) for each month and fraction of a month by which retirement precedes age sixty-two (62) if less than twenty-five (25) years of service or age fifty-seven (57) if twenty-five (25) years or more of service.
<u>Deferred Retirement</u>	Ten (10) years of service. Benefit begins at age sixty (60) or age fifty-five (55) if fifteen (15) years of service.
<u>Non-Duty Death in Service</u>	Must have completed ten (10) years of service. Computed as a regular retirement as if the employee retired the day prior to death.
<u>Non-Duty Disability</u>	Must have completed ten (10) years of service. Computed as regular retirement.
<u>Duty Disability</u>	No age or service requirements. Computed as regular retirement with additional service credit granted from day of retirement to date of voluntary retirement age.
<u>Post Retirement Benefit Increases</u>	None
<u>Death Benefit</u>	All City retirees receive a certificate representing a One Thousand Dollar (\$1,000) death benefit payable to a beneficiary. (Note, this is not a life insurance policy.)

Member Contributions

Non-union employees contribute three percent (3%) of compensation. UAW employees of district court contribute (as of September 9, 1996) four percent (4%) of compensation.

In addition to Pension Benefits described in the City Code of Ordinance, Section 2-248 of the Ordinance provides that, effective July 1, 1996, non-union (exempt) employees of district court shall contribute one percent (1%) of compensation to a deferred compensation account (a Section 457 plan) AND the City shall contribute a one percent (1%) matching contribution to the employee's deferred compensation account. As of September 9, 1996 union (UAW) employees of district court are not required to contribute to a Section 457 deferred compensation nor are eligible to receive a matching City contribution.





7900 South Westnedge Avenue ♦ Portage, Michigan 49002 ♦ Telephone (269) 329-4400

**TO:** Portage City Council

**DATE:** December 13, 2012

**FROM:** Mark Reile, Chairperson, Portage Historic District Commission *MR*

**SUBJECT:** City of Portage 50<sup>th</sup> Anniversary Events Recommendation

Per the October 25, 2012 communication from City Council, the following is provided regarding the Council preferred activities to be sponsored by the Portage Historic District Commission (HDC) in commemoration of the city's 50<sup>th</sup> Anniversary. City Council has requested the feasibility of the potential for a tour of Portage historic homes, as well as a one-day open house at the Train Barn.

With regard to a site tour, the HDC is currently developing a Commission-sponsored, self-guided bicycle/walking tour that coordinates the city's trail system with historic property locations as an interactive experience. In recent years, the HDC has offered a tour to the Portage Senior Center (PSC) in May in coordination with National Preservation Month of the National Historic Preservation Trust. One or two HDC members currently coordinate the tour locations and provide the informative oration on a completely volunteer basis. This tour is an exterior-only site visit that also relies upon the availability of the PSC bus and a volunteer driver for transportation. Interior tours have not been pursued because the Commission is responsible for the exterior only. Interior conditions are unknown to HDC. Other factors are property owner permissions, minimal volunteer docents available, lack of available HDC funds, as well as other liability concerns.

In place of a public guided tour, the HDC proposes to fully develop the self-guided tour. This option would continue to highlight the city's trail system pursuant to the current re-branding efforts, while illustrating the link to the city's history. The brochure/link to an online map could be presented or made available in the City Hall lobby in tandem with the City Administration's historical display. The only cost incurred by the HDC would be the creation and publication of a hard copy brochure. The HDC's current account balance can adequately cover this expense. This self-guided, exterior site tour could be unveiled at the HDC's Annual Homeowner's Gathering event in May, highlighted with a keynote speaker. Initial plans propose to conduct this year's event at Stuart Manor with a Portage history based presentation. The Homeowner's Gathering (which is always open to the public), as well as the self-guided tour can be easily advertised in the *Portager* newsletter, any city anniversary publications and the city's website.

Following City Council's request for an open house at the Train Barn museum, the HDC was informed by the Train Barn property owner and operator that re-opening the facility would not be possible due to several personal matters. As such, the HDC is proposing to move forward with one of the original suggestions as a feasible alternative. Commissioners will work with the local history library at the Portage District Library to make the Grace Potts book on the history of

Portage available electronically through the library or HDC web page. The HDC has received copyright permission to duplicate the book in this manner from Portage Public Schools, which received the copyright following Ms. Potts' death.

Therefore, it is the recommendation of the Historic District Commission that City Council support and recommend HDC development of a self-guided historic site/trails tour, as well as production of Grace Potts' *Portage and its Past* to be made electronically available on the city's website for the 2013 calendar year.

cc: Erica L. Eklov, Historic District Commission Staff Liaison

# CITY OF PORTAGE

PARK BOARD

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7900 SOUTH WESTNEDGE AVENUE, PORTAGE, MI 49002

December 10, 2012

RE: City of Portage 50<sup>th</sup> Anniversary

Honorable Mayor & City Council:

Pursuant to an October 25, 2012 communication to advisory boards and commissions, the Park Board has investigated the options that City Council presented for City of Portage 50<sup>th</sup> Anniversary events.

Thank you for giving us the opportunity to discuss the feasibility of coordinating a community art competition. Due to time and budget restraints we believe this separate anniversary event to be beyond our capability. However, our City Council approved goals and objectives for 2012-2013 include implementing a new recycled landmark sculpture activity. This event will occur May 4-11, 2013 and is planned to promote Portage Parks and recycling in our community.

During the December 5, 2012 Park Board meeting, the Board voted to add an award category to the Recycled Art in the Park event for entrants who create a sculpture relating to the 50<sup>th</sup> Anniversary of Portage.

Sincerely,



Susan Williams, Chair  
Portage Park Board

**TO:** Honorable Mayor and City Council

**FROM:** Planning Commission

**DATE:** December 10, 2012

**SUBJECT:** City of Portage 50<sup>th</sup> Anniversary Celebration – Recognition of Portage Businesses

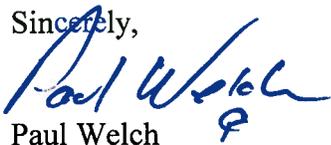
Pursuant to your October 24, 2012 communication, the Planning Commission considered and discussed ways in which the Portage business community can be recognized as part of the 50th Anniversary Celebration during the November 1<sup>st</sup>, November 15<sup>th</sup> and December 6, 2012 meetings (see meeting minutes attached). After discussing and considering several ideas and suggestions offered by various Commissioners, it was the consensus of the Commission to suggest to City Council the following 50th Anniversary Celebration idea for consideration:

- Creation of a “pass book” to support and recognize participating Portage businesses. Citizens who patronize participating businesses would have their pass book validated to verify a business visit. At the end of a defined period of time, pass books would be collected and people who participated in the 50th Anniversary Celebration activity would have their name entered in a drawing to win a prize. The prize(s) would likely be item(s) donated from the participating businesses.

The Commission appreciates the opportunity to provide input on ways to recognize the Portage business community as part of the 50<sup>th</sup> Anniversary Celebration. If City Council authorizes the Commission to proceed with the above idea, a subcommittee of the Planning Commission can be established to identify the operational details of the activity. Once the specific details of the activity are identified, the Commission can report back to the Council.

If additional information is needed from the Commission regarding this matter, please contact either myself or Chairman Cheesebro.

Sincerely,



Paul Welch  
Vice-Chairman

Attachment: November 1<sup>st</sup> and 15<sup>th</sup>, 2012 Planning Commission meeting minutes  
December 6, 2012 Planning Commission meeting minutes (Draft)

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**NEW BUSINESS:**

1. FY 2011-2012 Final Work Program Update and proposed FY 2012-2013 Work Program. Mr. Forth summarized the staff report dated October 26, 2012 that included a final update of the FY 2011-2012 Work Program and a copy of the proposed FY 2012-2013 Work Program. Commissioner Dargitz asked about the status of the Comprehensive Plan Update since it was not included in the proposed work program. Mr. Forth stated the Comprehensive Plan was tentatively scheduled for FY 2013-2014. Commissioner Artley inquired about Planning Commission training. Mr. Forth indicated staff will schedule a training session during the upcoming months. Commissioner Dargitz revisited her idea of discussing various planning topics such as placemaking, traffic calming, etc. over the course of the year, under items of New Business, during regularly scheduled meetings. Mr. Forth stated this could be accomplished either as items of New Business or as short workshops following regularly scheduled meeting, if desired by the Commission. Commissioner Patterson asked if there would be any opportunities to engage the Youth Advisory Board. Mr. Forth stated he would discuss with Deputy City Clerk, Adam Herringa, who is the staff liaison to the Youth Advisory Board, but the initial thought was to engage this board in the update of the Comprehensive Plan. After additional discussion, a motion was made by Commissioner Artley, seconded by Commissioner Patterson, to adopt the 2012-2013 Work Program, as presented. The motion was unanimously approved.

**OLD BUSINESS:**

1. City of Portage 50<sup>th</sup> Anniversary Celebration – Recognition of Portage Businesses. Mr. Forth referred the Commission to the October 24, 2012 communication from City Council that requests the Planning Commission identify ways in which the Portage business community can be recognized as part of the 50<sup>th</sup> Anniversary Celebration. Mr. Forth indicated a report to City Council was requested by December 18, 2012.

Commissioner Dargitz suggested a “pass book” with various business stickers. Citizens who patronize all the businesses and collect the stickers in their pass book would receive a prize or an entry into a drawing. Commissioner Artley suggested a special listing of businesses would have been in Portage for 50 years. Commissioner Patterson expanded upon this idea and suggested a short profile and recognition of businesses who have been in Portage for 50 years, 25 years, 15 years, etc. be placed on the City’s web site. Commissioner Dargitz suggested development of some form of unifying placemaking signage/banners that would recognize businesses within certain geographic areas of the city or by corridor. Commissioner Artley suggested that the planned documentary of the History of the City of Portage be made available in the public library. Commissioner Reiff suggested offering businesses recognition through corporate sponsorship of planned events and activities. Commissioner Reiff also suggested a public viewing area for all school banners submitted for the planned banner competition. Commissioner Stoffer suggested a raffle with prizes leading up to the actual date of incorporation of the City of Portage. Chairman Cheesebro thanked the Commission for these initial suggestions and stated additional discussion could occur at the November 15, 2012 meeting.

**STATEMENT OF CITIZENS:**

None.

**ADJOURNMENT:**

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

Respectfully submitted,

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

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**NEW BUSINESS:**

None.

**OLD BUSINESS:**

1. City of Portage 50<sup>th</sup> Anniversary Celebration – Recognition of Portage Businesses. Chairman Cheesebro asked if the Commission had any additional ideas or suggestions for ways in which the Portage business community can be recognized as part of the 50<sup>th</sup> Anniversary Celebration. Commissioner Dargitz suggested asking the business community directly for ways in which they would like to be recognized. Commissioner Reiff expanded upon this idea and suggested that feedback be solicited from businesses that have been in Portage for a long time such as Pfizer/Upjohn, Stryker, etc. Mr. Forth stated a draft memo that compiles ideas and suggestions provided by the Commission would be prepared for the December 6<sup>th</sup> meeting. Mr. Forth indicated that after review and approval by the Commission, the memo will be forwarded to City Council, as requested.

**STATEMENT OF CITIZENS:**

None.

**ADJOURNMENT:**

Chairman Cheesebro stated he would not be present at the December 6, 2012 meeting. Commissioner Patterson indicated he would not be present at the December 6<sup>th</sup> and 20<sup>th</sup>, 2012 meetings.

There being no further business to come before the Commission, the meeting was adjourned at 8:00 p.m.

Respectfully submitted,

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

 **DRAFT**

**PLANNING COMMISSION**

**December 6, 2012**

The City of Portage Planning Commission meeting of December 6, 2012 was called to order by Vice-Chairman Welch at 7:00 p.m. in Council Chambers of Portage City Hall, 7900 South Westnedge Avenue. No citizens were in attendance.

**MEMBERS PRESENT:**

Wayne Stoffer, Miko Dargitz, Allan Reiff, Dave Artley and Paul Welch.

**MEMBERS ABSENT:**

Dave Felicijan.

**MEMBERS EXCUSED:**

James Cheesebro, Bill Patterson and Rick Bosch.

**IN ATTENDANCE:**

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

**PLEDGE OF ALLEGIANCE:**

Vice-Chairman Welch led the Commission in the Pledge of Allegiance.

**APPROVAL OF MINUTES:**

Vice-Chairman Welch referred the Commission to the November 15, 2012 meeting minutes contained in the agenda packet. A motion was offered by Commissioner Dargitz, seconded by Commissioner Reiff, to approve the minutes as submitted. The motion was unanimously approved.

**SITE/FINAL PLANS:**

None.

**PUBLIC HEARINGS:**

None.

**NEW BUSINESS:**

None.

7:05pm - The Commission convened the meeting to City Hall Conference Room No. 2
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**OLD BUSINESS:**

1. City of Portage 50<sup>th</sup> Anniversary Celebration – Recognition of Portage Businesses. Mr. Forth referred the Commission to the information contained in the agenda packet and clarified the direction from City Council regarding this item of business. Mr. Forth advised the Commission they should be ready to implement any idea suggested to City Council. The Commission reviewed and discussed the suggestions that were identified during the November 1<sup>st</sup> and 15<sup>th</sup> meetings and summarized in the November 30, 2012 Department of Community Development staff report. Vice-Chairman Welch indicated that ideas 4, 5, 6 and 7 previously

identified by the Commission were already being coordinated by City Council or were determined by City Council to be too costly to pursue. Vice-Chairman Welch suggested focusing Commission discussion on ideas 1, 2 and 3 listed in the November 30, 2012 staff report.

Commissioner Dargitz suggested combining ideas 1 (creation of a “pass book” of area businesses) and 2 (establishment of a business-sponsored raffle) and suggesting idea 3 (establishment of a listing of Portage business with a short profile) as a secondary suggestion. Commissioner Reiff and Vice-Chairman Welch expressed concerns about time limitations and whether other volunteers, such as the Portage Senior Center or Portage Rotary, could provide assistance. Commissioner Stoffer asked whether staff would be available to assist the Commission and whether the Commission would have access to the Portage web site for implementation. Mr. Forth stated that staff could provide some resource assistance and depending on the proposal, use of the city web site could be considered. The Commission suggested recommending to City Council that the creation of a pass book to support and recognize Portage businesses be considered. While the Commission agreed that the specific details would need to be identified later, if City Council accepts the idea, the pass book concept would include a list of participating businesses and citizens who patronize these businesses would have the pass book validated. At the end of a specific time period, those citizens who participated in the activity would have their name entered in a drawing to win a prize. The prize(s) would likely be donated from the participating businesses.

After additional discussion, a motion was made by Commission Artley, seconded by Commissioner Dargitz, to recommend to City Council that consideration be given to the creation of a “pass book” of Portage businesses that citizens could patronize as a way of recognizing area businesses as part of the City of Portage 50<sup>th</sup> Anniversary Celebration. The motion was unanimously approved.

**STATEMENT OF CITIZENS:**

None.

**ADJOURNMENT:**

There being no further business to come before the Commission, the meeting was adjourned at 7:30 p.m.

Respectfully submitted,

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

# CITY OF PORTAGE

# COMMUNICATION

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**TO:** Honorable Mayor and City Council

**DATE:** December 10, 2012

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



**SUBJECT:** Contract Approval – Comprehensive Janitorial Services

**ACTION RECOMMENDED:** That City Council approve the low bids for comprehensive janitorial services submitted by:

- a. New Fresh Cleaning Services in the amount of \$16,560 for the Police Division Building; and
- b. LaCosta Facility Support Services in the amount of \$13,212 for City Hall, \$19,764 for the Parks, Recreation and Public Services Building, \$6,780 for the Senior Center and \$3,744 for the District Court;

both for the period of January 13, 2013 to January 11, 2014 with the option of three, one-year renewals and authorize the City Manager to execute all documents related to this action on behalf of the city.

Sealed bids were opened on November 1, 2012, for comprehensive janitorial services for City Hall, the Department of Parks, Recreation & Public Services, Police Division, Senior Center and District Court buildings. Twelve janitorial service vendors submitted bids. The bids were structured to guarantee a monthly fee for the period covering January 13, 2013, to January 11, 2014, with the option for three, one-year renewals.

New Fresh Cleaning Services submitted the low bid of \$16,560 for the Police Facility. New Fresh Cleaning Services has proven to be capable of providing quality services for the City of Portage since August 16, 2009. LaCosta Facility Support Services submitted the low bids of \$13,212 for City Hall, \$19,764 for the Parks, Recreation & Public Services Building, \$6,780 for the Senior Center and \$3,744 for District Court. LaCosta Facility Support Services is an experienced janitorial service provider with several large facility contracts and positive references. In the event of a change in service needs, the city may add to or delete from those areas covered by the contracts, as it may serve the best interest of the city.

It is recommended that City Council approve the low bids for comprehensive janitorial services submitted by New Fresh Cleaning Services in the amount of \$16,560 for the Police Division Building and LaCosta Facility Support Services in the amounts of \$13,212 for City Hall, \$19,764 for the Parks, Recreation & Public Services Building, \$6,780 for the Senior Center and \$3,744 for District Court for January 13, 2013 – January 11, 2014 with the option of three one-year renewals and authorize the City Manager to execute all documents related to this action. Funds are budgeted and available in the Fiscal Year 2013-2014 Budget for these janitorial service contracts. A bid tabulation is attached for the information of City Council.

Attachment

**BID TABULATION  
JANITORIAL SERVICES**

Bidder	Police Facility		City Hall		Senior Center		Public Services Building		District Court		Monthly Package Price All Buildings \$5,018.65
	Monthly	Decontaminate Jail	Monthly	Ceramic Floor & Cove	Monthly	Sunday Service	Monthly	Extra Cleaning	Monthly		
LaCosta Facility Support Service 440 Bonner Road Wauconda, IL 60084	\$1,393.00	\$37.50	\$1,101.00	\$50.00	\$565.00	\$75.00	\$1,647.00	\$50.00	\$312.00		
New Fresh Cleaning Service 241 Vydney Dr. Battle Creek, MI 49017	\$1,380.00	\$55.00	\$1,299.00	\$470.00	\$614.00	\$33.75	\$1,670.00	\$60.00	\$325.00	\$5,288.00	
RNA Janitorial 3684 Crystal Lake Lane Ann Arbor, MI 48108	\$1,395.00	\$24.00	\$1,370.00	\$8,250.00	\$650.00	\$30.00	\$1,825.00	\$30.00	\$380.00	\$5,640.00	
Coverall of Western Michigan 5075 Cascade Rd. SE Grand Rapids, MI 49506	\$1,672.00	\$95.00	\$1,296.00	\$150.00	\$643.00	\$55.00	\$1,983.00	\$45.00	\$405.00	\$5,999.00	
Complete Concepts & Solutions 11277 Wildwood Rd. Shelbyville, MI 49344	\$1,890.00	\$150.00	\$1,700.00	\$500.00	\$795.00	\$75.00	\$2,400.00	\$75.00	\$399.00	\$6,680.00	
Reliable Management Systems 838 Boston SE Grand Rapids, MI 49507	\$1,895.00	\$50.00	\$1,657.00	\$150.00	\$650.00	\$35.00	\$2,166.00	\$25.00	\$390.00	\$6,758.00	
CSM Services, LLC 3536 Highland Dr. Hudsonville, MI 49426	\$2,000.00	\$18.00/hr.	\$1,720.00	\$250.00	\$904.00	\$75.00	\$1,837.61	\$124.00	\$577.00	\$7,038.61	
West Michigan Janitorial 5160 W. River Dr. Comstock Park, MI 49321	Package bid only									\$7,675.00	
Maintenance Masters, Inc. PO Box 11 Comstock, MI 49041	\$1,971.00	\$100.00	\$1,690.00	\$560.00	\$1,352.00	\$54.00	\$3,380.00	\$32.50	\$338.00	\$8,731.00	
Red Carpet Janitorial Service 5342 Wisteria Portage, MI 49002	\$3,094.00	\$1,000.00	\$3,241.33	\$2,000.00	\$1,370.00	\$600.00	\$5,873.33	\$750.00	\$563.33	\$14,141.99	
Too Clean Janitorial 1613 Riverview Kalamazoo, MI 49004	No Bid	No Bid	\$1,475.00	No Bid	\$745.00	\$45.00	\$1,895.00	No Bid	No Bid	N/A	
MRC Industries, Inc. 2538 S. 26th Street Kalamazoo, MI 49048	No Bid	No Bid	\$2,354.76	\$1,500.00	No Bid	No Bid	No Bid	\$93.00	\$416.19	N/A	
<b>Total of Low Bids Per Building</b>											
<b>\$5,005.00</b>											

**MATERIALS TRANSMITTED**

Tuesday, December 4, 2012

1. **FOR THE REPLACEMENT OF ITEM F.3 ON THE DECEMBER 4, 2012 CITY COUNCIL AGENDA:** 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.
2. Communication from the City Manager to Ben Herring, 409 Larkspur, dated November 29, 2012, in response to his November 20, 2012 letter – Information Only.



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Maurice S. Evans, City Manager

cc: Brian J. Bowling, Deputy City Manager