

5:15 p.m. Board and Commission interviews.

7:30 p.m. Call to Order.

Invocation: Pastor Adam Davidson of the Portage Free Methodist Church.

Pledge of Allegiance.

Roll Call.

Proclamations: National Safe Boating Week.

A. Approval of the April 23, 2013 Regular Meeting and April 30, 2013 Budget Work Session Minutes.

\* B. Approval of Consent Agenda Motions.

\* C. Communication from the City Manager recommending that City Council approve the Accounts Payable Register of May 14, 2013, as presented.

D. Public Hearings:

1. Public hearing on the Fiscal Year 2013-2014 proposed Budget and the tax rate of 10.7778 mills required to support the proposed budget.

E. Petitions and Statements of Citizens:

F. Reports from the Administration:

\* 1. Communication from the City Manager recommending that City Council approve Addendum No. 3 to the District Court Consolidation Agreement and authorize the City Manager to sign the Addendum on behalf of the City of Portage.

\* 2. Communication from the City Manager recommending that City Council approve the Community Development Block Grant (CDBG) Program FY 2013-14 Annual Action Plan element of the Consolidated Plan and authorize the City Manager to submit the application to the Department of Housing and Urban Development.

\* 3. Communication from the City Manager recommending that City Council approve a five-year extension for the *City of Portage – Township of Schoolcraft Sanitary Sewage Disposal Agreement* and authorize the Mayor to sign the agreement extension on behalf of the city.

\* 4. Communication from the City Manager recommending that City Council approve the 24-month extension of the TDS, Metrocom Telecommunications Services Agreement for the provision of telephone services at an approximate annual cost of \$51,637 and authorize the City Manager to execute all documents related to the contract on behalf of the city.

\* 5. Communication from the City Manager recommending that City Council approve a two-year contract renewal with The Hartford for employee basic life, basic accidental death and dismemberment, contributory life, contributory accidental death and dismemberment, dependent life and long-term disability insurance and authorize the City Manager to execute all documents on behalf of the city.

\* 6. Communication from the City Manager recommending that City Council approve the Final Plan for Southwest Michigan Dermatology, 3000 Old Centre Road.

G. Communications:

1. Annual Presentation by Historic District Commission Chairperson Mark Reile.

H. Unfinished Business:

1. Presentation by Public Safety Director – Police / Fire Chief Richard White regarding the City of Portage emergency preparedness.

\* I. Minutes of Boards and Commissions Meetings:

1. Portage Youth Advisory Committee of March 25, 2013.
2. Portage Park Board of April 3, 2013.

J. Ad-Hoc Committee Reports:

1. Presentation by the Ad Hoc Property Committee regarding recent activity.

K. New Business:

L. Bid Tabulations:

- \* 1. Communication from the City Manager recommending that City Council approve the purchase of a Durapatcher Trailer Mounted Spray Injection Road Repair Machine for a cost of \$51,432, and authorize the City Manager to execute all 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. Wednesday, May 15, 2:30 p.m., Senior Citizen Advisory Board, Portage Senior Center.
- b. Thursday, May 16, 7:00 p.m., District Library Board, Portage District Library.
- c. Thursday, May 16, 7:00 p.m., Planning Commission, Council Chambers.
- d. Monday, May 20, 6:30 p.m., Portage Public Schools Board of Education, Council Chambers.
- e. Thursday, May 23, 4:30 p.m., Public Media Network Board of Directors, 359 South Kalamazoo Mall, 3<sup>rd</sup> floor, Kalamazoo.

N. Materials Transmitted of April 19 and 23, 2013.

Adjournment.

# City Council Meeting Summary

April 23, 2013

## PROCLAMATIONS

- ◆ Mayor Strazdas issued a National Arbor Day and a National Children's Mental Health Awareness Day Proclamation.

## ACCOUNTS PAYABLE REGISTER

- ◆ Approved the Accounts Payable Register of April 23, 2013, as presented.

## PUBLIC HEARINGS

- ◆ Adopted the 2013 sewer and water rate Resolutions establishing sewer and water utility rates, sewer and water franchise area fees, service fees and charges as outlined in the 2013 Utility Rate Financial Study as recommended by the City Administration and the City Council Water and Sewer Rate Study Committee and eliminated the current Senior Citizen Discount Program, effective October 1, 2013.
- ◆ Approved an ordinance amendment to the Codified Ordinances of the City of Portage to modify an existing Payment in Lieu of Taxes (PILOT) for the Spring Manor Apartments located at 610 Mall Drive.

## STATEMENTS OF CITIZENS

- ◆ Phil Stinchcomb, 1607 Bellaire Avenue, spoke in his capacity as Kalamazoo County Commissioner in opposition to a proposal set forth regarding the contract among the City of Kalamazoo, Kalamazoo County and the City of Portage for housing the Kalamazoo County 8<sup>th</sup> District Court within the Portage Police Building and indicated that he will vote "No" when the matter comes before the Kalamazoo County Board of Commissioners because he "does not want to continue to collect taxes for services we're not getting." Councilmember Urban pointed out that the funds used to satisfy this contract are not derived from taxes, but from fines.

## REPORTS FROM THE ADMINISTRATION

- ◆ Adopted the Resolution setting a public hearing on May 14, 2013, at 7:30 p.m. or as soon thereafter as may be heard, for the Fiscal Year 2013-2014 proposed city budget and the proposed 2013 tax levy.
- ◆ Approved a budget amendment to transfer \$200,000 from the Fiscal Year 2012-13 General Fund budget to the Fiscal Year 2012-13 Capital Improvement Fund budget; a change order in the not to exceed amount of \$191,601 for additional street reconstruction at extended unit pricing with Michigan Paving & Materials Company to expand the 2012 Local Street Reconstruction Program; a contract amendment with Jones & Henry Engineers, LTD, for construction administration and material testing for the streets added to the 2012 Local Street Reconstruction Program at no increase in hourly rate in the not to exceed amount of \$27,350; and authorized the City Manager to execute all documents related to this action on behalf of the city.
- ◆ Adopted a Resolution to grant an access easement to Consumers Energy over a portion of city-owned property addressed as 6301 Newport Road, place the Resolution on file with the City Clerk for 28 days, take final action on May 28, 2013, and authorized the City Manager to execute the access easement on behalf of the city.
- ◆ Adopted the resolution granting the request for a New Hotel B Liquor License to C.Y. of Portage for 400 Trade Centre Way, Portage, MI 49002.
- ◆ Approved the request for a transfer of ownership and location of an Escrowed 2012 Resort Class C Liquor License issued under MCL 436.1531(2), Minimum Seating: 100, to Celebration Banquets, L.L.C., 6600 Ring Road, Portage, MI 49024, Kalamazoo County; and resolved to continue future consideration of liquor license transfer requests.
- ◆ Affirmed the plan to recognize Advisory Board and Commission members as part of the City of Portage 50th Anniversary, approve the expenditure of up to \$2,500 for the event and commit to assisting with event activities.
- ◆ Received the communication from the City Manager regarding the March 2013 Summary Environmental Activity Report as information only.
- ◆ Received the Department Monthly Reports.

## COMMUNICATIONS

- ◆ Received the Annual Presentation by Park Board Chairperson Susan Williams.
- ◆ Received the Annual Presentation by Human Services Board Chairperson Sandra Sheppard.

## UNFINISHED BUSINESS

- ◆ Adopted a resolution to relinquish 89.15 feet of an existing water main easement located on the west side of the existing Mueller Refrigeration building, replaced with a new water main easement for the portion of the vacated water main.

## AD HOC COMMITTEE REPORTS

- ◆ Received a communication from Mayor Peter J. Strazdas and Ted Vlieg, Sr., Former Mayor Pro Tem, and approved the expenditure of up to \$2,000 for printing of the City of Portage history book update and directed the Administration to enlist the services of David Massey.
- ◆ Received a report from Mayor Strazdas regarding the Banner Committee.
- ◆ Received a report from Mayor Pro Tem Reid, Councilmember Pearson and Councilmember Sackley regarding the Lake Center Business District Committee.

## BID TABULATION

- ◆ Approved the low bid for a two-year contract with Hurst Mechanical in the amount of \$76,166.27 for Heat, Ventilation and Air Conditioning (HVAC) maintenance of city owned facilities, with an option for two one-year contract extensions and authorized the City Manager to execute all documents related to this action on behalf of the city.

**NEW BUSINESS**

- ◆ Formed an Assessment Options Committee of the Whole that will outline the issue of staff analysis for further consideration with a pre-report from the City Attorney.

**STATEMENTS OF CITY COUNCIL**

- ◆ Councilmembers Campbell, Sackley, Urban and Pearson and Mayor Strazdas expressed sorrow for the passing of Former Councilmember Lewis Bashaw and expressed their condolences to the family. Councilmember Campbell invited everyone to the sponsored by the Portage Rotary Club Annual Scholarship Luncheon at the Senior Center.
- ◆ Councilmember Randall expressed her concern for the people of Boston, who suffered losses from the bombing at the Boston Marathon and Mayor Pro Tem Reid and Mayor Strazdas concurred. She also invited everyone to attend the Angling RoadRunner 5k Walk at Angling Road Elementary School, 5340 Angling Road, Friday, April 26, 2013, at 6:00 p.m.
- ◆ Mayor Strazdas indicated that his parents live five blocks away from where the second “bomber” was identified. He requested that Public Safety Director Richard White come before City Council to inform City Council and the public what the Public Safety Department is doing to keep us safe. He cited the unsafe conditions in and around Grand Rapids because of excess flooding from the excessive rainfall recently. He also mentioned that he attended “Scrabble© Fest” at Portage Northern High School where he discovered that there are 25,000 adults in Kalamazoo County who can not read.

\*\*\*\*\*

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



# **City of Portage Proclamation**

## **NATIONAL SAFE BOATING WEEK**

**WHEREAS**, Michigan boasts more than 11,000 lakes and almost 3,300 miles of Great Lakes shoreline where citizens can participate in recreational boating activities; and

**WHEREAS**, several of those lakes are within the City of Portage; and

**WHEREAS**, while being a marvelous source of recreation, boating, to the unprepared, can be a risky sport by not knowing or obeying nautical rules of the road; drinking alcohol or taking drugs while operating a boat; or choosing not to wear a life jacket; and

**WHEREAS**, on average, 700 people die each year in boating related accidents in the U.S.; approximately 70 percent of those accidents are caused by drowning; and

**WHEREAS**, the vast majority of these accidents are caused by human error or poor judgment and not by the boat, equipment or environmental factors; and

**WHEREAS**, a significant number of boaters who lose their lives by drowning each year would be alive today had they worn their life jackets; and

**WHEREAS**, today's life jackets are more comfortable, more attractive, and more wearable than styles of years past and deserve a fresh look by the boating public.

**NOW, THEREFORE**, I, Peter J. Strazdas, Mayor of the City of Portage, Michigan, do hereby support the United States Coast Guard Auxiliary in its goal of recreational boating safety and proclaim May 18-24, 2013, as **National Safe Boating Week** in the City of Portage and call on our citizens to give renewed attention to safe boating practices and I urge all those who boat to wear life jackets and boat responsibly.



Signed this 14<sup>th</sup> day of May 2013

\_\_\_\_\_  
Peter J. Strazdas, Mayor

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

At the request of Mayor Strazdas, Elder Chris Vandenoever of the First Reformed Church gave the invocation and the 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 Evans, City Attorney Randall Brown and City Clerk James Hudson.

**PROCLAMATIONS:** Mayor Strazdas issued a National Arbor Day Proclamation and a National Children's Mental Health Awareness Day Proclamation.

**APPROVAL OF MINUTES:** Motion by Sackley, seconded by Campbell, to approve the Regular Meeting Minutes of April 9, 2013, and Budget Work Session of April 11, 2013, as presented. Upon a voice vote, motion carried 7 to 0.

\* **CONSENT AGENDA:** Mayor Strazdas asked Councilmember Campbell to read the Consent Agenda. Mayor Strazdas removed Item F.5, Class C Liquor License transfer ownership - 6600 Ring Road, from the Consent Agenda. Motion by Urban, seconded by Reid, to approve the Consent Agenda motions as amended. Upon a roll call vote, motion carried 7 to 0.

\* **APPROVAL OF ACCOUNTS PAYABLE REGISTER OF APRIL 23, 2013:** Motion by Urban, seconded by Reid, to approve the Check Register of April 23, 2013, as presented. Upon a roll call vote, motion carried 7 to 0.

#### **PUBLIC HEARINGS:**

**2013 UTILITY RATE FINANCIAL STUDY:** Mayor Strazdas opened the public hearing and deferred to City Manager Maurice Evans, who provided a summary of the efforts of the City Council Water/Sewer (Utility) Rate Study Committee consisting of Mayor Pro Tem Reid, Councilmembers Campbell and Sackley, and Portage citizens Nasim Ansari and Ted W. Vliek, Sr. He indicated that after a thorough review of the 2013 Utility Rate Financial Study that was provided by the Administration, the Committee recommended adoption of the water and sewer rates and charges as outlined in the 2013 Study for Fiscal Year 2013-14 on March 26, 2013. He also indicated that there is a recommendation to eliminate the current Senior Citizen Discount Program effective October 1, 2013. He then introduced Transportation & Utilities Director Chris Barnes, who detailed the Portage water and sewer capacities, provided some background of the 2013 Study and presented a PowerPoint outline that included a description of water production trends and the effect these trends have on usage and the resultant utility system rate structure, the fixed rate and unit rate components of utility charges and the effect these components have on utility rates.

Mr. Barnes referred back to 2007 when the focus of the annual rate analysis changed from an emphasis on retained earnings to an emphasis on working capital, debt service and the fund balance of the utility fund. He provided a history of utility rate adjustments and projected that an increase of 0.93% to 1.45% for the combined funds are needed over the next three years to ensure the financial health of the utility funds, and indicated that the rate increases are trending down. Next, he explained the sanitary sewer rate adjustment, the water rate adjustment and presented a sewer utility rate comparison with other Michigan cities. Additionally, he noted that the Senior Citizen Discount Program was reviewed and was found to not be in conformance with current non-discrimination requirements and stated that the 2013 Utility Rate Financial Study recommends discontinuing the Program. Discussion followed.

At the request of Mayor Strazdas, City Attorney Brown provided an explanation of the reasons for discontinuing the Senior Citizen Discount Program. He pointed out that: first of all, Attorney John Axe, Bond Counsel, provided a legal opinion that the provisions contained in the Bonds that were used to obtain capital improvement of the utilities prohibit free service; secondly, Mr. Brown issued his own opinion that he reviewed the constitutionality of such a program and reviewed his opinion that the classification of age alone without any “need” requirement would be unconstitutional; and, lastly, he indicated that it could be viewed as a lending of credit for private purposes without statutory authorization. Discussion followed. Mayor Strazdas opened the discussion to other City Councilmembers and discussion followed. Mayor Strazdas opened the public hearing to the audience.

There being no further discussion, motion by Reid, seconded by Urban, to close the public hearing. Upon a voice vote, motion carried 7 to 0.

Motion by Sackley, seconded by Reid, to adopt the 2013 sewer and water rate Resolutions establishing sewer and water utility rates, sewer and water franchise area fees, service fees and charges as outlined in the 2013 Utility Rate Financial Study as recommended by the City Administration and the City Council Water and Sewer Rate Study Committee and eliminate the current Senior Citizen Discount Program, effective October 1, 2013. Upon a roll call vote, motion carried 7 to 0.

**TAX EXEMPTION FOR SPRING MANOR APARTMENTS:** Mayor Strazdas opened the public hearing, provided an overview of the purpose of the public hearing for the Spring Manor Apartments located at 610 Mall Drive, and deferred to City Manager Maurice Evans, who expressed his appreciation that the Hollander Development Corporation wishes to refinance in order to rehabilitate the Spring Manor Apartments, a 102-unit multiple family elderly housing complex. He noted that the plan is to introduce some major renovations and the creation of a staff position to provide support services for the elderly residents. He then asked Community Development Director Vicki Georgeau for input and Ms. Georgeau provided a history of the Spring Manor Apartments Project, mentioned the existing Payment in Lieu of Taxes (PILOT) ordinance for Spring Manor Apartments and summarized the advantages to be realized by the request from the Hollander Development Corporation. Discussion followed.

Mayor Strazdas introduced Joe Hollander of Hollander Development Corporation, who represents the owner of Spring Manor Apartments. He provided a history of the financing of the project sixteen years ago and the need for refinancing at this time to rehabilitate the premises for the residents. In answer to Councilmember Pearson, he explained that in “perpetuity” is a term that is usually aligned with the economic life of the project; and, where the term has been discussed, it means about 50 years because that is the time a major renovation typically needs to occur. He explained the services that will be provided and asked for the support of City Council for the PILOT. Mayor Strazdas opened the public hearing to the audience.

There being no further discussion, motion by Pearson, seconded by Reid, to close the public hearing. Upon a voice vote, motion carried 7 to 0.

Motion by Pearson, seconded by Campbell, to approve an ordinance amendment to the Codified Ordinances of the City of Portage to modify an existing Payment in Lieu of Taxes (PILOT) for the Spring Manor Apartments located at 610 Mall Drive. Discussion followed. Upon a roll call vote, motion carried 7 to 0.

**PETITIONS AND STATEMENTS OF CITIZENS:** Phil Stinchcomb, 1607 Bellaire Avenue, spoke in his capacity as Kalamazoo County Commissioner and indicated that he did not speak to any Portage City Councilmembers concerning a proposal set forth regarding the contract among the City of Kalamazoo, Kalamazoo County and the City of Portage for housing the Kalamazoo County 8<sup>th</sup> District Court within the Portage Police Building, and indicated that he will vote “No” when the matter comes before the Kalamazoo County Board of Commissioners because he “does not want to continue to collect taxes for services we’re not getting.”

Councilmember Campbell asked that it be noted that City Council has not seen a formal agreement on this matter, and it was her understanding that it was still under negotiation.

Mayor Strazdas indicated that the City Council is awaiting a proposal from the Kalamazoo County Commission and a recommendation from the City Manager before having a public discussion by City Council on the matter and explained.

Councilmember Randall made a point to say that she would not comment on the proposal itself, and stated that she was disturbed by the process thus far since only half of the City Council were informed on this matter. She referred to a communication from City Manager Maurice Evans inviting City Council to have a public meeting on the matter, but pointed out that this did not happen. She indicated that it was inappropriate for any City Councilmember to express an opinion on this topic when it has yet to be discussed or decided by City Council; and, she pointed out that City Councilmembers were forbidden to discuss the matter because it had not been formally approved by the Kalamazoo County Commission and, again, had not been discussed by a full Council.

Councilmember Pearson expressed his appreciation to Commissioner Stinchcomb for coming before City Council with the information that he did not speak to any Portage City Councilmembers. He then followed up on a phone call he received that he felt was an interrogation, was demeaning and was based on rumor. He said that this Council needs to learn that it can not act as "Rumor Police" and interrogate other members. He advocated that City Council act as a team with trust in one another, and mentioned that Council is in need of good leadership which was sorely missed in this case.

Mayor Pro Tem Reid disclosed that she was the member of City Council who made the phone calls as she was asked to attend the Kalamazoo County Commission meeting and to be able to provide any input or feedback that might be required, but was not asked to be prepared to make a statement. She mentioned that she did not feel she could fulfill this requirement without information from her fellow Councilmembers, and she pointed out that she did not ask them whether or not they supported this because it had not come before City Council as yet. What she said she asked about was a rumor that had been brought to her attention and she wanted to find out if it was clear or not; so, if she were asked to address it at the meeting, she could address it. She defended taking that initiative as appropriate since Mayor Strazdas was out of town and, as the Mayor Pro Tem, she assumed his role at the meeting and acted as a resource on the matter for the County. She mentioned that this is a cooperative effort with the County and that this was the appropriate way to approach and handle this matter in this case. She apologized for any misperceptions as she was trying to be inclusive and address something in a short period of time.

Councilmember Sackley noted that the work performed by Mayor Pro Tem Reid in this case was effective in dispelling the rumor and expressed appreciation to her for positive efforts. He pointed out that this was an item of discussion that has gone on for years, gave examples and reflected that it was not a surprise to City Council. He directed his comments to Commissioner Stinchcomb and summarized the history of the courts and judgeships in Kalamazoo County as it relates to this issue. He also mentioned the number of questions asked by the County Commission, who drilled down on items that had been a part of briefings from City Manager Maurice Evans such as the status of the negotiations and the dollar amounts and how they were derived. He intimated that the discussions were open and frank, and that he felt that the Commissioners were appreciative of having representatives of the City of Portage present, including people who had been involved in the negotiations and discussions for some time. In the end, he reminded Mr. Stinchcomb that when the question was asked whether the Portage City Council would be supporting this agreement, he reminded him that the response was that the City Council has nothing to consider until the Kalamazoo County Board of Commissioners amends the agreement which can then be circulated to the Kalamazoo City Commission and the Portage City Council for consideration and finalization. He summarized his position on this subject and expressed his appreciation for Commissioner Stinchcomb for coming to the meeting to state his position and restated his appreciation for the efforts of Mayor Pro Tem Reid for her work in this case.

Councilmember Urban also expressed his appreciation for the work performed by Mayor Pro Tem Reid before the meeting, noted that she provided a report back to City Council within twenty-four hours and explained that what she did with regard to preparing for the meeting was very appropriate. He discussed his preference that a court be housed in Portage and pointed out that the funds used to satisfy this contract are not derived from taxes, but from fines levied by the court. Discussion followed.

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

- \* **PUBLIC HEARING ON FISCAL YEAR 2013-2014 BUDGET:** Motion by Urban, seconded by Reid, to adopt the Resolution setting a public hearing on May 14, 2013, at 7:30 p.m. or as soon thereafter as may be heard, for the Fiscal Year 2013-2014 proposed city budget and the proposed 2013 tax levy. Upon a roll call vote, motion carried 7 to 0.
- \* **2012 LOCAL STREET PAVING RECONSTRUCTION – ADDITIONAL STREET RECOMMENDATIONS:** Motion by Urban, seconded by Reid, to approve: a budget amendment to transfer \$200,000 from the Fiscal Year 2012-13 General Fund budget to the Fiscal Year 2012-13 Capital Improvement Fund budget; a change order in the not to exceed amount of \$191,601 for additional street reconstruction at extended unit pricing with Michigan Paving & Materials Company to expand the 2012 Local Street Reconstruction Program; a contract amendment with Jones & Henry Engineers, LTD, for construction administration and material testing for the streets added to the 2012 Local Street Reconstruction Program at no increase in hourly rate in the not to exceed amount of \$27,350; and authorize the City Manager to execute all documents related to this action on behalf of the city. Upon a roll call vote, motion carried 7 to 0.
- \* **6301 NEWPORT ROAD EASEMENT REQUEST - CONSUMERS ENERGY:** Motion by Urban, seconded by Reid, to adopt a Resolution to grant an access easement to Consumers Energy over a portion of city-owned property addressed as 6301 Newport Road, place the Resolution on file with the City Clerk for 28 days, take final action on May 28, 2013, and authorize the City Manager to execute the access easement on behalf of the city. Upon a roll call vote, motion carried 7 to 0.
- \* **NEW HOTEL B LIQUOR LICENSE - 400 TRADE CENTRE WAY:** Motion by Urban, seconded by Reid, to adopt the resolution granting the request for a New Hotel B Liquor License to C.Y. of Portage for 400 Trade Centre Way, Portage, MI 49002. Upon a roll call vote, motion carried 7 to 0.

**CLASS C LIQUOR LICENSE TRANSFER OWNERSHIP - 6600 RING ROAD:** Mayor Strazdas introduced this item and introduced Kenyon Shane, Vice President of Revenue Development for Celebration Cinemas, who explained the nature of the request in more detail, answered questions of City Council and compared the request to a similar request in downtown Kalamazoo by a different cinema organization. Discussion followed.

After discussion of Liquor Control Commission administrative rule R 436.1105, motion by Sackley, seconded by Campbell, to approve the request for a transfer of ownership and location of an Escrowed 2012 Resort Class C Liquor License issued under MCL 436.1531(2), Minimum Seating: 100, to Celebration Banquets, L.L.C., 6600 Ring Road, Portage, MI 49024, Kalamazoo County. Discussion followed. Upon a roll call vote, motion carried 7 to 0.

After a discussion of the option to table the continuation of future consideration of liquor license transfer requests and the perceived need for City Council to review transfer requests in order to provide an opinion to the Liquor Control Commission, motion by Urban, seconded by Sackley, to resolve to continue future consideration of liquor license transfer requests. Upon a roll call vote, motion carried 7 to 0.

\* **50TH ANNIVERSARY EVENT – RECOGNITION OF ADVISORY BOARD AND COMMISSION MEMBERS:** Motion by Urban, seconded by Reid, to affirm the plan to recognize Advisory Board and Commission members as part of the City of Portage 50th Anniversary approve the expenditure of up to \$2,500 for the event and commit to assisting with event activities. Upon a roll call vote, motion carried 7 to 0.

\* **MARCH 2013 SUMMARY ENVIRONMENTAL ACTIVITY REPORT:** Motion by Urban, seconded by Reid, to receive the communication from the City Manager regarding the March 2013 Summary Environmental Activity Report as information only. Upon a roll call vote, motion carried 7 to 0.

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

**COMMUNICATIONS:**

**PARK BOARD CHAIRPERSON SUSAN WILLIAMS:** Park Board Chairperson Susan Williams provided an update of the Park Board Goals and Objectives and provided special recognition to Kathleen Hoyle, who shouldered the responsibilities of the Art in the Park and was instrumental in obtaining grants and contributions totaling \$10,000. Discussion followed. Motion by Reid, seconded by Sackley, to receive the Annual Presentation by Park Board Chairperson Susan Williams. Upon a voice vote, motion carried 7 to 0.

**HUMAN SERVICES BOARD CHAIRPERSON SANDRA SHEPPARD:** Human Services Board Chair Sandra Sheppard reviewed Board progress on the Human Services Board Goals and Objectives. Discussion followed. Motion by Urban, seconded by Reid, to receive the Annual Presentation by Human Services Board Chairperson Sandra Sheppard. Upon a voice vote, motion carried 7 to 0.

**UNFINISHED BUSINESS:**

\* **WATER MAIN EASEMENT RELINQUISHMENT AND SANITARY SEWER ENCROACHMENT, MUELLER REFRIGERATION, 6700 SPRINKLE ROAD:** Motion by Urban, seconded by Reid, to take final action to adopt a resolution to relinquish 89.15 feet of an existing water main easement located on the west side of the existing Mueller Refrigeration building, replaced with a new water main easement for the portion of the vacated water main. Upon a roll call vote, motion carried 7 to 0.

\* **MINUTES OF BOARDS AND COMMISSIONS:** City Council received the minutes of the following Boards and Commissions:

Portage Zoning Board of Appeals of February 11, 2013.

Portage Planning Commission of March 21, 2013.

Portage Board of Education Special of March 26, 2013.

**AD HOC COMMITTEE REPORTS:**

**COMMEMORATIVE 50<sup>TH</sup> ANNIVERSARY COFFEE TABLE BOOK:** Mayor Strazdas provided a summary of Former Mayor Pro Tem Ted W. Vliek's and his communication dated April 23, 2013, regarding the publication of a Commemorative 50<sup>th</sup> Anniversary Coffee Table Book. Discussion followed. Motion by Campbell, seconded by Sackley, to approve the expenditure of up to \$2,000 for

printing of the City of Portage history book update and directed the Administration to enlist the services of David Massey to do the writing. Discussion followed. Upon a roll call vote, motion carried 7 to 0. Discussion followed.

**BANNER COMMITTEE:** City Council received a review from Mayor Strazdas of a meeting of the Banner Committee that did not include Portage Public School representatives owing to a conflict. Mayor Strazdas promised a report on the matter once there is input from the Portage Public Schools representatives.

**LAKE CENTER BUSINESS DISTRICT COMMITTEE:** City Council received a review from Mayor Pro Tem Reid, Councilmember Pearson and Councilmember Sackley of a meeting of the Lake Center Business District Committee. Discussion followed.

**NEW BUSINESS:** Councilmember Randall said, "There is lots going on, all positive;" and, "in the continued spirit of Leadership and Best Practices," she proposed that City Council form a subcommittee to review outsourcing and consolidating of assessing. She referenced a program she, other Councilmembers and city staff attended last month with WCA Assessing and thanked Mayor Strazdas and Mayor Pro Tem Reid for sponsoring this through the Council of Governments (COG). She also commented that as City Council enters into the final Budget Session, April 30, 2013, there is a need to continue to spend citizens' dollars wisely. Discussion followed.

Next, Councilmember Pearson referenced a joint meeting he attended as a citizen a couple of years ago among the government officials of the Kalamazoo County Commission, the City of Kalamazoo and the City of Portage with Eric Lupher of the Citizens Research Council (CRC), who discussed collaboration and consolidation in other jurisdictions and in other states. He mentioned that during "Statements of Citizens," he asked Mr. Lupher, "What's the obvious change you see in Kalamazoo County to save money?" He indicated that Mr. Lupher did not really want to answer the question right away with all of the elected officials there, but he then relaxed and replied, assessments and tax collection should be at the County level and explained (Councilmember Pearson said he is paraphrasing Mr. Lupher, here), that back in the Pony Express days, we didn't have modern roads or telephones, and we had all of these different jurisdictions; so, that's why every small municipality has its own assessments and tax collection departments; and, the State Tax Commission makes all of the rules for all of the jurisdictions in the State, and tax collection is uniform and that's where you can start. Councilmember Pearson indicated that he was prepared to make a motion and expressed an interest in looking at this issue, having a committee that can ask questions of staff and bring back information to the full Council. He said everything does not have to wait to be addressed at the City Council Retreat and referenced the Collection Box issue as an example that came before City Council as New Business and took six to eight months to reach an agreement on an ordinance. He viewed this as an appropriate time for City Council to comment on this matter to save the citizens money. He indicated that he is not saying that the City should immediately merge the Assessment Department with the County, but pointed out that the City of Kalamazoo has been outsourcing its Assessment Department since last year. He opined that it is time City Councilmembers begin discussing this matter. He also said, "If we can be more efficient in our government, this would set the City of Portage up for eventual collaboration with another government." Lastly, he invited comments from other City Councilmembers.

Councilmember Campbell indicated that based on conversations she has had, the City of Kalamazoo has been outsourcing its Assessment Department with CRC and is very satisfied with them. She expressed an interest in being fair and equal, saving the citizens money and indicated that it is worth looking into this right now. She mentioned a conversation she had with Employee Development Director Rob Boullis, who indicated that it is very difficult to find qualified candidates for the vacant Deputy Assessor position in an office with staff that needs a person to fill that position. She advocated at least getting some information even though nothing may happen with the matter.

Mayor Pro Tem Reid reflected that there was a lot of interest from other municipalities in this subject when it was being proposed by COG and in seeing how one company (WCA) could do the job. She expressed her opinion that it is prudent to do some due diligence and some research to see what exactly is involved in the assessment process and what are the available options. She sees this as an opportunity to do this in a very open way without having any preconceived goals of either outsourcing or consolidating, but to see which option makes the most sense and to have a dialogue with that kind of an approach.

Mayor Strazdas expressed his opinion that units of government need to take a look at how they do business. He indicated that two areas of government need to be scrutinized in Portage: Public Safety, with central dispatch currently enduring the due diligence process in Portage, and the assessment function. He concurred with Mayor Pro Tem Reid that it should be done openly and without any preconceived notions; he also advocated looking at all aspects of it, especially looking at all of the costs balanced with the effect on service to the citizens, as is being done with the central dispatch.

Councilmember Sackley indicated that this topic of “assessing” has consumed an incredible amount of resource and time over the years and cited committees, committees of the whole, where Councilmembers have expressed their opinions. He agreed with Councilmember Pearson that this is an important topic and other communities have subscribed to this for different reasons pointing out that the City of Kalamazoo had an Assessor leave and had to fill a void. He mentioned that the Deputy Assessor position is open, but with a fulltime staff and contractual arrangements, the Department seems to be getting the job done. He noted that the most important area of concern for him is the *City Charter* and the Council / Manager form of government. He advocated having the discussion, if it will save money, increase efficiency or have the department become more customer friendly. He also expressed his preference in the Committee of the Whole instead of a subcommittee and explained that other departments could be reviewed for privatization and explained. Discussion followed.

Councilmember Urban cited some past outsourced, privatized, etc., activities and indicated that they were all prompted by the Administration, who brought the topic to the City Council, and indicated that this is the right way to do business. He pointed out that the City Council is a policymaking board, not a management board, and noted that City Council does not have the expertise to even know that this is the right time to study this. He indicated that he is not in favor of relinquishing control over this particular department; therefore, in absence of a recommendation from the City Manager that we review this particular department, one which interacts with all citizens either by mail or face-to-face, he is not in favor of this study.

After discussion, motion by Pearson, seconded by Randall, to form an Assessment Outsourcing Committee that outlines the issue for staff analysis so that the Committee can report back to full Council for further consideration.

City Manager Maurice Evans took exception with the word “outsourcing” as it generates a foregone conclusion and is unfair to a city assessing department that does an excellent job as well as a City Administration that collectively does a nice job with budgets that balance, a strong fund balance and operations that are outstanding. He concurred with Councilmember Sackley that whatever is done should be with the use of Council as a Whole and mentioned that Council as a Whole also has to address the Central Dispatch issue. He suggested looking at the management study reflecting the pro’s and con’s of changing the assessment function approach.

Mr. Evans also indicated that the City Attorney should look at the *City Charter* to see if outsourcing the assessment function can be done without violating the *Charter* because the Assessor is a *Charter* position. He noted that because of the difficulties involved, it will prohibit the three entities of government from collaborating. He indicated that he understands their interest in outsourcing, which the City of Portage has successfully accomplished in the past in some areas. He objected to City Council getting involved in Administrative type of functions, indicated they have that right to collectively come to an agreement on it, and pointed out that the City of Portage has excellent assessment services at a great price; and, when cutting costs, service cuts have to be a part of the balance. He indicated that Portage is on the cutting edge, cited comments from the State Tax Commission when it comes to

different documents provided to them and the successful 14-point review, and asked, “So what’s the issue?” He suggested that if City Council forms a committee, it would be best to form a Committee of the Whole and work on the matter collectively.

Councilmember Sackley concurred with Mr. Evans, indicated that he believes in the *City Charter* and agreed that the City Attorney should provide advice on the matter. He pointed out that this is a very significant item, but it comes as a surprise which is against one of the City Council directives and policies which City Council has articulated and talked about. He objected to the unrelenting attacks on the City Assessor Department practices for several years and noted that the City has spent tens of thousands of dollars to prove (to ourselves, to some of us, and to the community) that the City of Portage assessing practices meet State standards. He mentioned the hiring of consultants, the quality review performed by the State Tax Commission and pondered what else can be done?

Councilmember Sackley expressed a serious concern with “people” who have declared personal biases, a conflict of interest, or potential conflicts of interest, having conversations with vendors or contractors already performing these services, or who are already in the business of contracting these services with cities, townships or counties, without a full vetting of potential or perceived conflicts, agendas or biases that have been expressed or unexpressed. He advocated having these conversations in front of Portage citizens-at-large, knowing the conversations are on solid legal footing. Ancillary to this, Mr. Sackley indicated that if City Council has problems with the City Manager and the way he runs his staff, and the way he runs the city, he is glad these conversations are being expressed on camera, in front of people, at an open meeting here tonight. He mentioned that one budget review session has been completed, and one more still has to be held. He noted that the Public Hearing on Fiscal Year 2013-2014 Budget was set earlier for May 14, 2013, and pointed out, again, that this New Business item brought under a different framework from how it was brought in the past comes as a complete surprise, especially given that this topic has been thoroughly investigated in the past. He suggested a motion to go back and read the *Charter* and see what a Council/Manager form of government is and to have an in-service session with the City Attorney to refresh City Council on what a Council/Manager form of government is.

Mayor Pro Tem Reid objected to the motion as stated because it is directed specifically towards looking at options of outsourcing. She indicated that this is not an open way to investigate opportunities or the possibilities because it is putting the goal at the end before any research is done at the front end, so she indicated that she would not be supporting the motion as it stands.

Motion by Sackley, seconded by Reid, to call the question. Mayor Strazdas asked City Clerk James Hudson to read the motion, but he deferred to the maker of the motion. At the request of Mayor Strazdas, Councilmember Pearson read the motion, again: to form an Assessment Outsourcing Committee that outlines the issue for staff analysis so that the Committee can report back to full Council for further consideration. Explanation regarding “to call the question” followed. Upon a roll call vote motion carried 5 to 2. Yeas: Mayor Pro Tem Reid and Councilmembers Sackley, Urban, Pearson and Randall. No: Mayor Strazdas and Councilmember Campbell. With regard to the original motion, upon a roll call vote, the motion failed 4 to 3. No: Councilmembers Sackley and Urban, Mayor Strazdas and Mayor Pro Tem Reid. Yeas: Councilmembers Campbell, Pearson and Randall. Discussion followed.

Mayor Strazdas expressed his understanding of the City Manager form of government and pointed out that sometimes the City Manager brings matters of business before City Council, and sometimes City Council brings matters forward... that we “direct” the City Manager. He said, “At times, yes, the City Manager runs the City, at times we do some direction; so, I don’t think it’s all that black and white.” He then indicated that if the motion read that the matter would always be heard by the Committee of the Whole, he would vote for it because he wants to get these answers out in public. Discussion followed.

Motion by Pearson, seconded by Randall, to form an Assessment Outsourcing Committee of the Whole that outlines the issue for staff analysis for further consideration. Mayor Strazdas reflected that in earlier discussions, there seemed to be objections to the use of the terms “outsourcing” or “not outsourcing” as they could be determining the outcome of this issue. He expressed an interest in having

“a review of all options” and offered this as an amendment to the motion. With that, motion by Pearson, seconded by Randall, to change the wording of the motion to read, “assessment options” instead of “assessment outsourcing.” Councilmember Sackley pointed out that City Council does not need a committee, a subcommittee or a Committee of the Whole to ask the City Manager to look into something and explained. He objected to bringing the matter forth during budget review time and stated that it should have been brought months ago, so it could be incorporated in the budget process. He intimated that this is not the time to refer it to the Administration because it is inappropriate and disrespectful, if the expectation is to bring it back and incorporate it into the budget review session. He also remarked that it was not broached at the City Council retreat and favored discussion of the matter like City Council discusses all matters.

Councilmember Pearson recounted that it took many months to go through the Collection Box Ordinance process and related that there is no rush to do this. He shared his thought that if City Council waits for the retreat, that extends the wait another six months, and expressed his wish to get the conversation going with no intent to make a decision during budget review time and no time line for a report back from the Administration. He said, “Maybe there is no savings; we should hear that.”

City Manager Maurice Evans, respectfully took exception to Mayor Strazdas’ remark that sometimes the City Manager runs the City because it is a City Manager form of government and he is the City Manager and he manages the city. He acknowledged that if there are objections to his management, City Council can exercise their options in accordance with the employment agreement; however, he stated that is not his goal because his goal is to manage the City of Portage. He alluded to the report regarding privatizing water and sewer operations in 1997 and stated that surely that report came first from the Administration. Also, he intimated that if City Council wants a report, that it would be handled much like Central Dispatch: a request for proposals would be formulated and sent out and a quality firm would be contracted with City Council approval; but, he provided a very strong caveat when it comes to contravening *City Charter*.

Councilmember Urban concurred with Mr. Evans and hypothesized if the goal is to save money and improve the operations of the City, then no department should be specified and offered the option of giving the City Manager the request to look at operations, as he always does, look for savings, look for opportunities to outsource, continue doing his job and determine whether there are additional savings to be realized for the next budget. He objected to targeting any particular department, especially the Assessor’s Department, and reiterated that there are probably other departments, all of which are doing an excellent job, but have less impact on the citizens of Portage in areas where control could possibly be relinquished, but assessing is not one of them. He indicated that he would not be supporting the motion as no department should be targeted for the purpose of monetary savings, particularly the Assessor’s Office which is out front with the customers.

Mayor Pro Tem Reid expressed her concern that the discussion has centered on how to save money instead of how to best serve the citizens of Portage, and particularly in the Assessor’s Office those two concerns are very close to each other. She explained the dichotomy of interests between the Assessor’s Office that is charged with valuation of property accurately in order for the City to collect taxes to pay for services and the citizens’ concern of possibly paying more taxes than they possibly should. She indicated that this sets up a situation where the City appears to be against its citizens, so a review of the process should not take place without the focus being on the impact on citizens and the fairness of the assessments, as it may result in less expensive service, but not in better service to the citizens. She also pointed out that Mr. Evans has always brought forward areas where the City can save money, so if that is the focus, nothing special has to be done, and she expressed her concern that this is coming down to a financial issue and said, “That is not where the heart of it is.”

At the request of Mayor Strazdas, Mr. Hudson read the motion as amended to read: motion by Pearson, seconded by Randall, to form an Assessment Options Committee of the Whole that outlines the issue of staff analysis for further consideration. Mayor Strazdas asked Councilmember Pearson if he would be interested in amending the motion to include any other department in addition to that, but he indicated that he did not want to spread the effort out so thin. When he declined to change his motion,

he explained his rationale and emphasized his interest in flexibility to accommodate the scheduling requirements of the Assessor's Office. Mayor Strazdas asked him if he was interested in including cost and service, and Councilmember Pearson answered in the affirmative and Councilmember Randall concurred. Councilmember Sackley asked for a clarification that the "Committee of the Whole" meant to refer the matter to the Administration because there is no timeline on the request, and Councilmember Pearson answered in the affirmative. Mayor Strazdas interjected that this was his understanding, also, and drew an analogy with the Collection Box Ordinance process, indicated that this matter might require a *Charter* review first, and revealed his perception that the process is similar even though the content of reviewing a department is different from the review of a Collection Box Ordinance; he indicated that his understanding of the intent of the motion is that the matter will be reviewed by the Administration without a timeline and with a review of various options.

At the behest of the City Attorney, Mayor Strazdas asked Councilmember Pearson to agree to have the motion include, "to refer the matter to the City Manager for a review and a report be brought back to the Committee of the Whole" and explained. Councilmember Pearson agreed and Councilmember Randall concurred.

Mayor Pro Tem Reid asked for a clarification and asked whether there is any functional difference between the way the motion is stated and requesting that the City Manager do an investigation of this matter and report back the legal and functional aspects of this issue to City Council? Councilmember Pearson explained.

Councilmember Sackley indicated that he would be opposing this motion, that he has concerns with *Charter* considerations, wants those to be answered before addressing this issue, and views this as a vote of no confidence in the City Manager and a relentless attack against him and his ability to run one of the departments under his control.

Councilmember Pearson responded and stressed that this is a concern with this department; that we have all had an issue with this department and had to bring in attorneys to see that things are being done right; and, in the last few years, other jurisdictions have looked at the model as did the City of Kalamazoo. He said it is not an endorsement of any one assessing department that "comes in," as members of City Council have been hearing that this is an option for the last couple of years and "we have seen other municipalities go to that." So, he considers it prudent to see what it is and advocated that to see what it is, the City Manager needs to conduct an analysis and provide feedback regarding his opinions to the Committee of the Whole.

Councilmember Urban said that this is simply asking City Manager Evans to do his job and saying he is not doing it. He then indicated that he would not be supporting the motion.

City Manager Evans indicated that every time an issue has been brought up about the Assessing Department, the Administration has filed incredible reports and has spent an exorbitant amount of staff time; we have given City Council the information and proved time and time again that the job is being done, done well, done efficiently, and done in accordance with state guidelines; there's no corruption, the records are up to date and it is not enough. So, he concluded that this is a relentless attack and even a vendetta against the Assessor's Department. He said that the Assessor staff is being efficient, being effective and their service is outstanding. He pointed out that the customer service cards for years now have reflected nothing but good and asked, "When does it let up?" "Say they are doing a good job, and stop it." That being said, he offered the best study possible, if that is what City Council wants.

Councilmember Pearson responded back to the original comment from Mr. Luper from CRC when he asked where can the County save money and he answered by not having so many small assessing departments.

Mayor Strazdas recognized that there are a lot of strong feelings among City Councilmembers on this issue and expressed his hope that City Council can arise above that. He mentioned that there might be perceptions of whether Mr. Evans is doing his job, and indicated that he is the best City Manager in the State of Michigan. He emphasized that this is not about the quality of our City Manager and expressed his hope that, however this turns out, Mr. Evans does not perceive that we are challenging

his ability. Mayor Strazdas indicated that there have been a lot of reviews of assessing, but there has not been a review of assessing options in his opinion, and if we find that we have the best, most cost efficient Assessor's Office, so be it. He emphasized that this is not about the quality of the City of Portage Assessor's Department and not about the integrity of our City Manager, but is about looking at options. He noted that he would be voting for the motion to get to the bottom of the concern, here, and explained. Councilmember Pearson concurred.

Mayor Pro Tem Reid separated the motion into a two-step process, one to look into the *City Charter* to determine the legal aspect regarding the issue and one to decide to review the options. She offered to break it down so that no extra staff time is spent looking at options, if legally it can not be done or if it is not within the parameters of what can be done. She advocated a legal review, then give direction to staff. Mayor Strazdas concurred with her logic.

Councilmember Pearson stated that obviously the City Attorney will investigate the matter and have an answer for City Council within a short time that would be in a pre-report if changes are found to not be legally feasible. Therefore, he indicated that it does not necessarily need to be "split off" and can come back together with the answers to the other questions.

Motion by Sackley, seconded by Urban, to table this until the City Attorney can provide a legal opinion as to whether or not the assignment that has been given to the City Manager is consistent with the *City Charter* and State Law. Upon a roll call vote, motion failed 4 to 3. Yeas: Councilmembers Urban and Sackley and Mayor Pro Tem Reid. No: Councilmembers Campbell, Pearson, Randall and Mayor Strazdas. Mayor Strazdas shared that he voted against the motion as Mr. Evans would logically follow this process, nevertheless.

In light of this, Councilmember Sackley asked whether the makers of the motion would amend their motion to put in a two-step process so that the legal review is undertaken before the City Manager is asked to do anything else because, even though it may be implied, he expressed a preference that the direction of City Council be that the City Manager and the City Attorney address those issues first before doing anything else. Councilmember Pearson agreed to amend the motion to have a "pre-report" because that doesn't take any time and Councilmember Randall concurred. Mayor Strazdas continued to facilitate the discussion, but asked that City Council focus on the amendment. There being no further discussion, Mayor Strazdas called for the question and explained.

There was a roll call vote on the motion which now reads, "to form an Assessment Options Committee of the Whole that outlines the issue of staff analysis for further consideration, to refer the matter to the City Manager for a review and a report be brought back to the Committee of the Whole, including cost and service, and to have a "pre-report."

During the roll call vote, Councilmember Sackley questioned the City Attorney whether he is required to vote "yes" owing to his request for a "pre-report." City Attorney Brown assured him he can vote either way, so Councilmember Sackley, who first voted "yes" asked Mr. Hudson to change his vote to "No" on the matter. Upon a roll call vote, motion carried 5 to 2. Yeas: Councilmembers Campbell, Pearson and Randall, Mayor Pro Tem Reid and Mayor Strazdas. No: Councilmembers Sackley and Urban. Mayor Strazdas asked Mr. Evans if he had any questions regarding the matter, and Mr. Evans just emphasized the importance of the issue and that he wished to have the time to diligently investigate the matter and report back.

#### **BID TABULATION:**

\* **BID RECOMMENDATION - HVAC MAINTENANCE:** Motion by Urban, seconded by Reid, to approve the low bid for a two-year contract with Hurst Mechanical in the amount of \$76,166.27 for Heat, Ventilation and Air Conditioning (HVAC) maintenance of city owned facilities, with an option for two one-year contract extensions and authorize the City Manager to execute all documents related to this action on behalf of the city. Upon a roll call vote, motion carried 7 to 0.

**OTHER CITY MATTERS:**

**STATEMENTS OF CITY COUNCIL:** Councilmembers Campbell, Sackley, Urban and Pearson and Mayor Strazdas expressed sorrow for the passing of Former Councilmember Lewis Bashaw and expressed their condolences to the family. Councilmember Campbell invited everyone to the Portage Rotary Club Annual Scholarship Luncheon at the Senior Center.

Councilmember Randall expressed her concern for the people of Boston, who suffered losses from the bombing at the Boston Marathon and Mayor Pro Tem Reid and Mayor Strazdas concurred. She also invited everyone to attend the Angling RoadRunner 5k Walk at Angling Road Elementary School, 5340 Angling Road, Friday, April 26, 2013, at 6:00 p.m.

Mayor Strazdas indicated that his parents live five blocks away from where the second Boston “bomber” was identified. He requested that Public Safety Director Richard White come before City Council to inform City Council and the public what the Public Safety Department is doing to keep us safe. He cited the unsafe conditions in and around Grand Rapids because of excess flooding from the recent excessive rainfall. He also mentioned that he attended “Scrabble© Fest” at Portage Northern High School where he discovered that there are 25,000 adults in Kalamazoo County who can not read.

**ADJOURNMENT:** Mayor Strazdas adjourned the meeting at 10:37 p.m.

---

James R. Hudson, City Clerk

\*Indicates items included on the Consent Agenda.

**DRAFT**

**MINUTES OF THE BUDGET WORK SESSION OF THE PORTAGE CITY COUNCIL  
April 30, 2013**

Meeting was called to order by Mayor Strazdas at 4:32 p.m.

The following members of Council were present: Councilmembers Jim Pearson, Patricia Randall and Ed Sackley, Mayor Pro Tem Claudette Reid and Mayor Peter Strazdas. Councilmember Elizabeth Campbell was absent with excuse. Councilmember and Terry Urban arrived at 4:47 p.m. Also in attendance were City Manager Maurice Evans, Financial Services Director Bob Luders, Finance Director Daniel Foecking, Deputy Director of Accounting and Budget Patricia Fitnich and City Clerk James Hudson.

Employee Development Director Rob Boulis reviewed the Employee Development Department Budget. He reviewed the department efforts in the areas of staffing, recruitment, safety administration, safety committee, American Disabilities Act implementation, training, labor and employee relations, employee discipline and contract negotiations. Discussion followed. Mayor Strazdas thanked him for his work with the Respecting Differences Program and his collaboration with major employers in the area. Discussion followed.

Councilmember Urban arrived at 4:47 p.m.

City Clerk Jim Hudson cited some of the services provided by the City Clerk staff in the areas of elections, Freedom of Information Act Requests, City Attorney and Department service requests, Youth Advisory Committee, the Portage Public Schools District Advisory Council, Boards and Commissions recruiting and processing, website updates, liquor license application processing, research, legal notices, record keeping, cemeteries, Portage Ordinance Codification and matters before City Council. Discussion followed.

Finance Director Dan Foecking introduced Deputy Director of Accounting and Budget Patricia Fitnich and provided an overview of the Legislative/Human Services Budget. He indicated that it is not necessary to appropriate the \$100,000 for a study of consolidation of services and the \$5,000 for a celebration of the 50<sup>th</sup> Anniversary of the City again and these amounts are not in the Budget this year. Discussion followed. He then introduced Community Development Director Vicki Georgeau, who indicated that the funding recommendations of the Human Services Board (HSB) and the Administration were very close, so staff took the HSB recommendation.

Community Development Director Vicki Georgeau referred City Council to the Human/Public Service Funding Applications and the Supplemental Budget. She summarized the process utilized by the Human Services Board to review and score applicants. Using the Supplemental Budget, she then outlined the Fiscal Year 2013-14 General Fund and Community Development Block Grant (CDBG) funds available for human/public services. She mentioned that the Federal Government has not provided notice of the amount of reduction, but the calculation guess is at 7.4% mainly due to the sequestration. Discussion followed.

She stated that the total funds available for fiscal year 2013-2014 is \$153,041 with \$121,237 from the General Fund and \$31,804 from CDBG Funds. She discussed the method of selection of applicants, some of the applicant requests in detail and the funds available for disbursement.

# DRAFT

She remarked that staff concurred with the HSB recommendations. Under this funding level proposal, she indicated that the Portage Community Center would receive \$84,476 from the General Fund; Housing Resources, Inc. would receive \$17,295; the YWCA would receive \$8,501; Catholic Charities would receive \$8,989; and, Gryphon Place would receive \$1,976. She indicated that Prevention Works would not be receiving any funds and provided the rationale for the breakdown of the funding criteria and explained. Discussion followed.

Mayor Strazdas recognized Portage citizen, Brenda Try, 7745 Oakland Drive; Portage Community Center Board of Directors President Lori Knapp; Diane Schrock, Portage Community Center Director; and Gryphon Place Executive Director Bill Pell. Mayor Strazdas thanked each of the representatives for their leadership and discussion followed.

Ms. Schrock provided City Council a PCC Brochure, information regarding service indicators, and the information presented at the January 3, 2013 Human Services Board meeting. Discussion followed.

City Assessor Jim Bush reviewed the highlights of the Department operations and objectives, as well as some updates to the proposed tax system and goals for the upcoming fiscal year and stated that the budget is unchanged from the prior fiscal year. He outlined the City Assessor Office responsibilities and the requirement to budget for the Board of Review. He cited some of the listings, records and summaries of property histories his office keeps. He described some of the activities of Pfizer, the many foreclosures in the city, a breakdown of the tax base and forecasting. He discussed the personal property tax, processing small tax accounts and the election in 2014 to decide whether to cease collecting personal property tax. He discussed the 2013 Board of Review, training, the appeals, and the Michigan Tax Tribunal Appeals, especially Meijer's. In answer to Mayor Pro Tem Reid, he stated that residential properties are given street review only and interior inspections are not a part of any update efforts. Discussion followed.

City Manager Maurice Evans provided a pie chart that depicted the residential, commercial and industrial tax bases of the city and discussed this as a positive depiction of the health of the city. Discussion followed.

RECESS: 5:45 p.m.  
RECONVENE: 6:20 p.m.

Brenda Try, 7745 Oakland Drive, spoke in favor of a balanced budget for the City of Portage and read from a prepared document to support her premises.

Community Development Director Vicki Georgeau reviewed the Community Development operating budget. She noted how the Department meets Council goals by accepting its oversight responsibilities in the areas of private construction projects, long term and short term planning, growth and redevelopment, and maintaining the quality of life in the City of Portage with a special emphasis on neighborhood quality of life.

Ms. Georgeau reviewed the Community Development budget, including Building Services, Department service indicators, and permits associated with Planning and Development Services, and Neighborhood Services. She touched on the Department liaison responsibilities with the Zoning Board of Appeals, the Planning Commission and the Human Services Board. She

also included the Construction Board of Appeals, the DDA, the Economic Development Corporation and the LDFA which all meet on an ad hoc basis as needed for specific projects. She praised the twelve, very professional and dedicated Department staff members within the two sections of the Department: Building and Housing Services and Planning Development and Neighborhood Services and reviewed the Service Indicators for each section. She highlighted some of the positive trends in the residential, commercial and industrial areas and quantified the projections and reviewed some of the specific projects. She discussed the management of the neighborhood complaints and foreclosures in the neighborhoods and City Hall maintenance. Discussion followed regarding staffing current and past levels and technology improvements that will help staff process everything. She discussed senior housing and blight associated with maturing property, remaining developable property, the Comprehensive Plan Update and properties available for rehabilitation, including nonconformities, overlay zoning and zoning modifications that do not adversely impact the neighborhoods or the environment. Discussion followed regarding the proposed solar farm next to the airport by Pfizer.

Ms. Georgeau advised City Council that they would be asked to approve the FY 2013-2014 Community Development Block Grant Program and authorize the Administration to submit the FY 2013-2014 One-Year Action Plan to the Department of Housing and Urban Development on May 15, 2013. Discussion followed.

Mr. Foecking reviewed the City Manager Department Budget, including: oversight responsibility for all phases of city operations, the implementation of City Council policy directives, general supervision, oversight of all departmental operations and oversight of economic initiatives, representation and promotion of city interests, development of administrative procedures intended to improve organizational effectiveness and administrative responsibility for all city goals and objectives.

Mr. Foecking reviewed the public information division responsibilities under the supervision of the Assistant City Manager, including copies, mailing and publishing the *Portager* six times per year, city website maintenance and other marketing publications.

Mr. Foecking also reviewed the City Attorney budget and indicated that the City Attorney provides general legal services to the City Council and all departments regarding municipal matters. He pointed out that specialized areas of labor counsel and bond counsel are budgeted in the specific departments or programs for which the services are provided. He indicated that the FY 2013-2014 Proposed Budget includes \$25,000 to accommodate the relocation of court operations and functions to the County. Discussion followed.

Mr. Foecking indicated that the Finance Department is responsible for developing and maintaining sound financial management systems, timely and accurate financial reporting, most notably the Comprehensive Annual Financial Report (CAFR) Preparation and cash management. He pointed out that processing of accounts payable produced approximately 4,600 checks and approximately 950 electronic fund transfer payments and 7,400 payroll checks and direct deposits annually.

Mr. Foecking listed the primary functions of the Finance and Budget division of the operation, including: preparation of the annual operating budget, assistance in preparing the annual Capital Improvement

Program budget, the Utility Rate Study and the information for bond issues and other financing. He then indicated that the Finance Department is also responsible for city-wide budget control and fixed asset management.

Mr. Foecking said that the Treasury Division accounts for the costs associated with billing, collection and accounts receivable for 19,000 semi-annual tax bills, almost 16,000 quarterly utility bill accounts, approximately 1,400 annual special assessment bills, plus approximately 4,700 miscellaneous accounts receivable bills. He indicated that the Chase Receiver Services online banking payment system has processed 49,600 payments since its inception in March 2007. He mentioned that the BS&A Software allows the taxpayer to access special assessment and property tax information via the internet, 24 hours a day, seven days a week. Discussion followed. He reviewed the West Lake Weed Management Fund, Debt Service Funds and the amount of debt that can still be incurred by the city.

Mr. Foecking noted that the next steps for 2013-2014 Budget are: on May 14, 2013, the budget hearing required by law will be held where oral and written comments will be accepted at the hearing from the public and any questions that are posed will be addressed. Next, on May 28, 2013, the General Appropriations Act Resolution to adopt the 2013-2014 Budget, including all components such as the Capital Improvement Program, along with the Salary and Wage Resolution and the Reimbursement Resolution for bonds to be issued in the future will be on the agenda for City Council approval. Discussion followed.

Ms. Georgeau reviewed the Capital Improvement Program (CIP) Budget process and explained the 10-year plan. She mentioned that changes were implemented in the way the Plan was developed as outlined in the CIP Budget Document in the City Manager Communication dated April 9, 2013. She referred to the reevaluation of the South Westledge Enhancement Projects (SWEPS) using "capacity and crash" data that resulted in moving funds out of SWEPS and into the Major Streets Program. She indicated that the projects were found to be effective, and there were some additional expenses that had been moved out of the Plan and reallocated to Major and Local Street Projects with a focus on other essential services such sidewalks and sidewalk installation & bikeways to enhance alternative modes of transportation.

She indicated that each time there is a reconstruction of a street, sanitary sewer is installed concurrently. And, after reviewing this policy with the Transportation & Utilities Department, she indicated that a Three Tier system was developed for streets where sensitive land areas, bodies of water, wellhead protection areas, etc. were present and looked at the development pattern as it relates to street reconstruction and sewer installation. They reached the conclusion to continue the current policy to install sanitary sewer where there is street reconstruction with a special assessment and mandatory hook-up for Tier 1 road reconstruction where there is sensitive land areas, bodies of water, wellhead protection areas, etc.; where there is Tier 2 street reconstruction, and less sensitive land areas, bodies of water, wellhead protection areas, etc., mandatory hook-up would be deferred until the landowner had a septic problem; and, where there is Tier 3 street reconstruction, there is no required sanitary sewer installation since these areas have very low development densities and the least amount of sensitive land areas, no bodies of water nearby, no wellhead protection areas, etc.

She discussed the water projects for the upcoming CIP Fiscal Year Budget, some still in the planning process that are not mentioned to ensure the document is more reflective of actual projects for the year. She reviewed some of the parks improvements, including: the phase development of Eliason Park and the *Placemaking* initiative which is an effort to more directly capitalize on past infrastructure investments directed to bikeway and trailway development.

She referred to the pie charts that depict revenues and expenditures and a map that shows the proposed projects for the first year of the proposed CIP. She explained the breakdown across the 26 proposed projects of the \$11.284 million dollars in CIP revenue. Discussion followed.

She provided an overview of the 10-year plan and some of the eight categories listed: Streets, Utilities Public Safety, Public Facilities and Parks & Recreation and Debt Service. She referred to the locations of proposed improvements as outlined on the map, the expenditures by categories depicted on the pie chart and the revenues shown on the pie chart. She highlighted some of the proposed projects and purchases. Discussion followed regarding the Senior Center, the Haverhill Water Tower replacement, the 25% proposed Fund Balance, the elimination of the personal property tax, funds to be used for emergency preparedness and the City Hall motor pool. Discussion followed.

Mayor Strazdas deferred to the City Manager Evans, who that this a tight budget, and the Administration is staying on top of the City's finances and have a good feel for future budget needs, as has been the case for a number of years, now. He indicated that he is pleased with what the Budget reads; that it would be nice to have more revenue, and the discussions on how to spend it. He thanked everyone for their work and emphasized that the Budget required a lot of hard work which begins for the following fiscal year budget as soon as City Council adopts this budget.

Mayor Pro Tem Reid, Mayor Strazdas and Councilmember Sackley commented on the earlier comment by Brenda Try and her perception that the City of Portage needs to balance its budget. They noted that the City of Portage does balance its budget, applauded the Administration for a well-organized process and recognized that this is a very difficult financial environment within which work at this time. Mayor Pro Tem Reid also commented on the difficulties associated with the Affordable Care Act and the difficult personnel decisions that result. Discussion followed.

In answer to Mayor Pro Tem Reid, Mayor Strazdas indicated that ideally this is a budget workshop and the proper forum for recommending changes in the Budget details, but the public hearing, May 14, 2013, and the final vote on May 14, 2013, are acceptable forums, also. Discussion followed.

**ADJOURNMENT:** Mayor Strazdas adjourned the meeting at 8:02 p.m.



CITY COUNCIL AGENDA ITEM C.  
MAY 14, 2013

**TO:** Honorable Mayor and City Council

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

**SUBJECT:** Accounts Payable Register

**SUPPORTING PERSONNEL:** Daniel Foecking, Director of Finance

**ACTION RECOMMENDED:** That City Council approve the Accounts Payable Register of May 14, 2013 as presented.

**EXECUTIVE SUMMARY:**

Bi-weekly the City Council reviews and approves the Accounts Payable Register that includes checks issued to vendors and the electronic funds transfer register. The time period noted totals \$496,246.52 for checks issued to vendors and \$149,348.22 for electronic transfers for a total of \$645,594.74.

**BACKGROUND INFORMATION:**

Attached please find the Accounts Payable Register for the period April 14, 2013 through April 28, 2013, which is recommended for approval.

**FUNDING:** N/A

**Attachments:** Accounts Payable Register

CHECK DATE	CHECK NUMBER	VENDOR NAME	VENDOR #	CHECK AMOUNT
04/18/2013	284788	U S POSTMASTER	392	2,828.00
04/26/2013	284789	A I S CONSTRUCTION EQUIP. CO.	640	707.99
04/26/2013	284790	AT&T	849	4,696.56
04/26/2013	284791	A T & T LONG DISTANCE	4060	6.74
04/26/2013	284792	A-1 SIGNS	2873	2,920.00
04/26/2013	284793	AIRGAS GREAT LAKES	106	184.26
04/26/2013	284794	ALL-PHASE ELECTRIC SUPPLY CO.	108	533.80
04/26/2013	284796	ALLEGRA PRINT & IMAGING	533	6,793.24
04/26/2013	284797	ANY CUTTING & WELDING	3347	850.00
04/26/2013	284798	APEX SOFTWARE	2548	1,265.00
04/26/2013	284799	APOLLO FIRE EQUIPMENT COMPANY	1253	43.28
04/26/2013	284800	APPLIED INDUSTRIAL TECHNOLOGIE	1944	420.51
04/26/2013	284801	APPROVED FIRE PROTECTION CO.	630	3,999.00
04/26/2013	284802	TODD ARBANAS ENTERPRISES INC.	1704	5,395.00
04/26/2013	284803	AREA DEVELOPMENT	999999	75.00
04/26/2013	284804	ARROWHEAD SCIENTIFIC, INC.	3744	260.60
04/26/2013	284805	B S & A SOFTWARE	1148	330.00
04/26/2013	284806	BCHS-HELPNET	1732	1,237.23
04/26/2013	284807	BEACON ATHLETICS	4168	974.47
04/26/2013	284808	BLUE CROSS/BLUE SHIELD OF MICH	642	104,896.94
04/26/2013	284809	BOLLINGER INSURANCE	2312	300.00
04/26/2013	284810	BREAD OF LIFE, LLC	4729	109.83
04/26/2013	284811	BREATHING AIR SYSTEMS	4466	1,253.00
04/26/2013	284812	C A L E A	1080	4,065.00
04/26/2013	284813	CALHOUN COUNTY JUSTICE	999999	162.00
04/26/2013	284814	CAMPBELL AUTO SUPPLY	437	34.52
04/26/2013	284815	CARLETON EQUIPMENT CO.	168	664.54
04/26/2013	284816	CHARTER COMMUNICATIONS	3080	196.82
04/26/2013	284817	CITY OF KALAMAZOO TREASURER	540	160,363.06
04/26/2013	284818	CITY OF PORTAGE	999999	1,533.00
04/26/2013	284819	COLE KRUM CHEVROLET	2063	386.79
04/26/2013	284820	CONSUMERS ENERGY - KALAMAZOO	190	956.00
04/26/2013	284821	CONSUMERS ENERGY - BILL PMT CNT	189	64,594.20
04/26/2013	284822	CREDIT BUREAU COLLECTIONS SERV	999999	116.31
04/26/2013	284823	CROSSROADS CAR WASH	195	608.50
04/26/2013	284824	CUSTOMIZED CLEANING SERVICES,	3622	9,928.00
04/26/2013	284825	DENNY'S SAW CRIB	689	247.14
04/26/2013	284827	DEPATTE FLUID POWER CO., INC.	3277	263.18
04/26/2013	284828	DRIESENGA & ASSOCIATES, INC.	211	3,796.10
04/26/2013	284829	ELECTION SYSTEMS & SOFTWARE, I	3367	81.92
04/26/2013	284830	EMERGENCY VEHICLE PRODUCTS	2948	10,120.19
04/26/2013	284831	ENVIROLOGIC TECHNOLOGIES INC	1844	1,500.00
04/26/2013	284832	FAINMA	999999	.00
04/26/2013	284833	FERRELLGAS, LP	384	6.00
04/26/2013	284834	FIRST IMAGE	1679	410.00
04/26/2013	284835	FURGASON, WILLIAM & ESTHER	999999	126.00
04/26/2013	284836	GORDON WATER SYSTEMS	517	93.00
04/26/2013	284837	GREATER KALAMAZOO FOP LODGE 98	623	2,691.08
04/26/2013	284838	GREATER KALAMAZOO FOP LODGE 98	623	549.20
04/26/2013	284839	GREATER KALAMAZOO UNITED WAY	628	1,276.84
04/26/2013	284840	GRIPFIN PEST SOLUTIONS, INC.	598	849.00

CHECK DATE	CHECK NUMBER	VENDOR NAME	VENDOR #	BANK CODE	CHECK AMOUNT
04/26/2013	284842	HALT FIRE, INC.	4781		212.54
04/26/2013	284843	HAWKEY, KEVIN	532		77.81
04/26/2013	284845	HOME DEPOT	691		1,526.01
04/26/2013	284846	IDENTIX INCORPORATED	3921		6,091.00
04/26/2013	284847	INT'L ASSOC CHIEFS OF POLICE	650		120.00
04/26/2013	284848	JERGENS, JUDY	999999		75.00
04/26/2013	284849	JONES & HENRY ENGINEERS, LTD	3488		660.00
04/26/2013	284850	KALAMAZOO CONSERVATION SERVICE	1414		310.00
04/26/2013	284851	KALAMAZOO COUNTY HEALTH & COMM	84		2,088.28
04/26/2013	284852	KALAMAZOO LANDSCAPE SUPPLIES	90		540.75
04/26/2013	284853	KENT COUNTY DPM	2663		67.50
04/26/2013	284854	KRICK, ASHLEY	999999		25.00
04/26/2013	284855	KUSTOM SIGNAL, INC	237		127.50
04/26/2013	284856	KZOO TIRE COMPANY	564		15.00
04/26/2013	284857	LAKE MICHIGAN MAILERS, INC.	682		21.30
04/26/2013	284858	LANGUAGE LINE, INC	1093		27.31
04/26/2013	284859	LAWSON PRODUCTS, INC	240		989.49
04/26/2013	284860	LEO'S GOLD LION PRODUCTS, INC.	3116		719.92
04/26/2013	284861	LOWE'S HOME CENTER	2630		186.46
04/26/2013	284862	M & M MOTOR MALL	2132		115.96
04/26/2013	284863	MACNLOW ASSOCIATES	2189		335.00
04/26/2013	284864	MARTIN SPRING & DRIVE, INC.	2124		2,238.62
04/26/2013	284865	MATERIALS RESOURCES	3775		679.65
04/26/2013	284866	MATTSOON, NICHOLAS	532		500.00
04/26/2013	284867	MCDONALD'S TOWING & RESCUE, IN	728		50.00
04/26/2013	284868	MCGNALLY ELEVATOR CO.	256		105.81
04/26/2013	284869	MENARD'S (WEST MAIN)	4696		61.70
04/26/2013	284870	MI ASSOC. OF CHIEFS OF POLICE	2157		100.00
04/26/2013	284871	MICH AMATEUR SOFTBALL ASSOC	1435		1,080.00
04/26/2013	284872	MICH MUNICIPAL POLICE & FIRE R	4777		774.98
04/26/2013	284873	MICHIGAN ELECTION RESOURCES, L	264		537.50
04/26/2013	284874	MICHIGAN TOWNSHIP SERVICES	999999		160.00
04/26/2013	284875	MIDWEST ENERGY COOPERATIVE	2030		198.92
04/26/2013	284876	MIGALA CARPET ONE, INC.	2030		5,269.14
04/26/2013	284877	MOTOROLA SOLUTIONS, INC.	2915		11,886.00
04/26/2013	284878	MUNICIPAL CODE CORPORATION	981		1,111.74
04/26/2013	284879	MURPHY, BERT & BARB	999999		192.00
04/26/2013	284880	NATIONAL COUNCIL ON THE AGING	519		145.00
04/26/2013	284881	NEAL'S AUTOMOTIVE PARTS, INC.	287		2,469.28
04/26/2013	284882	NEIL, INGA	999999		44.00
04/26/2013	284883	NEW FRESH CLEANING SERVICE	4351		1,380.00
04/26/2013	284884	A NEW LEAF	635		170.00
04/26/2013	284885	NYE UNIFORMS	299		290.42
04/26/2013	284886	OAKLAND HILLS CONDO ASSN	999999		88.44
04/26/2013	284887	OFFICE DEPOT, INC.	1721		182.26
04/26/2013	284888	ONE WAY PRODUCTS	440		570.69
04/26/2013	284890	PAPER CENTRAL	2623		1,107.00
04/26/2013	284891	PEERLESS, INC.	1171		165.00
04/26/2013	284892	PETERMAN CONCRETE CO.	310		270.00
04/26/2013	284893	PETTY CASH-CITY HALL	767		292.00
04/26/2013	284894	PETTY CASH-FIRE	610		157.56

CHECK DATE	CHECK NUMBER	VENDOR NAME	VENDOR #	CHECK AMOUNT
04/26/2013	284895	PORTAGE CLEANERS & LAUNDRY	1415	1,303.30
04/26/2013	284896	PORTAGE FIREFIGHTERS	625	1,440.32
04/26/2013	284897	PORTAGE ON-CALL FIREFIGHTERS	504	260.00
04/26/2013	284898	PORTAGE PRINTING	539	338.50
04/26/2013	284899	PURE FISHING, INC.	4622	355.68
04/26/2013	284900	RATHCO	999999	45.00
04/26/2013	284901	RATHCO SAFETY SUPPLY, INC.	327	1,605.50
04/26/2013	284902	RIDGE AUTO NAPA	438	3,241.24
04/26/2013	284903	RIGHT-WAY RENTAL, INC.	337	40.00
04/26/2013	284904	ROMENCE GARDENS, INC.	343	134.99
04/26/2013	284905	ROWLEY BROTHERS, INC.	346	2,867.17
04/26/2013	284906	SHARP SHOP	41.85	41.85
04/26/2013	284907	SIMMONS FORD	2064	1,710.13
04/26/2013	284908	SLAVIN, NATHAN	532	192.80
04/26/2013	284909	SPRING CREST CUSTOM DRAPERIES	776	90.00
04/26/2013	284910	SPRINT	3721	1,032.47
04/26/2013	284911	STALKER RADAR	4825	2,532.46
04/26/2013	284912	STATE OF MICHIGAN (DOT)	368	1,685.30
04/26/2013	284913	STATE SYSTEMS RADIO, INC	369	3,758.43
04/26/2013	284915	STEENSMAN LAWN & POWER EQUIPMENT	3222	1,622.71
04/26/2013	284916	STOP TECH, LTD	2680	355.00
04/26/2013	284917	TAFFEE, BRYAN	532	500.00
04/26/2013	284918	JOHANNA THOMPSON	4682	675.85
04/26/2013	284919	TRACTOR SUPPLY CORP.	2817	322.89
04/26/2013	284920	TUCKER, STEVE	999999	304.00
04/26/2013	284921	TUNIER, JOYCE	999999	87.00
04/26/2013	284922	U S POSTAL SERVICE (PORTAGE)	503	1,000.00
04/26/2013	284923	UNITED PARCEL SERVICE	545	24.00
04/26/2013	284924	VERIZON WIRELESS SERVICES, LLC	4653	1,055.80
04/26/2013	284925	VERMEER, JEREMY	532	76.86
04/26/2013	284926	W MICH CRIMINAL JUSTICE TRAINI	4788	1,704.79
04/26/2013	284927	WASHCO, LLC	1104	1,420.00
04/26/2013	284928	WEST BEND MUTUAL INSURANCE	999999	100.00
04/26/2013	284929	WESTERN MICHIGAN INT'L TRUCKS	4306	844.06
04/26/2013	284930	WINDMULLER ELECTRIC, INC.	3061	2,539.61
04/26/2013	284931	WINGROOT COMMERCIAL TIRE	2613	2,620.92
04/26/2013	284932	WINTER, BETTY	999999	60.00
04/26/2013	284933	WOLVERINE POWER SYSTEMS	4322	245.00
04/26/2013	284934	XEROX CORPORATION	2684	983.51
04/26/2013	284935	3A COURT	999999	370.00
04/26/2013	284936	56TH DISTRICT COURT	999999	200.00
04/26/2013	284937	59TH DISTRICT COURT	999999	825.00
04/26/2013	284938	MCDONALD, MELISSA	999999	2,650.00
04/26/2013	284939	SMITH, ROBYN	999999	500.00
04/26/2013	284940	WAL-MART	999999	149.00

DATE RANGE TOTAL \*

496,246.52 \*

PAYMENT NO	VENDOR NAME	TRANSFER DATE	AMOUNT	TRACE NUMBER	EFT BATCH	BANK CODE
1881	ABONMARCHÉ CONSULTANTS, INC	04/26/2013	1,501.98	072000320000001	0000001	00
1882	ADAMS REMCO, INC.	04/26/2013	1,072.80	072000320000002	0000001	00
1883	ALDO STEEL CORPORATION	04/26/2013	254.82	072000320000003	0000001	00
1884	AMERICAN SAFETY & FIRST AID	04/26/2013	137.35	072000320000004	0000001	00
1885	ANDRUS TRAVEL, GAIL	04/26/2013	1,045.00	072000320000005	0000001	00
1886	ANIMAL REMOVAL SERVICE, LLC	04/26/2013	425.00	072000320000006	0000001	00
1887	ARISTA TRUCK SYSTEMS	04/26/2013	121.48	072000320000007	0000001	00
1888	ARROW UNIFORM RENTAL	04/26/2013	90.30	072000320000008	0000001	00
1889	B & B YARDSCAPE	04/26/2013	16,458.75	072000320000009	0000001	00
1890	BELL EQUIPMENT COMPANY	04/26/2013	923.10	072000320000010	0000001	00
1891	BLUE CARE NETWORK-GREAT LAKES	04/26/2013	65,044.93	072000320000011	0000001	00
1892	BRUNNER OIL CO.	04/26/2013	16,816.50	072000320000012	0000001	00
1893	C D W GOVERNMENT, INC.	04/26/2013	1,214.12	072000320000013	0000001	00
1894	CONTINENTAL LINEN SERVICES	04/26/2013	43.23	072000320000014	0000001	00
1895	DELTA DENTAL PLAN OF MI	04/26/2013	19,435.00	072000320000015	0000001	00
1896	EMPLOYMENT GROUP, INC.	04/26/2013	1,064.00	072000320000016	0000001	00
1897	ETNA SUPPLY, INC.	04/26/2013	153.44	072000320000017	0000001	00
1898	HARTFORD LIFE INSURANCE COMPANY	04/26/2013	7,776.44	072000320000018	0000001	00
1899	INDUSCO SUPPLY CO., INC.	04/26/2013	255.40	072000320000019	0000001	00
1900	IRISH AYRES ENTERPRISES, LLC	04/26/2013	250.00	072000320000020	0000001	00
1901	KAHN, WILMA	04/26/2013	216.00	072000320000021	0000001	00
1902	KALAMAZOO ELECTRIC MOTORS	04/26/2013	57.65	072000320000022	0000001	00
1903	KUIPER BUILDING SERVICES LLC	04/26/2013	3,800.00	072000320000023	0000001	00
1904	KUSHNER & COMPANY, INC.	04/26/2013	482.88	072000320000024	0000001	00
1905	LANDS END	04/26/2013	613.30	072000320000025	0000001	00
1906	MAURER'S TEXTILE RENTAL SERVICES	04/26/2013	918.02	072000320000026	0000001	00
1907	PORTAGE POLICE OFFICERS ASSOC	04/26/2013	1,606.22	072000320000027	0000001	00
1908	PRECISION PRINTER SERVICES INC	04/26/2013	214.88	072000320000028	0000001	00
1909	QUALITY AIR HEATING & COOLING, INC.	04/26/2013	832.33	072000320000029	0000001	00
1910	RHINO SEED & LANDSCAPE SUPPLY	04/26/2013	496.50	072000320000030	0000001	00
1911	ROAD EQUIPMENT PARTS CENTER	04/26/2013	748.25	072000320000031	0000001	00
1912	ROTO-ROOTER SEMER & DRAIN SERV	04/26/2013	399.00	072000320000032	0000001	00
1913	SNEBLI, DEBRA	04/26/2013	144.00	072000320000033	0000001	00
1914	SUBURBAN MECHANICAL	04/26/2013	456.68	072000320000034	0000001	00
1915	U A W, LOCAL 2290	04/26/2013	489.87	072000320000035	0000001	00
1916	UNITED PETROLEUM	04/26/2013	155.00	072000320000036	0000001	00
1917	WOOD PLUMBING LLC, D	04/26/2013	3,534.00	072000320000037	0000001	00

GRAND TOTAL: 149,348.22 NO. OF CHECKS: 37

**TO:** Honorable Mayor and City Council

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

**SUBJECT:** Public Hearing on Fiscal Year 2013-2014 Budget

**SUPPORTING PERSONNEL:** Daniel Foecking, Director of Finance

**ACTION RECOMMENDED:** That City Council hold a Public Hearing on the Fiscal Year 2013-2014 proposed Budget and the tax rate of 10.7778 mills required to support the proposed budget.

**EXECUTIVE SUMMARY:**

On April 9, 2013, City Council was presented with the proposed 2013-2014 Fiscal Year budget in accordance with Section 7.2 of the City Charter. City Council held two budget work sessions with the next step being the conduct of a public hearing. The proposed budget was developed in conformity with the Goals and Objectives adopted by the City Council. Highlights of the proposed budget include:

- Maintenance of the overall city tax rate (millage) at 10.7778 mills;
- Incorporation of an approximate 2.0 percent decrease in property tax revenue and an approximate 4.0 percent increase in State Revenue Sharing;
- Incorporation of Economic Vitality Incentive Program payments from the State of Michigan;
- Continuation of General Fund support for the Capital Improvement Program, the Major Street Fund and the Local Street Fund;
- Modification of the Capital Improvement Program by deferring or eliminating remaining elements of the South Westnedge Enhancement Projects; development of a tiered road reconstruction / sanitary sewer installation model to assist in the timely implementation of roadway improvement projects; planning of water utility improvements focused on system enhancements and incorporation of a Placemaking initiative to capitalize on past infrastructure investments directed to bikeway and trailway development;
- Incorporation of service adjustments necessary to address a continuing restrictive revenue environment, as well as to ensure compliance with requirements of the Affordable Care Act;
- Continuation of the City Council prescribed fund balance for the General Fund at 25 percent of General Fund expenditures;
- Maintenance of the City of Portage position in the lower 25 percent of all Michigan cities with populations greater than 25,000 in terms of millage level.

**BACKGROUND INFORMATION:**

The City Charter and state law requires that notice of public hearing be published and a public hearing be held prior to adoption of the proposed budget. The Notice of Public Hearing appeared in the April 26, 2013 edition of the Kalamazoo Gazette. Given that the proposed tax rate of 10.7778

mills for the 2013-2014 budget does not exceed the 2013 base tax rate, a Truth in Taxation Hearing and Resolution for 2013 is not required. The tax levy for 2013 is the same as for 2012.

Final adoption of the Fiscal Year 2013-2014 proposed budget will be considered by City Council at the regular Council meeting of May 28, 2013.

**FUNDING:** N/A

**Attachments:** N/A

**TO:** Honorable Mayor and City Council

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

**SUBJECT:** Addendum No. 3 to District Court Consolidation Agreement

**ACTION RECOMMENDED:** That City Council approve Addendum No. 3 to the District Court Consolidation Agreement and authorize the City Manager to sign the Addendum on behalf of the City of Portage.

**EXECUTIVE SUMMARY:**

The terms in the referenced Addendum have been negotiated by County Administrator Peter Battani, County staff and the City Administration and include reviews by the respective legal counsels. Authorization to proceed with negotiating terms for an Addendum was approved by the City Council on February 12, 2013.

**BACKGROUND INFORMATION:**

Due to a proposed relocation of the south location of the 8th District County from the upper floor of the Portage Police/Court Building, to Court facilities located in Kalamazoo, the parties involved in the original 1997 District Court Consolidation Agreement (DCCA) began negotiating an addendum to the agreement. In light of the March 2, 2013 relocation, the addendum addresses several concerns previously expressed by the Portage City Council and City Administration, most notably the city's annual loss of approximately \$40,500 in rental income under the previous lease agreement. Further, additional demands will be imposed upon city staff and the City Attorney due to the time required to meet Court appearance obligations now scheduled at the Crosstown Parkway or downtown Kalamazoo locations. The estimated cost associated with these time impositions is approximately \$30,000 annually, recognizing expenses will vary depending on the court appearances necessitated in any given year. To address this financial concern, the new Addendum contains a provision for the County to remit the first \$70,000 of Portage's share of the ordinance finds and costs (paid quarterly) for a period of 10 (ten) years beginning July 1, 2013. The Addendum additionally stipulates that the City of Portage will relinquish any further claims against the County or the District Court in regard to provisions in the 1997 DCCA.

The Kalamazoo County Board of Commissioners approved the subject Addendum on May 7, 2013 and it is anticipated the City of Kalamazoo will approve the Addendum on May 20, 2013.

**FUNDING:** N/A

**Attachments:** Addendum No. 3 to District Court Consolidation Agreement

**ADDENDUM NO. 3  
TO DISTRICT COURT CONSOLIDATION AGREEMENT**

This Addendum is entered into on this \_\_\_\_\_ day of April, 2013 by and between the City of Kalamazoo, the City of Portage, the County of Kalamazoo, and the Kalamazoo County 8<sup>th</sup> District Court.

WHEREAS, on April 10, 1997, the parties to this Addendum signed a District Court Consolidation Agreement (Agreement) whereby the parties agreed to administratively consolidate the 8<sup>th</sup> District Court and the 9<sup>th</sup> District Court, Divisions I and II, effective January 1, 1999; and

WHEREAS, the Agreement was amended by Addendum No. 1 on June 20, 2000; and

WHEREAS, the Agreement was amended by Addendum No. 2 on March 18, 2003; and

WHEREAS, it is necessary to amend the Agreement a third time to accommodate further developments that have occurred since the signing of said Agreement and Addendums No. 1 and No. 2.

NOW, THEREFORE, in consideration of the mutual covenants and conditions contained herein, the parties hereto agree to amend the first paragraph of Section 1 LEASE OF REAL PROPERTY to read as follows:

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 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 Portage and the County agree that the lease between the City of Portage and the County, as set forth in this paragraph, shall end on June 30, 2013. The City of Portage and the County agree that beginning on July 1, 2013, the City possesses the sole discretion to determine the use and tenant(s) for this space.

NOW, THEREFORE, in consideration of the mutual covenants and conditions contained herein, the parties hereto agree to amend the fourth paragraph of Section 1 LEASE OF REAL PROPERTY to read as follows:

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. The City of Portage and the County agree that the responsibilities assumed by the County in this paragraph shall cease when the lease between the City of Portage and the County, ends on June 30, 2013.

NOW, THEREFORE, in consideration of the mutual covenants and conditions contained herein, the parties hereto agree to strike, in its entirety, the last paragraph of Section 1 LEASE OF REAL PROPERTY, of the 1997 Agreement.

NOW, THEREFORE, in consideration of the mutual covenants and conditions contained herein, the parties hereto agree to amend the portion of the last paragraph of Section 3A STATUTORY DISTRIBUTION OF FINES AND COSTS entitled "B. CITY OF PORTAGE" of the Addendum No. 2 dated March 18, 2003 as follows:

The cities agree that the County shall retain the cities' statutory one-third share of ordinance fines and costs subject to the following exceptions:

#### B. CITY OF PORTAGE

1a. Effective July 1, 2013, the County shall, on an annual basis, remit the first \$70,000 of the City of Portage's share of the ordinance fines and costs to the City of Portage. The first payment shall be made October 25, 2013 and shall be in the amount of \$17,500 for the City of Portage's share of the ordinance fines and costs for July 1, 2013-September 30, 2013 (i.e. one-fourth of the annual amount of \$70,000). Payments shall thereafter be paid in the same manner on January 25, April 25 and July 25 based upon the prior calendar quarter. Provided that if the City of Portage's share of the ordinance fines and costs in any calendar year do not reach \$70,000, the County is only required to remit the full amount of the City of Portage's share of the ordinance fines and costs in that calendar year.

1b. Effective July 1, 2013, after the County has remitted \$70,000 of the City of Portage's share of ordinance fines and costs to the City of Portage, the County shall retain the next \$64,000 of the City of Portage's share of the ordinance fines and costs.

1c. Any monies that the County receives in excess of the \$64,000 set forth in Paragraph 1b immediately above based upon the City of Portage's share of the ordinance fines and costs shall be remitted to the City of Portage on an annual basis, and in a single sum paid, within thirty (30) days of the end of the calendar year in which the ordinance fines and costs were received.

1d. At the end of each calendar year, the parties shall perform a reconciliation so the quarterly payments described above do not result in the Parties receiving more or less than it should based upon the annual total excess revenues (note: for 2013, the annual figure will be prorated to \$35,000). Those sums paid by defendants in OUIL/OWI cases as "cost recovery" shall be paid directly to the City and are outside the scope of paragraphs 1a, 1b, 1c and 1d.

BE IT FURTHER RESOLVED that the effective date of this Addendum No. 3 shall be July 1, 2013 and the amendments to Section 1 Lease of Real Property set forth in this Addendum are permanent. The amendments to Section 3A Statutory Distribution of Fines and Costs shall be effective until June 30, 2023. On July 1, 2023 the provisions of Section 3A Statutory Distribution of Fines and Costs shall be the same as they were on June 30, 2013.

CITY OF KALAMAZOO

By: \_\_\_\_\_ Date: \_\_\_\_\_  
Kenneth Collard, City Manager

APPROVED AS TO FORM

DATE 5/10/13

LS

CITY ATTORNEY

CITY OF PORTAGE

By: \_\_\_\_\_ Date: \_\_\_\_\_  
Maurice Evans, City Manager

COUNTY OF KALAMAZOO

By: \_\_\_\_\_ Date: \_\_\_\_\_  
David Maturen, Chairperson

By: \_\_\_\_\_ Date: \_\_\_\_\_  
Timothy A. Snow, Clerk/Register

KALAMAZOO COUNTY 8<sup>th</sup> DISTRICT COURT

By: \_\_\_\_\_ Date: \_\_\_\_\_  
Paul J. Bridenstine, Chief Judge

**TO:** Honorable Mayor and City Council

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

**SUBJECT:** FY 2013-14 Community Development Block Grant Program

**SUPPORTING PERSONNEL:** Victoria Georgeau, Director of Community Development

**ACTION RECOMMENDED:** That City Council approve the Community Development Block Grant (CDBG) Program FY 2013-14 Annual Action Plan element of the Consolidated Plan and authorize the City Manager to submit the application to the Department of Housing and Urban Development.

**EXECUTIVE SUMMARY:**

The fiscal year 2013-2014 CDBG budget has been developed in consideration of a projected 7.4 percent decrease in entitlement program funding. Inclusive of the 2013-2014 annual entitlement, estimated program income and available unexpended program income, a total CDBG program budget of \$258,100 is presented for consideration. In addition, the fiscal year 2013-2014 Annual Action Plan element of the Consolidated Plan is presented that identifies activities and programs to be funded through the CDBG that fulfill identified community needs as outlined in the fiscal year 2011-2015 Consolidated Plan. The Consolidated Plan and Annual Action Plan element are required in order to apply for certain federal funds, such as the CDBG entitlement program.

**BACKGROUND INFORMATION:**

Due to the federal funding cycle, it is necessary that the Community Development Block Grant (CDBG) Program FY 2013-14 Annual Action Plan be reviewed and acted upon no later than the May 14, 2013 City Council meeting in order to meet the May 15, 2013 submission deadline established by the Department of Housing and Urban Development (HUD).

The FY 2013-14 Annual Action Plan addresses:

- 1) Owner-occupied housing assistance programs, including housing rehabilitation loans and grants, and a first time homebuyer down payment assistance program;
- 2) Neighborhood improvement and blight elimination to continue protection and upgrade of the quality of low and moderate income neighborhoods throughout the city;
- 3) Human/public service agency activities to assist Portage residents in need; and
- 4) Fair housing activities, including support for the enforcement and education programs of the Fair Housing Center of Southwest Michigan.

**FY 2013-14 COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM BUDGET**

The proposed FY 2013-14 CDBG Program Budget has been prepared by the City Administration based on projected funding levels, demonstrated community needs and compliance with federal goals and objectives. As shown in the attached Five-Year Comparative Analysis, the CDBG entitlement grant decreased approximately 7.4 percent in FY 2013-14 compared to the prior year funding level. The entitlement grant, anticipated program income for FY 2013-14, together with available unexpended funds and/or program income from prior program years is projected as follows:

**FY 2013-14 Revenue**

FY 2013-14 Annual Entitlement	\$198,100
FY 2013-14 Estimated Program Income to be Received During Program Year	\$ 25,000
Available Unexpended Funds and/or Program Income Received in Prior Program Years That Exceeded Estimated Program Income	\$ 35,000
<b>TOTAL FUNDS AVAILABLE</b>	<b>\$258,100</b>

The four key components of the FY 2013-14 CDBG Program Budget are highlighted below. The recommended activities are consistent with the Consolidated Plan and complement General Fund activities:

1. **Housing Programs** (\$152,386): Upgrade of housing stock in the city is recommended as a high priority activity to be continued as the cornerstone of the block grant program. During the life of the program, approximately 500 owner-occupied houses have been rehabilitated. Owner-occupied housing upgrades for FY 2013-14 are accomplished through the:
  - Housing Rehabilitation Program (\$146,386) – Zero or low-interest deferred loans for housing rehabilitation, façade improvements, water/sewer hook-up, accessibility improvements, and Emergency Repair Grants for repairs that are a threat to the health and safety of occupants.
  - Homebuyer Down Payment Assistance Program (\$6,000) – down payment assistance grants to first-time homebuyers in targeted neighborhoods.
  
2. **Neighborhood Improvement** (\$52,563): The ongoing effort to maintain and improve low-income neighborhoods is recommended as a high priority activity and remains a vital component of the recommended comprehensive community development strategy. The budget will fund code administration and enforcement activities to be completed by an approximate three-quarter full-time staff position and related expenses in low to moderate income neighborhoods.
  
3. **Human/Public Services** (\$31,804): Portage Community Center (PCC) is recommended to receive funding to provide human services identified as a medium priority activity in the Consolidated Plan. Per HUD, the maximum amount of human/public service funding is 15 percent of the annual entitlement grant plus 15 percent of the program income received in the prior program year. For many years the City of Portage has allocated 15 percent of the annual CDBG Program budget toward human/public services to ensure consistency with the intent of

the federal regulations that funding be provided for core programs such as housing and neighborhood improvement activities.

4. **Administration** (\$21,347): The maximum administration expenditure is limited to 20 percent of the FY 2013-14 entitlement grant plus anticipated FY 2013-14 program income. The funds will be utilized for program planning, administration, reporting and program expenses. In addition, this portion of the budget includes \$2,000 for fair housing services, educational programs and complaint referrals to the Fair Housing Center of Southwest Michigan.

The City of Portage held two public hearings and a 30-day comment period per federal regulations to ensure opportunities are provided for public comment. It is recommended that City Council approve the CDBG Program FY 2013-14 Annual Action Plan and authorize the City Manager to submit the application to HUD to continue successful community development programs.

**FUNDING:** FY 2013-14 CDBG Program budget of \$258,100, including a CDBG entitlement grant of \$198,100, \$25,000 of anticipated program income and \$35,000 of unexpended/reprogrammed prior year funds.

**Attachments:** Five-Year Comparative Analysis of CDBG Program  
Human Services Board meeting minutes  
FY 2013-14 Annual Action Plan

**CITY OF PORTAGE CDBG PROGRAM  
FIVE YEAR COMPARATIVE ANALYSIS  
FY 2009-10 THROUGH 2013-14**

	2009-10	2010-11	2011-12	2012-13	2013-14
ENTITLEMENT AMOUNT	\$214,020	\$230,723	\$192,254	\$214,178	\$198,100
ESTIMATED PROGRAM INCOME TO BE RECEIVED DURING PROGRAM YEAR	\$50,000	\$40,000	\$40,000	\$30,000	\$25,000
<b>SUB-TOTAL</b>	<b>\$264,020</b>	<b>\$270,723</b>	<b>\$232,254</b>	<b>\$244,178</b>	<b>\$223,100</b>
AVAILABLE UNEXPENDED FUNDS AND/OR PROGRAM INCOME RECEIVED IN PRIOR PROGRAM YEARS THAT EXCEEDED ESTIMATED PROGRAM INCOME	\$25,000	\$25,000	\$50,000	\$40,000	\$35,000
<b>TOTAL</b>	<b>\$289,020</b>	<b>\$295,723</b>	<b>\$282,254</b>	<b>\$284,178</b>	<b>\$258,100</b>
<b>HOUSING (Percent of Total Budget)</b>	<b>47%</b>	<b>49%</b>	<b>48%</b>	<b>61%</b>	<b>59%</b>
Housing Rehabilitation Loan Program	\$128,728	\$136,827	\$126,190	\$165,839	\$144,386
Emergency Repair Grant	\$2,000	\$2,000	\$2,000	\$2,000	\$2,000
Homebuyer Downpayment Assistance	\$6,000	\$6,000	\$6,000	\$6,000	\$6,000
<b>TOTAL HOUSING</b>	<b>\$136,728</b>	<b>\$144,827</b>	<b>\$134,190</b>	<b>\$173,839</b>	<b>\$152,386</b>
<b>HUMAN/PUBLIC SERVICES</b>	<b>15%</b>	<b>15%</b>	<b>15%</b>	<b>15%</b>	<b>15%</b>
Human/Public Services	\$38,000	\$43,350	\$43,294	\$36,000	\$31,804
<b>TOTAL HUMAN/PUBLIC SERVICES <sup>1</sup></b>	<b>\$38,000</b>	<b>\$43,350</b>	<b>\$43,294</b>	<b>\$36,000</b>	<b>\$31,804</b>
<b>NEIGHBORHOOD IMPROVEMENT (Percent of Total Budget)</b>	<b>21%</b>	<b>22%</b>	<b>23%</b>	<b>19%</b>	<b>20%</b>
Code Administration and Enforcement	\$60,658	\$66,496	\$66,224	\$52,993	\$52,563
<b>TOTAL NEIGHBORHOOD IMPROVEMENT</b>	<b>\$60,658</b>	<b>\$66,496</b>	<b>\$66,224</b>	<b>\$52,993</b>	<b>\$52,563</b>
<b>ADMINISTRATION</b>	<b>19%</b>	<b>15%</b>	<b>15%</b>	<b>8%</b>	<b>10%</b>
General Administration	\$45,634	\$39,050	\$36,546	\$19,346	\$19,347
Fair Housing Services	\$2,000	\$2,000	\$2,000	\$2,000	\$2,000
<b>TOTAL ADMINISTRATION <sup>2</sup></b>	<b>\$47,634</b>	<b>\$41,050</b>	<b>\$38,546</b>	<b>\$21,346</b>	<b>\$21,347</b>
<b>TOTAL</b>	<b>\$289,020</b>	<b>\$295,723</b>	<b>\$282,254</b>	<b>\$284,178</b>	<b>\$258,100</b>

<sup>1</sup> Funding for human/public services must not exceed 15% of the FY 2013-14 CDBG entitlement grant and program income received in FY 2012-13 through December 31, 2012

<sup>2</sup> Funding for administration and fair housing must not exceed 20% of the FY 2013-14 CDBG entitlement grant and estimated FY 2013-14 program income

**CITY OF PORTAGE HUMAN SERVICES BOARD**  
Minutes of Meeting, January 3, 2013

**CALL TO ORDER:** 6:30 p.m.

**MEMBERS PRESENT:** Diane Durian, Raymond LaPoint, Elma (Pat) Maye, Nadeem Mirza, Edward Morgan, Sandra Sheppard, Amanda Woodin, Tim Wilger (Youth Advisory Committee Liaison)

**MEMBERS EXCUSED:** Kelly Williams

**STAFF PRESENT:** Vicki Georgeau, Director of Community Development, Elizabeth Money, Neighborhood Program Specialist

**APPROVAL OF MINUTES:** December 6, 2012 minutes were approved as submitted, 6-0 (Mirza arrived after vote).

**OLD BUSINESS:** None

**NEW BUSINESS:**

1. Memorandum regarding Human/Public Service funding, Human/Public Service Funding Application Booklet and Evaluation Criteria Forms: Staff summarized the funding applications received, current year funding and estimated funds available through the Community Development Block Grant (CDBG) Program and General Fund. Staff noted the Board would hold a special meeting on January 17th to score and rank the applications, and would make a funding recommendation to City Council at the February 7, 2013 meeting. Staff noted that Board members should use the evaluation criteria and score summary forms provided, and submit their applicant scores to Money via email not later than Thursday, January 10<sup>th</sup>.

2. Presentations by Applicants: Representatives from Catholic Charities (the ARK Shelter and ARK Community Services), Housing Resources, Inc. (Housing Stabilization Program), Prevention Works (on behalf of the Kalamazoo County Substance Abuse Task Force), YWCA (Domestic Assault, Sexual Assault, and Mentoring programs), and the Portage Community Center (Program Coordination and Development, Youth Development, and Emergency Assistance Programs) made presentations regarding their grant requests from the General Fund and CDBG Fund. The Gryphon Place (2-1-1/Help Line) had no one present to make a presentation. The Board had a number of questions and comments for the applicants regarding services provided to Portage residents, the number of employees who live in Portage, and clarification on the uniqueness of the services provided.

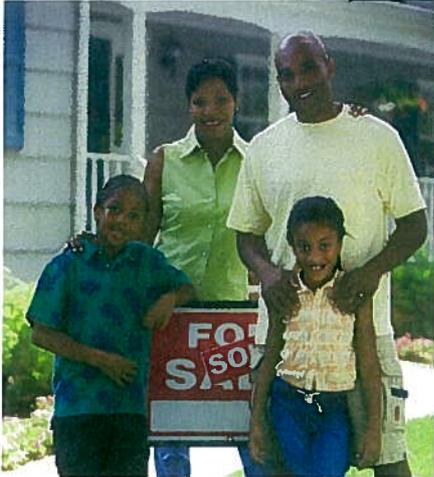
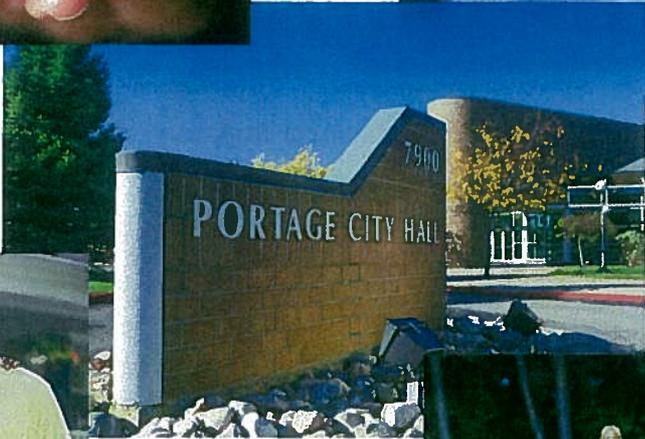
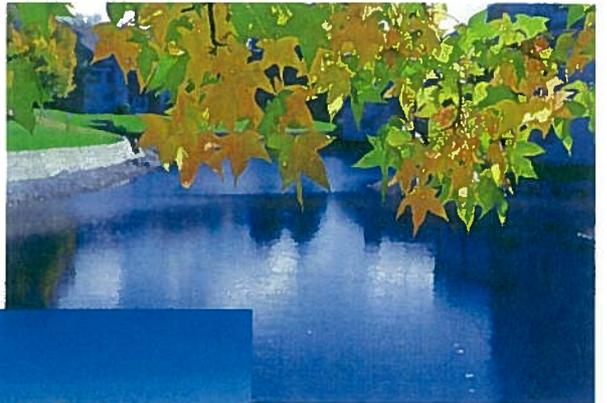
3. Public Hearing - CDBG Program - Overview of Housing and Community Development Needs for Consolidated Plan update: Chair Sheppard opened the public hearing. Staff provided an overview of the HUD planning and reporting requirements for CDBG program grantees, including completion of a Consolidated Plan update every five years (including an Analysis of Impediments to Fair Housing study), an Annual Action Plan and grant application, and a Consolidated Annual Performance Report. Staff provided a detailed overview of housing and community development needs included in the FY 2011-15 Consolidated Plan, key CDBG program activities, and performance measures from FY 2011-12. In addition, an overview of the projected budget and timeline to develop the Annual Action Plan was reviewed. The city will not know the entitlement grant amount until March or April 2013, but is estimating flat funding for FY 2013-14. A draft budget and Annual Action Plan would be prepared by mid-February, and a 30-day public comment period would follow with a public hearing on the plan in either late March or early April 2013. Woodin inquired regarding the fiscal year. Staff clarified the city's fiscal year starts on July 1<sup>st</sup> and ends June 30<sup>th</sup> and the CDBG program year is on the same cycle. As no further comments from the Board or no public comments were received, the hearing was closed.

**STATEMENT OF CITIZENS:** None.

**ADJOURNMENT:** There being no further business before the Board, the meeting was adjourned at 8:45 p.m.

Respectfully Submitted,  
Elizabeth Money, Neighborhood Program Specialist

DRAFT  
City of Portage CDBG Program  
Annual Action Plan  
FY 2013-14



**CITY OF PORTAGE  
FY 2013-14 ANNUAL ACTION PLAN**

**TABLE OF CONTENTS**

Application for Federal Assistance – SF-424 .....	Page i
Executive Summary .....	Page iv
A. Activities To Be Undertaken .....	Page 1
B. Priorities .....	Page 11
C. Geographic Distribution.....	Page 11
D. Homelessness and Other Special Needs Activities .....	Page 12
E. Other Actions Proposed.....	Page 13
F. Lead Based Paint Hazards .....	Page 13
G. Coordination.....	Page 14
H. Allocation of Funds.....	Page 14
I. American Dream Down Payment Initiative (ADDI) Funds.....	Page 15
J. Monitoring.....	Page 15
K. Citizen Participation.....	Page 15
L. Affirmatively Promoting Fair Housing.....	Page 16
M. Certifications.....	Page 17
APPENDIX A: CERTIFICATIONS .....	Page 18
APPENDIX B: SUMMARY OF CITIZEN COMMENTS .....	Page 23
APPENDIX C: PROOFS OF PUBLICATION .....	Page 24

<b>Application for Federal Assistance SF-424</b>		Version 02
<b>*1. Type of Submission</b> <input type="checkbox"/> Preapplication <input checked="" type="checkbox"/> Application <input type="checkbox"/> Changed/Corrected Application		<b>*2. Type of Application</b> <input checked="" type="checkbox"/> New <input type="checkbox"/> Continuation <input type="checkbox"/> Revision  <b>*If Revision, select appropriate letter(s):</b>  <b>* Other (Specify)</b>
<b>*3. Date Received:</b>		<b>4. Application Identifier:</b>
<b>5a. Federal Entity Identifier:</b>		<b>*5b. Federal Award Identifier:</b> B-13-MC-0023
<b>State Use Only:</b>		
<b>6. Date Received by State:</b>		<b>7. State Application Identifier:</b>
<b>8. APPLICANT INFORMATION:</b>		
<b>* a. Legal Name: City of Portage, Michigan</b>		
<b>* b. Employer/Taxpayer Identification Number (EIN/TIN):</b> 38-6006266		<b>*c. Organizational DUNS:</b> 09-5943411
<b>d. Address:</b>		
<b>*Street1: Department of Community Development</b> <b>Street 2: 7900 South Westnedge Avenue</b> <b>*City: Portage</b> <b>County:</b> <b>*State: Michigan</b> <b>Province:</b> <b>Country: USA</b>		
<b>*Zip/ Postal Code: 49002</b>		
<b>e. Organizational Unit:</b>		
<b>Department Name:</b> City of Portage		<b>Division Name:</b> Department of Community Development
<b>f. Name and contact information of person to be contacted on matters involving this application:</b>		
<b>Prefix: Ms.</b> <b>Middle Name: L.</b> <b>*Last Name: Georgeau</b> <b>Suffix:</b>		<b>First Name: Vicki</b>
<b>Title: Director, Community Development</b>		
<b>Organizational Affiliation:</b> City of Portage, Michigan		
<b>*Telephone Number: 269-329-4480</b>		<b>Fax Number: 269-329-4506</b>
<b>*Email: georgeav@portagemi.gov</b>		

**Application for Federal Assistance SF-424**

Version 02

9. Type of Applicant 1: Select Applicant Type: C. City or Township Government  Type of Applicant 2: Select Applicant Type: - Select One -  Type of Applicant 3: Select Applicant Type: - Select One -  *Other (specify):
*10. Name of Federal Agency: U.S. Department of Housing and Urban Development
11. Catalog of Federal Domestic Assistance Number: 14-218 CFDA Title: Community Development Block Grant - Entitlement Grant
*12. Funding Opportunity Number:  *Title:
13. Competition Identification Number:  Title:
14. Areas Affected by Project (Cities, Counties, States, etc.): City of Portage, Michigan
*15. Descriptive Title of Applicant's Project: City of Portage Community Development Block Grant Program: Program activities include: 1) Owner-occupied housing rehabilitation and emergency repair; 2) Down Payment Assistance for First-time Home Buyers; 3) Human Services - Portage Community Center; 4) Code Administration and Enforcement; 5) Grant Program Administration and Fair Housing activities.
<b>Attach supporting documents as specified in agency instructions.</b>



**CITY OF PORTAGE  
COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG)  
FY 2013-14 ANNUAL ACTION PLAN**

**Executive Summary**

The FY 2013-14 Annual Action Plan, Strategy for Housing and Community Development Needs, includes activities and programs to fulfill identified needs outlined in the FY 2011-15 Consolidated Plan. The Consolidated Plan and the Annual Action Plan element are required in order to apply for certain federal funds, such as the U.S. Department of Housing and Urban Development (HUD) Community Development Block Grant (CDBG) entitlement program, which has been awarded to the city since the mid-1970s. The FY 2013-14 Annual Action Plan includes proposed activities and expenditures of CDBG funds must meet three national objectives: 1) benefit low and/or moderate income persons, 2) aid in the prevention or elimination of blight, and 3) meet urgent community development needs. Furthermore, per the HUD Outcome Measurement System, the Annual Action Plan identifies objectives, outcomes and common indicators for each activity, resources available during the plan year, and addresses performance evaluation as part of the annual planning process.

Section A, Activities to Be Undertaken During the Program Year: This section of the Annual Action Plan lists activities to be carried out during the program year. The table below lists the program activity, an activity description, and the planned objectives and outcomes.

<b>CDBG PROGRAM ACTIVITIES</b>			
<b>Activity</b>	<b>Description</b>	<b>Objective</b>	<b>Outcome</b>
Owner-Occupied Housing Rehabilitation	Interior and exterior rehabilitation assisted through emergency repair grants and no or low-interest deferred loans.	Decent housing.	<u>Sustainability</u> for the purpose of providing decent affordable housing.
Down Payment Assistance	First time homebuyer no interest deferred loans for down payment and closing costs.	Decent housing.	<u>Affordability</u> for the purpose of providing decent affordable housing.
Public Services	Funding for Portage Community Center for emergency assistance, transportation assistance and youth recreation.	Economic opportunity.	<u>Sustainability</u> for the purpose of creating economic opportunities.
Neighborhood Improvement – Code Enforcement	Neighborhood improvement in target low-income neighborhoods.	Suitable living environment.	<u>Sustainability</u> for the purpose of creating suitable living environments.
Program Planning and Administration	Annual planning, performance reporting, and fair housing activities.	Not applicable.	Not applicable.

Section B, Priorities: This section of the Annual Action Plan lists priority affordable housing and community development needs, consistent with the Consolidated Plan, and the number of households, housing units and/or persons expected to be assisted with each of the activities during the program year, as provided in the table below.

<b>PRIORITY NEED: HOUSING AND AFFORDABLE HOUSING</b>	
SPECIFIC OBJECTIVES	1. Assist 13 households with housing rehabilitation loans in order to improve housing conditions.
	2. Assist 2 households with emergency repair grants to improve housing conditions and arrest further housing deterioration.
	3. Assist 2 households with down payment assistance to affordably purchase a home in a target city neighborhood.
	4. Indirectly assist approximately 3,000 households via the General Fund and CDBG program by financing non-profit agencies that provide emergency assistance to low/moderate income persons with a housing crisis.
	5. Affirmatively further fair housing by carrying out and supporting fair housing education and services within the community.
<b>PRIORITY NEED: COMMUNITY DEVELOPMENT</b>	
SPECIFIC OBJECTIVES	1. Promote neighborhood improvement by responding to 350-400 code enforcement complaints.
	2. Provide human service assistance to approximately 4,000 persons by funding the Portage Community Center.

Section C, Geographic Distribution: This section of the Annual Action Plan provides maps and rationale for targeting certain program activities to key areas of the city throughout the program year.

Section D, Homeless and Other Special Needs Activities: This section addresses homeless, and special needs housing activities. As noted in the Consolidated Plan, the City of Portage actively participates in the Kalamazoo LISC Affordable Housing Partnership, which comprises the HUD-required Continuum of Care annual planning process, and provides General Fund monies to support agencies that provide homeless prevention and housing assistance.

Sections E through G, Other Actions Proposed, Lead-Based Paint Hazards, Coordination: These sections address efforts to combat poverty, address barriers to affordable housing, reduce lead-based paint hazards, and coordinate activities internally within the City of Portage and with other governmental and non-profit agencies.

Section H, Allocation of Funds: The Annual Action Plan outlines proposed projects that will be undertaken with the \$258,100 expected to be available to the City of Portage during the program year. For FY 2013-14, the following projects/expenditures are proposed:

<b>CDBG RESOURCES AND EXPENDITURES</b>	
Housing Programs (loans and grants)	\$146,386
Down Payment Assistance Program	\$6,000
Neighborhood Improvement-Code Enforcement	\$52,563
Human/Public Services	\$31,804
Grant Administration and Fair Housing Activities	\$21,347
<b>TOTAL</b>	<b>\$258,100</b>

Section I, American Dream Downpayment Initiative (ADDI) Funds: This section verifies the City of Portage receives no federal funds for such activity.

Section J, Monitoring: This section discusses monitoring efforts undertaken annually by the city of sub-recipients and contractors through the housing rehabilitation program to ensure compliance with HUD regulations.

With regard to City of Portage self-evaluation and monitoring, review of expenditures and program income receipt expenditures (including timeliness of expenditures), program activity accomplishments, and staff evaluation occurs at least quarterly, or more frequently as appropriate. In addition, grant performance is evaluated through the preparation of bi-annual Labor Standards Enforcement reports, the annual Contractor and Subcontractor report, annual and project specific Environmental Review, and annual Consolidated Annual Performance Evaluation Report (CAPER).

Section K, Citizen Participation: This section explains that the City of Portage has followed the Citizen Participation Plan as provided in the Consolidated Plan, which outlines efforts to obtain broad public participation. A summary of public comments received on the Annual Action Plan is provided in Appendix C.

Section L, Affirmatively Promoting Fair Housing: This section outlines annual Fair Housing activities, which are carried out in accordance with the 2011 Analysis of Impediments to Fair Housing study.

Section M, Certifications: HUD required certifications are provided in Appendix A of the Annual Action Plan.

## **FY 2013-14 CDBG PROGRAM ANNUAL ACTION PLAN**

The City of Portage CDBG FY 2013-14 Annual Action Plan includes activities and programs to fulfill identified needs outlined in the FY 2011-2015 Consolidated Plan. The programs have proven to be well received and effective throughout the city in preserving and upgrading the quality of existing housing stock and the livability of low/moderate income target neighborhoods.

With regard to Federal resources, it is estimated the City of Portage will receive \$198,100 in CDBG entitlement funds in FY 2013-14 from the U.S. Department of Housing and Urban Development (HUD). In addition to the entitlement grant, it is estimated that \$25,000 in Program Income will be received in FY 2013-14, and \$35,000 of unexpended funds from prior program years will be utilized during FY 2013-14 for a total CDBG Program budget of \$258,100. Additional details regarding CDBG funding are provided in Section H, Allocation of Funds, on page 13. Additionally, in-kind professional and staff resources are devoted to community-wide housing planning initiatives where monetary support is not available. Finally, City of Portage General Fund resources are designated to support human/public services.

Utilizing the Outcome Measurement System developed by the U.S. Department of Housing and Urban Development (HUD), each City of Portage CDBG activity is intended to meet one of three HUD-established objectives: 1) a Suitable Living Environment, 2) Decent Housing, or 3) Creating Economic Opportunity. In addition, each activity is intended to have one of three HUD-established outcomes: 1) Availability/Accessibility, 2) Affordability, and 3) Sustainability. For each activity common indicator data will be collected throughout the year for reporting in the Consolidated Annual Performance Evaluation Report (CAPER), which include: funds leveraged, number of persons, households, or housing units assisted, income level of persons, households or areas assisted, and race, ethnicity and other socio-economic indicators. The CAPER also reports annual progress on meeting objectives, outcomes and established indicators and/or goals.

### **A. Activities To Be Undertaken During Program Year**

The specific projects that will be implemented in FY 2013-14 are outlined in the following paragraphs. Strategies pertaining to the CDBG Program are detailed in the required Consolidated Plan Table 3 on pages 6-10.

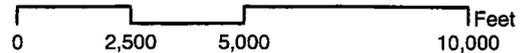
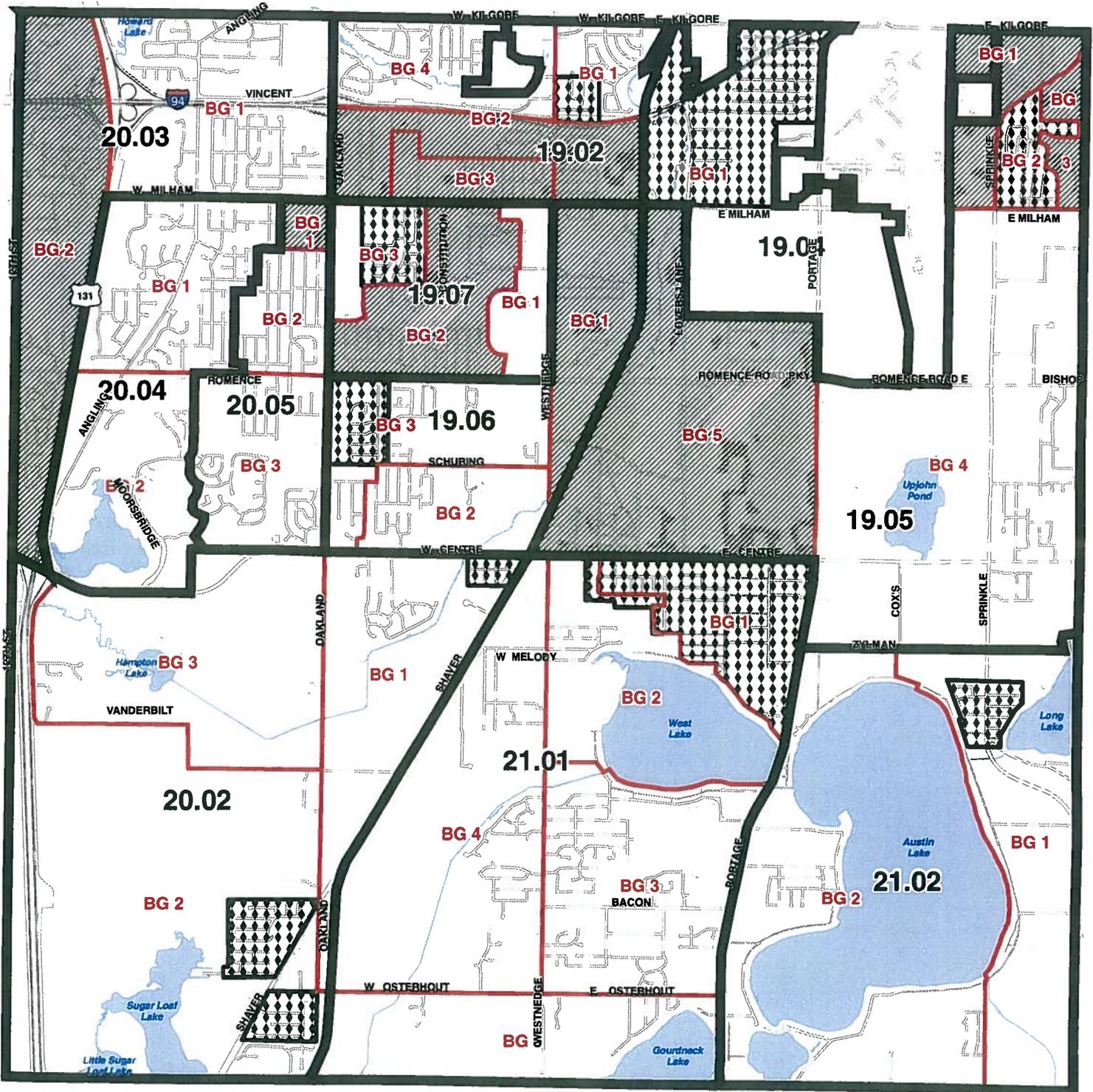
- **Activity 1 - Owner-Occupied Housing Rehabilitation:** This activity is undertaken on a citywide basis, and supplements neighborhood improvement code enforcement efforts. To qualify, households must meet the income requirements set by HUD, which are based on regional-area median family income, adjusted for the number of members in the family. The goal is to provide low and moderate income residents with the means to upgrade, improve and maintain their housing. Rehabilitation may involve up to \$1,000 for an Emergency Repair Grant or up to \$10,000 per housing unit through a zero interest or low-interest deferred loan for accessibility, weatherization, plumbing, electrical and other interior and exterior improvements to owner-occupied dwellings. To the extent possible, grant and loan programs offered through other nonprofit and governmental agencies will be used to supplement CDBG resources for housing rehabilitation activities.

Examples include the Michigan State Housing Development Authority (MSHDA) Property Improvement Program, accessibility improvements through the Disability Network Southwest Michigan, home-repair services through Senior Services, and the Kalamazoo County Weatherization Program. In addition to funds budgeted for FY 2013-14, additional projects may be undertaken utilizing unanticipated program income and unexpended funds available at the end of the FY 2013-14 program year, provided expenditures do not constitute a substantial change in use of funds (i.e., not more than 10 percent of the total FY 2013-14 CDBG Program budget). Per the Outcome Measurement System, the *objective* of this activity is to provide decent housing, while the anticipated *outcome* is to assist home owner with sustaining decent affordable housing.

- Activity 2 - Down Payment Assistance Program: This activity promotes home purchases for first-time home buyers by providing no interest deferred loans to cover up to 50 percent of the required down payment and closing costs within target neighborhoods shown on Map 1 on page 3. The target neighborhoods include current or former HUD-designated low/moderate income neighborhoods and other areas with affordable owner-occupied median house values. Per the Outcome Measurement System, the *objective* of this activity is to provide decent housing, while the anticipated *outcome* is to the affordability of decent affordable housing.
- Activity 3 – Human/Public Services Program: This activity provides funding to the Portage Community Center (PCC), a local human service agency. Funds assist low/moderate income city residents with the following services through the CDBG program: Emergency Assistance, Transportation Assistance, and Youth Recreation Scholarship Assistance. CDBG funds are supplemented with General Funds to provide an even wider array of human services to the community. Per the Outcome Measurement System, the *objective* of this activity is to provide economic opportunity, while the anticipated *outcome* is to assist Portage residents with sustaining economic opportunities.
- Activity 4 - Neighborhood Improvement-Code Administration and Enforcement: This activity supplements a city-wide code administration and enforcement effort. The Neighborhood Improvement effort targets areas where low and moderate-income residences make up at least 35.85 percent of the households in that neighborhood. These census tract/block groups are listed in the table below and illustrated on the Low/Moderate Income Neighborhoods, Census Tract/Block Group Map (Map 2 on page 5).

# MAP 1

## Downpayment Assistance Program Target Neighborhoods

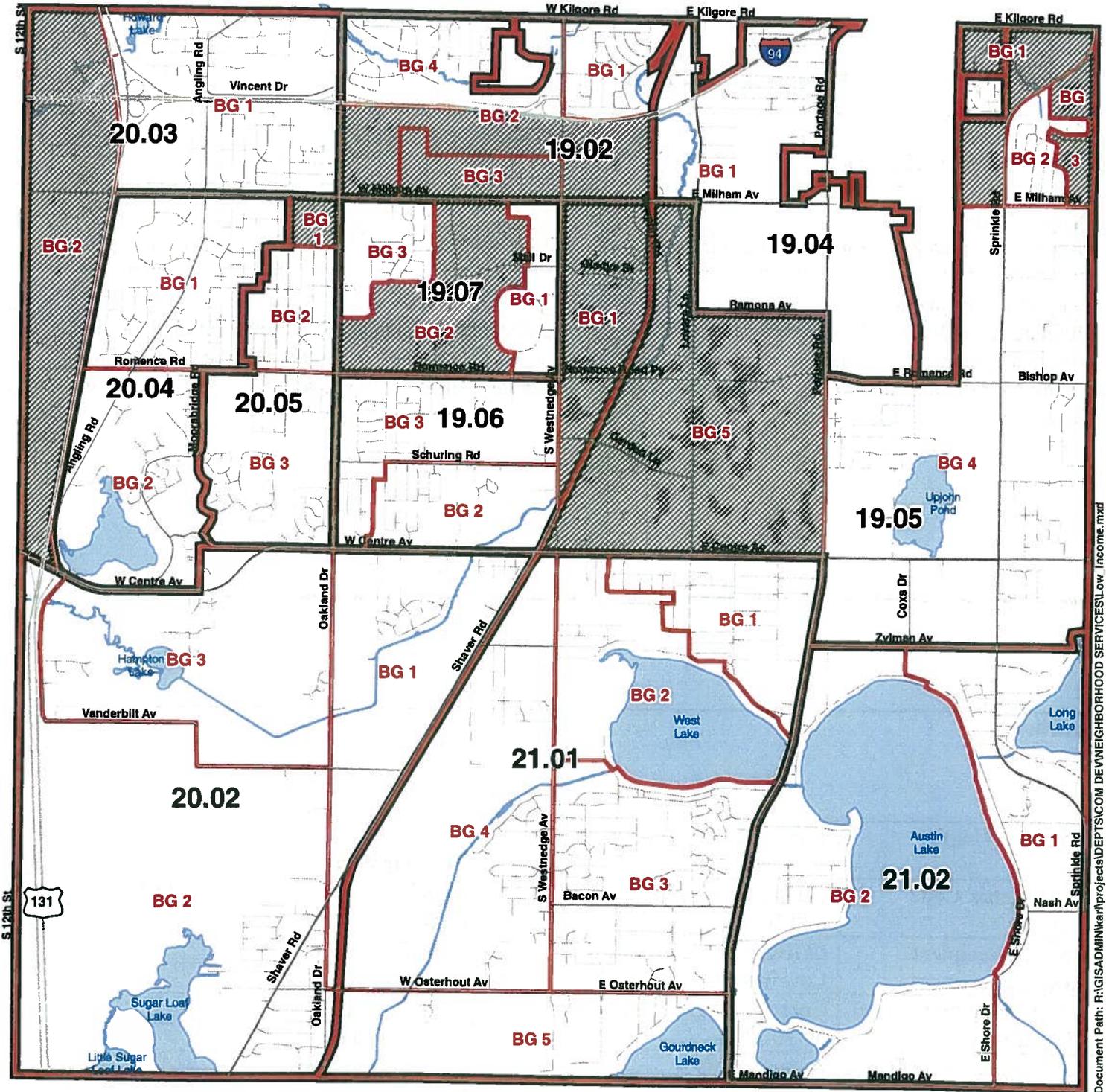


<b>LOW/MODERATE INCOME NEIGHBORHOODS</b>	
Census Tract 19.02	Block Groups 2 & 3
Census Tract 19.05	Block Groups 1, 3 & 5
Census Tract 19.06	Block Group 1
Census Tract 19.07	Block Group 2
Census Tract 20.03	Block Group 2
Census Tract 20.05	Block Group 1

The City of Portage provides a variety of Neighborhood Support activities funded primarily from the General Fund, which are carried out by numerous full-time staff within the Department of Community Development and other departments involved in infrastructure maintenance and health/safety clean-up programs in residential neighborhoods. The combined efforts of the citywide General Fund program and the targeted CDBG program help ensure neighborhood property values and quality of life are preserved. Per the Outcome Measurement System, the *objective* of this activity is to provide a Suitable Living Environment, while the anticipated *outcome* is to assist neighborhoods with sustaining suitable living environments.

- Activity 5 - Administration: This activity includes administration of the CDBG Program including oversight of the activities described above, preparation of various reports to HUD such as the Consolidated Annual Performance Evaluation Reports, semi-annual Labor Standards Enforcement reports, annual Contract and Subcontract report, preparation of Annual Action Plan and CDBG program budget and citizen participation process, Environmental Review Record, expenditure and program income oversight and reporting to HUD in the Integrated Data Information System (IDIS), participation in the Kalamazoo County LISC Affordable Housing Partnership (Continuum of Care), and support of fair housing activities and services.

# Low Income Neighborhoods Census Tract / Block Group Map



	Census Tract Boundary
	Block Group Boundary
	Low Income Block Groups



**Table 3**  
**Consolidated Plan Listing of Projects**

**Applicant's Name** City of Portage, Michigan

**Priority Need**

Owner-Occupied Housing

**Project Title**

Owner-Occupied Housing Rehabilitation

**Project Description**

Housing rehabilitation for extremely, very-low and low-income homeowners. Rehabilitation may involve emergency repair grants, and no or low-interest deferred loans for exterior and interior repairs, accessibility, weatherization, plumbing, electrical and mechanical, and other improvements to address code deficiencies for owner-occupied dwellings.

**Location**

City-Wide

Objective Number	Project ID
HUD Matrix Code	CDBG Citation
Type of Recipient	CDBG National Objective
Local Government	Low income households
Start Date (mm/dd/yyyy)	Completion Date (mm/dd/yyyy)
Performance Indicator	Annual Units
Housing Units	Units Upon Completion
Local ID	
NA	

**Funding Sources:**

CDBG	\$146,386
ESG	
HOME	
HOPWA	
Total Formula	
Prior Year Funds	
Assisted Housing	
PHA	
Other Funding	
Total	\$146,386

The primary purpose of the project is to help:  the Homeless  Persons with HIV/AIDS  Persons with Disabilities  Public Housing Needs

**Table 3**  
**Consolidated Plan Listing of Projects**

**Applicant's Name** City of Portage, Michigan

**Priority Need**  
Owner-Occupied Housing

**Project Title**  
Down Payment Assistance

**Project Description**  
Down payment assistance for home purchases for first-time home buyers by providing no interest deferred loans to cover up to 50 percent of the required down payment and closing costs within target neighborhoods.

**Location**  
Target Neighborhoods

Objective Number	Project ID
HUD Matrix Code	CDBG Citation
Type of Recipient	CDBG National Objective
Local Government	Low income households
Start Date (mm/dd/yyyy)	Completion Date (mm/dd/yyyy)
Performance Indicator	Annual Units
Households	Units Upon Completion
Local ID	
NA	

**Funding Sources:**

CDBG	\$6,000
ESG	
HOME	
HOPWA	
Total Formula	
Prior Year Funds	
Assisted Housing	
PHA	
Other Funding	
Total	\$6,000

The primary purpose of the project is to help:  the Homeless  Persons with HIV/AIDS  Persons with Disabilities  Public Housing Needs

**Table 3**  
**Consolidated Plan Listing of Projects**

**Applicant's Name** City of Portage, Michigan

**Priority Need**  
Public Services

**Project Title**  
Human/public Services – Portage Community Center

**Project Description**

Funding to the Portage Community Center (PCC), a local human service agency, will assist low/moderate income city residents through the following services through the CDBG program: Emergency Assistance, Surplus Commodity and Food Distribution, Transportation Assistance, Youth Recreation Scholarship Assistance. CDBG funds are supplemented with General Funds to provide an even wider array of human services to the community.

**Location**

City-Wide Residents To Be Assisted at the PCC facility

Objective Number	Project ID
HUD Matrix Code	CDBG Citation
Type of Recipient	CDBG National Objective
Start Date (mm/dd/yyyy)	Completion Date (mm/dd/yyyy)
Performance Indicator	Annual Units
Local ID	Units Upon Completion

**Funding Sources:**

CDBG	\$31,804
ESG	
HOME	
HOPWA	
Total Formula	
Prior Year Funds	
Assisted Housing	
PHA	
Other Funding	
Total	\$31,804

The primary purpose of the project is to help:  the Homeless  Persons with HIV/AIDS  Persons with Disabilities  Public Housing Needs

**Table 3**  
**Consolidated Plan Listing of Projects**

**Applicant's Name** City of Portage, Michigan

**Priority Need**  
Other

**Project Title**  
Neighborhood Improvement- Code Administration and Enforcement

**Project Description**

This activity supplements a citywide code administration and enforcement effort. The Neighborhood Improvement effort targets areas where low and moderate-income residences make up at least 35.85 percent of the households in that neighborhood.

**Location**

HUD-designated low/moderate income census tract block groups

Objective Number	Project ID
15	4
HUD Matrix Code	CDBG Citation
15	570.202(c)
Type of Recipient	CDBG National Objective
Local Government	Low income households
Start Date (mm/dd/yyyy)	Completion Date (mm/dd/yyyy)
07/01/2013	06/30/2014
Performance Indicator	Annual Units
Households	350
Local ID	Units Upon Completion
NA	350

**Funding Sources:**

CDBG	\$52,563
ESG	
HOME	
HOPWA	
Total Formula	
Prior Year Funds	
Assisted Housing	
PHA	
Other Funding	
Total	\$52,563

The primary purpose of the project is to help:  the Homeless  Persons with HIV/AIDS  Persons with Disabilities  Public Housing Needs

**Table 3**  
**Consolidated Plan Listing of Projects**

**Applicant's Name** City of Portage, Michigan

**Priority Need**  
Planning/Administration

**Project Title**  
Program Planning and Administration

**Project Description**

This activity includes administration of the CDBG Program including oversight the activities described above, preparation of various reports to HUD such as the Consolidated Annual Performance Evaluation Reports, semi-annual Labor Standards Enforcement reports, annual Contract and Subcontract report, preparation of Annual Action Plan and CDBG program budget and citizen participation process, Environmental Review Record, expenditure and program income oversight and reporting to HUD in the Integrated Data Information System (IDIS), participation in the Kalamazoo County Continuum of Care and other county-wide housing initiatives, and support of fair housing activities and services.

**Location**

HUD-designated low/moderate income census tract block groups

Objective Number	Project ID
HUD Matrix Code	CDBG Citation
Type of Recipient	CDBG National Objective
Local Government	Administration
Start Date (mm/dd/yyyy)	Completion Date (mm/dd/yyyy)
Performance Indicator	Annual Units
Local ID	Units Upon Completion

**Funding Sources:**

CDBG	\$21,347
ESG	
HOME	
HOPWA	
Total Formula	
Prior Year Funds	
Assisted Housing	
PHA	
Other Funding	
Total	\$21,347

The primary purpose of the project is to help:  the Homeless  Persons with HIV/AIDS  Persons with Disabilities  Public Housing Needs

**B. Priorities**

The table below summarizes the objectives intended to implement the goals of the Consolidated Plan with regard to housing and community development needs.

During the FY 2013-14 program year, the goal is to assist 20 low/moderate income households through a combination of the Owner-occupied Housing Rehabilitation Program and the Downpayment Assistance Program. In addition, a goal has been established to address 350-400 city code violations to aid in the prevention of blight. Finally, the goal is to assist 4,000 low-income persons with human services primarily in the form of emergency assistance through the Portage Community Center.

<b>PRIORITY NEED: HOUSING AND AFFORDABLE HOUSING</b>	
SPECIFIC OBJECTIVES	1. Assist 13 households with housing rehabilitation loans in order to improve housing conditions.
	2. Assist 2 households with emergency repair grants to improve housing conditions and arrest further housing deterioration.
	3. Assist 2 households with down payment assistance to affordably purchase a home in a target city neighborhood.
	4. Indirectly assist approximately 3000 households via the General Fund and CDBG program by financing non-profit agencies that provide emergency assistance to low/moderate income persons with a housing crisis.
	5. Affirmatively further fair housing by carrying out and supporting fair housing education and services within the community.
<b>PRIORITY NEED: COMMUNITY DEVELOPMENT</b>	
SPECIFIC OBJECTIVES	1. Promote neighborhood improvement by responding to 350-400 code enforcement complaints.
	2. Provide human service assistance to approximately 4,000 persons by funding the Portage Community Center.

**C. Geographic Distribution**

As specified in subsection A, Activities To Be Undertaken During Program Year, the Neighborhood Improvement-Code Enforcement activities are limited to HUD-designated low/moderate income census tract block groups. Similarly, the Downpayment Assistance Program is targeted to current or previously designated low/moderate income census tract block groups and neighborhoods with affordable owner-occupied median home values. The Housing Rehabilitation Program, while often utilized to address issues identified through Neighborhood Improvement activities, is offered citywide to income-eligible homeowners. The Human Services activity is provided at the Portage Community Center facility centrally located within the community. Services are offered to city residents regardless of their geographic location of residence.

Where activities are geographically targeted, such areas include census tract block groups with a minority population concentration, which is discussed in more detail in the FY 2011-2015 Consolidated Plan.

## **D. Homeless and Other Special Needs Activities**

Homelessness. As outlined in the FY 2011-2015 Consolidated Plan, the City of Portage actively participates on the Kalamazoo LISC Affordable Housing Partnership, which comprises the HUD-required Continuum-of-Care organization, and assists with the preparation of planning documents with regard to homeless needs. While the Consolidated Plan provides information regarding emergency, transitional and permanent supportive housing facilities and services for homeless and chronic homeless persons within Kalamazoo County, the annual Continuum of Care planning document, submitted to HUD annually, should be referenced for an updated inventory of such services, and prioritization of homelessness needs.

The City of Portage will also address homelessness by funding agencies that provide housing and related services to homeless persons in the effort to shelter those individuals and families who have lost their home and prevent homelessness of those individuals and families experiencing a housing crisis.

In May 2008, City Council awarded the Kalamazoo County Public Housing Commission a grant of \$100,000 for the Local Housing Assistance Fund to provide tenant-based rental subsidies to homeless persons and for homelessness prevention programs. The Public Housing Commission utilized the remaining funds from the city to purchase a single-family dwelling for affordable rental housing, and the city granted a tax exemption and Payment in Lieu of Taxes (PILOT) to facilitate the project. In addition, while funding awards have not yet been finalized, City Council will allocate approximately \$121,237 in General Fund monies, and \$31,804 in CDBG Fund monies to human/public service agencies to provide homeless and other special needs services, which will include:

- Emergency assistance to low income families (utility shut-off payments, eviction preventions, food, clothing, etc.), youth development and program coordination with other service agencies at the community center.
- Emergency shelter, homeless prevention programs and permanent supportive housing for families.
- Emergency shelter, counseling and outreach for runaway youth and their families.
- Emergency shelter and counseling for victims of domestic and/or sexual abuse, and mentoring programs for adult women.
- Support for the 2-1-1/Help-Line that provides crisis intervention and human services information and referral 20 hours per day.

Special Needs Populations. There are no specific programs targeted towards special needs populations. However, whenever possible the City of Portage works with special needs housing providers on programs to create affordable housing opportunities for persons with special needs. This is evidenced by the following: 1) granting of a Payment in Lieu of Taxes (PILOT) for Residential Opportunities, Incorporated to purchase and rehabilitate a 32-unit apartment development, 12 units of which will be rented to special needs households; 2) a CDBG program grant to the LIFT Foundation for site clearing and connection to utilities for an 11-unit apartment for persons with disabilities; 3) availability of housing rehabilitation and emergency

repair funds for persons with special needs who require accessibility improvements, including potential partnership opportunities with the Disability Network Southwest Michigan Ramp-Up program (CDBG housing rehabilitation funds cover materials and the Disability Network provides volunteer labor); 4) active participation on the Kalamazoo County LISC Affordable Housing Partnership, which facilitates the Kalamazoo County Continuum-of-Care for local agency housing program grant applications to MSHDA and HUD.

The table below summarizes the objectives intended to implement the goals of the Consolidated Plan with regard to homeless and special needs populations.

**SUMMARY OF SPECIFIC HOMELESS AND SPECIAL NEEDS POPULATIONS OBJECTIVES (CP Table 1C)**

<b>PRIORITY NEED: HOMELESSNESS</b>	
<b>SPECIFIC OBJECTIVES</b>	1. Funding agencies that provide homelessness prevention and emergency housing in Kalamazoo County to assist with the implementation of the 10-year Plan to End Homelessness.
	2. Funding agencies that provide rapid re-housing (transitional and permanent housing and support services) for homeless individuals and families experiencing homelessness.
	3. Participate in the annual preparation of the HUD-required Continuum-of-Care planning document, which monitors the provision of services to homeless individuals and prioritizes needs and programs.
<b>PRIORITY NEED: SPECIAL NEEDS</b>	
<b>SPECIFIC OBJECTIVES</b>	City of Portage programs are not directly targeted at assisting special needs populations.

**E. Other Actions Proposed**

Anti-Poverty Strategy, Under-served Needs, and Barriers to Affordable Housing

As discussed in the FY 2011-2015 Consolidated Plan, due to limited funding, the city will not directly undertake programs to combat poverty. However, the above described programs provided through the CDBG program and General Fund monies for human/public services, will indirectly address poverty related needs.

In addition, continuation of CDBG programs and efforts to partner with for-profit and non-profit developers will assist in providing additional affordable housing over the FY 2013-14 program year. Examples may include consideration of tax exemptions from General Fund revenues to facilitate affordable housing construction and rehabilitation, and utilization of CDBG funds for pre-development activities (connection to public utilities, etc.) for affordable housing construction and/or rehabilitation. Funding may be derived from unanticipated program income and unexpended funds available at the end of the FY 2012-13 program year, provided expenditures do not constitute a substantial change in use of funds (i.e., not more than 10 percent of the total FY 2013-14 CDBG Program budget).

**F. Lead Based Paint Hazards**

All CDBG housing projects will be carried out in accordance with federal and state regulations pertaining to lead-based paint hazards over the FY 2013-14 program year.

### G. Coordination

As necessary, and to the extent of limited personnel and monetary resources, the City of Portage coordinates available programs, services and special resources to best serve the citizens of Portage. The Department of Community Development often works with other city departments and outside agencies to meet the special needs of residents.

As discussed in the Lead Agency and Consultation/Coordination section of the Consolidated Plan, the city will continue to implement the CDBG program and work with other countywide housing and anti-poverty initiatives throughout the FY 2013-14 program year.

### H. Allocation of Funds

The planned allocation of funds for FY 2013-14 are shown in the following table:

<b>FUNDING SOURCES</b>		
<b>Entitlement Grant (Includes reallocated funds)</b>		
CDBG	\$198,100	
ESG	\$0	
HOME	\$0	
HOPWA	\$0	
<b>Total</b>		\$198,100
<b>Prior Years' Program Income NOT previously programmed or reported <sup>1</sup></b>		
CDBG	\$0	
ESG	\$0	
HOME	\$0	
HOPWA	\$0	
<b>Total</b>		\$0
<b>Reprogrammed Prior Years' Funds</b>		
CDBG	\$35,000	
ESG	\$0	
HOME	\$0	
HOPWA	\$0	
<b>Total</b>		\$35,000
<b>Total Estimated Program Income</b>		
Program Income Fund	\$25,000	
Revolving Fund	\$0	
<b>Total</b>		\$25,000
<b>Section 108 Loan Guarantee Fund</b>		
	\$0	
		\$0
<b>TOTAL FUNDING SOURCES</b>		\$258,100
<b>Other Funds</b>		\$0
<b>Submitted Proposed Projects Totals</b>		\$258,100
<b>Un-Submitted Proposed Projects Totals</b>		\$0

In addition to the CDBG-funded activities in the table above, additional state and federal resources are available either directly to the City of Portage, or within the community serving Portage residents during the program year.

<b>OTHER FEDERAL, STATE AND LOCAL RESOURCES</b>	
City of Portage General Fund-Payment in Lieu of Taxes (PILOT) for affordable rental housing – estimated annual subsidy	\$65,000
Housing Choice Vouchers (Tenant-based rental assistance for low income and homeless households) Utilized in Portage – Variable Monetary Value – Administered by MSHDA	100 (estimated)
Supportive Housing Program Funds awarded to Kalamazoo County governmental and non-profit agencies via HUD funding that may serve Portage residents	\$1,906,487
McKinney-Vento Homeless Funds awarded to Kalamazoo County governmental and non-profit agencies via MSHDA funding that serve Portage residents	\$283,054

Finally, the City of Portage and sub-recipients of CDBG funds leverage CDBG dollars from City General Fund, federal and state grants, and private funds. The amount of leveraged funds will be reported annually in the CAPER document submitted to HUD.

#### **I. American Dream Down Payment Initiative (ADDI) Funds**

The City of Portage does not receive ADDI funding from HUD. However, as discussed above, the city does have a Downpayment Assistance Program through the CDBG Program and a separate grant from MSHDA.

#### **J. Monitoring**

The City of Portage regularly contracts with sub-recipients for human/public services, fair housing services and for single-family housing predevelopment. The Department of Community Development receives reports from human/public service and fair housing agencies on a biannual or quarterly basis and makes periodic monitoring visits. Housing contractors are monitored regularly while a project is underway and thereafter to ensure compliance with HUD regulations. Any new programs developed as a result of the Consolidated Plan or individual Annual Action Plan which will utilize sub-recipients will also be monitored in a similar manner.

With regard to City of Portage self-evaluation and monitoring, review of expenditures and program income receipt expenditures (including timeliness of expenditures), program activity accomplishments, and staff evaluation occurs at least quarterly, or more frequently as appropriate. In addition, grant performance is evaluated through the preparation of bi-annual Labor Standards Enforcement reports, the annual Contractor and Subcontractor report, annual and project specific Environmental Review, and annual Consolidated Annual Performance Evaluation Report (CAPER).

#### **K. Citizen Participation**

The City of Portage has followed the Citizen Participation Plan as provided in the FY 2011-2015 Consolidated Plan, and the table below outlines the steps to be taken in the development of the FY 2013-14 Annual Action Plan.

<b>PLAN DEVELOPMENT PROCESS AND CITIZEN PARTICIPATION</b>	
December 7, 2012	Receive and review requests for funding from human/public service agencies.
January 3, 2013	Human Services Board holds public hearing to receive comments regarding FY 2013-14 applications for funding for human/public services, and to gather comments on CDBG program performance and receive input on housing, community development needs, housing priorities and fair housing issues in relation to drafting the Annual Action Plan.
January 4, 2013 – February 7, 2013	Preparation of proposed recommendation for proposed CDBG budget and CDBG human/public service funding. Separate recommendation made by Human Services Board and the City Administration for final review and decision by City Council.
February 11, 2013	Recommend CDBG budget and complete draft of FY 2013-14 Annual Action Plan; submit to City Manager for review.
March 2, 2013	Publish summary of FY 2013-14 Annual Action Plan, including projected use of funds and notice for public hearing in the Kalamazoo Gazette.
April 4, 2013	City of Portage holds public hearing on the draft Annual Action Plan.
April 9, 2013	Final draft of FY 2013-14 Annual Action Plan and CDBG budget to City Council for review.
May 14, 2013	City Council approves CDBG budget and FY 2013-14 Annual Action Plan.
May 15, 2013	Mail FY 2013-14 Annual Action Plan to HUD by May 15 <sup>th</sup> deadline.
May-June, 2013	Prepare FY 2013-14 Environmental Review Record.
July 1, 2013	Begin new grant program year, FY 2013-14.

A summary of public comments received to date on the FY 2013-14 Annual Action Plan is provided in Appendix B.

#### **L. Affirmatively Promoting Fair Housing**

Concurrent with the Consolidated Plan update, an update to the *Analysis of Impediments to Fair Housing (A/I)* study was also accomplished. The updated A/I study recommends activities that will be undertaken to eliminate the identified impediments to fair housing choice within the community. The City of Portage will allocate \$2,000 within the CDBG Administration budget for the following fair housing activities in FY 2013-14, which are intended to assist with addressing impediments identified in the A/I study:

1. Provide assistance to the Fair Housing Center of Southwest Michigan to host a minimum of two fair housing presentations to property owners/managers, realtors and/or financial institutions. **Target Deadline:** June 2014. **Estimated Budget:** \$0, in-kind professional services, completed on fee-for-service basis by Fair Housing Center.
2. Sponsor a fair housing education event during Fair Housing Month. This event will be conducted by the Fair Housing Center of Southwest Michigan, but may be in participation with other partners. **Target Deadline:** April 2014. **Estimated Budget:** \$500.
3. The city will pass a fair housing resolution in recognition of National Fair Housing Month. **Target Deadline:** April 2014. **Estimated Budget:** \$0.

4. Support fair housing activities of the Fair Housing Center of Southwest Michigan including information and referral, education and outreach, and Fair Housing enforcement services. **Target Deadline:** June 2014. **Estimated Budget:** \$1,500.
5. Participate as an Advisory Board member on the Partnership for Fair Housing Center of Southwest Michigan, and in the efforts to address fair housing issues on an area-wide basis. This includes efforts to strategically plan for the implementation of education, testing and enforcement of fair housing complaints by the Fair Housing Center of Southwest Michigan. **Target Deadline:** Ongoing. **Estimated budget:** \$0, in-kind professional services; attendance at monthly Board meetings, assistance on subcommittees.

#### **M. Certifications**

Certifications are provided in Appendix A.

APPENDIX A  
CERTIFICATIONS

## CERTIFICATIONS

In accordance with the applicable statutes and the regulations governing the consolidated plan regulations, the jurisdiction certifies that:

**Affirmatively Further Fair Housing** -- The jurisdiction will affirmatively further fair housing, which means it will conduct an analysis of impediments to fair housing choice within the jurisdiction, take appropriate actions to overcome the effects of any impediments identified through that analysis, and maintain records reflecting that analysis and actions in this regard.

**Anti-displacement and Relocation Plan** -- It will comply with the acquisition and relocation requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, and implementing regulations at 49 CFR 24; and it has in effect and is following a residential antidisplacement and relocation assistance plan required under section 104(d) of the Housing and Community Development Act of 1974, as amended, in connection with any activity assisted with funding under the CDBG or HOME programs.

**Anti-Lobbying** -- To the best of the jurisdiction's knowledge and belief:

1. No Federal appropriated funds have been paid or will be paid, by or on behalf of it, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement;
2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, it will complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions; and
3. It will require that the language of paragraph 1 and 2 of this anti-lobbying certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

**Authority of Jurisdiction** -- The consolidated plan is authorized under State and local law (as applicable) and the jurisdiction possesses the legal authority to carry out the programs for which it is seeking funding, in accordance with applicable HUD regulations.

**Consistency with plan** -- The housing activities to be undertaken with CDBG, HOME, ESG, and HOPWA funds are consistent with the strategic plan.

**Section 3** -- It will comply with section 3 of the Housing and Urban Development Act of 1968, and implementing regulations at 24 CFR Part 135.

\_\_\_\_\_  
Signature/Authorized Official

\_\_\_\_\_  
Date

## Specific CDBG Certifications

The Entitlement Community certifies that:

**Citizen Participation** -- It is in full compliance and following a detailed citizen participation plan that satisfies the requirements of 24 CFR 91.105.

**Community Development Plan** -- Its consolidated housing and community development plan identifies community development and housing needs and specifies both short-term and long-term community development objectives that provide decent housing, expand economic opportunities primarily for persons of low and moderate income. (See CFR 24 570.2 and CFR 24 part 570)

**Following a Plan** -- It is following a current consolidated plan (or Comprehensive Housing Affordability Strategy) that has been approved by HUD.

**Use of Funds** -- It has complied with the following criteria:

1. Maximum Feasible Priority. With respect to activities expected to be assisted with CDBG funds, it certifies that it has developed its Action Plan so as to give maximum feasible priority to activities which benefit low and moderate income families or aid in the prevention or elimination of slums or blight. The Action Plan may also include activities which the grantee certifies are designed to meet other community development needs having a particular urgency because existing conditions pose a serious and immediate threat to the health or welfare of the community, and other financial resources are not available);
2. Overall Benefit. The aggregate use of CDBG funds including section 108 guaranteed loans during program year(s) \_\_\_\_\_ , \_\_\_\_\_ (a period specified by the grantee consisting of one, two, or three specific consecutive program years), shall principally benefit persons of low and moderate income in a manner that ensures that at least 70 percent of the amount is expended for activities that benefit such persons during the designated period;
3. Special Assessments. It will not attempt to recover any capital costs of public improvements assisted with CDBG funds including Section 108 loan guaranteed funds by assessing any amount against properties owned and occupied by persons of low and moderate income, including any fee charged or assessment made as a condition of obtaining access to such public improvements.

However, if CDBG funds are used to pay the proportion of a fee or assessment that relates to the capital costs of public improvements (assisted in part with CDBG funds) financed from other revenue sources, an assessment or charge may be made against the property with respect to the public improvements financed by a source other than CDBG funds.

The jurisdiction will not attempt to recover any capital costs of public improvements assisted with CDBG funds, including Section 108, unless CDBG funds are used to pay the proportion of fee or assessment attributable to the capital costs of public improvements financed from other revenue sources. In this case, an assessment or charge may be made against the property with respect to the public improvements financed by a source other than CDBG funds. Also, in the case of properties owned and occupied by moderate-income (not low-income) families, an assessment or charge may be made against the property for public improvements financed by a source other than CDBG funds if the jurisdiction certifies that it lacks CDBG funds to cover the assessment.

**Excessive Force** -- It has adopted and is enforcing:

1. A policy prohibiting the use of excessive force by law enforcement agencies within its

jurisdiction against any individuals engaged in non-violent civil rights demonstrations; and

2. A policy of enforcing applicable State and local laws against physically barring entrance to or exit from a facility or location which is the subject of such non-violent civil rights demonstrations within its jurisdiction;

**Compliance With Anti-discrimination laws** -- The grant will be conducted and administered in conformity with title VI of the Civil Rights Act of 1964 (42 USC 2000d), the Fair Housing Act (42 USC 3601-3619), and implementing regulations.

**Lead-Based Paint** -- Its activities concerning lead-based paint will comply with the requirements of 24 CFR Part 35, subparts A, B, J, K and R;

**Compliance with Laws** -- It will comply with applicable laws.

\_\_\_\_\_  
Signature/Authorized Official

\_\_\_\_\_  
Date

\_\_\_\_\_  
Title

## APPENDIX TO CERTIFICATIONS

### INSTRUCTIONS CONCERNING LOBBYING:

#### A. Lobbying Certification

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

APPENDIX B  
SUMMARY OF CITIZEN COMMENTS

**January 3, 2013 Public Hearing on Housing and Community Development Needs:**

Public Hearing - CDBG Program - Overview of Housing and Community Development Needs for Consolidated Plan update: Chair Sheppard opened the public hearing. Staff provided an overview of the HUD planning and reporting requirements for CDBG program grantees, including completion of a Consolidated Plan update every five years (including an Analysis of Impediments to Fair Housing study), an Annual Action Plan and grant application, and a Consolidated Annual Performance Report. Staff provided a detailed overview of housing and community development needs included in the FY 2011-15 Consolidated Plan, key CDBG program activities, and performance measures from FY 2011-12. In addition, an overview of the projected budget and timeline to develop the Annual Action Plan was reviewed. The city will not know the entitlement grant amount until March or April 2013, but is estimating flat funding for FY 2013-14. A draft budget and Annual Action Plan would be prepared by mid-February, and a 30-day public comment period would follow with a public hearing on the plan in either late March or early April 2013. Woodin inquired regarding the fiscal year. Staff clarified the city's fiscal year starts on July 1<sup>st</sup> and ends June 30<sup>th</sup> and the CDBG program year is on the same cycle. As no further comments from the Board or no public comments were received, the hearing was closed.

**30-day Public Comment Period: March 2-April 4, 2013 Public Hearing on draft FY 2013-14 Annual Action Plan:**

Public Hearing - Community Development Block Grant (CDBG) Program: FY 2013-14 Annual Action Plan: Chair Sheppard opened the public hearing. Georgeau provided an overview of the plan and summarized proposed activities with the funds available next fiscal year. In review of the comparative budget table, staff noted the city has not yet been formally notified of its entitlement grant amount for FY 2013-14, but anticipates at least a 7.4% decrease in funding. Sheppard asked if the city anticipated the reduced funding. Georgeau indicated yes, and that reductions are due to changes in poverty rates, but mostly sequestration of the federal budget. In response to Sheppard, staff also explained the differences in various city budget funds, such as the General Fund, CIP Fund, CDBG Fund, etc. Mirza requested clarification regarding the manner in establishing low-income neighborhoods shown on Map 1. Georgeau explained the areas are established based on Census data calculated for HUD, and that the areas shown are the "upper quartile" neighborhoods of the city, with the highest percentage of low income households. In response to comments by Mirza and Morgan, staff explained that the areas selected for Down Payment Assistance are those that are currently, or were previously, designated as low-moderate income areas and/or areas with home values that would be affordable for program participants. Chris Miller, Director of Enforcement for the Fair Housing Center of Southwest Michigan, inquired regarding areas of the city with a higher concentration of minority households and the identified impediments to fair housing within the Analysis of Impediments to Fair Housing (A/I) report. Georgeau indicated that the Consolidated Plan and the A/I report does address census tract block groups with higher areas of minority population, and also summarized the identified impediments to fair housing. Mr. Miller also inquired if the city has any programs to make homes more affordable in affluent areas to encourage integration. Staff indicated the Down Payment Assistance Program targets assistance to affordable housing areas, but that the city does not have any programs or statutory authority to require home sales at affordable prices outside of the CDBG Program. In response to Sheppard and Woodin, staff also indicated that home foreclosures have brought down the value and price of home over the past several years within the city and region. As no further comments were received, the public hearing was closed.

**APPENDIX C  
PROOFS OF PUBLICATION**

**December 17, 2012 Notice of Public Hearing on housing and  
community development needs on January 3, 2013**

**March 2, 2013 publication of Notice of Availability of Draft  
FY 2013-14 Annual Action Plan and Notice of Public Hearing on April 4, 2013**

STATE OF MICHIGAN )  
County of Kalamazoo

ss *Janice Ringler*

Being duly sworn deposes and say he/she is Principal Clerk of



# THE KALAMAZOO GAZETTE

## DAILY EDITION

a newspaper published and circulated in the County of Kalamazoo and otherwise qualified according to Supreme Court Rule; and that the annexed notice, taken from said paper, has been duly published in said paper on the following day(day(s) \_\_\_\_\_

December 17 A.D. 20 12

Sworn to and subscribed before me this 17th day of December 2012

*Janice M. Ringler*

JANICE M. RINGLER  
Notary Public, State of Michigan  
County of Kent  
My Commission Expires: 10/03/2014  
Acting in the County of Spert

### NOTICE OF PUBLIC HEARING

The City of Portage will hold a public hearing on Thursday, January 3, 2013 at 6:30 p.m. in Conference Room #1, City Hall, 7900 South Westridge Avenue, Portage, Michigan to receive comments on the Community Development Block Grant (CDBG) Program, community development needs, fair housing issues, housing priorities and funding for human/public services within the City of Portage. The city anticipates receiving approximately \$214,000 in Federal CDBG funding in 2013-14, and an estimated \$30,000 of program income.

All interested persons are encouraged to attend. Comments can be submitted in writing on or before January 3, 2013 to the City of Portage, Department of Community Development, or may be presented in person at the public hearing. Citizens desiring additional information should contact the City of Portage Department of Community Development, (269) 329-4477 for additional information.

Department of  
Community Development  
Vicki Georveau, Director  
December 17, 2012

STATE OF MICHIGAN )  
County of Kalamazoo

ss Sharon Sattory

Being duly sworn deposes and say he/she is Principal Clerk of



# THE KALAMAZOO GAZETTE

## DAILY EDITION

a newspaper published and circulated in the County of Kalamazoo and otherwise qualified according to Supreme Court Rule; and that the annexed notice, taken from said paper, has been duly published in said paper on the following day(day(s)) \_\_\_\_\_

March 2 A.D. 20 13

Sworn to and subscribed before me this 4<sup>th</sup> day of March 2013

Janice M. Ringle

JANICE M. RINGLER  
Notary Public, State of Michigan  
County of Kent  
My Commission Expires: 10/03/2014  
Acting in the County of Kent

**PORTAGE**  
*A Natural Place to Move*

March 2, 2013  
Notice of Availability of the  
draft FY 2013-14 Annual Action Plan  
and Notice of Public Hearing

The draft Community Development Block Grant (CDBG) Program FY 2013-14 Annual Action Plan, have been prepared as required by the U.S. Department of Housing and Urban Development (HUD) for communities receiving federal funding through the CDBG Entitlement grant program. The draft FY 2013-14 Annual Action Plan outlines proposed projects that will be undertaken with the \$269,100 in CDBG funding expected to be available to the City of Portage for FY 2013-14 from HUD. For FY 2013-14, proposed project expenditures are:

Housing Rehabilitation Assistance Program (loans and grants)	\$152,674
Down Payment Assistance Program	\$4,000
Neighborhood Improvement Code Administration and Enforcement	\$54,628
Human/Public Services	\$33,454
Grant Administration and Fair Housing Activities	\$22,130
<b>TOTAL</b>	<b>\$269,100</b>

The draft documents are available for review at the following locations:

- Department of Community Development, City of Portage, 7900 South Westridge Avenue, Portage, MI 49002
- Portage District Library, 300 Library Lane, Portage, MI 49002
- Portage Senior Center, 320 Library Lane, Portage, MI 49002
- Portage Community Center, 325 East Centre Avenue, Portage, MI 49002
- City of Portage web site ([www.portagemi.org](http://www.portagemi.org)) under: Department of Community Development, Planning, Development and Neighborhood Services, Documents

Comments can be submitted in writing on or before noon on Thursday, April 4, 2013 to the City of Portage, Department of Community Development, 7900 South Westridge Avenue, or may be presented in person at a Public Hearing that will be held on Thursday, April 4, 2013 at Portage City Hall at 4:30 p.m.

For additional information, please contact the Department of Community Development at 269-329-4477 or 269-329-4464.

Vicki Georgescu, Director  
Department of Community Development

Saturday, March 2, 2013

600126-01



**TO:** Honorable Mayor and City Council

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

**SUBJECT:** City of Portage - Township of Schoolcraft Sanitary Sewage Disposal Agreement

**SUPPORTING PERSONNEL:** W. Christopher Barnes, Director of Transportation and Utilities

**ACTION RECOMMENDED:** That City Council approve a five-year extension for the *City of Portage – Township of Schoolcraft Sanitary Sewage Disposal Agreement* and authorize the Mayor to sign the agreement extension on behalf of the city.

**EXECUTIVE SUMMARY:**

A thirty year old Sanitary Sewer Disposal Agreement between the City of Portage and Schoolcraft Township expired on January 18, 2013. Township officials and the City Administration have agreed in recommending extension of the expired Agreement (as provided in Section 16) for five years as there is no compelling reason to renegotiate the provisions of the Agreement. The Agreement provides sanitary sewer service to a small geographic area in the Township involving 71 customers.

**BACKGROUND INFORMATION:**

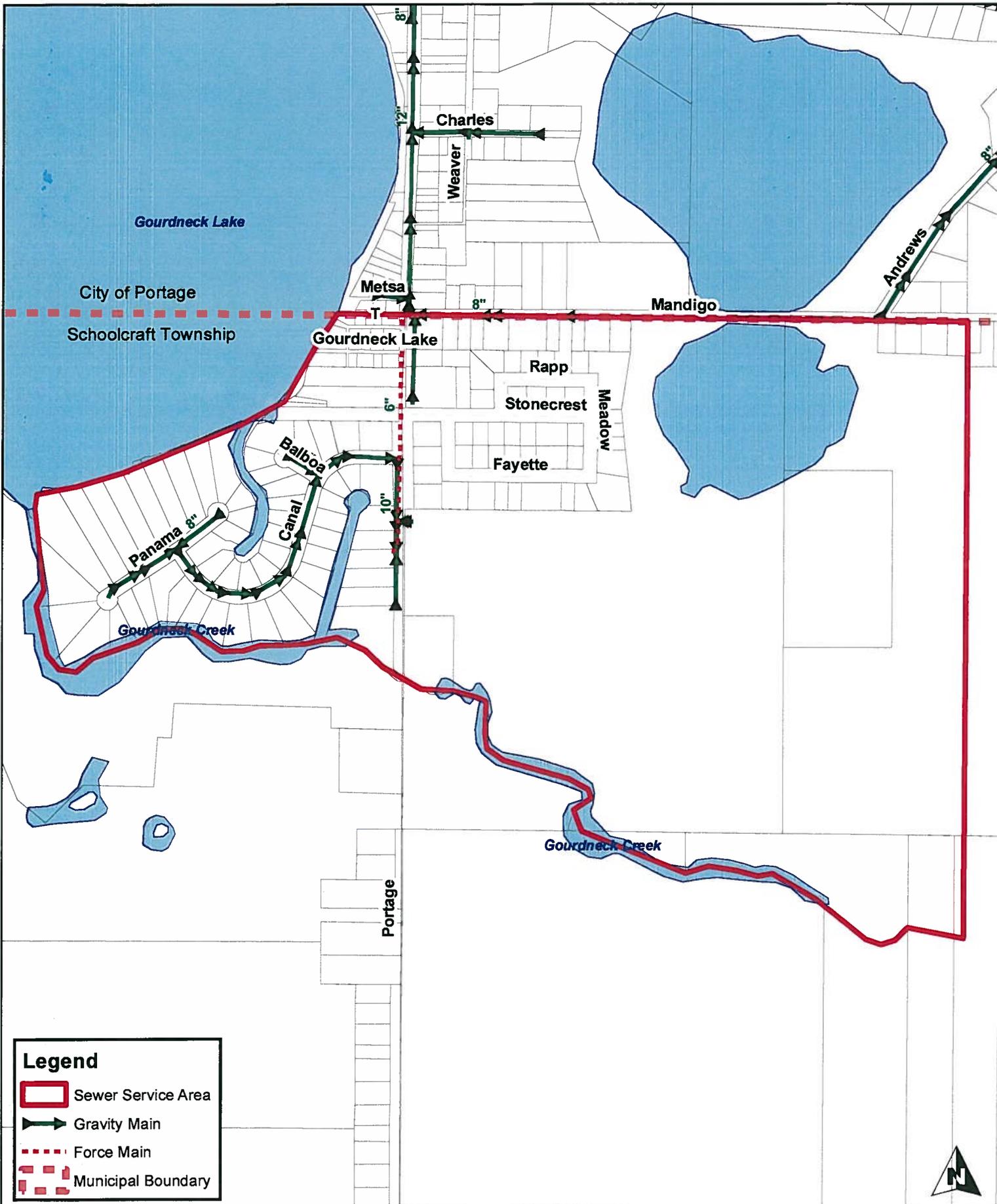
The City of Portage and the Township of Schoolcraft have an agreement for the City of Portage to provide sanitary sewer service to 71 customers within the Township of Schoolcraft (see attached map). The City of Portage operates and maintains the sanitary sewer mains and pumping station in the Township of Schoolcraft, as well as bills the corresponding Schoolcraft Township customers directly, as described in the utility rate study. The *City of Portage – Township of Schoolcraft Sanitary Sewage Disposal Agreement* was a 30-year agreement which expired on January 18, 2013.

As provided in the agreement, the South County Sewer and Water Authority on behalf of the Township of Schoolcraft, has requested a five-year extension of the 30-year agreement. The City Administration has long supported the connection of lake properties to municipal sanitary sewer to reduce pollutants released into surface waters. This agreement continues to serve as an equitable and mutually beneficial agreement to promote water quality stewardship in Schoolcraft Township. The original agreement has been reviewed by the City Attorney and City Administration. It is recommended that City Council approve the attached *City of Portage – Township of Schoolcraft Sanitary Sewage Disposal Agreement Extension* and authorize the Mayor to sign the agreement extension on behalf of the City of Portage. It is understood that the Township of Schoolcraft Board will address the proposed agreement extension at its next meeting on May 14, 2013.

**FUNDING:** N/A

**Attachments:** Map of Schoolcraft Service Area  
Sanitary Sewage Disposal Agreement  
Sanitary Sewage Disposal Agreement Extension

# Schoolcraft Township Sanitary Sewer Disposal Service Area



STATE OF MICHIGAN  
CITY OF PORTAGE - TOWNSHIP OF SCHOOLCRAFT  
SANITARY SEWAGE DISPOSAL AGREEMENT

THIS AGREEMENT ENTERED INTO THIS Eighteenth DAY OF January, 1983, BY AND BETWEEN THE CITY OF PORTAGE, MICHIGAN, (THE "CITY") AND THE TOWNSHIP OF SCHOOLCRAFT, KALAMAZOO COUNTY, MICHIGAN, ("TOWNSHIP"), WITNESSETH:

WHEREAS, THE CITY OWNS AND OPERATES A SEWAGE DISPOSAL SYSTEM AND HAS THE CAPACITY TO ACCEPT SANITARY SEWAGE FROM THE TOWNSHIP, AND PURSUANT TO AUTHORITY GRANTED TO IT BY LAW, PROPOSES TO ACQUIRE AND CONSTRUCT CERTAIN IMPROVEMENTS AND ADDITIONS TO ITS LIQUID WASTE COLLECTION FACILITIES SO AS TO PROVIDE FOR THE CONNECTION OF A CERTAIN AREA IN THE TOWNSHIP TO THE SYSTEM OF THE CITY, AND

WHEREAS, THE TOWNSHIP DESIRES TO ESTABLISH A SEWAGE DISPOSAL SYSTEM AND IN LIEU OF CONSTRUCTING CERTAIN PARTS OF SAID SYSTEM TO AVAIL ITSELF OF THE CITY'S FACILITIES FOR THE TRANSPORTATION OF THE TOWNSHIP'S SEWAGE WITHIN THE CITY AND THE TREATMENT AND FINAL DISPOSAL THEREOF BY THE CITY OF KALAMAZOO, AND

WHEREAS, THE CITY OF PORTAGE IS AND HAS BEEN SUPPORTING THE OPERATIONS OF ITS SEWAGE DISPOSAL SYSTEM FROM THE FOLLOWING TWO SOURCES, TO-WIT:

- A. CHARGES MADE TO USERS OF THE SERVICE BASED UPON WATER USE AND WATER METER SIZE, AND
- B. A CAPITAL CHARGE FOR THE AVAILABILITY OF INTERCEPTOR SEWER LINES TO TRANSPORT SANITARY SEWAGE,

NOW, THEREFORE, IN CONSIDERATION OF THE PROMISES AND UNDERTAKINGS OF THE PARTIES HERETO, IT IS AGREED AS FOLLOWS:

1. DEFINITIONS. FOR THE PURPOSE OF THIS CONTRACT, THE TERMS DEFINED IN THIS PARAGRAPH SHALL HAVE THE MEANINGS HEREINAFTER INDICATED:

- A. SCHOOLCRAFT TOWNSHIP: THAT TERRITORY CONSISTING OF AND LIMITED TO THAT AREA OF THE TOWNSHIP DESCRIBED AS: BEGINNING AT THE NORTHWEST CORNER OF SECTION 2, T. 4 S., R. 11 W., OF KALAMAZOO COUNTY, MICHIGAN, AND RUNNING THENCE EAST TO THE NORTH 1/4 POST OF SECTION 2; THENCE SOUTH ALONG THE NORTH AND SOUTH 1/4 LINE OF SAID SECTION TO THE CENTER LINE OF GOURDNECK CREEK; THENCE WESTERLY IN THE CENTER LINE OF SAID CREEK TO THE SOUTHERLY SHORE OF GOURDNECK LAKE; THENCE NORTHERLY AND EASTERLY ALONG THE SOUTHERLY SHORE OF SAID LAKE TO THE NORTH LINE OF SECTION 3, T. 4 S., R. 11. W.; THENCE EASTERLY THEREON TO BEGINNING.

- B. SANITARY SEWAGE: THE WASTEWATER OF THE COMMUNITY WHICH HAS BECOME POLLUTED THROUGH USE, NOT INCLUDING STORM WATER.
  - C. SANITARY SEWAGE DISPOSAL SYSTEM: (AS RELATED TO EITHER THE CITY OR TOWNSHIP) ALL SANITARY SEWERS, PLANTS, WORKS, INSTRUMENTALITIES AND PROPERTIES, OR PARTS THEREOF, USED OR USEFUL IN CONNECTION WITH THE COLLECTION, AND/OR DISPOSAL OF SANITARY SEWAGE. THE WORD SYSTEM WHEN USED ALONE SHALL BE DEEMED TO MEAN THE SANITARY SEWAGE DISPOSAL SYSTEM OF EITHER THE CITY OR THE TOWNSHIP AS INDICATED BY THE CONTEXT.
  - D. INDUSTRIAL WASTES: LIQUID WASTES RESULTING FROM ANY MANUFACTURING OR INDUSTRIAL OPERATION OR PROCESS.
  - E. PROPERTY LEADS: PIPES EXTENDING FROM THE SANITARY SEWER IN A STREET OR RIGHT OF WAY TO THE VICINITY OF THE PRIVATE PROPERTY LINE.
  - F. SEWAGE DISPOSAL SERVICE: ACCEPTANCE, TRANSPORTATION AND DISPOSAL OF SANITARY SEWAGE.
2. UNDERTAKING: THE CITY HEREBY AGREES TO PROVIDE SANITARY SEWAGE DISPOSAL SERVICE TO THE TOWNSHIP AS HEREIN PROVIDED AND THE TOWNSHIP HEREBY AGREES TO PAY OR PROVIDE PAYMENT TO THE CITY FOR SUCH SERVICE AS HEREIN PROVIDED. IT IS FURTHER AGREED THAT THE CITY IS PROVIDING A CONVEYANCE SYSTEM ONLY AND IS OBLIGATED TO PROVIDE FOR THE TREATMENT AND FINAL DISPOSAL OF THE SANITARY SEWAGE FROM THE TOWNSHIP TO THE EXTENT THAT THE CITY OF KALAMAZOO WILL ACCEPT THE COMBINED TOWNSHIP-CITY FLOW FOR TREATMENT AND FINAL DISPOSAL.
3. TOWNSHIP SEWAGE DISPOSAL SYSTEM: THE TOWNSHIP AGREES TO CONSTRUCT SANITARY SEWERS AND APPURTENANCES FOR THE PURPOSE OF COLLECTING SANITARY SEWAGE WITHIN THE TOWNSHIP AND CONVEYING THE SAME TO THE CITY'S COLLECTION SYSTEM AT OR NEAR ITS BORDER LINES. THE SAID TOWNSHIP SYSTEM SHALL BE CONSTRUCTED IN THE RESPECTIVE AREAS OR DISTRICTS OF THE TOWNSHIP FROM TIME TO TIME AS THE NEED ARISES. THE TOWNSHIP SHALL COMPLY WITH THE FOLLOWING PROVISIONS IN RESPECT TO ITS SEWAGE DISPOSAL SYSTEM.
- A. DESIGN: ALL PLANS AND SPECIFICATIONS FOR THE CONSTRUCTION, ALTERATION, OR EXTENSION OF THE SANITARY SEWAGE DISPOSAL SYSTEM WITHIN THE TOWNSHIP SHALL BE PREPARED BY A REGISTERED PROFESSIONAL ENGINEER AND REVIEWED BY THE TOWNSHIP ENGINEER AND AS TO DESIGN SHALL BE SUBJECT TO THE APPROVAL OF THE CITY ACTING THROUGH ITS CITY ENGINEER AND SUCH APPROVALS AS WELL AS THOSE REQUIRED BY ANY DULY AUTHORIZED STATE REGULATORY AGENCY SHALL BE A PREREQUISITE TO ANY CONSTRUCTION, ALTERATION OR ADDITION TO THE TOWNSHIP SYSTEM.

- B. INSPECTION OF CONSTRUCTION: ALL CONSTRUCTION OF THE TOWNSHIP SEWAGE DISPOSAL SYSTEM SHALL BE SUPERVISED BY QUALIFIED INSPECTORS AND SHALL BE SUBJECT TO THE APPROVAL OF THE CITY ACTING THROUGH ITS CITY ENGINEER AND BY THE TOWNSHIP ACTING THROUGH ITS ENGINEER.
- C. RECORDS AND PLANS: DETAILED RECORDS OF ANY CONSTRUCTION, ALTERATION, ADDITION OR RELOCATION OF THE TOWNSHIP'S SEWAGE DISPOSAL SYSTEM SHALL BE KEPT ON FILE IN THE TOWNSHIP OFFICE, AND COPIES THEREOF SHALL BE FURNISHED TO THE CITY, ALONG WITH THE CONSTRUCTION PLANS SHOWING THE FACILITIES AS FINALLY CONSTRUCTED, ALTERED, EXTENDED, OR RELOCATED. THE TOWNSHIP SHALL REPORT FULLY TO THE CITY AS TO ALL PREMISES CONNECTED TO THE TOWNSHIP SEWERS.
- D. RESPONSIBILITY FOR TOWNSHIP'S SYSTEM: THE TOWNSHIP SHALL BE RESPONSIBLE FOR AND SHALL BEAR ALL COSTS OF ITS SEWAGE DISPOSAL SYSTEM INCLUDING BUT NOT LIMITED TO THOSE INCURRED IN THE PREPARATION AND REVIEW OF PLANS AND SPECIFICATIONS, SECURING RIGHTS OF WAY, CONSTRUCTION, ALTERATION, RELOCATION OF SEWERS, PUMPING STATIONS, AND APPURTENANCES, INSPECTION OF CONSTRUCTION, PREPARATION OF RECORDS, PROPERTY LEADS, AND HOUSE CONNECTIONS, AND THE LIKE FOR THE SANITARY SEWERS WITHIN THE TOWNSHIP. NOTHING HEREIN CONTAINED SHALL BE CONSTRUED TO DEPRIVE THE TOWNSHIP OF JURISDICTION OVER ITS SEWAGE DISPOSAL SYSTEM OR TO GRANT TO THE CITY THE RIGHT TO DO BUSINESS WITHIN THE TOWNSHIP.
- E. METERS: THE TOWNSHIP SHALL REQUIRE THE CUSTOMER TO PROVIDE WATER METERS ON ALL PRIVATE OR PUBLIC WATER SUPPLIES THAT EVENTUALLY DISCHARGE INTO THE CITY'S WASTEWATER SYSTEM. METERS SHALL BE PURCHASED FROM THE CITY DEPARTMENT OF PUBLIC SERVICES. INSTALLATION WILL BE THE RESPONSIBILITY OF THE CUSTOMER.
- F. SEWER USER ORDINANCE AND PLUMBING CODE: AS LONG AS THE SANITARY SEWAGE OF THE TOWNSHIP IS TRANSPORTED AND FINALLY DISPOSED OF AS IN THIS CONTRACT PROVIDED, THE TOWNSHIP SHALL HAVE IN EFFECT A SEWER USE ORDINANCE AND A PLUMBING CODE WITH STANDARDS EQUAL TO THOSE OF THE CITY AND SHALL PROVIDE FOR THE STRICT ENFORCEMENT THEREOF.
4. SEWAGE SERVICE BY CITY: THE CITY AGREES TO FURNISH THE FOLLOWING SERVICES TO THE TOWNSHIP IN ACCORDANCE WITH THE PROVISIONS OF THIS CONTRACT:
- A. TRANSPORTATION: TO ACCEPT SANITARY SEWAGE ORIGINATING IN THE TOWNSHIP WHEN DELIVERED TO THE CITY SEWERS AT OR NEAR THE CITY BOUNDARIES; TO CONVEY SAID SEWAGE THROUGH ITS SEWER COLLECTION SYSTEM, AND FINALLY TO DISPOSE OF THE SAME, NOT TO EXCEED 100,000 GALLONS PER DAY.

- B. OPERATION, MAINTENANCE, AND REPLACEMENT: TO PROVIDE OPERATION, MAINTENANCE, AND REPLACEMENT, INCLUDING INSPECTION, CLEANING AND REPAIR OF THE SEWAGE DISPOSAL SYSTEM IN THE SAME MANNER AND EXTENT AS PROVIDED IN THE CITY.
- C. METER RECORDING, BILLING AND COLLECTING: TO MAKE AVAILABLE AND PROVIDE MAINTENANCE OF WATER METERS REQUIRED BY THE CITY AND THE TOWNSHIP IN ORDER TO DETERMINE THE BASIS UPON WHICH SEWAGE DISPOSAL CHARGES SHALL BE MADE TO EACH CUSTOMER; TO READ SUCH METERS; TO BILL CUSTOMERS IN THE TOWNSHIP RECEIVING SEWAGE DISPOSAL SERVICES; AND TO EFFECTUATE THE COLLECTION OF CHARGES FOR SEWAGE DISPOSAL.
5. COMPENSATION TO CITY: THE TOWNSHIP AND CITY AGREE THAT FOR THE SERVICES DESCRIBED THE CITY SHALL RECEIVE COMPENSATION AS FOLLOWS:
- A. BASIS OF CITY COMPENSATION: IT IS THE INTENT OF THIS CONTRACT THAT THE CITY IS ENTITLED TO BE REIMBURSED BY THE TOWNSHIP FOR THE COST OF THE SERVICES SPECIFIED IN PARAGRAPH 4 OF THIS CONTRACT AND ALSO FOR CAPITAL ADDITIONS TO THE CITY'S SEWER SYSTEM USED BY THE TOWNSHIP CUSTOMERS IN THE RENDERING OF SUCH SERVICES. ANY REVISIONS OF RATES SHALL BE PREDICATED UPON SUCH PRINCIPLES, AND REVIEW OF SUCH RATES SHALL BE CONTINUOUS. THE PROCEEDS OF THE CHARGES SET FORTH IN PARAGRAPH 5 SHALL BE USED BY THE CITY FOR THE SEWAGE SYSTEM.
- B. SERVICE CHARGES: (OTHER THAN PARA. #4)
- CHARGES MAY BE MADE BY THE CITY, ON THE BASIS OF DIRECT COST FOR TIME AND MATERIAL PLUS 25% FOR OVERHEAD, FOR SERVICES OTHER THAN THOSE DESCRIBED IN PARAGRAPH 4, SUCH AS THOSE MENTIONED IN PARAGRAPH 3, WHICH ARE NECESSARY TO BE RENDERED IN CONNECTION WITH INSPECTION, SUPERVISION AND APPROVAL OF PLANS, SPECIFICATIONS, CONSTRUCTION, AND OTHER WORK RELATED TO THE TOWNSHIP SYSTEM AT THE REQUEST OF THE TOWNSHIP. CHARGES FOR SUCH SERVICES SHALL BE PAID BY THE TOWNSHIP WITHIN 30 DAYS AFTER THE SAME ARE BILLED BY THE CITY.
- C. COMMODITY CHARGE: A QUARTERLY CHARGE SHALL BE MADE TO TOWNSHIP CUSTOMERS FOR CONVEYANCE AND TREATMENT OF SANITARY SEWAGE. THE QUARTERLY CHARGE SHALL INCLUDE A CHARGE FOR OPERATION, MAINTENANCE AND REPLACEMENT EQUAL TO THE SIMILAR CHARGE MADE BY THE CITY TO ITS OWN CUSTOMERS WITHIN THE CITY AND AS DEVELOPED IN ACCORDANCE WITH APPLICABLE STATE AND FEDERAL REGULATIONS. IN ADDITION, AN ADMINISTRATIVE SURCHARGE IN AN AMOUNT NOT TO EXCEED 5% OF THE RATE INDICATED ABOVE SHALL BE USED TO RECOVER CITY ADMINISTRATIVE COSTS APPLICABLE TO THIS AGREEMENT. THE QUARTERLY CHARGE MAY ALSO INCLUDE A CAPITAL CHARGE SUFFICIENT TO RECOVER A PROPORTIONATE

SHARE OF ADDITIONS TO THE CAPITAL INVESTMENT USED BY TOWNSHIP CUSTOMERS. THE CHARGE IS BASED ON THE SIZE OF THE WATER METER AND THE FLOW RECORDED BY THE METER. THE RATE SHALL BE AS SHOWN IN SECTION 19.135 ARTICLE II OF THE CITY ORDINANCE.

- D. **CAPITAL CHARGE:** A "ONE TIME" CAPITAL CONNECTION CHARGE FOR USE BY TOWNSHIP CUSTOMERS OF THE SANITARY TRUNK AND COLLECTOR SYSTEM WITHIN THE CITY SHALL BE MADE AT THE TIME OF CONNECTION. THE CAPITAL CONNECTION CHARGE SHALL BE \$630.00 FOR EACH CONNECTION UNIT. IN ADDITION, A CAPITAL QUARTERLY CHARGE OF \$0.35 PER 1,000 GALLONS SHALL BE ADDED TO THE QUARTERLY COMMODITY CHARGE OF EACH TOWNSHIP CUSTOMER FOR A PERIOD OF TWENTY (20) YEARS. THE "CAPITAL" CHARGES ARE THE TOWNSHIP CUSTOMERS PROPORTIONATE SHARE OF THE PRESENT CAPITAL COST OF THE CITY'S SEWAGE SYSTEM. THE CAPITAL CHARGE MAY BE ADJUSTED WHEN, AND IF, ANY NEW CAPITAL COSTS, BENEFITING THE TOWNSHIP AND AFFECTS THE SANITARY TRUNK OR COLLECTOR SYSTEM SERVING THE TOWNSHIP, ARE INCURRED BY THE CITY.
- E. **LIEN:** THE RATES AND CHARGES AS ESTABLISHED HEREIN SHALL CONSTITUTE A LIEN ON THE PROPERTIES CHARGED OF THE SAME TYPE AND CHARACTER AS PROVIDED FOR SEWER CHARGES BY THE PROVISION OF SECTION 21, ACT 94, PUBLIC ACTS OF MICHIGAN OF 1933, AS AMENDED. THE CITY AND TOWNSHIP SHALL EACH DO ALL THINGS NECESSARY FOR THE COLLECTION OF DELINQUENT CHARGES OR THE ENFORCEMENT OF SAID LIEN. THE CITY AND TOWNSHIP SHALL ALSO HAVE SUCH POWERS FOR THE COLLECTION OF DELINQUENT SEWAGE DISPOSAL CHARGES AS ARE PROVIDED IN SAID SECTION 21.
6. **ADDITIONAL TOWNSHIP CHARGES:** THE TOWNSHIP MAY MAKE ADDITIONAL CHARGES FOR SEWAGE DISPOSAL SERVICES OVER AND ABOVE THOSE WHICH ARE TO BE BILLED, COLLECTED, AND RETAINED BY THE CITY UNDER THE PROVISIONS OF PARAGRAPH 5 ABOVE. SUCH ADDITIONAL CHARGES MAY BE BILLED AND COLLECTED BY THE CITY SUBJECT TO ITS OPTION IN CONJUNCTION WITH THE OTHER CHARGES AND ACCOUNTED FOR BY THE CITY TO THE TOWNSHIP. THE CITY SHALL BE ENTITLED TO BE REIMBURSED BY THE TOWNSHIP FOR ANY ADDITIONAL COST INVOLVED IN BILLING AND COLLECTING SUCH ADDITIONAL CHARGES.
7. **INDUSTRIAL WASTES:** THE TOWNSHIP AGREES TO ESTABLISH CHARGES AGAINST INDUSTRIAL USERS OF THE TOWNSHIP'S COLLECTION SYSTEM, TO REQUIRE SUCH PRE-TREATMENT OF INDUSTRIAL WASTES AND TO EXECUTE CONTRACTS WITH INDUSTRIAL USERS AS MAY BE REQUIRED TO COMPLY WITH FEDERAL REGULATIONS ESTABLISHED AS A CONDITION OF APPROVAL OF FEDERAL GRANTS FOR CITY OR TOWNSHIP. ALL CHARGES COLLECTED BY THE TOWNSHIP FOR INDUSTRIAL TREATMENT, SURCHARGES OR INDUSTRIAL COST RECOVERY FOR PROJECTS ATTRIBUTABLE TO CITY CONSTRUCTION, SHALL BE TURNED OVER TO THE CITY TO BE USED IN ACCORDANCE WITH APPLICABLE FEDERAL REGULATIONS.

8. CITY AS AGENT OF TOWNSHIP: IT IS UNDERSTOOD THAT THE SEWERS AND APPURTENANCES WITHIN THE TOWNSHIP, EXCEPT SUCH FACILITIES AS HAVE BEEN CONSTRUCTED AT CITY EXPENSE, ARE THE PROPERTY OF THE TOWNSHIP AND THAT SEWAGE DISPOSAL SERVICES RENDERED TO PROPERTIES WITHIN THE TOWNSHIP ARE FURNISHED BY THE TOWNSHIP EITHER DIRECTLY OR INDIRECTLY, AND THAT THOSE TO WHOM SEWAGE DISPOSAL SERVICE IS RENDERED ARE THE CUSTOMERS OF THE TOWNSHIP. IT IS FURTHER UNDERSTOOD THAT THE CITY IN BILLING AND COLLECTING SEWAGE DISPOSAL CHARGES IS ACTING AS THE AGENT OF THE TOWNSHIP. IN THE EVENT THAT THE TOWNSHIP SHALL ELECT TO MAKE ITS OWN BILLINGS AND COLLECTIONS, AND IF THE CITY IS READING WATER METERS IN THE TOWNSHIP UNDER A WATER SERVICE AGREEMENT BETWEEN THE PARTIES, THEN THE CITY SHALL FURNISH TO THE TOWNSHIP DUPLICATE COPIES OF SUCH READING.
9. EXTENSION OF SEWERS IN THE TOWNSHIP: IN ORDER TO PROVIDE FOR THE ORDERLY AND GRADUAL EXTENSION OF SERVICE TO TOWNSHIP AREAS, THE TOWNSHIP SHALL GIVE WRITTEN NOTICE TO THE CITY WHENEVER IT PROPOSES TO EXTEND ITS COLLECTION SYSTEM, DEFINING THE AREA OR DISTRICT TO BE SERVED AND SUBMITTING WITH SAID NOTICE ALL DATA IN ITS POSSESSION REGARDING TOPOGRAPHY, ANTICIPATED VOLUMES AND CHARACTER OF FLOW, PROPOSED SIZES AND PITCH OF TRIBUTARY LINES, AND OTHER INFORMATION OF LIKE CHARACTER. THE TOWNSHIP SHALL TAKE NO FURTHER STEPS TO CONSTRUCT SAID SEWERS UNTIL THE CITY HAS HAD A REASONABLE TIME NOT EXCEEDING 30 DAYS IN WHICH TO STUDY THE PROPOSAL AND DETERMINE THE AVAILABILITY OF UNCOMMITTED PEAK LOAD CAPACITY AND ENGINEERING FEASIBILITY, AND HAS ADVISED THE TOWNSHIP OF ITS FINDINGS IN THIS REGARD. IN THE EVENT SUCH STUDY REVEALS IT IS NECESSARY TO MAKE SUBSTANTIAL ENLARGEMENTS OR ADDITIONS TO THE EXISTING CAPACITY OF THE CITY'S TRUNK LINES AND PUMPING STATION FACILITIES, NO FURTHER ACTION SHALL BE TAKEN UNDER THIS AGREEMENT.
10. GOVERNMENT AID: THE TOWNSHIP HEREBY AUTHORIZES THE CITY TO ACT IN ITS BEHALF IN THE APPLICATION FOR AND USE OF ANY GOVERNMENTAL AID WHICH MAY FROM TIME TO TIME BECOME AVAILABLE FOR WATER POLLUTION CONTROL OR SEWAGE PROJECTS OPERATIONS. THE TOWNSHIP AGREES THAT IT WILL TAKE WHATEVER STEPS MAY BE NECESSARY ON ITS PART TO HELP THE CITY SECURE SUCH AID FROM FEDERAL, STATE, COUNTY OR OTHER SOURCES, AND THAT IT WILL NOT DIRECTLY OR INDIRECTLY OR BY MEANS OF OTHERS APPLY FOR ANY SUCH AID WITHOUT THE PRIOR KNOWLEDGE OF THE CITY. IT IS UNDERSTOOD THAT ANY SUCH AID ALLOCATED FOR CONSTRUCTION IN THE TOWNSHIP SHALL BE USED FOR SUCH PURPOSES AND THE TOWNSHIP SHALL RECEIVE CREDIT FOR SUCH AID. THE CITY SIMILARLY AGREES TO ASSIST THE TOWNSHIP IN SECURING ANY OF THE FOREGOING AID WHICH MIGHT BE AVAILABLE TO IT. THE FOREGOING SHALL NOT APPLY TO ANY ACTIVITIES OF SCHOOLCRAFT TOWNSHIP LYING OUTSIDE THE AREA DESCRIBED IN SECTION 1-A.
11. GOVERNMENT PERMITS: THE TOWNSHIP HEREBY ACCEPTS THE RESPONSIBILITY FOR OBTAINING SUCH PERMITS, CONSENTS, OR OTHER REQUIRED APPROVALS AS MAY BE NECESSARY FOR THE INSTALLATION OR MAINTENANCE OF THE SEWAGE SYSTEM WITHIN ITS BORDERS FROM SUCH BOARD, COMMISSION, UNIT OR ENTITY AS MAY HAVE JURISDICTION OVER THE SAME.

12. CITY SUPERVISION AND INSPECTION: THE CITY SHALL AT ALL TIMES HAVE THE RIGHT TO ENTER UPON AND INSPECT THE SYSTEM OF THE TOWNSHIP AND ALL PROPERTIES CONNECTED THEREWITH, FOR THE PURPOSE OF PROTECTING ITS RIGHTS UNDER THIS CONTRACT. THE TOWNSHIP SHALL COMPLY WITH THE REASONABLE REQUESTS OF THE CITY FOR INFORMATION RELATING THE TOWNSHIP SYSTEM AND RELATING TO COMPUTATION OF SEWAGE SERVICE CHARGES. THE TOWNSHIP WILL KEEP THE CITY FULLY AND CONTINUALLY INFORMED REGARDING ITS PLANS FOR ANY INSTALLATION OF SEWERS, INCLUDING ENGINEERING PLANS AND SPECIFICATIONS. AS AND WHEN CONNECTIONS TO THE SEWAGE SYSTEM OF THE TOWNSHIP ARE ANTICIPATED OR MADE, THE TOWNSHIP SHALL GIVE NOTICE TO THE CITY THEREOF, AS ITS AGENT, AND STATE THE ESTIMATED FLOW TO BE ANTICIPATED FROM THE PREMISES CONNECTED. THE CITY MAY INSPECT SAID PREMISES AND THE SOURCES OF ALL WATER ENTERING THE SAME AND THE MEANS OF DISPOSAL THEREOF. THE CITY MAY REQUIRE A REASONABLE DEPOSIT TO BE PAID AND MAY ESTABLISH SEWER SERVICE CHARGE UPON SUCH INFORMATION AS IS FURNISHED OR UPON ITS ESTIMATE OF ACTUAL QUANTITIES AND CHARACTER OF WASTEWATER WHICH ARE TO BE DEPOSITED IN THE CITY SEWAGE SYSTEM FROM SUCH PREMISES. WHERE REASONABLY NECESSARY, THE CITY MAY REQUIRE THE INSTALLATION, AT CUSTOMER OR TOWNSHIP EXPENSE, OF SPECIAL METERS, SAMPLING AND TESTING DEVICES TO DETERMINE THE QUANTITY AND CHARACTER OF THE WATER OR WASTE BEING DEPOSITED IN THE CITY SEWAGE SYSTEM. THE TOWNSHIP SHALL NOT WITHOUT CITY CONSENT PERMIT THE INTRODUCTION OF ANY SEWAGE INTO THE CITY'S SEWAGE SYSTEM FROM ANY AREA OUTSIDE THE LIMITS OF THAT AREA FOR WHICH THE SEWAGE SYSTEM HAS BEEN APPROVED BY THE CITY.
13. RIGHTS OF WAY: IN ANY CASE WHERE THE CITY IS AUTHORIZED AND UNDERTAKES TO CONSTRUCT SEWERS AND APPURTENANCES WITHIN THE TOWNSHIP, THE TOWNSHIP HEREBY CONSENTS TO SUCH CONSTRUCTION AND HEREBY AGREES AND CONSENTS TO THE USE OF ITS STREETS, HIGHWAYS, ALLEYS, RIGHT OF WAY AND OTHER PUBLIC PLACES FOR SUCH PURPOSES BY THE CITY AND WILL ON REQUEST EXECUTE AND DELIVER TO THE CITY SUCH EASEMENTS, RIGHTS OF WAY AND CONSENTS IN RECORDABLE FORM AS MAY FROM TIME TO TIME BE REQUIRED.
14. OPERATING LIABILITY: THE CITY WILL USE REASONABLE DILIGENCE TO PROVIDE AND MAINTAIN REGULAR AND UNINTERRUPTED SERVICE BUT DOES NOT GUARANTEE UNINTERRUPTED SERVICE AND SHALL NOT BE LIABLE FOR INJURIES OR DAMAGES BY SUCH INTERRUPTIONS WHETHER CAUSED BY DEFECTS IN ORIGINAL CONSTRUCTION, CAVE-INS, ACCIDENTS, REPAIRS OR OTHER CAUSES; NOR SHALL THE CITY BE LIABLE, EXCEPT FOR THE FAULT OR MISCONDUCT OF ITS OFFICIALS, EMPLOYEES OR AGENTS, TO THE TOWNSHIP OR ANY CUSTOMER OR OTHER PERSON, FIRM OR CORPORATION FOR INJURIES OR DAMAGES OF ANY NATURE CAUSED BY THE USE OF THE SEWAGE DISPOSAL SYSTEM OF THE CITY OR THE TOWNSHIP OR BY INTERRUPTIONS THEREIN.

15. HOLD HARMLESS: THE TOWNSHIP AGREES TO SAVE, DEFEND, HOLD HARMLESS, AND INDEMNIFY THE CITY, ITS DEPARTMENTS, AGENTS, OFFICIALS, AND EMPLOYEES FROM ANY LIABILITY, CLAIM, FINE, COST OR PENALTY OF WHATEVER FORM OR KIND, INCLUDING BUT NOT LIMITED TO FINES COSTS, FEES OR PENALTIES IMPOSED UPON CITY BY ANY COURT OF ADMINISTRATIVE AGENCY, INCLUDING BUT NOT LIMITED TO THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY OR THE MICHIGAN DEPARTMENT OF NATURAL RESOURCES, BECAUSE OF ANY ACT OR OMISSION OF THE TOWNSHIP OR ONE OR MORE OF ITS OFFICERS, AGENTS, EMPLOYEES, OR DEPARTMENTS, OF OF ANY CUSTOMER OR RECIPIENT OF SERVICES THEREIN, IF THE ACT OR OMISSION CONSTITUTES A VIOLATION OF OR PLACES THE CITY IN VIOLATION OF ANY ENVIRNOMENTAL STATUTE, ORDINANCE, RULE, OR REGULATION.
16. TERMINATION: THIS CONTRACT SHALL REMAIN IN FULL FORCE AND EFFECT FOR A PERIOD OF 30 YEARS FROM THE EXECUTION DATE WHICH IT BEARS UNLESS SOONER TERMINATED BY CONSENT OF THE PARTIES HERETO OR BY EITHER PARTY BECAUSE OF A BREACH BY THE OTHER PARTY OF A MATERIAL PROVISION OR UNDERTAKING HEREIN OR A PAYMENT REQUIRED HEREUNDER: PROVIDED, HOWEVER, THAT NO TERMINATION SHALL BE MADE BECAUSE OF SUCH A BREACH UNTIL AFTER THE EXPIRATION OF SIX MONTHS FOLLOWING A WRITTEN NOTICE OF SUCH BREACH TO THE OFFENDING PARTY BY THE OTHER PARTY HERETO, WHICH NOTICE SHALL SPECIFY HOW IN THE OPINION OF THE NON-OFFENDING PARTY THE BREACH CAN BE CORRECTED. EACH FIVE YEARS, BY WRITTEN AGREEMENT OF THE PARTIES, THIS CONTRACT MAY BE EXTENDED FOR AN ADDITIONAL FIVE YEARS AND THE OPERATIONAL PROVISIONS OF THE CONTRACT MAY BE REVIEWED, AMENDED OR REVISED AS MAY BE DEEMED ADVISABLE. IF THIS CONTRACT IS NOT EXTENDED BEYOND THE ABOVE TERMINATON DATA, THEN THE MUTUAL OBLIGATIONS OF THE PARTIES HEREUNDER SHALL CEASE, AND THE TOWNSHIP SHALL HAVE NO RIGHTS IN THE CITY SYSTEM OR TO SERVICE THEREFROM AND THE CITY SHALL HAVE NO RIGHTS IN THE TOWNSHIP SYSTEM OR TO PROVIDE SERVICE THERETO.
17. SUCCESSORS: IT IS HEREBY AGREED THAT THIS CONTRACT SHALL BE BINDING UPON ALL SUCCESSOR GOVERNMENTAL UNITS WHICH MAY ASSUME JURISDICTION OVER ALL OR PART OF THE AREAS NOW GOVERNED BY THE PARTIES HERETO.
18. CASUALTY: THE PARTIES HERETO SHALL BE EXCUSED FROM ANY MATERIAL BREACH OF THIS CONTRACT AND FROM ANY LIABILITY OR DAMAGE CAUSED BY RIOTS, STRIKES, DISASTER, WAR, ACT OF GOD, OR CAUSES BEYOND THEIR REASONABLE CONTROL.
19. SAVING CLAUSE: SHOULD ANY PART OF THIS CONTRACT BE HELD BY A COURT OF COMPETENT JURISDICTION TO BE ILLEGAL OR UNENFORCEABLE, SUCH EVENT SHALL NOT BE DEEMED TO AFFECT THE VALIDITY OF ANY OTHER PORTION HEREOF. ANY SUCH HOLDING MATERIALLY AFFECTING THE COMMITMENTS HEREIN MAY BE THE SUBJECT OF FURTHER NEGOTIATIONS FOR THE PURPOSE OF LEGALLY REVISING THE CONSIDERATION INVOLVED.

IN WITNESS WHEREOF, THIS CONTRACT IS SIGNED AND DELIVERED  
THE DAY AND YEAR FIRST ABOVE WRITTEN BY AUTHORITY OF THE CITY COUNCIL  
GIVEN January 18th, 198~~2~~3, AND OF THE TOWNSHIP BOARD GIVEN  
January 11,, 198~~2~~3.

WITNESS:

CITY OF PORTAGE  
A MICHIGAN MUNICIPAL CORPORATION

Lois B. Johnson  
ITS CITY CLERK

Engel Constantz  
ITS MAYOR

DATE: Jan. 18, 1983

FORM APPROVED:

John J. Peters  
CITY ATTORNEY

TOWNSHIP OF SCHOOLCRAFT  
A MICHIGAN MUNICIPAL CORPORATION

William C. Webb  
TOWNSHIP CLERK

Grace C. Appell  
TOWNSHIP SUPERVISOR

DATE: Jan. 11, 1983

FORM APPROVED:

Frederic H. Kriebel  
TOWNSHIP ATTORNEY

**CITY OF PORTAGE – TOWNSHIP OF SCHOOLCRAFT  
SANITARY SEWAGE DISPOSAL EXTENSION AGREEMENT**

This agreement expiring January 18, 2013 between the City of Portage, a Michigan Municipal Corporation, and the Township of Schoolcraft is hereby extended in its entirety through January 18, 2018.

The City of Portage and the Township of Schoolcraft agree that consideration and all terms and conditions of the agreement shall be exactly as stated in the agreement expiring January 18, 2013.

In witness whereof, the parties have caused this instrument to be executed in four original counterparts.

WITNESSES:

\_\_\_\_\_  
By: \_\_\_\_\_ Date  
Its: \_\_\_\_\_

\_\_\_\_\_  
Peter J. Strazdas  
Mayor \_\_\_\_\_ Date

CITY OF PORTAGE

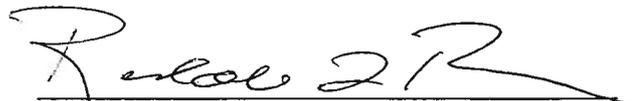
\_\_\_\_\_  
Donald Ulsh  
Schoolcraft Township Supervisor Date

\_\_\_\_\_  
Maurice S. Evans  
City Manager \_\_\_\_\_ Date

Approved as to Form:

Approved as to Form:

  
\_\_\_\_\_  
Township Attorney

  
\_\_\_\_\_  
Randall L. Brown, Portage City Attorney

**TO:** Honorable Mayor and City Council

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



**SUBJECT:** Telephone Services Agreement Extension

**SUPPORTING PERSONNEL:** Devin Mackinder,  
Director of Technology Services & Community Marketing

**ACTION RECOMMENDED:** That City Council approve the 24-month extension of the TDS, Metrocom Telecommunications Services Agreement for the provision of telephone services at an approximate annual cost of \$51,637 and authorize the City Manager to execute all documents related to the contract on behalf of the city.

**EXECUTIVE SUMMARY:**

In April 2010, City Council approved the TDS, Metrocom Telecommunications Services Agreement for the provision of phone services for a period of 36 months resulting in an approximate annual savings of \$7,000. The agreement includes a provision allowing the city to extend the service for an additional 24-month period under the same terms and conditions. Execution of the 24-month extension will result in the continuation of the annual cost savings of approximately \$7,000 as compared to the previous agreement.

It is recommended that City Council approve the 24-month extension to the current TDS, Metrocom Telecommunications Services Agreement for the provision of phone services. The city operating budget provides for the continuation of phone service expenditures.

**BACKGROUND INFORMATION:**

A phone services comparative pricing analysis was conducted in 2010 which identified TDS as the lowest and best phone services provider as compared to several alternative local providers. The analysis included pricing for both Centrex analog and ISDN lines and local/long distance calling. TDS was the only provider to include a monthly discount of \$800 for the entire contract period.

**FUNDING:** N/A

**Attachments:** N/A

**TO:** Honorable Mayor and City Council

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



**SUBJECT:** Life and Long-Term Disability Insurance

**SUPPORTING PERSONNEL:** Patti Thompson, Director of  
Benefit Services and Strategic Initiatives

**ACTION RECOMMENDED:** That City Council approve a two-year contract renewal with The Hartford for employee basic life, basic accidental death and dismemberment, contributory life, contributory accidental death and dismemberment, dependent life and long-term disability insurance and authorize the City Manager to execute all documents on behalf of the city.

**EXECUTIVE SUMMARY:**

A two year contract extension has been negotiated with The Hartford that addresses insurance coverage. The coverage includes basic life, basic accidental death and dismemberment as well as optional coverage in these categories for city personnel. The contract extension will begin on July 2, 2013 and end on June 30, 2015.

**BACKGROUND INFORMATION:**

The City of Portage has the contractual responsibility to provide basic life and basic accidental death and dismemberment (AD&D) insurance to all full-time unionized employees. The city also extends these benefits to full-time non-union employees, as provided through the Personnel Rules and Regulations. Coverage levels vary depending upon the employee job classification and/or salary level. In the event of death, a life insurance benefit is paid to the designated beneficiary of the employee. The benefit doubles if death occurs due to an accident. The city also has the contractual obligation to provide full-time unionized employees with the opportunity to purchase optional life and optional AD&D insurance benefits through payroll deduction. This employee paid benefit is also extended to full-time non-union employees. In addition, dependent life insurance is a benefit offered to full-time non-union employees for dependent coverage. This coverage is voluntary and the cost of the benefit is fully paid by the employee.

The City of Portage is also contractually obligated to provide long-term disability insurance for all full-time unionized employees. This benefit is extended to full-time non-union employees as provided through the Personnel Rules and Regulations. Long-term disability insurance entitles employees who, after completing an elimination period and continues to be unable to perform the substantial and material duties of their occupation, to 66-2/3 percent of his/her monthly base salary. After 36 months, the employee must be unable to perform the main functions of any gainful occupation which his/her training, education or experience will reasonably allow to continue to be considered disabled within the guidelines of the policy.

The one-year contract extension of the original three-year contract with The Hartford expires on June 30, 2013. During recent contract negotiations with The Hartford, the City Administration was able to secure a two-year renewal with a minimal decrease in cost to the city and no change in cost to employees. In addition, The Hartford has provided excellent customer service to city staff during the past several years.

City Council approval of a two-year contract renewal for the period of July 1, 2013 – June 30, 2015 with The Hartford is recommended.

**FUNDING:** Funds have been included in the Fiscal Year 2013-2014 budget to cover the cost of employee benefits. Employees also contribute to the cost.

**Attachments:** N/A

**TO:** Honorable Mayor and City Council

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



**SUBJECT:** Final Plan for Southwest Michigan Dermatology, 3000 Old Centre Road

**SUPPORTING PERSONNEL:** Victoria Georgeau, Director of Community Development

**ACTION RECOMMENDED:** That City Council approve the Final Plan for Southwest Michigan Dermatology, 3000 Old Centre Road.

**EXECUTIVE SUMMARY:**

The Final Plan for Southwest Michigan Dermatology is being presented for City Council approval. A new 12,500 square foot building will be constructed on a 2 acre site located at 3000 Old Centre Road. The Planning Commission is recommending Council approve the Final Plan.

**BACKGROUND INFORMATION:**

A final plan has been submitted by Southwest Michigan Dermatology to construct an approximate 12,500 square foot professional office building and associated site improvements at 3000 Old Centre Road. The 2.0 acre property is zoned PD, planned development, and part of the larger Woodbridge Hills planned development project.

Consistent with the Access Management Ordinance, a new full service driveway from Old Centre Road will be constructed along the west property line and shared with the adjacent parcel. The owner of the adjacent property, Treystar Holdings LLC, has acknowledged and agreed to this shared driveway arrangement. Storm water from the development will be collected and conveyed to an underground storm water collection system located beneath the parking lot. Outdoor lighting units associated with the proposed development will conform to applicable ordinance standards.

The Final Plan for Southwest Michigan Dermatology at 3000 Old Centre Road has been designed consistent with the Woodbridge Hills tentative plan and is recommended for approval.

**FUNDING:** Not applicable.

**Attachments:** Planning Commission transmittal dated May 3, 2013  
Planning Commission minutes dated May 2, 2013  
Department of Community Development staff report dated April 25, 2013 with attachments

**TO:** Honorable Mayor and City Council

**FROM:** Planning Commission

**DATE:** May 3, 2013

**SUBJECT:** Final Plan: Southwest Michigan Dermatology, 3000 Old Centre Road.

During the May 2, 2013 meeting, the Planning Commission reviewed and discussed the Final Plan for Southwest Michigan Dermatology at 3000 Old Centre Road. The plan proposes an approximate 12,500 square foot professional office building and associated site improvements on a 2.0 acre property zoned PD, planned development.

Following a brief discussion, the Planning Commission voted 7-0 to recommend to City Council that the Final Plan for Southwest Michigan Dermatology, 3000 Old Centre Road, be approved.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Cheesebro". The signature is written in a cursive style with a large initial "J" and "C".

James Cheesebro, Chairman  
City of Portage Planning Commission

## PLANNING COMMISSION

May 2, 2013

DRAFT

The City of Portage Planning Commission meeting of May 2, 2013 was called to order by Chairman Cheesebro at 7:00 p.m. in Council Chambers of Portage City Hall, 7900 South Westnedge Avenue. Four citizens were in attendance.

### **MEMBERS PRESENT:**

Paul Welch, Bill Patterson, Rick Bosch, Miko Dargitz, Allan Reiff and Wayne Stoffer and James Cheesebro,

### **MEMBERS ABSENT:**

Dave Felicijan.

### **MEMBERS EXCUSED:**

Dave Artley.

### **IN ATTENDANCE:**

Michael West, Assistant City Planner and Randy Brown, City Attorney.

### **PLEDGE OF ALLEGIANCE:**

Chairman Cheesebro led the Commission in the Pledge of Allegiance.

### **APPROVAL OF MINUTES:**

Chairman Cheesebro referred the Commission to the April 18, 2013 meeting minutes contained in the agenda packet. A motion was offered by Commissioner Welch, seconded by Commissioner Dargitz, to approve the minutes as submitted. The motion was unanimously approved.

### **SITE/FINAL PLANS:**

1. Southwest Michigan Dermatology, 3000 Old Centre Road. Mr. West summarized the staff report dated April 25, 2013 regarding the request from Southwest Michigan Dermatology to construct a 12,500 square foot professional office building and associated site improvements at 3000 Old Centre Road. Consistent with the Access Management Ordinance, Mr. West indicated a new full service driveway would be constructed along the southwest property line and shared with future development on the adjacent parcel to the west. Mr. West stated that both the applicant and the adjacent property owner (Treystar Holdings, LLC) have agreed to this shared access arrangement.

Mr. Chuck Baber (architect) and Ms. Laurie Diehl (engineer) were present to support the plan. After a brief discussion, a motion was made then made by Commissioner Bosch, seconded by Commissioner Patterson, to recommend to City Council that the Final Plan for Southwest Michigan Dermatology, 3000 Old Centre Road, be approved. The motion was unanimously approved.

### **PUBLIC HEARINGS:**

None



## Department of Community Development

**TO:** Planning Commission **DATE:** April 25, 2013  
**FROM:** Vicki Georgeau, <sup>13</sup>Director of Community Development  
**SUBJECT:** Final Plan for Southwest Michigan Dermatology, 3000 Old Centre Road

### I. INTRODUCTION:

A final plan has been submitted by Southwest Michigan Dermatology to construct an approximate 12,500 square foot professional office building and associated site improvements at 3000 Old Centre Road. The 2.0 acre property is zoned PD, planned development and part of the larger Woodbridge Hills planned development project (refer to the attached vicinity map). The proposed use is consistent with the Woodbridge Hills tentative plan designation of office for this area. The plan has also been reviewed and approved by The Moors of Portage Architectural Control Committee on March 28, 2013 (see attached letter from Ms. Jan Boody).

A new full service driveway from Old Centre Road will be constructed along the west property line and shared with the adjacent parcel consistent with the Access Management Ordinance. This shared driveway will serve Southwest Michigan Dermatology and any future development that occurs on the parcel to the west. The owner of the adjacent property, Treystar Holdings LLC, has acknowledged and agreed to this shared driveway arrangement (see attached letter from Mr. Terry Patterson).

Storm water from the development will be collected and conveyed to an underground storm water collection system located beneath the parking lot. Outdoor lighting units associated with the proposed development will include light poles with shielded fixtures and will conform to applicable ordinance standards.

### II. RECOMMENDATION:

The final plan has been reviewed by the City Administrative departments. Staff advises the Planning Commission to recommend to City Council that the Final Plan for Southwest Michigan Dermatology, 3000 Old Centre Road, be approved.

Attachments: Vicinity Map  
April 3, 2013 correspondence from The Moors of Portage Architectural Control Committee  
April 19, 2013 correspondence from Treystar Holdings, LLC  
Final Plan Sheets

s:\commdev\2012-13 department files\board files\planning commission\pc reports\site plans\southwest michigan dermatology, 3000 old centre road- fp.doc



**Vicinity Map**  
**3000 Old Centre Road**



COPY

*The Moors of Portage Association  
Architectural Control Committee  
7950 Moorsbridge Road  
Portage, Michigan 49024*

RECEIVED

APR 8 2013

269/329-0366

COMMUNITY DEVELOPMENT

April 3, 2013

Southwest Michigan Dermatology  
Attn: Ms. Christie L. Dando  
7775 Angling Road  
Portage, Michigan 49024

Re: New office building at 3000 Old Centre

Dear Ms. Dando:

The Architectural Control Committee (ACC) met on March 28, 2013 to review the updated plans for your new office building.

The new set of plans was approved at this meeting, but the ACC did have three concerns.

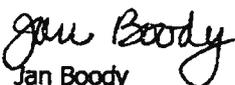
1. During the construction process they would like to have snow fence (or some other such fencing) installed around the trees that are to remain on site. This will protect the trees from accidentally being damaged during the site clearing and construction.
2. They would also like to have your contractor contact Mr. Terry Patterson from Treystar to make arrangements to store the top soil in another location other than indicated on the plan during construction. The area shown on the plan is right next to the golf course and that location is not acceptable.
3. They would also like to reserve the right to review the landscaping on the north side of the building after the construction is completed as they may possibly require additional landscaping in this area.

The material list was approved as attached. Thank you for being so thorough on the drawings and the color/material selections.

Please remember that all signs and sign locations have yet to be approved. All new signage requires a stone base. If you have questions concerning the signs or other items please feel free to contact me.

We know that the doctors and staff are all excited to be moving into the new building and we are all looking forward to seeing the completed project!

Sincerely,



Jan Boody

Secretary to the Architectural Control Committee



TREYSTAR™

*Tradition. Vision. Growth.*

RECEIVED

APR 23 2013

April 19, 2013

COMMUNITY DEVELOPMENT

Mr. Chris Forth  
City of Portage  
Department of Community Development  
7900 S. Westnedge Ave.  
Portage, MI 49002

Dear Mr. Forth:

Please allow this letter acknowledge that Treystar Holdings, LLC is the owner of the 1.2 acre parcel known as 3020 Old Centre Road. This land parcel is immediately west of the parcel known as 3000 Old Centre Road and which is being developed by Southwest Michigan Dermatology.

Treystar Holdings is aware of the development project being proposed by Southwest Michigan Dermatology and acknowledges it will share the proposed entry drive of Southwest Michigan Dermatology when the land parcel is developed.

Should you have any questions, please feel free to contact me at your convenience.

Sincerely,

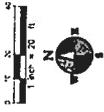
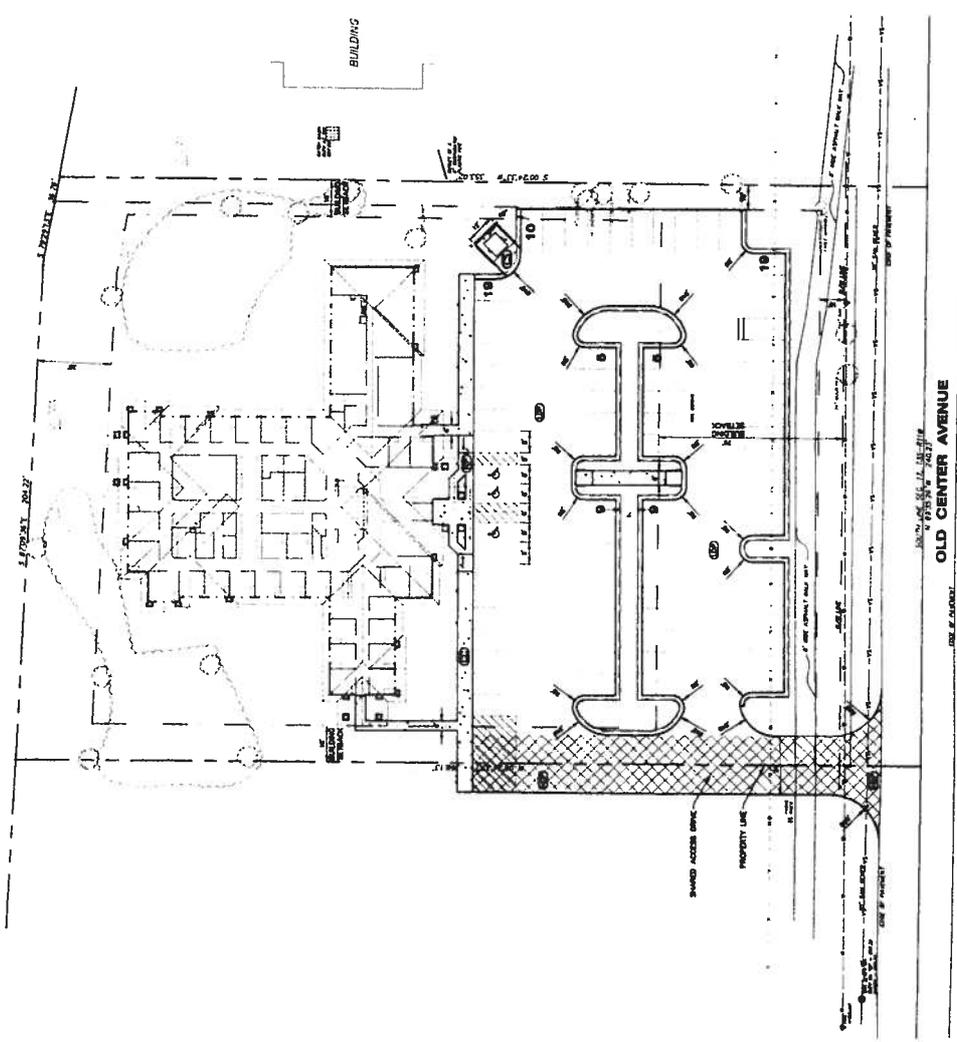
Terry Patterson  
Treystar Holdings, LLC

attachment: Southwest Michigan Dermatology Site Plan

Scale: 1" = 10' ELEVATION = 1" = 10'



ALL UTILITIES SHOWN ARE APPROXIMATE LOCATIONS. THE CONTRACTOR SHALL VERIFY THE LOCATION AND DEPTH OF ALL UTILITIES PRIOR TO CONSTRUCTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE CITY OF FARMINGTON AND THE STATE OF MICHIGAN.



**SHIELDING REQUIREMENTS:**  
ALL SHIELDING SHALL BE PROVIDED IN ACCORDANCE WITH THE MICHIGAN RADIOLOGICAL CONTROL ACT AND THE MICHIGAN REGULATORY BOARD'S RULES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE CITY OF FARMINGTON AND THE STATE OF MICHIGAN.

- NOTES:**
1. ALL DIMENSIONS SHOWN ARE TO THE EDGE OF SLOTE.
  2. PROVIDE CURB CUTS/RAMP'S AT ALL BARRED FREE ACCESS POINTS.
  3. PARKING MARKINGS AND SIGNAGE SHALL CONFORM TO THE CURRENT MICHIGAN MANUAL OF UNIFORM TRAFFIC CONTROL DEVICES AND MICHIGAN SIGNAGE CODE.
  4. MATCH EXISTING CURB & GUTTER SECTIONS WHEN CONNECTING TO THEM.
  5. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE MICHIGAN RADIOLOGICAL CONTROL ACT AND THE MICHIGAN REGULATORY BOARD'S RULES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE CITY OF FARMINGTON AND THE STATE OF MICHIGAN.
  6. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE MICHIGAN MANUAL OF UNIFORM TRAFFIC CONTROL DEVICES AND MICHIGAN SIGNAGE CODE.
  7. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE MICHIGAN MANUAL OF UNIFORM TRAFFIC CONTROL DEVICES AND MICHIGAN SIGNAGE CODE.
  8. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE MICHIGAN MANUAL OF UNIFORM TRAFFIC CONTROL DEVICES AND MICHIGAN SIGNAGE CODE.
  9. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE MICHIGAN MANUAL OF UNIFORM TRAFFIC CONTROL DEVICES AND MICHIGAN SIGNAGE CODE.
  10. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE MICHIGAN MANUAL OF UNIFORM TRAFFIC CONTROL DEVICES AND MICHIGAN SIGNAGE CODE.
  11. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE MICHIGAN MANUAL OF UNIFORM TRAFFIC CONTROL DEVICES AND MICHIGAN SIGNAGE CODE.
  12. BUILDING SHALL BE PROTECTED WITH AUTOMATIC SPRINKLER SYSTEM OR ACCEPTABLE ALTERNATIVE.

- CONCRETE FINISHES:**
- 1. LIGHT GRAY 1500 PSI PAVEMENT
  - 2. HEAVY GRAY 1500 PSI PAVEMENT
  - 3. POLISHED CONCRETE
  - 4. POLISHED CONCRETE
  - 5. POLISHED CONCRETE
  - 6. POLISHED CONCRETE

- LEGEND:**
- 1. LIGHT GRAY 1500 PSI PAVEMENT
  - 2. HEAVY GRAY 1500 PSI PAVEMENT
  - 3. POLISHED CONCRETE
  - 4. POLISHED CONCRETE
  - 5. POLISHED CONCRETE
  - 6. POLISHED CONCRETE

**CONCRETE FINISHES:**  
CONCRETE FINISHES SHALL BE IN ACCORDANCE WITH THE MICHIGAN MANUAL OF UNIFORM TRAFFIC CONTROL DEVICES AND MICHIGAN SIGNAGE CODE.

# SITE PLAN DRAWINGS

# Southwest Michigan Dermatology

**RECEIVED**  
 APR 23 2013  
 COMMUNITY DEVELOPMENT

**3000 Old Centre Road  
 City of Portage  
 Kalamazoo County, MI  
 4/23/13**

**DRAWING INDEX**

- | SHT # | DESCRIPTION                        |
|-------|------------------------------------|
| C-1   | EXISTING CONDITIONS AND DEMOLITION |
| C-2   | LAYOUT PLAN                        |
| C-3   | UTILITY PLAN                       |
| C-4   | GRADING & SESC PLAN                |
| C-5   | DETAIL SHEET                       |
| C-6   | STORM DETAIL SHEET                 |
| L-1   | LANDSCAPE PLAN                     |
| I-1   | IRRIGATION PLAN                    |

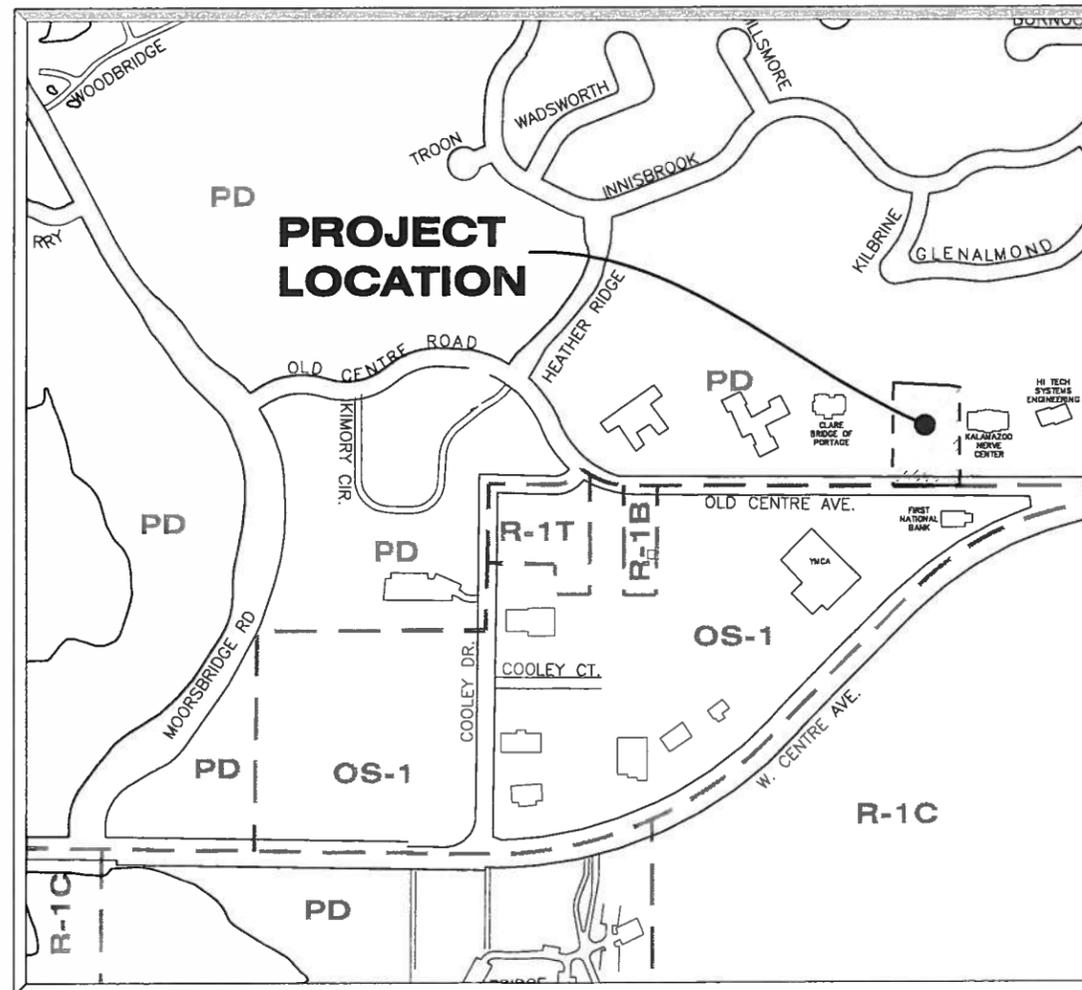
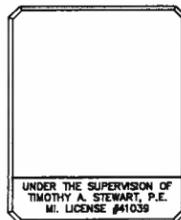
**OWNER**

SOUTHWEST MICHIGAN DERMATOLOGY  
 7775 ANGLING ROAD  
 PORTAGE, MI 49024  
 (269)321-7546

**PLANS PREPARED BY:**

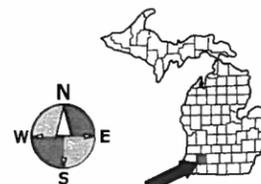


hurley & stewart, llc  
 2800 south 11th street  
 kalamazoo, michigan 49009  
 269.552.4960 fax 552.4961  
 www.hurleystewart.com



**SITE LOCATION MAP**

SCALE: 1" = 300'



**UTILITY CONTACTS:**

- |  |                  |
|--|------------------|
| CONSUMERS ENERGY CO.<br>2500 E. CORK STREET<br>KALAMAZOO, MI 49001<br>269.337.2314           | ELECTRIC/GAS     |
| CHARTER COMMUNICATIONS<br>4176 COMMERCIAL AVE.<br>PORTAGE, MI 49002<br>269.217.8152          | CABLE TELEVISION |
| AT&T<br>2919 MILLCORK ST.<br>KALAMAZOO, MI 49001<br>269.384.5991                             | TELEPHONE        |
| CITY OF PORTAGE<br>EARTHTECH<br>7719 S. WESTEDGE AVENUE<br>PORTAGE, MI 49024<br>269.324.9235 | WATER/ SANITARY  |



EXISTING TOPOGRAPHY PROVIDED BY DON R. GILCHRIST & ASSOCIATES. ALL UTILITIES AS SHOWN ARE APPROXIMATE LOCATIONS DERIVED FROM ACTUAL MEASUREMENTS AND AVAILABLE RECORDS. THEY SHOULD NOT BE INTERPRETED TO BE EXACT LOCATION NOR SHOULD IT BE ASSUMED THAT THEY ARE THE ONLY UTILITIES IN THE AREA.

ISSUED FOR:  
 SITE PLAN REVIEW  
 4/23/13

**ZONING REQUIREMENTS**

**ZONING**  
CURRENT ZONING: PD (PLANNED DEVELOPMENT)

REQUIRED FRONT SETBACKS:  
PARKING = 10'  
BUILDING SETBACKS:  
REAR = 30'  
SIDES = 15'  
FRONT = 75'

**PROPOSED USE**  
MEDICAL OFFICE

**PARKING**  
TOTAL PARKING SPACES REQUIRED 1/100 SFT UFA:  
7,600 SFT/100= 76 SPACES

TOTAL PARKING PROVIDED = 77 SPACES  
BARRIER FREE SPACES REQUIRED = 3 SPACES  
BARRIER FREE SPACES = 3 SPACES  
ALL BARRIER FREE SPACES DESIGNED PER ADA REQUIREMENTS

TYPICAL PARKING SPACE DIMENSION = 9'x18'  
DRIVE AISLE WIDTH = 22'

**BUILDING INFORMATION**

12,524 SF 2 STORY BUILDING (HIGHEST PEAK IS 30' FROM FINISH GRADE)  
B OCCUPANCY  
VB CONSTRUCTION TYPE

**LEGAL DESCRIPTION**

THAT PART OF THE SOUTHWEST QUARTER OF SECTION 17, TOWNSHIP 3 SOUTH, RANGE 11 WEST, CITY OF PORTAGE, KALAMAZOO COUNTY, MICHIGAN, DESCRIBED AS: COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 17; THENCE SOUTH 89° 35' 27" EAST ON THE SOUTH LINE OF SAID SECTION 17 A DISTANCE OF 1483.02 FEET TO THE POINT OF BEGINNING OF THE LAND HEREIN DESCRIBED; THENCE NORTH 00° 24' 33" EAST 368.13 FEET; THENCE SOUTH 87° 00' 39" EAST 204.22 FEET; THENCE SOUTH 79° 29' 13" EAST 38.78 FEET; THENCE SOUTH 00° 24' 33" WEST 353.02 FEET TO SAID SOUTH SECTION LINE; THENCE NORTH 88° 35' 27" WEST ON SAID SOUTH SECTION LINE 240.23 FEET TO THE POINT OF BEGINNING, CONTAINING 2.00

**NOTES**

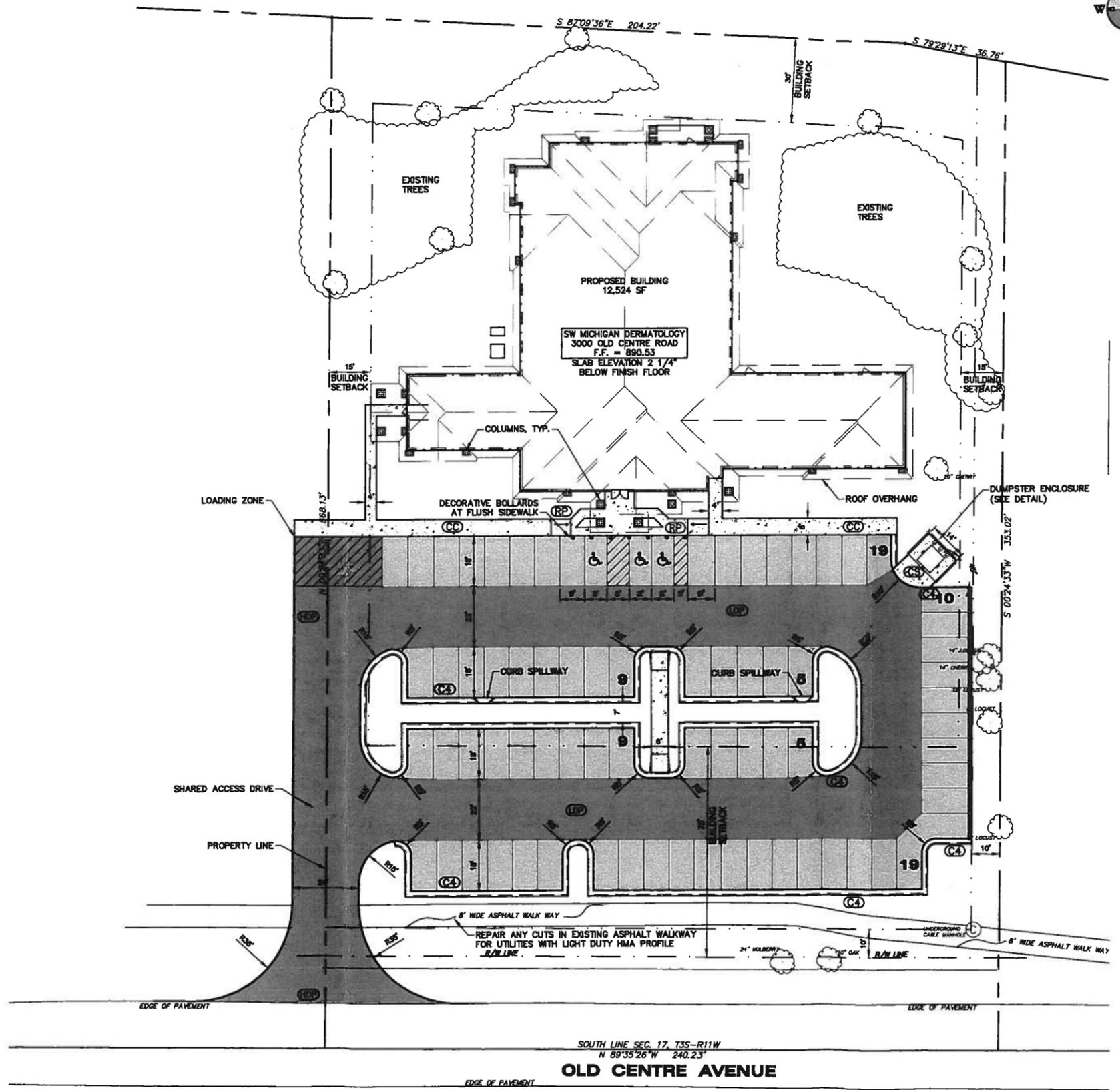
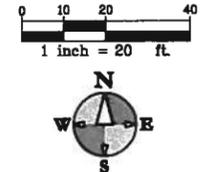
- ALL DIMENSIONS SHOWN ARE TO THE EDGE OF METAL.
- PROVIDE CURB CUTS/RAMPS AT ALL BARRIER FREE ACCESS POINTS.
- PAVEMENT MARKINGS AND SIGNAGE SHALL CONFORM TO THE CURRENT MICHIGAN MANUAL OF UNIFORM TRAFFIC CONTROL DEVICES AND MICHIGAN BARRIER FREE CODE.
- MATCH EXISTING CURB & GUTTER SECTIONS WHEN CONNECTING TO THEM.
- EXCEPT WHERE OTHERWISE INDICATED ON THESE PLANS, ALL MATERIALS AND WORKMANSHIP SHALL BE IN ACCORDANCE WITH THE MICHIGAN DEPARTMENT OF TRANSPORTATION STANDARD SPECIFICATIONS FOR HIGHWAY CONSTRUCTION, 2012 EDITION, AND CITY OF PORTAGE STANDARDS SPECIFICATIONS.
- IF ANY ERRORS, DISCREPANCIES, OR OMISSIONS BECOME APPARENT, THESE SHALL BE BROUGHT TO THE ATTENTION OF THE ENGINEER PRIOR TO CONSTRUCTION OF ANYTHING AFFECTED SO THAT CLARIFICATION OR REDESIGN MAY OCCUR.
- ALL WORK SHALL CONFORM TO ALL LOCAL, STATE AND FEDERAL LAWS, RULES AND REGULATIONS IN FORCE AT THE TIME OF CONSTRUCTION.
- ALL EXTERIOR CONCRETE SHALL BE MDOT GRADE P1 (3500PSI), AIR ENTRAINED, LIMESTONE AGGREGATE, BROOM FINISHED, CURING SEAL.
- ANY BITUMINOUS OR CONCRETE PAVEMENT, SANITARY SEWER, SANITARY SEWER SERVICE LEADS, OR STORM SEWER, WHICH IS DAMAGED BY THE CONTRACTOR DURING HIS OPERATIONS, SHALL BE REPAIRED TO THE OWNER'S SATISFACTION AND AT THE CONTRACTOR'S EXPENSE.
- ALL CONSTRUCTION SIGNING TO BE IN ACCORDANCE WITH THE MICHIGAN MANUAL OF UNIFORM TRAFFIC CONTROL DEVICES. REGULATORY SIGNAGE (IF SPECIFIED) SHALL BE PER THE MDOT.
- ALL LIGHTING SHALL BE UPDATED TO MEET CURRENT PORTAGE STANDARDS. FIXTURES TO BE SHIELDED CUT-OFF STYLE. ANY ADDITIONAL FIXTURES TO BE LESS THAN OR EQUAL TO 25' HIGH.
- BUILDING WILL BE PROTECTED WITH AUTOMATIC SPRINKLER SYSTEM OR ACCEPTABLE ALTERNATIVE.
- ALL PAVEMENT MARKINGS SHALL CONFORM TO THE STANDARDS SET FORTH IN THE CURRENT EDITION OF THE MICHIGAN MANUAL OF UNIFORM TRAFFIC CONTROL DEVICES.

**SITE LEGEND**

- LIGHT DUTY HMA PAVEMENT
- HEAVY DUTY HMA PAVEMENT
- C4 CURB AND GUTTER
- INTEGRAL SIDEWALK/ CURB
- CONCRETE SURFACE
- SIDEWALK RAMP- TYPE P

**LEGEND**

- LIGHT DUTY HMA PAVEMENT
- HEAVY DUTY HMA PAVEMENT
- CONCRETE SIDEWALK
- CONCRETE CURB AND GUTTER TYPE VARIES



SOUTH LINE SEC. 17, T3S-R11W  
N 89°35'26" W 240.23'  
**OLD CENTRE AVENUE**

**BENCHMARKS**  
BM # 1 ELEVATION = 887.83  
TOP OF CATCH BASIN ELEVATION



Know what's below.  
Call before you dig.

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

hurley & stewart, llc  
2800 south 11th street  
kalamazoo, michigan 49009  
269.552.4960 fax 269.552.4961  
www.hurleystewart.com

Job No. 12-0413	P.M. FAS	Drft. LAD	04/06	4/23/13
ISSUED FOR REVISIONS:				
1	PRELIMINARY REVIEW		2/15/13	
2	FOR PRICING		3/6/13	
3	FOR PLAN REVIEW		3/27/13	
4	SITE PLAN REVIEW		4/23/13	

LAYOUT PLAN  
SOUTHWEST MICHIGAN DERMATOLOGY  
CHARLES H. BABER & ASSOC. INC. ARCHITECTS

**LEGEND**

DEFLECT WATER MAIN 18" UNDER PIPE CONFLICT (SEE DETAIL)

NOTE: CONTRACTOR RESPONSIBLE FOR VERIFYING FITTINGS. AMOUNTS DO NOT TAKE INTO CONSIDERATION VERTICAL DEFLECTIONS.

**UTILITY NOTES**

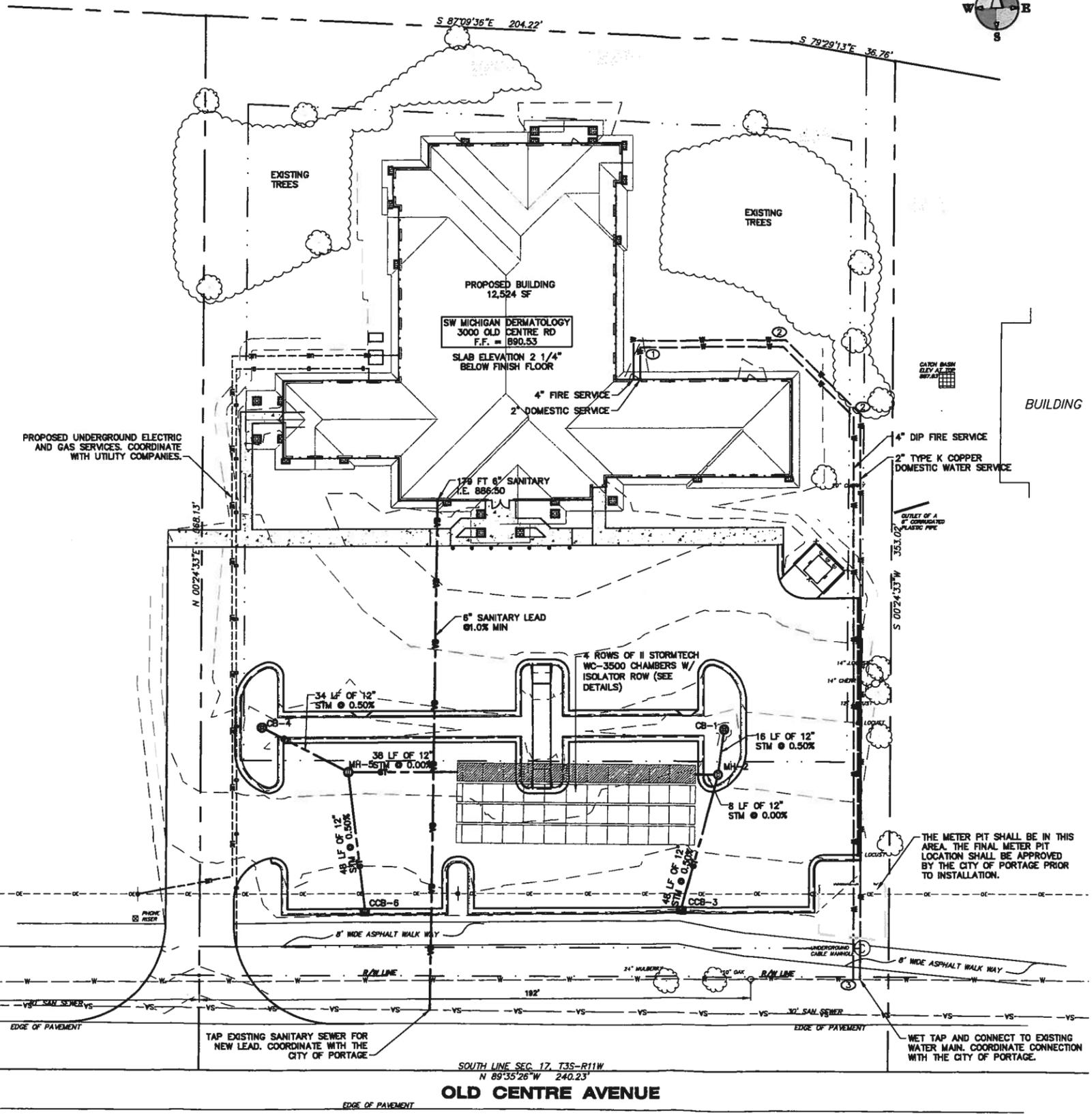
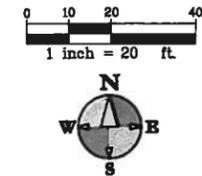
1. PLACE SANITARY CLEANOUT EVERY 100' AND/OR AT BENDS ON ALL 6" SANITARY SEWER LEADS.
2. ALL STRUCTURE CASTINGS TO BE EAST JORDAN IRON WORKS OR APPROVED EQUAL. SEE STRUCTURE TABLE FOR SPECIFIC CASTING AT EACH STRUCTURE.
3. STORM SEWERS SHALL BE CONCRETE C75-III, SOLID WALL ADS N-12 RIGID PIPE MEETING AASHTO M-294, TYPE S, OR APPROVED EQUAL INSTALLED PER THE REQUIREMENTS OF MDT AND CITY OF PORTAGE. MANDREL TESTING SHALL BE PERFORMED PRIOR TO PAVING. USE CONCRETE PIPE WHERE INDICATED.
4. ALL WATER MAIN INSTALLED IN GROUNDWATER SHALL BE WRAPPED WITH POLYETHYLENE.
5. THE CONTRACTOR SHALL INSTALL PEDESTRIAN FENCE AROUND ALL EXCAVATIONS TO BE LEFT OPEN OVERNIGHT AS REQUIRED.
6. CONTRACTOR SHALL REFER TO THE GEOTECHNICAL REPORT FOR GROUNDWATER AND SOILS INFORMATION. ANY UTILITIES REQUIRING DEWATERING SHALL BE INSTALLED TO THE CITY OF PORTAGE STANDARDS AND INCLUDED IN THE INSTALLATION COSTS. CONTRACTOR IS RESPONSIBLE FOR ALL DEWATERING NECESSARY TO CONSTRUCT UTILITIES IN THE DRY.
7. IF ANY ERRORS, DISCREPANCIES, OR OMISSIONS BECOME APPARENT, THESE SHALL BE BROUGHT TO THE ATTENTION OF THE ENGINEER PRIOR TO CONSTRUCTION OF ANYTHING AFFECTED SO THAT CLARIFICATION OR REDESIGN MAY OCCUR.
8. COORDINATE ALL UTILITY LOCATIONS AND ELEVATIONS WITH MECHANICAL DRAWINGS AND BUILDING CONTRACTOR PRIOR TO INSTALLATION.
9. REMOVE SEDIMENT FROM ALL STRUCTURES ONCE PAVING IS COMPLETE AND REMOVE SILT SACKS.
10. VERIFY NUMBER OF FITTINGS PRIOR TO ORDERING. TOTALS DO NOT INCLUDE VERTICAL DEFLECTIONS THAT MAY BE NEEDED.
11. PROVIDE 18" WATER MAIN SEPARATION WHEN CROSSING OTHER UTILITIES. DEFLECT UNDER OTHER UTILITIES W/O USING FITTINGS WHENEVER POSSIBLE. SEE WATER MAIN PROFILE SHEET.
12. SITE CONTRACTOR RESPONSIBLE FOR INSTALLATION OF ALL UTILITIES TO 5' FROM BUILDING WALL.
13. WATER MAIN AND SANITARY SEWER MATERIALS AND INSTALLATION SHALL COMPLY WITH CITY OF PORTAGE REQUIREMENTS.
14. VERIFY LOCATION AND ELEVATION OF EXISTING SANITARY LEAD PRIOR TO ORDERING STRUCTURES AND CONSTRUCTION.
15. SEE SITE ELECTRICAL PLAN FOR LOCATION OF ALL ELECTRICAL SLEEVES AND CONDUIT.
16. CONTRACTOR MAY ELECT TO USE CASTING 7055M2 IN CURB AND GUTTER LOCATIONS. (SEE SCHEDULE AT RIGHT)
17. WATER METER FOR PROPOSED BUILDING SHALL BE LOCATED INSIDE THE MECHANICAL ROOM.
18. THE OWNER PROVIDES AND INSTALLS THE TAPPING SADDLE AND BALL VALVE FOR THE 2 INCH GENERAL USE WATER SERVICE. AFTER THE TAPPING SADDLE AND BALL VALVE ARE INSTALLED THE UTILITY MAKES THE TAP.
19. THE OWNER INSTALLS THE WATER SERVICE LINE FROM THE TAP TO THE METER PIT, THE METER PIT AND THE NECESSARY VALVES AND FITTINGS IN THE METER PIT TO INSTALL THE METER.
20. NO TREES ARE TO BE PLANTED WITHIN 10 FEET OF THE WATER SERVICE LINE BETWEEN THE MAIN ALONG OLD CENTRE ROAD AND THE METER PIT AND WITHIN 20 FEET OF THE SANITARY SEWER SERVICE LEAD.
21. THE OWNER PROVIDES AND INSTALLS THE TAPPING SLEEVE AND VALVE FOR THE 4 INCH FIRE SERVICE. AFTER THE TAPPING SLEEVE AND VALVE ARE INSTALLED, THE CITY OF PORTAGE WILL MAKE THE TAP. PRIOR TO ACTIVATION OF THE FIRE SERVICE LINE, THE LINE MUST BE PRESSURE TESTED, DISINFECTED AND BACTERIOLOGICAL TESTED.
22. ALL MATERIALS, INCLUDING THE TAPPING SADDLE, ARE REQUIRED TO MEET THE REQUIREMENTS IN THE CITY CONTRACT CONDITIONS AND SPECIFICATIONS MANUAL.
23. THE FIRE SERVICE RISER WILL BE LOCATED ADJACENT TO AN EXTERIOR WALL AT THE POINT OF ENTRY.
24. THERE IS A CALCULATED PEAK DEMAND OF 80-85 GPM BASED ON THE NUMBER OF FIXTURES.

**WATER MAIN FITTING SCHEDULE**

FITTING NUMBER	DESCRIPTION	TOTAL THIS SHEET
1	4"-90° BEND	1
2	4"-45° BEND	2
3	12"x4" TAPPING SLEEVE & VALVE	1

**STORM SEWER STRUCTURE SCHEDULE**

STR. #	RIM EL.	DIAM.	CASTING	PIPES IN:	PIPES OUT
CB-1	886.88	2'	1020 O2		12" S: 882.83
CB-4	887.03	2'	1020 O2		12" SE: 882.53
CCB-3	885.21	2'	7045 M1		12" N: 880.71
CCB-6	885.66	2'	7045 M1		12" N: 881.16
MH-2	887.50	4'	1120 B	12" S: 880.47 12" N: 882.75	12" W: 882.45
MH-5	887.31	4'	1120 B	12" S: 880.92 12" NW: 882.36	12" E: 882.45



hurley & stewart, llc  
2800 south 11th street  
Kalamazoo, michigan 49009  
268.562.4860 fax 268.562.4861  
www.hurleystewart.com



Job No: 12-041D P.M. T&S Draft LAD 04/02/13  
ISSUED FOR REVISIONS:  
1 PRELIMINARY REVIEW 2/15/13  
2 FOR PRICING 3/7/13  
3 SITE PLAN REVIEW 3/27/13  
4 SITE PLAN REVIEW 4/23/13  
COPYRIGHT © of Hurley & Stewart, LLC

**UTILITY PLAN**  
**SOUTHWEST MICHIGAN DERMATOLOGY**  
**CHARLES H. BABER & ASSOC. INC. ARCHITECTS**

4/23/13  
Sheet  
**C-3**



**BENCHMARKS**  
BM # 1 ELEVATION = 887.83  
TOP OF CATCH BASIN ELEVATION

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

**SESC NOTES**

1. ALL WORK WILL COMPLY WITH THE PROVISIONS OF THE SOIL EROSION AND SEDIMENTATION CONTROL ACT (PA 347 OF 1972 AS AMENDED) ADMINISTERED BY THE COUNTY DRAIN COMMISSIONER.
2. AVOID UNNECESSARY DISTURBING OR REMOVING EXISTING VEGETATED TOPSOIL OR EARTH COVER. THESE AREAS ACT AS SEDIMENT FILTERS.
3. CONTRACTOR SHALL AT ALL TIMES COMPLY WITH THE SOIL EROSION CONTROL PERMIT FROM THE CITY OF PORTAGE
- 4.
5. ALL TEMPORARY SOIL EROSION PROTECTION SHALL REMAIN IN PLACE UNTIL REMOVAL IS REQUIRED FOR FINAL CLEANUP AND APPROVAL.
6. CONTRACTOR TO PROVIDE STRAW BALE DAMS OR SILT FENCES ACROSS ALL DITCHES, SWALES, AND ROUGH CUT ROADS WHICH EXIST FROM THE SITE TO ELIMINATE SEDIMENT RUNOFF. PROVIDE STRAW BALE DAMS, SILT FENCES OR INSTALL FILTER FABRIC UNDER INLETS AT ALL STORM SEWER STRUCTURES DURING CONSTRUCTION.
7. NO SITE WORK SHALL BEGIN UNTIL THE SILT FENCE AND ACCESS ROAD ARE INSTALLED.
8. ALL SOIL PILES SHALL BE SURROUNDED BY SILT FENCE IF ALLOWED TO REMAIN IN PLACE FOR MORE THAN 7 DAYS. TOPSOIL PILES SHALL BE SEEDED IF ALLOWED TO REMAIN IN PLACE FOR MORE THAN 20 DAYS. SPOIL PILES SHALL NOT BE PLACED WITHIN 50' FROM ANY TEMPORARY OR PERMANENT WATERCOURSE.
9. THE CONTRACTOR SHALL COMPLY WITH THE WEEKLY RECOMMENDATIONS OF THE CERTIFIED STORM WATER OPERATOR.
10. ALL INLETS IN PAVED AREAS SHALL HAVE SILT SAVER SEDIMENTATION REDUCERS DURING CONSTRUCTION.
11. FINAL LANDSCAPING SHALL CONSIST OF MIN. 3" TOPSOIL, SEE LANDSCAPE PLAN FOR SEEDING.
12. COORDINATE TOPSOIL STOCKPILE WITH OWNER.
13. PLACE TRACK MATS AT THE ENTRANCE OF VINE STONE TERRACE TO REDUCE MATERIAL TRACKED OFF SITE.
14. COORDINATE THE CLEARING LIMITS WITH THE OWNER PRIOR TO COMMENCING WORK.
15. IT IS THE INTENT FOR THE EARTHWORK TO BALANCE AND THE CONTRACTOR IS RESPONSIBLE FOR VERIFYING THAT THE EARTHWORK SHOWN BALANCES PRIOR TO BEGINNING WORK.
16. PLACE "DO NOT ENTER CONSTRUCTION ZONE" SIGNS AT ALL ENTRY POINTS TO PROJECT.
17. PROVIDE SILT SACKS IN EACH CATCH BASIN UNTIL SITE IS STABILIZED.
18. ALL SOIL EROSION MEASURES SHALL BE IN PLACE PRIOR TO COMMENCING WORK.
19. CLEAN ADJACENT ROADWAYS WHEN NECESSARY.
20. WATER SITE WHEN NECESSARY TO PREVENT AIR BORNE SEDIMENT TRANSFER.
21. PLACE MULCH BLANKET ON ALL SLOPES 1 ON 4 OR STEEPER.

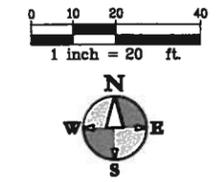
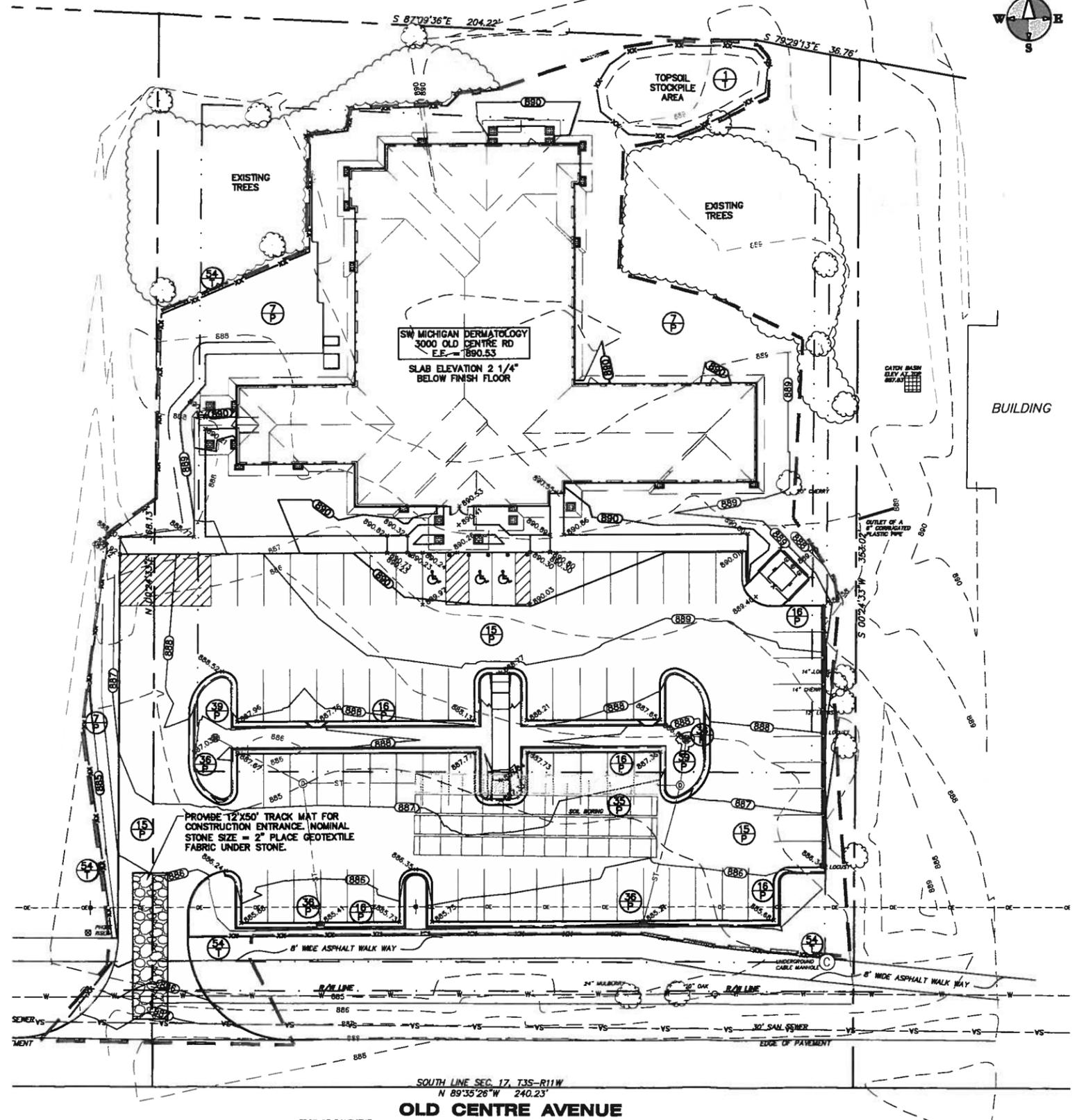
**GRADING NOTES**

1. MATCH EXISTING GRADES AROUND PERIMETER WITH SLOPES AS SHOWN. MATCH AT 1 ON 6 IF NOT LABELED.
2. THE CONTRACTOR SHALL INSTALL PEDESTRIAN FENCE AROUND ALL EXCAVATIONS TO BE LEFT OPEN OVERNIGHT AS REQUIRED.
3. ALL SPOT ELEVATIONS ARE TOP OF PAVEMENT GRADES AT EDGE OF METAL (EOM) UNLESS OTHERWISE NOTED.
4. ALL SOIL EROSION CONTROL MEASURES SHALL BE IN PLACE PRIOR TO MASS GRADING.
5. ALL EXCAVATION SHALL BE IN ACCORDANCE WITH THE TECHNICAL SPECIFICATIONS AND GEOTECHNICAL REPORT.
6. ALL EXISTING ELEVATIONS ARE TO BE VERIFIED AND ACCEPTED AS SHOWN PRIOR TO COMMENCEMENT OF WORK.
7. REMOVE AND REPLACE WITH CONTROLLED FILL ANY AREAS THAT HAVE BEEN SOFTENED BY RAINS, FREEZING, CONSTRUCTION EQUIPMENT, ETC.
8. ALL REQUIRED FILL FOR THIS PROJECT SHALL BE SELECTED EXCAVATED MATERIAL FROM THE SITE APPROVED BY THE ENGINEER OR CLASS II GRANULAR MATERIAL FROM BORROW AND SHALL BE THE CONTRACTOR'S RESPONSIBILITY.
9. ALL GRANULAR FILL UNDER THE INFLUENCE OF THE ROADWAY AND PROCESSED ROAD GRAVEL SHALL BE COMPACTED TO 95% MODIFIED PROCTOR DENSITY.
10. ALL COMPACTON SHALL BE ACCOMPLISHED BY PLACING THE FILL IN 12" LOOSE LIFTS AND MECHANICALLY COMPACTING EACH LIFT TO AT LEAST THE SPECIFIED MINIMUM DRY DENSITY. FIELD DENSITY TESTS SHOULD BE PERFORMED ON EACH LIFT AS NECESSARY TO ENSURE THAT ADEQUATE MOISTURE CONDITIONS AND COMPACTON ARE BEING ACHIEVED.
11. SITE CONTRACTOR SHALL REMOVE AND STOCKPILE ALL TOPSOIL AND BLACK ORGANIC SOILS ON-SITE TO BE USED IN THE REGRADING OF LANDSCAPE AREAS. THIS MATERIAL IS NOT TO BE USED FOR FILL OR PAVEMENT SUBBASE. REMOVAL OF ANY EXCESS SOIL OFF-SITE SHALL BE THE CONTRACTOR'S RESPONSIBILITY.
12. CONTRACTOR RESPONSIBLE FOR VERIFYING EARTHWORK CALCULATIONS PRIOR TO COMMENCING WORK. NO EXTRA EARTHWORK WILL BE PAID FOR ONCE EARTHWORK HAS BEGUN. ANY DISCREPANCIES WITH THE EARTHWORK CALCULATIONS SHALL BE REVIEWED WITH THE OWNER AND ENGINEER PRIOR TO CONSTRUCTION.
13. IF ANY ERRORS, DISCREPANCIES, OR OMISSIONS BECOME APPARENT, THESE SHALL BE BROUGHT TO THE ATTENTION OF THE ENGINEER PRIOR TO CONSTRUCTION OF ANYTHING AFFECTED SO THAT CLARIFICATION OR REDESIGN MAY OCCUR.

**SOIL EROSION AND SEDIMENTATION CONTROL MEASURES**

KEY	DETAIL	CHARACTERISTICS
1	Striping & Staking	Topsoil may be stockpiled above borrow areas to act as a diversion. Stockpiles should be temporarily seeded.
7	Hydro-seeding	Effective on large areas. Much faster than seed. Provides immediate protection and grass is ready. Should include prepared topsoil mat.
15	Pinch	Protects areas which cannot otherwise be protected, but increases runoff volume and velocity. Irregular surface will help slow velocity.
16	Curb and Gutter	Keeps high velocity runoff on paved areas from landing paved surfaces. Debris and sediments runoff to enclosed drainage system or proper drainage.
35	Storm Drain	System removes sediment runoff from site, particularly from paved areas. Can accept large concentrations of runoff. Conducts runoff to municipal sewer system or established outlet location. Use catch basins to collect sediment.
36	Catch Basin, Drain inlet	Collects high velocity concentrated runoff. May use filter cloth over head.
39	Rock Filter	Can utilize material found on site. Easy to construct. Filters sediment from runoff.
54	Geotextile Silt Fence	Use geotextile and posts or poles. May be constructed or pre-manufactured. Easy to construct and install as necessary.

TEMPORARY MEASURE
 PERMANENT MEASURE



**BENCHMARKS**  
 BM # 1 ELEVATION = 887.83  
 TOP OF CATCH BASIN ELEVATION

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

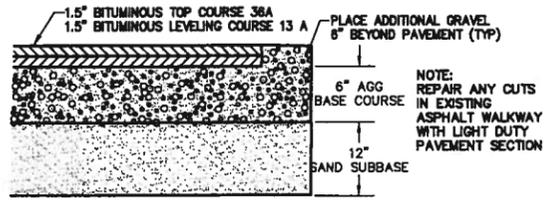
ALL UTILITIES AS SHOWN ARE APPROXIMATE LOCATIONS DERIVED FROM ACTUAL MEASUREMENTS AND AVAILABLE RECORDS. THEY SHOULD NOT BE INTERPRETED TO BE EXACT LOCATION NOR SHOULD IT BE ASSUMED THAT ARE THE ONLY UTILITIES IN THE AREA.  
 FIELD WORK PERFORMED BY:  
 DON R. GILCHRIST & ASSOCIATES

hurley & stewart, llc  
 2800 south 11th street  
 Kalamazoo, Michigan 49009  
 268.552.4960 fax 268.552.4961  
 www.hurleystewart.com

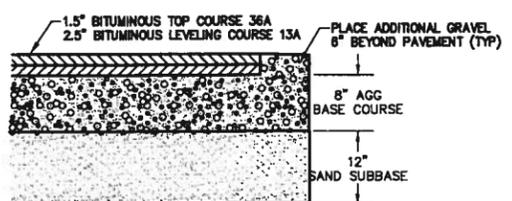
**GRADING & SESC PLAN**  
**SOUTHWEST MICHIGAN DERMATOLOGY**  
**CHARLES H. BABER & ASSOC. INC. ARCHITECTS**

Job No. 12-041D P.M. VAS Draft: LAD 04/06/13 4/23/13  
 ISSUED FOR REVISIONS:  
 1 PRELIMINARY REVIEW 2/19/13  
 2 FOR PRICING 3/6/13  
 3 SITE PLAN REVIEW 3/27/13  
 4 SITE PLAN REVIEW 4/23/13  
 COPYRIGHT © of Hurley & Stewart, LLC

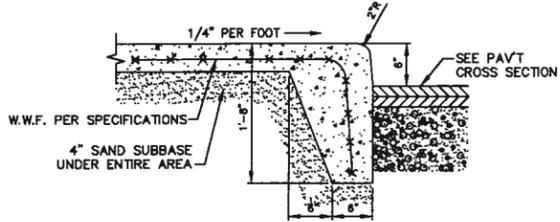
Sheet Title: C-4  
 Project: Client: CHARLES H. BABER & ASSOC. INC. ARCHITECTS  
 4/23/13 Sheet



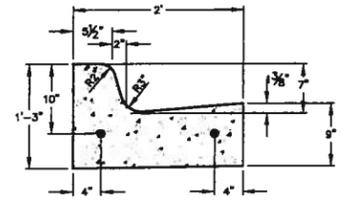
**LIGHT DUTY PAVEMENT SECTION**  
NOT TO SCALE



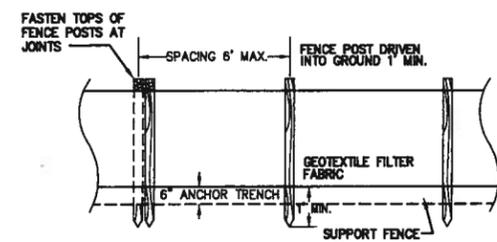
**HEAVY DUTY PAVEMENT SECTION**  
NOT TO SCALE



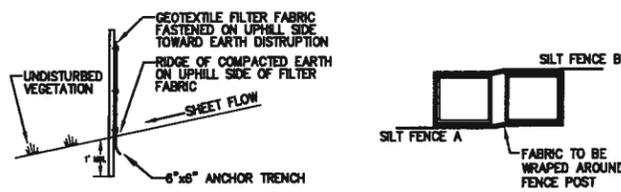
**INTEGRAL SIDEWALK/CURB**  
NOT TO SCALE



**"C4" CURB DETAIL**  
NOT TO SCALE



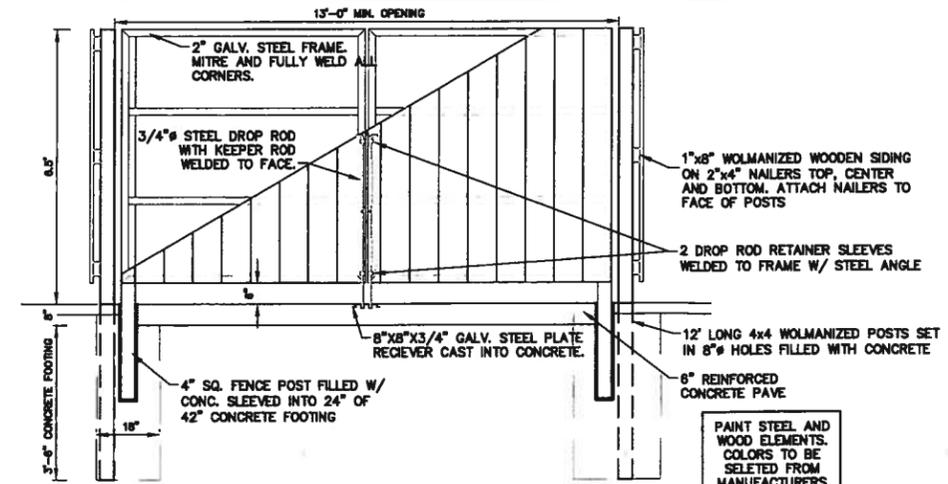
**FRONT VIEW**  
NOT TO SCALE



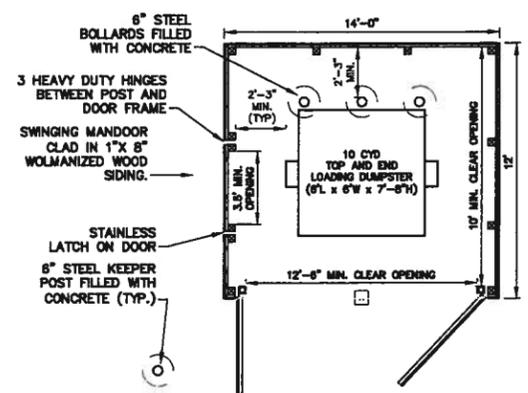
**JOINT DETAIL**  
NOT TO SCALE

**SECTION**  
NOT TO SCALE

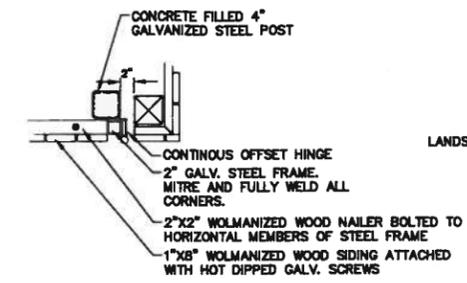
**SILT FENCE DETAILS**



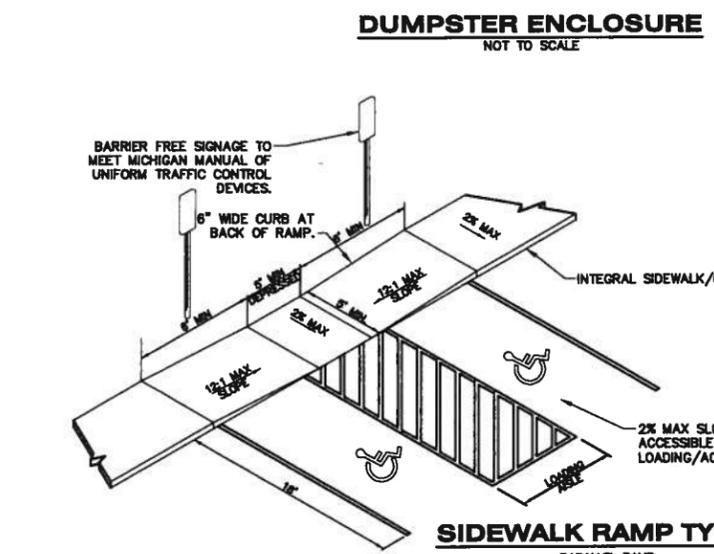
**ENCLOSURE SECTION**



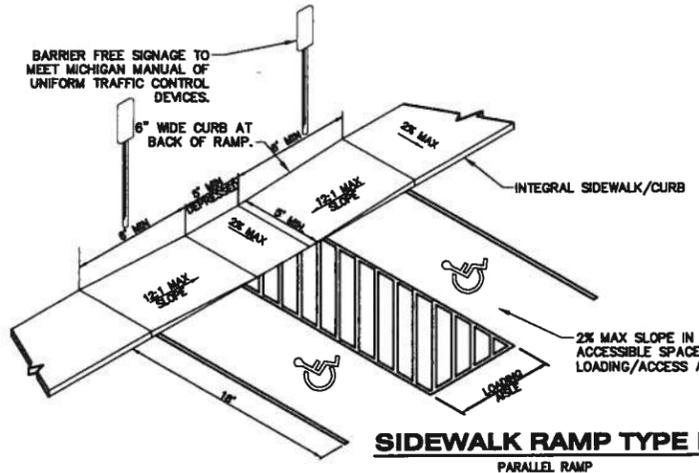
**ENCLOSURE PLAN**



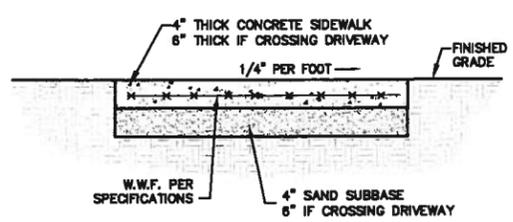
**HINGE ENLARGEMENT**



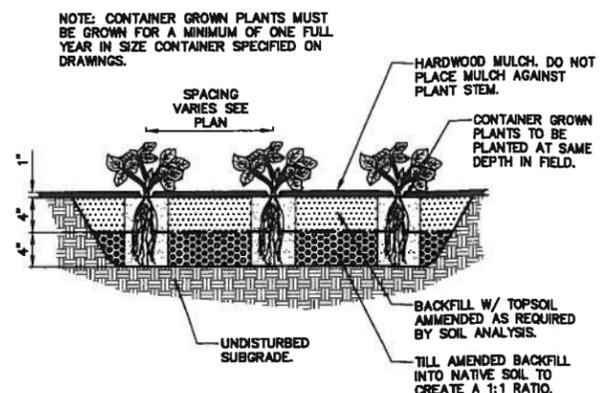
**DUMPSTER ENCLOSURE**  
NOT TO SCALE



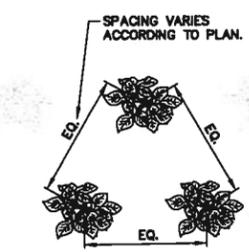
**SIDEWALK RAMP TYPE P**  
PARALLEL RAMP



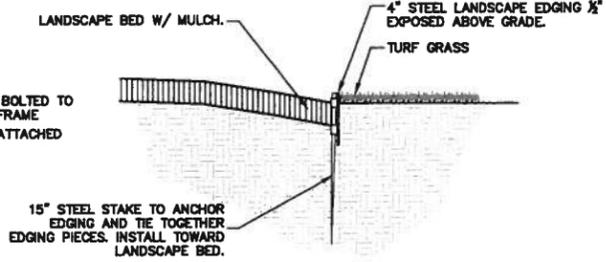
**SIDEWALK DETAIL**  
NOT TO SCALE



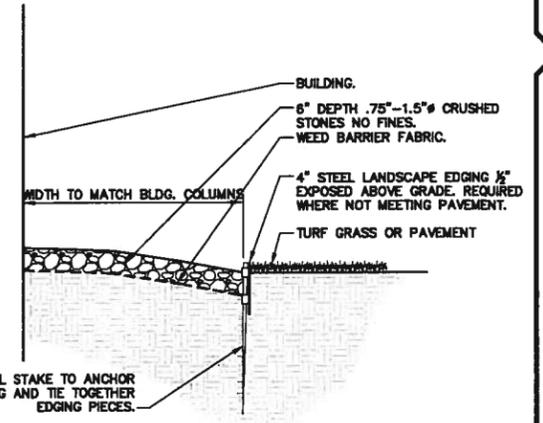
**PERENNIAL AND GROUNDCOVER PLANTING DETAIL**  
NOT TO SCALE



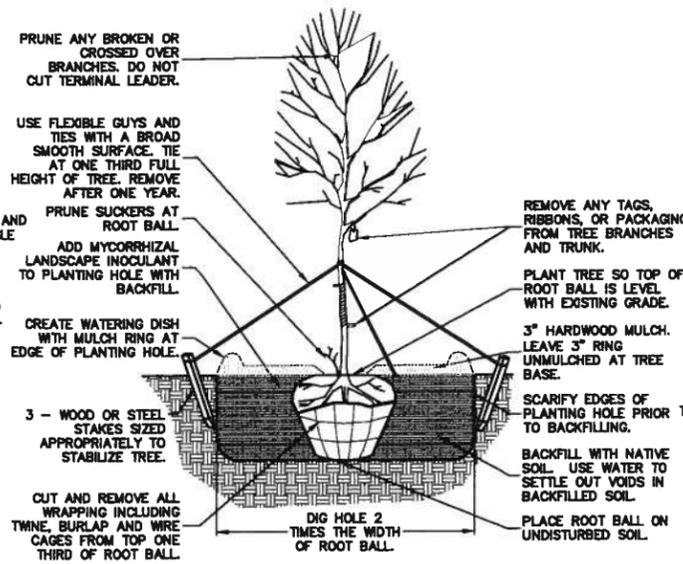
**PERENNIAL AND GROUNDCOVER PLANT SPACING DETAIL**  
NOT TO SCALE



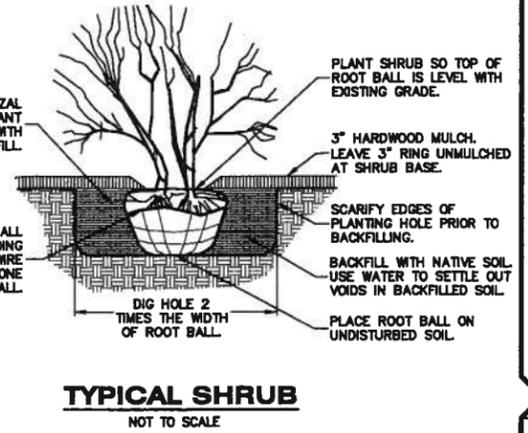
**STEEL LANDSCAPE EDGING DETAIL**  
NOT TO SCALE



**BUILDING MAINTENANCE STRIP DETAIL**  
NOT TO SCALE



**DECIDUOUS TREE**  
NOT TO SCALE



**TYPICAL SHRUB**  
NOT TO SCALE

hurley & stewart, llc  
2600 south 11th street  
Kalamazoo, michigan 49009  
268.552.4860 fax 268.552.4861  
www.hurleystewart.com

hurley & stewart

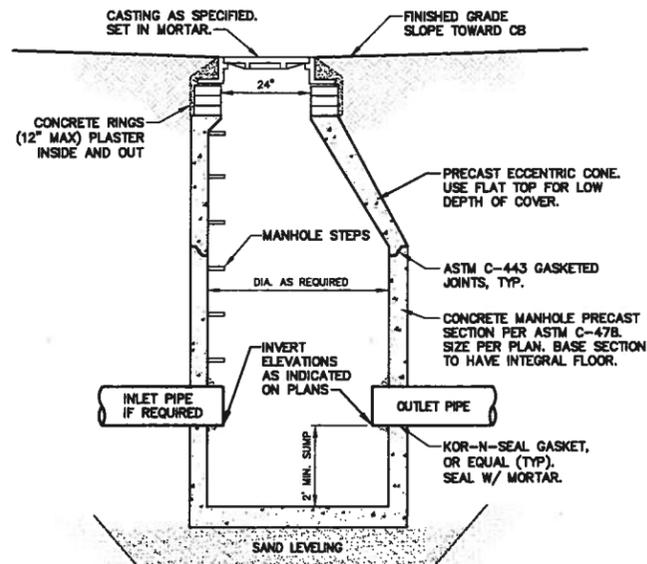
Job No. 12-041D P.M. TMS Dris.LAD QA/QC 4/23/13  
ISSUED FOR REVISIONS:  
1 PRELIMINARY REVIEW 2/15/13  
2 FOR PRICING 3/9/13  
3 SITE PLAN REVIEW 3/27/13  
4 SITE PLAN REVIEW 4/23/13  
COPYRIGHT © of Hurley & Stewart, LLC

**DETAIL SHEET**

**SOUTHWEST MICHIGAN DERMATOLOGY**

**CHARLES H. BABER & ASSOC. INC. ARCHITECTS**

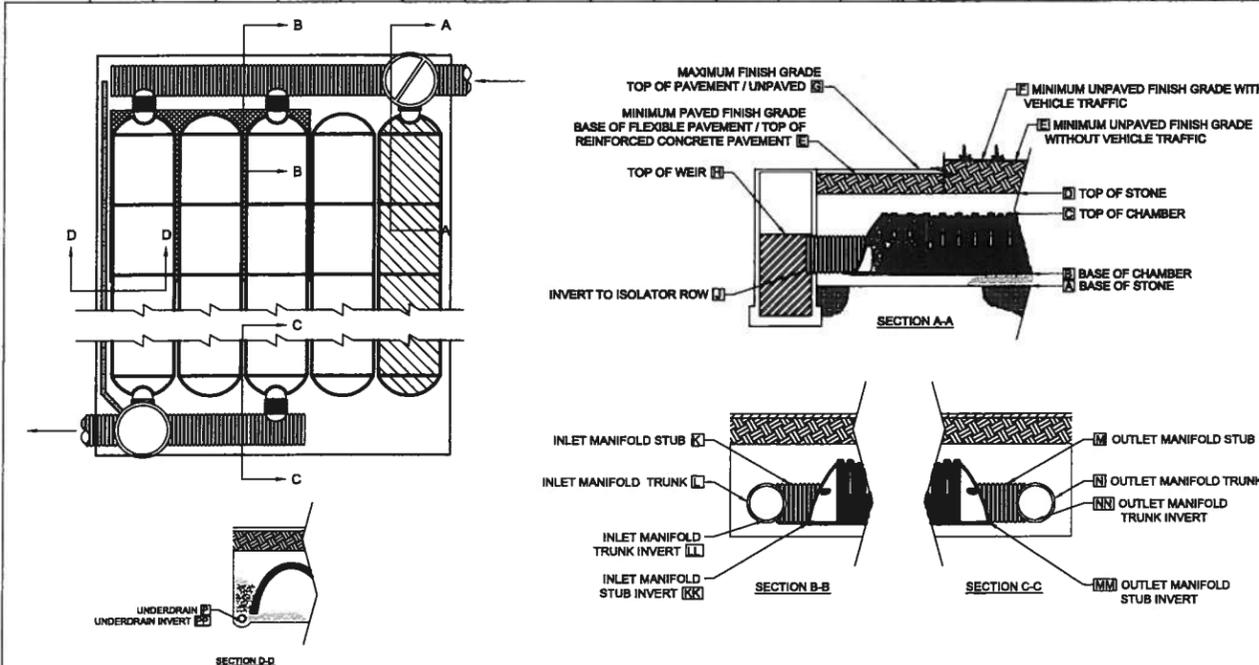
Sheet Title:  
Project:  
Client:



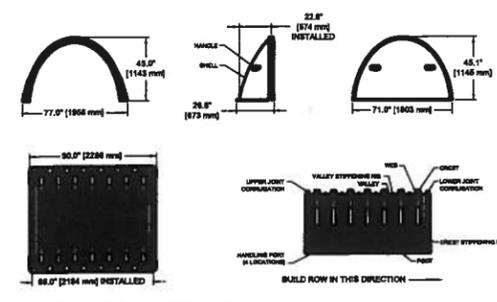
**CATCH BASIN DETAIL**  
NO SCALE

① PLAN VIEW LAYOUT

	A	B	C	D	E	F	G	H	J	K	KK	L	LL	M	MM	N	NN	P	PP	
BED 1/ONLY																				
BED 2																				
BED 3																				
BED 4																				
BED 5																				



② MC-3500 ELEVATIONS



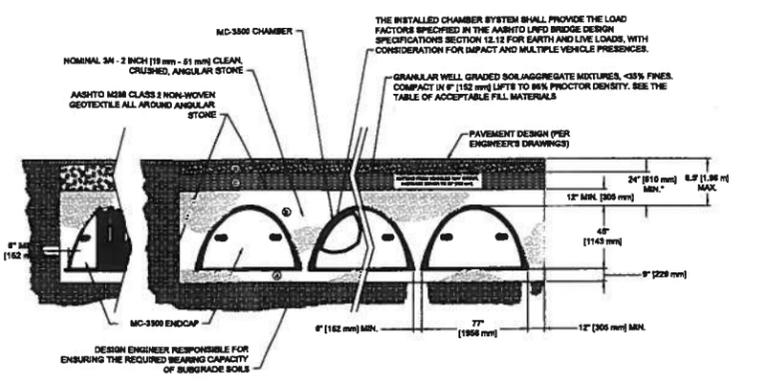
STUBS AT BOTTOM OF END CAP FOR PART NUMBERS ENDING WITH "B"  
STUBS AT TOP OF END CAP FOR PART NUMBERS ENDING WITH "T"

PART #	STUB	A	B	C
MC3500TEPE14T	1/2" (12.7 mm)	27.43" (701 mm)	26.34" (669 mm)	N/A
MC3500TEPE16T	1/2" (12.7 mm)	28.22" (718 mm)	N/A	1.30" (33 mm)
MC3500TEPE18T	1/2" (12.7 mm)	29.01" (737 mm)	23.34" (593 mm)	N/A
MC3500TEPE20T	1/2" (12.7 mm)	29.80" (756 mm)	N/A	1.30" (33 mm)
MC3500TEPE22T	1/2" (12.7 mm)	30.59" (775 mm)	20.25" (514 mm)	N/A
MC3500TEPE24B	3/4" (19.0 mm)	28.77" (730 mm)	N/A	1.77" (45 mm)
MC3500TEPE24B	3/4" (19.0 mm)	28.77" (730 mm)	N/A	2.30" (58 mm)

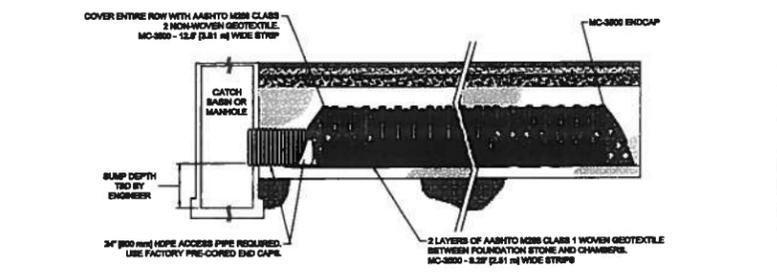
NOTE: ALL DIMENSIONS ARE NOMINAL.

STORMTECH INVENTORIED MANIFOLDS AND PRECAST END CAPS INCLUDE 3/4" (19.0 mm) BOTTOM (MC3500TEPE24B), 1/2" (12.7 mm) BOTTOM (MC3500TEPE18B) AND 1/2" (12.7 mm) TOP (MC3500TEPE15T). OTHER PIPE SIZES AND PRECAST END CAPS ARE AVAILABLE UPON SPECIAL ORDER.

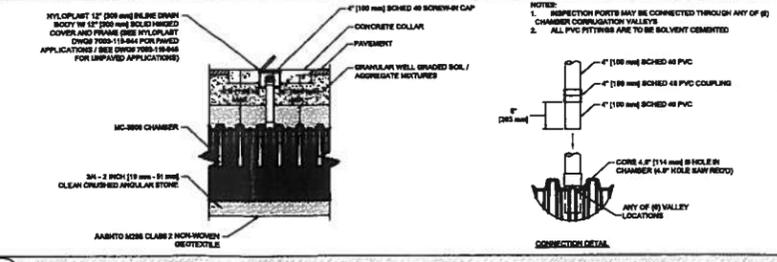
④ MC-3500 TECHNICAL SPEC.



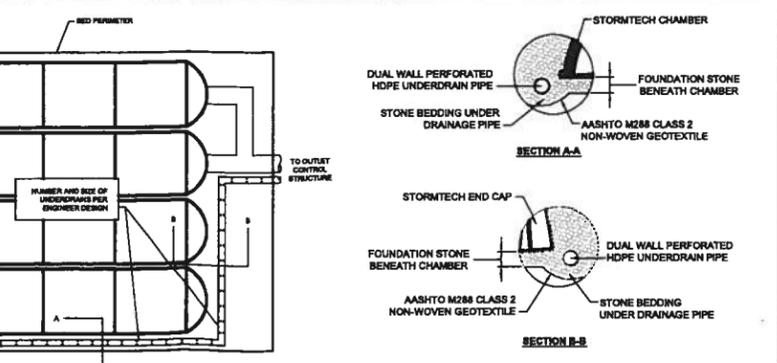
⑦ MC-3500 STANDARD CROSS SECTION



⑧ MC-3500 ISOLATOR ROW™ DETAIL



⑨ MC-3500 INSPECTION PORT DETAIL



⑩ MC-3500 UNDERDRAIN DETAIL

hurley & stewart, llc  
2800 south 11th street  
Kalamazoo, michigan 49009  
268.552.4860 fax 268.552.4861  
www.hurleystewart.com

Job No. 12-041D P.M.T.S. Drift-LAD Q.A./QC. 4/29/13  
ISSUED FOR REVISIONS:  
2/15/13 PRELIMINARY REVIEW  
3/9/13 FOR PRICING  
3/27/13 SITE PLAN REVIEW  
4/23/13 SITE PLAN REVIEW  
COPYRIGHT © of Hurley & Stewart, LLC

STORM DETAIL SHEET  
SOUTHWEST MICHIGAN DERMATOLOGY  
Client: CHARLES H. BABER & ASSOC. INC. ARCHITECTS

Sheet Title: C-6  
Project: 4/29/13  
Sheet

**LEGEND**

- NUMBER AND TYPE OF PLANTS TO BE PROVIDED AND INSTALLED.
- PERENNIAL PLANTING. SEE PLANTING SCHEDULE FOR PLANT SPACING REQUIREMENTS.
- STONE COBBLE MULCH 2-3" DIA. NATURAL STONE COBBLE WASHED OVER FILTER FABRIC.
- PROPOSED DECIDUOUS TREE
- PROPOSED DECIDUOUS SHRUBS
- STEEL LANDSCAPE EDGING.



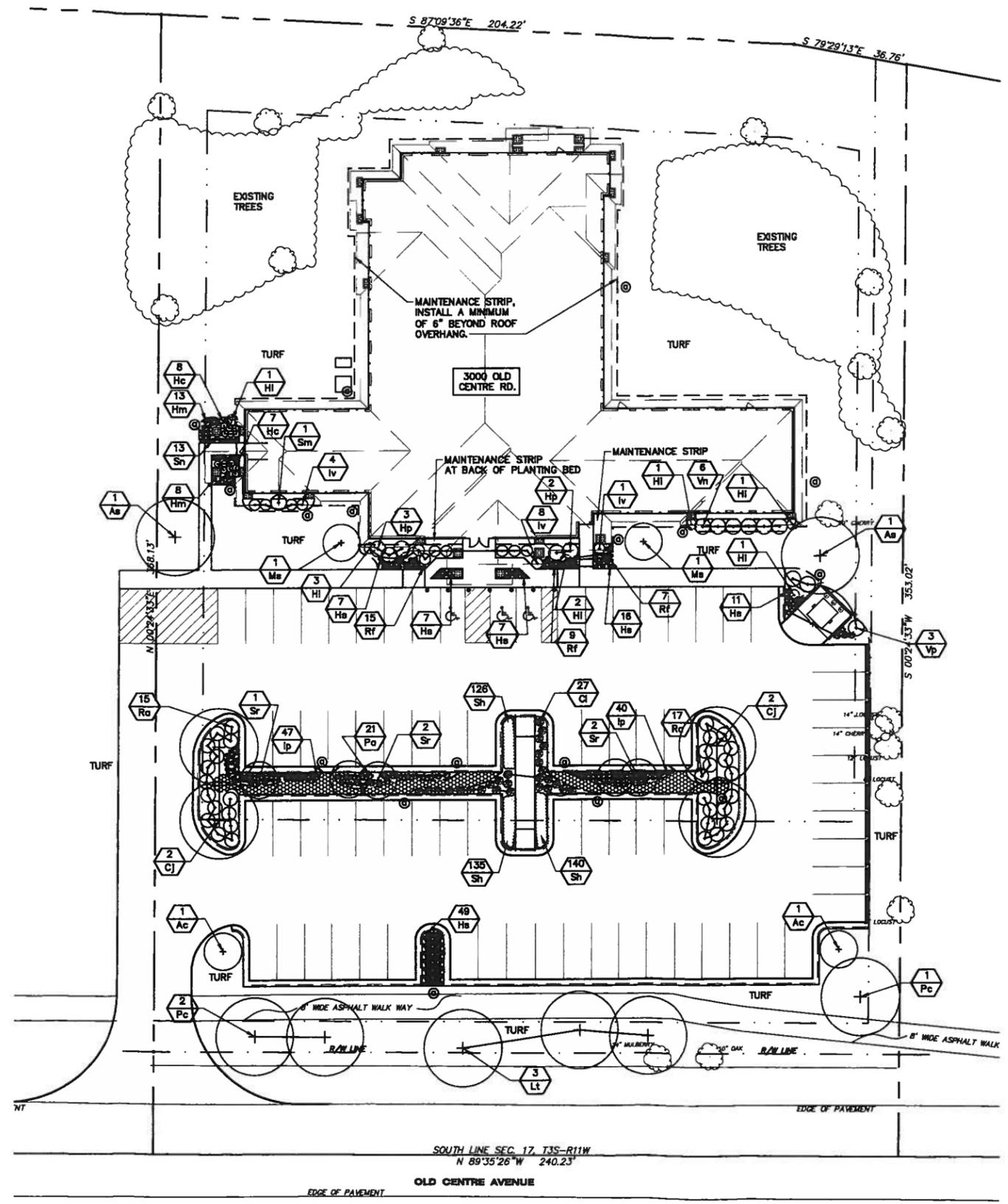
Planting Schedule Trees					
Symbol	Latin Name	Common Name	Size	Container Type	Comments
Ac	Amelanchier canadensis	Shadblow Service Berry	2 1/2" Cal.	B&B	
As	Acer saccharum 'Commemoration' or 'Legacy'	Commemoration or Legacy Sugar Maple	2 1/2" Cal.	B&B	
Cj	Cercidiphyllum japonicum	Katsura Tree	2 1/2" Cal.	B&B	
Lt	Liriodendron tulipifera	Tulip Tree	2 1/2" Cal.	B&B	
Ms	Malus 'Sentinel'	Sentinel Crab	2 1/2"	B&B	
Pc	Pyrus calleryana 'Aristocrat'	Aristocrat Pear	2 1/2" Cal.	B&B	
Sr	Syringa reticulata 'Ivory Silk'	Ivory Silk Japanese Tree Lilac	2 1/2" Cal.	B&B	
Planting Schedule Shrubs					
Symbol	Latin Name	Common Name	Size	Container Type	Comments
Hc	Hypericum calycinum	Aaronsbeard St. Johnswort	#3	Cont.	
Hp	Hydrangea paniculata 'DVPpinky'	Pinky Winky Hydrangea	30" Ht.	Cont.	
Hq	Hydrangea quercifolia	Oakleaf Hydrangea	36" Ht.	B&B	
Iv	Itea virginica 'Sprich'	Little Henry Sweetpire	18" Ht.	Cont.	Well branched shrubs
Ra	Rhus aromatica 'Grow Low'	Grow Low Fragrant Sumac	24" spread	#2 Cont.	
Sm	Syringa meyeri 'Palibin'	Dwarf Korean Lilac	36" Ht.	Cont.	
Vn	Viburnum nudum 'Winterthur'	Winterthur Viburnum	30" Ht.	Cont.	
Vp	Viburnum plicatum tomentosum 'Shasta'	Shasta Doublefile Viburnum	36" Ht.	B&B or Cont.	
Planting Schedule Perennials					
Symbol	Latin Name	Common Name	Size	Container Type	Comments
Cl	Chelone lyonii 'Hot Lips'	Hot Lips Turtle-head	#2	Cont.	
Hm	Hakonechloa macro 'Aureola'	Golden Japanese Forest Grass	#2	Cont.	
Ha	Hemerocallis 'South Seas'	South Seas Daylily	#1	Cont.	
Hi	Hibiscus	Hardy Hibiscus Mixed	#5	Cont.	approx. equal numbers of three varieties mixed colors
Ip	Iris pallida 'Albo-Variegata'	Variegated sweet Iris	#1	Cont.	
Pa	Pennisetum alopecuroides 'Hamein'	Fountain Grass 'Hamein'	#2	Cont.	24" o.c.
Rf	Rudbeckia fulgida 'Vitte's Little Suzy'	Vitte's Little Suzy Black-eyed Susan	#1	Cont.	
Sh	Sporobolus heterolepis	Prairie Dropseed	2 3/8" cell	38 count flats	8" o.c.
Sn	Salvia nemorosa 'May Night'	Maynight Salvia	#1	Cont.	

**PORTAGE PLANTING REQUIREMENTS**

21,745 SQUARE FEET OF PARKING LOT (EXCLUDE 20' PERIMETER)  
 INTERIOR PARKING REQUIRED 1 SF / 15 = 1,450 INTERIOR SQUARE FEET  
 INTERIOR TREES REQUIRED 1 TREE / 150 SF REQUIRED INTERIOR = 10 TREES  
 GREENSTRIP TREES REQUIRED 1 TREE / 30 LF OF PARKING ADJACENT TO ROAD = 7 TREES ( 1 EXISTING 10" OAK)  
 GREENSTRIP SCREEN REQUIREMENTS ELEVATION IS GREATER THAN 30"  
 SITE TO BE IRRIGATED, SEE IRRIGATION PLAN

**LANDSCAPE NOTES:**

- ALL LAWN AREAS SHALL BE SEEDED AND MULCHED WITH THE FOLLOWING MIXTURE: 20% IMPROVED PERENNIAL RYEGRASS, 40% FINE FESCUE, AND 40% KENTUCKY BLUEGRASS AT A RATE OF 8-10 LBS/1000 SFT. PROVIDE 19-19-19 STARTER FERTILIZER AT A RATE OF 5-7 LBS/1000 SFT.
- ALL EDGING SHALL BE STANDARD COMMERCIAL-STEEL EDGING 3/4" X 4", ROLLED EDGE, FABRICATED IN SECTIONS OF STANDARD LENGTHS, WITH LOOPS STAMPED FROM OR WELDED TO FACE OF SECTIONS TO RECEIVE STAKES IN STANDARD FINISH OF GREEN PAINT.
- PROVIDE QUALITY, SIZE, GENUS, SPECIES, AND VARIETY OF EXTERIOR PLANTS INDICATED, COMPLYING WITH APPLICABLE REQUIREMENTS IN ANSI Z80.1 "AMERICAN STANDARD FOR NURSERY STOCK," MEASURE ACCORDING TO ANSI Z80.1 STANDARDS.
- WARRANT TREES, SHRUBS AND PERENNIALS FOR ONE YEAR FROM DATE OF SUBSTANTIAL COMPLETION AGAINST DEFECTS INCLUDING DEATH AND UNSATISFACTORY GROWTH, EXCEPT FOR DEFECTS RESULTING FROM INCIDENTS THAT ARE BEYOND CONTRACTOR'S CONTROL.
- REMOVE AND REPLACE DEAD PLANTS IMMEDIATELY. REPLACE PLANTS THAT ARE MORE THAN 25% DEAD OR IN AN UNHEALTHY CONDITION AT END OF WARRANTY PERIOD. A LIMIT OF ONE REPLACEMENT OF EACH PLANT WILL BE REQUIRED, EXCEPT FOR LOSSES OR REPLACEMENTS DUE TO FAILURE TO COMPLY WITH REQUIREMENTS.
- MAINTAIN TREES, SHRUBS, AND PERENNIALS FOR ONE YEAR FROM DATE OF SUBSTANTIAL COMPLETION BY PRUNING, CULTIVATING, WATERING, WEEDING, FERTILIZING, RESTORING PLANTING SAUCERS, TIGHTENING AND REPAIRING STAKES AND GUY SUPPORTS, AND RESETTling TO PROPER GRADES OR VERTICAL POSITION, AS REQUIRED TO ESTABLISH HEALTHY Viable PLANTINGS. SPRAY AS REQUIRED TO KEEP TREES AND SHRUBS FREE OF INSECTS AND DISEASE.
- BEGIN LAWN MAINTENANCE IMMEDIATELY AFTER EACH AREA IS PLANTED AND CONTINUE UNTIL ACCEPTABLE LAWN IS ESTABLISHED: A MINIMUM OF 60 DAYS AFTER SUBSTANTIAL COMPLETION.
- MAINTAIN AND ESTABLISH LAWN BY WATERING, FERTILIZING, USING CHEMICAL WEED CONTROL, WEEDING, MOWING, TRIMMING, REPLANTING, AND OTHER OPERATIONS. ROLL, REGRADE, AND REPLANT BARE OR ERODED AREAS AND REMULCH TO PRODUCE A UNIFORMLY SMOOTH LAWN.
- PROTECT ADJACENT AND ADJOINING STRUCTURES, UTILITIES, SIDEWALKS, PAVEMENTS, AND PLANTINGS FROM HYDROSEEDING OVER-SPRAY AND DAMAGE CAUSED BY PLANTING OPERATIONS.
- REMOVE STONES LARGER THAN 1" IN ANY DIMENSION AND REMOVE STICKS, ROOTS, RUBBISH, AND OTHER EXTRANEOUS MATTER FROM SITE.
- MAINTAIN LAWN UNTIL A HEALTHY, UNIFORM, CLOSE STAND OF GRASS HAS BEEN ESTABLISHED, FREE OF WEEDS AND SURFACE IRREGULARITIES, WITH COVERAGE EXCEEDING 90% OVER ANY 10 SQFT AND BARE SPOTS DO NOT EXCEED 5 BY 5 INCHES.
- ALL OUTSIDE LIGHTS TO BE OPAQUELY SHIELDED.
- ENSURE TREES ALONG OLD CENTRE ROAD HAVE HIGH ENOUGH BRANCHING TO MAINTAIN SIGHT DISTANCE OF 335 FEET FROM DRIVE.



hurley & stewart, llc  
 2800 south 11th street  
 Kalamazoo, michigan 49009  
 269.552.4960 fax 269.552.4961  
 www.hurleystewart.com

Job No: 12-0410 P.M. T&S D.R.L. LAD O&GC 4/23/13  
 ISSUED FOR REVISIONS:  
 1. PRELIMINARY REVIEW 2/15/13  
 2. FOR PRICING 3/6/13  
 3. SITE PLAN REVIEW 3/27/13  
 4. SITE PLAN REVIEW 4/23/13  
 COPYRIGHT © of Hurley & Stewart, LLC

LANDSCAPE PLAN  
 SOUTHWEST MICHIGAN DERMATOLOGY  
 Client: CHARLES H. BABER & ASSOC. INC. ARCHITECTS

Sheet Title:  
 Project:  
 Client:  
 4/23/13  
 Sheet  
 1-1



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

**TO:** Honorable Mayor and City Council

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



**SUBJECT:** Equipment Purchase Recommendation - Durapatcher

**SUPPORTING PERSONNEL:** William Deming, Director of  
Parks, Recreation and Public Services

**ACTION RECOMMENDED:** That City Council approve the purchase of a Durapatcher Trailer Mounted Spray Injection Road Repair Machine for a cost of \$51,432, and authorize the City Manager to execute all documents related to this action on behalf of the city.

**EXECUTIVE SUMMARY:**

One of City Council's adopted goals regarding transportation is to "*continue to plan and implement improvements to move people and commerce safely and effectively through the community.*" A Council objective to reach this goal is to "*continue to seek alternative approaches and methods to enhance preventive maintenance programs.*" The Department of Parks, Recreation & Public Services – Streets Division explored the use of a spray injection road repair machine called a Durapatcher. As a result, a recommendation is being made to purchase such a machine, the first for the city, from the low bidder Alta Equipment for \$51,432.

**BACKGROUND INFORMATION:**

In order to address ongoing road repair needs, the City Administration is continually exploring options for the implementation of technologically advanced equipment. In May 2012 the Department of Parks, Recreation & Public Services - Streets Division rented a trailer mounted spray injection road repair machine called a Durapatcher on a trial basis to repair streets throughout the city. This machine applies a combination of aggregate and heated emulsion that hardens and adheres to the existing road asphalt. The Durapatcher proved to be a very efficient and reliable piece of equipment for the repair of large cracks and potholes. The areas repaired by the Durapatcher have withstood exceptionally well during the past year. Use of the trailer mounted road repair machine for cracks and potholes in city streets saves time and money when compared to the conventional pothole repair method of shoveling hot or cold asphalt patch into potholes and cracks.

On March 21, 2013 the city accepted bids for a trailer mounted spray injection road repair machine. The bid was structured to allow for pricing of a new 2013 unit or a demo 2012 unit with less than 100 operating hours. Alta Equipment of Byron Center, Michigan submitted the lowest bid of \$51,432 for the purchase of a 2012 demo model Durapatcher with less than 100 operating hours. Alta Equipment is the State of Michigan provider of Durapatcher equipment.

It is recommended that Council approve the purchase of a Durapatcher from Alta Equipment for a cost of \$51,432, and authorize the City Manager to execute all documents related to this action on

behalf of the city. The city plans to begin use of this machine by mid-May 2013.

**FUNDING:** Funds have been encumbered to cover the cost of the Trailer Mounted Spray Injection Road Repair Machine in the FY 2012-13 Capital Outlay account.

**Attachments:** Bid Tabulation Trailer Mounted Spray Injection Road Repair Machine

BID TABULATION  
TRAILER MOUNTED SPRAY INJECTION ROAD REPAIR MACHINE

<u>BIDDER</u>	<u>MAKE/MODEL/HOURS</u>	<u>BID</u>
Alfa Equipment 8840 Byron Commerce Byron Center, MI 49315	2012 Durapatcher, Model 125 DJT, 89 Hours	\$51,432.00
Alfa Equipment 8840 Byron Commerce Byron Center, MI 49315	2013 Durapatcher, Model 125 DJT, New	\$58,500.00
Equipment Marketing Company 11652 S. US Highway 231 Cloverdale, IN 46120	2013 Total Patcher, Model T-7500, New	\$60,900.00
Michigan Cat 7700 Caterpillar Ct. Grand Rapids, MI 48548	2013 Leeboy, Model RA-200, New	\$66,862.00
<i>ALTERNATE BID</i> Michigan Cat 7700 Caterpillar Ct. Grand Rapids, MI 48548	Did not meet specifications	



**MATERIALS TRANSMITTED**

Friday, April 19, 2013

1. Communication from the City Manager regarding the March 2013 Citizen Comment Summary – Information Only.

A handwritten signature in black ink that reads "Maurice S. Evans". The signature is written in a cursive style and is positioned above a horizontal line.

Maurice S. Evans, City Manager

cc: Brian J. Bowling, Deputy City Manager



**MATERIALS TRANSMITTED**

Tuesday, April 23, 2013

1. **TO BE ADDED TO THE APRIL 23, 2013 CITY COUNCIL AGENDA AS ITEM J.1:** Communication from the Mayor and Former Councilmember Ted Vliek, Sr. recommending that City Council approve the expenditure of up to \$2,000 for printing of the City of Portage history book update.

A handwritten signature in black ink that reads "Maurice S. Evans".

Maurice S. Evans, City Manager

cc: Brian J. Bowling, Deputy City Manager