PORTAGE
A Natural Place to Move

AGENDA FOR THE COUNCIL MEETING
CITY OF PORTAGE
March 26, 2013

7:30 p.m. Call to Order.

Invocation: Mr. Ravi Akkoor of the Hindu Community.

Pledge of Allegiance.

Roll Call.

Proclamation: Child Abuse Prevention Month.

A. Approval of the Regular Meeting Minutes of March 12, 2013.

* B. Approval of Consent Agenda Motions.

* C. Communication from the City Manager recommending that City Council approve the Accounts Payable Register of March 26, 2013, as presented.

D. Public Hearings:

E. Petitions and Statements of Citizens:

F. Reports from the Administration:

* 1. Communication from the City Manager recommending that City Council approve the Final Plan for Sterling Oaks West (Phase II) Planned Development, 1001 Gulfport Trail, subject to the maximum number of residential units be limited to 30 until a second means of ingress and egress is provided in accordance with the International Fire Code.

* 2. Communication from the City Manager recommending that City Council establish a public hearing for April 23, 2013, to consider resolutions to:
a) adopt the recommendation that the sewer commodity rate be reduced from $4.81 to $4.70 per 1,000 gallons of metered water;
b) adopt the recommendation that the water commodity rate remain at $3.19 per 1,000 gallons of metered water;
c) adopt the recommendation that adjustments be made to both the sewer and water base quarterly charges;
d) eliminate the current Senior Citizen Discount Program effective October 1, 2013;
e) adopt the recommendation that the new rates become effective on October 1, 2013, (or on January 1, 2014, if City Council chooses to implement a low income affordability program); and
f) adopt the recommended water and sewer franchise area fees and other service fees and charges as outlined in the 2013 Utility Rate Financial Study.

* 3. Communication from the City Manager recommending that City Council:
a) 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, place the resolution on file with the City Clerk for 28 days and take final action on April 23, 2013; and
b) authorize the City Manager to sign the License Agreement to Locate Signs in City Utility Easement.

* 4. Communication from the City Manager recommending that City Council approve a one-year agreement for comprehensive liability, property and auto fleet insurance through the Michigan Municipal Risk Management Authority (MMRMA) at a total not to exceed cost of $443,253 for the period of March 1, 2013 to March 1, 2014, and authorize the City Manager to execute all documents related to the action on behalf of the city.

* 5. Communication from the City Manager recommending that City Council resolve to submit applications to the Michigan Liquor Control Commission (MLCC) for a Special License for the sale of beer and wine for consumption on the premises at Portage Central Park, 7800 Shaver Road, for The Taste of Portage on June 22, 2013, and the *Your Generation in Concert* on July 13, 2013, and authorize the City Manager to execute all documents on behalf of the city.

* 6. Communication from the City Manager recommending that City Council adopt the Resolution to Accept Payments on Certain City Fees and Charges by Financial Transaction Devices to allow the use of credit card services for recreation and cultural programs.

* 7. Communication from the City Manager regarding the February 2013 Summary Environmental Activity Report - Information Only.

* 8. Department Monthly Reports.

G. Communications:

1. Presentation by Sean McBride, Executive Director of the Kalamazoo County Transit Authority.

H. Unfinished Business:

* I. Minutes of Boards and Commissions Meetings:

1. Portage Youth Advisory Committee of February 11, 2013.
2. Portage Planning Commission of March 7, 2013.

J. Ad-Hoc Committee Reports:

K. New Business:

L. Bid Tabulations:

* 1. Communication from the City Manager recommending that City Council award a construction contract for the South 12th Street Sanitary Sewer Lift Station Improvements to B & Z Company, Incorporated, in the not to exceed amount of $253,777.32 and authorize the City Manager to execute all documents related to the contract on behalf of the city.

M. Other City Matters:

1. Statements of Citizens.

2. From City Council and City Manager.

* 3. Reminder of Meetings:

a. Thursday, March 28, 4:30 p.m., Public Media Network Board of Directors, 359 S. Kalamazoo Mall, Kalamazoo.
b. Wednesday, April 3, 6:30 p.m., Park Board, Schrier Park.
c. Thursday, April 4, 6:30 p.m., Human Services Board, City Hall Room #1.
d. Thursday, April 4, 7:00 p.m., Planning Commission, Council Chambers.
e. Monday, April 8, 6:30 p.m., Youth Advisory Committee, City Hall Room #1.
f. Monday, April 8, 7:00 p.m., Zoning Board of Appeals, Council Chambers.

N. Materials Transmitted of March 8 and 12, 2013.

Adjournment.

City Council Meeting Summary

March 12, 2013

CHECK REGISTER

- Approved the Check Register of March 12, 2013, as presented.

PUBLIC HEARINGS

- Adopted Resolution No. 4-13, approving the Industrial Facilities Exemption Certificate for Summit Polymers, Inc., at 6715 Sprinkle Road, for six years on the real property and three years on the personal property in the total amount of $2.99 million; and approved the tax abatement agreement and affidavit between the City of Portage and Summit Polymers, Inc.
- Granted the request for a waiver of the policy provision granting a six-year abatement period for personal property; adopted Resolution No. 4-13, approving the Industrial Facilities Exemption Certificate for Mann+Hummel USA, Inc., at 6400 Sprinkle Road for six years in conformance with City Council policies for the planned personal property investment in the total amount of $15.89 million; and approved the tax abatement agreement and affidavit between the City of Portage and Mann+Hummel USA, Inc.
- Approved the Collection Boxes Ordinance Amendment (Chapter 24) as proposed.

REPORTS FROM THE ADMINISTRATION

- Adopted the Resolution Authorizing Refunding of the City of Portage Capital Improvement Bonds, Series 2005A, as well as the Resolution Approving of the Undertaking to Provide Continuing Disclosure.
- Adopted the Resolution Authorizing Refunding of the City of Portage Special Assessment Bonds, Series 2001, 2002, 2004, 2005 and 2005A, as well as the Resolution Approving of the Undertaking to Provide Continuing Disclosure.
- Adopted a resolution to relinquish the northerly and southerly 12 feet of an existing easement for drainage, sewage and other public purposes over a previously vacated section of Burt Drive, placed the resolution on file with the City Clerk for 28 days, with final action on April 9, 2013; and authorized the City Manager to sign the License Agreement to locate an Accessory Structure in the easement area.
- Authorized the City Clerk to sign the School Election Consolidation Agreements.
- Adopted the Resolution Designating Polling Places and Rate of Compensation for the May 7, 2013 Special Election.
- Referred the request of Bill Patterson regarding 1614 West Osterhout to the Ad Hoc Property Committee for review and recommendation.

UNFINISHED BUSINESS

- Established April 11 and April 30, 2013, from 4:30 to 8:30 p.m. as the dates for review of the proposed Fiscal Year 2013-2014 Budget.

AD-HOC COMMITTEE REPORTS

- Received the report by Councilmember Sackley regarding the Water/Sewer Utility Rate Committee.
- Received the report by Mayor Strazdas regarding the Investment Committee.

STATEMENTS OF CITY COUNCIL AND CITY MANAGER

- Councilmember Urban restated his opposition to Collection Boxes in the City of Portage.
- Mayor Strazdas shared that it was an incredible sight when the 507th Engineering Battalion returned from Afghanistan hosted by Portage Central High School. He said he is working with the Battalion Commander and the Captain for our region to bring those individuals who are citizens of Portage, and even a couple of Portage Northern High School graduates who are a part of the 507th Engineering Battalion, to be recognized at the next Portage City Council Meeting for their service to our country as local citizens or local graduates of Portage Northern High School. Councilmember Sackley asked whether City Council might also extend an invitation to this unit, and another unit that is coming back in two and one half weeks, to join in the Memorial Day Parade and the celebration afterwards.

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

City of Portage
Proclamation

CHILD ABUSE PREVENTION MONTH

WHEREAS, preventing child abuse and neglect is a community problem that depends on involvement among people throughout the community;

WHEREAS, last year, 6,469 calls of suspected maltreatment of children were received by the local Children's Protective Services;

WHEREAS, the majority of child abuse cases stem from situations and conditions that are preventable in an engaged and supportive community;

WHEREAS, child abuse and neglect can be reduced by making sure each family has the support it needs to raise children in a healthy environment;

WHEREAS, child abuse and neglect not only directly harms children, but also increases the likelihood of criminal behavior, substance abuse, health problems such as heart disease and obesity, and risky behavior such as smoking;

WHEREAS, all citizens should become involved in supporting families in raising their children in a safe, nurturing environment;

WHEREAS, effective child abuse prevention programs, like the Kalamazoo County Child Abuse and Neglect Prevention Council, succeed because of partnerships created among social service agencies, schools, faith communities, civic organizations, law enforcement agencies, and the business community;

NOW THEREFORE, I, Peter J. Strazdas, Mayor of the City of Portage, do hereby proclaim April as **Child Abuse Prevention Month** in the City of Portage and call upon all citizens, community agencies, faith groups, medical facilities, and businesses to increase their participation in the effort to support families, thereby preventing child abuse and strengthening the community in which we live.

Signed this 26th day of March 2013

Peter J. Strazdas, Mayor

DRAFT

CITY COUNCIL MEETING MINUTES FROM MARCH 12, 2013

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

At the request of Mayor Strazdas, Councilmember Terry Urban gave the invocation and the City Council and Boy Scout Troop 287 led the audience in the Pledge of Allegiance. Mayor Strazdas also recognized members of Boy Scout Troop 255 and indicted that the City of Portage has more Scouts per capita than any other city in the State of Michigan.

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

APPROVAL OF MINUTES: Mayor Pro Tem Reid indicated that even though Ron Warner, 202 Cliffwood Avenue, said that there was a fire at the 10323 Archwood Drive property, there never was a fire and asked that the minutes reflect that. Motion by Sackley, seconded by Campbell, to approve the February 26, 2013 Special Meeting Minutes as presented and the February 26, 2013 Regular Meeting Minutes as amended. Upon a voice vote, motion carried 6 to 0.

* **CONSENT AGENDA:** Mayor Strazdas asked Mayor Pro Tem Reid to read the Consent Agenda. Motion by Urban, seconded by Reid, to approve the Consent Agenda motions as presented. Upon a roll call vote, motion carried 6 to 0.

* **APPROVAL OF CHECK REGISTER OF MARCH 12, 2013:** Motion by Urban, seconded by Reid, to approve the Check Register of March 12, 2013. Upon a voice vote, motion carried 6 to 0.

PUBLIC HEARINGS:

SUMMIT POLYMERS, INC. – PA 198 TAX ABATEMENT: Mayor Strazdas summarized the purpose of the public hearing and deferred to City Manager Maurice Evans, who reviewed the request. He cited the PA 198 application for an Industrial Facilities Exemption Certificate for $2,986,989, $1,194,619 for real property and $1,792,370 for personal property for the facility at 6715 Sprinkle Road located in Industrial Development District No. 56. He mentioned that this includes the construction of a 37,500 square foot building addition to increase manufacturing capacity to accommodate new business and seventeen new jobs with an average salary of approximately $25,000 and the retention of 231 jobs.

At the request of Mayor Strazdas, Reed Kendall, Vice President of Business Planning, 7007 Division Avenue, Delton in Prairie View Township, and Dave Stachel, Materials Specialist – Systems, 1550 Sarasota Trail, Portage, introduced themselves as representatives from Summit Polymers, Inc., and explained that the company specializes in the design, engineering, and manufacturing of interior kinetic and decorative components and systems, and that Summit Polymers, Inc., hires highly skilled employees, from engineers to line workers, who are combined with advanced technology and state-of-the-art systems to deliver a quality product, on time, at a competitive price.

Dave Stachel indicated that this location is also the corporate headquarters for Summit Polymers, Inc., and is known as the Technical Center, so staff also includes finance, information technology, materials and engineering personnel. Mayor Strazdas thanked them and opened the public hearing to the audience.

There being no further discussion, motion by Sackley, seconded by Campbell, to close the public hearing. Upon a voice vote, motion carried 6 to 0.

Motion by Sackley, seconded by Urban, to adopt Resolution No. 4-13, approving the Industrial Facilities Exemption Certificate for Summit Polymers, Inc., at 6715 Sprinkle Road, for six years on the real property and three years on the personal property, in the total amount of $2.99 million; and approve the tax abatement agreement and affidavit between the City of Portage and Summit Polymers, Inc. Discussion followed. Upon a roll call vote, motion carried 6 to 0.

MANN+HUMMEL USA, INC. – PA 198 TAX ABATEMENT: Mayor Strazdas summarized the purpose of the public hearing and deferred to City Manager Maurice Evans, who reviewed the request for an Industrial Exemption Certificate from Mann+Hummel, USA, Inc. He indicated that there are three things for City Council to consider with this request: a waiver of the policy provision granting a six-year abatement period for the $15.89 million in personal property investment, Resolution No. 4-13, approving the Industrial Facilities Exemption Certificate, and the tax abatement agreement and affidavit of fees.

Mr. Evans expressed his appreciation to Mann+Hummel, USA, Inc., for their investment in the Portage community of $15.89 million in new machinery and equipment at 6400 Sprinkle Road located within Industrial Development District No. 48. He indicated that this investment will launch new programs to supply air induction systems and intake manifolds to General Motors, Toyota and Ford with the anticipation of 50 new jobs with an average salary of $30,000 and the retention of 377 jobs.

At the request of Mr. Evans, Community Development Director Vicki Georgeau explained that City Council Policy is to grant a tax abatement for personal property for three years with the option for a company to come back to City Council to request a three-year extension. She then discussed the impact of some of the changes in the tax law over the last number of years and the proposed changes that will be before the voters statewide in August 6, 2014. She stated that the Administration recommendation is to grant the abatement to Mann+Hummel, USA, Inc., for personal property for three years

At the request of Mayor Strazdas, Christina Carroll, 28171 62nd Avenue, Lawton, Kurk Wilks, Director of Operations, 6160 Saddle Ridge Court, Texas Township, and Jack Andres, 3415 Runnymede Drive, Kalamazoo Township, spoke on behalf of the Mann+Hummel, USA, Inc., tax abatement request.

Ms. Carroll indicated that because of the amount of the investment and the number of employees Mann+Hummel, USA, Inc., will add and retain, she requested that the abatement be for six years instead of the three years outlined in City Council Policy. She pointed to the precedent approved by City Council with the Mann+Hummel, USA, Inc., tax abatement in 2009. She indicated that 95 of the Mann+Hummel, USA, Inc., employees are Portage residents and that Mann+Hummel, USA, Inc., has a temporary work force of 109.

Mr. Wilks interjected that the request for six years is primarily to support the business case for Mann+Hummel, USA, Inc., shareholders and an attempt to balance the business with the rewards of the community and the expectations of the shareholders.

At the request of Mayor Strazdas, Mr. Andres explained that Mann+Hummel, USA, Inc., designs and manufactures automotive components including complete air induction systems, intake manifolds, surge tanks and washer reservoirs, oil and fuel modules and filter elements for all major original equipment manufacturers (OEMs), as well as most Asian car manufacturers. Discussion followed.

Mayor Strazdas thanked them and opened the public hearing to the audience. Jennifer Owens, 1570 Drayton Court, representing Southwest Michigan First, expressed frustration over tax issues in Michigan and emphasized the need for companies like Mann+Hummel, USA, Inc., to have certainty in order to compete.

There being no further discussion, motion by Reid, seconded by Campbell, to close the public hearing. Upon a voice vote, motion carried 6 to 0.

Motion by Sackley, seconded by Campbell, to consider the request for a waiver of the policy provision granting a six-year abatement period for personal property; adopt Resolution No. 4-13, approving the Industrial Facilities Exemption Certificate for Mann+Hummel USA, Inc., at 6400 Sprinkle Road for six years for the planned personal property investment in the total amount of $15.89 million; and approve the tax abatement agreement and affidavit between the City of Portage and Mann+Hummel USA, Inc. Discussion followed.

Councilmember Sackley offered an amendment to his motion to state, "to grant the request for a waiver of the policy provision granting a six-year abatement period for personal property" replacing the word "consider" with the word, "grant." Councilmember Campbell concurred. Discussion followed. Mayor Pro Tem Reid expressed her concerns for city revenue from personal property tax in the future, praised Mann+Hummel, USA, Inc., but reminded the representatives of Mann+Hummel, USA, Inc., of City Council Policy and the balance necessary to protect the city's interests. Councilmember Urban concurred with Mayor Pro Tem Reid and her comments regarding the uncertainty of future city revenue for essential services and recognized that this decision is being made not just for Portage, but for all non-municipal taxing entities in the County. However, he still spoke in support of the application, recognizing that Mann+Hummel, USA, Inc., has always "done what they said they would do." Discussion followed. Upon a roll call vote, motion carried 5 to 1. Yeas: Councilmembers Sackley, Urban, Campbell and Pearson and Mayor Strazdas. No: Mayor Pro Tem Reid.

COLLECTION (DONATION) BOXES ORDINANCE AMENDMENT (CHAPTER 24): Mayor Strazdas mentioned that the purpose of the public hearing was to discuss the Collection Box Ordinance and deferred to City Manager Maurice Evans, who indicated that this concern was raised by Councilmember Pearson at the August 14, 2012 City Council Meeting. He reviewed the process as outlined in the Executive Summary in the City Council Agenda Packet and praised the efforts of Ms. Georgeau and City Attorney Randy Brown to accommodate several changes suggested by City Council during the first reading of the ordinance that have been folded into the final version of the proposed ordinance that is now before City Council. At the request of Mr. Evans, Ms. Georgeau indicated that there has been an increase of these collection boxes in Portage; that she has explored some best practices in this area; and, that the Portage approach is one of regulatory and licensing instead of a zoning approach given the proliferation, the health and safety considerations and the blight consequences of these boxes. She then summarized the main provisions of the ordinance and explained the rationale of these provisions. Discussion followed.

Councilmember Urban voiced his objections and opposition to having these boxes in the City of Portage and requested a tax lien consequence on the property for noncompliance. In answer to his question regarding the permission of the property owner, Ms. Georgeau agreed that the term "Manager" in the ordinance contemplates a "Manager owning" the property and not a tenant because it must be either the owner or someone acting on behalf of the owner and she recognized that amendments can be added at a later date to accommodate any nuances necessary. Councilmember Urban wanted this section to be more definitive or "pointed" in this regard. Discussion followed.

Mayor Strazdas opened the public hearing to the audience. Dan Dalton, who gave his address as 41000 Woodward Avenue, Bloomfield Hills, indicated that he is an attorney representing Planet Aid

and thanked City Council Staff and City Attorney Brown for their efforts on this ordinance and praised the proposed ordinance as fair and a model ordinance for other communities in the State of Michigan and explained the need to work with the managers who are on the property day-to-day as contacts with authority who can facilitate and execute business on the property on behalf of the owner. He also explained the need that the boxes be made of steel, said that two boxes on a site is fair and said that having the boxes insured was a good idea although that provision was stricken from the proposed ordinance and explained. Discussion followed.

Councilmember Urban cited a Planet Aid box placed on a property with permission, but the owner decided to have it removed based on complaints from his customers, but it took over two months to get it removed. Mr. Dalton did not have an answer for Councilmember Urban, but did indicate that the company has a policy of removal within 24 hours of a complaint and explained.

Dustin Holland, Vice President, Better World Books, 11560 Great Oaks Way, Alpharetta, Georgia, spoke in favor of the proposed ordinance and praised staff for their efforts and indicated that he was speaking on behalf of the Meijer Company, also.

Patrick Bennett, American Textile Recycling Services, 209 West Monroe, Jackson, Michigan, thanked the City of Portage for the proposed ordinance and concurred with Mr. Dalton and Mr. Holland.

There being no further discussion, motion by Reid, seconded by Campbell, to close the public hearing. Upon a voice vote, motion carried 6 to 0. Discussion followed and Councilmember Sackley offered a tacit suggestion that a permit number be placed on the box visible from the street as a logical tracking device. At the request of Mayor Strazdas, Mr. Brown explained that there was no need for an insurance requirement in the ordinance which was supported by the City Administration and the City Risk Manager. Discussion followed.

In answer to Councilmember Urban, Mr. Brown reaffirmed that these boxes cannot be banned, legally, and explained that there are Michigan Statutes that provide that a community cannot exclude a use totally when there is a demonstrated need. Discussion followed. Councilmember Urban voiced his objection to putting this responsibility on the real property owner and having a lien placed on property fifteen days after a violation. Discussion followed.

Motion by Pearson, seconded by Reid, to approve the Collection Boxes Ordinance Amendment as proposed. Discussion followed. Upon a roll call vote, motion carried 5 to 1. Yeas: Councilmembers Campbell, Pearson and Sackley, Mayor Pro Tem Reid and Mayor Strazdas. No: Councilmember Urban.

REPORTS FROM THE ADMINISTRATION:

* **ADOPTION OF BOND REFUNDING RESOLUTION:** Motion by Urban, seconded by Reid, to adopt the Resolution Authorizing Refunding of the City of Portage Capital Improvement Bonds, Series 2005A, as well as the Resolution Approving of the Undertaking to Provide Continuing Disclosure. Upon a roll call vote, motion carried 6 to 0.

* **ADOPTION OF BOND REFUNDING RESOLUTION:** Motion by Urban, seconded by Reid, to adopt the Resolution Authorizing Refunding of the City of Portage Special Assessment Bonds, Series 2001, 2002, 2004, 2005 and 2005A, as well as the Resolution Approving of the Undertaking to Provide Continuing Disclosure. Upon a roll call vote, motion carried 6 to 0.

* **EASEMENT RELINQUISHMENT REQUEST:** Motion by Urban, seconded by Reid, to adopt a resolution to relinquish the northerly and southerly 12 feet of an existing easement for drainage,

sewage and other public purposes over a previously vacated section of Burt Drive, place the resolution on file with the City Clerk for 28 days, and take final action on April 9, 2013; and authorize the City Manager to sign the License Agreement to locate an Accessory Structure in the easement area. Upon a roll call vote, motion carried 6 to 0.

* **SCHOOL ELECTION CONSOLIDATION AGREEMENTS:** Motion by Urban, seconded by Reid, to authorize the City Clerk to sign the School Election Consolidation Agreements. Upon a roll call vote, motion carried 6 to 0.

* **ELECTION POLLING PLACES AND RATE OF COMPENSATION RESOLUTION:** Motion by Urban, seconded by Reid, to adopt the Resolution Designating Polling Places and Rate of Compensation for the May 7, 2013 Special Election. Upon a roll call vote, motion carried 6 to 0.

* **1614 WEST OSTERHOUT:** Motion by Urban, seconded by Reid, to refer the request of Bill Patterson regarding 1614 West Osterhout to the Ad Hoc Property Committee for review and recommendation. Upon a roll call vote, motion carried 6 to 0.

UNFINISHED BUSINESS:

* **FISCAL YEAR 2013-2014 PROPOSED BUDGET REVIEW SCHEDULE:** Motion by Urban, seconded by Reid, to establish April 11 and April 30, 2013, from 4:30 to 8:30 p.m. as the dates for review of the proposed Fiscal Year 2013-2014 Budget. Upon a roll call vote, motion carried 6 to 0.

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

Portage Public Schools Board of Education Special and Regular of January 21, Policy Governance Session of January 22, Special and Committee of the Whole Work Session of February 11, 2013.
Portage Senior Citizen Advisory Board of January 16, 2013.
Portage Park Board of February 6, 2013.
Portage Human Services Board of February 7, 2013.
Portage Planning Commission of February 21, 2013.

AD HOC COMMITTEE REPORTS:

COMMUNICATION FROM COUNCILMEMBER SACKLEY REGARDING UTILITY RATE COMMITTEE: Councilmember Sackley welcomed former Portage City Councilmember and former Kalamazoo County Commissioner Nasim Ansari, who filled the vacancy on the Utility Rate Committee. He noted that Utilities Engineer Kendra Gwin provided an excellent presentation and expressed appreciation for the fine work done by Finance Director Dan Foecking, Deputy City Manager Brian Bowling and City Manager Maurice Evans on the matter. He indicated that the first portion of a recommended Rate Study will come before City Council at the next meeting at a public hearing. Discussion followed. Councilmember Sackley also thanked former Mayor Pro Tem and former Kalamazoo County Commissioner Ted W. Vliek for his fine service on the Committee. Discussion followed. Motion by Reid, seconded by Campbell, to receive the Utility Rate Committee Update from Councilmember Sackley. Discussion followed. Upon a voice vote, motion carried 6 to 0.

COMMUNICATION FROM MAYOR STRAZDAS REGARDING THE INVESTMENT COMMITTEE: Mayor Strazdas explained the work of the Investment Committee and mentioned the conservative policy that is used to guide the decisions of the Committee. He reviewed each of the three major points that were discussed at the meeting and contained his report to City Council, including shortening our maturity date, having the Administration provide reports to the Investment Committee monthly and providing more clarity as to which Financial Services Companies the City is currently using and which banks are being considered for use of services for short term cash investments. Motion by Sackley, seconded by Reid, to receive the Investment Committee Update from Mayor Strazdas. Upon a voice vote, motion carried 6 to 0.

OTHER CITY MATTERS:

STATEMENTS OF CITY COUNCIL AND CITY MANAGER: Councilmember Urban restated his opposition to Collection Boxes in the City of Portage.

Mayor Strazdas shared that it was an incredible sight when the 507th Engineering Battalion returned from Afghanistan hosted by Portage Central High School. He said he is working with the Battalion Commander and the Captain for our region to bring those individuals who are citizens of Portage, and even a couple of Portage Northern High School graduates who are a part of the 507th Engineering Battalion, to be recognized at the next Portage City Council Meeting for their service to our country as local citizens or local graduates of Portage Northern High School. Councilmember Sackley asked whether City Council might also extend an invitation to this unit, and another unit that is coming back in two and one half weeks, to join in the Memorial Day Parade and the celebration afterwards. Discussion followed.

ADJOURNMENT: Mayor Strazdas adjourned the meeting at 9:30 p.m.

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James R. Hudson, City Clerk

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

PORTAGE
A Natural Place to Move

CITY COUNCIL AGENDA ITEM C.
MARCH 26, 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 March 26, 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 $363,243.39 for checks issued to vendors and $241,072.22 for electronic transfers or a total of $604,315.61.

BACKGROUND INFORMATION:
Attached please find the Accounts Payable Register for the period March 3, 2013 through March 17, 2013, which is recommended for approval.

FUNDING: N/A

Attachments: Accounts Payable Register

CHECK DATE	CHECK NUMBER	VENDOR NAME	VENDOR #	CHECK AMOUNT
03/15/2013	284394	AT&T	849	5,994.41
03/15/2013	284395	AARTILA, DAVID	999999	20.52
03/15/2013	284396	ADAMS OUTDOOR ADVERTISING	1918	900.00
03/15/2013	284397	ALLEGRA PRINT & IMAGING	533	5,421.68
03/15/2013	284398	ALTA CONSTRUCTION EQUIPMENT LL	4588	181.02
03/15/2013	284399	AMERICAN SCREEN PRINTING	4861	331.25
03/15/2013	284400	APOLLO FIRE EQUIPMENT COMPANY	1253	766.11
03/15/2013	284401	ARIENNE ASSOCIATES, LLC	4853	3,900.00
03/15/2013	284402	ADP, INC.	3305	2,165.46
03/15/2013	284403	AUTOMATION DESIGN & ENTERTAINM	2906	575.00
03/15/2013	284404	BALKEMA EXCAVATING, INC.	130	472.50
03/15/2013	284405	BANK OF NEW YORK MELLON	3939	150.00
03/15/2013	284406	BDO USA, LLP	136	1,500.00
03/15/2013	284407	BERGMANN ASSOCIATES	4845	8,313.20
03/15/2013	284408	BESCO WATER TREATMENT, INC.	3339	23.30
03/15/2013	284409	BORGESS HEALTH ALLIANCE	151	178.00
03/15/2013	284410	BORGESS VNA HOME CARE	999999	515.54
03/15/2013	284411	BREAD OF LIFE, LLC	4729	68.94
03/15/2013	284412	BREAKAWAY BICYCLES	1356	104.00
03/15/2013	284413	BRINK'S, INC	153	279.11
03/15/2013	284414	BYHOLT INC.	68	622.04
03/15/2013	284415	C & E CONSTRUCTION	4631	2,325.00
03/15/2013	284416	C T S TELECOM, INC.	4768	674.17
03/15/2013	284417	CADWELL APPARELL	1845	1,136.00
03/15/2013	284418	CAMPBELL AUTO SUPPLY	437	16.60
03/15/2013	284419	CARLETON EQUIPMENT CO.	168	550.00
03/15/2013	284420	CENTER FOR HISTORY	999999	340.00
03/15/2013	284421	CHARTER COMMUNICATIONS	3080	280.39
03/15/2013	284422	CITY OF KALAMAZOO (TRANS MILLA	4649	743.31
03/15/2013	284423	CITY OF KALAMAZOO TREASURER	540	26.86
03/15/2013	284424	CITY OF PORTAGE	177	716.02
03/15/2013	284425	CONSUMERS ENERGY	743	39,423.11
03/15/2013	284426	CONSUMERS ENERGY-BILL PMT CNT	189	100.00
03/15/2013	284427	CONSUMERS ENERGY-BILL PMT CNT	189	17,157.50
03/15/2013	284428	COSTAR REALTY INFORMATION, INC	4620	294.68
03/15/2013	284429	CROSSROADS CAR WASH	195	383.25
03/15/2013	284430	D S S CORPORATION	3592	1,050.00
03/15/2013	284431	DAANE'S CATERING	204	138.75
03/15/2013	284432	DEL MORRIS, ALLEN	999999	795.47
03/15/2013	284433	DENNY'S SAW CRIB	689	72.50
03/15/2013	284434	DIESEL INJECTION SERVICE, LLC	1874	995.49
03/15/2013	284435	DRAMATIC PUBLISHING	999999	30.67
03/15/2013	284436	EMERGENCY VEHICLE PRODUCTS	2948	1,188.78
03/15/2013	284437	ENGINEERING SUPPLY & IMAGING	2615	587.25
03/15/2013	284438	EVERT, CASEY	999999	150.00
03/15/2013	284439	FERRELLGAS, LP	384	30.78
03/15/2013	284440	FREIGHTLINER OF GRAND RAPIDS,	4400	26.87
03/15/2013	284441	GORDON FOOD SERVICE	502	14.44
03/15/2013	284442	GORDON WATER SYSTEMS	517	185.25
03/15/2013	284443	GRAHAM FORESTRY SERVICE, INC.	464	360.00
03/15/2013	284444	GRIFFIN PEST CONTROL, INC.	598	230.00

CHECK DATE	CHECK NUMBER	VENDOR NAME	VENDOR #	CHECK AMOUNT
03/15/2013	284445	HALT FIRE, INC.	4781	55.88
03/15/2013	284446	HAWKEY, KEVIN	532	342.72
03/15/2013	284447	HUTSON, PAMELA	999999	70.28
03/15/2013	284448	HYDRO-CHEM SYSTEMS, INC.	4039	206.85
03/15/2013	284449	KALAMAZOO COUNTY TREASURER	514	10,594.07
03/15/2013	284450	KALAMAZOO COUNTY TREASURER	514	8,500.00
03/15/2013	284451	KALAMAZOO FLAG COMPANY	4787	98.85
03/15/2013	284452	KALAMAZOO GAZETTE	4756	41.55
03/15/2013	284453	KALAMAZOO REG'L EDUC SVS AGENG	721	559.52
03/15/2013	284454	KALAMAZOO VALLEY COMMUNITY COL	230	323.47
03/15/2013	284455	KELLY RADIATOR & AUTO REPAIR	4591	40.95
03/15/2013	284456	KENDALL ELECTRIC, INC.	231	92.99
03/15/2013	284457	KING VENTURE, INC.	999999	.00
03/15/2013	284458	KLINE, SYLVIA & KENNETH	999999	92.00
03/15/2013	284459	KLOOSTER, FRAN	999999	94.45
03/15/2013	284460	KLOSTERMAN DISTRIBUTING	3805	39.84
03/15/2013	284461	KNOX, DARRYN LYNN	999999	891.00
03/15/2013	284462	KOERTH, JASON	999999	166.17
03/15/2013	284463	KRAMES STAYWELL, LLC	1736	61.97
03/15/2013	284464	LACOSTA FACILITY SUPPORT SERVI	4838	3,625.00
03/15/2013	284465	LAWSON PRODUCTS, INC	240	314.56
03/15/2013	284466	LUCHT, AMY	999999	44.00
03/15/2013	284467	LUDERS, BOB	532	568.38
03/15/2013	284468	M & M CUSTOM FABRICATING INC.	4576	13.25
03/15/2013	284469	MATERIALS RESOURCES	3775	9,461.08
03/15/2013	284470	MAURER'S TEXTILE RENTAL SERVIC	4746	163.30
03/15/2013	284471	MCCLELLAN, MARA	999999	100.00
03/15/2013	284472	MCNALLY ELEVATOR CO.	256	105.81
03/15/2013	284473	MEQUIO & PETERSON, P.L.C.	999999	3.00
03/15/2013	284474	MICH AMATEUR SOFTBALL ASSOC	1435	1,980.00
03/15/2013	284475	MICH AMATEUR SOFTBALL ASSOC	1435	45.00
03/15/2013	284476	MICH MUNICIPAL POLICE & FIRE R	4777	88.51
03/15/2013	284477	MICHIGAN MUNICIPAL LEAGUE	4515	8,554.00
03/15/2013	284478	MIDWEST ENERGY COOPERATIVE	2030	198.92
03/15/2013	284479	MLIVE MEDIA GROUP	89	1,278.03
03/15/2013	284480	MULDERS LANDSCAPE SUPPLIES INC	286	16,834.00
03/15/2013	284481	MWAKASISI, FRANK	999999	.00
03/15/2013	284482	N A S R O	3540	495.00
03/15/2013	284483	NEW FRESH CLEANING SERVICE	4351	1,380.00
03/15/2013	284484	NYE UNIFORMS	299	718.13
03/15/2013	284485	OFFICE DEPOT, INC.	1721	533.17
03/15/2013	284486	OFFICEMAX INCORPORATED	301	51.82
03/15/2013	284487	PAPA JOHNS PIZZA - CENTRE	999999	40.00
03/15/2013	284488	PATTERSON, TREVOR	532	103.50
03/15/2013	284489	PERRY BALLARD INCORPORATED	4348	1,158.50
03/15/2013	284490	PETTY CASH-CITY HALL	767	174.57
03/15/2013	284491	POLDERMAN'S FLOWER SHOP	4157	234.75
03/15/2013	284492	PORTAGE DISTRICT LIBRARY	810	9,018.19
03/15/2013	284493	PORTAGE PUBLIC SCHOOLS	590	666.84
03/15/2013	284494	PORTAGE PUBLIC SCHOOLS	999999	.00
03/15/2013	284495	PUBLIC MEDIA NETWORK	4582	89,582.70

CHECK DATE	CHECK NUMBER	VENDOR NAME	VENDOR #	CHECK AMOUNT
03/15/2013	284496	QUALIFICATION TARGETS, INC.	3762	144.00
03/15/2013	284497	RATHCO SAFETY SUPPLY, INC.	327	75.00
03/15/2013	284498	RENEWED EARTH, INC.	4686	7,916.66
03/15/2013	284499	REPUBLIC SERVICES OF WEST MICH	4443	43,370.75
03/15/2013	284500	RETIREMENT PLAN CONCEPTS INC	334	8,500.00
03/15/2013	284501	RICE, DAVID	4658	750.00
03/15/2013	284502	RIDGE AUTO NAPA	438	106.17
03/15/2013	284503	RIETH-RILEY CONSTRUCTION CO.,	4386	467.30
03/15/2013	284504	SHARP SHOP	354	154.94
03/15/2013	284505	SIGN CENTER	862	64.00
03/15/2013	284506	SIMMONS FORD	2064	131.32
03/15/2013	284507	SOUTH BEND CHOCOLATE COMPANY	999999	136.00
03/15/2013	284508	SPRING MANOR APARTMENTS	999999	69.30
03/15/2013	284509	STATE OF MICHIGAN (DOT)	368	6,149.13
03/15/2013	284510	STATE OF MICHIGAN (BOILER DIV)	2125	300.00
03/15/2013	284511	STATE SYSTEMS RADIO, INC	369	1,458.43
03/15/2013	284512	STEENSMA LAWN & POWER EQUIPMEN	3222	326.43
03/15/2013	284513	STULBERG INTERNATIONAL STRING	999999	100.00
03/15/2013	284514	T D S METROCOM, LLC	4539	3,094.62
03/15/2013	284515	T-MOBILE USA INC	3665	29.99
03/15/2013	284516	THE ALPH GROUP	999999	525.00
03/15/2013	284517	TIPPECANOE PLACE RESTAURANT	3164	482.80
03/15/2013	284518	TRANSACT TECHNOLOGIES, INC.	1336	89.00
03/15/2013	284519	U S BANK	3497	375.00
03/15/2013	284520	U S POSTMASTER	391	200.00
03/15/2013	284521	U S POSTMASTER	392	2,802.00
03/15/2013	284522	UNITED PARCEL SERVICE	545	174.00
03/15/2013	284523	UNIVERSAL TOOL INC.	2610	270.00
03/15/2013	284525	VERIZON WIRELESS SERVICES, LLC	4653	2,098.98
03/15/2013	284526	WELLER TRUCK	1594	590.12
03/15/2013	284527	WEST MICHIGAN STAMP & SEAL,INC	415	63.52
03/15/2013	284528	WESTERN MICHIGAN INT'L TRUCKS	4306	213.23
03/15/2013	284529	WIGHTMAN & ASSOCIATES, INC.	425	160.00
03/15/2013	284530	WILLIS LAW	999999	10.00
03/15/2013	284531	WINDEMULLER ELECTRIC, INC.	3061	2,561.43
03/15/2013	284532	WOLVERINE LAWN SERVICE, INC.	1089	5,897.76
03/15/2013	284533	WRIGHT & MCGILL CO.	999999	80.00
03/15/2013	284534	XEROX CORPORATION	2684	394.72
03/15/2013	284535	ZANTJER, BRUCE	999999	100.00
03/15/2013	284536	5TH DISTRICT COURT	999999	500.00
			DATE RANGE TOTAL *	363,243.39 *

PREPARED 03/18/2013, 8:19:41
PROGRAM: GM176L
CITY OF PORTAGE

ELECTRONIC FUNDS TRANSFER REGISTER

FROM: 03/03/2013 TO: 03/17/2013

ACCOUNTING PERIOD 03/2013

PAYMENT NO	VENDOR NO	VENDOR NAME	TRANSFER DATE	AMOUNT	TRACE NUMBER	EFT BATCH	BANK CODE
1793		ABONMARCHE CONSULTANTS, INC	03/15/2013	13,001.84	072000320000001	0000001	00
1794		AMERICAN SAFETY & FIRST AID	03/15/2013	147.63	072000320000002	0000001	00
1795		ANDRUS TRAVEL, GAIL	03/15/2013	503.75	072000320000003	0000001	00
1796		ANIMAL REMOVAL SERVICE, LLC	03/15/2013	1,275.00	072000320000004	0000001	00
1797		B & B YARDSCAPE	03/15/2013	1,055.00	072000320000005	0000001	00
1798		C D W GOVERNMENT, INC.	03/15/2013	936.14	072000320000006	0000001	00
1799		GRAINGER INC, W W	03/15/2013	259.80	072000320000007	0000001	00
1800		HI-TECH ELECTRIC CO.	03/15/2013	1,441.89	072000320000008	0000001	00
1801		INDUSCO SUPPLY CO., INC.	03/15/2013	178.20	072000320000009	0000001	00
1802		J B PRINTING COMPANY	03/15/2013	7,049.75	072000320000010	0000001	00
1803		KEHOE, EDWARD J	03/15/2013	180.00	072000320000011	0000001	00
1804		LAND & RESOURCE ENGINEERING & SURVE	03/15/2013	1,682.13	072000320000012	0000001	00
1805		MCCARTHY SMITH LAW GROUP, PLC	03/15/2013	7,766.26	072000320000013	0000001	00
1806		MORRIS, JOY E	03/15/2013	60.00	072000320000014	0000001	00
1807		PACIFIC TELEMGMT SERVS, JAROTH INC	03/15/2013	303.00	072000320000015	0000001	00
1808		PLEUNE SERVICE COMPANY	03/15/2013	445.80	072000320000016	0000001	00
1809		POULIOT, GRETCHEN	03/15/2013	60.00	072000320000017	0000001	00
1810		PRECISION PRINTER SERVICES INC	03/15/2013	1,331.65	072000320000018	0000001	00
1811		S B F/CORONA GRAPHICS	03/15/2013	2,225.23	072000320000019	0000001	00
1812		SNELL, DEBRA	03/15/2013	189.00	072000320000020	0000001	00
1813		TECHNOLOGY SOLUTIONS	03/15/2013	403.75	072000320000021	0000001	00
1814		TRI-COUNTY INTERNATIONAL TRUCKS INC	03/15/2013	197,960.00	072000320000022	0000001	00
1815		360 SERVICES, INC.	03/15/2013	2,616.40	072000320000023	0000001	00

GRAND TOTAL: 241,072.22 NO. OF CHECKS: 23

PORTAGE
A Natural Place to Move

CITY COUNCIL AGENDA ITEM F.1
MARCH 26, 2013

TO: Honorable Mayor and City Council

FROM: Maurice S. Evans, City Manager

SUBJECT: Final Plan for Sterling Oaks West (Phase II) Planned Development, 1001 Gulfport Trail

SUPPORTING PERSONNEL: Victoria Georgeau, Director of Community Development

ACTION RECOMMENDED: That City Council approve the Final Plan for Sterling Oaks West (Phase II) Planned Development, 1001 Gulfport Trail, subject to the maximum number of residential units being limited to 30 until a second means of ingress and egress is provided in accordance with the International Fire Code.

EXECUTIVE SUMMARY:
City Council has annually adopted a community development goal to *"promote quality of life in Portage"* coupled with an objective *"to maintain effective planning and development programs to promote orderly, attractive, and environmentally sound growth."* To this end, the Planning Commission and the City Administration recommend City Council approve the Final Plan for Sterling Oaks West (Phase II) Planned Development. The Sterling Oaks West project was initiated in 2008 with Phase I that included 23 residential units. Phase II will be limited to 30 units until a second ingress and egress route is indentified.

BACKGROUND INFORMATION:
A final plan has been submitted by Sterling Oaks Development Company for construction of Phase II of the Sterling Oaks West Planned Development (PD). Phase I of the Sterling Oaks West PD was approved in March 2008 and included the extension of Gabardine Avenue and Gulfport Trail (public streets) and Coral Springs Drive and Tarpon Springs Drive (private streets), development of 23 residential condominium units (21 detached dwellings and one 2-unit attached dwelling) and three unplatted parcels. Phase II of the Sterling Oaks West PD proposes the extension of Gulfport Trail, construction of the remaining private streets (Gulf Breeze Road and Gulf Breeze Court), construction of 20 residential condominium units (12 detached dwellings and four 2-unit attached dwellings) and three unplatted parcels. When complete, Sterling Oaks West will consist of a total of 49 residential units.

Currently, there is one point of ingress and egress to the Sterling Oaks West PD from Gabardine Avenue. Since there is only one means of ingress and egress, the International Fire Code limits the maximum number of dwellings units at 30. Until a second point of access is provided through either Adkins Court (to South Shore Drive to the north) or to The Pines subdivision (to the south), the applicant is aware and agrees that no more than 30 residential units can be constructed. The developer has placed a note on the plan that addresses this issue. As additional information, the developer of The Pines has indicated plans to begin construction of Phase III in the summer of 2013,

which would provide a second means of access to Sterling Oaks West from the south.

During the PD rezoning in 2007, the tentative plan narrative indicated the developer would "...work diligently to provide a pedestrian walkway connection between the proposed Sterling Oaks West condominium and the existing Sterling Oaks condominiums to the east" as a means to interconnect the two neighborhoods. However, the actual installation of this walkway would be dependent upon the approval of the Sterling Oaks and/or Sterling Oaks South condominium associations. As part of the plan development for Phase II, the applicant again contacted the Sterling Oaks South condominium association regarding the installation of the proposed walkway. After further consideration, the association has declined support for the pedestrian walkway. However, as noted above, a future pedestrian connection will be provided between Sterling Oaks West and The Pines when the public street extension is accomplished.

The Final Plan for the Sterling Oaks West PD (Phase II) has been designed consistent with the March 2007 approved tentative plan and is recommended for approval subject to the maximum number of residential units be limited to 30 in accordance with the International Fire Code until a second means of ingress and egress is provided.

FUNDING: Not applicable.

Attachments: Planning Commission transmittal dated March 12, 2013
Planning Commission minutes dated March 7, 2013
Department of Community Development staff report dated February 28, 2013 with attachments

TO: Honorable Mayor and City Council

FROM: Planning Commission

DATE: March 12, 2013

SUBJECT: Final Plan: Sterling Oaks West (Phase II) Planned Development, 1001 Gulfport Trail.

During the March 7, 2013 meeting, the Planning Commission reviewed and discussed the Final Plan for Sterling Oaks West (Phase II) Planned Development at 1001 Gulfport Trail. Phase II of the Sterling Oaks West PD involves the extension of Gulfport Trail, construction of the remaining private streets (Gulf Breeze Road and Gulf Breeze Court), construction of 20 residential condominium units (12 detached dwellings and four 2-unit attached dwellings) and three unplatted parcels. When complete, the Sterling Oaks West PD will consist of 49 total residential units.

Following a brief discussion regarding the information and recommendation contained in the Department of Community Development report dated February 28, 2013, the Planning Commission voted 7-0-1 to recommend to City Council that the Final Plan for Sterling Oaks West PD (Phase II), 1001 Gulfport Trail, be approved subject to the maximum number of residential units be limited to 30 in accordance with the International Fire Code until a second means of ingress and egress is provided.

Sincerely,

Paul Welch
MW

Paul Welch, Vice-Chairman
City of Portage Planning Commission

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PLANNING COMMISSION

March 7, 2013

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

MEMBERS PRESENT:

Miko Dargitz, Bill Patterson, Dave Felicijan, James Cheesebro, Paul Welch, Rick Bosch, Allan Reiff and Wayne Stoffer (arrived at 7:04 p.m.).

MEMBERS ABSENT:

Dave Artley.

MEMBERS EXCUSED:

None.

IN ATTENDANCE:

Christopher Forth, Deputy Director of Planning, Development and Neighborhood Services; 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 February 21, 2013 meeting minutes contained in the agenda packet. Commissioner Reiff stated he would be abstaining from voting since he was not present at the meeting. A motion was offered by Commissioner Welch, seconded by Commissioner Patterson, to approve the minutes as submitted. The motion was approved 6-0-1 with Commissioner Reiff abstaining.

SITE/FINAL PLANS:

1. Sterling Oaks West (Phase II), 1001 Gulfport Trail. Chairman Cheesebro stated he lived in close proximity to the proposed development and would be abstaining from discussion and voting on the project.

Mr. West summarized the staff report dated February 28, 2013 regarding the request from Sterling Oaks Development Company to construct Phase II of the Sterling Oaks West Planned Development (PD). Mr. West stated Phase II involves the extension of Gulfport Trail, construction of the remaining private streets (Gulf Breeze Road and Gulf Breeze Court), construction of 20 residential condominium units (12 detached dwellings and four 2-unit attached dwellings) and three unplatted parcels. Mr. West discussed the maximum number of dwelling units that are allowed by the International Fire Code with only one point of ingress/egress (30 units) and options available to the developer to secure a second point of ingress/egress. Mr. West indicated the Final Plan is consistent with the March 2007 approved Tentative Plan for the Sterling Oaks West PD and staff was recommending approval subject to the maximum number of residential units be limited to 30 in accordance with the International Fire Code until a second means of ingress and egress is provided.

Mr. Randy Ligman, Ingersoll, Watson & McMachen (applicant's representative), was present to support the final plan. After a brief discussion regarding the elimination of the proposed pedestrian walkway between Sterling Oaks West and Sterling Oaks South, a motion was made by Commissioner Patterson, seconded by Commissioner Felicijan, to recommend to City Council that the Final Plan for Sterling Oaks West PD (Phase

DRAFT

II), 1001 Gulfport Trail, be approved subject to the maximum number of residential units be limited to 30 in accordance with the International Fire Code until a second means of ingress and egress is provided. The motion was approved 8-0-1 with Chairman Cheesebro abstaining.

PUBLIC HEARINGS:

1. Special Land Use Permit: Lakeview Animal Hospital, 8818 Portage Road. Mr. West summarized the staff report dated February 28, 2013 regarding the request by Lakeview Animal Hospital to establish a veterinary hospital/clinic at 8818 Portage Road. Mr. West stated the existing 3,750 square foot building would be renovated to accommodate the use and no site improvements were proposed. Mr. West indicated the Zoning Board of Appeals (ZBA) granted Lakeview Animal Hospital a variance on February 11, 2013 to allow operation of a veterinary hospital at this location since the adjacent property is zoned R-1B, one family residential subject to: 1) A six-foot privacy fence along the west property line be maintained to protect adjacent residential properties; 2) No outdoor kennels or runs are provided on site; 3) The hospital/clinic be limited to the treatment of small animals (i.e. domesticated pets); and 4) No animal crematory facilities shall be provided on site. Mr. West also indicated that all activities associated with the veterinary hospital/clinic will be conducted in the totally enclosed building. Mr. West stated the application fulfills the criteria for issuance of a special land use permit and staff was recommending approval.

Mr. Darrell Greathouse was present to support the application and distributed preliminary elevation drawings that identified his plans to improve the building appearance. Chairman Cheesebro opened the public hearing. No citizens spoke regarding the proposed veterinary hospital/clinic. A motion was made by Commissioner Stoffer, seconded by Commissioner Welch, to close the public hearing. The motion was unanimously approved. A motion was then made by Commissioner Welch, seconded by Commissioner Felicijan, to approve the Special Land Use Permit for Lakeview Animal Hospital, 8818 Portage Road. The motion was unanimously approved.

OLD BUSINESS:

None.

7:28pm - The Commission took a short recess.
7:34pm - The Commission reconvened the meeting in City Hall Conference Room No. 2

NEW BUSINESS:

1. 2013 Major Thoroughfare Plan Status Update Report. Mr. Forth referred the Commission to the 2013 Major Thoroughfare Plan Status Update Report that was provided as a separate document and asked if there were any questions or comments. Several Commission members noted it was helpful to have updated traffic information for the city. A motion was then made by Commissioner Bosch, seconded by Commissioner Stoffer, to accept the 2013 Major Thoroughfare Plan Status Update Report. The motion was unanimously approved.

1. FY 2013-2023 Capital Improvement Program. Mr. Forth summarized the February 22, 2013 memo from City Manager Evans that provided an overview of the FY 2013-2023 Capital Improvement Program (CIP) document with emphasis on the FY 2013-2014 budget year. Mr. Forth discussed the timeline for Planning Commission review of the document and indicated a recommendation to City Council was needed by the March 21st meeting.

Commissioner Reiff asked if money generated through the sale of vehicles, such as a fire truck, is identified as a revenue source in the CIP. Mr. Forth indicated he would provide an answer prior to the next meeting. Mr. Forth did note that the funds from the sale of the former South Westnedge Avenue Portage Community Center

TO: Planning Commission **DATE:** February 28, 2013

FROM: Vicki Georgeau, Director of Community Development

SUBJECT: Final Plan for Sterling Oaks West Planned Development (Phase II), 1001 Gulfport Trail.

I. INTRODUCTION/BACKGROUND:

A final plan has been submitted by Sterling Oaks Development Company for construction of Phase II of the Sterling Oaks West Planned Development (PD). The development project is generally located south of West Lake and west of Portage Road, zoned PD, planned development and encompasses approximately 20 acres.

Phase I of the Sterling Oaks West PD was approved in March 2008 and included the extension Gabardine Avenue and Gulfport Trail (public streets) and Coral Springs Drive and Tarpon Springs Drive (private streets), development of 23 residential condominium units (21 detached dwellings and one 2-unit attached dwelling) and three unplatted parcels. Infrastructure associated with Phase I has been installed and construction of the condominium units is nearing completion. Phase II of the Sterling Oaks West PD involves the extension of Gulfport Trail, construction of the remaining private streets (Gulf Breeze Road and Gulf Breeze Court), construction of 20 residential condominium units (12 detached dwellings and four 2-unit attached dwellings) and three unplatted parcels. When complete, Sterling Oaks West will consist of 49 total residential units.

II. CONSISTENCY WITH TENTATIVE PLAN/FINAL PLAN REVIEW:

The final plan for the Sterling Oaks West (Phase II) has been designed in substantial compliance with the with the PD rezoning and tentative plan/narrative that received City Council approval on March 27, 2007. Other features of the planned development project include:

Vehicular Access/Pedestrian Walkways: Access to Phase II will be provided through an extension of Gulfport Trail and construction of two private streets (Gulf Breeze Road and Gulf Breeze Court). The private streets will be owned and maintained by the condominium association. Four-foot wide concrete sidewalks will be provided along both sides of the public street extension and along one side of all private streets.

During the PD rezoning in 2007, the applicant stated in the approved tentative plan narrative that he would "...work diligently to provide a pedestrian walkway connection between the proposed Sterling Oaks West condominium and the existing Sterling Oaks condominiums to the east". However, the applicant also indicated the prospective walkway would be dependent upon the approval of the Sterling Oaks and/or Sterling Oaks South condominium associations. As part of the plan review for Phase II of the Sterling Oaks West project, the applicant again contacted the Sterling Oaks South condominium association to further discuss the proposed walkway. After further consideration, the association has decided not to support the proposed pedestrian walkway for the reasons mentioned in the attached letter dated February 12, 2013 from by Mr. Brian Blair, Mutual Resource Management, Inc., on behalf of the Sterling Oaks South Board of Directors.

Storm Water Management: Storm water runoff from the public and private street extensions in Phase II of the development will be collected and conveyed to an existing private retention basin located along the northeastern portion of the property. A storm water drainage easement and maintenance agreement between the City of Portage and the developer was executed in 2008 as part of the Phase I that allows the storm water from the public streets to discharge into a privately owned and maintained retention basin.

Setbacks/Unit Size – The condominium units will maintain the following minimum setback distances:

- 40-feet around the perimeter of the site.
- 25-feet from all interior property lines.
- 20-feet between dwelling units.

Consistent with the approved tentative plan, single-family residential condominium units will be two and three bedroom, one-story ranch style homes approximately 1,400-1,800 square feet with attached two or three car garages. Single-family residential homes associated with the three unplatted parcels created through the public street extension and situated outside of the condominium will comply with applicable setbacks for the R-1C zoning district: 30-foot (front yard), 40-foot (rear yard) and 12-foot (side yard). Minimum dwelling unit sizes will also comply with applicable requirements for the R-1C zoning district.

Maximum Number of Residential Units: Currently, there is only a single point of ingress and egress to Sterling Oaks West from Gabardine Avenue. As a result of this single point of ingress and egress, the International Fire Code limits the maximum number of dwellings units at 30. Currently, there are 19 residential units either existing or under construction. Until a second means of access is provided through Adkins Court to South Shore Drive to the north or to The Pines subdivision to the south, the applicant is aware and agrees that no more than 30 residential units can be constructed. Condominium Unit #43 will not be constructed opposite Adkins Court unless and until the location of the second means of ingress/egress has been finalized. A note is on the plan that addresses this issue. For Commission information, the developer of The Pines subdivision to the south has submitted correspondence that indicates he is planning to begin construction of The Pines (Phase III) in the Summer 2013.

II. RECOMMENDATION:

The final plan has been reviewed by the City Administrative departments. Staff advises that the Planning Commission recommend to City Council that the Final Plan for Sterling Oaks West Planned Development (Phase II), 1001 Gulfport Trail, be approved subject to the maximum number of residential units be limited to 30 in accordance with the International Fire Code until a second means of ingress and egress is provided. The layout of the Final Plan is consistent with the Tentative Plan which received City Council approval in March 2007.

Attachment: Aerial Photo/Vicinity Map
February 12, 2013 letter from Mr. Brian Blair (Mutual Resource Management)
Sterling Oaks West (Phase II) – Final Plan Sheets
Approved Tentative Plan/Narrative for Sterling Oaks West Planned Development (March 2007)

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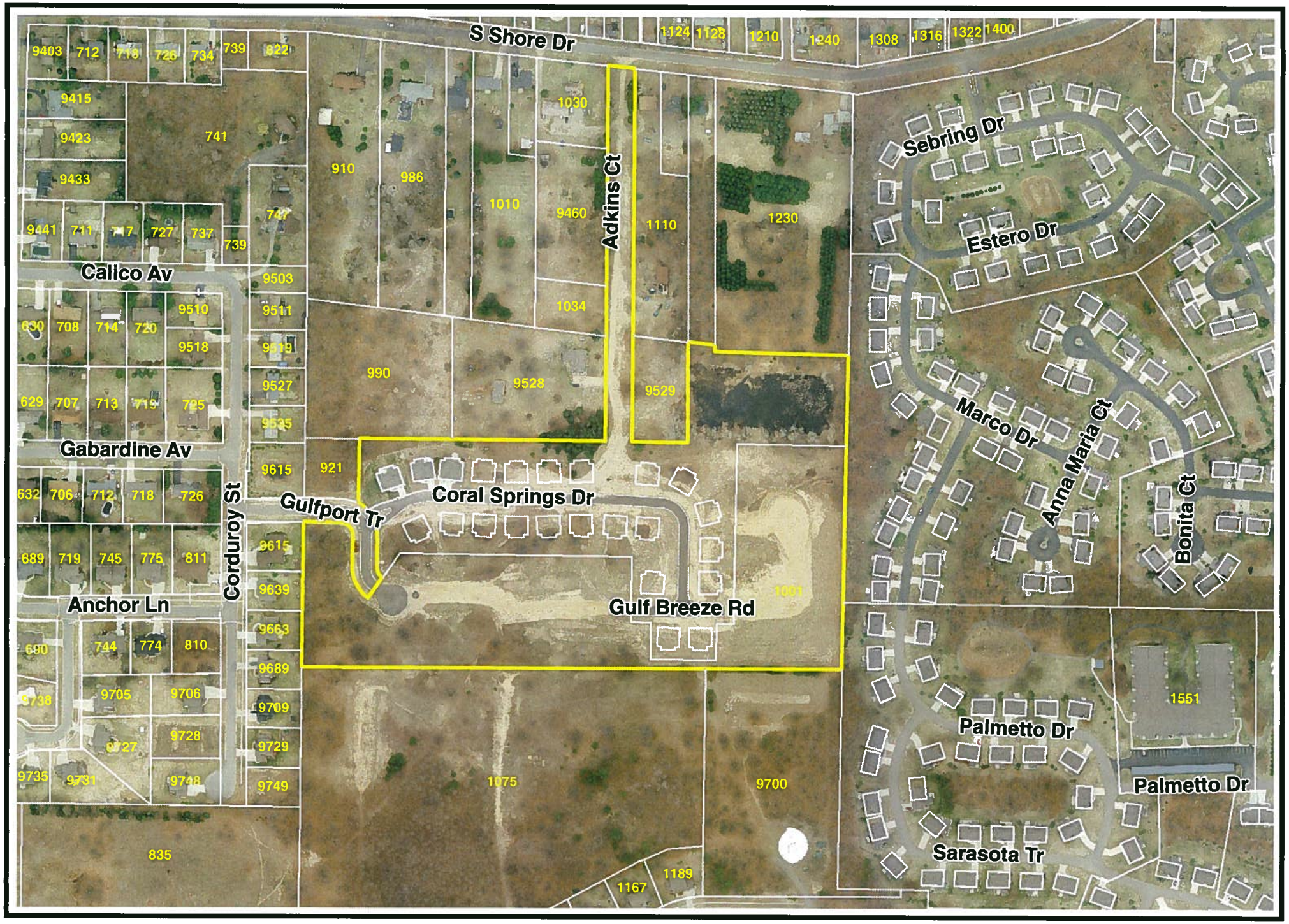


Aerial Photo / Vicinity Map
Sterling Oaks West

Date: 2/28/2013

1 inch = 300 feet

MRM
Mutual Resource Management Inc.
7069 Stadium Drive • Kalamazoo, MI 49009
Phone (269) 353-5732 • Fax (269) 353-5816

RECEIVED
FEB 5 - 2013
COMMUNITY DEVELOPMENT

February 12, 2013

Mark Scott
P.O. Box 701
Schoolcraft, MI 49087

Dear Mark:

This letter is being written on behalf of the Sterling Oaks South Board of Directors in regard to the proposed walking trail connecting Sterling Oaks South with Sterling Oaks West. As we have discussed, the Board is very concerned that the traffic between the homes will be disruptive to the adjacent owners. The Board is asking that the plan for the path be abandoned.

Thank you for your consideration in this important matter.

Sincerely,

Brian E. Blair, Property Manager
MUTUAL RESOURCE MANAGEMENT INC. for
Sterling Oaks South Condominium Association

FINAL PLAN for PHASE TWO of STERLING OAKS WEST PLANNED DEVELOPMENT

RECEIVED
FEB 27 2013
COMMUNITY DEVELOPMENT

N

100' 0' 100' 200' 300'

SCALE: 1" = 100'

CITY APPROVED CONDOMINIUM SETBACKS:

- PERIMETER BUILDING SETBACK = 40'
- MINIMUM DISTANCE BETWEEN UNITS = 20'
- MINIMUM FRONT YARD SETBACK = 25' (FROM BACK OF CURB)
- MINIMUM SETBACK FROM PUBLIC R/W = 30'

FIRE DEPT. NOTES

1) COMBUSTIBLE BUILDING CONSTRUCTION SHALL NOT COMMENCE UNTIL FIRE HYDRANTS ARE OPERABLE AND AN ALL WEATHER ROAD SURFACE IS IN PLACE.
2) THE FIRE FLOW FOR EACH BUILDING IS 1000 GPM FROM ONE HYDRANT WITHIN 400' OF ALL PORTIONS OF THE BUILDING. THIS FLOW IS BASED ON THE FLOOR AREA OF ALL FLOORS INCLUDING BASEMENT FOR A BUILDING OF TYPE V-B CONSTRUCTION. SHOULD A BUILDING EXCEED 3600 SQUARE FEET, THE MINIMUM FIRE FLOW WILL BE BASED ON THE SIZE AND TYPE OF CONSTRUCTION FOR THAT BUILDING.
3) FIRE APPARATUS ACCESS ROADS LESS THAN 26.0' WIDE SHALL BE POSTED ON BOTH SIDES AS A FIRE LANE.
4) "NO PARKING" SIGNS SHALL BE INSTALLED AS REQUIRED BY THE CITY.
5) TEMPORARY STREET SIGNS SHALL BE PROVIDED AS REQUIRED BY THE FIRE DEPARTMENT.
6) WIDTH OF IMPROVED STREETS SHALL BE A MINIMUM OF 26.0 FEET (BETWEEN BACK OF CURBS).
7) AN ELECTRONIC COPY OF THE APPROVED SITE PLAN SHALL BE PROVIDED TO THE FIRE DEPARTMENT (SPEC FORMAT).
8) "FIRE LANE" SIGNS SHALL BE INSTALLED AS REQUIRED BY THE CITY.

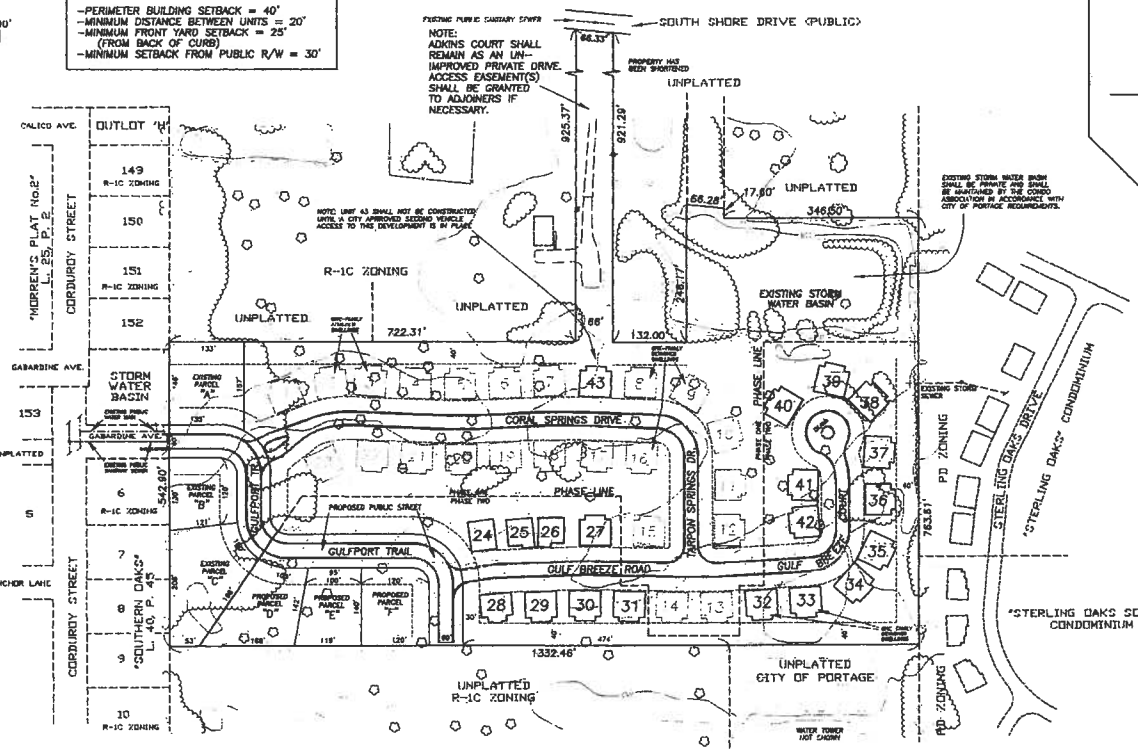
NOTE: GABARDINE AVENUE EAST OF CORDUROY STREET WAS RENAMED GULFPORT TRAIL. GULFPORT TRAIL TO BE EXTENDED AS A CITY OF PORTAGE PUBLIC STREET EASTERLY AND SOUTHERLY TO THE SOUTH PROPERTY LINE. 60' WIDE RIGHT OF WAY TO BE DEEDED TO THE CITY OF PORTAGE. PAVEMENT WIDTH = 24.0'. ALL OTHER PROPOSED STREETS ARE TO BE PRIVATE STREETS UNDER THE JURISDICTION OF THE STERLING OAKS WEST CONDOMINIUM ASSOCIATION. PAVEMENT WIDTH FOR PRIVATE STREETS TO BE 22.0'. ALL STREETS WILL HAVE CONCRETE CURBING ALONG EACH EDGE.

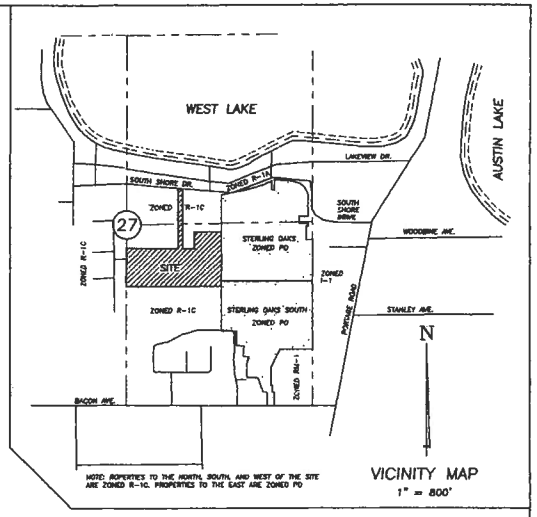
PHASING:

PHASE 1:
PARCELS A, B & C
UNITS 1 – 23

PHASE 2:
PARCELS D, E & F
UNITS 24–43

ROADWAY & UTILITY IMPROVEMENTS FOR PHASE ONE WERE CONSTRUCTED DURING 2008. NOT ALL BUILDING SITES HAVE BEEN DEVELOPED WITHIN PHASE ONE.





NOTE: PROPERTIES TO THE NORTH, SOUTH, AND WEST OF THE SITE ARE ZONED R-1C. PROPERTIES TO THE EAST ARE ZONED PD

VICINITY MAP
1" = 800'

GENERAL NOTES

1) PROPERTY IS CURRENTLY ZONED "PD".
2) PUBLIC WATER MAIN SHALL BE AN 8 INCH DUCTILE IRON MAIN WITHIN A PENDING 20' WIDE (MIN.) EASEMENT TO THE CITY OF PORTAGE. WATER SERVICES SHALL BE 1.25 INCH COPPER AND SHALL EXTEND FROM WATER MAIN TO CURB BOX.
3) PUBLIC SANITARY SEWER SHALL BE 8" PVC SEWER WITHIN A PENDING 20' WIDE (MINIMUM) EASEMENT TO THE CITY OF PORTAGE. SEWER LEADS SHALL BE 6 INCH PVC AND SHALL EXTEND FROM MAIN TO SEWER RISER.
4) STORM WATER DISPOSAL SHALL BE THROUGH SOUND WALL STORM SEWER PIPE (PRIVATE) WITH MANHOLE OUTLET TO THE DISPOSAL AREA. SYSTEM SHALL COMPLY WITH CITY SPEC'S AND CITY OF PORTAGE STORMWATER DESIGN CRITERIA MANUAL. PIPE JOINTS SHALL BE WATERTIGHT AND CONNECTIONS AT MANHOLES SHALL BE WITH A RUBBER BOOT. STORMWATER RUN-OFF SHALL DRAIN TO THE EXISTING LOW AREA LOCATED 300' NORTH OF PROPOSED CUL DE SAC. PROPOSED STORM SEWER SHALL CONNECT TO EXISTING PRIVATE STORM SEWER LOCATED 180' NORTHEAST OF CUL DE SAC.
5) ALL CONDOMINIUM STREETS SHALL BE PRIVATE, PAVED, AND HAVE A MINIMUM WIDTH OF 22 FEET EDGE OF PAVEMENT TO EDGE OF PAVEMENT.
6) PROPOSED DETACHED DWELLINGS MEASURE 84' WIDE BY 54' DEEP MAXIMUM (INCLUDING REAR PORCH). UNIT SIZE SUBJECT TO REVISION.
7) ALL UNITS SHALL BE LOCATED NO CLOSER THAN 25 FEET TO EDGE OF PRIVATE ROAD. MINIMUM UNIT SPACING IS 20 FEET. ALL UNITS SHALL HAVE A 40 FOOT REAR YARD SETBACK MINIMUM FROM THE PROJECT PROPERTY LINE.
8) NO ON-STREET PARKING SHALL BE ALLOWED.
9) STREET LIGHTS, STREET SIGNS, AND HYDRANT SIGNS SHALL BE PROVIDED.
10) SITE IS PARTIALLY TREE COVERED.
11) ELEVATION DATUM IS U.S.G.S. DATUM AS PROMULGATED WITHIN THE CITY OF PORTAGE.
12) EXISTING TWO FOOT CONTOURS WERE PROVIDED BY OTHERS. ELEVATIONS ON PAVEMENT ARE NOT SHOWN.
13) A SOIL EROSION CONTROL PERMIT SHALL BE OBTAINED FROM THE CITY OF PORTAGE PRIOR TO COMMENCEMENT OF ANY GRADING.
14) SHOWN SIZES AND LOCATIONS OF EXISTING BUILDINGS ARE APPROXIMATE.
15) SHOWN TOPOGRAPHIC MAP ON COVER SHEET BASED ON A PLAN PREPARED BY OTHERS.
16) DWELLINGS WITHIN THE STERLING OAKS WEST CONDOMINIUM WILL BE ONE-FAMILY DETACHED AND ONE-FAMILY ATTACHED.
17) FOUR FOOT WIDE SIDEWALKS (MINIMUM) WILL BE PROVIDED ALONG BOTH SIDES OF PROPOSED PUBLIC ROADS. FOUR FOOT WIDE SIDEWALKS (MIN.) WILL BE PROVIDED ALONG AT LEAST ONE SIDE OF PRIVATE STREETS.
18) STORMWATER RUN-OFF FROM PROPOSED PUBLIC STREETS SHALL DRAIN TO THE EXISTING STORMWATER BASIN NEAR THE NORTHEAST CORNER OF SUBJECT PROPERTY.
19) ADDITIONAL/SUPPLEMENTAL LANDSCAPING & PLANTINGS SHALL BE PROVIDED BUT HAS NOT SHOWN ON THIS PLAN.
20) SEE PARCEL DESCRIPTION ON SHEET 2

NOTE: THE TOTAL NUMBER OF DWELLINGS ON-SITE THAT ARE BEING SERVED BY A SINGLE ACCESS ROAD MUST NOT EXCEED 30 UNLESS CITY DEPARTMENTAL APPROVAL IS OTHERWISE OBTAINED. IF A SECOND ACCEPTABLE ACCESS IS IN PLACE, ALL DWELLINGS MAY BE CONSTRUCTED.

OWNER/APPLICANT:

STERLING OAKS DEVELOPMENT CO.
P.O. BOX 701
SCHOOLCRAFT, MI 49087

NOTE: PARCELS "A" – "F" SHALL COMPLY WITH CITY OF PORTAGE R-1C ZONING REQUIREMENTS.

R-1C ZONING INFORMATION:
MINIMUM 12,000 SQ.FT. AREA W/SEWER & WATER
MINIMUM 100' LOT WIDTH WITH SEWER & WATER
MINIMUM 30' FRONT YARD SETBACK
MINIMUM 12' SIDE YARD SETBACK
MINIMUM 40' REAR YARD SETBACK
MAXIMUM BUILDING COVERAGE OF LOT = 25%
(ALSO SEE SEC. 42–551 & 42–552 OF CITY OF PORTAGE LAND DEVELOPMENT REGULATIONS)

SITE DATA:

- AREA ENTIRE PARCEL = 20.12 ACRES
- AREA PROPOSED CONDO = 18.55 ACRES
- AREA PROPOSED PUBLIC ROAD = 1.07 ACRES
- AREA PROPOSED PARCELS = 2.50 ACRES

TOTAL AREA = 20.12 AC.

OVERALL DENSITY = 49 SITES/20.12 ACRES = 2.44 SITES/ACRE
CONDO DENSITY = 43 UNITS/18.55 ACRES = 2.60 UNITS/ACRE
PARCEL DENSITY = 6 PARCELS/2.50 ACRES = 2.40 PARCELS/ACRE*
*PARCEL DENSITY AREA EXCLUDES PUBLIC ROAD AREA

NOTE: SHOWN ELEVATION CONTOURS & TOPOGRAPHICAL FEATURES TAKEN FROM A MAP PREPARED BY OTHERS (BEFORE ANY SITE DISTURBANCE).

SEE SHEETS 2 & 3 FOR LOCATIONS OF EXISTING UTILITIES & STREET IMPROVEMENTS WITHIN PHASE ONE (CONSTRUCTED DURING 2008).

GULFPORT TRAIL (PUBLIC R.O.W.) SHALL HAVE A WIDTH OF 28.0' BETWEEN BACKS OF CURB (27.0' BETWEEN FACES OF CURB). GULF BREEZE ROAD / COURT (PRIVATE) SHALL HAVE CONCRETE ROLL CURB AND SHALL HAVE A WIDTH OF 26.0' BETWEEN BACKS OF CURB AND A PAVEMENT WIDTH OF 22.0'.

SHEET INDEX:
1) COVER SHEET
2) LAYOUT & UTILITY PLAN
3) SITE GRADING PLAN

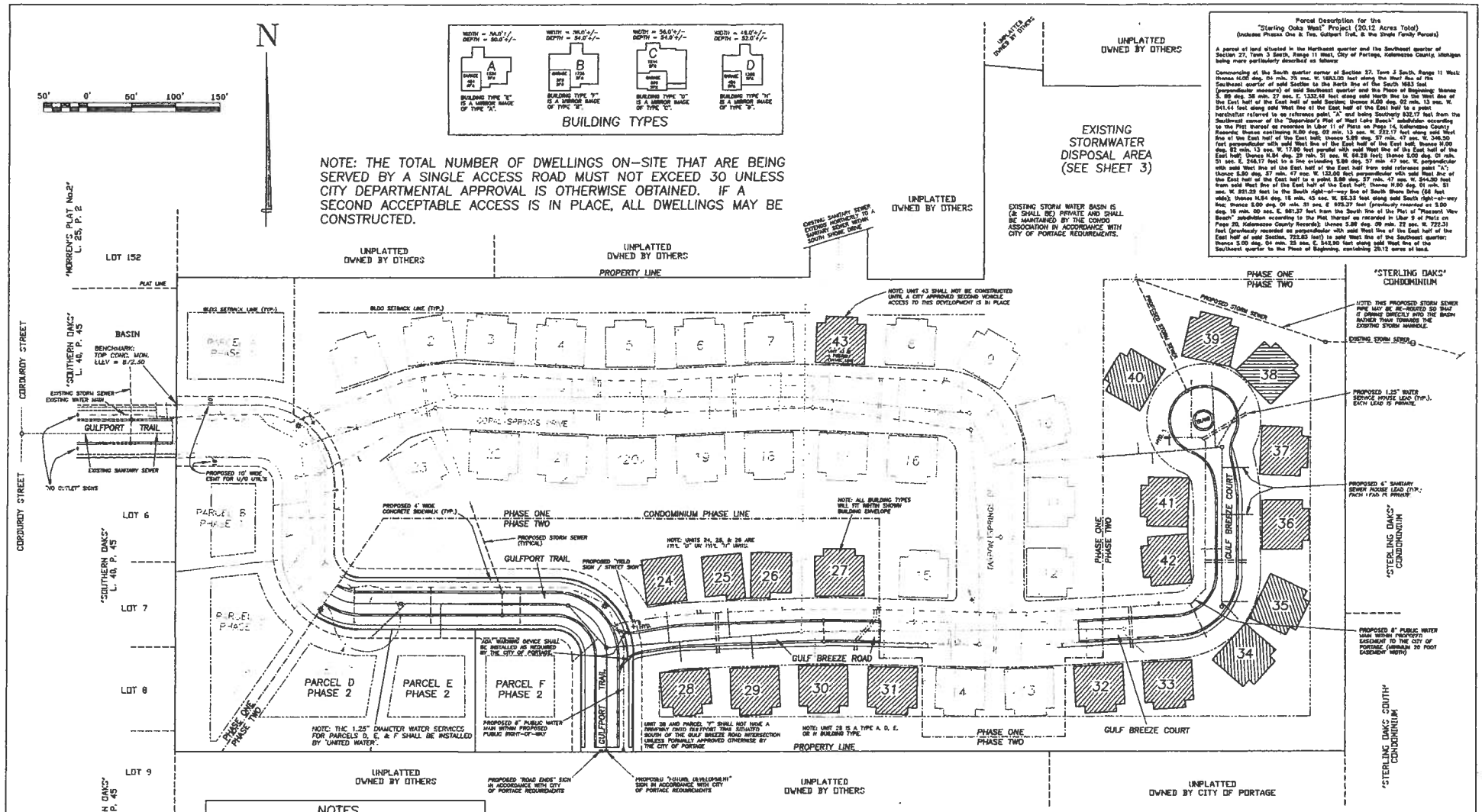
72 HOURS BEFORE YOU DIG CALL MISS DIG 1-800-482-7171

REVISED: 2/27/2013
REVISED: 2/26/2013
REVISED: 2/12/2013

COVER SHEET
Phase Two of STERLING OAKS WEST
PART OF SE 1/4 OF SEC. 27, T3S, R11W, CITY OF PORTAGE, KALAMAZOO COUNTY, MICHIGAN

Ingersoll, Watson & McMachen, Inc.
CONSULTING CIVIL ENGINEERS AND LAND SURVEYORS
1153 East Milham Road · Portage, Michigan 49002 · Area 269 344-4165 · Fax 269 344-8055

DATE: 1/8/2013
SHEET: 1 of 3
JOB No.: 22291W



Parcel Description for the "Sterling Oaks West" Project (20.12 Acres Total)
(Includes Phases One & Two, Gulfport Trail, & the Single Family Parcels)

A parcel of land situated in the Northeast quarter and the Southeast quarter of Section 27, Town 3 South, Range 11 West, City of Portage, Kalamazoo County, Michigan being more particularly described as follows:

Commencing at the South quarter corner of Section 27, Town 3 South, Range 11 West; thence N.00 deg. 04 min. 39 sec. W. 1883.00 feet along the West line of the Southeast quarter of said Section to the North line of the South 1653 feet (perpendicular measure) of said Southeast quarter and the Place of Beginning; thence S. 89 deg. 38 min. 27 sec. E. 1332.48 feet along said North line to the West line of the East half of the East half of said Section; thence N.00 deg. 02 min. 13 sec. W. 541.44 feet along said West line of the East half of the East half to a point hereinafter referred to as reference point "A" and being Southerly 832.17 feet from the Southeast corner of the "Supervisor's Plat of West Lake Beach" subdivision according to the Plat thereof as recorded in Liber 11 of Plats on Page 16, Kalamazoo County Records; thence continuing N.00 deg. 02 min. 13 sec. W. 232.17 feet along said West line of the East half of the East half; thence S.89 deg. 57 min. 47 sec. W. 348.50 feet perpendicular with said West line of the East half of the East half; thence N.00 deg. 02 min. 13 sec. W. 17.50 feet parallel with said West line of the East half of the East half; thence N.84 deg. 29 min. 51 sec. W. 68.28 feet; thence S.00 deg. 01 min. 51 sec. E. 248.17 feet to a line extending S.89 deg. 57 min. 47 sec. W. perpendicular with said West line of the East half of the East half from said reference point "A"; thence S.60 deg. 57 min. 47 sec. W. 133.00 feet perpendicular with said West line of the East half of the East half to a point 3.00 deg. 57 min. 47 sec. W. 344.30 feet from said West line of the East half of the East half; thence N.00 deg. 01 min. 51 sec. W. 831.25 feet to the South right-of-way line of South Shore Drive (66 feet wide); thence N.64 deg. 16 min. 43 sec. W. 66.33 feet along said South right-of-way line; thence S.00 deg. 01 min. 51 sec. E 873.27 feet (previously recorded as S.00 deg. 16 min. 00 sec. E. 881.37 feet from the South line of the Plat of "Pheasant View Beach" subdivision according to the Plat thereof as recorded in Liber 9 of Plats on Page 20, Kalamazoo County Records); thence S.89 deg. 09 min. 22 sec. W. 722.31 feet (previously recorded as perpendicular with said West line of the East half of the East half of said Section, 722.83 feet) to said West line of the Southeast quarter; thence S.00 deg. 04 min. 25 sec. E. 343.90 feet along said West line of the Southeast quarter to the Place of Beginning, containing 20.12 acres of land.

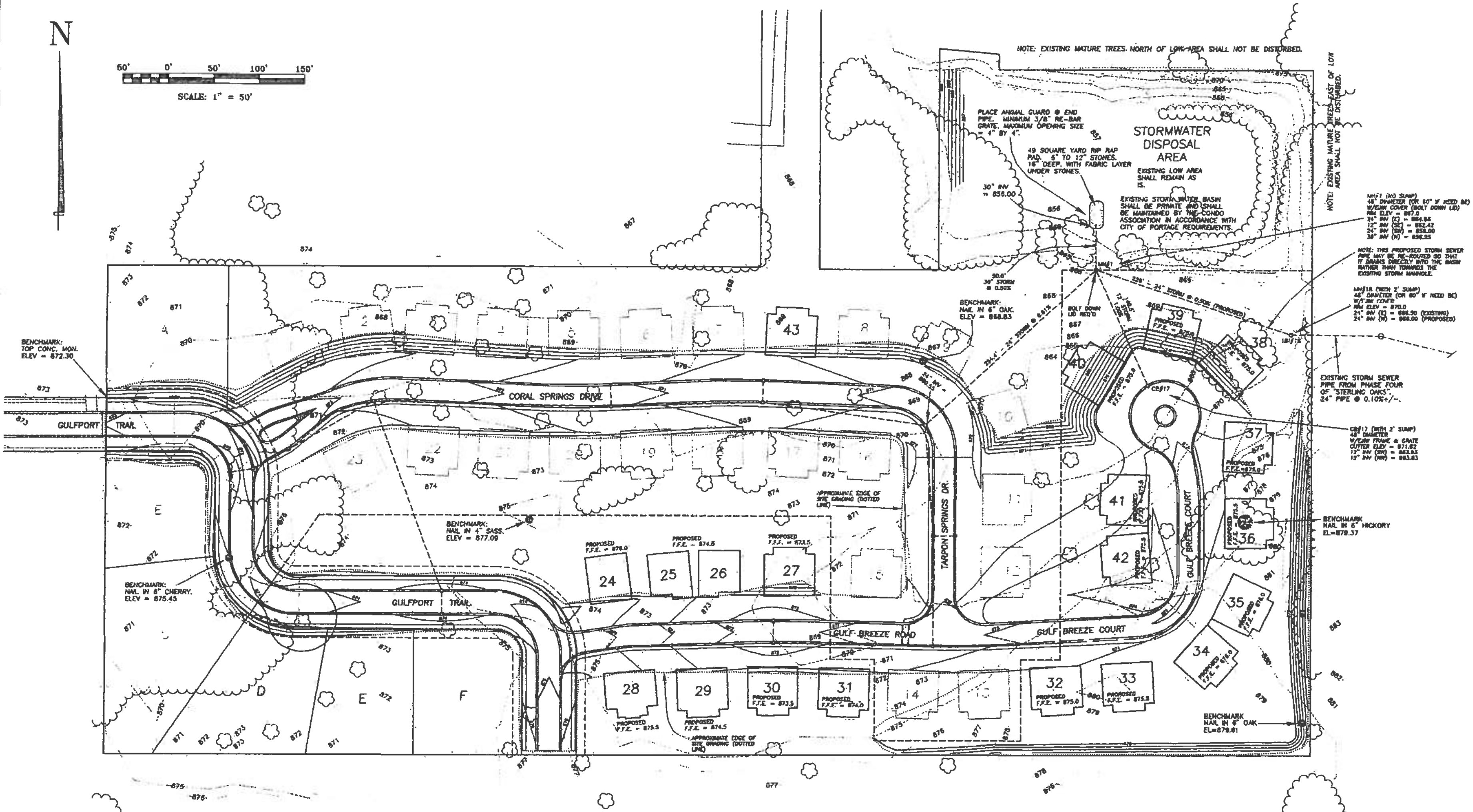
NOTES

1) CONDOMINIUM UNITS/DWELLINGS SHALL BE ONE-STORY, RANCH STYLE HOMES WITH LIVING AREAS OF APPROXIMATELY 1400 TO 1800 SQUARE FEET AND SHALL HAVE TWO OR THREE BEDROOMS AND ATTACHED TWO OR THREE CAR GARAGES.
2) ALL SIDEWALK RAMPS AT INTERSECTIONS SHALL BE BUILT TO CURRENT STANDARD DETAIL "SD-119 A & B".
3) IT IS RECOMMENDED THAT THE BUILDER INSTALL 3 INCH VENT PIPING IN EACH DWELLING TO HELP ELIMINATE ANY PROBLEMS DURING CLEANING AND FLUSHING OF SANITARY SEWER PIPES.
4) "NO PARKING THIS SIDE OF STREET" SIGNS SHALL BE PLACED ATOP THE HYDRANT SIGNS AND MIDWAY BETWEEN ON ONE SIDE OF THE STREET.
5) ALL TRAFFIC CONTROL SIGNAGE SHALL CONFORM TO STANDARDS SET FORTH IN THE CURRENT EDITION OF THE MICHIGAN MANUAL OF UNIFORM TRAFFIC CONTROL DEVICES.
6) ALL STREET SIGNS, UTILITY POLES/BOXES, AND LIGHT POLES SHALL BE INSTALLED AT LEAST 8 FEET OFF BACK OF CURB AND AT LEAST 2 FEET OFF BACK OF WALK.
7) ALL STREET NAME SIGNS SHALL HAVE A VERTICAL DIMENSION OF AT LEAST 9 INCHES.
8) PAVEMENT MARKINGS NEAR THE MEDIAN ISLAND AT THE WEST END OF CORAL SPRINGS DRIVE SHALL COMPLY WITH M.U.O.T. STANDARD DETAIL, MR-800C.
9) VEHICLE SIGHT DISTANCE OF AT LEAST 330 FEET SHALL BE MAINTAINED IN BOTH DIRECTIONS.
10) SANITARY SEWER MAY NOT HAVE SUFFICIENT DEPTH TO PROVIDE GRAVITY BASEMENT SERVICE TO ALL DWELLINGS. SEWAGE EJECTOR PUMPS MAY BE NEEDED FOR ANY BASEMENT PLUMBING.
11) SANITARY SEWER SHALL BE INSULATED WHENEVER COVER OVER PIPE IS LESS THAN 5 FEET IN PAVED AREAS AND LESS THAN 4 FEET IN NON-PAVED AREAS.
12) PROPOSED STORM SEWER WITHIN PROPOSED PUBLIC RIGHT OF WAYS IS TO BE PUBLIC. ALL OTHER STORM SEWER IS TO BE PRIVATE (OWNED BY CONDO ASSOCIATION).
13) PROPOSED DRIVEWAYS HAVE NOT BEEN SHOWN.

LAYOUT & UTILITY PLAN
Phase Two of STERLING OAKS WEST
PART OF THE SE 1/4 OF SEC. 27, T3S, R11W, CITY OF PORTAGE, KALAMAZOO COUNTY, MICHIGAN

Ingersoll, Watson & McMachen, Inc.
CONSULTING CIVIL ENGINEERS AND LAND SURVEYORS
1133 East Milham Road · Portage, Michigan 49002 · Area 269 344-0185 · Fax 269 344-0665

REVISED: 3/27/2013
REVISED: 2/26/2013
REVISED: 2/12/2013
DATED: 1/8/2013
SHEET: 2 of 3
JOB No.: 22291W



GENERAL SOIL EROSION CONTROL NOTES

1) ALL CONSTRUCTION SHALL COMPLY WITH THE SOIL EROSION AND SEDIMENTATION CONTROL ACT (P.A. 451 OF 1994, AS AMENDED) AS ADMINISTERED BY THE CITY OF PORTAGE.
2) EARTHWORK CONTRACTORS SHALL BE RESPONSIBLE FOR THE FOLLOWING:
   A) BERMING OR FILTERING OF RUNOFF AT PROPERTY LINES WHERE EROSION COULD OCCUR.
   B) PROTECTION OF ALL EXISTING AND NEWLY CONSTRUCTED STORM SEWER STRUCTURES, WITHIN ADJACENT TO OR ON THE SITE.
   C) MINIMIZATION OF TRACKING OF MATERIAL OFF-SITE.
   D) SWEEPING AND CLEANING OF ADJACENT STREETS AS NECESSARY.
   E) OBTAINING SOIL EROSION CONTROL PERMIT FROM THE CITY OF PORTAGE.
3) ALL STORM SEWER INLETS/DRAINS SHALL HAVE GRATE WRAPPED IN FILTER FABRIC. FABRIC SHALL REMAIN UNTIL RIGHT-OF-WAY IS SUITABLY STABILIZED.

ESTIMATED CONSTRUCTION SCHEDULE FOR PHASE 2:
(NOTE: CONSTRUCTION MAY BE DELAYED BASED ON MARKET CONDITIONS)

	4/13	5/13	6/13	7/13	8/13	9/13
TREE CLEARING	—					
EARTHMOVING	—					
SANITARY SEWER		—				
STORM SEWER	—					
WATER MAIN		—	—			
PRIVATE UTILITIES			—			
CURBING & PAVING				—		
RESTORATION	—	—		—		—
STORM BASIN	—	—				

NOTE: GRADING AND EARTH MOVING IN AREAS OUTSIDE OF PROPOSED ROADWAY AREAS SHALL BE DONE IN STAGES SO THAT AN AREA CAN BE STRIPPED, SHAPED, TOPSOILED, AND SEEDED IN A MINIMAL AMOUNT OF TIME. THE AMOUNT OF DISTURBED GROUND SHALL BE KEPT TO A MINIMUM DURING THE CONSTRUCTION PROJECT. DISTURBED AREAS SHALL BE RESTORED BY THE CONTRACTOR AS SOON AS CONVENIENTLY POSSIBLE.

LEGEND

- 900 (dashed) EXISTING ELEVATION CONTOUR
- 900 (solid) PROPOSED ELEVATION CONTOUR

72 HOURS BEFORE YOU DIG CALL MISS DIG 1-800-482-7171

NOTE: ALL STORM SEWER INLETS/DRAINS SHALL HAVE GRATE WRAPPED IN FILTER FABRIC. FABRIC SHALL REMAIN IN PLACE UNTIL DISTURBED GROUND IS SUITABLY STABILIZED.

NOTE: REFER TO SHEET 2 FOR ADDITIONAL PHASE DELINEATION

REVISED: 2/27/2013
REVISED: 2/26/2013
REVISED: 2/12/2013

GRADING & SOIL EROSION CONTROL PLAN

Phase Two of STERLING OAKS WEST

PART OF THE SE 1/4 OF SEC. 27, T3S, R11W, CITY OF PORTAGE, KALAMAZOO COUNTY, MICHIGAN

Ingersoll, Watson & McMachen, Inc.
CONSULTING CIVIL ENGINEERS AND LAND SURVEYORS
1133 East Milham Road · Portage, Michigan 49002 · Area 269 344-6165 · Fax 269 344-6565

DATE: 1/8/2013
SHEET: 3 of 3
JOB No.: 22291W

"STERLING OAKS WEST"

PLANNED DEVELOPMENT

DEVELOPER:

STERLING OAKS DEVELOPMENT COMPANY

(MARK C. SCOTT, PRESIDENT)

RECEIVED
JAN 23 2007
COMMUNITY DEVELOPMENT

Revised January 23, 2007

PURPOSE AND OBJECTIVES

1. Create an attractive and affordable neighborhood of attached and detached single-family homes.

2. Through innovative design features, provide many of the advantages of conventional single family subdivisions while reducing costs and other problems inherent to standard single family subdivisions.

3. Provide increased open space while maintaining density only slightly higher than that customary in single family neighborhoods.

4. Offer quality homes of moderate size designed primarily for retirees or adults who no longer have children at home.

THE SITE

The development consists of 20.15 acres located west of "Sterling Oaks" and "Sterling Oaks South" condominiums and east of "Southern Oaks" single family subdivision, approximately 1/4 mile south of South Shore Drive. The parcel and the vacant land lying to the north and south are zoned R-1C, as is the "Southern Oaks" subdivision; the condominiums to the east are zoned PD. Access to the parcel would be by a public road extension of Gabardine Avenue east from Corduroy Street. The public road would extend to the south line of the parcel to allow for future extension and development of the vacant land to the south.

The parcel is generally open to partially wooded with rolling topography. Soils are Oshtemo sandy loam and are ideal for drainage and development of buildings, streets and other improvements.

DEVELOPMENT PLAN – GENERAL CONCEPTS

The overall plan includes six individual parcels to be created through land division and a condominium project including a mixture of single-family attached and single-family detached homes. The parcels will have public road frontage and access via an extension of Gabardine Avenue and will meet size and width requirements as required by the City for R-1C parcels.

Regarding the condominium portion of the project, each homeowner will have title to a specific home along with limited adjacent patio or garden areas. Open space, private drives, pedestrian walkways and similar improvements will be commonly owned and maintained by all homeowners through a condominium association.

As noted previously, the project is intended as an adult community designed specifically for the needs of middle income persons from the following groups:

1. Middle aged couples whose children have grown and who no longer want the upkeep of a large home.
2. Persons who have or are contemplating retirement.
3. Young adults, single or married, who do not plan families and who wish the advantages of home ownership.

The plan incorporates the desirable features that are wanted and expected in conventional single family subdivisions. Among these are:

1. Home ownership
2. Attached garage
3. Private entry and patio or garden space
4. Quality construction with ample space and convenience in the three important rooms: Kitchen, living room and master bedroom
5. Low density with spacious open areas and well planned and maintained landscaping

The problems of normal subdivisions that are reduced or eliminated include:

1. Maintenance of yards and grounds including snow removal
2. Maintenance of building exteriors
3. Security during short or extended absence
4. Control over appearance, maintenance and management of the entire neighborhood

The sense of neighborliness found in some single family developments will be enhanced and promoted with the tendency to attract owners of similar interests and lifestyles. The condominium association, through its facilities and activities, will also create a desirable social atmosphere and feeling of belonging.

SCHEDULE AND PHASING

It is anticipated that installation of the roadways, drives and utilities will begin in the spring of 2007 with commencement of building construction starting in early summer of the same year. The project will be developed in two phases with Gabardine Avenue being extended from Corduroy Street to the south property line of the parcel in the first phase of the project. This will afford adequate access for emergency vehicles, service vehicles and condominium owners. It is expected that the second phase will commence within the next three years.

BUILDINGS

Each home will be modest in size, approximately 1,400 to 1,800 square feet, but will demonstrate quality materials and craftsmanship. Long term cost reductions will be assured through full insulation and maintenance free materials wherever possible.

A mixture of three basic building types, including both single-family attached and single-family detached homes, will be utilized. Homes will have basements and are designed as two and three bedroom one-story ranch type with an attached garage for two or three cars.

STREETS, DRIVES AND WALKWAYS

The extension of Gabardine Avenue will be a public street and will be constructed to City of Portage standards. A four-foot wide sidewalk will be installed on both sides of the proposed public streets. All other streets and drives will be private and will be maintained by the Condominium Association. Private streets will have a pavement width of 22 feet which will be adequate to provide "backing out" movements and access for emergency and service vehicles. Private roads will include concrete curbing, and a sidewalk will be installed on at least one side of all private streets. Driveways will be a minimum of 17 feet wide and 25 feet long for added parking for guests. The developer will also work diligently to provide a pedestrian walkway connection between the proposed "Sterling Oaks West" condominium and the existing "Sterling Oaks" condominiums to the east. However, the prospective walkway connection is dependent upon the granting of necessary approvals and easements by the "Sterling Oaks" condominium association or the "Sterling Oaks South" condominium association.

Turning radii of private streets and at all intersections will be sufficient to permit access by emergency vehicles and service vehicles.

DRAINAGE

Public streets shall have concrete curb and gutter and private streets will likely have concrete roll curb, enabling a storm sewer system that collects and directs storm runoff to a storm water retention area as is provided for in a standard residential subdivision.

SANITARY SEWERS

The subject property shall be served from existing public sanitary sewer located adjacent to the site. Easements will be provided as needed and all sewer construction will conform to City construction requirements and specifications.

WATER SYSTEM

There will be an 8" public water main run throughout the project. All water main construction within the project will be installed by the developer in a manner similar to sanitary sewers, and will meet all City requirements.

SETBACKS, TRANSITION AREAS AND BUILDING SPACING

Building setback and spacing shall generally conform to requirements established for residential districts.

Side yard spacing has been designed in keeping with the function and view requirements of the interior space adjacent to the particular outside wall being considered.

The minimum spacing between single family buildings shall be 20 feet. The minimum spacing between the edge of pavement and the front of each building shall be 25 feet. There will be a minimum of 40 feet setback for all rear yards to perimeter property lines.

LIGHTING

Street lighting shall be provided along all public and private streets.

RECREATION/OPEN SPACE

Open space areas connected by pedestrian areas will be provided for residents' use.

DENSITY

The development parcel has a total area of 20.15 acres. The western 3.47 acres consists of the proposed public road and the six single family parcels with a resulting density of 1.73 units per acre. The remaining 16.68 acres will consist of the condominium portion of the development with construction of private streets and 40 condominium homes with a resulting density of 2.40 units per acre. The overall development density of the Sterling Oaks West planned development will be 2.28 units per acre (46 units on 20.15 total acres)

The development project is planned in two phases. The first phase of the project involves 15.91 acres, including construction of the public road, the six residential parcels, private streets, 26 condominium units (includes two prospective future units) and the storm water basin. The first phase of the project will have a density of 2.01 units per acre. The second phase of the project involves 4.24 acres, construction of the remaining private streets and 14 condominium units. The second phase of the project will have a density of 3.30 units per acre.

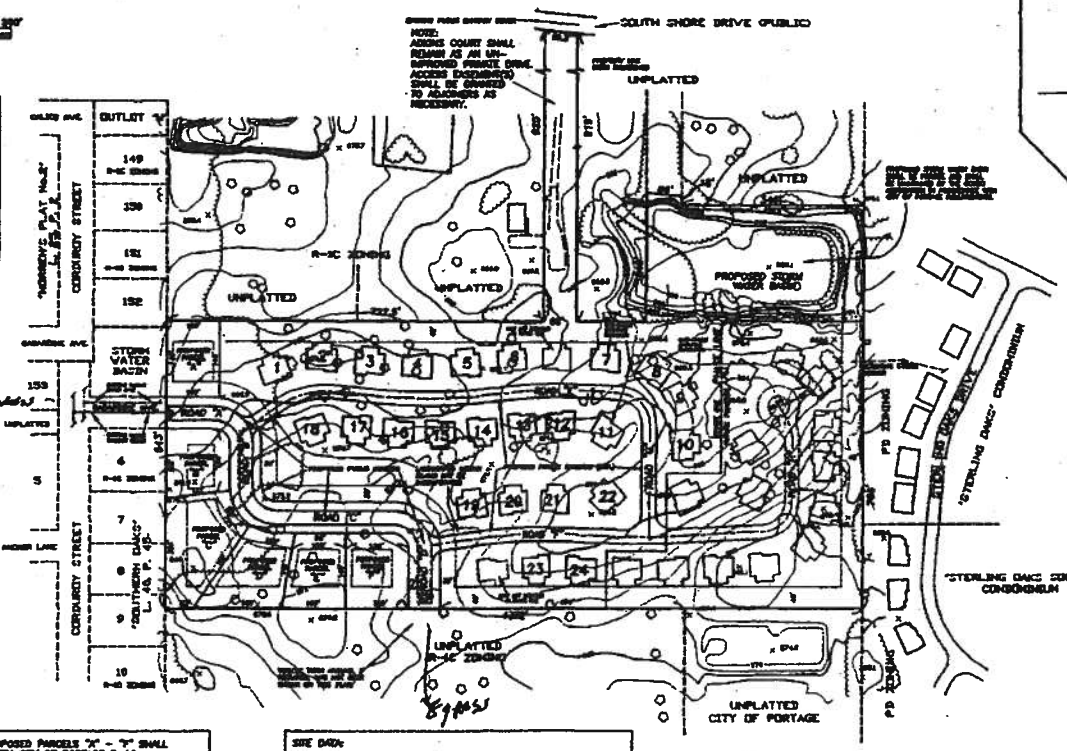
The maximum allowable density for a planned development is 7 units per acre with no single phase exceeding 12 units per acre.

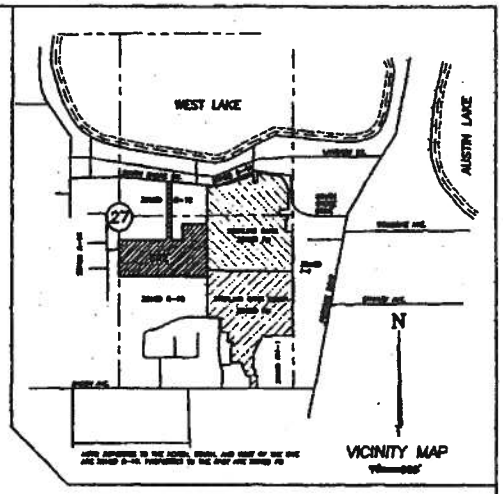
CONDOMINIUM MASTER DEED

The Master Deed will be similar to the document prepared for the existing "Sterling Oaks South" condominium project. Within the Master Deed, it shall be specified that all roadway and utility improvements "must be built", while the actual units (or dwellings) "need not be built". Municipal sanitary sewer, municipal water main, and the public portions of Gabardine Avenue and associated storm sewer will be maintained by the City. All other storm sewers, storm water retention areas, and private roadways are private and will be maintained by the condominium association. Within the Master Deed, a restrictive covenant shall be incorporated prohibiting a communal boat storage and/or parking area for use by the condominium owners for the parking and/or storage of boats or boat trailers.

TENTATIVE PLAN for STERLING OAKS WEST in PORTAGE, MICHIGAN

N





FIRE DEPT. NOTES

NOTE: ALL STREET NAMES ARE PENDING. GABARONE AVENUE SHALL BE RENAMED IN ACCORDANCE WITH CITY OF PORTAGE REQUIREMENTS. STREET NAMES SUBJECT TO CITY & COUNTY APPROVAL.

THE EXISTING GABARONE AVENUE SHALL BE EXTENDED EASTERLY AND SOUTHERLY AS A CITY OF PORTAGE PUBLIC STREET. 66' WIDE RIGHT OF WAY AREA SHALL BE DEEDED TO THE CITY OF PORTAGE. PAVEMENT WIDTH SHALL BE A MINIMUM 24 FEET. STREET SHALL BE CURBED. STREET AND ASSOCIATED U/G UTILITIES SHALL BE CONSTRUCTED BY THE DEVELOPER.

LEGEND

- EXISTING SANITARY SEWER
- EXISTING WATER MAIN
- EXISTING STORM SEWER

NOTE: PROPOSED PARCELS "X" - "Y" SHALL COMPLY WITH CITY OF PORTAGE R-1C ZONING REQUIREMENTS.

R-1C ZONING INFORMATION:
MINIMUM 12,000 SQ.FT. AREA W/SEWER & WATER
MINIMUM 100' LOT WIDTH WITH SEWER & WATER
MINIMUM 30' FRONT YARD SETBACK
MINIMUM 12' SIDE YARD SETBACK
MINIMUM 40' REAR YARD SETBACK
MAXIMUM BUILDING COVERAGE OF LOT = 25%
(ALSO SEE SEC. 42-251 & 42-252 OF CITY OF PORTAGE LAND DEVELOPMENT REGULATIONS)

SITE DATA:
- AREA ENTIRE PARCEL = 20.15 ACRES
- AREA PROPOSED CONDO = 15.68 ACRES
- AREA PROPOSED PUBLIC ROAD = 1.07 ACRES
- AREA PROPOSED PARCELS = 3.40 ACRES

OVERALL DENSITY = 46 UNITS/20.15 ACRES = 2.28 UNITS/ACRE
CONDO DENSITY = 46 UNITS/15.68 ACRES = 2.93 UNITS/ACRE
PARCEL DENSITY = 6 PARCELS/3.47 ACRES = 1.73 UNITS/ACRE*

PROPOSED CONDOMINIUM SETBACKS:
- PERIMETER UNIT/BUILDING SETBACK = 40'
- MINIMUM DISTANCE BETWEEN UNITS = 30'
- MINIMUM FRONT YARD SETBACK = 25' (FROM EDGE OF PAVEMENT)
- MINIMUM SETBACK FROM PUBLIC R/W = 30'

GENERAL NOTES

RECEIVED JAN 23 2007 COMMUNITY DEVELOPMENT

OWNER/APPLICANT:
STERLING OAKS DEVELOPMENT CO.
P.O. BOX 701
SCHOOLCRAFT, MI 49087

TENTATIVE PLAN STERLING OAKS WEST	12/4/2006
Ingersoll, Watson & McMachen, Inc.	222919

PORTAGE
A Natural Place to Move

CITY COUNCIL AGENDA ITEM F.2
MARCH 26, 2013

TO: Honorable Mayor and City Council

FROM: Maurice S. Evans, City Manager

SUBJECT: 2013 Utility Rate Financial Study

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

ACTION RECOMMENDED: That City Council establish a public hearing for April 23, 2013 to consider resolutions to:

a) adopt the recommendation that the sewer commodity rate be reduced from $4.81 to $4.70 per 1,000 gallons of metered water;
b) adopt the recommendation that the water commodity rate remain at $3.19 per 1,000 gallons of metered water;
c) adopt the recommendation that adjustments be made to both the sewer and water base quarterly charges;
d) eliminate the current Senior Citizen Discount Program effective October 1, 2013;
e) adopt the recommendation that the new rates become effective on October 1, 2013 (or on January 1, 2014 if City Council chooses to implement a low income affordability program); and
f) adopt the recommended water and sewer franchise area fees and other service fees and charges as outlined in the 2013 Utility Rate Financial Study.

EXECUTIVE SUMMARY:
The City Council Water/Sewer (Utility) Rate Study Committee (Mayor Pro Tem Reid, Councilmembers Campbell and Sackley, citizens Nasim Ansari and Ted W. Vliek, Sr.) has completed a review of the 2013 Utility Rate Financial Study as prepared by the City Administration. The 2013 Utility Rate Financial Study focuses on ensuring the financial health and stability of the utility system. Following a thorough review and analysis of the 2013 Utility Rate Financial Study, the City Council Water/Sewer (Utility) Rate Study Committee voted unanimously to recommend water and sewer rates and charges only as proposed. The complete study was provided to City Council in the March 22, 2013 materials transmitted and will be posted for public viewing on the city website.

BACKGROUND INFORMATION:
On November 16, 2010 City Council awarded Utility Financial Solutions, LLC (UFS) a contract to perform the 2011 Water and Wastewater Rate Study. The purpose of the UFS analysis was to determine the actual cost to provide water and wastewater services to the utility customers. The proposed 2013-14 utility rates are based in large part on the results of the comprehensive analysis performed by UFS.

The cost of service analysis prepared by UFS showed that the former rate structure was insufficient to ensure the receipt of revenues necessary to cover the fixed costs of the utility. To address this issue, the proposed 2011-12 rates began the trend of shifting revenue collection based on the quarterly (meter) charges while keeping the commodity rate increases in line with normal inflationary costs.

In 2008 the city received a letter from the State of Michigan requiring a financial plan to rectify the Water Fund deficit. The city has followed the plan submitted to the State of Michigan to eliminate the Water Fund deficit by 2013-2014. The City Administration continues to implement an action plan consisting of the following elements:

1. The focus of the utility rate review has changed to give additional consideration to working capital, debt service and fund balance within the utility funds. More specifically:

    a. In addition to the current revenue/expenditure analysis, a working capital analysis is performed. The yearly analysis includes necessary cash elements to ensure that adequate funds are available to meet ongoing obligations.

    b. A minimum debt coverage ratio of 1.25 has been established and targeted in future years. This standard ensures adequate funds are available to meet debt payments, support variations in sales due to wet summers, fluctuating treatment costs and other such variables, as they may occur.

    c. Levels of cash will be re-established over time and then maintained within the range of approximately 3 to 4 months of current liabilities for each fund. This currently translates to approximately $2.8 million for the Sewer Fund and $2.9 million for the Water Fund.

2. Outstanding bond issues will continue to be reviewed/recommended for potential refinancing to save interest charges and lower expenses to the utility funds.

3. The City Administration will continue to investigate opportunities in areas of utility fund operations in the interest of further reducing operating expenses of the utility funds over time.

The projected revenues, expenditures and resulting rate modifications in the Sewer Fund and Water Fund, as contained in the 2013 Utility Rate Financial Study for fiscal year 2013-14, result in a combined rate increase of 2.73 percent to the typical residential customer. Projected rate increases for the combined funds for 2014-15 through 2017-18 are projected between 0.93 percent and 1.45 percent in the 2013 Utility Rate Financial Study.

For fiscal year 2013-14, the sewer commodity rate is recommended to be reduced from $4.81 to $4.70 per thousand gallons of metered water. The water commodity rate is recommended to remain at $3.19 per thousand gallons of metered water. Basic quarterly charges for both sewer and water use, which are calculated to provide funding for certain fixed costs for the utility systems, are recommended to be increased to meet current expenditures.

The net effect of the combined sewer and water rate recommendations on the typical residential customer is an overall utility rate increase of 2.73 percent. The combined utility rate

recommendations represent an annual increase of approximately $19.40 (from approximately $709.85 per year to approximately $729.25 per year) for the typical residential customer with both public sewer and water service. On a monthly basis, the recommended rates would result in an increased monthly cost of $1.61 to the typical residential customer.

Items less significant in dollar amount but still important to the continuing financial health of the utility systems were also reviewed by the City Council Water/Sewer (Utility) Rate Study Committee. It is essential that the amount charged for these services recover the costs to provide such services. If charges are inadequate to allow for recovery of costs, rate payers subsidize the service provided.

Charges and fees that were reviewed in the context of the 2013 Utility Rate Financial Study include water connection charges, meter charges, meter box charges, hydrant meter charges and water processing fees. It is recommended that all current charges remain unchanged for Fiscal Year 2013-2014.

The Senior Citizen Discount Program was reviewed and found to be non-compliant with current non-discrimination requirements. The Senior Citizen Discount Program has been eliminated for the purposes of development of the recommended 2013 Utility Rate Financial Study. Actual program discontinuance is recommended, effective October 1, 2013, so as to allow for appropriate notification of current discount recipients. Although not recommended by the City Administration, should City Council desire to implement an alternative low income utility assistance program, a conceptual Low Income Affordability Program included in the 2013 Utility Rate Financial Study could serve as a replacement to the Senior Citizen Discount Program.

It is recommended that the proposed rate changes be adopted July 1, 2013 with the new rates becoming effective October 1, 2013 or January 1, 2014, if City Council chooses to implement a low income affordability program.

It is recommended that City Council establish a public hearing on April 23, 2013 for consideration of the proposed rates and charges as set forth in the 2013 Utility Rate Financial Study.

FUNDING: n/a

Attachments: n/a

PORTAGE
A Natural Place to Move

CITY COUNCIL AGENDA ITEM F.3
MARCH 26, 2013

TO: Honorable Mayor and City Council

FROM: Maurice S. Evans, City Manager

SUBJECT: Water Main Easement Relinquishment and Sanitary Sewer Encroachment, Mueller Refrigeration, 6700 Sprinkle Road

SUPPORTING PERSONNEL: Victoria Georgeau, Director of Community Development

ACTION RECOMMENDED: That City Council:

a) 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, place the resolution on file with the City Clerk for 28 days and take final action on April 23, 2013; and
b) authorize the City Manager to sign the License Agreement to Locate Signs in City Utility Easement.

EXECUTIVE SUMMARY:
Because of recent site improvements by Mueller Refrigeration at 6700 Sprinkle Road, it is being recommended that an existing water main easement be relinquished and a License Agreement to Locate Signs in a City Utility Easement be approved. The relinquishment is the result of three new silos constructed over an abandoned water main. The License Agreement is needed as Mueller located three signs on an existing sewer easement without first obtaining a permit. The potential related impacts with the signs are minimal with the approval of the recommended Agreement.

BACKGROUND INFORMATION:
As part of the recent Mueller Refrigeration site improvements, three new silos were constructed on the west side of the building. Before installation of the silos, an approximate 89-foot section of public water main had to be relocated. This section of water main has been relocated and the silos have been installed.

When the original water main was installed in 1993, an easement was provided to the City of Portage. Since the water main in the vicinity of the silos has been abandoned, that portion of the easement can be relinquished because it is no longer needed for the intended purpose. Attached is resolution and associated documents that show the location of the easement relinquishment area and a new easement area. The City Administration and City Attorney have reviewed this matter and recommend the 89.15 foot section of water main easement be relinquished, and a new water main easement be established for the portion of the relocated water main.

In addition to the water main easement relinquishment, Mueller Refrigeration is requesting approval to allow the two directional signs and one monument sign to remain within an existing sewer easement area. The sign contractor hired by Mueller (Sign Art) installed two directional signs and one monument sign that meet the Zoning Code sign provisions, but encroach into an existing sanitary sewer easement located adjacent to Sprinkle Road. The signs were installed without first obtaining a permit, so city staff was unable to advise the contractor of the easement location. Attached is a copy of the sanitary sewer easement, a vicinity map showing the location of the easement area and the recently installed signs, as well as elevation drawings for each sign. The two, four square foot directional signs at the north and south access drives serve a way finding function to the location of the office/visitor parking area, and the location of shipping and receiving areas on the property. Mueller has indicated the signs would be less visible and not serve their purpose if relocated 25 feet to the west outside of the sewer easement area. With regard to the 39 square foot Mueller identification sign east of the office area of the building, Mueller also desires to retain the current location, compared to an additional 25 foot setback from Sprinkle Road, outside of the sewer easement area.

The City Administration has evaluated the potential impacts associated with the signs on the operation of the sewer main and necessary maintenance activities. Based on the size, type and location of the signs, the City Administration concluded the impacts would be minimal and the signs could remain in the easement subject to execution and recording of a license agreement. The attached license agreement has been prepared by the City Attorney and signed by Mueller Refrigeration. It is recommended City Council approve the license agreement and authorize the City Manager to sign the agreement.

FUNDING: Not applicable.

Attachments: Letter dated March 25, 2013 from Mr. Brendan Caffrey, Mueller Industries
Resolution to Relinquish Portion of Water Main Easement
License Agreement to Locate Signs in City Utility Easement

Mueller Plastics Corporation, Inc
6700 S. Sprinkle Road
Portage, MI 49002
P 269.323.8858

RECEIVED
MAR 15 2013
COMMUNITY DEVELOPMENT

March 15th, 2013

Mr. Christopher Forth
7900 South Westnedge Avenue
Portage, MI 49002

Re: Signage located in City of Portage Sewer Easement

Dear Christopher:

Mueller Plastics is requesting that the City of Portage agree to allow two directional and one monument sign to be located within the existing Sewer Easement.

Both directional signs are small in size (face dimension of 1' tall x 4' wide) and are set back 10ft and 11 ½' from Sprinkle Rd. The signs would be difficult for arriving traffic to read if they were set back further, potentially impeding traffic flow or creating a danger to other motorists.

The monument sign is set back 17 ½' from Sprinkle Rd, and is not directly over the existing sewer pipe line. Were it to be set further back, visibility of the sign would be impeded by tress to locate to the north and south.

Mueller also agrees to abide by the terms of the attached License Agreement to locate the above mentioned signs within the easement.

Respectfully,

Brendan Caffrey

Brendan Caffrey
Plant Manager

CITY OF PORTAGE
RESOLUTION TO RELINQUISH PORTION OF WATER MAIN EASEMENT

At a regular meeting of the Council of the City of Portage, Kalamazoo County, Michigan, held at the City Hall in said City on the _____ day of _____, 2013, at 7:30 p.m. local time.

PRESENT:_____

ABSENT:_____

Resolution offered by Councilmember _____ and seconded by Councilmember _____.

WHEREAS, the City of Portage owns a 20 foot wide water main easement described as follows:

See attached Exhibit "A".

WHEREAS, a portion of the above-described water main easement is no longer needed and will not be used for any public purpose since the water main has been relocated;

WHEREAS, a new water main easement will be obtained by the City of Portage to replace the water main easement being relinquished below;

NOW THEREFORE, BE IT RESOLVED that the City of Portage relinquish 89.15 feet of the water main easement and such portion of the easement being relinquished is described as follows:

See attached Exhibit "B".

BE IT FURTHER RESOLVED that the portion of the easement being relinquished shall be replaced with a "Water Main Easement and Right-of-Way Grant" to be recorded and described as follows:

See attached Exhibit "C".

BE IT FURTHER RESOLVED that notice, in substantially the form attached as Exhibit "D", be published in a newspaper of general circulation within the City, giving notice of the City's intent to transfer the above-described easement.

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

YEAS:_____

NAYS:_____

ABSENT:_____

_____
James R. Hudson, City Clerk

STATE OF MICHIGAN)
)SS
COUNTY OF KALAMAZOO)

I, the undersigned, the duly qualified and acting City Clerk of the City of Portage, Kalamazoo County, Michigan, do hereby certify that the foregoing is a true and complete copy of a resolution adopted at a regular meeting of the City Council of said City, held on the _____ day of _____, 2013, the original of which resolution is on file in my office.

IN WITNESS WHEREOF, I have hereto affixed my official signature this _____ day of _____, 2013.

_____
James R. Hudson, City Clerk

Approved As To Form
Date: 3/8/13
_____
City Attorney

Exhibit A

STATE OF MICHIGAN
COUNTY OF KALAMAZOO
RECEIVED FOR RECORD

'93 SEP 8 PM 3 41

CLERK-REGISTER

LIBER 1666 PG 1177

9 -
2 -
8734

33549

CITY OF PORTAGE

WATER MAIN EASEMENT AND RIGHT-OF-WAY GRANT

KNOW ALL MEN BY THESE PRESENTS, that

SUMMIT POLYMERS, INC., a Michigan Corporation

6700 Sprinkle Road, Portage, Michigan 49002

(party) (parties) of the first part, for and in consideration of the sum of one dollar ($1.00) and other good and valuable considerations paid to (him) (her) (them) by the City of Portage, Michigan, a Municipal Corporation, party of the second part, whose address is 7900 South Westnedge Avenue, Portage, Michigan 49002, do hereby convey, grant and release to the said party of the second part a permanent easement and right-of-way in which to construct, operate, maintain, repair and/or replace water main facilities over, across, under and through the following parcels of land situated in the City of Portage, in the County of Kalamazoo, State of Michigan, and described as:

DESCRIPTION FOR WATER MAIN EASEMENT - SUMMIT POLYMERS, INC.
A 20.0 foot wide strip of land situated in the Southeast quarter of Section 12, T. 3S., R. 11 W., City of Portage, Kalamazoo County, Michigan and lying 10.0 feet on each side of the following described center line;

Commencing at the South quarter corner of Section 12, T. 3 S., R. 11 W.; thence N. 00° 00' 04" W., 1778.00 feet along North and South quarter line of said Section to the place of beginning of center line; thence N. 89° 21' 53" E., 275.00 feet parallel with the East and West quarter line of said section to the place of ending. Parcel being subject to easements and conditions of record.

and to enter upon said easement and right-of-way for the purpose of the construction, operation, maintenance, repair and/or replacement thereof. It is understood and agreed that no buildings or construction of any kind or nature will be placed upon the above described right-of-way without the prior written consent of said second party, its assigns or successors. This conveyance includes a release of any and all claims to damage arising from or incidental to the exercise of any of the foregoing powers.

It is agreed and understood that said premises shall be restored to as near original condition as possible by the party of the second part, trees and shrubs excepted, and that party of the second part may use land adjacent to said easement temporarily for construction purposes during construction of said facilities.

This instrument shall be binding upon and inure to the benefit of the parties hereto, their heirs, representatives, successors and assigns.

IN WITNESS WHEREOF, the undersigned (has) (have) hereunto affixed (his) (her) (their) signature(s) this 16th day of August, A.D., 1993.

In Presence of:

James R. Askelson

Arthur Ehlers

SUMMIT POLYMERS, INC.

By: James H. Haas

Its President

By:

Its

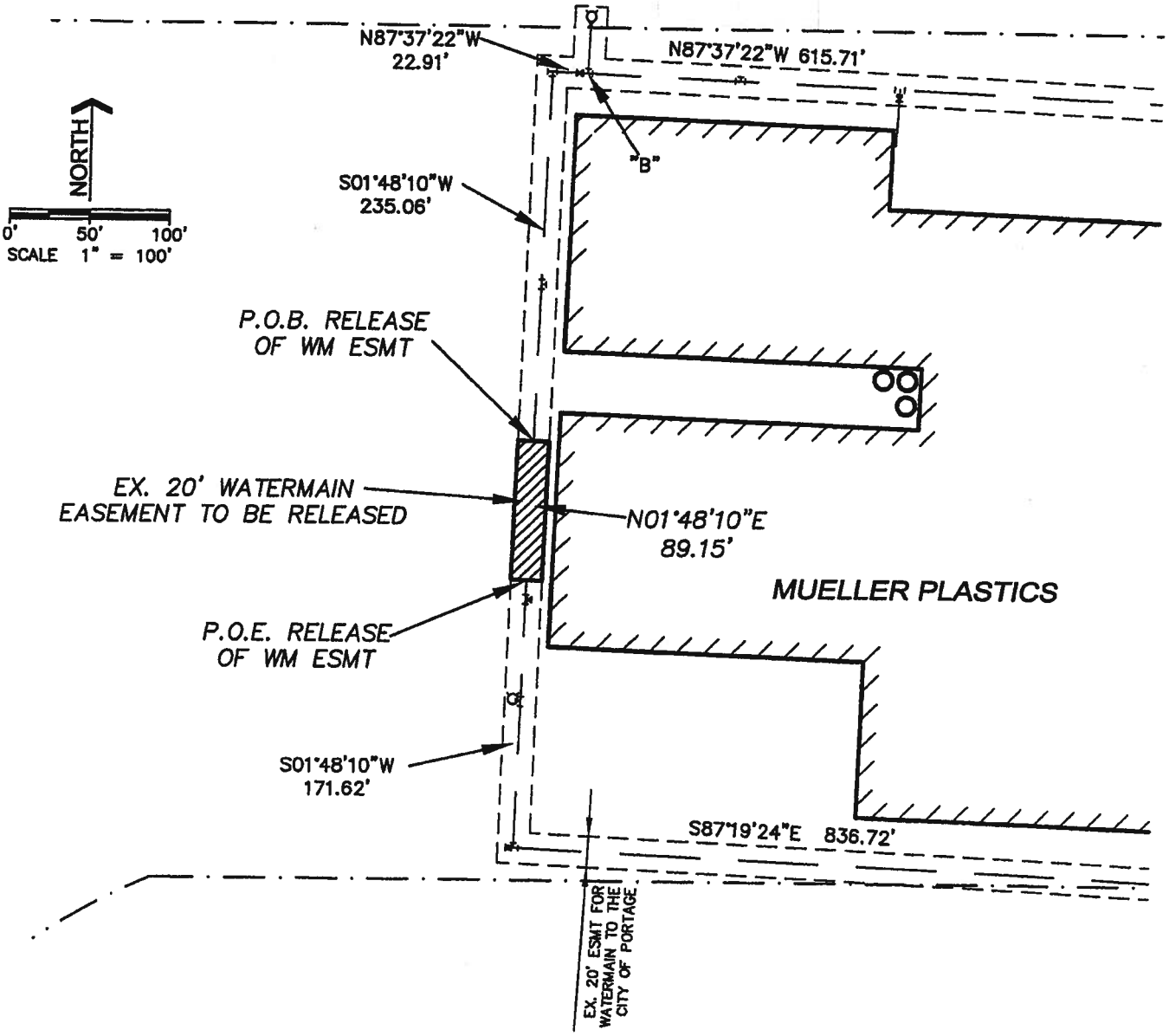
(Corporate Acknowledgement)

STATE OF MICHIGAN)
)ss.
COUNTY OF KALAMAZOO)

On this 16th day of August, 1993, before me the undersigned, a Notary Public in and for said County, personally appeared James H. Haas ~~and~~ to me personally known, who being by me duly sworn, did (each for himself) say that (they are respectively) the President ~~and~~ of the corporation named in and which executed the within instrument, and the (said corporation has no corporate seal) (the seal affixed to said instrument is the corporate seal of said authority of its Board of Directors) and said James H. Haas ~~and~~ ~~severally~~ acknowledged said instrument to be the free act and deed of said corporation.

Mary A. Johnson Notary Public
Kalamazoo County, Michigan
My commission expires: Nov. 4, 1996.

Exhibit B



DESCRIPTION OF PORTION OF WATERMAIN EASEMENT TO BE RELEASED

A 20.0 foot wide strip of land situated in the Southwest quarter of Section 12, Town 3 South, Range 11 West, City of Portage, Kalamazoo County, Michigan lying 10.0 feet on each side of the following described center lines. Commencing at the South quarter corner of said Section 12, Town 3 South, Range 11 West, thence North 00 degrees 05 minutes 10 seconds East 1557.50 feet along the North and South quarter line of said Section 12; thence North 88 degrees 05 minutes 12 seconds West 121.68 feet, thence North 01 degrees 54 minutes 48 seconds East 111.02 feet; thence North 41 degrees 50 minutes 52 seconds West 97.09 feet; thence North 87 degrees 37 minutes 22 seconds West 638.62 feet, thence South 01 degrees 48 minutes 10 seconds West 235.06 feet to the Place of Beginning of this description: thence continuing South 01 degrees 48 minutes 10 seconds West 89.15 feet to the Place of Ending of this description.

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

SKETCH AND DESCRIPTION OF
WATERMAIN EASEMENT RELEASE

PREPARED FOR:
CITY OF PORTAGE
PORTAGE, MICHIGAN

REV: 10-30-12
DATE 10-5-12
PROJECT NO. 12038
SHEET NO. 2 OF 2

S:\12038\dwg\12038 WATERMAIN EASEMENT.dwg 10/30/2012 9:30:25 AM EDT

EXHIBIT C

WATER MAIN EASEMENT AND RIGHT-OF-WAY GRANT

For and in consideration of the amount of less than One Hundred Dollars ($100.00), receipt hereof is hereby acknowledged, the undersigned MUELLER REFRIGERATION, LLC, FORMERLY KNOWN AS MUELLER REFRIGERATION CO. INC. (Grantor), of 8285 TOURNAMENT DRIVE, MEMPHIS TN 38125, hereby granting and conveying to the City of Portage, a Municipal Corporation organized under the laws of the State of Michigan, with offices at City Hall, 7900 S. Westnedge Avenue, Portage, Michigan 49002 (Grantee), a permanent easement and right-of-way in which to construct, operate, maintain, repair, and/or replace water main facilities over, across, under and through the following parcel of land situated in the City of Portage, County of Kalamazoo, State of Michigan, and described as:

SEE EXHIBIT "A"

Including the right to enter upon said easement and right-of-way through the parent parcel, if necessary, for the purpose of construction, operation, maintenance, repair, and/or replacement thereof and the right to remove trees, bushes, undergrowth and other obstructions interfering with the location, construction, or maintenance of said water main facilities, and that Grantee may use property adjacent to Grantees easement temporarily in connection with the construction, operation, maintenance, repair, or replacement of said facilities. Grantee shall restore the easement area to as near original condition as possible, trees and shrubs excepted.

The Grantor does hereby covenant with Grantee that it is lawfully seized and possessed of the real estate above described, and that it has a good and lawful right to convey it or any part of it, that it is free from all encumbrances, and that it will forever warrant and defend the title thereto, and the easement granted hereby against the lawful claims of all persons whatsoever.

Grantor agrees that no building or construction of any kind or nature will be placed upon the above-described easement and right-of-way without the prior written consent of the Grantee, its successors or assigns.

Grantor further agrees to save and hold the Grantee harmless from any and all claims, debts, causes of action, or judgments for any damage to property and/or injury to any person which may arise out of any construction or the use of the easement area or right-of-way by the Grantor, its agents, employees, representatives or contractors.

This conveyance includes a release of any and all claims to damage from whatsoever cause arising from or incidental to Grantees use of the easement or right-of-way, or exercise of any of the rights and powers of the Grantee herein.

This instrument shall be binding and inure to the benefit of the party hereto their heirs, successors and assigns.

This easement is exempt from transfer tax pursuant to MCL 207.505(5)(a) and MCL 207.526(6)(a).

GRANTOR:

By: _____

Its: Vice President

STATE OF TENNESSEE)
)SS.
COUNTY OF SHELBY)

On this 20th day of March, 2013, before me personally came the above named Gary C. Wilkerson, to me personally known, who being duly sworn did and each for himself say that he/she is the Vice President for said corporation named in and who and that said instrument was signed on behalf of said corporation by authority of its Board of Directors and said Gary C. Wilkerson acknowledges said instrument to be the free act and deed of said Corporation.

GINA CAMPBELL
STATE OF TENNESSEE NOTARY PUBLIC
SHELBY COUNTY
My Commission Expires November 16, 2013

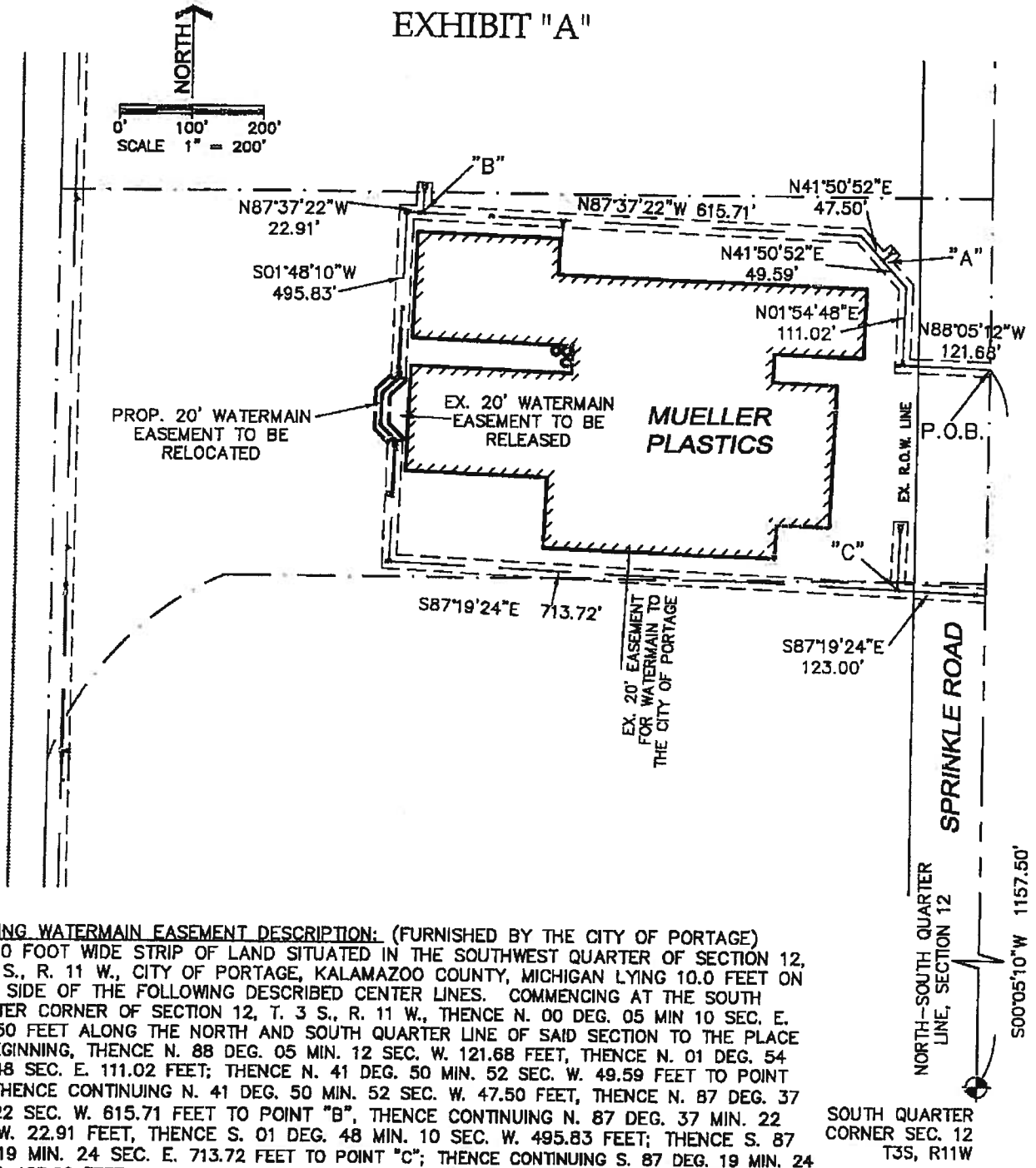
_____, Notary Public

Shelby County, Tennessee

My Commission Expires: November 16, 2013

When Recorded Return To:
City of Portage Department of Community Development
7900 S. Westnedge Avenue
Portage, MI 49002

EXHIBIT "A"



EXISTING WATERMAIN EASEMENT DESCRIPTION: (FURNISHED BY THE CITY OF PORTAGE)
A 20.0 FOOT WIDE STRIP OF LAND SITUATED IN THE SOUTHWEST QUARTER OF SECTION 12, T. 3. S., R. 11 W., CITY OF PORTAGE, KALAMAZOO COUNTY, MICHIGAN LYING 10.0 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTER LINES. COMMENCING AT THE SOUTH QUARTER CORNER OF SECTION 12, T. 3 S., R. 11 W., THENCE N. 00 DEG. 05 MIN 10 SEC. E. 1557.50 FEET ALONG THE NORTH AND SOUTH QUARTER LINE OF SAID SECTION TO THE PLACE OF BEGINNING, THENCE N. 88 DEG. 05 MIN. 12 SEC. W. 121.68 FEET, THENCE N. 01 DEG. 54 MIN. 48 SEC. E. 111.02 FEET; THENCE N. 41 DEG. 50 MIN. 52 SEC. W. 49.59 FEET TO POINT "A", THENCE CONTINUING N. 41 DEG. 50 MIN. 52 SEC. W. 47.50 FEET, THENCE N. 87 DEG. 37 MIN. 22 SEC. W. 615.71 FEET TO POINT "B", THENCE CONTINUING N. 87 DEG. 37 MIN. 22 SEC. W. 22.91 FEET, THENCE S. 01 DEG. 48 MIN. 10 SEC. W. 495.83 FEET; THENCE S. 87 DEG. 19 MIN. 24 SEC. E. 713.72 FEET TO POINT "C"; THENCE CONTINUING S. 87 DEG. 19 MIN. 24 SEC. E. 123.00 FEET TO SAID EAST AND WEST QUARTER LINE AND THE PLACE OF ENDING. ALSO, BEGINNING AT THE AFOREMENTIONED POINT "A", THENCE N. 48 DEG. 09 MIN. 08 SEC. E. 23.00 FEET TO THE PLACE OF ENDING. ALSO, BEGINNING AT THE AFOREMENTIONED POINT "B", THENCE N. 02 DEG. 29 MIN. 26 SEC. E. 42.39 FEET TO PLACE OF ENDING. ALSO, BEGINNING AT THE AFOREMENTIONED POINT "C", THENCE N. 02 DEG. 01 MIN. 46 SEC. E. 96.55 FEET TO PLACE OF ENDING.

REV: 10-30-12

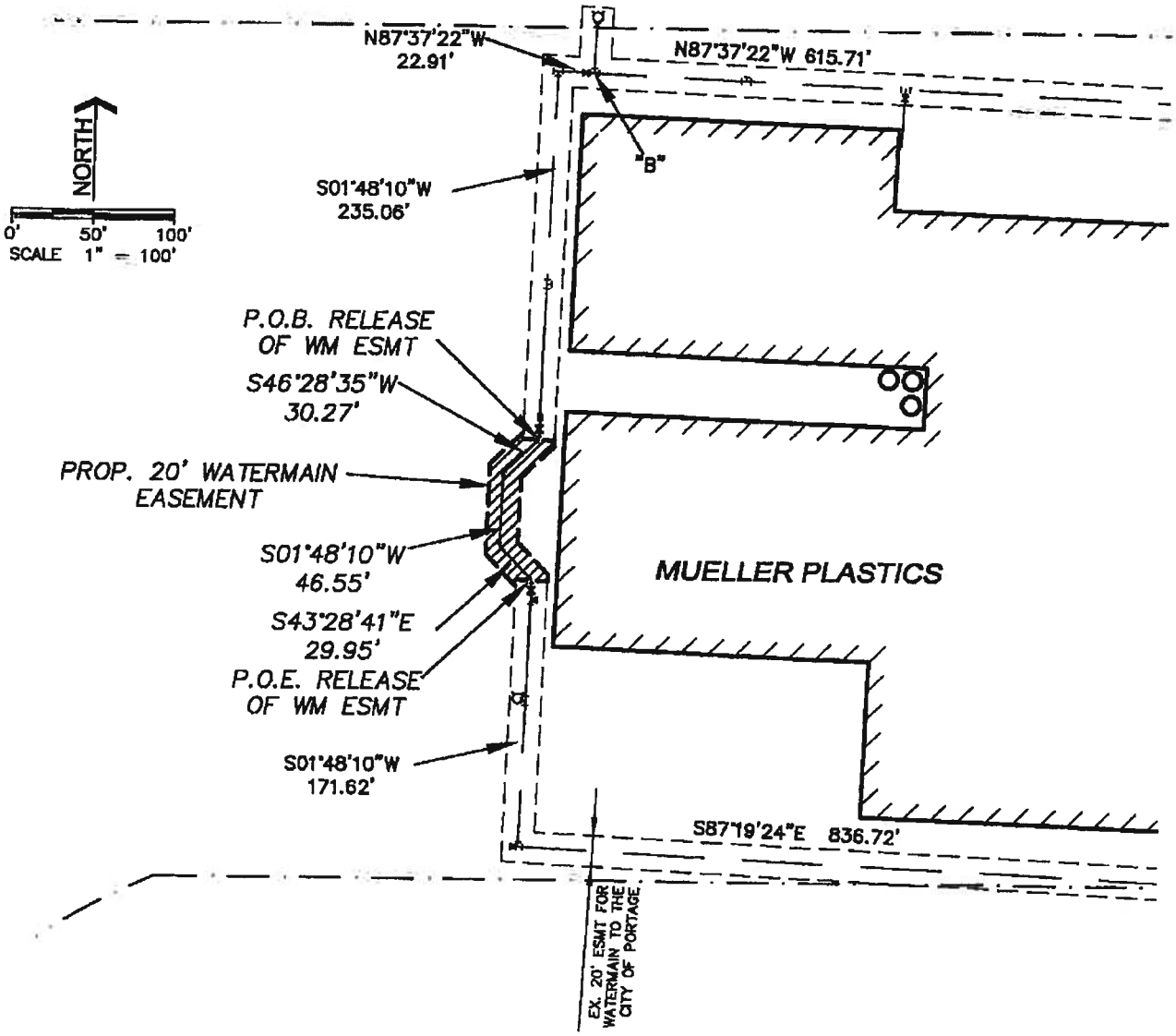
Pathfinder Engineering, Inc.
795 Clyde Court S.W. Suite "C" Byron Center, MI 49315
Phone 1-616-878-3885 Fax 1-616-878-4559

SKETCH AND DESCRIPTION OF RELOCATED WATERMAIN EASEMENT

PREPARED FOR:
CITY OF PORTAGE
PORTAGE, MICHIGAN

DATE 10-5-12
PROJECT NO. 12038
SHEET NO. 1 OF 2

S:\12038\dwg\12038 WATERMAIN EASEMENT.dwg 10/30/2012 9:33:25 AM EDT



DESCRIPTION OF RELOCATED WATERMAIN EASEMENT

A 20.0 foot wide strip of land situated in the Southwest quarter of Section 12, Town 3 South, Range 11 West, City of Portage, Kalamazoo County, Michigan lying 10.0 feet on each side of the following described center lines. Commencing at the South quarter corner of said Section 12, Town 3 South, Range 11 West, thence North 00 degrees 05 minutes 10 seconds East 1557.50 feet along the North and South quarter line of said Section 12; thence North 88 degrees 05 minutes 12 seconds West 121.68 feet, thence North 01 degrees 54 minutes 48 seconds East 111.02 feet; thence North 41 degrees 50 minutes 52 seconds West 97.09 feet; thence North 87 degrees 37 minutes 22 seconds West 638.62 feet, thence South 01 degrees 48 minutes 10 seconds West 235.06 feet to the Place of Beginning of this description: thence South 46 degrees 28 minutes 35 seconds West 30.27 feet; thence South 01 degrees 48 minutes 10 seconds West 46.55 feet; thence South 43 degrees 28 minutes 41 seconds East 29.95 feet to the Place of Ending of this description. The sidelines of said easement to be lengthened or shortened to prevent gaps or overlaps.

REV: 10-30-12

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

SKETCH AND DESCRIPTION OF
RELOCATED WATERMAIN EASEMENT

PREPARED FOR:
CITY OF PORTAGE
PORTAGE, MICHIGAN

DATE 10-5-12
PROJECT NO. 12038
SHEET NO. 2 OF 2

S:\12038\dwg\12038 WATERMAIN EASEMENT.dwg 10/30/2012 9:30:25 AM EDT

EXHIBIT "D"

CITY OF PORTAGE
NOTICE OF INTENTION TO RELINQUISH PORTION OF WATER MAIN EASEMENT

PLEASE TAKE NOTICE that on the _____ day of _____, 2013, the City Council of the City of Portage voted to relinquish 89.15 feet of a water main easement such portion of the easement being relinquished is described as follows:

See attached Exhibit "1".

PLEASE TAKE FURTHER NOTICE that the resolution authorizing this action is on file with the City Clerk and open for public inspection. Said documents will be so held by the City Clerk for twenty-eight (28) days after publication of this notice and may be inspected at the Clerk's Office during regular working hours. After said twenty-eight (28) day period, the Council may take final action and relinquish its interests if all other conditions of the transaction are satisfied.

Dated: _____, 2013

_____
James R. Hudson, City Clerk

z:\jody\portage\res\resolution to relinquish of water main easement - mueller.022213.doc

LICENSE AGREEMENT TO LOCATE SIGNS IN CITY UTILITY EASEMENT

This License Agreement is made and entered into this 14th day of March, 2013, by and between the City of Portage, a Michigan municipal corporation, organized under the laws of the State of Michigan, with offices at 7900 South Westnedge Avenue, Portage, Michigan 49002 ("Licensor") and Mueller Refrigeration, LLC, formerly known as Mueller Refrigeration Co., Inc., a Delaware corporation, with offices at 8285 Tournament Drive, Memphis, Tennessee 38125 ("Licensee"):

WHEREAS, Licensee is sole owner of property ("property") in the City of Portage, County of Kalamazoo and located at 6700 South Sprinkle Road, Portage, Michigan;

WHEREAS, Licensor is the owner of a 25 foot permanent sanitary sewer easement ("easement") described in Exhibit "A" attached hereto and incorporated herein;

WHEREAS, Licensee installed two directional signs and one monument sign (collectively "signs") in the easement without Licensor's knowledge or permission;

WHEREAS, the Licensor, after review and investigation, has determined that based on size, type and location, the signs will not present a public health, safety or welfare concern;

NOW, THEREFORE, in consideration of this License and other good and valuable consideration and the mutual promises herein, the parties agree as follows:

1. Licensor grants to Licensee a personal, revocable, non-exclusive License to maintain two directional signs and one monument sign as illustrated in Exhibit B and at their present locations shown in Exhibit "C" attached hereto and incorporated herein.

2. This License is personal to the Licensee and shall not be transferred or assigned without the Licensor's written consent.

3. This Agreement shall not be deemed or construed as transferring to Licensee any interest in the easement of Licensor irrespective of any expenditure by Licensee for the maintenance of the signs or surrounding area.

4. Licensee shall not modify or expand upon the signs so that they are larger than existing at the time of entering into this License without Licensor's written consent.

5. Licensee agrees to adequately maintain the signs so that they do not prevent or inconvenience Licensor from utilizing and accessing its easement.

6. Licensee shall cause all work performed in connection with the maintenance and repair of the signs and area around the signs be accomplished with care and in a manner and time that will cause the least interference with the easement area and shall be performed as expeditiously as possible so as to minimize interference with surrounding property and traffic. Licensee may have access to the easement to inspect, maintain or repair the signs located thereon.

7. Licensee shall comply with all laws, rules and regulations of any governing body which may now or hereafter have jurisdiction over the subject matter of this License while in effect.

8. Licensee agrees to pay for all of Licensee's additional expenses associated with repair and maintenance of any public utility within the easement which results as a consequence of the encroachment, maintenance or use of any sign. Further Licensee shall pay for all costs associated with the necessary relocation of any sign if Licensor provides notice to Licensee that it will install or maintain infrastructure in the easement.

9. Licensee, at its own expense, shall keep the signs, equipment and any other personal property installed upon the easement in connection with the operation of the signs in good working order, condition and repair. License shall also keep the area around the signs free of debris and anything of an offensive nature which would create a hazard or interference to the public. Licensor may request Licensee to conduct maintenance and/or repair of the signs and if such work is not completed within thirty days of the notice, Licensor may perform the required work and charge Licensee for all time and materials expended.

10. This License shall terminate: a) at any time that the property owned by Licensee or any portion thereof is sold, transferred or assigned unless Licensor agrees to permit the new owner to maintain the signs pursuant to a new License; b) upon the removal or destruction of more than 50% of the value, as determined by the Licensor, of any sign located on the easement; or c) if Licensee abandons, discontinues, sells or transfers the business located at the property.

11. Licensor shall not be liable to Licensee or its agents, contractors, subcontractors, employees, invitees for any personal injury, property damage, or loss of life or property caused by or arising out of or in connection with the use of the easement. Licensee, its heirs, successors and assigns and transferees waive any claim they may have now or in the future against Licensor for damage due to the signs and other improvements located on Licensor's property which may occur during installation or maintenance of Licensor's utilities in the easement or during maintenance or construction of other Licensor improvements.

12. Licensee agrees to defend, indemnify and save Licensor, its officers, agents and employees (hereinafter "Indemnitees") harmless from and against all actions claims, demands, judgments, loss damage, expense, including actual attorney fees which the Indemnitees may suffer, incur or sustain or for which the Indemnitees may become liable, arising or growing out of any injury or damage to persons or to real or personal property arising by reason of the existence, use, operation, installation, maintenance, repair, removal, replacement or inspection of the signs and other improvements on the easement or caused by the action, inaction and/or negligence of Licensee or its contractors, subcontractors, agents or representatives or any of them in the performance of work performed at the easement or in connection therewith.

13. During the term of this License, Licensee, its agents or contractors, performing work on the signs shall maintain, or cause to be maintain, in full force and effect, at its sole cost and expense, insurance policies protecting Licensor from liability of such nature and limits which, in the sole discretion of Licensor, will be adequate. Licensee shall provide Licensor with certificates of insurance for each insurance policy required to be maintained by Licensee annually during the term of this License. In the event any such insurance shall not be maintained, Licensor shall have the right to terminate this License.

14. Upon any termination permitted by this License, Licensee shall remove all signs from the easement and, upon failure to do so within thirty days of termination of this License, Licensor may proceed to remove all signs without notice to Licensee and Licensee shall be liable for all costs of said removal.

15. This License shall be revocable at will by Licensor by giving thirty days written notice to Licensee of said termination.

16. Nothing contained herein constitutes, nor should the same be construed as a waiver of any governmental immunity provided to the Licensor, its agents, employees, officers or representatives as provided for under common law or statute.

17. This License represents the entire agreement between the parties. It may not be amended, altered or modified unless done so in writing by the party against whom enforcement of any waiver, change or modification or discharge is sought.

18. This License shall be governed by and construed in accordance with the laws of the State of Michigan that are applicable to licenses made and to be performed in that State.

19. In the event any of the provisions of this License are deemed to be invalid or unenforceable, those provisions shall be deemed severable from the remainder of this License and shall not cause the invalidity or unenforceability of the remainder of this License.

20. The failure of any party to insist in any one or more instances upon the strict performance of any of the terms or provisions of this License by another party shall not be construed as a waiver or relinquishment for the future of any such term or provision, and the same shall continue in full force and effect.

21. No provision in this License is to be interpreted for or against any party because that party or that party's legal representative drafted the provision.

22. All representations and indemnities made by the parties shall survive the termination of this License.

23. Each party to this License warrants and presents that it is property authorized to enter into this License.

IN WITNESS WHEREOF, the undersigned have hereunto affixed their signatures this _____ day of _____, 2013.

LICENSOR:
CITY OF PORTAGE, a Michigan
Municipal Corporation

By: _____
Maurice S. Evans
Its: City Manager

STATE OF MICHIGAN)
) ss
COUNTY OF KALAMAZOO)

On this _____ day of _____, 2013 before me personally came the above named Maurice S. Evans to me personally known, who being duly sworn, did for himself say that he is the City Manager of the municipal corporation named in and who executed the within instrument and that said instrument was signed on behalf of said corporation by authority of its City Council; and said Maurice S. Evans acknowledges said instrument to be the free act and deed of said municipal corporation.

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

LICENSEE:

MUELLER REFRIGERATION, LLC, formerly known as MUELLER REFRIGERATION CO. INC.
a Delaware corporation

By: _____

Its: Vice President

STATE OF Tennessee)
) ss
COUNTY OF Shelby)

On this 14th day of March, 2013 before me personally came the above named Gary C. Willerson to me personally known, who being duly sworn, did for himself/herself say that is the Vice President of Mueller Refrigeration, LLC, formerly known as Mueller Refrigeration Co., Inc., named in and who executed the within instrument and that said instrument was signed on behalf of said corporation and said Gary C. Willerson acknowledges said instrument to be the free ~~act and~~ deed of said corporation.

Gina Campbell
, Notary Public
Shelby County, Tennessee
My Commission Expires: 11/16/13
Acting in Shelby County, Tennessee

GINA CAMPBELL
STATE OF TENNESSEE NOTARY PUBLIC
SHELBY COUNTY
My Commission Expires November 16, 2013

Approved As To Form
Date: 3/13/13

_____
City Attorney

PREPARED by:
Randall L. Brown
City Attorney
1662 East Centre Avenue
Portage, MI 49024
Phone: (269) 323-8812

z:\jody\portage\agreemen\license to locate sign on city utility easement - mueller.022213.docx

SEC 12

LIBER 1368PG0673

DONE 1010 1/18/00

CITY OF PORTAGE

SANITARY SEWER EASEMENT AND RIGHT-OF-WAY GRANT

Exhibit A

KNOW ALL MEN BY THESE PRESENTS, James H. Haas, Trustee of the James H. Haas Revocable Trust dated May 11, 1981 and Comerica Bank of Kalamazoo, 151 South Rose Street, Kalamazoo, Michigan 49007

(parties) of the first, part, for and in consideration of the sum of one dollar ($1.00) and other good and valuable considerations paid to (them) by the City of Portage, Michigan, a Municipal Corporation, party of the second part, whose address is 7800 Shaver Road, Portage, Michigan, do hereby convey, grant and release to the said party of the second part a permanent easement and right-of-way in which to construct, operate, maintain, repair and/or replace sanitary sewer facilities over, across, under and through the following parcels of land situated in the City of Portage, in the County of Kalamazoo, State of Michigan, and described as:

A 25 foot Permanent Easement for Sanitary Sewer lying 12.50 feet each side of the following described centerline, located in the Southwest 1/4 of Section 12, Town 3 South, Range 11 West, being more particularly described as follows:

Commencing at the Center 1/4 Corner of Section 12, Town 3 South, Range 11 West, thence West 50 feet along the West 1/4 Line of said section to the West right-of-way line of Sprinkle Road; thence south along said West right-of-way line 849.61 feet, thence West parallel to the West 1/4 Line 12.50 feet to the Place of Beginning; thence South parallel to the West right-of-way line of Sprinkle Road 544.59 feet to the Place of Ending.

Said 25 foot eastment lying westerly of and abutting the westerly right-of-way line of Sprinkle Road as recorded in Liber 711, on page 327 Kalamazoo County Register of Deeds.

and to enter upon said easement and right-of-way for the purpose of the construction, operation, maintenance, repair and/or replacement thereof. It is understood and agreed that no buildings or construction of any kind or nature will be placed upon the above described right-of-way without the prior written consent of said second party, its assigns or successors. This conveyance includes a release of any and all claims to damage arising from or incidental to the exercise of any of the foregoing powers.

It is agreed and understood that said premises shall be restored to as near original condition as possible by the party of the second part, trees and shrubs excepted, and that party of the second part may use land adjacent to said easement temporarily for construction purposes during construction of said facilities.

0256E/jd

This instrument shall be binding upon and inure to the benefit of the parties hereto, their heirs, representatives, successors and assigns.

IN WITNESS WHEREOF, THE UNDERSIGNED (has) (have) hereunto affixed (his) (her) (their) signature(s) this _____ day of _____, A.D., 19___.

In Presence of:

Randy J. Howe

Nancy Juday

Chris Tompkins

James H. Haas (L.S.)

(L.S.)

(L.S.)

(Individual Acknowledgement)

STATE OF MICHIGAN)
) ss.
COUNTY OF KALAMAZOO)

On this 23 day of May, 1988, before me the undersigned, a Notary Public in and for said County, personally appeared James Haas and _____ to me known to be the persons who executed the foregoing easement and severally acknowledged the same to be (his) (her) their) free act and deed.

JANE L. GROSCOST
Notary Public, Kalamazoo County, MI
My Commission Expires Sept. 10, 1988

Jane L. Groscost
Notary Public
Kalamazoo County, Michigan
My commission expires: Sept. 10, 1988

IN WITNESS WHEREOF, the undersigned (has) (have) hereunto afficed (his) (her) (their) signature(s) this ____ day of _____, A.D., 19___.

In Presence of:

Comerica Bank-Kalamazoo

By: Howard W. Lynch

Howard W. Lynch

Its Vice President/Corporate Banking

By: _____

Its _____

(Corporate Acknowledgement)

STATE OF Michigan)
)ss.
COUNTY OF Kalamazoo)

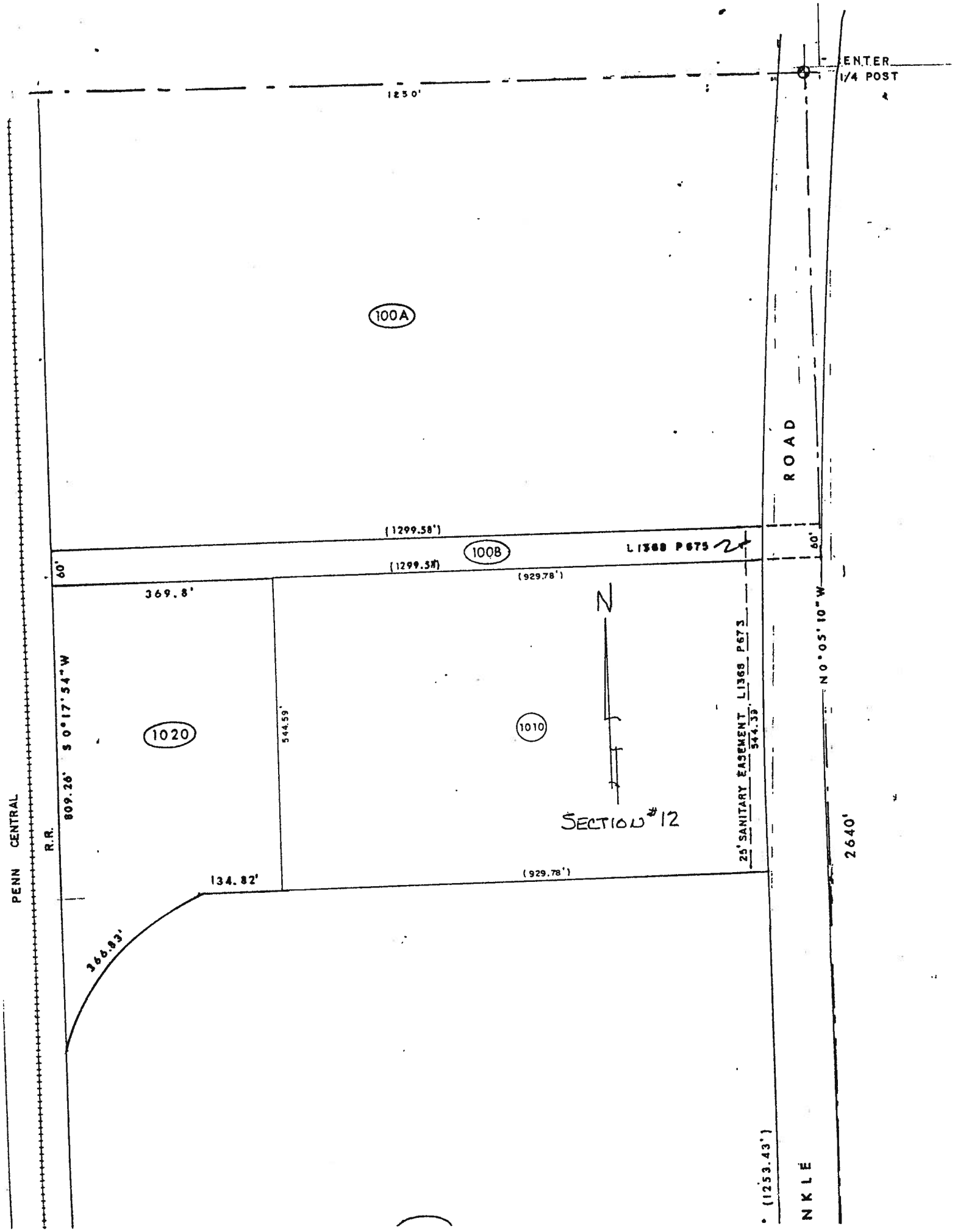
On this 26th day of May, 1988, before me the undersigned, a Notary Public in and for said County, personally appeared Howard W. Lynch of Comerica Bank Kalamazoo to me personally inown, who being by me duly sworn, did (each for himself) say that (they are respectively) the Vice President and N/A of the corporation named in and which executed the within instrument, and the (said corporation has no corporate seal) (the seal affixed to said instrument is the corporate seal of said authority of its Board of Directors) and said Howard W. Lynch and N/A severally acknowledged said instrument to be the free act and deed of said corporation.

MARCIA A. PIEPER
Notary Public, Kalamazoo County, Michigan
Acting in Kalamazoo County, Michigan
My Commission Expires November 5, 1991

Marcia A. Pieper
Notary Public
Kalamazoo County, Mich.
My commission expires: Nov 5, 1991

Prepared by:
City of Portage Engineering Dept.
7800 Shaver Rd., Portage, MI 49081
When recorded return to:
City of Portage Engineering
7800 Shaver Rd., Portage, MI 49081

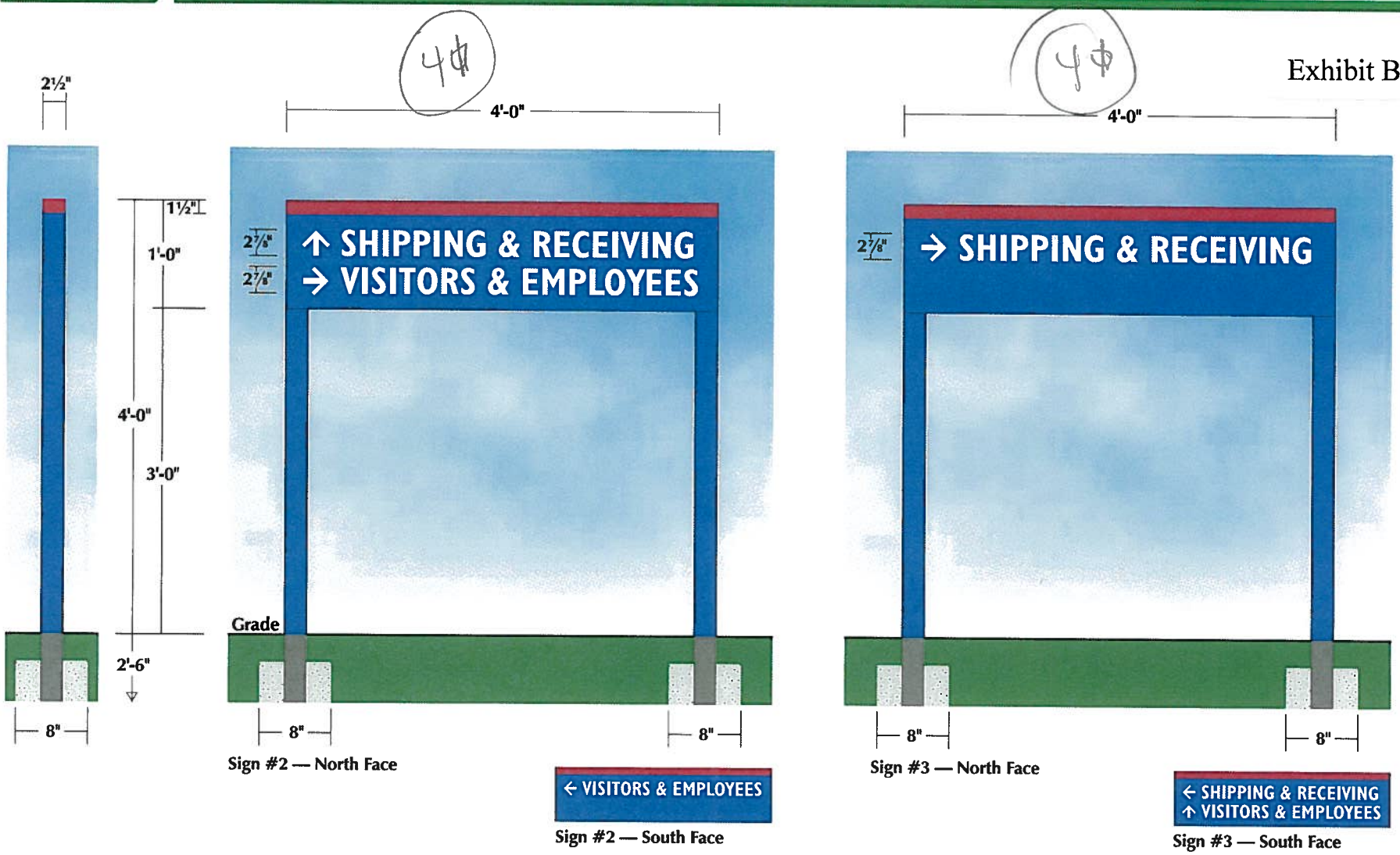
FORM APPROVED
DATE May 16, 1988
PORTAGE CITY ATTORNEY


CENTER
1/4 POST
1250'
100A
ROAD
(1299.58')
1008
L1368 P675
60'
60'
(1299.58')
(929.78')
369.8'
N
N 0°05'10" W
S 0°17'54" W
809.26'
1020
544.59'
1010
25' SANITARY EASEMENT L1368 P673
544.39'
SECTION #12
2640'
PENN CENTRAL
R.R.
134.82'
(929.78')
366.83'
(1253.43')
NKLE

SignArt

SIGNS #2 & #3

Exhibit B



Signs #2 & #3 — Double Faced Non-Illuminated Directional Signs

Scale: ¾" = 1'-0"

.080 Aluminum faces painted GripGard Plus semi-gloss to match 3M #3630-127 Intense Blue vinyl and white with applied Calon #2283 red, 3M #3630-127 Intense Blue and Scotchlite reflective white pressure sensitive vinyl. Directional signs to have 2½" x 2½" x .125 aluminum support tubes painted GripGard Plus semi-gloss to match 3M #3630-127 Intense Blue set in 8" x 2'-6" deep Sakrete footings with top 3" backfilled with sod/soil. Support poles to be painted with bituminous coating below grade.

Mueller Plastics — 6700 Sprinkle Road, Portage, MI

Lead #SV-2023310

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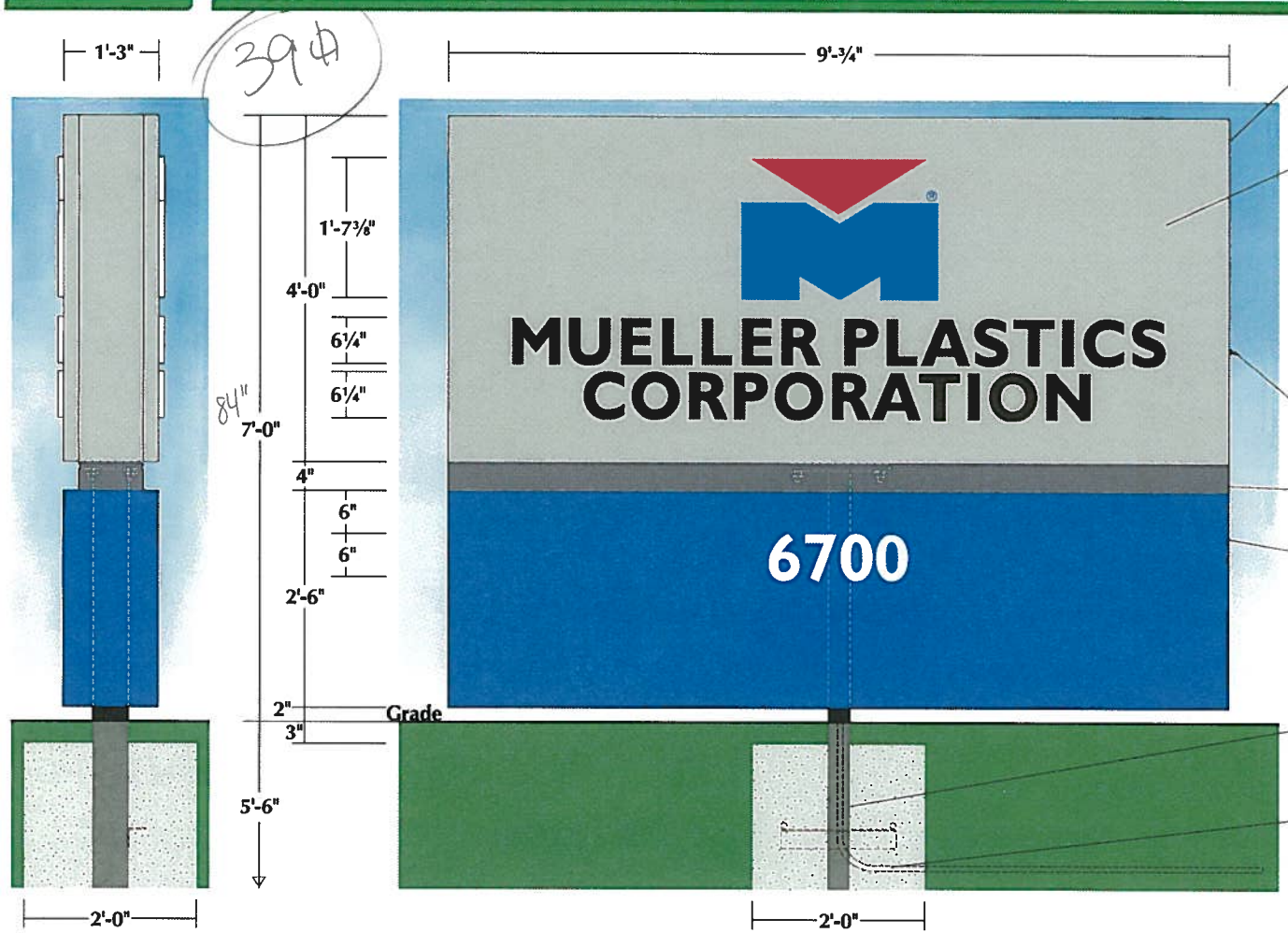
JL 9-11-12 9-13-12JH **Approved for:** _____ **By:** _____ **Date:** _____

SignArt

SIGN #1



S.A. Aluminum extrusion sign cabinet with 1¾" retainers painted GripGard metallic #85-P course light silver with semi-gloss clear U.V. overcoat.

Precision routed .100 aluminum faces painted GripGard metallic #85-P course light silver with semi-gloss clear U.V. overcoat and backed with ¾" clear push thru acrylic overlaid with 3M #3630-127 Intense Blue, Calon #2283 red, and black pressure sensitive vinyl.
Note: "®" To be applied 3M #3630-127 Intense Blue pressure sensitive vinyl and will not illuminate.

Booted toggle disconnect.

4" Aluminum reveal painted GripGard Plus semi-gloss #359-H-2 dark silver.

.063 Aluminum cladding painted GripGard Plus semi-gloss to match 3M #3630-127 Intense blue vinyl with applied Scotchlite reflective white pressure sensitive vinyl address numerals.

3" x 5" x .250 Steel support tube set in 2'-0" x 5'-6" deep augered concrete footing with top 3" backfilled with sod/soil.

1" Rigid conduit stubbed out 2'-0" below grade toward electrical source.

Sign #1 — Double Faced Illuminated Monument Sign **Scale: ½" = 1'-0"**

4'-0" x 9'-¾" = 36.25 Sq.Ft.

Sign to bear these marks.

UL LISTED ELECTRIC SIGN

This sign is intended to be installed in accordance with the requirements of Article 600 of the National Electrical Code and/or other applicable local codes. This includes proper grounding and bonding of the sign.

SIGNSMART CERTIFIED Low-E

Exhibit B

Mueller Plastics — 6700 Sprinkle Road, Portage, MI **Lead #SV-2023310**

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JL 9-11-12 9-13-12JH **Approved for:** _____ **By:** _____ **Date:** _____

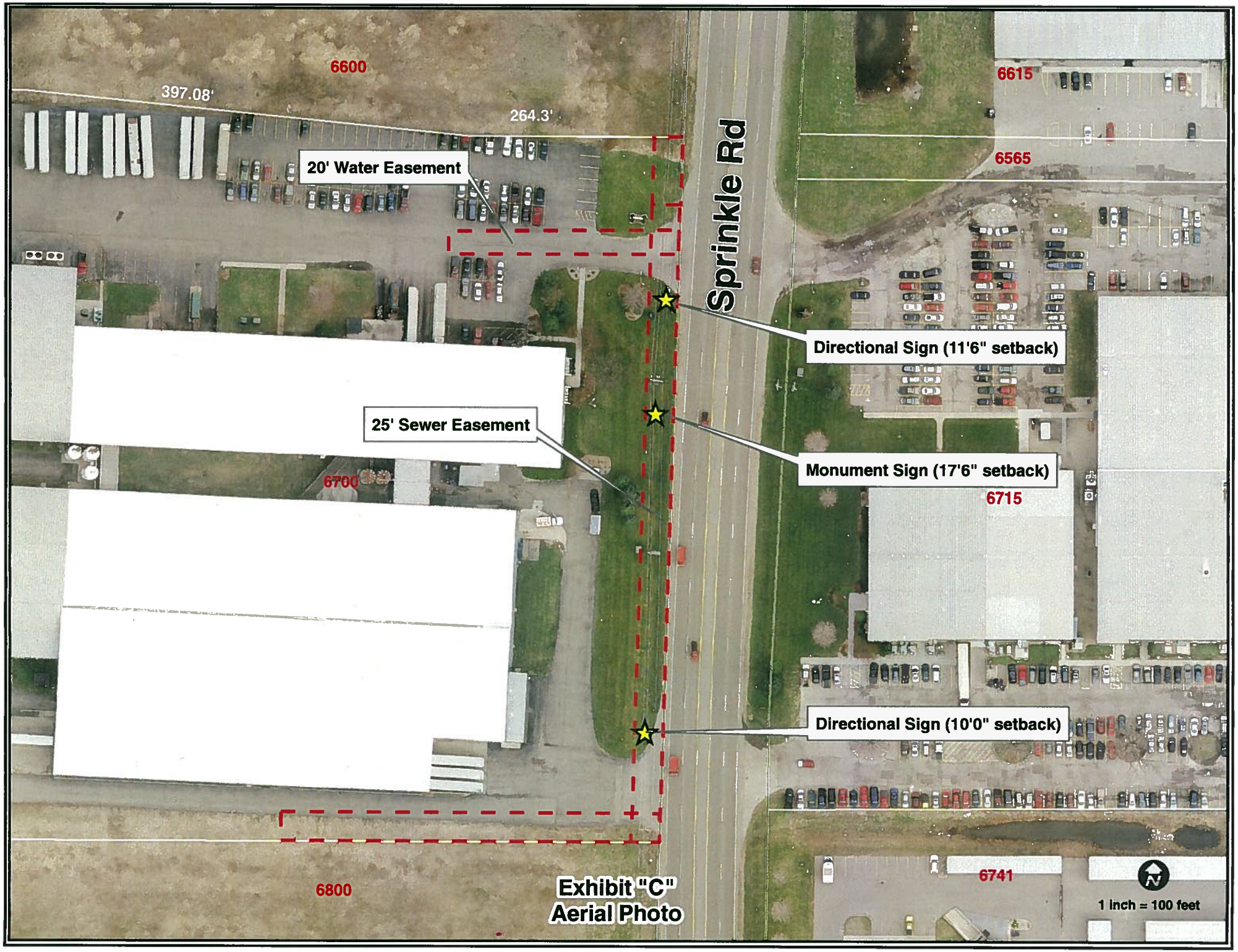

Exhibit "C"
Aerial Photo

PORTAGE
A Natural Place to Move

CITY COUNCIL AGENDA ITEM F.4
MARCH 26, 2013

TO: Honorable Mayor and City Council

FROM: Maurice S. Evans, City Manager

SUBJECT: Comprehensive Liability, Property and Auto Fleet Insurance

SUPPORTING PERSONNEL: Robert Luders, Director of Financial Services

ACTION RECOMMENDED: That City Council approve a one-year agreement for comprehensive liability, property and auto fleet insurance through the Michigan Municipal Risk Management Authority (MMRMA) at a total not to exceed cost of $443,253 for the period of March 1, 2013 to March 1, 2014, and authorize the City Manager to execute all documents related to the action on behalf of the city.

EXECUTIVE SUMMARY:
The city maintains comprehensive liability, property and auto fleet insurance through the Michigan Municipal Risk Management Authority (MMRMA). The MMRMA is a public pool that provides liability and property coverage to municipal government entities across Michigan. MMRMA is the largest liability and property pool in Michigan and has been in existence for thirty years. The pool was specifically formed to offset the large premiums and precarious nature in the private commercial insurance marketplace. Most large municipalities in the State of Michigan are covered through MMRMA. A renewal rate for one year has been obtained in the amount of $443,253 and is recommended for approval.

BACKGROUND INFORMATION:
The City of Portage has been insured by the Michigan Municipal Risk Management Authority (MMRMA) for comprehensive liability, property and auto fleet insurance since 1984. The MMRMA has quoted a one-year renewal rate for the period of March 1, 2013 to March 1, 2014 in the amount of $403,253 which includes $15,000,000 of liability coverage and $75,000 of self-insurance retention coverage. The renewal rate represents a decrease of 7 percent over the premium cost paid last year, which was $433,977. In addition to the $403,253 premium, MMRMA is requiring a $40,000 deposit into the city's Loss Fund. The city expects a distribution of assets from MMRMA, although the exact amount is yet unknown. The distribution will be based on favorable claims experience by the city and investment income earned by MMRMA on its assets.

FUNDING: Funds have been allocated for a portion of the insurance costs in the Fiscal Year 2012-2013 Budget, with the balance to be included in the Fiscal Year 2013-2014 Budget.

Attachments: MMRMA Coverage Document

MICHIGAN MUNICIPAL RISK MANAGEMENT AUTHORITY
COVERAGE PROPOSAL

Member:	**City of Portage**	**Proposal No:**	**Q000000365**
Date of Original Membership:	**March 10, 1986**		
Proposal Effective Dates:	**March 01, 2013 To March 01, 2014**		
Member Representative:	**Robert Luders**	**Telephone #:**	**(269) 329-4531**
Regional Risk Manager:	**Ibex Insurance Agency**	**Telephone #:**	**(248) 538-0470**

A. Introduction

The Michigan Municipal Risk Management Authority (hereinafter "MMRMA") is created by authority granted by the laws of the State of Michigan to provide risk financing and risk management services to eligible Michigan local governments. MMRMA is a separate legal and administrative entity as permitted by Michigan laws. **City of Portage** (hereinafter "Member") is eligible to be a Member of MMRMA. **City of Portage** agrees to be a Member of MMRMA and to avail itself of the benefits of membership.

City of Portage is aware of and agrees that it will be bound by all of the provisions of the Joint Powers Agreement, Coverage Documents, MMRMA rules, regulations, and administrative procedures.

This Coverage Proposal summarizes certain obligations of MMRMA and the Member. Except for specific coverage limits, attached addenda, and the Member's Self Insured Retention (SIR) and deductibles contained in this Coverage Proposal, the provisions of the Joint Powers Agreement, Coverage Documents, reinsurance agreements, MMRMA rules, regulations, and administrative procedures shall prevail in any dispute. The Member agrees that any dispute between the Member and MMRMA will be resolved in the manner stated in the Joint Powers Agreement and MMRMA rules.

B. Member Obligation - Deductibles and Self Insured Retentions

City of Portage is responsible to pay all costs, including damages, indemnification, and allocated loss adjustment expenses for each occurrence that is within the Member's Self Insured Retention (hereinafter the "SIR"). **City of Portage's** SIR and deductibles are as follows:

Table I

Member Deductibles and Self Insured Retentions

COVERAGE	DEDUCTIBLE	SELF INSURED RETENTION
Liability	N/A	$75,000
Vehicle Physical Damage	$1,000 / Vehicle	$15,000 / Vehicle $30,000 / Occurrence
Property and Crime	$1,000 / Occurrence	None
Sewage System Overflow	None	$75,000 / Occurrence

The member must satisfy all deductibles before any payments are made from the Member's SIR or by MMRMA.

The **City of Portage** is afforded all coverages provided by MMRMA, except as listed below:

All costs including damages and allocated loss adjustment expenses are on an occurrence basis and must be paid first from the Member's SIR. The Member's SIR and deductibles must be satisfied fully before MMRMA will be responsible for any payments. The most MMRMA will pay is the difference between the Member's SIR and the Limits of Coverage stated in the Coverage Overview.

City of Portage agrees to maintain, at all times, on account with MMRMA, sufficient funds to pay its SIR obligations. The Member agrees to abide by all MMRMA rules, regulations, and administrative procedures pertaining to the Member's SIR.

C. MMRMA Obligations - Payments and Limits of Coverage

After the Member's SIR and deductibles have been satisfied, MMRMA will be responsible for paying all remaining costs, including damages, indemnification, and allocated loss adjustment expenses to the Limits of Coverage stated in Table II. The Limits of Coverage include the Member's SIR payments.

The most MMRMA will pay, under any circumstances, which includes payments from the Member's SIR, per occurrence, is shown in the Limits of Coverage column in Table II. The Limits of Coverage includes allocated loss adjustment expenses.

Table II
Limits of Coverage

	Liability and Motor Vehicle Physical Damage	Limits of Coverage Per Occurrence		Annual Aggregate	
		Member	All Members	Member	All Members
1	Liability	15,000,000	N/A	N/A	N/A
2	Judicial Tenure	100,000	N/A	N/A	N/A
3	Sewage System Overflows	500,000	N/A	500,000	N/A
4	Volunteer Medical Payments	25,000	N/A	N/A	N/A
5	First Aid	2,000	N/A	N/A	N/A
6	Vehicle Physical Damage	1,500,000	N/A	N/A	N/A
7	Uninsured/Underinsured Motorist Coverage (per person)	100,000	N/A	N/A	N/A
	Uninsured/Underinsured Motorist Coverage	250,000	N/A	N/A	N/A
8	Michigan No-Fault	Per Statute	N/A	N/A	N/A
9	Terrorism	5,000,000	N/A	N/A	5,000,000

	Property and Crime	Limits of Coverage Per Occurrence		Annual Aggregate	
		Member	All Members	Member	All Members
1	Buildings and Personal Property	51,481,487	350,000,000	N/A	N/A
2	Personal Property in Transit	1,000,000	N/A	N/A	N/A
3	Unreported Property	5,000,000	N/A	N/A	N/A
4	Member's Newly Acquired or Constructed Property	5,000,000	N/A	N/A	N/A
5	Fine Arts	1,000,000	N/A	N/A	N/A
6	Debris Removal (25% of Insured direct loss plus)	25,000	N/A	N/A	N/A
7	Money and Securities	1,000,000	N/A	N/A	N/A
8	Accounts Receivable	1,000,000	N/A	N/A	N/A
9	Fire Protection Vehicles, Emergency Vehicles, and Mobile Equipment (Per Unit)	2,000,000	10,000,000	N/A	N/A
10	Fire and Emergency Vehicle Rental (12 week limit)	1,000 per week	N/A	N/A	N/A
11	Structures Other Than a Building	5,000,000	N/A	N/A	N/A
12	Storm or Sanitary Sewer Back-Up	1,000,000	N/A	N/A	N/A
13	Marine Property	250,000	N/A	N/A	N/A
14	Other Covered Property	10,000	N/A	N/A	N/A
15	Income and Extra Expense	1,000,000	N/A	N/A	N/A
16	Blanket Employee Fidelity	1,000,000	N/A	N/A	N/A
17	Earthquake	5,000,000	N/A	5,000,000	100,000,000
18	Flood	5,000,000	N/A	5,000,000	100,000,000
19	Terrorism	50,000,000	50,000,000	N/A	N/A

D. Contribution for MMRMA Participation

City of Portage

Period: March 01, 2013 To March 01, 2014

Coverages per Member Coverage Overview:	$403,253
Stop Loss Coverage:	$0
Member Loss Fund Deposit:	$40,000
TOTAL ANNUAL CONTRIBUTIONS:	$443,253

E. List of Addenda

This document is for the purpose of quotation only and does not bind coverage in the Michigan Municipal Risk Management Authority, unless accepted and signed by both the authorized Member Representative and MMRMA Representative below.

Accepted By:

City of Portage

Proposal No:

Q000000365

MMRMA

_____

Member Representative

_____

MMRMA Representative

_____

Date

3-8-13

Date

PORTAGE
A Natural Place to Move

TO: Honorable Mayor and City Council

FROM: Maurice S. Evans, City Manager

SUBJECT: Application for Special License for Sale of Beer, Wine and Spirits

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

ACTION RECOMMENDED: That City Council resolve to submit applications to the Michigan Liquor Control Commission (MLCC) for a Special License for the sale of beer and wine for consumption on the premises at Portage Central Park (7800 Shaver Road), for The Taste of Portage on June 22, 2013 and the *Your Generation in Concert* on July 13, 2013 and authorize the City Manager to execute all documents on behalf of the city.

EXECUTIVE SUMMARY:

A Special License for the sale of beer and wine on the premises at Portage Central Park is required by the Michigan Liquor Control Commission. Two events are being planned for this coming summer at which such sales will take place. Council's approval to submit the appropriate applications is required.

BACKGROUND INFORMATION:

The City of Portage Summer Entertainment Series (SES) has for many years been a self-funded program, relying on grants, donations and event revenue to offset program costs. In order for the SES to be self-sustaining, fees have been established for most events and alternative revenue sources are continually utilized where appropriate.

In an effort to generate critical revenue necessary for continuing a vibrant SES, it is proposed that the sale of beer and wine be approved for two events in 2013. The eighth annual Taste of Portage will be held in Portage Central Park on June 22, 2013. The sale of alcohol has been an important element towards making the Taste of Portage the regional event envisioned. Alcohol has been provided for several years without incident and generates over $1,000 annually in program revenue. The sale of alcohol is also being proposed for the *Your Generation in Concert* performance scheduled for July 13, 2013. Led by an eight-piece band, *Your Generation in Concert* celebrates six decades of American and British pop/rock hits.

The Parks, Recreation and Public Services Department - Parks and Recreation Divisions, along with the Public Safety Department Police Division have worked cooperatively to develop controls in order to ensure safe and successful events where alcohol is served. Wristbands will be issued to participants over 21 years of age and drink tickets will be sold separately. Park Rangers and Cultural Event staff members will monitor and patrol the Central Park perimeter, limiting access to the main event entrances at each location. Police patrol officers will be put on notice to make

periodic visits during the event. The Park Board and other adult volunteers will provide identification verification and serving functions. A combination of fencing and Portage Creek will be used for crowd containment. All of these controls have proven very effective for past alcohol sales at city events and at no time have patrons been problematic.

As a requirement for the city to undertake the sale of alcohol at these two events, City Council must resolve to make an application to the Michigan Liquor Control Commission (MLCC), after which the completed applications will be forwarded to the MLCC for review and approval.

It is recommended that City Council resolve to submit an application to the MLCC for a Special License for the sale of beer and wine for consumption at two event on the premises at Portage Central Park (7800 Shaver Road) on June 22, 2013 and July 13, 2013 and authorize the City Manager to execute all documents on behalf of the city.

FUNDING: N/A

Attachments: N/A

PORTAGE
A Natural Place to Move

CITY COUNCIL AGENDA ITEM F.6
MARCH 26, 2013

TO: Honorable Mayor and City Council

FROM: Maurice S. Evans, City Manager

SUBJECT: Remote Credit Card Use

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

ACTION RECOMMENDED: That City Council adopt the Resolution to Accept Payments on Certain City Fees and Charges by Financial Transaction Devices to allow the use of credit card services for recreation and cultural programs.

EXECUTIVE SUMMARY:
In order to provide better customer service for patrons participating in recreation and cultural programs, it is being recommended that City Council approve the use of credit cards for such events. If approved, this would replace the current policy of accepting only cash and checks which has impacted on patrons who may have preferred to use a credit card for payment.

BACKGROUND INFORMATION:
For several years the city has accepted credit card payments for building permits, special assessments, real estate taxes, utility bills and general accounts receivable payments through the Official Payments Corporation. Official Payments Corporation charges a convenience fee of approximately 3 percent for payments completed through this service.

The City Administration has been researching options to provide credit card services for other services including patrons participating in park rentals, Senior Center programs, as well as recreation and cultural programs. It is not uncommon for a family or group of patrons wanting to attend a city program or activity to be charged $20 or more. The Senior Center hosts activities such as the travel program that offers a variety of popular one-day and multi-day trips. As the present policy is to accept only cash and checks, many times the city has had to turn away potential paying patrons who no longer carry cash. There are several benefits with accepting credit cards including:

- Studies show accepting credit cards can more than double sales. Consumers are more likely to make impulse purchases when able to use their credit card;
- The average size of a transaction by someone paying via credit card tends to be larger than those paying by cash or check;
- Improved cash flow and more efficient use of staff time. Credit card payments are deposited directly into a bank account, reducing time spent on counting cash at two levels - Parks staff and Finance staff;
- Maintaining customer base and providing customer service consistent with the current lifestyle of Parks/Recreation consumers. Some customers may not return when they cannot pay by cash or check. Additionally, this customer may leave with a negative impression of their experience.

Chase Paymentech, a division of JPMorgan Chase Bank (the city's depository bank), will provide the interface between the city and the credit card agencies. With Paymentech there is a high level of

information security. The credit card numbers are not retained on any City of Portage computers, providing better identity protection than alternative providers. The fees paid by the city range between 2.42 percent and 3.33 percent of the transaction amount plus $0.10 per transaction. The type of credit card used determines the fee percentage.

Public Act 280 of 1995 requires that the city should not be party to a credit card arrangement unless the governing body of the local unit has adopted a resolution to permit this arrangement. The attached resolution has been prepared for this purpose. City Council approval of the resolution is recommended.

FUNDING: Included in the FY 2012-2013 Parks, Recreation and Public Services Department budget.

Attachments: Resolution to Accept Payments on Certain City Fees and Charges by Financial Transaction Devices

CITY OF PORTAGE
RESOLUTION TO ACCEPT PAYMENTS ON CERTAIN CITY FEES AND CHARGES BY FINANCIAL TRANSACTION DEVICES

Minutes of a regular meeting of the City Council for the City of Portage, Michigan held on _____, 2013 at 7:30 p.m. local time at the City Hall in the City of Portage, Michigan.

PRESENT: _____

ABSENT: _____

The following resolution was offered by:

Councilmember: _____, and supported by:

Councilmember: _____.

WHEREAS, Public Act 280 of the Public Acts of 1995 ("Act") permits acceptance of payments by financial transaction devices for a tax, assessment or fee;

WHEREAS, a financial transaction device as used in this resolution means: 1) an electronic phone transfer card; 2) a credit card; or 3) a debit card;

WHEREAS, prior to accepting payment by a financial transaction device for a tax assessment or fee, the City Council must adopt a resolution authorizing the acceptance of payment by financial transaction devices;

WHEREAS, the City Council intends, by this resolution, to permit payment by financial transaction device for certain fees and charges;

NOW, THEREFORE, BE IT RESOLVED that the City of Portage will accept payment by financial transaction device for the following fees and charges required to be paid to the City's Parks, Recreation and Public Services Department: a) park and trail facility rentals; b) recreation programs, events, classes and activities; c) cultural arts programs, events, classes and activities; and d) Senior Citizen Services programs, events, classes, activities and facility rentals;

IT IS FURTHER RESOLVED that the City Manager is authorized to execute all documents and contracts necessary to implement this resolution.

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

YES: Councilmember _____

NAYS: Councilmember _____

ABSENT: Councilmember _____

RESOLUTION DECLARED ADOPTED:_____

CERTIFICATION

I hereby certify that the foregoing is a true and complete copy of this resolution adopted at a regular meeting of the City Council of the City of Portage, Kalamazoo County, Michigan held on _____, 2013, the original of which is in the official proceedings of the City Council.

_____
James R. Hudson, City Clerk

Approved as to form:
Date 3/20/13
_____
City Attorney

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PORTAGE
A Natural Place to Move

CITY COUNCIL AGENDA ITEM F.7
MARCH 26, 2013

TO: Honorable Mayor and City Council

FROM: Maurice S. Evans, City Manager

SUBJECT: February 2013 Environmental Activity Report

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

EXECUTIVE SUMMARY:
City Council has a quality of environment goal to *"enhance environmental quality and protect natural resources."* As a result, a monthly informational report with updates is provided to the Council that addresses numerous environmental projects and/or activities.

BACKGROUND INFORMATION:
Attached please find the February 2013 Summary Environmental Activity Report from Department of Transportation & Utilities Director, W. Christopher Barnes. New material, or material of specific interest to City Council is presented in italics.

The summary report is intended for informational purposes to comply with the goals and objectives adopted by City Council emphasizing the need to enhance environmental quality and protect natural resources. This report also serves to keep the Council, Planning Commission and Environmental Board apprised of current environmental issues.

FUNDING: N/A

Attachments: February 2013 Environmental Activity Report

SUMMARY ENVIRONMENTAL ACTIVITY REPORT
February 2013 (*updates in italics*)

Project/Activity	**Description**	**Status**
Portage City Landfill	Ongoing groundwater monitoring of former municipal landfill.	-City Council awarded a 3 year contract to American Hydrogeologic Corporation (AHC) on February 23, 2010 to perform annual groundwater sampling. The site groundwater data will continue to be monitored to confirm continuation of the natural attenuation process. General groundwater quality continues to improve, but site will require monitoring for the foreseeable future. 2011 sampling completed in March. Investigation into methane gas presence in the groundwater continues. First round of sampling completed in April 2012. Second round of sampling completed in June 2012. Initial results indicate no off-site impact. Annual report submitted to MDEQ. Review meeting held September 21, 2012 with MDEQ with follow-up in October. AHC currently compiling MDEQ sampling requirement costs necessary for closure at the former landfill site. *Weekly methane sampling is continuing on-site to collect base line data.*
Site Inspection/Development Project Review	Review of existing business & industries and review of proposed business and industrial development projects for environmental protection purposes and/or building plans completed.	-Coordination with property owners and City or State agencies ongoing. *-Review of 2 site/building plans and/or plats completed in February 2013.*
Sewer Connection Program	Groundwater protection program requiring residential/business hookup to the sanitary sewer where available.	*-Sanitary sewer hookup permits issued in February 2013*: 2 *residential; 0 commercial.*
West Lake Management Program	Special assessment district designed to maintain/improve lake conditions. Special emphasis on weed control and non-point source pollution reduction.	-Five Year Lake Management Assessment District process was approved by City Council on March 23, 2010. Construction began on the Austin Dam reconstruction in December 2006 and new structure completed in March 2007. Filtration system construction was substantially completed in July 2008. Lake Association has completed 2012 plan and lake treatment completed in May 2012. Review of program completed by Lakeshore Environmental Consultants. *Permitting complete for the 2013 season.* Association has chosen to use Restorative Lake Services for consulting sources for 2013.
Retention Basin Sampling Program (Groundwater Elevation)	Investigation regarding potential impact of retention basins on groundwater levels.	-Historical monitoring continues to show minor impacts at most basins. From 1993 through 2009 the monitoring program showed stable groundwater impacts due to storm water infiltration. Alternative road salt practices continue to be considered and evaluated. On March 23, 2010, City Council awarded a four-year contract to Wightman Environmental. This program will focus primarily on

		groundwater level information. The 2012 report received and groundwater levels, especially on the east side of Portage, have decreased as a result of seasonal rainfall deficiencies. Typical groundwater table elevation drop is one to three feet. Storm water quality remains consistent with past years.
Wellhead Protection Program (WHPP)	Development of program to protect City well fields and surrounding area from contamination resulting from improper land use.	-Wellhead Protection Grant award received from MDEQ on August 30, 1999 and Council accepted the grant on October 5, 1999. Council also awarded contract to Earth Tech to complete WHPP. Earth Tech completed the final wellhead protection plan and MDEQ submittal was made on October 14, 2000. Plan was reviewed by MDEQ with written approval received in March, 2001. Staff has met internally to discuss the future needs to update the plan pending grant opportunities. Plan implementation is ongoing.
Leaf Compost Monitoring Program	Monitoring and analysis of groundwater at the new Oakland Drive Leaf Compost site.	-City Council awarded contract on August 21, 2001 to Soil & Materials Engineers for monitoring and analysis of groundwater impact of the new compost operation. Drilling was completed in October 2001 and first sampling cycle was completed in February 2002. Semi annual sampling was performed from 2002 to 2011 in June and January. Sampling and analysis results continue to show no groundwater impacts from the leaf composting. Sampling schedule was reduced to annual sampling in 2009 with results showing continued minor impact on groundwater quality. Sampling completed in June 2012 with minimal groundwater impacts. Next sampling in June 2013.
National Pollution Discharge Elimination System (NPDES) permit implementation	Five year plan to implement the current NPDES stormwater permit.	-Received NPDES general permit on August 15, 2001. Renewal Application submission was made to MDEQ on March 7, 2003. New permit received in 2004 mandates involvement in several county watershed groups. City staff completed the submission of a Storm Water Pollution Prevention Initiative (SWIPPI) as required by NPDES permit. New certificate of coverage permit was issued by MDEQ on September 30, 2009. New permit covers a 5 year timeframe with first work item (updating the Public Participation Plan) completed December 11, 2009. SWIPPI was submitted for MDEQ approval on June 25, 2010. Received a notice from MDEQ rescinding the 2008 permit due to a recent court case ruling. MDEQ reinstated the 2003 permit for implementation. Information on new permit requirement was received in February 2011. MDEQ expected to issue new permit in 2014. The 2010-11 annual report was submitted on January 20, 2012. Storm water informational talk was given to Pfizer, Inc., employees on April 28, 2012. MDEQ scheduled an audit of the program on July 12, 2012. Audit completed with satisfactory results. Several follow-up items with MDEQ were addressed by staff in December 2012. *City website updated in February to provide education of Illicit Storm Water Discharge*. Program implementation is ongoing.

National Pollution Discharge Elimination System (NPDES) permit implementation	Kalamazoo River Mainstem Watershed Management Plan	-First meeting was held September 17, 2004. Proposals for completing the watershed plan were received by Kalamazoo County on September 15, 2005 and a contract awarded to Kieser & Associates in November 2005. Draft watershed plan submitted to MDEQ on December 30, 2005. Review comments received from MDEQ and revised watershed plan due in December 2006. A letter not to revise the Watershed Plan was submitted to the MDEQ on March 17, 2008. Public participation plan update submitted to MDEQ on November 24, 2009. Kalamazoo River Watershed council completed a watershed update in November, 2011. No new developments.
	Portage River Watershed Management Plan	-Public participation plan submitted June 28, 2004. Proposals for a Watershed Management Plan were received by the Kalamazoo County Road Commission and a contract awarded to the Kalamazoo County Conservation Service in November 2005. Draft watershed plan submitted to MDEQ on December 30, 2005. A letter not to revise the Watershed Plan was submitted to the MDEQ on March 17, 2008. Public participation plan update submitted to MDEQ on November 24, 2009. Based upon MDEQ comments, the plan was revised and resubmitted on December 21, 2009. Interest has been raised by local conservation groups to update the current Watershed Plan using grant funds. Meeting held on May 9, 2011 among stakeholders to determine interest in updating the current water shed plan. Second meeting held on June 20, 2011, and grant application submitted by Kalamazoo and Calhoun County Conservation District to update the Watershed Plan. Grant for watershed update was awarded to Calhoun County Conversation District. First kick-off meeting held December 13, 2012 to introduce working partners and information gathering. Next meeting scheduled for March 2013.
	Plan to implement and maintain an Illicit Discharge Elimination Program (IDEP).	-On October 21, 2001, City Council awarded a contract to Fishbeck, Thompson, Carr and Huber for the Portage Creek element of the IDEP, which was completed in July 2002. On February 19, 2002, City Council approved a new ordinance as required by the NPDES permit titled "Storm Water Illicit Discharges and Connections." On April 28, 2004, City Council accepted a grant from the State of Michigan in the amount of $152,264 and awarded a contract to Fishbeck, Thompson, Carr and Huber in the amount of $184,264 for the remainder of the IDEP for the entire city. Program implementation is ongoing as funding allows. Continued outfall sampling is required by permit and will be budgeted accordingly. IDEP program was updated for submittal to MDEQ on June 25, 2010, and part of the SWIPPI. Two potential illicit discharges were investigated with MDEQ as of February 2012. The 2013 program starts in June. Implementation is ongoing.

	Storm Sewer Outfall Testing	On March 23, 2011, City Council awarded a four year contract to Wightman Environmental to perform testing of selected storm sewers which discharge to surface water. This work is required as part of the NPDES permit. The 2011 annual report received with minor surface water impacts from the Woodland Avenue discharge. The 2012 report received with continuing minor impacts from the Woodland Avenue outfall. Testing results are reported to MDEQ as part of the NPDES annual report.
Garden Lane Arsenic Removal Facility	Construction of a water treatment facility at the Garden Lane Wellfield to remove arsenic, iron and manganese from the groundwater.	Facility is in operation with ribbon cutting held August 2, 2010. The facility is producing approximately one million gallons of water per day. Facility is in regular operation. Plant tour for Stryker Engineering group was held on June 19, 2012. City Staff in conjunction with the Environmental Board is working on a sustainable native planting landscape design with Native Connections, Inc., for the facility. Regrading and installation of native landscaping seeding completed on November 16, 2012. Germination results in spring 2013 will determine if additional seeding is required.
Environmental Incident/Spill Clean Up Notification	Environmental Protection Program to assist Portage Police/Fire Departments with spill containment and spill cleanup.	*-The number of environmental incident/spill investigations performed in February 2013 – 0. Number of environmental cleanups in February – 0.* Emergency spill response contract for 2013-14 with Terra Contracting has been renewed.
Hampton Wetland Area Water Level	Assistance with the Inverness Condominium Association to Review Surface Water Levels	-Ongoing assistance with the Condominium Association to develop appropriate measures to regulate the rising water level in Hampton Wetlands Area located on the north side of West Centre Avenue and east of Angling Road. Met with MDEQ staff to determine feasible method to lower water levels. Association currently working with MDEQ permit staff on February 26, 2010 to clarify permit requirements. Lower groundwater table elevation has reduced the concerns from the Condominium Association. Conference call with MDEQ held on December 8, 2010 to discuss permit submission updates. Condo Association discussing project with other property owners for support. Association submitted a letter to City Administration asking that the city consider the Wetland Water Level Regulation a municipal project. On March 22, 2011, city staff response recommending the Association consider Governmental Lake Board. The Association is considering next steps. No new developments. Seasonal low water levels have reduced the urgency to control water levels.
Southwest Michigan Regional Sustainability Covenant	Collaborative effort with local government, academic, and other	-On May 12, 2009, City Council approved the Southwest Michigan Regional Sustainability Covenant. A sustainability work session was held April 14, 2010,

stakeholders to lead toward environmental, economic and social sustainability.

to review elements of the covenant in cooperation with the City of Kalamazoo and the City of Battle Creek. A grant application was made to MDNRE for a greenhouse gas inventory study of the area. Notice received July 15, 2010 that the grant application was not successful. City staff attended a September 10, 2010 meeting in Grand Rapids to discuss sustainable economic, environment, and society programs. No new developments.

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KCTA

KALAMAZOO COUNTY TRANSPORTATION AUTHORITY

2012 Annual Report

2012 Ridership Statistics

FIXED ROUTE BUS SYSTEM

2,891,508 Total Rides
Up 9.4% from 2011

METRO COUNTY CONNECT

133,567 Total Rides
Up 4% from 2011

COMMUNITY SERVICE VAN PROGRAM

8,970 Total Rides
Up 48% from 2011

2012 Highlighted by Regional Public Transit System Ridership Growing to Over 3 Million

In 2012, the regional public transit system saw significant ridership growth of over 9% compared to 2011. The total number of riders exceeded 3 million for the first time since 2008. These ridership numbers demonstrates the importance public transit serves to our community to get people to work, to school, to shopping, to medical appointments and many other reasons. For the fixed-route bus system, for each hour of bus service in 2012, 26.9 people on average rode the bus. This is up by 3.2 rides per hour from 2011 an 13.5% increase and a key indicator of improved efficiency. In 2012 the KCTA continued to take steps towards accomplishing the goal of a countywide, integrated public transit system.

New Executive Director Leads Organization

In March, Sean McBride began serving as the first Executive Director for the KCTA. Mr. McBride was formally Assistant City Manager in Portage from 2002 to 2009 and was involved in the creation of the KCTA by representing Portage.

Enhanced Citizen Communications

In an effort to enhance communication with the public, the KCTA has recently launched a new website at kalcountytransit.com. The new website provides greater ability to reach out to citizens with frequent updates and e-newsletter capabilities. The KCTA embraces our responsibility to provide easily accessible information about the decisions we make and how we use taxpayer funds.

Updated Organizational Mission and Vision

The KCTA conducted a retreat in October to focus Board and staff objectives for the next two years. One result of the retreat was to update the KCTA Mission and Vision to directly reflect our role in transitioning the public transit system into a countywide system.

KCTA Mission

The near-term mission of the KCTA is to unify public transit services into a countywide system while securing sufficient resources and contracting with the current transit provider for on demand and fixed-route bus services.

KCTA Vision

Our near-term vision is that the residents of Kalamazoo County will have an integrated regional public transit system.

Customer Service Focus

The KCTA strives to provide a forum where individuals can express feedback on the public transit system. The KCTA works with regional partners and Kalamazoo Metro Transit to constantly improve the system to meet citizen needs. For example, with bridge construction in the summer of 2012, bus service to Comstock was detoured and riders were going to be without service. Based on citizen comments, the KCTA funded dedicated Metro County Connect shuttle service during the construction so bus riders would continue to have public transit service.

KCTA Board

Linda Teeter
Chairperson

Greg Rosine
Vice Chair

Jack Mekemson
Secretary

Curtis Aardema

Jeffrey Breneman

Paul Ecklund

John Gisler

Martin Janssen

Larry Norwood

Sean McBride
Executive Director

About the KCTA

The Kalamazoo County Transportation Authority (KCTA) was created by the Kalamazoo County Board of Commissioners in late 2005. A nine member KCTA Board was appointed by the County Board in January 2006. The objective of the KCTA is to integrate the public transportation services into a countywide system.

The KCTA Board meets the 2nd and 4th Monday of every month at 5:30 p.m. in the Metro Administration Building, 530 N. Rose Street, Kalamazoo. The public is encouraged to attend and participate. For a complete listing of meeting dates and past meeting minutes, go to:

kalcountytransit.com.

2013 KCTA Organizational Objective

-Regional Cooperation Towards Building a Countywide Transit System

Since the KCTA was operational in 2006, the City of Kalamazoo, Kalamazoo County, Kalamazoo Transportation Authority Board and KCTA have been working collaboratively on achieving an integrated, county-wide public transit system. In May of 2010, a team representing the City, County and KCTA developed the *Kalamazoo County Transportation Plan* to guide cooperative efforts.

In May of 2012, the team that drafted the 2010 plan reconvened and began discussions for the next phase(s) of collaboration. This group determined that a steering committee be formed to guide the next steps. The steering committee includes Commissioners of the City of Kalamazoo and Kalamazoo County as well as Board members of the KCTA and Kalamazoo Transit Authority Board In September 2012, County Administrator Battani, Kalamazoo City Manager Collard, Metro Transit Director Schomisch and KCTA Executive Director McBride were directed by the steering committee to identify a new plan for moving regional public transit forward and developed the *County-Wide Public Transportation System White Paper.*

The *White Paper* focuses on several key areas that include the history of regional public transit, the status of recent collaborative efforts, findings and conclusions, and recommendations for moving forward. The recommendations focus on the short-term objectives of consolidating system management and governance. This report was presented early in 2013 and the organizations continue to obtain broader community feedback and to meet to move the process forward. The KCTA is focused on making significant advancements in 2013 on a consolidated, countywide transit system.

Fixed-Route Bus Service

The fixed-route bus system utilizes 20 routes to serve the Kalamazoo County urbanized area and serves the following jurisdictions:

- Cities of Kalamazoo, Parchment and Portage;
- Townships of Comstock, Kalamazoo Oshtemo and Texas.

Service runs Monday through Saturday from 6 am to 10:15 pm. The KCTA funds operations for the routes that serve areas outside the City of Kalamazoo. Questions for routes, schedules and fares can be answered Kalamazoo Metro Transit at 337-8222 or www.kmetro.com.

Countywide Public Transit Millage Renewal To Go Before Voters on May 7th

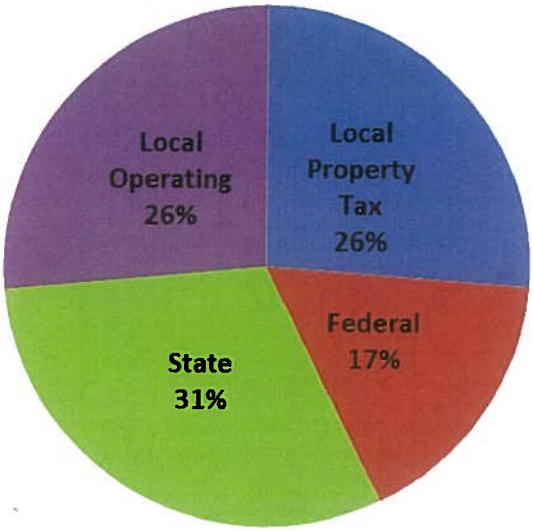
The KCTA is requesting renewal of a 0.4 mils property tax to fund countywide public transit services. The millage request is for four year for 2013, 2014, 2015, and 2016. With voter approval, the millage is estimated to generate approximately $3.1 million in funds on annual basis. The voters of Kalamazoo County approved countywide millage requests in 2006 and 2009. In 2009, voters approved the millage request by a margin of 63% to 37%. Please contact the KCTA if you need more information and we encourage you to vote on May 7th.

2012 Financial Review

The KCTA is funded by a property tax millage of 0.4 mils approved by the voters of Kalamazoo County in 2009. The voters approved that millage to be levied for four years from 2009 through 2012. For a residential property owner with an assessed valuation of $100,000, the tax cost of the 0.4 millage equates to $40 per year.

The KCTA utilizes the taxes raised through the millage to fund Metro County Connect and all fixed-route bus services in the county that are located outside the City of Kalamazoo. The KCTA contracts with Kalamazoo Metro Transit to provide these public transit services. Funding from the KCTA represents 19.5% of all funding necessary to operate the transit system. The property owners in the City of Kalamazoo pay 0.6 mils to fund the fixed-route bus system located within the City of Kalamazoo and this represents 6.7% of available funds to operate the system.

Transit System Funding By Source



The property tax is only one source of funding utilized to provide public transit in Kalamazoo County. Funds from the Federal government and the State of Michigan which are dedicated for public transit represent a significant portion of system funding. The other major portion of funding is fare/operational revenue. The chart to the left depicts funding by source for all components of the transit system. Total system revenue, excluding capital grants, totaled over $14.1 million for the last completed audited year of 2011.

Statement of Revenues, Expenses, and Changes in Fund Net Assets

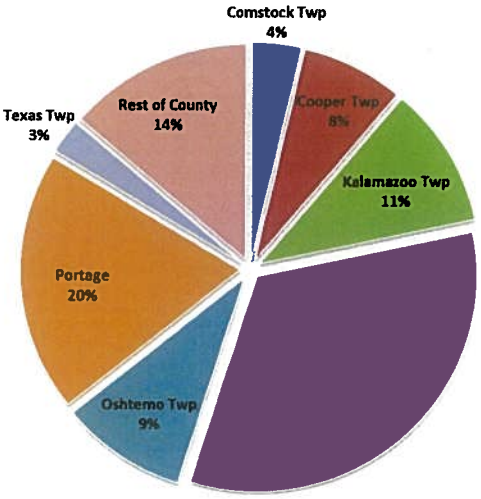
	2012	2011
Beginning Net Assets	$ 2,477,079	$ 2,343,906
Non-operating Revenue		
Property Taxes	3,134,660	3,145,386
Interest Earnings	4,997	5,223
Miscellaneous Revenue	-	1,718
Total Revenues	3,139,657	3,152,327
Total Expenses	3,075,000	3,018,154
Change in Net Assets	$ 64,657	$ 134,173
Ending Net Assets	2,541,736	2,477,079

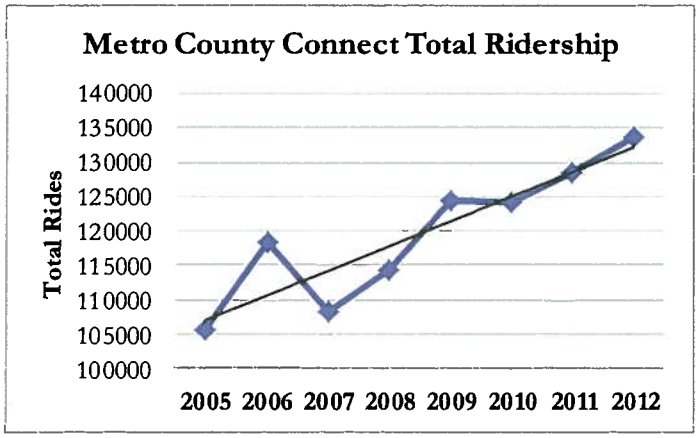
Metro County Connect Serves All in Kalamazoo County

Metro County Connect is a demand/response, origination-to-destination transportation service available to individuals throughout Kalamazoo County. In 2009, to provide quality seamless service to riders of this system, Care-A-Van and Metro Van were combined into Metro County Connect (MCC). Reduced fares are available for seniors and individuals with disabilities.

Ridership of MCC is growing each year and is truly a county-wide service. The chart to the right depicts the fact that riders from all parts of the community are utilizing the demand-response service. In 2012, 134,000 MCC rides were provided throughout the County and 63,000 MCC rides (47%) originated in townships outside of the cities of Kalamazoo and Portage. The demand of MCC services is anticipated to continue to grow in tandem with the growth of the regional senior citizen population.

Metro County Connect Rider Originations By Jurisdiction





Community Service Van Program Expands Service

Since 2005, Metro Transit has been operating the Community Service Van program, a specialized service program sponsored and funded by the Michigan Department of Transportation to allow local agencies to use accessible vans at no cost to the agency. The program currently operates with six accessible vans. All of the vehicles are ADA accessible and have the capacity of transporting up to six passengers without wheelchairs, or three passengers with one wheelchair. Vans are available for use by non-profit and government agencies. Drivers must go through training from Metro Transit staff.

Kalamazoo Metro Transit, in conjunction with the KCTA, has placed a community service van at the South County Community Services Center in Vicksburg to further promote public transportation to citizens throughout Kalamazoo County. This is a pilot program that began in September 2012 and is anticipated to grow to other communities within Kalamazoo County. An arrangement with the Portage Senior Center is under development and hopefully will be operational later in 2013.

KCTA Public Transit Human Services Committee Identifies Service Enhancements

The KCTA is responsible for the development of the coordinated plan to creatively address the transportation needs of senior citizens, people with disabilities and people with low incomes. Since 2009, the KCTA and regional stakeholders have developed a plan, which is submitted to the Federal Transportation Administration, which identifies creative solutions to better serve the transportation needs of those populations listed above. Many of the goals identified have been achieved.

In 2012, the Mobility Management program was created. The goal of the program is to improve the accessibility of public transportation for people with disabilities and senior citizens. A key component of the program is Travel Training, which in less than six months has trained over 30 people during one-on-one sessions, and over 20 groups have received transportation education. It is estimated that over 500 people have participated and benefited from the Travel Training initiative.

KCTA
Kalamazoo County Transportation Authority
530 N. Rose St.
Kalamazoo, MI 49007
Phone:
(269) 337-8087
Fax:
(269) 337-8211
E-Mail:
KCTA@kalamazoocity.org
Website Address:
www.kalcountytransit.com

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CITY COUNCIL AGENDA ITEM L.1
MARCH 26, 2013

TO: Honorable Mayor and City Council

FROM: Maurice S. Evans, City Manager

SUBJECT: South 12th Street Sanitary Sewer Lift Station Improvement Project

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

ACTION RECOMMENDED: That City Council award a construction contract for the South 12th Street Sanitary Sewer Lift Station Improvements to B & Z Company, Incorporated, in the not to exceed amount of $253,777.32 and authorize the City Manager to execute all documents related to the contract on behalf of the city.

EXECUTIVE SUMMARY:
The 12th Street sanitary sewer lift station was installed in 1977 and is in need of improvements which have been budgeted in the FY 2012-2013 Capital Improvement Program. Bids for this work were obtained with the low bid from B&Z Company, Incorporated, in the amount of $253,777.32 recommended for approval.

BACKGROUND INFORMATION:
The 2012-13 Capital Improvement Program includes funds for the renovation and upgrading of the South 12th Street Sanitary Sewer Lift Station located north of West Milham Avenue. The project includes replacement of electronic control panels, pumps, wet well rehabilitation and additional site landscaping.

On September 11, 2012, City Council awarded a consultant contract to Abonmarche Consultants, Incorporated, for engineering design and inspection services for improvements to the South 12th Street lift station. The design work has been completed and bids were received on March 12, 2013 for construction. A total of four bids were received for the lift station improvements with the low bid in the amount of $253,777.32 submitted by B & Z Company, Incorporated. B & Z Company, Incorporated, has recently completed similar projects for the City of Benton Harbor and Niles Township. If approved, work will begin this April and be completed by August 2013.

It is recommended that City Council award a construction contract for the South 12th Street Lift Station Improvements to the low bidder, B & Z Company, Incorporated, in the not to exceed amount of $253,777.32 and authorize the City Manager to execute all documents related to the contract on behalf of the city.

FUNDING: Funds have been budgeted for the South 12th Street Lift Station Improvement Project in the Fiscal Year 2012-13 Sanitary Sewer Capital Improvement Program fund.

Attachments: Bid Tabulation for the South 12th Street Lift Station Improvements Project

BID TABULATION
SOUTH 12TH STREET SANITARY SEWER LIFT STATION IMPROVEMENT PROJECT

BIDDER	BID
B & Z Company, Inc. 1171 Milton St. Benton Harbor, MI 49022	$253,777.32
Peters Construction Company 3325 E. Kilgore Rd. Kalamazoo, MI 49001	$275,782.53
Jackson-Merkey Contractors, Inc. 555 E. Western Ave. Muskegon, MI 49442	$354,788.00
Balkema Excavating, Inc. 1500 River Street Kalamazoo, MI 49048	$424,384.00

Bids Opened 3/12/2013

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MATERIALS TRANSMITTED

Friday, March 08, 2013

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

Maurice S. Evans, City Manager

cc: Brian J. Bowling, Deputy City Manager

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MATERIALS TRANSMITTED

Tuesday, March 12, 2013

1. **TO BE ADDED TO THE MARCH 12, 2013 CITY COUNCIL AGENDA AS PART OF ITEM F.6:** Supplementary Aerial Map of 1614 West Osterhout Avenue (Expanded View) – Information Only.

2. **TO BE ADDED TO THE MARCH 12, 2013 CITY COUNCIL AGENDA AS ITEM J.1:** Communication from the Mayor regarding the Investment Committee Update – Information Only.

3. Letter from Tim Earl dated March 8, 2013 to City Council regarding Meeting Invocations.

Maurice S. Evans

Maurice S. Evans, City Manager

cc: Brian J. Bowling, Deputy City Manager

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