

7:30 p.m. Call to Order.

Invocation: Reverend Dr. David Moffett-Moore of the Portage United Church of Christ

Pledge of Allegiance.

A. Current Council:

1. Roll Call.
2. Approval of the November 3, 2015 Committee of the Whole and Regular Meeting Minutes.
3. Communication from the City Manager recommending that City Council receive the November 3, 2015 General City Election Report as information only.
4. Comments from Councilmembers.
5. Adjournment Sine Die of retiring City Council.

B. New Council:

1. Oath of Office.
2. Signing of the City Council Code of Ethics and Values Policy.
3. Seating of Mayor and Councilmembers.
4. Roll Call of New Council.
5. Election of Mayor Pro Tempore.
6. Adoption of Rules of Order and Procedure.

C. Proclamations.

D. Introduction of Guests.

E. Adjourn for Reception of New Council.

F. Reconvene New Council.

G. Comments from New Council.

H. Statements of Citizens and Guests.

* I. Approval of Consent Agenda Motions.

J. Accounts Payable Register:

- * 1. Communication from the City Manager recommending that City Council approve the Accounts Payable Register of November 17, 2015 as presented.

K. Public Hearings:

1. Communication from the City Manager recommending that City Council, following the public hearing, establish a Budget Stabilization Fund.

L. Petitions and Statements of Citizens:

M. Reports from the Administration:

- * 1. Communication from the City Manager recommending that City Council:
- a. adopt Resolution No. 1, accept the City Manager Report and request preparation of Resolution No. 2 for the South Shore Drive Sanitary Sewer Project #416-S;
 - b. award a contract to Midwest Civil Engineers, Incorporated, for design and construction engineering services for an amount not to exceed \$42,500; and authorize the City Manager to sign all documents related to these matters on behalf of the city.

- * 2. Communication from the City Manager recommending that City Council authorize the replacement of the grade crossing at the West Centre Avenue railroad crossing by the Grand Elk Railroad in the amount of \$95,840 and authorize the City Manager sign all documents related to this authorization on behalf of the city.
 - * 3. Communication from the City Manager recommending that City Council confirm the City Manager appointments to the Local Development Finance Authority by adopting the *Resolution to Appoint Members to the Local Development Finance Authority of the City of Portage*.
 - * 4. Communication from the City Manager that City Council confirm the appointments to the Downtown Development Authority Board of Directors.
 - * 5. Communication from the City Manager regarding the October 2015 Environmental Report - Information Only.
 - * 6. Department Monthly Reports.
- N. Communications:
- * 1. Communication from the Mayor recommending that City Council reappoint citizen Richard Kraas and appoint citizens Christopher Burns and Aimee Kornowicz to the Investment Committee.
- O. Unfinished Business:
- * P. Minutes of Boards and Commissions:
- 1. Portage Human Services Board of September 3, 2015.
 - 2. Portage Public Schools Regular Business Meeting of September 28 and Special and Committee of the Whole Work Session of October 12.
 - 3. Portage Youth Advisory Committee of October 5, 2015.
 - 4. Portage Historic District Commission of October 7, 2015.
 - 5. Portage Historic District Study Committee of October 7, 2015.
 - 6. Portage Zoning Board of Appeals of October 12, 2015.
 - 7. Portage Planning Commission of October 15, 2015.
- Q. Council Committee Reports:
- R. New Business:
- S. Bid Tabulations:
- * 1. Communication from the City Manager recommending that City Council approve the five-year agreement between CTS Telecom of Galesburg, Michigan and the City of Portage for the provision of telephone services at an approximate annual cost of \$28,584 and authorize the City Manager to execute all documents related to the contract on behalf of the city.
- T. Other City Matters:
- 1. Statements of Citizens.
 - 2. From the Council and City Manager.
 - * 3. Reminder of Meetings:
 - a. Wednesday, November 18, 2:30 p.m., Senior Citizen Advisory Board, Portage Senior Center.
 - b. Thursday, November 19, 7:00 p.m., District Library Board, Portage District Library.
 - c. Thursday, November 19, 7:00 p.m., Planning Commission, Council Chambers.
- * U. Materials Transmitted:
- 1. Materials Transmitted of October 30, 2015.

Adjournment.

CITY COUNCIL MEETING SUMMARY

November 3, 2015

ACCOUNTS PAYABLE REGISTER

- ◆ Approved the Accounts Payable Register of November 3, 2015, as presented.

PUBLIC HEARING

- ◆ Approved Rezoning Application #15/16-1 and rezoned 710 and 732 East Centre Avenue from B-1, local business, to OS-1, office service, with the exception of the west five feet of 710 East Centre Avenue, which is to remain zoned R-1A, one family residential and incorporated the staff report dated November 3, 2015.

PETITIONS AND STATEMENTS OF CITIZENS

- ◆ Suzanne Krohn, 9818 N 32nd Street, Richland, provided information on pancreatic cancer, the Pancreatic Cancer Action Network, and November as Pancreatic Cancer Awareness Month.

REPORTS FROM THE ADMINISTRATION

- ◆ Approved a one-year contract renewal with Blue Care Network for the Blue Care Network Advantage Plan and authorized the City Manager to execute all documents related to the contract renewal on behalf of the city.
- ◆ Granted final approval of the first phase of the Copperleaf single-family residential site condominium with completion of sidewalks and street trees by November 2017, approved installation of the Copperleaf residential subdivision sign in the Copperleaf Trail public right-of-way, and authorized the City Manager to execute all documents related to this project on behalf of the city.
- ◆ Adopted the Resolution Authorizing Limited Tax Pledge to Payment of 2015 Tax Increment Refunding Bonds of the Local Finance Development Authority (L DFA) of the City of Portage, and the Resolution approving the Undertaking to Provide Continuing Disclosure by the City of Portage for the 2015 Tax Increment Refunding Bonds of the Local Development Finance Authority of the City of Portage.
- ◆ Approved the purchase of network hardware from Digital Strategy, LLC, through the Western States Contracting Alliance cooperative purchasing program in the amount of \$171,353, installation professional services from Digital Strategy, LLC, in the amount of \$22,000, and three-year software licensing through preferred software reseller, PCM, Incorporated, in the amount of \$66,553 for a total project cost of \$259,906 to address network deficiencies and authorized the City Manager to execute all documents related to the contract on behalf of the city.
- ◆ Approved a contract amendment to the existing design engineering services for the South 12th Street Lift Station Force Main Replacement Project contract with Prein & Newhof, Incorporated, in the amount not to exceed \$8,000 and authorized the City Manager to execute all documents related to the contract on behalf of the city.
- ◆ Approved a budget transfer of \$2,961,755 from the General Fund to the Capital Improvement Fund to fund major and local street projects, the relocation of a Park trail, and the purchase of a fire pumper truck, and a budget transfer of \$427,227 from the Local Streets fund to the Capital Improvement Fund to fund local street projects.
- ◆ Accepted for first reading an amendment to the Codified Ordinances of the City of Portage to establish a Budget Stabilization Fund, and take final action on the amendment on November 17, 2015, at 7:30 p.m. or as soon thereafter as may be heard at a public hearing in accordance with the first reading document.
- ◆ Accepted the resolution to vacate the south approximate 57 feet of Harris Drive, place the resolution on file with the City Clerk for 28 days and take final action on December 1, 2015.
- ◆ Authorized the City Manager to execute a separation agreement with Patricia Thompson.
- ◆ Received the communication from the City Manager regarding the Local Development Finance Authority FY 2013-2014 Annual Report as information only.
- ◆ Received the communication from the City Manager regarding the Annual Tree Lighting/Traditional Holiday Celebration as information only

COMMUNICATION

- ◆ Received the report from Public Media Network (PMN) Executive Director Harry Haasch regarding PMN's FY 2015-2016 1st Quarter activities.

COUNCIL COMMITTEE REPORTS

- ◆ Received the update from the Mayor Pro Tem that an Executive Director has been chosen for Consolidated Dispatch.

BID TABULATIONS

- ◆ Approved the purchase of a fire pumper truck from Pierce Manufacturing, Inc., for \$501,260 and authorized the City Manager to execute all documents related to this action on behalf of the city.

STATEMENTS OF CITY COUNCIL

- ◆ Councilmember Ansari expressed his appreciation to have the right to vote in the United States and said he was looking forward to working with the new City Councilmembers. Mayor Strazdas concurred.
- ◆ Councilmember Reid thanked all of the candidates for running for City Council.
- ◆ Councilmember Ford expressed his appreciation for the Administration for a job well done regarding the various agenda items for the meeting.
- ◆ Councilmember Randall announced that Portage Northern High, Hackett Catholic and Portage Central High all performed outstanding in the Cross Country Meet at West Middle School. Also, she mentioned that Susan Yetter, 7354 Oak Shore Drive, expressed her appreciation to staff and City Council for leaf and brush pick-up on private streets.
- ◆ Mayor Pro Tem Pearson asked that all candidates for office remove their political signs as soon as they can.
- ◆ Councilmembers Urban, Reid and Ford agreed to assist Mayor Strazdas to help read the essays, "Why I like Portage?"

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.

**MINUTES OF THE COMMITTEE OF THE WHOLE WORK SESSION
OF NOVEMBER 3, 2015**

Mayor Strazdas called the meeting to order at 6:01 p.m. The following Councilmembers were present: Nasim Ansari, Richard Ford, Patricia M. Randall, Claudette Reid and Terry Urban and Mayor Peter Strazdas. Mayor Pro Tem Jim Pearson arrived at 6:02 p.m. Also present were City Manager Larry Shaffer, Deputy City Manager Rob Boulis, Finance Director Bill Furry, City Attorney Randy Brown and City Clerk James Hudson.

Mayor Strazdas reviewed the agenda for the evening and indicated that the discussion would be on funds that are available that are not dedicated to the budget with a presentation on the City debt a presentation on the Standard & Poor's (S&P) Rating and what it will take to get the City to a higher rating, a presentation on debt management, and a presentation on the Fund Balance. He then deferred to City Manager Larry Shaffer.

Mr. Shaffer referred to the previous Committee of the Whole Meeting and provided a synopsis of the budget proposal changes, the specific dollar amounts discussed at that meeting, the debt reduction fund, the stabilization fund and the projected ten-year Capital Improvement Funding changes.

He deferred to Finance Director Bill Furry to allow him to present his team's PowerPoint presentation, analysis and discussion regarding the S&P Analytical Framework; Debt & Contingent Liabilities Score; City of Portage Debt Score; Debt Service as a % of Expenditures; Debt as a % of Revenues without additional borrowing; Debt as a % of Revenues with new debt per Capital Improvement Program (CIP); Callable Debt; Michigan Cities with AAA S&P Rating and no budget stabilization policy; City of Portage General Fund History; City of Portage projected additional funds available for FY 2015/16; City of Portage projected additional funds available per Capital Improvement Program (CIP); and a recommended Resolution for the General Fund Reserve Policy for the City of Portage.

Mr. Shaffer concurred with Councilmember Urban and indicated that he does not recommend going down to 9% in the Fund Balance, that he does recommend being stable with 24% in the Fund Balance and going below 20% is unimaginable, even with the largest possible Debt Stabilization Fund at 15%. He expressed his appreciation for having various accounts and funds set aside in various venues as this strengthens the City's financial position, and stressed that the flexibility of an unappropriated Fund Balance is very important as a financial stabilization tool and that the Budget Stabilization Fund should be an additive, but not a substitution for the Fund Balance. Mayor Strazdas distinguished the two Funds, concurred with Councilmember Reid that the Budget Stabilization Fund amount discussed is \$300,000 outside the Fund Balance and discussion followed.

Councilmember Randall expressed her hope of reducing the Fund Balance as this was her understanding of Council's objective over the last several years, restated their role was to provide services and suggested the need for a review of the return on investment when considering cash funds and what the City is paying to borrow as this is opportunity costs; also, as the Budget Stabilization Fund grows, the City is increasing the Fund Balance well beyond the proposed 25.2% which is the opposite direction of her understanding of Council's objective over the last several years. Discussion followed.

Council focused on the Fund Balance and the Debt Stabilization Fund and whether the Stabilization Fund should be a part of the Fund Balance or in addition to the Fund Balance. Discussion followed. Mr. Shaffer stressed the importance of the inflexibility nature of the Debt Stabilization Fund since, when it becomes needed during the “shocks” in the economy, it is available and, if not, it still provides an enhanced financial profile for the City. Discussion followed.

Mayor Pro Tem Pearson asked for some numbers to explain the opportunity costs for paying off a bond, for example, as mentioned by Councilmember Randall, and for some numbers to help explain what does AAA S&P Rating mean for stabilization versus bond rates. He said he was in favor of the \$300,000 for the Debt Stabilization Fund, but not the \$1 million, and that he was in favor of it being part of the Fund Balance.

Councilmember Urban indicated that he “sorted it out for himself” and found that the difference between AAA S&P Rating and AA S&P Rating is 0.5%. He indicated that he was probably not in favor of creating the Debt Stabilization Fund; moreover, if it is created, he indicated that it should only be funded at \$300,000. He pointed out that the City is at the maximum *Charter* allowable millage rate, so there is no flexibility with that, and he explained this is the only upside for having a Debt Stabilization Fund to help with a catastrophic event.

Councilmember Reid expressed her concern with the uncertainty of what is needed in the Debt Stabilization Fund versus what can be put into it because there has been no stated goal in this regard. Mr. Shaffer explained that the statutory limit of 15% generates roughly \$3.4 million and he explained that he wants to build that amount over time and explained. Discussion followed.

Mayor Pro Tem Pearson pointed out that this Council cannot commit future City Councils to a Debt Stabilization Fund amount, and Councilmember Randall objected because a 24% Fund Balance plus a 15% Debt Stabilization Fund puts the City at a 39% reserve fund amount. She said it would be very difficult to get a new millage passed when the City is holding back 39% of the revenue that is “just sitting there making very little money” and explained. She expressed her disbelief that there are very many Portage families holding back a 39% reserve and spoke in favor of using the funds to provide services such as repairing local streets, for example. Discussion followed.

Councilmember Urban reminded Council that approving the Ordinance at the Regular City council Meeting also requires a super majority to put money into the Debt Stabilization Fund. Discussion followed. Mayor Strazdas summed up with an analysis of the discussion as it relates to the proposed Ordinance, the current policy of a 24% Fund Balance and the amount that should be placed in the Debt Stabilization Fund should the Ordinance ultimately be passed. Discussion followed.

City Manager Larry Shaffer recapped the discussion and informed Council that they are going to consider approving a budget transfer of \$2,961,755 from the General Fund to the Capital Improvement Fund to fund major and local street projects, the relocation of a Park trail, and the purchase of a fire pumper truck and, a budget transfer of \$427,227 from the Local Streets fund to the Capital Improvement Fund to fund local street projects. He indicated that there is no request to allocate the \$300,000 to fund the Debt Stabilization Fund as this is only the first reading if the Ordinance passes. He explained the process and the timeline associated with the process and offered to craft different policies for Council consideration.

Mr. Shaffer noted a consensus for a 24% Fund Balance and that the Morehouse College Glee Club would not be coming to Portage this fiscal year; that in conversations with Senior Citizens Advisory Board Member Monifa Jumanne, it might make sense to have an event in 2016 that focuses on local choirs, local music and a local event and work within the framework of the 2016 budget, then solicit private dollars for the Morehouse College Glee Club event in 2017 as an opportunity for the City to demonstrate its commitment to diversity as part of a recognition of celebrating the achievements of Dr. King. There were no statements of citizens.

ADJOURN: Mayor Strazdas adjourned the meeting at 7:02 p.m.

James Hudson, City Clerk

CITY COUNCIL MEETING MINUTES FROM NOVEMBER 3, 2015

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

At the request of Mayor Strazdas, Pastor Joan Herbon of Lord of Life Lutheran Church gave the invocation and City Council and the audience recited the Pledge of Allegiance.

The City Clerk called the roll with the following members present: Councilmembers Nasim Ansari, Richard Ford, Patricia M. Randall, Claudette Reid and Terry Urban, Mayor Pro Tem Jim Pearson and Mayor Peter Strazdas. Also in attendance were City Manager Laurence Shaffer, City Attorney Randy Brown and City Clerk James Hudson.

APPROVAL OF MINUTES: Councilmember Randall indicated she would like to set the record straight and objected to information provided by Councilmember Reid at the end of the October 20, 2015 City Council Meeting regarding an interview by *MLive* as she, Councilmember Randall, was not serving as a Councilmember during the referenced timeframe of 2000-2009 and that the comments totally lacked relevancy. Motion by Ansari, seconded by Ford, to approve the Committee of the Whole and Regular Meeting Minutes of October 20, 2015, as presented with the comments by Councilmember Randall. Upon a voice vote, motion carried 7 to 0.

* **CONSENT AGENDA:** Mayor Strazdas asked Mayor Pro Tem Pearson 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 7 to 0.

* **APPROVAL OF ACCOUNTS PAYABLE REGISTER OF NOVEMBER 3, 2015:** Motion by Urban, seconded by Reid, to approve the Accounts Payable Register of November 3, 2015. Upon a roll call vote, motion carried 7 to 0.

PUBLIC HEARING:

REZONING APPLICATION #15/16-1 (710 AND 732 EAST CENTRE AVENUE): Mayor Strazdas introduced the item and City Manager Larry Shaffer deferred to Community Development Director Vicki Georgeau, who indicated that an application had been received from Donald Zeimke, who owns 710 and 732 East Centre Avenue, the subject of this public hearing, and Timothy Dockerty, a prospective buyer of the property. She said that the request is that the properties be rezoned from B-1, local business, to OS-1, office service, and that the applicants have indicated that the rezoning would facilitate construction of an approximate 32,000 square foot memory care assistant living facility. She noted that institutional uses, including a memory care facility, are not permitted in the B-1 zoning district, but are permitted in the OS-1, office service, zoning district as a special land use. She referred to the maps located in the agenda packet and described the property in question, the surrounding properties, the contiguous properties, the future land use patterns and the zoning patterns and explained that the rezoning request is not inconsistent with the Comprehensive Plan.

She explained that staff and the Planning Commission reviewed the request and recommends approval. Discussion followed and Mayor Strazdas recognized Timothy Dockerty, 10015 Pinecrest Path, Berrien Springs, thanked City Council for the opportunity to speak about this request and explained that this service is not currently provided in the community and described the proposed service.

In answer to Councilmember Reid, Mr. Dockerty indicated that no daytime care is planned at this time, maybe a later consideration, but is contemplated as a 24-hour facility. Discussion followed. Mayor Strazdas opened the public hearing to the audience.

There being no further comment, motion by Urban, seconded by Reid, to close the public hearing. Upon a voice vote, motion carried 7 to 0. Motion by Urban, seconded by Randall, to approve Rezoning Application #15/16-1 and rezone 710 and 732 East Centre Avenue from B-1, local business, to OS-1, office service, with the exception of the west five feet of 710 East Centre Avenue, which is to remain zoned R-1A, one family residential, and at the suggestion of City Attorney Randy Brown, based on the information included in the staff report to City Council dated November 3, 2015, and contained in the Agenda Packet. Upon a roll call vote, motion carried 7 to 0. Discussion followed.

PETITIONS AND STATEMENTS OF CITIZENS: Pat Flanagan, Civil Engineer with Ingersol, Watson and McMachen, Inc., spoke in favor of Item F.2, Final Condominium Approval for Copperleaf Phase I, indicated that he works with a lot of municipalities and site plans over the years and said that working with the City of Portage is really excellent. Mayor Strazdas thanked Mr. Flanagan and asked City Manager Shaffer to share his comments with staff.

Kristin Anderson, 6330 Canterwood, Richland, volunteer for the Pancreatic Cancer Action Network, indicated that November is Pancreatic Cancer Awareness Month, provided information on pancreatic cancer and explained. Discussion followed.

REPORTS FROM THE ADMINISTRATION:

* **CONTRACT RENEWAL WITH BLUE CARE NETWORK ADVANTAGE PLAN:** Motion by Urban, seconded by Reid, to approve a one-year contract renewal with Blue Care Network for the Blue Care Network Advantage Plan and authorize the City Manager to execute all documents related to the contract renewal on behalf of the city. Upon a roll call vote, motion carried 7 to 0.

* **FINAL CONDOMINIUM APPROVAL FOR COPPERLEAF PHASE I:** Motion by Urban, seconded by Reid, to grant final approval of the first phase of the Copperleaf single-family residential site condominium with completion of sidewalks and street trees by November 2017, approve installation of the Copperleaf residential subdivision sign in the Copperleaf Trail public right-of-way, and authorize the City Manager to execute all documents related to this project on behalf of the city. Upon a roll call vote, motion carried 7 to 0.

* **2015 LDFA BOND REFUNDING RESOLUTIONS:** Motion by Urban, seconded by Reid, to adopt the Resolution Authorizing Limited Tax Pledge to Payment of 2015 Tax Increment Refunding Bonds of the Local Finance Development Authority (LDFA) of the City of Portage, and the Resolution approving the Undertaking to Provide Continuing Disclosure by the City of Portage for the 2015 Tax Increment Refunding Bonds of the Local Development Finance Authority of the City of Portage. Upon a roll call vote, motion carried 7 to 0.

* **NETWORK HARDWARE AND DATA STORAGE UPGRADE PROJECT:** Motion by Urban, seconded by Reid, to approve the purchase of network hardware from Digital Strategy, LLC, through the Western States Contracting Alliance cooperative purchasing program in the amount of \$171,353; installation professional services from Digital Strategy, LLC, in the amount of \$22,000, and three-year software licensing through preferred software reseller, PCM, Incorporated, in the amount of \$66,553 for a total project cost of \$259,906 to address network deficiencies and authorize the City Manager to execute all documents related to the contract on behalf of the city. Upon a roll call vote, motion carried 7 to 0.

* **SOUTH 12TH STREET LIFT STATION FORCE MAIN REPLACEMENT PROJECT:** Motion by Urban, seconded by Reid, to approve a contract amendment to the existing design engineering services for the South 12th Street Lift Station Force Main Replacement Project contract with Prein & Newhof, Incorporated, in the amount not to exceed \$8,000 and authorize the City Manager

to execute all documents related to the contract on behalf of the city. Upon a roll call vote, motion carried 7 to 0.

BUDGET AMENDMENT TO THE GENERAL FUND: Mayor Strazdas provided an outline of the item and deferred to City Manager Shaffer, who briefly explained that the \$2.9 million represents \$1.666 million going forward, \$1.295 million for local roads, \$100,000 to address the Romence / Westnedge intersection and the funds necessary to replace the Fire Pumper that was damaged severely in an accident in July 2015. He indicated that this was a part of the surplus funds over and above the 24% Fund Balance that the City Council determined as policy to hold in reserve, and indicated that it will go toward debt avoidance and the immediate needs of the citizens as mentioned above. Discussion followed.

In answer to Councilmember Reid, who indicated that she had a lot of people ask whether their street was going to be included, Mr. Shaffer answered that the local streets were the streets identified in the 2016-2017 Capital Improvement Program (CIP), and offered to upload the maps and information to the website. Discussion followed.

Motion by Pearson, seconded by Reid, to approve a budget transfer of \$2,961,755 from the General Fund to the Capital Improvement Fund to fund major and local street projects, the relocation of a Park trail, and the purchase of a fire pumper truck, and a budget transfer of \$427,227 from the Local Streets fund to the Capital Improvement Fund to fund local street projects. Councilmember Ford noted that the streets earmarked for improvement are in the November 3, 2015 City Council Packet, which is located online and in the Portage District Library. He also thanked Finance Director Bill Furry, and City Manager Larry Shaffer for their open, transparent presentation at the earlier Committee of the Whole Meeting and for an atmosphere that brought consensus. Discussion followed. Upon a roll call vote, motion carried 7 to 0.

ORDINANCE AMENDMENT TO ESTABLISH A BUDGET STABILIZATION FUND: Mayor Strazdas introduced this item and deferred to City Manager Shaffer, who expressed his appreciation for the Committee of the Whole discussions regarding the Budget Stabilization Fund. He explained that a Budget Stabilization Fund is a restricted fund that allows the municipality to set aside up to 15% of the adopted budget. He noted that it is a restricted, emergency fund that can be accessed with two thirds vote of City Council for particular issues, including such things as catastrophic events, unanticipated deficits, reduction in services or reduction in the number of employees and has restricted access.

Motion by Ford, seconded by Ansari, to accept for first reading an amendment to the Codified Ordinances of the City of Portage to establish a Budget Stabilization Fund, and take final action on the amendment on November 17, 2015. Councilmember Reid explained that the Ordinance would be brought back for consideration and approval, which takes a super majority of City Council, at the November 17 City Council Meeting; and, if approved, Council would decide whether the funds would be committed or not this year and what that amount would be. She anticipated more good discussions about the fund and how it dovetails with the 24% Fund Balance targeted by City Council to have available for emergencies. She invited Portage citizens to participate with any questions or concerns they might have regarding this matter. Upon a roll call vote, motion carried 7 to 0.

* **HARRIS DRIVE VACATION REQUEST:** Motion by Urban, seconded by Reid, to accept the resolution to vacate the south approximate 57 feet of Harris Drive, place the resolution on file with the City Clerk for 28 days and take final action on December 1, 2015. Upon a roll call vote, motion carried 7 to 0.

* **EMPLOYEE SEPARATION AGREEMENT:** Motion by Urban, seconded by Reid, to authorize the City Manager to execute a separation agreement with Patricia Thompson. Upon a roll call vote, motion carried 7 to 0.

* **LOCAL DEVELOPMENT FINANCE AUTHORITY FY 2013-2014 ANNUAL**

REPORT: Motion by Urban, seconded by Reid, to receive the communication from the City Manager regarding the Local Development Finance Authority FY 2013-2014 Annual Report as information only. Upon a roll call vote, motion carried 7 to 0.

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

COMMUNICATION:

PUBLIC MEDIA NETWORK (PMN) EXECUTIVE DIRECTOR HARRY HAASCH:

Mayor Strazdas introduced this item and deferred to City Manager Shaffer, who invited comment from City Council and indicated that PMN is making significant progress on a whole host of issues that are important to Portage citizens. Discussion followed.

Councilmember Reid pointed out that the new equipment that will be installed in Portage for broadcast purposes has been scheduled with IT Director Devin Mackinder, December 8 through December 11, 2015. She mentioned that the other municipalities are also scheduled, and the City of Kalamazoo already has equipment since their set up was the most challenging of all of the municipalities.

Motion by Urban, seconded by Ford, to receive the report from Public Media Network (PMN) Executive Director Harry Haasch regarding PMN's FY 2015-2016 1st Quarter activities. Upon a voice vote, motion carried 7 to 0.

* **MINUTES OF BOARDS AND COMMISSIONS MEETINGS:** City Council received the minutes of the Zoning Board of Appeals of September 14, 2015, and the Planning Commission of September 17, 2015.

COUNCIL COMMITTEE REPORT:

CENTRAL COUNTY TRANSIT AUTHORITY: Mayor Pro Tem Pearson indicated that an Executive Director has been chosen for the Kalamazoo County Consolidated Dispatch Authority, negotiations are currently taking place and hopefully the Executive Director will be on board soon. Councilmember Reid indicated that the process went well and the individual was unanimously chosen.

Motion by Ansari, seconded by Urban, to receive the Kalamazoo County Consolidated Dispatch Authority update. Upon a voice vote, motion carried 7 to 0.

BID TABULATIONS:

PURCHASE OF PIERCE FIRE PUMPER – BID TABULATION: Mayor Strazdas introduced this item and deferred to City Manager Shaffer, who introduced Senior Deputy Fire Chief John Podgorski and Assistant Fire Chief Stacy French, and indicated that on July 3, 2015, the 2004 Sutphen Pumper was hit at the intersection of Romence and Portage Road. He said that the good news is that no City personnel were injured in the accident, but the bad news is that the Fire Pumper is now obsolete and old enough that it makes more sense to advance the purchase of a replacement of the Fire Pumper from the 2018-2019 Capital Improvement Program (CIP). He indicated that the purchase would be made possible by using the funding authorized in Item F.6, Budget Amendment to the General Fund, plus the \$84,000 insurance proceeds. He explained that it would take a year to manufacture and take delivery of the new pumper.

In answer to Mayor Strazdas, Chief Podgorski explained that this Fire Pumper allows the Department to incorporate the newest technology, incorporates some special services on the truck such as firefighting foam which encapsulates the steam and smolders the steam quicker making it safer for the firefighter and is better for property conservation. He said the truck has all of the airbags and restraints to keep a person safe and state of the art features that enhance safety and efficiency. He mentioned that it is a multi-purpose piece of equipment, and that it has the Jaws of Life on board for accident responses in addition to the fire suppression capabilities, for example.

For the next year, Chief Podgorski indicated that the City has a very aggressive fleet maintenance program, may have to use the aerial fire trucks more than usual on residential responses, and the use of the support of neighboring municipalities through the mutual aid agreements that have been formed over the years.

In answer to Councilmember Reid, Chief Podgorski indicated that the working life of a fire pumper is about a ten to twelve year replacement recommendation based upon the number of responses and activity.

In answer to Councilmember Urban, Chief Podgorski indicated that the request for bid included equipment rental or demo units as an option; however, none of the available equipment met the specifications necessary for Portage.

Mr. Shaffer related a recent experience with the Sutphen Aerial Fire Truck that was taken out of service because of a collapsing issue that was taking place across the country and brought to the manufacturer in Ohio to be retrofitted. He learned that the Portage Fire Department extended the life of Sutphen Aerial Fire Truck owing to the fact that the Department was maintaining the apparatus at its maximum, and indicated that this discipline is utilized for all of the Department equipment.

Motion by Urban, seconded by Ansari, to approve the purchase of a fire pumper truck from Pierce Manufacturing, Inc., for \$501,260 and authorize the City Manager to execute all documents related to this action on behalf of the city. Upon a roll call vote, motion carried 7 to 0.

OTHER CITY MATTERS:

STATEMENTS OF CITY COUNCIL: Councilmember Ansari expressed his appreciation to have the right to vote in the United States, and said he was looking forward to working with the new City Councilmembers. Mayor Strazdas concurred.

Councilmember Reid thanked all of the candidates for running for City Council. Mayor Strazdas concurred.

Councilmember Ford expressed his appreciation for the Administration for a job well done regarding the various agenda items for the meeting, and thanked all of those who voted in the election.

Councilmember Randall announced that Portage Northern High, Hackett Catholic and Portage Central High all performed outstanding in the Cross Country Meet at West Middle School. Also, Susan Yetter, 7354 Oak Shore Drive, thanked staff and City Council for private streets leaf and brush pick-up.

Mayor Pro Tem Pearson asked that all candidates for office remove their political signs as soon as they can.

In response to Mayor Strazdas, Councilmembers Urban, Reid and Ford agreed to assist Mayor Strazdas to help read the essays of the contest, "Why I like Portage?" to determine who gets to be a part of the tree lighting ceremony.

ADJOURNMENT: Mayor Strazdas adjourned the meeting at 8:26 p.m.

James R. Hudson, City Clerk

*Indicates items included on the Consent Agenda.

TO: Honorable Mayor and City Council

FROM: Laurence Shaffer, City Manager



SUBJECT: November 3, 2015 Election Results - Information Only

SUPPORTING PERSONNEL: James Hudson, City Clerk

ACTION RECOMMENDED: Communication from the City Manager recommending that City Council receive the November 3, 2015 General City Election Report as information only.

The Kalamazoo County Board of Canvassers has completed the canvass of the November 3, 2015 City General Election. The Board of Canvassers Report is provided to City Council as information only.

FUNDING: N/A

Attachments: 1. Board of Canvassers Report

CANVASS OF VOTES CAST

-AT THE-

CITY GENERAL ELECTION

-HELD ON-

NOVEMBER 3, 2015

-IN THE-

CITY OF PORTAGE

**AND CANVASSED BY THE
BOARD OF CANVASSERS**

OF

KALAMAZOO COUNTY, MICHIGAN

13 PRECINCTS	PORTAGE CITY MAYOR			PORTAGE CITY COUNCIL 3 TO BE ELECTED					
	R V E O G T I E S R T S E R E D	B C A A L S L T O T S	T P U E R R N C O E U N T T A G E	P J S e . t t r e a r z d a s (NON)	J B e r f i f g h t (NON)	T E i a m r l (NON)	R F i o c r h d a r d (NON)	J P i e m a r s o n (NON)	P M R a . a t n r d i c i l a (NON)
0075 Portage City 1 & 15	3455	839	24.28	674	285	193	424	388	514
0076 Portage City 2	1786	249	13.94	191	69	75	97	122	142
0077 Portage City 3	1930	503	26.06	404	148	146	246	265	306
0078 Portage City 4 & 6	3389	1095	32.31	842	366	266	487	604	618
0079 Portage City 5 & 10	3645	1065	29.22	839	353	300	495	573	627
0080 Portage City 7	2834	596	21.03	453	188	168	275	290	342
0081 Portage City 8 & 14	3499	1382	39.50	1069	471	400	652	734	762
0082 Portage City 9	1465	567	38.70	464	176	154	297	297	344
0083 Portage City 11 & 1	3790	1192	31.45	989	376	266	572	629	735
0084 Portage City 12	2099	913	43.50	721	299	208	429	510	554
0085 Portage City 13	2572	757	29.43	614	231	161	354	363	433
0086 Portage City 16 & 1	3979	1226	30.81	995	366	311	582	642	729
0087 Portage City 17	1783	794	44.53	645	235	169	415	413	472
GRAND TOTALS	36226	11178	30.86	8900	3563	2817	5325	5830	6578

	R V		T P	PORTAGE CITY CHARTER AMENDMENT	
	E O		U E		
	G T		R R		
	I E	B C	N C		
	S R	A A	O E		
	T S	L S	U N		
	E	L T	T T	Y	
	R	O	A	E	N
	E	T	G	S	O
13 PRECINCTS	D	S	E	(NON)	(NON)
0075 Portage City 1 & 15	3455	839	24.28	423	398
0076 Portage City 2	1786	249	13.94	156	91
0077 Portage City 3	1930	503	26.06	248	231
0078 Portage City 4 & 6	3389	1095	32.31	559	501
0079 Portage City 5 & 10	3645	1065	29.22	487	553
0080 Portage City 7	2834	596	21.03	353	229
0081 Portage City 8 & 14	3499	1382	39.50	650	676
0082 Portage City 9	1465	567	38.70	264	288
0083 Portage City 11 & 1	3790	1192	31.45	617	552
0084 Portage City 12	2099	913	43.50	421	465
0085 Portage City 13	2572	757	29.43	354	377
0086 Portage City 16 & 1	3979	1226	30.81	578	615
0087 Portage City 17	1783	794	44.53	389	385
GRAND TOTALS	36226	11178	30.86	5499	5361

The whole number of votes given for the office of Portage City Mayor			Put figures in this column
Was Eight Thousand Nine Hundred votes			8,900
And they were given for the following named persons:			
Peter J. Strazdas	Received	Eight Thousand Nine Hundred votes	8,900
	Received		
TOTAL			8,900

The whole number of votes given for the office of Portage City Council			Put figures in this column
Was Twenty-Four Thousand One Hundred and Thirteen votes			24,113
And they were given for the following named persons:			
Jeff Bright	Received	Three Thousand Five Hundred and Sixty- Three votes	3,563
Tim Earl	Received	Two Thousand Eight Hundred and Seventeen votes	2,817
Richard Ford	Received	Five Thousand Three Hundred and Twenty- Five votes	5,325
Jim Pearson	Received	Five Thousand Eight Hundred and Thirty votes	5,830
Patricia M. Randall	Received	Six Thousand Five Hundred and Seventy- Eight votes	6,578
	Received		
TOTAL			24,113

<p style="text-align: center;">PORTAGE CITY CHARTER AMENDMENT</p> <p>Shall the Charter of the City of Portage, Michigan, be amended by adding a new Section 5.14 to Chapter 5, entitled "Marijuana," to state that: "Nothing in the Code of Ordinances shall apply to the use, possession or transfer of less than 1 ounce of marijuana, on private property not used by the public, or transportation of 1 ounce or less of marijuana, by a person who has attained the age of 21 years?"</p>	<p style="text-align: center;">Put figures in this column</p>
<p>The whole number of votes given for and against the Portage City Charter Amendment</p>	
<p>Was Ten Thousand Eight Hundred and Sixty votes</p>	10,860
<p>of which number Five Thousand Four Hundred and Ninety-Nine votes</p>	5,499
<p>were marked YES</p>	
<p>And Five Thousand Three Hundred and Sixty-One votes</p>	5,361
<p>were marked NO</p>	
<p>TOTAL VOTES</p>	10,860

**STATE OF MICHIGAN
COUNTY OF KALAMAZOO**

The Board of Canvassers of the County of Kalamazoo, having Ascertained and Canvassed the Votes of Said City of Portage, at the Election, held on the 3rd day of November, two thousand fifteen.

Do Hereby Certify and Determine

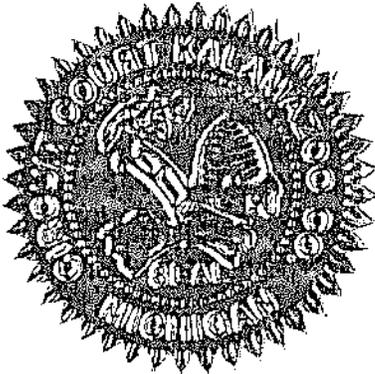
That **Peter J. Strazdas** having received sufficient number of votes is elected **Portage City Mayor** for a term ending November 21, 2017.

That **Patricia M. Randall** having received sufficient number of votes is elected **Portage City Council Member** for a term ending November 19, 2019.

That **Jim Pearson** having received sufficient number of votes is elected **Portage City Council Member** for a term ending November 19, 2019.

That **Richard Ford** having received sufficient number of votes is elected **Portage City Council Member** for a term ending November 19, 2019.

Portage City Charter Amendment having **Received/Not Received** sufficient votes was **Passed/Defeated**



In Witness Whereof, We have hereunto set our hands and affixed the Seal of the County of Kalamazoo this 5th day of November in the year two thousand fifteen.

BOARD OF CANVASSERS

Jo Kent

Wendy Flora

Ann B.

Gary L. Swanson

ATTEST:

Smathy Snow
Clerk of the Board of Canvassers

Jo Kent
Chair of the Board of Canvassers

A F F I D A V I T

State of Michigan)
)
County of Kalamazoo)

THE CITY COUNCIL CODE OF ETHICS AND VALUES POLICY

I hereby depose and state that I have read and understand the City Council Code of Ethics and Values Policy, a true copy of which is attached hereto.

Subscribed and sworn to before me on this 17th day of November 2015.

James R. Hudson, City Clerk
City of Portage
Portage, Michigan

CITY OF PORTAGE

CITY COUNCIL CODE OF ETHICS AND VALUES POLICY

1. **Purpose.** The Code of Ethics and Values Policy (“Policy”) of the Portage City Council is intended to establish standards of integrity, fair dealing, responsibility, accountability and disinterested conduct which are an essential part of a fiduciary duty owed to the public by its elected officials. The Policy is intended to encourage all councilmembers to place the public interest above self-interest and maintain independence and partiality and fairness in their judgment, decisions, and conduct. It is the policy of the City of Portage City Council to uphold, promote and demand the highest standards of ethics from all councilmembers. All members of the City Council share a commitment to ethical conduct in the service to their community. This Policy has been established to provide guidance for councilmembers so that the performance of their duties will be carried out in an ethical manner. In furtherance of this goal, the following general principles will apply:

- A. Councilmembers shall comply with the laws of the United States of America, the State of Michigan and City of Portage in the performance of their public duties.
- B. Councilmembers shall work for the common good of Portage residents and not be motivated by their own personal or financial interests.
- C. Councilmembers will endeavor to treat all members of the public and issues before them in a fair and equitable manner.
- D. Councilmembers shall be committed to the concepts of effective and democratic local government.
- E. Councilmembers shall encourage communication between residents, City Council and City Administration and endeavor to keep the community informed on municipal matters, not otherwise made confidential.
- F. Councilmembers shall safeguard public confidence by being honest, fair and respectful of all persons with whom they have official contact and will follow the rules and laws that govern the deliberation of public policy issues and meaningful involvement of the public.
- G. Councilmembers have an obligation to attend Council meetings and other meetings necessary for the performance of their official duties. Councilmembers should be prepared for meetings they attend, review materials, listen to the public discussions before them, keep comments and questions relevant to the business at hand, participate in discussions and make informed decisions based on the merits of each question.

2. **Definitions.**

- A. **Councilmember** means an elected member of the City Council.

- B. **Confidential information** means information, written or non-written, that has been obtained by a councilmember in the course of acting as such, that is not available to members of the public pursuant to the Michigan Freedom of Information Act, being MCL 15.231 *et. seq.*, or pursuant to other law, regulation, policy or procedure recognized by law, and that the councilmember is unauthorized to disclose:
- C. **Immediate family** means:
 - 1. A councilmember's spouse or domestic partner, or
 - 2. A councilmember's relative by lineal descent, parent, brother, sister or a person who resides in the councilmember's household; or
 - 3. An individual claimed by a councilmember or a councilmembers spouse as a dependent under the United States Internal Revenue Code, being 26 USC 1 *et. seq.*
- D. **Ownership Interest** means financial or pecuniary interest that a councilmember has in the affairs of 1) any business entity in which the councilmember or a member of his or her immediate family is an officer, director, member, or employee; 2) any business entity in which the councilmember or a member of his or her immediate family controls, or directly or indirectly owns, in excess of 5% of the total stock; or 3) any person or business entity with whom the councilmember has a contract.
- E. **Personal Gain or Benefit** means any benefit which is accepted or received by a councilmember or the councilmember's immediate family, or is perceived by a reasonable person to be accepted or received by a councilmember or the councilmember's immediate family, as remuneration for the purpose of improperly influencing an official action in a specific manner or for refraining from the performance of an official action in a specific manner, or as inducement for the councilmember to act in favor of some interest other than in the public interest.

3. **Conflict of Interest – Standards of Conduct.**

- A. A councilmember shall not divulge to an unauthorized person confidential information acquired by the councilmember in the course of his or her duties as a councilmember in advance of the time prescribed for its authorized release to the public, if it is to be released to the public.
- B. Councilmembers shall represent the official policies and positions of the City Council to the best of their ability when designated as delegates or City representatives for this purpose. When presenting their individual opinions and positions, a councilmember may not represent, nor allow the inference of, his or her personal opinion or position as that of the City Council or the City of Portage.

- C. A councilmember shall not appear or advocate on behalf of the private interest of third parties, including the councilmember's immediate family members, before the City Council or any City board, committee or commission or other proceeding of the City.
- D. A councilmember shall not solicit or accept a gift or loan of money, goods, services or other things of value for the benefit of a person or organization other than the City which tends to influence the manner in which the councilmember or another public officer or employee of the City performs official duties.
- E. Except as permitted by state law, a councilmember shall not engage in a business transaction in which the councilmember may derive a personal profit or gain, directly or indirectly, from his or her official position or authority or benefit financially from confidential information which the councilmember has obtained or may obtain by reason of that position or authority.
- F. Except as permitted by state law, a councilmember shall not engage in or accept employment or render services for a private or public interest when that employment or service is incompatible or in conflict with the discharge of the councilmember's official duties or when that employment may tend to impair his or her independence or judgment or action in the performance of official duties.
- G. Except as provided by state law, a councilmember shall not participate in the negotiation or execution of contracts, making of loans, granting of subsidies, fixing of rates, issuance of permits or certificates or other regulation or supervision relating to a business entity in which the councilmember has a personal or ownership interest.
- H. Except as permitted by state law, a councilmember shall not vote or participate in any other question on which the councilmember has a substantial direct or indirect financial, personal or ownership interest other than an interest similar to that of other citizens affected.

4. **Disclosure.** Whenever the performance of official duties shall require a councilmember to deliberate and vote on any matter involving the councilmember's financial or personal interest, the councilmember shall publicly disclose the nature and extent of the interest and is disqualified from participating in the deliberations and voting on the matter. The disclosure shall be made public at a meeting of the City Council before the matter is voted upon or in any other manner required by law.

5. **Gifts.** Councilmembers and their immediate family members shall not directly or indirectly solicit or accept a gift or loan of money, goods, services or other things of value which tend to influence the manner in which the councilmember or other public officer or employee of the City performs his or her official duties. Councilmembers are not prohibited from receiving money, goods, services or other items of value if not given to influence the councilmember in the performance of his or her official duties. The following list includes, but are not limited to, examples not prohibited:

- A. The solicitation and acceptance of campaign contributions in accordance with state law.
- B. Admission or registration fees, travel expenses, entertainment, meals or refreshments that are furnished to a councilmember by the sponsor of an event which is related to official local government business in connection with the event to which one or more members of the public are invited or are furnished to the councilmember in connection with a speaking engagement, teaching or the provision of assistance to an organization or another governmental entity as long as the City does not compensate the councilmember for the same items.
- C. An award publicly presented to a councilmember by an individual or a non-governmental entity or organization in recognition of the councilmember's public service, acts of heroism, crime solving or other similar recognition.
- D. Any gift or loan of money, goods, services or other things of value paid for by the federal, state, local government or other public agency authorized by law.

6. **Use of City Property.** No councilmember shall request, use, or permit the use of any city owned or supported property, vehicle, equipment, material, labor, or service for the personal convenience or the private advantage or personal gain of the councilmember or any other person which is not available to the public at-large.

7. **Nepotism.** A councilmember shall not influence or cause, directly or indirectly, the employment or any favorable employment action of an immediate family member, or participate in any employment decision about such family member.

8. **Political Activity.** Councilmembers shall not use any city owned property, vehicle, equipment, material, labor or services for the councilmember's own political benefit or for the political benefit of any other person seeking elective office, which is not available to the public at large on an equal basis. No political activity of the councilmember shall interfere with the performance of the usual duties of any city officer or employee.

9. **Compliance.**

- A. This Policy is intended to encourage and promote the highest standards of ethical conduct and behavior by members of the Portage City Council and is not intended to be a code of conduct enforceable by punitive measures. Violations of this Policy are not intended to subject councilmembers to reprimand or censure by the City Council. A violation of this Policy shall not be considered a basis for challenging the validity of a councilmember's decision or position as a councilmember.
- B. It is not the intent of this Code to in any way limit the right or ability of any councilmember to exercise his or her discretion in making legitimate policy decisions which are within their discretion so long as such action does not provide a special benefit to that person, relieve the

councilmember of a particular duty, or treat that person differently than other similarly situated city residents.

10. **Delivery of Policy to Councilmembers.** The City Clerk shall deliver a copy of this Policy to each councilmember as soon as practicable after the enactment of this Policy and to each new councilmember at the time of taking office. The City Clerk shall also request that each councilmember sign and return an acknowledgement the receipt of this Policy.

11. **Amendments.** This Policy may be amended to remain consistent with state law regarding the local code of ethics and the standards required therein.

12. **Ethics Committee.** If a councilmember requests an interpretation of this Policy, the Mayor shall select three (3) councilmembers to convene an Ethics Committee meeting who will provide its opinion to the councilmember requesting the interpretation.

Effective date: January 13, 2009

Peter J. Strazdas, Mayor

RULES OF ORDER AND PROCEDURE

FOR THE CITY COUNCIL

PORTAGE, MICHIGAN

Section 1. Convening of Meeting; Quorum:

The Mayor, or in his absence or at his direction, the Mayor Pro Tem, shall, at the time fixed for meeting, take the chair for convening the Council. The presence of four (4) members of the meeting shall constitute a quorum for the transacting of business.

Section 2. Order of Business:

The Business of all regular meetings shall be transacted as far as possible in the following order:

- | | |
|---|---|
| CALL TO ORDER | G. Communications |
| Invocations | H. Unfinished Business |
| Pledge of Allegiance | I. Minutes of Boards & Commissions |
| Roll Call | J. Council Committee Reports |
| A. Approval of Minutes | K. New Business |
| B. Approval of the Consent Agenda | L. Tabulation of Bids |
| C. Approval of Check Register &
Payrolls | M. Other City Matters & Statements of
Citizens |
| D. Public Hearings | N. Materials Transmitted |
| E. Petitions & Statements of Citizens | ADJOURNMENT |
| F. Reports from the City
Administration | |

Section 3. Reading of Minutes:

Unless a reading of the minutes of a meeting is requested by a member of the Council, such minutes may be approved or corrected without reading if the City Clerk has previously furnished

each member with a true copy thereof.

Section 4. Agenda for Meeting:

Any Councilmember, Mayor or City Manager may prepare items for consideration on the agenda of Council meetings. The Clerk shall prepare copies of the agenda of the business to be considered at each regular council meeting. No business shall be placed on the agenda by the Clerk unless received not later than 12:00 o'clock noon on the Friday preceding the meeting, except upon the approval of four (4) or more members of the Council.

Section 5. Regular Meetings; Time-Place:

The Council shall meet regularly every other Tuesday at 7:30 o'clock p.m. in the Council Chambers of the Portage City Hall, 7900 S. Westnedge Ave., Portage, Michigan; however, the Council may cancel all but two Tuesday meetings in each month by giving notice of said cancellation as required by Act 267 of the Public Acts of 1976. When the day fixed for any regular meeting falls upon a national holiday, or the eve of a national holiday, or upon any regular or special election day, the council may determine to hold such meeting at the same hour within a week preceding or succeeding the regular day or cancel the meeting as provided above. Notice of the time and place of the changed meeting date or cancellation shall be given in accordance with Act 267 of Public Acts of 1976. Meetings may be held in other locations provided notice is given pursuant to Act 267 of Public Acts of 1976.

The Council shall hold an organizational meeting, which may be combined with, but in no event shall be later than its first regular meeting in November immediately following the regular City election. At such meeting, or within one week thereafter, Council shall elect from its membership a Mayor Pro-Tempore who shall serve for a period of two years and thereafter until a successor is appointed. Nominations for Mayor Pro Tem shall be entertained by the presiding officer and after all nominations desired are made, the nominations shall be closed by motion. Voting by the Council shall be by a signed ballot. The City Clerk shall announce and record in the record each Councilmember's vote. A majority of Councilmembers present shall be required to elect the Mayor

Pro Tem. If the first vote does not result in a majority, voting shall continue until a majority is achieved.

Section 6. Meetings: Notice Required:

The City Clerk shall call a special meeting on the written request of the Mayor, or any three members of the Council. Notice required for the special meeting will be given in accordance with Section 5 of Act 267 of the Public Acts of 1976, and the business to be transacted at such meeting will be limited to that stated or given in the notice.

Section 7. Presiding Officer; Powers and Duties:

- (a) The Mayor shall be the presiding officer of the Council. He shall state every question coming before the Council, announce the decision of the Council on all matters, and decide all questions of order; provided, however, that upon an appeal to the Council, a majority vote of the Council shall conclusively determine such question of order. He shall vote on all questions. He shall at the request of a Council member divide any question, if such question in his opinion is subject to division, and he shall submit it as divided.
- (b) The Mayor may refer any communication, question or petition to the City Manager of the City for action, reply or procedure to dispose of such matter.

Section 8. Statements of Citizens:

All citizens shall have an opportunity to be heard during the course of each meeting after standing and being recognized by the presiding officer, and stating their name, street address and city. No citizen shall speak for longer than four (4) minutes unless the rules are suspended in accordance with Section 11(a).

Section 9. Rules of Debate:

- (a) There shall be no debate or discussion of any issue prior to the proper introduction of said issue.
- (b) When a motion is under debate, only the following motions shall be in order:
 - 1. Motion to adjourn.
 - 2. Motion to take a recess.
 - 3. Motion to lay on the table.

4. Motion for the previous question.
 5. Motion to postpone to a day certain.
 6. Motion to refer to a committee of the council.
 7. Motion to amend or substitute.
 8. Motion to postpone indefinitely.
- (c) A motion to adjourn and a motion to lay on the table shall always be in order and without debate.
- (d) After a motion is made to close debate, the presiding officer shall poll the Council on the question of closing the debate. If the yes's prevail, the presiding officer shall immediately poll the Council on the principal question, or questions, without further debate.
- (e) All votes shall be taken by yes and no, and be entered upon the journal to show the names of those voting in the affirmative and in the negative, except if the vote is unanimous, the record need merely so state.
- (f) When a question has once been decided, it shall be in order for any member who voted on the prevailing side of the question or a member who did not vote by reason of absence to move reconsideration thereof.

Section 10. Ordinances, Resolution, Motions, Contracts:

- (a) All ordinances, resolution and contract documents shall, before presentation to the Council, have been approved as to form and legality by the City Attorney.
- (b) Ordinances, resolutions and other matters that are subjects requiring action by the Council, shall be introduced and sponsored by the Mayor or a member of the Council; otherwise, they shall not be considered.
- (c) Each proposed ordinance shall be introduced in written form. Reading of the title shall be sufficient for the introduction of an ordinance unless a member of the Council requests that the proposed ordinance be read in full. The Council may also request that the introducer give an explanation of the proposed ordinance. Upon the introduction of an ordinance, the Council may:
1. Postpone the proposed ordinance for consideration at the next regular meeting of the

- Council or at a later regular Council meeting specified in the motion to postpone; or
2. Refer the proposed ordinance to an ad hoc committee of three (3) Councilmembers named by the Mayor for study and recommendation to the Council. When such committee reports back to the Council, the ordinance may then be adopted or postponed as above. Any proposed ordinance may be amended by the Council at any time prior to its adoption by the vote of four (4) or more of its members.
 3. When an emergency ordinance is introduced for adoption at any meeting, it shall be read in full before the Council and may be passed at such meeting in accordance with the provisions of Section 5.3 (b) of the City Charter.

Section 11. Suspending; Amending Rules:

- (a) These rules may be suspended by a vote of five (5) members of the City Council present and voting.
- (b) These rules may be amended by a vote of five (5) members of the City Council present and voting.

Section 12. Roll Call Votes:

All roll call votes are to rotate in staggered alphabetical order, such that no member of the City Council, including the presiding officer, votes in the same position for consecutive roll call votes.

Section 13. Attendance:

Councilmembers who will be absent shall, if possible, notify the City Clerk prior to meeting.

Section 14. Governing Rules of Order:

Roberts Rules of Order may apply to all other items not provided for in these rules, except where they may be inconsistent with said rules.

Section 15.

If a vacancy occurs on the City Council, except in the case of recall, the Council shall fill the vacancy by appointment within 60 days thereafter. In making its appointment Council may consider appointing any eligible person.

11/13/91, 11/9/93, 11/14/95, 11/18/97, 1/06/03, 11/06/07, 11/17/09, 11/15/11, 7/23/13, 11/19/13

TO: Honorable Mayor and City Council

FROM: Laurence Shaffer, City Manager



SUBJECT: Accounts Payable Register

SUPPORTING PERSONNEL: William Furry, Finance Director

ACTION RECOMMENDED: That City Council approve the Accounts Payable Register of November 17, 2015 as presented.

The City Council reviews and approves the bi-weekly Accounts Payable Register which includes automated clearing house payments, paper checks and auto-pay payments. The attached Accounts Payable Register covers the period October 25, 2015 through November 8, 2015 and notes \$95,280.27 in automated clearing house payments and \$604,953.73 in paper checks for a grand total of \$700,234.00. There were no auto-pay payments during this period.

FUNDING: N/A

Attachments: 1. Accounts Payable Register

CITY OF PORTAGE ACCOUNTS PAYABLE REGISTER

Check Dates From: 10/25/2015 to: 11/08/2015

Check Date	Check	Vendor Name	Amount
11/06/15	4521(A)	AMERICAN HYDROGEOLOGY CORP.	1,175.00
11/06/15	4522(A)	AMERICAN SAFETY & FIRST AID	315.67
11/06/15	4523(A)	BATTERIES PLUS	100.70
11/06/15	4524(A)	BRENNER OIL CO.	20,938.30
11/06/15	4525(A)	C D W GOVERNMENT, INC.	796.77
11/06/15	4526(A)	EMPLOYMENT GROUP, INC.	2,318.77
11/06/15	4527(A)	ENGINEERED PROTECTION SYSTEMS, INC.	88.00
11/06/15	4528(A)	GAIL ANDRUS TRAVEL	8,696.50
11/06/15	4529(A)	GLOBAL TELEMATIC SOLUTIONS LLC	800.00
11/06/15	4530(A)	INDUSCO SUPPLY CO., INC.	260.78
11/06/15	4531(A)	IRISH AYRES ENTERPRISES, LLC	16,671.25
11/06/15	4532(A)	KEHOE, EDWARD J	300.00
11/06/15	4533(A)	M & M CUSTOM FABRICATING INC.	13.79
11/06/15	4534(A)	MATERIALS RESOURCES	39.12
11/06/15	4535(A)	MAURER'S TEXTILE RENTAL SERVICES	7.40
11/06/15	4536(A)	MEJEUR ELECTRIC LLC	734.00
11/06/15	4537(A)	PECKELS, CHRISTINE	240.00
11/06/15	4538(A)	PETERS CONSTRUCTION CO.	8,510.00
11/06/15	4539(A)	PORTAGE FIREFIGHTERS	2,103.66
11/06/15	4540(A)	PORTAGE ON-CALL FIREFIGHTERS	180.00
11/06/15	4541(A)	PORTAGE POLICE OFFICERS ASSOC	1,092.00
11/06/15	4542(A)	REHMANN ROBSON	12,000.00
11/06/15	4543(A)	RIETH-RILEY CONSTRUCTION CO., INC	472.82
11/06/15	4544(A)	SHULTS EQUIPMENT,LLC.	9,267.48
11/06/15	4545(A)	SNELL, DEBRA	144.00
11/06/15	4546(A)	THOMPSON, HELENE	663.00
11/06/15	4547(A)	UNITED AUTO. IMPLEMENT WORKERS 2290	777.72
11/06/15	4548(A)	UNITED PETROLEUM	580.06
11/06/15	4549(A)	UNITED WATER ENVIRONMENTAL SERVICES	1,481.81
11/06/15	4550(A)	WARNER NORCROSS & JUDD LLP	3,866.67
11/06/15	4551(A)	WOOD PLUMBING LLC, D	645.00
		SUBTOTAL:	31 CHECKS 95,280.27
10/30/15	295548	ASSOCIATED GOVERNMENT SERVICES INC	3,550.00
11/03/15	295549	CRUISERS WEST LLC	1,432.50
11/03/15	295550	SURVEYMONKEY.COM	300.00
11/06/15	295551	23RD DISTRICT COURT	250.00
11/06/15	295552	A P C O INTERNATIONAL	92.00
11/06/15	295553	A PIZZA YEN	280.00
11/06/15	295554	A T & T	126.51
11/06/15	295555	ADP, INC.	809.04
11/06/15	295556	ALL-PHASE ELECTRIC SUPPLY CO.	112.74
11/06/15	295557	ALLEGRA PRINT & IMAGING	772.60
11/06/15	295558	AMERICAN BUSINESS EQUIPMENT, INC	118.00

CITY OF PORTAGE ACCOUNTS PAYABLE REGISTER

Check Dates From: 10/25/2015 to: 11/08/2015

Check Date	Check	Vendor Name	Amount
11/06/15	295559	ANY CUTTING & WELDING	1,380.00
11/06/15	295560	APPLIED IMAGING	2,997.00
11/06/15	295561	ARIENNE ASSOCIATES, LLC	2,375.00
11/06/15	295562	ARMOLD, NICHOLAS	1,764.85
11/06/15	295563	ARROWHEAD SCIENTIFIC, INC.	49.55
11/06/15	295564	AT&T YELLOW PAGES	53.02
11/06/15	295565	BABCOCK, DARLENE	105.00
11/06/15	295566	BARAJAS, KIM	250.00
11/06/15	295567	BEL AIRE HTG & AIR COND INC	115.00
11/06/15	295568	BESCO WATER TREATMENT, INC.	50.70
11/06/15	295569	BEST WAY DISPOSAL, INC.	45,056.16
11/06/15	295570	BILL'S LOCK SHOP, INC.	1,098.00
11/06/15	295571	BLACKBOARD, INC.	19,950.00
11/06/15	295572	BORGESS HEALTH ALLIANCE	348.00
11/06/15	295573	BROWNELL'S INCORPORATED	89.45
11/06/15	295574	BURGSTAHLER, MARCIA	105.00
11/06/15	295575	C. STODDARD & SONS INC.	65.00
11/06/15	295576	CAMPBELL AUTO SUPPLY	101.82
11/06/15	295577	CBCS	122.82
11/06/15	295578	CERVENY, KATHLEEN	63.85
11/06/15	295579	CHARTER COMMUNICATIONS	528.70
11/06/15	295580	CHENET, STEVEN	35.35
11/06/15	295581	CHICAGO TITLE OF MICHGAN	46.14
11/06/15	295582	COLE KRUM CHEVROLET	109.49
11/06/15	295583	COMMERCIAL DOOR SERVICES	85.00
11/06/15	295584	COSTAR REALTY INFORMATION, INC.	294.68
11/06/15	295585	DAVE'S CONCRETE PRODUCTS, INC.	2,564.00
11/06/15	295586	DEVET, CATHERINE	110.00
11/06/15	295587	DIXON LAWN CARE	350.00
11/06/15	295588	DYLHOFF, RANDY	135.38
11/06/15	295589	EMERGENCY VEHICLE PRODUCTS	1,515.64
11/06/15	295590	ENVIRONMENTAL SYSTEMS RESEARCH	5,400.00
11/06/15	295591	FADER EQUIPMENT, INC.	190.25
11/06/15	295592	FAWLEY OVERHEAD DOOR, INC.	78.00
11/06/15	295593	FRENCH, STACY	482.97
11/06/15	295594	GABRIELE, KIM	25.00
11/06/15	295595	GLOBAL EQUIPMENT CO., INC.	94.83
11/06/15	295596	GORDON WATER SYSTEMS	66.00
11/06/15	295597	GRAHAM FORESTRY SERVICE, INC.	1,472.00
11/06/15	295598	GREATER KALAMAZOO FOP LODGE 98	823.80
11/06/15	295599	GREATER KALAMAZOO FOP LODGE 98	4,283.76
11/06/15	295600	GREATER KALAMAZOO UNITED WAY	1,418.34
11/06/15	295601	GREEN EARTH ELECTRONICS RECYCLING	190.00
11/06/15	295602	GRIFFIN PEST SOLUTIONS, INC.	55.00

CITY OF PORTAGE ACCOUNTS PAYABLE REGISTER

Check Dates From: 10/25/2015 to: 11/08/2015

Check Date	Check	Vendor Name	Amount
11/06/15	295603	HAMILTON, SHIRLEY	108.00
11/06/15	295604	HANCOCK CHIMNEY SERVICE	556.50
11/06/15	295605	HARGIE, RICHARD & BEV	236.00
11/06/15	295606	HENRY LAWS	882.50
11/06/15	295607	HOME DEPOT	383.15
11/06/15	295608	HOWARD PRINTING	2,942.60
11/06/15	295609	IAFC MEMBERSHIP	234.00
11/06/15	295610	ID NETWORKS, INC.	19,995.00
11/06/15	295611	KAHLE, JOAN	113.00
11/06/15	295612	KALAMAZOO AREA RUNNERS	100.00
11/06/15	295613	KALAMAZOO COUNTY ROAD COMMISSI	660.76
11/06/15	295614	KALAMAZOO LANDSCAPE SUPPLIES	1,122.50
11/06/15	295615	KOLASSA, ROSANNE	30.00
11/06/15	295616	KUIPER BROTHERS MOVING INC.	183.00
11/06/15	295617	KUZMITOWICZ, JOYCE & ED	226.00
11/06/15	295618	KZOO TIRE COMPANY	2,243.00
11/06/15	295619	LAKE MICHIGAN MAILERS, INC.	30.00
11/06/15	295620	LAWSON PRODUCTS, INC	740.82
11/06/15	295621	LEWIS PAPER PLACE, INC.	164.75
11/06/15	295622	LOGAN, NORMA	110.00
11/06/15	295623	MAPLE HILL SPRINKLING, INC.	2,160.00
11/06/15	295624	MATER HOME IMPROVEMENT LTD	5,777.30
11/06/15	295625	MCDA	370.00
11/06/15	295626	MCDONALD'S TOWING & RESCUE, INC.	25.00
11/06/15	295627	MEDSKER, BETTY	113.00
11/06/15	295628	MICH AMATEUR SOFTBALL ASSOC	273.00
11/06/15	295629	MICH MUNICIPAL POLICE & FIRE REPAIR	2,459.24
11/06/15	295630	MICHIGAN MUNICIPAL LEAGUE	139.50
11/06/15	295631	MICHIGAN PAVING & MATERIALS CO.	174,220.29
11/06/15	295632	NAT'L NEIGHBORHOOD WATCH INSTITUTE	320.00
11/06/15	295633	NELSON'S APPLIANCE SERVICE	207.50
11/06/15	295634	NEW FRESH CLEANING SERVICE	1,380.00
11/06/15	295635	NORMAN CAMERA CO.	5,312.84
11/06/15	295636	NYE UNIFORMS	49.50
11/06/15	295637	O'BOYLE-COLWELL-BLALOCK & AS.	553.63
11/06/15	295638	O'REILLY AUTO PARTS	962.10
11/06/15	295639	OFFICE DEPOT, INC.	1,453.42
11/06/15	295641	OFFICEMAX INCORPORATED	201.33
11/06/15	295642	ONSTAFF USA INC	7,345.43
11/06/15	295643	PAJAY, INC.	152,596.05
11/06/15	295644	PARADIGM DESIGN, INC.	4,437.50
11/06/15	295645	PENNINGTON, KIRSTEN	23.59
11/06/15	295646	PET VET FAMILY PET CARE CENTER	369.22
11/06/15	295647	PETERMAN CONCRETE CO.	427.58

CITY OF PORTAGE ACCOUNTS PAYABLE REGISTER

Check Dates From: 10/25/2015 to: 11/08/2015

Check Date	Check	Vendor Name	Amount
11/06/15	295648	PETTY CASH-CITY HALL	127.00
11/06/15	295649	PETTY CASH-FIRE	169.87
11/06/15	295650	PETTY CASH-SENIOR CENTER	653.12
11/06/15	295651	POCHYLA, INEZ	110.00
11/06/15	295652	PORTAGE GLASS & MIRROR	3,776.63
11/06/15	295653	PUBLIC SAFETY CENTER	286.74
11/06/15	295654	RATHCO SAFETY SUPPLY, INC.	571.48
11/06/15	295655	REED, REBECCA	100.00
11/06/15	295656	REYNOUT, BRENT	500.00
11/06/15	295657	RIDGE AUTO NAPA	620.46
11/06/15	295658	RODARTE BUILDERS INC	54.84
11/06/15	295659	RWL SIGNS	110.00
11/06/15	295660	SAGINAW TWP FIRE	158.89
11/06/15	295661	SAHU, SAMEER	100.00
11/06/15	295662	SCHULTZ, FRED & DOROTHY	210.00
11/06/15	295663	SHEELER, ELEANOR	113.00
11/06/15	295664	SHORELINE TOURS & TRAVEL	1,309.00
11/06/15	295665	SIMPLIFILE LC	153.00
11/06/15	295666	SOIL & MATERIALS ENGINEERS,INC	230.00
11/06/15	295667	SORGEN, RICHARD	89.22
11/06/15	295668	STALKER RADAR	7,246.00
11/06/15	295669	STAP BROS LAWN & LANDSCAPE,INC	6,177.90
11/06/15	295670	STATE INDUSTRIAL PRODUCTS CORP	785.00
11/06/15	295671	STATE OF MICHIGAN (DOT)	35,398.89
11/06/15	295672	STATE SYSTEMS RADIO, INC	3,470.50
11/06/15	295673	STEENSMA LAWN & POWER EQUIPMENT	588.86
11/06/15	295674	STEGMAN, LOIS	359.00
11/06/15	295675	STEVE ROSSIO	210.00
11/06/15	295676	STROMER, JOAN	105.00
11/06/15	295677	SUITS U TAILOR SHOP INC	298.00
11/06/15	295678	TASER INTERNATIONAL, INC	41.95
11/06/15	295679	TELVENT DTN, INC.	813.00
11/06/15	295680	TOO CLEAN, INC.	1,600.00
11/06/15	295681	TRACTOR SUPPLY CORP.	1,057.25
11/06/15	295682	TRI-COUNTY ROOFING & CONSTRUCTION	2,750.00
11/06/15	295683	TUNIER, JOYCE	259.00
11/06/15	295684	U S LAWNS- KALAMAZOO	103.73
11/06/15	295685	U S POSTAL SERVICE	5,000.00
11/06/15	295686	U S POSTAL SERVICE	8,000.00
11/06/15	295687	ULINE, INC.	39.70
11/06/15	295688	UNION STREET HYDRAULICS	1,370.00
11/06/15	295689	UNITED PARCEL SERVICE	12.65
11/06/15	295690	VANCE OUTDOORS, INC.	3,650.90
11/06/15	295691	VANGUARD FIRE & SUPPLY CO., INC.	459.00

CITY OF PORTAGE ACCOUNTS PAYABLE REGISTER

Check Dates From: 10/25/2015 to: 11/08/2015

Check Date	Check	Vendor Name	Amount
11/06/15	295692	VARTEC, LLC	937.50
11/06/15	295693	W W WILLIAMS	1,034.00
11/06/15	295694	WALTER, MAX & FRIEDA	220.00
11/06/15	295695	WASHCO, LLC	800.00
11/06/15	295696	WATSON, KRISTINA OR TERRY	5.08
11/06/15	295697	WEAVER, CONNIE	105.00
11/06/15	295698	WEBER, KATHLEEN	25.00
11/06/15	295699	WEIDEMANN, LYLE & JUDY	50.00
11/06/15	295700	WEST MICHIGAN STAMP & SEAL,INC	34.70
11/06/15	295701	WHEELER, JOYCE	113.00
11/06/15	295702	WIELENGA, MARY ANN	100.00
11/06/15	295703	WINDEMULLER ELECTRIC, INC.	12,948.25
11/06/15	295704	WRAPS N SIGNS	919.00
11/06/15	295705	XEROX CORPORATION	833.08
11/06/15	295706	ZAPPIA-MILLER, BARB	113.00
11/06/15	295707	MONIFA A. JUMANNE, PH.D.	900.00
	SUBTOTAL:		159 CHECKS 604,953.73
	GRAND TOTAL:		190 CHECKS 700,234.00

** (A) DENOTES ACH PAYMENTS

TO: Honorable Mayor and City Council

FROM: Laurence Shaffer, City Manager



SUBJECT: Ordinance Amendment to Establish Budget Stabilization Fund

SUPPORTING PERSONNEL: William Furry, Finance Director

ACTION RECOMMENDED: That City Council, following the public hearing, establish a Budget Stabilization Fund.

Budget stabilization or "rainy day" funds allow governments to set aside excess revenue for use in times of unexpected revenue shortfall or budget deficit. Currently there are surplus funds in the city's General Fund with which to establish a budget stabilization fund to provide a safeguard against potential future funding shortfalls that could lead to reductions in levels of service or prevent access to adequate resources to deal with natural disaster.

The amount of money in the Fund shall not exceed either 15 percent of the most recent General Fund budget, as originally adopted, or 15 percent of the average of the five (5) most recent General Fund Budgets, as amended, whichever is less. The money in the Fund may be invested, as provided by law, with the earnings of the Fund to be returned to the General Fund of the city. If the money in the Fund exceeds what is permitted, the excess money shall be appropriated in the next General Fund Budget but shall not be appropriated to the Fund. Money in the Fund may be appropriated by City Council resolution adoption by a two-thirds vote of City Council members elected and serving for the following purposes:

1. To cover a General Fund deficit, when the annual audit reveals such a deficit.
2. To prevent a reduction in the level of public services or in the number of employees at any time in a fiscal year when the budgeted revenue is not being collected in an amount sufficient to cover budgeted expenses.
3. To prevent a reduction in the level of public services or in the number of employees when in preparing the budget for the next fiscal year the estimated revenues do not appear sufficient to cover estimated expenses.
4. To cover expenses arising because of a natural disaster, including a flood, fire or tornado. However, if federal or state funds are received to offset the appropriations from the Fund, that money shall be returned to the Fund.

In determining whether the revenues for the city are not sufficient to cover its expenses, a reduction in the amount of money received for the fiscal year from any source in comparison to the amount of money received for the previous fiscal year, including a reduction in the allocation of state tax revenues, shall be considered. The money in the Fund shall not be appropriated for the acquisition, construction or alteration of a facility as part of a general capital improvement program.

Notice of establishment of the Budget Stabilization Fund was published in the Kalamazoo Gazette on November 6, 2015. As such, it is recommended that City Council amend the Codified Ordinances of the City of Portage to establish a Budget Stabilization Fund.

FUNDING: N/A

Attachments:

1. Budget Stabilization Fund Ordinance Amendment
2. Budget Stabilization Fund Background Information

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

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

NOTICE IS HEREBY GIVEN, that an Ordinance to add Article 3, Budget Stabilization Fund, of Chapter 70, Taxation, of the Codified Ordinances of Portage, Michigan, was introduced for first reading at a regular meeting of the City Council held on _____, 2015, and that the Council will hold a public hearing on the proposed amendments at the Portage City Hall in said City on _____, 2015, at 7:30 p.m. or as soon thereafter as may be heard.

NOTICE IS FURTHER GIVEN that the proposed ordinance amendment reads as follows:

THE CITY OF PORTAGE ORDAINS:

Sec. 70-301.

A Budget Stabilization Fund ("Fund") for the City of Portage is created and established pursuant to Act 30 of the Public Acts of 1978, as amended, being Sections 141.441 et seq. of the Michigan Compiled Laws.

Sec. 70-302.

In each Fiscal year hereafter, the Portage City Council may appropriate to the Fund by resolution, adopted by a two-thirds vote of its members elected and serving, all or part of a surplus in the General Fund resulting from excess revenues over expenditures during the most recently completed fiscal period, to the Fund.

Sec. 70-303.

The City shall not impose additional taxes producing revenues in excess of that needed for its estimated budget as amended in order to provide for money to be appropriated to the Fund.

Sec. 70-304.

The amount of money in the Fund shall not exceed either 15 percent of the most recent General Fund budget, as originally adopted, or 15 percent of the average of the five (5) most recent General Fund Budgets, as amended, whichever is less.

Sec. 70-305.

The money in the Fund may be invested, as provided by law, with the earnings of the Fund to be returned to the General Fund of the City.

Sec. 70-306.

If the money in the Fund exceeds that permitted in Section 70-304, the excess money shall be appropriated in the next General Fund Budget but shall not be appropriated to the Fund.

Sec. 70-307.

Money in the Fund may be appropriated by City Council resolution adoption by a two-thirds vote of City Council members elected and serving for the following purposes:

- (1) To cover a General Fund deficit, when the annual audit reveals such a deficit.
- (2) To prevent a reduction in the level of public services or in the number of employees at any time in a fiscal year when the budgeted revenue is not being collected in an amount sufficient to cover budgeted expenses.
- (3) To prevent a reduction in the level of public services or in the number of employees when in preparing the budget for the next fiscal year the estimated revenues do not appear sufficient to cover estimated expenses.
- (4) To cover expenses arising because of a natural disaster, including a flood, fire, or tornado. However, if federal or state funds are received to offset the appropriations from the Fund, that money shall be returned to the Fund.

Sec. 70-308.

In determining whether the revenues for the City are not sufficient to cover its expenses, a reduction in the amount of money received for the fiscal year from any source in comparison to the amount of money received for the previous fiscal year, including a reduction in the allocation of state tax revenues, shall be considered.

Sec. 70-309.

The money in the Fund shall not be appropriated for the acquisition, construction, or alteration of a facility as part of a general capital improvements program.

Sec. 70-310.

This Ordinance may be amended or repealed only by a two-thirds vote of the members elected and serving of the City Council.

Dated: _____

James R. Hudson, City Clerk

**AN ORDINANCE TO ESTABLISH A BUDGET STABILIZATION FUND
FOR THE CITY OF PORTAGE, MICHIGAN BY ADDING ARTICLE 3, BUDGET
STABILIZATION FUND, TO CHAPTER 70, TAXATION**

THE CITY OF PORTAGE ORDAINS:

Sec. 70-301.

A Budget Stabilization Fund ("Fund") for the City of Portage is created and established pursuant to Act 30 of the Public Acts of 1978, as amended, being Sections 141.441 et seq. of the Michigan Compiled Laws.

Sec. 70-302.

In each Fiscal year hereafter, the Portage City Council may appropriate to the Fund by resolution, adopted by a two-thirds vote of its members elected and serving, all or part of a surplus in the General Fund resulting from excess revenues over expenditures during the most recently completed fiscal period, to the Fund.

Sec. 70-303.

The City shall not impose additional taxes producing revenues in excess of that needed for its estimated budget as amended in order to provide for money to be appropriated to the Fund.

Sec. 70-304.

The amount of money in the Fund shall not exceed either 15 percent of the most recent General Fund budget, as originally adopted, or 15 percent of the average of the five (5) most recent General Fund Budgets, as amended, whichever is less.

Sec. 70-305.

The money in the Fund may be invested, as provided by law, with the earnings of the Fund to be returned to the General Fund of the City.

Sec. 70-306.

If the money in the Fund exceeds that permitted in Section 70-304, the excess money shall be appropriated in the next General Fund Budget but shall not be appropriated to the Fund.

Sec. 70-307.

Money in the Fund may be appropriated by City Council resolution adoption by a two-thirds vote of City Council members elected and serving for the following purposes:

- (1) To cover a General Fund deficit, when the annual audit reveals such a deficit.
- (2) To prevent a reduction in the level of public services or in the number of employees at any time in a fiscal year when the budgeted revenue is not being collected in an amount sufficient to cover budgeted expenses.
- (3) To prevent a reduction in the level of public services or in the number of employees when in preparing the budget for the next fiscal year the estimated revenues do not appear sufficient to cover estimated expenses.
- (4) To cover expenses arising because of a natural disaster, including a flood, fire, or tornado. However, if federal or state funds are received to offset the appropriations from the Fund, that money shall be returned to the Fund.

Sec. 70-308.

In determining whether the revenues for the City are not sufficient to cover its expenses, a reduction in the amount of money received for the fiscal year from any source in comparison to the amount of money received for the previous fiscal year, including a reduction in the allocation of state tax revenues, shall be considered.

Sec. 70-309.

The money in the Fund shall not be appropriated for the acquisition, construction, or alteration of a facility as part of a general capital improvements program.

Sec. 70-310.

This Ordinance may be amended or repealed only by a two-thirds vote of the members elected and serving of the City Council.

Dated: _____, 2015.

Peter J. Strazdas, Mayor

FIRST READING: _____

SECOND READING: _____

ORDINANCE #: _____

EFFECTIVE DATE: _____

CERTIFICATION

I, James R. Hudson, do hereby certify that I am the duly appointed and acting City Clerk of the City of Portage and that the foregoing ordinance was adopted by the City of Portage on the ____ day of _____, 2015.

James R. Hudson, City Clerk

PREPARED BY:
Randall L. Brown (P34116)
Portage City Attorney
1662 East Centre Avenue
Portage, MI 49002
(269) 323-8812

Approved as to Form:

Date: 10/29/15

City Attorney

z:\jody\portage\ord\nonzone\budget stabilization fund ordinance.102915.doc

BUDGET STABILIZATION FUND
Act 30 of 1978

AN ACT to provide for the creation and use of budget stabilization funds by counties, cities, villages, and townships.

History: 1978, Act 30, Imd. Eff. Feb. 24, 1978;—Am. 1980, Act 192, Imd. Eff. July 8, 1980.

The People of the State of Michigan enact:

141.441 Definitions.

Sec. 1. As used in this act:

(a) "Fund" means a budget stabilization fund.

(b) "Municipality" means a county, city, village, or township.

History: 1978, Act 30, Imd. Eff. Feb. 24, 1978;—Am. 1980, Act 192, Imd. Eff. July 8, 1980.

141.442 Budget stabilization fund; creation.

Sec. 2. The governing body of a municipality by an ordinance adopted by a 2/3 vote of the members elected and serving may create a budget stabilization fund.

History: 1978, Act 30, Imd. Eff. Feb. 24, 1978.

141.443 Budget stabilization fund; appropriation; additional taxes prohibited; limitation; investments; disposition of excess money.

Sec. 3. (1) Each fiscal year following the fiscal year in which a fund is created, the governing body of the municipality which created the fund may appropriate by an ordinance or resolution adopted by a 2/3 vote of the members elected and serving, all or part of a surplus in the general fund resulting from an excess of revenue in comparison to expenses, to the fund.

(2) A municipality shall not impose additional taxes producing revenue in excess of that needed for its estimated budget in order to provide for money to be appropriated to the fund.

(3) The amount of money in the fund shall not exceed either 15% of the municipality's most recent general fund budget, as originally adopted, or 15% of the average of the municipality's 5 most recent general fund budgets, as amended, whichever is less.

(4) The money in the fund may be invested as provided by law with the earnings of the fund to be returned to the municipality's general fund.

(5) If the money in the fund exceeds that permitted in subsection (3), the excess money shall be appropriated in the municipality's next general fund budget, but shall not be appropriated to the fund.

History: 1978, Act 30, Imd. Eff. Feb. 24, 1978.

141.444 Budget stabilization fund; purposes; sufficiency of municipality's revenue.

Sec. 4. (1) Money in the budget stabilization fund may be appropriated by an ordinance or resolution adopted by a 2/3 vote of the members elected and serving of the governing body of the municipality which created the fund for the following purposes:

(a) To cover a general fund deficit, when the municipality's annual audit reveals such a deficit.

(b) To prevent a reduction in the level of public services or in the number of employees at any time in a fiscal year when the municipality's budgeted revenue is not being collected in an amount sufficient to cover budgeted expenses.

(c) To prevent a reduction in the level of public services or in the number of employees when in preparing the budget for the next fiscal year the municipality's estimated revenue does not appear sufficient to cover estimated expenses.

(d) To cover expenses arising because of a natural disaster, including a flood, fire, or tornado. However, if federal or state funds are received to offset the appropriations from the fund, that money shall be returned to the fund.

(2) In determining whether a municipality's revenue is not sufficient to cover its expenses, a reduction in the amount of money received for the fiscal year from any source in comparison to the amount of money received for the previous fiscal year, including a reduction in the allocation of state tax money, shall be considered.

History: 1978, Act 30, Imd. Eff. Feb. 24, 1978.

141.445 Budget stabilization fund; prohibitions.

Sec. 5. The money in the budget stabilization fund shall not be appropriated for the acquisition, construction, or alteration of a facility as part of a general capital improvements program.

History: 1978, Act 30, Imd. Eff. Feb. 24, 1978;—Am. 1980, Act 192, Imd. Eff. July 8, 1980.

Laurence Shaffer

From: Lauren VanderVeen
Sent: Wednesday, October 14, 2015 4:15 PM
To: Laurence Shaffer
Cc: Bill Furry; Erica Eklov
Subject: BUDGET STABILIZATION FUND
Attachments: Michigan Cities with Budget Stabilization Policies.pdf; Plymouth S&P Article.pdf; Budget Stabilization mcl-act-30-of-1978.pdf

Hi Larry,

In response to your email below:

1. Please see attached for the list of cities I found that have portions of their fund balance allocated to budget stabilization. Included in the listing are the budget stabilization balances, along with the percent of budget stabilization versus total fund balance, revenue, expenditures, and expenditures + transfers out. An average percentage was added for comparative purposes to our own. I also included the S&P rating for all of the cities. As you will see, all cities have an S&P rating of at least AA- Stable, with the exception of Wixom (which didn't have an S&P rating). Let me know if you'd like me to exclude Wixom or Alpena (extremely low budget stabilization balance) from the analysis.
2. We do not have specific evidence from S&P that having a budget stabilization fund guarantees a rating step-up. Obviously bond ratings are based on a multitude of factors; however, having a bond stabilization was mentioned positively in an S&P article for the City of Plymouth. Per the article: "The presence of \$550,000 in the city's budget stabilization fund further bolsters its' financial position." Please see attached for the full article.
3. An ordinance must be adopted by a 2/3 vote to create the budget stabilization fund. The size of a budget stabilization balance shall not exceed 15% of the municipality's most recent general fund budget, as originally adopted, or 15% of the average of the municipality's 5 most recent general fund budgets, as amended, whichever is less. Money in the budget stabilization fund may be appropriated by an ordinance or resolution adopted by a 2/3 vote. There are 3 different purposes for which budget stabilization monies can be used: cover a general fund deficit, prevent a reduction in level of services or number of employees, and to cover natural disaster expenses. Please see the full Michigan ACT 30 of 1978 attached for further details.
 - a. Bill has drafted an ordinance we could start with – please let me know if you would like a copy of it.

I have accumulated other S&P articles which mention "reserves" as being positive factors to cities' bond ratings and also examples of other cities' budget stabilization policies as disclosed in their CAFRs/financial statements. Let me know if you'd like to see any other examples.

Please let me know if you have any questions or would like to meet to discuss.

Thanks,
Lauren

Lauren VanderVeen, CPA
Deputy Finance Director
City of Portage
7900 South Westnedge Avenue

Portage, Michigan 49002
(269) 329-4452 Phone
(269) 324-0471 Fax

From: Laurence Shaffer
Sent: Tuesday, October 06, 2015 4:41 PM
To: Bill Furry <furryw@portagemi.gov>; Lauren VanderVeen <vandervl@portagemi.gov>; Erica Eklov <eklove@portagemi.gov>
Subject: BUDGET STABILIZATION FUND

Bill and Lauren,

You were kind enough to provide information relative to budget stabilization funds throughout Michigan....would you revive and update that information to include the following:

1. List of communities in Michigan that deploy budget stabilization funds and the amount that each have placed in the fund.
2. The impact that the BSF might have on the city's bond rating.
3. Summary of the limitations on the fund; size, use and how to appropriate out.

Thank you . I will need in two weeks.

Larry

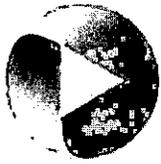
City Manager
Office of the City Manager
City Hall – 7900 South Westnedge Avenue
Portage, Michigan 49002

Phone – 269-329-4400
Cell – 413-658-7089

Michigan Cities with Budget Stabilization Policies*

City	Budget Stabilization		Budget Stabilization					% of Exp +		
	Balance	Total Fund Balance	% of Total FB	% of Revenue	% of Exp	Transfers Out	S&P Rating	Revenue	Expenditures	Transfers Out
Alpena	\$ 4,997	\$ 2,984,398	0%	0%	0%	0%	AA- Stable	\$ 9,178,128	\$ 8,960,454	\$ 365,004
Grand Haven	\$ 2,236,847	\$ 5,329,008	42%	23%	24%	20%	AA Stable	\$ 9,584,957	\$ 9,411,566	\$ 1,868,371
Grand Rapids	\$ 5,940,801	\$ 35,530,467	17%	5%	6%	5%	AA Stable	\$ 108,361,856	\$ 102,738,065	\$ 13,658,549
Grosse Pointe	\$ 475,000	\$ 2,632,809	18%	8%	9%	8%	AA+ Stable	\$ 5,674,227	\$ 5,178,928	\$ 554,563
Holland	\$ 983,286	\$ 4,700,274	21%	6%	5%	5%	AA Stable	\$ 15,868,869	\$ 19,035,184	\$ 1,805,408
Monroe	\$ 2,000,000	\$ 5,790,217	35%	12%	13%	12%	AA- Stable	\$ 16,387,265	\$ 14,954,613	\$ 1,183,165
Plymouth	\$ 550,000	\$ 2,273,490	24%	7%	8%	7%	AA Stable	\$ 7,731,145	\$ 7,131,752	\$ 377,400
Rochester Hills	\$ 1,000,000	\$ 31,257,584	3%	4%	7%	4%	AAA Stable	\$ 25,385,779	\$ 13,808,998	\$ 11,688,898
South Haven	\$ 161,658	\$ 2,744,742	6%	3%	3%	3%	AA Stable	\$ 5,549,730	\$ 6,176,362	\$ 193,440
St. Joseph	\$ 1,000,000	\$ 2,853,576	35%	13%	15%	13%	AA Stable	\$ 7,571,277	\$ 6,657,957	\$ 768,335
Traverse City	\$ 749,774	\$ 7,153,334	10%	6%	6%	5%	AA+ Stable	\$ 13,127,058	\$ 12,119,491	\$ 2,231,878
Troy	\$ 1,534,139	\$ 37,592,774	4%	3%	3%	3%	AAA Stable	\$ 49,212,309	\$ 49,211,683	\$ 3,550,000
Wayland	\$ 493,070	\$ 1,408,771	35%	22%	22%	22%	AA Stable	\$ 2,233,004	\$ 2,197,227	\$ -
Wixom	\$ 1,194,877	\$ 4,288,543	28%	12%	15%	14%	N/A	\$ 10,057,902	\$ 7,959,454	\$ 784,224
AVERAGE			20%	9%	10%	9%				
Portage	\$ 300,000	\$ 8,287,834	4%	1%	1%	1%	AA Stable	\$ 22,522,021	\$ 20,414,499	\$ 2,629,636

* Data is based on 2014 audited CAFR/Financial Statements



STANDARD & POOR'S RATINGS SERVICES

McGRAW HILL FINANCIAL

Plymouth, MI's Improved Financial Reserves Boost GO Debt Rating To 'AA'

14-Aug-2008 17:15 EDT

[View Analyst Contact Information](#)

NEW YORK (Standard & Poor's) Aug. 14, 2008--Standard & Poor's Ratings Services raised its standard long-term rating and underlying rating (SPUR) on Plymouth, Mich.'s unlimited-tax and limited-tax general obligation (GO) debt two notches to 'AA' from 'A+' based on the city's improved financial reserves. The outlook is stable.

The rating service also assigned its 'AA' standard long-term rating, and stable outlook, to the city's \$5 million series 2008 unlimited-tax GO street bonds.

The ratings further reflect the city's access to a wide variety of employment opportunities throughout southeastern Michigan; strong wealth and income levels; very strong financial operations, boosted by reserves available outside the general fund; and moderate per capita debt burden.

"We believe the city's long-term and conservative budgeting approach will continue to have a positive effect on its overall financial position through the maintenance of strong reserves," said Standard & Poor's credit analyst Daniel Zuccarello. "The city's participation in the greater Detroit and Ann Arbor economic areas lend additional stability to the rating."

The city's financial performance has improved following an increase to the general fund balance in each of fiscals 2004-2007. Fiscal 2007 closed on June 30 with a \$1.9 million unreserved general fund balance, or a very strong 30% of expenditures, well above the \$110,000, or 2%, at fiscal year-end 2003. According to management, the city has been able to add to fund balance due to the implementation of a long-term financial plan, coupled with staff restructuring and other minor expenditure reductions. The presence of \$550,000 in the city's budget stabilization fund further bolsters its financial position. For fiscal 2008, management estimates that conservative budgeting practices could yield a roughly \$500,000 general fund surplus.

Including this issue, the city's overall debt burden, including all debt backed by the city's GO pledge and overlapping debt, is a moderate \$3,426 per capita but a low 2.6% of market value. Amortization is above average with officials retiring about 71% of principal over the next 10 years.

The rating action affects roughly \$7.2 million of debt outstanding.

Complete ratings information is available to subscribers of RatingsDirect, the real-time Web-based source for Standard & Poor's credit ratings, research, and risk analysis, at www.ratingsdirect.com. All ratings affected by this rating action can be found on Standard & Poor's public Web site at www.standardandpoors.com; select your preferred country or region, then Ratings in the left navigation bar, followed by Credit Ratings Search.

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daniel_zuccarello@standardandpoors.com

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corey_friedman@standardandpoors.com

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TO: Honorable Mayor and City Council

FROM: Laurence Shaffer, City Manager



SUBJECT: South Shore Drive Sanitary Sewer Project #416-S

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

ACTION RECOMMENDED: That City Council:

- a. adopt Resolution No. 1, accept the City Manager Report and request preparation of Resolution No. 2 for the South Shore Drive Sanitary Sewer Project #416-S;
 - b. award a contract to Midwest Civil Engineers, Incorporated, for design and construction engineering services for an amount not to exceed \$42,500;
- and authorize the City Manager to sign all documents related to these matters on behalf of the city.

The FY 2015 - 2016 Capital Improvement Program budget includes the installation of infrastructure improvements to South Shore Drive from South Westnedge Avenue to West End Drive. In addition to sanitary sewer, the project area will be reconstructed and receive widened bicycle lanes, asphalt pavement replacement, minor storm drainage improvements and replacement of the existing water main.

One City Council goal is to “continue to improve the infrastructure to meet demonstrated needs.” A Council objective to reach this goal is to “continue to improve the wastewater and storm water systems.” Installation of sanitary sewer provides for protection of the ground water resource and makes sanitary sewer service available for residents. To this end, the City Administration has proposed the completion of sanitary sewer on the noted section of South Shore Drive which will effect 12 parcels. As a result, Council is asked to adopt the initial resolution in the special assessment process which would be used as the funding mechanism to address a portion of the sanitary sewer, appurtenances and sewer services that would be installed.

South Shore Drive from South Westnedge Avenue to West End Drive currently does not have accessible sanitary sewer service available to abutting properties. It is city policy to avoid improving major streets like South Shore Drive without first installing sanitary sewers, since the future installation of sanitary sewers would involve total reconstruction of the street. In accordance with the Sanitary Sewer Extension/Street Reconstruction Policy adopted as part of the 2012 - 2022 Capital Improvement Program, properties on South Shore Drive which will receive sanitary sewer service pose a potential environmental impact and will be required to be connected to sanitary sewer within 18 months of the sewer installation.

In accordance with the 2006 city referendum concerning street assessments, benefiting property

owners abutting street improvement projects are not specially assessed for the street improvements. However, when sanitary sewers are installed as part of the overall infrastructure improvements, benefiting property owners are subject to special assessments for the sanitary sewer components of the project. When the street component of the sanitary sewer special assessment rate for residential properties is removed, the current sanitary sewer special assessment front footage charge is \$35.14 per front foot. Residential properties are capped at 80 feet per front foot. A sewer lead charge of \$1,096 is included in the special assessment amount. Thus, for a typical single family residence with at least 80 feet of frontage, the current special assessment amount would be \$3,907.20. The city offers a twenty (20) year payout plan to assist property owners in paying their assessment.

The City Administration is initiating the special assessment process at this time to ensure that sufficient time will be available for completion of the project design and review by the Michigan Department of Environmental Quality (MDEQ). The total estimated cost of the sanitary sewer portion of the overall project is \$390,000. The sanitary sewer improvements are proposed to be funded by the utilization of special assessment bonds, Capital Improvement bonds and the Municipal Street Fund. It is anticipated that work would begin on the overall project in the summer of 2016, with completion scheduled for the fall of 2016.

On September 22, 2015, proposals for design and construction engineering services were received from seven engineering firms with the low bid being submitted by Midwest Civil Engineers, Incorporated of South Haven, Michigan in the amount of \$42,500. Midwest Civil Engineers recently provided design and construction engineering services for the Pine View Avenue Sanitary Sewer project, which was successfully completed.

Therefore, it is recommended that City Council adopt Resolution No. 1 accepting the City Manager Report and request preparation of Resolution No. 2 for the South Shore Drive Sanitary Sewer Project #416-S, award a contract to Midwest Civil Engineers, Incorporated, to perform engineering services for the South Shore Drive Sanitary Sewer project in the amount not to exceed \$42,500 and authorize the City Manager to execute all documents related to these matters on behalf of the city.

FUNDING: The improvements are funded in the FY 2015-2016 Capital Improvement Program (CIP) budget by the utilization of special assessment bonds, city-share bonds and Municipal Street millage funds.

Attachments:

1. Tabulation of Proposals
2. Resolution #1
3. Location Map

TABULATION OF PROPOSALS
SOUTH SHORE DRIVE SANITARY SEWER & WATER IMPROVEMENTS

<u>FIRM</u>	<u>ESTIMATED PROJECT HOURS</u>			<u>BID PROPOSAL</u>
	<u>DESIGN</u>	<u>CONSTRUCTION</u>	<u>TOTAL HOURS</u>	
Midwest Civil Engineers, Inc. 13560 76th Street South Haven, MI 49090	228	520	748	\$42,500.00
Jones & Henry Engineers, Ltd. 4791 Campus Drive Kalamazoo, MI 49008	333	583	916	\$51,950.00
OMM Engineering, Inc. 1680 East Paris Ave. SE, Suite 300 Grand Rapids, MI 49546	202	528	730	\$53,528.00
Hurley & Stewart, LLC 2800 S. 11th Street Kalamazoo, MI 49009	148	590	738	\$56,700.00
Driesenga & Associates, Inc. 552 South 8th Street Kalamazoo, MI 49009	267	466	733	\$62,825.00
Abonmarche Consultants, Inc. 95 W. Main Street Benton Harbor, MI 49022	254	482	736	\$63,240.00
Wightman & Associates, Inc. 9835 Portage Road Portage, MI 49002	239	585	824	\$75,450.00

**CITY OF PORTAGE
SPECIAL ASSESSMENT RESOLUTION NO. 1
SOUTH SHORE DRIVE SANITARY SEWER PROJECT, DISTRICT #416-S**

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 _____, 2015 at 7:30 p.m., local time.

PRESENT: _____

ABSENT: _____

The following resolution was offered by:

Councilmember: _____, and seconded by:

Councilmember: _____.

WHEREAS, the City Council of the City of Portage is of the opinion that it is desirable and necessary for the public health, safety and welfare that the following described public improvement be constructed:

Install approximately 1,300 feet of 8 inch diameter sanitary sewer main and appurtenances in South Shore Drive from South Westnedge Avenue to West End Drive to serve existing properties on this section of South Shore Drive. Sewer services will be installed to abutting properties and are included in the assessment.

WHEREAS, the Special Assessment Ordinance of the City provides that before determining to make any improvement by means of special assessment procedures, the City Council shall secure certain information from the City Manager,

NOW, THEREFORE, BE IT RESOLVED THAT:

1. That City Council, on its own initiative, hereby commences special assessment proceedings for the above described public improvement.

2. The matter of making such public improvement shall be referred to the City Manager who is hereby directed to prepare a report which shall include all necessary and pertinent information which will enable the Council to ascertain the probable cost, extent and necessity of the proposed improvement, the boundaries, the estimated useful life, a suggested method of apportioning the cost of the project and what proportion, if any, should be paid by the City-at-large.

3. The City Manager is hereby directed to file said report and recommendations with the City Clerk as soon as the same has been prepared.

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

ADOPTED: YEAS: _____

NAYS: _____

ABSENT: _____

JAMES R. HUDSON, City Clerk

STATE OF MICHIGAN)
): ss
COUNTY OF KALAMAZOO)

I, the undersigned 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 _____, 2015, the original of which resolution is on file in my office.

IN WITNESS WHEREOF, I have hereto affixed my official signature this ___ day of _____, 2015.

APPROVED AS TO FORM
DATE 11/10/15

CITY ATTORNEY

JAMES R. HUDSON, City Clerk

CITY MANAGER REPORT

CITY OF PORTAGE

TO: Honorable Mayor and City Council

FROM: Laurence Shaffer, City Manager

DATE: October 30, 2015

SUBJECT: South Shore Drive Sanitary Sewer Project #416-S

I, the undersigned, being City Manager of the City of Portage, Michigan, in pursuance of a resolution adopted by the City Council, relative to the above entitled special assessment project, hereby report the probable cost, extent, necessity of the proposed improvement, the boundaries, the estimated useful life and suggested method of apportioning of the cost of the project, the proportion, if any, to be paid by the city-at-large, and other necessary and pertinent information as follows:

Probable Cost: \$390,000

Extent of Project: Install sanitary sewer and appurtenances in South Shore Drive from South Westnedge Avenue to West End Drive to serve existing properties on South Shore Drive. Sewer services will be installed to abutting properties and are included in the assessment.

Necessity: The installation of sanitary sewers is needed to protect the groundwater from contamination and provide sanitary sewer service to a previously unserved area of the city.

Boundaries: Unplatted Land: The Northernmost 200 feet from the centerline of South Shore Drive of all unplatted land lying adjacent to or abutting the following described portion of right-of-way for South Shore Drive between South Westnedge Avenue and West End Drive, located within the northwest quarter of Section 27, City of Portage, Michigan and more particularly described as follows:

Situated in northwest corner of Section 27, Town 3 South, Range 11 West, City of Portage, Kalamazoo County, Michigan; Commencing at the West quarter post of Section 27, thence North 1,379.25 feet; thence East 141 feet to Place of Beginning; thence continuing East 90 feet; thence South 471.25 feet; thence East 561 feet; thence North 742.50 feet; thence West 651 feet; thence South 271.25 feet to the Place of Beginning and ending of the above described.

Platted Land:

The Northernmost 200 feet from the centerline of South Shore Drive of Lots No. 7, 9, 10, 11 and 12 as originally recorded in the South Shore Plat.

Also;

The Northernmost 200 feet from the centerline of South Shore Drive portion of former lot 8 as originally recorded in the South Shore Plat, excluding property lying South of a line extending from the Southeast corner of former lot 9 (now lot 10A) to lot 7 of said plat.

Useful Life: 20 Years

Method of Apportioning:	Special Assessments	\$ 46,535.00 (11.93%)
	Capital Improvement Bonds	\$ 285,948.97 (73.32%)
	Municipal Street Fund	<u>\$ 57,516.03 (14.75%)</u>
	TOTAL	\$390,000.00

Laurence Shaffer
City Manager

Attachments

TO: Honorable Mayor and City Council

FROM: Laurence Shaffer, City Manager



SUBJECT: West Centre Avenue Reconstruction - Grand Elk Railroad Grade Crossing

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

ACTION RECOMMENDED: That City Council authorize the replacement of the grade crossing at the West Centre Avenue railroad crossing by the Grand Elk Railroad in the amount of \$95,840 and authorize the City Manager to sign all documents related to this authorization on behalf of the city.

Funding for reconstruction of the West Centre Avenue Grand Elk Railroad Crossing is included in the 2015 – 2016 fiscal year of the 2015 – 2025 Capital Improvement Program. The project scope includes the replacement of the existing timber and asphalt grade railroad crossing on West Centre Avenue with a concrete panel grade crossing. Concrete panel grade crossings have proven to be superior over more traditional timber and rubber crossing materials and result in an improved operational life. If approved, city staff will coordinate with the Grand Elk Railroad such that the railroad construction and subsequent road closing will be done as part of the overall West Centre Avenue Reconstruction Project in the summer of 2016. Construction for new grade crossings, such as West Centre Avenue, typically require a two-week road closure. Cost responsibility for railroad grade crossings are set forth by State of Michigan regulations and in this instance are borne by the city.

City staff has been working with the Grand Elk Railroad on the development of plans for replacing the railroad crossing. The estimated total cost for the work required of Grand Elk Railroad (including labor, materials, and construction supervision) is \$95,840. Grand Elk Railroad requires authorization from the City of Portage before proceeding with ordering materials and scheduling the work.

Therefore, it is recommended that City Council authorize the replacement of the grade crossing at the West Centre Avenue railroad crossing by the Grand Elk Railroad in the amount of \$95,840 and authorize the City Manager to sign all documents related to this matter on behalf of the city.

FUNDING: Included in the 2015 - 2016 Capital Improvement Program budget.

Attachments: 1. Project Cost Summary - Grand Elk Railroad

Ballast and Sub-Ballast (Dirt Work & Other, Track)

Category	Notes / Description	Unit Qty	Price Ea	Extended Price
Dirt Work-Sub Ballast	Dirt Work-Sub Ballast	TF	0.0	\$45.50
Other-Sub-Ballast		NT	0.0	\$13.00

Ballast and Sub-Ballast (Dirt Work & Other, Track) Total

\$0.00

Track, Turn Outs and Related

CTO - 00 - - #0 - .0 - Right Hand .0 - Left Hand ,	Ea	0	\$0.00	\$0.00
CTO - 00 - - #0 - .0 - Right Hand .0 - Left Hand ,	Ea	0	\$0.00	\$0.00
RR Ballast (Turn Outs)	NT	0	\$28.00	\$0.00
		Total Turn Outs	\$0.00	

N/A	-	0	\$0.00	\$0.00
Railroad- Ballast (Track)	Ballast w/loading and freight - Net Tons	NT	0.0	\$0.00
N/A	-	0	\$0.00	\$0.00

Road Crossing	Concrete Panel - W/ - Field Weld	TF	90.2	\$892.21	\$80,477.00
Walkway Ballast		NT			\$0.00
Turn Outs (Remove & Relocate)		EA			\$0.00
Turn Outs (Remove & Retire)		EA			\$0.00
Track Relocation		TF			\$0.00
Track Removal		TF			\$0.00
Earthen Bumper		CY			\$0.00

Track, Turn Outs and Related Total

\$80,477.00

Indirect Costs

Engineering - Includes Permitting, Etc.	0.0%	\$80,477.00	\$0.00
IL & GL	0.0%	\$80,477.00	\$0.00
Contingency	15.0%	\$80,477.00	\$12,076.00
Tax on Materials	6.0%	\$92,553.00	\$3,287.00

Indirect Costs Total

\$15,363.00

Total Estimated Bid Package Taxable Labor not Included

\$95,840.00

Notes / Comments:

Over 60 Days, Needs Reviewed
Over 60 Days, Needs Reviewed

TO: Honorable Mayor and City Council

FROM: Laurence Shaffer, City Manager



SUBJECT: Local Development Finance Authority Appointments

SUPPORTING PERSONNEL: Vicki Georgeau, Director of Community Development

ACTION RECOMMENDED: That City Council confirm the City Manager appointments to the Local Development Finance Authority by adopting the *Resolution to Appoint Members to the Local Development Finance Authority of the City of Portage.*

As a result of two recently expired terms on the City of Portage Local Development Finance Authority (LDFA), the City Council is being asked to confirm the City Manager's appointments of Dennis Brooks and Thomas Fox to these positions.

An LDFA is a primary means of making tax increment financing procedures available to assist industrial development or redevelopment through financing related infrastructure and public improvements. The Portage LDFA and the boundaries of the Local Development Finance District were established in March 1990 (amended in 2003). Membership on the Board of Directors is specified in PA 281 of 1986 (The Local Development Finance Authority Act) and is comprised of 11 members. The Board for the Portage LDFA includes representatives from the following taxing jurisdictions: City of Portage (7 members); Kalamazoo County (1 member); Portage Public Schools (2 members) and Kalamazoo Valley Community College (1 member). The terms of the two Portage LDFA members have expired and the Kalamazoo County representative position is vacant.

Section 5 of the Local Development Financing Act specifies appointments to the Board and indicates that seven City of Portage members are to be appointed by the City Manager. This section of the statute also states that of the members first appointed, an equal number, as near as possible, shall have terms designated by the governing body creating the authority of one year, two years, three years and four years. In addition, the statute indicates that after the first appointment, each member shall serve for a term of four years and an appointment to fill a vacancy must be made in the same manner as the original appointment. The Kalamazoo County vacancy will be filled by Scott McGraw who was selected by the Kalamazoo County Board of Commissioners.

Pursuant to Section 5 of the statute, it is recommended that City Council confirm the City Manager's reappointment of Dennis Brooks for another four-year term and the appointment of Thomas Fox for a new four-year term for the Portage LDFA.

FUNDING: N/A

Attachments: 1. LDFA Resolution to Appointment Members

CITY OF PORTAGE

At a scheduled meeting of the City Council of the City of Portage, Michigan, held on the _____ day of _____, 2015, at _____ Eastern Standard Time, at the City Hall in Portage, Michigan there were:

PRESENT: _____

ABSENT: _____

The following preambles and resolution were offered by _____ and seconded by _____:

**RESOLUTION TO APPOINT MEMBERS TO THE
LOCAL DEVELOPMENT FINANCE AUTHORITY OF THE CITY OF PORTAGE**

WHEREAS, the City of Portage has created the Local Development Finance Authority of the City of Portage (the "Authority") under Act No. 281 of the Michigan Public Acts of 1986 (the "Act") incorporated by the City of Portage; and

WHEREAS, pursuant to the Act and the Articles of Incorporation there are to be seven members of the Board of the Authority who shall serve staggered terms an equal number of which, as near as possible, shall have terms designated by the City Council of one year, two years, three years, and four years; and

WHEREAS, after the initial appointment, each member shall serve for a term of four years; and

WHEREAS, the City Manager has appointed the persons shown below to the terms designated by the City Council; and

WHEREAS, the City Council wishes to confirm the appointments referred to above.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PORTAGE, MICHIGAN, AS FOLLOWS:

1. The appointments of the following persons to the Board of the Local Development Finance Authority of the City of Portage, are hereby approved for the terms expiring as shown:

- a. Dennis Brooks for a term expiring March 31, 2019.
- b. Thomas Fox for a term expiring March 31, 2019.

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

The results of a roll-call vote on the foregoing resolution were as follows:

TO: Honorable Mayor and City Council

FROM: Laurence Shaffer, City Manager



SUBJECT: Downtown Development Authority Appointments

SUPPORTING PERSONNEL: Vicki Georgeau, Director of Community Development

ACTION RECOMMENDED: That City Council confirm the City Manager appointments to the Downtown Development Authority Board of Directors.

The City Council established the City of Portage Downtown Development Authority in July 1998 to halt property value deterioration, increase property tax valuation, eliminate the causes of deterioration and promote economic growth along the portion of South Westnedge Avenue north of I-94. The DDA Board of Directors was subsequently appointed as required by the Downtown Development Authority Act, Public Act 197 of 1975.

As specified in the Act, the nine-member Board of Directors serve initial staggered terms between one to four years and terms of four years thereafter. The members continue to serve until reappointment or a new member is appointed. The Act requires that not less than a majority of the members must be persons having an interest in property located in the DDA district. Section 4 of the Act specifies that the appointments to the Board, which include the City Manager and the eight members appointed by the City Manager, are subject to the approval of the City Council.

Pursuant to Act 197, Jeff Chrystal and Dorothy Robinett are being reappointed to the DDA by the City Manager. It is recommended that the reappointment of the two Board members noted above be confirmed by City Council. In addition, Scott McGraw has been selected by the Kalamazoo County Board of Commissioners to represent Kalamazoo County on the Portage DDA.

FUNDING: N/A

Attachments: 1. N/A

TO: Honorable Mayor and City Council

FROM: Laurence Shaffer, City Manager



SUBJECT: October Environmental Summary Report

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

ACTION RECOMMENDED: Information Only

Attached please find the October 2015 Summary Environmental Activity Report from Department of Transportation & Utilities Director, W. Christopher Barnes, P.E. New material or material of specific interest to City Council is presented in italics.

City Council has a quality of environment goal to “enhance environmental quality and protect natural resources.” The summary report is intended for informational purposes and to keep the Council, Planning Commission and Environmental Board apprised of current environmental issues.

FUNDING: N/A

Attachments: 1. October 2015 Environmental Summary Activity Report

SUMMARY ENVIRONMENTAL ACTIVITY REPORT
October 2015 (*updates in italics*)

<u>Project/Activity</u>	<u>Description</u>	<u>Status</u>
Portage City Landfill	Ongoing groundwater monitoring of former municipal landfill.	-Beginning in 1991, South Westnedge Park (landfill) has been monitored for on-site and off-site contamination. On July 23, 2013, City Council approved a three-year contract with American Hydrogeologic Corporation (AHC) 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. Initial groundwater and methane results indicate no off-site impact. 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. AHC is completing the installation of private methane detection devices at several adjacent properties. Soil boring installation was completed on May 28, 2014. Current methane readings have been below detection levels. <i>The 2nd year of AHC's contract is underway with annual testing ongoing.</i>
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. <i>-Review of 6 site/building plans and/or plats completed in October 2015.</i>
Sewer Connection Program	Groundwater protection program requiring residential/business hookup to the sanitary sewer where available.	<i>-Sanitary sewer hookup permits issued in October 2015: 7 residential; 1 commercial.</i>
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. The West Lake Improvement association has completed a five year plan for a new special assessment district. Special assessment process for 2015-2019 began on August 26, 2014. Resolution No. 5 completing the assessment was adopted October 21, 2014. Year-end report by the consultant is complete. The Association has selected to use

Restorative Lake Sciences, LLC for consulting services for 2015. Treatment application completed in mid-June. Follow-up inspection of treatment will be done by Restorative Lake. The 2015 weed treatment bids were received on February 24, 2015. City Council approved weed treatment contract with Professional Lake Management Company on April 10, 2015. Weed treatment was completed in June. *The Association has requested to renew the contract with Restorative Lake Science for 2016.*

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. The 2013 report was received noting minimal impacts. The 2013 report is available on the website for public information. Bids were received for a new four year program on April 16, 2014. The low bidder, Nova Consultants, was awarded a four-year contract by City Council on April 29, 2014. Monitoring performed in October 2014 and July 2015. Monthly sampling at two retention basins continues. *Current findings show groundwater levels of approximately the same as 2014 levels.*

Wellhead Protection Program (WHPP)

Development of program to protect City well fields and surrounding area from contamination resulting from improper land use.

-Current Wellhead Protection was approved March, 2001. Staff has met internally to discuss the future needs to update the plan pending grant opportunities. Staff participated in a MDEQ Water Supply Emergency planning roundtable on June 10, 2013. Update of the program has been initiated as part of the Water Reliability Study in conjunction with Fishbeck, Thompson, Carr & Huber update work currently underway. Wellfield delineation completed. Engineering intern has completed contamination source inventory. Final report preparation was submitted to the Michigan Department of Environmental Quality for review and approval. Letter of approval received from MDEQ on June 15, 2015. Program implementation is ongoing. *Staff is working on annual report summary to MDEQ.*

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 2008 in June and January. Sampling and analysis results continue to show negligible 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 2015, with report submitted. No significant change in groundwater impacts.

National Pollution
Discharge Elimination
System (NPDES)
Permit Implementation

Five year plan to implement the
current NPDES stormwater permit.

-Received NPDES general permit on August 15, 2001. Renewal Application submission was made to MDEQ on March 7, 2003. New permit received in 2004 mandates involvement in several county watershed groups. City staff completed the submission of a 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. 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. MDEQ scheduled an audit of the program on July 12, 2012. Audit completed with satisfactory results. City website updated in February to provide education of Illicit Storm Water Discharge. Program implementation is ongoing. Annual 2012-13 report was submitted on December 24, 2013. Comments received back have been reviewed by staff and response submitted to MDEQ. MDEQ concurred with city staff response. New permit application process announced in November 2014. New permit application was submitted in March 2015. Implementation is ongoing.

National Pollution
Discharge Elimination
System (NPDES)
Permit Implementation

Kalamazoo River Mainstream
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 Watershed Plan using grant funds. Grant application submitted by Kalamazoo and Calhoun County Conservation District to update the Watershed Plan in 2012. 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. A meeting was held on March 12, 2013 to discuss the designated uses of the Portage River/Little Portage Creek watershed, the total maximum daily load of E-coli from samples taken and a review of community ordinances and policies that help protect the Watershed. Meeting held on June 11, 2013 to discuss identified water quality problems in the watershed. Meeting held on December 11, 2013 to inform stakeholders of progress on data collection. Canoe trip inspection was held on September 13, 2014. No new developments.

Plan to implement and maintain an Illicit Discharge Elimination Program (IDEP) Storm Sewer Outfall Testing.

-On February 19, 2002, City Council approved a new ordinance as required by the NPDES permit titled "Storm Water Illicit Discharges and Connections." Program implementation is ongoing. 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. Completed an area-wide brochure to educate the public on Illicit Storm Water Discharges in conjunction with the Kalamazoo County Drain Commissioner. On April 29, 2014 City Council awarded a contract to Nova Consultants, Inc., to perform annual investigations of storm outfalls and investigate all outfalls on a four-year cycle. Investigations scheduled for 2014 were completed in July with summary report received. Report will be submitted to MDEQ as part of the annual

Garden Lane Arsenic Removal Facility	<i>Native Prairie Restoration</i>	report. Next report due in December 2015.
Environmental Incident/Spill Clean Up Notification	Environmental Protection Program to assist Portage Police/Fire Departments with spill containment and spill cleanup.	Staff currently working with the Environmental Board on informative signs and long-term maintenance plans for the native planting landscape design in front of the Garden Lane Treatment Plant. New informational signs are complete and maintenance is ongoing. <i>Native prairie burn is being planned for 2016.</i>
Southwest Michigan Regional Sustainability Covenant	Collaborative effort with local government, academic, and other stakeholders to lead toward environmental, economic and social sustainability.	Emergency spill response contract for 2014-15 with Terra Contracting has been renewed. <i>The number of environmental incident/spill investigations performed in October – 0. Number of environmental cleanups in October – 0.</i>
		On May 12, 2009, City Council approved the Southwest Michigan Regional Sustainability Covenant. A sustainability work session was held April 14, 2010, to review elements of the covenant in cooperation with the City of Kalamazoo and the City of Battle Creek. A grant application was made to MDEQ 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.

TO: Honorable Mayor and City Council
FROM: Peter J. Strazdas, Mayor
SUBJECT: Investment Committee Citizen Appointments

ACTION RECOMMENDED: That City Council reappoint citizen Richard Kraas and appoint citizens Christopher Burns and Aimee Kornowicz to the Investment Committee.

As a typical function of managing assets, city funds are routinely, invested in various bonds, securities and other financial obligations. Although specific policy guidelines exist for the investment of city funds, an Investment Committee was established by the Portage City Council on November 12, 1996 to assist with the monitoring of performance under the investment policy is a prudent management step. The committee consists of one City Councilmember, one member of the City Administration appointed by the City Manager and two city resident members with relevant financial backgrounds and expertise.

The City Council last advertised and filled the citizen positions due to vacancies in 2012, with the terms set to expire October 2015. At that time, Council also appointed an additional citizen member due to the large degree of public response. This October, the City Clerk inquired with the citizen members to verify interest in continuing to serve. Two members chose to end their terms, while the third, Mr. Richard Kraas, expressed his desire to remain on the committee. As such, a call for interested citizen applicants to fill the two open positions was advertised in late October. Two citizens responded: Christopher Burns and Aimee Kornowicz.

Mr. Burns is currently employed by Greenleaf Trust and has a Masters of Accounting from the University of Michigan. He has five years of financial services background and is a Certified Public Accountant.

Ms. Kornowicz works for Fifth Third Bank and has a Bachelor's degree in Business and Communications. She has 18 years of experience in banking.

It is recommend that Council appoint Christopher Burns and Aimee Kornowicz to the Investment Committee.

FUNDING: N/A

Attachments: 1. N/A

CITY OF PORTAGE HUMAN SERVICES BOARD

Minutes of Meeting September 3, 2015

CALL TO ORDER: 6:30 p.m.

MEMBERS PRESENT: Diane Durian, Effie Kokkinos, Elma (Pat) Maye, Nadeem Mirza, Edward Morgan, Sandra Sheppard, Amanda Woodin.

MEMBERS EXCUSED: Ray LaPoint.

STAFF PRESENT: Elizabeth Money, Neighborhood Program Specialist

APPROVAL OF MINUTES: Morgan moved and Kokkinos supported approval of the August 6, 2015 minutes. Motion passed 6-0 (Maye arrived after vote).

OLD BUSINESS

1. Human/Public Service Application/Process Review update: City staff member Money indicated draft updated materials would be provided to the Board shortly and a meeting could be scheduled with the small work group (LaPoint, Sheppard, Woodin, and Money) to review prior to the materials being presented to the Board in the October agenda packet.

NEW BUSINESS:

1. FY 2014-15 CDBG Consolidated Annual Performance Evaluation Report (CAPER) – Public Hearing: Chair Sheppard opened the public hearing. Staff provided a summary of the contents of the CAPER document, including an overview of Community Development Block Grant (CDBG) Program performance, activities, and where funding was allocated for FY 2014-15. Mirza questioned Down Payment Assistance loans and if follow-up was provided to loan recipients. Money indicated that a homeownership class through Kalamazoo Neighborhood Housing Services was required prior to a loan closing for down payment assistance, that the city conducted a residency survey each year on loan recipients, and that information was provided to loan recipients if the city was notified of a pending foreclosure. Woodin questioned the unexpended fund balance and the amount spent on projects last year. Money indicated the housing repair program was already ahead of where it was last year with regards to number of projects and that the cost of projects and the number of applicants varied from year to year. As no further comments were received, the public hearing was closed.
2. CDBG Consolidated Plan Update: Sheppard referenced the memo in the agenda packet and Money went into further detail about the timeframe (including a public hearing to be held during the second Board meeting in January 2016).
3. Red Ribbon Week, October 23-31 – Board Discussion: Sheppard opened the discussion by stating what a success the event had been the previous year with approximately 40 students participating along with their parents and chaperones. The Board agreed the formula from last year engaged a variety of school and students. Money indicated the Red Ribbon Week Resolution would be in the October agenda and that students could come to the October 20th Council Meeting. The Board indicated they would like to do what was done the previous year.

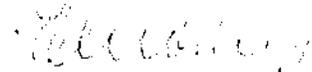
As LaPoint was absent from the meeting, Money indicated she would contact him regarding painning.

4. Kalamazoo Transit Authority LAC Update – Maye: Maye indicated that she had nothing new to report as there had been no meetings since the August Board meeting.

STATEMENT OF CITIZENS: Maye announced that she would be retiring from the Fair Housing Center of Southwest Michigan at the end of the month. The Board congratulated her on her retirement.

ADJOURNMENT: Durian moved and Mirza supported adjournment of the meeting at 7:05. Motion passed 7-0.

Respectfully Submitted,



Elizabeth Money, Neighborhood Program Specialist

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**BOARD OF EDUCATION
REGULAR BUSINESS MEETING MINUTES**

September 28, 2015

The regular business meeting of the Board of Education of the Portage Public Schools held on Monday, September 28, 2015, was called to order at 6:30 p.m. by Vice President Snyder in Conference Room 1 at the Administration Building, 8107 Mustang Drive. He welcomed an audience of 23 people; all in attendance recited the Pledge of Allegiance.

Board Trustees Present: Kurt Droppers, Terri Novaria, Rusty Rathburn, Celeste Shelton-Harris, Bo Snyder and Joanne Willson

Board Members Absent: Randy Van Antwerp

REVISIONS/APPROVAL OF AGENDA

Motion offered by Mrs. Willson, seconded by Mr. Droppers, that the Board of Education approve the agenda as printed.

Motion carried unanimously.

REPORTS

Superintendent's Report. Superintendent Bielang discussed the Facilities Master Plan; shared a video with background information pertaining to Bond Proposals 1 and 2; discussed talking points about the Bond requests that is being presented to staff members, parents and the community; informed the audience of the "See For Yourself Tours" planned at Central Middle School and McCamley Field on October 13 and North Middle on October 14; shared reference materials available on the District website; discussed informational mailings and plans to publish details in the October edition of the *Portager*; stated the advocacy group "Kids First" that is being organized as well as an Educational Specifications Committee to help develop educational specifications for District middle schools.

Superintendent Bielang noted the District students in grades 5-12 will be taking the Gallup Survey that will measure hope, engagement, entrepreneurial aspirations, and financial and career literacy. He also discussed the transition from ACT (American College Testing) to the SAT (Scholastic Assessment Test) in the District. The Superintendent commented that the official count day is October 7 and he will provide the Board with an update on enrollment.

Using Data to Support Student Learning. Dr. Jeanine Mattson-Gearhart, Director of Special Education, Mr. Michael Huber, Director of Curriculum, and Mrs. Anne Gordon, District MTSS Coordinator and School Psychologist, provided an overview on how the District is using data to support student learning. They highlighted the Multi-Tiered System of Support, connection of the Board Ends to building improvement plans, data collection, planning and the transition from ACT to SAT.

COMMENTS OR COMMUNICATIONS

Vice President Snyder opened the comments and communications portion of the meeting and asked if there were any citizens who would like to speak to the Board. Mr. Rathburn explained guidelines the Board uses for this portion of the meeting.

Mr. Norman Young, 9933 Woodlawn, a citizen, shared information on the Local Housing Assistance Fund Millage request that will appear on the November 3 ballot in support of homeless school children. Mr. Young encouraged the District to endorse the Millage request.

Vice President Snyder opened the floor for Trustee comments.

Mrs. Novaria shared news of a citizen's advocacy committee "Kids First" or "Yes for the Future" that is coordinating future communications at school events, through the mail, Twitter and FaceBook to educate the community on the Bond Proposals.

Mrs. Willson recognized the award winning weekend for the Central and Northern High School Bands. She commented on the future possibilities for the District to host numerous competitions with the passage of the Bond Proposals.

Mr. Rathburn thanked the Portage Athletic Foundation for their successful OktoberFest fundraiser.

Mr. Snyder echoed Mrs. Willson's comments on the possibilities for the District to host athletic, band and aquatic competitions with the passage of Bond Proposals 1 and 2.

CONSENT AGENDA

Vice President Snyder presented the following Consent Agenda items for approval by the Board of Education: The minutes of the August 17, 2015, Regular Business Meeting and Special Meeting, August 17, 2015, Closed Session, August 18, 2015, Policy Governance Retreat Minutes, and September 14, 2015 Special Meeting and Committee of the Whole Work Session.

There being no objections, motion carried unanimously.

ACTION ITEMS

Motion offered by Mrs. Novaria, seconded by Mr. Droppers, that the Board of Education approve the National School Lunch Week Proclamation, as presented.

Mrs. Willson read the National School Lunch Week Proclamation.

Motion carried unanimously.

Motion offered by Mrs. Willson, seconded by Mr. Droppers, that the Board of Education approve the School Bus Safety Week Proclamation, as presented.

Dr. Shelton-Harris read the School Bus Safety Week Proclamation.

Motion carried unanimously.

Motion offered by Mr. Snyder, seconded by Mrs. Novaria, offered a friendly amendment to add Mrs. Willson to the recommendation that the Board of Education certify the following delegates: President Van Antwerp and Mrs. Willson, for the 2015 Michigan Association of School Boards Delegate Assembly, as presented.

Motion carried unanimously.

DISCUSSION ITEM

Trustees discussed the recommendation to award a scoreboard contract to ASG (Architectural Systems Group) of Holland, Michigan, for two new scoreboards at the Central High School Baseball and Softball fields. The total cost for the purchase of two 20 foot boards at \$9,000 each, plus installation of both boards of \$5,300, is a total cost of \$23,300. Funding will come from donations made by the Portage Athletic Foundation, The Portage Central Baseball and Softball Booster Clubs, and a private donor. Mrs. Karla Colestock, Director of Finance, and Mr. Joe Wallace, Central High School Athletic Director, responded to Trustee questions pertaining to the current scoreboards, ability to move the scoreboards and confirmation that no General Fund money will be used on this purchase.

ACTION ITEM

Motion offered by Mrs. Willson, seconded by Mr. Droppers, that the Board of Education move the recommendation to award a scoreboard contract to ASG (Architectural Systems Group) of Holland, Michigan, for two new scoreboards at the Central High School Baseball and Softball fields. The total cost for the purchase of two 20 foot boards at \$9,000 each, plus installation of both boards of \$5,300, is a total cost of \$23,300. Funding will come from donations made by the Portage Athletic Foundation, The Portage Central Baseball and Softball Booster Clubs, and a private donor to an action item.

Motion carried unanimously.

Motion offered by Mrs. Willson, seconded by Mr. Droppers, that the Board of Education approve the recommendation to award a scoreboard contract to ASG (Architectural Systems Group) of Holland, Michigan, for two new scoreboards at the Central High School Baseball and Softball fields. The total cost for the purchase of two 20 foot boards at \$9,000 each, plus installation of both boards of \$5,300, is a total cost of \$23,300. Funding will come from donations made by the Portage Athletic Foundation, The Portage Central Baseball and Softball Booster Clubs, and a private donor, as presented.

Motion carried unanimously.

There being no further business to come before the Board, the meeting was adjourned at 7:31 p.m.

Respectfully submitted,
Edna Kent
Recording Secretary

**PROCLAMATION
NATIONAL SCHOOL LUNCH WEEK
October 12-16, 2015**

WHEREAS, It is with great respect for the accomplishments of Portage's school food service leads, servers, cashiers and driver personnel and substitutes that we commemorate October 12-16, 2015 as National School Lunch Week. During this special observance, we encourage all citizens to recognize the dedication and skill of our school food service employees; and

WHEREAS, Each day, a total of 70 food service employees prepare and serve over 5,400 lunches a day. This is in addition to ordering, storing, and expediting each menu item to each location, adhering to food safety, sanitation, and nutritional guidelines as well as giving each customer the time and consideration to listen, hear and deliver what they are looking for each day. Fortunately we have exemplary professionals who have devoted their careers to providing high quality service to our children and staff; and

WHEREAS, On behalf of our students and staff, it is a pleasure to commend the women and men who accept and meet the challenges of school food service. The observance of School Lunch Week is a welcome opportunity to thank these patient, caring, skilled public servants. Those involved in this pursuit should be very proud of their contribution to education. Now, therefore, be it

RESOLVED BY THE BOARD OF EDUCATION, That we proudly commemorate October 12-16, 2015 as National School Lunch Week, and we commend everyone who has contributed to the successful operation of our lunch program. By working together, we can make a difference in every student's life.

Proclaimed this 28th day of September, 2015
Portage Public Schools Board Of Education

**PROCLAMATION
SCHOOL BUS SAFETY WEEK
October 19-23, 2015**

WHEREAS, It is with great respect for the accomplishments of Portage’s professional school bus drivers, mechanics, office staff, and manager that we commemorate October 19-23, 2015 as School Bus Safety Week. During this special observance, we encourage all citizens to recognize the dedication and skill of school transportation employees; and

WHEREAS, Each day, over 5,300 Portage students ride on 64 school buses, traveling over 750,000 miles annually. Driving so many miles, coordinating the countless routes, and supervising the dozens of students on each vehicle requires an outstanding effort. Fortunately we have exemplary professionals who have devoted their careers to transporting our children safely; and

WHEREAS, Our fleet and staff have a proud tradition of excellence during annual safety inspections by the Michigan State Police Motor Carrier Inspectors; and

WHEREAS, On behalf of our young people, it is a pleasure to commend the women and men who accept and meet the challenge of school transportation. The observance of School Bus Safety Week is a welcome opportunity to thank these patient, skilled, and caring public servants. Those involved in this pursuit should be very proud of their contribution to education; and

WHEREAS, This special week serves as a fitting time to urge all drivers to become more aware of school bus safety regulations. Serious injuries and deaths occur when motorists fail to stop for school buses. Now that the school year has begun, we remind drivers to be cautious and attentive around school buses. It is also an appropriate time to ask students to listen to their bus drivers and pay close attention to bus safety rules; now, therefore be it

RESOLVED BY THE BOARD OF EDUCATION, That we proudly commemorate October 19-23, 2015 as School Bus Safety Week, and we commend everyone who has contributed to the successful operation of our school buses. We also encourage all citizens to drive carefully and to be alert around school buses. By working together, we can make this the safest school year ever.

Proclaimed this 28th day of September, 2015
Portage Public Schools Board of Education

**BOARD OF EDUCATION
SPECIAL MEETING AND COMMITTEE OF THE WHOLE WORK SESSION MINUTES**

October 12, 2015

The special meeting of the Board of Education of the Portage Public Schools held on Monday, October 12, 2015, was called to order by President Van Antwerp at 4:30 p.m. in the Conference Room 1 at the Administration Building, 8107 Mustang Drive.

Board Trustees Present: Kurt Droppers, Terri Novaria, Rusty Rathburn, Celeste Shelton-Harris, Bo Snyder, Randy Van Antwerp and Joanne Willson

Board Trustees Absent: None

Administration Members Present: Mark Bielang, Mike Huber and Larry Killips

POLICY GOVERNANCE RETREAT

Superintendent Bielang facilitated Board discussion pertaining to Agreements and Endorsements.

President Van Antwerp facilitated further discussion regarding Policy Governance

The Board recessed at 6:15 p.m.

WORK SESSION

The work session of the Board of Education of the Portage Public Schools held on Monday, October 12, 2015, was called to order at 6:30 p.m. by President Van Antwerp in Conference Room 1 at the Administration Building, 8107 Mustang Drive. He welcomed an audience of 18 people; all in attendance recited the Pledge of Allegiance.

Board Trustees Present: Kurt Droppers, Terri Novaria, Rusty Rathburn, Celeste Shelton-Harris, Bo Snyder, Randy Van Antwerp and Joanne Willson

Board Trustees Absent: None

REVISIONS/APPROVAL OF AGENDA

Motion offered by Mrs. Willson, seconded by Mr. Snyder, that the Board of Education approve the agenda as revised, adding an action item to approve Board members conference expense reimbursement.

Motion carried unanimously.

REPORTS

Superintendent's Report. Superintendent Bielang offered kudos to all involved with the successful Portage Invitational Cross Country meet. The Superintendent noted the following: District enrollment remains flat but more information is pending from Community High School; the PSAT will be administered to all high school juniors on Wednesday and other students at the high school level will experience a late start; a variety of trainings occurred in the District during today's half day of Professional Development; the Educational Specifications Committee meetings have begun led by Dr. William DeJong, CEO and Senior Advisor of DeJong Richter, to help develop middle school instructional space; final revisions are being made to the Bond RFP's (Requests For Proposals); in addition to a Bond informational mailing, details were published in the October edition of the *Portager*; the "See For Yourself Tours" are planned at 6:00 p.m. at Central Middle School and 6:30 p.m. at McCamley Field on October 13, and North Middle at 6:00 p.m. on October 14; Ms. Amanda Thorpe, Northern High School English Teacher, was acknowledged and congratulated for receiving an Excellence In Education Award; notice was shared of a memorial ceremony taking place on Thursday, October 29 for Mr. John Manske, retired District Attorney, by the Kalamazoo County Bar Association.

COMMENTS OR COMMUNICATIONS

President Van Antwerp opened the comments and communications portion of the meeting and asked if there were any citizens who would like to speak to the Board. Mr. Rathburn explained guidelines the Board uses for this portion of the meeting.

Mrs. Alison Seim, 2012 Ames Drive, a parent, shared further concern about a denied student transfer.

President Van Antwerp opened the floor for Trustee comments.

Mrs. Willson offered kudos to the City of Portage and the Police Department for their efforts in support of the Portage Invitational Cross Country meet. She also discussed her participation in the City of Portage 2025 Visioning Project.

Mrs. Novaria provided an update from the Yes For the Future (Bond Committee) meeting. The Committee continues to attend staff meetings and PTO meetings to inform stakeholders about the Proposals. She discussed an upcoming mailing and urged anyone on Facebook to "join" or "friend" the Yes For the Future page.

Mr. Snyder shared comments and feedback pertaining to the Bond Proposals he received while volunteering for the Yes For the Future Committee.

Mr. Rathburn acknowledged appreciation for all of the assistance at the Portage Invitational Cross Country meet. The event was fun, well run and he appreciates the District support. After hearing discussions in the community, Mr. Rathburn clarified that citizens need to cast a vote for two District Bond Proposals.

President Van Antwerp thanked all Trustees for the good discussions during the Policy Governance Retreat.

President Van Antwerp noted there were no Board Committee Reports and closed this portion of the meeting.

DISCUSSION ITEM

Mr. Larry Killips, Assistant Superintendent of Instruction and Assessment, introduced Central High School Teachers Ms. Pilar Forero and Ms. Rachele Reidel. Ms. Forero and Ms. Reidel shared background information on the proposed Central High School Spanish Club student trip to Costa Rica as described from June 20-28, 2016.

ACTION ITEMS

Motion offered by Mr. Rathburn, seconded by Mr. Snyder, that the Board of Education approve Monitoring Report – Policy 2.1, Treatment of Consumers, as a reasonable interpretation and evidence of compliance with Policy, as presented.

Superintendent Bielang shared background information on this Monitoring Report and responded to Trustee questions.

Motion carried unanimously.

Motion offered by Mrs. Willson, seconded by Mr. Droppers, that the Board of Education approve Monitoring Report – Policy 2.5, Financial Condition and Activities, as a reasonable interpretation and evidence of compliance with Policy, as presented.

Superintendent Bielang shared background information on this Monitoring Report.

Motion carried unanimously.

Motion offered by Mrs. Novaria, seconded by Mr. Rathburn, that the Board of Education approve Monitoring Report – Policy 2.8, Conflict of Interest, as a reasonable interpretation and evidence of compliance with Policy, as presented.

Superintendent Bielang shared background information on this Monitoring Report.

Motion carried unanimously.

Motion offered by Dr. Shelton-Harris, seconded by Mrs. Novaria, that the Board of Education approve Monitoring Report Ends Policy 1.1, as a reasonable interpretation and evidence of compliance with Policy, as presented.

Motion carried unanimously.

Motion offered by Mr. Snyder, seconded by Mr. Rathburn, that the Board of Education approve the travel and conference expenses incurred by Mr. Randy Van Antwerp and Mrs. Joanne Willson while attending the 2015 Michigan Association of School Boards Delegate Assembly, as presented.

Motion carried unanimously.

CLOSED SESSION

Motion offered by Mr. Droppers, seconded by Mrs. Novaria, that the Board of Education move into closed session for the purpose of discussing Student Discipline [Section 8 (b) of the Open Meetings Act].

Upon a roll call vote, all Trustees present voted in favor of the motion.

The Board moved into closed session at 7:17 p.m.

The Board returned to open session at 7:26 p.m.

ACTION ITEM

Motion offered by Mr. Droppers, seconded by Mrs. Willson, that the Board of Education approve the reinstatement of a student to the Portage Public Schools, with the conditions specified in the administration's recommendation, as presented in Closed Session.

Motion carried unanimously.

There being no further business to come before the Board, the meeting was adjourned at 7:27 p.m.

Respectfully submitted,

Edna Kent
Recording Secretary

- I. Call to Order
 - a. Meeting called to order at 6:30 pm
- II. Introductions and Attendance
 - a. Name, grade, your favorite Halloween movie
- III. Motion to Approve the Minutes of Last Meeting
 - a. Time of meeting starting edited (time changed from 2:05 to 6:30)
 - b. Motion approved
- IV. Youth Liaison Report
 - a. Ali Arif of the Senior Citizens board reports that the seniors are still working on seminars for safety, financing and membership expansion. Additionally, Portage seniors are working on creating a farmers' market program.
 - b. Youth vacancy on the Human Services Board announced, opportunity to become the youth liaison opened to the room.
- V. Rescheduling of the Annual Snow Party
 - a. Date chosen is: January 30th, 2015
 - b. Discussion of events to be hosted at the snow party
- VI. Discussion of Future Officer Election
 - a. No bribery rule emphasized
 - b. Briefing on the responsibilities of the three board members
- VII. Autumn Activity – Volunteering at PC
 - a. To occur before Thanksgiving, then again before Christmas
- VIII. Discussion of Voter Registration for the November 3rd election
- IX. Upcoming YAC Meeting
 - a. November 9th, 2015

City of Portage - Historic District Commission
Wednesday, October 7, 2015
Portage City Hall – Conference Room #2

MINUTES

Called to Order at 8:25 a.m.

Present: Mark Reile, Suzanne Nemeth, Katie VanLonkhuyzen, Fred Grunert, Jessie Duniphin, Russ Randall, and Erica Eklov (SL). New members Marty Maytnier and Collin Forrest were also present.

Absent: Christine Broberg (excused), and Jim Ebert (excused).

Old Business:

- 1) The minutes from the regular meeting of September 2nd were approved with minor revisions.
- 2) Mark mentioned the recent e-mail communication from Phil Vergunst (5720 Oakland) regarding follow-up on the removal of the swimming pool.
 - a. Katie mentioned her appreciation of the HDC's efforts to partially approve Mr. Vergunst's June 3, 2015 application noting multiple work items, allowing for timely and total completion of the foremost items.
- 3) Mark relayed that he had no new information on 3221 W. Milham (Nieuwenhuis). Erica mentioned that the code enforcement case with Community Development had elevated to the next level due to the homeowner's missed court appearance.

New Business:

- 1) Mark introduced the newly appointed members to the Commission and general introductions ensued.
- 2) Mark requested to add an item to "New Business" on the agenda regarding election of HDC officers for 2016. This item will be carried over to the November 2015 agenda.
- 3) The next regular meeting was set for November 4, 2015. Jessie noted she would not be able to attend.

Citizen Comments: No additional comments.

Member Comments: None.

Adjournment: 8:38 a.m.

Historic District STUDY COMMITTEE Meeting
Wednesday, October 7, 2015
Portage City Hall – Conference Room #2

MINUTES

Called to Order at 8:40 a.m.

Present: Mark Reile, Suzanne Nemeth, Katie VanLonkhuyzen, Fred Grunert, Jessie Duniphin, Russ Randall, and Erica Eklov (SL). New members Marty Maytnier and Collin Forrest were also present.

Absent: Christine Broberg (excused), and Jim Ebert (excused).

Old Business:

1. Mark introduced the business of the historic district study committee, the application at hand (including the plat map) and prior history in light of the newly appointed members.
2. Mark introduced the study committee's September 2nd minutes for review. The minutes were approved with noted corrections.
3. The committee then discussed the September 30th site visit to 10234 East Shore by Mark Reile, Suzanne Nemeth and Fred Grunert.
 - a. Mark noted the September 11 passing of Seth Giem and verified that the study committee's review could continue as the property is titled in both Seth and Peg's name.
 - b. It was noted that the site visit also included owner Peg Giem and surveyor Gary DeHaan of Wightman and Associates (parcel split surveyor).
 - c. Suzanne reviewed the photographs taken on site
 - d. Mark noted the Granary has been mostly converted to storage and largely has no foundation and can be relocated.
 - e. It was noted from the site visit that the Chicken Coop was not original and had been built by Seth and Peg some 40 years prior, as well as had been moved from its original location adjacent to the barn.
 - f. Rus questioned whether the Train Barn had a foundation.
 - i. There was further discussion on lot lines, setbacks and new building set back requirements.
 - ii. Fred relayed the proximity of the barn to the road (East Shore) and his hope that the existing tree line buffer will be retained with the proposed split.
 - g. Mark conveyed that he had inquired with Peg regarding the discussions with her Realtor in creating the proposed property boundaries and lot lines during the Sept. 30th site visit. A market study was used and Mark relayed that Peg said the first lot plans were much skinnier.
 - h. Katie asked if the site visitors had inquired with Peg about her willingness to relocate the Chicken Coop and Granary to the remainder parcel.
 - i. Mark said he had inquired and Peg was willing
 - ii. Katie questioned possible deed restrictions as a long term buffer. Mark summarized that this topic had been discussed with Peg and Mr. DeHaan during the visit.
 - i. Additional discussion ensued regarding the potential for Parcel B and the incorporation of buffers.

- j. Russ noted that the final report should reflect the non-historic status of the Chicken Coop and Granary
- k. Discussion on the recommendation of a request to relocate only the original Granary part (the non lean-to section), as well as a deed restriction on the southern line / buffer
 - i. 15 feet was agreed upon
- l. Suzanne will compile the photographic report and relay to Erica, while Erica incorporates the revisions discussed at the meeting into Christine's draft report.

New Business:

1. The Study Committee approved transmission of the preliminary report once it was finalized the week of October 12th to the Planning Commission, Michigan Historical Commission, State Historic Preservation Review board and public for review / recommendation.
2. The public hearing for the preliminary report was set for Wednesday, December 16, 2015 in accordance with the minimum 60-day requirement.
3. The regular HDC meeting for December 2, 2015 was canceled and moved to December 16 to assist in attendance. Erica noted she would post the meetings as required and notify the property owner of 10234 East Shore.

Citizen Comments: None.

Member Comments: None.

Adjournment: 9:55 a.m.

CITY OF PORTAGE ZONING BOARD OF APPEALS

Minutes of Meeting – October 12, 2015

The City of Portage Zoning Board of Appeals meeting was called to order by Jeffrey Bright at 7:00 p.m. in the Council Chambers. Three people were in the audience.

MEMBERS PRESENT: Glenn Smith, Jeffrey Bright, Lowell Seyburn, Michael Robbe, John Byrnes, Phillip Schaefer, Chadwick Learned, Randall Schau, and Alexander Philipp.

IN ATTENDANCE: Jeff Mais, Zoning & Codes Administrator and Charlie Bear, Assistant City Attorney.

APPROVAL OF THE MINUTES: Learned moved and Schaefer seconded a motion to approve the September 14, 2015 minutes as submitted. Upon voice vote, the motion was approved 7-0.

NEW BUSINESS:

ZBA #15-5, Jay Sharma, 5905 South Westnedge Avenue and 119 Colonial Avenue: Mais summarized the requests for: a) a use variance to permit refuse dumpsters in the P-1 zoned portion of the site; and b) a dimensional variance to permit a 3-foot parking lot setback/greenstrip along South Westnedge Avenue where 10 feet is required; and c) dimensional variances to permit parking lot setback/greenstrip areas along Colonial Avenue as follows: 1) ranging from 2-9 feet in the B-3 zoned portion of the site where 10 feet is required; and ii) a 2-foot parking lot setback /greenstrip in the P-1 zoned portion of the site where 27 feet is required (as shown in sheet A2); or d) dimensional variances to permit parking lot setback/greenstrip areas along Colonial Avenue as follows: i) a 7-foot greenstrip in the B-3 zoned portion of the site where 10 feet is required; and ii) a 7-foot greenstrip in the P-1 zoned portion of the site where 27 feet is required (as shown in sheet A3). Jay Sharma and Matt Bastos were present to answer questions. Mr. Sharma recounted the history of how his business moved from the west side of South Westnedge Avenue to the east side in 2000 following a road improvement project, and has practical difficulties because the current site is smaller than his previous location. Mr. Sharma stated he moved the dumpster to its current location (in the B-3 zoned part of his property) at the city's request, but thought that it made more sense to place the dumpster at the north end of the rear parking lot out of view. Mr. Sharma stated he has high volume and quick turnaround for the party store customers and that because some customers enter the front parking lot's one-way traffic from the wrong direction, accidents are not uncommon. Mr. Sharma stated he thought one of the reasons more customers don't use the back parking lot is because the dumpster in its current location conceals it from view. Robbe and Learned both stated they had stopped at the store in the past and were unaware at that time that a back parking area existed.

The public hearing was opened. No one spoke for or against the request. The public hearing was closed.

Seyburn inquired how many parking spaces were required. Mr. Bastos replied 21. Robbe questioned if adding one-way traffic on the south side of the site might simply be shifting the current problems with the west parking lot to the south, but was convinced the connection was necessary or patrons would not know the rear parking lot exists. Robbe inquired if two-way traffic would be possible on the south side of the building. Mr. Bastos replied there wasn't enough space. Seyburn inquired if the Board were to grant a variance for request d) with the recommended staff conditions, did the applicant understand that they would need to install the new storm water drainage and landscaping improvements before the variance expired. Mr. Sharma responded he understood that. A motion was made by Schau, seconded by Learned, to grant a) a use variance to permit refuse dumpsters in the P-1 portion of the site for the following reasons; that the location or situation of the specific piece of property or of the intended use of the property is unique to that property which include split zoning of the property, reduced utility of the rear parking lot, and the dumpster will be located out of public view; that the building, structure or land cannot be reasonably used in a manner consistent with the uses allowed in the zoning district in which it is located, due to the dumpster being located in public view if placed in a conforming location; the use will not alter the essential character of the neighborhood or the intent of the comprehensive plan, nor be a detriment to adjacent properties; and the immediate unnecessary hardship causing the need for the variance request was not created by the applicant. Upon roll call vote: Smith-Yes, Seyburn-Yes, Robbe-Yes, Bright-Yes, Learned-Yes, Schau-Yes, Schaefer-Yes. The motion passed 7-0.

A motion was made by Schau, seconded by Smith to grant b) a dimensional variance to permit a 3-foot parking lot setback/greenstrip along South Westncdge Avenue where 10 feet is required; and d) dimensional variances to permit parking lot setback/greenstrip areas along Colonial Avenue as follows: i) a 7-foot greenstrip in the B-3 zoned portion of the site where 10 feet is required, and ii) a 7-foot greenstrip in the P-1 zoned portion of the site where 27 feet is required (as shown in Sheet A3) with the following conditions: the on-site storm water will need to be redesigned and placed underground, and that the parallel parking be relocated away from the building and adjacent to the Colonial Avenue greenstrip for accessibility purposes, for the following reasons: there are exceptional or extraordinary circumstances applying to the property that do not apply to other properties in the same zoning district which include the location of the existing building and limited parking/one-way traffic flow along the front of the building, and size/configuration of the property and location of parking; the variance is necessary for the preservation and enjoyment of a substantial property right, the right to connect the parking areas in a reasonable manner, the immediate practical difficulty causing the need for the variance request was not created by the applicant; the variance will not be detrimental to adjacent property and the surrounding neighborhood, and; the variance will not materially impair the intent and purpose of the zoning ordinance. In addition, the application and supporting material, staff report, and all comments, discussion and materials presented at this hearing be incorporated in the record of this hearing and the findings of the Board, and that action of the Board be final and effective immediately. Upon roll call vote: Smith-Yes, Seyburn-Yes, Robbe-Yes, Bright-Yes, Learned-Yes, Schau-Yes, Schaefer-Yes. The motion passed 7-0.

OTHER BUSINESS: None.

STATEMENT OF CITIZENS: None.

ADJOURNMENT: There being no further business, the meeting was adjourned at 7:55 p.m.

Respectfully submitted,

Jeff Mais
Zoning & Codes Administrator

PLANNING COMMISSION

October 15, 2015

The City of Portage Planning Commission meeting of October 15, 2015 was called to order by Vice-Chairman Felicijan at 7:00 p.m. in Council Chambers of Portage City Hall, 7900 South Westnedge Avenue. One citizen was in attendance.

PLEDGE OF ALLEGIANCE:

Vice-Chairman Felicijan led the Commission and staff in the Pledge of Allegiance.

IN ATTENDANCE:

Christopher Forth, Deputy Director of Planning, Development and Neighborhood Services and Randy Brown, City Attorney.

ROLL CALL:

Mr. Forth called the roll and the following Commissioners were present: Bosch (yes), Dargitz (yes), Richmond (yes), Patterson (yes), Felicijan (yes) and Schimmel (yes). A motion was made by Commissioner Patterson, seconded by Commissioner Bosch, to approve the roll excusing Commissioners Welch, Stoffer and Somers. The motion was unanimously approved 6-0.

APPROVAL OF MINUTES:

Vice-Chairman Felicijan referred the Commission to the September 17, 2015 meeting minutes contained in the agenda packet. Commissioner Dargitz indicated she was excused from the September 17th meeting and would be abstaining. A motion was made by Commissioner Bosch, seconded by Commissioner Richmond, to approve the minutes as submitted. The motion was unanimously approved 5-0-1.

SITE/FINAL PLANS:

None.

PUBLIC HEARINGS:

None.

OLD BUSINESS:

None.

NEW BUSINESS:

1. Vacation of the south portion of Harris Drive. Mr. Forth summarized the staff report concerning a request received from Craig and Nancy Bahner that the south approximate 57-feet of Harris Drive (unimproved portion) be vacated to facilitate construction of a new single family home on the adjacent parcels the applicants own addressed as 10214 and 10220 East Shore Drive. Both parcels are vacant and the applicants intend to combine 10214 and 10220 East Shore as a single lot of record and construct a new dwelling. Mr. Forth indicated there is an existing sanitary sewer main is located within the Harris Drive right-of-way, which also extends just south of the right-of-way. If the vacation request is approved, an easement will be conveyed to the City of Portage

allowing access and maintenance activities involving the existing sanitary sewer main. Mr. Forth summarized the review/approval process and indicated the City Administration supports the vacation request as there are no future plans to extend Harris Drive. Mr. Forth noted the Administration's support is subject to retention of a sanitary sewer easement and combining 10214 and 10220 East Shore Drive as one lot of record.

Mr. Jack Gesmundo, American Village Builders representing the applicants, was present to speak in support of the request. Mr. Gesmundo explained the historical use of the property, including access from East Shore Drive. Mr. Gesmundo explained the home that used to be located at 10220 East Shore Drive shared a driveway with 10230 East Shore Drive. The proposed home will have a separate driveway to East Shore Drive and there will be no driveway connection to Harris Drive. Mr. Gesmundo showed the Commission a drawing that illustrated increased setback distances from Harris Drive if it is not vacated. These increased setback distances impact building location.

In response to Commissioner comments/questions, Mr. Forth explained the legal nonconforming status of 10214 East Shore Drive and public street frontage requirements, that the existing sanitary sewer main provides several lead locations to service homes and the need for an easement encumbering the Harris Drive right-of-way and a small portion immediately to the south. Mr. Forth noted the action by the City of Portage does not remove this portion of Harris Drive from the recorded plat of Oakland Beach. A formal amendment to the plat requires action by Circuit Court. The Commission also asked about the walkway to Austin Lake. Mr. Forth indicated the plat was formally amended in the early 1990's and this walkway was removed.

There being no further discussion, a motion was offered by Commissioner Bosch and supported by Commissioner Patterson that the Planning Commission recommend to City Council the south approximate 57-foot of Harris Drive be vacated subject to the applicants conveying to the City of Portage a 20-foot wide easement for the existing sanitary sewer main and the applicant combine 10214 East Shore Drive, 10220 East Shore Drive and the vacated approximate 57-foot strip of Harris Drive into one parcel. The motion was unanimously approved.

STATEMENT OF CITIZENS:

None.

ADJOURNMENT:

Mr. Forth stated October is National Community Planning Month and Chairman Welch will be present at the October 20, 2015 City Council meeting to read and accept a proclamation acknowledging the importance of planning and the impact it makes on the form and function of the community. Mr. Forth invited other Planning Commissioners to attend the City Council meeting.

Commissioner Dargitz indicated she was a participant in the 2025 Visioning Renewal event held on Saturday, October 3rd. Commissioner Dargitz mentioned the keynote speaker, Tony Minghine, gave a very good speech on placemaking and if other Commissioners wanted to watch the video, it is available on the City of Portage website. Vice-Chairman Felicijan also indicated he was a participant in the 2025 Visioning Renewal event and concurred with Commissioner Dargitz's comments about the keynote speech.

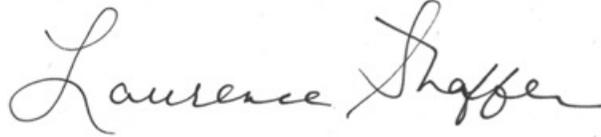
There being no further business to come before the Commission, the meeting was adjourned at 7:25 p.m.

Respectfully submitted,

Christopher Forth, AICP
Deputy Director of Planning, Development and Neighborhood Services

TO: Honorable Mayor and City Council

FROM: Laurence Shaffer, City Manager



SUBJECT: Telephone Services Agreement - Bid Tabulation

SUPPORTING PERSONNEL: Devin Mackinder, Director of Technology Services

ACTION RECOMMENDED: That City Council approve the five-year agreement between CTS Telecom of Galesburg, Michigan and the City of Portage for the provision of telephone services at an approximate annual cost of \$28,584 and authorize the City Manager to execute all documents related to the contract on behalf of the city.

A contract between the City of Portage and TDS Metrocom for the provision of phone services which began in April 2010, expired in April 2015. In preparation for a new phone services agreement, bid proposals were solicited from qualified phone service providers. Based on a thorough evaluation of the bid proposals, CTS Telecom of Galesburg, Michigan was found to provide the best and lowest cost phone services for the City of Portage.

Based on the most recent 12-month billings from TDS Metrocom and historical call volume averages, the new CTS Telecom rates charged to the city for phone services will result in approximately \$4,300 annual savings. The phone services to be provided through CTS Telecom will include two Primary Rate Interface (PRI) lines and failover lines, 201 Direct Inward Dialing (DID) lines, 25 Centrex lines and 47 measured business lines. An additional \$300 will be spent with IP Consulting to assist with the service migration process which includes the Public Safety dispatch and facilities lines.

Therefore, it is recommended that Council approve the new five-year agreement between CTS Telecom and the City of Portage for telephone services in the approximate amount of \$28,584 and authorize the City Manager to execute all documents related to the contract on behalf of the city.

FUNDING: The annual operating budget of the city provides for the continuation of phone service expenditures.

Attachments: 1. Bid Tabulation

Telephone Services Bid Tabulation

	CTS	TDS	**Charter	***AT&T
Monthly Charges	*2382	2895	NA	NA
Local Calls	Unlimited	7 cents/call	NA	NA
LD Calls	2.9 cents/min	3.5 cents/min	NA	NA
PRI Monthly	550	735.94	*659	NA

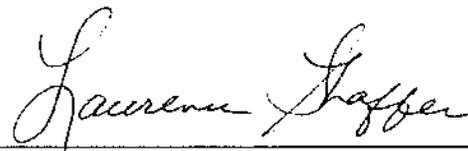
* Charter provides the first 5,000 PRI long distance minutes at no cost, then three cents per minute. CTS charges 2.9 cents per minute. The average monthly LD minutes is 3,758 which comes to approximately \$108 additional per month for the CTS Monthly Charges bringing the total CTS monthly charge to 2,382

** Charter only provided a bid for the PRI services
 ***ATT did not respond to the bid request

MATERIALS TRANSMITTED

Friday, October 30, 2015

1. Letter from Dr. Romeo Phillips regarding the proposed Morehouse College Glee Club event.
2. Copy of October 22, 2015 communication from the City Manager regarding the Michigan Department of Treasury – AMAR Review (previously relayed via e-mail).
3. Copy of October 23, 2015 letter from the Mayor to Kelli Sobel, Executive Director of the State Tax Commission regarding city correspondence.
4. Copy of October 28, 2015 letter from City Assessor to Kelli Sobel, Executive Director of the State Tax Commission regarding follow-up review – 2014 AMAR.



Laurence Shaffer, City Manager

cc: Rob Boulis, Deputy City Manager

20 October 2015

City Council of the City of Portage, Michigan

Portage, Michigan 49024

Re: Morehouse College Glee Club

Ladies and Gentlemen,

I write you urging you to give support to the sponsorship of celebrating the memory of the Reverend Martin Luther King, Jr. by bringing to our City the Morehouse College Glee Club. The Reverend King was graduated from Morehouse College and was a member of the tenor section while there. Morehouse has had and still has an all-male student body. It is located in the City of Atlanta, Georgia.

In 1983 President Ronald Reagan with the support of the Congress and Senate signed the legislation which made the birthday of the Reverend Martin Luther King, Jr. a Federal holiday. That commenced activities around the Country honoring the day around this new Federal holiday. Here in Portage we have a street leading into the Mall from Constitution Boulevard named for him. During my tenure on Council from time-to-time a "certificate" was written and presented. That was the extent of our contribution. Our sister community to the immediate north commenced and continues a series of activities which increased over the years. In fact, near the railroad/bus station is a sculpture of his likeness which commissioned and is being maintained in a small park by them.

In some classrooms in some Portage schools, some teachers have created units surrounding the Holiday. However, on a City level, based on my memory, no concrete efforts have been made. In fact, in later years since 1983 there were no mentioning of the Holiday at Council meetings. I suspect it was not deliberate; it just did not make the agenda.

I have lived in the City of Portage since August, 1968 -- some forty-seven years and two months, and I have had a good time living here. I had the pleasure of serving on Council for two elected terms and a "fill-in year" when a Council Member was elected to the Kalamazoo County Board of Commissioners. I was given the honor of being selected to the office of Mayor Pro Tempore, a memory I cherish to this day. However, this our progressive City can let the citizens of Kalamazoo County know that we are, indeed, a community -- to use the vernacular -- with a heart by bringing the Morehouse College Glee

Club for a concert in February, 2016. The auditorium of Northern High School is available and well suited.

I need not tell you of the uniqueness of Morehouse College. It has a long list of men who have achieved significantly. To name a few is difficult. I dare say you are aware of former Secretary of Health and Human Services Louis Sullivan. There is a recent Rhodes Scholar named Nima Warfield. For those who follow sports, the name of Olympic Gold Medalist Edwin Moses is known. Businessman and former candidate for President Herman Cain is known. Producer and writer Shelton "Spike" Lee is very well known as well as actor Samuel L. Jackson. The late Mayor of Atlanta, Georgia, Maynard Jackson, has the Atlanta Airport named after him. The list goes on and on including retired Pfizer chemist Harvey Myers, Ph.D., who was a leading researcher for Pfizer. He still lives in this area.

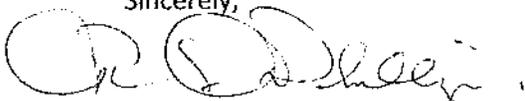
The Morehouse College Glee Club has performed around the world as well as in and around the United States. Years ago Kalamazoo College brought them here for a concert in Stetson Chapel. Chairs were placed in the aisles next to the pews, before the Fire Marshall refused to let more into the Chapel. To accommodate the overflow, a speaker system was placed adjacent to the Chapel.

Through the efforts of Portage resident Monifa A. Jumanne, Ph.D., contact was made with our City Manager about the possibility of bringing the Morehouse College Glee Club to Portage during Black History Month. The Glee Club is booked during the entire month of January, 2016 which negates our getting them here during the birth month of the Reverend King. Contact was made with Professor David Morrow the conductor, and he has "penciled in" a given date for February, 2016. Dr Jumanne has made contact with B. & W. Motors for transportation from the airport to Portage and back as well as a hotel on Sprinkle Road for the overnight stay for the anticipated number of approximately forty young men plus Dr. Morrow and a chaperone.

I have a mandatory Bach Festival Society rehearsal, which means I cannot be present for Tuesday's Council meeting. However, Dr. Jumanne will attend and she will share with you efforts made as well as past meetings with the City Manager. It will be a positive gesture on the part of the Council to react positively to this most important gesture.

Thank you for reading this letter.

Sincerely,



Romeo Eldridge Phillips

TO: Honorable Mayor and City Council

FROM: Laurence Shaffer, City Manager



SUBJECT: Michigan Department of Treasury – AMAR Review

Attached please find a letter from Kelli Sobel from the Michigan Department of Treasury. She identified that the corrective action recommended in 2014 for land adjustments on the City of Portage tax roll have not been corrected. She is providing the city until October 30, 2015 the opportunity to explain why those corrections were not made.

Mr. VanderVries, the new City Assessor, has this letter and will prepare a response accordingly. As I learn more I will relay the information. The Mayor was kind enough to provide the letter to me following the October 20 regular City Council meeting. I will ask Ms. Sobel to relay any future transmission directly to City Hall to ensure a timely response.

c: Rob Boulis, Deputy City Manager
Ed VanderVries, City Assessor

Attachments: October 1, 2015 Letter from Ms. Sobel



STATE OF MICHIGAN
DEPARTMENT OF TREASURY
LANSING

RICK SNYDER
GOVERNOR

NICK A. KHOURI
STATE TREASURER

October 1, 2015

Peter Strzdas, Mayor
Portage City, Kalamazoo County
7130 Crown Pointe Circle
Portage, MI 49024

Dear Mayor Peter Strzdas:

As you are aware, in 2014 an AMAR review was conducted in your local unit. A corrective action plan was submitted by your local unit and approved. A follow up review was conducted on 8/12/2015. That review indicated: Not all land adjustments without reasons have been corrected. Your corrective action plan as presented indicated these items would be corrected for the 2015 assessment roll. Please provide by October 30, 2015, an explanation as to why these items have not been corrected and when they will be corrected.

Thank you for your cooperation throughout this process.

Sincerely,

A handwritten signature in black ink, appearing to read "Kelli Sobel".

Kelli Sobel
Michigan Department of Treasury



Mayor

October 23, 2015

Kelli Sobel, Executive Director
Michigan State Tax Commission
P.O. Box 30471
Lansing, MI 48909

RE: City of Portage Correspondence

Dear Ms. Sobel,

The City of Portage received your letter dated October 1, 2015 regarding the AMAR review action plan follow up.

Please consider this letter a formal request that all future correspondence addressed to the City of Portage be sent to the attention of the City Manager and the City Council at Portage City Hall (7900 South Westnedge Avenue, Portage MI 49002). Please delete the Crown Pointe Circle address from your records.

Should you have any questions or concerns, please contact City Manager Laurence Shaffer at (269) 329-4400 or via e-mail at ShafferL@portage.mi.gov.

Sincerely,

A handwritten signature in black ink that reads "Peter J. Strazdas". The signature is written in a cursive style with a large initial "P".

Peter J. Strazdas
Mayor

c: Portage City Council
Laurence Shaffer, City Manager
Rob Boulis, Deputy City Manager
Edward VanderVries, City Assessor



Office of the City Manager

October 28, 2015

Kelli Sobel
Michigan Department of Treasury
State Tax Commission
PO Box 30471
Lansing, Michigan 48909-7971

RE: Follow up Review – 2014 AMAR

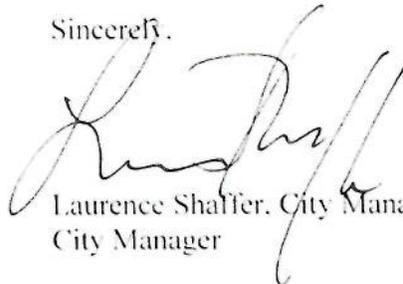
Dear Ms. Sobel,

Pursuant to your letter dated October 1, 2015, the City of Portage acknowledges the failure of our Assessing Department to fully comply with the corrective action plan submitted. After conducting our own review of the 2015 database we have identified the remaining parcels containing land adjustments without reasons and have removed all of them for the 2016 Assessment Roll. While we are unable to determine the reason why these items were not corrected for the 2015 roll, we realize that this oversight for whatever reason had to be corrected.

On October 21, 2015, the city appointed a new Assessor, Mr. Edward VanderVries who has also reviewed the 2016 roll to ensure the adjustments without reason have in fact been removed. During his review, he indicated over 500 parcels still contain land adjustments with reasons. He plans to ensure that there are sufficient sales data to support those adjustments and intends to remove any adjustments that cannot be supported on the 2016 Assessment Roll.

The City of Portage is committed to producing fair, accurate, and supportable property tax assessment rolls. It is my sincere hope you will accept our explanation and proactive actions as an indication of that commitment.

Sincerely,



Laurence Shaffer, City Manager
City Manager



Edward VanderVries, MMAO (4) PPE
City Assessor

c: Peter Strazdas, Mayor