

7:30 p.m. Call to Order.

Invocation:

Pledge of Allegiance.

Roll Call.

Proclamations:

A. Approval of City Council Meeting Minutes

1. Approval of the November 17, 2015 Regular City Council Meeting Minutes.

* B. Approval of Consent Agenda Motions

* C. Accounts Payable Register:

1. Communication from the City Manager recommending that City Council approve the Accounts Payable Register of December 1, 2015, as presented.

D. Public Hearings:

E. Petitions and Statements of Citizens:

F. Reports from the Administration:

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

- a. proposed 2016 Charges for Documents (FOIA Fees);
- b. recommended 2016 Recreation Program Fee Revisions;
- c. Resolutions for Community Development Fees, Electrical Permits, Building Permits, Plumbing Permits and Mechanical Permits; and
- d. 2016 Special Assessment Rate Resolution.

* 2. Communication from City Manager recommending that City Council:

- a. accept the Tentative Amendment for the Oakland Hills at Centre Planned Development and set a public hearing for January 12, 2016, and
- b. subsequent to the public hearing, approve the Tentative Plan Amendment for the Oakland Hills at Centre Planned Development subject to the two conditions cited in the October 30, 2015 Department of Community Development staff report.

* 3. Communication from the City Manager recommending that City Council adopt Resolution No. 2 for the South Shore Drive Sanitary Sewer Project #416-S, setting a public hearing of necessity on December 15, 2015.

* 4. Communication from the City Manager recommending that City Council approve a Performance Resolution for Governmental Agencies for required permits to mow three Michigan Department of Transportation (MDOT) properties in the City of Portage.

* 5. Communication from the City Manager recommending that City Council set the dates for Pre-Council meetings for the 2016 calendar year.

6. Communication from the City Manager recommending that City Council appoint one Councilmember to the Austin Lake Governmental Lake Board.

- * 7. Communication from the City Manager recommending that City Council set a Special Meeting on Tuesday, January 12, 2016, at 5:30 p.m., to interview Board and Commission applicants.
- * 8. Communication from the City Manager regarding the refunding of Local Development Finance Authority Bonds, Series 2004 - Information Only.
- G. Communications:
- H. Unfinished Business:
 - * 1. Communication from the City Manager recommending that City Council take final action to vacate the south approximate 57-feet of Harris Drive.
- * I. Minutes of Boards and Commissions Meetings:
 - 1. Portage Public Schools District Advisory Council of October 15, 2015.
- J. Council Committee Reports:
- K. New Business:
- L. Bid Tabulations:
- M. Other City Matters:
 - 1. Statements of Citizens.
 - 2. From City Council and City Manager.
- * 3. Reminder of Meetings:
 - a. Wednesday, December 2, 8:15 a.m., Historic District Commission, City Hall Room No. 2
RESCHEDULED to Wednesday, December 16, 8:15 a.m., City Hall Room No. 1.
 - b. Wednesday, December 2, 6:30 p.m., Park Board, City Hall Room No. 1.
 - c. Thursday, December 3, 6:30 p.m., Human Services Board, City Hall Room No. 1.
 - d. Thursday, December 3, 7:00 p.m., Planning Commission, Council Chambers.
 - e. Wednesday, December 9, 3:00 p.m., Austin Lake Governmental lake Board, City Hall Room No.1.
 - f. Wednesday, December 9, 7:00 p.m., Environmental Board, City Hall Room No.1.
 - g. Monday, December 14, 6:30 p.m., Youth Advisory Committee, City Hall Room No. 1.
 - h. Monday, December 14, 7:00 p.m., Zoning Board of Appeals, Council Chambers.
 - i. Tuesday, December 15, 10:00 a.m., Board of Review, City Hall Room No. 1.
- * N. Materials Transmitted.
 - 1. October 16, 2015 Materials Transmitted.
 - 2. November 13, 2015 Materials Transmitted.
 - 3. November 17, 2015 Materials Transmitted.

Adjournment.

CITY COUNCIL MEETING SUMMARY

November 17, 2015

- ◆ Received the Board of Canvassers Report.
- ◆ Retiring City Council adjourned sine die.
- ◆ The City Clerk administered the Oath of Office to Councilmembers Randall, Pearson and Ford and Mayor Strazdas.
- ◆ Councilmembers Randall, Pearson and Ford and Mayor Strazdas signed the Ethics and Values Policy.
- ◆ City Council elected Councilmember Nasim Ansari as Mayor Pro Tempore.
- ◆ City Council adopted the Rules of Order and Procedure.

INTRODUCTION OF GUESTS

- ◆ Mayor Strazdas recognized various citizens and elected officials in the audience, including his wife, Sharon Strazdas, former Mayors Betty Ongley and Jamie Graham, Kalamazoo Mayor Bobby Hopewell, Kalamazoo City Manager James Ritsema, Kalamazoo County Under Sheriff Paul Matyas, former Councilmember and current State Senator Margaret O'Brien, and House Representative Brandt Iden.

COMMENTS FROM COUNCIL

- ◆ Mayor Strazdas asked if there were any comments from the City Council and each Councilmember recounted his or her election activities and congratulated and thanked the newly elected Councilmembers.

STATEMENTS OF CITIZENS AND GUESTS

- ◆ State Senator Margaret O'Brien congratulated the newly elected Councilmembers and thanked City Council for all they have taught her. She explained that, as a Councilmember, this is where she learned about how to address issues, how to build relationships, and how to debate with one another and still come together. She explained how these skills have served her well in the legislature and that she is looking forward to continuing their partnership and working together.
- ◆ House Representative Brandt Iden characterized the work by Council as a "wonderful job" and explained that he understands the difficulties associated with running a campaign while serving on Council and working a job in the community. He thanked Council for their service and continued dedication to Portage. He pointed out that he served with Mayor Pro Tem Ansari on the Kalamazoo County Commission and congratulated him on his new office.

ACCOUNTS PAYABLE REGISTER

- ◆ Approved the Accounts Payable Register of November 17, 2015, as presented.

PUBLIC HEARING

- ◆ Approved 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.

REPORTS FROM THE ADMINISTRATION

- ◆ Adopted Resolution No. 1, accepted the City Manager Report, requested preparation of Resolution No. 2 for the South Shore Drive Sanitary Sewer Project #416-S, awarded a contract to Midwest Civil Engineers, Incorporated, for design and construction engineering services for an amount not to exceed \$42,500 and authorized the City Manager to sign all documents related to these matters on behalf of the city.
- ◆ Authorized 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 authorized the City Manager to sign all documents related to this authorization on behalf of the city.
- ◆ Confirmed 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.
- ◆ Confirmed the appointments to the Downtown Development Authority Board of Directors.
- ◆ Received the communication from the City Manager regarding the October 2015 Summary Environmental Activity Report as information only.
- ◆ Received the Department Monthly Operational Reports from the various departments for October 2015.

COMMUNICATION

- ◆ With Councilmember Reid recusing herself, reappointed citizen, Richard Kraas, and appointed citizens Christopher Burns and Aimee Kornowicz to the Investment Committee.

COUNCIL COMMITTEE REPORTS

- ◆ Councilmember Randall recounted the Discovery Kalamazoo meeting, including a PowerPoint presentation by Kalamazoo City Manager James Ritsema regarding what is happening in Kalamazoo and an excellent report on the City of Portage by City Manager Larry Shaffer.
- ◆ Councilmember Ford indicated the minutes of the last meeting of the Environmental Health Advisory Council will be available just before the next meeting.
- ◆ Councilmember Urban indicated that the Central County Transit Authority reviewed how much work needed to be done by the October 2016 closing date; that they reviewed a spreadsheet of 210 items, with 60% as the responsibility of the CCTA Board of Directors, including contracts and policies; and, that the list was by no means exhaustive or comprehensive.
- ◆ Councilmember Pearson indicated that the Countywide Dispatch Authority is very close to announcing an Executive Director; that Mr. Shaffer is taking the lead in working out the details of the employment contract; and, Mr. Shaffer confirmed that it should be announced in a couple of weeks.

NEW BUSINESS

- ◆ Mayor Strazdas asked for and received a consensus to use the same facilitator as last year and indicated that he would cross-reference all calendars with that of the facilitator. He recommended a one day session and suggested a Friday or Saturday. After a discussion of four date options, Council agreed to January 22, 2016, and the same location as last year.
- ◆ Mayor Strazdas asked for input on having a meeting prior to the Regular City Council Meeting with the intention that if there were any questions on an Agenda Item, it would be easier to speak face to face with a Department Head or the City Manager. After discussion, he observed that Council agrees that there have to be some rules promulgated and that only agenda items can be addressed on Monday with the City Manager. He offered to work with Mayor Pro Tem Ansari and City Manager Shaffer to create some basic rules of engagement, publish the rules and that Council would work within the confines of these rules if anyone shows up for a meeting.
Councilmember Urban objected saying there is no necessity for Pre-Council Meetings since all Councilmembers have telephones and e-mails and can contact the City Manager with questions a number of ways. He indicated that it is simply a question to the City Manager, and a regularly scheduled public meeting of the entire Council is not necessary. Mayor Strazdas indicated it is just another avenue of a "face to face;" no one has to be there; and the other opportunities are still options.
Councilmember Pearson indicated that he is not hearing any objections to the concept, and asked if Councilmember Urban could settle on a time on Monday and let Council know. At the request of Councilmember Pearson, Mayor Strazdas asked City Manager Shaffer to arrange a Doodle survey.

BID TABULATION

- ◆ Approved 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 authorized the City Manager to execute all documents related to the contract on behalf of the city.

STATEMENTS OF CITY COUNCIL

- ◆ Councilmember Ford attended the Grand Opening of the KENCO Facility the day after the election with Mayor Strazdas, Mayor Pro Tem Ansari, Councilmember Randall and City Manager Shaffer. He thanked his wife and family for tolerating him during his campaign and announced that his wife is going to have another child. City Council, Mayor Strazdas and City Manager Shaffer congratulated him.
- ◆ Councilmember Randall attended the Senior Center Craft sale and congratulated the school board, the parents and those who voted for the Portage Public School Proposals. She wished Happy Thanksgiving to everyone and safe travels.
- ◆ Councilmember Pearson stressed the time commitment involved in the community, Council meetings, campaigning and home responsibilities and noted that campaigning helps a person lose weight, so he was glad the campaigning was over since he reached his target weight.
- ◆ Councilmember Reid expressed her appreciation for the moment of silence requested by Mayor Pro Tem Ansari and reflected on family, the holidays and the importance of the people we really care about.
- ◆ City Manager Shaffer congratulated the newly elected Councilmembers, Mayor Strazdas and Mayor Pro Tem Ansari and indicated he was looking forward to working with all of Council.
- ◆ Mayor Pro Tem Ansari recognized former Mayor Jamie Graham and reflected on the earlier conversation regarding the time for the Pre-Council Meetings.
- ◆ Mayor Strazdas discussed his meeting with the owners of KENCO, and indicated that he took the opportunity to show the owner around Portage since she had never been to Michigan. He asked Council to focus on business, the economy and good jobs for Portage. He reminded Councilmembers Urban, Reid and Ford that they volunteered to read the essays, "What I like About Portage." Councilmember Urban recused himself since his daughter is writing one of the essays.

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

CITY COUNCIL MEETING MINUTES FROM NOVEMBER 17, 2015

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

Mayor Strazdas introduced Reverend Dr. David Moffett-Moore of the Portage United Church of Christ, who gave the invocation, and the City Council and the audience recited the Pledge of Allegiance.

CURRENT COUNCIL:

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

APPROVAL OF MINUTES: Motion by Reid, seconded by Ansari, to approve the November 3, 2015 Committee of the Whole and Regular Meeting Minutes as presented. Upon a voice vote, motion carried 7 to 0.

BOARD OF CANVASSERS REPORT: City Manager Larry Shaffer reviewed the Board of Canvassers Report for the November 3, 2015 City General Election. Motion by Reid, seconded by Ansari, to accept the Board of Canvassers Report of the final results of the November 3, 2015 City General Election as approved by the Kalamazoo County Board of Canvassers as information only. Upon a voice vote, motion carried 7 to 0.

ADJOURNMENT SINE DIE OF RETIRING CITY COUNCIL: Mayor Strazdas adjourned the meeting sine die at 7:40 p.m. and reconvened the meeting at 7:45 p.m.

NEW COUNCIL:

OATH OF OFFICE AND SEATING OF MAYOR AND COUNCILMEMBERS: City Clerk James Hudson administered the Oath of Office to Patricia Randall, Jim Pearson and Richard Ford as Councilmembers and to Peter J. Strazdas as Mayor.

SIGNING OF THE CITY COUNCIL CODE OF ETHICS AND VALUES POLICY: Councilmembers Patricia M. Randall, Jim Pearson and Richard Ford along with Mayor Peter J. Strazdas signed the Ethics and Values Policy.

SEATING OF MAYOR AND COUNCILMEMBERS: At the invitation of Mayor Strazdas, City Councilmembers took their respective seats at the dais.

ROLL CALL OF NEW COUNCIL: The City Clerk called the roll with the following members present: Councilmembers Nasim H. Ansari, Richard Ford, Jim Pearson, Patricia M. Randall, Claudette S. Reid, Terry R. Urban and Mayor Peter J. Strazdas. Also in attendance were City Manager Laurence Shaffer, City Attorney Randall Brown and City Clerk James R. Hudson.

ELECTION OF MAYOR PRO-TEMPORE: Mayor Strazdas reviewed the process for determining who would assume the role of Mayor Pro Tem and entertained nominations for Mayor Pro Tem. Councilmember Randall nominated Councilmember Nasim Ansari to serve as the Portage Mayor Pro Tem and Councilmember Pearson supported the nomination. There being no further nominations, motion by Ford, seconded by Reid, to close the nominations. Upon a voice vote, motion carried 7 to 0.

DRAFT

With that, Mayor Strazdas suspended the need for a vote of Council for the election of the Mayor Pro Tem and seated Nasim Ansari as Mayor Pro Tem of Portage, and Councilmember Pearson assumed the chair formerly occupied by Mayor Pro Tem Ansari.

ADOPTION OF RULES OF ORDER AND PROCEDURE: Mayor Strazdas noted that all Councilmembers received these rules, asked if there were any concerns from the City Clerk or the City Manager. Hearing none, he entertained a motion to approve them. Motion by Ansari, seconded by Reid, to approve the Rules of Order and Procedure as presented. Discussion followed. Upon a voice vote, motion carried 7 to 0.

INTRODUCTION OF GUESTS: Mayor Strazdas recognized various citizens and government officials in the audience, including his wife, Sharon Strazdas, former Mayors Betty Ongley and Jamie Graham, Kalamazoo Mayor Bobby Hopewell, Kalamazoo City Manager James Ritsema, Kalamazoo County Under Sheriff Paul Matyas, former Councilmember and current State Senator Margaret O'Brien, and House Representative Brandt Iden.

ADJOURN FOR A RECEPTION OF NEW COUNCIL: 7:46 p.m.

RECONVENE OF NEW COUNCIL: 8:12 p.m.

COMMENTS FROM COUNCIL: Mayor Strazdas asked if there were any comments from the City Council.

Councilmember Pearson thanked the Portage voters for re-electing him. He referenced Councilmember Randall and her experience as an initiate with some of her suggested changes for the Assessor's Office, and he recounted that last year there was a lawyer threatening to sue him because he wanted to look outside for a Temporary City Manager. He indicated that he knows what it is like to be new and spoke about his newly elected official seminar with the Michigan Municipal League in Ann Arbor where he was told not to expect to effect change right away because it may take a few years. He said bold leadership, "to bring positive change in your community," means you have to take some lumps, know the system, so in his fifth year, he is looking forward now that he knows the system.

With that, he congratulated Councilmember Randall as the highest vote getter of any Councilmember winning every precinct in the city, especially considering the "lumps" she has had to take. He gave great praise to Larry Shaffer as an outstanding City Manager and indicated that he is well-respected throughout the County.

Councilmember Reid thanked the newly elected Councilmembers, Mayor Strazdas and newly appointed Mayor Pro Tem Ansari, congratulated them and expressed her appreciation to them. She pointed out that it is always a challenge to provide for a family, serve on City Council and deal with all of the competing activities and explained.

Councilmember Ford expressed his appreciation for being elected and recounted his experiences over the last two years as he brought positivity and energy to the tasks faced by City Council, as well as his youth. He reflected on a comment by Mayor Pro Tem Ansari at that time, who said, "Principle matters," when he defended his (Mr. Ford's) appointment to Council as the next highest vote-getter in the prior election and congratulated him on being elected Mayor Pro Tem.

Councilmember Randall congratulated her colleagues for a successful and a positive campaign saying they were very deserving and the voters recognized and supported their leadership. She thanked the voters for electing her and trusting her and that she will continue to always put citizens first. She indicated that the election reflected citizen satisfaction with the City of Portage and the new direction of the City leadership under City Manager Larry Shaffer as affirmed by the hundreds of households she visited.

She issued a plea that Council work together to provide Mr. Shaffer with the support he has earned and now deserves so that he may carry out his duties as City Manager as efficiently as possible. She said that she is looking forward to enhancing the City and the services of the City under the direction of this new Council. She thanked everyone for their support and encouragement and gave personal thanks to her husband, Bob, her hiking friend, Debbie, and recognized her nieces, nephews, sister and former Mayor Jamie Graham in the audience as some of her supporters.

She indicated that Mayor Pro Tem Ansari brings an offering of peace and good will, represents the City at every event and will carry out his office as a noble emissary.

Councilmember Randall congratulated outgoing former Mayor Pro Tem and Councilmember Jim Pearson, who represented the City as much as humanly possible. She especially thanked him for his work as representative on the Central County Dispatch Authority (Consolidated 911) where an agreement was reached which had not been possible for thirty years, and for his work on the Kalamazoo County Transit Authority/Central County Transit Authority.

She applauded the technology acumen and enthusiasm of Councilmember Ford and recognized that he represents a whole new faction of voters with the diversity that his youth brings to Council.

Councilmember Urban extended congratulations to those who ran the election, to all of the newly elected Councilmembers and to Mayor Strazdas.

Mayor Pro Tem Ansari asked for a moment of silence for the victims of the recent terrorist attack in Paris, France. He revealed that this is a bittersweet time for him as he is reminded of the suffering in the world and he finds it hard to concentrate on anything else except how to make matters better. He indicated that he is also reminded of the goodness of the Portage community and the citizens of Portage, who have elected him again to speak their voice and resolve their concerns and explained. He expressed his gratitude for being elected and indicated he is both blessed and humbled by the community for their faith in him. He recognized it as a great responsibility and promised the community that he would uphold the strong community-based values the voters have come to expect from City Council: integrity, transparency and commitment to our citizens. He indicated that we all live in a Democracy where we can agree to disagree, treat each other with respect and learn from the past, but not dwell on the past. He said that he is looking forward to working with all of the Council in the best interests of the City of Portage. He congratulated the newly elected Councilmembers for their hard work on the campaign trail, expressed his pride to be on the City Council and extended a special thank you to the rest of Council and City Manager Shaffer.

Mayor Strazdas expressed congratulations to all of City Council as he reflected that Portage has six great Councilmembers and an excellent City Manager, that this is an opportunity to work on the future, to work with the citizens, to offer better services, to offer value to our citizens and to take this City to a new level. He expressed an interest in taking advantage of the turnaround economy, new job opportunities, growing the economy and the good things before us. He pointed out that some of the current Councilmembers worked through the downturn in the economy, and the City was able to weather the great recession very well. He said it is time to "put the foot on the gas pedal" and move the City forward in positive ways. He indicated that he is looking forward to his role of supporting the Administration and bringing Councilmembers together, and he challenged all Councilmembers, and even himself, to work collaboratively among themselves, with the State Legislature and Kalamazoo County because there is much to be done, and there is a great future in store for Portage if everyone works together.

STATEMENTS OF CITIZENS AND GUESTS: State Senator Margaret O'Brien congratulated the newly elected Councilmembers and thanked City Council for all they have taught her. She explained that, as a Councilmember, this is where she learned about how to address issues, how to build relationships, and how to debate with one another and still come together. She explained how these skills have served her well in the legislature and that she is looking forward to continuing their partnership and working together.

House Representative Brandt Iden characterized the work by Council as a “wonderful job” and explained that he understands the difficulties associated with running a campaign while serving on Council and working a job in the community. He thanked Council for their service and continued dedication to Portage. He pointed out that he served with Mayor Pro Tem Ansari on the Kalamazoo County Commission and congratulated him on his new office. Discussion followed.

* **CONSENT AGENDA:** Mayor Strazdas asked Councilmember Randall to read the Consent Agenda. Motion by Urban, seconded by Reid, to approve the Consent Agenda motions as presented with Councilmember Reid recusing herself from item N.1, Investment Committee Citizen Appointments, as Mr. Richard Kraas is her husband. Upon a roll call vote, motion carried 7 to 0.

* **APPROVAL OF ACCOUNTS PAYABLE REGISTER OF NOVEMBER 17, 2015:** Motion by Urban, seconded by Reid, to approve the Accounts Payable Register of November 17, 2015, as presented. Upon a roll call vote, motion carried 7 to 0.

PUBLIC HEARING:

PUBLIC HEARING FOR AN ORDINANCE AMENDMENT TO ESTABLISH BUDGET STABILIZATION FUND: Mayor Strazdas introduced the item and deferred to City Manager Larry Shaffer, who explained that a Budget Stabilization Fund allows City Council to formally set aside funds as a “rainy day” fund in a highly regulated, highly managed system and is recommended as one more tool to address downturns in the economy that affects the financial standing of the City. He indicated that only certain types of issues can be addressed by the fund under State Statute: downturns in revenue, changes in employment status for municipal employees or changes in public services, for example. He also pointed out that all funds coming in and out of the Budget Stabilization Fund require a two-thirds vote of City Council. He introduced Finance Director Bill Furry as a source of information on the particulars of the Budget Stabilization Fund. He said that the establishment of the Ordinance does not carry any funds with it as this requires a separate consideration and vote of Council and explained. Mayor Strazdas asked for comments from City Council; hearing none, he opened the public hearing to members of the audience.

There being no comments from the members of the audience, motion by Pearson, seconded by Reid, to close the public hearing. Upon a voice vote, motion carried 7 to 0. Discussion followed.

Motion by Pearson, seconded by Randall, to approve 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.

Councilmember Reid referred to Council discussion at the Committee of the Whole Work Session of November 3, 2015, and her question, “What is the benefit?” She said she is still grappling with that question. She referred to the conversation about whether the Budget Stabilization Fund would be a part of or beyond the 24% Fund Balance as it could make a portion of the Fund Balance more difficult and more restrictive to use. She explained that the four purposes could still be funded with the Fund Balance, so she questioned the need for the Budget Stabilization Fund because there is no upside for having a Budget Stabilization Fund. Mr. Shaffer explained and expressed his view that the Budget Stabilization Fund is necessary for emergency purposes and is a preventative measure. He cited three stiff downturns in the economy in his 34 years as a City Manager where the fund would be necessary for addressing downturns in revenue, changes in employment status for municipal employees or changes in public services, for example.

Councilmember Reid asked if City Council maintains the current unencumbered 24% Fund Balance, how is that less available or less useable for emergencies than if we had 60% of that 24% in a Budget Stabilization Fund and 40% unencumbered? Mr. Shaffer indicated that Councilmember Reid has some very good points and admitted that this may be a case of personal preference. He indicated that he is not recommending that \$3.5 million be placed in that fund, but something less than that with

an annual appropriation for the fund. He reminded Council that he recommended \$300,000 for now with the hope that it can be built up gradually, and recommended that the Budget Stabilization Fund be in excess of 24%. He advocated having repositories of funds in different accounts with different strictures on them as being a very good thing for the City. Discussion followed.

Councilmember Reid indicated that one of the difficult things about the Budget Stabilization Fund as a Council is whether it would be part of the 24% Fund Balance, or would it be in addition to the 24% Fund Balance, and as a policy decision this impacts how Council views this Budget Stabilization Fund.

Councilmember Ford indicated that he is a proponent of the Budget Stabilization Fund, and noted that the Ordinance would establish the Fund but not provide funds for it. He pointed out that two times in the past decade, the City has had a deficit and the Administration was allowed to cover those losses with the unrestricted Fund Balance. He indicated that the Council is accountable to the citizens and need to be able to explain that the City did not do well because of the recession, a wind storm, the South Westnedge Project cost increases, etc., and “the Fund allows the City to take the next step forward instead of a step back.”

Councilmember Urban referred to the statement by Councilmember Reid, regarding whether the Budget Stabilization Fund would be part of the 24% Fund Balance, or would it be in addition to the 24% Fund Balance, and indicated that Council will never know the answer to that because it can change every year with the Budget approval as Councils change their minds. He acknowledged that some communities might find a Budget Stabilization Fund important, but he cited the fact that because Portage was able to weather both the Michigan recession, then the national recession, he expressed doubt that it is a necessity for the City of Portage. He recognized that the City is levying at near the General Fund millage cap and near the total millage cap, and pointed out that in the past one of the special millage caps have been “bumped” up to the maximum allowable for the natural wind storm disaster, for example, until it was paid back, but there is not much room to do that. He pointed out that in the case of a natural, manmade or economic disaster, the Council cannot impose an increase in a millage to pay for a need without the consent of the citizens, but this is still not enough to convince him to have a Budget Stabilization Fund, at least not in Portage. He also recognized a unique situation could occur with regard to the Portage tax base that may also warrant such a Budget Stabilization Fund, except the restrictions may make such a Fund inappropriate for Portage, and it leaves the use of the Fund to the discretion of Council, whether it be a part of the Fund Balance or in addition to the Fund Balance. He also indicated his preference that it not be a part of the Fund Balance. Because of the uncertainty that it be a part of the Fund Balance, the history of Portage and the minimal advantage of the Budget Stabilization Fund, he indicated he did not think he could support it at this time. He remained flexible, nevertheless, and indicated that he could still support it.

Mayor Strazdas indicated that the City has always had at least 24% Fund Balance and asked when, if ever, have the Council had to take more than \$1 million of the \$6 million Fund Balance. The only upside the Mayor could cite was that it was a prudent measure to put restrictions on spending money and explained. In answer to Mayor Strazdas, City Attorney Randy Brown indicated that the Ordinance could be repealed, but the remaining funds would still fall under the statute. Mayor Strazdas expressed his support for the Budget Stabilization Fund and discussion followed.

Councilmember Randall indicated that this was a great example of showing confidence in City Manager Shaffer and his advice since the City is not supposed to accrue wealth, but to provide quality services to our citizens who pay taxes. She emphasized that future Councils are influenced by past Councils, cited examples, reminded Council that the future is uncertain, and expressed her support for the Budget Stabilization Fund. She indicated that the Fund Balance was 13% when she first became a Councilwoman, but the City had much more than that, so the City was not really carrying out what Council prescribed as a Fund Balance percentage.

Councilmember Urban indicated that the Fund Balance has always been figured as a minimal in the past and not been set as a specific percentage amount. He indicated that if Council takes the recommendation of the City Manager, it would result in the accumulation of wealth as referenced by

Councilmember Randall because it would be an extra amount of money over and above the Fund Balance and would be considered accruing wealth. He noted that the establishment of the Fund for that one time the City might need it could be 30 years from now, so he questioned should Portage Council hold \$3 million of the City citizens' money for 20 or 30 years for that one time it is needed. He mentioned that only two times has there been situations where the funds would be needed since he has lived in Portage, and revealed the results of his research that confirmed in part the assertion of Mr. Brown that the Ordinance could be repealed, but the remaining funds would still fall under the statute and cannot be used for capital improvement purposes.

In answer to Councilmember Reid, who cited Section 70-310 of the proposed Budget Stabilization Fund Ordinance, Mr. Brown confirmed that the Ordinance could be repealed, but the remaining funds still fall under the statute. Discussion followed.

Upon a roll call vote, motion carried 5 to 2. Yeas: Councilmembers Ford, Pearson, Randall, Mayor Pro Tem Ansari and Mayor Strazdas. No: Councilmembers Reid and Urban. Discussion followed.

REPORTS FROM THE ADMINISTRATION:

* **SOUTH SHORE DRIVE SANITARY SEWER PROJECT #416-S:** Motion by Urban, seconded by Reid, to adopt Resolution No. 1, accept the City Manager Report, request preparation of Resolution No. 2 for the South Shore Drive Sanitary Sewer Project #416-S, 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. Upon a roll call vote, motion carried 7 to 0.

* **WEST CENTRE AVENUE RECONSTRUCTION - GRAND ELK RAILROAD GRADE CROSSING:** Motion by Urban, seconded by Reid, to 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. Upon a roll call vote, motion carried 7 to 0.

* **LOCAL DEVELOPMENT FINANCE AUTHORITY APPOINTMENTS:** Motion by Urban, seconded by Reid, to 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. Upon a roll call vote, motion carried 7 to 0.

* **DOWNTOWN DEVELOPMENT AUTHORITY APPOINTMENTS:** Motion by Urban, seconded by Reid, to confirm the appointments to the Downtown Development Authority Board of Directors. Upon a roll call vote, motion carried 7 to 0.

* **OCTOBER 2015 SUMMARY ENVIRONMENTAL ACTIVITY REPORT – INFORMATION ONLY:** Motion by Urban, seconded by Reid, to receive the communication from the City Manager regarding the October 2015 Summary Environmental Activity Report as information only. Upon a roll call vote, motion carried 7 to 0.

* **DEPARTMENT MONTHLY OPERATIONAL REPORTS:** Motion by Urban, seconded by Reid, to receive the Department Monthly Operational Reports from the various departments for October 2015. Upon a roll call vote, motion carried 7 to 0.

COMMUNICATION:

* **INVESTMENT COMMITTEE CITIZEN APPOINTMENTS:** Motion by Urban, seconded by Reid, to reappoint citizen Richard Kraas and appoint citizens Christopher Burns and Aimee Kornowicz to the Investment Committee. Upon a roll call vote, motion carried 6 to 1 with Councilmember Reid recusing herself.

* **MINUTES OF BOARDS AND COMMISSIONS:** Council received the minutes of the:

- Portage Human Services Board of September 3, 2015.
- Portage Public Schools Regular Business Meeting of September 28 and Special and Committee of the Whole Work Session of October 12.
- Portage Youth Advisory Committee of October 5, 2015.
- Portage Historic District Commission of October 7, 2015.
- Portage Historic District Study Committee of October 7, 2015.
- Portage Zoning Board of Appeals of October 12, 2015.
- Portage Planning Commission of October 15, 2015.

COUNCIL COMMITTEE REPORTS:

DISCOVER KALAMAZOO: Councilmember Randall recounted the Discovery Kalamazoo meeting, including a PowerPoint presentation by Kalamazoo City Manager James Ritsema regarding what is happening in Kalamazoo and an excellent report on the City of Portage by City Manager Larry Shaffer.

ENVIRONMENTAL HEALTH ADVISORY COUNCIL: Councilmember Ford indicated the minutes of the last meeting of the Environmental Health Advisory Council will be available just before the next meeting.

CENTRAL COUNTY TRANSIT AUTHORITY (CCTA): Councilmember Urban indicated that the Authority reviewed how much work needed to be done by the October 2016 closing date; that they reviewed a spreadsheet of 210 items, with 60% as the responsibility of the CCTA Board of Directors, including contracts and policies; and, that the list was by no means exhaustive or comprehensive. Discussion followed.

COUNTYWIDE DISPATCH AUTHORITY: Councilmember Pearson indicated that the Authority is very close to announcing an Executive Director; that Mr. Shaffer is taking the lead in working out the details of the employment contract; and, Mr. Shaffer confirmed that it should be announced in a couple of weeks.

NEW BUSINESS:

COUNCIL RETREAT: Mayor Strazdas asked for and received a consensus to use the same facilitator as last year and indicated that he would cross-reference all calendars with that of the facilitator. He recommended a one day session and suggested a Friday or Saturday. After a discussion of four date options, Council agreed to January 22, 2016, and the same location as last year.

PRE-COUNCIL MEETINGS: Mayor Strazdas asked for input on having a meeting prior to the Regular City Council Meeting with the intention that if there were any questions on an Agenda Item, it would be easier to speak face to face with a Department Head or the City Manager.

DRAFT

Councilmember Reid asked for minutes of the proposed Special Meetings so that all of Council would have the same information. Discussion followed.

Councilmember Randall asked that Council take advantage of technology by calling in on a phone or Skype (copy of a DVD, streaming, etc.) of the Special Meeting and explained.

Councilmember Urban indicated that these Pre-Council Meetings have never been all of the Councilmembers, have never been publicly noticed meetings and were originally the Mayor and Mayor Pro Tem with a Councilmember rotated in eventually because there was a sense that not everyone was getting the same information.

He pointed out that he cannot make a 7:30 a.m. meeting and, if Council is scheduling a routine meeting of this Council, it needs to be when the members are available. He indicated Council only has one such meeting, at 7:30 p.m., two Tuesdays a month (*Portage City Charter*). He emphasized City Council cannot schedule a regular meeting of Council when a Councilmember is not available, especially since this was not known when that Councilmember was elected. He asked, "What's broke?" Mayor Strazdas listed all of the ways Council can obtain answers to their Agenda questions: telephone, e-mail, personal meeting with the City Manager or a Department Head. Discussion followed.

Councilmember Pearson revealed a long-term problem he experienced with the original meeting schedule was that three members of Council and the public could attend, but the four remaining Councilmembers were "locked out" and asked for flexibility from Councilmember Urban some time on Monday before the Tuesday meetings. Councilmember Urban responded that he could not understand why Council needed to schedule two, properly noticed meetings on meeting week, and pointed out that Council can make decisions at these meetings, as they are different from the Committee of the Whole meetings. Councilmember Pearson responded that Council could set a policy to not make a decision at Pre-Council Meetings and Mayor Strazdas concurred. Discussion followed.

Councilmember Ford advocated the simple opportunity to ask the City Manager a question on Monday morning to give time for a response that would go to all Councilmembers, and that he saw it as a chance for the City Manager to get the answer and even respond after the meeting.

Mayor Strazdas observed that Council agrees that there has to be some rules promulgated and that only agenda items can be addressed on Monday with the City Manager. Mayor Strazdas offered to work with Mayor Pro Tem Ansari and City Manager Shaffer to create some basic rules of engagement, publish the rules and that Council would work within the confines of these rules if anyone shows up for a meeting.

Councilmember Urban objected saying there is no necessity for this since all Councilmembers have telephones and e-mails and can contact the City Manager with questions a number of ways; he said "We are simply posing questions to the City Manager." He said Council does not need to set a regularly scheduled public meeting of the entire Council. Mayor Strazdas indicated it is just another avenue of a "face to face;" no one has to be there; and the other opportunities are still options.

Councilmember Pearson indicated that he is not hearing any objections to the concept, and asked if Councilmember Urban could settle on a time on Monday and let Council know. Discussion followed.

Councilmember Reid offered 9:00 to 9:30 a.m. as her optimal time recognizing anyone who works may not be available, hence the need for comprehensive minutes. Discussion followed.

Councilmember Pearson asked that the time be subjected to a Doodle survey. Mayor Strazdas asked City Manager Shaffer to arrange the survey. Discussion followed.

BID TABULATION:

* **TELEPHONE SERVICES AGREEMENT – BID TABULATION:** Motion by Urban, seconded by Reid, to 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. Upon a roll call vote, motion carried 7 to 0.

OTHER CITY MATTERS:

STATEMENTS OF CITY COUNCIL: Councilmember Ford attended the Grand Opening of the KENCO Facility the day after the election with Mayor Strazdas, Mayor Pro Tem Ansari, Councilmember Randall and City Manager Shaffer. He thanked his wife and family for tolerating him during his campaign and announced that his wife is going to have another child. City Council, Mayor Strazdas and City Manager Shaffer congratulated him.

Councilmember Randall attended the Senior Center Craft sale and congratulated the school board, the parents and those who voted for the Portage Public School Proposals. She wished Happy Thanksgiving to everyone and safe travels.

Councilmember Pearson stressed the time commitment involved in the community, Council meetings, campaigning and home responsibilities and noted that campaigning helps a person lose weight, so he was glad the campaigning was over since he reached his target weight.

Councilmember Reid expressed her appreciation for the moment of silence requested by Mayor Pro Tem Ansari and reflected on family, the holidays and the importance of the people we really care about.

City Manager Shaffer congratulated the newly elected Councilmembers, Mayor Strazdas and Mayor Pro Tem Ansari and indicated he was looking forward to working with all of Council.

Mayor Pro Tem Ansari recognized former Mayor Jamie Graham and reflected on the earlier conversation regarding the time for the Pre-Council Meetings.

Mayor Strazdas discussed his meeting with the owners of KENCO, and indicated that he took the opportunity to show the owner around Portage since she had never been to Michigan. He asked Council to focus on business, the economy and good jobs for Portage. He reminded Councilmembers Urban, Reid and Ford that they volunteered to read the essays, "What I like About Portage." Councilmember Urban recused himself since his daughter is writing one of the essays. Discussion followed.

ADJOURNMENT: Mayor Strazdas adjourned the meeting at 9:30 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: Accounts Payable Register

SUPPORTING PERSONNEL: William Furry, Finance Director

ACTION RECOMMENDED: That City Council approve the Accounts Payable Register of December 1, 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 November 8, 2015 through November 22, 2015 and notes \$389,150.84 in automated clearing house payments, \$698,748.97 in paper checks and \$60,373.70 in auto-pay payments for a grand total of \$1,148,273.51.

FUNDING: N/A

Attachments: 1. Accounts Payable Register

CITY OF PORTAGE ACCOUNTS PAYABLE REGISTER

Check Dates From: 11/08/2015 To: 11/22/2015

| Check Date | Check | Vendor Name | Amount |
|------------|---------|-------------------------------------|-----------------------------|
| 11/20/15 | 4552(A) | ABONMARCHE CONSULTANTS, INC | 6,542.25 |
| 11/20/15 | 4553(A) | ALRO STEEL CORPORATION | 18.88 |
| 11/20/15 | 4554(A) | AMERICAN SAFETY & FIRST AID | 209.28 |
| 11/20/15 | 4555(A) | ANIMAL REMOVAL SERVICE, LLC | 2,275.00 |
| 11/20/15 | 4556(A) | BELL EQUIPMENT COMPANY | 513.67 |
| 11/20/15 | 4557(A) | BLUE CARE NETWORK-GREAT LAKES | 69,925.29 |
| 11/20/15 | 4558(A) | BRENNER OIL CO. | 19,779.66 |
| 11/20/15 | 4559(A) | C D W GOVERNMENT, INC. | 678.38 |
| 11/20/15 | 4560(A) | CAPITAL ADVANTAGE LEASING | 16,650.70 |
| 11/20/15 | 4561(A) | CARRIER & GABLE | 818.00 |
| 11/20/15 | 4562(A) | CROWN TROPHY | 430.00 |
| 11/20/15 | 4563(A) | DATA CONSTRUCTS LLC | 97.95 |
| 11/20/15 | 4564(A) | DELTA DENTAL PLAN OF MICHIGAN | 16,687.00 |
| 11/20/15 | 4565(A) | EMPLOYMENT GROUP, INC. | 2,970.88 |
| 11/20/15 | 4566(A) | ENGINEERED PROTECTION SYSTEMS, INC. | 293.01 |
| 11/20/15 | 4567(A) | ETNA SUPPLY, INC. | 151.91 |
| 11/20/15 | 4568(A) | FIRE SERVICE MANAGEMENT | 1,149.06 |
| 11/20/15 | 4569(A) | FURRY, WILLIAM | 246.64 |
| 11/20/15 | 4570(A) | HARTFORD LIFE INSURANCE COMPANY | 7,974.52 |
| 11/20/15 | 4571(A) | HURST MECHANICAL, INC. | 9,277.00 |
| 11/20/15 | 4572(A) | INDUSCO SUPPLY CO., INC. | 137.04 |
| 11/20/15 | 4573(A) | IRISH AYRES ENTERPRISES, LLC | 3,104.00 |
| 11/20/15 | 4574(A) | JAROTH, INC | 303.00 |
| 11/20/15 | 4575(A) | KAHN, WILMA | 192.00 |
| 11/20/15 | 4576(A) | KUSHNER & COMPANY, INC. | 309.77 |
| 11/20/15 | 4577(A) | MAURER'S TEXTILE RENTAL SERVICES | 14.80 |
| 11/20/15 | 4578(A) | MEJEUR ELECTRIC LLC | 4,930.00 |
| 11/20/15 | 4579(A) | PCM SALES, INC. | 40,550.00 |
| 11/20/15 | 4580(A) | PEOPLEFACTS, LLC | 69.55 |
| 11/20/15 | 4581(A) | ROAD EQUIPMENT PARTS CENTER | 119.04 |
| 11/20/15 | 4582(A) | S B F ENTERPRISES, INC. | 704.78 |
| 11/20/15 | 4583(A) | SAFETY SERVICES, INC. | 476.15 |
| 11/20/15 | 4584(A) | SNELL, DEBRA | 144.00 |
| 11/20/15 | 4585(A) | TECHNOLOGY SOLUTIONS | 2,210.00 |
| 11/20/15 | 4586(A) | UNITED WATER ENVIRONMENTAL SERVICES | 171,384.32 |
| 11/20/15 | 4587(A) | VISION SERVICE PLAN (OH) | 2,072.26 |
| 11/20/15 | 4588(A) | W W GRAINGER INC | 451.05 |
| 11/20/15 | 4589(A) | WIGHTMAN & ASSOCIATES, INC. | 5,290.00 |
| | | SUBTOTAL: | 38 CHECKS 389,150.84 |
| 11/20/15 | 295708 | 10TH DISTRICT COURT | 306.00 |
| 11/20/15 | 295709 | A I S CONSTRUCTION EQUIP. CO. | 430.80 |
| 11/20/15 | 295710 | A NEW LEAF | 85.00 |
| 11/20/15 | 295711 | A T & T | 4,365.99 |

CITY OF PORTAGE ACCOUNTS PAYABLE REGISTER

Check Dates From: 11/08/2015 To: 11/22/2015

| Check Date | Check | Vendor Name | Amount |
|------------|--------|------------------------------------|------------|
| 11/20/15 | 295712 | A-1 SIGNS | 2,803.75 |
| 11/20/15 | 295713 | ADP, INC. | 1,039.37 |
| 11/20/15 | 295714 | AIRGAS GREAT LAKES | 209.09 |
| 11/20/15 | 295715 | ALL CITY MANAGEMENT SERVICES, INC. | 3,115.80 |
| 11/20/15 | 295716 | ALLEGRA PRINT & IMAGING | 989.27 |
| 11/20/15 | 295717 | AMERICAN PLANNING ASSOCIATION | 405.00 |
| 11/20/15 | 295718 | ANY CUTTING & WELDING | 300.00 |
| 11/20/15 | 295719 | APPLIED IMAGING | 2,113.24 |
| 11/20/15 | 295720 | APPLIED INDUSTRIAL TECHNOLOGIE | 1,071.48 |
| 11/20/15 | 295721 | ARROWHEAD SCIENTIFIC, INC. | 11,584.29 |
| 11/20/15 | 295722 | ATTORNEYS TITLE AGENCY LLC | 150.00 |
| 11/20/15 | 295723 | AUTOMATIC MICROFILM CO. | 2,411.40 |
| 11/20/15 | 295724 | BEST WAY DISPOSAL, INC. | 1,670.00 |
| 11/20/15 | 295725 | BIOLOGICAL CONTROLS INC. | 2,702.17 |
| 11/20/15 | 295726 | BLUE CROSS/BLUE SHIELD OF MICH | 116,194.71 |
| 11/20/15 | 295727 | BORGESS HEALTH ALLIANCE | 434.00 |
| 11/20/15 | 295728 | BRINK'S, INC | 280.79 |
| 11/20/15 | 295729 | BRONNER'S CHRISTMAS DECORATION | 4,167.69 |
| 11/20/15 | 295730 | BRONSON HEALTHCARE GROUP | 800.00 |
| 11/20/15 | 295731 | BROWNELL'S INCORPORATED | 50.75 |
| 11/20/15 | 295732 | BYHOLT INC. | 716.81 |
| 11/20/15 | 295733 | CARLETON EQUIPMENT CO. | 1,824.66 |
| 11/20/15 | 295734 | CASINO TOURS & CHARTERS | 141.00 |
| 11/20/15 | 295735 | CBCS | 149.99 |
| 11/20/15 | 295736 | CHARTER COMMUNICATIONS | 87.53 |
| 11/20/15 | 295737 | CHASE DOORS | 10.33 |
| 11/20/15 | 295738 | CHICAGO TITLE OF MICHIGAN, INC. | 150.00 |
| 11/20/15 | 295739 | CINTAS CORP. | 190.84 |
| 11/20/15 | 295740 | CITY OF KALAMAZOO TREASURER | 263,947.79 |
| 11/20/15 | 295741 | CITY OF KALAMAZOO TREASURER | 563.66 |
| 11/20/15 | 295742 | CLASSIC CARRIAGE LLC | 484.00 |
| 11/20/15 | 295743 | CONSUMERS ENERGY | 37,980.23 |
| 11/20/15 | 295744 | CROOKSTON AUDIO | 450.00 |
| 11/20/15 | 295745 | CROSSROADS CAR WASH | 499.25 |
| 11/20/15 | 295746 | DAVE'S CONCRETE PRODUCTS, INC. | 2,585.00 |
| 11/20/15 | 295747 | DMOCH, ADAM | 68.37 |
| 11/20/15 | 295748 | DOPP, LYNLEY D. | 53.14 |
| 11/20/15 | 295749 | EDISON ELECTRIC, INC | 2,120.00 |
| 11/20/15 | 295750 | ELLIS, DANIEL | 33.06 |
| 11/20/15 | 295751 | EMERGENCY VEHICLE PRODUCTS | 75.00 |
| 11/20/15 | 295752 | ENGINEERING NEWS - RECORD | 59.00 |
| 11/20/15 | 295753 | FIBERLINK COMMUNICATIONS CORP. | 330.00 |
| 11/20/15 | 295754 | FLETCHER ENTERPRISES | 795.00 |
| 11/20/15 | 295755 | FOSTER, ROBERT & MARY | 5,948.00 |

CITY OF PORTAGE ACCOUNTS PAYABLE REGISTER

Check Dates From: 11/08/2015 To: 11/22/2015

| Check Date | Check | Vendor Name | Amount |
|------------|--------|-------------------------------------|-----------|
| 11/20/15 | 295756 | FRED WESTERN | 100.00 |
| 11/20/15 | 295757 | GORDON WATER SYSTEMS | 176.00 |
| 11/20/15 | 295758 | GORNO FORD | 51,570.00 |
| 11/20/15 | 295759 | GRIFFIN PEST SOLUTIONS, INC. | 559.00 |
| 11/20/15 | 295760 | HAINES, NICK | 202.92 |
| 11/20/15 | 295761 | HENSON, DEREK | 500.00 |
| 11/20/15 | 295762 | HESS, DERECK | 332.46 |
| 11/20/15 | 295763 | HIBLER, T.J. | 25.00 |
| 11/20/15 | 295764 | HOME DEPOT | 223.83 |
| 11/20/15 | 295765 | HUDSON, JAMES | 205.39 |
| 11/20/15 | 295766 | INTAPOL INDUSTRIES, INC. | 369.99 |
| 11/20/15 | 295767 | J-AD GRAPHICS, INC | 1,489.00 |
| 11/20/15 | 295768 | JOHNS, STEVE | 150.00 |
| 11/20/15 | 295769 | KAHLE, JOAN | 42.00 |
| 11/20/15 | 295770 | KAL CO MEDICAL CONTROL AUTH | 1,029.50 |
| 11/20/15 | 295771 | KAL HUMAN RESOURCE MGT ASSOC | 100.00 |
| 11/20/15 | 295772 | KALAMAZOO COUNTY | 22.00 |
| 11/20/15 | 295773 | KALAMAZOO COUNTY BROWNFIELD | 1,175.03 |
| 11/20/15 | 295774 | KALAMAZOO COUNTY DRAIN COMMISSIONER | 1,440.00 |
| 11/20/15 | 295775 | KALAMAZOO COUNTY TREASURER | 11,001.47 |
| 11/20/15 | 295776 | KALAMAZOO FIRST ASSEMBLY OF GOD | 100.00 |
| 11/20/15 | 295777 | KALAMAZOO OIL COMPANY | 216.87 |
| 11/20/15 | 295778 | KEALA, TRICIA | 241.32 |
| 11/20/15 | 295779 | LACOSTA FACILITY SUPPORT SERVICES | 3,360.79 |
| 11/20/15 | 295780 | LAKE MICHIGAN MAILERS, INC. | 50.50 |
| 11/20/15 | 295781 | LAWSON PRODUCTS, INC | 294.10 |
| 11/20/15 | 295782 | LEXISNEXIS/MATTHEW BENDER | 145.50 |
| 11/20/15 | 295783 | LISA GRACE | 100.00 |
| 11/20/15 | 295784 | LORD OF LIFE LUTHERAN CHURCH | 100.00 |
| 11/20/15 | 295785 | MAIL MANAGEMENT | 479.05 |
| 11/20/15 | 295786 | MAILFINANCE | 744.27 |
| 11/20/15 | 295787 | MAISTO, MARY | 100.00 |
| 11/20/15 | 295788 | MALL CITY HARMONIZERS | 200.00 |
| 11/20/15 | 295789 | MARKUS, MICHAEL | 117.62 |
| 11/20/15 | 295790 | MARTIN, JAMES | 104.94 |
| 11/20/15 | 295791 | MCNALLY ELEVATOR CO. | 119.75 |
| 11/20/15 | 295792 | MED EXPRESS URGENT CARE, PC MICH | 285.00 |
| 11/20/15 | 295793 | MEEKHOF TIRE SALES & SERVICE INC. | 1,677.20 |
| 11/20/15 | 295794 | MI RECREATION & PARKS ASSOC. | 370.00 |
| 11/20/15 | 295795 | MICH MUNICIPAL POLICE & FIRE REPAIR | 896.35 |
| 11/20/15 | 295796 | MICHIGAN ELECTION RESOURCES, LLC | 3,275.34 |
| 11/20/15 | 295797 | MIDWEST CIVIL ENGINEERS | 3,846.00 |
| 11/20/15 | 295798 | MIDWEST CUSTOM EMBROIDERY COMPANY | 64.50 |
| 11/20/15 | 295799 | MIDWEST GUTTER SYSTEMS LLC | 410.00 |

CITY OF PORTAGE ACCOUNTS PAYABLE REGISTER

Check Dates From: 11/08/2015 To: 11/22/2015

| Check Date | Check | Vendor Name | Amount |
|------------|--------|-------------------------------------|-----------|
| 11/20/15 | 295800 | MINER, WILLIAM | 129.95 |
| 11/20/15 | 295801 | MOORLAG, TODD | 95.65 |
| 11/20/15 | 295802 | MOSES FIRE EQUIPMENT, INC. | 958.00 |
| 11/20/15 | 295803 | NATIONAL RECREATION & PARK AS. | 165.00 |
| 11/20/15 | 295804 | NIECKO, MARTIN | 650.00 |
| 11/20/15 | 295805 | NIKITAS, JULIA | 25.00 |
| 11/20/15 | 295806 | NORMAN CAMERA CO. | 135.00 |
| 11/20/15 | 295807 | NYE UNIFORMS | 833.82 |
| 11/20/15 | 295808 | O'REILLY AUTO PARTS | 94.95 |
| 11/20/15 | 295809 | OFFICE DEPOT, INC. | 1,205.20 |
| 11/20/15 | 295811 | OMM ENGINEERING, INC. | 13,541.63 |
| 11/20/15 | 295812 | ONSTAFF USA INC | 19,820.23 |
| 11/20/15 | 295813 | OWEN, JERRY | 137.79 |
| 11/20/15 | 295814 | PADILLA-CARLSON, GLORIA | 59.00 |
| 11/20/15 | 295815 | PAM DAZEY | 62.40 |
| 11/20/15 | 295816 | PARADIGM DESIGN, INC. | 7,192.50 |
| 11/20/15 | 295817 | PARIS CLEANERS | 1,456.65 |
| 11/20/15 | 295818 | PATHFINDER CHURCH | 100.00 |
| 11/20/15 | 295819 | PET VET FAMILY PET CARE CENTER | 39.82 |
| 11/20/15 | 295820 | PETTY CASH-DPS | 358.75 |
| 11/20/15 | 295821 | PETTY CASH-POLICE DEPT. | 256.71 |
| 11/20/15 | 295822 | PNC BANK | 1.00 |
| 11/20/15 | 295823 | POLDERMAN'S FLOWER SHOP | 41.95 |
| 11/20/15 | 295824 | PORTAGE CHAPEL HILL UMC | 100.00 |
| 11/20/15 | 295825 | PORTAGE PUBLIC SCHOOLS | 525.00 |
| 11/20/15 | 295826 | PRINCE OF PEACE LUTHERAN CHURCH | 100.00 |
| 11/20/15 | 295827 | PRUDENTIAL NURSERY | 4,305.00 |
| 11/20/15 | 295828 | PUBLIC AGENCY TRAINING COUNCIL, INC | 295.00 |
| 11/20/15 | 295829 | R C M HEADSETS/R C M & ASSOC. | 1,650.00 |
| 11/20/15 | 295830 | RATHCO SAFETY SUPPLY, INC. | 2,897.50 |
| 11/20/15 | 295831 | RAY ALLEN MANUFACTURING, LLC | 459.83 |
| 11/20/15 | 295832 | RENEWED EARTH, INC. | 7,916.66 |
| 11/20/15 | 295833 | REPUBLIC SERVICES OF WEST MICHIGAN | 791.00 |
| 11/20/15 | 295834 | RIDGE AUTO NAPA | 361.66 |
| 11/20/15 | 295835 | S & T LAWN SERVICE | 9,113.00 |
| 11/20/15 | 295836 | SCHWARTZ, JUSTIN | 28.06 |
| 11/20/15 | 295837 | SENSUS METERING SYSTEMS | 350.33 |
| 11/20/15 | 295838 | SIMMONS FORD | 583.77 |
| 11/20/15 | 295839 | ST. CATHERINE OF SIENA CHURCH | 100.00 |
| 11/20/15 | 295840 | STATE OF MICHIGAN | 60.00 |
| 11/20/15 | 295841 | STATE OF MICHIGAN (DOT) | 5,627.09 |
| 11/20/15 | 295842 | STATE OF MICHIGAN (LARA) | 200.00 |
| 11/20/15 | 295843 | STATE OF MICHIGAN (MDEQ) | 9,727.72 |
| 11/20/15 | 295844 | STATE SYSTEMS RADIO, INC | 1,543.00 |

Check Dates From: 11/08/2015 To: 11/22/2015

| Check Date | Check | Vendor Name | Amount |
|------------|--------|-----------------------------------|---------------------|
| 11/20/15 | 295845 | STEENSMA LAWN & POWER EQUIPMENT | 72.77 |
| 11/20/15 | 295846 | STEVE ROSSIO | 100.00 |
| 11/20/15 | 295847 | STONEGATE MANAGEMENT, INC. | 100.00 |
| 11/20/15 | 295848 | STOUGHTON, GERALD & MARGIE | 70.00 |
| 11/20/15 | 295849 | SUZANNE GERNAAT | 410.00 |
| 11/20/15 | 295850 | SYNERGISTIC ONLINE SOLUTIONS | 4,485.00 |
| 11/20/15 | 295851 | T D S METROCOM, LLC | 4,435.99 |
| 11/20/15 | 295852 | T-MOBILE USA INC | 29.99 |
| 11/20/15 | 295853 | THE BRIDGE | 100.00 |
| 11/20/15 | 295854 | THOMAS HAMANN | 992.50 |
| 11/20/15 | 295855 | TIGER DIRECT, INC. | 29.96 |
| 11/20/15 | 295856 | TODD ARBANAS ENTERPRISES INC. | 2,850.00 |
| 11/20/15 | 295857 | TRACTOR SUPPLY CORP. | 125.71 |
| 11/20/15 | 295858 | TRI-COUNTY ROOFING & CONSTRUCTION | 128.00 |
| 11/20/15 | 295859 | ULINE, INC. | 125.50 |
| 11/20/15 | 295860 | UNITED PARCEL SERVICE | 17.03 |
| 11/20/15 | 295861 | UNITED PARTY & EVENT SERVICES | 572.50 |
| 11/20/15 | 295862 | UNITED RESOURCE, LLC | 17,876.16 |
| 11/20/15 | 295863 | VANDAM, COREY | 147.83 |
| 11/20/15 | 295864 | VERIZON WIRELESS SERVICES, LLC | 2,076.60 |
| 11/20/15 | 295865 | WEATHERTAP | 233.25 |
| 11/20/15 | 295866 | WEDEL'S INC. | 1,800.00 |
| 11/20/15 | 295867 | WENTWORTH, JORDAN | 205.72 |
| 11/20/15 | 295868 | WEST MICHIGAN OFFICE INTERIORS | 1,317.00 |
| 11/20/15 | 295869 | WEST MICHIGAN STAMP & SEAL, INC | 65.00 |
| 11/20/15 | 295870 | WEST SHORE FIRE, INC. | 437.27 |
| 11/20/15 | 295871 | WEST SHORE SERVICES, INC | 75.00 |
| 11/20/15 | 295872 | WESTCOMB, WADE | 50.39 |
| 11/20/15 | 295873 | WESTERN MICHIGAN INT'L TRUCKS | 364.46 |
| 11/20/15 | 295874 | XEROX CORPORATION | 403.78 |
| | | SUBTOTAL: | |
| | | | 166 CHECKS |
| | | | 698,748.97 |
| 11/09/15 | 2331 | Utilities Auto-Pay | 16,193.54 |
| 11/10/15 | 2336 | Utilities Auto-Pay | 22,672.25 |
| 11/12/15 | 2368 | Utilities Auto-Pay | 3,562.97 |
| 11/13/15 | 2390 | Utilities Auto-Pay | 6,775.79 |
| 11/16/15 | 2393 | Utilities Auto-Pay | 8,583.89 |
| 11/17/15 | 2394 | Utilities Auto-Pay | 1,323.34 |
| 11/19/15 | 2408 | Utilities Auto-Pay | 1,261.92 |
| | | SUBTOTAL: | |
| | | | 7 CHECKS |
| | | | 60,373.70 |
| | | GRAND TOTAL: | |
| | | | 211 CHECKS |
| | | | 1,148,273.51 |

** (A) DENOTES ACH PAYMENTS

TO: Honorable Mayor and City Council

FROM: Laurence Shaffer, City Manager



SUBJECT: 2016 Fee Schedules

SUPPORTING PERSONNEL: James Hudson, City Clerk
Kendall Klingelsmith, Director of Parks, Recreation and Senior Citizen Services
Vicki Georgeau, Director of Community Development
Richard White, Director of Public Safety - Police / Fire Chief
W. Christopher Barnes, Director of Transportation and Utilities

ACTION RECOMMENDED: That City Council adopt the:

- a. proposed 2016 Charges for Documents (FOIA Fees);
- b. recommended 2016 Recreation Program Fee Revisions;
- c. Resolutions for Community Development Fees, Electrical Permits, Building Permits, Plumbing Permits and Mechanical Permits; and
- d. 2016 Special Assessment Rate Resolution.

Service, permit and activity fees have historically been updated and implemented on a calendar year basis following an annual administrative review of fees for various city services and activities, as well as special assessment rates. Proposed fee modifications for the 2016 calendar year are recommended to facilitate continued service provision and to comply with the Council adopted goal to “Maintain the financial health of the city.” Recommended fee modifications for 2016 are based on service cost considerations and are detailed below.

Charges for Documents (FOIA) Fee Schedule

Under the Freedom of Information Act 442 of 1976 (FOIA), municipalities are allowed to recover costs incurred in providing certain documents for public purchase. Fees for FOIA requests are periodically revised to reflect actual costs for providing materials. A review of fees has recently been completed, with only minor changes to the document fees proposed. The attached Proposed 2016 Charges for Documents identifies proposed fee changes, which are summarized below:

- Under the Finance Section, Special Assessment/Tax History not on computer (prior to 2004) and Utility Bill History Information is being offered at no charge owing to the small amount of time it takes to perform the look-up and the subsequent amount of time to process a charge for the information.
- Under the Community Development Section, the 2016 Charges for Documents reflects that maps, plans, tracings, plats, etc., are all available as part of the GIS Mapping Service.

Recreation and Park Facility Fee Schedule

Fee schedules for recreation programs and park facilities are reviewed yearly to ensure that programs offered are able to meet public demand in a cost-effective manner and continue to promote the quality of life within the community. A scholarship program is in place to provide subsidies for disadvantaged youth and ensure program access for most activities. The recommended 2016 Recreation Program Fee Revisions identify proposed fee changes, which are summarized below:

- Adult softball continues to be a popular recreation program engaging thousands of citizens throughout the region. Although the late registration fee of \$40 had not previously been identified on the fee schedule, staff have since added this to the fee schedule and recommend an increase to \$50 in order to continue encouragement of on-time registration. This aids in the efficiency of league scheduling.
- The number of individuals participating in ice skating lessons continues to increase each year. By increasing the instructor pay and number of instructors, the city is able to serve more skaters. The increase from \$20 to \$22 will cover the additional cost of instructors.
- The per person open skating fee is recommended to be increased from \$4 to \$5, which is good for all day. In comparison, Wings Stadium offers open skating for \$6 for a maximum of 2 hours. At the recommended rate of \$5 for open skating, the fee will cover costs for services and still remain a bargain for rink patrons. The new fee would not take effect until December 2016 (the 2016-2017 skating season).
- The ice rink is a great option for private rental birthday parties and group skates. An increase in this fee from \$100 to \$120 will cover additional costs associated with opening and grooming the rink for the reservation period.
- Football and soccer fields are in high demand during their respective seasons and experience a lot of wear and tear due to the nature of the sports. The age and use of the fields have required additional maintenance which will continue in years to come. Furthermore, fees for football and soccer fields have held steady for many years. The increases recommended on the fee schedule reflect a ten percent (10%) increase across the board for the field use.
- The field reservation fee for softball practice is recommended to increase from \$10 to \$15 for 1.5 hours of reserved time in an effort to offset the continually increasing costs to maintain the city's softball fields. Even with the proposed increase, the resulting fee is still a very economical rate.
- The Hayloft Theatre has seen a significant increase in rentals as this facility has become a popular wedding and reception venue. Additional cleaning fee options were added to the schedule last year. In order to streamline the reservation fee and offer simplified rental rates, removal of the interior restroom fee, along with an increase to the daily maximum and wedding fees is recommended. This will ensure that all rental groups will receive this service.
- The demand for walk/run reservations has steadily increased and staff continue to receive more requests than the schedule can accommodate. A minor fee increase is recommended to offset the costs associated with the addition of a Rental Coordinator position. This position has become the primary point of contact for walk/run groups and has significantly improved the level of customer service and efficiency of operation during walk/run events. City trails are exposed to thousands of walk/run participants during these rental seasons.

Cemetery Fees and Charges

City cemetery fees are reviewed annually to ensure that the General Fund subsidy for this operation

remains at or below \$50,000. Fees were last modified in 2015. **No changes to the existing cemetery fees and charges are recommended for 2016.**

Senior Center Class and Facility Fee Schedule

The current fee system for classes identifies member and non-member rates, providing an incentive for older adults to join and become members of the Senior Center. A scholarship program through the Friends of the Portage Senior Center is in place to provide assistance to seniors of low income and to ensure program access to all older adults in the community. The Senior Center also has published rental rates, consistent with City of Portage park facilities. **No modifications to the existing fees are recommended at this time.**

Community Development Fees for Service

The annual review for Community Development service fees (Planning, Development and Neighborhood Services, and Building and Housing Services) has been accomplished. In 2015, one new fee was added for a mural, which was a new section added to the Zoning Code in 2014. The last comprehensive increase in Community Development Fees occurred in 2006. Since that time, only minor fee changes have been made.

The actual cost to process development applications is determined by analyzing staff resources needed to complete plan reviews, field inspections, written communications, legal notices, direct mailing and copy and record retention expenses. Based on a recent analysis, the costs of service delivery have remained relatively unchanged and only minor revisions are recommended to Planning and Zoning fees for 2016, which include:

- *Street Vacation or Land Sale.* The current fee for a citizen to request either a street vacation or to purchase city-owned land is \$825 per application. If the land sale occurs, the portion of the \$825 fee, less appraisal and publication costs, is credited towards the purchase. In addition to appraisal and publication of notice costs, the city staff and attorney incurs staff time facilitating the real estate transaction, and additional costs such as preparation of surveys and legal descriptions for utility, drainage and/or access easements are not uncommon. It is therefore recommended that the entire base fee of \$825 be retained to cover city costs associated with an appraisal, publication costs, survey costs, and city staff and attorney time.
- *Kalamazoo County Brownfield Redevelopment Plan.* Although the City of Portage has an established Brownfield Redevelopment program, local property owners have recently requested assistance through the Kalamazoo County Brownfield Redevelopment Authority (KCBRA) with eligible environmental remediation activities. Unlike the City of Portage, Kalamazoo County has funding available through a revolving loan fund to pay for the up-front expenses of completing assessment studies (e.g. Phase 1 and Baseline Environmental Assessment) and preparation of Brownfield Plans. Two KCBRA plans that included a tax increment financing element have been submitted to the city for review and approval: 9008 Portage Road (Disaster Restoration) and 4460 Commercial Avenue (Accu-Mold). The Disaster Restoration plan was approved and the Accu-Mold plan was withdrawn after City Council approval, but prior to Kalamazoo County Board approval. Even though the Plan is prepared and coordinated by Kalamazoo County, the City Administration, Portage Brownfield Redevelopment Authority and City Council must also review/approve the brownfield plan. At this time, the city does not have a fee for a KCBRA sponsored brownfield plan. To offset city staff and city attorney time

and resources utilized to review such proposals, a \$500 fee per KCBRA plan is recommended. This fee is less than the \$1,100 City of Portage brownfield plan since it takes less staff time to review/process a KCBRA plan.

- *Electronic Submission of Building Plans.* A function of the Department of Community Development is to archive all site and building plans. Historically, this task was accomplished by an independent contractor that created microfiche cards for each plan sheet. As digital technology improved and archiving requirements changed, the department acquired equipment to scan and archive all site and building plans, eliminating department costs associated with retaining the services of a private contractor. However, department staff scan approximately 2,000 plan sheets annually, and an average set of plans takes approximately 30 minutes of staff time to scan and archive. In an effort to streamline the process for both staff and the development community, an electronic version of site, building and as-built plans will be requested to be submitted subsequent to approval. If an applicant chooses not to provide an electronic copy of the plans, a fee of \$30 for the first 20 sheets plus \$1.00 per sheet thereafter is proposed in an effort to help offset equipment repair/replacement. Since the vast majority of plans are now prepared in an electronic format, this fee is not expected to have a significant impact on the development community.

A resolution for Community Development fees is attached detailing all current fees and the recommended fee adjustments for 2016.

Public Safety Department Fees

Fire Division:

- Fire Division fees, including fees for false fire alarms, campfire permits, fireworks permits and follow-up business inspection fees, were last updated in December 2008. Furthermore, two additional fees were implemented in 2015, including a radio amplification system testing fee and a compliance check fire inspection fee. **All of these fees have been reviewed and no changes are recommended for the 2016 calendar year.**

Police Division:

- Article 2, Section 78-66 of the Portage Code of Ordinances allows the city to impose emergency response fees upon individuals who have been adjudicated guilty of any state law pertaining to the act of impaired driving. The fees are based on the cost of the response of public safety personnel to these incidents and were last modified in December 2008. **No changes are recommended for these fees for the 2016 calendar year.**
- Michigan Compiled Laws (MCL) 765.12a gives the Department of Public Safety authority to collect a fee from persons arrested pursuant to a warrant issued by a court. The Arrest Warrant Processing Fee may be collected to defray the expense of receiving, depositing and delivering bail or bond money to the court, which Portage police officers accomplish on a daily basis. **No changes are recommended for these fees for the 2016 calendar year.**

Right-of-Way and Excavation Permits

Chapter 66 – Streets, Sidewalks and Other Public Places of the Code of Ordinances, sets the

requirements and procedures for performing excavations and other work in the public rights-of-way of the city. Persons proposing to perform any such work shall first obtain a permit from the Transportation & Utilities Department. The fee, insurance and bonding requirements are to be set by resolution of the City Council and were last modified in 2013. **Review of the costs associated with permit processing, plan review and site inspection indicates that no fee increase is warranted for 2016.**

Soil Erosion and Sediment Control Permits

Part 91, Soil Erosion and Sediment Control (SESC), of the Natural Resources and Environmental Protection Act, 1994 PA 451 is the State of Michigan law regulating construction activities, including earth changes to ensure that any earth change is accomplished in a manner that will effectively reduce accelerated soil erosion and resulting sedimentation. The City of Portage acts as the local municipal enforcement agency for projects involving earth changes within the city limits. Persons proposing to perform any such work shall first obtain a permit from the Transportation & Utilities Department, the fees for which were last modified in 2013. **A review of the costs associated with permit processing, plan review and site inspection activity indicates that no fee increase is warranted for 2016.**

Special Assessment Rates

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

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

Special assessment rates are updated using a variety of factors: actual construction cost for comparable city projects; national construction cost indexes and applicable construction cost data from the Kalamazoo Builders Exchange, a local clearing house for public and private construction cost information. Recent improvement in the local economy has resulted in significant price increases for construction projects during 2015. Each special assessment rate was analyzed separately so that the recommended 2016 rates also properly reflect the City Council policy on property owner cost-sharing of needed infrastructure improvements. Due to increasing complexity of city utility projects, the city has experienced not only an increase in material prices, but higher construction labor and engineering design costs as well. Special Assessment rates were calculated based primarily on the actual bid history of completed 2015 projects. Thus, rates for some construction items such as sanitary sewer, increases at a different rate than that of water main. A Special Assessment Rate Resolution reflecting the proposed rates for 2016 is provided for the consideration of Council.

FUNDING: N/A

- Attachments:**
1. Proposed 2016 Charges for Documents
 2. Recommended 2016 Recreation Program Fee Revisions
 3. Resolutions for Community Development Fees, Electrical Permits, Building Permits, Plumbing and Mechanical Permits
 4. 2016 Special Assessments Rate Resolution

**CITY OF PORTAGE
2016 CHARGES FOR DOCUMENTS**

| ORIGINATING DEPARTMENT | DOCUMENT TITLE | CHARGES PER COPY | | ONLINE AVAILABILITY |
|------------------------|--|------------------------------|------------------------------|--|
| | | FORMER | NEW CHARGES | |
| City Manager | Advisory Board Minutes | No Charge | No Charge | Last Twelve Months Online for: Minutes and Agendas for Construction Board of Appeals, Human Services Board, Zoning Board of Appeals, Planning Commission, DDA and EDC/TIFA, L.D.F.A., Historic District Commission, Senior Citizens Advisory Board, Park Board and Environmental Board. |
| | Advisory Board Agendas | No Charge | No Charge | See Above |
| | Advisory Board Agenda Packets | \$.10/pg + * | \$.10/pg + * | Available Online |
| | City Maps | No Charge | No Charge | GIS Mapping Service Available Online |
| Finance | Budget (Paper copy)* | \$.10/pg + * Plus Mailing | \$.10/pg + * Plus Mailing | Available Online |
| | Budget CD ROM* | \$0.38 Plus Mailing | \$0.38 Plus Mailing | Available Online |
| | Comprehensive Audit (Paper Copy) | \$.10/pg + * Plus Mailing | \$.10/pg + * Plus Mailing | Available Online |
| | Comprehensive Audit CD ROM* | \$0.38 Plus Mailing | \$0.38 Plus Mailing | Available Online |
| | *Upon Availability | Plus Mailing | Plus Mailing | |
| | Full Copy of Electronic Property Tax File | \$0.38 | \$0.38 | Not Available Online |
| | Tax Payment Receipts (duplicates requested other than time of payment) | No Charge | No Charge | Available Online |
| | Individual Parcel Look-up Online | No Charge | No Charge | Available Online |
| | Special Assessment/Tax History on computer (since 2004) | No Charge | No Charge | Available Online |
| | Special Assessment/Tax History not on computer (prior to 2004) | \$2.00/year | No Charge | Not Available Online |
| | Utility Bill History Information | \$5.00 | No Charge | Not Available Online |
| * Upon Availability | | | | |
| Assessor | Property Appraisal Card/Owner of Record | No Charge | No Charge | Not Available Online |
| | Property Appraisal Card/Non-Property Owner | \$.10/pg + * | \$.10/pg + * | Not Available Online |
| | Additional Cards | \$.10/pg + * | \$.10/pg + * | Not Available Online |
| | Data Sales Report | \$.10/pg + * | \$.10/pg + * | Not Available Online |
| | Annual Database download for Realtors Association | * | * | Not Available Online |

**CITY OF PORTAGE
2016 CHARGES FOR DOCUMENTS**

CHARGES FOR DOCUMENTS CONT.

| ORIGINATING DEPARTMENT | DOCUMENT TITLE | CHARGES PER COPY | | ONLINE AVAILABILITY |
|------------------------|---|--|--|--------------------------------------|
| | | FORMER | CURRENT | |
| Purchasing | Bid Specifications (First copy) | No Charge | No Charge | Available Online |
| | Contract Conditions & Specifications | No Charge | No Charge | Available Online |
| | Additional Copy | \$.10/pg + * | \$.10/pg + * | |
| City Clerk | City Charter | \$2.40 | \$2.40 | Available Online |
| | Precinct Maps (Color) | \$6.00 | \$6.00 | GIS Mapping Service Available Online |
| | Council Minutes and Agendas | No charge | No charge | Prior Year Available Online |
| | Council Agenda Packets | \$.10/pg + * Plus Mailing | \$.10/pg + * | Prior Year Available Online |
| | Qualified Voter Information (plus postage) | * | * | Not Available Online |
| | Qualified Voter Information-Electronic Copy | 0.38/CD | 0.38/CD | Not Available Online |
| | Tax Abatement Application | 2% of taxes abated during the term of the tax abatement not to exceed \$1,800.00 | abated during the term of the tax abatement not to exceed \$1,800.00 | Available Online |
| Employee Development | Employee Records - If Available to employee or designee | | | Not Available Online |
| | 1st Copy | No Charge | No Charge | |
| | 2nd copy | \$.10/pg + * | \$.10/pg + * | |
| | To non-employee | \$.10/pg + * | \$.10/pg + * | |
| Benefit Services | Employee Records - If Available to employee or designee | | | Not Available Online |
| | 1st Copy | No Charge | No Charge | |
| | 2nd copy | \$.10/pg + * | \$.10/pg + * | |
| | To non-employee | \$.10/pg + * | \$.10/pg + * | |
| Fire | EMS Reports | \$.10/pg + * | \$.10/pg + * | Not Available Online |
| | Environmental Impact Statements | \$.10/pg + * | \$.10/pg + * | Not Available Online |
| | NFIRS Reports | \$.10/pg + * | \$.10/pg + * | Not Available Online |
| | Research | * | * | Not Available Online |
| | Digital Photos to Disc | * | * | Not Available Online |

**CITY OF PORTAGE
2016 CHARGES FOR DOCUMENTS**

CHARGES FOR DOCUMENTS CONT.

| ORIGINATING DEPARTMENT | DOCUMENT TITLE | CHARGES PER COPY | | ONLINE AVAILABILITY |
|---------------------------|--|-------------------|-------------------|----------------------|
| | | FORMER | CURRENT | |
| Police | POLICE REPORTS: | | | Not Available Online |
| | Minor Incident Report | \$.10/pg + * | \$.10/pg + * | |
| | Up to 20 pages | \$.10/pg + * | \$.10/pg + * | |
| | From 21-40 pages | \$.10/pg + * | \$.10/pg + * | |
| | From 41-60 pages | \$.10/pg + * | \$.10/pg + * | |
| | Accident Reports: | | | Not Available Online |
| | UD-10 Form | \$.10/pg + * | \$.10/pg + * | Not Available Online |
| | w/supplemental Info up to 20 pages | \$.10/pg + * | \$.10/pg + * | |
| | From 21-40 pages | \$.10/pg + * | \$.10/pg + * | |
| | From 41-60 pages | \$.10/pg + * | \$.10/pg + * | |
| | Over 60 pages | \$.10/pg + * | \$.10/pg + * | |
| | Police Reports Facsimile Charge | No Charge | No Charge | Not Applicable |
| | Photographs | | | Not Available Online |
| | Booking Photo | \$.38 + * | \$.38 + * | Not Available Online |
| | Booking Room Videos, Lobby Videos, | \$.38 + * | \$.38 + * | Not Available Online |
| | Interview Videos, Evidence Videos and | \$.38 + * | \$.38 + * | |
| | Mobile Video Digital Recordings | \$.38 + * | \$.38 + * | |
| | *Digital Photos to Disc | \$.38 + * | \$.38 + * | Not Available Online |
| | Visa Clearance | \$11.00 | \$11.00 | Not Available Online |
| | Audio Tapes | \$.38 + * | \$.38 + * | Not Available Online |
| | Non-criminal Fingerprints | | | Not Available Online |
| | Resident or Portage Business | \$8.00/card | \$8.00/card | |
| | Non-resident | \$15.00/card | \$15.00/card | |
| | Application to Set Aside Conviction Permit | Through the Court | Through the Court | Not Available Online |
| | Bond Fee | \$10.00 | \$10.00 | |

**CITY OF PORTAGE
2016 CHARGES FOR DOCUMENTS**

CHARGES FOR DOCUMENTS CONT.

| ORIGINATING DEPARTMENT | DOCUMENT TITLE | CHARGES PER COPY | | ONLINE AVAILABILITY |
|--|---|------------------|--------------|--|
| | | FORMER | CURRENT | |
| | PAPER FORMAT - IN COLOR: | | | Available as part of GIS Mapping Service |
| Community Development (Maps, plans, tracings, plats, etc.) | 8 x 11 ("A" size) without Aerial | \$1.00 | \$1.00 | Available as part of GIS Mapping Service |
| | 11 x 17 ("B" size) without Aerial | \$2.00 | \$2.00 | Available as part of GIS Mapping Service |
| | 18 x 24 ("C" size) without Aerial | \$3.00 | \$3.00 | Available as part of GIS Mapping Service |
| | 24 x 36 ("D" size) without Aerial | \$5.00 | \$5.00 | Available as part of GIS Mapping Service |
| | 30 x 30 ("E" size) without Aerial | \$10.00 | \$10.00 | Available as part of GIS Mapping Service |
| | 8 x 11 ("A" size) with Aerial | \$2.00 | \$2.00 | Available as part of GIS Mapping Service |
| | 11 x 17 ("B" size) with Aerial | \$5.00 | \$5.00 | Available as part of GIS Mapping Service |
| | 18 x 24 ("C" size) with Aerial | \$10.00 | \$10.00 | Available as part of GIS Mapping Service |
| | 24 x 36 ("D" size) with Aerial | \$20.00 | \$20.00 | Available as part of GIS Mapping Service |
| | 30 x 30 ("E" size) with Aerial | \$25.00 | \$25.00 | Available as part of GIS Mapping Service |
| | Building Plan/Site Plan (24x36) (copyright restrictions may apply) | \$5.00/sheet | \$5.00/sheet | Not Available Online |
| | Planning and Zoning Code with Land Development Regulations | \$.10/pg + * | \$.10/pg + * | Available Online |
| | Zoning Map, Future Land Use Map (11x17) | \$5.00 | \$5.00 | Available as part of GIS Mapping Service |
| | Zoning Map, Future Land Use Map (24x36) | \$10.00 | \$10.00 | Available as part of GIS Mapping Service |
| | Subdivision and Land Division Regulations | \$.10/pg + * | \$.10/pg + * | Available Online |
| | Comprehensive Master Plan | \$.10/pg + * | \$.10/pg + * | Available Online |
| | Comprehensive Master Plan - CD ROM | \$5.00 | \$.38 + * | Available Online |
| | Major Thoroughfare Plan Status update | \$.10/pg + * | \$.10/pg + * | Available Online |
| | Capital Improvement Program (CIP) | \$.10/pg + * | \$.10/pg + * | Available Online |
| | Capital Improvement Program (CIP) - CD ROM | \$.38 + * | \$.38 + * | Available Online |
| | Property Notification Address List | \$.10/pg. | \$.10/pg. | Not Applicable |
| | CDBG Consolidated Plan | \$.10/pg + * | \$.10/pg + * | Available Online |
| | CDBG Annual Action Plan | \$.10/pg + * | \$.10/pg + * | Available Online |
| | Analysis of Impediments to Fair Housing Study | \$.10/pg + * | \$.10/pg + * | Available Online |
| | DIGITAL FORMAT: | | | |
| | Digital Aerial Photo of City (one foot pixel resolution) | \$40/section | \$40/section | Available as part of GIS Mapping Service |
| | Digital Aerial Photo of Entire City - All Sections | \$750.00 | \$750.00 | Available as part of GIS Mapping Service |

**CITY OF PORTAGE
2016 CHARGES FOR DOCUMENTS**

CHARGES FOR DOCUMENTS CONT.

| ORIGINATING DEPARTMENT | DOCUMENT TITLE | CHARGES PER COPY | | ONLINE AVAILABILITY |
|---|---|--|---|--|
| | | FORMER | CURRENT | |
| Community | Digital Topographic Maps | \$25/quarter section | \$25/quarter section | Available as part of GIS Mapping Service |
| Development (Continued) (Maps, plans, tracings, plats, etc.) Continued | All 36 Sections | \$1,500.00 | \$1,500.00 | Available as part of GIS Mapping Service |
| | Digital (GIS) Map Layers (streets, hydrology, zoning, etc.) | \$100/layer | \$100/layer | Available as part of GIS Mapping Service |
| | Digital (GIS) Parcel Map Layer | 0.10/parcel \$25 minimum \$750 maximum | \$.10/parcel \$25 minimum \$750 maximum | Available as part of GIS Mapping Service |
| | Custom Mapping Building/Site Plan e-mailed (copyright restrictions may apply) | * | * | Available as part of GIS Mapping Service Not Available Online |
| Information Technology | Compact Disk | \$.38 + * | \$.38 + * | Not Applicable |
| | DVD Productions (copy of) | \$.38 + * | \$.38 + * | Not Applicable |
| | Computer Research | * | * | Not Applicable |

* NOTE: Charge per document is \$0.10/page, labor costs and up to 50% of the hourly wage for benefit costs of lowest paid individual capable of performing the work, plus mailing costs. For requests involving in excess of 15 minutes of staff time, the charge will be based on the nearest quarter-hour increment after the first quarter hour rounded down.

2016 RECREATION PROGRAM FEE RECOMMENDED REVISIONS

(Revisions indicated in bold)

| ACTIVITY | 2014 FEES | 2015 FEES | 2016 FEES |
|---|-----------|-----------|--------------|
| Adult Softball Leagues (13 games) | \$540 | Same | Same |
| Non-resident fee per person | \$20 | Same | Same |
| Non-resident team fee – 2 wks prior to deadline | \$680 | Same | Same |
| Late registration fee | \$40 | Same | \$50 |
| Over 50 teams | \$660 | Same | Same |
| Doubleheader teams | \$1050 | Same | Same |
| Team conduct violation | \$20 | Same | Same |
| Late Summer Softball Leagues (7 games) | \$400 | Same | Same |
| Ice Skating Lessons | | | |
| Per person | \$20 | Same | \$22 |
| Youth Cross Country Ski Lessons | | | |
| Per person | \$15 | Same | Same |
| Adult Cross Country Ski Lessons | | | |
| Per person | \$20 | Same | Same |
| Downhill Skiing Fee | | | |
| Per person | \$5 | Same | Same |
| Family | \$10 | Same | Same |
| Ramona Park Vehicle Permits | | | |
| Resident Daily pass | \$5 | Same | Same |
| Non-resident Daily pass | \$10 | Same | Same |
| Resident Annual pass | \$25 | Same | Same |
| Non-resident Annual pass | \$45 | Same | Same |
| Daily Bus pass | \$50 | Same | Same |
| The Ice Rink @ Millennium Park | | | |
| Skate fee per person | \$4 | Same | \$5 |
| Skate Rental | \$3 | Same | Same |
| Skate Sharpening | \$3 | Same | Same |
| 10 Skate Discount Card | \$25 | Same | \$30 |
| Group Rental – 1 ½ hours | \$100 | Same | \$120 |

2016 RECREATION PROGRAM FEE RECOMMENDED REVISIONS

(Revisions indicated in bold)

| PARK FACILITIES | 2014 FEES | 2015 FEES | 2016 FEES |
|---------------------------------------|-----------|-------------|--------------|
| FOOTBALL & SOCCER FIELDS | | | |
| League Play | | | |
| Weeknights (2-3 hours) | | | |
| Field/Season non-profit | \$250 | Same | \$275 |
| Field/Season profit | \$410 | Same | \$450 |
| Weekends (4-6 hours) | | | |
| Field/Season non-profit | \$385 | Same | \$425 |
| Field/Season profit | \$610 | Same | \$670 |
| Weekend Tournaments | | | |
| Field/Day non-profit | \$200 | Same | \$220 |
| Field/Day profit | \$310 | Same | \$340 |
| Camps and Clinics | | | |
| Field per 4 hrs non-profit | \$75 | Same | \$80 |
| Additional hourly fee non-profit | \$10 | Same | \$10 |
| Field per 4 hrs profit | \$120 | Same | \$130 |
| Additional hourly fee profit | \$20 | Same | \$20 |
| Team Practice Reservation Fee | | | |
| Non-profit 1 ½ hour fee | \$15 | Same | Same |
| Profit 1 ½ hour fee | \$30 | Same | Same |
| SOFTBALL FIELDS | | | |
| Youth League Tournaments | | | |
| Field/Day non-profit | \$50 | \$60 | Same |
| Field/day profit | \$75 | Same | Same |
| Deposit | \$100 | Same | Same |
| Adult Softball Tournaments | | | |
| Field/Day non-profit | \$50 | \$60 | Same |
| Field/Day profit | \$75 | Same | Same |
| Deposit | \$100 | Same | Same |
| Practice Field Reservation | | | |
| Per 1 ½ hour | \$10 | Same | \$15 |
| Softball Tournament Field Preparation | | | |
| Fee per day per field | \$50 | \$60 | Same |
| Independent Leagues (no prep) | | | |
| Field per season | \$380 | Same | Same |

2016 RECREATION PROGRAM FEE RECOMMENDED REVISIONS

(Revisions indicated in bold)

| PARK FACILITIES | 2014 FEES | 2015 FEES | 2016 FEES |
|---|-------------|-----------|-------------------------|
| SCHRIER PARK RENTAL | | | |
| Weekends/Holidays – first 3 hrs | \$190 | Same | Same |
| Additional hourly fee | \$60 | \$50 | Same |
| Daily maximum fee | \$400 | Same | Same |
| Weekdays (Mon-Fri) – first 3 hrs | \$140 | Same | Same |
| Additional hourly fee | \$40 | \$35 | Same |
| Daily maximum fee | \$290 | Same | Same |
| Non-Profit Meetings per hour | \$25 | Same | Same |
| Damage deposit | \$100 | Same | Same |
| OPEN PAVILION RENTAL | | | |
| Weekends/Holidays | \$110 | Same | Same |
| Weekdays (Mon – Fri) | \$70 | Same | Same |
| Central Park | | | |
| Lakeview Park #1 & #2 | | | |
| Ramona Park #1 & #2 | | | |
| Westfield Park | | | |
| SPECIAL EVENT SERVICE | | | |
| Daily fee | \$250-\$375 | Same | Same |
| Damage deposit | \$100 | Same | Same |
| SOUTH WESTNEDGE SKATEPARK | | | |
| Special Event Rental – 4 hrs | \$150 | Same | Same |
| CELERY FLATS RENTAL | | | |
| Schoolhouse Classroom daily fee | \$50 | Same | Same |
| Damage deposit | \$50 | Same | Same |
| Gazebo Rental – first 3 hrs | \$65/3 hrs | Same | Same |
| Additional hourly fee | \$15 | Same | Same |
| Damage deposit | \$50 | Same | Same |
| Grain Elevator | | | |
| Group Rental – first 3 hrs | \$125 | Same | Same |
| Additional hourly fee | \$30 | Same | Same |
| Damage deposit | \$100 | Same | Same |
| Hayloft Theatre * | | | |
| Group Rental – first 5 hrs | \$350 | \$400 | Same |
| Additional hourly fee | \$50 | \$60 | Same |
| Daily maximum | \$700 | \$750 | \$770 |
| Wedding fee | \$700 | \$750 | \$770 |
| Friday Rehearsal option | NA | \$100 | Same |
| Outside Performance - evening | \$300 | Same | Same |
| Rental fee - Chairs | NA | \$60 | Same- Rental Fee |
| Cleaning fee - Interior restroom | NA | \$15 | Remove |
| Damage deposit | \$100 | \$150 | Same |

2016 RECREATION PROGRAM FEE RECOMMENDED REVISIONS

(Revisions indicated in bold)

| PARK FACILITIES | 2014 FEES | 2015 FEES | 2016 FEES |
|--|-----------|-----------|---------------|
| Stuart Manor * | | | |
| Group Rental – first 3 hrs | \$140 | Same | Same |
| Additional hourly fee | \$30 | Same | Same |
| Damage deposit | \$150 | Same | Same |
| Amphitheatre * | | | |
| Group Rental – first 3 hrs | \$140 | \$180 | Same |
| Additional hourly fee | \$30 | Same | Same |
| Damage Deposit | \$100 | Same | Same |
| OVERLANDER BANDSHELL | | | |
| Non-Profit Group – first 3 hrs | \$140 | Same | Same |
| Additional hourly fee | \$40 | Same | Same |
| Profit-Making Group* - first 3 hrs | \$115 | Same | Same |
| Additional hourly fee | \$40 | Same | Same |
| 15% of gross receipts | | | |
| Past Sunset – Additional hourly fee | \$30 | Same | Same |
| Damage deposit | \$100 | Same | Same |
| <i>*Extra Fees: 15% of gross receipts plus applicable fees for additional staff, special equipment, rehearsals</i> | | | |
| WALK-RUN FUNDRAISING EVENTS | | | |
| Base fee | \$450 | Same | \$475 |
| Over 200 Participants Additional fee per participant | \$0.75 | Same | \$1.00 |
| Early Set-Up | \$100 | Same | Same |
| Additional Staff Charges (per hour) | \$25 | Same | Same |
| Damage/deposit reservation | NA | \$100 | Same |

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

Minutes of a regular meeting of the City Council for the City of Portage, Michigan held on _____, 2015 at 7:30 p.m. local time at the City Hall in the City of Portage, Michigan.

PRESENT: _____

ABSENT: _____

The following resolution was offered by:

Councilmember: _____, and supported by:

Councilmember: _____.

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

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

| <u>SERVICE</u> | <u>FEE</u> |
|--|--|
| 1. Access Management Appeal | \$330 per appeal |
| 2. Accessory Buildings | \$275 per application |
| 3. Accessory Use – Keeping of chickens | \$50 per application |
| 4. Brownfield Redevelopment Plan or Amendment | \$1,100 per application |
| 5. Brownfield Redevelopment Plan (Kalamazoo County Plan) | \$500 per application |
| 6. Building Height Modification | \$330 per request involving action only by the Planning Commission \$550 per request involving action by the Planning Commission and City Council |
| 7. Business Special Event | \$110 per application |

| | | |
|-----|--|---|
| 8. | Collection Box Application • Annual Renewal Fee | \$100 per application \$50 annually |
| 9. | Comprehensive Plan Amendment | \$825 per amendment |
| 10. | Development plan scanning | \$30 for first 20 sheets plus \$1/sheet thereafter |
| 11. | Home Occupation Permit - Active | \$150 per permit |
| 12. | Industrial Tax Abatement | 2 percent of the total property taxes abated or \$1,800, whichever is less |
| 13. | Land Division | \$150 plus \$10 for each "child" parcel over two |
| 14. | Mural Permit | \$110 per mural application |
| 15. | Noxious Weed abatement | Documented cost of the abatement plus an administrative fee of \$200 per zoning lot |
| 16. | Nuisance Abatement | Documented cost of the abatement, plus an administrative fee of \$350, plus \$50/hour or fraction thereof of staff to complete the abatement |
| 17. | Parking Plans | \$165 base fee and \$5 per 500 square feet of parking area |
| 18. | PILOT (Payment in lieu of taxes) | \$750 per application |
| 19. | Planned Development Tentative Plan | \$550 per tentative plan plus the rezoning fee |
| 20. | Commercial Planned Development Concept Plan | \$825 per conceptual plan • \$550 per conceptual plan if processed concurrent with rezoning application • \$220 per conceptual plan if combined with a specific plan and less than 10 acres |
| 21. | Planning and Zoning re-inspection fee | \$56 per hour (1 hour minimum fee) |
| 22. | Public Utility Plan | \$250 for one utility \$350 for more than one utility \$50 per easement document (review/record fee) |

| | | |
|-----|---|--|
| 23. | Sign Permits | \$110 per permanent freestanding sign application \$110 per permanent wall sign application \$55 per temporary or directional sign application \$55 per permanent freestanding or wall sign application for sign panel change to existing sign, where no structural sign modifications are proposed |
| 24. | Single-family Condominium - Preliminary approval | \$440 plus \$22 per lot |
| 25. | Single-family Condominium - Final preliminary approval | \$660 plus \$22 per lot |
| 26. | Single-family Condominium - Final approval | \$660 plus \$38 per lot |
| 27. | Small On-site Wind Energy Systems | \$130 per application |
| 28. | Special Land Use Permit | \$220 per group child care home application \$330 for all others |
| 29. | Special meeting of the Planning Commission or Zoning Board of Appeals | \$220 |
| 30. | Street Vacation or Land Sale | \$825 per application |
| 31. | Zoning Amendment | Map - \$1,100 for the first acre; then \$75 for each additional acre or fraction thereof Text - \$825 per amendment |
| 32. | Zoning Board of Appeals | \$135 for all one-family residential uses \$330 for all others |
| 33. | Zoning Compliance Review | \$50 per general zoning review/day care license \$100 per lot line adjustment \$150 for state license zoning review/annual renewals |

34. Site Plan Review

Variable base fee plus unit/square footage charges as follows:

| <u>Use</u> ¹ | <u>Zoning Classification</u> | <u>Fee</u> ^{2, 3} |
|---|--|--|
| Multiple Family | R-1T; RM-1; RM-2 | \$385 + \$11/dwelling unit |
| Planned Development | PD | \$385 + \$11/dwelling unit \$357 + \$6/100 sq. ft. gross floor area (commercial) exclusive of basement space \$440 + \$6/500 sq. ft. gross floor area (industrial) exclusive of basement space |
| Mobile Home Community | MHC | \$385 + \$11/Mobile Home Unit |
| Commercial | OS-1; OTR; B-1; B-2; B-3; CPD; CCA; CCMU | \$357 + \$6/100 sq. ft. of gross floor area, exclusive of basement space. |
| Institutional | R-1A through R-1E; R-1T RM-1; RM-2; PD | \$385 + \$6/100 sq. ft. of gross floor area, exclusive of basement space. |
| Industrial | I-1; I-2; OTR; | \$440 + \$6/500 sq. ft. of gross floor area, exclusive of basement space. |
| Recreational (golf courses and other open space type recreational uses) | R-1A through R-1E; PD | \$412 + \$12/acre over 3 acres. |

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

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

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

YES: Councilmember _____

NAYS: Councilmember _____

ABSENT: Councilmember _____

RESOLUTION DECLARED ADOPTED: _____

CERTIFICATION

I hereby certify that the foregoing is a true and complete copy of this resolution adopted at a regular meeting of the City Council of the City of Portage, Kalamazoo County, Michigan held on _____, 2015, the original of which is in the official proceedings of the City Council.

James R. Hudson, City Clerk

Approved, as to form:

Date 11/23/15
[Signature]

City Attorney

**CITY OF PORTAGE
SPECIAL ASSESSMENT RATE
RESOLUTION**

At a regular meeting of the City Council of the City of Portage, Kalamazoo County, Michigan, held in Council Chambers in the Portage City Hall in said City on the _____ day of _____, 2015 at 7:30 p.m.

PRESENT: _____

ABSENT: _____

The following resolution was offered by:

Councilmember _____ and seconded by:

Councilmember _____:

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

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

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

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

WHEREAS, Council has adopted a "Special Assessment Policy Resolution" as amended at the regular meeting of said Council on the 21st day of May, 1991; and

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

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

NOW, THEREFORE BE IT RESOLVED THAT:

1. The City of Portage adopt the special assessment rates as indicated on Attachment "A", attached hereto and incorporated herein, with said rates to become effective for any special assessment district initiated after January 1, 2016, and to remain in effect until modified by subsequent resolution of Council.

2. The City of Portage utilize the special assessment rates as indicated on Attachment "A", with said rates to become effective after January 1, 2016 for connection to any water or sanitary sewer extension district (unassessed water or sanitary sewer main). The fee for connection to an unassessed water main shall consist of the current charge for the water service line (from the water main to the curb shut off), the water meter charge, and the front footage charge based on current special assessment rates. The water service charge and meter charge must be paid in full at the time of issuance of the water permit but the front footage charge may be spread over twenty years. The fee for an up-sized water service lead shall consist of the difference in cost between the 1 1/4 inch service assessed and the selected size current rate at the time of connection.

3. The fee for connection to an unassessed sanitary sewer main shall consist of the current "trunk and branch" fee, a sewer meter charge (if the structure is not connected to public water), the street lead charge (service line from the sanitary sewer main to the property line), and the front footage charge based on the current special assessment rates for unassessed sewers. The sewer trunk and branch fee, street lead charge, and sewer meter charge (when applicable) must be paid in full at the time of issuance of the sewer use permit but the front footage charge may be spread over twenty years.

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

ADOPTED: YEAS: Councilmember: _____

NAYS: Councilmember: _____

ABSENT: Councilmember: _____

James R. Hudson, City Clerk

CERTIFICATION

STATE OF MICHIGAN)
)
COUNTY OF KALAMAZOO)

I, the undersigned, the duly qualified and acting City Clerk of the City of Portage, County of Kalamazoo, State of Michigan, do hereby certify that the foregoing is a true and complete copy of a resolution adopted at a regular meeting of the City Council of said city, held on the _____ day of _____, 20____, the original of which is on file in my office.

IN WITNESS THEREOF, I have hereto affixed my official signature this _____ day of _____, 20____.

James R. Hudson, City Clerk

z:\jody\portage\res\special assessment rate resolution.021915.doc

APPROVED AS TO FORM

DATE 11/19/15

CITY ATTORNEY

Attachment "A"

SPECIAL ASSESSMENT RATES 2016

| | Residential | | Commercial/Industrial | |
|---|--------------------|--------------------------|------------------------------|--------------------------|
| | 2015 | Proposed for 2016 | 2015 | Proposed for 2016 |
| Water | \$ 35.16 | \$ 38.77 | \$ 45.92 | \$ 50.64 |
| Sewer | \$ 35.14 | \$ 43.77 | \$ 38.12 | \$ 47.48 |
| Unassessed Sewer* | \$ 65.95 | \$ 77.92 | \$ 80.75 | \$ 95.40 |
| Sewer through Unimproved Land | \$ 27.36 | \$ 32.50 | \$ 32.74 | \$ 38.89 |
| Petitioned Street Reconstruction with Curb & Gutter (including new storm sewer) | \$ 83.18 | \$ 104.65 | \$ 88.70 | \$ 111.59 |
| Petitioned Street Reconstruction with Curb & Gutter (existing adequate storm sewer) | \$ 64.06 | \$ 81.44 | \$ 69.38 | \$ 88.21 |
| Petitioned Curb and Gutter (done in conjunction with either street reconstruction or sanitary sewer installation) | \$ 51.29 | \$ 56.79 | \$ 51.29 | \$ 56.79 |
| Petitioned Street Reconstruction | \$ 35.29 | \$ 40.02 | \$ 40.59 | \$ 46.03 |
| Petitioned Storm Sewer (done separate from street reconstruction) | \$ 25.71 | \$ 38.18 | \$ 27.71 | \$ 41.16 |
| Sidewalk | \$ 28.34 | \$ 34.76 | \$ 29.75 | \$ 36.49 |
| Drive Approach (Single) | \$ 1,144.00 | \$ 1,144.00 | \$ 1,144.00 | \$ 1,144.00 |
| Drive Approach (Double) | \$ 1,960.00 | \$ 1,960.00 | \$ 1,960.00 | \$ 1,960.00 |
| Sewer Lead | \$ 1,096.00 | \$ 1,536.67 | \$ 1,096.00 | \$ 1,536.67 |
| Sewer Lead-Unimproved Land | \$ 1,096.00 | \$ 1,536.67 | \$ 1,096.00 | \$ 1,536.67 |
| 3/4-in. Water Service | \$ 984.00 | \$ 984.00 | \$ 984.00 | \$ 984.00 |
| 1-in. Water Service | \$ 1,160.00 | \$ 1,160.00 | \$ 1,160.00 | \$ 1,160.00 |
| 1 1/4-in. Water Service | \$ 1,235.00 | \$ 1,235.00 | \$ 1,235.00 | \$ 1,235.00 |

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

TO: Honorable Mayor and City Council

FROM: Laurence Shaffer, City Manager



SUBJECT: Tentative Amendment for Oakland Hills at Centre Planned Development

SUPPORTING PERSONNEL: Vicki Georgeau, Director of Community Development

ACTION RECOMMENDED: That City Council:

- a. accept the Tentative Amendment for the Oakland Hills at Centre Planned Development and set a public hearing for January 12, 2016, and
- b. subsequent to the public hearing, approve the Tentative Plan Amendment for the Oakland Hills at Centre Planned Development subject to the two conditions cited in the October 30, 2015 Department of Community Development staff report.

An application has been received from American Village Development II, LLC, to amend the previously approved tentative plan for the Oakland Hills at Centre Planned Development (PD). The 2015 amendment proposes to revise the attached residential layout (within the southwest portion of the property), reduce the number of residential condominium units from 107 to between 85 and 100 and update the project phasing timeline.

As reminders for City Council, the following several Council actions have occurred relative to this Planned Development project:

- In 2006, City Council approved the Oakland Hills at Centre PD rezoning tentative plan for the approximate 47.6-acre property and authorized 116 attached single family residential condominiums within the interior of the property and between 30,000 and 50,000 square feet of offices in a multiple building arrangement along West Centre Avenue and Oakland Drive.
- In 2009 and since construction did not commence within the required two-year period, City Council granted a two-year extension to the PD rezoning / tentative plan approval that included an updated tentative plan with minor changes (boundary line adjustment between the office and residential portions of PD, updated acreages and densities, revised phasing schedule).
- In 2009, City Council also approved the final plan for the approximate 7,000-square-foot Cole-Gavlas office building along West Centre Avenue.
- In 2012, City Council approved a second tentative plan amendment that added a 150-foot-tall wireless telecommunications tower (“monopine”) within the office portion of the PD along Oakland Drive, revised the layout of the attached residential portion of the PD with a reduction in total number of units from 116 to 107, revised the layout of the office portion of the PD along West Centre Avenue and Oakland Drive and updated the project phasing timeline. In

conjunction with the tentative plan amendment, City Council also approved a final plan for Verizon Wireless to construct the 150-foot-tall monopine tower and related site improvements along Oakland Drive.

- In 2014, City Council approved a final plan for the approximate 3,000-square-foot 1st Source Bank building along West Centre Avenue.

With regard to the current application, the layout of the attached residential condominium buildings has been revised to reflect anticipated market conditions / demand and identifies a total of 92 condominium units in a duplex building configuration. While the applicant anticipates the duplex style building will dominate the residential community, flexibility is requested to include other building styles such as single family detached, three-plex and/or four-plex buildings with the total number of condominiums ranging between 85 to 100 units. The residential buildings will maintain a 20-foot minimum setback from the outer perimeter of the property, 25-foot setback from the edge of the internal streets and 15-foot separation between buildings. The applicant has indicated that a reduction of the perimeter setback from 40 feet to 20 feet and a reduction of the building separation from 20 feet to 15 feet will accommodate additional two-unit buildings and offset the reduction in overall dwelling units.

Furthermore, the layout of the office portion of the development has been revised to reflect the construction of the Cole-Gavlas and 1st Source Bank buildings and associated boulevard drive from West Centre Avenue, the 150-foot tall monopine tower installation along Oakland Drive and the future marketing plan. Multiple office buildings ranging in size from 1,250 to 30,000 square feet continue to be envisioned for the remainder of office portion of the PD along West Centre Avenue and Oakland Drive. Office buildings will continue to maintain a 50-foot setback / green belt from West Centre Avenue and Oakland Drive and a 20-foot setback from the perimeter of the property, with the exception of the north property line adjacent to the monopine tower, which was previously approved for a 10-foot perimeter setback.

The applicant is working with the adjacent property owner (8040 Oakland Drive) to incorporate joint access to Oakland Drive that will be shared between the proposed office buildings and the monopine tower. If this shared driveway arrangement does not occur, access for the planned office building will be obtained from the residential boulevard driveway to the south. Additionally, if the monopine owner does not approve this joint driveway arrangement, access to the monopine tower will be obtained from the residential boulevard driveway to the south. Finally, and consistent with the 2012 tentative plan amendment, the applicant has indicated the existing trees located along Oakland Drive will be maintained to the extent possible to screen / blend the monopine tower with the surrounding area.

In a report dated October 30, 2015, the Department of Community Development recommended approval of the Tentative Plan Amendment for Oakland Hills at Centre subject to two conditions: 1) the applicant maintains, to the extent possible, the existing trees located along Oakland Drive to screen / blend the monopine tower with the surrounding area; and 2) if the shared driveway arrangement with 8040 Oakland Drive does not occur, access for the planned office buildings and existing monopine tower will be obtained from the residential boulevard driveway to the south.

The Planning Commission convened a public hearing during the November 5, 2015 meeting to consider the tentative plan amendment. Mr. Jack Gesmundo, representing American Village

Development II, LLC, was present to support the request and discuss the planned development project. One citizen, Mr. Greg Nuyen (owner of 8040 Oakland Drive), was present and spoke in support of the tentative plan amendment. No additional citizens spoke regarding the proposed tentative plan amendment. After careful consideration, the Planning Commission voted 7-0 to also recommend to City Council that the 2015 Tentative Plan Amendment for Oakland Hills at Centre PD be approved subject to the same two conditions identified in the October 30, 2015 Department of Community Development staff report.

FUNDING: N/A

- Attachments:**
1. November 13, 2015 Planning Commission transmittal
 2. November 5, 2015 Planning Commission Minutes
 3. Department of Community Development report dated October 30, 2015 (with attachments)

TO: Honorable Mayor and City Council

FROM: Planning Commission

DATE: November 13, 2015

SUBJECT: Tentative Plan Amendment for Oakland Hills at Centre Planned Development, 2275, 2301, 2381 and 2401 West Centre Avenue and 8080 Oakland Drive

The Planning Commission convened a public hearing during the November 5, 2015 meeting to consider the application to amend the previously approved tentative plan for the Oakland Hills at Centre Planned Development (PD) submitted by American Village Development II, LLC. The 2015 tentative plan amendment proposes to revise the attached residential layout of the PD along the southwest portion of the property, reduce the number of residential condominiums from 107 units to between 85-100 units and update the project phasing timeline. Mr. Jack Gesmundo of American Village Development II, LLC was present at the meeting to discuss the proposed amendment and to support the application. One citizen, Mr. Greg Nuyen (owner of 8040 Oakland Drive), was present and spoke in support of the tentative plan amendment. No additional citizens spoke regarding the proposed tentative plan amendment.

After careful consideration, a motion was made by Commissioner Bosch, seconded by Commissioner Patterson, to waive the second meeting and recommend to City Council that the 2015 Tentative Plan Amendment for Oakland Hills at Centre Planned Development be approved subject to the following conditions: 1) The applicant maintain, to the extent possible, the existing trees located along Oakland Drive to screen/blend the monopine tower with the surrounding area; and 2) If the shared driveway arrangement with 8040 Oakland Drive does not occur, access for the planned office buildings and existing monopine tower be obtained from the residential boulevard driveway to the south. The motion was unanimously approved 7-0.

Sincerely,



Paul Welch
Chairman

PLANNING COMMISSION

November 5, 2015

 DRAFT

The City of Portage Planning Commission meeting of November 5, 2015 was called to order by Chairman Welch at 7:00 p.m. in Council Chambers of Portage City Hall, 7900 South Westnedge Avenue. Two citizens were in attendance.

PLEDGE OF ALLEGIANCE:

Chairman Welch led the Commission, staff and in the Pledge of Allegiance.

IN ATTENDANCE:

Christopher Forth, Deputy Director of Planning, Development & Neighborhood Services; Michael West, Senior City Planner and Randy Brown, City Attorney.

ROLL CALL:

Mr. Forth called the roll and the following Commissioners were present: Patterson (yes), Stoffer (yes), Welch (yes), Bosch (yes), Dargitz (yes) Schimmel (yes) and Richmond (yes). A motion was made by Commissioner Patterson, seconded by Commissioner Bosch, to approve the roll excusing Commissioners Felicijan and Somers. The motion was unanimously approved 7-0.

APPROVAL OF MINUTES:

Chairman Welch referred the Commission to the October 15, 2015 meeting minutes contained in the agenda packet. A motion was made by Commissioner Bosch, seconded by Commissioner Patterson, to approve the minutes as submitted. The motion was unanimously approved 7-0.

SITE/FINAL PLANS:

None.

PUBLIC HEARINGS:

1. Tentative Plan Amendment: Oakland Hills at Centre, 2275, 2301, 2381 and 2401 West Centre Avenue and 8080 Oakland Drive. Mr. Forth summarized the staff report dated October 30, 2015 regarding a request from American Village Development II, LLC to amend the previously approved tentative plan for the Oakland Hills at Centre Planned Development (PD). Mr. Forth stated the 2015 tentative plan amendment proposes to revise the attached residential layout of the PD, reduce the total number of condominium units from 107 to between 85-100, and update the project phasing timeline. Mr. Forth summarized the history of the Oakland Hills at Centre PD including the original 2006 PD rezoning, 2009 and 2012 tentative plan amendments, and final plans approved for individual development projects that have been constructed. Mr. Forth also discussed differences between the 2012 approved tentative plan and the 2015 proposed tentative plan amendment including the reduction in total number of residential condominium units and perimeter building setbacks. Mr. Forth indicated staff was recommending approval of the tentative plan amendment subject to the two conditions identified in the staff report.

Mr. Jack Gesmundo (representing American Village Development II, LLC) was present to discuss the proposed tentative plan amendment. Mr. Gesmundo discussed the changing economy over the past decade and the impacts it has had on the housing types proposed for the PD and the time schedule for construction. Mr. Gesmundo explained the vision for the remainder of the PD with the next phase involving construction of the residential condominiums.

 DRAFT

The Commission and Mr. Gesmundo next discussed aspects of the proposed tentative plan amendment including the reduction in the number of residential condominium units and changes to building setbacks. The public hearing was opened by Chairman Welch. One citizen, Mr. Greg Nuyen (owner of 8040 Oakland Drive), was present and spoke in support of the tentative plan amendment. No additional citizens spoke regarding the proposed tentative plan amendment. A motion was made by Commissioner Bosch, seconded by Commissioner Patterson, to close the public hearing. The motion was unanimously approved 7-0. A motion was made by Commissioner Bosch, seconded by Commissioner Patterson, to waive the second meeting and recommend to City Council that the 2015 Tentative Plan Amendment for Oakland Hills at Centre Planned Development be approved subject to the following conditions: 1) The applicant maintain, to the extent possible, the existing trees located along Oakland Drive to screen/blend the monopine tower with the surrounding area; and 2) If the shared driveway arrangement with 8040 Oakland Drive does not occur, access for the planned office buildings and existing monopine tower be obtained from the residential boulevard driveway to the south. The motion was unanimously approved 7-0.

OLD BUSINESS:

None.

NEW BUSINESS:

1. Historic District Modification, 10234 East Shore Drive. Mr. West summarized the staff report dated October 30, 2015 regarding a request pending before the Historic District Commission from Seth and Margaret Giem, owners of 10234 East Shore Drive (commonly known as the Train Barn), to remove approximately 1.17 acres of land from the existing historic district property. Mr. West stated the proposed historic district modification would facilitate a land division that would create two buildable lakeside lots, while leaving the historic district with approximately 169 acres of remaining land. Mr. West discussed the Local Historic Districts Act related to the role of the Planning Commission to review the preliminary report from the Portage Historic District Study Committee and provide a recommendation. Mr. West stated the Historic District Commission has scheduled a public hearing to consider this matter on December 16, 2015 and the Planning Commission recommendation will need to be provided in advance of the public hearing.

After a brief discussion, a motion was made by Commissioner Patterson, seconded by Commissioner Stoffer, to recommend that the Historic District Modification involving 10234 East Shore Drive be approved subject to the same conditions identified in the Historic District Study Committee preliminary report dated October 7, 2015. The motion was unanimously approved 7-0.

STATEMENT OF CITIZENS:

None.

ADJOURNMENT:

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

Respectfully submitted,

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

TO: Planning Commission

DATE: October 30, 2015

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

SUBJECT: Preliminary Report: Tentative Plan Amendment for Oakland Hills at Centre Planned Development, 2275, 2301, 2381 and 2401 West Centre Avenue and 8080 Oakland Drive

I. APPLICATION INFORMATION:

An application to amend the previously approved tentative plan for the Oakland Hills at Centre Planned Development (PD) has been received. The 2015 tentative plan amendment proposes to revise the attached residential layout of the planned development (southwest portion of property) and reduce the total number of condominium units from 107 to between 85-100, and update the project phasing timeline. Please refer to the attached narrative and tentative plan submitted by the applicant for additional details regarding the proposed amendment.

| Applicant | Property Address | Description | Zoning |
|---|---|--|--------------------------------|
| Mr. Jack Gesmundo, American Village Development II, LLC | 2275, 2301, 2381 and 2401 West Centre Avenue and 8080 Oakland Drive | 47.6+/- acre tract of land (Mixed office and attached residential development) | PD, planned development (2006) |

The Oakland Hills at Centre PD involves a 47.6 acre tract of land located south of West Centre Avenue and west of Oakland Drive. The original Oakland Hills at Centre PD rezoning/tentative plan application received City Council approval in 2006 and proposed the construction of 116 attached single family residential condominiums within the interior of the property and between 30,000 and 50,000 square feet of offices in a multiple building arrangement along West Centre Avenue and Oakland Drive. Since the original 2006 approval, the following tentative plan amendments and final plans have been approved:

2009. Since construction did not commence within the required two-year period, City Council granted the applicant a two-year extension to the PD rezoning and tentative plan approval. As part of the extension, the applicant submitted an updated tentative plan that identified minor changes including an approximate 36-foot shift in the boundary line between the office and attached residential portions of the development, updated acreages and densities for the office and attached residential portions of the development and a revised phasing schedule. City Council also approved the final plan for an approximate 7,000 square foot office building and associated site improvements (Cole-Gavlas, 2301 West Centre Avenue) on a 1.5 acre site within the first phase of the office portion of the development.

2012. City Council approved a second tentative plan amendment that added a 150-foot tall wireless telecommunication tower (“monopine”) within the office portion of the PD along Oakland Drive, revised the layout of the attached residential portion of the PD with a reduction in total number of units from 116 to 107, revised the layout of the office portion of the PD along West Centre Avenue and Oakland Drive and updated the project phasing timeline. In conjunction with the tentative plan amendment, City Council also approved a final plan for Verizon Wireless to construct the 150-foot tall “monopine” tower and related site improvements at 8080 Oakland Drive.

2014. City Council approved a final plan for an approximate 3,000 square foot bank building and associated site improvements (1st Source Bank) on a 1.3 acre site within the office portion of the PD along West Centre Avenue. No additional development activity has occurred since this 2014 final plan approval.

II. TENTATIVE PLAN AMENDMENT PROCEDURES/REQUIREMENTS:

The PD, planned development chapter establishes a two-part review and approval process: Tentative plan review of the overall development concept and final plan review for each phase of the development. Under the terms of the ordinance, any change to the tentative plan, such as modifying an approved land use class or adding a land use class, requires formal review and approval, with public hearings, in a manner similar to a rezoning procedure.

Section 42-374 of the Land Development Regulations stipulates the development standards in the PD zoning district. This section provides flexibility in the types of land uses of which up to 20% of the total land area available can be utilized for nonresidential uses. Public water and public sanitary sewer is required. Overall density of the project may not exceed seven units per acre and density in any one phase may not exceed 12 units per acre. Building setbacks, building height, open space and screening are also regulated under the ordinance.

III. PRELIMINARY ANALYSIS - PROPOSED TENTATIVE PLAN AMENDMENT:

A summary comparison between the 2012 approved tentative plan and 2015 proposed tentative plan amendment is provided in the table below. Specific aspects of the proposed tentative plan amendment are discussed in greater detail following the summary table.

| Oakland Hills at Centre Planned Development | | |
|--|---|---|
| Element | 2012 Approved Tentative Plan | 2015 Proposed Tentative Plan Amendment |
| Uses | Mixed use attached residential and office development with 150-foot tall wireless telecommunication tower (“monopine”) | Mixed use attached residential and office development with 150-foot tall wireless telecommunication tower (“monopine”) |
| Office/Attached Residential Acreage | 30,000–56,000 square feet offices/8.61 acres (along West Centre and Oakland Drive) 107 attached residential units/39.10 acres (within interior portion of property) | 38,000–52,200 square feet offices/8.00 acres (along West Centre and Oakland Drive) 85-100 - attached residential units/39.45 acres (within interior portion of property) |
| Phasing | Phase I (Winter 2009--Fall 2014) * 5.9 acres office along West Centre Avenue Phase II (Summer 2012--Fall 2016) * 2.7 acres office along Oakland Drive plus 150-foot tall mono-pine tower along Oakland Drive * 9.6 acre attached residential (47 units) Phase III (Fall 2016--Fall 2018) * 29.4 acres attached residential (60 units) | Phase I (Winter 2009--Fall 2017) * 5.9 acres office along West Centre Avenue Phase II (Summer 2013) * 0.25 acre “monopine” long Oakland Drive Phase III (Spring 2016--Fall 2022) * 2.1 acres office along Oakland Drive * 14.7 acres attached residential (44 units) Phase IV (Spring 2016--Fall 2022) * 24.7 acres attached residential (48 units) |
| Setbacks | 40-foot setback around perimeter of property (20-feet for mono-pine/10-feet fenced enclosure) 50-foot green belt/setback for offices along West Centre Avenue and Oakland Drive | 20-foot setback around perimeter of property (20-feet for mono-pine/10-feet fenced enclosure) 50-foot green belt/setback for offices along West Centre Avenue and Oakland Drive |
| Setbacks (con.) | 25-foot setback for residential buildings from | 25-foot setback for residential buildings from |

| | internal private streets and 20-foot separation between residential buildings | internal private streets and 15-foot separation between residential buildings |
|--------|--|--|
| Access | <p>Phase I – Full service drives from West Centre (existing boulevard shared with Hospice Care on the east and with Kushner on the west)</p> <p>Phase II – Full service drive from Oakland Drive (proposed in approximate mid-point of property)</p> <p>* Shared/cross access between phases and adjacent uses also proposed</p> | <p>Phase I – Full service drive from West Centre (existing boulevard shared with Hospice Care on the east and with Kushner on the west)</p> <p>Phase II – Full service drive from Oakland Drive (on adjacent property to north, 8040 Oakland Drive, shared/cross access)</p> <p>Phase III – Full service drive from Oakland Drive (proposed boulevard drive, attached residential)</p> <p>* Shared/cross access between phases and adjacent uses also proposed</p> |

- Revised Attached Residential Layout/Reduction in Units – As identified by the applicant, the layout of the attached residential condominium buildings has been revised to reflect anticipated market conditions and demand. The revised tentative plan identifies a total of 92 condominium units in a duplex building configuration. While the applicant anticipates the duplex style condominium building will dominate the residential community (“Whisper Rock”), flexibility is requested to include other condominium building styles such as single family detached, three-plex and/or four-plex buildings with the total number of condominiums ranging between 85-100 units. The proposed 92 condominium units represents a reduction from the 107 units proposed/approved with the 2012 tentative plan amendment, which included three and four unit buildings. Attached residential condominium buildings will maintain a minimum 20-foot setback from the outer perimeter of the property, 25-foot setback from the edge of the internal streets and 15-foot separation between buildings. The applicant has indicated a reduced perimeter setback and building separation will accommodate additional two unit buildings and offset the reduction in overall dwelling units. Internal private streets, storm water areas, entry statements and common open space areas will be owned and maintained by the Whisper Rock Condominium Owners Association.
- Revised Office Layout along West Centre Avenue/Oakland Drive – As identified by the applicant, the layout of the office portion of the development has been revised to reflect the construction of the Cole-Gavlas and 1st Source Bank buildings and associated boulevard drive from West Centre Avenue, the location of the 150-foot tall monopine tower along Oakland Drive and the future marketing plan. Multiple office buildings ranging in size from 1,250–30,000 square feet continue to be envisioned for the remainder of office portion of the planned development along West Centre Avenue (Phase I) and Oakland Drive (Phase III). Office buildings will continue to maintain a 50-foot setback/green belt from West Centre Avenue and Oakland Drive and a 20-foot setback from the perimeter of the property with the exception of the north property line adjacent to the monopine tower which was previously approved for a 10-foot perimeter setback.

With regard to the office uses and existing monopine tower along Oakland Drive, the applicant is working with the adjacent property owner (8040 Oakland Drive) to incorporate joint access to Oakland Drive that will be shared between the proposed office buildings and the monopine tower. For Commission information, 8040 Oakland Drive is located outside of the PD zoning district. If this shared driveway arrangement does not occur, access for the planned office building will be obtained from the residential boulevard driveway to the south. The applicant has also indicated the owner of the monopine tower has not “fully approved” this joint drive arrangement. If the monopine owner does not

approve this joint driveway arrangement, access to the monopine tower will be obtained from the residential boulevard driveway to the south as noted in the 2012 tentative plan amendment.

Finally, and consistent with the 2012 tentative plan amendment, the applicant has indicated the existing trees located along Oakland Drive will be maintained to the extent possible to screen/blend the monopine tower with the surrounding area.

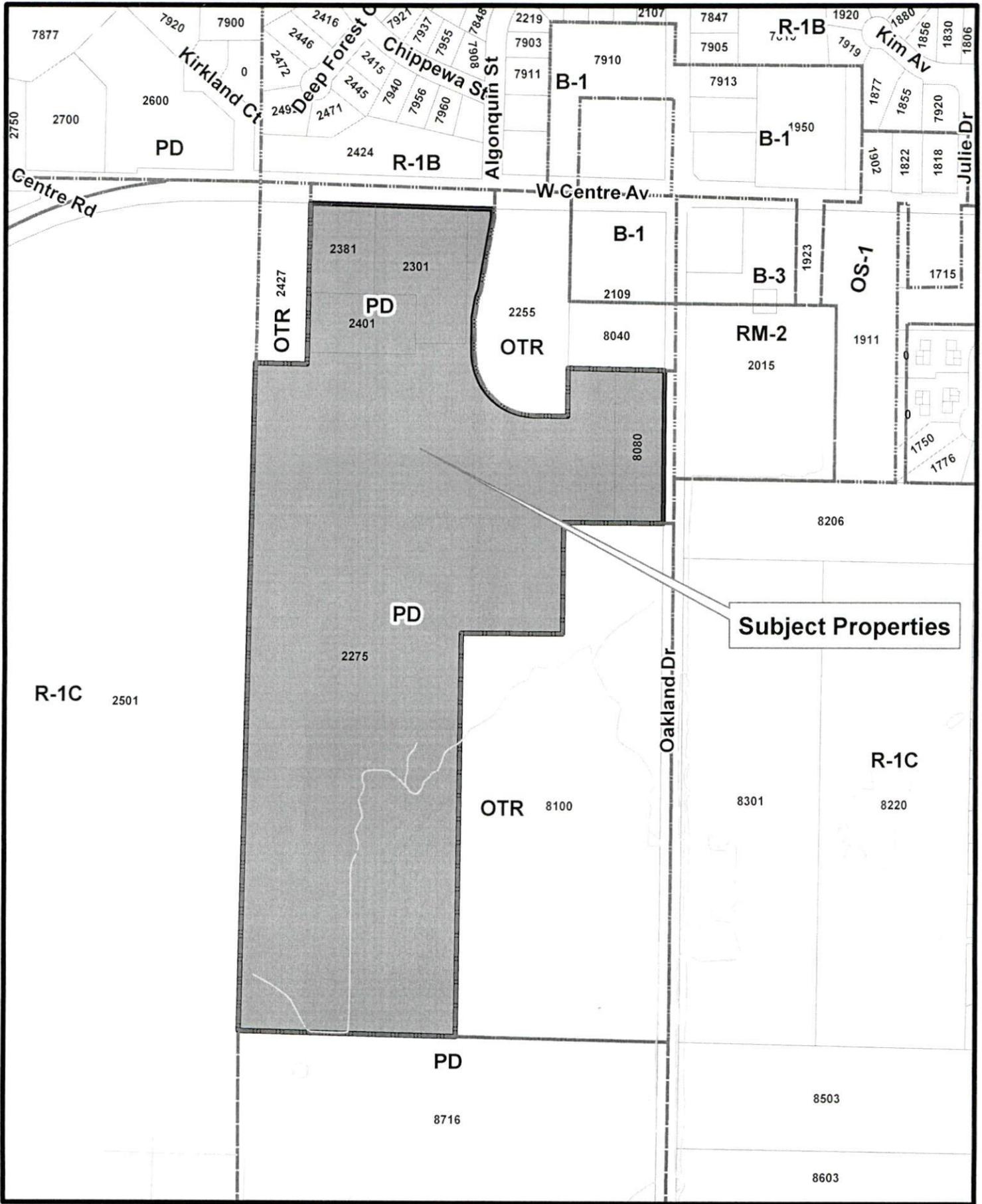
- Pedestrian Circulation – The applicant is proposing to construct sidewalks along at least one side of each internal private street. Sidewalks are also proposed to be installed along Oakland Drive and West Centre Avenue (the sidewalk adjacent to 1st Source Bank has already been installed). A continuous sidewalk to the Oakland Drive and West Centre Avenue intersection is planned; however, the applicant does not own the intervening properties. Finally, an area at the south end of Phase IV has been designated as a “State Forest Trail Head” that will allow residents to access the Gourneck State Game Area.
- Updated Project Phasing Timeline – Given the changing economic conditions since the original 2006 PD rezoning and tentative plan approval, the project phasing/construction schedule has again been updated. Phase I that includes construction of the 5.9 acres of offices along West Centre Avenue is now planned between Winter 2009 – Fall 2017. Phase II that involved the monopine tower on .25 acres that was completed in 2013. Phase III and IV includes the 2.14 acres of offices along Oakland Drive and the 39.45 acres of attached residential condominiums (85-100 units) is now planned between Spring 2016 – Fall 2022.

IV. RECOMMENDATION:

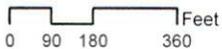
In accordance with the Planning Commission policy of accepting public comment at the initial meeting and concluding the discussion at a subsequent meeting, it is recommended that public comment be received during the November 5, 2015 meeting and the public hearing for the Tentative Plan Amendment for Oakland Hills as Centre Planned Development be adjourned to the November 19, 2015 meeting. However, and subject to any public comment received, if the Planning Commission concludes it is appropriate to provide a recommendation to City Council during the November 5th meeting, staff advises the Commission recommend to City Council the 2015 Oakland Hills at Centre tentative Plan amendment be approved subject to the following:

1. The applicant maintain, to the extent possible, the existing trees located along Oakland Drive to screen/blend the monopine tower with the surrounding area.
2. If the shared driveway arrangement with 8040 Oakland Drive does not occur, access for the planned office buildings and existing monopine tower be obtained from the residential boulevard driveway to the south.

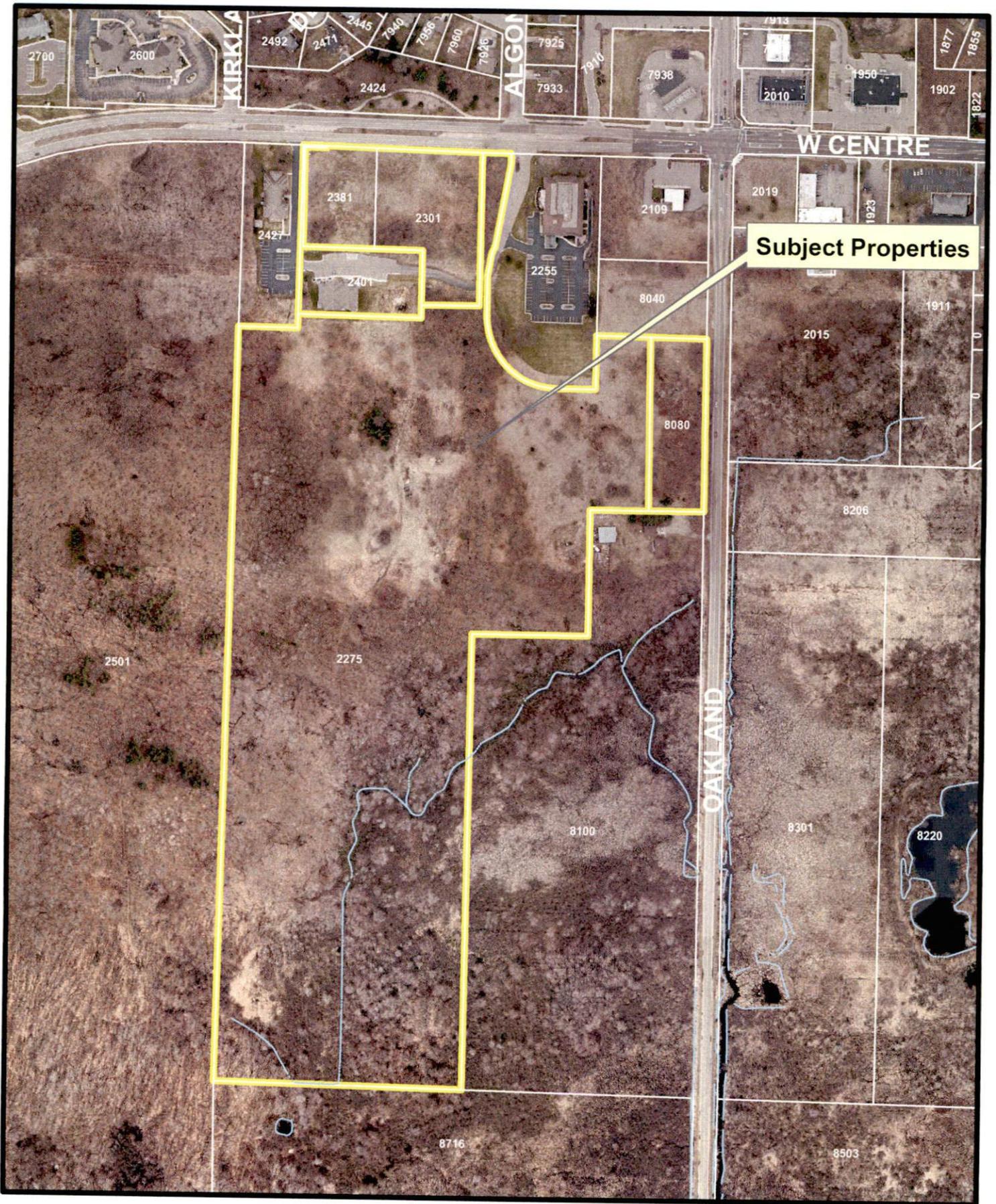
Attachments: Zoning/Vicinity Map
Aerial Photograph
Proposed Tentative Plan Amendment (narrative and tentative plan layout)
Previously Approved 2012 Tentative Plan for Oakland Hills at Centre PD (tentative plan)



**Tentative Plan Amendment
 2275, 2301, 2381 and
 2401 West Centre Avenue
 and 8080 Oakland Drive**



-  Zoning Boundary
-  Subject Properties



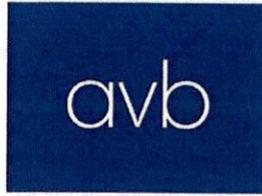
Subject Properties



0 75 150 300 Feet

**Aerial Photo
2275, 2301 2381 and
2401 West Centre Avenue
and 8080 Oakland Drive**

 Subject Properties



BUILD SOMETHING BETTER.

October 27, 2015

Mr. Christopher Forth, AICP
Deputy Director of Planning, Development and Neighborhood Services
City of Portage Department of Community Development
7900 South Westnedge Avenue
Portage, Michigan 49002

**RE: Oakland Hills at Centre Planned Development Conceptual Plan
(2275, 2301, 2381 & 2401 West Centre Ave. and 8080 Oakland Drive)**

Dear Mr. Forth,

Please accept the following "tentative plan narrative" which is an update from the original 2006 submission which was approved by the Planning Commission and City Council. Please note that additionally, in 2009, an extension was granted for submission of a final plan and again the tentative plan was modified and approved in 2012. The changes we are proposing are relatively minor in nature. That notwithstanding, we are requesting an amendment to our tentative plan as indicated herein.

We look forward to reviewing this information with you along with the attached related site plan before the Planning Commission and City Council meetings. The material changes from the approved 2012 tentative plan narrative are as follows:

1. The office area along Centre has been updated to show our current marketing plan along with the completed Cole Gavlas office and 1st Source Bank buildings.
2. The residential area located in the southwest corner of the property has been updated to reflect a more detailed design review of the residential - condominium layout.
3. The signage locations have been updated to include entry statements at Centre Ave., Oakland Drive and where the Centre Ave office space transitions to the residential area to the south. Additionally, three monument signs are planned for the office areas, one at Oakland Drive entries and two at Centre Avenue, one of which has already been designed and is in place.
4. The project phasing timeline has been updated to reflect the actual and anticipated absorption of the residential and office areas based upon current market conditions.

Please find below our answers to the questions found in Section 42-375 of the City of Portage Land Development Regulations.

1. The main purpose of the proposed tentative plan revision is to allow for updated residential layouts of the planned development. We have also updated the both the residential and office development site plans to match the actual and anticipated construction to dates as well as our most recent conceptual plans. As with all of our planned developments, our focus is on

4200 W. Centre Ave, Portage, MI 49024 • 269.323.2022 • avbhomes.com • avbconstruction.com

developing great projects. The residential portion of the PD is tentatively being called "Whisper Rock" and will have a traditional entry statement at each entrance: one at Centre Avenue, one further south where the office area feeds into the residential development and one at Oakland Drive. The Centre Avenue entrance is already constructed and is shared with the Oakland Centre building occupied by Hospice, 1st Source Bank and Cole Galvas. This entry serves as the primary entry to the commercial portions of the development. The primary entry for the residential portion of the development will be located along Oakland Drive. Both entries will have internal connectivity to allow for ingress and egress to most areas of the development. We are proposing a third entry at the offices and mono pine cell tower located along Oakland Drive outside of the PD. A small drive will also be maintained for service access to the mono pine cell tower. The three entrances will create a "sense of arrival" when a resident, employers and their collective guests come to this planned development.

We enjoy working on developments that have natural topography, views, nature and related features. We plan to harness the natural beauty of this land in many ways at Oakland Hills at Centre (commercial) and Whisper Rock (residential) including: first-rate landscaping and natural screening where appropriate. Additionally we will take advantage of the natural features and topography of the land by site planning to allow views of the beautiful forests, waterways, wetlands and sensitive areas that border this property on the south, east and west where practical. Similarly to the Oakland Hills condominium community, we will have sidewalks on one side of the interior private streets and along the West Centre Avenue and Oakland Drive frontage.

2. The proposed development is on a 47.6 +/- acre tract of land at the southwest corner of Centre Avenue and Oakland Drive. In aggregate we plan to develop approximately 29 acres of the 47.6 +/- acre parcel of land leaving approximately 18 acres that are part of this tentative plan that will be developed for the following uses: common open space, access to the state forest, and other passive recreational uses, sidewalks, storm water retention, wetlands and floodplain. Using a cluster development and open space concept, the 29 acres to be developed will include 85-100 detached and/or attached condominium units and includes 8 acres for office and the mono-pine cell tower. The office space is divided into two parcels. One parcel fronts on Centre Avenue. The second parcel fronts on Oakland Drive. It should be noted that the large tract of land adjacent to our property to the west is the State of Michigan Gourdneck Forest. Additionally, the large tract of land to the south of this development is also zoned Planned Development for the Oakland Hills Condominium Community. Please see the attached Exhibit "A" which contains the required site plan for your review.
3. Oakland Hills at Centre is being developed in four phases that began in January of 2009. Phase I included the first 5.9 acres of office space on Centre Avenue (some of which is still vacant land ready for development). Phase II included the installation of a mono-pine cell tower. Phase III and Phase IV will include 39.45 acres of condominiums and open spaces for approximately 85-100 units, and 2.14 acres of office space on Oakland Drive.

In the proposed entry statement location along Oakland Dr., we will be working to create a sense of arrival similar to what can be experienced at the Oakland Drive entrance to the Oakland Hills condominium development.

The condominium units will be further developed as noted below but will generally consist of a combination of single detached, duplex style, three-plex, four-plex and townhome units. Though the current attached conceptual plan contemplates 92 duplex style buildings, we are in the process of reanalyzing the market and modifying our current floor plans to be able to provide the best combination of condominium styles for the Portage market. We are again asking for the flexibility to develop the condominiums within the parameters established within this narrative and working with staff with through the site plan approval process. All of the residential units developed for this project are "for sale" homes and are anticipated to be "owner occupied" which tend to appeal to empty nesters but will be marketed to the entire population. The office buildings will be between 1,250 square feet and 30,000 square feet depending on the type of user. We anticipate, however, several 2,500 to 7,500 square foot buildings as depicted. The office product will either be for sale, build to suit or for lease. The development phase lines have been included on the attached Exhibit "A".

4. The time schedule is proposed as follows:
 - a. Phase I Winter 2009 through Fall of 2017 – Centre Ave Office
 - b. Phase II 2013 – mono pine cell tower
 - c. Phase III & IV Spring of 2016 through fall of 2022 – Residential and Office along Centre Avenue and Oakland Drive.

5. The site plan and its associated phasing lines show how each stage of the development is independent, yet is designed to integrate well into the development as well as the existing development pattern. Phase I uses existing Centre Avenue curb cuts and drives which area partially owned and fully benefited by easements in favor of our development at both the far east (Hospice) and the far west ends (Kushner & Co.) of the property. Phase II, the mono-pine cell tower phase, is accessed by a paved driveway. Our goals is to relocated this access to incorporated the access into the northernmost Oakland Drive office entry, however this has not been fully approved by the mono pine cell tower owners. This shared access drive to the office sites is not inclusive of the PD, and is located on Greg Nuyen's property. We are working with Mr. Nuyen at his request to help develop his property. If for some reason, a joint access agreement cannot be reached with Mr. Nuyen, then we will access the offices through the new residential access noted below or through the existing access to the mono-pine cell tower. Phases III and IV contemplate a new celebrated entry connected to Oakland Drive. Upon completion of the residential portion, the development will interconnect to both Oakland Drive and Centre Avenue along with ancillary roads making up the remainder of the development. The offices and mono pine cell tower along Oakland Drive will be accessed through a private entry.

We anticipate, due to the target demographics for this development, that our residents will average 6 trips per day or a total of approximately (6 trips x 92 homes=) 552+/- trips to and from their homes. In addition, our planned 30,000 to 52,200 square feet of office space is planned to generate approximately 150+/- employees and 6 trips per day per employee. This equates too approximately (6 trips x 150 employees =) 900+/- trips to and from their work. Combined, this equates to approximately 1,452+/- total trips or approximately 484+/- trips if equally divided between each of the three entries. The Oakland Drive accesses will be designed to allow for right and left hand turn exit lanes and one entry lane. The Centre Avenue curb cut shared with Hospice is already constructed with a right and left turn out. Additionally, due to our target demographics we do not anticipate any residential traffic impacting peak hours like other more intensive uses may.

6. As mentioned previously, the land is located around the Southwest corner of Oakland Drive and Centre Avenue. The parcel is 47.6 acres +/- in total. The property is all owned fee simply. We presently own 47.6 +/- acres of this property in American Village Development II, LLC and Oakland Centre Real Estate, LLC.

7. The chart below demonstrates the land use and density for each phase.

Phase I

5.86 acres Office

27,000 sq. ft. of Office

$27,000/5.86 \text{ acres} = 4,610 \text{ sq. ft. per acre}$

Phase II .25 acres one mono-pine cell tower

Phase III & IV

2.14 acres Office, 39.45 acres Residential

$92 \pm \text{ homes}/39.45 \text{ acres} = 2.3 \pm \text{ units per acre}$

$14,000 \text{ sq. ft. office}/2.14 \text{ acres} = 4,970 \text{ sq. ft. per acre}$

Phases I-IV Combined

$92 \pm \text{ condominium units over } 39.53 \text{ acres} = 2.3 \text{ units per acre}$

Office at $52,200/8 \text{ acres}^* = 6,525 \text{ sq. ft. per acre}$

*It should be noted that on 8 acres of office using a 15% coverage ratio (a light density that was used for all of Woodbridge Hills) would equate to 52,200 square feet of office space. While this conceptual plan shows only 38,000 square feet of office space, we are asking for approval for office density up to 52,200 square feet. We may ultimately develop significantly less than the 52,200 square feet of office space but we are asking for the flexibility to develop within the parameters established within this narrative.

8. The Centre Avenue offices (5.86 acres) will each independently maintain their own parking areas and storm water. The boulevard entry in the office area will be maintained in accordance with an existing easement agreement.

The Oakland Drive offices (2.14 acres) will each independently maintain their own parking areas and storm water. The entry in the office area will be maintained in accordance with a future easement agreement.

Whisper Rock Condominium Owners Association will maintain the entry statements, roadways and storm water areas within Whisper Rock. The common space immediately in and around the condominium units will also be owned and maintained by the Whisper Rock Condominium Association.

9. The condominiums will have a variety of basement options depending on location in the community including walk out, garden level and traditional basements. We will offer the following types of units but anticipate that duplex style condominiums will dominate the community:

- a. Freestanding unit
- b. Two, three and four unit buildings
- c. Townhomes

Please keep in mind that all of the submitted unit elevations and floor plans are always being improved as well as enhanced to meet the market and will be further developed prior to construction. It is our intention, as in all of our communities, to provide the best possible combinations of colors, materials and architecture. Our final product at Whisper Rock will take advantage of our in-house staff and their ability to select the proper colors, textures and materials to make every residence feel and look great. We plan to use a combination of architectural grade roof shingles, vinyl lap and shake siding, simulated stone and other low maintenance materials.

All of the condominiums plan will have proposed above grade square footages between 1,200 and 3,000 square feet. Optional finished lower levels will range from 500 to 1,500 square feet. The condominium pricing will start around \$270,000+/- and an individual unit can be specified in a fashion to cost as much as \$500,000 each. As in Woodbridge Hills and Oakland Hills, the proper application of colors, materials and architectural details will allow all of these unit types to work well together and to feel like a part of a cohesive community. We have attached an example of condominium elevations and floorplans for your review.

The office buildings will be designed to integrate with the condominiums while maintaining some of the general character of office buildings. That said, the final product at Oakland Hills at Centre will take advantage of our in-house staff and their ability to select the proper colors, textures and materials to make every building we develop feel great. We have previously submitted example of an office elevation for your review.

We are proposing 20' set back around the entire perimeter of the property with the exception of the office area along Oakland Drive, in the vicinity of the mono-pine, where the set back is 10' from the north property line. We are also maintaining a 50' greenbelt on Centre Avenue and on Oakland Drive. As the property is being developed, we will keep as many of the existing trees as possible in the 50' green strip that we have provided along Oakland Drive, and also around the immediate base of the mono-pine as well. In the residential areas, we have maintained 15' between the building foundations and a 25' front yard setback as measured from the edge of road to the foundation. The building heights will not exceed those which are allowed within the PD zoning district.

10. Storm water in the residential area will be piped to the center retention area with overflow to the common open space to the south. Storm water will be pre-treated when required by City of Portage regulations and then released for infiltration into this lowland. This low-lying area provides plenty of space for this purpose and this plan will be developed to allow for natural looking rain basins/wetlands as opposed to typical, fenced off, deep and unsightly storm systems. The office area storm water will be maintained on the office parcels in retention areas. Sanitary sewer will be connected to the available City of Portage sanitary sewer system which is available and already constructed at Centre Avenue. It is anticipated that a lift station will need to be installed to allow City sanitary service the condominium units and the office space located on Oakland Drive.

11. Covenants, which have already been recorded on the Centre Ave commercial frontage, and will be placed on the entire property. These covenants will provide for the shared use and maintenance of the common open space and the linear trail system. Easements will be provided for utilities as required by the utility companies for gas, water, electric, street lights, sanitary sewer, cable television and phone service. A 66' wide easement has been reserved for the private streets and the required utilities.
12. Parking will be provided in a number of ways. First, some parking will be accommodated in the driveways of each condominium unit. Additionally, the 26 foot wide streets will have rolled concrete curbs that will allow for and be posted for parking on one side of the street only. As with the Oakland Hills condominium community, we are proposing sidewalks one side of the street integrated with the curb with connections to and along the frontage of both Oakland Drive and West Centre Avenue. Within the office district, adequate parking will be provided per City Ordinance.
13. We do not anticipate any required modifications in the regulations otherwise applicable to the subject property.
14. Our timeline is noted in #4 above.
15. Since the successful implementation of the plan is required both by the ordinance and by our own standards, we do not feel that any performance bonds are necessary. We have a long-standing reputation for successful completion of our projects and the meticulous management of our developments after build-out.

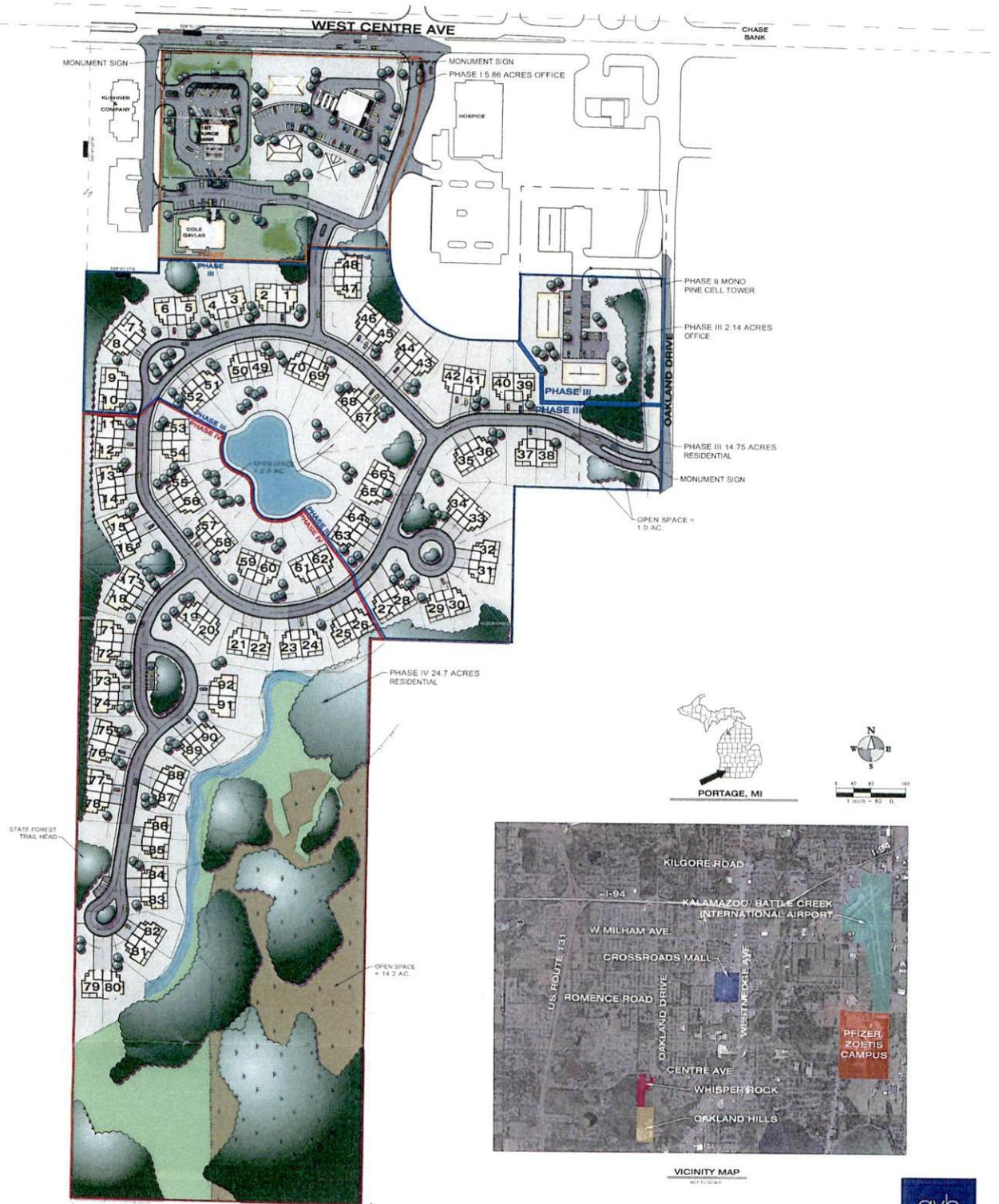
We look forward to the opportunity to discuss this plan with City Staff, Planning Commission and City Council. We feel this will be another first-class development for the City of Portage, Treystar, and AVB.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jack S. Gesmundo". The signature is stylized with a large initial "J" and a prominent "G".

Jack S. Gesmundo

Cc. Joe Gesmundo, Daryl Rynd, Craig DeNooyer, Greg Dobson & Greg Nuyen



MIXED USE AND RESIDENTIAL DEVELOPMENT

WHISPER ROCK

OCTOBER 27, 2015

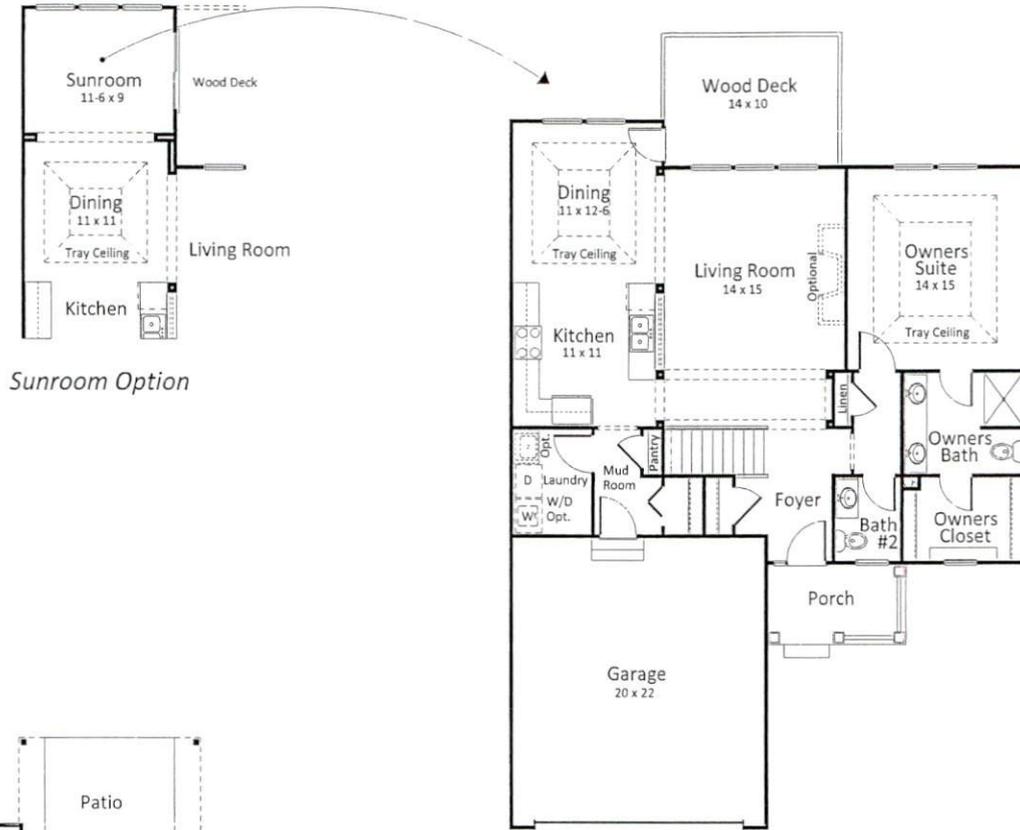


BUILD SOMETHING BETTER.
4200 WEST CENTRE AVENUE
PORTAGE, MI 49024
(269)323-2022





Tanglewood



Sunroom Option

1st floor plan



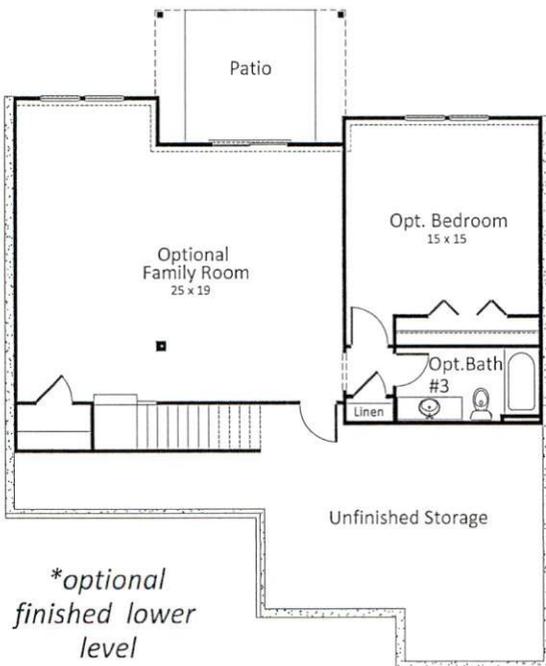
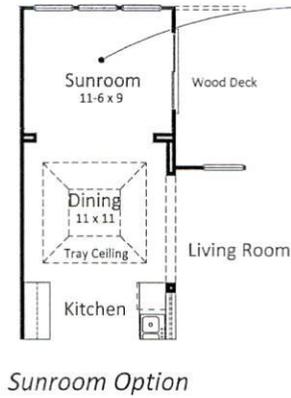
**optional finished lower level*

*First Floor - 1,214 sq. ft.
Lower Level - 940 sq. ft.**

Room dimensions are approximate and have been rounded. Floor plans shown is an artist concept. Continuing a policy of constant improvement, the builder reserves the right to make changes in the plans and specifications, and to substitute material of similar quality without notice or prior obligation. © American Village Builders, Inc.. All rights are protected by the Architectural Works Copyright Act of 1990, any use or reproduction without prior written consent by BUILDER is strictly prohibited. (05/21/14)



Highland

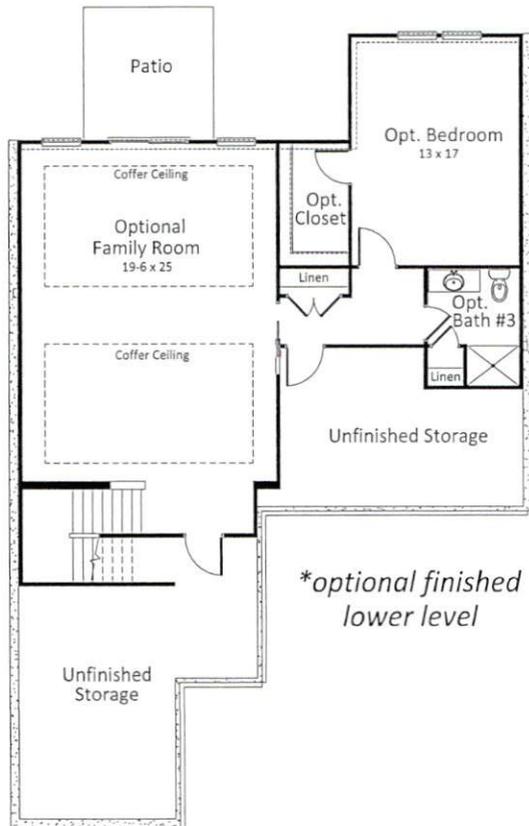
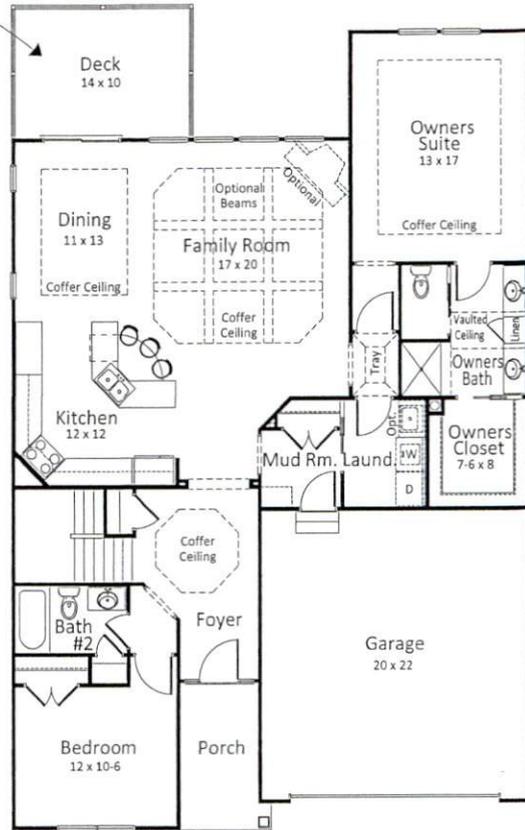
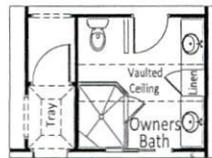
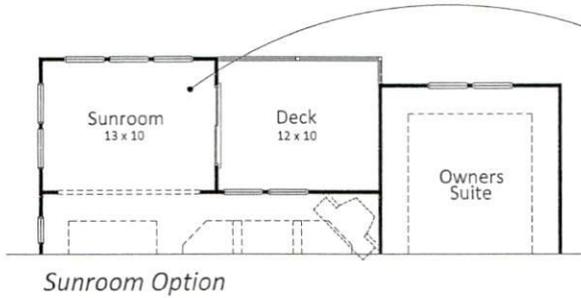


First Floor - 1,490 sq. ft.
Lower Level - 1,015 sq. ft.*

Room dimensions are approximate and have been rounded. Floor plans shown is an artist concept. Continuing a policy of constant improvement, the builder reserves the right to make changes in the plans and specifications, and to substitute material of similar quality without notice or prior obligation. © American Village Builders, Inc. All rights are protected by the Architectural Works Copyright Act of 1990, any use or reproduction without prior written consent by BUILDER is strictly prohibited. (05/21/14)



Montrose



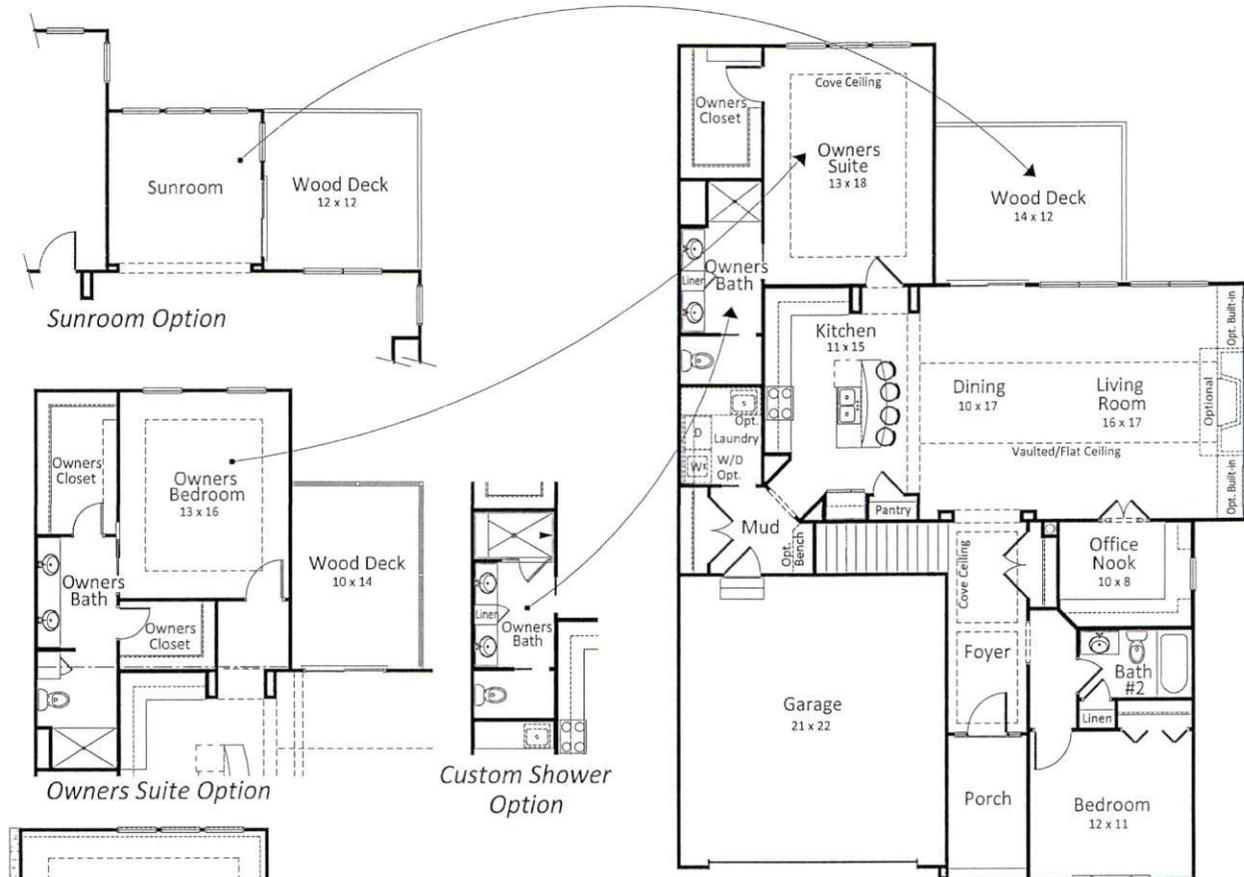
First Floor - 1,640 sq. ft.

Lower Level - 1,104 sq. ft.*

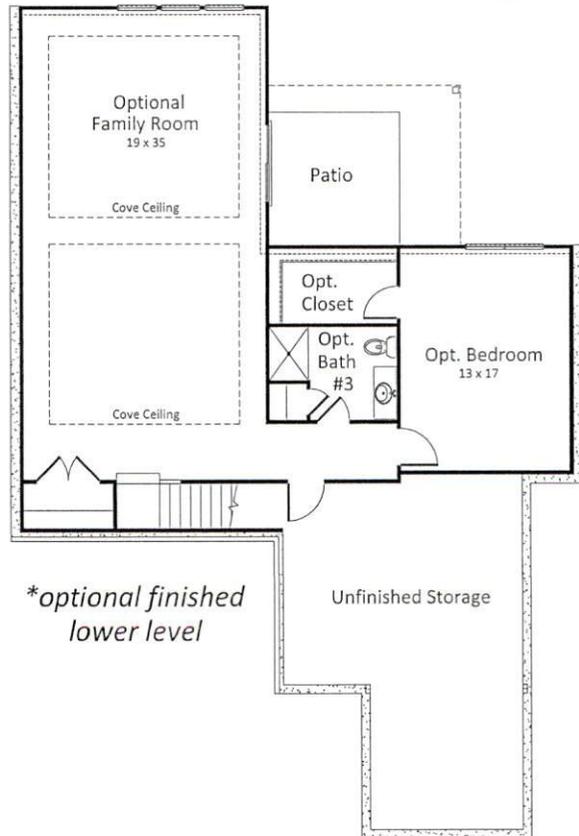
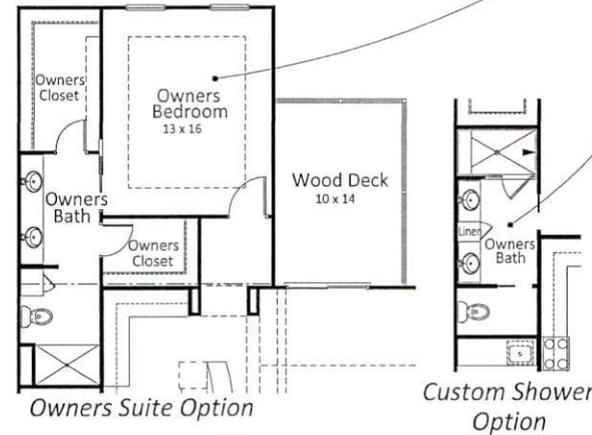
Room dimensions are approximate and have been rounded. Floor plans shown is an artist concept. Continuing a policy of constant improvement, the builder reserves the right to make changes in the plans and specifications, and to substitute material of similar quality without notice or prior obligation. © American Village Builders, Inc. All rights are protected by the Architectural Works Copyright Act of 1990, any use or reproduction without prior written consent by BUILDER is strictly prohibited. (05/21/14)



Brookshire



1st floor plan



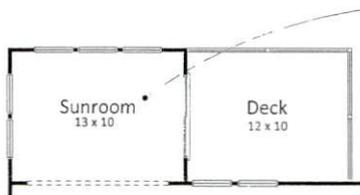
Larger Office Option

First Floor - 1,703 sq. ft.
Lower Level - 1,244 sq. ft.*

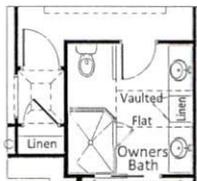
Room dimensions are approximate and have been rounded. Floor plans shown is an artist concept. Continuing a policy of constant improvement, the builder reserves the right to make changes in the plans and specifications, and to substitute material of similar quality without notice or prior obligation. © American Village Builders, Inc.. All rights are protected by the Architectural Works Copyright Act of 1990, any use or reproduction without prior written consent by BUILDER is strictly prohibited. (05/21/14)



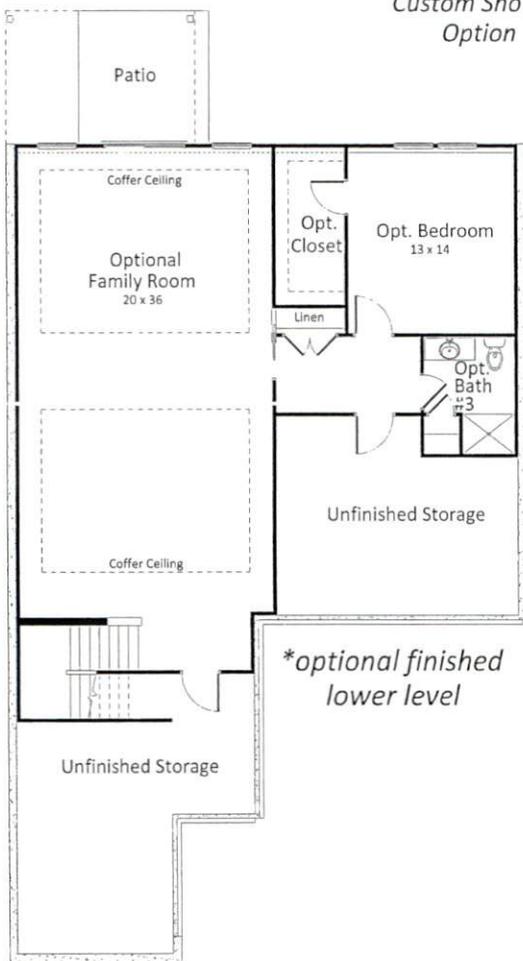
Montrose with Office



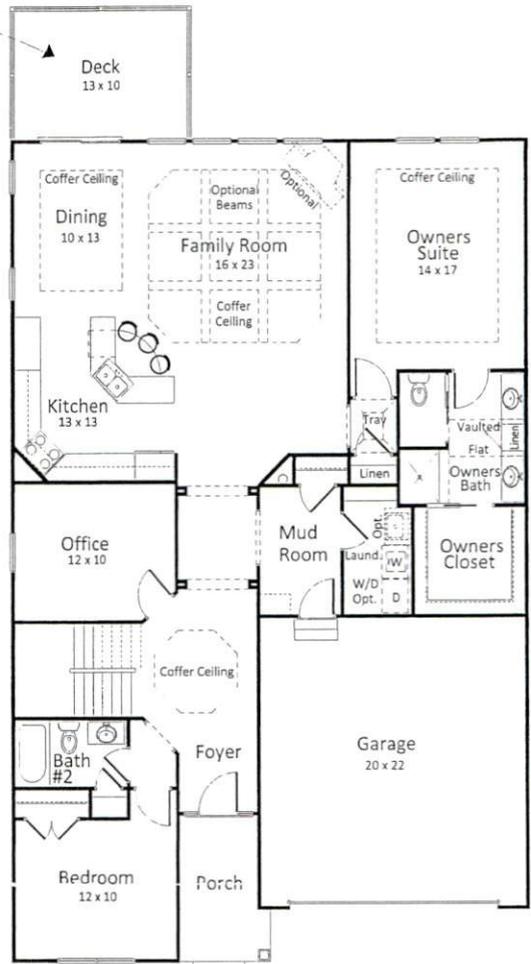
Sunroom Option



Custom Shower Option



*optional finished lower level



1st floor plan

First Floor - 1,887 sq. ft.
Lower Level - 1,288 sq. ft.*

Room dimensions are approximate and have been rounded. Floor plans shown is an artist concept. Continuing a policy of constant improvement, the builder reserves the right to make changes in the plans and specifications, and to substitute material of similar quality without notice or prior obligation. © American Village Builders, Inc. All rights are protected by the Architectural Works Copyright Act of 1990, any use or reproduction without prior written consent by BUILDER is strictly prohibited. (05/21/14)



GAS STATION
OAKLAND DRIVE

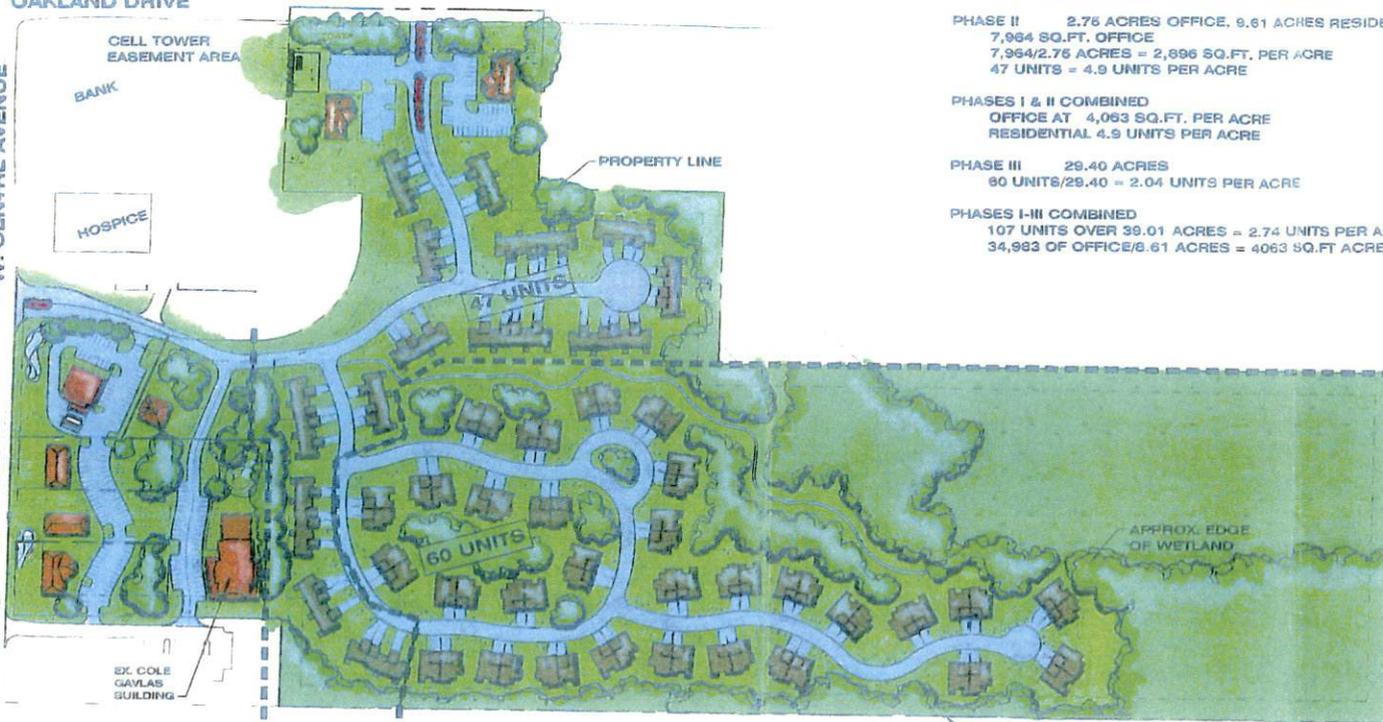
W. CENTRE AVENUE

CELL TOWER
EASEMENT AREA

BANK

HOSPICE

EX. COLE
GAVLAIS
BUILDING



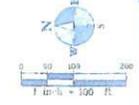
PHASE I 8.86 ACRES OFFICE
27,019 SQ.FT. OFFICE
27,019/8.86 ACRES = 4,610 SQ.FT. PER ACRE

PHASE II 2.76 ACRES OFFICE, 9.61 ACRES RESIDENTIAL.
7,964 SQ.FT. OFFICE
7,964/2.76 ACRES = 2,896 SQ.FT. PER ACRE
47 UNITS = 4.9 UNITS PER ACRE

PHASES I & II COMBINED
OFFICE AT 4,063 SQ.FT. PER ACRE
RESIDENTIAL 4.9 UNITS PER ACRE

PHASE III 29.40 ACRES
80 UNITS/29.40 = 2.04 UNITS PER ACRE

PHASES I-III COMBINED
107 UNITS OVER 39.01 ACRES = 2.74 UNITS PER ACRE
34,983 OF OFFICE/8.61 ACRES = 4063 SQ.FT. ACRE



PHASE 2
PHASE 3

PHASE 1
PHASE 2
PHASE 3

PARCEL DESCRIPTION
PART OF THE NORTHEAST 1/4 OF SECTION 20, TOWN 3 SOUTH, RANGE 11 WEST, CITY OF PORTAGE, KALAMAZOO COUNTY, MICHIGAN, DESCRIBED AS BEGINNING AT THE CENTER 1/4 POST OF SAID SECTION, THENCE NORTHWEST, ALONG THE NORTH-SOUTH 1/4 LINE OF SECTION 20 A DISTANCE OF 200.86 FEET (MARK), THENCE S80°25'14" E A DISTANCE OF 160.22 FEET, (RECORDED AS 888-337321, A DISTANCE OF 160.28 FEET), THENCE NORTH 70°46'14" E A DISTANCE OF 303.20 FEET, (RECORDED AS 800930502), TO THE SOUTHERLY RIGHT OF WAY OF WEST CENTER AVENUE, A DISTANCE OF 467.46 FEET TO THE EAST LINE OF THE WEST 1/2 OF THE WEST 1/2 OF THE NORTHEAST 1/4 OF SECTION 20, THENCE S80°25'14" E ALONG SAID LINE A DISTANCE OF 160.27 FEET, (RECORDED AS 800930502), TO THE EAST-WEST 1/4 LINE OF SECTION 20, THENCE S80°25'14" E A DISTANCE OF 160.27 FEET, (RECORDED AS 800930502), TO THE CENTER 1/4 POST OF SECTION 20 AND THE POINT OF BEGINNING, CONTAINING 1,643,359 SQUARE FEET OR 37.756 ACRES.

ALSO INCLUDING:
A PARCEL OF LAND SITUATED IN THE NORTHEAST QUARTER OF SECTION 20, TOWN 3 SOUTH, RANGE 11 WEST, CITY OF PORTAGE, KALAMAZOO COUNTY, MICHIGAN, BEING MORE FULLY DESCRIBED AS FOLLOWS:
BEGINNING AT THE NORTH QUARTER CORNER OF SECTION 20, TOWN 3 SOUTH, RANGE 11 WEST; THENCE S. 80 DEG. 54 MIN. 10 SEC. E. 74.00 FEET (PREVIOUSLY RECORDED AS EAST 74.00 FEET) ALONG THE NORTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION TO A POINT IN 80 DEG. 54 MIN. 10 SEC. E. (PREVIOUSLY RECORDED AS WEST) 564.94 FEET ALONG SAID NORTH LINE FROM THE EAST LINE OF THE WEST HALF OF SAID NORTHEAST QUARTER AND TO THE PLACE OF BEGINNING, THENCE N. 80 DEG. 54 MIN. 10 SEC. W. (PREVIOUSLY RECORDED AS WEST) 190.00 FEET ALONG SAID NORTH LINE TO THE WEST LINE OF THE EAST HALF OF SAID WEST HALF OF THE NORTHEAST QUARTER, THENCE S. 00 DEG. 20 MIN. 18 SEC. E. (PREVIOUSLY RECORDED AS E. 00 DEG. 20 MIN. 21 SEC. E.) 182.00 FEET ALONG SAID WEST LINE, THENCE S. 89 DEG. 54 MIN. 15 SEC. E. 350.00 FEET (PREVIOUSLY RECORDED AS EAST-SOUTH FEET) PARALLEL WITH SAID NORTH LINE TO A POINT IN 80 DEG. 54 MIN. 10 SEC. W. 338.00 FEET PARALLEL WITH SAID NORTH LINE FROM SAID EAST LINE, THENCE N. 00 DEG. 30 MIN. 20 SEC. W. (PREVIOUSLY RECORDED AS N. 00 DEG. 25 MIN. 43 SEC. W.) 394.00 FEET PARALLEL WITH SAID EAST LINE, THENCE S. 80 DEG. 54 MIN. 10 SEC. E. (PREVIOUSLY RECORDED AS EAST) 338.00 FEET PARALLEL WITH SAID NORTH LINE TO SAID EAST LINE, THENCE N. 00 DEG. 20 MIN. 20 SEC. W. (PREVIOUSLY RECORDED AS WEST) 335.00 FEET PARALLEL WITH SAID NORTH LINE, THENCE S. 00 DEG. 20 MIN. 20 SEC. E. (PREVIOUSLY RECORDED AS S. 00 DEG. 25 MIN. 42 SEC. E.) 150.00 FEET PARALLEL WITH SAID EAST LINE, THENCE N. 89 DEG. 54 MIN. 10 SEC. W. (PREVIOUSLY RECORDED AS WEST) 120.00 FEET PARALLEL WITH SAID NORTH LINE, THENCE NORTHERLY 312.80 FEET ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 200.00 FEET AND A CHORD N. 45 DEG. 00 MIN. 56 SEC. W. (PREVIOUSLY RECORDED AS N. 40 DEG. 12 MIN. 40 SEC. W.) 280.00 FEET, THENCE N. 00 DEG. 20 MIN. 18 SEC. W. (PREVIOUSLY RECORDED AS N. 00 DEG. 22 MIN. 21 SEC. W.) 109.28 FEET PARALLEL WITH SAID EAST LINE, THENCE NORTHERLY 84.38 FEET ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 164.00 FEET AND A CHORD N. 10 DEG. 22 MIN. 12 SEC. E. (PREVIOUSLY RECORDED AS N. 10 DEG. 48 MIN. 08 SEC. E.) 83.80 FEET, THENCE N. 21 DEG. 00 MIN. 42 SEC. E. (PREVIOUSLY RECORDED AS N. 25 DEG. 01 MIN. 30 SEC. E.) 23.80 FEET, THENCE NORTHERLY 235.10 FEET ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 500.00 FEET AND A CHORD N. 10 DEG. 23 MIN. 12 SEC. E. (PREVIOUSLY RECORDED AS N. 10 DEG. 48 MIN. 08 SEC. E.) 233.58 FEET, THENCE N. 00 DEG. 20 MIN. 18 SEC. W. (PREVIOUSLY RECORDED AS N. 00 DEG. 20 MIN. 21 SEC. W.) 50.84 FEET PARALLEL WITH SAID WEST LINE, TO THE PLACE OF BEGINNING, CONTAINING 9.87 ACRES OF LAND, THE NORTHERLY 50.0 FEET AND THE EASTERLY 11.0 FEET BEING SUBJECT TO PREVIOUS RECORDS FOR CONCRETE, MASONRY AND DAMAGED DRIVE RESPECTIVELY.

Hurley & Stewart, Inc.
253 E. Main Street
Suite 400
Portage, MI 49783
616.232.4800
www.hurleyandstewart.com



PRELIMINARY LAYOUT
OAKLAND HILLS CENTRE DEVELOPMENT
AVB AND TREYSTAR

Sheet Title
Project
Client
1/24/17
Sheet
1

2012 Approved Tentative Plan

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
James Hudson, City Clerk

ACTION RECOMMENDED: That City Council adopt Resolution No. 2 for the South Shore Drive Sanitary Sewer Project #416-S, setting a public hearing of necessity on December 15, 2015.

Attached is Special Assessment Resolution No. 2 for the South Shore Drive Sanitary Sewer Project #416-S. 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. South Shore Drive from South Westnedge Avenue to West End Drive currently does not have accessible sanitary sewer service available to abutting properties.

Previous Council action relating to this project includes:

- On November 17, 2015, City Council adopted Resolution No. 1 on this project, accepted the City Manager Report dated October 13, 2015, and requested preparation of Resolution No. 2.

It is recommended that City Council adopt Resolution No. 2 for the South Shore Drive Sanitary Sewer Project #416-S, setting a public hearing of necessity on December 15, 2015.

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

Attachments: 1. Resolution #2

**CITY OF PORTAGE
SPECIAL ASSESSMENT RESOLUTION NO. 2
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 has adopted the initial resolution commencing special assessment proceedings for the construction and financing of the hereinafter described public improvement; and

WHEREAS, the City Council of the City of Portage has caused to be prepared by the City Manager, the report called for in Section 62-2 of the City Ordinances; and

WHEREAS, the same has been received and reviewed by the City Council; and

WHEREAS, the City Council desires to proceed further with the improvement.

NOW THEREFORE BE IT RESOLVED THAT:

1. The City Council tentatively determines that the improvement hereinafter described and also described in the City Manager's report is necessary.

2. The City Council determines that the nature of the improvement is:

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.

And that the expected useful life of said improvement is 20 years.

3. The City Council determines that the properties within the special assessment district will receive the special benefits and, further, determines that the total estimated cost of the improvement will not exceed \$390,000.00, of which total cost the sum of no more than \$46,535.00 shall be assessed against the special assessment district, and the sum of no more than \$243,465.00 shall be borne by the City-at-large.

4. The City Council hereby designates the special assessment district against which all or a part of the cost of said improvement is to be assessed, as consisting of the following described land, to wit:

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.

5. The City Council determines that the cost of the benefits is to be assessed by frontage abutting on said improvement.

6. The City Council hereby accepts and approves the City Manager's report and directs that it, along with the resolution, be filed with the City Clerk and be made available for public inspection.

7. The City Council will meet at the City Hall located at 7900 South Westnedge Avenue in the City of Portage, on the _____ day of _____, 2015, at 7:30 p.m., or as soon thereafter as may be heard, at which time and place the City Council will hear all interested parties with respect to the necessity of the improvement, and to the special assessment district therefor.

8. The City Clerk is hereby ordered to cause notice of such hearing to be published once prior to said hearing in the KALAMAZOO GAZETTE, a newspaper in general circulation in the City, said publication to be at least ten (10) days before the time of hearing, and shall cause notice of said hearing to be mailed by first class mail to all owners or persons with interest in the property in the special assessment district, as shown on the current assessment roll of the City, at least ten (10) days before the date of said hearing. Said notice shall conform substantially to Exhibit "A" attached hereto and incorporated herein.

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

ADOPTED: YEAS: Councilmember: _____

NAYS: Councilmember: _____

ABSENT: Councilmember: _____

JAMES R. HUDSON, City Clerk

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.

JAMES R. HUDSON, City Clerk

Prepared by:
Randall L. Brown
Portage City Attorney
1662 East Centre Avenue
Portage, Michigan 49002

Approved as to Form:
Date: 11/19/15
By: [Signature]
City Attorney

z:\jody\portage\special\spec#2.416s prepared by c barnes.111915.doc

EXHIBIT "A"

**CITY OF PORTAGE, MICHIGAN
NOTICE OF PUBLIC HEARING ON THE NECESSITY OF A
SPECIAL ASSESSMENT IMPROVEMENT BY THE CITY OF PORTAGE
SOUTH SHORE DRIVE SANITARY PROJECT, DISTRICT #416-S**

TO THE OWNERS OF THE FOLLOWING DESCRIBED PROPERTY AND ALL OTHER INTERESTED PARTIES:

PLEASE TAKE NOTICE that the City Council of the City of Portage has declared its intention to construct the following public improvement:

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.

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.

A report concerning said improvement has been prepared and is on file with the City Clerk for public examination.

TAKE FURTHER NOTICE that the City Council will meet on the ____ day of _____, 2015, at 7:30 p.m. or as soon thereafter as may be heard, at the City Hall, 7900 South Westnedge Avenue, in the City of Portage, for the purpose of hearing all interested parties concerning the necessity of said improvement and the special assessment district therefor.

TAKE FURTHER NOTICE that if, prior to the adoption of the resolution to proceed with the improvement, written objections have been filed by either 1) a majority of owners of property in the district, or 2) owners in the district who will be required to pay more than fifty percent (50%) of the cost of the public improvement, the affirmative vote of five (5) or more members of the Council is needed to proceed with the improvement.

PLEASE TAKE FURTHER NOTICE that the owner or any person having an interest in property that is specially assessed may file a written appeal with the Michigan Tax Tribunal within 30 days after confirmation of the special assessment roll. However, appearance and protest at the public hearing are required in order to appeal the special assessment to the Michigan Tax Tribunal. An owner or other party in interest or his or her agent may (1) appear in person at the hearing to protest the special assessment or (2) file his or her appearance or protest by letter before the close of the hearing. The City Council shall maintain a record of parties who appear to protest at the hearing. If the hearing is terminated or adjourned for the day before a party is provided the opportunity to be heard, a party whose appearance was recorded shall be considered to have protested the special assessment in person.

DATED: _____, 2014

JAMES R. HUDSON, City Clerk

TO: Honorable Mayor and City Council

FROM: Laurence Shaffer, City Manager



SUBJECT: Resolution for Mowing MDOT Properties

SUPPORTING PERSONNEL: Rod Russell, Director of Public Services

ACTION RECOMMENDED: That City Council approve a *Performance Resolution for Governmental Agencies* for required permits to mow three Michigan Department of Transportation properties in the City of Portage.

The Michigan Department of Transportation (MDOT) mows properties they own adjacent to roadways only once during the summer season. To keep these highly visible areas in the City of Portage properly maintained, the city's Department of Public Services annually hires a contractor to regularly mow these following MDOT properties:

1. I-94 & South Westnedge Avenue interchange and retention basins
2. I-94 & Oakland Drive interchange and ride share lot
3. US-131 & West Centre Avenue interchange and ride share lot

The MDOT permits for the listed properties expired on October 31, 2015. During the renewal process, the Department of Public Services discovered that MDOT now requires a *Performance Resolution for Governmental Agencies* to be accepted by City Council before MDOT will renew the permits. This resolution releases MDOT from any responsibilities or repairs should an incident involving the city or its contractor occur on the permitted MDOT properties.

Therefore, it is recommended that City Council approve the *Performance Resolution for Governmental Agencies* for the required permits to mow these three MDOT properties in the future.

FUNDING: Funding for the MDOT mowing activity is programmed in the Major Streets Roadside Maintenance Fund.

Attachments: 1. MDOT Performance Resolution

PERFORMANCE RESOLUTION FOR
GOVERNMENTAL AGENCIES

This Performance Resolution is required by the Michigan Department of Transportation for purposes of issuing to a municipal utility an "Individual Permit for Use of State Highway Right of Way" (form 2205), or an "Annual Application and Permit for Miscellaneous Operations Within State Highway Right of Way" (form 2205B).

RESOLVED WHEREAS, the City of Portage
(city, village, township, etc.)

hereinafter referred to as the "GOVERNMENTAL AGENCY," periodically applies to the Michigan Department of Transportation, hereinafter referred to as the "DEPARTMENT," for permits, referred to as "PERMIT," to construct, operate, use and/or maintain utility or other facilities, or to conduct other activities, on, over, and under State Highway right of way at various locations within and adjacent to its corporate limits;

NOW THEREFORE, in consideration of the DEPARTMENT granting such PERMIT, the GOVERNMENTAL AGENCY agrees that:

1. Each party to this Agreement shall remain responsible for any claims arising out of their own acts and/or omissions during the performance of this Agreement, as provided by law. This Agreement is not intended to increase either party's liability for, or immunity from, tort claims, nor shall it be interpreted, as giving either party hereto a right of indemnification, either by Agreement or at law, for claims arising out of the performance of this Agreement.
2. Any work performed for the GOVERNMENTAL AGENCY by a contractor or subcontractor will be solely as a contractor for the GOVERNMENTAL AGENCY and not as a contractor or agent of the DEPARTMENT. The DEPARTMENT shall not be subject to any obligations or liabilities by vendors and contractors of the GOVERNMENTAL AGENCY, or their subcontractors or any other person not a party to the PERMIT without its specific prior written consent and notwithstanding the issuance of the PERMIT. Any claims by any contractor or subcontractor will be the sole responsibility of the GOVERNMENTAL AGENCY.
3. The GOVERNMENTAL AGENCY shall take no unlawful action or conduct, which arises either directly or indirectly out of its obligations, responsibilities, and duties under the PERMIT which results in claims being asserted against or judgment being imposed against the State of Michigan, the Michigan Transportation Commission, the DEPARTMENT, and all officers, agents and employees thereof and those contracting governmental bodies performing permit activities for the DEPARTMENT and all officers, agents, and employees thereof, pursuant to a maintenance contract. In the event that the same occurs, for the purposes of the PERMIT, it will be considered as a breach of the PERMIT thereby giving the State of Michigan, the DEPARTMENT, and/or the Michigan Transportation Commission a right to seek and obtain any necessary relief or remedy, including, but not by way of limitation, a judgment for money damages.
4. The GOVERNMENTAL AGENCY It will, by its own volition and/or request by the DEPARTMENT, promptly restore and/or correct physical or operating damages to any State Highway Right of Way resulting from the installation construction, operation and/or maintenance of the GOVERNMENTAL AGENCY'S facilities according to a PERMIT issued by the DEPARTMENT.
5. With respect to any activities authorized by PERMIT, when the GOVERNMENTAL AGENCY requires insurance on its own or its contractor's behalf it shall also require that such policy include as named insured the State of Michigan, the Transportation Commission, the DEPARTMENT, and all officers, agents, and employees thereof and those governmental bodies performing permit activities for the DEPARTMENT and all officers, agents, and employees thereof, pursuant to a maintenance contract.

- 6. The incorporation by the DEPARTMENT of this resolution as part of a PERMIT does not prevent the DEPARTMENT from requiring additional performance security or insurance before issuance of a PERMIT.
- 7. This resolution shall continue in force from this date until cancelled by the GOVERNMENTAL AGENCY or the DEPARTMENT with no less than thirty (30) days prior written notice to the other party. It will not be cancelled or otherwise terminated by the GOVERNMENTAL AGENCY with regard to any PERMIT which has already been issued or activity which has already been undertaken.

BE IT FURTHER RESOLVED, that the following position(s) are authorized to apply to the DEPARTMENT for the necessary permit to work within State Highway Right of Way on behalf of the GOVERNMENTAL AGENCY.

| Name | and/or | Title |
|-------------|--------|-----------------------------|
| Rod Russell | | Director of Public Services |
| | | |
| | | |
| | | |

I HEREBY CERTIFY that the foregoing is a true copy of a resolution adopted by

the _____
 (Name of Board, etc)
 of the _____ of _____
 (Name of GOVERNMENTAL AGENCY) (County)

at a _____ meeting held on the _____ day
 of _____ A.D. _____.

Signed _____ Title _____

APPROVED AS TO FORM
 DATE 10/27/15
[Signature]
 CITY ATTORNEY

TO: Honorable Mayor and City Council

FROM: Laurence Shaffer, City Manager



SUBJECT: 2016 Pre-Council Meetings

SUPPORTING PERSONNEL: Rob Boulis, Deputy City Manager

ACTION RECOMMENDED: That City Council set the dates for Pre-Council meetings for the 2016 calendar year.

The City Charter requires the City Council to meet at least twice per month. During the regular meeting of November 17, 2015, Council requested to re-establish the preparatory Council meetings prior to the regular City Council meetings, during which Councilmembers have the opportunity to review upcoming agenda business with the ability to ask questions and request additional information.

It was the consensus of the Council that Mondays beginning at 9 a.m. would be a suitable day and time to conduct "Pre-Council" meetings. (This meeting time will not conflict with the 2016 Central County Transportation Authority meetings, on which Councilmembers Pearson and Urban serve.)

As such, a proposed meeting schedule for Pre-Council meetings to be held at 9 a.m. during the 2016 calendar year is recommended as noted below.

January 11 and 25
February 8 and 22
March 7 and 21
April 11 and 25
May 9 and 23
June 13 and 27
July 11 and 25
August 8 and 22
*September 6 and 19
October 3, 17 and 31
November 14
December 5 and 19

**Due to the Labor Day holiday, the proposed Pre-Council meeting for the September 6 regular City Council meeting is set for that same Tuesday.*

FUNDING: N/A

Attachments: 1. Proposed 2016 Dates

2016 City Council Meeting Dates

| January | | | | | | |
|---------|----|----|----|----|----|----|
| Su | Mo | Tu | We | Th | Fr | Sa |
| | | | | | 1 | 2 |
| 3 | 4 | 5 | 6 | 7 | 8 | 9 |
| 10 | 11 | 12 | 13 | 14 | 15 | 16 |
| 17 | 18 | 19 | 20 | 21 | 22 | 23 |
| 24 | 25 | 26 | 27 | 28 | 29 | 30 |
| 31 | | | | | | |

| February | | | | | | |
|----------|----|----|----|----|----|----|
| Su | Mo | Tu | We | Th | Fr | Sa |
| | 1 | 2 | 3 | 4 | 5 | 6 |
| 7 | 8 | 9 | 10 | 11 | 12 | 13 |
| 14 | 15 | 16 | 17 | 18 | 19 | 20 |
| 21 | 22 | 23 | 24 | 25 | 26 | 27 |
| 28 | 29 | | | | | |
| | | | | | | |

| March | | | | | | |
|-------|----|----|----|----|----|----|
| Su | Mo | Tu | We | Th | Fr | Sa |
| | | 1 | 2 | 3 | 4 | 5 |
| 6 | 7 | 8 | 9 | 10 | 11 | 12 |
| 13 | 14 | 15 | 16 | 17 | 18 | 19 |
| 20 | 21 | 22 | 23 | 24 | 25 | 26 |
| 27 | 28 | 29 | 30 | 31 | | |
| | | | | | | |

3/25 - Good Friday: City Hall Closed at 12 noon

| April | | | | | | |
|-------|----|----|----|----|----|----|
| Su | Mo | Tu | We | Th | Fr | Sa |
| | | | | | 1 | 2 |
| 3 | 4 | 5 | 6 | 7 | 8 | 9 |
| 10 | 11 | 12 | 13 | 14 | 15 | 16 |
| 17 | 18 | 19 | 20 | 21 | 22 | 23 |
| 24 | 25 | 26 | 27 | 28 | 29 | 30 |
| | | | | | | |

| May | | | | | | |
|-----|----|----|----|----|----|----|
| Su | Mo | Tu | We | Th | Fr | Sa |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 |
| 8 | 9 | 10 | 11 | 12 | 13 | 14 |
| 15 | 16 | 17 | 18 | 19 | 20 | 21 |
| 22 | 23 | 24 | 25 | 26 | 27 | 28 |
| 29 | 30 | 31 | | | | |
| | | | | | | |

| June | | | | | | |
|------|----|----|----|----|----|----|
| Su | Mo | Tu | We | Th | Fr | Sa |
| | | | 1 | 2 | 3 | 4 |
| 5 | 6 | 7 | 8 | 9 | 10 | 11 |
| 12 | 13 | 14 | 15 | 16 | 17 | 18 |
| 19 | 20 | 21 | 22 | 23 | 24 | 25 |
| 26 | 27 | 28 | 29 | 30 | | |
| | | | | | | |

| July | | | | | | |
|------|----|----|----|----|----|----|
| Su | Mo | Tu | We | Th | Fr | Sa |
| | | | | | 1 | 2 |
| 3 | 4 | 5 | 6 | 7 | 8 | 9 |
| 10 | 11 | 12 | 13 | 14 | 15 | 16 |
| 17 | 18 | 19 | 20 | 21 | 22 | 23 |
| 24 | 25 | 26 | 27 | 28 | 29 | 30 |
| 31 | | | | | | |

| August | | | | | | |
|--------|----|----|----|----|----|----|
| Su | Mo | Tu | We | Th | Fr | Sa |
| | 1 | 2 | 3 | 4 | 5 | 6 |
| 7 | 8 | 9 | 10 | 11 | 12 | 13 |
| 14 | 15 | 16 | 17 | 18 | 19 | 20 |
| 21 | 22 | 23 | 24 | 25 | 26 | 27 |
| 28 | 29 | 30 | 31 | | | |
| | | | | | | |

| September | | | | | | |
|-----------|----|----|----|----|----|----|
| Su | Mo | Tu | We | Th | Fr | Sa |
| | | | | 1 | 2 | 3 |
| 4 | 5 | 6 | 7 | 8 | 9 | 10 |
| 11 | 12 | 13 | 14 | 15 | 16 | 17 |
| 18 | 19 | 20 | 21 | 22 | 23 | 24 |
| 25 | 26 | 27 | 28 | 29 | 30 | |
| | | | | | | |

| October | | | | | | |
|---------|----|----|----|----|----|----|
| Su | Mo | Tu | We | Th | Fr | Sa |
| | | | | | | 1 |
| 2 | 3 | 4 | 5 | 6 | 7 | 8 |
| 9 | 10 | 11 | 12 | 13 | 14 | 15 |
| 16 | 17 | 18 | 19 | 20 | 21 | 22 |
| 23 | 24 | 25 | 26 | 27 | 28 | 29 |
| 30 | 31 | | | | | |

| November | | | | | | |
|----------|----|----|----|----|----|----|
| Su | Mo | Tu | We | Th | Fr | Sa |
| | | 1 | 2 | 3 | 4 | 5 |
| 6 | 7 | 8 | 9 | 10 | 11 | 12 |
| 13 | 14 | 15 | 16 | 17 | 18 | 19 |
| 20 | 21 | 22 | 23 | 24 | 25 | 26 |
| 27 | 28 | 29 | 30 | | | |
| | | | | | | |

11/8 - Election Day

| December | | | | | | |
|----------|----|----|----|----|----|----|
| Su | Mo | Tu | We | Th | Fr | Sa |
| | | | | 1 | 2 | 3 |
| 4 | 5 | 6 | 7 | 8 | 9 | 10 |
| 11 | 12 | 13 | 14 | 15 | 16 | 17 |
| 18 | 19 | 20 | 21 | 22 | 23 | 24 |
| 25 | 26 | 27 | 28 | 29 | 30 | 31 |
| | | | | | | |

12/23 - City Hall Closed at 12 noon

12/26 - Christmas Day Observed

PPS Christmas Break is undetermined at this time.

Council Meeting Date

H US Holiday (City Hall Closed)

2nd & 4th Tuesday of the Month

PPS Break

Proposed Pre-Council Meetings

TO: Honorable Mayor and City Council

FROM: Laurence Shaffer, City Manager



SUBJECT: Austin Lake Governmental Lake Board - Appoint New Member

SUPPORTING PERSONNEL: James Hudson, City Clerk

ACTION RECOMMENDED: That City Council appoint one Councilmember to the Austin Lake Governmental Lake Board.

The Austin Lake Governmental Lake Board was established in April 1996 as a requirement of the Natural Resources and Environmental Protection Act, Act 451 of 1994, Part 309 Inland Lake Improvements, as the Austin Lake Riparian, Inc., Board (lake property owners' association) prepared to undergo a dredging project. At the time the Austin Lake Governmental Lake Board was established, Act 451 of 1994 required the appointment of one representative of each local unit of government. However, in 2004, an amendment to the act (effective March 1, 2005), requires the appointment of two members of the local unit of government if there is only one such unit. As Austin Lake lies fully within the City of Portage, it is appropriate that two representatives of the City of Portage serve on the board.

Currently, Councilmember Jim Pearson and former Councilmember Ed Sackley represent the City of Portage on the Austin Lake Governmental Lake Board. Mr. Sackley has tendered his resignation from the board. As such, it is recommended that Council appoint another Councilmember to the board.

FUNDING: N/A

Attachments: 1. N/A

TO: Honorable Mayor and City Council

FROM: Laurence Shaffer, City Manager



SUBJECT: Board and Commission Interviews

SUPPORTING PERSONNEL: James Hudson, City Clerk

ACTION RECOMMENDED: That City Council set a Special Meeting on Tuesday, January 12, 2016, beginning at 5:30 p.m., to interview Board and Commission applicants.

Section 2 – Article 7 of the Code of Ordinances affirms that City Council recognizes and appreciates the value and importance each Board or Commission plays in advising the Council in its decision-making process. Board and Commission interviews are performed each year in October, January and May.

Per the Policy for Appointments to Citizen Advisory Boards, applicants for the following Boards and Commissions and any other vacancies that arise will be interviewed:

| | |
|-------------------------------|-----------------------------|
| Board of Review | 5 expiring terms, 1 vacancy |
| Construction Board of Appeals | 1 vacancy |
| Zoning Board of Appeals | 2 expiring terms |

As reflected on the attached Board and Commission Vacancy Summary, applicants will be interviewed at this time to fill vacancies on the Board of Review, Construction Board of Appeals and Zoning Board of Appeals. It is recommended that City Council set a Special Meeting on Tuesday, January 12, 2016, beginning at 5:30 p.m., to interview Board and Commission applicants.

FUNDING: N/A

Attachments: 1. Vacancy Summary

**BOARD/COMMISSION VACANCY SUMMARY
FOR JANUARY 12, 2016 SPECIAL MEETING**

| INTERVIEWS | <i>5:30 pm</i> | <i>6:00 pm</i> | <i>6:15 pm</i> | |
|--------------------------|---|---|--|---------------------------------|
| APPLICANTS | BD REV 5 exp terms 1 vacancy 1 yr terms | ZBA 2 exp terms 3 yr terms | CBA Mechanical Contractor vacancy 3 yr term | STATUS |
| Carol Eddy | Applicant | | | |
| Keith M. Hearit | Member | | | First Appointed 01/07/14 |
| Lori Knapp | Member | | | First Appointed 01/07/14 |
| Wesley J. Mazurek | Member | | | First Appointed 05/27/08 |
| Michael Quinn | Member | | | First Appointed 01/10/12 |
| Michael Robbe | | Member | | First Appointed 02/12/13 |
| D. Glenn Smith | | Member | | First Appointed 02/12/13 |
| Sheldon Smith | | | Applicant | |
| Jay Woodhams | Member | | | First Appointed 01/06/15 |
| | | | | |
| | | | | |
| | | | | |

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

11/23/15

TO: Honorable Mayor and City Council

FROM: Laurence Shaffer, City Manager



SUBJECT: LDFA Refunding Bonds Savings - Analysis Report

SUPPORTING PERSONNEL: William Furry, Finance Director

ACTION RECOMMENDED: Information Only

On November 19, 2015, bids were taken for refunding of the Local Development Finance Authority Bonds, Series 2004. Four bids were submitted, the lowest by J.J.B. Hilliard, W. L. Lyons, LLC, with a true interest cost of 3.575557 percent. The net savings from the sale will be \$526,938.43, to be reflected as annual debt service reduction for the Local Development Finance Authority (LDFA) over the period from July 1, 2016 to January 1, 2030.

FUNDING: Local Development Finance Authority tax revenues.

Attachments: 1. LDFA Refunding Analysis



FINAL

\$2,725,000
Local Development Finance Authority of the
City of Portage - 2015 Tax Increment Refunding Bonds
(Taxable)

(Refunds 2004 Tax Increment Bonds)

NET SOURCES AND USES

Dated Date: 12/01/15
Closing Date: 12/10/15

Sources:

| | |
|-----------------------|-----------------------|
| Bond Proceeds | \$2,725,000.00 |
| Underwriter's Premium | 0.00 |
| Accrued Interest | 2,241.03 |
| | <hr/> |
| | <u>\$2,727,241.03</u> |

Uses:

| | |
|------------------------|-----------------------|
| Escrow Fund | \$2,650,000.00 |
| Costs of Issuance | 52,440.59 |
| Underwriter's Discount | 21,700.36 |
| Interest Account | 2,241.03 |
| Available Amount | 859.05 |
| | <hr/> |
| | <u>\$2,727,241.03</u> |

| | |
|--------------------------|--------------|
| Net Savings: | \$526,938.43 |
| Present Value Savings: | \$419,675.00 |
| Percent of refunded par: | 15.837% |



\$2,725,000
Local Development Finance Authority of the
City of Portage - 2015 Tax Increment Refunding Bonds
(Taxable)

NEW DEBT SERVICE

| <u>Date</u> | <u>Principal</u> | <u>Price</u> | <u>Coupon</u> | <u>Interest</u> | <u>Total Debt Service</u> | <u>Fiscal Total</u> |
|-------------|------------------|--------------|---------------|---------------------|-------------------------------|-------------------------|
| 07/01/16 | | | | \$52,290.73 | \$52,290.73 | |
| 01/01/17 | \$180,000.00 | 102.099% | 3.000% | 44,820.63 | 224,820.63 | \$277,111.35 |
| 07/01/17 | | | | 42,120.63 | 42,120.63 | |
| 01/01/18 | 180,000.00 | 102.515% | 3.000% | 42,120.63 | 222,120.63 | 264,241.25 |
| 07/01/18 | | | | 39,420.63 | 39,420.63 | |
| 01/01/19 | 180,000.00 | 102.203% | 3.000% | 39,420.63 | 219,420.63 | 258,841.25 |
| 07/01/19 | | | | 36,720.63 | 36,720.63 | |
| 01/01/20 | 225,000.00 | 101.917% | 3.000% | 36,720.63 | 261,720.63 | 298,441.25 |
| 07/01/20 | | | | 33,345.63 | 33,345.63 | |
| 01/01/21 | 220,000.00 | 101.408% | 3.000% | 33,345.63 | 253,345.63 | 286,691.25 |
| 07/01/21 | | | | 30,045.63 | 30,045.63 | |
| 01/01/22 | 215,000.00 | 100.550% | 3.000% | 30,045.63 | 245,045.63 | 275,091.25 |
| 07/01/22 | | | | 26,820.63 | 26,820.63 | |
| 01/01/23 | 210,000.00 | 99.369% | 3.000% | 26,820.63 | 236,820.63 | 263,641.25 |
| 07/01/23 | | | | 23,670.63 | 23,670.63 | |
| 01/01/24 | 205,000.00 | 99.118% | 3.125% | 23,670.63 | 228,670.63 | 252,341.25 |
| 07/01/24 | | | | 20,467.50 | 20,467.50 | |
| 01/01/25 | 200,000.00 | 99.222% | 3.250% | 20,467.50 | 220,467.50 | 240,935.00 |
| 07/01/25 | | | | 17,217.50 | 17,217.50 | |
| 01/01/26 | 195,000.00 | 99.578% | 3.500% | 17,217.50 | 212,217.50 | 229,435.00 |
| 07/01/26 | | | | 13,805.00 | 13,805.00 | |
| 01/01/27 | 190,000.00 | 98.875% | 3.625% | 13,805.00 | 203,805.00 | 217,610.00 |
| 07/01/27 | | | | 10,361.25 | 10,361.25 | |
| 01/01/28 | 185,000.00 | 99.520% | 3.850% | 10,361.25 | 195,361.25 | 205,722.50 |
| 07/01/28 | | | | 6,800.00 | 6,800.00 | |
| 01/01/29 | 175,000.00 * | 99.465% | 4.000% | 6,800.00 | 181,800.00 | 188,600.00 |
| 07/01/29 | | | | 3,300.00 | 3,300.00 | |
| 01/01/30 | 165,000.00 * | 99.465% | 4.000% | 3,300.00 | 168,300.00 | 171,600.00 |
| | | | | <u>\$705,302.60</u> | <u>\$3,430,302.60</u> | <u>\$3,430,302.60</u> |

| | | | |
|------------------|-----------|-------------------------|-----------------------|
| Dated Date: | 12/01/15 | Principal: | \$2,725,000.00 |
| Closing Date: | 12/10/15 | Accrued Interest: | 2,241.03 |
| Arbitrage Yield: | 3.384377% | Credit Enhancement: | 0.00 |
| N.I.C.: | 3.572130% | Orig Issue Prem/(Disc): | 10,507.35 |
| T.I.C.: | 3.570059% | | |
| | | | <u>\$2,737,748.38</u> |

*Term Bonds



\$2,725,000
Local Development Finance Authority of the
City of Portage - 2015 Tax Increment Refunding Bonds

ARBITRAGE YIELD WORKSHEET

| 3.3843771% | | | | | | |
|------------------------------|------------------|---------------|----------------------------|-------------------------------|------------------------------|---------------------------------------|
| Date | Principal | Coupon | Interest | Total Debt Service | Fiscal Total | Present Value Debt Service |
| 07/01/16 | | | \$52,290.73 | \$52,290.73 | | \$51,320.03 |
| 01/01/17 | \$180,000.00 | 3.000% | 44,820.63 | 224,820.63 | \$277,111.35 | 216,975.52 |
| 07/01/17 | | | 42,120.63 | 42,120.63 | | 39,974.39 |
| 01/01/18 | 180,000.00 | 3.000% | 42,120.63 | 222,120.63 | 264,241.25 | 207,294.74 |
| 07/01/18 | | | 39,420.63 | 39,420.63 | | 36,177.23 |
| 01/01/19 | 180,000.00 | 3.000% | 39,420.63 | 219,420.63 | 258,841.25 | 198,016.63 |
| 07/01/19 | | | 36,720.63 | 36,720.63 | | 32,587.17 |
| 01/01/20 | 225,000.00 | 3.000% | 36,720.63 | 261,720.63 | 298,441.25 | 228,395.20 |
| 07/01/20 | | | 33,345.63 | 33,345.63 | | 28,615.43 |
| 01/01/21 | 220,000.00 | 3.000% | 33,345.63 | 253,345.63 | 286,691.25 | 213,789.93 |
| 07/01/21 | | | 30,045.63 | 30,045.63 | | 24,932.60 |
| 01/01/22 | 215,000.00 | 3.000% | 30,045.63 | 245,045.63 | 275,091.25 | 199,961.14 |
| 07/01/22 | | | 26,820.63 | 26,820.63 | | 21,521.87 |
| 01/01/23 | 210,000.00 | 3.000% | 26,820.63 | 236,820.63 | 263,641.25 | 186,871.46 |
| 07/01/23 | | | 23,670.63 | 23,670.63 | | 18,367.31 |
| 01/01/24 | 205,000.00 | 3.125% | 23,670.63 | 228,670.63 | 252,341.25 | 174,485.22 |
| 07/01/24 | | | 20,467.50 | 20,467.50 | | 15,357.68 |
| 01/01/25 | 200,000.00 | 3.250% | 20,467.50 | 220,467.50 | 240,935.00 | 162,673.82 |
| 07/01/25 | | | 17,217.50 | 17,217.50 | | 12,492.68 |
| 01/01/26 | 195,000.00 | 3.500% | 17,217.50 | 212,217.50 | 229,435.00 | 151,418.55 |
| 07/01/26 | | | 13,805.00 | 13,805.00 | | 9,686.05 |
| 01/01/27 | 190,000.00 | 3.625% | 13,805.00 | 203,805.00 | 217,610.00 | 140,616.91 |
| 07/01/27 | | | 10,361.25 | 10,361.25 | | 7,029.87 |
| 01/01/28 | 185,000.00 | 3.850% | 10,361.25 | 195,361.25 | 205,722.50 | 130,342.47 |
| 07/01/28 | | | 6,800.00 | 6,800.00 | | 6,800.00 |
| 01/01/29 | 175,000.00 | 4.000% | 6,800.00 | 181,800.00 | 188,600.00 | 181,800.00 |
| 07/01/29 | | | 3,300.00 | 3,300.00 | | 3,300.00 |
| 01/01/30 | 165,000.00 | 4.000% | 3,300.00 | 168,300.00 | 171,600.00 | 168,300.00 |
| <u>\$2,725,000.00</u> | | | <u>\$705,302.60</u> | <u>\$3,430,302.60</u> | <u>\$3,430,302.60</u> | <u>\$2,869,103.90</u> |

Dated Date: 12/01/15
 Closing Date: 12/10/15
 Arbitrage Yield: 3.384377%

Principal: \$2,725,000.00
 Accrued Interest: 2,241.03
 Credit Enhancement: 0.00
 Orig Issue Prem/(Disc): 10,507.35

\$2,737,748.38



\$2,725,000
Local Development Finance Authority of the
City of Portage - 2015 Tax Increment Refunding Bonds

NET PRESENT VALUE SAVINGS ANALYSIS

Net Present Value Savings/(Loss): \$419,675.00

| Date | Outstanding Debt Service | Remaining Non-Refunded Debt-Service | New Debt Service | Net Savings/(Loss) | Fiscal Net Savings/(Loss) | 3.3843771% Present Value Savings/(Loss) |
|-------------|---------------------------------|--|-------------------------|---------------------------|----------------------------------|--|
| 01/01/16 | \$237,500.00 | \$237,500.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 |
| 07/01/16 | 82,925.00 | | 50,049.70 * | 32,875.30 | | 32,306.62 |
| 01/01/17 | 232,925.00 | | 224,820.63 | 8,104.38 | 40,979.68 | 7,821.57 |
| 07/01/17 | 78,350.00 | | 42,120.63 | 36,229.38 | | 34,383.32 |
| 01/01/18 | 228,350.00 | | 222,120.63 | 6,229.38 | 42,458.75 | 5,813.58 |
| 07/01/18 | 73,775.00 | | 39,420.63 | 34,354.38 | | 31,527.81 |
| 01/01/19 | 223,775.00 | | 219,420.63 | 4,354.38 | 38,708.75 | 3,929.62 |
| 07/01/19 | 69,200.00 | | 36,720.63 | 32,479.38 | | 28,823.34 |
| 01/01/20 | 269,200.00 | | 261,720.63 | 7,479.38 | 39,958.75 | 6,527.01 |
| 07/01/20 | 63,100.00 | | 33,345.63 | 29,754.38 | | 25,533.61 |
| 01/01/21 | 263,100.00 | | 253,345.63 | 9,754.38 | 39,508.75 | 8,231.39 |
| 07/01/21 | 56,850.00 | | 30,045.63 | 26,804.38 | | 22,242.93 |
| 01/01/22 | 256,850.00 | | 245,045.63 | 11,804.38 | 38,608.75 | 9,632.56 |
| 07/01/22 | 50,600.00 | | 26,820.63 | 23,779.38 | | 19,081.46 |
| 01/01/23 | 250,600.00 | | 236,820.63 | 13,779.38 | 37,558.75 | 10,873.09 |
| 07/01/23 | 44,350.00 | | 23,670.63 | 20,679.38 | | 16,046.24 |
| 01/01/24 | 244,350.00 | | 228,670.63 | 15,679.38 | 36,358.75 | 11,964.02 |
| 07/01/24 | 38,100.00 | | 20,467.50 | 17,632.50 | | 13,230.45 |
| 01/01/25 | 238,100.00 | | 220,467.50 | 17,632.50 | 35,265.00 | 13,010.29 |
| 07/01/25 | 31,750.00 | | 17,217.50 | 14,532.50 | | 10,544.50 |
| 01/01/26 | 231,750.00 | | 212,217.50 | 19,532.50 | 34,065.00 | 13,936.56 |
| 07/01/26 | 25,400.00 | | 13,805.00 | 11,595.00 | | 8,135.44 |
| 01/01/27 | 225,400.00 | | 203,805.00 | 21,595.00 | 33,190.00 | 14,899.64 |
| 07/01/27 | 19,050.00 | | 10,361.25 | 8,688.75 | | 5,895.12 |
| 01/01/28 | 219,050.00 | | 195,361.25 | 23,688.75 | 32,377.50 | 15,804.82 |
| 07/01/28 | 12,700.00 | | 6,800.00 | 5,900.00 | | 3,870.90 |
| 01/01/29 | 212,700.00 | | 181,800.00 | 30,900.00 | 36,800.00 | 19,935.67 |
| 07/01/29 | 6,350.00 | | 3,300.00 | 3,050.00 | | 1,935.02 |
| 01/01/30 | 206,350.00 | | 168,300.00 | 38,050.00 | 41,100.00 | 23,738.42 |
| | <u>\$4,192,500.00</u> | <u>\$237,500.00</u> | <u>\$3,428,061.57</u> | <u>\$526,938.43</u> | <u>\$526,938.43</u> | <u>\$419,675.00</u> |

* Less accrued interest.



\$3,150,000
Local Development Finance Authority of the
City of Portage - 2004 Tax Increment Bonds
(Taxable)

REMAINING ORIGINAL DEBT SERVICE SCHEDULE

| | | | | | | 3.3843771% |
|-------------|-----------------------|---------------|-----------------------|---------------------------|-----------------------|-----------------------------------|
| Date | Principal | Coupon | Interest | Total Debt Service | Fiscal Total | Present Value Debt Service |
| 01/01/16 | \$150,000.00 | 6.100% | \$87,500.00 | \$237,500.00 | \$237,500.00 | \$237,035.50 |
| 07/01/16 | | | 82,925.00 | 82,925.00 | | 81,385.62 |
| 01/01/17 | 150,000.00 | 6.100% | 82,925.00 | 232,925.00 | 315,850.00 | 224,797.10 |
| 07/01/17 | | | 78,350.00 | 78,350.00 | | 74,357.71 |
| 01/01/18 | 150,000.00 | 6.100% | 78,350.00 | 228,350.00 | 306,700.00 | 213,108.33 |
| 07/01/18 | | | 73,775.00 | 73,775.00 | | 67,705.04 |
| 01/01/19 | 150,000.00 | 6.100% | 73,775.00 | 223,775.00 | 297,550.00 | 201,946.24 |
| 07/01/19 | | | 69,200.00 | 69,200.00 | | 61,410.51 |
| 01/01/20 | 200,000.00 | 6.100% | 69,200.00 | 269,200.00 | 338,400.00 | 234,922.21 |
| 07/01/20 | | | 63,100.00 | 63,100.00 | | 54,149.04 |
| 01/01/21 | 200,000.00 | 6.250% | 63,100.00 | 263,100.00 | 326,200.00 | 222,021.32 |
| 07/01/21 | | | 56,850.00 | 56,850.00 | | 47,175.52 |
| 01/01/22 | 200,000.00 | 6.250% | 56,850.00 | 256,850.00 | 313,700.00 | 209,593.70 |
| 07/01/22 | | | 50,600.00 | 50,600.00 | | 40,603.32 |
| 01/01/23 | 200,000.00 | 6.250% | 50,600.00 | 250,600.00 | 301,200.00 | 197,744.55 |
| 07/01/23 | | | 44,350.00 | 44,350.00 | | 34,413.55 |
| 01/01/24 | 200,000.00 | 6.250% | 44,350.00 | 244,350.00 | 288,700.00 | 186,449.24 |
| 07/01/24 | | | 38,100.00 | 38,100.00 | | 28,588.12 |
| 01/01/25 | 200,000.00 | 6.350% | 38,100.00 | 238,100.00 | 276,200.00 | 175,684.11 |
| 07/01/25 | | | 31,750.00 | 31,750.00 | | 23,037.18 |
| 01/01/26 | 200,000.00 | 6.350% | 31,750.00 | 231,750.00 | 263,500.00 | 165,355.12 |
| 07/01/26 | | | 25,400.00 | 25,400.00 | | 17,821.49 |
| 01/01/27 | 200,000.00 | 6.350% | 25,400.00 | 225,400.00 | 250,800.00 | 155,516.55 |
| 07/01/27 | | | 19,050.00 | 19,050.00 | | 12,924.99 |
| 01/01/28 | 200,000.00 | 6.350% | 19,050.00 | 219,050.00 | 238,100.00 | 146,147.29 |
| 07/01/28 | | | 12,700.00 | 12,700.00 | | 12,700.00 |
| 01/01/29 | 200,000.00 | 6.350% | 12,700.00 | 212,700.00 | 225,400.00 | 212,700.00 |
| 07/01/29 | | | 6,350.00 | 6,350.00 | | 6,350.00 |
| 01/01/30 | 200,000.00 | 6.350% | 6,350.00 | 206,350.00 | 212,700.00 | 206,350.00 |
| | <u>\$2,800,000.00</u> | | <u>\$1,392,500.00</u> | <u>\$4,192,500.00</u> | <u>\$4,192,500.00</u> | <u>\$3,551,993.38</u> |



\$3,150,000
Local Development Finance Authority of the
City of Portage - 2004 Tax Increment Bonds
(Taxable)

REMAINING NON-REFUNDED ORIGINAL DEBT SERVICE SCHEDULE

| <u>Date</u> | <u>Principal</u> | <u>Coupon</u> | <u>Interest</u> | <u>Total Debt Service</u> | <u>Fiscal Total</u> | <u>3.3843771% Present Value Debt Service</u> |
|-------------|---------------------|---------------|--------------------|-------------------------------|-------------------------|--|
| 01/01/16 | \$150,000.00 | 6.100% | \$87,500.00 | \$237,500.00 | \$237,500.00 | \$237,035.50 |
| | <u>\$150,000.00</u> | | <u>\$87,500.00</u> | <u>\$237,500.00</u> | <u>\$237,500.00</u> | <u>\$237,035.50</u> |



\$3,150,000
Local Development Finance Authority of the
City of Portage - 2004 Tax Increment Bonds
(Taxable)

REDEMPTION SCHEDULE

Redemption Premium: 0.00%

| <u>Date</u> | <u>Principal</u> | <u>Interest</u> | <u>Redeemed Principal</u> | <u>Redemption Premium</u> | <u>Total Debt Service</u> | <u>Fiscal Total</u> | <u>3.3843771% Present Value</u> |
|-------------|------------------|-----------------|-------------------------------|-------------------------------|-------------------------------|-------------------------|-------------------------------------|
| 01/01/16 | \$0.00 | \$0.00 | \$2,650,000.00 | \$0.00 | \$2,650,000.00 | \$2,650,000.00 | \$2,644,817.16 |
| | <u>\$0.00</u> | <u>\$0.00</u> | <u>\$2,650,000.00</u> | <u>\$0.00</u> | <u>\$2,650,000.00</u> | <u>\$2,650,000.00</u> | <u>\$2,644,817.16</u> |



\$3,150,000
Local Development Finance Authority of the
City of Portage - 2004 Tax Increment Bonds
(Taxable)

ESCROW CASH FLOW ANALYSIS

December 10, 2015 Beginning Cash Balance: \$2,650,000.00 *

| Date | Beginning Cash Balance | SLGS Principal | SLGS Rate | SLGS Interest | SLGS Total | Debt Service Defeasance | Ending Cash Balance | 0.00000% Present Value |
|-------------|-------------------------------|-----------------------|------------------|----------------------|-------------------|--------------------------------|----------------------------|-------------------------------|
| 12/10/15 | \$2,650,000.00 | | | | | | \$2,650,000.00 | |
| 01/01/16 | 2,650,000.00 | \$0.00 | 0.000% | \$0.00 | \$0.00 | \$2,650,000.00 | 0.00 | \$0.00 |
| | | <u>\$0.00</u> | | <u>\$0.00</u> | <u>\$0.00</u> | <u>\$2,650,000.00</u> | | <u>\$0.00</u> |

Total Cost of Escrow Requirements: \$2,650,000.00

* Non-Interest bearing cash deposit held with the Escrow Agent.

TO: Honorable Mayor and City Council

FROM: Laurence Shaffer, City Manager



SUBJECT: Harris Drive Vacation Request - Final Action

SUPPORTING PERSONNEL: Vicki Georgeau, Director of Community Development

ACTION RECOMMENDED: That City Council take final action to vacate the south approximate 57-feet of Harris Drive.

A request has been 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 to the south (10214 and 10220 East Shore Drive) which the applicants own. Both parcels are currently vacant (the dwelling shown on the aerial photograph on 10220 East Shore Drive was razed after the photograph was taken). According to the applicant, the presence of this approximate 57-foot strip of unimproved public right-of-way creates redevelopment limitations for construction of a new single family home. The applicant has asked that it be vacated.

Although this approximate 57-foot area of Harris Drive is an unimproved “paper” street, located within this right-of-way is an existing municipal sanitary sewer main. This sewer main also extends approximately eight feet south of the southern end of the unimproved right-of-way. If the vacation request is approved by City Council, the applicants will convey a 20-foot-wide easement to the City of Portage for the existing public sanitary sewer main.

Given the existing development pattern and surrounding land ownership, a future southerly extension of Harris Drive is not practical and this unimproved public right-of-way is not needed by the city. As a result, the City Administration recommends the vacation request be approved subject to retaining a sanitary sewer easement and combining 10214 and 10220 East Shore Drive as one lot of record. The Planning Commission reviewed the vacation request during the October 15, 2015 meeting and recommends it be approved subject to the above-noted conditions.

City Council accepted the resolution to vacate the south approximate 57-feet of Harris Drive at the November 3, 2015 City Council meeting. The resolution was placed on file for 28 days with the City Clerk and no public comment was received. Final approval is recommended subject to the above-noted conditions.

FUNDING: N/A

Attachments:

1. Resolution No. 2 to Vacate a Portion of Harris Drive
2. Harris Drive Map
3. Planning Commission transmittal dated October 16, 2015

4. Planning Commission Minutes dated October 15, 2015
5. Department of Community Development report dated October 9, 2015
6. Draft sanitary sewer easement

**RESOLUTION NO. 2
CITY OF PORTAGE, MICHIGAN**

**RESOLUTION TO VACATE
A PORTION OF HARRIS DRIVE
IN THE CITY OF PORTAGE, MICHIGAN**

Minutes of a regular meeting of the City Council of the City of Portage, Michigan held on _____, 2015 at 7:30 p.m. local time at City Hall in the City of Portage, Kalamazoo County, Michigan.

PRESENT: _____

ABSENT: _____

The following resolution was offered by:

COUNCILMEMBER: _____ and supported by

COUNCILMEMBER: _____.

WHEREAS, it appears necessary and desirable to vacate a portion of Harris Drive since it is no longer needed as a result of the development of the surrounding property as well as future potential development;

WHEREAS, such development is a desirable improvement to the property;

WHEREAS, the owner of all the property abutting that portion of Harris Drive to be vacated has requested this vacation to allow for future development resulting in a more efficient use of the property; and

WHEREAS, the City of Portage has determined that it would be in the best interest of the health and welfare of the public to vacate said portion of Harris Drive.

WHEREAS, the request to vacate concerns a portion of Harris Drive in the City of Portage, as described below:

A parcel of land being situated in the Northeast quarter of Section 36, T. 3 S., R. 11 W., City of Portage, County of Kalamazoo, Michigan being more particularly described as follows:

Beginning at the Northeast corner of Lot 1, "Supervisor's Plat of Oakland Beach" according to the plat thereof as recorded in Liber 11 of Plats on Page 03, Kalamazoo County Records; thence S. 20 deg. 36 min. W. 57.15 feet along the East line of said Lot 1 and along the southerly extension of said East line to the South line of said "Supervisor's Plat of Oakland Beach"; thence East 21.36 feet along said South line to the Southwest corner of Lot 22 of said "Supervisor's Plat of Oakland Beach"; thence N. 20 deg. 36 min. E. 55.0 feet along the West line of said Lot 22 to the Northwest corner of said Lot 22; thence N. 84 deg. 25 min. 16 sec. W. 20.70 feet to said Northeast corner of Lot 1 and the Place of Beginning, containing 1121 square feet of land. Subject to easements, conditions and restrictions of record.

And also subject to the following easement:

A parcel of land being situated in the Northeast quarter of Section 36, T. 3 S., R. 11 W., City of Portage, County of Kalamazoo, Michigan being more particularly described as follows:

Beginning at the Northeast corner of Lot 1, Supervisor's Plat of Oakland Beach subdivision as recorded in Liber 11 of Plats on Page 3, Kalamazoo County Records; thence S. 84 deg. 25 min. 16 sec. E. 20.70 feet to the Northwest corner of Lot 22 of said subdivision; thence S. 20 deg. 36 min. W. 55.00 feet along the West line of said Lot 22 to the Southwest corner of said Lot 22; thence continuing S. 20 deg. 36 min. W. 34.00 feet along the Southerly extension of said West line of Lot 22; thence N. 69 deg. 24 min. W. 23.50 feet; thence N. 20 deg. 36 min. E. 25.17 feet parallel with said West line to the South line of said Supervisor's Plat of Oakland Beach subdivision; thence EAST 3.75 feet along said South line to the Southwest corner of Harris Drive as platted in said subdivision; thence N. 20 deg. 36 min. E. 57.15 feet along the West line of said Harris Drive to the Place of Beginning, containing 1,816 square feet.

WHEREAS, that the above-legal description reserves a public utility easement in favor of the City of Portage.

NOW THEREFORE, BE IT RESOLVED that the City Council determines that the above portion of Harris Drive be vacated.

BE IT FURTHER RESOLVED, the City Council determines that it is in the best interest of the health, safety and welfare of the public to vacate said portion of the above street.

BE IT FURTHER RESOLVED, that the City Clerk shall cause a certified copy of this resolution to be recorded in the office of the Register of Deeds for the Kalamazoo County, and another certified copy of this resolution to be sent to the Department of Commerce and State Treasurer, State of Michigan, and that until so recorded, this resolution is to have no force or effect.

ADOPTED: _____

AYES: Councilmember _____

NAYS: Councilmember _____

ABSENT: Councilmember _____

James R. Hudson, City Clerk

CERTIFICATION

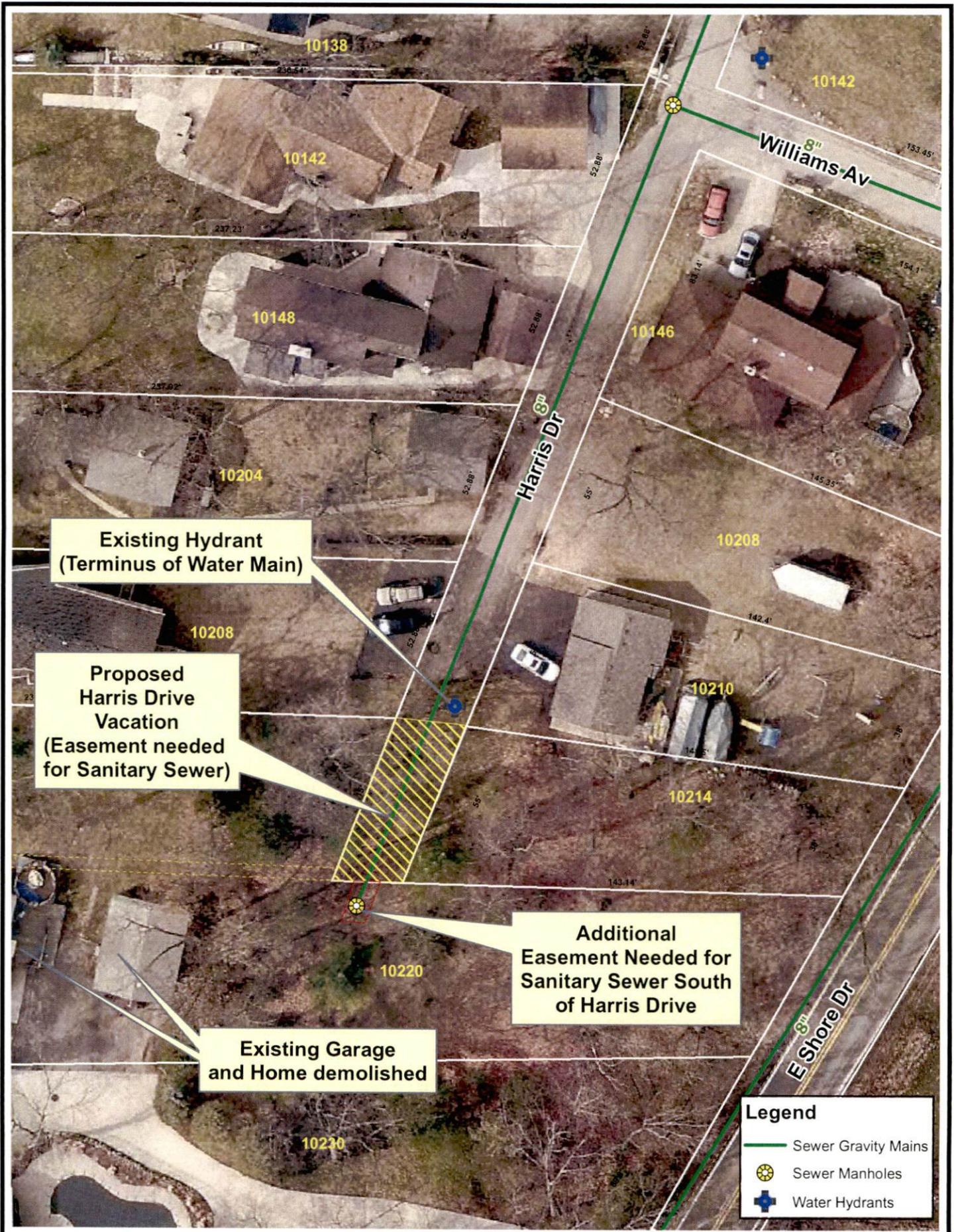
I, James R. Hudson, do hereby certify that I am the duly appointed and acting City Clerk of the City of Portage, Michigan, and that the foregoing resolution was adopted by the City of Portage on the ____ day of _____, 2015.

James R. Hudson, City Clerk

Approved as to form:

Date: 11/5/15

City Attorney



Proposed Harris Drive Vacation Location Map

TO: Honorable Mayor and City Council
FROM: Planning Commission
DATE: October 16, 2015
SUBJECT: Request to vacate the south approximate 57 feet of Harris Drive

At the meeting of October 15, 2015, the Planning Commission reviewed and discussed the request from Craig and Nancy Bahner that the south approximate 57-feet of Harris Drive (unimproved portion) be vacated. The applicant has requested the street vacation to facilitate construction of a new single family home on the adjacent parcels (10214 and 10220 East Shore Drive).

The applicants' representative, Mr. Jack Gesmundo from American Village Builders, was present to support the application. No additional citizens spoke in regards to the proposed street vacation

After a brief discussion concerning the lack of need for retention of this unimproved portion of Harris Drive, the Planning Commission voted 6-0 to recommend to City Council that the south approximate 57-feet 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.

Sincerely,

CITY OF PORTAGE PLANNING COMMISSION

Dave Felicijan
DF

Dave Felicijan
Vice-Chairman

T:\COMMDEV\2015-2016 Department Files\Memos\City Council\2015 10 16 MCC Harris Drive VacationPC.docx

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: Planning Commission

DATE: October 9, 2015

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

SUBJECT: Request to Vacate South Portion of Harris Drive

I. INTRODUCTION

An application has been received from Craig and Nancy Bahner requesting 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 to the south addressed as 10214 and 10220 East Shore Drive. As information for the Commission, the applicants own 10220 East Shore Drive and 10214 East Shore Drive. Both parcels are vacant (the dwelling shown on the aerial photograph on 10220 East Shore Drive was razed after the photograph was taken). The applicants intend to combine 10214 and 10220 East Shore as a single lot of record and construct a new dwelling.

II. STREET VACATION REVIEW

Street Vacation Process. The process to vacate a public street and associated right-of-ways is established in the State of Michigan Land Division Act and the City Charter. The Land Division Act specifies that when the municipality determines that it necessary for the public health, welfare, comfort and safety of the people in the community to discontinue a public street, a resolution or ordinance must be adopted and recorded with the County Register of Deeds and with the State of Michigan Department of Commerce. Consistent with the statutory requirements, one-half of the vacated right-of-way is conveyed to each abutting property owner (the applicants own the property on either side of the right-of-way). Planning Commission and City Administration recommendations are provided to City Council, which makes the final decision. The City Charter requires that Council place the proposed vacation request on file for 28 days to allow for adequate public comment before taking final action.

Existing Conditions. The south terminus of the paved portion of Harris Drive ends in front of 10208 Harris Drive and 10210 East Shore Drive, providing access to an existing residence and accessory garage. The remaining southern approximate 57-feet of Harris Drive is an unimproved "paper" street which is encumbered by an existing sanitary sewer main. This sewer main extends approximately eight feet south of the southern end of the unimproved right-of-way. According to the applicant, the presence of this approximate 57-foot strip of unimproved public right-of-way creates redevelopment limitations for construction of a new single family home and have asked that it be vacated. Given the existing development pattern and surrounding land ownership, a future southerly extension of Harris Drive is not practical and this unimproved public right-of-way is not needed by the city. However, if approved by City Council, the applicants will convey to the City of Portage a 20-foot wide easement for the existing public sanitary sewer main.

The applicant has also provided a copy of the Consent Judgement concerning a four foot wide walkway. When this area was platted in 1925, the plat of Oakland Beach included a four foot wide walkway along the south property line of Lot 1, which was intended to pedestrian access to Austin Lake. In 1990, Kalamazoo County Circuit Court issued a Consent Judgement conveying ownership of this walkway to the previous owner of the property.

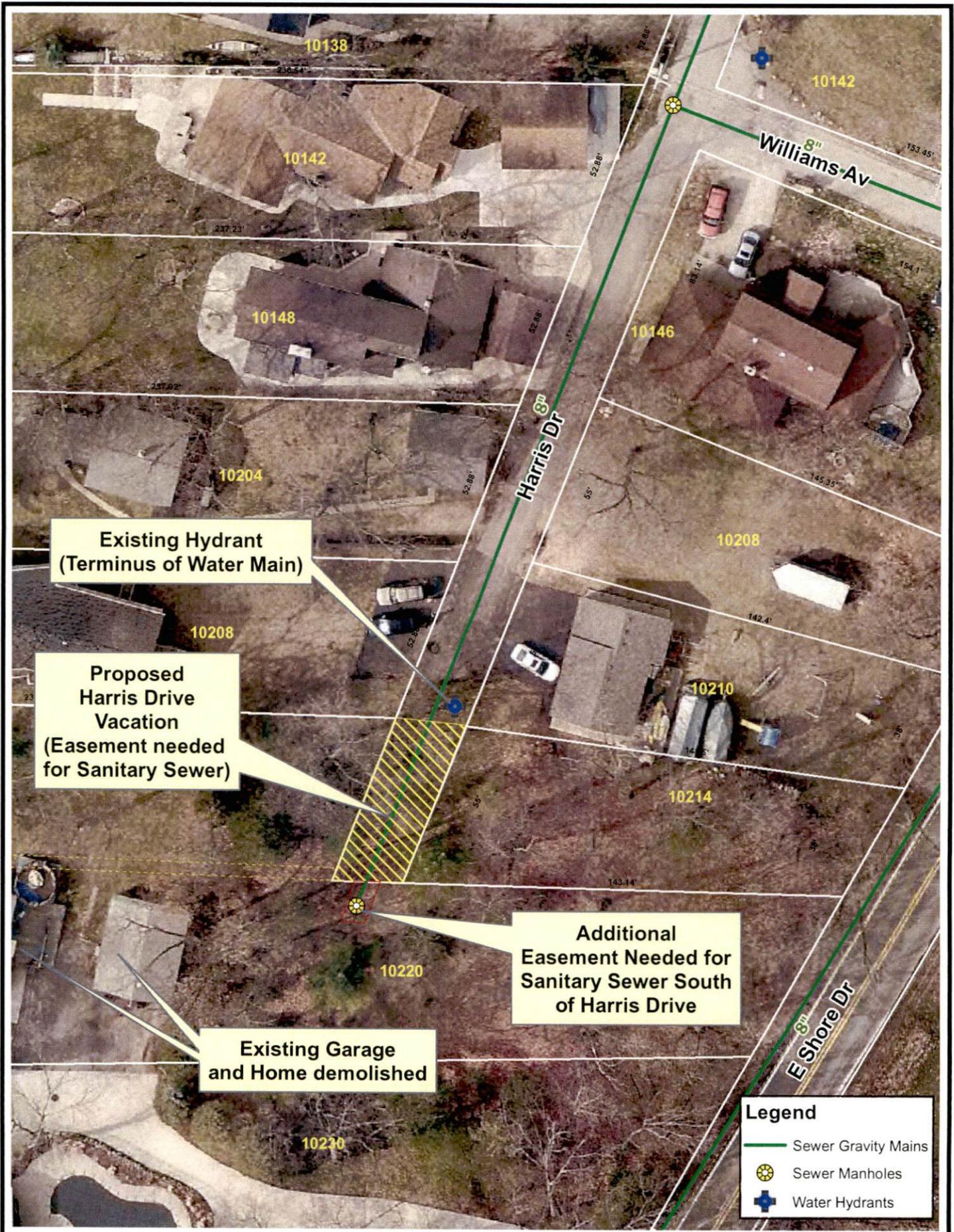
Finally, and for Commission information, vacation of this portion of Harris Drive does not amend the Oakland Beach plat. Amendments to a previously recorded plat require action by Circuit Court as was the case involving the four foot walkway.

III. RECOMMENDATION

Based on the above analysis, staff advises that the Planning Commission recommend to City Council that the south approximate 57-feet 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.

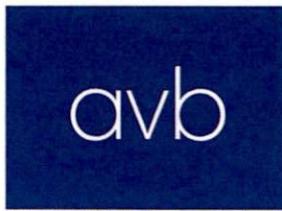
Attachments: Zoning/Vicinity Map
 September 18, 2015 Communication from the Applicant (with attachments)

T:\COMMDEV\2015-2016 Department Files\Board Files\Planning Commission\PC reports\Street Vacation\2015 10 09 Vacation of South Portion of Harris Drive.doc



Proposed Harris Drive Vacation Location Map





BUILD SOMETHING BETTER.

RECEIVED

SEP 18 2015

COMMUNITY DEVELOPMENT

September 18, 2015

Mr. Christopher Forth, AICP
Deputy Director of Planning, Development and Neighborhood Services
City of Portage Department of Community Development
7900 South Westnedge Avenue
Portage, Michigan 49002

RE: Vacation of a portion of Harris Drive near Austin Lake

Dear Mr. Forth;

At the request of Craig & Nancy Bahner, property owners of 10220 & 10214 East Shore Drive on Austin Lake, AVB is requesting that the City of Portage take into consideration vacating a portion of Harris Drive that has never been improved. This roadway is a peninsula in the almost one acre lake front property that creates limitations on how the parcel can be developed.

The reasons for vacating this property are as follows;

1. That portion of the roadway that is being requested to be vacated has never been improved.
2. If the roadway was improved, it would only service this property and would thus serve no meaningful purpose. This parcel also has roadway access along East Shore Drive.
3. The existing fire hydrant was installed in a manner that would indicate that the roadway will never be improved.
4. By vacating a portion of the roadway, it would create no safety or other limiting issues for the residence or guests who live on Harris Drive or the residence of the City of Portage.
5. The roadway plus the required setbacks creates limitations on how the parcel can be developed. The Bahner's would like to move their home further away from the lake to create more yard area between the home and the lake.
6. The two parcels that make up the Bahner property will be combined to one parcel to build one home.

The following documentation is enclosed for your review;

1. Letter of Authorization for AVB to represent the Bahner's in this matter.
2. City of Portage parcel reports for the properties

3. Survey illustrating the two parcels, the location of Harris Drive, and the location of the fire hydrant.
4. Photo of fire hydrant location and where the asphalt ends
5. Legal description of the requested area to be vacated
6. Copy of judgement releasing the 4' easement to the lake

If the vacation of the parcel is approved, Mr. & Mrs. Bahner will provide the City of Portage with the following;

1. Application to combine both parcels 10220 East Shore Drive, Oakland Beach lot #1, parcel #05880001A, and 10214 East Shore Drive, Oakland Beach lot #22, parcel # 058800220.
2. Provide a 20' wide easement for the sanitary sewer as installed.

We very much appreciate you taking this into consideration. Please call me at 269.217.205 or email jack@avbinc.com after your review with any questions or comments.

Kindly,



Jack S. Gesmundo
Principal

September 10, 2015

Mr. Christopher Forth, AICP
Deputy Director of Planning, Development and Neighborhood Services
City of Portage Department of Community Development
7900 South Westnedge Avenue
Portage, Michigan 49002 Mr. & Mrs.

Dear Mr. Forth,

We have engaged AVB to work with us on designing and building a new home on our property on Austin Lake. More particularly 10220 East Shore Drive, Oakland Beach lot #1, parcel #05880001A and 10214 East Shore Drive, Oakland Beach lot #22, parcel # 058800220. We would like to combine these parcels into one parcel number and build a single home on the property.

It is our desires to have the City of Portage vacate that portion of Harris Drive that our home site encompasses. When combined, the property will be almost one acre in size and the road including the required setbacks creates some limitations. If the portion of the road is vacated, we understand that we will need to provide a 20' wide sewer easement for the existing line.

We are hereby authorizing AVB to represent us in this process. Should you have any questions, please feel free to contact me directly at 513-484-3387 or csbahner@me.com. Enclosed you will find the \$550 application fee. Thank you very much for taking this into consideration.

Sincerely,

 
Craig & Nancy Bahner

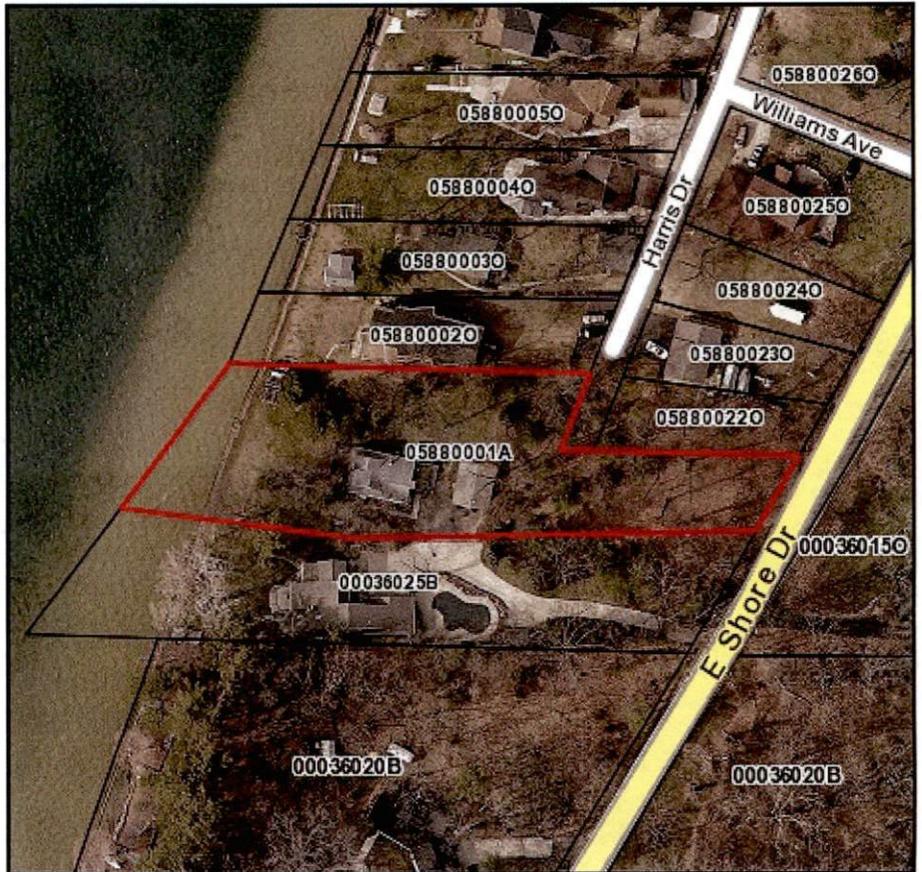
Property Address

10220 EAST SHORE DR
PORTAGE, MI 49002

Owner Address

BAHNER, CRAIG S & NANCY E
10220 EAST SHORE DR
PORTAGE, MI 49002

No property photo available



General Information for Current Tax Year

Parcel Number: 05880001A
Property Class Name: Residential Improved
ECF Neighborhood: 9002
School District: Vicksburg
State Equalized Value: \$191100
Taxable Value: \$115444
Exemption Percent: 100%

Land Information
Acreage: 0.812
Year Built: 1925
Total Floor Area: 1620 sq. ft
Lot Area (GIS): 36808 sq. ft

Legal Information

SUP PLAT OF OAKLAND BEACH LOT 1 ALSO BEG AT SE COR OF LOT 22 SD PLAT, TH S 26 DEG W 58.50 FT, TH S 87 DEG W 254.30 FT, TH N 85 DEG W 146.31 FT, TH N 21 DEG E 55.80 FT, TH ELY 405.55 FT TO P.O.B.

Disclaimer

These maps are intended to be used for generalized citywide planning and there are no warranties that accompany this product. City of Portage recommends that users of this product confirm the data used in production of this map by visual inspection of the geographic area. In no event shall City of Portage be liable to the user or any third party for errors, omissions or positional accuracy of this product, regardless of the form of claim or action, whether in contract or tort, including negligence, in the amount that exceeds the sum paid by the user for the product. City of Portage reserves all rights of authorship granted under U.S. and International copyright laws and agreements.

Property Address

10214 EAST SHORE DR
PORTAGE, MI 49002

Owner Address

BAHNER, CRAIG S & NANCY E
10220 EAST SHORE DR
PORTAGE, MI 49002

 No property photo available



General Information for Current Tax Year

Parcel Number: 058800220
Property Class Name: Residential Vacant
ECF Neighborhood: 4SF02
School District: Vicksburg
State Equalized Value: \$17500
Taxable Value: \$3856
Exemption Percent: 100%

Land Information

Acreage: 0.15
Year Built: 0
Total Floor Area: 0 sq. ft
Lot Area (GIS): 5931 sq. ft

Legal Information

SUPERVISORS PLAT OF OAKLAND BEACH LOT 22

Disclaimer

These maps are intended to be used for generalized citywide planning and there are no warranties that accompany this product. City of Portage recommends that users of this product confirm the data used in production of this map by visual inspection of the geographic area. In no event shall City of Portage be liable to the user or any third party for errors, omissions or positional accuracy of this product, regardless of the form of claim or action, whether in contract or tort, including negligence, in the amount that exceeds the sum paid by the user for the product. City of Portage reserves all rights of authorship granted under U.S. and International copyright laws and agreements.

Harris Drive Location Map

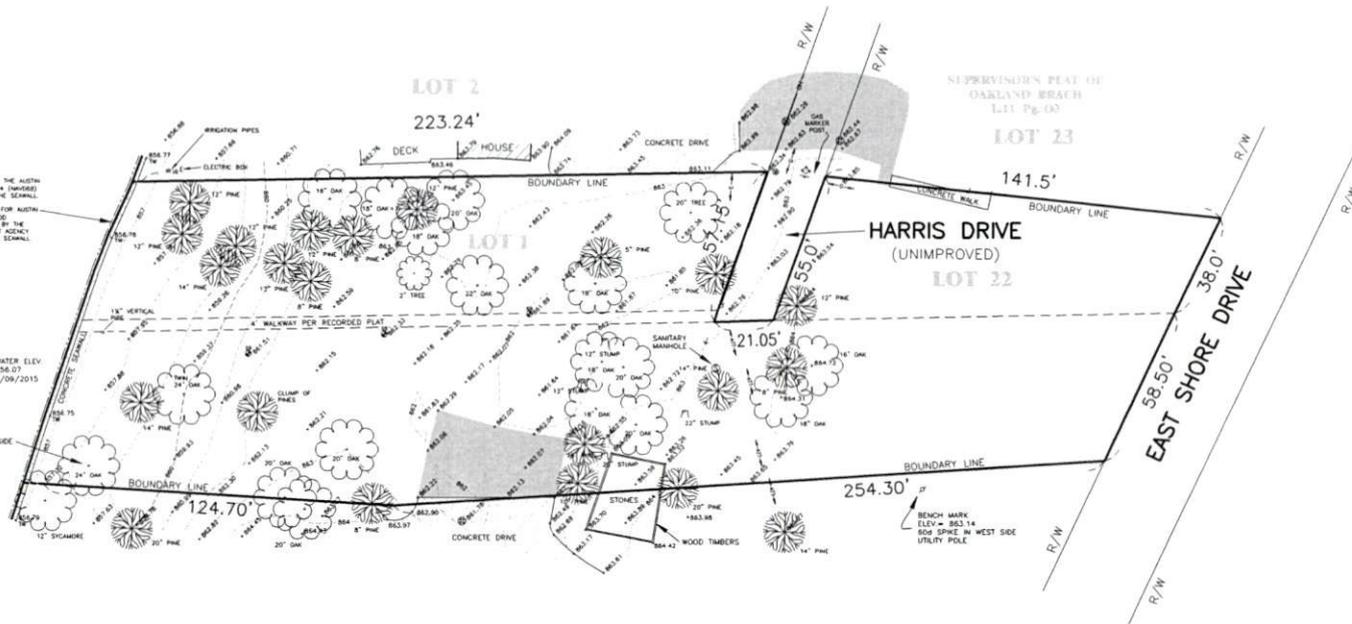




GRAPHIC SCALE
 0' 15' 30' 45' 75'
 1" = 30'
 CONTOUR INTERVAL = 1'

NOTE: PER THE CITY OF PORTAGE THE AUSTIN LAKE LEGAL LAKE ELEV. IS 850.24 (UNGATED) WHEN FULLED ON THE FACE OF THE SEAWALL. THE 100-YEAR FLOOD ELEVATION FOR AUSTIN IS 850.8 (FURNISH) PER THE FLOOD INSURANCE STUDY AS PUBLISHED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY AND PLOTTED ON THE FACE OF THE SEAWALL.

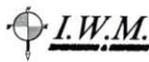
AUSTIN LAKE



LEGEND

- CATCH BASIN
- ⊕ FIRE HYDRANT
- ⊙ WATER METER PIT
- ⊕ UTILITY POLE
- ⊕ GUY ANCHOR
- ⊕ SOIL BORING LOCATION AS STAKED
- SIGN
- ⊕ TREE
- ⊕ PINE TREE
- MARKER FOR BURIED COMMUNICATION LINE
- MARKER FOR BURIED ELECTRIC LINE
- MARKER FOR BURIED GAS LINE
- OVERHEAD UTILITY LINE
- ⊕ SPOT ELEVATION
- TOP OF CONCRETE SEAWALL
- EXISTING CONTOUR
- ▒ PAVED AREAS
- ▒ CONCRETE AREAS

NOTE:
 THE ELEVATIONS SHOWN HEREON ARE BASED ON NAVD-88 DATUM.
 THE UTILITIES SHOWN HEREON ARE BASED ON OBSERVABLE UTILITY APPURTENANCES. ADDITIONAL UTILITIES MAY EXIST ON SITE WHICH ARE NOT SHOWN HEREON.



| DATE | REVISION |
|---------|------------------------|
| 10/9/15 | ADDED SANITARY MANHOLE |
| | |
| | |
| | |
| | |

TOPOGRAPHIC MAP
CRAIG & NANCY BAHNER
 10220 EAST SHORE DRIVE, PORTAGE, MICHIGAN

Ingersoll, Watson & McMachen, Inc.
 CONSULTING CIVIL ENGINEERS AND LAND SURVEYORS
 1133 East Milham Road • Portage Michigan 49002 • Area 269-344-6165 • Fax 269-344-0555

| | |
|-----------|-----------|
| DATE | 6/10/2015 |
| JOB No. | 36397 |
| SHEET No. | 1 |

HARRIS DRIVE LOOKING SOUTH, THE HYDRANT IS LOCATED NEAR THE CENTER OF THE ROADWAY, VERY NEAR THE PROPOSED NORTHER PROPERTY LINE, SEE THE ATTACHED SURVEY.



8535

STATE OF MICHIGAN

7-

IN THE CIRCUIT COURT FOR THE COUNTY OF KALAMAZOO

HARRY W. HARMEYER and JAN L. HARMEYER,

Plaintiffs,

LIBER 1483 PAGE 704

v

FILE NO.: C89-3112 CH

CITY OF PORTAGE, a Michigan Municipal Corporation, et al,

Defendants.

SEYBURN, HENCKEN & MILLS, P.C.
LOWELL M. SEYBURN (P20247)
Attorney for Plaintiffs
3315 Greenleaf Blvd.
Kalamazoo, MI 49008
(616) 372-2120

RANDALL L. BROWN (P34116)
Attorney for Defendant City of Portage
1125 E. Milham Road
Suite B
Portage, MI 49002
(616) 343-8812

James J. [Signature]
CLERK - REGISTER

STATE OF MICHIGAN
COUNTY OF KALAMAZOO
RECEIVED FOR RECORD
'90 NOV 28 AM 10 27

CONSENT JUDGMENT

At a session of said Court held in the Courthouse in the City and County of Kalamazoo, State of Michigan on the 19 day of Oct, 1990.

PRESENT: HONORABLE RICHARD RYAN LAMB, Circuit Judge

Upon reading the Consent of the Defendant City of Portage in this case and all other Defendants having been defaulted and the Court being fully informed of the premises:

IT IS HEREBY ORDERED that Harry W. Harmeyer and Jan L. Harmeyer and their heirs, successors and assigns shall hereafter be the owners of a four foot walkway immediately to the south of lot 1 of the Supervisor's Plat of Oakland Beach, City of Portage, County of Kalamazoo and State of Michigan free and clear of the

claims of the City of Portage and any other person claiming an interest in said walkway.

IT IS HEREBY FURTHER ORDERED that a copy of this Judgment be recorded in the office of the Register of Deeds for the County of Kalamazoo, State of Michigan.

RICHARD RYAN LAMB

Circuit Judge

Consented To:

CITY OF PORTAGE

By: *Randall L. Brown*
Randall L. Brown
Attorney for Defendant

STATE OF MICHIGAN
3TH JUDICIAL CIRCUIT
COUNTY OF KALAMAZOO

I, JAMES O. YOUNG, Clerk of said court do hereby certify that the foregoing is a true and correct copy of the original on file in said court. Signed and sealed this 26 day of

Oct, 1990
Shawn L. Thomas
DEPUTY CLERK



SANITARY SEWER EASEMENT AND RIGHT-OF-WAY

For and in consideration of the amount of less than One Hundred Dollars (\$100.00), receipt hereof is hereby acknowledged, the undersigned Mr. Craig S. Bahner and Mrs. Nancy E. Bahner (husband and wife) (Grantor), of 8 Beaufort Hunt Lane, Cincinnati, OH 45242, hereby granting and conveying to the City of Portage, a Municipal Corporation organized under the laws of the State of Michigan, with offices at City Hall, 7900 S. Westnedge Avenue, Portage, Michigan 49002 (Grantee), a permanent easement and right-of-way in which to construct, operate, maintain, repair, and/or replace sanitary sewer main facilities over, across, under and through the following parcel of land situated in the City of Portage, County of Kalamazoo, State of Michigan, and described as:

A parcel of land being situated in the Northeast quarter of Section 36, T. 3 S., R. 11 W., City of Portage, County of Kalamazoo, Michigan being more particularly described as follows:

Beginning at the Northeast corner of Lot 1, Supervisor's Plat of Oakland Beach subdivision as recorded in Liber 11 of Plats on Page 3, Kalamazoo County Records; thence S. 84 deg. 25 min. 16 sec. E. 20.70 feet to the Northwest corner of Lot 22 of said subdivision; thence S. 20 deg. 36 min. W. 55.00 feet along the West line of said Lot 22 to the Southwest corner of said Lot 22; thence continuing S. 20 deg. 36 min. W. 34.00 feet along the Southerly extension of said West line of Lot 22; thence N. 69 deg. 24 min. W. 23.50 feet; thence N. 20 deg. 36 min. E. 25.17 feet parallel with said West line to the South line of said Supervisor's Plat of Oakland Beach subdivision; thence EAST 3.75 feet along said South line to the Southwest corner of Harris Drive as platted in said subdivision; thence N. 20 deg. 36 min. E. 57.15 feet along the West line of said Harris Drive to the Place of Beginning, containing 1,816 square feet.

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

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

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

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

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

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

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

GRANTOR:

By: _____
Mrs. Nancy E. Bahner

By: _____
Mr. Craig S. Bahner

STATE OF MICHIGAN)
)SS
COUNTY OF KALAMAZOO)

On this ____ day of November, 2015, before me, a Notary Public, in and for said County, personally appeared Mrs. Nancy E. Bahner and Mr. Craig S. Bahner, to me known to be the same persons described in and who executed the within instrument, who acknowledged the same to be their free act and deed.

_____, Notary Public

Kalamazoo County, Michigan

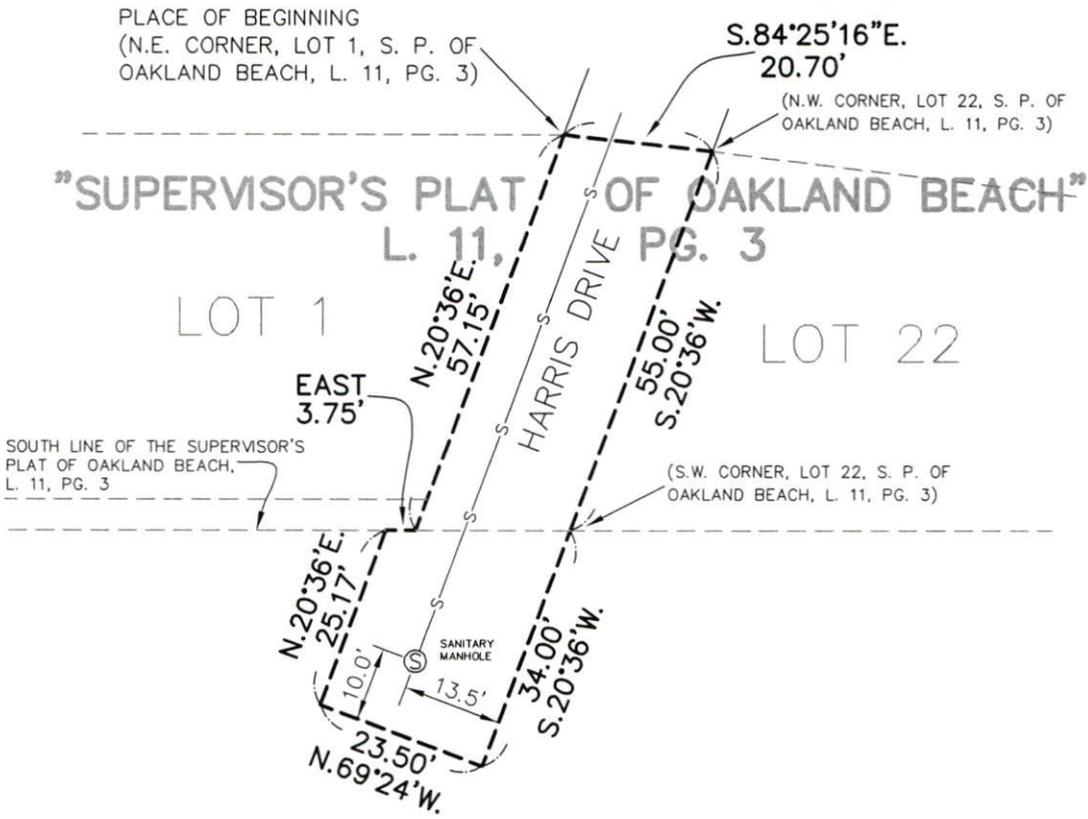
My Commission Expires: _____

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

THIS INSTRUMENT PREPARED BY:
Jack S. Gesmundo
4200 West Centre Avenue
Portage, MI 49024



GRAPHIC SCALE



**EASEMENT DESCRIPTION FOR PUBLIC UTILITIES-
10220 EAST SHORE DRIVE, PORTAGE, MICHIGAN**

A parcel of land being situated in the Northeast quarter of Section 36, T. 3 S., R. 11 W., City of Portage, County of Kalamazoo, Michigan being more particularly described as follows:

Beginning at the Northeast corner of Lot 1, Supervisor's Plat of Oakland Beach subdivision as recorded in Liber 11 of Plats on Page 3, Kalamazoo County Records; thence S. 84 deg. 25 min. 16 sec. E. 20.70 feet to the Northwest corner of Lot 22 of said subdivision; thence S. 20 deg. 36 min. W. 55.00 feet along the West line of said Lot 22 to the Southwest corner of said Lot 22; thence continuing S. 20 deg. 36 min. W. 34.00 feet along the Southerly extension of said West line of Lot 22; thence N. 69 deg. 24 min. W. 23.50 feet; thence N. 20 deg. 36 min. E. 25.17 feet parallel with said West line to the South line of said Supervisor's Plat of Oakland Beach subdivision; thence EAST 3.75 feet along said South line to the Southwest corner of Harris Drive as platted in said subdivision; thence N. 20 deg. 36 min. E. 57.15 feet along the West line of said Harris Drive to the Place of Beginning, containing 1,816 square feet.

| | |
|--|--------------------|
| <p>SKETCH OF EASEMENT FOR A SANITARY MANHOLE CRAIG & NANCY BAHNER PROPERTY IN THE N.E. 1/4, SEC. 36, CITY OF PORTAGE, MICHIGAN</p> | DATE 10/19/2015 |
| | SHEET No. 1 |
| <p>Ingersoll, Watson & McMachen, Inc. CONSULTING CIVIL ENGINEERS AND LAND SURVEYORS 1133 East Milham Road • Kalamazoo Michigan 49002 • Area 616-344-6165 • Fax 616-344-0555</p> | JOB No. 36397 |

Meeting Date: October 15, 2015

DISTRICT ADVISORY COUNCIL
REPORTING FORM

Present: Sarah Baker, Cindy Baranowski, Mark Bielang, Esther Bouwman, Rita Briggs, Shelli Candey, John Crouch, Sara Della-Coletta, Andrew DeVisser, Carolyn Fitzmaurice, Adam Herringa, Tammy Karmon-Hoffman, Rachel Markel, Jill Meyle, Mike Proos, Joel Shaffer, Mandy Telgenhoff, Katie Williams and Joanne Willson

Unable to Attend: Hyun Berkley, Heather Carlson, Robert Jordan, Rose Kirsch, Christy Klien, Amy Lehman, Sharon Longman, Gayle McPhilamy, Terri Novaria, Kate Overheul, Mary Rogers, Liz Shotwell, Matt Swanson, Dawn Sylvester, Matt Tabor, Stacey Vogl and Kent White

Attend As Needed: Ron Herron, Larry Killips, Jeanine Mattson-Gearhart, Eric VerHey and Dan Vomastek

Copy: PTO Presidents, Administrators and Building Principals, Board of Education

NOTES

Jill called the meeting to order at 4:30 p.m. in Conference Room 1 at the Administration Building.

A motion was offered by Adam Herringa, seconded by Joanne Willson, to approve the minutes of the September 17, 2015, meeting noting one correction, the removal of Katie Williams from the "Present" members. The minutes were approved unanimously.

Mark discussed the "See For Yourself" tours of our middle schools, pools, mechanical areas, classrooms, stadium and locker rooms, highlighting the need for new facilities at Central Middle and McCamley Field on October 13, and North Middle on October 14. Mark noted that presentations about the Bond Proposals have been shared with all buildings at staff meetings, PTO meetings, Rotary and other community groups. He stated Colleen Semler is chairing the "Yes For the Future" (Bond Committee) and the group is actively advocating for the Proposals through presentations, mailings and door to door contacts. Mark reminded members to visit the District web site for the most current Bond information (<http://www.portageps.org/information/millage/default.aspx>). Mark has been conducting interviews with WMUK, WKZO and the Lori Moore Show to bring awareness to the Bond and Tom Haroldson is covering the topic for the Kalamazoo Gazette. Mark noted the Educational Specifications Committee meetings have begun (led by Dr. William DeJong, CEO and Senior Advisor of DeJong Richter) to help develop future middle school instructional space. Ultimately the information from this Committee will be shared with the Architects. Sarah Baker added the "Yes For the Future" Committee is planning a reverse trick or treat event on October 31 in order to get out and talk to citizens about the Proposals. She urged Council members on Facebook to "join" or "friend" the Yes For the Future of Portage page. Discussion that followed pertained to: funding sources for Bond work, scenarios for the outcome of the vote, and transparency (i.e., sharing transportation costs for band and football team members to attend to a home game). Mark informed members that the RFP (Request For Proposal) for an architect and construction manager is being developed. Applicants will be evaluated and a selection made before Winter Break.

Mark reported, while the District is still waiting for more details on the student count at Community High, the District numbers for fall count appear relatively flat. He reminded members that 90% of state funding is based on the October count and 10% is based on the February numbers.

Mark provided a legislative update pertaining to: a house bill regarding third grade reading that calls for mandatory retention if the student is not reading at grade level before entering fourth grade and a loop hole for the open carry weapon law enabling anyone with a license to carry a concealed weapon to bring that weapon onto school property. Much discussion followed and a question was raised regarding how staff members could voice their opinions. Sarah mentioned both the MEA and PEA will offer guidance on the issues and concerned citizens should correspond with their local legislators.

Mark discussed the assessment change from ACT to SAT. He noted, for testing purposes, three late start dates have been scheduled this school year, one last week and two in April. A question was raised regarding when M-STEP results are due. Mark responded the District is waiting to hear back from the Michigan Department of Education.

Mark shared news of an upcoming event: CommuniTeen Read 2015: The Harlem Hellfighters by Max Brooks. This is free and open to the public, teens and adults are welcome. This is a joint project of the District, the Portage District Library and Book Bug; sponsored by the Portage Education Foundation, the Fetzer Institute Fund of the Kalamazoo Community Foundation and the Library's Grandmother and CIG Endowment Fund (see attachment for details).

With little State guidance, the District is challenged and dealing with transgender students. The District is working in a respectful and responsible way to assist students and their families, to understand needs and not violate rights. Mark added that Human Growth and Development curricula for grades 6 through 9 are being developed to address this topic as well.

Rita announced a suggested topic for a future meeting is equity among buildings. Mark noted he would like to invite others to attend this meeting in order to provide a fair discussion.

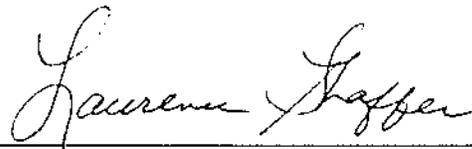
The meeting adjourned at 5:24 p.m.

Please note: The next meeting will be held Thursday, November 19, 2015, at 4:30 p.m. in Conference Room 1 at the Administration Building. Due to elementary parent teacher conferences on November 19, we may reschedule this meeting. We will notify all DAC members as quickly as possible if a change is made.

MATERIALS TRANSMITTED

Friday, October 16, 2015

1. Letter from Rehmann Robson to City Council regarding the Independent Audit for FY 2014-2015 – Information Only.



Laurence Shaffer, City Manager

cc: Rob Boulis, Deputy City Manager

October 2, 2015

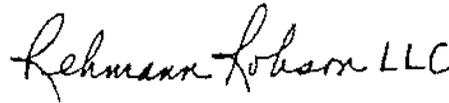
Mr. William Furry, Deputy Finance Director
City of Portage, Michigan
7900 South Westnedge Avenue
Portage, MI 49002

Enclosed is the engagement letter for the *City of Portage, Michigan* for the year ended June 30, 2015. *Government Auditing Standards* (as amended) require that we communicate, during the planning stage of an audit, certain information to those charged with governance. This information includes the auditors' responsibilities in a financial statement audit, including our responsibilities for testing and reporting on compliance with laws and regulations and internal control over financial reporting. The engagement letter includes the items which must be communicated to those charged with governance.

Therefore, please make copies of the attached engagement letter and forward the copies to those charged with governance.

Please sign and return the enclosed copy of the attached engagement letter to us at your earliest convenience.

Sincerely,

A handwritten signature in black ink that reads 'Rehmann Robson LLC'.

Enclosures

October 2, 2015

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

We are pleased to confirm our understanding of the services we are to provide the *City of Portage, Michigan* (the "City") for the year ended June 30, 2015. We will audit the financial statements of the governmental activities, the business-type activities, the aggregate discretely presented component units, each major fund, and the aggregate remaining fund information, including the related notes to the financial statements, which collectively comprise the basic financial statements of the Entity as of and for the year ended June 30, 2015. Accounting standards generally accepted in the United States of America provide for certain required supplementary information (RSI), such as management's discussion and analysis (MD&A), to supplement the Entity's basic financial statements. Such information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. As part of our engagement, we will apply certain limited procedures to the Entity's RSI in accordance with auditing standards generally accepted in the United States of America. These limited procedures will consist of inquiries of management regarding the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We will not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance. The following RSI is required by generally accepted accounting principles and will be subjected to certain limited procedures, but will not be audited:

1. Management's Discussion and Analysis
2. Schedule of Funding Progress and Employer Contributions - Pension Plan
3. Schedule of Funding Progress and Employer Contributions - OPEB Plan

We have also been engaged to report on supplementary information other than RSI, such as combining and individual fund financial statements, that accompanies the Entity's basic financial statements. We will subject the following supplementary information to the auditing procedures applied in our audit of the basic financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the financial statements or to the financial statements themselves, and other additional procedures in accordance with auditing standards generally accepted in the United States of America and will provide an opinion on it in relation to the financial statements as a whole:

1. Combining and individual fund financial statements
2. Schedule of expenditures of federal awards

The following other information accompanying the basic financial statements will not be subjected to the auditing procedures applied in our audit of the financial statements, and for which our auditor's report will disclaim an opinion:

1. Introductory section of the Comprehensive Annual Financial Report
2. Statistical section of the Comprehensive Annual Financial Report

Audit Objectives

The objective of our audit is the expression of opinions as to whether the Entity's financial statements are fairly presented, in all material respects, in conformity with accounting principles generally accepted in the United States of America and to report on the fairness of the supplementary information referred to in the second paragraph when considered in relation to the basic financial statements taken as a whole. Our audit of the Entity's financial statements does not relieve management or those charged with governance of their responsibilities. The objective also includes reporting on -

- Internal control related to the financial statements and compliance with laws, regulations, and the provisions of contracts or grant agreements, noncompliance with which could have a material effect on the financial statements in accordance with *Government Auditing Standards*.
- Internal control related to major programs and an opinion (or disclaimer of opinion) on compliance with laws, regulations, and the provisions of contracts or grant agreements that could have a direct and material effect on each major program in accordance with the Single Audit Act Amendments of 1996 and *OMB Circular A-133, Audits of States, Local Governments, and Non-Profit Organizations*.

The reports on internal control and compliance will each include a paragraph that states that the purpose of the report is solely to describe (1) the scope of testing of internal control over financial reporting and compliance and the result of that testing and not to provide an opinion on the effectiveness of internal control over financial reporting or on compliance, (2) the scope of testing internal control over compliance for major programs and major program compliance and the result of that testing and to provide an opinion on compliance but not to provide an opinion on the effectiveness of internal control over compliance, and (3) that the report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering internal control over financial reporting and compliance and with *OMB Circular A-133* in considering internal control over compliance and major program compliance. The paragraph will also state that the report is not suitable for any other purpose.

Our audit will be conducted in accordance with auditing standards generally accepted in the United States of America; the standards for financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States; the Single Audit Act Amendments of 1996; and the provisions of *OMB Circular A-133*, and will include tests of accounting records, a determination of major program(s) in accordance with *Circular A-133*, and other procedures we consider necessary to enable us to express such opinions and to render the required reports. We will issue a written report upon completion of our audit of the Entity's financial statements. Our report will be addressed to the [Governing Body] of the Entity. We cannot provide assurance that unmodified opinions will be expressed. Circumstances may arise in which it is necessary for us to modify our opinions or add emphasis-of-matter or other-matter paragraphs to our audit report. If our opinions on the financial statements or the Single Audit compliance opinion are other than unmodified, we will discuss the

reasons with management in advance. If circumstances occur and come to our attention related to the condition of the Entity's records, the availability of sufficient, appropriate audit evidence, or the existence of a significant risk of material misstatement of the financial statements caused by error, fraudulent financial reporting, or misappropriation of assets, or we become aware that information provided by the Entity is incorrect, incomplete, or otherwise unsatisfactory which in our professional judgment prevent us from completing the audit or forming an opinion on the financial statements, we retain the right to take any course of action permitted by professional standards, including declining to express an opinion or issue a report, or withdrawing from the engagement.

The concept of materiality is inherent in the work of an independent auditor. An auditor places greater emphasis on those items that have, on a relative basis, more importance to the financial statements and greater possibilities of material error than with those items of lesser importance or those in which the possibility of material error is remote. For this purpose, materiality has been defined as "the magnitude of an omission or misstatement of accounting and financial reporting information that, in light of surrounding circumstances, makes it probable that the judgment of a reasonable person relying on the information would have been changed or influenced by the omission or misstatement."

Management Responsibilities

Management is responsible for the basic financial statements, schedule of expenditures of federal awards, and all accompanying information as well as all representations contained therein. Management is also responsible for identifying government award programs and understanding and complying with the compliance requirements, and for preparation of the schedule of expenditures of federal awards in accordance with the requirements of OMB Circular A-133. As part of the audit, we will assist with preparation of the Entity's financial statements, schedule of expenditures of federal awards, and related notes. Management will be required to acknowledge in the management representation letter our assistance with preparation of the financial statements and the schedule of expenditures of federal awards and that management has reviewed and approved the financial statements, schedule of expenditures of federal awards, and related notes prior to their issuance and have accepted responsibility for them. Management agrees to assume all management responsibilities for any nonaudit services we provide; oversee the services by designating an individual, preferably from senior management, who possesses suitable skill, knowledge, and/or experience; evaluate the adequacy and results of these or other nonattest services performed by our Firm; and understand and accept responsibility for the results of such services.

Management is responsible for designing, implementing, and maintaining effective internal controls, including internal controls over compliance, and for ongoing monitoring activities, to help ensure that appropriate goals and objectives are met and that there is reasonable assurance that government programs are administered in compliance with compliance requirements. Management is also responsible for the selection and application of accounting principles for the preparation and fair presentation of the financial statements in conformity with an acceptable financial reporting framework, and for compliance with applicable laws and regulations and the provisions of contracts and grant agreements. Management is responsible for determining, and has determined, that the applicable and appropriate financial reporting framework to be used in the preparation of the Entity's financial statements is accounting principles generally accepted in the United States of America (GAAP).

Management is also responsible for making all financial records and related information available to us, and for ensuring that financial information is reliable and properly recorded. Management is also responsible for providing us with (1) access to all information of which management is aware that is relevant to the preparation and fair presentation of the financial statements, (2) additional information that we may request from management for the purpose of the audit, and (3) unrestricted access to persons within the Entity from whom we determine it necessary to obtain audit evidence.

Management's responsibilities also include identifying significant vendor relationships in which the vendor has the responsibility for program compliance and for the accuracy and completeness of that information. Management's responsibilities include adjusting the financial statements to correct material misstatements and for confirming to us in the written representation letter that the effects of any uncorrected misstatements aggregated by us during the current engagement and pertaining to the latest period presented are immaterial, both individually and in the aggregate, to the financial statements taken as a whole.

We understand that management will provide us with such information required for our audit, including a reasonably adjusted trial balance, and that management is responsible for the accuracy and completeness of that information. Assistance provided by our Firm in the preparation of a reasonably adjusted trial balance is considered an additional billable service.

We will advise management about appropriate accounting principles and their application and may assist in the preparation of the Entity's financial statements, but the responsibility for the financial statements remains with management with oversight by those charged with governance. As part of our engagement, we may propose standard, adjusting, or correcting journal entries to the Entity's financial statements. Management is responsible for reviewing the entries, understanding the nature of any proposed entries and the impact they have on the financial statements, and the implications of such entries on the Entity's internal control over financial reporting. Further, the Entity is responsible for designating a qualified management-level individual to be responsible and accountable for overseeing these services.

Management is responsible for the design and implementation of programs and controls to prevent and detect fraud, and for informing us about all known or suspected fraud affecting the government involving (1) management, (2) employees who have significant roles in internal control, and (3) others where the fraud could have a material effect on the financial statements. Management's responsibilities include informing us of its knowledge of any allegations of fraud, suspected fraud or illegal acts affecting the government received in communications from employees, former employees, grantors, regulators, or others. In addition, management is responsible for identifying and ensuring that the Entity complies with applicable laws, regulations, contracts, agreements, and grants. Additionally, as required by OMB Circular A-133, it is management's responsibility to follow up and take corrective action on reported audit findings and to prepare a summary schedule of prior audit findings and a corrective action plan. The summary schedule of prior audit findings should be available for our review at the conclusion of fieldwork.

Management is responsible for preparation of the schedule of expenditures of federal awards in conformity with OMB Circular A-133. Management agrees to include our report on the schedule of expenditures of federal awards in any document that contains and indicates that we reported on the schedule of expenditures of federal awards. Management also agrees to include the audited financial statements with any presentation of the schedule of expenditures of federal awards that includes our report thereon OR make the audited financial statements readily available to intended users of the schedule of expenditures of federal awards no later than the date the schedule of expenditures of federal awards is issued with our report thereon. Management's responsibilities include acknowledging

to us in the representation letter that (a) management is responsible for presentation of the schedule of expenditures of federal awards in accordance with OMB Circular A-133; (b) that management believes the schedule of expenditures of federal awards, including its form and content, is fairly presented in accordance with OMB Circular A-133; (c) that the methods of measurement or presentation have not changed from those used in the prior period (or, if they have changed, the reasons for such changes); and (d) management has disclosed to us any significant assumptions or interpretations underlying the measurement or presentation of the schedule of expenditures of federal awards.

Management is also responsible for the preparation of the other supplementary information, which we have been engaged to report on, that is presented fairly in relation to the basic financial statements. Management agrees to include our report on the supplementary information in any document that contains and indicates that we have reported on the supplementary information. Management also agrees to include the audited financial statements with any presentation of the supplementary information that includes our report thereon. Management's responsibilities include acknowledging to us in the representation letter that (a) management is responsible for presentation of the supplementary information in accordance with GAAP; (b) that management believes the supplementary information, including its form and content, is fairly presented in accordance with GAAP; (c) that the methods of measurement or presentation have not changed from those used in the prior period (or, if they have changed, the reasons for such changes); and (d) management has disclosed to us any significant assumptions or interpretations underlying the measurement or presentation of the supplementary information.

Management is responsible for establishing and maintaining a process for tracking the status of audit findings and recommendations. Management is also responsible for identifying for us previous financial audits, attestation engagements, performance audits, or other studies related to the objectives discussed in the Audit Objectives section of this letter. This responsibility includes relaying to us corrective actions taken to address significant findings and recommendations resulting from those audits, attestation engagements, performance audits, or studies. Management is also responsible for providing management's views on our current findings, conclusions, and recommendations, as well as management's planned corrective actions, for the report, and for the timing and format for providing that information.

During the course of our engagement, we will request information and explanations from management regarding the Entity's operations, internal control over financial reporting, various matters concerning fraud risk, future plans, specific transactions, and accounting systems and procedures. At the conclusion of our engagement, we will require, as a precondition to the issuance of our report, that management provide certain representations in a written management representation letter.

Audit Procedures - General

An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements; therefore, our audit will involve judgment about the number of transactions to be examined and the areas to be tested. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements. We will plan and perform the audit to obtain reasonable rather than absolute assurance about whether the financial statements are free of material misstatement, whether from (1) errors, (2) fraudulent financial reporting, (3) misappropriation of assets, or (4) violations of laws or governmental regulations that are attributable to the Entity or to acts by management or employees acting on behalf of the Entity. Because the determination of abuse is subjective, *Government Auditing Standards* do not expect auditors to provide reasonable assurance of detecting abuse.

Because of the inherent limitations of an audit, combined with the inherent limitations of internal control, and because we will not perform a detailed examination of all transactions, there is a risk that material misstatements may exist and not be detected by us, even though the audit is properly planned and performed in accordance with auditing standards generally accepted in the United States of America and *Government Auditing Standards*. In addition, an audit is not designed to detect immaterial misstatements or violations of laws or governmental regulations that do not have a direct and material effect on the financial statements or major programs. However, we will inform the appropriate level of management of any material errors, any fraudulent financial reporting, or misappropriation of assets that comes to our attention. We will also inform the appropriate level of management of any violations of laws or governmental regulations that come to our attention, unless clearly inconsequential, and of any material abuse that comes to our attention. We will include such matters in the reports required for a Single Audit. Our responsibility as auditors is limited to the period covered by our audit and does not extend to any later periods for which we are not engaged as auditors.

Our procedures will include tests of documentary evidence supporting the transactions recorded in the accounts, and may include tests of the physical existence of inventories, and direct confirmation of receivables and certain other assets and liabilities by correspondence with selected individuals, creditors, and financial institutions. We may request written representations from the Entity's attorneys as part of the engagement, and they may bill the Entity for responding to this inquiry. At the conclusion of our audit, we will also require certain written representations from management about the financial statements and related matters.

We have advised the Entity of the limitations of our audit regarding the detection of fraud and the possible effect on the financial statements (including misappropriation of cash or other assets) notwithstanding our obligations per the Single Audit Amendments of 1996 and OMB Circular A-133. We can, as a separate engagement, perform extended procedures specifically designed to potentially detect defalcations. Management acknowledges that the Entity has not engaged us to do so and does not wish us to do so at this time.

Audit Procedures - Internal Controls

Our audit will include obtaining an understanding of the Entity and its business environment, including internal control over financial reporting sufficient to assess the risks of material misstatement of the financial statements and to design the nature, timing, and extent of further audit procedures that are appropriate in the circumstances. Tests of controls may be performed to test the effectiveness of certain controls that we consider relevant to preventing and detecting errors and fraud that are material to the financial statements and to preventing and detecting misstatements resulting from illegal acts and other noncompliance matters that have a direct and material effect on the financial statements. Our tests, if performed, will be less in scope than would be necessary to render an opinion on internal control and, accordingly, no opinion will be expressed in our report on internal control issued pursuant to *Government Auditing Standards*.

As required by OMB Circular A-133, we will perform tests of controls over compliance to evaluate the effectiveness of the design and operation of controls that we consider relevant to preventing or detecting material noncompliance with compliance requirements applicable to each major federal award program. However, our tests will be less in scope than would be necessary to render an opinion on those controls and, accordingly, no opinion will be expressed in our report on internal control issued pursuant to OMB Circular A-133.

An audit is not designed to provide assurance on internal control, or to identify significant deficiencies or material weaknesses in internal control, or to express an opinion on the effectiveness of internal control over financial reporting. However, during the audit, we will communicate to the appropriate level of management and those charged with governance internal control related matters that are required to be communicated under professional standards, *Government Auditing Standards* and OMB Circular A-133. These matters refer to significant matters related to the financial statement audit that are, in our professional judgment, relevant to the responsibilities of those charged with governance in overseeing the Entity's financial reporting process. When applicable, we are responsible for communicating certain matters required by laws or regulations, or by additional requirements that may be applicable to this engagement. Auditing standards generally accepted in the United States of America do not require the independent auditor to design or perform procedures for the purpose of identifying other matters to communicate with those charged with governance. Management is responsible for assessing the implications of and correcting any internal control-related matters brought to the Entity's attention by us.

Audit Procedures - Compliance

As part of obtaining reasonable assurance about whether the financial statements are free of material misstatement, we will perform tests of the Entity's compliance with provisions of applicable laws and regulations and the provisions of contracts and agreements, including grant agreements. However, the objective of those procedures will not be to provide an opinion on overall compliance and we will not express such an opinion in our report on compliance issued pursuant to *Government Auditing Standards*.

OMB Circular A-133 requires that we also plan and perform the audit to obtain reasonable assurance about whether the auditee has complied with applicable laws and regulations and the provisions of contracts and grant agreements applicable to major programs. Our procedures will consist of tests of transactions and other applicable procedures described in the *OMB Circular A-133 Compliance Supplement* for the types of compliance requirements that could have a direct and material effect on each of the Entity's major programs. The purpose of those procedures will be to express an opinion on the Entity's compliance with requirements applicable to each of its major programs in our report on compliance issued pursuant to OMB Circular A-133.

Engagement Administration, Fees, and Other

The not-to-exceed fee for the audit of the financial statements will be \$28,000. The fee for the single audit will be between \$2500 - \$3500. Our invoices for these fees are due and payable as follows:

| | | |
|----------------------|----|--------|
| October 12, 2015 | \$ | 12,000 |
| November 1, 2015 | | 12,000 |
| Upon report issuance | | 4,000 |

This fee is based on the assumption that unexpected circumstances will not be encountered during the audit. This fee is based on anticipated cooperation from Entity personnel, continued readiness and proactive assistance on their part in providing us with complete and accurate information (whether financial or nonfinancial in nature) considered necessary by us to form an appropriate opinion, and the assumption that unexpected circumstances will not be encountered during the audit. Such circumstances include, but are not necessarily limited to significant addition or deletion of funds, component units or related entities and first-time application of significant new professional accounting or auditing pronouncements. In addition, the fee above assumes management will analyze and maintain appropriate support for significant valuation assertions embodied in the financial statements.

William Furry, Deputy Finance Director
City of Portage, Michigan
October 2, 2015
Page 8

If significant additional time is necessary, we will discuss the related circumstances with management and arrive at a new fee estimate, which may or may not occur before we incur the additional time. In these circumstances, we may also issue a change order form (an attached example is provided).

At the conclusion of the engagement, we will complete the appropriate sections of the Data Collection Form that summarizes our audit findings. It is management's responsibility to submit the reporting package (including financial statements, schedule of expenditures of federal awards, summary schedule of prior audit findings, auditors' reports, and a corrective action plan) along with the Data Collection Form to the federal audit clearinghouse. We will coordinate with management the electronic submission and certification. If applicable, we will provide copies of our reports for the Entity to include with the reporting package the Entity will submit to pass-through entities. The Data Collection Form and the reporting package must be submitted within the earlier of 30 days after receipt of the auditors' reports or nine months after the end of the audit period, unless a longer period is agreed to in advance by the cognizant or oversight agency for audits.

The audit documentation for this engagement is the property of Rehmann and constitutes confidential information. However, pursuant to authority given by law or regulation, we may be requested to make certain audit documentation available to a cognizant or grantor agency for audit or its designee, a federal agency providing direct or indirect funding, or the U.S. Government Accountability Office for purposes of a quality review of the audit, to resolve audit findings, or to carry out oversight responsibilities. We will notify management of any such request. If requested, access to such audit documentation will be provided under the supervision of Rehmann personnel. Furthermore, upon request, we may provide copies of selected audit documentation to the aforementioned parties. These parties may intend, or decide, to distribute the copies or information contained therein to others, including other governmental agencies.

The audit documentation for this engagement will be retained for a minimum of five years after the report release date or for any additional period requested by the cognizant agency, oversight agency for audit, or pass-through entity. If we are aware that a federal awarding agency, pass-through entity, or auditee is contesting an audit finding, we will contact the parties contesting the audit finding for guidance prior to destroying the audit documentation.

Our audit engagement ends on delivery of our audit report to those charged with governance at the Regular or Special Board meeting. Any follow-up services that might be required will be part of a separate, new engagement. The terms and conditions of that new engagement will be governed by a new, specific engagement letter for that service.

Government Auditing Standards require that we provide the Entity with a copy of our most recent external peer review report and any subsequent peer review reports received during the period of the contract. Our 2014 peer review report accompanies this letter.

This engagement letter and the attached Rehmann Audit Engagement Letter Terms reflect the entire understanding between us relating to the audit services covered by this agreement. This agreement may not be amended or varied except by a written document signed by both parties. It replaces and supersedes any previous proposals, correspondence, and understandings, whether written or oral. The agreements of the Entity and Rehmann contained in this document shall survive the completion or termination of this engagement. If any term hereof is found unenforceable or invalid, this shall not affect the other terms hereof, all of which shall continue in effect as if the stricken term had not been included.

William Furry, Deputy Finance Director
City of Portage, Michigan
October 2, 2015
Page 9

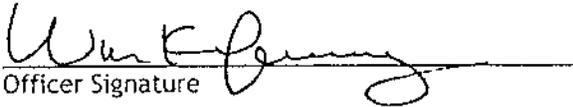
We appreciate the opportunity to be of service to the Entity and believe the arrangements outlined above and in the attached Rehmann Audit Engagement Letter Terms accurately summarize the significant terms of our engagement. If you have any questions, please let us know. If you agree with the terms of our engagement, please sign the enclosed copy of this document and return it to us.

Rehmann Lobarr LLC

Mark T. Kettner, CPA, CGFM
Principal
Executive responsible for supervising the
engagement and signing our report

ACKNOWLEDGED AND ACCEPTED:

This letter correctly sets forth the understanding of *City of Portage, Michigan*.


Officer Signature

William K Furry
Printed Name

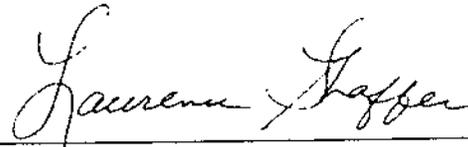
Finance Director
Title

10/9/15
Date

MATERIALS TRANSMITTED

Friday, November 13, 2015

1. **Supplemental Information for the November 17, 2015 City Council Agenda Item K.1:** Communication from the City Manager providing the Citizen Participation Applications for the Investment Committee Applicants.
2. Communication from the City Manager regarding the appointment of the Mayor Pro Tempore.
3. Final copies of the FY 2015-2016 Budget.

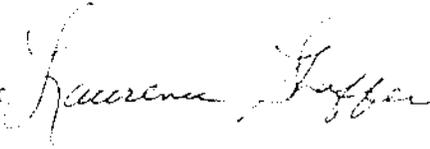


Laurence Shaffer, City Manager

cc: Rob Boullis, Deputy City Manager

TO: Honorable Mayor and City Council

FROM: Laurence Shaffer, City Manager



SUBJECT: Agenda Item K.1 Supplementary Information – Investment Committee Applicants

SUPPORTING PERSONNEL: James Hudson, City Clerk

As background information for the proposed City Council Investment Committee appointments / re-appointment, attached are the Citizen Participation Applications for Richard Kraas, Christopher Burns and Aimee Kornowicz.

Attachments: A. Kornowicz application
C. Burns application
R. Kraas application

Barbara Janicke

From: cms@portagemi.gov
Sent: Wednesday, October 28, 2015 11:00 PM
To: James Hudson; Adam Herringa; Barbara Janicke
Subject: Form Data Submitted - Boards & Commissions Application

Name Aimce Kornowicz

Date October 28, 2015

[REDACTED]
City Portage

State Mi

Zip Code 49024

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
Education BA in Business and Communications from the State University At Buffalo

Occupation Financial Center Manager I/II at Fifth Third Bank Crossroads location

Preference Finance Committee, Human Services, Board of Review, Senior Citizen Board, Park Board

Experience I have been in banking for the past 18 years. I recently moved to Portage about a year ago from Buffalo, NY due to my husband's job relocation. I work in Portage and I am a firm believer in volunteering in the community where you live and work.

Volunteer Experiences Junior Achievement, St John Vianney Church, St Catherine of Sienna Church, Boys and Girls Clubs,

Applicant's Signature Aimce Kornowicz

Barbara Janicke

From: cms@portagemi.gov
Sent: Wednesday, October 28, 2015 12:16 PM
To: James Hudson; Adam Herrínga; Barbara Janicke
Subject: Form Data Submitted - Boards & Commissions Application

Name Christopher Burns
Date 10/28/2015

[REDACTED]
City Portage
State MI
Zip Code 49024
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Education Master of Accounting, University of Michigan Ross School of Business Bachelor of Arts, Economics, University of Michigan College of Literature, Science, and the Arts
Occupation Fixed Income Associate, Greenleaf Trust
Preference Investment Committee Local Development Finance Authority
Experience Five years of financial services experience including over a year researching and investing in the public finance capital markets. I hold the Chartered Financial Analyst® designation. I am a licensed Certified Public Accountant.
Volunteer Experiences Former Junior Board Member of the Greater Illinois Chapter of the Cystic Fibrosis Foundation Michigan CPA Society, Building MI Financial Future Event
Applicant's Signature Christopher D. Burns

CHRISTOPHER BURNS, CFA, CPA

Portage, MI - 49024

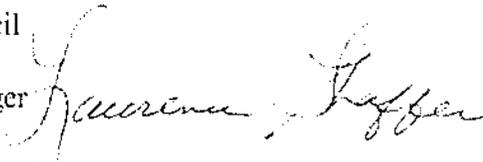
| | | |
|------------------------------|---|---------------|
| PROFESSIONAL LICENSES | <ul style="list-style-type: none">Chartered Financial Analyst (CFA®) CharterholderCertified Public Accountant (CPA), Licensed in Michigan | |
| EXPERIENCE | | |
| 2014-Present | GREENLEAF TRUST Fixed Income Associate | Kalamazoo, MI |
| | <ul style="list-style-type: none">Serve on the Fixed Income Committee, responsible for establishing and implementing fixed income strategy for client portfolios, overseeing roughly \$600mm in client assetsGenerate economic and capital markets research including economic outlooks, yield curve analysis, relative value analysis, credit analysis, and after-tax return expectationsTrade investment grade fixed income securities including taxable and tax-exempt instruments utilizing Bloomberg, ECNs, and negotiated tradingCooperate with Wealth Management Advisors to manage fixed income portfolios to duration targets, sector allocations, issuer concentration targets, and quality guidelinesSource and evaluate external managers for fixed income strategiesDevelop and execute exception reporting to manage portfolios in compliance with Client Investment Policy Statements | |
| 2011-2014 | BESSEMER TRUST Assistant Vice President; Associate Client Advisor | Chicago, IL |
| | <ul style="list-style-type: none">In collaboration with Client Advisor team, evaluated the risk tolerance, investment objectives, and liquidity constraints for very-high net worth clients to provide recommendations regarding the suitability of investment offerings and generate enduring investment plansPrepared and presented simulations for client-specific circumstances including evaluating the risk of concentrated positions, highlighting the impact of leverage on a portfolio, modeling investments in illiquid private offerings, determining appropriate spending levels, evaluating asset allocations and planning for future wealth transfer | |
| 2009-2011 | PRICEWATERHOUSECOOPERS, LLP Assurance Experienced Associate | Chicago, IL |
| | <ul style="list-style-type: none">Participated in financial statement audit for financial services clients, including three Fortune 100 companiesPerformed quantitative testing procedures over financial statement balances, examined clients' business processes and related internal controlsEvaluated the adequacy of financial statement disclosures to ensure compliance with applicable accounting standards | |
| 2009-2010 | UNIVERSITY OF MICHIGAN Graduate Student Instructor (GSI) | Ann Arbor, MI |
| | <ul style="list-style-type: none">Selected as the only GSI in the MAcc program to teach for three consecutive semestersInstructed a section of students from the Comprehensive Studies Program, a support program for a diverse group of students | |
| EDUCATION | UNIVERSITY OF MICHIGAN Stephen M. Ross School of Business Master of Accounting, April 2010 | Ann Arbor, MI |
| | <ul style="list-style-type: none">Graduated with High Distinction | |
| | College of Literature, Science, & the Arts Bachelor of Arts, May 2009; Concentration: Economics; Emphasis: Finance | |
| | <ul style="list-style-type: none">High Distinction (top 10%); GPA: 3.86/4.00James B. Angell Scholar; minimum of two consecutive terms of all A's | |
| ADDITIONAL | <ul style="list-style-type: none">Member, Chartered Financial Analyst Institute; Member, CFA Society West MichiganMember, American Institute of CPAs; Member, Michigan Association of CPAsVolunteer Activities: Cystic Fibrosis Foundation; Building MI Financial Future – DIFSAdept in Bloomberg and Microsoft Office SuiteHobbies include playing acoustic and bass guitar and hiking and camping | |

October, 2015

TO: Honorable Mayor and City Council

FROM: Laurence Shaffer, City Manager

SUBJECT: Mayor Pro Tem Appointment



Following an election and as a part of the organizational meeting that the City Council is required to conduct, allow the following to serve as both a history and recommendation of how the Council might proceed with the election of the Mayor Pro Tem.

Chapter 4, Section 4.3: The City Council – “Organization of the Council” in the City Charter states in part as follows: “At such meeting, or within one week thereafter, the Council shall elect from its membership a Mayor pro-tempore and do such other acts as may be required for its organization and the conduct of its business.” Further, as part of the City Council’s Rules of Order and Procedure (adopted on November 19, 2013) the Council stated as follows: “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.” Both the Charter and the City Council Rules of Order and Procedure define the timing and the term of the election, as well as the service of a Mayor Pro Tem. It is important to note that there is no limitation on the number of terms that a Mayor Pro Tem shall serve.

At a special City Council meeting held on November 25, 2013, then-Councilmember Jim Pearson stated that “he would not be running again, would serve only two years and noted that Mayor Strazdas is serving his fifth term as Mayor, so City Council should be thinking about succession.” From my perspective it is clear that Councilmember Pearson, at that time, had represented he would not run for a successive term as Mayor Pro Tem should he be selected by the Council. At its meeting on December 17, 2013, the City Council elected Councilmember Jim Pearson as the Mayor Pro Tem. There is no reference in the meeting minutes to any term limit.

Consequently, with the exception of Mayor Pro Tem Pearson’s personal representation not to run once again as Mayor Pro Tem, there is no prohibition in either the City Charter or City Council Rules of Order and Procedure to prevent this from occurring.

If the Council has any questions, please don’t hesitate to contact me.

Attachments: City Charter excerpt: Chapter 4 - Section 4.3
City Council Rules of Order and Procedure (dated November 19, 2013)
November 25, 2013 Special City Council Meeting Minutes
December 17, 2013 Regular City Council Meeting Minutes

c: Randall L. Brown, City Attorney
Rob Boulis, Deputy City Manager
James Hudson, City Clerk

CHAPTER 4. - THE CITY COUNCIL

Sec. 4.1. - The City Council.

The Council shall consist of the Mayor and the six Councilmen. The Council shall exercise all of the legislative and policymaking powers of the City and shall provide for the performance of all duties and obligations imposed upon the City by law. The compensation of each Councilman shall be twenty dollars for each regular and special meeting of the Council actually attended by him, unless the Council provides a different compensation per meeting actually attended by ordinance adopted not less than six months prior to the City election following which such compensation shall become effective. Such compensation shall be payable quarterly.

Editor's note— Compensation of the council has been superseded by Code ch. 2, art. 7, div. 5, which created the local officers compensation commission pursuant to MCL 117.5c, MSA 5.2084(3).

State Law reference— Mandatory that charter provide for election of a body vested with legislative power, MCL 117.3(a), MSA 5.2073, (a).

Sec. 4.2. - Expiration of Terms of Office.

Beginning with the regular City election in November of 1975, three Councilmen shall be elected for terms of four years, and three Councilmen and the Mayor shall be elected for terms of two years. Thereafter, at each regular City election, a Mayor shall be elected for a term of two years and three Councilmen for terms of four years. All such terms of office shall expire in the last year of such term of office on the first Monday in November following the regular City elections.

(11-15-1974)

State Law reference— Odd-year elections, MCL 168.644a et seq., MSA 6.1644(1) et seq.

Sec. 4.3. - Organization of the Council.

The Council shall meet and organize on the first Monday in April following each regular City election. At such meeting, or within one week thereafter, the Council shall elect from its membership a Mayor pro-tempore and do such other acts as may be required for its organization and the conduct of its business. The Council may provide by ordinance for the interim order of the succession of its members to the office of Mayor pro-tempore and for the prompt reconstitution of the Council in the event that its membership is reduced to less than a quorum.

Editor's note— Pursuant to Michigan Public Act 239 of 1970 and Michigan Election Law Act 116 of 1954, Section 168.644, the election of City Council was changed to the general election (November) of odd-numbered years in 1971. As allowed by the Act, an ordinance (eff. February 26, 1971) was adopted moving the date of the organizational meeting to odd-year November.

Sec. 4.4. - Mayor.

- (a) The Mayor shall be recognized as the chief executive officer of the City and shall perform all duties provided or required by him by law or by the Council.
- (b) He shall be the presiding officer of the Council.
- (c) He shall be a member of the Council with all the powers and duties of that office, including the right and duty to vote on questions before the Council.
- (d) He shall advise the Council concerning the legislative and policymaking affairs of the City and make recommendations thereon.
- (e) He shall recommend to the Council his selection for the office of City Manager whenever there is a

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:
- I. 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

**MINUTES OF THE SPECIAL MEETING OF THE PORTAGE CITY COUNCIL
OF NOVEMBER 25, 2013**

Mayor Strazdas called the meeting to order at 8:00 p.m. The following Councilmembers were present: Councilmembers Nasim Ansari, Jim Pearson, Patricia Randall and Terry Urban, Mayor Pro Tem Claudette Reid and Mayor Peter Strazdas. Also in attendance were City Manager Maurice Evans, City Attorney Randy Brown and City Clerk James Hudson.

Following the opening of the meeting and roll call, Mayor Strazdas asked City Attorney Randy Brown to explain the purpose of the meeting. Mr. Brown indicated that it is a Special Meeting for the sole purpose of electing a Mayor Pro Tem and discussion must be only about the electing of a Mayor Pro Tem. He noted that it is advisable for the record to name the final two nominees for Mayor Pro Tem, Jim Pearson and Terry Urban. Mayor Strazdas asked that City Clerk James Hudson distribute the ballots at this time. After each Councilmember voted and signed his or her respective ballots, City Clerk Hudson picked them up and read the vote. Ballot of voting followed: Nasim Ansari, Jim Pearson and Patricia Randall voted for Jim Pearson; and Peter Strazdas, Claudette Reid and Terry Urban voted for Terry Urban. Discussion followed.

In his attempt to move forward in a positive manner, Mayor Strazdas pointed out that there is a way for both Mr. Pearson and Mr. Urban to serve as Mayor Pro Tem; he offered that one serve the first year and one serve the second year. He quoted some statements regarding the importance of compromise and asked City Council to find some level of compromise and discussed his suggestion in an attempt to have two good persons serve as Mayor Pro Tem. Councilmember Pearson disagreed that this compromise was in compliance with the *Charter* since it reads that the Mayor Pro Tem serves for two years and deferred to City Attorney Brown.

City Attorney Brown recommended that the City Council elect a Mayor Pro Tem pursuant to *Charter* because that is what City Council is supposed to do; however, apparently Council cannot elect a Mayor Pro Tem pursuant to *Charter*, as evidenced by the tie vote each time it has been attempted. He indicated that short of doing it the way as outlined in the *Charter*, the next best way would be to do it in the least violative way and that it is up to City Council to decide how to do this. He told City Council that they could pass a procedure by a majority of those present whereby the process would be by lot to break the tie, as this is not violative of the *Charter*. Discussion followed. Councilmember Pearson stated that it is his position that the procedure did not contemplate "not having a seventh Councilmember." Discussion followed.

In answer to Councilmember Pearson, Mr. Brown contended that if City Council waits to vote for Mayor Pro Tem until a seventh member is chosen, that this may not be as good as the suggestion from Mayor Strazdas because his option gets the Mayor Pro Tem in office before the week is out in accordance with the *Charter*. He indicated that he did not have a legal position as to which way is legally better than the other as he considered all of them violative of the *Charter*. He discussed the options and indicated that getting the job done is the least violative of the *Charter*. Because City Council cannot reach an agreement, Councilmember Pearson indicated that he saw no problem with violating the *Charter* in this way since City Council has a current Mayor Pro Tem, who will serve, and offered to make a motion as he referred to City Attorney Brown's suggestion at the November 19, 2013 Regular City Council Meeting:

Motion by Pearson, seconded by Randall, that since we (City Council) cannot reach a majority today, that we wait until we appoint a seventh person (as Councilmember), and then the first order of business is to have an election for Mayor Pro Tem. Discussion followed.

In answer to Mayor Pro Tem Reid, City Attorney Brown conjectured that perhaps the *Charter* provides for a week for the election of a Mayor Pro Tem because if things were not all in order at the organizational meeting, owing to a lot of new business still to be considered, for example, this provision allows a little extra "breathing room" to fulfill this type of organizational requirement. Discussion followed.

Councilmember Urban asked Mr. Brown to comment on the one-year term provision for Mayor Pro Tem in the Portage Code of Ordinances which conflicts with the *Charter*. Mr. Brown reviewed "Section 2-34, Organizational meeting; selection of mayor pro tem, 'The council shall hold an organizational meeting, which may be combined with its regular meeting, on the first Tuesday in every November for the purpose of organizing and choosing a mayor pro tem, who shall serve for a period of one year and thereafter until a successor is appointed.'" Note that this ordinance was written and passed by Portage City Council in 1971 pursuant to Michigan Public Act 239 of 1970 and Michigan Election Law Act 116 of 1954, Section 168.644, and the election of City Council was changed to the general election (November) of odd-numbered years moving the date of the organizational meeting to odd-year November (eff. February 26, 1971). Mr. Brown mentioned that this is distinguished from Section 4.3, Organization of the Council, in the *Charter*, only where it states that the organizational meeting should take place on the first Monday of April following each regular City Election and that the rest of Section 4.3 of the *Charter* still applies. He then noted that the inconsistency (of the one year and the two year terms) was resolved by the Rules of Order and Procedure for the City Council. [Section 5, Regular Meetings; Time-Place, Page 2, Paragraph 2, adopted by City Council, July 23, 2013].

In answer to Councilmember Ansari, Mayor Strazdas assured him that City Council is going to adhere to the *Charter* and will not start a precedent by writing new ordinances to "mold things to their liking" in contradiction to the *Charter*.

Councilmember Pearson argued that if Council splits the service time of the Mayor Pro Tem at one year each, this is not in the *Charter* and not in the Portage Code of Ordinances. He then argued that it is consistent with the *Charter* to have seven members on City Council and a term for Mayor Pro Tem of two years. Discussion followed. Councilmember Pearson indicated that the overriding factor is that City Council currently has a Mayor Pro Tem, who can fill in for the Mayor, so there is no crisis that needs to be averted. City Attorney Brown indicated that this is "splitting hairs" because any of these proposals is "off from" the *Charter*. He could not offer an opinion of which method is more or less legal than the other, and he left it up to City Council to decide, but noted that all options would have to be defended as not being in compliance with the *Charter*. Discussion followed.

In answer to Councilmember Ansari, Mr. Brown agreed with Councilmember Urban that the seventh member of City Council must be selected within 60 days. Councilmember Ansari expressed his opinion that these positions should be rotated. Discussion followed.

Councilmember Pearson related back to the first vote for Mayor Pro Tem where half of the City Council voted for him, and mentioned that he met with every member of City Council and indicated that he would follow in the footsteps of Mayor Pro Tem Reid. He said that he would not be running again, would serve only two years and noted that Mayor Strazdas is serving his fifth term as Mayor, so City Council should be thinking about succession. He then expressed his belief that City Councilmembers should be afforded the opportunity to serve as Mayor Pro Tem in order to see if he or she should make City leadership plans for later on. He restated his opinion that City Council should wait a month for a seventh person before deciding on a Mayor Pro Tem. Discussion followed.

Mayor Pro Tem Reid pointed out that there is nothing in what City Council passed to clarify the Mayor Pro Tem election process that requires "rotation" as part of the process and "rotation" is not in the *Charter* and not in the Rule passed on July 23, 2013, as it is a personal concept held by Councilmember Pearson. She pointed out that there is no term limit for Mayor Pro Tem and there is no requirement for rotation. She expressed her opinion that City Council should be thinking of who is the very best person. She said the person should be the best person who is most qualified and has the experience and skills to be able to do the job. She reflected that there are very good people with good qualities on City Council, but stressed the importance of the Mayor Pro Tem position as one that should not be just passed around from one year to the next since the person has to be able to step in and be the Mayor. She said it should be the best person not just the "next" person. Discussion followed.

In answer to Councilmember Urban and Mayor Strazdas, Mr. Brown said that nominations have been closed, so a motion is necessary to re-open nominations before another person can be considered and nominations would have to be closed again. Discussion followed.

City Attorney Brown restated that when there is a tie, there is an option of having a motion passed by the majority of those present to decide on a procedure. The Mayor indicated one procedure would be to split it up, but another one is to take the two nominees and decide by lot. Mr. Brown indicated that although that is a game of chance, there is non-binding precedent for it that he did find in the *Charter* (Section 12.12, Persons Elected – Tie Vote, in the *Charter*) where two persons tie after an election, if it is a tie for Council, the Election Commission actually names a date for a decision by lot of the two highest tied people, so there is precedent. Mr. Hudson concurred and indicated that this is also the method utilized according to State Election Law. Councilmember Pearson said it would be a "tie" if all of the votes were counted, if the seventh City Councilmember could vote on this. Discussion followed. Mayor Strazdas restated the need for a spirit of compromise and stressed the need for City Council to make a decision. After Mr. Hudson restated the motion, upon a roll call vote, motion failed. Yeas: Councilmembers Pearson, Randall and Ansari. No: Mayor Pro Tem Reid, Mayor Strazdas and Councilmember Urban. Discussion followed.

For the Councilmembers who voted against the motion, Councilmember Pearson asked why they do not want the seventh person to have a vote. Mayor Strazdas responded and reiterated that he felt it is important for this group to find compromise, as they found no compromise at the last meeting and no compromise with the original vote and explained.

At the request of Councilmember Pearson, City Attorney Brown restated and analyzed the three options saying, "It is splitting hairs." He noted that the option most consistent with the *Charter* is to decide who should be the Mayor Pro Tem by lot; however, if pressed to make a decision, he said that it is really "splitting hairs," but getting a Mayor Pro Tem into office sooner is the next best option, even if it splits the job into two. Discussion followed.

In answer to the question by Councilmember Pearson of the Councilmembers who voted against the last motion, Mayor Pro Tem Reid agreed with Mayor Strazdas that it is important for this group to find compromise, especially because this group is going to be in the process of identifying a seventh Councilmember. She pointed out that, regardless, the first thing the new Councilmember will have to do is to make a decision here (Mayor Pro Tem) and she did not wish to add another layer of complexity to the decision Council is going to be making for that seventh member as both decisions will be "muddled up together" and will make things more difficult.

Councilmember Pearson explained that when he was elected two years ago, the first order he did was stand one on one with all of the candidates who wanted to be Mayor Pro Tem, was educated and

voted for Claudette Reid as Mayor Pro Tem; so, he wanted to give credit to the person selected as the seventh Councilmember. Discussion followed. Mayor Pro Tem Reid reflected that her point was that it was not that the seventh Councilmember could have difficulty making the Mayor Pro Tem decision, but that this City Council's process in choosing the seventh member becomes more complex knowing that the first thing this person is going to do is break this tie. Mayor Strazdas expressed his disappointment that this City Council can not find a compromise, can not find two winners in the process and explained. —

Motion by Reid, seconded by Urban, for one time only, to have the process for a Mayor Pro Tem be for one year and the two nominees, Jim Pearson and Terry Urban, draw lots to determine which year they would get, first year being November of 2013 through November 2014, and the second year being November 2014 through November 2015; this would be a one-time modification of the Rules and Process of the City Council.

City Attorney Brown asked that the motion include, "suspending the Rules for this one motion," advised that it takes five votes to suspend the Rules, and asked that the motion read, "the first year being now until the first meeting in November following the election of 2014, and the second year being from the first meeting in November following the election of 2014 through the first meeting in November following the City General Election of 2015." Discussion followed. As makers of the motion, Mayor Pro Tem Reid and Councilmember Urban agreed with the modification suggested by City Attorney Brown.

Motion by Reid, seconded by Urban, to suspend the Rules. Discussion followed. Upon a roll call vote, motion failed. Yeas: Mayor Pro Tem Reid, Mayor Strazdas and Councilmember Urban. No: Councilmembers Ansari, Pearson and Randall. Discussion followed.

Motion by Reid, seconded by Urban, to settle this matter by lot between the two nominees. Discussion followed. Upon a roll call vote, motion failed. Yeas: Mayor Strazdas, Councilmember Urban and Mayor Pro Tem Reid. No: Councilmembers Ansari, Pearson and Randall. Discussion followed. —

Mayor Strazdas indicated that the City Attorney has expressed his opinion that the most consistent thing to do in compliance with the *Charter* is to settle this matter by lot between the two nominees and asked the question of the Councilmembers who voted against the last motion why they do not want to follow the opinion of the City Attorney on this. Councilmember Pearson said he would like the procedure to "go" for the next twenty-three of the twenty-four months and that a majority of City Council elect a Mayor Pro Tem. Discussion followed.

In answer to the question by Councilmember Urban, City Attorney Brown indicated that it is up to this City Council to elect a Mayor Pro Tem and the *Charter* is not binding on this decision, but it could be used.

Councilmember Ansari noted that at the last meeting, City Council decided to exhaust all methods and to wait for the next meeting; City Attorney Brown concurred and added that the only option left is to wait until after the selection of a seventh member. Discussion followed.

Councilmember Randall directed her comments to Mayor Strazdas and expressed her dissatisfaction with the couching of the tie vote as representative of a faction that is willing to compromise and a faction that is not willing to compromise; instead, she perceived it as a "real power control thing, here." She expressed her opinion that leadership could lead this Council forward if Mayor Strazdas changes his vote since he has commented that Councilmember Pearson is a good candidate, attends everything, etc. — As a member on the Council Committee to review the process to elect a Mayor Pro Tem, she

emphasized that the first thing that any newly sworn-in Councilmember does is elect a Mayor Pro Tem. She explained that the times she was to elect a Mayor Pro Tem, she never was told who it was going to be because it was all decided "behind the scenes." She indicated that in 2011, City Council wanted to change the process, but it did not happen, and she agreed with Councilmember Pearson that City Council should wait for the seventh Councilmember to be a part of the election process of the Mayor Pro Tem. Discussion followed.

Mayor Strazdas summed up and expressed a need for compromise. In answer to Councilmember Pearson, Mayor Strazdas indicated that at 5:00 p.m., Tuesday, November 26, 2013, the applications are due into the Office of the City Clerk; they will be assembled and distributed to City Council, Wednesday, November 27, 2013; Council will shortlist the applicants, if necessary, at the Tuesday December 3, 2013 Regular City Council Meeting; City Council will hold a Special Meeting of City Council on Monday, December 16, 2013, to interview the applicants; and, City Council will consider the appointment and then hold a swearing-in ceremony for the new Councilmember. Discussion followed.

ADJOURN: Mayor Strazdas adjourned the meeting at 9:00 p.m.



James Hudson, City Clerk

* **REQUEST FOR A SMALL DISTILLER LICENSE:** Motion by Reid, seconded by Urban, to support the request for a Small Distiller License from The Sangria Shop, L.L.C., 5919 Sprinkle Road, Portage, Michigan 49002, Kalamazoo County. Upon a roll call vote, motion carried 6 to 0.

* **TRANSFER OWNERSHIP AND LOCATION OF CLASS C LIQUOR LICENSE:** Motion by Reid, seconded by Urban, to support the request to transfer ownership and location of Escrowed 2013 Class C Liquor License from Panda Forest Chinese Restaurant, Inc., 5216 South Westnedge Avenue, Portage, Michigan 49002, Kalamazoo County, to Lum Enterprises, LLC, 639 Romence Road, Portage, Michigan 49024, Kalamazoo County (Wild Ginger Restaurant). Upon a roll call vote, motion carried 6 to 0.

* **NOVEMBER 2013 SUMMARY ENVIRONMENTAL ACTIVITY REPORT:** Motion by Reid, seconded by Urban, to receive the communication from the City Manager regarding the November 2013 Summary Environmental Activity Report as information only. Upon a roll call vote, motion carried 6 to 0.

* **DEPARTMENT MONTHLY REPORTS:** Motion by Reid, seconded by Urban, to receive the Department Monthly Reports from the various City Departments. Upon a roll call vote, motion carried 6 to 0.

UNFINISHED BUSINESS:

* **CONSUMERS ENERGY FRANCHISE ORDINANCE RENEWAL:** Motion by Reid, seconded by Urban, to approve an Ordinance to amend the Code of Ordinances of the City of Portage, Michigan, by adding Article 10, Consumers Energy Company Electric Franchise, to Chapter 14, Businesses, Sections 14-192 through 14-203. Upon a roll call vote, motion carried 6 to 0.

APPOINTMENT TO FILL CITY COUNCIL VACANCY AND OATH OF OFFICE: Mayor Strazdas provided an introduction and an opportunity for City Council to make any comments regarding the four (4) candidates interviewed for the vacancy on City Council. There being none, he asked that City Clerk James Hudson distribute the ballots. After each Councilmember voted and signed his or her respective ballots, City Clerk Hudson picked them up and read the vote. The first Ballot of Voting followed: Nasim Ansari, Jim Pearson and Patricia Randall voted for Richard Ford; and Peter Strazdas, Claudette Reid and Terry Urban voted for Betty Ongley. Discussion followed.

Mayor Strazdas asked each Councilmember to consider his or her vote and think about possibly making a change to break the tie vote, and provided another opportunity for City Council to make any comments regarding the four (4) candidates interviewed for the vacancy on City Council. There being none, he asked that City Clerk James Hudson distribute the ballots. After each Councilmember voted and signed his or her respective ballots, City Clerk Hudson picked them up and read the vote. The second Ballot of Voting followed: Nasim Ansari, Jim Pearson and Patricia Randall voted for Richard Ford; and Peter Strazdas, Claudette Reid and Terry Urban voted for Betty Ongley.

Mayor Pro Tem Reid explained that she voted for Betty Ongley because City Council is divided on this issue as well as other issues, needs someone who has experience on City Council, understands how things are done and how to function as a Councilmember. She stressed that it is important to have someone who is independent and who is not connected to any particular side or issue. She indicated that Betty Ongley is unbiased, and the most neutral a person and as wise a person she can think of and explained.

Mayor Strazdas emphasized the high quality of all four candidates and explained that this is why the decision is a tough one. He noted that the comment regarding who the citizens would elect

should there be a need to change the *Charter* to accommodate a Special Election resonated with him and that he had no doubt from his discussions that the majority of citizens would want Betty Ongley.

Councilmember Ansari said that there is no doubt in his mind that Betty Ongley is one of the most respected persons in the community. He praised her for all she has done and meant to the City of Portage and the greater community and expressed his own tremendous respect for her. He stated his reason for voting for Richard Ford is based upon his opinion that the highest vote-getter in the election should be given a chance to serve on the City Council and explained.

Councilmember Pearson noted that there were four excellent candidates and that is why the Council did not reduce the field of candidates at all: two candidates who ran in the recent election and two former leaders of the City of Portage who were willing to step up and serve. He restated that Betty Ongley is an iconic symbol of all that is great about the City of Portage and the Kalamazoo area. He then indicated that a couple of weeks before the election, because of timing, there could be no election for the fourth seat. He stated his position that November 5, 2013, was a "real time" election and whoever comes in fourth place sends a "real time" message (from the voters) to him regarding who they want to serve. He explained that he also respects the time and efforts of the person who came in fourth, and that is why he supports Richard Ford.

Councilmember Urban indicated that Richard Ford had three opportunities to be elected in a "real time" election, but failed to receive the votes, and that was a message (from the voters) to him. He noted that he was not a close fourth, nor was Connor Farrell. With all due respect to Mayor Strazdas, he held no pretense regarding who would be elected to a two-year term position as this was not an option on November 5, 2013. Instead, he referred to the *Charter* where the City Council is supposed to appoint the best person that they believe should serve, not to try to interpret what the people would want when there can be no election for a Council vacancy. He said that he has always voted for the best person to serve the City of Portage for the term as required, regardless of whether he or she is the highest vote-getter or not, and emphasized that this is why this is an independent decision, and not one where Council should try to interpret any particular election results. He noted that there have been runner-up candidates who were woefully ill-prepared and inappropriate to serve the City and cited one candidate in particular as inappropriate to serve who filed petitions, was on the ballot and was never heard from again during the election, but received fifty votes.

Councilmember Randall said that City Council has a process to fill vacancies that continually changes in order to maintain the status quo. She questioned why Betty Ongley, an excellent candidate, was not chosen three years ago, and a person with no experience was chosen. She addressed Mayor Strazdas by saying that if this was not about control, you (Mayor Strazdas) would not have recruited additional candidates to run. She personally asked him to step up, lead City Council and begin the healing process that is needed to go forward in supporting the fourth highest vote-getter. Mayor Strazdas echoed her comments and asked that other Councilmembers need to also step up and make the right decision.

Next, Mayor Strazdas asked that City Clerk James Hudson distribute the ballots for what he called the last ballot of the evening. After each Councilmember voted and signed his or her respective ballots, City Clerk Hudson picked them up and read the vote. The final Ballot of Voting followed: Nasim Ansari, Jim Pearson and Patricia Randall voted for Richard Ford; and Peter Strazdas, Claudette Reid and Terry Urban voted for Betty Ongley. Discussion followed.

Councilmember Ansari indicated that since Betty Ongley and Richard Ford are both excellent candidates, and since there is a tie, in the interest of saving taxpayer dollars, rather than holding an election to change the *Charter* and an election to fill the vacancy, he suggested that the decision be made by lot, with the agreement of the candidates. Mayor Strazdas thanked him for his suggestion, reflected that he made that same suggestion at the November 25, 2013 Special Meeting for the purpose of selecting a Mayor Pro Tem, encouraged City Council to consider that option and entertained a motion to alter the process.

In answer to Mayor Strazdas, City Attorney Brown indicated that part of the motion could be that the candidates agree, but it is not required that they agree to the process. Councilmember Pearson indicated that both candidates are excellent and concurred with Councilmember Ansari in order to get on with the business of Portage. In answer to Councilmember Urban, Mr. Brown indicated that the *Charter* does not indicate what process is to be used to appoint this Councilmember, and that has been the problem all along, and now it is up to Council, if desired, to change the process by a majority vote.

Councilmember Ansari said that it depends upon whether Betty Ongley and Richard Ford agree with this change in the process and, based on that, motion by Ansari, seconded by Pearson, to draw the name of Betty Ongley or Richard Ford out of the hat.

Councilmember Urban opposed the motion because he indicated it does not meet the intent of the *Charter*, since we (as City Council) are not stepping up to fulfill the duties required of Councilmembers, the responsibility of appointing a person to fill this vacancy on City Council, and not to have it fall to chance and lot.

Mayor Strazdas spoke in favor as it was his the suggestion at the November 25, 2013 Special Meeting and an accepted method to resolve an impasse. He noted that the City Attorney at the time offered his opinion that "by lot" is the next best alternative and stressed, again, the importance of finding middle ground and compromise in government.

Mayor Pro Tem Reid reluctantly supported the motion, recognized it as the next best thing to making a decision, and expressed her disappointment that, as a City Council, they can not make this decision. Discussion followed. Upon a roll call vote, motion carried 5 to 1. Yeas: Councilmembers Ansari, Pearson and Randall, Mayor Pro Tem Reid and Mayor Strazdas. No: Councilmember Urban.

Mr. Hudson wrote the names on a piece of paper of the same size. Mr. Brown confirmed the two names and Mr. Hudson folded the names and placed them into the hat. Mr. Brown held the hat and Mr. Hudson drew the name of Richard Ford. Mr. Hudson received the resignation from Mr. Ford from the City of Portage Board of Review. Motion by Ansari, seconded by Randall, to accept the resignation of Mr. Ford from the City of Portage Board of Review. Upon a voice vote, motion carried 6 to 0. At the request of Mayor Strazdas, Mr. Hudson administered the Oath of Office to Mr. Richard Ford for the office of City Councilmember and Mr. Ford took his seat at the dias.

ELECTION OF THE MAYOR PRO TEMPORE AND OATH OF OFFICE: Mayor Strazdas opened discussion of the election of a Mayor Pro Tem and noted that City Council could open the nominations or move forward with the final two nominees for Mayor Pro Tem, Jim Pearson and Terry Urban. There was a consensus to move forward with the voting process and Mayor Strazdas asked that City Clerk James Hudson distribute the ballots. After each Councilmember voted and signed his or her respective ballots, City Clerk Hudson picked them up and read the vote. The Ballot of Voting followed: Nasim Ansari, Richard Ford, Jim Pearson and Patricia Randall voted for Jim Pearson; and Peter Strazdas, Claudette Reid and Terry Urban voted for Terry Urban. Discussion followed. City Council expressed congratulations to the newly selected Councilmember Richard Ford and Mayor Pro Tem Jim Pearson and showed a commitment to uniformity. Mr. Hudson administered the Oath of Office to Jim Pearson as Mayor Pro Tem. Discussion followed.

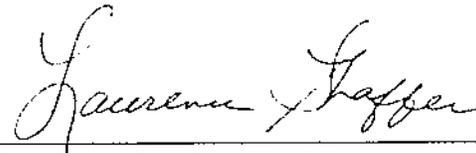
* **MINUTES OF BOARDS AND COMMISSIONS:** City Council received the minutes for the following boards and commissions:

Portage Public Schools Board of Education Regular Business and Special Meeting Minutes of October 28, Policy Governance Retreat and Committee of the Whole Work Session of November 11 and Regular Business Meeting of November 25, 2013.
Portage Park Board of November 6, 2013.
Portage Youth Advisory Committee of November 11, 2013.

MATERIALS TRANSMITTED

Tuesday, November 17, 2015

1. The October 2015 department monthly report for the Office of the City Assessor.



Laurence Shaffer, City Manager

cc: Rob Boulis, Deputy City Manager

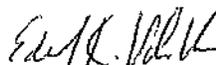
CITY OF PORTAGE

COMMUNICATION

TO: Laurence Shaffer, City Manager

DATE: November 13, 2015

FROM: Edward VanderVries, City Assessor



SUBJECT: October 2015 Department Operations Report

RECEIVED
NOV 19 2015
CITY OF PORTAGE
CITY MANAGER'S OFFICE

The following information summarized the operations of the City Assessor's Office during October 2015:

- **Preparation of 2016 Assessment Roll:** Kalamazoo County Equalization has sent the preliminary studies to the city for review. Once the study is verified for accuracy, it will be reconciled with the County. Our office should receive Form L-4018 "Analysis for Equalization" from Kalamazoo County Equalization by December 1, 2015. The final report will contain the 2016 starting assessment ratios for the residential, commercial and industrial classes of property. Preparation of the 2016 tentative valuations can then begin. Individual neighborhoods will be studied to determine the appropriate economic condition factors or ECF necessary to bring the total valuation of all properties within each class to the state-mandated 50% of estimated market value.
- **Staff Professional Development:** Staff in the Assessor's office has completed their continuing education programs to improve professional knowledge and renew their State Assessors Board certification during the past several months.
- **New Construction:** The Assessing staff is continuing the process of inspecting and processing new construction for all classes of property. Letters requesting inspection appointments will be mailed to all property owners. The inspection process is lagging due to the loss of staff. We currently have approximately 79 residential permits requiring field review. I am in the process of creating a better method to track the approvals we have received from property owners. The current method does not offer a way to simply run a report showing whether a permit is still pending and if the property owner has or has not given approval for an inspection. We need to have a better method to send secondary letters seeking the approval. Commercial/Industrial permits are being processed by our part-time appraiser Nicole Hudson. I am confident in the work plan that all work necessary to be completed for the 2016.
- **Inflation Rate Multiplier Used In 2015 Capped Value Formula:** The 2016 annual inflation rate multiplier as set forth by the State Tax Commission has been set at 1.003. With a CPI so low, the Taxable Value increase for 2016 will be nearly zero for most residential property owners with the exception of properties which transfer ownership in 2015 or have

new construction additions. The inflation rates established by the State Tax Commission for previous tax years since the inception of Proposal A are as follows:

| Year | Consumers Price Index | Year | Consumers Price Index |
|------|-----------------------|------|-----------------------|
| 1995 | 2.6% | 2006 | 3.3% |
| 1996 | 2.8% | 2007 | 3.7% |
| 1997 | 2.8% | 2008 | 2.3% |
| 1998 | 2.7% | 2009 | 4.4% |
| 1999 | 1.6% | 2010 | 0.997% |
| 2000 | 1.9% | 2011 | 1.7% |
| 2001 | 3.2% | 2012 | 2.7% |
| 2002 | 3.2% | 2013 | 2.4% |
| 2003 | 1.5% | 2014 | 1.6% |
| 2004 | 2.3% | 2015 | 1.6% |
| 2005 | 2.3% | 2016 | .03% |

- **Tax Rate Survey:** As in prior years, the City Assessor's Office has conducted a municipal tax rate survey involving selected Michigan cities with populations of at least 20,000 people. The information from the survey responses has been compiled, reviewed for accuracy and provided to you on November 9, 2015.
- **Customer Service:** The staff of the City Assessor's Office provided a high level of customer service during the month of October. Prompt and courteous service was provided in response to the numerous telephone calls and personal visits from realtors, private appraisers, title companies, and citizens. I am very pleased with the service and communications provided by Meshia Rose.

I would be pleased to discuss this information further should you desire.