

6:00 p.m. City Council Committee of the Whole.

7:30 p.m. Call to Order.

Invocation: Pastor Richard Hertsel of the Centre Avenue Community Church of God.

Pledge of Allegiance.

Roll Call.

Proclamation:

A. Approval of the Special and Regular Meeting Minutes of January 6, 2015.

\* B. Approval of Consent Agenda Motions.

\* C. Communication from the City Manager recommending that City Council approve the Accounts Payable Register of January 20, 2015, as presented.

D. Public Hearings:

1. Communication from the City Manager recommending that City Council, subsequent to the public hearing, approve Rezoning Application #14/15-2 and rezone the west ten feet of 4707 West Milham Avenue and 4713 West Milham Avenue (excepting the west ten feet) from B-2, community business, to OS-1, office service.

E. Petitions and Statements of Citizens:

F. Reports from the Administration:

\* 1. Communication from the City Manager recommending that City Council approve the Preliminary Condominium Subdivision for Copperleaf, Phase 1, subject to approval of detailed engineering plans for the public infrastructure improvements.

\* 2. Communication from the City Manager recommending that City Council approve detailed engineering plans for the Final Preliminary Condominium Subdivision for Copperleaf Phase 1.

\* 3. Communication from the City Manager recommending that City Council adopt Resolution No. 4 for the West Osterhout Avenue Sanitary Sewer Project #414-S, setting a public hearing on the Assessment Roll for February 10, 2015.

\* 4. Communication from the City Manager recommending that City Council adopt Resolution No. 4 for the Pine View Drive Sanitary Sewer Project #415-S, setting a public hearing on the Assessment Roll for February 10, 2015.

5. Communication from the City Manager recommending that City Council appoint members to the two Boards of Review.

\* 6. Communication from the City Manager regarding the December 2014 Summary Environmental Activity Report – Information Only.

\* 7. Department Monthly Reports.

G. Communications:

1. Annual presentation by the Portage Youth Advisory Committee.

2. Communication from Mr. Charles Agosti regarding the proposed amendment to the City of Portage Code of Ordinances, Chapter 34, Fire Prevention and Protection, reflecting changes in the 2012 edition of the International Fire Code.

H. Unfinished Business:

- \* 1. Communication from the City Manager recommending that City Council authorize the City Administration to conduct a public session(s) to discuss the potential interest in extending leaf, brush and spring cleanup collection programs to private streets in the city with residential property owners and representatives with property interests in city private streets.
- \* I. Minutes of Boards and Commissions Meetings:
1. Portage Historic District Commission of December 3, 2014.
  2. Portage Human Services Board of December 4, 2014.
  3. Portage Youth Advisory Committee of December 8, 2014.

J. Council Committee Reports:

K. New Business:

1. Communication from the City Manager recommending that City Council authorize the Administration to review the current contract with McDonald's Towing and Rescue, Inc. to ensure contract compliance and quality of service within the past year.

L. Bid Tabulations:

- \* 1. Communication from the City Manager recommending that City Council award an engineering services contract for the Pine View Drive Sanitary Sewer Project (from Bacon Avenue to Chaucer Street) to Midwest Civil Engineers, P.C., of South Haven, Michigan, in the amount not to exceed \$22,250 and authorize the City Manager to execute all documents related to the contract on behalf of the city.

M. Other City Matters:

1. Statements of Citizens.
  2. From City Council and City Manager.
- \* 3. Reminder of Meetings:
- a. Wednesday, January 21, 2:30 p.m., Senior Citizen Advisory Board, Portage Senior Center.
  - b. Thursday, January 22, 4:30 p.m., Public Media Network Board of Directors, 3<sup>rd</sup> Floor, 359 South Kalamazoo Mall.
  - c. Thursday, January 22, 6:30 p.m., Human Services Board, City Hall Room #1.
  - d. Thursday, January 22, 7:00 p.m., Planning Commission, Council Chambers (rescheduled from Thursday, January 15).
  - e. Monday, February 2, 1:00 p.m., Austin Lake Governmental Lake Board, City Hall Room #1.
  - f. Wednesday, February 4, 8:15 a.m., Historic District Commission, City Hall Room #2.
  - g. Wednesday, February 4, 6:30 p.m., Park Board, Stuart Manor, Celery Flats.
  - h. Thursday, February 5, 6:30 p.m., Human Services Board, City Hall Room #1.
  - i. Thursday, February 5, 7:00 p.m., Planning Commission, Council Chambers.
  - j. Monday, February 9, 6:30 p.m., Youth Advisory Committee, City Hall Room #1.
  - k. Monday, February 9, 7:00 p.m., Zoning Board of Appeals, Council Chambers.
  - l. Tuesday, February 10, 6:00 p.m., City Council Committee of the Whole, City Hall Room #1.

N. Materials Transmitted of January 2 and 6, 2015.

Adjournment.

# CITY COUNCIL MEETING SUMMARY

January 6, 2015

## ACCOUNTS PAYABLE REGISTER

- ◆ Approved the Check Register of January 6, 2015, as presented.

## PUBLIC HEARINGS

- ◆ Adopted Resolution No. 3 for the West Osterhout Avenue Sanitary Sewer Project #414-S (Lloy Street to South Westledge Avenue), directing the preparation of the special assessment roll.
- ◆ Adopted Resolution No. 3 for the Pine View Drive Sanitary Sewer Project #415-S (Bacon Avenue to Chaucer Street), directing the preparation of the special assessment roll.

## REPORTS FROM THE ADMINISTRATION

- ◆ Adopted the Resolution setting the dates and times for the 2015 March Board of Review sessions.
- ◆ Approved a professional engineering design services contract with O'Boyle, Cowell, Blaylock & Associates, Incorporated, in the amount of \$41,500 for the South Central Portage Trail development and authorized the City Manager to execute all documents related to this action on behalf of the city.
- ◆ Approved the License to Locate Parking in a City Right-Of-Way for Poulsen Properties, LLC, 2375 East Centre Avenue, and authorized the City Manager to execute the agreement on behalf of the city.
- ◆ Accepted the order of the Construction Board of Appeals to remove all debris from the house at 5523 Monticello Avenue; and authorized the City Administration to take the necessary action to remove all debris from the house, place a lien and assess the property to recover the costs associated with abatement, consistent with city ordinance.
- ◆ Adopted the Resolution for the use of city credit cards, and adopted a credit card policy for issuance of a credit card for the Portage Senior Center Travel Program in accordance with Public Act 266 of 1996.
- ◆ Accepted the recommendation from the City Manager to have a January 20, 2015 Committee of the Whole (COW) Meeting at 6:00 p.m., Conference Room #1, to address the top priority identified at the Council Retreat to enhance economic development; balance economic development with the city's natural environment; plan to develop large, undeveloped tracts of land; and consider pre-approved sites with Southwest Michigan First (SWMF).

## COUNCIL COMMITTEE REPORTS

- ◆ Received the communication from the City Manager regarding the December 10, 2014 Investment Committee Activity Update.
- ◆ Received the communication from the City Council City Manager Manual Committee Report as read into the record by Councilmember Ford.
- ◆ Received the verbal report of the Central County Transit Authority and Kalamazoo County Transit Authority Joint Meeting from Councilmember Urban and Mayor Pro Tem Pearson.

## NEW BUSINESS

- ◆ Determined the size of the 2015 Board of Review to be six members; appointed William Brandt, Keith Hearit, Wes Mazurek, Lori Knapp, Michael Quinn and Jay Woodhams with terms ending January 31, 2016, to the Board of Review; reappointed Lowell Seyburn and appointed Randall Schau with terms ending February 28, 2018, and appointed Alexander Philipp as an Alternate Member with term ending February 28, 2018, to the Zoning Board of Appeals; appointed William Wieringa as an Alternate Member with term ending October 1, 2016, to the Senior Citizens Advisory Board; and appointed Larry Ahleman and Fred Grunert with terms ending December 31, 2017, to the Historic District Commission.

## STATEMENT OF A CITIZEN

- ◆ Kay Ensfield, 1818 Forest Drive, asked for an update regarding the traffic issue at the intersection of Lakeview Drive and Portage Road that was discussed at the December 16, 2014 Regular City Council Meeting. Mayor Strazdas deferred to City Manager Shaffer, who indicated that City Engineer Chris Barnes identified and explained a number of options to address speeding and safety concerns on Portage Road that were forwarded to City Council. He said the next step is to determine the cost of the options and to make a recommendation to City Council. Mr. Shaffer also revealed that there has been an increase in police patrol and that the City will install the speed sign board to let drivers know the speed of their vehicles as soon as possible. Mayor Strazdas pointed out that another aspect of this is the redesign of the roadway based on the Engineering Report from the findings of the road diet study, as well as a careful decision of which approach is the right approach, plus the consideration of a large expenditure of funds.

## STATEMENTS OF CITY COUNCIL AND CITY MANAGER

- ◆ Councilmember Ford expressed a hope for a Happy New Year and asked everyone to be careful to keep warm.
- ◆ Councilmember Reid encouraged everyone to drive carefully and encouraged everyone to have the energy to have a Happy New Year.
- ◆ Mayor Pro Tem Pearson expressed his support for the Big Ten as the reason for his rare support for Ohio State in the College Football Championship Bowl game.
- ◆ Mayor Strazdas thanked returning and newly appointed Board and Commission Members for their volunteerism, expressed his appreciation for the efforts of the snow plows, and asked everyone to be patient during this very cold weather.

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

**MINUTES OF THE SPECIAL MEETING OF THE PORTAGE CITY COUNCIL  
OF JANUARY 6, 2015 - BOARDS AND COMMISSIONS APPLICANTS**

Mayor Peter Strazdas called the meeting to order at 5:32 p.m. The following Councilmembers were present at this meeting: Councilmembers Richard Ford, Patricia M. Randall, Claudette Reid and Terry Urban, Mayor Pro Tem Jim Pearson and Mayor Peter Strazdas. Councilmember Nasim Ansari was absent with notice. Also present were City Manager Laurence Shaffer and City Clerk James Hudson.

At the request of Mayor Strazdas, Councilmember Ford discussed some of the requirements for serving on the Board of Review, and emphasized the time commitment involved, including attendance at the training sessions. Mayor Strazdas asked each applicant if he or she can commit to the time required and all answered in the affirmative. City Council interviewed the following applicants:

\* From 5:34 p.m. to 5:58 p.m., City Council interviewed Michael Quinn, William Brandt, Keith Hearit and Lori Knapp for the Board of Review. Jay Woodhams advised Council that he would be running late as he was working in Livonia and the bad weather would prohibit his arriving on time. City Council interviewed Mr. Woodhams when he arrived at 6:41 p.m. Devin Loker and Wesley Mazurek had been interviewed in the past, did not attend the meeting, but expressed an interest in serving on the Board of Review. Discussion followed with regard to training and there was a consensus that the Michigan Township Association Board of Review training was good, and that David Rice was very helpful as a trainer, but needed to train more extensively with regard to commercial appeals before the Board. Discussion followed.

\* From 6:00 p.m. to 6:14 p.m., City Council interviewed Lowell Seyburn and Alexander Philipp for the Zoning Board of Appeals. Discussion followed.

\* From 6:15 p.m. to 6:31 p.m., City Council interviewed Gayle Ahleman and Bill Wierenga for the Senior Citizens Advisory Board. Senior Citizens Advisory Board Chair Ann Perkins was present for questions and discussion followed regarding the absences incurred by Alternate Member Mike Martin. Ms. Perkins indicated that she would follow up with City Clerk Jim Hudson regarding the status of Mr. Martin. Discussion followed.

\* From 6:32 p.m. to 6:40 p.m., City Council interviewed Larry Ahleman and Fred Grunert for the Historic District Commission. Discussion followed.

**ADJOURN:** Mayor Strazdas adjourned the meeting at 7:01 p.m.

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James R. Hudson, City Clerk

**CITY COUNCIL MEETING MINUTES FROM JANUARY 6, 2015**

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

At the request of Mayor Strazdas, Pastor John Moore of Pathfinder Church of Portage gave the invocation and Boy Scout Troop 287 led City Council and the audience in the recitation of the Pledge of Allegiance.

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

**APPROVAL OF MINUTES:** Motion by Reid, seconded by Pearson, to approve the December 16, 2014 Regular Meeting Minutes as presented. Upon a voice vote, motion carried 6 to 0.

\* **CONSENT AGENDA:** Mayor Strazdas asked Councilmember Ford to read the Consent Agenda. Councilmember Reid asked that Item F.2, Professional Services Award – South Central Portage Bikeway, and Item F.6, Proposed Schedule for the 2015 Committee of the Whole (COW) Meetings, be removed from the Consent Agenda. Motion by Ford, seconded by Reid, to approve the Consent Agenda motions as amended. Upon a roll call vote, motion carried 6 to 0.

\* **APPROVAL OF ACCOUNTS PAYABLE REGISTER OF JANUARY 6, 2015:** Motion by Ford, seconded by Reid, to approve the Accounts Payable Register of January 6, 2015. Upon a roll call vote, motion carried 6 to 0.

**PUBLIC HEARINGS:**

**WEST OSTERHOUT AVENUE SANITARY SEWER PROJECT #414-S (LLOY STREET TO SOUTH WESTNEDGE AVENUE):** Mayor Strazdas opened the public hearing, and City Manager Larry Shaffer deferred to Transportation & Utilities Director Chris Barnes, who explained the purpose of the hearing as the necessity for sanitary sewer on West Osterhout Avenue, from Lloy Street to South Westnedge Avenue. He provided a summary of sanitary sewer installation along West Osterhout Avenue, and pointed out that the project will be completed in conjunction with the planned reconstruction of the street and other improvements, including individual sewer laterals. He reminded City Council that reconstruction of the street without the installation of sanitary sewers would require the reconstruction of the street when the sewers were installed in the future.

Mr. Barnes explained the importance of the sewer construction to the ground water in the area which is the supply source for public drinking water. He mentioned the policy change in 2014 that relinquished the requirement of installing public sewer based on parameters such as proximity to public drinking water sources, and he pointed out that this is an area that would not have to connect to the sanitary sewer until the Kalamazoo County Public Health Department determined a septic system was not feasible.

Mr. Barnes indicated that the total cost of the project is \$680,000. He explained the assessments to property owners are at a total of \$49,505 which is based on the City Council Policy of a cap of 80 feet, even though most of the properties exceed 80 feet in frontage, and that the city-at-large share is \$630,494 which includes the replacement of the street which is funded through the municipal street millage.

He noted that the standard assessment rate of \$32.09 per foot and \$1,001 for a six inch lateral were used for this project, and the affected property owners were recently notified of the planned improvements, including the special assessment process and the schedule of payments. If approved by

City Council, he indicated that the sanitary sewer project would begin in the summer of 2015 in conjunction with the street reconstruction program.

Mayor Strazdas asked for discussion and opened the public hearing to the audience. There being no discussion, motion by Reid, seconded by Ford, to close the public hearing. Upon a voice vote, motion carried 6 to 0.

Motion by Pearson, seconded by Reid, to adopt Resolution No. 3 for the West Osterhout Avenue Sanitary Sewer Project #414-S (Lloy Street to South Westnedge Avenue), directing the preparation of the special assessment roll. Upon a roll call vote, motion carried 6 to 0.

**PINE VIEW DRIVE SANITARY SEWER PROJECT #415-S (BACON AVENUE TO CHAUCER STREET):** Mayor Strazdas opened the public hearing, and City Manager Larry Shaffer deferred to Transportation & Utilities Director Chris Barnes, who explained the purpose of the hearing as the necessity for sanitary sewer on Pine View Drive from Bacon Avenue to Chaucer Street. He provided a history of sanitary sewer installation along Pine View Drive, and pointed out that the project will be completed in conjunction with the planned reconstruction of the street and other improvements, including individual sewer laterals. He again reminded City Council that reconstruction of the street without installation of sanitary sewers would require the reconstruction of the street again when the sewers were installed in the future.

Mr. Barnes explained the importance of the sewer construction to the ground water in the area which is the supply source for public drinking water. He mentioned that this is an area in close proximity to public well fields and is adjacent to the Pine View water storage facility. He said that similar to West Osterhout Avenue, adjacent property owners would not have to connect to the sanitary sewer until the Kalamazoo County Public Health Department determined a septic system was not feasible.

Mr. Barnes indicated that the total cost of the project is \$300,000. He explained the assessments to property owners are at a total of \$49,505 which is based on the City Council Policy of a cap of 80 feet, even though most of the properties exceed 80 feet in frontage, and that the city-at-large share is \$250,494 which includes the replacement of the street which is funded through the municipal street millage.

He noted that the standard assessment rate of \$32.09 per foot and \$1,001 for a six inch lateral were used for this project, and the affected property owners were recently notified of the planned improvements, including the special assessment process and the schedule of payments. If approved by City Council, he indicated that the sanitary sewer project would begin in the summer of 2015 in conjunction with the street reconstruction program.

In answer to Councilmember Urban, Mr. Barnes indicated that in the early 1980's, a few areas of the City petitioned out of sanitary sewer installation, and Lloy Street and Pine View Drive were among them.

Mayor Strazdas asked for discussion and opened the public hearing to the audience. There being no discussion, motion by Reid, seconded by Randall, to close the public hearing. Upon a voice vote, motion carried 6 to 0.

Motion by Randall, seconded by Urban, to adopt Resolution No. 3 for the Pine View Drive Sanitary Sewer Project #415-S (Bacon Avenue to Chaucer Street), directing the preparation of the special assessment roll. Upon a roll call vote, motion carried 6 to 0.

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

\* **MARCH BOARD OF REVIEW RESOLUTION:** Motion by Ford, seconded by Reid, to adopt the Resolution setting the dates and times for the 2015 March Board of Review sessions. Upon a roll call vote, motion carried 6 to 0.

**PROFESSIONAL SERVICES AWARD - SOUTH CENTRAL PORTAGE BIKEWAY:**

Mayor Strazdas deferred to Councilmember Reid, who introduced the item and asked why the item had not been let out for bid and why City Council was being asked to grant this without a bid process.

In answer to Councilmember Reid, Mr. Shaffer responded that the City already has made an investment in this firm and in this design, and that this firm has taken us from the beginning and we now want them to take us all the way to the end. He indicated that they understand the project; they have done much of the preliminary work as a result of their efforts thus far; they are able to get the project on the fast track in such a way as to meet the standards set by Michigan Department of Transportation (MDOT) in order to get the project completed this year. He summed up that it is a matter of timing; that the City has invested a considerable amount of money into O'Boyle, Cowell, Blaylock & Associates, Incorporated, for preliminary work; and that this firm has an understanding of the project and the desired outcome that cannot be anticipated by an unknown firm. He indicated that the dollar amounts were reviewed quite closely, and it is the opinion of staff that the City cannot get a better price for the expected quality and type of service anticipated. He expressed a high comfort level with O'Boyle, Cowell, Blaylock & Associates, Incorporated, and assured Council that they will provide the best service possible and will get this project done correctly and on time.

Councilmember Reid asked at what time did the Administration find out about the stringent MDOT scheduling, and how long does it take to be able to put a contract such as this out for bid. In answer to her, Mr. Shaffer admitted he did not know the answer to the first part of her question; however, he indicated that he is very familiar with Department of Transportation requirements for bid specifications, indicated that they are very difficult and have many details that all have to be met before getting the approval of MDOT to go out to bid, and this all takes time. He said it can take a special relationship to get through the process. He then said the people at O'Boyle, Cowell, Blaylock & Associates, Incorporated, know the project, know the folks at MDOT, and were instrumental in getting material ready for the grant that was awarded to the City of Portage by MDOT; therefore, all things considered, this was the absolute best option for the City. Discussion followed.

In response to Councilmember Reid, Parks Director Bill Deming reviewed the time line of the contract awarded to O'Boyle, Cowell, Blaylock & Associates, Incorporated, in 2012. He indicated that the Administration has been seeking a number of funding options since there was not enough on hand with the City to do the entire project. He indicated that he received the Kalamazoo Area Transportation Study (KATS) funds a year ago which was only enough to do the trail; this prompted him to seek the MDOT Grant; furthermore, he also sought the Michigan Department of Natural Resources (MDNR) Grant in March 2014, and that particular process ended in December 2014 which held up the rest of the process. He discussed the tasks and activities that have to be accomplished by March in order to get the project started in July/August, including those already completed by O'Boyle, Cowell, Blaylock & Associates, Incorporated. He indicated that to bid the project out at this point would not allow the City to make the MDOT Schedule for this construction year.

Councilmember Reid expressed her appreciation for the explanation and stressed the importance of putting a project out for bid whenever that is possible. She noted that the contract with this firm was initiated almost two years ago and asked whether this is a continuation of previous work. Mr. Deming assured City Council that O'Boyle, Cowell, Blaylock & Associates, Incorporated, was involved as the professional services firm during the last one and one-half years with their efforts to obtain the specifications, drawings and information requirements for both the MDOT and MDNR Grant applications. Discussion followed.

Motion by Reid, seconded by Urban, to approve a professional engineering design services contract with O'Boyle, Cowell, Blaylock & Associates, Incorporated, in the amount of \$41,500 for the South Central Portage Trail development and authorize the City Manager to execute all documents related to this action on behalf of the city. Upon a roll call vote, motion carried 6 to 0.

\* **AGREEMENT TO LOCATE PARKING IN CITY RIGHT-OF-WAY, 2375 EAST CENTRE AVENUE:** Motion by Ford, seconded by Reid, to approve the License to Locate Parking in a City Right-Of-Way for Poulsen Properties, LLC, 2375 East Centre Avenue, and authorize the City Manager to execute the agreement on behalf of the city. Upon a roll call vote, motion carried 6 to 0.

\* **CONSTRUCTION BOARD OF APPEALS ABATEMENT ORDER – 5523 MONTICELLO AVENUE:** Motion by Ford, seconded by Reid, to accept the order of the Construction Board of Appeals to remove all debris from the house at 5523 Monticello Avenue; and to authorize the City Administration to take the necessary action to remove all debris from the house, place a lien, and assess the property to recover the costs associated with abatement, consistent with city ordinance. Upon a roll call vote, motion carried 6 to 0.

\* **RESOLUTION FOR USE OF CREDIT CARDS AND ADOPTION OF CREDIT CARD POLICY:** Motion by Ford, seconded by Reid, to adopt the Resolution for the use of city credit cards, and adopt the credit card policy for issuance of a credit card for the Portage Senior Center Travel Program in accordance with Public Act 266 of 1996. Upon a roll call vote, motion carried 6 to 0.

**PROPOSED SCHEDULE FOR THE 2015 COMMITTEE OF THE WHOLE (COW) MEETINGS:** Councilmember Reid referred to the Communication from the City Manager received via Materials Transmitted dated January 6, 2015. She referenced the request at the December 16, 2014 Regular City Council Meeting where City Council received the report from Historic District Commission (HDC) Chair Mark Reile regarding Strategy Development for Preserving Portage Historic Properties which was referred to a future Committee of the Whole (COW) Meeting, with the plan to invite members from the HDC to participate in that meeting. Mr. Shaffer explained his communication.

Councilmember Reid asked that the matter be scheduled in one of the first couple of COW Meetings and explained. Discussion followed. Mayor Strazdas recommended that it is important for City Council to make a plan for COW Meetings, and he asked each Councilmember to provide input regarding topic priorities for these Meetings to the City Manager by Monday, January 12, 2015. He also stressed that it was important to decide what to discuss at the January 20, 2015 COW Meeting, Conference Room #1 at 6:00 p.m. Discussion followed.

Motion by Pearson, seconded by Urban, to accept the recommendation from the City Manager to have a January 20, 2015 Committee of the Whole (COW) Meeting, Conference Room #1, 6:00 p.m., to address the top priority identified at the Council Retreat to enhance economic development; balance economic development with the city's natural environment; plan to develop large, undeveloped tracts of land; and consider pre-approved sites with Southwest Michigan First (SWMF). Discussion followed. City Attorney Brown advised that COW Meetings should be treated as Special Meetings of City Council because there is a quorum, even though no decision can be made. Discussion followed. Upon a roll call vote, motion carried 6 to 0.

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

Portage Planning Commission of November 20 and December 4, 2014.  
Portage Park Board of December 3, 2014.

## **COUNCIL COMMITTEE REPORT:**

\* **DECEMBER 10, 2014 INVESTMENT COMMITTEE ACTIVITY UPDATE:** Motion by Ford, seconded by Reid, to receive the communication from the City Manager regarding the December 10, 2014 Investment Committee Activity Update. Upon a roll call vote, motion carried 6 to 0.

**MANAGER MANUAL COMMITTEE REPORT:** Mayor Strazdas deferred to Councilmember Ford, who read his communication provided to City Council on January 6, 2015, into the record that was later added to the Agenda Packet. Motion by Reid, seconded by Ford, to receive the communication from the City Council City Manager Manual Committee Report as read into the record by Councilmember Ford. Upon a roll call vote, motion carried 6 to 0.

**CENTRAL COUNTY TRANSIT AUTHORITY (CCTA) AND KALAMAZOO COUNTY TRANSIT AUTHORITY (KCTA) JOINT MEETING REPORT:** Mayor Pro Tem Pearson indicated that he and Councilmember Urban attended the first joint meeting of the CCTA and the KCTA just before Christmas where they discussed the countywide millage during 2015 at an amount to be determined, line haul schedules during the work week and whether to increase it, and weekend service. He said that no decisions have been made.

Councilmember Urban indicated that the CCTA and KCTA jointly adopted a Policy that dealt with providing service outside the boundaries of the CCTA taxing district. He reminded everyone that the County adopted the recommendation from a working group to establish the boundaries of the CCTA at which time municipalities had the option to use precincts as the boundaries for opting out of the CCTA taxing district; and, before the CCTA existed, there was no one to indicate whether there would be service for those who opted out. He indicated that there were three municipalities which have some precincts that have opted out: Texas Township, Pavilion Township and Oshtemo Township. He read an excerpt from the Policy which listed the municipalities included in the CCTA with the precincts that did not opt out, and indicated that the CCTA will not provide fixed route bus service outside of the boundaries of the Authority. He reviewed another excerpt from the Policy where it states that the CCTA may consider providing services when the following conditions are met:

1. Service areas outside the Authority boundaries will be limited to the following conditions:
  - a. A service contract must be entered into between the CCTA and the jurisdiction that includes the area outside of the boundaries;
  - b. Service contracts will only be entered into if there is a demonstrated demand for service;
  - c. The term of the agreement will only extend for the duration of the approved CCTA millage;
  - d. The cost will be set at the amount of the millage that would have been collected if the precincts where the service is provided were included in the boundaries of the Authority;
  - e. The CCTA may enter into only one service contract with the jurisdiction and this contract will not be renewed; and
  - f. Contracts to provide fixed route service to the Kalamazoo Valley Community College (KVCC) main campus and other countywide publicly funded educational facilities with significant student population ridership demand may be entered into with the educational agency if an agreement with the jurisdiction where the facility is located cannot be agreed upon. Service will be provided strictly to the education facility under contract and to no other areas outside the Authority boundaries. Board approval is required for all service contracts.

Councilmember Urban then mentioned Pilot Programs are also covered and can be reviewed on the CCTA website. He explained that it is difficult to tell the citizens of Portage that their millage is paying to support the bus routes into Texas Township, Pavilion Township and Oshtemo Township when those jurisdictions have elected not to participate in funding those bus routes and explained. He emphasized that before the CCTA existed, no one could make a statement regarding the areas that opted out and explained. He indicated that there is a time period before the CCTA millage proposal is submitted to the County Clerk where a jurisdiction can change its decision to opt out; however, under State Law, a jurisdiction may not opt out at this point. He noted that changing the decision to opt out

might be possible, but would require that the Kalamazoo County Commission amend the Articles of Incorporation and the boundaries of the CCTA District. Discussion followed.

Mayor Strazdas indicated that when they are available, it is important that the minutes from various groups where there is Council involvement are included in the City Council Packets so Portage citizens have the opportunity to review them. He also asked City Attorney Randy Brown to provide some guidance with regard to voting by City Councilmembers in all of the various External / Community Committees in order to let each Councilmember know when he or she can vote as a person, as a citizen of Portage, or as a Councilmember. City Attorney Brown agreed to provide the guidance and discussion followed.

Councilmember Urban summed up the verbal report and assured everyone that bus service to KVCC will happen one way or the other.

Motion by Reid, seconded by Ford, to receive the verbal report of the Central County Transit Authority and Kalamazoo County Transit Authority Joint Meeting from Councilmember Urban and Mayor Pro Tem Pearson. Discussion followed. Upon a roll call vote, motion carried 6 to 0. Discussion followed.

### **NEW BUSINESS:**

\* **APPOINTMENTS TO VARIOUS BOARDS AND COMMISSIONS:** Motion by Ford, seconded by Reid, to determine the size of the 2015 Board of Review to be six members; appoint William Brandt, Keith Hearit, Wes Mazurek, Lori Knapp, Michael Quinn and Jay Woodhams with terms ending January 31, 2016, to the Board of Review; reappoint Lowell Seyburn and appoint Randall Schau with terms ending February 28, 2018, and appoint Alexander Philipp as an Alternate Member with term ending February 28, 2018, to the Zoning Board of Appeals; appoint William Wieringa as an Alternate Member with term ending October 1, 2016, to the Senior Citizens Advisory Board; and appoint Larry Ahleman and Fred Grunert with terms ending December 31, 2017, to the Historic District Commission. Upon a roll call vote, motion carried 6 to 0.

### **OTHER CITY MATTERS:**

**STATEMENTS OF CITIZENS:** Kay Ensfield, 1818 Forest Drive, asked for an update regarding the traffic issue at the intersection of Lakeview Drive and Portage Road that was discussed at the December 16, 2014 Regular City Council Meeting. Mayor Strazdas deferred to City Manager Shaffer, who indicated that City Engineer Chris Barnes identified and explained a number of options to address speeding and safety concerns on Portage Road that were forwarded to City Council. He said the next step is to determine the cost of the options and to make a recommendation to City Council.

Mr. Shaffer also revealed that there has been an increase in police patrol and that the City will install the speed sign board to let drivers know the speed of their vehicles as soon as possible. Mayor Strazdas pointed out that another aspect of this is the redesign of the roadway based on the Engineering Report from the findings of the road diet study, as well as a careful decision of which approach is the right approach, plus the consideration of a large expenditure of funds. Discussion followed.

**STATEMENTS OF CITY COUNCIL:** Councilmember Ford expressed a hope for a Happy New Year and asked everyone to be careful to keep warm.

Councilmember Reid encouraged everyone to drive carefully and encouraged everyone to have the energy to have a Happy New Year.

Mayor Pro Tem Pearson expressed his support for the Big Ten as the reason for his rare support for Ohio State in the College Football Championship Bowl game.

Mayor Strazdas thanked returning and newly appointed Board and Commission Members for their volunteerism, expressed his appreciation for the efforts of the snow plows, and asked everyone to be patient during this very cold weather.

**ADJOURNMENT:** Mayor Strazdas adjourned the meeting at 8:40 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, Director of Finance

**ACTION RECOMMENDED:** That City Council approve the Accounts Payable Register of January 20, 2015, as presented.

Bi-weekly, the City Council reviews and approves the Accounts Payable Register, including checks issued to vendors and the electronic funds transfer register. Attached please find the Accounts Payable Register for the period December 21, 2014 through January 11, 2015. The time period noted includes \$60,780.24 for electronic transfers and \$414,032.55 for checks issued to vendors for a total of \$474,812.79.

**FUNDING:** N/A

**Attachments:** Accounts Payable Register

## CITY OF PORTAGE CHECK REGISTER

Page: 1/4

Check Date From: 12/21/2014 TO 1/11/2015 1

Check Date	Check	Vendor Code	Vendor Name	Amount
01/02/2015	3685(A)	0597	ABONMARCHE CONSULTANTS, INC	4,666.29
01/02/2015	3686(A)	3844	BELL EQUIPMENT COMPANY	17,800.00
01/02/2015	3687(A)	3545	BRENNER OIL CO.	10,402.93
01/02/2015	3688(A)	0959	EMPLOYMENT GROUP, INC.	1,050.70
01/02/2015	3689(A)	2071	GAIL ANDRUS TRAVEL	1,443.75
01/02/2015	3690(A)	0063	INDUSCO SUPPLY CO., INC.	59.84
01/02/2015	3691(A)	0235	KNAPP ENERGY, INC.	12,355.24
01/02/2015	3692(A)	4454	KUIPER BUILDING SERVICES, LLC	1,000.00
01/02/2015	3693(A)	4746	MAURER'S TEXTILE RENTAL SERVICES	94.58
01/02/2015	3694(A)	4724	MEJEUR ELECTRIC LLC	865.00
01/02/2015	3695(A)	0440	ONE WAY PRODUCTS	409.96
01/02/2015	3696(A)	1638	PETERS CONSTRUCTION CO.	2,325.00
01/02/2015	3697(A)	0625	PORTAGE FIREFIGHTERS	1,423.88
01/02/2015	3698(A)	0504	PORTAGE ON-CALL FIREFIGHTERS	140.00
01/02/2015	3699(A)	0624	PORTAGE POLICE OFFICERS ASSOC	686.00
01/02/2015	3700(A)	4826	POULIOT, GRETCHEN	144.00
01/02/2015	3701(A)	2584	PRECISION PRINTER SERVICES INC	1,337.59
01/02/2015	3702(A)	1862	UNITED AUTO. IMPLEMENT WORKERS 2290	489.09
01/09/2015	3703(A)	0109	ALL-TRONICS, INC.	78.00
01/09/2015	3704(A)	2690	C D W GOVERNMENT, INC.	530.66
01/09/2015	3705(A)	0959	EMPLOYMENT GROUP, INC.	226.94
01/09/2015	3706(A)	0063	INDUSCO SUPPLY CO., INC.	211.41
01/09/2015	3707(A)	3957	JAROTH, INC	303.00
01/09/2015	3708(A)	2645	LANDS END	342.95
01/09/2015	3709(A)	4576	M & M CUSTOM FABRICATING INC.	34.25
01/09/2015	3710(A)	4746	MAURER'S TEXTILE RENTAL SERVICES	22.20
01/09/2015	3711(A)	4724	MEJEUR ELECTRIC LLC	56.00
01/09/2015	3712(A)	3481	S B F ENTERPRISES, INC.	715.02
01/09/2015	3713(A)	0425	WIGHTMAN & ASSOCIATES, INC.	1,565.96
			<b>SUBTOTAL:</b>	<b>29 CHECKS</b>
				<b>60,780.24</b>
01/02/2015	291925	4060	A T & T LONG DISTANCE	165.74
01/02/2015	291926	5051	ACTIVE911, INC.	96.00
01/02/2015	291927	3305	ADP, INC.	900.15
01/02/2015	291928	0533	ALLEGRA PRINT & IMAGING	425.49
01/02/2015	291929	0849	AT&T	5,265.46
01/02/2015	291930	5046	AT&T YELLOW PAGES	52.80
01/02/2015	291931	1060	AUTOBODY USA - SOUTHSIDE	260.75
01/02/2015	291932	0136	BDO USA, LLP	12,313.00
01/02/2015	291933	0146	BILL'S LOCK SHOP, INC.	95.00
01/02/2015	291934	999999	BLANCHARD, ANDREA	150.00
01/02/2015	291935	0151	BORGESS HEALTH ALLIANCE	504.85
01/02/2015	291936	0437	CAMPBELL AUTO SUPPLY	149.42
01/02/2015	291937	999999	CAR ZONE	362.35
01/02/2015	291938	999999	CBCS	55.90
01/02/2015	291939	5011	CESO, INC.	7,350.00
01/02/2015	291940	4649	CITY OF KALAMAZOO (TRANS MILLAGE)	661.60
01/02/2015	291941	1671	COMSTOCK PUBLIC SCHOOLS	42.82
01/02/2015	291942	999999	CONSUMERS CREDIT UNION	372.11
01/02/2015	291943	0189	CONSUMERS ENERGY-BILL PMT CNT	15,265.08
01/02/2015	291944	999999	CRANBROOK ART MUSEUM	150.00
01/02/2015	291945	0195	CROSSROADS CAR WASH	229.50
01/02/2015	291946	4374	DEWOLF & ASSOCIATES, LLC	20.00
01/02/2015	291947	4839	DIGITAL HIGHWAY WIRELESS SOLUTIONS	532.89
01/02/2015	291948	0532	DOSTER, KYLE	250.01
01/02/2015	291949	5026	EMPLOY TEST LLC	200.00
01/02/2015	291950	0690	FAWLEY OVERHEAD DOOR, INC.	310.00
01/02/2015	291951	999999	FINITI	25.89
01/02/2015	291952	999999	FIRST AMERICAN INSURANCE	25.97
01/02/2015	291953	0517	GORDON WATER SYSTEMS	46.00
01/02/2015	291954	0042	GOVERNMENT FINANCE OFFICERS AS	305.00

## CITY OF PORTAGE CHECK REGISTER

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Check Date From: 12/21/2014 TO 1/11/2015 1

Check Date	Check	Vendor Code	Vendor Name	Amount
01/02/2015	291955	0464	GRAHAM FORESTRY SERVICE, INC.	368.00
01/02/2015	291956	0623	GREATER KALAMAZOO FOP LODGE 98	549.20
01/02/2015	291957	0623	GREATER KALAMAZOO FOP LODGE 98	2,691.08
01/02/2015	291958	0628	GREATER KALAMAZOO UNITED WAY	782.00
01/02/2015	291959	0598	GRIFFIN PEST SOLUTIONS, INC.	179.00
01/02/2015	291960	0691	HOME DEPOT	132.58
01/02/2015	291961	1227	I A C P N E T	1,225.00
01/02/2015	291962	999999	I.A.P.E.	50.00
01/02/2015	291963	999999	I.A.P.E.	50.00
01/02/2015	291964	3344	INTERNATIONAL CITY MANAGEMENT ASSOC	1,144.00
01/02/2015	291965	3244	INTERNATIONAL CODE COUNCIL, INC	637.78
01/02/2015	291966	2719	IPREO, LLC	1,500.00
01/02/2015	291967	4682	JOHANNA THOMPSON	300.00
01/02/2015	291968	0514	KALAMAZOO COUNTY TREASURER	562.50
01/02/2015	291969	4756	KALAMAZOO GAZETTE	41.55
01/02/2015	291970	MISC-UB	KALAMAZOO VALLEY FAMILY CHURCH	2,655.00
01/02/2015	291971	MISC-UB	KALAMAZOO VALLEY FAMILY CHURCH	52.00
01/02/2015	291972	0532	KLINE, MICHAEL	225.40
01/02/2015	291973	999999	LERETA	1,558.24
01/02/2015	291974	0242	LEWIS PAPER PLACE, INC.	138.13
01/02/2015	291975	2630	LOWE'S HOME CENTER	170.74
01/02/2015	291976	5027	MEEKHOF TIRE SALES & SERVICE INC.	4,947.32
01/02/2015	291977	0258	MENARDS, INC	60.38
01/02/2015	291978	4777	MICH MUNICIPAL POLICE & FIRE REPAIR	466.30
01/02/2015	291979	4757	MICHIGAN ASSOC OF MUNICIPAL CLERKS	100.00
01/02/2015	291980	3525	MICHIGAN FIRE INSPECTOR'S SOCIETY	300.00
01/02/2015	291981	3525	MICHIGAN FIRE INSPECTOR'S SOCIETY	950.00
01/02/2015	291982	0943	MICHIGAN LOCAL GOVERNMENT MGT ASSOC	110.00
01/02/2015	291983	4515	MICHIGAN MUNICIPAL LEAGUE	8,899.00
01/02/2015	291984	3389	MICHIGAN PAVING & MATERIALS CO.	69,248.50
01/02/2015	291985	2030	MIDWEST ENERGY COOPERATIVE	265.90
01/02/2015	291986	999999	MMAAO	80.00
01/02/2015	291987	1342	NATIONAL SEMINARS GROUP	299.00
01/02/2015	291988	0299	NYE UNIFORMS	462.37
01/02/2015	291989	1721	OFFICE DEPOT, INC.	542.62
01/02/2015	291990	4329	ONSTAFF USA INC	7,370.15
01/02/2015	291991	0532	PATTERSON, TREVER	117.00
01/02/2015	291992	4852	PCM SALES, INC.	116.29
01/02/2015	291993	3764	PERCEPTIVE CONTROLS, INC.	101,347.00
01/02/2015	291994	3764	PERCEPTIVE CONTROLS, INC.	1,925.00
01/02/2015	291995	0610	PETTY CASH-FIRE	180.69
01/02/2015	291996	0532	PIERMAN, BRANNON	60.00
01/02/2015	291997	4113	R C M HEADSETS/R C M & ASSOC.	110.00
01/02/2015	291998	0327	RATHCO SAFETY SUPPLY, INC.	849.00
01/02/2015	291999	5055	RECONYX, INC.	38.10
01/02/2015	292000	0344	ROOT SPRING SCRAPER CO.	12.36
01/02/2015	292001	0353	SEVERANCE ELECTRIC COMPANY, INC	2,568.60
01/02/2015	292002	0786	SIRCHIE FINGER PRINT LABORATORIES	3,995.00
01/02/2015	292003	0532	SPARKS, JANET	34.72
01/02/2015	292004	999999	STATE OF MICHIGAN	230.00
01/02/2015	292005	999999	STATE OF MICHIGAN	50.00
01/02/2015	292006	0368	STATE OF MICHIGAN (DOT)	1,974.09
01/02/2015	292007	0369	STATE SYSTEMS RADIO, INC	3,585.98
01/02/2015	292008	4673	SUZANNE GERNAAT	235.00
01/02/2015	292009	5048	TASK AUDIO LLC	275.00
01/02/2015	292010	2435	TISHHOUSE ELECTRIC, INC.	655.00
01/02/2015	292011	2220	TOO CLEAN JANITORIAL	25.00
01/02/2015	292012	2817	TRACTOR SUPPLY CORP.	74.70
01/02/2015	292013	0545	UNITED PARCEL SERVICE	82.42
01/02/2015	292014	4653	VERIZON WIRELESS SERVICES, LLC	1,362.44
01/02/2015	292015	5054	W W LANDSCAPE, LLC	856.71
01/02/2015	292016	999999	WELLS FARGO	298.99
01/02/2015	292017	999999	WELLS FARGO REAL ESTATE	1,570.80

## CITY OF PORTAGE CHECK REGISTER

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Check Date From: 12/21/2014 TO 1/11/2015 1

Check Date	Check	Vendor Code	Vendor Name	Amount
01/02/2015	292018	0532	WENTWORTH, JORDAN	60.00
01/02/2015	292019	4089	WITMER PUBLIC SAFETY GROUP	313.91
01/02/2015	292020	5037	XAVUS SOLUTIONS	1,200.00
01/02/2015	292021	2684	XEROX CORPORATION	363.62
01/09/2015	292022	0635	A NEW LEAF	85.00
01/09/2015	292023	0533	ALLEGRA PRINT & IMAGING	799.01
01/09/2015	292024	0630	APPROVED PROTECTION SYSTEMS	325.63
01/09/2015	292025	3554	ASSOCIATED GOVERNMENT SERVICES INC	1,200.00
01/09/2015	292026	4399	AUTOMOTIVE CONCEPTS CARSTAR	301.50
01/09/2015	292027	2692	AXE & ECKLUND, PC	9,738.42
01/09/2015	292028	0124	B L HARROUN & SON INC.	1,400.00
01/09/2015	292029	3339	BESCO WATER TREATMENT, INC.	27.50
01/09/2015	292030	0437	CAMPBELL AUTO SUPPLY	8.00
01/09/2015	292031	3080	CHARTER COMMUNICATIONS	482.94
01/09/2015	292032	4649	CITY OF KALAMAZOO (TRANS MILLAGE)	826.01
01/09/2015	292033	1671	COMSTOCK PUBLIC SCHOOLS	5,514.20
01/09/2015	292034	999999	CORELOGIC	6,574.43
01/09/2015	292035	4620	COSTAR REALTY INFORMATION, INC.	294.68
01/09/2015	292036	999999	DEGRAAF, JOAN	150.00
01/09/2015	292037	2948	EMERGENCY VEHICLE PRODUCTS	6,756.06
01/09/2015	292038	4135	EXTERIORS OF KALAMAZOO INC.	7,759.00
01/09/2015	292039	1248	FASTENAL CO.	69.90
01/09/2015	292040	0384	FERRELLGAS, LP	36.00
01/09/2015	292041	4422	FIRST DUE FIRE SUPPLY CO.	12,031.38
01/09/2015	292042	1399	FLETCHER ENTERPRISES	1,588.00
01/09/2015	292043	0025	GALL'S, AN ARAMARK COMPANY	427.64
01/09/2015	292044	0042	GOVERNMENT FINANCE OFFICERS AS	505.00
01/09/2015	292045	0691	HOME DEPOT	209.60
01/09/2015	292046	4693	JAYBEE SIGNS	1,000.00
01/09/2015	292047	5059	JILL EDELEN CONSULTING, LLC	2,500.00
01/09/2015	292048	0514	KALAMAZOO COUNTY TREASURER	8,626.15
01/09/2015	292049	1066	KUIPER BROTHERS MOVING INC.	183.00
01/09/2015	292050	2157	MI ASSOC. OF CHIEFS OF POLICE	100.00
01/09/2015	292051	2622	MI RECREATION & PARKS ASSOC.	430.00
01/09/2015	292052	3204	MICHIGAN ASSOCIATION OF FIRE CHIEFS	180.00
01/09/2015	292053	0089	MLIVE MEDIA GROUP	1,187.00
01/09/2015	292054	4948	MORPHOTRUST USA, INC.	6,598.58
01/09/2015	292055	0993	MOSES FIRE EQUIPMENT, INC.	931.00
01/09/2015	292056	0681	MUNICIPAL FINANCIAL CONSULTANT	13,187.46
01/09/2015	292057	0880	MUNIMETRIX SYSTEMS CORPORATION	499.00
01/09/2015	292058	MISC-UB	NEWELL, DANIEL	2,501.92
01/09/2015	292059	1721	OFFICE DEPOT, INC.	355.60
01/09/2015	292060	0301	OFFICEMAX INCORPORATED	213.69
01/09/2015	292061	4329	ONSTAFF USA INC	5,950.78
01/09/2015	292062	0805	PETTY CASH-CITY MANAGER	288.90
01/09/2015	292063	0537	PETTY CASH-SENIOR CENTER	158.76
01/09/2015	292064	4526	PUBLIC SAFETY CENTER	63.45
01/09/2015	292065	1863	QUANTUM CONSTRUCTION CO., INC.	3,999.00
01/09/2015	292066	4443	REPUBLIC SERVICES OF WEST MICHIGAN	2,109.57
01/09/2015	292067	5044	ROOFS-N-MORE	4,649.00
01/09/2015	292068	999999	SCOTT A JOHNSON	180.00
01/09/2015	292069	5047	SIMPLIFILE LC	117.00
01/09/2015	292070	999999	SOUTHWEST MICHIGAN MGRS ASSOC.	100.00
01/09/2015	292071	1057	STANDARD & POOR'S	8,075.00
01/09/2015	292072	0369	STATE SYSTEMS RADIO, INC	60.00
01/09/2015	292073	3222	STEENSMA LAWN & POWER EQUIPMENT	2,778.38
01/09/2015	292074	0532	THOMPSON, PATTI	95.00
01/09/2015	292075	0392	U S POSTMASTER	2,600.00
01/09/2015	292076	0392	U S POSTMASTER	200.00
01/09/2015	292077	0545	UNITED PARCEL SERVICE	25.54
01/09/2015	292078	4996	WATKINS, ROSS & CO.	6,000.00
01/09/2015	292079	1212	WESTERN MICH ASSOC OF FIRE CHIEFS	75.00
01/09/2015	292080	0429	WINDER POLICE EQUIPMENT, INC.	638.93

CITY OF PORTAGE CHECK REGISTER

Check Date From: 12/21/2014 TO 1/11/2015 1

Check Date	Check	Vendor Code	Vendor Name	Amount
			<b>SUBTOTAL:</b>	<b>156 CHECKS</b>
				<b>414,032.55</b>
			<b>TOTAL:</b>	<b>185 CHECKS</b>
				<b>474,812.79</b>

\*\* (A) DENOTES ACH PAYMENTS

**TO:** Honorable Mayor and City Council

**FROM:** Laurence Shaffer, City Manager



**SUBJECT:** Rezoning Application 14/15-2, 4713 and 4707 (west 10-feet) West Milham Avenue

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

**ACTION RECOMMENDED:** That City Council, subsequent to the public hearing, approve Rezoning Application #14/15-2 and rezone the west ten feet of 4707 West Milham Avenue and 4713 West Milham Avenue (excepting the west ten feet) from B-2, community business to OS-1, office service.

An application has been received from Bickford Cottage Senior Living to rezone 4713 West Milham Avenue and the west ten feet of 4707 West Milham Avenue from B-2, community business to OS-1, office service, to allow for future expansion of the Bickford Cottage senior living facility currently located at 4707 West Milham Avenue. Additionally, the Department of Community Development recommends approval of the rezoning request.

Following the first reading of the proposal at the December 16, 2014 City Council meeting, the matter was posted for public review on December 19, both in the Kalamazoo Gazette and on the city website. In this time, no feedback has been received on the matter.

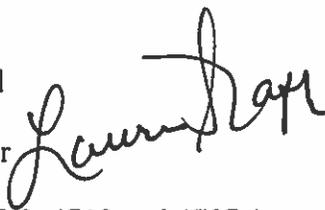
As such, it is recommended that City Council, subsequent to the public hearing, approve Rezoning Application #14/15-2 and rezone the west ten feet of 4707 West Milham Avenue and 4713 West Milham Avenue (excepting the west ten feet) from B-2, community business to OS-1, office service.

**FUNDING:** N/A

**Attachments:** December 16, 2014 City Council Communication

**TO:** Honorable Mayor and City Council

**FROM:** Laurence Shaffer, City Manager



**SUBJECT:** Rezoning Application 14/15-2, 4713 and 4707 (west 10-feet) West Milham Avenue

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

**ACTION RECOMMENDED:** That City Council

- a. accept Rezoning Application #14/15-2 for first reading and set a public hearing for January 20, 2015; and
- b. subsequent to the public hearing, consider approving Rezoning Application #14/15-2 and rezone the west 10-feet of 4707 West Milham Avenue and 4713 West Milham Avenue (excepting the west 10-feet) from B-2, community business to OS-1, office service.

An application has been received by Mr. Richard Eby of Bickford Cottage Senior Living, requesting that 4713 West Milham Avenue and the west 10-feet of 4707 West Milham Avenue be rezoned from B-2, community business to OS-1, office service. According to Mr. Eby, the rezoning would facilitate future expansion of the Bickford Cottage senior living facility currently located at 4707 West Milham Avenue. In a report dated November 14, 2014, the Department of Community Development recommends approval of the rezoning with a finding that the proposed OS-1 zone is consistent with the Comprehensive Plan, Future Land Use Map and surrounding land use/zoning pattern and will allow Bickford Cottage future expansion options while protecting the adjacent single family residential neighborhood to the south.

The Planning Commission convened a public hearing during the November 6 and 20, 2014 meetings to consider the rezoning request. Mr. Eby was present during the November 6 meeting and his representative, Mr. Rick Crepas of Jaqua Realtors, was present at the November 20 meeting to support the request. Two citizens from the adjacent residential neighborhood to the south spoke in support of the proposed rezoning during the November 6 meeting. At the conclusion of the November 20 meeting, the Commission voted 8-0 to forward the recommendation to City Council.

As such, it is recommended that City Council accept the Rezoning Application #14/15-2 for first reading and set a public hearing for January 20, 2015; and subsequent to the public hearing, consider approving Rezoning Application #14/15-2 and rezone the west 10-feet of 4707 West Milham Avenue and 4713 West Milham Avenue (excepting the west 10-feet) from B-2, community business to OS-1, office service, scheduling a public hearing for January 20, 2015.

**FUNDING:** Not Applicable

**Attachments:** Planning Commission transmittal dated December 5, 2014  
Planning Commission Minutes dated November 6 and 20, 2014  
Department of Community Development report dated November 14, 2014  
Ordinance Amendment

**TO:** Honorable Mayor and City Council

**FROM:** Planning Commission

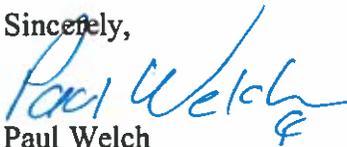
**DATE:** December 5, 2014

**SUBJECT:** Rezoning Application #14/15-2, 4713 and 4707 (west 10-feet) West Milham Avenue

The Planning Commission convened a public hearing during the November 6<sup>th</sup> and 20<sup>th</sup>, 2014 meetings to consider the rezoning application submitted by Bickford Cottage and Dalbara Mangat/Muukhtar Singh to rezone 4713 and the west 10-feet of 4707 West Milham Avenue from B-2, community business to OS-1, office service. Mr. Richard Eby of Bickford Cottage (applicant) was present at the November 6<sup>th</sup> meeting and Mr. Rick Crepas of Jaqua Realtors (applicant representative) was present at the November 20<sup>th</sup> meeting to support the rezoning request and explain plans to expand the Bickford Cottage senior living facility. Two citizens from the adjacent residential neighborhood to the south (Dave Szybala, 4836 Golden Ridge Trail and Brian Menz, 4736 Golden Ridge Trail) spoke in support of the proposed rezoning during the November 6<sup>th</sup> meeting.

After careful consideration, a motion was made by Commissioner Patterson, seconded by Commissioner Stoffer, to recommend to City Council that Rezoning Application #14/15-2 be approved and the west 10-feet of 4707 West Milham Avenue and 4713 West Milham Avenue (excepting the west 10-feet) be rezoned from B-2, community business to OS-1, office service. The motion included a finding that the proposed zoning change is consistent with the Comprehensive Plan, Future Land Use Map and surrounding land use/zoning pattern and will allow Bickford Cottage future expansion options while protecting the adjacent single family residential neighborhood to the south. The motion was unanimously approved 8-0.

Sincerely,



Paul Welch  
Chairman

**PUBLIC HEARINGS:**

1. Active Home Occupation Permit (Adela Strautkalns), 6820 Lovers Lane. Mr. West summarized the staff report dated October 30, 2014 regarding the request from Ms. Adela Strautkalns for an Active Home Occupation Permit to establish an approximate 132 square foot sales office within a portion of her single family residence located at 6820 Lovers Lane. Mr. West indicated the sales office serves the adjacent Lovers Lane Storage & U-Haul Rental facility located immediately to the north at 6800 Lovers Lane, which is also owned by Ms. Strautkalns. Mr. West stated the application satisfies the requirements for issuance of an Active Home Occupation Permit and was recommended for approval.

Ms. Adela Strautkalns (applicant/owner) was present to support the Active Home Occupation Permit application. After a brief discussion, the public hearing was opened by Vice-Chairman Felicijan. No citizens spoke regarding the proposed Active Home Occupation Permit. A motion was made by Commissioner Dargitz, seconded by Commissioner Stoffer, to close the public hearing. The motion was unanimously approved 5-0. A motion was then made by Commissioner Dargitz, seconded by Commissioner Somers, to approve the Active Home Occupation Permit for Ms. Adela Strautkalns (sales office), 6820 Lovers Lane. The motion was unanimously approved 5-0.

2. Preliminary Report: Rezoning Application #14/15-2, 4713 and 4707 (west 10-feet) West Milham Avenue. Mr. Forth summarized the preliminary staff report dated October 30, 2014 regarding a request from Bickford Cottage to rezone 4713 and 4707 (west 10-feet) West Milham Avenue from B-2, community business to OS-1, office service. Mr. Forth indicated the rezoning would facilitate future expansion of the Bickford Cottage senior living facility currently located at 4707 West Milham Avenue. Mr. Forth discussed the previous rezoning for the Bickford Cottage, the surrounding land use/zoning pattern, Comprehensive Plan and Future Land Use Map designations for the subject property and differences between the existing B-2 and proposed OS-1 zoning districts. The Commission and Mr. Forth briefly discussed the surrounding zoning pattern, past and present Future Land Use Map designations and previous rezonings in the immediate area.

Richard Eby (applicant/Bickford Cottage representative) was present to support the proposed rezoning application. Mr. Eby discussed the success of the Bickford Cottage facility since construction approximately nine years ago and plans for an approximate 8,000 square foot, 16-unit memory care expansion if the rezoning request was approved. Mr. Eby indicated letters explaining the proposed rezoning and planned expansion were hand delivered to neighbors to the south that abut the Bickford Cottage senior living care facility.

The public hearing was opened by Vice-Chairman Felicijan. Two citizens spoke regarding the proposed rezoning application: Dave Szybala (4836 Golden Ridge Trail) and Brian Menz (4736 Golden Ridge Trail). Both Mr. Szybala and Mr. Menz spoke in support of the proposed OS-1 zoning and the planned expansion of the Bickford Cottage senior living facility. No additional citizens spoke regarding the proposed rezoning. After a brief discussion, a motion was made by Commissioner Stoffer, seconded by Commissioner Dargitz, to adjourn the public hearing for Rezoning Application #14/15-2, 4713 and 4707 (west 10-feet) West Milham Avenue, to the November 20, 2014 meeting. The motion was unanimously approved 5-0.

**OLD BUSINESS:**

None.

**NEW BUSINESS:**

None.

**STATEMENT OF CITIZENS:**

None.

## **PLANNING COMMISSION**

**November 20, 2014**

The City of Portage Planning Commission meeting of November 20, 2014 was called to order by Chairman Welch at 7:00 p.m. in Council Chambers of Portage City Hall, 7900 South Westnedge Avenue. One citizen was in attendance.

### **PLEDGE OF ALLEGIANCE:**

Chairman Welch led the Commission in the Pledge of Allegiance.

### **IN ATTENDANCE:**

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

### **ROLL CALL:**

Mr. Forth called the role and the following Commissioners were present: Patterson, Bosch, Stoffer, Welch, Dargitz, Somers, Schimmel and Richmond. A motion was made by Commissioner Bosch, seconded by Commissioner Patterson, to approve the role excusing Commissioner Felicijan. The motion was unanimously approved 8-0.

### **APPROVAL OF MINUTES:**

Chairman Welch referred the Commission to the October 2, 2014 meeting minutes contained in the agenda packet. Commissioner Somers indicated he was not present at this meeting and would be abstaining. A motion was made by Commissioner Patterson, seconded by Commissioner Stoffer, to approve the minutes as submitted. The motion was unanimously approved 7-0-1 with Commissioner Somers abstaining.

Chairman Welch referred the Commission to the November 6, 2014 meeting minutes contained in the agenda packet. Commissioners Bosch, Schimmel, Richmond and Chairman Welch indicated they were not present at this meeting and would be abstaining. Attorney Brown clarified that a commissioner does not need to have been present at the meeting to vote for approval of the minutes. Chairman Welch then indicated that he would vote on the meeting minutes. A motion was made by Commissioner Dargitz, seconded by Commissioner Patterson, to approve the minutes as submitted. The motion was unanimously approved 5-0-3 with Commissioner Bosch, Schimmel and Richmond abstaining.

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

None.

### **PUBLIC HEARINGS:**

1. **Final Report: Rezoning Application #14/15-2. 4713 and 4707 (west 10-feet) West Milham Avenue.** Mr. Forth summarized the final staff report dated November 14, 2014 regarding a request from Bickford Cottage to rezone 4713 and 4707 (west 10-feet) West Milham Avenue from B-2, community business to OS-1, office service. Mr. Forth indicated the rezoning would facilitate future expansion of the Bickford Cottage senior living facility currently located at 4707 West Milham Avenue. Mr. Forth discussed the previous rezoning for the Bickford Cottage, the surrounding land use/zoning pattern, Comprehensive Plan and Future Land Use Map designations for the subject property and differences between the existing B-2 and proposed OS-1 zoning districts. Mr. Forth indicated staff was supportive of the zoning change from B-2 to OS-1 with the exception of the west 10-feet of 4713 West Milham Avenue being retained B-2 so as not to burden future development on the adjacent parcel to the west (4721 West Milham Avenue) with a 75-foot building setback.

Rick Crepas of Jaqua Realtors (applicant representative) was present to support the proposed rezoning application. The public hearing was reconvened by Chairman Welch. No citizens spoke regarding the proposed rezoning. A motion was made by Commissioner Bosch, seconded by Commissioner Stoffer, to close the public hearing. The motion was unanimously approved 8-0. After a brief discussion, a motion was made by Commissioner Patterson, seconded by Commissioner Stoffer, to approve Rezoning Application #14/15-2 and rezone the west 10-feet of 4707 West Milham Avenue and 4713 West Milham Avenue (excepting the west 10-foot) from B-2, community business to OS-1, office service. The motion included a finding that the proposed zoning change is consistent with the Comprehensive Plan, Future Land Use Map and surrounding land use/zoning pattern and will allow Bickford Cottage future expansion options while protecting the adjacent single family residential neighborhood to the south. The motion was unanimously approved 8-0.

**OLD BUSINESS:**

None.

**NEW BUSINESS:**

1. January 2015 Planning Commission meeting schedule. Chairman Welch indicated the 1<sup>st</sup> Thursday in the month of January falls on News Years Day and suggested the Planning Commission adjust the meeting schedule to the 2<sup>nd</sup> and 4<sup>th</sup> Thursdays (January 8<sup>th</sup> and 22<sup>nd</sup>, 2015). The Commission concurred. A motion was then made by Commissioner Bosch, seconded by Commissioner Patterson, to move the January 2015 Planning Commission meeting schedule to the 2<sup>nd</sup> and 4<sup>th</sup> Thursdays of the month (January 8<sup>th</sup> and 22<sup>nd</sup>, 2015). The motion was unanimously approved 8-0.

7:12 p.m. - The Commission took a short recess.

7:16 p.m. - The Commission reconvened the meeting in City Hall Conference Room No. 1

**NEW BUSINESS:**

1. Planning Commission Training – Roles and Responsibilities. Mr. Forth summarized the Powerpoint presentation format and indicated that both he and Attorney Brown would be discussing roles and responsibilities of the Planning Commission. Mr. Forth began with a discussion of the origin, history and evolution of planning in the United States. Attorney Brown then reviewed legal aspects of zoning which are founded in the “police power” provisions provided to local units of government. Attorney Brown discussed the Michigan Zoning Enabling Act and the requirement that zoning needs to be based on an adopted plan. Mr. Forth summarized the differences and relationship between planning and zoning, and also discussed the roles and responsibilities of a Planning Commission. Attorney Brown then discussed legal aspects of the five primary functions of the Planning Commission: 1) Preparation and adoption of the Comprehensive Plan; 2) Review and recommendation to City Council regarding zoning map and zoning text amendments; 3) Review and approval of site plan; 4) Review and approval of special land use permits; and 5) Review and recommendation to City Council regarding plats and site condominiums. Attorney Brown also briefly reviewed other legal issues associated with conditional rezonings and “spot” zoning, and standards related to “reasonable use” of property, claims of “taking” and “vested rights”. Mr. Forth then reviewed additional Planning Commission responsibilities associated with the annual review and recommendation of the City of Portage capital improvement program (CIP). Mr. Forth concluded with a discussion of characteristics of an effective Planning Commissioner, while Attorney Brown concluded with a discussion of “conflict of interest” issues and when Commissioners should abstain from discussion and voting on a particular application.

**STATEMENT OF CITIZENS:**

None.

TO: Planning Commission

DATE: November 14, 2014

FROM: Vicki Georgeau, <sup>↓</sup> Director of Community Development

SUBJECT: Final Report: Rezoning Application #14/15-2, 4713 and 4707 (west 10-feet) West Milham Avenue

**I. INTRODUCTION:**

An application has been received requesting that 4713 West Milham Avenue and the west 10-feet of 4707 West Milham Avenue be rezoned from B-2, community business to OS-1, office service. According to the applicant, the rezoning would facilitate future expansion of the Bickford Cottage senior living facility currently located at 4707 West Milham Avenue.

Applicant	Property Address	Parcel Number	Zoning	
			Existing	Proposed
Bickford Cottage	4707 West Milham (west 10-feet)	00007-095-O	B-2	OS-1
Dalbara Mangat and Muukhtar Singh	4713 West Milham Avenue	00007-100-O	B-2	OS-1
Two parcels – 1.0 acre				

**II. EXISTING CONDITIONS:**

Land Use/Zoning	<p><u>Rezoning Site:</u> Nonconforming single family residence/detached garage (4713 West Milham Avenue) and the Bickford Cottage senior living facility (west 10-feet of 4707 West Milham Avenue). The Bickford Cottage senior living facility is a 24,500 square foot, 48 unit facility located on approximately 4 acres and zoned OS-1, office service, with the exception of the west 10-feet that is zoned B-2.</p> <p><u>East/South:</u> Single family residential neighborhood (Avalon Woods subdivision) zoned R-1B, one family residential.</p> <p><u>West:</u> Nonconforming single family residence (4721 West Milham Avenue) and vacant land zoned B-2, community business. Further to the west within Texas Township, the northwest and southwest corners of the West Milham Avenue/South 12<sup>th</sup> Street intersection are zoned C-3, Commercial District – Shopping Center.</p> <p><u>North:</u> Across West Milham Avenue, Westfield Park zoned R-1A, one family residential.</p>
Zoning/Development History	<p>In 2001, 4613, 4707, 4713, 4721 and 4815 West Milham Avenue and 6035 and 6027 South 12<sup>th</sup> Street were rezoned from B-1, local business; R-1B, one family residential; and RM-1, multiple family residential to B-2, community business.</p> <p>In 2005, 4613 and 4707 West Milham Avenue were rezoned from B-2, community business and RM-1, multiple family residential to OS-1, office service with the exception of the west 10-feet of 4707 West Milham (remained zoned B-2), the east 30-feet of 4613 West Milham (remained zoned RM-1) and the south 30-feet of 4707 West Milham and the south 30-feet of the west 149 feet of 4613 West Milham (remained zoned R-1B). This rezoning facilitated the Bickford Cottage senior living facility project.</p>

Historic District/ Structures	The subject site is not located within a historic district and does not contain any historic structures.
Public Streets	West Milham Avenue is designated a 3-lane minor arterial roadway with 11,672 vehicles per day (2012); capacity of 21,500 vehicles per day (level of service "D").
Public Utilities	Municipal water and sewer are available.
Environmental	The City of Portage Sensitive Land Use Inventory Map does not identify wetland and/or floodplain areas on the subject site.

**III. PUBLIC HEARING/COMMENTS:**

The Planning Commission convened a public hearing during the November 6, 2014 meeting. Mr. Richard Eby (applicant/Bickford Cottage representative) was present to support the rezoning request and to explain plans for an approximate 8,000 square foot, 16-unit memory care expansion if the rezoning request was approved. Two citizens (Dave Szybala, 4836 Golden Ridge Trail and Brian Menz, 4736 Golden Ridge Trail) spoke in support of the proposed OS-1 zoning and the planned expansion of the Bickford Cottage senior living facility. No additional citizens spoke regarding the proposed rezoning.

**IV. FINAL ANALYSIS:**

The following analysis has been prepared based on general land use considerations, the Comprehensive Plan, traffic conditions and surrounding development patterns. Issues to be considered are consistency with the Future Land Use Plan Map and Development Guidelines, suitability of the existing zoning classification and the impacts of the proposed zoning classification.

Comprehensive Plan/Future Land Use Map Consistency. The Future Land Use Plan Map component of the 2014 Comprehensive Plan identifies the rezoning site as being situated in an area of transition between office land use (east) and local business land use (west). Properties situated south of the rezoning site are identified for low density residential land use. While these land use designations are intended to serve as a general guide for future development and rezoning considerations, specific zoning district boundaries need to be determined on a case-by-case basis considering overall consistency with the Comprehensive Plan/Future Land Use Map, surrounding land use/zoning pattern, development/redevelopment potential, impacts on adjacent properties and other factors. The proposed OS-1 zoning district is consistent with the Comprehensive Plan and Future Land Use Map designations.

Development Guidelines. The Development Guidelines are intended to be used by the Commission and staff when reviewing private development proposals, infrastructure improvement programs (i.e. public expenditures on streets, sewers and water mains that influence the location, intensity and timing of development) and public programs that affect the physical environment. The guidelines also provide direction and underpinning for regulations that affect land use (e.g. zoning, subdivision, parking, landscaping and others) and may suggest incentives to influence community development and adjustments to other policies that influence the use of land for consistency with community development objectives. The proposed OS-1 zoning district is consistent with applicable development guidelines contained in the Comprehensive Plan (attached).

Suitability of Existing B-2 Zone/Impacts of Proposed OS-1 Zone. While the existing B-2 zoning district and associated development is still a viable option with assemblage of B-2 zone land to the west, the current B-2 designation does prevent expansion of the Bickford Cottage senior living facility since this land use is not allowed in the B-2 district, either as a permitted or special land use.

The proposed OS-1 zone is consistent with the Comprehensive Plan and adjacent zoning pattern to the east and would result in lower intensity land uses that are more compatible with the adjacent single family residential neighborhood to the south.

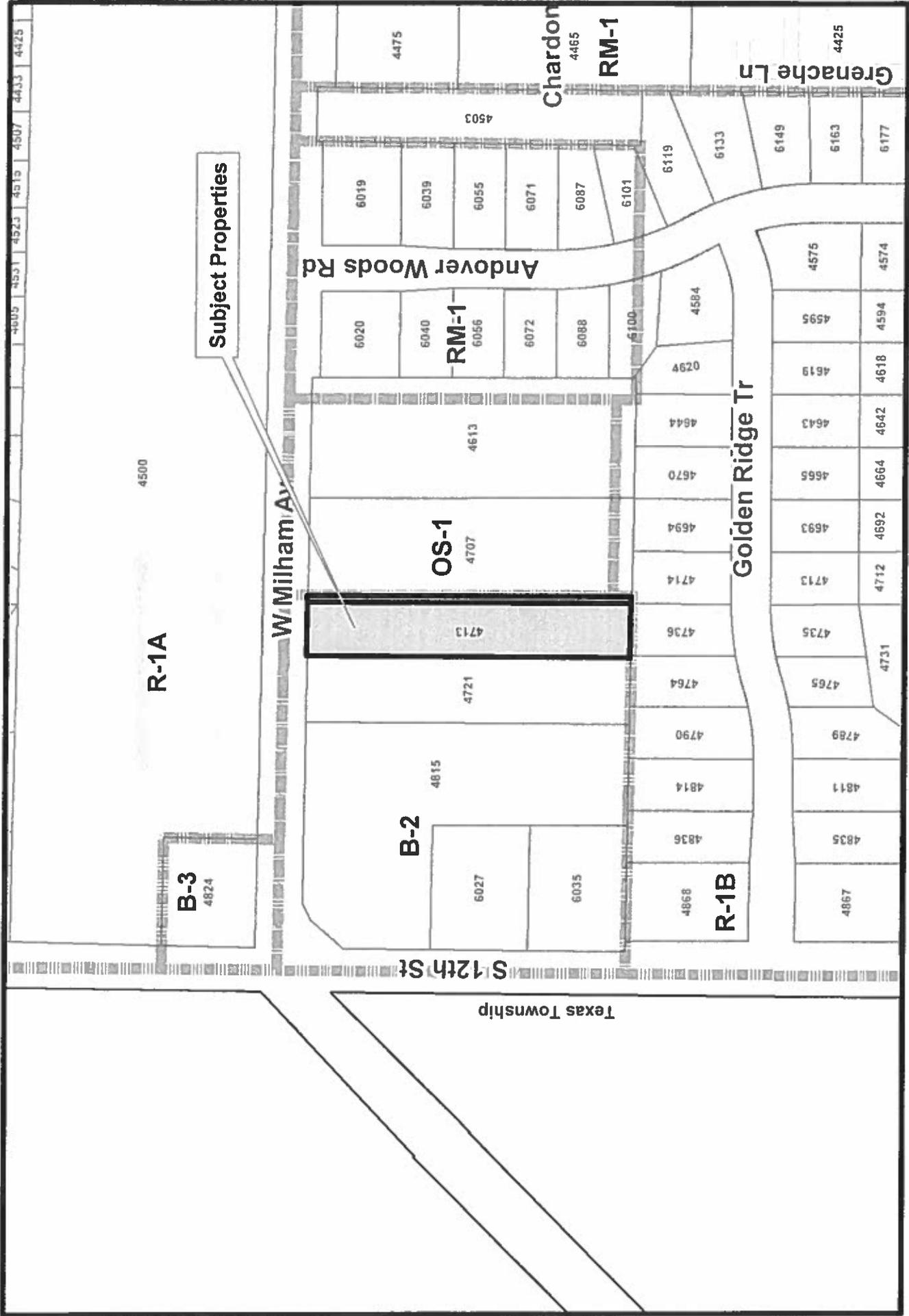
During the 2005 rezoning consideration to facilitate the Bickford Cottage development project, B-2 zoning was retained along the west 10-feet of 4707 West Milham since a change in zoning to OS-1 would have impacted redevelopment of the adjacent property to the west by requiring an increased setback distance. Section 42-350(15) states that a building located in the B-2 zone cannot be closer than 75 feet to the outer perimeter of the district. However, if the adjacent property is zoned I-1, I-2, CPD, B-2 or B-3, the setback distance is 20 feet from the outer perimeter of the district. Retention of B-2 zoning along the west 10-feet of 4707 West Milham requires only a 20-foot building setback if 4713 West Milham had redeveloped under the B-2 zoning district. Furthermore, 4713 West Milham Avenue is only 82.5 feet wide and a 75-foot setback distance would have complicated redevelopment potential. A similar zoning pattern which would retain a 10-foot wide area of B-2 zoning along the west side of 4713 West Milham Avenue is also recommended for this rezoning request since 4721 West Milham is only 111 feet wide.

Traffic Considerations. Anticipated traffic generation associated with a zoning change to OS-1 and associated development will likely be less than development under the existing B-2 zoning district and can be accommodated by the surrounding roadway network. Specific access related issues including driveway locations, shared/cross access connections, etc. will be reviewed at the site plan stage of redevelopment.

## V. RECOMMENDATION:

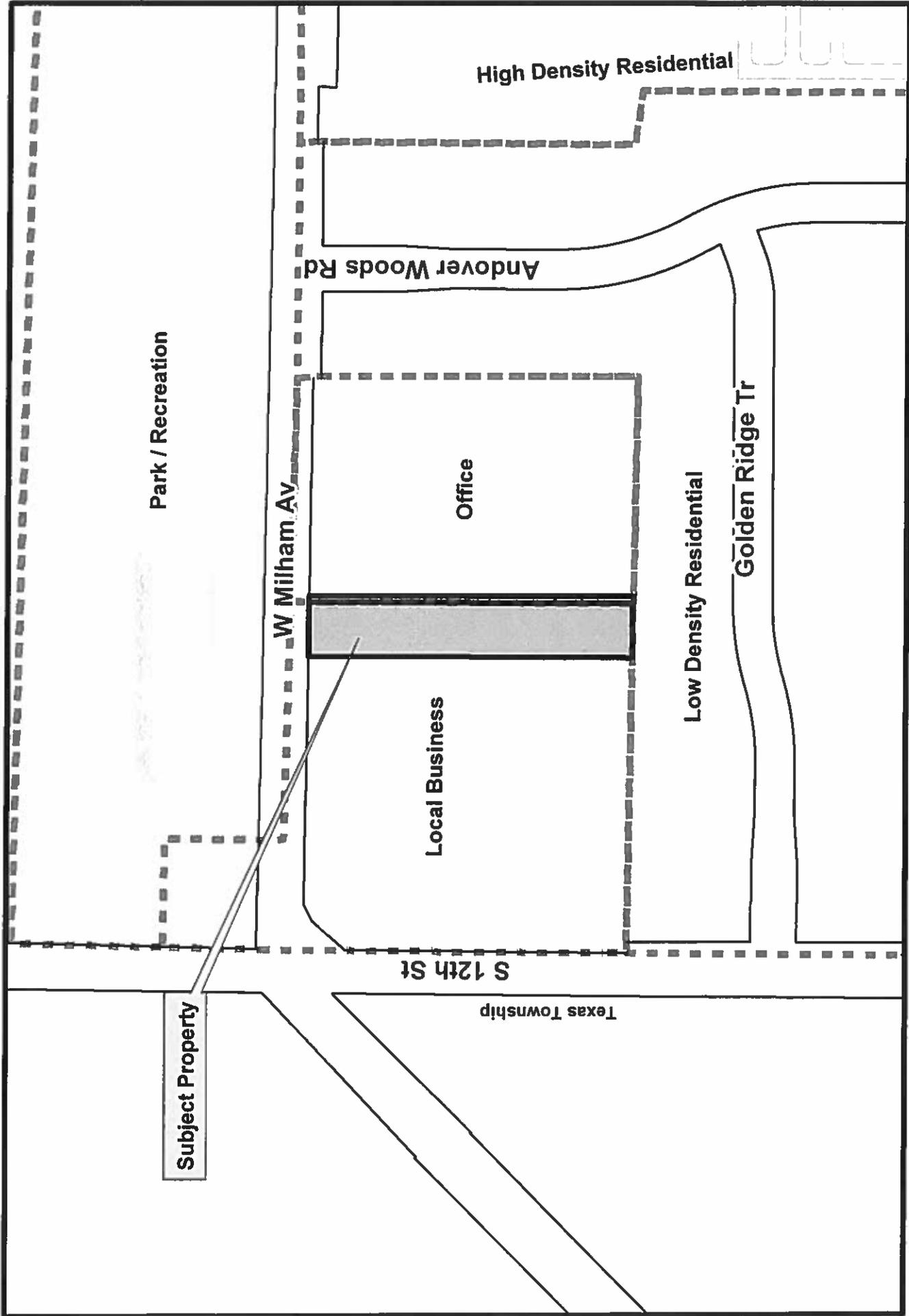
Subject to any additional comments that may be received during the public hearing, staff advises the Planning Commission to recommend to City Council that Rezoning Application #14/15-2 be approved and the west 10-feet of 4707 West Milham Avenue and 4713 West Milham Avenue (excepting the west 10-feet) be rezoned from B-2, community business to OS-1, office service. The proposed zoning change is consistent with the Comprehensive Plan, Future Land Use Map and surrounding land use/zoning pattern and will allow Bickford Cottage future expansion options while protecting the adjacent single family residential neighborhood to the south.

Attachments: Zoning/Vicinity Map  
Future Land Use Map  
Aerial Photograph Map  
Development Guidelines Table (OS-1)  
Rezoning Application and Supporting Materials



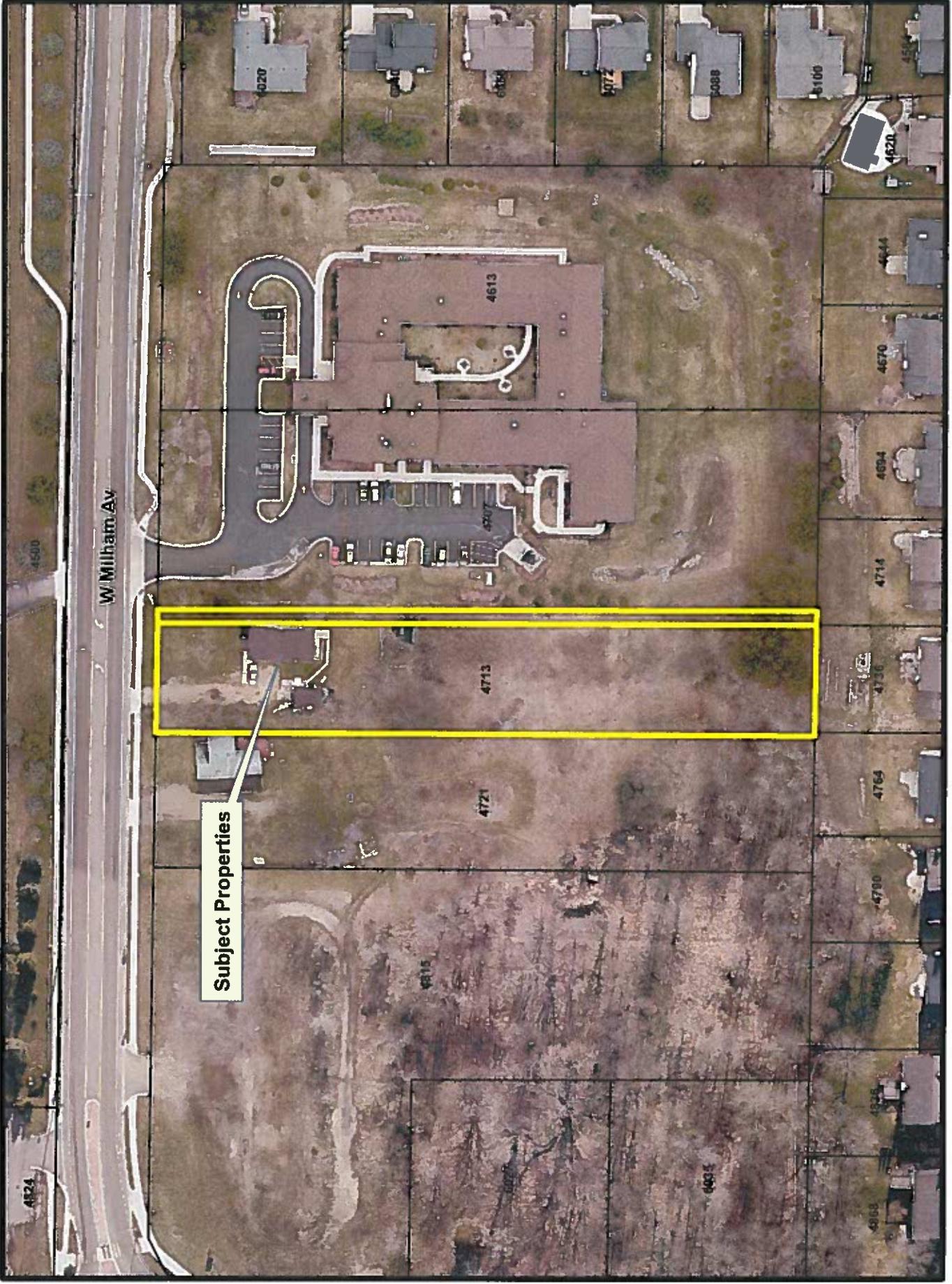
-  Zoning Boundary
-  Subject Property
-  Notification

**Rezoning #14/15-02**  
**4713 and 4707 (West 10') West Milham Avenue**



**Future Land Use Map**  
**4713 and 4707 (West 10') West Milham Avenue**

Future Land Use  
 Subject Property



Subject Properties

Subject Properties



1 inch = 100 feet

# Aerial Photography 4713 and 4707 (West 10' West Milham Avenue

**DEVELOPMENT GUIDELINES**  
**Rezoning Application #14/15-2 (OS-1, Office Service)**

<b>Guideline</b>	<b>Description</b>	<b>Consistent</b>	<b>Comments</b>
Rezoning Request – Z-1	Consistency with Future Land Use Plan	Yes	Future Land Use Map designates the subject property within a zone of transition between office land use (east) and local business land use (west). The proposed OS-1 zone is consistent with these designations.
Commercial – 1	Coordinated Development	Yes	Rezoning site is located in an area planned for commercial/office land use. The proposed expansion of the adjacent Bickford Cottage senior living facility is compatible with adjacent land uses.
Commercial – 2	Commercial/Office Uses in General	Yes	Access would be provided from West Milham Avenue, a minor arterial roadway and traffic related issues can be accommodated. The size, intensity and character of the proposed use is compatible with adjacent areas.
Commercial – 3	Local Business Uses	Yes	Rezoning site is situated within a zone of transition between office and local business land uses and the proposed OS-1 zone and expansion of the Bickford Cottage facility provides an effective transition between West Milham Avenue and the interior single family residential neighborhood.
Commercial – 4	Regional and General Commercial Uses	N/A	Guideline is not applicable to rezoning request.
Commercial – 5	Portage Commerce Square	N/A	Guideline is not applicable to rezoning request.
Natural & Historic Resources - 1	Environmental Protection	Yes	Rezoning site is not characterized by environmentally sensitive areas (wetlands, floodplain, etc).
Natural & Historic Resources - 2	Floodplain	Yes	Rezoning site is not situated within the 100-year floodplain.
Natural & Historic Resources - 3	Water Quality	Yes	Reviewed at site plan stage of development.
Natural & Historic Resources – 4	Noise	Yes	Reviewed at site plan stage of development.
Natural & Historic Resources – 5	Historic Resource Preservation	N/A	Rezoning site is not situated within a designated historic preservation area and does not contain any historic structures.
Natural & Historic Resources – 6	Open Space Protection	Yes	Reviewed at site plan stage of development.
Transportation – 1	Transportation Systems	Yes	West Milham Avenue is a 3-lane minor arterial roadway with 11,672 vehicles per day (2012) and a capacity of 21,500 vehicles per day (level of service “D”). Traffic generation associated with a zoning change from B-2 to OS-1 will likely be less and can be accommodated by the surrounding roadway network.
Transportation – 2	Street Design	Yes	Access would be provided through the existing Bickford Cottage full service driveway from West Milham Avenue.
Transportation – 3	Access Management	Yes	See Transportation – 1 and Transportation – 2 above.
Transportation – 4	Non Motorized Travel	Yes	Reviewed at site plan stage of development.
Transportation – 5	Right-of-Way Preservation	Yes	Reviewed at site plan stage of development.

<b>Guideline</b>	<b>Description</b>	<b>Consistent</b>	<b>Comments</b>
Transportation – 6	Parking	Yes	Reviewed at site plan stage of development.
Municipal Facilities & Services – 1	Sound Fiscal Growth	Yes	Existing infrastructure is adequate to accommodate future development and growth.
Municipal Facilities & Services – 2	Sanitary Service	Yes	Sanitary sewer is available.
Municipal Facilities & Services – 3	Underground Utilities	Yes	Reviewed at site plan stage of development.

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1-1-15  
Rec 08/2015

APPLICATION FOR ZONING AMENDMENT

Application number #14/15-2

Date 10-8-14

APPLICATION INFORMATION:

Meetings of the Portage Planning Commission are held on the first and third Thursday of each month at 7:00 p.m. in the Council Chambers of Portage City Hall, 7900 South Westnedge Avenue, Portage, Michigan. All zoning amendment applications must be properly filled out and submitted to the Department of Community Development and the zoning amendment fee paid at least 15 working days prior to the meeting at which the public hearing is held. The applicant will be notified in writing of all such public hearing/meetings.

For more detailed information about the zoning amendment process, please refer to Portage Land Development Regulations, Article 4, Division 2, Subdivision 2.

TO THE PLANNING COMMISSION:

I (WE), the undersigned, do hereby respectfully make application and petition the Portage Planning Commission to amend the Zoning Ordinance and/or change the Zoning Map as hereinafter requested. In support of this application, the following is submitted:

**ZONING MAP AMENDMENT**

1. a. Platted Land:

The property is part of the recorded plat: The property sought to be rezoned is located at \_\_\_\_\_ between \_\_\_\_\_ Street and \_\_\_\_\_ Street on the \_\_\_\_\_ side of the street, and is known as Lot Number(s) \_\_\_\_\_ of \_\_\_\_\_ Plat (Subdivision). It has a frontage of \_\_\_\_\_ feet and a depth of \_\_\_\_\_ feet.

b. Unplatted Land:

The property is in acreage, and is not therefore a part of a recorded plat. The property sought to be rezoned is located and described as follows: (Indicate total acreage and parcel number).

Acres = 0.94 Parcel ID: 00007-100-0 (4713 W. Milham)  
# Acres = 0.11 Parcel ID: 00007-095-0 (West 10 feet of 4707 W. Milham)

2. a. Do you own the property to be rezoned? Yes  (4707) No  (4713)

b. Name of the owner of the property to be rezoned: Mangal, Dalbawa & Singh, Mukhtiar

Address 6040 Andover Woods, Portage, MI 49024

3. My (our) interest in the property and purpose for submitting the proposed Zoning Amendment: expand Bickford Cottage at 4310 W. Milhams  
4713

4. CURRENT ZONING: BZ PROPOSED ZONING: OS1

ZONING TEXT AMENDMENT

1. The proposed language to be considered is (attach additional sheets as necessary):  
\_\_\_\_\_  
\_\_\_\_\_
2. The Zoning Code Chapter and Section wherein the proposed text would be modified/inscrted.  
\_\_\_\_\_
3. My (our) interest in and purpose for submitting the proposed Zoning Ordinance Amendment.  
\_\_\_\_\_  
\_\_\_\_\_

We attach a statement hereto indicating why, in our opinion, the change requested is necessary for the preservation and enjoyment of substantial property rights, and why such amendment will advance the public health, safety and welfare. An assessment of the impact of the proposal on the community and property of other persons in the vicinity of the amendment or affected by the amendment is also attached.

Richard Eby  
(Signature of Applicant)

[Signature]  
(Signature of Applicant)

13795 S Murken, Olathe KS 66062  
(Address)

7169 Sandpiper St Portage WI-49024  
(Address)

913-782-3200  
(Phone)

269-584-1060  
(Phone)

A copy of all actions taken regarding this application shall be attached and shall be considered a part of this application.

## **REZONING OF 4713 W. Milham Avenue.**

Bickford Cottage is located at 4707 W. Milham Ave. and has been a positive member of the City of Portage since 2006. As an assisted living facility for the elderly, we have provided premium care for our residence. The demand for our services has risen; however, our current facility is at its maximum capacity. We are purchasing 4713 W. Milham Ave. to meet the needs of the community through an expansion of our current facility. Our plan is to add sixteen additional beds to our memory care unit (see attached drawing). The existing structure on 4713 W. Milham Ave. will be removed and the property will reflect the current manicured look we are known for.

ANDOVER

LOT 34

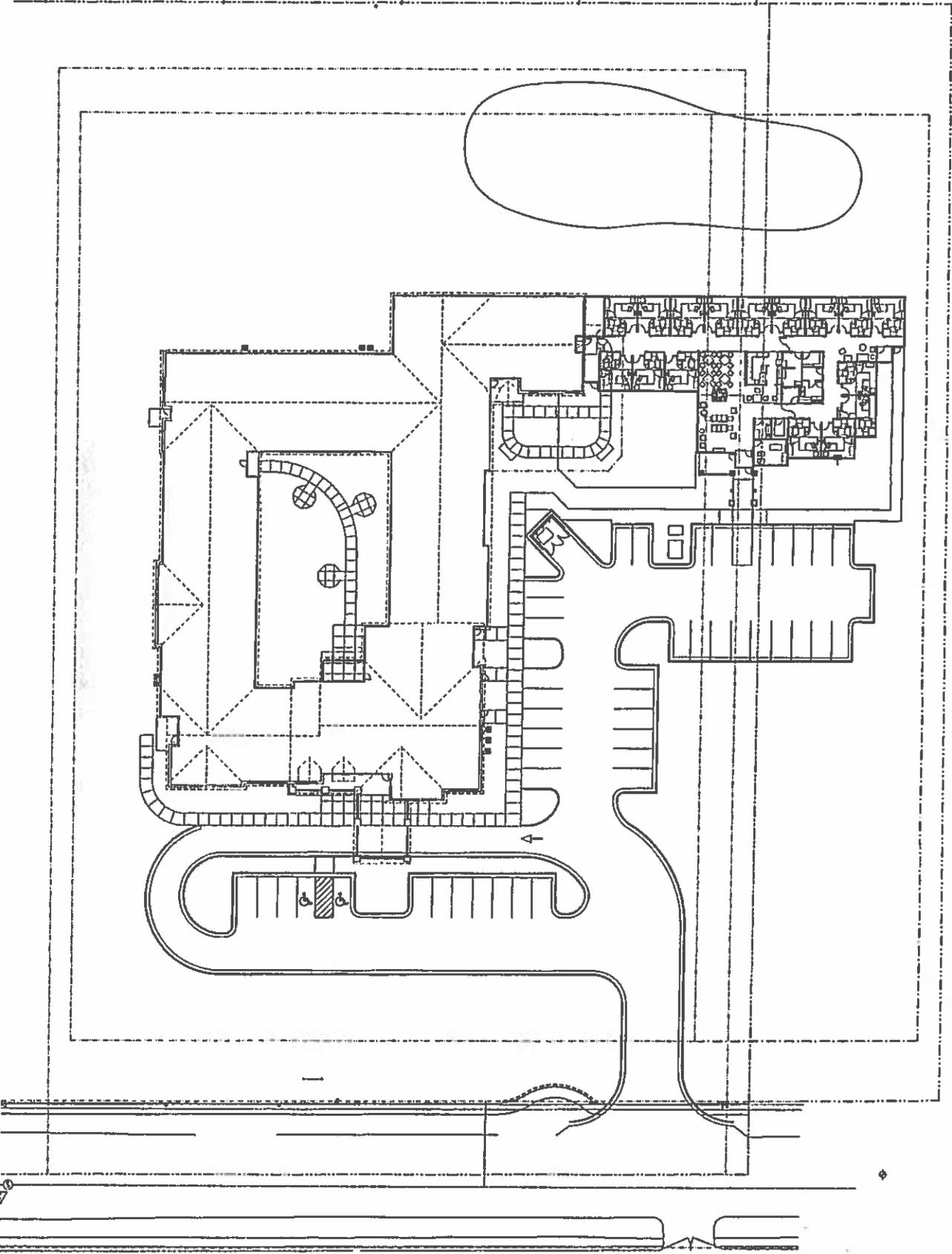
LOT 33

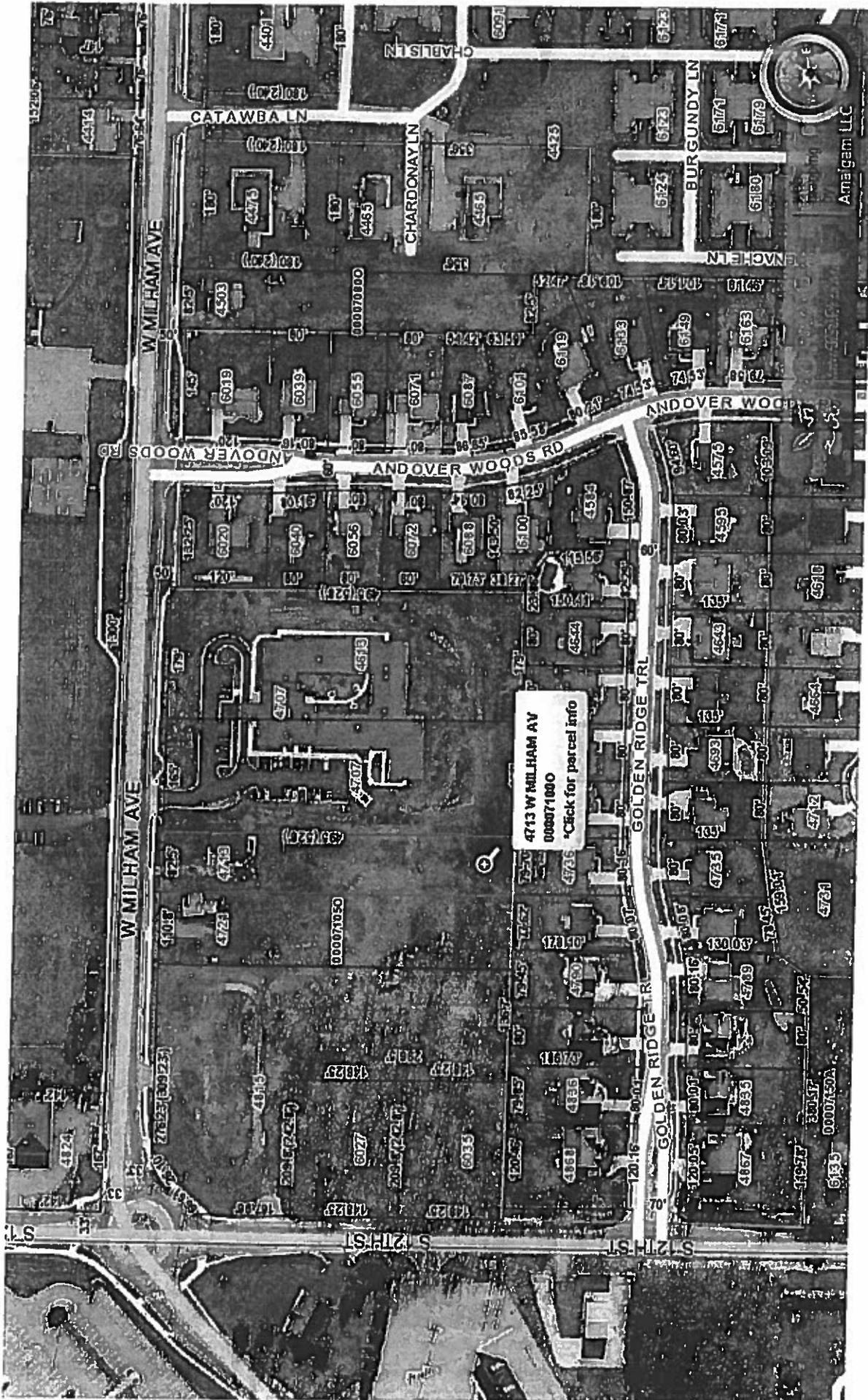
LOT 32

ANDOVER WOODS NO. 1

LOT 31

LOT 30





4713 W MILHAM AV  
0000071000  
\*Click for parcel info



Amelgam LLC

**AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF  
PORTAGE, MICHIGAN BY AMENDING ARTICLE 4 OF CHAPTER 42,  
LAND DEVELOPMENT REGULATIONS OF THE CODIFIED ORDINANCES  
OF PORTAGE, MICHIGAN**

**THE CITY OF PORTAGE ORDAINS:**

That Article 4 (Zoning) of Chapter 42, of the Codified Ordinances of Portage, Michigan, Official Zoning Map, be amended as follows:

Parcel of land described as follows:

Tract of land located in Section 7, Township 3 South, Range 11 West, City of Portage, County of Kalamazoo, State of Michigan, and further described as follows:

<u>Street Address</u>	<u>Parcel ID Numbers</u>
4713 West Milham Avenue (excepting the west 10 feet)	00007-100-O
4707 West Milham Avenue (west 10 feet)	00007-095-O

From B-2, community business to OS-1, office service.

FIRST READING:

SECOND READING:

EFFECTIVE DATE:

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

STATE OF MICHIGAN        )  
                                  ) SS  
COUNTY OF KALAMAZOO )

I do hereby certify that I am the duly appointed and acting City Clerk of the City of Portage and that the foregoing Ordinance was adopted by the City of Portage on the \_\_\_\_\_ day of \_\_\_\_\_, 2014.

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

(App #14/15-2)

Approved as to Form:  
Date: 12-5-14  
By: CRB  
City Attorney

**ADOPTION OF ZONING ORDINANCE  
CITY OF PORTAGE, MICHIGAN  
NOTICE**

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

NOTICE IS HEREBY GIVEN, that an Ordinance to amend Article 4 ( Zoning) of Chapter 42 of the Codified Ordinances of Portage, Michigan, was adopted by the City Council at a regular meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, 2014, and will become effective \_\_\_\_\_, 2014.

NOTICE IS FURTHER GIVEN that Article 4 (Zoning) of Chapter 42, Land Development Regulations, of the Codified Ordinance of Portage, Michigan, has been amended as follows:

**THE CITY OF PORTAGE ORDAINS:**

That Article 4 (Zoning) of Chapter 42, of the Codified Ordinances of Portage, Michigan, Official Zoning Map, be amended as follows:

Parcel of land described as follows:

Tract of land located in Section 7, Township 3 South, Range 11 West, City of Portage, County of Kalamazoo, State of Michigan, and further described as follows:

<u>Street Address</u>	<u>Parcel ID Numbers</u>
4713 West Milham Avenue (excepting the west 10 feet)	00007-100-O
4707 West Milham Avenue (west 10 feet)	00007-095-O

From B-2, community business to OS-1, office service.

PLEASE TAKE NOTICE that a copy of the Ordinance as amended may be purchased or inspected at City Hall on any business day except public and legal holidays from and after publication of this Notice from 8:00 a.m. to 5:00 p.m. local time. Further, a copy of a map showing the property rezoned is also available at the time and days noted above.

Dated: \_\_\_\_\_

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

(App #14/15-2)

**TO:** Honorable Mayor and City Council

**FROM:** Laurence Shaffer, City Manager



**SUBJECT:** Preliminary Condominium Subdivision for Copperleaf, Phase 1, 3800, 3730 and 3734 West Milham Avenue and 5710 Angling Road

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

**ACTION RECOMMENDED:** That City Council approve the Preliminary Condominium Subdivision for Copperleaf, Phase 1, subject to approval of detailed engineering plans for the public infrastructure improvements.

Westview Capital, LLC has submitted a Preliminary Condominium Subdivision for the first phase of the Copperleaf Condominium Subdivision. (The applicant recently changed the name from "Harbors West" to "Copperleaf".) Phase 1 includes 39-single family residential lots/units and construction of a new public street from West Milham Avenue and two interior cul-de-sac streets. The PD, planned development, rezoning and tentative plan/narrative for the Harbors West Planned Development received City Council approval in November 2013. The entire development project includes a total of 204 single-family residential homes on approximately 74 acres with over 14 acres (19 percent) devoted to perpetual open space. The first phase has been designed in substantial compliance with the approved tentative plan/narrative. A copy of the November 2013 approved tentative plan for the overall Harbors West Planned Development project is attached for reference.

In conjunction with the PD rezoning and tentative plan/narrative approval in November 2013, City Council approved two modifications. The first modification allowed the first phase to include 39 lots on a cul-de-sac street (when the maximum permitted by ordinance is 20) until the Phase 2 street connection to Baywood Drive is constructed. The second approved modification allowed the developer to proceed with installation of an integrated pedestrian circulation network of concrete sidewalks (along at least one side of all streets) and an asphalt recreational path (along rear portions of building sites within identified open space areas) that will connect from West Milham Avenue to the Harbors West Park. These recreational paths will be open for public use. The Land Development regulations require a four-foot-wide concrete sidewalk on both sides of all public streets.

With regard to the pedestrian circulation network, the applicant is proposing a minor modification involving the west side of Copperleaf Boulevard near West Milham Avenue. The approved tentative plan identifies an eight-foot-wide asphalt path along the west side of Copperleaf Boulevard, extending from West Milham to the north and a four-foot-wide concrete sidewalk along the east side of Copperleaf Boulevard. Due to grading issues and in an effort to preserve existing mature trees and provide screening/buffering to the existing single family residence located at 3910 West Milham

Avenue, the eight-foot-wide asphalt path has been eliminated along the west side of Copperleaf Boulevard from West Milham Avenue to Lot 13. Four-foot-wide concrete sidewalks are now proposed along the west side of Copperleaf Boulevard beginning north of Lot 13. In addition, the previously proposed four-foot-wide concrete sidewalk along the east side of Copperleaf Boulevard has been increased to six feet wide and will extend from West Milham Avenue north to Lot 22.

In a report dated December 12, 2014, the Department of Community Development recommended the Preliminary Condominium Subdivision for Copperleaf, Phase 1 be approved subject to submittal of detailed engineering drawings for the public infrastructure improvements.

The Planning Commission convened a public hearing during the December 18, 2014 meeting to consider the Preliminary Condominium Subdivision. The applicant, Mr. Brian Wood of Westview Capital, LLC, was present to support the application and explain the development project. No additional citizens spoke during the public hearing and no written communications were received from area residents or interested citizens. At the conclusion of the public hearing, the Commission voted unanimously to recommend to City Council that the Preliminary Condominium Subdivision for Copperleaf, Phase 1 be approved consistent with the staff recommendation.

Therefore, it is recommended that City Council approve the Preliminary Condominium Subdivision for the first phase of Copperleaf, subject to Council approval of detailed engineering drawings for the public infrastructure improvements (see Agenda Item F.2).

**FUNDING:** Not Applicable

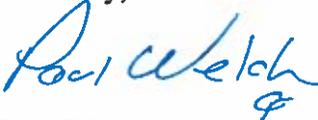
**Attachments:** Planning Commission transmittal dated December 19, 2014  
Planning Commission Meeting Minutes dated December 18, 2014  
Department of Community Development report dated December 12, 2014

**TO:** Honorable Mayor and City Council  
**FROM:** Planning Commission  
**DATE:** December 19, 2014  
**SUBJECT:** Preliminary Condominium Subdivision for the first phase of Copperleaf, 3800, 3730 and 3734 West Milham Avenue and 5710 Angling Road

The Planning Commission convened a public hearing during the December 18, 2014 meeting to consider the preliminary condominium subdivision for the first phase of Copperleaf. The applicant, Mr. Brian Wood of Westview Capital, LLC, was present to support the application and explain the development project. No additional citizens spoke during the public hearing and no written communications were received from area residents or interested citizens.

After careful consideration, a motion was made by Commissioner Felicijan, seconded by Commissioner Dargitz, to recommend to City Council that the Preliminary Condominium Subdivision for the first phase of Copperleaf, 3800, 3730 and 3734 West Milham Avenue and 5710 Angling Road, be approved subject to the two conditions contained in the Department of Community Development report dated December 12, 2014. The motion was unanimously approved 6-0.

Sincerely,

A handwritten signature in blue ink that reads "Paul Welch" with a stylized flourish at the end.

Paul Welch,  
Chairman

## PLANNING COMMISSION

December 18, 2014



The City of Portage Planning Commission meeting of December 18, 2014 was called to order by Chairman Welch at 7:00 p.m. in Council Chambers of Portage City Hall, 7900 South Westnedge Avenue. Eight citizens were in attendance.

### **PLEDGE OF ALLEGIANCE:**

Chairman Welch led the Commission 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 role and the following Commissioners were present: Patterson (no), Stoffer (yes), Welch (yes), Felicijan (yes), Dargitz (yes), Schimmel (yes) and Richmond (yes). A motion was made by Commissioner Felicijan, seconded by Commissioner Stoffer, to approve the role excusing Commissioners Bosch and Somers (Commissioner Patterson unexcused). The motion was unanimously approved 6-0.

### **APPROVAL OF MINUTES:**

Chairman Welch referred the Commission to the December 4, 2014 meeting minutes contained in the agenda packet. A motion was made by Commissioner Dargitz, seconded by Commissioner Stoffer, to approve the minutes as submitted. The motion was unanimously approved 6-0.

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

None.

### **PUBLIC HEARINGS:**

1. Preliminary Condominium: Copperleaf Subdivision (Phase I), 3800, 3730 and 3734 West Milham Avenue and 5710 Angling Road. Mr. Forth summarized the staff report dated December 12, 2014 regarding a request from Westview Capital, L.L.C. to construct Phase I of the Copperleaf Subdivision. Mr. Forth indicated Phase I of the Copperleaf preliminary condominium subdivision (previously named Harbors West) included 39 single family residential lots/units and construction of a new public street (Copperleaf Boulevard) from West Milham Avenue and two interior cul-de-sac streets (Callaway Circle and Edgebrook Circle). Mr. Forth stated the PD, planned development rezoning and tentative plan/narrative for the Harbors West Planned Development was approved by City Council in November 2013 and Phase I of the Copperleaf Subdivision has been designed in substantial compliance with the approved tentative plan/narrative. Mr. Forth discussed the previously approved modification allowing 39 lots/units on a cul-de-sac street within Phase I and the proposed sidewalk/pedestrian circulation system. Within Phase I, Mr. Forth stated the developer is proposing to install 6-foot wide concrete sidewalk along the east side of Copperleaf Boulevard, and 4-foot wide concrete sidewalk along the west side of Copperleaf Boulevard (from Lot 13 – north), around the entire bulb of Callaway Circle and along the south side of Edgewood Circle. Mr. Forth indicated an 8-foot wide asphalt path, that will connect to Copperleaf Boulevard and Edgebrook Circle (between Lots 31/32), is proposed within the designated open space/common area located along the northeast portion of Phase I. Mr. Forth stated this proposal differs slightly from the pedestrian circulation network included on the approved tentative plan which identifies an 8-foot wide asphalt path along the west side of Copperleaf Boulevard, extending from West Milham to the north, and a 4-foot wide concrete sidewalk along the east side of Copperleaf Boulevard. Mr. Forth indicated the applicant was proposing these



changes due to grading issues and in an effort to preserve existing mature trees and provide screening/buffering to the existing single family residence located at 3910 West Milham Avenue, along the west side of Copperleaf Boulevard. The Commission and Mr. Forth next briefly discussed the slight changes to the proposed sidewalk/pedestrian circulation system.

Mr. Brian Wood of Allen-Edwin Homes (applicant representative) and Mr. Pat Flanagan of Ingersoll, Watson & McMachen (applicant engineer) were present to support the preliminary condominium subdivision. Mr. Wood explained the proposed changes to the sidewalk/pedestrian circulation system and discussed open space areas planned throughout the development. The public hearing was opened by Chairman Welch. No citizens spoke regarding Phase I of the Copperleaf Subdivision. A motion was made by Commissioner Felicijan, seconded by Commissioner Schimmel, to close the public hearing. The motion was unanimously approved 6-0. After a brief discussion, a motion was made by Commissioner Felicijan, seconded by Commissioner Dargitz, to recommend to City Council that the Preliminary Condominium for Copperleaf Subdivision (Phase I), 3800, 3730 and 3734 West Milham Avenue and 5710 Angling Road, be approved subject to the two conditions contained in the Department of Community Development report dated December 12, 2014. The motion was unanimously approved 6-0.

**OLD BUSINESS:**

None.

**NEW BUSINESS:**

1. Accessory Building (Schram), 710 East Osterhout Avenue. Mr. West summarized the staff report dated December 12, 2014 regarding a request from David Schram to construct an 18.5 foot tall, 2,952 square foot detached accessory building along the northwest portion of 710 East Osterhout Avenue. Mr. West indicated the Zoning Board of Appeals granted a variance on November 10, 2014 to allow construction of the detached accessory building to a height of 18.5-feet where a maximum 14-foot height is permitted. Mr. West stated the approximate 6.2 acre parcel contains a 1½ story residence with a ground floor area of 1,788 square feet and an attached garage/storage room totaling 1,144 square feet. Mr. West indicated the total ground floor area of all accessory buildings (including the proposed detached building) will exceed the ground floor area of the main residence by 2,308 square feet. Mr. West then described the nature of the heavily wooded parcel and the proposed location of the detached accessory building, which will be setback approximately 185-feet from the East Osterhout Avenue public right-of-way and 140-feet from the nearest property line (west). Mr. West stated the size and configuration of the parcel combined with the heavily wooded nature of the site and setback distances from adjacent residences and property lines will mitigate any impacts on adjacent properties.

Mr. David Schram (applicant/owner) was present to support the proposed detached accessory building. Commissioner Felicijan asked Mr. Schram whether the detached accessory building would be utilized for any business related activities. Mr. Schram reiterated the detached accessory building would be utilized for personal use only, no business related activities. No citizens spoke in regard to the proposed detached accessory building. After a brief discussion, a motion was made by Commissioner Dargitz, seconded by Commissioner Felicijan, to approve the proposed 2,952 square foot Accessory Building for Mr. David Schram at 710 East Osterhout Avenue. The motion was unanimously approved 6-0.

**STATEMENT OF CITIZENS:**

None.

<p>7:15 p.m. - The Commission took a short recess. 7:20 p.m. - The Commission reconvened the meeting in City Hall Conference Room No. 1</p>
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**TO:** Planning Commission **DATE:** December 12, 2014  
**FROM:** Vicki Georgeau, <sup>VG</sup> Director of Community Development  
**SUBJECT:** Preliminary Condominium Subdivision for Copperleaf Subdivision (Phase I), 3800, 3730 and 3734 West Milham Avenue and 5710 Angling Road

**I. INTRODUCTION:**

Westview Capital, LLC has submitted Phase I of the Copperleaf Subdivision preliminary condominium subdivision (applicant recently changed the name from Harbors West to Copperleaf). Phase I includes 39 single family residential lots/units and construction of a new public street (Copperleaf Boulevard) from West Milham Avenue, along with two interior cul-de-sac streets (Callaway Circle and Edgebrook Circle). The PD, planned development rezoning and tentative plan/narrative for the Harbors West Planned Development received City Council approval in November 2013. The Harbors West Planned Development project includes a total of 204 single family residential homes on approximately 74 acres with over 14 acres (19%) devoted to perpetual open space. Open spaces areas will be located around the perimeter of the property adjacent to US-131 and I-94 and within central areas of the development. Phase I of the Copperleaf Subdivision represents the first phase of the Harbors West Planned Development project and has been designed in substantial compliance with the approved tentative plan/narrative. A copy of the November 2013 approved tentative plan for the overall Harbors West Planned Development project is attached for reference.

Applicant	Sites/Area	Location
Westview Capital, LLC	39 lots-units/15.74 acres (Phase I)	Southeast ¼ of Section 6, North of West Milham Avenue and East of US-131 .

**II. BACKGROUND INFORMATION:**

Article 6, Condominium Projects outlines the requirements for single family detached residential condominium subdivisions within the City of Portage pursuant to the authority conferred by the Michigan Condominium Act, PA 59 of 1978, as amended. Single family residential condominium projects must meet the Zoning Code requirements for the district in which the development is located including minimum lot size (area), width and setbacks unless otherwise approved by City Council. Additionally, all Required Improvements and Design Standards contained in Article 5, Division 4 of the Subdivision and Land Division Regulations are also applicable to the residential condominium subdivision project.

The following summarizes the requirements that are applicable to the preliminary condominium subdivision application.

- Zoning – The subject property is zoned PD, planned development and consistent with the approved tentative plan and narrative, the majority of the lots will range in size from 7,620-9,144 square feet with 60-72 foot widths (larger/wider lots proposed within cul-de-sacs and where abutting the existing Harbors West Subdivision to the east and adjacent homes to the south. Homes will maintain minimum

building setbacks of 25-feet (front), 25-feet (rear) and 5-feet (side) with a minimum 15-foot separation provided between homes. A minimum 15-foot setback will be provided along the long side of corner lots, while lots abutting the existing Harbors West development (Baywood/Bay Meadow Drive) and other existing home sites will maintain a minimum 10-foot side setback and 40-foot rear setback. Single family residential home sizes will be at least 1,400 square feet for ranch-style homes and 1,800 square feet for two-story homes.

Section 42-803(i) of the Subdivision and Land Division Regulations establishes a provision for a maximum 20-lots on a cul-de-sac street. In conjunction with the PD rezoning and tentative plan/narrative approval in November 2013, City Council approved a modification to this standard allowing Phase I of the development to include 39 lots on a cul-de-sac street until the Phase II street connection to Baywood Drive is constructed.

- Vehicular Access/Streets/Utilities – Phase I of the Copperleaf Subdivision will be accessed through a public street extension (Copperleaf Boulevard) from West Milham Avenue and two interior public street cul-de-sacs (Callaway Circle and Edgebrook Circle). The new public street from West Milham Avenue will include a boulevard entrance with community monument and landscaping and will align with the planned access for the remaining portion of The Homestead of Portage PD, located along the south side of West Milham Avenue. The boulevard entrance and other improvements proposed within the public street right-of-way will be owned and maintained by the condominium association with appropriate maintenance/indemnification agreement provided to the city.

Municipal water and sewer will be extended to serve the development. Storm water will be collected and conveyed to an infiltration basin proposed within an existing low area located in the middle portion of the overall property, north of Phase I. Storm water related piping and structures located within the public streets will be owned and maintained by the city, while the infiltration basin will be owned and maintained by the condominium association. Appropriate easements and maintenance/indemnification agreement will be provided to the city.

- Sidewalks/Pedestrian Circulation – Section 42-804 of the Subdivision and Land Division Regulations establishes sidewalk requirements including installation of sidewalks along both sides of all streets. In conjunction with the PD rezoning and tentative plan/narrative approval in November 2013, City Council also approved a modification to this standard allowing installation of an integrated pedestrian circulation network of concrete sidewalks (along at least one side of all streets) and an asphalt recreational path (along rear portions of building sites within identified open space areas) that will connect from West Milham Avenue to the Harbors West Park. These recreational paths will be open for public use.

Within Phase I of Copperleaf Subdivision, the developer is proposing to install 6-foot wide concrete sidewalk along the east side of Copperleaf Boulevard, and 4-foot wide concrete sidewalk along the west side of Copperleaf Boulevard (from Lot 13 – north), around the entire bulb of Callaway Circle and along the south side of Edgewood Circle. An 8-foot wide asphalt path, that will connect to Copperleaf Boulevard and Edgebrook Circle (between Lots 31/32), is proposed within the designated open space/common area located along the northeast portion of Phase I. This proposal differs slightly from the pedestrian circulation network included on the approved tentative plan (see attached) which identifies an 8-foot wide asphalt path along the west side of Copperleaf Boulevard, extending from

West Milham to the north, and a 4-foot wide concrete sidewalk along the east side of Copperleaf Boulevard.

In a letter dated December 12, 2014 (see attached), the applicant explains reasons why changes in the pedestrian circulation network were made within Phase I. Due to grading issues and in an effort to preserve existing mature trees and provide screening/buffering to the existing single family residence located at 3910 West Milham Avenue, the 8-foot wide asphalt path was eliminated along the west side of Copperleaf Boulevard, from West Milham Avenue to Lot 13 (4-foot wide concrete sidewalks are now proposed along the west side of Copperleaf Boulevard, north of Lot 13). In order to maintain consistency with the pedestrian network concept included on the approved tentative plan, the previously proposed 4-foot wide concrete sidewalk along the east side of Copperleaf Boulevard has been increased to 6-foot wide and will extend from West Milham Avenue north to Lot 22.

Given the grading related impacts along the west side of the Copperleaf Boulevard entrance and in an effort to preserve existing mature trees and provide screening/buffering to the existing single family residence located to the west (3910 West Milham Avenue), staff supports these slight modifications to the pedestrian circulation network within Phase I of the condominium subdivision. Importantly, an integrated pedestrian circulation system will be installed throughout the development that, upon completion, will provide connections from West Milham Avenue to the Harbors West Park (north) and existing Harbors West neighborhood (east). This pedestrian circulation system will involve a network of concrete sidewalks (4-6 feet in width) along interior local streets, and an 8-foot wide asphalt recreational path installed within common open space areas. As discussed during the PD rezoning and tentative plan review, the asphalt recreational paths will be open to the general public, however, owned and maintained by the condominium association.

### **III. PUBLIC NOTICE REQUIREMENTS:**

In accordance with the Michigan Planning Enabling Act (PA 33 of 2008, as amended), a public notice was published in the local newspaper and notice was mailed to owners of land located within 300-feet of the subject property 15 days prior to the date of the public hearing.

Submission of the preliminary condominium subdivision is intended to provide the community with the opportunity to examine existing and proposed conditions pertaining to the development of the subdivision. After review and approval by the City Council, the preliminary condominium subdivision approval is effective for 12 months. During the 12 month period, detailed engineering drawings will be prepared and submitted to City Council for review and approval. Following construction of the condominium improvements, the developer will request that City Council grant final condominium subdivision approval.

### **IV. RECOMMENDATION:**

The preliminary condominium subdivision has been reviewed within the context of the Comprehensive Plan, Land Development Regulations and other applicable ordinance requirements. Based on the above information and subject to any additional information received during the public hearing, staff advises the Planning Commission recommend to City Council that the Preliminary Condominium for Copperleaf Subdivision (Phase I), 3800, 3730 and 3734 West Milham Avenue and 5710 Angling Road, be approved subject to the following conditions:

1. Streets and Utilities – The proposed street system, municipal water and sanitary sewer are acceptable in concept. Final design, location and related issues are being addressed as part of the detailed engineering plan review. Any public utility located outside of the street right-of-way will require that an easement(s) be conveyed to the city. The boulevard entrance and any other improvements proposed within the public street right-of-way will be owned and maintained by the condominium association with appropriate maintenance/indemnification agreements provided to the city.
2. Storm Water Retention – Storm water from the development will be collected and conveyed to an infiltration basin proposed within an existing low area located in the middle portion of the overall property, north of Phase I. Final design and other related issues are being addressed as part of the detailed engineering plan review. Storm water related piping and structures located within the public streets will be owned and maintained by the city, while the infiltration basin will be owned and maintained by the homeowners association. Appropriate easements and maintenance/indemnification agreements will be provided to the city.

Attachments:        Zoning/Vicinity Map  
                          Aerial Photograph Map  
                          Correspondence from Ingersoll, Watson & McMachen dated December 12, 2014  
                          Preliminary Condominium Subdivision Plan (Phase I and Overall Layout)  
                          Harbors West Planned Development – November 2013 Approved Tentative Plan

S:\Commdev\2014-2015 Department Files\Board Files\PLANNING COMMISSION\PC Reports\Plats-Site Condos\2014 12 12 Preliminary Condominium Subdivision, Copperleaf Subdivision (Phase I).doc





- Phase I Copperleaf
- Subject Properties

## Copperleaf Subdivision (Phase I)



1 inch = 333 feet

# *Ingersoll, Watson & McMachen, Inc.*

CONSULTING CIVIL ENGINEERS AND LAND SURVEYORS

December 12, 2014

City of Portage Planning Commission  
and Department of Community Development  
7900 South Westnedge Avenue  
Portage, MI 49002

RECEIVED  
DEC 12 2014  
COMMUNITY DEVELOPMENT

**RE: Sidewalks and Pedestrian Trails at the Proposed "Copperleaf" Site  
Condominium**

Dear City of Portage,

This letter is written on behalf of the owners of the proposed "Copperleaf" development with regards to the proposed sidewalks and pedestrian trails within phase one of this site condominium. As you may know, the Subdivision Condominium Plan (2-sheets) and the Construction Plans (6 sheets) for phase one of "Copperleaf" have been submitted to the City of Portage for review and eventual approval. Please note that the layout of the proposed sidewalks and trails within phase one varies slightly from that shown on the original Tentative Plan for this development.

Please note the following regarding the currently proposed layout of the sidewalks and pedestrian trails:

- 1) Attached is a sketch of phase one with the proposed sidewalks and trails shown. Note that all proposed pedestrian trails will be eight feet wide, will be asphalt pavement, and are generally located in "open space" areas. Note that all proposed sidewalks will have a width of four feet or six feet, will be concrete, and are located within the roadway right-of-ways. All proposed units (or 'lots') have a sidewalk near the front of the unit or a pedestrian trail behind the rear of the unit in the common area, or both.
- 2) The Tentative Plan for this development showed a proposed eight foot wide trail on the west side of Copperleaf Boulevard. For various reasons, this trail has been eliminated and replaced with a six foot wide concrete sidewalk on the opposite side of the road. The primary reason for the change was the desire to save the existing mature trees on the west side of the entry, and the relative lack of room west of the entry road. Attached is a sketch of the entry which shows existing mature trees and proposed screening trees, along with the fill slope on the west side of the proposed road. As you can see, there is literally no room for a sidewalk if the mature trees are to be saved. Please keep in mind the Tentative Plan was prepared and submitted without knowing the size and location of these mature trees, and without knowing proposed site grading. These two items would only be known after the site had been mapped, and after final site design had been completed for this site.

December 12, 2014  
Page Two

3) We have instead proposed a six foot wide sidewalk on the east side of Copperleaf Boulevard. Note that this six foot wide sidewalk will impact the 11 units that are situated on the east side of Copperleaf Boulevard. In our view, an eight foot wide walk constructed in front of these 11 units would not be aesthetically appealing to the overall look and feel of the development.

4) There is also a four foot wide sidewalk on the west side of Copperleaf Boulevard. Note that this walk does not extend south of proposed Unit 13 due to the previously mentioned grading concerns and the desire to save the mature trees.

It is worth noting that we have met with City staff on two occasions over the past few months to review and discuss the proposed site layout, including sidewalks and trails.

In conclusion, it is our opinion that the proposed layout for on-site sidewalks and trails is appropriate once all factors are considered. It is also our opinion that the proposed network of sidewalks and pedestrian trails will adequately serve residents within "Copperleaf", residents in nearby neighborhoods, and other residents of the City of Portage.

Thank you for your consideration of this matter. Please feel free to contact the owners of "Copperleaf" or this office if you have any questions or comments.

Sincerely,  
Ingersoll, Watson & McMachen, Inc.

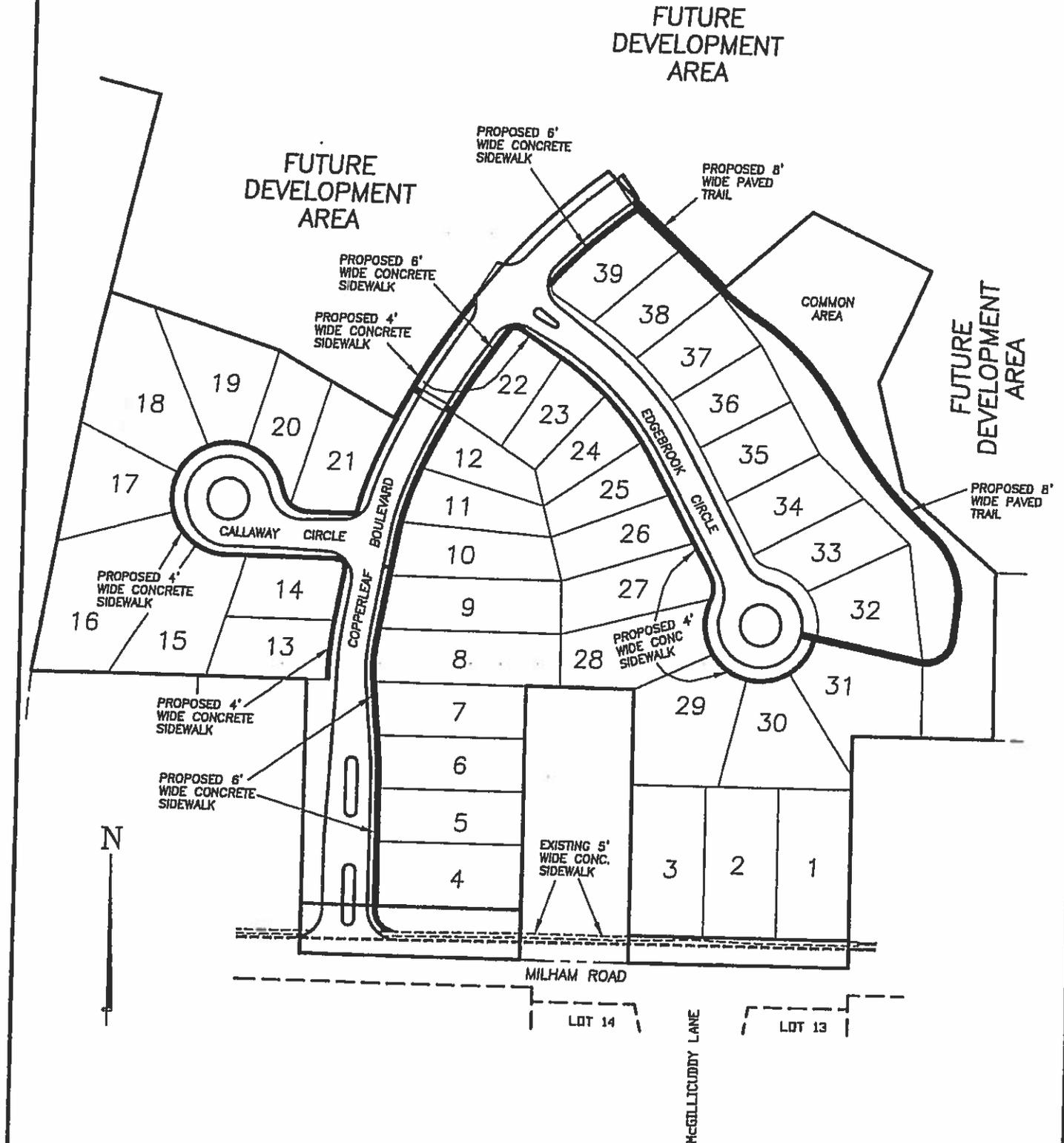


Patrick D. Flanagan, P.E.

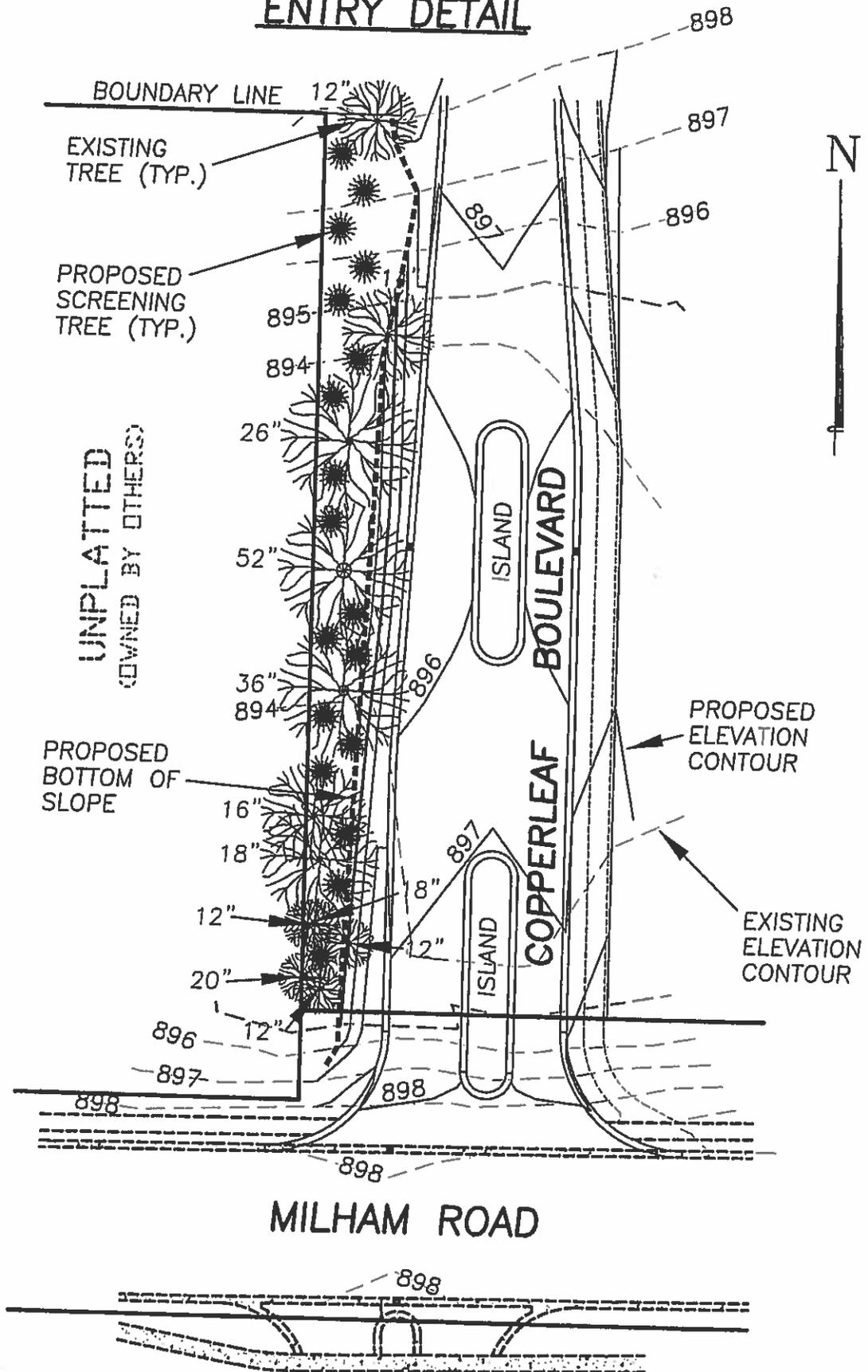
Enc.

Cc: Brian Wood,  
Westview Capital, LLC  
AEG Development, LLC  
Harbors West, LLC

# WALKS & TRAILS in COPPERLEAF



# ENTRY DETAIL



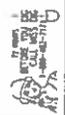




NOTE: SHOWN LAYOUT WITHIN FUTURE DEVELOPMENT AREA IS PRELIMINARY AND SUBJECT TO ADJUSTMENT.

NOTE: SHOWN TOPOGRAPHIC MAP IS FROM THE CITY OF PORTAGE AND WAS PRODUCED FROM AERIAL PHOTOGRAPHS.

COOPERATIVE TOPOGRAPHIC MAP Phase One of COPPERLEAF Ingersoll, Trisman & McClachen, Inc. CONSULTING ENGINEERS AND LAND SURVEYORS 1000 East Main Street, Portage, Michigan 49782 Phone 268-2900 Fax 268-2900	DATE: 11/10/2016 SHEET: 2 of 2 DRAWING: 14372
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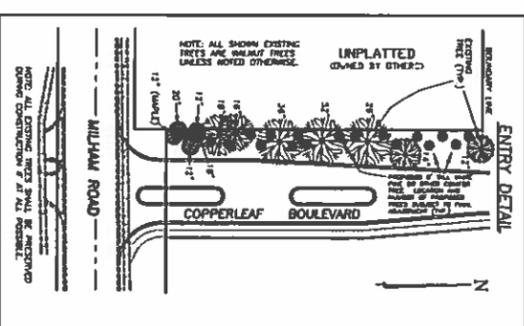


# CONDOMINIUM SUBDIVISION PLAN FOR 'COPPERLEAF' PLANNED DEVELOPMENT

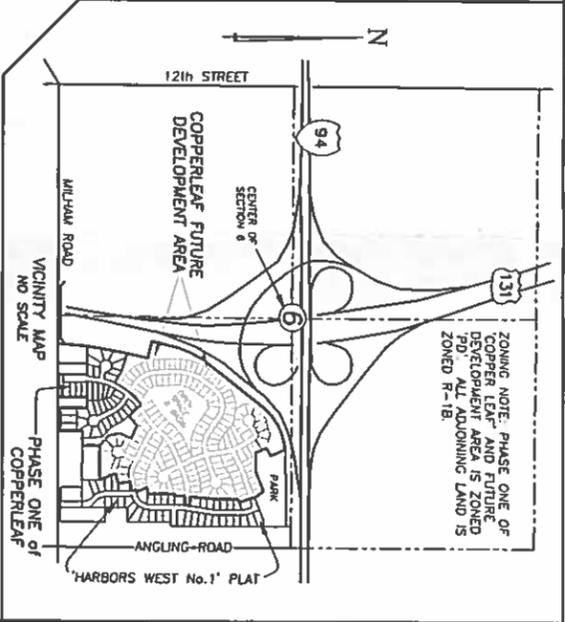
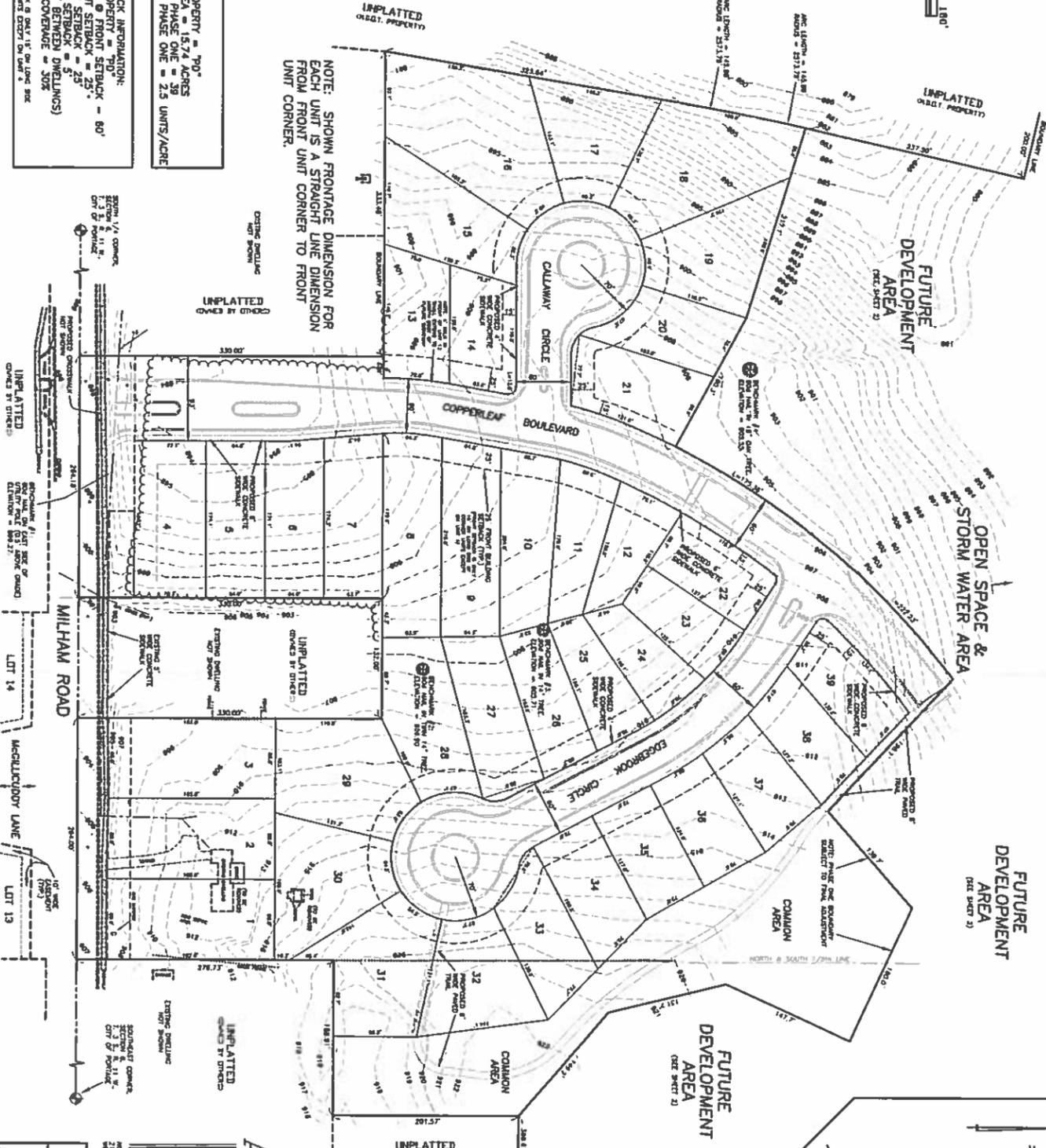
NOTE: 'COPPERLEAF' IS A SITE CONDOMINIUM AND PLANNED DEVELOPMENT WITH CITY OF PORTAGE PUBLIC STREETS



- ### FIRE DEPT. NOTES
- 1) CONSTRUCTION OF FIRE DEPARTMENT SHALL NOT BE REQUIRED FOR THIS PROJECT.
  - 2) THE FIRE DEPARTMENT SHALL BE PROVIDED WITH ACCESS TO ALL AREAS OF THE PROJECT.
  - 3) THE FIRE DEPARTMENT SHALL BE PROVIDED WITH ACCESS TO ALL AREAS OF THE PROJECT.
  - 4) THE FIRE DEPARTMENT SHALL BE PROVIDED WITH ACCESS TO ALL AREAS OF THE PROJECT.
  - 5) THE FIRE DEPARTMENT SHALL BE PROVIDED WITH ACCESS TO ALL AREAS OF THE PROJECT.
  - 6) THE FIRE DEPARTMENT SHALL BE PROVIDED WITH ACCESS TO ALL AREAS OF THE PROJECT.
  - 7) THE FIRE DEPARTMENT SHALL BE PROVIDED WITH ACCESS TO ALL AREAS OF THE PROJECT.
  - 8) THE FIRE DEPARTMENT SHALL BE PROVIDED WITH ACCESS TO ALL AREAS OF THE PROJECT.



- ### SITE DATA:
- ZONING OF PROPERTY = "R90"
  - PHASE ONE AREA = 157,4 ACRES
  - DENSITY WITHIN PHASE ONE = 2.5 UNITS/ACRE
- ### ZONING & SETBACK INFORMATION:
- MINIMUM FRONT SETBACK = 80'
  - REQUIRED FRONT SETBACK = 25'
  - REQUIRED REAR SETBACK = 5'
  - MINIMUM 15' BETWEEN DWELLINGS
  - MAXIMUM UNIT COVERAGE = 30%
- \* NOTE: FRONT SETBACK IS ONLY 15' ON LOTS 8 & 9 CORNER UNITS & ONLY 10' ON LOTS 10 & 11.



- ### GENERAL NOTES
- 1) PROPERTY IS CURRENTLY ZONED "R-1B".
  - 2) THE CITY OF PORTAGE HAS APPROVED THIS PROJECT AND SHALL BE PROVIDED WITH ACCESS TO ALL AREAS OF THE PROJECT.
  - 3) THE CITY OF PORTAGE SHALL BE PROVIDED WITH ACCESS TO ALL AREAS OF THE PROJECT.
  - 4) THE CITY OF PORTAGE SHALL BE PROVIDED WITH ACCESS TO ALL AREAS OF THE PROJECT.
  - 5) THE CITY OF PORTAGE SHALL BE PROVIDED WITH ACCESS TO ALL AREAS OF THE PROJECT.
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  - 17) THE CITY OF PORTAGE SHALL BE PROVIDED WITH ACCESS TO ALL AREAS OF THE PROJECT.
  - 18) THE CITY OF PORTAGE SHALL BE PROVIDED WITH ACCESS TO ALL AREAS OF THE PROJECT.
  - 19) THE CITY OF PORTAGE SHALL BE PROVIDED WITH ACCESS TO ALL AREAS OF THE PROJECT.
  - 20) THE CITY OF PORTAGE SHALL BE PROVIDED WITH ACCESS TO ALL AREAS OF THE PROJECT.

NOTE: THIS CONDOMINIUM SUBDIVISION PLAN IS INTENDED FOR CITY REVIEW RELATIVE TO TENTATIVE APPROVAL (STEP 1 APPROVAL) AS OBTAINED IN THE CITY OF PORTAGE'S LAND DEVELOPMENT REGULATIONS.

NOTE: ALSO SEE APPROVED TENTATIVE PLAN (BY PATHFINDER ENGINEERING) FOR THIS PROJECT (FORMERLY NAMED 'HARBORS WEST PLANNED DEVELOPMENT').

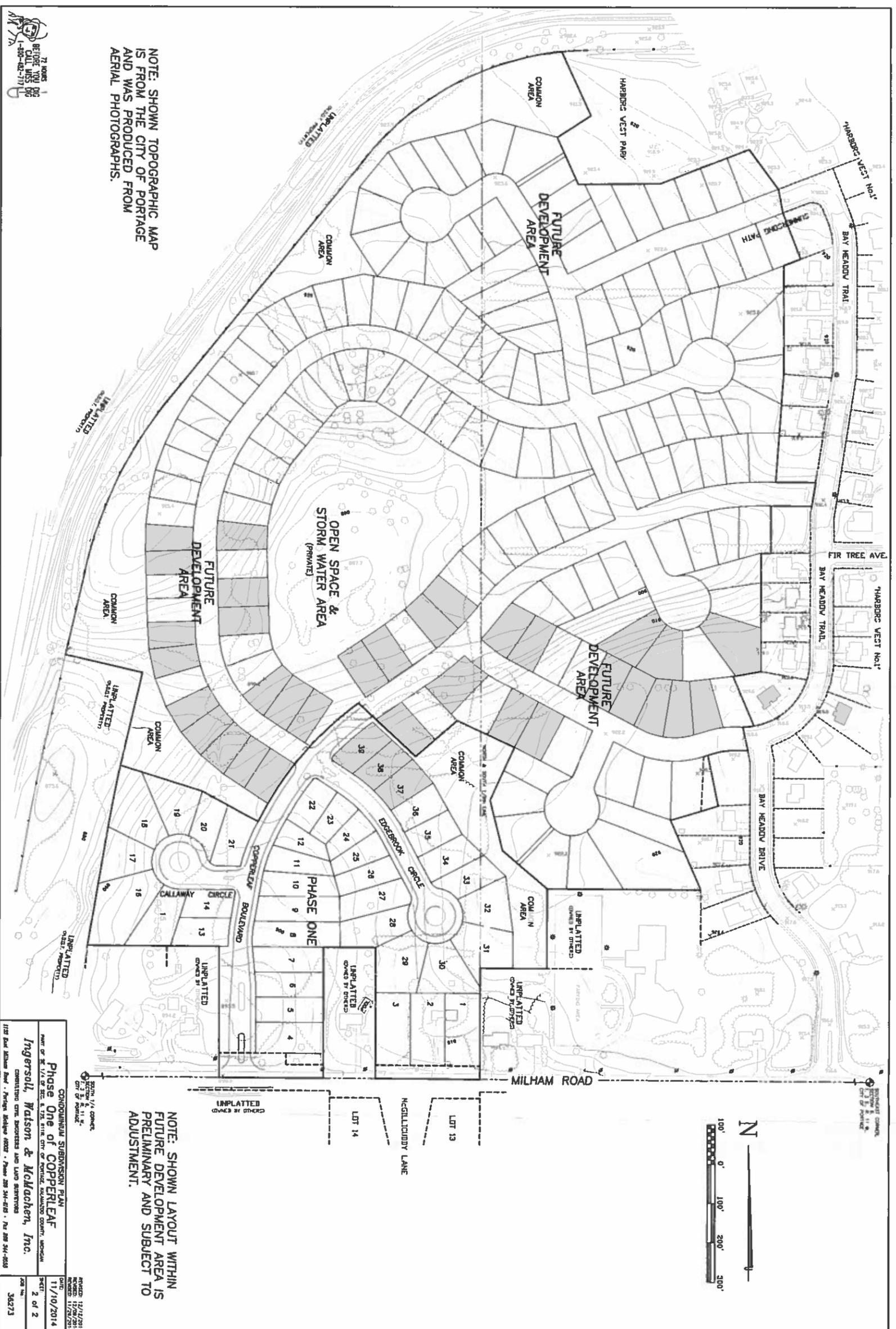
**APPLICANT & DEVELOPER:**  
**WESTVIEW CAPITAL, LLC**  
**2186 EAST CENTRE STREET**  
**PORTAGE, MI 49002**  
**(269) 321-2610**

CONDOMINIUM SUBDIVISION PLAN  
 Phase One of 'COPPERLEAF'  
 Fugersoll, Watson & MacLachlan, Inc.  
 CONSULTING CIVIL ENGINEERS AND LAND SURVEYORS  
 1178 East Milham Road • Portage, Michigan 49029 • Phone 269 341-0165 • Fax 269 341-0165

DATE: 11/10/2014  
 SHEET: 1 of 2  
 JOB NO.: 36273



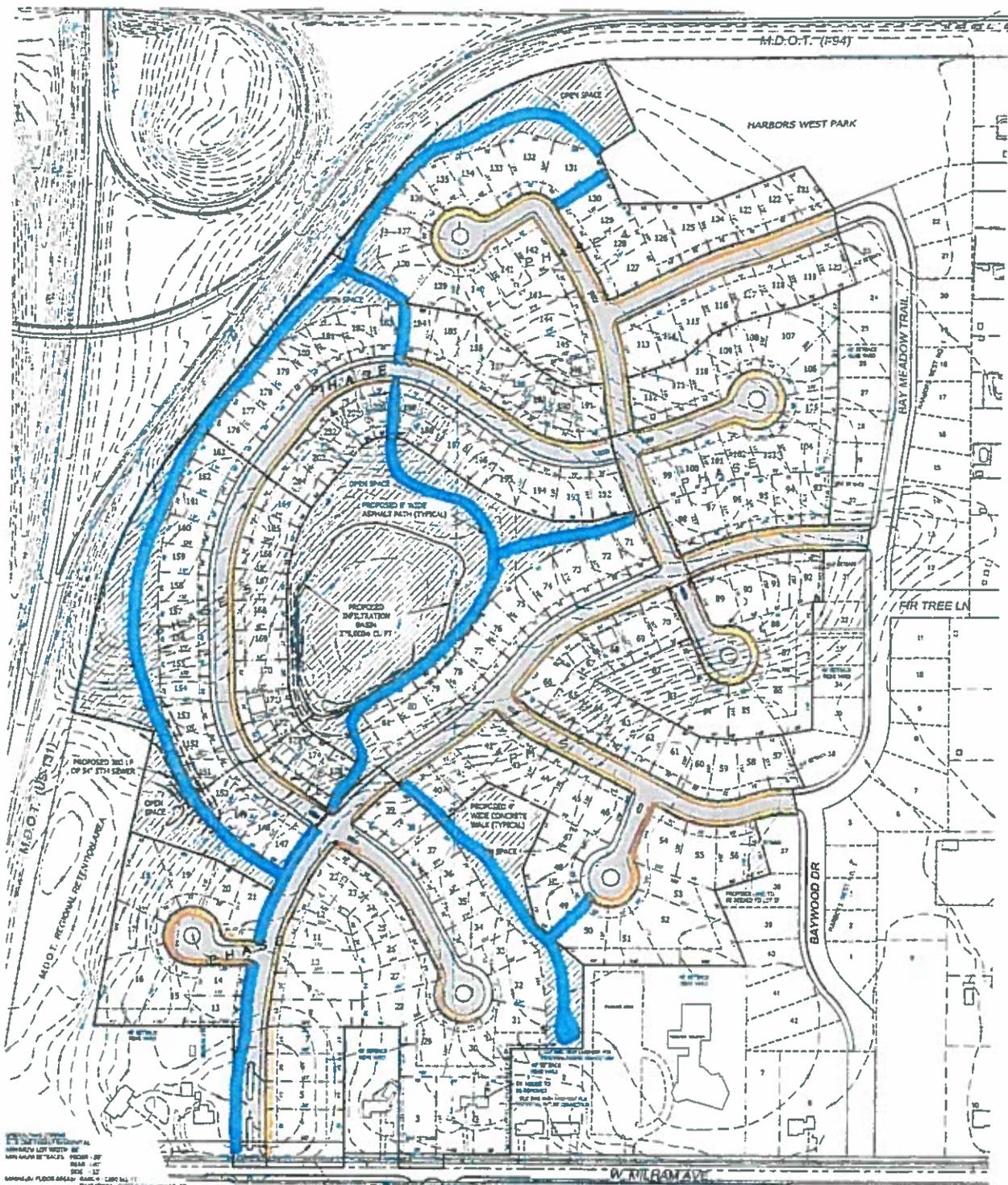
NOTE: SHOWN TOPOGRAPHIC MAP IS FROM THE CITY OF PORTAGE AND WAS PRODUCED FROM AERIAL PHOTOGRAPHS.



NOTE: SHOWN LAYOUT WITHIN FUTURE DEVELOPMENT AREA IS PRELIMINARY AND SUBJECT TO ADJUSTMENT.

CONDOMINIUM SUBDIVISION PLAN  
**Phase One of COPPERLEAF**  
 PART OF SE 1/4 OF SEC. 8, T2S, R11E, CITY OF PORTAGE, WILKINSON COUNTY, MISSISSIPPI  
*Ingersoll, Watson & McEachern, Inc.*  
 CONSULTING CIVIL, SURVEYING AND LAND SURVEYING  
 1100 East Adams Road • Portage, Michigan 49782 • Phone 269 294-8216 • Fax 269 294-8240

REVISION: 12/12/2014  
 REVISION: 11/20/2014  
 DATE: 11/10/2014  
 SHEET: 2 OF 2  
 JOB NO.: 35073



**GENERAL NOTES:**

- 1. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF PORTAGE AND THE STATE OF MICHIGAN.
- 2. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF PORTAGE AND THE STATE OF MICHIGAN.
- 3. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF PORTAGE AND THE STATE OF MICHIGAN.
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- 8. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF PORTAGE AND THE STATE OF MICHIGAN.
- 9. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF PORTAGE AND THE STATE OF MICHIGAN.
- 10. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF PORTAGE AND THE STATE OF MICHIGAN.

PHASES	ACREAGE	UNITS = # OF UNITS	TIME SCHEDULE
1	13.823	1-13 = 23	2014-2015
2	15.556	40-81 = 42	2015-2017
3	9.356	82-112 = 31	2016-2019
4	13.675	113-146 = 34	2017-2021
5	9.512	147-175 = 29	2018-2023
6	7.928	176-204 = 29	2019-2025



**HARBORS WEST TENTATIVE PLAN**  
 PART OF SECTION 8, CITY OF PORTAGE, KALAMAZOO COUNTY, MICHIGAN

PREPARED BY: **ALLEN EDWARDS HOMES**  
 700 East Ocean Blvd., Suite 100, Portage, MI 49782  
 PH: 268-1100 FAX: 268-1101

DESIGNED BY: **Pathfinder Engineering, Inc.**  
 700 East Ocean Blvd., Suite 100, Portage, MI 49782  
 PH: 268-1100 FAX: 268-1101

DATE: 11/13/13

**TO:** Honorable Mayor and City Council

**FROM:** Laurence Shaffer, City Manager



**SUBJECT:** Final Preliminary Condominium Subdivision: Copperleaf Phase 1, 3800, 3730 and 3734 West Milham Avenue and 5710 Angling Road

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

**ACTION RECOMMENDED:** That City Council approve detailed engineering plans for the Final Preliminary Condominium Subdivision for Copperleaf Phase 1.

Subject to City Council approval of the Preliminary Condominium Subdivision for Copperleaf, Phase 1 (Agenda Item F.1), the developer, Westview Capital, LLC, has requested that City Council also approve engineering design and construction plans that include the following public improvements:

- The sanitary sewer system will consist of 8-inch diameter sewer mains and individual laterals constructed to service each lot in accordance with City of Portage requirements. The proposed system will connect to the existing sanitary sewer main located in West Milham Avenue.
- The water system will consist of 8-inch diameter ductile iron mains and 1¼-inch services to each individual lot. The proposed system will connect to the existing water main located in West Milham Avenue.
- Storm water will be collected and conveyed to an infiltration basin proposed within an existing low area located in the middle portion of the overall property, north of Phase 1. Storm water related piping and structures located within the public streets will be owned and maintained by the city, while the infiltration basin will be owned and maintained by the condominium association. The required condominium association documents, easements and maintenance/indemnification agreement will be provided to the city for review and approval before final condominium approval.
- Phase 1 will include the construction of three new public streets: Copperleaf Boulevard, that will connect to West Milham Avenue; and, Callaway Circle and Edgebrook Circle, two interior public street cul-de-sacs. Each new street will include a landscaped island at the intersection within the public right-of-way. These landscaped islands will be maintained by the condominium association. Prior to final condominium approval, the required condominium association documents, easements and maintenance/indemnification agreement will be provided to the city for review and approval.

Staff in the Community Development Department, Fire Division and Transportation & Utilities Department have reviewed the construction drawings and determined that the plans are in conformance with city requirements. Based on the administrative review, it is recommended that final preliminary condominium approval be granted. This action will allow the developer to proceed with the actual construction of the improvements. When construction is complete, the developer will request final approval from City Council, as well as acceptance of the water and sanitary sewer mains as public facilities.

**FUNDING:** Not Applicable

**Attachments:** Final Preliminary Condominium Engineering Plans



STREET CUT PERMIT SHALL BE OBTAINED FROM THE CITY OF PORTAGE AS NECESSARY. PAVEMENT SHALL BE REPAIRED IN ACCORDANCE WITH CITY OF PORTAGE REQUIREMENTS.

NOTE: VEHICLE DRIVER'S SIGHT DISTANCE REQUIREMENTS SHALL BE MAINTAINED AT ALL INTERSECTIONS (400' SIGHT DISTANCE FOR MILHAM AVENUE, 300' SIGHT DISTANCE FOR ALL OTHER STREETS)

CAUTION: U/G UTIL'S

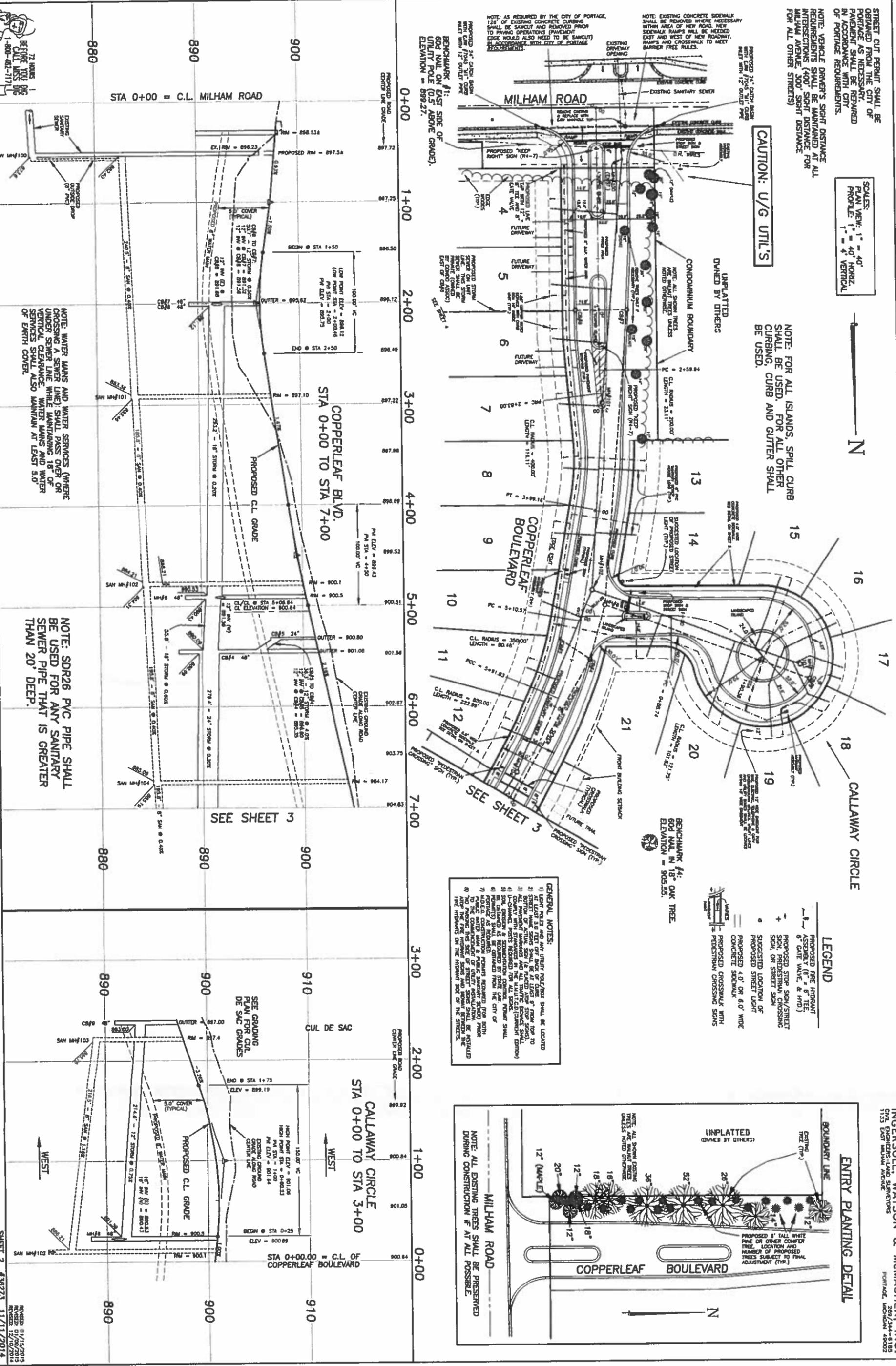
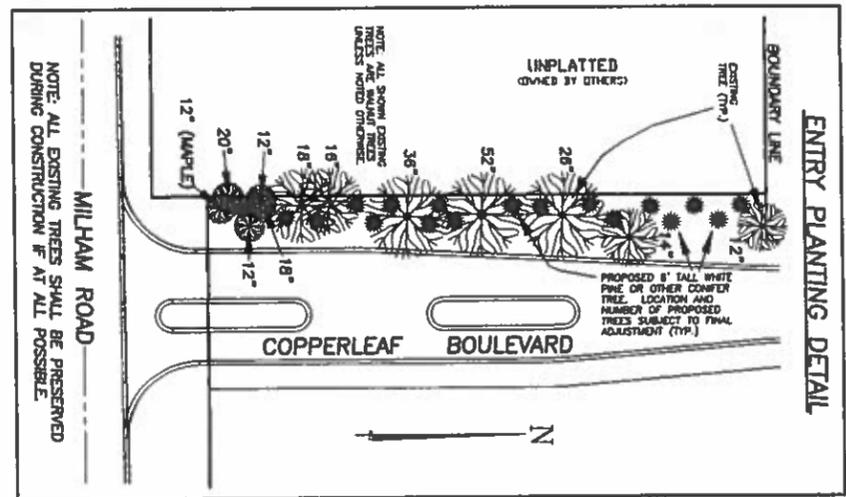
NOTE: FOR ALL ISLANDS, SPILL CURB SHALL BE USED. FOR ALL OTHER CURBING, CURB AND CUTTER SHALL BE USED.



LEGEND

- 1- PROPOSED FIRE HYDRANT ASSEMBLY (8" x 8" TEE, 6" GATE VALVE, & HYD)
- 2- PROPOSED STOP SIGN/STREET SIGN, PREDISTRIAN CROSSING SIGN, OR STREET SIGN
- 3- SUGGESTED LOCATION OF PROPOSED STREET LIGHT
- 4- PROPOSED 4.0' OR 6.0' WIDE CONCRETE SIDEWALK
- 5- PROPOSED CROSSWALK WITH PREDISTRIAN CROSSING SIGNS

- GENERAL NOTES:
- 1) AT LEAST 3.0 FEET OFF BACK OF CURB OR FROM TOP TO BOTTOM OF CURB SHALL BE AT LEAST 8' FROM TOP TO BOTTOM OF CURB FOR ALL TRAFFIC SIGNALS AND ALL TRAFFIC SIGNALS SHALL BE MAINTAINED IN THE MAINTAINED (CURRENT) POSITION.
  - 2) CONCRETE PAVEMENT SHALL BE MAINTAINED IN THE MAINTAINED (CURRENT) POSITION.
  - 3) PAVEMENT SHALL BE OBTAINED FROM THE CITY OF PORTAGE.
  - 4) ALL CONSTRUCTION PERMITS REQUIRED FROM BOTH PUBLIC WORKS AND PORTAGE UTILITIES SHALL BE OBTAINED PRIOR TO THE START OF CONSTRUCTION.
  - 5) ALL EXISTING TREES SHALL BE PRESERVED DURING CONSTRUCTION IF AT ALL POSSIBLE.
  - 6) THE INTERSECTION OF THE HIGHWAY SHALL BE MAINTAINED.



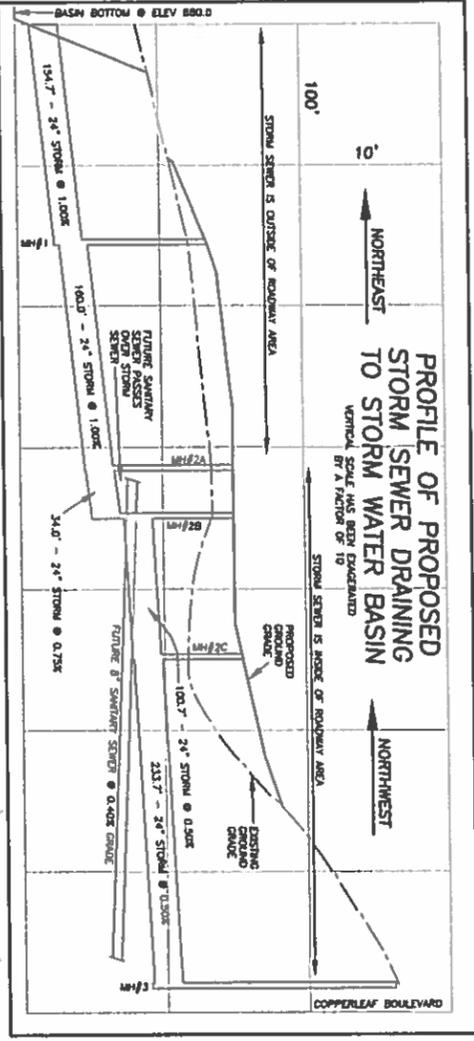
72 HOURS BEFORE YOU DIG CALL MISS DIG 1-800-482-7171

NOTE: WATER MAINS AND WATER SERVICES (WHERE CROSSING A SEWER LINE) SHALL PASS OVER OR UNDER SEWER LINE WHILE MAINTAINING 18" OF VERTICAL CLEARANCE. WATER MAINS AND WATER SERVICES SHALL MAINTAIN AT LEAST 5.0' OF EARTH COVER.

NOTE: SDR26 PVC PIPE SHALL BE USED FOR ANY SANITARY SEWER PIPE THAT IS GREATER THAN 20" DEEP.

REVISIONS:  
 01/15/2015  
 01/20/2015  
 02/05/2015  
 11/11/2016





- MICHIGAN UNIFIED KEYING SYSTEM**
- ⊕ SEEDING
  - ⊕ RIP RAP
  - ⊕ PAVING
  - ⊕ CURB & GUTTER
  - ⊕ STORM SEWER
  - ⊕ CATCH BASIN
  - ⊕ GEOTEXTILE SILT FENCE
  - ⊕ M.U.K.S. DESIGNATION
  - ⊕ TEMPORARY/PERMANENT

**LEGEND**

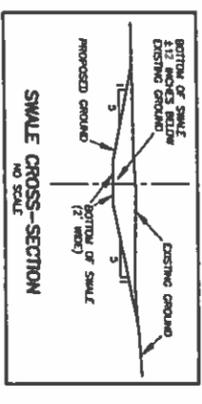
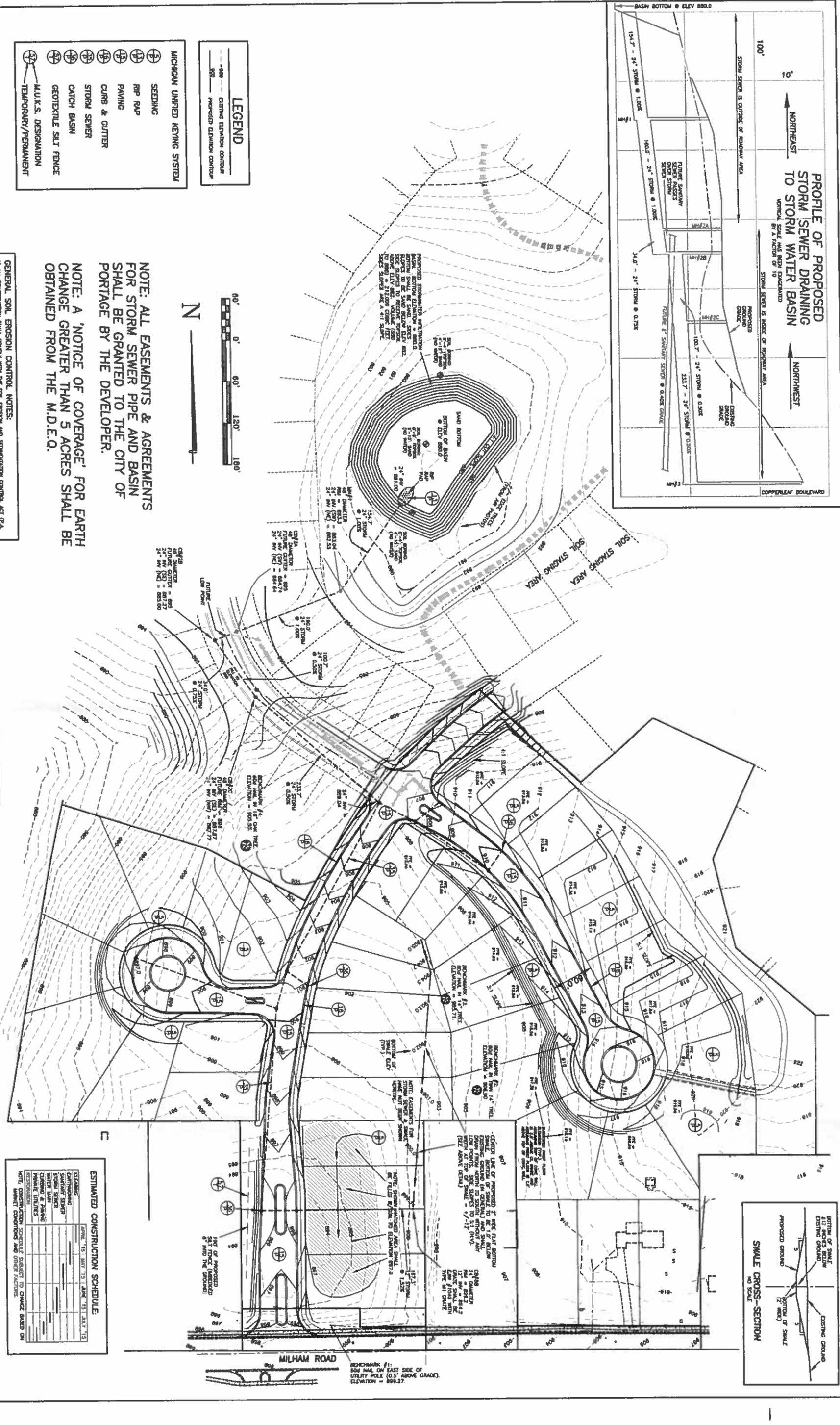
— 100' — EXISTING ELEVATION CONTOUR  
 - - - 100' — PROPOSED ELEVATION CONTOUR

**NOTE: ALL EASEMENTS & AGREEMENTS FOR STORM SEWER PIPE AND BASIN SHALL BE GRANTED TO THE CITY OF PORTAGE BY THE DEVELOPER.**

**NOTE: A 'NOTICE OF COVERAGE' FOR EARTH CHANGE GREATER THAN 5 ACRES SHALL BE OBTAINED FROM THE M.D.E.O.**

- GENERAL SOIL EROSION CONTROL NOTES:**
- 1) ALL CONSTRUCTION SHALL COMPLY WITH THE SOIL EROSION AND SEDIMENTATION CONTROL ACT (P.A. 431 OF 1974, AS AMENDED) AS ADMINISTERED BY THE CITY OF PORTAGE.
  - 2) CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING AND NEWLY CONSTRUCTED STORM SEWER STRUCTURES, WHETHER ADJACENT TO THE SITE OR ON THE SITE.
  - 3) MAINTENANCE OF TRUCKS OR VEHICLES ON SITE IS NECESSARY.
  - 4) STORM SEWER STRUCTURES SHALL HAVE GATE CURBS INSTALLED IN FLAT AREAS. FABRIC SHALL REMAIN UNTIL MOIST-OF-DAY IS SUICIDELY STABILIZED.

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



**ESTIMATED CONSTRUCTION SCHEDULE**

ACTIVITY	START DATE	END DATE
GRADING	12/15/13	01/15/14
STORM SEWER	01/15/14	02/15/14
STORM SEWER	02/15/14	03/15/14
STORM SEWER	03/15/14	04/15/14
STORM SEWER	04/15/14	05/15/14
STORM SEWER	05/15/14	06/15/14
STORM SEWER	06/15/14	07/15/14
STORM SEWER	07/15/14	08/15/14
STORM SEWER	08/15/14	09/15/14
STORM SEWER	09/15/14	10/15/14
STORM SEWER	10/15/14	11/15/14
STORM SEWER	11/15/14	12/15/14
STORM SEWER	12/15/14	01/15/15
STORM SEWER	01/15/15	02/15/15
STORM SEWER	02/15/15	03/15/15
STORM SEWER	03/15/15	04/15/15
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STORM SEWER	09/15/15	10/15/15
STORM SEWER	10/15/15	11/15/15
STORM SEWER	11/15/15	12/15/15
STORM SEWER	12/15/15	01/15/16
STORM SEWER	01/15/16	02/15/16
STORM SEWER	02/15/16	03/15/16
STORM SEWER	03/15/16	04/15/16
STORM SEWER	04/15/16	05/15/16
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STORM SEWER	02/15/33	03/15/33
STORM SEWER	03/15/33	04/15/33
STORM SEWER	04/15/33	05/15/33
STORM SEWER	05/15/33	06/15/33
STORM SEWER	06/15/33	07/15/33
STORM SEWER	07/15/33	08/15/33
STORM SEWER	08/15/33	09/15/33
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STORM SEWER	10/15/33	11/15/33
STORM SEWER	11/15/33	12/15/33
STORM SEWER	12/15/33	01/15/34
STORM SEWER	01/15/34	02/15/34
STORM SEWER	02/15/34	03/15/34
STORM SEWER	03/15/34	04/15/34
STORM SEWER	04/15/34	05/15/34
STORM SEWER	05/15/34	06/15/34
STORM SEWER	06/15/34	07/15/34
STORM SEWER	07/15/34	08/15/34
STORM SEWER	08/15/34	09/15/34
STORM SEWER	09/15/34	10/15/34

**GENERAL NOTES**

- 1) CONSTRUCTION SHALL BE COMPLETED WITHIN 72 HOURS FROM THE START OF CONSTRUCTION.
- 2) LOCATION OF UNDERGROUND UTILITIES SHOWN ON THESE PLANS ARE APPROXIMATE. APPROVAL OF THE CITY ENGINEER SHALL BE OBTAINED PRIOR TO ANY EXCAVATION. ALL UTILITIES SHALL BE PROTECTED AND MARKED WITH REFLECTOR PINS AT 20' INTERVALS AND EXPOSED AT ALL POINTS ON SITE, WHETHER SHOWN ON THESE PLANS OR NOT.
- 3) CONSTRUCTION SHALL PROTECT ALL EXISTING UTILITIES, INCLUDING BUT NOT LIMITED TO: WATER, GAS, ELECTRIC, TELEPHONE, CABLE, AND FIBER OPTIC. IT IS THE CONTRACTOR'S RESPONSIBILITY TO VERIFY THE LOCATION AND DEPTH OF ALL UTILITIES PRIOR TO EXCAVATION.
- 4) FOR PROTECTIVE PURPOSES, ALL EXISTING UTILITIES SHALL BE COVERED WITH A MINIMUM OF 48 HOURS FROM THE START OF CONSTRUCTION.
- 5) THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE CITY OF PORTLAND AND THE PORTLAND WATER BUREAU PRIOR TO THE START OF CONSTRUCTION.
- 6) ALL CONSTRUCTION SHALL BE SUBJECT TO INSPECTION AND APPROVAL BY THE CITY OF PORTLAND AND THE PORTLAND WATER BUREAU.
- 7) ALL CONSTRUCTION SHALL BE SUBJECT TO INSPECTION AND APPROVAL BY THE CITY OF PORTLAND AND THE PORTLAND WATER BUREAU.
- 8) ALL CONSTRUCTION SHALL BE SUBJECT TO INSPECTION AND APPROVAL BY THE CITY OF PORTLAND AND THE PORTLAND WATER BUREAU.
- 9) ALL CONSTRUCTION SHALL BE SUBJECT TO INSPECTION AND APPROVAL BY THE CITY OF PORTLAND AND THE PORTLAND WATER BUREAU.
- 10) ALL CONSTRUCTION SHALL BE SUBJECT TO INSPECTION AND APPROVAL BY THE CITY OF PORTLAND AND THE PORTLAND WATER BUREAU.

**CONSTRUCTION NOTES**

- 1) ALL TRENCHES AND EXCAVATIONS SHALL BE PROTECTED WITH SHIELDING AND APPROVAL OF THE CITY OF PORTLAND AND THE PORTLAND WATER BUREAU.
- 2) ALL CONSTRUCTION SHALL BE SUBJECT TO INSPECTION AND APPROVAL BY THE CITY OF PORTLAND AND THE PORTLAND WATER BUREAU.
- 3) ALL CONSTRUCTION SHALL BE SUBJECT TO INSPECTION AND APPROVAL BY THE CITY OF PORTLAND AND THE PORTLAND WATER BUREAU.

**WATER MAIN NOTES**

- 1) ALL 12" OR LARGER WATER MAINS SHALL BE INSTALLED TO A MINIMUM DEPTH OF 18" BELOW THE FINISHED GRADE.
- 2) ALL WATER MAINS SHALL BE INSTALLED TO A MINIMUM DEPTH OF 18" BELOW THE FINISHED GRADE.
- 3) ALL WATER MAINS SHALL BE INSTALLED TO A MINIMUM DEPTH OF 18" BELOW THE FINISHED GRADE.
- 4) ALL WATER MAINS SHALL BE INSTALLED TO A MINIMUM DEPTH OF 18" BELOW THE FINISHED GRADE.
- 5) ALL WATER MAINS SHALL BE INSTALLED TO A MINIMUM DEPTH OF 18" BELOW THE FINISHED GRADE.
- 6) ALL WATER MAINS SHALL BE INSTALLED TO A MINIMUM DEPTH OF 18" BELOW THE FINISHED GRADE.

**SANITARY SEWER NOTES**

- 1) ALL SANITARY SEWERS SHALL BE INSTALLED TO A MINIMUM DEPTH OF 18" BELOW THE FINISHED GRADE.
- 2) ALL SANITARY SEWERS SHALL BE INSTALLED TO A MINIMUM DEPTH OF 18" BELOW THE FINISHED GRADE.
- 3) ALL SANITARY SEWERS SHALL BE INSTALLED TO A MINIMUM DEPTH OF 18" BELOW THE FINISHED GRADE.
- 4) ALL SANITARY SEWERS SHALL BE INSTALLED TO A MINIMUM DEPTH OF 18" BELOW THE FINISHED GRADE.
- 5) ALL SANITARY SEWERS SHALL BE INSTALLED TO A MINIMUM DEPTH OF 18" BELOW THE FINISHED GRADE.
- 6) ALL SANITARY SEWERS SHALL BE INSTALLED TO A MINIMUM DEPTH OF 18" BELOW THE FINISHED GRADE.

**PRIVATE UTILITY NOTES**

- 1) UNDERGROUND ELECTRIC, NATURAL GAS, TELEPHONE, AND CABLE TV PRIVATE UTILITIES SHALL BE SEEN AND MARKED BY THE CONTRACTOR.

**STORM SEWER NOTES**

- 1) STORM SEWER PIPE SHALL BE EITHER COMPACTED POLYETHYLENE (PE) OR REINFORCED CONCRETE (R.C.P.).
- 2) ALL STORM SEWERS SHALL BE INSTALLED TO A MINIMUM DEPTH OF 18" BELOW THE FINISHED GRADE.
- 3) ALL STORM SEWERS SHALL BE INSTALLED TO A MINIMUM DEPTH OF 18" BELOW THE FINISHED GRADE.
- 4) ALL STORM SEWERS SHALL BE INSTALLED TO A MINIMUM DEPTH OF 18" BELOW THE FINISHED GRADE.
- 5) ALL STORM SEWERS SHALL BE INSTALLED TO A MINIMUM DEPTH OF 18" BELOW THE FINISHED GRADE.
- 6) ALL STORM SEWERS SHALL BE INSTALLED TO A MINIMUM DEPTH OF 18" BELOW THE FINISHED GRADE.

**SOIL EROSION CONTROL NOTES (SEE SHEET 4)**

- 1) ALL CONSTRUCTION SHALL BE SUBJECT TO INSPECTION AND APPROVAL BY THE CITY OF PORTLAND AND THE PORTLAND WATER BUREAU.
- 2) ALL CONSTRUCTION SHALL BE SUBJECT TO INSPECTION AND APPROVAL BY THE CITY OF PORTLAND AND THE PORTLAND WATER BUREAU.
- 3) ALL CONSTRUCTION SHALL BE SUBJECT TO INSPECTION AND APPROVAL BY THE CITY OF PORTLAND AND THE PORTLAND WATER BUREAU.
- 4) ALL CONSTRUCTION SHALL BE SUBJECT TO INSPECTION AND APPROVAL BY THE CITY OF PORTLAND AND THE PORTLAND WATER BUREAU.
- 5) ALL CONSTRUCTION SHALL BE SUBJECT TO INSPECTION AND APPROVAL BY THE CITY OF PORTLAND AND THE PORTLAND WATER BUREAU.
- 6) ALL CONSTRUCTION SHALL BE SUBJECT TO INSPECTION AND APPROVAL BY THE CITY OF PORTLAND AND THE PORTLAND WATER BUREAU.

**RESTORATION NOTES**

- 1) ALL RESTORED AREAS SHALL BE RESTORED TO A CONDITION AT LEAST EQUAL TO THAT EXISTING PRIOR TO CONSTRUCTION.
- 2) ALL RESTORED AREAS SHALL BE RESTORED TO A CONDITION AT LEAST EQUAL TO THAT EXISTING PRIOR TO CONSTRUCTION.
- 3) ALL RESTORED AREAS SHALL BE RESTORED TO A CONDITION AT LEAST EQUAL TO THAT EXISTING PRIOR TO CONSTRUCTION.
- 4) ALL RESTORED AREAS SHALL BE RESTORED TO A CONDITION AT LEAST EQUAL TO THAT EXISTING PRIOR TO CONSTRUCTION.

**STREET LIGHTS & STREET SIGNS**

- 1) ALL STREET LIGHTS SHALL BE INSTALLED TO A MINIMUM DEPTH OF 18" BELOW THE FINISHED GRADE.
- 2) ALL STREET LIGHTS SHALL BE INSTALLED TO A MINIMUM DEPTH OF 18" BELOW THE FINISHED GRADE.
- 3) ALL STREET LIGHTS SHALL BE INSTALLED TO A MINIMUM DEPTH OF 18" BELOW THE FINISHED GRADE.
- 4) ALL STREET LIGHTS SHALL BE INSTALLED TO A MINIMUM DEPTH OF 18" BELOW THE FINISHED GRADE.



**SPILL CURB**  
NO SCALE

- NOTES:
- 1) CONCRETE SHALL BE ABOUT GRADES 30' OR 35' AND LEFT THE CONTRACTOR'S RESPONSIBILITY TO PROVIDE A DRAINAGE SYSTEM.
  - 2) ALL CONCRETE SHALL BE INSTALLED TO A MINIMUM DEPTH OF 18" BELOW THE FINISHED GRADE.
  - 3) ALL CONCRETE SHALL BE INSTALLED TO A MINIMUM DEPTH OF 18" BELOW THE FINISHED GRADE.
  - 4) ALL CONCRETE SHALL BE INSTALLED TO A MINIMUM DEPTH OF 18" BELOW THE FINISHED GRADE.
  - 5) ALL CONCRETE SHALL BE INSTALLED TO A MINIMUM DEPTH OF 18" BELOW THE FINISHED GRADE.
  - 6) ALL CONCRETE SHALL BE INSTALLED TO A MINIMUM DEPTH OF 18" BELOW THE FINISHED GRADE.



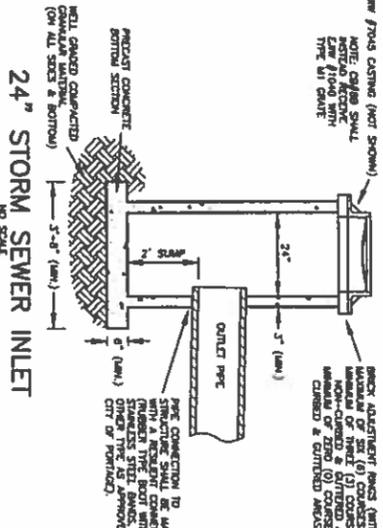
**CURB & GUTTER**  
NO SCALE

- NOTES:
- 1) CONCRETE SHALL BE ABOUT GRADES 30' OR 35' AND LEFT THE CONTRACTOR'S RESPONSIBILITY TO PROVIDE A DRAINAGE SYSTEM.
  - 2) ALL CONCRETE SHALL BE INSTALLED TO A MINIMUM DEPTH OF 18" BELOW THE FINISHED GRADE.
  - 3) ALL CONCRETE SHALL BE INSTALLED TO A MINIMUM DEPTH OF 18" BELOW THE FINISHED GRADE.
  - 4) ALL CONCRETE SHALL BE INSTALLED TO A MINIMUM DEPTH OF 18" BELOW THE FINISHED GRADE.
  - 5) ALL CONCRETE SHALL BE INSTALLED TO A MINIMUM DEPTH OF 18" BELOW THE FINISHED GRADE.
  - 6) ALL CONCRETE SHALL BE INSTALLED TO A MINIMUM DEPTH OF 18" BELOW THE FINISHED GRADE.



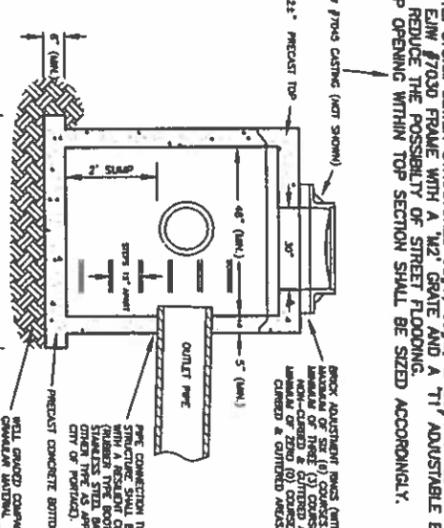
**SIDEWALK**  
NO SCALE

- NOTES:
- 1) CONCRETE SHALL BE ABOUT GRADES 30' OR 35' AND LEFT THE CONTRACTOR'S RESPONSIBILITY TO PROVIDE A DRAINAGE SYSTEM.
  - 2) ALL CONCRETE SHALL BE INSTALLED TO A MINIMUM DEPTH OF 18" BELOW THE FINISHED GRADE.
  - 3) ALL CONCRETE SHALL BE INSTALLED TO A MINIMUM DEPTH OF 18" BELOW THE FINISHED GRADE.
  - 4) ALL CONCRETE SHALL BE INSTALLED TO A MINIMUM DEPTH OF 18" BELOW THE FINISHED GRADE.
  - 5) ALL CONCRETE SHALL BE INSTALLED TO A MINIMUM DEPTH OF 18" BELOW THE FINISHED GRADE.
  - 6) ALL CONCRETE SHALL BE INSTALLED TO A MINIMUM DEPTH OF 18" BELOW THE FINISHED GRADE.



**24" STORM SEWER INLET**  
NO SCALE

- NOTE: STRUCTURE SHALL HAVE A 2 FOOT SLOPE UNLESS OTHERWISE NOTED.
- 1) STRUCTURE SHALL HAVE A 2 FOOT SLOPE UNLESS OTHERWISE NOTED.
  - 2) STRUCTURE SHALL HAVE A 2 FOOT SLOPE UNLESS OTHERWISE NOTED.
  - 3) STRUCTURE SHALL HAVE A 2 FOOT SLOPE UNLESS OTHERWISE NOTED.
  - 4) STRUCTURE SHALL HAVE A 2 FOOT SLOPE UNLESS OTHERWISE NOTED.



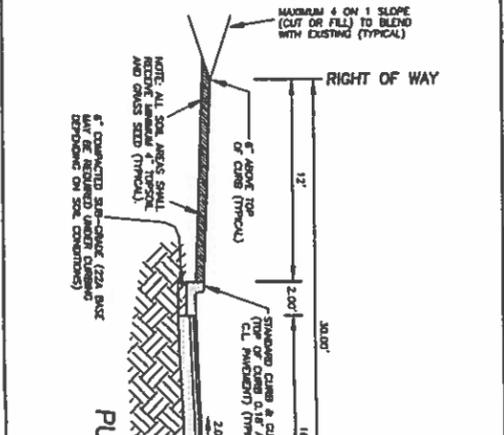
**48" STORM SEWER STRUCTURE W/ FLAT TOP**  
NO SCALE

- NOTE: STRUCTURES SHALL NOT HAVE A SLOPE AND SHALL REQUIRE LAW #1410 CASTING.
- 1) STRUCTURES SHALL NOT HAVE A SLOPE AND SHALL REQUIRE LAW #1410 CASTING.
  - 2) STRUCTURES SHALL NOT HAVE A SLOPE AND SHALL REQUIRE LAW #1410 CASTING.
  - 3) STRUCTURES SHALL NOT HAVE A SLOPE AND SHALL REQUIRE LAW #1410 CASTING.
  - 4) STRUCTURES SHALL NOT HAVE A SLOPE AND SHALL REQUIRE LAW #1410 CASTING.
  - 5) STRUCTURES SHALL NOT HAVE A SLOPE AND SHALL REQUIRE LAW #1410 CASTING.
  - 6) STRUCTURES SHALL NOT HAVE A SLOPE AND SHALL REQUIRE LAW #1410 CASTING.



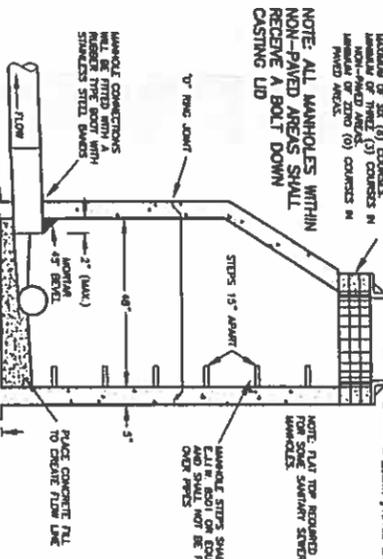
**SANITARY SEWER LEAD**  
NO SCALE

- NOTE: SEWER PIPE THAT IS 20' DEEP OR DEEPER SHALL REQUIRE SDR 26 PVC PIPE.
- 1) SEWER PIPE THAT IS 20' DEEP OR DEEPER SHALL REQUIRE SDR 26 PVC PIPE.
  - 2) SEWER PIPE THAT IS 20' DEEP OR DEEPER SHALL REQUIRE SDR 26 PVC PIPE.
  - 3) SEWER PIPE THAT IS 20' DEEP OR DEEPER SHALL REQUIRE SDR 26 PVC PIPE.
  - 4) SEWER PIPE THAT IS 20' DEEP OR DEEPER SHALL REQUIRE SDR 26 PVC PIPE.



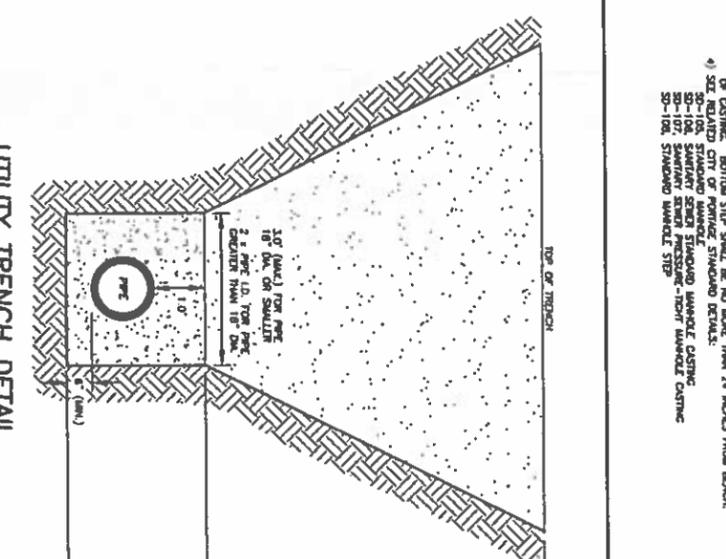
**PUBLIC ROAD CROSS-SECTION**  
NO SCALE

- NOTE: PROPOSED CONC SIDEWALK SHALL BE 4" OR CONCRETE ON COMPACTED GRANULAR BASE UNDER EXISTING SIDEWALK.
- 1) PROPOSED CONC SIDEWALK SHALL BE 4" OR CONCRETE ON COMPACTED GRANULAR BASE UNDER EXISTING SIDEWALK.
  - 2) PROPOSED CONC SIDEWALK SHALL BE 4" OR CONCRETE ON COMPACTED GRANULAR BASE UNDER EXISTING SIDEWALK.
  - 3) PROPOSED CONC SIDEWALK SHALL BE 4" OR CONCRETE ON COMPACTED GRANULAR BASE UNDER EXISTING SIDEWALK.
  - 4) PROPOSED CONC SIDEWALK SHALL BE 4" OR CONCRETE ON COMPACTED GRANULAR BASE UNDER EXISTING SIDEWALK.



**48" SANITARY SEWER MANHOLE**  
NO SCALE

- NOTE: ALL MANHOLES WITHIN NON-PAVED AREAS SHALL RECEIVE A BOLT DOWN CASTING LID.
- 1) ALL MANHOLES WITHIN NON-PAVED AREAS SHALL RECEIVE A BOLT DOWN CASTING LID.
  - 2) ALL MANHOLES WITHIN NON-PAVED AREAS SHALL RECEIVE A BOLT DOWN CASTING LID.
  - 3) ALL MANHOLES WITHIN NON-PAVED AREAS SHALL RECEIVE A BOLT DOWN CASTING LID.
  - 4) ALL MANHOLES WITHIN NON-PAVED AREAS SHALL RECEIVE A BOLT DOWN CASTING LID.



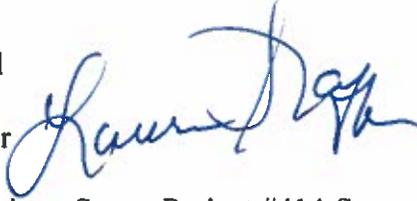
**UTILITY TRENCH DETAIL**  
NO SCALE

- NOTE: ALL TRENCHES SHALL BE PROTECTED WITH SHIELDING AND APPROVAL OF THE CITY OF PORTLAND AND THE PORTLAND WATER BUREAU.
- 1) ALL TRENCHES SHALL BE PROTECTED WITH SHIELDING AND APPROVAL OF THE CITY OF PORTLAND AND THE PORTLAND WATER BUREAU.
  - 2) ALL TRENCHES SHALL BE PROTECTED WITH SHIELDING AND APPROVAL OF THE CITY OF PORTLAND AND THE PORTLAND WATER BUREAU.
  - 3) ALL TRENCHES SHALL BE PROTECTED WITH SHIELDING AND APPROVAL OF THE CITY OF PORTLAND AND THE PORTLAND WATER BUREAU.
  - 4) ALL TRENCHES SHALL BE PROTECTED WITH SHIELDING AND APPROVAL OF THE CITY OF PORTLAND AND THE PORTLAND WATER BUREAU.



**TO:** Honorable Mayor and City Council

**FROM:** Laurence Shaffer, City Manager



**SUBJECT:** West Osterhout Avenue Sanitary Sewer Project #414-S

**SUPPORTING PERSONNEL:** James Hudson, City Clerk

**ACTION RECOMMENDED:** That City Council adopt Resolution No. 4 for the West Osterhout Avenue Sanitary Sewer Project #414-S, setting a public hearing on the Assessment Roll for February 10, 2015.

Attached is Special Assessment Resolution No. 4 for the West Osterhout Sanitary Sewer Project #414-S. Previous Council action relating to this project includes:

- On December 2, 2014, City Council adopted Resolution No. 1 on the project, accepted the City Manager report and requested preparation of Resolution No. 2.
- On December 16, 2014, City Council adopted Resolution No. 2, setting a public hearing of necessity on January 6, 2015.
- On January 6, 2015, City Council adopted Resolution No. 3, on the necessity of the project, directing preparation of the Assessment Roll.

Therefore, it is recommended that City Council adopt Resolution No. 4 for the West Osterhout Sanitary Sewer Project #414-S, setting a public hearing on the Assessment Roll for February 10, 2015.

**FUNDING:** The improvements are funded in the Fiscal Year 2014 – 2015 Capital Improvement Program by the utilization of special assessment bonds, city-share bonds and revenue bonds as appropriate.

**Attachments:** Resolution No. 4 for West Osterhout Avenue Sanitary Sewer Project #414-S

**CITY OF PORTAGE  
SPECIAL ASSESSMENT RESOLUTION NO. 4  
WEST OSTERHOUT AVENUE SANITARY SEWER PROJECT, DISTRICT #414-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 Assessor has, pursuant to resolution of the City Council, and in accordance with the provisions of the Special Assessment Ordinance of the City, prepared a Special Assessment Roll and has filed the same with the City Clerk for presentation to the City Council for review and certification for the hereinafter described public improvement:

Install approximately 1,600 feet of sanitary sewer and appurtenances in West Osterhout Avenue from Lloy Street to South Westnedge Avenue to serve existing properties on this section of West Osterhout Avenue. Sewer services will be installed to abutting properties and are included in the assessment.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. Said Special Assessment Roll shall be filed with the office of the City Clerk and shall be available for public inspection during regular working hours on regular working days.

2. The City Council shall meet on the \_\_\_\_ day of \_\_\_\_\_, 2015 at 7:30 p.m., local time, or as soon thereafter as may be heard, in the City Hall in said City to review said Special Assessment Roll and hear any objections thereto.

3. The City Clerk shall cause notice of the filing of said Special Assessment Roll and of the time and place of said meeting to be mailed and published in accordance with the

requirements of the Charter and the Special Assessment Ordinance of the City of Portage; said notice shall be in substantially the form attached hereto as Exhibit "A".

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

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

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

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

RESOLUTION DECLARED ADOPTED:

\_\_\_\_\_  
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: 1-12-15  
By: CRB  
City Attorney

EXHIBIT "A"

**CITY OF PORTAGE, MICHIGAN  
NOTICE OF PUBLIC HEARING TO REVIEW SPECIAL ASSESSMENT ROLL FOR  
WEST OSTERHOUT AVENUE SANITARY SEWER PROJECT, DISTRICT #414-S**

TO THE OWNERS OF THE FOLLOWING DESCRIBED PROPERTY:

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

Install approximately 1,600 feet of sanitary sewer and appurtenances in West Osterhout Avenue from Lloy Street to South Westnedge Avenue to serve existing properties on this section of West Osterhout Avenue. Sewer services will be installed to abutting properties and are included in the assessment.

and has designated the Special Assessment District against which all or a part of the cost of said improvement is to be assessed as consisting of all the following described land, to wit:

Unplatted Land

All unplatted land lying adjacent to or abutting the following described portion of right-of-way for West Osterhout Avenue lying between Lloy Street and South Westnedge Avenue, located within the south half of the northeast quarter of Section 33 and in the north half of the southeast quarter of Section 33, City of Portage, Michigan and more particularly described as follows:

Commencing at the center quarter post of Section 33 , Town 3 South, Range 11 West, City of Portage, Kalamazoo County, Michigan; thence easterly along the quarter line of said section 1049.04 feet to the Place of Beginning for the following described; thence North 200 feet; thence East parallel to said quarter line 792.00 feet; thence South 200.00 feet to said quarter line and center of the West Osterhout Avenue right of way; thence East on said quarter line 393.00 feet; thence South 200 feet; thence West parallel with said section line 1,185.00 feet; thence North 200.00 feet to the Place of Beginning and Ending of the above described.

PLEASE TAKE NOTICE that a Special Assessment Roll has been prepared and is on file in the office of the City Clerk for public examination during regular working hours on regular working days; said Special Assessment Roll has been prepared for the purpose of defraying that part of the cost which the City Council has decided should be paid and borne by the Special Assessment for the above described public improvement project in the City of Portage.

PLEASE TAKE NOTICE that the City Council will meet on the \_\_\_\_ day of \_\_\_\_\_, 2015 at 7:30 p.m., local time, or as soon thereafter as may be heard, in the City Hall in said City for the purpose of reviewing the Special Assessment Roll, at which time and place an opportunity will be given to all persons interested to be heard.

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: \_\_\_\_\_, 2015.

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

**TO:** Honorable Mayor and City Council

**FROM:** Laurence Shaffer, City Manager



**SUBJECT:** Pine View Drive Sanitary Sewer Project #415-S

**SUPPORTING PERSONNEL:** James Hudson, City Clerk

**ACTION RECOMMENDED:** That City Council adopt Resolution No. 4 for the Pine View Drive Sanitary Sewer Project #415-S, setting a public hearing on the Assessment Roll for February 10, 2015.

Attached is Special Assessment Resolution No. 4 for the Pine View Drive Sanitary Sewer Project #415-S. Previous Council action relating to this project includes:

- On December 2, 2014, City Council adopted Resolution No. 1 on the project, accepted the City Manager report and requested preparation of Resolution No. 2.
- On December 16, 2014, City Council adopted Resolution No. 2, setting a public hearing of necessity on January 6, 2015.
- On January 6, 2015, City Council adopted Resolution No. 3, on the necessity of the project, directing preparation of the Assessment Roll.

Therefore, it is recommended that City Council adopt Resolution No. 4 for the Pine View Drive Sanitary Sewer Project #415-S, setting a public hearing on the Assessment Roll for February 10, 2015.

**FUNDING:** The improvements are funded in the Fiscal Year 2014 – 2015 Capital Improvement Program by the utilization of special assessment bonds, city-share bonds and revenue bonds as appropriate.

**Attachments:** Resolution No. 4 for Pine View Drive Sanitary Sewer Project #414-S

**CITY OF PORTAGE  
SPECIAL ASSESSMENT RESOLUTION NO. 4  
PINE VIEW DRIVE SANITARY SEWER PROJECT, DISTRICT #415-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 Assessor has, pursuant to resolution of the City Council, and in accordance with the provisions of the Special Assessment Ordinance of the City, prepared a Special Assessment Roll and has filed the same with the City Clerk for presentation to the City Council for review and certification for the hereinafter described public improvement:

Install approximately 1,100 feet of sanitary sewer and appurtenances in Pine View Drive from Bacon Avenue to Chaucer Street to serve existing properties on Pine View Drive. Sewer services will be installed to abutting properties and are included in the assessment.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. Said Special Assessment Roll shall be filed with the office of the City Clerk and shall be available for public inspection during regular working hours on regular working days.

2. The City Council shall meet on the \_\_\_\_ day of \_\_\_\_\_, 2015 at 7:30 p.m., local time, or as soon thereafter as may be heard, in the City Hall in said City to review said Special Assessment Roll and hear any objections thereto.

3. The City Clerk shall cause notice of the filing of said Special Assessment Roll and of the time and place of said meeting to be mailed and published in accordance with the

requirements of the Charter and the Special Assessment Ordinance of the City of Portage; said notice shall be in substantially the form attached hereto as Exhibit "A".

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

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

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

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

RESOLUTION DECLARED ADOPTED:

\_\_\_\_\_  
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: 1-12-15  
By: CRB  
City Attorney

EXHIBIT "A"

**CITY OF PORTAGE, MICHIGAN  
NOTICE OF PUBLIC HEARING TO REVIEW SPECIAL ASSESSMENT ROLL FOR  
PINE VIEW DRIVE SANITARY SEWER PROJECT, DISTRICT #415-S**

TO THE OWNERS OF THE FOLLOWING DESCRIBED PROPERTY:

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

Install approximately 1,100 feet of sanitary sewer and appurtenances in Pine View Drive from Bacon Avenue to Chaucer Street to serve existing properties on Pine View Drive. Sewer services will be installed to abutting properties and are included in the assessment.

and has designated the Special Assessment District against which all or a part of the cost of said improvement is to be assessed as consisting of all the following described land, to wit:

Unplatted Land

All unplatted land lying adjacent to or abutting the following described portion of right-of-way for Pine View Drive between Bacon Avenue and Chaucer Street , located within the southeast quarter of Section 27, City of Portage, Michigan and more particularly described as follows:

Situated in southeast corner of Section 27, Town 3 South, Range 11 West, City of Portage, Kalamazoo County, Michigan; Commencing at the southeast corner of Lot 12 of the recorded plat of Pine View Estates and Place of Beginning; thence; north 89 degrees 47" east 235.00 feet; thence north 19 degrees 16' 19" west 228.53 feet; thence south 89 degrees 47' west 160.63 feet; thence south 0 degrees 16' 50" east 216.00 more or less to the Place of Beginning and ending of the above described.

Also;

Situated in southeast corner of Section 27, Town 3 South, Range 11 West, City of Portage, Kalamazoo County, Michigan; Commencing at the northwest corner of lot 11 of the recorded plat of Pine View Estates and Place of Beginning; thence North 210.00 feet; thence East 150.00 feet; thence South 210.00 feet; thence West 150.00 feet to the place of Beginning and ending of the above described.

Platted Land

Lots No. 6 through 12 inclusive as originally recorded in the Pine View Estates Plat.

PLEASE TAKE NOTICE that a Special Assessment Roll has been prepared and is on file in the office of the City Clerk for public examination during regular working hours on regular working days; said Special Assessment Roll has been prepared for the purpose of defraying that part of the cost which the City Council has decided should be paid and borne by the Special Assessment for the above described public improvement project in the City of Portage.

PLEASE TAKE NOTICE that the City Council will meet on the \_\_\_\_ day of \_\_\_\_\_, 2015 at 7:30 p.m., local time, or as soon thereafter as may be heard, in the City Hall in said City for the purpose of reviewing the Special Assessment Roll, at which time and place an opportunity will be given to all persons interested to be heard.

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: \_\_\_\_\_, 2015.

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

**TO:** Honorable Mayor and City Council

**FROM:** Laurence Shaffer, City Manager



**SUBJECT:** Board of Review Appointments

**SUPPORTING PERSONNEL:** James Hudson, City Clerk

**ACTION RECOMMENDED:** That City Council appoint members to two Boards of Review.

Section 8 of the *City Charter* prescribes that City Council appoint members to the Board of Review. Beginning in January 2011, an amendment to the *Charter* restructured the Board of Review to terms of one year, except for those members serving with terms remaining at the time of adoption of the amendment whose respective terms continue until expiration. Under the provisions of the *Charter*, when six members are appointed, the membership of the Board of Review shall be divided into committees of three members each.

At a Special City Council Meeting on January 6, 2015, City Council made six appointments to the Board of Review and determined that there should be two individual committees. However, City Council determined to make appointments to each individual committee at a later date. Jay Woodhams is a first-time appointee and has never served on the Board of Review. Keith Hearit, and Lori Knapp have each served one year on the Board of Review. William Brandt and Michael Quinn have completed two and three years of service, respectively, and Wesley Mazurek has served since May 27, 2008.

Based upon prior performance and member experience, it is recommended that Lori Knapp, Michael Quinn and William Brandt be appointed to serve as sub-committee one. Furthermore, it is recommended that Jay Woodhams, Keith Hearit and Wesley Mazurek be appointed to serve as sub-committee two.

**FUNDING:** N/A

**Attachments:** N/A



**TO:** Honorable Mayor and City Council

**FROM:** Laurence Shaffer, City Manager

A handwritten signature in blue ink, appearing to read "L. Shaffer", is written over the "FROM:" line.

**SUBJECT:** December 2014 Environmental Activity Report

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

Attached please find the December 2014 Summary Environmental Activity Report from Department of Transportation & Utilities Director, W. Christopher Barnes, P.E. New material or material of specific interest to City Council is presented in italics.

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

**FUNDING:** N/A

**Attachments:** December 2014 Environmental Activity Report

SUMMARY ENVIRONMENTAL ACTIVITY REPORT  
December 2014 (*updates in italics*)

<u>Project/Activity</u>	<u>Description</u>	<u>Status</u>
Portage City Landfill	Ongoing groundwater monitoring of former municipal landfill.	<p>-Beginning in 1991, South Westnedge Park (landfill) has been monitored for on-site and off-site contamination. On July 23, 2013, City Council approved a three-year contract with American Hydrogeologic Corporation (AHC) to perform annual groundwater sampling. The site groundwater data will continue to be monitored to confirm continuation of the natural attenuation process. General groundwater quality continues to improve, but site will require monitoring for the foreseeable future. Initial groundwater and methane results indicate no off-site impact. AHC currently compiling MDEQ sampling requirement costs necessary for closure at the former landfill site. Weekly methane sampling is continuing on-site to collect base line data. AHC is completing the installation of private methane detection devices at several adjacent properties. Soil boring installation was completed on May 28, 2014. Current methane readings have been below detection levels. The 2<sup>nd</sup> year of AHC's contract is underway.</p> <p>-Coordination with property owners and City or State agencies ongoing.</p> <p><i>-Review of 6 site/building plans and/or plats completed in December 2014.</i></p>
Site Inspection/Development Project Review	Review of existing business & industries and review of proposed business and industrial development projects for environmental protection purposes and/or building plans completed.	<p><i>-Sanitary sewer hookup permits issued in December 2014: 4 residential; 0 commercial.</i></p>
Sewer Connection Program	Groundwater protection program requiring residential/business hookup to the sanitary sewer where available.	<p>-Five Year Lake Management Assessment District process was approved by City Council on March 23, 2010. Permitting complete for the 2014 season. Treatment to be performed by Aquatic Services, Inc. The Association has selected to use Restorative Lake Sciences, LLC for consulting services for 2014. Treatment application schedule for mid-June. Follow-up inspection of treatment will be done by Restorative Lake</p>
West Lake Management Program	Special assessment district designed to maintain/improve lake conditions. Special emphasis on weed control and non-point source pollution reduction.	<p>-Five Year Lake Management Assessment District process was approved by City Council on March 23, 2010. Permitting complete for the 2014 season. Treatment to be performed by Aquatic Services, Inc. The Association has selected to use Restorative Lake Sciences, LLC for consulting services for 2014. Treatment application schedule for mid-June. Follow-up inspection of treatment will be done by Restorative Lake</p>

Sciences, LLC. The West Lake Improvement association has completed a five year plan in preparation for a new special assessment district. Special assessment process for 2015-2019 began on August 26, 2014. Resolution No. 5 completing the assessment was adopted October 21, 2014. Year-end report by the consultant is complete.

Retention Basin  
Sampling Program  
(Groundwater  
Elevation)

Investigation regarding potential impact of retention basins on groundwater levels.

-Historical monitoring continues to show minor impacts at most basins. From 1993 through 2009 the monitoring program showed stable groundwater impacts due to storm water infiltration. Alternative road salt practices continue to be considered and evaluated. The 2013 report was received noting minimal impacts. The 2013 report is available on the website for public information. Bids were received for a new four year program on April 16, 2014. The low bidder, Nova Consultants, was awarded a four-year contract by City Council on April 29, 2014. Monitoring performed in July 2014 and will continue in the fall. Interim report is due in December. Monthly sampling at two retention basins continues. *Current findings show a rise in groundwater levels of approximately six inches.*

Wellhead Protection  
Program (WHPP)

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

-Wellhead Protection Grant award received from MDEQ on August 30, 1999 and Council accepted the grant on October 5, 1999. Council also awarded contract to Earth Tech to complete WHPP. Earth Tech completed the final wellhead protection plan and MDEQ submittal was made on October 14, 2000. Plan was reviewed by MDEQ with written approval received in March, 2001. Staff has met internally to discuss the future needs to update the plan pending grant opportunities. Staff participated in a MDEQ Water Supply Emergency planning roundtable on June 10, 2013. Update of the program will be initiated as part of the Water Reliability Study in conjunction with Fishbeck, Thompson, Carr & Huber update work currently underway. Wellfield delineation completed. Engineering intern completed contamination source inventory. Final report preparation underway.

Leaf Compost  
Monitoring Program

Monitoring and analysis of groundwater at the new Oakland Drive Leaf Compost site.

-City Council awarded contract on August 21, 2001 to Soil & Materials Engineers for monitoring and analysis of groundwater impact of the new compost operation. Drilling was completed in October 2001 and first sampling cycle was completed in February 2002. Semi-annual sampling

was performed from 2002 to 2008 in June and January. Sampling and analysis results continue to show negligible groundwater impacts from the leaf composting. Sampling schedule was reduced to annual sampling in 2009 with results showing continued minor impact on groundwater quality. Sampling completed in June 2014, with report submitted. No significant change in groundwater impacts.

**National Pollution Discharge Elimination System (NPDES) Permit Implementation**

Five year plan to implement the current NPDES stormwater permit.

-Received NPDES general permit on August 15, 2001. Renewal Application submission was made to MDEQ on March 7, 2003. New permit received in 2004 mandates involvement in several county watershed groups. City staff completed the submission of a Storm Water Pollution Prevention Initiative (SWIPPI) as required by NPDES permit. New certificate of coverage permit was issued by MDEQ on September 30, 2009. New permit covers a 5 year timeframe with first work item (updating the Public Participation Plan) completed December 11, 2009. Received a notice from MDEQ rescinding the 2008 permit due to a recent court case ruling. MDEQ reinstated the 2003 permit for implementation. Information on new permit requirement was received in February 2011. MDEQ expected to issue new permit in 2014. MDEQ scheduled an audit of the program on July 12, 2012. Audit completed with satisfactory results. City website updated in February to provide education of Illicit Storm Water Discharge. Program implementation is ongoing. Annual 2012-13 report was submitted on December 24, 2013. Comments received back have been reviewed by staff and response submitted to MDEQ. MDEQ concurred with city staff response. Program is ongoing. New permit application process announced in November 2014. New permit application will be due in April 2015.

**National Pollution Discharge Elimination System (NPDES) Permit Implementation**

Kalamazoo River Mainstream Watershed Management Plan

-First meeting was held September 17, 2004. Proposals for completing the watershed plan were received by Kalamazoo County on September 15, 2005 and a contract awarded to Kieser & Associates in November 2005. Draft watershed plan submitted to MDEQ on December 30, 2005. Review comments received from MDEQ and revised watershed plan due in December 2006. A letter not to revise the Watershed Plan was submitted to the MDEQ on March 17, 2008. Public participation plan update submitted to MDEQ on November 24, 2009. Kalamazoo River

Watershed council completed a watershed update in November, 2011. No new developments.

#### Portage River Watershed Management Plan

-Public participation plan submitted June 28, 2004. Proposals for a Watershed Management Plan were received by the Kalamazoo County Road Commission and a contract awarded to the Kalamazoo County Conservation Service in November 2005. Draft watershed plan submitted to MDEQ on December 30, 2005. A letter not to revise the Watershed Plan was submitted to the MDEQ on March 17, 2008. Public participation plan update submitted to MDEQ on November 24, 2009. Based upon MDEQ comments, the plan was revised and resubmitted on December 21, 2009. Interest has been raised by local conservation groups to update the Watershed Plan using grant funds. Grant application submitted by Kalamazoo and Calhoun County Conservation District to update the Watershed Plan in 2012. Grant for watershed update was awarded to Calhoun County Conversation District. First kick-off meeting held December 13, 2012 to introduce working partners and information gathering. A meeting was held on March 12, 2013 to discuss the designated uses of the Portage River/Little Portage Creek watershed, the total maximum daily load of E-coli from samples taken and a review of community ordinances and policies that help protect the Watershed. Meeting held on June 11, 2013 to discuss identified water quality problems in the watershed. Meeting held on December 11, 2013 to inform stakeholders of progress on data collection. Canoe trip inspection was held on September 13, 2014. No new developments.

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

-On February 19, 2002, City Council approved a new ordinance as required by the NPDES permit titled "Storm Water Illicit Discharges and Connections." Program implementation is ongoing. Continued outfall sampling is required by permit and will be budgeted accordingly. IDEP program was updated for submittal to MDEQ on June 25, 2010, and part of the SWIPPI. Completed an area-wide brochure to educate the public on Illicit Storm Water Discharges in conjunction with the Kalamazoo County Drain Commissioner. On April 29, 2014 City Council awarded a contract to Nova Consultants, Inc., to perform annual investigations of storm outfalls and investigate all outfalls on a four-year cycle. Investigations scheduled for 2014 were completed in July with summary

report received. Report will be submitted to MDEQ as part of the annual report.

**Garden Lane Arsenic Removal Facility**

*Native Prairie Restoration*

Staff currently working with the Environmental Board on informative signs and long-term maintenance plans for the native planting landscape design in front of the Garden Lane Treatment Plant. New informational sign design for three signs is complete and sign fabrication is underway.

**Environmental Incident/Spill Clean Up Notification**

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

Emergency spill response contract for 2013-14 with Terra Contracting has been renewed. *The number of environmental incident/spill investigations performed in December – 0. Number of environmental cleanups in December – 0. Contract for 2015 is in process.*

**Southwest Michigan Regional Sustainability Covenant**

Collaborative effort with local government, academic, and other stakeholders to lead toward environmental, economic and social sustainability.

On May 12, 2009, City Council approved the Southwest Michigan Regional Sustainability Covenant. A sustainability work session was held April 14, 2010, to review elements of the covenant in cooperation with the City of Kalamazoo and the City of Battle Creek. A grant application was made to MDEQ for a greenhouse gas inventory study of the area. Notice received July 15, 2010 that the grant application was not successful. City staff attended a September 10, 2010 meeting in Grand Rapids to discuss sustainable economic, environment, and society programs. No new developments.

**TO:** Honorable Mayor and City Council

**DATE:** January 12, 2015

**FROM:** Sami Ahmad, Youth Advisory Committee Chairperson

**SUBJECT:** 2014-2015 Youth Advisory Committee Goals and Objectives

The Youth Advisory Committee (YAC) is pleased to submit the following update on our Goals and Objectives:

- 1.) Continue to support educating members of the YAC on the roles and functions of the City of Portage Government.
  - a. The Youth Advisory Committee met several times throughout the summer of 2014 with the sole purpose of learning more about local government and how it operates.
  - b. A demonstration on forensics and processing a crime scene was arranged and hosted by the Department of Public Safety in April.
- 2.) Continue a commitment to community service by volunteering time at organizations such as the Portage Community Center. In addition, to take initiative and volunteer in support of other causes as the need may arise.
  - a. We volunteered several times at the Portage Community Center in advance of both Thanksgiving and Christmas, supported Operation Breadlift, and supported other events/activities of the Park Board and Environmental Board.
- 3.) Promote environmental awareness in the community by hosting an annual Earth Day event in conjunction with the Environmental Board and Park Board.
  - a. The 7<sup>th</sup> annual Greenathon is planned for April 25<sup>th</sup> at Celery Flats.
- 4.) Participate in and support community efforts – specifically those of the Kalamazoo County Substance Abuse Task Force – related to addressing substance abuse in the community. Provide teens an opportunity to socialize without the use of drugs and alcohol, including hosting activities such as the Snow Party and Teen Movie Night.
  - a. The Youth Advisory Committee participates in the annual Sticker Shock campaign coordinated by the Substance Abuse Task Force. The effort is held every spring and is designed to raise awareness about dangers surrounding the use of alcohol by minors.
  - b. The Snow Party will be held on February 7<sup>th</sup> and was a big success last year with over 300 participants and more than a dozen entries in the cardboard sled contest.
  - c. The Youth Advisory Committee is planning to partner with the Teen Library Board of the Portage District Library in hosting a Teen Movie Night and expanded activities at the library. The joint Teen Movie Night held at the library last July was a big success.
  - d. Support compliance checks by the Department of Public Safety and the Substance Abuse Task Force.

- 5.) Advise the City Council in areas / subjects under the purview of the Youth Advisory Committee.
  - a. Provided the annual presentation to City Council. Youth Advisory Committee members Kyle Huitt, Kitu Komya and Sami Ahmad discussed the activities of the YAC in January 2014.
  
- 6.) Prepared the update to goals for FY 2014-15 and recommended goals for FY 2014-15.
  - a. Completed.
  
- 7.) Present an annual verbal report to the City Council.
  - a. Completed.

Sincerely,

Sami Ahmad, Chairperson  
Youth Advisory Committee

C: CM  
CC

City of Portage  
Board of Commissioners



1-14-2015

Greetings ,

Enclosed is a copy of section 510.1 of the 2012 I.F.C fire code. This section addresses radio coverage for Police, Fire and E.M.S responders.

I feel that this section should NOT be adopted by the city of Portage. It is onerous and costly to business and commercial building owners in the City. The cost to comply with this section, which has been changed from the current 2009 fire code, would be in excess of **\$50,000.00** for most structures.

In addition the recurring cost to inspect and maintain the systems will be significant.

This code section puts no responsibility on the City to operate an adequate radio system for first responders.

It also puts the cost of replacing a VHF booster system which they may just installed, with a NEW 800 MHz Booster. As 800 MHz has so much discussion for **central dispatch** on the Local Business building owners.

In-building radio coverage, in most cases, can be achieved without installation of privately owned boosters. Radio procedure and vehicle repeaters installed in responding equipment is an example.

If a business wants to install booster equipment for the use of Police, Fire and EMS in their building they are free to do so. However, it should be their choice.

In addition, Central Dispatch may have the unintended consequence of removing the city from having any input on Public Safety radio coverage and policies within the boundaries of the City of Portage –which is what this fire code is trying to enforce.

Thank You

Charles Agosti 269-217-4188  
1723 Romence Rd  
Portage Mi.

Click here for  
PAID Subscriptions

- International Fire Code
- [ 2012 (First Printing) ]
- Chapter 5 - Fire Service Features

- [SECTION 501 GENERAL](#)
- [SECTION 502 DEFINITIONS](#)
- [SECTION 503 FIRE APPARATUS ACCESS ROADS](#)
- [SECTION 504 ACCESS TO BUILDING OPENINGS AND ROOFS](#)
- [SECTION 505 PREMISES IDENTIFICATION](#)
- [SECTION 506 KEY BOXES](#)
- [SECTION 507 FIRE PROTECTION WATER SUPPLIES](#)
- [SECTION 508 FIRE COMMAND CENTER](#)
- [SECTION 509 FIRE PROTECTION AND UTILITY EQUIPMENT IDENTIFICATION AND ACCESS](#)
- [SECTION 510 EMERGENCY RESPONDER RADIO COVERAGE](#)

[510.1 Emergency responder radio coverage in new buildings.](#)

[510.2 Emergency responder radio coverage in existing buildings.](#)

[510.3 Permit required.](#)

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[510.1 Emergency responder radio coverage in new buildings.](#)

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## SECTION 510 EMERGENCY RESPONDER RADIO COVERAGE

### 510.1 Emergency responder radio coverage in new buildings.

All new buildings shall have *approved* radio coverage for emergency responders within the building based upon the existing coverage levels of the public safety communication systems of the jurisdiction at the exterior of the building. This section shall not require improvement of the existing public safety communication systems.

#### Exceptions:

1. Where *approved* by the building official and the *fire code official*, a wired communication system in accordance with [Section 907.2.13.2](#) shall be permitted to be installed or maintained in lieu of an *approved* radio coverage system.

2. Where it is determined by the *fire code official* that the radio coverage system is not needed.
3. In facilities where emergency responder radio coverage is required and such systems, components or equipment required could have a negative impact on the normal operations of that facility, the *fire code official* shall have the authority to accept an automatically activated emergency responder radio coverage system.

### **510.2 Emergency responder radio coverage in existing buildings.**

Existing buildings shall be provided with *approved* radio coverage for emergency responders as required in [Chapter 11](#).

### **510.3 Permit required.**

A construction permit for the installation of or modification to emergency responder radio coverage systems and related equipment is required as specified in [Section 105.7.5](#). Maintenance performed in accordance with this code is not considered a modification and does not require a permit.

### **510.4 Technical requirements.**

Systems, components, and equipment required to provide emergency responder radio coverage system shall comply with [Sections 511.4.1 through 511.4.2.5](#).

#### **510.4.1 Radio signal strength.**

The building shall be considered to have acceptable emergency responder radio coverage when signal strength measurements in 95 percent of all areas on each floor of the building meet the signal strength requirements in [Sections 510.4.1.1 and 510.4.1.2](#).

##### **510.4.1.1 Minimum signal strength into the building.**

A minimum signal strength of -95 dBm shall be receivable within the building.

##### **510.4.1.2 Minimum signal strength out of the building.**

A minimum signal strength of -95 dBm shall be received by the agency's radio system when transmitted from within the building.

#### **510.4.2 System design.**

The emergency responder radio coverage system shall be designed in accordance with [Sections 510.4.2.1 through 510.4.2.5](#).

##### **510.4.2.1 Amplification systems allowed.**

Buildings and structures which cannot support the required level of radio coverage shall be equipped with a radiating cable system, a distributed antenna system with Federal Communications Commission (FCC)-certified signal boosters, or other system approved by the *fire code official* in order to achieve the required adequate radio coverage.

##### **510.4.2.2 Technical criteria.**

The *fire code official* shall maintain a document providing the specific technical information and requirements for the emergency responder radio coverage system. This document shall contain, but not be limited to, the various frequencies required, the location of radio sites, effective radiated power of radio sites, and other supporting technical information.

#### 510.4.2.3 Secondary power.

Emergency responder radio coverage systems shall be provided with an *approved secondary source of power*. The secondary power supply shall be capable of operating the emergency responder radio coverage system for a *period of at least 24 hours*. When primary power is lost, the power supply to the emergency responder radio coverage system shall automatically transfer to the secondary power supply.

#### 510.4.2.4 Signal booster requirements.

If used, signal boosters shall meet the following requirements:

1. All signal booster components shall be contained in a National Electrical Manufacturer's Association (NEMA) 4-type waterproof cabinet.
2. Battery systems used for the emergency power source shall be contained in a NEMA 4-type waterproof cabinet.
3. The signal booster system and battery system shall be *electrically supervised and monitored* by a supervisory service, or when *approved by the fire code official*, shall sound an audible signal at a constantly attended location.
4. Equipment shall have FCC certification prior to installation.

#### 510.4.2.5 Additional frequencies and change of frequencies.

The emergency responder radio coverage system shall be *capable of modification or expansion* in the event frequency changes are required by the FCC or additional frequencies are made available by the FCC.

### 510.5 Installation requirements.

The installation of the public safety radio coverage system shall be in accordance with Sections 510.5.1 through 510.5.5.

#### 510.5.1 Approval prior to installation.

Amplification systems capable of operating on frequencies licensed to *any* public safety agency by the FCC shall not be installed without prior coordination and approval of the *fire code official*.

#### 510.5.2 Minimum qualifications of personnel.

The minimum qualifications of the system designer and lead installation personnel shall include:

1. A valid FCC-issued general radio operators license; and
2. Certification of in-building system training issued by a nationally recognized organization, school or a certificate issued by the manufacturer of the equipment being installed.

These qualifications shall not be required where demonstration of adequate skills and experience satisfactory to the *fire code official* is provided.

#### 510.5.3 Acceptance test procedure.

When an emergency responder radio coverage system is required, and upon completion of installation, the building *owner* shall have the radio system tested to ensure that two-way coverage on each floor of the building is a **minimum of 90 percent**. The test procedure shall be conducted as follows:

1. Each floor of the building shall be divided into a grid of 20 approximately equal test areas.
2. The test shall be conducted using a calibrated portable radio of the latest brand and model used by the agency talking through the agency's radio communications system.
3. Failure of a maximum of two nonadjacent test areas shall not result in failure of the test.
4. In the event that three of the test areas fail the test, in order to be more statistically accurate, the floor shall be permitted to be divided into 40 equal test areas. Failure of a maximum of four nonadjacent test areas shall not result in failure of the test. If the system fails the 40-area test, the system shall be altered to meet the 90 percent coverage requirement.
5. A test location approximately in the center of each test area shall be selected for the test, with the radio enabled to verify two-way communications to and from the outside of the building through the public agency's radio communications system. Once the test location has been selected, that location shall represent the entire test area. Failure in the selected test location shall be considered failure of that test area. Additional test locations shall not be permitted.
6. The gain values of all amplifiers shall be measured and the test measurement results shall be kept on file with the building *owner* so that the measurements can be verified during annual tests. In the event that the measurement results become lost, the building *owner* shall be required to rerun the acceptance test to reestablish the gain values.
7. As part of the installation a spectrum analyzer or other suitable test equipment shall be utilized to ensure spurious oscillations are not being generated by the subject signal booster. This test shall be conducted at time of installation and subsequent annual inspections.

#### **510.5.4 FCC compliance.**

The emergency responder radio coverage system installation and components shall also comply with all applicable federal regulations including, but not limited to, FCC 47 CFR Part 90.219.

#### **510.6 Maintenance.**

The emergency responder radio coverage system shall be maintained operational at all times in accordance with Sections 510.6.1 through 510.6.3.

#### **510.6.1 Testing and proof of compliance.**

The emergency responder radio coverage system shall be inspected and **tested annually or** whenever structural changes occur including additions or remodels that could materially change the original field performance tests. Testing shall consist of the following:

1. In-building coverage test as described in Section 510.5.4.
2. Signal boosters shall be tested to ensure that the gain is the same as it was upon initial installation and acceptance.
3. Backup batteries and power supplies shall be tested under load of a period of one hour to verify that they will properly operate during an actual power outage. If within the 1-hour test period the battery exhibits symptoms of failure, the test shall be extended for additional 1-hour periods until the integrity of the battery can be determined.
4. All other active components shall be checked to verify operation within the manufacturer's specifications.
5. At the conclusion of the testing, a report, which shall verify compliance with Section 510.5.4, shall be submitted to the *fire code official*.

#### **510.6.2 Additional frequencies.**

The building owner shall modify or expand the emergency responder radio coverage system at their expense in the event frequency changes are required by the FCC or additional frequencies are made available by the FCC. Prior approval of a public safety radio coverage system on previous frequencies does not exempt this section.

#### **510.6.3 Field testing.**

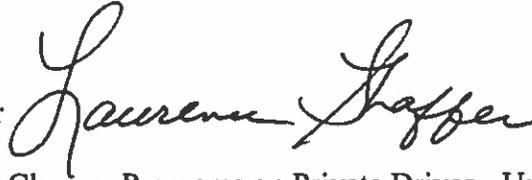
Agency personnel shall have the right to enter onto the property at any reasonable time to conduct field testing to verify the required level of radio coverage.

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**TO:** Honorable Mayor and City Council

**FROM:** Laurence Shaffer, City Manager



**SUBJECT:** City Leaf, Brush and Spring Cleanup Programs on Private Drives - Update

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

**ACTION RECOMMENDED:** That City Council authorize the City Administration to conduct a public session(s) to discuss the potential interest in extending leaf, brush and spring cleanup collection programs to private streets in the city with residential property owners and representatives with property interests in city private streets.

In October 2014, representatives of the Oak Shores Neighborhood Association requested inclusion of their neighborhood in the city's leaf, brush and spring cleanup programs due to current city policy not providing collection services for properties adjacent to private streets, including Oak Shores. The policy is a result of issues identified with private streets including public safety, liability, and equipment size / weight making pickup on private streets inadvisable.

However, the noted collections are valued services to the citizens of Portage. As such, City Council authorized the Administration during the November 18, 2014 regular Council meeting, to research the issue of liability for damages that may occur along private streets resulting from leaf, brush and spring cleanup, including a review with the City Attorney regarding potential opportunities to appreciably reduce or eliminate municipal liability through hold harmless agreements or other similar devices with the owners of private streets in the city.

The City Attorney has subsequently opined that the city has the capability to offer collection programs along private streets, as well as address the potential for liability through execution of an indemnification agreement with those private neighborhoods interested in receiving the service. The city would offer each respective neighborhood association or property management entity the option to complete an indemnification agreement for collection of that specific neighborhood to enable collection.

As such, it is recommended that City Council authorize the City Administration to conduct a public session(s) to discuss the potential interest in extending leaf, brush and spring cleanup collection programs to private streets in the city with residential property owners and representatives with property interests in city private streets.

**FUNDING:** Estimated cost to provide leaf pickup and spring cleanup for all non-apartment residential properties along private streets totals an additional \$100,889.00 per year. City Council

authorization of an increase to the Leaf / Spring Cleanup Millage levy to 0.0004 mills from the current 0.0003455 mills will be necessary to generate an approximate \$107,940 in additional revenue for the annual collection programs with the inclusion of private streets.

**Attachments:** November 18, 2014 City Council Communication

**TO:** Honorable Mayor and City Council

**FROM:** Laurence Shaffer, City Manager



**SUBJECT:** City of Portage Leaf, Brush & Spring Cleanup Programs – Private Drives

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

**ACTION RECOMMENDED:**

That City Council authorize the City Administration to:

- a. research city liability for extending leaf, brush and spring cleanup collection programs to private streets in the city;
- b. conduct a public meeting to discuss the potential interest in extending leaf, brush and spring cleanup collection programs to private streets in the city, and
- c. present a follow-up report to Council by the second regular meeting in February 2015.

A request was recently submitted by the representatives of the Oak Shores Neighborhood Association regarding the request for the City of Portage to provide leaf, brush and spring cleanup services within the Oak Shores residential subdivision. City staff and I met with residents Susan Yetter and Michael Jaeger representing the Oak Shores Association, as well as Treystar representative and Oak Shores liaison Jan Boody, to discuss the city policy which does not provide leaf, brush and spring cleanup services for properties adjacent to private streets. Given that Oak Shores is serviced by private streets, exclusion from these special collection programs is applicable.

Staff informed the representatives of Oak Shores that the City Administration would research the various elements of the municipal pickup programs along private streets and report to the City Council on the various policy options. It was further explained that changes in the city policy of collecting leaves, brush and debris along private streets could not necessarily be completed within the present fiscal year.

In 1997, the voters of the City of Portage overwhelmingly approved a millage increase of four-tenths mill to “collect and remove leaves and yard trimmings at least twice per year and rubbish, paper, litter and other similar materials at least once per year.” The language of the Charter amendment did not specify the particular properties expected to benefit from the program. In 1997, former City Manager Michael Stampfler prepared a memo to the Council advocating that leaves and brush be removed from public roadways only. This position was supported by former Streets and Equipment Department Director Jack Hartman, citing issues with public safety, liability, and equipment size and weight making pickup on private streets inadvisable. The City Council, at its regular meeting of August 5, 1997, received the report from City Manager Stampfler by motion fundamentally and tacitly accepting as policy that leaf and brush pickup and spring cleanup not be conducted on private streets. The documents attached to this report further detail the city policy and parameters of these programs.

A recent review of the current residential properties, excluding apartments, which exist on private streets in Portage was conducted. There appears to be 1,223 parcels situated on private streets, which include 7,590 residential units. Parks, Recreation and Public Services Director William Deming has estimated that the cost to provide leaf pickup and spring cleanup for all non-apartment residential properties along private streets would be an additional \$100,889.00 per year.

The Acting Finance Director and City Assessor have estimated that, should the City Council authorize the increase of the actual Leaf / Spring Cleanup Millage levy up to .0004 mills from the 2014 levy of .0003455 mills, then an additional \$107,940 would be collected. This increase in revenue is anticipated to address the expense associated in extending collection to residential properties along private streets in the leaf, brush and spring cleanup programs.

Leaf, brush and spring cleanup collections are valued services to the citizens of Portage. However, a significant number of citizens currently paying for these services do not receive them. There may be methods to address the noted concerns that previously resulted in the decision to eliminate private streets from city efforts. It is believed worth the effort to determine if a revision to the current policy is warranted. As such, it is recommended that the City Council authorize the City Administration to complete the following:

- a. Research the issue of liability for damages that may occur along private streets resulting from leaf, brush and spring cleanup, including a review with the City Attorney regarding potential opportunities to appreciably reduce or eliminate municipal liability through hold harmless agreements or other similar devices with the owners of private streets in the city;
- b. Conduct a public meeting with the various representatives of the private streets to better measure resident interest in the city collection programs and whether executing hold harmless agreements would be a possibility, and
- c. Presentation of a follow-up report to Council by the second regular meeting in February 2015 detailing the Administration's findings, as well as a potential recommendation for program changes.

**FUNDING:** Estimated cost to provide leaf pickup and spring cleanup for all non-apartment residential properties along private streets totals an additional \$100,889.00 per year. City Council authorization of an increase to the Leaf / Spring Cleanup Millage levy to 0.0004 mills from the current 0.0003455 mills creates an approximate \$107,940 in additional revenue for the annual collection programs.

**Attachments:** July 15, 1997 City Charter Amendment  
July 1997 *Portager* article  
August 1, 1997 Communication from City Manager Stampfler to City Council  
July 29, 1997 Communication from Director Hartman to Stampfler  
August 5, 1997 City Council Minutes  
City map of residential properties on private streets  
Estimate of cost to provide services on private streets dated October 23, 2014  
Estimate of revenue from millage increase dated November 13, 2014

A

## INSTRUCTION BALLOT

## SPECIAL ELECTION

CITY OF PORTAGE  
KALAMAZOO COUNTY, MICHIGAN

TUESDAY, JULY 15, 1997

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INSTRUCTIONS – To vote in favor of the proposition, place a cross (X) or a check mark (✓) in the square to the right of the word “YES”; to vote against the proposition, place a cross (X) or a check mark (✓) in the square to the right of the word “NO”.

Before returning the ballot, fold the ballot so that the face of the ballot is not exposed and so that the numbered corner is visible.

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## CHARTER AMENDMENT CAPTION

The following amendment allows the city to levy up to four-tenths mill on the assessed value of all real and personal property for collection and removal of leaves, yard trimmings, rubbish and other similar materials.

## CHARTER AMENDMENT QUESTION

Shall the city charter be amended to allow a levy not to exceed four one-hundredths of one percent (four-tenths mill) on the assessed value of all real and personal property in the city for programs to collect and remove leaves and yard trimmings at least twice per year and rubbish, paper, litter, and other similar materials at least once per year?

YES NO 

# CITY OF PORTAGE

# COMMUNICATION

TO: Honorable Mayor and City Council

DATE: August 1, 1997

FROM: Michael L. Stampfler, City Manager

SUBJECT: Leaf Pickup/Spring Cleanup on Private Drives - Information Only

Per request of Council, the City Administration has investigated the provision of leaf pickup and spring cleanup services to properties abutting private drives. The pickup services are currently provided on all public streets. Residents living on private drives are required to place leaves or trash at the end of the drive on a public street. As explained in the attached communication from Jack Hartman, Director of Streets & Equipment, this is required due to minimal drive widths, the likelihood of property damage occurring and increased safety risks associated with the operation of heavy equipment in generally smaller more confined areas.

Residents living on private drives have chosen to do so to receive the benefits of an exclusive and private setting for their residences. Private drives are, basically, extended driveways utilized by more than one property. Members of the general public (pedestrians and motorists) are generally discouraged or prohibited from using these driveways by the private owners, and accordingly, the city does not provide public services such as asphalt repair or reconstruction, snow removal, or leaf and trash pickup on these private drives. Private drive residents have been able to avail themselves of services such as leaf pickup and spring cleanup by placing materials on public streets for pickup, at the entrance to the private drive.

The city does provide one "curbside" service to residents living on private streets—curbside recycling. While a signed indemnification form is required of each property owner living on the private street, this does not release the city from ultimate responsibility: Curbside recycling, though, requires much less space to operate equipment, and, as detailed in Mr. Hartman's report, pickup is completed by hand and the vehicle used to transport collected materials is much smaller than the compactor trucks and front-end loaders used for leaf pickup and spring cleanup.

Due to the likelihood of property damage and increased safety risks attendant to the leaf pickup and spring cleanup programs if provided on private drives, it is recommended that the city continue the current policy of providing these collection services—leaf pickup and spring cleanup—on public streets only. Residents on private drives may continue to avail themselves of these services by placing materials on public streets for pickup, at the entrance on the private drive, in the same manner as has been practiced to this point. Private drive residents have supported these programs through general fund taxes in the past, and will continue to receive the same service now provided by the Leaf Pickup/Spring Cleanup millage.

Attachment: Report from Mr. Jack Hartman, Director of Streets & Equipment

# CITY OF PORTAGE

# COMMUNICATION

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TO: Michael L. Stampfler, City Manager

DATE: July 29, 1997

FROM: Jack Hartman, Director of Streets and Equipment

JAA

SUBJECT: Leaf Pickup/Spring Cleanup Private Drive Service -- Information Only

As a follow up to questions concerning the Leaf Pickup/Spring Cleanup Programs related to service provided to properties on private drives, some background may be appropriate.

The Fall Leaf Pickup Program and the Spring Cleanup Program are projects which traditionally have provided pickup service to properties abutting public streets. The pickup and collection involved with these projects has not included private streets and /or drives. The reasons for this are that it is very difficult to maneuver large equipment onto private drives and streets safely, and large, heavy equipment can be destructive to drive and street surfaces as well as adjoining yards. Private drives and streets typically are not built to city specifications related to structural requirements, and the width of these private drives in most cases is much narrower than standard public streets. Private drives will not have the required sub-base materials and compaction nor will they be built with the depth of bituminous materials found in public streets. The average width of public streets is 22 to 24 feet of asphalt with an average of 3 to 4 feet of shoulder area. The typical average width of a private street/drive is 10 to 18 feet. This lack of width seriously impairs the operation of large, heavy equipment and can make the collection process near impossible.

The pickup process entails the utilization of large equipment in the form of compactor trucks at a gross weight of 50,000 lbs., articulating 3 yard front end loaders, and in some cases small front plow trucks. All this equipment, when engaged in the operation of picking up loose leaves, brush, and bulk trash can cause severe damage to drive surfaces and adjoining yards. Due to the excessive weight of this equipment, coupled with pivoting movements of the articulating loaders with the massive tires and the scraping and possible gouging of asphalt or gravel surfaces with plow and claw blades, the issue of liability related to this potential private property damage has shown cause to direct these operations to public streets only.

Additionally, safety is a factor when maneuvering heavy equipment in close confinements experienced in private drive settings. It is difficult to observe and control small children and pets, thus there is a much greater risk involved in attempting to operate the equipment in a manner required to collect the materials. Much of the process entails back up movements by large equipment in which the operators have limited visibility. The operators have only mirrors on the large bulk carrier equipment, and the loader operators sit some ten feet up and cannot see within close proximity of the equipment. Couple these limitations with the confined space of a private drive and the risk factor and liability is greatly increased related to this operation.

The issue of indemnification agreements has been addressed in the past and legal council has indicated that the city would still hold ultimate liability related to property damage or personal injury. The city cannot enter into contracts to protect negligence, such agreements are non-transferable related to ownership transfers, and those who elect not to sign cannot be bound to this type of agreement.

Historically, the city has communicated to the residents on private streets and drives that if they stage their leaves, brush and bulk trash on the public right-of-way at the entrance to the private drive or street, the city would pickup these items. This has been acceptable in the past and has worked well in many areas. For example, portions of the Woodbridge Development designate a staging area adjacent to Moorsbridge Road where the items are left by the residents for pickup. This procedure for collecting materials utilizing large construction equipment in the collection process provides the best alternative, related to risk factors, for providing these services to residents on private drives.

It needs to be remembered that private drives and streets are nothing more than driveways which are solely the responsibility of the property owner to maintain. This maintenance includes asphalt or gravel repairs, roadside mowing, snow plowing, and all other maintenance activities required to keep the drive in a condition suitable for the user. Although this may seem to be a disadvantage to the property owners on private streets and drives, these residents have opted for this option so as to gain the advantage of a private and exclusive setting for their residences.

The Curbside Recycling Program, a tax-funded program, entails collection on private streets and drives. It must be understood though, that this program is more suitable and adaptable to accommodate this particular service in the private street setting. The collection process is accomplished by hand, picking up and dumping small containers, and does not require large equipment maneuvering through complex operations to accommodate the collection process. The equipment utilized is much smaller and requires a simple drive through procedure.

In reviewing this background related to the Fall Leaf Pickup and Spring Cleanup Programs, it is in the best interest of the city and the public to continue the current policy of providing these collection programs on public streets only.

\* **VEHICLE PURCHASE:** Motion by Sutter, seconded by Bashaw, to authorize the purchase of three dump trucks and one snow blower through the State of Michigan Extended Purchasing Program at a cost not to exceed \$133,975.00 and authorize the City Manager to execute all documents related to these purchases. Upon a roll call vote, motion carried 5 to 0.

\* **SIDEWALK REPAIR:** Motion by Sutter, seconded by Bashaw, to approve a change order to the sidewalk repair and construction contract with Construction Technologies of Michigan in the amount of \$95,988.20 and authorize the City Manager to sign the change order on behalf of the city. Upon a roll call vote, motion carried 5 to 0.

\* **PIZZA HUT LIQUOR LICENSE:** Motion by Sutter, seconded by Bashaw, to adopt the Liquor License Resolution granting the request to transfer ownership of 1997 Tavern licensed business, located at 6300 South Westnedge, Portage, from Pizza Hut of America, Inc. (a Delaware Corporation) to Michigan Pizza Hut, Inc. Upon a roll call vote, motion carried 5 to 0.

\* **CLOSED SESSION:** Motion by Sutter, seconded by Bashaw, to approve the request from the City Manager to set a closed session to discuss a personnel matter on August 19, 1997, at 6 p.m. Upon a roll call vote, motion carried 5 to 0.

\* **LEAF PICKUP/SPRING CLEANUP ON PRIVATE DRIVES:** Motion by Sutter, seconded by Bashaw, to receive the report from the City Manager regarding Leaf Pickup/Spring Cleanup on Private Drives as an information only item. Upon a roll call vote, motion carried 5 to 0.

#### COMMUNICATIONS:

**HUMAN RESOURCES BOARD:** Motion by Sutter, seconded by Bashaw, to refer the communication from the Human Resources Board to the Administration for review and recommendation on August 19, 1997. Upon a roll call vote, motion carried 5 to 0.

#### UNFINISHED BUSINESS:

**VACANT BUILDING AT 9810 PORTAGE ROAD:** Deputy City Manager Brian Bowling reviewed what was discussed on this item at the last Council meeting and asked Community Development Director Erickson to provide a response to the questions posed by Council on July 22. Mr. Erickson indicated that taxes and assessments are paid to date on the property. He said that repairing is less costly than razing the building, and provided an explanation on the time between the Building Board of Appeals repair order and the City Council review. After some discussion and consideration of information provided by Attorney Randall Brown, a motion was made by Sutter, seconded by Bashaw, to authorize the City Manager to initiate actions to complete the repairs necessary and make safe the vacant building located at 9810 Portage Road at a cost not to exceed \$6,000 and place a lien against the property addressed as 9810 Portage Road for the actual cost of the repairs, not to exceed \$6,000. Upon a roll call vote, motion carried 5 to 0.

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

Portage Environmental Board of June 11, 1997.  
 Portage Historic District Commission of July 2, 1997.  
 Portage Board of Education of July 14, 1997.  
 Portage Planning Commission of July 24, 1997.



# PORTAGE

Award-Winning

JUNE/JULY 1997

FOCUSING ON COMMUNITY NEWS AND EVENTS

VOL. 93

## Community to Vote on Millage to Retain Fall Leaf Pickup and Spring Cleanup Programs

The Portage City Council will be asking voters for approval to levy up to an additional 0.4 mills on July 15, 1997 to fund continuation of the Fall Leaf Pickup and Spring Cleanup programs. Both programs have been eliminated due to a funding shortfall prompted by the anticipated transfer of responsibility for portions of Portage Road and Centre Avenue from the Kalamazoo County Road Commission to the City of Portage.

The Fall Leaf Pickup service includes two curbside pickups of loose leaves and bundled brush, a follow-up street sweep, and a program of recycling collected leaves to compost. The Spring Cleanup service includes the curbside

collection of discarded household items, bagged leaves and bundled brush. During the most recent programs a total of over 12,700 cubic yards of leaves and brush were collected during Fall Leaf Pickup and over 47,000 cubic yards of brush, bagged leaves and discarded household items were collected during Spring Cleanup.

The final decision regarding the timing and extent of roadway transfer is expected this summer. The anticipated transfer will significantly increase operating costs to the city. Portage Road and Centre Avenue must be maintained, so there is no way to avoid the increased cost. Existing millage capacity

is not sufficient to allow for maintenance of the roads as well as the Fall Leaf Pickup and Spring Cleanup programs.

Without additional millage approval, the Fall Leaf Pickup and Spring Cleanup programs will not continue as funding is not allocated for these programs in the 1997-98 budget. Approval of the millage would mean that the owner of a house valued at \$100,000 would pay \$20 per year for the provision of Fall Leaf Pickup and Spring Cleanup services. Should the millage not be approved, residents will need to contract with a private service provider if they desire assistance with the removal of leaves and brush as well as discarded household items.



Each year tons of leaves collected during the Fall Leaf Pickup program are composted by the City of Portage.

## Frequently Asked Questions Regarding City Special Election

*The Fall Leaf Pickup and Spring Cleanup programs have been provided by the city before. Why do we need a separate election now?*

The Leaf Pickup and Spring Cleanup

sion, however the Road Commission is working to turn over responsibility for these roads to the City of Portage. The city estimates that maintenance of these roads will take a minimum of \$300,000 from the Portage General Fund.

## 1997 Spring Cleanup Results

The 1997 Spring Cleanup Program was completed on schedule with Waste Management of Southwest Michigan, Inc. providing the collection and disposal of trash, recyclables, brush, and bagged yard waste (leaves). The Program began on April 21, 1997 and was completed on May 19, 1997.

The following is a summary of materials collected in loose cubic yard volumes, with historical summaries indicated:

## Frequently Asked Questions Regarding City Special Election

**The Fall Leaf Pickup and Spring Cleanup programs have been provided by the city before. Why do we need a separate election now?**

The Leaf Pickup and Spring Cleanup programs were funded through the Portage General Fund. The General Fund pays for legislative services, general administration, street maintenance, police and fire services, snow removal, traffic services, parks, development services, transportation subsidies, human services and Senior Center activities. Due to the Headlee Amendment, which restricts governments' ability to levy taxes by capping available millage capacity, the Portage General Fund is not able to accommodate additional costs.

Additional costs are anticipated in the form of road maintenance and snow removal expenses associated with Portage Road and Centre Avenue. These roads are currently under the jurisdiction of the Kalamazoo County Road Commis-

sion, however the Road Commission is working to turn over responsibility for these roads to the City of Portage. The city estimates that maintenance of these roads will take a minimum of \$300,000 from the Portage General Fund.

**How much more will I pay if the millage is approved?**

A typical homeowner with a home valued at \$100,000 will pay an additional \$20 per year if the millage is levied.

**What will happen if the community does not approve the millage request?**

City Council approved the city budget for fiscal year 1997-98 (beginning July 1, 1997), and both Leaf Pickup and Spring Cleanup were eliminated as municipal services. If the millage request is denied, residents must find alternative methods of disposing of leaves—contracting with a private waste hauler or composting are options.

## 1997 Spring Cleanup Results

The 1997 Spring Cleanup Program was completed on schedule with Waste Management of Southwest Michigan, Inc. providing the collection and disposal of trash, recyclables, brush, and bagged yard waste (leaves). The Program began on April 21, 1997 and was completed on May 19, 1997.

The following is a summary of materials collected in loose cubic yard volumes, with historical summaries indicated:

	1995	1996	1997
Trash (cu. yd.)	11,050	14,012	11,805
Recyclable (cu. yd.)	315	436	1,981
Brush (cu. yd.)	13,300	11,239	19,985
Yard Waste/Leaves (cu.yd.)	5,600	22,500	13,230
Total Volume (cu. yd.)	30,265	48,187	47,001
Total Project Cost	\$119,418.00	\$120,203.00	\$144,414.28
Cost Per Cubic Yard	\$3.95	\$2.45	\$3.07

This year's program was marked by excessive brush due to a severe ice storm and a wind storm in the early spring which resulted in numerous trees and limbs on the ground.

## City Event Recognizes Volunteers



# INSIDE

Capital Improvement Plan Highlights .....	2	Water Safety Reminders .....	3
Water Main Installation .....	2	Bishop's Bog Preserve Trail Dedicated .....	3
Little League Complex Opens .....	2	Park Facility Receives National Honors .....	3
Strip Paving Program .....	2	Library Offers Family Programs .....	4
Lawn Mowing Reminder .....	2		

Fund 226 Private Streets  
 Revised: 10-23-14

	2014-15 Budget	2014-15 Private St.	Difference
	10/17/2014		
226-4501-783-91-10	\$0	\$0	\$0
226-4501-783-91-14	\$1,176	\$1,176	\$0
226-4501-783-91-33	\$9,800	\$9,800	\$0
	<b>\$10,976</b>	<b>\$10,976</b>	<b>\$0</b>
<u>LEAF PICKUP</u>			
226-4523-783.70-10	\$31,141	\$31,141	\$0
226-4523-783.70-30	\$18,500	\$20,000	\$1,500
226-4523-783.70-70	\$14,726	\$15,500	\$774
226-4523-783.71-40	\$700	\$700	\$0
226-4523-783.72-80	\$6,400	\$7,400	\$1,000
226-4523-783.72-85	\$10,300	\$10,300	\$0
226-4523-783.85-20	\$1,000	\$1,000	\$0
226-4523-783.85-28	\$58,000	\$75,627	\$17,627
226-4523-783.85-60	\$112,700	\$147,550	\$34,850
226-4523-783.85-61	\$44,070	\$46,508	\$2,438
226-4523-783.91-81	\$0	\$18,000	\$18,000
	<b>\$36,000</b>	<b>\$46,500</b>	<b>\$10,500</b>
	<b>\$333,537</b>	<b>\$420,226</b>	<b>\$86,689</b>
<u>SPRING CLEANUP</u>			
226-4532-783.71-40	\$0	\$0	\$0
226-4532-783.85-20	\$142,000	\$156,200	\$14,200
	<b>\$142,000</b>	<b>\$156,200</b>	<b>\$14,200</b>



# Residential Properties on Private Streets

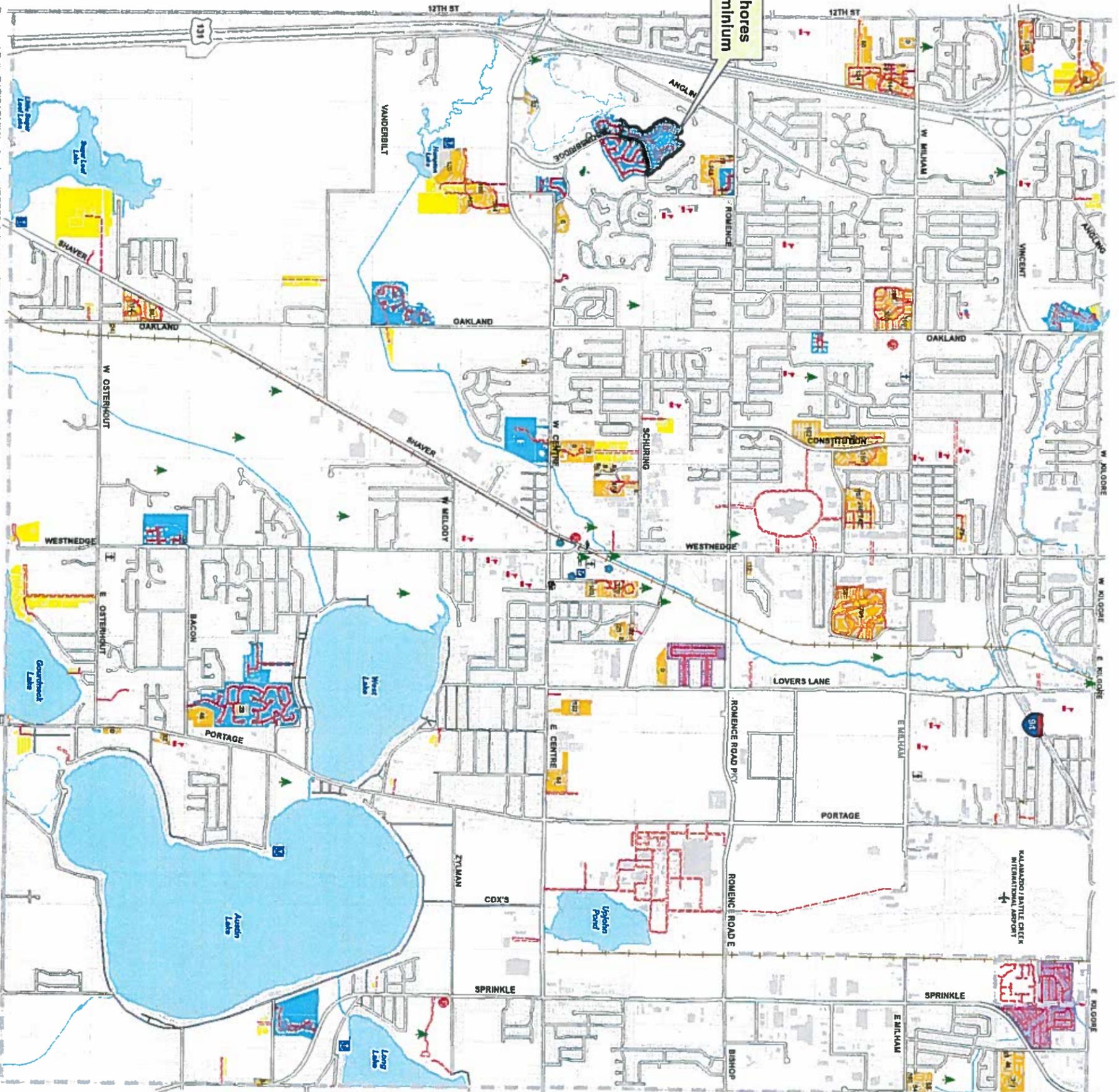
## Legend

- Private Streets
- Apartments with Private Streets
- Condominiums (Site or Traditional) with Private Streets
- Manufacture Housing Parks with Private Streets
- Residential Properties on Private Streets

Total Taxable Value = \$156,195,642  
 1223 Taxable Properties in total

Private Street Type	parcel count	Residential Units
Apartment Complex*	128	6000
Condominiums	970	970
Manufacture Housing Parks*	5	500
Residential Properties	120	120
<b>Total</b>	<b>1223</b>	<b>7590</b>

\*estimates



Oak Shores Condominium



1 inch = 3,343 feet



**CITY OF PORTAGE**

**COMMUNICATION**

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**TO:** Laurence Shaffer, City Manager

**DATE:** November 13, 2014

**FROM:** James C. Bush, City Assessor *JCB*

**SUBJECT:** Leaf Pickup Millage Analysis

The following is an analysis of the current leaf collection millage, as compared to a potential increase for consideration with inclusion of properties along private streets:

Leaf Pickup Maximum Authorized	0.0004000 mills
<u>2014 Actual Levy:</u>	<u>0.0003455 mills</u>
Allowable Increase without citizen authorization:	0.0000545 mills

0.0000545 mills x 2014 Total Taxable Value of 1,980,551,433 = **\$107,940** in Potential Additional Revenue

**RECEIVED**

NOV 13 2014

CITY MANAGER'S OFFICE  
PORTAGE, MI



**MATERIALS TRANSMITTED**  
**JANUARY 20, 2015**

**TO:** Honorable Mayor and City Council

**FROM:** Laurence Shaffer, City Manager

A handwritten signature in blue ink, appearing to read "Laurence Shaffer", is written over the "FROM:" line and extends into the "SUBJECT:" line.

**SUBJECT:** City Towing Contract Review

**SUPPORTING PERSONNEL:** Richard White, Director of Public Safety – Police / Fire Chief

**ACTION RECOMMENDED:** That City Council authorize the Administration to review the current contract with McDonalds Towing and Rescue, Inc. to ensure contract compliance and quality of service within the past year.

The Kalamazoo Gazette and WOODTV have recently highlighted public concerns regarding overcharging for services by McDonalds Towing and Rescue, Inc. as part of the I-94 winter vehicle pileup that occurred on January 9, 2015.

As McDonalds Towing is the contracted provider for towing and impound lot services for the City of Portage, it is recommended that staff review transactions within the past year to ensure contract compliance and quality of service.

**Attachments:** N/A

**TO:** Honorable Mayor and City Council

**FROM:** Laurence Shaffer, City Manager

**SUBJECT:** Pine View Drive Sanitary Sewer Project #415-S (Bacon Avenue to Chaucer Street)

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

**ACTION RECOMMENDED:** That City Council award an engineering services contract for the Pine View Drive Sanitary Sewer Project (from Bacon Avenue to Chaucer Street) to Midwest Civil Engineers, P.C., of South Haven, Michigan, in the amount not to exceed \$22,250 and authorize the City Manager to execute all documents related to the contract on behalf of the city.

The 2014 – 2015 Capital Improvement Program provides funding for the installation of new sanitary sewer on Pine View Drive from Bacon Avenue to Chaucer Street. The proposed project is a needed environmental improvement to this unserved area of the city and is a prerequisite for the reconstruction of the street. The Resolution of necessity for the project was approved by City Council on January 6, 2015.

Consultant proposals for engineering design and inspection services needed to implement the project were received from eight private consultants. After carefully reviewing the submitted proposals, it was determined that Midwest Civil Engineers, P.C., of South Haven, Michigan, best meets the project requirements. Midwest Civil Engineers has not previously completed work in the City of Portage, but a review of the firm's references and similar projects indicate satisfactory performance on similar projects. If awarded, design will be completed such that construction can begin in the summer of 2015.

Therefore, it is recommended that City Council award an engineering services contract to Midwest Civil Engineers, P.C., of South Haven, Michigan, for the Pine View Drive Sanitary Sewer Project (from Bacon Avenue to Chaucer Street) in the amount not to exceed \$22,250 and authorize the City Manager to execute all documents related to the contract on behalf of the city.

**FUNDING:** Funds are budgeted in the 2014 – 2015 Capital Improvement Program project account for this \$22,500 expenditure.

**Attachments:** Proposal Tabulation for Pine View Drive Sanitary Sewer Project 415-S

TABULATION OF PROPOSALS  
PINE VIEW DRIVE SANITARY SEWER IMPROVEMENTS

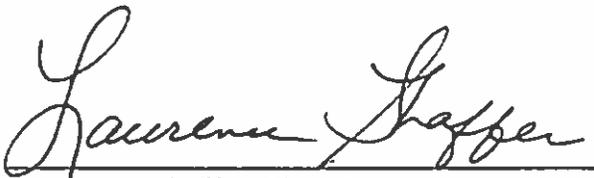
FIRM	ESTIMATED PROJECT HOURS			COST PROPOSAL SUMMARY			
	DESIGN	CONSTRUCTION	TOTAL	DESIGN	UTILITY INVESTIGATION	CONSTRUCTION	TOTAL
Midwest Civil Engineers, PC 13560 76th Street South Haven, MI 49090	164	315	479	\$8,000.00	\$2,000.00	\$12,250.00	\$22,250.00
Jones & Henry Engineers, Ltd. 4791 Campus Drive Kalamazoo, MI 49008	135	390	525	\$9,050.00	\$2,000.00	\$24,540.00	\$35,590.00
Seven Generations Architecture & Engineering 4664 Campus Drive, Suite 101 Kalamazoo, MI 49008	71	398.5	469.5	\$13,395.00	\$2,000.00	\$21,797.00	\$37,192.00
Hurley & Stewart, LLC 2800 S. 11th Street Kalamazoo, MI 49009	135	453	588	\$8,500.00	\$2,000.00	\$28,000.00	\$38,500.00
Abonmarche Consultants, Inc. 95 W. Main Street Benton Harbor, MI 49022	148	386	534	\$13,750.00	\$2,000.00	\$29,030.00	\$44,780.00
Wightman & Associates, Inc. 9835 Portage Road Portage, MI 49002	173	468	641	\$18,760.00	\$2,000.00	\$29,090.00	\$49,850.00
OMM Engineering, Inc. 1680 E. Paris Avenue SE Grand Rapids, MI 49546	227	500	727	\$20,198.00	\$2,000.00	\$34,546.00	\$56,744.00
Drisenga & Associates, Inc. 552 S. 8th Street Kalamazoo, MI 49009	181	433	614	\$24,665.00	\$2,000.00	\$30,695.00	\$57,360.00



**MATERIALS TRANSMITTED**

Friday, January 2, 2015

1. Communication from the City Manager regarding the November 2014 Citizen Comment Card Summary – Information Only.



Laurence Shaffer, City Manager

cc: Rob Boulis, Deputy City Manager



## MATERIALS TRANSMITTED

Tuesday, January 6, 2015

1. **TO BE ADDED TO THE JANUARY 6, 2015 CITY COUNCIL AGENDA AS ITEM F.6:** Communication from the City Manager recommending that City Council adopt the proposed schedule for the 2015 Committee of the Whole meetings.
2. Communication from the City Manager regarding the Historic District Commission - Communication Update – Information Only.

A handwritten signature in black ink that reads "Laurence Shaffer". The signature is written in a cursive style with a horizontal line underneath the name.

Laurence Shaffer, City Manager

cc: Rob Boulis, Deputy City Manager