

CITY OF
PORTAGE
A Place for Opportunities to Grow

PLANNING COMMISSION

February 3, 2011

CITY OF PORTAGE PLANNING COMMISSION

A G E N D A

**February 3, 2011
(7:00 p.m.)**

Portage City Hall Council Chambers

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES:

- * January 20, 2011

SITE/FINAL PLANS:

PUBLIC HEARINGS:

- * 1. Preliminary Report - Ordinance Amendment #10-A, Keeping of Hens and Other Animals

PLATS/RESIDENTIAL CONDOS:

OLD BUSINESS:

NEW BUSINESS:

STATEMENT OF CITIZENS:

ADJOURNMENT:

MATERIALS TRANSMITTED

December 2010 Summary of Environmental Activities Report
January 11, 2011 City Council meeting minutes
Background Information and Citizen Comments for Ordinance Amendment 10-A (booklet)

Star (*) indicates printed material within the agenda packet.

PLANNING COMMISSION

January 20, 2011

DRAFT

The City of Portage Planning Commission meeting of January 20, 2011 was called to order by Chairman Cheesebro at 7:00 p.m. in Council Chambers of Portage City Hall, 7900 South Westnedge Avenue. Two citizens were in attendance.

MEMBERS PRESENT:

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

MEMBERS ABSENT:

None.

MEMBERS EXCUSED:

Jim Pearson.

IN ATTENDANCE:

Christopher Forth, Deputy Director of Planning and Development Services; Michael West, Assistant City Planner and Charlie Bear, Assistant City Attorney

PLEDGE OF ALLEGIANCE:

The Planning Commission, staff and the audience recited the Pledge of Allegiance.

APPROVAL OF MINUTES:

Chairman Cheesebro referred the Commission to the January 6, 2011 meeting minutes. A motion was made by Commissioner Welch, seconded by Commissioner Bosch, to approve the minutes as submitted. The minutes were unanimously approved.

SITE/FINAL PLANS:

None.

PUBLIC HEARINGS:

1. Preliminary Report: Ordinance Amendment #10-B, Home Occupations. Mr. Forth summarized the January 14, 2011 staff report regarding the home occupation ordinance that was revised by City Council and referred back to the Planning Commission for review. Mr. Forth referred the Commission to the January 16, 2011 e-mail communication from Commissioner Pearson and stated the inconsistency regarding signage for active home occupations has been corrected. In regard to the suggestion from Commissioner Pearson to allow a one square foot sign for passive home occupations, Mr. Forth stated staff prefers to retain the current ordinance language that does not allow signage. Mr. Forth indicated that passive home occupations are intended to be low profile uses with no outside employees, generate no pedestrian and/or vehicular traffic beyond what is normal for the neighborhood and create no nuisances. Since passive home occupations are low intensity uses with no impact on surrounding residential uses, a permit is not required under the revised ordinance language referred by City Council.

The Commission and staff discussed various aspects of the revised ordinance including the differences between a passive and active home occupation, whether or not signage was necessary for a passive home occupation, use of swimming pools for instruction, Michigan Right-to-Farm Act and roadside fruit/vegetable stands and the use of accessory buildings for home occupations. Chairman Cheesebro opened the public hearing.

DRAFT

No citizens spoke during the public hearing. A motion was then made by Commissioner Welch, seconded by Commissioner Patterson, to close the public hearing. The motion was unanimously approved.

The Commission discussed whether action on the ordinance amendment should be adjourned to the February 3, 2011 meeting or whether the second meeting should be waived and a recommendation to City Council developed. Commissioner Welch stated he does not believe signage should be permitted for passive home occupations. Commissioner Welch also suggested the Planning Commission should waive the second meeting and develop a recommendation given the amount of previous review/discussion by the Commission and lack of public comment at tonight's meeting. Commissioner Welch noted additional opportunities for public comment will be available during the City Council public hearing. Commissioner Dargitz stated she prefers additional discussion of signage for passive home occupations and suggested the public hearing be adjourned to the February 3, 2011 meeting. Commissioner Patterson noted a minor typographical error in the definition section. Mr. Forth indicated the error would be corrected. There being no further discussion, a motion was made by Commissioner Welch, seconded by Commissioner Patterson, to recommend to City Council approval of Ordinance Amendment #10-B, Home Occupations. The motion was unanimously approved.

PLATS/RESIDENTIAL CONDOS:

None.

OLD BUSINESS:

None.

7:45 p.m. – The Commission took a short recess.	7:50 p.m. – The Commission reconvened the meeting.
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NEW BUSINESS:

1. Planning Commission Training: "Community Planning and the Commissioner". Mr. Forth discussed the continuing efforts of staff to provide the Commission with supplemental training regarding roles, responsibilities and duties. Mr. Forth reviewed a PowerPoint presentation entitled "Community Planning and the Commissioner." Mr. Forth provided a historical overview of community planning, reviewed State of Michigan legislation related to planning and zoning, discussed the differences between the Master Plan and Zoning Ordinance and summarized the primary duties of the Commission including development and implementation of the Master Plan, review/approval of site plans and special land use permits and review/recommendation of subdivisions, zoning ordinance text and map amendments and Capital Improvement Program.

STATEMENT OF CITIZENS:

None.

ADJOURNMENT:

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

Respectfully submitted,

Christopher Forth, AICP
Deputy Director of Planning and Development Services

TO: Planning Commission

DATE: January 28, 2011

FROM: Jeffrey M. Erickson, Director of Community Development

SUBJECT: Preliminary Report: Ordinance Amendment #10-A, Keeping of Hens and Other Animals

I. INTRODUCTION/BACKGROUND

Consideration of this subject began on October 7, 2010 when a proposal was presented to the Planning Commission supporting an amendment to the Zoning Code that would allow the keeping/raising of chicken (hens) on all single family residential properties. The Commission has reviewed and discussed this matter since October 2010. Previous reports and information provided by the Department of Community Development are provided in a separate booklet and summarized below.

- October 1, 2010 Department of Community Development report – Original request from Mr. Fernando Costas with ordinance language samples used by other communities, suggested language and a May 2008 University of New Mexico study entitled “Residential Urban Chicken Keeping: An Examination of 25 Cities”. The report also included preliminary fact finding information for Commission consideration. Mr. Costas and seven additional citizens spoke in support of the ordinance amendment during the October 7th meeting. The action approved by the Planning Commission at this meeting was to “..initiate an ordinance amendment to consider the keeping/raising of chickens, and other possible poultry/animals, and schedule a public hearing for the November 18, 2010 meeting.”
- November 12, 2010 Department of Community Development report – A summary of existing City of Portage ordinances/regulations pertaining to the keeping of animals, past Zoning Board of Appeals related actions and City Attorney opinions, survey of community ordinances involving the regulation of chickens and other animals, ordinance alternatives and options and a proposed “working draft” ordinance was provided. Seventeen citizens spoke in support of the ordinance amendment and seven citizens spoke in opposition during the November 18th meeting. The Commission discussed various issues including permitting and processing, chickens as pets, coop/enclosure requirements, number of chickens allowed and limiting the ordinance to chickens only.
- December 10, 2010 Department of Community Development report – Updated information, research and options were provided regarding the following discussion topics: permitting and processing; chickens as pets, “specified fowl” and other animals; location on lot/parcel and coop/enclosure requirements; number of chickens allowed and Michigan Right-to-Farm Act applicability. Seven citizens spoke in support of the ordinance amendment during the December 16th meeting. It was determined that additional discussion and consensus was necessary by the full Commission and the public hearing was again adjourned.
- December 30, 2010 Department of Community Development report – Nine citizens spoke in support of the proposed ordinance, while three citizens spoke in opposition during the January 6th meeting. The Commission continued discussion of the proposed ordinance and reached consensus on the following issues: 1) Chickens should not be considered pets; 2) Lot size requirements based on the zoning district with additional consideration for substandard and/or lakefront lots; 3) Allowance for 4-6 chickens (hens only) with additional chickens or other animals subject to Planning Commission review/approval; 4) General coop/enclosure design standards; 5) A one-time permit fee to ensure dissemination of information and ordinance requirements and assist with compliance; 6) Rear yard placement and minimum coop/enclosure setbacks from property line (10-feet) and adjacent residences (30-feet); 7) Confinement of chickens to the coop/pen enclosure; and 8) Inclusion of sanitation related provisions. The Commission adjourned the public hearing to the February 3, 2011 meeting.

II. REVISED ORDINANCE LANGUAGE

The following paragraphs summarize revisions to Zoning Code Section 42-121 (Accessory buildings and uses):

Definitions: Section 42-121.D.1 has been added to establish three animal categories (domestic animals, farm/livestock animals and exotic animals). Section 42-121.D.2 has also been added to indicate that domestic animals that are “..normally and customarily kept for pleasure and companionship as household pets..” are permitted as accessory to a residential use. Farm/livestock animals are defined to be allowed as a general agricultural or farm use and, therefore, permitted on unplatted properties with a minimum of 10 acres in single family zones and on unplatted properties with a minimum of five acres in attached and multiple family zones. Exotic animals are defined to include dangerous or vicious animals that are not permitted anywhere in the city, unless approved by the Chief of Police pursuant to Chapter 10-4 (Keeping dangerous animals).

Number of Chickens (Hens) Permitted: Occupants of a one-family or two-family dwelling may keep/raise up to four (4) chickens on a non-commercial basis and as a locally grown food source for the consumption of eggs or meat (Section 42-121.D.3). The keeping of roosters is specifically prohibited and requests to keep/raise more than four (4) chickens will require Planning Commission review/approval (Section 42-121.D.3.g).

Permitting and Processing: Section 42-121.D.3.f has been added that requires all citizens interested in keeping/raising chickens to obtain a one-time permit from the Department of Community Development. The permit will be nontransferable with a nominal review fee established by City Council.

Location on Property and Coop/Pen Requirements: Section 42-121.D.3.b of the ordinance amendment contains several requirements related to the keeping of chickens. Chickens are required to be kept in a coop and attached pen that is completely enclosed with a top and/or cover. The coop and pen is restricted to a maximum of 6-feet in height and collectively can not exceed a total of 80 square feet in area. Generally acceptable standards for the keeping of chickens include a recommended minimum two square feet/per bird for the coop and 10 square feet/per bird for the pen. Restricting the coop/pen to a maximum of 80 square feet in area and a maximum 6-feet in height allows for flexibility in design and the keeping of more than four chickens (if approved by the Commission) while minimizing the size, appearance and related visual impacts on adjacent properties. The coop/pen must be located in the rear yard of the property and shall be setback a minimum of 10-feet from all property lines and a minimum 30-feet from the nearest wall of any adjacent dwelling unit. During the January 20th meeting, the Commission discussed possible different standards for requests involving substandard and/or lake lots. In regard to non-lake lots, staff believes establishing a reasonable, consistent and uniform set of standards applicable to all buildable lots, regardless of the underlying zoning, is the most effective means to address this issue. Since a coop/pen for four chickens is restricted to a maximum of 80 square feet and 6-feet in height, locating within the rear yard can easily be accommodated on all non-lake lots with uniform setback standards designing to minimize impacts on adjacent properties. Lake lots, however, present different challenges since they are currently regulated differently in the Zoning Code in an effort to preserve lake views for the residents. For example, fencing within a lake yard is restricted to a maximum of 4-feet in height and either chain-link, wire and/or split rail. Accessory buildings within a lake yard are restricted to a maximum 80 square feet in size and 8-feet in height with a minimum 10-foot side yard setback and 3-foot rear yard setback. Ordinance language is suggested that requires a coop/pen to additionally maintain a 40-foot rear yard (lakeside) setback when located on a lake lot. This 40-foot rear yard setback is the same standard applicable to residential homes that are constructed on conforming lake lots.

While specific design requirements were not desired, it was also the consensus of the Commission to establish general coop/pen design requirements. Section 42-121.D.3.b.(3) establishes general coop/pen design requirements intended to allow individual flexibility while prohibiting the use of corrugated metal/fiberglass, sheet metal, plastic tarps, scrap lumber or other similar materials.

Keeping of other Fowl and Animals: Since keeping of other types of fowl (ducks, turkeys, guinea hens, etc) and animals (rabbits, etc) either as pets, a locally grown food source or for educational purposes such as a 4-H project is known to occur in urban/suburban communities and can be anticipated, it was the consensus of the Commission to include a provision in the proposed ordinance amendment. Section 42-121.D.3.g establishes a process whereby a citizen can request that the Planning Commission allow the keeping/raising of other fowl or animals not considered dangerous or exotic on a case-by-case basis.

Nuisance/Sanitation Provisions: General nuisance and sanitation provisions have been included in the ordinance. Section 42-121.D.3.b requires the use, coop and pen to be designed to provide “..safe and healthy living conditions for chickens while minimizing adverse impacts on other residents and the neighborhood.” Section 42-121.D.3.c. addresses the storage of feed and other items, while Section 42-121.D.3.d prohibits the outdoor slaughter of chickens. Finally, Section 42-121.D.3.e states that the use “..shall comply with all provisions of the City of Portage Code of Ordinances pertaining to noise, odors, dust, fumes, sanitation and health..”

III. RECOMMENDATION

It is recommended that the Commission review and discuss the revised ordinance language and reconvene the public hearing and accept public comment during the February 3, 2011 meeting. If additional changes to the ordinance are desired by the Commission, adjourning the public hearing to the February 17, 2011 meeting would be appropriate.

Attachments: Revised Ordinance Amendment

**ORDINANCE TO AMEND THE CODE OF ORDINANCES
OF THE CITY OF PORTAGE, MICHIGAN
BY AMENDING SECTION 42-121 OF CHAPTER 42,
LAND DEVELOPMENT REGULATIONS**

THE CITY OF PORTAGE ORDAINS:

That Section 42-121 of Chapter 42, Land Development Regulations, are hereby amended as follows:

Section 42-121. Accessory buildings and uses.

A. General Requirements. No change.

B. Accessory Buildings – Residential Zoning Districts. No change.

C. Accessory uses.

1. Accessory uses may include, but are not necessarily limited to, the following:
 - a. Residential accommodations for servants and caretakers within the principal dwelling and not as a separate household.
 - b. A swimming pool for the use of the occupants of a residence or their guests.
 - c. Storage of merchandise normally carried in stock or goods used in or produced by industrial uses in connection with a business or industrial use, unless such storage is excluded in the applicable district regulations.
 - d. Off-street parking, open or enclosed, and loading subject to the provisions of division 6, subdivision 1, Off-street parking and loading of this chapter.
 - e. Signs, subject to the provisions of division 6, subdivision 2, Signs, of this chapter.
 - f. Home occupations, subject to the provisions of section 42-129, Home occupations.
 - g. Accessory antennas, subject to the provisions of section 42-131, Accessory antennas.
 - h. Private stables, if all of the following are satisfied:
 - (1) The private stable is being used for the enjoyment of the persons occupying the premises.
 - (2) The private stable is outside of the boundaries of platted land.
 - (3) Two acres of land are provided for the first horse and one additional acre of land is provided for each additional horse. The zoning board of appeals may reduce the area requirements when it is affirmatively shown that the

reduction will not interfere with the rights of neighboring landowners to the enjoyment of their premises.

- (4) Stables, feeding areas and other confinement areas are located at least 125 feet from neighboring residences.
- (5) Manure from stables is located at least 125 feet from any property boundary line.
- (6) No electrical fencing exceeding 12 volts is used on the premises.
- (7) The stables, feeding areas and other confinement and/or manure storage areas do not produce noise, odor, dust, fumes or comparable nuisances.

D. Keeping of certain animals as an accessory use.

1. Definitions.

All definitions, unless otherwise specifically stated shall, for the purposes of this Section, have the meaning as follows:

- a. **Animal, Domestic.** Any animal normally and customarily kept for pleasure and companionship, that has adapted to human interaction, typically resides within a dwelling and is commonly considered to be domesticated. This category includes those animals typically kept as household pets exclusively by the person(s) occupying the premises. Examples include a dog, cat, rabbit, small domesticated rodent such as hamster, gerbil, ferret and chinchilla, guinea pig, caged bird, non-venomous reptile, amphibian and common aquarium fish, excluding however, exotic animals, farm animals (whether kept for commercial profit or for pleasure and companionship) and animal *ferae naturae*.
- b. **Animal, Farm or Livestock.** Any animal that is commonly raised or kept in an agricultural setting, for commercial profit and primarily utilized for the production of food or fiber products. This category includes those animals typically referred to as livestock but not including a domestic animal. Examples include cattle, sheep, goats, pigs, donkeys, mules, poultry and other fowl.
- c. **Animal, Exotic.** Any animal that may be dangerous or vicious or that is not customarily kept, confined or cultivated by humans as a domestic animal, or farm animal, but may be used for display with appropriate permits. Examples include marsupials such as kangaroos and opossums, non-human primates such as a monkeys and gorillas, canines and felines (not including domestic dogs and cats), poisonous reptiles and amphibians, and the like.

- 2. Household Pets.** Domestic animals that are normally and customarily kept for pleasure and companionship as household pets as defined in Section 42-121(D)(1)(a) and do not conflict with or violate any other law or regulation of the state, county or city applicable to the keeping of such animal is permitted as accessory to a residential use.
- 3. Chickens (hens).** The purpose of this section is to provide standards and requirements for the keeping of chickens. Roosters are not permitted. It is intended to enable residents to keep up to 4 chickens on a non-commercial basis while limiting and mitigating any potential adverse impacts on surrounding properties and neighborhood. The keeping of up to 4 chickens that are utilized exclusively by the person(s) occupying a one-family dwelling or two-family dwelling as a locally grown food source for the consumption of eggs or meat, is permitted as accessory to the residential use if all of the following are satisfied:

 - a. Chickens shall be kept only in the rear yard within a coop and attached pen at all times.**
 - b. The accessory use, coop and pen shall be designed to provide safe and healthy living conditions for chickens while minimizing adverse impacts on other residents and the neighborhood. The coop and pen shall meet the following additional requirements:**

 - (1) The coop and pen shall be setback a minimum of 10 feet from all property lines of adjacent property and be located a minimum of 30 feet from the nearest wall of any adjacent dwelling. Additionally, a coop and pen located on a lake front lot shall have a 40 foot rear yard setback. Public streets and public easements shall not be considered adjacent property lines for purposes of this section.**
 - (2) The coop and pen shall be a maximum of 6 feet in height and shall not exceed a total of 80 square feet.**
 - (3) The use of corrugated metal/fiberglass, sheet metal, plastic tarps, scrap lumber or similar materials is prohibited. The coop and pen must be completely enclosed with a top and/or cover.**
 - (4) The coop and pen may be movable only if the dimensional restrictions contained in this section are satisfied.**
 - c. All feed and other items associated with the keeping of chickens that are likely to attract or to become infested with or infected by rats, mice or other rodents shall be protected so as to prevent rats, mice or other rodents from gaining access or coming into contact with them.**
 - d. The outdoor slaughter of chickens is prohibited.**

- e. The accessory use shall comply with all provisions of the City of Portage Code of Ordinances pertaining to noise, odors, dust, fumes, sanitation and health or other comparable nuisances to ensure the public health, safety and welfare.
- f. No person shall keep chickens without first securing a permit from the City on a form provided and without paying a permit fee as prescribed by the Portage City Council by resolution. The permit shall be issued by the Department of Community Development.
- g. The following require Planning Commission approval:
 - (1) The keeping of more than 4 chickens as an accessory use under this section;
 - (2) The keeping of other fowl or other animals not dangerous or exotic as an accessory use; and
 - (3) The keeping of chickens in an attached or detached accessory building where the dimensional restrictions contained in this section cannot be satisfied.

For paragraph (g)(1) through (3) above, the applicant shall submit written proof to the Planning Commission signed by an owner (or occupant, if different than the owner), of adjacent properties stating that the owner and/or occupant is aware of the applicant's request and the date, time and place of the hearing. If the applicant is unable to obtain necessary signatures after diligent effort is made, applicant may submit written proof in the form of a signed affidavit that the request and the date, time and place of the hearing has been mailed by first class mail or hand delivered to the owner and/or occupant's last known address from the City of Portage tax records. In its determination, the Planning Commission shall consider the size of the lot or parcel, proximity of surrounding uses, topography, nature of the animal being requested and any other factor relevant to assure public health, safety and welfare. The Planning Commission may attach conditions to the accessory use and/or accessory building deemed necessary for the general welfare, for the protection of individual property rights, to mitigate any negative impact on the surrounding uses of land and any other condition reasonably related to, and consistent with, public health, safety and welfare.

- h. Establishment of an accessory use and/or accessory building under this section shall not confer a vested right in the provisions contained herein or a right to continue such use. Further, a permit granted under this section is personal to the applicant occupying the dwelling and is not transferable.
- i. This section shall not regulate the keeping of chickens in those areas where a form of agriculture is a permitted principal use or special land use under other sections of this zoning code.

- j. All licensing required by the State of Michigan and Kalamazoo County, as well as all other statutes, ordinances and codes, shall be satisfied.

FIRST READING:
SECOND READING:
EFFECTIVE DATE:

CERTIFICATION

STATE OF MICHIGAN)
)SS
COUNTY OF KALAMAZOO)

I, James R. Hudson, do hereby certify that I am the duly appointed and acting City Clerk of the City of Portage and that the foregoing Ordinance was adopted by the City of Portage on the _____ day of _____, 2011.

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

Approved as to form
Date: _____

City Attorney

MATERIALS TRANSMITTED

SUMMARY ENVIRONMENTAL ACTIVITY REPORT
December 2010 (*updates in italics*)

<u>Project/Activity</u>	<u>Description</u>	<u>Status</u>
Portage City Landfill	Ongoing groundwater monitoring of former municipal landfill.	<p>-City Council awarded a 3 year contract to American Hydrogeologic Corporation on February 23, 2010 to perform annual groundwater sampling. The site groundwater data will continue to be monitored to confirm continuation of the natural attenuation process. Sampling shows continued improvement in groundwater quality. Sampling performed in June 2010. Annual report submitted to MDNRE in June 2010. General groundwater quality continues to improve, but site will require monitoring for the foreseeable future.</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>-Coordination with property owners and City or State agencies ongoing. <i>-Review of 2 site/building plans and/or plats completed in December 2010.</i></p>
Sewer Connection Program	Groundwater protection program requiring residential/business hookup to the sanitary sewer where available.	<p><i>-Sanitary sewer hookup permits issued in December 2010: 0 commercial and 8 residential. Three sewer connections made as part of the Mandatory Sewer Program. Three properties have court appearances scheduled in response to non-compliance.</i></p>
West Lake Management Program	Special assessment district designed to maintain/improve lake conditions.	<p>-Five Year Lake Management Assessment District process was approved by City Council on March 23, 2010. Construction began on the Austin Dam reconstruction in December 2006 and new structure completed in March 2007. Filtration system construction was substantially completed in July 2008. On July 8, 2008, City Council awarded contracts to Aquatic Services, Inc. for the 2008 Weed Treatment Program and awarded a contract to ASI Environmental to perform watershed and vegetation survey. The 2010 lake treatment is complete. <i>The 2011 lake survey and treatment preparations underway.</i></p>
Retention Basin Sampling Program	Investigation regarding potential impact of retention basins on groundwater levels.	<p>-Historical monitoring continues to show minor impacts at most basins. From 1993 through 2009 the monitoring program showed stable groundwater impacts due to stormwater infiltration. Alternative road salt practices continue to be considered and evaluated. On March 23, 2010, City Council awarded a four-year contract to Wightman Environmental. Program will focus primarily on groundwater level information. Sampling of retention basins was completed on June 25, 2010. <i>The 2010 year report is due in January 2011.</i></p>
Wellhead Protection Program	Development of program to	<p>-Wellhead Protection Grant award received from MDEQ on August 30, 1999 and</p>

(WHPP)

protect City well fields and surrounding area from contamination resulting from improper land use.

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. City staff made a presentation to the American Water Works Association at their April 25, 2008 meeting to highlight current city initiatives. *Currently working with MDNRE to incorporate data from 7022 South Westnedge Avenue into the plan.* Plan implementation is ongoing.

Leaf Compost Monitoring Program

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

-City Council awarded contract on August 21, 2001 to Soil & Materials Engineers for monitoring and analysis of groundwater impact of the new compost operation. Drilling was completed in October 2001 and first sampling cycle was completed in February 2002. Semi annual sampling was performed from 2002 to 2009 in June and January. Sampling and analysis results continue to show no groundwater impacts from the leaf composting. Sampling schedule was reduced to annual sampling in 2009 with results showing continued minor impact on groundwater quality. The 2010 report was received with results showing minimal impact on groundwater. Next sampling scheduled for July 2011.

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 Stormwater Pollution Prevention Initiative (SWIPPI) as required by NPDES permit. SWIPPI submitted on October 21, 2005. New certificate of coverage permit was issued by MDEQ on September 30, 2009. New permit covers a 5 year time frame with first work item (updating the Public Participation Plan) due December 11, 2009. Plan update completed with other local governments and submitted November 24, 2009. City staff worked with other agencies at the 2010 Home Expo on March 17 – 20, 2010. Staff completed an updated SWIPPI submittal to MDNRE. SWIPPI was submitted for MDNRE approval on June 25, 2010. Permit implementation is ongoing. *Received a letter from MDNRE rescinding the 2009 permit due to a recent court case. MDNRE reinstated the 3200 permit for implementation. New information on this turn of events is expected in February 2011.*

National Pollution Discharge Elimination System (NPDES) permit implementation

Kalamazoo River Mainstem Watershed Management Plan

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

Kalamazoo River Water Festival was held on August 14, 2010 with City of Portage participation. Preliminary grant request submitted September 16, 2010 for West Fork of Portage Creek storm water enhancements. Complete grant application was submitted on October 25, 2010. *No update on application status.*

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. Follow-up meetings are held monthly to facilitate an implementation schedule. Portage River Watershed public meeting held in Vicksburg on April 11, 2006. Review comments received from MDEQ and revised watershed plan due November 2006. Revised Watershed Plan submitted November 30, 2006, follow up meetings to be held as necessary. 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.

Plan to implement and maintain an Illicit Discharge Elimination Program (IDEP).

-On October 21, 2001, City Council awarded a contract to Fishbeck, Thompson, Carr and Huber for the Portage Creek element of the IDEP, which was completed in July 2002. On February 19, 2002, City Council approved a new ordinance as required by the NPDES permit titled "Storm Water Illicit Discharges and Connections". On April 28, 2004, City Council accepted a grant from the State of Michigan in the amount of \$152,264 and awarded a contract to Fishbeck, Thompson, Carr and Huber in the amount of \$184,264 for the remainder of the IDEP for the entire city. Program implementation is ongoing as funding allows. Continued outfall sampling is required by permit and will be budgeted accordingly. IDEP program was updated for submittal to MDNRE on June 25, 2010, and part of the SWIPPI.

Garden Lane Arsenic Removal Facility

Construction of a water treatment facility at the Garden Lane Wellfield to remove arsenic, iron and manganese from the groundwater.

-City Council approved an agreement with Fishbeck, Thompson, Carr & Huber, Inc. on January 10, 2006 to prepare a feasibility study to meet new USEPA arsenic standards for drinking water. Feasibility study completed in August 2006. Engineering proposals for the project were received August 14, 2007. Project engineering awarded to Earth Tech by City Council on September 11, 2007. Project design to include Leadership in Energy and Environmental Design (LEED) criteria. Project construction bids were received on November 25, 2008. Contract awarded by City Council on December 16, 2008 to Adams Building Contractors, Inc., Jackson, Michigan. Preconstruction meeting was held January 29, 2009. Start up activities began

in May 2010. Facility is in operation with ribbon cutting held August 2, 2010. City staff gave a presentation on August 9, 2010 to the Michigan Chapter of the American Water Works Association about the arsenic removal of the facility. The facility is producing approximately one million gallons of water per day.

Environmental Incident/Spill Clean Up Notification	Environmental Protection Program to assist Portage Police/Fire Departments with spill containment and spill cleanup.	-The number of environmental incident/spill investigations performed in December 2010; one incident investigation and 0 requiring emergency cleanup.
Localized Groundwater Table Investigation	Hydrogeologic study of the Portage area, especially in the Sprinkle Woods plat area, to determine causes of increase in groundwater elevation.	-On April 29, 2008, City Council awarded a contract to American Hydrogeology Corporation to investigate the reason and extent of seasonally high groundwater elevation. Special emphasis will be placed on the Black Forest plat area to suggest possible solutions to the basement leaking problems experienced in the area. Study was transmitted to City Council on July 22, 2008. Work was completed on October 31, 2008. City staff continues to investigate other remedies for local groundwater table issues. Work complete on compiling a history of local groundwater table elevations at 19 city-owned retention basins with data from 1994 to 2009. Data from the analysis shows a general upward trend through the Portage area from 2005 to present. Five monitoring wells were installed in the Jamaica Lane area as a result of a number of citizen concerns. <i>Analysis of the Jamaica Lane wells shows that seasonal groundwater table levels have dropped approximately 24" from spring 2009 levels and level has stabilized through December 2010.</i> <i>Current sampling continued to show a slight decline in the groundwater table.</i> Sampling will continue through the fall and winter months as weather allows.
Hampton Wetland Area Water Level	Assistance with the Inverness Condominium Association to Review Surface Water Levels	-Ongoing assistance with the Condominium Association to develop appropriate measures to regulate the rising water level in Hampton Wetlands Area located on the north side of West Centre Avenue and east of Angling Road. Current activity has centered on meeting with MDNRE staff to determine feasible method to lower water levels. Association currently working with MDNRE permit staff to clarify permit requirements. No change in status. Lower groundwater table elevation has reduced the concerns from the Condominium Association. <i>Conference call with MDNRE held on December 8, 2010 to discuss permit submission updates. Condo Association working on a permit submission.</i>
Southwest Michigan Regional Sustainability Covenant	Collaborative effort with local government, academic, and other	-On May 12, 2009, City Council approved the Southwest Michigan Regional Sustainability Covenant. A sustainability work session was held April 14,

stakeholders to lead toward environmental, economic and social sustainability.

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 MDNRE for a greenhouse gas inventory study of the area. Notice received July 15, 2010 that the grant application was not successful. City staff attended a September 10, 2010 meeting in Grand Rapids to discuss sustainable economic, environment, and society programs.

**AN ORDINANCE TO AMEND THE CODE OF ORDINANCES
OF THE CITY OF PORTAGE, MICHIGAN
BY AMENDING SECTION 34-61 OF CHAPTER 34
INTERNATIONAL FIRE CODE**

THE CITY OF PORTAGE ORDAINS:

That the International Fire Code, as adopted in Section 34-61, shall be amended as follows:

There is hereby adopted by the city, for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion that certain code and standards known as the International Fire Code, 2009 Edition, together with all appendices (hereafter "code"), recommended by the International Code Council, save and except such portions as are deleted, modified or amended by this chapter. Such code is hereby adopted and incorporated as fully as if set out at length herein, and the provisions of such code shall be controlling in the city. At least one printed copy of such code shall be kept available in the office of the city clerk for inspection by and distribution to the public.

Dated: _____

Peter J. Strazdas, Mayor

FIRST READING:
SECOND READING:
ORDINANCE #:
EFFECTIVE DATE:

CERTIFICATION

I, James R. Hudson, do hereby certify that I am the duly appointed and acting City Clerk of the City of Portage and that the foregoing ordinance was adopted by the City of Portage on the _____ day of _____, 2011.

James R. Hudson, City Clerk

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

Approved as to Form:

Date: 12-28-10

CRB

City Attorney

CITY COUNCIL MEETING MINUTES FROM JANUARY 11, 2011

The Regular Meeting was called to order by Mayor Strazdas at 8:15 p.m.

At the request of Mayor Strazdas, Pastor Bill Abernathy of the Berean Baptist Church of Portage gave the invocation and the City Council and the audience recited the Pledge of Allegiance.

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

APPROVAL OF MINUTES: Motion by Reid, seconded by Campbell, to approve the December 21, 2010 Regular Meeting Minutes as presented. Upon a voice vote, motion carried 6 to 0 with Councilmember Urban abstaining.

* **CONSENT AGENDA:** Mayor Strazdas asked Mayor Pro Tem Sackley to read the Consent Agenda with Item H.1, Initiated Law 1 of 2008, Michigan Medical Marihuana Act – Proposed Ordinance, that was removed from the Consent Agenda at the request of the Administration, and with the addition of Item K.1, Appointments to Various Boards and Commissions, to the Consent Agenda. Motion by Sackley, seconded by Reid, to approve the Consent Agenda motions as amended. Upon a roll call vote, motion carried 7 to 0. Mayor Strazdas added H.3, Setting of the Size and Composition of the Board of Review, to the Agenda.

* **APPROVAL OF ACCOUNTS PAYABLE REGISTER OF JANUARY 11, 2011:** Motion by Sackley, seconded by Reid, to approve the Accounts Payable Register of January 11, 2011. Upon a roll call vote, motion carried 7 to 0.

REPORTS FROM THE ADMINISTRATION:

* **AMENDMENT TO THE CODE OF ORDINANCES:** Motion by Sackley, seconded by Reid, to accept for first reading the proposed amendment to the City of Portage Code of Ordinances, Chapter 34, Fire Prevention and Protection, reflecting changes in the 2009 edition of the International Fire Code and to consider final adoption on January 25, 2011.

* **VEHICLE PURCHASES:** Motion by Sackley, seconded by Reid, to approve the purchase of one 2-ton, 4-wheel drive, medium-duty service truck; six marked Police patrol vehicles; three unmarked Police sedans; and two 4-wheel drive service utility vehicles through the State of Michigan Purchasing Program (MiDEAL) at a cost not-to-exceed \$354,566, and authorize the City Manager to execute all documents related to these purchases. Upon a roll call vote, motion carried 7 to 0.

* **WEST MILHAM AVENUE/12TH STREET/TEXAS DRIVE INTERSECTION IMPROVEMENTS:** Motion by Sackley, seconded by Reid, to approve acquisition of the right-of-way, sidewalk easement and temporary grading easement for 4815 West Milham Avenue in the amount of \$86,400 and authorize the City Manager to execute all applicable documents related to this matter on behalf of the city. Upon a roll call vote, motion carried 7 to 0.

COMMUNICATION:

COMMUNICATION FROM COUNCILMEMBER PATRICIA RANDALL: At the request of Mayor Strazdas, Councilmember Randall provided her presentation regarding the City of Portage property assessment practices and read from her letter to City Council dated January 14, 2011, that was received by City Council January 7, 2011. She then introduced Alan Sawyer, 6714 Bunchberry Drive, who, at her request, analyzed the data for City Council that she received from the City Assessor's Office as a citizen under the Freedom of Information Act (FOIA) (since the matter of assessing practices was concluded by unanimous vote at the Special Council Meeting dated April 27, 2010). Mr. Sawyer explained and discussed his understanding of his graphs that were presented to City Council as part of the materials provided to City Council by Councilmember Randall. He questioned the accuracy of the data because of the trends that resulted from his findings and recommended that City Council adopt the next steps that will be offered by Councilmember Randall. Discussion followed.

Councilmember Randall thanked Mr. Sawyer and recognized that trends found in the past were being phased out and applauded the Administration for this success. She indicated that she plans to continue to observe and monitor this situation to ensure this continues. She asked for City Council support of the four recommendations proposed by Attorney Richard Reed in his letter dated January 4, 2011.

Mayor Pro Tem Sackley asked whether photo pictometry would be acceptable; the cost of the assessment review; the breakdown of the cost; what period of time the cost would be absorbed; if there are increases in the assessments, would that be an acceptable result; and, what is the goal of the assessment review of all residential properties because other jurisdictions have done this and it has resulted in an increase in assessments.

Councilmember Randall responded that Joyce Foondle indicated that in her experience, in a down market, assessments have gone down and that she was relying on Joyce, but did not know what she charges, although \$40 per property was a figure used in other discussions. She acknowledged that she did not know if photo pictometry was acceptable by the State as she is not an assessor, but she contended that never leaving one's desk and changing assessments based on class, age, etc., leaves a lot of room for doubt.

City Manager Evans asked Alan Sawyer to return to the podium, thanked him for his efforts and reviewed each graph that he had presented earlier. Discussion ensued. Mr. Evans explained what happened over the ten years in question by using the response letter from Joyce Foondle and the communication from City Assessor James Bush both dated January 10, 2011, to Councilmember Randall's letter dated January 14, 2011. Discussion followed. He also responded to the Attorney Richard Reed letter dated January 4, 2011, and referred again to the response by Joyce Foondle dated January 10, 2011. He pointed out that the data supports what the Administration has been saying all along and what was presented to City Council at the Special Meeting dated April 27, 2010.

Mr. Evans took exception to the grey box and arrow that appears on graphs in Attachments B, C, D, F and G provided by Councilmember Randall since this implies that there was inappropriate corresponding action taken by the Assessor when the Pfizer tax settlement took place. He contended that this grey box and arrow suggests that the fact that there was an increase in changes in class of construction, a reduction in Effective Age for properties that sold significantly outpaced the reduction in Effective Age for properties that did not sell, and a reduction in Effective Age for low ratio sale properties significantly outpaced the reduction in Effective Age for high ratio sale properties all happened as a response to the Pfizer tax settlement. He pointed out that this would be illegal, that this was not the case and, if someone has the names of any people involved in such a scheme, that their names should be brought forward to the Prosecutor. He pointed out that according to the graphs, reports and analyses, the Assessor's Office has exceptional assessing practices now. He then asked what City Council wants the Administration to do in the future. Discussion followed.

Mayor Pro Tem Sackley pointed out that the City Assessor's Office received the Distinguished Assessment Jurisdiction Award in 2007 over Grand Rapids and Oakland County, passed the 14-Point Review by the State Tax Commission and fewer people attended the Board of Review in 2010 than in 2009. Councilmember Urban read the criteria for the Award and pointed out that what Councilmember Randall has called for, has already been done. Discussion followed.

Councilmember Reid reminded everyone that the City of Portage Assessor's Office is already planning to do a pilot project of reassessing a neighborhood, but questioned how a market analysis today compares with one that is performed five years from now when the last neighborhood is reassessed. Discussion followed. Mayor Strazdas asked for a motion.

Motion by Reid, seconded by Campbell, to receive the communication from Councilmember Patricia Randall regarding the Portage Property Tax Database for years 2000-2010. Discussion followed. Mayor Pro Tem Sackley offered an amendment to the motion: to reaffirm the action taken by City Council at the April 27, 2010 Special City Council Meeting, and conclude City Council investigation of Assessment Practices of the City of Portage Assessor's Office and Councilmembers Reid and Campbell agreed. Discussion followed. When Councilmember Randall asked if the motion could be split, City Attorney Brown advised in the affirmative. Discussion followed. Mayor Pro Tem Sackley called for the question. Motion carried, 6 to 1. Ayes: Councilmembers Bailes, Campbell, Reid and Urban, Mayor Pro Tem Sackley and Mayor Strazdas. No: Councilmember Randall. Discussion followed.

UNFINISHED BUSINESS:

INITIATED LAW 1 OF 2008, MICHIGAN MEDICAL MARIHUANA ACT

(MMMA) – PROPOSED ORDINANCE: Mayor Strazdas introduced this agenda item, complimented Tom Haroldson for his fine article on this matter and chastised the *Gazette* person who indicated that the City of Portage would be “outlawing marihuana” at the meeting tonight in the newspaper headline. Mayor Strazdas indicated that there is no indication anywhere that that would take place and that it would not happen unless there was a motion passed independent of the ordinance before City Council for second reading and consideration. At the request of Mayor Strazdas, City Manager Maurice Evans characterized the 180 day moratorium as a prudent response to actions being taken around the State against municipalities that are being sued because of their attempts to implement the Michigan Medical Marihuana Act of 2008 (MMMA). He pointed out that this would allow time for State Legislators to provide clarity and for staff and the City Attorney to obtain the information to formulate an ordinance that would provide the protections necessary going forward on this issue. Discussion followed.

Mayor Pro Tem Sackley asked for a summarization of the types of issues the municipality needs to address and gave examples: facilities development, zoning, code enforcement, protecting facilities against breaking and entering, etc. City Attorney Randy Brown indicated that there are a lot of consequences and problems with the MMMA making it ambiguous, that Mayor Pro Tem Sackley mentioned most of them, and projected that the Courts and the Legislature may address these issues to give municipalities and their attorneys some guidance. He indicated that across the State, there are dispensaries where people can buy marihuana and maybe this is within the purview of the Act and maybe it is not; but, in the meantime, the moratorium allows time for study and to look into it to determine compliance guidelines. He summarized that the Portage Temporary Moratorium Ordinance carves out the exceptions allowed by the MMMA: qualifying patients under the MMMA who receive a registration card from the State of Michigan can have 2.5 ounces of marihuana and up to twelve marihuana plants, and a primary caregiver, who must also be registered with the State of Michigan, can have up to five qualifying patients and have 2.5 ounces of medical marihuana for each qualifying patient, as well as cultivate up to twelve marihuana plants for each qualifying patient, as long as there is only one qualifying caregiver per structure.

City Manager Evans emphasized that the majority of the voters of the State of Michigan, Kalamazoo County and the City of Portage decisively approved the MMMA; that the fundamental intent of the MMMA is to create a private and confidential patient/caregiver relationship and to facilitate the lawful cultivation, distribution and use - strictly for medical purposes. However, he pointed out that MMMA does not define how to carry out that fundamental intent and that is where the difficulty begins. He cited Judge Turner who said, "... this is one of the worse pieces of legislation he has ever seen in his life." Mr. Evans recognized that the voters voted and communities want to carry out the law, but he acknowledged that there is a need for clarification.

In response to Councilmember Reid's question about what happens after the six-month moratorium, Mr. Brown indicated that he will continue to meet and discuss this issue with the administrative team and present an ordinance for City Council consideration for approval within the six month time period. He indicated that City Council does not have to pass an ordinance; other communities are taking various paths regarding how to regulate medical marihuana; and, the administrative team will continue to scrutinize this activity and formulate an ordinance based on best practices. He said that if the ordinance passes, the moratorium ends and regulation of medical marihuana in Portage will be under the ordinance; and, if no ordinance is passed by City Council, the moratorium ends in 180 days and the regulation of medical marihuana is limited to interpretation of the statute instead of a City of Portage ordinance.

Councilmember Urban read Section 2-317, (a) and (b)(i), (b)(ii) and (b)(iii), Prohibition of use of property and structures for medical marihuana, that is a part of the Moratorium Ordinance that was presented for first reading and is under consideration for approval by City Council. Discussion followed.

The following citizens spoke in favor of medical marihuana: Chris Altman, 5813 Stratford; Thomas Lavigne, 2930 East Jefferson, Detroit; Christopher Chiles, 1611 West Centre Avenue, Suite #100; Ralph Wruck, 6045 Mallard; Luis Hernandez, 100 Peach Tree Drive; and, Michael Alexander, 1601 Greenview Avenue. Discussion followed.

Motion by Sackley, seconded by Reid, to amend the Code of Ordinances of the City of Portage, Michigan, by adding Article 8, Temporary Moratorium on the Use of Property and Structures for Dispensing and Cultivating Medical Marihuana. Upon a roll call vote, motion carried 7 to 0. Ordinance recorded on page 143 of City of Portage Ordinance Book No. 12.

* **2011 FEE SCHEDULE – COMMUNITY DEVELOPMENT FEE:** Motion by Sackley, seconded by Reid, to approve the Community Development Planning and Zoning Site Re-inspection Fee and adopt the accompanying resolution. Upon a roll call vote, motion carried 7 to 0. Resolution recorded on page 121 of City of Portage Resolution Book No. 44.

SETTING OF THE SIZE AND COMPOSITION OF THE BOARD OF REVIEW: Mayor Strazdas introduced this item and asked for input from each Councilmember. Councilmembers Randall, Campbell and Reid and Mayor Strazdas advocated two Boards of Review with three members in each and Councilmembers Bailes and Urban and Mayor Pro Tem Sackley advocated one Board of Review with three members and two Alternate Members. Discussion followed.

Motion by Reid, seconded by Campbell, for the year 2011, to appoint six persons that will fill two Boards of Review with three members each. Upon a roll call vote, motion carried 7 to 0. Discussion followed.

Motion by Urban, seconded by Reid, to reappoint Wes Mazurek and appoint Bill Fries, Theodore Varas and Michael Simon with terms ending January 31, 2012. Upon a roll call vote, motion carried 7 to 0. Discussion followed.

Motion by Urban, seconded by Sackley, to set one Board of Review to be comprised of Wes Mazurek, Bill Fries and Michael Simon and the other Board of Review to be comprised of William Stannard, Jay Olweean and Theodore Varas. Upon a roll call vote, motion carried 7 to 0. Discussion followed.

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

Portage Park Board of December 1, 2010.

Portage Human Services Board of December 2, 2010.

Kalamazoo County Board of Commissioners Regular of December 7, 2010.

NEW BUSINESS:

* **APPOINTMENTS TO VARIOUS BOARDS AND COMMISSIONS:** Motion by Sackley, seconded by Reid, to reappoint David Felicijan and Marianna Singer and appoint Timothy Bunch with terms ending February 28, 2014, and appoint Jeff Bright as Alternate with term ending February 28, 2014, to the Zoning Board of Appeals; to appoint Christine Broberg and Tiffany Raynes with terms ending December 31, 2013, to the Historic District Commission; to appoint Allan Reiff with term ending May 31, 2011, to the Planning Commission; and to appoint Alexis Georgoff, Kelcie McGowan, Kasia Mietusiewicz, Fatima Mirza and Carly Siko with unfulfilled terms ending June 30, 2011, to the Youth Advisory Committee. Upon a roll call vote, motion carried 7 to 0.

OTHER CITY MATTERS:

STATEMENTS OF CITIZENS: Jim Pearson, 3004 East Shore Drive, did not think that City Council addressed the "following sales" issue well enough during the response by the Administration to the presentation and follow-up discussion regarding the Portage Property Tax Database for years 2000-2010.

Michael Leinwand, 6677 Oleander, complimented the efforts of Councilmember Randall with regard to tax assessments.

Michael Alexander, 1601 Greenview, expressed his appreciation for the openness of City Council with regard to tax assessments.

Ken Smott, said he invited Joyce Foondle and Christine Biddle to his home because there were six or seven changes, so felt a need for a new baseline, and wants to pay his fair share of taxes, but felt there was too much haste in deciding to do nothing and asked the Administration to follow up.

Alan Sawyer, 6714 Bunchberry Drive, questioned the accuracy of the data he received via Councilmember Randall from the City Assessor's Office that he analyzed and presented after Councilmember Randall's opening statement regarding the Portage Property Tax Database for years 2000-2010, asked the City Assessor to look at it and advocated "going forward."

Nancy Sawyer, 6714 Bunchberry Drive, concurred with Ken Smott that City Council acted with too much haste in deciding to do nothing and asked for further analysis of the data.

Greg Engle, 8336 Brookwood, indicated that he purchased his home in 2004, the effective age dropped, the taxes went up in 2009, and it caused him a hardship owing to his low escrow account.

STATEMENTS OF CITY COUNCIL AND CITY MANAGER: Councilmember Randall thanked those in the audience for staying late, and expressed her condolences to former public officials, Ted Vliek for the passing of his wife, Mike Quinn for the passing of his father and Jamie Graham for the passing of his mother.

Councilmember Bailes thanked the Administration for an enlightening orientation of the responsibilities of the various city departments.

Councilmember Reid thanked all of the citizens who attended the meeting and observed that people complained about how complicated taxes are, suggested they contact the Assessor, thanked Councilmember Randall for her work but, because the Assessor can not enter property unless invited, suggested that citizens request an on-site inspection.

Councilmember Urban indicated that the Assessor's Office data from the Portage Property Tax Database for years 2000-2010 is both correct and incorrect as it was collected before computerization, using the windshield assessment method, but the variables should not change three or four times. He indicated that the efforts over the last ten years to correct the data have been successful and that the customer service issues have been addressed.

City Manager Evans asked citizens to ignore the solicitation circulating in the mails for homeowners to purchase "pipe insurance" coverage from the home to the street.

Mayor Pro Tem Sackley said that he was encouraged by the rhetoric regarding the Portage Property Tax Database for years 2000-2010 since there was no mention of fraud, corruption or conspiracy as in the past, except by himself, and made the point that Portage assessment practices have been honest, that any issues that have arisen have been addressed and there is a consensus of City Council to conclude City Council investigation of Assessment Practices of the City of Portage Assessor's Office.

Mayor Strazdas encouraged attendance at "Stepping Out," a fundraiser for Portage Public Schools, February 12, 2011, at the State Theater, Kalamazoo, and called for City Council Committees to convene and get to work in preparation for the budget process.

ADJOURNMENT: Mayor Strazdas adjourned the meeting at 11:45 p.m.

James R. Hudson, City Clerk

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