

CITY OF
PORTAGE
A Place for Opportunities to Grow

PLANNING COMMISSION

March 3, 2011

CITY OF PORTAGE PLANNING COMMISSION

A G E N D A

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

Portage City Hall Council Chambers

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES:

- * February 17, 2011

SITE/FINAL PLANS:

PUBLIC HEARINGS:

- * 1. Special Land Use Permit – Noggle Auto Repair, 6902 Lovers Lane

PLATS/RESIDENTIAL CONDOS:

OLD BUSINESS:

NEW BUSINESS:

1. 2011 Major Thoroughfare Plan Status Update Report (forthcoming)
2. 2011-2021 Capital Improvement Program (forthcoming)

STATEMENT OF CITIZENS:

ADJOURNMENT:

MATERIALS TRANSMITTED

January 2011 Summary of Environmental Activities Report
February 8, 2011 City Council meeting minutes

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

PLANNING COMMISSION

February 17, 2011

DRAFT

The City of Portage Planning Commission meeting of February 17, 2011 was called to order by Chairman Cheesebro at 7:00 p.m. in Council Chambers of Portage City Hall, 7900 South Westnedge Avenue. Five citizens were in attendance.

MEMBERS PRESENT:

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

MEMBERS ABSENT:

None.

MEMBERS EXCUSED:

Rick Bosch.

IN ATTENDANCE:

Christopher Forth, Deputy Director of Planning and Development Services; Michael West, Assistant City Planner and Randall Brown, 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 February 3, 2011 meeting minutes. A motion was made by Commissioner Welch, seconded by Commissioner Patterson, to approve the minutes as submitted. The minutes were unanimously approved.

SITE/FINAL PLANS:

1. Final Plan for Greenspire Retail (Phase I), 3201 West Centre Avenue. Mr. West summarized the staff report dated February 11, 2011 involving a final plan submitted by H & G II, Inc. to construct Phase I of the retail portion of the Greenspire Planned Development (PD). Mr. West stated Phase I involves a 13,400 square foot retail building and associated site improvements along the eastern portion of the subject site, opposite Cooley Drive. Mr. West indicated the plan was previously reviewed and recommended for approval by the Commission on July 1, 2010 and subsequently approved by City Council on July 13, 2010. Consistent with the PD ordinance and since construction did not begin within 120 days of final plan approval, Mr. West stated the final plan has expired. Mr. West indicated the applicant has resubmitted the final plan with no changes from the previously approved plan. Mr. West stated the final plan is consistent with the Greenspire PD tentative plan approved by City Council in April 2010 and was recommended for re-approval.

Mr. Greg Dobson of H & G II, Inc. was present to support and explain the retail project. Mr. Dobson stated the project was delayed due to a variety of factors, however, now the project is ready to move forward and construction is expected to begin within 60 days. No citizens spoke in regard to the development project. After a brief discussion, a motion was made by Commissioner Patterson, seconded by Commissioner Stoffer, to recommend to City Council the Final Plan for Greenspire Retail (Phase I), 3201 West Centre Avenue, be re-approved. The motion was unanimously approved.

DRAFT

PUBLIC HEARINGS:

1. Final Report: Ordinance Amendment #10-A, Keeping of Hens and Other Animals. Mr. Forth summarized the February 11, 2011 staff report regarding an amendment to the Zoning Code, initiated by the Planning Commission in response to a request from a Portage resident, to raise/keep chickens and other animals in residential areas. Mr. Forth summarized the ordinance changes requested by the Commission during the February 3, 2011 meeting including: 1) Removed reference that would allow the occupants of a “two family dwelling” to keep chickens; 2) Allow a resident to keep up to six chickens without Planning Commission review/approval; 3) Allow chickens to roam in the rear yard outside of the coop/pen, if the rear yard area is enclosed by a 6-foot tall opaque fence and the chickens are supervised; and 4) Require authorization from the property owner (if the occupant/applicant is not the owner) for all applications involving the keeping of chickens and require both the owner and occupant (if different than the owner) of adjacent properties to receive notification for applications requiring Planning Commission consideration. Mr. Forth also referred the Commission to the final agenda packet and the February 17th email communication and Powerpoint presentation from Ms. Katie Drenth supporting the proposed ordinance.

Commissioner Stoffer suggested a slight change to Section 42-121.D.3.a that would not require the coop and pen to be located within and completely enclosed by a 6-foot tall opaque fence to allow the chickens to roam. The Commission discussed the intent of the proposed language change that would allow a citizen to enclose a separate area within the rear yard of the site with a 6-foot tall opaque fence where the chickens could roam outside of the coop and pen. If the Commission concurs on the ordinance change, Attorney Brown asked that the Commission allow him and staff to develop specific language to address the intent of the change. A motion was then made by Commissioner Stoffer, seconded by Commissioner Dargitz, to modify Section 42-121.D.3.a of the proposed ordinance language as discussed. After a brief discussion, the motion was approved 6-2 with Commissioner Welch and Chairman Cheesebro voting no.

Chairman Cheesebro reconvened the public hearing. One citizen, Fernando Costas (7639 Harvest Lane), spoke in support of the proposed ordinance. Mr. Costas stated he supports the proposed change that would allow chickens to roam outside of the coop and pen, in a smaller fenced enclosed area. Mr. Costas requested the Planning Commission consider increasing the maximum coop/pen height requirement above 6-feet to allow easier access for taller people to clean the coop/pen area. After a brief discussion, the Commission agreed to retain the maximum 6-foot tall coop/pen requirement citing numerous coop design examples that are less than 6-feet in height. Mr. Costas thanked the Commission for their efforts over the past several months in the ordinance development process. No additional citizens spoke during the public hearing. A motion was then made by Commissioner Welch, seconded by Commissioner Pearson, to close the public hearing. The motion was unanimously approved. After additional discussion, a motion was made by Commissioner Pearson, seconded by Commissioner Dargitz, to recommend to City Council approval of Ordinance Amendment #10-A, Keeping of Hens and Other Animals with the proposed language change to Section 42-121.D.3.a, as previously discussed. The motion was unanimously approved. Commissioner Welch thanked staff for their hard work and research with the ordinance development and also thanked Mr. Costas for his patience during the process.

PLATS/RESIDENTIAL CONDOS:

None.

OLD BUSINESS:

None.

DRAFT

NEW BUSINESS:

None.

STATEMENT OF CITIZENS:

None.

ADJOURNMENT:

There being no further business, the meeting was adjourned at 7:35 p.m.

Respectfully submitted,

Christopher Forth, AICP
Deputy Director of Planning and Development Services

TO: Planning Commission

DATE: February 25, 2011

FROM: Jeffrey M. Erickson, Director of Community Development

SUBJECT: Special Land Use Permit: Noggle Auto Repair, 6902 Lovers Lane

I. INTRODUCTION:

A Special Land Use Permit application has been submitted by Mr. Curtis Noggle requesting approval to establish an automobile repair station for both minor and major repairs at 6902 Lovers Lane. The applicant has indicated in the attached application materials that he will be the only mechanic employed at this location. The repair services will range from oil changes, tune-ups and emissions related diagnostics to major engine and transmission repair and replacement. Although permitted in the I-1, light industrial zoning district, auto body repairs, painting or undercoating are not proposed at this location.

II. BACKGROUND:

The following information is provided for Commission consideration:

Existing Land Use/Zoning	<ul style="list-style-type: none"> • Subject site is 0.25 acre, zoned I-1, light industry and occupied by an approximate 2,700 square foot building with site improvements. The existing parking lot extends into the required 50 foot front yard setback, but is legally nonconforming. • A beauty salon/spa zoned I-1 borders the site to the south, while industrial uses also zoned I-1 border the site to the west. • To the north, Gernaat Court and vacant land also zoned I-1. • Across Lovers Lane to the east, vacant land and single family residence zoned R-1B, one family residential.
Comprehensive Plan	<ul style="list-style-type: none"> • Future Land Use Map component of the Comprehensive Plan identifies the subject site along with adjacent properties located to the north, south and west as appropriate for general industrial land use. Across Lovers Lane (to the east), properties are designed for research, development and technology land use.
Access	<ul style="list-style-type: none"> • Existing full service driveway to Gernaat Court (private street) that provides access to Lovers Lane. • Lovers Lane is classified as a minor arterial street with an average weekday traffic volume of approximately 9,000 vehicles per day (2010), capacity 32,500 vehicles per day based on a level of service D.
Environmental Issues	<ul style="list-style-type: none"> • Review of the Sensitive Land Use Inventory Map does not identify any environmentally sensitive areas (100-year floodplain, wetlands) at the subject site.
Historic District/ Structure	<ul style="list-style-type: none"> • The subject site is not located within a historic district and does not contain any historic structures.
Land Development Regulations	<ul style="list-style-type: none"> • The application has been submitted under Section 42-280.C.2, <i>Special Land Use</i> in the I-1 zoning district: "Automobile repair stations (major and minor)". • Section 42-462, <i>General Standards for Review of Special Land Uses</i>, sets forth additional criteria for evaluating a special land use and allows conditions to be established.

III. ANALYSIS:

The proposal to establish an automobile repair station (minor and major repairs) at the site fulfills the requirements for issuance of a Special Land Use Permit. Off-street parking for customers, employee(s) and staging area for vehicles waiting for repair/pick-up is limited, but meets the required minimum standard in the Zoning Code. For Commission information, the Zoning Code requires this site to have a minimum of four designated off-street parking spaces (two spaces for each repair stall inside the building) for employee(s) and customers, which leaves minimal area to stage vehicles repair/pick-up. The applicant has indicated space inside the building is also available for temporary parking for up to four vehicles. The applicant is aware the total number of on-site vehicles awaiting service at any one time is limited due to the small size of the off-street parking facilities.

The Special Land Use Permit has also been reviewed in the context of the General Standards of Review contained in Section 42-462. The establishment of the automobile repair station at the existing building located at 6902 Lovers Lane promotes the intent and purpose of the I-1 zone and will not change the industrial character of the area. The automobile repair station use is also consistent and compatible with other uses allowed in the I-1 district and represents an efficient use of land that will not unduly affect the capacities of public services and facilities. Finally, the use is consistent with the public health, safety and welfare of the community and harmonious with the objectives of the Comprehensive Plan.

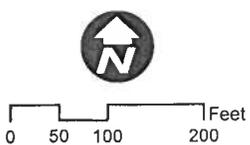
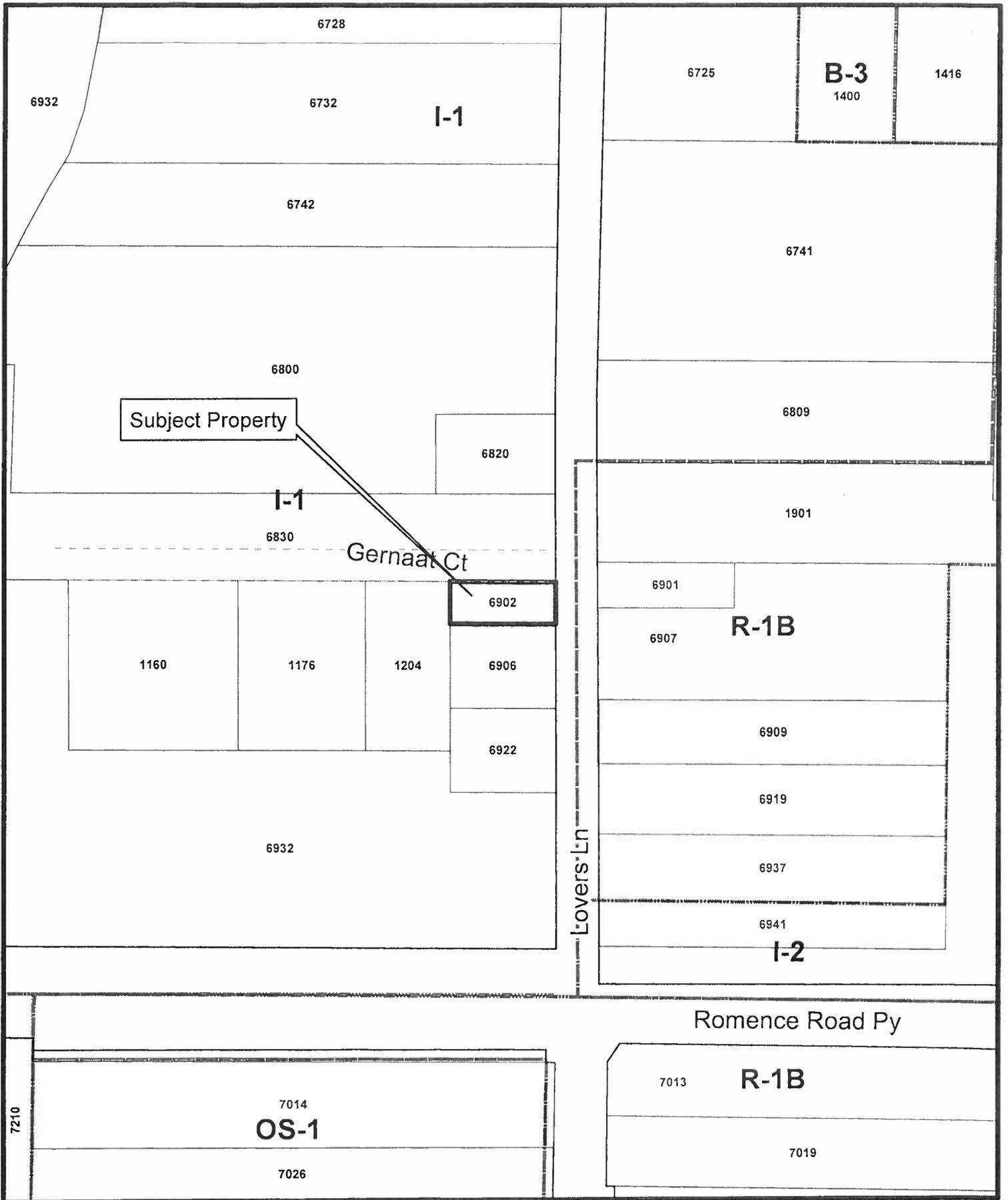
Prior to the new owner purchasing the property, this property was in blighted condition (the building had been vacant for several years and was deteriorating) resulting in complaints from area residents and/or business owners. During the summer/fall of 2010, the new owner completed a building renovation project and site enhancements including resurfacing of the parking lot and installation of greenstrip landscaping (trees and shrubs) along the Lovers Lane frontage. The reuse of this property as a small, start-up auto repair facility for Mr. Noggle is a positive addition in this area.

Per statutory requirements, residents/property owners within 300 feet of this property have been notified in writing of the application and Planning Commission meeting. A notice was also placed in the local newspaper.

IV. RECOMMENDATION:

Based on the above analysis and subject to any additional information brought before the Planning Commission during the public hearing, staff recommends the Special Land Use Permit for Noggle Auto Repair, 6902 Lovers Lane, be approved subject to all vehicles being parked in designated paved parking spaces or within the building.

Attachments: Vicinity/Zoning Map
Aerial Photograph
Special Land Use Permit Application
Site Plan



SPECIAL LAND USE PERMIT

6902 Lovers Lane

-  Subject Property
-  Zoning Boundary



Subject Property

Gernaat Ct

Lovers Ln

SPECIAL LAND USE PERMIT

6902 Lovers Lane

 Subject Property



0 25 50 100 Feet

CITY OF
PORTAGE

A PLACE FOR
OPPORTUNITIES
TO GROW

Department of Community Development

RECEIVED

FEB 08 2011

COMMUNITY DEVELOPMENT

APPLICANT INFORMATION

Name CURTIS M. NOGGLE		Telephone Number 269-329-7023	
Address 2475 AVALON WOODS DR.	City PORTAGE	State MICHIGAN	Zip code 44024

OWNER INFORMATION (if different)

Name KASTEN INVESTMENTS, LLC		Telephone Number 269-327-0502	
Address 8065 COX'S DRIVE	City PORTAGE	State MICHIGAN	Zip code 49002

PROPERTY INFORMATION

Address of property 6902 LOVERS LANE	Zoning District I-1	Land Area (acres)
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Legal Description (or attach separate page)
SEE SITE PLAN

I WILL BE WORKING AS A 1 PERSON OPERATION AND WILL ONLY NEED 1 PARKING SPOT FOR PERSONAL USE, ALL OTHERS WILL BE FOR CUSTOMER PARKING

PROPOSED USE

Description of proposed Special Land Use (attach additional page(s), if necessary)
BUILDING WILL BE USED AS AN AUTO REPAIR FACILITY. TYPE OF WORK PERFORMED WILL RANGE FROM OIL CHANGES, TUNE-UPS & EMISSIONS RELATED DIAGNOSTICS TO MAJOR ENGINE AND TRANSMISSION REPAIR/REPLACEMENT. THERE WILL BE NO AUTO BODY/PAINT OR UNDERCOATING. HOWEVER THERE MAY BE SOME USE OF OXY/ACETALENE TORCHES AND LIGHT WELDING ON OCCASION. HOURS OF OPERATION WILL BE FROM 8:00 - 5:00 MON. - FRI. AND POSSIBLE SAT. HOURS OF 8:00 - 12:00

OWNER CERTIFICATION

I hereby certify that I am presently the legal owner for the above-described property and all of the above information is true and accurate. I further acknowledge that approval of this Special Land Use Permit constitutes an agreement with the City of Portage and all conditions or limitations imposed shall be fulfilled.

Signature 

Date 2-7-2011

NO.	DATE	REVISION
1		
2		
3		
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5		
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7		

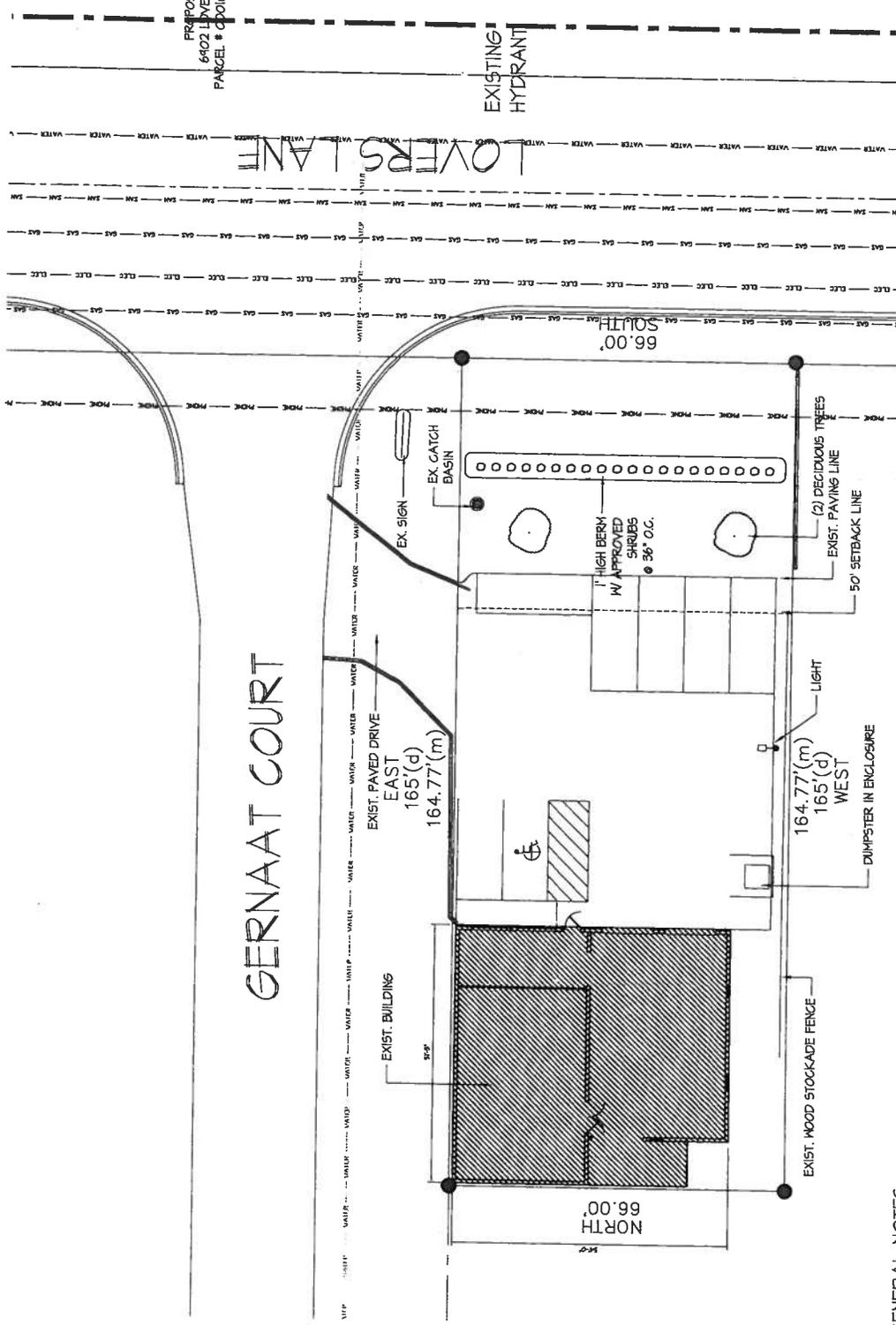
[Signature]

**BUILDING UPGRADE
KASTEN INVESTMENTS**
6902 LOVERS LANE
PORTAGE, MI

Design Under Weale
Design Consultants, P.C.
2800 West Park + Technology Building #200
Ann Arbor, MI 48106
Tel: (313) 373-3844
e-mail: postcard@underweale.com

SITE PLAN
PROJECT NO. **C101**
7360

LEGAL DESCRIPTION
SITING IN THE CITY OF PORTAGE, Kalamazoo County, Michigan, TRACT 1, COMMENCEMENT 574.42 FEET NORTH 1/4 CORNER OF SECTION 10, TOWNSHIP 35 NORTH 66 WEST, THENCE NORTH 66 FEET, THENCE EAST 66 FEET, TO THE POINT OF BEGINNING.



SITE PLAN
SCALE: 1" = 10'

- Contractor to provide all required permits and soil erosion control measures as required in the City of Portage. Provide all catch basins around catch basins during all construction phases.
- Proposed Building: 1 story - Brick, Masonry wall and non wood truss framed roof Building #1, (a) Paved 20' Maximum.
- Driveway is existing.
- All pavement markings and signs will conform to the standards set forth in the current edition of the Michigan Manual of Uniform Traffic Control Devices.
- All storm drainage is to surface drain to existing catch basin near north east corner of property.

- All berms for parking stalls shall include required erosion control for the length of the berms for the physically challenged indicated by tan and arched.
- Proposed Building: 1 story - Brick, Masonry wall and non wood truss framed roof Building #1, (a) Paved 20' Maximum.
- Project owner: **Kasten Investments, LLC**
2005 Cass Ave.
Portage, MI 49002
Ph: (269) 337-0902
- Site Area: 10,910 s.f./ 0.25 Acres
- Site Zoning: I-1
- Utilities are not present at the building area.

- GENERAL NOTES**
- All construction shall conform to all applicable local, state and federal laws and regulations.
 - The contractor shall verify all site conditions and existing work. Report any discrepancies to the Engineer in writing.
 - All signs shown on plan will comply with the City of Portage sign requirements. All signs will be approved under separate permit from City of Portage.
 - Site lighting will be installed and maintained consistent with the City of Portage, Section 42-544 (f) pole fixture proposed.

RECEIVED
JUL 11 2011
ANN ARBOR DEPARTMENT OF PUBLIC WORKS

MATERIALS TRANSMITTED

SUMMARY ENVIRONMENTAL ACTIVITY REPORT

January 2011 (*updates in italics*)

<u>Project/Activity</u>	<u>Description</u>	<u>Status</u>
Portage City Landfill	Ongoing groundwater monitoring of former municipal landfill.	-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.
Site Inspection/Development Project Review	Review of existing business & industries and review of proposed business and industrial development projects for environmental protection purposes and/or building plans completed.	-Coordination with property owners and City or State agencies ongoing. <i>-Review of 2 site/building plans and/or plats completed in 2011.</i>
Sewer Connection Program	Groundwater protection program requiring residential/business hookup to the sanitary sewer where available.	<i>-Sanitary sewer hookup permits issued in January 2011: 1 commercial and 7 residential. No monthly connections made as part of the Mandatory Sewer Program. Three properties have court appearances scheduled in response to non-compliance.</i>
West Lake Management Program	Special assessment district designed to maintain/improve lake conditions.	-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 are under way.</i>
Retention Basin Sampling Program	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 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 received in January 2011 and is under review.</i>

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. 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 (SWPPI) as required by NPDES permit. SWPPI 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 SWPPI submittal to MDNRE. SWPPI was submitted for MDNRE approval on June 25, 2010. Permit implementation is ongoing. *Received a notice MDNRE rescinding the 2008 permit due to a recent court case ruling. MDNRE reinstated the 2003 permit for implementation. New information on new permit requirement 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 January 2011: No investigations and none 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. 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. Current sampling continued to show a slight decline in the groundwater table. 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. Met with MDNRE staff to determine feasible method to lower water levels. Association currently working with MDNRE permit staff on 2/26/10 to clarify permit requirements. Lower groundwater table elevation has reduced the concerns from the Condominium Association. Conference call with MDNRE held on December 8, 2010 to discuss permit submission updates. Condo Association discussing project with other property owners for support.

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
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.

CITY COUNCIL MEETING MINUTES FROM FEBRUARY 8, 2011

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

At the request of Mayor Strazdas, Pastor Tim Hoult of the Kalamazoo Valley Family 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, and Mayor Peter J. Strazdas. Mayor Pro Tem Edward J. Sackley was absent with excuse. Also in attendance were City Manager Maurice S. Evans, Assistant City Attorney Charlie Bear and City Clerk James R. Hudson.

APPROVAL OF MINUTES: Motion by Reid, seconded by Campbell, to approve the January 25, 2011 Regular Meeting Minutes as presented. Upon a voice vote, motion carried 6 to 0.

* **CONSENT AGENDA:** Mayor Strazdas asked Councilmember Urban to read the Consent Agenda. Councilmember Reid asked that Item F.3, Sanitary Sewer Service Repair Call-In Contract, be removed from the Consent Agenda. Councilmember Urban asked that Item H.1, Ordinance Amendment 10-B, Home Occupation Ordinance, be removed from the Consent Agenda. Motion by Urban, 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 FEBRUARY 8, 2011:** Motion by Urban, seconded by Reid, to approve the Accounts Payable Register of February 8, 2011. Upon a roll call vote, motion carried 6 to 0.

REPORTS FROM THE ADMINISTRATION:

* **AMENDMENT TO THE CODE OF ORDINANCES:** Motion by Urban, seconded by Reid, to accept for first reading the Amendment to Chapter 50, Section 222, Providing False Information to Public Officer. Upon a roll call vote, motion carried 6 to 0.

* **HEATING, VENTILATION, AIR CONDITIONING SERVICES CONTRACT EXTENSION:** Motion by Urban, seconded by Reid, to approve a two-year contract extension for city facility heating, ventilation, air conditioning and maintenance services to Pleune Service Company in the amount of \$78,616 and authorize the City Manager to execute all documents related to this action. Upon a roll call vote, motion carried 6 to 0.

SANITARY SEWER SERVICE REPAIR CALL-IN CONTRACT: Councilmember Reid indicated that this service was used three times over the last twenty-two months and asked how much was actually paid to them. Transportation & Utilities Director Chris Barnes indicated that he did not have the exact figure, but each incident cost roughly \$3,000 to \$4,000, or \$12,000 to \$13,000 in the last two years. Discussion followed. Motion by Reid, seconded by Campbell, to approve a one-year renewal with Peters Construction Company for the Sanitary Sewer Service Repair Call-in Contract at the original not-to-exceed amount of \$26,212.87 and authorize the City Manager to execute all documents related to the contract on behalf of the city. Upon a roll call vote, motion carried 6 to 0.

COMMUNICATION:

COMMUNICATION FROM DALE HEIN OF THE KALAMAZOO COUNTY TRANSPORTATION AUTHORITY (KTA): City Council received the Kalamazoo County Transportation Authority 2010 Annual Report Presentation by Linda Teeter, Chairperson. She indicated that the operation is more efficient, affordable and ready for the future; 2010 Portage ridership was at 22,705; Care-a-Van and Metro Van merged to provide more vans, more access and more efficiency; and changes, new routes and new times can be found online at kmetro.com. She reviewed the history of the formation of KTA, growth in the City of Portage, search for an Executive Director and recent work with the legislature to change Public Act 196. She explained that the current millage expires in 2012 and/or 2013 and oversight for financial management is now in the hands of the City of Kalamazoo. She thanked Mayor Strazdas and City Council for their support. Mayor Strazdas expressed his appreciation to the Board for responding to the needs of the community. Discussion followed.

UNFINISHED BUSINESS:

ORDINANCE AMENDMENT 10-B, HOME OCCUPATION ORDINANCE:

Councilmember Urban explained that there was much discussion regarding Section B.1, wherein "No more than one person other than the full-time occupant(s) of the one-family dwelling unit shall be engaged in the conduct of the active home occupation on the zoning lot" as the original recommendation granted the Planning Commission power to allow two full-time non-occupant employees upon request. He also pointed out that the Committee discussed the reference to "tennis" in Section B.5. Note that Section B.5 also retained the original B.7 language, "This section shall not prohibit the growing of fruits, vegetables or flowers nor any other farm product protected by the Michigan Right to Farm Act, Act 93 of 1981, as amended, in any outside area, provided that the farm product is grown, raised or produced on the zoning lot occupied by the active home occupation." Discussion followed.

Councilmember Reid asked for a breakdown from the Administration of anticipated staff time involved as it relates to the proposed \$150 application fee. Discussion followed.

Motion by Urban, seconded by Campbell, to accept Ordinance Amendment 10-B, Home Occupation Ordinance, for first reading and establish a public hearing on March 8, 2011, at 7:30 p.m. or as soon thereafter as may be heard; subsequent to the public hearing, consider approval of Ordinance Amendment 10-B, Home Occupation Ordinance; and consider adoption of the resolution establishing an application fee for home occupations. Upon a roll call vote, motion carried 6 to 0. Discussion followed.

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

Portage Environmental Board of December 8, 2010.

Portage Board of Education Regular Business of December 13, 2010 and Special Meeting and Committee of the Whole Work Session of January 10, 2011.

Kalamazoo County Board of Commissioners Organizational of January 4, 2011.

Portage Human Services Board of January 20, 2011.

Portage Planning Commission of January 20, 2011.

BID TABULATION:

* **FIRE DEPARTMENT MOBILE COMPUTERS:** Motion by Urban, seconded by Reid, to accept the low bid submitted by Tiger Direct, Incorporated, in the amount of \$23,910 for six “ruggedized” mobile computers for installation in Portage Fire apparatus; accept the sole provider quotation submitted by New World Systems Corporation in the amount of \$11,100 for Aegis fire mobile unit software; and authorize the City Manager to execute all documents related to these actions on behalf of the city. Upon a roll call vote, motion carried 6 to 0.

OTHER CITY MATTERS:

STATEMENTS OF CITIZENS: Ralph Worick, 604 Mallard Circle, pointed out that the tax assessment notices are going out Friday (February 11, 2011) and urged citizens to look at the information and check the Portage website for Board of Review procedures.

County Commissioner Phil Stinchcomb, 1607 Bellaire Avenue, reported on Kalamazoo County activities, specifically, the progress of the Metro Center at the Kalamazoo County Fairgrounds, Phase II, and that the construction bid was awarded to Cornerstone Construction. He indicated that the Board discussed local preference and asked for input from the public on that subject.

STATEMENTS OF CITY COUNCIL AND CITY MANAGER: Councilmember Randall commended those involved in the First Annual Portage Snow Party, Oakland Drive Park, organized by Deputy City Clerk Adam Herringa, with 200 participants, 15 student organizers from the Youth Activities Committee and two Park Rangers. She also applauded the *Hairspray* Play Production by Portage Central High School Students performed at Portage Northern High School and reminded everyone of “Stepping Out” Fundraiser at the State Theater, Kalamazoo, Saturday, February 12, 2011, at 7:30 p.m., for the Portage Athletic Foundation. She expressed her appreciation for expediting the Tax Notices to property owners by an extra two weeks to allow them time to analyze their tax assessments and announced a Property Tax Symposium hosted by The Greater Kalamazoo Association of REALTORS® (GKAR) and the Home Builders Association of Greater Kalamazoo (HBAGK), Thursday, February 10, 2011, 6:00 p.m. to 7:30 p.m., 5830 Venture Park Drive, Kalamazoo.

City Manager Maurice Evans announced that the City of Portage would be hosting two information sessions by Joyce Foondle, Southwest Michigan Governmental Consultants, on the Assessment Process, Board of Review and Michigan Tax Tribunal Appeals process. Councilmember Bailes indicated that the Home Builders Association of Greater Kalamazoo announced the 2011 Home Expo will be held March 9 through 12, 2011, at 665 Mall Drive, in the former Sam’s Club building.

Councilmember Campbell thanked City Manager Evans for preparing his communication regarding training safely on Portage roads for the 2011 Kalamazoo Marathon, May 6 through May 8, 2011. She emphasized the need for patience on the part of Portage motorists and the runners from the runners training “camps” that require certain safety measures from their runners and stress this in writing via e-mail, organizational meetings, word of mouth and advertising. She asked residents and businesses to cooperate by keeping adjacent sidewalks clear of snow and ice and to share the road.

Councilmember Reid recognized the Streets Department for their snow removal efforts and the use of the website to provide information regarding which neighborhoods would receive snow removal and when. She also reminded everyone that Walk for Warmth is on February 26, 2011, to raise money for energy relief and help low income households and to raise awareness of the need.

City Manager Maurice Evans thanked Councilmember Reid for her comments on the snow removal and commended Parks Department and Streets Department personnel for a job well done. He also recounted the heroic efforts of Police Officer Eric Vesey, who saved the life of a victim of a fire on January 30, 2011, at Timberwood Crossing.

Mayor Strazdas thanked City Council for their comments as they covered each of the topics he had planned to mention and thanked them for their activity in the community and their passion for Portage. He also praised the heroic efforts of Police Officer Vesey and expressed sorrow for the individual in the fire who he could not save.

ADJOURNMENT: Mayor Strazdas adjourned the meeting at 8:28 p.m.

James R. Hudson, City Clerk

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