

**FINAL AGENDA FOR THE COUNCIL MEETING
CITY OF PORTAGE
January 26, 2010**

7:30 p.m. Call to Order.

Invocation: Mrs. Heather Pownell of The Bridge in Portage.

Pledge of Allegiance.

Roll Call.

Proclamation:

- A. Approval of the January 12, 2010 Special and Regular Meeting Minutes.
- * B. Approval of Consent Agenda Motions.
- * C. Communication from the City Manager recommending that City Council approve the Check Register of January 26, 2010, as presented.
- D. Public Hearings:
- E. Petitions and Statements of Citizens.
 - 1. Letter in opposition from Craig L. Butler, 2012 Eckener Drive, to the Resolution of Intent for the City of Portage to join the Public Media Network for the provision of Cable Access Public, Education and Government programming services within the community adopted by City Council on December 15, 2009.
- F. Reports from the Administration:
 - * 1. Communication from the City Manager recommending that City Council adopt the Resolution Permitting Protest of Assessed Valuation to the Board of Review by Letter.
 - * 2. Communication from the City Manager recommending that City Council adopt Resolution No. 2 for the West Lake Management Program Special Assessment District No. 011-Q, setting a public hearing of necessity on February 9, 2010.
 - * 3. Communication from the City Manager recommending that City Council adopt the Resolution for Charitable Gaming License recognizing Cole Community Solutions, Inc., as a nonprofit organization in the City of Portage.
 - * 4. Communication from the City Manager recommending that City Council approve a budget amendment authorizing the City Manager to transfer \$17,000 from Fund 226 Fund Balance to Fund 226 Leaf Pickup Overtime.
 - * 5. Communication from the City Manager recommending that City Council direct the City Administration and the City Attorney to develop an ordinance that would ban the use of hand-held devices while driving and that would make any violation a primary offense.
 - * 6. Communication from the City Manager recommending that City Council approve a policy that burial plots may be reserved for six (6) months following a written request submitted to the Office of the City Clerk, with the reservation to be released at the expiration of the reservation period if payment is not made in full within six (6) months of receipt of reservation request.
 - * 7. Communication from the City Manager recommending that City Council:
 - a. accept the order of the Construction Board of Appeals to demolish the house located at 4130 Branch Avenue; and
 - b. authorize the City Administration to take the necessary action to demolish the house at 4130 Branch Avenue, place a lien and assess the property to recover the costs associated with demolition consistent with the ordinance.

- * 8. Communication from the City Manager recommending that City Council set a meeting to consider the disposition of legal matters on Tuesday, March 9, 2010, City Hall Conference Room #1, beginning at 5:30 p.m.
- 9. Communication from the City Manager regarding the Kalamazoo County Local Housing Assistance Fund – Information Only.
- * 10. Communication from the City Manager regarding the December 2009 Summary Environmental Activity Report – Information Only.
- * 11. Department Monthly Reports.

G. Communications:

- 1. Communication from Portage Park Board Chairperson Mark Anthony Martin regarding the Spraypark initiative.
- 2. Letter of support from Environmental Board Chairperson William Schwartz for the Kalamazoo County Fairgrounds to serve as the host location for the 2010 Michigan Energy Fair.

H. Unfinished Business:

* I. Minutes of Boards and Commissions Meetings:

- 1. Portage Environmental Board of November 11, 2009.
- 2. Portage Board of Education Special Meeting Minutes of December 2 and 9, 2009.
- 3. Portage Human Services Board of December 3, 2009.
- 4. Portage Zoning Board of Appeals of December 14, 2009.
- 5. Portage Planning Commission of December 17, 2009.

J. Ad Hoc Committee Reports:

- 1. Communication from the City Council Assessing Issues Task Force recommending that City Council affirm that the City Council Assessing Issues Task Force continue its work in the areas of System Audit and Property Reassessments and the Board of Review and that the City Administration continue its work in the areas of Customer Service, Education and Best Assessing Practices.

K. New Business:

L. Bid Tabulations:

- * 1. Communication from the City Manager recommending that City Council award a construction contract for the Ohio Avenue Sanitary Sewer Lift Station Renovations to Balkema Excavating, Incorporated, at a total bid price of \$209,088.75 and authorize the City Manager to execute all documents related to the contract on behalf of the city.

M. Other City Matters:

- 1. Statements of Citizens.
- 2. From City Council and City Manager.

* 3. Reminder of Meetings:

- a. Wednesday, February 3, 8:15 a.m., Historic District Commission, City Hall Room #2.
- b. Wednesday, February 3, 6:30 p.m., Park Board, Stuart Manor.
- c. Thursday, February 4, 6:30 p.m., Human Services Board, City Hall Room #1.
- d. Thursday, February 4, 7:00 p.m., Planning Commission, Council Chambers.
- e. Monday, February 8, 6:30 p.m., Youth Advisory Committee, City Hall Room #1.
- f. Monday, February 8, 7:00 p.m., Zoning Board of Appeals, Council Chambers– **Cancelled.**

N. Materials Transmitted of January 8, 2010.

Adjournment.

CITY COUNCIL MEETING SUMMARY

January 12, 2010

CHECK REGISTER

- ◆ Approved the Check Register of January 12, 2010, as presented.

PETITIONS AND STATEMENTS OF CITIZENS

- ◆ Representative Larry DeShazor from the Michigan State House provided a summary of the Revenue Estimating Conference held in January (and May) and announced that he renewed his call for monthly State Revenue Estimating Conferences because of the need for estimates on a more frequent basis in order to more accurately balance the budget and ensure full funding without having to raise taxes because of a hunch. He discussed school aid, the overall deficit, unfunded mandates, inflation and the National per capita ranking of Michigan. He also compared the current, past and projected unemployment rates for Michigan with the National level of unemployment.

REPORTS FROM THE ADMINISTRATION

- ◆ Accepted Ordinance Amendment #09-A for first reading and established a public hearing on February 9, 2010, at 7:30 p.m. or as soon thereafter as may be heard, to consider approval of Ordinance Amendment #09-A; adoption of Appendix G of the 2006 State of Michigan Construction Code, 2009 Flood Insurance Study and 2009 Flood Insurance Rate Maps, which updates Section 42-991 and inserts Section 42-995, Floodplain Management Regulations, designating the city as the enforcing agency; the repeal of Zoning Code Sections 42-320 to 42-330, Flood Hazard Areas; and the repeal of Zoning Code Sections 42-162(D)(1)(2), Flood Boundaries.
- ◆ Adopted the Refunding Bond Resolution authorizing the sale of Limited Tax General Obligation City Share Refunding Bonds, Series 2010, in an amount not-to-exceed \$2,750,000; and adopted the Resolution approving the Undertaking to Provide Continuing Disclosure by the City of Portage for the Limited Tax General Obligation City Share Refunding Bonds, Series 2010.
- ◆ Adopted Resolution No. 1, accepted the City Manager Report and requested preparation of Resolution No. 2 for the West Lake Management Program Special Assessment District No. 011-Q.
- ◆ Altered production of the city newsletter, the *Portager*, from monthly to six times per year, commencing with the March 2010 issue.
- ◆ Approved the Final Plan for Oakland Hills Condominium (Phase II), 8716 Oakland Drive.
- ◆ Approved a one-year labor agreement between the City of Portage and the Portage Police Officers Association and authorized the Mayor and City Clerk to execute all documents on behalf of the city.
- ◆ Approved one-year contract renewals for employee health insurance with Blue Care Network (HMO), Priority Health (HMO), and Blue Cross Blue Shield of Michigan (PPO and Traditional), and a two-year contract renewal with Vision Services Plan, and authorized the City Manager to execute all documents on behalf of the city.
- ◆ Approved a two-year pricing agreement with ADP, Incorporated, to perform payroll services on behalf of the City of Portage at a first-year cost of \$32,258 and a second-year cost of \$32,850 and authorized the City Manager to execute all documents related to the contract on behalf of the city.

NEW BUSINESS

- ◆ Appointed Jay Olweean with term ending January 31, 2013, to the Board of Review; appointed Jason Kosciński with unfulfilled term ending October 1, 2010, to the Park Board; and reappointed Robert Linenger and Betty Schimmel with terms ending February 28, 2013, and appointed Donald Mordas with unfulfilled term ending February 28, 2012, and appointed Daniel Rhodus with unfulfilled alternate term ending February 28, 2012, to the Zoning Board of Appeals.

UNFINISHED BUSINESS

- ◆ Adopted the proposed amendment to the City of Portage Code of Ordinances by adding Article 7, Indiana & Michigan Power Company Electric Franchise, to Chapter 14, Businesses, Sections 14-192 through 14-202.

BID TABULATION

- ◆ Approved a one-year contract in the not-to-exceed amount of \$24,859 with State Systems Radio, Inc., for radio maintenance, with the option to renew for three additional one-year periods, and authorized the City Manager to execute all documents related to the contract on behalf of the city.

STATEMENTS OF CITY COUNCIL AND CITY MANAGER

- ◆ Councilmember Reid indicated that the report on the bus routes in Kalamazoo County and recommendations for utilization was presented at the Kalamazoo Area Transit Authority Meeting. She said that the three Portage bus routes had the lowest ridership, so a proposal to have four fifteen minute legs in and out of Crossroads Mall that would have three points of transferability to the Kalamazoo downtown area was recommended.

- ◆ City Manager Evans offered to research and report back on the request from Councilmember Randall that City Council adopt a resolution or ordinance allowing a resident taxpayer to file a protest before the Portage Board of Review by letter without a personal appearance by the taxpayer or an agent in accordance with MCL 211.30(7), and the request from Councilmember O'Brien for an e-mail option.
- ◆ Councilmember O'Brien indicated that at an informal wastewater meeting, the area townships expressed concern about rate increases and requested a release of the Rate Model from Kalamazoo and echoed unfunded mandate concern expressed by Representative DeShazor and a concern about revenue sharing cuts and a lack of accountability and adherence to the Hedley Amendment
- ◆ City Manager Evans extolled the virtues and quality of the recent Customer Service session conducted for staff and City Council by Phil Hedgepeth of SkillQuest, International, Portage.
- ◆ Mayor Pro Tem Sackley indicated that the Environmental Protection Agency issued new ozone attainment standards at an annual cost of \$90 billion per year by the year 2020.

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

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MINUTES OF THE SPECIAL MEETING OF THE PORTAGE CITY COUNCIL OF JANUARY 12, 2010 - BOARDS AND COMMISSIONS APPLICANTS

Mayor Peter Strazdas called the meeting to order at 5:32 p.m. The following Councilmembers were present: Councilmembers Margaret O'Brien, Patricia Randall, Claudette Reid and Terry Urban, Mayor Pro Tem Ed Sackley and Mayor Peter Strazdas. Councilmember Elizabeth Campbell arrived at 5:47 p.m. Also present were City Manager Maurice Evans and City Clerk James Hudson.

City Council interviewed applicants for the following Boards and Commissions:

- * 5:32-6:03 p.m., Jay Olweean and Jason Koscinski for the Board of Review. Board of Review Chair Michael Simon was present for questions and comments. Discussion followed.
- * 6:05-6:17 p.m., Jason Koscinski, the Park Board. Park Board Chair Mark Anthony Martin was present for questions and comments. Discussion followed.
- * 6:20-6:29 p.m., Betty Schimmel, Timothy Bunch and Donald Mordas for the Zoning Board of Appeals. Discussion followed.

Discussion followed regarding the placement of each of the applicants on the various boards and commissions.

ADJOURN: Mayor Strazdas adjourned the meeting at 6:55 p.m.

James R. Hudson, City Clerk

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CITY COUNCIL MEETING MINUTES FROM JANUARY 12, 2010

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

The City Clerk called the roll with the following members present: Councilmembers Elizabeth A. Campbell, Margaret E. O'Brien, 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.

Mayor Strazdas introduced Dr. Bill Abernathy of the Berean Baptist Church of Portage, who gave the invocation and the City Council and the audience recited the Pledge of Allegiance.

APPROVAL OF MINUTES: Motion by Sackley, seconded by O'Brien, to approve the December 15, 2009 Regular Meeting Minutes as presented. Upon a voice vote, motion carried 7 to 0.

* **CONSENT AGENDA:** Mayor Strazdas asked Councilmember Reid to read the Consent Agenda. Councilmember Reid asked that Item F.1, Ordinance Amendment #09-A, Flood Hazard Management Regulations, be removed from the Consent Agenda, and Councilmember O'Brien asked that Item F.3, West Lake Weed Management – 2010 Application Program, be removed from the Consent Agenda. Motion by O'Brien, seconded by Urban, to approve the Consent Agenda motions as amended. Upon a roll call vote, motion carried 7 to 0.

* **APPROVAL OF CHECK REGISTER OF JANUARY 12, 2010:** Motion by O'Brien, seconded by Urban, to approve the Check Register of January 12, 2010. Upon a roll call vote, motion carried 7 to 0.

PETITIONS AND STATEMENTS OF CITIZENS: Representative Larry DeShazor of Michigan State House provided a summary of the Revenue Estimating Conference held in January (and May) and announced that he renewed his call for monthly State Revenue Estimating Conferences because of the need for estimates on a more frequent basis in order to more accurately balance the budget and ensure full funding without having to raise taxes because of a hunch. He discussed school aid, the overall deficit, unfunded mandates, inflation and compared the current, past and projected unemployment rates for Michigan with the National levels and the National per capita ranking of Michigan. He asked that City Council submit the top three (or more) unfunded state and/or federal mandates imposed upon the city.

REPORTS FROM THE ADMINISTRATION:

ORDINANCE AMENDMENT #09-A, FLOOD HAZARD MANAGEMENT REGULATIONS: Councilmember Urban asked that the suggested motion be explained as it appeared to make passage of the ordinance a foregone conclusion after the public hearing. Discussion followed regarding the wording of the item as it appeared on the Agenda Outline. City Clerk Hudson referred to the prepared Consent Agenda Motions that place the item in the form of a motion and not just a business item recommendation, as this is what is voted upon, and City Manager Evans provided assurances that the two items would have the exact same language in the future to eliminate any confusion. Discussion followed. Motion by Reid, seconded by O'Brien, to accept Ordinance Amendment #09-A for first reading and establish a public hearing on February 9, 2010, at 7:30 p.m. or as soon thereafter as may be heard, to consider approval of Ordinance Amendment #09-A; adoption of Appendix G of the 2006 State of Michigan Construction Code, 2009 Flood Insurance Study and 2009 Flood Insurance Rate Maps, which updates Section 42-991 and inserts Section 42-995, Floodplain Management Regulations, designating the city as the enforcing agency; the repeal of Zoning Code Sections 42-320 to 42-330,

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Flood Hazard Areas; and the repeal of Zoning Code Sections 42-162(D)(1)(2), Flood Boundaries. Upon a roll call, motion carried 7 to 0.

* **ADOPTION OF REFUNDING BOND RESOLUTIONS:** Motion by O'Brien, seconded by Urban, to adopt the Refunding Bond Resolution authorizing the sale of Limited Tax General Obligation City Share Refunding Bonds, Series 2010, in an amount not-to-exceed \$2,750,000; and adopt the Resolution approving the Undertaking to Provide Continuing Disclosure by the City of Portage for the Limited Tax General Obligation City Share Refunding Bonds, Series 2010. Upon a roll call, motion carried 7 to 0.

WEST LAKE WEED MANAGEMENT – 2010 APPLICATION PROGRAM: Pat Dugan, 1810 Forest Drive, explained that the five-year special assessment is expiring; therefore, a review is warranted. Mr. Dugan indicated that originally the special assessment was \$67 per household, but was reduced to \$25 per household when the project account had reached a more than satisfactory level. He also indicated that the West Lake Improvement Association passed a motion to raise the amount to \$50 to cover other needs of the lake and a concern to cover costs in case of a catastrophe. Discussion followed.

City Engineer Chris Barnes was present for questions about the intentions of the West lake Improvement Association with regard to herbicide treatment and any questions about costs that may not be covered under special assessments.

When Mayor Strazdas asked City Attorney Brown to investigate a mechanism to provide for proper funding of items not allowed under the special assessment mechanism, Mr. Brown asked for time to research the matter and report back. Discussion followed.

Discussion followed regarding a second special assessment should one be necessary, the two drains and one road end that increase the cost of remediation, the special assessment process with regard to remediation and whether the West Lake Improvement Association could provide a presentation at a future meeting to obtain an increase in the amount of the special assessment. Discussion followed.

Motion by O'Brien, seconded by Sackley, to adopt Resolution No. 1, accept the City Manager Report and request preparation of Resolution No. 2 for the West Lake Management Program Special Assessment District No. 011-Q. Upon a roll call vote, motion carried 7 to 0.

* **PORTAGER PRODUCTION:** Motion by O'Brien, seconded by Urban, to alter production of the city newsletter, the *Portager*, from monthly to six times per year, commencing with the March 2010 issue. Upon a roll call vote, motion carried 7 to 0.

* **FINAL PLAN FOR OAKLAND HILLS CONDOMINIUM (PHASE II), 8716 OAKLAND DRIVE:** Motion by O'Brien, seconded by Urban, to approve the Final Plan for Oakland Hills Condominium (Phase II), 8716 Oakland Drive. Upon a roll call vote, motion carried 7 to 0.

* **PROPOSED ONE-YEAR LABOR AGREEMENT WITH THE PORTAGE POLICE OFFICERS ASSOCIATION:** Motion by O'Brien, seconded by Urban, to approve a one-year labor agreement between the City of Portage and the Portage Police Officers Association and authorize the Mayor and City Clerk to execute all documents on behalf of the city. Upon a roll call vote, motion carried 7 to 0.

* **HEALTH INSURANCE CONTRACT RENEWALS:** Motion by O'Brien, seconded by Urban, to approve one-year contract renewals for employee health insurance with Blue Care Network (HMO), Priority Health (HMO), and Blue Cross Blue Shield of Michigan (PPO and Traditional), and a two-year contract renewal with Vision Services Plan, and authorize the City Manager to execute all documents on behalf of the city. Upon a roll call vote, motion carried 7 to 0.

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* **ADP PAYROLL SERVICES PRICING AGREEMENT RENEWAL:** Motion by O'Brien, seconded by Urban, to approve a two-year pricing agreement with ADP, Incorporated, to perform payroll services on behalf of the City of Portage at a first-year cost of \$32,258 and a second-year cost of \$32,850 and authorize the City Manager to execute all documents related to the contract on behalf of the city. Upon a roll call vote, motion carried 7 to 0.

UNFINISHED BUSINESS:

* **AMENDMENT TO THE CITY OF PORTAGE CODE OF ORDINANCES:** Motion by O'Brien, seconded by Urban, to adopt the proposed amendment to the City of Portage Code of Ordinances by adding Article 7, Indiana & Michigan Power Company Electric Franchise, to Chapter 14, Businesses, Sections 14-192 through 14-202. Upon a roll call vote, motion carried 7 to 0.

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

Portage Senior Citizen Advisory Board of November 18, 2009.

Portage Park Board of December 2, 2009.

Portage Planning Commission of December 3, 2009.

Portage Brownfield Redevelopment Authority Draft of December 21, 2009.

NEW BUSINESS:

* **APPOINTMENTS TO VARIOUS BOARDS AND COMMISSIONS:** Motion by O'Brien, seconded by Urban, to appoint Jay Olweean with term ending January 31, 2013, to the Board of Review; to appoint Jason Koscinski with unfulfilled term ending October 1, 2010, to the Park Board; and, to reappoint Robert Linenger and Betty Schimmel with terms ending February 28, 2013, and appoint Donald Mordas with unfulfilled term ending February 28, 2012, and appoint Daniel Rhodus with unfulfilled alternate term ending February 28, 2012, to the Zoning Board of Appeals. Upon a roll call vote, motion carried 7 to 0.

BID TABULATIONS:

* **STATE SYSTEMS RADIO, INC. - POLICE RADIO MAINTENANCE AGREEMENT:** Motion by O'Brien, seconded by Urban, to approve a one-year contract in the not-to-exceed amount of \$24,859 with State Systems Radio, Inc., for radio maintenance, with the option to renew for three additional one-year periods, and authorize the City Manager to execute all documents related to the contract on behalf of the city. Upon a roll call vote, motion carried 7 to 0.

OTHER CITY MATTERS:

STATEMENTS OF CITY COUNCIL AND CITY MANAGER: Councilmember Reid indicated that the report on the bus routes in Kalamazoo County and recommendations for utilization was presented at the Kalamazoo Area Transit Authority Meeting. She said that the three Portage bus routes had the lowest ridership, so a proposal to have four fifteen minute legs in and out of Crossroads Mall that would have three points of transferability to the Kalamazoo downtown area was recommended.

City Manager Evans offered to research and report back on the request from Councilmember Randall that City Council adopt a resolution or ordinance allowing a resident taxpayer to file a protest before the Portage Board of Review by letter without a personal appearance by the taxpayer or an agent in accordance with MCL 211.30(7), and the request from Councilmember O'Brien for an e-mail option.

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Councilmember O'Brien indicated that at an informal wastewater meeting, the area townships expressed concern about rate increases and requested a release of the Rate Model from Kalamazoo and echoed unfunded mandate concern expressed by Representative DeShazor and a concern about revenue sharing cuts and a lack of accountability and adherence to the Hedley Amendment.

City Manager Evans extolled the virtues and quality of the recent Customer Service session conducted for staff and City Council by Phil Hedgepeth of SkillQuest International in Portage.

Mayor Pro Tem Sackley indicated that the Environmental Protection Agency issued new ozone attainment standards at an annual cost of \$90 billion per year by the year 2020.

ADJOURNMENT: Mayor Strazdas adjourned the meeting at 8:40 p.m.

James R. Hudson, City Clerk

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

CITY OF PORTAGE

COMMUNICATION

TO: Honorable Mayor and City Council

DATE: January 19, 2010

FROM: Maurice S. Evans, City Manager 

SUBJECT: Check Register

ACTION RECOMMENDED: That City Council approve the Check Register of January 26, 2010 as presented.

Attached please find the Check Register for the period January 6, 2010 through January 19, 2010, which is recommended for approval.

c: Daniel S. Foecking, Finance Director

BANK CODE

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CHECK DATE	CHECK NUMBER	VENDOR NAME	VENDOR #	CHECK AMOUNT
01/08/2010	269305	CROSSROADS EXPERT AUTO SERVICE	4109	.00
01/08/2010	269306	A S C A P	1134	305.00
01/08/2010	269307	AT&T	849	8,330.52
01/08/2010	269308	A T & T LONG DISTANCE	4060	.00
01/08/2010	269309	ALI-PHASE ELECTRIC SUPPLY CO.	108	573.02
01/08/2010	269310	ALL-TRONICS, INC.	109	78.00
01/08/2010	269311	ALLEGRA PRINT & IMAGING	533	1,943.70
01/08/2010	269312	ANIMAL REMOVAL SERVICE, LLC	3428	75.00
01/08/2010	269313	APPLIED IMAGING	2416	350.00
01/08/2010	269314	TODD ARBANAS ENTERPRISES INC.	1704	150.00
01/08/2010	269315	ARROW UNIFORM RENTAL	4058	52.80
01/08/2010	269316	ARROWHEAD SCIENTIFIC, INC.	3744	255.80
01/08/2010	269317	AUTOMATIC DATA PROCESSING	3305	910.16
01/08/2010	269318	B D O SEIDMAN	136	2,500.00
01/08/2010	269319	BAC TAX SERVICE CORPORATION	999999	376.35
01/08/2010	269320	BLOCK, MARY BETH	532	163.20
01/08/2010	269321	BLUE, JOHN	999999	24.00
01/08/2010	269322	BORGESS HEALTH ALLIANCE	151	184.00
01/08/2010	269323	BOULIS, ROB	999999	80.00
01/08/2010	269324	BRONSON VICKSBURG HOSPITAL	157	300.00
01/08/2010	269325	BRONSON WELLNESS SERVICES	4380	1,040.00
01/08/2010	269326	CAMPBELL AUTO SUPPLY	437	10.74
01/08/2010	269327	CINTAS CORP.	2206	865.12
01/08/2010	269328	COMMERCIAL WINDOW COVERINGS	1912	75.00
01/08/2010	269329	CONTINENTAL LINEN SUPPLY CO.	191	32.20
01/08/2010	269330	COPELAND, CHRISTINE	999999	44.00
01/08/2010	269331	CROSSROADS CAR WASH	195	43.00
01/08/2010	269332	CROSSROADS EXPERT AUTO SERVICE	4109	111.38
01/08/2010	269333	EXTERIORS OF KALAMAZOO INC.	4135	111.00
01/08/2010	269334	FIRST AMERICAN R/E TAX SERV.	999999	504.43
01/08/2010	269335	FIRST AMERICAN R/E TAX SERVICE	999999	5,841.20
01/08/2010	269336	FLETCHER ENTERPRISES	1399	150.00
01/08/2010	269337	GORDON FOOD SERVICE	502	203.50
01/08/2010	269338	GUARDIAN FINANCE & ADVOCACY	999999	250.41
01/08/2010	269339	HAMMOND, SAM	999999	250.00
01/08/2010	269340	HARRISON, JOHN	999999	100.00
01/08/2010	269341	B L HARROUN & SON INC.	124	303.75
01/08/2010	269342	HUDSON, JAMES R	532	89.00
01/08/2010	269343	HUMANERGY, INC.	3770	2,400.00
01/08/2010	269344	IERVOLINA, SUSAN	2074	75.00
01/08/2010	269345	INDUSCO SUPPLY CO., INC.	63	858.49
01/08/2010	269346	THE IRRIGATOR	2047	1,625.00
01/08/2010	269347	JENNINGS, ROGER	999999	290.00
01/08/2010	269348	JIM ROBERTS CONSTRUCTION INC	999999	95.00
01/08/2010	269349	KAL COUNTY FIRE CHIEFS ASSOC.	1036	2,480.00
01/08/2010	269351	KALAMAZOO COUNTY TREASURER	514	1,308.45
01/08/2010	269352	KALAMAZOO REG'L EDUC SVS AGENG	89	334.47
01/08/2010	269353	KALAMAZOO GAZETTE	721	15.35
01/08/2010	269354	KALAMAZOO VALLEY COMMUNITY COL	230	11.46
01/08/2010	269355	KEHOE, EDWARD J	3783	520.00
01/08/2010	269356	KNAPP ENERGY, INC.	235	9,977.00

CHECK DATE	CHECK NUMBER	VENDOR NAME	VENDOR #	CHECK AMOUNT
01/08/2010	269357	KUIPER BROTHERS MOVING INC.	1066	813.00
01/08/2010	269358	LERETA LLC	999999	533.55
01/08/2010	269359	LEWIS PAPER PLACE, INC.	242	26.43
01/08/2010	269360	LONG LAKE BOARD	1720	1,070.00
01/08/2010	269361	MACNLOW ASSOCIATES	2189	350.00
01/08/2010	269362	MCDONALD'S USA, LLC	4211	407.00
01/08/2010	269363	MENARDS, INC	258	38.21
01/08/2010	269364	MICH MUNICIPAL TREASURERS ASSO	999999	50.00
01/08/2010	269365	MILLS, BILL	999999	100.00
01/08/2010	269366	MILLS, DANIEL	999999	77.00
01/08/2010	269367	MILLS, DANIEL	999999	120.00
01/08/2010	269368	MOORE MEDICAL, LLC	3850	86.92
01/08/2010	269369	NEW FRESH CLEANING SERVICE	4351	5,032.75
01/08/2010	269371	NEXTEL	1709	2,054.68
01/08/2010	269372	OFFICEMAX INCORPORATED	301	290.90
01/08/2010	269373	ORKIN, INC	469	168.00
01/08/2010	269374	PEERLESS, INC.	1171	81.00
01/08/2010	269375	PETTY CASH-PARKS	536	427.80
01/08/2010	269376	PETTY CASH-SENIOR CENTER	537	72.17
01/08/2010	269377	PFIZER, INC	999999	525.00
01/08/2010	269378	PLEUNE SERVICE COMPANY	3985	9,966.00
01/08/2010	269379	PNC MORTGAGE	999999	12.35
01/08/2010	269380	POLDERMAN'S FLOWER SHOP	4157	45.95
01/08/2010	269381	PORTAGE DISTRICT LIBRARY	810	29.41
01/08/2010	269382	PORTAGE PUBLIC SCHOOLS	590	1,974.24
01/08/2010	269383	PRECISION PRINTER SERVICES INC	2584	525.99
01/08/2010	269384	QUICK CASUAL CORP	999999	7.04
01/08/2010	269385	RELIABLE MANAGEMENT SYSTEMS, I	4354	331.00
01/08/2010	269386	RIVERSIDE INTEGRATED SYSTEMS,	3598	331.00
01/08/2010	269387	SAFETY SERVICES, INC.	349	808.74
01/08/2010	269388	SNELLING PERSONNEL SERVICES	2107	720.00
01/08/2010	269389	SPRINT	3721	1,517.08
01/08/2010	269390	STAMANN, DWIGHT S.	999999	6.10
01/08/2010	269391	STATE OF MICHIGAN (MGT & BUDGE	2498	230.00
01/08/2010	269392	SUCCESS COMMUNICATIONS	999999	359.00
01/08/2010	269393	SUNTRUST MORTGAGE	999999	298.49
01/08/2010	269394	SUREFIRE, LLC	3558	2,148.48
01/08/2010	269395	TERRYBERRY CO.	801	568.73
01/08/2010	269396	TOO CLEAN JANITORIAL	2220	70.00
01/08/2010	269397	UNITED PARCEL SERVICE	545	200.00
01/08/2010	269398	VARNUM, RIDDERING, SCHMIDT & H	402	3,375.90
01/08/2010	269399	WEST MICHIGAN STAMP & SEAL, INC	415	24.50
01/08/2010	269401	ZYLMAN, SUE	999999	2,120.00
01/11/2010	269402	STATE TAX COMMISSION	999999	100.00
01/15/2010	269403	BERTOLINA, JOCELYN	999999	25.00
01/15/2010	269404	DAVIS, RENE	999999	42.00
01/18/2010	269405	MID-MI ASSOC OF ASSESS OFFICER	999999	175.52
01/18/2010	269406	MTA	999999	45.00

DATE RANGE TOTAL * 86,057.13 *

CITY OF PORTAGE

COMMUNICATION

TO: Honorable Mayor and City Council

DATE: January 21, 2010

FROM: Maurice S. Evans, City Manager



SUBJECT: Board of Review

ACTION RECOMMENDED: That City Council adopt the Resolution Permitting Protest of Assessed Valuation to the Board of Review by Letter.

City Council has communicated a desire to amend the current practice of requiring a personal appearance before the Board of Review to allow letter appeals to also be accepted. State law permits resident taxpayers to file protests by letter if authorized by the city by ordinance or by adoption of a resolution by City Council.

The attached Resolution has been developed by the City Attorney for this purpose. Subsequent to adoption by City Council, notice of this option for appeal will be added to "Notice of Assessment, Taxable Valuation and Property Classification" (the assessment change notice) and included on the city web site. Property owners choosing to file an appeal with the Board of Review by letter will be requested to provide a signed letter of appeal and completed Board of Review petition (Form L-4035) to the Office of the City Assessor by 5 p.m. on the first Wednesday following the second Monday in March.

Adoption of the Resolution Permitting Protest of Assessed Valuation to the Board of Review by Letter is recommended.

CITY OF PORTAGE

RESOLUTION PERMITTING PROTEST OF ASSESSED VALUATION
TO BOARD OF REVIEW BY LETTER

At a regular meeting of the Council of the City of Portage, Kalamazoo County, Michigan, held at the City Hall in said City on the _____ day of _____, 2010, at 7:30 p.m. local time.

PRESENT:

ABSENT:

Resolution offered by:

Seconded by:

WHEREAS, MCLA 211.30(4) provides that a non-resident taxpayer is permitted to file his or her appearance, protest and papers before the Board of Review by letter without the need for personal appearance; and

WHEREAS, MCLA 211.30(7) permits resident taxpayers to file their protest by letter if authorized by the City by Ordinance or Resolution; and

WHEREAS, it would be an added convenience to taxpayers to be allowed the filing of protests with the Board of Review by letter; and

WHEREAS, it would also be efficient for the Board of Review to review protests by letter for citizens who desire to protest by letter; and

WHEREAS, the Portage City Charter requires that the Board of Review convene on the 2nd Monday in March and meet for no less than three (3) consecutive days;

NOW, THEREFORE, BE IT RESOLVED that resident taxpayers and non-resident taxpayers may protest their real and personal property assessed valuation before the Board of Review by signed letter, addressed to the City of Portage Board of Review in care of the City Assessor, Portage City Hall, 7900 South Westnedge Avenue, Portage, Michigan 49002, and received by the City Assessor's office no later than 5:00 p.m. on the first Wednesday following the second Monday in March without the necessity of a personal appearance by the taxpayer or his or her agent. The letter should contain the taxpayer's name, address, parcel code and telephone number. Letter protests should be accompanied by a completed Board of Review Petition (Form L-4035) which has been approved by the State Tax Commission and is available at www.portagemi.gov or

www.michigan.gov/treasury or at the City of Portage Assessor's office. Protests sent by electronic mail or facsimile will not be accepted.

BE IT FURTHER RESOLVED that a letter protesting assessed valuations of real and personal property sent but not timely received by the City Assessor's office shall not invalidate any assessment, assessment roll or levy of taxes thereon.

All resolutions or parts of resolutions are, to the extent of any conflict with this resolution, rescinded.

YEAS:

NAYS:

ABSENT:

James R. Hudson, City Clerk

STATE OF MICHIGAN)
)SS
COUNTY OF KALAMAZOO)

I, the undersigned, the duly qualified and acting City Clerk of the City of Portage, Kalamazoo County, Michigan, do hereby certify that the foregoing is a true and complete copy of a resolution adopted at a regular meeting of the City Council of said City, held on the ____ day of _____, 2010, the original of which resolution is on file in my office.

IN WITNESS WHEREOF, I have hereto affixed my official signature this ____ day of _____, 2010.

James R. Hudson, City Clerk

Z:\Jody\PORTAGE\RES\Tax Appeal by Letter Resolution.012110.wpd

APPROVED AS TO FORM
DATE 1/21/10
RJG
CITY ATTORNEY

CITY OF PORTAGE

COMMUNICATION

TO: Honorable Mayor and City Council

DATE: January 20, 2010

FROM: Maurice S. Evans, City Manager



SUBJECT: West Lake Management Program No. 011-Q - Resolution No. 2

ACTION RECOMMENDED: That City Council adopt Resolution No. 2 for the West Lake Management Program Special Assessment District No. 011-Q, setting a public hearing of necessity on February 9, 2010.

Attached is Special Assessment Resolution No. 2 for the West Lake Management Program Special Assessment District No. 011-Q. Previous Council action relating to this project includes:

- On January 12, 2010, City Council adopted Resolution No. 1, accepting the City Manager Report dated January 4, 2010, and requesting preparation of Resolution No. 2.

Pursuant to the discussion with members of the West Lake Improvement Association at the January 12, 2010, City Council meeting, the costs of the program contained in Resolution No. 2 have been revised. Specifically, members of the West Lake Improvement Association have requested additional time to modify their initial Lake Management Plan to reflect a higher (\$50.00 per parcel per year) assessment rate. To date, the City Administration has not received any such plan for review, but in anticipation that a revised plan will be received, Resolution No. 2 has been prepared by the City Attorney with a maximum cost of "no more than" the \$50.00 per parcel per year rate. Since the West Lake Improvement Association previously requested a rate of \$38.00 per parcel per year, if an acceptable revised plan is not received by February 1, 2010, the City Administration will continue to recommend the original management plan at the \$38.00 per parcel per year special assessment rate.

If it is the consensus of City Council to create a special assessment district at the higher \$50.00 per parcel per year rate over the five year assessment period, the property owner special assessment roll must be modified prior to adoption of Resolution No. 5. The public hearing on the special assessment roll and adoption of Resolution No. 5 is scheduled for March 9, 2010.

It should be clearly understood that special assessment districts are created to accomplish specific and defined public improvements and are not intended to create a cash fund which could be used to finance other unspecified improvements. Submission of a modified Lake Management Plan by the West Lake Improvement Association that provides adequate justification for the higher per parcel assessment is, therefore, necessary.

It is recommended that Council adopt Resolution No. 2 for the West Lake Management Program Special Assessment District No. 011-Q, setting a public hearing of necessity on February 9, 2010.

Attachment: Resolution No. 2

**CITY OF PORTAGE
SPECIAL ASSESSMENT RESOLUTION NO. 2
WEST LAKE MANAGEMENT PROGRAM SPECIAL ASSESSMENT, DISTRICT #011-Q**

At a regular meeting of the Council of the City of Portage, Kalamazoo County, Michigan held at the City Hall in said City on the ____ day of _____, 2010, at 7:30 p.m., local time.

PRESENT: _____

ABSENT: _____

The following resolution was offered by:

Councilmember: _____, and seconded by:

Councilmember: _____.

WHEREAS, the City Council has adopted the initial resolution commencing special assessment proceedings for the construction and financing of the hereinafter described public improvement; and

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

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

WHEREAS, at the request of the West Lake Improvement Association, the City Council will proceed further with the improvement.

NOW THEREFORE BE IT RESOLVED THAT:

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

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

Establish funding to provide for the management of West Lake including herbicide treatment of aquatic plants.

and that the expected useful life of said improvement is 5 years.

3. The City Council determines that the properties within the special assessment district will receive the special benefits and, further, determines that the total estimated cost of the improvement will not exceed \$159,335.00, of which total cost the sum of no more than \$59,250.00 shall be assessed against the special assessment district, and the sum of no more than \$14,812.00 shall be borne by the City-at-large. Further, the existing project account containing \$85,273 shall also be used towards the cost of the improvement.

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

Unplatted Land

Land located in Section 22 described as beginning 99 ft. west and approximately 540 ft. south of the center 1/4 Post of Section 22 on the North shore line of West Lake; thence Westerly along said north shore line of West Lake and West Lake channel to the Southwest corner of Lot 132 of the recorded plat of Fabercrest #2; thence south 42 degrees East approximately 90 ft. to the South line of West Lake channel; thence Easterly along said South line approximately 1,150 ft. to the west shore of West Lake; thence Southerly along said shore approximately 2,100 ft. to the Northeast corner of Lot 4 of the recorded plat of Matteson's Park and place of ending; Also land located in Section 27 described as: Beginning at the Northwest corner of Lot 30 of the recorded plat of West Lake Beach, which is on the South shore of West Lake, thence Westerly along said shore line approximately 165 ft. to the place of beginning.

Platted Land

Lots 7 through 57 inclusive of Ames West Lake Park; Lots 1 through 10 inclusive of Burr's West lake Resort; Lots 1 through 15 inclusive and Lot 89 of Dixie-Mac Park; Lots 129 through 140 inclusive of Fabercrest #2; Lots 1 through 26 inclusive of Hilliard's Plat; Lots 1 through 14 inclusive of James W. Scott West Lake; Lots 3 through 37 inclusive of Matteson's Park; Lots 1 through 13 and Lots 28 through 46 inclusive of Newell's West Lake Subdivision; Lots 1 through 26 inclusive of Pleasant View Beach; Lots 1 through 14 inclusive of Reid's Plat; Lots 2 through 30 inclusive of West Lake Beach.

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

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

7. The City Council will meet at the City Hall located at 7900 South Westnedge Avenue in the City of Portage, on the _____ day of _____, 2010, at 7:30 p.m., or as soon thereafter as may be heard, at which time and place the City Council will hear all interested parties with respect to the necessity of the improvement, and to the special assessment district therefor.

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

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

ADOPTED: YEAS: Councilmember: _____

NAYS: Councilmember: _____

ABSENT: Councilmember: _____

JAMES R. HUDSON, City Clerk

STATE OF MICHIGAN)
)ss
COUNTY OF KALAMAZOO)

I, the undersigned duly qualified and acting City Clerk of the City of Portage, Kalamazoo County, Michigan, do hereby certify that the foregoing is a true and complete copy of a resolution adopted at a regular meeting of the City Council of said City, held on the ___ day of _____, 2010, the original of which resolution is on file in my office.

IN WITNESS WHEREOF, I have hereto affixed my official signature this ___ day of _____, 2010.

JAMES R. HUDSON, City Clerk

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

Approved as to Form:
Date: 1/22/10
By: [Signature]
City Attorney

EXHIBIT "A"

**CITY OF PORTAGE, MICHIGAN
NOTICE OF PUBLIC HEARING ON THE NECESSITY OF A
SPECIAL ASSESSMENT IMPROVEMENT BY THE CITY OF PORTAGE
WEST LAKE MANAGEMENT PROGRAM SPECIAL ASSESSMENT, DISTRICT #011-Q**

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

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

Establish funding to provide for the management of West Lake including herbicide treatment of aquatic plants.

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

Unplatted Land

Land located in Section 22 described as beginning 99 ft. west and approximately 540 ft. south of the center 1/4 Post of Section 22 on the North shore line of West Lake; thence Westerly along said north shore line of West Lake and West Lake channel to the Southwest corner of Lot 132 of the recorded plat of Fabercrest #2; thence south 42 degrees East approximately 90 ft. to the South line of West Lake channel; thence Easterly along said South line approximately 1,150 ft. to the west shore of West Lake; thence Southerly along said shore approximately 2,100 ft. to the Northeast corner of Lot 4 of the recorded plat of Matteson's Park and place of ending; Also land located in Section 27 described as: Beginning at the Northwest corner of Lot 30 of the recorded plat of West Lake Beach, which is on the South shore of West Lake, thence Westerly along said shore line approximately 165 ft. to the place of beginning.

Platted Land

Lots 7 through 57 inclusive of Ames West Lake Park; Lots 1 through 10 inclusive of Burr's West lake Resort; Lots 1 through 15 inclusive and Lot 89 of Dixie-Mac Park; Lots 129 through 140 inclusive of Fabercrest #2; Lots 1 through 26 inclusive of Hilliard's Plat; Lots 1 through 14 inclusive of James W. Scott West Lake; Lots 3 through 37 inclusive of Matteson's Park; Lots 1 through 13 and Lots 28 through 46 inclusive of Newell's West Lake Subdivision; Lots 1 through 26 inclusive of Pleasant View Beach; Lots 1 through 14 inclusive of Reid's Plat; Lots 2 through 30 inclusive of West Lake Beach.

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

TAKE FURTHER NOTICE that the City Council will meet on the ____ day of _____, 2010, at 7:30 p.m. or as soon thereafter as may be heard, at the City Hall, 7900 South Westnedge Avenue, in the City of Portage, for the purpose of hearing all interested parties concerning the necessity of said improvement and the special assessment district therefor.

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

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

DATED: _____, 2010

JAMES R. HUDSON,
City Clerk

Z:\Jody\PORTAGE\SPECIAL\SPEC #2.011Q.wpd

CITY OF PORTAGE

COMMUNICATION

TO: Honorable Mayor and City Council

DATE: January 20, 2010

FROM: Maurice S. Evans, City Manager

MS

SUBJECT: Nonprofit Organization Recognition

ACTION RECOMMENDED: That City Council adopt the Resolution for Charitable Gaming License recognizing Cole Community Solutions, Inc., as a nonprofit organization in the City of Portage.

Public Act 382 of 1972 requires that groups desirous of obtaining a gaming license from the State of Michigan must secure a resolution from the local governing body recognizing the group as a nonprofit organization operating in the community. A gaming license permits a group to conduct raffles and raise funds in support of the organization for a period of one year. A request was received from Cole Community Solutions, Inc., to allow for a raffle in 2010. It is recommended that City Council adopt the Local Governing Body Resolution for Charitable Gaming Licenses to recognize Cole Community Solutions, Inc., as a nonprofit organization in the City of Portage.

ComAgenNonprofitColeComSolution2010

Attachment: Local Governing Body Resolution



Charitable Gaming Division
 Box 30023, Lansing, MI 48909
 OVERNIGHT DELIVERY:
 101 E. Hillsdale, Lansing MI 48933
 (517) 335-5780
 www.michigan.gov/cg

LOCAL GOVERNING BODY RESOLUTION FOR CHARITABLE GAMING LICENSES
 (Required by MCL.432.103(K)(ii))

At a _____ meeting of the _____
REGULAR OR SPECIAL TOWNSHIP, CITY, OR VILLAGE COUNCIL/BOARD

called to order by _____ on _____
DATE

at _____ a.m./p.m. the following resolution was offered:
TIME

Moved by _____ and supported by _____

that the request from _____ of _____,
NAME OF ORGANIZATION CITY

county of _____, asking that they be recognized as a
COUNTY NAME

nonprofit organization operating in the community for the purpose of obtaining charitable

gaming licenses, be considered for _____.
APPROVAL/DISAPPROVAL

APPROVAL

DISAPPROVAL

Yeas: _____

Yeas: _____

Nays: _____

Nays: _____

Absent: _____

Absent: _____

I hereby certify that the foregoing is a true and complete copy of a resolution offered and

adopted by the _____ at a _____
TOWNSHIP, CITY, OR VILLAGE COUNCIL/BOARD REGULAR OR SPECIAL

meeting held on _____.
DATE

SIGNED: _____
TOWNSHIP, CITY, OR VILLAGE CLERK

PRINTED NAME AND TITLE

ADDRESS

COMPLETION: Required.
 PENALTY: Possible denial of application

BSL-CG-1153(R6/09)

CITY OF PORTAGE

COMMUNICATION

TO: Honorable Mayor and City Council

DATE: January 21, 2010

FROM: Maurice S. Evans, City Manager



SUBJECT: Budget Amendment – Fund 226 Fall Leaf Pickup

ACTION RECOMMENDED: That City Council approve a budget amendment authorizing the City Manager to transfer \$17,000 from Fund 226 Fund Balance to Fund 226 Leaf Pickup Overtime.

The 2009 Fall Leaf Pickup Program encountered dramatic volumes of leaves staged for collection during the second city-wide pickup cycle, which was scheduled November 9, 2009 through November 17, 2009. It appeared that 90% of the leaf drop occurred during a three to four day period during the first of three pickup cycles. With exceptionally good weather on the weekend of October 31 through November 1, many residents took the opportunity to remove and stage leaves curbside. It was estimated that following this large leaf drop, an average of 1,800 compacted cubic yards of leaves were staged roadside for collection daily. With all resources deployed, the maximum amount of compacted leaves that can be collected during the 12 hour day-light period is 1,200-1,300 cubic yards daily.

Given this excessive volume and the need to maintain the Leaf Pickup Program schedule, overtime was required daily as well as an unscheduled Saturday pickup day. These additional overtime hours and associated costs exceeded budget estimates. It is for this reason a budget amendment is being requested authorizing the City Manager to transfer \$17,000 from the Leaf Pickup Fund balance, which is established to cover these types of unanticipated costs, to Leaf Pickup Overtime account. Sufficient funds are available in the Leaf Pickup Fund Balance to fund this budget amendment request.

CITY OF PORTAGE

COMMUNICATION

TO: Honorable Mayor and City Council

DATE: January 20, 2010

FROM: Maurice S. Evans, City Manager



SUBJECT: Ordinance to Ban the Use of Hand-Held Devices While Driving

ACTION RECOMMENDED: That City Council direct the City Administration and the City Attorney to develop an ordinance that would ban the use of hand-held devices while driving and that would make any violation a primary offense.

One of the issues raised by City Council during the 2009 City Council Goal Setting Session was that of consideration of a regulation prohibiting the use of hand-held devices (cell phones and/or texting) while driving. The Deputy City Manager and Police Chief have completed research on this subject to determine (1) the ability of the city to adopt such a regulation and (2) if found that the city had the ability to adopt regulations in this area, to suggest the level of offense that should be associated with such a ban if a local regulation were to be adopted.

Based upon preliminary research, it has been found that as of December 2009 jurisdiction-wide bans on driving while talking on a hand-held cell phone are in place in seven (7) states (California, Connecticut, New Jersey, New York, Oregon, Utah and Washington) and the District of Columbia. Additionally, text messaging is banned for all drivers in nineteen (19) states (Alaska, Arkansas, California, Colorado, Connecticut, Illinois, Louisiana, Maryland, Minnesota, New Hampshire, New Jersey, New York, North Carolina, Oregon, Rhode Island, Tennessee, Utah, Virginia and Washington) and the District of Columbia. Further, novice drivers are banned from texting in nine (9) states (Delaware, Indiana, Kansas, Maine, Mississippi, Missouri, Nebraska, Texas and West Virginia). Localities are prohibited from banning cell phone use in eight (8) states (Florida, Kentucky, Louisiana, Mississippi, Nevada, Oklahoma, Oregon and Utah).

A statewide ban on the use of hand-held devices while driving does not currently exist in the State of Michigan. However, before breaking for the holidays, both the Michigan House and Senate voted to ban texting while driving. The Senate Bills (SB468 & SB402) and House Bills (HB4394 & HB4370) would amend the Michigan Vehicle Code to prohibit a person from texting (reading or writing) while operating a motor vehicle on a street or highway and provide that law enforcement agencies could enforce the bill only as a secondary offense when a driver of a motor vehicle has been detained for a suspected violation of the Michigan Vehicle Code. The bills all prescribe a civil fine and prohibit points from being entered on a person's driving record. Currently, the Senate Bills are on order for third reading while the House Bills have been

referred to the Committee on Transportation. Completion of the bills may result in the coming months. If enacted as proposed, the legislation would supersede all local ordinances regulating the use of a communication device while operating a motor vehicle in motion on a street or highway.

Absent a statewide ban on the use of hand-held devices while driving, the cities of Detroit and Southfield have enacted local regulations to prohibit the use of hand-held mobile phones while operating a motor vehicle. Both communities enforce the bans as secondary offenses.

There is sufficient empirical evidence to support the appropriateness of a ban on use of hand-held devices while driving. A study on cell phone use and distracted driving was released by the Virginia Tech Transportation Institute (VTTI) in July 2009. As reported by the Governors Highway Safety Association,

Researches at VTTI concluded that text messaging increased the risk of a crash or near miss 23 times for heavy vehicle/truck operators. The findings were stated to be applicable to drivers of light vehicles and cars. Surprisingly, the risk of dialing a cell phone was significantly less than texting, while the risk of talking or listening on a cell phone was almost negligible. Previous studies from the University of Utah, Carnegie Mellon University and the Insurance Institute for Highway Safety placed a much higher risk on cell phone use.

Furthermore, a strong argument can be made that any ban should be implemented as a primary (as opposed to secondary) offense. Chief White prefers that if a local ban were to be enacted that the violation be a primary offense to assist with enforcement action. As a primary offense, police officers could stop a driver observed using a hand-held device while operating a motor vehicle. As a secondary offense, the driver could not be stopped unless another type of violation was observed.

Regardless of the merit (from a public safety standpoint) associated with a cell phone and/or texting ban, recent activity by the State of Michigan suggests that any action taken by the city to enact a ban as a primary offense will likely be superseded. Nevertheless, it is recommended that City Council direct the development of a local regulation in this area. The City Administration, along with the Office of the City Attorney would develop a specific ordinance proposal for Council consideration.

Attachments:

1. "Can't text, I'm driving!" *The Dangers of Text Messaging while Driving*, Michigan State Medical Society – July 13, 2009
2. "Texting Hazards." AAA Living – January/February 2010.
3. "Cell-phone (crash) Numbers – Time to make data-driven decisions on restritions." Herald Tribune (Sarasota, FL) – January 17, 2010.

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FOR IMMEDIATE RELEASE
Monday, July 13, 2009

Contact: David Fox
Director, Public Relations
517-336-5731
dkfox@msms.org

"CAN'T TEXT, I'M DRIVING!" The Dangers of Text Messaging While Driving

EAST LANSING – Text messaging and driving is a deadly mix, according to the Michigan State Medical Society. Statistics show that drivers are six times more likely to become distracted and cause an accident if they are text messaging.

Distracted drivers account for almost 80 percent of all crashes and 65 percent of near-crashes in the United States, according to the National Highway Traffic Safety Administration. Top distractions among drivers are cell phone use including texting, reaching for a moving object inside the vehicle, looking at an object or event outside of the vehicle, talking with other passengers, eating, reading, applying makeup, driving angry, fidgeting with controls, and loss of direction.

Text messaging while driving leads the list as the biggest distraction while driving, according to Students Against Destructive Decisions and Liberty Mutual Insurance Group. Their recent study revealed that text-messaging while driving is "becoming as dangerous as drinking and driving in terms of inhibiting one's driving abilities."

"Driving while changing the radio is distracting enough, let alone taking your eyes off the road to type even a short sentence or two," said MSMS president

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Richard E. Smith, MD, a Detroit obstetrician/gynecologist. "It's very dangerous."

One of the most widely known accidents caused by text messaging while driving was in June 2008 when five teen girls from Rochester, New York, were killed in a collision with a tractor. Police reports indicated that the driver of the vehicle was texting just seconds before the accident.

A Harris Interactive Poll from August 2008 shows nine out of 10 American adults believe that sending text messages or e-mails while driving is "distracting, dangerous, and should be outlawed."

No state has yet adopted a universal law banning text messaging and cell phone use while driving, however, 13 states already prohibit texting while driving with many states conforming to this idea quickly. Currently, six states prohibit the use of hand held phones while driving. Michigan is not one of them.

Michigan Senator Samuel Thomas from Detroit introduced a bill in the Michigan Senate in March that would ban the use of cell phones for "engaging in nonverbal communication with another person, playing a game, or entering data." Violators would be charged with a civil infraction and would be fined \$100.

"The major problem is that too many people believe they can multitask and do everything at one time," Doctor Smith said. "In the end, it's not going to make much of a difference whether someone answers a text right away or within the next 20 minutes. Stay safe and stay text-free while driving. Lives depend on it."

The Michigan State Medical Society is the professional association of more than 15,000 physicians in Michigan. The mission of MSMS is to promote a health care environment that supports physician in caring for and enhancing the health of Michigan citizens through science, quality and ethics in the practice of medicine. Visit the MSMS website at www.msms.org for other health-related information.

120 West Saginaw Street, East Lansing, Michigan 48823 Tel: (517) 337-1351 eMail: msms@msms.org

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PUT DOWN THE PHONE: Drivers should concentrate on driving, not texting, while behind the wheel.

Texting Hazards

RECEIVED

JAN 18 2010

OFFICE
PORTAGE, MI

Distracted driving endangers everyone on the road. That's why AAA is working to ban texting while driving. *By* KRISTEN NELSON

Like 6,000 other Americans every year, Matt Wilhelm was killed at the hands of a distracted driver.

The 25-year-old bicyclist from Urbana, Illinois, took care to ensure his safety when he set out on a ride near his home in 2006. He used a helmet, wore reflective clothing, and rode far to the right on the shoulder of the road to provide plenty of room for cars and trucks sharing the lane.

"The police told us that Matt was doing everything right," said Chuck Wilhelm, his father. "He was just in the wrong place at the wrong time."

Despite his precautions, Matt had no chance to survive when a 19-year-old woman focused on her cell phone careened off the road and slammed into him.

Matt's story is increasingly common. Thousands of people die in the United States each year in crashes caused by drivers who are distracted by texting and other activities, according to U.S. Department of Transportation statistics. Half a million more suffer injuries in distraction-related crashes.

According to researchers at Virginia Tech, a typical distraction lasts three seconds, enough time for a car

going 68 mph to travel the length of a football field, and into an array of developing traffic conditions. The study also showed that texting is one of the most lethal forms of distraction, increasing a driver's risk of crashing to 23 times that of an attentive driver.

As the Wilhelm family learned more about the circumstances surrounding Matt's death, their anguish turned to disbelief when they found that the driver who killed their son faced few sanctions.

This revelation prompted Wilhelm and his wife, Gloria, to work toward changing the law. Together with AAA Chicago, they achieved a major victory when Illinois joined 18 other states and the District of Columbia in enacting a law that makes texting while driving illegal. The law went into effect Jan. 1, 2010.

Wilhelm says that he views the new law as a great step forward, although he believes behaviors will change only through a combination of serious punishments, greater awareness of the dangers and messages from public figures.

At the federal level, Senator Chuck Shumer (D-NY) introduced a bill last summer that would require states to make texting while driving a primary offense—one for which a driver can be pulled over and ticketed—if they want to receive federal highway funding. States that refuse to comply would lose 25 percent of their road funding.

AAA is working to pass laws banning text messaging by drivers in all 50 states by 2013.

"Keeping ourselves—and all other road users—safe should be paramount

in every driver's mind," says AAA Foundation for Traffic Safety President and CEO Peter Kissinger. "Instead, too many fool themselves that risks don't apply to them, or that the benefits of multitasking somehow outweigh the risks of texting while driving."

In the Foundation's 2009 Traffic Safety Culture Index, 95 percent of people polled said they found emailing or texting while driving "unacceptable." But 18 percent of those same respondents admitted that they had texted while driving within the last month.

Efforts to raise awareness of the hazards of texting while driving are growing across the country, with many programs targeting young drivers. Teens, who are already the most crash-prone drivers

on the road, are also the most prolific texters. Messaging teens send an estimated 2,500 messages each month.

"We went to high schools to talk about Matt's story," Wilhelm said. "A lot of the kids we encountered simply weren't aware of the dangers of texting while driving. Many of them came up to us and asked how they could help and what they could do."

AAA and many other national safety organizations continue to make outreach to teens a priority. The Wilhelms also plan to keep up their campaign for states to institute tougher penalties for texting and using cell phones while driving.

"We're beginning to see momentum," Wilhelm said. "Deterring people from these bad behaviors takes a lot of building blocks. We have some, but we think it's going to take a lot more effort." ■

AAA is working to pass laws banning text messaging by drivers in all 50 states by 2013.

Texting Facts

Studies and statistics show that text messaging and driving combine for deadly results.

Texting drivers are

23

times more dangerous than attentive drivers

51

percent of teens say they text message while driving

2,500

messages sent by a texting teen every month, on average

6,000

people die in the U.S. annually in distracted-driving crashes

500,000

injuries result from distraction-related crashes

For additional information on the dangers of distracted driving, visit AAAFoundation.org.

[Back to article](#)



RECEIVED
JAN 18 2010
CITY OF PORTAGE, MI OFFICE

Printed on page A22

Cell-phone (crash) numbers Time to make data-driven decisions on restrictions

Published: Sunday, January 17, 2010 at 1:00 a.m.

The campaign to restrict the dangerous practice of using cell phones while driving has been hampered by a lack of numbers. It was difficult to say with any certainty, for example, how many auto crashes could be attributed to cell-phone use. A large part of the problem is that few states and police departments collect data on cell-phone use as a cause of accidents.

On Tuesday, the National Safety Council put a dent in the numbers barrier by announcing its estimate that 28 percent of all traffic collisions are caused by drivers talking or texting on cell phones.

That means, said the NSC, that at least "1.4 million crashes each year are caused by drivers using cell phones and a minimum of 200,000 additional crashes each year are caused by drivers who are texting."

The NSC hopes the new numbers will lead legislators, businesses and individuals to limit or stop cell-phone use while driving -- and they should. The Florida Legislature can start in the coming session by passing some of several bills proposed to curb the use electronic devices by drivers.

How did the NSC arrive at its estimates? It's complicated, but the NSC used 2008 data on cell-phone use by drivers and crash statistics. Its "statistical model and estimates were peer-reviewed by academic researchers in traffic safety and biostatistics," the NSC said in a press release.

Conservative estimates

While the prospect that between one-quarter and one-third of all auto crashes are caused by cell-phone use or texting is stunning, that estimate probably is conservative. The use of cell phones and texting has continued to grow rapidly since 2008. Also, the NSC used minimum risk figures.

The estimate on crashes caused by texting drivers, for example, employed widely accepted research that shows texting increases a driver's crash risk eightfold -- about the same as the risk for a driver who is drunk. Some studies, however, have placed the crash risk for texting drivers at 23 times that for drivers who don't text.

The NSC's estimates will help fuel a nationwide campaign to curb cell-phone use and texting. Adding new impetus is an organization, FocusDriven, introduced last week by federal transportation officials. The group, which is targeting cell-phone use by drivers, is modeled after Mothers Against Drunk Driving. Also, Congress is considering several bills that would push states to regulate drivers' cell-phone use.

The Florida Legislature shouldn't need a push to take some

basic steps to regulate the use of electronic devices and improve traffic safety. It should:

Ban texting while driving. Studies show that a texting driver removes his or her eyes from the road for about five seconds -- enough time for a car going 60 mph to travel the length of a football field. Nineteen other states already have such bans.

Ban the use of computers -- either laptops or the dashboard-mounted systems now under development -- while driving. While such use may be limited now, the distraction would seem to be similar to, or greater than, that of texting.

Order law-enforcement agencies to collect data on cell-phone use as a cause of auto crashes, as is done now for other crash causes such as alcohol. This data should inform the Legislature in its consideration on further restrictions, such as an outright ban on cell-phone use while driving.

A commonplace danger

The use of cell phones while driving is commonplace but dangerous nevertheless to other drivers and pedestrians. Drivers using a cell phone -- either hand-held or hands-free -- are four times more likely to be involved in a crash than non-users, according to a 2005 study by the Insurance Institute for Highway Safety linking injury crashes to cell-phone records.

Hard data on the risk of using cell phones and other electronic devices while driving has been elusive, but it's beginning to accumulate. The Legislature should not wait for the numbers to mount -- in the form of traffic deaths and injuries -- before restricting an obviously dangerous practice.

This story appeared in print on page A22

CITY OF PORTAGE

COMMUNICATION

TO: Honorable Mayor and City Council

DATE: January 18, 2010

FROM: Maurice S. Evans, City Manager



SUBJECT: Cemetery Plot Reservation Policy

ACTION RECOMMENDED: That City Council approve a policy that burial plots may be reserved for six (6) months following a written request submitted to the Office of the City Clerk, with the reservation to be released at the expiration of the reservation period if payment in full is not made within six months of receipt of the reservation request.

There exists a need to institute an official cemetery plot reservation policy. There also exists a need to address existing cemetery plot reservations made when there was no payment deadline and reservations were permitted without expiration. The change in reservation policy will affect 142 burial spaces currently reserved by 66 individuals and families during the time period of 1963 through present. There are currently 1,101 spaces available for purchase in Portage cemeteries and 4,544 spaces are either sold or occupied. Dry Prairie and Indian Fields cemeteries are full and Central Cemetery is near capacity. Burial space is available at South Cemetery.

Following interdepartmental and legal review, the City Administration recommends the following policy be implemented:

Burial plots may be reserved for six (6) months following a written request submitted to the Office of the City Clerk, with the reservation to be released at the expiration of the reservation period if payment in full is not made within six months of receipt of the reservation request.

Subsequent to adoption of the proposed policy by City Council, the Office of the City Clerk will make every effort to contact those individuals who have reserved a burial space in writing (via certified mail) of the new policy and request that the individual take one of the following actions:

- a. Pay the required fee for the burial space;
- b. Make a reservation under the new policy; or,
- c. Indicate that the reservation is no longer necessary.

Per the advice of the City Attorney, reservations for individuals that cannot be contacted or do not respond will be honored with one exception. The exception will be if a return receipt is received indicating that the person who made the reservation received the communication, but took no action. In such instances the reservation will be canceled six months after the date of the letter. Notification letters will be mailed no later than February 19, 2010 and reservations lifted for eligible burial spaces six months thereafter. Notifications will be sent certified mail, include a response request form and the informational cemetery brochure.

Attachment: Cemetery Brochure

Requirements for Markers and Memorials

Materials: All markers or memorials must be of approved durable construction.

Foundations: Suitable solid foundations are provided by the city and are charged to the appropriate monument company.

Number of Markers per Lot: One marker for all graves with up to two interments. One additional flush marker permitted at the foot of the grave with three or more interments.

Cost of Repairs: The owner is responsible for any expenses incurred in the repairing of a marker or memorial.

Design: All monuments or markers must conform to the general development plan of each cemetery. The city makes all final determinations on the appropriateness of individual monuments or markers.

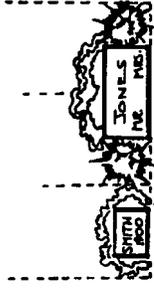
Removal by the City: If any monument or marker falls into disrepair, becomes unsightly, dangerous, or detrimental, it may be removed by order of the City Manager after giving 30 days notice to the owner.

Dimensions (maximum): Single lot - 36 inches in height, 14 inches in width, and 38 inches in length. Two or more lots - same except 60 inches in length. Graves with three or more interments - a second flush foot marker no larger than 14 inches in width and 38 inches in length. Remains Only sections - 14 inches in width and 38 inches in length.

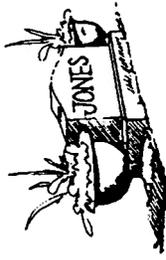
Location: The authority to designate the location of markers will be with the Parks Superintendent when not clearly identified on cemetery maps.

Grave Decorations

Annual flowers should be planted within 12" of the memorial and not extend past lot boundaries in full bloom. Fresh flowers only may be displayed in flush memorial sections (3 days maximum) April - September.



Artificial flowers may be placed the same as regular flowers in upright memorial sections and must be removed at the end of the normal growing season. Artificial decorations may be displayed in all sections October - March. No artificial flowers in flush memorial sections April - September.



Perennial flowers may be planted in urns or vases on either side or directly behind upright memorials, but within lot boundaries.

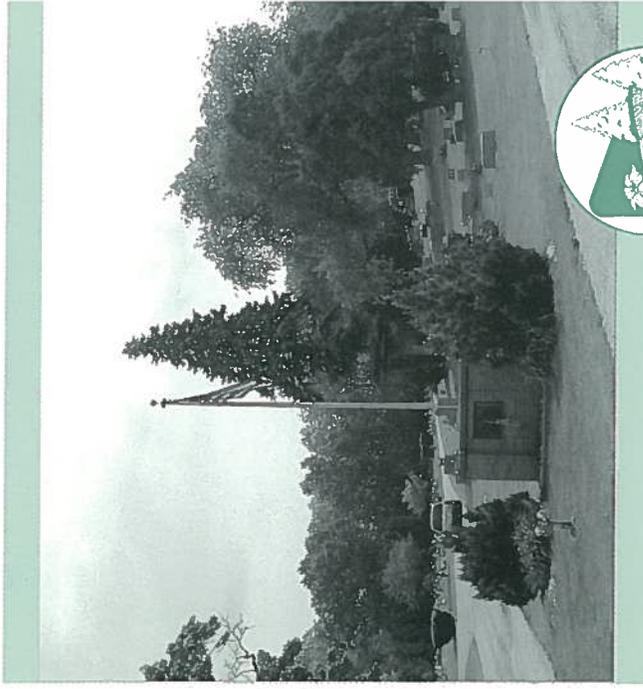


Property owners are responsible for the care and maintenance of grave decorations. Your cooperation will be appreciated. Further information may be obtained at the Department of Parks, Recreation, and Property Management, phone 329-4522.

Rev. 6/07



City of Portage Municipal Cemeteries



INDIAN FIELDS CEMETERY
2023 East Milham Avenue

PORTAGE CENTRAL CEMETERY
South Westnedge at Shaver Road

DRY PRAIRIE CEMETERY
1705 West Milham Avenue

PORTAGE SOUTH CEMETERY
South Westnedge at Osterhout

City of Portage

7900 South Westnedge Avenue • Portage, Michigan 49002

City Services

The City of Portage maintains four municipal cemeteries, totaling over 28 acres, at which interment and perpetual care are provided through the Parks, Recreation, and Property Management Department. Cemetery services are provided throughout the year.

The oldest of the cemeteries are Indian Fields and Dry Prairie, which contain grave markers dating back to the early 1800s. Today the most active cemeteries are Portage Central and South, which possess sufficient burial space for years to come.

Cemetery Fees

Burial Rights Fees:	
Residents	
Flush Marker Sections.....	\$950
Upright Marker Sections.....	\$1,075
Non-Residents	
Flush Marker Sections.....	\$1,300
Upright Marker Sections.....	\$1,450
Infants (under 3 months)	
Residents.....	\$400
Non-Resident.....	\$650
Cremains Only Section	
Residents.....	\$650
Non-Resident.....	\$900
* Grave Opening and Closing Charges	
Adults.....	\$900
Children.....	\$650
Ashes.....	\$400
Infants.....	\$400

**plus overtime fees of \$225 if applicable*

Foundations under memorials - \$0.55 per square inch

Cemetery Rules

- All city-owned cemeteries are open to the public between the hours of 8 a.m. and sunset.
- All records concerning city-owned cemeteries and burials are maintained by the City Clerk. An appropriate burial rights certificate must be purchased and paid for in full before burial.
- No right of burial can be disposed of, conveyed, transferred, or assigned without the written approval of the City Clerk.
- Burials on Saturdays will be assessed an extra \$225 fee for overtime costs.
- Burial in any city-owned cemetery plot is restricted to the plot owner, his/her parents, children, or spouse unless written authorization is obtained from such owner or his/her heirs.
- All burials are arranged through the Department of Parks, Recreation, and Property Management and are not permitted without a proper burial or transit permit as provided by State law.
- Multiple burials are permitted on a single lot under the following guidelines:
 - A parent and infant (under seven years) if buried at the same time;
 - Three cremains and one traditional burial per lot;
 - Four cremains on a single lot; and
 - Two cremains per lot in cremains only section.
- The city will determine the route, equipment and methods necessary in all cemetery operations and grave openings including temporary relocation of monuments/decorations and removal of shrubbery, plants or other materials as necessary.
- The materials used and manner of erecting monuments, headstones, and markers, and the type, location, planting, and trimming of trees and shrubs are subject to the approval of the city.
- No person is allowed to damage or deface any tree, shrub, monument, marker or other ornamentation. No one may travel any section of a cemetery on an animal or by mechanical means. No recreational activities are allowed in a cemetery.
- The city will remove any unsightly, dangerous, or detrimental tree, plant, shrub, or ornamentation twice a year. The removal of these materials will take place in April and October.
- A 24-hour notice must be given for a funeral, to allow for proper grave opening. Notice for a Saturday funeral must be received by noon on Friday. No funerals will be scheduled before 1 p.m. the first of the work week or the first day following a city holiday.
- No burials are performed on Sundays or Holidays.
- No person shall erect an enclosure in the nature of a fence, hedge, or curbing on a cemetery lot or plot.
- No shrubs or trees may be planted on cemetery lots.
- A cremains container may be placed on a grave site in which a previous single interment has been made.
- Memorial trees may be planted at selected locations within the cemeteries as designated by the Parks Department.

CITY OF PORTAGE

COMMUNICATION

TO: Honorable Mayor and City Council

DATE: January 18, 2010

FROM: Maurice S. Evans, City Manager



SUBJECT: Construction Board of Appeals Demolition Order – 4130 Branch Avenue

ACTION RECOMMENDED: That City Council:

- a. accept the order of the Construction Board of Appeals to demolish the house located at 4130 Branch Avenue; and
- b. authorize the City Administration to take the necessary action to demolish the house at 4130 Branch Avenue, place a lien and assess the property to recover the costs associated with demolition consistent with the ordinance.

The continued housing deterioration and property maintenance concerns associated with the vacant dwelling at 4130 Branch Avenue are in need of immediate correction. Complaints have been received from the neighborhood regarding the condition of the property. The property owner, Mr. Briant Kernell, has been provided sufficient time to repair the house, but has failed to respond in a timely manner.

Information from the Community Development Director is attached regarding the Construction Board of Appeals order that the vacant house be demolished. The property owner has been notified of the unsafe structure and show cause proceedings, and appeared before the Construction Board of Appeals. While the house has been secured to prevent entry, required permits have not been obtained and progress has ceased. If City Council approves the demolition order and authorizes the City Administration to take the necessary action to raze the house, the cost of the demolition will be placed as a lien against the real property and will be reported to the City Assessor, who will assess the costs of the demolition against the property. If not paid, the cost will be added to the tax roll and collected consistent with the ordinance.

The vacant house at 4130 Branch Avenue is in disrepair, continues to deteriorate and creates a negative influence on the surrounding neighborhood. It is recommended that the Construction Board of Appeals order be approved and the City Administration be authorized to take necessary actions to raze the dwelling.

Attachments: January 15, 2010 Communication from the Community Development Department

CITY OF PORTAGE

COMMUNICATION

TO: Maurice S. Evans, City Manager

DATE: January 15, 2010

FROM: Jeffrey M. Erickson, Director of Community Development

SUBJECT: Construction Board of Appeals Demolition Orders – 4130 Branch Avenue

Necessary property and building maintenance of the vacant house located at 4130 Branch Avenue has not been accomplished. Complaints have been received and enforcement action has been necessary by the Department of Community Development regarding tall grass/weeds and the deteriorating condition of the house. As background information, Mr. Briant Kernell purchased the foreclosed property in April 2008 with the intention of refurbishing the house. Work on the project was suspended in 2008, however, when it was discovered that the necessary permits had not been obtained and unlicensed contractors were completing the work. Mr. Kernell agreed to secure the house from casual entry and obtain the required permits. Ongoing correspondence has been exchanged with Mr. Kernell during the spring and summer of 2009. Due to lack of progress, the continued deterioration of the house and the discovery that the house was again open to casual entry, an Unsafe Structure Notice was sent to Mr. Kernell on September 25, 2009.

On November 30, 2009 the Construction Board of Appeals held a Show Cause Hearing for the vacant house at 4130 Branch Avenue. At the conclusion of the hearing, an order was established by the Board requiring that:

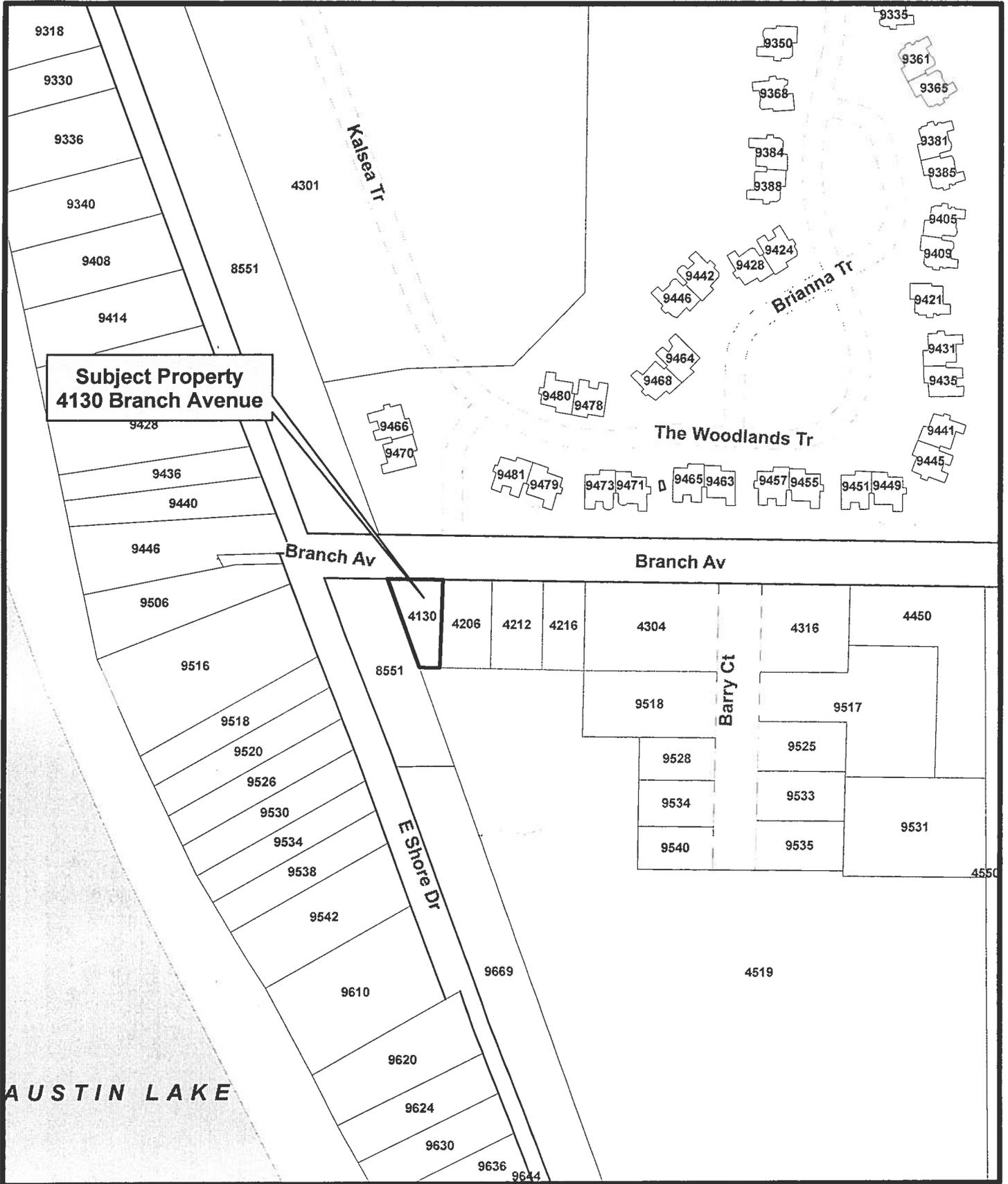
1. The house be closed to casual entry by December 10, 2009;
2. A permit be obtained and the rear porch be removed by January 1, 2010;
3. Permits be obtained by January 1, 2010 to reestablish utilities for the house; and
4. Permits be obtained by January 14, 2010 to complete the necessary repairs to make the house habitable.

The Board indicated that if the requirements were not fulfilled, the matter was to be transmitted to City Council with a recommendation that the house be razed. Community Development staff has monitored the property. The house was closed to casual entry by December 10, 2009. The property owner, however, has failed to meet the established January 1, 2010 and January 14, 2010 deadlines for obtaining permits to repair the house and remove the rear porch. Attempts by staff to contact the property owner have proved unsuccessful.

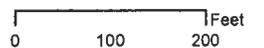
The condition of the vacant house at 4130 Branch Avenue continues to create a detrimental impact on the adjacent properties and surrounding neighborhood. The house shows characteristics of neglect and lack of maintenance by the property owner. As additional information, the taxes for the property were last paid winter 2007 and are delinquent. It is recommended that City Council authorize the City Administration to proceed with the demolition of the vacant house at 4130 Branch Avenue.

I am available to further discuss this matter at your convenience.

Attachments: Vicinity Map
Photographs of 4130 Branch Avenue
November 30, 2009 Construction Board of Appeals Agenda Materials and Meeting Minutes.



Vicinity Map 4130 Branch Avenue







TO: Construction Board of Appeals

FROM: Jeffrey M. Erickson, Director of Community Development

DATE: November 11, 2009

SUBJECT: Show Cause Hearing – 4130 Branch Avenue

CODE SECTION: Article 13, Section 42-1341 - Unsafe Structures, City of Portage Codified Ordinances

**STAFF
RECOM-
MENDATION:**

The vacant house located at 4130 Branch Avenue has not been made habitable or safe in accordance with the provisions of the Codified Ordinances of the City of Portage.

In compliance with the Unsafe Structure Ordinance, a September 25, 2009 unsafe structure notice was sent certified mail and posted on the vacant house advising that the property owner had 30-days to bring the house into compliance or further enforcement action would be pursued. A November 9, 2009 Show Cause Hearing notice was sent certified mail and posted on the site.

The condition of the house continues to deteriorate and create a negative impact on the adjacent properties. Prior staff communications with the property owner, Mr. Briant Kernell indicates that it was his original intention to refurbish the house, however, recent attempts to contact Mr. Kernell have proved unsuccessful. As additional information, the property taxes for the property are in default for the past two years. The condition of the house is substandard and there is a lack of maintenance demonstrated by the property owner including the following significant deficiencies:

1. The house is in disrepair and open to causal entry.
2. Utilities (gas, electricity, water, etc.) to occupy the structure have been disconnected.
3. There are broken and/or missing windows and screens for the structure.
4. The structural loading for the enclosed porch appears to be deficient.

Staff recommends that the vacant house be razed within 30-days. Failure to comply with the order will result in the matter being referred to City Council with a recommendation that the structure be razed.

Attachments: Unsafe structure notification dated September 25, 2009.
Show Cause Hearing notification dated November 9, 2009.
Photographs of 4130 Branch Avenue.

November 9, 2009

Sent Certified Mail and Posted on Site

Mr. Briant Kernell
127 North Lauderdale Drive
Kalamazoo, MI 49006

Dear Mr. Kernell:

RE: Notice of Show Cause Hearing – 4130 Branch Avenue

The vacant house located at 4130 Branch Avenue has not been made safe in accordance with the provisions of the Codified Ordinances of the City of Portage, Michigan. The following defects, conditions and/or violations cited in the September 25, 2009 Unsafe Structure notice have not been properly addressed:

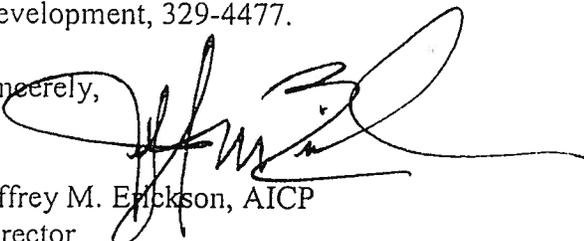
1. The house is in disrepair and open to casual entry.
2. Utilities (gas, electricity, water, etc.) to occupy the structure have been disconnected.
3. There are broken and/or missing windows and screens for the structure.
4. The structural loading for the enclosed porch appears to be deficient.

As a result of these continued violations, you are hereby notified that a hearing on the condition of the house will be held before the Construction Board of Appeals at 5:00 p.m. on November 30, 2009. The meeting will be held in Conference Room One of Portage City Hall, 7900 South Westnedge Avenue, Portage, Michigan. At this hearing, you will have the opportunity to show cause as to why the house should not be ordered demolished or otherwise made safe. The owner and any occupant of the house shall have the right at the hearing to cross-examine witnesses who testify against the owner's and/or occupant's interests and the right to produce witnesses on your own behalf, including the use of pictures, video tapes or other recording devices.

The decision of the Construction Board of Appeals may be appealed to City Council for review within ten (10) days after the decision of the Board and, after review by Council, may be appealed to the Kalamazoo County Circuit Court within twenty (20) days after the decision of the Council.

If you have any questions, please contact the Division of Building Services, Department of Development, 329-4477.

Sincerely,


Jeffrey M. Erickson, AICP
Director

cc: Terry A. Novak, Deputy Director of Building Services
Vicki Georgeau, Deputy Director of Neighborhood Services

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September 25, 2009

Sent Certified Mail and Posted on Site

Mr. Briant Kernell
127 North Lauderdale Drive
Kalamazoo, MI 49006

Dear Mr. Kernell:

RE: Unsafe Structure - Notice to Owner/Occupant – 4130 Branch Avenue

According to records at City Hall, you are the owner and/or occupant of the property and the property improvements at 4130 Branch Avenue. Upon inspection of the property, the following defects, conditions and/or violations of Portage City Codes have been identified:

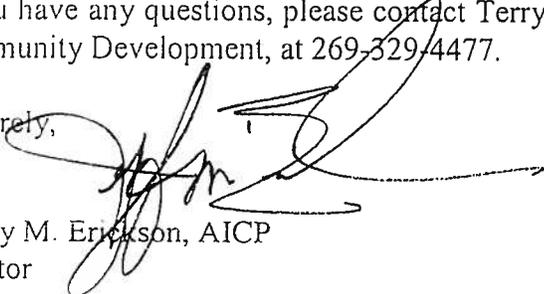
1. The house is in disrepair and open to casual entry.
2. Utilities (gas, electricity, water, etc.) to occupy the structure have been disconnected.
3. There are broken and/or missing windows and screens for the structure.
4. The structural loading for the enclosed porch appears to be deficient.

As a result of these violations/deficiencies and continued building deterioration, the above referenced house has been determined to be unsafe as defined in Section 42-1341 of the City of Portage Building and Housing Code.

As you are aware, staff has worked with you in your requests for additional time to determine your proposed course of action for the house. However, to ensure neighborhood public health and safety, immediate progress to repair or remove the house within 30 days is required in order to avoid enforcement proceedings for the house as an unsafe structure.

If you have any questions, please contact Terry Novak, Deputy Director of Building Services, Department of Community Development, at 269-329-4477.

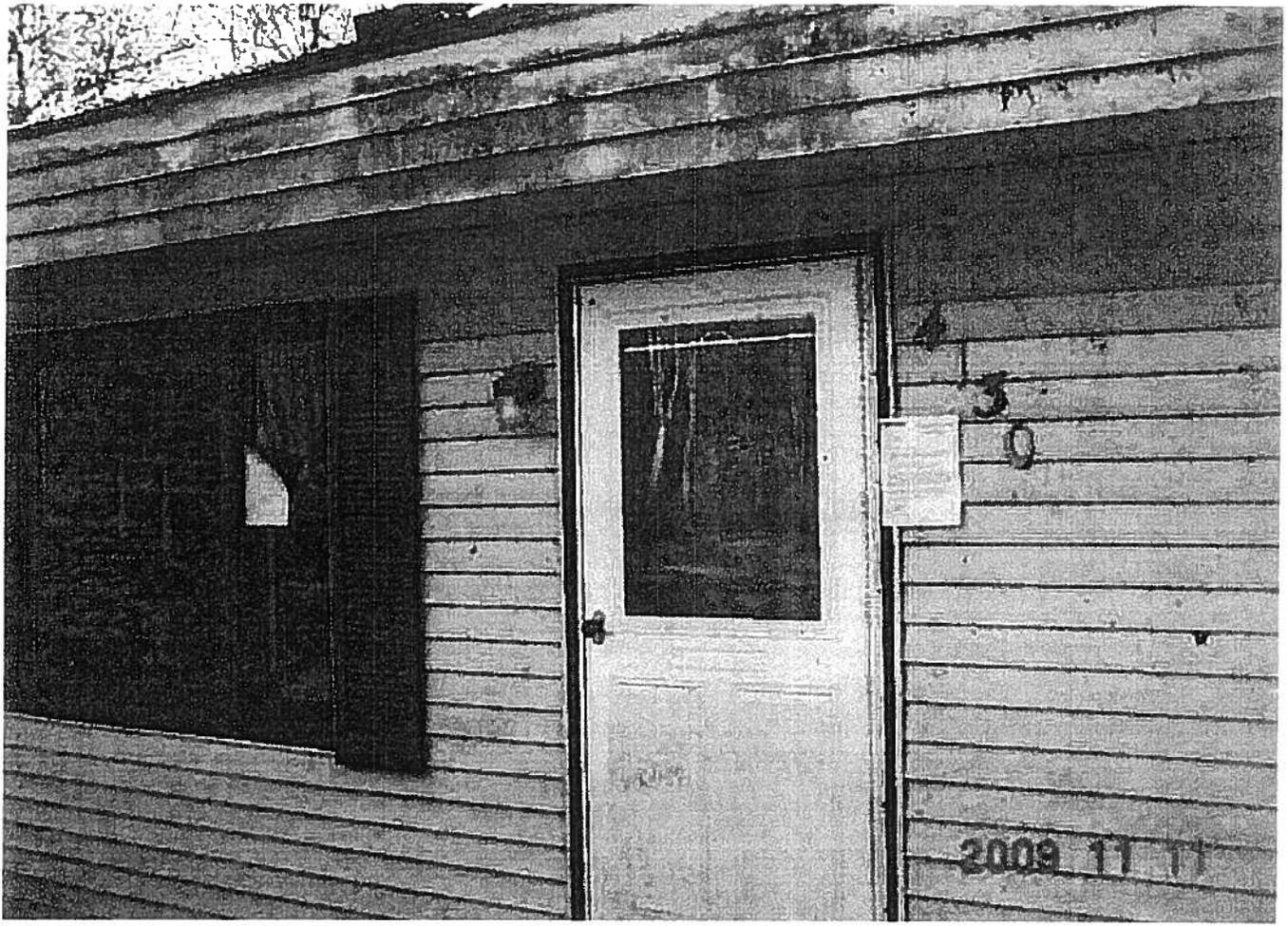
Sincerely,

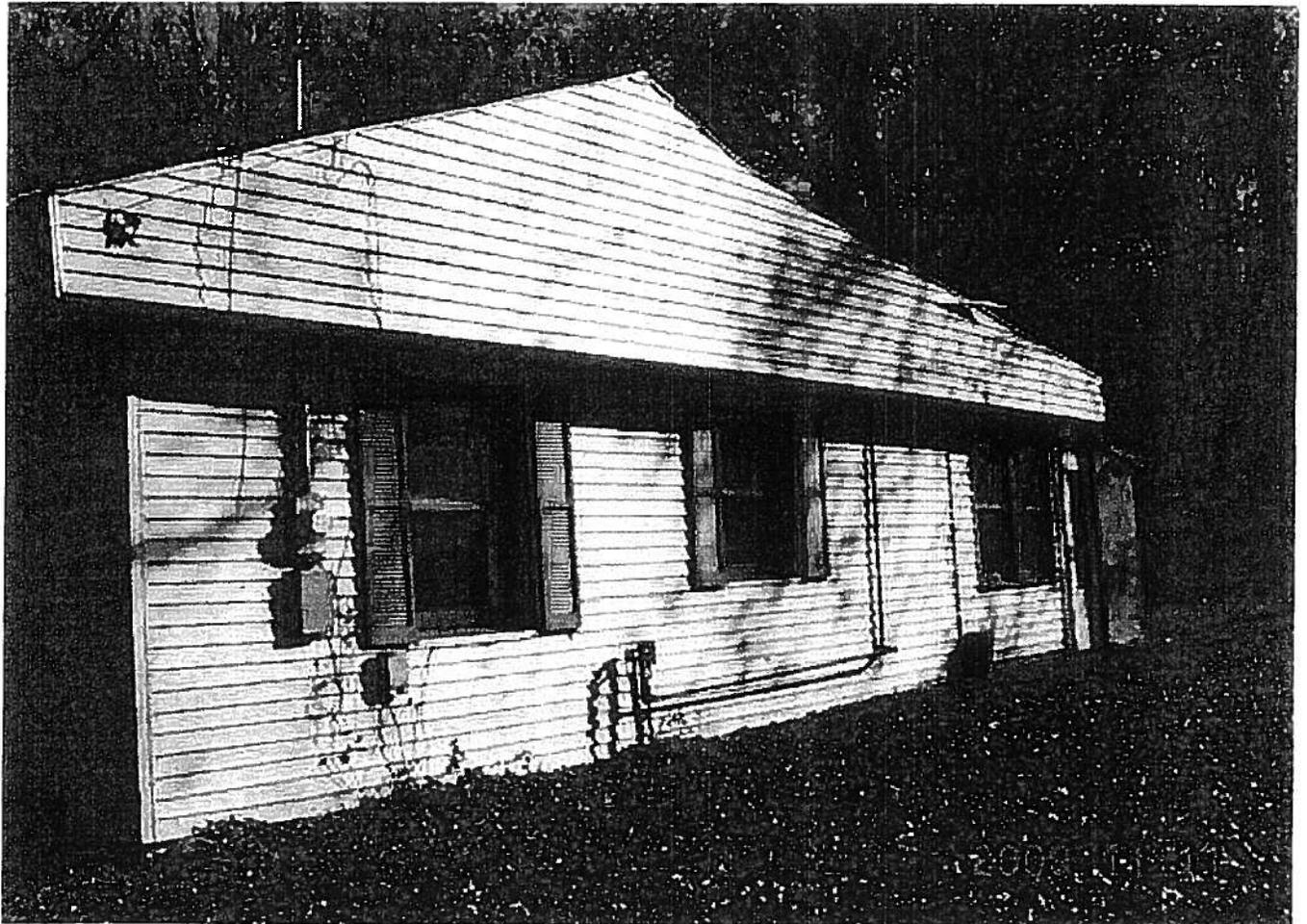
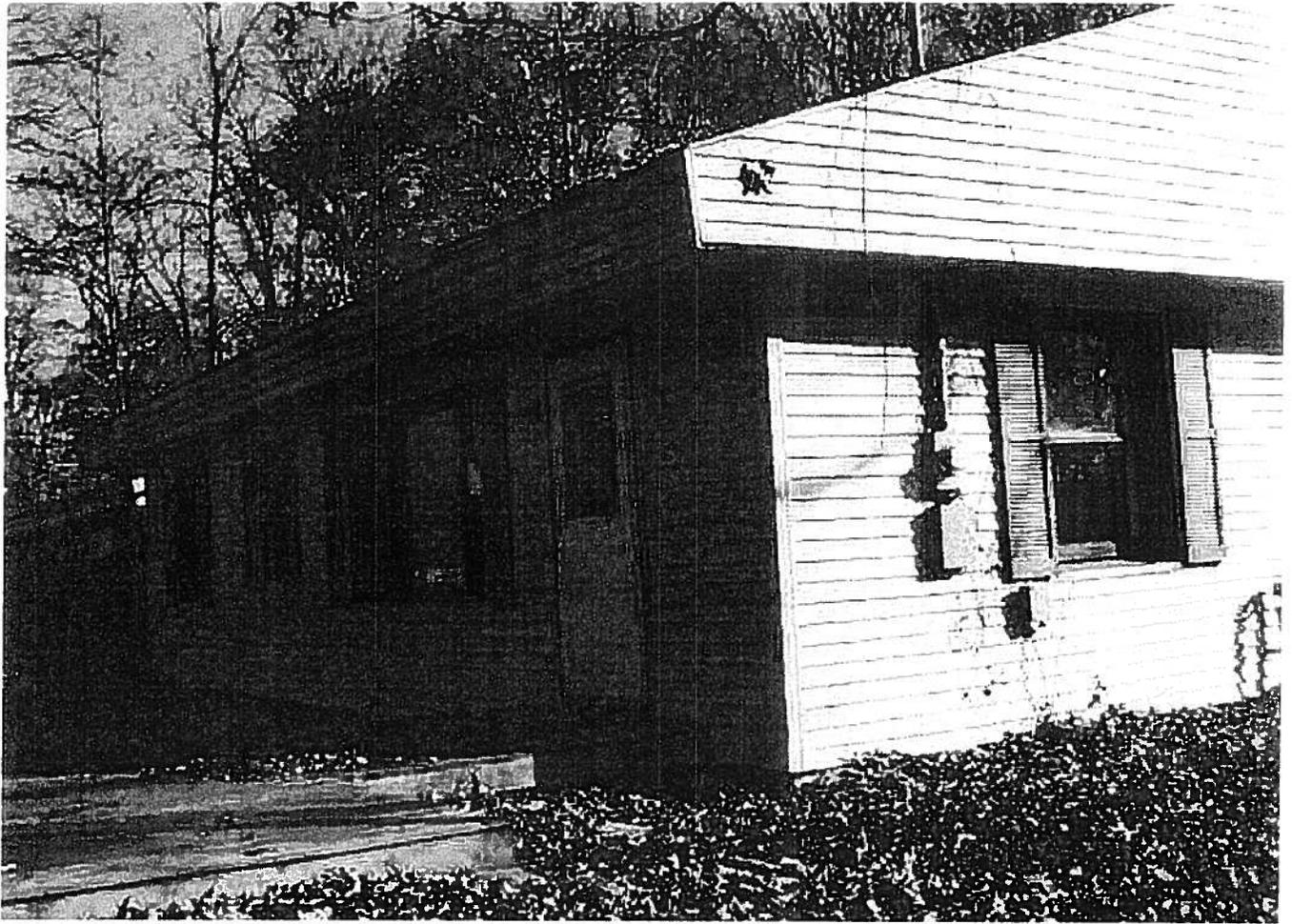


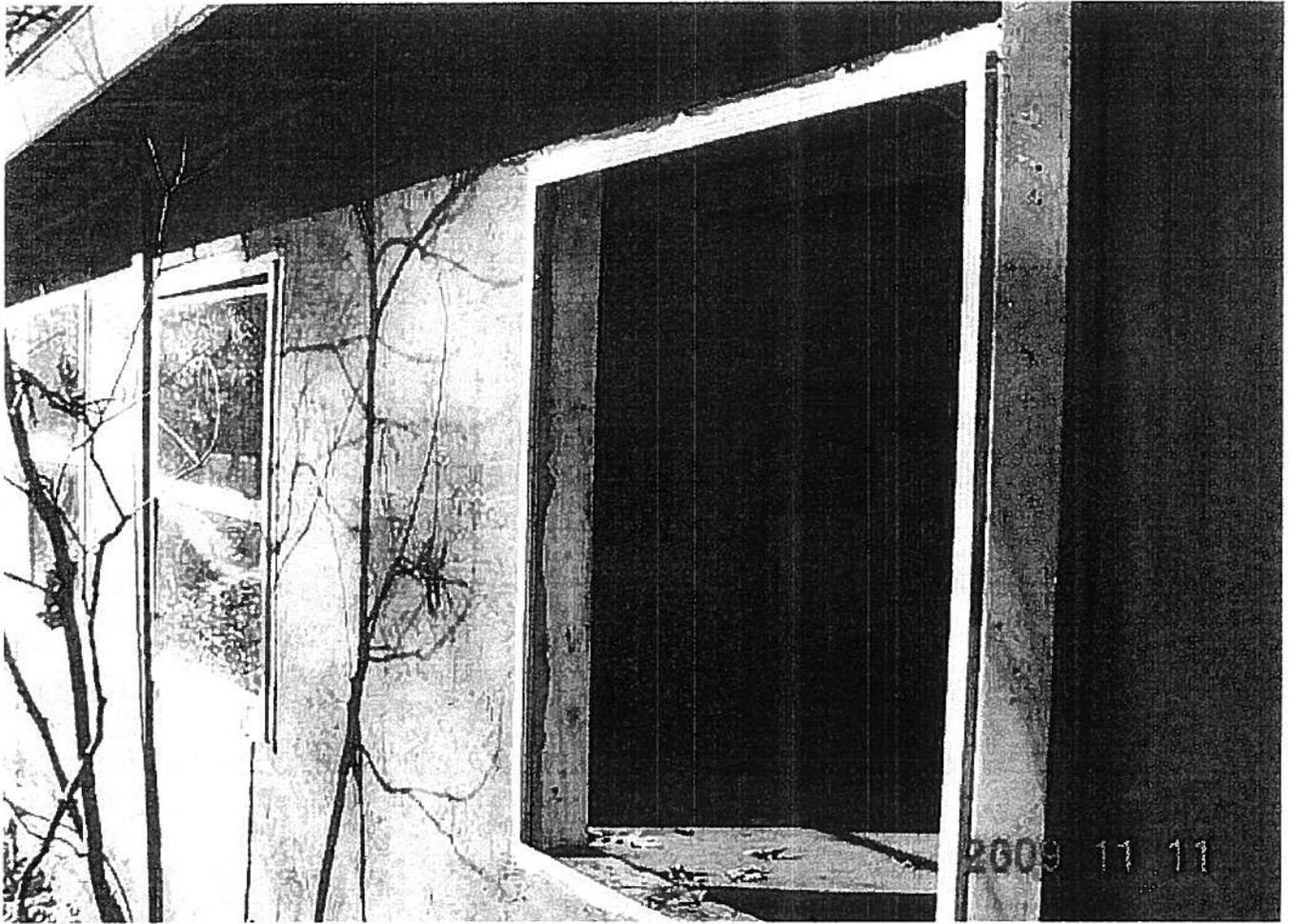
Jeffrey M. Erickson, AICP
Director

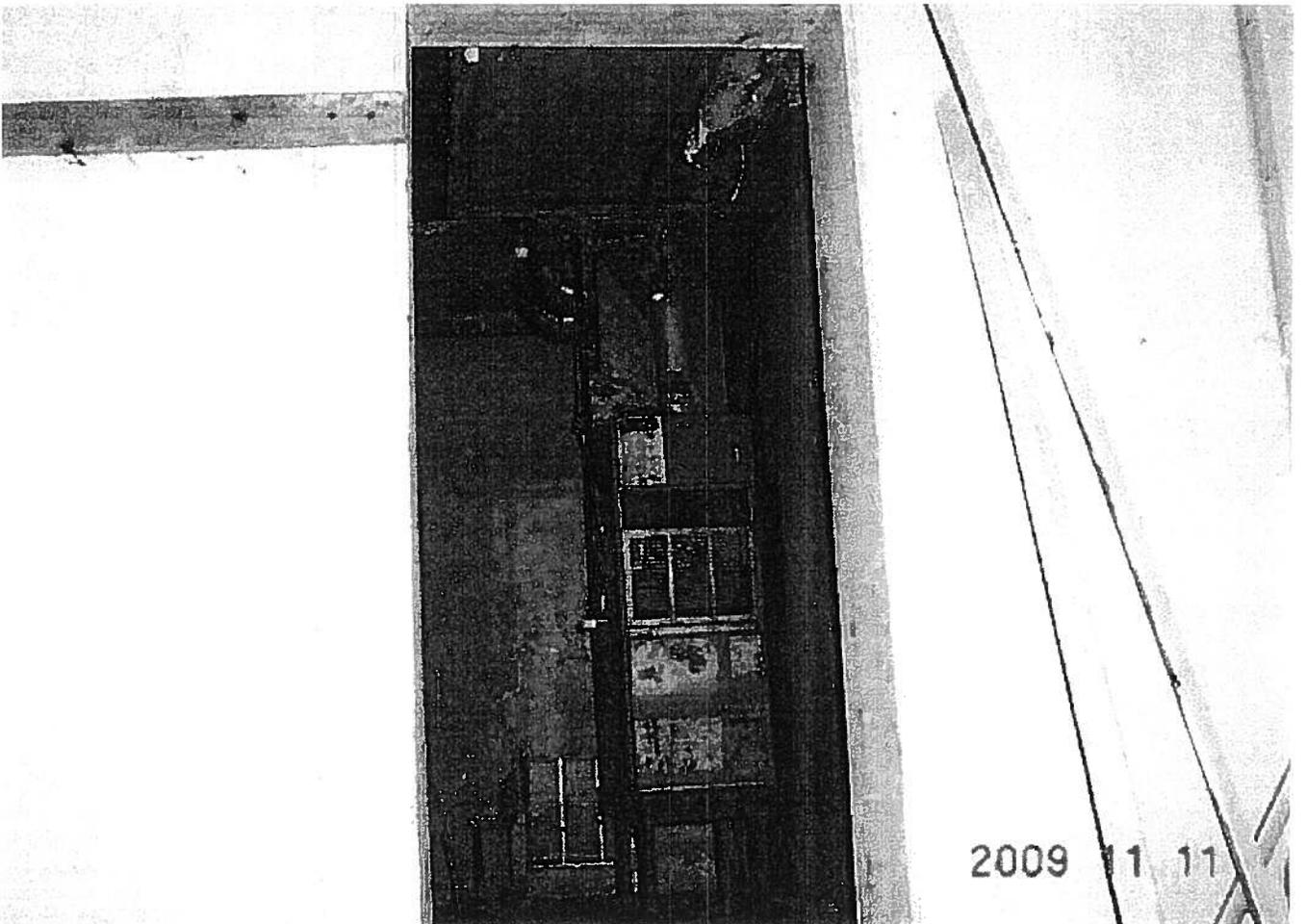
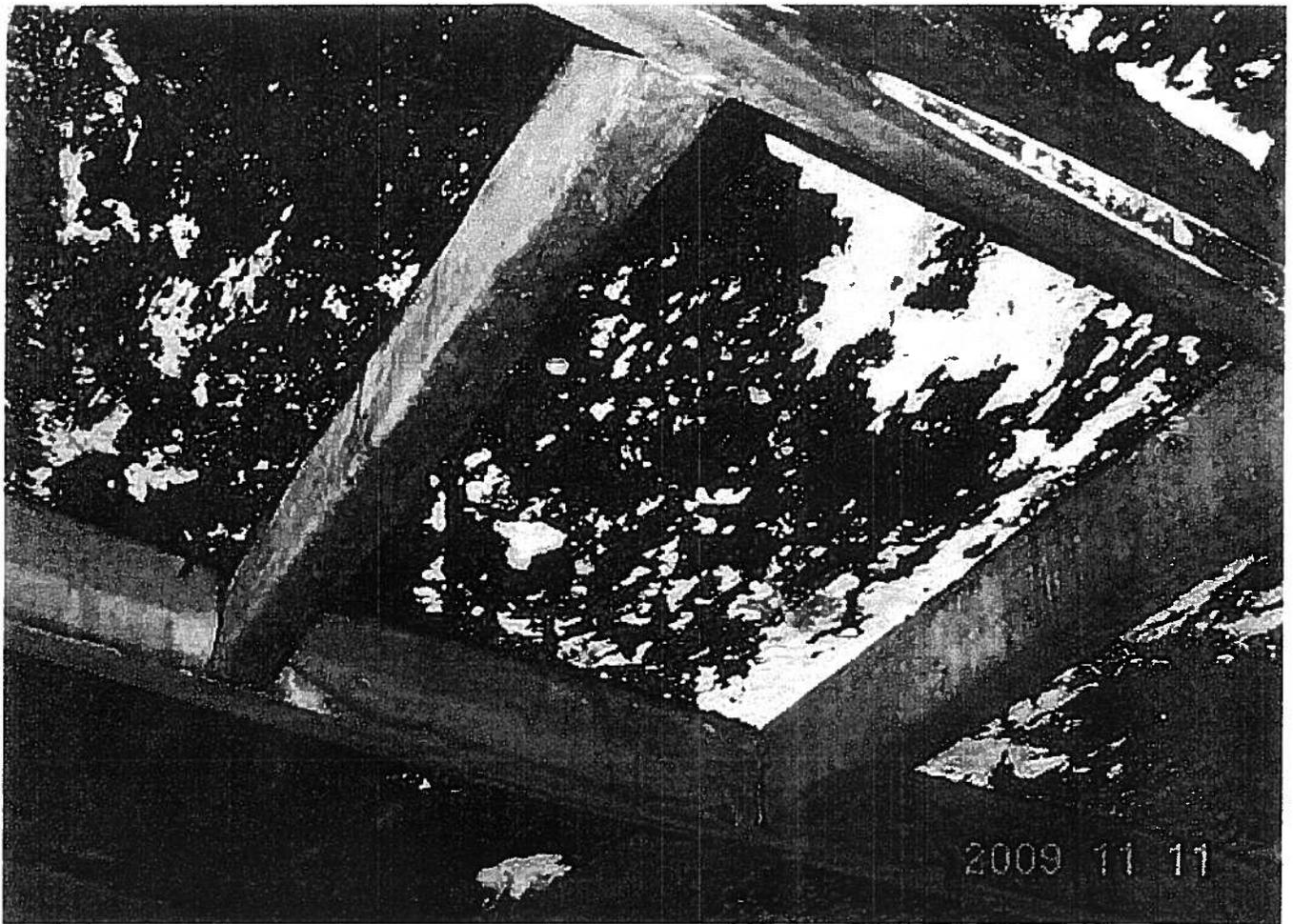
cc: Terry A. Novak, Deputy Director of Building Services
Vicki Georgeau, Deputy Director of Neighborhood Services

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CITY OF PORTAGE CONSTRUCTION BOARD OF APPEALS

DRAFT

Minutes of Meeting – November 30, 2009

The City of Portage Construction Board of Appeals meeting of November 30, 2009 was called to order at 5:00 p.m. in Conference Room One of Portage City Hall, 7900 South Westnedge Avenue, Portage, Michigan.

MEMBERS PRESENT:

Thomas Wilkinson, Lawrence Schmidt, Bill Miller, William Leach, William Koopsen, John Kounelis and Brett Grossman.

MEMBERS ABSENT:

None

MEMBERS EXCUSED:

None

IN ATTENDANCE:

Terry Novak, Deputy Director of Building Services and Mike Beery Building Inspector.

APPROVAL OF MINUTES:

The minutes of May 21, 2009 were approved.

BOARD ACTION:

9017 Nougles Court – Show Cause Hearing for fire damaged single-family house.

Chairman Wilkinson commenced the Show Cause Hearing for the vacant house that was severely damaged by fire on December 25, 2008. The property owner, Mr. Ron French and his brother Mr. Lawrence French, were in attendance. Deputy Director Novak provided background information regarding the amount of time and lack of activity demonstrated by the property owner to repair or remove the fire-damaged house. Deputy Director Novak advised that the insurance company claim settlement for the damaged house had been paid. Mr. Ron French indicated to the Board that it was his intent to remove the house, however, believed that he had a longer period to complete the project. Deputy Director Novak advised the Board of the communications that had been provided to Mr. French. Building Inspector Mike Beery provided information to the Board regarding the condition of the house and the deficiencies associated with the structure. Deputy Director Novak informed the Board that complaints regarding the condition of the house had been received by the Department of Community Development. The Board discussed the lack of response from Mr. French to repair or remove the house and the need for progress.

A motion was made by Member Schmidt requiring that the house be razed by February 1, 2010. The accessory building located on the property was to be removed by May 1, 2010 unless a building permit to construct a new house on the property was issued. If the requirements are not met, the matter was to be transmitted to City Council with a recommendation that the structures be razed. Member Miller seconded the motion and it passed unanimously.

4130 Branch Avenue – Show Cause Hearing for vacant single-family house in disrepair.

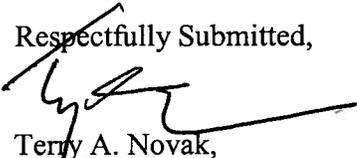
Chairman Wilkinson commenced the Show Cause Hearing for the vacant house located at 4130 Branch Avenue. The property owner Mr. Briant Kernell was in attendance. Deputy Director Novak provided an overview of the notifications and lack of response from Mr. Kernell in correcting the violations associated with the house. Deputy Director Novak informed the Board that complaints regarding the condition of the house and property had been received by the Department of Community Development. Building Inspector Mike Beery advised the Board of his inspection and the current condition of the house including the rear porch roof that was beginning to collapse. Mr. Kernell indicated to the Board that it was his original intention to repair and resell the house, however, problems with financing had stalled the project. Mr. Kernell indicated that he was now able to secure the funds necessary to repair the house and was ready to move forward with the project. The Board discussed the need for immediate correction and repair of the house.

A motion was made by Member Schmidt requiring that: The house be closed to casual entry by December 10, 2009; A permit be obtained and the rear porch be removed by January 1, 2010; Permits be obtained by January 1, 2010 to reestablish utilities for the house; and Permits be obtained by January 14, 2010 to complete the necessary repairs to make the house habitable. If the requirements are not met, the matter is to be transmitted to City Council with a recommendation that the house be razed. Member Leach seconded the motion and it passed unanimously.

ADJOURNMENT:

The Board meeting adjourned at 6:30 p.m.

Respectfully Submitted,



Terry A. Novak,
Deputy Director of Building Services

CITY OF PORTAGE

COMMUNICATION

TO: Honorable Mayor and City Council

DATE: January 20, 2010

FROM: Maurice S. Evans, City Manager

(MSE)

SUBJECT: Disposition of Legal Matters

ACTION RECOMMENDED: That City Council set a meeting to consider the disposition of legal matters on Tuesday, March 9, 2010, City Hall Conference Room #1, beginning at 5:30 p.m.

At the City Council Retreat held in December 2009, the Council reviewed information provided in regard to the disposition of legal matters. The purpose for reviewing this matter was to determine which legal matters should be brought before the Council and which should be handled administratively. The Council determined that the issue should be addressed by all members of Council as a Committee of the Whole. It is recommended that Council set a meeting to consider the disposition of legal matters on Tuesday, March 9, 2010, City Hall Conference Room #1, beginning at 5:30 p.m.

CITY OF PORTAGE

COMMUNICATION

TO: Honorable Mayor and City Council

DATE: January 18, 2010

FROM: Maurice S. Evans, City Manager



SUBJECT: Kalamazoo County Local Housing Assistance Fund – Information Only

Attached as information is a January 15, 2010 communication from the Community Development Director regarding the quarterly Status Report from Kalamazoo County and Kalamazoo County Public Housing Commission (PHC) about activities carried out with City of Portage funding for the Local Housing Assistance Fund (LHAF).

Additionally, Mr. David Artley, Director of the Office of Resource Development, has requested an opportunity to make a presentation to City Council at the January 26, 2010 City Council meeting to provide an overview of the accomplishments of the LHAF to date. Further, Mr. Artley has indicated he will summarize the scope of initial PHC discussions to modify the “vision” and programs to achieve long-term sustainability of the LHAF. While information regarding potential changes to the “vision” and programs of the LHAF has been requested by the City Administration, no written materials have been submitted. It is anticipated that Mr. Artley will provide information during the meeting on January 26, 2010.

Attachment: January 15, 2010 Communication from Community Development Director

S:\Department Files\Memos\Manager\2010 01 18 CC LHAF Status Rpt.doc

CITY OF PORTAGE

COMMUNICATION

TO: Maurice S. Evans, City Manager

DATE: January 15, 2010

FROM: Jeffrey M. Erickson, Director of Community Development

SUBJECT: Kalamazoo County Local Housing Assistance Fund (LHAF) – Quarterly Status Report

Attached is the quarterly Status Report from Kalamazoo County and Kalamazoo County Public Housing Commission (PHC) regarding activities funded through the \$100,000 LHAF appropriation approved by City Council on May 13, 2008. The report was received on January 5, 2010 in accordance with the contract. As you know, a request has been received from Mr. David Artley to make a presentation to City Council at the January 26, 2010 City Council meeting.

As background, per the City of Portage and Kalamazoo County Public Housing Commission and Kalamazoo County Contract approved by City Council on June 24, 2008, the LHAF monies are to be used to provide rental-based housing vouchers and homeless prevention support, to leverage public or private funding to carry out the programs of the LHAF, or to create an endowment to support programs of the LHAF. Also, a maximum of ten percent of the funds from the City of Portage can be used for administration and accounting purposes. The contribution from the City of Portage General Fund was to be in conjunction with matching funds to be provided by Kalamazoo County. The initial \$50,000 payment from Portage was provided to the county in January 2009 and the final \$50,000 payment was provided in October 2009.

The January 1, 2010 Status Report indicates the following quarterly activities:

- Rental-based housing vouchers were provided to nine Portage households with 15 persons, with total quarterly expenditures of \$9,434. One household graduated from the program, and no households were withdrawn due to non-compliance with program guidelines.
- With regard to Homeless Prevention activities, three Portage households with 10 persons were provided \$2,119 in assistance.

In addition to the quarterly report, Mr. David Artley, Director of the Office of Resource Development, has requested an opportunity to make a presentation to City Council at the January 26, 2010 City Council meeting to provide an overview of the accomplishments of the LHAF to date. Mr. Artley has indicated he will summarize Kalamazoo County Public Housing Commission discussions to modify its “vision” and programs to achieve long-term sustainability of the LHAF. While information regarding potential changes to the “vision” and LHAF programs has been requested, no written documentation has yet been provided, and it is anticipated that Mr. Artley will provide the information to the City Council during the meeting. Subsequent to receipt of the presented information, additional review can be provided to you as may be necessary.

As for information about the contract up to January 1, 2010, a total of \$46,274 of the \$100,000 of Portage funds have been expended in the first 18 months of the 24 month contract: \$34,642 utilized for rental-based housing vouchers; \$6,632 utilized for homeless prevention activities; and \$5,000 was contributed towards the LHAF endowment. These funds have been expended in accordance with the PHC “Program Guidelines and Planning” document dated February 26, 2007, which is

referenced in the contract. Finally, over the past two years, \$176,800 has been raised from primarily private sources (\$120,000 from one anonymous donor, and \$3,800 from a public grant through the Michigan Department of Commerce Michigan Prisoner Re-entry Initiative). However, no revenue sources have been identified or created at either the federal, state or local level to support the long-term sustainability of the LHAF.

I am prepared to further discuss this information at your convenience.

Attachments: Quarterly Status Report

c: Brian J. Bowling, Deputy City Manager
Vicki Georgeau, Deputy Director of Neighborhood Services

Kalamazoo County Public Housing Commission
P.O. Box 51545
Kalamazoo, MI. 49005

January 5, 2010

City of Portage
7900 South Westnedge Avenue
Portage, MI. 49002
Attention: Maurice Evans, City Manager
cc: Jeffery M. Erickson, Director, Department of Community Development

Re: Quarterly Status Report – **January 1, 2010**

Gentlemen:

The purpose of this letter and its attachments is intended as the January 1, 2010 Quarterly Status Report.

The time line in this report will cover those served between October 1, 2009 and December 31, 2009. Portage funds expended in this period are reflected in first attachment first with about a 30 day turnaround – this has improved from the previous 60 day turnaround.

Also attached is the trial balance sheet dated 12/31/09 showing yearend balance of \$202,560.81 which will be expended in 2010. The \$202,560.81 represents about 20% of the total collected for the fund, including all match, of \$1,001,405.

NEW PROJECTS: No new projects have been undertaken during the period in question.

FUND DEVELOPMENT:

- There are no new governmental funds.
- We have not yet achieved state legislation, but the discussion had taken place in Lansing and a State House Bill has been reintroduced.
- The Community has received ARRA 2009 funds by two routes totaling \$1,150,000 which will be administered through HRI at the request of the Affordable Housing Partnership. The funds will provide rental subsidies for 50 to 70 individuals and families and homeless prevention supports for up to 100 families County wide. These are NOT a part of the PHC- Local Housing Assistance Fund, but will be serving the same at risk population of homeless and nearly homeless persons. There is an Oversight Committee for the Stimulus funds that meets quarterly and includes the Cities of Kalamazoo and Portage and the County of Kalamazoo and several providers and advocates.

TOTAL UNITS OF SERVICE delivered in the above referenced timeline:

- Tenant Based Rental Subsidies; see first attachment: 9 active Portage subsidies with 3 graduates, and 0 withdrawal for non-compliance. (Over all in the program there are 36 active subsidies.)
- Homeless Prevention Supports I Portage; see first attachment: 3 active support efforts.

- Portage Community Center continues to be a very active and responsible Voucher Sponsoring Organization and an extraordinarily valuable partner. {Total list of sponsoring organizations include: 1) Oakland House (now under Community Mental Health: formerly under the County as the Emergency Over Night Shelter, 2) Open Door/Next Door, 3) Bethany House (has closed operation, but is still working with persons with subsidies), 4) Gospel Mission, 5) Ministry with Community, 6) Portage Community Center, 7) Edison Neighborhood, 8) YWCA Domestic Assault, 9) Michigan Prison Reentry Initiative/Michigan Department of Corrections {MPRI/MDOC}, and 10) Richland Community Group (includes three churches).

We look forward to presenting an overall update to the Portage City Council in January or February which will include the PHC visions for the future and its next steps to get there.

As always, questions, comments or concerns are welcome.

Sincerely, on behalf of the Kalamazoo County Public Housing Commission, I remain a volunteer in the journeys of the PHC.

David P. Artley

David P. Artley,
dpartl@kalcounty.com
(269) 384-8304

Enclosures: LHAF Subsidies/Homeless Prevention/ Other Services Chart and Internal County Chart for 535 LHAF account.

cc: PHC Treasurer and PHC Chair.

SUBSIDY PAYMENTS - January 1, 2010
PORTAGE RESIDENTS
(Oct.-Dec. 2009)

<corrected 1/12/2010>

<u>Subsidy Number</u>	<u>QTRTD</u>	<u>Adults</u>	<u>Children</u>	<u>YTD</u>
060-08	\$ -	1	0	1
068-08	\$ 1,017.00	1	0	1
079-08	\$ 771.00	1	0	1
062-08	\$ -	1	0	1
069-08	\$ -	0	0	0
070-08	\$ -	1	2	3
084-08	\$ 1,289.00	1	0	1
037-08	\$ -	1	1	2
047-08	\$ 1,332.00	1	1	2
058-08	\$ 951.00	1	0	1
092-09m	\$ 518.00	1	0	1
105-09	\$ 817.00	1	0	1
099-09	\$ 570.00	2	0	2
106-09	\$ 1,197.00	1	0	1
097-09	\$ 972.00	1	3	4
Sub-total	\$ 9,434.00	15	7	22

HOMELESS PREVENTION

Back Rent Payments

Rental Rewards

225219	\$ -	2	3	5
196673	\$ -	1	0	1
266421	\$ -	1	1	2
267344	\$ -	2	1	3
268378	\$ -	1	2	3
191117	\$ -	1	1	2
258144	\$ 519.00	1	3	4
115828	\$ 650.00	1	0	1
450810	\$ 950.00	2	3	5
Sub-total	\$ 2,119.00	12	14	26

OTHER SERVICES/FUNDING

Endowment Donation

Leverage Funds

Sub-total

TOTAL \$ 11,553.00

Grand Totals

	<i>Beginning Balance</i>	<i>Debits</i>	<i>Credits</i>	<i>YTD Debits</i>	<i>YTD Credits</i>	<i>Balance</i>
Total Assets	344,929.90	200,000.00	252,369.09	200,000.00	252,369.09	292,560.81
Total Liabilities	0.00	252,369.09	252,369.09	252,369.09	252,369.09	0.00
Total Equities	344,929.90 CR	0.00	0.00	0.00	0.00	344,929.90 CR
Total Operating	0.00	252,369.09	200,000.00	252,369.09	200,000.00	52,369.09
Total Expenditures	0.00	0.00	0.00	0.00	0.00	0.00
Total Revenues	0.00	0.00	0.00	0.00	0.00	0.00
Total Budgetary	0.00	0.00	0.00	0.00	0.00	0.00
Total All Funds	0.00	704,738.18	704,738.18	704,738.18	704,738.18	0.00

Local Housing Assistance

Monthly Statements fr
Yeo & Yeo as of 11/30/09/09

	2007	2008	2009	Program
	YTD	YTD	YTD	To Date
Revenue				
City/County funds	\$ 254,000.00	\$ 202,475.10	\$ 252,369.09	\$ 708,844.19
319 Elm St. Rent	-	1,020.00	-	1,020.00
MSHDA Match Contributions	-	-	-	-
HUD 5-year Grant	40,594.24	16,954.24	13,522.24	71,070.72
LISC	6,110.00	-	-	6,110.00
LHAF Match Contributions	-	8,583.00	-	8,583.00
Interest Income	3,199.60	4,496.55	444.22	8,140.37
	<u>\$ 303,903.84</u>	<u>\$ 233,528.89</u>	<u>\$ 266,335.55</u>	<u>\$ 803,768.28</u>
Expenditures				
LHAF - Administration	\$ 8,000.00	\$ 5,000.00	\$ -	\$ 13,000.00
LHAF - Tranfer to Endowment	-	50,000.00	15,000.00	65,000.00
Development Projects	-	-	11,133.17	11,133.17
LHAF - Homeless Prevention	7,747.50	23,001.50	20,158.00	50,907.00
LHAF - Subsidy Payments	35,882.00	121,333.94	175,020.00	332,235.94
LHAF - Accounting Fees	1,560.00	3,120.00	2,860.00	7,540.00
LHAF - Audit Fees	-	1,500.00	6,200.00	7,700.00
LHAF - Legal Fees	-	10,000.00	-	10,000.00
LHAF - Misc. - Office Supplies	137.97	\$ 779.63	416.17	1,333.77
LHAF - Post Office Box	86.00	\$ 93.00	-	179.00
LHAF - Other	-	3.00	-	3.00
LHAF - Match Expense	-	8,583.00	-	8,583.00
MSHDA - Administration	-	-	-	-
MSHDA - Building Purchase	-	143,296.62	-	143,296.62
MSHDA - Building Renovation	-	-	-	-
MSHDA - LISC Payments	4,110.00	-	6,110.00	10,220.00
MSHDA - Other	10,178.15	16,014.15	-	26,192.30
HUD - Subsidy	40,594.24	16,954.24	13,522.24	71,070.72
	<u>\$ 108,295.86</u>	<u>\$ 399,679.08</u>	<u>\$ 250,419.58</u>	<u>\$ 758,394.52</u>
		206,382.46		
Remaining Advance	<u>\$ 195,607.98</u>	<u>\$ 29,457.79</u>	<u>\$ 45,373.76</u>	<u>\$ 45,373.76</u>
Endowment				
Transfer fr LHAF for Endowment		\$ 50,000.00	\$ 15,000.00	\$ 65,000.00
Total Endowment	<u>\$ -</u>	<u>\$ 50,000.00</u>	<u>\$ 65,000.00</u>	<u>\$ 65,000.00</u>

Local Housing Assistance, Kalamazoo County

Fund 535-000

As of 12/31/2009

	2007	2008	2009	Program To Date
	YTD	YTD	YTD	
REVENUE:				
581.00 Local Unit Contribution	-	-	100,000.00	100,000.00
600.10 Donations	-	151,405.00	-	151,405.00
600.37 Local - City of Kalamazoo	125,000.00	125,000.00	-	250,000.00
699.01 Trf from #101 General Fund	129,000.00	271,000.00	100,000.00	500,000.00
	<u>\$ 254,000.00</u>	<u>\$ 547,405.00</u>	<u>\$ 200,000.00</u>	<u>\$ 1,001,405.00</u>
EXPENDITURE:				
969.05 Approp to Public Housing Com.	<u>254,000.00</u>	<u>202,475.10</u>	<u>284,000.09</u>	<u>740,475.19</u>
	<u>\$ 254,000.00</u>	<u>\$ 202,475.10</u>	<u>\$ 284,000.09</u>	<u>\$ 740,475.19</u>
Fund 535 FUND BALANCE	-	344,929.90	260,929.81	260,929.81

Note, cash request for Nov. and Dec. of \$31,631.00 processed in December has been included in Approp to PHC, but has not yet been reported on KCPH Commission Statements as of 11/31/09.

CITY OF PORTAGE

COMMUNICATION

TO: Honorable Mayor and City Council

DATE: January 8, 2010

FROM: Maurice S. Evans, City Manager



SUBJECT: December 2009 Summary Environmental Activity Report – Information Only

Attached please find the December 2009 Summary Environmental Activity Report from the Department of Transportation and Utilities Director, Dallas Williams. New material, or material of specific interest to City Council is presented in italics.

These items serve to update the Council on environmental affairs.

c: Dallas Williams, Director, Department of Transportation and Utilities
Planning Commission
Portage Environmental Board

SUMMARY ENVIRONMENTAL ACTIVITY REPORT

December 2009 (*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 April 10, 2007 to perform annual groundwater sampling. The site groundwater data will be monitored to confirm continuation of the natural attenuation process. Consultant completed 2007 sampling and analysis in June 2007 and submitted the report to MDEQ. Sampling shows continued improvement in groundwater quality. Sampling performed in May 2009. Annual report submitted in June 2009. General groundwater quality continues to improve.
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 3 site/building plans and/or plats completed in December 2009.</i>
Sewer Connection Program	Groundwater protection program requiring residential/business hookup to the sanitary sewer where available.	<i>-Sanitary sewer hookup permits issued in December 2009: 3 residential, 0 commercial. One connection is part of the Mandatory Sewer Connection Program.</i>
West Lake Management Program	Special assessment district designed to maintain/improve lake conditions.	-Five Year Lake Management Assessment District process initiated (Resolution #1) on December 7, 2004. Resolution #3 was approved by City Council on January 11, 2005. Resolution #5 was adopted by City Council on February 8, 2005. On March 22, 2005, City Council approved a contract with Aquatic Services, Goodrich, MI, to perform annual weed treatment. West Lake currently working with the Kalamazoo County Drain Commissioner to create a filtration system on the Austin Lake Drain. On July 10, 2007, City Council authorized the Administration to submit a grant application in the amount of \$5,000 to the Kalamazoo Foundation to assist funding the filtration system. Construction bids received by the Drain Commissioner on November 14, 2006. 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. Weed treatment completed in July 2008. Fall weed and fish survey began in September and was completed in October. The Lake Association used Lake Shore Environmental, LLC. Spring 2009 weed control application was completed in June 2009. Lake Association currently working on new 5 year improvement plan and special assessment request.

Retention Basin Sampling Program
Investigation regarding potential impact of retention basins on groundwater.

-Historical monitoring continues to show minor impacts at most basins. From 1993 through 2005 the monitoring program showed stable groundwater impacts due to stormwater infiltration. Alternative road salt practices continue to be considered and evaluated. On April 11, 2006, City Council awarded contract to Kieser & Associates. 2008 semi-annual sampling complete. City staff has initiated a compilation of all city retention basin groundwater levels. 2008 annual report received with consistent water quality results. June 2009 sampling complete. *Winter sampling performed in early December 2009.*

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. 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 2008 in June and January. Sampling and analysis results continue to show no groundwater impacts from the leaf composting. Sampling schedule reduced to annual sampling with results showing continued minor impact on groundwater quality. Sampling completed in July 2008 with minimal groundwater impacts noted. Sampling completed in July 2009 with minimal impacts.

Portage Creek Water Quality Sampling
Expanded program of water quality testing of Portage Creek.

City Council awarded a contract in November 2001 to Kieser & Associates to expand the Consolidated Drain testing to include additional sampling points in Portage Creek. Monitoring and analysis of the basic creek water quality indicates effectiveness of current stormwater practices. Quarterly reports show no detection of hydrocarbons in the South Westnege Avenue Stormwater

Treatment and Enhancement Project area and lower levels of water turbidity and nutrients. Sampling completed for June 2006 through 2008 with results continuing to show improved water quality. Semiannual sampling completed February 27, 2007. Latest sampling completed in May 2007 with results showing stable water quality. Current sampling completed in November 2007 and report received in December. Report shows consistent water quality in Portage Creek and West Fork of Portage Creek. Sampling completed in May 2008. Annual report received with consistent water quality results. Staff is currently working on water quality testing at Barberry Avenue and West Lake.

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. Permit implementation is ongoing. 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. Revised SWPPI to incorporate watershed management plans. Annual report was submitted December 29, 2006. SWPPI comments received from the MDEQ and revisions resubmitted. Public education plan submitted to MDEQ on October 31, 2007. Additional NPDES SWPPI data and public education plan submitted on November 6, 2007. Annual report was submitted December 31, 2007. The MDEQ approved the revised public education plan and SWPPI on January 15, 2008. Re-application for permit extension was submitted on March 24, 2008. New permit applications are due August 1, 2008 for a 5 year permit cycle. The permit application for the city was submitted to MDEQ on July 31, 2008. Annual permit report submitted in December 31, 2008. Next five year permit expected in fall 2009. 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.

National Pollution Discharge Elimination System (NPDES) permit implementation

Kalamazoo River Mainstem Watershed Management Plan

First meeting was held September 17, 2004. The public participation plan for the Watershed was submitted on November 22, 2004. The Public Education Plan was submitted December 31, 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. Watershed Committee meeting held November 22, 2005. Watershed planning focused on threatened uses and potential correction of water quality. Draft watershed plan submitted to MDEQ on December 30, 2005. Review comments received from MDEQ and revised watershed plan due in December 2006. Public information meeting was

	<p>held at County Fairgrounds on October 24, 2006. Revised Watershed Plan submitted November 30, 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.</p>
<p>Portage River Watershed Management Plan</p>	<p>Public participation plan submitted June 28, 2004. The Public Education Plan was submitted December 31, 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. First watershed meeting was held November 29, 2005. Meeting focused on water quality in the watershed and identification of pollution sources. 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.</p>
<p>Five year plan to implement an Illicit Discharge Elimination Plan (IDEP).</p>	<p>-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 May 27, 2003, City Council awarded a contract to Fishbeck, Thompson, Carr and Huber for the West Fork element of the IDEP. 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. Due to a less than anticipated number of illicit connections, city staff asked MDEQ to expand mapping activities under the grant program. Program implementation is ongoing as funding allows. Continued outfall sampling is required by permit and will be budgeted accordingly.</p>
<p>Garden Lane Arsenic Removal Facility</p> <p>Construction of a water treatment facility at the Garden Lane Wellfield to remove arsenic, iron and manganese from the groundwater.</p>	<p>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. Feasibility study recommended construction of a filter system using various filter media materials. Small scale pilot studies began in spring 2007.</p>

Pilot studies completed with generally favorable results. Geotechnical soils report completed in April 2007 and wetlands delineation received in May. Operating plants visited in May to familiarize staff with various arsenic removal processes. City staff currently evaluating three possible treatment vendors to make a final equipment selection. 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. Construction underway with clearing and earth work complete. Underground piping and foundation work complete. Concrete floors and wall construction complete. Outside piping and inside plumbing complete. *Building interior and exterior site work complete. Interior painting ongoing.* Garden Lane Well #4 drilling is complete and well building is underway. *Anticipated project start up in January 2010, with final completion in spring 2010.*

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 2009-0. The number of incidents requiring city forces/contractor emergency cleanups-1. Close out of gasoline spill on Sprinkle Road near Zylman Road due to a vehicle crash is ongoing.

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. Current activities are focused on assisting the affected property owners with possible solutions. A storm drainage line extension project has been designed with a bid opening set for September 18, 2008. City Council awarded a contract to Peters Construction Company on September 23, 2008. Construction began in mid October. Project was extended to serve 3 additional properties. Work was completed on October 31, 2008. City staff continues to investigate other remedies for local groundwater table issues. Work underway 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 18" from spring 2009 levels and level has stabilized in December. Sampling will continue through the fall and winter months.*



CITY OF PORTAGE

PARK BOARD

7900 SOUTH WESTNEDGE AVENUE, PORTAGE, MI 49002

January 12, 2010

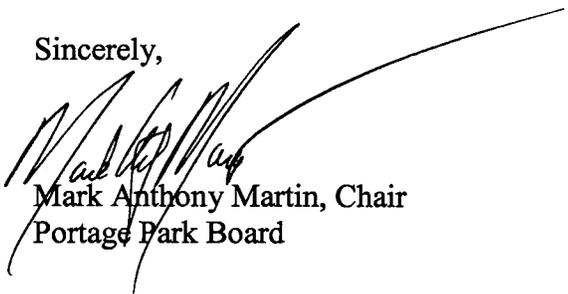
RE: Spraypark Recommendation

Honorable Mayor & City Council:

During the January 6, 2010 meeting, the Park Board reviewed options for development of spraypark for the community. A majority of the Park Members believe that Ramona Park is the best location for a spraypark. The Park Board would provide the following eight points for City Council consideration on the spraypark issue:

1. Table the project for a few years due to economic uncertainty and limited funding support.
2. Conduct an extensive community survey to determine citizen interest and willingness to assist with operational costs.
3. City Council members need to promote spraypark as a possible public/private venture as they meet with various community and business leaders.
4. Determine if the spraypark is a want or need of the community.
5. Build a smaller, neighborhood spraypark in Lexington Green Park.
6. Is this a case where "build it and they will come"?
7. The spraypark should benefit a low income area due to changing city demographics.
8. Determine the feasibility of transporting children from the community to a new spray park.

Sincerely,



Mark Anthony Martin, Chair
Portage Park Board

January 14, 2009

Great Lakes Renewable Energy Association
Ms. Samantha Keeney
PO Box 346
257 S. Bridge St., Dimondale MI 48821

RE: Letter of Support for the Michigan Energy Fair

Dear Ms. Keeney,

The Environmental Advisory Board for the City of Portage is pleased to provide this letter of support for the Kalamazoo County Fairgrounds to serve as the host location for the 2010 Michigan Energy Fair.

The Portage Environmental Board is a nine-member board tasked to advise City Council on matters pertaining to the environment and matters relating to the protection and enhancement of the groundwater resources of the city. The Board is also actively involved in community education and awareness initiatives.

The Board views the 2010 Michigan Energy Fair as a tremendous opportunity for our citizens to increase their awareness and become actively involved in energy issues which affect them. Board members are willing to take an active role in promoting this event, should Kalamazoo County Fairgrounds be chosen.

For the City of Portage Environmental Advisory Board,

William Schwartz, Chair

Cc: Portage City Council
Portage Environmental Advisory Board

TO: Honorable Mayor and City Council

DATE: January 26, 2010

FROM: City Council Assessing Issues Task Force*

SUBJECT: Affirmation of Tasks

ACTION RECOMMENDED: That City Council affirm that the City Council Assessing Issues Task Force continue its work in the areas of System Audit and Property Reassessments and the Board of Review and that the City Administration continue its work in the areas of Customer Service, Education and Best Assessing Practices.

The City Council Assessing Issues Task Force was formed in October 2009 and included Mayor Strazdas (Chair), Councilmember O'Brien and Councilmember Reid. The Task Force met on October 27, 2009 and identified twenty-three recommended actions among the categories of:

- System Audit
- Customer Service
- Education
- Best Assessing Practices
- Property Reassessments

On November 3, 2009, the Council determined that the actions recommended within the System Audit by Outside Parties and Property Reassessments categories would be most appropriately addressed by the City Council and the recommendations in the other three categories would be most appropriately addressed by the City Administration.

At the City Council Goal Setting Session on December 11 and 12, 2009, Council reassigned the members of the City Council Assessing Issues Task Force, now consisting of Mayor Strazdas (Chair), Councilmember O'Brien and Councilmember Randall. The re-formed Task Force met on Friday, January 22 and Monday, January 26, 2010. As a result of these meetings, the Task Force recommends that the Council affirm the tasks concerning assessing issues as noted below:

Continuation of Issues from Previous Task Force

1. **System Audit and Property Reassessments:** Assigned to the Assessing Issues Task Force

Update: *The Task Force wishes to ensure that the assessed value of every property is accurate and fair by determining the best methods for achieving that goal. The Task Force wishes to continue its research and discussion to learn about methods that are currently in place and to determine if changes to these methods are appropriate.*

2. **Customer Service:** Assigned to the Administration

Update: *The Administration has been asked to provide an update to the full Council as to the status of customer service enhancement activity relating to the Office of the City Assessor.*

3. **Educational Materials:** Assigned to the Administration

Update: *The Administration has been asked to expand the range of information made available to the public concerning property valuation matters. A range of information is currently under development for addition to the city website. This activity is ongoing and a full report to the Council concerning this matter has been requested.*

4. **Best Assessing Practices:** Assigned to the Administration

Update: *The Administration has been asked investigate additional best practices promoted by the International Association of Assessing Officers and/or other similar professional associations and implement them as appropriate for the city. This research is on-going and a full report to the Council concerning this matter has been requested.*

New Issue Recommended to be Assigned to the Task Force

1. Board of Review:

- a. Reviewing the dates and duration of Board of Review sessions.
- b. Investigating the need to increase the number of Board of Review members.
- c. Determining if adding alternates to the Board of Review is appropriate to allow for a full Board of Review in the event that one or more members is absent.
- d. Determining the best method for providing education to the Board of Review members.
- e. Determining the appropriateness of the City Assessor acting as the Clerk of the Board of Review.

The Task Force wishes to review and investigate the items noted above and requests that the Council assign this issue to the Task Force. Alternatively, this issue could be assigned to the City Council Advisory Board Review Committee.

In summary, it is recommended that the Council affirm that the City Council Assessing Issues Task Force continue its work in the areas of System Audit and Property Reassessments and the Board of Review as noted above. Further, it is recommended that the Council affirm that the City Administration continue its work in the areas of Customer Service, Education and Best Assessing Practices as noted above.

* Mayor Peter J. Strazdas (Chair)
Councilmember Margaret O'Brien
Councilmember Patricia Randall

CITY OF PORTAGE

COMMUNICATION

TO: Honorable Mayor and City Council

DATE: January 19, 2010

FROM: Maurice S. Evans, City Manager



SUBJECT: Ohio Avenue Sanitary Sewer Lift Station Renovations

ACTION RECOMMENDED: That City Council award a construction contract for the Ohio Avenue Sanitary Sewer Lift Station Renovations to Balkema Excavating, Incorporated, at a total bid price of \$209,088.75 and authorize the City Manager to execute all documents related to the contract on behalf of the city.

The 2008-2018 Capital Improvement Program includes funds for the renovation and upgrading of the Ohio Avenue Sanitary Sewer Lift Station. The project includes replacement of control panels, pumps, wet wells, additional site landscaping and investigation of deficiencies that may exist in other sanitary sewer lift stations.

On January 13, 2009, City Council awarded a consultant contract to Kingscott, Incorporated, for engineering design and inspection services. All design work is complete and on January 14, 2010, five construction bids were received for the lift station replacement. The low bid in the amount of \$209,088.75 was submitted by Balkema Excavating, Incorporated. The contractor has satisfactorily completed similar projects for the city in the past. Sufficient funds will be made available to finance this project through the sale of utility revenue bonds.

It is recommended that City Council award a construction contract for the Ohio Avenue Sanitary Sewer Lift Station Renovations to the low bidder, Balkema Excavating, Incorporated, at the total bid price of \$209,088.75 and authorize the City Manager to execute all documents related to the contract. A complete bid tabulation is attached for the information of City Council.

Attachment

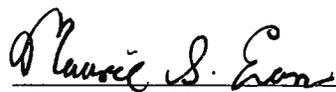
BID TABULATION
OHIO AVENUE LIFT STATION RENOVATIONS

<u>BIDDER</u>	<u>BID</u>
Balkema Excavating, Inc. 1500 River Street Kalamazoo, MI 49048	\$209,088.75
Rothenberger Company, Inc 13380 M60 West Concord, MI 49237	\$277,105.12
Jackson-Merkey Contractors, Inc 555 E. Western Avenue Muskegon, MI 49441	\$294,278.20
LD Docsa 1605 King Highway Kalamazoo, MI 49001	\$295,999.57
Sinatech Construction Company 511 Brown Road Lake Orion, MI 48359	\$371,142.00

MATERIALS TRANSMITTED

Friday, January 08, 2010

1. Communication from the City Manager regarding the West Lake Improvement Association – Information Only.
2. Communication from the City Manager regarding the Spray Park Report – Information Only.
3. Communication from the City Manager regarding the Household Hazardous Waste Program – Information Only.
4. Communication from the City Manager regarding the Citizen Comment Summary for December 2009.



Maurice S. Evans, City Manager

cc: Brian J. Bowling, Deputy City Manager