

**FINAL AGENDA FOR THE COUNCIL MEETING
CITY OF PORTAGE
February 23, 2010**

7:30 p.m. Call to Order.

Swearing in of the Student Mayor and City Councilmembers for the Day.

Invocation: Pastor Ken Hale of the Victory Baptist Church of Portage.

Pledge of Allegiance.

Roll Call.

Proclamations:

A. Approval of the February 9, 2010 Regular Meeting Minutes.

* B. Approval of Consent Agenda Motions.

* C. Communication from the City Manager recommending that City Council approve the Check Register of February 23, 2010, as presented.

D. Public Hearings:

E. Petitions and Statements of Citizens.

F. Reports from the Administration:

* 1. Communication from the City Manager recommending that City Council approve a one-year agreement for comprehensive liability, property and auto fleet insurance through the Michigan Municipal Risk Management Authority at a total not-to-exceed cost of \$544,284 for the period of March 1, 2010, to March 1, 2011, and authorize the City Manager to execute all documents related to the action on behalf of the city.

* 2. Communication from the City Manager recommending that City Council award a contract to American Hydrogeology Corporation to perform the 2010 annual groundwater sampling and reporting for the South Westnedge Park and former Parks Maintenance Facility in the not-to-exceed amount of \$13,000 with an option to renew the contract for two additional years and authorize the City Manager to execute all documents related to the contract on behalf of the city.

* 3. Communication from the City Manager recommending that City Council adopt Resolution No. 4 for the West Lake Management Program Special Assessment District No. 011-Q, setting a public hearing of necessity on the Assessment Roll for March 9, 2010.

* 4. Communication from the City Clerk recommending that City Council adopt the Resolution Designating Polling Places and Rate of Compensation for the May 4, 2010 Consolidated School Election.

* 5. Communication from the City Manager regarding the January 2010 Summary Environmental Activity Report – Information Only.

* 6. Department Monthly Reports.

G. Communications:

1. Presentation from Greg Rosine, Kalamazoo County Transportation Authority Vice Chair, regarding the FY 2009 Annual Report.

H. Unfinished Business:

1. Communication from the City Manager regarding the Resolution in Support of the Legislative Commission on Statutory Mandates.

- * I. Minutes of Boards and Commissions Meetings:
 - 1. Portage Senior Center Advisory Board of December 16, 2009.
 - 2. Portage Human Services Board of January 7 and 21, 2010.
 - 3. Portage Environmental Board of January 13, 2010.
 - 4. Portage Planning Commission of January 21 and February 4, 2010.
- J. Ad Hoc Committee Reports:
- K. New Business:
- L. Bid Tabulations:
- * 1. Communication from the City Manager recommending that City Council accept the proposal submitted by Fishbeck, Thompson, Carr & Huber, Incorporated, in the amount of \$45,000 to update two water resource manuals 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. Thursday, February 25, 2:00 p.m., Board of Review Customer Service Training and Preparational Meeting, City Hall Room #2.
 - b. Monday, March 1, 8:00 a.m., Austin Lake Governmental Board, City Hall Room #1.
 - c. Wednesday, March 3, 8:15 a.m., Historic District Commission, City Hall Room #2.
 - d. Wednesday, March 3, 6:30 p.m., Park Board, Stuart Manor.
 - e. Thursday, March 4, 6:30 p.m., Human Services Board, City Hall Room #1.
 - f. Thursday, March 4, 7:00 p.m., Planning Commission, Council Chambers.
 - g. Monday, March 8, 8:00 a.m., Board of Review, City Hall Room #2.
 - h. Monday, March 8, 7:00 p.m., Zoning Board of Appeals, Council Chambers.
 - i. Tuesday, March 9, 8:00 a.m., Board of Review, City Hall Room #2.
 - j. Tuesday, March 9, 5:30 p.m., Special Meeting of the Portage City Council, City Hall Room #1.
- N. Materials Transmitted of February 5 and 9, 2010.
Adjournment.

CITY COUNCIL MEETING SUMMARY

February 9, 2010

CHECK REGISTER

- ◆ Approved the Check Register of February 9, 2010, as presented.

PUBLIC HEARINGS

- ◆ Approved Ordinance Amendment #09-A; adopted 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; repealed Zoning Code Sections 42-320 to 42-330, Flood Hazard Areas; repealed Zoning Code Section 42-162(D)(1)(2), Flood Boundaries; and adopted the Resolution to Manage Floodplain Development for the National Flood Insurance Program, required by the Federal Emergency Management Agency.
- ◆ Adopted Resolution No. 3 for the West Lake Management Program Special Assessment District No. 011-Q, directing the preparation of the special assessment roll.

REPORTS FROM THE ADMINISTRATION

- ◆ Adopted the Resolution awarding the bid for the City of Portage Michigan Transportation Fund Refunding Bonds, Series 2010, in the amount of \$6,725,000 to Stifel, Nicolaus & Co., Inc., at 2.752054 percent.
- ◆ Accepted Ordinance Amendment #09-C, Home Occupation Regulations, for first reading and established a public hearing on March 9, 2010.
- ◆ Approved a one-year renewal with Peters Construction Company for the Sanitary Sewer Service Repair Call-in Contract at the original not-to-exceed amount of \$26,212.87 and authorized the City Manager to execute all documents related to the contract on behalf of the city.
- ◆ Authorized payment for the emergency purchase of one HP Proliant virtual server and related hardware components at a cost of \$12,381 and authorized the City Manager to execute all documents related to this purchase on behalf of the city.
- ◆ Granted the request from Carrabba's/Birchwood, Limited Partnership (A Florida Limited Partnership), to transfer ownership of the 2009 Class C licensed business, located at 5690 South Westnedge, Portage, to Carrabba's Italian Grill, LLC (A Florida Limited Liability Company).

AD HOC COMMITTEE REPORTS

- ◆ Adopted the Resolution Permitting Protest of Assessed Valuation to the Board of Review by Letter.

BID TABULATION

- ◆ Awarded an engineering professional services contract to Prein & Newhof, Incorporated, for the South Westnedge Avenue/Trade Centre Way Realignment in the not-to-exceed amount of \$56,072 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 discussed the Community Action Agency program to assist those who earned \$45,000 or less in 2009 with their taxes. Sessions will be held at the Portage Community Center and Portage Senior Center. She also encouraged the community to come out and support the annual Walk-for-Warmth to be held on February 27th in Kalamazoo.
- ◆ Councilmember Randall thanked City Council for approving the resolution allowing property owners to appeal their assessments in writing so quickly.
- ◆ Councilmember O'Brien shared news that Mr. Grady Biby, former Kalamazoo County Commissioner who represented a portion of Portage, passed away last week. She then thanked City Manager Evans for his report on the costs associated with giving residents the option of receiving the Portager electronically. She then expressed interest in City Council adopting a resolution regarding unfunded mandates at their next meeting.
- ◆ City Manager Evans discussed the Transportation Fund Refunding Bonds that were approved by Council on the Consent Agenda and indicated that the action will save \$476,805 over several years and he complimented Financial Services Director Robert Luders and Finance Director Daniel Foecking on their efforts.
- ◆ Mayor Pro Tem Sackley discussed the Kalamazoo Valley Community College (KVCC) Wind Energy Center in which students are trained to install, operate and repair large wind turbines. He continued by stating that the program is unique in the United States and the only one qualified under internationally recognized BZEE standards.

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

CITY COUNCIL MEETING MINUTES FROM FEBRUARY 9, 2010

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The Regular Meeting was called to order by Mayor Pro Tem Edward J. Sackley at 7:30 p.m.

The Deputy City Clerk called the roll with the following members present: Councilmembers Elizabeth A. Campbell, Margaret E. O'Brien, Patricia M. Randall, Claudette S. Reid, Terry R. Urban and Mayor Pro Tem Edward J. Sackley. Mayor Peter J. Strazdas was absent with excuse. Also in attendance were City Manager Maurice S. Evans, City Attorney Randall Brown and Deputy City Clerk Adam D. Herringa.

Mayor Pro Tem Sackley introduced Pastor Jeff Jones of the Kalamazoo Valley Family Church, who gave the invocation and the City Council and the audience recited the Pledge of Allegiance.

APPROVAL OF MINUTES: Motion by O'Brien, seconded by Campbell, to approve the January 26, 2010 Regular Meeting Minutes as presented. Upon a voice vote, motion carried 5 to 0 with Councilmember Urban abstaining.

* **CONSENT AGENDA:** Mayor Pro Tem Sackley asked Councilmember Urban to read the Consent Agenda. Councilmember Urban asked that Item F.2, Ordinance Amendment #09-C, Home Occupation Regulations, be removed from the Consent Agenda. Motion by Urban, seconded by Reid, to approve the Consent Agenda motions as amended. Upon a roll call vote, motion carried 6 to 0.

* **APPROVAL OF CHECK REGISTER OF FEBRUARY 9, 2010:** Motion by Urban seconded by Reid, to approve the Check Register of February 9, 2010. Upon a roll call vote, motion carried 6 to 0.

PUBLIC HEARINGS:

APPROVAL OF ORDINANCE AMENDMENT #09-A: Mayor Pro Tem Sackley opened the public hearing and asked Jeff Erickson, Director of Community Development, to review the proposed ordinance amendment. Mr. Erickson reviewed the Flood Insurance Rate Map provided by the Federal Emergency Management Agency (FEMA) and provided background information on the National Flood Insurance Program. He indicated that each community in the nation must ensure that their flood plain regulations are consistent with national standards. The goal of national, state and local flood plain regulations is to minimize loss of life and property in flood hazard areas. Mr. Erickson then reviewed the proposed ordinance changes in more detail and indicated that the Planning Commission had reviewed the proposed regulations and recommended approval.

Councilmember O'Brien inquired how many properties in Portage were considered to be in the floodplain and stated that the primary concern of the regulations is new construction in flood prone areas. She also mentioned that the City of Portage qualifies for a "Class 8 rating" from FEMA meaning that residents receive a 10% discount on flood insurance premiums. Mr. Erickson indicated that there are numerous properties in Portage that are in a flood plain.

Mayor Pro Tem Sackley discussed the efforts of FEMA to revise floodplain maps all across the country. He stressed the importance of accurately determining floodplains and making sure citizens understand what the FEMA efforts mean.

Mayor Pro Tem Sackley opened the public hearing for discussion from the audience. There being no discussion, motion by Campbell, seconded by Reid, to close the public hearing. Upon a roll call vote, motion carried 6 to 0. Motion by Urban, seconded by O'Brien to approve Ordinance Amendment #09-A, and

- a. adopt 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;
- b. repeal Zoning Code Sections 42-320 to 42-330, Flood Hazard Areas;

- c. repeal Zoning Code Section 42-162(D)(1)(2), Flood Boundaries; and
- d. adopt the Resolution to Manage Floodplain Development for the National Flood Insurance Program, required by the Federal Emergency Management Agency.

Upon a roll call vote motion carried 6 to 0.

**RESOLUTION NO. 3 FOR THE WEST LAKE MANAGEMENT PROGRAM
SPECIAL ASSESSMENT DISTRICT NO. 011-Q:**

Mayor Pro Tem Sackley opened the public hearing and asked City Engineer Christopher Barnes to introduce the item. Mr. Barnes discussed the necessity of creating the 5-year lake management program and the desire of the West Lake Improvement Association to control nuisance aquatic plants. Mr. Barnes then reviewed the program and its history. He then reviewed the costs of the project and how it will be funded. He also explained why the assessment would be applied on a per parcel basis.

Councilmember Reid inquired as to why the project is being managed via the West Lake Improvement Association and not a formal governmental lake board. Mr. Barnes explained that this is largely due to past practice with this project and the lack of controversy among involved property owners. Councilmember O'Brien agreed that this project has not been controversial and that there is a broad consensus regarding the weed abatement program. Councilmember Urban explained why there is a governmental lake board for Long Lake and that the project in question is relatively simple as compared to lake improvement efforts that have been discussed for Austin Lake. Mayor Pro Tem Sackley stated that the scope of the West Lake project is rather simple but that more complex projects can best be served by a formal lake board. Mr. Barnes then reviewed efforts of the City of Portage to support the weed abatement program.

Mayor Pro Tem Sackley opened the public hearing for discussion from the audience. There being no discussion, motion by O'Brien, seconded by Campbell, to close the public hearing. Upon a roll call vote, motion carried 6 to 0. Motion by O'Brien, seconded by Reid, to adopt Resolution No. 3 for the West Lake Management Program Special Assessment District No. 011-Q, directing the preparation of the special assessment roll. Upon a roll call vote, motion carried 6 to 0.

REPORTS FROM THE ADMINISTRATION:

* **TRANSPORTATION FUND REFUNDING BONDS, SERIES 2010:** Motion by Urban, seconded by Reid, to adopt the Resolution awarding the bid for the City of Portage Michigan Transportation Fund Refunding Bonds, Series 2010, in the amount of \$6,725,000 to Stifel, Nicolaus & Co., Inc., at 2.752054 percent. Upon a roll call vote motion carried 6 to 0.

ORDINANCE AMENDMENT #09-C, HOME OCCUPATION REGULATIONS: Mayor Pro Tem Sackley asked Councilmember Urban to begin discussion on this topic. Councilmember Urban began by indicating that the ordinance amendment is up for "first reading" and that no final action can be taken tonight. He explained that the ordinance expands the current home occupation ordinance and land development regulations by adding a second class of home occupation. He then reviewed several aspects of the new home occupation class and read B.6 of the proposed ordinance. He indicated that he believed the language to be awkward and asked if, should the language be clarified, the first reading would be nullified. City Attorney Randall Brown indicated that the First Reading would remain valid. Councilmember Urban inquired as to why the decision was made to expand home occupation permits and why a property must abut a major thoroughfare to even be considered for a permit.

Mr. Erickson explained that the ordinance would allow for more home business occupation opportunities but, at the same time, tightly regulate them. He then stated that the genesis of this revised ordinance was Portage 2025 and City Council Goals and Objectives. Mr. Erickson reviewed the requirements for the permit and the role of the Planning Commission in granting one.

Councilmember Reid stated that anyone can have a passive business in their home but, if they wanted to hire an employee, it would be allowed under the proposed ordinance only if the property involved abutted a major thoroughfare. She then asked if this proposed ordinance would restrict a business from growing. Mr. Erickson responded in the affirmative and indicated that this is designed to limit the impact of a home-based business on a neighborhood.

Mayor Pro Tem Sackley expressed concerns with the Planning Commission being able to uniformly and equitably review and grant permits. He also stated that he saw no distinction between a parcel that abuts a major thoroughfare and one located in a neighborhood interior. Mr. Erickson explained that the Planning Commission deliberated these and other matters at length and also stated that streets are designed to carry traffic and promote flow. He does support allowing home-based businesses to open up additional access points on major thoroughfares.

Mayor Pro Tem Sackley inquired as to the details of what type of structure could be used as a location for a home-based business under the proposed ordinance and cited an example of someone opening up an auto repair shop in their garage. Mr. Erickson explained why it is unlikely that an individual would be able to meet the requirements of the proposed ordinance and open an auto repair shop in his garage. He also explained that there is a public hearing aspect of the ordinance allowing neighbors to voice any concerns or support to a permit request.

Councilmember Urban explained that he remembers significant controversy in the early 1980s when changes to the ordinance were proposed. He then indicated that the subjective nature of the review by the Planning Commission and potential inequity of allowing a permit for properties that abut a major thoroughfare and not others is of concern to him. He asked that a history of past changes to the ordinance in question be provided to City Council in advance of any public hearing. Discussion followed.

Councilmember Reid inquired as to whether anyone had inquired about opening a home business as outlined in the proposed ordinance and asked that the ordinance better define what qualifies as a home occupation. Mr. Erickson replied that no one had asked about obtaining a home-based permit since the Planning Commission began deliberating the ordinance and Attorney Brown opined that providing a listing of allowable businesses is not possible. He continued by stating that it is more appropriate to set more universal standards that must be followed and met. Councilmember O'Brien stated that it is important to clarify for residents and entrepreneurs what requires a permit. Attorney Brown stated that there should be an education component but that enforcement would likely be driven by complaints.

Mayor Pro Tem Sackley stated that he was pleased that the Planning Commission, Administration and City Council were looking at this matter and that it may expand opportunities for people to work at home. Councilmember Urban indicated that he had a home occupation permit for a long time and inquired whether activities related to fine arts can be regulated by a locality. Attorney Brown responded in the affirmative. Discussion followed.

Motion by Urban, seconded by O'Brien, to accept Ordinance Amendment #09-C, Home Occupation Regulations, for first reading and establish a public hearing on March 9, 2010. Upon a roll call vote, motion carried 6 to 0.

* **SANITARY SEWER SERVICE REPAIR CALL-IN CONTRACT:** Motion by Urban, seconded by Reid, to approve a one-year renewal with Peters Construction Company for the Sanitary Sewer Service Repair Call-in Contract at the original not-to-exceed amount of \$26,212.87 and authorize the City Manager to execute all documents related to the contract on behalf of the city. Upon a roll call vote, motion carried 6 to 0.

* **EMERGENCY PURCHASE OF HP PROLIANT VIRTUAL SERVER AND RELATED HARDWARE COMPONENTS:** Motion by Urban, seconded by Reid, to authorize payment for the emergency purchase of one HP Proliant virtual server and related hardware components at a cost of

\$12,381 and authorize the City Manager to execute all documents related to this purchase on behalf of the city. Upon a roll call vote, motion carried 6 to 0.

*** TRANSFER OWNERSHIP OF THE 2009 CLASS C LICENSED BUSINESS, LOCATED AT 5690 SOUTH WESTNEDGE:** Motion by Urban, seconded by Reid, to grant the request from Carrabba's/Birchwood, Limited Partnership (A Florida Limited Partnership), to transfer ownership of the 2009 Class C licensed business, located at 5690 South Westnedge, Portage, to Carrabba's Italian Grill, LLC (A Florida Limited Liability Company). Upon a roll call vote, motion carried 6 to 0.

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

- Portage Board of Education Regular of December 14, 2009, and Committee of the Whole Work Session of January 11, 2010.
- Portage Park Board of January 6, 2010.
- Portage Planning Commission of January 7, 2010.

AD-HOC COMMITTEE REPORTS: Mayor Pro Tem Sackley asked if a member of the City Council Assessing Issues Task Force would like to speak to this item. Councilmember O'Brien expressed satisfaction with the deliberative process that led to the proposed resolution allowing property owners to appeal their assessment via letter. She emphasized the importance of treating every property owner fairly and equitably. Councilmember Randall stated that the proposed resolution will benefit property owners that are out-of-town, have difficult work schedules, are dealing with a medical condition, etc., by allowing them to appeal their assessment via a letter as opposed to exclusively in person. She also indicated that the committee will be looking at other methods of appeal, such as via electronic transmission in the future.

Councilmember Reid expressed concern as to what would happen to a person who appeals via letter but, for whatever reason, the information provided is incomplete and how the Board of Review would handle such a circumstance. She stated that she believed the Board of Review would likely let the stated property value stand and asked if the committee had discussed this. Councilmember O'Brien responded by stating there are limits when somebody appeals via letter and extolled the importance of providing tools so that property owners understand the appeals process. She then explained that detailed information on how to appeal will be available online and at the Office of the City Assessor.

Councilmember Reid then asked about the role of an agent in the appeals process. Councilmember Randall said that Michigan law allows for an agent or personal representative in the appeals process. She continued that a written authorization, such as a simple letter, is all that is needed to designate an agent. Discussion followed regarding the role of an agent.

Councilmember Reid asked what would happen if somebody submitted a written appeal and designated an agent to attend the Board of Review on his or her behalf. Councilmember O'Brien responded that a person must choose how to appeal as he or she has one opportunity to be heard. Attorney Brown explained that the Board of Review would look at all information presented, whether it is an appeal by letter, in-person or somebody who sends both a letter and appeals in person. He continued that the burden of proof lies with the taxpayer and any inconsistencies among information would be for the Board of Review to determine.

Councilmember Urban expressed confusion between the proposed resolution and in-person appeals and Councilmember O'Brien clarified that the resolution applies exclusively to appeals that are made in writing.

Mayor Pro Tem Sackley thanked everyone for a healthy discussion and complimented Councilmember Randall on her efforts to raise awareness of the appeals process. He continued by

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stating that neither the City Council nor Administration will be able to answer every question that may arise regarding an appeal. It is up to the Board of Review to make a determination.

Motion by O'Brien, seconded by Campbell, to adopt the Resolution Permitting Protest of Assessed Valuation to the Board of Review by Letter. Upon a roll call vote, motion carried 6 to 0.

BID TABULATIONS:

* **AWARD AN ENGINEERING PROFESSIONAL SERVICES CONTRACT TO PREIN & NEWHOF, INCORPORATED:** Motion by Urban, seconded by Reid, to award an engineering professional services contract to Prein & Newhof, Incorporated, for the South Westnedge Avenue/Trade Centre Way Realignment in the not-to-exceed amount of \$56,072 and authorize the City Manager to execute all documents related to the contract on behalf of the city. Upon a roll call vote, motion carried 6 to 0.

OTHER CITY MATTERS:

STATEMENTS OF CITY COUNCIL AND CITY MANAGER: Councilmember Campbell congratulated the Boy Scouts of America on their 100th anniversary and reminded everyone of the planned community fireworks on July 3rd.

Councilmember Reid discussed the Community Action Agency program to assist those who earned \$45,000 or less in 2009 with their taxes. Sessions will be held at the Portage Community Center and Portage Senior Center. She also encouraged the community to come out and support the annual Walk-for-Warmth to be held on February 27th in Kalamazoo.

Councilmember Urban thanked City Council for indulging him by debating the proposed changes to the Home Occupation Regulations in advance of the public hearing.

Councilmember Randall thanked City Council for approving the resolution allowing property owners to appeal their assessments in writing so quickly. She then discussed a successful fundraiser she attended for the Portage Athletic Foundation and thanked all those who support this foundation.

Councilmember O'Brien shared news that Mr. Grady Biby, former Kalamazoo County Commissioner who represented a portion of Portage, passed away last week. She stated that the thoughts and prayers of the Portage City Council are with his family. She then thanked City Manager Evans for his report on the costs associated with giving residents the option of receiving the Portager electronically. She then expressed interest in City Council adopting a resolution regarding unfunded mandates at their next meeting.

City Manager Evans discussed the Transportation Fund Refunding Bonds that were approved by Council on the Consent Agenda and indicated that the action will save \$476,805 over several years. This is an example of City Administration working diligently to find savings and he complimented Financial Services Director Robert Luders and Finance Director Daniel Foecking on their efforts.

Mayor Pro Tem Sackley informed the public that he started with another third grade class in support of the Junior Achievement program. He then discussed the Kalamazoo Valley Community College (KVCC) Wind Energy Center in which students are trained to install, operate and repair large wind turbines. He continued by stating that the program is unique in the United States and the only one qualified under internationally recognized BZEE standards. The entire community should be proud of KVCC and of the support it receives.

ADJOURNMENT: Mayor Pro Tem Sackley adjourned the meeting at 9:17 p.m.

Adam D. Herringa, Deputy City Clerk

*Indicates items included on the Consent Agenda.

CITY OF PORTAGE

COMMUNICATION

TO: Honorable Mayor and City Council

DATE: February 16, 2010

FROM: Maurice S. Evans, City Manager

SUBJECT: Check Register

ACTION RECOMMENDED: That City Council approve the Check Register of February 23, 2010 as presented.

Attached please find the Check Register for the period February 3, 2010 through February 16, 2010, which is recommended for approval.

c: Daniel S. Foecking, Finance Director

CHECK DATE	CHECK NUMBER	VENDOR NAME	VENDOR #	BANK CODE	CHECK AMOUNT
02/05/2010	269616	A I S CONSTRUCTION EQUIP. CO.	640		3,432.40
02/05/2010	269617	AT&T	849		6,469.36
02/05/2010	269618	A T & T LONG DISTANCE	4060		266.75
02/05/2010	269619	ADAMS BUILDING CONTRACTORS, IN	4350		201,201.00
02/05/2010	269620	ADAMS REMCO, INC.	103		677.40
02/05/2010	269621	ALL-PHASE ELECTRIC SUPPLY CO.	108		694.01
02/05/2010	269622	ALLEGRA PRINT & IMAGING	533		2,017.73
02/05/2010	269623	ALRO STEEL CORPORATION	2934		37.20
02/05/2010	269624	ANY CUTTING & WELDING	3347		130.00
02/05/2010	269625	ARISTA TRUCK SYSTEMS	4459		1,464.84
02/05/2010	269626	ARROW UNIFORM RENTAL	4058		116.10
02/05/2010	269627	AUTOMATIC DATA PROCESSING	3305		907.43
02/05/2010	269628	AUTOMATIC MICROFILMING CO.	863		1,250.00
02/05/2010	269629	B & B YARDSCAPE	3114		11,405.00
02/05/2010	269630	BAC TAX SERVICES	999999		175.66
02/05/2010	269631	BATES, LOIS	999999		45.00
02/05/2010	269632	BCHS-HELNET	1732		1,328.10
02/05/2010	269633	BLEAKLEY, CYPHER, PARENT, WARR	3240		750.46
02/05/2010	269634	BOTH NEWSPAPERS INC	89		450.56
02/05/2010	269635	BORGESS HEALTH ALLIANCE	151		85.00
02/05/2010	269636	BOULIS, ROB	999999		115.00
02/05/2010	269637	BRIDGEPORT EQUIPMENT CO.	4499		134.38
02/05/2010	269638	BRONSON VICKSBURG HOSPITAL	157		200.00
02/05/2010	269639	CABELA'S, INC.	3067		140.93
02/05/2010	269640	CAMPBELL AUTO SUPPLY	437		540.29
02/05/2010	269641	CARLETON EQUIPMENT CO.	168		868.00
02/05/2010	269642	CHARTER COMMUNICATIONS	3080		60.00
02/05/2010	269643	CINTAS CORP.	2206		757.65
02/05/2010	269644	CITY OF KALAMAZOO (PUBLIC UTIL	540		191,492.45
02/05/2010	269645	COLLIER, MICHAEL	532		190.00
02/05/2010	269646	CONSUMERS ENERGY	743		34,756.67
02/05/2010	269647	CONSUMERS ENERGY-BILL PMT CNT	189		23,732.52
02/05/2010	269648	CONTINENTAL LINEN SUPPLY CO.	191		40.63
02/05/2010	269649	CROSSROADS EXPERT AUTO SERVICE	4109		2,791.84
02/05/2010	269650	CROWN TROPHY	2790		105.00
02/05/2010	269651	LASZLO CSISZAR JR BUILDER	4287		1,200.00
02/05/2010	269652	CUSTOMIZED CLEANING SERVICES,	3622		980.00
02/05/2010	269653	DELEEUW PLUMBING LLC	2393		1,310.00
02/05/2010	269654	DENOYER BROTHERS, INC.	210		153.79
02/05/2010	269655	DEPATIE FLUID POWER CO., INC.	211		177.04
02/05/2010	269656	DON'S BRAKES, MUFFLERS & MORE	2825		89.95
02/05/2010	269657	DOUGLASS COMMUNITY ASSOCIATION	999999		45.00
02/05/2010	269658	DUDASH, LORRAINE	999999		44.00
02/05/2010	269659	DUTHLER FORD TRUCKS, INC.	223		677.67
02/05/2010	269660	EDWARDS INDUSTRIAL SALES, INC.	228		11.42
02/05/2010	269661	FAWLEY OVERHEAD DOOR, INC.	690		18.00
02/05/2010	269662	FINNEMANS FARM & GARDEN SERVI	13		805.51
02/05/2010	269663	FLUID POWER ENGINEERING	4349		369.97
02/05/2010	269664	FORCE AMERICA, INC.	3927		524.47
02/05/2010	269665	GALL'S, INC	25		90.95
02/05/2010	269666	GORDON FOOD SERVICE	502		187.26

CHECK DATE	CHECK NUMBER	VENDOR NAME	VENDOR #	BANK CODE	CHECK AMOUNT
02/05/2010	269667	GORDON WATER SYSTEMS	517		369.50
02/05/2010	269668	GORNO FORD	2967		120,660.00
02/05/2010	269669	GRAHAM FORESTRY SERVICE, INC.	464		1,080.00
02/05/2010	269670	W W GRAINGER INC	699		176.61
02/05/2010	269671	HANSEN COLLISION FLEET-KALAMAZ	3885		588.00
02/05/2010	269672	HI-TECH ELECTRIC CO.	1327		1,391.74
02/05/2010	269673	HOEKSTRA ROOFING CO.	1186		465.80
02/05/2010	269675	HOME DEPOT	691		781.36
02/05/2010	269676	IDENTIX INCORPORATED	3921		6,574.00
02/05/2010	269677	IERVOLINA, SUSAN	2074		150.00
02/05/2010	269678	INDUSCO SUPPLY CO., INC.	63		298.15
02/05/2010	269679	INT'L PERSONNEL MGMT ASSOC	1048		156.75
02/05/2010	269680	INTERNATIONAL ROAD DYNAMICS CO	4494		325.00
02/05/2010	269681	J & J LOCKSMITHS	1778		40.00
02/05/2010	269682	J B PRINTING COMPANY	1595		810.30
02/05/2010	269683	J-AD GRAPHICS, INC	4444		1,193.00
02/05/2010	269684	KALAMAZOO COUNTY HEALTH & COMM	84		105.88
02/05/2010	269685	KALAMAZOO COUNTY ROAD COMMISSI	735		3,686.59
02/05/2010	269686	KALAMAZOO COUNTY ROAD COMMISSI	87		753.65
02/05/2010	269687	KALAMAZOO COUNTY TREASURER	514		99.88
02/05/2010	269688	KALAMAZOO REG'L EDUC SVS AGENG	721		30.00
02/05/2010	269689	KALAMAZOO REGIONAL CHAMBER	3499		31.32
02/05/2010	269690	KALAMAZOO VALLEY COMMUNITY COL	230		400.00
02/05/2010	269691	KEHOE, EDWARD J	3783		12.94
02/05/2010	269692	KENT POWER EQUIPMENT, INC.	4311		1,770.72
02/05/2010	269693	KEYSTONE AUTO REPAIR, INC.	984		175.00
02/05/2010	269694	KIWANIS CLUB OF KALAMAZOO	4139		278.00
02/05/2010	269695	KZOO TIRE COMPANY	564		575.95
02/05/2010	269696	LAWSON PRODUCTS, INC	240		151,470.00
02/05/2010	269697	LAYNE CHRISTENSEN CO.	2727		17,776.60
02/05/2010	269698	LEMMEN OIL CO.	2595		535.00
02/05/2010	269699	LONG LAKE BOARD	1720		35.25
02/05/2010	269700	LOWE'S HOME CENTER	2630		500,000.00
02/05/2010	269701	M E R S	3708		375.00
02/05/2010	269702	MACS FIRE PROTECTION	3849		400.00
02/05/2010	269703	MACNLOW ASSOCIATES	2189		3,221.91
02/05/2010	269704	MAGLOCLEN	1552		192.00
02/05/2010	269705	MCCARTHY SMITH LAW GROUP, PLC	2950		376.29
02/05/2010	269706	MCDONALD'S TOWING & RESCUE, IN	728		99.00
02/05/2010	269707	MENARDS, INC	258		75.00
02/05/2010	269708	MI GOVT FINANCE OFFICERS ASSOC	2134		160.00
02/05/2010	269709	MICHIGAN ASSESSOR ASSOCIATION	1339		327.91
02/05/2010	269710	MICHIGAN POLICE EQUIPMENT CO.	269		15.26
02/05/2010	269711	MID-AMERICAN AEL	3848		730.96
02/05/2010	269712	MIDWEST TRANSIT EQUIPMENT	4276		212.61
02/05/2010	269713	T MORGAN INC.	376		16,832.00
02/05/2010	269714	MOSES FIRE EQUIPMENT, INC.	993		27.83
02/05/2010	269715	MULDERS LANDSCAPE SUPPLIES INC	286		571.47
02/05/2010	269716	MURRAY, SAMANTHA	999999		301.75
02/05/2010	269717	NELSON'S HARDWARE	1566		
02/05/2010	269718	NEW FRESH CLEANING SERVICE	4351		

CHECK DATE	CHECK NUMBER	VENDOR NAME	VENDOR #	CHECK AMOUNT
02/05/2010	269720	NEXTEL	1709	1,755.23
02/05/2010	269721	NICHOLSON, SANDY	999999	406.00
02/05/2010	269722	NORFOLK SOUTHERN CORP.	1662	1,040.00
02/05/2010	269723	NORTHERN LAKE SERVICE, INC.	4474	11,274.00
02/05/2010	269724	NYE UNIFORMS	299	956.99
02/05/2010	269726	OFFICE DEPOT, INC.	1721	998.81
02/05/2010	269727	OFFICEMAX INCORPORATED	301	281.81
02/05/2010	269728	ONE WAY PRODUCTS	440	449.97
02/05/2010	269729	PETERS CONSTRUCTION CO.	1638	11,986.86
02/05/2010	269730	PETTY CASH-DPS	538	331.75
02/05/2010	269731	PLEUNE SERVICE COMPANY	3985	414.31
02/05/2010	269732	POLDERMAN'S FLOWER SHOP	4157	81.90
02/05/2010	269733	PORTAGE DISTRICT LIBRARY	590	55.90
02/05/2010	269734	PORTAGE PUBLIC SCHOOLS	2633	134,502.78
02/05/2010	269735	THE POSTMAN	2633	225.00
02/05/2010	269736	POWERS BATH SYSTEMS	3799	927.22
02/05/2010	269737	PRECISION PRINTER SERVICES INC	2584	1,823.24
02/05/2010	269738	PROJECT FISH	4273	220.00
02/05/2010	269739	QUADRANT II MARKETING, LLC	3139	2,255.08
02/05/2010	269740	QUALITY AIR HEATING & COOLING,	3621	80.00
02/05/2010	269741	RATHCO SAFETY SUPPLY, INC.	327	1,739.88
02/05/2010	269742	RELIABLE MANAGEMENT SYSTEMS, I	4354	331.00
02/05/2010	269744	REPUBLIC WASTE SERVICES OF W M	4443	1,520.12
02/05/2010	269745	REYNOLDS, REBECCA	999999	100.00
02/05/2010	269747	RIDGE AUTO NAPA	438	5,203.95
02/05/2010	269748	RIETH-RILEY CONSTRUCTION CO.,	4386	385.35
02/05/2010	269749	ROAD EQUIPMENT PARTS CENTER	339	1,108.34
02/05/2010	269750	ROBERTS, ART	999999	50.00
02/05/2010	269751	ROB-COMM, INC.	341	1,817.70
02/05/2010	269752	ROGER FALK	999999	300.00
02/05/2010	269753	ROOT SPRING SCRAPER CO.	344	1,009.50
02/05/2010	269754	S B C GLOBAL SERVICES, INC.	1376	11,250.01
02/05/2010	269755	SAFETY SERVICES, INC.	349	255.33
02/05/2010	269756	SEVERANCE ELECTRIC COMPANY, INC	353	1,127.50
02/05/2010	269757	SHERWIN WILLIAMS	356	185.65
02/05/2010	269758	SIMMONS FORD	2064	156.95
02/05/2010	269759	SMELLING PERSONNEL SERVICES	2107	1,390.50
02/05/2010	269760	SOUTHWEST MICHIGAN GOV CONSULT	4484	4,226.25
02/05/2010	269761	STATE SYSTEMS RADIO, INC	369	1,106.26
02/05/2010	269762	STEENSMAN LAWN & POWER EQUIPMEN	3222	200.85
02/05/2010	269763	STREICHER'S INC.	4485	174.98
02/05/2010	269764	TALSMA AUTO UPHOLSTERY	4501	300.00
02/05/2010	269765	TASER INTERNATIONAL, INC	3821	550.00
02/05/2010	269766	THOMPSON, HELENE	4417	119.00
02/05/2010	269767	TIGER DIRECT, INC.	4272	197.93
02/05/2010	269768	TIMBER RIDGE SKI AREA	3241	605.00
02/05/2010	269769	TISHHOUSE ELECTRIC, INC.	2435	2,260.00
02/05/2010	269770	TMI COMPRESSED AIR SYSTEMS INC	4458	180.56
02/05/2010	269771	TOO CLEAN JANITORIAL	2220	90.00
02/05/2010	269772	TOY BOX STORAGE	3208	4,608.72
02/05/2010	269773	TRIGO BREAD CO., LLC	4158	35.96

CHECK DATE	CHECK NUMBER	VENDOR NAME	VENDOR #	BANK CODE	CHECK AMOUNT
02/05/2010	269774	U S BANK	3497		850.00
02/05/2010	269775	U S POSTAL SERVICE (PORTAGE)	503		1,000.00
02/05/2010	269776	UNITED PARCEL SERVICE	545		49.22
02/05/2010	269777	UNITED PETROLEUM	396		637.50
02/05/2010	269778	UNIVERSAL TOOL INC.	2610		250.00
02/05/2010	269779	VESTAL BUILDERS	4239		2,800.00
02/05/2010	269780	VINCENT SOO & CO.	4356		10.00
02/05/2010	269781	WALTER, MAX	999999		50.00
02/05/2010	269782	WESTERN MICHIGAN INT'L TRUCKS	4306		2,922.87
02/05/2010	269783	WINGFOOT COMMERCIAL TIRE	2613		1,167.15
02/05/2010	269784	WOLVERINE LAWN SERVICE, INC.	1089		4,313.00
02/05/2010	269785	36TH DISTRICT COURT	999999		500.00
02/05/2010	269786	360 SERVICES, INC.	637		2,049.76
02/05/2010	269787	4TH DISTRICT COURT	999999		300.00
02/05/2010	269788	5TH DISTRICT COURT	999999		300.00
02/05/2010	269789	7TH DISTRICT COURT	999999		395.00
02/05/2010	269790	8TH DISTRICT COURT	999999		100.00
02/05/2010	269791	SAFETY SERVICES, INC.	349		.00
02/10/2010	269792	JACKSON COMMUNITY COLLEGE	999999		50.00
02/10/2010	269793	JACKSON COMMUNITY COLLEGE	999999		25.00
02/10/2010	269794	STATE OF MICH - STATE POLICE	367		75.00
02/10/2010	269795	SUCCESS COMMUNICATIONS	999999		359.00

DATE RANGE TOTAL * 1,564,853.28 *

CITY OF PORTAGE

COMMUNICATION

TO: Honorable Mayor and City Council

DATE: February 17, 2010

FROM: Maurice S. Evans, City Manager

SUBJECT: Comprehensive Liability, Property and Auto Fleet Insurance Coverage

RECOMMENDED ACTION: That City Council approve a one-year agreement for comprehensive liability, property and auto fleet insurance through the Michigan Municipal Risk Management Authority at a total not-to-exceed cost of \$544,284 for the period of March 1, 2010, to March 1, 2011, and authorize the City Manager to execute all documents related to the action on behalf of the city.

The City of Portage has been insured by the Michigan Municipal Risk Management Authority (MMRMA) for comprehensive liability, property and auto fleet insurance since 1984. The MMRMA has quoted a one-year renewal rate in the amount of \$544,284, which includes \$15,000,000 of liability coverage and \$75,000 of self-insurance retention coverage. The renewal rate represents a decrease of one half percent over the premium cost paid last year.

Included in the total premium amount is a \$50,000 contribution to the Loss Fund. The Loss Fund is a City of Portage owned interest-bearing account on deposit with the MMRMA for claims adjustment, judgments and legal expenses within the self-insured retention limit that accrue during the year.

Council approval of the MMRMA liability insurance program is recommended. Funds have been allocated for the remaining Fiscal Year 2009-2010 Budget, with the balance to be included in the Fiscal Year 2010-11 Budget.

c: Robert Luders, Director of Financial Services

CITY OF PORTAGE

COMMUNICATION

TO: Honorable Mayor and City Council

DATE: February 18, 2010

FROM: Maurice S. Evans, City Manager

SUBJECT: South Westnedge Park and Former Parks Maintenance Facility Groundwater Monitoring Program

ACTION RECOMMENDED: That City Council award a contract to American Hydrogeology Corporation to perform the 2010 annual groundwater sampling and reporting for the South Westnedge Park and former Parks Maintenance Facility in the not-to-exceed amount of \$13,000 with an option to renew the contract for two additional years and authorize the City Manager to execute all documents related to this contract on behalf of the city.

Prior to the current development and use of South Westnedge Park, for many years the area was used as a municipal landfill. In 1989, the city began a major groundwater cleanup effort when contamination was found to be migrating off-site into the Crocket Avenue neighborhood. The groundwater recovery pumping and cleanup ceased in 1999 but the site is still being monitored annually for groundwater quality in accordance with the requirements of the Michigan Department of Natural Resources and Environment (DNRE). Report of the groundwater sampling is compiled and submitted to the DNRE annually.

Historically, contamination levels in the samples continue to drop, however, some wells do continue to show contamination above the DNRE cleanup levels. All of the residential properties in the Crocket Avenue neighborhood are connected to city water and all private wells have been abandoned. Through city staff discussion with the DNRE, it has been determined that it will be necessary to continue monitoring the groundwater in this area for the foreseeable future. As part of the sampling plan, eight additional monitoring wells are analyzed every other year for potential groundwater impacts. These additional eight wells will be next sampled in 2011. Funding for the groundwater sampling and reporting is included annually in the city Water Fund Operating Budget.

Since 1989, the groundwater cleanup and monitoring has been managed by American Hydrogeology Corporation (AHC). AHC has done a fine job of performing the necessary sampling, reporting and negotiating with DNRE to define the limits of the required sampling. In light of their past experience with the contamination issue, city staff requested that AHC submit a three-year plan and cost estimate for the continued monitoring.

The program cost has been estimated at:

2010 Sampling, analysis and reporting	\$13,000
2011 Sampling, analysis and reporting	\$15,000
2012 Sampling, analysis and reporting	<u>\$13,000</u>
Total for 3-year period	\$41,000

The City Administration feels that competitively bidding this service would jeopardize the continuity of the project and would not be in the best interest of the city.

It is recommended that City Council award a contract to American Hydrogeology Corporation to perform the 2010 annual groundwater sampling and reporting for the South Westnedge Park and former Parks Maintenance Facility in the not-to-exceed amount of \$13,000 with an option to renew the contract for two additional years and authorize the City Manager to execute all documents related to this contract on behalf of the city.

CITY OF PORTAGE

COMMUNICATION

TO: Honorable Mayor and City Council

DATE: February 18, 2010

FROM: Maurice S. Evans, City Manager

SUBJECT: West Lake Management Program No. 011-Q - Resolution No. 4

ACTION RECOMMENDED: That City Council adopt Resolution No. 4 for the West Lake Management Program Special Assessment District No. 011-Q, setting a public hearing on the Assessment Roll for March 9, 2010.

Attached is Special Assessment Resolution No. 4 for the West Lake Management Program 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.
- On January 26, 2010, City Council adopted Resolution No. 2 on this project, setting a public hearing of necessity on February 9, 2010.
- On February 9, 2010, City Council adopted Resolution No. 3, on the necessity of the project, directing the preparation of the Assessment Roll.

It is recommended that Council adopt Resolution No. 4 for the West Lake Management Program Special Assessment District No. 011-Q, setting a public hearing on the Assessment Roll for March 9, 2010.

Attachment: Resolution No. 4

**CITY OF PORTAGE
SPECIAL ASSESSMENT RESOLUTION NO. 4
WEST LAKE MANAGEMENT PROGRAM SPECIAL ASSESSMENT, DISTRICT #011Q**

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 Assessor has, pursuant to resolution of the City Council, and in accordance with the provisions of the Special Assessment Ordinance of the City, prepared a Special Assessment Roll and has filed the same with the City Clerk for presentation to the City Council for review and certification for the hereinafter described public improvement:

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

NOW, THEREFORE, BE IT RESOLVED THAT:

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

2. The City Council shall meet on the _____ day of _____, 2010 at 7:30 p.m., local time, or as soon thereafter as may be heard, in the City Hall in said City to review said Special Assessment Roll and hear any objections thereto.

3. The City Clerk shall cause notice of the filing of said Special Assessment Roll and of the time and place of said meeting to be mailed and published in accordance with the requirements of the Charter and the Special Assessment Ordinance of the City of Portage; said notice shall be in substantially the form attached hereto as Exhibit "A".

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

YEAS: Councilmember: _____

NAYS: Councilmember: _____

ABSENT: Councilmember: _____

RESOLUTION DECLARED ADOPTED:

James R. Hudson
City Clerk

STATE OF MICHIGAN)
)ss
COUNTY OF KALAMAZOO)

I, the undersigned duly qualified and acting City Clerk of the City of Portage, Kalamazoo County, Michigan, do hereby certify that the foregoing is a true and complete copy of a resolution adopted at a regular meeting of the City Council of said City, held on the _____ day of _____, 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: 2/12/10
By: [Signature]
City Attorney

EXHIBIT "A"

CITY OF PORTAGE, MICHIGAN
NOTICE OF PUBLIC HEARING TO REVIEW SPECIAL ASSESSMENT ROLL FOR
WEST LAKE MANAGEMENT PROGRAM SPECIAL ASSESSMENT, DISTRICT #011Q

TO THE OWNERS OF THE FOLLOWING DESCRIBED PROPERTY:

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

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.

PLEASE TAKE NOTICE that a Special Assessment Roll has been prepared and is on file in the office of the City Clerk for public examination during regular working hours on regular working days; said Special Assessment Roll has been prepared for the purpose of defraying that

part of the cost which the City Council has decided should be paid and borne by the Special Assessment for the above described public improvement project in the City of Portage.

PLEASE TAKE NOTICE that the City Council will meet on the ____ day of _____, 2010 at 7:30 p.m., local time, or as soon thereafter as may be heard, in the City Hall in said City for the purpose of reviewing the Special Assessment Roll, at which time and place an opportunity will be given to all persons interested to be heard.

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

Dated: _____, 2010

James R. Hudson
City Clerk

CITY OF PORTAGE

COMMUNICATION

TO: Honorable Mayor and City Council

DATE: February 18, 2010

FROM: James R. Hudson, City Clerk



SUBJECT: Election Polling Places and Rate of Compensation Resolution

ACTION RECOMMENDED: That City Council adopt the Resolution Designating Polling Places and Rate of Compensation for the May 4, 2010 Consolidated School Election.

Attached is a Resolution listing the polling places established for the election to be held on May 4, 2010. The Resolution combines Precinct 4 and Precinct 6, which are located in Lake Center Elementary. The Resolution also combines Precinct 14 and Precinct 19, which are located in Woodland Elementary. The combinations of these precincts will not inconvenience voters due to anticipated turnout. This Resolution also establishes the rate of pay for precinct chairpersons and other election officials. The recommended pay rates are a continuation of rates paid in 2009.

The Consolidated School Election ballot will include the election of three Portage Board of Education members. In addition, the ballot includes a renewal request for the Kalamazoo County Law Enforcement and Safety Millage at 1.4491 mills for six years. The Portage School Board is currently deciding whether to place a five-year 0.5 mill building and sinking fund renewal request on the ballot. Placement of the issue on the ballot is likely and a final determination is expected at their February 22nd meeting.

It is recommended that City Council adopt the Resolution Designating Polling Places and Rate of Compensation for the May 4, 2010 Consolidated School Election.

Attachment

c: Maurice S. Evans, City Manager
Daniel Foecking, Finance Director

**CITY OF PORTAGE
RESOLUTION**

Moved by:
Supported by:

RESOLVED that the following locations be and are hereby designated as polling places for the CONSOLIDATED SCHOOL ELECTION to be held on May 4, 2010, and that the polling places are to remain open from 7:00 o'clock a.m. until 8:00 o'clock p.m. on the day of each election.

1. Community Education Building - 1010 West Milham Avenue
2. Goldentree Apts. Community Building - 4795 E. Milham Avenue
3. Portage Senior Center - 320 Library Lane
4. Combined with Precinct 6 - Lake Center Elementary School - 10011 Portage Road
5. Waylee School - 8106 Waylee Street
6. Combined with Precinct 4 - Lake Center Elementary School - 10011 Portage Road
7. Victory Baptist Church - 308 W. Milham Avenue
8. Amberly Elementary School - 6637 Amberly Street
9. Haverhill Elementary School - 1710 Haverhill Avenue
10. Central Elementary School - 8422 S. Westnedge Avenue
11. Angling Road Elementary School - 5340 Angling Road
12. Central Middle School - 8305 S. Westnedge Avenue
13. K/RESA - 1819 E. Milham Avenue
14. Combined with Precinct 19 - Woodland Elementary School - 1401 Woodland Drive
15. North Middle School - 5808 Oregon Avenue
16. Portage United Church of Christ - 2731 W. Milham Avenue
17. Portage United Methodist Church - 8740 S. Westnedge Avenue
18. Moorsbridge Elementary - 7361 Moorsbridge Road
19. Combined with Precinct 14 - Woodland Elementary School - 1401 Woodland Drive
20. Milham Meadows Community Building - 6103 Mallard Circle
21. St. Catherine's Catholic Church - 1150 West Centre Avenue
23. Absentee Voter Counting Board - Portage City Hall, 7900 South Westnedge Avenue

BE IT FURTHER RESOLVED that the City of Portage establish an Election Review Board for the election to be held on May 4, 2010 to convene from 8:00 o'clock p.m. until 10:30 p.m. on the day of the election.

BE IT FURTHER RESOLVED that the rate of pay for the Election Precinct Inspectors be as follows: \$120.00 (plus \$15 for attending each Training Session) for each precinct inspector, \$130.00 (plus \$15 for attending each Training Session) for each assistant precinct chairperson, and \$145.00 (plus \$15 for attending each Training Session) for each precinct chairperson and \$25.00 (plus \$15 for attending each Training Session) for each review board member.

YES:
NO:
ABSENT:

James R. Hudson, City Clerk

CERTIFICATE

I hereby certify that the foregoing is a true and complete copy of a resolution adopted at a regular meeting of the City Council of the City of Portage, Michigan, Kalamazoo County, held on February 23, 2010, the original of which is in the official proceedings of the City Council.

James R. Hudson, City Clerk

CITY OF PORTAGE

COMMUNICATION

TO: Honorable Mayor and City Council

DATE: February 5, 2010

FROM: Maurice S. Evans, City Manager

SUBJECT: January 2010 Summary Environmental Activity Report – Information Only

Attached please find the January 2010 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
January 2010 (*updates in italics*)

<u>Project/Activity</u>	<u>Description</u>	<u>Status</u>
Portage City Landfill	Ongoing groundwater monitoring of former municipal landfill.	<p>-City Council awarded a 3 year contract to American Hydrogeologic Corporation on 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.</p>
Site Inspection/Development Project Review	Review of existing business & industries and review of proposed business and industrial development projects for environmental protection purposes and/or building plans completed.	<p>-Coordination with property owners and City or State agencies ongoing. <i>-Review of 2 site/building plans and/or plats completed in January 2010.</i></p>
Sewer Connection Program	Groundwater protection program requiring residential/business hookup to the sanitary sewer where available.	<p><i>-Sanitary sewer hookup permits issued in January 2010: 2 residential, 1 commercial.</i></p>
West Lake Management Program	Special assessment district designed to maintain/improve lake conditions.	<p>-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</p>

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 process through City Council.*

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 with results pending.*

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.

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 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.

Portage River Watershed
Management Plan

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. *Based upon MDEQ comments, the plan was revised and resubmitted on December 21, 2009.*

Five year plan to implement an
Illicit Discharge Elimination Plan
(IDEP).

-On October 21, 2001, City Council awarded a contract to Fishbeck, Thompson, Carr and Huber for the Portage Creek element of the IDEP, which was completed in July 2002. On February 19, 2002, City Council approved a new ordinance as required by the NPDES permit titled "Storm Water Illicit Discharges and Connections". On 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.

Garden Lane Arsenic Removal
Facility

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

City Council approved an agreement with Fishbeck, Thompson, Carr & Huber, Inc. on January 10, 2006 to prepare a feasibility study to meet new USEPA arsenic standards for drinking water. Feasibility study completed in August 2006. Feasibility study recommended construction of a filter system using various filter media materials. Small scale pilot studies began in spring 2007. 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

pipng 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 February 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 incidents/spill investigations performed in January 2010-0. The number of incidents requiring city forces/contractor emergency cleanups-0. Close out of gasoline spill on Sprinkle Road near Zylman Road due to a vehicle crash is complete.

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 through January 2010.* Sampling will continue through the fall and winter months.

Kalamazoo County Transportation Authority

Annual Report FY 2009

FY 2009 was a year of re-focus for the KCTA. With the defeat of the November 2008 county-wide transportation millage, the KCTA Board needed to re-prioritize its activities for the coming year. It was agreed that the transition of the system from the City of Kalamazoo to the KCTA be delayed until adequate local funding was secured. It was also recognized that a single millage rate across the County for transportation was unacceptable to the voters of the County. The KCTA, the City of Kalamazoo and the Transportation Authority Board (TAB) concluded that a two-tiered millage was necessary if an adequate, sustainable local share was to be secured.

Therefore the KCTA sought a four year County wide millage in May of 2009 and the TAB sought a three year City millage in November of 2009. The May millage (0.4 mils) covered Care-A-Van and Metro Van services for the entire County and all line haul routes outside the City of Kalamazoo including those three routes exclusively in the City of Portage. The November City millage (0.6 mil) paid for line haul service in the City of Kalamazoo. Both of these millages will expire in 2012. Only after these two components of local funding were achieved would the transition of the system be considered.

Planning Community Outreach Activities

- The KCTA Board held two stakeholder meetings in November of 2008 and February 2009 to hear from county leaders on strategies going forward.
- The KCTA Board supported the document co-authored by the County Administrator and the City Manager of Kalamazoo, "Sustaining Public Transit". This document laid out a blueprint for next steps for public transit in the County including, delaying the transition, fare increases, a two -tiered millage approach, an analysis of P.A. 196 and the ability to seek two millages under one authority, as well as comprehensive public awareness campaign.
- The KCTA Board held numerous public awareness sessions with various stakeholder groups throughout the County to inform residents of the benefits of public transit in the community.
- The Board put a 0.4 mil tax proposal on the May ballot. County voters approved the millage request by a margin of 63% to 37%.
- The Public Transit Human Service (PTHS) Coordinated Plan was formally endorsed and submitted to MDOT. The KCTA Board oversaw the creation and endorsement of the plan.
- The Board contracted with Lam and Associates to develop and implement a visioning process for the authority. This visioning process resulted in "Transit Talk", forums for feedback and input from the community.

Transit Talk

The following input was collected from a series of "Transit Talk" discussion sessions that were held during 2009. This input came from County citizens, both riders and non-riders. Groups involved in "Transit Talks"

included Friends of Transit, The United Way, Vicksburg Lions, Kalamazoo Public Library, the Health and Community Services Department, Area Agency on Aging, Council for the Blind and Visually Impaired, Westside Kiwanis, Citizens Promoting Comstock, and the AARP.

- A false assumption exists that tax dollars dedicated to public transit are a charitable donation benefitting only people with disabilities and seniors.
- Increased awareness efforts will help to break down negative stereotypes associated with public transit and help to increase ridership.
- Visitors to Kalamazoo County should be aware of the public transit system and see it as an economical way to travel in the county.
- Schools should partner with the Transit system to provide tokens to students focused on “The Promise”.
- By adopting and improving bus shelters along a bus route, local businesses could promote their businesses and enhance ridership.
- Sunday service could be provided for church goers.
- Make taking the bus “cool”

These are a few of the comments received during “transit talks”. For a complete list of comments please visit kalamazootransittalk.com.

KCTA Board Administrative Accomplishments

- Approved a FY2009 KCTA Operating Budget
- Entered into an agreement with EPIC/MRA to perform research work for the May vote.
- Extended the agreement with Pride Ambulance for Care-A-Van service through October 2009
- Experienced a successful FY 2008 audit with BDO Seidman.
- Passed a resolution supporting a fare increase for the system
- Approved 2009 budget adjustments
- Approved the FY 2010 KCTA operating budget
- Approved numerous administrative policy changes
- Refined the organization’s governance structure.

System/Operational Accomplishments

- The May 5, 2009 countywide ballot proposal (0.4 mills) was approved by the voters providing local revenue for Care-A-Van and Metro Van plus all line haul routes extending outside the City of Kalamazoo. Local support for Metro Van is included for the first time in a countywide levy.
- The system received federal stimulus funding (ARRA) to purchase “intelligent” transportation technology, new rider friendly bus shelters, support vehicles, shop equipment, facility renovation, and miscellaneous vehicle repair parts.

21.9% of respondents indicated they have a household income between \$6,000 and \$12,000/year.

48.97% respondents indicated they ride the bus 6 or more times a week.

21.90% respondents indicated they ride the bus 5 or more times a week.

Similar Surveys were conducted in 1995 and 2003

Key comparative data are:

Heavier use by WMU students changed the majority of trip purposes from work related in 1995 to school related in 2003 and 2009.

In 1995, the majority of respondents were full-time workers followed by students and part-time workers. In 2003 and 2009 the majority of respondents indicated they were students and then part-time workers.

In 2003, 25.27% of respondents indicating they were part-time workers were in the service industry. In 2009, that figure increased to 30.90%

Annual household income remained the same in all three survey years.

Survey results indicate that public transportation is providing needed service to those in the community without other means of transportation. The use by WMU students is a significant portion of the ridership. There is a correlation between low income and the use of public transportation.

Summary

The key goal of securing local funding for public transportation was accomplished in 2009. Much work was done to make the public aware of the benefits of public transit in the past year. Looking forward the KCTA will again focus on transitioning the system from the City of Kalamazoo to the KCTA. The details of that transition will be thoroughly addressed and the capacity of the organization will be fully assessed and fine tuned to accomplish this critical task.

CITY OF PORTAGE**COMMUNICATION**

TO: Honorable Mayor and City Council

DATE: February 15, 2010

FROM: Maurice S. Evans, City Manager

SUBJECT: Resolution in Support of the Legislative Commission on Statutory Mandates

In 2007, the Michigan Legislature formed the Legislative Commission on Statutory Mandates (LCSM) to investigate unfunded mandates imposed on jurisdictions by the state. The LCSM Final Report on the topic was issued in December 2009, which included the findings of the Commission and recommendations to the Governor, Legislature and Supreme Court. A list of unfunded mandates that affect the city, which was developed and provided to Council on January 22, 2010, is attached.

In response to the LCSM Final Report, various jurisdictions have adopted a resolution in support of the recommendations provided by LCSM. Specifically, the Kalamazoo County Board of Commissioners adopted a resolution in support of the LCSM recommendations at their regular meeting of January 19, 2010. At the February 9, 2010 City Council meeting, Councilmember O'Brien requested that a similar resolution of support be placed on the February 23, 2010 Council meeting for consideration by the Portage City Council.

A Resolution in Support of the Final Report of the Legislative Commission on Statutory Mandates, December 2009 has been developed by the City Attorney and is attached for consideration of City Council.

Attachments

**CITY OF PORTAGE
RESOLUTION IN SUPPORT OF THE FINAL REPORT OF THE LEGISLATIVE
COMMISSION ON STATUTORY MANDATES, DECEMBER 2009**

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 _____ days of _____, 2010, at 7:30 p.m. local time.

PRESENT:

ABSENT:

Resolution offered by:

Seconded by:

WHEREAS, the electorate of the State of Michigan passed an amendment in November 1978 to the State's Constitution that required the State to fund mandates imposed on local units of government (often referred to as the "Headlee Amendment"); and

WHEREAS, the Headlee Amendment (Article IX, Section 29) states:

"The state is hereby prohibited from reducing the state financed proportion of the necessary costs of any existing activity or service required of units of Local Government by state law. A new activity or service or an increase in the level of any activity or service beyond that required by existing law shall not be required by the Legislature or any state agency of units of Local Government, unless a state appropriation is made and disbursed to pay the unit of Local Government for any necessary increased costs. The provision of this section shall not apply to costs incurred pursuant to Article VI, Section 18." and;

WHEREAS, the Headlee Amendment became effective on December 23, 1978; and

WHEREAS, the State Legislature established the Legislative Commission on Statutory Mandates (LCSM) through P.A. 98 of 2007, as amended by P.A. 356 of 2008 and assigned the LCSM to identify mandates (including those involving reports) and the related cost of the mandates to local units of government, along with recommendations to resolve the unfunded mandates; and

WHEREAS, the LCSM worked with the Citizens Research Council (issued an analysis of other state's statutes and constitutional requirements similar to the Headlee Amendment) and local units of government associations, including:

- Michigan Association of Counties.
- Michigan Municipal League.
- Michigan Township Association.
- Michigan School Business Officials and Michigan Association of School Administrators.
- Michigan Community College Association.
- County Road Association of Michigan.

WHEREAS, the LCSM issued a report in June 2009 entitled "Interim Report of the Legislative Commission on Statutory Mandates" that indicated, among other matters, that the State had failed to enact legislation enabling the Headlee Amendment and has not complied with the Headlee Amendment since its adoption in 1978; and

WHEREAS, the LCSM has completed its report in December 2009 entitled "Final Report of the Legislative Commission on Statutory Mandates" that reaffirms the Interim Report results and provides recommendations, including but not limited to:

- Drafted legislation and court rules that would mitigate unfunded mandates imposed on local units of government in the future.
- Proposed procedures that will prevent new unfunded mandates from being imposed on local units of government.
- Proposed procedures that would be corrective should unfunded mandates be imposed that include, among other requirements:
 - A submission of an action before the Court of Appeals to be heard by a special master in order to rule on whether the matter is a mandate and if the mandate is underfunded.
 - Require the Court of Appeals to rule on the above within six months of the filing.
 - Should the Court of Appeals not rule on the above within six months, the local unit of government would have no obligation to continue to provide the services until such time as the State complies with the Headlee Amendment.

WHEREAS, the Michigan Association of Counties adopted a resolution of support for the recommendations contained in the final LCSM report in December 2009.

NOW THEREFORE BE IT RESOLVED, that the Portage City Council supports the findings and recommendations in the interim and final reports of the Legislative Commission on Statutory Mandates and encourages the Governor, Legislature and Supreme Court to adopt and enact the recommendations cited in the final report.

BE IT FURTHER RESOLVED, that the Portage City Council approves the release of this resolution to be distributed to the Governor, Legislators, Supreme Court and local units of government legislative boards and executives located within the City of Portage, Kalamazoo County, Michigan.

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

Approved as to Form:

Date: 2/5/10

 JRS
City Attorney

CITY OF PORTAGE

COMMUNICATION

TO: Honorable Mayor and City Council

DATE: February 18, 2010

FROM: Maurice S. Evans, City Manager

SUBJECT: Water Resource Manuals Update

ACTION RECOMMENDED: That City Council accept the proposal submitted by Fishbeck, Thompson, Carr & Huber, Incorporated, in the amount of \$45,000 to update two water resource manuals and authorize the City Manager to execute all documents related to this action on behalf of the city.

The 2009-10 Capital Improvement Program includes a project to update two important water resource related manuals: The *Storm Water Design Criteria Manual* and the *Sensitive Lands Inventory*. The *Storm Water Design Criteria Manual* was last updated in 2003. The *Sensitive Lands Inventory* was conducted in 1995 and has not been updated since.

With the recent reissuance of the city's National Pollution Discharge Elimination System (NPDES) storm water discharge permit in 2009 and the addition of the new Federal Emergency Management Agency (FEMA) flood plain mapping in 2010, it is important that the city keep local administrative documents updated and compatible with current federal and state regulations and requirements.

Both the *Storm Water Design Criteria Manual* and the *Sensitive Lands Inventory* documents are used by developers, builders and property owners to indemnify appropriate environmental strategies applicable to specific land areas. The *Storm Water Design Criteria Manual* is primarily a development tool used to design and implement storm water management requirements. The *Sensitive Lands Inventory* is primarily a planning document used to identify valuable natural resource areas in the city.

Recently, six proposals were received from consultants to perform the manual updates. Based upon the required scope of services, past experience and other comparable projects, the proposal of Fishbeck, Thompson, Carr & Huber, Incorporated, was considered to best fit the needs of the project. While not the lowest cost proposal, the proposal clearly shows a depth of knowledge of the Portage area, sufficient project hours and qualified staff to successfully complete the project.

It is recommended that City Council accept the proposal submitted by Fishbeck, Thompson, Carr & Huber, Incorporated, in the amount of \$45,000 to update two water resource manuals and authorize the City Manager to execute all documents related to this action on behalf of the city. Funds are available in the current Capital Improvement Budget for this project. A complete tabulation of the proposals received is attached for the information of City Council.

Attachment

TABULATION OF PROPOSALS
WATER RESOURCE MANUALS UPDATES

<u>Firm</u>	<u>Project Cost</u>			<u>Total Cost</u>
	<u>Stormwater Design Manual</u>	<u>Sensitive Land Survey Update</u>		
Prein & Newhof 7123 Stadium Drive Kalamazoo, MI 49009	\$13,250.00	\$8,550.00		\$21,800.00
Hubbell, Roth & Clark, Inc. 801 Broadway NW, Suite 215 Grand Rapids, MI 49504	\$18,484.50	\$22,495.50		\$40,980.00
Paradigm Design, Inc. 550 3-Mile Road NW Grand Rapids, MI 49544	\$22,000.00	\$19,000.00		\$41,000.00
Tetra Tech 1921 W. Miller Rd., Suite A Lansing, MI 48911	\$35,300.00	\$9,500.00		\$44,800.00
Fishbeck, Thompson, Carr & Huber, Inc. 4775 Campus Drive Kalamazoo, MI 49008	\$26,380.00	\$18,620.00		\$45,000.00
Spicer Group, Inc. 230 S. Washington Ave. Saginaw, MI 48607	\$28,817.00	\$19,412.00		\$48,229.00

MATERIALS TRANSMITTED

Friday, February 05, 2010

1. Communication from the City Manager regarding a Resolution in Support of the Final Report of the Legislative Commission on Statutory Mandates, December 2009.
2. Communication from the City Manager regarding distribution of the *Portager* Newsletter – Information Only.
3. Communication from the City Manager regarding the Citizen Comment Summary for January 2010.
4. Communication from the City Manager to Portage Public Schools Superintendent Marsha Wells, dated February 3, 2010, regarding traffic congestion issues at the Portage Northern Campus.
5. Communication from the City Manager to Nancy McDowell, 5645 Mt. Vernon Avenue, dated January 29, 2010, in response to a recent incident during the cleaning of the sanitary sewers.



Maurice S. Evans, City Manager

cc: Brian J. Bowling, Deputy City Manager

MATERIALS TRANSMITTED

Tuesday, February 09, 2010

1. **AGENDA ITEM F.1:** Communication from the City Manager recommending that City Council adopt the Resolution awarding the bid for the City of Portage Michigan Transportation Fund Refunding Bonds, Series 2010, in the amount of \$6,725,000 to Stifel, Nicolaus & Co., Inc. at 2.752054 percent.



Maurice S. Evans, City Manager

cc: Brian J. Bowling, Deputy City Manager