

**FINAL AGENDA FOR THE COUNCIL MEETING
CITY OF PORTAGE
April 27, 2010**

5:30 p.m. Special Meeting to continue the Assessing Department Presentation of April 13, 2010.
7:30 p.m. Call to Order.

Invocation: Pastor Mike Drew of the First Reformed Church of Portage.

Pledge of Allegiance.

Roll Call.

Proclamations:

1. 59th Annual National Day of Prayer.
2. National Children's Mental Health Awareness Day.
3. Optimist Internet Safety Month.
4. National Arbor Day.
5. Public Service Recognition Week.

A. Approval of the Special and Regular Meeting Minutes of April 13, 2010, and the Budget Meeting Minutes of April 20, 2010.

* B. Approval of Consent Agenda Motions.

* C. Communication from the City Manager recommending that City Council approve the Check Register of April 27, 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 adopt the Resolution setting a public hearing on May 11, 2010, for the Fiscal Year 2010-11 proposed city budget and the proposed 2010 tax levy, as computed in accordance with Public Act 5 of 1982.
- * 2. Communication from the City Manager recommending that City Council establish a public hearing for May 11, 2010 to consider resolutions to:
 - a. adopt a sewer commodity rate increase from \$3.95 to \$4.65 per 1,000 gallons of metered water;
 - b. adopt a water commodity rate increase from \$2.60 to \$3.01 per 1,000 gallons of metered water;
 - c. adopt the recommendation that adjustments be made to both the sewer and water basic quarterly charges; and
 - d. adopt the recommended water and sewer franchise area fees and other service fees and charges as outlined in the 2010 Utility Rate Financial Study.
- * 3. Communication from the City Manager recommending that City Council approve the agreement between TDS Metrocom and the City of Portage for the provision of telephone services for a three-year period at an approximate annual cost of \$51,637 and authorize the City Manager to execute all documents related to the contract on behalf of the city.
- * 4. Communication from the City Clerk recommending that City Council grant the request to transfer ownership of the 2009 Class C Licensed Business with Dance-Entertainment Permit, (RZR Partners Kalamazoo, Inc.), located in escrow at 241 Kalamazoo, Suite 101, Kalamazoo, MI 49007, Kalamazoo County, from Gary Fields Club II, L.L.C., to RZR Partners Kalamazoo, Inc., and transfer location (Governmental Unit) (MCL 436.1531(1)) to 7638 South Westnedge Avenue, Portage, MI 49002.
- * 5. Communication from the City Manager regarding the March 2010 Summary Environmental Activity Report – Information Only.
- * 6. Department Monthly Reports.

G. Communications:

H. Unfinished Business:

* I. Minutes of Boards and Commissions Meetings:

1. Portage Environmental Board of March 10, 2010.
2. Portage Senior Citizen Advisory Board of March 17, 2010.
3. Portage Board of Education Special and Regular of March 22 and Special of March 25 and April 25, 2010.

J. Ad Hoc Committee Reports:

K. New Business:

L. Bid Tabulations:

- * 1. Communication from the City Manager recommending that City Council accept the low bid submitted by Suburban Mechanical Company in the amount of \$47,550 for boiler and air conditioning upgrades at Fire Station #2 and boiler replacement in City Hall and authorize the City Manager to execute all documents related to this action on behalf of the city.
- * 2. Communication from the City Manager recommending that City Council award a contract to the sole responsive bidder, First Due Fire Supply, of Leslie, Michigan, in the amount of \$46,484.50 for the replacement of Fire Department personal protective clothing and authorize the City Manager to execute all documents relating to this contract on behalf of the city.
- * 3. Communication from the City Manager recommending that City Council award a contract to the low bidder C. L. Moberley Construction in the not-to-exceed amount of \$37,762.32 for the repair of selected city sidewalks and authorize the City Manager to execute all documents related to the contract on behalf of the city.
- * 4. Communication from the City Manager recommending that City Council accept the low bid submitted by Clear Visions, Incorporated, in the amount of \$32,000 for replacement windows at the Portage Senior Center and authorize the City Manager to execute all documents related to this action 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. Tuesday, May 4, 5:30 p.m., City Council Budget Review Session, City Hall Room #1.
- b. Wednesday, May 5, 6:30 p.m., Park Board, West Lake Nature Preserve.
- c. Thursday, May 6, 6:30 p.m., Human Services Board, City Hall Room #1.
- d. Thursday, May 6, 7:00 p.m., Planning Commission, City Council Chambers.
- e. Monday, May 10, 6:30 p.m., Youth Advisory Committee, City Hall Room #1.
- f. Monday, May 10, 7:00 p.m., Zoning Board of Appeals, City Council Chambers.
- g. Tuesday, May 11, 5:30 p.m., City Council Special Meeting to Interview Board and Commission Applicants, City Hall Room #1.

N. Materials Transmitted of April 13, 2010.

Adjournment.

CITY COUNCIL MEETING SUMMARY

April 13, 2010

CHECK REGISTER

- ◆ Approved the Check Register of April 13, 2010, as presented.

PUBLIC HEARINGS

- ◆ Approved Ordinance Amendment #09-B, sign ordinance regulations.
- ◆ Approved Rezoning Application #09-01 from RM-1, multi-family residential, and R-1C, one-family residential, to PD, planned development, per the revised tentative plan map received on April 8, 2010, written narrative dated February 23, 2010, and seven conditions contained in the Department of Community Development report dated February 26, 2010, with the residential density based on 81.9 acres and 692 dwelling units as revised by the applicant and that the zoning district boundary be the shoreline of Hampton Lake. Councilmember Campbell asked whether the maker of the motion would be willing to add, as condition number eight, the conditions agreed upon by the developer and the surrounding property owners and Mayor Pro Tem Sackley agreed to add with the addition to the agreed upon conditions: that the setback on the Phase V parcel owned by Betty Ongley, that the westerly boundary would have a 90 foot setback, excluding garages, carports and parking lots; that there will be no windows on the west end of the building, amended to include "that is closest to the property owned by Terry Hall;" that the screening on the west boundary of Phase V that is closest to the property owned by Terry Hall be possibly moved to the east to save trees; and that the developer will attempt to move the building that is closest to the property owned by Terry Hall to the east as much as 20 feet after final grading plan is completed.

REPORTS FROM THE ADMINISTRATION

- ◆ Received the Presentation of the proposed Fiscal Year 2010-11 Budget.
- ◆ Adopted the Bond Resolution authorizing the sale of City of Portage Capital Improvement Bonds, Series 2010, in the amount of \$3,850,000; and the Resolution Approving the Undertaking to Provide Continuing Disclosure by the City of Portage for the Capital Improvement Bonds, Series 2010.
- ◆ Accepted the annual renewal agreement of SARCOM, Inc., to continue to provide information technology services management on behalf of the City of Portage for a period of five years at a negotiated price of \$2,344,826 and authorized the City Manager to execute all documents related to this action on behalf of the city.
- ◆ Amended the current (third) five-year contract with United Water for the provision of utility management and operation services from March 1, 2007 through February 29, 2012 to include operation and maintenance of the Garden Lane Water Treatment Plant in the not-to-exceed annual amount of \$171,016 and authorized the City Manager to execute all documents related to this action on behalf of the city.
- ◆ Approved the purchase of one IBM communications message switch at a cost of \$10,450 and authorized the City Manager to execute all documents related to this action on behalf of the city.
- ◆ Approved the height modification for Centre Meadows Apartments, 1405, 1419 and 1503 East Centre Avenue to construct a three-story multiple family residential building to a height of 36 feet with an architectural feature/cupola on top of the building that will extend to a height of 49 feet and note that the proposed building location/orientation, setback distances, natural topography, preservation of mature trees and supplemental landscaping will help mitigate potential adverse impacts on adjacent single family residential districts.
- ◆ Granted the request for a New Entertainment Permit to be held in conjunction with 2009 Class C Licensed Business at 8342 Portage Road, Portage (Erbelli's Restaurant).
- ◆ Established April 20 from 2-5 p.m. and May 4 from 6-9 p.m. as the dates for review of the proposed Fiscal Year 2010-11 Budget.
- ◆ Set a Special Meeting on Tuesday, May 11, 2010, beginning at 5:30 p.m., to interview board and commission applicants.
- ◆ Received the communication from the City Manager regarding the Tree City USA Tree Planting and Proclamation as information only.

COMMUNICATIONS

- ◆ Received the communication from Mayor Peter J. Strazdas and adopted the Communications Procedure Policy and Communications Flow Chart.
- ◆ Received the Presentation by Kalamazoo County Prosecutor Jeffrey Fink and Kalamazoo County Undersheriff Paul Matyas regarding the Law Enforcement Millage renewal that will be included on the May 4, 2010, ballot.
- ◆ Received the Presentation by Kimberly Reeder, United Water Senior Regional Manager, regarding the upcoming Water Week Celebration.
- ◆ Received the communication from Mark Anthony Martin, Chair, Portage Park Board, requesting City Council authorization to investigate options for banning smoking in city parks with the understanding that Mayor Strazdas would discuss the matter with Mr. Martin.
- ◆ Received the communication from the Planning Commission regarding the City of Portage Fiscal Year 2010-2020 Capital Improvement Program.

AD-HOC COMMITTEE REPORTS

- ◆ Received the communication from the City Council Community Survey Committee regarding the 2010 Community Survey as information only.

STATEMENTS OF CITY COUNCIL

- ◆ Councilmember Campbell indicated that John Kounelis would be named Community Service Person of the Year at the Rotary Luncheon on Wednesday, April 14, 2010, and invited all who know him to come and express their appreciation.
- ◆ Councilmember Reid advised City Council that she would be absent for the next City Council Meeting.
- ◆ Councilmember O'Brien announced the 54th Portage South Little League Opening Ceremonies, Saturday, April 24, 2010.
- ◆ City Manager Evans announced that South Westnedge Avenue at I-94 would be totally closed from 10 p.m., Saturday, April 24, 2010, through 10 a.m., Sunday, April 25, 2010.

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



City of Portage Proclamation

59TH ANNUAL NATIONAL DAY OF PRAYER

WHEREAS, in 1775 the Continental Congress declared the first National Day of Prayer, asking people to pray for God's guidance in forming a new nation; and

WHEREAS, in 1952 both houses of Congress called on the President to set aside one day each May as the National Day of Prayer; and

WHEREAS, on May 5, 1988, Congress passed a bill making the first Thursday of each May the National Day of Prayer; and

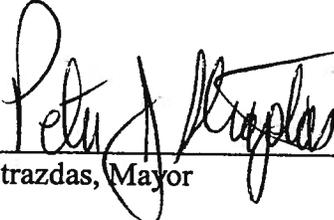
WHEREAS, the theme this year is "*Prayer...For Such A Time As This*" and an estimated two million participants will be involved across the nation; and

WHEREAS, Nahum 1:7 reads, "*The LORD is good, a refuge in times of trouble. He cares for those who trust in Him.*"

NOW, THEREFORE, I, Peter J. Strazdas, Mayor of the City of Portage, Michigan, am pleased to proclaim Thursday, May 6, 2010 as **National Prayer Day** in the City of Portage and call on Portage citizens from all backgrounds to recognize the importance of prayer in preserving a strong moral nation.



Signed this 27th day of April 2010


Peter J. Strazdas, Mayor



City of Portage Proclamation

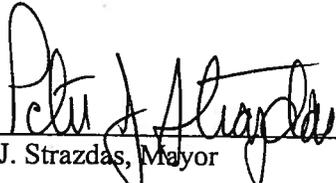
NATIONAL CHILDREN'S MENTAL HEALTH AWARENESS DAY

- WHEREAS,** addressing the complex mental health needs of children, youth and families today are fundamental to the future of the City of Portage; and
- WHEREAS,** the need for comprehensive, coordinated mental health services for children, youth and families places upon our community a critical responsibility; and
- WHEREAS,** it is appropriate that a day should be set aside each year for the direction of our thoughts toward our children's mental health and well-being; and
- WHEREAS,** Kalamazoo Wraps, through its unique and collaborative approach to serving children, youth and families, is improving the System of Care supporting the mental health needs of all children, youth and families in our community; and
- WHEREAS,** May 6th has been designated "National Children's Mental Health Awareness Day" and Kalamazoo Wraps is committed to caring for every child's mental health through education, raising awareness and eliminating stigma.

NOW, THEREFORE, I, Peter J. Strazdas, Mayor of the City of Portage, do hereby proclaim Thursday, May 6, 2010, as **NATIONAL CHILDREN'S MENTAL HEALTH AWARENESS DAY** in the City of Portage and urge our citizens and all agencies and organizations interested in meeting every child's mental health needs to unite on that day in the observance of such exercises as will acquaint the people of the City of Portage with the fundamental necessity of providing comprehensive and coordinated services for children and youth with mental health needs and their families.



Signed this 27th day of April 2010


Peter J. Strazdas, Mayor



City of Portage Proclamation

OPTIMIST INTERNET SAFETY MONTH

WHEREAS, internet safety is a growing concern facing children worldwide; and

WHEREAS, almost all children have access to the internet, either at home, school, a friend's house or the local library; and

WHEREAS, the popularity of social networking sites has shown an increase in the posting of youth and teens' personal information online; and

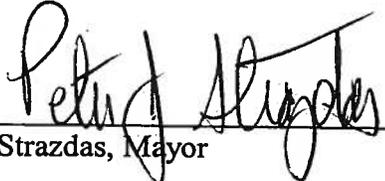
WHEREAS, internet safety has been discussed heavily in the media and by several governmental agencies; and

WHEREAS, Optimists have reaffirmed their dedication to the youth of today by introducing a new Internet Safety Program to educate parents, teachers and youth about the dangers of the internet.

NOW THEREFORE, I, Peter J. Strazdas, Mayor of the City of Portage, Michigan do hereby proclaim the month of May 2010 as **Optimist Internet Safety Month** in the City of Portage and encourage safety, diligence and vigilance in the use of the internet by all citizens.



Signed this 27th day of April 2010


Peter J. Strazdas, Mayor



City of Portage Proclamation

NATIONAL ARBOR DAY

WHEREAS, the importance of trees to the quality of the environment is recognized by designation of April 30th as National Arbor Day in Michigan; and

WHEREAS, The National Arbor Day Foundation is a non-profit group committed to tree planting and conservation; and

WHEREAS, trees are a renewable resource giving us paper, wood for our homes, fuel for our fires and countless other wood products; and

WHEREAS, trees in our city increase property values, enhance the economic vitality of business areas, and beautify our community; and

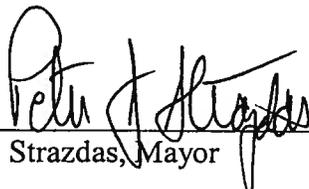
WHEREAS, the City of Portage has been designated as a Tree City USA by The National Arbor Day Foundation for its efforts in tree planting and tree conservation; and

WHEREAS, the Portage City Council held a ceremonial tree planting, Tuesday, April 27th on City property in recognition of National Arbor Day:

NOW THEREFORE, I, Peter J. Strazdas, Mayor of the City of Portage, Michigan do hereby proclaim April 30, 2010 as Arbor Day in Portage and do hereby encourage all residents to plant trees at their homes and places of work.



Signed this 27th day of April 2010


Peter J. Strazdas, Mayor



City of Portage Proclamation

PUBLIC SERVICE RECOGNITION WEEK

WHEREAS, Americans are served every single day by public servants at the federal, state, county and city levels by unsung heroes who do the work that keeps our nation working; and

WHEREAS, public employees take not only jobs, but oaths of office; and

WHEREAS, many public servants, including military personnel, police officers, firefighters, border patrol officers, embassy employees, healthcare professionals and others, risk their lives each day in service to the people of the United States and around the world; and

WHEREAS, public servants include teachers, doctors and scientists, train conductors, astronauts, nurses, safety inspectors, laborers, computer technicians, social workers and countless other occupations who provide the diverse services demanded by the American people of their government with efficiency and integrity; and

WHEREAS, without these public servants at every level, continuity would be impossible in a democracy that regularly changes its leaders and elected officials.

NOW THEREFORE, I, Peter J. Strazdas, Mayor of the City of Portage, Michigan do hereby proclaim May 3 through May 9, 2010, as **Public Service Recognition Week** and do hereby encourage all citizens to recognize the accomplishments and contributions of government employees at all levels.



Signed this 27th day of April 2010

Peter J. Strazdas, Mayor

**MINUTES OF THE SPECIAL MEETING OF THE PORTAGE CITY COUNCIL
OF APRIL 13, 2010**

The Special Meeting was called to order by Mayor Peter Strazdas at 5:30 p.m.

The following Councilmembers were present: Councilmembers Margaret O'Brien, Claudette Reid and Terry Urban, Mayor Pro Tem Ed Sackley and Mayor Peter Strazdas. Councilmember Patricia Randall arrived at 5:37 p.m. and Councilmember Elizabeth Campbell arrived at 5:43 p.m. Also present were Joyce Foondle, City Manager Maurice Evans, Deputy City Manager Brian Bowling, Financial Services Director Bob Luders, Assessor Jim Bush, Secretary Selena Rider, City Attorney Randall Brown, City Clerk James Hudson, Ted Varas, 6645 Oleander Lane, Jeff Balkema, 6100 South 29th Street, Texas Township, and Christine Elluru, 6719 Oleander Lane, and *Portage Gazette* reporter, Tom Haroldson.

Mayor Strazdas indicated that the purpose of the meeting was to receive an Assessing Department Presentation and deferred to City Manager Maurice Evans.

City Manager Evans indicated that the City Council as a whole has now replaced the Assessing Issues Task Force, and on January 26, 2010, City Council reaffirmed the System Audit and Property Reassessments. He said that the update specifically stated, "The Task Force wishes to ensure that the assessed value of every property is accurate and fair by the best methods of 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." He stated further that, like City Council, he, as a City Manager, as well as the Administration, want property to be assessed accurately and fairly using the best methods.

Mr. Evans indicated that the presentation by Ms. Joyce Foondle in its totality addresses the accurate and fairness issues. He admitted that the process of city assessing is not perfect, but the City of Portage is doing everything possible to be accurate and fair, and that the city is open to suggestions for change, if those suggestions are appropriate. Finally, he pointed out that the presentation is also meant to address many of the questions that have been raised over the past few months, being factual with data, and that the presentation is not meant to offend anyone, that it is just business.

Mr. Evans introduced Selena Rider, Secretary, City Assessor's Office, who began explaining the measures taken to improve Customer Service in the Assessor's Office. She explained that Assessing staff members have attended 6 hours of customer service training in October 2009; that beginning in November 2009, each staff member in the Assessing Department has been wearing a name badge and customer service cards have been personalized for the Assessing Department and are given to each resident that staff come in contact with, including the Assessing counter, residents whose home is inspected in person and residents who are contacted by mail; Audio/Video recorders have been installed at the Assessor's counter and also in Conference Rooms 1 and 2 as of January 2010; staff members attended a 4 hour Board of Review class held by the Michigan Townships Association in February 2010; since January 2010, a computer is conveniently located on the Assessor's counter for residents to use during normal business hours; that there have been significant website improvements as of February 2010; and formal advertised acceptance of letter appeals (previously handled informally) as of February 2010. She reviewed the customer card results since October 31, 2009. Discussion followed.

Next, Mr. Evans introduced Joyce Foondle reviewed the City Assessor's results from the comprehensive 14 point review by the Michigan State Tax Commission on November 3, 2009, as requested by City Council. She explained that the 14 Point Review is a review of the assessing practices of a jurisdiction, including the City Policies, Assessor Practices, Board of Review, and other elements. She indicated that the results of the review were completed on February 19, 2010, by the State of Michigan and the City received a grade of "compliant," the highest grade possible, receiving 173 of a possible 200 points which is considered an excellent review! In fact, she said that, according to the State Tax Commission, 35-40% of municipalities fail the 14 point review, and she pointed out that all key areas for the City of Portage identified as needing improvement have already been incorporated into the 2010 tax roll. She explained that the 14 point review conducted by the State covered three major categories of assessing: Technical Assessing Practices, Statutory Requirements & State Tax Commission Guidelines and Supporting Documentation. Discussion followed.

Ms. Foondle indicated that the Technical Assessing Practices that the State Tax Commission (STC) uses in their 14 point review to evaluate best assessing practices as it relates to key statistical data, technical analysis and record accuracy are: Coefficient of Dispersion; Price Related Differential; Uncapping (Property Transfer of Ownership); Property Record Cards / Files; and Following Sales. She explained each of these and indicated that the City of Portage had an excellent rating in all areas. Discussion followed.

Ms. Foondle informed City Council that the State Tax Commission (STC) reviewed various statutory requirements as they pertain to the City's assessing procedures and the following elements were reviewed: Assessment Roll Certificate – Submission Date; Delivery of Assessment Roll – Board of Review; Assessment Roll Certified by Board of Review; Petition Forms L-4035 & L-4035A – utilization; Board of Review Minutes; July, March & December Board of Review Changes; Miscellaneous State Forms (in this case L-4021; L-4022; L-4025); Regular Business Hours; and Location of Assessment Related Documents. She noted that Portage met or exceeded expectations in virtually each topic area. Discussion followed.

Next, Ms. Foondle explained that the STC with their 14 point review evaluates the availability and level of documentation associated with various items and that the specific items reviewed are: Cost Tables; Real Property Appraisal Cards; Personal Property Appraisal Cards; Tax Maps; Land Value Maps & Grids; and ECF's (Economic Condition Factors). Discussion followed.

Ms. Foondle provided the definitions of "Following Sales" as described in the State Tax Commission Assessor's Manual as the practice of ignoring the assessments of properties which have not recently sold while making significant changes to the assessments of properties which have recently sold and indicated that "Following Sales" can also be described as the practice of assessing properties which have recently sold significantly differently from properties which have not recently sold. Discussion followed.

With that in mind, she indicated that there have been a total of five professional following sales analyses performed of the City's assessment roll to date:

1. An analysis was performed by the Michigan State Tax Commission (STC) on an individual complaint and the result issued, July 6, 2006, was that the Assessor did not follow sales and recommended no further action by the State Tax Commission and considered this matter to be closed.
2. A second analysis was performed by STC on a joint or two-party complaint and the result issued, September 24, 2008, was that the STC did not find evidence that the City is following sales...and consider this matter to be closed.
3. The 14 point review Item #14 audited the City of Portage tax roll and performed a following sales analysis and the result issued, February 19, 2010, was that the State found that there was no significant indication that either low ratio or high ratio sales were followed by the City of Portage. In this analysis the STC took the entire City of Portage assessment roll and selected a group of 9 very low ratio residential sales and 9 very high ratio residential sales for their analysis in evaluating whether the City has been following sales.
4. An independent analysis was performed by Southwest Governmental Consultants (SWMGC) on 2008/2009 City of Portage tax roll with gradation of Sale values. The analysis looked at sampling of sales that occurred in 2008 and compared them to the 2009 assessments and a gradation of sales values was utilized to represent the City's entire assessment roll. The results of the Analysis were issued in February of 2010 and found that the average ratio of sales to assessed value in 2008 was 52.19%; the average ratio of sales to assessed value in 2009 was 49.89% and the drop in value from 2008 to 2009 indicated that there is no evidence of following sales. So, the conclusion was that there was no indication of following sales.
5. A second analysis was performed by Southwest Governmental Consultants on specific neighborhoods 2SF01 and 2SF01A, of years 2007-2009, and the results were issued, March of 2010. SWMGC was asked to review a document titled, "Following Sales Examples," provided by Councilmember Randall. The analysis included 27 sales, with five column headings; Assessed Value, Assessed Value Inc/ (Dec), Class of Construction, Effective Age and Square Footage. The sales were dated from 1990 through 2008. The five column headings showed a timeframe of 2001 through 2005. The practice of following sales is generally apparent in the year following the sale/transfer. The year following a transfer the Michigan Constitution requires that the assessed value becomes the taxable value.

Ms. Foondle expressed her opinion that the examples attempted to show that older lower priced homes were not followed, but newer higher priced homes were and that this assumption is gathered from the three sales on Oakland Drive. She concluded that the measure of following sales should have utilized all parcels within a neighborhood not select properties because it is irrelevant whether there has been a sale in the past to compare to recent sales; also, percentages of increases or decreases without looking at the entire neighborhood bears no relationship to following sales and an increase due to a transfer, the ECF and county multiplier should have been taken out of any analysis for following sales. She did commend Councilmember Randall for the amount of time spent on the example, although the procedure for identifying properties that were suspected of being "followed" was flawed.

Finally, Ms. Foondle covered the Functions/Performance of the Board of Review. She indicated that the function of the Board of Review is to review information submitted by the petitioner in conjunction with the assessment and arrive at a fair assessment. She said that this year the Board of Review members sought limited guidance on key areas of state law and guidelines, although went through significant training and that this year, the Board of Review consisted of all Realtors who chose to utilize their own tools (MLS database and Comparable Market Analysis - CMA) which included sales not allowed under state guidelines. She also said that they utilized outside information to arrive at conclusions rather than utilizing documentation submitted by the petitioners, in accordance with state guidelines. She indicated that in addition to other problematic issues, a poverty exemption decision was determined without proper documentation which, unfortunately, created a significant number of unwarranted changes which will be problematic as it relates to equity and potential further state reviews. In order to ensure compliance with state guidelines, in the future, she recommended that Board of Review members be limited to utilizing only the information provided by the petitioner and the Assessor's Office. She pointed out that Assessors can not use foreclosures, short sales and sales not verified or poverty sales. She explained that verification means the property went to the open market. Discussion followed.

In answer to Councilmember Urban and his question of whether the Board of Review violated their oath of office, Ms. Foondle indicated that the Board of Review did not realize from their training that they were agents of the State of Michigan and, in answer to Mayor Strazdas, Ms Foondle indicated that it is a fair statement to say that other cities allow the Assessor's staff more access to the board of Review to provide them with objective information to assist in their deliberations. Mayor Pro Tem Sackley offered the opinion that the "noise in the public square" (regarding tax assessment policies and procedures) had a chilling effect (on their ability to do their job properly).

In answer to Jeff Balkema, Ted Varas and Christine Elluru, City Assessor James Bush indicated that the "permits" box checked on the Assessor BS&A Software means that the property had a permit taken out for work to be performed on the structure, that there have been two parcels combined, that there has been a damaging fire on the premises, that there was omitted property such as out buildings, air conditioner, backfill of a swimming pool, or the discovery of mold or other structural deficiencies. Mr. Bush indicated that the permit field is used for any notation that the assessing staff may need to remind them to review the status of virtually all city properties before the end of the year in preparation of the assessment roll. Discussion followed.

Mayor Strazdas called upon City Council to speak or comment and recognized Councilmember Randall, who indicated that she had a burden that she has been carrying and mentioned that she had already discussed the matter with Mayor Strazdas. She indicated that she had eight different building permits that are on properties that appear on the record card under the Code 77 or 99 that add value to a home. She indicated that these permits are usually placed (sic) during the listing period or immediately following a sale and residents have gone to Community Development only to find that there is no record of them there.

She indicated that “a gentleman mapped it out - everything that he did.” She also indicated that the gentleman spoke to Community Development Building Inspector/Permits Coordinator Raul Garcia about this permit and alleged that Raul made a peculiar comment that the Assessor’s Office “probably increased your assessment after you bought your home.” She indicated that the gentleman gleaned from the conversation that since the sales price of the house went up, so did his assessment. Councilmember Randall expressed her opinion that this is an odd statement because his explanation of the Assessor increasing the value of a house after a sale sounded like a routine practice which she found odd because it is her understanding it is illegal, but the gentleman made it sound like a common routine.

Councilmember Randall indicated that she obtained information on twenty-three properties, but was not looking for record cards because she did not understand that to be a method of adding value. She said she knew from Roger McEvers of the State Tax Commission that he never verified building, new construction or whatever (sic), and offered the example that “...even if (it) was eight square feet, and it changed the entire assessment, it took it out of the roll.” She pointed out that out of the five analyses, Roger did three of them, and he point blank said that he never went out and did that.

Councilmember Randall indicated she had an analysis of twenty-three properties; that there were three building permits that were “placed” during this time period; and that she had the record cards. She asked that Mr. Hudson make copies of neighborhood comparisons and/or issues that she received regarding properties at 7014 Angling Road, south to 7138 Angling Road, and properties on Cottage Oaks, Bellflower, MacKenzie, Brookwood, Oleander, Osterhout and Oak Shores for analysis and review at the next special meeting. Discussion followed.

Financial Services Director Bob Luders responded that some analyses have been accomplished, and when staff manually extracted the information from the system for the years 2008, 2009 and 2010, the amount of class changes were approximately 14 on 15,000 opportunities during that time period. He indicated that the State reviewed the city assessing practices and came back with the highest rating possible. He also indicated that there will be challenges on some properties within the assessment roll, as we have over 15,000 properties; however, from a mass appraisal standpoint, the statistics that have come out, which are key to any appraisal show us in a top echelon of performance.

He pointed out that there is a tickler file on building permits and offered to look at individual cases if that is the will of City Council. He indicated that there have been five Following Sales Analyses to this point and said from a mass appraisal standpoint, he was satisfied. Again, he conceded that from an individual standpoint, some cases could still be corrected. He summarized that the Board of Review and the Michigan Tax Tribunal is already set up to handle those cases and indicated that he has a different opinion of what has come out factually in terms of the information that is available.

Because of the late hour and the amount of subject matter left to be covered by Ms. Foondle, there was a consensus of City Council to continue the discussion at a Special Meeting April 27, 2010, at 5:30 p.m., in City Hall Conference Room #1, and Mayor Strazdas asked City Clerk Hudson to provide proper notice of the meeting.

ADJOURN: Mayor Strazdas adjourned the meeting at 7:07 p.m.

DRAFT

James R. Hudson, City Clerk

The Regular Meeting was called to order by Mayor 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, Terry R. Urban and 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 Pastor Richard Hertsel of the Centre Avenue Community Church of God, who gave the invocation and the City Council and the audience recited the Pledge of Allegiance.

PROCLAMATION: Mayor Strazdas issued a Fair Housing Month Proclamation.

APPROVAL OF MINUTES: Motion by Sackley, seconded by Reid, to approve the March 23, 2010 Regular Meeting Minutes as presented. Upon a voice vote, both motions carried 7 to 0.

* **CONSENT AGENDA:** Mayor Strazdas asked Councilmember Reid to read the Consent Agenda. Mayor Pro Tem Sackley asked that Item F.9, Special Meeting to Interview Board and Commission Applicants, be removed from the Consent Agenda. Motion by Reid, 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 APRIL 13, 2010:** Motion by Reid, seconded by Urban, to approve the Check Register of April 13, 2010. Upon a roll call vote, motion carried 7 to 0.

PUBLIC HEARINGS:

ORDINANCE AMENDMENT #09-B, SIGN ORDINANCE REGULATIONS: Mayor Strazdas opened the public hearing and introduced Community Development Director Jeffrey Erickson, who reviewed the proposed changes to Sections 42-545(A) and 42-546(D) of the Portage Code of Ordinances that modify regulations pertaining to freestanding and wall signs for non-residential uses permitted in the R-1A through R-1T and RM-1 and RM-2 zoning districts. He explained that the area of the signs in these districts would be standardized based upon street frontage and building wall area; that the proposed maximum freestanding sign area is 50 square feet and the proposed maximum wall sign area is 100 square feet. Mr. Erickson indicated that the proposed changes clarify that a variance from the Zoning Board of Appeals is not required if a smaller sign is desired, that the maximum size for a lot less than 80 feet frontage is 32 square feet and that the square footage is based on the measurement of one side of the sign. He summed up by saying that all of these provisions were unanimously recommended after the public hearing held by the Planning Commission on February 18, 2010.

Mayor Strazdas opened the public hearing for comment and discussion followed. Motion by O'Brien, seconded by Campbell, to close the public hearing. Upon a voice vote, motion carried 7 to 0. Motion by Sackley, seconded by O'Brien, to approve Ordinance Amendment #09-B, sign ordinance regulations. Upon a roll call vote, motion carried 7 to 0.

REZONING APPLICATION #09-01, GREENSPIRE PLANNED DEVELOPMENT (PD): City Clerk James Hudson indicated that the circulators who submitted the petition in opposition to Rezoning Application #09-01 were present at the meeting and wished to personally withdraw their opposition. Discussion followed. Mayor Strazdas opened the public hearing and introduced Community Development Director Jeffrey Erickson, who explained that the Greenspire Planned

Development proposes a creative mixture of existing and new multiple-family residential units, natural open space, new retail and office uses along West Centre Avenue adjacent to the Gourneck State Game Area, Hampton Lake and several existing single family homes along Tozer Court and Shirley Court on approximately 95 acres.

Mr. Erickson indicated that the change in zoning is being requested to facilitate three additional Greenspire Apartment phases for a total of 324 units on approximately 37 acres of property with 11 additional acres being designated for retail and/or office use adjacent to West Centre Avenue. He indicated that the existing three phases of the Greenspire Apartments, 384 units on approximately 47 acres that were initiated in the 1970's and 1980's are also included in the rezoning request.

Mr. Erickson said careful consideration was necessary and has been given to the adjacent Hampton Lake and Gourneck State Game Area, as well as several existing homes along Tozer Court and Shirley Court.

Mr. Erickson briefly reviewed the procedures and regulations from the zoning code for review and approval of Planned Developments. He indicated that there is tentative plan review and final plan review for each phase of the development; that the applicant is required to submit a tentative plan which outlines the development concept for the entire project; that although conceptual in nature, specific statements, proposals, plans and schedules for the ultimate development of the site are required; after administrative review, the tentative plan is scheduled for a review and public hearing by the Planning Commission.

Mr. Erickson indicated that the Planning Commission submits their recommendation to City Council and, if approved, the Planned Development must proceed in accordance with the tentative plan since approval of the tentative plan by City Council constitutes rezoning of the land to PD and allows for the submission of a final plan for Administrative, Planning Commission and City Council review like a site plan.

He briefly reviewed the phases of Rezoning Application #09-01, and generally commented on percentage of land use, density, pedestrian walkways, open space, storm drainage, public utilities, accesses and building setbacks. He indicated that this Rezoning was discussed at the March 23, 2010 Regular City Council Meeting and there have been additional discussions between the developer and some of the property owners in the attempt to address various development issues; that the City Manager has provided discussion in response to the concerns reflected at the March 23, 2010 Regular City Council Meeting; and, additional information has been provided from the applicant in response to the comments expressed at that meeting along with a subsequent revision by the developer. He also referred to the letter from Attorney Clifford H. Bloom on behalf of Dr. Russell Mohny that reflected some concerns regarding the PD as presented. Finally, he acknowledged the earlier comments from City Clerk Hudson regarding the desire of circulators who submitted the petition in opposition to Rezoning Application #09-01 who wished to personally withdraw their opposition. He indicated that if the protest petition passes legal muster, it would take a 2/3 vote of City Council to approve Rezoning Application #09-01. He summed up by reviewing some of the Comments in the Development Guidelines Report.

He concluded that the Administrative recommendation is that City Council approve the PD per the revised tentative plan map dated April 8, 2010, the written Narrative February 23, 2010, the seven conditions listed in the February 26, 2010 Community Development Report as recommended by the Planning Commission with the residential density at 81.9 acres and 692 dwelling units as revised by the applicants and offered to answer any questions. Discussion followed by City Council regarding RM-1 zoning requirements and development, a traffic signal at West Center Avenue and Cooley Drive, mixed use zoning and open space, sidewalk systems, wetlands, the hunting safety zone separation requirement of 450 feet, property boundaries, preferred setback requirements and height restrictions.

Mayor Strazdas asked that that all of the people who signed the petition in opposition to Rezoning Application #09-01 come forward if they wished to personally withdraw the petition.

Dr. Russell Mohny, 3500 Vanderbilt Avenue, indicated that he was speaking on behalf of all of the people who signed the petition in opposition to Rezoning Application #09-01, that they were present and that they all wished to personally withdraw the petition. City Attorney Brown confirmed that Dr. Mohny was the only one who circulated the petition and all who signed the petition were present. Discussion followed. City Attorney Brown also exposed a second petition in opposition that had to be addressed. Discussion followed. Mayor Strazdas asked City Clerk Hudson to determine the percent of property ownership of those who signed the petition and called for a recess.

RECESS: 9 p.m.

RECONVENE: 9:20 p.m.

Based upon his investigation and the fact that Mr. Terry Hall withdrew his opposition in person, Mr. Hudson determined that the petition in opposition did not pass muster and was advisory only and City Attorney Brown concurred.

Mayor Strazdas welcomed any residents to speak regarding any topics or concerns they may have related to this matter.

Joe Gesmundo, American Home Builders, 4200 West Centre Avenue, introduced his staff, spoke in favor of the PD Rezoning of the property and indicated satisfaction that all issues had been resolved. He indicated that there is an agreement regarding the setback on the Phase V parcel owned by Betty Ongley, that the westerly boundary would have a 90 foot setback, excluding garages, carports and parking lots; that there will be no windows on the west end of the building that is closest to the property owned by Terry Hall; that the screening on the west boundary of Phase V that is closest to the property owned by Terry Hall be possibly moved to the east to save trees; and that the developer will attempt to move the building that is closest to the property owned by Terry Hall to the east as much as 20 feet after final grading plan is completed. He reviewed some of the development he has accomplished in the City of Portage in the past. Mr. Gesmundo introduced his representative Gregg Dobson, who provided an overview of the development and reviewed some of the more salient features of the development in detail. Discussion followed.

Barb Wygant, 3225 Greenspire Drive, Apt 11, John Patten, 7593 MacArthur Lane, spoke in opposition to the development.

Sandy Kinzer, 3665 Fawn Cove, Apt.1, spoke on behalf of preserving the blue heron, the pair of swans, raccoons and opossums that are present on the land and cited the retail on West Centre Avenue in walking distance as an argument against placing retail in the mixed use PD Development.

Barbara Gerber, 3421 Fawn Cove Lane, Apt. 2, spoke in opposition and on behalf of Gloria Olson in opposition. She described the habitats of the Eastern Box Turtle, the only terrestrial turtle in Michigan, found mainly in Allegan, Kalamazoo and Benzie Counties, and presented photographs for City Council of the citing of one of four nests on the land east of Tozer Court and adjacent to the wetlands. She indicated that two of the nests were already crushed by core-drilling trucks across Tozer Court where a parking lot is planned, the third further into the woods where a new building is planned and the fourth nest is east of the home at 6815 Tozer Court where a building is shown on the site plan and asked that no building be allowed on this land area.

Kim Dillon, 8546 Shirley Court, indicated that she took her name off of the petition after numerous meetings with the developer and advocated the use of berms and screening and spoke in favor of the PD Rezoning change.

Carol Bartholomew, 8614 Shirley Court, expressed a deep concern for the animals in the area and spoke in favor of the PD Rezoning and development of the property by the builder.

Dr. Russell Mohny spoke on behalf of Terry Hall, who had to leave, and indicated that Mr. Hall was perfectly satisfied with the proposal of Mr. Gesmundo and supported the PD Development.

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Dr. Mohny expressed his appreciation for the counsel of City Manager Evans and Community Development Director Erickson and efforts of City Council throughout this process.

Betty Lee Ongley, 8620 Tozer Court, said she did not oppose the PD Rezoning classification; that she spoke before the Zoning Board of Appeals and the Planning Commission that she was not pleased with the proposed three-story apartment buildings overlooking her house and property; that Joe Gesmundo assured her that the building could be shifted 10 feet to the south; and expressed her concern for parking lots, cars and traffic on the land; that Gregg Dobson designed a planned garage opposite her garage and has offered a number of evergreens for screening and private property no trespassing signs and suggested fencing as an option. She asked that ingress and egress issues during construction be addressed. When she asked where she could address environmental concerns, such as leaking oil and solvents into the ground or parking lot run-off, Mayor Strazdas told her they should be addressed to the developer and Mr. Dobson agreed. City Manager Evans asked that he be contacted if an issue cannot otherwise be resolved.

Jean Mohny, 3800 Vanderbilt, spoke in opposition, and asked what percent of the property in question is zoned R-1, residential, and what per cent is zoned RM-1, multifamily residential. Mr. Erickson came forward with a zoning map and indicated that 98% is zoned RM-1, multifamily residential, the highest density residential zoning option in Portage, with a small part zoned R1-C, one-family residential.

Doug Rhodus, 2333 Vanderbilt Avenue, indicated he is not opposed to the rezoning and asked questions regarding procedures. He asked under Sec 42-370, what is the definition of land in the ordinance, as it could be a marsh, wetland, water, etc., and what does single ownership mean as there seems to be four separate legal entities in ownership of the property in question, so he asked why is staff looking at this as a single entity? He also indicated that the ordinance identifies the properties to be rezoned by parcel number and address and, if the City goes by what it has on file, the city would be rezoning the lake as this is what is on file. He referenced the letter from Russ Mohny's lawyer, Clifford Bloom, that only the Circuit Court can determine the property line; therefore, the property line should stop at the shoreline for rezoning purposes because the rezoning would not "follow riparian rights."

With regard to the use of the shoreline as the boundary for the rezoning, City Attorney Brown answered that the suggested motion for consideration by City Council includes a condition that that the zoning district boundary be the shoreline of Hampton Lake; also, that it may be that the property goes into the lake, but the motion will be at the shoreline of Hampton Lake. Discussion followed.

Mr. Erickson distinguished definitions in the Portage Code of Ordinances dealing with land that staff uses to guide them or that the Planning Commission might use in their deliberations. He also addressed the concept of single ownership as defined in PD and explained. Discussion followed.

Mr. Rhodus took exception with Mr. Dobson that the survey he presented at the last Regular City Council Meeting was recordable and indicated he would work that out with Mr. Dobson outside of the meeting. Discussion followed.

Motion by Sackley, seconded by Reid to close the public hearing. Upon a voice vote, motion carried 7 to 0.

Motion by Sackley, seconded by Urban, to approve Rezoning Application #09-01 from RM-1, multi-family residential, and R-1C, one-family residential, to PD, planned development, per the revised tentative plan map received on April 8, 2010, written narrative dated February 23, 2010, and seven conditions contained in the Department of Community Development report dated February 26, 2010, with the residential density based on 81.9 acres and 692 dwelling units as revised by the applicant and that the zoning district boundary be the shoreline of Hampton Lake. Councilmember Campbell asked whether the maker of the motion would be willing to add, as condition number eight, the conditions agreed upon by the developer and the surrounding property owners and Mayor Pro Tem Sackley agreed

to add with the addition to the agreed upon conditions: that the setback on the Phase V parcel owned by Betty Ongley, regarding the westerly boundary would have a 90 foot setback, excluding garages, carports and parking lots; that there will be no windows on the west end of the building, amended to include "that is closest to the property owned by Terry Hall;" that the screening on the west boundary of Phase V that is closest to the property owned by Terry Hall be possibly moved to the east to save trees; and that the developer will attempt to move the building that is closest to the property owned by Terry Hall to the east as much as 20 feet after final grading plan is completed. Discussion followed. Upon a roll call vote, motion carried 7 to 0.

REPORTS FROM THE ADMINISTRATION:

PRESENTATION OF FISCAL YEAR 2011-12 BUDGET: City Council received the Proposed Budget for Fiscal Year 2011-12. At the request of Mayor Strazdas, City Manager Evans presented the proposed 2011-12 Fiscal Year Budget to City Council and indicated that a conservative approach was utilized in formulating the \$61.8 million down from the \$66 million budget for Fiscal Year 2010-11. Mr. Evans indicated that the decrease is mostly attributable to declining property tax revenues and, because of a four (4) percent reduction in property tax revenue, there is an increase in the city millage from 10.65 to 10.73 mills but this still allows the City of Portage to continue to remain in the lower 25 percent of all Michigan cities of greater than 25,000 population in terms of millage level. He indicated that this proposed increase in the millage level is due in part to a proposed 0.0714 mill increase to the Municipal Street Fund owing to the decrease in property tax revenue and from a redirection of \$550,000 by the Kalamazoo Area Transportation Study of previously anticipated federal funding for major streets. He also indicated that there are continued staff reductions through attrition, a proposed severance package, no pay increases and continued cuts in some services. He mentioned the dropping of the community survey for this year for a savings of \$10,000 and that the budget maintains the City Council-prescribed 13 percent fund balance in the General Fund. He pointed out that State Revenue Sharing continues to go down and has been estimated through the State Budget Office to be \$3,423,884 for Fiscal Year 2010-11, representing a decrease of more than \$400,000 from the 2009-2010 budgeted amount. He summed up by saying that the fiscal year 2010-2011 proposed budget includes an overall reduction in General Fund expenditures of approximately \$2.1 million from the fiscal year 2009-2010 budget. Discussion followed.

* **RESOLUTION AWARDING BID FOR CAPITAL IMPROVEMENT BONDS, SERIES 2010:** Motion by Reid, seconded by Urban, to adopt the Bond Resolution authorizing the sale of City of Portage Capital Improvement Bonds, Series 2010, in the amount of \$3,850,000; and the Resolution Approving the Undertaking to Provide Continuing Disclosure by the City of Portage for the Capital Improvement Bonds, Series 2010. Upon a roll call vote, motion carried 7 to 0.

* **CONTRACT RENEWAL WITH SARCOM FOR INFORMATION TECHNOLOGY SERVICES:** Motion by Reid, seconded by Urban, to accept the annual renewal agreement of SARCOM, Inc., to continue to provide information technology services management on behalf of the City of Portage for a period of five years at a negotiated price of \$2,344,826 and authorize the City Manager to execute all documents related to this action on behalf of the city. Upon a roll call vote, motion carried 7 to 0.

* **GARDEN LANE WATER TREATMENT PLANT OPERATION AND MANAGEMENT:** Motion by Reid, seconded by Urban, to amend the current (third) five-year contract with United Water for the provision of utility management and operation services from March 1, 2007 through February 29, 2012 to include operation and maintenance of the Garden Lane Water Treatment

Plant in the not-to-exceed annual amount of \$171,016 and authorize the City Manager to execute all documents related to this action on behalf of the city. Upon a roll call vote, motion carried 7 to 0.

* **PUBLIC SAFETY COMMUNICATIONS MESSAGE SWITCH PURCHASE:** Motion by Reid, seconded by Urban, to approve the purchase of one IBM communications message switch at a cost of \$10,450 and authorize the City Manager to execute all documents related to this action on behalf of the city. Upon a roll call vote, motion carried 7 to 0.

* **CENTRE MEADOWS SENIOR APARTMENTS, 1405, 1419 AND 1503 EAST CENTRE AVENUE, HEIGHT MODIFICATION:** Motion by Reid, seconded by Urban, to approve the height modification for Centre Meadows Apartments, 1405, 1419 and 1503 East Centre Avenue to construct a three-story multiple family residential building to a height of 36 feet with an architectural feature/cupola on top of the building that will extend to a height of 49 feet and note that the proposed building location/orientation, setback distances, natural topography, preservation of mature trees and supplemental landscaping will help mitigate potential adverse impacts on adjacent single family residential districts. Upon a roll call vote, motion carried 7 to 0.

* **NEW ENTERTAINMENT PERMIT IN CONJUNCTION WITH 2009 CLASS C LICENSED BUSINESS (ERBELLI'S RESTAURANT):** Motion by Reid, seconded by Urban, to grant the request for a new Entertainment Permit to be held in conjunction with 2009 Class C Licensed Business at 8342 Portage Road, Portage (Erbelli's Restaurant). Upon a roll call vote, motion carried 7 to 0.

* **FISCAL YEAR 2010-11 PROPOSED BUDGET REVIEW SCHEDULE:** Motion by Reid, seconded by Urban, to establish April 20 from 2-5 p.m. and May 4 from 6-9 p.m. as the dates for review of the proposed Fiscal Year 2010-11 Budget. Upon a roll call vote, motion carried 7 to 0.

SPECIAL MEETING TO INTERVIEW BOARD AND COMMISSION

APPLICANTS: Mayor Pro Tem Sackley indicated that there would be a meeting of the City Council Cable Access Committee at 8 a.m., Wednesday, April 14, 2010, at which there is planned discussion of the composition of Portage representation on the Public Media Network Board. Discussion followed. Motion by Reid, seconded by Urban, to set a Special Meeting on Tuesday, May 11, 2010, beginning at 5:30 p.m., to interview board and commission applicants. Upon a roll call vote, motion carried 7 to 0.

* **TREE CITY USA TREE PLANTING AND PROCLAMATION - INFORMATION ONLY:** Motion by Reid, seconded by Urban, to receive the communication from the City Manager regarding the Tree City USA Tree Planting and Proclamation as information only. Upon a roll call vote, motion carried 7 to 0.

COMMUNICATIONS:

* **COUNCIL POLICY ON COMMUNICATION PROCEDURES:** Motion by Reid, seconded by Urban, to adopt the Communications Procedure Policy and Communications Flow Chart. Upon a roll call vote, motion carried 7 to 0.

PRESENTATION ON WATER WEEK CELEBRATION: City Council received the presentation by Kimberly Reeder, United Water Senior Regional Manager, on the upcoming Water Week Celebration which will include a Proclamation at the next Regular City Council Meeting. Ms. Reeder indicated that 5,100 contest entry forms had been distributed to the schools and that she was looking for judges for the contest. K-5 are directed to write a poem, do a drawing or write an essay, while grades 6 through 12 are directed to write an essay related to water. She indicated that there

are 10 movies available for information on water preservation subjects, that an article will be published in the *Portage Gazette* and the school publication for publicity purposes. Mayor Strazdas asked her to keep City Council apprised of the timeline. Councilmember Randall volunteered to be a judge. Discussion followed.

PRESENTATION ON THE LAW ENFORCEMENT MILLAGE RENEWAL: Mayor Strazdas moved this item up on the agenda, so that it occurred after Item D.1, Ordinance Amendment #09-B, sign ordinance regulations. Kalamazoo County Prosecutor Jeffrey Fink and Kalamazoo County Undersheriff Paul Matyas provided a presentation and handout on the Law Enforcement Millage renewal that will be included on the May 4, 2010, ballot that outlined the staffing funded by this millage, including the Sheriff's Department, the Prosecuting Attorney's Office, Circuit Court, District Court and Animal Services and Enforcement. Discussion followed.

COMMUNICATION FROM THE PARK BOARD CHAIR MARK ANTHONY MARTIN REGARDING SMOKING IN PUBLIC PARKS: Motion by Reid, seconded by Campbell, to receive the communication from Park Board Chair Mark Anthony Martin regarding smoking in public parks and refer it to the Administration for comment and counsel at the next Regular City Council Meeting. Discussion followed and the motion was amended to read, "in a reasonable amount of time" instead of, "at the next Regular City Council Meeting." After further discussion the motion was withdrawn for lack of support with a request for clarification from the Park Board of what they want. Discussion followed. Mayor Strazdas offered to call Park Board Chair Mark Anthony Martin for clarification of their intent. Discussion followed. Motion by Urban, seconded by O'Brien, to receive the communication from Park Board Chair Mark Anthony Martin regarding smoking in public parks. Upon a voice vote, motion carried 7 to 0.

COMMUNICATION FROM THE PLANNING COMMISSION CHAIRMAN THOMAS A. FOX REGARDING THE FY 2010-2020 CAPITAL IMPROVEMENT PROGRAM: City Manager Evans explained. Motion by Urban, seconded by O'Brien, to receive the communication from the Planning Commission regarding the City of Portage Fiscal Year 2010-2020 Capital Improvement Program. Upon a voice vote, both motions carried 7 to 0.

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

Portage Board of Education Regular Business Meeting of February 22, Policy Governance Retreat of February 24, Committee of the Whole Work Session of March 8 and Special of March 9, 2010.

Portage Park Board of March 3, 2010.

Portage Human Services Board of March 4, 2010.

Portage Planning Commission of March 18, 2010.

AD HOC COMMITTEE REPORTS:

2010 COMMUNITY SURVEY – INFORMATION ONLY: Councilmember Urban explained that this matter had been discussed at the City Council Retreat and there was an interest in skipping it this year and saving \$10,000. Discussion followed. Motion by Randall, seconded by Reid, to receive the communication from the City Council Community Survey Committee regarding the 2010 Community Survey as information only. Mayor Pro Tem Sackley indicated that Dr. Thomas Van Valey, who has conducted the survey from its inception, advised that taking a year off would do nothing to disrupt the data stream and its viability going forward. Upon a voice vote, both motions carried 7 to 0.

OTHER CITY MATTERS:

STATEMENTS OF CITY COUNCIL AND CITY MANAGER: Councilmember Campbell indicated that John Kounelis would be named Community Service Person of the Year at the Rotary luncheon on Wednesday, April 14, 2010, and invited all who know him to come and express their appreciation.

Councilmember Reid advised City Council that she would be absent for the next City Council Meeting.

Councilmember O'Brien announced the 54th Portage South Little League Opening Ceremonies, Saturday, April 24, 2010.

City Manager Evans announced that South Westnedge Avenue at I-94 would be totally closed from 10 p.m., Saturday, April 24, 2010, through 10 a.m., Sunday, April 25, 2010.

Mayor Pro Tem Sackley acknowledged the request from the Planning Commission to peruse the Planning Commission minutes from March 18, 2010. He highlighted some of the concerns reflected in the minutes, including: interest in having a signal warrant study at West Centre Avenue and Cooley Drive; street infrastructure improvement project for Portage Public Schools traffic signalization; and a request to begin acquiring property in the City Centre area as a method to encourage and control redevelopment activities.

ADJOURNMENT: Mayor Strazdas adjourned the meeting at 11:42 p.m.

James R. Hudson, City Clerk

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

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MINUTES OF THE BUDGET WORK SESSION OF THE PORTAGE CITY COUNCIL April 20, 2010

Meeting was called to order by Mayor Strazdas at 2:00 p.m.

The following members of Council were present: Councilmembers Elizabeth Campbell, Margaret O'Brien, Patricia Randall, Claudette Reid, Terry Urban, and Mayor Pro Tem Ed Sackley and Mayor Peter Strazdas. Also in attendance were City Manager Maurice Evans, Deputy City Manager Brian Bowling, Financial Services Director Bob Luders, Finance Director Daniel Foecking, Deputy Finance Director Patricia Fitnitch and City Clerk James Hudson.

City Manager Maurice Evans provided an overview of the proposed budget and indicated that the City of Portage is down \$1.2 million more this year and that it is a tight budget. He mentioned that there are lots of financial challenges, that core services continue and personnel reduction efforts have resulted in an employee level of 188 people, down from 215. He announced a proposed Severance Policy found in the Supplemental Budget under Section 4 that will be covered in more detail by Benefits Services Director Patti Thompson. He listed some of the cost-cutting measures because of the reduction in State Revenue Sharing and lowering of assessments in the city, including: operational reductions, fewer Christmas lights, no tulips, review of vendor contracts seeking reductions and concessions, two years of no wage increases except union contracts and the use of privatization. Councilmember Urban asked that the City Manager "push back" if City Council requests for assistance become too demanding owing to the reduced staff. Mr. Evans concurred that he would. Councilmember Urban asked further that City Council be made aware of specific areas of reductions such as no printing of certain brochures anymore, no training for personnel, for example. Mr. Evans offered one glaring example, that street repair and reconstruction is not where the Administration would want them to be. Mayor Strazdas advocated sensitivity for the people who are still employed with the city and deference to work schedules and work volume. Discussion followed.

Benefit Services Director Patti Thompson with Deputy Director Tracy Schmitt explained some of the functions and responsibilities of the Benefit Services Department, including union and non-union benefits, staff reduction, 312 Arbitrations, sick leave reporting system, providing reports only as needed, better use of technology, compensation plans, benefit plans, Employee Health Management Plan being evaluated, aggressive Workers' Compensation management, retiree health savings plan, and contract negotiations. Discussion followed.

Financial Services Director Bob Luders provided a brief background of the department work functions related to the budget, including procurement of goods and services and capital improvement of the city. Mr. Luders discussed the Purchasing Department responsibilities in the areas of management of city contracts, procurement of goods, CIP oversight, purchase orders, bids, risk and liability, including property and auto insurance through the Michigan Municipal Risk Authority. Discussion followed.

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City Clerk Jim Hudson cited some of the services provided by the City Clerk staff in the areas of elections, Freedom of Information Act Requests, tax abatements, record keeping, cemeteries and matters before Council. Mr. Hudson indicated that staff continues to upgrade the City Clerk website and staff is currently assisting the Kalamazoo County Clerk with the May 4 Consolidated School Election. Discussion followed.

Information Technology Services Director Devin Mackinder indicated that the IT Department reviews emerging technologies and indicated that there are increases in costs savings, customer service and computer expertise as a result of the contractual arrangement between the City of Portage and SARCOM. Mr. Mackinder indicated that the city computer infrastructure has basically doubled, yet staff levels have remained the same and the city continues to invest in technology as the department must service all of the departments on every level. He indicated that his informal survey continues to result in 99% customer satisfaction, so outsourcing the IT function has worked for the City of Portage. He explained some of the changes, updates and advances accomplished over the past year in the technology area and announced some of the plans for new technologies for the upcoming fiscal year. He reviewed the Communication Services budget and the reduction to only 0.5 employees in that department. For the Portage Cable Access budget, he reviewed the formula that will be used to migrate to PMN and the Waylee facility and outlined some of the advantages and benefits to the city. Discussion followed.

Streets and Equipment Director Jack Hartman with Deputy Director Ray Waurio explained the Streets and Equipment budget, including: routine maintenance, strip paving efforts, the pavement markings program, staff reductions and the elimination of two old snow plows because of maintenance costs. Discussion followed. Deputy Director Ray Waurio discussed the Major Street Budget, including: routine maintenance in more detail, road reconstruction, sidewalk replacement, leaf pick-up and the Spring cleanup with an enhanced brush pick-up program. Discussion followed.

Parks, Recreation & Property Management Director William Deming with Deputy Director Barry Bacon and Senior Citizen Services Manager Jason Horan emphasized that Portage Parks promote high quality events, facilities and opportunities to answer the needs and demands of a mobile, active, health-conscious generation. Mr. Deming reviewed the Parks, Recreation & Property Management budget and emphasized that the department was engaging in increased efficiencies, consolidation of duties, contractual services and utilizing volunteers where possible. Mr. Deming indicated that there was a reduction of flower beds and holiday decorations, and he mentioned that cultural activities are independently well-funded. He discussed the cemeteries and the efforts to build up the perpetual care fund for the time when the cemeteries become full and maintenance still has to take place. In the area of recreation, he pointed to the success of the softball program and that Ramona Beach brought in \$8,000 more than the year before. He said that revenues from the Bicentennial Livery are up and the revenues from various walks, runs and festivals are up. Discussion followed. On answer to Mayor Pro Tem Sackley with regard to the Senior Center bus, Jason Horan outlined the costs associated with the gas and maintenance of the bus and Councilmember Reid suggested Mr. Horan check with KCTA as there is a van available that any agency can schedule as long as they provide the driver and the gasoline. Discussion followed.

DRAFT

Police Chief Richard White with Deputy Kit Lirot, Deputy of Operations, and Deputy Dan Mills, Deputy of Administration, summarized the Police Department budget. Chief White supported cost containment, especially since the Police Department takes the largest portion of the budget, and indicated his department is down to 53 sworn positions and expressed his appreciation that no lay-offs had to take place. He discussed prevention of substance abuse as a City Council goal, the results of inspections of businesses with liquor licenses and the success of the drug task force, citing some examples. He mentioned police involvement in the disposal of prescription drugs, Kalamazoo County Safe Kids Programs and the Safe Walk to School Program. Chief White also indicated that the department was in the process of preparing for re-accreditation for 2010 which requires proof of compliance with over 450 standards. Discussion followed.

Fire Chief Randolph Lawton with Deputy John Podgorski provided a brief overview of the City of Portage Fire Department budget. Chief Lawton reviewed staffing, recruiting and training of fire personnel. He indicated that there are 28 career firefighters, 19 on-call firefighters and 7 more on-call firefighters completing their recruit training. He also indicated that the recent Deputy Fire Chief vacancy has not been filled. He discussed Emergency Medical Service (EMS) options, employee overtime needs, the three Fire Stations, importance of proper engineering as reflected on site plans, education, training and the demand for an increase in services while revenues are on the decline. He noted that Portage has had no involvement in the countywide training facility, has only used it once, and that this is because of the uncertainty of who has what and who pays for it. During the discussion that followed, Councilmember Campbell left at 5:00 p.m.

ADJOURNMENT: Mayor Strazdas adjourned the meeting at 5:04 p.m.

James R. Hudson, City Clerk

CITY OF PORTAGE

COMMUNICATION

TO: Honorable Mayor and City Council

DATE: April 20, 2010

FROM: Maurice S. Evans, City Manager



SUBJECT: Check Register

ACTION RECOMMENDED: That City Council approve the Check Register of April 27, 2010 as presented.

Attached please find the Check Register for the period April 7, 2010 through April 20, 2010, which is recommended for approval.

c: Daniel S. Foecking, Finance Director

CHECK DATE	CHECK NUMBER	VENDOR NAME	VENDOR #	BANK CODE	CHECK AMOUNT
04/08/2010	207555	STATE OF MICHIGAN (DOT)	368		413,749.04
04/12/2010	270556	J B PRINTING COMPANY	1595		.00
04/14/2010	270557	U S POSTMASTER	391		4,854.69
04/16/2010	270558	AT&T	849		3,704.68
04/16/2010	270559	A-1 AMERICAN FLAGPOLES & FLAGS	2656		167.00
04/16/2010	270560	ABONMARCHE CONSULTANTS, INC	597		6,542.48
04/16/2010	270561	ACCENT ENGRAVING, INC.	101		1,108.50
04/16/2010	270562	ACCURINT	3491		187.00
04/16/2010	270563	ACE PARKING LOT STRIPING, INC.	459		650.00
04/16/2010	270564	ADAMS BUILDING CONTRACTORS, IN	4350		214,273.21
04/16/2010	270565	AIRGAS GREAT LAKES	106		19.28
04/16/2010	270566	ALL-PHASE ELECTRIC SUPPLY CO.	108		258.30
04/16/2010	270567	ALL-TRONICS, INC.	109		78.00
04/16/2010	270568	ALLEGRA PRINT & IMAGING	533		
04/16/2010	270569	ALLIED WASTE SERVICES #249	3078		2,541.24
04/16/2010	270570	ALRO STEEL CORPORATION	2934		40,106.15
04/16/2010	270571	AMERICAN HYDROGEOLOGY CORP.	114		37.20
04/16/2010	270572	ANTHONSEN, KRIS	999999		776.51
04/16/2010	270573	ANY CUTTING & WELDING	3347		44.00
04/16/2010	270574	ANYTIME FITNESS	999999		300.00
04/16/2010	270575	TODD ARBANAS ENTERPRISES INC.	1704		60.92
04/16/2010	270576	ARBOR CARE, LLC	999999		600.00
04/16/2010	270577	ARROW UNIFORM RENTAL	4058		50.00
04/16/2010	270578	ARROWHEAD SCIENTIFIC, INC.	3744		58.55
04/16/2010	270579	AUTOMATIC DATA PROCESSING	3305		466.80
04/16/2010	270580	B & B YARDSCAPE	3114		1,119.92
04/16/2010	270581	BCHS-HELPEMET	1732		5,225.00
04/16/2010	270582	BELL, JULYA	999999		1,314.12
04/16/2010	270583	BILL'S LOCK SHOP, INC.	146		12.40
04/16/2010	270584	BOOTH NEWSPAPERS INC	89		211.00
04/16/2010	270585	BORGESS HEALTH ALLIANCE	151		306.23
04/16/2010	270586	BRINK WOOD PRODUCTS, INC.	3537		348.00
04/16/2010	270587	BRINK'S, INC	153		900.00
04/16/2010	270588	RANDALL L BROWN & ASSOC. PLC	2351		226.48
04/16/2010	270589	BUSH, JAMES C.	999999		102.00
04/16/2010	270590	BYHOLT INC.	68		64.17
04/16/2010	270591	CAMPBELL AUTO SUPPLY	437		737.21
04/16/2010	270592	CHAMBER OF COMMERCE MAP PROJCT	999999		119.55
04/16/2010	270593	CHARTER COMMUNICATIONS	3080		332.10
04/16/2010	270594	CINTAS CORP.	2206		28.75
04/16/2010	270595	CITY OF KALAMAZOO (PUBLIC UTIL	540		373.60
04/16/2010	270596	CLASSIC ENGINEERING LLC	4530		32.27
04/16/2010	270597	COLEMAN, JUDY	999999		600.00
04/16/2010	270598	COMSTOCK PUBLIC SCHOOLS	1671		90.00
04/16/2010	270599	CONSUMERS ENERGY	743		6.28
04/16/2010	270600	CONSUMERS ENERGY-BILL PMT CNT	189		44,094.27
04/16/2010	270601	CONTINENTAL LINEN SUPPLY CO.	191		14,321.06
04/16/2010	270602	CORE TECHNOLOGY CORP.	3226		40.63
04/16/2010	270603	CROSSROADS EXPERT AUTO SERVICE	4109		2,188.00
04/16/2010	270604	CUSTER OFFICE ENVIRONMENTS	2210		823.43
04/16/2010	270605	DAVID & LOIS STUCK	999999		816.15
04/16/2010	270605				110.00

CHECK DATE	CHECK NUMBER	VENDOR NAME	VENDOR #	BANK CODE	CHECK AMOUNT
04/16/2010	270606	DERKS, CAROL A.S.	4319		810.00
04/16/2010	270607	DISCOUNT SCHOOL SUPPLY	1889		153.31
04/16/2010	270608	EARTH TECH	224		18,383.52
04/16/2010	270609	EMERGENCY VEHICLE PRODUCTS	2948		4,584.71
04/16/2010	270610	ETNA SUPPLY, INC.	692		74.56
04/16/2010	270611	FARM N GARDEN	833		732.05
04/16/2010	270612	FERGUSON ENTERPRISES, INC.	3993		585.60
04/16/2010	270613	FILLMORE EQUIPMENT, INC.	4516		137.83
04/16/2010	270614	FIRST AMERICAN TITLE CO.	386		100.00
04/16/2010	270615	FIRST IMAGE	1679		148.00
04/16/2010	270616	FLETCHER ENTERPRISES	1399		3,202.00
04/16/2010	270617	GEMPLER'S	3257		215.75
04/16/2010	270618	GORDON FOOD SERVICE	502		21.43
04/16/2010	270619	GORDON WATER SYSTEMS	517		213.73
04/16/2010	270620	GRAHAM FORESTRY SERVICE, INC.	464		1,685.00
04/16/2010	270621	GRAND TRAVERSE RESORT & SPA LL	4166		142.00
04/16/2010	270622	GRIFFIN PEST CONTROL, INC.	598		75.00
04/16/2010	270623	GWAVA TECHNOLOGIES INC.	4119		4,455.00
04/16/2010	270624	GWILLIAMS, PAM	532		850.00
04/16/2010	270625	HEARING CENTER OF KALAMAZOO	999999		65.00
04/16/2010	270626	HI-TECH ELECTRIC CO.	1327		1,998.82
04/16/2010	270628	HOME DEPOT	691		808.67
04/16/2010	270629	HORAN, JASON	999999		65.00
04/16/2010	270630	IBEX INSURANCE AGENCY, INC.	921		50.00
04/16/2010	270631	IERVOLINA, SUSAN	2074		180.00
04/16/2010	270632	INDUSCO SUPPLY CO., INC.	63		188.36
04/16/2010	270633	J B PRINTING COMPANY	1595		1,469.60
04/16/2010	270634	J-AD GRAPHICS, INC	4444		1,405.75
04/16/2010	270635	KAHN, WILMA	2868		240.00
04/16/2010	270636	KAL CO MEDICAL CONTROL AUTH	735		19.39
04/16/2010	270637	KALAMAZOO CONSERVATION SERVICE	1414		336.00
04/16/2010	270638	KALAMAZOO COUNTY TREASURER	514		15,862.05
04/16/2010	270639	KALAMAZOO LANDSCAPE SUPPLIES	90		60.00
04/16/2010	270640	KALAMAZOO REG'L EDUC SVS AGENG	721		4,592.35
04/16/2010	270641	KAR LABORATORIES	230		2,789.60
04/16/2010	270642	KNAPP ENERGY, INC.	1899		325.00
04/16/2010	270643	KUIPER BROTHERS MOVING INC.	235		9,180.00
04/16/2010	270644	LAKE MICHIGAN MAILERS, INC.	1066		813.00
04/16/2010	270645	LAWSON PRODUCTS, INC	682		19.93
04/16/2010	270646	LEWIS PAPER PLACE, INC.	240		169.63
04/16/2010	270647	LOCEY SWIM POOL CO.	242		88.65
04/16/2010	270648	M & S SERVICE CO.	243		22.47
04/16/2010	270650	M M R M A	4487		49.96
04/16/2010	270651	MADEIRO, MARCOS	945		136,071.00
04/16/2010	270653	MAIL MANAGEMENT	999999		50.00
04/16/2010	270654	MANHATTAN TOUR & TRAVEL, INC.	2130		1,008.00
04/16/2010	270655	MCDONALD'S TOWING & RESCUE, IN	3720		15,000.00
04/16/2010	270656	MCNALLY ELEVATOR CO.	728		86.00
04/16/2010	270657	MENARDS, INC	256		81.78
04/16/2010	270658	MEYERS BROS. INSULATION	258		17.87
04/16/2010	270658	MEYERS BROS. INSULATION	4528		450.00

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CHECK DATE	CHECK NUMBER	VENDOR NAME	VENDOR #	BANK CODE	CHECK AMOUNT
04/16/2010	270659	MI ASSOC OF HOSTAGE NEGOTIATOR	999999		100.00
04/16/2010	270660	MICHIGAN ELECTION RESOURCES, L	264		925.00
04/16/2010	270661	MICHIGAN KAL ELECTRONICS, INC.	266		3,655.55
04/16/2010	270662	WML UNEMPLOYMENT FUND	4476		14,553.69
04/16/2010	270663	MOORE MEDICAL, LLC	3850		332.53
04/16/2010	270664	MOORS I, LLC	3834		48.37
04/16/2010	270665	MUFFLEY, CHAD	999999		19.76
04/16/2010	270666	MULDERS LANDSCAPE SUPPLIES INC	286		490.00
04/16/2010	270667	NATIONAL TRUST FOR HISTORIC	999999		125.00
04/16/2010	270668	NELSON'S HARDWARE	1566		14.87
04/16/2010	270669	NEW FRESH CLEANING SERVICE	4351		5,049.00
04/16/2010	270670	A NEW LEAF	635		85.00
04/16/2010	270671	NYE UNIFORMS	299		2,392.81
04/16/2010	270672	OFFICE DEPOT, INC.	1721		2,329.66
04/16/2010	270673	OFFICEMAX INCORPORATED	301		384.18
04/16/2010	270674	PARADIGM DESIGN, INC.	3306		6,286.80
04/16/2010	270675	PARIS CLEANERS	1794		1,561.45
04/16/2010	270676	PETTY CASH-FIRE	610		208.55
04/16/2010	270677	PETTY CASH-POLICE DEPT.	890		301.88
04/16/2010	270678	PETTY CASH-SENIOR CENTER	537		203.13
04/16/2010	270679	PLEUNE SERVICE COMPANY	3985		10,162.00
04/16/2010	270680	PORTAGE DISTRICT LIBRARY	810		4,510.64
04/16/2010	270681	PORTAGE PUBLIC SCHOOLS	590		12,732.11
04/16/2010	270682	PRECISION PRINTER SERVICES INC	2584		1,192.69
04/16/2010	270683	PREFERRED PLUMBING	4513		495.00
04/16/2010	270684	PRIDE AMBULANCE CO.	2437		360.00
04/16/2010	270685	PUBLIC SAFETY CENTER	4526		89.04
04/16/2010	270686	PURITY CYLINDER GASES, INC	323		216.00
04/16/2010	270687	QUALITY AIR HEATING & COOLING,	3621		832.33
04/16/2010	270688	RATHCO SAFETY SUPPLY, INC.	327		379.00
04/16/2010	270689	RELIABLE MANAGEMENT SYSTEMS, I	4354		331.00
04/16/2010	270690	RIDGE AUTO NAPA	438		30.33
04/16/2010	270691	RIETH-RILEY CONSTRUCTION CO.,	4386		20.00
04/16/2010	270692	ROMENCE GARDENS, INC	343		357.87
04/16/2010	270693	ROSE PEST SOLUTIONS	634		31.00
04/16/2010	270694	S & S WORLDWIDE INC.	3317		77.89
04/16/2010	270695	SAFETY SERVICES, INC.	349		1,060.68
04/16/2010	270696	SARCOM, INC.	1194		40,416.67
04/16/2010	270697	SARCOM	2076		1,595.00
04/16/2010	270698	SEVERANCE ELECTRIC COMPANY, INC	353		2,600.00
04/16/2010	270699	SIGNWRITER & SERIGRAPHICS	2376		45.00
04/16/2010	270700	SMALLEY CONSTRUCTION INC.	4492		9,400.00
04/16/2010	270701	SPRINT	3721		1,554.27
04/16/2010	270702	STAP BROS LAWN & LANDSCAPE, INC	366		1,130.00
04/16/2010	270703	STATE OF MICHIGAN (DOT)	368		4,915.95
04/16/2010	270704	STATE SYSTEMS RADIO, INC	369		3,878.55
04/16/2010	270705	STERLING OAKS DEVELOPMENT	999999		28.37
04/16/2010	270706	STREICHER'S INC.	4485		494.97
04/16/2010	270707	SUITS U TAILOR SHOP INC	4237		166.00
04/16/2010	270708	T-MOBILE USA INC	3665		29.99
04/16/2010	270709	TERRA ABATEMENT SERVICES, LLC	4245		3,518.95

CHECK DATE	CHECK NUMBER	VENDOR NAME	VENDOR #	BANK CODE	CHECK AMOUNT
04/16/2010	270710	THIRD COAST FUTON	999999		8.91
04/16/2010	270711	THOMPSON, HELENE	4417		133.00
04/16/2010	270712	TIGER DIRECT, INC.	4272		53.99
04/16/2010	270713	TRIGO BREAD CO., LLC	4158		90.63
04/16/2010	270714	TRIMRITE TREE SERVICE	2966		2,280.00
04/16/2010	270715	U S SIGNAL COMPANY, LLC	3831		549.00
04/16/2010	270716	UNITED PARCEL SERVICE	545		319.65
04/16/2010	270717	UNITED PETROLEUM	396		479.44
04/16/2010	270718	UNITED WATER NACO LLC	4304		164,003.33
04/16/2010	270719	VAN RIPER, TIM	999999		14.51
04/16/2010	270720	VANBELKOM COMPANIES, LLC.	400		89.17
04/16/2010	270721	WESSENDORF, GREGORY	532		60.00
04/16/2010	270722	WEST MICHIGAN STAMP & SEAL, INC	415		39.95
04/16/2010	270723	WESTON, DIANE	999999		5.00
04/16/2010	270724	WIGHTMAN WARD, INC.	809		900.00
04/16/2010	270725	WINGFOOT COMMERCIAL TIRE	2613		280.64
04/16/2010	270726	WOLVERINE POWER SYSTEMS	4322		515.00
04/16/2010	270728	XEROX CORPORATION	2684		1,525.42
04/16/2010	270729	XYBIX SYSTEMS, INC.	3436		1,472.00
04/16/2010	270730	3B District Court	999999		250.00
04/16/2010	270731	360 SERVICES, INC.	637		510.79
04/16/2010	270732	57TH DISTRICT COURT	999999		877.00
04/16/2010	270733	7th District Court	999999		275.00

DATE RANGE TOTAL * 1,311,560.50 *

CITY OF PORTAGE

COMMUNICATION

TO: Honorable Mayor and City Council

DATE: April 19, 2010

FROM: Maurice S. Evans, City Manager



SUBJECT: Public Hearing on Fiscal Year 2010-2011 Budget

ACTION RECOMMENDED: That City Council adopt the Resolution setting a public hearing on May 11, 2010 for the Fiscal Year 2010-2011 proposed city budget and the proposed 2010 tax levy, as computed in accordance with Public Act 5 of 1982.

In order to permit adoption of the Fiscal Year 2010-2011 Budget on May 25, 2010 and satisfy the requirements of the City Charter and Public Act 5 of 1982, known as the Truth in Taxation Act, a public hearing must be held at the regular Council meeting of May 11, 2010.

Public Act 5 of 1982 requires that any millage rate above the "base tax rate" must be identified separately in the Notice of Public Hearing on the proposed 2010 tax levy. The "base tax rate" as defined by Public Act 5 of 1982 is the prior year operating millage adjusted for the inflationary growth in the Taxable Value of property in the city.

Adoption of the attached Resolution is recommended.

c: Daniel S. Foecking, Finance Director

CITY OF PORTAGE
RESOLUTION OF CITY OF PORTAGE

Minutes of a regular meeting of the City Council for the City of Portage, Michigan held on April 27, 2010 at 7:30 p.m. local time at the Council Chambers in the City of Portage, Michigan.

Present: _____

Absent: _____

The following resolution was offered by:

Councilmember _____, and supported by:

Councilmember _____.

NOW THEREFORE, BE IT RESOLVED:

That the City of Portage set a public hearing for 7:30 p.m., or as soon thereafter as may be heard, on May 11, 2010, on the proposed 2010-2011 City budget as required by Chapter Seven of the City Charter and the proposed 2010 city tax levy including the proposed levy of not to exceed 0.0714 mills above the base tax rate as computed in accordance with Public Act 5 of 1982 (MCLA 211.24e).

Be it further resolved:

That notice, in substantially the following form, be published in a newspaper of general circulation within the City, giving notice of the City's intent to set the public hearing.

CITY OF PORTAGE, MICHIGAN
NOTICE OF PUBLIC HEARING
ON PROPOSED CITY BUDGET AND
INCREASING PROPERTY TAXES

The City Council of the City of Portage will hold a public hearing at 7:30 p.m., or as soon thereafter as may be heard, on May 11, 2010 in the Council Chambers at 7900 South Westnedge Avenue on the proposed 2010-2011 City budget and on the proposed 2010 City tax levy. Copies of the proposed budget are available for public inspection during regular business hours in the offices of the City Clerk and the Finance Director.

Last year (2009) the City levied 10.6598 mills (\$10.6598 per \$1,000 of Taxable Value (TV)) for operating purposes. The estimated change in the Taxable Value of existing property in the City as determined by State law (Act 5 of 1982 MCLA 211.24e) will generate a base tax rate for 2010 City operating purposes of 10.6598 mills (\$10.6598 per \$1,000 TV).

The City has complete authority to establish the number of mills to be levied from within its authorized millage rate, and in order to fund the City proposed 2010-2011 budget and to maintain essential City services, it is necessary to establish a millage greater than the base limit of 10.6598 mills. Therefore the City proposes to levy a millage rate of not to exceed 0.0714 mills (\$0.0714 per \$1,000 TV) above the 2010 base operating millage rate of 10.6598 mills resulting

in an operating millage of not to exceed 10.7312 mills (\$10.7312 per \$1,000 TV). If adopted, the proposed millage will increase revenues for operating purposes from ad valorem property taxes of not to exceed 0.67 percent over such revenues generated by levies permitted without holding a hearing. If the proposed additional millage rate is not approved the revenues for operating purposes will decrease by 4.36 percent over the preceding year's revenue for operating purposes. However, changes in individual property taxes may be greater than or less than these estimated average changes. Action on the proposed millage of not to exceed 0.0714 mills above the base tax rate will be taken immediately after the public hearing.

The hearing is being held for the purpose of receiving testimony and discussing the proposed levy of the additional millage of not to exceed 0.0714 mills.

Public comments, oral or written, are welcome at the hearing on the proposed City budget and the proposed additional millage rate.

This notice published by:

CITY OF PORTAGE
7900 SOUTH WESTNEDGE AVENUE
PORTAGE, MICHIGAN 49002
(269) 329-4412

Dated: _____, 2010

City Clerk

AYES: Councilmember _____

NAYS: Councilmember _____

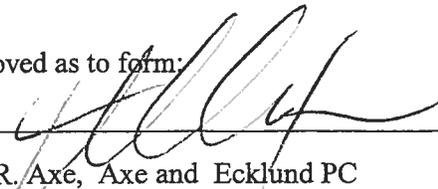
ABSENT: Councilmember _____

RESOLUTION DECLARED ADOPTED: _____

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, Kalamazoo County, Michigan held on April 27, 2010, the original of which is in the official proceedings of the City Council.

City Clerk

Approved as to form:



John R. Axe, Axe and Ecklund PC

CITY OF PORTAGE

COMMUNICATION

TO: Honorable Mayor and City Council

DATE: April 22, 2010

FROM: Maurice S. Evans, City Manager



SUBJECT: 2010 Utility Rate Financial Study

ACTION RECOMMENDED: That City Council establish a public hearing for May 11, 2010 to consider resolutions to:

- a. adopt a sewer commodity rate increase from \$3.95 to \$4.65 per 1,000 gallons of metered water;
- b. adopt a water commodity rate increase from \$2.60 to \$3.01 per 1,000 gallons of metered water;
- c. adopt the recommendation that adjustments be made to both the sewer and water basic quarterly charges; and
- d. adopt the recommended water and sewer franchise area fees and other service fees and charges as outlined in the 2010 Utility Rate Financial Study.

The City Council Water/Sewer (Utility) Rate Study Committee (Mayor Pro Tem Sackley, Councilmembers Campbell and O'Brien, citizens Jeffrey Breneman and Ted W. Vliek, Sr.) has completed review of the 2010 Utility Rate Financial Study as prepared by the City Administration. The 2010 Utility Rate Financial Study focuses on ensuring the financial health and stability of the utility system, while dealing with unique challenges such as continued large increases in cost for sewage treatment by the City of Kalamazoo and unfunded mandates by the federal government regarding much lower levels of arsenic in public water supplies.

A copy of the 2010 Utility Rate Financial Study is included under separate cover in Materials Transmitted of April 23, 2010. As you review the 2010 Utility Rate Financial Study, it is noteworthy to point out:

- The recommended increase in sewer and water rates are higher than projected in the 2009 Utility Rate Financial Study due to a large increase in sewage treatment charges levied by the City of Kalamazoo for fiscal year 2010-11 and lower than projected cash balance in the water fund.
- The 2010 Utility Rate Financial Study continues implementation of the action plan that was well received two years ago by the Michigan Department of Treasury. The plan addresses shortfalls in working capital in both funds as previously identified by the City Administration.

- There are slight increases (less than 1%) in the number of sanitary sewer and water customers. Recognizing the current challenging economic climate, any increase in the number of customers is positive.

A comprehensive financial analysis of the utility rate model utilized by city staff in recent years was again undertaken for the preparation of the 2010 Utility Rate Financial Study. It is evident from the analysis that working capital (i.e., cash) in the utility funds continues to be seriously impacted by the significant amount of debt which has been incurred with completion of major utility and environmental improvement projects such as the Consolidated Drain Improvement Project and the Stormwater Treatment Enhancement Project (STEP). The unfunded federally mandated arsenic standards for public water supplies has necessitated additional major expenditures, adding to the already significant debt burden in the Water Fund.

Due to the level of debt that has accumulated in the utility funds, the increased debt attributable to the Arsenic Removal Facility project, combined with increasing sanitary sewer treatment charges from the City of Kalamazoo, a continued aggressive rate of increase for utility charges will be necessary over the next several years in order to ensure the long-term financial viability of the utility funds. An adequate balance of cash must be maintained to ensure the operation of the utility and to make debt payments. It is essential that sufficient resources are available within the utility funds to meet obligations in order to avoid the need for subsidy by non-utility related funds.

As indicated to City Council as part of the analysis for the 2007 Utility Rate Financial Study, the City Administration continues to implement an action plan consisting of the following elements:

1. The focus of the utility rate review has changed from an emphasis on level of retained earnings to additional consideration of working capital, debt service and fund balance of the utility funds. More specifically:
 - a. In addition to the current revenue/expenditure analysis, a working capital analysis is performed. The yearly analysis includes necessary cash elements which ensure that adequate funds are available to meet ongoing obligations.
 - b. Even with increasing sewage treatment costs, the Sewer Fund will be able to maintain a positive working capital balance. However, the Water Fund is not projected to achieve a positive working capital balance until fiscal year 2013-14 and the utility as a whole until fiscal year 2013-14.
 - c. A minimum debt coverage ratio of 1.25 has been established and targeted in future years. This standard ensures adequate funds are available to meet debt payments, support variations in sales due to wet summers and other such variables, as they may occur.
 - d. Levels of cash will be re-established over time and then maintained within the range of approximately 3 to 4 months of current liabilities for each fund. This translates to approximately \$1.5 million for the Sewer Fund and \$2.0 million for the Water Fund.

2. Outstanding bond issues will continue to be reviewed/recommended for potential refinancing to save interest charges and lower expenses to the utility funds.
3. The City Administration has examined planned future capital expenditures as part of the 2010-20 Capital Improvement Program development and reprogrammed projects, where possible, to limit additional major capital expenditures over the next several years.
4. The City Administration will continue to investigate opportunities in areas of utility fund operations in the interest of further reducing operating expenses of the utility funds over time.

The projected revenues, expenditures and resulting rate modifications in the Water Fund and Sewer Fund as contained in the 2010 Utility Rate Financial Study for fiscal year 2010-11 result in a combined rate increase of 15.03%. The combined rate increase is higher than the projected increase in 2010-11 (9.03%) in the 2009 Utility Rate Financial Study. The higher-than-projected increase is due to the large increase in sewage treatment costs from the City of Kalamazoo and a lower than projected cash balance in the water fund. Projected rate increases for the combined funds for 2011-12 through 2014-15 reduce from 13.45% to 2.08% in the 2010 Utility Rate Financial Study.

Following a thorough review and analysis of the 2010 Utility Rate Financial Study, the City Council Water and Sewer Rate Study Committee voted unanimously to recommend water and sewer rates and charges as proposed.

For fiscal year 2010-11, the sewer commodity rate is recommended to be increased from \$3.95 to \$4.65 per thousand gallons of metered water. The water commodity rate is recommended to increase from \$2.60 to \$3.01 per thousand gallons of metered water. Basic quarterly charges for both sewer and water use, which are calculated to provide funding for certain fixed costs for the utility systems, are recommended to be increased to meet current expenditures.

The net effect of the combined water and sewer rate recommendations on the typical residential customer is an overall utility rate increase of 15.03%. The combined utility rate recommendations represent an annual increase of approximately \$99.60 (from approximately \$662.52 per year to approximately \$762.12 per year) for the typical residential customer with both public water and sewer service. On a monthly basis, the recommended rate increases would result in an increased monthly cost of \$8.30.

Items less significant in dollar amount but still important to the continuing financial health of the utility systems were also reviewed by the Committee. It is essential that the amount being charged for these services recover the costs to provide such services. If charges are inadequate to allow for recovery of costs, rate payers subsidize the service provided.

Charges and fees that were reviewed in the context of the 2010 Utility Rate Financial Study include water connection charges, meter charges, meter box charges, hydrant meter charges and water processing fees. Recommended charges are summarized as follows:

- Charges for 3/4 inch, 1 inch and 1-1/4 inch water service connections at \$914, \$983 and \$1,047, respectively, all remain the same;
- Charges for 5/8 inch, 3/4 inch and 1 inch water meters at \$225, \$280 and \$345, respectively, and for 1-1/2 inch meters at \$815, 2 inch irrigation meters at \$1,010, 2 inch compound meters at \$2,225, 3 inch compound meters at \$2,925, 4 inch compound meters at \$4,530 and 6 inch compound meters at \$7,840 all remain the same;
- Charges for installation of 3/4 inch, 1 inch and 1-1/4 inch meter boxes at \$950, \$1,000 and \$1,050, respectively, all remain the same;
- Continuation of the \$200 deposit for installation of a meter on a fire hydrant with the current minimum charge of \$120, which includes the use of up to 15,000 gallons of water. The commodity charge of \$4.50 per thousand gallons is maintained for all water used over 15,000 gallons from fire hydrants;
- Continuation of the charge for the processing fee associated with turn-on or shut-off of a water service at \$40, except that the initial turn-on for first time customers will be at no charge. When it is necessary for the city to dispatch a person to turn on water during non-business hours, the processing fee remains at \$80;
- Continuation of the flat rate for non-metered sewer customers at 20,000 gallons;
- Continuation of the sewer billing cap for residential customers having a zero water meter reading in the quarter that contains January at 20,000 gallons;
- Continuation of the charge for any returned/unpaid check or other failed financial instrument which results in uncollected funds at \$30 per occurrence;
- Continuation of the past due amount of more than \$60 as the shut-off level amount;
- Continuation of the credit of \$1.00 for each normal quarterly bill to each customer on the utility billing automatic payment plan; and
- Continuation of waiver of the utility billing late fee if the customer has paid all of the last 12 or more utility bills on time and the customer requests that the late fee be waived. The utility billing late fee will also be waived if the customer signs up for automatic payment.

It is recommended that City Council establish a public hearing on May 11, 2010 for consideration of the proposed rates and charges as set forth in the 2010 Utility Rate Financial Study.

Attachment

CITY OF PORTAGE

COMMUNICATION

TO: Honorable Mayor and City Council

DATE: April 22, 2010

FROM: Maurice S. Evans, City Manager 

SUBJECT: Telephone Services Agreement

ACTION RECOMMENDED: That City Council approve the agreement between TDS Metrocom and the City of Portage for the provision of telephone services for a three-year period at an approximate annual cost of \$51,637 and authorize the City Manager to execute all documents related to the contract on behalf of the city.

The contract between the city and AT&T for the provision of phone services expires in May, 2010. In preparation for a new phone services agreement the City Administration solicited proposals from qualified phone service providers. Based on a thorough evaluation of the proposals (see attached analysis summary), TDS Metrocom was found to provide the best and lowest cost phone services for the City of Portage.

A new three-year agreement with TDS Metrocom is proposed that reduces the current rates charged to the city for phone services, resulting in an approximate \$7,000 annual savings, based on historical call volume averages. TDS Metrocom customers include Western Michigan University, Kalamazoo College, Battle Creek Public Schools, Radisson Plaza Hotel, Westside Medical Center and Mann + Hummel Automotive.

It is recommended that Council approve the new agreement between TDS Metrocom and the City of Portage for continued telephone services. The city operating budget provides for the continuation of phone service expenditures.

Phone Services Comparative Analysis Summary

Unit Pricing

Company	POTS	Centrex Lines	Local	Long Distance	Minimum Contract Term
*TDS	12.5	8.1	0.02	0.029	3 Yrs.
One Source	16.7	16.7	0.65	0.03	3 Yrs.
AT&T	9.54	6.91	0.045	0.0245	3 Yrs.

* TDS pricing includes a monthly discount of \$800 for the length of the agreement.

Current Contract Pricing

AT&T	15	6.91	0.08	0.0245	5 Yrs.
------	----	------	------	--------	--------

Projected annual costs based on unit pricing, historical call volumes and the TDS discounts

Company	Centrex	
TDS	\$ 51,637.44	
AT&T	\$ 52,166.04	
One Source	\$ 79,127.76	

Current Annual Cost

AT&T	\$58,676.28
------	-------------

Projected Annual Savings

\$7,038.84

NOTES

TDS pricing includes a monthly discount, which makes their pricing the lowest.

TDS local clients since at least 2008

- WMU
- Kalamazoo College
- Battle Creek Public Schools
- Mann+Hummel Automotive
- W Soule
- Westside Medical Center
- Radisson Plaza Hotel

CITY OF PORTAGE

COMMUNICATION

TO: Honorable Mayor and City Council

DATE: April 21, 2010

FROM: James R. Hudson, City Clerk



SUBJECT: Transfer Ownership of Escrowed 2009 Class C Licensed Business with Dance-Entertainment Permit, (RZR Partners Kalamazoo, Inc.)

ACTION RECOMMENDED: That City Council grant the request to transfer ownership of the 2009 Class C Licensed Business with Dance-Entertainment Permit, (RZR Partners Kalamazoo, Inc.), located in escrow at 241 Kalamazoo, Suite 101, Kalamazoo, MI 49007, Kalamazoo County, from Gary Fields Club II, L.L.C., to RZR Partners Kalamazoo, Inc., and to transfer location (Governmental Unit) (MCL 436.1531(1)) to 7638 South Westnedge Avenue, Portage, MI 49002.

The Michigan Liquor Control Commission has requested formal City Council consideration of the Resolution to transfer ownership of an Escrowed 2009 Class C Licensed Business with Dance-Entertainment Permit, (RZR Partners Kalamazoo, Inc.), located at 241 Kalamazoo, Suite 101, Kalamazoo, MI 49007, Kalamazoo County, from Gary Fields Club II, L.L.C., to RZR Partners Kalamazoo, Inc., and transfer location (Governmental Unit) (MCL 436.1531(1)) to 7638 South Westnedge Avenue, Portage, MI 49002.

The Dance Permit allows for patron dancing and an Entertainment Permit allows a business to conduct a variety of activities in conjunction with the 2009 Class C Liquor License. RZR Partners is interested in karaoke and patron dancing with a DJ or live music. The Police, Community Development, Finance and Fire departments recently completed approvals for this request subject to inspection once any deficiencies discovered are corrected consistent with applicable construction codes and related ordinances. Therefore, it is recommended that City Council adopt the Resolution granting the request to transfer the escrowed 2009 Class C Licensed Business with Dance-Entertainment Permit.

c Maurice S. Evans, City Manager



Michigan Department of Energy, Labor & Economic Growth
MICHIGAN LIQUOR CONTROL COMMISSION (MLCC)
 7150 Harris Drive, P.O. Box 30005
 Lansing, Michigan 48909-7505

FOR MLCC USE ONLY	
Request ID #	534988
Business ID #	223185

LOCAL APPROVAL NOTICE
 [Authorized by MCL 436.1501]

January 27, 2010

Amended
3-1-10

Tom
SCHWINT
269-330-2478

TO: City of Portage Council
 Attn: Clerk
 7900 S Westnedge Avenue
 Portage, MI 49002-5160

APPLICANT: RYR Partners Kalamazoo, Inc.

Home Address and Telephone No. or Contact Address and Telephone No.:
 Richard Y Rogers, 136 Eisenhower Drive, Battle Creek, MI 49014, B(269) 317-9724, H(269) 317-9724

The MLCC cannot consider the approval of an application for a new or transfer of an on-premises license without the approval of the local legislative body pursuant to the provisions of MCL 436.1501 of the Liquor Control Code of 1998. For your information, local legislative body approval is also required for DANCE, ENTERTAINMENT, DANCE-ENTERTAINMENT AND TOPLESS ACTIVITY PERMITS AND FOR OFFICIAL PERMITS FOR EXTENDED HOURS FOR DANCE AND/OR ENTERTAINMENT pursuant to the provisions of MCL 436.1916 of the Liquor Control Code of 1998.

For your convenience a resolution form is enclosed that includes a description of the licensing application requiring consideration of the local legislative body. The clerk should complete the resolution certifying that your decision of approval or disapproval of the application was made at an official meeting. **Please return the completed resolution to the MLCC as soon as possible.**

If you have any questions, please contact Unit 3 of the Retail Licensing Division at (517) 636-0204.

PLEASE COMPLETE ENCLOSED RESOLUTION AND RETURN TO THE LIQUOR CONTROL COMMISSION AT ABOVE ADDRESS

RESOLUTION

At a _____ meeting of the _____
(Regular or Special) (Township Board, City or Village Council)

called to order by _____ on _____ at _____ P.M.

The following resolution was offered:

Moved by _____ and supported by _____

That the request to Transfer Ownership of Escrowed 2009 Class C Licensed Business with Dance-Entertainment Permit, located at 241 Kalamazoo, Suite 101, Kalamazoo, MI 49007, Kalamazoo County from Gary Fields Comedy Club II, L.L.C. to RYR Partners Kalamazoo, Inc.; Transfer Location Governmental Unit under 436.1531(1) to 7638 S Westnedge, Portage, MI 49002, Kalamazoo County.

be considered for _____
(Approval or Disapproval)

APPROVAL

DISAPPROVAL

Yeas: _____

Yeas: _____

Nays: _____

Nays: _____

Absent: _____

Absent: _____

It is the consensus of this legislative body that the application be:

_____ for issuance
(Recommended or Not Recommended)

State of Michigan _____)

County of _____)

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

adopted by the _____ at a _____
(Township Board, City or Village Council) (Regular or Special)

meeting held on _____
(Date)

(Signed) _____
(Township, City or Village Clerk)

SEAL

(Mailing address of Township, City or Village)

CITY OF PORTAGE

COMMUNICATION

TO: Honorable Mayor and City Council

DATE: April 8, 2010

FROM: Maurice S. Evans, City Manager



SUBJECT: March 2010 Summary Environmental Activity Report – Information Only

Attached please find the March 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

March 2010 (*updates in italics*)

<u>Project/Activity</u>	<u>Description</u>	<u>Status</u>
Portage City Landfill	Ongoing groundwater monitoring of former municipal landfill.	-City Council awarded a 3 year contract to American Hydrogeologic Corporation on February 23, 2010 to perform annual groundwater sampling. The site groundwater data will continue to be monitored to confirm continuation of the natural attenuation process. Sampling shows continued improvement in groundwater quality. Sampling performed in May 2009. Annual report submitted in June 2009. General groundwater quality continues to improve, but site will require monitoring for the foreseeable future.
Site Inspection/Development Project Review	Review of existing business & industries and review of proposed business and industrial development projects for environmental protection purposes and/or building plans completed.	-Coordination with property owners and City or State agencies ongoing. <i>-Review of 2 site/building plans and/or plats completed in March 2010.</i>
Sewer Connection Program	Groundwater protection program requiring residential/business hookup to the sanitary sewer where available.	<i>-Sanitary sewer hookup permits issued in March 2010: 4 residential, 0 commercial. One connection made as 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. Spring 2009 weed control application was completed in June 2009. New 5 year improvement plan and special assessment process was approved by City Council on March 23, 2010. Preparation for 2010 lake treatment underway.

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

-Historical monitoring continues to show minor impacts at most basins. From 1993 through 2009 the monitoring program showed stable groundwater impacts due to stormwater infiltration. Alternative road salt practices continue to be considered and evaluated. City staff has initiated a compilation of all city retention basin groundwater levels. Winter sampling performed in early December 2009 with results submitted. Report under staff review. On March 23, 2010, City Council awarded a four-year contract to Wightman Environmental. Program will focus primarily on groundwater level information.

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. SWIPPI comments received from the MDEQ and revisions resubmitted. Public education plan submitted to MDEQ on October 31, 2007. Additional NPDES SWIPPI 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 SWIPPI 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. *City staff worked with other agencies at the 2010 Home Expo on March 17 – 20, 2010.*

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 piping and inside plumbing complete. Building interior and exterior site work

complete. Interior painting complete. Garden Lane Well #4 drilling is complete and well building is completed. Start up activities began with anticipated operation in April 2010, with final completion in late spring 2010.

The number of environmental incident/spill investigations performed in March 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.

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 complete on compiling a history of local groundwater table elevations at 19 city-owned retention basins with data from 1994 to 2009.* Data from the analysis shows a general upward trend through the Portage area from 2005 to present. Five monitoring wells were installed in the Jamaica Lane area as a result of a number of citizen concerns. *Analysis of the Jamaica Lane wells shows that seasonal groundwater table levels have dropped approximately 24" from spring 2009 levels and level has stabilized through March 2010. Sampling will continue through the spring and summer months.*

Ongoing assistance with the Condominium Association to develop appropriate measures to regulate the rising water level in Hampton Wetlands Area located on the north side of West Centre Avenue and east of Angling Road. Current activity has centered on meeting with MDNRE staff to determine feasible method to lower water levels.

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

Hydrogeologic study of the Portage area, especially in the Sprinkle Woods plat area, to determine causes of increase in groundwater elevation.

Assistance with the Inverness Condominium Association to Review Surface Water Levels

Environmental Incident/Spill Clean Up Notification

Localized Groundwater Table Investigation

Hampton Wetland Area Water Level

CITY OF PORTAGE

COMMUNICATION

TO: Honorable Mayor and City Council

DATE: April 22, 2010

FROM: Maurice S. Evans, City Manager 

SUBJECT: City Hall and Fire Station #2 Boiler and Air Conditioning Upgrades – Bid Recommendation

ACTION RECOMMENDED: That City Council accept the low bid submitted by Suburban Mechanical Company in the amount of \$47,550 for boiler and air conditioning upgrades at Fire Station #2 and boiler replacement in City Hall and authorize the City Manager to execute all documents related to this action on behalf of the city.

The City of Portage has received Energy Efficiency and Conservation Block Grant (EECBG) funding from the Federal Government. The EECBG program is designed to provide financial assistance to municipalities for the improvement of energy efficiency within public buildings. Projects approved for the city include the replacement of two boilers in City Hall and replacement of the boiler and air conditioning system in Fire Station #2. The existing boilers are older, 70 to 80 percent efficient units, which will be replaced by energy conserving 96 percent efficient boilers. The Fire Station #2 air conditioning system has been difficult to maintain and lacks the capacity to efficiently cool the occupied spaces in this facility.

Sealed bids were received from four area vendors on April 15, 2010, with the low bid in the amount of \$47,550 submitted by Suburban Mechanical Company of Kalamazoo, Michigan. The work is anticipated to be complete by early July.

It is recommended that City Council accept the low bid of \$47,550 submitted by Suburban Mechanical Company for City Hall and Fire Station #2 boiler and air conditioning upgrades and authorize the City Manager to execute all documents related to this action. The bid tabulation is attached for the information of City Council. All funding for these projects is provided through the EECBG.

Attachment

Bid Tabulation
 City Hall Boiler Improvements and Fire Station #2 Boiler & Air Conditioning Improvements

<u>Bidder</u>	<u>City Hall Boiler</u>	<u>Fire Station #2 Boiler</u>	<u>Fire Station #2 Condensing Unit</u>	<u>Grand Total</u>
Suburban Mechanical Company 500 S. 8th Street Kalamazoo, MI 49009	\$32,750.00	\$9,700.00	\$5,100.00	\$47,550.00
Mall City Mechanical, Inc. 7184 Douglas Ave. Kalamazoo, MI 49009	\$35,250.00	\$10,270.00	\$4,380.00	\$49,900.00
Pleune Service Company 750 Himes Street SE Grand Rapids, MI 49548	\$38,789.00	\$12,000.00	\$8,000.00	\$58,789.00
Allied Mechanical Services, Inc. 5688 East ML Avenue Kalamazoo, MI 49048	\$37,750.00	\$11,375.00	\$9,850.00	\$58,975.00

CITY OF PORTAGE

COMMUNICATION

TO: Honorable Mayor and City Council

DATE: April 19, 2010

FROM: Maurice S. Evans, City Manager



SUBJECT: Fire Department Personal Protective Clothing

ACTION RECOMMENDED: That City Council award a contract to the sole responsive bidder, First Due Fire Supply, of Leslie, Michigan, in the amount of \$46,484.50 for the replacement of Fire Department personal protective clothing and authorize the City Manager to execute all documents relating to this contract on behalf of the city.

Personal protective clothing, or turnout gear, is the first line of protection between firefighters and the hostile environment in which they operate. This equipment must be manufactured in compliance with National Fire Protection Association (NFPA) 1971, *Standard on Protective Ensemble for Structural Fire Fighting*, to conform to MIOSHA regulations. Turnout gear must be replaced periodically to provide the required level of safety for Fire Department employees.

In May, 2009, a committee comprised of firefighters and officers who use the gear on a regular basis was formed to evaluate personal protective clothing in anticipation of ordering replacement components. Three manufacturers, each considered to be primary providers of turnout gear, were selected and the committee began a process to formally evaluate and rate clothing from each manufacturer. Over a nine month period the various components were evaluated using the criteria outlined in NFPA 1851, *Standard on Selection, Care, and Maintenance of Protective Ensembles for Structural Fire Fighting and Proximity Fire Fighting*.

Based on this extensive, structured evaluation, it was the unanimous recommendation of the committee to specify turnout gear manufactured by Morning Pride Manufacturing. Morning Pride turnout gear is used by many Michigan fire departments ranging in size from small to large. Communications with persons in these agencies indicate satisfaction with the products as well as with the recommended dealer, First Due Fire Supply.

Two bids were received, however one was non-responsive and not considered. Therefore it is recommended that City Council award a contract to the sole responsive bidder, First Due Fire Supply, of Leslie, Michigan, in the amount of \$46,484.50 for the replacement of Fire Department personal protective clothing and authorize the City Manager to execute all documents relating to this contract on behalf of the city. Funds are budgeted and available in the Capital Improvement Program for this purpose. A bid tabulation is attached for the information of Council.

BID TABULATION
MORNING PRIDE FIREFIGHTER PERSONAL PROTECTIVE EQUIPMENT

<u>Bidder</u>	<u>Initial Purchase</u>				<u>Replacement/Additional Purchases</u>							
	<u>Coat</u>		<u>Pant</u>		<u>2011</u>		<u>2012</u>		<u>2013</u>		<u>2014</u>	
	<u>Each</u>	<u>25 Coats</u>	<u>Each</u>	<u>25 Pants</u>	<u>Coat/Ea.</u>	<u>Pant/Ea.</u>	<u>Coat/Ea.</u>	<u>Pant/Ea.</u>	<u>Coat/Ea.</u>	<u>Pant/Ea.</u>	<u>Coat/Ea.</u>	<u>Pant/Ea.</u>
	\$1,115.23	\$27,880.75	\$744.15	\$18,603.75	\$1,170.99	\$781.36	\$1,229.54	\$820.43	\$1,291.02	\$861.45	\$1,355.57	\$904.52
		<u>Total</u>		<u>25 Sets</u>								
		\$46,484.50		\$46,484.50								

Morning Pride Manufacturing
 dba Honeywell First Responder Products
 for First Due Fire Supply
 #1 Innovation Court
 Dayton, OH 45414

Non-Responsive Bid
 West Shore Fire, Inc.
 6620 Lake Michigan Dr.
 Allendale, MI 49401

CITY OF PORTAGE

COMMUNICATION

TO: Honorable Mayor and City Council

DATE: April 19, 2010

FROM: Maurice S. Evans, City Manager



SUBJECT: City Sidewalk Repairs - Recommendation

ACTION RECOMMENDED: That City Council award a contract to the low bidder C. L. Moberley Construction in the not-to-exceed amount of \$37,762.32 for the repair of selected city sidewalks and authorize the City Manager to execute all documents related to the contract on behalf of the city.

Funds are identified in the Capital Improvement Program Budget for sidewalk repairs. Bids were received on April 15, 2010 to perform repairs on selected city sidewalks that indicate signs of severe cracking, surface spalling and heaved and/or settled joints between sections of sidewalk. Two bids were received, with the low bid submitted by C. L. Moberley Construction of Parchment, Michigan in the amount of \$37,762.32. C. L. Moberley Construction has performed this type of work successfully for other cities.

It is recommended that a contract be awarded to C. L. Moberley Construction in the not-to-exceed amount of \$37,762.32 to perform repairs on selected city sidewalks and that the City Manager be authorized to execute all documents related to the contract on behalf of the city. Funds are budgeted and available for this work in the Capital Improvement Project budget. A bid tabulation is attached for the information of City Council.

Attachment

Bid Tabulation
Sidewalk Repairs

<u>Bidder</u>	<u>Remove/Replace Sidewalk/Ramps</u>						<u>Grand Total</u>
	<u>Four Inch Thickness</u>		<u>Six Inch Thickness</u>				
	<u>Est. Quantity</u>	<u>Price/Unit</u>	<u>Total</u>	<u>Est. Quantity</u>	<u>Price/Unit</u>	<u>Total</u>	
C. L. Moberly Construction, Inc. PO Box 185 Parchment, MI 49004	3756 SFT	\$6.82	\$25,615.92	1680 SFT	\$7.23	\$12,146.40	\$37,762.32
Northern Construction Services Corp. PO Box 1299 Niles, MI 49120	3758 SFT	\$8.15	\$30,611.40	1680 SFT	\$8.25	\$13,860.00	\$44,471.40

CITY OF PORTAGE

COMMUNICATION

TO: Honorable Mayor and City Council

DATE: April 22, 2010

FROM: Maurice S. Evans, City Manager



SUBJECT: Senior Center Replacement Windows – Bid Recommendation

ACTION RECOMMENDED: That City Council accept the low bid submitted by Clear Visions, Incorporated, in the amount of \$32,000 for replacement windows at the Portage Senior Center and authorize the City Manager to execute all documents related to this action on behalf of the city.

The City of Portage has received Energy Efficiency and Conservation Block Grant (EECBG) funding from the Federal Government. The EECBG program is designed to provide financial assistance to municipalities for the improvement of energy efficiency within public buildings. The replacement of the Senior Center windows was selected as a project for use of the grant funds. The Center was constructed in 1981 and since that time new technology has evolved to significantly improve energy efficiency for windows.

Sealed bids were received from seven area vendors on April 6, 2010, with the low bid in the amount of \$32,000 submitted by Clear Visions, Incorporated, of Marshall, Michigan. The work is anticipated to be complete by early July.

It is recommended that City Council accept the low bid of \$32,000 submitted by Clear Visions, Incorporated, for the replacement of the Senior Center windows and authorize the City Manager to execute all documents related to this action. The bid tabulation is attached for the information of City Council. All funding for the project is provided through the EEGBG.

Attachment

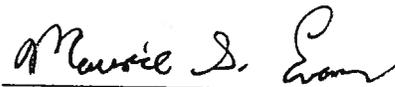
BID TABULATION
SENIOR CENTER WINDOW REPLACEMENT

<u>BIDDER</u>	<u>BID</u>
Clear Visions, Inc. 151 W. Michigan #200 Marshall, MI 49068	\$32,000.00
Mavcon 9110 Portage Rd. Kalamazoo, MI 49002	\$32,012.39
Kuiper Building Services 1831 S. Westnedge Ave. Kalamazoo, MI 49008	\$34,248.00
First Contracting, Inc. 701 S. Main Street Ovid, MI 48866	\$35,072.00
Blackberry Systems, Inc. 6477 W. KL Ave. Kalamazoo, MI 49009	\$36,191.00
Image Building Solutions 1200 Knowles Royal Oak, MI 48067	\$38,134.00
Exteriors of Lansing, Inc. and Exteriors of Kalamazoo, Inc. 4037 S. Westnedge Ave. Kalamazoo, MI 49008	\$55,000.00

MATERIALS TRANSMITTED

Tuesday, April 13, 2010

1. **To be added to the April 13, 2010, City Council Agenda as Item D.2.b:** Communication from Sandy Kinzer, 3665 Fawn Cove #1, regarding a petition concerning the Greenspire Rezoning Application #09-01.
2. **To be added to the April 13, 2010, City Council Agenda as Item D.2.c:** Communication from a group of Portage residents sent from Gregory DiGennaro, 4535 Homestead Lane, regarding their opposition to the Greenspire Rezoning Application #09-01.
3. Communication from the City Manager regarding the Citizen Comment Card Summary for March 2010 – Information Only.



Maurice S. Evans, City Manager

cc: Brian J. Bowling, Deputy City Manager