

**FINAL AGENDA FOR THE COUNCIL MEETING  
CITY OF PORTAGE  
August 24, 2010**

7:30 p.m. Call to Order.

Invocation: Reverend Barry Petrucci of the Chapel Hill United Methodist Church.

Pledge of Allegiance.

Roll Call.

Proclamations:

1. Kalamazoo River Valley Trail.
2. Kalamazoo Community Foundation – 85<sup>th</sup> Birthday.

A. Approval of the Regular Meeting Minutes of August 10, 2010.

\* B. Approval of Consent Agenda Motions.

\* C. Communication from the City Manager recommending that City Council approve the Accounts Payable Register of August 24, 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 Resolution No. 2 to Approve Second Amendment to Development Agreement Selling Real Estate and authorize the City Manager to execute the agreement.

\* 2. Communication from the City Manager recommending that City Council:  
a. approve Contract 10-5539 between the Michigan Department of Transportation and the City of Portage concerning funding for street modifications on South Westnedge Avenue at the Trade Centre Way intersection and  
b. adopt a resolution authorizing the City Manager to sign Contract 10-5539 on behalf of the city.

\* 3. Communication from the City Manager recommending that City Council authorize the Mayor and City Clerk to execute a one-year labor agreement between the City of Portage and the United Auto Workers.

\* 4. Communication from the City Manager regarding the July 2010 Summary Environmental Activity Report – Information Only.

\* 5. Department Monthly Reports.

G. Communications:

1. Communication from the Park Board regarding a Smoking Ban in Portage Parks.
  - a. Communication from the City Manager recommending that City Council refer the communication from the Portage Park Board recommending the prohibition of smoking in playground and picnic shelter areas in Portage parks to the Administration for review and recommendation.

H. Unfinished Business:

\* 1. Communication from the City Clerk recommending that City Council reconfirm the Resolution to Relinquish an existing Water Main Easement located on the properties addressed as 10619 Woodlawn Drive and 10625 Woodlawn Court.

- \* I. Minutes of Boards and Commissions Meetings:
  - 1. Portage Human Services Board of May 6, 2010.
  - 2. Portage Environmental Board of June 9, 2010.
  - 3. Portage Zoning Board of Appeals of July 12, 2010.
  - 4. Kalamazoo County Board of Commissioners Regular of July 20, 2010.
  
- J. Ad Hoc Committee Reports:
  
- K. New Business:
  
- L. Bid Tabulations:
  - \* 1. Communication from the City Manager recommending that City Council approve the purchase of ice control salt from:
    - a. Detroit Salt Company in the low bid amount of \$52.45 per ton for 3,000 tons at a total cost not to exceed \$157,350 for early delivery and
    - b. North American Salt Company in the low bid amount of \$62.19 per ton for 1,300 tons at a total cost not to exceed \$80,847 for seasonal backup on an as-needed basis  
and authorize the City Manager to execute all documents related to these purchases on behalf of the city.
  
- M. Other City Matters:
  - 1. Statements of Citizens.
  - 2. From City Council and City Manager.
  - \* 3. Reminder of Meetings:
    - a. Thursday, August 26, 4:30 p.m., Public Media Network Board of Directors, 359 S. Kalamazoo Mall, 3<sup>rd</sup> Floor, Kalamazoo.
    - b. Wednesday, September 1, 8:15 a.m., Historic District Commission, City Hall Room #2.
    - c. Wednesday, September 1, 6:30 p.m., Park Board, Westfield Park followed by Harbors West Park.
    - d. Thursday, September 2, 6:30 p.m., Human Services Board, City Hall Room #1.
    - e. Thursday, September 2, 7:00 p.m., Planning Commission, City Council Chambers.
  
- N. Materials Transmitted.

Adjournment.

# CITY COUNCIL MEETING SUMMARY

August 10, 2010

## CHECK REGISTER

- ◆ Approved the Check Register of August 10, 2010, as presented.

## PROCLAMATION

- ◆ Mayor Strazdas issued a Firefighters Fill the Boot Days for the Muscular Dystrophy Association Proclamation.

## REPORTS FROM THE ADMINISTRATION

- ◆ Approved a budget amendment to the Leaf Pickup Spring Cleanup Fund in the amount of \$36,567 to replenish funds used to clean up storm damage that occurred on July 15, 2010.
- ◆ Approved a one-year labor agreement between the City of Portage and the Portage Police Officers Association and authorized the Mayor and City Clerk to execute all documents on behalf of the city.
- ◆ Awarded a contract to GTSI for digital recording equipment for Police interview rooms in an amount not to exceed \$28,928.13 and authorized the City Manager to execute all documents related to this purchase.
- ◆ Renewed the contract with J.B. Printing Company in the amount not to exceed \$25,390 for the annual production of the *Portager* newsletter and authorized the City Manager to execute all documents related to the contract.
- ◆ Approved a one-year managed printer services agreement with the option to exercise three one-year renewals with Precision Printer Services, Incorporated, for the provision of printer supplies and services and authorized the City Manager to execute all documents related to this action on behalf of the city.
- ◆ Confirmed the appointment of Chris Barnes as the City of Portage Director of Transportation & Utilities.
- ◆ Received the communication from the City Manager regarding the Downtown Development Authority Annual Report as information only.
- ◆ Received the communication from the City Manager regarding privately owned pipelines in Portage as information only.

## STATEMENTS OF CITIZENS

- ◆ Robert El Henicky, 8126 Valleywood Lane, complimented the responsiveness of Police Officers Kyle Doster and Bryan Taffee with regards to speeding on Valleywood Lane.

## STATEMENTS OF CITY COUNCIL AND CITY MANAGER

- ◆ Councilmember Campbell said she received comments on how fast political signs were retrieved by candidates and congratulated those who won.
- ◆ Councilmember Reid asked citizens to vote on the WKZO Pot Luck Pals Program to help determine which of the organizations will get funding.
- ◆ Councilmember Urban said that, after the last City Council Meeting, a man commented that it sounded as if he had not read the Agenda materials. He explained that there were objections presented at the City Council Meeting that had not been presented at the Planning Commission or the Zoning Board of Appeals Meetings; therefore, City Council had many questions that needed to be answered. He further indicated that City Council comes to meetings without having their minds made up and ask questions to assist in their decision-making. Councilmember Urban also referred to Item F.8, Privately Owned Pipelines in Portage – Information Only, indicated that the flow of any residual from a pipe break to Vicksburg was not entirely acceptable and asked the City Manager for an evaluation of any safety or maintenance issues.
- ◆ Councilmember Randall praised the volunteers who helped with the United States Tennis Association (USTA) Boys Tournament at Kalamazoo College and the Kalamazoo County Fair.
- ◆ Councilmember O'Brien commented on the ribbon-cutting ceremony for the newly opened Northwest Bikeway as a mode of free transportation that is environmentally friendly and promotes a healthy lifestyle.
- ◆ City Manager Evans concurred and mentioned a plaque received from the U.S. Census Bureau for the help received for their effort from city employees.
- ◆ Mayor Pro Tem Sackley asked for a copy of the Spill Prevention Control and Countermeasures (SPCC) Plan from Wolverine Pipeline Company for his review and input.
- ◆ Mayor Strazdas echoed Councilmember O'Brien's remarks about the Northwest Bikeway and mentioned the other ribbon-cutting that took place for the Water Treatment Plant on Garden Lane.

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



# City of Portage Proclamation

## KALAMAZOO RIVER VALLEY TRAIL

**WHEREAS,** in 1992 a citizens group called the Friends of Kalamazoo River Valley Trailway was formed to pursue the development of the 35-mile Kalamazoo River Valley Trail through Kalamazoo County to connect residents of both urban and rural areas with each other and with the sights and amenities each provides; and

**WHEREAS,** in 2010 the residents of the City of Portage will gain access to the new northern segment of the Trail, providing a non-motorized means to access Markin Glen Park, the Kalamazoo Nature Center, as well as downtown Kalamazoo; and

**WHEREAS,** in 2005 the Parks Foundation of Kalamazoo County joined efforts with Kalamazoo County, the City of Kalamazoo and the Kalamazoo County Road Commission to plan for and construct the Trail and have it operated as a Kalamazoo County Park, and the Kalamazoo River Valley Trail opened as the seventh Kalamazoo County Park in 2008 and encompasses 8.4 miles of paved, accessible, multi-use trail that is free to use; and

**WHEREAS,** the funding for maintenance of the Kalamazoo River Valley Trail is provided 100 percent through donations to the Kalamazoo River Valley Trail Endowment, and the funds for construction of the Kalamazoo River Valley Trail are provided through donations of \$3,500,000 raised by the Parks Foundation of Kalamazoo County and \$6,000,000 through Michigan Department of Transportation Non-Motorized Grants.

**NOW THEREFORE, BE IT RESOVED,** that the City Council of the City of Portage hereby endorses the efforts of the Parks Foundation of Kalamazoo County to seek charitable gifts to complete the construction of the Kalamazoo River Valley Trail to benefit the economy, health and fitness of citizens, recreational opportunities, tourism, non-motorized transportation routes, the quality of life, education and the environment; and

**BE IT FURTHER RESOVED,** that the City Council of the City of Portage appreciates and recognizes the efforts of the Parks Foundation of Kalamazoo County, the Friends of the Kalamazoo River Valley Trailway, and the generosity and donations provided by citizens, businesses and foundations that make the development of the Kalamazoo River Valley Trail available for use by Portage residents and their visitors.



Signed this 24<sup>th</sup> day of August 2010

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Peter J. Strazdas, Mayor



# City of Portage Proclamation

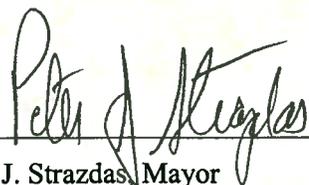
## KALAMAZOO COMMUNITY FOUNDATION - 85<sup>TH</sup> BIRTHDAY

- WHEREAS,** the Kalamazoo Community Foundation was established in 1925 with a \$1,000 donation from Dr. William Erastus Upjohn and the Kalamazoo Community Foundation's assets are currently \$261 million; and
- WHEREAS,** the Kalamazoo Community Foundation respects and celebrates diversity that contributes to a healthy, caring community, and commits its resources to change in ways that signal to groups with diverse cultures, philosophies and experiences that they are welcome partners in its efforts; and
- WHEREAS,** the Kalamazoo Community Foundation's mission is to enhance the quality of life for all in the greater Kalamazoo area through community leadership and the stewardship of permanently endowed funds; and
- WHEREAS,** individuals, families and organizations have created charitable legacies by establishing 786 funds within the Kalamazoo Community Foundation which has awarded \$21 million in scholarships to more than 5,000 greater Kalamazoo area students for undergraduate and graduate education, and other educational opportunities since 1925; and
- WHEREAS,** since 1925, the Kalamazoo Community Foundation has invested hundreds of millions of dollars throughout Kalamazoo County in the unique and special programs operated by agencies who are dedicated to making this community a place in which we are all proud to live, work and raise our families; and
- WHEREAS,** the Kalamazoo Community Foundations community investment priorities are Individuals and Families, Youth Development, Early Childhood Learning and School Readiness, and Economic and Community Development; and
- WHEREAS,** the Kalamazoo Community Foundation provides essential funding to programs that ensure all children have an equal chance for success in school, nurture and prepare our young people for life beyond school, help individuals and families build self-sufficiency, and enhance quality of life and community prosperity.

**NOW, THEREFORE, BE IT RESOLVED** that I, Peter Strazdas, Mayor of the City of Portage, do hereby congratulate the Kalamazoo Community Foundation for eighty-five years of exemplary community service.



Signed this 24<sup>th</sup> day of August 2010

  
Peter J. Strazdas, Mayor

## CITY COUNCIL MEETING MINUTES FROM AUGUST 10, 2010

DRAFT

The Regular Meeting was called to order by Mayor Strazdas at 7:33 p.m.

At the request of Mayor Strazdas, Councilmember O'Brien gave the invocation and the City Council and the audience recited the Pledge of Allegiance.

The City Clerk called the roll with the following members present: Councilmembers 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.

**PROCLAMATION:** Mayor Strazdas issued a Firefighters Fill the Boot Days for the Muscular Dystrophy Association Proclamation.

**APPROVAL OF MINUTES:** Motion by O'Brien, seconded by Reid, to approve the July 27, 2010 Regular Meeting Minutes as presented. Upon a voice vote, motion carried 5 to 0 with Councilmember Urban and mayor Strazdas abstaining.

\* **CONSENT AGENDA:** Mayor Strazdas asked Councilmember Campbell to read the Consent Agenda. Motion by Reid, seconded by Campbell, to approve the Consent Agenda motions as presented. Upon a roll call vote, motion carried 7 to 0.

\* **APPROVAL OF CHECK REGISTER OF AUGUST 10, 2010:** Motion by Reid, seconded by Campbell, to approve the Check Register of August 10, 2010. Upon a roll call vote, motion carried 7 to 0.

### REPORTS FROM THE ADMINISTRATION:

\* **BUDGET AMENDMENT FOR STORM DAMAGE CLEAN UP:** Motion by Reid, seconded by Campbell, to approve a budget amendment to the Leaf Pickup Spring Cleanup Fund in the amount of \$36,567 to replenish funds used to clean up storm damage that occurred on July 15, 2010. Upon a roll call vote, motion carried 7 to 0.

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

\* **PURCHASE OF DIGITAL RECORDING EQUIPMENT FOR POLICE INTERVIEW ROOMS:** Motion by Reid, seconded by Campbell, to award a contract to GTSI for digital recording equipment for Police interview rooms in an amount not to exceed \$28,928.13 and authorize the City Manager to execute all documents related to this purchase. Upon a roll call vote, motion carried 7 to 0.

\* **PORTAGER NEWSLETTER PRINTING CONTRACT:** Motion by Reid, seconded by Campbell, to renew the contract with J.B. Printing Company in the amount not to exceed \$25,390 for the annual production of the *Portager* newsletter and authorize the City Manager to execute all documents related to the contract. Upon a roll call vote, motion carried 7 to 0.

\* **MANAGED PRINTER SERVICES PROPOSAL:** Motion by Reid, seconded by Campbell, to approve a one-year managed printer services agreement with the option to exercise three one-year renewals with Precision Printer Services, Incorporated, for the provision of printer supplies and services 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.

\* **APPOINTMENT OF DIRECTOR OF TRANSPORTATION & UTILITIES:** Motion by Reid, seconded by Campbell, to confirm the appointment of Chris Barnes as the City of Portage Director of Transportation & Utilities. Upon a roll call vote, motion carried 7 to 0. City Council congratulated Mr. Barnes for his promotion.

\* **DOWNTOWN DEVELOPMENT AUTHORITY ANNUAL REPORT - INFORMATION ONLY:** Motion by Reid, seconded by Campbell, to receive the communication from the City Manager regarding the Downtown Development Authority Annual Report as information only. Upon a roll call vote, motion carried 7 to 0.

\* **PRIVATELY OWNED PIPELINES IN PORTAGE - INFORMATION ONLY:** Motion by Reid, seconded by Campbell, to receive the communication from the City Manager regarding privately owned pipelines in Portage as information only. Upon a roll call vote, motion carried 7 to 0.

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

Portage Senior Center Advisory Board of June 16, 2010.  
Portage Park Board of July 7, 2010.

#### **OTHER CITY MATTERS:**

**STATEMENTS OF CITIZENS:** Robert El Henicky, 8126 Valleywood Lane, complimented the responsiveness of Police Officers Kyle Doster and Bryan Taffee with regards to speeding on Valleywood Lane.

**STATEMENTS OF CITY COUNCIL AND CITY MANAGER:** Councilmember Campbell said she received comments on how fast political signs were retrieved by candidates and congratulated those who won.

Councilmember Reid asked citizens to vote on the WKZO Potluck Pals Program to help determine which of the organizations will get funding.

Councilmember Urban said that, after the last City Council Meeting, a man commented that it sounded as if he had not read the Agenda materials. He explained that there were objections presented at the City Council Meeting that had not been presented at the Planning Commission or the Zoning Board of Appeals Meetings; therefore, City Council had many questions that needed to be answered. He further indicated that City Council comes to meetings without having their minds made up and ask questions to assist in their decision-making. Councilmember Urban also referred to Item F.8, Privately Owned Pipelines in Portage – Information Only, indicated that the flow of any residual from a pipe break to Vicksburg was not entirely acceptable and asked the City Manager for an evaluation of any safety or maintenance issues.

Councilmember Randall praised the volunteers who helped with the United States Tennis Association (USTA) Boys Tournament at Kalamazoo College and the Kalamazoo County Fair.

Councilmember O'Brien commented on the ribbon-cutting ceremony for the newly opened Northwest Bikeway as a mode of free transportation that is environmentally friendly and promotes a healthy lifestyle.

City Manager Evans concurred, described the exuberance of former Assistant City Manager Sean McBride when he heard about the completion of the project and mentioned a plaque received from the U.S. Census Bureau for the help received for their effort from city employees.

Mayor Pro Tem Sackley asked for a copy of the Spill Prevention Control and Countermeasures (SPCC) Plan from Wolverine Pipeline Company for his review and input.

Mayor Strazdas echoed Councilmember O'Brien's remarks about the Northwest Bikeway and mentioned the other ribbon-cutting that took place for the Water Treatment Plant on Garden Lane.

**ADJOURNMENT:** Mayor Strazdas adjourned the meeting at 8:09 p.m.

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James R. Hudson, City Clerk

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

**CITY OF PORTAGE**

**COMMUNICATION**

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**TO:** Honorable Mayor and City Council

**DATE:** August 17, 2010

**FROM:** Maurice S. Evans, City Manager

*MS (for M. Evans)*

**SUBJECT:** Accounts Payable Register

**ACTION RECOMMENDED:** That City Council approve the Accounts Payable Register of August 24, 2010 as presented.

Attached please find the Accounts Payable Register for the period August 4, 2010 through August 17, 2010, which is recommended for approval.

c: Daniel S. Foecking, Finance Director

CHECK DATE CHECK NUMBER VENDOR NAME VENDOR # CHECK AMOUNT

CHECK DATE	CHECK NUMBER	VENDOR NAME	VENDOR #	CHECK AMOUNT
08/06/2010	272285	A B C WAREHOUSE	1316	597.00
08/06/2010	272286	AT&T	849	7,231.72
08/06/2010	272287	A T & T LONG DISTANCE	4060	135.95
08/06/2010	272288	A-1 SIGNS	2873	1,057.00
08/06/2010	272289	ABONMARCHE CONSULTANTS, INC	597	5,801.14
08/06/2010	272290	ABSOLUTE VIDEO PRODUCTIONS	3682	420.00
08/06/2010	272291	ADMIRAL LOCK & KEY SERVICE	104	68.00
08/06/2010	272292	AIRGAS GREAT LAKES	106	60.43
08/06/2010	272293	ALEXANDER, ALLISON	999999	211.41
08/06/2010	272294	ALEXANDER, ALLISON	999999	549.98
08/06/2010	272295	ALL-TRONICS, INC.	109	143.00
08/06/2010	272296	ALLEGRA PRINT & IMAGING	533	580.11
08/06/2010	272297	ALLOM, RODNEY K	4226	42.00
08/06/2010	272298	AMERICAN HOIST AIR & LUBE EQUI	3663	447.50
08/06/2010	272299	AMERICAN SAFETY & FIRST AID	113	22.32
08/06/2010	272300	GAIL ANDRUS TRAVEL	2071	1,445.00
08/06/2010	272301	ANIMAL REMOVAL SERVICE, LLC	3428	525.00
08/06/2010	272302	AQUATIC SERVICES, INC	744	3,858.00
08/06/2010	272303	TODD ARBANAS ENTERPRISES INC.	1704	10,715.50
08/06/2010	272304	ARISTA TRUCK SYSTEMS	4459	93.30
08/06/2010	272305	ARROWHEAD SCIENTIFIC, INC.	3744	165.25
08/06/2010	272306	ATHLETICA	4027	594.66
08/06/2010	272307	AUMACK, MICHAEL	670	352.50
08/06/2010	272308	AUTOMATIC DATA PROCESSING	3305	1,208.70
08/06/2010	272309	AUTOMOTIVE CONCEPTS CARSTAR	4399	542.00
08/06/2010	272310	B D N INDUSTRIAL HYGIENE CON	2143	750.00
08/06/2010	272311	Business Review West Michigan	999999	39.00
08/06/2010	272312	BALKEMA EXCAVATING, INC.	130	23,441.62
08/06/2010	272313	BANK OF NEW YORK MELLON	3939	500.00
08/06/2010	272314	BDO USA, LLP	136	5,050.00
08/06/2010	272315	BEACON ATHLETICS	4168	744.79
08/06/2010	272316	BEEBE, RON	3018	94.00
08/06/2010	272317	BLADE, VICTORIA	999999	100.00
08/06/2010	272318	BREAKAWAY BICYCLES	1356	90.99
08/06/2010	272319	C & C AUTO & TRUCK SERVICE, IN	4434	2,527.00
08/06/2010	272320	C. L. MOBERLEY CONSTRUCTION, INC	4536	1,272.79
08/06/2010	272321	CAMPBELL AUTO SUPPLY	437	15.54
08/06/2010	272322	CAREERTRACK	1344	298.00
08/06/2010	272324	CENTRAL MICHIGAN PAPER	2623	6,330.00
08/06/2010	272325	CHARTER COMMUNICATIONS	3080	82.96
08/06/2010	272326	CHRISTENSEN & ASSOCIATES	3749	2,500.00
08/06/2010	272327	CINTAS CORP.	2206	475.34
08/06/2010	272328	CITY OF PORTAGE	177	196.76
08/06/2010	272329	CLEAR VISIONS, INC.	999999	1,600.00
08/06/2010	272330	CLEVELAND COTTON PRODUCTS	724	723.28
08/06/2010	272331	COMSTOCK PUBLIC SCHOOLS	1671	2,060.11
08/06/2010	272332	CONNER, CHRIS	999999	65.00
08/06/2010	272333	CONSUMERS ENERGY-BILL PMT CNT	189	919.75
08/06/2010	272334	CONTINENTAL LINEN SUPPLY CO.	191	76.80
08/06/2010	272335	CROSSROADS CAR WASH	195	38.00
08/06/2010	272336	CROSSROADS EXPERT AUTO SERVICE	4109	508.45

PROGRAM: GM350L FROM 08/04/2010 TO 08/17/2010 \*ALL\*

CITY OF PORTAGE BANK CODE

CHECK DATE	CHECK NUMBER	VENDOR NAME	VENDOR #	BANK CODE	CHECK AMOUNT
08/06/2010	272337	CROWN TROPHY	2790		1,440.00
08/06/2010	272338	CUMMINGS BRIDGEWAY LLC	745		6,972.00
08/06/2010	272339	DOROTHY'S FLORAL STUDIO	999999		45.00
08/06/2010	272340	DRENTH, JACOB	4542		258.00
08/06/2010	272341	EMPLOYMENT GROUP, INC.	959		390.00
08/06/2010	272342	ENDERICH, RYAN	532		105.00
08/06/2010	272343	ENGINEERED PROTECTION SYSTEMS,	2973		194.25
08/06/2010	272344	ENGINEERING SUPPLY & IMAGING	2615		66.32
08/06/2010	272345	ENMET CORPORATION	3951		395.00
08/06/2010	272346	FAIRWEATHER SITE FURNISHINGS	2783		929.00
08/06/2010	272347	FENNER, LOTTIE	999999		22.00
08/06/2010	272348	FORBES	999999		9.00
08/06/2010	272349	GORDON WATER SYSTEMS	517		68.25
08/06/2010	272350	GRABOWSKI, HEIDI	999999		65.00
08/06/2010	272351	GREATER KALAMAZOO FOP LODGE 98	623		4,303.00
08/06/2010	272352	GREATER KALAMAZOO FOP LODGE 98	623		1,092.00
08/06/2010	272353	GREATER KALAMAZOO UNITED WAY	628		1,717.85
08/06/2010	272354	GRIFFIN PEST CONTROL, INC.	598		45.00
08/06/2010	272355	HARTMAN, CHARLES	913		141.00
08/06/2010	272356	HI-TECH ELECTRIC CO.	1327		238.03
08/06/2010	272357	HINTON, JUDY	999999		100.00
08/06/2010	272358	HORAN, JASON	999999		89.98
08/06/2010	272359	HOSPITAL NETWORK HEALTHCARE SE	4482		55.00
08/06/2010	272360	HOT THREADS	4440		1,031.75
08/06/2010	272361	HOUSEWORKS SERVICES, INC.	4566		2,636.00
08/06/2010	272362	HOUSING RESOURCES, INC.	750		12,052.00
08/06/2010	272363	HOVIONS, ANGELA	999999		100.00
08/06/2010	272364	HUMPHREY PRODUCTS	999999		195.00
08/06/2010	272365	IERVOLINA, SUSAN	2074		170.00
08/06/2010	272366	INDIANA WIPING CLOTH, INC.	61		756.00
08/06/2010	272367	INDUSCO SUPPLY CO., INC.	63		1,000.70
08/06/2010	272368	J & J LAWN SERVICE, INC.	457		8,280.50
08/06/2010	272369	J P CONTROLS	77		140.00
08/06/2010	272370	J-AD GRAPHICS, INC	4444		1,386.00
08/06/2010	272371	JASON RIEMENS	999999		31.00
08/06/2010	272372	JOHN DEERE LANDSCAPES	4448		598.96
08/06/2010	272373	JOHNSON, SHANNON	999999		100.00
08/06/2010	272374	KALAMAZOO COUNTY ROAD COMMISSI	87		400.00
08/06/2010	272375	KALAMAZOO COUNTY TREASURER	514		753.00
08/06/2010	272376	KALAMAZOO COURT SERVICES	3655		11.80
08/06/2010	272377	KALAMAZOO REG'L EDUC SVS AGENG	721		5.54
08/06/2010	272378	KALAMAZOO VALLEY COMMUNITY COL	230		10.61
08/06/2010	272379	KAR LABORATORIES	1899		240.00
08/06/2010	272380	KEHOE, EDWARD J	3783		250.00
08/06/2010	272381	KEYSTONE COMMUNITY BANK	999999		3,935.27
08/06/2010	272382	KIMBREL, RON OR KATHERINE	999999		99.09
08/06/2010	272383	KINGSCOTT ASSOCIATES, INC.	3841		999.99
08/06/2010	272384	KNAPP ENERGY, INC.	235		16,198.00
08/06/2010	272385	KOPEC, CASEY	4409		84.00
08/06/2010	272386	KUHN'S YARD & GARDEN CARE, INC	4551		30.96
08/06/2010	272387	KUIPER BUILDING SERVICES, LLC	4454		865.00

CHECK DATE	CHECK NUMBER	VENDOR NAME	VENDOR #	CHECK AMOUNT
08/06/2010	272388	KZOO TIRE COMPANY	564	340.00
08/06/2010	272389	LANDS END	2645	342.45
08/06/2010	272390	LANGUAGE LINE, INC	1093	37.84
08/06/2010	272391	LAWSON PRODUCTS, INC	240	1,095.42
08/06/2010	272392	LEE'S FUN & ADVENTURE	3591	296.15
08/06/2010	272393	LIFESERVERS, INC. BHZ	999999	95.00
08/06/2010	272394	LOWE'S HOME CENTER	2630	302.31
08/06/2010	272395	LYNWELL CORP.	244	85.00
08/06/2010	272396	MAIN STREET PORTRAITS INC	4481	228.00
08/06/2010	272397	MARTINEN, DANIEL & BRIDGETTE	999999	270.00
08/06/2010	272398	MCCARTY, BRADLEY	4585	305.00
08/06/2010	272399	MCDONALD'S TOWING & RESCUE, IN	728	83.00
08/06/2010	272400	MCDONALD'S USA, LLC	4211	198.79
08/06/2010	272401	MEDEMA, TIMOTHY	4406	176.00
08/06/2010	272402	MEIJER GARDENS, FREDERICK	3013	836.00
08/06/2010	272403	MENARDS, INC	258	20.94
08/06/2010	272404	MI GOVT FINANCE OFFICERS ASSOC	2134	199.00
08/06/2010	272405	MICH. RECREATION & PARK ASSOC.	895	1,796.00
08/06/2010	272406	MICHIGAN ASSESSOR'S ASSOC.	763	150.00
08/06/2010	272407	MICHIGAN PAVEMENT MARKINGS LLC	1358	78,005.80
08/06/2010	272408	MIDLAND ENGINE, INC	1986	210.35
08/06/2010	272409	MIDWEST ENERGY COOPERATIVE	2030	227.97
08/06/2010	272410	MIDWEST GOLF AND TURF	4210	325.13
08/06/2010	272411	MOORE, KYLE	999999	500.00
08/06/2010	272412	MOORS I, LLC	3834	21.60
08/06/2010	272413	MORDAS, DON	4003	188.00
08/06/2010	272414	NEOPOST	1208	280.95
08/06/2010	272415	NEW FRESH CLEANING SERVICE	4351	5,726.00
08/06/2010	272416	A NEW LEAF	635	17.50
08/06/2010	272418	NEXTEL	1709	1,812.03
08/06/2010	272419	NICHOLS, ANDREW	4229	282.00
08/06/2010	272421	OFFICE DEPOT, INC.	1721	674.51
08/06/2010	272422	OFFICEMAX INCORPORATED	301	245.25
08/06/2010	272423	ONE WAY PRODUCTS	440	1,203.61
08/06/2010	272424	PARKER, KYLE	4557	188.00
08/06/2010	272425	PARKER, ROBERT	2298	141.00
08/06/2010	272426	PEERLESS-MIDWEST, INC.	1231	5,430.00
08/06/2010	272427	PEERLESS, INC.	1171	81.00
08/06/2010	272428	PETERMAN CONCRETE CO.	310	207.00
08/06/2010	272429	PETTY CASH-DPS	538	476.31
08/06/2010	272430	PETTY CASH-PARKS	536	207.88
08/06/2010	272431	PETTY CASH-SENIOR CENTER	537	233.62
08/06/2010	272432	PLEUNE SERVICE COMPANY	3985	10,162.00
08/06/2010	272433	FOLDERMAN'S FLOWER SHOP	4157	40.95
08/06/2010	272434	PORTAGE DISTRICT LIBRARY	810	35.06
08/06/2010	272435	PORTAGE FIREFIGHTERS	625	2,211.92
08/06/2010	272436	PORTAGE ON-CALL FIREFIGHTERS	504	207.90
08/06/2010	272437	PORTAGE POLICE OFFICERS ASSOC	624	2,362.20
08/06/2010	272438	PORTAGE PUBLIC SCHOOLS	590	416.77
08/06/2010	272439	PORTAGE TYPEWRITER SALES	889	116.10
08/06/2010	272440	COLLEEN POTTER	3460	440.00

CHECK DATE	CHECK NUMBER	VENDOR NAME	VENDOR #	BANK CODE	CHECK AMOUNT
08/06/2010	272441	POTTS, THOMAS A.	999999		110.00
08/06/2010	272442	PRECISION PRINTER SERVICES INC	2584		4,223.85
08/06/2010	272443	PROFESSIONAL TREE SERVICE, INC	321		4,900.00
08/06/2010	272444	QUADRANT II MARKETING, LLC	3139		2,274.08
08/06/2010	272445	QUALITY AIR HEATING & COOLING,	3621		936.33
08/06/2010	272446	RATHCO SAFETY SUPPLY, INC.	327		162.20
08/06/2010	272447	REHMANN ROBSON	1196		1,125.00
08/06/2010	272448	RELIABLE MANAGEMENT SYSTEMS, I	4354		331.00
08/06/2010	272449	REPUBLIC WASTE SERVICES OF W M	4443		877.26
08/06/2010	272450	RESIDENTIAL PLUMBING SERVICES,	1977		416.00
08/06/2010	272451	RIDGE AUTO NAPA	438		447.60
08/06/2010	272452	RIETH-RILEY CONSTRUCTION CO.,	4386		6,805.36
08/06/2010	272453	ROE-COMM, INC.	341		190.90
08/06/2010	272454	ROMENCE GARDENS, INC	343		18.32
08/06/2010	272455	SARCOM	2076		39,257.17
08/06/2010	272456	SHARP SHOP	354		92.00
08/06/2010	272457	SHERWIN WILLIAMS	356		356.25
08/06/2010	272458	SIGN CENTER	862		196.00
08/06/2010	272459	SLAGER CONSTRUCTION	3593		466.00
08/06/2010	272460	SMITH, ISAAC - SCHLITZ CREEK	999999		500.00
08/06/2010	272461	SPELLING PERSONNEL SERVICES	2107		1,622.25
08/06/2010	272462	SPRINT	3721		1,541.08
08/06/2010	272463	STAFFORD, LYNDI	999999		150.00
08/06/2010	272464	STAHR, JACKI	999999		800.00
08/06/2010	272465	STAP BROS LAWN & LANDSCAPE, INC	366		3,686.66
08/06/2010	272466	STATE OF MICHIGAN (DOT)	368		74,285.76
08/06/2010	272467	STATE SYSTEMS RADIO, INC	369		36,317.75
08/06/2010	272468	STEENMA LAWN & POWER EQUIPMEN	3222		635.68
08/06/2010	272469	C. STODDARD & SONS INC.	1444		55.00
08/06/2010	272470	STRAZDAS, PETER J.	999999		1,127.45
08/06/2010	272471	STUIT, ROBERT	4587		44.00
08/06/2010	272472	SUBURBAN MECHANICAL	1475		26,835.00
08/06/2010	272473	SUPERCIRCUITS	1823		1,066.13
08/06/2010	272474	SWANK MOTION PICTURES, INC.	2694		321.00
08/06/2010	272475	TERRI BROWN	999999		5.00
08/06/2010	272476	TERRY, JUNE	999999		150.00
08/06/2010	272477	THERMA-STOR PRODUCTS, LLC	4578		229.10
08/06/2010	272478	THIN BLUE LINE POLICE SUPPLY	4570		156.00
08/06/2010	272479	THOMPSON, HELENE	4417		114.00
08/06/2010	272480	THOMSON WEST	3944		198.96
08/06/2010	272481	TISHHOUSE ELECTRIC, INC.	2435		3,500.00
08/06/2010	272482	TRACTOR SUPPLY CORP.	2817		168.77
08/06/2010	272483	TRUGREEN CHEMLAWN	390		148.75
08/06/2010	272484	U A W, LOCAL 2290	1862		633.06
08/06/2010	272485	U S BANK	3497		2,050.00
08/06/2010	272486	U S POSTAL SERVICE (PORTAGE)	503		1,000.00
08/06/2010	272487	U S SIGNAL COMPANY, LLC	3831		549.00
08/06/2010	272488	UNDERGROUND SECURITY COMPANY	980		965.90
08/06/2010	272489	UNITED PARCEL SERVICE	545		66.14
08/06/2010	272490	VANDER VEEN, DONALD	4230		88.00
08/06/2010	272491	VANDERBILT, JOHN	668		282.00

CHECK DATE CHECK NUMBER VENDOR NAME VENDOR # BANK CODE CHECK AMOUNT

CHECK DATE	CHECK NUMBER	VENDOR NAME	VENDOR #	BANK CODE	CHECK AMOUNT
08/06/2010	272492	VANGUARD FIRE & SUPPLY CO., IN	3996		450.22
08/06/2010	272493	WASHCO, LLC	1104		1,130.00
08/06/2010	272494	WATKINS, GREG	4231		235.00
08/06/2010	272495	WATSON, LEANDRA	999999		700.00
08/06/2010	272496	WAYNICK, ROBERT	999999		56.01
08/06/2010	272497	WEDEL, KRISTEN	999999		200.00
08/06/2010	272498	WEEKES FOREST PRODUCTS, INC.	3498		1,700.50
08/06/2010	272499	WEST MICHIGAN REALTORS TITLE	999999		288.47
08/06/2010	272500	WEST MICHIGAN STAMP & SEAL, INC	415		130.85
08/06/2010	272501	WESTERN MICHIGAN UNIVERSITY	2944		418.06
08/06/2010	272502	WESTERN, FRED	999999		220.00
08/06/2010	272503	WIELENGA, LISA	999999		100.00
08/06/2010	272504	WINDER POLICE EQUIPMENT, INC.	429		591.98
08/06/2010	272505	WINGFOOT COMMERCIAL TIRE	2613		40.40
08/06/2010	272506	WOLVERINE LAWN SERVICE, INC.	1089		169.90
08/06/2010	272507	XEROX CORPORATION	4122		228.00
08/06/2010	272508	Y W C A, INC	751		5,367.00
08/06/2010	272509	YANT, DONNIE	4586		44.00
08/06/2010	272510	YODER, ANDREW	4546		120.00
08/06/2010	272511	10TH DISTRICT COURT	999999		498.00
08/06/2010	272512	14A-3 COURT	999999		150.00
08/06/2010	272513	360 SERVICES, INC.	637		4,405.66
08/06/2010	272514	58TH DISTRICT COURT	999999		200.00
08/13/2010	272515	MICHIGAN PAVING & MATERIALS CO	3389		377,507.60

DATE RANGE TOTAL \* 895,494.22 \*

FROM: 08/04/2010 TO: 08/17/2010

PAYMENT NO	VENDOR NAME	TRANSFER DATE	AMOUNT	TRACE		EFT		BANK	
				NUMBER	NUMBER	BATCH	BATCH	CODE	CODE
58	HOME DEPOT	08/06/2010	156.80	0720003200000001	00000001	00000001	00		
59	RIGGS, KEVIN	08/06/2010	160.00	0720003200000002	00000001	00000001	00		
60	ROBERTS, BRIAN	08/06/2010	293.00	0720003200000003	00000001	00000001	00		
61	ROBERTS, CHARLES D	08/06/2010	188.00	0720003200000004	00000001	00000001	00		
62	WEST, STEVE	08/06/2010	340.00	0720003200000005	00000001	00000001	00		

GRAND TOTAL: 1,137.80 NO. OF CHECKS: 5

**CITY OF PORTAGE****COMMUNICATION**

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**TO:** Honorable Mayor and City Council

**DATE:** August 17, 2010

**FROM:** Maurice S. Evans, City Manager

*mys (for M. Evans)*

**SUBJECT:** Portage Downtown Development Authority

**ACTION RECOMMENDED:** That City Council adopt Resolution No. 2 to Approve Second Amendment to Development Agreement Selling Real Estate and authorize the City Manager to execute the agreement.

At the July 27, 2010 meeting, City Council took action to approve a Second Amendment to Development Agreement. This action will conclude the discussions regarding the terms of the 2003 Development Agreement and the 2003 Amended Plan and specifically, the construction of a second project in the Downtown Development Authority (DDA) district and the re-purchase of a 2.81 acre parcel of land. The Second Amendment to Development Agreement formally documents the resolution of the matter, including the conveyance of the 2.81 acre parcel addressed as 1150 Trade Centre Way from the city to H&G, LLC for the sum of \$206,615. The agreement has been recommended for approval by the Portage DDA Board of Directors and the City Administration.

The resolution and related materials concerning the Second Amendment to Development Agreement have been on file for public inspection prior to final action consistent with the City Charter. Final action is scheduled to occur on August 24, 2010. Attached is Resolution No. 2 that has been prepared by the City Attorney. Adoption of the resolution is recommended.

**Attachment:** Resolution No. 2  
City Manager Communication, dated July 23, 2010 (without attachments)

**CITY OF PORTAGE, MICHIGAN  
RESOLUTION NO. 2 TO APPROVE SECOND AMENDMENT  
TO DEVELOPMENT AGREEMENT SELLING REAL ESTATE**

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

PRESENT: \_\_\_\_\_

ABSENT: \_\_\_\_\_

The following resolution was offered by:

COUNCILMEMBER: \_\_\_\_\_ and supported by

COUNCILMEMBER: \_\_\_\_\_.

WHEREAS, the City Council adopted a Resolution stating its intent to approve the Second Amendment to Development Agreement as a part of an Amended Tax Increment Financing Plan; and

WHEREAS, notice of the City's intent to approve the Second Amendment to Development Agreement was published in a newspaper of general circulation in the City for the period of time required by City Charter;

NOW, THEREFORE, BE IT RESOLVED that the City of Portage approve the Second Amendment to Development Agreement which includes provisions for the sale of property described in Exhibit A attached hereto to Trade Center H, LLC, Trade Center G, LLC and H&G, LLC for the sum of Two Hundred and Six Thousand, Six Hundred and Fifteen and no/100 (\$206,615.00) payable in four installments.

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

AYES: Councilmember \_\_\_\_\_

NAYS: Councilmember \_\_\_\_\_

ABSENT: Councilmember \_\_\_\_\_



## **SECOND AMENDMENT TO DEVELOPMENT AGREEMENT**

This Second Amendment to Development Agreement made and entered into effective as of the \_\_\_ day of \_\_\_\_\_, 2010, by and among the CITY OF PORTAGE, (the "City"), a Michigan Municipal Corporation, and Trade Center H, LLC, Trade Center G, LLC, tenants in common, and H & G LLC, all Michigan Limited Liability Companies, (collectively the "Developer").

### **Background**

1. The parties hereto entered into a Development Agreement dated September 24, 2003, and a First Amendment to Development Agreement dated January 12, 2005, (collectively the "Development Agreement") covering a parcel of land consisting of approximately 32 acres, which is identified in the Development Agreement and described in Appendix A of the Development Agreement as the "Development Parcel".
2. On August 25, 2005, the City and the Developer entered into a Memorandum of Put and Option Agreement and a Put and Option Agreement to purchase and subsequently repurchase a certain 2.81 acres of land identified in the Development Agreement.
3. Developer and City now desire to enter into this Amendment for the purpose of amending the Development Agreement in accordance with the terms and conditions set forth herein.

### **Amendment**

**NOW, THEREFORE**, for and in consideration of the mutual covenants and agreements of the Parties contained herein, the receipt, adequacy and sufficiency of which is hereby acknowledged, the City and Developer wish to amend the Development Agreement to conform to the actual development that has occurred and to alter accordingly the responsibility of the City and the Developer with respect to past and future duties under the Development Agreement in the following manner:

1. Second Project. The parties agree that Article 3 of the Development Agreement is hereby amended, clarified and modified in the following manner:
  - A. The City and Developer agree that the Second Project, for purposes of the Development Agreement, is the four-story office building project addressed as 950 Trade Centre Way that is situated on an approximate 12 acre portion of the Development Parcel. The parties acknowledge and agree that the Second Project has been constructed on the Development Parcel but outside of the boundaries of the Downtown Development Authority district.

B. Developer agrees to pay taxes due on the Second Project as determined by the Portage City Assessor based on the taxable value annually established for real and personal property. Developer shall nonetheless have the right to challenge SEV, assessed value taxable values, or any other property tax component related to the Second Project as permitted under Michigan Law.

C. Property Taxes on Second Project. The City and Developer agree that the payment to the City of the annual amount that is referenced in Section 6.7 of the Development Agreement, which is equivalent to the incremental tax revenue from the original Second Project and would equal 20.5881 mills on a taxable value of \$3,000,000, is hereby deleted and is not required to be paid by the Developer. The parties agree that property taxes on the Second Project shall be paid in accordance with Section 1.B of this Amendment.

2. Re-Purchase of a 2.81 Acre Parcel. The Developer shall repurchase 2.81 acres of land from the City, which the City purchased from the Developer as required by Section 7.1.b of the Development Agreement. The Developer agrees to re-purchase the 2.81 acres of land from the City for the amount of \$206,615, which is based on the original purchase price less the amount of the increase in the added tax revenue generated by the Development Parcel, but excluding the amount of such increase attributable to the Office Parcel, from 2005 through 2009. Upon the payment of the complete re-purchase amount, the City agrees to transfer title thereto to the Developer.

A. The payments to the City from the Developer shall be made as follows:

a. First installment of \$56,615 due August 25, 2010.

b. Second installment of \$50,000, with interest at the rate of 3.25% (Prime Rate as stated in the Wall Street Journal, June 14, 2010 edition) computed as simple interest from August 25, 2010, due August 25, 2011.

c. Third installment of \$50,000, with interest at the rate of 3.25% computed as simple interest from August 25, 2010, due August 25, 2012.

d. Final installment of \$50,000, with interest at the rate of 3.25% computed as simple interest from August 25, 2010, due August 25, 2013.

B. Upon delivery of all of the payments set forth above, City shall convey the parcel to Developer (or its designee) by warranty deed.

C. Developer shall have the right to accelerate and/or pre-pay any payments prior to their due date. Upon delivery of all required amounts, City shall deliver title to the parcel in accordance with Section 3.4.E hereof.

3. City Parcel and Obligations of City and Developer. The parties agree that Article 7, Section 7.1.b of the Development Agreement is hereby amended, clarified and modified in the following manner:

- b. Purchase 2.81 acres of land situated in the DeHaan Drive and West Fork Crossing area, from the Developer, for stormwater or other public use. Consistent with the First Amendment to the Development Agreement, the City has purchased 2.81 acres of land situated in the DeHaan Drive and West Fork Crossing area from the Developer for stormwater or other public use. The closing on the purchase occurred on or before July 1, 2005. Consistent with the August 25, 2005 Memorandum of Put and Option Agreement and the Put and Option Agreement, the City and Developer agree that the Developer shall re-purchase the 2.81 acres of land as specified in Section 2.A through 2.C. of the Second Amendment to Development Agreement.

4. No Defaults. The parties acknowledge and agree that upon execution of, and compliance with, the terms and conditions of this Amendment, that neither party shall be in default to the other under the terms and conditions of the Development Agreement..

5. Continuation of Rights and Obligations. All terms, conditions, rights and obligations among the parties pursuant to the Development Agreement and the Put and Option Agreement shall continue in full force and effect except when inconsistent with this Amendment. In the event of an inconsistency, the terms of this Amendment shall govern.

6. Background. The Background set forth above is accurate, correct and is hereby incorporated into this Amendment.

*Signatures on following page*

IN WITNESS WHEREOF, the City and the Developer by and through their duly authorized representatives, have executed this Amendment as of the day and year first above written.

**THE CITY OF PORTAGE,  
a Municipal Corporation**

\_\_\_\_\_  
\_\_\_\_\_

By: \_\_\_\_\_

Its: \_\_\_\_\_

Rich MacDonald  
Rich MacDonald

**H & G, LLC**  
a Michigan limited liability company

By: [Signature]

Its: MEMBER

Rich MacDonald  
Rich MacDonald

By: [Signature]

Its: member

**TRADE CENTER G, LLC**  
a Michigan limited liability company

\_\_\_\_\_  
\_\_\_\_\_

By: \_\_\_\_\_

Its: \_\_\_\_\_

Rich MacDonald  
Rich MacDonald

By: [Signature]

Its: member

**TRADE CENTER H, LLC**  
a Michigan limited liability company

Rich MacDonald  
Rich MacDonald

By: [Signature]

Its: MEMBER

\_\_\_\_\_  
\_\_\_\_\_

By: \_\_\_\_\_

Its: \_\_\_\_\_

18,036,818.3\088888-02797  
DRAFT 06/03/10 10:27 AM

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SecondAmendment to Development Agreement.DOC

## CITY OF PORTAGE

## COMMUNICATION

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**TO:** Honorable Mayor and City Council

**DATE:** July 23, 2010

**FROM:** Maurice S. Evans, City Manager



**SUBJECT:** Portage Downtown Development Authority

**ACTION RECOMMENDED:** That City Council:

- a. adopt the Resolution of Intent to Approve Second Amendment to Development Agreement Selling Real Estate to H&G, LLC and place the resolution on file in the Office of the City Clerk for 28 days and
- b. consider final action to approve the agreement on August 24, 2010.

As City Council is aware, the City Administration and H&G, LLC have been discussing finalization of a matter that involves development issues in the Downtown Development Authority (DDA) district as identified in the approved 2003 Amended Development Plan/Tax Increment Finance Plan and the approved 2003 Development Agreement with H&G, LLC. Attached is a communication from the Community Development Director that provides the details regarding the issues and the discussions between the City Administration and H&G, LLC to successfully finalize this matter. Also attached is the necessary resolution that places the recommended agreement on file for public inspection prior to final City Council action on the agreement consistent with the City Charter, which has been prepared by the City Attorney.

Approval of the Second Amendment to Development Agreement will finalize the discussions regarding the terms of the 2003 Development Agreement and the 2003 Amended Plan and specifically, the construction of a second project in the DDA and the re-purchase of a 2.81 acre parcel of land. The Second Amendment to Development Agreement memorializes the resolution of the matter including the conveyance of the 2.81 acre parcel, addressed as 1150 Trade Centre Way, from the city to H&G, LLC for the sum of \$206,615.

With approval of the agreement, funds from the parcel sale will assist with required payments on bonds that were issued to complete public improvements in the DDA district. Furthermore, additional private sector investment in the DDA district by H&G, LLC is being planned, which is very beneficial for the community in terms of potential future tax base growth and employment opportunities for area residents. It is anticipated that the DDA will again be used as a financing mechanism to facilitate a new public-private venture with H&G, LLC. Additional public street, stormwater and related improvements to foster new private development including accommodations, office and retail projects in The Trade Centre area of the DDA district are being considered.

City Bond Counsel John Axe has assisted the City Administration in these discussions and has prepared the Second Amendment to Development Agreement and the necessary resolution for consideration by the DDA Board of Directors.

The DDA Board of Directors has met and recommends that City Council approve the Second Amendment to Development Agreement. The resolution approved by the DDA Board of Directors is attached.

The City Administration recommends that City Council adopt the resolution, place the Resolution of Intent to Approve Second Amendment to Development Agreement Selling Real Estate on file in the Office of the City Clerk for 28 days and take final action approving the Second Amendment to Development Agreement on August 24, 2010.

Attachments: Resolution of Intent to Approve Second Amendment to Development Agreement Selling Real Estate  
Department of Community Development report dated July 16, 2010  
July 23, 2010 DDA Board of Directors meeting minutes

# CITY OF PORTAGE

# COMMUNICATION

**TO:** Honorable Mayor and City Council

**DATE:** August 19, 2010

**FROM:** Maurice S. Evans, City Manager

**SUBJECT:** Michigan Department of Transportation Contract – Widening of I-94 from  
Approximately Oakland Drive to Lovers Lane

**ACTION RECOMMENDED:** That City Council:

- a. approve Contract 10-5539 between the Michigan Department of Transportation and the City of Portage concerning funding for street modifications on South Westnedge Avenue at the Trade Centre Way intersection and
- b. adopt a Resolution authorizing the City Manager to sign Contract 10-5539 on behalf of the city.

The City Administration recently received a proposed amendatory contract between the Michigan Department of Transportation (MDOT) and the City of Portage for street modifications to South Westnedge Avenue at the Trade Centre Way intersection. The contract amends MDOT Contract 09-5099, which was approved by City Council on May 26, 2009. Contract 09-5099 is the cost sharing agreement between MDOT and the City of Portage for the widening and reconstruction of I-94 from approximately 2,300 feet east of Oakland Drive to approximately 1,800 feet east of Lovers Lane, including the reconstruction of the I-94/South Westnedge Avenue interchange and widening of South Westnedge Avenue from Dawnlee Avenue to Trade Centre Way.

On July 22, 2008, City Council awarded a traffic engineering contract to analyze traffic at the Trade Centre Way/South Westnedge Avenue intersection with the intent that a temporary traffic signal be installed pending MDOT reconstruction of the I-94/South Westnedge Avenue interchange. Subsequently, MDOT received American Rehabilitation & Recovery Act (ARRA) funds to continue the I-94 project. The current I-94 project includes the reconstruction of the South Westnedge Avenue/I-94 interchange in 2010 and 2011. The traffic study determined that a traffic signal was not warranted, but that improvements should be made to the Trade Centre Way/South Westnedge intersection. To address the existing conditions and anticipating continued development on Trade Centre Way and in the Downtown Development Authority area, the City Administration requested proposals from engineering consultants to redesign and realign Trade Centre Way and the existing Trade Centre Way/South Westnedge Avenue and Trade Centre Way/West Fork Crossing intersections. The new I-94 interchange design gives the city the opportunity to relocate Trade Centre Way to create a more effective entry to the Trade

Centre Way/Downtown Development Area. On February 9, 2010, City Council approved an engineering services contract for the necessary design work.

The Trade Centre Way realignment project entails the reconfiguration of the South Westnedge Avenue/Trade Centre Way intersection to allow left-turn traffic into Trade Centre Way from South Westnedge Avenue. The construction of the turn lane and a boulevard must be included as part of the current Michigan Department of Transportation (MDOT) contract for completion in 2011. To accommodate the left-turn design, MDOT will need to redesign the intersection geometrics to allow left-turn traffic. MDOT has prepared the attached amendatory contract to compensate MDOT for the redesign expenses - estimated to be \$10,000. The City of Portage is obligated to pay 100% of the estimated cost. Funds to cover the city cost are available in the South Westnedge Avenue/Trade Centre Way Intersection Improvements project account in the Capital Improvement Program.

It is recommended that City Council approve Contract 10-5539 between the Michigan Department of Transportation and the City of Portage concerning funding for street modifications on South Westnedge Avenue at the Trade Centre Way intersection and adopt a resolution authorizing the City Manager to sign the contract on behalf of the city.

Attachments

**CITY OF PORTAGE  
RESOLUTION**

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

PRESENT: Councilmembers \_\_\_\_\_

ABSENT: Councilmembers \_\_\_\_\_

The following resolution was offered by Councilmember \_\_\_\_\_ and seconded by Councilmember \_\_\_\_\_.

RESOLVED, that the City Council for the City of Portage does hereby authorize the City Manager, Maurice S. Evans, to sign Contract 10-5539 between the City of Portage and the Michigan Department of Transportation. This contract is an amendment to Contract 09-5099 which provided for the widening and reconstruction of I-94 from 2,300 feet east of Oakland Drive to 1,800 feet east of Lovers Lane, construction of a Single Point Urban Interchange at I-94 and South Westnedge Avenue, replacement of bridges over the Grand Elk Railroad; together with necessary related work, located within the corporate limits of the city. The amendment is for construction changes on South Westnedge Avenue north of I-94 as requested by the City of Portage.

ADOPTED: YEAS:

NAYS:

ABSENT:

\_\_\_\_\_  
James R. Hudson, City Clerk

CERTIFICATION

I hereby certify this \_\_\_\_\_ day of \_\_\_\_\_, 2010 that the foregoing is a true and complete copy of the original on file in my office.

APPROVED AS TO FORM \_\_\_\_\_  
DATE 8/12/2010 \_\_\_\_\_ James R. Hudson, City Clerk  
res  
\_\_\_\_\_  
CITY ATTORNEY

AMENDMENT TO CONTRACT 09-5099  
FEDERAL AID PROGRESS PAYMENT  
ACT-51 AND ADDED WORK

DAB  
Control Section AR1 39022; HPSL 39022;  
HPP 39022; BT01 39022  
Job Number 105128A; 105128C;  
54230; 54230C  
Federal Item ARRA 0939(011);  
HPSL 0939(007);  
HPP 0139(002)  
Federal Project JJ 3242; RR 6703;  
RR 2647  
Contract 10-5539

THIS AMENDATORY CONTACT is made and entered into this date of \_\_\_\_\_, by and between the MICHIGAN DEPARTMENT OF TRANSPORTATION, hereinafter referred to as the "DEPARTMENT"; and the CITY OF PORTAGE, a Michigan municipal corporation, hereinafter referred to as the "CITY"; for the purpose of fixing the rights and obligations of the parties in agreeing to this Amendment to CONTRACT #09-5099.

WITNESSETH:

WHEREAS, the parties to the Amendment have heretofore, by a Contract dated June 3 2009, hereinafter referred to as "CONTRACT 09-5099" provided for the construction and financing of that which is hereinafter referred to as the "PROJECT" and is described as follows:

PART A - JOB 105128 (100% FEDERAL PARTICIPATION)

Construction of a Single Point Urban Interchange at Highway I-94 and Westnedge Avenue (Highway M-331), which includes reconstruction and widening work on Highway I-94 from approximately 0.44 miles east of Oakland Drive to approximately 0.34 miles east of Lovers Lane and removal and replacement of Structures R02 and R05 of 39022 which carry eastbound and westbound highway I-94 over the Grand Elk Railroad, and Structures S01-3 and S01-4 of 39022 which carry eastbound and westbound Highway I-94 over Westnedge Avenue (Highway M-331); together with necessary related work, located within the corporate limits of the CITY; and

PART B – JOB 105128 (100% LOCAL PARTICIPATION)

Installation of twelve inch diameter water main and 24-inch steel casing pipe along the west side of Westnedge Avenue in the vicinity of Highway I-94; together with necessary related work, located within the corporate limits of the CITY; and

PART C – JOB #54230 (FEDERAL, STATE AND LOCAL PARTICIPATION)

Early preliminary engineering work on the PART A portion of the PROJECT; together with necessary related work, located within the corporate limits of the CITY; and

PART D – JOB #54230C (STATE AND LOCAL PARTICIPATION)

Preliminary engineering work on the PART A portion of the PROJECT; together with necessary related work, located within the corporate limits of the CITY; and

WHEREAS, the DEPARTMENT and the CITY having appropriate authority desire to amend CONTRACT 09-5099 to provide for the additional work as described in PART E, and the associated increase in the estimated PROJECT COST.

NOW, THEREFORE, it is hereby agreed by and between the parties hereto that:

1. The PROJECT shall hereinafter be described as follows:

PART A - JOB 105128A & C (100% FEDERAL PARTICIPATION)

Construction of a Single Point Urban Interchange at Highway I-94 and Westnedge Avenue (Highway M-331), which includes reconstruction and widening work on Highway I-94 from approximately 0.44 miles east of Oakland Drive to approximately 0.34 miles east of Lovers Lane and removal and replacement of Structures R02 and R05 of 39022 which carry eastbound and westbound highway I-94 over the Grand Elk Railroad, and Structures S01-3 and S01-4 of 39022 which carry eastbound and westbound Highway I-94 over Westnedge Avenue (Highway M-331); together with necessary related work, located within the corporate limits of the CITY; and

PART B – JOB 105128A&C (100% LOCAL PARTICIPATION)

Installation of twelve inch diameter water main and 24-inch steel casing pipe along the west side of Westnedge Avenue in the vicinity of Highway I-94; together with necessary related work, located within the corporate limits of the CITY; and

PART C – JOB 54230 (FEDERAL, STATE AND LOCAL PARTICIPATION)

Early preliminary engineering work on the PART A portion of the PROJECT; together with necessary related work, located within the corporate limits of the CITY; and

PART D – JOB 54230C (STATE AND LOCAL PARTICIPATION)

Preliminary engineering work on the PART A portion of the PROJECT; together with necessary related work, located within the corporate limits of the CITY; and

PART E - JOB 105128A (100% LOCAL PARTICIPATION)

Additional CE work required due to construction changes requested by the CITY at various locations along Westnedge Avenue in the vicinity of Highway I-94; together with necessary related work, located within the corporate limits of the CITY; and

2. Section 5 of CONTRACT 09-5099 is revised to read as follows:

5. For PARTS A, B, C, and D, the DEPARTMENT will administer all phases of the PROJECT and will cause to be performed all the PROJECT work. The PROJECT work for PART E will be performed by Parsons Brinkerhoff, Inc. and administered by the DEPARTMENT.

Any items of PROJECT COST incurred by the DEPARTMENT may be charged to the PROJECT.

3. Section 7 of CONTRACT 09-5099 is revised to read as follows:

7. The construction and construction engineering portions of the work described in PART A are being paid in their entirety through the American Recovery and Reinvestment Act of 2009 (ARRA). Should portions of PART A not be paid with ARRA funding, for whatever reason, the CITY shall be charged in the proportions as shown below.

The preliminary engineering portion of the PART A cost and the costs for PARTS C and D portions shall be met in part by contributions from agencies of the Federal Government. The balance of the PART A through E portions of the PROJECT COST, after deduction of Federal Funds, shall be charged to and paid by the DEPARTMENT and the CITY in the following proportions and in the manner and at the times hereinafter set forth:

	<u>PARTS A, C, &amp; D</u>	<u>PARTS B &amp; E</u>
DEPARTMENT -	88.75%	0%
CITY -	11.25%	100%

The PROJECT COST for the PARTS C and D portions of the PROJECT are based on a proration of the overall cost of Preliminary Engineering and Early Preliminary Engineering phases of the original project 54230, which provides for reconstruction and widening of Highway I-94 from west of 12th Street to east of Sprinkle Road. Additional Preliminary Engineering costs, not covered in PART D are included in the estimates for PART A.

The PROJECT COST for PART E is fixed in the amount of \$10,000, which represents actual costs required for the completion of the PART E portion of the PROJECT.

The PROJECT COST and the respective shares of the parties, after Federal-aid, is estimated to be as follows:

	TOTAL ESTIMATED COST	FEDERAL AID	BALANCE AFTER FED AID	DEPT'S SHARE	CITY'S SHARE
PART A - (Const. & CE)	\$56,961,900	\$56,961,900	\$ - 0 -	\$ - 0 -	\$ - 0 -
PART A - (Add'l PE)	\$793,600	\$634,900	\$158,700	\$140,900	\$17,800
PART B - (Const. & CE)	\$101,500	\$ - 0 -	\$101,500	\$ - 0 -	\$101,500
PART B - PE	\$1,400	\$ - 0 -	\$1,400	\$ - 0 -	\$1,400
PART C - (EPE work for PART A)	\$1,198,500	\$958,800	\$239,700	\$ 212,700	\$27,000
PART D - (PE work for PART A)	\$3,184,300	\$ - 0 -	\$3,184,300	\$2,826,100	\$358,200
PART E - CE	<u>\$10,000</u>	<u>\$ - 0 -</u>	<u>\$10,000</u>	<u>\$ - 0 -</u>	<u>\$10,000</u>
TOTAL	\$62,251,200	\$58,555,600	\$3,695,600	\$3,179,700	\$515,900

Participation, if any, by the CITY in the acquisition of trunkline right-of-way shall be in accordance with 1951 P.A. 51 Subsection 1d, MCL 247.651d. An amount equivalent to the federal highway funds for acquisition of right-of-way, as would have been available if application had been made thereof and approved by the Federal government, shall be deducted from the total PROJECT COST prior to determining the CITY'S share. Such deduction will be established from the applicable Federal-Aid matching ratio current at the time of acquisition.

The PE costs for PARTS A, C, and D of the PROJECT will be apportioned in the same ratio as the actual construction award.

The CE costs for the PART A and B portions of the PROJECT will be apportioned in the same ratio as the actual direct construction costs. The CE costs for PART E will be fixed in the amount as shown above.

4. Except as amended by the provisions herein, all of the provisions, covenants and obligations of the parties contained in CONTRACT 09-5099 shall remain in full force and effect.

5. The CITY waives any and all claims it has or may have against the DEPARTMENT which arise out of the need to amend CONTRACT 09-5099.

6. This Amendatory contract shall become binding on the parties hereto and of full force and effect upon the signing thereof by the duly authorized officials for the parties hereto; upon the adoption of the necessary resolution approving said contract and authorizing the signatures thereto of the respective officials of the CITY, a certified copy of which resolution shall be attached to this contract.

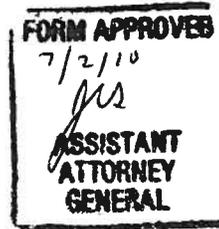
CITY OF PORTAGE

MICHIGAN DEPARTMENT  
OF TRANSPORTATION

By \_\_\_\_\_  
Title:

By \_\_\_\_\_  
Department Director MDOT

By \_\_\_\_\_  
Title:



APPROVED AS TO FORM  
DATE 8/12/2010  
ms  
CITY ATTORNEY

**CITY OF PORTAGE**

**COMMUNICATION**

**TO:** Honorable Mayor and City Council

**DATE:** August 17, 2010

**FROM:** Maurice S. Evans, City Manager

**SUBJECT:** Proposed One-Year Labor Agreement with the United Auto Workers

**ACTION RECOMMENDED:** That City Council authorize the Mayor and City Clerk to execute a one-year labor agreement between the City of Portage and the United Auto Workers.

The City Administration has negotiated a replacement agreement with the United Auto Workers (UAW) for the labor agreement that expired on June 30, 2010. The proposed agreement has been ratified by the UAW membership and covers eighteen Streets & Equipment and Parks & Recreation employees for the period of July 1, 2010 through June 30, 2011. Highlights of the agreement include:

- Maintaining wages at current levels.
- A five percent increase in the amount the employee pays toward the group health insurance premiums.
- A slight improvement to the BlueCare Network vision rider.
- A ten percent decrease in the amount paid to employees who opt out of the city health insurance plan.
- A provision that will allow the UAW to request up to ten days of unpaid union business leave annually for training purposes, which may be approved at the discretion of the city.

Council approval of the one-year labor agreement is recommended.

**CITY OF PORTAGE**

**COMMUNICATION**

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**TO:** Honorable Mayor and City Council

**DATE:** August 10, 2010

**FROM:** Maurice S. Evans, City Manager

*(for M. Williams)*

**SUBJECT:** July 2010 Summary Environmental Activity Report – Information Only

Attached please find the July 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

**CITY OF PORTAGE**

**COMMUNICATION**

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**TO:** Maurice S. Evans, City Manager

**DATE:** August 10, 2010

**FROM:** Dallas Williams, Director of Transportation & Utilities

*CPW*

**SUBJECT:** July 2010 Environmental Activity Report – Information Only

In keeping with goals and objectives adopted by the Council emphasizing the need to enhance environmental quality and protect natural resources, the following information is intended to keep the Council, Planning Commission and Environmental Board apprised of current environmental issues.

Important environmental issues being monitored and coordinated by the Administration are attached. The Summary Environmental Activity Report will continue to be provided on a monthly basis to the Council, Planning Commission and Environmental Board.

**RECEIVED**

**AUG 11 2010**

**CITY MANAGER'S OFFICE  
PORTAGE, MI**

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

<u>Project/Activity</u>	<u>Description</u>	<u>Status</u>
Portage City Landfill	Ongoing groundwater monitoring of former municipal landfill.	<p>-City Council awarded a 3 year contract to American Hydrogeologic Corporation on February 23, 2010 to perform annual groundwater sampling. The site groundwater data will continue to be monitored to confirm continuation of the natural attenuation process. Sampling shows continued improvement in groundwater quality. Sampling performed in June 2010. Annual report submitted to MDNRE in June 2010. General groundwater quality continues to improve, but site will require monitoring for the foreseeable future.</p>
Site Inspection/Development Project Review	Review of existing business & industries and review of proposed business and industrial development projects for environmental protection purposes and/or building plans completed.	<p>-Coordination with property owners and City or State agencies ongoing. -<i>Review of 4 site/building plans and/or plats completed in July 2010.</i></p>
Sewer Connection Program	Groundwater protection program requiring residential/business hookup to the sanitary sewer where available.	<p>-<i>Sanitary sewer hookup permits issued in July 2010: 5 residential, 1 commercial. One sewer connection made as part of the Mandatory Sewer Program.</i></p>
West Lake Management Program	Special assessment district designed to maintain/improve lake conditions.	<p>-Five Year Lake Management Assessment District process initiated (Resolution #1) on December 7, 2004. Resolution #3 was approved by City Council on January 11, 2005. Resolution #5 was adopted by City Council on February 8, 2005. On March 22, 2005, City Council approved a contract with Aquatic Services, Goodrich, MI, to perform annual weed treatment. West Lake currently working with the Kalamazoo County Drain Commissioner to create a filtration system on the Austin Lake Drain. On July 10, 2007, City Council authorized the Administration to submit a grant application in the amount of \$5,000 to the Kalamazoo Foundation to assist funding the filtration system. Construction bids received by the Drain Commissioner on November 14, 2006. Construction began on the Austin Dam reconstruction in December 2006 and new structure completed in March 2007. Filtration system construction was substantially completed in July 2008. On July 8, 2008, City Council awarded contracts to Aquatic Services, Inc. for the 2008 Weed Treatment Program and 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</p>

City Council on March 23, 2010. *The initial 2010 lake treatment is complete and is being reviewed as to its effectiveness.*

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. Sampling of retention basins was completed on June 25, 2010. *Report is due in November 2010.*

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 2009 in June and January. Sampling and analysis results continue to show no groundwater impacts from the leaf composting. Sampling schedule was reduced to annual sampling in 2009 with results showing continued minor impact on groundwater quality. Next sampling scheduled for July 2010.

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 (SWIPPI) as required by NPDES permit. SWIPPI submitted on October 21, 2005. Revised SWIPPI 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. Staff currently working on updated SWIPPI submittal to MDNRE. SWIPPI was submitted for MDNRE approval on June 25, 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. *Planning underway for Kalamazoo River Water Festival on August 14, 2010.*

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. IDEP program was updated for submittal to MDNRE on June 25, 2010, and part of the SWIPPI.

Garden Lane Arsenic Removal Facility

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

-City Council approved an agreement with Fishbeck, Thompson, Carr & Huber, Inc. on January 10, 2006 to prepare a feasibility study to meet new USEPA arsenic standards for drinking water. Feasibility study completed in August 2006. 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. 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 in May 2010. *Plant is in operation with ribbon cutting scheduled for August 2, 2010.*

<p>Environmental Incident/Spill Clean Up Notification</p>	<p>Environmental Protection Program to assist Portage Police/Fire Departments with spill containment and spill cleanup.</p>	<p><i>-The number of environmental incident/spill investigations performed in July 2010-0. The number of incidents requiring city forces/contractor emergency cleanups-0.</i></p>
<p>Localized Groundwater Table Investigation</p>	<p>Hydrogeologic study of the Portage area, especially in the Sprinkle Woods plat area, to determine causes of increase in groundwater elevation.</p>	<p>-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 May 2010. Levels remain stable despite 5" of rainfall in June. <i>No change in water levels from June.</i> Sampling will continue through the summer months.</p>
<p>Hampton Wetland Area Water Level</p>	<p>Assistance with the Inverness Condominium Association to Review Surface Water Levels</p>	<p>-Ongoing assistance with the Condominium Association to develop appropriate measures to regulate the rising water level in Hampton Wetlands Area located on the north side of West Centre Avenue and east of Angling Road. Current activity has centered on meeting with MDNRE staff to determine feasible method to lower water levels. Association currently working with MDNRE permit staff to clarify permit requirements.</p>
<p>Southwest Michigan Regional Sustainability Covenant</p>	<p>Collaborative effort with local government, academic, and other stakeholders to lead toward environmental, economic and social sustainability.</p>	<p>-On May 12, 2009, City Council approved the Southwest Michigan Regional Sustainability Covenant. A sustainability work session was held April 14, 2010, to review elements of the covenant in cooperation with the City of Kalamazoo and the City of Battle Creek. A grant application was made to MDNRE for a greenhouse gas inventory study of the area. Success of grant application may not be known until late summer. <i>Notice received July 15, 2010 that the grant application was not successful.</i></p>

# CITY OF PORTAGE

PARK BOARD

7900 SOUTH WESTNEDGE AVENUE, PORTAGE, MI 49002

August 11, 2010

RE: Park Board Initiative – Smoking Ban in Portage Parks

Honorable Mayor & City Council:

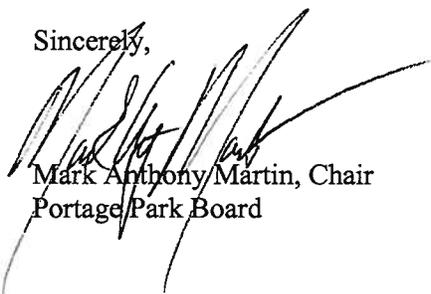
Pursuant to a March 5, 2010 request to City Council, the Park Board has been investigating options for prohibiting or limiting smoking in city park properties. Restricting smoking in Portage parks is not a new issue. An existing park rule has been established prohibiting smoking at the Ramona Park beach area. Consistent with state regulations, smoking is also prohibited in all enclosed park areas including restrooms, Celery Flats buildings and the Schrier Park pavilion.

An internet survey was developed and citizens were able to respond to variety of questions relating to this issue. As of August 4, 2010, 160 responses had been received. All were Portage park users and 118 or 74% of the respondents were Portage residents. Eighty-six percent were non-smokers. Questions ranged from prohibiting smoking in all city parks to restricting smoking in selected areas – playgrounds and picnic shelters. On the question of a total ban of smoking in all city parks, 61% felt is to be a good idea and 39% opposed. Ninety-one percent felt smoking should be restricted in playground areas and 75% felt smoking should be restricted in picnic pavilion areas.

During the August 4, 2010 Park Board meeting, the Board voted to recommend a new park rule restricting smoking in playground and picnic shelter areas. We believe from a community and health perspective, park patrons and youth should not be subjected to smoking in these areas. We would recommend that the Park Rules be modified to include the statement, “Smoking is allowed except as posted. Posted areas include playgrounds and picnic pavilions”.

A similar existing park rule on pets states, “Pets allowed except in designated areas”. The areas designated where pets are not allowed are picnic, playground and the Ramona Park beach. Signs have been posted in these areas and Parks staff members indicate that patrons abide by these rules with little need for enforcement.

Sincerely,



Mark Anthony Martin, Chair  
Portage Park Board

**CITY OF PORTAGE**

**COMMUNICATION**

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**TO:** Honorable Mayor and City Council

**DATE:** August 19, 2010

**FROM:** Maurice S. Evans, City Manager

**SUBJECT:** Park Board Initiative – Smoking Ban in Portage Parks

**ACTION RECOMMENDED:** That City Council refer the communication from the Portage Park Board recommending the prohibition of smoking in playground and picnic shelter areas in Portage parks to the Administration for review and recommendation.

It is recommended that City Council refer to the Administration the attached communication from Portage Park Board Chair, Mark Anthony Martin concerning the recommendation to prohibit smoking in playground and picnic areas in Portage Parks. A report and recommendation will be provided to Council in the near future.

Attachment

**CITY OF PORTAGE**

**COMMUNICATION**

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**TO:** Honorable Mayor and City Council

**DATE:** August 16, 2010

**FROM:** James R. Hudson, City Clerk



**SUBJECT:** Reconfirm the Resolution to Relinquish an existing Water Main Easement located on the properties addressed as 10619 Woodlawn Drive and 10625 Woodlawn Court.

**ACTION RECOMMENDED:** That City Council reconfirm the Resolution to Relinquish an existing Water Main Easement located on the properties addressed as 10619 Woodlawn Drive and 10625 Woodlawn Court.

Attached please find the Communication from the City Manager dated July 19, 2010, concerning relinquishment of an existing Water Main Easement located on the properties addressed as 10619 Woodlawn Drive and 10625 Woodlawn Court, adopted at the July 27, 2010 Regular Council Meeting.

The Resolution was placed on file with the City Clerk for 28 days as required by City Charter. There being no objections, the Administration recommends that City Council reconfirm the Resolution to Relinquish an existing Water Main Easement located on the properties addressed as 10619 Woodlawn Drive and 10625 Woodlawn Court.

**Attachments**

ComReconfirmreaseWoodlawn082410.doc

c Maurice S. Evans, City Manager

## CITY OF PORTAGE

## COMMUNICATION

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**TO:** Honorable Mayor and City Council

**DATE:** July 19, 2010

**FROM:** Maurice S. Evans, City Manager



**SUBJECT:** Water Main Easement Relinquishment, 10619 Woodlawn Drive and 10625 Woodlawn Court

**ACTION RECOMMENDED:** That City Council adopt the Resolution to Relinquish a Water Main Easement, place the Resolution on file with the City Clerk for 28 days and take final action on August 24, 2010.

In 1995, the City of Portage constructed a water main loop around a portion of Austin Lake. Specifically, a 12" diameter water main was constructed to connect Woodlawn Avenue and Woody Noll Drive. A utility easement was granted by the property owner at the time for the water main installation and the water main has been in operation since 1995.

Recently, homeowners Mike and Susan Williams, 2103 Woody Noll Drive, have undertaken home improvements which required locating the existing utilities. During the utility staking, the existing water main was found to be located outside of the recorded easement. Why the water main was not constructed in the easement area is not known. Both the site inspector and the city project manager at that time have since passed away. The original engineering company, Wightman & Associates, was contacted and has prepared new and accurate water main drawings and easements at no charge. The affected property owners have executed the new easements and it is appropriate to process the relinquishment of the original easement. A drawing of the existing and newly recorded easements is attached for the information of City Council.

The City Attorney has prepared the accompanying Resolution. If approved by the City Council, the Resolution will be on file with the City Clerk for 28 days as required by the City Charter. Finalization of this matter will be scheduled for the City Council meeting on August 24, 2010.

Attachments

**CITY OF PORTAGE, MICHIGAN  
RESOLUTION NO. 2 TO RELINQUISH WATER MAIN EASEMENT**

Minutes of a regular meeting of the City Council for the City of Portage, Michigan held on

\_\_\_\_\_, 2010 at 7:30 p.m. local time at City Hall in the City of Portage, Michigan.

PRESENT: \_\_\_\_\_

ABSENT: \_\_\_\_\_

The following resolution was offered by:

COUNCILMEMBER: \_\_\_\_\_ and supported by

COUNCILMEMBER: \_\_\_\_\_.

WHEREAS, the City Council adopted a Resolution stating its intent to relinquish a water main easement to John and Caroline Koryto, 10619 Woodlawn Drive, Portage, Michigan 49002, and Mike and Susan Williams, 2103 Woody Noll, Portage, Michigan, the owners of record of the underlying property;

WHEREAS, notice of the City's intent to relinquish said water main easement was published in a newspaper of general circulation in the City for the period of time required by City Charter;

NOW, THEREFORE, BE IT RESOLVED that the City of Portage relinquish the following described water main easement over, across, under and through the following described parcel of land situated in the City of Portage, County of Kalamazoo and State of Michigan and more fully described as:

Water main easement located in the City of Portage, County of Kalamazoo, State of Michigan, being 12 feet wide with the center line of said easement being described as follows:

Commencing at the Southeast corner of lot 47, "Austin Grove", being a subdivision in Section 35, Town 3 South, Range 11 West, City of Portage, Kalamazoo County, Michigan, according to the Plat thereof recorded in Liber 11 of Plats, page 24, Kalamazoo County Records; thence South 0 degrees 02' 48" West on the west line of lot 25, Woody Noll No. 1, according to the Plat thereof as recorded in Liber 32 of Plats, Page 32, Kalamazoo County Records, 64.0 feet to the Point of Beginning of the Easement herein described: Thence continuing South 0 degrees 02' 48" West on said west line 92.0 feet; thence North 68 degrees 57' 12" West 21.42 feet; thence North 0 degrees 02' 48" East 75.10 feet; thence North 49 degrees 27' 22" West 66.21 feet; thence South 89 degrees 52' 00" West parallel with the south line of said lot 47 a distance of 150.26 feet; thence North 48 degrees 08' 00" West 44.83 feet to said south line; thence North 89 degrees 52' 00" East on said south line 29.89 feet; thence South 48 degrees 08' 00" East 14.94 feet; thence North 89

degrees 52' 00" East 150.00 feet; thence South 49 degrees 27' 22" East 82.85 feet to the Point of Beginning.

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

AYES: Councilmember \_\_\_\_\_

NAYS: Councilmember \_\_\_\_\_

ABSENT: Councilmember \_\_\_\_\_

RESOLUTION DECLARED ADOPTED: \_\_\_\_\_

\_\_\_\_\_  
James R. Hudson, City Clerk

CERTIFICATION

STATE OF MICHIGAN     )  
  )  
COUNTY OF KALAMAZOO )

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

IN WITNESS WHEREOF, I have hereunto affixed my official signature this \_\_\_ day of \_\_\_\_\_, 2010.

\_\_\_\_\_  
JAMES R. HUDSON, City Clerk

Approved as to Form:

Date: 8/4/2010  
[Signature]

City Attorney

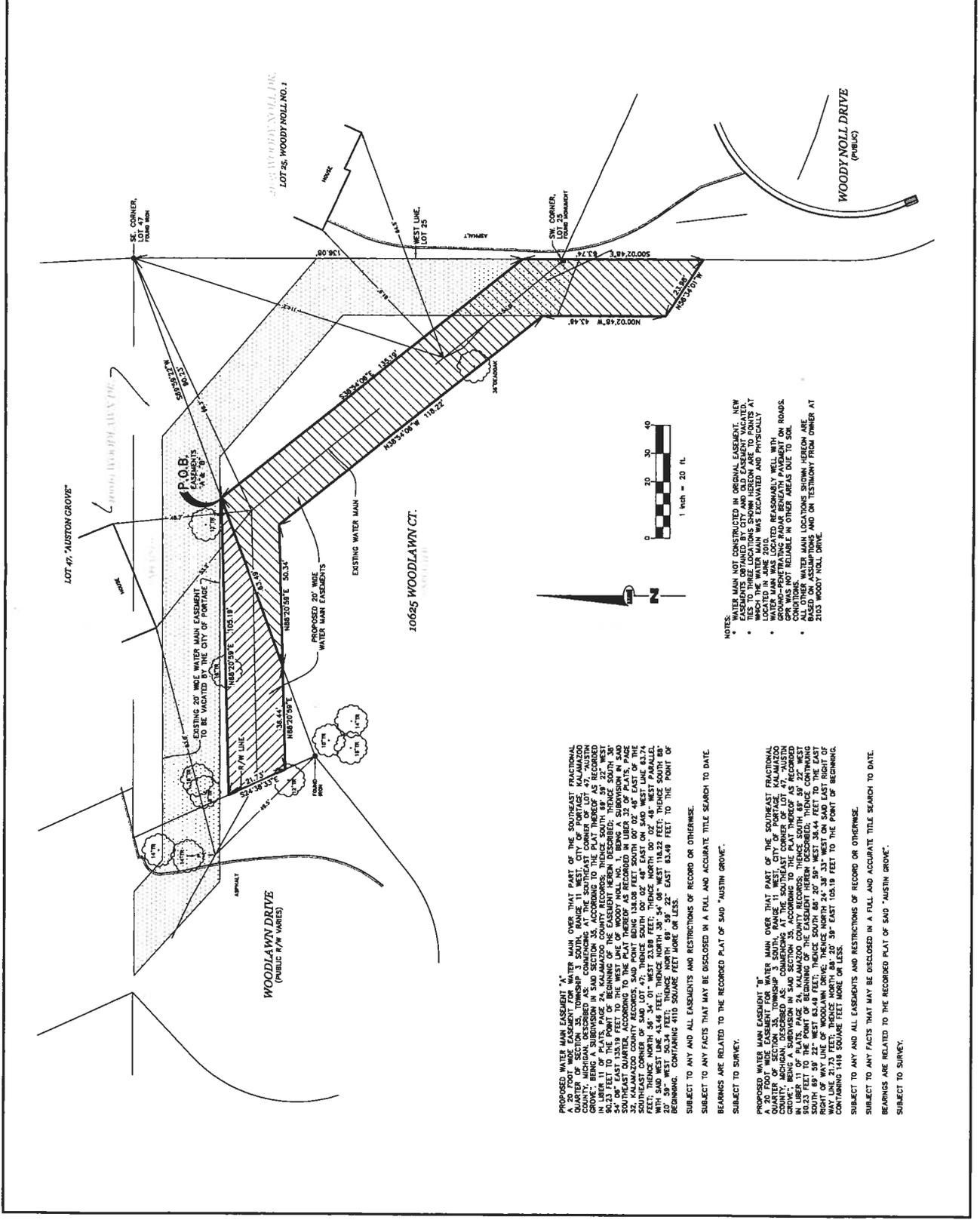
REV	DESCRIPTION	DATE
1	ADDED NOTES AND TRS	6/17/2010
TR		
BY		
DATE		

WIGHTMAN & ASSOCIATES, INC.  
 ENGINEERING & SURVEYING & ARCHITECTURAL  
 2103 WHEATSTONE ROAD  
 BENTON HARBOR, MI 49022  
 PHONE: (248) 973-6100  
 FAX: (248) 971-1260  
 WWW.WIGHTMAN-ASSOC.COM

WIGHTMAN & ASSOCIATES, INC.  
 WOODLAWN DR. & WOODLAWN CT.  
 PORTAGE, MI 49904  
 SKETCH OF DESCRIPTIONS

JOB NO. 100282  
 DRAWN BY: T. ROOT  
 CHECKED BY:  
 APPROVED BY:  
 DATE: 6/15/2010  
 SCALE: 1" = 20'

DRAWING NO. C-100282



**NOTES:**

- WATER MAIN NOT CONSTRUCTED IN ORIGINAL EASEMENT. NEW EASEMENTS OBTAINED BY CITY AND OLD EASEMENT VACATED.
- EASEMENT 'A' IS 20' WIDE AND EASEMENT 'B' IS 70' WIDE AT WHICH THE WATER MAIN WAS EXCAVATED AND PHYSICALLY LOCATED. THIS WAS OBTAINED REASONABLY WELL WITH GROUND-PENETRATING RADAR BENEATH PAVEMENT ON ROADS. CONDITIONS ARE NOT RELIABLE IN OTHER AREAS DUE TO SOIL CONDITIONS.
- ALL OTHER WATER MAIN LOCATIONS SHOWN HEREON ARE FOR INFORMATION ONLY AND ON TESTIMONY FROM OWNER AT 2103 WOODY NOLL DRIVE.

PROPOSED WATER MAIN EASEMENT "A" OVER THAT PART OF THE SOUTHEAST QUARTER OF SECTION 35, TOWNSHIP 33 SOUTH, RANGE 11 WEST, CITY OF PORTAGE, KALAMAZOO COUNTY, MICHIGAN, SUBDIVISION IN SA# SECTION 35, COMMENCING AT THE SOUTHEAST CORNER OF LOT 47, "AUSTIN GROVE", BEING A SUBDIVISION IN SA# SECTION 35, COMMENCING AT THE SOUTHEAST CORNER OF LOT 47, "AUSTIN GROVE", IN LIBER 11 OF PLATS, PAGE 24, KALAMAZOO COUNTY RECORDS, THENCE SOUTH 89° 59' 22" WEST 54.73 FEET TO THE POINT OF BEGINNING OF THE EASEMENT HEREN DESCRIBED, THENCE SOUTH 38° 54' 23" WEST 21.73 FEET TO THE POINT OF BEGINNING OF THE EASEMENT AS RECORDED IN LIBER 32 OF PLATS, PAGE 32, KALAMAZOO COUNTY RECORDS, SA# POINT BEING 138.06 FEET SOUTH 00° 02' 48" EAST OF THE POINT OF BEGINNING OF THE EASEMENT HEREN DESCRIBED, THENCE NORTH 58° 34' 01" WEST 23.89 FEET, THENCE NORTH 00° 02' 48" WEST PARALLEL WITH SA# WEST LINE 43.46 FEET, THENCE NORTH 39° 54' 08" WEST 118.22 FEET, THENCE SOUTH 88° 59' 22" WEST 21.73 FEET, THENCE NORTH 89° 20' 59" WEST 38.44 FEET TO THE POINT OF BEGINNING OF THE EASEMENT HEREN DESCRIBED, CONTAINING 4110 SQUARE FEET MORE OR LESS.

SUBJECT TO ANY AND ALL EASEMENTS AND RESTRICTIONS OF RECORD OR OTHERWISE.

SUBJECT TO ANY FACTS THAT MAY BE DISCLOSED IN A FULL AND ACCURATE TITLE SEARCH TO DATE BEARINGS ARE RELATED TO THE RECORDED PLAT OF SA# "AUSTIN GROVE".

SUBJECT TO SURVEY.

PROPOSED WATER MAIN EASEMENT "B" OVER THAT PART OF THE SOUTHEAST QUARTER OF SECTION 35, TOWNSHIP 33 SOUTH, RANGE 11 WEST, CITY OF PORTAGE, KALAMAZOO COUNTY, MICHIGAN, SUBDIVISION IN SA# SECTION 35, COMMENCING AT THE SOUTHEAST CORNER OF LOT 47, "AUSTIN GROVE", BEING A SUBDIVISION IN SA# SECTION 35, COMMENCING AT THE SOUTHEAST CORNER OF LOT 47, "AUSTIN GROVE", IN LIBER 11 OF PLATS, PAGE 24, KALAMAZOO COUNTY RECORDS, THENCE SOUTH 89° 59' 22" WEST 54.73 FEET TO THE POINT OF BEGINNING OF THE EASEMENT HEREN DESCRIBED, THENCE CONTINUING SOUTH 89° 59' 22" WEST 83.48 FEET, THENCE SOUTH 89° 20' 59" WEST 38.44 FEET TO THE EAST END OF THE WATER MAIN, THENCE SOUTH 89° 20' 59" WEST 1418.19 FEET TO THE POINT OF BEGINNING OF THE EASEMENT HEREN DESCRIBED, CONTAINING 1418 SQUARE FEET MORE OR LESS.

SUBJECT TO ANY AND ALL EASEMENTS AND RESTRICTIONS OF RECORD OR OTHERWISE.

SUBJECT TO ANY FACTS THAT MAY BE DISCLOSED IN A FULL AND ACCURATE TITLE SEARCH TO DATE BEARINGS ARE RELATED TO THE RECORDED PLAT OF SA# "AUSTIN GROVE".

SUBJECT TO SURVEY.

# CITY OF PORTAGE

# COMMUNICATION

**TO:** Honorable Mayor and City Council

**DATE:** August 19, 2010

**FROM:** Maurice S. Evans, City Manager

**SUBJECT:** Ice Control Salt Purchase

**ACTION RECOMMENDED:** That City Council approve the purchase of ice control salt from:

- a. Detroit Salt Company in the low bid amount of \$52.45 per ton for 3,000 tons at a total cost not to exceed \$157,350 for early delivery and
- b. North American Salt Company in the low bid amount of \$62.19 per ton for 1,300 tons at a total cost not to exceed \$80,847 for seasonal back up on an as-needed basis and authorize the City Manager to execute all documents related to these purchases on behalf of the city.

Each year the city participates in the State of Michigan Extended purchasing Program, Michigan Delivering Extended Agreements Locally (MiDEAL), for the procurement of ice control salt. This purchasing program provides the city excellent economic savings due to the large volume purchasing power of the state. The state's request for ice control salt bids is structured for early deliveries as well as seasonal backup quantities delivered on an as-needed basis. Salt continues to be the most cost-effective deicing agent for assuring safe roadway travel.

The 2010 bid process generated a substantial price reduction for early salt delivery quantities over 2009 prices. This price reduction, coupled with conservation application processes, will net an estimated savings of \$40,000 to the 2010-2011 Major & Local Street budget. This budget savings is paramount given the funding shortfalls anticipated with Act 51 appropriations.

It is recommended that City Council approve the purchase of 3,000 tons of ice control salt for early delivery at \$52.45 per ton at a total cost not to exceed \$157,350 from the low bidder, Detroit Salt Company and 1,300 tons of ice control salt for seasonal backup on an as-needed basis at \$62.19 per ton at a total cost not to exceed \$80,847 from the low bidder, North American Salt Company and authorize the City Manager to execute all documents related to these purchases on behalf of the city. Funds are budgeted and available in the Major & Local Street budget for these purchases.