

FINAL AGENDA FOR THE COUNCIL MEETING
CITY OF PORTAGE
January 25, 2011

7:30 p.m. Call to Order.

Invocation: Pastor Richard Hertsel of the Centre Avenue Community Church of God.

Pledge of Allegiance.

Roll Call.

Proclamation.

A. Approval of the January 11, 2011 Special and Regular Meeting Minutes.

* B. Approval of Consent Agenda Motions.

* C. Communication from the City Manager recommending that City Council approve the Accounts Payable Register of January 25, 2011, as presented.

D. Public Hearings:

E. Petitions and Statements of Citizens:

F. Reports from the Administration:

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

* 2. Department Monthly Reports.

G. Communications:

1. Presentation by Youth Advisory Committee Chairperson Sujay Dewan, Vice-Chairperson Eric Alden and Secretary Sarah Perry.

H. Unfinished Business:

* 1. Communication from the City Manager recommending that City Council adopt the amendment to the City of Portage Code of Ordinances, Chapter 34, Fire Prevention and Protection, reflecting changes in the 2009 edition of the International Fire Code.

* I. Minutes of Boards and Commissions Meetings:

1. Portage Zoning Board of Appeals of December 13, 2010.
2. Portage Planning Commission of December 16, 2010 and January 6, 2011.

J. Ad-Hoc Committee Reports:

K. New Business:

L. Bid Tabulations:

* 1. Communication from the City Manager recommending that City Council award the independent audit service contract to Rehmann Robson for a three-year cost not to exceed \$73,950 and authorize the City Manager to execute all documents related to this contract on behalf of the city.

* 2. Communication from the City Manager recommending that City Council accept the low responsive bid submitted by Engineered Protective Services, Incorporated, in the amount of \$10,900 for a replacement fire

alarm system at the Portage Senior Center and authorize the City Manager to execute all documents related to this action on behalf of the city.

M. Other City Matters:

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

* 3. Reminder of Meetings:

- a. Monday, January 31, 6:30 p.m., Youth Advisory Committee, City Hall Room #1.
- b. Wednesday, February 2, 7:30 a.m., Portage Advisory Council, Kalamazoo Regional Chamber of Commerce, 346 West Michigan Avenue, Kalamazoo.
- c. Wednesday, February 2, 8:15 a.m., Historic District Commission, City Hall Room #2.
- d. Wednesday, February 2, 6:30 p.m., Park Board, Stuart Manor.
- e. Thursday, February 3, 6:30 p.m., Human Services Board, City Hall Room #1.
- f. Thursday, February 3, 7:00 p.m., Planning Commission, City Council Chambers.

N. Materials Transmitted of Monday, January 10 and Tuesday, January 11, 2011.

Adjournment.

CITY COUNCIL MEETING SUMMARY

January 11, 2011

CHECK REGISTER

- ◆ Approved the Check Register of January 11, 2011, as presented.

REPORTS FROM THE ADMINISTRATION

- ◆ Accepted for first reading the proposed amendment to the City of Portage Code of Ordinances, Chapter 34, Fire Prevention and Protection, reflecting changes in the 2009 edition of the International Fire Code to be considered for final adoption on January 25, 2011.
- ◆ Approved the purchase of one 2-ton, 4-wheel drive, medium-duty service truck; six marked Police patrol vehicles; three unmarked Police sedans; and two 4-wheel drive service utility vehicles through the State of Michigan Purchasing Program (MiDEAL) at a cost not-to-exceed \$354,566, and authorized the City Manager to execute all documents related to these purchases.
- ◆ Approved acquisition of the right-of-way, sidewalk easement and temporary grading easement for 4815 West Milham Avenue in the amount of \$86,400 and authorized the City Manager to execute all applicable documents related to this matter on behalf of the city.

COMMUNICATION

- ◆ Received a communication from Councilmember Patricia Randall regarding the Portage Property Tax Database for years 2000-2010, reaffirmed the action taken by City Council at the April 27, 2010 Special City Council Meeting, and voted to conclude City Council investigation of Assessment Practices of the City of Portage Assessor's Office.

UNFINISHED BUSINESS

- ◆ Adopted the temporary moratorium ordinance pertaining to medical marijuana.
- ◆ Approved the Community Development Planning and Zoning Site Re-inspection Fee and adopted the accompanying resolution.
- ◆ Set the board of Review to be two three-member boards and appointed Theodore Varas with term ending January 31, 2012, to serve with William Stannard and Jay Olweean on one Board and reappointed Wes Mazurek and appointed Michael Simon and Bill Fries with terms ending January 31, 2012, to serve on the other Board.

NEW BUSINESS

- ◆ Reappointed David Felicijan and Marianna Singer and appointed Timothy Bunch and appointed Jeff Bright as Alternate with terms ending February 28, 2014, to the Zoning Board of Appeals; appointed Christine Broberg and Tiffany Raynes with terms ending December 31, 2013, to the Historic District Commission; appointed Allan Reiff with term ending May 31, 2011, to the Planning Commission; appointed Alexis Georgoff, Kelcie McGowan, Kasia Mietusiewicz, Fatima Mirza and Carly Siko with unfulfilled terms ending June 30, 2011, to the Youth Advisory Committee.

STATEMENTS OF CITIZENS

- ◆ Jim Pearson, 3004 East Shore Drive, did not think that City Council addressed the "following sales" issue well enough during the response by the Administration to the presentation and follow-up discussion regarding the Portage Property Tax Database for years 2000-2010.
- ◆ Michael Leinwand, 6677 Oleander, complimented the efforts of Councilmember Randall with regard to tax assessments.
- ◆ Michael Alexander, 1601 Greenview, expressed his appreciation for the openness of City Council with regard to tax assessments.
- ◆ Ken Smott, said he invited Joyce Foondle and Christine Biddle to his home because there were six or seven changes, so felt a need for a new baseline, and wants to pay his fair share of taxes, but felt there was too much haste in deciding to do nothing and asked the Administration to follow up.
- ◆ Alan Sawyer, 6714 Bunchberry Drive, questioned the accuracy of the data he received via Councilmember Randall from the City Assessor's Office that he analyzed and presented after Councilmember Randall's opening statement regarding the Portage Property Tax Database for years 2000-2010, asked the City Assessor to look at it and advocated "going forward."
- ◆ Nancy Sawyer, 6714 Bunchberry Drive, concurred with Ken Smott that City Council acted with too much haste in deciding to do nothing and asked for further analysis of the data.
- ◆ Greg Engle, 8336 Brookwood, indicated that he purchased his home in 2004, the effective age dropped, the taxes went up in 2009, and it caused him a hardship owing to his low escrow account.

STATEMENTS OF CITY COUNCIL AND CITY MANAGER

- ◆ Councilmember Randall thanked those in the audience for staying late, and expressed her condolences to former public officials, Ted Vlieg for the passing of his wife, Mike Quinn for the passing of his father and Jamie Graham for the passing of his mother.
- ◆ Councilmember Bailes thanked the Administration for an enlightening orientation of the responsibilities of the various city departments.
- ◆ Councilmember Reid thanked all of the citizens who attended the meeting and observed that people complained about how complicated taxes are, suggested they contact the Assessor, thanked Councilmember Randall for her work but, because the Assessor can not enter property unless invited, suggested that citizens request an on-site inspection.
- ◆ Councilmember Urban indicated that the Assessor's Office data from the Portage Property Tax Database for years 2000-2010 is both correct and incorrect as it was collected before computerization, using the windshield assessment method, but the variables should not change three or four times. He indicated that the efforts over the last ten years to correct the data have been successful and that the customer service issues have been addressed.

- ◆ City Manager Evans asked citizens to ignore the solicitation circulating in the mails for homeowners to purchase “pipe insurance” coverage from the home to the street.
- ◆ Mayor Pro Tem Sackley said that he was encouraged by the rhetoric regarding the Portage Property Tax Database for years 2000-2010 since there was no mention of fraud, corruption or conspiracy as in the past, except by himself, and made the point that Portage assessment practices have been honest, that any issues that have arisen have been addressed and there is a consensus of City Council to conclude City Council investigation of Assessment Practices of the City of Portage Assessor’s Office.
- ◆ Mayor Strazdas encouraged attendance at “Stepping Out,” a fundraiser for Portage Public Schools, February 12, 2011, at the State Theater, Kalamazoo, and called for City Council Committees to convene and get to work in preparation for the budget process.

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

DRAFT

MINUTES OF THE SPECIAL MEETING OF THE PORTAGE CITY COUNCIL OF JANUARY 11, 2011 - BOARDS AND COMMISSION APPLICANTS

Mayor Peter Strazdas called the meeting to order at 5:35 p.m. The following Councilmembers were present at this meeting: Councilmembers Cory Bailes, Elizabeth Campbell, Patricia Randall, and Terry Urban, and Mayor Peter Strazdas. Councilmember Claudette Reid and Mayor Pro Tem Ed Sackley arrived at 5:45 p.m. Also present were City Manager Maurice Evans and City Clerk James Hudson.

Council interviewed applicants for the following Boards and Commissions:

- * 5:38-5:54 p.m., Jeffrey Bright, Dave Felicijan, Marianna Singer, Allan Reiff and Tiffany Raynes, who expressed interest in serving on the Zoning Board of Appeals. At the request of Mayor Strazdas, Dave Felicijan explained some of the duties and responsibilities of the Zoning Board of Appeals and Councilmember Urban pointed out that the Zoning Board of Appeals has subpoena power and is quasi judicial. Discussion followed.
- * 5:55-6:03 p.m., City Council interviewed Christine Broberg and Tiffany Raynes, who expressed an interest in serving on the Historic District Commission. Discussion followed.
- * 6:04-6:25 p.m., Dave Felicijan, Allan Reiff, Gary Gilchrist, Jeffrey Bright, Henry Kerr, Tim Winslow and Spencer Welling, who expressed interest in serving on the Planning Commission. At the request of Mayor Strazdas, Planning Commission Chair James Cheesebro explained some of the duties and responsibilities of the Planning Commission. Discussion followed.
- * 6:25-7:10 p.m., Dale Dratt, Theodore Varas, Isaac King, Bill Fries, Michael Quinn, Michael Simon, Wes Mazurek and Jeffrey Bright for the Board of Review. Board of Review Chair Bill Stannard was present for questions. Discussion followed.
- * 7:10-7:15 p.m., Alexis Georgoff, Kelcie McGowan, Kasia Mietusiewicz and Carly Siko for the Youth Advisory Committee. Discussion followed.

When discussion followed regarding the make-up and size of the membership on the Board of Review, City Clerk James Hudson left to inform citizens in the audience in City Council Chambers that City Council was in a Special Meeting; that it was an open meeting; that they were invited to attend the meeting; and, that the Regular City Council Meeting would be delayed by at least one-half hour.

ADJOURN: Mayor Strazdas adjourned the meeting at 8:10 p.m.

James R. Hudson, City Clerk

CITY COUNCIL MEETING MINUTES FROM JANUARY 11, 2011

The Regular Meeting was called to order by Mayor Strazdas at 8:15 p.m.

At the request of Mayor Strazdas, Pastor Bill Abernathy of the Berean Baptist Church of Portage gave the invocation and the City Council and the audience recited the Pledge of Allegiance.

The City Clerk called the roll with the following members present: Councilmembers Cory A. Bailes, Elizabeth A. Campbell, Patricia M. Randall, Claudette S. Reid and Terry R. Urban, 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.

APPROVAL OF MINUTES: Motion by Reid, seconded by Campbell, to approve the December 21, 2010 Regular Meeting Minutes as presented. Upon a voice vote, motion carried 6 to 0 with Councilmember Urban abstaining.

* **CONSENT AGENDA:** Mayor Strazdas asked Mayor Pro Tem Sackley to read the Consent Agenda with Item H.1, Initiated Law 1 of 2008, Michigan Medical Marihuana Act – Proposed Ordinance, that was removed from the Consent Agenda at the request of the Administration, and with the addition of Item K.1, Appointments to Various Boards and Commissions, to the Consent Agenda. Motion by Sackley, seconded by Reid, to approve the Consent Agenda motions as amended. Upon a roll call vote, motion carried 7 to 0. Mayor Strazdas added H.3, Setting of the Size and Composition of the Board of Review, to the Agenda.

* **APPROVAL OF ACCOUNTS PAYABLE REGISTER OF JANUARY 11, 2011:** Motion by Sackley, seconded by Reid, to approve the Accounts Payable Register of January 11, 2011. Upon a roll call vote, motion carried 7 to 0.

REPORTS FROM THE ADMINISTRATION:

* **AMENDMENT TO THE CODE OF ORDINANCES:** Motion by Sackley, seconded by Reid, to accept for first reading the proposed amendment to the City of Portage Code of Ordinances, Chapter 34, Fire Prevention and Protection, reflecting changes in the 2009 edition of the International Fire Code and to consider final adoption on January 25, 2011. Upon a roll call vote, motion carried 7 to 0.

* **VEHICLE PURCHASES:** Motion by Sackley, seconded by Reid, to approve the purchase of one 2-ton, 4-wheel drive, medium-duty service truck; six marked Police patrol vehicles; three unmarked Police sedans; and two 4-wheel drive service utility vehicles through the State of Michigan Purchasing Program (MiDEAL) at a cost not-to-exceed \$354,566, and authorize the City Manager to execute all documents related to these purchases. Upon a roll call vote, motion carried 7 to 0.

* **WEST MILHAM AVENUE/12TH STREET/TEXAS DRIVE INTERSECTION IMPROVEMENTS:** Motion by Sackley, seconded by Reid, to approve acquisition of the right-of-way, sidewalk easement and temporary grading easement for 4815 West Milham Avenue in the amount of \$86,400 and authorize the City Manager to execute all applicable documents related to this matter on behalf of the city. Upon a roll call vote, motion carried 7 to 0.

COMMUNICATION:

COMMUNICATION FROM COUNCILMEMBER PATRICIA RANDALL: At the request of Mayor Strazdas, Councilmember Randall provided her presentation regarding the City of Portage property assessment practices and read from her letter to City Council dated January 14, 2011, that was received by City Council January 7, 2011. She then introduced Alan Sawyer, 6714 Bunchberry Drive, who, at her request, analyzed the data for City Council that she received from the City Assessor's Office as a citizen under the Freedom of Information Act (FOIA) (since the matter of assessing practices was concluded by unanimous vote at the Special Council Meeting dated April 27, 2010). Mr. Sawyer explained and discussed his understanding of his graphs that were presented to City Council as part of the materials provided to City Council by Councilmember Randall. He questioned the accuracy of the data because of the trends that resulted from his findings and recommended that City Council adopt the next steps that will be offered by Councilmember Randall. Discussion followed.

Councilmember Randall thanked Mr. Sawyer and recognized that trends found in the past were being phased out and applauded the Administration for this success. She indicated that she plans to continue to observe and monitor this situation to ensure this continues. She asked for City Council support of the four recommendations proposed by Attorney Richard Reed in his letter dated January 4, 2011.

Mayor Pro Tem Sackley asked whether photo pictometry would be acceptable; the cost of the assessment review; the breakdown of the cost; what period of time the cost would be absorbed; if there are increases in the assessments, would that be an acceptable result; and, what is the goal of the assessment review of all residential properties because other jurisdictions have done this and it has resulted in an increase in assessments.

Councilmember Randall responded that Joyce Foondle indicated that in her experience, in a down market, assessments have gone down and that she was relying on Joyce, but did not know what she charges, although \$40 per property was a figure used in other discussions. She acknowledged that she did not know if photo pictometry was acceptable by the State as she is not an assessor, but she contended that never leaving one's desk and changing assessments based on class, age, etc., leaves a lot of room for doubt.

City Manager Evans asked Alan Sawyer to return to the podium, thanked him for his efforts and reviewed each graph that he had presented earlier. Discussion ensued. Mr. Evans explained what happened over the ten years in question by using the response letter from Joyce Foondle and the communication from City Assessor James Bush both dated January 10, 2011, to Councilmember Randall's letter dated January 14, 2011. Discussion followed. He also responded to the Attorney Richard Reed letter dated January 4, 2011, and referred again to the response by Joyce Foondle dated January 10, 2011. He pointed out that the data supports what the Administration has been saying all along and what was presented to City Council at the Special Meeting dated April 27, 2010.

Mr. Evans took exception to the grey box and arrow that appears on graphs in Attachments B, C, D, F and G provided by Councilmember Randall since this implies that there was inappropriate corresponding action taken by the Assessor when the Pfizer tax settlement took place. He contended that this grey box and arrow suggests that the fact that there was an increase in changes in class of construction, a reduction in Effective Age for properties that sold significantly outpaced the reduction in Effective Age for properties that did not sell, and a reduction in Effective Age for low ratio sale properties significantly outpaced the reduction in Effective Age for high ration sale properties all happened as a response to the Pfizer tax settlement. He pointed out that this would be illegal, that this was not the case and, if someone has the names of any people involved in such a scheme, that their names should be brought forward to the Prosecutor. He pointed out that according to the graphs, reports and analyses, the Assessor's Office has exceptional assessing practices now. He then asked what City Council wants the Administration to do in the future. Discussion followed.

Mayor Pro Tem Sackley pointed out that the City Assessor's Office received the Distinguished Assessment Jurisdiction Award in 2007 over Grand Rapids and Oakland County, passed the 14-Point Review by the State Tax Commission and fewer people attended the Board of Review in 2010 than in 2009. Councilmember Urban read the criteria for the Award and pointed out that what Councilmember Randall has called for, has already been done. Discussion followed.

Councilmember Reid reminded everyone that the City of Portage Assessor's Office is already planning to do a pilot project of reassessing a neighborhood, but questioned how a market analysis today compares with one that is performed five years from now when the last neighborhood is reassessed. Discussion followed. Mayor Strazdas asked for a motion.

Motion by Reid, seconded by Campbell, to receive the communication from Councilmember Patricia Randall regarding the Portage Property Tax Database for years 2000-2010. Discussion followed. Mayor Pro Tem Sackley offered an amendment to the motion: to reaffirm the action taken by City Council at the April 27, 2010 Special City Council Meeting, and conclude City Council investigation of Assessment Practices of the City of Portage Assessor's Office and Councilmembers Reid and Campbell agreed. Discussion followed. When Councilmember Randall asked if the motion could be split, City Attorney Brown advised in the affirmative. Discussion followed. Mayor Pro Tem Sackley called for the question. Motion carried, 6 to 1. Ayes: Councilmembers Bailes, Campbell, Reid and Urban, Mayor Pro Tem Sackley and Mayor Strazdas. No: Councilmember Randall. Discussion followed.

UNFINISHED BUSINESS:

INITIATED LAW 1 OF 2008, MICHIGAN MEDICAL MARIHUANA ACT

(MMMA) – PROPOSED ORDINANCE: Mayor Strazdas introduced this agenda item, complimented Tom Haroldson for his fine article on this matter and chastised the *Gazette* person who indicated that the City of Portage would be "outlawing marihuana" at the meeting tonight in the newspaper headline. Mayor Strazdas indicated that there is no indication anywhere that that would take place and that it would not happen unless there was a motion passed independent of the ordinance before City Council for second reading and consideration. At the request of Mayor Strazdas, City Manager Maurice Evans characterized the 180 day moratorium as a prudent response to actions being taken around the State against municipalities that are being sued because of their attempts to implement the Michigan Medical Marihuana Act of 2008 (MMMA). He pointed out that this would allow time for State Legislators to provide clarity and for staff and the City Attorney to obtain the information to formulate an ordinance that would provide the protections necessary going forward on this issue. Discussion followed.

Mayor Pro Tem Sackley asked for a summarization of the types of issues the municipality needs to address and gave examples: facilities development, zoning, code enforcement, protecting facilities against breaking and entering, etc. City Attorney Randy Brown indicated that there are a lot of consequences and problems with the MMMA making it ambiguous, that Mayor Pro Tem Sackley mentioned most of them, and projected that the Courts and the Legislature may address these issues to give municipalities and their attorneys some guidance. He indicated that across the State, there are dispensaries where people can buy marihuana and maybe this is within the purview of the Act and maybe it is not; but, in the meantime, the moratorium allows time for study and to look into it to determine compliance guidelines. He summarized that the Portage Temporary Moratorium Ordinance carves out the exceptions allowed by the MMMA: qualifying patients under the MMMA who receive a registration card from the State of Michigan can have 2.5 ounces of marihuana and up to twelve marihuana plants, and a primary caregiver, who must also be registered with the State of Michigan, can have up to five qualifying patients and have 2.5 ounces of medical marihuana for each qualifying patient, as well as cultivate up to twelve marihuana plants for each qualifying patient, as long as there is only one qualifying caregiver per structure.

City Manager Evans emphasized that the majority of the voters of the State of Michigan, Kalamazoo County and the City of Portage decisively approved the MMMA; that the fundamental intent of the MMMA is to create a private and confidential patient/caregiver relationship and to facilitate the lawful cultivation, distribution and use - strictly for medical purposes. However, he pointed out that MMMA does not define how to carry out that fundamental intent and that is where the difficulty begins. He cited Judge Turner who said, "... this is one of the worse pieces of legislation he has ever seen in his life." Mr. Evans recognized that the voters voted and communities want to carry out the law, but he acknowledged that there is a need for clarification.

In response to Councilmember Reid's question about what happens after the six-month moratorium, Mr. Brown indicated that he will continue to meet and discuss this issue with the administrative team and present an ordinance for City Council consideration for approval within the six month time period. He indicated that City Council does not have to pass an ordinance; other communities are taking various paths regarding how to regulate medical marihuana; and, the administrative team will continue to scrutinize this activity and formulate an ordinance based on best practices. He said that if the ordinance passes, the moratorium ends and regulation of medical marihuana in Portage will be under the ordinance; and, if no ordinance is passed by City Council, the moratorium ends in 180 days and the regulation of medical marihuana is limited to interpretation of the statute instead of a City of Portage ordinance.

Councilmember Urban read Section 2-317, (a) and (b)(i), (b)(ii) and (b)(iii), Prohibition of use of property and structures for medical marihuana, that is a part of the Moratorium Ordinance that was presented for first reading and is under consideration for approval by City Council. Discussion followed.

The following citizens spoke in favor of medical marihuana: Chris Altman, 5813 Stratford; Thomas Lavigne, 2930 East Jefferson, Detroit; Christopher Chiles, 1611 West Centre Avenue, Suite #100; Ralph Wrick, 6045 Mallard; Luis Hernandez, 100 Peach Tree Drive; and, Michael Alexander, 1601 Greenview Avenue. Discussion followed.

Motion by Sackley, seconded by Reid, to amend the Code of Ordinances of the City of Portage, Michigan, by adding Article 8, Temporary Moratorium on the Use of Property and Structures for Dispensing and Cultivating Medical Marihuana.

* **2011 FEE SCHEDULE – COMMUNITY DEVELOPMENT FEE:** Motion by Sackley, seconded by Reid, to approve the Community Development Planning and Zoning Site Re-inspection Fee and adopt the accompanying resolution. Upon a roll call vote, motion carried 7 to 0.

SETTING OF THE SIZE AND COMPOSITION OF THE BOARD OF REVIEW: Mayor Strazdas introduced this item and asked for input from each Councilmember. Councilmembers Randall, Campbell and Reid and Mayor Strazdas advocated two Boards of Review with three members in each and Councilmembers Bailes and Urban and Mayor Pro Tem Sackley advocated one Board of Review with three members and two Alternate Members. Discussion followed.

Motion by Reid, seconded by Campbell, for the year 2011, to appoint six persons that will fill two Boards of Review with three members each. Upon a roll call vote, motion carried 7 to 0. Discussion followed.

Motion by Urban, seconded by Reid, to reappoint Wes Mazurek and appoint Bill Fries, Theodore Varas and Michael Simon with terms ending January 31, 2012. Upon a roll call vote, motion carried 7 to 0. Discussion followed.

Motion by Urban, seconded by Sackley, to set one Board of Review to be comprised of Wes Mazurek, Bill Fries and Michael Simon and the other Board of Review to be comprised of William Stannard, Jay Olweean and Theodore Varas. Upon a roll call vote, motion carried 7 to 0. Discussion followed.

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

Portage Park Board of December 1, 2010.

Portage Human Services Board of December 2, 2010.

Kalamazoo County Board of Commissioners Regular of December 7, 2010.

NEW BUSINESS:

* **APPOINTMENTS TO VARIOUS BOARDS AND COMMISSIONS:** Motion by Sackley, seconded by Reid, to reappoint David Felicijan and Marianna Singer and appoint Timothy Bunch with terms ending February 28, 2014, and appoint Jeff Bright as Alternate with term ending February 28, 2014, to the Zoning Board of Appeals; to appoint Christine Broberg and Tiffany Raynes with terms ending December 31, 2013, to the Historic District Commission; to appoint Allan Reiff with term ending May 31, 2011, to the Planning Commission; and to appoint Alexis Georgoff, Kelcie McGowan, Kasia Mietusiewicz, Fatima Mirza and Carly Siko with unfulfilled terms ending June 30, 2011, to the Youth Advisory Committee. Upon a roll call vote, motion carried 7 to 0.

OTHER CITY MATTERS:

STATEMENTS OF CITIZENS: Jim Pearson, 3004 East Shore Drive, did not think that City Council addressed the “following sales” issue well enough during the response by the Administration to the presentation and follow-up discussion regarding the Portage Property Tax Database for years 2000-2010.

Michael Leinwand, 6677 Oleander, complimented the efforts of Councilmember Randall with regard to tax assessments.

Michael Alexander, 1601 Greenview, expressed his appreciation for the openness of City Council with regard to tax assessments.

Ken Smott, said he invited Joyce Foondle and Christine Biddle to his home because there were six or seven changes, so felt a need for a new baseline, and wants to pay his fair share of taxes, but felt there was too much haste in deciding to do nothing and asked the Administration to follow up.

Alan Sawyer, 6714 Bunchberry Drive, questioned the accuracy of the data he received via Councilmember Randall from the City Assessor’s Office that he analyzed and presented after Councilmember Randall’s opening statement regarding the Portage Property Tax Database for years 2000-2010, asked the City Assessor to look at it and advocated “going forward.”

Nancy Sawyer, 6714 Bunchberry Drive, concurred with Ken Smott that City Council acted with too much haste in deciding to do nothing and asked for further analysis of the data.

Greg Engle, 8336 Brookwood, indicated that he purchased his home in 2004, the effective age dropped, the taxes went up in 2009, and it caused him a hardship owing to his low escrow account.

STATEMENTS OF CITY COUNCIL AND CITY MANAGER: Councilmember Randall thanked those in the audience for staying late, and expressed her condolences to former public officials, Ted Vlieg for the passing of his wife, Mike Quinn for the passing of his father and Jamie Graham for the passing of his mother.

Councilmember Bailes thanked the Administration for an enlightening orientation of the responsibilities of the various city departments.

Councilmember Reid thanked all of the citizens who attended the meeting and observed that people complained about how complicated taxes are, suggested they contact the Assessor, thanked Councilmember Randall for her work but, because the Assessor can not enter property unless invited, suggested that citizens request an on-site inspection.

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Mayor Strazdas encouraged attendance at "Stepping Out," a fundraiser for Portage Public Schools, February 12, 2011, at the State Theater, Kalamazoo, and called for City Council Committees to convene and get to work in preparation for the budget process.

ADJOURNMENT: Mayor Strazdas adjourned the meeting at 11:45 p.m.

James R. Hudson, City Clerk

*Indicates items included on the Consent Agenda.

CITY OF PORTAGE

COMMUNICATION

TO: Honorable Mayor and City Council

DATE: January 17, 2011

FROM: Maurice S. Evans, City Manager

ms

SUBJECT: Accounts Payable Register

ACTION RECOMMENDED: That City Council approve the Accounts Payable Register of January 25, 2011 as presented.

Attached please find the Accounts Payable Register for the period December 19, 2010 through January 1, 2011, which is recommended for approval.

c: Daniel S. Foecking, Finance Director

CHECK DATE	CHECK NUMBER	VENDOR NAME	VENDOR #	BANK CODE	CHECK AMOUNT
12/23/2010	274382	A I S CONSTRUCTION EQUIP. CO.	640		4,059.62
12/23/2010	274383	AT&T	849		3,268.21
12/23/2010	274384	A T & T LONG DISTANCE	4060		47.75
12/23/2010	274385	ABONMARCHE CONSULTANTS, INC	597		6,752.44
12/23/2010	274386	ADMIRAL LOCK & KEY SERVICE	104		491.40
12/23/2010	274387	ADVANCED RECOVERY TECHNOLOGIES	2221		1,150.00
12/23/2010	274388	AIRGAS GREAT LAKES	106		21.00
12/23/2010	274389	ALL-PHASE ELECTRIC SUPPLY CO.	108		9.48
12/23/2010	274390	ALLEGRA PRINT & IMAGING	533		629.99
12/23/2010	274391	ANIMAL REMOVAL SERVICE, LLC	3428		695.00
12/23/2010	274392	ANY CUTTING & WELDING	3347		60.00
12/23/2010	274393	APPLIED INDUSTRIAL TECHNOLOGIE	1944		193.86
12/23/2010	274394	TODD ARBANAS ENTERPRISES INC.	1704		450.00
12/23/2010	274395	ARMOR HOLDINGS FORENSICS	3659		65.99
12/23/2010	274396	ARROW UNIFORM RENTAL	4058		90.30
12/23/2010	274397	AUTOMATIC DATA PROCESSING	3305		1,151.91
12/23/2010	274398	BAC TAX SERVICES CORP	999999		2,450.15
12/23/2010	274399	BAC TAX SERVICES CORP	999999		1,548.34
12/23/2010	274400	BELL EQUIPMENT COMPANY	3844		750.00
12/23/2010	274401	BLUE CROSS/BLUE SHIELD OF MICH	642		131,443.11
12/23/2010	274402	BMI GENERAL LICENSING	89		305.00
12/23/2010	274403	BOOTH NEWSPAPERS INC	89		300.47
12/23/2010	274404	BOOTH NEWSPAPERS INC	89		45.57
12/23/2010	274405	BORGESS HEALTH ALLIANCE	151		606.00
12/23/2010	274406	BORR, MARY	532		120.00
12/23/2010	274407	BRENNER OIL CO.	3545		19,451.14
12/23/2010	274408	BREW TIME BEVERAGE, INC.	4367		664.00
12/23/2010	274409	C B C INNOVIS INC	2887		28.50
12/23/2010	274410	C M P DISTRIBUTORS, INC.	3556		318.00
12/23/2010	274411	CADWELL APPARELL	1845		105.00
12/23/2010	274412	CINTAS CORP.	2206		206.55
12/23/2010	274413	CITY OF KALAMAZOO TREASURER	540		229,141.33
12/23/2010	274414	CITY OF PORTAGE	177		460.69
12/23/2010	274415	COLBY, KRISTIN	999999		5.90
12/23/2010	274416	COMSTOCK PUBLIC SCHOOLS	1671		657.03
12/23/2010	274418	CONSUMERS ENERGY-BILL PMT CNT	189		63,661.32
12/23/2010	274419	CONTINENTAL LINEN SUPPLY CO.	191		50.34
12/23/2010	274422	CROSSROADS EXPERT AUTO SERVICE	4109		6,842.31
12/23/2010	274423	DENOYER BROTHERS, INC.	210		78.17
12/23/2010	274424	JACK DOHENY SUPPLIES INC.	69		32.32
12/23/2010	274425	DRIESENGA & ASSOCIATES, INC.	3277		7,702.40
12/23/2010	274426	EMERGENCY VEHICLE PRODUCTS	2948		21,229.39
12/23/2010	274427	EMPLOYMENT GROUP, INC.	959		1,302.27
12/23/2010	274428	EQUITY NATIONAL TITLE	999999		24.51
12/23/2010	274429	FEDERAL EXPRESS CORP.	9		133.99
12/23/2010	274430	FELDER COMMUNICATIONS GROUP, I	3025		998.63
12/23/2010	274431	FIRST AMERICAN TITLE INS CO	999999		5.62
12/23/2010	274432	FIRST AMERICAN TITLE INS CO	999999		18.63
12/23/2010	274433	GCB ENTERPRISES	999999		121.16
12/23/2010	274434	GCG PORTAGE LLC	999999		1,562.65
12/23/2010	274435	GCG PORTAGE LLC	999999		10,186.11

CHECK DATE	CHECK NUMBER	VENDOR NAME	VENDOR #	CHECK AMOUNT
12/23/2010	274436	GORDON WATER SYSTEMS	517	106.25
12/23/2010	274437	W W GRAINGER INC	699	200.48
12/23/2010	274438	GRIFFIN PEST CONTROL, INC.	598	75.00
12/23/2010	274439	HI-TECH ELECTRIC CO.	1327	150.00
12/23/2010	274440	HIS TEMPLE - WEST LLC	999999	130.22
12/23/2010	274441	HOME DEPOT	691	241.99
12/23/2010	274442	HUMANERGY, INC.	3770	2,400.00
12/23/2010	274443	I S G	3433	4,615.98
12/23/2010	274444	IRVOLINA, SUSAN	2074	162.50
12/23/2010	274445	INDUSCO SUPPLY CO., INC.	63	302.36
12/23/2010	274446	INTERSECT TECHNOLOGIES	379	368.50
12/23/2010	274447	IP CONSULTING, INC.	4642	1,650.00
12/23/2010	274448	J B PRINTING COMPANY	1595	3,988.10
12/23/2010	274449	J K CONTRACTING	4632	3,714.00
12/23/2010	274450	JAMES BROCK	999999	44.00
12/23/2010	274451	K & W ENTERPRISES, INC.	4309	418.84
12/23/2010	274452	KAHN, WILMA	2868	336.00
12/23/2010	274453	KALAMAZOO COUNTY CLERK	514	3,034.91
12/23/2010	274454	KALAMAZOO COUNTY TREASURER	514	332.50
12/23/2010	274455	KALAMAZOO NATURE CENTER, INC.	92	80.00
12/23/2010	274456	KALAMAZOO OIL COMPANY	4511	1,311.02
12/23/2010	274457	KALAMAZOO REGIONAL CHAMBER	3499	539.00
12/23/2010	274458	KEYSTONE COMMUNITY BANK	999999	222.25
12/23/2010	274459	KIRKLIN, SHERYL	999999	80.00
12/23/2010	274460	KUIPER BUILDING SERVICES, LLC	4454	2,000.00
12/23/2010	274461	KUIPER, JACK OR JANIE	999999	403.33
12/23/2010	274462	KZOO TIRE COMPANY	564	1,020.00
12/23/2010	274463	LANDS END	2645	42.45
12/23/2010	274464	LANGUAGE LINE, INC	1093	23.17
12/23/2010	274465	LOWE'S HOME CENTER	2630	93.73
12/23/2010	274466	M S PRODUCTIONS	283	250.00
12/23/2010	274467	MATTSON, NICHOLAS	999999	45.00
12/23/2010	274468	MATYAS, PATRICIA	999999	100.00
12/23/2010	274469	MCCARTHY SMITH LAW GROUP, PLC	2950	3,426.46
12/23/2010	274470	MCDONALD'S USA, LLC	4211	118.00
12/23/2010	274471	MI ASSOC. OF CHIEFS OF POLICE	2157	85.00
12/23/2010	274472	MICHIGAN PLUMBING/ROOTER EXPRE	4639	153.00
12/23/2010	274473	MICHIGAN TAX TRIBUNAL REPORTER	3012	235.00
12/23/2010	274474	MICHIGAN TRACTOR & MACHINERY	999999	5,934.44
12/23/2010	274475	MILLER-SCHURING AGENCY	999999	150.00
12/23/2010	274476	NAT'L NEIGHBORHOOD WATCH INSTI	2726	155.46
12/23/2010	274477	NEW FRESH CLEANING SERVICE	4351	720.00
12/23/2010	274478	OFFICE DEPOT, INC.	1721	965.79
12/23/2010	274479	OFFICEMAX INCORPORATED	301	281.21
12/23/2010	274480	ONE WAY PRODUCTS	440	451.64
12/23/2010	274481	ONLINE STORES, INC.	4638	58.72
12/23/2010	274482	OTTEN TROPHIES	304	49.50
12/23/2010	274483	P K CONTRACTING, INC.	1737	250.00
12/23/2010	274484	PETTY CASH-PARKS	536	290.29
12/23/2010	274485	PETTY CASH-POLICE DEPT.	890	303.14
12/23/2010	274486	THE POSTMAN	2633	535.00

CHECK DATE	CHECK NUMBER	VENDOR NAME	VENDOR #	CHECK AMOUNT
12/23/2010	274488	PRECISION PRINTER SERVICES INC	2584	1,850.98
12/23/2010	274489	PREIN & NEWHOF	1738	11,610.60
12/23/2010	274490	PRIORITY HEALTH	4254	19,015.13
12/23/2010	274491	PROSECUTING ATTORNEY ASSOC.	1309	100.00
12/23/2010	274492	PROTECTION TECHNOLOGIES, INC.	2331	110.00
12/23/2010	274493	PURITY CYLINDER GASES, INC	323	55.68
12/23/2010	274494	QUALITY AIR HEATING & COOLING,	3621	832.33
12/23/2010	274495	RATHCO SAFETY SUPPLY, INC.	327	495.50
12/23/2010	274496	REFRIGERATION SERVICES	4527	340.00
12/23/2010	274497	RIDGE AUTO NAPA	438	1,179.20
12/23/2010	274498	RIVERA, INA	999999	88.57
12/23/2010	274499	RODRIGUES, MATTHEW	999999	93.58
12/23/2010	274500	ROE-COMM, INC.	341	400.50
12/23/2010	274501	S B F/CORONA GRAPHICS	3481	178.00
12/23/2010	274502	SAFETY SERVICES, INC.	349	257.72
12/23/2010	274503	SARCOM	2076	143.74
12/23/2010	274504	SHULTS EQUIPMENT	1042	3,033.60
12/23/2010	274505	SIGN SHOP OF WESTERN MICHIGAN	358	40.00
12/23/2010	274506	SKILLQUEST INTERNATIONAL LLC	456	1,900.00
12/23/2010	274507	SOURCE TECHNOLOGIES	879	412.00
12/23/2010	274508	S KALAMAZOO COUNTY FIRE AUTHOR	4324	2,475.00
12/23/2010	274509	STATE OF MICHIGAN (DOT)	368	94,688.96
12/23/2010	274510	STATE SYSTEMS RADIO, INC	369	5,766.35
12/23/2010	274511	SUITS U TAILOR SHOP INC	4237	202.00
12/23/2010	274512	SWMI City Managers Assoc.	999999	100.00
12/23/2010	274513	T D S METROCOM, LLC	4539	2,691.73
12/23/2010	274514	T M P ARCHITECTURE, INC.	2651	495.00
12/23/2010	274515	T-MOBILE USA INC	3665	29.99
12/23/2010	274516	TECHSMITH CORPORATION	1848	255.95
12/23/2010	274517	TRACTOR SUPPLY CORP.	2817	153.43
12/23/2010	274518	TURNER, MICHAEL & PAMELA	999999	25.39
12/23/2010	274519	UNITED PARCEL SERVICE	545	329.04
12/23/2010	274520	UNITED WATER ENVIRONMENTAL SER	4609	206.25
12/23/2010	274521	VANDENBERG, CALVIN & ELIZABETH	999999	592.23
12/23/2010	274522	VANDERBERG, JON	999999	127.00
12/23/2010	274523	VERMEER, JEREMY	532	14.82
12/23/2010	274524	WELLS FARGO R/E TAX SERVICE	999999	1,198.76
12/23/2010	274525	WESTERN MICHIGAN INT'L TRUCKS	4306	220.48
12/23/2010	274526	WESTERN MICHIGAN UNIVERSITY	999999	300.00
12/23/2010	274527	WINDMULLER ELECTRIC, INC.	3061	7,531.45
12/23/2010	274528	WINGFOOT COMMERCIAL TIRE	2613	841.54
12/23/2010	274529	62-A DISTRICT COURT	999999	142.00
12/23/2010	274530	9TH CIRCUIT COURT	999999	100.00
12/23/2010	274531	DEARBORN WEST VILLAGE HOTEL	999999	100.00
12/23/2010	274532	DEWOLF & ASSOCIATES, LLC	4374	786.80
12/23/2010	274533	HAM, AARON	999999	100.00
12/23/2010	274534	VALENZUELA, JASON	999999	100.00
12/23/2010	274535	DEARBORN WEST VILLAGE HOTEL	999999	100.00
12/29/2010	274536	DEWOLF & ASSOCIATES, LLC	4374	381.25
12/29/2010	274537	MYERS, JAMES	532	595.00
12/30/2010	274538	U S POSTMASTER	391	150.00

DATE RANGE TOTAL * 731,765.33 *

PAYMENT NO	VENDOR NAME	TRANSFER DATE	AMOUNT	TRACE		EFT		BANK	
				NUMBER	NUMBER	BATCH	BATCH	CODE	CODE
105	BLUE CARE NETWORK-GREAT LAKES	12/23/2010	60,731.81	072000320000001	0000001	00	00	00	00
106	DELTA DENTAL PLAN OF MI	12/23/2010	20,514.57	072000320000002	0000001	00	00	00	00
107	HARTFORD LIFE INSURANCE COMPANY	12/23/2010	8,131.88	072000320000003	0000001	00	00	00	00
108	KUSHNER & COMPANY, INC.	12/23/2010	737.41	072000320000004	0000001	00	00	00	00

GRAND TOTAL: 90,115.67 NO. OF CHECKS: 4

CITY OF PORTAGE

COMMUNICATION

TO: Honorable Mayor and City Council

DATE: January 11, 2011

FROM: Maurice S. Evans, City Manager



SUBJECT: December 2010 Summary Environmental Activity Report – Information Only

Attached please find the December 2010 Summary Environmental Activity Report from the Department of Transportation & Utilities Director, W. Christopher Barnes. 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: W. Christopher Barnes, Department of Transportation & Utilities
Planning Commission
Portage Environmental Board

CITY OF PORTAGE

COMMUNICATION

TO: Maurice S. Evans, City Manager

DATE: January 11, 2011

FROM: W. Christopher Barnes, Director of Transportation & Utilities *WCB*

SUBJECT: December 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.

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

Project/Activity	Description	Status
Portage City Landfill	Ongoing groundwater monitoring of former municipal landfill.	-City Council awarded a 3 year contract to American Hydrogeologic Corporation on February 23, 2010 to perform annual groundwater sampling. The site groundwater data will continue to be monitored to confirm continuation of the natural attenuation process. Sampling shows continued improvement in groundwater quality. Sampling performed in June 2010. Annual report submitted to MDNRE in June 2010. General groundwater quality continues to improve, but site will require monitoring for the foreseeable future.
Site Inspection/Development Project Review	Review of existing business & industries and review of proposed business and industrial development projects for environmental protection purposes and/or building plans completed.	-Coordination with property owners and City or State agencies ongoing. - <i>Review of 2 site/building plans and/or plats completed in December 2010.</i>
Sewer Connection Program	Groundwater protection program requiring residential/business hookup to the sanitary sewer where available.	- <i>Sanitary sewer hookup permits issued in December 2010: 0 commercial and 8 residential. Three sewer connections made as part of the Mandatory Sewer Program. Three properties have court appearances scheduled in response to non-compliance.</i>
West Lake Management Program	Special assessment district designed to maintain/improve lake conditions.	-Five Year Lake Management Assessment District process was approved by City Council on March 23, 2010. Construction began on the Austin Dam reconstruction in December 2006 and new structure completed in March 2007. Filtration system construction was substantially completed in July 2008. On July 8, 2008, City Council awarded contracts to Aquatic Services, Inc. for the 2008 Weed Treatment Program and awarded a contract to ASI Environmental to perform watershed and vegetation survey. The 2010 lake treatment is complete. <i>The 2011 lake survey and treatment preparations underway.</i>
Retention Basin Sampling Program	Investigation regarding potential impact of retention basins on groundwater levels.	-Historical monitoring continues to show minor impacts at most basins. From 1993 through 2009 the monitoring program showed stable groundwater impacts due to stormwater infiltration. Alternative road salt practices continue to be considered and evaluated. On March 23, 2010, City Council awarded a four-year contract to Wightman Environmental. Program will focus primarily on groundwater level information. Sampling of retention basins was completed on June 25, 2010. <i>The 2010 year report is due in January 2011.</i>
Wellhead Protection Program	Development of program to	-Wellhead Protection Grant award received from MDEQ on August 30, 1999 and

(WHPP)

protect City well fields and surrounding area from contamination resulting from improper land use.

Council accepted the grant on October 5, 1999. Council also awarded contract to Earth Tech to complete WHPP. Earth Tech completed the final wellhead protection plan and MDEQ submittal was made on October 14, 2000. Plan was reviewed by MDEQ with written approval received in March, 2001. City staff made a presentation to the American Water Works Association at their April 25, 2008 meeting to highlight current city initiatives. *Currently working with MDNRE to incorporate data from 7022 South Westmedge Avenue into the plan.* Plan implementation is ongoing.

Leaf Compost Monitoring Program
Monitoring and analysis of groundwater at the new Oakland Drive Leaf Compost site.

-City Council awarded contract on August 21, 2001 to Soil & Materials Engineers for monitoring and analysis of groundwater impact of the new compost operation. Drilling was completed in October 2001 and first sampling cycle was completed in February 2002. Semi annual sampling was performed from 2002 to 2009 in June and January. Sampling and analysis results continue to show no groundwater impacts from the leaf composting. Sampling schedule was reduced to annual sampling in 2009 with results showing continued minor impact on groundwater quality. The 2010 report was received with results showing minimal impact on groundwater. Next sampling scheduled for July 2011.

National Pollution Discharge Elimination System (NPDES) permit implementation

Five year plan to implement the current NPDES stormwater permit.

-Received NPDES general permit on August 15, 2001. Renewal Application submission was made to MDEQ on March 7, 2003. New permit received in 2004 mandates involvement in several county watershed groups. City staff completed the submission of a Stormwater Pollution Prevention Initiative (SWIPPI) as required by NPDES permit. SWIPPI submitted on October 21, 2005. New certificate of coverage permit was issued by MDEQ on September 30, 2009. New permit covers a 5 year time frame with first work item (updating the Public Participation Plan) due December 11, 2009. Plan update completed with other local governments and submitted November 24, 2009. City staff worked with other agencies at the 2010 Home Expo on March 17 – 20, 2010. Staff completed an updated SWIPPI submittal to MDNRE. SWIPPI was submitted for MDNRE approval on June 25, 2010. Permit implementation is ongoing. *Received a letter from MDNRE rescinding the 2009 permit due to a recent court case. MDNRE reinstated the 3200 permit for implementation. New information on this turn of events is expected in February 2011.*

National Pollution Discharge Elimination System (NPDES) permit implementation

Kalamazoo River Mainstem Watershed Management Plan

-First meeting was held September 17, 2004. Proposals for completing the watershed plan were received by Kalamazoo County on September 15, 2005 and a contract awarded to Kieser & Associates in November 2005. Draft watershed plan submitted to MDEQ on December 30, 2005. Review comments received from MDEQ and revised watershed plan due in December 2006. A letter not to revise the Watershed Plan was submitted to the MDEQ on March 17, 2008. Public participation plan update submitted to MDEQ on November 24, 2009.

Kalamazoo River Water Festival was held on August 14, 2010 with City of Portage participation. Preliminary grant request submitted September 16, 2010 for West Fork of Portage Creek storm water enhancements. Complete grant application was submitted on October 25, 2010. *No update on application status.*

Portage River Watershed Management Plan

-Public participation plan submitted June 28, 2004. Proposals for a Watershed Management Plan were received by the Kalamazoo County Road Commission and a contract awarded to the Kalamazoo County Conservation Service in November 2005. Draft watershed plan submitted to MDEQ on December 30, 2005. Follow-up meetings are held monthly to facilitate an implementation schedule. Portage River Watershed public meeting held in Vicksburg on April 11, 2006. Review comments received from MDEQ and revised watershed plan due November 2006. Revised Watershed Plan submitted November 30, 2006, follow up meetings to be held as necessary. A letter not to revise the Watershed Plan was submitted to the MDEQ on March 17, 2008. Public participation plan update submitted to MDEQ on November 24, 2009. Based upon MDEQ comments, the plan was revised and resubmitted on December 21, 2009.

Plan to implement and maintain an Illicit Discharge Elimination Program (IDEP)

-On October 21, 2001, City Council awarded a contract to Fishbeck, Thompson, Carr and Huber for the Portage Creek element of the IDEP, which was completed in July 2002. On February 19, 2002, City Council approved a new ordinance as required by the NPDES permit titled "Storm Water Illicit Discharges and Connections". On April 28, 2004, City Council accepted a grant from the State of Michigan in the amount of \$152,264 and awarded a contract to Fishbeck, Thompson, Carr and Huber in the amount of \$184,264 for the remainder of the IDEP for the entire city. Program implementation is ongoing as funding allows. Continued outfall sampling is required by permit and will be budgeted accordingly. IDEP program was updated for submittal to MDNRE on June 25, 2010, and part of the SWIPPI.

Garden Lane Arsenic Removal Facility

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

-City Council approved an agreement with Fishbeck, Thompson, Carr & Huber, Inc. on January 10, 2006 to prepare a feasibility study to meet new USEPA arsenic standards for drinking water. Feasibility study completed in August 2006. Engineering proposals for the project were received August 14, 2007. Project engineering awarded to Earth Tech by City Council on September 11, 2007. Project design to include Leadership in Energy and Environmental Design (LEED) criteria. Project construction bids were received on November 25, 2008. Contract awarded by City Council on December 16, 2008 to Adams Building Contractors, Inc., Jackson, Michigan. Preconstruction meeting was held January 29, 2009. Start up activities began

in May 2010. Facility is in operation with ribbon cutting held August 2, 2010. City staff gave a presentation on August 9, 2010 to the Michigan Chapter of the American Water Works Association about the arsenic removal of the facility. The facility is producing approximately one million gallons of water per day.

Environmental Incident/Spill Clean Up Notification	Environmental Protection Program to assist Portage Police/Fire Departments with spill containment and spill cleanup.	<i>-The number of environmental incident/spill investigations performed in December 2010; one incident investigation and 0 requiring emergency cleanup.</i>
Localized Groundwater Table Investigation	Hydrogeologic study of the Portage area, especially in the Sprinkle Woods plat area, to determine causes of increase in groundwater elevation.	-On April 29, 2008, City Council awarded a contract to American Hydrogeology Corporation to investigate the reason and extent of seasonally high groundwater elevation. Special emphasis will be placed on the Black Forest plat area to suggest possible solutions to the basement leaking problems experienced in the area. Study was transmitted to City Council on July 22, 2008. Work was completed on October 31, 2008. City staff continues to investigate other remedies for local groundwater table issues. Work complete on compiling a history of local groundwater table elevations at 19 city-owned retention basins with data from 1994 to 2009. Data from the analysis shows a general upward trend through the Portage area from 2005 to present. Five monitoring wells were installed in the Jamaica Lane area as a result of a number of citizen concerns. <i>Analysis of the Jamaica Lane wells shows that seasonal groundwater table levels have dropped approximately 24" from spring 2009 levels and level has stabilized through December 2010. Current sampling continued to show a slight decline in the groundwater table. Sampling will continue through the fall and winter months as weather allows.</i>
Hampton Wetland Area Water Level	Assistance with the Inverness Condominium Association to Review Surface Water Levels	-Ongoing assistance with the Condominium Association to develop appropriate measures to regulate the rising water level in Hampton Wetlands Area located on the north side of West Centre Avenue and east of Angling Road. 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. No change in status. Lower groundwater table elevation has reduced the concerns from the Condominium Association. <i>Conference call with MDNRE held on December 8, 2010 to discuss permit submission updates. Condo Association working on a permit submission.</i>
Southwest Michigan Regional Sustainability Covenant	Collaborative effort with local government, academic, and other	-On May 12, 2009, City Council approved the Southwest Michigan Regional Sustainability Covenant. A sustainability work session was held April 14,

stakeholders to lead toward environmental, economic and social sustainability.

2010, to review elements of the covenant in cooperation with the City of Kalamazoo and the City of Battle Creek. A grant application was made to MDNRE for a greenhouse gas inventory study of the area. Notice received July 15, 2010 that the grant application was not successful. City staff attended a September 10, 2010 meeting in Grand Rapids to discuss sustainable economic, environment, and society programs.

**AN ORDINANCE TO AMEND THE CODE OF ORDINANCES
OF THE CITY OF PORTAGE, MICHIGAN
BY AMENDING SECTION 34-61 OF CHAPTER 34
INTERNATIONAL FIRE CODE**

THE CITY OF PORTAGE ORDAINS:

That the International Fire Code, as adopted in Section 34-61, shall be amended as follows:

There is hereby adopted by the city, for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion that certain code and standards known as the International Fire Code, 2009 Edition, together with all appendices (hereafter "code"), recommended by the International Code Council, save and except such portions as are deleted, modified or amended by this chapter. Such code is hereby adopted and incorporated as fully as if set out at length herein, and the provisions of such code shall be controlling in the city. At least one printed copy of such code shall be kept available in the office of the city clerk for inspection by and distribution to the public.

Dated: _____

Peter J. Strazdas, Mayor

FIRST READING:
SECOND READING:
ORDINANCE #:
EFFECTIVE DATE:

CERTIFICATION

I, James R. Hudson, do hereby certify that I am the duly appointed and acting City Clerk of the City of Portage and that the foregoing ordinance was adopted by the City of Portage on the ____ day of _____, 2011.

James R. Hudson, City Clerk

PREPARED BY:
Randall L. Brown (P34116)
Portage City Attorney
1662 East Centre Avenue
Portage, MI 49002
(269) 323-8812

Approved as to Form:
Date: 12-28-10
CRB

City Attorney

**ADOPTION OF ORDINANCE
CITY OF PORTAGE, MICHIGAN
NOTICE**

TO ALL RESIDENTS AND PROPERTY OWNERS OF THE CITY OF PORTAGE AND ALL OTHER INTERESTED PERSONS:

NOTICE IS HEREBY GIVEN that an Ordinance to amend Section 34-61 of Chapter 34, Fire Code, was adopted by the City Council at a regular meeting held on the _____ day of _____, 2011, and will become effective _____, 2011.

NOTICE IS FURTHER GIVEN that the amendment reads as follows:

THE CITY OF PORTAGE ORDAINS:

That the International Fire Code, as adopted in Section 34-61, shall be amended as follows:

There is hereby adopted by the city, for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion that certain code and standards known as the International Fire Code, 2009 Edition, together with all appendices (hereafter "code"), recommended by the International Code Council, save and except such portions as are deleted, modified or amended by this chapter. Such code is hereby adopted and incorporated as fully as if set out at length herein, and the provisions of such code shall be controlling in the city. At least one printed copy of such code shall be kept available in the office of the city clerk for inspection by and distribution to the public.

Dated: _____

Peter J. Strazdas, Mayor

PREPARED BY:
Randall L. Brown (P34116)
Randall L. Brown & Associates, PLC
1662 East Centre Avenue
Portage, MI 49002

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CITY OF PORTAGE

COMMUNICATION

TO: Honorable Mayor and City Council

DATE: January 3, 2011

FROM: Maurice S. Evans, City Manager



SUBJECT: Amendment to the Code of Ordinances

ACTION RECOMMENDED: That City Council accept for first reading the proposed amendment to the City of Portage Code of Ordinances, Chapter 34, Fire Prevention and Protection, reflecting changes in the 2009 edition of the International Fire Code and to consider final adoption on January 25, 2011.

All governmental entities within the State of Michigan are required to administer and enforce the State of Michigan Building, Plumbing, Mechanical and Electrical Codes. The intent and purpose of a single state construction code is to provide uniform and consistent building practices and standards within the State of Michigan. As an accompanying code and to achieve construction consistency, the city adopted the 2006 edition of the International Fire Code (IFC) in March, 2009.

The State of Michigan has now updated the construction code with implementation of the 2009 edition of the State of Michigan Building, Plumbing, Mechanical and Electrical Codes. To continue uniform construction consistency, the 2009 edition of the IFC, together with all appendices, save and except such portions as are deleted, modified or amended by Section 34-62 of the City of Portage Code of Ordinances, should be adopted. (Amendments to the IFC adopted in 2006 included provisions concerning the Board of Appeals, open burning, prohibitions regarding above-ground fuel storage tanks, cul-de-sac diameters and portable unvented heaters. These modifications are recommended for continuation with adoption of the 2009 edition of the IFC.)

The 2009 IFC edition has been reviewed by the Fire Department and the City Attorney. The latest edition is substantially the same as the edition currently adopted by the city. However, commercial kitchen hood cleaning and maintenance is now required at specified intervals; the display and sale of upholstered furniture in mercantile occupancies must be in a building protected by fire sprinklers; owners of buildings where emergency radio coverage is significantly deficient are now required to install signal boosters and if a building owner creates lock-down plans (not required) those plans are then required to be provided to the Fire Department.

It is recommended that City Council accept for first reading the amendment to the City of Portage Code of Ordinances of Chapter 34, Fire Prevention and Protection, to reflect changes in the 2009 edition of the International Fire Code and consider final adoption on January 25, 2011.

CITY OF PORTAGE

COMMUNICATION

TO: Honorable Mayor and City Council

DATE: January 17, 2011

FROM: Maurice S. Evans, City Manager



SUBJECT: Independent Audit Service

ACTION RECOMMENDED: That City Council award the independent audit service contract to Rehmann Robson for a three-year cost not to exceed \$73,950 and authorize the City Manager to execute all documents related to this contract on behalf of the city.

In response to a request for proposals sent to more than 60 auditing firms, three proposals were received on December 23, 2010 for the provision of comprehensive independent audit services. The independent auditor will review the financial records of the city and will issue an opinion and any recommendations for improvement pertaining to the financial condition of the city. Rehmann Robson submitted the lowest and best proposal for providing this service to the city for the next three years. Included in the list of local audit clients are Battle Creek, Kalamazoo, Kentwood and Marshall. Rehmann Robson has performed several studies for the City of Portage and has accomplished each to the city's satisfaction.

It is recommended that City Council accept the proposal submitted by Rehmann Robson for the three-year contract. It is further recommended that the City Manager be authorized to execute all documents related to the contract on behalf of the city. Funding will be included in the proposed budget for the fiscal 2010/2011 audit. Funds necessary for the audits of fiscal years 2011/2012 and 2012/2013 will be budgeted accordingly. A tabulation of the proposals received is attached for the information of City Council

c: Daniel S. Foecking, Finance Director

AUDIT SERVICES
TABULATION OF PROPOSALS

	Rehmann Robson 675 Robinson Road Jackson, MI 49203	BDO USA, LLP 211 E. Water St., Suite 300 Kalamazoo, MI 49007	Abraham & Gaffney, P.C. 3511 Coolidge Rd. Suite 100 East Lansing, MI 48823
Fiscal Year Ending 6/30/11			
Fiscal Year Audit	\$21,000.00	\$25,000.00	\$38,000.00
A-133 Single Audit Rule	\$2,500.00	\$5,000.00	\$4,000.00
Official Statement Review Fee (First)	\$400.00	\$1,000.00	No Charge
Official Statement Review Fee (Additional)	<u>\$250.00</u>	<u>\$750.00</u>	<u>No Charge</u>
Total	\$24,150.00	\$31,750.00	\$42,000.00
Fiscal Year Ending 6/30/12			
Fiscal Year Audit	\$21,500.00	\$26,250.00	\$39,000.00
A-133 Single Audit Rule	\$2,500.00	\$5,250.00	\$4,000.00
Official Statement Review Fee (First)	\$400.00	\$1,000.00	No Charge
Official Statement Review Fee (Additional)	<u>\$250.00</u>	<u>\$750.00</u>	<u>No Charge</u>
Total	\$24,650.00	\$33,250.00	\$43,000.00
Fiscal Year Ending 6/30/13			
Fiscal Year Audit	\$22,000.00	\$27,500.00	\$40,000.00
A-133 Single Audit Rule	\$2,500.00	\$5,500.00	\$4,000.00
Official Statement Review Fee (First)	\$400.00	\$1,000.00	No Charge
Official Statement Review Fee (Additional)	<u>\$250.00</u>	<u>\$750.00</u>	<u>No Charge</u>
Total	\$25,150.00	\$34,750.00	\$44,000.00
Grand Total Years 2011, 2012, 2013	\$73,950.00	\$99,750.00	\$129,000.00
Estimated Annual CAFR Audit Hours	324	350	442
Estimated Annual A-133 Single Audit Hours	24	40	54

CITY OF PORTAGE

COMMUNICATION

TO: Honorable Mayor and City Council

DATE: January 19, 2011

FROM: Maurice S. Evans, City Manager



SUBJECT: Senior Center Fire Alarm System – Bid Recommendation

ACTION RECOMMENDED: That City Council accept the low responsive bid submitted by Engineered Protective Services, Incorporated in the amount of \$10,900 for a replacement fire alarm system at the Portage Senior Center and authorize the City Manager to execute all documents related to this action on behalf of the city.

During the 2006 infrastructure review of all city buildings, the need for an upgraded fire alarm system at the Portage Senior Center was identified. The current system of alarm bells and smoke/heat detectors does not adequately meet current standards. An addressable fire alarm system, with pull stations at each exit plus strobe lights and horns, was recommended. The addressable system can pinpoint the location of the signaling device and assist with prompt response in case of emergency and is in compliance with the Americans with Disabilities Act.

Sealed bids were received from four area vendors on November 3, 2010, with the low responsive bid in the amount of \$10,900 submitted by Emergency Protection Services, Incorporated. The work is anticipated to be completed by the end of March.

It is recommended that City Council accept the low bid of \$10,900 submitted by Engineered Protection Services, Incorporated for the replacement of the Senior Center fire alarm system and authorize the City Manager to execute all documents related to this action. The bid tabulation is attached for the information of City Council. Funding for the project is provided through the Capital Improvement Program.

Attachment

BID TABULATION
SENIOR CENTER FIRE ALARM SYSTEM

<u>BIDDER</u>	<u>BID</u>
Engineered Protection Systems, Inc. 750 Front Ave. NW, Suite 300 Grand Rapids, MI 49504	\$10,900.00
Safety Systems Inc. PO Box 1079 Jackson, MI 49204	\$11,950.00
Buist Electric 8650 Byron Center Ave. SW Byron Center, MI 49315	\$15,900.00
<u>Non-Responsive Bid</u> Riverside Integrated Systems 2225 Oak Industrial Drive Grand Rapids, MI 49505	

MATERIALS TRANSMITTED

Monday

~~Tuesday~~, January 10, 2011

1. Communication from the City Manager regarding Agenda Item G.1 – Portage Property Tax Database for years 2000-2010.



Maurice S. Evans, City Manager

cc: Brian J. Bowling, Deputy City Manager

MATERIALS TRANSMITTED

Tuesday, January 11, 2011

1. Communication from the City Manager regarding the December 2010 Citizen Comment Card Summary and Online Customer Service Survey Summary – Information Only.
2. Communication from the City Manager regarding an explanation of the Community Development Department's Re-inspection Fee.



Maurice S. Evans, City Manager

cc: Brian J. Bowling, Deputy City Manager