



PLANNING COMMISSION

February 5, 2015

CITY OF PORTAGE PLANNING COMMISSION

A G E N D A

February 5, 2015

(7:00 p.m.)

Portage City Hall Council Chambers

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

APPROVAL OF MINUTES:

* January 22, 2015

SITE/FINAL PLANS:

PUBLIC HEARINGS:

* 1. Special Land Use Permit: Michigan Dog Center, 6740 Quality Way

OLD BUSINESS:

NEW BUSINESS:

STATEMENT OF CITIZENS:

ADJOURNMENT:

MATERIALS TRANSMITTED

January 6, 2015 City Council regular meeting minutes
January 6, 2015 City Council special meeting minutes
December 2014 Summary of Environmental Activity Report

Star (*) indicates printed material within the agenda packet.

PLANNING COMMISSION

January 22, 2015

 DRAFT

The City of Portage Planning Commission meeting of January 22, 2015 was called to order by Chairman Welch at 7:00 p.m. in Council Chambers of Portage City Hall, 7900 South Westnedge Avenue. Three citizens were in attendance.

PLEDGE OF ALLEGIANCE:

Chairman Welch led the Commission in the Pledge of Allegiance.

IN ATTENDANCE:

Christopher Forth, Deputy Director of Planning, Development & Neighborhood Services; Michael West, Senior City Planner; and Randy Brown, City Attorney.

ROLL CALL:

Mr. Forth called the role and the following Commissioners were present: Patterson (yes), Stoffer (yes), Welch (yes), Felicijan (yes), Bosch (yes), Somers (yes) and Schimmel (yes). A motion was made by Commissioner Felicijan, seconded by Commissioner Bosch, to approve the role excusing Commissioners Dargitz and Richmond. The motion was unanimously approved 7-0.

APPROVAL OF MINUTES:

Chairman Welch referred the Commission to the December 18, 2014 meeting minutes contained in the agenda packet. A motion was made by Commissioner Stoffer, seconded by Commissioner Schimmel, to approve the minutes as submitted. The motion was unanimously approved 7-0.

SITE/FINAL PLANS:

1. Site Plan: Pinefield (Phase 3), 6291 South 12th Street. Mr. West summarized the staff report dated January 16, 2015 regarding a request by Pinefield, LLC to construct Phase 3 of the Pinefield residential development. Mr. West indicated Phase 3 proposed construction of seven four-unit buildings and one two-unit building (30 units total), four detached storage buildings and associated site improvements on the vacant parcel located north of Pinefield (Phase 2). Mr. West discussed the proposed access to Phase 3, reconfiguration of the existing storm water retention basin and the applicant's plans to preserve existing mature evergreen trees along the northern property line and install supplemental evergreen and deciduous tree plantings along the northwest portion of Phase 3 where adjacent the single family residence located at 6255 South 12th Street.

Mr. Bob Deppe of Pinefield, LLC (applicant/owner) was present to support the site plan. After a brief discussion, a motion was made by Commissioner Patterson, seconded by Commissioner Stoffer, to approve the Site Plan for Pinefield (Phase 3), 6291 South 12th Street. The motion was unanimously approved 7-0.

PUBLIC HEARINGS:

None.

OLD BUSINESS:

1. Ordinance Amendment #14/15-A: Auto Repair and Service Station Regulations. Mr. Forth summarized the staff report dated January 2, 2015 regarding proposed changes to Zoning Code regulations pertaining to auto repair stations and auto service stations (gasoline stations). Mr. Forth summarized changes made to the draft ordinance language since Commission review and discussion at the December 18, 2014 meeting. The

 **DRAFT**

Commission did not have any additional comments regarding the proposed ordinance amendment. A motion was then made by Commissioner Bosch, seconded by Commissioner Patterson, to schedule a public hearing for February 19, 2015 to formerly consider Ordinance Amendment #14/15-A. The motion was unanimously approved.

NEW BUSINESS:

None.

STATEMENT OF CITIZENS:

None.

ADJOURNMENT:

There being no further business to come before the Commission, the meeting was adjourned at 7:12 p.m.

Respectfully submitted,

Christopher T. Forth, AICP
Deputy Director of Planning, Development and Neighborhood Services

TO: Planning Commission

DATE: January 2, 2015

FROM: Vicki Georgeau, Director of Community Development

SUBJECT: Special Land Use Permit: Michigan Dog Center, 6740 Quality Way

I. INTRODUCTION:

A Special Land Use Permit application has been submitted by Mr. Dean Lathrop, on behalf of Michigan Dog Center, requesting approval to establish an indoor dog training and fitness center within the existing building located at 6740 Quality Way. The approximate 2.0 acre parcel is zoned I-1, light industry and occupied by an approximate 9,500 square foot building and associated site improvements.

The site was originally developed in 2002/2003 as a light industrial/warehouse facility for D & L Industrial Services with the east approximate 2,000 square feet utilized for offices and the west approximate 7,500 square feet utilized for warehouse. Since June 2013, the warehouse portion of the building has remained vacant (office portion of building still being utilized as office space for D & L Industrial Services). As detailed in the application materials, the Michigan Dog Center is proposing to reuse the warehouse portion of the building (approximately 7,500 square feet) for an indoor dog training and fitness center. According to the applicant, the center will operate primarily as a one-on-one dog training facility between the hours of 5:00pm-10:00pm (Monday thru Friday) with a maximum of 18 handlers and dogs spaced throughout the evening, in one hour training increments. There will also be an occasional Saturday event. The indoor facility will include large matted dog training areas with rings, gates, jumps and dog fitness areas with treadmills and a 13-foot (wide) by 25-foot (long) by 4-foot (deep) exercise pool. As information for the Commission, the applicant has been operating the indoor dog training and fitness center from the site since October 2014 without the necessary special land use permit.

II. BACKGROUND INFORMATION:

The following background information is provided for Commission consideration:

Existing Land Use/Zoning	<ul style="list-style-type: none"> • Site: Approximate 9,500 square foot building and associated site improvements zoned I-1, light industry. • Surrounding Properties: Various industrial properties/uses also zoned I-1 surround the subject site to the north, south, east and west.
Comprehensive Plan	<ul style="list-style-type: none"> • Future Land Use Map component of the Comprehensive Plan identifies the subject property, along with surrounding properties to the north, south, east and west, as appropriate for general industrial land uses.
Access	<ul style="list-style-type: none"> • Existing full service driveway from Quality Way, a local industrial street. • Shared/cross access also provided with adjacent property to south (4401 Environmental Drive).
Environmental	<ul style="list-style-type: none"> • Review of the Sensitive Land Use Inventory Map does not identify any environmentally sensitive areas (100-year floodplain, wetlands) at the subject site.
Historic District/Structure	<ul style="list-style-type: none"> • The subject site is not located within a historic district and does not contain any historic structures.

Land Development Regulations	<ul style="list-style-type: none">• The application has been submitted under Section 42-280.C.10, <i>Special Land Use</i> in the I-1 zoning district: “Other uses similar to, and not more objectionable than, the uses permitted in this section, which will not be injurious or have an adverse effect on adjacent areas, and may, therefore, be permitted subject to such conditions, restrictions and safeguards as may be deemed necessary in the interest of public health, safety and welfare.”• Section 42-462, <i>General Standards for Review of Special Land Uses</i>, sets forth additional criteria for evaluating a special land use and allows conditions to be established.
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III. ANALYSIS:

The proposal to establish the indoor dog training and fitness center at the subject site fulfills the requirements for issuance of a Special Land Use Permit. The proposed use is similar to and not more objectionable than other uses allowed in the I-1 zoning district (e.g., veterinary clinics and incidental facilities are permitted uses in the I-1 zone). All activities associated with the dog training/fitness center will be conducted indoors, within the existing building, and no outdoor training/fitness activities or associated events will occur. Additionally, no overnight boarding or kenneling of dogs will occur at the site. A small outdoor fenced area located along the west side of the building will be utilized as a dog “potty” area with appropriate waste removal and sanitation procedures conducted by the applicant.

The low intensity and indoor nature of the proposed use including limited/evening hours of operation will mitigate any potential adverse impacts on adjacent land uses located within the industrial park. Sufficient parking is available at the site to accommodate the indoor dog training/fitness center. In the context of the general standards of review in Section 42-462, the proposal represents an appropriate, compatible reuse of the existing building consistent with the Comprehensive Plan and Zoning Code/Map. Finally, no environmental issues are evident and public facilities (water, sewer and street infrastructure) can accommodate the proposed use.

Per statutory requirements, property owners within 300 feet of the zoning lot have been notified in writing of the special land use permit application and Planning Commission meeting. A notice was also published in the local newspaper.

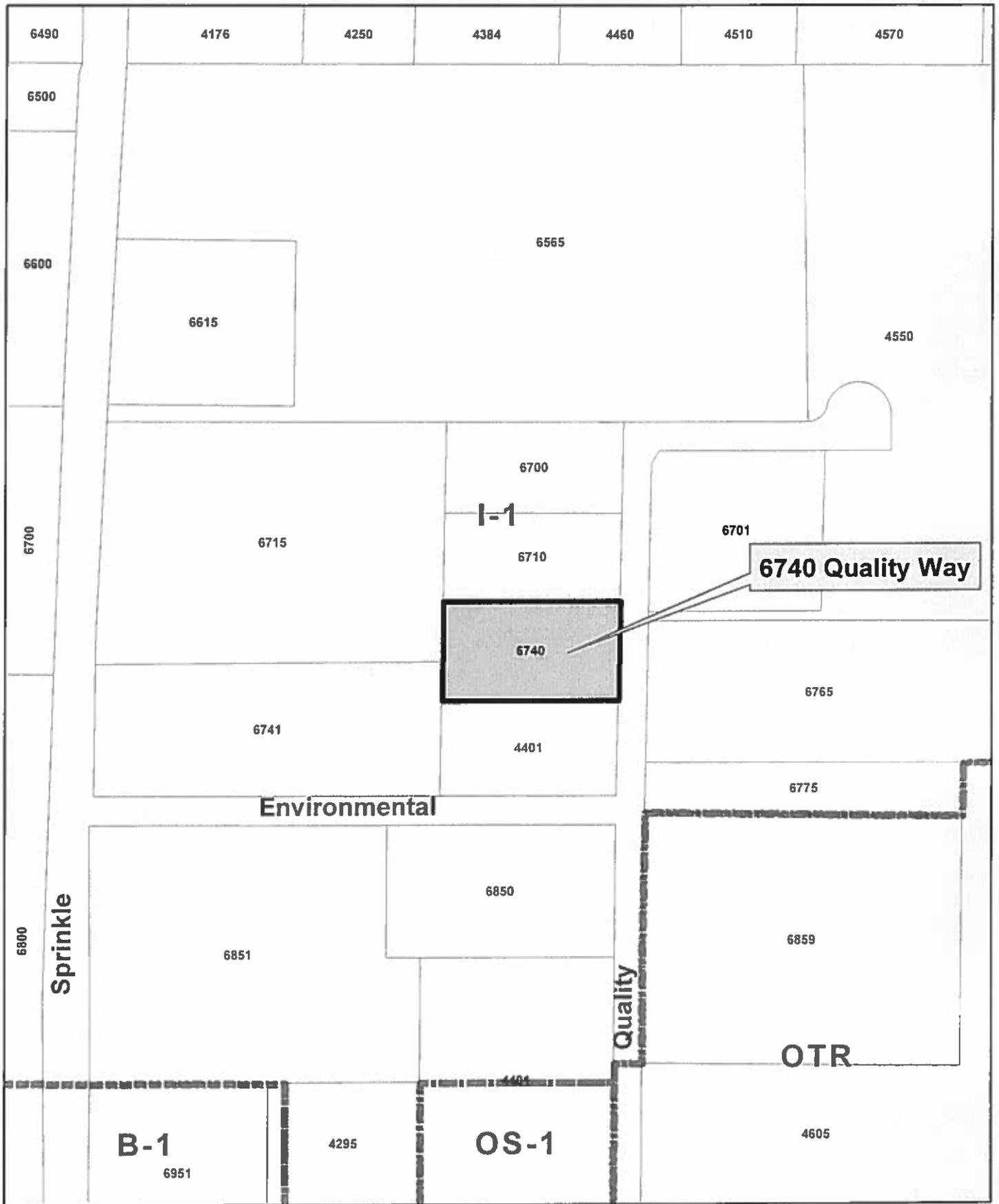
IV. RECOMMENDATION:

Based on the above analysis and subject to any additional information brought before the Planning Commission during the public hearing, staff recommends the Special Land Use Permit for Michigan Dog Center, 6740 Quality Way, be approved subject to the following conditions:

- 1) All dog training and fitness activities be conducted indoors with no outdoor activities/events allowed (with exception of outdoor dog “potty” area to operate as detailed in the application materials).
- 2) No overnight boarding or kenneling of dogs be permitted.
- 3) Compliance with all applicable City of Portage Code of Ordinances including Community Quality (Chapter 24) related to the operation of this use including noise, odors, sanitation and health.
- 4) All building related permits be obtained for any proposed modifications to the interior of the building.

Attachments: Vicinity/Zoning Map
Aerial Photograph Map
Special Land Use Permit Application, Letter of Explanation and Floor Plan

S:\Commdev\2014-2015 Department Files\Board Files\Planning Commission\PC Reports\Special Land Use Permits\2015 01 02 Michigan Dog Center, 6740 Quality Way (SLUP).doc



1 inch = 300 feet

Special Land Use Permit 6740 Quality Way

Legend

-  Zoning Boundary
-  Subject Properties



1 inch = 150 feet

Aerial Photography

6740 Quality Way

Legend

 Subject Properties

APPLICANT INFORMATION

Name 6740 QW Group		Telephone Number 269 327-3331	
Address 6740 Quality Way	City Portage	State MI	Zip code 49002

OWNER INFORMATION (if different)

Name Dean Lathrop		Telephone Number 269 327-3331	
Address 6745 Quality Way	City	State MI	Zip code 49002

PROPERTY INFORMATION

Address of property 6740 QUALITY WAY	Zoning District	Land Area (acres) 2
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Legal Description (or attach separate page)

PROPOSED USE

Description of proposed Special Land Use (attach additional page(s), if necessary)

Dog training & fitness center

OWNER CERTIFICATION

I hereby certify that I am presently the legal owner for the above-described property and all of the above information is true and accurate. I further acknowledge that approval of this Special Land Use Permit constitutes an agreement with the City of Portage and all conditions or limitations imposed shall be fulfilled.

Signature 	Date 12-1-14
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RECEIVED
DEC 31 2014
COMMUNITY DEVELOPMENT

December 30, 2014

Mr. Michael West
Senior City Planner
Community Development
City of Portage
7900 South Westnedge Avenue
Portage, MI 49002

Mr. West,

Per your letter dated October 1, 2014 here is the additional information requested for the proposed dog training center at 6740 Quality Way.

A short history of the building and property is as follows:

In 1990 I purchased 5 acres of property off Sprinkle Rd behind, to the east of Allen Bradley at 6741 Sprinkle Rd, to build a new office and service center for D & L Industrial Services, Inc. (D & L) with an address of 6765 Sprinkle Rd. Our volume of work servicing Upjohn had grown to over 150 employees as well as other commercial customers and we needed more facility to service the customer base.

I purchased all the remaining property in the development that was started by Milham Investment Co., (Tom Gauntlett & family) in the late 1990's to continue to grow D & L and to pursue other interests. In doing so we worked with the City of Portage to put in the infrastructure necessary to develop the plat. We rebuilt the drive servicing D & L and Avtech and built Environmental Drive & Quality Way and eventually Quality Court. Avtech and D & L's addresses were changed to Quality Way addresses and the commercial development was called Sprinkle Venture Park. .

As D & L continued to grow, I built the facility directly across the street (6740 Quality Way) in 2002/3 to handle continued growth. Then the Pfizer purchase of Pharmacia came & D & L was replaced by a minority contractor and our needs for the space that we had just finished building were not immediately needed.

Our neighbor to the north, Idea Inc., that I had sold 2 acres of land to, were in need of warehouse space close by and leased the warehouse area (approx.. 9500 sqft) for their

growing business. The office space on the east side of the building was still occupied by D & L.

Idea eventually needed more space than was available and moved their operation to the WMU BTR Park on Parkview. They then leased their building on Quality Way to Pharmoptima. Very shortly, Pharmoptima needed more space, both office and warehouse and they leased the 6740 building for 5 years. They recently built an addition on their building at 6710 Quality Way adding the space needed for their business.

Pharmoptima moved out of the 6740 building in July 2012 leaving the building vacant with the exception of the office that I maintained in the NE corner of the building.

In 2013 I was approached by Sharri Sibert to put a dog training and fitness center in the warehouse area of the 6740 building. Sharri is an avid dog trainer as is evidenced by the numerous competitions that she has won. She is also the Operations Manager and Vice President of D & L Industrial Services, Inc.

We started working on a plan for a very low key, low impact indoor facility where she could continue to train her dogs as well as work with others. These activities are primarily scheduled from 5:00pm until 10:00pm. There will be an occasional Saturday event bringing in professional trainers from around the Midwest.

The facility is primarily a one on one trainer to dog operation. Some classes will be held by the Non Profit Kalamazoo Dog Training Club 2 nights per week with no more than 18 handlers & dogs spaced out throughout the evening in 1 hour blocks. There is also an agility dog trainer that will be using the facility 2 nights per week for her small classes.

The floor plan is attached. The architectural design company TowerPinkster has been retained to provide the necessary prints and specifications as needed.

There are 32 striped/lined parking spaces at the facility that are twice as many as is necessary.

There is a large matted dog training ring area that is divided into 2- 35x60 ft rings. All the necessary ring gates, jumps and equipment are provided.

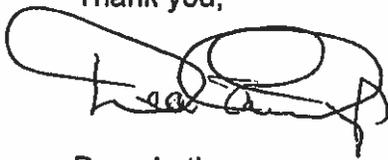
There are 2-JogADog fitness treadmills made specifically for dogs for indoor fitness as well as a 13x25ft by 48" deep pool for the dog's fitness only. One dog at a time and on occasion there will be a fitness trainer in the water with the dog. The pool area will have a 7' expandable locking gate system to control access.

An outdoor chain linked fenced area 12,000 sqft complete with underground irrigation and established turf grass is available for walking the dogs to potty. PottyPots are provided for ALL handlers to pick up their dogs business and dispose of in containers provided. All dogs MUST be leashed when in the potty area.

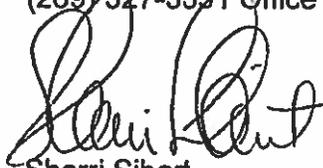
Having worked across the street from the proposed dog center for the last 20 years and been there at all hours of the day and night including holidays, I can generally say that after the normal business hours of 7am to 5pm Monday through Friday, there is no activity other than my employees and myself, with a few exceptions. I can't imagine my neighbors, (ALL of whom I sold their land to build their buildings), would take issue.

Thank you for your consideration. If you have any questions please contact either myself or Sharri Sibert.

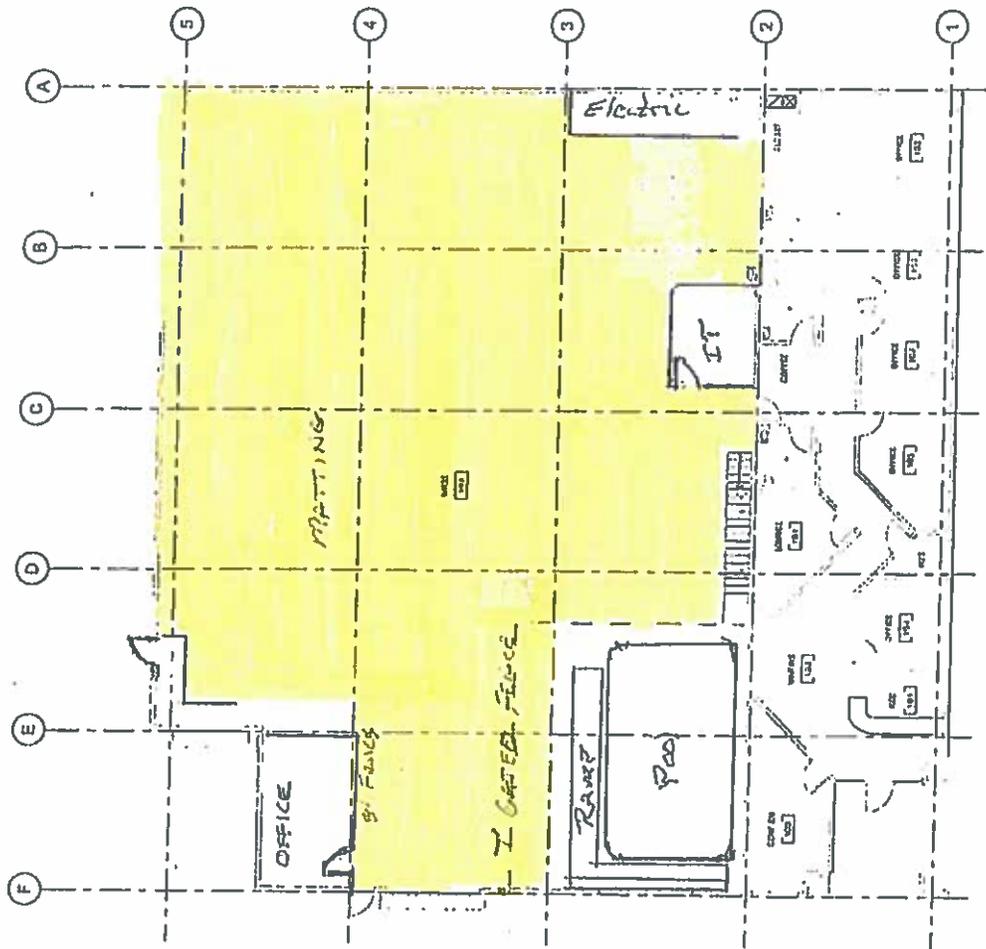
Thank you,

A handwritten signature in black ink, appearing to read "Dean Lathrop". The signature is stylized with a large, sweeping initial "D" and a long horizontal stroke.

Dean Lathrop
(269) 217-3031 Cell
(269) 327-3331 Office

A handwritten signature in black ink, appearing to read "Sharri Sibert". The signature is stylized with a large, sweeping initial "S" and a long horizontal stroke.

Sharri Sibert
(269) 217-3030 Cell
(269) 327-3331 Office



MATERIALS TRANSMITTED

CITY COUNCIL MEETING MINUTES FROM JANUARY 6, 2015

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

At the request of Mayor Strazdas, Pastor John Moore of Pathfinder Church of Portage gave the invocation and Boy Scout Troop 287 led City Council and the audience in the recitation of the Pledge of Allegiance.

The City Clerk called the roll with the following members present: Councilmembers Richard Ford, Patricia M. Randall, Claudette Reid and Terry Urban, Mayor Pro Tem Jim Pearson and Mayor Peter Strazdas. Councilmember Nasim Ansari was absent with excuse. Also in attendance were City Manager Laurence Shaffer, City Attorney Randy Brown and City Clerk James R. Hudson.

APPROVAL OF MINUTES: Motion by Reid, seconded by Pearson, to approve the December 16, 2014 Regular Meeting Minutes as presented. Upon a voice vote, motion carried 6 to 0.

* **CONSENT AGENDA:** Mayor Strazdas asked Councilmember Ford to read the Consent Agenda. Councilmember Reid asked that Item F.2, Professional Services Award – South Central Portage Bikeway, and Item F.6, Proposed Schedule for the 2015 Committee of the Whole (COW) Meetings, be removed from the Consent Agenda. Motion by Ford, seconded by Reid, to approve the Consent Agenda motions as amended. Upon a roll call vote, motion carried 6 to 0.

* **APPROVAL OF ACCOUNTS PAYABLE REGISTER OF JANUARY 6, 2015:** Motion by Ford, seconded by Reid, to approve the Accounts Payable Register of January 6, 2015. Upon a roll call vote, motion carried 6 to 0.

PUBLIC HEARINGS:

WEST OSTERHOUT AVENUE SANITARY SEWER PROJECT #414-S (LLOY STREET TO SOUTH WESTNEDGE AVENUE): Mayor Strazdas opened the public hearing, and City Manager Larry Shaffer deferred to Transportation & Utilities Director Chris Barnes, who explained the purpose of the hearing as the necessity for sanitary sewer on West Osterhout Avenue, from Lloy Street to South Westnedge Avenue. He provided a summary of sanitary sewer installation along West Osterhout Avenue, and pointed out that the project will be completed in conjunction with the planned reconstruction of the street and other improvements, including individual sewer laterals. He reminded City Council that reconstruction of the street without the installation of sanitary sewers would require the reconstruction of the street when the sewers were installed in the future.

Mr. Barnes explained the importance of the sewer construction to the ground water in the area which is the supply source for public drinking water. He mentioned the policy change in 2014 that relinquished the requirement of installing public sewer based on parameters such as proximity to public drinking water sources, and he pointed out that this is an area that would not have to connect to the sanitary sewer until the Kalamazoo County Public Health Department determined a septic system was not feasible.

Mr. Barnes indicated that the total cost of the project is \$680,000. He explained the assessments to property owners are at a total of \$49,505 which is based on the City Council Policy of a cap of 80 feet, even though most of the properties exceed 80 feet in frontage, and that the city-at-large share is \$630,494 which includes the replacement of the street which is funded through the municipal street millage.

He noted that the standard assessment rate of \$32.09 per foot and \$1,001 for a six inch lateral were used for this project, and the affected property owners were recently notified of the planned improvements, including the special assessment process and the schedule of payments. If approved by

City Council, he indicated that the sanitary sewer project would begin in the summer of 2015 in conjunction with the street reconstruction program.

Mayor Strazdas asked for discussion and opened the public hearing to the audience. There being no discussion, motion by Reid, seconded by Ford, to close the public hearing. Upon a voice vote, motion carried 6 to 0.

Motion by Pearson, seconded by Reid, to adopt Resolution No. 3 for the West Osterhout Avenue Sanitary Sewer Project #414-S (Lloy Street to South Westnedge Avenue), directing the preparation of the special assessment roll. Upon a roll call vote, motion carried 6 to 0. Resolution recorded on page 393 of City of Portage Resolution Book No. 45.

PINE VIEW DRIVE SANITARY SEWER PROJECT #415-S (BACON AVENUE TO CHAUCER STREET): Mayor Strazdas opened the public hearing, and City Manager Larry Shaffer deferred to Transportation & Utilities Director Chris Barnes, who explained the purpose of the hearing as the necessity for sanitary sewer on Pine View Drive from Bacon Avenue to Chaucer Street. He provided a history of sanitary sewer installation along Pine View Drive, and pointed out that the project will be completed in conjunction with the planned reconstruction of the street and other improvements, including individual sewer laterals. He again reminded City Council that reconstruction of the street without installation of sanitary sewers would require the reconstruction of the street again when the sewers were installed in the future.

Mr. Barnes explained the importance of the sewer construction to the ground water in the area which is the supply source for public drinking water. He mentioned that this is an area in close proximity to public well fields and is adjacent to the Pine View water storage facility. He said that similar to West Osterhout Avenue, adjacent property owners would not have to connect to the sanitary sewer until the Kalamazoo County Public Health Department determined a septic system was not feasible.

Mr. Barnes indicated that the total cost of the project is \$300,000. He explained the assessments to property owners are at a total of \$49,505 which is based on the City Council Policy of a cap of 80 feet, even though most of the properties exceed 80 feet in frontage, and that the city-at-large share is \$250,494 which includes the replacement of the street which is funded through the municipal street millage.

He noted that the standard assessment rate of \$32.09 per foot and \$1,001 for a six inch lateral were used for this project, and the affected property owners were recently notified of the planned improvements, including the special assessment process and the schedule of payments. If approved by City Council, he indicated that the sanitary sewer project would begin in the summer of 2015 in conjunction with the street reconstruction program.

In answer to Councilmember Urban, Mr. Barnes indicated that in the early 1980's, a few areas of the City petitioned out of sanitary sewer installation, and Lloy Street and Pine View Drive were among them.

Mayor Strazdas asked for discussion and opened the public hearing to the audience. There being no discussion, motion by Reid, seconded by Randall, to close the public hearing. Upon a voice vote, motion carried 6 to 0.

Motion by Randall, seconded by Urban, to adopt Resolution No. 3 for the Pine View Drive Sanitary Sewer Project #415-S (Bacon Avenue to Chaucer Street), directing the preparation of the special assessment roll. Upon a roll call vote, motion carried 6 to 0. Resolution recorded on page 397 of City of Portage Resolution Book No. 45.

REPORTS FROM THE ADMINISTRATION:

* **MARCH BOARD OF REVIEW RESOLUTION:** Motion by Ford, seconded by Reid, to adopt the Resolution setting the dates and times for the 2015 March Board of Review sessions. Upon a

roll call vote, motion carried 6 to 0. Resolution recorded on page 401 of City of Portage Resolution Book No. 45.

PROFESSIONAL SERVICES AWARD - SOUTH CENTRAL PORTAGE BIKEWAY:

Mayor Strazdas deferred to Councilmember Reid, who introduced the item and asked why the item had not been let out for bid and why City Council was being asked to grant this without a bid process.

In answer to Councilmember Reid, Mr. Shaffer responded that the City already has made an investment in this firm and in this design, and that this firm has taken us from the beginning and we now want them to take us all the way to the end. He indicated that they understand the project; they have done much of the preliminary work as a result of their efforts thus far; they are able to get the project on the fast track in such a way as to meet the standards set by Michigan Department of Transportation (MDOT) in order to get the project completed this year. He summed up that it is a matter of timing; that the City has invested a considerable amount of money into O'Boyle, Cowell, Blaylock & Associates, Incorporated, for preliminary work; and that this firm has an understanding of the project and the desired outcome that cannot be anticipated by an unknown firm. He indicated that the dollar amounts were reviewed quite closely, and it is the opinion of staff that the City cannot get a better price for the expected quality and type of service anticipated. He expressed a high comfort level with O'Boyle, Cowell, Blaylock & Associates, Incorporated, and assured Council that they will provide the best service possible and will get this project done correctly and on time.

Councilmember Reid asked at what time did the Administration find out about the stringent MDOT scheduling, and how long does it take to be able to put a contract such as this out for bid. In answer to her, Mr. Shaffer admitted he did not know the answer to the first part of her question; however, he indicated that he is very familiar with Department of Transportation requirements for bid specifications, indicated that they are very difficult and have many details that all have to be met before getting the approval of MDOT to go out to bid, and this all takes time. He said it can take a special relationship to get through the process. He then said the people at O'Boyle, Cowell, Blaylock & Associates, Incorporated, know the project, know the folks at MDOT, and were instrumental in getting material ready for the grant that was awarded to the City of Portage by MDOT; therefore, all things considered, this was the absolute best option for the City. Discussion followed.

In response to Councilmember Reid, Parks Director Bill Deming reviewed the time line of the contract awarded to O'Boyle, Cowell, Blaylock & Associates, Incorporated, in 2012. He indicated that the Administration has been seeking a number of funding options since there was not enough on hand with the City to do the entire project. He indicated that he received the Kalamazoo Area Transportation Study (KATS) funds a year ago which was only enough to do the trail; this prompted him to seek the MDOT Grant; furthermore, he also sought the Michigan Department of Natural Resources (MDNR) Grant in March 2014, and that particular process ended in December 2014 which held up the rest of the process. He discussed the tasks and activities that have to be accomplished by March in order to get the project started in July/August, including those already completed by O'Boyle, Cowell, Blaylock & Associates, Incorporated. He indicated that to bid the project out at this point would not allow the City to make the MDOT Schedule for this construction year.

Councilmember Reid expressed her appreciation for the explanation and stressed the importance of putting a project out for bid whenever that is possible. She noted that the contract with this firm was initiated almost two years ago and asked whether this is a continuation of previous work. Mr. Deming assured City Council that O'Boyle, Cowell, Blaylock & Associates, Incorporated, was involved as the professional services firm during the last one and one-half years with their efforts to obtain the specifications, drawings and information requirements for both the MDOT and MDNR Grant applications. Discussion followed.

Motion by Reid, seconded by Urban, to approve a professional engineering design services contract with O'Boyle, Cowell, Blaylock & Associates, Incorporated, in the amount of \$41,500 for the South Central Portage Trail development 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 6 to 0.

* **AGREEMENT TO LOCATE PARKING IN CITY RIGHT-OF-WAY, 2375 EAST CENTRE AVENUE:** Motion by Ford, seconded by Reid, to approve the License to Locate Parking in a City Right-Of-Way for Poulsen Properties, LLC, 2375 East Centre Avenue, and authorize the City Manager to execute the agreement on behalf of the city. Upon a roll call vote, motion carried 6 to 0.

* **CONSTRUCTION BOARD OF APPEALS ABATEMENT ORDER – 5523 MONTICELLO AVENUE:** Motion by Ford, seconded by Reid, to accept the order of the Construction Board of Appeals to remove all debris from the house at 5523 Monticello Avenue; and to authorize the City Administration to take the necessary action to remove all debris from the house, place a lien, and assess the property to recover the costs associated with abatement, consistent with city ordinance. Upon a roll call vote, motion carried 6 to 0.

* **RESOLUTION FOR USE OF CREDIT CARDS AND ADOPTION OF CREDIT CARD POLICY:** Motion by Ford, seconded by Reid, to adopt the Resolution for the use of city credit cards, and adopt the credit card policy for issuance of a credit card for the Portage Senior Center Travel Program in accordance with Public Act 266 of 1996. Upon a roll call vote, motion carried 6 to 0.

PROPOSED SCHEDULE FOR THE 2015 COMMITTEE OF THE WHOLE (COW) MEETINGS: Councilmember Reid referred to the Communication from the City Manager received via Materials Transmitted dated January 6, 2015. She referenced the request at the December 16, 2014 Regular City Council Meeting where City Council received the report from Historic District Commission (HDC) Chair Mark Reile regarding Strategy Development for Preserving Portage Historic Properties which was referred to a future Committee of the Whole (COW) Meeting, with the plan to invite members from the HDC to participate in that meeting. Mr. Shaffer explained his communication.

Councilmember Reid asked that the matter be scheduled in one of the first couple of COW Meetings and explained. Discussion followed. Mayor Strazdas recommended that it is important for City Council to make a plan for COW Meetings, and he asked each Councilmember to provide input regarding topic priorities for these Meetings to the City Manager by Monday, January 12, 2015. He also stressed that it was important to decide what to discuss at the January 20, 2015 COW Meeting, Conference Room #1 at 6:00 p.m. Discussion followed.

Motion by Pearson, seconded by Urban, to accept the recommendation from the City Manager to have a January 20, 2015 Committee of the Whole (COW) Meeting, Conference Room #1, 6:00 p.m., to address the top priority identified at the Council Retreat to enhance economic development; balance economic development with the city's natural environment; plan to develop large, undeveloped tracts of land; and consider pre-approved sites with Southwest Michigan First (SWMF). Discussion followed. City Attorney Brown advised that COW Meetings should be treated as Special Meetings of City Council because there is a quorum, even though no decision can be made. Discussion followed. Upon a roll call vote, motion carried 6 to 0.

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

Portage Planning Commission of November 20 and December 4, 2014.
Portage Park Board of December 3, 2014.

COUNCIL COMMITTEE REPORT:

* **DECEMBER 10, 2014 INVESTMENT COMMITTEE ACTIVITY UPDATE:** Motion by Ford, seconded by Reid, to receive the communication from the City Manager regarding the December 10, 2014 Investment Committee Activity Update. Upon a roll call vote, motion carried 6 to 0.

MANAGER MANUAL COMMITTEE REPORT: Mayor Strazdas deferred to Councilmember Ford, who read his communication provided to City Council on January 6, 2015, into the record that was later added to the Agenda Packet. Motion by Reid, seconded by Ford, to receive the communication from the City Council City Manager Manual Committee Report as read into the record by Councilmember Ford. Upon a roll call vote, motion carried 6 to 0.

CENTRAL COUNTY TRANSIT AUTHORITY (CCTA) AND KALAMAZOO COUNTY TRANSIT AUTHORITY (KCTA) JOINT MEETING REPORT: Mayor Pro Tem Pearson indicated that he and Councilmember Urban attended the first joint meeting of the CCTA and the KCTA just before Christmas where they discussed the countywide millage during 2015 at an amount to be determined, line haul schedules during the work week and whether to increase it, and weekend service. He said that no decisions have been made.

Councilmember Urban indicated that the CCTA and KCTA jointly adopted a Policy that dealt with providing service outside the boundaries of the CCTA taxing district. He reminded everyone that the County adopted the recommendation from a working group to establish the boundaries of the CCTA at which time municipalities had the option to use precincts as the boundaries for opting out of the CCTA taxing district; and, before the CCTA existed, there was no one to indicate whether there would be service for those who opted out. He indicated that there were three municipalities which have some precincts that have opted out: Texas Township, Pavilion Township and Oshtemo Township. He read an excerpt from the Policy which listed the municipalities included in the CCTA with the precincts that did not opt out, and indicated that the CCTA will not provide fixed route bus service outside of the boundaries of the Authority. He reviewed another excerpt from the Policy where it states that the CCTA may consider providing services when the following conditions are met:

1. Service areas outside the Authority boundaries will be limited to the following conditions:
 - a. A service contract must be entered into between the CCTA and the jurisdiction that includes the area outside of the boundaries;
 - b. Service contracts will only be entered into if there is a demonstrated demand for service;
 - c. The term of the agreement will only extend for the duration of the approved CCTA millage;
 - d. The cost will be set at the amount of the millage that would have been collected if the precincts where the service is provided were included in the boundaries of the Authority;
 - e. The CCTA may enter into only one service contract with the jurisdiction and this contract will not be renewed; and
 - f. Contracts to provide fixed route service to the Kalamazoo Valley Community College (KVCC) main campus and other countywide publicly funded educational facilities with significant student population ridership demand may be entered into with the educational agency if an agreement with the jurisdiction where the facility is located cannot be agreed upon. Service will be provided strictly to the education facility under contract and to no other areas outside the Authority boundaries. Board approval is required for all service contracts.

Councilmember Urban then mentioned Pilot Programs are also covered and can be reviewed on the CCTA website. He explained that it is difficult to tell the citizens of Portage that their millage is

paying to support the bus routes into Texas Township, Pavilion Township and Oshtemo Township when those jurisdictions have elected not to participate in funding those bus routes and explained. He emphasized that before the CCTA existed, no one could make a statement regarding the areas that opted out and explained. He indicated that there is a time period before the CCTA millage proposal is submitted to the County Clerk where a jurisdiction can change its decision to opt out; however, under State Law, a jurisdiction may not opt out at this point. He noted that changing the decision to opt out might be possible, but would require that the Kalamazoo County Commission amend the Articles of Incorporation and the boundaries of the CCTA District. Discussion followed.

Mayor Strazdas indicated that when they are available, it is important that the minutes from various groups where there is Council involvement are included in the City Council Packets so Portage citizens have the opportunity to review them. He also asked City Attorney Randy Brown to provide some guidance with regard to voting by City Councilmembers in all of the various External / Community Committees in order to let each Councilmember know when he or she can vote as a person, as a citizen of Portage, or as a Councilmember. City Attorney Brown agreed to provide the guidance and discussion followed.

Councilmember Urban summed up the verbal report and assured everyone that bus service to KVCC will happen one way or the other.

Motion by Reid, seconded by Ford, to receive the verbal report of the Central County Transit Authority and Kalamazoo County Transit Authority Joint Meeting from Councilmember Urban and Mayor Pro Tem Pearson. Discussion followed. Upon a roll call vote, motion carried 6 to 0. Discussion followed.

NEW BUSINESS:

* **APPOINTMENTS TO VARIOUS BOARDS AND COMMISSIONS:** Motion by Ford, seconded by Reid, to determine the size of the 2015 Board of Review to be six members; appoint William Brandt, Keith Hearit, Wes Mazurek, Lori Knapp, Michael Quinn and Jay Woodhams with terms ending January 31, 2016, to the Board of Review; reappoint Lowell Seyburn and appoint Randall Schau with terms ending February 28, 2018, and appoint Alexander Philipp as an Alternate Member with term ending February 28, 2018, to the Zoning Board of Appeals; appoint William Wieringa as an Alternate Member with term ending October 1, 2016, to the Senior Citizens Advisory Board; and appoint Larry Ahleman and Fred Grunert with terms ending December 31, 2017, to the Historic District Commission. Upon a roll call vote, motion carried 6 to 0.

OTHER CITY MATTERS:

STATEMENTS OF CITIZENS: Kay Ensfield, 1818 Forest Drive, asked for an update regarding the traffic issue at the intersection of Lakeview Drive and Portage Road that was discussed at the December 16, 2014 Regular City Council Meeting. Mayor Strazdas deferred to City Manager Shaffer, who indicated that City Engineer Chris Barnes identified and explained a number of options to address speeding and safety concerns on Portage Road that were forwarded to City Council. He said the next step is to determine the cost of the options and to make a recommendation to City Council.

Mr. Shaffer also revealed that there has been an increase in police patrol and that the City will install the speed sign board to let drivers know the speed of their vehicles as soon as possible. Mayor Strazdas pointed out that another aspect of this is the redesign of the roadway based on the Engineering Report from the findings of the road diet study, as well as a careful decision of which approach is the right approach, plus the consideration of a large expenditure of funds. Discussion followed.

STATEMENTS OF CITY COUNCIL: Councilmember Ford expressed a hope for a Happy New Year and asked everyone to be careful to keep warm.

Councilmember Reid encouraged everyone to drive carefully and encouraged everyone to have the energy to have a Happy New Year.

Mayor Pro Tem Pearson expressed his support for the Big Ten as the reason for his rare support for Ohio State in the College Football Championship Bowl game.

Mayor Strazdas thanked returning and newly appointed Board and Commission Members for their volunteerism, expressed his appreciation for the efforts of the snow plows, and asked everyone to be patient during this very cold weather.

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

James R. Hudson, City Clerk

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

**MINUTES OF THE SPECIAL MEETING OF THE PORTAGE CITY COUNCIL
OF JANUARY 6, 2015 - BOARDS AND COMMISSIONS APPLICANTS**

Mayor Peter Strazdas called the meeting to order at 5:32 p.m. The following Councilmembers were present at this meeting: Councilmembers Richard Ford, Patricia M. Randall, Claudette Reid and Terry Urban, Mayor Pro Tem Jim Pearson and Mayor Peter Strazdas. Councilmember Nasim Ansari was absent with notice. Also present were City Manager Laurence Shaffer and City Clerk James Hudson.

At the request of Mayor Strazdas, Councilmember Ford discussed some of the requirements for serving on the Board of Review, and emphasized the time commitment involved, including attendance at the training sessions. Mayor Strazdas asked each applicant if he or she can commit to the time required and all answered in the affirmative. City Council interviewed the following applicants:

* From 5:34 p.m. to 5:58 p.m., City Council interviewed Michael Quinn, William Brandt, Keith Hearit and Lori Knapp for the Board of Review. Jay Woodhams advised Council that he would be running late as he was working in Livonia and the bad weather would prohibit his arriving on time. City Council interviewed Mr. Woodhams when he arrived at 6:41 p.m. Devin Loker and Wesley Mazurek had been interviewed in the past, did not attend the meeting, but expressed an interest in serving on the Board of Review. Discussion followed with regard to training and there was a consensus that the Michigan Township Association Board of Review training was good, and that David Rice was very helpful as a trainer, but needed to train more extensively with regard to commercial appeals before the Board. Discussion followed.

* From 6:00 p.m. to 6:14 p.m., City Council interviewed Lowell Seyburn and Alexander Philipp for the Zoning Board of Appeals. Discussion followed.

* From 6:15 p.m. to 6:31 p.m., City Council interviewed Gayle Ahleman and Bill Wierenga for the Senior Citizens Advisory Board. Senior Citizens Advisory Board Chair Ann Perkins was present for questions and discussion followed regarding the absences incurred by Alternate Member Mike Martin. Ms. Perkins indicated that she would follow up with City Clerk Jim Hudson regarding the status of Mr. Martin. Discussion followed.

* From 6:32 p.m. to 6:40 p.m., City Council interviewed Larry Ahleman and Fred Grunert for the Historic District Commission. Discussion followed.

ADJOURN: Mayor Strazdas adjourned the meeting at 7:01 p.m.

James R. Hudson, City Clerk

SUMMARY ENVIRONMENTAL ACTIVITY REPORT
December 2014 (*updates in italics*)

<u>Project/Activity</u>	<u>Description</u>	<u>Status</u>
Portage City Landfill	Ongoing groundwater monitoring of former municipal landfill.	<p>-Beginning in 1991, South Westledge Park (landfill) has been monitored for on-site and off-site contamination. On July 23, 2013, City Council approved a three-year contract with American Hydrogeologic Corporation (AHC) to perform annual groundwater sampling. The site groundwater data will continue to be monitored to confirm continuation of the natural attenuation process. General groundwater quality continues to improve, but site will require monitoring for the foreseeable future. Initial groundwater and methane results indicate no off-site impact. AHC currently compiling MDEQ sampling requirement costs necessary for closure at the former landfill site. Weekly methane sampling is continuing on-site to collect base line data. AHC is completing the installation of private methane detection devices at several adjacent properties. Soil boring installation was completed on May 28, 2014. Current methane readings have been below detection levels. The 2nd year of AHC's contract is underway.</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 6 site/building plans and/or plats completed in December 2014.</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 December 2014: 4 residential; 0 commercial.</i></p>
West Lake Management Program	Special assessment district designed to maintain/improve lake conditions. Special emphasis on weed control and non-point source pollution reduction.	<p>-Five Year Lake Management Assessment District process was approved by City Council on March 23, 2010. Permitting complete for the 2014 season. Treatment to be performed by Aquatic Services, Inc. The Association has selected to use Restorative Lake Sciences, LLC for consulting services for 2014. Treatment application schedule for mid-June. Follow-up inspection of treatment will be done by Restorative Lake</p>

Sciences, LLC. The West Lake Improvement association has completed a five year plan in preparation for a new special assessment district. Special assessment process for 2015-2019 began on August 26, 2014. Resolution No. 5 completing the assessment was adopted October 21, 2014. Year-end report by the consultant is complete.

Retention Basin
Sampling Program
(Groundwater
Elevation)

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 storm water infiltration. Alternative road salt practices continue to be considered and evaluated. The 2013 report was received noting minimal impacts. The 2013 report is available on the website for public information. Bids were received for a new four year program on April 16, 2014. The low bidder, Nova Consultants, was awarded a four-year contract by City Council on April 29, 2014. Monitoring performed in July 2014 and will continue in the fall. Interim report is due in December. Monthly sampling at two retention basins continues. *Current findings show a rise in groundwater levels of approximately six inches.*

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. Staff has met internally to discuss the future needs to update the plan pending grant opportunities. Staff participated in a MDEQ Water Supply Emergency planning roundtable on June 10, 2013. Update of the program will be initiated as part of the Water Reliability Study in conjunction with Fishbeck, Thompson, Carr & Huber update work currently underway. Wellfield delineation completed. Engineering intern completed contamination source inventory. Final report preparation underway.

Leaf Compost
Monitoring Program

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

-City Council awarded contract on August 21, 2001 to Soil & Materials Engineers for monitoring and analysis of groundwater impact of the new compost operation. Drilling was completed in October 2001 and first sampling cycle was completed in February 2002. Semi-annual sampling

was performed from 2002 to 2008 in June and January. Sampling and analysis results continue to show negligible groundwater impacts from the leaf composting. Sampling schedule was reduced to annual sampling in 2009 with results showing continued minor impact on groundwater quality. Sampling completed in June 2014, with report submitted. No significant change in groundwater impacts.

**National Pollution
Discharge Elimination
System (NPDES)
Permit Implementation**

Five year plan to implement the
current NPDES stormwater permit.

-Received NPDES general permit on August 15, 2001. Renewal Application submission was made to MDEQ on March 7, 2003. New permit received in 2004 mandates involvement in several county watershed groups. City staff completed the submission of a Storm Water Pollution Prevention Initiative (SWIPPI) as required by NPDES permit. New certificate of coverage permit was issued by MDEQ on September 30, 2009. New permit covers a 5 year timeframe with first work item (updating the Public Participation Plan) completed December 11, 2009. Received a notice from MDEQ rescinding the 2008 permit due to a recent court case ruling. MDEQ reinstated the 2003 permit for implementation. Information on new permit requirement was received in February 2011. MDEQ expected to issue new permit in 2014. MDEQ scheduled an audit of the program on July 12, 2012. Audit completed with satisfactory results. City website updated in February to provide education of Illicit Storm Water Discharge. Program implementation is ongoing. Annual 2012-13 report was submitted on December 24, 2013. Comments received back have been reviewed by staff and response submitted to MDEQ. MDEQ concurred with city staff response. Program is ongoing. New permit application process announced in November 2014. New permit application will be due in April 2015.

**National Pollution
Discharge Elimination
System (NPDES)
Permit Implementation**

Kalamazoo River Mainstream
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

Watershed council completed a watershed update in November, 2011. No new developments.

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. 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. Interest has been raised by local conservation groups to update the Watershed Plan using grant funds. Grant application submitted by Kalamazoo and Calhoun County Conservation District to update the Watershed Plan in 2012. Grant for watershed update was awarded to Calhoun County Conservation District. First kick-off meeting held December 13, 2012 to introduce working partners and information gathering. A meeting was held on March 12, 2013 to discuss the designated uses of the Portage River/Little Portage Creek watershed, the total maximum daily load of E-coli from samples taken and a review of community ordinances and policies that help protect the Watershed. Meeting held on June 11, 2013 to discuss identified water quality problems in the watershed. Meeting held on December 11, 2013 to inform stakeholders of progress on data collection. Canoe trip inspection was held on September 13, 2014. No new developments.

Plan to implement and maintain an Illicit Discharge Elimination Program (IDEP) Storm Sewer Outfall Testing.

-On February 19, 2002, City Council approved a new ordinance as required by the NPDES permit titled "Storm Water Illicit Discharges and Connections." Program implementation is ongoing. Continued outfall sampling is required by permit and will be budgeted accordingly. IDEP program was updated for submittal to MDEQ on June 25, 2010, and part of the SWIPPI. Completed an area-wide brochure to educate the public on Illicit Storm Water Discharges in conjunction with the Kalamazoo County Drain Commissioner. On April 29, 2014 City Council awarded a contract to Nova Consultants, Inc., to perform annual investigations of storm outfalls and investigate all outfalls on a four-year cycle. Investigations scheduled for 2014 were completed in July with summary

report received. Report will be submitted to MDEQ as part of the annual report.

Garden Lane Arsenic Removal Facility

Native Prairie Restoration

Staff currently working with the Environmental Board on informative signs and long-term maintenance plans for the native planting landscape design in front of the Garden Lane Treatment Plant. New informational sign design for three signs is complete and sign fabrication is underway.

Environmental Incident/Spill Clean Up Notification

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

Emergency spill response contract for 2013-14 with Terra Contracting has been renewed. *The number of environmental incident/spill investigations performed in December – 0. Number of environmental cleanups in December – 0. Contract for 2015 is in process.*

Southwest Michigan Regional Sustainability Covenant

Collaborative effort with local government, academic, and other stakeholders to lead toward environmental, economic and social sustainability.

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 MDEQ 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. No new developments.