

**FINAL AGENDA FOR THE COUNCIL MEETING  
CITY OF PORTAGE  
January 10, 2012**

5:15 p.m. Special Meeting to Interview Board and Commission Applicants.

7:30 p.m. Call to Order.

Invocation: Pastor Bill Abernathy of the Berean Baptist Church of Portage.

Pledge of Allegiance.

Roll Call.

Proclamations:

A. Approval of the December 20, 2011 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 10, 2012, as presented.

D. Public Hearings:

E. Petitions and Statements of Citizens:

F. Reports from the Administration:

\* 1. Communication from the City Manager recommending that City Council authorize payment to the Michigan Municipal League in the amount of \$8,329 for year 2012 membership dues.

G. Communications:

H. Unfinished Business:

\* 1. Communication from the City Manager recommending that City Council accept the amendment to Chapter 14 of the Code of Ordinances by adding Article 8, Section 14-202 through Section 14-213 "Secondhand Dealers", for second reading and final adoption.

\* I. Minutes of Boards and Commissions Meetings:

1. Portage Planning Commission of November 22 and December 1, 2011.
2. Portage Human Services Board of December 1, 2011.
3. Portage Park Board of December 7, 2011.

J. Ad-Hoc Committee Reports:

K. New Business:

L. Bid Tabulations:

\* 1. Communication from the City Manager recommending that City Council approve the replacement purchase of one 2011 Ford Crown Victoria Police Vehicle from Gorno Ford in Woodhaven, Michigan, in the amount of \$22,720.20 and authorize the City Manager to execute all documents related to this matter 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. Wednesday, January 11, 8:15 a.m., Historic District Commission, City Hall Room #2.
  - b. Wednesday, January 11, 7:00 p.m., Environmental Board, City Hall Room #1.
  - c. Monday, January 16, 8:00 a.m., Legislative Roll Call, The Chamber Building, 346 W. Michigan Avenue, Kalamazoo.
  - d. Wednesday, January 18, 2:30 p.m., Senior Citizen Advisory Board, Portage Senior Center.
  - e. Wednesday, January 18, 6:00 p.m., Austin Lake Governmental Lake Board Public Hearing, Council Chambers.
  - f. Thursday, January 19, 6:30 p.m., Human Services Board, City Hall Room #1.
  - g. Thursday, January 19, 7:00 p.m., District Library Board, Portage District Library.
  - h. Thursday, January 19, 7:00 p.m., Planning Commission, Council Chambers.
- N. Materials Transmitted of December 16 and 20, 2011.

Adjournment.

# CITY COUNCIL MEETING SUMMARY

December 20, 2011

## CHECK REGISTER

- ◆ Approved the Check Register of December 20, 2011, as presented.

## PUBLIC HEARINGS

- ◆ Approved Rezoning Application #11-01 and rezoned the 1.3 acre portion of 1901 Romence Road Parkway from R-1B, one family residential, to I-2, heavy industry.

## REPORTS FROM THE ADMINISTRATION

- ◆ Adopted a resolution setting a public hearing on the vacation of a portion of West Fork Crossing and a portion of Trade Centre Way, placed the resolution on file with the City Clerk for 28 days and will take final action on January 24, 2012; adopted a resolution to grant an easement to the Michigan Department of Transportation on city-owned property for the installation of storm drainage improvements, placed the resolution on file with the City Clerk for 28 days and will take final action on January 24, 2012; and approved a contract amendment to Prein & Newhof, Incorporated, in the amount of \$26,000 to perform final survey services related to the conveyance of Michigan Department of Transportation right-of-way to the City; and authorized the City Manager to execute all documents related to the above on behalf of the city.
- ◆ Approved the Resolution adopting the 2012-2013 Council Mission Statement and Goals and Objectives for the City of Portage as established at the City Council Goal Setting Session on December 9, 2011.
- ◆ Adopted the Proposed 2012 Charges for Documents fee schedule; the recommended fee schedules for recreation programs and park facilities for 2012; the Resolution for Community Development Fees and the 2012 Special Assessment Rate Resolution.
- ◆ Approved the height modification for Dick's Sporting Goods, 6355 South Westnedge Avenue, to allow construction of an architectural entry feature along the west side of the building to a height of 43.5 feet.
- ◆ Adopted the Resolution setting the dates and times for the 2012 March Board of Review sessions.
- ◆ Accepted the results of the 2011 Portage Community Survey conducted by the Kercher Center for Social Research at Western Michigan University.
- ◆ Adopted the Resolution Designating Polling Places and Rate of Compensation for the February 28, 2012 Presidential Primary.
- ◆ Received the November 2011 Summary Environmental Activity Report as Information Only.
- ◆ Received the monthly reports from the various departments.
- ◆ Approved the appointments to the 2012 City Council Committees.

## COMMUNICATIONS

- ◆ Accepted the recommendation of the City Manager and supported the issuance of a Request for Proposals for development of a business plan for a consolidated dispatch authority funded through a cost sharing arrangement between prospective authority participants on a basis of jurisdictional population.

## STATEMENTS OF CITY COUNCIL AND CITY MANAGER

- ◆ Councilmember Campbell wished everyone a happy holiday season and encouraged shoppers to be patient on Westnedge.
- ◆ Councilmember Sackley encouraged people to shop locally.
- ◆ Councilmember Urban noted that the traditional bottleneck on Westnedge Avenue at I-94 is gone and how much easier it is to get through that intersection now that the construction project is complete.
- ◆ Councilmember Randall wished everyone happy holidays and a healthy 2012.
- ◆ Councilmember Pearson informed that he had an opportunity to volunteer for the Salvation Army at a Red Kettle located at Sam's Club. He expressed enjoyment for the ability to work with Portage students who also gave of their time and gratitude for the shoppers who were very spontaneous and generous.
- ◆ Mayor Pro Tem Reid mentioned that City Council approved a number of fees as part of the Consent Agenda and that while a few fees increased, most stayed the same and some were decreased. She also indicated that a City Council task force will be looking at fees in the near future. She expressed surprise at the split response to the community survey question regarding whether to cut services or raise taxes. She expressed that there is a third option which is to grow the economy and increase the tax base so that services do not need to be cut or taxes increased. She expressed that City Council, as evidenced by action taken earlier in the meeting, is committed to growing the economy.
- ◆ Mayor Strazdas also encouraged people to shop locally and informed that he has had the opportunity to speak with business owners and that several businesses have indicated this has been a very good holiday season. He concluded by expressing the importance of family during the holiday season, especially in this community.

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

## CITY COUNCIL MEETING MINUTES FROM DECEMBER 20, 2011

DRAFT

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 the Pathfinder Church gave the invocation. He also complimented the City on the holiday decorations. The City Council and the audience recited the Pledge of Allegiance.

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

**APPROVAL OF MINUTES:** Motion by Reid, seconded by Campbell, to approve the December 6, 2011 Regular Meeting Minutes as presented. Upon a voice vote, motion carried 6 to 0. Councilmember Randall abstained.

\* **CONSENT AGENDA:** Mayor Strazdas asked Councilmember Sackley to read the Consent Agenda. Councilmember Urban asked that Item F.4, Height Modification for Dick's Sporting Goods, be removed from the Consent Agenda. Mayor Strazdas asked that Item F. 6, 2011 Portage Community Survey Results, be removed from 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.

\* **APPROVAL OF ACCOUNTS PAYABLE REGISTER OF DECEMBER 20, 2011:** Motion by Sackley, seconded by Reid, to approve the Accounts Payable Register of December 20, 2011. Upon a roll call vote, motion carried 7 to 0.

### **PUBLIC HEARINGS:**

**REZONING APPLICATION 11-01:** Mayor Strazdas invited Vicki Georgeau, Director of Community Development, to review the rezoning request. Director Georgeau provided an overview of the history of parcel, current circumstances and the nature of the request. She explained that the current property owner is optimistic that the demand for office space at 1901 Romence Road Parkway will increase and that there may be a need to expand the parking lot into the area in question. She explained that such expansion would not be permitted under the current R-1B designation, that I-2 would allow this use but that the Planning Commission is planning conduct a corridor study of this area and may ultimately recommend an Office, Technology and Research (OTR) designation which would be consistent with the Comprehensive Master Plan and still allow the property owner to utilize the parcel as they intend.

Councilmember Urban expressed concern of rezoning the property to I-2 (Heavy Industry) as this may allow for development that would not be appropriate in this particular area. Director Georgeau explained that the only immediate plan is for a possible parking lot expansion but that members of the Planning Commission shared his concern and that they planned to take a second look at the issue.

Mayor Strazdas expressed interest in keeping the zoning in this area specific to research development and technology, not a high intensity industrial land use and was curious why, instead of I-2, City Council was not being asked to rezone the whole piece of property to OTR. Director Georgeau explained that this rezoning was to promote consistency and to address an "island" R-1B zoning designation surrounded by I-2. The Mayor also asked if it was typical to have these two zoning designations adjacent to each other and what remedies can be afforded to nearby residents should an industrial development take place. Director Georgeau explained that it is atypical to have these two zoning designations next to each other. She also explained that conditions are in place and could be added to help buffer the impact on nearby property owners should an industrial type development occur.

Mayor Pro Tem Reid inquired if there was a reason for the rush to an I-2 designation and what the consequences would be should City Council refer the matter back to Administration and the Planning Commission to request an OTR designation. Director Georgeau explained the necessary steps to accomplish this designation and that the time period would be between 90 and 120 days.

Councilmember Sackley inquired as to the history of the various zoning designations of the property and inquired if the property owner could utilize the parcel in question that has the R-1B designation. Ms. Georgeau explained the history of the property and that the developer could not truly utilize the parcel in question given its current zoning designation.

Councilmember Pearson disclosed that he was on the Planning Commission in October and voted in support when this matter was brought forward to them for review. He indicated that some residents came forward to express concern but seemed to be satisfied from the response of Administration which explained the rezoning and plans of the developer.

Councilmember Urban stated that it is his understanding that the Planning Commission will be reviewing this corridor in terms of its zoning. Director Georgeau responded in the affirmative.

Donald Shoemaker of Franklin Partners and member of 1901 Romence, LLC, explained that the company he is with buys and renovates underutilized buildings and cited some examples of their work. He then provided an overview of the current status of the development of 1901 Romence and outlined possible future plans including a continued expansion of Stryker. He also explained some stipulations of the lease with Stryker including that manufacturing is not permitted. Mr. Shoemaker indicated that he simply wants the property ready-to-go should the need arise and that the current R-1B designation is a hindrance to this. He then explained that while another 90 to 120 days may not seem like much it really is significant given the development that has gone on, the taxes that have been paid and that he needs the flexibility to facilitate further development as quickly as possible.

Mayor Strazdas thanked the applicant and Stryker for their redevelopment effort. He also stated that the City may rezone this entire parcel to OTR and the applicant indicated that the OTR designation would be acceptable. Mayor Strazdas then summarized that, in order to allow the applicant to continue development at this time, some action by the City Council is needed at the meeting tonight. Mr. Shoemaker explained the need to be ready and that he was optimistic that Stryker would be looking to expand in the very near future.

Councilmember Randall spoke in full support of the rezoning request and stated that this is exactly the type of redevelopment that is needed.

Mr. Shoemaker complimented the City in supporting their efforts to develop this property as well as the efforts of Southwest Michigan First. He concluded by stating that this was a great community in which to do business.

Mayor Strazdas opened the public hearing. There being no comments, motion by Sackley, seconded by Reid, to close the public hearing. Upon a voice vote, motion carried 7 to 0. Attorney Brown offered that there is no conflict that he is aware of in Councilmember Pearson having served on the Planning Commission when this matter was addressed and voting on the matter now as a member of City Council.

Motion by Campbell, seconded by Sackley, to approve Rezoning Application #11-01 and rezone the 1.3 acre portion of 1901 Romence Road Parkway from R-1B, one family residential to I-2, heavy industry.

Councilmember Reid stated that she would like to see increased consistency in the zoning code and recognizes the need of the applicant. She would like to see the Planning Commission address this matter with a focus on promoting consistency.

Councilmember Sackley stated that he did not believe the City Council should have had to address this matter given the length of time the parcel has been zoned I-2. He opined that businesses are looking for predictability and consistency and that this matter of the R-1B designation should have been addressed long before now. He questioned the fairness of collecting taxes from someone who owns a parcel like this that cannot be used and expressed a desire that a review be completed to identify

instances similar to this one so that they can be corrected administratively and not by request of an applicant.

Mayor Strazdas called the question. Upon a roll call vote, motion carried 7 – 0.

Mayor Strazdas requested that City Staff and the Planning Commission review the Future Land Use Plan and asked Director Georgeau if she understood the desire of City Council to conduct a review of the matters discussed this evening with special attention being paid to the OTR vs. I-2 designation of this particular property. Director Georgeau responded that both she and the Planning Commission were “in sync” with City Council and were already taking steps to further review this particular situation and conduct a broader review of zoning designations as part of the upcoming Comprehensive Plan update. Ordinance recorded on page 215 of City of Portage Ordinance Book No. 12.

**REPORTS FROM THE ADMINISTRATION:**

\* **VACATION OF PORTIONS OF WEST FORK CROSSING & TRADE CENTRE WAY, EASEMENT FOR INSTALLATION OF STORM DRAINAGE IMPROVEMENTS AND A CONTRACT AMENDMENT FOR ADDITIONAL SURVEY SERVICES:** Motion by Sackley, seconded by Reid, to adopt a resolution setting a public hearing on the vacation of a portion of West Fork Crossing and a portion of Trade Centre Way, place the resolution on file with the City Clerk for 28 days and take final action on January 24, 2012; adopt a resolution to grant an easement to the Michigan Department of Transportation on city-owned property for the installation of storm drainage improvements, place the resolution on file with the City Clerk for 28 days and take final action on January 24, 2012; and approve a contract amendment to Prein & Newhof, Incorporated, in the amount of \$26,000 to perform final survey services related to the conveyance of Michigan Department of Transportation right-of-way to the City; and authorize the City Manager to execute all documents related to the above on behalf of the city. Upon a roll call vote, motion carried 7 to 0. Resolutions recorded on pages 301 and 307 of Resolution Book No. 44.

\* **2012-2013 COUNCIL MISSION STATEMENT & GOALS AND OBJECTIVES:** Motion by Sackley, seconded by Reid, to approve the Resolution adopting the 2012-2013 Council Mission Statement and Goals and Objectives for the City of Portage as established at the City Council Goal Setting Session on December 9, 2011. Upon a roll call vote, motion carried 7 to 0. Resolution recorded on page 313 of City of Portage Resolution Book No. 44.

\* **2012 PROPOSED FEE SCHEDULES:** Motion by Sackley, seconded by Reid, to adopt the Proposed 2012 Charges for Documents fee schedule; the recommended fee schedules for recreation programs and park facilities for 2012; the Resolution for Community Development Fees and the 2012 Special Assessment Rate Resolution. Upon a roll call vote, motion carried 7 to 0. Resolutions recorded on pages 319 and 323 of City of Portage Resolution Book No. 44.

**HEIGHT MODIFICATION FOR DICK’S SPORTING GOODS:** Councilmember Urban stated that he removed this from the Consent Agenda because he wanted City Council to have the opportunity to discuss the matter. He noted that the height modification being requested is significant and that, given his negative experience with the results of some other approved height modification requests, he has reservations about approving this one. He indicated that he understands that the sign is part of the signature of Dick’s Sporting Goods, but that Dick’s seems to be simply asking for authorization to put up a large sign holder that is twice as high as the rest of the building.

Mayor Strazdas stated that, in his opinion, these types of modification requests are about balance and that, given the distance Dick’s will be from South Westnedge, he felt that the larger sign is appropriate.

Councilmember Pearson indicated that, like the Mayor and Councilmember Urban, he dealt with sign issues as chair of the Zoning Board of Appeals. He indicated his support of the modification especially given the distance from the storefront to South Westnedge.

Councilmember Sackley emphasized that the height modification request is not counter to prevailing law and that the City must be able to be responsive to the needs of the both residents and the business community.

Mayor Pro Tem Reid questioned the businesses that have been constructed in front of Dick's and other similar businesses that are set back a substantial distance from South Westnedge as it relates to signage.

Director Georgeau explained that the placement of businesses on outlots is a trend and reviewed the permitted sign sizes and how sign size is calculated. She also explained that signs such as the proposed one for Dick's help to attract customers by breaking up the relief of the building and generating architectural interest. Discussion followed.

Attorney Brown explained that height modification requests have nothing to do with the sign itself. Rather, such requests should be considered by examining the proposed feature and determining whether there are adverse impacts on the surrounding area.

Councilmember Randall expressed excitement that a national retailer is planning to locate at a vacant property along South Westnedge. She also indicated that, as chair of the City Council Ad Hoc Sign Committee, they may look at ways to ease some sign restrictions.

Councilmember Urban indicated that Portage is not close to the most restrictive when it comes to sign requirements in Kalamazoo County, but he would like to look at building modifications that are tantamount to simple sign holders.

Motion by Sackley, seconded by Campbell, to approve the height modification for Dick's Sporting Goods, 6355 South Westnedge Avenue, to allow construction of an architectural entry feature along the west side of the building to a height of 43.5 feet. Upon a roll call vote, motion carried 7 to 0.

\* **DATES AND TIMES FOR 2012 MARCH BOARD OF REVIEW SESSIONS:** Motion by Sackley, seconded by Reid, to adopt the Resolution setting the dates and times for the 2012 March Board of Review sessions. Upon a roll call vote, motion carried 7 to 0. Resolution recorded on page 327 of City of Portage Resolution Book No. 44.

**2011 PORTAGE COMMUNITY SURVEY RESULTS:** Mayor Strazdas asked Deputy City Manager Brian Bowling to provide a brief report on the results of the 2011 Portage Community Survey. Deputy City Manager Bowling informed City Council that this was the 25<sup>th</sup> community survey and that these surveys have proven to be a useful tool in providing both policy and budgetary guidance. Mr. Bowling stated that the results of the survey are consistent with past surveys and that service delivery and quality have been maintained over time and that the survey results are encouraging. Mr. Bowling then highlighted various statistical results including such topics as snow removal, parks, trails, traffic, interactions with employees, the *Portager* newsletter and whether respondents felt as though they were receiving good services for their tax dollars. Mr. Bowling also highlighted the responses to two new questions that were placed on the survey. The first question was whether, given tight budgetary circumstances, the community would prefer to reduce services and maintain existing tax levels or to maintain services but raise taxes to do it. Of those who answered the question, 53% of respondents indicated a preference to reduce services and maintain current tax levels while 47% would prefer to maintain services and raise taxes. Mr. Bowling indicated that it would be tough to draw a definitive conclusion as to how to proceed based on this split response. The other question he highlighted was related to intergovernmental cooperation. Mr. Bowling concluded his report that the results of the survey indicate that the City has a well defined understanding of the issues important to the community and that City Council is on the right path in both its budget and service delivery decisions.

Mayor Strazdas thanked those citizens who responded to the survey and implored City Council to keep up the good work. He then stated that he had thought there would be a greater divide on the question of whether to raise taxes but that there was no strong conclusion in either direction.

Motion by Urban, seconded by Reid, to accept the results of the 2011 Portage Community Survey conducted by the Kercher Center for Social Research at Western Michigan University. Upon a voice vote, motion carried 7 to 0.

\* **POLLING PLACES AND RATES OF COMPENSATION FOR 2012 PRESIDENTIAL PRIMARY:** Motion by Sackley, seconded by Reid, to adopt the Resolution Designating Polling Places and Rate of Compensation for the February 28, 2012 Presidential Primary. Upon a roll call vote, motion carried 7 to 0. Resolution recorded on page 329 of City of Portage Resolution Book No. 44.

\* **SUMMARY ENVIRONMENTAL ACTIVITY REPORT:** Motion by Sackley, seconded by Reid, to receive the November 2011 Summary Environmental Activity Report as Information Only. Upon a roll call vote, motion carried 7 to 0.

\* **DEPARTMENTAL MONTHLY REPORTS:** Motion by Sackley, seconded by Reid, to receive the monthly reports from the various departments. Upon a roll call vote, motion carried 7 to 0.

\* **2012 APPOINTMENTS TO CITY COUNCIL COMMITTEES:** Added to the Consent Agenda by Councilmember Sackley per the request of Mayor Strazdas. Motion by Sackley, seconded by Reid, to approve the appointments to the 2012 City Council Committees. Upon a roll call vote, motion carried 7 to 0.

#### **COMMUNICATIONS:**

**COMMUNICATIONS REGARDING CONSOLIDATED DISPATCH:** City Manager Evans shared that there are six governmental entities that have signed off on moving this project forward and that these entities are recommending putting out a request for proposals (RFP) to develop a business plan. Mr. Evans then reviewed the various components of the business plan and the timeline for issuance of the RFP and development of the plan. Once a plan is in place and all parties agree, then the dispatch authority can be created. Mayor Strazdas expressed optimism that the approach of creating a plan, determining costs and then creating an authority will be more successful than past efforts which took the opposite approach. Mayor Strazdas summarized that the initial step being considered is to get an RFP out and see, based on the results, if the various participating governmental units would like to continue.

Councilmember Sackley questioned the allocation of cost and who all is part of this process. City Manager Evans explained that all Kalamazoo County jurisdictions that have their own Public Safety Answering Points (PSAPs) have been included but that the various townships are being asked to get involved as well. However, with regard to cost, Mr. Evans pointed out that it will be determined based on the 2010 census and number of residents in each participating jurisdiction. Kalamazoo County will pick up the costs of the townships following the contribution of the City of Portage, City of Kalamazoo, Kalamazoo Township and Western Michigan University. Discussion followed.

Mayor Strazdas pointed out that City Council is not making a final decision on whether to consolidate dispatch; rather it is deciding whether to issue an RFP for the development of a business plan.

Motion by Urban, seconded by Sackley, to accept the recommendation of the City Manager and support the issuance of a Request for Proposals for development of a business plan for a consolidated

dispatch authority funded through a cost sharing arrangement between prospective authority participants on a basis of jurisdictional population. Upon a roll call vote, motion carried 7 to 0.

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

1. Portage Construction Board of Appeals of April 12, 2010.
2. Portage Youth Advisory Committee of October 17, 2011.
3. Portage Park Board of November 2, 2011.
4. Portage Historic District Commission of November 2, 2011.
5. Kalamazoo County Board of Commissioners Regular and Committee of the Whole of November 15, 2011.
6. Portage Board of Education Special and Regular of November 21 and Special of November 29, 2011.

**OTHER CITY MATTERS:**

**STATEMENTS OF CITY COUNCIL:** Councilmember Campbell wished everyone a happy holiday season and encouraged shoppers to be patient on Westnedge Avenue.

Councilmember Sackley encouraged people to shop locally.

Councilmember Urban noted that the traditional bottleneck on Westnedge Avenue at I-94 is gone and how much easier it is to get through that intersection now that the construction project is complete.

Councilmember Randall wished everyone happy holidays and a healthy 2012.

Councilmember Pearson informed that he had an opportunity to volunteer for the Salvation Army at a Red Kettle located at Sam's Club. He expressed enjoyment for the ability to work with Portage students who also gave of their time and gratitude for the shoppers who were very spontaneous and generous.

Mayor Pro Tem Reid mentioned that City Council approved a number of fees as part of the Consent Agenda and that while a few fees increased, most stayed the same and some were decreased. She also indicated that a City Council task force will be looking at fees in the near future. She expressed surprise at the split response to the community survey question regarding whether to cut services or raise taxes. She expressed that there is a third option which is to grow the economy and increase the tax base so that services do not need to be cut or taxes increased. She expressed that City Council, as evidenced by action taken earlier in the meeting, is committed to growing the economy.

Mayor Strazdas also encouraged people to shop locally and informed that he has had the opportunity to speak with business owners and that several businesses have indicated this has been a very good holiday season. He concluded by expressing the importance of family during the holiday season, especially in this community.

**ADJOURNMENT:** Mayor Strazdas adjourned the meeting at 9:09 p.m.

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Adam Herringa, Deputy City Clerk

\*Indicates items included on the Consent Agenda.

**CITY OF PORTAGE**

**COMMUNICATION**

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**TO:** Honorable Mayor and City Council

**DATE:** January 3, 2012

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



**SUBJECT:** Accounts Payable Register

**ACTION RECOMMENDED:** That City Council approve the Accounts Payable Register of January 10, 2012 as presented.

Attached please find the Accounts Payable Register for the period December 11, 2011 through January 1, 2012, which is recommended for approval.

c: Daniel S. Foecking, Finance Director

CHECK DATE	CHECK NUMBER	VENDOR NAME	VENDOR #	BANK CODE	CHECK AMOUNT
12/13/2011	279057	Entry Department	999999		75.00
12/13/2011	279058	A I S CONSTRUCTION EQUIP. CO.	640		233.43
12/23/2011	279059	AT&T	849		3,474.18
12/23/2011	279060	A-1 SIGNS	2873		350.50
12/23/2011	279061	AIR GAS GREAT LAKES	977		525.75
12/23/2011	279062	ALBAN, JEAN	999999		20.58
12/23/2011	279063	ALL SEASON WINDOW, INC.	1669		769.00
12/23/2011	279064	ALL-PHASE ELECTRIC SUPPLY CO.	108		1,101.26
12/23/2011	279065	ALL-TRONICS, INC.	109		149.50
12/23/2011	279066	ALLEGRA PRINT & IMAGING	533		77.34
12/23/2011	279067	AMERICAN PLANNING ASSOCIATION	804		940.00
12/23/2011	279068	APPLIED INDUSTRIAL TECHNOLOGIE	1944		251.03
12/23/2011	279069	ARCADIA CENTER FOR OT, LLC	999999		4.69
12/23/2011	279070	ADP, INC.	3305		854.01
12/23/2011	279071	AUTOMATION DESIGN & ENTERTAINM	2906		2,050.00
12/23/2011	279072	B-DRY SYSTEM OF SW MI, INC.	4740		2,800.00
12/23/2011	279073	BAC TAX SERVICES CORPORATION	999999		712.77
12/23/2011	279074	BECK, ROBERT OR DEBORAH	999999		859.92
12/23/2011	279075	BESCO WATER TREATMENT, INC.	3339		32.00
12/23/2011	279076	BLUE CROSS/BLUE SHIELD OF MICH	642		119,558.43
12/23/2011	279077	BMI	999999		309.00
12/23/2011	279078	BOOTH NEWSPAPERS INC	89		1,534.62
12/23/2011	279079	BRILL, BETTY	999999		2,536.11
12/23/2011	279080	BRISTOL, SALLY OR NORMAN	999999		1,245.33
12/23/2011	279081	BRONSON METHODIST HOSPITAL	156		11,050.00
12/23/2011	279082	BRUCE, LINDA	999999		150.00
12/23/2011	279083	CHARTER COMMUNICATIONS	3080		1,130.63
12/23/2011	279084	CHICAGO TITLE OF MICHIGAN	999999		598.88
12/23/2011	279086	CINTAS CORP.	2206		378.84
12/23/2011	279087	CITY OF KALAMAZOO (TRANS MILLA	4649		260,639.17
12/23/2011	279088	CITY OF KALAMAZOO TREASURER	540		792.13
12/23/2011	279089	CITY OF PORTAGE-FINANCE DEPT	999999		314.54
12/23/2011	279090	CLOVERDALE EQUIPMENT OF WEST M	1930		42,906.00
12/23/2011	279091	COLLETTE TRAVEL SERVICE, INC	1935		1,925.26
12/23/2011	279092	COLONIAL SAVINGS	999999		62,670.33
12/23/2011	279094	CONSUMERS ENERGY-BILL PMT CNT	189		1,569.80
12/23/2011	279095	CORELOGIC REAL ESTATE TAX SERV	999999		1,743.34
12/23/2011	279096	CROSSROADS EXPERT AUTO SERVICE	4109		97.95
12/23/2011	279097	DATA CONSTRUCTS LLC	4741		427.45
12/23/2011	279098	DE LAGE LANDEN FINANCIAL SERV	999999		10.68
12/23/2011	279099	DEHAAN, RUTH V	999999		1,188.11
12/23/2011	279100	DENEAU, MARIANNE	999999		10.68
12/23/2011	279101	DENOEVER BROTHERS, INC.	210		85.63
12/23/2011	279102	DEPATIE FLUID POWER CO., INC.	211		1,830.47
12/23/2011	279103	DEVON TITLE AGENCY	999999		1.76
12/23/2011	279104	DEVON TITLE AGENCY	999999		20.08
12/23/2011	279105	ECHELBARGER, HIMEBAUGH, TAMM &	4664		450.00
12/23/2011	279106	EMERGENCY VEHICLE PRODUCTS	2948		8,067.44
12/23/2011	279107	FAS ARM UTILITIES LLC	999999		40.00
12/23/2011	279108	FARLEY OVERHEAD DOOR, INC.	690		125.00
12/23/2011	279109	FERRELLIGAS, LP	384		36.00

CHECK DATE	CHECK NUMBER	VENDOR NAME	VENDOR #	CHECK AMOUNT
12/23/2011	279110	FERRIS COFFEE & NUT CO. INC.	2592	233.60
12/23/2011	279111	FIT ZONE FOR WOMEN	999999	10.61
12/23/2011	279112	FOLKERS, ELLIE OR JAMES	999999	49.34
12/23/2011	279113	FRENCH, RONALD	999999	29.24
12/23/2011	279114	GORDON FOOD SERVICE	502	84.51
12/23/2011	279115	GORDON WATER SYSTEMS	517	232.25
12/23/2011	279116	GRAHAM FORESTRY SERVICE, INC.	464	720.00
12/23/2011	279117	GRIFFIN PEST CONTROL, INC.	598	325.00
12/23/2011	279118	HARRISON, JOHN	999999	100.00
12/23/2011	279119	B L HARROUN & SON INC.	124	207.73
12/23/2011	279120	HOFFMAN BROTHERS, INC.	1528	1,047.00
12/23/2011	279121	HOLIDAY INN BIG RAPIDS	999999	300.00
12/23/2011	279122	HOME DEPOT	691	964.06
12/23/2011	279123	HOPE HEALTH	3890	316.74
12/23/2011	279124	HUMANERGY, INC.	3770	2,200.00
12/23/2011	279125	ICEMANN ARENA INC	4342	173.75
12/23/2011	279126	IERVOLINA, SUSAN	2074	264.00
12/23/2011	279127	INSTITUTE OF TRANSP. ENGINEERS	1731	255.00
12/23/2011	279128	INTERNATIONAL SOCIETY ARBORCUL	3102	304.00
12/23/2011	279129	THE ISERV COMPANY LLC	4712	50.00
12/23/2011	279130	J & J LAWN SERVICE, INC.	457	1,245.00
12/23/2011	279131	JOHNS, ELIZABETH	999999	14.48
12/23/2011	279132	KALAMAZOO COUNTY ROAD COMMISSI	87	10,437.20
12/23/2011	279133	KALAMAZOO COUNTY TREASURER	514	1,722.34
12/23/2011	279134	KALAMAZOO OIL COMPANY	4511	361.52
12/23/2011	279135	KALAMAZOO REG'L EDUC SVS AGENG	721	658.47
12/23/2011	279136	KALAMAZOO VALLEY COMMUNITY COL	230	788.52
12/23/2011	279137	KALAMAZOO WINGS HOCKEY CLUB	999999	143.20
12/23/2011	279138	KAMMINGA & ROODVOETS, INC.	4567	1,788.15
12/23/2011	279139	KEALA, TRICIA	999999	149.96
12/23/2011	279140	KELLEY'S CAFE & CATERING LLC	999999	1.07
12/23/2011	279141	KEMPER, SARA	532	129.13
12/23/2011	279142	KENEXA TECHNOLOGY, INC.	3976	174.00
12/23/2011	279143	KEYSTONE COMMUNITY BANK	999999	3,186.34
12/23/2011	279144	KIPLINGER'S PERSONAL FINANCE	999999	16.00
12/23/2011	279145	KLOSTERMAN DISTRIBUTING	3805	209.70
12/23/2011	279146	KUIPER BUILDING SERVICES, LLC	4454	7,282.00
12/23/2011	279147	KZOO TIRE COMPANY	564	703.00
12/23/2011	279148	LA PINE, CRAIG	999999	30.04
12/23/2011	279149	LACKO, JOHN	999999	100.00
12/23/2011	279150	LANGUAGE LINE, INC	1093	106.95
12/23/2011	279151	LEWIS PAPER PLACE, INC.	242	156.63
12/23/2011	279152	LOCKE, VICKI J	532	133.91
12/23/2011	279153	LOS AMIGOS, INC.	999999	76.92
12/23/2011	279154	LOWE'S HOME CENTER	2630	106.59
12/23/2011	279155	M & M MOTOR MALL	2132	82.64
12/23/2011	279156	MARTIN SPRING & DRIVE, INC.	2124	1,773.20
12/23/2011	279157	MC MANUS, JOHN OR COLLEEN	999999	1,134.44
12/23/2011	279158	MCDONALD'S TOWING & RESCUE, IN	728	336.00
12/23/2011	279159	MCNALLY ELEVATOR CO.	256	144.85
12/23/2011	279160	MEJEUR ELECTRIC LLC	4724	1,128.00

\*ALL\*

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

CHECK DATE	CHECK NUMBER	VENDOR NAME	VENDOR #	BANK CODE	CHECK AMOUNT
12/23/2011	279161	MENARDS, INC	258		84.10
12/23/2011	279162	MICHIGAN LOCAL GOVERNMENT MGT	943		350.00
12/23/2011	279163	MICHIGAN STATE UNIVERSITY	999999		90.00
12/23/2011	279164	MICHIGAN TAX TRIBUNAL REPORTER	3012		235.00
12/23/2011	279165	MIDWEST COMMUNICATION SERVICES	1983		300.00
12/23/2011	279166	MILLER, CANFIELD, PADDOCK & ST	528		200.00
12/23/2011	279167	MIRACLE RECREATION EQUIPMENT	488		236.00
12/23/2011	279168	MMD LEASING	999999		6.84
12/23/2011	279169	MODERN TILE & CARPET, INC.	280		100.00
12/23/2011	279170	MOORS I, LLC	3834		60.90
12/23/2011	279171	MULDERS LANDSCAPE SUPPLIES INC	286		335.00
12/23/2011	279172	NEDERHOED, THELMA	999999		150.00
12/23/2011	279173	NELSON'S HARDWARE	1566		153.93
12/23/2011	279174	A NEW LEAF	635		85.00
12/23/2011	279175	NEW WORLD SYSTEMS	1154		29,601.00
12/23/2011	279176	NYE UNIFORMS	299		1,718.84
12/23/2011	279178	OFFICE DEFOT, INC.	1721		537.76
12/23/2011	279179	ONE WAY PRODUCTS	440		2,383.98
12/23/2011	279180	OUTERWEARS, INC.	4720		25.06
12/23/2011	279181	PARIS CLEANERS	1794		864.70
12/23/2011	279182	GERIATRIC RESOURCE NETWORK	4500		47.42
12/23/2011	279183	PEERLESS, INC.	1171		262.50
12/23/2011	279184	PENNBELL CORPORATION	2987		1,935.00
12/23/2011	279185	PETTY CASH-PARKS	536		704.72
12/23/2011	279186	PETTY CASH-POLICE DEPT.	890		464.26
12/23/2011	279187	PETTY CASH-SENIOR CENTER	537		240.80
12/23/2011	279188	PORTAGE DISTRICT LIBRARY	810		156.40
12/23/2011	279189	PORTAGE PUBLIC SCHOOLS	590		764.21
12/23/2011	279190	POSITIONING SOLUTIONS CO.	783		949.95
12/23/2011	279191	THE POSTMAN	2633		4,488.00
12/23/2011	279192	PRIORITY HEALTH	4254		23,921.08
12/23/2011	279193	RATHCO SAFETY SUPPLY, INC.	327		1,102.40
12/23/2011	279194	RELIABLE MANAGEMENT SYSTEMS, I	4354		331.00
12/23/2011	279195	RENEWED EARTH, INC.	4686		9,916.66
12/23/2011	279196	REPUBLIC SERVICES OF WEST MICH	4443		64,866.57
12/23/2011	279197	RICHEY, SHARON	999999		7.67
12/23/2011	279198	ROTO-ROOTER SEWER & DRAIN SERV	345		1,407.31
12/23/2011	279199	RYAN REYNOLDS D.C. PLLC	999999		514.57
12/23/2011	279200	SABATE, JOE	999999		8.18
12/23/2011	279201	SABEEF, MOHAMMED	999999		1,516.10
12/23/2011	279202	SCOTT, BRIAN C & PAMELA S	999999		1,312.60
12/23/2011	279203	SHARP SHOP	354		52.80
12/23/2011	279204	SHERWIN WILLIAMS	356		258.81
12/23/2011	279205	SIGNWRITER & SERIGRAPHICS	2376		225.00
12/23/2011	279206	SMITH, HEATHER	999999		50.83
12/23/2011	279207	SNELLING PERSONNEL SERVICES	2107		822.71
12/23/2011	279208	SPRINT	3721		1,480.35
12/23/2011	279209	STAR GLASS	2043		469.74
12/23/2011	279210	STATE SYSTEMS RADIO, INC	369		1,264.38
12/23/2011	279211	STEENMA LAWN & POWER EQUIPMEN	3222		723.68
12/23/2011	279212	SUNGARD PUBLIC SECTOR USERS GR	1238		195.00

CHECK DATE	CHECK NUMBER	VENDOR NAME	VENDOR #	BANK CODE	CHECK AMOUNT
12/23/2011	279213	SUREFIRE, LLC	3558		1,912.79
12/23/2011	279214	SUZANNE'S SENSIBLE SOLUTIONS	4673		20.00
12/23/2011	279215	SYNERGISTIC ONLINE SOLUTIONS	393		1,635.00
12/23/2011	279216	T & J KEYS, LLC	999999		226.43
12/23/2011	279217	T D S METROCOM, LLC	4539		3,029.42
12/23/2011	279218	THE TITLE ADVANTAGE, LLC	999999		1,281.69
12/23/2011	279219	THORNTON, CRAIG & ANN	999999		272.39
12/23/2011	279220	TIGER DIRECT, INC.	4272		8,482.59
12/23/2011	279221	TRACTOR SUPPLY CORP.	2817		391.94
12/23/2011	279222	TRPTS FOR PROBUILD	999999		2,967.48
12/23/2011	279223	TURNER JR., ARCHIE	999999		1,579.85
12/23/2011	279224	U S POSTMASTER	391		6,800.00
12/23/2011	279225	UNITED PARCEL SERVICE	545		73.29
12/23/2011	279226	VANBECK ROOFING & SIDING CO.	399		398.00
12/23/2011	279227	VANDENBRINK, BRIAN	532		250.00
12/23/2011	279228	WEEKES FOREST PRODUCTS, INC.	3498		1,901.96
12/23/2011	279229	WELLS FARGO	999999		894.46
12/23/2011	279230	WELLS FARGO	999999		1,267.14
12/23/2011	279231	WELLS FFARGO R/E TAX SRV LLC	999999		36.90
12/23/2011	279232	WESTERN MICHIGAN UNIVERSITY	999999		836.40
12/23/2011	279233	WESTERN MICHIGAN UNIVERSITY	999999		300.00
12/23/2011	279234	WIGHTMAN & ASSOCIATES, INC.	425		1,950.00
12/23/2011	279235	WOLVERINE LAWN SERVICE, INC.	1089		1,327.92
12/23/2011	279236	WOLVERINE POWER SYSTEMS	4322		150.00
12/23/2011	279237	WOMAN CARE INC.	4739		300.00
12/23/2011	279238	XEROX CORPORATION	2684		1,102.04

DATE RANGE TOTAL \* 778,372.72 \*

FROM: 12/11/2011 TO: 01/01/2012

PAYMENT NO	VENDOR NO	VENDOR NAME	TRANSFER DATE	AMOUNT	TRACE NUMBER	EFT BATCH	BANK CODE
752		ADMIRAL LOCK & KEY SERVICE	12/23/2011	25.00	072000320000001	0000001	00
753		ANDRUS TRAVEL, GAIL	12/23/2011	982.00	072000320000002	0000001	00
754		ANIMAL REMOVAL SERVICE, LLC	12/23/2011	225.00	072000320000003	0000001	00
755		BELL EQUIPMENT COMPANY	12/23/2011	588.75	072000320000004	0000001	00
756		BLUE CARE NETWORK-GREAT LAKES	12/23/2011	62,481.81	072000320000005	0000001	00
757		BLUESTONE PSYCH	12/23/2011	425.00	072000320000006	0000001	00
758		BRENNER OIL CO.	12/23/2011	19,782.31	072000320000007	0000001	00
759		C M P DISTRIBUTORS, INC.	12/23/2011	731.00	072000320000008	0000001	00
760		CONTINENTAL LINEN SUPPLY CO.	12/23/2011	119.18	072000320000009	0000001	00
761		D & D PRINTING CO.	12/23/2011	102.00	072000320000010	0000001	00
762		DELTA DENTAL PLAN OF MI	12/23/2011	20,179.51	072000320000011	0000001	00
763		DIAMOND DRILLING & SUPPLY CO.	12/23/2011	444.00	072000320000012	0000001	00
764		EMERALD CAR CLEANERS, LLC	12/23/2011	515.00	072000320000013	0000001	00
765		EMPLOYMENT GROUP, INC.	12/23/2011	912.46	072000320000014	0000001	00
766		ETNA SUPPLY, INC.	12/23/2011	79.88	072000320000015	0000001	00
767		FIRE SERVICE MANAGEMENT	12/23/2011	1,766.37	072000320000016	0000001	00
768		GREAT LAKES CHLORIDE, INC.	12/23/2011	3,035.43	072000320000017	0000001	00
769		HARTFORD LIFE INSURANCE COMPANY	12/23/2011	7,926.18	072000320000018	0000001	00
770		HI-TECH ELECTRIC CO.	12/23/2011	314.23	072000320000019	0000001	00
771		INDUSCO SUPPLY CO., INC.	12/23/2011	692.88	072000320000020	0000001	00
772		J B PRINTING COMPANY	12/23/2011	992.12	072000320000021	0000001	00
773		KAHN, WILMA	12/23/2011	336.00	072000320000022	0000001	00
774		KUSHNER & COMPANY, INC.	12/23/2011	703.96	072000320000023	0000001	00
775		LANDS END	12/23/2011	65.40	072000320000024	0000001	00
776		MATER HOME IMPROVEMENT LTD	12/23/2011	7,871.00	072000320000025	0000001	00
777		MCCARTHY SMITH LAW GROUP, PLC	12/23/2011	3,414.50	072000320000026	0000001	00
778		MICROSYSTEMS, INC.	12/23/2011	1,840.63	072000320000027	0000001	00
779		PORTAGE COMMUNITY CENTER	12/23/2011	238.00	072000320000028	0000001	00
780		PRECISION PRINTER SERVICES INC	12/23/2011	1,357.30	072000320000029	0000001	00
781		PREIN & NEWHOF	12/23/2011	23,780.70	072000320000030	0000001	00
782		QUALITY AIR HEATING & COOLING, INC.	12/23/2011	1,978.00	072000320000031	0000001	00
783		REHMANN GROUP LLC	12/23/2011	5,100.00	072000320000032	0000001	00
784		SNELL, DEBRA	12/23/2011	105.00	072000320000033	0000001	00
785		SUBURBAN MECHANICAL	12/23/2011	230.00	072000320000034	0000001	00
786		UNITED WATER ENVIRONMENTAL SERVICES	12/23/2011	167,775.40	072000320000035	0000001	00
787		VISION SERVICE PLAN INSURANCE CO	12/23/2011	2,110.56	072000320000036	0000001	00

GRAND TOTAL:

339,226.56 NO. OF CHECKS:

36

## CITY OF PORTAGE

## COMMUNICATION

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**TO:** Honorable Mayor and City Council

**DATE:** January 5, 2012

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



**SUBJECT:** Michigan Municipal League Dues

**ACTION RECOMMENDED:** That City Council authorize payment to the Michigan Municipal League in the amount of \$8,329 for year 2012 membership dues.

Membership in the Michigan Municipal League (MML) has provided a form of representation on state legislative issues that affect local government. The MML offers educational opportunities for elected officials and also assists municipal leaders with the administration of community services. The MML also provides access to a number of government-related services including the Legal Defense Fund, the Municipal Litigation Center, information and research gathering, human resource inquiries, home rule charters and the MML resource center. Currently, 517 of Michigan's 533 cities and villages are members of the MML.

Due to the financial challenges many municipalities are currently facing, the MML reduced dues by 12 percent in 2010-2011 and has frozen dues for 2012. Therefore, dues for the 2012 membership will be maintained at the 2011 amount.

It is recommended that City Council authorize payment to the Michigan Municipal League in the amount of \$8,329 for year 2012 membership dues. Funds for the membership renewal have been budgeted in the Fiscal Year 2011-12 Budget.

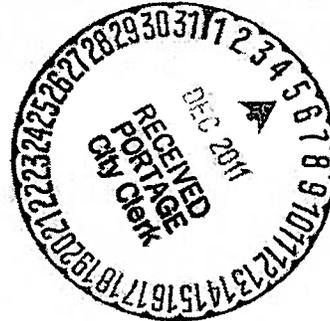


michigan municipal league

Better Communities. Better Michigan.

December 01, 2011

C: CM



Mr. James Hudson  
City Clerk  
Portage  
7900 S. Westnedge Ave.  
Portage, MI 49002-5160

Dear Mr. Hudson,

The League is once again freezing your membership dues for the 2011/12 billing year. This follows the 12% reduction for 2010/11, when the League Board eliminated the Environmental Affairs Assessment. The actions taken by the League's Board of Trustees will have saved members almost 18% in the last three (3) years, and nearly 32% in the last seven (7) years from the expected dues.

The challenges we face in Lansing and Washington, DC make our work even more critical. As we move forward, the League is working for you to help create a more prosperous state with vibrant communities. We are enjoying unprecedented access to key leaders, and are confident that we will achieve great things in the months ahead. While obtaining new revenues will be a challenge, our government reforms are laying a new foundation for us to build upon. We will continue to support every member by leading advocacy efforts to support municipal issues, and providing free and low-cost education related to effective and efficient governance.

The League will remain on the cutting edge, helping forge a new Michigan. The League's Center for 21st Century Communities (21c3) is working to assist local officials in identifying, developing, and implementing programs and strategies to enhance our member communities' ability to be vibrant places for the 21st century. Further, our Legal Defense Fund is providing advocacy of a different type as they continue to work to protect your interests in the courts and regulatory arena.

The League's Board of Trustees recognizes the strained financial conditions present in many Michigan communities. They know that for communities to survive, we must stand together and defend our interests. Alone your municipality is one voice; but when combined with the voices of communities across Michigan, we can make a real difference.

Michigan Municipal League membership is one of the best investments your community can make. Be sure to maximize your membership by contacting us with your questions, and by actively participating at League events. Thank you for your support. We look forward to our continued partnership with your community.

Sincerely,

Daniel P. Gilmartin  
Executive Director & CEO

Karen Majewski  
President, 2011-2012

RECEIVED

DEC 16 2011

CITY MANAGER'S OFFICE  
PORTAGE, MI

Enc.



michigan municipal league

MICHIGAN MUNICIPAL LEAGUE  
MEMBERSHIP RENEWAL INVOICE

2011 - 2012

**Portage**

ID: 403

Date: 12/01/2011

Membership Period: 02/01/2012 - 01/31/2013

	<u>Current Balance</u>
* MML Dues	7,572.00
** Legal Defense Fund	757.00
	<u>\$8,329.00</u>

**Total Due by February 01, 2012:  
\$8,329.00**

**Please sign, date and return one invoice copy with your payment.**

Make checks payable to the Michigan Municipal League and mail to the address below. Thank you.

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Date)

\* MML dues include annual subscriptions to *The Review* for your officials at \$12.00 per subscription, which is 50% of the regular subscription rate.

\*\* The Legal Defense Fund is an optional charge. The purpose of the Fund is to provide specialized legal assistance to member municipalities in cases that have significant statewide impact.

**See what the League can do for you by visiting [www.mml.org](http://www.mml.org)**

Michigan Municipal League  
P.O. Box 7409  
Ann Arbor, MI 48107-7409  
800-653-2483

# CITY OF PORTAGE

# COMMUNICATION

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**TO:** Honorable Mayor and City Council

**DATE:** January 5, 2012

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

**SUBJECT:** Secondhand Dealer/Pawnbroker Ordinance

**ACTION RECOMMENDED:** That City Council accept the amendment to Chapter 14 of the Code of Ordinances by adding Article 8, Section 14-202 through Section 14-213 "Secondhand Dealers", for second reading and final adoption.

The following information is provided in response to questions presented by City Council at the December 20, 2011 meeting concerning the proposed amendments to the Code of Ordinances regarding licensing of secondhand merchandise dealers and pawnbrokers.

As background, licensing of secondhand dealers/pawnbrokers is a longstanding requirement of Michigan law. Act 350 of 1917 and Act 273 of 1917 promulgate licensing and property reporting requirements for secondhand dealers and pawnbrokers, respectively. In 1981, Act 95 added specific language dealing with these businesses related to precious metals and gems. As established by these state laws, pawnbrokers and secondhand dealers are required to obtain a license from the city for conduct of business. The term of the secondhand dealer/pawnbroker license is defined as a period of one year (i.e., licenses must be renewed annually).

The purpose of the Act requiring the licensing of secondhand dealers/pawnbrokers is to better enable police to identify thieves and recover stolen property. Accordingly, in addition to the annual licensing requirement, state law requires that secondhand dealers/pawnbrokers provide a complete reporting to the local police agency of all items received, the identification of the person presenting the item(s), and the amount proffered for the item(s). Reports are to be provided in a format prescribed by the local police agency. Currently, secondhand dealer/pawnbroker businesses provide this information to the Portage Department of Public Safety via handwritten forms. The forms are retrieved by Portage Department of Public Safety personnel on a weekly basis and then manually entered into a database as time permits. Depending on workload levels, the entry of this information may take up to two weeks.

The proposed ordinance combines and simplifies the statutory reporting requirements by providing clear and simple guidance for any entity that wishes to conduct the business of buying used property and selling the property for profit. The proposed ordinance also provides a framework for the electronic reporting of items purchased. With adoption of the ordinance, secondhand dealer/pawnbroker businesses will be provided, at no cost, access to a simple online reporting system. The online system will streamline the property reporting requirements

mandated under the law by essentially making the reporting system paperless. With the implementation of electronic reporting, significant amounts of paperwork and staff hours will be reduced. Furthermore, the Portage Department of Public Safety and other agencies will have immediate access to records of sold/pawned items, which will greatly enhance the ability of law enforcement agencies to quickly investigate larceny crimes.

Seeking to sell or exchange stolen goods for something of value is a common practice of thieves. With nothing of value being exchanged when a nonprofit organization receives a donated item, a nonprofit organization is less likely to be the recipient of stolen property. As a result, the Portage Department of Public Safety has not engaged in any form of enforcement action against nonprofit businesses that may be defined as secondhand dealers. Nevertheless, to ensure the issue of concern regarding nonprofit secondhand dealer-type businesses being subject to the licensing and notification requirements of the ordinance, the proposed ordinance has been revised to exclude nonprofit businesses. Specifically, a provision has been added to Section 14-202 (b) that excludes nonprofit organizations reselling donated goods from the requirements of the proposed ordinance.

The City of Portage is home to approximately one dozen secondhand dealer/pawnbroker businesses that fall under current law and report transactions as required to the Portage Department of Public Safety. The Portage Department of Public Safety has demonstrated the electronic reporting system to the city's largest secondhand dealer/pawnbroker operation. This particular business generates ten times the number of transactions of other Portage operations. Subsequent to viewing a demonstration of the Portage system the vendor was favorably impressed and, in particular, was pleased that the city did not intend to charge the typical 50 cents per transaction fee that is currently being paid to a private sector company used by the City of Kalamazoo. It is believed that remaining secondhand dealers/pawnbrokers will realize similar advantages with adoption of the proposed ordinance. As a result, it is recommended City Council adopt the amendment to Chapter 14 of the Code of Ordinances by adding Article 8, Section 14-202 through Section 14-213 "Secondhand Dealers".

**AN ORDINANCE TO AMEND THE CODE OF ORDINANCES  
OF THE CITY OF PORTAGE, MICHIGAN  
BY ADDING ARTICLE 8 OF CHAPTER 14  
BUSINESSES**

**THE CITY OF PORTAGE ORDAINS:**

**That Chapter 14 shall be amended to add the following:**

**ARTICLE 8. Secondhand Dealers.**

**Section 14-202. Definitions.**

(a) As used in this article, the following terms shall have the meanings indicated:

(1) "*Internet drop-off store*" means a person, corporation, or firm that contracts with other persons, corporations, or firms to offer its personal property or other valuable thing for sale, purchase, consignment, or trade through means of an internet website and meets the conditions described in MCL 445.401(3), as amended.

(2) "*Pawnbroker*" means any person, corporation, or member or members of a co-partnership or firm or other entity engaged in conducting, managing or carrying on the business of pawnbroking; or the business of lending money upon personal property, pawns or pledges; or the business of purchasing articles of personal property and reselling, or agreeing to resell such articles to the vendors or their assignees at prices agreed upon at or before the times of such purchase pursuant to MCL 446.201, et seq., as amended.

(3) "*Precious metals and gem dealer*" means a person, corporation, firm association, which, in whole or in part, engages in the ordinary course of repeated and recurrent transactions of buying or receiving precious items from the public as defined by the Precious Metals and Gem Dealer Act, MCL 445.481, et seq., as amended.

(4) "*Secondhand dealer*" means any person, corporation, or member or members of a co-partnership or firm or other entity engaged in purchasing, selling, exchanging, storing, or receiving secondhand goods of any kind as defined in this article.

(5) "*Secondhand goods*" means any goods, wares, merchandise or other personal property previously used or owned by another, including, but not limited to, appliances and radios, televisions, video cassette players and recorders, compact discs, digital video disks, CD and DVD players and recorders, software for computer games, computer games and computer gaming equipment, tools, guns, jewelry, musical instruments, sporting equipment, bicycles, lawn mowers and lawn equipment, snow blowers, typewriters, and audio equipment such as home and vehicle stereos and speakers.

(b) This Article does not apply to the following:

(1) Any person, corporation, or member or members of a co-partnership, or firm that received the secondhand good as part payment for a new good, if the person is the authorized representative or agent of the manufacturer of the new good sold; a dealer in nonferrous metals as defined and regulated by the Nonferrous Metal Regulatory Act, MCL 445.423, et seq., as amended; any person, corporation, or member or members of a co-partnership, or firm engaged in business solely as a pawnbroker and not as a secondhand dealer as defined by this article; any person, corporation, a member or members of a co-partnership, or firm engaged in business as an internet drop-off store; a scrap processor or automotive recycler as defined in MCL 445.403, or a nonprofit organization reselling donated goods.

(2) Old rags, waste paper, motor vehicles, antiques, books, magazines, clothing, or household furniture.

#### **Section 14-203. Secondhand Dealer License.**

No later than 90 days from the effective date of this article, no business engaging in the business of purchasing, storing, selling, exchanging and receiving secondhand goods shall be operated or maintained in the City of Portage ("city") without first obtaining a license to operate issued by the city.

#### **Section 14-204. Secondhand Dealer License required for Pawnbrokers.**

No pawnbroker shall conduct the business of a secondhand dealer without having obtained the license required by this article in addition to the pawnbroker's license required pursuant to MCL 446.201, et seq., as amended.

#### **Section 14-205. Secondhand Dealer License required for Precious Metals and Gem Dealers.**

No precious metal or gem dealer shall conduct the business of a secondhand dealer without having obtained the license required by this article in addition to the precious metals and gem dealers license required pursuant to MCL 445.481, et seq., as amended.

#### **Section 14-206. Application for license.**

(a) Any person, partnership or corporation desiring to secure a license shall make application to the city clerk. The application shall be dated by the city clerk. A copy of the completed application shall be distributed by the city clerk to the office of the city manager, department of public safety, department of community development and to the applicant.

(b) The application for a license shall be upon a form provided by the city clerk. An applicant for a license, which shall include all partners or limited partners of a partnership applicant, all members of an LLC applicant, all officers and directors of a corporate applicant, all stockholders owning more than five percent (5%) of the stock of a corporate applicant, and any other person who is interested directly in the ownership or operation of the business, shall furnish the following information under oath:

- (1) Name and address, including all aliases.
- (2) Date of birth.
- (3) Social Security number.
- (4) Written proof that the individual is at least 18 years of age.
- (5) All residential addresses of the applicant for the past 3 years.
- (6) The applicant's height, weight, color of eyes and hair.
- (7) The business, occupation or employment of the applicant for 5 years immediately preceding the date of application.
- (8) Whether the applicant previously operated in this or any other county, city, or state under a secondhand dealer license or similar business license; whether the applicant has ever had such a license revoked or suspended, the reason therefore and the business entity or trade name under which the applicant operated that was subject to the suspension or revocation.
- (9) All criminal convictions, whether under federal or state statute or city ordinance (minor traffic violations are excepted); or any forfeiture of bond.
- (10) Fingerprints and two portrait photographs at least two inches by two inches of the applicant.
- (11) The address of the secondhand dealership to be operated by the applicant.
- (12) If the applicant is a corporation, the application shall specify the name of the corporation, the date and state of incorporation, the name and address of the registered agent and the name and address of all shareholders owning more than five percent of the stock in said corporation and all officers and directors of the corporation.
- (13) The address which applicant desires to receive notification under the article.

(c) An applicant for a license shall additionally submit to the city clerk with the application a copy of a Michigan Criminal History Access Tool (ICHAT) search report, dated no more than 7 day before the date the application is submitted to the city clerk, for applicant, including all partners or limited partners of a partnership applicant, all members of an LLC applicant, all officers and directors of a corporate applicant, all stockholders owning more than five (5%) percent of the stock of a corporate applicant, and any other person who is interested directly in the ownership or operation of the business.

(d) Within 30 days of receiving an application for a license the city clerk shall notify the applicant whether the application is granted or denied.

(e) Whenever an application is denied, the city clerk shall advise the applicant in writing of the reasons for such action. If the applicant requests a hearing in writing to the city clerk within 10 days of receipt of notification of denial, a hearing shall be held within 30 days thereafter before the city council, as hereinafter provided.

(f) Failure or refusal of the applicant to give any information relevant to the investigation of the application or his or her refusal or failure to appear at any reasonable time and place for examination under oath regarding said application or his or her refusal to submit to or cooperate with any investigation required by this article shall constitute an admission by the applicant that he or she is ineligible for such license and shall be grounds for denial thereof by the city clerk.

#### **Section 14-207. Standards for issuance of license.**

(a) To receive a license to operate a business as a secondhand dealer, an applicant must meet the following standards:

(1) If the applicant is an individual or single member LLC:

- a. The applicant shall be at least 18 years of age.
- b. The applicant shall not have been convicted of or pleaded nolo contendere to a felony or any crime involving theft, dishonesty, receipt of stolen property or embezzlement in any jurisdiction within 5 years immediately preceding the date of the application.
- c. The applicant shall not have been found to have previously violated this ordinance or a substantially similar ordinance within 5 years immediately preceding the date of the application.

(2) If the applicant is a corporation:

- a. All officers, directors and stockholders required to be named under Section 14-206(b) shall be at least 18 years of age.
- b. No officer, director or stockholder required to be named under Section 14-206(b) shall have been convicted of or pleaded nolo contendere to a felony or any crime involving theft, dishonesty, receipt of stolen property or embezzlement in any jurisdiction within 5 years immediately preceding the date of the application.
- c. No officer, director, or stockholder required to be named under Section 14-206(b) shall have been found to have previously violated this ordinance or a substantially similar ordinance within 5 years immediately preceding the date of the application.

(3) If the applicant is a partnership, joint venture, LLC or any other type of organization where two or more persons have a financial interest:

- a. All persons having a financial interest in the partnership, joint venture, LLC or other type of organization shall be at least 18 years of age.

b. No person having a financial interest in the partnership, joint venture, LLC or other type of organization shall have been convicted of or pleaded nolo contende to a felony or any crime involving theft, dishonesty, receipt of stolen property or embezzlement in any jurisdiction within 5 years immediately preceding the date of the application.

c. No person having a financial interest in the partnership, joint venture, LLC or other type of organization shall have been found to have violated any provision of this article or a substantially similar ordinance within 5 years immediately preceding the date of the application.

(b) No license shall be issued unless the department of public safety has investigated the applicant's qualifications to be licensed. The results of that investigation shall be filed in writing with the city clerk no later than 14 days after the date of the application.

#### **Section 14-208. Fees.**

A license fee set by resolution of city council shall be submitted with the application for a license.

#### **Section 14-209. Display of license or permit.**

The license shall be displayed in a conspicuous public place in the second hands goods business establishment.

#### **Section 14-210. Renewal of license or permit.**

(a) Every license issued pursuant to this article will terminate at the expiration of 1 year from the date of issuance, unless sooner revoked, and must be renewed before operation is allowed in the following year. Any secondhand dealer desiring to renew a license shall make application to the city clerk. The application for renewal must be filed not later than 60 days before the license expires. The application for renewal shall be filed in triplicate with and dated by the city clerk. A copy of the application for renewal shall be distributed promptly by the city clerk to the city police department and to the secondhand business dealer. The application for renewal shall be upon a form provided by the city clerk and shall contain such information and data, given under oath or affirmation, as is required for an application for a new license, and shall be reviewed and approved in the same manner.

(b) A license renewal fee set by resolution of city council shall be submitted with the application for renewal.

#### **Section 14-211. Revocation or suspension of license.**

(a) The city council can revoke or suspend a license for any of the following reasons:

(1) Discovery that false or misleading information or data was given on any application or material facts were omitted from any application.

(2) The secondhand dealer or any employee of the secondhand dealer has violated any provision of this article or any rule or regulation adopted by the city council pursuant to this article; provided, however, that in the case of a first

offense by an secondhand dealer where the conduct was solely that of an employee, the penalty shall not exceed a suspension of 30 days if the council shall find that the secondhand dealer had no actual or constructive knowledge of such violation and could not by the exercise of due diligence have had such actual or constructive knowledge.

(3) The secondhand dealer becomes ineligible to obtain a license or permit or the secondhand dealer is convicted of or pleads nolo contendere to any felony or any crime involving theft, dishonesty, receipt of stolen property or embezzlement.

(4) Any cost or fee required to be paid by this article is not paid.

(b) The city council, before revoking or suspending any license shall give the secondhand dealer at least 10 days written notice of the charges against the secondhand dealer, and the opportunity for a hearing before the city council, as hereinafter provided:

(1) Before the city council revokes or suspends a license issued herein the city council shall cause written notice to be sent by certified mail to the licensee affected, at the address stated in the license informing such person of the right to a hearing upon request.

(2) If the licensee does not request a hearing within 14 days of the date the notice was sent, the license may be forthwith revoked or suspended. If the licensee requests a hearing before the city council regarding said proposed revocation or suspension, said hearing shall be held within 21 days after the date of the written request.

(c) Any license issued by the city may be immediately suspended by the city manager or his or her duly appointed designee if it is determined that the licensee has violated or someone at or upon the licensed location has violated the city ordinance or state law and that continued operation under the license is contrary to the public health, safety, and welfare. A licensee shall have the right to a hearing before the city council on any license suspension by the city manager and notice thereof shall be given in accordance with subsection (b)(1) and (b)(2).

(d) Both the city and the licensee shall be afforded a reasonable opportunity to present evidence on the issue at the hearing. Action taken by the city council shall be final and any fees hereunder shall not be refunded to the applicant or licensee.

(e) The transfer of a license or any interest in a license shall automatically and immediately revoke the license.

(f) Any secondhand dealer whose license is revoked shall not be eligible to receive a license for one year from the date of revocation. No location or premises for which a license has been issued shall be used as business dealing in secondhand goods for six months from the date of revocation of the license.

**Section 14-212 Responsibilities of the secondhand dealer; records of goods received; reporting requirements.**

(a) A secondhand dealer shall keep a record in English at the time the secondhand dealer receives any secondhand goods. The record shall include a description of the goods, a photograph of the goods received, the serial number and model number if available, a sequential transaction number, the amount of money or other consideration received for said goods, the name, residence, general description and driver's license number, official state personal identification card number, or government identification number of the person from whom the secondhand goods were received, the right thumb print of the person from whom the goods were received, and the day and hour when the goods were received. Such records, the place where the secondhand dealer's business is carried on and all secondhand goods in that place of business or in control of the secondhand dealer are subject to examination at any time by the police department. The required information shall be maintained consistent with subsection (b) below.

(b) The secondhand dealer shall retain a record of each transaction for a minimum of one year or as directed by the police department. Within 90 days of the effective date of this ordinance, the information in the record of transaction shall be transmitted to the police department by computer over the Internet to the website established by the city for this purpose. Information and assistance concerning the website shall be provided by the city. So long as the required information is transmitted by computer, a handwritten form need not be completed, but a short form with the right thumb print of the individual trading in the item shall be maintained, with an appropriate reference to the transaction. If it is not possible for the person to provide his or her right thumb print on the full handwritten form or the short form, then another specifically designated fingerprint shall be provided. Upon request, the short form shall be immediately provided to the police department.

(c) The secondhand dealer, other than a secondhand dealer who is also a precious metals and gem dealer, shall retain any secondhand goods received for at least 15 days before disposing of them, in an accessible place in the building where the secondhand goods are purchased and received. A tag shall be attached to the secondhand goods in some visible and convenient place, with the number written thereupon, to correspond with the transaction number in the records required to be kept by this article. A secondhand dealer who is also a precious metals and gem dealer shall retain any secondhand goods received for at least 9 days before disposing of them in the same manner.

(d) The secondhand dealer shall maintain a register of all employees, showing the name and aliases used by the employee, home address, age, date of birth, sex, height, weight, color of hair and eyes, phone numbers, date of employment and termination, and duties of each employee. The above information on each employee shall be maintained in the register on the premises for a period of 3 years following termination.

(e) The secondhand dealer shall make the register of employees available immediately for inspection by police upon demand of the chief of the police department or his or her duly appointed designee at all reasonable times.

(f) Every act or omission by an employee constituting a violation of the provisions of this article shall be deemed the act or omission of the secondhand dealer if such act or omission occurs either with the authorization, knowledge, or approval of the secondhand dealer, or as a result of the secondhand dealer's negligent failure to supervise the employee's conduct, and the

secondhand dealer shall be punishable for such act or omission in the same manner as if the secondhand dealer committed the act or caused the omission.

**Section 14-213. Penalty and remedies.**

(a) Any person convicted under this article shall be subject to a maximum penalty of 90 days in jail, or an equal amount of time of community service, or any combination thereof not exceeding 90 days, plus \$500.00 fine, plus actual costs of prosecution and mandatory restitution to victims.

(b) In addition to the penalty provided in subsection (a) of this section, any condition caused or permitted to exist in violation of the provisions of this Code, or any ordinance, shall be deemed a new and separate offense for each day that such condition continues to exist.

(c) Nothing in this Article shall prevent the city from pursuing any other remedy provided by law in conjunction with or in lieu of prosecuting persons under this section for violation of this Article.

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 \_\_\_\_\_, 20\_\_\_\_.

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

PREPARED BY:  
Charles R. Bear (P34107)  
Portage Assistant City Attorney  
1662 East Centre Avenue  
Portage, MI 49002  
(269) 323-8812

Approved as to Form:  
Date: 1-3-12  
CRB  
City Attorney

# CITY OF PORTAGE

# COMMUNICATION

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**TO:** Honorable Mayor and City Council

**DATE:** January 4, 2012

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



**SUBJECT:** Replacement Purchase of 2011 Ford Crown Victoria Police Vehicle

**ACTION RECOMMENDED:** That City Council approve the replacement purchase of one 2011 Ford Crown Victoria Police Vehicle from Gorno Ford in Woodhaven, Michigan in the amount of \$22,720.20 and authorize the City Manager to execute all documents related to this matter on behalf of the city.

Recently, two Ford Crown Victoria police vehicles were involved in vehicle crashes. Both vehicles were totaled. Insurance claims have been accepted for both vehicles and the City of Portage will receive \$5,992.50 for a 2007 model and \$28,686.66 for a 2011 model. A city vendor, Gorno Ford in Woodhaven, Michigan, has a 2011 Ford Crown Victoria police vehicle available for purchase. Gorno Ford has reserved this vehicle for purchase by the city. The insurance payments will more than cover the expense of the new vehicle. The second vehicle will be replaced at a later date by newer police vehicle models, which were recently recommended for purchase with approved 2011/2012 Capital Improvement Funds.

Council approval of the replacement vehicle purchase is, therefore, recommended.

**MATERIALS TRANSMITTED**

Friday, December 16, 2011

1. Communication from the City Manager regarding the Monthly Citizen Comment Card Summary for November 2011 – Information Only.
2. Communication from the City Manager regarding the FY 2012-13 Human/Public Service Grant Applications – Information Only.



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Maurice S. Evans, City Manager

cc: Brian J. Bowling, Deputy City Manager

**MATERIALS TRANSMITTED**

Tuesday, December 20, 2011

1. **To be added to the December 20, 2011 City Council Agenda as Item F.10:**  
Communication from the Mayor recommending that City Council approve the 2012 calendar year appointments to City Council Committees as noted.
2. Communication from the City Manager regarding the 2011 City Council Goals Setting Session Results – Information Only.



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Maurice S. Evans, City Manager

cc: Brian J. Bowling, Deputy City Manager