

**FINAL AGENDA FOR THE COUNCIL MEETING  
CITY OF PORTAGE  
January 24, 2012**

7:30 p.m. Call to Order.

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

Pledge of Allegiance.

Roll Call.

Proclamations:

A. Approval of the Special and Regular Meeting Minutes of January 10, 2012.

\* B. Approval of Consent Agenda Motions.

\* C. Communication from the City Manager recommending that City Council approve the Accounts Payable Register of January 24, 2012, as presented.

D. Public Hearings:

1. Communication from the City Clerk recommending that City Council adopt Resolution No. 2, vacating a portion of West Fork Crossing and a portion of Trade Centre Way.

E. Petitions and Statements of Citizens:

F. Reports from the Administration:

\* 1. Communication from the City Manager recommending that City Council authorize the Mayor and City Clerk to execute a two-year labor agreement between the City of Portage and the Portage Police Command Officers Association (PPCOA).

\* 2. Communication from the City Manager regarding the December 2011 Summary Environmental Activity Report – Information Only.

\* 3. Department Monthly Reports.

G. Communications:

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

2. Communication from Environmental Board Chairperson Ruth Caputo regarding the 2011 Purple Loosetrife Program and annual presentation.

\* 3. Communication from the Mayor recommending that City Council commit to abide by the principles discussed at the December 9, 2011 City Council Goal Setting Session as set forth in the attached documents.

H. Unfinished Business:

\* 1. Communication from the City Clerk recommending that City Council adopt Resolution No. 2, granting an easement to the Michigan Department of Transportation on city-owned property for the installation of storm drainage improvements.

\* 2. Communication from the City Manager recommending that City Council resolve to not establish a fee for licensing or license renewal of Secondhand Dealer/Pawnbroker businesses.

\* 3. Communication from the City Manager regarding 8046 Newells Lane - Wood Burners – Information Only.

- \* I. Minutes of Boards and Commissions Meetings:
  - 1. Portage Historic District Commission of December 7, 2011.
  - 2. Portage Zoning Board of Appeals of December 12, 2011.
  - 3. Portage Environmental Board of December 14, 2011.
  - 4. Portage Human Services Board of January 5, 2012.
  - 5. Portage Planning Commission of January 5, 2012.
  
- J. Ad-Hoc Committee Reports:
  - 1. Communication from the City Council School Committee recommending that City Council adopt the adjoining proclamation to commence the collaborative marketing effort as coordinated by the Portage District Library Board, the Portage Public Schools Board of Education and the City Council City-School Committee.
  
- K. New Business:
  
- L. Bid Tabulations:
  
- M. Other City Matters:
  - 1. Statements of Citizens.
  - 2. From City Council and City Manager.
  
- \* 3. Reminder of Meetings:
  - a. Thursday, January 26, 4:30 p.m., Public Media Network Board of Directors, 359 S. Kalamazoo Mall, 3<sup>rd</sup> floor.
  - b. Monday, January 30, 6:30 p.m., Youth Advisory Committee, City Hall Room #1.
  - c. Wednesday, February 1, 8:15 a.m., Historic District Commission, City Hall Room #2.
  - d. Wednesday, February 1, 6:30 p.m., Park Board, Stuart Manor.
  - e. Thursday, February 2, 6:30 p.m., Human Services Board, City Hall Room #1.
  - f. Thursday, February 2, 7:00 p.m., Planning Commission, Council Chambers.
  - g. Wednesday, February 8, 7:00 p.m., Environmental Board, City Hall Room #1.
  - h. Monday, February 13, 7:00 p.m., Zoning Board of Appeals, City Council Chambers.
  - i. Tuesday, February 14, 8:00 a.m., Mayor and City Council for the Day Program, City Hall Room #1.
  
- N. Materials Transmitted of January 6 and 10, 2012.  
Adjournment.

# CITY COUNCIL MEETING SUMMARY

January 10, 2012

## ACCOUNTS PAYABLE REGISTER

- ◆ Approved the Check Register of January 10, 2012, as presented.

## STATEMENTS OF CITIZENS

- ◆ Mayor Strazdas asked the City Administration to reconfirm that the specifications on the wood burning stove(s) at 8046 Newells Lane are appropriate and that all City codes are met, as a result of the complaint by Tim Higley, 8104 Newells Lane, and the corroboration of Paul White, 8116 Newells Lane, that the smoke emission from the stove(s) is unbearable and even overwhelming at times.

## REPORTS FROM THE ADMINISTRATION

- ◆ Authorized payment to the Michigan Municipal League in the amount of \$8,329 for year 2012 membership dues.

## UNFINISHED BUSINESS

- ◆ Amended the Code of Ordinances of the City of Portage, Michigan, Chapter 14, Businesses, by adding Article 8, Secondhand Dealers, Section 14-202 through Section 14-213. Mayor Strazdas encouraged City Council to approach City Manager Evans with concerns or ideas regarding the level of fees to apply and renew a Secondhand Dealers License.

## NEW BUSINESS

- ◆ Reappointed Wes Mazurek and Bill Fries and appointed Michael Quinn with terms ending January 31, 2013 to Board of Review #1; reappointed Michael Simon and William Stannard to serve with Jay Olweean with terms ending January 31, 2013, to Board of Review #2; appointed Dave Felicijan with unfulfilled term ending May 31, 2012, to the Planning Commission; reappointed Lowell Seyburn and appointed Daniel Rhodus with terms ending February 28, 2015, and appointed D. Glen Smith as Alternate with term ending February 28, 2015, to the Zoning Board of Appeals; appointed Cody Dekker with unfulfilled term ending October 1, 2013, to the Human Services Board; and appointed William Beck with unfulfilled term ending October 1, 2012, and Samuel Garceau with unfulfilled term ending October 1, 2013, to the Environmental Board.

## BID TABULATION

- ◆ Approved 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 authorized the City Manager to execute all documents related to this matter on behalf of the city.

## STATEMENTS OF CITY COUNCIL AND CITY MANAGER

- ◆ Councilmember Pearson noted that nine applicants attended the Board and Commission interviews and all were appointed.
- ◆ City Manager Evans commended Finance Director Daniel Foecking, especially Accounting/Budget Deputy Director Pat Fitmitch along with the assistance of the Accounting Department, for being granted the Distinguished Budget Presentation Award by the Government Finance Officers Association for the twenty-fourth year in a row.
- ◆ Mayor Strazdas complimented Mr. Evans for regularly recognizing City employees and their accomplishments. He also asked all of the newly formed City Council Committee Chairpersons to work with the City Manager's Office to set meeting times to work on goals and objectives.

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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.**

**DRAFT**

**MINUTES OF THE SPECIAL MEETING OF THE PORTAGE CITY COUNCIL  
OF JANUARY 10, 2012 - BOARDS AND COMMISSION APPLICANTS**

Mayor Peter Strazdas called the meeting to order at 5:18 p.m. The following Councilmembers were present at this meeting: Councilmembers Elizabeth Campbell, Jim Pearson and Patricia Randall, and Mayor Peter Strazdas. Councilmember Claudette Reid arrived at 5:25 p.m. and Councilmember Terry Urban arrived at 5:30 p.m. Councilmember Ed Sackley was absent with excuse. Also present were City Manager Maurice Evans and City Clerk James Hudson.

Council interviewed applicants for the following Boards and Commissions:

- \* 5:18-6:06 p.m., Bill Fries, Michael Quinn and Wes Mazurek for the Board of Review. City Clerk Hudson indicated that Michael Simon called in at 3:30 p.m. to let City Council know that he was interested in being reappointed, but was unable to attend the meeting as something had come up at the last minute. In an effort to review the decline in the workload of the Board of Review, Mr. Hudson indicated that in 2009 the number of parcels on appeal was 364; in 2010 the number of parcels on appeal was 247; and in 2011 the number of parcels on appeal is 144. He also pointed out that letters sent with regard to miscellaneous appeals in 2009 were 115, in 2010 there were 108 and in 2011 there were 65. Discussion followed and there was a consensus to leave the make-up of the Board of Review at two Boards with three members.
- \* 6:07-6:25 p.m., Dave Felicijan and Bill Beck for the Planning Commission. Planning Commission Chair James Cheesebro was present for any questions or concerns that might be posed. Councilmember Urban pointed out that the Planning Commission has subpoena power and is quasi judicial. Discussion followed.
- \* 6:27-6:45 p.m., Doug Rhodus, D. Glen Smith and Jeffrey Bright, who expressed interest in serving on the Zoning Board of Appeals. Discussion followed.
- \* 6:46-6:52 p.m., Cody Dekker, who expressed an interest in serving on the Human Services Board. Discussion followed.
- \* 6:53-7:00 p.m., Environmental Board Chair Ruth Caputo was present and discussed the recent resignation of Environmental Board Member Amy Tanis and Sam Garceau and Will Beck as possible appointments to the Environmental Board. Discussion followed.
- \* 7:00-7:05 p.m., EDC/TIFA and BRA Vice President Tom Vance was present for any questions or concerns that might be posed. Discussion followed.

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

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James R. Hudson, City Clerk

**CITY COUNCIL MEETING MINUTES FROM JANUARY 10, 2012**

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

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

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

**APPROVAL OF MINUTES:** Motion by Reid, seconded by Randall, to approve the December 20, 2011 Regular Meeting Minutes as revised. Upon a voice vote, motion carried 6 to 0.

\* **CONSENT AGENDA:** Mayor Strazdas asked Councilmember Urban to read the Consent Agenda with the addition of Item K.1, Appointments to Various Boards and Commissions, to the Consent Agenda. Mayor Pro Tem Reid asked that Item H.1, Secondhand Dealer/Pawnbroker Ordinance be removed. Motion by Urban, seconded by Campbell, 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 10, 2012:** Motion by Urban, seconded by Campbell, to approve the Accounts Payable Register of January 10, 2012. Upon a roll call vote, motion carried 6 to 0.

**PETITIONS AND STATEMENTS OF CITIZENS:** Tim Higley, 8104 Newells Lane, issued a complaint about the neighbor's new wood burning stove. Paul White, 8116 Newells Lane, corroborated Mr. Higley's concerns and both emphasized the nuisance factor created by billowing smoke in and around neighboring homes. Discussion followed. Mr. Higley asked for a change in the city ordinance to address this type of situation. Discussion followed. Mayor Strazdas asked the City Administration to reconfirm that the specifications on the wood burning stove(s) at 8046 Newells Lane are appropriate and that all City codes are met. Discussion followed. Councilmember Randall indicated that she would present this issue to the Wednesday session of the Kalamazoo County Environmental Board and would report back. Discussion followed.

**REPORTS FROM THE ADMINISTRATION:**

\* **MICHIGAN MUNICIPAL LEAGUE DUES:** Motion by Urban, seconded by Campbell, to authorize payment to the Michigan Municipal League in the amount of \$8,329 for year 2012 membership dues. Upon a roll call vote, motion carried 6 to 0.

**UNFINISHED BUSINESS:**

**SECONDHAND DEALER/PAWNBROKER ORDINANCE:** Mayor Pro Tem Reid asked an equity question concerning the proposed \$50 application fee and the subsequent \$50 fee for renewals each year as she presumed a renewal is simpler than an original application. Discussion followed.

At the request of Mayor Strazdas, Director of Public Safety Richard White explained that the ordinance mirrors the state statute. He also pointed out that the City of Portage used drug seizure funds to write the software to catalogue all stolen articles after it was discovered that businesses across the state must report these items using the software of a sole vendor. He stressed that the intent of the ordinance is not to burden legitimate businesses and that the ordinance did not apply to non-profit organizations such as the Salvation Army or Goodwill Industries. Discussion followed. Mayor Strazdas encouraged each Councilmember to approach the City Manager with any ideas or thoughts on the fee requirements.

Motion by Reid, seconded by Urban, to amend the Code of Ordinances of the City of Portage, Michigan, Chapter 14, Businesses, by adding Article 8, Secondhand Dealers, Section 14-202 through Section 14-213. Upon a roll call vote, motion carried 6 to 0.

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

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

## **NEW BUSINESS:**

**\* APPOINTMENTS TO VARIOUS BOARDS AND COMMISSIONS:** Motion by Urban, seconded by Campbell, to reappoint Wes Mazurek and Bill Fries and appoint Michael Quinn with terms ending January 31, 2013 to Board of Review #1; reappoint Michael Simon and William Stannard to serve with Jay Olweean with terms ending January 31, 2013, to Board of Review #2; appoint Dave Felicijan with unfulfilled term ending May 31, 2012, to the Planning Commission; reappoint Lowell Seyburn and appoint Daniel Rhodus with terms ending February 28, 2015, and appoint D. Glen Smith as Alternate with term ending February 28, 2015, to the Zoning Board of Appeals; appoint Cody Dekker with unfulfilled term ending October 1, 2013, to the Human Services Board; and appoint William Beck with unfulfilled term ending October 1, 2012, and Samuel Garceau with unfulfilled term ending October 1, 2013, to the Environmental Board. Upon a roll call vote, motion carried 6 to 0.

## **BID TABULATION:**

**\* REPLACEMENT PURCHASE OF 2011 FORD CROWN VICTORIA POLICE VEHICLE:** Motion by Urban, seconded by Campbell, to 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. Upon a roll call vote, motion carried 6 to 0.

## **OTHER CITY MATTERS:**

**STATEMENTS OF CITY COUNCIL AND CITY MANAGER:** Councilmember Pearson noted that nine applicants attended the Board and Commission interviews and all were appointed.

City Manager Evans commended Finance Director Daniel Foecking, especially Accounting/Budget Deputy Director Pat Fitnitch along with the assistance of the Accounting Department, for being granted the Distinguished Budget Presentation Award by the Government Finance Officers Association for the twenty-fourth year in a row.

DRAFT

Mayor Strazdas complimented Mr. Evans for regularly recognizing City employees and their accomplishments. He also asked all of the newly formed City Council Committee Chairpersons to work with the City Manager's Office to set meeting times to work on goals and objectives.

**ADJOURNMENT:** Mayor Strazdas adjourned the meeting at 8:12 p.m.

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James R. Hudson, City Clerk

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

**CITY OF PORTAGE**

**COMMUNICATION**

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**TO:** Honorable Mayor and City Council

**DATE:** January 16, 2012

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



**SUBJECT:** Accounts Payable Register

**ACTION RECOMMENDED:** That City Council approve the Accounts Payable Register of January 24, 2012 as presented.

Attached please find the Accounts Payable Register for the period January 1, 2012 through January 15, 2012, which is recommended for approval.

c: Daniel S. Foecking, Finance Director

CHECK DATE	CHECK NUMBER	VENDOR NAME	VENDOR #	CHECK AMOUNT
01/06/2012	279239	AT&T	849	1,664.69
01/06/2012	279240	AT&T	849	49.70
01/06/2012	279241	A T & T LONG DISTANCE	4060	7.74
01/06/2012	279242	A-1 SIGNS	2873	22.81
01/06/2012	279243	AERNIE, JEFF	999999	26.28
01/06/2012	279244	AGRO SALES NORTH LLC	3943	1,388.10
01/06/2012	279245	AIRGAS GREAT LAKES	106	24.30
01/06/2012	279246	ALLEGRA PRINT & IMAGING	533	651.24
01/06/2012	279247	AMERICAN MESSAGING	3718	9.84
01/06/2012	279248	ANY CUTTING & WELDING	3347	270.00
01/06/2012	279249	APOLLO FIRE EQUIPMENT COMPANY	1253	1,290.00
01/06/2012	279250	APPLIED INDUSTRIAL TECHNOLOGIE	1944	40.47
01/06/2012	279251	ARROW UNIFORM RENTAL	4058	135.45
01/06/2012	279252	ADP, INC.	3305	1,161.98
01/06/2012	279253	BORGESS HEALTH ALLIANCE	151	983.00
01/06/2012	279254	BRINK'S, INC	153	261.58
01/06/2012	279255	BROWN EQUIPMENT CO., INC.	3185	528.80
01/06/2012	279256	FENNELA ENTERPRISES, LLC	4645	160.00
01/06/2012	279257	C D W GOVERNMENT, INC.	2690	1,619.47
01/06/2012	279258	CAMPELL AUTO SUPPLY	437	11.34
01/06/2012	279259	CHARTER COMMUNICATIONS	3080	109.62
01/06/2012	279260	CITY OF KALAMAZOO (TRANS MILLA	4649	2,334.88
01/06/2012	279261	COLLETTE TRAVEL SERVICE, INC	1935	33,819.00
01/06/2012	279262	COMSTOCK PUBLIC SCHOOLS	1671	2,296.49
01/06/2012	279263	CONSUMERS CREDIT UNION	999999	158.71
01/06/2012	279264	CONSUMERS ENERGY-BILL PMT CNT	189	1,261.13
01/06/2012	279265	COSTAR REALTY INFORMATION, INC	4620	282.00
01/06/2012	279266	CROSSROADS CAR WASH	195	205.50
01/06/2012	279267	CROSSROADS EXPERT AUTO SERVICE	4109	254.97
01/06/2012	279268	DEMING, WILLIAM	999999	119.44
01/06/2012	279269	ELSMAN, SUSAN K	999999	31.88
01/06/2012	279270	EMERGENCY VEHICLE PRODUCTS	2948	6,232.49
01/06/2012	279271	GALL'S, AN ARAMARK COMPANY	25	217.09
01/06/2012	279272	GORDON FOOD SERVICE	502	29.94
01/06/2012	279273	GORDON WATER SYSTEMS	517	55.50
01/06/2012	279274	GOVERNMENT FINANCE OFFICERS AS	41	150.00
01/06/2012	279275	GREATER KALAMAZOO FOP LODGE 98	623	4,119.00
01/06/2012	279276	GREATER KALAMAZOO FOP LODGE 98	623	823.80
01/06/2012	279277	GREATER KALAMAZOO UNITED WAY	628	1,663.76
01/06/2012	279278	GRIGGS, LOUISE M	999999	56.62
01/06/2012	279279	HOME DEPOT	691	779.31
01/06/2012	279280	HYDRO-CHEM SYSTEMS, INC.	4039	307.48
01/06/2012	279281	I A C P N E T	1227	1,200.00
01/06/2012	279282	I.A.P.E.	999999	100.00
01/06/2012	279283	INT'L PERSONNEL MGMT ASSOC	1048	176.87
01/06/2012	279284	IP CONSULTING, INC.	4642	332.80
01/06/2012	279285	JONS TO GO PORTABLE RESTROOM	3201	506.25
01/06/2012	279286	KAL CO MEDICAL CONTROL AUTH	735	319.00
01/06/2012	279287	KAL HUMAN RESOURCE MGT ASSOC	808	150.00
01/06/2012	279288	KALAMAZOO COUNTY TREASURER	514	1,277.77
01/06/2012	279289	KALAMAZOO REG'L EDUC SVS AGENG	721	258.66

CHECK DATE	CHECK NUMBER	VENDOR NAME	VENDOR #	BANK CODE	CHECK AMOUNT
01/06/2012	279290	KALAMAZOO VALLEY COMMUNITY COL	230		150.38
01/06/2012	279291	KAMMINGA & ROODVOETS, INC.	4567		1,899.76
01/06/2012	279292	KELLY RADIATOR & AUTO REPAIR	4591		523.98
01/06/2012	279293	KLOSTERMAN DISTRIBUTING	3805		229.45
01/06/2012	279294	KOTECKI, CHRISTOPHER	2546		420.00
01/06/2012	279295	KZOO TIRE COMPANY	564		696.00
01/06/2012	279296	LA-Z-BOY FURNIURE GALLERIES	999999		5,662.41
01/06/2012	279297	LAWSON PRODUCTS, INC	240		1,763.43
01/06/2012	279298	LERETA	999999		659.55
01/06/2012	279299	LEXISNEXIS/MATTHEW BENDER	2701		169.00
01/06/2012	279300	LOWE'S HOME CENTER	2630		614.91
01/06/2012	279301	LYTLE, MICHELE	999999		112.52
01/06/2012	279302	MARTIN SPRING & DRIVE, INC.	2124		61.02
01/06/2012	279303	MEJEUR ELECTRIC LLC	4724		638.00
01/06/2012	279304	MI ASSOC. OF CHIEFS OF POLICE	2157		100.00
01/06/2012	279305	MICH. RECREATION & PARK ASSOC.	895		404.00
01/06/2012	279306	MICHIGAN STATE POLICE	999999		465.00
01/06/2012	279307	MICHIGAN TAX TRIBUNAL	999999		50.00
01/06/2012	279308	MIDWEST ENERGY COOPERATIVE	2030		221.04
01/06/2012	279309	MILLS, WILLIAM	999999		100.00
01/06/2012	279310	MTA	999999		160.90
01/06/2012	279311	MULDERS LANDSCAPE SUPPLIES INC	286		16,832.00
01/06/2012	279312	NEW FRESH CLEANING SERVICE	4351		5,123.00
01/06/2012	279314	NEXTTEL	1709		1,713.50
01/06/2012	279315	NYE UNIFORMS	299		133.12
01/06/2012	279316	OFFICE DEPOT, INC.	1721		351.78
01/06/2012	279317	OFFICEMAX INCORPORATED	301		2,145.46
01/06/2012	279318	OLWEAN, JAY	532		10.24
01/06/2012	279319	ONE WAY PRODUCTS	440		83.16
01/06/2012	279320	PETTY CASH-CITY HALL	767		299.66
01/06/2012	279321	PETTY CASH-CITY MANAGER	805		251.32
01/06/2012	279322	PIZZA YEN	100		89.50
01/06/2012	279323	POLK & COMPANY, R L	857		395.00
01/06/2012	279324	PORTAGE DISTRICT LIBRARY	810		36.60
01/06/2012	279325	PORTAGE FIREFIGHTERS	625		2,083.32
01/06/2012	279326	PORTAGE ON-CALL FIREFIGHTERS	504		519.21
01/06/2012	279327	PORTAGE POLICE OFFICERS ASSOC	624		2,458.50
01/06/2012	279328	PORTAGE PUBLIC SCHOOLS	590		1,041.04
01/06/2012	279329	PROSECUTING ATTORNEY ASSOC.	1309		100.00
01/06/2012	279330	R C M HEADSETS/R C M & ASSOC.	4113		161.00
01/06/2012	279331	RATHCO SAFETY SUPPLY, INC.	327		3,886.90
01/06/2012	279332	REID, CLAUDETTE S	532		1,015.77
01/06/2012	279333	RIDGE AUTO NAPA	438		1,994.28
01/06/2012	279334	RIETH-RILEY CONSTRUCTION CO.,	4386		342.40
01/06/2012	279335	ROOT SPRING SCRAPER CO.	344		408.00
01/06/2012	279336	ROWLEY BROTHERS, INC.	346		2,134.29
01/06/2012	279337	SCHAEFFER MANUFACTURING COMPAN	4635		1,744.80
01/06/2012	279338	SIGNWRITER & SERIGRAPHICS	2376		225.00
01/06/2012	279339	SNELLING PERSONNEL SERVICES	2107		596.05
01/06/2012	279340	SOUTHWEST MICHIGAN GOV CONSULT	4484		2,100.00
01/06/2012	279341	STANDARD ELECTRIC	1046		2,796.80

BANK CODE \*ALL\*

CHECK DATE	CHECK NUMBER	VENDOR NAME	VENDOR #	CHECK AMOUNT
01/06/2012	279342	STATE SYSTEMS RADIO, INC	369	1,258.38
01/06/2012	279343	STAYWELL/KRAMES	1477	119.38
01/06/2012	279344	SUDS SHINY BRITE	373	110.00
01/06/2012	279345	SUITS U TAILOR SHOP INC	4237	60.00
01/06/2012	279346	SUPERIOR ASPHALT, INC.	4183	1,980.00
01/06/2012	279347	TASER INTERNATIONAL, INC	3821	1,633.67
01/06/2012	279348	JOHANNA THOMPSON	4682	1,750.00
01/06/2012	279349	TORRES SALCEDO, JOSE HUMBERTO	999999	33.00
01/06/2012	279350	TRACTOR SUPPLY CORP.	2817	813.76
01/06/2012	279351	U A W, LOCAL 2290	1862	721.10
01/06/2012	279352	UNITED PARCEL SERVICE	545	53.69
01/06/2012	279353	WASHCO, LLC	1104	280.00
01/06/2012	279354	WELLER AUTO PARTS INC.	4668	85.00
01/06/2012	279355	WELLS FARGO HOME MORTGAGE	999999	30.00
01/06/2012	279356	WELLS FARGO REAL ESTATE	999999	1,071.48
01/06/2012	279357	WEST MICHIGAN STAMP & SEAL, INC	415	202.15
01/06/2012	279358	WESTERN MICHIGAN INT'L TRUCKS	4306	449.48
01/06/2012	279359	WESTERN MICHIGAN UNIVERSITY	3445	10,019.00
01/06/2012	279360	WHITELEY, MARY JO	999999	150.00
01/06/2012	279361	WINDEMULLER ELECTRIC, INC.	3061	3,570.98
01/06/2012	279362	WINDER POLICE EQUIPMENT, INC.	429	341.19
01/06/2012	279363	WINGFOOT COMMERCIAL TIRE	2613	1,330.97
01/06/2012	279364	WOLVERINE POWER SYSTEMS	4322	630.18
01/06/2012	279365	WOODHOUSE CONSTRUCTION	4745	1,200.00
01/06/2012	279366	7TH W DISTRICT COURT	999999	250.00
01/06/2012	279367	CALHOUN COUNTY COURT	999999	160.00
01/06/2012	279368	REED, EARNEST LEE	999999	160.00

DATE RANGE TOTAL \* 162,573.21 \*

PAYMENT NO	VENDOR NO	VENDOR NAME	TRANSFER DATE	AMOUNT	TRACE NUMBER	EFT BATCH	BANK CODE
788		ADMIRAL LOCK & KEY SERVICE	01/06/2012	125.00	072000320000001	0000001	00
789		ALRO STEEL CORPORATION	01/06/2012	70.85	072000320000002	0000001	00
790		BATTERIES PLUS	01/06/2012	86.40	072000320000003	0000001	00
791		CONTINENTAL LINEN SUPPLY CO.	01/06/2012	64.46	072000320000004	0000001	00
792		EMERALD CAR CLEANERS, LLC	01/06/2012	170.00	072000320000005	0000001	00
793		ENGINEERED PROTECTION SYSTEMS, INC.	01/06/2012	184.00	072000320000006	0000001	00
794		FIRE SERVICE MANAGEMENT	01/06/2012	1,034.00	072000320000007	0000001	00
795		INDUSCO SUPPLY CO., INC.	01/06/2012	183.52	072000320000008	0000001	00
796		KEHOE, EDWARD J	01/06/2012	480.00	072000320000009	0000001	00
797		KNAPP ENERGY, INC.	01/06/2012	11,137.88	072000320000010	0000001	00
798		PLEUNE SERVICE COMPANY	01/06/2012	988.27	072000320000011	0000001	00
799		PRECISION PRINTER SERVICES INC	01/06/2012	1,471.75	072000320000012	0000001	00
800		PREIN & NEWHOF	01/06/2012	500.00	072000320000013	0000001	00
801		QUALITY AIR HEATING & COOLING, INC.	01/06/2012	917.33	072000320000014	0000001	00
802		ROAD EQUIPMENT PARTS CENTER	01/06/2012	273.27	072000320000015	0000001	00
803		S B F/CORONA GRAPHICS	01/06/2012	737.90	072000320000016	0000001	00
804		SAFETY SERVICES, INCORPORATED	01/06/2012	778.33	072000320000017	0000001	00
805		SARCOM, INC	01/06/2012	39,080.44	072000320000018	0000001	00
806		THOMPSON, HELENE	01/06/2012	116.00	072000320000019	0000001	00
807		U S SIGNAL COMPANY, LLC	01/06/2012	549.00	072000320000020	0000001	00
808		360 SERVICES, INC.	01/06/2012	2,585.32	072000320000021	0000001	00

GRAND TOTAL:

61,533.72 NO. OF CHECKS:

21

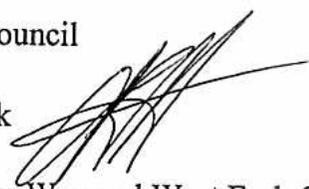
# CITY OF PORTAGE

# COMMUNICATION

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**TO:** Honorable Mayor and City Council

**DATE:** January 23, 2012

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

**SUBJECT:** Final Action – Trade Centre Way and West Fork Crossing Right-of-Way Vacation

**ACTION RECOMMENDED:** That Council adopt Resolution No. 2, vacating a portion of West Fork Crossing and a portion of Trade Centre Way.

On December 20, 2011, City Council adopted a resolution to vacate a portion of West Fork Crossing and a portion of Trade Centre Way, and placed the resolution on file with the City Clerk. Notice regarding the action was published in the Portage Gazette. The statute provides that should no objection be received during the 28-day period following such publications, the City Council may grant final approval. No objections have been filed with the City Clerk.

It is recommended that City Council adopt Resolution No. 2, vacating a portion of West Fork Crossing and a portion of Trade Centre Way.

c: Maurice S. Evans, City Manager

**RESOLUTION NO. 2  
CITY OF PORTAGE, MICHIGAN**

**RESOLUTION TO VACATE  
A PORTION OF WEST FORK CROSSING AND A  
PORTION OF TRADE CENTRE WAY  
IN THE CITY OF PORTAGE, MICHIGAN**

Minutes of a regular meeting of the City Council of the City of Portage, Michigan held on \_\_\_\_\_, 20\_\_ at 7:30 p.m. local time at City Hall in the City of Portage, Kalamazoo County, Michigan.

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

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

The following resolution was offered by:

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

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

WHEREAS, certain property north of Interstate 94 and west of South Westnedge Avenue is contained in the Downtown Development Authority (DDA).

WHEREAS, the intersection of West Fork Crossing and Trade Centre Way has been relocated as part of the Downtown Development Authority (DDA) Phase III development agreement.

WHEREAS, such relocation of the intersection is a desirable improvement to the site.

WHEREAS, the parties of said agreement have agreed that portions of the streets be vacated to allow for more efficient use of the site, more efficient traffic circulation, and mitigation of traffic congestion in the area.

WHEREAS, a public hearing was held on \_\_\_\_\_ 20\_\_ to give interested persons the opportunity to be heard.

WHEREAS, the request to vacate concerns a portion of West Fork Crossing immediately west of South Westnedge Avenue and a portion of Trade Centre Way immediately north of Interstate 94 in the City of Portage, as described below:

A parcel of land in Section 4, T. 3 S., R. 11 W., City of Portage, Kalamazoo County, Michigan, described as follows: Commencing at the Southeast corner of Lot 64, Assessor's Plat of DeBoer Homestead Acres, as recorded in Liber 14 of Plats on Page 6, Kalamazoo County Records; thence North 89°-20'-37" West along the South line of said Lot, 54.96 feet to the place of beginning of the land hereinafter described; thence South 23°-52'-01" East, 53.35 feet; thence Southwesterly 38.95 feet along a curve to the left with a radius of 536.00 feet and a chord bearing South 64°-00'-17" West, 38.94 feet to the North line of Lot 72 of said Plat; thence North 89°-20'-37" West along said North line, 94.20 feet; thence South 00°-25'-16" West, 45.13 feet; thence South 25°-25'-34" West, 21.77 feet; thence South 57°-49'-54" West, 90.44 feet; thence Northeasterly 47.30 feet along a curve to the left with a radius of 124.00 feet and a chord bearing North 26°-35'-02" East, 47.01 feet; thence North 15°-39'-23" East, 74.17 feet to a point on the North line of Lot 70 of said Plat, said point being South 89°-20'-37" East, 168.00 feet from the Northwest corner of Lot 69 of said Plat; thence South 89°-20'-37" East along the North line of Lot 70 of said Plat, 9.03 feet to the Northeast corner of Lot 70 of said Plat; thence North 00°-41'-23" East, 197.77 feet to the Northwest corner of Lot 66 of said Plat; thence South 89°-21'-28" East, 66.00 feet to the Northeast corner of Lot 66 of said Plat; thence South 00°-41'-23" West, 131.79 feet to the Southeast corner of Lot 66 of said Plat; thence South 89°-20'-37" East, 76.97 feet to the place of beginning. Containing 0.54 Acres.

NOW THEREFORE, BE IT RESOLVED that the City Council determines that the above portions of West Fork Crossing and Trade Centre Way be vacated so the site can be used more efficiently to mitigate traffic congestion and to create more desirable and efficient traffic circulation for the land use as set forth in the Phase III Development Agreement.

BE IT FURTHER RESOLVED, the City Council determines that it is in the best interest of the health, safety and welfare of the public to vacate said portions of the above streets.

BE IT FURTHER RESOLVED, that the City Clerk shall cause a certified copy of this resolution to be recorded in the office of the Register of Deeds for the Kalamazoo County, and another certified copy of this resolution to be sent to the Department of Commerce and State Treasurer, State of Michigan, and that until so recorded, this resolution is to have no force or effect.

ADOPTED: \_\_\_\_\_

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

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

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

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

### CERTIFICATION

I, James R. Hudson, do hereby certify that I am the duly appointed and acting City Clerk of the City of Portage, Michigan, and that the foregoing resolution was adopted by the City of Portage on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

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

Approved as to form:

Date: 12/14/11  
[Signature]  
City Attorney

**CITY OF PORTAGE**

**COMMUNICATION**

**TO:** Honorable Mayor and City Council

**DATE:** December 15, 2011

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



**SUBJECT:** Trade Centre Way Right-of-Way Vacation and Easement Grant

**ACTION RECOMMENDED:** That City Council approve:

- a. 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;
- b. 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;
- c. 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.

During the April 26, 2011 City Council Meeting, a redevelopment plan of the West Fork Crossing/Trade Centre Way with the Downtown Development Authority (DDA) area was presented. The project consists of the relocation of the West Fork Crossing/Trade Centre Way intersection, the improvement of the Trade Centre Way/South Westnedge Avenue intersection, and the reconstruction of Trade Centre Way between West Fork Crossing and South Westnedge Avenue. The project is included in the 2011 Amended Development Plan and the 2011 Amended Tax Increment Financing Plan from the DDA. The amended DDA plan was approved by Council on June 28, 2011 along with Resolution #5 of Special Assessment District R-#997 to fund the project. On July 12, 2011, Council approved the Phase III Development Agreement for the redevelopment plan. Contained in Article 2 of the Phase III Development Agreement portion of the amended DDA plan is a provision for the transfer of certain real estate properties in the project area. Specifically, the new West Fork Crossing/Trade Centre Way intersection location

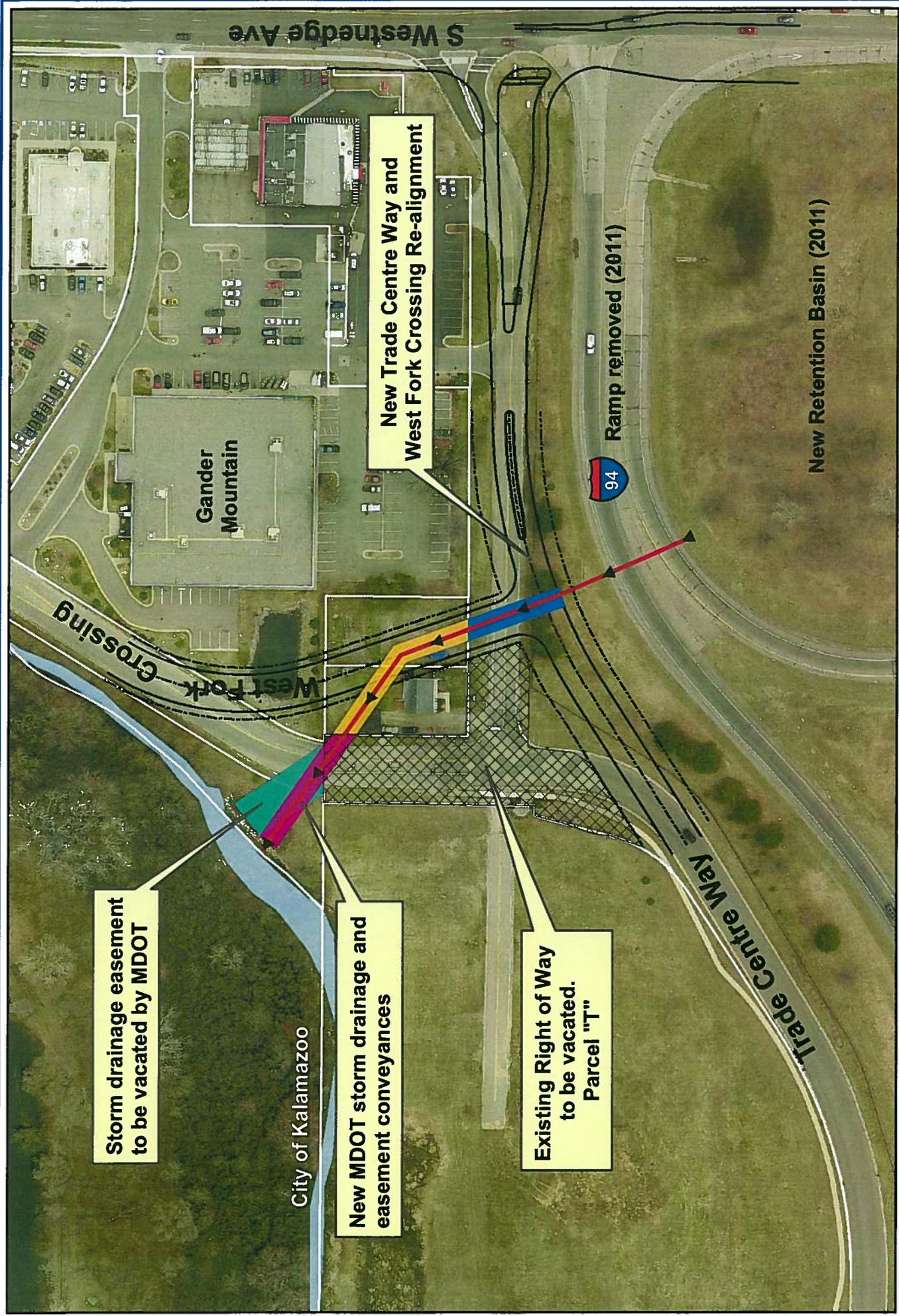
facilitates the vacation of the right-of-way associated with the former intersection location. This vacated right-of-way is shown on the attached map as "Parcel T." Construction of the new intersection is now complete, all utilities have been relocated, and the right-of-way vacation of "Parcel T" is now appropriate. Attached for City Council consideration is a resolution establishing a 28-day period for public notification and the establishment of a public hearing on January 24, 2012 to take final action on this right-of-way vacation.

Additionally, in 2008 as part of the adjacent I-94/South Westnedge Avenue Reconstruction project, City Council granted a storm drainage easement to the Michigan Department of Transportation (MDOT) for the installation of a storm drainage outlet from the I-94 storm water retention basin. The realignment of the West Fork Crossing/Trade Centre Way intersection necessitates the granting of a new storm water drainage easement to MDOT to conform to the new West Fork Crossing/Trade Centre Way intersection location. The new easement is slightly smaller than the previously granted easement and is shown on the attached map. Once the new easement is finalized and recorded, MDOT will vacate the previously granted easement in 2008. Attached for City Council consideration is a Resolution establishing a 28-day period for public notification and a public hearing on January 24, 2012 to take final action on this easement grant.

On February 9, 2010, City Council awarded a contract to Prein & Newhof for design of the West Fork Crossing/Trade Centre Way relocation project. The contract set forth a preliminary scope of property survey services. Through the project design process a new alignment of Trade Centre Way was proposed to utilize MDOT right-of-way formerly used for the I-94/South Westnedge interchange ramps. The new alignment facilitates traffic flow and improves intersection safety at the Trade Centre Way/South Westnedge Avenue intersection. MDOT is able to convey this right-of-way to the city at no cost, but requires that the final survey services, property staking and property legal descriptions of the area be performed by the city. The additional cost to perform these services was anticipated as part of the project budget and included in the adopted special assessment district costs. The cost for these survey services has been submitted by Prein & Newhof and reviewed by city staff. The \$26,000 cost includes all survey field work, drawings, and legal description preparation necessary for the right-of-way transfer from MDOT to the city. The cost has been reviewed and is a fair and reasonable cost for the additional services required.

It is recommended that City Council approve the 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; approve 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; approve a contract amendment to Prein & Newhof, Incorporated in the amount of \$26,000 to perform final survey services related to the conveyance of MDOT right-of-way and authorize the City Manager to execute all documents related to the above on behalf of the city.

Attachments



Storm drainage easement to be vacated by MDOT

City of Kalamazoo

New MDOT storm drainage and easement conveyances

Existing Right of Way to be vacated. Parcel "T"

New Trade Centre Way and West Fork Crossing Re-alignment

Ramp removed (2011)

New Retention Basin (2011)

# West Fork Crossing I-94 Drainage Easement

- City convey to MDOT
- Public RW
- Hinman convey to MDOT
- Public RW to be abandoned
- New MDOT storm drainage
- Existing Easement to be vacated

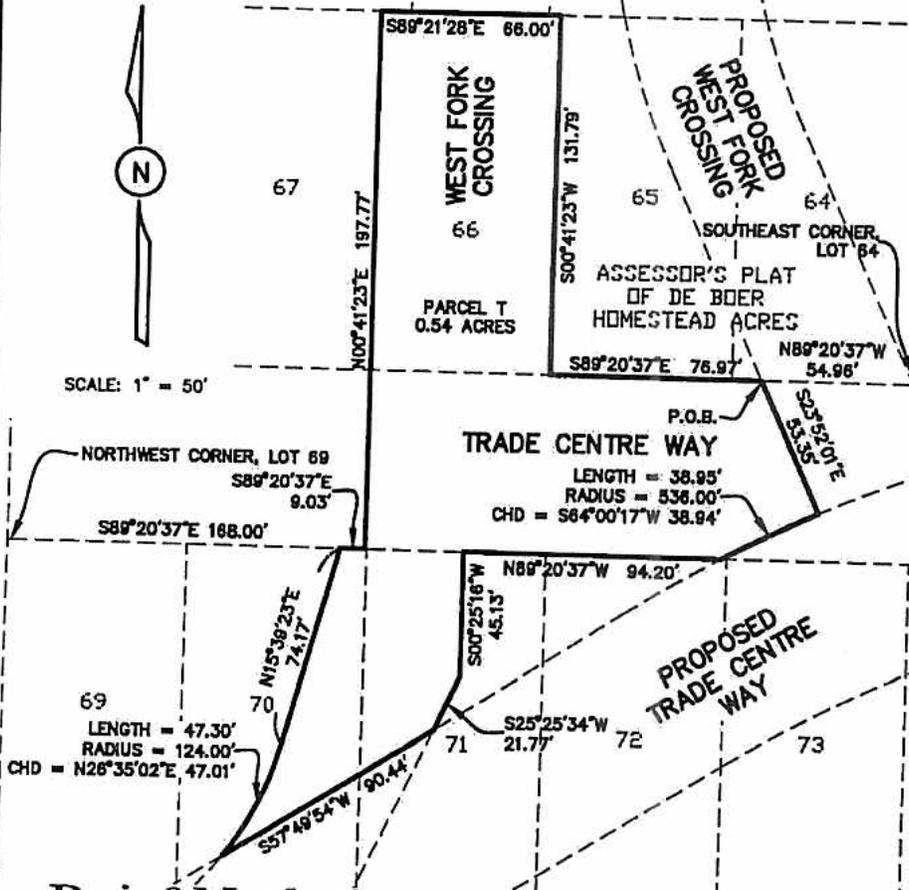


1 inch = 120 feet  
Boundaries depicted are approximate.

# PARCEL T SKETCH

Parcel T (Right-of-way to be abandoned)

A parcel of land in Section 4, T. 3 S., R. 11 W., City of Portage, Kalamazoo County, Michigan, described as follows: Commencing at the Southeast corner of Lot 64, Assessor's Plat of DeBoer Homestead Acres, as recorded in Liber 14 of Plats on Page 6, Kalamazoo County Records; thence North  $89^{\circ}-20'-37''$  West along the South line of said Lot, 54.98 feet to the place of beginning of the land hereinafter described; thence South  $23^{\circ}-52'-01''$  East, 53.35 feet; thence Southwesterly 38.95 feet along a curve to the left with a radius of 536.00 feet and a chord bearing South  $64^{\circ}-00'-17''$  West, 38.94 feet to the North line of Lot 72 of said Plat; thence North  $89^{\circ}-20'-37''$  West along said North line, 94.20 feet; thence South  $00^{\circ}-25'-16''$  West, 45.13 feet; thence South  $25^{\circ}-25'-34''$  West, 21.77 feet; thence South  $57^{\circ}-49'-54''$  West, 90.44 feet; thence Northeastly 47.30 feet along a curve to the left with a radius of 124.00 feet and a chord bearing North  $26^{\circ}-35'-02''$  East, 47.01 feet; thence North  $15^{\circ}-39'-23''$  East, 74.17 feet to a point on the North line of Lot 70 of said Plat, said point being South  $89^{\circ}-20'-37''$  East, 168.00 feet from the Northwest corner of Lot 69 of said Plat; thence South  $89^{\circ}-20'-37''$  East along the North line of Lot 70 of said Plat, 9.03 feet to the Northeast corner of Lot 70 of said Plat; thence North  $00^{\circ}-41'-23''$  East, 197.77 feet to the Northwest corner of Lot 66 of said Plat; thence South  $89^{\circ}-21'-28''$  East, 66.00 feet to the Northeast corner of Lot 66 of said Plat; thence South  $00^{\circ}-41'-23''$  West, 131.79 feet to the Southeast corner of Lot 66 of said Plat; thence South  $89^{\circ}-20'-37''$  East, 76.97 feet to the place of beginning. Containing 0.54 Acres.



**Prein & Newhof**  
 Engineers - Surveyors - Environmental & Soils Laboratory  
 7123 STADIUM DRIVE  
 KALAMAZOO, MICHIGAN 49009  
 PHONE: (269) 372-1158  
 JANUARY 18, 2011

T:\CIVILSD PROJECTS\1010\1000236 CITY OF PORTAGE TRADE CENTRE WAY\DWG\PARCELS FOR DEVELOPMENT AGREEMENT\1000236 PARCEL T.DWG - RLS - JAN. 18 2011

**RESOLUTION NO. 1  
CITY OF PORTAGE, MICHIGAN**

**RESOLUTION TO SET A PUBLIC HEARING ON THE VACATION  
OF A PORTION OF WEST FORK CROSSING AND A  
PORTION OF TRADE CENTRE WAY  
IN THE CITY OF PORTAGE, MICHIGAN**

Minutes of a regular meeting of the City Council of the City of Portage, Michigan held on December 20, 2011 at 7:30 p.m. local time at City Hall in the City of Portage, Kalamazoo County, Michigan.

PRESENT: Campbell, Pearson, Randall, Reid, Sackley, Strazdas, Urban

ABSENT: None.

The following resolution was offered by:

COUNCILMEMBER: Sackley and supported by

COUNCILMEMBER: Reid.

WHEREAS, certain property north of Interstate 94 and west of South Westnedge Avenue is contained in the Downtown Development Authority (DDA).

WHEREAS, the intersection of West Fork Crossing and Trade Centre Way has been relocated as part of the Downtown Development Authority (DDA) Phase III development agreement.

WHEREAS, such relocation of the intersection is a desirable improvement to the site.

WHEREAS, the parties to said agreement have agreed that portions of the streets be vacated to allow for more efficient use of the site, more efficient traffic circulation, and mitigation of traffic congestion in the area.

WHEREAS, the request to vacate concerns a portion of West Fork Crossing immediately west of South Westnedge Avenue and a portion of Trade Centre Way immediately north of Interstate 94 in the City of Portage, is described as follows.

A parcel of land in Section 4, T. 3 S., R. 11 W., City of Portage, Kalamazoo County, Michigan, described as follows: Commencing at the Southeast corner of Lot 64, Assessor's Plat of DeBoer Homestead Acres, as recorded in Liber 14 of Plats on Page 6, Kalamazoo County Records; thence North 89°-20'-37" West along the South line of said Lot, 54.96 feet to the place of beginning of the land hereinafter described; thence South 23°-52'-01" East, 53.35 feet; thence Southwesterly 38.95 feet along a curve to the left with a radius of 536.00 feet and a chord bearing South 64°-00'-17" West, 38.94 feet to the North line of Lot 72 of said Plat; thence North 89°-20'-37" West along said North line, 94.20 feet; thence South 00°-25'-16" West, 45.13 feet; thence South 25°-25'-34" West, 21.77 feet; thence South 57°-49'-54" West, 90.44 feet; thence Northeasterly 47.30 feet along a curve to the left with a radius of 124.00 feet and a chord bearing North 26°-35'-02" East, 47.01 feet; thence North 15°-39'-23" East, 74.17 feet to a point on the North line of Lot 70 of said Plat, said point being South 89°-20'-37" East, 168.00 feet from the Northwest corner of Lot 69 of said Plat; thence South 89°-20'-37" East along the North line of Lot 70 of said Plat, 9.03 feet to the Northeast corner of Lot 70 of said Plat; thence North 00°-41'-23" East, 197.77 feet to the Northwest corner of Lot 66 of said Plat; thence South 89°-21'-28" East, 66.00 feet to the Northeast corner of Lot 66 of said Plat; thence South 00°-41'-23" West, 131.79 feet to the Southeast corner of Lot 66 of said Plat; thence South 89°-20'-37" East, 76.97 feet to the place of beginning. Containing 0.54 Acres.

NOW THEREFORE, BE IT RESOLVED that a public hearing be held at 7:30 p.m. on January 24, 2012, or as soon thereafter as may be heard before the City Council at City Hall to consider the request and that all persons interested therein may be heard in support of, or against, said proposed vacation.

BE IT FURTHER RESOLVED, that the City Clerk publish a notice in substantially the form attached as Exhibit "A" on or before the 24th day of December, 2011, giving notice to the public of the City's intent to vacate portions of the above described streets.

BE IT FURTHER RESOLVED that a resolution authorizing this action is on file with the City Clerk and open for public inspection. Said document will be so held for twenty-eight (28) days after the publication of this notice and may be inspected at City Hall on any business day except public and legal holidays from and after publication of this Notice from 8:00 a.m. to 5:00 p.m. local time. After said twenty-eight (28) day period, the Council may take final action and vacate said portions of said streets.

ADOPTED: 7 to 0

AYES: Councilmember Campbell, Pearson, Randall, Reid, Sackley, Strazdas, Urban

NAYS: Councilmember None.

ABSENT: Councilmember None.

~~James R. Hudson, City Clerk~~  
Adam D. Herringa, Deputy City Clerk

### CERTIFICATION

Adam D. Herringa  
I, ~~James R. Hudson~~, do hereby certify that I am the duly appointed and acting City Clerk of the City of Portage, Michigan, and that the foregoing resolution was adopted by the City of Portage on the 20th day of December, 2011.

~~James R. Hudson, City Clerk~~  
Adam D. Herringa, Deputy City Clerk

Approved as to form:

Date: 12/14/11  
ACN

City Attorney

**EXHIBIT "A"**

**CITY OF PORTAGE  
NOTICE OF PUBLIC HEARING  
TO VACATE A PORTION OF WEST FORK CROSSING AND A PORTION OF TRADE  
CENTRE WAY IN THE CITY OF PORTAGE, MICHIGAN**

**NOTICE IS HEREBY GIVEN** that a decision is pending before the City Council of the City of Portage to vacate a portion of West Fork Crossing and Trade Centre Way, west of South Westnedge Avenue and north of Interstate 94 to provide for more efficient use of land and to mitigate traffic congestion and conflicts for the traveling public in relation to a proposed land use for the area. The portions of the above streets to be vacated are as follows:

A parcel of land in Section 4, T. 3 S., R. 11 W., City of Portage, Kalamazoo County, Michigan, described as follows: Commencing at the Southeast corner of Lot 64, Assessor's Plat of DeBoer Homestead Acres, as recorded in Liber 14 of Plats on Page 6, Kalamazoo County Records; thence North 89°-20'-37" West along the South line of said Lot, 54.96 feet to the place of beginning of the land hereinafter described; thence South 23°-52'-01" East, 53.35 feet; thence Southwesterly 38.95 feet along a curve to the left with a radius of 536.00 feet and a chord bearing South 64°-00'-17" West, 38.94 feet to the North line of Lot 72 of said Plat; thence North 89°-20'-37" West along said North line, 94.20 feet; thence South 00°-25'-16" West, 45.13 feet; thence South 25°-25'-34" West, 21.77 feet; thence South 57°-49'-54" West, 90.44 feet; thence Northeasterly 47.30 feet along a curve to the left with a radius of 124.00 feet and a chord bearing North 26°-35'-02" East, 47.01 feet; thence North 15°-39'-23" East, 74.17 feet to a point on the North line of Lot 70 of said Plat, said point being South 89°-20'-37" East, 168.00 feet from the Northwest corner of Lot 69 of said Plat; thence South 89°-20'-37" East along the North line of Lot 70 of said Plat, 9.03 feet to the Northeast corner of Lot 70 of said Plat; thence North 00°-41'-23" East, 197.77 feet to the Northwest corner of Lot 66 of said Plat; thence South 89°-21'-28" East, 66.00 feet to the Northeast corner of Lot 66 of said Plat; thence South 00°-41'-23" West, 131.79 feet to the Southeast corner of Lot 66 of said Plat; thence South 89°-20'-37" East, 76.97 feet to the place of beginning. Containing 0.54 Acres.

**NOTICE IS FURTHER GIVEN** that said matter will be considered by the City Council at the City Hall at 7:30 p.m. on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_, or as soon thereafter as may be heard, and that all persons interested therein may be heard in support of, or against, said matter.

**PLEASE TAKE NOTICE** that the resolution authorizing this action is on file with the City Clerk and open for public inspection. Said document will be so held for twenty-eight (28) days after the publication of this notice and may be inspected at City Hall on any business day except public and legal holidays from and after publication of this Notice from 8:00 a.m. to 5:00 p.m.

local time. After said twenty-eight (28) day period, the Council may take final action and vacate said portions of said streets.

Dated: \_\_\_\_\_, 20\_\_

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

Z:\Jody\PORTAGE\RES\Exhibit A to Res #1 for Vacation of West Fork & Trade Centre Way.121311.doc

# CITY OF PORTAGE

# COMMUNICATION

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**TO:** Honorable Mayor and City Council

**DATE:** January 19, 2012

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

**SUBJECT:** Proposed Two-Year Labor Agreement – Portage Police Command Officers

**ACTION RECOMMENDED:** That City Council authorize the Mayor and City Clerk to execute a two-year labor agreement between the City of Portage and the Portage Police Command Officers (PPCOA).

The City Administration has negotiated a replacement contract with the Portage Police Command Officers Association (PPCOA) for a labor agreement that expired on June 30, 2011. The proposed agreement has been ratified by the PPCOA membership and covers ten Portage Public Safety Police Command (Sergeant & Lieutenant) employees for the period of July 1, 2011 through June 30, 2013. Highlights of the ratified agreement include:

- Wages remain at current levels.
- Limitations on employer contributions to health insurance premiums of \$5,500 for single coverage, \$11,000 for two-person coverage and \$15,000 for family coverage, adjusted February 1, 2013 based upon the medical car component of the U.S. Consumer Price Index.
- A limitation on the pension contribution for new hires to 10 percent of annual base wage.
- A reduction in sick leave time accruals for new hires from eight hours to four hours per month, with a maximum accumulation of 1000 hours.
- Elimination of the city-maintained plan for supplemental retiree health insurance coverage for retirees over age 65.
- A signing bonus of \$450 for each year of the contract (total of \$900), payable the first full payroll following execution of the replacement labor agreement.
- In recognition of no wage increase since July 1, 2008, a one-time bonus equal to one and one-half (1.5) percent of base wage, effective July 1, 2012.
- A change to the Health Management Program to add a requirement for the spouse of the employee to provide proof of receipt of an annual physical and the provision of a \$200 incentive for successful completion of the program.

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

**CITY OF PORTAGE**

**COMMUNICATION**

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**TO:** Honorable Mayor and City Council

**DATE:** January 16, 2012

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



**SUBJECT:** December 2011 Summary Environmental Activity Report – Information Only

Attached please find the December 2011 Summary Environmental Activity Report from Department of Transportation & Utilities Director, W. Christopher Barnes. New material, or material of specific interest to City Council is presented in italics.

These items serve to update the Council on environmental affairs.

c: W. Christopher Barnes, Director of Transportation & Utilities  
Planning Commission  
Portage Environmental Board

**CITY OF PORTAGE**

**COMMUNICATION**

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

**DATE:** January 16, 2012

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

**SUBJECT:** December 2011 Environmental Activity Report – Information Only

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

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

Attachment

SUMMARY ENVIRONMENTAL ACTIVITY REPORT  
December 2011 (*updates in italics*)

<u>Project/Activity</u>	<u>Description</u>	<u>Status</u>
Portage City Landfill	Ongoing groundwater monitoring of former municipal landfill.	<p>-City Council awarded a 3 year contract to American Hydrogeologic Corporation on February 23, 2010 to perform annual groundwater sampling. The site groundwater data will continue to be monitored to confirm continuation of the natural attenuation process. Sampling shows continued improvement in groundwater quality. Sampling completed in April 2010. Annual report submitted to MDNRE in June 2010. General groundwater quality continues to improve, but site will require monitoring for the foreseeable future. 2011 sampling completed in March. 2011 annual report submitted to MDEQ, with moderate groundwater quality improvements. <i>Investigation into methane gas presence is underway.</i></p>
Site Inspection/Development Project Review	Review of existing business & industries and review of proposed business and industrial development projects for environmental protection purposes and/or building plans completed.	<p>-Coordination with property owners and City or State agencies ongoing. -<i>Review of 4 site/building plans and/or plats completed in December 2011.</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 2011: 3 residential; 0 commercial. One property owner on Mandigo Avenue has received a deferment from the Environmental Board.</i></p>
West Lake Management Program	Special assessment district designed to maintain/improve lake conditions.	<p>-Five Year Lake Management Assessment District process was approved by City Council on March 23, 2010. Construction began on the Austin Dam reconstruction in December 2006 and new structure completed in March 2007. Filtration system construction was substantially completed in July 2008. The 2011 lake survey and treatment preparations are complete. <i>Additional areas requested by the Association for treatment.</i> Amendment to the 2011 Treatment Program approved by City Council on August 9, 2011. <i>The 2011 program is complete.</i></p>
Retention Basin Sampling Program	Investigation regarding potential impact of retention basins on groundwater levels.	<p>-Historical monitoring continues to show minor impacts at most basins. From 1993 through 2009 the monitoring program showed stable groundwater impacts due to stormwater infiltration. Alternative road salt practices continue to be considered and evaluated. On March 23, 2010, City Council awarded a four-year contract to Wightman Environmental. Program will focus primarily on groundwater level information. Sampling of retention basins was completed on</p>

June 25, 2010. The 2010 year report received in January 2011. The 2010 results show declining groundwater levels throughout the city. Surface storm water outfall sampling shows stable results. *2011 report due to be received in January 2012. Current groundwater table measurements show the December 2011 level to be approximately the same as the June 2011 levels.*

-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. Plan implementation is ongoing.*

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

-Received NPDES general permit on August 15, 2001. Renewal Application submission was made to MDEQ on March 7, 2003. New permit received in 2004 mandates involvement in several county watershed groups. City staff completed the submission of a Stormwater Pollution Prevention Initiative (SWIPPI) as required by NPDES permit. SWIPPI submitted on October 21, 2005. New certificate of coverage permit was issued by MDEQ on September 30, 2009. New permit covers a 5 year timeframe with first work item (updating the Public Participation Plan) due December 11, 2009. Plan update completed with other local governments and submitted November 24, 2009. Staff completed an updated SWIPPI submittal to MDNRE. SWIPPI was submitted for MDNRE approval on June 25, 2010. Permit implementation is ongoing. Received a notice from MDNRE rescinding the 2008 permit due to a recent court case ruling. MDNRE reinstated the 2003 permit for implementation. Information on new permit requirement was received February 2011. *MDNRE expected to issue new permit in 2014.* City staff presented public information with other local agencies at the 2011 Home Expo on March 9-12, 2011. Tour of Liberty Park Stormwater treatment was held September 6, 2011 for the Southwest Michigan Soil Control

Wellhead Protection Program (WHPP)  
 Development of program to protect City well fields and surrounding area from contamination resulting from improper land use.

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

National Pollution Discharge Elimination System (NPDES) permit implementation  
 Five year plan to implement the current NPDES stormwater permit.

Association. 2010-11 annual report preparation is underway. Implementation is ongoing.

National Pollution Discharge Elimination System (NPDES) permit implementation  
Kalamazoo River Mainstem Watershed Management Plan

-First meeting was held September 17, 2004. Proposals for completing the watershed plan were received by Kalamazoo County on September 15, 2005 and a contract awarded to Kieser & Associates in November 2005. Draft watershed plan submitted to MDEQ on December 30, 2005. Review comments received from MDEQ and revised watershed plan due in December 2006. A letter not to revise the Watershed Plan was submitted to the MDEQ on March 17, 2008. Public participation plan update submitted to MDEQ on November 24, 2009. Kalamazoo River Water Festival was held on August 14, 2010 with City of Portage participation. Preliminary grant request submitted September 16, 2010 for West Fork of Portage Creek storm water enhancements. Complete grant application was submitted on October 25, 2010. Notice received July 18, 2011 that grant application was not awarded. Kalamazoo River Watershed council completed a watershed update in November.

Portage River Watershed Management Plan

-Public participation plan submitted June 28, 2004. Proposals for a Watershed Management Plan were received by the Kalamazoo County Road Commission and a contract awarded to the Kalamazoo County Conservation Service in November 2005. Draft watershed plan submitted to MDEQ on December 30, 2005. Follow-up meetings are held monthly to facilitate an implementation schedule. Portage River Watershed public meeting held in Vicksburg on April 11, 2006. Review comments received from MDEQ and revised watershed plan due November 2006. Revised Watershed Plan submitted November 30, 2006, follow up meetings to be held as necessary. A letter not to revise the Watershed Plan was submitted to the MDEQ on March 17, 2008. Public participation plan update submitted to MDEQ on November 24, 2009. Based upon MDEQ comments, the plan was revised and resubmitted on December 21, 2009. Interest has been raised by local conservation groups to update the current Watershed Plan using grant funds. Meeting held on May 9, 2011 among stakeholders to determine interest in updating the current water shed plan. Second meeting held on June 20, 2011, and grant application submitted by Kalamazoo and Calhoun County Conservation District to update the Watershed Plan. *Grant outcome pending.*

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

-On October 21, 2001, City Council awarded a contract to Fishbeck, Thompson, Carr and Huber for the Portage Creek element of the IDEP, which was completed in July 2002. On February 19, 2002, City Council approved a new ordinance as required by the NPDES permit titled "Storm Water Illicit Discharges and Connections". On April 28, 2004, City Council accepted a grant

from the State of Michigan in the amount of \$152,264 and awarded a contract to Fishbeck, Thompson, Carr and Huber in the amount of \$184,264 for the remainder of the IDEP for the entire city. Program implementation is ongoing as funding allows. Continued outfall sampling is required by permit and will be budgeted accordingly. IDEP program was updated for submittal to MDNRE on June 25, 2010, and part of the SWIPPI. *Implementation is ongoing.*

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

-City Council approved an agreement with Fishbeck, Thompson, Carr & Huber, Inc. on January 10, 2006 to prepare a feasibility study to meet new USEPA arsenic standards for drinking water. Feasibility study completed in August 2006. Engineering proposals for the project were received August 14, 2007. Project engineering awarded to Earth Tech by City Council on September 11, 2007. Contract awarded by City Council on December 16, 2008 to Adams Building Contractors, Inc., Jackson, Michigan. Preconstruction meeting was held January 29, 2009. Facility is in operation with ribbon cutting held August 2, 2010. City staff gave a presentation on August 9, 2010 to the Michigan Chapter of the American Water Works Association about the arsenic removal of the facility. The facility is producing approximately one million gallons of water per day. Staff conducted a tour of the facility on April 27, 2011 to the local Chapter of the National Society of Professional Engineers. Facility is in regular operation.

Environmental Incident/Spill Clean Up Notification  
 Environmental Protection Program to assist Portage Police/Fire Departments with spill containment and spill cleanup.

-The number of environmental incident/spill investigations performed in December 2011 – 0. Number of environmental cleanups in November – 0. Emergency spill response contract for 2012-13 with Terra Contracting is in place.

Localized Groundwater Table Investigation

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

-On April 29, 2008, City Council awarded a contract to American Hydrogeology Corporation to investigate the reason and extent of seasonally high groundwater elevation. Special emphasis will be placed on the Black Forest plat area to suggest possible solutions to the basement leaking problems experienced in the area. Study was transmitted to City Council on July 22, 2008. Work was completed on October 31, 2008. City staff continues to investigate other remedies for local groundwater table issues. Work complete on compiling a history of local groundwater table elevations at 19 city-owned retention basins with data from 1994 to 2009. Data from the analysis shows a general upward trend through the Portage area from 2005 to present. Five monitoring wells were installed in the Jamaica Lane area as a result of a number of citizen concerns. Analysis of the Jamaica Lane wells shows that seasonal groundwater table levels

have dropped approximately 24” from spring 2009 levels and level has stabilized through December 2011. Current sampling continued to show a slight decline in the groundwater table. *Current groundwater levels are approximately the same as the June 2011 levels.*

Hampton Wetland Area Water Level Assistance with the Inverness Condominium Association to Review Surface Water Levels

-Ongoing assistance with the Condominium Association to develop appropriate measures to regulate the rising water level in Hampton Wetlands Area located on the north side of West Centre Avenue and east of Angling Road. Met with MDNRE staff to determine feasible method to lower water levels. Association currently working with MDNRE permit staff on February 26, 2010 to clarify permit requirements. Lower groundwater table elevation has reduced the concerns from the Condominium Association. Conference call with MDNRE held on December 8, 2010 to discuss permit submission updates. Condo Association discussing project with other property owners for support. Association submitted a letter to City Administration asking that the city consider the Wetland Water Level Regulation a municipal project. On March 22, 2011, city staff response recommending the Association consider governmental lake board. The Association is considering next steps. No new developments.

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 MDNRE for a greenhouse gas inventory study of the area. Notice received July 15, 2010 that the grant application was not successful. City staff attended a September 10, 2010 meeting in Grand Rapids to discuss sustainable economic, environment, and society programs. No new developments.

## CITY OF PORTAGE ENVIRONMENTAL BOARD - COMMUNICATION

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**TO:** Honorable Mayor and City Council

**DATE:** January 11, 2012

**FROM:**  Ruth Caputo/Environmental Board Chairperson

**SUBJECT:** Purple Loosestrife Program

In accordance with the assigned 2011-12 Environmental Board Goals & Objectives, please find attached the 2011 Purple Loosestrife Program Annual report.

Should you have any questions, please let me know.

c: Christopher Barnes, Board Liaison

# Environmental Board's Purple Loosestrife Program



## 2011 Annual Report

### Activities & Progress in 2011

- Beetles were released on July 1. A total of 11 beetle pots were released at four sites: Consolidated Drain (behind D&W on Romence), Lakeview Park, Mandigo Marsh and Millennium Park.
- Beetles were purchased through Kalamazoo Nature Center since Vicksburg High Schools' greenhouse is once again operational.
- Previously treated sites, prior to 2008, have shown resurgence of PLS as shown in the attached photographs of Lakeview Park and the Millennium Park/Consolidated Drain area. Notice the highest density is beyond the immediate treatment-signed areas.
- Cost of beetles has increased 80% since 2006. This year, 11 beetle pots were released instead of 20 (in 2006).
- Attached density map reflects spread of PLS in the City of Portage as of 2011.

### Planned Activities

- The resurgence of PLS has changed the character of our program. Previously reported as a mature program is now requiring a more aggressive approach. It's apparent that the current resources, number of beetle pots, are inadequate to control PLS in Portage. Prior to next year's beetle release, July 2012, EB plans to update its understanding of controlling PLS. Tapping such sources as Kalamazoo Nature Center and Michigan State University. EB will also address the need for more beetles. Last year's grant application for additional funding was not awarded. This year other options such as pursuing an increase in City funding and fund raising have been suggested. In August, 2012 EB plans to update the PLS density map.
- Maintain contact with Michigan State University for updates concerning the rearing of the Galerucella beetle.
- Maintain contact with Kalamazoo Nature Center for information on other area PLS control programs.
- Annually report to Council on the program's activities and progress.

## **Program's History**

- Purple Loosestrife is an invasive species native to Europe and Asia. It will grow in any moist environment. In the City of Portage, Purple Loosestrife is observed along the shorelines of Austin, Gourdneck and Long lakes, in the channels between the lakes, wetland areas (Mandigo Marsh) and along some of the banks of Portage Creek. There are no domestic enemies for the plant and it will overtake native vegetation. A concern is that removal of native vegetation will impact the wildlife species that depend on them.
- In April 2001, members of the Environmental Board initiated a small project using a USDA-approved biocontrol method to reduce Purple Loosestrife within the City. The biocontrol method uses a European species of Galerucella beetle that feeds specifically on Purple Loosestrife.
- On October 18, 2005, the Council approved the Environmental Board's plan for the measurable reduction (environmental control) of Purple Loosestrife within the City of Portage by 2012.
- In 2006, a Working Group was formed, as required by PLS plan, to manage the program and report to the Environmental Board. Members represent associations from Austin, Gourdneck, Long lakes along with Kalamazoo Nature Center, Park Department and Environmental Board.
- Annually, starting in 2006, beetles have been purchased from an out-of-state source and shipped to Vicksburg High School. This is the site of a student program to greenhouse the beetles until mid-June when beetles are sold to members of a consortium headed by Kalamazoo Nature Center. City of Portage, as a member of the consortium, purchases \$500 worth of beetles as approved in the PLS plan. A PLS density map provides possible beetle release locations, including Austin/Long Lake channel, Lakeview Park and Consolidated Drain project.
- In 2010 the Vicksburg High School greenhouse was not operational. The EB decided to purchase beetles from same out-of-state source as the KNC consortium, but rear beetles on its own rather than put the program on hold.
- Typically, release sites are photographed every August to reflect visual changes in PLS density. Photographs are compared and evaluated to determine relative density and represented on a PLS density map of the City. The map is updated depending on whether there have been significant changes. The program's progress is reported via an annual report to the City Council, the EB web page and an EB sign displayed at Lakeview Park.
- Five treated sites were marked, in 2010, with signs to help identify treatment areas.



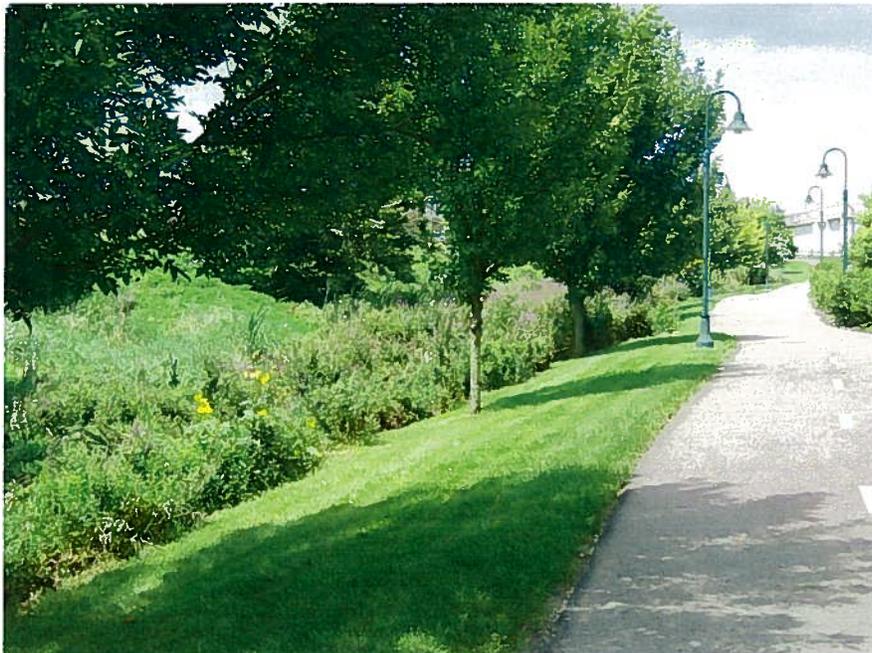
Lakeview Park north of fishing dock –August 2007



Lakeview Park at fishing dock-beetle release site August 2011



Consolidated Dain at Millennium Park August 2006



Consolidated Drain at Millennium Park August 2011

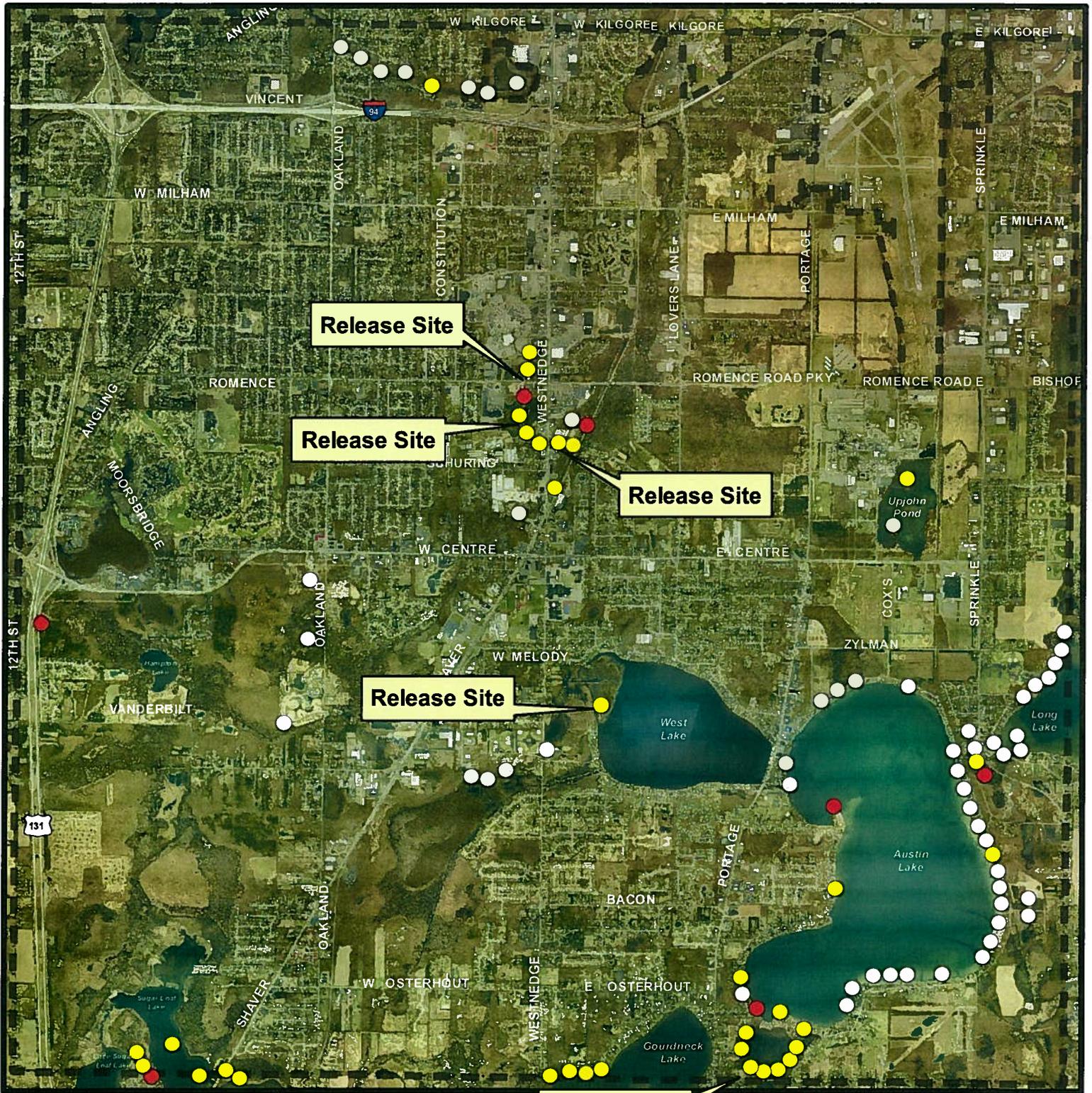


Mandigo Marsh East of Portage Road August 2011



Mandigo Marsh facing west original Beetle release site August 2011

# Purple Loosestrife Concentration Areas



## Legend

- Mild (Less than 1 plant/sq yard but plants are present)
- Moderate (1-3 plants/sq yard)
- Dense (Greater than 3 plants/sq yard)

 City Boundary

Release Site



1 inch = 4,120 feet

Date: 1/9/2012

Date of Imagery: March, 2009

Path: R:\GISADMIN\work\projects\DEPTS\TUL\Loosestrife Map.mxd

**CITY OF PORTAGE**

**COMMUNICATION**

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**TO:** Portage City Council

**DATE:** January 17, 2012

**FROM:** Mayor Peter J. Strazdas

**SUBJECT:** City Council Guiding Principles

**ACTION RECOMMENDED:** That City Council commit to abide by the principles discussed at the December 9, 2011 City Council Goal Setting Session as set forth in the attached documents.

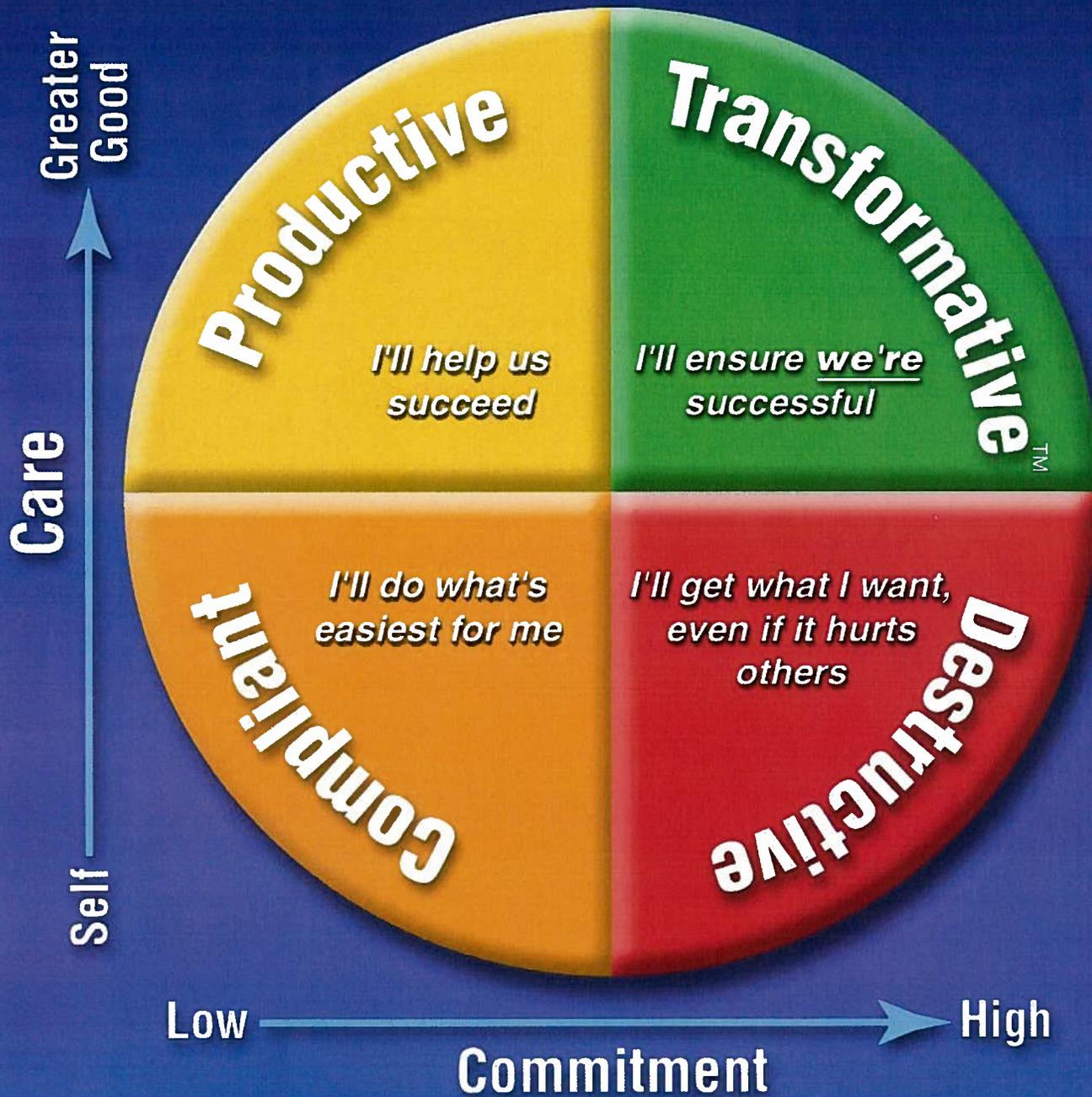
I recommend that the Council commit to abide by the principles discussed at the December 9, 2011 City Council Goal Setting Session as set forth in the attached documents: *Critical Questions for Working Together* and *Four Choices of Leadership*.

Attachments

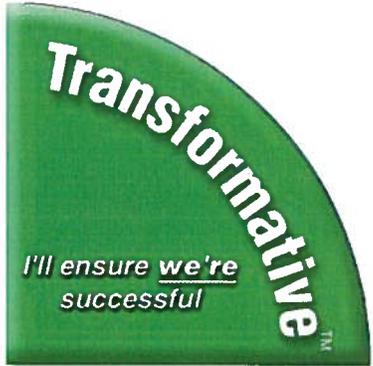
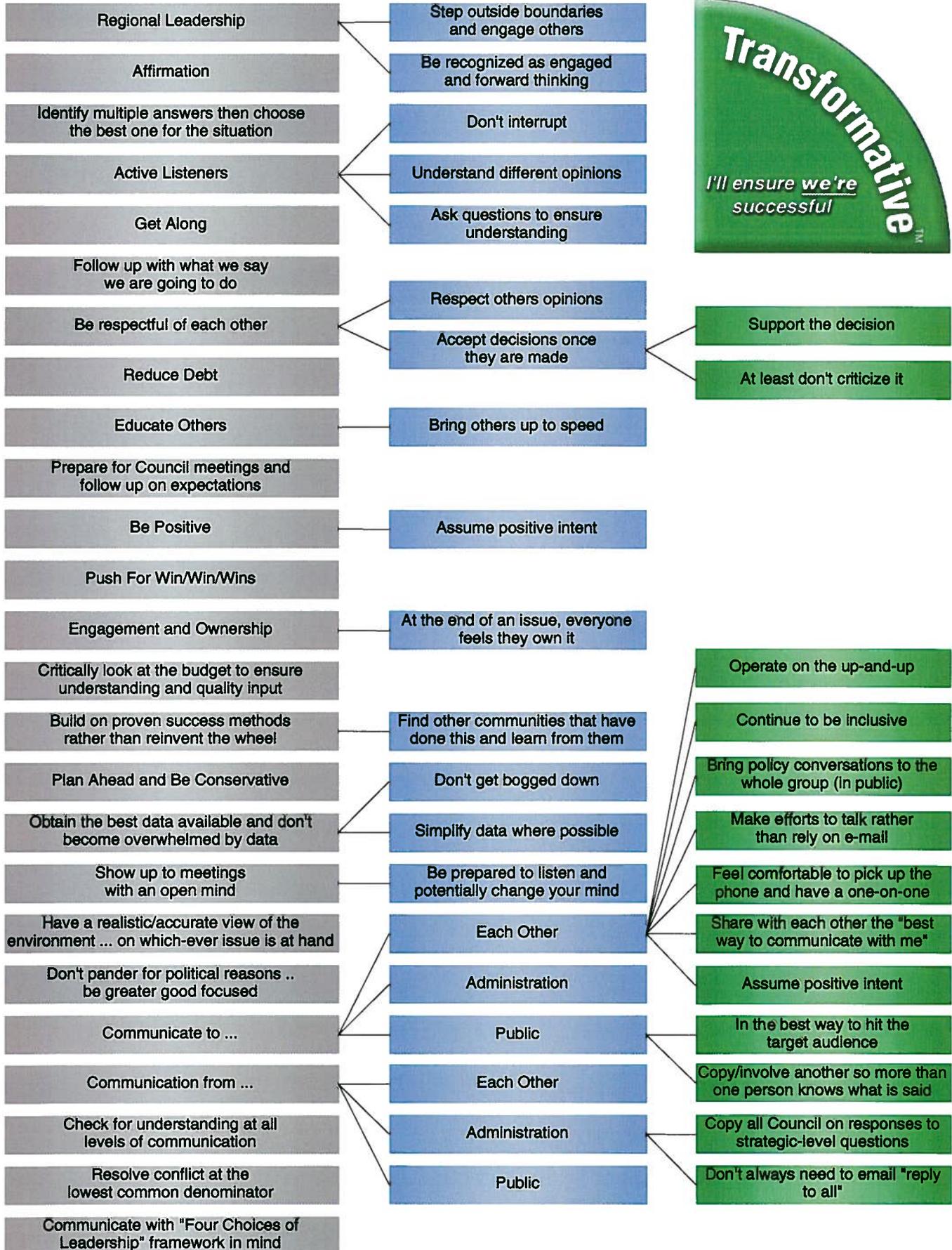
## Critical Questions for Working Together

- Why is it important for us to work together?
  
- What are our expectations of each other?
  - a. Say it in the meeting.
  - b. For decisions 70% individual agreement = 100% commitment (words and actions)
  - c. Praise in public, rebuke in private
  - d. No surprises
  - e. Engage team early and often
  - f. Be respectful of each other – ‘Golden Rule’
  - g. Focus on behavior not the person
  - h. Don’t make snap judgments – use the Rule of Six
  
- How will we guarantee communication is clear and effective?
  - a. Close the loop – summarize your understanding of what others say
  - b. Label and own comments... feeling, opinion, facts
  - c. Be fact-based – and share the facts
  
- How will we deal with problems and conflict while maintaining relationships?
  - a. Three step rule: If you have an issue with someone...
    - i. First address it directly with the person (preferably in private and face-to-face)
    - ii. If this doesn’t help, use a agreeable third-party facilitator
    - iii. If this doesn’t help use the formal reporting hierarchy
  
- How will we best leverage our differences?
  - a. Understand the lenses you look through – what formulates your believes, thinking, perspectives
  - b. Think ‘Cone in the Box’ – there is always an alternative perspective
  
- How will we hold each other accountable?

# Four Choices of Leadership™



## Portage City Council Four Choices of Leadership



# CITY OF PORTAGE

# COMMUNICATION

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**TO:** Honorable Mayor and City Council **DATE:** January 23, 2012

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

**SUBJECT:** Final Action – Trade Centre Way and West Fork Crossing Easement Grant

**ACTION RECOMMENDED:** That Council adopt Resolution No. 2, granting an easement to the Michigan Department of Transportation on city-owned property for the installation of storm drainage improvements.

On December 20, 2011, City Council adopted a resolution to grant an easement to the Michigan Department of Transportation on city-owned property for the installation of storm drainage improvements, and placed the resolution on file with the City Clerk. Notice regarding the action was published in the Portage Gazette. The statute provides that should no objection be received during the 28-day period following such publication, the City Council may grant final approval. No objections have been filed with the City Clerk.

It is recommended that City Council adopt Resolution No. 2, granting an easement to the Michigan Department of Transportation on city-owned property for the installation of storm drainage improvements.

c: Maurice S. Evans, City Manager

**RESOLUTION NO. 2  
CITY OF PORTAGE, MICHIGAN**

**RESOLUTION TO GRANT HIGHWAY DRAINAGE EASEMENT**

Minutes of a regular meeting of the City Council for the City of Portage, Michigan held on \_\_\_\_\_, 20\_\_ at 7:30 p.m. local time at City Hall in the City of Portage, Michigan.

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

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

The following resolution was offered by:

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

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

WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_, the City Council for the City of Portage adopted a resolution providing notice of intent to grant a highway drainage easement to install storm drainage facilities on West Fork Crossing located in the City of Portage to the Michigan Department of Transportation, 425 West Ottawa Avenue, Lansing, Michigan (MDOT).

WHEREAS, notice of the City's intent to grant such highway drainage easement was published in a newspaper of general circulation in the City for the period of time required by City Charter.

NOW, THEREFORE, BE IT RESOLVED that the City of Portage grant a highway drainage easement on the following described property to MDOT:

All that certain parcel of real estate situated in the City of Portage, County of Kalamazoo and State of Michigan, to-wit:

Commencing at the East Quarter corner of Section 4, Town 3 South, Range 11 West, City of Portage, Kalamazoo County, Michigan, thence North 00°43'22" East along the East line of said Section a distance of 650.59 feet; thence North 89°20'37" West (Platted as North 89°55' West) along the North line of Lots 56, 58, 59, 60, 61, 62, 63, 64, and 65 of the Assessor's Plat of DeBoer Homestead Acres as recorded in Liber 14 of Plats, Page 6, Kalamazoo County Records, a distance 693.00 feet to the Northwest corner of Lot 65; thence continuing North 89°20'37" West along the North line of Lot 66 of said Plat a distance of 6.68 feet to the Point of beginning; thence South 52°56'03" East a distance of 8.30 feet to the East line of Lot 66 of said Plat; thence South 00°39'23" West along the East line of Lot 66 a distance of 24.85 feet; thence North 52°56'03" West a distance of 124.34 feet; thence North 37°03'57" East a distance of 20.00 feet; thence South 52°56'03" East a distance of 101.29 feet to the point of beginning.

The lands described above in easement for drainage purposes contain 2,339 square feet, more or less.

Tract "A" is described as:

That part of the Northeast 1/4 of Section 4, Town 3 South, Range 11 West, City of Portage, Kalamazoo County, Michigan, described as:

Beginning at a point on the North line of Lot 66 of "Assessor's Plat of DeBoer Homestead Acres", a subdivision in said Section 4, that is 5.26 feet South 89°56'33" West of the Northeast corner of said Lot 66; thence Northeasterly 51.39 feet on a 130.00 foot radius curve to the right whose chord bears North 20°48'20" East 51.06 feet; thence North 32°07'50" East 371.57 feet to a point that is 1,803.87 feet South and 482.40 feet West of the Northeast corner of said Section 4; thence West perpendicular to the East line of said Section 4 a distance of 86.14 feet more or less to the centerline of the West branch of Portage Creek; thence Southwesterly on said centerline to the North line of said "Assessor's Plat of DeBoer Homestead Acres"; thence North 89°56'33" East on said North line to the point of beginning.

ALSO, Lot 66 of Assessor's Plat of DeBoer Homestead Acres, according to the Plat thereof recorded in Liber 14 of Plats, Page 6, Kalamazoo County Records

All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution are hereby rescinded.

ADOPTED: \_\_\_\_\_

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

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

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

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



**CITY OF PORTAGE**

**COMMUNICATION**

**TO:** Honorable Mayor and City Council

**DATE:** December 15, 2011

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



**SUBJECT:** Trade Centre Way Right-of-Way Vacation and Easement Grant

**ACTION RECOMMENDED:** That City Council approve:

- a. 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;
- b. 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;
- c. 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.

During the April 26, 2011 City Council Meeting, a redevelopment plan of the West Fork Crossing/Trade Centre Way with the Downtown Development Authority (DDA) area was presented. The project consists of the relocation of the West Fork Crossing/Trade Centre Way intersection, the improvement of the Trade Centre Way/South Westnedge Avenue intersection, and the reconstruction of Trade Centre Way between West Fork Crossing and South Westnedge Avenue. The project is included in the 2011 Amended Development Plan and the 2011 Amended Tax Increment Financing Plan from the DDA. The amended DDA plan was approved by Council on June 28, 2011 along with Resolution #5 of Special Assessment District R-#997 to fund the project. On July 12, 2011, Council approved the Phase III Development Agreement for the redevelopment plan. Contained in Article 2 of the Phase III Development Agreement portion of the amended DDA plan is a provision for the transfer of certain real estate properties in the project area. Specifically, the new West Fork Crossing/Trade Centre Way intersection location

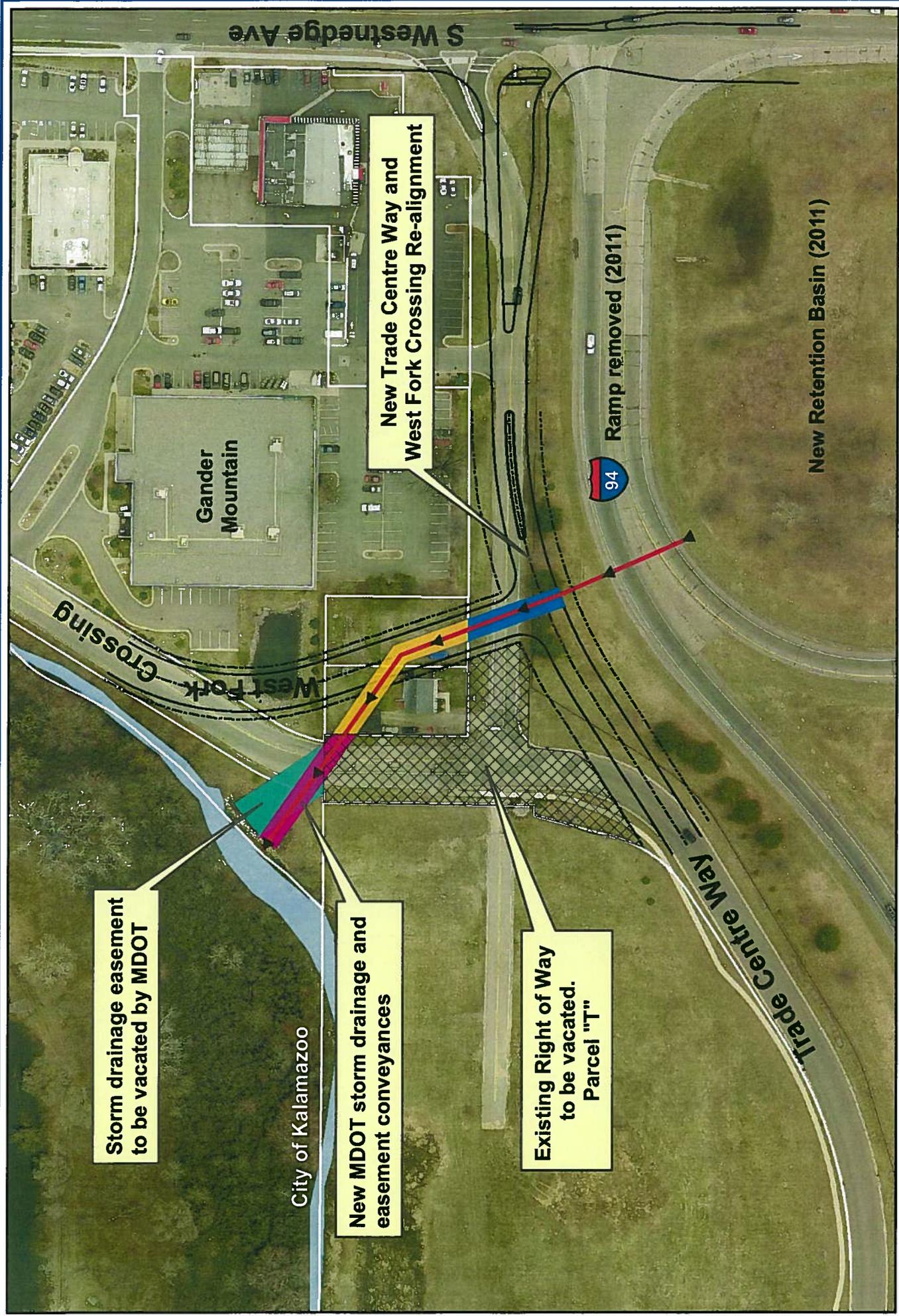
facilitates the vacation of the right-of-way associated with the former intersection location. This vacated right-of-way is shown on the attached map as "Parcel T." Construction of the new intersection is now complete, all utilities have been relocated, and the right-of-way vacation of "Parcel T" is now appropriate. Attached for City Council consideration is a resolution establishing a 28-day period for public notification and the establishment of a public hearing on January 24, 2012 to take final action on this right-of-way vacation.

Additionally, in 2008 as part of the adjacent I-94/South Westnedge Avenue Reconstruction project, City Council granted a storm drainage easement to the Michigan Department of Transportation (MDOT) for the installation of a storm drainage outlet from the I-94 storm water retention basin. The realignment of the West Fork Crossing/Trade Centre Way intersection necessitates the granting of a new storm water drainage easement to MDOT to conform to the new West Fork Crossing/Trade Centre Way intersection location. The new easement is slightly smaller than the previously granted easement and is shown on the attached map. Once the new easement is finalized and recorded, MDOT will vacate the previously granted easement in 2008. Attached for City Council consideration is a Resolution establishing a 28-day period for public notification and a public hearing on January 24, 2012 to take final action on this easement grant.

On February 9, 2010, City Council awarded a contract to Prein & Newhof for design of the West Fork Crossing/Trade Centre Way relocation project. The contract set forth a preliminary scope of property survey services. Through the project design process a new alignment of Trade Centre Way was proposed to utilize MDOT right-of-way formerly used for the I-94/South Westnedge interchange ramps. The new alignment facilitates traffic flow and improves intersection safety at the Trade Centre Way/South Westnedge Avenue intersection. MDOT is able to convey this right-of-way to the city at no cost, but requires that the final survey services, property staking and property legal descriptions of the area be performed by the city. The additional cost to perform these services was anticipated as part of the project budget and included in the adopted special assessment district costs. The cost for these survey services has been submitted by Prein & Newhof and reviewed by city staff. The \$26,000 cost includes all survey field work, drawings, and legal description preparation necessary for the right-of-way transfer from MDOT to the city. The cost has been reviewed and is a fair and reasonable cost for the additional services required.

It is recommended that City Council approve the 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; approve 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; approve a contract amendment to Prein & Newhof, Incorporated in the amount of \$26,000 to perform final survey services related to the conveyance of MDOT right-of-way and authorize the City Manager to execute all documents related to the above on behalf of the city.

Attachments



Storm drainage easement to be vacated by MDOT

New MDOT storm drainage and easement conveyances

Existing Right of Way to be vacated. Parcel "T"

New Trade Centre Way and West Fork Crossing Re-alignment

Ramp removed (2011)

New Retention Basin (2011)

# West Fork Crossing I-94 Drainage Easement

- City convey to MDOT
- Public RW
- Hinman convey to MDOT
- Public RW to be abandoned
- New MDOT storm drainage
- Existing Easement to be vacated



1 inch = 120 feet  
Boundaries depicted are approximate.

**RESOLUTION NO. 1  
CITY OF PORTAGE, MICHIGAN**

**RESOLUTION OF INTENT TO GRANT HIGHWAY DRAINAGE EASEMENT**

At a regular meeting of the Council of the City of Portage, Kalamazoo County, Michigan, held at the City Hall in said City on the 20th day of December, 2011 at 7:30 p.m., local time.

PRESENT: Councilmembers Campbell, Pearson, Randall, Reid, Sackley, Strazdas, Urban

ABSENT: Councilmembers None.

The following resolution was offered by Councilmember Sackley and seconded by Councilmember Reid.

WHEREAS, the Michigan Department of Transportation (MDOT) requires the installation of storm drainage facilities to adequately drain portions of Interstate 94 and the Interstate 94/South Westnedge Ave interchange.

WHEREAS, MDOT has facilitated the redesign and realignment of their original storm drainage design to account for the new alignment of the Trade Centre Way/West Fork Crossing Intersection.

WHEREAS, granting a new storm Drainage to MDOT will accommodate the storm drainage pipe and appurtances.

BE IT RESOLVED, that the City Council for the City of Portage intends to grant a highway drainage easement to MDOT, 425 W. Ottawa Avenue, Lansing, Michigan as described as follows:

All that part of the following described Tract "A" lying within a parcel described as:  
Commencing at the East Quarter corner of Section 4, Town 3 South, Range 11 West, City of Portage, Kalamazoo County, Michigan, thence North 00°43'22" East along the East line of said Section a distance of 650.59 feet; thence North 89°20'37" West (Platted as North 89°55' West) along the North line of Lots 56, 58, 59, 60, 61, 62, 63, 64, and 65 of the Assessor's Plat of DeBoer Homestead Acres as recorded in Liber 14 of Plats, Page 6, Kalamazoo County Records, a distance 693.00 feet to the Northwest corner of Lot 65; thence continuing North 89°20'37" West along the North line of Lot 66 of said

Plat a distance of 6.68 feet to the Point of beginning; thence South 52°56'03" East a distance of 8.30 feet to the East line of Lot 66 of said Plat; thence South 00°39'23" West along the East line of Lot 66 a distance of 24.85 feet; thence North 52°56'03" West a distance of 124.34 feet; thence North 37°03'57" East a distance of 20.00 feet; thence South 52°56'03" East a distance of 101.29 feet to the point of beginning.

The lands described above in easement for drainage purposes contain 2,339 square feet, more or less.

Tract "A" is described as:

That part of the Northeast 1/4 of Section 4, Town 3 South, Range 11 West, City of Portage, Kalamazoo County, Michigan, described as:

Beginning at a point on the North line of Lot 66 of "Assessor's Plat of DeBoer Homestead Acres", a subdivision in said Section 4, that is 5.26 feet South 89°56'33" West of the Northeast corner of said Lot 66; thence Northeasterly 51.39 feet on a 130.00 foot radius curve to the right whose chord bears North 20°48'20" East 51.06 feet; thence North 32°07'50" East 371.57 feet to a point that is 1,803.87 feet South and 482.40 feet West of the Northeast corner of said Section 4; thence West perpendicular to the East line of said Section 4 a distance of 86.14 feet more or less to the centerline of the West branch of Portage Creek; thence Southwesterly on said centerline to the North line of said "Assessor's Plat of DeBoer Homestead Acres"; thence North 89°56'33" East on said North line to the point of beginning.

ALSO, Lot 66 of Assessor's Plat of DeBoer Homestead Acres, according to the Plat thereof recorded in Liber 14 of Plats, Page 6, Kalamazoo County Records

BE IT FURTHER RESOLVED that notice, in substantially the form attached as Exhibit A be published in a newspaper of general circulation within the City of Portage, giving notice of the City's intent to grant the above described easement.

All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution are hereby rescinded.

ADOPTED: 7 to 0

AYES: Councilmember Campbell, Pearson, Randall, Reid, Sackley, Strazdas, Urban

NAYS: Councilmember None.

ABSENT: Councilmember None.

~~James R. Hudson, City Clerk~~  
Adam D. Herringa, Deputy City Clerk

CERTIFICATION

STATE OF MICHIGAN     )  
                                  )  
COUNTY OF KALAMAZOO )

I, the undersigned, the duly qualified City Clerk of the City of Portage, Kalamazoo County, Michigan, do hereby certify that the foregoing is a true and complete copy of a resolution adopted at a regular meeting of the City Council of said City, held on the 20<sup>th</sup> day of December, 2011, the original of which resolution is on file in my office.

IN WITNESS WHEREOF, I have hereunto affixed my official signature this 21<sup>st</sup> day of December, 2011.

~~JAMES R. HUDSON, City Clerk~~  
Adam D. Herringa, Deputy City Clerk

Approved as to Form

Date: 12/15/11

\_\_\_\_\_  
City Attorney

**EXHIBIT A**

**CITY OF PORTAGE, MICHIGAN  
NOTICE OF INTENTION TO GRANT HIGHWAY DRAINAGE EASEMENT IN THE CITY OF  
PORTAGE, MICHIGAN**

**PLEASE TAKE NOTICE**, that on the \_\_\_\_day of \_\_\_\_\_, 2011, the City Council for the City of Portage adopted a resolution providing notice of intent to grant a highway drainage easement to install storm drainage facilities to the Michigan Department of Transportation, 425 West Ottawa Avenue, Lansing, Michigan, as described as follows:

All that part of the following described Tract "A" lying within a parcel describes as:

Commencing at the East Quarter corner of Section 4, Town 3 South, Range 11 West, City of Portage, Kalamazoo County, Michigan, thence North 00°43'22" East along the East line of said Section a distance of 650.59 feet; thence North 89°20'37" West (Platted as North 89°55' West) along the North line of Lots 56, 58, 59, 60, 61, 62, 63, 64, and 65 of the Assessor's Plat of DeBoer Homestead Acres as recorded in Liber 14 of Plats, Page 6, Kalamazoo County Records, a distance 693.00 feet to the Northwest corner of Lot 65; thence continuing North 89°20'37" West along the North line of Lot 66 of said Plat a distance of 6.68 feet to the Point of beginning; thence South 52°56'03" East a distance of 8.30 feet to the East line of Lot 66 of said Plat; thence South 00°39'23" West along the East line of Lot 66 a distance of 24.85 feet; thence North 52°56'03" West a distance of 124.34 feet; thence North 37°03'57" East a distance of 20.00 feet; thence South 52°56'03" East a distance of 101.29 feet to the point of beginning.

The lands described above in easement for drainage purposes contain 2,339 square feet, more or less.

Tract "A": is described as:

That part of the Northeast 1/4 of Section 4, Town 3 South, Range 11 West, City of Portage, Kalamazoo County, Michigan, described as:

Beginning at a point on the North line of Lot 66 of "Assessor's Plat of DeBoer Homestead Acres", a subdivision in said Section 4, that is 5.26 feet South 89°56'33" West of the Northeast corner of said Lot 66; thence Northeasterly 51.39 feet on a 130.00 foot radius curve to the right whose chord bears North 20°48'20" East 51.06 feet; thence North 32°07'50" East 371.57 feet to a point that is 1,803.87 feet South and 482.40 feet West of the Northeast corner of said Section 4; thence West perpendicular to the East line of said Section 4 a distance of 86.14 feet more or less to the centerline of the West branch of Portage Creek; thence Southwesterly on said centerline to the North line of said "Assessor's Plat of DeBoer Homestead Acres"; thence North 89°56'33" East on said North line to the point of beginning.

ALSO, Lot 66 of Assessor's Plat of DeBoer Homestead Acres, according to the Plat thereof recorded in Liber 14 of Plats, Page 6, Kalamazoo County Records

**PLEASE TAKE FURTHER NOTICE** that the resolution authorizing this action is on file with the City Clerk and open for public inspection. Said document will be so held by the City Clerk for twenty-eight (28) days after publication of this notice and may be inspected at the Clerk's Office at City Hall on any business day except public and legal holidays from and after publication of this Notice from 8:00 a.m. to 5:00 p.m. local time. Any person(s) objecting to this grant of easement should make their objection known to the City Council within twenty-eight (28) days of the publication of this notice. After said twenty-eight (28) day period, the City Council may take final action and convey the easement.

Dated: \_\_\_\_\_, 2011

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

local time. After said twenty-eight (28) day period, the Council may take final action and vacate said portions of said streets.

Dated: \_\_\_\_\_, 20\_\_

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

Z:\Jody\PORTAGE\RES\Exhibit A to Res #1 for Vacation of West Fork & Trade Centre Way.121311.doc

**RESOLUTION NO. 1  
CITY OF PORTAGE, MICHIGAN**

**RESOLUTION OF INTENT TO GRANT HIGHWAY DRAINAGE EASEMENT**

At a regular meeting of the Council of the City of Portage, Kalamazoo County, Michigan, held at the City Hall in said City on the 20th day of December, 2011 at 7:30 p.m., local time.

PRESENT: Councilmembers Campbell, Pearson, Randall, Reid, Sackley, Strazdas, Urban

ABSENT: Councilmembers None.

The following resolution was offered by Councilmember Sackley and seconded by Councilmember Reid.

WHEREAS, the Michigan Department of Transportation (MDOT) requires the installation of storm drainage facilities to adequately drain portions of Interstate 94 and the Interstate 94/South Westnedge Ave interchange.

WHEREAS, MDOT has facilitated the redesign and realignment of their original storm drainage design to account for the new alignment of the Trade Centre Way/West Fork Crossing Intersection.

WHEREAS, granting a new storm Drainage to MDOT will accommodate the storm drainage pipe and appurtenances.

BE IT RESOLVED, that the City Council for the City of Portage intends to grant a highway drainage easement to MDOT, 425 W. Ottawa Avenue, Lansing, Michigan as described as follows:

All that part of the following described Tract "A" lying within a parcel described as:

Commencing at the East Quarter corner of Section 4, Town 3 South, Range 11 West, City of Portage, Kalamazoo County, Michigan, thence North 00°43'22" East along the East line of said Section a distance of 650.59 feet; thence North 89°20'37" West (Platted as North 89°55' West) along the North line of Lots 56, 58, 59, 60, 61, 62, 63, 64, and 65 of the Assessor's Plat of DeBoer Homestead Acres as recorded in Liber 14 of Plats, Page 6, Kalamazoo County Records, a distance 693.00 feet to the Northwest corner of Lot 65; thence continuing North 89°20'37" West along the North line of Lot 66 of said

Plat a distance of 6.68 feet to the Point of beginning; thence South 52°56'03" East a distance of 8.30 feet to the East line of Lot 66 of said Plat; thence South 00°39'23" West along the East line of Lot 66 a distance of 24.85 feet; thence North 52°56'03" West a distance of 124.34 feet; thence North 37°03'57" East a distance of 20.00 feet; thence South 52°56'03" East a distance of 101.29 feet to the point of beginning.

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ALSO, Lot 66 of Assessor's Plat of DeBoer Homestead Acres, according to the Plat thereof recorded in Liber 14 of Plats, Page 6, Kalamazoo County Records

BE IT FURTHER RESOLVED that notice, in substantially the form attached as Exhibit A be published in a newspaper of general circulation within the City of Portage, giving notice of the City's intent to grant the above described easement.

All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution are hereby rescinded.

ADOPTED: 7 to 0

AYES: Councilmember Campbell, Pearson, Randall, Reid, Sackley, Strazdas, Urban

NAYS: Councilmember None.

ABSENT: Councilmember None.

~~James R. Hudson, City Clerk~~  
Adam D. Herringa, Deputy City Clerk

CERTIFICATION

STATE OF MICHIGAN     )  
  )  
COUNTY OF KALAMAZOO )

I, the undersigned, the duly qualified City Clerk of the City of Portage, Kalamazoo County, Michigan, do hereby certify that the foregoing is a true and complete copy of a resolution adopted at a regular meeting of the City Council of said City, held on the 20<sup>th</sup> day of December, 2011, the original of which resolution is on file in my office.

IN WITNESS WHEREOF, I have hereunto affixed my official signature this 21<sup>st</sup> day of December, 2011.

~~JAMES R. HUDSON, City Clerk~~  
Adam D. Herringa, Deputy City Clerk

Approved as to Form  
Date: 12/15/11  
[Signature]  
\_\_\_\_\_  
City Attorney

**EXHIBIT A**

**CITY OF PORTAGE, MICHIGAN  
NOTICE OF INTENTION TO GRANT HIGHWAY DRAINAGE EASEMENT IN THE CITY OF  
PORTAGE, MICHIGAN**

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ALSO, Lot 66 of Assessor's Plat of DeBoer Homestead Acres, according to the Plat thereof recorded in Liber 14 of Plats, Page 6, Kalamazoo County Records

**PLEASE TAKE FURTHER NOTICE** that the resolution authorizing this action is on file with the City Clerk and open for public inspection. Said document will be so held by the City Clerk for twenty-eight (28) days after publication of this notice and may be inspected at the Clerk's Office at City Hall on any business day except public and legal holidays from and after publication of this Notice from 8:00 a.m. to 5:00 p.m. local time. Any person(s) objecting to this grant of easement should make their objection known to the City Council within twenty-eight (28) days of the publication of this notice. After said twenty-eight (28) day period, the City Council may take final action and convey the easement.

Dated: \_\_\_\_\_, 2011

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

## CITY OF PORTAGE

## COMMUNICATION

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**TO:** Honorable Mayor and City Council

**DATE:** January 18, 2012

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



**SUBJECT:** Fee Resolution – Secondhand Dealer Licensing/Renewal

**ACTION RECOMMENDED:** That City Council Resolve to not establish a fee for licensing or license renewal of Secondhand Dealer/Pawnbroker businesses.

Subsequent to City Council adoption of the Secondhand Dealer/Pawnbroker Ordinance, consideration of the establishment of an annual licensing and/or renewal fee is appropriate. Some discussion of a \$50 licensing and renewal fee was undertaken at the January 10, 2012 Council meeting as was included in the original fee resolution presented with introduction of the ordinance amendment on December 6, 2011.

Pursuant to the discussions undertaken by City Council, the City Administration undertook a comprehensive review of the estimated time/costs involved with receipt and processing of a license and license renewal as required by the ordinance. Results of this review indicate an estimated cost of approximately \$93 for processing of a Secondhand Dealer/Pawnbroker license and approximately \$63 for processing a license renewal.

The intent associated with establishment of the Secondhand Dealer/Pawnbroker Ordinance was to provide for compliance with state law through a process that enhanced the ability of these businesses to communicate information to the city. Timely receipt of required information is ultimately to the benefit of the general public as the information assists law enforcement with the investigation of larceny crimes. By requiring the transmission of this information electronically as specified in the “Secondhand Dealer” ordinance, significant amounts of paperwork and city staff hours will be reduced. In view of the benefits to the city/general public associated with the adopted “Secondhand Dealer” ordinance, it is recommended that no licensing and/or renewal fee be imposed for Secondhand Dealer/Pawnbroker businesses. The total estimated revenue foregone (total estimated licensing revenue of approximately \$1000 and total estimated renewal revenue of approximately \$700 at the per hour costs noted above) is offset by the increased efficiencies associated with processing of information as required by the ordinance.

c: Richard White, Director of Public Safety – Police/Fire Chief

**CITY OF PORTAGE  
RESOLUTION FOR LICENSE FEE UNDER ARTICLE 8 OF CHAPTER 14  
BUSINESSES**

Minutes of a regular meeting of the City Council for the City of Portage, Michigan held on \_\_\_\_\_, 2012 at 7:30 p.m. local time at the City Hall in the City of Portage, Michigan.

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

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

The following resolution was offered by:

Councilmember: \_\_\_\_\_, and supported by:

Councilmember: \_\_\_\_\_.

WHEREAS, under Chapter 14, Businesses, Council may establish by resolution the license fee for secondhand dealers;

NOW, THEREFORE, BE IT RESOLVED: That Council determines to set no license fee and no renewal fee for secondhand dealers in the City of Portage. Council further reserves the right to establish such fees in the future.

YES: Councilmember \_\_\_\_\_

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

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

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

**CERTIFICATION**

I hereby certify that the foregoing is a true and complete copy of this resolution adopted at a regular meeting of the City Council of the City of Portage, Kalamazoo County, Michigan held on \_\_\_\_\_, 2012, the original of which is in the official proceedings of the City Council.

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

Approved as to form:

Date 1-19-12

CRB  
City Attorney

## CITY OF PORTAGE

## COMMUNICATION

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**TO:** Honorable Mayor and City Council

**DATE:** January 17, 2012

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



**SUBJECT:** 8046 Newells Lane – Wood Burners – Information Only

As requested, city staff has confirmed compliance of the wood burning devices being operated at 8046 Newells Lane. As will be noted in the attached communication, all ordinance standards have been met with these installations. Additionally, air emissions from residential wood burning devices are not regulated through the Michigan Department of Environmental Quality, the Kalamazoo County Health Department and/or the Kalamazoo County Community Services Department. Therefore, the city is limited in its ability to further restrict operation of the wood burning devices at 8046 Newells Lane.

If the Council believes additional regulation of wood burning stoves/fireplaces is appropriate; consideration will need to be given to the community-wide application and impact of the added regulation. At this point, an effective and realistically enforceable added regulatory approach is not apparent from a community-wide perspective. A more immediate resolution may, therefore, be available to the complainant through independent civil action, which would necessitate review and consideration by a personal attorney.

c: Vicki Georgeau, Director of Community Development  
Mr. Tim Higley, 8104 Newells Lane

**CITY OF PORTAGE**

**COMMUNICATION**

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

**DATE:** January 16, 2012

**RECEIVED**

**FROM:** Vicki Georgeau, Director of Community Development

**JAN 16 2012**

**SUBJECT:** 8046 Newells Lane – Wood Burners

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

I am writing in response to concerns expressed at the January 10, 2012 City Council meeting regarding wood burners at 8046 Newells Lane. In addition to my January 6<sup>th</sup> communication regarding this matter (attached), the following is provided for your information. As background, two wood burning appliances have been installed at 8046 Newells Lane. The newest unit, installed in December 2011 is located in the basement of the house. A second wood burning unit was installed in a detached garage approximately seven years ago. Both units have been inspected and meet the requirements of the 2009 State of Michigan Residential and Mechanical Code and City of Portage Zoning Code. An inspection of the property on January 12, 2012 indicates that seasoned hardwood is used as fuel for the wood burning units.

Zoning Code Setbacks: The property is zoned R-1B, One Family Residential. City of Portage Codified Ordinances, Section 42-350 Schedule of Regulations, requires that houses in the zoning district maintain a minimum setback of 30-feet for the front yard, 10-feet for the side yard and 40-feet for the rear yard. The chimney for the wood burner located in the basement of the house is approximately 16-feet from the side property line. Section 42-121 of the Zoning Code requires detached garages be located a minimum setback of three feet from the rear and side property lines. The chimney for the wood burner located in the detached garage is approximately 10-feet from the side property line.

Location/Placement of Wood burners - Section 905 of the 2009 State of Michigan Mechanical Code, Fireplace Stoves and Room Heaters, requires that fireplace stoves and solid-fuel type room heaters be listed and labeled and installed in accordance with manufacture installation instructions. This requires the testing of solid-fuel burning room heaters in accordance with Underwriters Laboratories, which addresses solid-fuel burning, free-standing fire chamber assemblies that heat space by direct radiation, circulated heated air or a combination of both. Inspection of the wood burner located in the basement of the house and in the garage confirm that the units are installed correctly per the manufacture's requirements with proper materials and clearances.

Wood Burner Chimney Requirements - Section G2427.5.3 of the 2009 State of Michigan Residential Code requires that chimneys for residential-type or low-heat appliances extend at least three feet above the highest portion where they pass through a roof of a building and at least two feet higher than any portion of a building within a horizontal distance of 10-feet. The chimney for the wood burner located in the basement of the house exceeds the requirements of the code and extends six feet higher than necessary. In addition, the chimney is equipped with a cap designed to help dissipate smoke by directing it upward. The chimney for the wood burner in the garage extends approximately 3-feet above the peak of the structure and is equipped with a standard chimney cap.

With regard to air quality, while the Michigan Department of Environmental Quality, Air Emissions Division regulates air quality, it does not specifically regulate emissions from residential wood burning devices. Similarly, the Kalamazoo County Health and Community Services Department has no regulations pertaining to air emissions for such devices.

If further local regulation of wood stoves, fireplaces and indoor wood furnaces is desired, additional research would be necessary to determine what type of modification to the City of Portage Codified Ordinances would be appropriate and necessary. Restricting wood burning, may, however, be problematic as use of wood as a fuel alternative is used by many people. In addition, enforcement of an ordinance with wood burning limitations would require considerable public education and enforcement resources. In response to similar concerns expressed by residents, and to promote fireplace safety, public education efforts such as the attached article from the December 2011 Portager may best address the recent citizen concerns expressed regarding wood burners, fireplaces and wood smoke.

I am available at your convenience to answer any questions you may have regarding this matter.

Attachments: "Portage Encourages Fireplace Safety", Portager, December 2011  
January 6, 2012 communication from Director Georgeau

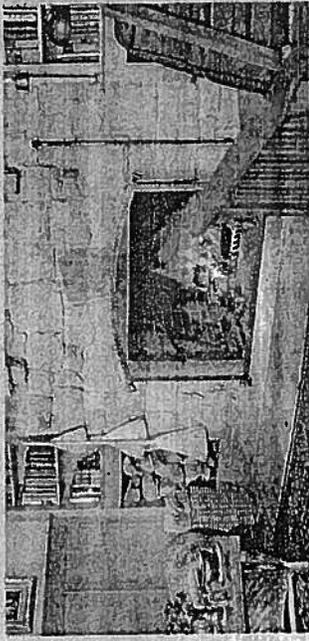
c: Brian J. Bowling, Deputy City Manager  
Terry Novak, Deputy Director of Building and Housing Services

# Portage Encourages Fireplace Safety

All home heating systems require regular maintenance to function safely and efficiently. The Portage Department of Public Safety Fire Division encourages you to maintain a safe fireplace and use proper burning methods. The United States Fire Administration offers the following fire safety steps.

## Keep Fireplaces and Wood Stoves Clean

- ◆ Have your chimney or wood stove inspected and cleaned annually by a certified chimney specialist.
- ◆ Clear the area around the hearth of debris, decorations and flammable materials.
- ◆ Leave glass doors open while burning a fire to ensure that the fire receives enough air, causing complete combustion and keeping creosote from building up in the chimney. Most glass fireplace doors have a metal mesh screen which should be closed when the glass doors are open. This mesh screen helps keep embers from getting out of the fireplace area.
- ◆ Always use a metal mesh screen with fireplaces that do not have a glass fireplace door.
- ◆ Close glass doors when the fire is out to keep air from



- the chimney opening from getting into the room.
- ◆ Install stovepipe thermometers to help monitor flue temperatures.
- ◆ Keep air inlets on wood stoves open and never restrict air supply to fireplaces. Otherwise, creosote can buildup, which could lead to a chimney fire.
- ◆ Use fire-resistant materials on walls around wood stoves.

## Safely Burn Fuels

- ◆ Don't use flammable liquids to start a fire.
- ◆ Use only seasoned hardwood. Soft, moist wood accelerates creosote buildup.
- ◆ Build small fires that burn completely and produce less smoke.
- ◆ Never burn cardboard boxes, trash or debris in your fireplace or wood stove.
- ◆ When building a fire, place logs at the rear of the fireplace on an adequate support grate.
- ◆ Never leave a fire in the fireplace unattended. Extinguish fires before going to bed or leaving the house.
- ◆ Soak hot ashes in water and place them in a metal container outside your home.

## Protect the Outside of Your Home

- ◆ Stack firewood at least 30 feet away from your home.
- ◆ Keep the roof clear of leaves, pine needles and debris.
- ◆ Cover the chimney with a mesh screen spark arrester.
- ◆ Remove branches hanging above chimneys, flues or vents.

## Protect the Inside of Your Home

- ◆ Install smoke alarms on every level of your home and inside and outside of sleeping areas. Test smoke alarms monthly and change the batteries at least once each year.
- ◆ Provide proper venting systems for all heating equipment.
- ◆ Extend all vent pipes at least three feet above the roof.

CITY OF PORTAGE

COMMUNICATION

TO: Maurice S. Evans, City Manager

DATE: January 6, 2012

FROM: Vicki Georgeau, <sup>16</sup>Director of Community Development

SUBJECT: Wood Burner -- 8046 Newells Lane

The following information and brief chronology is provided regarding the wood burner located at 8046 Newells Lane:

- December 2, 2011 A complaint from Mr. Tim Higley was relayed from the Fire Department to the Department of Community Development regarding a wood burning unit located at 8046 Newells Lane. Plumbing and Mechanical Inspector Dave Van De Laare performed an inspection at the property and discovered an interior wood burner designed to attach to a furnace improperly installed on the exterior of the house. The homeowner was not home and a correction notice was left at the site. Mr. Higley (complainant) was contacted and advised of the action.
- December 3, 2011 The owner of the property, Mr. James Weiler contacted Inspector Van De Laare and discussed the installation of the wood burner. Mr. Weiler advised that he would correct the situation and properly install the unit in the basement of his house.
- December 12, 2011 A mechanical permit was issued to Mr. Weiler for the installation of the wood burner.
- December 15, 2011 An inspection of the wood burner was completed by Inspector Van De Laare verifying the proper location of the unit.
- December 20, 2011 A second complaint was received from Mr. Higley regarding the smoke produced from the wood burner. Inspector Van De Laare visited the site but did not observe any smoke.
- December 22, 2011 An inspection of the wood burner was completed by Inspector Van De Laare. The wood burner was found to be properly installed per the requirements of the State of Michigan Mechanical Code. However, as the result of the complaint received from Mr. Higley, it was suggested but not required that two to three additional feet be added to the chimney of the wood burner and that a different chimney cap be installed to help dissipate any smoke produced by the unit.
- December 29, 2011 Inspection of the wood burner verifies that six additional feet have been added to the chimney and that a special chimney cap has been installed to help dissipate any smoke produced by the unit.

The wood burning unit installed at 8046 Newells Lane meets the requirements of the State of Michigan Mechanical Code. The Mechanical Code addresses the installation, placement and maintenance of these types of wood burning devices but does not regulate the frequency that the units can be operated. Similarly, the Fire Code also does not regulate the operational frequency of properly installed wood burning devices. The city does prohibit open burning of yard and other wastes, and requires permits for bonfires and recreational fires. An ordinance restricting the use of Outdoor Solid Fuel-Fired Furnaces was adopted in 2009. If additional regulation is desired for wood stoves, wood fireplaces and indoor wood furnaces, modification to the City of Portage Codified Ordinances would be necessary, which would require additional research. Restricting wood burning may, however, be problematic as use of wood as a fuel alternative is used by many people. In addition, enforcement of an ordinance with wood burning limitations would require considerable public education and enforcement resources.

I am available at your convenience to answer any questions you may have regarding this matter.

c: Brian J. Bowling, Deputy City Manager

# CITY OF PORTAGE

# COMMUNICATION

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**TO:** Honorable Mayor and City Council

**DATE:** January 24, 2012

**FROM:** City Council City-School Committee\*

**SUBJECT:** Joint Portage Marketing Efforts

**ACTION RECOMMENDED:** That City Council adopt the adjoining proclamation to commence the collaborative marketing effort as coordinated by the Portage District Library Board, the Portage Public Schools Board of Education and the City Council City-School Committee.

The attached proclamation is the collective result of a January 18, 2012 meeting between representatives from Portage Public Schools, the Portage District Library and the City Council City-School Committee. The three organizations have been in discussion to identify potential avenues of collaboration for a mutual promotion of the City of Portage. The Portage District Library reviewed the proclamation at a January 23, 2012 meeting, while the Portage Public School Board is slated to review the document at its meeting on Monday, January 30, 2012.

It is recommended that City Council adopt the Proclamation so the organizations may formally launch the collaborative marketing efforts.

Attachment

cc: Maurice S. Evans, City Manager  
Devin Mackinder, Technology Services Director

\* Mayor Peter Strazdas  
Councilmember Elizabeth Campbell  
Councilmember Jim Pearson

## PROCLAMATION

### COLLABORATIVE MARKETING EFFORT

**WHEREAS**, the Portage community values the collective strength of its municipal resources for the most efficient and affordable services; and

**WHEREAS**, it is imperative that the key governmental agencies work together as closely as possible to ensure the highest quality of life for the residents of this community; and

**WHEREAS**, the Portage District Library helps citizens access the world of information in a friendly atmosphere, and is a valued community resource for life-long learning; and

**WHEREAS**, the Portage Public Schools, “The future learns here,” will empower every student to contribute intelligently and ethically in an information rich, global society; and

**WHEREAS**, the City of Portage, provides affordable housing with low taxes, safe and well-maintained neighborhoods, world-class healthcare, enriching activities and entertainment and a unique parks system that connects citizens to each other and to the natural world, making Portage a place for opportunities to grow; and

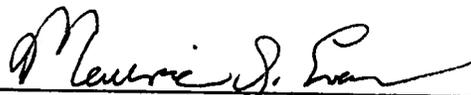
**NOW, THEREFORE, BE IT RESOLVED**, that the Portage District Library Board, the Portage Public Schools Board of Education, and the Portage City Council do hereby proclaim the launch of a collaborative marketing effort to increase the quality of life through governmental cooperation.

**Proclaimed this 24th day of January, 2012**

**MATERIALS TRANSMITTED**

Friday, January 06, 2012

1. Communication from the City Manager regarding the December 2011 Citizen Comment Card Summary – Information Only.

  
Maurice S. Evans, City Manager

cc: Brian J. Bowling, Deputy City Manager

**MATERIALS TRANSMITTED**

Tuesday, January 10, 2012

1. Communication from the City Manager regarding Arrow Car Service, 3617 Wedgewood – Information Only.
2. Communication from the City Manager regarding Wood Burner, 8046 Newells Lane – Information Only.



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Maurice S. Evans, City Manager

cc: Brian J. Bowling, Deputy City Manager