

7:30 p.m. Call to Order.

Invocation: Pastor Kyle Douglass of ReCAST Church of Mattawan

Pledge of Allegiance.

Roll Call.

Proclamations:

A. Approval of the May 28, 2013 Regular Meeting Minutes.

\* B. Approval of Consent Agenda Motions.

\* C. Communication from the City Manager recommending that City Council approve the Accounts Payable Register of June 11, 2013, as presented.

D. Public Hearings:

E. Petitions and Statements of Citizens:

F. Reports from the Administration:

\* 1. Communication from the City Manager recommending that City Council order notice to applicable property owners that all water and/or sewer charges remaining unpaid as of June 30, 2013, will be transferred to the 2013 city tax roll and assessed against the property for which the services were furnished.

\* 2. Communication from the City Manager recommending that City Council:  
a. accept for first reading the proposed amendment to the City of Portage Code of Ordinances by adding Article 9, Midwest Energy Cooperative Franchise, to Chapter 14, Business, Sections 14-192 through 14-202;  
b. place the ordinance on file for public inspection with the City Clerk; and,  
c. consider final adoption on July 9, 2013.

\* 3. Communication from the City Manager recommending that City Council receive the communication from the Local Officers Compensation Commission.

\* 4. Communication from the City Manager recommending that City Council approve the Sanitary Sewer Transport Agreement between the City of Portage and the Charter Township of Texas and authorize the Mayor and City Clerk to sign the agreement on behalf of the city.

\* 5. Communication from the City Manager recommending that City Council approve entering into a Community Service Van Program Lease Agreement with the City of Kalamazoo for storage and use of a van by the City of Portage and authorize the City Manager to execute all documents on behalf of the city.

\* 6. Communication from the City Manager recommending that City Council approve the expenditure for four (4) Chevrolet Tahoe police vehicle equipment changeovers to Emergency Vehicle Products, in an amount not to exceed \$39,604.48, and authorize the City Manager to execute all documents related to this matter on behalf of the city.

\* 7. Communication from the City Manager recommending that City Council approve the purchase of five dual band Motorola radios for \$36,849.75 from Motorola Solutions, Inc., a sole source vendor with a state bid contract, and authorize the City Manager to execute all documents related to this action on behalf of the city.

\* 8. Communication from the Mayor recommending that City Council adopt the Mayor's Proclamation Guidelines.

G. Communications:

1. Communication from the Planning Commission regarding the City of Portage 50<sup>th</sup> Anniversary Celebration of Portage Businesses – Passbook Concept and Draft Passbook.
  - a. Communication from the City Manager recommending that City Council:
    - i. accept the communication from the Planning Commission regarding the City of Portage 50<sup>th</sup> Anniversary Celebration of Portage Businesses – Passbook; and
    - ii. refer the proposal to the Planning Commission to consider finalizing implementation and operational details for a program of reduced scope, or defer continued program development due to the level of additional participation determined to be needed by Planning Commissioners.

H. Unfinished Business:

\* I. Minutes of Boards and Commissions Meetings:

1. Portage Historic District Commission of April 10 and May 1, 2013.
2. Portage Park Board of May 1, 2013.
3. Portage Board of Education Special and Committee of the Whole Work Session of May 6, 2013.

J. Ad-Hoc Committee Reports:

1. Communication from the City Council School Committee recommending that City Council approve the selected banner as the winning design for the City of Portage 50<sup>th</sup> Anniversary Banner Competition.
2. Presentation by the Ad Hoc Property Committee regarding recent activity.

K. New Business:

L. Bid Tabulations:

- \* 1. Communication from the City Manager recommending that City Council award a contract to OnStaff USA to provide temporary and seasonal employment services through Fiscal Year 2013-14, in an estimated amount of \$244,753.60, with the option of two one-year renewals and authorize the City Manager to execute all documents related to the contract.
- \* 2. Communication from the City Manager recommending that City Council award the bid for the Westfield Park playground renovations to Play Environments, Incorporated, in the amount of \$62,400 and authorize the City Manager to execute all documents related to this action on behalf of the city.

M. Other City Matters:

1. Statements of Citizens.
2. From City Council and City Manager.
- \* 3. Reminder of Meetings:
  - a. Wednesday, June 12, 7:00 p.m., Environmental Board, City Hall Room #1.
  - b. Monday, June 17, 6:30 p.m., Portage Public Schools Board of Education, Council Chambers.
  - c. Wednesday, June 19, 2:30 p.m., Senior Citizen Advisory Board, Portage Senior Center.
  - d. Thursday, June 20, 7:00 p.m., District Library Board, Portage District Library.
  - e. Thursday, June 20, 7:00 p.m., Planning Commission, Council Chambers.

N. Materials Transmitted of May 24 and 28, 2013.

Adjournment.

# City Council Meeting Summary

May 28, 2013

## ACCOUNTS PAYABLE REGISTER

- ◆ Approved the Accounts Payable Register of May 28, 2013, as presented.

## PETITIONS AND STATEMENTS OF CITIZENS

- ◆ Nasim Ansari, 3015 Kalarama Avenue, announced candidacy for City Councilmember on the November 5, 2013 Ballot.

## REPORTS FROM THE ADMINISTRATION

- ◆ Approved the Fiscal Year 2013-2014 Budget by adopting the General Appropriations Act Resolution, adopted the Resolution to adopt the Salary and Wage Schedules for the Fiscal Year July 1, 2013, to June 30, 2014, and adopted the Reimbursement Resolution for the Capital Improvement Projects known as Metsa Court Water Main Extension, for \$50,000, and South Westnedge Avenue Water Main, Osterhout Avenue to the south end with a loop connection to Marylynn Court, for \$375,000.
- ◆ Adopted the Bond Resolution authorizing the sale of Capital Improvement Bonds, Series 2013, in the amount of \$3,130,000; and the Resolution approving the Undertaking to Provide Continuing Disclosure by the City of Portage for the Capital Improvement Bonds, Series 2013.
- ◆ Approved Contract 13-5228 between the Michigan Department of Transportation (MDOT) and the City of Portage for improvements on Romence Road Parkway (Lovers Lane to Portage Road) and Angling Road (West Centre Avenue to Squire Heath Lane); adopted a Resolution authorizing the City Manager to sign Contract 13-5228; and authorized the City Manager to sign all other documents related to the Michigan Department of Transportation for this project on behalf of the city.
- ◆ Approved Contract 13-5171 with the Michigan Department of Transportation (MDOT) for removal and reconstruction of the Kilgore Road Bridge over Portage Creek; amended an engineering services contract with Abonmarche Consultants, Incorporated, to perform construction oversight and administration in the not to exceed amount of \$88,695; adopted a Resolution authorizing the City Manager to sign Contract 13-5171; and authorized the City Manager to sign all other documents related to the Michigan Department of Transportation and the consultant contracts for this project on behalf of the city.
- ◆ Approved a contract with Consumers Energy to furnish streetlight service; adopted a Resolution to enter into a contract with Consumers Energy; and authorized the City Manager to execute all documents related to the contract on behalf of the city.
- ◆ Sent the request to authorize the City Manager to proceed with marketing for sale and disposition of the city outlots at 7200 Balfour Drive, 7138 Capri Street and 1600 Friendly Avenue back to the Property Committee.
- ◆ Adopted the resolution concerning the Kalamazoo County Hazard Mitigation Plan.
- ◆ Waived confidentiality of the legal opinion of May 9, 2013, so it could be discussed in open session, and discussed the legal opinion in open session.
- ◆ Received the communication from the City Manager providing background information regarding the property offered for sale at 1614 West Osterhout as information only.
- ◆ Received the communication from the City Manager regarding the April 2013 Summary Environmental Activity Report as information only.
- ◆ Received the Department Monthly Reports.

## UNFINISHED BUSINESS

- ◆ Reaffirmed the Resolution to grant an access easement to Consumers Energy over a portion of city-owned property addressed as 6301 Newport Road and authorized the City Manager to execute the access easement on behalf of the city.

## NEW BUSINESS

- ◆ Mayor Strazdas directed City Council to provide City Manager Evans with their concerns and questions regarding the 2013 Board of Review by June 18, 2013, for a determination of time frame for answers by Mr. Evans for City Council at the June 25, 2013 Regular City Council Meeting.

## STATEMENTS OF CITIZENS

- ◆ Nasim Ansari, 3015 Kalarama Avenue, thanked the Administration and the City Council for their efforts on the Budget.

## STATEMENTS OF CITY COUNCIL

- ◆ Councilmembers Sackley commented on the Budget and the Budget process and expressed his appreciation to the Administration for their fine efforts.
- ◆ City Manager Evans indicated that the Budget Process never ends and that the Administration is already looking at next year and many years ahead.
- ◆ Mayor Pro Tem Reid expressed her appreciation to parade attendees at the Memorial Day Parade, especially considering the inclement weather.
- ◆ Mayor Strazdas reflected on the respect shown for police, veterans and older people by the community by coming out to the Memorial Day Parade. He announced his candidacy for Mayor.

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

## CITY COUNCIL MEETING MINUTES FROM MAY 28, 2013

DRAFT

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

At the request of Mayor Strazdas, Rabbi Harvey Spivak of the Congregation of Moses 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 Jim Pearson, Patricia M. Randall, Edward J. Sackley and Terry R. Urban, Mayor Pro Tem Claudette S. Reid and Mayor Peter J. Strazdas. Councilmember Elizabeth A. Campbell was absent with notice. Also in attendance were City Manager Maurice Evans, City Attorney Randall Brown and City Clerk James Hudson.

**APPROVAL OF MINUTES:** Motion by Sackley, seconded by Reid, to approve the Special and Regular Meeting Minutes of May 14, 2013, as presented. Upon a voice vote, motion carried 6 to 0. Under New Business, City Attorney Brown asked that the reference to the Charter Section be changed to the Rules of Order and Procedure on page 5 of the Minutes of May 14, 2013, and that the reference in the last line in the second full paragraph should reference “majority of those elected” instead of “majority of those present.” Motion by Sackley, seconded by Reid, to amend in the second full paragraph on page 5 of the Minutes of May 14, 2013, the reference to the *City Charter* Section 4.6(m) be changed to the Rules of Order and Procedure Section 4.6 and that the last line in the second full paragraph, a “majority of those elected” would be necessary to approve an item of business for the agenda instead of “majority of those present.” Upon a voice vote, motion carried 6 to 0.

\* **CONSENT AGENDA:** Mayor Strazdas asked Councilmember Randall to read the Consent Agenda. Mayor Pro Tem Reid asked that Item F.6, City Outlots at 7200 Balfour Drive, 7138 Capri Street and 1600 Friendly Avenue, be removed from the Consent Agenda. Councilmember Pearson asked that Item F.8, Closed Session, be removed from the Consent Agenda. Motion by Reid, seconded by Sackley, to approve the Consent Agenda motions as amended. Upon a roll call vote, motion carried 6 to 0. Councilmember Urban asked about the procedure for placing May 24, 2013 Materials Transmitted, Item Number 1, on the Agenda as requested by Councilmember Sackley in order to discuss the City Manger Communication since he suggested that, “Councilmembers may have additional questions, opinions, issues, etc. to address.” Mayor Strazdas reviewed the procedures in light of the City Council Rules of Order and Procedure by indicating that the Council prefers to not have new items brought up unless the item was brought to all Councilmembers prior to the meeting, and that the Administration has the opportunity to provide any information that is needed to all Councilmembers. Mayor Strazdas agreed that this “litmus test” was met and, with no objections, the item could come in under New Business. Discussion followed.

\* **APPROVAL OF ACCOUNTS PAYABLE REGISTER OF MAY 28, 2013:** Motion by Reid, seconded by Sackley, to approve the Check Register of May 28, 2013, as presented. Upon a roll call vote, motion carried 6 to 0.

**PETITIONS AND STATEMENTS OF CITIZENS:** Nasim Ansari, 3015 Kalarama Avenue, announced candidacy for City Councilmember on the November 5, 2013 Ballot.

### REPORTS FROM THE ADMINISTRATION:

**FISCAL YEAR 2013-2014 BUDGET:** Mayor Strazdas introduced City Manager Maurice Evans, who indicated that there are three Resolutions to be adopted by City Council. He pointed out that this proposed budget maintains the overall city tax rate (millage) at 10.7778 mills which places Portage in the lower 25% of cities in Michigan with populations greater than 25,000 in terms of millage. He

indicated that the City is maintaining a 25% Fund Balance and provides a number of great projects in the Budget, including \$11.8 million in infrastructure, while still continuing the fine level of services enjoyed by the community.

Mr. Evans acknowledged the fine team effort led by Deputy City Manager Brian Bowling and coupled with Financial Services Director Bob Luders, Finance Director Dan Foecking, Deputy Director of Accounting and Budget Pat Fitnich, Community Development Director Vicki Georgeau, Transportation & Utilities Director Chris Barnes and all of the Department Heads of the City. He noted that City Council has three Resolutions to adopt: the General Appropriations Act Resolution to Adopt the Budget, the Resolution to adopt the Salary and Wage Schedules for the Fiscal Year July 1, 2013, to June 30, 2014, and the Reimbursement Resolution for two Capital Improvement Projects. Discussion followed. Mayor Strazdas, Mayor Pro Tem Reid, Councilmember Pearson and Councilmember Randall spoke in favor of the Budget and the effort of the Administration of cost-cutting, reducing the number of employees and anticipating reduced revenues. Councilmember Randall expressed her dissatisfaction with the city cars that are parked in the City Hall lot that are not used at night or on the weekends, provided her analysis of costs and possible cost-savings, advocated that employees use their own personal automobiles on the job and expressed her hope that the Administration could look into this area in the future. Mayor Strazdas expressed encouragement to Councilmembers to bring cost-saving measures forward, that the Administration will review this and get a report back so respectful discussion can follow. Councilmember Pearson complimented Councilmember Randall for bringing this idea forth and listening to citizens and supported her bringing this idea up again.

Motion by Sackley, seconded by Urban, to approve the Fiscal Year 2013-2014 Budget by adopting the General Appropriations Act Resolution, to adopt the Resolution to adopt the Salary and Wage Schedules for the Fiscal Year July 1, 2013, to June 30, 2014, and to adopt the Reimbursement Resolution for the Capital Improvement Projects known as Metsa Court Water Main Extension, for \$50,000, and South Westnedge Avenue Water Main, Osterhout Avenue to the south end with a loop connection to Marylynn Court, for \$375,000. Upon a roll call vote, motion carried 6 to 0.

\* **ADOPTION OF BOND RESOLUTIONS:** Motion by Reid, seconded by Sackley, to adopt the Bond Resolution authorizing the sale of Capital Improvement Bonds, Series 2013, in the amount of \$3,130,000, and the Resolution approving the Undertaking to Provide Continuing Disclosure by the City of Portage for the Capital Improvement Bonds, Series 2013. Upon a roll call vote, motion carried 6 to 0.

\* **MICHIGAN DEPARTMENT OF TRANSPORTATION CONTRACT 13-5228 – ROMENCE ROAD PARKWAY (LOVERS LANE TO PORTAGE ROAD) AND ANGLING ROAD (WEST CENTRE AVENUE TO SQUIRE HEATH LANE):** Motion by Reid, seconded by Sackley, to approve Contract 13-5228 between the Michigan Department of Transportation (MDOT) and the City of Portage for improvements on Romence Road Parkway (Lovers Lane to Portage Road) and Angling Road (West Centre Avenue to Squire Heath Lane); adopt a Resolution authorizing the City Manager to sign Contract 13-5228; and authorize the City Manager to sign all other documents related to the Michigan Department of Transportation for this project on behalf of the city. Upon a roll call vote, motion carried 6 to 0.

\* **MICHIGAN DEPARTMENT OF TRANSPORTATION CONTRACT – KILGORE ROAD BRIDGE REPLACEMENT:** Motion by Reid, seconded by Sackley, to approve Contract 13-5171 with the Michigan Department of Transportation (MDOT) for removal and reconstruction of the Kilgore Road Bridge over Portage Creek; amend an engineering services contract with Abonmarche Consultants, Incorporated, to perform construction oversight and administration in the not to exceed amount of \$88,695; adopt a Resolution authorizing the City Manager to sign Contract 13-5171; and authorize the City Manager to sign all other documents related to the Michigan Department of Transportation and consultant contracts for this project on behalf of the city. Upon a roll call vote, motion carried 6 to 0.

\* **CONSUMERS ENERGY STREETLIGHT CONTRACT RENEWAL:** Motion by Reid, seconded by Sackley, to approve a contract with Consumers Energy to furnish streetlight service, adopt a Resolution to enter into a contract with Consumers Energy and authorize the City Manager to execute all documents related to the contract. Upon a roll call vote, motion carried 6 to 0.

**CITY OUTLOTS AT 7200 BALFOUR DRIVE, 7138 CAPRI STREET AND 1600 FRIENDLY AVENUE:** Mayor Pro Tem Reid asked whether approval of the recommended motion means the City will be offering the entire lot instead of one half of a lot to one property owner and one half of a lot to the other, and whether the 60-day offer to adjacent property owners at the minimum estimated market value and 90 days to the community at large is adequate amount of time for an offer given the current nature of the market. She indicated her preference to keep them as buildable lots instead of splitting them up since the highest and best use is to put a house on them.

City Manager Maurice Evans indicated his understanding from the Property Committee is to offer the full lots, first, as a willingness to test the market, but if nothing happens in 60 or 90 days, the Property Committee will have to convene and take another look at it. He then deferred to the Property Committee members for further discussion.

Councilmember Randall said her understanding was that the City would entertain dividing the lot if both adjacent property owners wanted half of it and deferred to Councilmember Sackley for his opinion. Councilmember Sackley said that the lot would be offered with no restrictions, so there would be no stipulation that a home be built upon it, and he outlined some of the options of such a purchaser. Discussion followed.

Mayor Pro Tem Reid indicated that it is the City's responsibility to sell the property for the highest and best use and what she did not want to see happen was that buildable properties are split, first, before a purchaser has a chance to buy the property and build on it; and, she expressed her opinion that this sets a bad precedent for lots that have not been built upon, but could be built upon. Discussion followed.

Mayor Strazdas supported a process whereby the highest value is considered, first, and he prioritized his options as: the sale of the lot for building a house, the sale of the lot as a whole lot and the splitting the lot for sale to adjacent property owners.

Councilmember Urban noted that the preference of Mayor Strazdas is not the same as the recommendation of the Property Committee since they indicated offering it to the residents, first, and he suggested that this should be last. Mayor Strazdas concurred and Councilmember Urban indicated he could not support either of the recommendations. He expressed concern where both property owners want the property and the City could be placed in the middle of an undesirable "bidding war." In answer to his question about the need for a zoning variance because these properties are nonconforming for the zoning district because of width, Community Development Director Vicki Georgeau cited the side yard setback permitted in the Code which can go down to five feet as the only apparent variance, although she did indicate that someone could bring a proposal which could require another type of variance.

Councilmember Urban asked how these lots platted as streets could now be somehow equal to a platted lot intended for building purposes, and Ms. Georgeau responded that a review was performed in light of the Plat Act prior to the Subdivision Control Act of 1967, and if the plat does not restrict an outlot to something other than a building site, then it is buildable and expressed her confidence that a home with an attached garage can be built on a 66' lot. He reiterated his concern that the adjacent property owners bought what they knew to be corner lots, and his concern that houses consistent with the character of the neighborhood may not be possible on a 66' lot, "narrow in the street," for instance, making it difficult to have a house with an attached garage. He acknowledged that everything being proposed was legal, but he stated his main concern was one of fairness to the property owners, especially that offering the properties at full buildable price is inappropriate and explained. When Mayor Strazdas asked him whether he had any ideas or suggestions on how to move forward on these properties, Councilmember Urban indicated his position would be to offer the adjacent property owners,

one-half to each, at a reduced appraisal as added yard, and that they change the lot line of the parcel with a decision on who should pay any fee requirements; however, if this is not workable or the offer is not taken, his next preference would be to sell the whole lot to one adjacent property owner with a change in the lot line at the reduced appraisal price, or if an adjacent property owner wishes to have the option of building a parents' house on the lot next door, offer it as a buildable lot without the contingency of a change in the lot line at the full appraisal price; and, finally to offer it to the public at the full appraised price.

Councilmember Sackley indicated that the Property Committee was asked to go through the inventory of City properties and work with the Administration to determine which ones had clear title, were buildable and make a recommendation to Council as to how to proceed, and the Committee has done that work. He discussed some of the more salient problems involved with selling buildable, nonconforming lots, especially as it relates to the original intent of the plat and the current neighbors who did not see this as a future option in the neighborhood when they investigated purchasing their homes. He pointed out that the plat originally would have contemplated these outlots as an expense generator that had to be maintained as a street instead of a property on the tax rolls. Discussion followed.

Mayor Strazdas advocated letting the market set the value of the property instead of City Council, and Mayor Pro Tem Reid asked Mr. Evans if he was clear as to which procedure to take first. Mr. Evans indicated that the offer would be to the adjacent property owners and answered her question about the City splitting the lots by saying that it would be up to the adjacent property owners if they wish to split the lots. Discussion followed.

Motion by Reid, seconded by Randall, to authorize the City Manager to proceed with marketing for sale and disposition of city outlots at 7200 Balfour Drive, 7138 Capri Street and 1600 Friendly Avenue. Councilmember Randall said it was her understanding that the intent was to place these properties on the tax rolls mainly to save the maintenance costs and to show good will to the adjacent property owners, even if there was no development of the properties with resultant revenue. Discussion followed.

In answer to Mr. Evans and his question of a time limit, Mayor Pro Tem Reid indicated that she intentionally did not offer parameters in order to allow for flexibility to the Administration. Discussion followed. Also, in answer to Mr. Evans and his question about resultant incredibly low offers on the marketed outlots, Mayor Pro Tem Reid said that if the adjacent property owners do not take the outlot in 60 days or whatever the Administration feels is the appropriate time frame, then the offer of the outlot would go to the community at large as suggested in the report. Discussion followed.

Councilmember Urban expressed his concern that the motion as stated still contemplates the findings and guidelines of the May 24, 2013 Materials Transmitted City Manager Communication. Even though Mayor Pro Tem Reid specifically left the suggested parameters from the City Manager Communication out of the motion, he sees the City Manager Communication as part of the motion by reference. Mayor Pro Tem Reid disagreed. Councilmember Urban then reiterated his concern that if both adjacent property owners want to purchase the outlot, the City could be placed in the middle of an undesirable "bidding war." Discussion followed. Councilmember Sackley suggested referring the matter back to the Property Committee and that the motion be withdrawn. Mayor Pro Tem Reid withdrew the motion which was supported by Councilmember Randall. Motion by Reid, seconded by Randall, to send this matter back to the Property Committee. Discussion followed. Upon a roll call vote, motion carried 6 to 0.

\* **KALAMAZOO COUNTY HAZARD MITIGATION PLAN:** Motion by Reid, seconded by Sackley, to adopt the Resolution concerning the Kalamazoo County Hazard Mitigation Plan. Upon a roll call vote, motion carried 6 to 0.

**CLOSED SESSION – DISCUSSION OF CITY ATTORNEY LEGAL OPINION IN OPEN SESSION:** Councilmember Pearson provided a brief background of the progression of the subject of outsourcing of the Assessor function but stopped short of discussing the legal opinion from City Attorney Brown which is what he indicated he wished to discuss in public, not in private. Discussion followed. Motion by Pearson, seconded by Urban, to instead of meeting in closed session, to meet publicly so City Council can ask the City Attorney about the *City Charter* and his legal opinion.

Mayor Pro Tem Reid made a point of clarification, outlined the purpose of the Council of Governments (COG) and described the seminar mentioned by Councilmember Pearson that discussed the outsourcing of the Assessor function wherein Councilmember Pearson received the information that prompted the request for a legal opinion in from City Attorney Brown. She pointed out that just because there was a discussion and a seminar on outsourcing of the Assessor function, this was not an endorsement by COG, nor did it mean that the attendees all agreed with the tenets of the seminar.

In response to Mayor Strazdas, City Attorney Brown stated that the item taken off of the Consent Agenda was that City Council go into a closed session, and there needs to be a two thirds majority vote to go into closed session for the Open Meetings Act exception, or five affirmative votes; so, if that should fail, then there would be no closed session. He indicated that the next motion would be a motion to waive confidentiality of the legal opinion and, if that motion is passed and the legal opinion is discussed in open session, there can no longer be a closed session on these issues because the Open Meetings Act exception would no longer apply. Further, he indicated if there is a closed session on the legal opinion, the City Council can still enter into open session and discuss those issues as this would not preclude an open session simply because there is a closed session on the matter. In response to Mayor Strazdas, Mr. Brown indicated that technically the vote should be on the item that was removed from the Consent Agenda, and expressed his concern that the two thirds requirement is not addressed in the current motion and recommended a vote on the agenda item. He said if it fails, it fails, and the next vote should be to waive confidentiality of the legal opinion. Discussion followed regarding the motion being out of order and that a simple majority, even as a Consent Agenda item, is not enough votes to go into a closed session on the matter. After further discussion, Councilmember Pearson withdrew his motion and Councilmember Urban did not object.

Motion by Sackley, seconded by Urban, to hold a closed session immediately following the regularly scheduled City Council Meeting of May 28, 2013, to discuss an attorney/client communication. Upon a roll call vote, motion failed 5 to 1. Yeas: Councilmember Sackley. No: Councilmembers Urban, Pearson, Randall, Mayor Pro Tem Reid and Mayor Strazdas. Discussion followed.

Motion by Pearson, seconded by Randall, to waive confidentiality of the legal opinion of May 9, 2013, so it can be discussed in open session. Upon a roll call vote, motion carried 5 to 1. Yeas: Councilmembers Urban, Pearson, Randall, Mayor Pro Tem Reid and Mayor Strazdas. No: Councilmember Sackley. Discussion followed.

At the request of Mayor Strazdas, City Attorney Brown provided a summary of his legal opinion of May 9, 2013. In answer to Councilmember Pearson, City Attorney Brown agreed that the City Assessor is the only position in the Assessor Office that cannot be outsourced, but deferred to the City Manager for confirmation as he is not privy to the organization of the Assessor Office. Discussion followed.

Councilmember Pearson advocated an open review of the *City Charter* as it is a document that is fifty years old and reflected that this is pretty old for a *City Charter* and there is a need for an update. He commented on some of the administrative officers, cited the difficulty experienced in obtaining a new Deputy City Assessor after the last one only stayed for a couple of years, and cited the first sentence of *City Charter* Sec.3.13(b) where the requirement that a vacancy (in any appointive office) be filled within 30 days after becoming vacant as problematic. [Note: *City Charter* Sec.3.13(b) also states, “Such time may be extended for not more than an additional sixty days, by Council resolution setting forth the reasons therefore”]. He suggested that there is a need for a *City Charter* update in order to be able to provide more modern flexibility that is needed in current day decision making to save the

taxpayers money, to accommodate the changing times and to improve efficiency. He referred to the hundreds of charters that were available at the writing of the Portage *City Charter* in 1963, and proposed a joint effort and input from everyone on City Council and staff with constructive additions or changes to the Portage *City Charter* to guide the City of Portage for the decades to come.

In answer to Councilmember Urban, City Attorney Brown indicated that the *City Charter* gives the City Council the power to enter into a contract with an independent contractor to perform the Assessing duties, that City Council could not fire the current employees, but the employees would not be paid because the City Council also has control over the budget. Discussion followed.

Mayor Pro Tem Reid indicated that discussion of the *City Charter* is inappropriate at this time because the City has a Charter that it is working under, and the issue at hand needs to be discussed as it relates to the current Charter. She indicated that a contract with an independent contractor to perform the Assessing duties would undermine the ability of the City Manager to do his job because the City Council would supervise the independent contractor people.

Councilmember Sackley noted that no one from the Administration has mentioned the need for more flexibility and the need to change the *City Charter* to provide that flexibility. He commented on the reliability and dependability of the *City Charter* as evidenced by the 50 years the *City Charter* has served the citizens and the fact that there are no citizens in the Council Chambers objecting to any of the proceedings or complaining for more services. He asked that City Council focus on the discussion of the legal opinion and that discussion about *City Charter* changes is perhaps inappropriate here and could possibly be covered later after the legal opinion is discussed. Discussion followed.

City Attorney Brown interjected that if the City Council enters into a contract with an independent contractor to perform the Assessing duties, the City Manager would still be directed to supervise that contract as it does not necessarily fall on City Council as the exclusive supervisor. Discussion followed.

Councilmember Sackley referred to the *Kalamazoo Gazette* article of November 5, 2012, and distinguished the *Kalamazoo City Charter* and the *Portage City Charter* especially as it relates to the hiring of many employees by the Kalamazoo City Commission versus the City of Portage. He also pointed out that the City of Kalamazoo contracted with Wayne County Appraisals, LLC, and only saved a total of \$13,000 over the 29 month length of the contract. Discussion followed.

Councilmember Urban pointed out that the City Manager has already contracted for City Assessor services since it is under his authority, and that the goal is not only to save money, but also to maintain quality services. Discussion followed. Mayor Strazdas asked if there were any Ad Hoc Committee reports and none were offered.

\* **PROPOSED ACQUISITION OF 1614 WEST OSTERHOUT AVENUE – INFORMATION ONLY:** Motion by Reid, seconded by Sackley, to receive the communication from the City Manager providing background information regarding the property offered for sale at 1614 West Osterhout Avenue as information only. Upon a roll call vote, motion carried 6 to 0.

\* **APRIL 2013 SUMMARY ENVIRONMENTAL ACTIVITY REPORT:** Motion by Reid, seconded by Sackley, to receive the communication from the City Manager regarding the April 2013 Summary Environmental Activity Report as information only. Upon a roll call vote, motion carried 6 to 0.

\* **DEPARTMENT MONTHLY REPORTS:** Motion by Reid, seconded by Sackley, to receive the Department Monthly Reports. Upon a roll call vote, motion carried 6 to 0.

**UNFINISHED BUSINESS:**

\* **6301 NEWPORT ROAD EASEMENT REQUEST - CONSUMERS ENERGY:** Motion by Reid, seconded by Sackley, to reaffirm the Resolution to grant an access easement to Consumers Energy over a portion of city-owned property addressed as 6301 Newport Road and authorize the City Manager to execute the access easement on behalf of the city. Upon a roll call vote, motion carried 6 to 0.

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

Portage Zoning Boards of Appeals of April 8, 2013.

Portage Board of Education Special of April 10, Special and Regular of April 15, Policy Governance of April 16, Special of April 18, and Special of April 29, 2013.

Portage Youth Advisory Committee of April 22, 2013.

Portage Planning Commission of May 2, 2013.

**NEW BUSINESS:**

**2013 BOARD OF REVIEW:** Councilmember Urban referred to the May 24, 2013 Materials Transmitted, Item Number 1, on the Agenda as requested by Councilmember Sackley in order to discuss the City Manager Communication since he suggested that, "Councilmembers may have additional questions, opinions, issues, etc. to address. It would be appropriate to identify those at the May 28, 2013 Regular City Council meeting in order to allow staff to perform the proper research and develop a comprehensive follow up communication. Further, I request that Council determine whether these items should be on an agenda for a special meeting, which would need to be scheduled, or at a regularly scheduled meeting of Council." He then offered that City Council dealt with Item 1 in the communication; City Council has the reports listed in Item 2 and the question is whether to discuss them at a special meeting or at a regularly scheduled meeting, and he expressed his preference is for a regularly scheduled meeting with Attorney Deborah Ondersma present under Item 3; he agreed that Item 4 needs to be discussed although a legal opinion may not be needed; and, he had no knowledge of why Item 5 was raised. Discussion followed.

Mayor Strazdas supported that the discussion take place at a future meeting and all who are affected are notified and invited to attend. Councilmember Strazdas concurred with Councilmember Urban and explained. Discussion followed. Mayor Strazdas asked for a reasonable time frame to get the answers to these questions from the City Manager.

Councilmember Pearson stated it is important to have the Board of Review Members at the meeting because they know more about the Board of Review process than any of the Councilmembers and several Councilmembers appreciate their work and their frustrations. However, he said that when we say, "should certain actions by Board of Review members during the MBOR be brought to the attention of law enforcement, and Mr. Urban talked about it being a misdemeanor...." Councilmember Pearson went on to submit that attacking citizen volunteers with law enforcement is never a good thing and discussed the difficulty obtaining paid volunteers for the Board of Review. Councilmember Urban stated he did not attack anyone and said he did not appreciate the characterization from Councilmember Pearson. He said he stated a fact.

Councilmember Sackley pointed out that when City Councilmembers are sworn into office, each Councilmember is charged with upholding the City Charter, the City Ordinances and the laws of the State of Michigan. He indicated that it would be foolish for a Councilmember to ignore an action by a Board of Review member that is questionable because Councilmembers have a fiduciary duty not only to the citizens of Portage, but also to the other taxing authorities impacted by the decisions by the members of the Board of Review. He expressed his doubt to Councilmember Pearson that

characterizing a question posed by a fellow councilmember as an attack is inappropriate because each Councilmember has the duty to vet, evaluate and appoint the members of the Board of Review and further explained the duties and responsibilities of City of Portage Councilmembers in this regard.

Mayor Strazdas restated his original request for a reasonable time frame to get the answers to these questions from the City Manager. Discussion followed. Mayor Strazdas directed City Council to provide City Manager Evans with their concerns and questions regarding the 2013 Board of Review by June 18, 2013, for a determination of time frame for answers by Mr. Evans for City Council at the June 25, 2013 Regular City Council Meeting. Discussion followed.

**OTHER CITY MATTERS:**

**PETITIONS AND STATEMENTS OF CITIZENS:** Nasim Ansari, 3015 Kalarama Avenue, thanked the Administration and the City Council for their efforts on the Budget.

**STATEMENTS OF CITY COUNCIL:** Councilmember Sackley commented on the Budget and the Budget process and expressed his appreciation to the Administration for their fine efforts.

City Manager Evans indicated that the Budget Process never ends and that the Administration is already looking at next year and many years ahead.

Mayor Pro Tem Reid expressed her appreciation to parade attendees at the Memorial Day Parade, especially considering the inclement weather.

Mayor Strazdas reflected on the respect shown for police, veterans and older people by the community by coming out to the Memorial Day Parade. He announced his candidacy for Mayor.

**ADJOURNMENT:** Mayor Strazdas adjourned the meeting at 9:39 p.m.

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James R. Hudson, City Clerk

\*Indicates items included on the Consent Agenda.



**TO:** Honorable Mayor and City Council

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

**SUBJECT:** Accounts Payable Register

**SUPPORTING PERSONNEL:** Daniel Foecking, Director of Finance

**ACTION RECOMMENDED:** That City Council approve the Accounts Payable Register of June 11, 2013 as presented.

**EXECUTIVE SUMMARY:**

Bi-weekly the City Council reviews and approves the Accounts Payable Register that includes checks issued to vendors and the electronic funds transfer register. The time period noted totals of \$760,834.61 for checks issued to vendors and \$153,211.88 for electronic transfers for a total of \$913,046.49.

**BACKGROUND INFORMATION:**

Attached please find the Accounts Payable Register for the period May 12, 2013 through May 26, 2013, which is recommended for approval.

**FUNDING:** N/A

**Attachments:** Accounts Payable Register

CHECK DATE	CHECK NUMBER	VENDOR NAME	VENDOR #	CHECK AMOUNT
05/17/2013	285094	PETTY CASH-PARKS	536	50.00
05/17/2013	285095	WYND, MYRA ANNE	999999	1,250.00
05/24/2013	285096	AT&T	849	6,096.45
05/24/2013	285097	A T & T LONG DISTANCE	4060	9.08
05/24/2013	285098	A-SON'S CONSTRUCTION, INC	999999	8.34
05/24/2013	285099	A-1 ASPHALT SEALING & REPAIR,	4607	11,086.99
05/24/2013	285100	ACE PARKING LOT STRIPING, INC.	459	400.00
05/24/2013	285101	AHMED, CHELO	999999	100.00
05/24/2013	285102	ALL POINTS COVERED PAINTING	3275	875.00
05/24/2013	285103	ALLEGRA PRINT & IMAGING	533	900.47
05/24/2013	285104	ALLIED MECHANICAL SERVICE	974	108.00
05/24/2013	285105	TODD ARBANAS ENTERPRISES INC.	1704	2,495.00
05/24/2013	285106	AUTOMATIC MICROFILMING CO.	863	3,924.35
05/24/2013	285107	AUTOMATIC DESIGN & ENTERTAINM	2906	1,993.75
05/24/2013	285108	BALKEMA EXCAVATING, INC.	130	567.00
05/24/2013	285109	BANK OF NEW YORK MELLON	3939	250.00
05/24/2013	285110	BARKHOLZ, DANIEL L	4871	140.00
05/24/2013	285111	BLOWERS, BRYAN	999999	500.00
05/24/2013	285112	BLUE CROSS/BLUE SHIELD OF MICH	642	102,821.78
05/24/2013	285113	BREAD OF LIFE, LLC	4729	71.94
05/24/2013	285114	BRONSON HEALTHCARE GROUP	4813	700.00
05/24/2013	285115	RANDALL L BROWN & ASSOC. PLC	2351	192.77
05/24/2013	285116	FENNEMA ENTERPRISES, LLC	4645	2,646.00
05/24/2013	285117	CAMPBELL AUTO SUPPLY	437	8.00
05/24/2013	285118	CENTER FOR PUBLIC SAFETY EXCEL	4858	5,125.00
05/24/2013	285119	CHARLEVOIX HISTORICAL SOCIETY	999999	100.00
05/24/2013	285120	CHARTER COMMUNICATIONS	3080	110.09
05/24/2013	285121	CHUMAS, JUDY	999999	70.00
05/24/2013	285122	CITY OF KALAMAZOO	999999	1,904.44
05/24/2013	285123	CITY OF PORTAGE	177	4,730.79
05/24/2013	285124	CLASSIC GLASS, INC.	4849	279.60
05/24/2013	285125	CLEMENT COMMUNICATIONS	835	209.64
05/24/2013	285128	CONSUMERS ENERGY-BILL PMT CNT	189	58,576.26
05/24/2013	285129	CORE TECHNOLOGY CORP.	3226	2,525.00
05/24/2013	285130	CORPORATE COLORS	193	296.00
05/24/2013	285131	CREDIT BUREAU COLLECTION	999999	60.29
05/24/2013	285132	DATA CONSTRUCTS LLC	4741	97.95
05/24/2013	285133	DAVEY AWARDS	999999	90.00
05/24/2013	285134	DAVIS, CHRIS	532	150.00
05/24/2013	285135	DELOOF BUILDERS	2545	3,892.64
05/24/2013	285136	DENOYER BROTHERS, INC.	210	199.92
05/24/2013	285137	DEWOLF & ASSOCIATES, LLC	4374	1,390.00
05/24/2013	285138	DOSTER, KYLE	532	1,397.99
05/24/2013	285139	DRIESENGA & ASSOCIATES, INC.	3277	952.00
05/24/2013	285140	EARLY, JOHN	999999	670.00
05/24/2013	285141	ECHELBARGER, HIMEBAUGH, TAMM &	4664	2,199.00
05/24/2013	285142	EMERGENCY VEHICLE PRODUCTS	2948	3,004.12
05/24/2013	285143	FALCON ROAD MAINTENANCE EQUIP	4862	19,362.00
05/24/2013	285144	FARM N GARDEN	833	473.00
05/24/2013	285145	FAWLEY OVERHEAD DOOR, INC.	690	92.00
05/24/2013	285146	FERRELLGAS, LP	384	587.66

CHECK DATE	CHECK NUMBER	VENDOR NAME	VENDOR #	BANK CODE	CHECK AMOUNT
05/24/2013	285147	FIRE RESCUE BLADES OF DELRAY B	4876		573.91
05/24/2013	285148	FLETCHER ENTERPRISES	1399		1,658.00
05/24/2013	285149	GEBAUER, JUDY	999999		150.00
05/24/2013	285150	GEISLER, JOHN	999999		200.00
05/24/2013	285151	GEORGEAU, VICKI	532		35.00
05/24/2013	285152	GORDON FOOD SERVICE	502		101.02
05/24/2013	285153	GORDON WATER SYSTEMS	517		213.25
05/24/2013	285154	GRAND RAPIDS PUBLIC MUSEUM	999999		654.00
05/24/2013	285155	GRAND RAPIDS PUBLIC MUSEUM	999999		517.70
05/24/2013	285156	GRIFFIN PEST SOLUTIONS, INC.	598		195.00
05/24/2013	285157	HALL BUILDERS LLC	4360		10,800.00
05/24/2013	285158	HARTMAN, CHARLES	913		94.00
05/24/2013	285159	HAWKEY, KEVIN	532		150.91
05/24/2013	285160	HOADLEY, LEO	4228		110.00
05/24/2013	285161	HOLYE, KATHLEEN	999999		2,682.59
05/24/2013	285162	HOME DEPOT	691		1,461.99
05/24/2013	285163	HOMETOWN URGENT CARE AND WORKC	4752		60.00
05/24/2013	285164	HOOGERHYDE SAFE & LOCK, INC.	4874		4,585.00
05/24/2013	285165	HORVATH, ROBERT C.	999999		110.00
05/24/2013	285166	HOYLE, KATHLEEN	999999		52.95
05/24/2013	285167	HURST MECHANICAL, INC.	4103		9,277.00
05/24/2013	285168	HYDRO-CHEM SYSTEMS, INC.	4039		206.85
05/24/2013	285169	INSTITUTE OF CONTINUING EDUCAT	559		92.50
05/24/2013	285170	J-AD GRAPHICS, INC	4444		1,500.00
05/24/2013	285171	JOHNS, STEVE	532		150.00
05/24/2013	285172	JONES & HENRY ENGINEERS, LTD	3488		8,985.33
05/24/2013	285173	KALAMAZOO COUNTY CLERK	83		99.95
05/24/2013	285174	KALAMAZOO COUNTY ROAD COMMISSI	87		496.37
05/24/2013	285175	KALAMAZOO COUNTY TREASURER	514		1,507.50
05/24/2013	285176	KALAMAZOO COUNTY TREASURER	514		4,622.50
05/24/2013	285177	KALAMAZOO FLAG COMPANY	4787		210.90
05/24/2013	285178	KALAMAZOO GAZETTE	4756		41.55
05/24/2013	285179	KALAMAZOO LANDSCAPE SUPPLIES	90		350.00
05/24/2013	285180	KALAMAZOO 9TH CIRCUIT COURT	999999		28.43
05/24/2013	285181	KELLY RADIATOR & AUTO REPAIR	4591		208.66
05/24/2013	285182	KENT COUNTY DPW	2663		67.50
05/24/2013	285183	KEWEENAW EXCURSIONS	999999		200.00
05/24/2013	285184	KNOX II, DARRYL A	999999		1,650.00
05/24/2013	285185	KOCH, JENNIFER	999999		10.05
05/24/2013	285186	KUIPER BROTHERS MOVING INC.	1066		1,182.50
05/24/2013	285187	LAWSON PRODUCTS, INC	240		1,042.11
05/24/2013	285188	LEWEME, GREG	2595		18,156.05
05/24/2013	285189	LEWEME, GREG	2595		975.00
05/24/2013	285190	LEXISNEXIS/MATTHEW BENDER	2701		170.50
05/24/2013	285191	LILEK, MICHAEL	532		150.00
05/24/2013	285192	LINDNER, DAVID	4877		180.00
05/24/2013	285193	LOUTHAN, WILLIAM F	3021		117.50
05/24/2013	285194	LOWE'S HOME CENTER	2630		121.01
05/24/2013	285195	LUDERS, ROBERT	532		100.00
05/24/2013	285197	MAILFINANCE	1208		744.27
05/24/2013	285198	MARSHALL & SWIFT	1509		829.15

CHECK DATE	CHECK NUMBER	VENDOR NAME	VENDOR #	CHECK AMOUNT
05/24/2013	285199	MATTSON, NICHOLAS	532	60.37
05/24/2013	285200	MCNALLY ELEVATOR CO.	256	105.81
05/24/2013	285201	MENARDS, INC	258	17.07
05/24/2013	285202	STATE OF MICHIGAN (MGT & BUDGE	2498	250.00
05/24/2013	285203	MICH MUNICIPAL POLICE & FIRE R	4777	580.60
05/24/2013	285204	MICHIGAN ASSOC OF MUNICIPAL CL	4757	250.00
05/24/2013	285205	MICHIGAN PAVEMENT MARKINGS LLC	1358	13,535.05
05/24/2013	285206	MICHIGAN PAVING & MATERIALS CO	3389	287.50
05/24/2013	285207	MIDWEST ENERGY COOPERATIVE	2030	198.92
05/24/2013	285208	MILVE MEDIA GROUP	89	2,531.24
05/24/2013	285209	MOORLAG, TODD	532	63.57
05/24/2013	285210	MOORS I, LLC	3834	27.23
05/24/2013	285211	MOSES FIRE EQUIPMENT, INC.	993	2,355.97
05/24/2013	285212	MUNICIPAL CODE CORPORATION	981	700.00
05/24/2013	285213	NATIONAL ARBOR DAY FOUNDATION	1290	15.00
05/24/2013	285214	NVE UNIFORMS	299	413.00
05/24/2013	285215	O'BOYLE-COLWELL-BLALOCK & AS.	860	4,054.34
05/24/2013	285216	OBERHILL, KYLE JOSEPH	4778	1,135.00
05/24/2013	285217	OFFICE DEPOT, INC.	1721	598.98
05/24/2013	285218	OFFICEMAX INCORPORATED	301	165.04
05/24/2013	285219	ORPHEUS	4094	300.00
05/24/2013	285220	PAPER CENTRAL	2623	832.00
05/24/2013	285221	PATESEL, TERRY	4455	302.00
05/24/2013	285222	PATTERSON, TREVOR	532	103.50
05/24/2013	285223	PCM SALES, INC.	4852	82,805.77
05/24/2013	285224	JACK PEARL'S SPORT CENTER INC	561	281.80
05/24/2013	285226	PETTY CASH-CITY HALL	767	631.58
05/24/2013	285227	PETTY CASH-FIRE	610	190.33
05/24/2013	285228	PETTY CASH-SENIOR CENTER	537	177.16
05/24/2013	285229	PHELPS, JERRY	532	145.44
05/24/2013	285230	PORTAGE CLEANERS & LAUNDRY	1415	1,312.45
05/24/2013	285231	POWERS, DAN	999999	200.00
05/24/2013	285232	PROFESSIONAL LAKE MANAGEMENT	461	235.75
05/24/2013	285233	QUADRANT II MARKETING, LLC	3139	2,238.40
05/24/2013	285234	R C M HEADSETS/R C M & ASSOC.	4113	561.70
05/24/2013	285235	RAGOTZY, KRISTA	999999	250.00
05/24/2013	285236	RATHCO SAFETY SUPPLY, INC.	327	2,679.50
05/24/2013	285237	RENEWED EARTH, INC.	4686	7,916.66
05/24/2013	285238	REPUBLIC SERVICES OF WEST MICH	4443	42,298.40
05/24/2013	285239	RIDGE AUTO NAPA	438	33.48
05/24/2013	285240	ROMENCE GARDENS, INC	343	4,164.85
05/24/2013	285241	ROUSSIN, MICHAEL	999999	110.00
05/24/2013	285242	SHAHEEN CHEVROLET INC.	1743	107,880.00
05/24/2013	285243	SIGN ART	1174	14,920.00
05/24/2013	285244	SIGNWRITER & SERIGRAPHICS	2376	180.00
05/24/2013	285245	SIRIUS XM RADIO INC.	999999	181.31
05/24/2013	285246	SNOWDEN, JAMES	532	401.48
05/24/2013	285247	SOCIETY FOR HUMAN RESOURCE MGM	3581	360.00
05/24/2013	285248	SPRINT	3721	1,032.47
05/24/2013	285249	STATE INDUSTRIAL PRODUCTS CORP	2010	784.00
05/24/2013	285250	STATE OF MICHIGAN (DOT)	368	30,680.59

CHECK DATE	CHECK NUMBER	VENDOR NAME	VENDOR #	BANK CODE	CHECK AMOUNT
05/24/2013	285251	STATE SYSTEMS RADIO, INC	369		776.00
05/24/2013	285252	STEENSMAN LAWN & POWER EQUIPMEN	3222		979.60
05/24/2013	285253	STOP TECH, LTD	2680		355.00
05/24/2013	285254	T D S METROCOM, LLC	4539		3,177.79
05/24/2013	285255	THINGS TA DO, INC.	4201		475.00
05/24/2013	285256	THOMPSON PUBLISHING GROUP	385		897.00
05/24/2013	285257	JOHANNA THOMPSON	4682		2,735.50
05/24/2013	285258	TOO CLEAN JANITORIAL	2220		1,805.00
05/24/2013	285259	TRAINING FORCE USA	999999		195.00
05/24/2013	285260	TRUCK & TRAILER SPECIALTIES	639		80,327.00
05/24/2013	285261	U S POSTMASTER	391		8,526.50
05/24/2013	285262	UNITED PARCEL SERVICE	545		24.00
05/24/2013	285263	VANDEBILT, JOHN	668		141.00
05/24/2013	285264	VANGUARD FIRE & SUPPLY CO., IN	3996		142.74
05/24/2013	285265	VERIZON WIRELESS SERVICES, LLC	4653		1,026.39
05/24/2013	285266	WADE, SHARON	999999		55.00
05/24/2013	285267	WASHCO, LLC	1104		390.00
05/24/2013	285268	WATKINS, GREG	4231		202.50
05/24/2013	285269	WESTERN MICHIGAN INT'L TRUCKS	4306		8.20
05/24/2013	285270	WESTLEY, SANDRA	999999		77.50
05/24/2013	285271	WYOMING ASPHALT PAVING CO. INC	1222		1,901.52
05/24/2013	285272	W3 Awards Processing	999999		190.00
05/24/2013	285274	XEROX CORPORATION	2684		1,028.25
05/24/2013	285275	36TH CIRCUIT COURT	999999		100.00
05/24/2013	285276	56TH B DISTRICT	999999		144.00

DATE RANGE TOTAL \* 760,834.61 \*

PAYMENT NO	VENDOR NO	VENDOR NAME	TRANSFER DATE	AMOUNT	TRACE		EFT	BATCH	BANK CODE
					NUMBER	NUMBER			
1963		ABONMARCHE CONSULTANTS, INC	05/24/2013	4,816.25	072000320000001	0000001	0000001		00
1964		ADMIRAL LOCK & KEY SERVICE	05/24/2013	400.80	072000320000002	0000001	0000001		00
1965		ALL-TRONICS, INC.	05/24/2013	81.00	072000320000003	0000001	0000001		00
1966		AMERICAN SAFETY & FIRST AID	05/24/2013	168.00	072000320000004	0000001	0000001		00
1967		ANDRUS TRAVEL, GAIL	05/24/2013	488.25	072000320000005	0000001	0000001		00
1968		BATTERIES PLUS	05/24/2013	559.80	072000320000006	0000001	0000001		00
1969		BEBEE, RON	05/24/2013	258.50	072000320000007	0000001	0000001		00
1970		BELL EQUIPMENT COMPANY	05/24/2013	18,400.00	072000320000008	0000001	0000001		00
1971		BLUE CARE NETWORK-GREAT LAKES	05/24/2013	64,476.98	072000320000009	0000001	0000001		00
1972		C C I SOUTH, INC.	05/24/2013	97.00	072000320000010	0000001	0000001		00
1973		C D W GOVERNMENT, INC.	05/24/2013	459.89	072000320000011	0000001	0000001		00
1974		CARRIER & GABLE	05/24/2013	3,148.80	072000320000012	0000001	0000001		00
1975		DELTA DENTAL PLAN OF MI	05/24/2013	19,569.84	072000320000013	0000001	0000001		00
1976		DEPATIE FLUID POWER CO., INC.	05/24/2013	814.73	072000320000014	0000001	0000001		00
1977		EMPLOYMENT GROUP, INC.	05/24/2013	1,261.72	072000320000015	0000001	0000001		00
1978		ENGINEERED PROTECTION SYSTEMS, INC.	05/24/2013	218.25	072000320000016	0000001	0000001		00
1979		ETNA SUPPLY, INC.	05/24/2013	4,266.76	072000320000017	0000001	0000001		00
1980		FORSHER, MARK	05/24/2013	330.00	072000320000018	0000001	0000001		00
1981		FURRY, WILLIAM	05/24/2013	159.00	072000320000019	0000001	0000001		00
1982		HARTFORD LIFE INSURANCE COMPANY	05/24/2013	7,794.47	072000320000020	0000001	0000001		00
1983		HI-TECH ELECTRIC CO.	05/24/2013	1,223.61	072000320000021	0000001	0000001		00
1984		INDUSCO SUPPLY CO., INC.	05/24/2013	154.40	072000320000022	0000001	0000001		00
1985		IRISH AYLES ENTERPRISES, LLC	05/24/2013	6,180.00	072000320000023	0000001	0000001		00
1986		J B PRINTING COMPANY	05/24/2013	5,274.50	072000320000024	0000001	0000001		00
1987		KALAMAZOO ELECTRIC MOTORS	05/24/2013	229.80	072000320000025	0000001	0000001		00
1988		KOPEC, CASEY	05/24/2013	180.00	072000320000026	0000001	0000001		00
1989		MATERIALS RESOURCES	05/24/2013	567.95	072000320000027	0000001	0000001		00
1990		MAURER'S TEXTILE RENTAL SERVICES	05/24/2013	160.81	072000320000028	0000001	0000001		00
1991		MEDEMA, TIMOTHY	05/24/2013	151.00	072000320000029	0000001	0000001		00
1992		ORTNER, RICHARD	05/24/2013	140.00	072000320000030	0000001	0000001		00
1993		POULIOT, GRETCHEN	05/24/2013	60.00	072000320000031	0000001	0000001		00
1994		PRECISION PRINTER SERVICES INC	05/24/2013	987.18	072000320000032	0000001	0000001		00
1995		RIETH-RILEY CONSTRUCTION CO., INC.	05/24/2013	555.54	072000320000033	0000001	0000001		00
1996		ROBERTS, CHARLES D	05/24/2013	188.00	072000320000034	0000001	0000001		00
1997		SNELL, DEBRA	05/24/2013	144.00	072000320000035	0000001	0000001		00
1998		UNITED PETROLEUM	05/24/2013	543.75	072000320000036	0000001	0000001		00
1999		VANDERBERG, WARD M	05/24/2013	235.00	072000320000037	0000001	0000001		00
2000		VERPLANK TRUCKING CO.	05/24/2013	3,737.96	072000320000038	0000001	0000001		00
2001		WEST, STEVE	05/24/2013	245.00	072000320000039	0000001	0000001		00
2002		WOLVERINE POWER SYSTEMS	05/24/2013	3,483.34	072000320000040	0000001	0000001		00

GRAND TOTAL:

152,211.88 NO. OF CHECKS:

40

**TO:** Honorable Mayor and City Council

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

**SUBJECT:** Delinquent Water and Sewer Bills

**SUPPORTING PERSONNEL:** Daniel Foecking, Director of Finance

**ACTION RECOMMENDED:** That City Council order notice to applicable property owners that all water and/or sewer charges remaining unpaid as of June 30, 2013 will be transferred to the 2013 city tax roll and assessed against the property for which the services were furnished.

**EXECUTIVE SUMMARY:**

As City Manager, I am annually required to report to the City Council those water and sewer utility bills which are unpaid as of March 31 of that year. In accordance with City Ordinance Section 82-197 the unpaid accounts are to be transferred to the city tax roll and are to be assessed against the properties to which the services were provided.

**BACKGROUND INFORMATION:**

In accordance with the city ordinances, unpaid water and sewer utility accounts considered uncollectible by the Finance Director are required to be reported to City Council on an annual basis. Unpaid utility accounts as of March 31, 2013 total \$70,745.02. A listing is attached showing all delinquent accounts. For each of these accounts, collection efforts have not resulted in payment. State law allows the charges to remain with the associated property. According to Chapter 82, Division 7, Section 82-197, Lien for Unpaid Charges, Portage Code of Ordinances, the unpaid accounts are to be transferred to the city tax roll and assessed against properties to which the services are provided. Action by City Council to order notice to all applicable property owners that all unpaid water and/or sewer charges transferred to the 2013 city tax roll is requested to begin this process.

**FUNDING:** N/A

**Attachments:** Listing of delinquent accounts

**2013 TRANSFER UTILITY BALANCE TO TAX**

<b>CUSTOMER NAME</b>	<b>LOCATION ADDRESS</b>	<b>DELINQUENT AMOUNT</b>
CHRISTIE, STUART	210 AMOS AV	247.94
ROUSH, RUSSELL	218 AMOS AV	615.96
MOHNEY, JEFFREY	301 ALDERSGATE DR	171.74
SIMMONS, DEBI	604 CIRCLEWOOD SOUTH DR	480.44
GERGER, MARK	7233 PRESTWICK LN	232.86
WILLIAMS, TOMMIE L	713 COTTONDALE AV	109.58
GLASSER, ROGER & KARAN	817 KARENDALE AV	531.68
LIETZ, KIRK	822 SHUMWAY AV	125.74
RJO MECHANICAL	10170 SHAVER RD	22.85
JONES, RON	929 SHUMWAY AV	8.58
KEYS, ARNOLD L.	1103 SCHURING RD	59.00
GETTYS, JERRY	1106 ORCHARD DR	33.86
WILLHITE, CARLOS	1318 E KILGORE RD	184.53
DERHAMMER EXCAVATING	1411 W CENTRE AV	283.51
BROWN JR, JOHN W	1423 ORCHARD DR	475.41
ROGERS, KATHY & FRANK	1624 SCHURING RD	59.99
LABRIE, JEFF	1816 BENDER RD	81.33
ALLRED, CYNTHIA	2007 FAIRFIELD RD	47.65
SMITH, SCOTT B	2012 INDIAN RD	321.00
SPEARS, LISA	5665 BAY MEADOW TR	43.37
GELABERT, ROSELIA	2239 MANSFIELD AV	143.46
CAMPBELL, DON & DOLORES	2308 PLEASANT DR	106.09
HAMLIN, WILLIAM E	2601 HILL 'AN' BROOK DR	21.87
MCMILLIAN, RANDY	3421 WEDGWOOD DR	464.47
JOHNSON, SCOTT	3618 WOODHAMS AV	13.35
ROBINSON, LOUIS	4402 BEECHMOUNT AV	270.56
ZUYDWEGT, MICHELLE	4521 HANOVER AV	293.63
SCHMALTZ, CRAIG	4600 LONG LAKE DR	7.60

## 2013 TRANSFER UTILITY BALANCE TO TAX

<b>CUSTOMER NAME</b>	<b>LOCATION ADDRESS</b>	<b>DELINQUENT AMOUNT</b>
SUPRISE, TIM	5105 STONEHENGE DR	726.38
COOPER, KATHY	5229 GROSSE POINTE ST	232.49
AARDEMA, WILLIAM	5240 STONEHENGE DR	461.98
CLEVELAND, MARK A & C N	5336 AZALEA ST	245.26
DOBBINS, PHYLEASE E	5342 WISTERIA ST	120.38
CORCORAN, ROBERT S	8126 SOUTHFIELD ST	59.99
WOODS PRE-B, RODNEY	5738 THUNDER BAY ST	494.53
HAYES, MICHELLE	5225 WINDYRIDGE DR	419.97
SPARKS, NANCY	5812 MISSOURI AV	116.66
HODKINS, DANIEL	5812 OHIO AV	188.77
RICHTER, CHARLES	5908 MONTICELLO AV	457.55
VANFULPEN, THOMAS G & P A	5924 NEVADA AV	200.00
HUGHSON, SAMUEL	5928 DAKOTA AV	104.10
WILLIAMS, CALVIN A	1037 CHAUCER AV	370.28
GERSTNER, RICHARD	6235 S 12TH ST	82.90
BORIA, DAVID	6615 ROBINSWOOD ST	395.98
BEARD, ANNIE	6816 BRIGHAM ST	148.21
BURKE, MICHAEL	6917 BRATCHER ST	123.89
BELITZ, TIM	7037 WINTER FOREST DR	50.00
OLSON, EDGAR	7136 LOVERS LN	59.99
LOWE, DOUGLAS	7222 LEAWOOD ST	475.41
VANDELINDE, G. J.	7312 CAPRI ST	106.32
DUGAN, WILLIAM J & T D	7729 LAKE WOOD DR	304.54
BURROUGHS III, ROBERT	8321 BRUNING ST	300.04
HOSBEIN, HENRY & JILL	8113 BROOKWOOD DR	388.86
KRIETZ II, CLARENCE & LISA	8126 LAKE WOOD DR	59.99
NAULT, DEBORAH K	8203 WAYLEE ST	10.15

**2013 TRANSFER UTILITY BALANCE TO TAX**

<b>CUSTOMER NAME</b>	<b>LOCATION ADDRESS</b>	<b>DELINQUENT AMOUNT</b>
ELLISON PRE-B, TOM	8406 BRUNING ST	36.44
MILLER, CARL	8811 PORTAGE RD	475.41
MILLER, CARL	8817 PORTAGE RD	475.41
POINDEXTER, WILLIAM	8927 AUSTIN CT	26.38
TAYLOR, JACK	8938 NEWHOUSE ST	16.43
BRENNAN, LAURIE	9024 OAKLAND DR	7.26
HARRINGTON, W E	9424 ORGANDY ST	5.35
OSTLAND, BRENDA	6632 OAKLAND DR	32.11
POOL, KATHY	9511 CORDUROY ST	251.65
WITEK, BILL	9837 WOODLAWN DR	9.35
DONALDSON, JAMES B	10131 WOODLAWN DR	142.08
NEWHOUSE, LARR & PAM	10160 WOODLAWN DR	59.99
POLING, RON & JOYCE	10235 WOODLAWN DR	8.19
SARKOZY, WILLIAM	10341 WOODLAWN DR	8.56
KREIS, CLIFFORD E	10414 DEWBERRY ST	468.60
DOYLE, JAMES T	10419 DEWBERRY ST	637.86
WALSH, JAMES A SMITH/M J	10905 CORA DR	11.11
MCINTOSH, DUBOIS	5144 WOODMONT DR	522.21
PARTAIN JR., JAMES	4602 WESTFIELD AV	20.22
BARBER, FRANK & SANDRA	9238 AUSTIN DR	8.56
BRUMLEY, DONALD	7029 WINTER FOREST DR	144.76
SMITH, ADAM	4729 ROMENCE RD	427.34
REINOEHL, JOEL	8047 NEWELL'S LN	112.10
MASSEAU, NANCY J	5804 UTAH AV	144.66
FLOWERS, DAVID C	5812 DAKOTA AV	103.89
SHULL, MAY	7036 LOVERS LN	883.11
MAURO, MALEASA	402 IDAHO AV	129.17
VAN HORN, MICHELLE	5012 WOODMONT DR	241.72

## 2013 TRANSFER UTILITY BALANCE TO TAX

<b>CUSTOMER NAME</b>	<b>LOCATION ADDRESS</b>	<b>DELINQUENT AMOUNT</b>
KOTECKI, BENJAMIN	8116 LORAC ST	58.45
RAY, TIMOTHY	5206 DEEP POINT DR	98.93
BEDARD, DEBORAH	10529 CORA DR	225.27
DIRECT SERVICE	9711 PORTAGE RD	8.56
MATTHEWS, KRISTA	2114 AMES DR	15.75
BROWN, TRACY	6810 KEYSTONE ST	20.23
PLUTA, KENNETH	4419 TIFFANY AV	47.93
WAGNER PRE-B, CHAD	6611 EDGEFIELD ST	550.24
NEWBERRY, MELINDA	1023 E OSTERHOUT AV	12.55
HITE, RICKY	4630 LEXINGTON AV	288.71
BROWN, CHESTER	1418 ORCHARD DR	475.41
SCHAUER, ROBERT T.	5011 STONEHENGE DR	516.90
SLUSS, DENISE	7136 BALFOUR DR	59.00
BARKER, DANIEL	1410 ORCHARD DR	86.16
MORGAN, SHIRLEY R	9535 BONITA CT	8.19
HARRIS, MELANIE	2724 FLEETWOOD DR	240.71
NEMEDI, JOHN C	5740 MISSOURI AV	778.97
TOWNS, VICTOR L & J M	8951 OAKLAND DR	5.36
TOWNS, VICTOR L & J M	8937 OAKLAND DR	7.98
EILER, BRENDA	7099 LESLEE ST	265.59
JOHNSON, KASANDRA	1502 EDINGTON ST	180.57
HARPOLE, SHARLA	205 AMOS AV	176.37
TRIPLE J PROPERTIES, LLC	1925 GREENVIEW AV	41.34
ASHMORE, DALE	6236 PEACHTREE ST	54.52
ELDORADO COUNTRY MAID BAKERY	8204 PORTAGE RD	790.51
GARRISON, KATHLEEN	824 ROMENCE RD	59.00
REMAX ADVANTAGE-WESTNEDGE	8150 MAYFIELD ST	5.10

**2013 TRANSFER UTILITY BALANCE TO TAX**

<b>CUSTOMER NAME</b>	<b>LOCATION ADDRESS</b>	<b>DELINQUENT AMOUNT</b>
NYBLOM, PATRICIA OR SHERYL	8333 CHARWOOD DR	185.45
BARRETT, MELISSA	2011 INDIAN RD	324.29
JAMES, BRIAN	7860 HARVEST LN	42.51
ARNTSON, JEFF	7315 JAMAICA LN	555.26
KNAPP, BARBARA JEAN	1464 CANAL ST	9.65
REED, LAWRENCE	2206 BENDER RD	144.26
MARLATT, LAURA	309 MARIGOLD AV	19.62
GONZALEZ, NORMA	6843 ISABELLE ST	913.23
EMME, TRICIA	1230 SOUTH SHORE DR	53.57
GABEL, VALARIE	7068 VENICE DR	630.99
DAVIS, NAKIA S.	7637 KINGSTON DR	55.94
MATEUS, ANITA	7173 PROVENCE DR	265.22
BRADFORD, CHARLES	9878 MARINER ST	23.04
FARRINGTON, LYNETTE	2472 STANLEY AV	385.40
LEACH, LISA	725 BACON AV	38.89
OERTEL, ETHAN & MELISSA	10648 OAKLAND DR	473.93
MOBERG, KIM	7104 ROCKFORD ST	59.99
FEINAUER, LORI	627 W MILHAM AV	252.00
BREESE, ANN MARIE	2002 INDIAN RD	747.20
GRIFFIN, JOHN R	5437 LOVERS LN	1,326.45
ORYCZAK, LINDA	526 CIRCLEWOOD SOUTH DR	101.39
BEAM, RICHARD & JENNIFER	4653 CHASEMOOR DR	399.95
ESTRADA, BRIAN	5327 WISTERIA ST	195.11
MILLER, ANDREW	7010 ROCKFORD ST	120.05
HATFIELD, JENNIFER	408 RUTH ST	144.72
HUGHES, RONDA	224 AMOS AV	132.45
LANDIS, KRISTINE	324 CAMEO AV	50.00
CASWELL, CORY & NICHOLE	6836 BRATCHER ST	12.70

**2013 TRANSFER UTILITY BALANCE TO TAX**

<b>CUSTOMER NAME</b>	<b>LOCATION ADDRESS</b>	<b>DELINQUENT AMOUNT</b>
LEWIS-BRAUSSARD, KATHERYN	5229 SHAGBARK CT	329.10
DOWNEY, JANIS	10648 SHAVER RD	59.65
HESLEY, DALE	9978 SAILOR CT	59.00
HINES, MATT	7312 STARBROOK ST	167.34
KENNARD, ANGIE	7545 RAVENSWOOD DR	243.33
SOMERVILLE, EVONNE	10933 PORTAGE RD	149.57
LOSEY, SCOTT & STEPHANIE	10363 SHUMAN ST	45.64
CATO, CHRISTOPHER	2414 WOODY NOLL DR	257.13
MANGAT, DALBARA	4713 W MILHAM AV	210.45
LEMMER, JUSTIN	10602 SUDAN ST	462.30
NEEDHAM, JODI	1402 ORCHARD DR	405.10
PRICE, TAMI	8316 BRUNING ST	21.00
HANNAHS, JOSHUA	325 ANDY AV	409.00
ROBINSON, KENDRA	1720 BELLAIRE AV	236.36
BAY, BRIAN	10019 MOZART ST	516.34
GONZALEZ, JOSE G	1326 E KILGORE RD	379.35
HEYSTEK, PAT	1404 MAYNARD AV	10.12
MCCASH, SHAWNTEEL	6119 MARLOW ST	127.44
HOYAT, MAIN	7311 SALERNO CR	731.31
MC CULFOR PRE-B, DANIEL P.	11033 E GOURDNECK LAKE DR	212.36
BEAUDOIN, KIMBERLY	10506 OAKLAND DR	58.52
SMITH, JENNIFER	4719 S LONG LAKE DR	135.44
BAKER, MIKE	1410 PLUMTREE AV	8.28
VESTRAND, COLIN	4719 NASH AV	9.73
BRADY, KIMBERLY	307 CALICO AV	17.35
SLOAN, JOHN & BARBARA	8809 WARUF AV	42.11
BENNETT, TERRI	5741 MEREDITH ST	103.68

**2013 TRANSFER UTILITY BALANCE TO TAX**

<b>CUSTOMER NAME</b>	<b>LOCATION ADDRESS</b>	<b>DELINQUENT AMOUNT</b>
MUNYANSHONGORE, APRIL	6305 AVON ST	45.48
TREVINO, PATRICIO & STEPHAN	2718 EAST SHORE DR	16.56
GRANT, DAVID	219 DELLA ST	59.99
TERRY, SANDRA	802 SCHURING RD	42.50
PRICE, NANCY	8816 BALMORAL	14.15
MACK, DEANA	6520 OAKLAND DR	12.55
FINLEY, MATTHEW	4015 ISABELLE ST	284.05
MUSK, NATHAN	4513 E MILHAM AV	182.65
PECK, JESSICA	351 EQUESTRIAN DR	207.55
BARTLETT, KELLY	1129 ROMENCE RD	14.54
OLADEWA, OLUYEMISI	7820 ELK ST	353.33
ANDERSON, KATHERINE & JONAT	5638 MEREDITH ST	122.73
VANSTREAIN, VALERIE	1721 WINTERS DR	115.15
RICK, FRANK	2214 MAPLEVIEW AV	183.14
GAINES, SARAH	8303 S SPRINKLE RD	12.05
BOYD, NICHOLE	9279 THE WOODLANDS TR	47.00
BURCHETTE, BRANDIS	5341 PLATEAU ST	344.38
KAYLOR, GARY	402 PECAN AV	56.65
DODDS, JEFFREY	7315 OLDENBURG LN	329.30
MIFSUD, ROBERT & KIMBERLY	4700 MARCEL AV	228.53
SMITH, CURTIS & MARY	7409 QUAIL ST	57.02
GARCIA, MARC A	4611 SALZBURG CR	525.91
MEINZ, LAURA	919 KARENDALE AV	6.41
CK ENTERPRISE	7616 S WESTNEDGE AV	517.06
KOSS, JOHANNA	8507 S WESTNEDGE AV	54.21
SUPERIOR LAWN MAINTENANCE,	922 SCHURING RD	248.41
MARTIN, DONNA	5919 OREGON AV	57.00
HAYWOOD, JENNIFER	10213 WOODLAWN DR	310.04

**2013 TRANSFER UTILITY BALANCE TO TAX**

<b>CUSTOMER NAME</b>	<b>LOCATION ADDRESS</b>	<b>DELINQUENT AMOUNT</b>
LEBIECKI, MEGAN	827 SHUMWAY AV	48.95
GARGUS, LAURA	7115 LEAWOOD ST	16.52
CISNEROS, FELIPE	10205 S WESTNEDG	24.64
KERNEL, ANTHONY	10126 TERRY LN	53.05
ROOT, KURT	601 VAUCELLES ST	142.78
EGAN, SHANNON	1317 JONATHON DR	293.99
KASISCHKE, KEVIN	5445 LOVERS LN	220.20
MADDOX, JEFF	1695 QUAKER AV	187.00
MADDOX, JEFF	8321 BRUNING ST	36.30
MADDOX, JEFF	5824 ROANOKE ST	52.40
LEGALLEY, MINDY	8510 OAKSIDE ST	475.41
LANKERD, JIM & TRISH	2471 DEEP FOREST CT	61.72
YEAGER, ANGEL	806 CHATEAU DR	645.55
LOWER, TRAVIS	8031 KINGSTON DR	57.25
ALEXANDER, VICKI	5536 DEERFIELD ST	254.95
TROTTER, CATHY	1407 SUSSEX ST	59.06
WHITE, RHONDA	5808 VERMONT AV	58.25
SCHULTZ, MARY ELLEN	8109 EDMONDS ST	175.00
SLACK, ROY	5743 CHESHIRE ST	185.79
WILLMS, KATHERINE	2330 W MILHAM AV	59.03
VINCENT, BRANDI	4733 HANOVER AV	140.17
CLARK, SARAH	2705 BACH AV	173.25
REPAKULA, SREENATH	7350 OLDENBURG LN	21.23
TRAMEL, DIANE	4734 GENEVA AV	572.20
MARR, ROBERT	410 DAWNLEE AV	329.21
STAMP, JODY	8609 GLENN DR	476.37
COOK, IRENE & PHILLIP	1210 BACON AV	29.35

**2013 TRANSFER UTILITY BALANCE TO TAX**

<b>CUSTOMER NAME</b>	<b>LOCATION ADDRESS</b>	<b>DELINQUENT AMOUNT</b>
VENDEVILLE JR, DONALD & LIS	203 CONNECTICUT DR	485.71
HARRIS, VANCE	8301 TRANQUIL ST	400.00
WEILER PRE-B, JAMES	8046 NEWELL'S LN	229.33
GLINSKY, DAVID	8905 WARUF AV	49.29
JENNINGS, BRANDON D.	719 W MILHAM AV	67.95
HOOD, SHERRI	5748 UTAH AV	267.97
WHITE VELVET FROZEN YOGURT	3940 W CENTRE AV	105.13
HOLEWA, MARY	1808 RAMONA AV	43.47
CLARK, GEORGE	2204 PROSPERITY DR	15.75
GOSCICKI, JENNIFER	5620 MT VERNON AV	176.58
AILES, RICHELLE	1820 PLEASANT DR	35.17
MILLER PRE-B, JAMES	2005 INDIAN RD	394.00
WHITNEY, THOMAS & KIMBERLY	5849 MEREDITH ST	436.56
TYLER, KENNETH	715 W VAN HOESEN BL	285.34
AYALA, CARMEN	912 E CENTRE AV	59.46
HAMILTON, JESSICA	2018 POTOMAC AV	240.66
FINNEY, SHANNON	408 RUTH ST	100.95
LINT, MIKE	5503 S SPRINKLE RD	258.64
KEIM, JEFFREY M	5342 AZALEA ST	257.40
LIPPARD, IVY	2255 QUINCY AV	350.72
EDWARDS, JENNIFER	5807 MEREDITH ST	180.90
THOMAS, JEREMY	520 GABARDINE AV	489.75
CORNER, DUWAYNE E	5419 CIRCLEWOOD WEST DR	683.05
GARDNER, KRISTEN K.	1603 SOUTH SHORE DR	138.24
DESIMONE, JOEY	324 LANDSDOWNE AV	255.37
ARECHIGA, VICTOR	8147 NEWELL'S LN	261.41
LA FAVE, MELISSA	6538 OAKLAND DR	225.79
HARRINGTON, JAMES	4304 WINTHROP AV	87.63

## 2013 TRANSFER UTILITY BALANCE TO TAX

<b>CUSTOMER NAME</b>	<b>LOCATION ADDRESS</b>	<b>DELINQUENT AMOUNT</b>
FOX, RONDA	5919 NEVADA AV	253.47
WOODEN, MICHAEL	1025 FOREST DR	53.85
MCCORD, NICOLE	8643 NEWHOUSE ST	208.45
FATH, THOMAS	1706 BYRD DR	59.79
STEVENSON, ROBERTA	906 KARENDALE AV	262.58
JOHNSON, MERCIDITA	525 PROSPERITY DR	180.02
COBB, JOHN	1816 GREENVIEW AV	286.07
ZUPET, JOLYN	1901 LANSING AV	279.81
KRANZ, JON	306 E MILHAM AV	315.48
RAY, MARK	5914 UTAH AV	191.61
CLABIN, ALBERT	2204 BENDER RD	426.12
JOHNSON, NICHOLAS	1830 THRUSHWOOD AV	53.25
GOUGHLER, DANIEL	4324 W MILHAM AV	115.49
WALLER, JOSHUA	1523 ORCHARD DR	29.61
STOYANOFF, HANNAH	1628 FOREST DR	74.63
MARTIN, JOSHUA	5650 DEERFIELD ST	273.47
DEAN, DONNA	5915 ROANOKE ST	436.23
DAY, NICHOLE	7626 GARDEN LN	14.95
FRIEDMAN, SARAH	6304 MARLOW ST	296.94
BUD & ELSIE'S #4	10047 SHAVER RD	1,043.79
CORCORAN, THERESA	6133 OAKLAND DR	402.77
STEENSTRA, MARIJO	4591 ROMENCE RD	125.07
VOLENSKI, JODY	5910 CRANSTON ST	128.26
BLANCO, MICHEAL	5808 VERMONT AV	421.39
VALLORTIGARA, DEBORAH	302 BOSTON AV	52.76
PENNY, DEAN	1715 BYRD DR	215.54
STOPPELBERG, THOMAS J.	7032 ROCKFORD ST	162.88

**2013 TRANSFER UTILITY BALANCE TO TAX**

<b>CUSTOMER NAME</b>	<b>LOCATION ADDRESS</b>	<b>DELINQUENT AMOUNT</b>
CORONADO, AUDREY	5008 OLD COLONY RD	453.42
CARDOSA, JOHN	503 MARIGOLD AV	16.56
GOFF, LISA	319 CALICO AV	294.93
CAMPBELL, PETER	2121 BYRD DR	250.91
PARENT, JULIE	8026 OAK ST	163.99
WATSON, CLARENCE	124 SCHURING RD	382.59
LAMBERT, ANDREA	1695 QUAKER AV	275.51
URIE, KIRA	502 GINGHAM AV	23.75
CHAMBLISS, LYNN	608 SOUTHLAND AV	487.18
MINER, CHARLES	718 SOUTHLAND AV	332.02
COMSTOCK, DEBRA	2619 WOODBINE AV	96.90
THORNTON, DANIEL	1786 GREENBRIAR DR	87.37
ROCK TRANSFER & STORAGE	4385 COMMERCIAL AV	8.43
WILLIAMS, WILLIAM	6135 AVON ST	165.42
HAMMOND, CORY	1904 LANSING AV	65.96
MARSHALL, HOPE	7202 ROCKFORD ST	26.40
CARLEY PRE-B, TIMOTHY & LOR	5807 UTAH AV	255.25
DEVRIES, ERIK	5808 DAKOTA AV	53.96
RICKSTAD, BRANDON	1913 BENDER RD	24.60
HEWITT, AMY	5810 CHESHIRE ST	79.48
BRANHAM, TIA	5536 DEERFIELD ST	327.19
KNIZNER, CHELSEA	1523 KINGSBURY DR	177.32
MOCZERAD, HILLARY	9107 WEST END DR	159.31
BRITZ, GREG	7616 WENDY LN	59.96
WEBB, ROBERT	5130 WINDYRIDGE DR	285.76
LICAVOLI, JARED	514 W VAN HOESEN BL	225.96
WILLIS, DARIUS	5920 MT VERNON AV	459.83
BONSELARR, DAVID	526 BACON AV	112.40

**2013 TRANSFER UTILITY BALANCE TO TAX**

<b>CUSTOMER NAME</b>	<b>LOCATION ADDRESS</b>	<b>DELINQUENT AMOUNT</b>
LANCE, TERESA	1821 LANSING AV	115.93
GIFFORD, AMY	4402 E CENTRE AV	42.83
GAROFOLA, ANTHONY	1218 BACON AV	15.75
HITSMAN, RONALD	7766 HARVEST LN	91.81
TRUCKEY, LISA	5747 UTAH AV	20.00
BLOCK, ARNIE	4806 LEXINGTON AV	26.76
CAREY, CLARISSA	9735 PORTAGE RD	443.23
DOCK, ANGIE	624 CIRCLEWOOD SOUTH DR	899.73
SKEEN, CHRISTINE L.	5812 MEREDITH ST	444.18
ELSMAN, TOM	614 CALICO AV	189.50
HEATH, KOURTNEE	307 POINT O'WOODS DR	450.52
SHAW, PEGGY	2112 BYRD DR	144.12
OWNER-1625 FRIENDLY AV	1625 FRIENDLY AV	119.04
BUCKLIN, RYAN	2582 PORTSIDE AV	25.44
CROCKER, JASON	5910 CRANSTON ST	394.82
BYERS, LINDA	123 W KILGORE RD	73.35
PREUSSEL, JAMES	4811 NASH AV	35.97
DEUEL, MELINDA	427 W CENTRE AV	53.17
OWNER - 1106 ORCHARD	1106 ORCHARD DR	83.62
CAMERON, FRANCIS	526 BACON AV	106.15
DERVAN JR, BERNARD F	9644 EAST SHORE DR	26.95
FLEMING, JENNA	1604 LAKEVIEW DR	111.65
VERILE, THOMAS	10010 S SPRINKLE RD	11.11
KOCH, RACHAEL & JASON	8420 BROOKWOOD DR	9.67
BEDUNA, ROCHELLE	5536 DEERFIELD ST	87.85
GRAY, DIANA	6916 KEYSTONE ST	9.70
MC CULFOR, DANIEL P	11033 E GOURDNECK LAKE DR	229.95

**2013 TRANSFER UTILITY BALANCE TO TAX**

<b>CUSTOMER NAME</b>	<b>LOCATION ADDRESS</b>	<b>DELINQUENT AMOUNT</b>
ROBERTS, JODY	601 VAUCELLES ST	505.61
FLEIS, REBECCA	8424 NEWELL'S LN	9.35
KURTH, JUSTIN	1603 SOUTH SHORE DR	54.63
DEWOOLKAR, VINAYAK	7334 HAMPSTEAD LN	158.10
RV HUNT LLC	525 ROMENCE RD	1,369.50
HALL, LINDA	5739 GEORGIA AV	164.21
YORKS, CHERYL	5915 ROANOKE ST	100.39
HAMPTON, JARAE	427 LANDSDOWNE AV	5.88
BOESLER, JOSEPH	2832 ROLLING HILL AV	19.75
MILLER, JAMES LEE	2005 INDIAN RD	89.03
MOORE, DAVID	1803 GREENVIEW AV	118.25
KOVACH, TRACY	4416 E MILHAM AV	203.23
VANMETER, CHRIS	719 W VAN HOESEN BL	31.45
SNEARY, MATTHEW	926 PROSPERITY DR	17.35
LOPEZ, MICHAEL	5824 CONCORD ST	59.15
OWNER-10933 PORTAGE RD	10933 PORTAGE RD	28.73
REDMOND, JESSICA	6843 MARLOW ST	69.85
HUFFMAN, BONNIE	8047 NEWELL'S LN	59.40
SCHALLHORN, KELLY	1706 W CENTRE AV	52.95
SMEADER, RYAN & BETHANY	10737 S WESTNEDGE AV	47.44
<b>GRAND TOTAL</b>		<b><u><u>70,745.02</u></u></b>

**TO:** Honorable Mayor and City Council

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

**SUBJECT:** City Ordinance Amendment

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

**ACTION RECOMMENDED:** That City Council accept for first reading the proposed amendment to the *City of Portage Code of Ordinances* by adding *Article 9, Midwest Energy Cooperative Franchise* to *Chapter 14, Business, Sections 14-192 through 14-202*, place the ordinance on file for public inspection and consider final adoption on July 9, 2013.

**EXECUTIVE SUMMARY:**

The franchise agreement between Midwest Energy and the City of Portage for service of electric power has expired. The agreement was for a small area in the southwest quadrant of the city servicing approximately 300 residents. The City Administration has been working with Midwest on negotiating a new franchise agreement and presents a proposed new agreement for Council's consideration for first reading.

**BACKGROUND INFORMATION:**

While Consumers Energy Company supplies electric power to nearly all customers in the City of Portage, Midwest Energy Cooperative services a small area in the southwest quadrant of the city. Currently, Midwest Energy Cooperative services approximately 300 residences within the City of Portage.

The City of Portage originally granted Midwest Energy Cooperative a franchise on June 10, 1969, which has since expired. The City Administration has worked with representatives of the Cooperative and recommends adding *Article 9, Midwest Energy Cooperative Electric Franchise* to *Chapter 14, Businesses* to the *City of Portage Code of Ordinance*. Doing so will provide the company the authority to continue supplying electric power to this small area in the southwest quadrant of the city. In light of recent tree trimming concerns, advance notification and clean up of areas targeted for future tree trimming have been addressed in the ordinance and Midwest Energy Cooperative is in agreement with the proposed provisions.

It is recommended that City Council accept for first reading the proposed amendment to the *City of Portage Code of Ordinances* by adding *Article 9, Midwest Energy Cooperative Electric Franchise* to *Chapter 14, Businesses, Sections 14-192 through 14-202*, place the ordinance on file for public inspection and consider final adoption on July 9, 2013.

**FUNDING:** N/A

**Attachments:** Ordinance – Midwest Energy Cooperative / First Reading  
Map

**AN ORDINANCE TO AMEND THE CODE OF ORDINANCES  
OF THE CITY OF PORTAGE, MICHIGAN  
BY ADDING ARTICLE 9 OF CHAPTER 14  
BUSINESSES**

**THE CITY OF PORTAGE ORDAINS:**

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

**ARTICLE 9. MIDWEST ENERGY COOPERATIVE ELECTRIC FRANCHISE.**

**Section 14-192. Grant; term.**

The City of Portage, Kalamazoo County, Michigan, hereby grants the right, power and authority to Midwest Energy Cooperative, a Michigan corporation, its successors and assigns, hereinafter called the "grantee" to construct, maintain and commercially use electric lines consisting of towers, masts, poles, crossarms, guys, braces, feeders, transmission and distribution wires, transformers and other electrical appliances, for the purpose of transmitting, transforming and distributing electricity on, under, along and across the highways, streets, alleys, bridges, waterways, and other public places, and to do a local electric business in the City of Portage, Kalamazoo County, Michigan for a period of 30 years. Said local business to be limited to the territory grantee is permitted to operate within in accordance with Michigan law and the Michigan Public Service Commission.

**Section 14-193. Consideration.**

In consideration of the rights, powers and authority hereby granted, said grantee shall faithfully perform all things required by the terms hereof.

**Section 14-194. Conditions.**

- a. The grantee and its contractors and subcontractors shall not unduly burden or interfere with the present or future use of any of the highways, streets, alleys, bridges, waterways and other public places (hereinafter called "right-of-ways ") within the city. The grantee and its contractors and subcontractors shall at the grantee's sole cost and expense, repair the same and leave it in as good condition as before the opening or excavation was made. The grantee has the right to trim and remove trees that are located within the public right-of-way, if necessary in the conducting of such business, subject, however, to all applicable city ordinances and standards. Grantee shall remove all vegetation, branches, stumps, brush and other remains from the public right-of-way within a reasonable time after the work is completed. The grantee and its contractors and subcontractors shall complete such repair within the time specified on the permit issued by the city. In the event that the grantee and its contractors and subcontractors fail to make such repairs within the time specified on the permit,

the city shall be entitled to complete the repair and the grantee shall pay the reasonable costs of the city for such repair.

b. Except in emergencies, no public right-of-way shall be opened for the installation or repair, on any of grantee's facilities, unless an application is made to the city stating the nature of the proposed work and the route and upon obtaining a right-of-way permit pursuant to applicable city ordinances. Before any installation or work in a public right-of-way is commenced, grantee must secure all necessary permits, licenses and approvals from all appropriate departments, agencies, boards or commissions of the city or other governmental entity as is required by law. No permit shall be issued, unless the location and depth of grantee's facilities within the public right-of-way are identified at the time of application.

c. The grantee and its contractors and subcontractors shall, at the grantee's own cost and expense, protect, support, disconnect, relocate in or remove from the public right-of-ways, any of its facilities when required to do so by the city, due to street or other public excavation, construction, repair, grading, regrading; the installation of sewers, drains, water pipes, or municipally-owned facilities of any kind; the construction, vacation or relocation of streets pursuant to the city's discharge of a governmental function; or other public improvements by the city.

d. Grantee's representative shall attend, when requested by the city, preconstruction meetings conducted by the city in connection with any public improvement projects in the public right-of-ways in the city, which may affect any of grantee's facilities. Grantee's representative shall notify the city and its contractors of any conditions of grantee's facilities which may affect the project and grantee shall make provisions, as necessary, to prevent its facilities (or their condition) from delaying or otherwise interfering with the project.

e. Any easements over or under private property, necessary for the construction, repair or maintenance of grantee's facilities, shall be arranged and paid for by grantee. Any easement over or under property owned by the city, other than the public right-of-ways, shall be separately negotiated with the city. The city shall be under no obligation to grant such easements. The foregoing shall not be construed to negate or limit, in any way, grantee's right or ability to exercise its power of eminent domain, pursuant to state law as it may presently exist, or may hereafter be amended.

f. The grantee and its contractors and subcontractors shall comply with all zoning and land use regulations, as may now exist or may hereafter be amended.

g. The city may remove or damage grantee's facilities as reasonably necessary in the case of fire, disaster or other emergencies, as determined by the city manager, police chief or fire chief. In such event, neither the city nor any

agent, contractor, or employee thereof, acting at the direction of the city, shall be liable to grantee for any damage caused to the grantee or its facilities.

h. Grantee shall keep reasonably accurate, complete and current maps and records of its facilities. If the city or its contractors are working the public right-of-ways in the vicinity of grantee's facilities, grantee agrees, if requested by the city, to furnish maps and/or records of the specific area requested. Nothing herein shall be construed to modify the requirements of or the parties obligations under the Miss Dig Act (MCL 460.701 et seq.) as it now exists or may hereafter be amended.

i. The grantee shall give the grantor a minimum of ninety (90) calendar days written notice prior to any and all work to be performed within the public right-of-way as well as ninety (90) days written notice to the owners of all property which abut or is located across a public street from where any work is being performed by grantee in the public right of way. Grantee may obtain, at no cost from grantor, a list of the names and addresses of the owners of all property which abut or is across the street from where any work is performed by grantor in the public right of way. The grantee shall contemporaneously provide a copy of such notice to grantor. The notices required in this subsection are not necessary in the case of fire, disaster or other emergency. Such notice to grantor shall be directly to the City Manager with a copy to the Director of Parks, Recreation and Public Services and to the Director of Transportation and Utilities. Work shall include all excavation, tree and/or vegetation trimming or removal, utility installation or other work which would require use and/or occupation of the public right-of-way, or may impact the right-of-way or pedestrian or vehicular travel.

#### **Section 14-195. Hold Harmless.**

The grantee and its contractors and subcontractors shall use due care at all times in exercising the privileges herein contained. The grantee shall hold harmless, defend and indemnify the city and its officers, agents, and employees from and against all costs, claims, damages, liabilities, expenses, judgments and proceedings of whatever nature including, without limitation, attorney's fees arising from the grantee's exercise of its rights pursuant to this ordinance (whether by the grantee or the grantee's contractor or subcontractors). Notwithstanding the foregoing, grantee shall not be required to hold harmless, defend and indemnify the city and its officers, agents, and employees from and against any costs, claims, damages, liabilities, expenses, judgments and proceedings of whatever nature which arise out of the gross negligence or intentional misconduct of the city and its officers, agents and employees.

#### **Section 14-196. Franchise not exclusive.**

The rights, power and authority herein granted are not exclusive.

**Section 14-197. Revocation.**

The franchise granted by this ordinance is subject to revocation by the grantor for just cause upon 60 days written notice to the grantee. Just cause shall mean a material violation of this ordinance by the grantee after receipt of a written notice of the violation from the grantor and the failure of the grantee to cure the violation within 30 days of the notice.

**Section 14-198. Michigan Public Service Commission, jurisdiction.**

If required by applicable law, grantee shall, as to all other conditions and elements of service not herein fixed, be and remain subject to the reasonable rules and regulations of the Michigan Public Service Commission or its successors, or any other state or federal agency, applicable to electric service in said city.

**Section 14-199. No liability.**

- a. The city, its agents, employees and contractors, are not liable to grantee or to grantee's customers for any interference with or disruption in the operation of grantee's electrical system, or for any damages arising out of grantee's use of the public rights-of-way.
- b. Nothing herein contained constitutes, nor should the same be construed as, a waiver of any governmental immunity otherwise provided to the city, its agents, employees, officers, or representatives as provided for under common law or statute.

**Section 14-200. No assignment.**

Grantee may not assign this agreement to any other person, firm or corporation without the prior written approval of the city except that assignment to a corporate affiliate of grantee, which corporate affiliate is controlled by grantee, will not be considered an assignment for the purposes of this agreement. The city may not unreasonably withhold its consent to an assignment if the assignee is financially able to carry out the grantee's obligations under this agreement.

**Section 14-201. Compliance with laws.**

Grantee and its contractors and subcontractors shall comply with all applicable laws, statutes, ordinances, rules and regulations regarding the installation, construction, ownership or use of the grantee's electrical system, whether federal, state or local, now in force or which are later promulgated. Further, grantee shall be subject to the provisions of the City of Portage Charter, Chapter 13, Utility Franchises and Municipal Utilities.

**Section 14.202. Effective Date.**

This ordinance shall take effect upon the date of publication thereof; provided, however, it shall cease and be of no effect after 60 days from its adoption unless within said period the grantee shall accept the same in writing filed with the city clerk. Upon acceptance and publication hereof, this ordinance shall constitute a contract between said city and said grantee.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Peter J. Strazdas, Mayor

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

CERTIFICATION

I, James R. Hudson, do hereby certify that I am the duly appointed and acting City Clerk of the City of Portage and that the foregoing ordinance was adopted by the City of Portage on the \_\_\_\_ day of \_\_\_\_\_, 2013.

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

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

Approved as to Form:

Date: 3/21/13

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

**FIRST READING  
CITY OF PORTAGE, MICHIGAN  
NOTICE**

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

NOTICE IS HEREBY GIVEN, that an Ordinance to amend Chapter 14, Businesses, by adding Article 9, Midwest Energy Cooperative Electric Franchise, of the Codified Ordinances of Portage, Michigan, was introduced for first reading at a regular meeting of the City Council held on \_\_\_\_\_, 2013, and that the Council will hold a public hearing on the proposed amendment at the Portage City Hall in said City on \_\_\_\_\_, 2013, at 7:30 p.m. or as soon thereafter as may be heard.

NOTICE IS FURTHER GIVEN that the proposed ordinance amendment is summarized as follows:

The ordinance grants to Midwest Energy Cooperative an electric franchise to construct, maintain and commercially use electric lines consisting of towers, masts, poles, crossarms, guys, braces, feeders, transmission and distribution wires, transformers and other electrical appliances, for the purpose of transmitting, transforming and distributing electricity on, under, along and across the highways, streets, alleys, bridges, waterways, and other public places, and to do a local electric business in the City of Portage, Kalamazoo County, Michigan for a period of 30 years.

PLEASE TAKE FURTHER NOTICE that copies of said proposed ordinance amendment may be examined at the City Hall, 7900 South Westnedge Avenue, Portage, Michigan 49002, on any business day except public and legal holidays from and after publication of this Notice from 8:00 a.m. and 5:00 p.m.

Dated: \_\_\_\_\_

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



# Electric Utility Service Areas Map

## Legend

-  Wolverine Pipeline
-  Consumers Energy Property
-  Private roads
-  Building Footprint
-  Railroad
-  <all other values>

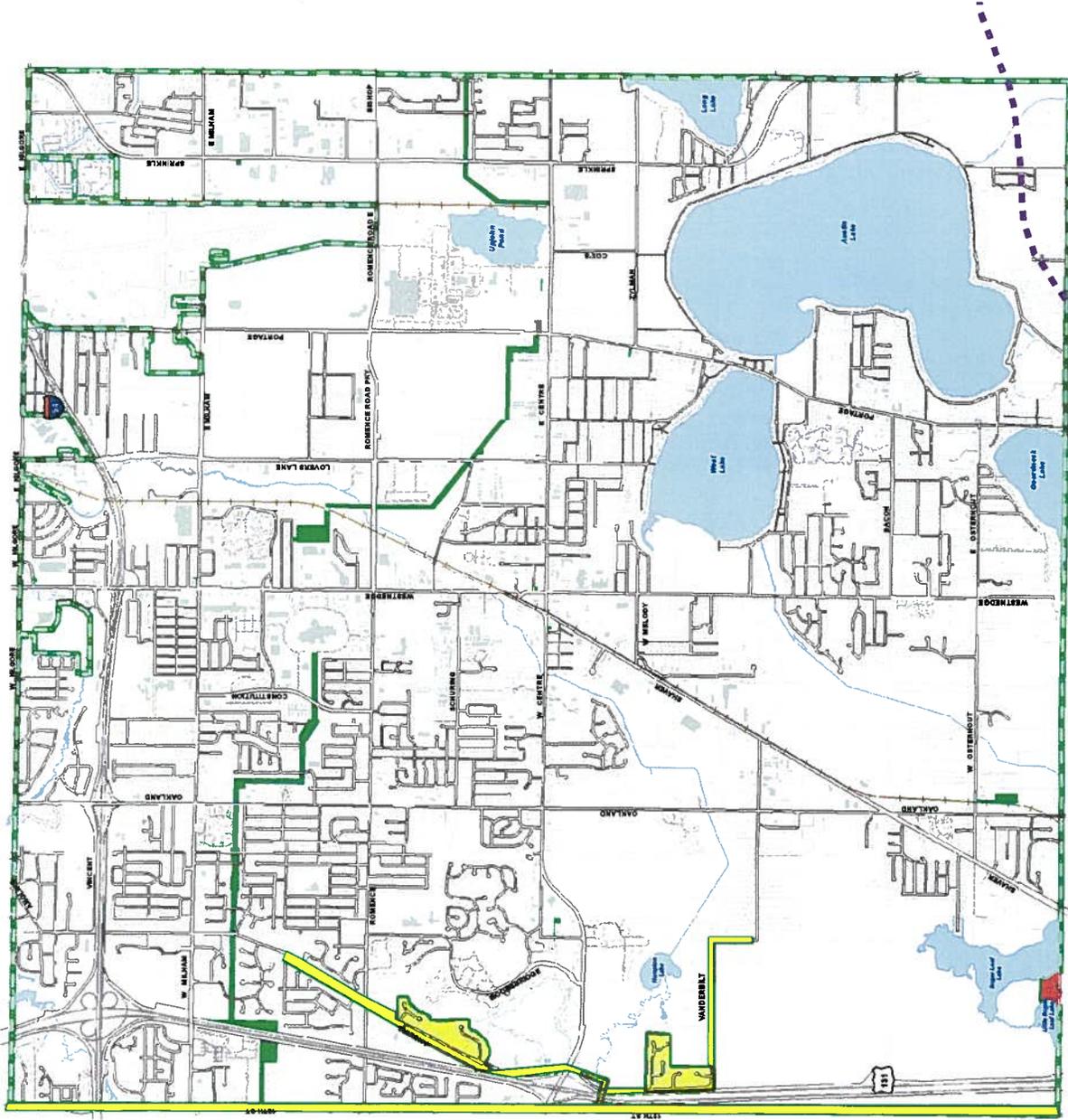
## Service Areas

-  Consumers Energy
-  Indiana Michigan Power (AEP)
-  Midwest Energy Cooperative



1 Inch = 3,333 feet

Date: 6/3/2013



Note:  
- Service areas are considered approximate based on limited information

**TO:** Honorable Mayor and City Council

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

**SUBJECT:** Local Officers Compensation Commission Report

**SUPPORTING PERSONNEL:** James Hudson, City Clerk

**ACTION RECOMMENDED:** That City Council receive the communication from the Local Officers Compensation Commission.

**EXECUTIVE SUMMARY:**

The Code of Ordinances, Chapter 2 - Division 5, establishes a Local Officers Compensation Commission and its duties. The Commission has met and has filed the attached report.

**BACKGROUND INFORMATION:**

The Local Officers Compensation Commission (LOCC) met on June 3, 2013, to deliberate whether City Council should receive a salary increase or decrease and, if so, in what amount. The attached communication from the LOCC to City Council contains a determination that there be no change to the salaries of City Council or the Mayor.

For informational purposes, according to section 117.5c of the State of Michigan Home Rule City Act, the determinations of the LOCC are effective 30 days following their June 3<sup>rd</sup> filing with the City Clerk unless rejected by a two-thirds majority of the City Council. In case of rejection, the current salaries prevail.

**FUNDING:** N/A

**Attachments:** June 3, 2013, Report of the Local Officers Compensation Commission  
Draft Minutes of the June 3, 2013, LOCC Meeting

**To:** Mayor Strazdas and the Portage City Council  
**From:** Local Officers Compensation Commission  
**Subject:** Elected Official Compensation Review

**Date:** June 3, 2013



**Committee Officers:**

Gary Brown, Chairperson. Betty Lee Ongley, Secretary.

**Committee Members:**

Frances H. Denny, James Graham, Joshua Hill, Michael Stoddard, Norm Terry.

**Background**

The Local Officers Compensation Commission is appointed by the Mayor as established by City Ordinance to “determine the salaries of all local elected officials.”

**Salary History**

Following is a brief history of the salary received by the Portage City Council and Mayor:

- \$20 per meeting as of – and prior to – April 1975 for the Councilmembers and the Mayor.
- \$25 per meeting as of April 25, 1975, for the Councilmembers and the Mayor.
- \$1300 per year for Councilmembers and \$2300 per year for the Mayor as of August 2, 1977.
- \$4000 per year for Councilmembers and \$6000 per year for the Mayor as of March, 1991.
- \$5000 per year for Councilmembers and \$7500 per year for the Mayor as of June, 2007.
- In June of 2009 and 2011 it was determined that there should be no change to the salary of \$5000 per year for Councilmembers and \$7500 per year for the Mayor.

**Committee Discussion**

The committee believes there exists a need to fairly compensate the Mayor and the City Councilmembers. The Local Officers Compensation Commission (LOCC) discussed current economic and budgetary conditions and the fact that membership on the City Council is public service in its truest form. The LOCC recognized the sacrifices that must be made to serve in these positions and deliberated whether or not a pay decrease or increase was in order. The LOCC determined that the best course of action was to maintain salaries at current levels.

### **Committee Determination**

After discussion and deliberation on the subject for which the LOCC is charged, it is the determination of the committee that there be no change to the salaries of members of the City Council and the Mayor.

**LOCAL OFFICERS COMPENSATION COMMISSION MEETING MINUTES FROM  
JUNE 3, 2013**

The Meeting was called to order by Chairperson Gary Brown at 5:34 p.m.

Chairperson Gary Brown called the roll with the following members present: Frances Denny, Joshua Hill, Secretary Betty Ongley and Gary Brown. Mike Stoddard, James Graham and Norm Terry were unable to attend. Also in attendance was Deputy City Clerk Adam Herringa.

**APPROVAL OF THE MINUTES**

**Approval of the June 7, 2011 Meeting Minutes:** Motion by Ongley, seconded by Denny, to approve the June 7, 2011 Meeting Minutes as presented. Upon a voice vote, motion carried 4 to 0.

**STATEMENTS OF CITIZENS**

There were no statements offered by citizens.

**NEW BUSINESS – REVIEW OF CITY COUNCIL AND MAYOR SALARIES**

Chairperson Brown inquired if there were any thoughts and comments related to the 2011 Report of the Local Officers Compensation Commission (LOCC). There being none, Mr. Brown then moved the discussion on to whether members believed, in light of recent budget cuts to a variety of programs, salaries for City Council should increase, decrease or stay the same. He offered his opinion that the most prudent decision would be to keep salaries at their current levels. He then shared that, given the time he spent on city business when he was Mayor, he recognizes that City Council more than earn their salaries.

Ms. Ongley shared that, in reviewing the salaries of city councils of similar cities, Portage is “on the low end” and emphasized her belief that the Portage City Council is not overpaid. Mr. Brown asked others for their thoughts and Deputy City Clerk Herringa shared a communication he received from former Mayor and current LOCC member, James Graham. Mr. Graham expressed regret that he could not attend the meeting, but that he was in favor of leaving compensation at current levels.

Ms. Denny disclosed that she is Executive Director for Catholic Charities and that Councilmember Randall is on the Board of Directors for that organization. She then indicated that she does not feel as though there is a conflict, but wanted to make sure that she disclosed the information.

Mr. Hill expressed his support, given the most recent budget passed by City Council, for maintaining current salary levels.

Motion by Denny, seconded by Hill, that there be no change to the salaries of members of the City Council and Mayor. Upon a voice vote, motion carried 4 to 0.

Ms. Ongley expressed her opinion that the next time the LOCC meets, in 2015, strong consideration be given to increasing the salary levels for City Council and the Mayor.

**DRAFT**

**DRAFT**

The LOCC members then finalized a report to City Council. Motion by Hill, seconded by Ongley, to approve the LOCC report and submit it to City Council for review. Upon a voice vote, motion carried 4 to 0.

Chairperson Brown excused himself to attend a commitment at 5:45 p.m.

**ADJOURNMENT:** There being no further business to discuss, meeting adjourned by Secretary Ongley at 5:46 p.m.

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Adam Herringa, Deputy City Clerk

**TO:** Honorable Mayor and City Council

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

**SUBJECT:** City of Portage – Charter Township of Texas Sanitary Sewage Transport Agreement

**SUPPORTING PERSONNEL:** W. Christopher Barnes, Director of Transportation and Utilities

**ACTION RECOMMENDED:** That City Council approve the Sanitary Sewer Transport Agreement between the City of Portage and the Charter Township of Texas and authorize the Mayor and City Clerk to sign the agreement on behalf of the city.

**EXECUTIVE SUMMARY:**

One of three sanitary sewer transport agreements that allow for the flow of sanitary sewer from Texas Township through Portage to Kalamazoo's Regional Treatment Facility has expired. Township officials and the City Administration have renegotiated several key provisions of a proposed new 30-year agreement, most notably the city's compensation from the township for operation and maintenance of the portions of the sanitary system Texas Township utilizes. It is estimated the compensation will be in the range of \$15,000 - \$20,000 annually based upon flow quantities.

**BACKGROUND INFORMATION:**

The City of Portage has three agreements with the Charter Township of Texas for sanitary sewer flow from Texas Township through the City of Portage to the City of Kalamazoo for treatment at the Kalamazoo Regional Treatment Facility. The first agreement with Texas Township was executed in 1969 and has expired. The first agreement covers the southern portion of the township and allows a total discharge of 12.0 cubic feet per second (cfs) to flow through the South 12<sup>th</sup> Street Lift Station (south of West Centre Avenue) and go on to flow through the Portage Creek Interceptor, Southwest Branch Interceptor and West Centre Branch Interceptor. The two other agreements expire in 2020 and 2035, respectively. The first agreement provided for service connection charges, however, did not provide compensation to the City of Portage for operation and maintenance of the portions of the sanitary sewer system used by the township.

Since March of 2012, both city and township administrations have been working to cooperatively update the agreement. Highlights of the new sanitary sewer transport agreement are:

- \*The agreement redefines the service area to model the township master plan;
- \*The agreement reduces the total allowable peak flow from 12.0 cfs to 5.85 cfs;
- \*The agreement is for a period of 30 years;
- \*The agreement includes a mechanism for recovery of operation and maintenance costs of the portion of the sanitary sewer system used by the township.

The proposed sanitary sewer transport agreement (attached) has been reviewed and approved as to form by the City Attorney. It is recommended that City Council approve the *City of Portage and*

*the Charter Township of Texas Sanitary Sewer Transport Agreement* and authorize the Mayor and City Clerk to sign the agreement on behalf of the city. Texas Township officials have approved and signed the document.

**FUNDING:** N/A

**Attachments:** Sanitary Sewage Transport Agreement  
Map – Charter Township of Texas Sanitary Sewer Service Area

## **SANITARY SEWER TRANSPORT AGREEMENT**

**THIS SANITARY SEWER TRANSPORT AGREEMENT** made and executed as of the \_\_\_\_\_ day of \_\_\_\_\_, 2013 (hereinafter referred to as the “Agreement”), by and between the **CITY OF PORTAGE**, Kalamazoo County, Michigan, a Michigan municipal corporation (hereinafter referred to as “Portage”), and the **CHARTER TOWNSHIP OF TEXAS**, Kalamazoo County, Michigan, (hereinafter referred to as “Texas”).

### **RECITALS**

A. Texas has entered into a wastewater service agreement with the City of Kalamazoo, Kalamazoo County, Michigan (hereinafter referred to as “Kalamazoo”), dated October 22, 1984 (hereinafter referred to as the “Texas/Kalamazoo Wastewater Service Agreement”) pursuant to which Kalamazoo has agreed to treat and dispose of sanitary sewage and certain industrial waste originating from Texas.

B. In order for sanitary sewage and industrial waste originating from Texas to be treated or disposed of by Kalamazoo, it must be transported to the Kalamazoo treatment facilities (hereinafter referred to as the “Kalamazoo Sanitary Sewer System”) through the Portage sanitary sewer collection and transport system (hereinafter referred to as the “Portage Transport System”).

C. Portage and Texas have previously entered into long-term agreements dated December 2, 1969 (hereinafter referred to as the “Portage Interceptor Sewer Agreement”) providing for the transport of sanitary sewage and industrial waste to the Kalamazoo Sanitary Sewer System through the Portage Transport System.

D. Portage and Texas desire to renew the Portage Interceptor Sewer Agreement, with this Agreement to provide for the transport of sanitary sewage and industrial waste originating in Texas to the Kalamazoo Sanitary Sewer System through the Portage Transport System.

**NOW, THEREFORE**, in consideration of the respective representations and agreements contained herein, the parties hereto agree as follows:

**Section 1. Transport of Sanitary Sewer.** Portage agrees, subject to the terms of this Agreement, to receive at locations identified in Exhibit A attached hereto and Section 4 hereof (herein after referred to as the “Connection Point”) sanitary sewage and industrial waste originating within the legal boundaries of Texas for transport through the Portage Transport System to the Kalamazoo Sanitary Sewer System for treatment and disposal.

Sanitary sewage and industrial waste which either Portage or Kalamazoo prohibits the discharge of shall not be discharged into the Portage Transport System from the Texas sanitary sewer collection system (hereinafter referred to as the “Texas Collection System”). Portage acknowledges Texas Township’s Sewer Use Ordinance. If other or further ordinances are required as a result of federal or state mandates, Portage shall notify Texas that additional ordinances or provisions are requested and necessary for the efficient operation of the system. Texas shall place such necessary ordinances on the next Township Board agenda upon receipt of a request and notification of a requirement of the same. Texas will not unreasonably withhold adoption of a requested ordinance. Texas agrees to provide for the enforcement of its ordinances and will initiate or allow Portage to initiate enforcement actions upon request

by Portage for violation(s) of its Wastewater Ordinance or any other ordinance adopted pursuant to this paragraph.

**Section 2. Service Area.** The area within the jurisdiction of Texas from which sanitary sewage may be discharged to flow into and through the Portage Transport System, all as depicted on Exhibit A and described in Exhibit B attached hereto and made a part of hereof by this reference.

It is understood and agreed that the service area of Texas is an estimation of future use area, and may be varied as to size and definition if the need develops; provided, however, that the quantity of discharge at the aforementioned points of connection is within the limits listed. All amendments to service area Exhibit A and Exhibit B will require approval by Portage and such approval shall not be unreasonably denied.

**Section 3. Limitation on Discharge.** Sanitary sewage and industrial waste originating from Texas discharge into the Portage Transport System shall at no time exceed a peak flow of 5.85 c.f.s. at the West Centre Avenue connection point.

**Section 4. Transportation Route.** Sanitary sewage and industrial waste originating from Texas entering Portage at West Centre Avenue (Q Avenue) connection point will be transported through the Portage Transport System through the South S. 12<sup>th</sup> Street Pump Station, to and through the West Centre Branch Interceptor, to and through the South West Branch Interceptor to and through the Portage Creek Interceptor to the Kalamazoo Sanitary Sewer System for treatment and disposal.

**Section 5. Texas Collection System.** It is understood that sewers and appurtenances which are part of the Texas Collection System as defined, except such

facilities as have been, are or will be constructed at Portage or Kalamazoo's expense are the property of Texas. In the event that another political entity desires service therefrom or connection therewith, such service shall be rendered or such connection made only with written approval of Portage and Kalamazoo.

**Section 6. Texas Collection System Design and Construction.** Texas agrees to construct, at no expense to Portage or Kalamazoo, its wastewater collection system. Any Texas Collection System construction (new sewers, reconstruction of existing sewer, etc) shall be designed by a Registered Professional Engineer, and the design plans and specifications shall be subject to prior review and approval by Portage, acting through its Director of Transportation and Utilities, and by Kalamazoo, acting through its Director of Public Services, and shall equal Portage and Kalamazoo standards for materials and construction. Any construction of the Texas Collection System shall be inspected by qualified personnel under the supervision of the Registered Professional Engineer.

Detailed records of the Texas Collection System additions or modification shall be maintained by Texas, and copies of as-built drawings and records pertaining to service connections and property leads shall be furnished to Portage and Kalamazoo. No system extensions beyond the Texas Service Area herein described shall be made without prior written approval from Portage and Kalamazoo.

**Section 7. Metering.** Metering and billing for the treatment of sanitary sewage shall be the responsibility of Kalamazoo under the terms of Portage and Texas contracts with Kalamazoo. Portage and Texas agree that the payments to Portage shall be in addition to any payments either party is to make to Kalamazoo for treatment of sanitary sewage.

**Section 8. Payment of Capital Charges.** Texas agrees to pay Portage its 32% proportionate share of the South S. 12<sup>th</sup> Street Pump Station, West Centre Branch Interceptor, South West Branch Interceptor and Portage Creek Interceptor as connections are made into the sanitary sewer system entering Portage at West Centre Avenue. For each “service connection” connected to its sanitary sewer system entering Portage at West Centre Avenue, Texas agrees to pay Portage \$190.00 for the first facility unit; \$75.00 each for the second through 15<sup>th</sup> facility units; and for all use in excess of 15 facility units or 4,000 gallons per day (g.p.d.) average flow \$150.00 for each 260 g.p.d. average flow or fraction thereof. Texas agrees to make these payments to Portage until its full share of the foregoing described sewage transportation system is paid (calculated under prior contract and incorporated for purposes of carry-over into this contract as either 3,790 total connections or \$668,890 in value, whichever limit is first met). “Service connection” charge payments shall be paid by Texas to Portage annually, on or before January 31, for the collections received by Texas during the preceding calendar year.

**Section 9. Payment of Operation, Maintenance, Repair and Replacement Cost.** Texas shall pay Portage on a calendar quarter basis 115% of the following cost as calculated on Exhibit C attached hereto:

- a. 94.35% of the operation, maintenance, repair and replacement cost of the South S. 12<sup>th</sup> Street Pump Station;
- b. 38.03% of the operation, maintenance, repair and replacement cost of the West Centre Branch Interceptor:

- c. 15.30% of the operation, maintenance, repair and replacement cost of the South West Branch Interceptor;
- d. 8.18% of the operation, maintenance, repair and replacement cost of the Portage Creek Interceptor.

**Section 10: Payment of Quarterly charges and Remedies for Non Payment.**

Portage shall bill Texas for the transport of sanitary sewage and industrial waste to the Kalamazoo Sanitary Sewer System in accordance with Section 9 hereof on a quarterly basis. Amounts billed shall be paid within 30 days of the date of the invoice and all amounts not paid on or before such due date shall be subject to an additional service charge equal to 10% of the billed amount as a late fee. In addition, any amounts including any applicable service charge remaining unpaid 180 days after the invoice date shall be subject to an additional charge of 8% annum commencing on the 181<sup>st</sup> day after the invoice date.

In addition to all other remedies authorized by law, Portage may terminate service to Texas pursuant to this Agreement if an invoice for transport services has not been paid by Texas with 60 days of its due date, provided, however, such service may not be terminated earlier than 30 days after written notice of termination is given to Texas pursuant to Section 19 hereof, during which time Texas may cure such nonpayment.

If services are terminated pursuant to this Section 10, Texas agrees (i) to waive all claims and damages caused by termination and (ii) to defend, indemnify and hold harmless Portage (including its council members, officers, employees and agents) from and against all claims, damages, expenses, liabilities and losses of any character or nature

whatsoever arising out of or resulting from injury or damage to persons or property related to such termination.

**Section 11. Operation, Maintenance, etc. of Portage Transport System.**

Subject to the terms and conditions of this Agreement, Portage shall be responsible for the operations, maintenance, repair and replacement of the Portage Transport System including the South S. 12<sup>th</sup> Street Pump Station, the West Centre Branch Interceptor, the South West Branch Interceptor, and the Portage Creek Interceptor.

Plans for capital improvements and pump station upgrades to the 12<sup>th</sup> Street Pump Station (only) must be provided to the Texas Township Engineer for approval prior to commencement of improvement/upgrade. Portage agrees that such improvements and upgrades shall be in accordance with generally acceptable engineering standards applicable at the time of the improvement.

**Section 12. Emergency Discontinuance.** Portage reserves the right to discontinue temporarily the transport of sanitary sewage and industrial waste for the Texas Collection System (i) without notice in times of emergency or (ii) whenever it shall, upon its own determination and after not less than 24 hours notice to Texas, find it necessary for the purposes of testing, repairing and replacing portions of the Portage Transport System.

Texas waives any all claims for damages resulting from such emergency repair discontinuances and set forth in this Section 12 and agrees to defend indemnify and hold harmless Portage, its council members, officers, employees and agents from and against any and all claims, damages, demands, expenses, liabilities and losses of any character or nature whatsoever arising out of or resulting from such discontinuances, but

only if such restriction in service or discontinuance of service is not caused in whole or in part by negligence of Portage.

Portage will use reasonable diligence to prove and maintain regular uninterrupted service through the forgoing described interceptor sewers, but does not guarantee uninterrupted service and shall not be liable for injuries or damages caused by such interruption whether caused by defects in original construction, cave-ins, accidents, repairs, refusal by the City of Kalamazoo to accept sewage or industrial wastes for any reason, or any other cause, except for misconduct of its officials, employees or agents.

**Section 13. Prohibited Discharge.** After reasonable notice to Texas by Portage, no sanitary sewage or industrial waste originating in Texas for transport through Portage Transport System shall have characteristics detrimental to the Portage Transport System. No storm water, roof water or water from subsurface footing drains shall be permitted to enter the sanitary sewage flow from Texas entering the Portage Transport System. Construction methods and materials used by Texas shall be such as to minimize sources of ground water infiltration. Texas agrees to pay all fines, charges or costs of action against Portage resulting from the discharge of sewage originating from Texas into the Portage Transport System if such discharge is in violation of this Agreement. Further, Texas agrees to pay the cost of repair or replacement of any damages to the Portage Transport System resulting from the discharge of sewage or waste from Texas if such discharge is in violation of this agreement.

**Section 14. Title to Portage Transport System.** All right, title and interest in the Portage Transport System, including but not limited to the Portage Transport System

including the South S. 12<sup>th</sup> Street Pump Station, the West Centre Branch Interceptor, the South West Branch Interceptor and the Portage Creek Interceptor shall vest with Portage and this Agreement, its terms or any payments made or conditions fulfilled as required hereunder shall not vest any right, title or interest in the Portage Transport System to Texas. All right, title and interest in all sanitary sewer facilities of the Texas Collection System shall vest with Texas and this Agreement, its terms or any payments made or conditions fulfilled as required hereunder shall not vest any right, title or interest in such facilities to Portage.

**Section 15. Term.** This Agreement shall be effective for an initial term of 30 years commencing for the date set forth in the first paragraph of this Agreement. Not more than 90 days and not less than 30 days prior to each successive 5 year anniversary date of this Agreement, Portage and Texas agree to consider the approval of a 5 year extension of the initial terms of this Agreement on the same terms and provisions or other mutually agreeable terms and provisions.

**Section 16. Early Termination.** Either party may, subject to the provisions of this Section 16, terminate this Agreement prior to the expiration of its term (including any extension thereof), upon the breach by the other party of a material provision or undertaking in the Agreement. The nonbreaching party shall notify the breaching party in writing in accordance with Section 19 hereof of its intent to terminate this Agreement at least 90 days prior to the termination date. Such notice shall set forth the breach(es). During such 90-day period the breaching party shall have the opportunity to cure the breach(es). If, upon expiration of the 90-day period, the breach(es) have not been cured, this Agreement shall terminate and the parties hereto shall have no further obligations

under this Agreement except for (i) the payment of amounts due or services performed before the termination date and (ii) the indemnification and hold harmless provisions of this Agreement shall continue in effect for acts or conditions occurring before the termination date.

**Section 17. Indemnification by Portage and Texas.** Portage agrees, at its expense, to defend, indemnify and hold harmless Texas and its board members, officers, employees and agents (the “Texas Indemnified Party” or “Texas Indemnified Parties”) from and against any and all claims, damages, demands, expenses, liabilities and losses of any character or nature whatsoever arising out of or resulting from injury or damage to persons or property with respect to its ownership, operation, construction, repair, replacement and maintenance of the Portage Transport System, provided that if such injury or damage is caused in whole or in part by the acts or omissions of any of the Texas Indemnified Parties, then Portage’s indemnification obligation shall be reduced in proportion to the Texas Indemnified Party’s percentage of responsibility for such injury or damage. The indemnification obligations provided above shall include the payment of all reasonable attorneys’ fees and other expenses of defenses. Portage shall have the option to settle any such claim, demand or liability on such terms as it shall determine. In providing the indemnification set forth above, Portage is not waiving any defenses otherwise available to it by law; provided such defenses are also available to and asserted by Portage for the of Texas Indemnified Parties. Portage shall not be responsible for the indemnification obligations set forth above with respect to any Texas Indemnified Party to the extent that the Texas Indemnified Party has waived a defense which was otherwise available to it by law.

Texas agrees, at its expense, to defend, indemnify and hold harmless, Portage and its council members, officers, employees and agents (the "Portage Indemnified Party" or "Portage Indemnified Parties") from and against all claims, damages, expenses, liabilities and losses of any character or nature whatsoever arising out of or resulting from injury or damage to persons or property with respect to its ownership, operation, construction, repair, replacement and maintenance of the Texas Collection System beyond the Connection Points provided that if such injury or damage is caused in whole or in part by the acts or omissions of any of the Portage Indemnified Parties, then Texas' indemnification obligation shall be reduced in proportion to the Portage's Indemnified Party's percentage of responsibility for such injury or damage. The indemnification obligations provided above shall include the payment of all reasonable attorneys' fees and other expenses of defense. Texas shall have the option to settle any such claim, demand or liability on such terms as it shall determine. In providing the indemnification set forth above with respect to any Portage Indemnification Party to the extent that the Portage Indemnified Party has waived a defense which was otherwise available to it by law.

**Section 18. Accord with Kalamazoo Agreements.** This Agreement is intended to augment and compliment the Texas/Kalamazoo Wastewater Service Agreement and Wastewater Service Agreement date January 27, 1986 between Portage and Kalamazoo (hereinafter referred to as the "Portage/Kalamazoo Wastewater Service Agreement"). This Agreement shall not be in derogation of the Texas/Kalamazoo Wastewater Service Agreement or the Portage/Kalamazoo Wastewater Service Agreement and any payments made by Texas to Portage under this agreement shall be in addition to the fees and

charges Texas is required to pay Kalamazoo pursuant to the Texas/Kalamazoo Wastewater Service Agreement.

Texas agrees that it will not discharge or cause to be discharged industrial waste as defined in the Texas/Kalamazoo Wastewater Service Agreement except as permitted by such Agreement and that it will pay Kalamazoo directly for treatment and disposal of sanitary sewage and industrial wastes originating from Texas.

Portage shall have no obligation under this Agreement to transport sanitary sewage and industrial wastes originating from Texas through the Portage Transport System if Kalamazoo has no obligation to treat and dispose of such sanitary sewage or industrial waste.

**Section 19. Notices.** All notices, certificates or other communications hereunder shall be sufficiently given and shall be deemed given when dispatched by regular, registered or certified mail, postage prepaid, or by hand delivery or by telegram confirmed the same day by regular, registered or certified mail, postage prepaid, addressed as follows:

If to Portage:

City of Portage  
Attention: City Manager  
7900 South Westnedge Avenue  
Portage, Michigan 49002

If to Texas:

Charter Township of Texas  
Attention: Township Supervisor and  
Superintendent  
7110 West Q Avenue  
Kalamazoo, Michigan 49009

Alternatively, notice may be given by facsimile to Portage at 269-324-9244 to the attention of the City Manager and to Texas 269-375-0791 to the attention of the Township Supervisor/Superintendent. The parties hereto may, by notice given hereunder, designate any further or different address to which subsequent notices, certificates or other communications may be sent.

**Section 20. Governing Law.** This Agreement shall be construed in all respects in accordance with the laws of the State of Michigan.

**Section 21. Severability.** In the event any provision of this Agreement shall be held invalid or unenforceable by any court of competent jurisdiction, such holding shall not invalidate or render unenforceable any other provision hereof.

**Section 22. Binding Effect.** The covenants herein contained shall bind and the benefits and advantages shall inure to the respective successors and assigns of parties hereto.

**Section 23. Counterparts.** This Agreement may be simultaneously executed in several counterparts, each of which shall be an original and all of which shall constitute one and the same instrument.

**Section 24. Captions.** The captions or headings in this Agreement are for convenience only and in no way define, limit or describe the scope or intent of any provisions or section of this Agreement.

**Section 25. Entire Agreement.** Except as otherwise indicated in this Agreement, this Agreement constitutes the entire agreement between the parties and there are no other representations, warranties, promises, guarantees or agreements, oral or written, expressed or implied, between the parties hereto with respect to this Agreement.

**Section 26. Amendments.** This Agreement may not be amended, changed, modified, altered or assigned without the written consent of Portage and Texas to which such amendment, change, modification, alteration or assignment applies.

**Section 27. Exhibits.** Any exhibits attached hereto are incorporated herein as though fully stated herein.

**Section 28. Assignment.** This Agreement and all rights and obligations hereunder shall not be assignable unless all parties affected thereby hereto agree in writing to such assignment.

**Section 29. Waiver.** The waiver by any party hereto of a breach or violation of any provision of this Agreement shall not be a waiver of any subsequent breach of the same or any other provision of this Agreement.

**Section 30. Parties.** This Agreement shall be enforceable only by the parties hereto and their successors in interest by virtue of an assignment which is not prohibited under the terms of this Agreement and no other person shall have the right to enforce any provisions contained herein.

**Section 31. Effective Date.** This Agreement shall be effective as of the date set forth in the first paragraph hereof.

**IN WITNESS WHEREOF**, Portage and Texas have caused there present to be signed by their respective duly authorized officers all as of the day and year first written above.

**CITY OF PORTAGE**  
**"Portage"**

\_\_\_\_\_  
Peter J. Strazdas, Mayor

\_\_\_\_\_  
James Hudson, City Clerk

**CHARTER TOWNSHIP OF TEXAS**  
**"Texas"**

  
Julie VanderWiere, Superintendent

\_\_\_\_\_  
Linda Kerr, Township Clerk

APPROVED AS TO FORM  
DATE 6-7-13  
CRB  
CITY ATTORNEY

**Charter Township of Texas**  
Kalamazoo County, Michigan  
**Sanitary Sewer Service Area**  
**- Exhibit A -**

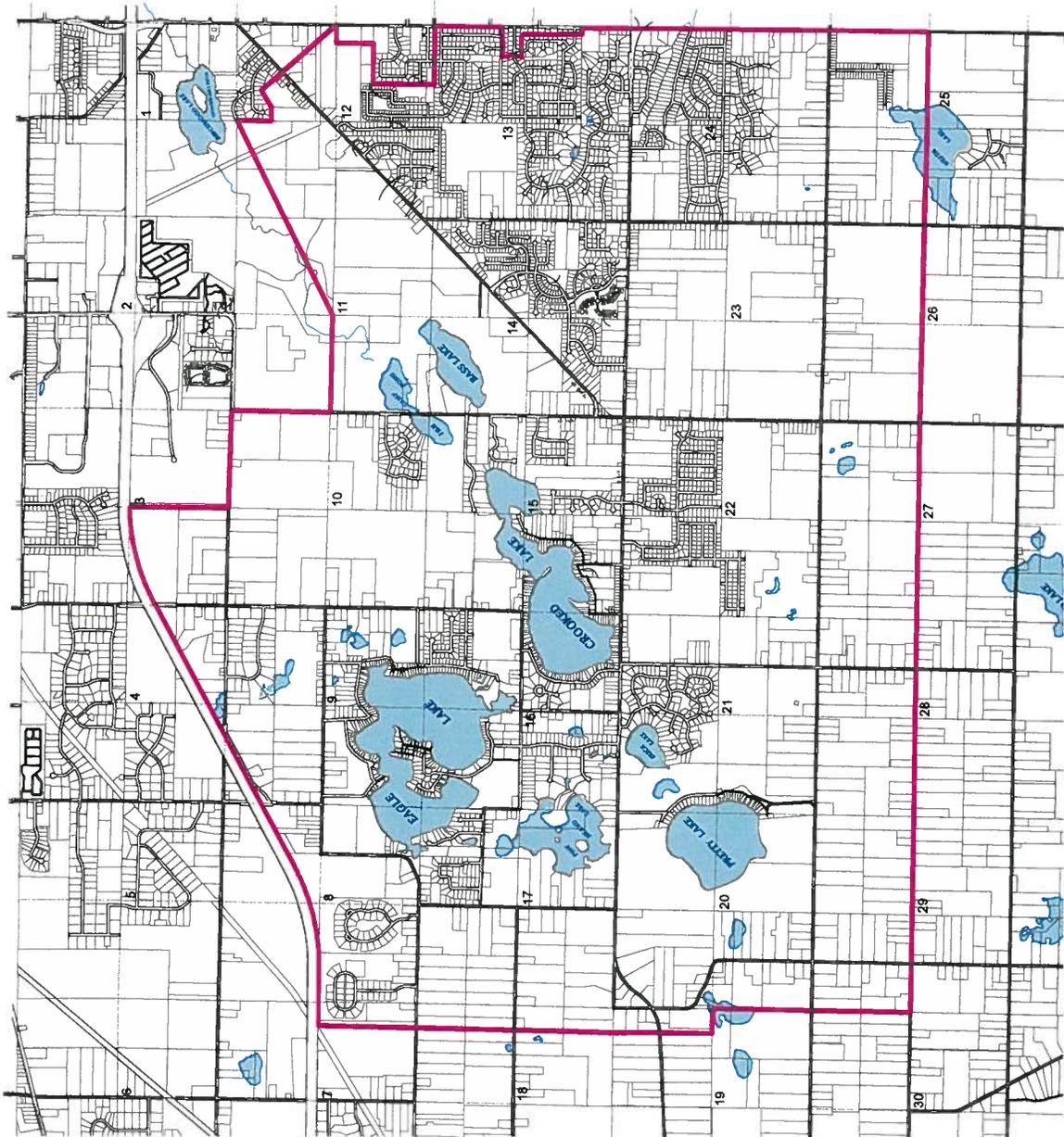


Scale: 1" = 3000'

**LEGEND**



2013 Service Agreement Area



## 2013 SANITARY SEWER SERVICE AGREEMENT AREA

The following description is located entirely within T. 3 S., R. 12 W., Texas Township, Kalamazoo County, Michigan: Beginning at the East 1/4 post of Section 25; thence West along the East and West 1/4 line of Sections 25, 26, 27, 28 & 29, respectively, to the West 1/4 post of Section 29; thence North along the West line of Sections 29 & 20 to the West 1/4 post of Section 20; thence West along the East and West 1/4 line of Section 19 to a line 660.00 feet West of and parallel to the East line of Section 19; thence North along a line 660.00 feet West of and parallel to the East line of Sections 19, 18 & 7, respectively, to the Southerly right-of-way line of Highway I-94; thence Easterly and Northeasterly thereon through Sections 7, 8, 9, 4 & 3, respectively, to the North and South 1/4 line of Section 3; thence South thereon to the South 1/4 post of Section 3; thence East along the South line of Section 3 to the Southeast corner of Section 3; thence South along the West line of Section 11 to the East and West 1/4 line of Section 11; thence East thereon to the center 1/4 post of Section 11; thence Northeasterly through Sections 11 & 12 to the North 1/4 post of Section 12; thence Southerly along the Westerly plat boundary of Birchwood Hills & Birchwood Hills No. 3 to the Southwest corner of Lot 79, Birchwood Hills No. 3; thence Easterly and Northeasterly along the boundary of Birchwood Hills No. 3 to the Southeast corner of Lot 86, Birchwood Hills No. 3, thence Southeasterly to the East 1/4 post of Section 12; thence Westerly along the East and West 1/4 line of Section 12, 500 feet; thence Southerly parallel with the East line of Section 12 to the South line of the North 1/2 of the South 1/2 of the Northeast 1/4 of the Southeast 1/4 of Section 12; thence Westerly thereon and along the Northerly boundary line of Victoria Estates to the Northwest corner of Lot 12, Victoria Estates; thence Southerly along the Westerly boundary line of Victoria Estates & Kelly Meadows to the Southwest corner of Kelly Meadows, also being the South line of Section 12; thence Easterly thereon to the Southeast corner of Section 12; thence Southerly along the East line of Section 13 to the Southerly right-of-way line of Heathrow Avenue as extended Easterly; thence Westerly along said Southerly right-of-way line to the Northwest corner of Lot 35, Rudgate Farms No. 2; thence Southerly along the Westerly line of said Lot 35 to the Southwest corner of said Lot 35; thence Easterly along the Southerly line of said Lot 35 to the Northwest corner of Lot 96, Rudgate-in-the-Woods No. 3; thence Southerly, Westerly and Southerly along the Westerly boundary line of Rudgate-in-the-Woods No. 3 to the Southwest corner of Lot 125, Rudgate-in-the-Woods No. 3; thence Easterly along the Southerly line of Lots 125, 103, 102, 101 & 100, respectively, Rudgate-in-the-Woods No. 3, to the South most corner of Lot 100, Rudgate-in-the-Woods No. 3; thence Southerly along the Easterly line of Lots 106 thru 113, inclusive, Rudgate-in-the-Woods No. 3 to the Southeast corner of said Lot 113, also being a point on the Northerly line of Lot 5, Rudgate-in-the-Woods No. 1; thence Easterly along the Northerly line of said Lot 5 to the Northeast corner of said Lot 5; thence Southerly along the Easterly line of Lots 5, 6, 7 & 43, respectively, Rudgate-in-the-Woods No. 1, to the Southeast corner of said Lot 43, also being the Southerly boundary line of Rudgate-in-the-Woods No. 1; thence Easterly along said Southerly plat boundary to the East line of Section 13; thence South along the East line of Sections 13, 24 & 25, respectively, to the place of beginning.

Charter Township of Texas  
Operation Maintenance Percentage

Exhibit C

S. 12th Street South Block Station

Total Capacity CFS	Firm Capacity CFS	Texas Peak Flow CFS	O&M Percentage
9.3	6.2	5.85	94.35%

West Centre Branch Interceptor

Pipe Size Slope	Total Capacity CFS	Peak Flow* Capacity CFS	Texas Peak Flow CFS	O&M Percentage
30" @ 0.20%	18.08	13.56	5.85	43.14%
36" @ 0.16%	26.27	19.70	5.85	29.69%
Weighted Average On Length				38.03%

South West Branch Interceptor

Pipe Size Slope	Total Capacity CFS	Peak Flow* Capacity CFS	Texas Peak Flow CFS	O&M Percentage
Per Prein&Newhof	50.99	38.24	5.85	15.30%

Portage Creek Interceptor

Pipe Size Slope	Total Capacity CFS	Peak Flow* Capacity CFS	Texas Peak Flow CFS	O&M Percentage
Per Prein&Newhof	95.34	71.51	5.85	8.18%

\*Peak Flow Capacity is 75% of total pipe capacity.

**TO:** Honorable Mayor and City Council

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

**SUBJECT:** Community Service Van for the Portage Senior Center

**SUPPORTING PERSONNEL:** William Deming, Director of  
Parks, Recreation and Public Services

**ACTION RECOMMENDED:** That City Council approve entering into a Community Service Van Program Lease Agreement with the City of Kalamazoo for storage and use of a van by the City of Portage and authorize the City Manager to execute all documents on behalf of the city.

**EXECUTIVE SUMMARY:**

Due to the age and years of service of the current vehicle, in 2012 the City Administration contacted the City of Kalamazoo regarding the potential in leasing a van for the purposes of serving the Senior Center. Council had also expressed concern at the April 11, 2013 Budget Work Session about the years of service remaining and potential replacement of the Senior Center bus. As a result, the Community Service Van Program Lease Agreement is being presented for approval.

**BACKGROUND INFORMATION:**

The Portage Senior Center bus was purchased in 2000, has 163,500 miles and is need of replacement. The frame on the bus is rusting and separating, the air conditioner is malfunctioning and several lights malfunction and regular repair. The bus is mainly used on a daily basis by Portage Senior Center (PSC) participants who prefer or require public transportation.

As an alternative to purchasing a replacement bus, the city has been working with the Kalamazoo Metro Transit System, as managed by the City of Kalamazoo, on leasing a Community Service Van (CSV). The CSV program is sponsored by the Michigan Department of Transportation and allows local agencies to use vans for client trips at no cost to the agency. The City of Kalamazoo wishes to expand the CSV program by placing an accessible van in Portage, which the city intends to utilize specifically for PSC participants.

A CSV Vehicle Lease document has been crafted by city attorneys from Portage and Kalamazoo (attached). The City of Kalamazoo will provide training for volunteer drivers, van fuel and maintenance. The City of Portage will be responsible for van storage, provision of volunteer drivers, scheduling of the van and reporting on daily use. Portage already provides these four items regularly for the PSC bus. The lease cost is \$1 annually and the lease can be extended past the December 31, 2013 term by mutual agreement. The existing PSC bus will be sold at the annual intergovernmental auction.

It is recommended that City Council approve the Community Service Van Program Vehicle Lease Agreement with the City of Kalamazoo and authorize the City Manager to execute all documents related to this action on behalf of the city.

**FUNDING:** City of Kalamazoo to cover expenses related to van maintenance and fuel. The only cost to the City of Portage is the \$1 annual lease fee.

**Attachments:** Community Service Van Program Vehicle Lease Agreement  
Agency Participation Agreement

**City of Kalamazoo, Michigan  
Kalamazoo Metro Transit System**

**Community Service Van Program  
Vehicle Lease Agreement**

This Lease, effective as of \_\_\_\_\_ 2013, is between the City of Kalamazoo, a Michigan public corporation, 241 West South Street, Kalamazoo, Michigan ("Kalamazoo") and City of Portage , 7900 South Westnedge Avenue, Portage, Michigan ("Portage").

**RECITALS**

- A. Since 2005 Kalamazoo has been operating a Community Service Van (CSV) program, a Specialized Service program sponsored by the Michigan Department of Transportation (MDOT) that allows local agencies to use vans for client trips at no cost to the agency; and
- B. Kalamazoo wishes to expand the current CSV program by placing an accessible van in an out-county area. This program expansion will offer flexibility and expanded service availability for the residents of Kalamazoo County; and
- C. Portage has indicated a willingness to participate in a pilot project and to place a van in Portage for its employees or volunteers under its direction to drive in order to better service its clients; and
- D. The purpose of this Agreement is to state the terms and conditions regarding the administration of the CVS program and the maintenance and operation of the Community Service Van (Van) by Portage.

**NOW, THEREFORE**, in consideration of the mutual covenants, promises, and representations set forth below, the parties do agree as follows:

**1. Recitals**

The above recitals are acknowledged as true and correct, and are incorporated by reference into this paragraph.

**2. Program Expansion**

- a) **Unmet demand.** A need exists for additional demand/response transportation services for out-county residents who need medical services, shopping trips, and transportation to activities offered by out-county community service centers.
- b) **Open Service.** All public transit vehicles are open to the public. Transport cannot be limited to specific individuals.

- c) **Agency Participation Agreement.** Portage is eligible for CSV program. As such, it is expected that Portage will enter into an "Agency Participation Agreement" (Agreement) with Kalamazoo as required of all agencies who participate in the CSV program, a copy of which is attached and incorporated into this Lease by reference. Except as modified by this Lease, the provisions of the Agreement shall govern Portage's participation in the CSV program. Kalamazoo shall be solely responsible for the training and certification of volunteer drivers, as well as operation of the van by volunteer drivers under Kalamazoo's administration of the CSV program as set forth in the Procedures and Policy Handbook.
- d) **Fleet Storage.** To provide users in out-county areas easier access to the Community Service Vehicle, Portage will participate in a pilot project where the Van is safely stored at an appropriate accessible location in Portage when not in use.

### 3. Program Requirements for Van

- a) **Fueling.** A fuel card program currently offered by Pacific Pride (Kalamazoo Oil Company) allows a driver to purchase fuel at a commercial fueling station through the use of a network card arrangement. Pacific Pride takes care of the tax exempt status of the public entity using the card, thus avoiding state and federal gasoline and diesel fuel taxes. Pacific Pride will bill Metro Transit monthly.
- b) **Maintenance.** Kalamazoo shall be solely responsible for maintenance of the van under its preventative maintenance schedule, as well as all repairs, as needed, to the van. The cost of all maintenance and repair shall be paid for by Kalamazoo.
- c) **Breakdowns.** If the Van breaks down while in use, the driver or Portage shall promptly contact Kalamazoo for instructions. (The details for contacting Kalamazoo are set forth in the Agreement.)
- d) **Wrecker Service.** If it becomes necessary to call a wrecker service company to tow or to otherwise service the Van so it is operable, the driver or Portage shall contact Kalamazoo for instructions or authorizations regarding the needed service. Kalamazoo may either instruct Portage to arrange the needed service or it would be arranged by Kalamazoo staff. (The details for contacting Kalamazoo are set forth in the Agreement).
- e) **Reservations.** Portage shall advise its clients to schedule a pick-up or otherwise reserve use of the Van through Portage Staff.
- f) **Off Site Visits.** In an effort to ensure quality service delivery, Kalamazoo staff will conduct off site visits and "ride-alongs" with the volunteer drivers. These visits are unannounced and allow Kalamazoo staff to monitor driving habits and safety and security issues.
- g) **Program Liability Insurance.** Currently, the CSV program is covered by liability insurance offered by the Michigan Transit Pool. As long as volunteer drivers receive program orientation and specific training in service delivery, the Michigan Transit Pool shall provide the primary liability insurance coverage for claims for damages as a result of bodily injury or death of any person or property damage, arising out of the ownership, maintenance or use

of the Van. Portage, its elected officials, employees, agents and volunteers shall be named as additional insured on the policy.

h) **Volunteer Drivers.** The most successful element of the CSV program is the use of volunteer drivers from various non-profit agencies who need transportation services. The use of volunteers ensures that the availability of the Van is at no cost to these agencies. Therefore, Portage's volunteer drivers must go through a training program in order to be certified by Kalamazoo. Additionally, if Portage uses a paid employee to drive the Van, that employee is subject to Federal Transit Administration (FTA) drug and alcohol screening administered by Kalamazoo's Transportation Department.

4. **Program Reporting.** As a public transit agency partially funded by FTA and MDOT, Kalamazoo is required to file an annual report regarding operating statistics to those agencies. The report includes the number of passengers carried, miles and hours of service delivered, and financial information. As such, once the Van is placed in service the CSV program requires drivers to report such information on a daily basis on forms provided by Kalamazoo. All Van use is reported to both MDOT and the federal government's National Transit Database (NTD).

5. **Lease Payment.** For the term of this Lease, Kalamazoo agrees to lease to Portage for the sum of One Dollar (\$1.00) per year, the following wheelchair accessible Van:

Vehicle Number	VIN Number	Vehicle	Condition
9-05	1FTNE2YL49DA7	Ford E-250	Excellent

6. **Term.** The term of this Lease shall run through December 31, 2013. This Lease may be extended by mutual agreement, provided Portage continues the services contemplated by the CSV program under the provisions of this Lease and the Agreement.

7. **Compliance with Federal and State Laws.** The Van was obtained by Kalamazoo pursuant to certain financial assistance grants from MDOT and FTA. This Lease in no way affects Kalamazoo's obligation to comply with all applicable State, Federal and local statutes, ordinances and regulations applicable to the Van.

8. **Use of Van.**

a) Portage shall use the Van exclusively for the purpose of public transit service provided on behalf of Kalamazoo by Portage and shall use exclusively to provide CSV program demand/response service for all residents of Kalamazoo County or other public transit services that Kalamazoo may approve. Any use of this Van other than for the purpose of the CSV requires the prior written approval of Kalamazoo following a written request from Portage. Portage shall not permit the Van to be driven or moved except under the guidance of Portage by qualified mechanics or drivers who have successfully completed the certification process under the Agreement. All drivers shall have at least four (4) years of driving experience and a valid Michigan Driver's License.

- b) Volunteer drivers shall participate in a training program conducted by Kalamazoo and shall be certified by Kalamazoo pursuant to this Lease. Therefore, all acts or omissions of the volunteer driver, causing any harm to person or property shall be the responsibility of Kalamazoo. Portage, however, shall be responsible for any harm to person or property caused by a volunteer driver who has not completed the certificate process or who does not have at least 4 years of driving experience with a valid Michigan driver's license.
9. **Default.** If Portage fails to use the Van as provided in this Lease or under the Agreement or otherwise defaults or fails to perform such agreements according to their terms, Kalamazoo shall have the right to immediately terminate this Lease, in whole or in part, to enter the premises of Portage without prior notice, and to take possession of the Van.
  10. **Disposal of Van.** Portage agrees that it will not sell or otherwise dispose of the Van without the prior written approval of Kalamazoo. Maintenance shall be carried out in accordance with specifications for such vehicles as may be available either from its manufacturer, Kalamazoo, MDOT, or in accordance with procedures utilized by Kalamazoo to maintain similar vehicles it owns. The Van shall be subject to such inspection as Kalamazoo may deem necessary.
  11. **Non-Assignment.** Portage will not assign or transfer this Lease or sublet the Van without prior written consent of Kalamazoo.
  12. **Independent Contractor.** The relationship of Portage to Kalamazoo shall be that of independent contractor. No partnership, association or joint enterprise shall arise between Portage and Kalamazoo as a result of any provision of the Lease, nor shall any provision be construed as making an employee of Portage an employee of Kalamazoo.
  13. **Mutual Indemnification.** Each party agrees to save, defend, indemnify and hold harmless the other party, its officials, employees, officers, agents, representatives or volunteers (individually or collectively "Indemnified Party") from all fines, costs, lawsuits, claims, demands and actions of any kind or nature, including reasonable attorney fees, which occur directly from any wrongful act, negligence or wrongful omission of the party and its officials, employees, officers, agents, representatives or volunteers (individually or collectively "Responsible Party") in performing that party's obligations under this Lease. If, however, such fines, costs, lawsuits, claims, demands, and actions of any kind or nature, including reasonable attorney fees, occur directly from any wrongful act, negligence or wrongful omission of the Indemnified Party in performing this Lease, then the Indemnified Party shall be responsible to its percentage of responsibility and shall indemnify the Responsible Party so that each pays in proportion to its respective responsibility. Each party agrees that no provision in this Lease constitutes, nor is considered, as a waiver of any governmental immunity that is available to either governmental unit of this Lease and its officials, employees, officers, agents, representatives or volunteers by common law, statute or court decision. Further, each party agrees that in providing the indemnification set forth above, the Responsible Party is not waiving any defense as is otherwise available to it by law, provided such defenses are also available and asserted by the Indemnified Party for its benefit. The Responsible Party shall not be responsible for the

indemnification obligations set forth above with respect to the Indemnified Party to the extent that the Indemnified Party has waived a defense that was otherwise available to it by law. The Responsible Party shall have the option to settle any claim, demand or liability on such terms as it shall determine. The terms of this paragraph shall survive the termination of this Lease. Notice of any claim seeking indemnification shall be sent to the other party within thirty (30) days of the occurrence which give rise to the claim.

- 14. **Non-Discrimination.** Portage agrees to comply with Kalamazoo's standard non-discrimination in contract forms, attached as Appendix A and A-1.
- 15. **Early Termination.** Besides the termination of this Lease under Paragraph 6, either party may terminate this lease without cause upon 30 days written notice to the other party. A termination based on this paragraph shall terminate all rights and liabilities under this Lease and the Agreement. In the event of such termination, Kalamazoo may enter the premises of Portage and take possession of the Van.
- 16. **Notice.** All notices mentioned in this Agreement shall be in writing and shall be delivered to:

**For Kalamazoo**  
William J. Schomisch  
530 N. Rose Street  
Kalamazoo, MI 49007

**For Portage**  
William Deming, Director  
Department of Parks & Recreation  
7900 South Westnedge Avenue  
Portage, MI 49002

**IN WITNESS WHEREOF**, the parties have executed this Lease, effective upon the last date after both parties have signed.

Dated: \_\_\_\_\_, 2013

**CITY OF KALAMAZOO**

By: \_\_\_\_\_  
Kenneth P Collard  
City Manager

Dated: \_\_\_\_\_, 2013

**CITY OF PORTAGE**

By: \_\_\_\_\_  
Maurice S. Evans  
City Manager

K:Attydocs\JOHN\Metro-Portage (CSV LEASE AGREEMENT)  
04/23/13

APPROVED AS TO FORM  
DATE 5/14/13  
RS  
CITY ATTORNEY

# City of Kalamazoo

## *Community Service Van Program*

### Agency Participation Agreement

#### Introduction:

The Community Service Van Program began in 1996 through the Kalamazoo County Care-A-Van Program. It is funded in part by the Michigan Department of Transportation's Specialized Services Program. This program is administered through the City of Kalamazoo and it allows approved agencies to use the vans for customer trips at no cost to the agency. This procedural document is intended to describe the means for scheduling the use of the van and to identify those who are approved to use the van.

#### Approved Agencies:

Upon clearance with the Michigan Secretary of State, and the Insurance Agency, members of the following Organizations have been approved to operate the Community Service Vans:

- Government agencies within Kalamazoo County
- Non-profit agencies serving elderly or disabled populations within Kalamazoo County
- Others as approved by the City's Transportation Director

#### Certification of Van Operators:

To become a certified driver for the Community Service Van Program, an application process must be completed; process may take up to 30 days. The application process is as follows:

1. Submit Documentation
  - ✓ Driver Approval Request
  - ✓ Agency Participation Agreement
  - ✓ Agency Endorsement
  - ✓ Copy of Driver's License
  - ✓ Copy of Driving Record
2. Attend a Driver's Orientation
3. Attend a Drug & Alcohol Prevention Program (*for agency paid employees only*)

#### Federal Transit Administration Regulations:

All drivers who are paid employees of your agency are subject to the Drug and Alcohol testing as required by the Federal Transit Administration (FTA). We recognize that you may have drivers who do not work for your agency and are strictly outside volunteers. As such, they are not subjected to the FTA drug testing requirements.

Individuals who are employed by your agency and operate the community service vans (including employees who "volunteer" driving time) are subject to the Kalamazoo Metro Transit Drug and Alcohol Prevention Program. The FTA required procedures begin with an initial training program and 'pre-employment' drug screen. In addition, the drivers will be part of the random drug testing pool, and will also be subject to both reasonable suspicion and post accident testing. There is no cost to the agency.

**Approved Van Uses:**

- During hours when other public transportation services are not available or
- Either the pick-up and/or destination locations(s) fall outside the public transportation service area, or
- The demand for service cannot be met by the Kalamazoo County Connect (formerly Care-a-Van) due to financial and/or capacity constraints.

**Location of the Vans:**

All vans are stored at Metro Transit, 530 N. Rose Street, Kalamazoo, MI 49007. After arranging to pick up a vehicle, approved van operator should report to the Dispatch office at Metro Transit for vehicle assignment.

**Van Use Requests:**

1. Van use will be scheduled on a first-come, first-serve basis.
2. All requests must be made in writing, on the Community Van Request Forms.
3. Request should be submitted by the 20<sup>th</sup> of each month prior to the month of requested service; same day request are subject to availability.

**Hours of Availability:**

- Vans are available for use at any time.
- Sunday and holiday use require the following:
  - Sunday use requires a Saturday pick-up, with a return before 8:00 a.m. Monday
  - Holiday use requires a pick-up the day prior, with a return before 8:00 a.m. the next business day
  - Both require pick-up before 8:00 p.m.

**Trip Limits:**

Vans can be used to travel up to 60 miles from the Metro Transit facility located at 530 N. Rose, Kalamazoo, MI or to the state line, whichever is closer.

**Van Operator's Responsibilities:**

1. Drivers shall prohibit passengers from eating, drinking, or smoking in the vehicles, unless there is a verifiable medical reason. Drivers are prohibited from eating, drinking, smoking, or using a cell phone while driving in the vehicles.
2. It is the Operator's responsibility for "signing out" the vehicle with the Metro Transit Dispatcher.
3. The Operator is responsible for maintaining the security of the vehicle keys.
4. Driver's must complete a Pre-Trip Inspection Card and turn it in to dispatch before leaving garage.
5. An Equipment Defect Report should be completed any time the vehicle has damage or maintenance issues.

6. The Van Use Log must be filled out completely and accurately by the Operator. Record the date, destination, times, mileages and passenger counts. Data reported on this 'User Log' is critical for continued funding of this program.
7. The Operator is responsible for returning the van at or before the agreed upon return time. Operators who do not adhere to the specified return time risk being restricted from using the van.

**General Information:**

1. Parking for your personal vehicle is available in the Rose Street parking lot (across from Metro Transit.)
2. When you come to pick up the van, come to the garage entrance of Metro Transit facing North Rose Street. The driver's lounge is on the left when you come in the building. Check in with the Dispatcher there to receive the box, and keys.
3. All Metro Transit vehicles are equipped with two-way radios. This allows immediate contact with Metro Transit.
4. In the event of an accident or emergency involving a Community Service Vehicle between the hours of 5:00 a.m. and 10:30 p.m. Monday through Saturday you must:
  - Radio Dispatch
    - Remain calm and speak clearly
    - Identify your vehicle number and location
    - Report:
      - ✓ Accident or type of emergency
      - ✓ Number of vehicles involved
      - ✓ Number of injuries
    - Listen for further instructions
  - Wait for Emergency Personnel
  - Never Leave the Scene of an Accident
  - Complete an Equipment Defect Report and an Accident/Incident Report.
5. In the event an accident or emergency arises after regular service hours, please contact the following:
  - Kalamazoo Public Safety (*dispatch office*) - 337-8994
  - Rob Branch, Metro Transit Maintenance - 217-8953 or 353-7494
6. If you have any questions, please call (269) 337-8222 or (269) 337-8858.

**TO BE COMPLETED BY AGENCY AND DRIVER**

*I acknowledge that I have read, signed and been furnished with a copy of the Agency Participating Agreement with the City of Kalamazoo Community Service Van Program. I certify that I have complied with and will continue to comply with all of the requirements of the Agency Participating Agreement.*

\_\_\_\_\_  
*Driver's Name (please print)*

\_\_\_\_\_  
*Agency Representative's Name & Title  
(Please print)*

\_\_\_\_\_  
*Driver's Signature*

\_\_\_\_\_  
*Agency Representative's Signature*

\_\_\_\_\_  
*Date*

\_\_\_\_\_  
*Date*

\_\_\_\_\_  
*Agency Street Address*

\_\_\_\_\_  
*City, State, and Zip Code*

\_\_\_\_\_  
*Agency Phone Number*

\_\_\_\_\_  
*Agency Fax Number*

**AUTHORIZED REPRESENTATIVE OF METRO TRANSIT**

\_\_\_\_\_  
*Authorized Signature*

\_\_\_\_\_  
*Date*

Anthony E. Givhan  
Senior Operations Supervisor  
(269) 337-8427

Missy Coulson  
Para Transit Specialist  
(269) 337-8858

***Community Service Van Program***  
City of Kalamazoo Transportation Department  
Metro Transit, 530 N. Rose Street, Kalamazoo, MI 49007  
Phone: (269) 337-8201 • Fax: (269) 337-8211

**TO:** Honorable Mayor and City Council

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

**SUBJECT:** Chevrolet Tahoe Police Vehicle Equipment Changeover

**SUPPORTING PERSONNEL:** Richard White, Public Safety Director – Police/Fire Chief

**ACTION RECOMMENDED:** That City Council approve the expenditure for four (4) Chevrolet Tahoe police vehicle equipment changeovers to Emergency Vehicle Products, in an amount not to exceed \$39,604.48, and authorize the City Manager to execute all documents related to this matter on behalf of the city.

**EXECUTIVE SUMMARY:**

The Police Division currently has four new Chevrolet Tahoe vehicles, which are in need of police equipment changeovers. Five Chevrolet Tahoes have already been successfully changed over by Emergency Vehicle Products (EVP). The department is pleased with the quality of the changeovers and would like each of the four remaining Chevrolet Tahoes to be identically equipped.

**BACKGROUND INFORMATION:**

Prior to the first changeover, which occurred in June 2012, quotes were sought from three separate vendors, including Blumberg Communications, \$13,302; Winder Police Equipment, \$12,124; and, EVP with the low quote of \$9,901 per vehicle. EVP is willing to maintain this quote for the proposed changeovers. During the first vehicle changeover, EVP made many unique modifications to meet the specifications of the department. These modifications included fabricating a plated metal channel to hold and protect the vehicle's wiring, a Plexiglas shield separating the rear of the vehicle from the prisoner transport area, and a wooden panel separating the rear seat from the rear compartment. In addition to the custom-made modifications, EVP is an authorized Panasonic installer, which is required for warranty purposes with the in-car computers and video recording systems. Finally, as part of the agreement with EVP for changing over vehicles, all vehicles are stored in a covered, secured, and monitored facility by the vendor.

**FUNDING:**

Funds are available in the current FY 2012-2022 budget Capital Vehicles account for this project. It is recommended that the expenditure to Emergency Vehicle Products be approved.

**Attachments:** None

**TO:** Honorable Mayor and City Council

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

**SUBJECT:** Purchase of Five Motorola APX 7000 Patrol Radios and Accessories

**SUPPORTING PERSONNEL:** Richard J. White, Public Safety Director – Police/Fire Chief

**ACTION RECOMMENDED:** That City Council approve the purchase of five dual band Motorola radios for \$36,849.75 from Motorola Solutions, Inc., a sole source vendor with a state bid contract, and authorize the City Manager to execute all documents related to this action on behalf of the city.

**EXECUTIVE SUMMARY:**

In an effort to increase interagency cooperation and interoperability, the Public Safety Department – Police Patrol Division will purchase five new APX 7000 dual band radios. Under JAG Grant 2009-SU-B9-4017, the Federal Government will cover approximately 70 percent of the \$36,849.75 total cost for five Motorola APX7000 tactical radios.

**BACKGROUND INFORMATION:**

The Portage Department of Public Safety – Police Division operates on a VHF radio system, while most of the nearby agencies and the Michigan State Police operate on 800 MHz systems. Kalamazoo County has implemented a joint tactical team, and it was decided for safety and functionality that Portage officers should have 800 MHz radios. Under a prior Portage Police Division – Region 5 Homeland Security grant, the city purchased an initial eight Motorola APX 7000 radios in June 2012 with City Council approval. These radios were purchased for the tactical officers and found to be a viable solution for interoperability.

**FUNDING:**

Under JAG Grant 2009-SU-B9-4017, the Federal Government will cover approximately 70 percent of the \$36,849.75 total cost for five Motorola APX7000 tactical radios and accessories. The remaining amount, approximately 30 percent (\$11,067.75), will be covered by the city's Police accounts. The usual bid process was not utilized for the purchase of these radios, as Motorola is a sole source provider, and the price is under a state bid. It is recommended that the purchase in the amount of \$36,849.75 to Motorola Solutions Inc. be approved.

**Attachments:** None



**TO:** Portage City Council

**FROM:** Mayor Peter J. Strazdas

**SUBJECT:** Mayor's Proclamation Proposed Guidelines

**SUPPORTING PERSONNEL:** James R. Hudson, City Clerk

**ACTION RECOMMENDED:** That City Council consider adopting the Mayor's Proclamation Guidelines.

**BACKGROUND INFORMATION:**

The following is provided as proposed guidelines for future Mayoral Proclamations.

**FUNDING:** Not applicable

**Attachments:** Mayor's Proclamation Proposed Guidelines Draft

CITY OF PORTAGE

2013 MAYOR'S PROCLAMATION GUIDELINES *DRAFT*

1. **Purpose.** The Mayor's Proclamation Guidelines are intended to be used to determine what situations would constitute an instance that should be elevated to the level of warranting a Proclamation, Resolution or Certificate from the Mayor of the City of Portage. These standards are:

- A. **Proclamations:** The request must touch local citizens, be unique to Portage or involving lots of Portage residents, be a national event (ex., March of Dimes) which involves a local chapter of a national organization or a local organization.
- B. **Resolutions of Respect:** Resolutions of Respect are reserved for Councilmembers leaving office or a highly accomplished citizen of Portage.
- C. **Certificates:** Certificates are provided as a special commemoration for a Portage resident or a Southwest Michigan resident who has accomplished something unique or very noteworthy.

2. **Amendments.** This Policy may be amended to remain consistent with the Mission of the City and the Mission of City Council.

Effective date: \_\_\_\_\_, 20\_\_

\_\_\_\_\_  
Peter J. Strazdas, Mayor

TO: CITY COUNCIL MEMBERS  
FM: PLANNING COMMISSION  
RE: CITY OF PORTAGE 50<sup>TH</sup> ANNIVERSARY CELEBRATION OF PORTAGE BUSINESSES – PASSBOOK CONCEPT AND DRAFT PASSBOOK  
DATE: MAY 30, 2013

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The Portage City Council requested all Portage Boards and Commissions to submit ideas for the celebration of Portage's 50<sup>th</sup> Anniversary in 2013. The Planning Commission discussed several possibilities, and ultimately selected and submitted the Portage Business "Passbook" Concept.

Through this project, we hope to capitalize on the 50<sup>th</sup> anniversary as an opportunity to celebrate Portage businesses, and try to help connect Portage residents with Portage businesses they might otherwise not have known about, and to provide additional exposure for the Portage business community.

To achieve this, we have proposed that Portage businesses be able to volunteer to participate in the program, and to donate goods or services that would be raffled off to Portage residents completing monthly "Passbooks." The printable "Passbook" will be located on the City of Portage website, along with a rolling list of participating businesses. This list will also be included on the back of the passbook for ease of reference. Residents will print out this Passbook, and complete it by obtaining stamps and/or signatures from a variety of Portage businesses as set forth in the Passbook for that particular month. Residents will then submit their completed passbooks at City Hall, where the Planning Commission's subcommittee will, on the first Thursday of each month, randomly select a number of winners to match the number of prizes available for that particular month. Winners will pick up their prizes at the donating business.

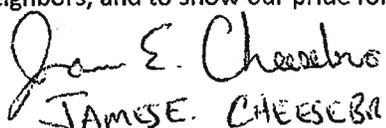
For simplicity, the Planning Commission has determined that the passbook categories will be: Restaurant, Retail, and Services.

The passbook program will be launched in July for the second half of 2013, and available prizes will be awarded on a monthly basis. To announce the July launch, we will issue a press release (draft attached) and include an announcement on the City website. Our hope is that the Kalamazoo news media outlets will pick up the story and help publicize the activity. Further, we plan to include an announcement article in the September *Portager* describing the program and further soliciting business participation.

Business participants may register via the City of Portage website (draft registration page attached) or telephone if the Council wishes to designate a City staff person to enter such registrations, and residents will be able to view and print the passbook via the same webpage.

This effort will be undertaken at little or no cost to the City, and will require only minimal staff time to maintain one page on the City website. Bart's Signs and Banners has generously volunteered to provide the graphic design. Thus far, we have over a dozen Portage businesses that have volunteered to participate and donate prizes (every business we approached has either agreed, or given a tentative "yes." We expect the number of participating businesses to increase substantially with the distribution of the press release, and further with the September *Portager*.

Our hope is that this is an opportunity to acquaint Portage residents with the quality and variety of businesses within the City. Portage is fortunate to have a rich and diverse business community, and this is a chance for us to support our neighbors, and to show our pride for our local businesses.

  
JAMES E. CHESBRO 5/31/13  
PLANNING COMMISSION CHAIR



## NEWS RELEASE

**CONTACT:** Portage Department  
of Community Development  
269-329-4477

### FOR IMMEDIATE RELEASE

Date: June 24, 2013

In celebration of 50 years of business in the City of Portage, the Portage Planning Commission is announcing its Business Passbook program for the second half of 2013. Through this program, participants can visit and collect stamps or signatures from 2 participating Portage businesses in each of 3 categories and be entered to win a prize from such Portage businesses as:

- Barrett's Smokehouse
- Biggby Coffee
- Daane's Catering
- Erbert & Gerbert's Sandwich Shop
- H&B Market
- Maya Riviera
- Nelson's Hardware
- RPM Oil & Lube Center
- Schram's greenhouse
- Tim Hortons
- West Lake Drive-In
- West Lake Drug
- Yo Go Delites

Participants may print a "Passbook" by visiting the City of Portage website at [www.portagemi.gov/passbook](http://www.portagemi.gov/passbook). Prizes will be awarded monthly, so complete your passbook and return it to City Hall by the end of every month for your chance to win!

Portage businesses may also sign up to participate by visiting [www.portagemi.gov/passbook](http://www.portagemi.gov/passbook). Participating Portage businesses will also have their business name listed on the website, as well as printed in the Passbook. Businesses donating a prize will also be recognized separately. If you are a Portage business and would like to participate, please register online at [www.portagemi.gov/passbook](http://www.portagemi.gov/passbook).

Thank you for celebrating with us! Here's to 50 more years of wonderful businesses in the City of Portage!

## **Celebrate 50 Years of Business in the City of Portage!**

Visit and collect stamps from 2 participating Portage businesses in each of 3 categories and be entered to win a prize from such Portage businesses as: Barrett's Smokehouse, Biggby Coffee, Daane's Catering, Erbert & Gerbert's Sandwich Shop, H&B Market, Maya Riviera, Nelson's Hardware, RPM Oil & Lube Center, Schram's Greenhouse, Tim Hortons, West Lake Drive-In, West Lake Drug, and Yo Go Delites.

Portage residents may print a "Passbook" by visiting the City of Portage website at [www.portagemi.gov/passbook](http://www.portagemi.gov/passbook). Prizes will be awarded monthly, so complete your passbook and return it to City Hall by the end of the month for your chance to win!

Portage businesses may also sign up to participate by visiting [www.portagemi.gov/passbook](http://www.portagemi.gov/passbook). Participating Portage businesses will have their business name listed on the website, as well as printed in the Passbook. Businesses donating a prize will also be recognized separately. If you are a Portage business and would like to participate, please register online at [www.portagemi.gov/passbook](http://www.portagemi.gov/passbook) or call City Hall at 329-4400.

Thank you for celebrating with us! Here's to 50 more years of wonderful businesses in the City of Portage!



# Portage Business Passbook Business Registration

*Business Registrations updated on a weekly basis.*

*Mail form to: Portage Department of Community Development • 7900 S. Westnedge Ave • Portage, MI 49002*

In celebration of 50 years of business in the City of Portage, the Planning Commission has announced the **Portage Business Passbook Program**. Through this project, we hope help connect Portage residents with Portage businesses, and to provide additional exposure for the Portage business community.

Portage businesses may volunteer to participate in the program, and/or donate goods or services that will be raffled off to Portage residents completing monthly "Passbooks." The names of participating businesses will be listed on the City of Portage website, as well as in the printable Passbook. This list will be updated weekly on a rolling basis. All Portage businesses are encouraged to participate!

If you operate a business in the City of Portage and would like to participate, please register below:

### Participant Information

Business Name:

Business Address:

Business Contact Person:

Contact Phone Number:

**What stamp or "code" (e.g. owner's name, numerical code, etc.) will you use? (Please describe so that we can verify entries.)**

**Would you like to donate a prize?**

No  Yes, I would like to donate:

Please see the brief Instruction Sheet for participating Portage businesses for details on stamping/signing the Passbook.

*Thank you for joining us in celebrating 50 years of business in the City of Portage!*

In consideration of your accepting this registration, I, intending to be legally bound waive and release all rights and claims for damage may have against the City of Portage, its elected or appointed officials, employees, volunteers, representatives and agents for any and all injuries suffered by me and/or above participants at said activity, or which may arise out of traveling to, participating in and returning from said activity.



## PARTICIPATING BUSINESS INSTRUCTIONS

1. Register your business with for the Passbook Event via the City of Portage Website at [www.portagemi.gov/passbook](http://www.portagemi.gov/passbook)
2. Post or inform all of your employees of your intent to join the event and the reason.
3. Determine the best possible system for “stamping” each patrons passbook with your “stamp” of choice.
  - a. The event coordinators do not have a preference for the stamp. You may use any special stamp you may have available for your business or use a simple signature or initials from any given employee, you decide. Please indicate on your business registration form what type of stamp or “code” you will use.
  - b. Also make sure to inform all employees of what stamp or code to use for the passbooks.
4. Be sure a given passbook has not already been stamped by a previous employee; each patron is allowed only one stamp per month from your business.
5. It may be beneficial for your business to have some extra passbooks available for your patrons. Extra passbooks are available for download from the City of Portage Website at [www.portagemi.gov/passbook](http://www.portagemi.gov/passbook).
6. If you are donating a prize for the event please insure it is available for pickup in a specific location from a specific employee or position.
7. A list of frequently asked questions will also be posted on the City of Portage Website, feel free to download a copy for each of your employees.



## FREQUENTLY ASKED QUESTIONS

### PARTICIPATION

1. Who can participate?
  - a. Participating businesses must be located within the City of Portage.
  - b. Participating individuals do not need to be Portage residents.
2. Is a business required to donate a prize to participate in the event?
  - a. No. Businesses are not required to submit prizes for the event, but they are greatly appreciated.
  - b. Businesses donating prizes will be distinctly recognized on the Passbook and the City website.
3. Where can a business register to be included in the event?
  - a. Registration is available on the City of Portage Website via [www.portagemi.gov/passbook](http://www.portagemi.gov/passbook)
4. Do individuals need to register to participate?
  - a. No. Individuals only need to print out a passbook, complete it, and turn it in to City Hall by the last business day of each month.
5. Can I register to participate at any time?
  - a. Yes. Businesses can register to participate at any time. We have an ongoing “rolling” registration. The names of participating businesses will be updated on the website and the Passbook weekly.
6. Is there a purchase necessary to enter the event?
  - a. No purchases are necessary to enter.
7. Where can I get a copy of the passbook?
  - a. Additional/Monthly passbooks are available from the City of Portage Website via [www.portagemi.gov/passbook](http://www.portagemi.gov/passbook)
8. May I collect more than one stamp from each participating business?
  - a. You may not collect more than one stamp from each participating business each month.

### PRIZES

9. Where and when will the raffle be held?
  - a. Prizes will be awarded monthly. The specific prizes and number of prizes will be determined based on availability. The raffle will be held on the first Thursday of every

month after the Planning Commission meetings at City Hall. Winners will be notified on the following Friday, and winners' names will be posted on the City website.

10. What types of prizes will be awarded?

- a. Prizes will vary based on the donations made by businesses for each particular month, but will include such items as gift certificates, gift baskets, and other items or services from participating businesses.

11. Where will I pick up my prize?

- a. Your prize(s) will be available from the donating business. Winners will be informed when and where to pick up their prizes. Winners will have up to 2 weeks to claim their prize, and must show valid identification upon collection of the prize.

## RULES

12. Where can I get a list of rules?

- a. A list of rules will be available on the City of Portage Website via [www.portagemi.gov/passbook](http://www.portagemi.gov/passbook)

**TO:** Honorable Mayor and City Council

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

**SUBJECT:** City of Portage 50<sup>th</sup> Anniversary Celebration of Portage Businesses - Passbook

**SUPPORTING PERSONNEL:** Victoria Georgeau, Director of Community Development

**ACTION RECOMMENDED:**

That City Council:

- a) accept the communication from the Planning Commission regarding the City of Portage 50<sup>th</sup> Anniversary Celebration of Portage Businesses – Passbook; and
- b) refer the proposal to the Planning Commission to consider finalizing implementation and operational details for a program of reduced scope, or defer continued program development due to the level of additional participation determined to be needed by Planning Commissioners.

**EXECUTIVE SUMMARY:**

The Planning Commission has developed a “Passbook” concept to capitalize on the city’s 50<sup>th</sup> Anniversary and celebrate Portage businesses. This concept has been discussed at Planning Commission meetings as well as subcommittee meetings of the Commission. The Commission is presenting its findings and recommendation for Council’s consideration. Administratively, it is recommended the concept proposal be referred back to the Commission to finalize implementation and operational details.

**BACKGROUND INFORMATION:**

During the December 18, 2012 meeting, City Council reviewed the Planning Commission’s recommendation regarding recognition of Portage businesses as part of the 50<sup>th</sup> Anniversary celebration with a “Passbook” program. In summary, the “Passbook” concept involves citizens who patronize participating businesses having their “Passbook” validated to verify the visit. At the end of a defined period of time, Passbooks would be collected and participants would have their name entered in a drawing to win a gift/prize. The gift(s) would be item(s) donated from participating businesses. City Council authorized the Planning Commission to proceed with creation of a subcommittee to establish the operational details involving the “Passbook” program.

In response, the Planning Commission formed a subcommittee, which has met on several occasions to identify the details related to implementation and ongoing operation of the “Passbook” program. The subcommittee efforts were discussed with the Planning Commission during the March 7<sup>th</sup>, May 16<sup>th</sup> and May 30, 2013 meetings (minutes are attached). During the ongoing discussions between the subcommittee and Planning Commission members, staff provided input and feedback regarding several aspects of the program. Included is the May 30, 2013 communication from the Planning Commission and related materials in regard to the Passbook proposal. At the conclusion of the May

30<sup>th</sup> special meeting, the Planning Commission voted unanimously to forward the Portage Planning Commission "Passbook" program as proposed by the subcommittee to City Council, with a request to proceed with a July 2013 launch date. The Commission further stated that if an alternative version of the Passbook program, or an alternative launch date is desired by the City Council, the Planning Commission would be unable to implement the program.

While activities completed to date have involved considerable time and effort to bring the proposal to fruition and are commendable, the City Administration remains concerned about certain aspects of the program believed to be necessary to ensure successful implementation. The following comments are provided in this regard:

#### Finalization of Operational Details/Solicit Business Participation

Due to logistical concerns, time constraints and program promotion needed for this proposal, it is strongly recommended that the number of prize drawings be limited to one single drawing, held in December 2013. In addition, a minimum number of participating businesses should be established and secured in order for the program to proceed. Finally, a detailed description of the program should be finalized and disseminated to the business community for full awareness of the intent and operation, and as a means to solicit business participation. Business interest in the program may be promoted through a press release to various media sources, an announcement on the city website, PMN and by Planning Commissioners visiting a specified number of businesses.

#### Finalization of the Passbook Design/Preparation of Public Information

Subject to obtaining a defined level of confirmed business participation, the Passbook design and promotional efforts to the general public can be finalized. In addition, information intended to explain the "Passbook" program to the general public and preparations to publicize the program (e.g. FAQs, press releases, *Portager* articles, among others) could be finalized.

#### Launch the Passbook Program

After the above steps are complete, the "Passbook" program could be launched in September 2013 and promoted through the various media outlets, including the September edition of the *Portager*. The December 2013 *Portager* (mailed the first week in December) could be utilized as a final promotional effort. Following an established end date, a drawing could be held in December 2013 for the donated prizes (e.g., December 19<sup>th</sup> Planning Commission meeting).

City Council initially viewed the Passbook Program concept to be worthy of consideration as a 50<sup>th</sup> Anniversary event and members of the Planning Commission have expended considerable effort in further refining various elements of the program proposal. Nevertheless, the concept of directly encouraging local business visitation is not within the range of basic public services traditionally provided through the city. As a result, it is believed prior to such an activity being sponsored by the city, all program elements need to be specifically defined to ensure the best chance of success.

Understandably, Planning Commissioners do not believe they have sufficient additional time to devote to the effort, beyond that which has been committed within the context of their subcommittee

program proposal. With these limitations in mind, should the Council believe the Passbook Program warrants continued consideration, referral of the concept back to the Planning Commission is advised, with the intent being to reduce the scope and complexity of the effort and to finalize implementation and process details. The Planning Commission can then determine if a program of reduced scope meets with their original program intent, continue development of program specifics for further consideration of the Council or defer additional developmental efforts due to the level of additional participation determined to be needed by Planning Commissioners.

**FUNDING:** N/A

**Attachments:** Planning Commission meeting minutes: March 7, 2013; May 16, 2013 and May 30, 2013

facility had been allocated to development of the Eliason Nature Reserve. Commissioner Reiff also asked whether the 12<sup>th</sup> Street Sidewalk project should be given a higher priority and moved up in the schedule. Mr. Forth indicated it's an expensive sidewalk project and identified for funding in an appropriate budget year. Commissioner Dargitz asked why the Metsa Court water main extension project was given such a high priority since it only served a few homes. Mr. Forth indicated it was a petitioned request from the residents and was evaluated by the Transportation & Utilities Department based on the specific circumstances. Commissioner Felicijan asked why the Storm Water Drainage Improvements project was given such a high priority and funding while other neighborhoods that are experiencing flooding have not received the same attention. Mr. Forth stated the project was evaluated by the Transportation & Utilities Department based on the specific circumstances. The Commission concurred that additional discussion of the CIP could occur at the March 21, 2013 meeting, prior to formulating a recommendation to City Council. Chairman Cheesebro asked that any Commission questions regarding the CIP be forwarded to staff in advance of the March 21, 2013 meeting so that appropriate responses can be obtained.

**STATEMENT OF CITIZENS:**

None.

**ADJOURNMENT:**

Commissioner Dargitz provided an update on the 50<sup>th</sup> Anniversary Celebration "pass book" idea being worked on by the subcommittee. Commissioner Dargitz distributed a sample entry form that was developed by the subcommittee. The Commission discussed copying and advertising options including use of the City of Portage website and Portager newsletter. Mr. Forth stated he would check regarding use of the city website and/or Portager newsletter. Mr. Forth also suggested the Planning Commission prepare a short memo to City Council that details the "pass book" idea and timeframe for implementation. Commissioner Felicijan stated he would prepare a draft communication to City Council for full Commission review at the March 21, 2013 meeting.

There being no further business to come before the Commission, the meeting was adjourned at 8:30 p.m.

Respectfully submitted,

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

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Road, to not require installation of the sidewalk at this time, but instead be coordinated with the Portage Road reconstruction project scheduled to occur during FY 2017-2018. The motion was unanimously approved.

**PUBLIC HEARINGS:**

None

**NEW BUSINESS:**

1. Reschedule – July 4, 2013 regular meeting. Chairman Cheesebro discussed the regular meeting scheduled for July 4<sup>th</sup> and asked what the preference and availability of the Commission was regarding canceling and/or rescheduling this meeting. After a brief discussion, a motion was made by Commissioner Stoffer, seconded by Commissioner Reiff, to move the July 4<sup>th</sup> meeting to July 11<sup>th</sup>. The motion was unanimously approved.

2. Proclamation for Chairman Cheesebro. Secretary Stoffer indicated this was Chairman Cheesebro's last meeting and read a proclamation to Chairman Cheesebro recognizing his 9+ years of service to the Planning Commission. Chairman Cheesebro thanked his fellow Commissioners, staff and Attorney Brown for all their support, contributions and friendship over the years.

7:15pm - The Commission took a short recess.

7:20pm - The Commission reconvened the meeting in City Hall Conference Room No. 1

**OLD BUSINESS:**

1. City of Portage 50<sup>th</sup> Anniversary Celebration – Recognition of Portage Businesses. Mr. Forth referred the Commission to a draft communication and information prepared by Commissioner Dargitz regarding the Passbook promotion for area businesses. Mr. Forth indicated that Commissioner Dargitz has done a tremendous amount of work on the Passbook; however, full Commission understanding of the level of involvement was necessary in order to ensure success of the program. Commissioner Dargitz explained her intent for the Passbook and how she envisioned it being implemented. Commissioner Dargitz stated she was still hoping that the details of the Passbook could be worked out by the Commission so that a general article could be included in the June edition of the Portager. Mr. Forth reviewed issues and concerns identified by staff regarding how the Passbook concept would be implemented including the need for full Commission participation, business inclusion, promotion and advertising, monthly prize drawings vs one prize drawing, Passbook details, raffle drawing and prize distribution. Commissioner Dargitz elaborated on concerns and questions identified by staff and the Commission discussed various issues and details. The Commission concurred that the Passbook should be open to all businesses and no purchase was necessary for a citizen to participate. The Commission discussed other issues including where and how to make the Passbook available, how individual businesses would confirm a visit (stamp, sticker, signature, etc), developing a FAQ sheet with answers to commonly asked questions, monthly update of the Passbook on the city website, size of the Passbook and whether or not to identify businesses by geographic area of the city.

Attorney Brown provided advice in three specific areas of concern: 1) Equal protection, 2) Constitutional provisions, and 3) Use of the city web site. Attorney Brown indicated that all interested businesses should be allowed to participate in the Passbook promotion regardless of business type and/or affiliations. Attorney Brown also indicated that public money could not be used to promote or advertise private businesses. Finally, Attorney Brown stated that no links to specific businesses should be placed on the city web site and the Passbook should only include a generic listing of participating businesses with no special highlighting or emphasis. Attorney Brown and Mr. Forth both expressed the importance of keeping the Passbook concept simple and to finalize operational details before making the Passbook public. For simplicity purposes, Mr.

COPY

Forth suggested additional Commission discussion of a single drawing, as opposed to several monthly drawings. Commissioner Felicijan asked if staff would be available to be the contact for citizen and business owner questions. Attorney Brown stated that the City Administration should not be involved in the implementation of the Passbook promotion.

The Commission next discussed advertising ideas for the Passbook including the Portager and Kalamazoo Gazette, along with utilizing other volunteer organizations to assist with the promotion. Commissioner Dargitz stated she would like to begin monthly drawings in June, or July at the latest. Commissioner Bosch and Chairman Cheesebro expressed some concern about monthly drawings and suggested maybe two drawings, one in September and one in December. Commissioner Dargitz stated she believes monthly drawings are necessary to keep momentum going and discussed how monthly Passbooks could be easily updated through use of the city website. The Commission discussed whether or not to divide the businesses into geographic area and whether to reduce the number of businesses that need to be visited each month. Commissioner Dargitz indicated that she believes dividing the Passbook into geographic areas would encourage citizens to visit businesses that are outside of their normal shopping area.

Commissioner Dargitz stated that staff has been extremely helpful in this process; however, believes City Council has given the Commission little direction or resources to implement the Passbook concept. Mr. Forth discussed the need to flush out all operational details of the Passbook before promoting the concept on the website and in the Portager and/or Kalamazoo Gazette. Mr. Forth stated the Passbook was an idea of the entire Commission and all Commissioners need to fully understand the level of involvement and support the program. Likewise, Mr. Forth indicated that City Council also needs to fully understand the Passbook proposal in anticipation of questions from citizens and businesses should the Passbook come to fruition. Commissioner Dargitz indicated it was unclear to her whether City Council simply wants to be informed of the Passbook details, or reviews and approves the proposal. Commissioner Bosch concurred that direction on the process has been unclear, and it was unfair to assume that the Planning Commission could do everything in regard to this Passbook idea without some assistance. Mr. Forth again expressed the importance of finalizing all the operational details of the Passbook, advise City Council and suggested the Commission step back from the expectation that the program must be launched in June/July and consider a more reasonable launch date. Once the details have been finalized, Mr. West stated the Passbook could be launched with the September edition of the Portager and there could be four months of participation including the holiday shopping season.

After additional discussion, the Commission concurred that the subcommittee (Commissioners Dargitz, Stoffer and Felicijan) would meet next week to finalize Passbook details and then present the information to the full Commission for further review and discussion at a special meeting the last week in May, possibly May 30<sup>th</sup>. With the concurrence of the full Commission and if the Passbook was ready, Mr. Forth indicated that the information may then be conveyed to City Council for review at the June 11<sup>th</sup> meeting.

**STATEMENT OF CITIZENS:**

None.

**ADJOURNMENT:**

There being no further business to come before the Commission, the meeting was adjourned at 9:10 p.m.

Respectfully submitted,

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

**PLANNING COMMISSION**

**SPECIAL MEETING**

**May 30, 2013**

**DRAFT**

The City of Portage Planning Commission special meeting of May 30, 2013 was called to order by Chairman Cheesebro at 7:00 p.m. in Council Chambers of Portage City Hall, 7900 South Westnedge Avenue. Two citizens were in attendance.

**MEMBERS PRESENT:**

Bill Patterson, Paul Welch, Miko Dargitz, Allan Reiff, Dave Felicijan and James Cheesebro.

**MEMBERS ABSENT:**

None.

**MEMBERS EXCUSED:**

Wayne Stoffer, Rick Bosch and Dave Artley.

**IN ATTENDANCE:**

Michael West, Assistant City Planner and Randy Brown, City Attorney.

**APPROVAL OF MINUTES:**

Chairman Cheesebro referred the Commission to the May 16, 2013 meeting minutes contained in the agenda packet. A motion was offered by Commissioner Felicijan, seconded by Commissioner Patterson, to approve the minutes as submitted. The motion was unanimously approved.

**SITE/FINAL PLANS:**

None

**PUBLIC HEARINGS:**

None

**NEW BUSINESS:**

None

**OLD BUSINESS:**

1. City of Portage 50<sup>th</sup> Anniversary Celebration – Recognition of Portage Businesses. Chairman Cheesebro referred the Commission to the May 30, 2013 draft memo and other passbook related information prepared by the subcommittee and included in the final agenda materials. Commissioner Welch complimented Commissioner Dargitz and Commissioner Felicijan on their hard work and efforts on the passbook, however, stated he believes the proposal is still too complicated and needs to be simplified in order for the Planning Commission to successfully implement the program, especially without staff assistance or funding. Commissioner Welch suggested reducing the number of drawings and making other changes/clarifications to simplify the program and reduce the work load on the Commission. Commissioner Welch indicated that given his work and family commitments, he would not be available to assist in the implementation of the passbook program. Commissioner Dargitz stated it was her thought that the

subcommittee members (herself, Commissioner Felicijan and Commissioner Stoffer) would be the primary people implementing the program and expressed her belief that the passbook program needs to be launched as soon as possible in order to capture the summer season. Commissioner Dargitz indicated she views the passbook as a “win-win” for local businesses regardless of the level of success that may result and indicated issues/concerns that may arise during the implementation of the program could be addressed as they occur. Commissioner Welch disagreed and stated the importance of addressing the operational aspects of the program and trying to anticipate questions and issues before the program is launched. Commissioner Reiff stated he agrees with Commissioner Welch that the passbook program needs to be simplified and operational issues addressed before launching the program. Commissioner Felicijan stated that he believes the recommendations outlined in the staff report, particularly Item 1, would actually make the program more complicated and result in more work for the Planning Commission. Additional discussion ensued regarding the passbook program.

Commissioner Felicijan and Commissioner Dargitz expressed continued frustration, the decision of City Council not to allocate staff resources or funding and the expectation that the Planning Commission would be able to manage and implement the program, and now the City Administration’s desire to control the details of the program. Commissioner Dargitz indicated that staff has been extremely helpful in the process, however, the City Administration now appears to want to direct how the program should be designed and implemented. Commissioner Felicijan agreed and indicated the direction from City Council has been unclear and confusing from the beginning. Commissioner Dargitz and Commissioner Felicijan stated they believed the passbook program was the Commission’s idea to design and implement as the Commission desired. Mr. West discussed the December 2012 Planning Commission memo to City Council that indicated a report would be provided to City Council once specific details of the passbook program were finalized, along with the March 2013 Commission discussion that a draft communication to City Council would be prepared and provided to the full Commission for review. Mr. West indicated a draft version of the passbook program was not reviewed by the full Commission until the May 16<sup>th</sup> meeting and the revised materials included in the May 30<sup>th</sup> final agenda packet were provided earlier this afternoon. Mr. West again expressed the importance of addressing operational issues of the passbook, having the full Commission understanding and concurrence of the program and the need to convey the information to City Council for review/comment before launching the program to the public. Mr. West indicated there was still plenty of time to accomplish these important items and simply adjust the program launch date to correspond with the September edition of the Portager. Mr. West indicated a later program launch date would still capture the last quarter of the year and the holiday shopping season. Commissioner Dargitz and Commissioner Felicijan disagreed and expressed the importance of launching the program sooner, rather than later. Commissioner Dargitz and Commissioner Felicijan indicated they believe the idea/concept outlined in the May 30<sup>th</sup> draft memo is simpler and less complicated than the suggestions outlined in the staff report. Commissioner Patterson and Commissioner Welch agreed that a September launch date for the program appears to be the most realistic option.

After additional discussion, a motion was made by Commissioner Reiff, seconded by Commissioner Felicijan, to forward the Planning Commission proposal for the passbook program (as presented in the May 30, 2013 materials submitted by the subcommittee) to City Council with a request to proceed as proposed with a July launch date. However and if an alternative version of the passbook program or an alternative launch date was desired by City Council, the Planning Commission would be unable to implement the program. The motion included a stipulation that if authorized by City Council, the passbook materials would be subject to final legal review by Attorney Brown. The motion was unanimously approved 6-0. The Commission requested the memo and passbook materials be forwarded to City Council for inclusion on the June 11, 2013 agenda.

**STATEMENT OF CITIZENS:**

None.

 **DRAFT**

**ADJOURNMENT:**

There being no further business to come before the Commission, the meeting was adjourned at 8:10 p.m.

Respectfully submitted,

Michael K. West, AICP  
Assistant City Planner



**TO:** Portage City Council

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

**SUBJECT:** 50<sup>th</sup> Anniversary Banner Competition Winner

**ACTION RECOMMENDED:** That City Council approve the selected banner as the winning design for the city of Portage 50th Anniversary Banner Competition.

**BACKGROUND INFORMATION:**

A meeting of the City Council School Committee was held on April 23, 2013 for the purpose of selecting a winning design as part of the city's 50th anniversary banner competition. The meeting was scheduled to include three members of the Portage Public Schools Board of Education; however, other pressing matters on that date precluded these board members from attending the meeting. The City Council School Committee carried on with the meeting and selected a winning design (attached), which was subsequently reviewed and approved by the PPS Board of Education. The selected banner was designed by Ms. Samantha O'Brien, a student at Portage Northern High School in Ms. Myers' Desktop Publishing class.

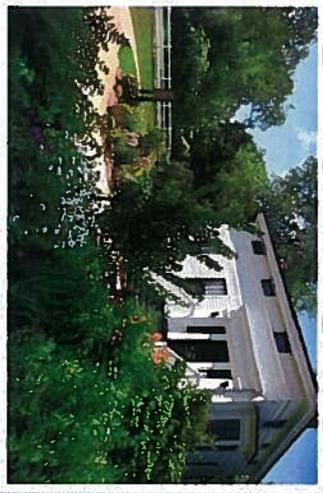
It is recommended that the City Council approve the selected banner as the winning design for the City of Portage 50th Anniversary Banner Competition. If approved, Ms. O'Brien will be invited to attend the June 28, 2013 City Council Meeting to be recognized for her effort. In addition, the banner will be produced for display at the two PPS championship sign locations.

**FUNDING:** The production and installation of a banner at the two locations is quoted at a total of \$1,254. This expense can be funded by the City Council Training & Membership budget.

**Attachments:** Winning Banner Design

\*Mayor Peter J. Strazdas, Chair  
Councilmember Elizabeth Campbell  
Councilmember Jim Pearson

# Celebrating



**PORTAGE**

*A Natural Place to Move*

# 50 years!



**TO:** Honorable Mayor and City Council

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

**SUBJECT:** Temporary/Seasonal Employment Services Contract

**SUPPORTING PERSONNEL:** Rob Boulis, Director of Employee Development

**ACTION RECOMMENDED:** That City Council award a contract to OnStaff USA to provide temporary and seasonal employment services through Fiscal Year 2013-14, in an estimated amount of \$244,753.60, with the option of two one-year renewals and authorize the City Manager to execute all documents related to the contract on behalf of the city.

**EXECUTIVE SUMMARY:**

A proposal from local employment firm OnStaff USA to provide the city temporary and seasonal employees is presented for Council's consideration.

**BACKGROUND INFORMATION:**

In preparation of utilization of an employment firm to provide the city with temporary and seasonal employees, as well as recruitment services if necessary, a "Request for Proposals" (RFP) was prepared and mailed to 14 employment services firms. The RFP was also advertised in the "Kalamazoo Gazette" and on the city's website. Two firms, OnStaff USA and Advance Employment, responded to the RFP. The one-year proposal submitted by OnStaff USA was the low cost proposal. The tabulation of proposals is attached for the information of Council.

OnStaff USA has provided temporary, professional and technical services to the area since 1985. References were reviewed and OnStaff USA was recommended as a quality provider. Based on the anticipated number of temporary employees and number of hours to be utilized during FY 2013-14, the expense of the proposed contract is estimated at \$244,753.60.

It is recommended that City Council award a contract to OnStaff USA to provide temporary / seasonal employment services through Fiscal Year 2013-14, with the option of two one-year renewals and authorize the City Manager to execute all documents related to the contract on behalf of the city.

**FUNDING:** Funds have been budgeted in the FY 2013-14 Parks, Recreation & Public Services budget for temporary services.

**Attachments:** Bid Tabulation

TABULATION OF PROPOSALS  
TEMPORARY/SEASONAL EMPLOYMENT SERVICES

<u>Position</u>	<u>On Staff USA</u> 5207 Portage Rd. Portage, MI 49002		<u>Advance Employment</u> 5413 S. Westnedge, Ste. B Portage, MI 49002	
	<u>Est. Hours</u>	<u>Billing Rate</u>	<u>Billing Rate</u>	<u>Total</u>
<i>Contract Period: July 1, 2013 through December 31, 2013</i>				
Laborer	6,740	\$11.29	\$11.39	\$76,768.60
CDL-Class B Laborer	2,000	\$22.99	\$22.33	\$44,660.00
Total July 1, 2013 through December 30, 2013		\$122,074.60		\$121,428.60
 <i>Contract Period: January 1, 2014 through June 30, 2014</i>				
Laborer	6,740	\$11.35	\$11.79	\$79,464.60
CDL-Class B Laborer	2,000	\$23.09	\$22.73	\$45,460.00
Total January 2, 2014 through June 30, 2014		\$122,679.00		\$124,924.60
Grand Total July 1, 2014 through June 30, 2014				\$246,353.20

**TO:** Honorable Mayor and City Council

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

**SUBJECT:** Westfield Park Playground Renovations

**SUPPORTING PERSONNEL:** William Deming, Director of  
Parks, Recreation and Public Services

**ACTION RECOMMENDED:** That City Council award the bid for the Westfield Park playground renovations to Play Environments, Incorporated, in the amount of \$62,400 and authorize the City Manager to execute all documents related to this action on behalf of the city.

**EXECUTIVE SUMMARY:**

The city is a recipient of a grant in the amount of \$45,000 from the Michigan Department of Natural Resources. The grant was awarded for playground renovations at Westfield Park. Bids for the renovations were obtained and a recommendation of a bid award is presented for Council's consideration.

**BACKGROUND INFORMATION:**

On February 12, 2013 City Council resolved to accept the Recreation Passport Grant Development Project Agreement for renovations to the Westfield Park playground. The Recreation Passport Grant program is managed by the Michigan Department of Natural Resources Grants Management division. The grant provides \$45,000 in funds that, combined with a city match of \$20,000, will provide for a \$65,000 renovation. The project will include replacement of the existing playground structure and addition of a wheelchair accessible mat surface under the new structure.

Renovation and site specifications were prepared by the consultant landscape architects for the project, O'Boyle, Cowell, Blalock & Associates (OCBA). Bids were received from three vendors with the low bid received from Play Environments, Incorporated in the amount of \$62,400. OCBA has reviewed the project scope with Play Environments and is confident this firm will complete the project as designed.

It is, therefore, recommended that City Council award the bid for the Westfield Park playground renovations to Play Environments, Incorporated, in the amount of \$62,400 and authorize the City Manager to execute all documents related to this action on behalf of the city.

**FUNDING:** Funds are available in the Fiscal Year 2012-2013 Capital Improvement Program for this project.

**Attachments:** Bid Tabulation  
Westfield Park Playground Renovations and Recommendation of Award from  
OCBA



Date: May 20, 2013

Project: Westfield Park Playground Renovations  
 Location: Portage, Michigan

Bids Received: Portage City Hall

<b>BID TABULATION</b>			
Bidders	Base Bid	Bid Security	Addendum No. 1
<b>Playworld Midstates</b> 2127 112th Avenue Holland, Michigan 49424 (800) 367-4440	\$78,739.00	5% Bond	X
<b>Sinclair Recreation</b> 128 East Lakewood Blvd, Suite 40 Holland, Michigan 49424 (800)444-4954	\$74,470.00	5% Bond	X
<b>Play Environments, Inc.</b> 563 College Avenue Holland, Michigan 49423 (800)685-6291	\$62,400.00	5% Bond	X

25 May 2013



Mr. Robert Luders  
City of Portage Financial Services  
7900 South Westnedge Avenue  
Portage, Michigan 49002

Re: Recommendation to Award  
Westfield Park Playground Renovations  
City of Portage, Michigan

Dear Mr. Luders:

The City of Portage received three bids for the referenced project based on bid documents prepared by O'Boyle, Cowell, Blalock & Associates, Inc.; please see the attached Bid Tabulation.

We have reviewed the bids for the aforementioned ballfield improvement project and discussed the project with Play Environments, Inc., the low bidder. Following our discussion with Mr. Michael Wood, president of Play Environments, Inc., OCBA is comfortable that they are prepared to complete the projects as designed.

It is OCBA's recommendation that City of Portage award the contract for Westfield Park Playground Renovations to Play Environments, Inc. for their bid of sixty-two thousand four hundred dollars (\$62,400.00).

Please let me know if there are any questions. We appreciate the opportunity to assist the City of Portage with this project.

Sincerely,

O'BOYLE, COWELL, BLALOCK & ASSOCIATES, INC.

A handwritten signature in black ink, appearing to read "Kenneth W. Peregón". The signature is fluid and cursive, with a long, sweeping underline that extends to the right.

Kenneth W. Peregón, LLA ASLA  
President

c. Bill Deming, Tricia Keala, City of Portage



**MATERIALS TRANSMITTED**

Friday, May 24, 2013

1. Communication from the City Manager regarding Councilmember Sackley's Agenda Request concerning the 2013 Board of Review.
2. Communication from the City Manager regarding a communication from Kalamazoo County concerning Assessing Collaboration.

A handwritten signature in black ink that reads "Maurice S. Evans". The signature is written in a cursive style and is positioned above a horizontal line.

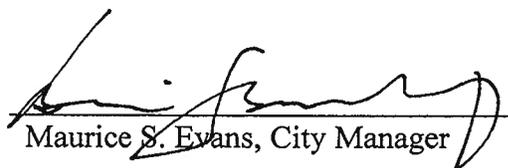
Maurice S. Evans, City Manager

cc: Brian J. Bowling, Deputy City Manager

**MATERIALS TRANSMITTED**

Tuesday, May 28, 2013

1. **FOR REPLACEMENT IN ITEM A. ON THE MAY 28, 2013 CITY COUNCIL AGENDA:** Communication from City Manager regarding a correction to page 5 of the May 14, 2013 Regular City Council Meeting Minutes.
2. **TO BE ADDED TO THE MAY 28, 2013 CITY COUNCIL AGENDA AS ITEM J.1:** Communication from City Council School Committee recommending that City Council approve the selected banner as the winning design for the city of Portage 50th Anniversary Banner Competition.



Maurice S. Evans, City Manager (for)

cc: Brian J. Bowling, Deputy City Manager