

## CITY COUNCIL MEETING MINUTES FROM OCTOBER 6, 2009

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

Mayor Strazdas introduced Pastor Joan Herbon of the Lord of Life Lutheran Church of Portage, who gave the invocation and the City Council and the audience recited the Pledge of Allegiance.

The City Clerk called the roll with the following members present: Councilmembers Elizabeth A. Campbell, Margaret E. O'Brien, Claudette S. Reid, Terry R. Urban and Ted W. Vliek, Mayor Pro Tem Edward J. Sackley and Mayor Peter J. Strazdas. Also in attendance were City Manager Maurice S. Evans, City Attorney Randall Brown and City Clerk James R. Hudson.

**PROCLAMATION:** Mayor Strazdas issued a Kid-Biz Young Entrepreneurs Program Proclamation.

**APPROVAL OF MINUTES:** Motion by Vliek, seconded by Reid, to approve the September 22, 2009 Regular Meeting Minutes as presented. Upon a voice vote, motion carried 7 to 0.

\* **CONSENT AGENDA:** Mayor Strazdas asked Mayor Pro Tem Sackley to read the Consent Agenda. Mayor Pro Tem Sackley asked that Item K.2, Appointments to Various Boards and Commissions, be added to the Consent Agenda. In response to Councilmember Vliek and the opinion of City Attorney Brown, Mayor Pro Tem Sackley indicated that the Council policy on term limits is being waived with respect to Mark Reile, as there is a state requirement that an architect who resides in the City of Portage be a member of the Historic District Commission for it to continue and the city has been unable to recruit another architect who is a resident and Mr. Reile has expressed his willingness to continue in this position. Mayor Strazdas reemphasized that the appointment of Mark Reile to a fourth term as architect to the Historic District Commission was owing to the fact that an architect willing to serve on the Historic District Commission had not been found, and Mayor Strazdas made a public plea for a Portage architect to consider serving on the Historic District Commission in the future as it is required under the ordinance. He also thanked all of the applicants to the various Boards and Commissions who were interviewed at an earlier meeting. Discussion followed. Motion by Sackley, seconded by Reid, to approve the Consent Agenda Motions as amended. Upon a roll call vote, motion carried 7 to 0.

\* **APPROVAL OF CHECK REGISTER OF OCTOBER 6, 2009:** Motion by Sackley, seconded by Reid, to approve the Check Register of October 6, 2009. Upon a roll call vote, motion carried 7 to 0.

**PETITIONS AND STATEMENTS OF CITIZENS:** John Jackson, 2526 Sunnybrook, Kalamazoo, indicated he represented Dr. Ray Maly, 7432 Garden Lane, regarding a landlock issue when Garden Lane was relocated in the 1980's. Discussion followed. Upon the advice of City Manager Maurice Evans, motion by Urban, seconded by Campbell, to refer the 7432 Garden Lane landlock issue to the City Council Ad Hoc Property Committee for review with the Administration and recommendation to City Council, if necessary. City Attorney Randy Brown interjected that to the best of his knowledge, there was no illegal action by the city and no ill will in this matter. He indicated that this easement was prepared; that it was an agreement between the city and the property owner; that the property owner wanted the easement; and to protect the city interest, the city wanted the easement. He conjectured that staff may have had negotiations with the property owner after the easement had been delivered, so it was delivered and received, but no further negotiations took place and that is what has to take place at this time. Discussion followed. Mr. Brown indicated that old Garden Lane was vacated by resolution some time ago, but remains city property. Upon a roll call vote, motion carried 7 to 0.

## **REPORTS FROM THE ADMINISTRATION:**

- \* **MANN+HUMMEL USA, INCORPORATED - P.A. 198 TAX ABATEMENT APPLICATION:** Motion by Sackley, seconded by Reid, to accept the application for an industrial tax abatement submitted by MANN+HUMMEL USA, Incorporated, 6400 South Sprinkle Road; and adopt Resolution No. 3-09 setting a public hearing on the issuance of the Industrial Facilities Exemption Certificate for MANN+HUMMEL USA, Incorporated, 6400 South Sprinkle Road, for personal property improvements in the estimated amount of \$11.69 million on October 20, 2009, 7:30 p.m. or soon thereafter as may be heard. Upon a roll call vote, motion carried 7 to 0. Resolution recorded on page 365 of City of Portage Resolution Book No. 43.
  
- \* **MANN+HUMMEL USA, INCORPORATED- P.A. 198 TAX ABATEMENT THREE-YEAR EXTENSION APPLICATION:** Motion by Sackley, seconded by Reid, to accept the application for a three-year extension of an industrial tax abatement that expires on December 30, 2009, submitted by MANN+HUMMEL USA, Incorporated, 6400 South Sprinkle Road; and adopt Resolution No. 3-09 setting a public hearing on the three-year extension of Industrial Facilities Exemption Certificate No. 2005-500 for MANN+HUMMEL USA, Incorporated, 6400 South Sprinkle Road, involving personal property in the estimated amount of \$4.33 million on October 20, 2009, 7:30 p.m. or soon thereafter as may be heard. Upon a roll call vote, motion carried 7 to 0. Resolution recorded on page 367 of City of Portage Resolution Book No. 43.
  
- \* **WEST MILHAM AVENUE SANITARY SEWER PROJECT #413-S – RESOLUTION NO. 4:** Motion by Sackley, seconded by Reid, to adopt Resolution No. 4 for the West Milham Avenue Sanitary Sewer Project #413-S, setting a public hearing on the Assessment Roll for October 20, 2009, 7:30 p.m. or soon thereafter as may be heard. Upon a roll call vote, motion carried 7 to 0. Resolution recorded on page 369 of City of Portage Resolution Book No. 43.
  
- \* **TRANSPORTATION ENHANCEMENT PROGRAM FUNDING AWARD – CITY COUNCIL RESOLUTION:** Motion by Sackley, seconded by Reid, to adopt a formal resolution in accordance with Michigan Department of Transportation guidelines for the Northwest Portage Bikeway Extension projects approved for Transportation Enhancement Program Funding. Upon a roll call vote, motion carried 7 to 0. Resolution recorded on page 373 of City of Portage Resolution Book No. 43.
  
- \* **CONTRACT APPROVAL – COMPREHENSIVE JANITORIAL SERVICES:** Motion by Sackley, seconded by Reid, to approve a contract with New Fresh Cleaning Services for janitorial services within the Police Department, City Hall and the Department of Public Services facility for the period of October 18, 2009, to December 31, 2010, in the annual amounts of \$17,760, \$14,040 and \$21,000, respectively, with the option of three, one-year renewals and authorize the City Manager to execute all documents related to this action. Upon a roll call vote, motion carried 7 to 0.
  
- \* **LOCAL DEVELOPMENT FINANCE AUTHORITY ANNUAL REPORT – INFORMATION ONLY:** Motion by Sackley, seconded by Reid, to receive the communication from the City Manager regarding the Local Development Finance Authority Annual Report as information only. Upon a roll call vote, motion carried 7 to 0.

## **COMMUNICATION:**

**WILLIAM SCHOMISCH, CITY OF KALAMAZOO TRANSPORTATION DIRECTOR:** City Manager Evans explained that this communication constitutes a notice of a public hearing on the proposed increase in passenger fares from the Kalamazoo City Commission; that comments about this proposal, or requests for a public hearing, are welcome and should be submitted to:

Metro Transit, Fare Increase Proposal, 530 North Rose Street, Kalamazoo MI 49007 or by e-mail at [vanderkleyk@kalamazoo-city.org](mailto:vanderkleyk@kalamazoo-city.org) until 12:00 p.m. on October 20, 2009. He also informed everyone that the Kalamazoo Transit Authority Board of Directors will formally consider this matter at the regular meeting at 8:15 p.m. on Friday, October 23, 2009, Metro Transit, 530 North Rose Street, and will present its formal recommendation to the Kalamazoo City Commission as a part of the regular budget review process. Motion by Vliek, seconded by O'Brien, to receive the communication from William Schomisch, City of Kalamazoo Transportation Director, regarding the proposed Metro Transit passenger fare increase. Upon a roll call vote, motion carried 7 to 0.

\* **MINUTES OF BOARDS AND COMMISSIONS:** City Council received the minutes of the:

Portage Board of Education Regular of August 24, Committee of the Whole Work Session of September 14 and Special of September 21, 2009.

Portage Human Services Board of September 23, 2009.

Portage Planning Commission of September 17, 2009.

### **NEW BUSINESS:**

**SPECIAL MEETING FOR THE PURPOSE OF RECEIVING A PRESENTATION ON BEST PRACTICES FOR ASSESSING:** Mayor Strazdas indicated a need for City Council to become more informed regarding the process and practice of assessing property and proposed a special meeting to receive an educational session on how properties are assessed from one of the top Level 4 Assessors in the state, JuliAnne L. Kolbe, Jackson County Equalization Director, who also teaches assessing to Assessors, who are working towards all levels of certification. Mayor Strazdas indicated that Mayor Pro Tem Sackley and Councilmember O'Brien were involved in the search for an individual to perform these services and asked them for comment. Mayor Pro Tem Sackley and Councilmember O'Brien both emphasized transparency, listening to the citizens, good customer service and best practices. They also looked outside the county and had as the one important criteria of obtaining someone with no connection with any of the issues. Discussion followed. Mayor Strazdas asked the public to submit any questions or issues for Ms. Kolbe to address by 12:00 p.m., Friday, October 9, 2009, to the City Manager in person, place it in the Night Drop Box or e-mail them at [evansm@portagemi.gov](mailto:evansm@portagemi.gov). Discussion followed.

The following individuals expressed concerns regarding customer service and the process and practice of assessing property by the City Assessor: Chuck Perricone, 5630 Butler Road, Dowling; Patricia Randall, 6702 Oleander Lane; Brian McIntyre, 9913 South 12<sup>th</sup> Street; Bob Randall, 6702 Oleander Lane; Greg Elluru, 6719 Oleander Lane; Alan Sawyer, 6714 Bunchberry Drive; Mike Leinwand, 6670 Oleander Lane; Cathy Gleason, Lamplite Circle; Craig Mohney, 3800 Vanderbilt Avenue; Nancy Sawyer, 6714 Bunchberry Drive; Ken Smott, 3737 Bellflower Drive; Mary Balkema, Kalamazoo County Treasurer, 1131 Whites Road, Kalamazoo; Crystal Cox, 4424 Fireside Avenue; David McGavin, 611 South Shore Drive; and, Jim Pearson, 3004 East Shore Drive.

Mayor Strazdas asked City Manager Evans to comment on the customer service issue and he offered to come back with a report that was acceptable to City Council and discussion followed.

Motion by Urban, seconded by O'Brien, to set a Special Meeting for the purpose of receiving a presentation on best practices for assessing on Tuesday, October 13, 2009, at 6:30 p.m. Discussion followed. Mayor Pro Tem Sackley indicated that a copy of the DVD of the meeting would be forwarded to Ms. Kolbe for her review in preparation for her presentation on October 13, 2009. Upon a roll call vote, motion carried 7 to 0. Mayor Strazdas summarized the expectations of the special meeting.

\* **APPOINTMENTS TO VARIOUS BOARDS AND COMMISSIONS:** Motion by Sackley, seconded by Reid, to reappoint Diane Durian and Michael Thompson and appoint Sandra Sheppard with terms ending October 1, 2012, and appoint Angela Ilori with unfulfilled term ending October 1, 2011, to the Human Services Board; to reappoint Scott Grinder and appoint Vicki Locke and Mike Zajac with

terms ending October 1, 2012, to the Park Board; to reappoint Rose Mary Higginbottom and Mark Reile, Architect, and appoint Katie vanLonkhuyzen with terms ending December 31, 2012, to the Historic District Commission; to reappoint Daniel VanPeenen and appoint Martha Dahlinger and Rebecca Schramm with terms ending October 1, 2012, to the Environmental Board; to appoint Keith Lewandowski with term ending December 31, 2015, to the Economic Development Corporation/Tax Increment Finance Authority/Brownfield Redevelopment Authority; and, to reappoint Patricia Berninger and Nicoara Opreescu and appoint Ann Perkins, current Alternate, with terms ending October 1, 2012, and Mary Lou Petrulio with unfulfilled Alternate term ending October 1, 2010, to the Senior Citizens Advisory Board. Upon a roll call vote, motion carried 7 to 0.

**BID TABULATIONS:**

\* **SIDEWALK SNOW REMOVAL – BID TABULATION:** Motion by Sackley, seconded by Reid, to approve a contract with B&B Yardscape to provide sidewalk snow removal services for selected city properties in the low bid amount of \$14,475 and authorize the City Manager to execute all documents related to this contract. Upon a roll call vote, motion carried 7 to 0.

**OTHER CITY MATTERS:**

**STATEMENTS OF CITY COUNCIL AND CITY MANAGER:** Councilmember O'Brien indicated she attended the Portage Cross Country Meet, the Agricultural Tour, or Greenhouse Tour, and congratulated all of those who applied for and received appointments to the various City Council Boards and Commission.

Councilmember Urban indicated that Applefest was a successful event for his family and reminded everyone of the upcoming Haunted Forest event in celebration of Halloween.

City Manager Evans congratulated Parks Director Bill Deming and his staff for receiving the President's Plaque for the Keeping America Beautiful Program in recognition of the South Central Greenway Parks: Bishop's Bog, West Lake Nature Preserve, Schrier Park and South Westnedge Park..

City Clerk Hudson announced that the goal for the first mailing of absentee ballots would be Friday, October 9, 2009, or Monday, October 12, 2009.

**ADJOURNMENT:** Mayor Strazdas adjourned the meeting at 10:24 p.m.

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James R. Hudson, City Clerk

\* Indicates items included on the Consent Agenda.