

CITY COUNCIL MEETING SUMMARY

October 20, 2009

PROCLAMATION

- ◆ Mayor Strazdas issued a Red Ribbon Week Proclamation.

CHECK REGISTER

- ◆ Approved the Check Register of October 20, 2009, as presented.

PUBLIC HEARINGS

- ◆ Granted the request for a waiver of the policy provisions granting a six-year abatement period for personal property; adopted Resolution No. 4-09, approving the Industrial Facilities Exemption Certificate for the planned MANN+HUMMEL USA, Incorporated, \$11.69 million machinery and equipment purchase at 6400 South Sprinkle Road; and approved the tax abatement agreement and the affidavit between the City of Portage and MANN+HUMMEL USA, Incorporated.
- ◆ Adopted Resolution No. 4-09, approving the Industrial Facilities Exemption Certificate three-year extension for the planned MANN+HUMMEL USA, Incorporated, \$4.33 million machinery and equipment purchase at 6400 South Sprinkle Road; and approved the tax abatement agreement and the affidavit between the City of Portage and MANN+HUMMEL USA, Incorporated.
- ◆ Adjourned the public hearing regarding the West Milham Avenue Sanitary Sewer Project #413-S to be reconvened, Tuesday, November 3, 2009, at 7:30 p.m. or as soon thereafter as may be heard to provide ample opportunity for all property owners of current record to be heard.

PETITIONS AND STATEMENTS OF CITIZENS

- ◆ Attorney Mike Simon, 6305 Applewood Street, spoke on behalf the the City of Portage Board of Review and complimented the City Assessor and the staff for their exceptional treatment of citizens, professionalism and the consistent and excellent assistance he received as a Board of Review Member for the past ten (10) years.
- ◆ Mike Leinwand , 6677 Oleander Lane, opined that the October 13, 2009 Special Meeting showed that there is a problem with the City Assessor and cited three main issues: that multiple classes of construction for an individual property was a problem and asked for an independent audit of the number of homes with multiple changes from 2000 through 2009 and asked that any errors be corrected; that there needs to be an independent audit of the effective age to determine the number of homes that had a decrease, stayed the same or had an increase in effective age; and; when he could not find anything in his research efforts relating Class of Construction and Market Value or Selling Price, and the Assessor's Manual of 2003 related everything to materials, he took umbrage with JuliAnn Kolbe and indicated that, in his opinion, she was confused about the concept of "following sales." He indicated that Ms. Kolbe would be reprimanded if a copy of the DVD of the meeting were presented to the State Tax Commission and expressed his skepticism of relying on Ms. Kolbe for Best Practices (in assessing). Lastly, he took exception with those who think this action is being brought by greedy people who do not want to pay their taxes; that he stands to gain very little from all of this; and, that it is a matter of right versus wrong and a matter of principle.

REPORTS FROM THE ADMINISTRATION

- ◆ Received the communication from the City Manager regarding Assessment Allegations and comments from the public as information only.
- ◆ Adopted the Resolution granting the Easement And Right-of-Way Agreement for Ingress and Egress, place the Resolution on file with the City Clerk for 28 days and take final action on November 17, 2009.
- ◆ Accepted for first reading the proposed amendment to the City of Portage Code of Ordinances, Chapter 78, Traffic and Vehicles, Section 78-2, for final adoption consideration on November 3, 2009.
- ◆ Approved a contract with New World Systems Corporation for software maintenance to the Computer Aided Dispatch and Records Management Systems in the Police Department through Fiscal Year 2012-2013 for a total amount not to exceed \$427,585 and authorized the City Manager to execute all documents related to the contract on behalf of the city.
- ◆ Received the communication from the City Manager regarding the September 2009 Summary Environmental Activity Report as information only.
- ◆ Received the Department Monthly Reports from the various city departments

COMMUNICATIONS

- ◆ Received the appeal from Terry Day, 9140 Austin Drive, regarding the denial of a request for Portage Police Records Case #06-19477 and directed the City Attorney to issue an opinion for consideration by City Council in accordance with the guidelines found in the Freedom of Information Act of the State of Michigan at the November 3, 2009, City Council Meeting.
- ◆ Received the communication from JuliAnne Kolbe, Independent Consultant on Assessing Practices, dated October 16, 2009, to Mayor Peter Strazdas and City Councilmembers regarding a series of best practices for the assessing department, and comments from the public and formed an Ad Hoc Committee with the membership to be confirmed and disclosed to the City Manager by Mayor Strazdas.

STATEMENTS OF CITIZENS

- ◆ Scott Try, 7745 Oakland Drive, complained that when he was remodeling his house, two Assessors/Inspectors arrived without notice and did not identify themselves.
- ◆ Alan Sawyer, 6714 Bunchberry Drive, complained that he could not find Class of Construction on the on-line City Assessor software nor information regarding multiple years, and asked if neighbors can request that a neighborhood be reclassified or does it have to be realtors or appraisers, and commended City Council for their actions and indicated he

received very good feedback from citizens who have visited the City Assessor's Office. Mayor Strazdas asked City Manager Evans to answer his questions and present them to the City Council at the next meeting.

- ◆ Chuck Perricone, 5630 Butler Road, Dowling, indicated that he had become a good friend of Patricia Randall, expressed his appreciation of the actions of City Council with regard to process in the City Assessor's Office and his appreciation for the work performed by staff in the City Assessor's Office. He discussed his impressions of the response by the City Manager and assessing processes in the City of Portage as a current outsider to the community. Mr. Perricone offered his opinion regarding the negotiated settlement agreement with the Randall's and read from a letter offered by Kristi Potts, 6845 Oakland Drive, regarding her wish to appeal her assessment. When he offered an attorney's name who was at one time Chair of the State Tax Tribunal, who is willing to provide input, Councilmember O'Brien asked for his name, but Mr. Perricone indicated that he wishes to remain anonymous except with the City Council or staff. In reference to the negotiated settlement agreement with the Randall's referred to by Mr. Perricone, City Attorney Brown indicated that he is familiar with the agreement and that this settlement was agreed to between the parties, and it was agreed that no attorney's fees would inure to either party and that the settlement is specific to value and not assessing practices.
- ◆ Kalamazoo County Commissioner Mike Quinn, 7025 Rockford Street, indicated that he had encountered citizens who feared retaliation by the City Assessor's Office; that property taxes are a major source of revenue, so it is imperative to make sure they are valid and, in answer to Mayor Strazdas, he anticipated a Resolution before the County Commission to ask the State to move Kalamazoo County up on the list of counties to be audited. Councilmember Urban suggested that citizens who fear retaliation by the City Assessor's Office, contact their favorite Councilmember with their concerns, first, and without information any anecdote is useless to City Council.
- ◆ Brenda Try, 7745 Oakland Drive, asked for a review of past practices by the City Assessor; asked for a bi-partisan group to look at the mass appraisal report used as a tool for City Council decision on a past matter; asked for a letter by certified mail within the next month from City Council to Kelli Sobel, State Tax Commission, carbon copy Kalamazoo Field Staff, 430 West Allegan, Lansing, Michigan 48922 and/or contact her by telephone at 517/373-3269, for a 14 point review to be conducted by the State; and, emphasized that City Council for the common good needs to safeguard the process in the interest of fair dealing, information responsibility and ethical behavior. She indicated that she was appalled when a Councilmember challenged a resident and a discussion between City Attorney Brown and a Councilmember appeared to be scripted and ended in a mixed message of code of ethics and values policy; and asked for an explanation of the 14 point process. City Attorney Brown indicated that in the twenty-five years he has been the City Attorney for the City of Portage, not once has a Councilmember attempted to influence a legal opinion and not once has he scripted an opinion for a Councilmember.

STATEMENTS OF CITY COUNCIL AND CITY MANAGER

- ◆ Councilmember Reid invited everyone to the Kalamazoo County Metro Transit Authority Meeting, Thursday, October 29, 6:00 p.m., Council Chambers, for input from Portage citizens to improve the system.
- ◆ Councilmember Urban indicated that he witnessed on two occasions, younger adults texting instead of watching the children under their care and a car accident that he was suspect that a cell phone was involved and expressed his frustration and urged everyone who see this in the community to call them into question.
- ◆ Councilmember Vlieg encouraged citizens to vote for Mayor and City Council on Tuesday, November 3, 2009, and City Clerk Hudson informed everyone that absentee ballots are available during regular working hours, on the Saturday before the election from 8 a.m. until 2 p.m., on Monday before the election from 8 a.m. to 4 p.m., but the voter must vote at City Hall, and that an emergency ballot may be obtained on Election Day, Tuesday, November 3, 2009, until 4 p.m.
- ◆ Councilmember O'Brien recognized Councilmember Candidates Tom Fox and Corey Bailes and the input from all candidates throughout the assessment review process, and expressed her appreciation for those citizens who stayed throughout this late meeting and for those citizens who spoke in response to the assessment issue and concurred with Councilmember Urban that citizens who fear retaliation by the City Assessor's Office to contact their favorite Councilmember with their concerns.
- ◆ City Manager Evans responded to comments made regarding the Joint Stipulation Consent Judgment in the Robert and Patricia Randall Tax Appeal matter and indicated that the parties agreed to resolve the underlying dispute, to move forward in a positive and cooperative manner and the City is certainly trying to do that. Secondly, he referred to the stipulation, as referenced by City Attorney Brown, and read that the judgment shall issue with the stipulation that it is without costs or fees to either party and indicated that the attorney for both parties agreed to that. Finally, he indicated that contact was made with Kelli Sobel about comments being made on behalf of the State Tax Commission; and, she made it clear that the no one speaks for the State Tax Commission and, if the State Tax Commission has a point to make, the State Tax Commission will make it.
- ◆ Mayor Strazdas encouraged everyone to attend the Substance Abuse Task Force Volunteer Recognition Event, Tuesday, October 27, 2009, 7:00 p.m., to talk about all of the initiatives of the past year to address drug abuse; and, that it will be a celebration because there have not been any casualties from drug abuse in the past year, perhaps because of the efforts of the citizens who have worked hard on this task force. Mayor Strazdas indicated that he has the honor of representing the City of Portage in Grand Rapids, Friday, October 27, 2009, as the only city in West Michigan with three projects that have been nominated for the Business Review's Greatest Deals.

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.

