

CITY COUNCIL MEETING MINUTES FROM DECEMBER 1, 2009

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

Mayor Strazdas introduced Reverend Scott Oberle of the Portage United 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, Patricia M. Randall, Claudette S. Reid and Terry R. Urban, 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.

APPROVAL OF MINUTES: Motion by O'Brien, seconded by Reid, to approve the November 17, 2009 Regular Meeting Minutes as presented. Upon a voice vote, motion carried 7 to 0.

* **CONSENT AGENDA:** Mayor Strazdas asked Councilmember O'Brien to read the Consent Agenda. Motion by O'Brien, seconded by Sackley, to approve the Consent Agenda Motions as presented. Upon a roll call vote, motion carried 7 to 0.

* **APPROVAL OF CHECK REGISTER OF DECEMBER 1, 2009:** Motion by O'Brien, seconded by Sackley, to approve the Check Register of December 1, 2009. Upon a roll call vote, motion carried 7 to 0.

PETITIONS AND STATEMENTS OF CITIZENS: Mary Balkema, 1131 Whites Road, Kalamazoo, responded to information contained in an article in the *Kalamazoo Gazette* on November 18, 2009, explained why it took two weeks to get back to a request for information from Mayor Pro Tem Sackley, outlined the efforts thus far toward an audit by the state of all of the municipalities in Kalamazoo County, read the content of the recording of a robo-call endorsing Patricia Randall in her bid for City Council and generally took exception with some of the remarks made about her at the November 17, 2009 Regular City Council Meeting. She announced that she has invited David Buick from the State of Michigan Property Services Division to provide a class sometime in January 2010 on PRE, Principle Residence Exemption, and would be inviting all of the Treasurers, Assessors and Equalization personnel in the County. Mayor Strazdas thanked her for her clarifications.

Kalamazoo Citizens for Responsible Government Communications Director John Gisler, 9145 Arrowhead Drive West, Scotts, provided a scorecard outlining their evaluation of the on-line transparency of the 36 taxing units in Kalamazoo County, including the School Districts, KRESA, KVCC, Townships, Villages and Cities. He indicated that the City of Portage was to be commended for being only one of two entities that met all of the criteria and explained. Mayor Strazdas expressed his appreciation for his efforts, acknowledged Councilmembers Reid and O'Brien for supporting this effort to make it happen. Discussion followed.

REPORTS FROM THE ADMINISTRATION:

* **2010 FEE SCHEDULES:** Motion by O'Brien, seconded by Sackley, to adopt the revised Charges for Documents fee schedule; the recommended fee schedules for recreation programs and park facilities for 2010; the recommended Community Development Fees for Service including: the Resolution for Community Development Fees; the Resolution Establishing Fees for Building Permits; the Resolution Establishing Fees for Electrical Permits; the Resolution Establishing Fees for Plumbing Permits; the Resolution Establishing Fees for Mechanical Permits; the Resolution Establishing Soil Erosion Fees; and the 2010 Special Assessment Rate Resolution. Upon a roll call vote, motion carried 7 to 0. Resolutions recorded on pages 393, 397, 401, 405, 409, 413 and 417.

* **WEST MILHAM AVENUE/12TH STREET/TEXAS DRIVE IMPROVEMENTS:** Motion by O'Brien, seconded by Sackley, to approve the intergovernmental cost sharing agreement with the Board of County Road Commissioners for Kalamazoo County for improvements to the West Milham Avenue/12th Street/Texas Drive intersection and authorize the City Manager to sign all applicable documents related to the agreement on behalf of the city. Upon a roll call vote, motion carried 7 to 0.

* **SPECIAL MEETING WITH BOARD AND COMMISSION APPLICANTS:** Motion by O'Brien, seconded by Sackley, to set a Special Meeting on Tuesday, January 12, 2010, beginning at 5:30 p.m. to interview board and commission applicants. Upon a roll call vote, motion carried 7 to 0.

COMMUNICATIONS:

WILLIAM SCHWARTZ, CHAIRPERSON OF THE PORTAGE ENVIRONMENTAL BOARD – INFORMATION ONLY: On behalf of William Schwartz, Martin Sepanik reviewed the activities by the Portage Environmental Board to treat Purple Loosestrife with beetles. Discussion followed. Mayor Strazdas recognized the efforts of the Environmental Board with regard to the control of Purple Loosestrife and he and Mr. Sepanik recognized Western Michigan University, the Kalamazoo Nature Center and Michigan State University for their contributions to the Program.

In response to Councilmember Reid, Mr. Sepanik indicated that they have not determined why the biological mechanism being used is less effective in smaller ecosystems except that the natural areas do get more attention.

Motion by Reid, seconded by Campbell, to accept the communication from William Schwartz, Chairperson of the Portage Environmental Board, submitting the 2009 Purple Loosestrife Program Report as information only. Upon a voice vote, motion carried 7 to 0.

PORTAGE SPRAY PARK INITIATIVE DIRECTOR SCOTT GRINDER: At the request of Mayor Strazdas, Scott Grinder introduced Jim Pearson and William McCarty, and recognized other members of the Portage Spray Park Initiative, Bethany Campbell, Kathy May, Michelle O'Neil and Scott Richards. Mr. Grinder reviewed the efforts and progress thus far with regards to the Initiative and reviewed the points of a PowerPoint presentation.

Mr. McCarty reviewed some of the activities and methodologies they used to make contact and generate support and responses from potential donors.

Mr. Pearson indicated that this was a community effort and no tax dollars are being sought. He named some of the contributors and thanked Deputy Director of Accounting and Budget Pat Fitnitch for her assistance in obtaining matching funds. Mr. Pearson apologized for not interjecting earlier when Martin Sepanik presented the 2009 Purple Loosestrife Program Report, and indicated that the Austin Lake Association could no longer contribute to the purchase of the beetles in support of the Purple Loosestrife Program.

In response to Mr. Urban, Mr. Deming indicated that he contacted the State Department of Environmental Quality (DEQ) one and one-half years ago and the DEQ representative indicated that wastewater drainage into the lake at Lakeview Park was possible with permits; that no one indicated that it was impossible; but, there were no guarantees. Discussion followed.

Mr. Pearson discussed some of the amenities and the pros and cons of the four park locations under consideration as a location of the Portage Spray Park at the present time.

In response to Councilmember Urban, Mr. Pearson indicated that he had not investigated why wastewater drainage was allowed into the lake at Lakeview Park and Westfield Park proposed drainage mentioned that the distance from the proposed site to water/sewer was not too far, and did that mean that

the wastewater was not permitted to flow into the storm drain. Councilmember Urban asked that further investigation take place into this matter. Mayor Strazdas summed up, reviewed future options and directions that can be explored and discussion followed. Mayor Pro Tem Sackley asked the City Manager to have the Administration provide feedback regarding the location and the technicalities involved in constructing and providing a spray park for the community.

In answer to Councilmember Reid, Mr. Grinder outlined the plan for a time line on the project and indicated that the project was pushed forward to Spring in 2011 due to the lack of donations, and had already met with spray park companies who indicated that it takes a little over a month to build one, and spring was the best time to open a spray park. Councilmember Reid asked for a report from staff and to set up a task force. Jim Pearson interjected that the committee was waiting for input and guidance from the Park Board, City Council and the City Administration in order to properly spearhead this effort. Mayor Strazdas thanked them for their efforts, summarized the discussion and asked City Manager Evans to provide a report, work through the Park Board Chair and provide the information regarding location, some of the key opportunities and key things that have to happen to get to the next stage to the City Council through the Council Ad Hoc Committee.

Motion by Sackley, seconded by O'Brien, to accept the communication regarding the Portage Spray Park Initiative from Scott Grinder, Jim Pearson and William McCarty as information only. Upon a voice vote, motion carried 7 to 0.

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

Portage Board of Education Regular of October 26, Committee of the Whole Work Session of November 9 and Special of November 16, 2009.

Portage Planning Commission of November 5, 2009.

OTHER CITY MATTERS:

STATEMENTS OF CITY COUNCIL AND CITY MANAGER: Councilmember Randall thanked Kalamazoo County Treasurer Mary Balkema for coming forward with her discussion earlier and reviewed some of the statements from citizens that she used in her campaign literature and some of the issues she had raised in her campaign, and expressed her appreciation that issues surrounding the Freedom of Information Act (FOIA) and Customer Service had been addressed rapidly by City Council. Further, she read from the Minutes of the Meeting of the State Tax Commission of Tuesday, April 14, 2009, where the minutes of the February 2, 2009 Meeting of the State Tax Commission were adopted with one minor change after she and Christine Elluru appeared before the Commission: "The Commission received all information regarding the complaint and found some questionable practices; however, the Commission has no jurisdiction." She said that this was the basis and origin of her use of the phrase, "questionable practices."

Councilmember Randall then indicated that, in her analysis, the 14-point review would not address the issues of change in class of construction, nor adding omitted items that are not there; she said that the record cards are looked at, but are not addressed for those specific reasons. She indicated that she asked the City Manager for a list of all properties that had a change in class of construction for 2000-2009, and asked that City Council move forward and ask the difficult questions regarding this matter. Mayor Strazdas concurred and recognized the work that has yet to be done by the Ad Hoc Property Committee regarding this matter and all matters by City Council.

Councilmember O'Brien empathized with the concerns expressed by Councilmember Randall and asked City Manager Evans to provide the letters received from Michigan State Tax Commission

Executive Secretary Kelli Sobel, who was very adamant that she found no questionable practices with the City of Portage Assessor's Office. She apologized to Councilmember Randall for not having those letters the night she made comments regarding the use of the term "questionable practices," as she thought Councilmember Randall had gotten those letters, also. Councilmember O'Brien expressed kudos to Vicksburg High School for producing the beetles used to control Purple Loosestrife and to the Environmental Board for maintaining that unique partnership. She invited everyone to enjoy the Tree Lighting and Traditional Holiday Celebration, Saturday December 5, 2009, at 7 p.m. in the City Centre near the Portage Public Library.

Councilmember Campbell mentioned her amazement when she read her share of the "I Love Portage" essays and thanked all of the students who participated and the teachers who supported it. Councilmember Reid concurred.

Mayor Pro Tem Sackley expressed his appreciation to Chief Information Officer Devin Mackinder and the staff of the Office of the City Clerk for cataloging and uploading all of the information on the city website. City Clerk Hudson acknowledged the yeoman efforts of Deputy City Clerk Adam Herringa with regards to the city website and reminded citizens that they can use the website to volunteer for the city.

Mayor Strazdas announced that the winners of the "I Love Portage" Essay Contest are: Ben Palmer, Portage Central Middle School, and Gabi Kizer, Moorsbridge Elementary School. With that, he asked Councilmember Reid to read the essay written by Noah Simpson, 12th Street Elementary School.

ADJOURNMENT: Mayor Strazdas adjourned the meeting at 8:33 p.m.

James R. Hudson, City Clerk

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