

CITY COUNCIL MEETING MINUTES FROM JANUARY 12, 2010

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

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.

Mayor Strazdas introduced Dr. Bill Abernathy of the Berean Baptist Church of Portage, who gave the invocation and the City Council and the audience recited the Pledge of Allegiance.

APPROVAL OF MINUTES: Motion by Sackley, seconded by O'Brien, to approve the December 15, 2009 Regular Meeting Minutes as presented. Upon a voice vote, motion carried 7 to 0.

* **CONSENT AGENDA:** Mayor Strazdas asked Councilmember Reid to read the Consent Agenda. Councilmember Reid asked that Item F.1, Ordinance Amendment #09-A, Flood Hazard Management Regulations, be removed from the Consent Agenda, and Councilmember O'Brien asked that Item F.3, West Lake Weed Management – 2010 Application Program, be removed from the Consent Agenda. Motion by O'Brien, seconded by Urban, to approve the Consent Agenda motions as amended. Upon a roll call vote, motion carried 7 to 0.

* **APPROVAL OF CHECK REGISTER OF JANUARY 12, 2010:** Motion by O'Brien, seconded by Urban, to approve the Check Register of January 12, 2010. Upon a roll call vote, motion carried 7 to 0.

PETITIONS AND STATEMENTS OF CITIZENS: Representative Larry DeShazor of Michigan State House provided a summary of the Revenue Estimating Conference held in January (and May) and announced that he renewed his call for monthly State Revenue Estimating Conferences because of the need for estimates on a more frequent basis in order to more accurately balance the budget and ensure full funding without having to raise taxes because of a hunch. He discussed school aid, the overall deficit, unfunded mandates, inflation and compared the current, past and projected unemployment rates for Michigan with the National levels and the National per capita ranking of Michigan. He asked that City Council submit the top three (or more) unfunded state and/or federal mandates imposed upon the city.

REPORTS FROM THE ADMINISTRATION:

ORDINANCE AMENDMENT #09-A, FLOOD HAZARD MANAGEMENT REGULATIONS: Councilmember Urban asked that the suggested motion be explained as it appeared to make passage of the ordinance a foregone conclusion after the public hearing. Discussion followed regarding the wording of the item as it appeared on the Agenda Outline. City Clerk Hudson referred to the prepared Consent Agenda Motions that place the item in the form of a motion and not just a business item recommendation, as this is what is voted upon, and City Manager Evans provided assurances that the two items would have the exact same language in the future to eliminate any confusion. Discussion followed. Motion by Reid, seconded by O'Brien, to accept Ordinance Amendment #09-A for first reading and establish a public hearing on February 9, 2010, at 7:30 p.m. or as soon thereafter as may be heard, to consider approval of Ordinance Amendment #09-A; adoption of Appendix G of the 2006 State of Michigan Construction Code, 2009 Flood Insurance Study and 2009 Flood Insurance Rate Maps, which updates Section 42-991 and inserts Section 42-995, Floodplain Management Regulations, designating the city as the enforcing agency; the repeal of Zoning Code Sections 42-320 to 42-330,

Flood Hazard Areas; and the repeal of Zoning Code Sections 42-162(D)(1)(2), Flood Boundaries. Upon a roll call, motion carried 7 to 0.

* **ADOPTION OF REFUNDING BOND RESOLUTIONS:** Motion by O'Brien, seconded by Urban, to adopt the Refunding Bond Resolution authorizing the sale of Limited Tax General Obligation City Share Refunding Bonds, Series 2010, in an amount not-to-exceed \$2,750,000; and adopt the Resolution approving the Undertaking to Provide Continuing Disclosure by the City of Portage for the Limited Tax General Obligation City Share Refunding Bonds, Series 2010. Resolutions recorded on pages 441 and 451 of City of Portage Resolution Book No. 43. Upon a roll call, motion carried 7 to 0.

WEST LAKE WEED MANAGEMENT – 2010 APPLICATION PROGRAM: Pat Dugan, 1810 Forest Drive, explained that the five-year special assessment is expiring; therefore, a review is warranted. Mr. Dugan indicated that originally the special assessment was \$67 per household, but was reduced to \$25 per household when the project account had reached a more than satisfactory level. He also indicated that the West Lake Improvement Association passed a motion to raise the amount to \$50 to cover other needs of the lake and a concern to cover costs in case of a catastrophe. Discussion followed.

City Engineer Chris Barnes was present for questions about the intentions of the West lake Improvement Association with regard to herbicide treatment and any questions about costs that may not be covered under special assessments.

When Mayor Strazdas asked City Attorney Brown to investigate a mechanism to provide for proper funding of items not allowed under the special assessment mechanism, Mr. Brown asked for time to research the matter and report back. Discussion followed.

Discussion followed regarding a second special assessment should one be necessary, the two drains and one road end that increase the cost of remediation, the special assessment process with regard to remediation and whether the West Lake Improvement Association could provide a presentation at a future meeting to obtain an increase in the amount of the special assessment. Discussion followed.

Motion by O'Brien, seconded by Sackley, to adopt Resolution No. 1, accept the City Manager Report and request preparation of Resolution No. 2 for the West Lake Management Program Special Assessment District No. 011-Q. Upon a roll call vote, motion carried 7 to 0. Resolution recorded on page 453 of City of Portage Resolution Book No. 43.

* **PORTAGER PRODUCTION:** Motion by O'Brien, seconded by Urban, to alter production of the city newsletter, the *Portager*, from monthly to six times per year, commencing with the March 2010 issue. Upon a roll call vote, motion carried 7 to 0.

* **FINAL PLAN FOR OAKLAND HILLS CONDOMINIUM (PHASE II), 8716 OAKLAND DRIVE:** Motion by O'Brien, seconded by Urban, to approve the Final Plan for Oakland Hills Condominium (Phase II), 8716 Oakland Drive. Upon a roll call vote, motion carried 7 to 0.

* **PROPOSED ONE-YEAR LABOR AGREEMENT WITH THE PORTAGE POLICE OFFICERS ASSOCIATION:** Motion by O'Brien, seconded by Urban, to approve a one-year labor agreement between the City of Portage and the Portage Police Officers Association and authorize the Mayor and City Clerk to execute all documents on behalf of the city. Upon a roll call vote, motion carried 7 to 0.

* **HEALTH INSURANCE CONTRACT RENEWALS:** Motion by O'Brien, seconded by Urban, to approve one-year contract renewals for employee health insurance with Blue Care Network (HMO), Priority Health (HMO), and Blue Cross Blue Shield of Michigan (PPO and Traditional), and a two-year contract renewal with Vision Services Plan, and authorize the City Manager to execute all documents on behalf of the city. Upon a roll call vote, motion carried 7 to 0.

* **ADP PAYROLL SERVICES PRICING AGREEMENT RENEWAL:** Motion by O'Brien, seconded by Urban, to approve a two-year pricing agreement with ADP, Incorporated, to perform payroll services on behalf of the City of Portage at a first-year cost of \$32,258 and a second-year cost of \$32,850 and authorize the City Manager to execute all documents related to the contract on behalf of the city. Upon a roll call vote, motion carried 7 to 0.

UNFINISHED BUSINESS:

* **AMENDMENT TO THE CITY OF PORTAGE CODE OF ORDINANCES:** Motion by O'Brien, seconded by Urban, to adopt the proposed amendment to the City of Portage Code of Ordinances by adding Article 7, Indiana & Michigan Power Company Electric Franchise, to Chapter 14, Businesses, Sections 14-192 through 14-202. Upon a roll call vote, motion carried 7 to 0.

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

- Portage Senior Citizen Advisory Board of November 18, 2009.
- Portage Park Board of December 2, 2009.
- Portage Planning Commission of December 3, 2009.
- Portage Brownfield Redevelopment Authority Draft of December 21, 2009.

NEW BUSINESS:

* **APPOINTMENTS TO VARIOUS BOARDS AND COMMISSIONS:** Motion by O'Brien, seconded by Urban, to appoint Jay Olweean with term ending January 31, 2013, to the Board of Review; to appoint Jason Koscinski with unfulfilled term ending October 1, 2010, to the Park Board; and, to reappoint Robert Linenger and Betty Schimmel with terms ending February 28, 2013, and appoint Donald Mordas with unfulfilled term ending February 28, 2012, and appoint Daniel Rhodus with unfulfilled alternate term ending February 28, 2012, to the Zoning Board of Appeals. Upon a roll call vote, motion carried 7 to 0.

BID TABULATIONS:

* **STATE SYSTEMS RADIO, INC. - POLICE RADIO MAINTENANCE AGREEMENT:** Motion by O'Brien, seconded by Urban, to approve a one-year contract in the not-to-exceed amount of \$24,859 with State Systems Radio, Inc., for radio maintenance, with the option to renew for three additional one-year periods, and authorize the City Manager to execute all documents related to the contract on behalf of the city. Upon a roll call vote, motion carried 7 to 0.

OTHER CITY MATTERS:

STATEMENTS OF CITY COUNCIL AND CITY MANAGER: Councilmember Reid indicated that the report on the bus routes in Kalamazoo County and recommendations for utilization was presented at the Kalamazoo Area Transit Authority Meeting. She said that the three Portage bus routes had the lowest ridership, so a proposal to have four fifteen minute legs in and out of Crossroads Mall that would have three points of transferability to the Kalamazoo downtown area was recommended.

City Manager Evans offered to research and report back on the request from Councilmember Randall that City Council adopt a resolution or ordinance allowing a resident taxpayer to file a protest before the Portage Board of Review by letter without a personal appearance by the taxpayer or an agent in accordance with MCL 211.30(7), and the request from Councilmember O'Brien for an e-mail option.

Councilmember O'Brien indicated that at an informal wastewater meeting, the area townships expressed concern about rate increases and requested a release of the Rate Model from Kalamazoo and echoed unfunded mandate concern expressed by Representative DeShazor and a concern about revenue sharing cuts and a lack of accountability and adherence to the Hedley Amendment.

City Manager Evans extolled the virtues and quality of the recent Customer Service session conducted for staff and City Council by Phil Hedgepeth of SkillQuest International in Portage.

Mayor Pro Tem Sackley indicated that the Environmental Protection Agency issued new ozone attainment standards at an annual cost of \$90 billion per year by the year 2020.

ADJOURNMENT: Mayor Strazdas adjourned the meeting at 8:40 p.m.

James R. Hudson, City Clerk

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