

## CITY COUNCIL MEETING MINUTES FROM JANUARY 26, 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 and Claudette S. Reid, Mayor Pro Tem Edward J. Sackley and Mayor Peter J. Strazdas. Councilmember Terry R. Urban was absent with excuse. Also in attendance were City Manager Maurice S. Evans, City Attorney Randall Brown and City Clerk James R. Hudson.

Mayor Strazdas introduced Mrs. Heather Pownell of The Bridge in 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 January 12, 2010 Special and Regular Meeting Minutes as presented. Upon a voice vote, motion carried 6 to 0.

\* **CONSENT AGENDA:** Mayor Strazdas asked Mayor Pro Tem Sackley to read the Consent Agenda. Councilmember Campbell asked that Item F.5, Ordinance to Ban the Use of Hand-Held Devices While Driving, be removed from the Consent Agenda, and City Manager Evans asked that Item F.1, Board of Review, be removed from the Consent Agenda. Motion by Sackley, seconded by Reid, to approve the Consent Agenda motions as amended. Upon a roll call vote, motion carried 6 to 0.

\* **APPROVAL OF CHECK REGISTER OF JANUARY 26, 2010:** Motion by Sackley, seconded by Reid, to approve the Check Register of January 26, 2010. Upon a roll call vote, motion carried 6 to 0.

**PETITIONS AND STATEMENTS OF CITIZENS:** Motion by O'Brien, seconded by Sackley, to receive the letter in opposition from Craig L. Butler, 2012 Eckener Drive, to the Resolution of Intent for the City of Portage to join the Public Media Network for the provision of Cable Access Public, Education and Government programming services within the community adopted by City Council on December 15, 2009. Upon a voice vote, motion carried 6 to 0.

### REPORTS FROM THE ADMINISTRATION:

**BOARD OF REVIEW:** City Manager Maurice Evans introduced this item and indicated that many questions and concerns had been received regarding the Permitting of a Protest of Assessed Valuation to the Board of Review by Letter, and that he felt that it was appropriate for each City Councilmember to be afforded the opportunity to present questions and concerns beyond that already received. He asked that the matter be referred to the City Council Assessing Issues Task Force Committee and to convene the Committee for the sole purpose of addressing this subject keeping the February 15, 2010 deadline in mind to allow the public to receive all necessary and proper notices. Discussion followed. Mayor Strazdas asked that City Council refer all questions and concerns to the City Manager as soon as possible. Discussion followed.

Motion by Sackley, seconded by Reid, to refer the Communication from the City Manager recommending that City Council adopt the Resolution Permitting Protest of Assessed Valuation to the Board of Review by Letter to the City Council Assessing Issues Task Force Committee. Discussion followed. Upon a roll call vote, motion carried 6 to 0.

\* **WEST LAKE MANAGEMENT PROGRAM NO. 011-Q – RESOLUTION NO. 2:** Motion by Sackley, seconded by Reid, to adopt Resolution No. 2 for the West Lake Management

Program Special Assessment District No. 011-Q, setting a public hearing of necessity on February 9, 2010, at 7:30 p.m. or as soon thereafter as may be heard. Upon a roll call vote, motion carried 6 to 0. Resolution recorded on page 455 of City of Portage Resolution Book No. 43.

\* **NONPROFIT ORGANIZATION RECOGNITION:** Motion by Sackley, seconded by Reid, to adopt the Resolution for Charitable Gaming License recognizing Cole Community Solutions, Inc., as a nonprofit organization in the City of Portage. Upon a roll call vote, motion carried 6 to 0. Resolution recorded on page 461 of City of Portage Resolution Book No. 43.

\* **BUDGET AMENDMENT - FUND 226 LEAF PICKUP:** Motion by Sackley, seconded by Reid, to approve a budget amendment authorizing the City Manager to transfer \$17,000 from Fund 226 Fund Balance to Fund 226 Leaf Pickup Overtime. Upon a roll call vote, motion carried 6 to 0.

**ORDINANCE TO BAN THE USE OF HAND-HELD DEVICES WHILE DRIVING:** Councilmember Campbell indicated that this item was a safety issue that was discussed at the City Council Retreat and disclosed that the statistics for accidents for drunk driving was 31% while accidents for cell phones and texting was 28% and explained how dangerous this practice can be. Discussion followed. City Attorney Brown indicated that the Michigan State Senate just passed a bill that, if it came into law, would supercede any ordinance passed by City Council. Discussion followed.

Motion by Sackley, seconded by Campbell, to postpone any action on the City Manager recommendation to direct the City Administration and the City Attorney to develop an ordinance that would ban the use of hand-held devices while driving and that would make any violation a primary offense until such time as the Michigan Legislature has fully considered and passed or rejected legislation on that topic. Upon a roll call vote, motion carried 6 to 0.

\* **CEMETERY PLOT RESERVATION POLICY:** Motion by Sackley, seconded by Reid, to approve a policy that burial plots may be reserved for six (6) months following a written request submitted to the Office of the City Clerk, with the reservation to be released at the expiration of the reservation period if payment is not made in full within six (6) months of receipt of reservation request. Upon a roll call vote, motion carried 6 to 0.

\* **CONSTRUCTION BOARD OF APPEALS DEMOLITION ORDER – 4130 BRANCH AVENUE:** Motion by Sackley, seconded by Reid, to accept the order of the Construction Board of Appeals to demolish the house located at 4130 Branch Avenue; and authorize the City Administration to take the necessary action to demolish the house at 4130 Branch Avenue, place a lien and assess the property to recover the costs associated with demolition consistent with the ordinance. Upon a roll call vote, motion carried 6 to 0.

\* **DISPOSITION OF LEGAL MATTERS:** Motion by Sackley, seconded by Reid, to set a meeting to consider the disposition of legal matters on Tuesday, March 9, 2010, City Hall Conference Room #1, beginning at 5:30 p.m. Upon a roll call vote, motion carried 6 to 0.

**KALAMAZOO COUNTY LOCAL HOUSING ASSISTANCE FUND – INFORMATION ONLY:** City Manager Evans indicated that the City Administration has been working with Office of Resource Development Director David Artley, 10095 Pepperell Court, and has been receiving quarterly reports from them regarding the Kalamazoo County Local Housing Assistance Fund.

Mr. Artley introduced himself and reviewed the 2007 through 2009 homeless prevention statistics, the 2007 through 2009 housing vouchers statistics, the Portage funds through 2009 committed to leveraging, the number of active sponsors, the total sponsor hours donated, lessons learned and the next steps to be taken. Discussion followed.

Motion by O'Brien, seconded by Reid, to receive the communication from the City Manager regarding the Kalamazoo County Local Housing Assistance Fund as information only. Upon a roll call vote, motion carried 6 to 0.

\* **DECEMBER 2009 SUMMARY ENVIRONMENTAL ACTIVITY REPORT – INFORMATION ONLY:** Motion by Sackley, seconded by Reid, to receive the communication from the City Manager regarding the December 2009 Summary Environmental Activity Report as information only. Upon a roll call vote, motion carried 6 to 0.

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

### **COMMUNICATIONS:**

**PORTAGE PARK BOARD CHAIRPERSON MARK ANTHONY MARTIN:** Motion by Sackley, seconded by Campbell, to receive the communication from Portage Park Board Chairperson Mark Anthony Martin regarding the Spraypark initiative. At the request of Councilmember Reid, Mayor Pro Tem Sackley explained that the Park Board discussed this initiative, but indicated that there were no funds for the project, location was still at issue, recommending putting the project on hold for now but, if future funds are available, perhaps in the form of a grant, that the Park Board would be willing to move the project forward. Discussion followed, including other park initiatives. Councilmember Reid offered the annual survey as a means of obtaining public opinion of park needs and funding options, and Mayor Strazdas indicated that the Park Board agreed with this idea. Upon a roll call vote, motion carried 6 to 0.

**ENVIRONMENTAL BOARD CHAIRPERSON WILLIAM SCHWARTZ:** Motion by Reid, seconded by Campbell, to receive the Letter of support from Environmental Board Chairperson William Schwartz for the Kalamazoo County Fairgrounds to serve as the host location for the 2010 Michigan Energy Fair. When Councilmember Reid expressed her curiosity about what the Energy Fair is, Councilmember O'Brien explained that she had some limited information about the Energy Fair: that thousands of people attended the fair in its previous location in northern Michigan, that Kalamazoo presents a central location right off of the highway and the hope is that more people would attend if the Energy Fair was held here. Upon a roll call vote, motion carried 6 to 0.

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

Portage Environmental Board of November 11, 2009.

Portage Board of Education Special Meeting Minutes of December 2 and 9, 2009.

Portage Human Services Board of December 3, 2009.

Portage Zoning Board of Appeals of December 14, 2009.

Portage Planning Commission of December 17, 2009.

### **AD HOC COMMITTEE REPORT:**

**CITY COUNCIL AD HOC COMMITTEE:** Mayor Strazdas provided a history of the City Council Assessing Issues Task Force (Mayor Strazdas, Councilmembers O'Brien and Randall) and a summary of the two recent meetings held since the City Council Retreat. Mayor Strazdas noted that the Task Force was looking for direction from the City Council as a whole. He mentioned that the four main areas to be considered are: System Audit and Property Reassessments; Customer Service, Education and Best Assessing Practices. He also mentioned that some new issues need to be reviewed

and that the focus would be on the Board of Review, including: whether the Board of Review dates were appropriate; whether to increase the membership on the Board of Review or not; whether an Alternate Term Member is feasible; determining the best method for providing education to Board of Review Members; and the appropriateness of the City Assessor acting as Clerk of the Board of Review of Portage. He then deferred to his fellow Assessing Issues Task Force Members for comment. Discussion followed.

Councilmember Randall indicated that she has research that shows that the City Assessor is not appropriate as Clerk of the Board of Review. Discussion followed.

Councilmember O'Brien informed City Council that the Task Force had devised some questions to be asked during interviews of potential Board of Review Members and suggested asking for input from past and present Board of Review members regarding any other ideas or improvements. She asked that City Council not limit input or the review process. She recognized two different avenues to take to assign tasks: either to the City Council Assessing Issues Task Force, or to the City Council Advisory Board Review Committee, Councilmembers Campbell, Randall and Reid. Mayor Strazdas asked for dialogue from City Council regarding these suggestions. Discussion followed.

Mayor Pro Tem Sackley expressed a concern for the amount of time that needed to be devoted to these tasks by only one committee. He also expressed a concern for a potential conflict and advocated having the City Council Advisory Board Review Committee review the appropriateness of the City Assessor acting as Clerk of the Board of Review, an increase in the membership on the Board of Review and the feasibility of Alternates questions, as that Board would be separate from the Assessing Issues Task Force that would be reviewing System Audit and Property Reassessments, Customer Service, Education and Best Assessing Practices.

Councilmember Reid expressed her concern that Customer Service be consistent throughout the city, so the Council Advisory Board Review Committee should consider Customer Service in the interest of continuity and consistency. Councilmember O'Brien concurred and recognized that Councilmember Randall serves on both committees and could act as a liaison to help ensure that there are no duplications of effort and no contradictions. Mayor Strazdas asked for a motion at this time.

Motion by O'Brien, seconded by Reid, to affirm that the City Council Assessing Issues Task Force continue to address issues one through four (whether the Board of Review dates were appropriate; whether to increase the membership on the Board of Review or not; whether an Alternate Term Member is feasible; and to determine the best method for providing education to Board of Review Members) as presented in the City Council Assessing Issues Task Force Report dated January 26, 2010, and assign the Board of Review topic to the City Council Advisory Board Review Committee. Discussion followed. Councilmember Reid asked that the Resolution Permitting Protest of Assessed Valuation to the Board of Review by Letter be added. City Attorney Brown indicated that it could be added to emphasize the matter and there was no problem making the same motion twice. Motion by O'Brien, seconded by Reid, to approve the City Council Assessing Issues Task Force Committee address the Resolution Permitting Protest of Assessed Valuation to the Board of Review by Letter, also. Discussion followed. Mayor Strazdas complimented Councilmembers O'Brien and Randall for their expertise and assistance on the Assessing Issues Task Force Committee. Upon a roll call vote, motion carried 6 to 0.

## **BID TABULATION:**

\* **OHIO AVENUE SANITARY SEWER LIFT STATION RENOVATIONS:** Motion by Sackley, seconded by Reid, to award a construction contract for the Ohio Avenue Sanitary Sewer Lift Station Renovations to Balkema Excavating, Incorporated, at a total bid price of \$209,088.75 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 6 to 0.

## **OTHER CITY MATTERS:**

**STATEMENTS OF CITY COUNCIL AND CITY MANAGER:** Councilmember Reid provided local contact information for the Census Bureau: Miguel Rodriguez, Community Action Agency Census Committee, 269/532-7210, and announced that those wishing to work for the Census Bureau should bring two (2) pieces of identification and attend an informational meeting at Cooper Township Hall, at 10 a.m. or 1 p.m. on the Wednesdays in February for an interview and testing.

Mayor Strazdas concurred with Mayor Pro Tem Sackley on the importance of an accurate census in the County of Kalamazoo, indicated that he would not be at the February 9, 2010 City Council Meeting and announced that Mayor and City Council for the Day would take place on February 23, 2010.

**ADJOURNMENT:** Mayor Strazdas adjourned the meeting at 9:13 p.m.

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James R. Hudson, City Clerk

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