

CITY COUNCIL MEETING MINUTES FROM JULY 27, 2010

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

At the request of Mayor Strazdas, the Kids Ministry Pastor of the Kalamazoo Valley Family Church, Tim Hoult, gave the invocation and the City Council and the audience recited the Pledge of Allegiance.

The Deputy 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 Mayor Pro Tem Edward J. Sackley and Mayor Peter J. Strazdas. Councilmember Terry R. Urban was absent with excuse. Also in attendance were Deputy City Manager Brian J. Bowling, City Attorney Randall Brown and Deputy City Clerk Adam D. Herringa.

PROCLAMATION: Mayor Strazdas issued a proclamation recognizing and celebrating the 20th Anniversary of passage of the Americans with Disabilities Act and reaffirmed the commitment of the City of Portage to work toward full ADA compliance.

APPROVAL OF MINUTES: Motion by O'Brien, seconded by Reid, to approve the July 13, 2010 Regular Meeting Minutes as amended. Upon a voice vote, motion carried 6 to 0.

* **CONSENT AGENDA:** Mayor Strazdas asked Mayor Pro Tem Sackley to read the Consent Agenda. No items were removed from the Consent Agenda. Motion by Sackley, seconded by Campbell, to approve the Consent Agenda motions as presented/amended. Upon a roll call vote, motion carried 6 to 0.

* **APPROVAL OF CHECK REGISTER OF JULY 27, 2010:** Motion by Sackley, seconded by Campbell, to approve the Check Register of July 27, 2010. Upon a roll call vote, motion carried 6 to 0.

PUBLIC HEARING:

AVALON WOODS CIRCLE – PROPOSED STREET NAME CHANGE: Mayor Strazdas introduced Community Development Director Jeffrey Erickson, who reviewed the matter and the reason for the proposed name change from Avalon Woods Circle to Avalon Woods Court. Mr. Erickson assured City Council that residents of the street have been notified of the proposed change.

Mr. Richard Ender, who lives on Avalon Woods Circle (Court), commented that he was the resident who raised the matter of the name change and emphasized the importance of the change as it will help to alleviate confusion for emergency responders. Councilmember O'Brien thanked Mr. Ender for bringing the matter to the attention of City Administration.

Motion by Sackley, seconded by Campbell, to close the public hearing. Upon a voice vote, motion carried 6 to 0. Motion by O'Brien, seconded by Sackley, to adopt Resolution No. 2 renaming the street from Avalon Woods Circle to Avalon Woods Court. Upon a roll call vote, motion carried 6 to 0. Resolution recorded on page 65 of City of Portage Resolution Book No. 44.

REPORTS FROM THE ADMINISTRATION:

* **PORTAGE DOWNTOWN DEVELOPMENT AUTHORITY SALE OF PROPERTY:** Motion by Sackley, seconded by Campbell, to adopt the Resolution of Intent to Approve Second Amendment to Development Agreement Selling Real Estate to H&G, LLC, and place the resolution on file in the Office of the City Clerk for 28 days and consider final action to approve the agreement on August 24, 2010. Upon a roll call vote, motion carried 6 to 0. Resolution recorded on page 67 of City of Portage Resolution Book No. 44.

* **WATER MAIN EASEMENT RESOLUTION, 10619 WOODLAWN DRIVE AND 10625 WOODLAWN DRIVE:** Motion by Sackley, seconded by Campbell, to adopt the Resolution to Relinquish a Water Main Easement, place the Resolution on file with the City Clerk for 28 days and take final action on August 24, 2010. Upon a roll call vote, motion carried 6 to 0. Resolution recorded on page 77 of City of Portage Resolution Book No. 44.

* **LOCAL DEVELOPMENT FINANCE AUTHORITY:** Motion by Sackley, seconded by Campbell, to confirm City Manager appointments to the Local Development Finance Authority by adopting the Resolution to Appoint Members to the Local Development Finance Authority of the City of Portage. Upon a roll call vote, motion carried 6 to 0. Resolution recorded on page 81 of City of Portage Resolution Book No. 44.

* **PROFESSIONAL SERVICES CONTRACT - QUADRANT II MARKETING:** Motion by Sackley, seconded by Campbell, to approve a two-year professional services contract with Quadrant II Marketing to provide advertising sales and publication preparation of the Portage Senior Center monthly newsletter at an annual cost not to exceed \$14,000 and authorize the City Manager to execute all documents related to the contract. Upon a roll call vote, motion carried 6 to 0.

* **CLOSED SESSION:** Motion by Sackley, seconded by Campbell, to go into closed session immediately following the regularly scheduled meeting of Tuesday, July 27, 2010 to discuss an attorney/client communication. Upon a roll call vote, motion carried 6 to 0.

* **JUNE 2010 SUMMARY ENVIRONMENTAL ACTIVITY REPORT – INFORMATION ONLY:** Motion by Sackley, seconded by Campbell, to receive the communication from the City Manager regarding the June 2010 Summary Environmental Activity Report as information only. Upon a roll call vote, motion carried 6 to 0.

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

* **MINUTES OF BOARDS AND COMMISSIONS:** City Council received the minutes for the following boards and commissions:

Portage Zoning Board of Appeals of June 14, 2010.

Portage Board of Education Regular Business of June 21, 2010.

Kalamazoo County Board of Commissioners Committee of the Whole of July 6 and Regular of July 7, 2010

AD HOC COMMITTEE REPORT: Mayor Strazdas asked Councilmember Campbell to initiate discussion on this topic. Councilmember Campbell stated that the Advisory Board Review Committee, composed of herself, Councilmember Randall and Councilmember Reid, met on July 14 to review the proposed goals and objectives of various advisory boards and commissions. Councilmember Campbell indicated that the subcommittee is recommending two changes to the goals and objectives process. The changes are to require certain boards and commissions to appear before City Council and provide a verbal presentation once per year and to move the deadline for submission of proposed goals and objectives to April of each year.

Mayor Pro Tem Sackley, Councilmember Reid and Mayor Strazdas each offered support for the idea of asking boards and commissions to provide an annual report to City Council. Mayor Pro Tem Sackley asked that the Youth Advisory Committee be included in the report to City Council. Discussion followed.

Motion by O'Brien, seconded by Campbell, to adopt the 2010-2011 Advisory Boards and Commissions Goals and Objectives including the two recommendations from the Committee and including asking the Youth Advisory Board to also provide goals and objectives and a report each year. Upon a roll call vote, motion carried 6 to 0.

NEW BUSINESS: Motion by Sackley, seconded by Reid, that Mr. McNeely's appeal be denied for the reason that his request for public records under the Freedom of Information Act was granted and he was furnished all records of the City of Portage that pertain to his request. However, the motion is supplemented by delivery of a duplicate copy of the materials previously provided to Mr. McNeely, this one time only, at no cost to the requestor, and we understand from talking with Administration that the original materials were sent out via regular mail and we have no verification of delivery although he did not say he did not receive them. In an abundance of caution, as a courtesy this time only, the documents will be provided by a method that indicates that delivery was accepted. Upon a roll call vote, motion carried 6 to 0.

BID TABULATION:

* **BIKE LANE ASPHALT REPAIRS - RECOMMENDATION:** Motion by Sackley, seconded by Campbell, to approve the low bid from J. Allen and Company, Incorporated, to provide repairs to selected major street bike lanes in the not-to-exceed amount of \$21,045.40 and authorize the City Manager to execute all documents related to this 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 commented that the Environmental Report indicated that groundwater levels have remained stable despite five inches of rain since June and that the City continues to monitor water levels. She also mentioned the upcoming performances of *Alice in Wonderland* at the Hayloft Theater. Councilmember Reid then read a statement in response to comments related to tax assessments made by two individuals who spoke during the public comment section of the most recent City Council meeting, Dr. Elluru and State Representative Jones. She noted that this was her opinion and not a statement expressing opinions of other Councilmembers or City staff. Councilmember Reid then commented on the Board of Review, the need for City Administration to protect the interests of the City as a whole, rulings and proceedings related to the tax appeal of Dr. Elluru and reviewed the various actions taken by City Council and Administration in response to issues raised regarding tax assessment in the City of Portage. Councilmember Reid opined that the current system of property appraisal sets up an adversarial relationship between cities and their citizens and commented that property taxes are highly misunderstood. Councilmember Reid concluded her statement by offering that she believes the City of Portage is doing the very best it can in this regard and implored all state legislators to study and improve the property valuation, appeals and taxation process.

Mayor Pro Tem Sackley thanked Councilmember Reid and offered comments regarding the 2nd annual Paddlefest. He then commented on a pipeline leak that has resulted in at least 800,000 gallons of petroleum being released into Talmadge Creek which has subsequently flowed into the Kalamazoo River. Mayor Pro Tem Sackley asked City Administration to provide a report on any pipelines in Portage that go near lakes, streams and other bodies of water. He asked that the report reflect transmission of not just oil but other fluids as well, including sanitary sewer trunks, and that a map be provided. Finally, Mayor Pro Tem Sackley commented on a recent *Kalamazoo Gazette* article regarding items that Councilmember Reid referenced in her statement. Mayor Pro Tem Sackley stated that the article insinuated that the City Council made a decision to appeal a tax assessment ruling in closed session. Mr. Sackley strongly emphasized that City Council does not make decisions in closed session.

and cited the FOIA appeal from earlier in the evening in which City Council discussed the matter in closed session but voted openly. He then stated that a review into assessment practices began in September of last year and was concluded on April 23, 2010. He also stated that it was his belief that the tax assessment issue is being politicized and asked that those involved rethink their decision to make this a partisan matter. He concluded by emphasizing that the Portage City Council is not a partisan body and expressed his hope that anyone looking to politicize an issue in Portage would reconsider.

Mayor Strazdas commented that he had been out of town at a number of localities and stated that, when he travels, he realizes how he misses the City of Portage. He commented that every area is facing challenges but that Portage, thankfully, does not have as many challenges as others. He concluded by stating that he is pleased with the low level of taxes and high level of service in Portage.

ADJOURNMENT: Mayor Strazdas adjourned the meeting at 8:34 p.m.

Adam D. Herringa, Deputy City Clerk

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