

CITY COUNCIL MEETING MINUTES FROM NOVEMBER 16, 2010

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

At the request of Mayor Strazdas, Mr. Jason Toman of the St. Michael Lutheran Church of Portage gave the invocation and the City Council and the audience recited the Pledge of Allegiance led by Scout Troop 255.

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 2, 2010 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. Mayor Strazdas added Item F.6, Fiscal Year 2011-2012 Goals and Objectives, to the Agenda. Motion by O'Brien, seconded by Reid, to approve the Consent Agenda motions as presented. Upon a roll call vote, motion carried 7 to 0.

* **APPROVAL OF ACCOUNTS PAYABLE REGISTER OF NOVEMBER 16, 2010:** Motion by O'Brien, seconded by Reid, to approve the Accounts Payable Register of November 16, 2010. Upon a roll call vote, motion carried 7 to 0.

REPORT FROM THE ADMINISTRATION:

HOME-BASED BUSINESS ORDINANCE: After recognition of the work performed by the Community Development Department, Councilmembers O'Brien and Urban and Mayor Pro Tem Sackley, discussion followed regarding active versus passive home occupations, outside occupations, retail sales which home occupations would require Planning Commission approval. Motion by O'Brien, seconded by Sackley, to refer the revised Home Occupation Ordinance recommended by the City Council Neighborhood Revitalization and Engagement Ad Hoc Committee, to the Planning Commission to initiate the amendment process to the Zoning Code. Upon a roll call vote, motion carried 7 to 0.

PRESENTATION AND REPORT FROM POLICE CHIEF RICHARD WHITE: City Council received a presentation and report from Police Chief Richard White regarding Portage Police Department cooperative and collaborative law enforcement activities and efforts. Discussion followed.

* **HOLIDAY TREE LIGHTING/TRADITIONAL HOLIDAY CELEBRATION – INFORMATION ONLY:** Motion by O'Brien, seconded by Reid, to receive the communication from the City Manager regarding the 2010 annual Holiday Tree Lighting/Traditional Holiday Celebration as information only. Upon a roll call vote, motion carried 7 to 0.

* **OCTOBER 2010 SUMMARY ENVIRONMENTAL ACTIVITY REPORT – INFORMATION ONLY:** Motion by O'Brien, seconded by Reid, to receive the communication from the City Manager regarding the October 2010 Summary Environmental Activity Report as information only. Upon a roll call vote, motion carried 7 to 0.

* **DEPARTMENT MONTHLY REPORTS:** Motion by O'Brien, seconded by Reid, to receive the Department Monthly Reports from the various city departments. Upon a roll call vote, motion carried 7 to 0.

FISCAL YEAR 2011-2012 GOALS AND OBJECTIVES: Mayor Strazdas indicated that there are four items to be considered that were discussed at the City Council Retreat, and asked for a motion with regard to the 2011-2012 Council Mission Statement and Goals and Objectives for the City of Portage as established at the City Council Goal Setting Session on November 12, 2010 (the Retreat). Motion by Reid, seconded by Campbell, to adopt the Resolution approving the 2011-2012 Council Mission Statement and Goals and Objectives for the City of Portage as established at the City Council Goal Setting Session on November 12, 2010. Upon a roll call vote, motion carried 7 to 0.

SMOKING BAN IN CITY PARKS: Mayor Strazdas indicated that City Council discussed and debated the recommendation by the Park Board to extend smoking bans in certain areas of city parks and asked for a reaffirmation of the motion that was made at the City Council Retreat. Motion by Sackley, seconded by Reid, to accept the recommendation of the Park Board to extend the existing smoking ban in city parks to playgrounds and pavilions. Councilmember O'Brien asked for a clarification from City Attorney Brown whether pavilions would also include picnic areas and shelters? City Attorney Brown responded that if the intent is to approve the recommendation of the Park Board, then that is all that is needed (in the motion). Discussion followed. Motion by Sackley, seconded by Reid, to amend the motion, to approve the recommendation of the Park Board to extend smoking bans in city parks to include two additional areas generally described as playgrounds and picnic areas.

Councilmember Urban indicated his preference that the smoking ban should extend to the entire park in all city parks. Councilmember Randall concurred. Discussion followed and Councilmember O'Brien expressed her opinion that the motion as presented is a good compromise. Discussion followed. Upon a roll call vote, motion carried 5 to 2. Ayes: Councilmembers Campbell, O'Brien, Reid, Mayor Pro Tem Sackley and Mayor Strazdas. No: Councilmembers Randall and Urban.

PROCESS TO FILL CITY COUNCIL VACANCY: Mayor Strazdas explained that the process to fill the vacancy to be created by the resignation of Councilmember O'Brien was approved at the City Council Goal Setting Session on November 12, 2010, and asked City Manager Maurice Evans to explain what had been past practices with regard to an open position on City Council. Mr. Evans indicated that in the past, City Council has selected the candidate who received the next highest vote in the previous election; has solicited interested citizens and selected from those applicants; and has selected someone who has served on City Council who his willing to serve to fulfill the remaining term, but is not willing to run for the position. Mayor Strazdas referred to the time frame as it appears in the City Charter and pointed out that the City Charter is silent on the process to be used. Mayor Strazdas indicated that City Council discussed the matter at length at the Retreat and asked for a motion to determine the process and a motion to set a special meeting if the process requires another meeting. Discussion followed. Motion by Sackley, seconded by O'Brien, to accept applications for candidates seeking to fill the remaining portion of Councilmember Margaret O'Brien's term to be vacated that preference in that application process be given to those individuals who have previously served on or have run by putting his or her name on the ballot for a Portage City Council position and that those applications be accepted until Friday, November 19, 2010, at 5 p.m. at City Hall. In answer to Councilmember Urban, City Attorney explained the notice requirement of the City Charter with regard to Special Meetings. Discussion followed. Councilmember O'Brien indicated that it is her intent to submit her resignation at the December 21, 2010 Regular City Council Meeting and distinguished the preference in the application process for those individuals who have previously served on or have run for Portage City Council is just that, a preference, not a requirement. Discussion followed. City Clerk James Hudson pointed out that the filing deadline for future November City Council Elections has changed and the new deadline for the November 2, 2011 City Election is August 16, 2011. Discussion followed. Upon a roll call vote, motion carried 7 to 0. Mayor Strazdas asked that the Administration distribute the names of the applicants to City Council, after the close of business, Friday, November 19, 2010, to give City Council time to review the applications.

SPECIAL MEETINGS: Mayor Strazdas suggested City Council set a Special Meeting, City Council Chambers, Tuesday, November 23, 2010, 6 p.m., to review the applications for the purpose of “short-listing” with no public comment. He also informed City Council of his intent to set another Special Meeting of City Council to interview the applicants, Tuesday, November 30, 2010, at 6 p.m. Discussion followed. City Attorney Brown indicated that public comment with each of the candidates can be restricted, but any member of the public who wishes to speak, under the Open Meetings Act, the City Council would have to let that person speak for the time allotted in the rules, usually four (4) minutes. Discussion followed. Motion by O’Brien, seconded by Sackley, to set a Special Meeting, Tuesday, November 23, 2010, 6 p.m., Council Chambers, with a proposed agenda to develop a list of applicants to interview on Tuesday, November 30, 2010, at a time to be determined. Discussion followed regarding the time of the meeting on November 30, 2010. Further discussion followed and Mayor Pro Tem Sackley asked that all of the applicants be notified on Friday, November 19, 2010, of the process and the dates and times of the special meetings when all of the applications have been received. In answer to Mayor Pro Tem Sackley, City Attorney Brown indicated that he knew of no legal impediment to prevent a Councilmember from contacting an applicant, but suggested that if contact is made, that it be disclosed. City Clerk Hudson said he would notify the applicants as requested by Mayor Pro Tem Sackley. Upon a roll call vote, motion carried 7 to 0.

UNFINISHED BUSINESS:

* **BARRINGTON WOODS APARTMENTS – EASEMENT AND LICENSE AGREEMENTS:** Motion by O’Brien, seconded by Reid, to adopt the Resolution granting the Easement and Right-of-Way Agreement for Ingress and Egress and License Agreement To Locate Personal Property in City Right-of-Way to Duke Barrington Limited Dividend Housing Association Limited Partnership. Upon a roll call vote, motion carried 7 to 0.

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

- Portage Park Board of October 6, 2010.
- Portage Human Services Board of October 7, 2010.
- Portage Zoning Board of Appeals of October 11, 2010.
- Portage Environmental Board of October 13, 2010.
- Portage Planning Commission of October 21, 2010.

BID TABULATIONS:

* **WORKERS’ COMPENSATION EXCESS INSURANCE AND THIRD PARTY ADMINISTRATION CONTRACTS:** Motion by O’Brien, seconded by Reid, to award a two-year contract renewal to Safety National Casualty Corporation, the low bidder, for workers’ compensation excess insurance coverage for an annual fee of \$39,567 plus payroll adjustments; approve a two-year contract renewal with Eagle Claims Management for workers’ compensation third party administration for an annual fee of \$10,268; and authorize the City Manager to execute all documents related to these contract renewals on behalf of the city. Upon a roll call vote, motion carried 7 to 0.

* **WATER AND WASTEWATER UTILITY RATE STUDY:** Motion by O’Brien, seconded by Reid, to award a contract for a water and wastewater Utility Rate Study to Utility Financial Solutions, LLC, at a cost not to exceed \$35,500 and authorize the City Manager to execute all documents on behalf of the city. Upon a roll call vote, motion carried 7 to 0.

* **2011 STORM DRAINAGE IMPROVEMENTS PROGRAM AND BARBERRY AVENUE SANITARY SEWER REHABILITATION:** Motion by O'Brien, seconded by Reid, to award a contract to Hurley & Stewart, LLC, with the low cost proposal for engineering services related to the 2011 Storm Drainage Improvements and Barberry Avenue Sanitary Sewer Rehabilitation in the amount of \$33,000 and authorize the City Manager to execute all documents 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: City Council and the Mayor wished everyone a safe and happy holiday, encouraged everyone to welcome visiting shoppers.

Councilmember Reid and Mayor Strazdas encouraged interested citizens to apply for the vacancy created by the election of Councilmember O'Brien to the State House of Representatives.

City Manager Evans referred to the recommendation from the state to re-inspect all residential properties that was contained in the City Council retreat materials and indicated that a pilot project was planned to perform inspections of the Lexington Green neighborhood when the City Assessor's Office finishes with the Board of Review and follow-up responsibilities some time in April with the help of an outside consultant. He addressed the sign ordinance, especially temporary sign permits, and indicated that the sign ordinance is applied uniformly throughout the city and was not in the position to recommend a fee increase because so few are issued, process is simple and it's working quite well under the current fee structure and no moratorium is warranted at this time. Draft report card, or issues map, is forthcoming, soon. Next, he will have City Assessor James Bush prepare a brief report to keep City Council updated on the work of the Assessor's Office. He indicated that a records update will be performed to ensure that all property transactions and mailing addresses are accurate and that Sales Ratio Studies are updated to reflect current market value, as residential has been finalized by the Equalization Department at 50.18%, so some assessment reductions will be made to get below the mandated 50%. He indicated that the commercial ratios and industrial ratios will be dropping and will affect revenue streams; that the assessing staff has inspected approximately 300-400 properties during the course of the year and inspection activity will continue until mid-January; and, that the 2010 Industrial Facility Tax Abatement Report has been compiled for the State Tax Commission. Since four personal property abatements will expire December 30, 2010, the property owners will be notified in November about the expirations and the requirement that the assets be reported for the regular tax roll. Finally, as a result of the passage of the Board of Review ballot proposal, the City Assessor will continue to work with City Administration and City Attorney regarding implementing improvements in training and the appointment of three, six, or nine members and addressing the subject of City Council adopting poverty income guidelines including an "asset test."

Mayor Pro Tem Sackley commented on the Portage Sign Ordinance and the need for better exposure to information in order for businesses to be able to more effectively do business in Portage.

Mayor Strazdas announced the essay contest for area youth to write what they like about Portage and commented on the respect and professionalism exhibited by City Council at the retreat that was both active and engaging.

ADJOURNMENT: Mayor Strazdas adjourned the meeting at 9:15 p.m.

James R. Hudson, City Clerk

*Indicates items included on the Consent Agenda.

