

## CITY COUNCIL MEETING MINUTES FROM NOVEMBER 20, 2012

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

At the request of Mayor Strazdas, Pastor Paul Naumann of St. Michael Lutheran Church of Portage gave an invocation and Boy Scout Troop 244 led City Council and the audience in the recitation of the Pledge of Allegiance.

The City Clerk called the roll with the following members present: Councilmembers Elizabeth A. Campbell, Jim Pearson, Patricia M. Randall, Edward J. Sackley and Terry R. Urban, Mayor Pro Tem Claudette S. Reid and Mayor Peter J. Strazdas. Also in attendance were City Manager Maurice S. Evans, City Attorney Randy Brown and City Clerk James R. Hudson.

**APPROVAL OF MINUTES:** Motion by Reid, seconded by Urban, to approve the November 6, 2012 Regular Meeting Minutes as presented. Upon a voice vote, motion carried 7 to 0.

\* **CONSENT AGENDA:** Mayor Strazdas asked Councilmember Randall to read the Consent Agenda. Mayor Pro Tem Reid asked that Item F.3, 50<sup>th</sup> Anniversary Events and Activities, be removed from the Consent Agenda. Councilmember Sackley asked that Item G.1, City Council Committee Appointments, be removed from the Consent Agenda. Motion by Urban, seconded by Reid, to approve the Consent Agenda motions as amended. Upon a roll call vote, motion carried 7 to 0.

\* **APPROVAL OF ACCOUNTS PAYABLE REGISTER OF NOVEMBER 20, 2012:** Motion by Urban, seconded by Reid, to approve the Accounts Payable Register of November 20, 2012. Upon a roll call vote, motion carried 7 to 0.

**PETITIONS AND STATEMENTS OF CITIZENS:** Jan Sackley, 10314 Archwood Drive, indicated as a courtesy and respect for City Council's time, that she would be making comment on Item H.1, 10323 Archwood Drive.

### REPORTS FROM THE ADMINISTRATION:

\* **BOWERS MANUFACTURING COMPANY – PA 198 TAX ABATEMENT:** Motion by Urban, seconded by Reid, to adopt Resolution No. 1-12 setting a public hearing on the expansion of Industrial Development District No. 53 for December 4, 2012, at 7:30 p.m. or as soon thereafter as may be heard; and Resolution No. 3-12 setting a public hearing on the issuance of the Industrial Facilities Exemption Certificate for Bowers Manufacturing Company for real and personal property in the estimated amount of \$2.81 million for December 4, 2012, at 7:30 p.m. or as soon thereafter as may be heard. Upon a roll call vote, motion carried 7 to 0. Resolutions recorded on pages 459 and 465 of City of Portage Resolution Book No. 44.

\* **RESIDENTIAL SUBDIVISION SIDEWALK EXTENSION REQUESTS:** Motion by Urban, seconded by Reid, to grant an extension to November 1, 2014, for the completion of sidewalk and street tree installation, subject to submittal of a revised irrevocable bank letter of credit or other surety acceptable to the City Attorney, for the following residential plats: Avalon Forest/Avalon Woods No. 1 and 2 (T.A. Scott Construction); Austin Shores Condominium Subdivision (BEX Farms, Inc.); Holiday Village East No. 3 and South No. 3 (WTM, Incorporated); and Stateland Park Subdivision (Granite Development Properties). Upon a roll call vote, motion carried 7 to 0.

**50<sup>TH</sup> ANNIVERSARY EVENTS AND ACTIVITIES:** Mayor Pro Tem Reid indicated that she discussed the possibility of a production of a documentary on the history of Portage with City Manager Evans, who indicated that the resultant cost to city staff would be too burdensome. Discussion followed. Motion by Reid, seconded by Pearson, to authorize the purchase and installation of City of Portage flags along South Westnedge Avenue for the duration of the 2013 calendar year; and to refer the pursuit of the production of a City of Portage historical documentary to the Portage members of the Public Media Network Board to identify volunteers who could follow through on such a production. Upon a roll call vote, motion carried 7 to 0.

\* **2012 TAX RATE SURVEY - INFORMATION ONLY:** Motion by Urban, seconded by Reid, to receive the communication from the City Manager regarding the 2012 Tax Rate Survey as information only. Upon a roll call vote, motion carried 7 to 0.

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

\* **OCTOBER 2012 SUMMARY ENVIRONMENTAL ACTIVITY REPORT – INFORMATION ONLY:** Motion by Urban, seconded by Reid, to receive the communication from the City Manager regarding the October 2012 Summary Environmental Activity Report as information only. Upon a roll call vote, motion carried 7 to 0.

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

\* **BOARD OF CANVASSERS REPORT:** Motion by Urban, seconded by Reid, to receive the Board of Canvassers Report with the results of the November 6, 2012 General Election. Upon a roll call vote, motion carried 7 to 0.

#### **COMMUNICATION:**

**CITY COUNCIL COMMITTEE APPOINTMENTS:** Councilmember Sackley noted the Sign Committee change replacing Councilmember Campbell with Mayor Strazdas. Discussion followed. Motion by Sackley, seconded by Campbell, to approve the 2013 calendar year appointments to City Council Committees with the one change of replacing Councilmember Campbell with Mayor Strazdas. Discussion followed. Upon a roll call vote, motion carried 7 to 0.

#### **UNFINISHED BUSINESS:**

**10323 ARCHWOOD DRIVE:** Once Mayor Strazdas introduced this item of business, Councilmember Sackley recused himself and indicated that he would not be involved in the discussion of this matter, nor would he be voting on this matter. He indicated that he attended the Property Committee meeting on Monday, November 12, 2012, but did not attend the meeting earlier this evening from which the recommendation came.

Councilmember Campbell discussed the role of the Kalamazoo County Land Bank versus the role of the City of Portage with regard to the property and the options reviewed by the Council Property Committee. She indicated that the long term goal of the Land Bank is to sell the property as soon as possible. Discussion followed.

Councilmember Randall noted that when the County takes it back, no taxes will accrue to the City of Portage, no revenue from the sale, plus the City will still have to pay back five years of property tax, and the highest and best use is to return it to the tax roll, so she recommended that City Council accept the property.

Motion by Campbell, seconded by Randall, to receive the presentation/recommendation from the City Council Ad Hoc Property Committee regarding the property at 10323 Archwood Drive, accept the tax reverted property addressed as 10323 Archwood Drive, authorize the City Manager to advise the Kalamazoo County Treasurer of this action by November 30, 2012, and direct the Administration to provide an appraisal of the property and present it to the City Council Property Committee to determine the next step for the marketing of the parcel and the price of the parcel itself. Discussion followed.

Mayor Strazdas cautioned that there is a cost to appraise it, market it and maintain it. Discussion followed regarding the cost to market the property, to maintain it and to obtain an appraisal. In answer to Mayor Pro Tem Reid, Councilmember Campbell indicated that there was no discussion about the neighbors going forward with a community garden. Discussion followed.

Councilmember Pearson indicated that the most important thing is to return the parcel to the property roll. Discussion followed regarding the County property auctions, the rationale behind the procedures used when bundling properties at second auctions and the amounts owed on the property.

Community Development Director Vicki Georgeau weighed in with the information that it is Council Policy to obtain an appraisal and then sell it for that amount, and that the city does not acquire property unless there is a public purpose or a strategic economic development reason. Discussion followed.

Councilmember Urban asked about the Kalamazoo County Land Bank note in their brochure indicating that the property may be sold for \$20.00 to adjacent property owners and Ms. Georgeau explained. Discussion followed. She also responded to questions regarding the reasons for bundling properties at auctions from Councilmember Randall and the level of experience of staff in selling property from Mayor Pro Tem Reid. Discussion followed.

Jan Sackley, 10314 Archwood Drive, introduced herself as a Fiduciary Consultant and past Senior Vice President of one of the largest banks in the country where one of her responsibilities was ensuring full compliance with Public Act 20. She pointed out that proceeds minus expenditures equals profit and emphasized that land speculation by the city is not permitted under Public Act 20. She further explained the City's duty under Public Act 20 and asked City Council to consider the tax consequences of the property. Discussion followed regarding all options, especially the issues surrounding accepting the property or rejecting the property. Councilmember Randall provided a letter from an interested builder, William F. Fries, Jr., 6740 Bluegrass Street, who is a Member of the City of Portage Board of Review. Discussion followed.

Upon a roll call vote, motion carried 5 to 1 with Councilmember Sackley abstaining. Yeas: Councilmembers Campbell, Pearson, Randall and Urban and Mayor Strazdas. No: Mayor Pro Tem Reid.

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

Portage Zoning Board of Appeals of October 8 and October 15, 2012.

Portage Youth Advisory Committee of October 8, 2012.

Portage Environmental Board of October 10, 2012.

Portage Park Board of October 10, 2012.

Portage Planning Commission of November 1, 2012.

## **AD HOC COMMITTEE REPORT:**

**CITY COUNCIL AD HOC SIGN COMMITTEE:** Councilmember Sackley reviewed the minutes of the November 8, 2012 City Council Sign Committee meeting and referred to the consensus of the Committee as reported at the City Council retreat to host a widely attended sign workshop/forum, using the input received to administer a broader survey on business signs, and to review input from all sources and stakeholders to determine the next steps with regard to the Zoning Code sign regulations. Mayor Strazdas indicated that it was interesting to note that the Planning Commission and the Zoning Board of Appeals were given the opportunity to discuss the sign ordinance and disagreed with the amount of restrictions that need to be included in the sign ordinance. Discussion followed.

Motion by Pearson, seconded by Campbell, to receive the presentation by Councilmember Ed Sackley regarding an update on the recent activity of the Sign Committee and to adopt the three action items contained in the Committee report. Upon a voice vote, motion carried 7 to 0.

## **NEW BUSINESS:**

**2012 CITY COUNCIL GOALS SETTING SESSION RESULTS – INFORMATION ONLY:** Mayor Strazdas added this item and indicated the Council Goals and Council Committee Tasks should be approved. Discussion followed. Motion by Pearson, seconded by Campbell, to adopt the global Council goals as discussed at the November 16, 2012 City Council Retreat, adopt the specific topics agreed upon at the Retreat various Topic Committees and adopt the respective task assignments agreed upon at the Retreat. Discussion followed. Upon a roll call vote, motion carried 7 to 0.

## **BID TABULATIONS:**

\* **MICHIGAN DEPARTMENT OF TRANSPORTATION - ROMENCE ROAD EAST (PORTAGE ROAD TO SPRINKLE ROAD):** Motion by Urban, seconded by Reid, to approve Contract 12-5505 between the Michigan Department of Transportation and the City of Portage concerning funding for street improvements on Romence Road East, from Portage Road to Sprinkle Road; approve an engineering services contract with Wightman & Associates, Incorporated, for construction inspection and administration for street improvements on Romence Road East, Portage Road to Sprinkle Road, in the not to exceed amount of \$46,800; adopt a Resolution authorizing the City Manager to sign Contract 12-5505; and authorize the City Manager to sign all other documents related to the Michigan Department of Transportation and consultant contracts for this project on behalf of the city. Upon a roll call vote, motion carried 7 to 0. Resolution recorded on page 467 of City of Portage Resolution Book No. 44.

\* **WATER MAIN ABANDONMENT UNDER THE GRAND ELK RAILROAD:** Motion by Urban, seconded by Reid, to reaffirm the emergency action taken by the City Administration in accepting the quotation by Peters Construction Company in the not to exceed amount of \$39,381.68 and authorize the City Manager to execute all documents related to this matter on behalf of the city. Upon a roll call vote, motion carried 7 to 0.

## **OTHER CITY MATTERS:**

**STATEMENTS OF CITY COUNCIL:** Mayor and City Council wished everyone a safe and happy Thanksgiving.

Councilmember Randall reminded everyone of the 2012 Kalamazoo Area Runners Turkey Trot 5K Time Prediction Run that will be held on the cross country course at Portage West Middle School, 7145 Moorsbridge Road, Portage, at 9:00 a.m. on Thanksgiving Day, Thursday, November 22, 2012. She indicated that participants are asked to consider bringing socks (men's, women's and children's sizes) for the Kalamazoo Gospel Mission and a toothbrush, toothpaste, shampoo, conditioner or a small toy for a child for the Portage Community Center. She also reminded everyone of the annual Tree Lighting and Traditional Holiday Celebration that begins at 7 p.m. Saturday, December 1, 2012.

Councilmember Sackley highlighted the task of the Lake Center Business District Committee to investigate the applicability of the Michigan Urban Core Initiative to the Lake Center Business District corridor.

Mayor Pro Tem Reid indicated that she and Councilmembers Sackley and Urban would be enjoying the special task of reading the "I Love Portage" contest essays from local students.

Mayor Strazdas indicated that he will be in Washington, D.C., during the annual Tree Lighting and Traditional Holiday Celebration, but would very much prefer to be in Portage. He cautioned everyone to lock up their homes when they leave town. He also praised City Council for their hard work at the Annual Retreat as it was the healthiest retreat in years citing that City Council focused on growth in our community and "rallied around it."

**ADJOURNMENT:** Mayor Strazdas adjourned the meeting at 9:23 p.m.

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James R. Hudson, City Clerk

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