CITY COUNCIL MEETING MINUTES FROM FEBRUARY 13, 2018

The Regular Meeting was called to order by Mayor Randall at 7:00 p.m. At the request of Mayor Randall, Pastor Aaron Johnson of the Valley Family Church gave the invocation and the audience then recited the Pledge of Allegiance. The City Clerk called the roll with the following members present: Councilmembers Chris Burns, Richard Ford, Lori Knapp, Claudette Reid and Terry Urban, Mayor Pro Tem Jim Pearson and Mayor Patricia Randall. Also in attendance were City Manager Larry Shaffer, City Attorney Randy Brown, City Clerk Adam Herringa and Deputy City Clerk Erica Eklov.

CONSENT AGENDA: Mayor Randall shared where the public can access the meeting agenda and asked if any Councilmember or anyone in the audience would like an item removed from the Consent Agenda. Councilmember Reid asked that Item A.3 (Legal Services for Austin Lake Trail) and Item A.9 (ICON Shelter for Celery Flats) be removed from the Consent Agenda. Councilmember Urban asked that Item A.6 (Purchase of Property at 9125 Portage Road) and Item A.11 (Budget Review Sessions) be removed from the Consent Agenda.

Motion by Pearson, seconded by Reid, to approve the Consent Agenda items as presented. Upon a roll call vote, motion carried 7 to 0.

APPROVAL OF MINUTES: Motion by Pearson, seconded by Reid, to approve the Regular Meeting Minutes of January 23 and Pre-Council Meeting Minutes of February 12, 2018. Upon a roll call vote, motion carried 7 to 0.

APPROVAL OF ACCOUNTS PAYABLE REGISTER OF FEBRUARY 13, 2018: Motion by Pearson, seconded by Reid, to approve the Accounts Payable Register of February 13, 2018. Upon a roll call vote, motion carried 7 to 0.

BUDGET TRANSFER FOR MAJOR AND LOCAL STREET PROJECTS: Motion by Pearson, seconded by Reid, to approve a budget transfer of $550,000 from the General Fund to the Capital Improvement Fund for the proposed 2018-2019 Major and Local Street Projects and authorize the City Manager to sign all documents on behalf of the city. Upon a roll call vote, motion carried 7 to 0.

CHANGE ORDER WITH PERCEPTIVE CONTROLS: Motion by Pearson, seconded by Reid, to approve Change Order No. 1 in the amount of $72,936 to Perceptive Controls, Incorporated, to furnish and install electronic card readers with the necessary appurtenances, complete the necessary programming 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.

CHANGE ORDER WITH BALKEMA EXCAVATING: Motion by Pearson, seconded by Reid, to approve Change Order No. 2 to Balkema Excavating, Incorporated, of Plainwell, Michigan, in the amount of $41,484.49 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.

AGREEMENT WITH MICHIGAN MUNICIPAL RISK MANAGEMENT AUTHORITY: Motion by Pearson, seconded by Reid, to approve a one-year agreement for comprehensive liability, property and auto fleet insurance through the Michigan Municipal Risk Management Authority (MMRMA) at a total cost not to exceed $509,112 for the period of March 1, 2018 to March 1, 2019 and authorize the City Manager to execute all documents related to this action on behalf of the City. Upon a roll call vote, motion carried 7 to 0.

UNIFORM VIDEO SERVICES LOCAL FRANCHISING AGREEMENT WITH AT&T: Motion by Pearson, seconded by Reid, to approve the Uniform Video Services Local Franchise Agreement submitted by AT&T Michigan pursuant to the Public Act 480 of 2006 (MCLA 44.3301 et. seq.), the Uniform Video Services Local Franchising Act, adopt the Resolution Authorizing Franchise and authorize the City Manager to execute all documents related to this action on behalf of the city. Upon a roll call vote, motion carried 7 to 0. Resolution recorded on page 435 of City of Portage Resolution Book No. 46.

MINUTES OF BOARDS AND COMMISSIONS: Motion by Pearson, seconded by Reid, to receive minutes of the Portage Public School Board of Education Regular Meetings of December 11, 2017 and January 8, 2018; Historic District Commission of January 3, 2018; Planning Commission of January 4 and 18, 2018 and Human Services Board of January 4 and 18, 2018. Upon a roll call vote, motion carried 7 to 0.

MATERIALS TRANSMITTED: Motion by Pearson, seconded by Reid, to receive the Materials Transmitted of January 23, 2018. Upon a roll call vote, motion carried 7 to 0.

PETITIONS AND STATEMENTS OF CITIZENS: Mr. Rich Eichholz, 10243 Smith Road, Union Pier, MI, introduced himself to City Council and shared that he is running for U.S. Congress in the 6th Congressional District.

COMMUNICATIONS:

CALENDAR OF MEETINGS: Motion by Knapp, seconded by Reid, to receive the Calendar of Meetings. Upon a roll call vote, motion carried 7 to 0.

ANNUAL UPDATE OF THE YOUTH ADVISORY COMMITTEE (YAC): At the invitation of Mayor Randall, Youth Advisory Committee Chairperson Ben Miller, Youth Advisory Committee Secretary Megan Chow and Youth Advisory Committee Member Brandon Pittman provided City Council with an update on the committee's goals, objectives and activities. Mayor Randall thanked the youth for their hard work and dedication and complimented City staff for their efforts in supporting the group.

Motion by Reid, seconded by Ford, to receive the Annual Goals and Objectives Update of the Youth Advisory Committee. Upon a voice vote, motion carried 7 to 0.

2018 CITY COUNCIL COMMITTEE APPOINTMENTS: Councilmember Urban expressed disappointment at his appointment to the Water/Sewer Utility Rate Committee and shared his belief that a newer member of City Council would be a more appropriate appointment. He informed City Council that he did not intend to serve on this Committee. Motion by Pearson, seconded by Burns, to receive the 2018 calendar year appointments to City Council Committees. Upon a roll call vote, motion carried 6 to 1 with Councilmember Urban voting no.

REGULAR BUSINESS AGENDA:

APPROVAL OF LEGAL SERVICES CONTRACT FOR AUSTIN LAKE TRAIL: Mayor Randall invited Councilmember Reid to speak regarding this item and Councilmember Reid inquired as to what is involved in the Austin Lake Trail Project, what the steps are going forward and what the anticipated costs are given that the estimated legal services costs exceed the original anticipated $100,000 cost for preliminary design, right-of-way services and property acquisition. City Manager Shaffer provided an overview of the project and how it will enhance the existing trail system in the City. Given the $145,700 cost for legal services, Councilmember Reid inquired as to why the Office of the City Attorney could not be utilized. City Manager Shaffer stated that the project involves obtaining right-of-way, property acquisition and the potential for eminent domain. These areas of law, Mr. Shaffer continued, are best handled by a dedicated legal expert and the law office of Miller Canfield has a history of performing quality work in this regard for the City. City Attorney Brown confirmed that the legalities involved in this project are not part of his firm's area of expertise. Councilmember Reid then expressed her desire that the City avoid eminent domain unless absolutely necessary. Councilmember Urban inquired how many property owners would be directly involved in property acquisition. Director of Parks, Recreation and Senior Citizens Services Kathleen Hoyle responded that the proposed trails involves four property owners and twelve parcels. Mr. Urban commented that the City had an opportunity to purchase several of the parcels in the past and elected not to do so.

Motion by Reid, seconded by Burns, to approve a Legal Services Agreement with Miller Canfield in the amount of $145,700 to represent and advise the City of Portage in obtaining real estate interest in property for development of the Austin Lake Trail project and authorize the City Manager to sign all documents pertaining to the agreement of behalf of the city. Upon a roll call vote, motion carried 7 to 0.

PURCHASE OF PROPERTY AT 9125 PORTAGE ROAD: Mayor Randall invited Councilmember Urban to speak regarding this item and Councilmember Urban shared that there were many questions related to this proposed property purchase at the Pre-Council Meeting. Councilmember Urban shared that the proposal is to purchase a commercial property to relocate a sewer lift station. Mr. Urban stated his belief that to purchase the property and use the existing building for City storage was an underutilization of the property especially given the proposed price of $220,000. City Manager Shaffer stated that he recognized $220,000 for property for a lift station was costly especially when the removal of the property from the tax rolls is taken into account. However, Mr. Shaffer explained the value and importance of relocating and rebuilding the lift station and reviewed concerns with the lift station's existing location. Mr. Shaffer continued by explaining the construction involved with installing the lift station and the impact on the property both during and after construction. Councilmember Urban commented that the City has proposed closing Emily Drive and, as a result, the entrance to the property. However, Councilmember Urban pointed out the property could have an access installed off of Portage Road. Councilmember Urban then inquired as to the existing location of the lift station and whether the City has an easement in place. Director of Transportation and Utilities Kendra Gwin stated that the map overlay provided to City Council is not exact and the City does not have property rights for the current lift station.

Councilmember Reid inquired if the lift station could be placed in another location on the property such that impact on the potential development of the property is minimized. Director Gwin shared that the lift station will have a larger footprint, a generator that produces a significant amount of noise when running and a potential for odor. Councilmember Reid commented there are ways to mitigate issues such as sound. City Manager Shaffer stated that landscaping is planned as part of this project and emphasized that rebuilding and relocating the lift station allows the City to address long-term issues. In addition, he stated that funds are currently available in the City's operating budget. Attorney Brown commented that the choice is not necessarily between obtaining an easement and buying the property as if the lift station harms the economic value of the property the City will be forced to buy the property anyway.

Councilmember Ford inquired about the construction needs and timetable of the lift station. Director Gwin estimated the project will take six months to complete and involve heavy equipment as the station requires a depth of approximately 40 feet. If the City decides not to purchase the property, she continued, a large easement will be necessary along with leasing of space to store the construction equipment.

Councilmember Burns inquired what the original plan was to repair this lift station if the adjoining property did not go up for sale. City Manager Shaffer stated that the plan was to locate it across the street but recent nearby development and the asking price for the necessary property made this option highly unattractive. Councilmember Burns expressed interest in supporting the purchase but only if the City works to dispose of any excess property at this location in the future.

Councilmember Urban inquired if the lift station could be located on Emily Drive if Emily Drive is closed. Director Gwin stated that this could be possible but an evaluation would be necessary to confirm. Councilmember Urban expressed support for reviewing this possibility prior to City Council authorizing purchase of the property. Councilmember Urban also inquired if other locations, such as a nearby former gas station property, were considered. City Manager Shaffer replied that the former gas station property likely has contaminated soil and, with regard to closing Emily Drive, nearby residents have not been consulted and there may be opposition.

Councilmember Ford expressed support for locating the lift station such that it minimizes impact on the property and the property can be redeveloped in the future. Mayor Pro Tem Pearson expressed agreement with Councilmembers Burns and Ford in the need to locate the lift station such that the property can be redeveloped especially given its location near West Lake. Mayor Pro Tem Pearson also inquired if the structure on the property would need to be demolished if the property is to be resold. City Manager Shaffer indicated that demolition would likely be necessary.

Councilmember Reid inquired if the design and engineering work has been completed and for information pertaining to the process to close Emily Drive. Director Gwin stated that engineering work has not yet been completed. Ms. Gwin reviewed the road closure process and shared that closing a road will require City Council support. Councilmember Reid expressed support for conducting additional research and investigation prior to purchasing the property.

Mayor Randall expressed skepticism for using the property for storage given its ideal location and presence in an area of the City that is up and coming. She stated that she recognizes the need to repair/replace the lift station but questioned if City Council had all of the information necessary to make a decision. Mayor Randall inquired if the purchase was time sensitive. City Manager Shaffer stated that more information can be gathered and disclosed that the City has a purchase and sale agreement and provided insight as to how the City reached the agreement. Councilmember Reid inquired if there was a deadline for the purchase agreement and City Attorney Brown commented that it is subject to approval by City Council from the date of the last signature on the document which was February 4, 2018.

Motion by Pearson, seconded by Ford, to approve the purchase of property addressed as 9125 Portage Road in the amount not to exceed $220,000 and authorize the City Manager to execute all documents on behalf of the city. Motion by Urban, seconded by Reid, to table the motion to approve the purchase of property addressed as 9125 Portage Road for two weeks in order for City Administration to gather and provide more information. Mayor Randall inquired as to the process involved in reviewing the possibility of closing Emily Drive with nearby residents. City Manager Shaffer reviewed the usual process and that two weeks is a tight window but staff would do their best. Upon a roll call vote the motion to table the original motion carried 7 to 0.

PURCHASE OF ICON SHELTER FOR CELERY FLATS: Mayor Randall invited Councilmember Reid to speak regarding this item. Councilmember Reid stated that because this project involved such a focal point of the community she thought it prudent for the City Manager to describe the project in greater detail. City Manager Shaffer reviewed the overall plan for Celery Flats including the planned shelter, patio, fountains, food court area, mobile concession hook-ups, parking and trail connection.

Motion by Reid, seconded by Knapp, to approve the purchase of an ICON Shelter from Penchura, LLC, of Brighton, Michigan, to be constructed at the Celery Flats Historical Area at a cost of $201,880 and authorize the City Manager to sign all documents related to this purchase on behalf of the city. Upon a roll call vote, motion carried 7 to 0.

BUDGET REVIEW SESSIONS: Mayor Randall invited Councilmember Urban to speak regarding this item and Councilmember Urban shared that a 4:30 p.m. start time would be difficult for him due to family commitments. Motion by Reid, seconded by Burns, to establish April 17 and May 1, 2018, from 5:00 to 9:00 p.m. as the dates for review of the proposed Fiscal Year 2018-2019 Budget. Upon a roll call vote, motion carried 7 to 0.

COUNCIL COMMITTEE REPORTS: Councilmember Urban shared that he and Mayor Pro Tem Pearson attended a meeting of the Central County Transit Authority (CCTA) and that the CCTA was introducing an app to assist in the purchase of bus passes and tokens. Mayor Pro Tem Pearson shared that new buses were in the process of being introduced that are reflective of the new red logo and the age to qualify for senior bus passes is 62.

NEW BUSINESS:

PUBLIC MEDIA NETWORK UPDATE: Mayor Randall stated the City of Portage is represented on the Public Media Network (PMN) Board of Directors by two Councilmembers and one resident. Based on the appointments identified this evening the Portage representatives were herself, Mayor Pro Tem Pearson and Mr. Don Ramlow. Mayor Randall stated that one of the reasons she ran for office was to promote transparency and shared how transparency has been improved over the years. With regard to PMN, she stated it was important for recent correspondence from a former Portage appointee to the PMN Board of Directors and the Executive Director of PMN, Matt Schuster, be made public. Going forward, she stated, she and Mr. Pearson would be looking for ways to improve PMN broadcasting capabilities and citizen reach.

Mayor Pro Tem Pearson stated that he recently attended a PMN strategy session to listen to issues and challenges faced by PMN. He continued by disclosing the City contributes $383,000 to PMN annually and that he believes the quality of service from PMN does not match the level of contribution. Mr. Pearson continued by sharing that some of the challenges faced by PMN is dwindling revenues due to fewer cable subscribers and the need to integrate social media platforms for greater community reach. Mayor Pro Tem Pearson raised the question of whether it makes sense for the City of Portage to remain a member of PMN or to go in a different direction.

Mr. Matt Schuster, Executive Director of PMN, 2107 Aberdeen, Kalamazoo, and PMN Board Chair Ron Coleman, 3037 Valleywood, Kalamazoo, were invited to the podium. Mr. Schuster shared that the challenges faced by PMN are not unique to PMN and reviewed what the $383,000 from Portage supports. He continued by stating that PMN is committed to making enhancements and he is looking forward to working with City staff and the new PMN Boardmembers. Mr. Coleman invited Councilmembers to plan a tour of the PMN facility.

City Manager Shaffer shared that he has spoken with Mr. Schuster about enhancing the relationship between PMN and the City of Portage and what that might look like. He reviewed some of his expectations and his belief that issues related to live streaming of meetings and broadcast quality can be solved.

Councilmember Reid clarified the City of Portage does not contract with PMN but rather PMN is supported by a consortium of governmental units. She explained that there is more to PMN than broadcasting governmental meetings and that funding does not come from tax dollars. Funding, she stated, comes from franchise fees paid by subscribers that are passed along to the City by providers.

Councilmember Reid stated her belief that a member of the PMN Board of Directors has a primary fiduciary responsibility to PMN.

Councilmember Ford empathized with PMN that it is a tough time to be in the business of public media with so many people canceling their cable subscriptions. He stated that he is glad to hear PMN is coming up with new ideas and trying to embrace social media opportunities.

City Manager Shaffer shared that the City receives over $500,000 in franchise fees and, to comply with federal requirements, approximately $380,000 is provided to PMN for public cable access services. Mr. Shaffer commented that given the level of the City contribution to PMN, the level of service is not as high as it should be. Mr. Shaffer continued by stating that while a PMN Boardmember may have some fiduciary responsibility to PMN he or she also has a responsibility to keep the appointing organization informed on issues and challenges that may arise. The goal, he stated, is to have a relationship that works for PMN, the City of Portage and its citizens.

Councilmember Urban stated the role of PMN is not solely for the benefit of Portage City Government but also to citizens of Portage. He pointed out that PMN offers training and broadcasting opportunities for residents. Mr. Urban commented that the field of public broadcasting has changed with the advent of computer technology and GoPro cameras and PMN must find a way to integrate into this new world.

Councilmember Burns inquired if the City of Portage was getting good value for our contribution. He inquired if PMN knew how many Portage residents were watching, for example, City Council Meetings and how many residents were participating in training sessions. Mr. Schuster stated that he would research the answer, but getting viewership numbers is difficult unless one subscribes to Nielsen Rating Services which PMN does not due to cost. Mr. Schuster stated that there were over 7000 hours broadcast annually for area churches and that there have been multiple classes offered over the past year. Councilmember Knapp stated that getting a breakdown of the number of people watching and participating with PMN would be beneficial. Mayor Randall thanked Mr. Schuster and Mr. Coleman for their time and for the invitation to tour the facility. Mayor Randall indicated that such a tour should include no more than three Councilmembers at a time. Councilmember Reid questioned the Mayor's statement and City Attorney Brown shared that while there is no law against more than three Councilmembers touring a facility together he advises against it to avoid the potential for debate and discussion to evolve.

Motion by Ford, seconded by Reid, to have the City Manager prepare a report on the costs and benefits of a social media plan and include within that report the cable broadcast either via PMN or some other method. In addition, that PMN provide relevant numbers for inclusion in the report. Upon a roll call vote, motion carried 7 to 0.

TOWING CONTRACT: Mayor Randall added vehicle towing to the agenda and stated that she was doing so based on a situation related to the recent snowstorm. She stated that I-94 was closed due to a multiple vehicle accident and that, to avoid the traffic backup, a semi-truck exited at Oakland Drive and tried to turn onto Kilgore Road only to fail to make the turn and block the road. Mayor Randall questioned whether a single source contract for towing was the most effective and efficient way to go. Mayor Pro Tem Pearson expressed optimism that the new Kalamazoo County Consolidated Dispatch Authority (KCCDA) program would be better equipped to arrange/coordinate accident responses throughout the County. Councilmember Reid questioned what happens when there are multiple accidents and our contracted towing provider does not have any tow trucks available. City Manager Shaffer stated that in the City of Portage if the consumer does not indicate a towing company preference public safety will call the City contracted towing company which is McDonald Towing. If McDonald Towing does not have a truck available public safety will contact a different local towing company. Mr. Shaffer stated his optimism that the KCCDA is a great venue for discussing towing at the County level rather than one municipality at a time. Councilmember Reid commented that under certain weather conditions it would not be uncommon for towing demand to exceed capacity. Councilmember Ford commented that KCCDA could utilize technology to more efficiently dispatch tow trucks. In response to a question from Mayor Randall, Mr. Shaffer shared that Consolidated Dispatch is planned for August or September of this year.

STATEMENTS OF CITY COUNCIL AND CITY MANAGER: Councilmember Ford shared that Assessment Notices were recently mailed out and explained that taxable value is different from assessed value and residents might see a slight property tax increase due to the Consumer Price Index.

Councilmember Reid shared that she recently attended a public meeting regarding how Michigan State University is addressing concerns related to circumstances surrounding Dr. Larry Nassar. She continued by stating there is a mistrust of government and administrations that will require time and effort to overcome. She concluded by stating that government at all levels must be welcoming and encourage people to come forward with concerns.

Mayor Pro Tem Pearson thanked City Council for their discussion and complimented Mr. Urban on his accuracy with regard to a prior sale price for 9125 Portage Road.

City Manager Shaffer thanked residents for their patience as crews worked to clear the streets from recent snowfalls. He stated his intention to ensure better communication and technology in response to future snowstorms.

Mayor Randall stated that she and City Manager Shaffer attended a ribbon-cutting at Pfizer in celebration of a recent addition to their facility. She complimented the Office of the City Assessor on getting out Assessment Notices early and shared how the early mailing benefits residents. She reminded residents of an upcoming event in recognition of Black History Month. Mayor Randall wished former Kalamazoo Gazette reporter Tom Haroldson a happy retirement and thanked him for his years of service to the community. Mayor Randall welcomed Mr. Haroldson's replacement, Malachi Barrett, and welcomed Deputy City Clerk Erica Eklov to the dais as Ms. Eklov learns more about supporting City Council Meetings.

ADJOURNMENT: Mayor Randall adjourned the meeting at 9:07 p.m.

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Adam Herringa, City Clerk