**CITY COUNCIL MEETING MINUTES FROM JULY 9, 2019**

The Regular Meeting was called to order by Mayor Patricia Randall at 7:00 p.m. The following members were present: Councilmembers Chris Burns, Richard Ford, Lori Knapp, Claudette Reid, Terry Urban, Mayor Pro Tem Jim Pearson and Mayor Patricia Randall. Also in attendance were City Manager Larry Shaffer, City Attorney Randy Brown and City Clerk Adam Herringa.

At the request of Mayor Randall, the audience observed a moment of silence to honor all religions and personal beliefs and in honor of all youth in the community that they enjoy a safe, healthy and education filled summer.

Following the moment of silence, City Council and the audience recited the Pledge of Allegiance.

**PROCLAMATION:** Mayor Randall issued a proclamation recognizing Summer Learning Day in Portage. Mayor Randall invited Jenna VanSpronsen of the Kalamazoo Youth Development Network to read the proclamation. Ms. VanSpronsen read the proclamation and shared information about the efforts of the Youth Development Network and their goal of having youth college, career and community ready by the age of 21. She concluded her comments by thanking City Council for their support.

**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. No items were removed. Motion by Pearson, seconded by Ford, to approve the Consent Agenda. Upon a roll call vote, motion carried 7 to 0.

**APPROVAL OF MINUTES:** Motion by Pearson, seconded by Ford, to approve the Regular Meeting Minutes of June 25 and Pre-Council Meeting Minutes of July 8, 2019. Upon a roll call vote, motion carried 7 to 0.

**APPROVAL OF ACCOUNTS PAYABLE REGISTER OF JULY 9, 2019:** Motion by Pearson, seconded by Ford, to approve the Accounts Payable Register of July 9, 2019. Upon a roll call vote, motion carried 7 to 0.

**SIGN REMOVAL, FABRICATION AND INSTALLATION:** Motion by Pearson, seconded by Ford, to award a construction contract to Valley City Sign Company in the amount of $52,099.20 for removal of five and fabrication and installation of 32 new trail wayfinding and park lectern signs at various locations throughout the city, and authorize the City Manager to sign all documents related to the contract on behalf of the city. Upon a roll call vote, motion carried 7 to 0.

**CHANGE ORDER WITH MICHIGAN PAVING & MATERIALS COMPANY:** Motion by Pearson, seconded by Ford, to award Contract Change Order #1 in the amount of $90,059.60 to Michigan Paving & Materials Company, for mill and fill asphalt repair of local street sections, 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.

**COMMUNITY DEVELOPMENT BLOCK GRANT & GENERAL FUND HUMAN/PUBLIC SERVICES CONTRACT:** Motion by Pearson, seconded by Ford, to approve the Fiscal Year 2019-2020 Community Development Block Grant and General Fund Human/Public Services contracts for the Portage

Community Center, and authorize the City Manager to execute all documents related to the contracts on behalf of the city. Upon a roll call vote, motion carried 7 to 0.

**LABOR AGREEMENT WITH PORTAGE POLICE COMMAND OFFICERS ASSOCIATION:** Motion by Pearson, seconded by Ford, to Authorize the Mayor and City Clerk to execute a replacement two-year labor agreement between the City of Portage and the Portage Police Command Officers Association. Upon a roll call vote, motion carried 7 to 0.

**APPOINTMENTS TO DOWNTOWN DEVELOPMENT AUTHORITY:** Motion by Pearson, seconded by Ford, to confirm the City Manager appointments to the Downtown Development Authority of the City of Portage. Upon a roll call vote, motion carried 7 to 0.

**APPOINTMENTS TO LOCAL DEVELOPMENT FINANCE AUTHORITY:** Motion by Pearson, seconded by Ford, to confirm the 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 7 to 0.

**2017-2018 LOCAL DEVELOPMENT FINANCE AUTHORITY ANNUAL REPORT:** Motion by Pearson, seconded by Ford, to receive the Fiscal Year 2017-18 Local Development Finance Authority Annual Report as information only. Upon a roll call vote, motion carried 7 to 0.

**2017-2018 DOWNTOWN DEVELOPMENT AUTHORITY ANNUAL REPORT:** Motion by Pearson, seconded by Ford, to receive the Fiscal Year 2017-18 Downtown Development Authority Financial Annual Report as information only. Upon a roll call vote, motion carried 7 to 0.

**CLOSED SESSION FOR FOIA APPEAL:** Motion by Pearson, seconded by Ford, to hold a closed session immediately following the regular July 9, 2019 City Council Meeting for the purpose of reviewing an Attorney/Client communication regarding a Freedom of Information Act Appeal. Upon a roll call vote, motion carried 7 to 0.

**MINUTES OF BOARDS AND COMMISSIONS:** Motion by Pearson, seconded by Ford, to receive the minutes of the Portage Public Schools Special Board Meeting of June 10, Portage Public Schools Closed Board Meeting of June 10 and Portage Public Schools Committee of the Whole Meeting of June 10, 2019. Upon a roll call vote, motion carried 7 to 0.

**MATERIALS TRANSMITTED:** Motion by Pearson, seconded by Ford, to receive the Materials Transmitted of June 25, 2019. Upon a roll call vote, motion carried 7 to 0.

**PETITIONS AND STATEMENTS OF CITIZENS:** Ms. Lynn Zhang, 7596 Oak Shore Drive, spoke on behalf of a number of residents present at the meeting regarding flooding concerns associated with high water levels in the Hampton Bog. Ms. Zhang shared the impact the flooding has had on numerous homes, expenses paid by residents in efforts to save their residences and health concerns associated with water inundating houses. She stated that this is an emergency situation and the bog has been at flood stage for 18 months. Ms. Zhang then shared that a short-term solution is coming together and thanked Mayor Randall and City Manager Shaffer for their efforts in this regard. However, she asked that a long-term solution be aggressively pursued and implemented noting that flooding of the bog was last experienced in 2008 and no resolution was implemented. Ms. Zhang stated that both she and her neighbors love their homes and do not want to move as a result of the flooding.

Mayor Randall thanked Ms. Zhang for her comments and those in the audience for coming to the meeting. She then reviewed recent efforts and meetings that were held to discuss, review and seek out solutions to the flooding problem. Mayor Randall then described the short-term solution that will be implemented and the anticipated results. She explained that the hope is the pumping effort will be effective and lower the water level by several inches over the next 30 days. Mayor Randall asked City Manager Shaffer to provide additional details.

City Manager Shaffer reviewed the project and associated costs in greater detail. He noted that while he is hoping for positive results the persistence and level of the groundwater may be such that pumping water out proves to be, at best, minimally effective. With regard to a permanent solution, Mr. Shaffer reviewed the steps, state agencies, permits and engineering efforts that will be involved. Mr. Shaffer noted that city roadways contribute a portion of the water that drains into the bog and, as a result, he feels it is appropriate for the city to bear some of the cost burden. He concluded by assuring City Council and those in the audience that a permanent solution is being pursued and that he would be reporting back with results.

Mayor Pro Tem Pearson agreed that this is an emergency situation and efforts must be undertaken to address this situation. He shared that he lives along Austin Lake and has never seen the lake so full of water.

Councilmember Reid inquired about the cost of the short-term solution and whether it should be approved by City Council. She continued by stating that the project being implemented is better characterized as an experiment. She noted that the results may be that water levels in the bog are not reduced or that the experiment is only minimally effective. She shared her belief that City Council should have discussions immediately about what to do should the results of the pumping effort be marginal at best.

Mayor Randall shared that she is optimistic the pumping will work and noted efforts by the city to address high water levels in the Black Forest Drive neighborhood. She shared that she has walked the paths adjacent to Hampton Bog and lives nearby. She stated that she anticipates residents will start to see water in the bog receding once pumping starts. She expressed her complete support for the project. With regard to a long-term solution, she noted that flooding in lakes in Texas Township took two years before a solution was implemented. Mayor Randall continued by sharing that she has been told a long-term solution could be anywhere from two to five years from fruition. She expressed her goal that such a solution begin with one year.

In response to the question raised about City Council authorization for the project, City Manager Shaffer noted that a bulk of the cost is related to treatment by the Kalamazoo Wastewater Treatment Facility and the city has a $2 million annual contract with the City of Kalamazoo in this regard. The remaining costs, he stated, amount to substantially less than $40,000. Mr. Shaffer concluded by stating that the goal of the immediate solution is to reduce water levels by over seven inches which will help to build capacity in the bog should another significant weather event occur. He added that this solution should be given a chance and that, should the city make a mistake, he prefers that it be on the side of trying to help the residents.

City Attorney Brown noted that, with regard to the anticipated project costs and purchasing ordinance, City Manager Shaffer is correct that he is authorized to spend the funds that have been outlined. Mr. Brown noted that if this situation is a true emergency, the City Manager does have the authority to spend funds upfront without prior approval by City Council. However, Mr. Brown shared that City Council is free to offer a motion of support for the City Manager's efforts and that general authority to address this situation can be given.

Councilmember Knapp expressed her support for this effort and stated that it will be a very informative project.

Motion by Reid, seconded by Urban, that city administration be authorized to spend the monies necessary to pump water out of the storm sewer in order to provide some assessment of the success of doing this on the Hampton bog and report back to City Council in 30 days. Councilmember Reid stated that she is not opposed to this experiment but wants it understood this project is truly an experiment, that she wants a report back and wants to demonstrate to residents that City Council is willing to take action.

Mayor Pro Tem Pearson shared that he would support the motion but expressed concern regarding results being determined in thirty days due to the unpredictable nature of weather. Councilmember Reid clarified that the intent of her motion is for the City Administration to provide a report, not final results. Upon a roll call vote, motion carried 7 to 0.

Mr. Steve Antoniotti, 7774 West St. Andrews Circle, expressed his appreciation for action being taken although he's been dealing with the issue for 18 months. He expressed skepticism as to the effectiveness of lowering the level of the bog 7 ½ inches. He stated that his basement was flooded and he spent significant time and effort getting water out of his basement. He questioned how much the city is contributing to the problem with runoff from nearby roads along with new developments in the area. He asked that a long-term solution be found sooner rather than later.

Mayor Randall thanked residents for attending and shared that the engineering part of the solution will likely be far easier than obtaining the necessary permits. She shared that a new engineering firm will be hired that will focus exclusively on this situation. The firm will work to guide all parties through this process. She concluded by sharing that City Council is on board with moving this project forward.

City Attorney Brown clarified that the motion that was made is a confirmation of the City Manager's powers but does not restrict or limit him of the powers he already has regarding emergencies, budgetary items or items covered under the contract with the City of Kalamazoo in case action needs to be taken beyond those authorized by motion.

Mr. Ed Haines, 7745 West St. Andrews Circle, inquired how he and other residents will be able to communicate with city staff and engineers regarding efforts at Hampton Bog. Mr. Shaffer clarified that updates will be made on the city website and public forum and, following a query by Mr. Haines, e-mail.

**COMMUNICATIONS:**

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

**PUBLIC HEARINGS:**

**REZONING APPLICATION #18/19-6, 129 BOSTON AVENUE:** Mayor Randall opened the public hearing and invited public comment. The applicant and owner of 129 Boston Avenue, Mr. Jay Sharma, spoke and asked that the hearing be adjourned until the August 6th Regular City Council Meeting. No one else came forward to speak. Motion by Pearson, seconded by Knapp, to adjourn the public hearing and reconvene at the August 6th Regular Meeting. Upon a roll call vote, motion carried 7 to 0.

**UNFINISHED BUSINESS:**

**INTERGOVERNMENTAL AGREEMENT WITH KALAMAZOO FOR PUBLIC SAFETY ANALYTICS:** Mayor Randall deferred to City Manager Shaffer who explained that City Administration would be meeting with Kalamazoo Public Safety Chief Karianne Thomas and Portage Director of Public Safety Nick Armold to work on getting answers to outstanding questions. He shared that the plan is to enhance the agreement that was approved by Kalamazoo with additional details. Motion by Knapp, seconded by Reid, to approve moving deliberation of the Intergovernmental Agreement with the City of Kalamazoo for crime analysis, crime prevention and strategic operational crime reduction activities at the Kalamazoo Strategic Operations Center to the July 23, 2019, City Council Meeting. Upon a roll call vote, motion carried 7 to 0.

**COUNCIL COMMITTEE REPORTS:** Councilmember Burns shared that a recent meeting of the Metro Transit Authority was canceled. He next mentioned that news reports have highlighted labor negotiations that are on-going and that the bus driver's union is picketing. He commented that the board is hoping for a resolution to the dispute. Motion by Ford, seconded by Reid, to receive the Council Committee Report as presented. Upon a voice vote, motion carried 7 to 0.

**STATEMENTS OF CITIZENS:** Mr. Pete Everts, 1103 Forest Drive, spoke and shared that he recently attended a public meeting about the Lovers Lane construction project and he felt it was all for naught. He stated that the City of Portage failed to communicate about the project and the transition from a four-lane road to a three-lane road. He questioned whether state funding for the project was appropriately used and questioned the rationale for changing the number of lanes. He expressed hope for good communication between the residents around the Hampton Bog and the city because, in his experience, communication with the city is lacking.

**CLOSED SESSION:** Mayor Randall shared with the audience that the meeting would now adjourn into closed session. City Council went into closed session at 7:46 p.m. Mayor Randall reconvened the meeting at 8:21 p.m. Motion by Reid, seconded by, Urban, that the appeal of John Stears seeking the waiver of the fees he was charged for responding to his Freedom of Information Act request by the City on June 12, 2019 on the grounds that the FOIA Coordinator did not provide him with a good faith estimate of the fees and request a deposit of 50% of the estimated fee before responding to the request be denied for the reason that the FOIA Coordinator was not required to make a good faith estimate and require a deposit by either the City's FOIA policies and procedures, or the FOIA. In this specific situation, we shall set the fee at $50.00. Upon a roll call vote, motion carried 7 to 0.

**STATEMENTS OF CITY COUNCIL AND CITY MANAGER:** Councilmember Urban thanked City Council for their card and consideration regarding the recent passing of his mother.

Councilmember Reid shared that she attended the recent public meeting regarding the Lovers Lane construction project. She shared that she found the meeting to be contentious and that residents were invited to a meeting despite the fact that decisions about lane striping were already made. She stated that city staff seemed ill-prepared for the meeting and that she concurs with the assessment of Mr. Everts regarding poor communication on this project.

Councilmember Knapp shared that she also attended the meeting about Lovers Lane and that Councilmember Reid provided a good summary. Councilmember Knapp stated that she is looking forward to the city's new Public Participation Plan being used with vigor and transparency.

Councilmember Burns shared that he also attended the meeting about Lovers Lane and thought the city could do a better job sharing and communicating good justification for the project.

He stated that some residents still have concerns about safety and congestion on Lovers Lane especially at it relates to the Stryker development. He continued by stating that the traffic on this roadway will be studied and reassessed. Councilmember Burns next informed the public of an upcoming walking tour of the Elijah Root Mill hosted by local historian Steve Rossio.

Mayor Pro Tem Pearson complimented Steve Rossio as a presenter. He also shared that he was absent from the last meeting due to the passing of his mother. Next, Mayor Pro Team Pearson shared that he filled in for the Mayor at Celery Flats for a ceremony involving the Portage Big Idea Fund and the Portage Rotary Club's donation which led to the purchase of outdoor furniture at the new pavilion. He next shared that the Portage Rotary Club also sponsors the annual 4th of July fireworks and the event was a success. Finally, Mayor Pro Tem Pearson shared that he has turned in petitions to run for re-election.

Mayor Randall shared that she has been hearing from residents regarding road construction and commented that the construction window in Michigan is brief but the city is fortunate to be in the position to improve roadways. She shared that the July brush pickup is beginning and encouraged motorists to use caution on the roadways, given that so many children are out playing and people are out jogging, biking and enjoying the summer weather.

**ADJOURNMENT:** Mayor Randall adjourned the meeting at 8:28 p.m.

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Adam Herringa, City Clerk