

CITY COUNCIL MEETING MINUTES FROM JULY 23, 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, 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. Councilmember Richard Ford was absent with excuse.

At the request of Mayor Randall, the audience observed a moment of silence to honor all religions and personal beliefs and in recognition of efforts to make Portage the best it can be.

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

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 Urban removed Item A.4 and Councilmember Knapp removed item A.6. Motion by Reid, seconded by Knapp, to approve the Consent Agenda. Upon a roll call vote, motion carried 6 to 0.

APPROVAL OF MINUTES: Motion by Reid, seconded by Knapp, to approve the Regular Meeting Minutes of July 9 and Pre-Council Meeting Minutes of July 22, 2019. Upon a roll call vote, motion carried 6 to 0.

APPROVAL OF ACCOUNTS PAYABLE REGISTER OF JULY 23, 2019: Motion by Reid, seconded by Knapp, to approve the Accounts Payable Register of July 23, 2019. Upon a roll call vote, motion carried 6 to 0.

LOCAL STREETS RECONSTRUCTION CONTRACT AMENDMENT: Motion by Reid, seconded by Knapp, to amend a construction contract with Northern Construction Services, Corp. of Niles, Michigan for the 2019 Local Streets Reconstruction Program in an amount not to exceed \$1,679,973.50 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 6 to 0.

PICNIC SUPPORT EQUIPMENT PURCHASE: Motion by Reid, seconded by Knapp, to approve a sole source purchase in the amount of \$79,825.50 from Jamestown Advanced Productions, Corp., to purchase picnic support equipment, and authorize the City Manager to execute all documents on behalf of the city. Upon a roll call vote, motion carried 6 to 0.

SPECIAL LIQUOR LICENSE APPLICATION: Motion by Reid, seconded by Knapp, to approve submission of applications to the Michigan Liquor Control Commission (MLCC) for a Special License for the sale of beer and wine for consumption on the premises at Celery Flats (7335 Garden Lane) for the Heritage Festival held on Saturday, September 7, 2019, and the Portage Art Hop planned for Friday, October 4, 2019, and authorize the City Manager to execute all documents on behalf of the city. Upon a roll call vote, motion carried 6 to 0.

SALE OF 2527 WEST MILHAM AVENUE: Motion by Reid, seconded by Knapp, to adopt the resolution to sell 2527 West Milham Avenue and place the resolution on file with the Office of City Clerk for 28 days and take final action on August 20, 2019. Upon a roll call vote, motion carried 6 to 0.

SPECIAL CITY COUNCIL MEETING: Motion by Reid, seconded by Knapp, to set a Special Meeting on August 20, 2019, for the purpose of the next steps in the City Manager Search. Upon a roll call vote, motion carried 6 to 0.

MINUTES OF BOARDS AND COMMISSIONS: Motion by Reid, seconded by Knapp, to receive the minutes of the Human Services Board of May 2 and June 13, Historic District Commission of June 5, Zoning Board of Appeals of June 10 and Planning Commission of June 20, 2019. Upon a roll call vote, motion carried 6 to 0.

COMMUNICATIONS:

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

REGULAR BUSINESS:

HAMPTON CREEK WETLAND ENVIRONMENTAL IMPACTS EVALUATION CONTRACT: Mayor Randall deferred to Councilmember Urban who asked that the item be removed from the Consent Agenda. Councilmember Urban commented that not every councilmember has been privy to information and proposals related to flooding at the Hampton Bog. He questioned whether the proposed contract, as currently written, was appropriate at this time given the uncertainty of proposed solutions. He continued by stating that City Council should decide on the final solution and how to pay for it.

City Manager Shaffer stated that the project is complicated and will require a sophisticated level of cooperation. With regard to the contract, he stated that some of the unknowns are what the final project will entail, costs, permit requirements, etc. He commented that numerous roadblocks may lie ahead but, at a minimum, a baseline engineering study is necessary. He continued by commenting that there will be no attempt to circumvent the City Council and that he views the engineering aspect to be the easy part of the project.

Councilmember Reid pointed out that a variety of impediments to success likely lie ahead that may halt the project. She inquired as to how the contract will work if what is being looked at is not feasible. She inquired if the contractor would then be redirected. The efforts related to emergency pumping, she stated, should provide insight into potential solutions to the situation.

City Manager Shaffer expressed his commitment to keeping City Council and the community informed throughout the process. He continued by stating that additional partners, such as the Drain Commissioner, may be necessary. The engineering, he stated, is an essential step in the process. Mayor Randall concurred that having an engineering firm with expertise in this area is the first of many steps in the process. A professional firm, she stated, can focus exclusively on the problem and removes any potential bias. With regard to the emergency pumping, she stated that a permit from the Department of Environment, Great Lake and Energy (EGLE) is needed. She then shared that the signed permit is forthcoming and that she had been in contact with local and state elected officials.

Councilmember Reid reiterated her question about what happens if the engineering efforts indicate that the project needs to come to a halt. She asked if City Administration would come back to City Council prior to a permit being issued. She inquired if the permit will identify infrastructure and cost requirements. Mr. Shaffer responded that City Administration would bring information back to City Council in advance of any permit being issued and to identify any funding mechanism.

With regard to “hard stops” in the project, Mr. Shaffer stated that every effort will be made to avoid any such stoppages.

Councilmember Burns commented that any potential solution will require permit applications and expressed support for the contract to start the process of engineering a solution.

Councilmember Urban requested assurance that decisions related to this situation will not bypass City Council. Motion by Urban, seconded by Reid, to award a contract to perform an environmental impacts evaluation and joint permit application for the Hampton Creek Wetland Area Phase 2 to Fishbeck, Thompson, Carr & Huber, Incorporated, of Grand Rapids, Michigan in the amount not to exceed \$134,365 and authorize the City Manager to execute all documents related to the contract except final permit application to the State of Michigan.

Mayor Pro Tem Pearson commented that bringing the application back before City Council would result in a delay. He continued by commenting that perhaps a special meeting could be held but that, regardless, he viewed the situation as an emergency. Mr. Shaffer commented that the permit process is not like flipping a switch and is multi-faceted in identifying the solution, getting permits, determining costs, etc. He offered assurances that this item will be back before City Council.

Mayor Randall shared that, in conversations with State Representative Brandt Iden, she has learned that it’s best to get the permit application submitted to EGLE as soon as possible regardless of whether all of the details have been gathered. She continued by stating that she would be comfortable with and expect regular updates to City Council throughout the permitting process.

Councilmember Urban inquired if a permit application will be submitted prior to conclusion of the engineering study and Mr. Shaffer responded in the affirmative. He stated that City Council would be kept apprised throughout the process and stated that there would be no last-minute proposals or surprise costs. Councilmember Urban commented that he had asked to see various proposals that have been talked about several weeks ago but had not yet seen them. Mr. Shaffer shared that there have been three proposals and reviewed the general attributes of each.

Councilmember Urban withdrew his motion, Councilmember Reid concurred, and Councilmember Urban stated he would rely on the appropriations process for review and approval. Mayor Pro Tem Pearson commented that he had not seen the proposals either.

Motion by Pearson, seconded by Burns, to award a contract to perform an environmental impacts evaluation and joint permit application for the Hampton Creek Wetland Area Phase 2 to Fishbeck, Thompson, Carr & Huber, Incorporated, of Grand Rapids, Michigan in the amount not to exceed \$134,365 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 6 to 0.

FINAL/SITE PLAN FOR AMERICAN VILLAGE BUILDERS (ADDITION), 4200 WEST CENTRE AVENUE: Mayor Randall deferred to Councilmember Knapp who asked that the item be removed from the Consent Agenda. Councilmember Knapp referenced the proposed expansion of American Village Builders’ commercial building and inquired as to whether it will have an impact on the Hampton Bog. City Manager Shaffer stated that his understanding based on conversations with staff is that there will not be further impact on the bog. Director of Community Development Vicki Georgeau reviewed the proposed building and grade levels. She noted that the current grade at the site slopes downward toward the bog. She shared that EGLE has permitted the proposed building addition and that city staff have reviewed plans as well. She noted that two leaching basins will be installed and that the current overland flow of water will continue but, although the amount will remain the same, the stormwater may reach the bog faster than before the addition. Ms. Georgeau concluded by sharing that the Planning Commission voted unanimously in support of the project.

Motion by Knapp, seconded by Reid, to approve the Final/Site Plan for American Village Builders (addition), 4200 West Centre Avenue. Upon a roll call vote, motion carried 6 to 0.

UNFINISHED BUSINESS:

INTERGOVERNMENTAL AGREEMENT WITH KALAMAZOO FOR PUBLIC SAFETY ANALYTICS:

Mayor Randall deferred to City Manager Shaffer who explained that City Administration believes in the concept of the proposed Agreement. However, he stated unfinished details remain and asked that the item be referred back to City Administration so these details can be addressed.

Councilmember Reid asked that City Administration look at participation levels as she believes there is regional benefit to be gained. Mayor Pro Tem Pearson concurred with Councilmember Reid and the value that partners, especially at the County level, would bring to the endeavor.

Motion by Pearson, seconded by Reid, to refer the three-year inter-governmental agreement with the City of Kalamazoo, Michigan, for crime analysis, crime prevention and strategic operational crime reduction activities at the Kalamazoo Strategic Operations Center back to the City Administration, with the intent that the City Manager report back to City Council once agreeable terms for all parties involved can be achieved. Upon a roll call vote, motion carried 6 to 0.

STATEMENTS OF CITIZENS: Mr. Steve Antoniotti, 7774 West St. Andrews Circle, expressed his appreciation for action being taken regarding flooding at Hampton Bog. He asked that as the engineering firm works on possible solutions to the flooding that all possible solutions be considered. He referenced a prior connection between the Hampton Bog and the bog to the south of West Centre Avenue. He pointed to a potential solution involving a historic culvert that runs under the roadway and connects the two bogs. He indicated that opening this connection could solve the flooding issues at the Hampton Bog and would likely cost approximately \$40,000. He asked that information be provided as to the inflows and outflows from the Hampton Bog and expressed particular interest in any connections with the Rudgate neighborhood in Texas Township.

Ms. Cathy Haines, 7745 West St. Andrews Circle, thanked City Council for working to address flooding in the Hampton Bog. She then inquired if the temporary permit had been issued. Mayor Randall reviewed the status of the pumping and that a permit to allow the pumping was forthcoming from EGLE. Ms. Haines next referenced the approval of the AVB building expansion. She expressed concern that as construction happens in the vicinity of the bog that flooding and water runoff will worsen. She next noted that stormwater from the Rudgate neighborhood of Texas Township flows into the bog yet she has witnessed retention basins in that neighborhood which are completely dry. She asked that information be provided as to sources of water that drain into Hampton Bog.

The daughter of Dr. Nehdia Hashemi, 7520 Oak Shore Drive, spoke with regard to flooding and shared that water has almost reached her swing set and that if the flooding worsens she will not be able to play in her backyard. She noted that trees are falling near her home and it would be difficult if a tree hit her house. Dr. Hashemi shared that a neighbor's tree had recently fallen and her children were frightened about going outside.

Ms. Lynn Zhang, 7596 Oak Shore Drive, shared that a number of trees on her property are in danger of falling. She thanked the Mayor, City Manager and City Council for taking action on getting a permit to pump water from the bog. She shared that she had spoken with Representative Iden and that he indicated the importance of applying for a permit while the engineering study is on-going. She pointed out that even the emergency permit has taken several days to obtain and that it is essential to start the permit process early. She noted that residents rely on City Council to work to protect the health and well-being of the community.

Mayor Randall shared that all options will be explored to resolve the flooding and that City Council and City Administration are committed to keeping residents informed. She noted that many decisions made that may have impacted the bog were not made by current city officials. She then

asked City Manager Shaffer to provide an analysis and map indicating water inflows and outflows to the Hampton Bog. Mr. Shaffer shared that such a map does not currently exist but that one would be created and provided to City Council. Mayor Randall asked that an update be provided at the next City Council Meeting.

STATEMENTS OF CITY COUNCIL AND CITY MANAGER: Councilmember Urban asked residents to be wary of counterfeit money as fake \$10 bills are in circulation in the community.

Councilmember Reid expressed appreciation for the recent weather. With regard to the flooding concerns, she asked that City Administration be sure to keep every councilmember updated.

Councilmember Burns announced that he would be running for election to a full four-year term on City Council. He noted that he is currently serving a partial term due to the Mayor being elected to her position in November 2017. He shared that he is looking forward to talking with citizens throughout the election process.

Mayor Pro Tem Pearson announced that he was seeking reelection. He also shared that he recently attended a meeting of the Finance Committee of the Kalamazoo County Consolidated Dispatch Authority (KCCDA). He shared that the KCCDA is committed to finding and implementing a fair and equitable long-term funding solution for the KCCDA. In this regard, he shared that the KCCDA is looking at citizen surveys.

Mayor Randall shared that she recently attended Summer Learning Day activities in Kalamazoo that were sponsored by the Kalamazoo Youth Development Network. Next, she shared that she attended a meeting of Discover Kalamazoo and noted the value of tourism to the area. Mayor Randall shared that the United States Tennis Association Boys 16 & 18 National Tournament would be held at Kalamazoo College in August and that matches will occur at Portage West Middle School. Next, she shared that she attended “Bagels and Builders” with the Homebuilders Association and heard good things about the building process in Portage. She also shared that interest was expressed in bidding on the Community Senior Center project and in making donations to help fund the project. Mayor Randall next thanked Representative Iden, Senator McCann and Governor Whitmer’s office and city staff for their work in getting the emergency pumping permit for Hampton Bog. Finally, she encouraged residents to attend upcoming events featuring the Glenn Miller Orchestra and the Kalamazoo Symphony Orchestra.

ADJOURNMENT: Mayor Randall adjourned the meeting at 8:09 p.m.

Adam Herringa, City Clerk