CITY COUNCIL MEETING MINUTES FROM SEPTEMBER 3, 2019

The Regular Meeting was called to order by Mayor Randall at 7:01 p.m. Prior to calling the roll the Deputy City Clerk announced that Councilmember Knapp would be participating in the meeting remotely via telephone, pending resolution of technical difficulties and that the provisions of the City Council Remote Attendance Policy had been met. The following members present: Councilmembers Chris Burns, Richard Ford, 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 Deputy City Clerk Erica Eklov. Councilmember Lori Knapp was able to sign on at 7:15 p.m.

At the request of Mayor Randall, the audience observed a moment of silence to honor all religions and personal beliefs and in recognition of the end of the summer season. The Mayor and City Council then 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. Mayor Pro Tem Pearson removed Item A.5, West Lake Management Program Special District No. 020-Q; Councilmember Reid removed Item A.4, State Streets Water Main Project, and Item A.8, Hampton Creek Wetland Emergency Pumping - Information Only, from the Consent Agenda. Motion by Reid, seconded by Ford, to approve the Consent Agenda as presented. Upon a roll call vote, motion carried 6 to 0.

APPROVAL OF MINUTES: Motion by Reid, seconded by Ford, to approve the Special Meeting Minutes of August 20, Regular Meeting Minutes of August 20, Special Meeting Minutes of August 26, and the Special Meeting Minutes of August 28, 2019. Upon a roll call vote, motion carried 6 to 0.

APPROVAL OF ACCOUNTS PAYABLE REGISTER OF SEPTEMBER 3, 2019: Motion by Reid, seconded by Ford, to approve the Accounts Payable Register of September 3, 2019. Upon a roll call vote, motion carried 6 to 0.

ICE CONTROL SALT PURCHASE - COOPERATIVE PURCHASE: Motion by Reid, seconded by Ford, to award contracts to Detroit Salt Company in the amount of $74.57 per ton for 2,500 tons of ice control salt at a total cost of $186,425 for early delivery, and in the amount of $76.58 per ton for 1,500 tons of ice control salt at a total cost of $114,870 for seasonal backup on an as-needed basis and authorize the City Manager to execute all documents related to these contracts on behalf of the city. Upon a roll call vote, motion carried 6 to 0.

COMMITTEE OF THE WHOLE MEETING: Motion by Reid, seconded by Ford, to set a Committee of the Whole Meeting on Monday, September 16, 2019 at 5:30 p.m. for the purpose of reviewing and discussing proposed Ordinance Amendment #18/19-B, Residential Amendments. Upon a roll call vote, motion carried 6 to 0.

BOARD AND COMMISSION INTERVIEW SESSION: Motion by Reid, seconded by Ford, to set a Special Meeting on Tuesday, October 1, 2019, beginning at 5:15 p.m., to interview Board and Commission applicants. Upon a roll call vote, motion carried 6 to 0.

MINUTES OF BOARDS AND COMMISSIONS: Motion by Reid, seconded by Ford, to approve the minutes of the Youth Advisory Committee of July 22, 2019 and the Senior Citizen Advisory Board of July 19, 2019. Upon a roll call vote, motion carried 6 to 0.

MATERIALS TRANSMITTED: Motion by Reid, seconded by Ford, to approve the Materials Transmitted from August 20, 2019. Upon a roll call vote, motion carried 6 to 0.

PETITIONS AND STATEMENTS OF CITIZENS: None.

COMMUNICATIONS:

CALENDAR OF MEETINGS: Motion by Reid, seconded by Ford, to approve the Calendar of Meetings. Upon a roll call vote, motion carried 6 to 0.

COMMUNICATION FROM THE PORTAGE COMMUNITY CENTER: Motion by Ford, seconded by Burns, to receive the communication from the Portage Community Center Executive Director Chris Buckley and Board President Kirk Mason. Upon a roll call vote, motion carried 6 to 0.

PUBLIC HEARINGS: None.

REGULAR BUSINESS:

CITY MANAGER APPOINTMENT: Mayor Randall introduced the item, providing a summary of the efforts to date in determining the next City Manager in light of City Manager Shaffer's upcoming retirement. Mayor Randall explained that she is recommending appointment of Mr. Joseph S. La Margo as the next City Manager.

Councilmember Urban expressed dismay with the recent process of locating the next City Manager candidate, noting the candidate pool provided did not appear strong and echoed earlier sentiments in the same regard; however, he stressed that his comments do not reflect negatively upon Mr. La Margo. Councilmember Urban stated he prefers to perform the search for applicants again while maintaining Mr. La Margo as a candidate, utilizing a different search firm. Councilmember Urban conveyed that he enjoyed meeting Mr. La Margo, noting that he was his first choice candidate.

Mayor Pro Tem Pearson agreed with Councilmember Urban in that he was also hoping to have a total of three strong candidates from which to choose, but highlighted that Mr. La Margo was the top choice for each Councilmember and considered him a strong candidate. Mayor Pro Tem Pearson relayed that he and Mayor Randall had contacted Mr. La Margo's references prior to the regular meeting and received positive responses. Mayor Pro Tem Pearson expressed his desire for a unanimous endorsement of Mr. La Margo by City Council.

Councilmember Reid stated she echoed Councilmember Urban's concerns. She also expressed concern with the search process. She stated that she wants to ensure no one is urged to vote in one particular direction.

Councilmember Ford stated that he felt Mr. La Margo stood out amongst the other candidates. He noted his appreciation of Mr. La Margo's prior efforts and projects with Orland Park that Councilmember Ford believed could be applicable to Portage.

7:15 p.m. - Councilmember Knapp announced her presence via phone.

Councilmember Knapp stated that Mr. La Margo's employment application and interview stood out from the other candidates. She referenced the City Manager Profile document included with the search firm materials packet assembled by City Council and stated that Mr. La Margo's skills exceed the requirements.

Councilmember Burns echoed Councilmember Knapp's comments, highlighting aspects of the City Manager Profile document. He expressed his support of the Mayor's recommendation of Mr. La Margo.

Mayor Randall relayed that she has had conversations with Mr. Bob Slavin from the city's contracted search firm who stressed the current job market is tight, limiting the number of applicants. She stated that Mr. La Margo still presented as the top candidate and she appreciated Mr. La Margo's position and preparation efforts. Mayor Randall expressed her desire for a unanimous City Council vote in order to show total support to the new City Manager appointee. She noted that Mr. La Margo is also a choice candidate for two other communities in Florida and she is concerned that should Portage pursue a second search effort, the opportunity to hire Mr. La Margo would be missed.

Councilmember Urban noted his strong displeasure with Council comments urging a unanimous vote. Mayor Randall responded, noting the intent of the argument was not to persuade, but a desire to illustrate support of the next appointee.

City Manager Shaffer provided insight from his prior history as a candidate for the City Manager position.

Mayor Pro Tem Pearson referenced the split City Council vote for the City Manager appointment in 2014 and expressed his desire to avoid a similar division of Council.

Motion by Pearson to confirm the recommendation from the Mayor to appoint Joseph S. La Margo to the position of City Manager for Portage, Michigan, pending successful completion of background checks and authorize Mayor Randall to negotiate the terms of an employment agreement, with final action planned for September 17, 2019. Councilmember Burns seconded.

Councilmember Urban offered an amendment to Mayor Pro Tem Pearson's motion to add "and have the contract approved before presenting it to Council as to form by labor counsel."

Mayor Randall asked Mayor Pro Tem Pearson whether he would amend his original motion. Mayor Pro Tem Pearson declined.

Attorney Brown offered clarification that all contracts before City Council must be approved by city legal counsel per Charter stipulations. He noted that this particular contract would not be reviewed by his office, rather the city's labor attorney.

Mayor Randall invited Deputy City Manager Rob Boulis to elaborate on the City Administration's efforts regarding the City Manager contract. Mr. Boulis explained that he has been working on a contract with the city's labor attorney, Rob Dubault, with Warner, Norcross and Judd.

Attorney Brown noted that mention of review by a labor attorney in the motion would be fine as it would not alter the City Administration's procedure.

Mayor Randall explained that she intends to pursue contract negotiations with the assistance of Mr. Boulis and Mr. Dubault, citing their respective expertise. She inquired with Mayor Pro Tem Pearson whether he would amend his motion. Mayor Pro Tem Pearson noted that his current motion mirrored the language used when former City Manager Maurice Evans was appointed, citing authority remained with the Mayor, not a labor attorney. Mayor Pro Tem Pearson declined to amend his original motion.

Councilmember Reid expressed her understanding that the Mayor would be working with labor counsel on the City Manager contract. Councilmember Reid noted she will support the Council's decision.

Mayor Randall asked the Deputy City Clerk to call the vote. Upon a roll call vote, motion carried 7 to 0.

STATES STREETS WATER MAIN PROJECT - AMENDMENT: Mayor Randall deferred to Councilmember Reid who asked that the item be removed from the Consent Agenda. Councilmember Reid relayed that she had pulled the item because approval of the proposal by Council would entail moving a project forward that included ripping up several roads and she wanted to discuss the proposal to ensure the public was aware of the project. Councilmember Reid inquired whether the proposed work would be performed in conjunction with re-doing the roadways in the States Streets neighborhood. Councilmember Reid requested clarity on the nature of funding for the project in reference to the city's Capital Improvement Program document.

Mayor Randall deferred to City Manager Shaffer who identified the subject neighborhood and the locations that will be impacted by the project. Mr. Shaffer noted that the neighborhood does not currently have municipal water, citing in part because the city has been unable to create a special assessment for the neighborhood. Mr. Shaffer noted that the private wells in the area are tested each year by Kalamazoo County, illustrating that particular levels are beginning to increase. Mr. Shaffer explained that the project will be funded via an extension district, negating the need for the individual property owners to pay for service hook-up until desired or ordered by the County. Mr. Shaffer relayed that the project is being pursued at this time due to the favorable per unit pricing extended by the vendor, Kamminga and Roodvoets, from the contract for the adjacent Idaho Avenue Water Main and Reconstruction Project, in combination with growing concern for the continued safety of the area wells. He noted the project will be paid for through surplus in the Water Fund, which will be paid back when property owners complete the hook up process. He confirmed that the project will be completed before the winter season.

Councilmember Reid requested clarification whether the road will be resurfaced as part of the project and the timing of the project.

City Manager Shaffer confirmed the roads in the project area will be resurfaced as part of the project.

Councilmember Urban stated that installing water mains does not normally involve road reconstruction, rather resurfacing similar to the mill and fill process.

Director of Transportation & Utilities, Kendra Gwin, noted that the contractor intended to begin the project within the next two weeks, dependent upon the availability of the supplier.

Mayor Randall asked Director Gwin to ensure that the road resurfacing will be completed prior to the winter seasonal deadline, as well as not impact the area school traffic. Director Gwin confirmed that the project is expected to finish November 15 and confirmed the work will not negatively impact the school traffic.

Councilmember Burns spoke in favor of the proposed project, expressing satisfaction in the city's investment in the States Streets neighborhood.

Motion by Reid, seconded by Burns, to amend a construction contract with Kamminga and Roodvoets, Inc. of Grand Rapids, Michigan for the State Streets Water Main Project in an amount not to exceed $592,593.25 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.

WEST LAKE MANAGEMENT PROGRAM SPECIAL DISTRICT NO. 020-Q: Mayor Randall deferred to Mayor Pro Tem Pearson who asked that the item be removed from the Consent Agenda. Mayor Pro Tem Pearson began by voicing his support for the proposal and summarized the process with the West Lake Improvement Association. Mayor Pro Tem Pearson requested clarification on whether the proposed renewal of the assessment district will include the same twenty percent funding contribution from the city that was part of the prior assessment programs. City Manager Shaffer confirmed the continued contribution by the city.

Mayor Pro Tem Pearson highlighted the governmental lake boards in place for the other three lakes in the City of Portage, expressing his desire that all lake boards in the city be treated equally, to include twenty percent matching funds for future projects. Mayor Pro Tem Pearson noted the difference between the structure of the West Lake Improvement Association compared to the governmental lake boards currently in place for the other lakes. He expressed displeasure with the governmental lake board arrangement, citing a lack of riparian representation. Mayor Pro Tem Pearson inquired with four members of the West Lake Improvement Association present in the audience whether a governmental lake board structure was desired or maintenance of the current association arrangement.

Mr. Nick O'Brien, 1220 Forest, treasurer for the West Lake Improvement Association spoke on behalf of the Association. Mr. O'Brien responded that the members of the Association do not favor a governmental lake board arrangement and prefer the current representation structure.

Mayor Pro Tem Pearson thanked Mr. O'Brien for his comments and inquired with City Manager Shaffer as to why the city historically pursued the implementation of governmental lake boards. Mr. Shaffer responded that the intent was to maintain consistency and equal management.

Councilmember Urban noted that West Lake differs from the other lake boards in that the Association has been receiving legal and engineering consulting from the city. He further highlighted that two of the lakes in the City of Portage utilize a governmental lake board to manage services because they cross jurisdictions. Councilmember Urban expressed his preference that West Lake also implement a governmental lake board in the future for consistency.

Mayor Pro Tem Pearson thanked Councilmember Urban for his insight. He agreed that Gourdneck and Long Lakes utilize a governmental lake board due to being cross-jurisdictional, but emphasized that Austin Lake is fully within the city. He stated that governmental lake boards entail additional paperwork, legal fees, advertising and costs.

City Attorney Brown explained the legal basis for a governmental lake board structure and noted that once a governmental lake board is established, it becomes autonomous.

Councilmember Urban noted that under state statute only a governmental lake board can dissolve its existence.

Motion by Pearson, seconded by Reid, to adopt Resolution No. 1, accept the City Manager Report and request preparation of Resolution No. 2 for the West Lake Management Program Special District No. 020-Q. Upon a roll call vote motion carried 7 to 0.

HAMPTON CREEK WETLAND EMERGENCY PUMPING - INFORMATION ONLY: Mayor Randall deferred to Councilmember Reid who asked that the item be removed from the Consent Agenda.

Councilmember Reid noted that the communication states the city is seeking to extend the state permit for pumping if the wetland comes up six inches. She inquired whether the city would be able to start pumping before the six-inch threshold, stating that recent events have shown that the six-inch level is when property damage occurs.

City Manager Shaffer responded that the pumping has been successful and the Hampton Bog has receded considerably. Further, that the city continues to work with the engineering firm to find a more permanent solution that the Michigan Department of Environment, Great Lakes, and Energy (EGLE) will permit.

Councilmember Urban inquired whether the city had a control from which to compare and accurately measure the effectiveness of the pumping efforts.

City Manager Shaffer noted that the resulting observations come from areas surrounding the Hampton Bog that had also experienced flooding, such as the golf course and that area residents had been relieved. Further discussion ensued regarding the legal ability of EGLE to stipulate water levels and regulations going forward.

Motion by Reid, seconded by Urban, to receive the Hampton Creek Wetland Emergency Pumping - Information Only communication. Upon a roll call vote motion carried 7 to 0.

COUNCIL COMMITTEE REPORTS: Councilmember Burns provided an update on the efforts of the City Council Communications Committee and encouraged residents to sign up for the "Notify Me" function on the city website. Councilmember Knapp supported Councilmember Burns' comments regarding the Council Communications Committee that she also serves on.

Mayor Randall relayed that she had attended a meeting of the Kalamazoo Area Transportation Study (KATS) organization and highlighted that KATS had recently distributed almost 5300 passes for Kalamazoo Public School students as part of the Youth Mobility Project. She further noted recent issues with road projects involving the Rieth-Riley Construction firm that is involved in a union strike. Mayor Randall also relayed the upcoming MDOT plan to widen parts of I-94 and remodel the Portage Road exit configuration, which has experienced issues in receiving elevation clearances from the airport.

Motion by Ford, seconded by Reid, to receive the Council Committee Report as presented. Upon a voice vote motion carried 7 to 0.

PETITIONS AND STATEMENTS OF CITIZENS: None.

STATEMENTS OF CITY COUNCIL AND CITY MANAGER: Councilmember Reid highlighted the October 1, 2019 City Council Boards and Commissions interview sessions and announced the city boards seeking to fill vacancies for any interested citizens.

Councilmember Burns advised of the September 14^{th} Portage Community Center Peacock Strut and provided instructions on how to sign up for the event.

Councilmember Ford reminded everyone that it was the first day of school and to be safe around school buses. He further wished the Mayor luck in beginning contract negotiations with the new City Manager Candidate.

Councilmember Knapp expressed pleasure with the outcome of the Council's vote for the City Manager position. She is looking forward to finalizing the next steps in that process.

Mayor Pro Tem Pearson highlighted the upcoming Committee of the Whole meeting on September 16^{th} and advised the City Manager that he would like to receive the supporting materials for the meeting on the Friday before for ample review time.

Mayor Randall recalled the recent groundbreaking ceremony for the new Fire Station #2. She relayed that she had also recently attended the YWCA Women's Equality Luncheon. Mayor Randall highlighted the recent Portage Public Schools' event featuring Quint Studer and expressed her pleasure with the continued collaboration between the schools and the city. She advised of the city's second annual Portage Community Art Award Exhibition featuring second-time winner June Belitz.

Mayor Randall then advised of the September 17th kick-off event at 10 a.m. for the proposed new Senior Center/Community Center, providing that the efforts of the E3 Committee to date had raised a total of $3,423,152. Finally, she expressed pleasure with the vote for Mr. La Margo and her desire to move the process forward. She thanked City Manager Shaffer for his perspective and comments on the matter.

ADJOURNMENT: Mayor Randall adjourned the meeting at 8:14 p.m.

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Erica L. Eklov, Deputy City Clerk