

CITY COUNCIL MEETING MINUTES FROM OCTOBER 6, 2020

Mayor Patricia Randall called the Regular Meeting to order at 7:06 p.m. The meeting was held virtually in accordance with the Governor's Executive Order 2020-02 in light of COVID-19. The following members were present in Chambers: Councilmembers Vic Ledbetter and Mayor Patricia Randall. The following members were present via the WebEx meeting platform: Councilmembers Chris Burns, Lori Knapp, Claudette Reid, Terry Urban, and Mayor Pro Tem Jim Pearson. Also in attendance were City Manager Joe La Margo, Deputy City Manager Mike Carroll, Deputy City Manager Adam Herringa, City Attorney Catherine Kaufman, and City Clerk Erica Eklov.

At the request of Mayor Randall, the audience observed a moment of silence for all that are struggling with the symptoms, repercussions, and deaths due to COVID-19. Following the moment of silence, the City Council 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 Randall removed Item A.4. Motion by Reid, seconded by Burns, to approve the Consent Agenda as amended. Upon a roll call vote, motion carried 7 to 0.

APPROVAL OF MINUTES: Motion by Reid, seconded by Burns, to approve the minutes of the Regular Meeting Minutes of September 22, 2020, and Pre-Council Meeting Minutes of October 5, 2020. Upon a roll call vote, motion carried 7 to 0.

APPROVAL OF ACCOUNTS PAYABLE REGISTER OF OCTOBER 6, 2020: Motion by Reid, seconded by Burns, to approve the Accounts Payable Register of October 6, 2020. Upon a roll call vote, motion carried 7 to 0.

IMAGE-STREAM CABLE ACCESS PROFESSIONAL SERVICES CONTRACT RENEWAL: Motion by Reid, seconded by Burns, to approve the first of two, two-year contract extensions with Image Stream for the continuation of professional cablecast services in the two-year amount of \$180,568 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.

AUSTIN LAKE GOVERNMENTAL LAKE BOARD REPRESENTATIVE: Motion by Reid, seconded by Burns, to appoint Councilmember Ledbetter to replace Mayor Pro Tem Pearson's position on the Austin Lake Governmental Lake Board. Upon a roll call vote, motion carried 7 to 0.

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

PETITIONS AND STATEMENTS OF CITIZENS: John Paver (5867 Forest Harbor) of Paver Pet Supply on Portage Road requested City Council consideration of a grace period for city property taxes of 30 days for both the summer 2020 and winter 2021 tax payments, highlighting a recent late fee charged to his business. Mr. Paver further requested City Council reimburse and/or

waive any late fees charged with the 2020 summer taxes if the payment had been submitted within 30 days of the due date. Mr. Paver cited the ongoing pandemic with COVID-19 and asked that City Council maintain the proposed grace period until the pandemic is declared over. City Manager La Margo responded that the City Administration would like to report on the matter to City Council at the next meeting on October 20 following additional research. He also reminded Mr. Paver that the city is the tax collector for the local entities including the schools. Mayor Randall asked City Manager La Margo to inquire with the Kalamazoo County Treasurer as to what other jurisdictions are doing in this regard.

COMMUNICATIONS:

ANNUAL PARK BOARD UPDATE: Park Board Chair Jonathan Peer, via the WebEx platform, provided Council with an update on the efforts of the Board over the past year. He highlighted the activities modified to adhere to safety guidelines with COVID-19, such as the Summer Movie Series changing to a drive-in movie format.

Mayor Randall thanked Mr. Peer and noted the benefit of providing alternative events and accommodating health precautions as a way to maintain community morale during the pandemic.

Councilmember Reid asked about the upcoming fall and winter events in light of the continued COVID-19 pandemic. Mr. Peer relayed the plans for the Monster Mash Halloween event changing to a drive-through format but noted the Parks Department was still finalizing plans for the Traditional Holiday event. Councilmember Reid then inquired about how the modified events had been received by the public. Mr. Peer responded that the events have been well attended and citizens have been largely flexible to the new accommodations.

Motion by Knapp, seconded by Reid, to accept the annual Park Board Update as presented. Upon a roll call vote, motion carried 7 to 0.

REGULAR BUSINESS:

APPOINTMENTS TO BOARDS AND COMMISSIONS: Mayor Randall introduced the item and explained that City Council had interviewed applicants to serve on a variety of boards and commissions earlier in the evening. She then asked City Clerk Erica Eklov to read the recommended appointments. City Clerk Eklov complied and motion by Reid, seconded by Knapp, to reappoint Loren Kimeldorf, Roger Lonoza and Deirdre Nieves with terms ending October 1, 2023, and appoint Andrew Keeler to a term expiring October 1, 2023, to the Environmental Board; to reappoint Stephanie Upshaw and Nadeem Mirza with terms ending October 1, 2023, to the Human Services Board; to reappoint Tara Gish and Elanor Riley with terms ending October 1, 2023, and appoint Kandarp Patel to a term ending on October 1, 2023 to the Park Board; to reappoint Eric Alburtus to a term expiring on December 31, 2026, and appoint Todd Campbell to a term expiring December 31, 2026, to the Economic Development Commission/Tax Increment Finance Authority and Brownfield Redevelopment Authority; to reappoint Lawrence Smith, Arthur Roberts and Mary Lou Petrulio with terms ending October 1, 2023, and also reappoint Joseph Magalski as Alternate with a term ending October 1, 2023, to the Senior Citizen Advisory Board; to appoint Lynn Haddow as Alternate to a term ending February 28, 2023, to the Zoning Board of Appeals; to appoint Thomas Fawley to

an unfulfilled term ending May 31, 2022, to the Planning Commission; and to reappoint Martha Deming Maytnier and Jessie Duniphin with terms ending December 31, 2023, to the Historic District Commission. Upon a roll call vote, motion carried 7 to 0.

SOUTH WESTNEDGE PARK PFAS GROUNDWATER INVESTIGATION: Councilmember Reid stated she removed the item from the Consent Agenda with the intent that the City Administration provide an update regarding PFAS in the city. Transportation & Utilities Director Kendra Gwin provided a verbal update. Director Gwin noted that the subject site at South Westnedge Park was previously a municipal transfer station where the City of Portage conducted groundwater clean-up activities at the property following the site's closure. This was followed by self-implemented groundwater testing in and around the site with the assistance of American Hydrogeology Corporation (AHC). PFAS contamination was initially discovered at the site in the spring of 2019 followed by additional sampling in the fall of 2019 that identified PFAS contamination potentially migrating beyond the boundaries of the site.

Councilmember Burns inquired whether the existing wells to the north were included with the new testing. Director Gwin responded that the current groundwater monitoring system was installed only to investigate chlorinated solvents and is not deep enough for PFAS testing. As such new, deeper wells are proposed.

Motion by Reid, seconded by Burns, to award a contract to American Hydrogeology Corporation in the amount not to exceed \$177,720 for three dimensional delineation of the extent to which PFAS may be impacting the groundwater at South Westnedge Park (9010 South Westnedge Avenue) 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.

UNFINISHED BUSINESS:

PURCHASE OF 225 EAST CENTRE AVENUE: Mayor Randall introduced the item and summarized the City Administration's efforts to date regarding negotiations with the property owner for the new Community Senior Center. Mayor Randall noted she had been able to speak directly with the property owner and reach an agreement between both parties that would avoid the need to pursue eminent domain proceedings.

Councilmember Burns expressed his pleasure with avoiding eminent domain and thanked Mayor Randall for her efforts. Councilmember Ledbetter also complimented Mayor Randall for her efforts and addressing the property owner during the recent groundbreaking ceremony for the new Community Senior Center. Mayor Randall responded, highlighting the property owner's long family history with the house amongst the development of East Centre Avenue over the years. She stated the family would also receive a commemorative bench on the new Community Senior Center property.

Motion by Burns, seconded by Pearson, to authorize the City Administration to execute a contract for the purchase of 225 East Centre Avenue, with a purchase price of \$176,400, broker commission of \$5,292, moving expenses of \$3,000, attorney fees of \$2,500 and a Commercial Transitional Area Adjustment of \$19,100 and title insurance closing costs not to exceed \$5,000 and authorize the City Manager to sign all documents related to this transaction. Upon a roll call vote, motion carried 7 to 0.

ACQUISITION OF 225 EAST CENTRE AVENUE: Mayor Randall introduced the item and noted the passage of the property acquisition with the prior vote negated the requirement to pursue eminent domain. Motion by Burns, seconded by Reid, to not authorize the City Manager to engage the services of Attorney Stanley J. Stek of Miller Canfield to commence eminent domain proceedings on 225 East Centre Avenue. Upon a roll call vote, motion carried 7 to 0.

NEW BUSINESS:

HALLOWEEN OBSERVANCE 2020: Mayor Randall introduced the item and explained that she had requested the following report after receiving contact from several citizens concerned with annual Halloween traditions during the COVID-19 pandemic.

City Manager La Margo stated the City Administration had received a communication from the Kalamazoo County Health & Community Services Department on Fall Holiday Guidance. He further noted the City Administration had also consulted several neighboring jurisdictions, none of which planned to cancel Halloween activities. He stated each entity responded that they would be following the Michigan Department of Health and Human Services guidelines. Mr. La Margo stated the city would be publicizing and encouraging adherence to these guidelines via news releases and social media for families to pursue the best option for themselves.

Motion by Knapp, seconded by Reid, to receive the communication from the City Manager regarding Halloween Observance 2020 as information only. Upon a roll call vote, motion carried 7 to 0.

STATEMENTS OF CITY COUNCIL AND CITY MANAGER:

Councilmember Burns thanked all the Board and Commission applicants.

Councilmember Reid noted much had transpired at the national and state level since the last Council meeting, highlighting the presidential and vice-presidential debates, the president testing positive for COVID-19, and the Michigan Supreme Court ruling against the Governor's Executive Orders. She ensured citizens that the County and the city would continue efforts to ensure citizen safety and reminded the public to remain mindful of safety protocols.

Councilmember Knapp highlighted Councilmember Ledbetter's appointment to the Austin Lake Governmental Lake Board to replace Mayor Pro Tem Pearson as part of the Consent Agenda. She thanked Mayor Pro Tem Pearson for his service on the Board. Councilmember Knapp then provided a reminder of the upcoming annual "I Love Portage" student essay contest and the last three Farmers Markets of the season.

Councilmember Urban highlighted the recent COVID-19 emergency orders issued by the Michigan Department of Health and Human Services and asked citizens to remain vigilant with safety measures. He noted he was unable to attend the previous Community Senior Center groundbreaking ceremony but looks forward to touring the new facility once complete. Councilmember Urban closed by reminding others to follow safety measures for Halloween.

City Manager La Margo read a prepared statement regarding the recent arrest of Deputy City Manager Mike Carroll for suspected Operating under the Influence.

Mayor Pro Tem Pearson stated Deputy City Manager Mike Carroll has been a hard worker and wishes him well. Mayor Pro Tem Pearson then thanked Mayor Randall for her leadership with the purchase of 225 East Centre Avenue.

Mayor Randall began with an update on the Community Senior Center project and thanked those members who had been reappointed to the Senior Center Advisory Board. Mayor Randall then relayed the recent Be Bright Bike Light giveaway event sponsored by Bike Friendly Kalamazoo. She also provided an update on the upcoming October 8th City of Portage art prize event and the 2020 winner. Mayor Randall closed by stating the City Manager's response to Deputy City Manager Carroll was fair, transparent, and compassionate.

ADJOURNMENT: Mayor Randall adjourned the meeting at 8:03 p.m.

Erica L. Eklov, City Clerk