

CITY COUNCIL MEETING MINUTES FROM NOVEMBER 17, 2020

Mayor Patricia Randall called the Regular Meeting to order at 7:00 p.m. The meeting was held virtually as permitted by Senate Bill 1108. Mayor Patricia M. Randall, Mayor Pro Tem Jim Pearson and Councilmembers Chris Burns, Lori Knapp, Vic Ledbetter, Claudette Reid, and Terry Urban were present. All members participated virtually from Portage, Michigan. Also in attendance were City Manager Joe La Margo, City Attorney Catherine Kaufman, Deputy City Manager Adam Herringa, Deputy City Manager Mike Carroll and City Clerk Erica Eklov.

At the request of Mayor Randall, the audience observed a moment of silence to honor all denominations and reflect upon all that people have to be thankful for during this unique Thanksgiving. 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. Mayor Pro Tem Pearson removed Item A.3. Motion by Burns, seconded by Knapp, to approve the Consent Agenda as amended. Upon a roll call vote, motion carried 7 to 0.

APPROVAL OF MINUTES: Motion by Burns, seconded by Knapp, to approve the minutes of the Regular Meeting of October 20, 2020, and Pre-Council Meeting of November 2, 2020. Upon a roll call vote, motion carried 7 to 0.

APPROVAL OF ACCOUNTS PAYABLE REGISTER OF NOVEMBER 17, 2020: Motion by Burns, seconded by Knapp, to approve the Accounts Payable Register of November 17, 2020. Upon a roll call vote, motion carried 7 to 0.

COMPUTER REPLACEMENTS - BID TABULATION: Motion by Burns, seconded by Knapp, to approve the three-year lease of replacement general-purpose computer devices and accessories from Capital Advantage Leasing of Grand Rapids, Michigan, at a total lease price of \$97,297.20 and authorize the City Manager to execute all documents related to this action. Upon a roll call vote, motion carried 7 to 0.

AMENDMENT TO THE GENERAL APPROPRIATIONS ACT: Motion by Burns, seconded by Knapp, to amend the General Appropriations Act (budget) for the fiscal year ending June 30, 2021. Upon a roll call vote, motion carried 7 to 0.

EARLY REDEMPTION OF OUTSTANDING BONDS: Motion by Burns, seconded by Knapp, to adopt Refunding Bond Resolutions for City of Portage Capital Improvement Bonds, Series 2020C. Upon a roll call vote, motion carried 7 to 0.

2021 CITY COUNCIL MEETING SCHEDULE: Motion by Burns, seconded by Knapp, to establish the 2021 schedule of regular City Council meetings, and 2021 schedule of Pre-Council meetings. Upon a roll call vote, motion carried 7 to 0.

MINUTES OF BOARDS AND COMMISSIONS: Motion by Burns, seconded by Knapp, to receive the minutes of the Human Services Board of October 8, 2020. Upon a roll call vote, motion carried 7 to 0.

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

PETITIONS AND STATEMENTS OF CITIZENS: No citizens attended the meeting in-person or called into the meeting.

REGULAR BUSINESS:

HUMAN SERVICES BOARD - REMAINING VACANCIES: Mayor Randall summarized the reason for the special interviews, noting the October 6th Board and Commission interviews for the Human Services Board had two vacancies at which none of the new applicants were able to be present. She relayed that City Council was reluctant to make an appointment without first meeting the candidates. City Council first interviewed applicant Barbara Sagara who was present in Chambers.

City Council then interviewed applicant Cristy Cate who was attending remotely. Due to Ms. Cate's technical issues, City Council paused the interviews and moved on to the next Regular Business item regarding the Soil Erosion Ordinance Amendment. Following completion of that item, Ms. Cate was able to resolve her technical issues and City Council resumed interviewing her.

Following the interviews, motion by Burns, seconded by Pearson to appoint Ms. Sagara and Ms. Cate to the remaining two Human Services Board vacancies. City Clerk Eklov requested Councilmember Burns amend the motion to denote each applicant to a particular term. Amended motion by Burns, second maintained by Pearson, to appoint Barbara Sagara to the vacant term expiring October 1, 2023 and appoint Cristy Cate to the unfulfilled term expiring October 1, 2021 on the Human Services Board. Upon a roll call vote, motion carried 7 to 0.

ORDINANCE AMENDMENT #20/21-A, GRADING AND SOIL EROSION CONTROL: Mayor Randall introduced the item and asked Mayor Pro Tem Pearson to elaborate on pulling the item off the Consent Agenda. Mayor Pro Tem Pearson provided a brief background on the development of the ordinance and summarized the basis for the proposed amendment. He inquired about Section 42-965(b) regarding requirements for seeding/re-seeding land near waterways and whether the permitting process applied to private homeowners. Janelle Hohm from the Michigan Department of Environment, Great Lakes and Energy (EGLE) confirmed that private homeowners with riparian access are required to follow the same permitting process for seeding or re-seeding a property adjacent to waterways under state law. She further clarified the proposed amendments were to bring the City of Portage ordinance in line with state requirements. Interim Community Development Director Chris Forth confirmed that his department oversees this program for the City of Portage and historically assists private property owners through this permit process. Mayor Pro Tem Pearson stated that the law appears to have been written with the focus on a developer and is concerned that such a process for a private homeowner is burdensome. He cited his own background as a riparian

owner with regard to the ability to seed a front or side lot. Ms. Hohm responded that state law governs the process, which is applicable to all municipalities in Michigan. She stated that in some areas the county governments oversee the process as opposed to local governments, such as Portage. Ms. Holm further stated that Kalamazoo County could take over the permit process oversight for the City of Portage if necessary.

Councilmember Burns noted agreement with Mayor Pro Tem Pearson that the state requirement appeared burdensome to private homeowners, but noted the quality of service Portage residents would receive with the permitting process remaining locally. He stated he would be supporting the recommended action.

Councilmember Reid inquired of both Interim Director Forth and Ms. Holm regarding the resources available to homeowners on the permitting process. Ms. Holm noted EGLE has a website regarding the program, but highlighted that the content focuses more toward government agencies like the City of Portage. Interim Director Forth responded the Community Development Department has the application materials and supplementary checklist available for homeowners.

Mayor Pro Tem Pearson noted he would not be supporting the recommended action citing concerns with the state law. Councilmember Burns offered support in seeking the assistance of the local state representative to recommend a change to the state law.

Motion by Burns, seconded by Knapp, to accept Ordinance Amendment #20/21-A, Grading and Soil Erosion Control, for first reading and consider final adoption on December 1, 2020. Upon a roll call vote, motion carried 6 to 1 with Mayor Pro Tem Pearson voting no.

COUNCIL COMMITTEE REPORTS: Councilmember Knapp provided an update on the Austin Lake Governmental Lake Board. She stated the Board had received mixed results from the lake aeration project aimed at improving water quality. As a result, Councilmember Knapp relayed that the Board voted unanimously to end the project early. She stated that this action left unexpended funding the Board would be reviewing in future meetings.

Councilmember Burns provided an update on the Central County Transportation Authority. He highlighted the upcoming millage renewal for the Kalamazoo County Transit Authority. Councilmember Burns stated the Authority decided to pose the millage renewal question with the November 2021 election.

Mayor Pro Tem Pearson noted his prior appointment on the Austin Lake Governmental Lake Board and praised the cancellation of the aeration project. Motion by Pearson, seconded by Reid, to receive the Council Committee Reports as presented. Upon a roll call vote, motion carried 7 to 0.

STATEMENTS OF CITY COUNCIL AND CITY MANAGER:

Councilmember Burns encouraged everyone to celebrate the upcoming Thanksgiving holiday safely, noting his family would be celebrating over Zoom this year. He also relayed that his household was getting a new puppy.

Councilmember Knapp expressed appreciation for the city video on kindness and thanked staff for its production. She then thanked the applicants for the Human Services Board. Councilmember Knapp closed by wishing everyone a safe and healthy Thanksgiving.

Councilmember Ledbetter thanked the City Administration for producing and including his own family in the kindness video, a topic he stressed during the holidays. He then

highlighted National Native American Heritage Month. Councilmember Ledbetter closed by wishing everyone a good Thanksgiving, noting his family would also be celebrating via Zoom.

City Manager La Margo provided an update regarding the city business in light of COVID-19. He then provided an update regarding the annual Tree Lighting Ceremony and the move to a virtual format scheduled for presentation before the December 1 Regular City Council Meeting. Mr. La Margo closed by highlighting the city's new video on kindness and stressed checking in with loved ones during the coming holidays.

Councilmember Reid stated her support of reviewing the Soil Erosion requirements with the state alongside Mayor Pro Tem Pearson. She then highlighted the November 15 orders issued by the Michigan Department of Health and Human Services (MDHHS) regarding COVID-19. Ms. Reid closed by praising the kindness video and stressed that continuing to wear a mask to protect the health of others is an act in kindness.

Councilmember Urban urged everyone to follow the recent MDHHS orders noting recent COVID-19 infection rates in the State of New York. He then compared the infection rates in the State of Michigan and highlighted the new developing on the new COVID-19 vaccine by Pfizer.

Mayor Pro Tem Pearson thanked Councilmembers Reid and Burns for their support and noted his plans to pursue the matter at the state level. He closed in stating he anticipation for the December 1st City Council Meeting in order to hear the name of Councilmember Burns' new puppy.

Mayor Randall expressed her appreciation for the kindness video and thanked City Manager La Margo for the idea. She complimented the Department of Public Works on its Fall Leaf Collection Program efforts, noting the large volume of leaves for collecting this year. She closed by wishing everyone a safe and happy Thanksgiving holiday.

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

Erica L. Eklov, City Clerk