

CITY COUNCIL MEETING MINUTES FROM FEBRUARY 22, 2022

Mayor Patricia Randall called the Regular Meeting to order at 07:00 PM in the Council Chambers at Portage City Hall.

ROLL CALL: Councilmembers Lisa Brayton, Chris Burns, Lori Knapp, Vic Ledbetter, Jim Pearson, Patricia Randall, Terry Urban were present.

ABSENT: None.

ALSO PRESENT: Acting City Manager Adam Herringa, Deputy City Manager Michael Carroll, City Attorney Catherine Kaufman, and City Clerk Erica Eklov.

INVOCATION: At the request of Mayor Randall, the audience observed a moment of silence to reflect on the special date of "twos" and wished good fortune to all.

PLEDGE OF ALLEGIANCE: 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 Burns removed Items A.5 and A.6 from the Consent Agenda. Motion by Knapp, seconded by Brayton, to approve the Consent Agenda as amended. Upon a roll call vote, motion carried 7 to 0.

City Council Meeting Minutes: Motion by Knapp, seconded by Brayton, to approve the City Council Meeting Minutes of the Regular Meeting of February 8, 2022. Upon a roll call vote, motion carried 7 to 0.

Accounts Payable Register: Motion by Knapp, seconded by Brayton, to approve the Accounts Payable Register of February 22, 2022, as presented. Upon a roll call vote, motion carried 7 to 0.

MDOT Contract #21-5515 (Lovers Lane, East Milham Avenue to East Kilgore Road): Motion by Knapp, seconded by Brayton, to approve a contract between the Michigan Department of Transportation and the City of Portage for the reconstruction of Lovers Lane from East Milham Avenue to East Kilgore Road, including the adoption of a Resolution authorizing the Acting City Manager to sign all documents related to the MDOT contract on behalf of the city; and, an agreement between the City of Kalamazoo and the City of Portage concerning funding for the replacement of the water main on Lovers Lane from I-94 to East Kilgore Road and authorize the Acting City Manager to sign all documents related to the project on behalf of the city. Upon a roll call vote, motion carried 7 to 0.

MDOT Contract #21-5520 (South Westnedge Avenue, Mall Drive to Trade Centre Way): Motion by Knapp, seconded by Brayton, to approve Contract #21-5520 between the Michigan Department of Transportation and the City of Portage for micro-surfacing of South Westnedge Avenue from Mall Drive to Trade Centre Way and adopt a Resolution authorizing the Acting City Manager to sign all documents related to the MDOT contract on behalf of the city. Upon a roll call vote, motion carried 7 to 0.

Adoption of Bond Resolution: Motion by Knapp, seconded by Brayton, to adopt the Notice of Intent Resolution to fund construction of Fiscal Year 2021-2022 capital improvement projects, in an amount not to exceed \$4,000,000. Upon a roll call vote, motion carried 7 to 0.

Revised Industrial Tax Abatement Incentive Policy: Motion by Brayton, seconded by Burns, to adopt the revised Industrial Tax Abatement Incentive Policy and Fee Resolution. Upon a roll call vote, motion carried 7 to 0.

Comprehensive Liability, Property and Auto Fleet Insurance: Motion by Knapp, seconded by Brayton, to approve a one-year agreement for comprehensive liability, property and auto fleet insurance through the Michigan Municipal Risk Management Authority (MMRMA) at a total cost not to exceed \$530,068 for the period March 1, 2022, to March 1, 2023, and authorize the Authorized Member Representative to execute all documents related to this action on behalf of the city. Upon a roll call vote, motion carried 7 to 0.

Special Meeting for Board and Commission Applicants: Motion by Knapp, seconded by Brayton, to set a Special Meeting on Tuesday, May 24, 2022, beginning at 5:30 p.m., to interview Board and Commission applicants. Upon a roll call vote, motion carried 7 to 0.

Minutes of Boards & Commissions: Motion by Knapp, seconded by Brayton, to receive the Minutes of the Environmental Board of December 8, 2021, and Zoning Board of Appeals of December 13, 2021. Upon a roll call vote, motion carried 7 to 0.

Calendar of Meetings: Motion by Knapp, seconded by Brayton, to receive the Calendar of Meetings as presented. Upon a roll call vote, motion carried 7 to 0.

PETITIONS AND STATEMENTS OF CITIZENS: None.

COMMUNICATIONS: At the invitation of Mayor Randall, Youth Advisory Committee Chairperson Genevieve Kim, Vice-Chairperson Amiti Goel and member Riley Thomas provided City Council with an update on the Committee's goals, objectives, and activities. Mayor Randall thanked the youth for their hard work and dedication and expressed hope that they could serve as an inspiration to other youth in the community. Motion by Burns, seconded by Knapp, to receive the annual presentation by the Youth Advisory Committee. Upon a voice vote, motion carried 7 to 0.

REGULAR BUSINESS AGENDA:

Police Department Money Forfeiture: Councilmember Burns explained he had removed the item from the Consent Agenda as he had concerns regarding the first part of the recommended action that City Council authorize the return of stolen property. City Attorney Kaufman responded that the state statute instructions regarding the balance of the unidentified funds being directed to escrow and the city's General Fund were critical matters. Mayor Pro Tem Pearson inquired about the amount of time the victim has been awaiting the return of the funds. City Attorney Kaufman responded that the Police Division would have that information and she was not aware. Councilmember Ledbetter disagreed with Councilmember Burns and offered several situations in which the nature of the crime could affect the return of stolen property to a victim. He also expressed support for the motion as written, stating it proved to be transparent for the city. Councilmember Burns clarified that his concerns regarding presenting the matter to the local legislative body could create a possibility that the City Council could vote against crime victims. Mayor Randall asked for clarity regarding the current format for the confiscated funds. The City Attorney confirmed that the bank involved had cut a check that the Police Division had secured while completing the investigation. Councilmember Urban noted this instance was a first during his extensive tenure on the Council. Acting City Manager Herringa clarified that the City Administration would pursue returning any identified funds to victims as a matter of course.

Motion by Burns, seconded by Pearson, to receive the report from the City Attorney and Director of Public Safety regarding the recovery of stolen property (funds) and authorize the Director of Finance to hold the remainder of the funds in escrow for at least 60 days; and, deposit the remaining funds into the City's general fund after the 60 days, as authorized by MCL 434.184. Upon a roll call vote, motion carried 6 to 1, with Councilmember Ledbetter voting no.

New Polling Location Resolution: Councilmember Burns explained his removing the item from the Consent Agenda, noting questions regarding the use of the location for elections. He inquired

regarding the timing of the first planned election in the new space, as well as the preparedness of the facility. City Clerk Eklov responded that neither the State Bureau of Elections nor the building itself would be ready in time for using the location for the upcoming Special Election on May 3, 2022. She stated that the first election the building would be used for, following implementation of both statewide and citywide redistricting measures, would be the August 2022 Primary Election. Additional discussion regarding the election set-up planned for the location ensued, with a clarification that City Council was being asked to approve the location as a new polling place in the city.

Motion by Burns, seconded by Brayton, to adopt the Resolution designating the Charles & Lynn Zhang Portage Community Senior Center at 203 East Centre Avenue as a polling location for the City of Portage. Upon a roll call vote, motion carried 7 to 0.

COUNCIL COMMITTEE REPORTS: Councilmember Brayton provided an update regarding the City-School Committee, Discover Kalamazoo Advisory Council, Kalamazoo County Environmental Health Advisory Council, and several other local advocacy groups. Councilmember Burns provided an update regarding the Central County Transportation Authority and its 10-year Comprehensive Analysis.

Mayor Pro Tem Pearson provided supplementary updates to the Central County Transportation Authority update by Councilmember Burns and the local advocacy groups from Councilmember Brayton.

Motion by Urban, seconded by Brayton, to receive the Council Committee Reports as presented. Upon a voice vote, motion carried 7 to 0.

STATEMENTS OF CITIZENS: John Paver (9651 Portage Road) agreed with Councilmember Burns regarding Item A.5 and creating a standard operating procedure for the City Administration to return victim funds. Mr. Paver also stressed using unidentified funds in a manner to benefit the community. He then expressed concern about potential commuter traffic congestion along East Centre Avenue with the new Community Senior Center as a polling location.

STATEMENTS OF CITY COUNCIL AND CITY MANAGER:

Councilmember Brayton recognized the historical contributions of black NASA and Air Force veteran Larry Johnson.

Councilmember Burns highlighted Item A.7 (Adoption of Bond Resolution) from the Consent Agenda. He noted the information regarding the city's debt status and congratulated the Finance Department and Finance Director for continuing to reduce the city's debt and acting as proper stewards of taxpayer money.

Councilmember Ledbetter acknowledged the historical tribes of the Portage and Kalamazoo area and also cited the historic contributions, public buildings, and spaces resulting from enslaved Africans. He stressed that history gives a full picture only when it also considers the aspects of slavery and slave labor.

Councilmember Knapp had no comment.

Councilmember Urban had no comment.

Acting City Manager Herringa recognized the Youth Advisory Committee (YAC) members, the staff liaisons, and the number of city staff with children participating in the YAC program.

Mayor Pro Tem Pearson thanked Councilmember Brayton for her update on Mr. Johnson.

Mayor Randall provided an update regarding the Governor's state budget presentation to local school leaders. Mayor Randall also gave an update regarding Congressman Upton's tour of the new Portage Community Senior Center, as well as his presentation of a West Point scholarship to a Portage Central High School student. She then highlighted the Portage Public Schools interpretive presentation honoring Dr. Martin Luther King, Jr. Mayor Randall closed with a reminder about the upcoming Winter Blast race event in the city.

ADJOURNMENT:

Mayor Randall adjourned the meeting at 08:01 PM.

Erica L. Eklov, City Clerk