CITY COUNCIL MEETING MINUTES FROM APRIL 12, 2022

CALL TO ORDER: Mayor Patricia Randall called the Regular Meeting to order at 07:12 PM in the Council Chambers at Portage City Hall.

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

ABSENT: None.

ALSO PRESENT: Acting City Manager Adam Herringa, Deputy City Manager Michael Carroll, Assistant City Attorney Roxanne Seeber, and City Clerk Erica Eklov.

INVOCATION: At the request of Mayor Randall, the audience observed a moment of silence to reflect on peace in everyone and the world. Following the moment of silence, the City Council recited the Pledge of Allegiance.

PROCLAMATIONS: Public Works Director Rod Russell read the Proclamation for National Arbor Day. At the invitation of Mayor Randall, Director Russell then provided a brief summary of Portage's Tree City USA activities.

ADDITION OF NEW ITEM: Motion by Knapp, seconded by Urban, to formally add 'Extension of Interview Offers to City Manager Candidates' as Item H.1 to the April 12, 2022, Regular Meeting agenda per Section 4.6(m) of the City Charter. Councilmember Burns inquired whether the individual candidates required identification. Clerk Eklov clarified that the candidates would be named during the New Business portion of the agenda. Upon roll call vote, motion carried 7 to 0.

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 requested clarification regarding the City Administration's notification to the City Council of a revision to the Action Recommended language of Item A.8 (Human Service Funds). Acting City Manager Herringa explained the change to simply receive the recommendations with the vote towards actual dollar amounts and organizations moved to the April 26th Regular Meeting. Mayor Pro Tem Pearson requested that the City Clerk provide a red-line/strikeout version when such changes are made in the future. Motion by Burns, seconded by Urban, to adopt the Consent Agenda as presented. Upon a roll call vote, motion carried 7 to 0.

City Council Meeting Minutes: Motion by Burns, seconded by Urban, to approve the City Council Meeting Minutes of the Regular Meeting of March 22, 2022. Upon a roll call vote, motion carried 7 to 0.

Accounts Payable Register: Motion by Burns, seconded by Urban, to approve the Accounts Payable Register of April 12, 2022, as presented. Upon a roll call vote, motion carried 7 to 0.

2022 Utility Rate Financial Study: Motion by Burns, seconded by Urban, to establish a public hearing on April 26, 2022, to consider resolutions to adopt the: recommendation that the sewer commodity rate be increased from $5.06 to $5.33 per 1,000 gallons of metered water; recommendation that the water commodity rate be increased from $3.14 to $3.30 per 1,000 gallons of metered water; recommendation that the sewer and water base quarterly charges be adjusted as noted in the 2022 Utility Rate Financial Study; recommendation that the new rates become effective on July 1, 2022; and, recommended water and sewer franchise area fees and other service fees and charges as outlined in the 2022 Utility Rate Financial Study. Upon a roll call vote, motion carried 7 to 0.

Department of Public Works Parking Lot Construction: Motion by Burns, seconded by Urban, to award a contract in the amount of $236,800 to Lounsbury Excavating, Incorporated, for the construction of the Department of Public Works (DPW) north parking lot and authorize the Acting 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.

South Westnedge Avenue Sidewalk Replacement: Motion by Burns, seconded by Urban, to award a construction contract to Lopez Concrete Construction, LLC, of Lansing, Michigan, for the South Westnedge Avenue Sidewalk Replacement project, in an amount not to exceed $198,920 and authorize the Acting City Manager to execute all documents related to the contracts on behalf of the city. Upon a roll call vote, motion carried 7 to 0.

Department of Public Works Parking Lot Asphalt Overlay: Motion by Burns, seconded by Urban, to award a contract in the amount of $102,750 to Michigan Paving & Materials Company for the Department of Public Works (DPW) parking lot asphalt overlay and authorize the Acting 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.

Community Development Block Grant (CDBG) Program – FY2022-23 Annual Action Plan: Motion by Burns, seconded by Urban, to accept the draft Community Development Block Grant (CDBG) Program Fiscal Year 2022-2023 Annual Action Plan and set a public hearing for April 26, 2022; and subsequent to the April 26, 2022, public hearing, consider approving the Fiscal Year 2022-2023 CDBG Annual Action Plan. Upon a roll call vote, motion carried 7 to 0.

FY 2022-23 Human/Public Service Funding Recommendations from the Human Services Board: Motion by Burns, seconded by Urban, to receive the recommended Fiscal Year 2022-23 human/public service funding allocations from the Human Services Board and consider approval following the planned April 26, 2022, Public Hearing on the Fiscal Year 2022-2023 CDBG Annual Action Plan. Upon a roll call vote, motion carried 7 to 0.

Resolution Accepting New Public Streets - Act 51 Mileage Certification: Motion by Burns, seconded by Urban, to adopt the Resolution Accepting Newly Constructed Dedicated Streets as Public Streets. Upon a roll call vote, motion carried 7 to 0.

Rezoning Application #21/22-1 - McConley Cove Housing Development: Motion by Burns, seconded by Urban, to accept Rezoning Application #21/22-1 from R-1C to Planned Development and Tentative Plan for McConley Cove housing development, 1075 Bacon Avenue, for first reading and set a public hearing for May 10, 2022; and subsequent to the public hearing, consider approving Rezoning Application #21/22-1 from R-1C to Planned Development and Tentative Plan for McConley Cove housing development,1075 Bacon Avenue. Upon a roll call vote, motion carried 7 to 0.

Preliminary Condominium Plan for Wild Plum housing development: Motion by Burns, seconded by Urban, to provide tentative approval of the Preliminary Condominium Plan for Wild Plum housing development, 1109 West Osterhout Avenue subject to the completion of a traffic impact study. Upon a roll call vote, motion carried 7 to 0.

Deeding of city property at 7260 Montego Bay Street to the developer of The Oaks: Motion by Burns, seconded by Urban, to approve the deeding of city property at 7260 Montego Bay Street (commonly known as Public Infiltration Basin - Tax ID No: 00013-002-R) to the developer of The Oaks

(Westview Capital, LLC) for the purpose of allowing the developer to seek subdivision plat approval from the State of Michigan for The Oaks Phase 1. Upon a roll call vote, motion carried 7 to 0.

Reappointment of Adam Herringa to the position of Acting City Manager: Motion by Burns, seconded by Urban, to reappoint Adam Herringa to the position of Acting City Manager. Upon a roll call vote, motion carried 7 to 0.

Materials Transmitted: Motion by Burns, seconded by Urban, to receive the Materials Transmitted on March 28, 2022. Upon a roll call vote, motion carried 7 to 0.

Minutes of Boards & Commissions: Motion by Burns, seconded by Urban, to receive the minutes of the Senior Citizen Advisory Board on February 16, 2022; Youth Advisory Committee on February 21, 2022; Historic District Commission on March 2, 2022; and Planning Commission of March 17, 2022. Upon a roll call vote, motion carried 7 to 0.

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

PETITIONS AND STATEMENTS OF CITIZENS: Robert "Bo" Snyder (1342 Lama Road, Kalamazoo) spoke on behalf of the Voters Not Politicians organization. He provided an explanation of a circulating petition regarding "Promote the Vote 2022" and its associated items. Mayor Randall thanked him for his comments and his work on the Portage Public School Board.

PUBLIC HEARINGS:

Accept Tentative Plan Amendment for Streamsong Phase 3 Planned Development: At the invitation of the Mayor, Acting City Manager Herringa and Community Development Director Kelly Peterson provided an overview of the Streamsong development project. Councilmember Knapp inquired about the City Administration's recommendation to split a 1.4-acre parcel from the original wetland/open space plan to allow for development. Director Peterson responded that the developer had worked with the Planning Commission and staff to find a suitable condition to alter the Planned Development.

The Mayor opened the public hearing at 7:31 p.m. Pat Flanagan of Monument Engineering spoke on behalf of the developer/applicant, noting that he had been working on the Streamsong Planned Development over the last five years. Seeing no other comments, motion by Burns, seconded by Brayton, to close the public hearing. Upon roll call vote, motion carried 7 to 0.

Motion by Burns, seconded by Brayton, to approve the Tentative Plan Amendment for Streamsong Phase 3 Planned Development, subject to the condition listed in the February 3, 2022, Planning Commission report. Upon a roll call vote, motion carried 5 to 2, with Councilmembers Knapp and Urban voting no.

West End Drive Sanitary Sewer Project #419-S At the invitation of the Mayor, Acting City Manager Herringa provided background regarding the special assessment proposal. Mayor Randall opened the public hearing at 7:48 p.m.

Acting City Manager Herringa stated the project was initiated by the property owners via a petition in July of 2021. He noted West End Drive is not the biggest street in the city and this project would only affect a few citizens, but the petition had received a majority of signatures of the property owners to proceed. Transportation and Utilities Director Kendra Gwin explained that the project entails a $350,000 special assessment with $39,892 covered by the property owners, which equates to 11.4% of the project cost, with the Sewer Fund bearing the remainder. Director Gwin detailed recent mailings provided by both the City Clerk's Office, as well as her department regarding the special assessment proposal, with a start date of Fall 2022 to be included as part of the FY 2022-23 Capital Improvement Program.

Councilmember Urban asked if the percentage was less than normal. Director Gwin confirmed that the percentage is less as a result of the previously connected east lots. Councilmember Urban further inquired regarding the normal procedures and price for these types of projects, as well as whether these lots were buildable. Community Development Director Kelly Peterson responded that the majority were buildable.

Mayor Randall asked whether these lake lots had cottages in the original plat. Director Gwin responded that West End Drive was previously a private street as was common with early lake plats, and as such, the lots were nonconforming and grandfathered.

Mr. Larry Lutz (9103 West End Drive) stated he was not in favor of the project as it does not add value to his property, and he has no plans to build on the west side of the street. He explained that the other lots may benefit but noted 9001 West End Drive was not included in the original petition and other signatures, he believes, are no longer valid due to property transfers.

Mr. Bill Fries (9007 West End Drive) stated he hired his legal counsel to help with his proposal. He explained his history with the property and noted prior confusion in wanting to build on the west side, resulting in the discovery that sewer lead installation would be necessary. He stated the west side lots previously had a separate mailing address and were noted as distinct lots in the original plat. Mr. Fries stated outside counsel and Community Development opined that they are buildable, but nonconforming lots. Mr. Fries noted that the prior owner of 9033 West End Drive, Mr. Brian Caley, had started this process and then decided to move.

Councilmember Urban inquired what Mr. Fries intended to build on his west side lot. Mr. Fries responded that he was looking for a garage with living space above that Community Development had reviewed and approved, as it already had water, but needed sewer. Mr. Fries further noted that he would install the sewer himself should the project not be approved. He also noted several property owners were in favor of this project, including one that was not available to attend in person at the meeting.

Mayor Pro Tem Pearson asked Mr. Lutz to return and explain how the project was going to decrease the value of his property. Mr. Lutz responded that West End Drive is a unique and quiet street with only a few homes on one side. He stated that homes on the west side would only be income-producing and increase the density and traffic on the quiet street.

Mr. Mark Kragt (8108 East End Ave, Kalamazoo) spoke as the representative of 9025 West End Drive. He stated he was in favor of the project and would build a home on the west lot from that address.

Ms. Susie Suchyta (9033 West End Drive) stated she was not in favor of the project. She does not believe it will benefit the street, will devalue her property and will increase density on West End Drive. She stated she did not own her property at the time of the petition and stated it only seemed to favor one person.

Mr. David Mayfield (9001 West End Drive) stated he was the new owner of the property and was not informed of the project at the time of purchase. He does not believe his property is buildable on the west side and is not in favor. He further stated his property was not on the original petition.

Mr. Tom VanderHoerst (9011 West End Drive) stated he has been the owner of the property for the last 30 years and uses his lot across the street for a small office in his garage and would like a bathroom. As such, he is in favor of the project and asked others to consider the potential of the installation of a bathroom in a building on the west side as opposed to a full house.

Councilmember Urban asked for an opinion regarding the validity of the petition. Acting City Manager Herringa responded that the petition was verified at the time of submission in July 2021 and became part of the official record when submitted. He noted City Council has the option to approve this project if there is majority owner approval, and stated projects could be multi-year endeavors where owners will change during that time.

Councilmember Burns asked for clarity regarding the buildable lots. He wants to know the options should the lot be deemed unbuildable. Acting City Manager Herringa responded that he would inquire with the City Attorney for an opinion and options in advance of the next City Council meeting.

Motion by Pearson, seconded by Burns, to close the public hearing. Upon a roll call vote, motion carried 7 to 0. The hearing was closed at 8:23 p.m.

Councilmember Urban commented regarding the buildable lots and plat history, believing lots should have had sewer installed at the time of development.

Councilmember Burns asked about the cost to individual owners if they desire to install the sewer personally. Director Gwin responded that they would still need to pay the frontage charge and approximately $5,000 to $10,000 depending on the contractor the owner selected.

Councilmember Ledbetter asked if the individual property owner did the work, whether it would inconvenience or cost neighbors on the street. Director Gwin responded that there would be no cost to the neighbors but that they would be inconvenienced due to road access. She stated that the current project proposal allowed the city to use the adjacent city park trail for alternate access during the project, which would not be a possibility if the private property owner were to do the work.

Councilmember Knapp asked for an explanation regarding the $5,000-$10,000 cost and how the city remained involved. Director Gwin responded that the city plumbing inspector would still be required to complete a site visit and inspection review, in addition to a paving permit review.

Mayor Randall asked whether the city had other examples of private citizens re-paving city roads. Director Gwin responded that such work is part of the existing Right-of-Way permit including stipulated standards for the type of asphalt and work quality.

Mayor Pro Tem Pearson stated he was in favor of this project for four reasons. First, the petition had a majority of property owners in July of 2021. Second, the history of such resolutions being approved. Third, the lots originally had two different mailing addresses, and fourth, the existing lots were non-conforming, which were handled differently by the city.

Motion by Pearson, seconded by Brayton, to adopt Resolution No. 3 for West End Drive Sanitary Sewer Project #419-S, directing the preparation of the special assessment roll. Upon a roll call vote, motion carried 7 to 0. Mayor Randall noted she supported this item due to the value it would provide to the properties, stating it was safer for citizens to be on city water and sewer.

REGULAR BUSINESS AGENDA:

Presentation of the Proposed Fiscal Year 2022-2023 Budget: Acting City Manager Herringa presented the proposed Fiscal Year 2022-2023 Budget, noting it was his first budget creation. Mr. Herringa then explained the new online format of the budget document, presented through OpenGov, as part of an effort to meet the updated requirements of the Government Finance Officers Association (GFOA). Finance Director Lauren VanderVeen provided a brief presentation of the OpenGov budget format, highlighting the interactive comparison chart functions. Mayor Pro Tem Pearson stated he was pleased with the innovation provided by Director VanderVeen and the Finance Department.

Motion by Knapp, seconded by Burns, to receive the proposed Fiscal Year 2022-2023 Budget. Upon a roll call vote, motion carried 7 to 0.

COUNCIL COMMITTEE REPORTS: Councilmember Burns provided an update regarding the Central County Transportation Authority (CCTA) and its April 11th meeting. He stated the CCTA approved the upcoming millage rates within the 2019 voter-approved range. Councilmember Burns noted the Kalamazoo County Transit Authority rate would remain the same but relayed that the CCTA rate would be increasing from 0.75 to 0.9 mills to cover the associated fuel and employment costs from inflation.

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

NEW BUSINESS:

Offers to Interview Candidates for the position of City Manager: Mayor Randall introduced the New Business item, noting the City Council had reviewed candidates at a Special Meeting earlier in the evening. She noted the selected candidates would be interviewed at a special session set for Saturday, April 23rd.

Motion by Knapp, seconded by Burns, to offer Candidates Number 13, 15, 28, 29, and 32 an opportunity to interview on Saturday, April 23, 2022, for the position of Portage City Manager. Upon a roll call vote, motion carried 7 to 0.

Councilmember Urban noted the reasoning for stating numbered candidates as opposed to names as part of a temporary confidential aspect of the recruitment process.

STATEMENTS OF CITIZENS: None.

STATEMENTS OF CITY COUNCIL AND CITY MANAGER: Councilmember Brayton wished everyone a Happy Holy Week and Easter holiday. She encouraged citizens to get outside and be active, highlighting the re-opened city bike-share program at Celery Flats.

Councilmember Burns highlighted Item A.3 from the Consent Agenda regarding the Utility Rate Study Committee and utility rates. He commended the Committee's citizen members, Alma Pat Maye and Randy Orwig, who both assisted in vetting the proposed rate increases due to inflation.

Councilmember Ledbetter had no comment.

Councilmember Knapp noted the Arbor Day Proclamation and the associated sustainable measures citywide. She stressed the inclusion of those measures in the update of the Master Plan.

Councilmember Urban spoke regarding the West End Drive special assessment. He noted the age of the neighborhood plat and how such a situation with the utility extension was previously commonplace but had become rare as the city grew and progressed. Councilmember Urban highlighted the Council's responsibility to the city overall, as well as fiscal responsibility.

Acting City Manager Herringa noted recent City Hall upgrades to LED lighting and digital thermostats. He then stated the city-facilitated Spring Cleanup Program was on schedule.

Mayor Pro Tem Pearson relayed the efforts of the Kalamazoo transit system by incorporating green and sustainable measures.

Mayor Randall thanked the City Council for their efforts with the City Manager search process alongside the budget review process scheduled for the next few meetings. She also commended Adam Herringa for continuing his role as Acting City Manager during the new City Manager search process.

ADJOURNMENT: Mayor Randall adjourned the meeting at 08:58 PM.

Erica L. Eklov, City Clerk