

CITY COUNCIL MEETING MINUTES FROM APRIL 26, 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, 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.

At the request of Mayor Randall, the audience observed a moment of silence to remember two of Portage's own, Vicki Georgeau and Patty Ovens. Following the moment of silence, the City Council recited the Pledge of Allegiance.

PROCLAMATIONS:

Global Love Day: Councilmember Brayton read the Proclamation for Global Love Day.

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 Knapp removed Items A.5 (Industrial Tax Abatement Application) and A.7 (MLK Park Construction Contract). Citizen Susie Suchyta removed Item A.4 (West End Drive Special Assessment). Motion by Burns, seconded by Brayton, 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 Brayton, to approve the City Council Meeting Minutes of the Special Meeting of April 12, 2022, and Regular Meeting of April 12, 2022.

Accounts Payable Register: Motion by Burns, seconded by Brayton, to approve the Accounts Payable Register of April 26, 2022, as presented. Upon a roll call vote, motion carried 7 to 0.

Public Hearing on Fiscal Year 2022-2023 Budget: Motion by Burns, seconded by Brayton, to adopt the Resolution setting a public hearing on May 10, 2022 for the Fiscal Year 2022-2023 Proposed Budget and Proposed 2022 Tax Levy. Upon a roll call vote, motion carried 7 to 0.

Sanitary Sewer Trunk Pipeline Condition Assessment - Bid Tabulation: Motion by Burns, seconded by Brayton, to award contracts for the cleaning and inspection of the Davis Creek Trunk and Austin Lake Branch sewer pipelines to Plummers Environmental, Byron Center, Michigan at a total bid price of \$252,972; the cleaning and inspection of the South Branch and West Fork Branch sewer pipelines to Pipeline Management Company, Inc., Milford, Michigan at a total bid price of \$200,320; 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.

Consultant Arborist Services: Motion by Burns, seconded by Brayton, to approve a one-year contract with the option for four one-year contract extensions to Preservation Tree Care, LLC, for professional arborist consulting services for Fiscal Year 2022-2023 and the four optional contract

extensions in the amount of \$80,000, and authorize the Acting City Manager to execute all documents related to this action. Upon a roll call vote, motion carried 7 to 0.

Zoning Amendment #21/22-B (22-03): Motion by Burns, seconded by Brayton, to accept Zoning Amendment #21/22-B (22-03) to add technology- and laboratory-related office uses to the B-3 General Business District under Special Land Uses for first reading and set a public hearing for May 24, 2022. Upon a roll call vote, motion carried 7 to 0.

MDOT Performance Resolution: Motion by Burns, seconded by Brayton, to adopt the Michigan Department of Transportation Performance Resolution for Municipalities (MDOT Form 2207B 5/21) and authorize the Acting City Manager to sign the form on behalf of the city. Upon a roll call vote, motion carried 7 to 0.

Tentative Plan Amendment: Greenspire Planned Development Phase VII (3413 W. Centre): Motion by Burns, seconded by Brayton, to accept the Tentative Plan Amendment to modify the previously-approved Phase VII of Greenspire Planned Development, 3413 West Centre Avenue, and set a public hearing for May 24, 2022; and subsequent to the public hearing, consider approving the Tentative Plan Amendment for Greenspire Planned Development, 3413 West Centre Avenue. Upon a roll call vote, motion carried 7 to 0.

Minutes of Boards & Commissions: Motion by Burns, seconded by Brayton, to receive the minutes of the Zoning Board of Appeals for March 14, 2022; Youth Advisory Committee of March 21, 2022; and Planning Commission of April 7, 2022. Upon a roll call vote, motion carried 7 to 0.

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

PETITIONS AND STATEMENTS OF CITIZENS: Julie Jensen (5947 Leon Drive, Scotts) announced her campaign for Kalamazoo County 9th Judicial Court judge.

COMMUNICATIONS:

Letter from Tony and Molly Ettwein (5265 Bronson Blvd): Motion by Pearson, seconded by Knapp, to refer the following letter from Tony and Molly Ettwein (5265 Bronson Blvd) to the City Administration. Upon a voice vote, motion carried 7 to 0.

PUBLIC HEARINGS:

2022 Utility Rate Financial Study: Mayor Randall opened the public hearing at 7:10 p.m. Acting City Manager Herringa summarized the development of the 2022 utility rates, noting the proposed rate increase in both the water and sewer rates. Councilmember Burns spoke regarding the Utility Rate Study Committee's review, acknowledging the contributions of the two citizen members. He further noted the history of the funds beginning in 2007 and that the utility funds are designed to operate in balance, similar to a business, and cannot function below the actual cost to operate the system. Councilmember Burns closed by highlighting the future Shuman Well Iron Removal Facility project that will be supplemented by bonding. Seeing no further comments, motion by Pearson, seconded by Brayton, to close the public hearing. Upon a voice vote, motion carried 7 to 0.

Motion by Knapp, seconded by Brayton, to adopt the 2022 sewer and water rate resolutions establishing sewer and water utility rates, sewer and water franchise area fees, service fees, and

charges as outlined in the 2022 Utility Rate Financial Study as recommended by the City Administration and the City Council Water and Sewer Rate Study Committee, with rates to be effective July 1, 2022. Upon a roll call vote, motion carried 7 to 0.

Zoning Amendment #21/22-B (22-02): Mayor Randall opened the public hearing at 7:18 p.m. Acting City Manager Herringa provided background on the rezoning recommendation, highlighting a shift in the commercial corridor uses. He noted the proposed rezoning will expand the possibilities for current office spaces. Seeing no other comments, motion by Knapp, seconded by Burns, to close the public hearing. Upon a voice vote, motion carried 7 to 0.

Motion by Knapp, seconded by Burns, to approve Zoning Amendment #21/22-B (22-02) to add technology- and laboratory-related office uses to the OS-1 Office District under Special Land Uses. Upon a roll call vote, motion carried 7 to 0.

Community Development Block Grant (CDBG) Program – FY2022-23 Annual Action

Plan: Mayor Randall opened the public hearing at 7:21 p.m. Acting City Manager Herringa stated the current public hearing was the second for the FY2022-2023 CDBG Annual Action Plan, with the first conducted before the Human Services Board. He then provided background on the annual program and the grant money uses. Seeing no other comments, motion by Burns, seconded by Ledbetter, to close the public hearing. Upon a voice vote, motion carried 7 to 0.

Motion by Brayton, seconded by Burns, to approve the FY2022-2023 CDBG Annual Action Plan. Upon a roll call vote, motion carried 7 to 0.

REGULAR BUSINESS AGENDA:

West End Drive Sanitary Sewer Project #419-S: Mayor Randall deferred to the citizen who removed the item from the Consent Agenda. Susie Suchyta (9033 West End) spoke regarding the proposed project and special assessment. She expressed concerns regarding the condition and setup of West End Drive, as well as the validity of the owner petition in light of ownership changes on the street. Acting City Manager Herringa responded regarding the petition, noting that sixty percent of the property owners on West End Drive at the time of the petition had signed in favor. Assistant City Attorney Seeber confirmed the legality of such a petition. Councilmember Brayton and Councilmember Burns inquired about West End Drive as a public or private street. Public Works Director Rod Russell confirmed that it was a public street under Michigan Act 51 and had received the associated benefit of city collection and maintenance programs in the past. Councilmember Knapp inquired if such services included snow plowing and city recycling. Director Russell confirmed they were included and such services would be lost if the street returned to a private designation. Councilmember Burns asked about city procedures for prospective home buyers regarding pending special assessments or petitions. Acting City Manager Herringa responded that city departments do not track special assessment petitions unless approved by the Council as an official assessment that would appear on city property records. There was also a discussion between Councilmember Urban and Assistant City Attorney Seeber regarding the "implied designation" of a roadway.

Motion by Urban, seconded by Burns, to adopt Resolution No. 4 for the West End Drive Sanitary Sewer Project #419-S, setting a public hearing on the assessment roll for May 10, 2022, and request preparation of Resolution No. 5. Upon a roll call vote, motion carried 7 to 0.

Industrial Partners USA PA 198 Tax Abatement Application - 801 East Milham:

Councilmember Knapp explained that she had pulled the item off the Consent Agenda to ascertain the access point to the subject property in light of the adjacent residential neighborhood. Mr. Joe

Agostinelli, representative for the applicant, responded that an agreement with Abraxas in front of the subject property existed to utilize a driveway on the east side of the property along the railroad. Acting City Manager Herringa noted an error in the resolution regarding the quoted dates for the public hearing. Discussion followed regarding the proper wording of the Action Recommended.

Motion by Knapp, seconded by Brayton, to accept the application for an industrial tax abatement from Industrial Partners USA for property located at 801 East Milham Avenue, and adopt Resolution No. 1-22 to set a public hearing on both the establishment of Industrial Development District No. 94 and the Industrial Facilities Exemption Certificate at 801 East Milham Avenue on May 10, 2022. Upon a roll call vote, motion carried 7 to 0.

Dr. Martin Luther King Jr. Park Construction Services Recommendation: Councilmember Knapp explained that she had pulled the item off the Consent Agenda to get clarification regarding the single expensive bid received and whether the City Administration had considered doing the work in-house. Acting City Manager Herringa responded that the Department of Public Works had too many assignments to complete, as well as this project design being beyond staff knowledge. He stated the cost of the bid was higher due to inflation and entailed a project that could not be separated into parts. Parks and Recreation Director Kathleen Hoyle confirmed the bid price information and relayed that inflation continued to affect bids for several Parks Department projects. Mayor Pro Tem Pearson asked for clarification on whether it was a sole source or a single bid. Director Hoyle confirmed it was a single bid response.

Motion by Brayton, seconded by Knapp, to award a contract in the amount of \$474,559.03 to Balkema Construction, for construction services on the Dr. Martin Luther King Jr. Park project 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.

Selection of City Manager Candidates for Second Interview: At the invitation of the Mayor, each Councilmember provided their respective top three candidates in alphabetical order. Councilmember Urban nominated Peter Dame, Nate Geinzer, and Patrick McGinnis. Councilmember Ledbetter nominated Peter Dame, Patrick McGinnis, and Jade Smith. Councilmember Knapp nominated Peter Dame, Patrick McGinnis, and Jade Smith. Mayor Randall nominated Peter Dame, Patrick McGinnis, and Jade Smith. Mayor Pro Tem Pearson nominated Peter Dame, Patrick McGinnis, and Jade Smith. Councilmember Burns nominated Peter Dame, Patrick McGinnis, and Jade Smith. Councilmember Brayton nominated Peter Dame, Patrick McGinnis, and Jade Smith.

Following all of the Councilmembers' nominations, Councilmember Urban stated he was willing to modify his three preferred candidates to switch Mr. Geinzer for Mr. Smith in unison with the remainder of the Council.

Motion by Pearson, seconded by Burns, to select Peter Dame, Patrick McGinnis, and Jade Smith as the three City Manager candidates to be invited for a second interview beginning at 2:30 p.m. and to be held on May 5, 2022. Upon a roll call vote, motion carried 7 to 0.

UNFINISHED BUSINESS:

FY 2022-23 Human/Public Service Funding Recommendations from the Human Services Board: At the invitation of the Mayor, Acting City Manager Herringa provided the background on the allocation process, noting the Council's discussion regarding the funds during the April 19th Budget Review Session. Councilmember Urban expressed his prior concern with one of the recommended faith-based organizations and a potential conflict with the city's Non-Discrimination Ordinance. He stated that the April 19th Budget Session discussion had proved helpful in allaying his concerns.

Motion by Urban, seconded by Ledbetter, to approve the recommended Fiscal Year 2022-23 human/public service funding allocations from the Human Services Board. Upon a roll call vote, motion carried 7 to 0.

COUNCIL COMMITTEE REPORTS: Councilmember Knapp provided a monthly Kalamazoo County Public Arts Commission (KCPAC) update, stating that the Commission's website is now live under the kalamazooarts.org group.

Councilmember Brayton relayed an update on the Kalamazoo Environmental Health Advisory Council (EHAC), including water line expansion information and a PFAS update.

Councilmember Urban provided an update regarding the Kalamazoo Area Transportation Study Committee (KATS). He acknowledged the work of Transportation & Utilities staff and noted that the Kalamazoo Urbanized Area's defined boundaries had expanded following the 2020 Census.

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

STATEMENTS OF CITIZENS: None.

STATEMENTS OF CITY COUNCIL AND CITY MANAGER: Councilmember Urban had no comment.

Councilmember Ledbetter spoke regarding the Patrick Lyoya killing in Grand Rapids and the effects on the Black community, as well as the Police community. He encouraged the Public Safety Director and Acting City Manager to have plans should something similar occur in Portage.

Councilmember Knapp noted the City Manager Candidate Interviews from April 23. She then complimented the 2022 Parks and Recreation brochure, including the Farmer's Market.

Councilmember Burns acknowledged the contributions of the late Vicki Georgeau, former Community Development Director. He then highlighted the upcoming May 3 Special Election, as well as the City Manager Finalist Interviews on May 5. Councilmember Burns thanked both Nate Geinzer and Andrew Dymczyk for being part of the prior interviews.

Councilmember Brayton expressed condolences to the families of Vicki Georgeau and Patty Ovens. She then noted her concerns about a rise in suicide rates in the region, urging those suffering to seek help. Councilmember Brayton closed by recognizing the upcoming Youth Advisory Green-A-Thon event.

Acting City Manager Herringa spoke regarding the deaths of Ms. Georgeau and Ms. Ovens.

Mayor Pro Tem Pearson also noted the deaths of Ms. Georgeau and Ms. Ovens, highlighting Ms. Georgeau's tenure and the various roles in which he worked with her.

Mayor Randall expressed her condolences to the families of Ms. Georgeau and Ms. Ovens. Mayor Randall then thanked the Council for its efforts and commitment to the City Manager hiring process.

ADJOURNMENT: Mayor Randall adjourned the meeting at 08:33 PM.

Erica L. Eklov, City Clerk