

CITY COUNCIL MEETING MINUTES FROM JULY 12, 2016

The Regular Meeting was called to order by Mayor Pro Tem Ansari at 7:30 p.m.

At the request of Mayor Pro Tem Ansari, Tim Earl provided words of encouragement and invoked the human history that led to our institution of government, and City Council and the audience recited the Pledge of Allegiance.

At the request of Mayor Strazdas, the City Clerk called the roll with the following members present: Councilmembers Richard Ford, Jim Pearson, Patricia M. Randall, Claudette Reid and Terry Urban, and Mayor Pro Tem Nasim Ansari. Mayor Peter Strazdas was absent with notice. Also in attendance were City Manager Larry Shaffer, City Attorney Randy Brown and City Clerk James R. Hudson.

APPROVAL OF MINUTES: Motion by Pearson, seconded by Urban, to approve the Regular Meeting Minutes of June 14, 2016, and the Regular Meeting Minutes of June 28, 2016, as presented. Upon a roll call vote, motion carried 6 to 0.

Motion by Reid, seconded by Ansari, to receive the Pre-Council Meeting Notes of July 11, 2016, as presented. Upon a voice vote, motion carried 6 to 0.

* **CONSENT AGENDA:** Mayor Pro Tem Ansari asked Councilmember Urban to read the Consent Agenda. Councilmember Urban asked that Item F.1, Gourdneck Lake – Creation of Governmental Lake Board, be removed from the Consent Agenda, and Councilmember Reid asked that Item F.2, City Council Wireless Device Stipend, be removed from the Consent Agenda.

Motion by Urban, seconded by Reid, to approve the Consent Agenda motions as amended. Upon a roll call vote, motion carried 6 to 0.

* **APPROVAL OF ACCOUNTS PAYABLE REGISTER OF JULY 12, 2016:** Motion by Urban, seconded by Reid, to approve the Accounts Payable Register of July 12, 2016, as presented. Upon a roll call vote, motion carried 6 to 0.

REPORTS FROM THE ADMINISTRATION:

GOURDNECK LAKE – CREATION OF GOVERNMENTAL LAKE BOARD: At the request of Mayor Pro Tem Ansari, Councilmember Urban indicated that he asked that the item be removed from the Consent Agenda in order for Council to consider appointing a Portage representative to the Lake Board to enable them to get started right away; otherwise, he implied that the delay would be unnecessary and even costly to the lake property owners. Mayor Pro Tem Ansari indicated Council should take some time and discuss the appointment issue. Motion by Urban, seconded by Pearson, to accept the request of the Gourdneck Lake Association and adopt a Resolution to establish a lake board for Gourdneck Lake, in accordance with Part 309 of Public Act 451 of 1994, Inland Lake Improvements.

Councilmember Reid asked how quickly the Lake Board will get started once Council adopts the Resolution, and is there work that needs to be accomplished this summer, so that identifying a representative sooner rather than later might be advantageous for the Lake Board. Discussion followed. Mayor Pro Tem Ansari invited Transportation & Utilities Director Chris Barnes and Gourdneck Lake Association Representatives to address these questions. At the request of Councilmember Ford, Mr. Barnes indicated that Schoolcraft Township adopted their Resolution at an earlier meeting. Mr. Barnes introduced Gourdneck Lake Association President Chris Haas, who indicated it would be great to begin right away, explained the process required according to Act 451 and the timeframe for treatment which will be in Spring 2017 at the earliest. Councilmember Urban pointed out that it is too late to get an assessment on the winter tax bill, so it may be as late as 2018 before the Governmental lake Board can begin treatment. Discussion followed.

Councilmember Pearson indicated he was on the Austin Lake Governmental Lake Board and concurred with Councilmember Urban. In response to Councilmember Pearson, Mr. Haas determined that there are 80 Portage properties and 37 Schoolcraft Township properties involved and confirmed that the specific charge of the Lake Board is chemical treatment, that two thirds of the property owners agree with the need for a Governmental Lake Board, but the specific amount owed by each property owner has not yet been determined. Councilmember Pearson advised Mr. Haas to poll to help decide what the property owners want, prior to the first meeting of the Governmental Lake Board in the interest of a cohesive approach to this matter. He also told him that it is debatable whether property owners not on the lake, but having lake access, can be also assessed by the Governmental Lake Board, and mentioned that it has not happened before. Discussion followed.

In answer to Councilmember Randall, Mr. Haas answered that normally there is an annual meeting of the Gourdneck Lake Association where all of the lake property owners are invited in the Spring, and now the Board meets more often, once a month in the evening because of the weed problem, but the meeting dates and times of the Governmental Lake Board will be determined once it is formed. Discussion followed.

Councilmember Urban indicated that Gourdneck Lake will be unique because it has deeded access with no frontage both on Westnedge Avenue and Portage Road in Portage; it has a County park and Department of Environmental Quality land. He offered that the State never participates in an assessment, so how the assessment gets divided up will require a lot of discussion and may not be something that can be determined ahead of time. With that, he volunteered to represent Portage on the Gourdneck Lake Governmental Lake Board owing to his years of experience serving on the Long Lake Governmental Lake Board, as President for fifteen years, and his familiarity with the process involved.

City Attorney Randy Brown indicated that mathematically the assessment of the properties is the responsibility of the Governmental Lake Board and asked that the same Special Assessment rules agree with those of the City.

Councilmember Ford opined that with all due respect for everyone here, Mayor Strazdas needs to be brought into the loop to consider who should be the representative on the Gourdneck Lake Governmental Lake Board since he works with Council regarding appointment to the various Boards and Commissions. He acknowledged that the Gourdneck Lake Association members wish to get things started and Councilmember Urban understands the eminent nature of what they are trying to do, but it would be best to wait on an appointment to get Mayor Strazdas involved. Mayor Pro Tem Ansari concurred.

Councilmember Pearson thanked Councilmember Urban for volunteering as it is a lot of work serving on a Governmental Lake Board, and concurred with Councilmember Urban that the State will not “pitch in any money” not even on Austin Lake where they collect money, the State still does not “pitch in.” However, he pointed out that the City of Portage and the County of Kalamazoo do “pitch in” on an assessment on Austin Lake; and, the Austin Lake Governmental Lake Board was very appreciative of recommendations from the Austin Lake Association, so it is a good time for the Gourdneck Lake Association to come up with a plan and present it to the Governmental Lake Board once it is formed in order to have an active dialogue. Discussion followed. Upon a roll call vote, motion carried 6 to 0. Resolution recorded on page 191 of City of Portage Resolution Book No. 46.

CITY COUNCIL WIRELESS DEVICE STIPEND: At the request of Mayor Pro Tem Ansari, Councilmember Reid summarized the proposal, and reviewed the process of producing electronic agenda packets for staff, City Council and the public. She noted that three of the seven Councilmembers have opted to receive the bound paper version of the agenda packet instead of migrating to the electronic version. She indicated that it is important at this time to take a look at the BoardSync Software to determine if it is meeting our needs and, if not, what can be done with the software company to have a software that is more effective for City Council. She recognized that this has been a very effective tool for staff to be able to pull all of the information together and asked for a time to discuss this software as it relates to the Councilmembers. She noted that Council is being asked

to consider \$75 per month for a tablet or laptop and \$50 per month for a cell phone for each Councilmember. For a Councilmember with a four-year term, doing the math, she recognized that it is a “chunk of change” since it amounts to \$3,600 for a tablet or laptop and \$2,400 for the phone. She reflected on her own recent purchase of a laptop that also functions as a tablet for \$600, and asked how staff came up with the amount of the proposed stipend. She also asked how this was going to be managed; that she looked forward to the development of a policy; and she questioned how the policy would be implemented if this recommendation is approved.

At the request of Mayor Pro Tem Ansari, City Manager Shaffer discussed the BoardSync Software used by the Administration to collect all of the information for the Agenda packet, package and manage the agenda process and maintain oversight. He noted that the software also ties in the written agenda packet and the visual of the meeting for the public, but the City Council piece is currently the most challenging piece and no software implementation is successful unless the users are comfortable or confident with it and can successfully utilize it. He mentioned that staff is making progress with the software, emphasized staff commitment to fully bring Council on board with BoardSync. He indicated that the Administration reviewed a number of software packages, but Boardsync was less expensive, many colleagues had already migrated from the more expensive software to BoardSync, and he restated his commitment to making Council’s job as easy as possible and his commitment to the successful implementation of BoardSync. He referred to the survey sent to City Council to allow them to iterate their issues with BoardSync that need to be addressed for Council. He indicated that the future is a paperless, automated system and everybody will be utilizing it someday; so, it becomes very important that Councilmembers become as comfortable as possible using these tools and for the Administration to be responsive to the concerns of Council because your job is very important to us and we need to make sure you are successful at it.

With regard to the amount of the stipend, Mr. Shaffer indicated he is suggesting that the stipend for the cell phone and the tablet or laptop is standard and covers the cost of the hardware and the subscription necessary for the hardware to work. He showed that this would allow Council to use a laptop or tablet of their own at each station at the dais and for the Administration to repurpose the iPads currently provided and get rid of the expense associated with the iPads. In order to authorize the stipend, the Resolution needs to be adopted, City Council needs to adopt a Policy to cover this matter, and an Administrative Order needs to be developed. He summarized some of the many benefits of using BoardSync and welcomed any questions Council might have concerning the matter.

Councilmember Reid asked if the members of the Planning Commission and the Zoning Board of Appeals, who also use BoardSync would also be provided this stipend, and Mr. Shaffer indicated that eventually the Administration would like to get out of providing City hardware and provide a stipend and the plan is to start with the City Council, see how that is and continue through the organization.

In answer to Councilmember Randall, Mr. Shaffer assured Council that the savings exceed the cost of BoardSync because it is expensive to produce, expensive to manage on the Administrative side, expensive to deliver manually to City Council and expensive to archive through the City Clerk. He touted the benefits of becoming paperless, whether through efficiency, cost and/or effectiveness and gave search capability as an example. Discussion followed.

In answer to Councilmember Urban, Mr. Shaffer indicated that the intent of the laptop or the tablet is that they can connect to the internet and the service would be provided by each Councilmember to support that and explained. Mr. Shaffer indicated that the device Council would have would be capable of receiving all forms of information from the Administration: text, the BoardSync agenda packet, and any other information from the City, so it would require that type of service provider. Further, Mr. Shaffer assured Councilmember Urban that he will not have to take his laptop everywhere he goes; the preference would be that you be able to connect through a cell tower with your device; so this is how you would get your information. He indicated a Councilmember would not get a stipend for a laptop or a tablet if you could not download your BoardSync agenda packet in some fashion and manage your own account and explained that this is a permanent device that attaches you to the people you serve and the people who work for you.

City Attorney Randy Brown referred City Council to the specifics of the Resolution which deals with the stipend for cell phone usage, laptop and tablets, then directs the City Manager to prepare a City Council Policy that will deal with the details, so the details iterated by Councilmember Urban may be included in the Policy that will come back to Council for review and consideration. Councilmember Urban objected to the City Manager implying that the laptop be “cell enabled” and Mr. Brown indicated that the term is not used in the Resolution. He then explained City Council will have the opportunity to review such terms in the Policy when it is brought back. Discussion followed.

Motion by Pearson, seconded by Randall, to adopt the resolution establishing a stipend for City Council electronic devices and direct the City Manager to create a City Council policy for administration of the benefit. Discussion followed.

Councilmember Reid expressed her opinion that the \$75 for the laptop or tablet is excessive and expressed her concerns. Councilmember Randall spoke in favor of BoardSync and Councilmember Pearson indicated that Mayor Strazdas indicated he was in favor of BoardSync.

Mr. Shaffer restated his commitment to City Council, his commitment to making BoardSync work for City Council and he expressed his positive anticipation to work with each Councilmember in a successful way to make sure this becomes the preferred tool for each of them.

Councilmember Ford indicated he had a couple of issues with BoardSync, but nothing that prevents him from getting it from the website and views BoardSync as a separate issue from the stipend and whether we want to continue as a Council to use that software; it is different from the information we obtain using our mobile devices; and, he surmised that each Councilmember has stated that he or she has gotten information on line. He also indicated that if a Councilmember wishes to obtain paper packets, it is his observation that Staff is more than happy to oblige and provide that option.

After hearing all of the arguments, Mayor Pro Tem Ansari indicated that he is convinced that there will be big savings with the stipend and spoke in favor of the recommendation. Councilmember Pearson called for the question. Upon a roll call vote, motion carried 4 to 2. Yeas: Councilmembers Ford, Pearson and Randall and Mayor Pro Tem Ansari. No: Councilmembers Urban and Reid. Resolution recorded on page 195 of City of Portage Resolution Book No. 46.

*** SANITARY SEWER PAYBACK AGREEMENT – WHISPER ROCK CONDOMINIUM DEVELOPMENT:** Motion by Urban, seconded by Reid, to approve the payback agreement between the City of Portage and American Village Development II, LLC, for installation of sanitary sewer and authorize the City Manager to sign all documents related to this matter on behalf of the city. Upon a roll call vote, motion carried 6 to 0.

*** PORTAGE CREEK BICENTENNIAL TRAIL RELOCATION:** Motion by Urban, seconded by Reid, to approve a change order in the amount of \$33,236.50 to Reith Riley Construction to perform the asphalt paving portion of the Portage Creek Bicentennial Park Trail Relocation Project and authorize the City Manager to sign all documents related to this action on behalf of the city. Upon a roll call vote, motion carried 6 to 0. Upon a roll call vote, motion carried 6 to 0.

COMMUNICATIONS:

COMMUNICATION FROM HARRY HAASCH, EXECUTIVE DIRECTOR OF PUBLIC MEDIA NETWORK: Councilmember Reid highlighted the contents of the communication sent to City Council from Harry Haasch, Executive Director of Public Media Network regarding who is responsible for various aspects of the audio/visual program broadcast from Council Chambers. She expressed a concern with the use of the podium for presentations and the need for the user to know how to use the equipment. She indicated that his letter delineates the City responsibility versus the Public Media Network (PMN) responsibility. Motion by Reid, seconded by Randall, to receive the communication from Harry Haasch, Executive Director of Public Media Network, regarding set up,

testing, operation, and troubleshooting of Audio/Visual components by appropriate City of Portage staff. Upon a voice vote, motion carried 6 to 0.

* **MINUTES OF BOARDS AND COMMISSIONS MEETINGS:** City Council received the minutes of:

Portage Public Schools Board of Education Regular of May 16 and Committee of the Whole of June 13, 2016.

Portage Planning Commission of June 16, 2016.

COUNCIL COMMITTEE REPORTS:

KALAMAZOO COUNTY PUBLIC ARTS COMMISSION MEETING, JUNE 21, 2016:

Councilmember Randall indicated that the Commission had a guest speaker, David Greese, who discussed the Bronson Park Reservation Project, the restoration of the fountain, and the nine square mile (three miles by three miles) Indian Reservation that was historically located downtown Kalamazoo, and the Commission is looking to create an artistic commemorative at points of each of the boundaries. Discussion followed. Motion by Ford, seconded by Reid, to receive the report from Councilmember Randall regarding the Kalamazoo County Public Arts Commission Meeting of June 21, 2016. Upon a voice vote, motion carried 6 to 0.

DISCOVER KALAMAZOO ADVISORY BOARD MEETING, JULY 11, 2016:

Councilmember Randall indicated that the Board had a Bike Friendly Kalamazoo guest speaker, Paul Selden, Director of Road Safety for the Bicycle Club of Kalamazoo, who addressed the recent accidents and the tragedies around bicycling, and the new interest in making non-motorized vehicles safer on our public roads. She highlighted the United States Tennis Association (USTA), Friday, August 5 through Sunday, August 14, as an upcoming event in Kalamazoo. Motion by Ford, seconded by Reid, to receive the report from Councilmember Randall regarding the Discover Kalamazoo Advisory Board Meeting of July 11, 2016. Upon a voice vote, motion carried 6 to 0.

KALAMAZOO AREA TRANSPORTATION STUDY (KATS) MEETING, JUNE 29,

2016: Councilmember Reid indicated that two of the main things that happened at the meeting were the approval of the 2017-2020 Transportation Improvement Program, which is a major document that KATS puts out that covers the whole area and, the second item was the Task Personnel and Procedure Manual. She said that Task Policy Board oversees the personnel issues for all of the employees within the organization and thereby finalized an official personnel policy for the KATS employees. Motion by Reid, seconded by Randall, to accept the report on KATS. Upon a voice vote, motion carried 6 to 0.

OTHER CITY MATTERS:

STATEMENTS OF CITY COUNCIL AND CITY MANAGER: Councilmember Reid reflected that she was asked to tend and work the beer tent at the Portage Third Blue Grass (acoustic) Festival at Celery Flats; the weather was beautiful; and it was a family friendly, fun activity. She commented that it is very frustrating to be in public service because of what is happening across the country, as well as the State, and mentioned the two recent fallen Bailiffs in St. Joseph, Michigan, for example. She noted that as much as we all try to help the community, there are things outside of our control, and others have expressed the same frustration, also. She sought support for one another as a community and as a country, and noted that there are a lot of underlying issues that need to be addressed, asked everyone to be patient with one another and to be strong and be safe.

Councilmember Randall concurred with Councilmember Reid and indicated she happened to experience the unsettling event in South Haven when 90 police officers were trying to deal with a crowd of 10,000 children – teenagers. She also mentioned that she was at the St. Joseph Art Fair the day

before the two Bailiffs were shot and killed by the prisoner, expressed great appreciation for our law enforcement and asked for a brief update on the morale of the Portage Law Enforcement Officers. She asked that all Portage citizens support our Law Enforcement Officers, and disclosed that everyone with whom she has contact expresses appreciation for our Law Enforcement Officers.

City Manager Larry Shaffer announced that the Portage Police Division is very proud to serve Portage citizens and does so with dedication and commitment every day of the week, every week of the month and every month of the year. He cited one example of this as the change in the pursuit policy where the officer breaks off pursuit where it is deemed that the threat to the public or the Police Officer is greater than the benefit of immediate apprehension of the pursuit, especially once we have the license plate number. He acknowledged the work of Police Chief Richard White, and expressed his appreciation for the fine service of his Police Officers; and, he announced that he will be expressing his appreciation personally to both the day and night shifts next week.

Councilmember Pearson concurred with the comments from Councilmembers Reid and Randall regarding recent tragedies in the State and the remarks by Mr. Shaffer and the efforts of the Police Division. He then indicated that they also mentioned a lot of good things that are going on in Portage. He cited some of the good things as the Blue Grass Festival, the Kalamazoo Institute of Art, bringing cultural activities into the community, the Portage Farm Market every Sunday noon until 4 p.m., and said there a lot of good things happening in Portage.

Mayor Pro Tem Ansari took the opportunity to express his appreciation to the Police Division and said, "We are grateful for their service."

MATERIALS TRANSMITTED:

* **MATERIALS TRANSMITTED:** Motion by Urban, seconded by Reid, to receive the Materials Transmitted of June 17 and June 28, 2016. Upon a roll call vote, motion carried 6 to 0.

ADJOURNMENT: Mayor Pro Tem Ansari adjourned the meeting at 8:40 p.m.

James R. Hudson, City Clerk

*Indicates items included on the Consent Agenda.