

CITY COUNCIL MEETING MINUTES FROM FEBRUARY 7, 2023

Mayor Patricia Randall called the Regular Meeting to order at 07:01 PM in the Council Chambers at Portage City Hall.

ROLL CALL: Councilmembers Chris Burns, Lori Knapp, Victor Ledbetter, Terry Urban, and Mayor Patricia Randall were present.

ABSENT: Mayor Pro Tem Jim Pearson and Councilmember Lisa Brayton.

ALSO PRESENT: City Manager Pat McGinnis, Deputy City Manager Adam Herringa, City Attorney Catherine Kaufman, and City Clerk Erica Eklov.

At the request of Mayor Randall, the audience observed a moment of silence to reflect on Black History Month together with justice, equality, and inclusion for all. Following the moment of silence, the City Council recited the Pledge of Allegiance.

PROCLAMATIONS:

Black History Month: Councilmember Ledbetter read the proclamation honoring Black History Month.

National 211 Day: Gryphon Place CEO, Maricela Alcala, read the proclamation for National 211 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. Motion by Knapp, seconded by Ledbetter, to approve the Consent Agenda as presented. Upon a roll call vote, motion carried 5 to 0.

Approval of Minutes: Motion by Knapp, seconded by Ledbetter, to approve the City Council Meeting Minutes for the Committee of the Whole Meeting of January 24, 2023, and the Regular Meeting of January 24, 2023. Upon a roll call vote, motion carried 5 to 0.

Accounts Payable Register: Motion by Knapp, seconded by Ledbetter, to approve the Accounts Payable Register of February 7, 2023, as presented. Upon a roll call vote, motion carried 5 to 0.

MDOT Contract #22-5573 (Shaver Road, South City Limits to Vanderbilt Avenue): Motion by Knapp, seconded by Ledbetter, to approve Contract #22-5573 between the Michigan Department of Transportation (MDOT) and the City of Portage for the reconstruction of Shaver Road from the south city limits to Vanderbilt Avenue, and adopt a Resolution authorizing the City Manager to sign all documents related to the MDOT contract on behalf of the city. Upon a roll call vote, motion carried 5 to 0.

Minutes of Boards & Commissions: Motion by Knapp, seconded by Ledbetter, to receive the minutes of the Planning Commission of December 15, 2022. Upon a roll call vote, motion carried 5 to 0.

Materials Transmitted: Motion by Knapp, seconded by Ledbetter, to receive the Materials Transmitted of January 23, 2023. Upon a roll call vote, motion carried 5 to 0.

Calendar of Meetings: Motion by Knapp, seconded by Ledbetter, to receive the Calendar of Meetings as presented. Upon a roll call vote, motion carried 5 to 0.

PETITIONS AND STATEMENTS OF CITIZENS: Alan Loveridge (23865 88th Avenue, Marcellus) spoke regarding abortion and pro-life programs, as well as legislative suggestions.

PUBLIC HEARINGS:

Austin Lake Invasive Weed Management - 2023 to 2027 Special Assessment: Mayor Randall introduced the item and opened the public hearing at 7:15 p.m. Transportation and Utilities Director Kendra Gwin summarized the basis of the project and introduced the project consultant, Paul Hausler, from the firm Progressive AE. Mr. Hausler provided a presentation regarding lake ecology, habitat and development history, as well as aquatic plant management.

Councilmember Urban asked Mr. Hausler about the mechanical harvesting method and the rationale for its recommendation. Mr. Hausler responded that his recommendation was based on the morphology of Austin Lake as compared to other area lakes, as well as a faster method to target nuisance plant growth. He further relayed that harvesting would be scheduled for July to early August of this year if the project was approved. Councilmember Urban then asked about the designated location for depositing harvested plant life and planned disposal methods. Mr. Hausler responded that the Michigan DNR parcel was the best option for dumping collected plants, which would be removed in an enclosed dump truck or trailer soon after.

Councilmember Urban subsequently inquired about the state's limits for treating invasive species, as well as a nuisance native species. Mr. Hausler noted that Michigan's restrictions mostly pertained to the remediation of nuisance native species via chemical treatment, leaving mechanical treatment as an ideal option for these species as it is unregulated. Councilmember Urban then asked about the notification process and chemical treatment procedures. Mr. Hausler responded that Progressive AE utilizes cost-effective methods, overseeing the chemical application and removal contractors while performing lake monitoring, surveys, and analyses on an annual basis. Councilmember Urban noted the chemical treatment plan targets 43 of the 1,100 acres of Austin Lake in the first year, and asked about the expected duration of mechanical harvesting in that same year. Mr. Hausler responded that harvesting should last a week to ten days based on the number of contractors employed.

Councilmember Knapp asked for clarification on the operation of the mechanical harvester, including the depth of plant removal and the effect on aquatic life. Mr. Hausler responded that the machine does not extend to the bottom of the lake and most aquatic life avoids the machine during operation. She then asked whether the harvester was a long-term solution or an annual remedy. Mr. Hausler responded that it was a shorter-term solution to slow the natural process of dead plant life accumulating on the lake bottom. Mayor Randall inquired about harvesting during July, requesting that operations avoid the July 4th holiday. She then confirmed locations and plans regarding the docking of the harvesting machine.

Citizen comments were as follows:

1. AJ Spicer (2277 Woody Noll Drive) spoke as the president of the Austin Lake Riparian Board. He stated the Board was requesting remediation due to increasing vegetation in the lake, as well as resulting boat damage. He highlighted a 2019 survey of the lake owners regarding these issues, which showed support for the project. Mr. Spicer then noted a prior contribution discussion including the city and Pfizer, wondering whether those were still in consideration.
2. Miko Dargitz (8935 Austin Court) asked the consultant, Mr. Hausler, for clarification regarding the planned chemical treatment areas. She then expressed concerns regarding prior aeration projects and trends following the work. She encouraged a holistic, long-term approach.
3. Penny Sundman (2505 Stanley Avenue) spoke regarding similar projects on Sunset Lake that appeared to have aggravated the plant situation. Ms. Sundman expressed concerns about encountering the same issue at Austin Lake.
4. Tina Kuchenbuch (2728 East Shore Drive) thanked efforts by the Lake Board and the consultant but had questions regarding the maps of the treatment areas in relation to the proposed assessment estimate.

5. Brian Kerry (1413 Woodlawn Drive) expressed his support for the proposed work. He inquired about a creative assessment model where those that are not riparians, yet benefit from the lake, could also be charged towards the project.
6. Doug Vohden (2149 Woody Noll Drive) asked if there were any education efforts planned for non-residents using the state boat launch as potential carriers of invasive species and remediation efforts.
7. VOICEMAIL: Dylan Knoll (9914 East Shore Drive) stated opposition to the project and does not view the aquatic plants as an issue to address.

Mr. Hausler responded to the various questions posed during public comment. Councilmember Knapp asked the City Attorney to opine on creative funding model options. Attorney Kaufman noted assessment legalities prevented the possibility of such outside funding, but also noted other municipalities had passed ordinances to require boat washes before launching. She stated such a regulation would be difficult for the City of Portage as the boat launch is owned by the State of Michigan. Councilmember Urban then spoke regarding deeded access matters. Councilmember Urban expressed concern about the description of the legal boundaries in the proposed Resolution #3 being incorrect and issues with moving forward. He asked the City Attorney to opine. Attorney Kaufman confirmed that all benefiting properties should be included in the assessment and deferred to the City Administration as to the preparation of the legal boundaries.

8. Todd Lyons (10416 Woodlawn Drive) spoke regarding deeded access along Austin Lake, including his property, potentially similar to Long Lake. He stated his property and several others around the lake have five-foot access points from the road to the lake, allowing outside access.
9. Joe Kuchenbuch (2728 East Shore Drive) stated that the purchase of his property included a similar five-foot walkway. He also expressed concern about the potential residential development across the street with the potential for increased access and lake usage.

Mayor Randall asked about deeded access compared to a public right-of-way. Attorney Kaufman responded that deeded access is limited, and right-of-ways are fully accessible. She further stated that her practice could explore the Austin Lake properties with deeded access to determine whether it will alter the project.

10. Mark Corstange (2708 East Shore Drive) stated he also has deeded access to his property but relayed he was told the access points were for the fire department withdrawals in the absence of fire hydrants.
11. Steve Grieve (1425 Balboa Street, Schoolcraft) noted he was a member of the Gourdneck Lake Governmental Lake Board and spoke in support of the work Progressive AE has performed for Gourdneck Lake, including the remediation of invasive species that he hopes will also occur on Austin Lake.

Motion by Burns, seconded by Knapp, to close the public hearing. Upon a voice vote, motion carried 5 to 0. Councilmember Urban asked the City Attorney to opine on proceeding with the project in light of the legal descriptions question. Attorney Kaufman responded that the City Council should consider confirming the legal descriptions in order to proceed.

City Manager McGinnis spoke regarding public benefits with deeded access points and the proximity of Lakeview Park. He relayed prior experience with lake access issues from Grand Haven and expressed concern about highlighting deeded access, which could increase public usage to the detriment of the property owners. Councilmember Urban agreed with City Manager McGinnis, comparing the existing assessment on Gourdneck Lake. Councilmember Knapp expressed support for

the project while making note of her residence on Austin Lake.

Motion by Urban, seconded by Burns, to adopt Resolution No. 3 for the Austin Lake Invasive Weed Management Program Special Assessment District No. 023-A, directing the City Assessor to prepare the Special Assessment Roll. Upon a roll call vote, motion carried 5 to 0.

COUNCIL COMMITTEE REPORTS: Councilmember Knapp provided an update regarding the Kalamazoo County Public Art Commission, as well as the Portage Community Center Board of Directors. Motion by Ledbetter, seconded by Burns, to receive the Council Committee Reports as presented. Upon a voice vote, motion carried 5 to 0.

STATEMENTS OF CITIZENS: None.

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

Councilmember Ledbetter spoke regarding the city's Black History Month event from the prior weekend, noting the scheduled speaker had canceled due to a personal matter yet the city was able to secure a new speaker and avoid canceling the event. He provided highlights from the new speaker, Mr. Derreck Kayongo, and thanked the staff for their efforts with the event.

Councilmember Knapp commended Mr. Kayongo for his Black History Month event presentation and congratulated Councilmember Ledbetter as the emcee of the event.

Councilmember Urban acknowledged his inquiries and information regarding the Austin Lake Special Assessment Project.

City Manager McGinnis began by noting the Black History Month event. He then congratulated the Zhang Portage Community Senior Center on achieving 3,000 total members and a baseball ticket raffle to celebrate that membership milestone. He then had Deputy City Manager Adam Herringa present a recognition project from Woodland Elementary.

Mayor Randall expressed appreciation for the successful Black History Month event, as well as the increased membership of the new Zhang Portage Community Senior Center. She then announced the purchase of two new large vans for the Senior Center using Kalamazoo County Senior Millage funds.

ADJOURNMENT: Mayor Randall adjourned the meeting at 9:01 PM.

Erica L. Eklov, City Clerk