

CITY COUNCIL MEETING MINUTES FROM OCTOBER 17, 2023

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

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

ABSENT: Councilmember Vic Ledbetter.

ALSO PRESENT: City Manager Pat McGinnis, Chief Operating Officer 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 recognize the work of Rotary International and its work to make lasting change around the world, the work of the community to shepherd our children to healthy, drug-free lifestyles, and the accomplishments of the West Portage Little League members. Following the moment of silence, the City Council recited the Pledge of Allegiance.

PROCLAMATIONS:

Rotary International 2023: Portage Rotary President Josh Goodlock read the proclamation.

2023 Red Ribbon Week: Human Services Board chair Brooke Kolodzieczyk, vice chair Jihan Young, and local Portage Public School students read the proclamation.

Recognition of West Portage Little League's Youth Enrichment and Competitive Success: Jihan Young, Board of Directors All-Star Coordinator, introduced the proclamation and it was read by Portage West Middle School Assistant Principal, Sidney Bailey.

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 removed Item A.3 (City Council Goal Session). Citizen Tina Kuchenbuch removed Item A.4 (Intergovernmental Early Voting Agreement). Motion by Burns, seconded by Pearson, to approve the Consent Agenda as presented with A.3 and A.4 removed. Upon a roll call vote, motion carried 5 to 0.

Approval of Minutes: Motion by Burns, seconded by Pearson, to approve the City Council Meeting Minutes of the Board & Commission Interviews of October 3, 2023, and Regular Meeting of October 3, 2023. Upon a roll call vote, motion carried 5 to 0.

Accounts Payable Register: Motion by Burns, seconded by Pearson, to approve the Accounts Payable Register of October 17, 2023 as presented. Upon a roll call vote, motion carried 5 to 0.

Purchase of Portable Emergency Generators: Motion by Burns, seconded by Pearson, to authorize the purchase of two Generac MDG175DF4 mobile diesel generators through the Sourcewell purchasing program, at a total cost of \$225,700.00 and authorize the City Manager to execute all documents related to these purchases on behalf of the city. Upon a roll call vote, motion carried 5 to 0.

Intergovernmental Vehicle Sale: Motion by Burns, seconded by Pearson, to approve the sale of a 2013 Ford F-250 Super-Duty pickup truck to the Kalamazoo County Medical Control Authority for \$38,000 and authorize the City Manager to execute all necessary documents. Upon a roll call vote, motion carried 5 to 0.

Materials Transmitted: Motion by Burns, seconded by Pearson, to receive the Materials Transmitted of October 3, 2023. Upon a roll call vote, motion carried 5 to 0.

Minutes of Boards & Commission: Motion by Burns, seconded by Pearson, to receive the Minutes of the Human Services Board of September 7, 2023. Upon a roll call vote, motion carried 5 to 0.

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

PETITIONS AND STATEMENTS OF CITIZENS: Mayor Randall introduced the public comment period and relayed that comments regarding Item F.2 (Amendment to Section 58-33) should occur during this time.

1. Gina Verdera (5217 Green Pine Lane, Kalamazoo) representing Republic Waste Services spoke in opposition to the ordinance amendments proposed in Item F.2.
2. Jean Kimmel (6729 Cypress) spoke in support of Item F.2 noting she recently switched from Republic Waste due to over-pricing and surcharge fee issues. She stated the proposed city amendments were necessary improvements toward leveling pricing for customers and argued the current system is not transparent or regulated.
3. Chris Phillips (2314 Miller Road, Kalamazoo), representing Best Way Disposal spoke in opposition to the proposed ordinance amendments. He noted he was a Portage resident and believed the proposed changes do not offer the transparency provided through the free market model. He highlighted Section F. of the amendments. Mr. Phillips argued that other industries do not get regulated by the city.
4. Kevin Kendall (124 W. Allegan, Lansing), representing the Michigan Waste & Recycling Association, noted his prior letter to City Manager McGinnis and hoped the Council had received it. Mr. Kendall relayed five reasons the association opposed the proposed ordinance, including rate control, mandatory credits, feasibility complaint tracking, excessive local control, and less capital investment. He also argued that no other industry is subject to such price controls.
5. Joe Kuchenbuch (2728 East Shore Drive) echoed Mr. Kendall's argument in opposition to the proposed ordinance amendments for refuse collection, expressing concern about limiting vendors.
6. Tyler White (7634 Spring Brook Drive) cited his educational background in Public Administration with a research focus on mixed-use contracts. He relayed that publishing the pricing information should allow the city and residents to make an informed decision.
7. Lisa Brayton (9336 East Shore Drive) spoke regarding her resignation from the City Council and prior health issues. She highlighted that she had applied to fill the vacant council seat and stated she would be representing the citizens of Portage via a write-in campaign for Mayor. She also expressed opposition to Item F.2 and noted personal success with her garbage service, relaying prior calls to the vendor for price increase issues.
8. Tim Earl (6862 Shallowford Way) relayed his prior residence in Detroit during a time when trash collection was a municipal service, and the practice was not an issue. He noted

government management of the waste system has a precedent. Mr. Earl then expressed concern about the current system's lack of transparency. He closed with a mention of the prior City Council election.

9. Clint Curie (7375 Hampstead Lane) spoke as Finance Manager for Republic Services and stated the additional regulations proposed would increase the vendors' workload, which would then filter to higher rates for residents as the vendors worked to recoup staff costs.
10. Tony Lorentz (8911 Newhouse) opposed the ordinance amendments under Item F.2 and expressed a desire to choose a vendor and welcomed competition.
11. Tina Kuchenbuch (2728 East Shore Drive) stated she was in opposition to the proposed waste hauler ordinance amendments, sympathizing with those residents who spoke of poor experiences. She was insulted that the Council didn't think she or other citizens were able to call the individual companies to negotiate their own prices and expressed concern that regulating waste haulers would lead to regulation of other businesses

PUBLIC HEARINGS:

Industrial Tax Abatement Application from Micro-LAM Inc. (5870 S. Sprinkle Road) – Industrial Development Districts No. 34 and 62: Mayor Randall opened the public hearing at 7:46 p.m. City Manager McGinnis provided a brief summary of the proposed abatement. Brian Simmons and Tony Platsis spoke on behalf of Micro-LAM, Inc., providing a history of the company's development and scope, including a companion location in Keane, New Hampshire. Mayor Randall asked about the training involved for machinists and whether it included the local colleges. Mr. Simmons confirmed that Micro-LAM collaborates with the Western Michigan University (WMU) Engineering School. Mr. Platsis noted the founder's beginnings at WMU and his fondness for recruiting interns from WMU, as well as Kalamazoo Valley Community College (KVCC). Mayor Randall asked whether local trade school programs were considered. Mr. Simmons and Mr. Platsis confirmed.

Motion by Burns, seconded by Knapp, to close the public hearing. Upon a roll call vote, motion carried 5 to 0. Seeing no additional comments, motion by Pearson, seconded by Knapp, to adopt Resolution #4 to approve the proposed Tax Abatement Certificate, Tax Abatement Agreement, and Affidavit of Fees for Micro-LAM, Inc. for shared property located at 5870 S. Sprinkle Road, under existing Industrial Development Districts No. 34 and 62. Councilmember Burns expressed appreciation for the choice by Micro-LAM to expand operations in Portage. Upon a roll call vote, motion carried 5 to 0.

Industrial Tax Abatement Application from Depatie Fluid Power Company (5870 S. Sprinkle Road) – Industrial Development Districts No. 34 and 62: Mayor Randall opened the public hearing at 7:56 pm. City Manager McGinnis recognized the representatives involved in the project from both companies, as well as Southwest Michigan First. Mr. Ryan Thomas of Depatie Fluid Power Company provided a brief history of the company, its scope and varied locations, as well as the industries Depatie Fluid supports. Mr. Thomas also noted that Depatie similarly recruits interns and new staff from WMU and KVCC. Councilmember Burns asked Mr. Thomas to elaborate on Depatie's planned employment expansion. Mr. Thomas relayed that the expansion project would create 48 new jobs with an average salary of \$50,000. City Manager McGinnis asked Mr. Thomas for the location of Depatie's West Branch office.

Motion by Pearson, seconded by Burns, to close the public hearing. Upon a voice vote, motion carried 5 to 0. Seeing no additional comments, motion by Pearson, seconded by Burns, to adopt Resolution #4 to approve the proposed Tax Abatement Certificate, Tax Abatement Agreement, and Affidavit of Fees for Depatie Fluid Power Company (both general and flex space) for shared property

located at 5870 S. Sprinkle Road, under existing Industrial Development Districts No. 34 and 62. Upon a roll call vote, motion carried 5 to 0.

REGULAR BUSINESS AGENDA:

City Council Goal Setting Session: Councilmember Urban noted the proposed date would be the same day as the Southwest Michigan First event all Councilmembers were invited to and expressed concern for a long day. Mayor Randall asked the City Manager about his expectations regarding the tenure of the day. Mr. McGinnis expressed hope for a 4-hour meeting, with additional discussion postponed to a subsequent day. Councilmember Urban noted the length of prior Retreats.

Mayor Pro Tem Pearson asked those Councilmembers planning to attend to voice their interest. Councilmember Burns noted he would like to attend but would defer to his Council business first. Councilmember Knapp noted she would be retired at that point. Mayor Randall expressed a desire to maintain the current date and a shorter timeline for this year's Retreat.

Motion by Burns, seconded by Pearson, to set a special meeting on November 16, 2023, at 9:00 a.m. at the Portage Zhang Senior Center, 203 East Centre Avenue, for the annual City Council Goal Setting Session. Upon a roll call vote, motion carried 5 to 0.

Kalamazoo County Early Voting Agreement: Mayor Randall referred to Mrs. Kuchenbuch, who removed the item from Consent, and asked whether she wanted to explain the reasons she took it off, or have the City Manager McGinnis discuss it. She deferred to the City Manager who highlighted the enactment of Proposal 22-2 by voters, including the introduction of Early Voting and the negotiation efforts over the last several months to create this agreement, deferring to City Clerk Eklov for additional background.

Clerk Eklov explained Proposal 22-2 with its inclusion of allowing Early Voting in Michigan, outlining the parameters subsequently set by the state for government collaboration and potential grant funding favoring intergovernmental agreements.

Mrs. Kuchenbuch inquired about the length of the agreement. Clerk Eklov responded that the Kalamazoo County agreement would serve the state-required minimum of two years, after which it would be reevaluated.

Councilmember Urban noted that the practice of Early Voting would not be in place for the upcoming city election on November 7, and detailed the workload entailed for securing precinct inspectors for all nine days of Early Voting. He stated that Early Voting was approved by voters in November 2022 and would now be required of local municipalities. Mayor Randall echoed Councilmember Urban's comments. Councilmember Burns inquired about election inspector training, to which Clerk Eklov responded.

Motion by Knapp, seconded by Urban, to support the City of Portage's participation in the *Intergovernmental Agreement for Early Voting Election Services between Kalamazoo County and Associated Municipalities* and authorize the City Clerk to sign the Agreement on behalf of the city. Upon a roll call vote, motion carried 5 to 0.

UNFINISHED BUSINESS:

Ordinance Amendments - Chapter 78, Section 78-2, "Parking": City Manager McGinnis summarized the proposed changes to the ordinance, noting that Public Works Director Rod Russell had tracked the weather over the last several years to bring the current date range forward. Mayor Randall asked Director Russell to elaborate. Director Russell explained prior weather history and department practices. Councilmember Burns asked about signage across the city that would need

updating. Director Russell confirmed that fifteen signs would need replacement, which would be ready in time for placement before November 1. Councilmember Urban asked if the Mayor still had the power to declare a snow emergency. Director Russell confirmed and noted the upcoming plan to hold a training session for the area Emergency Coordination Center. Mayor Pro Tem Pearson noted a prior citizen complaint regarding the October 15 start date.

Motion by Burns, seconded by Knapp, to adopt the proposed amendments to the City of Portage Code of Ordinances, Chapter 78, Section 78-2, "Parking." Upon a roll call vote, motion carried 5 to 0.

Ordinance Amendment – Registration of Collectors: Mayor Randall asked City Manager McGinnis to explain the development of the proposed revisions, noting the earlier citizen comments expressed. City Manager McGinnis highlighted the current City Council goal to optimize waste hauling, the City Administration's efforts to improve the vendors' accountability and transparency, his experience from his prior communities, and the variance in existing service models. Mayor Pro Tem Pearson asked Kylar Chandler, Assistant to the City Manager, to present and explain the findings from his research regarding single-provider pricing. Mr. Chandler relayed that single-source waste hauling is more common in eastern Michigan, but his research demonstrated that communities using that model experience improved pricing stability via the municipal bidding and contract process.

Councilmember Knapp asked City Manager McGinnis to explain the difference for citizens from the current practice and should the ordinance proposal be adopted. City Manager McGinnis responded, presenting the resulting bell curve from the variation in current waste hauler rates, but noted that citizens would have an easier option to review all vendor rates at one time. Councilmember Knapp subsequently asked the City Manager to respond to the citizen concerns regarding the city's apparent targeting of waste haulers, and whether the effort to regulate would extend to other markets. City Manager McGinnis replied that state law requires cities to address solid waste removal in their respective Charters as a matter of public health and there was no plan to regulate other businesses.

Councilmember Urban noted several comments during the Citizen Comment period were incorrect or misinformed. He clarified that the city was not seeking a single-hauler model, nor controlling rates or posting customer information.

Motion by Urban, seconded by Knapp, to adopt the proposed amendments to the City of Portage Code of Ordinances, Chapter 58, Section 58-33, "Residential collection schedule; registration of collectors."

Mayor Randall asked Mr. Chandler to display his price research once more and noted that the current pricing couldn't be equitable if the range was so wide. She asked Mr. Chandler how he obtained the data. Mr. Chandler responded that city staff residing in the city had provided their personal waste bills.

Councilmember Burns further inquired about the proposed amendments, noting the changes by Kalamazoo Township to transition to a single waste hauler, with at least one aim to reduce the wear of the township's roads. He expressed concern for the same effect on Portage roads, as well as the environmental impact of additional truck traffic. He then highlighted recent citizen concerns about the cost of living and his desire to find a more economical way to provide waste collection for residents. Councilmember Burns asked the City Manager to explain the current city-sponsored residential recycling program supported via millage funding as a measure of comparison. Public Works Director Rod Russell responded. Councilmember Burns then addressed earlier concerns regarding business competition.

Mayor Pro Tem Pearson responded to the various citizen and vendor comments expressed during the Citizen Comment period.

Mayor Randall closed the discussion with a comparison of current published pricing by cable and internet providers, wellness providers, as well as groceries, and expressed a desire to assist citizens while working toward minimizing truck traffic in the future. Upon a roll call vote, motion carried 5 to 0.

COUNCIL COMMITTEE REPORTS: Councilmember Burns provided an update regarding the Central County Transportation Authority (CCTA), including updates to the Authority's purchasing processes. He highlighted that the CCTA would be participating in the upcoming Human Services Board Open House event on November 2 to provide information including the Metro Connect service.

Councilmember Knapp provided an update about the Portage Community Center Board. She noted the PCOC Strut had 240 runners and made \$3,500, with the race entering its 40th year in 2024. She then stated the annual appeal was beginning, including the holiday food baskets and gift programs. Councilmember Knapp closed with a mention of the Portage Community Center operating as the second-largest food pantry in the community.

Motion by Pearson, seconded by Urban, to receive the Council Committee Reports as presented. Upon a roll call vote, motion carried 5 to 0.

NEW BUSINESS:

Appointment of City Councilmember: Mayor Randall highlighted the plan as outlined at the last City Council meeting and the subsequent receipt of 13 citizen applications. She asked the City Clerk to clarify the term ending date of November 13, with the second Council meeting slated for November 14. Clerk Eklov responded with the City Charter reference and noted the appointee would participate in the November 14th meeting as a matter of ceremony.

Councilmember Burns spoke regarding his review of the applicant pool and his desire for an experienced appointee, explaining that applicant Mike Quinn's background and service on the Kalamazoo County Board of Commissioners stood out. Mayor Randall and Mayor Pro Tem Pearson echoed Councilmember Burns' comments.

Motion by Urban, seconded by Burns, to appoint Mike Quinn as a new City Councilmember effective immediately with a term ending November 13, 2023. Upon a roll call vote, motion carried 5 to 0. With the approval of the Mayor, City Clerk Eklov provided the oath to Mr. Quinn and he was seated at the dais.

STATEMENTS OF CITIZENS:

1. Richard Nellums (9240 East Shore Drive) spoke regarding the helpful provision of answers to citizen questions by CDO Pete Dame. He then noted that the citizen-created SpeakUpPortage.com website would include a platform for City Council candidates in light of the upcoming election.

STATEMENTS OF CITY COUNCIL AND CITY MANAGER:

Councilmember Urban spoke regarding the civil unrest and hateful events recently covered in the news. He urged the local community to be vigilant of hate or bigotry. He encouraged citizens to examine differing viewpoints.

Councilmember Knapp welcomed new Councilmember Quinn.

Councilmember Quinn thanked the City Council for their consideration and stated he takes his oath of office very seriously and will do whatever he can to serve the citizens of Portage.

Councilmember Burns thanked Councilmember Quinn for his willingness to serve, as well as

those who also applied. He then provided an additional update regarding the CCTA, noting a desire to increase the bulk discount for the purchase of bus passes by human service agencies, including the PCC. He then thanked the coordinators of the recent election candidate forum. He provided a reminder regarding the upcoming Monster Mash city event on October 21, including winter attire donations.

City Manager McGinnis stated the city would be signing up for the Portage Community Center holiday programs, including sponsoring a family. He then noted the voter registration drive by the City Clerk's Office at Portage Central High School, registering several new voters. City Manager McGinnis then relayed the receipt of his first full tax bill, of which 23 percent is allocated to the city, and the services rendered for the cost.

Mayor Pro Tem Pearson elaborated on the tax bill. He congratulated the founder of the SpeakUpPortage website and suggested it is one of the reasons for the wider slate of City Council candidates on the November 7th ballot, as well as the number of applicants for the temporary position.

Mayor Randall reminded the City Council candidates for the upcoming election to reserve November 16 for the annual City Council Goal Retreat. She then spoke regarding the recent candidate forums, thanking the local media outlets for attending. Mayor Randall next highlighted the West Portage Little League celebration she attended alongside Councilmember Knapp and commended the parents, kids, and coaches for their performances. She relayed that she would be attending the upcoming Monster Mash with her grandchild and encouraged attendance at the popular event.

ADJOURNMENT: Mayor Randall adjourned the meeting at 9:28 PM.

Erica L. Eklov, City Clerk