

CITY COUNCIL MEETING MINUTES FROM JULY 22, 2025

Mayor Patricia Randall called the Regular Meeting to order at 06:00 PM in the Council Chambers at Portage City Hall.

ROLL CALL: Councilmembers Chris Burns, Victor Ledbetter, Nicole Miller, Terry Urban, Jihan Young, Mayor Pro Tem Jim Pearson, and Mayor Patricia Randall were present.

ABSENT: None.

ALSO PRESENT: City Manager Pat McGinnis, Chief Operating Officer Adam Herringa, Chief Development Officer Peter Dame, 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 the desirability and attraction of Portage. Following the moment of silence, the City Council recited the Pledge of Allegiance.

Following Roll Call, Mayor Randall noted a proposed change to the meeting order to formally modify the July 22, 2025, Regular Meeting agenda by adding "Citizen Comments Regarding the Single Waste Hauler Proposal (3 mins. per speaker)" as part of Item D.1 for the "Single Waste Hauler Proposal". Motion by Pearson, supported by Young, followed by a roll call vote of 7 to 0.

PETITIONS AND STATEMENTS OF CITIZENS: None.

CONSENT AGENDA: Mayor Randall shared where the public can access the meeting agenda and asked if any would like an item removed from the Consent Agenda. Motion by Miller, seconded by Ledbetter, to approve the Consent Agenda as presented. Upon a roll call vote, motion carried 7 to 0.

Approval of Minutes: Motion by Miller, seconded by Ledbetter, to approve the City Council Meeting Minutes of the Regular Meeting of July 8, 2025. Upon a roll call vote, motion carried 7 to 0.

Accounts Payable Register: Motion by Miller, seconded by Ledbetter, to approve the Accounts Payable Register of July 22, 2025, as presented. Upon a roll call vote, motion carried 7 to 0.

Portage Road/Forest Drive Traffic Signal Project Bid Tabulation: Motion by Miller, seconded by Ledbetter, to award a construction contract for the Portage Road/Forest Drive Traffic Signal Project to Severance Electric Company, Kalamazoo, Michigan, in an amount not to exceed \$1,758,370.95; approve a budget transfer of \$850,000 from appropriations set-aside to Portage Road/Forest Drive Traffic Signal Project; and authorize the City Manager to execute all documents related to the contract on behalf of the city. Upon a roll call vote, motion carried 7 to 0.

Purchase and Upfitting of Public Works Equipment: Motion by Miller, seconded by Ledbetter, to approve the purchase of seven Department of Public Works vehicles and equipment as noted and the upfitting of two Western Star 47x dump trucks at a total cost of \$1,146,735.43 using the State of Michigan MiDEAL and Sourcewell Extended Purchasing Programs 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 7 to 0.

Installation of Milham Well No. 4: Motion by Miller, seconded by Ledbetter, to award a contract for the installation of Milham Well No. 4 to Peerless Midwest, Mishawaka, Indiana, for an amount not to exceed \$148,880 and authorize the City Manager to execute all documents related to the contract on behalf of the city. Upon a roll call vote, motion carried 7 to 0.

South Westnedge Avenue Reconstruction Project: Motion by Miller, seconded by Ledbetter, to award a contract to perform engineering services for the South Westnedge Avenue Reconstruction Project to Abonmarche Consultants, Inc., Kalamazoo, Michigan for an amount not to exceed \$146,450

and authorize the City Manager to execute all documents related to the contract on behalf of the city. Upon a roll call vote, motion carried 7 to 0.

Minutes of Boards & Commissions: Motion by Miller, seconded by Ledbetter, to receive the minutes of the Park Board of June 4, 2025. Upon a roll call vote, motion carried 7 to 0.

Materials Transmitted: Motion by Miller, seconded by Ledbetter, to receive the Materials Transmitted of July 3, 2025. Upon a roll call vote, motion carried 7 to 0.

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

REGULAR BUSINESS AGENDA:

Single Waste Hauler Proposal: Mayor Randall introduced the item and relayed how the City Administration would present the information prior to the Council receiving comments. Councilmember Burns noted his conflict of interest and recused himself. At the Mayor's invitation, Assistant to the City Manager, Justin Williams, provided a presentation about the single waste hauler proposal, including its development and bidding results. Following the presentation, Mayor Randall invited Dave Wainscott of Waste Management (WM) to the podium and opened the floor for the Council to ask questions.

Councilmember Miller inquired about the services offered to the city and how those could benefit the taxpayers. Mr. Wainscott responded that WM provides garbage removal from all city buildings, such as City Hall, the Senior Center, and Fire Stations, as part of the contract, which is standard and built into their vendor model.

Councilmember Young asked Mr. Wainscott to address potential job loss for current providers. Mr. Wainscott denied any intention to be detrimental, highlighting that WM brought on four of Republic's drivers when they began a partnership with Mishawaka, Indiana, in January, and would do the same for staff from Best Way, Republic, etc., based on experience.

Councilmember Ledbetter asked how WM addressed consumer complaints. Mr. Wainscott relayed the availability of a customer service website, as well as the option of a call center. Councilmember Ledbetter also asked for clarification on the bulk pick-up regulations. Mr. Wainscott explained that all that was needed was advanced notice, which could be taken online or through the call center.

Councilmember Young inquired about several citizen concerns she had received, including WM's policies regarding vacation holds and provisions made by homeowners' associations. Mr. Wainscott replied that vacation holds are only available for trash service, with two allowed per year at no charge.

Mayor Pro Tem Pearson asked Mr. Wainscott to opine as to why WM had fewer customers in the area. Mr. Wainscott responded that he was unsure of the exact cause but confirmed the company was pushing to expand in Southwest Michigan.

Mayor Randall asked about the delivery of the garbage containers and fees. Mr. Wainscott responded that WM partners with a third-party organization to deploy carts to all city residents for no charge. WM, he explained, only charges customers for damaged carts on their return. Mayor Randall then asked for additional details regarding the weekly bulk pick-up, stating the city traditionally has a spring cleanup, which costs about \$80,000 per year. Mr. Wainscott responded that WM will pick up items such as carpet and appliances at no extra weekly charge, but certain items, such as items containing freon, necessitate extra safety precautions.

Councilmember Urban asked Mr. Wainscott whether the city had collaborated with WM in developing the proposed contract. Mr. Wainscott confirmed. Councilmember Urban then highlighted several deficiencies in the document, including tire disposal, holiday service collection, container weights, the rollout timeline, recyclable sizes, and yard waste. Mr. Wainscott responded to each item and confirmed that corrections or clarifications to the contract document would be made in response.

Councilmember Ledbetter asked about other cities that WM serves as a single-waste hauler. Mr. Wainscott highlighted several communities, comparable in size to Portage or larger, where WM acted as the sole provider. Councilmember Ledbetter asked about the most common customer complaints. Mr. Wainscott responded with the initial transition with resident education and route timings, noting customers could have missed collections, especially during this period. He emphasized that these mistakes would be addressed the following day, if not the same day.

Councilmember Urban noted the city ordinance does not require homeowners to use the service, simply dispose of refuse each week, and they can haul their waste to a dump or transfer station. There was additional discussion regarding the provision of recycling and yard waste services.

With no further questions from the Council, the Mayor opened the meeting for citizen comments regarding the proposal. Tim Earl (6862 Shallowford Way), Bill Fries (9007 West End Drive), Brian Harris (6314 Redfern Circle), Dick Hewitt (2732 Kalarama Street), and Jean Kimmel (6729 Cypress Street) expressed support for the proposal.

James Beaudoin (8645 Balmoral Street) requested to view the other bids. Sonja Cissell (2829 Coachlite Avenue) stated she had moved from Saginaw, which operates with a single waste hauler, and expressed hesitation, noting her desired improvements for the service based on her experience. Mark McKeon (6825 Cromwell Street) suggested the matter should be presented as a local ballot measure and determined by popular vote. Randy Smith (Brady Township Supervisor) stated that Kalamazoo Township had moved to a single hauler, and he anticipated it would spread countywide in a matter of time.

Michael Balkema (2567 Chestnut Ridge Avenue), Tom Belliotti (2524 Rolling Hill Avenue), Richard Black (1902 Vickery Road), Mark Blentlinger (9141 S. 12th Street), Dominick DiCesare (9864 Mariner Street), Danielle Dungey (10464 E. ML, Galesburg), Sue Garvey (2514 E. Shore Drive), Brenda Gentry (6418 Oakland Drive), Kim Harris (5790 Bay Meadow Trail), Patricia Hawke (9928 Pine View Drive), Amy Johnston (8765 S. 12th Street), Roger McMillan (5206 Brennerton Drive), Scott McQueen (225 Larkspur Avenue), Jason Mikkelsen (6834 Manhattan Street), Les Minor (2514 E. Shore Drive), Jim Moiles (10828 Autumn View Lane), Carly Orent (6316 Surrey Street), Leah Owens (723 W. Van Hoesen Boulevard), Bill Patterson (9309 Sassafras Trail), Chris Phillips (5137 Ridgebrook Street), Carrie Prendergast (7751 Innisbrook Drive), Michelle Rasler (720 W. Osterhout Avenue), Jessica Routley (9960 S. 6th Street, Schoolcraft), Kelly Sackett (7396 Morganshire Court, Texas Township), Cheryl Secor (10429 Oakland Drive), Patti Slack (10203 Terry Lane), Mary and Larry Stillman (1830 Forest Drive), Jason Swinehart (6923 Keystone Street), Melissa VanderMeeden (633 Roseview Drive) via phone, Bob Visser (10454 Hammock Circle), Jerry Warnemuende (3143 St. Anthony Drive), Mari Wielopolski (8836 E. Shore Drive), and Karen Williams (5588 Downing Street) spoke against the proposal.

Following these comments, the Mayor asked the City Manager to respond to questions raised by the public during the comments and listed what she had noted. City Manager McGinnis answered the questions as Mayor Randall asked them. He provided further insight into the bidding process and highlighted that Waste Management's monthly price for garbage collection was \$14.04 for trash and \$10.50 for yard waste, Republic's monthly price was \$14.95 for trash and \$20.06 for yard waste, and Best Way's monthly price at \$17.12 for trash and \$21.84 for yard waste. He further noted the impracticality of a one-year contract but that the five-year agreement limits increases to 4 percent per year. City Manager McGinnis also stated that bulk pickup is included in the contract, with one item per week allowed with notice, and that citizens would be billed by the waste company directly each quarter. He relayed that the Council discussed putting the cost on property taxes but decided against it as it's not a good user fee based on property value. Mr. McGinnis also stated that WM included the cost of dumpsters at city facilities in their overall bid.

After hearing the City Manager's responses, the Mayor explained that the Council would now discuss what was ultimately being presented, reiterating that the public comment portion of the meeting had passed. The Mayor encouraged decorum and stated that the public comment time was shifted to allow for questions specifically related to the single hauler issue. The Mayor insisted on the

transparency of the process, which had started as a Council goal several years previously. Mayor Randall then opened the discussion to the Council.

Councilmember Young reiterated the Council meeting rules and procedures to the audience. She noted that in 2021, Best Way had become the single waste hauler for the City of South Haven with no interest given to South Haven residents' "freedom of choice". She insisted the Portage Council has a fiduciary responsibility to be proactive with tax dollars. She also expressed equity concerns regarding billing amounts for trash services and that the City Council needed to take all residents into account.

Mayor Pro Tem Pearson provided statements regarding property taxes, relaying that the city's share is only 25 percent of the tax bill, with the remainder supporting the schools, county, state, and public infrastructure. He disagreed with several comments highlighting the social and economic values of a free market and stated that trash haulers locally subscribe to an open market, where they can charge what the market will bear. He also noted his current bill with Best Way would be higher than WM under the proposed contract.

Councilmember Urban noted that the Council has reviewed waste hauling during the extent of his tenure on the Council and relayed his bill amounts. He addressed an overall citizen concern about a lack of transparency in the process, noting that most of the information was provided as part of the July 22 City Council agenda packet. He also stated that the Council had given the direction to staff to put waste hauling out to bid. Councilmember Urban addressed citizen concerns of further government involvement in other industries by explaining that local government regulation of waste hauling is assigned as a municipal service by the state government, whereas other services, such as cellular and cable, are not. He then spoke further regarding the bidding process and the three responsive vendors with their business discrepancies.

Councilmember Ledbetter asked the City Manager to provide further insight into the bidding process and review of the contract terms. City Manager McGinnis responded, noting the City Administration's pursuit of the lowest bidder and that its inclusion in the agenda had not been intended for the Council to compare the three bidders in a public session. He closed by noting the Council could disregard the City Administration's recommendation and choose its desired vendor, though Councilmember Urban questioned the legality of the Council to pursue the suggestion.

Councilmember Young expressed concern about setting a precedent for disregarding city policies, procedures, and ordinances on purchasing to entertain a vendor that may complain about not receiving a bid. Councilmember Miller noted that the city does not have a local preference purchase ordinance, but highlighted that those jurisdictions that do typically also have a five percent variant limit. She relayed that the Best Way proposal would not have met those parameters, but she planned to review a potential ordinance to provide preference toward local businesses with city staff.

Mayor Randall then provided her comments, beginning with that the city's current trash collection schedule would not change as it is mandated by city ordinance. She explained that the City Administration's review of waste company billing found price gouging by at least one of the companies and prompted the Council to consider single-hauler waste collection. While Mayor Randall stated her desire that Best Way would have been the lowest bidder, she viewed the single hauler bidding as collective bargaining, leveraging all 15,500 households for the best price. She closed by stressing the Council's duty to manage taxpayer funds responsibly over the long term, and that switching to a single hauler now could save the city on costly infrastructure repairs later.

Motion by Pearson, seconded by Young, to authorize the selection of Waste Management of Michigan, Inc., as the City's single provider for the Citywide Residential and Yard Waste Collection and Recycling Services; and authorize the award of a five-year contract with an estimated value of \$29,431,900 (City cost estimated at \$4,724,875 for the recycling component) to Waste Management of Michigan, Inc. (WM) for Citywide Residential and Yard Waste Collection and Recycling Services beginning March 1, 2026, and authorize the City Manager to execute all documents related to this action on behalf of the city. Councilmember Urban stated that the Council needs to decide whether to

include the recommended contract changes or table the contract for revision. Mayor Pro Tem Pearson asked the City Manager whether a third part could be added to his motion to address the changes regarding the description of holiday services (shifting every day, not just the day after); resolution of how weight will be determined; change the education period to end April 30; address the size of non-recyclables; and clarifying yard waste pick-up residents who move to Portage during the middle of a tax year, as well as the prohibition of tires as a bulk item. The City Manager confirmed that the City Administration would address the issues. Mayor Pro Tem Pearson motioned to amend the resolution into three parts, and Councilmember Young seconded the amended motion.

Councilmember Urban made a motion to table the item until the next regular meeting to review various legal avenues possible for the city. There was no second. Councilmember Urban then elaborated regarding his reasoning for offering to table, stating he was hoping to see whether the City had legal recourse against price gouging of residents. Seeing no additional discussion, Mayor Randall requested the Clerk call the roll. Upon a roll call vote, motion carried 6 to 0, with Councilmember Burns recused/abstaining. Following the vote, Councilmember Burns returned to the meeting.

COUNCIL COMMITTEE REPORTS: None.

STATEMENTS OF CITY COUNCIL AND CITY MANAGER: Councilmember Urban disagreed with many of the citizen comments accusing him of having decided on the meeting, and stressed his pursuit to listen to all parties, review the information provided, and independently decide on matters.

Councilmember Ledbetter began by requesting that the City Administration revisit allowing citizens to remove excess wood from downed trees on city properties after the 2024 and 2025 storms. He then expressed disappointment with Best Way Disposal's response to losing the single hauler bid. He encouraged more mature responses and exercising displeasure responsibly by voting in the November election.

Councilmember Miller thanked the public for attending the meeting, while reminding citizens that disagreement didn't equate to the City Council discounting concerns. She then relayed her research on the matter for an informed decision and encouraged Best Way Disposal to continue their work in their other communities across Michigan, Indiana, and Kentucky. Councilmember Miller closed by highlighting the upcoming Senior Center Centenarian Brunch for Kalamazoo County residents.

Councilmember Young began with a reminder that, as Portage residents, the change in waste hauling models would also affect those on Council, but highlighted that the contract allows the city to hold WM accountable with better oversight and stronger standards. She then relayed that she and Councilmember Miller were able to meet the new president of Western Michigan University and closed by acknowledging several other events around the city.

Councilmember Burns began by noting that, while he had stepped off the dais, he had watched the meeting. He highlighted the consensus for the local waste hauler and echoed Councilmember Miller's suggestion for a local preference purchase ordinance. He also stressed his goal as an elected official to ease citizens' financial burdens while maintaining quality services. Councilmember Burns closed by stating that Mr. Wainscott had heard the city's high expectations for services in the city of Portage, and the City Administration would ensure these expectations were met during the contract term.

City Manager McGinnis began by thanking the City Council for their time and patience. He reiterated the response to one additional citizen's question, confirming that trash carts are included in the contract at the outset of the program, unless damaged. He then advised of a construction detour on Milham Avenue.

Mayor Pro Tem Pearson first recognized the single waste hauler research completed by City Manager McGinnis and Assistant City Manager Justin Williams. He then thanked everyone for attending the long meeting. Mayor Pro Tem Pearson highlighted that Best Way Disposal was the preferred vendor, but noted they responded with the highest bid. He closed by echoing others in that the contract will allow the city to hold WM accountable with better oversight and stronger standards.

Mayor Randall acknowledged the difficult meeting and discontent in the crowd, likening the response to the prior meetings that saw the change to single-stream recycling, which had since developed into a great success. She closed by thanking everyone, including the Council, who remained until the close of the meeting.

ADJOURNMENT: Mayor Randall adjourned the meeting at 10:12 PM.

Erica L. Eklov, City Clerk