CITY COUNCIL MEETING MINUTES FROM MARCH 28, 2017

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

At the request of Mayor Strazdas, Pastor Stefan Davis of Radiant Church, Portage Campus, gave the invocation and City Council and the audience recited the Pledge of Allegiance.

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

PROCLAMATION: Mayor Strazdas issued a Child Abuse Prevention Month Proclamation which was received by Sarah Joshi and Carol Dedow of the Kalamazoo County Child Abuse and Neglect Prevention Council.

APPROVAL OF MINUTES: Motion by Pearson, seconded by Reid, to approve the March 14, 2017 Regular Meeting Minutes as presented. Upon a voice vote, motion carried 5 to 0 with Councilmember Randall abstaining.

* **CONSENT AGENDA:** Mayor Strazdas asked Councilmember Randall to read the Consent Agenda. Motion by Randall, seconded by Reid, to approve the Consent Agenda motions. Councilmember Ford indicated that he would be abstaining from voting on item F.5, Height Modification for Stryker Instruments, due to a potential conflict of interest. Upon a roll call vote, motion carried 6 to 0 with the vote for item F.5 being 5 to 0.

* **APPROVAL OF ACCOUNTS PAYABLE REGISTER OF MARCH 28, 2017:** Motion by Randall, seconded by Reid, to approve the Accounts Payable Register of March 28, 2017. Upon a roll call vote, motion carried 6 to 0.

REPORTS FROM THE ADMINISTRATION:

APPOINTMENT OF DIRECTOR OF PARKS, RECREATION AND SENIOR CITIZEN SERVICES: City Manager Shaffer introduced Kathleen Hoyle and reviewed her qualifications and his rationale for her selection as the Director of Parks, Recreation and Senior Citizen Services. Ms. Hoyle thanked Mr. Shaffer for his comments and expressed her gratitude for the appointment and appreciation for the opportunity. Motion by Pearson, seconded by Ford, to confirm the appointment of Kathleen Hoyle as the Director of Parks, Recreation & Senior Citizen Services, effective April 10, 2017. Upon a roll call vote, motion carried 6 to 0.

* **ESTABLISHMENT OF PUBLIC HEARING ON WATER/SEWER RATES:** Motion by Randall, seconded by Reid, to establish a public hearing on April 25, 2017 to consider resolutions to:

1. adopt the recommendation that the sewer commodity rate remain at $4.60 per 1,000 gallons of metered water;
2. adopt the recommendation that the water commodity be increased to $3.20 per 1,000 gallons of metered water;
3. adopt the recommendation that adjustments be made to the water base quarterly charges as noted in the <u>2017 Utility Rate Financial Study</u>;
4. adopt the recommendation that the new rates become effective on October 1, 2017; and

5. adopt the recommended water and sewer franchise area fees and other service fees and charges as outlined in the 2017 Utility Rate Financial Study.

Upon a roll call vote, motion carried 6 to 0.

* **IMPLEMENTATION OF COMPLETE STREETS POLICY INTO THE 2016 LOCAL STREETS RECONSTRUCTION PROGRAM:** Motion by Randall, seconded by Reid, to approve:

1. Change Order No. 1 in the amount of $99,086.15 to Michigan Paving & Materials, Inc., for additional work,
2. Contract Amendment No. 1 in the amount of $22,945.00 to Abonmarche Consultants for additional inspection and construction administration, and
3. a budget transfer in the amount of $122,031.15 from the Major Street Reconstruction account to the Local Street Reconstruction account

in an effort to effectively implement the Complete Streets policy into the 2016 Local Streets Reconstruction Program. Upon a roll call vote, motion carried 6 to 0.

* **EMERGENCY REPAIRS TO THE NEWELL'S LANE LIFT STATION:** Motion by Randall, seconded by Reid, to approve a contract with Perceptive Controls, Incorporated, in the amount not to exceed $37,000 for emergency repairs related to the Newell's Lane Lift Station, 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 6 to 0.

* **HEIGHT MODIFICATION FOR STRYKER INSTRUMENTS – 6520 PORTAGE ROAD:** Motion by Randall, seconded by Reid, to approve a Height Modification for Stryker Instruments to allow construction of a building at 6520 Portage Road (1941 Stryker Way) to a height ranging from 62 feet-6 inches to 77 feet. Upon a roll call vote, motion carried 5 to 0. Councilmember Ford abstained from voting due to a conflict of interest.

LAND DIVISIONS WITH PUBLIC IMPROVEMENTS FOR STRYKER INSTRUMENTS – 6520 PORTAGE ROAD: Prior to the introduction of this item, Councilmember Ford recused himself and left Council Chambers due to a potential conflict of interest on the matter. Following his departure, at the request of Mayor Strazdas, City Manager Shaffer provided an overview of the agenda item and the planned Stryker research and development facility to be located at 6520 Portage Road. Director of Community Development, Vicki Georgeau, reviewed the rationale for the request, recommendations of the Administration and related actions taken by City Administration and the Planning Commission. Director Georgeau specifically focused on the potential access from the Parcels 1 and 2 to Ramona Avenue, the desire to balance the interest of future development with concerns related to the residences along this street and efforts being made by Stryker to help strike this balance.

Director Georgeau also discussed the City Administration's recommendation to allow access to Ramona Avenue from Parcels 1 and 2 which are located at the eastern and western ends of the street. Following a query from Mayor Strazdas, Director Georgeau explained that the planned Stryker development on Parcel 4 (the research and development facility) would only have access to Lovers Lane and Portage Road, thus reducing the traffic burden on Ramona Avenue. She also reviewed the proposed trailways and walkways that are planned as part of the Stryker facility.

Mayor Strazdas inquired as to what type of development could occur in Parcels 1 and 2 and Ms. Georgeau indicated that each parcel is zoned for industrial use meaning a warehouse, compounding facility, office space, research and development, etc. could be located there. Councilmember Reid inquired about the current zoning for these parcels and what type of access would be required should they be developed. Director Georgeau replied that "reasonable access" would be required but that this could likely occur on the planned street "Stryker Way." She continued by stating that future developers may not get all of the access they desire and that restrictions can be put in place. City Attorney Brown concurred with Director Georgeau but shared that, depending on the development, the City may not be in a position to completely prohibit access to Ramona but can take steps to protect the residents of Ramona Avenue. In response, Councilmember Urban inquired what type of development is not allowed under an industrial designation. Director Georgeau shared that, in 2003, the City altered how industrial land can be developed and put some restrictions in place to help preserve industrial space in Portage and limit non-industrial use in designated industrial areas. She then reviewed the zoning history of the parcels and discussed the possibility of further division of the parcels and, depending on the proposed development, special land use permitting.

Councilmember Randall discussed the possibility of Parcel 2 being further divided and that, depending on the division, access to Ramona would have to be granted. Ideally, she pointed out, this access would be directly across from the existing B-3 designated parcel access located on the south side of Ramona.

Brent Lalomia, residing at 7551 Dunross, and Vice-President of Quality and Facilities for Stryker Instruments, spoke on behalf of Stryker Instruments. Mr. Lalomia stated that, with regard to Parcels 1 and 2, Stryker does not have any development plans at this time. With regard to the research and development facility planned for Parcel 4, he stated that Stryker has worked with local, county and state officials to put in a development that would not exclusively fit the needs of Stryker but to balance the needs of Stryker with those of nearby residents and the broader community. Mr. Lalomia cited the collaboration and compromise in the proposed development of Parcel 4, creation of Stryker Way, efforts to limit access to Ramona, retention of trees, etc. as examples of their commitment to community. Mr. Lalomia concluded that Stryker was in support of the recommendation of City Administration, that it is a good compromise and that it will allow for positive future development. Mayor Strazdas then thanked Stryker for their efforts in the development of Parcel 4 and for the company's commitment to the community and high quality projects.

Councilmember Reid raised the possibility of a change in zoning designation and what impact this might have on access to the two parcels. City Attorney Brown opined that a rezoning would be a substantive change of circumstances and that, should action be taken this evening to limit access to Ramona, the matter of access to Ramona could be revisited.

Motion by Pearson, seconded by Randall, to approve the land divisions with public improvements for Stryker Instruments (6520 Portage Road) subject to:

1. Approval of final engineering drawings for the proposed public street, municipal water, sanitary sewer and storm sewer; and
2. Recording the land division survey drawings and legal descriptions with the Kalamazoo County Register of Deeds –

also subject to approval of Item F.6 subsection 3. Upon a roll call vote, motion carried 5 to 0.

Motion by Randall, seconded by Pearson, to approve the land divisions with public improvements for Stryker Instruments (6520 Portage Road) subject to:

3. vehicular access to Ramona Avenue for resulting Parcel 1 and Parcel 2 be limited with the exception of the easterly 212 feet of Parcel 1 directly opposite of the OS-1, Office Service zoning on the southwest corner of Ramona Avenue and Portage Road, and westerly 450 feet of Parcel 2 directly opposite of the B-3, General Business zoning on the southeast corner or Ramona Avenue and Lovers Lane.

Mayor Strazdas recognized the concerns expressed by residents and of the unknowns involved with these parcels. Mayor Strazdas expressed his support for the recommendation of City Administration and emphasized the track record of Stryker working with and supporting the community as a reason why. He pointed out the efforts being made in the current development by Stryker to protect the adjacent neighbors and that the proposed access would be a mirror image of access provided to those properties across the street from Parcels 1 and 2. Mayor Strazdas then commended the applicant on working with the City to find a compromise proposal.

Councilmember Pearson stated that he watched the Planning Commission debate on this topic and also noted the idea of a "mirror image" for permitted access (access to Parcels 1 and 2 being opposite of access granted to properties across the street). He continued by pointing out the inclusion of

1,000 trees in the development, compliance and adherence to the Future Land Use map, fact that Stryker could have asked for direct access to Ramona and willingness of Stryker to work with their neighbors on development projects.

Councilmember Randall stated her belief that when Stryker thrives, the City of Portage thrives. She pointed out that Stryker was under no obligation to put in Stryker Way nor the trailways and other enhancements.

Councilmember Reid pointed out that future development of Parcels 1 and 2 will necessarily involve taking another look at access to Ramona Avenue. She stated that the proposed access under consideration limits uncertainty and does not lock the City nor future development in place.

Councilmember Urban echoed the comments of Councilmember Reid and stated that the information related to the 2003 change in industrial development guidelines was helpful. He also shared his belief that, depending on circumstances, limiting all cut-through traffic can be difficult at best.

Upon a roll call vote, motion carried 5 to 0.

SIXTH AMENDMENT TO THE URBAN COOPERATION ACT AGREEMENT ESTABLISHING THE PUBLIC MEDIA NETWORK: City Manager Shaffer reviewed the details of the Sixth Amendment to the Urban Cooperation Act Agreement and thanked the City of Portage representatives on the Public Media Network (PMN) Board of Directors, Don Ramlow, Ed Sackley and Councilmember Claudette Reid. Mr. Shaffer then explained why he is recommending that City Council not approve the amendment nor the proposed changes to the Board of Director By-Laws.

Councilmember Reid, who also serves as the Chair of the Public Media Network Board of Directors, provided a history of as to why the proposed changes to the by-laws and amendment to the Urban Cooperation Act Agreement were being requested by the PMN Board of Directors. Councilmember Reid further explained how members of the PMN Board of Directors are currently distributed and how they would be distributed under the PMN proposal. Councilmember Reid shared that the changes are being driven, in large part, by the inability of the PMN Board of Directors to obtain a quorum at their meetings. Councilmember Reid also explained that the proposed changes in by-laws are different than she originally hoped and how that came to be. Councilmember Reid expressed her support for the recommendation of City Administration to not approve the amendment nor the changes in by-laws. Councilmember Reid then stated that a two-thirds majority is needed to approve the proposed changes. As a result, even if Portage votes “no,” the changes may still be approved if four of the six members of the consortium vote in favor. Councilmember Reid concluded her remarks by expressing her support for the PMN consortium and for the work of PMN.

Mayor Strazdas emphasized the need for fair and equitable representation on the PMN Board of Directors and that number of subscribers and financial contribution be taken into account. Councilmember Reid expressed hope that, should the largest members not feel as though they are adequately represented, PMN would take a second look and come back with another proposal.

Councilmember Pearson emphasized the importance of cooperation and fair representation in the County among various governmental entities and cited the efforts related to the Transit Authority and Consolidated Dispatch as examples of governmental units working together. Mayor Strazdas shared Councilmember Pearson’s comments and opined that we cannot regress to a place where governmental entities cannot work together and must come to agreement on a fair and equitable system of governance.

Councilmember Ford, along with other members of City Council, offered ideas and suggestions to Councilmember Reid on how the matter of obtaining quorum might be addressed.

Don Ramlow, representative of the City of Portage on the PMN Board of Directors and resident of 509 Velvet Avenue, shared his belief that PMN is a great organization, has many accomplishments, is adapting for the future and a positive force in Portage and Kalamazoo County. With regard to the proposed changes, Mr. Ramlow stated that their primary problem is related to quorum and being able to conduct business at meetings. He spoke about the importance of having a functional and equitable Board of Directors. In response to a question from Mayor Strazdas, Mr. Ramlow expressed optimism that PMN will succeed in developing a working model of governance and that PMN and its Board of Directors are committed to positive action.

Councilmember Urban shared that he has served on the PMN Board of Directors and that it is frustrating waiting for a quorum. He expressed agreement that something needs to change in this regard. He continued by expressing his support for Portage being a part of the PMN consortium and that he hopes to see a modified recommendation as it relates to membership and the by-laws.

Mayor Strazdas asked that those members of City Council or the public who have ideas or suggestions that may help PMN address their quorum issue, send them to Councilmember Reid or the other Portage representatives on the PMN Board of Directors (Ed Sackley and Don Ramlow).

Councilmember Urban inquired if there were individuals who routinely missed meetings. Councilmember Reid replied that there is one jurisdiction in particular that is not an active participate and expressed optimism that this was about to change.

Motion by Pearson, seconded by Randall, to not approve the Sixth Amendment to the Urban Cooperation Act Agreement Establishing the Public Media Network to Limit the Number of Representatives on the Board of Directors of Public Media Network and not approve the proposed changes to the Board of Directors By-Laws. Upon a roll call vote, motion carried 6 to 0.

* **FEBRUARY ENVIRONMENTAL REPORT – INFORMATION ONLY:** Motion by Randall, seconded by Reid, to receive the February Environmental Activity Report as information only. Upon a roll call vote, motion carried 6 to 0.

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

Portage Zoning Board of Appeals of December 12, 2016.
Portage Planning Commission of March 2, 2017.

BID TABULATIONS:

SOUTH 12TH STREET LIFT STATION FORCE MAIN REPLACEMENT: At the request of Mayor Strazdas, City Manager Shaffer provided a brief history of this project and that it was off the consent agenda pending approval by the Texas Township Board which occurred last evening. Motion by Urban, seconded by Randall, to award a construction contract for the South 12th Street (South) Lift Station Force Main Replacement to Kamminga & Roodvoets, Incorporated, in the amount not to exceed $567,323 and approve a professional services contract amendment with Prein & Newhoff, Incorporated, in the amount not to exceed $60,500 to perform construction engineering services for the South 12th Street (South) Lift Station Force Main Replacement 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 6 to 0.

* **NORFOLK CIRCLE SANITARY SEWER REHABILITATION PROJECT:** Motion by Randall, seconded by Reid, to award a contract for the Norfolk Circle Sanitary Sewer Rehabilitation Project to Corby Energy Services, Inc., in the amount not to exceed $83,480, 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 6 to 0.

* **MOWING AND TRIMMING OF WELL HOUSES, BASINS AND LIFT STATIONS:** Motion by Randall, seconded by Reid, to approve a three-year contract with the low bidder J&J Lawn Service, Incorporated, in the annual amount of $39,986 for mowing and trimming of well houses, basins and lift stations within the city with the option for three, one-year renewals; and authorize the City Manager to execute all documents related to this action on behalf of the city. Upon a roll call vote, motion carried 6 to 0.

* **MAINTENANCE OF THE WASTEWATER AND WATER SUPERVISORY CONTROL AND DATA ACQUISITION SYSTEM (SCADA):** Motion by Randall, seconded by Reid, to award a contract for maintenance of the wastewater and water Supervisory Control and Data Acquisition (SCADA) System to Perceptive Controls, Incorporated, for the period of April 1, 2017, to March 31, 2018, with the option to renew for four one-year periods to Perceptive Controls, Incorporated, in the base amount of $36,150 with hourly rates as bid for call-in work and additional facilities as necessary 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 6 to 0.

OTHER CITY MATTERS:

STATEMENTS OF CITY COUNCIL AND CITY MANAGER: Councilmember Reid encouraged residents to vote in the May 2nd election and pointed out that a millage renewal for KRESA and Consolidated Dispatch were on the ballot.

Councilmember Randall congratulated Kathleen Hoyle on being selected the Director of Parks, Recreation and Senior Citizen Services, expressed her belief that Ms. Hoyle will be a strong advocate for our region and community and complimented City Manager Shaffer on his selection.

Councilmember Ford echoed the comments of Councilmember Randall and thanked City Attorney Brown for responding to his questions so quickly.

Councilmember Pearson offered his congratulations to Ms. Hoyle and shared that, when it comes to parks and trails in the community much has been accomplished but a lot more can be done.

Mayor Strazdas shared that recently there have been some great activities in Portage and cited the 50th anniversaries of Portage Rotary, Boy Scout Troop 244 and local churches as examples. He pointed out that the City of Portage was founded 54 years ago and that many significant things happened in the aftermath of the formation. The creation of organizations such as Portage Rotary, churches and Boy Scout troops are examples and have helped form and maintain the moral fabric of the community.

MATERIALS TRANSMITTED:

* **MATERIALS TRANSMITTED OF MARCH 14 AND DEPARTMENTAL MONTHLY REPORTS:** Motion by Randall, seconded by Reid, to receive the Materials Transmitted of March 14 and the departmental monthly reports. Upon a roll call vote, motion carried 6 to 0.

ADJOURNMENT: Mayor Strazdas adjourned the meeting at 9:36 p.m.

Adam Herringa, Deputy City Clerk

***Indicates items included on the Consent Agenda.**