

CITY COUNCIL MEETING MINUTES FROM MAY 23, 2017

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

At the request of Mayor Strazdas, Pastor Steve Nichols of Berean Baptist Church gave an invocation and Boy Scout Troup 244 led the City Council and the audience in the Pledge of Allegiance.

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

PROCLAMATIONS: Mayor Strazdas issued a 50th Anniversary of Boy Scout Troop 244 Proclamation and a National Gun Violence Awareness Day Proclamation. Discussion followed.

APPROVAL OF MINUTES: Motion by Ford, seconded by Reid, to approve the Regular Meeting Minutes of May 9, 2017, as presented. Upon a voice vote, motion carried 7 to 0.

Motion by Ford, seconded by Reid, to approve the Special Meeting Minutes of May 9, 2017, as presented. Upon a voice vote, motion carried 7 to 0.

Motion by Ford, seconded by Randall, to approve the Pre-Council Meeting Minutes of May 22, 2017, as presented. Upon a voice vote, motion carried 5 to 0 with Councilmember Urban and Mayor Pro Tem Ansari abstaining.

* **CONSENT AGENDA:** Mayor Strazdas asked Councilmember Ford to read the Consent Agenda. Motion by Ford, seconded by Reid, to approve the Consent Agenda as read. Upon a roll call vote, motion carried 7 to 0.

* **APPROVAL OF ACCOUNTS PAYABLE REGISTER OF MAY 23, 2017:** Motion by Ford, seconded by Reid, to approve the Accounts Payable Register of May 23, 2017, as presented. Upon a roll call vote, motion carried 7 to 0.

PETITIONS AND STATEMENTS OF CITIZENS: Jim Stephanak, 10725 Cora Drive, provided data on the May 6, 2017 paint recycling event, and indicated that 175 cars came through with 2,644 one gallon can equivalents of paint, or 15.1 gallons per car. This equates to 16,393 pounds, or more than 8.19 tons of paint. He said that 96-97% was recycled into newly recycled paint, and pointed out that last year, 90 gallons of recycled paint were donated to Portage Public Schools, some of which was used for the Paint the Plow Contest; moreover, if the paint was disposed of by using the "kitty litter" method, he said there would be an extra 11 tons of material in the landfill. He thanked City Council, his business partner Jim Cosby, and Rod Russell and his crew who assisted them. Discussion followed.

REPORTS FROM THE ADMINISTRATION:

FISCAL YEAR 2017-2018 BUDGET: After Mayor Strazdas introduced this item, City Manager Larry Shaffer provided a review of the proposed Fiscal Year 2017-2018 Budget. Mr. Shaffer indicated that the proposed budget amount is \$72,910,006 which represents an increase of 7.12%, the majority of which is the result of the Capital Improvement Program (CIP) adjustments by City Council of 11%, up to \$17.8 million, and a 10.38% increase in the Streets Fund. He reflected on the budget process as presented in the *Charter*, indicated that there are 23 various funds covering 7 general categories of operation, and outlined all of the City personnel involved before it is presented to City Council in April for review and a public hearing in May.

Next, he discussed the unappropriated Fund Balance in the General Fund. He explained that the City Council recommended retention of 24% and that the question of whether that number needs to

be that high still remains. He indicated that the Administration recommended that Council consider this matter at the close of the books in late October, early November 2017, to determine whether to reduce it, to use it for Capital Improvement Programs, to provide a millage reduction, to give a debt reduction, or to use it as debt avoidance. He expressed his appreciation to the tremendous Administrative Team of Deputy City Manager Rob Boulis, Finance Director Bill Furry, Deputy Finance Director Lauren VanderVeen and all Department Heads, who worked very hard to prepare this Budget and make it possible. Discussion followed.

Mayor Strazdas concurred with waiting to discuss the Fund Balance until after the close of the books in order to know exactly how much is to be considered; otherwise, it would be speculative and, presuming there is a motion to approve the Budget, he said it will not be a part of the motion this evening. Recognizing the citizen concern about tax increases, Mayor Strazdas emphasized that there is a very small reduction in the millage as part of the Proposed Budget (not an increase), and explained that the State Legislature promised to make the cities whole when they rescinded the Personal Property Tax Law, and they kept their promise which was very significant for cities across Michigan, including Portage. He noted that the Portage millage is still in the lower 25 percentile of all Michigan cities of population greater than 20,000 which has been a hallmark for Portage as providing the best value for our citizens. He addressed the increase of 7.12%, mostly for CIP projects, by indicating that during the recession, there was a lot of “pull back” in a lot of things, most notably in infrastructure and roads as evidenced by the PASER ratings. Discussion followed.

Mayor Pro Tem Ansari expressed his appreciation for the transparency of the Budget Process, but indicated that the 24% Fund Balance is extremely high. He suggested lowering the percentage, lowering the millage to attract more investment in housing and businesses, paying down debt and improving the infrastructure. He indicated that the State requires a 13% Fund Balance, and the average is 13% to 17%, so he advocated 20%. Discussion followed.

Motion by Urban, seconded by Reid, to approve the Fiscal Year 2017-2018 Budget. Upon a roll call vote, motion carried 7 to 0. Discussion followed. Mayor Pro Tem Ansari abstained from voting on the funding of the Portage Community Center and Lending Hands organization owing to a conflict. Discussion followed.

Motion by Ford, seconded by Reid, to adopt the Resolution to adopt the Salary and Wage Schedules for the Fiscal Year July 1, 2017, to June 30, 2018. Upon a roll call vote, motion carried 7 to 0. Discussion followed. Resolutions recorded on pages 389 and 391 of City of Portage Resolution Book No. 46.

* **PERMIT TO CONDUCT FIREWORKS DISPLAY:** Motion by Ford, seconded by Reid, to approve a permit for a fireworks display on July 3, 2017, sponsored by the Portage Rotary Club. Upon a roll call vote, motion carried 7 to 0.

* **PORTAGE ROAD/LAKEVIEW DRIVE INTERSECTION & OAKLAND DRIVE/VANDERBILT AVENUE INTERSECTION:** Motion by Ford, seconded by Reid, to amend an existing contract with Abonmarche Consultants to perform engineering services for the Portage Road/Lakeview Drive intersection in the amount of \$48,450, the Oakland Drive/Vanderbilt Avenue intersection in the amount of \$13,350, 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.

* **MILL AND FILL SPRING REPAIRS - CONTRACT CHANGE ORDER #1:** Motion by Ford, seconded by Reid, to award Contract Change Order #1 in the amount of \$48,064.42 to Rieth-Riley Construction Company, Incorporated, for mill and fill asphalt repair of additional local street sections, 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 7 to 0.

* **APRIL 2017 ENVIRONMENTAL REPORT:** Motion by Ford, seconded by Reid, to receive the communication from the City Manager regarding the April 2017 Environmental Report as information only. Upon a roll call vote, motion carried 7 to 0.

COMMUNICATION:

COMMUNICATION FROM SHEILA POWERS OF POWERS BATH, 8944 PORTAGE ROAD, REGARDING A CROSSWALK ON PORTAGE ROAD: Mayor Strazdas introduced the item and deferred to City Manager Shaffer, who agreed that the crosswalk in question is a dangerous crosswalk, and indicated that he does not contest Ms. Powers' representations at all. He concluded that as traffic and speeds increase, there will be a necessity to review pedestrian safety with more attention, so he would like to review this correspondence and respond to Council with an overall plan, rather than just addressing this specific issue to propose how to address pedestrian safety going forward.

Councilmember Urban indicated he had not seen the communication because it was not provided hard copy and explained it should be provided on the dais. Discussion followed. Mayor Strazdas indicated that communications received like this, at the late hour - just yesterday, are usually referred to the City Manager for a report. Discussion followed.

Motion by Ansari, seconded by Pearson, to receive the communication from Sheila Powers of Powers Bath, 8944 Portage Road, regarding a crosswalk on Portage Road and to refer it to the City Manager for a report. Discussion followed and Mayor Strazdas invited Transportation & Utilities Director Chris Barnes to address the crosswalk mentioned in the communication.

Mr. Barnes indicated that in the State of Michigan, pedestrian traffic laws are quite vague, and there is no requirement for the vehicle to stop for or yield to a pedestrian. He summarized the law by saying that the law reads that the vehicle only has to avoid pedestrians. He cited the final report of City staff participation in a study with the Western Michigan University Traffic Institute where they looked at the establishment of local ordinances for vehicles and pedestrians. He recommended a tightening of the State Law for pedestrians through local ordinances. He discussed the improvement options for Portage Road as *a Natural Place to Move* and recommended writing a local ordinance to accommodate the changes necessary. Discussion followed and Mayor Strazdas asked Mr. Shaffer to consider the recommendation of Mr. Barnes and to include that in his thoughts to Council regarding this matter. He also asked for common sense from drivers and respect for the laws against texting while driving. He also encouraged the use of more education to stress the importance of safety.

Councilmember Pearson concurred with Councilmember Urban that because the communication was not provided hard copy, it should be provided on the dais. In answer to Councilmember Pearson, Mr. Barnes responded that the crosswalk in the middle of the road has been hit three times. Discussion followed. Upon a roll call vote, motion carried 7 to 0.

COUNCIL COMMITTEE REPORTS:

SURVEY COMMITTEE: Councilmember Ford indicated that at the Survey Committee Meeting on Friday, May 12, 2017, the Committee discussed the new questions from the Administration that have surfaced since the Council Retreat and the questions from the Budget Sessions. He said now the Committee is awaiting a response from Dr. Hartman from Western Michigan University regarding some of the issues presented by the Committee.

Councilmember Reid indicated that once the response is received from Dr. Hartman, and the Committee reviews the questions to make sure they are asking what the Committee wants asked, the Committee will provide them to the rest of City Council for input in order to finalize the Fall survey.

Motion by Randall, seconded by Reid, to receive the verbal report from the Survey Committee. Upon a voice vote, motion carried 7 to 0.

AUSTIN LAKE GOVERNMENTAL LAKE BOARD: Councilmember Pearson indicated that he and Mayor Pro Tem Ansari serve on the Austin Lake Governmental Lake Board which held a Public Hearing on Practicability of continuing the Aeration/Bioaugmentation Project that was requested by the lake residents. He noted that the Project has been ongoing for five (5) years and the Board continued it for another three (3) years. Mayor Pro Tem Ansari pointed out that the decision regarding the assessment will be made some time in June 2017. Discussion followed and Mayor Strazdas recognized the hard work they are doing and acknowledged that it is a tough assignment.

Motion by Ford, seconded by Randall, to receive the verbal report from the Austin Lake Governmental Lake Board. Upon a voice vote, motion carried 7 to 0.

GOURDNECK LAKE GOVERNMENTAL LAKE BOARD: Councilmember Urban indicated that last Friday, the Gourdneck Lake Governmental Lake Board finished its business by confirming the Portage portion of the Special Assessment Roll that will be transferred to the City of Portage Treasury Office May 25th or May 26th for billing in June. He noted that the Schoolcraft portion has been billed. As he stated before, when this matter came before them last summer, he did not see how the Board could treat in 2017, but the first treatment will happen this week or next week. He thanked Schoolcraft Township because they were willing to bill early. He also thanked the County for the start-up money and the other Board Members for their hard work. Discussion followed.

Motion by Ansari, seconded by Ford, to receive the verbal report from the Gourdneck Lake Governmental Lake Board. Upon a voice vote, motion carried 7 to 0.

BID TABULATIONS:

* **PORTAGE ROAD RECONSTRUCTION (MANDIGO AVENUE TO EAST OSTERHOUT) – BID TABULATION:** Motion by Ford, seconded by Reid, to award a construction contract to Lakeland Asphalt of Springfield, Michigan, for the reconstruction of Portage Road, from Mandigo Avenue to East Osterhout Avenue, in an amount not to exceed \$759,181.86, 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.

* **CHOPIN AVENUE AND MOZART STREET WATER MAIN PROJECT – BID TABULATION:** Motion by Ford, seconded by Reid, to award a construction contract for the Chopin Avenue and Mozart Street Water Main Project to Balkema Excavating, Incorporated, of Kalamazoo, Michigan, in an amount not to exceed \$220,644, 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.

* **ELIASON NATURE RESERVE AND CELERY FLATS TRAILHEAD STATIONS – BID TABULATION:** Motion by Ford, seconded by Reid, to award a contract to Wightman & Associates, Inc., for engineering, architectural and construction administration services for facilities at the Eliason Nature Reserve Trailhead and Celery Flats Historical Area Visitor Center at a cost not to exceed \$65,000, and authorize the City Manager to execute all documents related to these projects on behalf of the city. Upon a roll call vote, motion carried 7 to 0.

* **EAST ROMENCE ROAD BIKEWAY IMPROVEMENTS – BID TABULATION:** Motion by Ford, seconded by Reid, to accept the low bid in the amount of \$40,555 from Michigan Paving & Materials Company to provide repairs to the East Romence Road Bikeway, 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.

OTHER CITY MATTERS:

STATEMENTS OF CITY COUNCIL: Mayor Strazdas and each City Councilmember wished sincere condolences to the Elsmann family for the loss of their daughter, Alyssa, in Times Square, New York City. Mayor Strazdas, each City Councilmember and City Manager Shaffer thanked Transportation & Utilities Director Chris Barnes for his service to the City and gave him their respect and appreciation for a job well done.

Councilmember Urban read an excerpt describing how Memorial Day began: From the Headquarters Grand Army of the Republic, General Orders No.11, WASHINGTON, D.C., May 5, 1868:

I. The 30th day of May, 1868, is designated for the purpose of strewing with flowers or otherwise decorating the graves of comrades who died in defense of their country during the late rebellion, and whose bodies now lie in almost every city, village, and hamlet church-yard in the land. In this observance no form of ceremony is prescribed, but posts and comrades will in their own way arrange such fitting services and testimonials of respect as circumstances may permit.

II. It is the purpose of the Commander-in-Chief to inaugurate this observance with the hope that it will be kept up from year to year, while a survivor of the war remains to honor the memory of his departed comrades. He earnestly desires the public press to lend its friendly aid in bringing to the notice of comrades in all parts of the country in time for simultaneous compliance therewith. By order of JOHN A. LOGAN, Commander-in-Chief of the Grand Army of the Republic.

He said Memorial Day was originally known as Decoration Day, and he grew up knowing it as Decoration Day because this was what his parents called it since they grew up during the Depression when it was still called Decoration Day. He said in 1968 it became Memorial Day by an Act of the United States Congress and the date for observing it became the last Monday in May.

Councilmember Randall thanked David Warwick and Paul Selden for their efforts during Bike Week and Mayor Strazdas for participating in the Sixth Annual Mayor to Mayor Ride with Kalamazoo Mayor Bobby Hopewell. She thanked the Police Department for escorting the 200 people who rode bikes in honor of the Ride of Silence which commemorates those who have been killed while bike riding.

Mayor Strazdas reminded everyone that the State of the City Address will take place tomorrow, Wednesday, May 24, 2017, in City Council Chambers at 8 a.m.

MATERIALS TRANSMITTED:

* **DEPARTMENTAL MONTHLY REPORTS:** Motion by Ford, seconded by Reid, to receive the Departmental Monthly Reports of March. Upon a roll call vote, motion carried 7 to 0.

ADJOURNMENT: Mayor Strazdas adjourned the meeting at 8:41 p.m.

James R. Hudson, City Clerk

* Indicates items included on the Consent Agenda.