

**MINUTES FROM THE SPECIAL PRE-MEETING  
OF THE PORTAGE CITY COUNCIL  
OF SEPTEMBER 25, 2017**

Mayor Strazdas called the meeting to order at 8:00 a.m. Mayor Peter Strazdas and Mayor Pro Tem Nasim Ansari were present. Councilmembers Richard Ford, Jim Pearson, Claudette Reid and Patricia M. Randall were present via the conference phone line. Councilmember Terry Urban was absent with notice and excuse. Also in attendance were City Manager Larry Shaffer, Deputy City Manager Rob Boulis and City Clerk James Hudson.

Mayor Strazdas asked for questions from Council through Item E.1, Curb and Gutter on Hill 'an' Brook Drive. In response to Councilmember Reid, City Clerk James Hudson indicated that the validation of the signatures will come when staff checks the voter registration file against the Assessment Roll. He also said that the line outs on the Petition were drawn to show that there were never any names in those spaces between the last name on the Petition and the new name on the second Petition with the addition of John Safapur, who is on record as being in favor of the Special Assessment along with the rest of the petitioners. He conceded that the project will depend upon how many parcels are involved, and if there are over 50% in favor, it's a go and, if it is less than 50%, it is not. He indicated that the signatures are problematic because they are printed, but felt comfortable that the circulators could get the property owners to come forward and sign it. He stated the 80% cap is standard with everything we (T&U) do. Regarding questions about the signatures (one name, first name, or printed instead of signed, for example) by Councilmember Randall, Mr. Hudson responded that the recommendation is to refer the Petition to the Administration in order to perform a thorough analysis of what is proposed and to get back to Council with the findings.

Mayor Strazdas asked for any further questions from Council regarding the Agenda. Regarding Item F.2, Eliason Trailhead Station, Councilmember Pearson asked if the picture of the much larger ICON Shelter is representative of the pavilion that will be constructed in Item F.2, Eliason Trailhead Station. City Manager Larry Shaffer noted that the larger picture of the ICON Shelter is meant to depict the design of the structure and what makes it so appealing to consider. He said it provides Council with an aesthetic sense of the structure and the consistency of design from the one shown that is intended for Celery Flats to the one proposed to be at the Eliason Nature Preserve. Councilmember Pearson said he did not want anyone to be confused and think that this is the one that will be constructed at the Eliason Trailhead. With that, the focus was on the schematic of the profile of the actual structure itself that will be constructed at the Eliason Trailhead.

Councilmember Reid referred to the cost of the ICON Shelter, and asked for an estimate of the man hours involved to do the site preparation and the construction assembly, and average cost of the salary and benefits of the workers for a real sense of what it is going to cost the City, and Mr. Shaffer indicated he would be happy to do that.

For Item F.1, Major & Local Street Paving Increase, Councilmember Reid referred to the urgency to get the bid process completed, reviewed the proposed schedule in order to let the contract by February 2018, asked if there is a best time to bid let contracts for Spring/Summer work, and is January/February the best time for bid proposals, understanding that earlier is better than later since the contractors' schedules get full so they choose not to bid. Mr. Shaffer responded the best price is attained if the Administration can get all projects designed in the Winter, and bid let late Winter - early Spring; moreover, this project will be well within that timeframe to get the best price.

He agreed that earlier is always better than later; moreover, in this instance, looking at the accounts, there is a surplus in the Act 51 Fund and there is no benefit to having a surplus of Act 51 funds and it is better to use it to improve the streets. Councilmember Reid suggested that in the future, the City should be doing more design work ahead of time and said that the City should do more design work in order to have it ready at hand when an opportunity presents itself rather than to have to scramble.

Regarding F.8, August Environmental Report, Councilmember Reid noted that the Portage City Landfill Contract was completed in 2016, but is still on the Report. She asked what the plan is with regard to the contract and whether the City will continue to monitor the landfill. Mr. Shaffer indicated he had a couple of meetings with Mick Lynch of American Hydrogeology, who is committed to continuing. He referenced a report he received recently with a new schedule and a new protocol of tasks Mr. Lynch wishes to undertake, and it is now a matter of determining how much it is going to cost to complete that process. He confirmed that the City wants to continue to monitor what is going on, especially with the subsurface conditions that exist, understanding that it is an old landfill, including methane emissions and what is penetrating from below the surface like at the dog park. He indicated that Mr. Lynch has been on site doing some drilling and stressed that the City is still very interested in the methane emissions and the breakdown of the materials within the subsurface of the landfill.

In reference to Item G.1, Communication from Councilmember Pearson regarding City of Portage Personnel Rules and Regulations and the Endorsement of Political Candidates by Employees, Councilmember Pearson indicated he received a postcard from a Mayoral candidate that had the endorsement of an employee union president. He also indicated he had received questions from other candidates regarding getting employee endorsements. He said that he asked that this item be placed on the agenda and requested comments from the City Manager and City Attorney. He asked Mayor Strazdas that he be allowed a minute or two to provide an introduction, and that he then defer to the City Manager and the City Attorney to respond to his inquiry. In response to his question of why it is under the category of Communications instead of New Business, Mr. Hudson indicated that he would determine that for him, and would move it to the New Business category.

In reference to Item G.1, Councilmember Reid noted that Council does not yet have an opinion from the City Attorney, and would he address the question of limiting the employees' Right to Freedom of Speech. Mr. Shaffer disclosed that he has been in discussion with the City Attorney who has questions relative to the City's ability to limit an employee's Constitutional Right to Free Speech. He summed up that the City Attorney knows about this conversation taking place among Council; he knows it is on the Agenda; and he knows that he may be asked to provide a legal opinion. Councilmember Reid asked whether Council can ask for a written opinion on this matter, and Mr. Shaffer answered in the affirmative, but he questioned whether it would be ready for Council by the Regular City Council Meeting on Tuesday.

In reference to Item L.1, 2018 Storm Drainage Improvement projects – Tabulation of Proposals, Councilmember Reid asked for a clarification where Hurley & Stewart quoted four times the construction inspection staff hours as there were no specifics on bids. Mr. Shaffer indicated that the difference between the AR Engineering proposal and the Hurley & Stewart proposal is that Hurley & Stewart offered a considerable amount of extra inspection hours, or construction services, for fundamentally the same price which made their bid the best value for less than \$700 more in cost.

**ADJOURNMENT:** Mayor Strazdas adjourned the meeting at 8:20 a.m.

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James Hudson, City Clerk