

CITY COUNCIL MEETING MINUTES FROM JANUARY 6, 2015

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

At the request of Mayor Strazdas, Pastor John Moore of Pathfinder Church of Portage gave the invocation and Boy Scout Troop 287 led City Council and the audience in the recitation of the Pledge of Allegiance.

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

APPROVAL OF MINUTES: Motion by Reid, seconded by Pearson, to approve the December 16, 2014 Regular Meeting Minutes as presented. Upon a voice vote, motion carried 6 to 0.

* **CONSENT AGENDA:** Mayor Strazdas asked Councilmember Ford to read the Consent Agenda. Councilmember Reid asked that Item F.2, Professional Services Award – South Central Portage Bikeway, and Item F.6, Proposed Schedule for the 2015 Committee of the Whole (COW) Meetings, be removed from the Consent Agenda. Motion by Ford, seconded by Reid, to approve the Consent Agenda motions as amended. Upon a roll call vote, motion carried 6 to 0.

* **APPROVAL OF ACCOUNTS PAYABLE REGISTER OF JANUARY 6, 2015:** Motion by Ford, seconded by Reid, to approve the Accounts Payable Register of January 6, 2015. Upon a roll call vote, motion carried 6 to 0.

PUBLIC HEARINGS:

WEST OSTERHOUT AVENUE SANITARY SEWER PROJECT #414-S (LLOY STREET TO SOUTH WESTNEDGE AVENUE): Mayor Strazdas opened the public hearing, and City Manager Larry Shaffer deferred to Transportation & Utilities Director Chris Barnes, who explained the purpose of the hearing as the necessity for sanitary sewer on West Osterhout Avenue, from Lloy Street to South Westnedge Avenue. He provided a summary of sanitary sewer installation along West Osterhout Avenue, and pointed out that the project will be completed in conjunction with the planned reconstruction of the street and other improvements, including individual sewer laterals. He reminded City Council that reconstruction of the street without the installation of sanitary sewers would require the reconstruction of the street when the sewers were installed in the future.

Mr. Barnes explained the importance of the sewer construction to the ground water in the area which is the supply source for public drinking water. He mentioned the policy change in 2014 that relinquished the requirement of installing public sewer based on parameters such as proximity to public drinking water sources, and he pointed out that this is an area that would not have to connect to the sanitary sewer until the Kalamazoo County Public Health Department determined a septic system was not feasible.

Mr. Barnes indicated that the total cost of the project is \$680,000. He explained the assessments to property owners are at a total of \$49,505 which is based on the City Council Policy of a cap of 80 feet, even though most of the properties exceed 80 feet in frontage, and that the city-at-large share is \$630,494 which includes the replacement of the street which is funded through the municipal street millage.

He noted that the standard assessment rate of \$32.09 per foot and \$1,001 for a six inch lateral were used for this project, and the affected property owners were recently notified of the planned improvements, including the special assessment process and the schedule of payments. If approved by

City Council, he indicated that the sanitary sewer project would begin in the summer of 2015 in conjunction with the street reconstruction program.

Mayor Strazdas asked for discussion and opened the public hearing to the audience. There being no discussion, motion by Reid, seconded by Ford, to close the public hearing. Upon a voice vote, motion carried 6 to 0.

Motion by Pearson, seconded by Reid, to adopt Resolution No. 3 for the West Osterhout Avenue Sanitary Sewer Project #414-S (Lloy Street to South Westnedge Avenue), directing the preparation of the special assessment roll. Upon a roll call vote, motion carried 6 to 0. Resolution recorded on page 393 of City of Portage Resolution Book No. 45.

PINE VIEW DRIVE SANITARY SEWER PROJECT #415-S (BACON AVENUE TO CHAUCER STREET): Mayor Strazdas opened the public hearing, and City Manager Larry Shaffer deferred to Transportation & Utilities Director Chris Barnes, who explained the purpose of the hearing as the necessity for sanitary sewer on Pine View Drive from Bacon Avenue to Chaucer Street. He provided a history of sanitary sewer installation along Pine View Drive, and pointed out that the project will be completed in conjunction with the planned reconstruction of the street and other improvements, including individual sewer laterals. He again reminded City Council that reconstruction of the street without installation of sanitary sewers would require the reconstruction of the street again when the sewers were installed in the future.

Mr. Barnes explained the importance of the sewer construction to the ground water in the area which is the supply source for public drinking water. He mentioned that this is an area in close proximity to public well fields and is adjacent to the Pine View water storage facility. He said that similar to West Osterhout Avenue, adjacent property owners would not have to connect to the sanitary sewer until the Kalamazoo County Public Health Department determined a septic system was not feasible.

Mr. Barnes indicated that the total cost of the project is \$300,000. He explained the assessments to property owners are at a total of \$49,505 which is based on the City Council Policy of a cap of 80 feet, even though most of the properties exceed 80 feet in frontage, and that the city-at-large share is \$250,494 which includes the replacement of the street which is funded through the municipal street millage.

He noted that the standard assessment rate of \$32.09 per foot and \$1,001 for a six inch lateral were used for this project, and the affected property owners were recently notified of the planned improvements, including the special assessment process and the schedule of payments. If approved by City Council, he indicated that the sanitary sewer project would begin in the summer of 2015 in conjunction with the street reconstruction program.

In answer to Councilmember Urban, Mr. Barnes indicated that in the early 1980's, a few areas of the City petitioned out of sanitary sewer installation, and Lloy Street and Pine View Drive were among them.

Mayor Strazdas asked for discussion and opened the public hearing to the audience. There being no discussion, motion by Reid, seconded by Randall, to close the public hearing. Upon a voice vote, motion carried 6 to 0.

Motion by Randall, seconded by Urban, to adopt Resolution No. 3 for the Pine View Drive Sanitary Sewer Project #415-S (Bacon Avenue to Chaucer Street), directing the preparation of the special assessment roll. Upon a roll call vote, motion carried 6 to 0. Resolution recorded on page 397 of City of Portage Resolution Book No. 45.

REPORTS FROM THE ADMINISTRATION:

* **MARCH BOARD OF REVIEW RESOLUTION:** Motion by Ford, seconded by Reid, to adopt the Resolution setting the dates and times for the 2015 March Board of Review sessions. Upon a

roll call vote, motion carried 6 to 0. Resolution recorded on page 401 of City of Portage Resolution Book No. 45.

PROFESSIONAL SERVICES AWARD - SOUTH CENTRAL PORTAGE BIKEWAY:

Mayor Strazdas deferred to Councilmember Reid, who introduced the item and asked why the item had not been let out for bid and why City Council was being asked to grant this without a bid process.

In answer to Councilmember Reid, Mr. Shaffer responded that the City already has made an investment in this firm and in this design, and that this firm has taken us from the beginning and we now want them to take us all the way to the end. He indicated that they understand the project; they have done much of the preliminary work as a result of their efforts thus far; they are able to get the project on the fast track in such a way as to meet the standards set by Michigan Department of Transportation (MDOT) in order to get the project completed this year. He summed up that it is a matter of timing; that the City has invested a considerable amount of money into O'Boyle, Cowell, Blaylock & Associates, Incorporated, for preliminary work; and that this firm has an understanding of the project and the desired outcome that cannot be anticipated by an unknown firm. He indicated that the dollar amounts were reviewed quite closely, and it is the opinion of staff that the City cannot get a better price for the expected quality and type of service anticipated. He expressed a high comfort level with O'Boyle, Cowell, Blaylock & Associates, Incorporated, and assured Council that they will provide the best service possible and will get this project done correctly and on time.

Councilmember Reid asked at what time did the Administration find out about the stringent MDOT scheduling, and how long does it take to be able to put a contract such as this out for bid. In answer to her, Mr. Shaffer admitted he did not know the answer to the first part of her question; however, he indicated that he is very familiar with Department of Transportation requirements for bid specifications, indicated that they are very difficult and have many details that all have to be met before getting the approval of MDOT to go out to bid, and this all takes time. He said it can take a special relationship to get through the process. He then said the people at O'Boyle, Cowell, Blaylock & Associates, Incorporated, know the project, know the folks at MDOT, and were instrumental in getting material ready for the grant that was awarded to the City of Portage by MDOT; therefore, all things considered, this was the absolute best option for the City. Discussion followed.

In response to Councilmember Reid, Parks Director Bill Deming reviewed the time line of the contract awarded to O'Boyle, Cowell, Blaylock & Associates, Incorporated, in 2012. He indicated that the Administration has been seeking a number of funding options since there was not enough on hand with the City to do the entire project. He indicated that he received the Kalamazoo Area Transportation Study (KATS) funds a year ago which was only enough to do the trail; this prompted him to seek the MDOT Grant; furthermore, he also sought the Michigan Department of Natural Resources (MDNR) Grant in March 2014, and that particular process ended in December 2014 which held up the rest of the process. He discussed the tasks and activities that have to be accomplished by March in order to get the project started in July/August, including those already completed by O'Boyle, Cowell, Blaylock & Associates, Incorporated. He indicated that to bid the project out at this point would not allow the City to make the MDOT Schedule for this construction year.

Councilmember Reid expressed her appreciation for the explanation and stressed the importance of putting a project out for bid whenever that is possible. She noted that the contract with this firm was initiated almost two years ago and asked whether this is a continuation of previous work. Mr. Deming assured City Council that O'Boyle, Cowell, Blaylock & Associates, Incorporated, was involved as the professional services firm during the last one and one-half years with their efforts to obtain the specifications, drawings and information requirements for both the MDOT and MDNR Grant applications. Discussion followed.

Motion by Reid, seconded by Urban, to approve a professional engineering design services contract with O'Boyle, Cowell, Blaylock & Associates, Incorporated, in the amount of \$41,500 for the South Central Portage Trail development 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.

* **AGREEMENT TO LOCATE PARKING IN CITY RIGHT-OF-WAY, 2375 EAST CENTRE AVENUE:** Motion by Ford, seconded by Reid, to approve the License to Locate Parking in a City Right-Of-Way for Poulsen Properties, LLC, 2375 East Centre Avenue, and authorize the City Manager to execute the agreement on behalf of the city. Upon a roll call vote, motion carried 6 to 0.

* **CONSTRUCTION BOARD OF APPEALS ABATEMENT ORDER – 5523 MONTICELLO AVENUE:** Motion by Ford, seconded by Reid, to accept the order of the Construction Board of Appeals to remove all debris from the house at 5523 Monticello Avenue; and to authorize the City Administration to take the necessary action to remove all debris from the house, place a lien, and assess the property to recover the costs associated with abatement, consistent with city ordinance. Upon a roll call vote, motion carried 6 to 0.

* **RESOLUTION FOR USE OF CREDIT CARDS AND ADOPTION OF CREDIT CARD POLICY:** Motion by Ford, seconded by Reid, to adopt the Resolution for the use of city credit cards, and adopt the credit card policy for issuance of a credit card for the Portage Senior Center Travel Program in accordance with Public Act 266 of 1996. Upon a roll call vote, motion carried 6 to 0.

PROPOSED SCHEDULE FOR THE 2015 COMMITTEE OF THE WHOLE (COW)

MEETINGS: Councilmember Reid referred to the Communication from the City Manager received via Materials Transmitted dated January 6, 2015. She referenced the request at the December 16, 2014 Regular City Council Meeting where City Council received the report from Historic District Commission (HDC) Chair Mark Reile regarding Strategy Development for Preserving Portage Historic Properties which was referred to a future Committee of the Whole (COW) Meeting, with the plan to invite members from the HDC to participate in that meeting. Mr. Shaffer explained his communication.

Councilmember Reid asked that the matter be scheduled in one of the first couple of COW Meetings and explained. Discussion followed. Mayor Strazdas recommended that it is important for City Council to make a plan for COW Meetings, and he asked each Councilmember to provide input regarding topic priorities for these Meetings to the City Manager by Monday, January 12, 2015. He also stressed that it was important to decide what to discuss at the January 20, 2015 COW Meeting, Conference Room #1 at 6:00 p.m. Discussion followed.

Motion by Pearson, seconded by Urban, to accept the recommendation from the City Manager to have a January 20, 2015 Committee of the Whole (COW) Meeting, Conference Room #1, 6:00 p.m., to address the top priority identified at the Council Retreat to enhance economic development; balance economic development with the city's natural environment; plan to develop large, undeveloped tracts of land; and consider pre-approved sites with Southwest Michigan First (SWMF). Discussion followed. City Attorney Brown advised that COW Meetings should be treated as Special Meetings of City Council because there is a quorum, even though no decision can be made. Discussion followed. Upon a roll call vote, motion carried 6 to 0.

* **MINUTES OF BOARDS AND COMMISSIONS MEETINGS:** City Council received the minutes of the following Boards and Commissions:

Portage Planning Commission of November 20 and December 4, 2014.

Portage Park Board of December 3, 2014.

COUNCIL COMMITTEE REPORT:

* **DECEMBER 10, 2014 INVESTMENT COMMITTEE ACTIVITY UPDATE:** Motion by Ford, seconded by Reid, to receive the communication from the City Manager regarding the December 10, 2014 Investment Committee Activity Update. Upon a roll call vote, motion carried 6 to 0.

MANAGER MANUAL COMMITTEE REPORT: Mayor Strazdas deferred to Councilmember Ford, who read his communication provided to City Council on January 6, 2015, into the record that was later added to the Agenda Packet. Motion by Reid, seconded by Ford, to receive the communication from the City Council City Manager Manual Committee Report as read into the record by Councilmember Ford. Upon a roll call vote, motion carried 6 to 0.

CENTRAL COUNTY TRANSIT AUTHORITY (CCTA) AND KALAMAZOO COUNTY TRANSIT AUTHORITY (KCTA) JOINT MEETING REPORT: Mayor Pro Tem Pearson indicated that he and Councilmember Urban attended the first joint meeting of the CCTA and the KCTA just before Christmas where they discussed the countywide millage during 2015 at an amount to be determined, line haul schedules during the work week and whether to increase it, and weekend service. He said that no decisions have been made.

Councilmember Urban indicated that the CCTA and KCTA jointly adopted a Policy that dealt with providing service outside the boundaries of the CCTA taxing district. He reminded everyone that the County adopted the recommendation from a working group to establish the boundaries of the CCTA at which time municipalities had the option to use precincts as the boundaries for opting out of the CCTA taxing district; and, before the CCTA existed, there was no one to indicate whether there would be service for those who opted out. He indicated that there were three municipalities which have some precincts that have opted out: Texas Township, Pavilion Township and Oshtemo Township. He read an excerpt from the Policy which listed the municipalities included in the CCTA with the precincts that did not opt out, and indicated that the CCTA will not provide fixed route bus service outside of the boundaries of the Authority. He reviewed another excerpt from the Policy where it states that the CCTA may consider providing services when the following conditions are met:

1. Service areas outside the Authority boundaries will be limited to the following conditions:
 - a. A service contract must be entered into between the CCTA and the jurisdiction that includes the area outside of the boundaries;
 - b. Service contracts will only be entered into if there is a demonstrated demand for service;
 - c. The term of the agreement will only extend for the duration of the approved CCTA millage;
 - d. The cost will be set at the amount of the millage that would have been collected if the precincts where the service is provided were included in the boundaries of the Authority;
 - e. The CCTA may enter into only one service contract with the jurisdiction and this contract will not be renewed; and
 - f. Contracts to provide fixed route service to the Kalamazoo Valley Community College (KVCC) main campus and other countywide publicly funded educational facilities with significant student population ridership demand may be entered into with the educational agency if an agreement with the jurisdiction where the facility is located cannot be agreed upon. Service will be provided strictly to the education facility under contract and to no other areas outside the Authority boundaries. Board approval is required for all service contracts.

Councilmember Urban then mentioned Pilot Programs are also covered and can be reviewed on the CCTA website. He explained that it is difficult to tell the citizens of Portage that their millage is

paying to support the bus routes into Texas Township, Pavilion Township and Oshtemo Township when those jurisdictions have elected not to participate in funding those bus routes and explained. He emphasized that before the CCTA existed, no one could make a statement regarding the areas that opted out and explained. He indicated that there is a time period before the CCTA millage proposal is submitted to the County Clerk where a jurisdiction can change its decision to opt out; however, under State Law, a jurisdiction may not opt out at this point. He noted that changing the decision to opt out might be possible, but would require that the Kalamazoo County Commission amend the Articles of Incorporation and the boundaries of the CCTA District. Discussion followed.

Mayor Strazdas indicated that when they are available, it is important that the minutes from various groups where there is Council involvement are included in the City Council Packets so Portage citizens have the opportunity to review them. He also asked City Attorney Randy Brown to provide some guidance with regard to voting by City Councilmembers in all of the various External / Community Committees in order to let each Councilmember know when he or she can vote as a person, as a citizen of Portage, or as a Councilmember. City Attorney Brown agreed to provide the guidance and discussion followed.

Councilmember Urban summed up the verbal report and assured everyone that bus service to KVCC will happen one way or the other.

Motion by Reid, seconded by Ford, to receive the verbal report of the Central County Transit Authority and Kalamazoo County Transit Authority Joint Meeting from Councilmember Urban and Mayor Pro Tem Pearson. Discussion followed. Upon a roll call vote, motion carried 6 to 0. Discussion followed.

NEW BUSINESS:

* **APPOINTMENTS TO VARIOUS BOARDS AND COMMISSIONS:** Motion by Ford, seconded by Reid, to determine the size of the 2015 Board of Review to be six members; appoint William Brandt, Keith Hearit, Wes Mazurek, Lori Knapp, Michael Quinn and Jay Woodhams with terms ending January 31, 2016, to the Board of Review; reappoint Lowell Seyburn and appoint Randall Schau with terms ending February 28, 2018, and appoint Alexander Philipp as an Alternate Member with term ending February 28, 2018, to the Zoning Board of Appeals; appoint William Wieringa as an Alternate Member with term ending October 1, 2016, to the Senior Citizens Advisory Board; and appoint Larry Ahleman and Fred Grunert with terms ending December 31, 2017, to the Historic District Commission. Upon a roll call vote, motion carried 6 to 0.

OTHER CITY MATTERS:

STATEMENTS OF CITIZENS: Kay Ensfield, 1818 Forest Drive, asked for an update regarding the traffic issue at the intersection of Lakeview Drive and Portage Road that was discussed at the December 16, 2014 Regular City Council Meeting. Mayor Strazdas deferred to City Manager Shaffer, who indicated that City Engineer Chris Barnes identified and explained a number of options to address speeding and safety concerns on Portage Road that were forwarded to City Council. He said the next step is to determine the cost of the options and to make a recommendation to City Council.

Mr. Shaffer also revealed that there has been an increase in police patrol and that the City will install the speed sign board to let drivers know the speed of their vehicles as soon as possible. Mayor Strazdas pointed out that another aspect of this is the redesign of the roadway based on the Engineering Report from the findings of the road diet study, as well as a careful decision of which approach is the right approach, plus the consideration of a large expenditure of funds. Discussion followed.

STATEMENTS OF CITY COUNCIL: Councilmember Ford expressed a hope for a Happy New Year and asked everyone to be careful to keep warm.

Councilmember Reid encouraged everyone to drive carefully and encouraged everyone to have the energy to have a Happy New Year.

Mayor Pro Tem Pearson expressed his support for the Big Ten as the reason for his rare support for Ohio State in the College Football Championship Bowl game.

Mayor Strazdas thanked returning and newly appointed Board and Commission Members for their volunteerism, expressed his appreciation for the efforts of the snow plows, and asked everyone to be patient during this very cold weather.

ADJOURNMENT: Mayor Strazdas adjourned the meeting at 8:40 p.m.

James R. Hudson, City Clerk

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