

CITY COUNCIL MEETING MINUTES FROM JUNE 9, 2015

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

At the request of Mayor Strazdas, Pastor Craig Glass of Portage Free Methodist Church gave the invocation and City Council and the audience recited the Pledge of Allegiance.

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

APPROVAL OF MINUTES: Motion by Ansari, seconded by Ford, to approve the Regular Meeting Minutes of May 26, 2015, as presented. Upon a voice vote, motion carried 6 to 0.

* **CONSENT AGENDA:** Mayor Strazdas asked Councilmember Urban to read the Consent Agenda. Councilmember Urban asked that Item F.3, Sale of City Property – 10323 Archwood Drive, be removed from the Consent Agenda. Discussion followed.

Motion by Urban, seconded by Ansari, to approve the Consent Agenda motions as amended. Upon a roll call vote, motion carried 6 to 0.

* **APPROVAL OF ACCOUNTS PAYABLE REGISTER OF JUNE 9, 2015:** Motion by Urban, seconded by Ansari, to approve the Accounts Payable Register of June 9, 2015. Upon a roll call vote, motion carried 6 to 0.

REPORTS FROM THE ADMINISTRATION:

* **PCM CONTRACT RENEWAL FOR INFORMATION TECHNOLOGY SERVICES MANAGEMENT:** Motion by Urban, seconded by Ansari, to accept the renewal agreement from PCM, Inc., for continued provision of information technology services management on behalf of the City of Portage for a period of five years at a negotiated price of \$2,452,729 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.

* **SOUTH 12TH STREET BLOCK LIFT STATION MAINTENANCE:** Motion by Urban, seconded by Ansari, to approve emergency expenditures in the estimated amount not to exceed \$110,000 for repairs related to the South 12th Street Block Lift Station, which includes replacement of piping in the lift station and repair of the force main, and authorize the City Manager to execute all documents related to this matter on behalf of the city. Upon a roll call vote, motion carried 6 to 0.

SALE OF CITY PROPERTY - 10323 ARCHWOOD DRIVE: Councilmember Urban indicated that he has no objection to the sale of this property or the price, but wanted to make sure the representation about the water and sewer was made perfectly clear. He expressed the concerns of some of the citizens that the survey was incomplete and/or biased, and indicated that he had presumed that the survey showed that the majority of the homeowners wanted water and sewer installed and there was a desire to have this project moved up in the Capital Improvement Project schedule. He indicated that the information provided in the City Manager Communication dated June 9, 2015, via the Materials Transmitted does not substantiate a desire for installing water and sewer on Cliffwood and Archwood. He pointed out that even though it does not matter at this time, he wanted to make sure there was no representation to the buyer of when water and sewer would be installed by the City. He also indicated that this City Council does not decide this matter because the City Council elected at the November 3, 2015, would make that decision and explained the process required to make the change. Discussion followed regarding whether the builder was given an extra year to earn the \$3,000 bonus based on an

occupancy permit and he emphasized that he wanted to make it clear to everyone that there is no guarantee this is going to happen. He indicated that past City Councils have accepted the will of the majority of the neighborhoods in delaying installation of water and sewer until there was an overriding need such as a deteriorated road condition, etc. He provided the delay requested by the property owners on Lloy Street as an example where the installation of water and sewer was delayed for a number of years upon the request by a majority of the property owners.

Mayor Strazdas noted that the survey indicated a majority of the property owners in this instance do not want installation of water and sewer, that past policy of City Council would have the majority drive the special assessment, and asked Mr. Shaffer for his assurances that there is no plan for a special assessment. Mr. Shaffer emphasized that City Council is the “gatekeeper” of that entire process, notwithstanding any predisposition of the Administration, and noted that the survey was a result of a response to the question of what, if anything, would the City do to enhance the sale ability of the property, but that the two issues are not linked. Councilmember Urban clarified that this is not the policy of City Council, but a past practice, and City Council does have the option of deciding to do the project and impose the special assessment, even in the case of a negative survey or vote of the affected citizens because the best interest of the City controls. Discussion followed.

Peter Prihoda, 207 Cliffwood Avenue, objected to installation of water and sewer for his neighborhood and referred to the survey letter and post card sent to the neighborhood. He also indicated that he received his letter after the February 20, 2015 deadline for the return of the post card. He indicated that his neighbors John and Theresa Imus, 301 Cliffwood Avenue, and Nick and Coleen Brown, 227 Cliffwood Avenue, did not receive the survey letter and post card at all. He scrutinized the votes on the copies of the postcards (without names and signatures) procured by, Ron Warner, 202 Cliffwood Avenue. Discussion followed. He referred to the request of the buyer, Dan Vander Ploeg to have an extension of time of three years instead of only two years to construct a single-family dwelling in order to receive the \$3,000 refund incentive on the purchase price. He read from the June 9, 2015 Communication from the City Manager, Sale of Property – 10323 Archwood Drive, “Based on a recent survey of property owners in the vicinity of the property at 10323 Archwood Drive, the City Administration proposes to install public sewer and water along Archwood Drive and Cliffwood Drive in the spring of 2017....” He asked whether Mr. Vander Ploeg would have to pay the Special Assessment if he builds in 2018, after the installation of public sewer and water along Archwood Drive and Cliffwood Drive in the spring of 2017.

Mayor Strazdas explained that the survey revealed that the citizens do not want the installation of public sewer and water, and the City Manager does not recommend the installation of public sewer and water tonight; with that, he suspects the City Council will not wish to proceed with the installation of public sewer and water tonight. Councilmember Urban pointed out that that issue is not before the City Council and will not come before Council until the adoption of the FY 2016-2017 Budget. Discussion followed. In answer to Mayor Strazdas, Mr. Shaffer indicated that the Administration will not be getting water and sewer for the Archwood property next year; furthermore, he re-emphasized that City Council is the “gatekeeper” of that process, so water and sewer is not tied to the deal to sell this property; also, special assessments go with the property, not the property owner, so it would be charged to the titleholder, so any successor in title would be responsible for the assessment and explained. Discussion followed.

City Attorney Randy Brown interjected as a reminder that the only action before City Council is the adoption of the resolution to make the final decision on July 7, 2015, on the sale of the property. Discussion followed.

At the request of Mayor Strazdas, Community Development Director Vicki Georgeau clarified that with regard to the purchase agreement as presented, the purchaser understands the process in that there is no water and sewer, and expressed an interest in getting the rebate being offered as an incentive that the Administration put in place to help sell the property. She said he plans to put in a well and septic system, but his plans could change and he is still trying to finalize how he wishes to proceed.

Discussion followed and Councilmember Urban indicated that 301 Cliffwood Avenue is not a part of the Special Assessment District and that is why they did not receive the letter and survey card.

Motion by Urban, seconded by Ansari, to adopt the resolution to sell city property located at 10323 Archwood Drive, place the resolution on file with the Office of the City Clerk for 28 days and take final action on July 7, 2015.

Councilmember Ansari spoke in favor of the sale as a benefit for the schools, the City and the District Library.

Councilmember Randall concurred and reviewed the history of the discussion about the sale of the 10323 Archwood Drive property during her past six years as a City Councilmember. She spoke in favor of the sale and indicated that City Council determined that this is the best use of the property for all of the citizens in Portage, not just the neighborhood, nor the proposed neighborhood garden and explained. She expressed her appreciation to City Council for considering this action.

Mayor Strazdas concurred and thanked Mr. Shaffer for clarifying the water and sewer question as discussed earlier. He asked Mr. Brihoda to come forward and he explained the rationale for the interest in a vegetable garden, and emphasized that the neighbors would rather have a neighbor on the property instead and restated his concern that there was an appearance that the City wanted to “ram” water and sewer down the street and explained.

Mayor Pro Tem Pearson commended City Manager Shaffer and his staff for finding a buyer for the property since it sat empty for years and explained. He then gave credit to Councilmember Randall for finding the real reason why the property would not sell at auction. She found out that it was bundled with dozens of undesirable properties located outside Portage which required the successful bidder to buy all of the distressed properties in undesirable locations in order to get the nice property in a nice Portage neighborhood.

Mayor Strazdas pointed out that this happened in the middle of the recession when few people would buy anything and explained. Upon a roll call vote, motion carried 6 to 0. Resolution recorded on page 1 of City of Portage Resolution Book No. 46.

* **SALE OF CITY PROPERTY - 1521 HELEN DRIVE:** Motion by Urban, seconded by Ansari, to adopt the resolution to sell city property located at 1521 Helen Drive, place the resolution on file with the Office of the City Clerk for 28 days and take final action on July 7, 2015. Upon a roll call vote, motion carried 6 to 0. Resolution recorded on page 5 of City of Portage Resolution Book No. 46.

* **PROPOSED THREE-YEAR LABOR AGREEMENT WITH THE UNITED AUTO WORKERS:** Motion by Urban, seconded by Ansari, to authorize the Mayor and City Clerk to execute the three-year labor agreement between the City of Portage and the United Auto Workers. Upon a roll call vote, motion carried 6 to 0.

* **LIFE AND LONG-TERM DISABILITY INSURANCE:** Motion by Urban, seconded by Ansari, to approve a two-year contract renewal with The Hartford for employee basic life, basic accidental death and dismemberment, contributory life, contributory accidental death and dismemberment, dependent life and long-term disability insurance and authorize the City Manager to execute all documents on behalf of the city. Upon a roll call vote, motion carried 6 to 0.

* **DELINQUENT WATER AND SEWER BILLS:** Motion by Urban, seconded by Ansari, to order notice to applicable property owners that all water and/or sewer charges remaining unpaid as of June 30, 2015, will be transferred to the 2015 city tax roll and assessed against the property for which the services were furnished. Upon a roll call vote, motion carried 6 to 0.

* **JUNE 23, 2015 COMMITTEE OF THE WHOLE MEETING:** Motion by Urban, seconded by Ansari, to set a Committee of the Whole (COW) meeting for Tuesday, June 23, 2015, at

6:00 p.m. in Conference Room No. 1 to discuss the topic of Public Safety. Upon a roll call vote, motion carried 6 to 0.

COMMUNICATION:

HISTORIC DISTRICT COMMISSION CHAIR MARK REILE: Historic District Commission Chair and Architect Mark Reile described his involvement with historical properties in Portage over the years, described the scattered Portage Historic District and mentioned the three buildings located in Celery Flats, the School House, Stuart Manor and the Grain Elevator. He mentioned that the Historic District Commission was instituted in 1990-1991 and explained the purpose of the Commission and described some of the past and current activities and concerns of the Commission. He welcomed any funding in order to continue preservation of historic Portage properties. Discussion followed. Mayor Strazdas expressed his appreciation to Mr. Reile for his volunteerism.

Councilmember Urban asked that the Administration provide the process for taking a property off of the Historic Register. Discussion followed.

In answer to Councilmember Randall, Mr. Reile indicated that the Historic District does not apply to what happens inside a home except where a remodel results in the relocation of a door or window because it affects the outside integrity or appearance of the building. In response to her question regarding the restoration of barns and out buildings for tens of thousands of dollars, Mr. Reile indicated that it is a delicate balance, and that the Commission is developing a policy to assist the new buyer when one of the Historic homes is purchased.

In answer to Mr. Ford, Mr. Reile indicated that the common reason for owners wanting to sell an Historic home is because there seems to be a whole new level of oversight and that could limit what can be done with the property and explained. Discussion followed.

Motion by Ansari, seconded by Urban, to receive the Presentation by Historic District Commission Chair Mark Reile. Upon a roll call vote, motion carried 6 to 0.

* **MINUTES OF BOARDS AND COMMISSIONS MEETINGS:** City Council received the minutes of the Portage Planning Commission of May 7, 2015.

BID TABULATIONS:

* **MILL AND FILL SUMMER REPAIRS – BID TABULATION:** Motion by Urban, seconded by Ansari, to award a contract in the amount of \$283,545.05 to Michigan Paving & Materials, Incorporated, for mill and fill asphalt repair of major and 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 6 to 0.

* **CURB REPAIRS – BID TABULATION:** Motion by Urban, seconded by Ansari, to award a contract in the amount of \$67,233.60 to Northern Construction Services Corporation to provide curb repairs 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.

* **LAKEVIEW PARK AND HAYLOFT THEATRE PARKING LOT IMPROVEMENTS – BID TABULATION:** Motion by Urban, seconded by Ansari, to accept the low bid in the amount of \$49,208.45 from Wyoming Asphalt Paving, Incorporated, to provide repairs to the Lakeview Park and Hayloft Theatre parking lots 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.

* **RAMONA PARK TENNIS/PICKLEBALL COURT UPGRADES – BID TABULATION:** Motion by Urban, seconded by Ansari, to approve a contract in the amount of \$46,300 with J. Allen &

Company, Incorporated, for the upgrade to the Ramona Park tennis/pickleball courts and approve Change Order #1 in the amount of \$19,064 to J. Allen & Company, Incorporated, for an additional tennis/pickleball court at unit pricing within the contract 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.

* **LOVERS LANE BIKEWAY IMPROVEMENTS – BID TABULATION:** Motion by Urban, seconded by Ansari, to accept the low bid in the amount of \$41,080 from J. Allen & Company, Incorporated, to provide repairs to the Lovers Lane 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 6 to 0.

* **APPARATUS FLOOR COATING PROJECT FOR FIRE STATION #1 – BID TABULATION:** Motion by Urban, seconded by Ansari, to approve the bid in the amount of \$28,000 to Great Lakes Caulking & Waterproofing for the Fire Station #1 apparatus floor coating project and authorize the City Manager to execute all documents related to this matter on behalf of the city. Upon a roll call vote, motion carried 6 to 0.

OTHER CITY MATTERS:

STATEMENTS OF CITIZENS: A young Boy Scout from Three Rivers came forward and informed City Council that he was present at the meeting in an effort to get information for his Communication Merit Badge and mentioned he received a lot of notes from the meeting to help him earn the Badge. Discussion followed.

STATEMENTS OF CITY COUNCIL: Councilmember Ford congratulated Public Media Network for getting live streaming to work for the City Council Meeting, Councilmember Ansari concurred and Mayor Pro Tem Pearson indicated that he was looking forward to live streaming on Apple Computer products.

Councilmember Urban indicated that school is now out and asked everyone to be careful of the children in the neighborhoods playing outside and participating in summer activities all day long.

City Manager Shaffer reviewed the details of his June 9, 2015 Materials Transmitted Communication regarding Current Construction Updates for South Westnedge Avenue, Oakland Drive and West Osterhout Avenue. Discussion followed.

Mayor Strazdas indicated that he has attended over 100 Eagle Scout Courts of Honor. He also mentioned the ribbon-cutting ceremony for the new Habitat for Humanity Store on South Westnedge Avenue and noted that the ribbon that had to be cut was a wooden 2 x 4. He then expressed his condolences for Chhay Wong and Calvin Chao, who drowned on Wednesday on Bankson Lake near Lawton, and who often spent Saturday mornings working hard building homes for Habitat for Humanity. He indicated that he attended the rededication of Milham Meadows, which is home to 1,000 Portage citizens, and he thanked the VanderVeen family, who conveyed the property to an entity that has already invested \$1 million in the property and will make sure the property is well-maintained.

ADJOURNMENT: Mayor Strazdas adjourned the meeting at 8:27 p.m.

James R. Hudson, City Clerk

*Indicates items included on the Consent Agenda.