

City of Portland

Portland, Michigan

Minutes of the City Council Meeting

Held on Monday, August 5, 2013

In Council Chambers at City Hall

Present: Mayor Pro-Tem VanSlambrouck, Council Members Calley, Fabiano and Krause; City Manager Dempsey; City Clerk Miller; DDA/Main Street Director Reagan; Police Chief Knobelsdorf

Absent: Mayor Barnes

Guests: Dan Lawless; Tom Thelen of the Review & Observer

The meeting was called to order at 7:00 P.M. by Mayor Pro-Tem VanSlambrouck with the Pledge of Allegiance.

Motion by Krause, supported by Calley, to approve the Proposed Agenda as presented.

Yeas: Krause, Calley, VanSlambrouck, Fabiano

Nays: None

Absent: Barnes

Adopted

Motion by Krause, supported by Fabiano, to excuse the absence of Mayor Barnes.

Yeas: Krause, Fabiano, VanSlambrouck, Calley

Nays: None

Absent: Barnes

Adopted

Under the City Manager Report, City Manager Dempsey presented information on the action items for consideration on the Agenda and provided information for the First Reading of Proposed Ordinance 1A to regulate the use of fireworks and a Proposed Ordinance 171B to amend the Lot Split Ordinance.

City Manager Dempsey stated a few complaints have been received at the City in regard to the use of fireworks in the City Limits. Act No. 65 of the Public Acts of Michigan was approved by the Governor on June 19, 2013 providing more local control on the use of fireworks. Act 65 allows municipalities to regulate the use of fireworks except on days surrounding national holidays, and then for municipalities within counties with a population fewer than 75,000 ordinances can be enacted regulating the time of 1:00 A.M. and 8:00 A.M. on the day before, the day after and the day of national holidays.

City Manager Dempsey stated that County Treasurer Judy Clark has requested the City amend its lot split approval process to include checking with the County Treasurer's Office to verify there are no outstanding taxes before approving the application. This would eliminate "stand alone" years on delinquent taxes. When a parcel is split or combines and there are delinquent taxes on prior years, the new parcel number will not show the delinquent taxes. This is a problem for new owners who are not aware of delinquent taxes and makes collecting delinquent taxes more difficult for the County. If the

taxes are not paid for 3 years the newly created parcel is still subject to foreclosure. The new property owner may be tracked down until the new parcel is in forfeiture and the County begins title searches thus causing the property owner unnecessary fees and interest.

The proposed Ordinance 171B would amend Section 16-1 and add Sections 16-2, 16-3, 16-4 and 16-5 to provide application standards, procedure, approval standards, and consequences of noncompliance with land division approval requirements not previously outlined in the City Code of Ordinances. The proposed changes would allow approval by the Assessor rather than having to be taken to the Planning Commission and City Council for approval; but does provide for an appeal process to the City Council.

Under Presentations, DDA/Main Street Director Reagan gave a report on Downtown activities. The Portland Pay Day event continues through August 23rd with the prize party scheduled for August 29th. There are 19 businesses participating this year. Over the past four years, this promotion has kept over \$247,000 in the Portland community.

“Wine the Walk” will be held Saturday, August 17th from 4-11 P.M. on the Boardwalk. The event will feature craft beer and Michigan made wines with light entertainment.

The Scout Park fencing project has been completed with the help of the DPW installing the sections of fencing. The new fence aesthetically improves the look of the area and provides a separation between the park and the parking lot. The project was paid for out of budgeted funds from the Portland Main Street Design Committee’s budget.

Under New Business, the Council discussed proposed Ordinance 171B.

Council Member Krause stated City Manager previously answered some of the questions she had. The City has approximately 2 lot splits per year. The process can take up to 45 days; but usually does not take that long.

Council Member Krause also stated in her research she could only find one community that has assessor approved lot splits. In reading the Land Division Act she found some inconsistency in whether lot splits need to be approved by a legislative body or can be approved solely by the assessor.

Council Member Krause stated she would like to Table proposed Ordinance 171B or discuss whether any changes need to be made.

Council Member Fabiano agreed with Council Member Krause and stated he is always concerned with changing language in Ordinances. He further stated the State is moving towards making laws less restrictive; this seems to be doing the opposite. He also understands the need to ensure taxes are paid on properties and doesn’t have a problem approving a change in this regard.

Council Member Calley stated his motivation for considering the Ordinance change was the request from the County Treasurer; maybe there is a shorter, easier way to meet her needs.

Mayor Pro-Tem VanSlambrouck stated the changes being proposed are not really changes; the purpose is to procedurally lay out the process that is already followed but is not in the City Code of Ordinances.

The only changes proposed are the assessor approval of lot splits and ensuring taxes are paid on the parcels.

City Manager Dempsey stated the proposed changes would also provide an appeals process if the party felt the Assessor wasn't applying the rules correctly.

There was continued discussion.

Motion by Fabiano, supported by Krause to Table the First Reading of Ordinance 171B to amend Chapter 16, Article 1, Section 16-1 of the City Code of Ordinances regulating the division of land in the City and add Sections 16-2, 16-3, 16-4 and 16-5 to the City Code of Ordinances to provide application standards, procedure, approval standards, and consequences of noncompliance with Land Division Approval Requirements.

Yeas: Fabiano, Krause, VanSlambrouck, Calley

Nays: None

Absent: Barnes

Tabled

The Council considered Resolution 13-64 for a contractual rate increase for biosolids management services with Synagro Central LLC. The City entered a five-year agreement that maintained existing prices for the first two years and allows the agreement to be increased based on the Consumers Price Index (CPI) for the closest metropolitan area to the Wastewater Treatment Plant capped at 3% for the next three years. In 2011 the City approved a 3% rate increase for the third year of the agreement. In 2012 the City approved a 0.4% rate increase for the fourth year of the agreement. Synagro has requested a 2.1% increase for the fourth year of the agreement (July 1, 2013 through June 20, 2014) based on the CPI. City Manager Dempsey reviewed the request and recommended its approval by the City Council.

Motion by Fabiano, supported by Calley, to approve Resolution 13-64 approving a contractual rate increase for biosolids management services.

Yeas: Fabiano, Calley, VanSlambrouck, Krause

Nays: None

Absent: Barnes

Adopted

The Council considered Resolution 13-65 to purchase a metering cabinet, meter, socket, and ground sleeve to meter electricity generated at the City's hydroelectric plant to be capable of providing real time readings of the electricity being generated at that facility that are more accurate than the manual readings that are currently being taken once per day and faxed to the Michigan Public Power Agency (MPPA) monthly. Electric Superintendent Hyland and City staff have worked with GRP Engineering to design a system that would provide real-time readings of the electricity being generated and transmit the data via the internet to the MPPA and allow City staff to monitor electric production at the hydroelectric plant remotely. On July 30th the Board of Light and Power reviewed proposed bids and approved the Engineer's recommendation.

Motion by Krause, supported by Calley, to approve Resolution 13-65 approving the Board of Light and Power's recommendation to purchase a metering cabinet, meter, socket, and ground sleeve to meter electricity generated at the City's hydroelectric plant.

Yeas: Krause, Calley, VanSlambrouck, Fabiano

Nays: None

Absent: Barnes

Adopted

The Council considered Resolution 13-66 to approve GRP Engineering, Inc.'s proposal to provide mapping services for the City's electrical system. The Board of Light and Power would like to map and inventory the City's primary electric system to obtain AutoCAD files and truck maps that would include the conductor size, type of construction, transformer information and protection devices that can be used for the future creation of a system model to be used to analyze and correct operation of the electric distribution system to limit outages by faults in the system. Electric Superintendent Hyland has worked with GRP Engineering, Inc, a power utility and electrical engineering company to obtain a proposal for mapping services. On July 30th the Board of Light and Power reviewed GRP's proposal and approved a recommendation that the City Council approve GRP's proposal for an amount not to exceed \$13,500.

City Manager Dempsey stated this information will provide for a very useful transfer of knowledge device. This will be the first step in mapping out the system. It will be able to be used for modeling software. This first step should be completed by the end of the year.

Council Member Fabiano inquired if we currently have the modeling software.

City Manager Dempsey stated we do not have modeling software yet. It has not been quoted yet but will likely be more costly than this first step.

Motion by Calley, supported by Krause, to approve Resolution 13-66 approving the Board of Light and Power's recommendation to approve GRP Engineering, Inc.'s proposal to provide mapping services for the City's electrical system.

Yeas: Calley, Krause, VanSlambrouck, Fabiano

Nays: None

Absent: Barnes

Adopted

Motion by Krause, supported by Fabiano, to approve the Consent Agenda which includes the Minutes and Synopsis from the Regular City Council meeting held on July 15, 2013, payment of invoices in the amount of \$153,545.84 and payroll in the amount of \$231,904.81 for a total of \$385,450.65. A purchase order to Resco in the amount of \$15,217.00 for transformers and to the United States Geological Survey in the amount of \$7,850.00 for the Streamgauging Station.

Yeas: Krause, Fabiano, VanSlambrouck, Calley

Nays: None

Absent: Barnes

Adopted

Under Public Comment, Dan Lawless, on behalf of St. Patrick's Athletic Association, addressed the fee charged to hold races on the River Trail. He thanked Mayor Pro-Tem VanSlambrouck and Council Member Fabiano for voting against charging these fees. The St. Patrick's Athletic Association is a non-profit group trying to raise funds for its athletic programs and has many volunteers hours invested in holding this event. The event also brings people to the community to spend money. His understanding is that the fee was added to help recover City costs to hold these types of events. Due to the many volunteers for this particular event that the St. Patrick's Athletic Association holds there should be very little City cost involved as they only have to unlock/lock the necessary gates on the trail.

Mr. Lawless asked the City Council to consider repealing the fees charged to non-profit groups holding races on the River Trail or to consider grandfathering races that have taken place before the fees were imposed.

Mayor Pro-Tem VanSlambrouck stated there are other fees the City has to consider such as police services, trash pick-up, etc. that are not all on the day of the race.

Mr. Lawless stated they have police at one intersection and not sure if it is required or not. There are adults volunteering at the other crossings.

City Manager Dempsey clarified that when police are used at road crossing for races on the trail; the officer on duty is used. An additional officer is not called in to do this.

City Manager Dempsey also stated the City Council approved the Parks and Recreation Board recommended scaled fee based on the number of participants. The fee is in place only for the few organizations that are raising money by using public resources. The Parks and Recreation Board thought these non-profit organizations should carry some of the costs.

Mayor Pro-Tem VanSlambrouck stated his understanding that this was also recommended by the Parks and Recreation Board as an additional source of revenue.

There was continued discussion.

City Manager Dempsey stated that the Parish Festival, Relay for Life, and Adoption Associated have all held races this year on the river trail and have paid the fees adopted earlier this year.

Council Member Fabiano stated that he didn't support imposing the fees recommended by the Parks and Recreation Board for the exact reasons noted by Mr. Lawless. The City has built a beautiful trail system and we want people to come into the City and use the facilities.

Council Member Calley stated he would like to see the actual costs and would like further information on whether these fees are to generate revenue.

Under Council Comments, Council Member Fabiano gave an update on the Portland Area Fire Authority. The meeting locations rotate on an annual basis. Meetings will now be held at the Danby Township Hill on the 1st Tuesday of each month. Bill Stegenga is a new board member representing Portland Township. The new Fire Chief, John Baker has been very busy and has been doing a very good

job. He has developed a 5-year plan for vehicle and equipment replacement. A policy and procedure manual has been completed and an auditor has been hired for the first audit of the authority. The authority also has a website and is on Facebook.

Mayor Pro-Tem VanSlambrouck extended his congratulations to all those involved with the Relay for Life held over the weekend.

Motion by Fabiano, supported by Calley, to adjourn the regular meeting.

Yeas: Fabiano, Calley, VanSlambrouck, Krause

Nays: None

Absent: Barnes

Adopted

Meeting adjourned at 8:07 P.M.

Respectfully submitted,

James E. Barnes, Mayor

Monique I. Miller, City Clerk