

City of Portland

Portland, Michigan

Minutes of the City Council Meeting

Held on Monday, April 2, 2012

In Council Chambers at City Hall

Present: Mayor Barnes, Council Members Fabiano and Krause; City Manager Dempsey; City Clerk Miller; Police Chief Bauer

Absent: Mayor Pro-Tem VanSlambrouck, Council Member Calley

Guests: Portland Boy Scout Leaders Dwayne and Pam Nickelson, Boy Scout Hunter West; Kathy Parsons; Members of the Public; Tom Thelen of the Review & Observer; Jon Szerlag of the Sentinel-Standard

The meeting was called to order at 7:00 P.M. by Mayor Barnes with the Pledge of Allegiance led by Scout Leaders Dwayne and Pam Nickelson and Scout Hunter West.

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

Yeas: Krause, Fabiano, Barnes

Nays: None

Absent: VanSlambrouck, Calley

Adopted

Motion by Krause, supported by Fabiano, to excuse the absence of Mayor Pro-Tem VanSlambrouck and Council Member Calley.

Yeas: Krause, Fabiano, Barnes

Nays: None

Absent: VanSlambrouck, Calley

Adopted

Under the City Manager Report, City Manager Dempsey presented information on the action items for consideration on the Agenda.

City Manager Dempsey reminded residents that the Annual Community Clean-Up will be held Saturday, April 28th at the DPW compound at 451 Morse Dr. from 7:00 A.M. to 3:00 P.M. The Clean-Up is a joint effort between the City, Portland Township and Danby Township. The Parks and Recreation Director has also scheduled the Riverwalk Clean-Up Day for Saturday, April 28th. Anyone interested in helping should meet at the Railroad Bridge at 9:00 A.M. Hazardous Waste Clean-Up will be held on Saturday, May 5th from 8:00 A.M. – Noon on the East side of the Fire Department.

City Income Tax returns are due April 30th. The City Income Tax applies to everyone who works within the City, homeowners and renters.

The City Water Department will conduct its semiannual preventative maintenance program on the water system by systematically flushing all fire hydrants from April 9th to 20th.

Ionia County Central Dispatch will be testing the City's sirens at Noon on the first Saturday of each month. If residents hear the tornado siren at any other time it means a tornado warning has been issued for the area and residents should seek shelter immediately.

City offices will be closed on April 6th for Good Friday.

Under Public Hearings, Mayor Barnes opened the Public Hearing at 7:11 P.M.

City Manager Dempsey gave an outline of the proposed Joint Fire and Emergency Services Agreement with Portland and Danby Townships that he and Council Member Fabiano have been working on with members of Portland and Danby Townships.

The proposed agreement is for a 3-year term in order to see if it will work for all municipalities. It is based on the Urban Cooperation Act. For all practical purposes the Fire Department will be the same. All employees will transfer to the Authority at the same wage but will be under the governing board of the Authority. The Fire Chief would report to the Board which will consist of 2 members from each municipality, 1 from the legislative body and 1 from the community at large. The Open Meetings Act will apply. The Authority would have the ability to employ a part-time Fire Chief.

Under the proposed agreement, municipalities could be added to the Authority with the approval of each jurisdiction member. The budget will need to be approved unanimously by the Board. The funding formula proposed for each jurisdiction would be based on 1/3 SEV values, 1/3 population, and 1/3 on the number of runs using a 3-year average. Quarterly payments would be paid in advance by each jurisdiction. An annual audit must be completed. Invoicing to jurisdiction residents must be done by each individual jurisdiction. The Authority will pay for water usage based on the rate set by the Portland City Council.

The Fire Department building currently belongs to the Portland Area Municipal Authority (PAMA) with the City of Portland having 40% ownership, Portland Township 40% ownership, and Danby Township with 20% ownership. With the proposed agreement PAMA would still exist with same stakeholder percentages.

Substations would be permitted at the cost of the individual jurisdiction. The Authority would be able to use and occupy the substation at no cost. The substation would be required to be built to the specifications of the Authority.

The City will allow its equipment to be leased by the Authority at a cost of \$1.00 per year. The Authority must insure the equipment.

If one of the municipalities were to withdraw from the Fire Authority the City would be required to buy out the Townships interest in PAMA and return their investment over five years. A Dissolution Provision and Dispute Resolution are included in the Agreement. Amendments to the Agreement are allowed but must be approved by each legislative body.

Mayor Barnes thanked City Manager Dempsey and Council Member Fabiano for their time and effort in developing the proposed agreement.

Mayor Barnes inquired what will happen with the current Fire Chief.

City Manager Dempsey stated the current Fire Chief will remain with the formation of the Authority then his future will be determined by the Board. The Fire Chief is currently a full-time City employee and is paid a \$4,800 stipend to be the Fire Chief. He would remain a full-time City employee and the Authority would pay the stipend to be the Fire Chief.

Mayor Barnes confirmed that if fire equipment is bought during the first 3 years of the Authority and then the Authority is dissolved at the end of 3 years the equipment would be sold at market rate with the proceeds being split the same as when purchased.

Mayor Barnes inquired if a substation is built in one of the townships would the equipment housed in the substation could be owned by the Authority?

City Manager Dempsey stated this is possible.

Mayor Barnes asked how many Fire Department employees there are.

City Manager Dempsey stated there are 28 employees at this time. The ability to hire, fire and discipline employees may be delegated to the Chief; which is typical.

Mayor Barnes remarked that as he understands there have been no complaints from either Portland Township or Danby Township in regard to service provided.

City Manager Dempsey stated he also believed that to be true. They have not stated they have been unhappy with service but want to have a part in the governance of the Fire Department. They want to be stakeholders.

Mayor Barnes stated that in the past the responsibility for fire and ambulance runs to the rest area have fallen to Danby Township since the rest area is located there. Negotiations for the Consent & Franchise Agreement to run water service to the rest area led to the City taking over responsibility for the fire and ambulance runs in lieu of the City paying a franchise fee to Danby Township. Mayor Barnes inquired if this would remain the same with the proposed agreement or if it would be appropriate to share this expense with the Authority instead of the City bearing all the responsibility.

City Manager Dempsey stated this issue was discussed during the course of negotiations for the proposed agreement. Danby Township did not want to lose this benefit of previous negotiations.

Pam Nickelson stated her understanding that the Townships want to be stakeholders in the Fire Department but inquired what the benefit is to the City.

City Manager Dempsey stated the Portland Township had threatened to contract with another municipality for fire service so the City could potentially lose financial support for the Fire Department. The Fire Department provides good service and the City does not desire to lose that; we want to maintain the same level of service. In addition, the City will benefit by being partners with the Townships. There will be shared purchase of equipment in the future; purchases won't be entirely the City's responsibility.

Mrs. Nickelson stated her understanding that there will be "community building" that takes place by moving to an Authority.

Mayor Barnes stated his concern that equipment could be placed in a substation; instead of the main station, to the disadvantage of City residents. There is some control that is given up by going to an Authority.

Mrs. Nickelson stated her belief that in weighing the advantages and disadvantages it is worth trying out the Authority.

City Manager Dempsey stated that it may be more challenging to run the Fire Department as there will be more “bosses”. He further stated that there is a provision in the Agreement that the current fire station must remain the primary fire station.

Council Member Fabiano spoke to the concerns raised by Mayor Barnes. Portland and Danby Townships could “team up” against the City; or there could be other “teaming up” between parties. Ultimately, disagreements will fall back to the budget. Most matters will be reflected in budget items which have to be approved by each jurisdiction.

Mayor Barnes closed the Public Hearing at 7:46 P.M.

Under New Business, the Council considered Resolution 12-31 to approve participation in the State Bid Process for Winter Road Salt 2012-2013. Because of the mild winter City Manager Dempsey and the DPW Foreman Royal Thomason recommend using the MiDEAL program again this year and submitting the requisition for 150 tons of salt for the early delivery and 150 tons for the seasonal backup.

Motion by Krause, supported by Fabiano, to approve Resolution 12-31 approving participation in the State Bid Process for Winter Road Salt 2012-2013.

Yeas: Krause, Fabiano, Barnes

Nays: None

Absent: VanSlambrouck, Calley

Adopted

The Council considered Resolution 12-32 for a Boardwalk Café Permit Agreement for Cheeky Monkeys LLC to place tables and chairs out on the boardwalk.

Motion by Fabiano, supported by Krause, to approve Resolution 12-32 approving, authorizing, and directing the Mayor and Clerk to sign a Boardwalk Café Permit Agreement.

Yeas: Fabiano, Krause, Barnes

Nays: None

Absent: VanSlambrouck, Calley

Adopted

The Council considered Resolution 12-33 for a License Agreement to farm the 52.9 acres at Grand River Ave. and Cutler Rd. The EDC anticipates that no development activity will occur on the remaining 52.9 acres during 2012 and recommends that City permit a license to farm that portion of the property. The City Manager presented information outlining his recommendation on the Farmland License Agreement for the acreage at Cutler Rd. and Grand River Ave. The existing tenant has been licensed to farm the property for the past 5 years based upon a bid price which has been annually adjusted based on the rate of inflation and the acreage available. After evaluating comparable land rents and crop prices the existing licensee has agreed to increase his payment by 5% so the cash rents proposed for 2012 would be \$138.02 per gross acre.

Motion by Krause, supported by Fabiano, to approve Resolution 12-33 approving, authorizing, and directing the Mayor and Clerk to sign a License Agreement to farm the 52.9 acres at Grand River Ave. and Cutler Rd.

Yeas: Krause, Fabiano, Barnes

Nays: None

Absent: VanSlambrouck, Calley

Adopted

The Council considered Resolution 12-34 to set a Special Meeting for a Budget Workshop to be held at 7:00 P.M. on Wednesday, April 18th.

Motion by Fabiano, supported by Krause, to approve Resolution 12-34 to schedule a Special Meeting of the City Council for a Budget Workshop.

Yeas: Fabiano, Krause, Barnes

Nays: None

Absent: VanSlambrouck, Calley

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 March 19, 2012, payment of invoices in the amount of \$592,884.60 and payroll in the amount of \$122,212.12 for a total of \$715,096.72. Included were purchase orders to Resco in the amount of \$7,397.50 for Kerite Wire and \$9,717.00 transformers.

Yeas: Krause, Fabiano, Barnes

Nays: None

Absent: VanSlambrouck, Calley

Adopted

There were no Council Member comments.

Motion by Fabiano, supported by Krause, to adjourn the meeting.

Yeas: Fabiano, Krause, Barnes

Nays: None

Absent: VanSlambrouck, Calley

Adopted

Meeting adjourned at 7:49 P.M.

Respectfully submitted,

James E. Barnes, Mayor

Monique I. Miller, City Clerk