

City of Portland

Portland, Michigan

Minutes of the City Council Meeting

Held on Monday, April 16, 2012

In Council Chambers at City Hall

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

Guests: Ionia County Undersheriff Dale Miller; Ionia County Commissioner James Lower; Kathy Parsons; 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.

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

Yeas: Calley, VanSlambrouck, Fabiano, Krause, Barnes

Nays: None

Adopted

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

City Manager Dempsey reported that MDOT will be working on two projects in the Portland area this year. The first project will begin this week and is scheduled to continue through the end of July. The project will be on I-96 from M-66 to the Clinton County line. It will include 3-mile lane closures and work on the ramps. The ramps will remain open during construction.

MDOT will begin the I-96 bridge removal and placement of the box culvert along the Rivertrail after the 4th of July and is scheduled to complete the project by the end of October. The low bidder on the project was Anlon Corporation. During the course of the project a detour will be in place for pedestrians on the Rivertrail.

Council Member Calley asked if the detour will become a permanent option to traveling the box culvert that will be placed for passage under I-96.

City Manager Dempsey stated that the detour route will not be permanent as there was not enough funding for this option. There will be LED lighting installed in the box culvert as part of the project.

Under Presentations, DDA/ Main Street Director Reagan gave a report on the downtown. Applications are now being accepted through May 15th for local façade grants. The DDA will offer two matching grants for up to \$5,000 for façade work based on historic preservation and revitalization.

The Downtown Block Party will be held Saturday, May 19th. There will be a larger car show, great music, great local food, and the return of the “Party Pavilion” and other fun activities from Bouncers and More and the Portland Rodeo Days organization.

The Economic Revitalization Committee will hold “Social Media” classes at the Portland High School Computer Lab on April 30th and May 8th.

The Portland Pay Day Promotion will be held June 1st through August 30th.

City Manager Dempsey presented the Arbor Day Proclamation to recognize Arbor Day and the importance of trees. The City of Portland is a Tree City USA. As part of this status the City is required to proclaim Arbor Day each year as well as spend a certain dollar amount on new trees. The City also distributes seedlings to 2nd graders at Portland Public Schools each year.

Mayor Barnes stated that Portland has been a Tree City USA since 2002. Portland is proud of this status and that the efforts that are invested in keeping it.

Ionia County Undersheriff Miller introduced himself and stated that he will be seeking the office of Ionia County Sheriff in the upcoming election season. Ionia County Sheriff Dennis has decided not to seek reelection. Undersheriff Miller has held his position with the Ionia County Sheriff Department for the past 11 years. He has dealt with budget, personnel and many other critical issues and feels he is qualified for the office.

Under New Business, the Council considered Resolution 12-35 for the Proposed Joint Fire and Emergency Services Agreement with Portland and Danby Townships.

Mayor Barnes noted concerns that he has had going into this process. City Manager Dempsey has stated previously that the current structure will stay the same. Mayor Barnes stated that there is nothing to guarantee that the new Board will not make changes.

Regional cooperation has been one of the factors in considering a Fire Authority with the Townships. The City is currently in agreements to respond to the Townships with fire services. Mayor Barnes asked if the proposed agreement would enhance the City’s regional cooperation as mandated by the State of Michigan.

City Manager Dempsey stated that with either agreement the City would be meeting the requirements of the State.

Mayor Barnes stated the Townships have had no complaint with cost or service by the Fire Department. They have stated they want a “seat at the table”. He further stated that this doesn’t necessarily mean it should be granted. There is no need to fix something that is not broken.

Mayor Barnes stated the day-to-day running of the Fire Department could be delegated to the Fire Chief; but this may be contrary to their wishes in having a “seat at the table”.

Mayor Barnes also stated that there is equal representation in voting as each of the 3 jurisdictions will have 2 votes. Payment to the Fire Department is not divided equally though.

Mayor Barnes inquired if the cost of the Authority being insured would be higher than what the City currently pays.

City Manager Dempsey stated it would be slightly higher; but not significantly.

Mayor Barnes asked if legal liability would stop at the Authority or if it could be extended to the City as well.

City Manager Dempsey stated legal liability would stop at the Authority.

Mayor Barnes asked if the City voted to not fund particular equipment or a project if the Townships could fund it themselves.

City Manager Dempsey stated this would be possible; nothing would prohibit them from doing so.

Mayor Barnes stated that he agrees with how these concerns have been addressed but he still has issue with how appointments to the Authority Board can be made. He believes it would have a harmful effect that according to the wording in the proposed agreement the City Manager would be unable to serve on the Board as he is not a City resident. He is the person with the most knowledge of City business. He suggested the proposed agreement be approved contingent on a change that the City could appoint whomever it sees fit to serve on the Authority Board.

Council Member Fabiano explained the rationale behind who could be appointed to the Board; it is perceived fairness. As the City Manager is a resident of Danby Township it could be perceived that Danby Township would have 3 members although the he would be acting on behalf of the City of Portland.

Mayor Barnes stated his belief that the City should be able to appoint whoever it feels comfortable with.

Council Member Calley stated his agreement with Mayor Barnes. He stated that City Manager Dempsey would represent the City well; as he does every day.

Council Member Krause stated her belief that the conflict of interest could be overcome by the fact that City Manager Dempsey would be representing the City as the City Manager. She also stated she would feel uncomfortable if the City Manager were not serving on the Authority Board.

Council Member Fabiano questioned if this would be the correct decision.

Mayor Pro-Tem VanSlambrouck stated that at least this would give the City Council the option to appoint whomever they felt most comfortable appointing.

City Manager Dempsey stated that all meetings of the Authority Board would be open meetings that he could attend if he was not on the Board. He would still work with and be involved with the City members to the Authority Board. At the same time, he wouldn't mind serving on the Board either. He further stated that the proposed Agreement would reduce the City's cost of running the Fire Department by about \$12,000. The only way to find out if the terms of the current proposed Agreement is to try it. He further stated his belief that the City should try it out in terms of cooperation and economic development.

Mayor Barnes stated his bottom line is that he believes the City should be able to appoint whomever it sees fit to serve on the Authority Board.

Mayor Pro-Tem VanSlambrouck commented that the City hasn't even taken steps to take applications from the community for representatives to the Authority Board. There may be qualified individuals

willing to serve in the community. He questioned if this issue should be a deal breaker when applications haven't even been accepted yet?

Council Member Fabiano stated he has a problem with how making a change to the proposed Agreement at this time could be perceived when negotiations have been made in good faith. He commented that Mayor Barnes should have made this point earlier on in the process.

Mayor Pro-Tem VanSlambrouck stated that his biggest concern has always been that one of the Townships might walk away from the Fire Department.

City Manager Dempsey commented that Portland and Danby Townships held a joint meeting with their attorney which resulted in a couple of "tweaks" to the proposed Agreement leading to the revised version presented at tonight's meeting.

City Manager Dempsey suggested tabling the resolution and discussing this issue with the Townships rather than adopting the proposed Agreement with a contingency.

Council Member Calley stated the issue under discussion has been addressed as a major concern by the Council and Mayor Barnes during prior discussions. He inquired if this issue was raised during negotiations?

City Manager Dempsey stated this particular issue was raised but not addressed successfully.

Council Member Fabiano commented that it was never stated the Council wouldn't support the agreement based on this issue. He further commented his belief that it seems late in the game to have deal breakers.

Motion by VanSlambrouck, supported by Krause, to table Resolution 12-35 to approve, authorize, and direct the Mayor and Clerk to sign the Proposed Joint Fire and Emergency Services Agreement with Portland and Danby Townships.

Yeas: VanSlambrouck, Krause, Calley, Barnes

Nays: Fabiano

Adopted

The Council considered Resolution 12-36 for Ambulance Services Agreements and the Care Plan Membership Agreement Form. The City provides ambulance service to various political subdivisions through the Portland Area Ambulance Service. Those jurisdictions that would like the City to provide ambulance service to their citizens must sign a copy of the 2012-2013 Ambulance Services Agreement. Households may participate in the Portland Ambulance Care Plan Subscription Service to limit their out-of-pocket expenses for the uninsured portions of their ambulance bills.

Motion by VanSlambrouck, supported by Fabiano, to approve Resolution 12-36 approving, authorizing, and directing the Mayor and Clerk to sign Ambulance Services Agreements with Danby Township, Portland Township, Westphalia Township, Orange Township, Lyons Township, the Village of Westphalia, the Village of Pewamo, and Sebewa Township and approving the Care Plan Membership Agreement Form.

Yeas: VanSlambrouck, Fabiano, Calley, Krause, Barnes

Nays: None

Adopted

The Council considered Resolution 12-37 to set a Public Hearing on the proposed Budget for Fiscal year 2012-2013 on May 7, 2012 at 7:00 P.M. and to direct the City Clerk to publish a Public Notice of the hearing.

Motion by Krause, supported by Fabiano, to approve Resolution 12-37 setting a Public Hearing on the Budget proposed for Fiscal Year 2012-2013.

Yeas: Krause, Fabiano, VanSlambrouck, Calley, Barnes

Nays: None

Adopted

The Council considered Resolution 12-38 to reschedule a Special Meeting of the City Council for a Budget Workshop from 7:00 P.M. on April 18th to 7:00 P.M. on April 23rd to accommodate additional business items including a resolution approving the sale of property, a possible WWTP change order, and a possible lease-purchase agreement for a used vac-con sewer cleaning truck.

Motion by VanSlambrouck, supported by Calley, to approve Resolution 12-38 to schedule a Special Meeting of the City Council for a Budget Workshop.

Yeas: VanSlambrouck, Calley, Fabiano, Krause, Barnes

Nays: None

Adopted

The Council considered Resolution 12-39 to approve engineering services in the amount of \$11,965.22 on the WWTP project in the month of March.

Motion by Krause, supported by VanSlambrouck, to approve Resolution 12-39 approving engineering services for payment for the Wastewater Treatment Plant Improvement Project.

Yeas: Krause, VanSlambrouck, Calley, Fabiano, Barnes

Nays: None

Adopted

The Council considered Resolution 12-40 to approve Pay Request No. 10 to Davis Construction for work done on the Wastewater Treatment Plant Improvement Project for work completed through March 29th. The City's Engineer on the project has reviewed the pay request and is recommending its approval.

Motion by VanSlambrouck, supported by Krause, to approve Resolution 12-40 approving Pay Request No. 10 to Davis Construction for work done on the Wastewater Treatment Plant Improvement Project.

Yeas: VanSlambrouck, Krause, Calley, Fabiano, Barnes

Nays: None

Adopted

Motion by VanSlambrouck, supported by Fabiano, to approve the Consent Agenda which includes the Minutes and Synopsis from the Regular City Council Meeting held on April 2, 2012, payment of invoices in the amount of \$56,152.58 and payroll in the amount of \$96,724.07 for a total of \$152,876.65. There were no purchase orders over \$5,000.

Yeas: VanSlambrouck, Fabiano, Calley, Krause, Barnes

Nays: None

Adopted

Under Public Comment, Ionia County Commissioner James Lower introduced himself and stated his intention to run for County Clerk on the Republican ticket this election year. He has previous worked on campaigns for Lieutenant Governor Calley and Representative Paul Scott.

Under Council Comments, Council Member Krause commented that Jon Szerlag, reporter for the Sentinel-Standard, was leaving to pursue a higher education. Therefore, tonight will be his last attendance at a Portland City Council meeting. He has been a great asset to the community and will be missed.

Mayor Pro-Tem VanSlambrouck commented that he attended the National Main Street Conference in Baltimore earlier this month with other DDA/Main Street members. This was a great networking experience with lots of great information for building downtowns. There is a lot going on all over the United States. Portland should be proud to be a part of the Main Street community.

Mayor Pro-Tem VanSlambrouck also commented that the VFW held a fundraising event this past weekend for the roof fund raising over \$3,000. The event was a great confidence builder for the organization.

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

Yeas: Fabiano, VanSlambrouck, Calley, Krause, Barnes

Nays: None

Adopted

Meeting adjourned at 8:10 P.M.

Respectfully submitted,

James E. Barnes, Mayor

Monique I. Miller, City Clerk