

City of Portland

Portland, Michigan

Minutes of the City Council Meeting

Held on Monday, July 18, 2011

In Council Chambers at City Hall

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

Guests: Ernie West of C2AE; State Representative Mike Callton; Kathy Parsons; Jon Szerlag of the Sentinel-Standard; Tom Thelen of the Review & Observer

The meeting was called to order at 7:00 P.M. by Mayor Barnes with the Pledge of Allegiance led by Ernie West.

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

Yeas: VanSlambrouck, Fabiano, Clement, Calley, 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 acknowledged the Electric Department Staff for their monitoring efforts in recognizing that the carbon tanks and organo clay used to recover fuel product from the diesel fuel spill at the Generator Building were not functioning correctly and in need of replacement.

City Manager Dempsey gave an update on the Wastewater Treatment Plant Improvement Project. The MDEQ has accepted the revision to the raw sewage pumping basis of design so the City is able to reject the quote for the larger pumps and approve the submittals for the specified pumps and get them released for production. This change will provide a 7% increase over the existing capacity.

City Manager Dempsey stated that he spoke with Portland Township Supervisor Jerry Tiemann last week in regard to the Fire Authority. He advised that Portland and Danby Townships are going to hold a joint meeting with their attorney on July 27th. If both townships approve the changes suggested by their attorney they will submit the draft agreement to the City.

City Manager Dempsey stated that MDOT has responded to the concerns the City discussed in regard to removing the I-96 Bridge and providing a box culvert for the river trail. They are now willing to provide the casings for the water and electric utilities. Since the electric is city-owned, it is the City's responsibility to relocate the utility prior to the construction of the culvert. MDOT will reimburse the City for the relocation of these lines. City Manager Dempsey further stated that he plans to review MDOT's response with the City's Engineer and will then provide more information to the Council.

City Manager Dempsey presented pictures and diagrams to inform the Council of an issue that developed earlier in the day at the Hydro Dam. Water was discovered to be leaking under the south abutment wall under the power house. After doing a dye test analysis it was discovered to be coming

from a hole on the upstream side of the Dam. Staff has temporarily minimized the leaking. There was not a property or liability issue; there was no indication of a catastrophic failure. Engineers will be coming in to evaluate the issue tomorrow. If repairs to the Dam are not critical City Manager Dempsey will bring a resolution to the Council at the next meeting, otherwise emergency repairs will move forward with the best possible bids.

Under Presentations, State Representative Mike Callton gave a legislative report. The legislature will be getting back to unfinished State business when they return in September. He expects to see a series of legislation to clean up the medical marijuana laws.

DDA/Main Street Director Reagan presented his monthly report to the Council. There will be two free seminars hosted by the Economic Revitalization Committee over the next few weeks. The first will be held July 19th and will be a Team SBA Roundtable. The second, Fundamentals of Business Legal Issues, will be held August 16th and will be led by Pat Duff. The Portland Pay Day event is underway with 18 businesses participating. Director Reagan commended Kathy Parsons and the Design Committee for their efforts in getting hanging flower baskets placed in the Downtown. As part of Riverfest, August 19th – 21st, the “Wine the Walk” event will be held on Saturday, August 20th from 4:00 to 10:00 P.M. This event will feature craft beer and wine tasting on the Boardwalk. Director Reagan thanked Julie Clement for her efforts in organizing the Volunteer Recognition Party held Thursday, July 14th at the Band Shell. There were over 1600 volunteer hours donated over the past year.

Mayor Pro-Tem Clement and Council Member VanSlambrouck named the award winners at the Volunteer Recognition Party and thanked all of the volunteers for their efforts in making Portland a great place to live.

Ernie West of C2AE gave an update and presented photos of the progress on the Wastewater Treatment Plant Improvement Project. The main focus over the past month has been on the structural work and underground piping. He stated that they continue to pursue cost savings on the project with the contractor, Davis Construction. C2AE is also reviewing the alternates with staff to prioritize the alternatives in consideration of the other changes identified.

City Manager Dempsey acknowledged the efforts of Mr. Davis and C2AE in working to close the gap on the contingency funds.

Under New Business, the Council considered Resolution 11-63 for Change Order No. 3 to the Wastewater Treatment Plant Improvement Project to revise the diffuser system, add pressure relief valves, add underground piping and increase the electric service at the sludge thickening building to a 60 amp service, all of which will increase the price of the contract by \$39,910.49 so that the adjusted contract price after approval of Change Order No. 3 will be \$3,239,006.29.

Motion by Clement, supported by VanSlambrouck, to approve Resolution 11-63 approving Change Order No. 3 to the WWTP Contract with Davis Construction.

Yeas: Clement, VanSlambrouck, Calley, Fabiano, Barnes

Nays: None

Adopted

The Council considered Resolution 11-64, the Board of Light and Power’s recommendation electing to participate in the MPPA’s AFEC Project Committee and authorizing the expenditure of development funds. This resolution would authorize the City’s participation in determining the economics and

feasibility of the City obtaining a share of the capacity in the AFEC Project, and to determine the amount of capacity the City should obtain in connection with this project. This resolution would also approve development costs including the requirement to pay a pro-rata portion of a termination fee in the event a member withdraws from the AFEC Project Committee. It also authorizes and directs the Electric Superintendent or City Manager to execute the Development Costs Agreement when in final form.

Motion by VanSlambrouck, supported by Fabiano, to approve Resolution 11-64 approving the Board of Light and Power's recommendation electing to participate in the MPPA's AFEC Project Committee and authorizing expenditure of development funds.

Yeas: VanSlambrouck, Fabiano, Clement, Calley, Barnes

Nays: None

Adopted

The Council considered Resolution 11-65 for a grant repayment agreement. The Council previously approved a CDBG Grant Agreement for a Downtown Façade Grant for improvement to the front and rear façade of the buildings located at 136 and 140 Kent St. In consideration for the Grant the owner of the building, West Educational Leasing Inc., has agreed to make interior improvements and create at least 8 permanent full-time equivalent jobs. This resolution would make West Educational Leasing, Inc. responsible for the repayment of any grant funds that must be repaid if the private investment or job creation goals are not met.

Motion by Fabiano, supported by VanSlambrouck, to approve Resolution 11-65 approving a grant repayment agreement.

Yeas: Fabiano, VanSlambrouck, Clement, Calley, Barnes

Nays: None

Adopted

The Council considered Resolution 11-66 to approve a Parcel Division Application filed by the First Baptist Church of Portland to split the parcel at 235 Smith St. into two parcels (Parcel A and Parcel B). Parcel A includes a house and meets the minimum residential lot width and depth requirements and the side yard setback for the district in which it is located. Parcel B is to be combined with the parcel at 406 E. Bridge St. so that there would be enough property for the Church to pursue approval to expand its parking lot. The Planning Commission reviewed the requested Parcel Division Application at its July 13th meeting and recommended its approval by the City Council.

Motion by Clement, supported by Calley, to approve Resolution 11-66 approving a Parcel Division Application for the property at 235 Smith St.

Yeas: Clement, Calley, VanSlambrouck, Fabiano, Barnes

Nays: None

Adopted

The Council considered Resolution 11-67 for Pay Request No. 1 to Cook Brothers Excavating, Inc. for work done on the 2011 Street and Water Main Improvement Project through July 14th. The City's Engineer on the Project has reviewed the Pay Request in the amount of \$136,746.03 and is recommending its approval.

City Manager Dempsey acknowledged the efforts of the Electric Department in taking advantage of the traffic controls in place during this project to change out the traffic light at West St. and W. Grand River Ave.

Mayor Barnes extended his compliments to Cook Brothers Excavating on the project, stating that the road looks great.

Motion by Fabiano, supported by Clement, to approve Resolution 11-67 approving Pay Request No. 1 to Cook Brothers Excavating, Inc. for work done on the 2011 Street and Water Main Improvement Project.

Yeas: Fabiano, Clement, VanSlambrouck, Calley, Barnes

Nays: None

Adopted

The Council considered Resolution 11-68 to sell obsolete items stored in the DPW yard to clean up the yard and raise funds for future equipment needs. Fire Chief Dave Brown recommends selling Engine 5 and Tanker 3 for \$6,000 as both pieces of equipment are surplus and are functionally obsolete. Both pieces of equipment have been advertised for sale and only one other bid was submitted for less. The bid is higher than the estimated scrap value of the equipment if taken to Portland Iron and Metal.

Motion by Fabiano, supported by VanSlambrouck, to approve Resolution 11-68 approving, authorizing, and directing the City Manager to sell obsolete equipment.

Yeas: Fabiano, VanSlambrouck, Clement, Calley, Barnes

Nays: None

Adopted

Motion by Clement, supported by VanSlambrouck, to approve the Consent Agenda which includes the Minutes and Synopsis from the Regular City Council Meeting held on July 5, 2011, payment of invoices in the amount of \$257,036.72 and payroll in the amount of \$133,443.14 for a total of \$390,479.86. There are purchase orders to Clean Harbors in the amount of \$5,358.00 for the reload of carbon tanks and to Resco in the amount of \$6,238.00 for the purchase of a transformer for the well house included.

Yeas: Clement, VanSlambrouck, Calley, Fabiano, Barnes

Nays: None

Adopted

Under Public Comment, City Manager Dempsey acknowledge the DPW for their efforts in repairing the curb along St. Patrick's on West St. so the kids will be able to get on and off the bus more safely. He stated that the DPW is hoping to get the tree out of the river hung up on the bridge at Grand River Ave. this week while the water levels are low.

Under Council Comments, Mayor Pro-Tem Clement reminded residents about upcoming community events including Thursdays on the Grand, and Riverfest which will be held August 19th – 21st. This year's Riverfest event is a combined effort between many community organizations. For more information go to www.portlandmichiganriverfest.org. The Portland Community Arts Council is holding a fundraiser this summer called "Sit a Spell". Local artists have painted Adirondack chairs that are placed in the Downtown. There will be a silent auction held for the chairs. The winner will be announced at Oktoberfest.

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

Yeas: Clement, Fabiano, VanSlambrouck, Calley, Barnes

Nays: None

Adopted

Meeting adjourned at 8:04 P.M.

Respectfully submitted,

James E. Barnes, Mayor

Monique I. Miller, City Clerk