

# City of Portland

Portland, Michigan

## Minutes of the City Council Meeting

Held on Monday, June 6, 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; Police Chief Bauer, and Camera Operator Cummins

Guests: 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 Clement, supported by VanSlambrouck, to approve the Agenda as presented.

Yeas: Clement, VanSlambrouck, Calley, Fabiano, 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 gave an update on the Wastewater Treatment Plant Project since its ground breaking in April. City Staff is working with the Engineers and the Contractor to tighten up the proposed revisions because the initial pricing is beyond the anticipated budget.

City Manager Dempsey gave an update on the status of the proposed MDOT Bridge Removal Project. MDOT has advised that due to the jointed pipes, the water main will have to be relocated to it is not under the proposed box culvert. The proposed water main will be directionally bored, with fused joints, so a casing will not be used; they do not want to provide casings for the water main as requested by the City. They have also advised that it is not recommended to case the existing sanitary sewer or to place an empty casing. The existing sewer is 14'-15' deep and currently in good condition; so the request to case the existing sewer is not necessary. To place an empty casing would be expensive and if the sanitary sewer were redesigned (either the location or the size) in the future, it would render the empty casing useless. The City needs to be able to replace utilities without incurring additional expenses, casings placed around the utilities would allow this.

MDOT has agreed that lighting can be installed as part of the contract, but the maintenance, upgrades and utility costs of the lighting will be at the City's cost.

As to maintaining pedestrian traffic, MDOT's current plan is to route them to Grand River Ave. and under the I-96 Bridge, with concrete barrier separation and shifting Grand River Ave. traffic. They would like to know if this acceptable to the Council.

When the City advised MDOT that it would consider providing an easement for their project in exchange for an easement to extend the trail along Grand River Ave. beneath I-96, they responded: In the future when and if the City decides to expand their path system to include under the I-96 Bridge, along Grand River Ave., MDOT will review the proposed plans and grant a permit (if the design does

not negatively affect the bridge elements). Any future trail in an MDOT right-of-way will be done by permit and not as an easement.

Paul Galdes, of Fleis & VandenBrink advises that he could agree with their approach on the utilities as long as *the easement requires that MDOT pick up the additional cost of bore and jack or directional drilling for future replacement of the utilities*. This would be the cost over and above the cost to replace by a traditional open method as would be done without the box culvert in place.

Mr. Galdes also wants to ensure that plans have been updated to address other concerns as previously discussed. These concerns are:

How will the path between Cutler Rd. and the culvert be replaced if it will be used as a maintenance access path for MDOT, it will need to be designed and built accordingly. What will the floor surface of the culvert be? Will it meet ADA and be acceptable for roller blade use?

At the plan review meeting, MDOT stated the electric and gas lines would be relocated – but the City has not seen any plans.

Mr. Galdes voiced concern with water seeping into the culvert at the plan review meeting and MDOT stated it would look into premium joint options. The City has received no further information.

The City would also like to know how the wing walls that are exposed will be treated to make them aesthetically acceptable.

Mr. Galdes believes that all of these items should be agreed on before the City considers approving an easement.

City Manager Dempsey further stated that even if these items are satisfactorily addressed there is still an issue with the increased costs for electricity to light the culvert and maintain the lighting system. At the very least the lights should be high efficiency LED and put on a motion sensor to reduce the expense.

City Manager Dempsey also stated that he has contacted legal counsel that believes that MDOT does not have an unfettered right to remove the bridge at the expense of the City and its trail system.

MDOT would like to put an easement together and schedule a public hearing on the project.

City Manager Dempsey stated that the City is trying to maintain the high quality trail system that has been developed and has become part of the community's identity.

City Manager Dempsey asked the Council what they would like him to do.

Council Member VanSlambrouck stated that it is hard to make a decision without knowing exactly what MDOT is proposing; more details are needed.

City Manager Dempsey stated that the agreement details are very important.

Mayor Pro-Tem Clement stated that the community identity is tied to the trail system. The City has tried to be very fair in the process. We need to hold our ground if the State doesn't have the right to the

trail system. She further stated she would agree with Mr. Galdes's recommendation if they agree to the additional expenses if there is a need to jack and bore in the future.

Mayor Barnes stated that the City needs to document its concerns and maintain a hard line. There has been a lot of time, effort and money spent to develop the trail system. At the same time the City needs to keep in mind that it needs to work with MDOT on future projects.

City Manager Dempsey summarized the Council's wishes. The City needs to work cooperatively with MDOT as the City will have future needs. The City will work with MDOT if they agree to cover additional expenses for jack and bore if needed in the future. The City would be responsible for the traditional expense that would have been required. The joints of the proposed box culvert need to provide a safe, flat, ADA quality surface. The City would like something to cover future liability. The City would like the joints to be waterproof.

There was discussion about the easement vs. permit issue. The City would prefer an easement under the I-96 Bridge along Grand River Ave. but may be able to work something out.

The Council concurred with City Manager Dempsey.

City Manager Dempsey further reported that 3 – 3<sup>rd</sup> grade classes had visited City Hall for tours.

City Manager Dempsey acknowledged the painting of Downtown Portland given to the City by Steve Kahn.

Under New Business, the Council considered Resolution 11-46 for a Memorandum of Understanding between the City of Portland and Ionia County designating 3 points of contact in case of emergency and allowing the County to use the second floor of City Hall as a secondary location for County operations if the County's facilities in Ionia become unusable for any reason. The Memorandum of Understanding was approved by the Ionia County Board of Commissioners on May 24, 2011. City Manager Dempsey recommended the Council designate the City Manager, the Police Chief, and the Director of Public Services as the 3 emergency contacts for the City.

Council Member VanSlambrouck confirmed with City Manager Dempsey that there are no other written commitments for the use of the 2<sup>nd</sup> floor of City Hall.

Motion by Fabiano, supported by Clement, to approve Resolution 11-46 approving, authorizing, and directing the Mayor to sign a Memorandum of Understanding between the City of Portland and Ionia County and designating emergency contacts.

Yeas: Fabiano, Clement, VanSlambrouck, Calley, Barnes

Nays: None

Adopted

The Council considered Resolution 11-47 to authorize the City Manager to sign a new elevator maintenance contract with Otis Elevator. This preventative maintenance contract includes parts, repairs (except overtime premiums), safety tests (except firefighters' service tests) and required load tests every 5 years for \$266 per month. The City checked current rates for elevator maintenance and found similar contracts can be competitively procured for \$159 per month. City Manager Dempsey contacted Otis Elevator to renegotiate the existing contract that expires September of 2013 and recommends the Council approve a new 5-year contract at \$160 per month. This would save the City \$2,862 over the remaining term of the existing contract and it includes a price adjustment provision

linked to a national labor contract for wages and a price adjustment provision linked to a published commodity price index for material, with all increases subject to an annual price adjustment cap of 3%.

Motion by Clement, supported by Fabiano, to approve Resolution 11-47 approving, authorizing, and directing the City Manager to sign a new elevator maintenance contract.

Yeas: Clement, Fabiano, VanSlambrouck, Calley, Barnes

Nays: None

Adopted

The Council considered Resolution 11-48 to approve payment for the Wastewater Treatment Plant Improvement Project. After approval by Council the invoices will be submitted to the United States Department of Agriculture Rural Development for payment.

Motion by VanSlambrouck, supported by Clement, to approve Resolution 11-48 approving invoices for payment for the Wastewater Treatment Plant Improvement Project.

Yeas: VanSlambrouck, Clement, Calley, Fabiano, Barnes

Nays: None

Adopted

The Council considered Resolution 11-49 to approve the award of the 2011 Street and Water Main Improvement Project to the low bidder, Cook Brothers Excavating, Inc. The City received two bids in response to its request for sealed bids to replace water main on a portion of Church St., add water main on a portion of Albro St., and resurface portions of Albro St., Bridge St., Church St., and W. Grand River Ave. The Engineer recommends the award of the project to Cook Brothers Excavating, Inc. in the amount of \$517,026.45. Because the water main has to be relocated beneath the street, the 2011/2012 Budget will need to be amended for the project.

Motion by Clement, supported by VanSlambrouck, to approve Resolution 11-49 approving award of the 2011 Street and Water Main Improvement Project to the low bidder, Cook Brothers Excavating, Inc.

Yeas: Clement, VanSlambrouck, Calley, Fabiano, Barnes

Nays: None

Adopted

The Council considered Resolution 11-50 to approve the Board of Light and Power's recommendation to award electric undergrounding work to Cook Brothers Excavating, Inc. at the same prices as was paid for last summer's similar work. The Board of Light and Power met on May 31<sup>st</sup> and reviewed the proposed scope of work and estimated cost based on last year's contract with Cook Brothers Excavating, Inc. and made a recommendation that the Council approve the projects and award the contract for amounts estimated, for construction after July 1<sup>st</sup>.

Motion by Fabiano, supported by VanSlambrouck, to approve Resolution 11-50 approving the Board of Light and Power's recommendation to award electric undergrounding work to Cook Brothers Excavating, Inc.

Yeas: Fabiano, VanSlambrouck, Clement, Calley, Barnes

Nays: None

Adopted

The Council considered Resolution 11-51 to approve quotes for cleaning and preventative maintenance and to replace and upgrade the electric service and control panel for Well No. 4. The City schedules

well cleaning and preventative maintenance on its water supply wells on a rotating basis so each well is cleaned and overhauled every five to seven years. Ken Gensterblum, Water Superintendent, solicited proposals for cleaning and inspecting the pump and well from several reputable companies. He also solicited quotes to replace the old electric service while Well No. 4 is out of service. Staff recommends the Council approve Layne Christensen's proposal for a complete well and pump cleaning and overhaul for Well No. 4 and the quotes from Kendall Electric for \$6,142.45 for materials and D&E Electric of Portland, LLC for \$3,250 for labor to install a new electric control panel.

Council Member VanSlambrouck asked how long the well would be out of service.

City Manager Dempsey stated it would be out of service for approximately 4 to 6 weeks as long as everything goes according to plan. The well will not be put back into service until all tests are passed.

Motion by VanSlambrouck, supported by Calley, to approve Resolution 11-51 approving quotes for cleaning and preventative maintenance and to replace and upgrade the electric service and control panel for Well No. 4.

Yeas: VanSlambrouck, Calley, Clement, Fabiano, 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 May 16, 2011, payment of invoices in the amount of \$98,148.46 and payroll in the amount of \$96,848.83 for a total of \$194,997.29. There were no purchase orders over \$5,000.00.

Yeas: Clement, VanSlambrouck, Calley, Fabiano, Barnes

Nays: None

Adopted

Under Council Comments, Mayor Pro-Tem Clement noted that the Portland Community Arts Council Cruise-a-Thong will be held on June 18<sup>th</sup>.

Mayor Barnes presented a letter written by local student Dominic Barnes requesting a paint ball course. The letter will be forwarded to the Parks and Recreation Board for their review.

Mayor Barnes stated that applications for vacancies on City boards and commissions are available at City Hall or on the City website.

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

Yeas: Clement, Fabiano, VanSlambrouck, Calley, Barnes

Nays: None

Adopted

Meeting adjourned at 7:43 P.M.

Respectfully submitted,

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James E. Barnes, Mayor

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Monique I. Miller, City Clerk