

# City of Portland

Portland, Michigan

## Minutes of the City Council Meeting

Held on Monday, September 19, 2011

In Council Chambers at City Hall

Present: Mayor Barnes; Mayor Pro-Tem Clement; Council Members VanSlambrouck, and Calley; City Manager Dempsey; City Clerk Miller

Absent: Council Member Fabiano

Guests: Jim Minster of C2AE; Stacy Krause; Kathy Parsons; 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 Jim Minster.

Motion by Clement, supported by VanSlambrouck, to approve the Agenda as amended to add the excusal of Council Member Fabiano.

Yeas: Clement, VanSlambrouck, Calley, Barnes

Nays: None

Absent: Fabiano

Adopted

Motion by Calley, supported by VanSlambrouck, to excuse Council Member Fabiano from the meeting.

Yeas: Calley, VanSlambrouck, Clement, Barnes

Nays: None

Absent: Fabiano

Adopted

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

City Manager Dempsey also stated that new phone installation is underway at City Hall. The City is piggybacking on the Portland Public Schools system which is providing a cost savings to the City. He further informed residents there may be temporary “bugs” in the system until the installation is complete.

City Manager Dempsey stated that the annual fall hydrant flushing will take place from September 27<sup>th</sup> through October 7<sup>th</sup>.

Under New Business, the Council held the 1<sup>st</sup> Reading of Ordinance 101J to amend Sections 40-214, 40-215, 40-216, and 40-220 of the Code of Ordinances of the City of Portland to provide for surcharges required to recover Energy Optimization costs required by Public Act 295 of 2008. The MPSC, in Case No. U-15878, approved the Board of Light & Power’s REP and EO Plans. This Ordinance implements the monthly EO surcharge.

Mayor Pro-Tem Clement inquired if these increases are set by statute as the percentage increases are not consistent.

City Manager Dempsey stated that the increases are not according to statute but are based models of other communities that are being followed; particularly the Board of Water & Light in Lansing. Glenn Wrightson of Utility Consulting reviewed the proposed rates. City Manager Dempsey stated that he would check on the percentage increases.

The Council held the 1<sup>st</sup> Reading of Ordinance 175DD to amend Chapter 42, Article IV, of the City Code of Ordinances by adding Section 42-317 to prohibit outdoor boilers. The Planning Commission held a public hearing on the proposed Ordinance on September 14<sup>th</sup>. After the hearing they voted to recommend the Council approve this ordinance.

Mayor Pro-Tem Clement stated that due to the size of the City of Portland the Planning Commission felt that allowing these types of systems would disrupt the quality of life for City residents.

City Manager Dempsey stated that he is not aware of anyone in the City with an outdoor boiler. There are provisions in the ordinance to address this situation if it arises.

The Council further discussed this issue.

The Council considered Resolution 11-89 to approve engineering invoices in the amount of \$19,942.49 for payment for the Wastewater Treatment Plant Improvement Project.

Motion by Clement, supported by VanSlambrouck, to approve Resolution 11-89 approving engineering invoices for payment for the Wastewater Treatment Plant Improvement Project.

Yeas: Clement, VanSlambrouck, Calley, Barnes

Nays: None

Absent: Fabiano

Adopted

The Council considered Resolution 11-90 for Pay Request No. 3 to Davis Construction for work completed through September 13<sup>th</sup> on the Wastewater Treatment Plant Improvement Project in the amount of \$387,553.97. The City's Engineer on the project has reviewed the pay request and is recommending the payment.

Motion by Calley, supported by Clement, to approve Resolution 11-90 approving Pay Request No. 3 to Davis Construction for work done on the Wastewater Treatment Plant Improvement Project.

Yeas: Calley, Clement, VanSlambrouck, Barnes

Nays: None

Absent: Fabiano

Adopted

The Council considered Resolution 11-91 to approve Change Order No. 5 to the Wastewater Treatment Plant Improvement Project for various electrical and instrumentation and control changes, which will increase the contract price by \$19,455.45. All of the changes are required or are highly recommended by the Engineers. The Engineers have reviewed all of the proposed pricing, corrected one item with the contractor and now believe the pricing is fair and recommending the Council accept all items. The \$19,455.45 that would be added with this Change Order was included in the \$108,000

number that was reference by the Engineer at the last Council meeting. There is still a \$13,000 gap between the recommended changes and the available contingency.

Motion by Clement, supported by VanSlambrouck, to approve Resolution 11-91 approving Change Order No. 5 to the Wastewater Treatment Plant Improvement Project with Davis Construction.

Yeas: Clement, VanSlambrouck, Calley, Barnes

Nays: None

Adopted

The Council considered Resolution 11-92 to approve Change Order No. 1 to the contract with Cook Brothers Excavating, Inc. for the 2011 Street and Water Main Improvement Project to balance actual versus bid quantities and add additional pay items that were not included in the original contract. The City's Engineer on the project is recommending the Council approve the change order to increase the contract price by \$7,224.10.

Motion by VanSlambrouck, supported by Clement, to approve Resolution 11-92 approving Change Order No. 1 to the contract with Cook Brothers Excavating, Inc. for the 2011 Street and Water Main Improvement Project.

Yeas: VanSlambrouck, Clement, Calley, Barnes

Nays: None

Absent: Fabiano

Adopted

The Council considered Resolution 11-93 to approve Pay Request No. 3 to Cook Brothers Excavating, Inc. for work completed through September 12<sup>th</sup> on the 2011 Street and Water Main Improvement Project in the amount of \$185,854.05. The City's Engineer has reviewed the pay request and is recommending its payment. At this time all the remains to be done on the project is the final paving. Based on the anticipated quantities it appears the contract will end up around \$510,000 which is about \$7,000 under the original contract and \$14,000 under the contract amount after Change Order No. 1.

Motion by VanSlambrouck, supported by Calley, to approve Resolution 11-93 approving Pay Request No. 3 to Cook Brothers Excavating, Inc. for work done on the 2011 Street and Water Main Improvement Project.

Yeas: VanSlambrouck, Calley, Clement, Barnes

Nays: None

Absent: Fabiano

Adopted

Motion by Clement, supported by Calley, to approve the Consent Agenda which includes the Minutes and Synopsis from the Regular City Council Meeting held on September 6, 2011, payment of invoices in the amount of \$490,514.74 and payroll in the amount of \$96,040.33 for a total of \$586,555.07. There were no purchase orders over \$5,000.00.

Yeas: Clement, Calley, VanSlambrouck, Barnes

Nays: None

Absent: Fabiano

Adopted

Under Council Comments, Council Member VanSlambrouck commented that the 9/11 Memorial Service held on September 11<sup>th</sup> at Two Rivers Park was very well done and moving. It will likely make

a lasting impression on the young people who don't remember the event first hand. There were 100's in attendance at the service.

Council Member VanSlambrouck also commented that he attended the Michigan Downtown Conference last week in Kalamazoo. There were many volunteers from Portland that attended. The strong showing was recognized and the strength of Portland's program was noted.

Mayor Barnes also commented on the wonderful 9/11 Memorial Service. It served as a reminder to all of the significance of the 9/11 event.

City Manager Dempsey commented that we were fortunate to have Lieutenant Governor Calley and the State Fire Marshall in attendance at the service.

Mayor Pro-Tem Clement commented that she is always struck by the extra effort and dedication of the City employees and residents.

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

Yeas: Clement, VanSlambrouck, Calley, Barnes

Nays: None

Absent: Fabiano

Adopted

Meeting adjourned at 7:28 P.M.

Respectfully submitted,

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James E. Barnes, Mayor

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Monique I. Miller, City Clerk