

**MONROE PORT COMMISSION
REGULAR MEETING MINUTES
Wednesday, June 18, 2014 - 7:00 p.m.
2929 E. Front Street - Monroe MI 48161**

1. Call to Order: 7:04 p.m.

2. Members Present:

Thomas A. Krzyston, Chairman
Dale H. Brose, Vice Chairman
Lisa M. Leachman, Commissioner

Members Excused:

Ken S. Calender, Secretary
Tom G. Myers, Commissioner

Others Present:

Paul C. LaMarre III, Port Director
John J. Emig, Jr., Port Engineer / J&A Engineers
Matthew D. Budds, Port Counsel
John Iacoangeli-City Councilman 2nd Precinct/Port Liaison
William J. Popp, J&A Engineers
Dan Swallow, City of Monroe
Mr. Jack Sturn - Jack's Lawn Service
Mr. Richard Micka

3. Additions/Deletions to the Meeting Agenda: None

4. L. Leachman moved to approve the Meeting Agenda and was seconded by Vice Chairman Brose. Ayes 3 Nays 0. Motioned passed.

5. Public Comment:

Jack Sturn of Jack's Lawn Service has informed the Port Director that he is talking with Snow's Nursery in regards to purchasing 11 acres of land east of Dunbar to stock pile his compost. Mr. Sturn stated he has looked at several properties in this area, but in discussions with the City's Building Department, zoning will not allow stock piling. They have hauled a couple of thousand yards of compost and has more jobs coming and will need a few thousand yards more. Mr. Sturn added last weekend he could not get back to the compost site and was blocked from entering.

The Port Director added the gate is locked to control access to our property. Not only for the Port's protection, but that of others. The number one priority is safety and not to interfere with the Ventower rail spur project. In addition, Ventower has requested to use additional acreage since they are at max capacity on their property. The Port Director also stated that it will be necessary to notify the Port to use the key to access the compost site.

Port Director said he appreciated Mr. Sturn attending the meeting and is thankful he is moving material, but he would like to get a signature on a document. The Port needs to establish something more formal so that we know what time table we can work with.

Chairman Krzyston stated he rather have Mr. Sturn sign a formal document sooner than later.

Port engineer reminded Mr. Sturn when removing material he needs to identify the stock pile as they measure the piles periodically.

Public Comment cont.:

Port Counsel stated that on May 28, 2014, the draft agreement was delivered to Mr. Sturn and to date, no agreement has been signed. With that being said, the Port needs a signed document. If it's not in writing it's problematic for the Port. The Port needs to know an end date, two years is longer than we'd like. L. Leachman added the date is very open, there is no end and has a hard-time wrapping her arms around the end goal.

Mr. Sturn stated this is his current status and is not likely to sign any kind of formal document until he hears from Snow's Nursery. Mr. Sturn said he hears what everybody is saying and is a little overwhelmed.

The Port Director thanked Mr. Sturn for attending the meeting and updating everyone.

Richard Micka announced that MDOT is coming to Monroe and is planning a city tour on July 10, 2014.

Consent Agenda:

6. On a motion by L. Leachman and seconded by Vice Chairman Brose *to pull items 6.2 and 6.3 for further clarification and approval* on the Consent Agenda. Ayes 3 nays 0. Motion passed.

- 6.1 Approve and place on file Port of Monroe Expenditures - Order 0409
May 22, 2014 through June 18, 2014.
- 6.2 Approve and place on file Regular Meeting Minutes of Wednesday,
May 21, 2014.
- 6.3 Approve and authorize payment of Contractor's Application for Payment No. 2:
Contractor: Geo. Gradel Company
Application Period: April 9, 2014 - May 31, 2014
Project: 2014 Dredging River Raisin Turning Basin
Amount due This Application: \$66,971.55
Funding Source: City of Monroe's Inter-Fund & DRM's Loan.
- 6.4 Authorize Johnson & Anderson Invoice 37482
Application period: Services through May 31, 2014.
Amount due: \$4,700.
Project: Engineering services related to FRA grant application.
Funding Source: FRA # FR-LRI-0032-12-01-00
- 6.5 Work Change Directive No. 1 to the Armond Cassil railroad contract adding
\$100,683 to the contract without a change in the contract completion date.
- 6.6 Change Order No. 2 to the Armond Cassil railroad contract adding \$64,826 to the
contract without a change in the contract completion date.
- 6.7 Application for Payment No. 2 in the amount of \$117,107.

Pull items for clarification and approval:

- 6.2 Motioned by L. Leachman to replace a word from the Regular Meeting Minutes of May 21, 2014- Number 11 of the Port Commissioner's Comment first paragraph - the word *objection to objective* and was seconded by Vice Chairman Brose. Ayes 3 Nays 0. Motion passed.
- 6.3 Motioned by Vice Chairman Brose and seconded by L. Leachman to authorize Contractor's Application Payment No. 2 as well as sign Change Order No. 3 to add (6.3-a) to Consent Agenda due to tipping fees of the dredging project.

Pulled items for clarification and approval cont.:

6.3-a. Motioned by L. Leachman and seconded by Vice Chairman Brose to add 6.3-a to Consent Agenda and authorize Chairman to sign Change Order No. 3 to the 2014 Dredging/Turning Basin to reduce contract by \$6,192.25 due to tipping fees on dredge volume and will reflect decrease on Contractor's Application for Payment No. 3. Final approval from the Port Director and Engineer of project before payment of No. 3 is issued. Ayes 3 Nays 0. Motion passed.

Motioned by Vice Chairman Brose and seconded by L. Leachman to approve the remaining Consent Agenda as amended. Ayes 3 Nays 0. Motioned passed.

7. Unfinished Business:

7.1 The Suspense Calendar was updated and placed on file.

8. New Business:

8.1 Motioned by Vice Chairman Brose to approve the Compensation Notification Letter as presented, was seconded by L. Leachman. Ayes 3 Nay 0. Motion passed.

9. Staff Reports:

- Paul C. LaMarre III:

We have a number of projects pertaining to cargo development. More to follow.

We are making progress with the gypsum and within the week we should have a load on the docks. J. Emig is working with DEQ and DRM. DRM has established a fugitive dust plan.

Continued discussions with Omni Source regarding the rail project.

Working with a client to use the Holcim site for a possible salt cargo opportunity.

On Wednesday, July 9, 2014 at 7:00 p.m. the City Council will meet here at the Port of Monroe. The same presentation I did at the MB&T Economic Development annual meeting, will be presented. I would like to reschedule the Regular Port of Monroe monthly (July 2014) meeting since the National Freight Committee meeting is the same week. Details to follow.

The Port of Monroe will be hosting the AGLPA - American Great Lakes Ports Association at the end of July.

- John J. Emig, Jr./William J. Popp:

Ventower Rail Spur project - it was necessary to make a modification to the Ventower Rail Spur Contract. The project requires replacement of the proposed turnout as awarded with CN-supplied standard turnout. In the contract we recommended deletion of work under items 34 C Turnout for \$75,800 and 34C1 Pandrol Plate turnout (CN) for \$5,324 and replace with the TS-017 turnout including all appurtenances, required shipping, loading and unloading costs. The work includes purchase of the turnout TS -017 from Canadian National Railroad for approximately \$117,107.

John J. Emig, Jr. /William J. Popp:

Total cost to purchase CN switch, install switch, field weld joints, furnish and install transition compromise rails is \$181,807. To expedite the change, the Port Director issued a Work Change Directive for the modification. That modification authorized work and requires a change order in the amount of \$100,683 increase.

To maximize grant funds a reduction of \$35,857 of track work in the Ventower Rail Spur project recommended with the understanding that a correlated increase in the same amount and same work will be incurred by Ventower in the Rail Extension project.

Recommendations are:

Authorize Port Director to sign and Work Change Directive of the increase in contract value of \$181,807 for the increase of the turnout.

Authorize Chairman to sign Payment No. 2 of Contract of \$117,107 to Armond Cassis for the purpose of ordering the turnout.

Authorize the Chairman to sign Change Order No. 2 to adjust contract for the increase in cost of turnout and decrease in track work for a net increase of \$64,826.

2014 Turning Basin Dredging - the contractor Geo. Gradel has completed the work and are requesting final payment. The final dredge quantities are 4,596.5 cubic yards. The contract was based on 4,900 cubic yards and a reduction in contract amount is required for completion. Gradel would like to receive Payment No. 2 before they complete the requirement on Payment Request No. 3.

Recommendations are:

Authorize Chairman to sign Payment request No. 2 in the amount of \$66,971.55.

Authorize the Chairman to sign Change Order No. 3 in the amount of a reduction of \$6,192.95 for adjustment to final qualities.

Authorize Chairman to sign Final Payment No. 3 in the amount of \$6,131.50 upon the satisfaction of the Port Director and Port Engineer.

- Matthew D. Budds:

As discussed earlier in the meeting, the agreement to Jack's Lawn Service was delivered on May 28, 2014, with the recommendations of last month's meeting. While the meeting attendance of Mr. Sturn is important and wants to remain in good standing, the fact remains there is no signed document.

Worked with the Personnel Committee on the Compensation Notification letter for port employees.

Worked with the Port Director on various lease agreements.

Attended the MB&T Economic Development annual meeting and the Port Director's presentation was excellent.

Dan Swallow:

The donated parcels between the railroad tracks and I-75 to the Fish and Wildlife are moving forward. Mr. Russow is waiting for the title commitment and revised draft deeds. The environmental due diligence report is completed.

There is a meeting with the Raisin River National Battlefield Foundation scheduled for this week and other Port of Monroe parcels will be discussed.

Chairman Krzyston asked Mr. Swallow if he has spoken to Mr. Homrich since he is in the understanding the expiration of the Conveyance Agreement will end soon.

10. Other Business that may come before the Port Commission. None
11. Port Commissioners Comment: Chairman Krzyston announced effective immediately, the City of Monroe Clerk's office will required an electronic copy of the minutes to be posted on their website and copy will be sent to the Mayor and City Council.
12. Public Comment:
Mr. William Popp of J&A thanked the Port Director for aggressively obtaining the extra money to move forward with the Ventower Rail Spur.
13. Adjournment: 8:35 p.m.

These minutes are not consider official until approved by the Monroe Port Commission at their next regular scheduled meeting, Wednesday, June 18, 2014 that has been rescheduled to Wednesday, July 30, 2014.


Kenyon Calender
Secretary

July 30, 2014
Date