

**PROCEEDINGS
OF
CITY COUNCIL
OF THE
CITY OF LOWELL**

For the Regular Meeting of **MONDAY, NOVEMBER 7, 2005**

The Meeting was called to order at 7:30 p.m. by Mayor Shores and City Clerk Betty Morlock called Roll.

Present: Councilmembers Hodges, Mathews, Pfaller, Mayor Pro Tem Myers and Mayor Shores.

Absent: None.

Also Present: City Manager David Pasquale, City Clerk Betty Morlock, DPW Director Dan DesJarden, Chief of Police Jim Valentine, Planning Commission Chairman Clark Jahnke, Planning Commissioner Mark Mundt and Lowell Light and Power/Cable General Manager Tom Richards.

IT WAS MOVED BY HODGES and seconded by MATHEWS to approve the minutes of the October 17, 2005 regular meeting minutes as written.

YEA: 5. NAY: 0. ABSENT: 0. MOTION CARRIED.

IT WAS MOVED BY PFALLER and seconded by HODGES that the bills and accounts payable be allowed and the warrants issued.

YEA: 5. NAY: 0. ABSENT: 0. MOTION CARRIED.

<u>BILLS AND ACCOUNTS PAYABLE (11/07/05)</u>	
GENERAL FUND	\$122,914.27
MAJOR STREET FUND	2,067.98
LOCAL STREET FUND	5,651.81
HISTORIC DISTRICT FUND	6,665.76
DDA FUND	23,032.69
AIRPORT FUND	2,674.30
WASTEWATER FUND	32,016.52
WATER FUND	9,652.32
DATA PROCESSING FUND	1,165.22
EQUIPMENT FUND	4,268.04
CURRENT TAX FUND	87,506.43
LOOK FUND	450.00

Item #1. **REQUEST FOR WAIVER OF SIDEWALKS OF 885, 875 AND 855 NORTH JEFFERSON.** City Manager David Pasquale noted at the last meeting, October 17th, there was a 2 to 2 vote on the sidewalk waiver request for 885, 875 and 855 North Jefferson. The Council offered the applicant, Holwerda Builders, the opportunity to come back when full membership is present to revisit the issue.

Kevin Katt for Holwerda Builders again stated their request for a waiver of sidewalks involving 885, 875 and 855 North Jefferson was due to the grade of the property as well as there is no sidewalk on either side of the property. Further, there does not appear this would every be. Actually, because of the grade and future erosion, the number of houses have been reduced to two (2) instead of the original proposal of three (3). Holwerda had excavators and landscaper review their property to determine what type of retaining wall would be needed. Holwerda was informed even if a seven (7) to eight (8) foot retaining wall was constructed, there could still be the possibility of a wash out.

Mayor Pro Tem Myers questioned the developer, if it is strictly the cost which concerns them. Katt responded it is the cost as well as no sidewalk on either side of their property and most likely never will be because of the grade.

Councilmember Pfaller suggested Holwerda place sidewalk on the west side of Jefferson across from the property. Councilmember Hodges stated by placing sidewalk on the back of the properties on Washington Street, the owners would have to go around the block to maintain and keep the sidewalk clear.

Mayor Pro Tem Myers does not want to jeopardize public safety by predicting there would be no development to the north of Holwerda's property.

Mayor Shores felt by requiring sidewalk is causing a safety issue because to the north is a hill and the south is a 4 foot wall.

Councilmember Hodges understood there is an Ordinance requiring sidewalk. But, there are exceptions and the Council does have the right to provide a waiver, such as this Council did about eighteen months ago for the Noskeys on Riverside Drive on a four to one vote.

IT WAS MOVED BY HODGES to grant the waiver request from Holwerda Builders of sidewalks at 885, 875 and 855 North Jefferson. There was no second and the motion died.

IT WAS MOVED BY PFALLER and seconded by MYERS to deny the waiver request for sidewalk at 885, 875 and 855 North Jefferson.

YEA: 3. (Mathews, Myers and Pfaller) NAY: 2. (Hodges and Shores)
ABSENT: 0. MOTION CARRIED.

Katt questioned if the Council would consider Holwerda placing sidewalk the length of their property on the west of Jefferson Street. The Council directed DPW Director Dan DesJarden review this and bring back to the Council at the November 21, 2005 meeting.

Item #2. **REQUEST FROM ALLIED WASTE SERVICES TO PROVIDE ONE DAY A WEEK COLLECTION SERVICES.** Todd Harland of Allied Waste Services thanked the Council for awarding the company the contract for refuse, recycling and yard waste collection services and apologized for not being at the October 3 meeting. It was Allied's desire to provide a one day pickup for the City. Harland stated the bid was based on a one day pickup as well as it would be beneficial to the City residents. One day collection would minimize waste being on the street; be safer by minimizing traffic and noise of large trucks and reduce the confusion of scheduling.

Mayor Shores asked what the time frame would be with a one day pickup. Harland responded Allied trucks would start at 7 a.m. and should be completed by 2:00 to 3:00 p.m. The first few weeks may be a little longer due to becoming familiar with the route. Also, Allied drivers would stop in at City Hall to check if there were any calls of missed pickups before leaving town on Thursday. If a call is received after the trucks leave town, one will come back on Friday to take care of any issues.

City Clerk Betty Morlock noted a one day pickup was discussed at the prebid meeting and staff did feel it would not be an issue. Morlock felt a one day pickup would be less confusing on holidays.

Harland also noted anyone within the City limits who uses Allied Waste (formerly Sunset) would have their pickup date change to Thursday.

IT WAS MOVED BY MATHEWS and seconded by HODGES to approve the request from Allied Waste Services amending the contract for a one day pickup starting at 7:00 a.m. on Thursday effective the week of December 5, 2005.

YEA: 5. NAY: 0. ABSENT: 0. MOTION CARRIED.

Item #3. **PURCHASE OF AN AIR COMPRESSOR FOR THE WATER TREATMENT PLANT.** DPW Director Dan DesJarden stated the City received two bids to replace the air compressor at the Water Treatment Plant because the current unit is the original, almost 30 years old and worn. Superintendent George Regan noted in his memo only two bids were secured because these were the only units which could fit within the existing space at the plant. The bids were as follows:

- Air Components, Inc. \$5,952.
- ALUP \$7,368.

WTP Superintendent Regan recommended the purchase of an air compressor through Air Components, Inc. at \$5,952.

Councilmember Pfaller asked if there was any resale value of the old unit. DesJarden responded there was no trade or resale value because the unit had been so worn out. This will be used in the Water Distribution Department.

IT WAS MOVED BY MYERS and seconded by MATHEWS to approve the bid of \$5,952 from Air Components, Inc. for the purchase of an air compressor for the Water Treatment Plant.

YEA: 5. NAY: 0. ABSENT: 0. MOTION CARRIED.

Item #4. **PROPOSED WATER AND WASTEWATER COST OF SERVICE STUDY.** Last September the Council discussed a proposal for water and wastewater cost service study in terms of assisting in establishing future rates. A proposal was received from Mark Beauchamp of Utility Financial Solutions of \$19,000. At the time, the Council felt other proposals should be sought for comparison.

City Manager Pasquale contacted Beauchamp, who does Lowell Light and Power and Cable TV service studies, regarding others who could perform such a study. Beauchamp mentioned names of two companies: Tom Traciak of ACI Finance (Mason) and Vic Cooperwasser of Tetra Tech (Ann Arbor). Both responded with proposals. ACI Finance's cost was \$12,000, while Tetra Tech submitted a price of \$12,500.

Pasquale requested Steve Thompson of Biggs Hausserman, who is currently performing the City audits, to review the proposals and provide a recommendation. Thompson felt Tetra Tech had more to offer. Both are reputable firms and have excellent references.

Councilmember Pfaller noted Tetra Tech provided a spread sheet which could be used in the future to consider rates. He asked if either of the other two firms provide a spread sheet. Pasquale responded it was not mentioned by Thompson. Lowell Light and Power/Cable TV Manager Tom Richards stated Beauchamp (Utility Financial Solutions) provided everything needed as well as a level of expertise which is beyond himself or anyone at Light and Power/Cable TV and have frequently gone back to him for updates. These are very low cost as comparison of the original amount. Richards recommends Beauchamp's firm because they have been extremely satisfied with his work over the past five to six years and very recently there were some very difficult questions posed by a commercial customer. Beauchamp was able to respond to the questions. Also, Beauchamp's background was originally with water and wastewater at the City of Holland before doing consulting work.

IT WAS MOVED BY HODGES and seconded by PFALLER to award contract to Tetra Tech for \$12,500 for the water and wastewater cost of service study.

YEA: 5. NAY: 0. ABSENT: 0. MOTION CARRIED.

Item #5. **REVIEW OF LEGAL SERVICES AGREEMENT.** On October 4, 2004, an agreement between the City and Dickinson Wright was approved for legal services by the Council. As part of the contract, the City Manager and Council are to review the services of the City Attorney on each anniversary date. There were 286.5 hours of work outlined in a two page memorandum from Dick Wendt. Pasquale stated he is very pleased with City Attorney Wendt and his service to the community.

Mayor Pro Tem Myers asked how does this compare to other years and what rate is the City paying. Pasquale responded he does not know how the hours compare in previous years. The hourly rate is approximately \$135 per hour for regularly assigned work and \$80.00 per hour for ordinance matters.

The consensus of the Council was in agreement with City Manager Pasquale on being pleased with City Attorney Richard Wendt and the firm of Dickinson Wright.

Item #6. **CITIZEN COMMENTS**. Phyllis Lessens, 725 Bowes Road, requested reflectors or barriers be placed on the west end of Bowes Road, south side by the retention pond. She has contacted various people requesting placement of reflectors over the past year and still there are none.

Also, she noted there is not a complete sidewalk on either side of Pleasant Street from Main Street to Bowes Road. Due to budget constraints, the school bus no longer travels on Pleasant Street, but stop at the corner of Bowes Road and Pleasant. The students who live on Pleasant walk to the corner and in many areas there is no sidewalk.

Item #7. **COUNCIL COMMENTS**. Councilmember Mathews commented on the letter received from David Yomtoob, owner of Airwave Computer regarding his attendance at the previous City Council meeting. Mathews suggested the City provide Yomtoob a 30 day timeframe to give his customers an opportunity to make other arrangements for their internet service and remove the equipment from the tower on Shepard.

Mayor Shores felt 10 days would be more appropriate. He has had three weeks since he was told to take care of the debt. Someone is still collecting monies from the vendors and the City is not getting anything for it.

Lowell Light and Power/Cable TV Manager Richards said fees are usually around \$200 to \$500 a month with the medium being about \$350. Some towers are figured on a per foot rate, usually items attached to water towers and similar height structures.

Councilmember Pfaller questioned if this would be a service the City might want to offer as with the other services provided. Richards responded the City already offers a high speed internet service through the Cable system.

IT WAS MOVED BY MATHEWS, seconded by HODGES to notify David Yomtoob of Airwave Computer that he has 30 days from today, November 7, 2005, to settle his debt with the City or his service will be shut off and equipment removed from the Shepard Drive tower site.

YEA: 5. NAY: 0. ABSENT: 0. MOTION CARRIED.

Councilmember Mathews also noted a semi tractor/trailer is backed in and parked on Bowes Road across from Hooper Printing. The City has an ordinance of no trucks over one ton be parked in residential area.

Councilmember Hodges reminded everyone to vote tomorrow.

Councilmember Pfaller asked DPW Director DesJarden how the arrangement going with Canfield Plumbing in regard to jetting out sewer lines. DesJarden responded Canfield has been used two times and the response time was ten to fifteen minutes. Backups have been down since the maintenance program started.

Mayor Shores also mentioned tomorrow is Election Day.

Item #8. **MANAGER'S REPORT.** City Manager Pasquale reported on the following:

1. The following boards and commissions meetings minutes are provided:

- Grand Valley Metro Council-Transportation Policy Committee meeting of September 21, 2005
- Planning Commission meeting of September 26, 2005
- Downtown Development Authority meeting of September 29, 2005
- Airport Board meeting of October 4, 2005

Also attached is the North Kent Transit's quarterly report on the ridership of senior citizens and the handicapped.

2. Also, remember to vote tomorrow, Tuesday, November 8.

IT WAS MOVED BY MATHEWS to adjourn at 8:24 p.m.

DATE:

APPROVED:

C. Jeanne Shores, Mayor

Betty R. Morlock, Clerk