

**PROCEEDINGS
OF
CITY COUNCIL
OF THE
CITY OF LOWELL
MONDAY, APRIL 16, 2019, 7:00 P.M.**

1. **CALL TO ORDER; PLEDGE OF ALLEGIANCE; ROLL CALL.**

The Meeting was called to order at 7:00 p.m. by Mayor Mike DeVore and City Clerk Sue Ullery called roll.

Present: Councilmembers Greg Canfield, Marty Chambers, Cliff Yankovich, Jim Salzwedel, and Mayor DeVore.

Absent: None.

Also Present: City Manager Michael Burns, Assistant City Manager Rich LaBombard, City Clerk Sue Ullery and Light & Power General Manager Steve Donkersloot.

2. **APPROVAL OF THE CONSENT AGENDA.**

- Approval of the Agenda.
- Approve and place on file the minutes of the Regular City Council meeting of April 1, 2019.
- Authorize payment of invoices in the amount of \$399,338.79.

IT WAS MOVED BY SALWEDEL and seconded by CHAMBERS to approve the consent agenda as written.

YES: Councilmember Canfield, Mayor DeVore, Councilmember Salzwedel, Councilmember Yankovich, and Councilmember Chambers.

NO: None.

ABSENT: None.

MOTION CARRIED.

3. **CITIZEN COMMENTS FOR ITEMS NOT ON THE AGENDA.**

There were no comments.

4. **OLD BUSINESS**

a. **JAVO Construction –Lowell Showboat VI Construction Project Manager.**

Assistant City Manager Rich LaBombard stated as the Lowell Showboat VI project gets underway, the Showboat Committee has been working to ensure the proper professions and disciplines are involved in the development process to ensure the numerous complex components of such a large project are not overlooked. The Showboat Committee felt there was a need for an individual with expertise in construction supervision to be available as a resource and to provide guidance in the development phase of the project, but also to protect the City's interest during the construction phase. This individual would not be permitted to bid on the actual construction of the project, but would serve as the City's construction inspector and construction project manager.

Mr. Jim VanOverloop, owner of JAVO Construction of Hudsonville, was recommended for his expertise in commercial construction and his interest in working on complex and challenging projects. Mr.

VanOverloop's role will be to assist with development of the project budget and once construction starts, he will work closely with the general contractor to ensure the structure is built according to the design specifications. Several proposals have been requested from Mr. VanOverloop for the following services:

- General Contractor Bidding – Estimated \$10,400.00
- Interior Construction – Showboat Only – Estimated \$68,000.00

Funds for the professional services are available from acct Showboat Project Fund – 260-751-740 PK1701.

Council questioned the Interior Construction price and timeframe to be complete and would like to meet Mr. VanOverloop and have some questions answered before they approve the Interior Construction.

IT WAS MOVED BY CANFIELD and seconded by CHAMBERS to approve JAVO Construction's proposal to provide General Contractor Bidding services for the Lowell Showboat VI Project for an estimated total sum of and not to exceed \$10,400.00.

YES: Mayor DeVore, Councilmember Salzwedel, Councilmember Yankovich, Councilmember Chambers and Councilmember Canfield.

NO: None.

Absent: None

MOTION CARRIED.

b. Lowell Showboat VI Steel Structure Fabrication.

Assistant City Manager Rich LaBombard stated the Department of Public Works requested quotes from qualified firms with the necessary skills and resources to fabricate the steel structure of the new Lowell Showboat VI. The City requested bidders to provide a cost for all material, fabrication labor, modularization of the structure to make it transportable, epoxy painting, transportation to Lowell, installation into the Flat River, and required bonding. Several vendors were contacted directly to increase interest in the project; however, only one bid was received. Moran Iron Works, Onaway, MI - \$1,497,920.00. Upon review of the material costs and labor requirements, the sole bid received was determined to be in line with the services requested. Funds for the fabrication of Lowell Showboat VI are available from grant funds received for the Showboat Construction Project in the following account: 260-751-740-PK1701. Then LaBombard introduced Mr. Moran from Moran Iron Works who answered questions from the City Council.

IT WAS MOVED BY CHAMBERS and seconded by CANFIELD for City Council to accept the bid of \$1,497,920.00 and award the fabrication of the Lowell Showboat VI project to Moran Iron Works of Onaway, MI, subject to the formulation of an Agreement where the City Manager approves content and form approved by the City Attorney, whereby signed by the Mayor and City Clerk to sign on behalf of the City.

YES: Councilmember Salzwedel, Councilmember Yankovich, Councilmember Chambers, Councilmember Canfield and Mayor DeVore.

NO: None.

ABSENT: None.

MOTION CARRIED.

c. Future Water and Sewer Agreement with Lowell Township.

City Manager Michael Burns stated this past fall, he had discussed with the City Council the idea of a possible Water and Sewer Authority with Lowell Township. We have had some discussions with Lowell Township regarding future possibilities for the system as growth in the Township will eventually exceed the growth in the City limits. We have done some research regarding possibilities but we need some assistance in continuing to facilitate this discussion. After meeting in January with Lowell Township regarding their water and sewer rates, we kind of reached a sticking point on how to proceed. After further

discussion, we believed it might be in the best interest of both communities to bring in a facilitator to assist us. With the assistance of Jeff Sluggett (Lowell Township Attorney) and Dick Wendt, we discussed some possible facilitators who have experience in joint water and sewer agreements and found that retired East Grand Rapids City Manager might be best to assist us with this process. A few weeks back, Jerry Hale and I met with Brian Donovan regarding this. We think he will be an asset in helping us move this forward expeditiously as there are some significant growth opportunities in the Township. Mr. Donovan has agreed to assist us.

Burns continued, Mr. Donovan has agreed to a consulting fee of \$150 per hour plus \$.58 per mile from his home in East Grand Rapids. This cost would be equally split between both Lowell Township and the City of Lowell. Both Hale and I think we would only need a few meetings of facilitation. While taking a conservative approach, I set a limit of no more than 40 hours for this task. As part of the discussion, Hale will bring along two other township representatives to this discussion and I would bring along two other City representatives. Rich LaBombard and I would be the two staff people involved in this and we would like one representative from the City Council to be involved in the discussion.

IT WAS MOVED BY CANFIELD and seconded by CHAMBERS to enter into agreement with Brian Donovan to assist Lowell Township and us in developing our future water and sewer agreements with Lowell Township at a cost not to exceed \$6,000, split equally between the City of Lowell and Lowell Township.

YES: Councilmember Yankovich, Councilmember Chambers, Councilmember Canfield, Mayor DeVore and Councilmember Salzwedel.

NO: None.

ABSENT: None.

MOTION CARRIED.

d. Purchasing Policy.

City Manager Michael Burns stated at our last City Council meeting, the City Council approved a revision to our purchasing policy. While it was approved, there was a question on the amount of difference we would grant City of Lowell bidders when determining local preference. There was a belief that Lowell Light & Power's difference was 15 percent. At the time, I informed the Council, I would review this and respond. I was able to review Lowell Light & Power's local preference policy and it states the following: "Preference shall be given to vendors located within the Lowell Light & Power service area whenever possible. When there are justifiable price differences, however, bids from vendors located outside the Lowell Light & Power service area may be selected over a bidder within." There is no percentage difference in their policy.

Burns continued that he would recommend the City policy mirror this policy as much as possible. The language I would suggest for our policy is; "Preference shall be given to vendors located within the City of Lowell whenever possible. When there are justifiable price differences, however, bids from vendors located outside the City of Lowell may be selected over a bidder from within." The proposed language gives management flexibility to make sound judgement in making a recommendation not using a local vendor, the City Council still has the ability to go against the manager's recommendation in these instances, if they don't agree with the assessment of the bid.

There was consensus with the Lowell City Councilmembers to change the language of the City Purchasing Policy regarding the local preference section.

e. City Income Tax.

City Manager Michael Burns explained if the City income tax was to be put in place, there would be two scenarios options for Street Improvements - \$1 Million Bond Issue. One for 15 years and the other for 10 years. They discussed at length. Council will continue to move forward on this matter.

5. **NEW BUSINESS**

a. Mowing and Trimming Service- 2019-2021.

DPW Director Rich LaBombard stated that the Department of Public Works requested bids from qualified Landscape firms who possess the necessary labor, skills, and equipment to provide mowing and trimming services on a variety of municipal properties. A contracted vendor performs mowing and Trimming services over the course of the summer growing season, which lasts approximately 24 weeks.

The following is a summary of the bid responses received:

- Manszewski Landscaping – Lowell Total Cost one Cycle - \$1,645.00
Total Cost for Season - \$39,480.00
- Natural Landscapes – Rockford, MI Total Cost one Cycle - \$1,606,75
Total Cost for Season - \$38,562.00

LaBombard continued stating mowing is a routine contractual service and funds have been allocated in the various accounts to pay for the service. The duration of the proposed agreement will be for the upcoming three calendar years of 2019-2021. There are two optional one-year extensions available. I recommend accepting the higher bid from Manszewski Landscaping because they are a local firm, they are currently providing mowing and trimming services for the City, and we have an established relationship with their crews, and there will be less of a learning curve.

IT WAS MOVED BY CANFIELD and seconded by CHAMBERS to accept the bid of \$39,480.00 and award the mowing and trimming bid for calendar years 2019 to 2021 to Manszewski Landscaping of Lowell.

YES: Mayor DeVore, Councilmember Salzwedel, Councilmember Yankovich, Councilmember Chambers and Councilmember Canfield.

NO: None.

ABSENT: None.

MOTION CARRIED.

b. Lowell City Airport West Taxiway Paving Project.

Lowell City Airport Manager Casey Brown stated the airport board has recommended spending \$28,320 to Great Lakes Paving to pave the taxiways between the westernmost T-hangars on the west side of the airport. The paving will take approximately 2 weeks to complete. The project start date is scheduled for early June 2019. The City residents do not pay for this, it will be funded out of the City Airport fund and generated by all the revenue from the tenants at the airport. This improvement will remove long-term taxiway maintenance issues due to the use of snow removal equipment on the turf taxiway. It will also reduce seeding and mowing cost because of the paving. Snow removal cost will also be reduced as the pavement will assist with the delineation of the area to be plowed resulting in less time spent to perform snow removal. This improvement will also make the operation of aircraft much easier in all weather. Soft field conditions and mud will no longer be an issue, improving the value of the current hangar spaces at Lowell Airport. As a result, the board also recommends increasing the annual rent of all hangars at Lowell

City Airport by \$10 per month. The hangar space increase will be budgeted for the 2019-2020 fiscal year and will take effect starting the renewal of all leases January 1, 2020.

IT WAS MOVED BY SALZWEDEL and seconded by CHAMBERS to accept the recommendation of the Airport Board to approve an agreement with Great Lakes Paving to pave the taxiways as listed at a cost not to exceed \$28,320 as well as approve an increase of hangar rents by \$10 per month.

YES: Councilmember Salzwedel, Councilmember Yankovich, Councilmember Chambers, Councilmember Canfield and Mayor DeVore.

NO: None.

ABSENT: None.

MOTION CARRIED.

c. AT&T First Net Cell Phone Contract.

City Manager Michael Burns stated he would cover this item for Chief Bukala as he had a family emergency he had to leave for. AT & T has been developing the First Net Technology for the entire United States exclusively for Public Safety agencies. For many years, the City of Lowell has contracted with NEXTEL and now Sprint for our cellular and data coverage. The service with Sprint over the past two years has been very spotty and the customer service agent has been experiencing high turnover. Chief Bukala met with a First Net agent shortly before the Chief's conference this February and was looking for more data before making a switch. In 2019, AT&T is making a commitment to an additional 2500 sites in the United States for public safety agencies, and has 10,000 plus currently underway, and there is no annual contract. With First Net technology, Law enforcement and fire phones take priority over the civilians if there is an event in West Michigan, or even if the amount of calls is exceeding the available bandwidth during that time. Chief Bukala tested the device along with Sgt. Hurst and Officer Lauren in various parts of West and Northern Michigan and the device had equal or better coverage than our current Sprint devices. Most of our existing devices can be exchanged and the few of us that have older devices would have to replace them completely.

IT WAS MOVED BY YANKOVICH and seconded by SALZWEDEL to end our agreement with Sprint and go with AT&T First Net with no annual contract.

YES: Councilmember Yankovich, Councilmember Chambers, Councilmember Canfield, Mayor DeVore and Councilmember Salzwedel.

NO: None.

ABSENT: None.

MOTION CARRIED.

d. Lowell Township Easement Acceptance.

Lowell Light & Power General Manager Steve Donkersloot stated at the April LL&P Board Meeting, the LL&P Board approved and recommended a Utility Easement Agreement with Lowell Charter Township to the City for final approval. The agreement will allow LL&P to construct a new circuit #204, from our substation, heading south through the new Township Park and underneath the Grand River, to Grand River Drive. This will improve reliability on the south end of town and reduce load on circuit #207.

IT WAS MOVED BY CHAMBERS and seconded by YANKOVICH to approve the Utility Easement Agreement with Lowell Charter Township.

YES: Councilmember Chambers, Councilmember Canfield, Mayor DeVore, Councilmember Salzwedel and Councilmember Yankovich.

NO: None.

ABSENT: None.

MOTION CARRIED.

6. **BOARD/COMMISSION REPORTS.**

Councilmember Canfield stated at the LARA meeting, Dave Austin confirmed the LARA grant application has been resubmitted. We expect to receive (including the grants) about 5 Million of the 6.6 Million needed. The railroad grant from Lowell to Greenville has been approved and a contractor has been selected and they expect that will be completed from Lowell to Greenville this year and also from Lowell to Ionia will be completed, funded and approved (they have until the middle of 2020 to complete). Canfield attended the airport board meeting and Airport Manager Casey Brown is still waiting to hear on his \$5,000 State of Michigan grant, which will help with some other airport improvements.

Councilmember Chambers stated that Thursday, April 18, 2019 is Lineman's appreciation day. Chambers and his wife created a video put together by Mackenzie Davis featuring the Lowell Light & Power Line workers at the Rodeo in Colorado in 2019. Planning Commission is working on the recreational marijuana ordinance and currently working on the zoning aspect. It is a work in progress and hopeful to be complete by November.

Councilmember Yankovich stated he made his first attempt at grant writing for the Historical District for the Community Grant Fund and Mr. Doyle is reviewing it and will turn it in on Thursday, April 18, 2019.

Councilmember Salzwedel stated the Arbor Board met on April 8, 2019 and on Friday, April 26, 2019, the Arbor Board will have their presentation out in front of Betten Baker.

Mayor DeVore stated himself and Michael Burns attended the Vision meeting earlier that afternoon and they talked about the Township bridge being almost ready to go. Also discussed the Lowell Schools bond and the Special School election, which will be Tuesday, May 7, 2019. Greg Pratt was there to speak and showed a video showing project by project what they are going to do with the funds.

7. **MONTHLY REPORTS.**

There were no comments.

8. **MANAGER'S REPORT.**

City Manager Mike Burns reported on the following:

- Just a reminder that Wednesday, April 17, 2019 is Rec Park Design Day where we will have two sessions for residents to come in and design the park (come in between 2-4p.m. or between 5-7p.m).
- The City of Lowell has a landfill on Ware Road in Boston Township and this landfill was in operation until about the 1960's and then was shut down completely in 1984. In 1988, the State did some testing of the site and found some contaminants and sent a letter back at that time, to the City of Lowell telling us to develop a work plan to take action on this. Apparently, the State never received one. Burns received a call about a week and a half ago from our new DEQ district project manager in

Ionia County who stated we are going to be receiving a letter requesting a plan to be developed to tackle that site. Not sure what all it will entail, but will let you know when he learns more.

- Burns has asked the City Attorney to trademark our logo.
- On May 1, 2019, at 1:30 the American Public Power Association is coming; the Board at Lowell Light & Power hired them for a workshop that will be tailored to the Public Power Industry, Municipal Power, what is happening on a national level and tailored to LL&P specifically. This is a mandatory training event for Lowell Light & Power Board, LL&P Department Heads and LL&P General Manager Steve Donkersloot. Donkersloot is extending the invitation to the City Councilmembers, the City Manager Michael Burns and the DPW Director Rich LaBombard. Dinner provided. Contact Donkersloot to register.
- Last week, Rich LaBombard and Ralph Brecken attended the Michigan Public Service Institute, a three year leadership and management training program for public works professionals. Lou Bender is the facilitator for the entire week. Rich has completed his 2nd year and Ralph completed his 1st year.
- The budget was submitted to the City Council last Friday, it is on the City website and is also available at City Hall. We will have our budget work session on Saturday, April 27, 2019 at 10:00 a.m.

9. **APPOINTMENTS.**

The Historic District Commission has an appointment opening.
Construction Board of Appeals has an appointment opening.

10. **COUNCIL COMMENTS.**

Councilmember Canfield stated that he would like to congratulate and thank Betten Baker. They are on the final inspections with their beautiful new facility and Canfield appreciates their investment in the community and feels it is a great asset to the community.

11. **ADJOURNMENT.**

IT WAS MOVED SALZWEDEL and seconded by YANKOVICH to adjourn at 8:20 p.m.

DATE:

APPROVED:

Mike DeVore, Mayor

Sue Ullery, Lowell City Clerk