

PROCEEDINGS
OF
CITY COUNCIL
OF THE
CITY OF LOWELL

For the Regular Meeting of MONDAY, MARCH 1, 2010.

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

Present: Councilmembers Jeffery Altoft, Maryalene LaPonsie, Andrew Schrauben, Mayor Pro Tem Sharon Ellison and Mayor James Hodges.

Absent: None.

Also Present: City Manager David Pasquale, City Clerk Betty Morlock, Chief of Police James Hinton, DPW Director Dan DesJarden, Water Treatment Plant Superintendent George Regan, Wastewater Treatment Plant Manager Mark Mundt and City Attorney Richard Wendt.

Item #1. **APPROVAL OF THE AGENDA.** Councilmember Altoft requested the issue of garbage and recycling be added to the agenda for discussion. Mayor Hodges stated the issue could be added as Item #10.5.

IT WAS MOVED BY ELLISION and supported by LAPONSIE to approve the agenda as amended.

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

Item #2. **APPROVAL OF THE MINUTES OF THE FEBRUARY 16, 2010 REGULAR MEETING.**

IT WAS MOVED BY ELLISON and seconded by LAPONSIE to approve the minutes of the February 16, 2010 regular meeting as corrected.

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

Item #3. **APPROVAL OF THE ACCOUNTS PAYABLE.**

IT WAS MOVED BY LAPONSIE and supported by ALTOFT that the bills and accounts payable be allowed and the warrants issued.

YEA: Councilmember Altoft, LaPonsie, Schrauben, Mayor Pro Tem Ellison and Mayor Hodges.

NAY: None. ABSENT: None. MOTION CARRIED.

<u>BILLS AND ACCOUNTS PAYABLE (03/01/2010)</u>	
GENERAL FUND	\$36,555.26
MAJOR STREET FUND	3,209.85
LOCAL STREET	2,222.23
DDA FUND	2,254.80
AIRPORT FUND	25,198.38
WASTEWATER FUND	1,345.02
WATER FUND	190,673.31
DATA PROCESSING FUND	304.80
EQUIPMENT FUND	869.38
CURRENT TAX FUND	78,692.17

Item #4. **CITIZENS COMMENTS FOR ITEMS NOT ON THE AGENDA.** No comments were received.

Item #5. **PROPOSAL FOR PAVEMENT MANAGEMENT WORK SESSION REGARDING STREET IMPROVEMENTS BY WILLIAMS & WORKS – SET DATE.** David Austin of Williams & Works had talked with DPW Director Dan DesJarden regarding the updating of the Street Study which was completed in 2000, particularly involving cost estimates. In their discussion, it was noted not only cost had changed but also road conditions. Austin offered Williams & Works services in conducting a two hour work session to discuss streets management in the City. The agenda Austin proposed would have four major areas. First a general discussion about road and street basics such as terminology, materials use, what are cross sections and how does drainage come into play. Second, the discussion regarding preventative maintenance, what techniques should be used and what is provided to help prolong the life of the street. Third, Williams & Works would provide a brief synopsis on what was recommended in 2000 and what has happened over the past ten years. The last segment would be discussion on funding; where does road funding come from for the City of Lowell from the Federal level to State level and local funds.

Mayor Hodges thanked Austin and suggested the work session be held on either Monday, March 8th or Monday, March 29th at 7 p.m. The Council concurred with Monday, March 29th at 7 p.m.

Item #6. **GROUND COVER FOR CREEKSIDE KINGDOM.** Creekside Kingdom was constructed in 1994 and is over 15 years old. It had wood mulch around the play area which needed to be removed and replaced. A grant was received from the Lowell Area Community Fund for \$22,500 to remove and dispose of the mulch, which was taken care of last Fall by Pollution Control Services for \$19,399.14.

At its February 20, 2010 meeting, the Parks and Recreation Commission reviewed the options for ground cover around Creekside Kingdom with wood mulch (\$12,024), black rubber mulch (\$28,235) or pea stone (\$5,580 quote from Tip Top). With the Kingdom being 15 years old and perhaps ten (10) years of use remaining, the Parks and Recreation Commission recommended allocating up to \$2,500 from the Lee Fund and the remaining \$3,200 from the Lowell Area Community Fund to provide pea stone ground cover.

Councilmember Schrauben stated the wood mulch and rubber mulch would be easier to run on but is more expensive. Councilmember LaPonsie questioned the life span of pea stone. Schrauben responded that pea stone lasts a long time, basically until it is carried away, it does not decay. The only draw back on pea stone is it is harder to run on as compared to wood or rubber mulch.

IT WAS MOVED BY LAPONSIE and supported by ELLSION to replace the ground cover for Creekside Kingdom with pea stone for \$5,580 with allocations from the Lowell Area Community Fund and Lee Fund.

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

Item #7. **LIME SLAKER PROPOSAL**. Water Treatment Plant Superintendent George Regan explained the lime slaker is the unit located in the silo south of the main structure which provides the lime slurry that softens the water for the City of Lowell. The slaker itself is the original equipment as far as the feeder is concerned. It has not been changed since the construction of the plant in 1976-77. The hopper unit of the slaker was replaced in 1990, with the original one lasting 13 years and the present unit is in its twentieth year.

Regan stated Siemens Water Technologies Corporation had approached him for a test site with an offer to install and set up a new prototype slaker unit with removal of the existing unit at no cost to the City. The savings to the City would be greater than \$40,000. The new prototype slaker would also benefit from any new updates during its test phase at no cost to the City. The twenty year old slaker feeder unit would need to be replaced. This is a specialized purchase and available only from Siemens. Of the two types provided, Regan recommended the auger driven feeder at a cost of \$16,000 and is allocated in the Water Fund.

Councilmember Schrauben asked how long will the test program will last. Regan is not sure yet. He is going to look at the unit which is being assembled in Holland before committing to the project, which should be within the next month.

IT WAS MOVED BY ELLISON and supported by LAPONSIE to approve the lime slaker proposal for the Water Treatment Plant and purchase an auger driven feeder for \$16,000 from Seimens Water Technologies Corporation.

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

Item #8. **AMENDMENT OF UNITED WATER OPERATION AND MAINTENANCE AGREEMENT OF THE WASTEWATER PLANT TO INCLUDE AN ADDITIONAL UNITED WATER EMPLOYEE**. Wastewater Treatment Plant Manager Mark Mundt and City Manager Pasquale met in early January to discuss what to do regarding City employee Frank Martin's retirement in July. After reviewing our options, it was proposed to amend the contract so that filling this vacancy would become United Water's responsibility and save the City over \$15,000 per year. It was proposed to fill the vacancy with an experienced operator rather than hire an entry level employee. By using an experienced employee, the City can hit the ground running so to speak. This person would already be experienced in wastewater plant operations, maintenance and laboratory procedures.

City Manager Pasquale concurred with Mundt stating this would be the most efficient and cost savings for the City.

Councilmember Schrauben asked where the \$15,000 in savings come from. Mundt explained that currently the City has \$84,166 in the budget for this position which includes salary, overtime, training fees, benefits, etc. United Water is proposed a lump sum increase of \$68,690 for their seasoned employee, which saves the City approximately \$15,000.

IT WAS MOVED BY LAPONSE and supported by SCHRAUBEN to approve the amendment of United Water Operation and Maintenance Agreement of the Wastewater Treatment Plant to include an additional United Water employee.

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

Item #9. **UNISON PROPOSAL FOR PERPETUAL EASEMENT OF CITY DOWNTOWN TOWER.** The City had received an offer from Unison to have perpetual easement for the downtown tower that Verizon has an agreement with the City to use at a cost of \$1,900.16 per month. The City would keep the tower, but Unison would have a perpetual easement.

City Attorney Richard Wendt explained there are two agreements pertaining to this tower, one from American Messaging which pays the City \$335 per month. This actually expired July of 2009, but they continue to pay the monthly fee. Unison is not interested in this agreement. They indicated the City may keep what ever is received in respect to the paging company agreement. What Unison is interested in is the Verizon agreement that pays \$1900 a month. In return for a perpetual easement for the tower, Unison is willing to cash out in the amount of \$159,000 for any future monthly rental payments the City may receive from Verizon or anyone who is its successor. Wendt noted the Verizon agreement expires in November, 2010 and Unison is expecting that the agreement would be renewed. In speaking to the representative from Unison on how the \$159,000 figure was arrived, he indicated that Unison did a private value analysis based on the assumption they would collect rent for at least another 7 ½ years. Thus renewing the agreement is a priority. The Council should also understand that Unison is requesting a perpetual agreement, which is forever. If the City would want to take down the tower, the City would have to receive approval from Unison. Most likely Unison would want money in return for permission to remove the tower.

Wendt stated if the City were to collect the rent for 7 ½ years based on the rental scale in the current agreement, it would receive over that period a total of \$196,201. The present value analysis of the amount based on different interest rates indicates a present value of such amount of between \$138,462 and \$178,156.

In addition to Unison receiving all future rent for Verizon agreement, their proposal also suggests any new agreements with new companies, the City and Unison would share the rentals 50/50.

Basically for \$100 Unison wants a six month option from the City to decide whether or not they want to enter into an agreement. They want to be sure there is a new agreement with Verizon.

Councilmember Ellison asked who is responsible for upkeep and maintenance. Wendt stated based on the proposal Unison would be responsible for the upkeep and maintenance. Ellison

also noted the City is not sure what they want done with the building and this perpetual agreement would also tie up the structure.

City Manager Pasquale said Verizon is interested in continuing to work with the City and actually doing some improvements such as installing a generator and providing separate meters at their cost.

Mayor Hodges is reluctant to give up ownership of the tower. Councilmember Schrauben questioned if Unison would get any other agreement Verizon would get or just the current equipment. Wendt responded Unison would receive the monies for any contract with Verizon in the future.

The consensus of the Council is there is no interest in the proposal at this time.

Item #10. **WASTE HAULER AND RECYCLING**. Councilmember Altoft requested this item be placed on the agenda to address the contract issues regarding waste hauler as well as the \$15,000 to subsidize the recycling. City Manager Pasquale said this was discussed several meetings ago and talked about the County being interested in providing a proposal for recycling in about two months. Pasquale will ask for an update from the County. Also, the City has one more year option with the current hauler. Altoft wants the City to go to bid for waste hauler because he feels there are more companies to bid. Mayor Pro Tem Ellison stated the City has time yet before this needs to be done. Pasquale responded yes, we will have an update in a few months and Allied Waste had provided a third year to the current contract which provides a cost for refuse bags, yard waste bags and recycling. The City has the option to accept the third year extension or could go out for bid. Ellison asked if the City accepted the extension, could the City charge for recycling. Pasquale responded the City does have several options.

Item #11. **CITY MANAGER'S REPORT**. City Manager Pasquale reported on the following:

1. The following boards and commissions meetings minutes were provided:
 - Parks and Recreation meeting of January 25, 2010
 - Planning Commission meeting of January 25, 2010
 - Grand Valley Metro Council – Transportation Policy meeting of January 20, 2010.
2. As a reminder, work on the downtown bridge will begin on Monday, March 15 with the detour starting on Monday, April 5. Traffic going from west to east will continue but then going west will go with the bridges (Division and Hudson bridges). The completion date is Friday, October 1.
3. Mayor Exchange dates are as follows:
 - City of Greenville here on Thursday, June 3
 - City of Lowell goes to Greenville on Thursday, June 10th
2. Chief of Police James Hinton advised the Council and citizens of Lowell that new soft ware was obtained through a grant for the Police cars and office through Kent County Sheriff's

Department which allows accident reports to be obtained on line through the City's web site.

Item #12. **COUNCIL COMMENTS.** Councilmember Altoft wants the City to pursue licensing trash haulers and snow plowing. Also, Altoft would like to have trash hauler limited to two days per week for all haulers.

Mayor Pro Tem Ellison had attended both the Lowell and Ada's bridge meetings and found them in a very different atmosphere. She was very proud of how the Lowell merchants, Chamber and City are working together and doing the best they can to get through this year.

Mayor Hodges commended the Chamber of the Winter Gathering event at the Grand Volute that honored Dave and Jan Thompson as Persons of the Year and Dr. Jim Reagan as Business of the Year. He also reminded everyone that this Saturday, March 6 is "Coffee with Council" at the Lowell Chamber office from 8 a.m. to 10 a.m.

Item #13. **APPOINTMENTS.** No appointments were made at this time. There is a vacancy on the City Planning Commission. If anyone is interested please contact City Clerk Morlock, City Manager Pasquale or Mayor Hodges.

IT WAS MOVED BY ELLISON to adjourn at 8:21 p.m.

DATE:

APPROVED:

James W. Hodges, Mayor

Betty R. Morlock, Clerk