

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

For the Regular Meeting of Monday, **OCTOBER 4, 2004**

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

Present: Councilmembers Mathews, Myers, Pfaller and Mayor Shores.

Absent: Councilmember Hodges.

Also Present: City Manager David Pasquale, City Clerk Betty Morlock, and Police Chief Jim Valentine.

IT WAS MOVED BY PFALLER and seconded by MYERS to excuse the absence of Councilmember Hodges.

YEA: 4. NAY: 0. ABSENT: 1. MOTION CARRIED.

IT WAS MOVED BY PFALLER and seconded by MATHEWS to approve the minutes of the September 7, 2004 regular meeting as corrected.

YEA: 4. NAY: 0. ABSENT: 1. MOTION CARRIED.

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

YEA: 4. NAY: 0. ABSENT: 1. MOTION CARRIED.

<u>BILLS AND ACCOUNTS PAYABLE (10/04/04)</u>	
GENERAL FUND	\$89,188.41
MAJOR STREET FUND	46,593.62
LOCAL STREET FUND	1,518.70
DDA FUND	2,235.86
AIRPORT FUND	35.29
WASTEWATER FUND	45,341.20
WATER FUND	72,427.89
DATA PROCESSING	629.82
EQUIPMENT FUND	2,797.56
CURRENT TAX FUND	135,719.21
LOWELL AREA TRAILWAY FUND	197.20

Item #1. **REQUEST FROM FIRST CONGREGATIONAL CHURCH TO CLOSE SPRING STREET ON SUNDAY, OCTOBER 10.** A letter was received from Pastor Roger LaWarre of the First Congregational Church requesting Spring Street between Hudson and Lincoln Lake to be closed on Sunday, October 10, 2004 between 11:00 a.m. to 11:45 a.m. This would allow cars to line up for a procession as part of the celebration of the new church's groundbreaking.

IT WAS MOVED BY MYERS and seconded by PFALLER to approve the closing of Spring Street on October 10, 2004 from 11:00 a.m. to 11:45 a.m.

YEA: 4. NAY: 0. ABSENT: 1. MOTION CARRIED.

Councilmember Myers requested the DPW be notified of this event.

Item #2. **CONSIDERATION OF ENGINEERING SERVICES – GRINDLE DRIVE RECONSTRUCTION.** At its meeting of March 29, 2004, the City Council adopted a resolution of intent to issue Michigan Transportation Fund Bonds not exceeding \$400,000 to improve Grindle Drive. Also, the Council requested that Requests for Proposal be submitted to local engineering firms to perform design and inspection services.

On Friday, September 24, the following three proposals were submitted which involve complete reconstruction of Grindle from Jackson to Grindle Court, mill and resurface with new valley gutters from Grindle Court to Fun Street and coordinating with the Kent County Road Commission for the paving of an existing gravel surface from Fun Street to top of hill:

	Design Engineering Fees	Construction Engineering Fees	Total
Williams & Works	\$18,468	\$26,256	\$44,724
OMM Engineering, Inc.	\$31,300	\$35,700	\$67,000
Wilcox Professional Services, LLC	\$34,885	\$39,510	\$74,395

Based on the review of the proposals, all three firms have excellent credentials and have the ability to carry out the project. But, with one proposal providing considerable less cost, DPW Director Dan DesJarden and Pasquale recommended Williams & Works to provide engineering services for the Grindle project at a cost of \$44,724. (NOTE: based on an estimate of \$372,000 engineering costs were initially proposed at \$55,800)

Councilmember Mathews appreciated the breakdown prepared by Williams and Works. He believed the company would do a great job.

IT WAS MOVED BY MATHEWS and seconded by MYERS to approve the proposal from Williams & Works in the amount of \$44,724 for Grindle Drive reconstruction engineering services.

YEA: 4. NAY: 0. ABSENT: 1. MOTION CARRIED.

Item #3. **RENEWAL OF AMBULANCE SERVICE AGREEMENT.** Rockford Ambulance, doing business as Lowell Ambulance, has been serving the Lowell area since 1988. A formal agreement was drawn in 1993 which identified insurances and responsibilities. Since the last agreement expired on September 30, 2003, a new five year contract extends service to September 30, 2009.

As noted in City Attorney Richard Wendt's letter, the agreement remains substantially the same. The annual payment from the City to the ambulance services continues to be \$2,000 a year. Liability insurance requirement has been raised to \$2,000,000.

City Manager Pasquale recommended this agreement be approved extending the contract to September 30, 2009.

Councilmember Pfaller questioned if the City has been operating over the past year without an agreement. Pasquale stated this was an oversight.

IT WAS MOVED BY PFALLER and seconded MATHEWS to approve the agreement with Lowell Rockford Ambulance as proposal extending service to September 30, 2009.

YEA: 4. NAY: 0. ABSENT: 1. MOTION CARRIED.

Item #4. **LEGAL SERVICES AGREEMENT.** At its September 20, 2004 meeting, the City Council approved the firm of Dickinson Wright with Richard Wendt to continue to provide legal services and act as City Attorney. The document outlines scope of services in accordance with the Request for Proposal, compensation, reimbursement for expenses, non-discrimination, time of performance and duration of agreement (two years with opportunity of a two year renewal) was presented to Council for review.

The agreement may be terminated by the City if Wendt is no longer available to serve as City Attorney. Also, either party may terminate, giving 30 days prior written notice.

It was noted the City was not charged for Wendt's time in the preparation of the document.

City Manager Pasquale recommended the Council approve this agreement.

Councilmember Pfaller was in favor of the agreement as it forces the City to review legal services every two years.

IT WAS MOVED BY PFALLER and seconded by MYERS to approve the legal services agreement with Dickinson Wright as presented.

YEA: 4. NAY: 0. ABSENT: 1. MOTION CARRIED.

Pfaller appreciated the process. He believed this would start the City in reviewing all services on a regular basis as well as using tax dollars wisely.

Pfaller questioned if the issues brought during the interview with Lowell Light and Power and Cable TV General Manager Tom Richards had been addressed. Pasquale spoke with Wendt briefly, there will need to be dialogue between Richards and Wendt.

Item #5. **CITIZEN COMMENTS**. Ivan Blough of 623 N. Jefferson thanked the Council for the time spent discussing the removal of the tree in front of his residence. He was hopeful that a good procedure would come from this.

Blough commented on the tree being wrongly identified. The MSU Extension Office made their recommendation and observation on this being a silver maple. Blough informed the Mayor and Councilmember Pfaller regarding this. Blough brought a sample of the tree to the MSU extension office for review. The office identified as it definitely not being a silver maple, but a red maple. The representative was 99 percent sure it was a hard maple. Blough also had a representative from BJ Roark identify the tree as being a red maple.

Blough urged the Council to have a good policy in place.

By consensus, the Council did not wish to reconsider its motion to remove the tree.

Item #6. **COUNCIL COMMENTS**. Councilmember Myers appreciated the opportunity to attend the Michigan Municipal League Convention at Mackinac Island.

Mayor Shores thanked City Clerk Morlock for organizing the Council to attend the MML Convention. She attended several sessions, which were very good.

Shores commented on a second arborist reviewing the tree at 623 N Jefferson. This arborist indicated it probably was not a pure silver maple, but rather a cross maple. Shores suggested a worksession be established to set a policy regarding how such an issue should be handled in the future. By general consensus, the Council set a meeting for November 8, 2004 at 7:00 p.m. to discuss removal of trees.

Item #7. **MANAGER'S REPORT**. City Manager Pasquale reported on the following:

1. The following meetings minutes of board and commissions were provided:
 - Planning Commission meeting of August 23, 2004
2. Results of the September 26 Fly In at the Lowell City Airport are attached. The fly-in netted over \$2,700 and is considered a success.
3. The Council approved the removal of a tree in the public right of way fronting 623 North Jefferson Street. A question arose by Ivan Blough, whose property adjoins the location of the

tree whether this is a silver maple as identified by arborist Brian McKenzie and the MSU Extension Service.

The scheduled removal for Monday, September 27 was cancelled until the tree could be identified by another arborist. Woodland Tree Services provide a description of the tree as a silver maple.

4. Police Chief Jim Valentine recommended Halloween Trick or Treating be recognized on Sunday, October 31 from 5:30 p.m. to 8 p.m.

Item #8. **APPOINTMENTS**. No appointments were made at this time.

IT WAS MOVED BY MYERS to adjourn at 8:03 p.m.

DATE:

APPROVED:

C. Jeanne Shores, Mayor

Betty R. Morlock, Clerk