

**CITY OF WAYLAND
COUNCIL PROCEEDINGS
JULY 16, 2007**

Mayor Stein called the meeting order at 7:00 p.m.

PLEDGE OF ALLEGIANCE:

City resident Diane Smith led the Pledge of Allegiance.

ROLL CALL:

Present: Mayor Stein, Doug Shafer, Jennifer Antel, Sheryl Hamilton, Mark Holloway, Greg Maichele, Bruce Patrick.
Absent: None.
Also Present: City Manager Deborah Nier, City Clerk Sharon Baumgard, City Services Director Pierre Brazeau, Police Chief Dan Miller, Deputy City Manager Heath Kaplan, Larry Scheidel, Louis Schmidt, Diane Smith, Cheryl Scales, Vicki Kouchnerkavich, Jodi Chappell, Amy Miller, Karen Gregersen.

APPROVAL OF MINUTES:

Motion made by Council Member Hamilton to approve the minutes of the July 2, 2007, meeting, motion seconded by Council Member Holloway.
All ayes. Motion passed.

CITIZENS APPEARING BEFORE COUNCIL:

None.

COMMITTEE MINUTES:

- a) Minutes of the June 27, 2007, Sewer Committee meeting were acknowledged for file.

- a) Minutes of the June 12, 2007, Planning Commission meeting were acknowledged for file.

COMMUNICATIONS:

None.

BILLS AND ACCOUNTS:

- a) Motion made by Council Member Shafer, and seconded by Council Member Maichele, to approve the bills and accounts as presented. All ayes. Motion passed.

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OLD BUSINESS:

- a) **Military Pay:** City Manager Nier gave a brief recap of the military differential pay for City employees. She stated that before the Council is the new language for the Military Daily Rate of Pay “Monthly base pay + Entitlements x 12 months/2080 hours x 8 hours = Military Daily Rate of Pay”

Council requested that “Payment of Differential Pay will be limited to fourteen (14) days per calendar year excluding deployment” be changed to “Payment of Differential Pay will be limited to fourteen (14) days per calendar year excluding active duty”.

Motion made by Council Member Holloway, to approve the amendment to the Employee Policy Manual regarding Military Differential Pay for City Employees with the new corrections, seconded by Council Member Antel. All ayes. Motion passed.

NEW BUSINESS:

- a) **Street Work Bid.** City Manager Nier supplied Council with information regarding the Standish/Anderson/Clark/Elm Street Project Bids. Manager Nier stated that the bids came in over estimate.

Cheryl Scales, representative of ProgressiveAE, gave an explanation of the bids that were received.

Council Member Hamilton asked Ms. Scales what the benefit would be to have the reinforcing fabric and full patching done. Ms. Scales stated it would extend the lifetime of the street by five (5) years. Council Member Hamilton inquired what the \$30,000 submitted by Progressive in the estimate is for. Manager Nier stated it is for the reinforcing fabric.

Mayor Stein inquired if it would be beneficial to have it done. Ms. Scales stated it would be beneficial to the City to extend the life of the street. She stated M DOT is doing this with great success.

Council Member Antel told Ms. Scales that there was a discussion to eliminate some of the patching to cut cost. Ms. Scales stated because of the cost of asphalt, patching only the worst spots would save the City money in the long run. Ms. Scales said that she knows that this is a tough decision. Council Member Antel asked Manager Nier if Council was to approve the bid including the reinforcing fabric and patching would there be enough money to do the Sidewalk Project. Nier stated it would be close. She said Finance Director Kaplan feels we can do this, even though we did not budget

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for Plum Street. Antel said she feels not doing the patching would cost the City in the long run.

Council Member Patrick inquired what special funds this would come from. Manager Nier stated that the City could do the original sidewalks that were specified and bid the Plum Street Sidewalk Project as an alternate. Mr. Kaplan stated that he is fairly confident we will have enough to do the whole project; we would have to incorporate funds from what were set aside before.

Council Member Holloway asked Ms. Scales if there is a guarantee. Ms. Scales stated there is no guarantee, but there is a one (1) year warranty.

Council Member Patrick stated he believed if the scope of the bid is changed, the City should go out for rebid. Manager Nier told Mr. Patrick that we could negotiate down with the low bidder without going out for rebid. Ms. Scales explained that the companies make their proposals based on that risk. They bid on general conditions.

Council Member Shafer asked Manager Nier how long it would take to rebid. Manager Nier stated the process would take about a month.

Motion was made by Council Member Antel, and seconded by Council Member Patrick, to award the bid to Reith-Riley at full amount of \$163,188, including the reinforcing fabric for Standish/Anderson Drive.

Yeas: Stein, Antel, Patrick, Maichele, Shafer, Hamilton.

Nays: Holloway.

Motion passed 6 to 1.

- b). **Utility Rate Study.** City Manager Nier gave a brief report of the financial situation of the Sewer Fund stating that the Sewer Committee is asking the City Council to have a Utility Rate Study done. The Sewer Committee is recommending that Progressive do an update of the 2004 Utility Rate Study. Mr. Kaplan had made some other calls and receive other company proposals for the study and had discussed these with the Sewer Committee.

Council Member Patrick stated that he looked over the other proposals stating he believed you get what you pay for. He said that the City needs a more professional group than Progressive to do the study. He added that the rates for water and sewer are in disarray. He stated he talked this over with Mr. Kaplan.

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Heath Kaplan explained that he has worked with Fleis & Vandenbrink when he was at Capac and was very happy with them. He stated that he would like to take the rate study another step and they are highly qualified to give him the tools he needs for budgeting when the rate study is done.

Council Member Holloway asked Mr. Kaplan if Progressive received the same specs as the other companies. Kaplan stated they did. Mr. Holloway asked Mr. Kaplan if Progressive gave what he asked of them. Kaplan said yes.

Council Member Hamilton commented that people who do not attend the Sewer meetings do not know the situation of the Sewer Fund.

Council Member Maichele stated that he thought with Sawmill Estates fees, this would take us out of debt. Mr. Kaplan said it would only help for this year. Manager Nier explained that in the past years money was borrowed from other funds that were pooled together. Now with separating the funds this cannot happen anymore.

Council Member Antel asked Nier if the Sewer Department is self sustained. Manager Nier answered yes. Mr. Kaplan stated that everything that was borrowed was legal.

Council Member Shafer asked Mr. Kaplan if Wildflower Ridge was taken out of the equation, how close was Progressive. Mr. Kaplan answered in March of 2005, an increase in the rates helped move the fund in the right direction, but the deficit had not yet been eliminated.

Cheryl Scales stated if it would be helpful, Progressive could team up with Tetra Tech MPS.

Council Members Antel and Shafer withdrew their motion from the floor.

Motion made by Council Member Shafer to table the Sewer Rate Study until the Sewer Committee could meet, Council Member Maichele seconded the motion. All ayes. Motion passed.

- b) **Award of Engineering Services.** Manager Nier explained that proposals were sent out and then Plum St. was added on. The City received six (6) responses. They are clustered in three (3) areas. Looking at the biggest difference are the easements, and

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people interactions. She stated their experiences are the same and given their level anyone of them could do the job.

Council Member Holloway stated that at this given time people interaction would be beneficial.

Cheryl Scales stated that Progressive included everything that was asked for, it was also not asked for in the walk through. Progressive could also do this.

Manager Nier said she did not know this was not said and stated she was confused why some companies included the easements and other did not.

Heath Kaplan said there were two (2) tiers and some companies went beyond what was asked for.

Council Member Shafer told Council Members that the City cannot afford to put this off any longer, because of it getting late in the season.

Mayor Stein said this has been talked about for several years, we should go ahead.

Motion made by Council Member Maichele to award Progressive the Engineering Services Bid. Motion died because of lack of a second.

Council Member Antel motioned to award the bid for Engineering for the Hickory/Sycamore/S. Main Sidewalk Project to Paradigm Design, Inc. with Plum St. as an alternate, also 70 hours of inspections and public meetings, Council Member Hamilton seconded the motion.

Yeas: Holloway, Shafer, Antel, Hamilton, Patrick, Stein.

Nays: Maichele.

Motion passed.

d) Pay Request for JWK Construction Company. Manager Nier stated that before Council was the last pay request from JWK Construction. Work has been completed and is satisfactory.

Motion made by Council Member Shafer to pay the last payment to JWK Construction for the sum of \$18,534.00, Council Member Maichele seconded the motion. All ayes. Motion passed.

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- e) **Resolution No. 27-07, authorizing installment purchase agreement (DPW dump truck).** Motion made by Council Member Antel to adopt Resolution No. 27-07, Council Member Holloway seconded the motion. All ayes.

RESOLUTION NO. 27-07 DECLARED ADOPTED.

CITY MANAGER COMMUNICATIONS:

1. Manager Nier reminded everyone of the Concert in the Park Series in August. She announced that August 3, the 126th Army Band would perform at 7:00 p.m.
2. Nier announced that the MML Conference will be held in Traverse City and if anyone is interested in going contact her or Sharon to make arrangements.

COUNCIL COMMENTS:

Council Member Holloway gave a brief report on the Planning Commission. He stated he has had complaints from two (2) residents on Plum St. regarding the Sidewalk Project. Holloway expressed a concern about the yellowing of the trees in the DDA District. He suggested calling Mike Connor to check them out. Holloway stated that Mr. Connor is certified to do this. Holloway also, said the flowers in the DDA District look great.

Council Member Shafer commended and thanked Police Chief Dan Miller for representing Wayland so well at the Grand Rapids Police Officers funeral. Chief Miller wanted it on record that he took a vacation day to do this.

Council Member Antel gave a report on behalf of Mr. Antel regarding the Friends of the Interurban Trail Committee.

Council Member Hamilton thanked Chief Miller for representing Wayland at the Grand Rapids Police Officer's funeral. She announced there will be a meeting of the Downtown Task Force Committee on July 18, at noon, located at City Hall.

Council Member Patrick requested that Jeff Geshel be removed from the City Lites Newsletter as a Council Member.

Mayor Stein stated that Paula French of the Allegan County Commission on Aging will be at the August 6 Council meeting. Mayor Stein also, asked Council if they would be interested in another joint meeting with Wayland Township. He said he talked to Wayland Township Supervisor Roger VanVolkinburg regarding inviting Leighton Township, Hopkins Township and Dorr Township to the meeting. It was the consensus of the Council to have another joint meeting.

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CITIZENS COMMENTS:

Pierre Brazeau addressed the Council as a taxpayer stating that the reason Council went out for bids was to save the City money.

Amy Miller of 417 N. Main St. said at the July 2 Council meeting, comments were made about Dan Miller representing Wayland on Channel 8 and being introduced as Fire Chief. She stated that Dan Miller does a lot for Wayland and is proud to serve the City. Ms. Miller added that Miller did this on his own time.

Diane Smith replied that she was the first one to bring this up, because she did not know Dan Miller was Deputy Chief of the Fire Department.

Cheryl Scales approached Council thanking them for all their work with Progressive and appolized stating in the future they will take the bids more serious.

Mayor Stein adjourned the meeting at 8:20 p.m.

Respectfully submitted,

Sharon L. Baumgard, City Clerk

Burrell Stein, Mayor