

COUNCIL PROCEEDINGS
Regular Meeting
September 24, 2018

CALL TO ORDER: By Mayor Lewis on Monday, September 24, 2018 at 7:00 p.m.

PRESENT: Councilmembers Dyer, Johnston, Russo, Mitchell, Mayor Pro-Tem Baker, Mayor Lewis, City Clerk Terpstra, City Manager Guetschow and Attorney Hitch.

The invocation was offered by City Manager Guetschow followed by the Pledge of Allegiance.

APPROVAL OF MINUTES FOR REGULAR MEETING OF September 10, 2018: Mayor Pro-Tem Baker moved, supported by Johnston to approve the regular meeting minutes of September 10, 2018 as presented. Carried. 6 Yes. 0 No.

ABSENT: Council member Ridge.

Council member Russo moved, supported by Baker to excuse Council member Ridge as she is attending her daughter's wedding in Utah.

PUBLIC HEARINGS:

ZBA HEARING- 407 S. COCHRAN-DAIRY QUEEN:

City Attorney Hitch explained that Judge Cunningham, after reviewing the case, concluded there were insufficient findings to

make a decision. Therefore, the Zoning Board of Appeals is holding this public hearing to further determine sufficient findings. Petitioners will be permitted to add any additional evidence that was not previously addressed. He stated that the final decision would not be rendered at this meeting. After this meeting a consensus will be set out for action at the next meeting. This will be to provide clear findings and procedure for the courts.

Public Hearing Opened: 7:07 P.M.

Dan Stanley, attorney representing Roberts Real Estate, stated that the Planning Commission imposed to not have an ordering speaker. He stated that the noise would not be a factor because the speaker would be placed 32' from the closest property line to the north. He stated that the 8' vinyl fence would also shield the noise. The City ordinance prohibits anything louder than 60 decibels. He also stated that this sits on a truck route which will be louder than the speaker system. He stated the property line to the south is 70' away.

Brett Roberts, 3494 Sherman Rd., stated that not having the speaker system creates traffic issues on busy days. He stated that it would speed up by four times with a speaker. The speaker will be pointed to the east. He stated that he has talked with Customusic (the manufacturer of the speaker system) extensively. They have assured that the sound will not be above 60 decibels at the fence. He stated that the speakers at McDonalds are only 20 ft. away from each other and they do not interfere with each other. He stated that they could move through four to five times faster with a speaker.

Council members questioned the volume adjustment on the speaker system and if the speakers could be operated at an even lower decibel rate.

City Manager Guetschow suggested that Mr. Roberts provide them with a technical data sheet on the speaker system.

Jody Whitehead, 420 Horatio, stated that Mr. Roberts was told to build with two windows and he did not. She suggested that with a window system it would be friendlier customer service. She stated that the reason the road was congested is because he did not follow orders. She stated that he needs to be able to work with the residents. She stated that Planning Commission tried to make things work for Dairy Queen and she will continue to honor her old home.

Megan Roberts, 3494 Sherman Rd., stated that she did not know about decibels but when researching it found that a normal conversation is about 60 decibels, a vacuum cleaner or hair dryer is 50 decibels and a whisper is 20 to 30 decibels.

Sandy Osborn, 414 S. Cochran, thanked the Zoning Board for upholding the Planning Commission's decision but stated that a lot has changed since that. The building has quadrupled in size, it has bright neon lights that shine in her bedroom and it is very difficult to get in or out of her driveway. She urged the board to vote "no" for the speaker.

Chris Laverty, 403 S. Cochran, stated that he looked at the decibels in the City ordinance and the distance has to be 160'. He stated that

he is 20' from the fence. He stated that the Dairy Queen received everything and still proceeded to sue. He stated that it went to Planning Commission, City Council, Planning Commission and back to City Council and no one has thought that it is a good idea. He stated that the building is 17' tall and very detrimental to the quality of the neighborhood. He hears diesels, motorcycles, diesel powered trucks while unloading along with the exhaust to smell and inhale. He stated that there would be no hardship placed without the speaker. He stated that there has been no line up since the opening and that it is a gold mine. He stated that the hardship is on the backs of the neighbors. He asked that the Zoning Board stand their ground, nothing was illegal or unlawful.

Floyd Burley, 421 S. Cochran, stated that he has lived there for 53 years. He stated that the traffic has not been backed up because if it had he would not be able to get out of his driveway. He stated that he should put in the second window. He stated that he has done more business now than he did before and he is doing just fine.

Ben Phlegar, 425 Horatio, stated that the neighborhood has come out once again and at no time has Mr. Roberts tried to reach out to the neighbors. He encouraged more communication in the future. He urged the Zoning Board to uphold their previous decision and vote "no". He reminded council members that none of them live in the area. He also asked that things like this get resolved well before it comes to this in the future as lawsuits cost the City money. We are now reacting to a situation.

Brian Osborn, 414 S. Cochran, questioned who would monitor the decibel levels. Who and how often would it be done? He stated that people tend to yell when they are not speaking directly to a person.

Kristie Snyder, 513 Foote, stated that she has been on the Planning Commission for 17 years and never seen anything like this. She stated that Mr. Roberts was not willing to accept anything and came back three times. She stated that they wanted a traffic study and Mr. Roberts said that it would take too long for the traffic study. She does not understand why he is so insistent on the speaker system. She stated that there have been no traffic issues in the last few weeks after the initial opening. She stated that this was the one thing he wanted and the only thing that he did not get.

Public Hearing Closed: 7:44 P.M.

Attorney Hitch asked several questions of Mr. Roberts.

Hitch: What are the business hours of operation?

Roberts: Monday – Friday 11 AM – 9 PM (Fall hours)
Saturday-Sunday 12 PM – 9 PM
Monday – Friday 11 AM – 10 PM (Summer hours)
Saturday – Sunday 12 PM – 10 PM

Hitch: What are your peak hours?

Roberts: Summer 6:30 PM to 8:30 or 9:00 PM
Fall 6:00 PM to 7:00 PM

Hitch: Do you have any ideas on how continuous the sound would be during peak hours of operation?

Roberts: This would depend on the size of the order and 3 minutes from time of order.

Hitch: Do you have an average number of customers between 6 - 6:30 PM or 8:30 etc.?

Roberts: The system currently in use does not count cars.

Hitch: Where is the speaker located?

Roberts: Between the new building and the garage.

Hitch: Which way will the speaker be facing?

Roberts: It will be facing the garage.

Hitch: Have you researched any sound buffering?

Roberts: No, but the fence is 8' tall.

Hitch: The fence is not to reduce sound.

Roberts: Any barrier would be helpful with sound reduction.

Council member Mitchell asked of the possibility of putting some type of shrubbery around the speaker area to buffer the sound.

Mr. Roberts stated that it would be limited because of the layout of the land.

Discussion was held on sound absorption materials for the fencing and if there would be materials available for that.

Attorney Hitch clarified that the City Zoning Ordinance 82-472 states that noise shall not exceed 60 decibels and that the speaker can't make it louder than the 60 decibels.

Council member Russo stated that he can attest to the fact that there is nothing that can be louder than the trucks that go by there. He doesn't feel the speaker can cause any problems. He feels bad this is affecting his business.

Councilmember Johnston stated that he can't find any error in the Planning Commission decision. He stated that it is very beautiful but he believes that it belongs on Lansing Rd. He does not feel that it conforms to the neighborhood.

Mayor Lewis stated that historically it was smaller where it is located which fit better in the location. He feels that they have to look at the entire project. He stated that since it was agreed upon to be built without a speaker system that it should stand.

Discussion was held on the amount of time that it would reduce with a speaker being installed vs. not having a speaker system.

Attorney Hitch asked for consensus on whether or not the board felt that there had been an error made on the part of the Planning Commission.

Council members Mitchell and Russo indicated yes.

Attorney Hitch will put together a consensus of council for discussion at the next council meeting.

Mayor Pro-Tem Baker moved, second by Russo to recess the discussion on the Dairy Queen speaker to the next council meeting at 8:40 P.M.

Meeting was reconvened at 8:49 P.M.

PUBLIC COMMENT: Michael Armitage, 911 Courthouse Dr., stated that the 911 agreement is an agenda item and explained the agreement. He stated that once the new tower is in place they have agreed to take the old tower down.

Lori Doolittle, 107 W. Lawrence Ave. moving to 122 S. Cochran, thanked the City of Charlotte for being a pleasure to work with. She stated that they are planning to open the new Ameriprise building on October 8th. They will be holding an Open House on October 7th from noon to 5 P.M. They are very excited to be a part of the downtown.

Sandy Osborn, 414 S. Cochran, stated that one really really important issue is that they never put what the hours of operation would be. So keep this in mind when thinking about this they could be open more every day. She stated that they and the Laverty's both frequent their front porches and she can hear them talking while they are on their porch from across the road. The speaker will be heard.

Brian Osborn, 414 S. Cochran, asked them not to compare a speaker to a truck. This is an additional noise. People also yell into speakers. He stated that he chose this and they deserve a win in this.

Kathleen Miyasato, 417 S. Cochran, asked the board to think of this as a camel and the speaker as a gnat. She is deeply offended by the attitude.

Ben Phlegar, 425 Horatio, stated that Mr. Roberts objected to the 8' fence. He stated that he can see the lights through where there is no fence. He stated that he walks on Cochran and the truck traffic is noisy but not all the time. He stated that he feels that it is callous to cut off the neighbors nose.

Kristie Snyder, 513 Foote, asked where we are at with the truck traffic study.

Mayor Lewis stated that \$10,000.00 was budgeted this year for the traffic study and that bids went out last week.

APPROVAL OF AGENDA: Council member Johnston moved, supported by Mitchell to approve the agenda as presented. Carried. 6 Yes. 0 No.

SPECIAL PRESENTATIONS: None.

EXPEDITED RESOLUTIONS AND ORDINANCES

A. CONSIDER APPROVAL OF RESOLUTION NO. 2018-119 MAYORAL APPOINTMENT:

RESOLUTION NO. 2018-119

A RESOLUTION TO APPROVE MAYORAL APPOINTMENT

WHEREAS , a need for an appointment to the Recreation Co-op Board exists; and

WHEREAS, Mayor Lewis is recommending the following individual to be appointed to this board:

Name	Board	Term Ending
Julie O'Neill	Recreation Co-op Board	11/13/2020

THEREFORE, BE IT RESOLVED that the appointments listed above shall be and the same are hereby approved.

Mayor Pro-Tem Baker moved, supported by Dyer to approve Resolution No. 2018-119 Mayoral Appointment as presented. Carried. 6 Yes. 0 No.

B. CONSIDER APPROVAL OF RESOLUTION NO. 2018-120 DEVELOPMENT AGREEMENT 911 COURTHOUSE DR.-COMMUNICATIONS TOWER: RESOLUTION NO. 2018 -120

A RESOLUTION TO APPROVE A DEVELOPMENT AGREEMENT BETWEEN THE CITY OF CHARLOTTE AND EATON COUNTY CENTRAL DISPATCH REGARDING THE CONSTRUCTION, AND EVENTUAL REMOVAL, OF A WIRELESS COMMUNICATION TOWER

WHEREAS, the voters of Eaton County recently approved a proposal for improved 9-1-1 emergency services communication infrastructure; and

WHEREAS, a portion of that infrastructure includes a wireless communications tower located in the City of Charlotte; and
WHEREAS, the City of Charlotte Planning Commission has reviewed and approved a site plan for this new facility; and
WHEREAS, the City of Charlotte zoning ordinance requires that a form of security be established ensuring the wireless communication tower will be removed in a timely manner once it has been abandoned or is no longer needed; and
WHEREAS, this requirement can be met through the adoption of a development agreement between the City of Charlotte and Eaton County Central Dispatch describing the terms of removal, recordable at the Register of Deeds; and
WHEREAS, such an agreement has been drafted and presented for review and approval.
THEREFORE, BE IT RESOLVED, the City of Charlotte City Council hereby approves the “DEVELOPMENT AGREEMENT BETWEEN EATON COUNTY, MICHIGAN AND THE CITY OF CHARLOTTE, MICHIGAN FOR THE CONSTRUCTION OF A COMMUNICATIONS TOWER,” and authorizes the execution thereof.

Council member Mitchell moved, supported by Dyer to approve Resolution No. 2018-120 Development Agreement 911 Courthouse Drive-Communications Tower as presented. Carried. 6 Yes. 0 No.

C. CONSIDER APPROVAL OF RESOLUTION NO. 2018-121 MML LIABILITY AND PROPERTY POOL ELECTION:

RESOLUTION NO. 2018-121

A RESOLUTION AUTHORIZING TO VOTE ON OFFICIAL BALLOT FOR DIRECTORS TO THE MICHIGAN MUNICIPAL LEAGUE LIABILITY & PROPERTY POOL

WHEREAS, there are two Director positions open with three year terms beginning January 1, 2019 for the Michigan Municipal Liability and Property Pool; and

WHEREAS, Robert Clark, incumbent, Mayor, City of Monroe and Paula Zelenko, Incumbent, Mayor, City of Burton are seeking re-election; and

THEREFORE, BE IT RESOLVED that the City Clerk be authorized, by action of this governing body, to cast and mail a vote for the above persons to serve as Director of the Michigan Municipal League Liability & Property Pool.

Mayor Pro-Tem Baker moved, supported by Johnston to approve Resolution No. 2018-121 MML Liability and Property Pool Election as presented. Carried. 6 Yes. 0 No.

D. CONSIDER APPROVAL OF RESOLUTION NO. 2018-124 TO AUTHORIZE THE SUBMITTAL OF A COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION IN SUPPORT OF BEACH MARKET RENOVATION PROJECT:

RESOLUTION NO. 2018-124

**A RESOLUTION TO AUTHORIZE THE SUBMITTAL OF A
COMMUNITY DEVELOPMENT BLOCK GRANT
APPLICATION IN SUPPORT OF THE
BEACH MARKET RENOVATION PROJECT**

WHEREAS, the City of Charlotte has been invited by the Michigan Strategic Fund to submit a CDBG application in the amount of \$200,000; and

WHEREAS, the City of Charlotte desires to use the CDBG funds for the Beach Market Renovation Project; and

WHEREAS, the proposed project is consistent with the local community development plan as described in the Application; and

WHEREAS, the proposed project will clearly eliminate objectively determinable signs of blight and will be strictly limited to eliminating specific instances of blight outside a defined Slum of Blighted Area; and

WHEREAS, local funds and any other funds to be invested in the project have not been obligated and will not be obligated prior to a formal grant award, completion of the environmental review procedures and a formal written authorization to incur costs from the Michigan Economic Development Corporation.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of City of Charlotte hereby designates the Mayor as the Certifying Officer, the person authorized to certify the Michigan CDBG Application, and the person authorized to sign the Grant Agreement and payment requests.

Council member Johnston moved, supported by Mitchell to approve Resolution No. 2018-124 to authorize the submittal of a Community Development Block Grant Application in support of Beach Market Renovation Project as presented. Carried. 6 Yes. 0 No.

E. CONSIDER APPROVAL OF RESOLUTION NO. 2018-122 REGARDING PAYMENT OF CLAIMS & ACCOUNTS:

RESOLUTION NO. 2018-122

**A RESOLUTION TO APPROVE EXPENDITURES OF THE
CITY**

FOR SEPTEMBER 10, 2018

WHEREAS, Section 7.7 (B) of the City Charter requires Council approval for the expenditure of city funds; and

WHEREAS, the September 14, 2018 payroll totaled \$159,250.46; and

WHEREAS, the September 24, 2018 claims total \$901,516.67;

THEREFORE, BE IT RESOLVED that the City Council approves claims and accounts for September 24, 2018 in the amount of \$1,060,767.13

APPROVAL OF CLAIMS AND ACCOUNTS BY ROLL CALL

VOTE: Mayor Pro-Tem Baker moved, supported by Johnston to approve Resolution 2018-122 for expenditures of the City for September 24, 2018 as presented. Carried. 6 Yes. 0 No.

ACTION ITEMS – RESOLUTIONS AND ORDINANCES:

A. CONSIDER APPROVAL OF RESOLUTION NO. 2018-

112 TO AUTHORIZE DUMP TRUCK EQUIPMENT:

CITY OF CHARLOTTE

RESOLUTION NO. 2018-112

**A RESOLUTION TO AUTHORIZE THE PURCHASE OF
DUMP BODY, SCRAPER AND SALTER**

WHEREAS, the FY 18/19 budget includes the replacement of Dump Truck #2 (2001); and

WHEREAS, DPW staff has researched different dump bodies, scrapers, salters, and other associated equipment and determined that the Truck & Trailer Specialties could best provide the equipment and installation to meet their application; and

WHEREAS, Truck & Trailer Specialties holds a State Contract for the equipment listed above; and

WHEREAS, Truck & Trailer Specialties has quoted a price of \$92,031.00 to provide the dump truck equipment and salter to the DPW based on the State Contract pricing; and

WHEREAS, the dump body, scraper, salter and other accessories will be installed on a chassis purchased from another vendor; and

WHEREAS, the aforementioned equipment will be paid for from the Motor Vehicle Pool fund; and

WHEREAS, Section 2-186 of the City Ordinances allows for the waiver of sealed bids when using a purchasing contract from another governmental agency.

THEREFORE, BE IT RESOLVED That the City Council approve the purchase of the dump truck equipment and salter from Truck & Trailer Specialties and agrees to waive the sealed bid process.

Council member Mitchell moved, supported by Russo to approve Resolution No. 2018-112 to authorize dump truck equipment as presented. Carried. 6 Yes. 0 No.

B. CONSIDER APPROVAL OF RESOLUTION NO. 2018-113 TO AUTHORIZE PURCHASE OF WATER METERS AND APPURTENANCES:

RESOLUTION NO. 2018-113

A RESOLUTION TO AUTHORIZE PURCHASE OF WATER METERS AND APPURTENANCES

WHEREAS, the City utilizes a single brand of water meters throughout the City to keep costs low and efficiencies high; and

WHEREAS, the DPW is continually replacing and upgrading old meters to maintain accuracy; and

WHEREAS, the FY 2018-2019 budget has approved \$49,000.00 for the purchase of meters, wire, remote readers, meter transceivers as well as other related equipment; and

WHEREAS, DPW staff has received a quote in the amount of \$30,135.00 from ETNA Supply for material and equipment to meet the anticipated needs of the upcoming months; and

WHEREAS, ETNA Supply is the sole vendor for the lower peninsula of Michigan authorized to sell this brand of equipment in our region of the United States; and

WHEREAS, Section 2-186 of the City Ordinances allows for the waiver of sealed bids for purchases over the amount of \$5,000 and the required three quotes for purchases over \$2,500.

THEREFORE, BE IT RESOLVED That the city council authorizes the purchase of the meters and appurtenances from ETNA Supply in the amount of \$30,135.00 and agrees to waive the sealed bid process because the equipment is available only through a single vendor. There are no competitive quotes available.

Council member Johnston moved, supported by Dyer to approve Resolution No. 2018-113 to authorize purchase of water meters and appurtenances as presented. Carried. 6 Yes. 0 No.

C. CONSIDER APPROVAL OF RESOLUTION NO. 2018-114 TO AUTHORIZE THE REPLACEMENT OF NATURAL GAS BOILER AT THE WASTEWATER TREATMENT PLANT:

RESOLUTION NO. 2018-114

A RESOLUTION TO AUTHORIZE THE REPLACEMENT OF NATURAL GAS BOILER AT THE WASTERWATER TREATMENT PLANT

WHEREAS, a boiler at the Wastewater Treatment Plant (WWTP) was installed in the 1979 upgrade as part of the biosolid digestion process; and

WHEREAS, the boiler has been requiring increased amount of repairs with parts becoming more scarce due to its age; and

WHEREAS, the FY 2018-2019 budget has approved \$75,000.00 for the replacement of the natural gas boiler; and

WHEREAS, Gunthorpe Plumbing & Heating, Inc. (Gunthorpe) has provided HVAC services for the WWTP and is familiar with the plant and its operational needs; and

WHEREAS, Gunthorpe has secured three bids for the actual boiler and associated equipment that they will be installing, and

WHEREAS, Gunthorpe has submitted a proposal to remove the existing boiler, install the lowest bid boiler, perform related work for a fee of \$77,260.49, and

WHEREAS, funding for the work performed will be charged to the Water and Sewer Fund.

WHEREAS, Section 2-186 of the City Ordinances allows for the waiver of sealed bids for purchases over the amount of \$5,000 and the required three quotes for purchases over \$2,500.

THEREFORE, BE IT RESOLVED That the city council authorizes Gunthorpe Plumbing & Heating, Inc. to replace the existing boiler at the WWTP for a fee of \$77,260.49 and agrees to waive the sealed bid process.

BE IT FURTHER RESOLVED that the City directs Gunthorpe Plumbing & Heating, Inc. to purchase the boiler from the lowest bidder, Lochnivar.

Mayor Pro-Tem Baker moved, supported by Johnston to approve Resolution No. 2018-114 to authorize the replacement of Natural Gas Boiler at the Wastewater Treatment Plant as presented. Carried. 6 Yes. 0 No.

D. CONSIDER APPROVAL OF RESOLUTION NO. 2018-115 TO AUTHORIZE A CONTRACT WITH CONSUMERS ENERGY ES SERVICES FOR THE REPLACEMENT OF THE TIRRELL LIFT STATION GENERATOR:

RESOLUTION NO. 2018-115
A RESOLUTION TO AUTHORIZE A CONTRACT WITH
CONSUMERS ENERGY ES SERVICES FOR THE
REPLACEMENT OF THE TIRRELL LIFT STATION
GENERATOR

WHEREAS, the generator at the Tirrell Lift Station was originally installed in 1979 and has been budgeted for replacement in the current fiscal year; and

WHEREAS, the diesel generator will be replaced with a natural gas powered generator eliminating the need for an underground storage fuel tank that incurs annual MDEQ and insurance costs; and

WHEREAS, Consumers Energy ES Services has provided design/build services for the Reynolds Road Lift Station and the Chad Lift Station backup generators with great success; and

WHEREAS, a Consumers Energy ES Services has visited the site, performed preliminary load testing, and provided calculations for sizing the generator; and

WHEREAS, a Consumers Energy ES Services has presented a proposal for \$78,900 which includes their fee, the purchase and installation of the generator, a receptacle for the backup generator, and the automatic transfer switch for the generator; and

WHEREAS, a Consumers Energy will have an additional charge estimated at \$5,000.00 for upgrading the gas service to allow proper operation of the generator; and

THEREFORE, BE IT RESOLVED That the City enter into a contract with Consumers Energy ES Services to provide the above mentioned services and that the Mayor or Clerk be directed to sign

said contract on behalf of the City pending the attorney's review of the contract.

Council member Russo moved, supported by Dyer to approve Resolution No. 2018-115 to authorize a contract with Consumers Energy ES Services for the replacement of the Tirrell Lift Station Generator as presented. Carried. 6 Yes. 0 No.

E. CONSIDER APPROVAL OF RESOLUTION NO. 2018-116 TO APPROVE TREES PURCHASE:
RESOLUTION NO. 2018-116

A RESOLUTION TO APPROVE PURCHASE OF TREES

WHEREAS, the Department of Public Works each year applies for a grant through Consumers Energy to offset the cost of planting street trees; and

WHEREAS, the grant application had a short window that would not allow for a proper sealed bid process; and

WHEREAS, the Department issued a bid request to three companies who can supply and plant the trees while meeting the requirements of Consumers Energy; and

WHEREAS, the Consumers grant request was for twenty-three trees to be reimbursed at a rate of \$100 per tree; and

WHEREAS, the lowest quote was from Trees-N-Scapes, Inc. of Charlotte, MI in the amount of \$6,810.00 without the grant reimbursement; and

WHEREAS, Trees-N-Scapes, Inc. was the low bidder in previous years and their work was timely and satisfactory.

THEREFORE, BE IT RESOLVED That the City Council approve the tree purchasing and planting by Trees-N-Scapes, Inc.,

with or without the grant award, and agrees to waive the sealed bid process.

Mayor Pro-Tem Baker moved, supported by Mitchell to approve Resolution No. 2018-116 to approve trees purchase as presented. Carried. 6 Yes. 0 No.

INTRODUCTION OF RESOLUTIONS AND ORDINANCES:

A. CONSIDER FIRST READING OF RESOLUTION NO. 2018-123 TO AUTHORIZE THE PURCHASE OF TRICKLING FILTER DISTRIBUTION ARMS FOR THE WASTEWATER TREATMENT PLANT:

RESOLUTION NO. 2018-123

A RESOLUTION TO AUTHORIZE THE PURCHASE OF TRICKLING FILTER DISTRIBUTION ARMS FOR THE WASTEWATER TREATMENT PLANT

WHEREAS, the distribution arms of the trickling filters are an essential component for the proper distribution of water throughout the trickling filters allowing the plant to meet its permit requirements; and

WHEREAS, the two mast arms in the south trickling filter have now deteriorated to a point that they need to be replaced; and

WHEREAS, the trickling filter equipment is proprietary and must be replaced with distribution arms purchased from WesTech at a cost of \$16,000.00 for the equipment with a \$1,200.00 per day field service charge; and

WHEREAS, sealed bids for the installation of the distribution arms will be later this year as the delivery date for the equipment is 26-30 weeks; and

WHEREAS, funding for this project was included in the FY 18-19 Water and Sewer Budget.

WHEREAS, Section 2-186 of the City Ordinances allows for the waiver of sealed bids for purchases over the amount of \$5,000.

THEREFORE, BE IT RESOLVED That the City Council approve the purchase of the south trickling filter distribution arms from WesTech for \$16,000.00 plus field service charges and agrees to waive the sealed bid process due to proprietary equipment.

Council member Johnston moved, supported by Baker to approve first reading of Resolution No. 2018-123 to authorize the purchase of trickling filter distribution arms for the Wastewater Treatment Plant as presented. Carried. 6 Yes. 0 No.

COMMUNICATIONS AND COMMITTEE REPORTS

CITY ATTORNEY REPORT: Report included in packet.

CITY MANAGER REPORT: City Manager Guetschow stated that his written report was included in the packet and on the website for viewing.

COUNCILMEMBER COMMITTEE REPORTS:

- Council member Dyer reported that he attended the MML Conference and attended several green sustainable sessions as well as one on utilizing trails that he feels may be beneficial for the river front at Bennett Park.

PUBLIC COMMENT: None.

MAYOR AND COUNCIL COMMENTS:

- Council member Johnston thanked everyone for coming out to speak.
- Council member Russo no comment.
- Council member Mitchell stated that he understands that the neighbors are upset but that he lives close to the hospital and at any given time you can hear turbines which change pitches and therefore he has limited empathy.
- Mayor Pro-Tem Baker no comment.
- Council member Dyer thanked the citizens for having their voices heard. He thanked Commissioner Snyder for her 17 years of service to the Planning Commission.
- Mayor Lewis stated that this is a very difficult situation with Dairy Queen and their job is to sort it out.

Council member Johnston moved, second by Mitchell to adjourn at 9:12 p.m. Carried. 6 Yes. 0 No.

Mayor Tim Lewis

Ginger Terpstra, City Clerk, CMMC