

CULLMAN CITY COUNCIL
REGULAR MEETING
December 28th, 2009

The Mayor and Council met in the city council conference room at 6:00 pm. Mayor Townson and all Council Members were present. The Mayor and Council reviewed the Ordinance to extend the electric franchise. Wes Moore, Accountant and Roy Williams were present to answer any questions. Mr. Delton Blalock, The Cullman Tribune and Mr. Trent Moore of The Cullman Times were present for the work session.

The Cullman City Council met in regular session on December 28th, 2009 at 7:00 o'clock p.m. in the Cullman City Hall Auditorium. Council President Garlan Gudger called the meeting to order, and Mayor Max A. Townson presented the invocation.

A roll call by the City Clerk reflected the following. Present - Mayor Max A. Townson, President Garlan E. Gudger, Jr, Council Member Andy Page, Council Member Johnny Cook, Council Member Jenny Folsom and Council Member Clint Hollingsworth. Also present were City Attorney Roy Williams and City Clerk Ruth W. Rose .

Council Member Cook made a motion to suspend the rules in order to consider the minutes from the meeting on December 14th, 2009. Council Member Folsom seconded the motion and motion carried on roll call. Ayes: Council Members Page, Cook, Gudger, Folsom and Hollingsworth. Nays: None.

Council Member Cook then moved to approve the minutes as written and Council Member Page seconded the motion. Motion was approved by a voice vote. Ayes: All Nays: None.

ADDITIONS/DELETIONS TO AGENDA

Council Member Folsom made a motion to add item #5 under Roman Numeral X - Resolution for Water Material Bids. Council Member Hollingsworth seconded the motion and motion carried on a voice vote. Ayes: All. Nays: None.

Council Member Cook made a motion to add #6 under Roman Numeral X - Resolution to award rock and materials bid for the Street Department. Council Member Folsom seconded the motion and motion carried on a voice vote. Ayes: All. Nays: None.

REPORTS OF STANDING COMMITTEES

Council Member Andy Page - Police Committee - No Report.

Council President Garlan Gudger - Fire Committee - No Report.

Council Member Johnny Cook - Sanitation Committee - No Report.

Council Member Clint Hollingsworth - Street Committee - No Report.

Council Member Jenny Folsom - Finance Committee - A finance committee meeting has been scheduled for Thursday, January 21, 2010 at 5:30 to review the first quarter of the fiscal year. A formal report will be made after the meeting.

REPORTS OF OFFICERS

Mayor Max A. Townson - No Report.

COMMENTS FROM ANYONE NOT ON THE AGENDA

PETITIONS, APPLICATIONS, COMPLAINTS, APPEALS & COMMUNICATIONS

A written request from the Park and Recreation Department to host a Frosty 5-K Run and Polar Bear Plunge to be held on Saturday, January 9th, 2010 beginning at 9:00 a.m. The event will start and end at the Cullman Wellness & Aquatic Center. There are three areas on the route that need Police supervision. Kenny Culpepper, Police Chief, has reviewed the route and gives support for the event. President Gudger explained the 3.2 mile run will end with a jump from the high dive to find a lucky token at the bottom of the pool for a free one year membership to the Cullman Wellness & Aquatic Center. Council Member Hollingsworth made a motion to approve the request and Council Member Cook seconded the motion. The motion was approved by a voice vote. Ayes: All. Nays: None.

RESOLUTIONS, ORDINANCES, ORDERS AND OTHER BUSINESS

President Gudger asked Attorney Roy Williams to explain the easement request from Corr Wireless Communications LLC. Mr. Williams said in 2004 an easement was approved for \$450.00 each year for a tower located near the Golf Course Road. This fee will help with the upkeep of the road near the tower. The annual fees are not current and Mr. Williams requests the arrears be paid before this agreement is approved.

Council Member Folsom made a motion to approve a resolution authorizing the Mayor to sign an agreement with Corr Wireless for a 3 year easement agreement for \$600.00 per year with the stipulation that all arrear payments are made current. The following resolution was read:

RESOLUTION NO. 2010-22 (A)
RESOLUTION AUTHORIZING MAYOR TO ENTER AGREEMENT FOR
UTILITY EASEMENT WITH CORR WIRELESS COMMUNICATIONS, LLC

WHEREAS, Corr Wireless Communications, LLC. has presented the attached easement to provide professional services to the citizens of the City of Cullman; and

WHEREAS, the City has considered the fee of \$600.00 annually for a period of three years; and

WHEREAS, the City Council finds that it is in the best interest of the City to proceed with the proposal ; now

THEREFORE, BE IT RESOLVED by the Cullman City Council that the Mayor is hereby authorized to sign an agreement with Corr Wireless Communications, LLC on behalf of the City of Cullman to perform the services related to the Project as set out in the proposed agreement for services.

ADOPTED this the 28th day of December, 2009.

/s/ Garlan E. Gudger, Jr.
President of the City Council

ATTEST:

/s/ Ruth W. Rose
City Clerk

Transmitted to the Mayor this the 28th day of December, 2009.

/s/ Ruth W. Rose
City Clerk

APPROVED by the Mayor this the 28th day of December, 2009.

/s/ Max A. Townson
Mayor

Council Member Hollingsworth seconded the motion and motion was approved by a voice vote.
Ayes: All. Nays: None.

President Gudger stated this is the second reading of Ordinance 2010-03 increasing the residential, commercial and industrial water rates an estimated 9.75%. The increase is for operational cost and water line replacements. Council Member Page made a motion to adopt the following Ordinance:

ORDINANCE NO. 2010-03
AN ORDINANCE PROVIDING FOR NEW MONTHLY MINIMUMS
AND NEW RATES FOR WATER SERVICE TO RESIDENTIAL,
COMMERCIAL AND INDUSTRIAL CUSTOMERS OF THE
CITY OF CULLMAN, ALABAMA

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CULLMAN, ALABAMA, AS FOLLOWS:

SECTION 1. Charges for water service provided by the City of Cullman shall be calculated on a billing period of approximately thirty (30) days, or once each month, and shall be based upon the quantity of water used.

SECTION 2. The following rates to be charged for water service are hereby fixed and established by the City Council of the City of Cullman, effective January 1, 2010:

RESIDENTIAL, COMMERCIAL, & INDUSTRIAL RATES INSIDE CITY LIMITS

Minimum Bill	\$19.00 for first 3,000 gallons
Over 3,000 gallons	\$ 4.40 per 1,000 gallons

RESIDENTIAL, COMMERCIAL, & INDUSTRIAL RATES OUTSIDE CITY LIMITS

Minimum Bill	\$23.30 for first 3,000 gallons
Over 3,000 gallons	\$ 5.35 per 1,000 gallons

SECTION 3. The following rates to be charged for water service are hereby fixed and established by the City Council of the City of Cullman, effective January 1, 2011:

RESIDENTIAL, COMMERCIAL, & INDUSTRIAL RATES INSIDE CITY LIMITS

Minimum Bill	\$20.85 for first 3,000 gallons
Over 3,000 gallons	\$ 4.85 per 1,000 gallons

RESIDENTIAL, COMMERCIAL, & INDUSTRIAL RATES OUTSIDE CITY LIMITS

Minimum Bill	\$25.60 for first 3,000 gallons
Over 3,000 gallons	\$ 5.90 per 1,000 gallons

SECTION 4. The following rates to be charged for water service are hereby fixed and established by the City Council of the City of Cullman, effective January 1, 2012:

RESIDENTIAL, COMMERCIAL, & INDUSTRIAL RATES INSIDE CITY LIMITS

Minimum Bill	\$22.90 for first 3,000 gallons
Over 3,000 gallons	\$ 5.35 per 1,000 gallons

RESIDENTIAL, COMMERCIAL, & INDUSTRIAL RATES OUTSIDE CITY LIMITS

Minimum Bill	\$28.10 for first 3,000 gallons
Over 3,000 gallons	\$ 6.50 per 1,000 gallons

SECTION 5. The provisions of this Ordinance shall not in any way affect the Wholesale Water Rate charged by the City, which rate is calculated annually as provided in the contracts between the City of Cullman and its wholesale customers.

SECTION 6. This Ordinance is adopted solely for the purpose of changing rates to be charged to retail water customers of the City of Cullman, and does not affect other provisions of Ordinance No. 1332 or provisions of other ordinances which have not been previously repealed.

SECTION 7. All ordinances or parts thereof which are in conflict with this Ordinance are hereby repealed to the extent of such conflict.

SECTION 8. This Ordinance, after its adoption, shall be published as required by law, and shall become effective January 1, 2010.

ADOPTED this the 28th day of December 2009.

/s/ Garlan E. Gudger, Jr.
President of the City Council

Attest:

/s/ Ruth W. Rose
City Clerk

Transmitted to the Mayor this the 28th day of December 2009.

/s/ Ruth W. Rose
City Clerk

APPROVED this the 28th day of December 2009.

/s/ Max A. Townson
Mayor

Council Member Cook seconded the motion to adopt the above Ordinance. Motion was approved by a voice vote. Ayes: All. Nays: None. The Ordinance will be published in the Cullman Tribune and become effective on January 1, 2010.

The next Ordinance sets rates for sewer service provided by the City of Cullman. President Gudger explained the price increase pays for upgrades and modification to sewer lines and pumping stations. Council Member Folsom made a motion to adopt the following Ordinance:

ORDINANCE NO.2010-04
AN ORDINANCE TO SET RATES FOR SEWER SERVICE
PROVIDED BY THE CITY OF CULLMAN, ALABAMA

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CULLMAN, ALABAMA, AS FOLLOWS:

SECTION 1 Charges for sewer service provided by the City of Cullman shall be calculated on a billing period of approximately thirty (30) days, or once each month, and shall be based upon the quantity of water used.

SECTION 2 There are hereby established the following charges for sewage disposal service measured by quantity of water used, effective January 1, 2010:

(a) Residential, Commercial, Institutional and Industrial Rates Within the City Limits of Cullman. The sewer disposal service to each residence, business, institution or industry which is served by a water meter connected with the water system or which discharges into the sanitary sewer system water received from a source other than the City's water system shall be \$26.75 for the first 3,000 gallons of water used or any portion thereof; and \$8.50 per 1,000 gallons of water used for all over 3,000 gallons.

(b) Residential, Commercial, Institutional and Industrial Rates outside the City Limits of Cullman. The sewer disposal service to each resident, business, institution or industry which is served by a water meter connected with the water system or which discharges into the sanitary sewer system water received from a source other than the City's water system shall be \$29.35 for the first 3,000 gallons of water used or any portion thereof, and \$9.50 per 1,000 gallons of water used for all over 3,000 gallons.

SECTION 3 There are hereby established the following charges for sewage disposal service measured by quantity of water used, effective January 1, 2011:

(a) Residential, Commercial, Institutional and Industrial Rates Within the City Limits of Cullman. The sewer disposal service to each residence, business, institution or industry which is served by a water meter connected with the water system or which discharges into the sanitary sewer system water received from a source other than the City's water system shall be \$29.35 for the first 3,000 gallons of water used or any portion thereof; and \$9.35 per 1,000 gallons of water used for all over 3,000 gallons.

(b) Residential, Commercial, Institutional and Industrial Rates outside the City Limits of Cullman. The sewer disposal service to each resident, business, institution or industry which is served by a water meter connected with the water system or which discharges into the sanitary sewer system water received from a source other than the City's water system shall be \$32.25 for the first 3,000 gallons of water used or any portion thereof, and \$10.45 per 1,000 gallons of water used for all over 3,000 gallons.

SECTION 4 There are hereby established the following charges for sewage disposal service measured by quantity of water used, effective January 1, 2012:

(a) Residential, Commercial, Institutional and Industrial Rates Within the City Limits of Cullman. The sewer disposal service to each residence, business, institution or industry which is served by a water meter connected with the water system or which discharges into the sanitary sewer system water received from a source other than the City's water system shall be \$32.25 for the first 3,000 gallons of water used or any portion thereof; and \$10.30 per 1,000 gallons of water used for all over

3,000 gallons.

(b) Residential, Commercial, Institutional and Industrial Rates outside the City Limits of Cullman. The sewer disposal service to each resident, business, institution or industry which is served by a water meter connected with the water system or which discharges into the sanitary sewer system water received from a source other than the City's water system shall be \$35.40 for the first 3,000 gallons of water used or any portion thereof, and \$11.50 per 1,000 gallons of water used for all over 3,000 gallons.

SECTION 5 Minimum and Maximum Charges. The minimum charge for sewer service shall be the charges set out in Section, Paragraph (a) and (b). The maximum charge for sewage disposal services shall be determined by the amount of water used.

SECTION 6 All ordinances or parts thereof which are in conflict with this Ordinance are hereby expressly repealed.

SECTION 7 The City Council hereby declares that this Ordinance is adopted solely for the purpose of changing rates to be charged for sewer service, and it is not the intention of this Council to repeal Ordinance No. 1102 nor to repeal any sections of Ordinance No. 1335 not expressly changed by this Ordinance.

SECTION 8 This ordinance shall become effective immediately upon its adoption, approval and publication as provided by law.

ADOPTED this the 28th day of December 2009.

/s/ Garlan E. Gudger, Jr.
President of the City Council

Attest:

/s/ Ruth W. Rose
City Clerk

Transmitted to the Mayor this the 28th day of December 2009.

/s/ Ruth W. Rose
City Clerk

APPROVED this the 28th day of December 2009.

/s/ Max A. Townson
Mayor

Council Member Hollingsworth seconded the motion to adopt the above Ordinance. The motion was approved by a voice vote. Ayes: All. Nays: None. The Ordinance will be published in the Cullman Tribune and become effective on January 1, 2010.

President Gudger and Council Member Cook stated the increases are due to infrastructure and replacing existing lines. The price increase in materials and labor force rates to go up.

The Utilities Board request a renewed Electric Franchise agreement with the City of Cullman for a 30 year period. The last franchise was passed by the council in 1991. The board plans to refinance existing bond issues for a savings on interest rates. Attorney Roy Williams explained the closing for the new bond issuance is scheduled for Wednesday, December 30th, 2009. Council Member Folsom made a motion to suspend the rules to consider passing this ordinance on the first reading. Council Member Cook seconded the motion and the Clerk polled the Council. Council Member Page: Aye. Council Member Cook: Aye. Council President Gudger: Aye. Council Member Folsom: Aye. Council Member Hollingsworth: Aye. Nays: None.

Council Member Cook made a motion to adopt the following Ordinance:

ORDINANCE NO. 2010-05

AN ORDINANCE GRANTING AN ELECTRIC FRANCHISE TO THE UTILITIES BOARD
OF THIS CITY OF CULLMAN, ITS SUCCESSORS AND ASSIGNS

BE IT ORDAINED by the City Council of the City of Cullman, Alabama, as follows:

(1) The words “the city” as used herein mean the City of Cullman in the State of Alabama as it may at any time be constituted. The words “the board” as used herein mean The Utilities Board of the City of Cullman, a public corporation organized under the provisions of Article 9 of Chapter 50 of Title 11 of the Code of Alabama 1975.

(2) There is hereby granted to the board the right, privilege, power, and franchise to acquire, construct, own, maintain, and operate in the city a system for the distribution of electricity for heat, light, and power to the city and to its inhabitants and any person, firm, or corporation within or outside of the city for public and private uses, and the consent of the city is hereby granted to the board to use the streets, avenues, alleys, and other public ways and public places in the right, privilege, and power at any time and from time to time, without any requirement as to permit or fee therefore, to repair, renew, extend, enlarge, add to and improve the said system and to construct in, over, along, and under any street, avenue, alley, or other public way or public place in the city all poles, towers, guy wires, cross arms, wires and cables, and other parts used or useful as a part of or in connection with the system, and to make all necessary excavations therefore.

(3) The board shall, and by accepting this franchise agrees, that it will upon making any excavations

of the streets, avenues, alleys, public ways, and public places in the city, restore the surface or paving at the point of such excavation in substantially the same condition as before such work was done, all as may be practicable and within a reasonable time thereafter.

(4) The rights, privileges, power, and franchise herein granted may be exercised by the board or any successors and assigns of the board, all subject nevertheless to the conditions and obligations herein contained.

(5) This ordinance shall be published at the expense of the board one time in a newspaper published and having general circulation in the city and the rights, privileges, franchise, power, and consent herein granted shall become effective upon such publication and shall continue for a period of thirty years thereafter.

ADOPTED this the 28th day of December, 2009.

/s/ Garlan E. Gudger, Jr.
President of the City Council

Attest:

/s/ Ruth W. Rose
City Clerk

TRANSMITTED to the mayor this the 28th day of December, 2009.

/s/ Ruth W. Rose
City Clerk

APPROVED this the 28th day of December, 2009.

/s/ Max A. Townson
Mayor

Council Member Page seconded the motion and motion was approved by a voice vote. Ayes: All. Nays: None. The Ordinance will be published in The Cullman Times on Wednesday, December 30th, 2009. It will be effective on the date of publication.

The water materials bids that were opened on December 23rd, 2009 were reviewed. The two lower bid responses did not contain a bid bond. Attorney Roy Williams said there were five vendors who responded and only two vendors responded with a complete bid package. Council Member Folsom made a motion to reject all bids and Council Member Cook made a motion to send out another bid package. Council Member Folsom seconded the motion and motion was approved by a voice vote. Ayes: All. Nays: None.

Mr. Rick Henry, Street Department Supervisor, was present to request the review of bids for rock and paving materials. There were two vendors, Blount Springs and Vulcan Materials who returned bids. The low bidder recommended by Mr. Rick Henry was Blount Springs DBA Good Hope Contractors with a total bid of \$1,006,000. This is an estimated amount for the fiscal year. A motion was made by Council Member Hollingsworth to accept the following resolution:

RESOLUTION 2010-24
AWARDING BID FOR ROCK and MATERIALS
CITY OF CULLMAN STREET DEPARTMENT

WHEREAS, bid responses were opened on December 23rd, 2009 at 2:00 p.m. for Various rocks and supplies, and;

WHEREAS, the following 2 bids were received for Rock, Washed Rock, Dust or Binder, Crusher Run and Rip Rap in various ton increments for the City of Cullman Street Department, and the following bids were opened publicly:

Good Hope Contractors DBA Blount Springs Materials	\$1,006,000.
Vulcan Materials , Trinity Alabama	\$1,128,320.

WHEREAS, the recommendation from Mr. Rick Henry, Street Department Supervisor, was to award the bid to Blount Springs Materials located in Cullman, Alabama and was the lowest responsible bidder.

BE IT RESOLVED by the City Council of the City of Cullman, Alabama that the contract be awarded at this time to Blount Springs Materials.

ADOPTED this the 28th day of December, 2009.

/s/ Garlan E. Gudger, Jr.
President of the City Council

ATTEST:

/s/ Ruth W. Rose
City Clerk

APPROVED by the Mayor this the 28th day of December, 2009.

/s/ Max A. Townson
Mayor

Council Member Page seconded the motion and motion was approved by a voice vote. Ayes: All. Nays: None.

Being no further business to come before the Mayor and Council a motion to adjourn was made by Council Member Hollingsworth. Council Member Cook seconded the motion and meeting was

adjourned at 7:14 pm.