

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

For the Regular Meeting of **MONDAY, JANUARY 4, 2010.**

The Meeting was called to order at 7:30 p.m. by City Manager David Pasquale and City Clerk Betty Morlock called Roll.

Present: Councilmembers Altoft, Ellison, Hodges, LaPonsie and Schrauben.

Absent: None.

Also Present: City Manager David Pasquale, City Clerk Betty Morlock, Public Works Director Dan DesJarden, Chief of Police James Hinton, Arbor Boardmember, Lowell Light and Power Boardmember and Planning Commissioner Jim Hall, and Lowell Light and Power General Manager Greg Pierce.

Item #1. **ELECTION OF MAYOR AND MAYOR PRO TEM.**

IT WAS MOVED BY ELLISON and seconded by LAPONSIE to nominate James W. Hodges as Mayor. No other nominations were received. The vote to elect Hodges was as follows:

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

IT WAS MOVED BY LAPONSIE and seconded by SCHRAUBEN to elect Sharon Ellison as Mayor Pro Tem. No other nominations were received. The vote to elect Ellison was as follows:

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

Item #2. **APPROVAL OF AGENDA.**

IT WAS MOVED BY LAPONSIE and seconded by ELLISON to approve the agenda as presented. No other nominations were received. The vote to elect Ellison was as follows:

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

Item #3. **APPROVAL OF THE MINUTES OF THE DECEMBER 21, 2009 REGULAR MEETING.**

IT WAS MOVED BY ELLISON and seconded by LAPONSIE to approve the minutes of the December 21, 2009 meeting as presented.

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

Item #4. **APPROVAL OF THE ACCOUNTS PAYABLE.**

IT WAS MOVED BY ELLISON seconded 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 (1/04/10)</u>	
GENERAL FUND	\$56,250.83
MAJOR STREET FUND	529.27
HISTORIC DISTRICT FUND	2,397.00
DDA FUND	62,146.00
AIRPORT FUND	362.89
WASTEWATER FUND	34,595.64
WATER FUND	65,974.93
DATA PROCESSING FUND	3,096.20
EQUIPMENT FUND	2,270.71
CURRENT TAX FUND	131,512.62
LEE FUND	1,818.00

Item #5. **CITIZENS COMMENTS FOR ITEMS NOT ON THE AGENDA.** No comments were received.

Item #6. **ANNUAL AUTHORIZATION OF SIGNATURES FOR CITY BANK ACCOUNTS AND DESIGNATION OF DEPOSITORY BANKS; REVIEW AND ADOPTION OF CITY COUNCIL RULES OF PROCEDURE; DETERMINE TIME OF THE DAY THAT CITY COUNCIL MEETINGS ARE HELD; COUNCILMEMBER APPOINTMENTS** The City must annually designate its depository banks and authorize signatures for the coming year.

The following designations were recommended:

- a. Authorized signatures:
 - Mayor James Hodges City Manager David Pasquale
 - Mayor Pro Tem Sharon Ellison City Treasurer Suzanne Olin
 - Police Chief James Hinton
 - Deputy City Treasurer Lori Gerard

IT WAS MOVED BY ELLSON and seconded by LAPONSIE to support the above individuals as authorized signatures.

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

- b. Safety Deposit Box:
Betty Morlock
Susan Ullery
Luanne Wisniewski

IT WAS MOVED BY LAPONSIE and seconded by SCHRAUBEN to support the above names for access into the safety deposit box.

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

- c. Depository Banks:
- | | |
|----------------------------------|-----------------------------|
| Comerica Bank-Grand Rapids | (Grand Rapids) |
| Huntington Banks | (Lowell) |
| National City Bank | (Grand Rapids) |
| Fifth Third Bank | (Lowell, Ada, Grand Rapids) |
| Bank One-Grand Rapids | (Ada, Grand Rapids) |
| Standard Federal Bank | (Ada, Grand Rapids) |
| Firstbank | (Lowell) |
| Mercantile Bank of West Michigan | (Wyoming) |

Councilmember LaPonsie questioned if the City uses all of the above depository banks or are these to be available if needed. City Manager Pasquale responded these are available if needed.

IT WAS MOVED BY LAPONSIE and seconded by SCHRAUBEN to approve the depository banks as presented.

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

City Manager Pasquale noted under Section F.1. (Adoption and amendment to rules of procedure) states the rules will be placed on the agenda of the first meeting of the Council following the seating of the newly election Councilmembers for review and adoption. Thus, the Council needs to adopt the current rules of procedure for its meetings.

IT WAS MOVED BY ELLISON and seconded by ALTOFT to adopt the current rules of procedures.

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

Also, as adopted by Charter Amendment last November, "Provide the time of day that City Council meetings shall beheld shall be determined at its first meeting in January following each City election". Currently, meetings are scheduled for 7:30 p.m.

IT WAS MOVED BY ALTOFT and seconded by LAPONSIE to continue to schedule City Council meetings for 7:30 p.m.

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

Mayor Hodges proposed the following appointments from its own membership as follows:

- Zoning Board of Appeals Chair – Councilmember LaPonsie
- Parks and Recreation Commission member – Councilmember Schrauben
- Lowell Area Recreation Authority member – Councilmember Schrauben
- Planning Commission member – Councilmember LaPonsie
- Light and Power Board representative – Mayor Hodges
- Downtown Development Authority representative – Councilmember Altoft

IT WAS MOVED BY ELLISON and seconded by SCHRAUBEN to approve the proposed appointments from its own membership for the various boards and commissions.

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

Item #7. **GRAND RAPIDS COMMUNITY COLLEGE – COLLECTION OF SUMMER PROPERTY TAXES FOR 2010.** As recently carried out for the Kent Intermediate School District, Grand Rapids Community College has requested the City collect the summer property taxes for the district. As part of a continuing resolution, the City collects the GRCC's property taxes but is able to keep the interest earned during the bank deposit before distributing these monies.

IT WAS MOVED BY LAPONSIE seconded by ELLISON to approve the collection of the 2010 summer property taxes for Grand Rapids Community College.

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

NAY: None. ABSENT: None. MOTION CARRIED.

Item #8. **UPDATE ON THE LOWELL AREA HISTORICAL MUSEUM.** Pat Allchin, Executive Director of the Lowell Area Historical Museum provided an update of the facility. She presented a booklet of the annual report which highlights what has happened over the past year. Allchin thanked the City of Lowell for their continued support. The museum had a good year.

Over 22,000 individuals visited the museum, which the community should be proud of. Also, 47 volunteers donated over 3,710 hours volunteer work.

Allchin highlighted the government support from Lowell and Vergennes Townships as well as the City. She also noted the LAHM received grants from Lowell Area Community Fund, Lowell Area Schools Education Foundation, City of Lowell Historic District Commission, Look Memorial Fund, Lowell Community Fund and Lowell Women's Club.

Mayor Hodges questioned if the Museum ever approached the Townships for a tax millage? Allchin stated no, the Townships stated they could not give any additional funds.

Councilmember LaPonsie asked if the Townships were unwilling to place a millage request on the ballot. Allchin stated she had not discussed a millage request with the Townships.

Allchin noted the City of Lowell residents are allowed to visit the Museum on Thursday's at no cost as part of paying a portion of a millage for the Museum.

Item #9. **ZONING BOARD OF APPEALS**

A. **SCHNEIDER MANOR (725 BOWES) – FRONT YARD VARIANCE FOR THE CONSTRUCTION OF A 76' X 36' OFFICE-MAINTENANCE BUILDING – PUBLIC HEARING**. ZBA Chair LaPonsie stated Schneider Manor wishes to construct a 2736 square foot office-maintenance building. The property is zoned R-3 (Multiple Family Residential) and requires a 30 foot front yard setback from the Grand Street right of way. Schneider Manor wished to provide a 15 foot setback and therefore requires a variance.

At its November 23, 2009 meeting, the Planning Commission reviewed the site plan as well as the variance request. The Commission approved the site plan subject to the variance being granted. Further, the plan should show handicap access and landscaping. The variance was recommended unanimously by the Commission as meeting the stated criteria.

Chair LaPonsie opened the public hearing and no comments were received. City Clerk Morlock read an email she had received:

Dear Zoning Board of Appeals,

I would like to offer my support for the request of the Lowell Housing Authority dba Schneider Manor for a setback variance. Looking at the plot plan and the needs of the Authority, the placement of the building is a good compromise.

Thank you,
James Pfaller
810 Bowes Road

Chair LaPonsie closed the public hearing and asked if there were any Council comments. There were none.

IT WAS MOVED BY HODGES and seconded by ALTOFT to grant Schneider Manor a 15' front yard variance for the construction of a 76' x 36' office-maintenance building at 725 Bowes Road.

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

Item #10. **FEDERAL COMMUNITY DEVELOPMENT BLOCK GRANT – 2009-2010, 2010-2011 ALLOCATIONS OF FUNDS – PUBLIC HEARING**. City Manager Pasquale noted at the last meeting, Kent County has informed the City that \$25,073.40 remains unallocated in the current 2009-2010 year for Federal Community Development Block Grant funds. Further, \$31,186 will be allocated for projects in the 2010-2011 year starting July 1, 2010.

For the current 2009-2010 year, Pasquale recommended these funds be directed to the Sibley Street road and sidewalk improvements project to conserve local Street Construction Funds. If approved, the budget for Sibley would be as follows:

Proposed Expenditures		Revenue	
Road	\$184,000	CDBG-R (stimulus)	\$140,000
Walks	<u>39,000</u>	CDBG	25,073
Sub total:	\$223,000	Local Street Construction Fund	<u>101,927</u>
Contingencies			\$267,000
@ 5%	\$ 11,000		
Engineering			
@ 15%	<u>33,000</u>		
	\$267,000		

The project estimates are conservative and competitive bidding could lower these. If lower, CDBG and Local Street Construction Fund dollars could be reallocated.

With the 2010-2011 CDBG funds, \$6,000 once again would be allocated to North Kent Transit for senior citizens and handicapped riders. The remaining \$25,186 can be directed to either the North West Street sidewalk improvement (total estimate \$30,000) or milling and repaving South Pleasant and South West streets between Bowes and West Main (total estimate \$100,000). Improvements to Sibley west and North Center will require more analysis and added funds.

A public hearing has been advertised for this meeting. The following wording was provided:

2009-2010 CDBG funding:

- Sibley Street road and sidewalk improvements between Valley Vista Drive and North Center Street \$25,073.40

2010-2011 CDBG funding:

- North West Street sidewalk improvements \$25,186.00
- or
- Milling and repaving of S. Pleasant and S. West Streets

- North Kent Transit assistance to senior citizens and Handicapped riders \$ 6,000.00
- \$31,186.00

Mayor Hodges opened the public hearing and no comments were received. City Clerk Morlock read an email she had received:

Dear Mayor and City Council,

I would like to see the maximum amount of the CDBG funds to be used for the resurfacing of streets and delay any construction of sidewalks until the local streets are brought up to acceptable standards.

Thank you,
 James Pfaller
 815 Bowes Road

Mayor Hodges closed the public hearing.

Councilmember LaPonsie felt milling and repaving of roads are more important than construction of sidewalks.

Councilmember Schrauben concurred with LaPonsie and also questioned if the project cost came in lower than predicted, how would the monies be reallocated?

City Manager Pasquale responded it would be brought back to the City Council for reallocation.

He noted that the Sibley sidewalks have been already engineered and ready for bid.

IT WAS MOVED BY LAPONSIE and seconded by ALTOFT that the Federal Community Development Block Grant funds for 2009-2010 of \$25,073.40 be used as presented and the 2010-2011 funds of \$25,186.00 be allocated for milling and repaving of South Pleasant and South West Streets and \$6,000.00 for the North Kent Transit assistance to Senior Citizens and Handicapped riders.

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

North Kent Transit has proposed pooling participating local governments Block Grant funds to better utilize these allocations. This would allow municipalities who may have gone over the allocation for the year to use funds from a municipality that did not use their allocated funds.

The consensus of the Council was to keep as status quo.

Item #11. Ordinance Amendment providing for the selection and use of a single residential solid waste hauler – continued discussion. City Manager Pasquale stated at the December 7 Council meeting, a public hearing on the single residential solid waste hauler ordinance was conducted. After receiving comments primarily from waste haulers who had concerns with such ordinance, the Council decided to hold another public hearing on Tuesday, January 19 and to further discuss the proposal at this session.

During Council discussion, the following issues were raised:

- Sec. 11.26 Definitions – a need to define small appliances
- Sec. 11.29 (c) Use of Residential Refuse Containers and Recycling Containers
 - (i) The Contractor shall provide each Residential Unit within a Residential Structure with a Recycling Container for each category of Recyclables to be collected and a Residential Refuse Container of the size selected by the owner or occupant of the Residential Unit.
 - is this unreasonable?
 - There should be a provision to replace stolen containers
- Sec. 11.29 (d) Collection of Residential Refuse, Recyclables and Yard Waste; Bulk Waste Collection

- (ii) The Contractor shall collect Yard Waste from Residential Structures on a monthly basis from April through October or days determined by agreement between the Contractor and the City Manager.

-include November

- (viii) The Contractor shall maintain an office for receipt of service calls and complaints. The office shall be open and available for calls Monday through Friday each week from 7:00 a.m. to 6:00 p.m.

-This appears to be unreasonable. Use normal business hours.

John VanTholen of Green Valley Disposal Service, Inc. noted several concerns with the proposed ordinance.

Mayor Pro Tem Ellison stated the option of using bags versus carts is not addressed in the proposed ordinance. She feels a work session is needed to discuss these many concerns.

The consensus of the Council was to hold a work session on Monday, January 11, 2010 at 7 p.m. to further discuss this issue.

Item #12. **DISCUSSION OF AN ORDINANCE PROVIDING A SIX (6) MONTH MORATORIUM ON ANY GROWING/DISPENSING OF MEDICAL MARIJUANA.** Chief of Police Hinton explained with the passage of a State initiative last Fall regarding growing and dispensing of medical marijuana, an ordinance should be enacted which would regulate the location and operation of primary caregivers operating medical marijuana dispensaries.

In talking with City Attorney Richard Wendt, it was recommended a six month moratorium, as permitted by law, provided by ordinance to give the City time to consider and develop appropriate regulations.

The consensus of the Council was to have City Attorney Richard Wendt draft an ordinance providing a six month moratorium on growing/dispensing of medical marijuana for consideration.

Item #13. **COUNCIL COMMENTS.** Councilmember Altoft urged the Council not to let a few dictate on how the City should handle the single waste hauler issue and wished everyone a Happy New Year.

Councilmember LaPonsie asked those who can not make City meetings to call, email or write letters stating their opinion and/or concerns.

Councilmember Schrauben thanked the 214 voters for taking the time to vote even though it was a non contested election.

Mayor Pro Tem Ellison welcomed newly elected Councilmember Schrauben and LaPonsie to the City Council and Jim Hodges as Mayor. She also stated how proud she was of the citizens of

Lowell for their participation in the welcome home events for Sgt. Shane Scherer and his fiancée, Jacqueline Bennett.

Mayor Hodges thanked the citizens of Lowell for re-electing him to a four year term on the City Council. He then thanked the City Council for electing him for Mayor. The office of Mayor requires approximately 10 additional hours each week and is an eye opening experience.

Item #14. **CITY MANAGER'S REPORT.** City Manager Pasquale reported on the following:

1. For your information, the following boards and commissions meeting minutes are provided:
 - Lowell Area Fire and Emergency Services Authority meeting of September 28, 2009
2. City Manager Pasquale highlighted the many activities for the year of 2009 in the Council agenda packet stating it had been a very busy year.
3. In observation of Martin Luther King Day, the Council will next meet on Tuesday, January 19, 2010.
4. City Manager Pasquale thanked the Council and the community for their care during the illness and recovery of his wife, Anne. Lowell is a great community!
5. Police Chief Hinton noted there were no accidents or issues with the bow and arrow hunting this year in the City of Lowell. He also reminded the citizens that sidewalks are to be cleared of snow and there is no parking on City streets from 2 a.m. to 6 a.m.
Police Chief Hinton and DPW Director Dan DesJarden informed the Council that they were removing the no truck traffic on North Monroe Street from Avery Street north.

Item #15. **APPOINTMENTS.** Mayor Hodges noted there are openings to serve on the Downtown Development Authority and Planning Commission. Those interested, should send a letter of interest to City Clerk Betty Morlock.

IT WAS MOVED BY ELLISION to adjourn at 8:40 p.m.

DATE:

APPROVED:

James W. Hodges, Mayor

Betty R. Morlock, Clerk