

PROCEEDINGS
OF
CITY COUNCIL
OF THE
CITY OF LOWELL

For the Regular Meeting of APRIL 4, 2011.

The Meeting was called to order at 7:30 p.m. by Mayor Jim Hodges and City Clerk Betty Morlock called the roll.

Present: Councilmembers Jeff Altoft, Maryalene LaPonsie, Andrew Schrauben and Mayor Jim Hodges.

Absent: Mayor Pro Tem Ellison.

Also Present: City Manager David Pasquale, City Clerk Betty Morlock, DPW Director Dan DesJarden, Lowell Light and Power Boardmember, Planning Commissioner and Parks and Recreation Commissioner Jim Hall, Lowell Light and Power Manager Greg Pierce, Water Distribution Superintendent Robert Robinson and Water Treatment Plant Superintendent George Regan.

IT WAS MOVED BY LAPONSIE and seconded by SCHRAUBEN to excuse the absence of Mayor Pro Tem Ellison.

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

Item #1. **APPROVAL OF THE AGENDA.**

IT WAS MOVED BY LAPONSIE and supported by SCHRAUBEN to approve the agenda as written.

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

Item #2. **APPROVAL OF THE MINUTES OF THE REGULAR MEETING OF MARCH 21, 2011.**

IT WAS MOVED BY SCHRAUBEN and supported by LAPONSIE to approve the regular meeting minutes of March 21, 2011 as written.

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

IT WAS MOVED BY LAPONSIE and supported by ALTOFT to approve the closed session meeting minutes of March 21, 2011 as written.

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

Item #3. **APPROVAL OF THE ACCOUNTS PAYABLES.**

IT WAS MOVED BY LAPONSIE and supported by SCHRAUBEN that the bills and accounts payables be allowed and the warrants issued.

YEA: Councilmembers Altoft, LaPonsie, Schrauben and Mayor Hodges.

NAY: None. ABSENT: Mayor Pro Tem Ellison. MOTION CARRIED.

<u>BILLS AND ACCOUNTS PAYABLE (04/04/11)</u>	
GENERAL FUND	\$28,668.06
MAJOR STREET FUND	3,992.00
LOCAL STREET FUND	2,004.00
DOWNTOWN DEVELOPMENT FUND	1,149.73
WASTEWATER FUND	36,069.01
WATER FUND	12,863.70
DATA PROCESSING FUND	135.00
EQUIPMENT FUND	517.10
CURRENT TAX FUND	23,817.78
LEE FUND	165.25
CARR FUND II	165.25

Item #4. **CITIZEN COMMENTS FOR ITEMS NOT ON THE AGENDA.** No comments were received.

Item #5. **OLD BUSINESS.**

- a. Streets, sidewalks plan – The Council will hold a public hearing on April 18 to consider the sidewalks improvements ordinance upon sale of property. The Council also lifted the moratorium requirement on sidewalk improvements at their March 21 meeting.
- b. Wastewater Treatment update – DPW Director DesJarden noted there are four monitors out and a range gate as well. A full report will be provided.
- c. East Riverfront renovations – A Parks and Recreation Master Plan update was completed and approved by the State to qualify for grant assistance. A survey delineating ownership has also been finished. A design charette (getting citizen input) for riverbank improvements was successfully carried out by Design Plus, Inc. on Thursday, January 13. At the Downtown Development Authority meeting of February 17, the Boardmembers recommended purchase of the amphitheater property from Lowell Area Schools for \$25,000. Also, the amphitheater riverfront design was approved along with an allocation of \$50,000 toward the project. At its January 11, 2011 meeting, the Lowell Area Community Fund provided \$50,000 in addition to this task. The Council, at its February 22 meeting approved the purchase of Lowell Area Schools property within the amphitheater area at a cost of \$25,000 as recommended by the DDA.

An application for the Michigan Department of Natural Resources Trust Fund grant of \$300,000 has been submitted to the State as of April 1, 2011. A LCTV Endowment Fund grant application of \$50,000 will be completed by April 15.

- d. Consumers Energy – sidewalk report – under review.
- e. Video coverage of public meetings – At its April 18 meeting, the Council may consider camera options as well as which meetings are to be videoed.

Item #6. **ORDINANCE APPROVING THIRD AMENDMENT TO DEVELOPMENT AND TAX INCREMENT FINANCING PLAN EXTENDING THE DOWNTOWN DEVELOPMENT AUTHORITY TO JUNE 20, 2033 – PUBLIC HEARING.** The DDA Boardmembers have noted there are additional downtown projects to accomplish, but the current development and tax increment financing plans expire on June 30, 2013.

The documentation allows the DDA plans to be extended to June 30, 2033 (20 years) for completing projects. The DDA Boardmembers approved a resolution at its February 17 meeting recommending the extension.

After conducting a public hearing, the Council may consider adopting the ordinance approving the third amendment to the DDA plans and extending the Authority twenty years.

Dave Durkee of 2186 W. Main supported the DDA. He noted he is also a DDA Boardmember. The Board is represented well by business owners and have invested much energy and time to ensure the funds are spent correctly. It was noted if the money was not captured by the DDA, it would be allocated to the county. Also, with the bonds being paid off in 2013, there will be additional funds available for City projects.

City Clerk Morlock received a phone call from Shelley Catlin. She is a business owner within the City, serves on the DDA and is also a City resident. Catlin is currently out of town but indicated her support of the DDA extension to 2033. The DDA is very good and has done much for the City over the last 20 years.

Councilmember LaPonsie clarified the money which goes to DDA is not a new tax levied but allows the City to take funds of existing taxes and direct it to the DDA. City Manager Pasquale explained the principle of tax increment financing. In 1992, the dollars which were provided by the properties within the downtown district were frozen. Each additional amount of money which was raised either through new building or appreciation was provided to the DDA. In 1992, those tax dollars were frozen. Whatever was frozen at that point was given to the general units of government. The new revenue over a period of time adds up and is given to the DDA. LaPonsie noted she supported the continuation of the existence of the DDA.

Councilmember Schrauben questioned the amendment to the development plan. It states the projects would be completed by the fiscal year ending June, 30, 2023. Pasquale noted it should state June 30, 2033. This will be changed. Schrauben noted he supported the DDA amendment.

Councilmember Altoft also noted he supported the continuation of the DDA.

IT WAS MOVED BY ALTOFT and supported by SCHRAUBEN to approve the third amendment to Development and Tax Increment Financing Plans extending the Downtown Development Authority to June 30, 2033.

YEA: Councilmember Altoft, LaPonsie, Schrauben, and Mayor Hodges.

NAY: None. ABSENT: Mayor Pro Tem Ellison. MOTION CARRIED.

Item #7. **APPLICATION FOR TEMPORARY AUTHORIZATION TO THE LIQUOR CONTROL COMMISSION – FLAT RIVER GRILL SUMMER CONCERT SERIES AND RIVERWALK FESTIVALS.** General Manager of Flat River Grill Chris West, explained they are proposing to obtain a temporary license for the summer concert series on the Showboat and for the Riverwalk Festival. This has been done for several years now. Everything will remain the same as in previous years.

Councilmember Schrauben questioned the security being provided by the management of Flat River Grill and the Chamber of Commerce. West explained the Chamber will provide four volunteers who sit at the entrance on the boat. There are also two licensed and certified employees from Flat River Grill on the boat as well.

IT WAS MOVED BY LAPONSIE and seconded by SCHRAUBEN to approve the application for temporary authorization to the Liquor Control Commission for Flat River Grill Summer Concert Series and Riverwalk Festivals.

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

Item #8. **PERMISSION FOR FIREWORKS DISPLAY.** As part of the Riverwalk Festival, the Lowell Area Chamber of Commerce Director Liz Baker requested permission and approval of a permit to have a fireworks display on Saturday, July 9, 2011 sponsored by Laurels of Kent. As with recent years, the fireworks would be launched from Stoney Lakeside Park.

IT WAS MOVED BY LAPONSIE and supported by SCHRAUBEN to seek permission with the State for a fireworks display held on Saturday, July 9, 2011.

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

Item #9. **RESIGNATION OF JAMES HINTON AS POLICE CHIEF; APPOINTMENT OF BARRY GETZEN.** With regret, City Manager Pasquale announced the resignation of James Hinton as Police Chief. As noted, Chief Hinton wishes to more fully pursue his college education where he is student at Northwood University.

Hinton has served with the Lowell Police Department for over 18 years starting on September 7, 1992. He was promoted to Sergeant on January 22, 2006 and then as Police Chief on April 1, 2009.

Chief Hinton's resignation is effective April 15. He will be missed.

Further, Pasquale announced the appointment of Barry Getzen as Lowell Police Chief, effective May 2. Getzen has recently completed a distinguished career with the Michigan State Police retiring this past September. He served over 31 years in various capacities ending with the rank of Major, West Region Commander, Field Services Bureau, East Lansing Headquarters and then Deputy Director, Office of Specialized Services.

Getzen, his wife Jean and children Hayley and Phillip have lived in the Lowell area for the past 16 years. They have been active in the community.

The City is truly privileged to have a person with the credentials of Barry Getzen to serve as Police Chief. Please note Sergeant Steve Bukala will serve as Acting Chief during the interim period.

Item #10. **OUTDOOR FURNACE ORDINANCE – RECOMMENDATION FROM THE PLANNING COMMISSION – SET PUBLIC HEARING (4/18)**. Over the past several months, the Planning Commission has reviewed how to regulate outdoor furnaces. In consulting with the Council, there would be zoning regulations but kept simple.

The ordinance states outdoor furnaces are permitted in side and rear yards as an accessory use to residential dwellings in the SR and R-1 districts with a parcel area of at least 20,000 square feet. The furnace shall be located a minimum of 80 feet from any residential dwelling. Also, the stack or chimney height of an outdoor furnace shall extend at least two feet above the roof peak of any residential dwelling within 300 feet of an outdoor furnace. Permitted and prohibited combustion materials are noted.

The Planning Commission held a public hearing on the ordinance proposal at its March 28, 2011 meeting and unanimously recommended adoption. It's proposed that Council set a public hearing for April 18 to consider the ordinance.

Councilmember LaPonsie noted the Planning Commission felt there was appropriate uses for the furnaces within the City, but not necessarily appropriate on smaller City lots. A public hearing was held and no public comments were received.

IT WAS MOVED BY LAPONSIE and seconded by SCHRAUBEN to set a public hearing for April 18, 2011 regarding the Outdoor Furnace Ordinance.

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

Item #11. **PURCHASE OF MOWER**. The Public Works Department has stated the need of a replacement lawn mower for the cemetery and downtown area. An ExMark mower with a 48" deck (same model as the previous machine) was provided through State bid from Kubota West Michigan at a cost of \$7,910.

At its March 24, 2011 meeting, the Downtown Development Authority approved on half the cost of the mower at \$3,955 because of usage in the downtown district.

City Manager Pasquale recommended the City allocate \$3,955 for the purchase of an ExMark mower with a 48" deck from the Public Works account.

Councilmember Schrauben confirmed the DPW was happy with the model. DPW Director DesJarden responded yes. Typically the department tries to keep the same models for replacement parts.

IT WAS MOVED BY ALTOFT and seconded by SCHRAUBEN to purchase an ExMark mower with \$3,955 being allocated from the Public Works account.

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

Item #12. **COMPLETE REPLACEMENT OF VALVE ASSEMBLY IN CHLORINE ROOM – WATER TREATMENT PLANT.** WTP Superintendent George Regan explained the valve assembly unit is the valves which control the flow of the chlorine for treating the water. This is the original assembly from 1977. The plant can no longer get parts. Therefore, it simply needs to be replaced.

RS Technical Services, Inc. is the service representative for the plant. Their cost for repair is \$2,430 allocated from the Water Fund.

IT WAS MOVED BY LAPONSIE and seconded by ALTOFT to approve the allocation of \$2,430 from the Water Fund for the replacement of Valve Assembly in Chlorine Room at the Water Treatment Plant.

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

Item #13. **REQUEST TO ALLOCATE \$15,000 TO PURCHASE WATER METERS AND RELATED PARTS – TABLED FROM THE LAST MEETING.** Water Distribution Supervisor Bob Robinson requested approval to purchase the meters and related parts.

At the March 21 meeting of the City Council, a question arose regarding compatibility with the Light and Power metering system. As noted in Greg Pierce's memo, meetings have been held between Light and Power and Public Works to discuss further cooperation on metering services. As a result, new Light and Power meters will have the capability of collecting the Lowell water data by installing a special transmitting module on the water meters.

Councilmember LaPonsie questioned the amount of meters which can be purchased for \$15,000. Robinson responded 120 to 140, depending on the installation needed.

Councilmember Schrauben asked if the meter reader was needed. Robinson responded yes. He explained there are approximately 450 meters ready to go. Currently, the meters are read by an individual reading each meter and penciling these on a card. Each come back to City Hall and

are inputted into the computer. What will happen now is the device will automatically read up to 900 feet away. The other meter readings will be typed in if it is a visual read or use a wand to touch the house. This will be downloaded automatically into the computer for billing. The ultimate goal is to have antennas placed by Lowell Light and Power and have a direct read right from their office.

IT WAS MOVED BY LAPONSIE and seconded by SCHRAUBEN to approve the request to allocate \$15,000 for the purchase of water meters and related parts for the new system.

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

Item #14. **PURCHASE OF WATER LEAK DETECTOR.** Water Distribution Supervisor Bob Robinson explained approximately on December 27, 2010 the Water Plant started producing 150,000 gallons extra each day. After many man hours of searching, two leaks were found through the use of a borrowed detector.

An Aquaphone 100 Professional Leak Detector Kit is recommended for purchase at a cost of \$4,495 allocated from the Water Fund.

Councilmember LaPonsie questioned the shelf life of the equipment. Robinson indicated it is electronic and should last many years.

Councilmember Aloft questioned how much the leaks cost the City because of lost water. Robinson estimated approximately \$6,000 a month.

IT WAS MOVED BY ALTOFT and seconded by LAPONSIE to approve the purchase of a 100 Professional Leak Detector Kit at a cost of \$4,495 allocated from the Water Fund.

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

Item #15. **HEAD END BUILDING OPTIONS.** The head end building by the Riverwalk which housed Lowell Cable Television has remained vacant for the last several years. Recently, there have been several interested parties who wish to utilize this space. These are Brian Bangma for bicycle and kayak sales, Jim Pfaller for a Firearms LLC and the Flat River Grill for banquet space.

Grand Rapids Bicycle Company owner Brian Bangma noted he has spoke with Jim Pfaller as well for the potential of combining use for the building. The general concept is a kayak/bicycle rental store located on the river. There would be a small amount of retail, but mainly designed around the users who are renting. The major amount of space he would need would be half of what is considered the office space. Pfaller has indicated his interest in using the other half of the office space.

He believed such a facility made sense considering it is located along the riverwalk and North Country Trail.

He would be fronting all of the lease hold improvements even though he is renting the facility. It would remain the property of the City of Lowell. In lieu of this, he would hope rent would be offset to be able to compensate for the same amount of dollars invested into the original billed out.

Mayor Hodges thought it was a great idea and provides a visual concept.

City Manager Pasquale also noted Flat River Grill has expressed an interest as well. However, they are not as far along with plans. He noted Flat River Grill would use the entire space.

Hodges questioned the length of the lease. Bangma responded three to five years with an option of extending the lease or option the buy.

Councilmember LaPonsie hated to see buildings sit empty.

Hodges suggested a separate meeting be held with the concerned parties. Pasquale believed the issue needed to come back to Council for a final decision.

Councilmember Altoft supported the idea of a kayak rental, especially considering all the money being put into the Riverwalk as well as all the bicycle trails.

LaPonsie asked if Flat River Grill was considering a small banquet facility. Pasquale responded yes.

Pasquale suggested any action be deferred until April 18, 2011 to allow for a recommendation for Council consideration.

Item #16. **ORDINANCE FOR SIDEWALK INSPECTION AND COMPLIANCE UPON SALE OR TRANSFER OF ABUTTING PROPERTY – SET PUBLIC HEARING (4/18)**. As discussed by Council, a proposed ordinance would require an inspection and subsequent improvement if necessary upon sale. This is looked upon as a means to provide sidewalks which are in compliance with City standards.

The Council is recommended to hold a public hearing on the ordinance at its April 18 meeting.

IT WAS MOVED BY LAPONSIE and seconded by SCHRAUBEN to set a public hearing for April 18, 2011 regarding the sidewalk inspection and compliance ordinance.

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

Item #17. **COUNCIL REPORTS AND COMMENTS**. Councilmember Schrauben noted LARA had lots of fun at the Lowell Community Expo. He enjoyed pancakes at the fire station as well.

Councilmember LaPonsie noted the issue discussed during the Planning Commission meeting regarding outdoor furnaces.

Councilmember Altoft noted the new light in the middle of the parking lot on the other side of town. It seems to be working out well and looks attractive.

Mayor Hodges wished Councilmember Schrauben Happy Birthday. Also, Chief Hinton emailed him some information regarding operating costs for cities of varying sizes. He noted for a city our size, we fall in the ballpark of approximately \$211 per resident for the cost of having an officer available to 24 hours seven days a week 365 days a year. Next Thursday, Lowell Light and Power Board will hold its meeting. Chamber of Commerce held a successful Lowell Expo. The Chamber of Commerce is finishing up the summer concert series schedule. Also, they are busy working on the Riverwalk Festival, which will be held on July 7, 8 and 9, 2011.

Item #18. **CITY MANAGER'S REPORT.** City Manager Pasquale reported on the following:

1. The following boards and commissions meetings minutes are provided:
 - Planning Commission meeting of February 28, 2011
 - Downtown Development Authority meeting of February 17, 2011
 - Lowell Area Fire and emergency Services Board meeting of December 20, 2010
2. A joint meeting between the City Council and the Light and Power Board is scheduled for Wednesday, April 13 at 7 p.m.
3. The Kent District Library has appointed Lance Werner, currently the Director of the Capital Area District Library in Lansing, as KDL Director.
4. Bill Baldrige from the Michigan Municipal League has indicated the deadline to submit ones application regarding the city manager position is April 14, 2011. The following week a letter will be sent to the Council regarding a short list of potential candidates. On April 25, 2011, Bladrige wishes to meet with Council at 4:00 p.m. to discuss which interviewees are to be selected for interview. Interviews will be held on Saturday, April 30, 2011. A time of 9:00 a.m. was established.

Item #19. **APPOINTMENTS.** Mayor Hodges noted the Board of Review has requested there be an alternate position.

By general consensus, the Council appointed Shannon Hanley of 829 N. Jefferson to the Planning Commission with a term expiring .

IT WAS MOVED BY SCHRAUBEN to adjourn at 8:25 p.m.

DATE:

APPROVED:

James W. Hodges, Mayor

Betty R. Morlock, City Clerk