

PROCEEDINGS  
OF  
CITY COUNCIL  
OF THE  
CITY OF LOWELL

For the Regular Meeting of MONDAY, AUGUST 2, 2010.

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, Mayor Pro Tem Sharon Ellison and Mayor Jim Hodges.

Absent: Councilmember Andrew Schrauben.

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

IT WAS MOVED BY LAPONSIE and seconded by ELLISON to excuse the absence of Councilmember Schrauben.

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

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

IT WAS MOVED BY ELLISON and supported by LAPONSIE to approve the agenda as presented

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

Item #3. **APPROVAL OF THE MINUTES OF THE REGULAR AND CLOSED SESSION MEETING OF JULY 19, 2010.**

IT WAS MOVED BY ELLISON and supported by LAPONSIE to approve the regular meeting minutes of July 19, 2010 as corrected.

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

IT WAS MOVED BY LAPONSIE and supported by ELLISON to approve the closed session minutes of the July 19, 2010 meeting as presented.

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

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

Mayor Pro Tem Ellison questioned if the invoices from Zach's Clean Cut Lawn Care will be billed to the various property owners? City Manager Pasquale responded yes, the property owners will be billed.

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

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

NAY: 0. ABSENT: 1. MOTION CARRIED.

<u>BILLS AND ACCOUNTS PAYABLE (08/02/10)</u>	
GENERAL FUND	\$46,758.44
MAJOR STREET FUND	32.62
LOCAL STREET FUND	63,832.95
DDA FUND	356.25
AIRPORT FUND	1,012.00
WASTEWATER FUND	682.54
WATER FUND	18,395.79
DATA PROCESSING	1,101.03
EQUIPMENT FUND	1,460.86

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

Item #6. **PRESENTATION OF THE KENT DISTRICT LIBRARY 2009 ANNUAL REPORT.**

Cheryl Garrison, interim Director of Kent District Library presented the 2009 annual report. She reported an increase in usage of the libraries, but the funding is down. A 10% increase in circulation, 11% increase in cardholders and a 4% increase in branch visitors were reported. The funding levels continue to drop. Eighty-seven percent of the KDL budget is based on property taxes, which have declined by over \$600,000 in the last year and over the past five years the State Aid had been reduced by \$160,000. Penal fines are down by \$120,000, which adds up to almost a \$1 million dollars loss. KDL has eliminated 11 management positions, initiated a central customer call system which freed staff to deal directly with customers in the library, installed equipment to allow credit card usage for customer convenience and renegotiated their

telecommunications contract saving \$700 a month and doubled their bandwidth. Garrison also explained the KDL Strategic Plan for 2010-2012 and noted it fits well into what KDL is all about.

Garrison said KDL has posted the Lowell Branch Manager position both internally and externally. A team consisting of a Lowell Community, Chuck Myers who is a Boardmember, the Assistant Director, someone from Human Resources and herself will be interviewing the candidates for this position.

Chuck Myers noted some satisfaction can come from paying a speeding or parking ticket since a portion of the penal fines goes to the libraries. A portion of these fines, by State Constitution, go back to the libraries. Myers thanked the Council for his reappointment to this position and their overall support of the library.

Mayor Hodges questioned the amount of users from the City of Lowell? Garrison responded 23.99% from the City, 20% from Lowell Township, 18% from Vergennes Township, 7% from Boston Township in Ionia and 4% from Grattan Township.

Sandy Bartlett (990 N. Washington) asked where do the books come from for the book sales? Garrison said the books come from a variety of places, but are primarily from people who have purchased these and donated them to the library and books which are no longer needed in the library.

Item #7. **REPORT FROM THE LCTV ENDOWMENT FUND BOARD – RECOMMENDATIONS REGARDING GRANT APPLICATIONS AND AMENDED TIMEFRAME FOR APPLICATION PROCESS.** The LCTV Endowment Fund Board unanimously recommended approval of the ten applications received totaling \$95,752. Grant applications were from the City, Flat River Outreach Ministries, Lowell Area Historical Museum, Lowell Area Schools, Lowell Charter Township, Lowell Music Boosters and Lowell Police Department. With previous allocations that were approved by the Council, the grand total this year is \$105,176, which is well below the \$228,718.37 of spendable balance in the Fund.

Additional the Boardmembers recommended an amendment updating the timeframe in the application process in terms allowing projects to be completed in a timelier manner, particularly those that involve construction. The amendments are as follows:

- Meet in early February to establish precise dates of meetings to follow
- Advertise in early March
- Applications due by mid April
- Board review by the end of April
- Grant selections by early May or May 14<sup>th</sup> at the latest
- City Council selections in the third week of May.

Councilmember LaPonsie suggested there be two times a year for the application process. Mayor Pro Tem Ellison stated it is not a large amount of money so doing it twice a year in smaller

amounts would not accomplish anything more. At this time the Board felt once a year is sufficient.

IT WAS MOVED BY ELLISION and supported by LAPONSIE to amend the resolution for the application timeframe as recommended by the LCTV Endowment Fund Board.

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

NAY: 0. ABSENT: 1. MOTION CARRIED.

IT WAS MOVED BY ELLISION and supported by LAPONSIE to approve and accept the recommendations of the LCTV Endowment Board for the grants totaling \$95,752 as follows:

Agency Name	Project	Amount Requested
City of Lowell	Upgrading public street lighting	10,654.00
Flat River Outreach Ministries	River of Hope Campaign - One heating, ventilation and air conditioning unit.	12,700.00
Lowell Area Historical Museum	Educational Programs for Children	2,255.00
Lowell Area Schools	Grand Rapids Community College Satellite Courses in Lowell	18,443.00
Lowell Charter Township	Lowell Township Riverfront Park Bleacher Project	4,000.00
Lowell Music Boosters	Music Boosters	2,000.00
Lowell Police Department	Stop Stick pursuit termination device.	1,200.00
City of Lowell	Creekside Park baseball field improvements	7,000.00
City of Lowell	Audio Visual Technology Enhancement Grant	10,100.00
City of Lowell	Stoney Lakeside Park Skateboard Park	27,400.00
TOTAL MONIES REQUESTED		\$95,752.00

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

Item #8. **990 NORTH WASHINGTON – REVIEW AND CONSIDERATION OF BRICK OUT BUILDING.** At the June 7, 2010 meeting, the Council discussed the out buildings at 990 North Washington with Gary Dietzel. It was agreed that the block storage building was too costly to repair and is to be demolished. But, Dietzel believed the brick building appears to be structurally sound and provided structural engineer's sealed drawings along with an estimate for consideration. The drawings were submitted to Vergennes Township Building Inspector Mark Fleet for review. Fleet found these drawings completed and acceptable.

DPW Director DesJarden estimates the project at \$5,000 while Fleet believes it is in the range of \$5,000 to \$6,000. The cost to demolish the structure was \$1,900.

Gary Dietzel (990 N. Washington) stated the structural engineer had a contractor review the plan and stated everything above the brick to be about \$5,000. He was not able to get an estimate

from a mason, but they felt it would be about \$1,050 for the masonry work totaling the estimate of \$6,050 and would last probably 60 years. With Kent Country Trails within 100' away from the building and a park surrounding the area, he feels this is a value interest.

Councilmember LaPonsie asked the age of the building, is there any historic value? Mayor Pro Tem Ellison tried to contact Pat Allchin at the Lowell Area Historical Museum to determine if they had information regarding this building, but had not heard back. Dietzel stated the land was purchased in 1917 and dug the wells and built the building. The house was built around 1890's.

Mayor Pro Tem Ellison feels there is no need to tear it down. Monies from the rent could be used for the repair as well as Dietzel is willing to give \$2,000 toward the repair. Maybe in the future, it might be determined historic and someday it could be used for the North Country Trails. Councilmember LaPonsie and Altoft both agreed with Ellison.

DPW Director DesJarden asked if the Council wants the windows and door to be addressed at the same time it goes out for bid for the structure? Mayor Hodges responded yes, one entire package.

Mayor Pro Tem Ellison inquired if windows were provided, would there need to be electrical? DesJarden responded if windows were installed, there would be no need for electrical. If these were boarded up, it would be needed. Ellison suggested it be bid out both ways, with electrical and without.

Dietzel stated the electrical in the house was just updated and there is a 35 amp line going to the building with a ground fault so it should not be too costly.

The consensus of the Council was to proceed forward to save the brick building and having bids for Council review at the September 7, 2010 meeting and acknowledging the \$2000 contribution from Gary Dietzel toward the repair of the building.

Item #9. **ORDINANCE AMENDMENT REQUIRING LICENSING OF SOLID WASTE HAULERS – SET PUBLIC HEARING (8/16)**. City Attorney Richard Wendt said the ordinance amendment for the collection and disposal of garbage, trash and refuse would accomplish two objectives. First, it requires licensing and registration of waste haulers and their vehicles so they can be identified and second, it provides evidence of the required insurances that are needed in respect to the vehicles. The ordinance also provides for regulations for transporting refuse, trash and other items in vehicles which are sealed and properly covered. After the ordinance is adopted, the City would establish a fee and length of time of possibly a year or two for the license, which would be done by resolution. Also, the ordinance allows the City to establish the day or days and hours in which pickup can occur within the City by resolution.

IT WAS MOVED BY LAPONSIE and supported by ALTOFT to set a public hearing on August 16, 2010 to consider an ordinance amendment requiring licensing of solid waste haulers.

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

Item #10. **ORDINANCE AMENDMENT REQUIRING LICENSING OF SNOW PLOW OPERATORS – SET PUBLIC HEARING (8/16)**. This ordinance amendment would require any vehicle and operator who plows snow within the City of Lowell would need to be licensed. As with the previous ordinance, Council would establish the registration and licensing fees as well as the period of the license by resolution. This proposed ordinance has several specific provisions with respect to Rules and Regulations for the removal of snow.

Councilmember LaPonsie questioned if this would apply only to those who plow for a business. It does not apply to people plowing their own driveway and sidewalk.

City Attorney Wendt said the proposed licensing applies only to those who plow snow and haul waste for a business.

IT WAS MOVED BY LAPONSIE and supported by ALTOFT to establish a public hearing on August 16, 2010 to consider an ordinance amendment requiring licensing of snow plow operators.

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

Item #11. **REZONING – 119 LINCOLN LAKE INCLUDING THE VACANT LOT AT THE SOUTHEAST CORNER OF CHATHAM AND LINCOLN LAKE – FROM PF (PUBLIC FACILITY) AND R-3 (RESIDENTIAL TO C-3 (GENERAL BUSINESS) – RECOMMENDATION FROM THE PLANNING COMMISSION – SET PUBLIC HEARING (9/7)**. The Planning Commission received an application and held a public hearing on July 26, 2010 to rezone 119 Lincoln Lake, which is the Masonic Lodge property, and the vacant lot immediately to the north. Currently 119 Lincoln Lake is zoned PF (Public Facility) and the vacant lot is R-3 (Residential). The petitioner had withdrawn the request for actual usage of this property. But, the Planning Commission felt the request should stand on its own merit and looking at the long term land use, these properties should be rezoned to be consistent with the Master Plan and adjoining properties. Thus, it is recommended the properties be rezoned to C-3 (General Business).

The Council should establish a public hearing on the zoning ordinance amendment for the September 7, 2010 meeting.

IT WAS MOVED BY ELLISON and supported by LAPONSIE to establish a public hearing to consider the zoning ordinance to rezone 119 Lincoln Lake including the vacant lot at the southeast corner of Chatham and Lincoln Lake to C-3 General Business.

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

Item #12. **COUNCIL COMMENTS**. Councilmember Altoft stated the parking lot on the west of Little Caesars as well as some businesses on the west side of town needs to be mowed.

Councilmember LaPonsie mentioned concerns of maintenance completed on North Center Street would perhaps fall off the priority list. North Center continues to be the number one priority now that Sibley is being completed. But the problem is that North Center needs to be totally reconstructed which is estimated at \$190,000. By having chip sealing done it would buy some time to set aside monies for total reconstruction in about two years.

LaPonsie also thanked Frank Martin, who retired from the Wastewater Treatment Plant, for all his work with the City over the years.

Mayor Pro Tem Ellison was present when the Grand River Expedition stopped in the City of Lowell for lunch. She was able to talk to participants of the Expedition and heard many stories about their adventures. They had presented Liz Baker, Executive Director of the Lowell Area Chamber of Commerce, a certificate of appreciation to the City of Lowell and a book "The Grand Rivers of Michigan Series" which was signed by the author, Kit Lane, which was given to the City. The book will be at City Hall and eventually given to the Englehardt Public Library.

Mayor Hodges was also present to welcome and have lunch with the Grand River Expedition group. He thanked Liz Baker and Betsy Davidson for providing the lunch at the Fire Station.

Hodges also noted at the next meeting a resolution will be presented to the Council to recognize Prisoner of War/Missing In Action Recognition Day for Friday, September 17, 2010. He will attend this event at the Michigan Home for Veterans in Grand Rapids with other mayors from the communities in Kent County.

The Kent County Youth Fair kicks off Sunday, August 8 at 6:30 p.m. and looks forward to another week of Fair activities.

Item #13. **CITY MANAGER'S REPORT.**

1. The following boards and commissions meetings minutes are enclosed.
  - Parks and Recreation Commission meeting of June 19, 2010
  - LCTV Endowment Fund Board meeting of July 7, 2010
  - Grand Valley Metro Council Transportation Policy Committee meeting of June 16, 2010
2. A Council work session is scheduled for Monday, August 9 at 7 p.m. to discuss:
  - Yard waste and recycling issues
  - Ground water infiltration study
3. DPW Director DesJarden requested Council to accept the low bid of \$5,050 plus permit fees from Earth Worm Excavating for the removal of the block building and concrete slabs at 990 N. Washington and the shooting range at the Boy Scout Cabin.

IT WAS MOVED BY LAPONSIE and supported by ELLISION to approve the low bid from Earth Worm Excavating to remove the block building and concrete slabs at 990 N. Washington and the shooting range at the Boy Scout Cabin at a cost of \$5,050 plus permits.

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

Item #14 **APPOINTMENTS**. No appointments were made at this time. There are vacancies on the City Planning Commission and the Board of Review. If anyone is interested, please contact City Clerk Morlock or Mayor Hodges.

IT WAS MOVED BY ELLISON and supported by LAPONSIE to go into Closed Session for discussion of an opinion of Legal Counsel.

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

NAY: 0. ABSENT: 1. MOTION CARRIED.

IT WAS MOVED ELLISON to adjourn at 8:59 p.m.

DATE:

APPROVED:

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James W. Hodges, Mayor

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Betty R. Morlock, City Clerk