

PROCEEDINGS  
OF  
CITY COUNCIL  
OF THE  
CITY OF LOWELL

For the Regular Meeting of MONDAY, AUGUST 16, 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, Andrew Schrauben, Mayor Pro Tem Sharon Ellison and Mayor Jim Hodges.

Absent: None.

Also Present: City Manager David Pasquale, City Clerk Betty Morlock, Police Sergeant Steve Bukula, Light and Power Boardmember, Planning Commissioner and Parks and Recreation Commissioner Jim Hall, Light and Power General Manager Greg Pierce, Planning Commissioner Al Mathews and Waste Water Treatment Plant Superintendent Mark Mundt.

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

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

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

Item #3. **APPROVAL OF THE MINUTES OF THE REGULAR AUGUST 2, 2010.**

IT WAS MOVED BY ELLISON and supported by LAPONSIE to approve the regular meeting minutes of August 2, 2010 as corrected.

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

IT WAS MOVED BY LAPONSIE and supported by ALTOFT to approve the closed session minutes of the August 2, 2010 meeting as presented.

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

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

Mayor Pro Tem Ellison questioned the Sam's Club membership dues. City Clerk Morlock explained this is reimbursed from employees back to the City.

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

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

NAY: 0. ABSENT: 0. MOTION CARRIED.

<u>BILLS AND ACCOUNTS PAYABLE (08/16/10)</u>	
GENERAL FUND	\$44,284.63
MAJOR STREET FUND	199.62
DDA FUND	998.81
AIRPORT FUND	3,587.91
WASTEWATER FUND	14,675.11
WATER FUND	44,148.52
CABLE TV FUND	724.00
DATA PROCESSING	467.90
EQUIPMENT FUND	3,966.15
CURRENT TAX FUND	69,916.69

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

Item #6. **RESOLUTION TO PROVIDE FOR THE DESIGNATION OF SEPTEMBER 17, 2010 AS "PRISONER OF WAR/MISSING IN ACTION RECOGNITION DAY"**. The Michael J. Bost Chapter 18 of the Vietnam Veterans of America will observe Prisoner of War/Missing in Action Recognition Day on Friday, September 17, 2010. A brief ceremony is to be held at 2:00 p.m. in the chapel of the Michigan Home for Veterans in Grand Rapids.

Mayor Hodges read the following:

PROCLAMATION  
TO PROVIDE FOR THE DESIGNATION OF  
SEPTEMBER 17, 2010 AS

"PRISONER OF WAR/MISSING IN ACTION RECOGNITION DAY"

WHEREAS, the United States has fought in many wars, one of the longest was the Vietnamese Conflict; and,

WHEREAS, Friday, September 17, 2010 is a day of remembrance for those who suffered as prisoners of war or are still missing as a result of any conflict; and,

WHEREAS, although cooperation has increased within the past few years, there are still about 1740 American servicemen and civilians including 53 from the State of Michigan missing and unaccounted for in Indochina. There is also one missing from Michigan from the Gulf War. The uncertainty surrounding their fates has caused their families to suffer great hardship; and,

WHEREAS, increasing public awareness and focusing public attention on this issue is one way to help achieve this goal;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Lowell, that Friday, September 17, 2010 shall be designated as:

“PRISONER OF WAR/MISSING IN ACTON RECOGNITION DAY”

We urge all of our citizens to take note of this important issue and remember those servicemen and civilians who were prisoners of war and those that are still missing and to commemorate the day with appropriate activities.

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James W. Hodges, Mayor  
City of Lowell, Michigan

IT WAS MOVED BY LAPONISIE and seconded by ELLISON to adopt the proclamation designating September 17, 2010 as “Prisoner of War/Missing in Action Recognition Day”.

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

Item #7. **ORDINANCE AMENDMENT REQUIRING LICENSING OF SOLID WASTE HAULERS – PUBLIC HEARING**. As directed by City Council, an ordinance amendment is proposed where commercial solid waste haulers must be licensed. The application process provides evidence of insurance in amounts established by the City Manager. Rules and regulations are authorized by the City Manager and approved by Council.

Separate resolutions will be considered regarding license fees and time for collection and transport at the September 7 Council meeting upon adoption of the ordinance.

Al Mathews of 822 Grindle asked if a fee structure has been established. Mayor Hodges said not yet. Mathews was not in favor of the idea. However, if a fee is to be set, it should be a small structure fee.

Matt Roth of Flat River Waste agreed the fee should not be large.

Councilmember LaPonsie did not believe this was intended to be a money maker for the City. It is just to ensure people have the property insurance and is covered for liability.

Mayor Hodges believed it would be similar to what other communities charge. Mayor Pro Tem Ellison agreed. She felt an important issue was to limit the days so trash haulers are not in the City every day of the week.

Councilmember Schrauben confirmed this would also include recycle.

Schrauben questioned Section 11.32 where a license is not required for anyone hauling on a non commercial basis. He asked if this would pertain to a contractor hauling away debris from a job. Pasquale responded no. At the last meeting, it was mentioned an individual would not be required to be licensed if one is personally hauling trash from the home to a landfill.

Hodges believed the ordinance was well drafted.

IT WAS MOVED BY ELLISON and seconded by ALTOFT to adopt the ordinance requiring licensing of solid waste haulers.

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

Item #8. **ORDINANCE AMENDMENT REQUIRING LICENSING OF SNOW PLOW OPERATORS – PUBLIC HEARING.** A license for those who as a business remove snow and ice from private properties is provided in this ordinance amendment. Licensing requirements are provided including insurance.

Also, fees will be established by Council resolution upon the adoption of the ordinance at the September 7 meeting. Reasonable rules and regulations by the City Manager are subject to Council approval.

Barb Barber of 318 King Street wanted the Council to address a definition of what type of business constitutes requiring a license. When they travel to Florida in the winter, a neighbor is hired to plow their driveway. How would this be handled? Mayor Hodges explained the intent is for commercial individuals, similar to the trash haulers.

Al Mathews of 822 Grindle stated he runs part of Tip Top Gravel. Every once in a while when there is a large amount of snow, he has to haul snow away. His main income during the winter is plowing Amway Corporation. Is he going to need a permit going to haul snow? Also, Mathews plows three driveways near his home. He did not want to get stopped by an officer on his way home asking to see a snow plow license.

Councilmember Schrauben referred to Section 19.62 of the ordinance. He believed the title should be changed to "Removal from private onto public way is prohibited".

Ellison suggested changing Section 19.60 “if to require licensing of for profit snow plow operators”.

Councilmember LaPonsie and Mayor Pro Tem Ellison believe it should pertain to those plowing for a job not just to make a small amount of money.

Police Sergeant Steve Bukala believed Section 19.62 was correct the way it is in referring to private property. This is one of the ordinances the LPD has the most problems with in the winter.

Councilmember Altoft felt the ordinance wasn’t established to go after someone who plows a neighbor’s driveway.

Schrauben questioned the definition of snow plow operator. He understood this was going to be amended to state commercial. Would this pertain to a neighborhood child who had a tractor with a plow on it? Hodges did not believe this would pertain to them. Schrauben felt it was confusing the way it was written and suggested the motor vehicle definition be replaced. Mayor Pro Tem Ellison agreed.

The issue was tabled until the next meeting for further review.

Item #9. **RESOLUTION FOR THE RENEWAL OF LICENSE AGREEMENT BETWEEN THE CITY AND THE WENDELL L. CHRISTOFF TRUST FOR THE PEDESTRIAN PATH BETWEEN FOREMAN ROAD AND CREEKSIDE PARK.** As originally established in 1994, a safe route for school children was provided to allow walking from the Valley Vista Subdivision to the Cherry Creek and Bushnell Elementary Schools as well as the Middle School on Foreman. Part of the asphalted path traverses the extreme east side of the Litehouse, Inc. property owned through the Christoff Trust. Since the original agreement has expired, a new five year license, which conveys right of use, is proposed for the five foot wide path.

This agreement which expires on June 30, 2015, was approved by Wendell Christoff as written. The City is responsible for maintenance of the path and indemnifies Christoff.

Councilmember Schrauben asked if this is similar to an easement. Pasquale responded this is a license, which is a right of use. An easement is permanent.

IT WAS MOVED BY ELLISION and SCHRAUBEN to adopt the resolution for the renewal of a five year license agreement that expires on June 30, 2015 between the City and the Wendell L. Christoff Trust for the pedestrian path between Foreman Road and Creekside Park.

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

NAY: 0. ABSENT: 0. MOTION CARRIED.

Item #10. RESOLUTION TO RAISE SANITARY SEWER SURCHARGE RATES. Mark Mundt, Wastewater Treatment Plant Superintendent, stated he had reviewed the current surcharge rates of the city, which have not been adjusted since 2006. These rates are in place so that additional fees can be accessed to anyone discharging wastes in higher concentrations than typically discharged. Mundt recommended the following be adopted:

<u>Pollutant Parameter</u>	<u>In excess of</u>	<u>Surcharge Fee</u>
BOD-biochemical oxygen demand	300 mg per liter	\$.18 per lb.
TSS-total suspended solids	300 mg per liter	\$.26 per lb.
P04-phosphates	10 mg per liter	\$6.79 per lb.

Councilmember LaPonsie asked if these rates apply to the larger businesses. Mundt responded it only applies to one business at this time.

IT WAS MOVED BY ELLISON and supported by LAPONSIE to adopt the resolution to raise the sanitary sewer surcharge rates as presented.

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

NAY: 0. ABSENT: 0. MOTION CARRIED.

Item #11. MONTHLY REPORTS. No comments were received from materials presented.

Item #12. COUNCIL COMMENTS. Councilmember Altoft questioned if Allied Waste would honor the one year extension of the three year contract the City has with them if the City goes out for bid. City Clerk Morlock responded she had talked to Allied and they will honor the one year extension of the three year contract.

Altoft also questioned the status of the sidewalk project of Consumers Power. City Manager Pasquale responded Consumers is concentrating on completing the sidewalks by the schools before it is in session. Then they will finish the other areas.

He also noted that the library is starting to look much better.

Councilmember LaPonsie thanked everyone who worked at the Kent County Youth Fair.

Mayor Hodges congratulated John Erickson on his receiving a Purple Heart as part of the opening ceremony of the Fair.

The Kent District Library will hold their traveling meeting at the Englehardt Public Library on Thursday, August 19<sup>th</sup> at 4:30 p.m., which is opened to the public.

Mayor Hodges had made arrangements to have the 2011 Mayor Exchange Day with Mayor Roger Wills of the City of Belding. Wills had lived in Lowell for many years before moving to Belding.

Item #13. **CITY MANAGER'S REPORT.** City Manager Pasquale reported on the following:

1. The following boards and commissions meetings minutes were provided:
  - Airport Board meeting of July 13, 2010
  - Chamber of Commerce meeting of June 8, 2010
2. As directed by Council at the August 9 work session, City staff is in the process of seeking bids for solid waste and yard waste collection as well as recycling.
3. City offices will be closed on Monday, September 6 in observance of Labor Day. The Council will next meet on Tuesday, September 7.

Item #14. **APPOINTMENTS.** No appointments were made at this time but the City does have vacancies on the City Planning Commission and the Board of Review. Anyone interested should contact City Clerk Morlock or Mayor Hodges.

IT WAS MOVED BY ELLISON to adjourn at 8:12 p.m.

DATE:

APPROVED:

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James W. Hodges, Mayor

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Betty R. Morlock, City Clerk