

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

For the Regular Meeting of Monday, **AUGUST 6, 2007**.

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

Present: Councilmembers Hodges, Pfaller, Shores, and Mayor Myers.

Absent: Mayor Pro Tem Mathews.

Also Present: City Manager David Pasquale, City Clerk Betty Morlock, Police Chief Jim Valentine, DPW Director Dan DesJarden, Water Distribution Supervisor Bob Robinson, Airport Manager Jim Sowle, Lowell Light and Power Boardmembers Perry Beachum and Jim Maatman.

IT WAS MOVED BY HODGES and seconded by PFALLER to excuse the absence of Mayor Pro Tem Mathews.

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

IT WAS MOVED BY SHORES and seconded by PFALLER to approve the minutes of the July 16, 2007 regular meeting as corrected.

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

IT WAS MOVED BY PFALLER and seconded by HODGES that the bills and accounts payable be allowed and the warrants issued.

YEA: Councilmembers Hodges, Pfaller, Shores, and Mayor Myers.

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

<u>BILLS AND ACCOUNTS PAYABLE (08/06/07)</u>	
GENERAL FUND	\$309,678.23
MAJOR STREET FUND	978.60
LOCAL STREET FUND	59,354.12
DDA FUND	32,353.60
AIRPORT FUND	52.08
WASTEWATER FUND	66,332.61
WATER FUND	22,265.36
DATA PROCESSING FUND	5,989.90
EQUIPMENT FUND	3,957.25
CURRENT TAX FUND	56,164.32
LOOK FUND	16,600.00

Councilmember Pfaller questioned the amount paid to the City of Lowell from the Look Memorial Fund. City Manager Pasquale stated this was a contribution for the ambulance building.

Mayor Myers questioned the amount of \$1,290.00 to Chenoweth Roofing, Inc. DPW Director DesJarden explained this was for the roof repair of the DPW building.

Mayor Myers requested the presentation from the Kent District Library be added to the agenda.

Item #1. **PRESENTATION FROM THE KENT DISTRICT LIBRARY**. Director of the Kent District Library Martha Smart was present to discuss the changes made within the KDL over the last year and provide the 2006 annual report.

Smart noted the first change involves Mayor Myers. He has served on the Kent District Library Board of Trustees and now also has taken on an addition assignment as Chair of the Pension Board, which involves employee pension funds.

Smart explained KDL has a \$15 million budget which supports 18 branch libraries throughout Kent County. It has been a very busy year. The Englehardt Branch has seen the implementation of RFID self express check out stations. This has been implemented in many of the branches except for the very smallest. This is in an effort to streamline services which helps control cost and the need for additional staff.

Over the past year, the district finished eliminating all of the rental fees which have changed on many of the different formats.

KDL has worked hard to strengthen its web site. Smart encouraged everyone to view the web site at kdl.org. The website is considered KDL's 19th branch with approximately 1.3 million hits over the past year.

Currently, the district is trying to generate other revenue sources other than taxes. One idea to be launched is the Kent District Library Foundation. The district hopes to establish this as an endowment fund and wishes to have it grow over the years to support special efforts for the library system, not to replace operating revenue.

Smart stated the district has been able to spend approximately 14.5 percent of their total budget on the collection over the past year. The collection is what brings people to the Kent District Library and what they value the most about the library system. There is much programming as well, but it is the collection which is the heart. The collection is shared with 40 public libraries through a truck delivery system.

The district is facing some challenges with State Funding. The district anticipates a 50 percent reduction this coming year in State aid support from the State of Michigan. This represents about 2% of the operating budget. Smart noted the property tax millage provides much stability for the library system.

Englehardt Public Library Branch Manager Jane Aronson stated the branch installed wireless internet connection during 2006 as well as two more public internet work stations.

Aronson stated in order to help people easily find books the library has maintained book displays. There are at least three adult books operating concurrently, which are themed on various ideas. There are also lobby displays and one in the juvenile area.

Aronson stated the branch had a 48% increase in their program attendance with some of the most popular involving cookbooks and beading.

Councilmember Pfaller questioned the percentage of city residents using the library as compared to the total number of individuals. Aronson stated she would check into this.

Mayor Myers commented one of the items he is excited about has been the addition of the RFD technology, which enables one to self check out. The Englehardt Public Library is able to operate its branch with 4 ¾ full time equivalent employees. Approximately 89% of what is checked out is through self checkout.

Item #2. **RESOLUTION TO JOIN THE GRAND VALLEY METROPOLITAN COUNCIL.** At its July 16, 2007 meeting, the Council passed a motion to have the City join the Grand Valley Metropolitan Council. Executive Director Don Stypula informed City Manager Pasquale that a formal resolution is needed to satisfy the GVMC's requirements.

IT WAS MOVED BY HODGES and seconded by SHORES to approve the resolution to join the Grand Valley Metropolitan Council.

YEA: Councilmember Hodges, Pfaller, Shores and Mayor Myers.

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

Item #3. **RESOLUTION REVISING THE CHARTER AMENDMENT AFFECTING THE PROPOSED ELECTION OF THE MAYOR AND MAYOR PRO TEM.** The Attorney General's office noted a gap in a proposed charter amendment involving the election of the Mayor and Mayor Pro Tem which must be rectified on a one time basis. The revision notes a transitional term for those offices covering the period from the first meeting after the November 2007 City election to the first meeting of the Council in January, 2008. Thus, the Council at its November 19, 2007 meeting elect the Mayor and Mayor Pro Tem to serve until the January 7, 2008 meeting.

IT WAS MOVED BY PFALLER and seconded by SHORES to approve the resolution revising the Charter Amendment language affecting the proposed election of the Mayor and Mayor Pro Tem.

YEA: Councilmember Hodges, Pfaller, Shores and Mayor Myers.

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

Item #4. **REQUEST FROM WLHS TO RECEIVE PUBLIC ACCESS CHANNEL FUNDING.** Al Eckman, Station Manager, student-run radio station WLHS is requesting \$2,000 annually from the Cable TV franchise funds the City receives. The funding will be utilized for the public access channel purchase/replacement of necessary equipment.

Eckman explained the group wishes to replace the VHS players with a combination player which will operate VHS, CD's or DVD's. Mayor Myers inquired if this was different than household equipment. Eckman responded it would be commercial grade and would cost approximately \$450.

Councilmember Pfaller asked if the franchise fee which was collected in the past went into the Lowell Cable TV budget. Pasquale explained this has gone into the City's fund since its conception.

Myers stated he may be interested in replacing the equipment. The City is on the verge of how to handle the sale proceeds of Lowell Cable. He could visualize it would be handled in the order of a grant basis. Rather than make a long term commitment of a specific amount, Myers suggested trying to accommodate the equipment needs now. But, the City should not make any extensive long term commitment until we have worked our way through the process.

Councilmember Pfaller had no problem with the request, other than it being on a continual basis. He did not believe the proceeds from the sale should be used on a capital improvements side.

Councilmember Shores stated she would definitely approve of the equipment replacement. The Lowell Access channel is very important to people. She has received many calls in the past when the Council meeting is not on TV. Shores also believed the issue should be revisited in another year.

Councilmember Hodges agreed. Hodges also believed the idea is a terrific avenue for education and teaching the kids technology and potentially leading to careers. He also suggested the group contact the Lowell Area Community Fund.

Myers suggested the replacement of four units. By general consensus, the Council agreed. Myers noted the group should provide a list of the costs and specifications.

Item #5. **RESOLUTION AUTHORIZING EXTENSION OF THE AIRPORT MANAGEMENT, USE AND LEASE AGREEMENT WITH THE SCHOOL OF MISSIONARY AVIATION TECHNOLOGY.**

The City and the School of Missionary Aviation Technology (SMAT) entered into a lease agreement involving the Lowell City Airport ten years ago. The term of the lease expires August 11, 2007.

Through conversations with the Airport Board, SMAT is reviewing its future options including the possibility of relocation. For this reason, a one year extension to August 31, 2008 is proposed. At its July 10, 2007 meeting, the Airport Board recommended approval of this extension.

IT WAS MOVED BY PFALLER and seconded by HODGES to approve the one year extension of the current agreement from August 2007 to August 2008 with SMAT.

Mayor Myers questioned how serious SMAT was regarding a relocation. City Manager Pasquale explained an investigation is being done. The Ionia County Airport is being considered. However, there has been no written agreements.

In terms of the viability of the Lowell City Airport, the airport is going to remain. Pasquale noted the Lowell Airport is run as an enterprise operation. The funds received are primarily through hanger rentals.

Myers inquired regarding the annual revenue. Pasquale responded there are hangar rentals. There is very little revenue which actually comes from the school itself. Myers asked if the school is looking for anything in particular. Pasquale noted this is being researched.

YEA: Councilmember Hodges, Pfaller, Shores and Mayor Myers.

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

Item #6. **BIDS – PURCHASE OF EMERGENCY OVERHEAD LIGHTS FOR POLICE CRUISERS.**

Police Chief Jim Valentine explained of the four marked police cars, three of them are equipped with emergency lights which range in age from 10 to 12 years. The lights have been very effective and reliable. However, each has more than served their life cycle. Breakdowns are becoming more frequent.

Three quotations from two firms were received. Two from Mark's Body Shop and one from Alert Emergency Equipment. A total of \$4,200 has been budgeted for this purpose.

Valentine stated the department is requesting permission to purchase the sound off light bars for a total of \$4,240 from Mark's Body Shop, which includes shipping and installation.

Councilmember Shores inquired regarding the warranty from Marks Body Shop. Valentine was unsure.

Myers asked if the old lights were worth anything. Valentine stated there may be some market value as far as offering these for sale.

IT WAS MOVED BY PFALLER and seconded by HODGES to approve the purchase from Mark's Body Shop for police cruiser emergency overhead lights in the amount of \$4,240.

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

Item #7. **RESOLUTION AWARDING BID TO NORTH KENT WELL AND PUMP AND APPROVING AUTHORIZING EXECUTION OF A CONTRACT FOR WELL ABANDONMENT SERVICES.** The City has received a 75% grant from the Michigan Department of Environmental Quality to abandon wells in and nearby the City's drinking water protection area. A total of 13 sites were identified.

With the assistance of Peerless Midwest, Inc., a total of seven bids were received. The lowest bid was from North Kent Well and Pump in the amount of \$9,145.

Water Distribution Supervisor Bob Robinson and City Manager Pasquale recommended approval of the resolution authorizing a contract with North Kent Well and Pump.

It was noted City Attorney Richard Wendt has also reviewed and approved the issue.

IT WAS MOVED BY PFALLER and seconded by SHORES to approve the resolution awarding the bid to North Kent Well and Pump and approving authorizing execution of a contract for well abandonment services.

YEA: Councilmembers Hodges, Pfaller, Shores and Mayor Myers

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

Item #8. **DISCUSSION - JOINT OCCUPANCY OF THE LOWELL AREA CHAMBER OF COMMERCE AND THE LOWELL AREA ARTS COUNCIL IN THE RIVERWALK BUILDING.** Board of Director of the Lowell Area Arts Council Rick Seese, who also serves on the facilities committee, explained a few years ago the Arts Council began the search for a new location. They first approached the City Council regarding the Riverwalk Building.

A feasibility study was performed to find out what type of support could be received. The study indicated the LAAC could probably raise over one million dollars to relocate in a new building with an attractive gallery along the Riverwalk. However, the main donor did not want to get involved with these kind of dollars, unless there was ownership of the building. It was also discovered the City was not able to sell the building, as well as it being the location of the Lowell Area Chamber of Commerce.

The group began examining buildings throughout the City and found there was no other comparable location, which would do the new location justice. After careful investigation, they found it made sense to reconsider the Riverwalk building. It made sense financially but also for the City and the community to be located on the Riverwalk along with Chamber of Commerce. This would enhance the cultural aspect of the Riverwalk and at the same time the entertainment aspect of the entire Riverwalk itself.

The problem still remains, without ownership of the building, the Arts Council would need a longer term structured lease commitment which would allow the donors themselves to say the Arts Council can be there for 25 years.

Mayor Myers asked if the Charter restricts the contract term. City Manager Pasquale stated the Charter states 10 years. He stated he would contact City Attorney Richard Wendt regarding the idea.

Pfaller questioned what currently resides in the building. DPW Director DesJarden stated the sign shop. Hopefully, this could be moved over to the DPW.

Chamber of Commerce Director Liz Baker stated the last two years the Chamber has also done some thinking about this idea. The Chamber has not been in favor of the City selling the building. However, as the Chamber grows, they want to ensure having enough space, as well as for the Arts Council. Baker noted storage is definitely an issue for the Chamber. They are in favor of having the Arts Council as a neighbor and would like to work together to provide space which they both can use.

Myers questioned if they would look for a lease agreement which would parallel the Arts Council Lease Agreement. Baker believed the leases would be different.

Myers commented on the parking situation. The library serves as a parking lot for some of the events which take place in the building now. If the use of the building is to be expanded, there should be thought of how to handle parking. Baker stated this was discussed. It seems the two hour parking is being utilized. There was discussion about the City reviewing the idea of parking permits. Many of the events for the Arts Council take place in the evening rather than during the day.

Councilmember Shores questioned the future needs of the Chamber. Baker stated this was recently discussed and will be further discussed in the future. Both organizations are willing to work together.

Pasquale stated he would discuss the issue with City Attorney Wendt to find out the various options.

Item #9. **APPOINTMENTS**. Mayor Myers recommended the following appointments:

By general consensus, the Council appointed Commissioners Clark Jahnke and Garland Berry to the Planning Commission with a term expiring June 30, 2008.

By general consensus, the Council appointed Commissioner Vance Dimmick to the Planning Commission with a term expiring June 30, 2009.

Myers noted Commissioner Doyle's current term expires June 30, 2009.

By general consensus, the Council appointed Commissioners Laurie Noall and Chairperson Maryalene LaPonsie to the Planning Commission with a term expiring June 30, 2010.

After discussion and by general consensus, the Council appointed Jim Hall to the Board of Lowell Light and Power with a term expiring June 30, 2010.

Myers noted a Charter amendment will be placed on the November ballot to increase the size of this Committee.

Councilmember Shores wanted it noted she disagreed with the appointment of Hall. She believed the new board did not have a great amount of experience. Perry Beachum has served on the Board for approximately one year, while Greg Canfield was just appointed. This is a difficult board to serve on. Shores believed Jim Maatman should be reappointed because of his experience. Hall can be considered at a later time if the Charter amendment passes to increase the board size. Councilmember Pfaller and Hodges believed both Maatman and Hall were qualified and would support either.

By general consensus, the Council reappointed Jim Wood to the Board of Review with a term expiring June 30, 2010.

By general consensus, the Council reappointed Teresa Beachum to the Local Officers Compensation Commission with a term expiring June 30, 2011.

Myers commented on the City Arbor Board. It is designed to be a committee of five which consist of Jim Reagan, Dana Chase who are individual tax payers. Additionally, Tom Richards, DPW Director DesJarden and City Manager Pasquale serve on the Committee. He was concerned with the structure of the Committee having three staff members and two taxpayers. Pfaller had no problem with DesJarden and Pasquale serving on the committee because both are City residents. However, he does have a problem with Light and Power Manager Tom Richards serving on the Committee because he is not a City resident. He suggested a member from the Lowell Light and Power Board serve on the Committee. Shores agreed. DesJarden believed the board should consist of City residents and possibly the City Manager. DesJarden suggested he be removed from the committee and work as a liaison to the Council.

Myers inquired if the Board was established by a resolution. Pasquale responded the resolution indicated five members. Pasquale noted there was discussion about having an arborist serve on the committee as an ex officio non voting member to provide expertise. Myers noted there may be a township member interested in serving in this capacity.

Councilmember Hodges suggested three citizens at large, member of the Council and a member of the Lowell Light and Power Board to serve on the committee. Myers believed this was a good suggestion. He would check into this.

Item #10. **CITIZEN COMMENTS**. Airport Manager Jim Sowle informed the Council the four homeowners on the east side of the Airport which were impacted by the tree clearing have been paid. The State is in the process of approving the contract to either remove the trees or trim the trees. Also, there will be a new contract for the State to proceed with the north east corner of the Airport.

Sowle also noted on November 28, 2007 he will attend an MDOT hearing. The State has a five year plan for the Lowell Airport. One issue involves the paving a runway, which the board has no desire to do.

Pfaller stated he served on the Airport Board many years ago. The east end has been a challenge. He congratulated Sowle and the board.

Item #11. **COUNCIL COMMENTS**. Councilmember Shores commented on the Kent County Youth Fair.

Mayor Myers noted the light posts are being painted.

Item #12. **MANAGER'S REPORT**. City Manager Pasquale reported on the following:

1. The meeting minutes for the following boards and commissions were provided:

- Lowell Light and Power and Cable TV Board meetings of June 7, 2007
- Parks and Recreation Commission meeting of June 16, 2007
- Planning Commission meeting of June 25, 2007

Remember! Kent County Youth Fair
August 6 – 11
Art Attack at the Fairgrounds
August 18

IT WAS MOVED BY HODGES to adjourn at 8:47 p.m.

DATE:

APPROVED:

Charles R. Myers, Mayor

Betty R. Morlock, Clerk