

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

For the Regular Meeting of Tuesday, **SEPTEMBER 7, 2004**

The Meeting was called to order at 7:30 p.m. by Mayor Shores and the City Clerk called Roll.

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

Absent: None.

Also Present: City Manager David Pasquale, City Clerk Betty Morlock, DPW Director Dan DesJarden, Police Chief Jim Valentine, Lowell Light and Power/Cable TV General Manager Tom Richards and Waste Water Treatment Plant Superintendent Mark Mundt.

IT WAS MOVED BY MATHEWS and seconded by PFALLER to approve the minutes of the August 16, 2004 regular meeting as corrected.

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

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

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

<u>BILLS AND ACCOUNTS PAYABLE (09/07/04)</u>	
GENERAL FUND	\$179,343.87
MAJOR STREET FUND	12,725.04
LOCAL STREET FUND	1,314.15
HISTORIC DISTRICT FUND	738.00
DDA FUND	12,246.78
AIRPORT FUND	2,091.89
WASTEWATER FUND	27,140.23
WATER FUND	8,479.70
EQUIPMENT FUND	3,997.27
CURRENT TAX FUND	110,211.98

Item #1. **CONSIDERATION OF CHARITABLE GAMING LICENSE FOR THE LOWELL ATHLETIC BOOSTERS.** On behalf of the Lowell Athletic Boosters, John (Bucky) Curtis informed the Council the athletic program has been affected due to budget cuts. The Boosters are considering the idea of facilitating a funding raising program, such as a Texas Hold-em tournament at Larkin's. Curtis explained the athletic program has placed a moratorium on buying any new uniforms this season. If this fund raising program is a success, other programs could be initiated.

IT WAS MOVED BY PFALLER and seconded by MYERS to recognize the Lowell Athletic Boosters as a charitable non profit organization to provide a charitable gaming license.

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

Item #2. **KENT COUNTY MUTUAL POLICE ASSISTANCE AGREEMENT.** Police Chief Jim Valentine explained the proposed mutual police assistance agreement cleans up the existing document, which has been in place for years. As noted, these agreements are periodically revised and updated.

The proposed document adds the Sheriff Department. Also, it provides a county wide police authority for all on-duty certified police officers when operating within the boundaries of the agreement.

Councilmember Myers noted there would be no additional costs.

Myers asked if there have been situations in the past where assistance would have been helpful. Valentine referred to the event when the Showboat was damaged by a tornado. There have been other instances where the Lowell Police Department has asked for the Sheriffs Department Scientific Support Unit to process crime scenes. This is extremely time consuming. On a regular basis, the Department has requested tracking dogs from other agencies.

IT WAS MOVED BY MYERS and seconded by HODGES to approve the Kent County Assistance Agreement as proposed.

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

Item #3. **AMENDMENT TO EMPLOYEE PRESCRIPTION REIMBURSEMENT PLAN DOCUMENT.** Currently, city employees are reimbursed for drug prescription co-pays over \$10 to \$20 per prescription. While this was previously approved by the Council for the Blue Cross and Blue Care Network Plans, Priority Health needs to be identified within the City's Plan Document.

City Manager Pasquale recommended the Council approve this retroactive to August 1, 2003 when Priority Health was provided as an insurance carrier.

IT WAS MOVED BY HODGES and seconded by MATHEWS to amend the Employee Prescription Reimbursement Plan Document including Priority Health retroactive to August 1, 2003.

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

Item #4. **AMENDMENT TO CODE OF ORDINANCES INVOLVING BB GUNS, AIR RIFLES, SLINGSHOTS – PUBLIC HEARING.** As discussed at the last meeting, Simon Rosenbaum, Jr. wished to sell Air Soft guns. City ordinance currently prohibits such sale of these devices as well as BB guns, air rifles and sling shots. The proposed statute does allow this along with discharging these in shooting ranges approved by the police department. Police Chief Jim Valentine explained the amendment to review removes the wording “offering these types of devices for sale” as being an unlawful act. Shooting ranges for this type of apparatus could be approved by the Police Department.

Councilmember Myers questioned if Valentine was comfortable with the amendment as written. Valentine responded yes.

IT WAS MOVED BY MYERS and seconded by PFALLER to adopt the amendment to the Code of Ordinances involving BB guns, air rifles and slingshots as proposed.

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

Councilmember Myers asked if any concerns from the public was received. City Clerk Morlock stated no.

Item #5. **CONSIDERATION OF REMOVING TREE IN PUBLIC RIGHT OF WAY FRONTING 623 N. JEFFERSON STREET.** Public Works Director Dan DesJarden explained the issue of removing the tree in the public right of way fronting 623 N. Jefferson was addressed during the August 16, 2004 meeting. An arborist had reviewed the tree and recommended removal based upon a visual inspection. A second review of the tree was recommended. Brian McKenzie of Bartlett Tree Service performed an additional assessment and removal of the tree was still recommended.

Councilmember Pfaller stated the report provided by McKenzie indicates the tree as being 34 inches at its weakest point, of which 10 to 11 inches of solid. He noted much of the canopy is gone and did not believe that would be a problem in a wind storm. McKenzie explained one must consider the size of the live crown. He assessed the crown as medium level. The size of the canopy is taken into analysis. McKenzie believed 25 percent of the full crown is gone.

Councilmember Myers questioned the statement from McKenzie’s letter regarding the risk of rodding and cabling to reduce the risk of failure. McKenzie explained cabling is the installation of steel cable between different points in the tree to add mechanical support to weak areas. Typically, this is done to support a crotch as opposed to a decayed area. Rodding is the installation of a threaded rod through a weak point in a tree to add mechanical strength.

Mayor Shores questioned how long the cabling and rodding would last. McKenzie stated the cables and rods would last 20 years. However, he did not believe this would add life to the tree.

DesJarden stated he contacted the insurance company on this issue. The company indicated if the tree comes down and an insurance claim is being filed, there would be a problem.

Ivan Blough of 623 N. Jefferson wanted to save the tree. He did not want to see a repeat of what happened a year ago. Blough stated he was present during the second test. He was concerned about the arborist working for Bartlett Tree Service, who would take the tree down.

Shores stated the Council had agreed to a further study on the tree.

Pfaller suggested an individual from the MSU Extension office or an arborist from an uninterested party make a determination from the facts collected on site.

Mathews questioned if a second opinion is sought and the same opinion is received, does Blough still not want the tree to go? Blough responded he wanted the tree to remain, if there is still life left in it.

Shores asked if bids were sought. DesJarden stated he did not seek bids due to the incident last year on Blough's property with West Michigan Tree Service. The findings of the test have been presented. The Council can seek other bids. The quote to remove the tree was \$1000. Currently, the City will be charged \$648 for testing.

Shores did not want to pay an additional \$600 to have the tree continually tested. She was concerned about branches falling and causing damage to property or an individual. She went on to state Poortenga (Bartlett) Tree Service has been fair to the City in the past.

Pfaller did not believe the tree needed to be tested again. However, he suggested an analysis of the test results be done by an independent party. Pfaller proposed the City send the tree structure evaluation to the MSU Extension office.

Mathews believed Bartlett Tree Service would remove the tree in proper fashion.

Blough had no problem with Bartlett Tree Service. This is not the issue. He questioned the City's policy.

IT WAS MOVED BY HODGES and seconded by PFALLER to send the test results to the MSU Extension office for a second opinion regarding the silver maple tree fronting 623 N. Jefferson Street.

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

Item #6. **CITY ATTORNEY RFP.** City Attorney RFP's have been received from the law firm of Plunkett & Cooney and Dickinson Wright PLLC.

Councilmember Pfaller suggested a few Councilmembers, Lowell Light and Power/Cable TV

General Manager Tom Richards and City Manager Pasquale meet to discuss the scoring process. This committee can then provide a recommendation to the Council.

The Council formed a committee consisting of Mayor Shores, Councilmember Pfaller, Lowell Light and Power and Cable TV General Manager Tom Richards and City Manager Pasquale.

By general consensus, the Council agreed.

Richards stated he would not be available from September 14 – 17th.

Item #7. **CITIZEN COMMENTS**. Simon Rosenbaum of 1440 Pine Grove Trail thanked the Council for their time and consideration regarding the amendment to the Code of Ordinances involving BB guns, air rifles and slingshots.

Rosenbaum questioned what RFP stood for. Councilmember Pfaller responded Request for Proposal.

Item #8. **COUNCIL COMMENTS**. Councilmember Mathews thanked Simon Rosenbaum for bringing issues to the Council.

Councilmember Hodges mentioned on being involved with the Lowell Area Arts Council. He will be performing in an upcoming play and encouraged audience participation.

Councilmember Pfaller commented on the ceiling tiles in the main lobby and questioned if the leak had been found and repaired. He also raised concerns regarding the finish on the front door facing Main Street as well as the wooden panels on the side of the building near the old police garage doors.

Mayor Shores stated she will be attending church service at First Baptist Church in honor of celebrating 150 years.

By general consensus, the Council agreed to a proclamation from the City of Lowell honoring First Baptist for celebrating 150 years.

Item #9. **MANAGER'S REPORT**. City Manager Pasquale reported on the following:

1. He said the dinner theater will be held at Larkins restaurant where Councilmembers Hodges and his wife Ann have acting roles..
2. The following boards and commissions meetings minutes were provided:
 - Airport Board meeting of June 1, 2004
 - Planning Commission meeting of July 23, 2004

- Downtown Development Authority meeting of July 29, 2004
 - Lowell Light and Power meeting of July 29, 2004
 - Lowell Cable TV meeting of July 29, 2004
 - Grand Valley Metro Council – Joint Technical/Policy Transportation Meeting of July 7, 2004
3. A letter from Mike Meppelink, President of Lowell Youth Football was received thanking the City for updating and correcting the electrical system at Burch Field.
 4. The Michigan Employees Retirement System (MERS) will hold its annual meeting in Grand Rapids from September 21 – 23. An officer delegate of the City must be appointed by Council. Dan DesJarden is recommended for approval while Tom Richards would be selected as an alternate.

Christine Simmons was elected as the employee delegate and Theresa Mundt is the alternate.

IT WAS MOVED BY HODGES and seconded by MYERS to appoint Dan DesJarden as the delegate and Tom Richards as the delegate.

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

5. Stickers will now be placed on temporary signs indicating an expiration date.

Item #10. **APPOINTMENTS**. By general consensus, the Council appointed Ray Zandstra to the Downtown Historic District Commission to a term expiring January 1, 2007.

Openings are still on the Planning Commission and the Local Officers Compensation Commission.

IT WAS MOVED BY MYERS to adjourn at 8:33 p.m.

DATE:

APPROVED:

C. Jeanne Shores, Mayor

Betty R. Morlock, Clerk