

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

For the Regular Meeting of Monday, **SEPTEMBER 20, 2004**

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

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

Absent: Councilmember Hodges.

Also Present: City Manager David Pasquale, City Clerk Betty Morlock, DPW Director Dan DesJarden and Police Chief Jim Valentine.

IT WAS MOVED BY MYERS and seconded by MATHEWS to excuse the absence of Councilmember Hodges.

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

IT WAS MOVED BY PFALLER and seconded by MATHEWS to approve the minutes of the September 7, 2004 regular meeting as corrected.

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

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

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

<u>BILLS AND ACCOUNTS PAYABLE (09/20/04)</u>	
GENERAL FUND	\$134,468.12
MAJOR STREET FUND	13,411.44
LOCAL STREET FUND	44,428.89
DDA FUND	804.52
CITY HALL CONSTRUCTION FUND	1,000.00
WASTEWATER FUND	8,407.89
WATER FUND	7,230.89
DATA PROCESSING	1,388.79
EQUIPMENT FUND	1,653.02
CURRENT TAX FUND	1,302,110.44
LOWELL AREA TRAILWAY FUND	80.00

Item #1. **SELECTION OF CITY ATTORNEY – RECOMMENDATION FROM COMMITTEE.** At its meeting of September 7, 2004, the City Council received two requests for proposal involving City Attorney services. These were from Dickinson Wright and Plunkett & Cooney. The Council then appointed a committee composed of Mayor Shores, Councilmember Pfaller, Light and Power/Cable TV General Manager Tom Richards and City Manager Pasquale to review the proposals, interview the lead attorneys and provide a recommendation to Council.

On Monday, September 13, 2004, the committee interviewed Scott Stuart of Plunkett & Cooney and Richard Wendt of Dickinson Wright. The recommendation was based on the following criteria: experience of designated City Attorney, depth and stability of firm or practice, cost, accessibility and responsiveness of City Attorney and Associates as well as overall presentation.

The committee recommended Dickinson Wright, Richard Wendt lead attorney be reappointed for City Attorney services. The initial contract will be for two years with one two year renewal.

After the initial year of the contract, the City Manager and Council will review the services provided. Then, after four years, a formal and complete review of the contract will require an action by Council.

Upon the acceptance of the recommendation, a contract will be prepared for approval.

Councilmember Myers questioned the process after the end of the first two years. City Manager Pasquale explained it is a review process for the first two years at which time there would be a requirement for a review to be completed by the Council in order to allow another two years.

Mayor Shores stated she was very impressed with the presentation provided by Richard Wendt as well as the passion he holds.

Myers suggested the name plates in the Council chambers be used only when individuals are present.

IT WAS MOVED BY PFALLER and seconded by MATHEWS to approve the Dickinson Wright proposal involving a two year contract for City Attorney services with the City's option of a two year renewal. Further, a contract will be prepared by staff.

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

Item #2. **CONSIDERATION OF REMOVING A TREE FROM THE PUBLIC RIGHT OF WAY FRONTING 623 N. JEFFERSON – RECOMMENDATION FROM THE MSU EXTENSION OFFICE.** As directed by Council at the last meeting, the Michigan State University Cooperative Extension Service reviewed arborist Brian McKenzie's (Poortenga Bartlett Tree Service) report on the condition of the silver maple in the public right of way fronting 623 N. Jefferson Street. A letter was received, dated September 15, 2004 from Rebecca Finneran, Extension Horticulture Educator who believes the tree is a public hazard and should be removed.

Ivan Blough of 623 N. Jefferson questioned the report. He felt there should be a policy in place to support top management and explain why this tree needs to be cut down. He can not find a written procedure for cutting trees.

Blough was surprised the same report prepared by McKenzie was the same sent to the MSU to review. Shores explained an agreement was made at the last meeting to send the results of the borings prepared by Poortenga to MSU.

Blough wanted a policy in place to follow of how a determination to remove a tree is made. He believes this should be done by top management. He did not believe he should be forced to come to City Council to discuss this. Blough stated he was told the tree was coming down and if he had an objection, he had to come to City Council.

Blough stated the individual from MSU is not a tree arborist. She has never seen the tree and did not take the borings or the pictures of the tree.

IT WAS MOVED BY MYERS and seconded by MATHEWS to approve the bid of \$1,000 from Bartlett Tree Service to remove the tree in the public right of way in front of 623 North Jefferson.

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

Myers suggested the tree be removed when Blough is available.

Item #3. **CRUSHED ASPHALTING OF AIRPORT ENTRANCE ROAD – RECOMMENDATION OF THE AIRPORT BOARD.** Councilmember Mathews abstained from discussion on the issue as this would be a financial impact on him.

In order to improve the condition of the entrance drive off Lincoln Lake, the Airport Board at its September 14, 2004 meeting unanimously recommended to straighten out the road, bulldozing gravel off the existing area and replacing it with sod and dirt, moving that gravel where the sod was dug out and then placing 4 inches of crushed asphalt on a 250 foot long by 30 foot wide driveway.

The Board received a bid of \$2,779.44 from Tip Top Gravel to perform the work. Tip Top is the only local vendor which has crushed asphalt.

Councilmember Pfaller questioned why the Airport Board does not want to place crushed asphalt the full length of the drive. City Manager Pasquale responded cost.

Pfaller asked if this was part of reaching a level of certification. Pasquale responded yes. However, the road has always been a problem. This is a way to upgrade the road which is used by so many.

Myers requested a written update on the certification process.

IT WAS MOVED BY MYERS and seconded PFALLER to accept the recommendation of the

Airport Board and approve the bid from Tip Top Gravel for \$2,779.44 to provide crushed asphalt for the Airport entrance road.

YEA: 3. NAY: 0. ABSTAIN: 1. (Mathews)

ABSENT: 1. MOTION CARRIED.

Item #4. **MONTHLY REPORTS.** Councilmember Myers commented on the Building report for the month of May and June under the residential category. There were five permits for \$587,000 in May and nine permits for \$688,000 in June. The detail of these reports show most of these were for Highland Hills. However, Sundry Corporation has really only pulled three of these permits and Holwerda Builders are the primary contractors doing the building.

Item #5. **CITIZEN COMMENTS.** Ivan Blough of 623 N. Jefferson was disappointed with the decision made tonight. He wanted all utilities replaced at City's expense.

Blough introduced Dragan Cucuk from Yugoslavia. One of his projects this year is to study City Government. Dragan is a senior at Lowell High School.

Item #6. **COUNCIL COMMENTS.** Councilmember Mathews thanked the Council for generating work for Tip Top Gravel Company.

Councilmember Myers asked if there was any policy set for cleaning bird droppings from the Riverwalk. DPW Director DesJarden stated Chamber of Commerce Director Liz Baker informs the DPW.

Myers commented on a new reader board which was placed at Tractor Supply. Has a permit been applied for? City Manager Pasquale would have Tractor Supply contacted.

Myers also mentioned the Life Chain signs along the sidewalk. The signs need to be set back inside of the walk.

Myers stated he represented the City at the Lowell Area Historical Association dedication of Phase II. Phase II is amazing. You feel as if you are back in the 1900's.

Councilmember Pfaller asked if the Burch Field lighting upgrade has been completed. DesJarden stated the work is near completion.

Pfaller questioned the sewer cleaning project. DesJarden stated a final report is being prepared. This will include the current cost, how far the project has come and what has been done. A few issues, such as grouting and catch basins need to be addressed. The last report indicated the contractor was getting ready to cross Main Street toward the lift station. Once DesJarden receives the current status, the cameras will be placed in the sewer lines under Main Street during the night

when there is less traffic.

Pfaller also commented on off road vehicle traffic within the City. He was unaware there is an ordinance against off-road vehicle traffic within the City. Pfaller noted the ruts in the road near the boat launch of Stoney Lakeside Park from a quad.

Pfaller referred to the discussion held at the Parks and Recreation Commission meeting. There is a need for a skate board park facility. The basketball court in Richards Park is being considered as a possible location.

Pfaller questioned when the next Trails Committee meeting would be held. Pasquale stated the meeting is usually the second Wednesday of each month at 4:00p.m.. He would let Pfaller know.

Pfaller commented on the idea of a committee taking over the maintenance of the parks. Many individuals outside the City limits participate in sports and youth leagues. This would help share the expense of the parks.

Mayor Shores stated she delivered the proclamation from the City Council to First Baptist Church on Sunday. It was a very nice service.

She also thanked Mayor Pro-Tem Myers for attending the meeting held with the Lowell Historical Museum.

Shores believed the City needed some type of policy concerning trees. Pasquale explained several years ago, City Council approval was necessary when removal of a tree was considered. However, the Council has since allowed DPW Director Dan DesJarden to make this consideration if the tree is not alive. Pasquale stated a formal written policy will be established.

Item #7. **MANAGER'S REPORT**. City Manager Pasquale reported on the following:

For your information, the following boards and commissions meeting minutes are provided:

- Parks and Recreation Commission meetings of July 7 and August 14, 2004
 - Airport Board meeting of August 17, 2004
 - Chamber of Commerce meeting of August 10, 2004
 - Merchants Committee meeting of August 25, 2004
 - Trails meeting of August 11, 2004
 - Grand Valley Metro Council – Joint Technical/Policy Transportation Meeting of July 7, 2004
2. Over the past several months, representatives from Lowell and Vergennes Townships as well as the City have been working on the Lowell Area Trail Agreement. This sets forth the Lowell Area Recreation Authority which would oversee the trail system.

Pfaller suggested the Area Recreation Authority include the entire area rather than a Trails Authority. Pasquale stated concentration has been on trails. It has been left as a Recreation Authority because of the idea that other services could be added in the future.

3. In order to avoid future employee conflicts, a city wide computer use policy is being prepared. Currently, the Police Department has such a policy, much of which will be incorporated. There was discussion from the councilmembers regarding the policy.

Item #8. **APPOINTMENTS**. No appointments were made at this time.

IT WAS MOVED BY MYERS to adjourn at 8:32 p.m.

DATE:

APPROVED:

C. Jeanne Shores, Mayor

Betty R. Morlock, Clerk