

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

For the Regular Meeting of **MONDAY, OCTOBER 20, 2008.**

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

Present: Councilmembers Altoft, Ellison, Pfaller and Mayor Pro Tem Hodges.

Absent: Mayor Shores.

Also Present: City Manager David Pasquale, City Clerk Betty Morlock, DPW Director Dan DesJarden, Police Chief Jim Valentine, Lowell Light and Power Boardmember Perry Beachum and Arbor Boardmember Jim Reagan.

IT WAS MOVED BY PFALLER and seconded by ALTOFT to excuse the absence of Mayor Shores.

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

IT WAS MOVED BY PFALLER and seconded by ALTOFT to approve the minutes of the October 6, 2008 regular meeting as corrected.

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

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

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

Councilmember Pfaller questioned the small checks written to Grand Rapids Community College for \$.80 and Lowell Area Historical Museum for \$.11. City Manager Pasquale stated he would provide a written response on this issue from City Treasurer Sue Olin.

<u>BILLS AND ACCOUNTS PAYABLE (10/20/08)</u>	
GENERAL FUND	\$93,306.86
MAJOR STREET FUND	25.28
LOCAL STREET FUND	437.26
DDA FUND	86,477.50
AIRPORT FUND	38.33
WASTEWATER FUND	3,065.00
WATER FUND	3,906.06
DATA PROCESSING FUND	290.84
EQUIPMENT FUND	1,738.62
CURRENT TAX FUND	282,988.67
LEE FUND	2,782.16

Item #1. **SOLID WASTE, RECYCLING AND YARD WASTE COLLECTIONS: TODD HARLAND, ALLIED WASTE SERVICES, RECYCLING OPTION, REPOSE TO ANY QUESTIONS, CONSIDERATION OF ESTABLISHING RATES.** At its September 15, 2008 meeting, the City Council approved a one year contract and options for two more years with Allied Waste Services providing solid waste, recycling and yards waste collection.

During a previous meeting, the option of providing recycling on an every other week basis was discussed. Allied gave a biweekly cost of \$4.23 per month per residence from \$6.02 per month per resident weekly given for next year (\$3.01 per month currently).

Todd Harland, General Manager of Allied Waste – Pierson, explained Allied Waste is currently involved in a merger with Republic Waste Services. Republic is the third largest waste hauler in the country. The merger is moving forward and it is believed there will be a closing date of December 14, 2008. The impact to the City of Lowell will be minimal. The management staff who handles the contract will remain intact as well as the drivers.

Allied provided an every other week recycling proposal. This is a cost savings to the City. There may be a little less participation due to some confusion of when to take the recycling out. Harland discussed the idea of the City providing a franchise contract. There would be a significant reduction if all residents had the service.

Councilmember Ellison questioned the idea of carts being used instead of bags. Harland believed one needs to cater to a variety of residents. A single person in a home is not going to create as much trash. He would be willing to provide rates for the cart and bag services.

Councilmember Pfaller believed it would be confusing to have the service every other week. He suggested the recycling be the first and third Thursday of every month.

Councilmember Altoft suggested Allied provide an RFP (request for proposal) for franchise refuse pickup. Altoft and Harland volunteered to serve on a committee to review the issue. Harland believed this would be beneficial and make it easier for haulers to bid.

Allied provided the following prices for its services:

**RESIDENTIAL REFUSE COLLECTION AND DISPOSAL SERVICE FOR ONE AND TWO – FAMILY RESIDENTIAL STRUCTURES**

From December 1, 2008 to November 30, 2009	2009	\$1.36 per bag
	2010	\$1.43 plus applicable FRF per bag
	2011	\$1.50 plus applicable FRF per bag
	currently	\$1.07 per bag

**CURBSIDE RECYCLING**

From December 1, 2008 to November 30, 2009	2009	\$6.02 per residence
	2010	\$6.32 plus applicable FRF per residence

2010 currently	2011	\$6.64 plus applicable FRF per residence \$3.01 per residence
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#### YARD WASTE

From December 1, 2008 to November 30, 2009	2009	\$1.70 per bag
2009	2010	\$1.79 plus applicable FRF per bag
2010	2011	\$1.88 plus applicable FRF per bag
currently		\$1.02 per bag

The following charges were recommended.

- Solid Waste \$1.50 per bag
- Yard Waste \$2.00 per bag
- Recycling \$4.23 per month (bi weekly) per residence (paid by the City)

Pfaller questioned where Allied takes the yard waste. Harland stated it returns to their facility in Pierson and is placed in a compost area.

IT WAS MOVED BY PFALLER and seconded by ALTFOT to establish the price of the solid waste bag, at \$1.50 per bag, yard waste \$2.00 per bag and recycling \$4.23 per month (bi weekly) paid by City on the first and third Thursday of each month.

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

It was noted Councilmember Altoft, Pasquale, DesJarden and Harland would meet to create an RFP for franchise solid waste.

Item #2. **TREE ORDINANCE – CONSIDER ESTABLISHING A PUBLIC HEARING (11/3) AND REPORT FROM ARBOR BOARD.** Arbor Boardmember Jim Reagan, 680 Bowes Road, stated the boardmembers have been reviewing the ordinance and submitted it to the Council for review. Reagan commented on the “big tree contest”. Applications were submitted and it was determined the biggest known tree in the City of Lowell is located at 725 Bowes Road (Schneider Manor). Arborist Brian McKenzie indicated the circumference of the tree measured approximately 179 3/4 inches. McKenzie estimated the oak tree was approximately 150 year old tree. The second place biggest tree was also an oak tree, measuring 158 inches and was submitted by Kim Schwache of 421 N. Washington, third place biggest tree was a silver maple and measured 154 inches and was submitted by Steve and Betsy Maki of 964 Riverside.

Reagan challenged anyone to find another “big tree”.

Reagan stated the ordinance submitted only refers to trees within the public right of way. The Arbor Board has made recommendations in the ordinance about some trees which should be encouraged to plant and others not.

Reagan thanked Bernards Ace Hardware, Chimera's Design, L4, Sneakers, Voyages and Blue Ribbon Feed.

Reagan read the following into record:

The biggest tree contest was started by the Lowell Arbor Board to promote awareness, respect and appreciation of our City's trees. The trees that were submitted are as much a part of the neighborhoods as the homes, family's, dogs and cats that live underneath their branches and their shadows. They are part of the heritage of Lowell and just like the historic district of Lowell, it is part of Lowell. Without these trees, Lowell would be a whole lot emptier.

The Arbor Board was created due to much tree trimming done throughout the City. The Arbor Board received a grant from the Englehardt (Lowell Area Community) Fund of approximately \$15,000 and trees are actively being planted. Reagan was unsure of the amount of dollars left, but if anyone who lives in the City of Lowell would like a tree in their yard or neighborhood please call or write to the Arbor Board at City Hall, 301 E. Main Street.

Having sat in on a couple Arbor Board meetings, Mayor Pro Tem Hodges appreciated the efforts of the group and its coordination with Light and Power and the City, as well as making sure the City maintains its trees and grows new ones.

IT WAS MOVED BY ELLISON and seconded ALTOFT to establish a public hearing for November 3, 2008 regarding the tree ordinance.

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

Item #3. **MERS RETIREMENT BENEFIT INCREASE (BENEFIT PROGRAM E) FOR RETIREES.** As adopted for the last nineteen years by Council, a 2% compound benefit increase for cost of living has been provided for City retirees. After reviewing the issue with City Treasurer Sue Olin, City Manager Pasquale recommended that the City adopt a 2% increase effective January 1, 2009 for retirees through the Municipal Employees Retirement System. (NOTE: \$1,922 increase to total of \$139,776 per year, \$151,125 has been budgeted.)

IT WAS MOVED BY PFALLER and seconded by ELLISON to adopt the 2% Benefit E increase for the MERS Retirees effective January 1, 2009.

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

Item #4. **REVIEW OF RESOLUTION ESTABLISHING LCTV ENDOWMENT BOARD AND PRESCRIBING ITS DUTIES AND RESPONSIBILITIES AND OTHER MATTERS RELATED THERETO, CONSIDER ESTABLISHING PUBLIC HEARINGS(S); REVIEW OF CABLE EQUIPMENT ROOM LEASE.** At its October 13 work session, the City Council provided the following changes in the proposed LCTV Endowment Board resolution:

- Seven member board composed of four members from City (one elected), two from Lowell Township (one elected) and one elected representative from Vergennes Township.  
The subsequent terms of office were changed.
- The City Council has the final determination on funding decisions, not the Grand Rapids Community Foundation.
- Open Meetings Act is Act 267 of 1976 (not 1926)
- No equal dollars for dollar match on projects
- Include the wording routine operating costs.

Barb Barber of 318 King voiced her opposition to the change in the seven member board composition. She believes the calculations used were not statistically correct.

Councilmember Altoft was concerned with needing to return the money because there may be some liabilities which have not been addressed. He did not believe it should come out of the general fund because it is part of the Cable TV system. Mayor Pro Tem Hodges believed as any other public utility and or equipment, he would think the general fund and or the budgetary process would take care of this. There would be a completely separate issue. Altoft disagreed. The City has already said we do not need to put more liability on the municipality. We have collected \$5 a piece from the kids to play in the parks. He believed the City needed to have a fund set up to ensure this is taken care of so the taxpayers do not get another burden. He wanted the general public to know he disagrees with not doing it.

Councilmember Ellison believed incurred or unforeseen expenses would take precedent over giving or awarding any funds to groups.

Altoft questioned if there was an annual inspection on the tower. He was concerned regarding spending an extra \$20,000 to \$30,000 a year to maintain the tower. Light and Power Boardmember Perry Beachum was unsure. City Manager Pasquale stated currently there is \$5,300 which could be utilized for an inspection of the tower. Councilmember Pfaller stated if there are legal requirements for annual inspections the City should at least know. Pfaller believed if the revenue would go into the general fund, then this fund should be responsible for the general maintenance of it. Police Chief Jim Valentine stated this information can be found from any of the various radio vendors in the Grand Rapids or Ionia area.

Barber questioned why the tower is still there. Pfaller stated there are lease agreements for multiple antennas, which are on the tower.

IT WAS MOVED BY PFALLER and seconded by ALTOFT to set a public hearing for November 3, 2008 regarding the LCTV Endowment Board resolution.

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

Item #5. **AMENDMENT TO THE CITY COUNCIL RULES OF PROCEDURES**. At the October 13 work session, the Council proposed amendments to its rules or procedure. In particular

under Conduct of Meetings, audio recordings by the City Clerk are destroyed after the meeting minutes are approved. Video recordings of each meeting will be stored.

Under agenda preparation, approval of the agenda is included. Also, citizen comments for items not on the agenda is provided after the approval of accounts payable. The Council may enact these amendments.

Mayor Pro Tem Hodges added from time to time it has been his experience that video may not be available due to unforeseen circumstances. In these instances, Hodges proposed the audio tape be kept forever or at least as long as the videos would be kept.

By general consensus, the Council agreed. It was noted the audio shall be destroyed, except in the absence of video. Then, the audio will be saved.

Ellison commented on the change of where citizens can speak about items not on the agenda. She questioned if an asterisk could be placed by Item E6 to indicate any person who wishes to speak on an item included on the printed meeting agenda may do so.

IT WAS MOVED BY ELLISON and seconded by ALTOFT to adopt the amended City Council rules of procedures.

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

Item #6. **MONTHLY REPORTS**. Councilmember Pfaller commented the appropriation of the budget. He questioned the State Shared Revenues, noting the City has received 18% but are 25% through the budget year. City Manager Pasquale explained it is not divided out exactly. It is provided on a monthly basis. The City does not get 25% all the time as it can vary. Pfaller commented on the Fire/Rescue service which shows a budget of \$70,000, while currently under 17% is shown. He also referred to the expenses for the Parks which showing 35% and yet the City is only 25% through the year. Pfaller commented on the Water Fund which shows 83.5% of the budget for the year has been used. City Manager Pasquale explained many items are budgeted as a one time expense.

Item #7. **CITIZEN COMMENTS**. Dennis Kent of 1700 Faith commented on the LCTV Endowment Fund Board. He commented on the makeup of the board and believed it was fair. It seems the sale was based on the number of subscribers. There were more within the City of Lowell than the two surrounding townships. Therefore, he believed having a split of four to three was not unreasonable. Kent also believed the eligible projects were written properly which restricts routine operating costs. There are nonroutine capital types of expenditures which will occur both in the City and in the townships depending on what is eligible. Therefore, he suggested leaving it open and flexible if use of the fund is needed.

Perry Beachum 924 Riverside commented on the proposed ordinance for trash hauling. He was against an ordinance which would limit the amount of competition within the City. Beachum

uses Allied and would continue to use them, but he believes it should be opened for free enterprise in the City.

Beachum noted Lowell Light and Power Board has interviewed four candidates this week and is now in the process of reviewing the backgrounds of these candidates.

Beachum also said there is an opening to serve on the Lowell Light and Power Board. Interested parties may submit an application.

Item #8. **COUNCIL COMMENTS**. Councilmember Altoft believed it was important to provide future Councilmembers a better orientation. It is hard to understand so much so quickly.

Altoft referred to the City budget and the way the departments charge one another, particularly the Equipment Fund. He questioned if the money paid for use of equipment in the Cemetery is paid to the Equipment or the General Fund. City Manager Pasquale stated this goes into the Equipment Fund. Altoft questioned the balance of the fund. Pasquale responded the retained earnings are approximately \$44,000. DPW Director stated there is a Schedule C of rates which is approved by Michigan Department of Transportation. It pertains to anything that is qualified as a piece of equipment.

Councilmember Ellison commented on the waste collection and a recycling center. Should this be pursued in conjunction with the new garbage collection. DPW DesJarden stated the process will be reviewed.

Barb Barber stated the City of Greenville indicated there are only a couple individuals who work on the yard waste program. She wanted the Council to keep in mind it will take a year or two for it to start paying for itself.

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

1. The following boards and commissions meetings minutes are provided:
  - Airport Board meeting of September 9, 2008
  - Arbor Board meeting of September 22, 2008
  - Grand Valley Metro Council meeting of September 4, 2008
  - Chamber of Commerce meeting of September 9, 2008
  - Light and Power Board meeting of August 7, 2008
2. Halloween Trick or Treat date and hours have been established by Police Chief Jim Valentine for Friday, October 31 from 4 – 8 p.m.
3. A Safe Walks to School grant was received allocating \$269,700 for a walk along Gee Drive from Creekside Park to Alden Nash. This grant is connected to Cherry Creek Elementary School.

Item #10. **APPOINTMENTS**. There is an opening on the Light and Power Board. Interested parties may submit an application.

IT WAS MOVED BY PFALLER to adjourn at 8:46 p.m.

DATE:

APPROVED:

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James W. Hodges, Mayor Pro Tem

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Betty R. Morlock, Clerk