

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

For the Regular Meeting of **MONDAY, NOVEMBER 2, 2009.**

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

Present: Councilmember Ellison, Mayor Pro Tem Pfaller and Mayor Hodges.

Absent: Councilmembers Altoft and LaPonsie.

Also Present: City Manager David Pasquale, City Clerk Betty Morlock, Police Chief James Hinton, Arbor Boardmember, Lowell Light and Power Boardmember and Planning Commissioner Jim Hall and Airport Manager Jim Sowle.

IT WAS MOVED BY PFALLER and seconded by ELLISON to excuse the absences of Councilmembers Altoft and LaPonsie.

YEA: 3. NAY: 0. ABSENT: 2. MOTION CARRIED.

Item #1. **APPROVAL OF AGENDA.**

IT WAS MOVED BY ELLISON and seconded by PFALLER to approve the agenda as presented.

YEA: 3. NAY: 0. ABSENT: 2. MOTION CARRIED.

Item #2. **APPROVAL OF THE MINUTES OF THE OCTOBER 19, 2009 REGULAR MEETING.**

IT WAS MOVED BY PFALLER and seconded by ELLISON to approve the minutes of the October 19, 2009 regular meeting as corrected.

YEA: 3. NAY: 0. ABSENT: 2. MOTION CARRIED.

Item #3. **APPROVAL OF THE ACCOUNTS PAYABLE.** Mayor Pro Tem Pfaller appreciated the remittance explanations. It is a great help.

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

YEA: Councilmembers Ellison, Mayor Pro Tem Pfaller and Mayor Hodges.

NAY: 0. ABSENT: 2. MOTION CARRIED.

<u>BILLS AND ACCOUNTS PAYABLE (10/19/09)</u>	
GENERAL FUND	\$94,140.25
MAJOR STREET FUND	1,243.97
DDA FUND	1,290.41
AIRPORT FUND	17,062.27
WASTEWATER FUND	34,157.77
WATER FUND	8,100.37
LOWELL CABLE TV FUND	15,000.00
DATA PROCESSING FUND	332.68
EQUIPMENT FUND	1,122.86
CURRENT TAX FUND	27,331.64

Item #4. **CITIZENS COMMENTS FOR ITEMS NOT ON THE AGENDA.** No comments were received.

Item #5. **PROPERTY TAX ASSESSOR INDEPENDENT CONTRACTOR AGREEMENT.** As previously mentioned, City Assessor Jim Marfia was involved in a serious automobile accident several weeks ago. During this interim period, City Manager Pasquale proposed to appoint Jeffrey and Debra Rashid to this office.

The Rashids are well qualified to serve in this role. Jeff is a Level II Assessor while Deb is a Level III. Further, Deb is the Assessor for Vergennes and Ada Townships as well as the City of Cedar Springs. Kent County Equalization Director Matt Woolford highly recommends both.

During the term of the agreement, the Rashids will be paid \$2,500 a month, which extends to March 31, 2010 covering the Board of Review. Jim Marfia is on temporary suspension from his duties until such time he is able to perform the Assessor responsibilities.

Mayor Pro Tem Pfaller questioned the difference between Class II and Class III Assessors. Jeff Rashid explained there is a different level of training as well as the total level of SEVs an assessor is allowed to oversee. A Level II Assessor can oversee 500,000 million dollars worth of SEV. The City of Lowell has 137,000 million worth of SEVs. Rashid noted there are four levels of training. Pasquale noted each are very well trained.

IT WAS MOVED BY ELLISON and seconded by PFALLER to approve the property tax assessor independent contractor agreement with Jeff and Deb Rashid as proposed.

YEA: 3. NAY: 0. ABSENT: 2. MOTION CARRIED.

Item #6. **RESOLUTION PRESCRIBING PENALTIES FOR STOPPING, STANDING AND PARKING VIOLATIONS.** As requested by City Council, Attorney Richard Wendt drafted a new ordinance to help bring parking violation fees to a more current standard. The idea of

charging a \$25 fee with a reduction if paid within a certain amount of time was discussed. Wendt believed this would only cause confusion. Most of the fines are a minimum of \$15, while handicapped parking fees are \$75. Police Chief Hinton noted the 63rd District Court charges \$120 per handicapped violation.

The drafted ordinance includes parking meters or charges for parking within City lots if ever desired.

Hinton noted unpaid violations would now be collected under the new Civil Infractions Ordinance, rather than being sent off to a collection agency.

The issue has also been discussed with City merchants who favor the rate change.

Mayor Hodges questioned the statement within the ordinance regarding “no parking between 2 a.m. and 5 a.m.” He believed it should state “2 a.m. and 6 a.m”. Hinton noted this would be corrected.

Councilmember Ellison questioned the fee schedule. The minutes indicate a scale of \$15, \$25 and \$50, while the ordinance provides a scale of \$15, \$25, \$35. Hinton noted Wendt liked the Lansing Police Department fines and scale. Ellison was concerned about the time limit of parking and believed the fine should be \$50 as well as other fines. It was noted all items in the last column should be a minimum of \$50.

Pfaller referred to Section 21.67, which states no parking between the hours of 2 a.m. and 6 a.m. However, it is written no parking on Sundays and Holidays between 2 a.m. and 6 a.m. Then, Section 21.68 states parking restrictions shall apply between 8 a.m. and 5 p.m. daily with the exception of Sundays and Holidays. Pfaller questioned if Article 21.68 needed to be included. Hinton stated there are some areas within the City, such as the area behind Sneakers. The City has allowed tenants who live above these businesses to park in this lot due to most businesses being closed when parking is needed. Pfaller believed the issue could be approved if “except Sundays and Holidays” were taken out of the section.

Pasquale confirmed the third column of fees would be raised to \$50 or higher with Sundays and Holidays taken out. The time parking is not allowed would be changed to 6 a.m. rather than 5 a.m. and the no parking fine would be increased to \$50. It was noted all violations would be raised to \$50 with the exception of handicapped and special parking which would be \$60 and \$100.

IT WAS MOVED BY ELLISON and seconded by PFALLER to adopt the resolution prescribing penalties for stopping, standing and parking violations with the changes made.

YEA: Councilmember Ellison, Mayor Pro Tem Pfaller and Mayor Hodges. NAY: None.

ABSENT: Councilmembers Altoft and LaPonsie. MOTION CARRIED.

Item #7. **UPDATES.**

- A. Web Site design upgrade. As on the City Council goals, a web site design upgrade for the City was proposed. Betsy Davidson, Betty Morlock, Sharon Ellison and Andrew Schrauben are on a committee to review and recommend upgrades. Ellison noted the group will be meeting again soon. There are thoughts of adding more photographs. Any citizens wishing to submit photos would be appreciated.
- B. Joint Utility Billing. Memos were provided from Light and Power General Manager Greg Pierce as well as City Treasurer Sue Olin and Assistant City Treasurer Lori Gerard regarding joint utility billing. Many issues have been overcome and several need to be resolved. A test run will be made shortly. Any corrections will be made in December with another test run taking place. Hopefully the City can go live in January or February at the latest.
- C. M-21 Bridge Project. Issues between Greg Canfield (owner of 115, 117 and 119 West Main) and MDOT have been resolved. Utility relocation work has now been authorized and projects should begin shortly. The bridge reconstruction should begin in the Spring.

Councilmember Pfaller requested consideration be given regarding a different route for parades during this time. Hinton noted this has already been communicated.

Item #8. **COUNCIL COMMENTS.** Councilmember Ellison noted the City has been working on trying to do the best regarding garbage pickup. She read articles in the paper regarding Grand Rapids City Hall purchasing solar panels through federal funding. The City of Wyoming also received federal monies to install LED lights. She questioned if such funds were available for the City of Lowell.

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

1. The following boards and commissioners meetings minutes were provided:
 - Parks and Recreation Commission meeting of September 19, 2009
 - Arbor Board meeting of September 14, 2009
 - Planning Commission meeting of September 28, 2009
2. A letter of thanks was received from Denise Skinner, Location Manager on the GENESIS CODE, a movie which was filmed in Lowell and nearby areas. The letter gives thanks to the community and specifically Police Chief James Hinton for his assistance.
3. At the October 12 meeting, the Grand Rapids Community Foundation approved the following City projects from the Lowell Area Community Fund:

- \$18,000 (total cost \$36,000) for the purchase of a rescue vehicle as requested by the Lowell Area Fire Department.
- \$50,000 for roof repair, wood damage and painting of exterior for the Englehardt Public Library project providing a grant total of \$60,000).
- \$22,500 to remove and dispose of wood chips at Creekside Kingdom.

4. Remember to vote on Tuesday, November 3rd.
5. A joint meeting with City Council and Lowell Light and Power Board is scheduled on November 9, 2009, 7:00 p.m. at the Chatham Building.
6. A request from Chuck Myers was received to provide an endorsement for his reappointment to the Kent District Library Board of Trustees.

IT WAS MOVED BY PFALLER and seconded by ELLISON to endorse Chuck Myers for reappointment to the Kent District Library Board of Trustees.

YEA: 3. NAY: 0. ABSENT: 2. MOTION CARRIED.

IT WAS MOVED BY PFALLER and seconded by ELLISON to adjourn to closed session at 8:01 p.m. to discuss property acquisition.

YEA: Councilmembers Ellison, Mayor Pro Tem Pfaller and Mayor Hodges

NAY: None. Absent: Councilmembers Altoft and LaPonsie. MOTION CARRIED.

IT WAS MOVED BY PFALLER and seconded by ELLISON to return to open session at 8:36 P.M.

YEA: 3. NAY: 0. ABSENT: 2. MOTION CARRIED.

IT WAS MOVED BY PFALLER to adjourn at 8:37 p.m.

DATE:

APPROVED:

James W. Hodges, Mayor

Betty R. Morlock, Clerk