

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

For the Regular Meeting of MONDAY, **MAY 1, 2006**

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, Mayor Pro Tem Mathews and Mayor Myers.

Absent: None.

Also Present: City Manager David Pasquale, City Clerk Betty Morlock, DPW Director Dan DesJarden, Police Chief Jim Valentine, Planning Commission Chairman Clark Jahnke, Lowell Light and Power/Cable TV General Manager Tom Richards, Planning Commissioner Mark Mundt and Police Sergeant James Hinton.

IT WAS MOVED BY SHORES and seconded by PFALLER to approve the minutes of the April 17, 2006 regular meeting as corrected.

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

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

YEA: Councilmember Hodges, Pfaller, Shores, Mayor Pro Tem Mathews and Mayor Myers.

NAY: None. ABSENT: 0. MOTION CARRIED.

<u>BILLS AND ACCOUNTS PAYABLE (05/01/06)</u>	
GENERAL FUND	\$130,389.74
MAJOR STREET FUND	498.30
LOCAL STREET FUND	36.80
DDA FUND	699.48
AIRPORT FUND	17.52
WASTEWATER FUND	30,461.24
WATER FUND	11,015.69
DATA PROCESSING FUND	3,251.93
EQUIPMENT FUND	4,486.40
CURRENT TAX FUND	3,688.05
LOOK FUND	3,840.00

Item #1. **REQUEST BY DORLA WEST TO USE THE CITY OWNED PROPERTY AT THE SOUTHWEST CORNER OF JACKSON AND FRONT STREET FOR A PLANT SWAP.** Dorla West wished to utilize the City owned property located at the southwest corner of Jackson and Front Streets for a plant swap. The event is planned for Saturday, May 13, 2006.

Councilmember Shores noted the swap has been approved in the past. The event is usually over around noon.

IT WAS MOVED BY SHORES and seconded by MATHEWS to approve the plant swap request from Dorla West planned for Saturday, May 13, 2006 for the southwest corner of Jackson and Front Streets.

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

Item #2. **3 POINT CLUB – APPLICATION FOR CHARITABLE GAMING LICENSE.** Sam Tawney explained the 3 Point Club was formed this year to assist the development of the basketball program in the Lowell Community Schools. An event held this year included a raffle of donated Detroit Pistons tickets. The club is in need of a charitable gaming license, which requires a Council resolution to the State of Michigan.

Councilmember Hodges questioned why Tawney was appearing before the City Council. His home address is in Ada, while his organization is in Lowell Township. Tawney explained the club is made up of the Lowell Community Basketball. The address indicated is the home of Matt Rich who resides in Ada Township. However, it is located within the Lowell School District.

Councilmember Shores questioned if this was a school program. Tawney responded the program is independent from the school. However, they work very closely with Coach Jeff McDonald.

Shores referred to the “Mission Statement” which states “quality basketball program for boys of all ages”. Shores questioned if girls were allowed to participate. Tawney noted there is a separate group for the girls. The two groups hope to merge.

Mayor Myers inquired regarding the annual budget. Tawney stated the group raised approximately \$6000 last year. Approximately \$800 was raised through the raffle.

Shores asked if the resolution would cover all raffles throughout the year. Tawney stated it is good for one year.

Shores asked if the group was a 501 (C) 3 organization. Tawney stated an application is being reviewed.

Hodges stated the organization is incorporated in the township. He believed it would be important to receive approval from the jurisdiction from where the operation is.

City Attorney Richard Wendt stated the resolution asks that they be recognized as a non profit corporation, operating in the community, for purposes of obtaining a charitable gaming license. He questioned where he operates. Tawney responded throughout the community of Lowell. Wendt believed the resolution should be adopted by the township.

By consensus, the Council agreed no action could be taken due to the 3 Point Club not being located in the City.

Item #3. **PERMISSION FOR FIREWORKS DISPLAY.** Lowell Area Chamber of Commerce Director Liz Baker requested permission for a fireworks display on July 8, 2006 at 10:15 p.m. at Stoney Lakeside Park. Laurels of Kent is again sponsoring the fireworks display.

Mayor Myers noted the insurance coverage will be provided by Melrose Pyrotechnics. A bond has been filed in the amount of 5 million dollars. A copy of the certificate liability insurance has been provided.

IT WAS MOVED BY PFALLER and seconded by SHORES to grant permission for a fireworks display for the Riverwalk Festival on Saturday, July 8, 2006.

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

Item #4. **APPLICATION FOR TEMPORARY AUTHORIZATION FROM THE LIQUOR CONTROL COMMISSION AS REQUESTED BY THE FLAT RIVER GRILL UTILIZING THE SHOWBOAT.** Chris West from the Flat River Grill stated the restaurant is interested in utilizing the Lowell Showboat during Thursday night Summer Concert Series. The concerts begin June 15, 2006 through August 24, 2006. The restaurant also wishes to use the Showboat on July 7 & 8 during the Riverwalk festival. There will be a total of 12 dates in which they wish to use the Showboat.

Mayor Myers questioned their past experience when using the Showboat. West stated it is great to see the boat being used. People love sitting on the boat. Councilmember Shores agreed. It has been a successful event. She has never noticed any problems.

IT WAS MOVED BY SHORES and seconded by PFALLER to approve the request by the Flat River Grill for a temporary authorization from the Liquor Control Commission utilizing the Showboat for the summer dates proposed.

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

Item #5. **ORDINANCE AMENDING WALL SIGNS IN THE CENTRAL BUSINESS DISTRICT – RECOMMENDATION FROM THE PLANNING COMMISSION – ADOPT OR SET PUBLIC HEARING (5/15).** A few businesses have expressed an interest to have wall signs in places which are over the river. Currently, the ordinance states a sign must face a public street or public or private parking lot. After discussion from the Planning Commission, the recommendation was that wall signs be allowed in the C2 District either on the front or side of the buildings.

Councilmember Hodges stated he attended the Planning Commission meetings. He is comfortable with the recommendation.

IT WAS MOVED BY HODGES and seconded by SHORES to adopt the zoning ordinance amendment regarding wall signs in the Central Business District as recommended by the Planning Commission.

Councilmember Pfaller believed a public hearing should be scheduled to allow for public input. Mayor Myers and Mayor Pro Tem Mathews agreed.

YEA: 2. (Councilmembers Hodges and Shores)

NAY: 3. (Councilmember Pfaller and Mayor Pro Tem Mathews and Mayor Myers)

ABSENT: 0. MOTION DEFEATED.

IT WAS MOVED BY HODGES and seconded by PFALLER to set a public hearing for May 15, 2006 regarding the zoning ordinance amendment for wall signs in the Central Business District.

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

Item #6. **LOWELL SHOWBOAT RENTAL OUTLINE.** Chamber of Commerce Executive Director Liz Baker presented a Showboat Rental Outline for Council review. The outline is similar to what was recently approved for rental of the Council Chambers and conference rooms.

Baker said most individuals rent the Showboat for marriage ceremonies. The boat is usually used for approximately one hour at a time. She noted cleaning of the boat would be laid upon the party who is renting it.

The following rental fees are suggested:

Private Individuals/Businesses	\$25 per event	+ \$50 deposit
Non-Profit Organization (501(c)3)	\$15 per event	+ \$30 deposit
Chamber of Commerce Members	\$15 per event	+ \$30 deposit
Lowell Area Chamber of Commerce	Exempt from all fees	

The City of Lowell would receive all fees for the rental of the showboat as well as being responsible for returning the deposit to lessee within two weeks, after satisfactory inspection by the Chamber of Commerce.

Councilmember Pfaller suggested a written check list be used when inspecting the boat before and after the event.

City Attorney Richard Wendt noted the individual using the boat should have insurance coverage in the event an individual is hurt. The insurance would provide protection to the City as well. City Manager Pasquale believed one could obtain extra insurance through their homeowners insurance. The cost is minimal.

Baker suggested larger events such as wedding receptions, birthday and anniversary parties be booked through Lowell business in which their insurance would provide protection. Baker did not believe such event would happen very often though because the boat offers very few amenities.

Myers suggested research be done as to how much it would cost the City to obtain a binder and cover the cost of the insurance. Pfaller suggested checking into how much it would cost the City obtain insurance for a one day event on the boat.

The Councilmembers agreed the fee schedule was appropriate. Pasquale stated the City Attorney would prepare a formal policy. The language will include the issue of insurance.

Baker stated she would provide a check list with the next rental draft.

Item #7. **RESOLUTION ACCEPTING AMENDED PUBLIC UTILITY EASEMENT FOR A SANITARY SEWER LIFT STATION FROM MAPLEWOOD SQUARE DEVELOPERS.** Upon a recent survey, it was determined that the easement for the Sibley Street lift station was slightly encroached inadvertently by a Maplewood Square apartment building. The original easement of 30' x 35' be reduced by 2.4' x 13.4'.

City Manager Pasquale and DPW Director DesJarden agree the reduction of the easement would in no way inhibit the integrity of the lift station.

IT WAS MOVED BY PFALLER and seconded by HODGES to approve the resolution accepting the amended public utility easement for a sanitary sewer lift station from Maplewood Square Developers.

YEA: Councilmembers Hodges, Pfaller, Shores, Mayor Pro Tem Mathews and Mayor Myers.

NAY: None.

ABSENT: 0.

MOTION CARRIED.

Item #8. **2006 – 2007 BUDGET – ESTABLISH PUBLIC HEARING DATES (MAY 15 AND JUNE 5).** A copy of the 2006 – 2007 Budget will be presented as part of the May 15 Council agenda packet. The Council needs to conduct two public hearings prior to final approval.

Councilmember Pfaller referred to the Charter which states “the Council shall adopt a budget for the coming year before the first Monday in June”. It also states “at the regular meeting, held no later than the third Monday in May, the Council shall, by resolution, adopt a budget for the next fiscal year”. Pfaller believed two public hearings were necessary. However, the City

should pay closer attention to the Charter and follow it.

IT WAS MOVED BY SHORES and seconded by HODGES to establish public hearing dates of May 15 and June 5, 2006 to discuss and adopt the 2006 – 2007 budget.

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

Item #9. **CITIZEN COMMENTS**. Kevin Wisselink of the Rapid was present to discuss the new county-wide transportation program called the County Connection. The Rapid services the greater Grand Rapids area. One issue being considered is where a street car system or a more enhanced transit system can be installed. One corridor being considered is M21 from downtown to the Lowell area.

Wisselink explained County Connection is a county-wide transportation service primarily for individuals on welfare which assists in getting them to work. The service is free until one is established in their jobs. The program is also available to the general public at a cost of \$14 per trip. This is scheduled to run four years and is funded by State and Federal funds. The first year of service has proven to be very successful and has already exceeded ridership goals.

Mayor Myers commented on how reasonable a \$14 charge to the Airport is as compared to parking your car at the airport for a week.

Item #10. **COUNCIL COMMENTS**. Councilmember Pfaller stated he and Councilmember Shores had a preliminary meeting with Joe VanderMeulen in preparation for the meeting with Vergennes Township. One concern discussed was the support that he and Shores would have in the negotiation of a 425 Conditional Land Transfer agreement with Vergennes Township in regards to the Cook property and potentially any future agreements. He wanted reassurance from the Council which would show faith in him and Shores and they will represent this board in the best interest of the citizens of Lowell. Mayor Myers supported the two representatives. Both have been involved in this agreement since the beginning. Myers stated he would place a call to Township Supervisor Tim Wittenbach and reiterate the Council's support.

Mayor Pro Tem Mathews commented on the repair work being done to the main roadway at the Lowell City Airport. He questioned who paid for work and why did it not go out for bid. His company did some repair work on the roadway not long ago. City Manager Pasquale explained the City has an agreement with SMAT. The City occasionally provides some maintenance of the main entrance road. Eventually, the Airport Board would want to asphalt the entire entrance drive up to the terminal building. Mathews noted he had placed crush asphalt on the roadway after the City Council accepted his bid. Pasquale stated a report would be provided at the next meeting.

Mathews appreciated the time in which Councilmembers Hodges and Shores have spent in

negotiations with Vergennes Township. He supported them as discussions continued.

Councilmember Shores stated she attended the 4<sup>th</sup> annual district Spring Garden Club meeting at Deer Run Golf Course hosted by The Lowell Showboat Garden Club. Olive Cook, member of The Lowell Showboat Garden Club, received a life time membership award. She has been involved with the group for 36 years and has never missed one meeting.

Mayor Myers commented on the beautiful flowering trees along Main Street. The Lowell Showboat Garden Club received a number of grants to have the trees planted.

Myers stated the Michigan Municipal League will hold its annual convention September 27, 28 and 29 in Marquette, Michigan.

Item #11. **MANAGER'S REPORT.** City Manager Pasquale reported on the following:

1. The following boards and commissions meetings minutes were provided:
  - Downtown Development Authority meeting of March 16, 2006
  - Grand Valley Metro Council – Transportation Policy Committee meeting of March 15, 2006
  - Planning Commission meeting of March 27, 2006
2. An information meeting will be held for all elected officials of the City, Lowell and Vergennes Townships regarding the proposed fire station addition on Tuesday, May 9 at 7 p.m. The meeting is to be scheduled at the station where Roger Morgan (Ambulance) and Frank Martin (Fire Department) will be available to review the proposal and answer any questions.
3. Police Chief Valentine informed the Council that the Livescan Fingerprint Project is officially complete with all equipment installed and all training completed as of April 25, 2006.

The State of Michigan established September, 2006 as a moratorium date for submission of the traditional fingerprint cards. After that date, the State Central Records will only accept electronic submission.

One year ago, Valentine was informed that the Lowell Police Department was eligible for a \$7,500 grant through the State of Michigan. He then applied to the Lowell Area Community Fund for the balance of the project, which totals \$20,000. The department was awarded the money from entities.

Once the funding was approved, equipment was ordered and arrived in March. Company representatives installed the equipment and trained personnel. The State of Michigan conducted further training of the department members at which point the LPD received permission to begin submitting criminal finger prints and mug shots and also applicant prints to Lansing and the FBI.

As part of the grant proposal to the Lowell Area Community Fund, Valentine stated the department would not charge applicants for the Lowell Area School District any additional cost for electronic submission of prints. The LPD is allowed, by statute, to collect an additional fee up to \$16 per applicant.

Mayor Myers questioned what other entities request fingerprinting. Valentine stated individuals applying for a security or licensing permit. Others would include individuals affiliated with insurance companies or those involved with adoptions. Myers questioned where the revenue goes. Valentine responded the General Fund.

4. The Council will meet at the North Washington Street property prior to the May 15 meeting at 6:45 p.m.

Item #12. **APPOINTMENTS**. Mayor Myers indicated Planning Commissioner Barbara Schmaltz has resigned from the Planning Commission.

Myers also noted Bill Thompson's resignation from the Lowell Light and Power Board. Myers thanked Thompson for all his work and community duty as former Mayor.

Councilmember Pfaller wanted to confirm the meeting held at the fire station next week would be properly published.

IT WAS MOVED BY PFALLER and seconded by HODGES to adjourn to Closed Session at 8:31 p.m. to discuss an opinion of legal counsel and also a matter of pending litigation.

YEA: Councilmember Hodges, Pfaller, Shores, Mayor Pro Tem Mathews and Mayor Myers

NAY: 0. ABSENT: 0. MOTION CARRIED.

IT WAS MOVED BY PFALLER and seconded by HODGES to return to open session at 9:24 p.m.

Police Chief Valentine briefly discussed a personnel issue.

IT WAS MOVED BY MATHEWS to adjourn at 9:28 p.m.

DATE:

APPROVED:

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Charles R. Myers, Mayor

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Betty R. Morlock, Clerk