

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

For the Regular Meeting of MONDAY, **SEPTEMBER 18, 2006**

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

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

Absent: Mayor Myers.

Also Present: City Manager David Pasquale, City Clerk Betty Morlock, Police Chief Jim Valentine, Wastewater Treatment Plant Superintendent/Planning Commissioner Mark Mundt, City Mechanic Ralph Brecken, Planning Commission Chairman Clark Jahnke, Police Sergeant James Hinton and Kent County Youth Fair Manager Ron Wenger.

IT WAS MOVED BY HODGES and seconded by PFALLER to excuse the absence of Mayor Myers.

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

IT WAS MOVED BY PFALLER and seconded by SHORES to approve the minutes of the September 5, 2006 regular meeting as corrected.

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

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

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

NAY: None. ABSENT: Mayor Myers. MOTION CARRIED.

<u>BILLS AND ACCOUNTS PAYABLE (09/18/06)</u>	
GENERAL FUND	\$94,506.83
MAJOR STREET FUND	33,017.88
LOCAL STREET FUND	852.27
HISTORIC DISTRICT FUND	1,020.00
DDA FUND	18.63
WASTEWATER FUND	1,881.44
WATER FUND	10,114.53
EQUIPMENT FUND	750.41
CURRENT TAX FUND	1,662,035.96
LOOK FUND	3,000.00

Item #1. **PURCHASE OF DIAGNOSTIC ENGINE SCANNER – TABLED FROM THE PREVIOUS MEETING**. As discussed at the September 5 meeting, DPW Ralph Brecken has expressed the need for the City to purchase a diagnostic scanner serving the municipal fleet. Due to budget constraints, Brecken acquired a scanner two years ago which has been used for the City. He has requested \$8,016 to have the City purchase this.

At the last meeting, the Council determined there must be a bid process for the scanner before a purchase would be considered. A written quote was received from Snap-On Tools in an amount of \$8,040.25. Both Mack Tool and Matco Tool were contacted for written quotes, but none have been received.

A comment was received from Mayor Pro Tem Mathews who wanted to ensure the total of \$8,746.42, included taxes and interest.

The Council's bidding procedures policy adopted September 18, 1989, provides "bidding and obtaining quotations may be waived by the Council in cases where there is a sole supplier or other conditions exists inhibiting the process".

Councilmember Pfaller questioned the amount of times the scanner has been used as well as how much money it has saved the City. Brecken averaged 52 times a year.

IT WAS MOVED BY HODGES and seconded by PFALLER to purchase the diagnostic engine scanner for \$8,016.00.

Councilmember Shores questioned the difference between the scanner he has and the one in the amount of \$8,040.25. Brecken stated the only difference is the software. The machines are identical. However, the software can be purchased to update the new machine. Currently, there is no need. Brecken stated the scanner is designed to be in use for many years. Every year, a new software program is released for newer vehicles. Shores questioned the cost of an upgrade. Brecken was unsure, noting he has not purchased any new software for the scanner. Pfaller stated last week DPW Director DesJarden estimated \$200 to \$600, depending on the extent of the upgrade.

YEA: 3. (Councilmember Hodges, Pfaller and Mayor Pro Tem Mathews)

NAY: 1. (Councilmember Shores) ABSENT: 1. MOTION CARRIED.

City Manager Pasquale noted the purchase would be divided amongst the eight funds discussed at the last meeting.

Item #2. **ORDINANCE TO ADOPT THE INTERNATIONAL PROPERTY MAINTENANCE CODE 2006 EDITION – PUBLIC HEARING**. In an effort to assist in upgrading exterior building deficiencies, rental housing and general yard clean up, the Property Maintenance Code will provide the Building Inspector and city staff an added tool.

Jason Hofman of 141 S. Pleasant questioned specific issues within the Property Maintenance Code which the property owners must abide by. City Manager Pasquale explained there are several items. If one maintains their property, there will not be a problem.

IT WAS MOVED BY SHORES and seconded by HODGES to adopt the International Property Maintenance Code, 2006 edition.

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

Item #3. **CONSIDERATION OF THE EXPIRING AGREEMENTS – LOWELL YOUTH FOOTBALL, KENT COUNTY YOUTH FAIR AND YMCA – DIRECTION FROM COUNCIL.**

The Lowell Youth Football, Kent County Youth Fair and YMCA agreements all expire on December 31, 2006. The Parks and Recreation Commission has initiated a review and asked for direction from Council on how to proceed.

Councilmember Pfaller wanted the agreements reviewed prior to December. He questioned if Council wanted to review or should the Parks and Recreation Commission.

Councilmember Shores questioned if the Parks Commission has established fees for the use of the facilities. Pfaller explained there have been several discussions regarding this issue. The City is currently under agreements which will be renegotiated and will set the ground work for agreements with the Lowell Little League and other organizations.

Pfaller questioned which board should handle the situation. Mayor Pro Tem Mathews believed the Parks and Recreation Commission should discuss the agreements with these organizations and report back to the City Council. Councilmember Shores agreed.

City Manager Pasquale suggested a special meeting be held with these individuals.

Item #4. **DISCUSSION – CITY CHARTER REVISIONS OR COMMISSION.** Councilmembers Pfaller and Hodges met several months ago regarding revisions to the City Charter. Pfaller questioned if there were too many revisions and should a Charter Commission be established to come up with an entire new document.

Mayor Pro Tem Mathews figured a Charter Commission would take a couple years time.

Councilmember Shores suggested the Council determine the amount of revisions before deciding a Charter Commission is necessary. Possibly a worksession should be held to discuss the findings of Pfaller and Hodges.

Mathews inquired regarding the cost. Pfaller believed it would cost approximately \$20,000 for a full Charter Commission.

Hodges believed a worksession may be necessary.

Mathews wanted Myers' opinion and suggested waiting on the issue until he is available.

Pasquale stated he would provide additional information regarding the Charter Commission so the Council can be well informed.

Item #5. **MONTHLY REPORTS**. Councilmember Pfaller questioned if the phosphorus count at the Wastewater Treatment Plant was up this month. Wastewater Superintendent Mundt responded it was well within its limits.

Item #6. **CITIZEN COMMENTS**. Jason Hofman of 141 S. Pleasant noted the Kent County Youth Fairboard would be willing to meet with the Parks and Recreation Commission to review lease at any time.

Hofman questioned how Mayor Myers was feeling. Mayor Pro Tem Mathews stated he is in therapy. He is looking forward to returning to his position as Mayor.

Item #7. **COUNCIL COMMENTS**. Councilmember Hodges reminded everyone regarding the Fallasburg Fall Festival, the Fly In and the Pancake Breakfast. He urged everyone to participate. Hodges also noted the First Congregational Church will be conducting its last service at its current facility on October 1, 2006 and will have its first service at the new building off Lincoln Lake on October 8, 2006.

Councilmember Pfaller requested a property assessment card (for 403 N. Monroe) be provided for the issue being discussed during the Zoning Board Special Meeting on September 21, 2006.

Pfaller also complimented the Fairboard on all the activities being held at the Fairgrounds and Recreational Park. It is good to see the facilities being used.

Councilmember Shores stated she spoke with the individual associated with the Motor Cycle Run who complimented Fairgrounds Manager Ron Wenger. He is a great help and easy to work with. The same group of individuals also complimented Police Chief Jim Valentine and how the department works together. The department is top notch.

Mayor Pro Tem Mathews stated he is looking forward to the return of Mayor Myers.

Item #8. **MANAGER'S REPORT**. City Manager Pasquale reported on the following:

1. The following boards and commissions meetings minutes were provided:

- Chamber of Commerce meeting of August 8, 2006
- Merchants Committee meeting of August 23, 2006
- Airport Board meeting of August 10, 2006

- Parks and Recreation Commission meeting of August 12, 2006
2. In response to an inquiry from Councilmember Pfaller, a memo was provided from DPW Director Dan DesJarden explaining the Lowe's purchase.
  3. A meeting was held with DesJarden and Water Treatment Plant Superintendent George Regan regarding contract operations and overtime issues at the Water Treatment Plant. A good session was held and after discussion it was felt there should be a meeting held with the Council regarding activities at the Water Treatment Plant. Issues discussed include part time personnel which will help reduce overtime. Councilmember Shores believed the change should happen as soon as possible. Councilmember Pfaller agreed. A meeting was established on October 2, 2006 at 6:30 p.m. at the Water Treatment Plant for further discussion.
  4. The Zoning Board of Appeals will meet on Thursday, September 21 at 7:30 p.m. to review a variance request for a garage side yard setback at 403 N. Monroe.

Item #9. **APPOINTMENTS**. Openings are available to serve on the Planning Commission and the Downtown Development Authority.

IT WAS MOVED BY PFALLER to adjourn at 8:08 p.m.

DATE:

APPROVED:

---

Charles R. Myers, Mayor

---

Betty R. Morlock, Clerk