

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

For the Regular Meeting of TUESDAY, **FEBRUARY 20, 2007.**

The Meeting was called to order at 7:30 p.m. by Mayor Myers and the 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 and Water Treatment Plant Superintendent George Regan.

IT WAS MOVED BY SHORES and seconded by PFALLER to approve the minutes of the February 5, 2007 regular meeting as written.

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

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

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

NAY: None. ABSENT: None. MOTION CARRIED.

<u>BILLS AND ACCOUNTS PAYABLE (02/20/07)</u>	
GENERAL FUND	\$143,546.36
MAJOR STREET FUND	985.78
LOCAL STREET FUND	947.57
AIRPORT FUND	270.00
WASTEWATER FUND	574.41
WATER FUND	185,226.81
DATA PROCESSING FUND	551.33
EQUIPMENT FUND	6,218.61
CURRENT TAX FUND	349,062.95

Item #1. **RESOLUTIONS TO PLACE CHARTER AMENDMENTS ON THE NOVEMBER 6, 2007 BALLOT.**

A. City Council organization. The first proposed Charter amendment stated the first meeting in January, following each City election, the City Council shall organize and elect one of its members to the Offices of Mayor and Mayor Pro Tem.

As it currently stands, according to the Charter, this should take place after the City election in November. However, the Council has undertaken this responsibility in January. Therefore, this proposal is in accordance to present practice.

Also, the regular meeting of the Council shall be specifically held on the first and third Mondays of each month at a time determined by the Council at its first meeting in January. Any meeting time set for a holiday is moved to the next day. In the Charter, it states the meeting shall be held at 8:00 p.m. The meeting was moved to 7:30 p.m. a number of years ago. In order to a line with the Charter, this change should be made.

- B. Board of Light and Power membership. This proposed Charter Amendment increases the membership board of Light and Power from three to five. The amendment also outlines terms for those first appointed if this is adopted. One member will serve until June 30, 2009, two until June 30, 2010 and two until June 30, 2011.

City Attorney Richard Wendt has prepared these and upon approval of the resolutions, these will be forwarded to the offices of Governor and Attorney General and then would be submitted back to the Council for the November 6, 2007 ballot.

IT WAS MOVED BY PFALLER and seconded by SHORES to approve the City Charter Council organization proposals as presented.

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

NAY: None. ABSENT: None. MOTION CARRIED.

IT WAS MOVED BY HODGES and seconded by MATHEWS to approve the City Charter amendment proposal for the Board of Light and Power membership increasing the members from three to five.

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

NAY: None. ABSENT: None. MOTION CARRIED.

Item #2. **ORDINANCE AMENDING PLANNING COMMISSION MEMBERSHIP – SET PUBLIC HEARING DATE (3/5).** As allowed by Public Act 285 (State Enabling Act) the Planning Commission may be reduced from nine to seven if the City's population is under 5,000 as proposed by the City Council. One of the members shall be from the City Council and will act as an ex-official member but have full voting rights.

The Charter does not provide a specific number of Planning Commission memberships. Therefore, a City Charter Amendment is not required.

A public hearing needs to be established for the March 5, 2007 meeting. This will provide membership of seven and outlines for terms of membership. After a public hearing, the Council can then consider the ordinance amendment.

IT WAS MOVED BY HODGES and seconded by SHORES to set a public hearing for March 5, 2007 to consider an ordinance to reduce Planning Commission membership from nine to seven.

Councilmember Pfaller agreed with the letter from City Attorney Wendt regarding a couple terms ending at the end of the fiscal year. He suggested this change be effective July 1, 2007 instead of 10 days after being passed. The ordinance is not written this way.

Mayor Myers noted the difficulty for the Light and Power Board to run a meeting, if one or two individuals are out of town. Such an increase also provides opportunity for community involvement as well as more effective numbers in terms of voting. With regard to the number of Planning Commission members, it is good to have a number of opinions. However, sometimes too many individuals can slow down a process.

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

Item #3. **CONTRACT FOR MAINTENANCE INSPECTIONS OF THE 500,000 GALLON RESERVOIR (BEHIND WATER TREATMENT PLANT)**. Water Plant Superintendent George Regan explained the ground storage tank is currently in need of an interior inspection. The last inspection, which was performed by Dixon Engineering, involved a dive inspection where all the reservoirs were inspected. At this time, the Department of Environmental Quality has requested a dry inspection. Therefore, the ground tank needs to be emptied in order for a visual inspection on the interior surface. These are done about every five years.

Regan explained Dixon Engineering is an expert in this field. Inspections are very reasonable and efficient. They have performed all tank inspections for the City.

Mayor Myers asked if this would impact the water service. Regan responded there will be a slight interruption. The plant will be down for three to four days. The tank will be drawn down to its minimal level before being emptied. At that point, it will probably take one day to perform the inspection. It will then need to be chlorinated. The tank will be refilled and the water will need to sit for 24 to 48 hours, in order for samples to be collected. Once this is completed, the tank can be placed back in service.

Myers asked if there would ever be a time during this period when an individual will not have water. Regan responded, not if it can be helped. However, the water service will not be softened.

Regan believed an inspection was necessary because the cross members in the ceiling of the tank is where most of the corrosion takes place, as well as any angle or weld. There must be assurance that the tank is not suffering any structural damage at this point. Councilmember Pfaller questioned when the tank would be painted, if corrosion is found. Regan anticipated the Fall. The plant would be down for a few weeks. The inside of the tank has not been painted for 20

years. Regan noted the tank would not be completely repainted. Spot blasting, priming and a complete finish coat would be performed.

IT WAS MOVED BY SHORES and seconded by HODGES to approve Dixon Engineering to perform maintenance inspections of the 500,000 gallon reservoir (behind Water Treatment Plant) in the amount of \$1,825.

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

Item #4. **TREES REMOVED FROM THE BOWES ROAD RIGHT OF WAY, COMPENSATION ISSUE – TABLED FROM THE LAST MEETING.** Councilmember Pfaller raised the issue of having Light and Power compensate the City for having trees removed from the Bowes Road right of way without permission.

Light and Power General Manager, Tom Richards, provided information in terms of numbers of trees that have been removed for new distribution lines and required maintenance of existing distribution lines.

Councilmember Pfaller explained some of his concerns with Lowell Light & Power involves creditability issues. On November 8, 2005, Bowes Road residents received a letter regarding the construction project for the new line. The letter indicated “in very few cases where a tree will need to be removed entirely, the property owners are being contacted”. The amount of trees which were removed ended up being 71 trees in the right of way and 7 trees outside the right of way for a total of 88 trees being removed for the new construction. Shortly thereafter, Light and Power trimmed and took out another 25 trees.

He referred to the tree replacement policy, which was passed at the last meeting, and asked for compensation of 83 trees at a rate of \$250 per tree for a total of \$20,750. This should be placed in the tree replacement fund.

Councilmember Shores asked if some of the trees were already replaced. Myers noted seven were replaced. Pfaller was unaware of this and corrected himself, noting compensation should be received for 72 trees, which would total \$18,000.

Mayor Pro Tem Mathews remembered Light and Power providing a map which had designated trees marked to be removed or trimmed along the road. Pfaller stated the map showed only a handful of trees to be removed. Mathews asked if any of the trees were dead. Shores noted there were four which were listed as disease dying trees grown into the fencing.

Myers asked if Pfaller was proposing just the tree replacement fund having an \$18,000 contribution from Light and Power or the 72 trees be replanted in the locations where these were taken. Pfaller was unsure if the trees could be replanted, particularly with the planned construction. Hodges believed once the fund is established, the Council can refer to the tree committee to receive input as to replacement along Bowes Road. Pfaller stated the purpose of placing money into the fund is to replace the trees. Hodges felt a committee could be very helpful as far as species and

locations.

Shores did not believe all the money should be spent to replace 72 trees. There will be other projects such as those on Washington Street and Gee Drive. The fund could be used to replace trees as these are taken out. She was in favor of providing a replacement tree to a property owner along Bowes Road if they wish to have one. However, she did not believe the money placed in the fund to be spent immediately.

Myers agreed with Shores as long as we have satisfied all of the residents on Bowes Road who were affected by the trees. Shores stated many of the complaints she heard were not from property owners on Bowes Road, but property owners from Vergennes and Lowell Townships.

Shores believed the four diseased trees should also be considered and compensation should not be required. Pfaller indicated the amount would then be brought down to \$17,000.

Mathews was concerned regarding a mistake and blunder being passed onto Light and Power customers. Pfaller stated by the actions at the last meeting, if this project was to start today, that's what it would be. Pfaller said he has made this an issue since the chain saws were fired up. His neighbors along Bowes Road sat in front of the Lowell Light and Power Board and their management and were told very few trees would come down. However, 102 were taken down. Pfaller had a problem with this and Light and Power should be held accountable and the trees should be replaced.

IT WAS MOVED BY PFALLER and seconded by HODGES to request compensation of \$17,000 from Lowell Light and Power to replace the trees which were removed on Bowes Road without authorization from City government.

Myers confirmed this brings the number of trees to 68 which need to be replaced. Pfaller responded yes.

Mathews asked if the proposed committee would be in charge of disbursing the funds. Pasquale stated he received a call from Jim Reagan regarding a meeting scheduled for February 27, at 10:00 a.m. A representative from the Michigan Department of Natural Resource will be present to discuss establishing a policy. Pasquale stated proposed committee members include representatives from Council, Light and Power Board and DPW Director Dan DesJarden.

Myers suggested the formation of a committee be delayed until Reagan can meet with a State representative regarding a typical composition of a committee.

Myers requested the property owners on the list be sent a letter stating a replacement tree will be provided if they so wish.

Pasquale questioned who should send the letter out. Pfaller believed it should come from the City because it is the City's tree fund. Pfaller wanted this added to motion.

Myers believed it would be appropriate to allow some time for a response from the Light and Power

Company prior to the next meeting.

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

Item #5. **MONTHLY REPORTS**. No comments were received.

Item #6. **CITIZEN COMMENTS**. No comments were received.

Item #7. **COUNCIL COMMENTS**. Councilmember Shores stated she recently returned from the Dominican Republic and saw the fire truck which was donated by Lowell last year. It is in very good condition. She noted this is the only fire truck this City has.

Mayor Myers asked if there may ever be an opportunity for some of their leadership to visit Lowell. Shores noted leaders have visited Lowell. She also noted a local class has adopted a school from the Dominican Republic. The wish list includes paper, pencils and scotch tape. When crayons and colored paper were offered, the Superintendent from the school indicated this was not needed because it is a luxury.

A social gathering can be held if such leaders visit Lowell again.

Mayor Myers mentioned Jim Reagan has agreed to start the Tree City project as well as heading up the committee.

Myers also acknowledged a letter from Dave Austin regarding the City Council's willingness to seek a cooperative solution to the tree trimming and planning issues. He is extremely pleased to create a tree fund.

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

1. The following boards and commissions meeting minutes were provided:
 - Downtown Historic District Commission meeting of November 28, 2006
 - Lowell Area Recreation Authority meetings of December 13, 2006
 - Chamber of Commerce meeting of January 9, 2007
2. The State Boundary Commission held a meeting on Thursday, February 15 to further discuss the Cooks property – Vergennes annexation issue. Based upon legal counsel, the Commission had two options absent any new compelling evidence, either to recommend the Director of Labor and Economic Growth sign the order to reject annexation (based on Commission action) or have the parties continue 425 discussions.

Since Vergennes Township wishes to pursue a private sewer system, there has been no

interest to pursue the 425. The commission recommended its previous action to the Director. The motion did vote the efforts of the City and developer to resolve the issue.

3. Chief Valentine will miss several City Council meetings as he is attending Siena Heights University at the Lansing campus to finish his Bachelor's Degree.
4. Mayor Myers noted Dave Austin has submitted the first contribution to the tree fund in the amount of \$100.

Myers stated he received a call from the Garden Club inquiring whether a garden club member could be part of the Committee. If this is desired, it should be a City resident.

5. Myers also commented on the different format of the packets. He questioned feedback from the Council. Each Councilmember appreciated the change.

Item #9. **APPOINTMENTS**. Mayor Myers noted the opening for one to serve on the Airport Board.

IT WAS MOVED BY MATHEWS to adjourn at 8:17 p.m.

DATE:

APPROVED:

Charles R. Myers, Mayor

Betty R. Morlock, Clerk