

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

For the Regular Meeting of Monday, **JUNE 18, 2007**.

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: Acting City Manager/Police Chief Jim Valentine, City Clerk Betty Morlock, City Treasurer Suzanne Olin, DPW Director Dan DesJarden, Water Treatment Plant Superintendent George Regan, Water Distribution Supervisor Bob Robinson, Lowell Light and Power/Cable TV Boardmembers Perry Beachum and Greg Canfield and Lowell Light and Power/Cable TV General Manager Tom Richards.

IT WAS MOVED BY SHORES and seconded by HODGES to approve the minutes of the June 4, 2007 regular meeting as submitted.

YEA: 4. NAY: 0. ABSENT: 1. 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, Shores, Pfaller and Mayor Pro Tem Mathews.

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

<u>BILLS AND ACCOUNTS PAYABLE (06/18/07)</u>	
GENERAL FUND	\$93,692.34
MAJOR STREET FUND	762.80
LOCAL STREET FUND	1,057.26
DDA FUND	524.79
WASTEWATER FUND	8,870.85
WATER FUND	6,478.45
DATA PROCESSING FUND	178.00
EQUIPMENT FUND	1,269.37

Item #1. **PRESENTATION OF THE STATE OF THE CITY ADDRESS.**

**STATE OF THE CITY ADDRESS  
MONDAY, JUNE 18, 2007**

To: Mayor Myers, Members of the Lowell City Council and Citizens of Lowell

Each year at this time, I have the opportunity and challenge to address the community as we examine our conditions. Again, issues are identified and goals established.

As mentioned in each address, building permits have been an indicator of the local economy. In 2006, there were 54 permits issued amounting to \$1.6 million in value. There were few new housing starts reflecting a regional trend.

The budget crisis with the State of Michigan remains. This greatly impacts the City with Revenue Sharing funds. Traditionally, these funds provided 25% toward needed General Fund services such as Police and Fire. This has been now reduced to near 15% placing further strains on the local tax base.

In spite of this, I remain confident that Lowell as a community will thrive. To insure this, the following goals for the coming new budget are established and in some cases re-established in the 2007-2008 year.

- Seek to strengthen the General Fund reviewing opportunities for saving. A goal of maintaining 10% of planned expenditures for a fund balance is established.
- Continue to explore ways of replacing vehicles in the Public Works Department promoting the Equipment Fund.
- Support the work of the Downtown Development Authority and Downtown Historic District Commission. Seek opportunities to further enhance the downtown, such as upgrading the old Amphitheater.
- Continue to support the Lowell Area Chamber of Commerce in its marketing strategy. The campaign "The Next Place to Be! Lowell" which promotes the business and entire community is in its second year. The Downtown Development Authority has allocated \$25,000 per year for three years toward this effort.
- As it nears completion, support the Planning Commission and the new master plan which outlines community land use and development goals.
- With the sale of Lowell Cable Television, there will be many opportunities to enhance our community from the proceeds received. A fund will be established from managed investments. The Council will determine how these will be directed based on determining long term needs of this community.

- Promote a concerted effort continuing to upgrade City streets, Gee Drive from Alden Nash to 1900 feet east will be reconstructed this summer completing a total upgrade of this critical street. Work was carried out through Federal and State funding. By 2010, Bowes Road from Valley Vista west will begin reconstruction through federal funding.

Sidewalks, particularly the school walks, continue to be a priority.

- Examine the North Washington Street property in determining long term usage. This is in recognition of our heritage with the Boy Scout Cabin and the wooded natural areas within the 27 acres of City owned land.
- Continue to recognize the Lowell Area Historical Museum, Lowell Area Arts Council and the YMCA as important resources to the City's quality of life. This is particularly important for the Arts Council as it seeks a fund raising drive for facility expansion.
- Support the Airport Board's efforts to attain General Utility status for the Lowell City Airport, thereby qualifying for State assistance. Currently, air easements involving properties on the east side are being attained with tree cutting to follow shortly.
- Recognizing Rockford Ambulance as an integral part of our community health system. To this end, an addition to the Lowell Memorial Fire Station will provide better accommodations for the ambulance service.
- Appreciating the service of the Lowell Little League, YMCA, Xtreme Softball, Kent County Youth Fair and Lowell Youth Football given to the community's young people, but understanding the cost of up keeping the City's parks used for these organizations must be shared.
- Continue plans and construction of a community walking trail in cooperation with Lowell Charter Township and Vergennes Township through the Lowell Area Recreation Authority.
- Continue to plan for improvements to the Wastewater Treatment and Water Treatment Plants.

As always, while projects have been provided in our goals, the City places prime responsibility for service to the citizens of Lowell.

Respectfully submitted,

David M. Pasquale  
City Manager

Item #2. **REQUEST FOR STREET CLOSING – LINCOLN LAKE FROM SUFFOLK TO MERCER TO AMITY – SATURDAY, JULY 7.** Tammy Smith of 704 Lincoln Lake has requested a street closing for Lincoln Lake from Suffolk south to the diverter at Mercer to Amity for the second

neighborhood block party. The party will be held on Saturday, July 7 from 3 p.m. to 9 p.m. with setup from 1 p.m. to 3 p.m. Chief Valentine and City Manager Pasquale recommended approval.

Councilmember Pfaller confirmed barricades would be provided. DPW Director DesJarden responded yes.

IT WAS MOVED BY HODGES and seconded by PFALLER to approve the street closing, Lincoln Lake from Suffolk to Mercer to Amity on July 7, from 1:00 p.m. to 9:00 p.m.

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

Item #3. **ADOPTION OF THE 2006 – 2007 BUDGET AMENDMENTS.** As required by State Law, the City Council must review and approve final adjustments to the City's operating funds. City Treasurer Suzanne Olin presented the budget amendments.

Councilmember Pfaller asked if the amendments show the City has an actual gain of \$70,000. Olin responded each fund needs to be reviewed separately. However, City wide, this is correct. Olin explained last year Mayor Myers requested a total of all funds.

Pfaller questioned the General Fund expenditures. There is a transfer out to the Major Street Fund. Does this get transferred back in the next fiscal year to cover the transfer out? Olin explained this may not even need to be done. However, this is a possibility due to the Gee Drive construction project or a loan may need to be acquired from the Major Street Fund.

IT WAS MOVED BY PFALLER and seconded by SHORES to approve the 2006 – 2007 budget amendments as presented.

YEA: 4 (Councilmembers Hodges, Pfaller, Shores and Mayor Pro Tem Mathews)

NAY: 0. ABSENT: 1. MOTION CARRIED.

Item #4. **INSTALLATION OF BACKFLOW PREVENTER AT THE WATER TREATMENT PLANT.** Water Treatment Plant Superintendent George Regan explained the Backflow preventer is being required by the DEQ. This is a 3 inch pipe which is used in the clarifier system for purging the sludge to the sludge ponds. They consider this a cross connection after 30 years.

Councilmember Pfaller asked if the strainer was necessary. Regan recommended it.

IT WAS MOVED BY PFALLER and seconded by HODGES to approve the low bid of \$3,820 from Godwin Plumbing, which includes the strainer.

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

Pfaller inquired if the tank inspection was completed. Regan responded yes.

Item #5. **ABANDONED WELL MANAGEMENT PROGRAM – LAST PHASE OF WELLHEAD PROTECTION PROJECT**. At the January 18, 2005 meeting, a resolution was approved for an anticipated grant through the Michigan Department of Environmental Quality providing 75% funding to plug abandoned wells within the Wellhead Protection Area. The City's local match requirement was \$5,083 based on the anticipated grant of \$20,333. Due to State budget constraints, the total grant award was only \$17,000 with the City responsible for 25%.

The initial project, based upon industry standards, anticipated that 10 wells would be discovered within the footprint of the Drinking Water Protection Area (DWPA). As the study progressed, 13 wells were identified and recommended for abandonment.

Sealed bids were sought for the plugging of abandoned wells. The low bid of \$9,145 was received from Kent Well and Pump of Cedar Springs. This bid does not include an additional \$850 necessary for extra labor, materials and handheld equipment to excavate and remove obstructions at 3 locations where vehicles can not access. Peerless Midwest, the project manager, has recommended accepting the low bid from North Kent Well and Pump, based upon prior working experience with similar projects.

It is recommended by staff to approve the low bid received from Kent Well and Pump of \$9,145 as well as the additional \$850 and to increase the City's participation in the original resolution from \$5,083 to \$7,583. This project is budgeted in the Water Distribution Fund.

IT WAS MOVED BY PFALLER and seconded by SHORES to approve the low bid from Kent Well and Pump of \$9,145 as well as the \$950 increase and the local match to cap the designated wells.

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

Item #6. **MASTER PLAN – RECEIPT OF DOCUMENT FROM THE PLANNING COMMISSION AND APPROVAL OF DISTRIBUTION FOR PUBLIC COMMENTS**. At its May 29, 2007 meeting, the Planning Commission received a final draft of the City Master Plan from McKenna Associates. As required under State Law, an approval of distribution for public comment must be approved by the City Council. The document will still be reviewed and revised as needed by the Commission. A copy of the Master Plan was provided.

The following procedures must be met:

Distribution for Comment. The plan must be distribution to the following entities for comment. Each entity that receives the plan for comment must return:

- a. The Planning Commission of each City, Village, or Township located within or contiguous to the City.
- b. The regional planning commission.
- c. The County Planning Commission. The secretary of the Planning Commission must concurrently submit a signed statement indicating to the County Planning Commission that the plan has been distributed to adjacent communities' Planning

Commissions and the regional planning commission, along with the name and address of each planning commission or legislative body the plan was submitted to and the date of submittal.

- d. Public utility, railroad, or other government entities that have registered their names.

IT WAS MOVED BY HODGES and seconded by PFALLER to proceed with the distribution of the Master Plan as indicated.

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

Item #7. **CHANGE ORDER NO. 1 – AMBULANCE BUILDING**. This change order involves the moving of the west wall approximately six feet in the ambulance building under construction to better accommodate the vehicles. Two deducts concern the water lines and frost wall. The net increase of \$3,900 will be assumed by Rockford Ambulance. Since this is a City building, the Council must approve the change order.

Councilmember Pfaller asked if a variance was necessary due to the west wall being moved out six feet. City Clerk Morlock explained the variance was not necessary because the wall does not extend any further than the existing building.

IT WAS MOVED BY SHORES and seconded by HODGES to approve Change Order No. 1 for the Ambulance Building.

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

Item #8. **LIGHT AND POWER – POWER LINE CLEARANCE POLICY – REVIEW AND CONSIDERATION OF CONCURRENCE – TABLED FROM THE PREVIOUS MEETING**. A Power Line Clearance Policy was presented to the Council at the June 4, 2007 meeting. After discussion, the Councilmembers believed the issue should be tabled until the Light and Power Board met on Thursday, June 7. Further, a worksession between the Council and Board was held on Thursday, June 14 where this was further discussed.

Councilmember Pfaller stated a very good discussion was held and an agreement was made.

IT WAS MOVED BY PFALLER and seconded by SHORES to approve the Light and Power - Power Line Clearance Policy contingent upon the Light and Power Board's approval at their next meeting with the exception of the tree fund being matched by an equal contribution by the City. Pfaller wanted the statement struck from the agreement.

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

Item #9. **MONTHLY REPORTS**. No comments were received.

Item #10. **CITIZEN COMMENTS**. Lowell Light and Power/Cable TV General Manager Tom Richards asked if there was any reason to continue the moratorium of trimming trees in the City of Lowell. Mayor Pro Tem Mathews believed the moratorium could be lifted. Councilmember Shores also wanted it lifted. Pfaller suggested approval be received from the Light and Power Board before such action. Richards believed there was a consensus amongst the boardmembers regarding it being lifted.

IT WAS MOVED BY SHORES and seconded by PFALLER to remove the moratorium which has been in place and proceed with taking care of the trees which have been identified as hazardous.

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

DesJarden stated the outside arborist has recommended the removal of 12 trees. Does the lift of the moratorium pertain to these trees as well? By general consensus, the Council agreed.

Councilmember Hodges stated he was reluctant and sad to see the trees taken down. Council agreed.

Item #11. **COUNCIL COMMENTS**. Councilmember Pfaller commented on all the activity at the Fairgrounds. He also noted Earth Tech/Waste Water Treatment Plant and George Regan/Water Treatment Plant do a great job maintaining its facilities.

Councilmember Shores commented on the fire hydrants being painted.

Mayor Pro Tem Mathews stated he spoke with Ivan Blough regarding the Showboat. The Showboat is painted and is beautiful. We are proud of all the volunteers.

Item #12. **MANAGER'S REPORT**. City Manager Pasquale reported on the following:

1. The meeting minutes for the following boards and commissions were provided:
  - Airport Board meeting of May 2, 2007
  - Lowell Light and Power/Cable TV Board meetings of May 3, 2007
  - Lowell Area Chamber of Commerce meeting of May 15, 2007
2. Riverwalk is coming soon, Friday, July 13 and Saturday, July 14.

Item #13. **APPOINTMENTS**. Appointments were tabled until Mayor Myers can provide these.

Councilmember Pfaller suggested the closed session be tabled until the July 2, 2007 meeting.

IT WAS MOVED BY PFALLER and seconded by HODGES to table the closed session meeting until July 2, 2007 meeting.

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

MOTION CARRIED.

IT WAS MOVED BY PFALLER to adjourn at 8:04 p.m.

DATE:

APPROVED:

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Charles R. Myers, Mayor

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Betty R. Morlock, Clerk