

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

For the Regular Meeting of Monday, **JULY 16, 2007**.

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 Pasquale, City Clerk Betty Morlock, Police Chief Valentine and Police Sergeant James Hinton.

IT WAS MOVED BY PFALLER and seconded by HODGES to approve the minutes of the July 2, 2007 regular meeting as written.

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

IT WAS MOVED BY SHORES and seconded by MATHEWS 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 (07/16/07)</u>	
GENERAL FUND	\$159,130.74
MAJOR STREET FUND	268.99
DDA FUND	82.78
AIRPORT FUND	3,506.24
WASTEWATER FUND	50,091.60
WATER FUND	1,648.54
DATA PROCESSING FUND	623.87
EQUIPMENT FUND	3,912.48

Item #1. **ZONING BOARD OF APPEALS**

- A. 221 Amity (southeast corner of Elm and Amity) – John Sterly – construction of a duplex – variance for lot width – reconsideration, tabled from the July 2, 2007 meeting. At its June 4, 2007 meeting, the ZBA granted a variance involving lot width so that owner John Sterly could build a duplex at 221 Amity. It was found out after the meeting that nine (9) neighboring properties were missed from receiving public notices regarding this variance petition. In consulting with City Attorney Richard Wendt, the public hearing must be reopened and the variance may be reconsidered. A public hearing was held on July 2 and closed at the meeting.

Councilmember Shores noted Sterly provided two letters from nearby neighbors approving of the project. Shores stated Sterly does excellent quality work.

Mayor Pro Tem Mathews attended the Planning Commission meeting last week at Lowell Township and spoke with Colleen Timpson. She used to live in the area and indicated there have always been rental properties in the area.

Councilmember Hodges stated Sterly does excellent work and volunteers greatly throughout the community. Hodges did not have a problem with Sterly or his rental properties. However, he believed the zoning does not provide for a duplex and would be opposed to the request.

Councilmember Pfaller stated there are several duplexes which have been built in his neighborhood along Bowes Road. The developer has certain requirements which he has to maintain and meet. Pfaller believed this proposed project was too much building for too small of a lot.

Mayor Myers saw the neighborhood with several mixes. He did not believe a single family home would be suitable.

IT WAS MOVED BY MYERS and seconded by SHORES to approve the variance which includes the setback and lot width requirements at 221 Amity regarding the construction of a duplex.

YEA: 3. (Boardmembers Shores, Mathews and Myers)

NAY: 2. (Boardmembers Hodges and Chair Pfaller)

ABSENT: 0. MOTION CARRIED.

Item #2. **INVITATION TO JOIN THE GRAND VALLEY METROPOLITAN COUNCIL – PRESENTATION BY EXECUTIVE DIRECTOR DONALD STYPULA.** Donald Stypula, Grand Valley Metropolitan Council indicated the Council began in October, 1990. Originally, there were

11 members of the organization and has grown to 33 members. The members have found the organization to be very beneficial.

The City of Lowell has been a member of the Michigan Municipal League for many years. The Council works very closely with the League, but on a more focused basis with the communities involved within the Grand Rapids metropolitan area. While the League looks out for all the communities in the State and can bring issues to Lansing, the Council can do the same. When speaking with one voice, it makes a powerful difference.

The Council does transportation planning for the entire metropolitan area which includes communities like Lowell which are members of the metropolitan council's planning organization. They also provide regional land use, regional environmental and natural resources planning.

There is also the Regional Geographic Information System (Regis). This is now the international award winning Regis system.

Councilmember Shores believed it would be a great asset to have access to the Regis system.

Mayor Myers questioned how the dues were budgeted. City Manager Pasquale stated the funds come out of the General Fund.

IT WAS MOVED BY PFALLER and seconded by SHORES to have the City of Lowell formally join the Grand Valley Metropolitan Council.

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

Item #3. **PROPOSED 2007 – 2010 POLICE CONTRACT**. Every three years, there is a negotiation with the contract of the Lowell Police Officers. After several months of negotiation, an agreement has been reached subject to City Council approval. The following are the major items of the contract renewal.

- Recognize the Police Officers Association of Michigan (POAM) as the bargaining agent rather than the Lowell Police Officers Association.
- Allows two time payout of a total of 40 hours (increased from 20) of compensatory time during the fiscal year.
- 2% wage increase for the Police Officer and Sergeant positions during the first year of the new contract is provided. Wage re-openers would be in place for the second and third years.
- Group health cost employee share previously negotiated last year would be incorporated in the new contract.

City Manager Pasquale recommended the Council consider approval of the new contract, effective July 1, 2007.

Mayor Myers noted in the past the bargaining has involved the Lowell Police Department only. He questioned why the department has become involved with the Michigan Police Officers Association. Police Sergeant Hinton explained the Lowell Police Officers Association has joined POAM primarily to receive resources, such as legal representation if needed. Pasquale explained he and Chief Valentine met with Sergeant Hinton and Officer Bukula regarding the contract. Hinton noted the department has always been able to negotiate contracts without a problem.

Hinton also stated the officers pay a one percent margin of their total annual salary to POAM. There is no cost to the City.

Myers referred to the second and third year of the contract. The only allowed bargaining issue is that of increase. He asked if this was correct. Hinton responded yes.

Councilmember Pfaller referred to Section 25 “the four hours of compensatory time earned as a result of the two week work cycle may not accumulate beyond 24 hours”. Yet the employee is allowed a one time payout of 40 hours annually. How can there be a one time payout of 40 hours if one can not accumulate more than 24 hours. Valentine explained they have two compensatory comp banks. One is in lieu of payment for overtime and the other associated with the 12 hour shift. The one comp bank there is a total allowance of 72 hours and as the officers take comp time off that number goes down and up.

Pfaller questioned the holidays. The traditional Memorial Day is listed as May 30 and not the celebrated day. Valentine explained this has been provided for some time because there were set eight hour shifts and the celebrated holiday always fell on the same officer’s shift. Therefore, several years ago the association negotiated with the City to have the actual recognized holiday for the officers.

IT WAS MOVED BY HODGES and seconded by MATHEWS to adopt the police contract for 2007 – 2010.

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

Item #4. **MONTHLY REPORTS**. No comments were received.

Item #5. **APPOINTMENTS**. Mayor Myers stated he is still working on appointments and reappointments.

He referred to the Planning Commission members and suggested dropping the two members who requested not to serve further.

Councilmember Hodges stated he would be interested in serving on the Planning Commission as an ex-officio, voting member. He has attended several meetings over the last few years.

By general consensus, the Council accepted the resignations of Commissioners Hall, Mundt and Teelander. Commissioners Berry, Dimmick, Doyle, Jahnke, Noall and LaPonsie were reappointed. Their terms of office would be determined at a later date. Also by general consensus, Councilmember Hodges was appointed as an ex-officio, voting member of the Planning Commission.

Item #6. **CITIZEN COMMENTS**. Bob and Chris Warner of Kentwood were present regarding the Toy Run, which is held annually. The event is scheduled for September 9th. Approximately 600 bikes have participated in the past. Councilmember Pfaller asked if Warner spoke with Ron Wenger from the Fairgrounds regarding the date of the event. Warner responded yes, the date is available.

Councilmember Shores suggested additional advertising for the event.

IT WAS MOVED BY MATHEWS and seconded by PFALLER to approve the Toy Run held on Sunday, September 9, 2007.

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

Chris Flaszar of 417 Howard was present regarding the construction of the duplex. He wanted to do what is best for the neighborhood. Flaszar believed neighborhoods that have owner occupied homes thrive, while neighborhoods with rentals do not thrive because the renters have no investment in the community. He encouraged the Council to always ask "is this what is best for the neighborhood?". Flaszar noted his desire to become involved in the community and be proactive.

Andy Bowne of Grand Haven was present to represent the Friends of Grand Rapids Community College. There is a millage election on August 7, 2007. He requested the support of the millage.

Item #7. **COUNCIL COMMENTS**. Councilmember Shores thanked everyone for their calls and visits after her surgery.

Mayor Pro Tem Mathews commented on the swimming pool which is placed outside on the property of Fireplace Plus. It appears to be very close to the sidewalk. City Clerk Morlock stated Building Inspector Doug Hopkins is working on this.

Mathews stated the Riverwalk Festival was great. He also thanked the Lowell Police Department for representing the City of Lowell at the funeral of the Grand Rapids Police Officer.

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

1. The meeting minutes for the following boards and commissions were provided:
 - Downtown Development Authority meeting of May 17, 2007

- Airport Board meeting of June 5, 2007
 - Chamber of Commerce meeting of June 12, 2007
2. In regard to Councilmember Pfaller's inquiry, Mark Mundt provided a status report of the rooftop units at the Wastewater Treatment Plant.
 3. DPW Director Dan DesJarden has been in contact with the Kent County Road Commission regarding the wash out problems on Grindle just outside of the City.

Item #9. **CLOSED SESSION.**

IT WAS MOVED BY PFALLER and seconded by MATHEWS to move to closed session at 8:27 p.m. regarding a personnel matter.

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

IT WAS MOVED BY PFALLER and seconded by MATHEWS to return to open session at 9:35 p.m.

IT WAS MOVED BY MATHEWS to adjourn at 9:36 p.m.

DATE:

APPROVED:

Charles R. Myers, Mayor

Betty R. Morlock, Clerk