

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

For the Regular Meeting of Tuesday, **SEPTEMBER 4, 2007.**

The Meeting was called to order at 7:30 p.m. by Mayor Myers and Deputy City Clerk Susan Ullery called Roll.

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

Absent: None.

Also Present: City Manager David Pasquale, Deputy City Clerk Susan Ullery, Police Chief Jim Valentine, DPW Director Dan DesJarden and Lowell Light and Power Boardmember Jim Hall.

IT WAS MOVED BY PFALLER and seconded by HODGES to approve the minutes of the August 20, 2007 regular meeting as corrected.

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

IT WAS MOVED BY SHORES and seconded by PFALLER 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 (09/04/07)</u>	
GENERAL FUND	\$165,025.01
MAJOR STREET FUND	7,107.21
LOCAL STREET FUND	36.36
DDA FUND	924.11
AIRPORT FUND	2,535.78
WASTEWATER FUND	4,622.66
WATER FUND	21,045.44
DATA PROCESSING FUND	295.00
EQUIPMENT FUND	1,341.06
CURRENT TAX FUND	223,112.00
LOOK FUND	12,000.00

Item #1. **REQUEST FROM LARKIN'S RESTAURANT – CLOSE BROADWAY ON SATURDAY, OCTOBER 13 FOR THE CHILI COOK OFF.** Larkin's Manager Deb Apal requested approval to close Broadway from the alley by the Post Office to the Main Street intersection on Saturday, October 13, 2007 for a Chili Cook Off. The money raised will be donated to the Senior Neighbors Center. The event will run from 7:00 a.m. to 7:00 p.m. Apal noted judges are needed.

Councilmember Shores believed the event has always worked out very well in the past.

IT WAS MOVED BY SHORES and seconded by HODGES to approve the street closing of Broadway on Saturday, October 13, 2007 for the Chili Cook Off.

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

Item #2. **REQUEST FROM FLAT RIVER GRILL FOR TEMPORARY LIQUOR LICENSE ON SHOWBOAT – SATURDAY, SEPTEMBER 29.** Flat River Grill General Manager Lori Teasely requested a temporary liquor license for Saturday, September 29, 2007 for a 15<sup>th</sup> year Lowell High School Reunion. A pizza buffet with limited table service will be served.

Mayor Myers asked if there was a limit to the different kinds of drinks. Teasely explained drinks would be limited. This is similar to what was done for the concert series.

Myers questioned the hours of the reunion. Teasely responded the event will run from 7:00p.m. to 10:00 p.m.

Councilmember Shores thought this was a great idea.

Myers inquired regarding the number of individuals expected. Teasely stated from 40 to 75 people.

IT WAS MOVED BY HODGES and seconded by SHORES to approve a temporary liquor license for an application to the Michigan Liquor Control Commission Flat River Grill on the Showboat for Saturday, September 29, 2007.

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

Item #3. **ORDINANCE FOR SPONSORSHIP SIGNS IN THE CITY PARKS – RECOMMENDATION FROM THE PLANNING COMMISSION – ADOPT OR SET PUBLIC HEARING (10/1).** At the March 19, 2007 Council meeting, Lowell Little League raised the issue of allowing advertising signs on the ballfield fences at Creekside Park. Currently, there are no provisions within the Zoning Ordinance. The Council decided to provide one time usage of ballfield fencing advertising signs at Creekside Park for Lowell Little League expiring July 30, 2007. The issue was then referred to the Planning Commission to consider an ordinance.

The Commission then over the course of several meetings developed a parks advertising signs ordinance. As proposed, the ordinance delineates permitted sponsorship signs, license agreement with each organization wishing to place such sponsorship signs, approval, placements and removal of signs. At its August 27 meeting, the Planning Commission held a public hearing on the proposed ordinance and unanimously recommended approval.

The Council may adopt the amendment or hold a public hearing on October 1, 2007 to consider the proposal.

IT WAS MOVED BY PFALLER and seconded by HODGES to set a public hearing for October 1, 2007 to consider an ordinance for sponsorship signs in the city parks.

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

Item #4. **AMENDMENT TO POLICE DISPATCH SERVICES AGREEMENT WITH THE CITY OF WALKER.** Police Chief Jim Valentine explained the agreement between the City of Walker and the Lowell Police Department originally took effect in 1992 and was reauthorized three years ago. There is revision in the agreement which states if no action was taken, it will automatically continue one year at a time and would be periodically adjusted when Walker and the Lowell Police Department (LPD) are working on the fiscal year budgets in the Spring. Each would negotiate minimal price increases.

City Manager Pasquale stated the agreement extends to June 30, 2008 and the yearly fee is \$20,000 for the dispatch agreement. He noted Walker City Commission has unanimously approved the agreement, subject to City Council's approval.

Mayor Pro Tem Mathews questioned the last time the agreement went out for bid. Valentine responded three years ago. The only other agency able to service the LPD is the Kent County Sheriff's Department. There was a considerable difference in cost for dispatching services.

Mayor Myers asked if this amendment has been used each year. Valentine responded yes. The body of the document has remained in place.

Councilmember Shores inquired if Valentine has been satisfied with Walker. Valentine responded yes. Walker does a good job and is responsive if there are issues.

IT WAS MOVED BY SHORES and seconded by MATHEWS to continue the Police Dispatch services with Walker with an annual fee of \$20,000.

Myers noted this is an amendment to a resolution and will probably be the last year in which it can be approved by amendment. Myers believed the City was limited to a ten year agreement, even as a resolution. Pasquale explained the agreement is being amended. The amendment includes all original language plus any changes. Therefore, it can be adopted. The Council is adopting it on a year to year basis. Myers understood. However, he commented next year the City will probably need a resolution. Pasquale explained the resolution is from July 1, 2007 to June 30, 2008, at which time it will then be up to the City to consider whether to renew the agreement. Valentine stated he interprets it as what ever action has taken place or what action took place three years ago, the clock starts over. It is not the 1992 dispatch agreement in place for 10 years with no action. Pasquale explained on a periodic basis the Council has approved this agreement on several occasions. Myers suggested City Attorney Richard Wendt review the situation.

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

NAY: None. ABSENT: None. MOTION CARRIED.

Item #5. **LEASE/PURCHASE OF TWO POLICE CRUISERS**. It has been a number of years since the Lowell Police Department has gone out for bid or obtained new police cars. Currently, there are two 2003 Impalas and two 2005 Chevy Impalas. The older cars range in mileage from mid 80,000's to just over 100,000 miles.

A request was made for proposals on bids for cars. The RFP was sent out to six dealerships including those within the Lowell area. Three dealerships responded including Berger Chevrolet and Good Chevrolet who bid on Chevy Impalas. Grand Dodge in Lowell submitted two bids on two different motor configurations of the Dodge Charger. Upon reviewing the bid specifications, Berger Chevrolet failed to include the \$25 per car cost for the rear door locks being inoperable. Good Chevrolet actually bid \$200 more for equipment which was not specified for additional dome lighting. This was not specified and the department is not requiring this.

The final outcome is for an annual lease purchase for Berger Chevrolet. They are estimating a \$20 or less increase from their original bid of \$13,367.12 for an annual lease payment for three years to purchase two 2008 Chevrolet Impalas. At the end of the lease, the vehicle could be purchased for \$1.

Good Chevrolet reconfigured their annual lease payment at \$14,018.00. This allows for the \$100 per vehicle reduction in their bid price.

Valentine recommended the low bid. Valentine stated he budgeted \$13,186.00 for an annual lease payment for two vehicles. If Council approves any action, there will need to be an adjustment on this particular figure.

Councilmember Hodges was in favor of approving the bid from Good Chevrolet because they are local. The bid is only \$720 more for two vehicles.

Valentine noted all the warranty work would be done locally.

Councilmember Shores liked the idea of staying locally. However, she did not want to discourage other vendors from bidding if the Council doesn't normally accept the low bid.

Mayor Myers stated Good Chevrolet has been very active in the community. He appreciated this and would support approving the bid from this dealership.

City Manager Pasquale clarified the annual lease payment. Valentine responded \$14,018.72

Mayor Pro Tem Mathews asked if the vehicles being replaced would be placed out for bid. Valentine explained one of the 2003 vehicles will be placed for bid as well as a 2001 detective vehicle. The other 2003 vehicle will be converted to the detective car.

IT WAS MOVED BY HODGES and seconded by MATHEWS to approve a three year lease purchase agreement with Good Chevrolet for \$14,018.72 per year for two police cruisers.

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

Pfaller referred to the approval at the last meeting of new light bars for the police vehicles. He questioned the delivery date of the new cruisers. Pfaller did not want the new light bars placed on the old vehicles. Valentine stated one light bar will be held until it can be placed on the new cars.

Item #6. **PROPOSED STREET SWEEPING CONTRACT – LEASE PURCHASE OPTION.**  
At the last Council, DPW Director Dan DesJarden proposed a street sweeping contract rather than owning and maintaining a sweeper. The Council wanted a lease/purchase option explored.

In checking with Bell Equipment, a new Elgin Whirlwind Sweeper cost \$162,512. A five year lease/purchase, would amount to \$184,266 and a ten year buy out would amount to \$206,636.

With the numbers from the last meeting and those presented today, it places the street department much higher price if one is purchased now.

DesJarden requested Council direction.

Councilmember Shores commented on minimal repairs being carried out to a new machine whereas it would be different if one was to be leased. DesJarden explained there would be a warranty. DesJarden stated over the last seven years the Repair and Maintenance Fund would decrease, except for the routine oil changes.

If the Council decides to purchase a machine, DesJarden would wish to look at a mechanical machine with brooms which sweeps debris instead of a vacuum. However, he wishes to research the issue further.

Mayor Pro Tem Mathews questioned the rental of a machine. DesJarden stated the price presented at the last meeting is good for one year until it goes out for bid as a multiple contract. The bids were based on the eight times in which the City was swept from April to November.

Mathews inquired regarding the dumping fees. DesJarden responded Kent Vac included dumping fees while Sandisweep estimated \$5000 to \$7000 based on 150 to 200 yards of sweeping. Sandisweep as indicated eight sweeps could be done for approximately \$27,000 while Kent Vac estimates \$37,000.

DesJarden added employee wages will increase as well as dumping fees.

Shores questioned the amount of times the streets are currently swept. DesJarden responded eight times is the average.

Mathews asked if when the old sweeper is sold would it go back into the fund. Pasquale stated it was purchased from the Equipment Fund and should go back into that same fund. Mathews questioned the value of the sweeper. DesJarden was unsure.

DesJarden suggested the idea of further examining the new vacuum and mechanical machines and then ask Sandisweep to finish out the year and then place the existing sweeper out for bid. Mathews suggested having the City's sweeper for sale and depositing the proceeds back into the fund.

Shores noted leasing the service out would also provide the City with an idea of how the company provides their service. She thought farming the service out would be a good idea.

IT WAS MOVED BY MATHEWS and seconded by HODGES to contract with Sandisweep to finish the street sweeping season and to allow the DPW to consider a mechanical sweeper compared to vacuum and possibly selling the old one.

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

Item #7. **LOWELL AREA CONSERVATION ASSOCIATION – REQUEST TO CONSIDER A LETTER OF CONSENT RECEIVING BIDS ON THE NORTH WASHINGTON PROPERTY.** City Manager Pasquale read the following letter from Sharon Ellison into record:

To Whom It May Concern,

The City of Lowell recognizes the public interest in using the property at North Washington Street for the greatest benefit of its citizens and visitors. Without the express or implicate endorsement of any such proposed use or sale the City is open in considering proposals concerning the use or sale of the property. It is the City's intent to enable such proposals to be submitted for consideration and review of the City Council and subsequent dialogue or negotiation as indicated by the Council. The City act at its discretion regarding any future consideration.

Ellison of 407 N. Division was present as Co Chairperson of the Lowell Area Conservation Association. She received help composing the above letter with North Country Trail Association. The Association wishes to obtain information to bring to the worksession which is scheduled in October. Most possible funding will not provide the Association any information without permission from the owners. A letter from the City stating this was requested.

Councilmember Shores questioned who the Lowell Area Conservation Association was. Ellison responded it is a group of concerned citizens who have been working to preserve this property. Monthly meetings are held which are open to the public.

Shores asked if the meetings were open to the public and were they advertised. Ellison responded yes.

Councilmember Pfaller believed it would be premature to do this until the City determines the direction desired for the property. He believed the worksession was needed first in order to determine a direction and then if proposals are considered this can be opened to such organizations. Shores agreed.

Mayor Pro Tem Mathews stated Ellison had contacted him at home. He had spoken with her about coming to the meeting in October. However, she indicated the Association wanted to provide a proposal. He can understand the group wants to come together with an idea.

Pfaller believed an RFP needed to be advertised in order to be fair to all other interested parties. One specific group should not have the option to get started before the others.

Shores believed the Council needed to discuss the issue first. Until this is done, she was not ready to entertain any motions.

Mayor Myers stated the Council would be willing to listen to ideas at the worksession. An acceptance of the proposal would represent an endorsement of plans for the property.

No further information was provided.

Pfaller noted the Boy Scouts should be invited to the worksession as well.

Item #8. **CITIZEN COMMENTS**. Peggy Covert of 982 N. Washington stated the Lowell Area Conservation Association has been trying to obtain options other than development. Most of what they have heard involves development. Covert stated the Association has seen the Council doing different actions where individuals can come forward and have it done such as the selling of the pole barn at the property. The Scouts were interested in the barn as well as a few others. However, nothing could be done because they could not get funding or to bring the Council options because there is no individual funding themselves. It is easier for individuals, such as developer because they have the funding to purchase the property. The Association wants the same opportunity as an individual or a developer.

Mayor Pro Tem Mathews commented the pole barn was not the City's, but rather Light and Power's.

Item #9. **COUNCIL COMMENTS**. Councilmember Shores stated the Toy Run will be held on September 9, 2007. It is an awesome site with a minimum of 500 motorcycles coming through Lowell. The toys are collected for the hospitals and shelters around the area.

Mayor Pro Tem Mathews asked if Stock Lumber knew what they were going to do with their building. City Manager Pasquale was unsure. He heard Stock was consolidating their operations into Grand Rapids. Councilmember Pfaller stated he heard Stock was holding onto the property and see if there is a change in the building climate and possibly reopen.

Mathews also noted it appears Auto Zone started their project.

Mathews commented on the tall grass along Grindle between the 600 and 800 block of Grindle with long grass. Mathews noted there is also an open lot with long grass. Pasquale stated notices will be sent.

Mathews also referred to the mud on Grindle. Pasquale stated he spoke with Vergennes Township Supervisor Tim Whittenbach who indicated Vergennes Township is committed to paving Fallasburg Park Drive between 3 Mile and 4 Mile. Mathews asked if any of the County Road Commission engineers looked at anything other than paving. DesJarden responded no. Mathews asked if the County could push Vergennes. Pasquale stated the City could try. Councilmember Pfaller stated if it was a private individual we would be charging them for the clean up. Pfaller suggested sending a bill to the County and Vergennes for the City having to clean it up.

Councilmember Pfaller questioned if the Lowell Light and Power and City joint billing has been discussed. Pasquale responded negotiations are still continuing. Pfaller noted he would prefer for the City to do the billing and not Light and Power.

Pfaller also asked if the City Hall office cleaning has been put out for bid recently.

Pfaller invited the Councilmembers to stop down at the Toy Run. He noted the new fence is up at Burch Field. The Parks and Recreation Commission had vinyl fencing installed along Burch Field to match what is along Hudson Street.

Pfaller questioned the amount of time before Lowell Ambulance can move into their new building. Pasquale responded very close. DesJarden stated the punch list is currently being done.

Myers noted he and Pasquale sat down recently to do Pasquale's employee evaluation.

Item #10. **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 July 12, 2007
  - Planning Commission meeting of July 23, 2007
2. As requested by Councilmember Pfaller, a memo from Light and Power General Manager Tom Richards regarding an update on the Substation removal at Bowes and Valley Vista is provided.
3. The following worksessions have been scheduled:
  - Monday, September 10 regarding usage of Cable TV sale proceeds
  - Monday, October 8 regarding city owned North Washington Street property
4. The Municipal Employee Retirement System (MERS) will hold its annual meeting in Kalamazoo



from September 18 – 20. An officer delegate from the City must be appointed. Dan DesJarden is recommended for approval while Jim Valentine is selected as an alternate. James Hinton is the employees delegate with Tom Russo as the alternate.

IT WAS MOVED BY HODGES and seconded by PFALLER to nominate Dan DesJarden, Jim Valentine, James Hinton and Tom Russo as delegates and alternates for the MERS annual meeting.

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

Item #11. **APPOINTMENTS.** Mayor Myers stated he has three names for the City Arbor Board. Councilmember Hodges had suggested the board consist of three residents, City Councilmember and Lowell Light and Power Boardmember. Diane LaWarre, Jim Reagan and Donna Ford were suggested as citizen representatives. City Manager Pasquale noted Dana Chase has been involved. He believed Chase would be more readily available. Pasquale suggested the appointments be made after discussion with these individuals. It was noted Chase has been attending the meetings on behalf of the Garden Club. Myers requested a contact number for Chase.

IT WAS MOVED BY PFALLER to adjourn at 8:36 p.m.

DATE:

APPROVED:

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Charles R. Myers, Mayor

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Betty R. Morlock, Clerk