

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

For the Regular Meeting of Monday, **OCTOBER 1, 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 David Pasquale, City Clerk Betty Morlock, DPW Director Dan DesJarden, Water Treatment Plant Superintendent George Regan and Planning Commission Chair Maryalene LaPonsie.

IT WAS MOVED BY PFALLER and seconded by HODGES to approve the minutes of the September 17, 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 (10/01/07)</u>	
GENERAL FUND	\$167,198.78
MAJOR STREET FUND	3,680.80
LOCAL STREET FUND	359.74
DDA FUND	1,122.19
AIRPORT FUND	5,058.00
WASTEWATER FUND	21,012.66
WATER FUND	12,449.24
EQUIPMENT FUND	2,593.85
CURRENT TAX FUND	43,226.36
LEE FUND	5,987.00

Item #1. **RESOLUTION APPROVING AND AUTHORIZING THE LCTV ENDOWMENT FUND INVESTED THROUGH THE GRAND RAPIDS COMMUNITY FOUNDATION – TABLE FROM THE PREVIOUS MEETING.** The Council discussed the investment issue of Lowell Cable sale proceeds during the September 10, 2007 worksession meeting as well as at the regular meeting of September 17, 2007. An agreement was provided to the Council for consideration for the Grand Rapids Community Foundation to invest the LCTV endowment money. Initially, there would be 2.4 million dollars invested.

A question was raised regarding the final authority on how distributions from the fund would be made. A memo was provided from Grand Rapids Community Foundation Planned and Major Gifts Director Jonse Young to the Council. Vice President for Development Marilyn Zack was also present for discussion. The memo clarifies the City has exclusive authority in distributions.

Councilmember Pfaller referred to Item #5 of the agreement. The last line states the foundation may refuse to make distributions from the fund to the extent such distributions are inconsistent with the policy. Is this the policy in regard to maintaining and increasing the dollar value of the fund or is it on how the City determines to spend the money? Young responded it definitely relates to assuring the fund has a certain amount for the City in which can be distributed. It also allows the money to grow.

Pfaller believed the City should earn the money before it is spent. He felt the fund was established to allocate funds throughout the year. Is this something this board should decide to spend the interest earned or the growth of the fund which is designated for spending the year after it is accumulated as opposed to spending before it is earned? Young responded it depends on what time of the year the fund will be established. For instance, if the fund was started in the next couple of days, the amount provided would be 75% of the spendable amount because the fiscal year begins July 1. This would be pro rated depending on when the start would be within the fiscal year. It could be utilized within that year. Or if not, the fund could go into the next year and be built. Another option, if done in October, is take the 75%, but subsequent years the City would receive the full year amount which is due.

Mayor Myers suggested the foundation provide guidance and help for what might be a good mix for a committee. Perhaps the size, as well as specific by laws, may be suggested based on their experience with other funds. Young responded GRCF representative Kate Luckert Schmid would be willing to provide suggestions.

Myers questioned the fee structure to manage the fund. Young explained if the City is looking to invest 2.4 million dollars, then there are assumptions relating to what the rate of returns would be. GRCF is assuming this would be 8 percent. There are two fees including the Grand Rapids Community Foundation of .5 percent and then there is an investment management fee of .75 percent. The fees would be taken out of the earnings and never out of the 2.4 million dollars. There would be an ending market value of \$454,000. The .5 percent of the \$2,400,000 is the administrative fee. Myers confirmed the total is 1.25 percent total combined. Young responded yes.

DPW Director DesJarden referred to paragraph which states “funds will be used only regarding public health, safety and welfare”. He asked for some examples. Young explained “public” refers to anything which would benefit the residents and the City. Pasquale stated City Attorney Richard Wendt requested this wording to be included. He noted it can be anything from public works to recreational activities. Wendt wanted to ensure it would cover all the options which the City may consider.

IT WAS MOVED BY PFALLER and seconded by HODGES to adopt the resolution investing the LCTV Endowment Fund with the Grand Rapids Community Foundation.

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

NAY: 0. ABSENT: 0. MOTION CARRIED.

Item #2. **ORDINANCE FOR SPONSORSHIP SIGNS IN THE CITY PARKS – RECOMMENDATION FROM THE PLANNING COMMISSION – PUBLIC HEARING.** 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 allow 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.

Planning Commission Chair Maryalene LaPonsie stated the Commission took this issue up at the request of the Council. The ordinance is based upon a statute from Grandville. However, there are minor changes in order to customize the ordinance for the City of Lowell. A public hearing was held with no opposition and the Planning Commission unanimously recommended the Council adopt the ordinance.

Councilmember Shores believed this was a good way to raise money for organizations.

IT WAS MOVED BY SHORES and seconded by MATHEWS to approve the ordinance for sponsorship signs in the city parks.

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

NAY: None. ABSENT: None. MOTION CARRIED.

Item #3. **ORDINANCE FOR REGULATIONS OF TEMPORARY STORAGE UNITS – RECOMMENDATION FROM THE PLANNING COMMISSION – ADOPT OR SET PUBLIC HEARING (11/5).** At its April 2, 2007 meeting, Councilmember Pfaller referred to a temporary storage unit ordinance recently passed by the City of East Grand Rapids. By consensus, the Council directed the Planning Commission to pursue this.

After review and study, the Planning Commission proposed an ordinance which provides limitations on the size, location, number (1), security, conditions and length of time (30 days) for these units as well as prohibition on occupancy and storage of waste.

At its September 24, 2007 meeting, the Planning Commission held a public hearing and unanimously recommended to the City Council the ordinance be adopted.

The Council may adopt the ordinance at this meeting or establish a public hearing at its November 5, 2007 meeting.

Planning Commission Chair LaPonsie stated the Commission used the ordinance from the City of East Grand Rapids. However, the issue regarding the requirement of a permit was deleted. The Commission wanted a mechanism where storage units are allowed for 30 days. Mayor Myers noted one can have such a unit on their property for 30 consecutive days every 6 months.

Councilmember Shores asked how one would determine when the storage unit was placed. LaPonsie explained the units would be regulated on a complaint basis. Hodges noted there would be records from the company of when it was delivered.

Myers commended the Commission for their work on the ordinance.

IT WAS MOVED BY SHORES and seconded by PFALLER to set a public hearing for November 5, 2007 regarding the ordinance for regulations of temporary storage units.

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

Item #4. **WATER TREATMENT PLANT – PURCHASE OF AUTOCLAVE AND BIDS FOR PURCHASE AND INSTALLATION OF A SLIDE GATE OPERATOR FOR FENCE.** Water Treatment Plant Superintendent George Regan explained the autoclave is a sterilizing unit which is used in the lab. It is a required piece of equipment and is necessary in order to maintain certification. Regan recommended the purchase of a VWR Scientific Autoclave (Model 9000D) at a quote of \$4,478.70 based on a price and as an exact replacement.

Mayor Myers questioned the age of the old autoclave. Regan responded 18 years.

IT WAS MOVED BY PFALLER and seconded by SHORES to approve the quote of \$4,478.70 to VWR Scientific for the autoclave Model 9000D to make the Water Treatment Plant EPA compliant.

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

Regan also noted a new gate opener at the plant is needed. A few weeks ago, he found several skateboarders on the Water Treatment Plant premises. The individuals were skating down the sidewalk and jumping the rail on the steps. Regan was concerned with liability and injury to the skateboarders.

Pfaller questioned how Regan would entertain visitors. Regan stated he would be able to open and close the gate as needed. He mentioned the idea of posting the plant number and cell number on the gate.

Pfaller confirmed this was for the east gate. Regan responded yes.

Regan recommended Van't Hof because this firm fully met the project specifications and provides more transmitters.

IT WAS MOVED BY HODGES and seconded by PFALLER to approve the quote of \$3,203 from Van't Hof Door and Gate Systems Inc. and include Rickert Electric in the amount of \$1,925 for the electrical work.

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

Item #5. **PROCLAMATION OF ARBOR DAY AND WEEK.** Mayor Myers read the proclamation of Arbor Day and Week into record.

By general consensus, the Council agreed to proclaim Saturday, October 13, 2007 as Arbor Day and October 7 to 13, 2007 as Arbor Week in the City of Lowell.

City Manager Pasquale noted this proclamation is a necessary step to gain Tree City USA status.

Item #6. **YMCA PARK USAGE AGREEMENT.** As discussed by the Parks and Recreation Commission, parks usage agreements have been extended to the YMCA, Lowell Little League, Xtreme Softball, Lowell Youth Football and the Kent County Youth Fair. The agreements detail participation fees, utilities, concession permits, indemnification and insurance. The YMCA has approved the agreement ending March 31, 2012.

Mayor Pro Tem Mathews asked if the groups involved were satisfied with the situation. Pfaller believed so. He thought there was some clarification that the two groups (Little League and Xtreme Softball) last Wednesday night were asking for 10% of concessions from additional tournaments not their concessions from their weekly play or their league play. Xtreme Softball does an annual tournament which the Commission is not requesting any proceeds.

IT WAS MOVED BY PFALLER and seconded by SHORES to approve the resolution for the YMCA Park Usage Agreement.

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

NAY: None. ABSENT: None. MOTION CARRIED.

Item #7. **CITIZEN COMMENTS**. None.

Item #8. **COUNCIL COMMENTS**. Mayor Pro Tem Mathews noted the light posts look beautiful. However, a sign had been placed on one of the posts just after being painted. He suggested an ad be placed in the Buyers Guide or Lowell Ledger indicating no signs shall be placed on the light posts.

Councilmember Shores stated she attended the Lowell Conservation meeting at the Chamber of Commerce building regarding the North Washington Street property. She questioned if there has been some conclusion on the easement of Ken Gregerson. City Manager Pasquale responded the City was looking at a description. He questioned how much was needed. Mathews suggested the issue be discussed during the next worksession.

Shores noted the Fallasburg Festival was fantastic. The LFD makes great chicken dinners.

Item #9. **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 August 7, 2007
 - Parks and Recreation Commission meeting of August 18, 2007
 - Planning Commission meeting of August 27, 2007
 - Downtown Development Authority meeting of August 23, 2007
2. A letter was provided by Dr. Bruce Langlois confirming his donation to the Dog Park within Stoney Lakeside Park involving fencing and a ten year maintenance commitment. In return, he is permitted to have a sign according to his design. Mayor Myers objected to how the sign is written "Animal Hospital of Lowell Dog Park". The Animal Hospital of Lowell does not own the property and it is not their dog park but rather it is the City of Lowell's dog park. He strongly suggested that the wording on sign may be to the effect that it is sponsored by Animal Hospital but is not named "Animal Hospital of Lowell Dog Park". He appreciated the gift but it needs to be understood that the property still belongs to the City.
3. City Treasurer Sue Olin is initiating a credit card payment service through Official Payments Corporation which includes on line paying. This will be done at no expense to the City for utility and tax payments. It is planned that the system will be running within two months. A number of neighboring communities are utilizing this including City of Grand Rapids, East Grand Rapids, Kentwood, Ada and Cascade Townships. Mayor Myers questioned how the mechanics of the credit card payments work. Does the person get sent out to a toll free number? How much is the fee involved? Is it within reason of what other places charge? Pasquale stated Olin is initiating the program. This program can be provided to each of the Councilmembers.

IT WAS MOVED BY MATHEWS to adjourn at 8:20 p.m.

DATE:

APPROVED:

Charles R. Myers, Mayor

Betty R. Morlock, Clerk