

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

For the Regular Meeting of Monday, **OCTOBER 15, 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, Police Chief Jim Valentine, City Treasurer Suzanne Olin and Lowell Light and Power Board Member Jim Hall.

IT WAS MOVED BY SHORES and seconded by MATHEWS to approve the minutes of the October 1, 2007 regular meeting as written.

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

IT WAS MOVED BY HODGES 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.

Mayor Pro Tem Mathews questioned the amount of \$4000 paid to Marks Body Shop. Police Chief Jim Valentine responded this was payment for the Police cruiser over head lights.

<u>BILLS AND ACCOUNTS PAYABLE (10/15/07)</u>	
GENERAL FUND	\$68,131.72
MAJOR STREET FUND	2,584.92
LOCAL STREET FUND	124.64
HISTORIC DISTRICT FUND	1,442.00
DDA FUND	89,907.77
WASTEWATER FUND	599.45
WATER FUND	8,567.79
DATA PROCESSING FUND	87.50
EQUIPMENT FUND	1,436.67
LOOK FUND	247.98

Item #1. **NAMING RIGHT AT THE LOWELL DOG PARK.** At the October 1, 2007 Council meeting, Mayor Myers raised the issue of naming rights at the Lowell Dog Park. As proposed, the facility would be named "Animal Hospital of Lowell Dog Park" in recognition of the donations provided by Dr. Bruce Langlois.

Jeff Eckstrom of 722 N. Jefferson, explained he is one of several dog owners interested in establishing a dog park. The owners have regularly attended the Parks and Recreation Commission meetings over the last couple years. Progress of the park has been reported to the Commission on a monthly basis. The Commission set forth certain criteria for the naming rights of the park. The Animal Hospital of Lowell showed interest in sponsoring the park. The hospital indicated they would provide funding for the design of the sign as well as the sign itself. City Council approval is requested.

City Manager Pasquale stated he provided information from the minutes of May 19, 2007 from the Parks and Recreation Commission meeting recommending the naming rights agreement to the City Council. A letter was drafted based on City Attorney review.

Mayor Myers questioned the dimensions of the sign. Eckstrom responded 18" x 24".

Councilmember Pfaller spoke on behalf of the Parks and Recreation Commission. There have been numerous discussions on what can be done to continue to provide capital improvements and additional facilities to the parks. However, because of budget constraints, the only way for this to happen is through donations, such as from The Animal Hospital of Lowell.

Eckstrom noted the agreement is for 10 years with first chance of renewal. It was noted Langlois will provide funds for the annual maintenance fee of the park.

Councilmember Hodges understood Langlois will also provide funds for all the fencing and gates around the park as well as providing most of the work involved for the park. Although Hodges was originally reluctant to approve these naming rights, he has changed his mind and would be very supportive of this particular concept.

Councilmember Shores was also in favor of the naming rights. Langlois is contributing a great amount and many are looking forward to the park.

Councilmember Pfaller stated there was much discussion regarding this at the Parks and Recreation Commission meeting. Such naming rights are not uncommon. He noted Stoney Lakeside Park is not being renamed.

Mayor Myers understood Grand River Veterinary Hospital has already donated to the park. Eckstrom indicated they purchased a bench. Myers asked if they were approached in a similar manner as Animal Hospital of Lowell was in terms of providing an opportunity to get involved to this extent. Eckstrom explained he contacted Grand River on a couple occasions. However, Animal Hospital of Lowell has been involved since the beginning. The hospital paid a portion of their printing costs. Eckstrom added Animal Hospital of Lowell split any bill in which the committee was unsure of how to handle.

Myers stated he was comfortable with the Lowell Dog Park being sponsored by Animal Hospital of Lowell. However, personally he felt the property belongs to the citizens of Lowell. He did not want to give anyone the indication that the Animal Hospital of Lowell bought the property as well.

Pfaller commented the City has done just the opposite in the past. He noted the Kent County Youth Fair sign in front of the Lowell Fair grounds. It does not state anything about Recreation Park. Shores added Richards Park does not mention Lowell as well. Pfaller also mentioned Burch Field.

Mayor Pro Tem Mathews was not happy with the way it is written, but he would let it go. He wished it was supported or sponsored by the Animal Hospital of Lowell, but should still be named the Lowell Dog Park.

IT WAS MOVED BY SHORES and seconded by PFALLER to approve the letter of agreement with the Animal Hospital for the Lowell Dog Park of 10 years. This provides naming rights as well as maintenance and fencing responsibilities for the park.

YEA: 3. (Councilmembers Hodges, Pfaller and Shores)

NAY: 2. (Mayor Myers and Mayor Pro Tem Mathews)

ABSENT: None. MOTION CARRIED.

Eckstrom indicated the dog park could be opened as soon as two weeks.

Item #2. **RICHARDS PARK ICE SKATING RINK – APPROVAL OF BIDS.** In order to better accommodate ice skating, the Parks and Recreation Commission proposed a concrete structure located at the northeast section of Richards Park. The rink is approximately 4,500 square feet and can be utilized for skating boarding in warmer weather.

An allocation from the Lee Fund of \$6,000 has been provided along with a grant from the Lowell Area Community Fund of \$16,000. Thus, \$22,000 for the project has been received.

DPW Director DesJarden and City Manager Pasquale recommended the low bid of \$19,480 from BV Concrete Construction (Ionia).

Councilmember Pfaller indicated the rink will be easier to maintain than last year because cold weather is all that is needed to create the ice rink due to the concrete structure.

IT WAS MOVED BY PFALLER and seconded by HODGES to approve the low bid of \$19,400 from BV Concrete Construction for the construction of an ice skating rink at Richards Park allocated from the Lee Fund and the Lowell Area Community Fund.

Mayor Pro Tem Mathews abstained from voting due to working with BV Concrete Construction on this project.

YEA: 4. NAY: 0. ABSENT: 0. ABSTAIN: 1. (Mathews) MOTION CARRIED.

Item #3. **SALE OF PUBLIC WORKS VEHICLES.** Sealed bids were received for the sale of the following Public Works vehicles: (1) 1989 Elgin Whirlwind Ford – street sweeper (2) 1993 Chevrolet 3500 Dump Truck (Cemetery) and (3) 1992 Chevrolet 2500 with Alum-Line Service Body (Water Distribution).

Based on the summary of bids, DPW Director DesJarden and City Manager Pasquale recommended sale to (1) Street sweeper, Tri-Us Services for \$9,000 (2) Cemetery truck, Kent County Youth Fair \$2,100 and (3) Water Distribution truck, Robert Robinson \$1,680.

Mayor Pro Tem Mathews confirmed the funds would go into the Equipment Fund. Pasquale responded yes.

IT WAS MOVED BY MATHEWS and seconded by SHORES to approve the sales of the street sweeper and the two trucks as proposed.

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

Item #4. **REQUEST TO PURCHASE – 70’ X 208’ CITY OWNED PARCEL ON NORTH WASHINGTON – KEN GREGERSEN.** A letter of request from Ken Gregersen of 938 North Washington has been received to purchase a 70’ x 208’ City owned parcel immediately north of his property. As mentioned in his letter, the request was made to be compliant with setback requirements and providing an adequate buffer.

City Manager Pasquale read the following letter into record:

I, Ken Gregersen, is interested in a small portion of the North Washington street property that borders my property at 938 North Washington.

First, I would like to get the 30 feet needed to be compliant with the setback requirements of Vergennes Township. I have been very patient for about 2 years and would just like to bring my property into compliance. Your consideration on this would be very much appreciated.

Additionally, I would like to purchase another 40 feet to allow me a good distance between my North property line and whatever is to become of the remaining portion of the City owned property.

I do appreciate your help in the matter. I would like a decision made as soon as possible.

Thank you for your consideration.

Ken Gregersen
938 North Washington
Lowell, MI 49331

Pasquale provided an aerial photograph showing the full 70' x 208'. Pasquale stated the Council needs to determine if there is interest to sell. If so, there are two requests. First, should the first 30' be compliant with the setback for the garage? Second, consideration of Gregersen's request regarding an additional 40 feet. Pasquale explained if there is Council interest in having any or all of the land up for sale, it must be advertised for bids.

Councilmember Shores believed the 70 foot width request would create a problem for Gregersen. The property would be considered buildable at this width and more bids would be received. Keeping the lot width below buildable size would provide Gregersen with a better chance in getting what he wants.

Mayor Myers fully supported the concept of what was previously been discussed regarding 30 feet. This is the first he has heard of anything more than 30 feet.

Councilmember Pfaller suggested a 50' lot width. Councilmember Hodges agreed with Pfaller. However, this is Gregersen's proposal. Gregersen indicated he would change his request to 50' x 208'. He questioned if any restrictions would be placed on the road which travels through the property. His intentions were to not have this road anymore. Mathews stated the property would be his. However, he commented on the poles which would need to be removed. Gregersen noted there are also transformers which need to come out and 18 pieces of railroad track being 30 feet long just north of the property. Pasquale stated the property is Gregersen's, if sold to him.

IT WAS MOVED BY HODGES and seconded by MATHEWS to seek bids for property measuring 50' x 208' for the City owned parcel on North Washington immediately north of the Gregersen property.

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

Pasquale stated City Assessor Jim Marfia would provide an estimate. This can be looked at as bids are received.

Item #5. **RESOLUTION PROVIDING ELECTRONIC CHECK PAYMENT AND CREDIT/DEBIT TRANSACTION SERVICES WITH OFFICIAL PAYMENTS CORPORATION.** As noted at the last meeting, City Treasurer Sue Olin proposed credit/debit card payment services through online paying. Olin explained she wishes to utilize a service called Official Payments Corporation. It is PCI compliant, which is the criteria which must be met by businesses which accept debit and credit cards. They are also certified for local government. The charge to the consumer would be 3% of their taxes or \$3 for a water/sewer payment up to \$200. The public could either go through the City's website and click a link to the official payments website. Thus, they can process their payment online. The customers could also utilize a toll free number and process the transaction

using their key pad which is ADA compliant in both English and Spanish. A citizen could also personally come into City Hall and their payment could be processed online for them.

The company would also pay all support and marketing at no cost to the City. Currently, Official Payments services 3000 local government clients, IRS and several district courts. They would accept Visa, Mastercard, American Express and Discover.

Olin wanted to set this in place for the convenience of its citizens who request such a service frequently. She would also like to monitor how often the service is utilized and use this as a platform to expand e-services in the future.

Olin read a statement from the City Treasurer of Rockford "yes, we use this service and have had for probably five years. There are no cons really. As far as the pros go people love it and use it more and more every year".

Councilmember Pfaller questioned the 3% charge to the taxpayer. Would one pay a \$30 charge, if their tax bill was \$1000? Olin responded yes.

Councilmember Shores believed there would be individuals who would use it. One would have a choice.

Mayor Myers did not want this to be confused with a system, such as what would be used at a local merchant to make a purchase. It is not the same. However, the payment mechanism of using a 16 digit card is the same.

Myers understood it will not be City staff which will be working through this process. It would be the individual being online and working through the City's website. Olin stated if an individual came into City Hall the payment could be processed for them and a receipt issued.

Myers questioned, as a municipality, do we have the ability to be a merchant and interact with our citizens through a normal electronic process? Pfaller commented if this were to be done, the City would end up paying fees.

Olin noted setting the system up will cost approximately \$800. Mayor Pro Tem Mathews was unsure about paying \$800. Olin noted this is a one time fee.

Shores believed the service would provide convenience. Individuals do not have to use the service if they don't want to.

IT WAS MOVED BY HODGES and seconded by SHORES to adopt the resolution providing electronic check payment and credit/debit transaction services with Official Payments Corporation.

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

NAY: None ABSENT: None. MOTION CARRIED.

Item #6. **MONTHLY PAYMENTS**. No comments were received.

Item #7. **COUNCIL COMMENTS**. Mayor Pro Tem Mathews questioned the status of combining the water bill with the light and power bill. City Manager Pasquale stated a meeting has been held and information is being exchanged. Hopefully a proposal can be made shortly.

Mathews also suggested reviewing what will be done with the rental home on N. Washington, prior to meeting with the Boy Scouts in February. City Manager Pasquale explained these two are separate issues. There is a license agreement with the Boy Scouts for the cabin and the surrounding property and then there is the house. These issues can be visited at any time. Mathews stated he wanted to visit the issue of the house and be prepared. During one of the meetings, the Boy Scouts referred to dimensions or acreage. Mathews suggested splitting the home and placing it up for bid and allowing the Boy Scouts 10 years on a certain amount of acres. Pfaller believed the Boy Scout agreement should be reviewed immediately. Pasquale felt the main issue would involve the amount of land. Pasquale stated he would provide information for each Councilmember to review at the next meeting. This should also be mentioned to the Parks and Recreation Commission as well.

Councilmember Shores stated there were many people in town the weekend for the Harvest Festival. It was very successful. She also noted the scarecrows on Main Street.

Councilmember Hodges mentioned the workshop held last week regarding the N. Washington property was very good. It raised an interesting issue for him regarding looking at the property as if it is four different parcels or issues. Hodges agreed with Mathews regarding working with the Boy Scouts as well as what might be done with the rental property.

Hodges stated the Chili Cook Off with Larkins was very successful and a lot of fun.

Hodges commented on the scarecrows. There are too many.

Item #8. **CITIZEN COMMENTS**. Ken Gregersen of 938 N. Washington, wanted it recorded his name is spelled "Gregersen".

Dolores Alexander of 406 Foreman Street, questioned the posts and transformers which have been dumped on N. Washington for many years. She was concerned regarding pollution going into the Flat and Grand rivers as well as Lake Michigan. City Manager Pasquale stated the issue was discussed at the last meeting. There is a question regarding what pollution is. There have been some initial reviews from the State. The City will make sure this is followed up on.

Item #9. **MANAGER'S REPORT**. City Manager Pasquale reported on the following:

1. The meeting minutes for the following boards and commissions were provided:

- Board of Light and Power meeting of September 6, 2007
 - Chamber of Commerce meeting of September 11, 2007
 - Lowell Community Leadership Council meeting of June 21, 2007
2. Halloween trick or treat times are Wednesday, October 31, 5:30 p.m. to 8:00 p.m.
 3. A community visioning meeting on the community recreation plan updates and Wege Foundation property feasibility study will be held on Thursday, October 25, 7 p.m. at Lowell Township Hall. A two day design charrette is planned for Friday, November 2 and Saturday, November 3.
 4. A public hearing for the City Master Plan is planned for Monday, October 22 at 7 p.m. before the Planning Commission.
 5. An information notice regarding the Charter Amendments will be published shortly. A draft was provided for Council review. By general consensus, the Council approved the information notice.
 6. Lowell Ambulance has scheduled an open house on Thursday, October 25, 2007 from 2 p.m. – 4 p.m.

IT WAS MOVED BY PFALLER to adjourn at 8:22 p.m.

DATE:

APPROVED:

Charles R. Myers, Mayor

Betty R. Morlock, Clerk