

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

For the Regular Meeting of Monday, **NOVEMBER 5, 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, Public Works Director Dan DesJarden, Planning Commission Chair Maryalene LaPonsie, Lowell Light and Power Board Member Jim Hall and Airport Manager Jim Sowle.

IT WAS MOVED BY PFALLER and seconded by HODGES to approve the minutes of the October 15, 2007 regular meeting as corrected.

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 (11/05/07)</u>	
GENERAL FUND	\$149,560.73
MAJOR STREET FUND	28,489.70
LOCAL STREET FUND	798.35
HISTORIC DISTRICT FUND	5,856.00
DDA FUND	1,889.32
AIRPORT FUND	3,165.01
WASTEWATER FUND	38,320.63
WATER FUND	23,271.66
LOWELL CABLE TV FUND	2,400,000.00
DATA PROCESSING FUND	328.33
EQUIPMENT FUND	8,204.13
CURRENT FUND	107,977.09
LEE FUND	204.00

Item #1. **ORDINANCE FOR REGULATIONS OF TEMPORARY STORAGE UNITS – RECOMMENDATION FROM THE PLANNING COMMISSION – PUBLIC HEARING AND CONSIDER ADOPTION.** At its April 2, 2007 meeting, Councilmember Pfaller noted a temporary storage unit ordinance recently passed by the City of East Grand Rapids. By consensus, the Council directed the Planning Commission to pursue the issue.

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.

Councilmember Shores believed this was a good ordinance. She thanked Councilmember Pfaller for bringing this to Council's attention. These units could get out of control.

IT WAS MOVED BY SHORES and seconded by PFALLER to adopt the ordinance regarding regulations of temporary storage units as written.

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

NAY: None. ABSENT: None. MOTION CARRIED.

Item #2. **PRESENTATION AND CONSIDERATION OF CONCURRENCE OF THE CITY MASTER PLAN.** At its meeting of February 6, 2006, the City Council approved the firm of McKenna Associates to provide a Master Plan for the City updating a document which was completed in 1995.

During this time, McKenna Associates has worked closely with the Planning Commission regarding the Master Plan. Specifically, the Plan outlines demographic and housing analysis, existing conditions, goals and objectives, future land use and implementation. A community survey results sections was provided.

At its October 22, 2007 meeting, the Planning Commission held a public hearing on the document and unanimously adopted the Plan.

Jim Breuckman of McKenna Associates provided a presentation on the plan what needs to happen next. He explained the community survey has been completed. The community vision includes a balanced approach with residential, commercial and industrial. Forty percent of the respondents were in favor of affordable single family homes and senior citizen housing. The plan focuses on guiding future development in the downtown area along the Main Street corridor.

There is a mixed residential land use category. This would permit a mixture of detached and attached housing at a slightly higher density. This is a way to begin affordable housing and senior housing. Such housing is proposed around the edges of the downtown area.

Nonresidential land uses include highway businesses, primarily along West Main Street. Mixed and Industrial uses are proposed along the downtown edge or perimeter of the downtown. The downtown edge refers to buildings which are more pedestrian scale and more in tune with the existing character of the downtown.

The plan includes many design guidelines. The plan wants to create the right look and feel for development and be as flexible as possible with accommodating uses which go in the buildings to give owners the most amount of flexibility.

In order to implement the plan, there will need to be some zoning amendments, mainly the downtown area.

Mayor Myers questioned the implementation of plan and changing the zoning ordinance. Are there a lengthy series of public hearings? Breuckman responded the process would be similar to implementing an amendment. City Manager Pasquale explained this would be approached as would any other zoning ordinance amendment. It would require an initial review and public hearing by the Planning Commission with recommendations given to the City Council. Breuckman noted the changes would in no way negatively impact the public.

IT WAS MOVED BY HODGES and seconded by SHORES to provide concurrence of the City Master Plan.

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

Councilmember Pfaller noted the survey indicated recreation issues were of high importance. However, less than 50 percent of respondents were in favor of a millage increase.

Item #3. **MERS RETIREMENT BENEFIT INCREASE (BENEFIT PROGRAM E) FOR RETIREES.** As adopted for the last eighteen years by Council, a 2% compound benefit increase for cost of living has been provided for retirees. After reviewing the issue with City Treasurer Sue Olin, City Manager Pasquale recommended that the City adopt a 2% increase effective January 1, 2008 for retirees through the Municipal Employees Retirement System.

Pasquale also informed the Council that Lowell Light and Power Board has adopted a similar resolution for its Light and Power retirees.

IT WAS MOVED BY PFALLER and seconded by MATHEWS to adopt the MERS retirement Benefit Increase (Benefit Program E for retirees as presented.)

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

NAY: None. ABSENT: None. MOTION CARRIED.

Item #4. **RESOLUTION APPROVING ADJUSTMENT PAYMENTS AND PAYMENT OF CERTAIN BILLS RELATED TO CABLE TV SALE.** A part of the closing of the Lowell Cable TV sale, the following expenses need review and approval.

- Buyer's Adjustment Certificate to Comcast of \$16,201. As required in the Purchase Agreement, the City is required to return the value of delinquent accounts of \$10 more than 60 days to Comcast. There were eight such accounts totaling \$16,201 to be returned.
- Unemployment insurance of a former cable employee of \$8,688.
- City Attorney fees of \$3,546.60 related to the Cable purchase.

Thus, a total of \$28,435.60 is to be allocated from Cable Sale Proceeds Account. This will leave \$57,796.54 remaining.

Mayor Myers questioned the eight accounts at approximately \$2,000. Councilmember Pfaller explained it is what the value of the account was when purchased.

IT WAS MOVED BY HODGES and seconded by SHORES to approve the resolution approving adjustment payments and payment of certain bills related to Cable TV sale.

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

NAY: None. ABSENT: None. MOTION CARRIED.

Item #5. **LOWELL CITY AIRPORT – LETTER FROM SMAT MOVING TO IONIA; APPROVAL OF GRANT AGREEMENT WITH MDOT FOR EAST SIDE APPROACH TREE CLEARING; RESOLUTION OF NECESSITY FOR ACQUISITION OF AIR EASEMENTS INVOLVING TWO PROPERTIES ON WEST SIDE; URS ENGINEERING CONTRACT FOR TREE CLEARING EAST SIDE.** The following items involve Lowell City Airport:

- A. The School of Missionary Aviation Technology will be moving to the Ionia County Airport by August, 2008. The main reason for the move was more space for their growing programs. SMAT's move will have no financial consequences for the City. The Airport Board will seek interest in those wishing to be Fixed Base Operators.
- B. A grant agreement with MDOT is provided for east side tree removal is considered for approval. An amount of \$75,000 is given where the Airport Fund allocates 5% and the State 95%.
- C. A resolution of necessity to acquire air easements of two west side properties is required to meet air safety standards. The cost of this is covered under a MDOT grant with a 5% share from the Airport Fund. Airport Manager Jim Sowle explained the air easements, which were approved by the six land owners all financially settled. They negotiated with the firm of URS to get a satisfactory financial settlement to remove tree tops. In a few cases, the State

agreed to take the trees to the ground and plant new bushes and trees. The two west end properties which did not agree to the value of the trees have decided to let the process go to condemnation on their trees. The issue with these property owners is the removal of the trees diminishes the value of the property. The property becomes non useful for their intended purposes. Therefore, the property owners wish to go to condemnation, which would provide more money for their trees and property. In the final analysis, these owners wish to have the State acquire their properties from them because they can't use the land for intended purposes.

Councilmember Shores asked if there were houses on the properties now. Sowle responded there is a house on Vergennes and a small house on the corner of Vergennes and Lincoln Lake.

Sowle noted SMAT wishes to expand their facility and has purchased a large hangar and leased three acres in which additional buildings can be established in Ionia. This is beyond anything which the Lowell City Airport could provide.

Mayor Pro Tem Mathews asked who would be responsible for snowplowing and mowing the grass. Sowle responded it would fall back onto the airport. The vacant buildings will be available for airport use and as well as possibly having a fixed base operator coming and working under the same kind of conditions as SMAT. But, the FBO would be performing annual maintenance and repairs on airplanes. Each would share responsibilities for mowing and snowplowing. Sowle noted he also checked with a local contractor to determine what it would cost to hire these services out. It would cost approximately \$2000 to \$3000 a year which the Airport Fund would be able to cover the expenditure.

Without SMAT, training flights and constant flying activity, the airport needs to consider other aspects of aviation. Shores stated she has been impressed with SMAT. She did not realize how large of an operation they were. Sowle stated the airport will be looking for an aviation type business to come in and rent some of the buildings.

- D. The URS contract of \$11,500 is for engineering services related to removal of the east side trees. This is part of the \$75,000 MDOT program of which the Airport Fund is responsible for 5%.

IT WAS MOVED BY HODGES and seconded by SHORES to approve the \$75,000 grant agreement with MDOT for east side approach tree clearing.

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

IT WAS MOVED BY MATHEWS and seconded by HODGES to adopt a resolution to acquire air easements of two west side properties in order to meet air safety standards.

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

NAY: None ABSENT: None. MOTION CARRIED.

IT WAS MOVED BY PFALLER and seconded by SHORES to approve the URS contract of \$11,500 for engineering services related to removal of the east side trees.

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

Item #6. **REQUEST TO CREATE ADDED GRAVE SPACES AT OAKWOOD CEMETERY.** City Clerk Betty Morlock and Cemetery Sexton Don DeJong have requested the elimination of the east-west walkways in several sections of the Oakwood Cemetery. This would gain 2,414 new grave spaces. Also, aligning the westerly borders of addition one and the old part with additions two and three would provide 42 added grave sites.

Mayor Myers questioned the mixture of old and new stones being placed in the old first addition of the cemetery. Should this area be considered historic? Morlock explained individuals who can not afford headstones would be placed in the old part. These would be small flat, flush to the ground grave markers. Morlock noted all five sections of the cemetery have stones mixed together.

Myers asked if the walkways were used. Morlock believed individuals walk from north to south, if reading the stones.

Councilmember Shores stated she would be in favor of moving forward regarding this matter.

Morlock asked if the Council wanted a condition placed that if one does purchase a lot in the old addition that only flat markers shall be placed. Shores agreed. DPW Director DesJarden asked if this would be a condition placed on the entire old section. It was noted yes. However, in the first and seconded additions, any type of stone may be placed.

IT WAS MOVED BY SHORES and seconded by PFALLER to approve the policy creating added grave spaces at Oakwood Cemetery, noting grave stones in the old section must be flat to the ground.

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

Item #7. **BOY SCOUT LICENSE AGREEMENT – INITIAL REVIEW.** At the request of Council, the current license agreement the City has with the Boy Scouts for the North Washington Street property was provided for review. The agreement expires February 28, 2008. The term “license” rather than “lease” has been used over the last twenty years because the agreement gives the right to use the grounds instead of right of possession. The license agreement has been in place for the past 20 years.

Councilmember Pfaller believed the agreement with the Boy Scouts is not only lacking in protection on the City’s part but also on Troop 102 as well. Any future agreements should be modeled after the agreement recently drafted for the Fair Board.

Councilmembers Hodges and Pfaller agreed to meet with representatives of the Boy Scouts to discuss and review a new agreement.

Item #8. **INSTALLMENT PURCHASE FINANCING OF PICKUP TRUCKS BIDS.** At its September 17, 2007 meeting, the City Council approved the purchase of a 2008 GMC Sierra (for water distribution) and a 2008 GMC Cab/Chassis (for cemetery). While, a five year lease purchase from GMAC was received, the City staff sought bids. Thus, the following:

	<u>Interest</u>	<u>Total 5 year cost</u>
Huntington Bank	4.05%	\$88,485.72
GMAC	7.35%	\$90,213.00
First Bank	4.85%	\$89,649.36

City Treasurer Sue Olin and City Manager Pasquale recommend the Installment Purchase Financing of two Public Works trucks through Huntington Bank and approve the resolution.

IT WAS MOVED BY PFALLER and seconded by MATHEWS to approve Huntington Bank at a total cost of \$88,485.72 with an interest rate of 4.05% for the lease purchase of the two DPW vehicles.

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

NAY: None. ABSENT: None. MOTION CARRIED.

Item #9. **QUOTES FOR EQUIPMENT REMOVAL/INSTALLATION IN POLICE CARS.** Police Chief Jim Valentine explained three businesses were solicited to provide services removing all police equipment, emergency lights and computer equipment from the two 2003 Chevrolet Impala police vehicles and install these on the two new 2008 Chevrolet Impalas.

Valentine has recommended Mark's Body Shop to perform the work at the low quote of \$2,375.

IT WAS MOVED BY MATHEWS and seconded by PFALLER to approve the quote of \$2,375 from Marks Body Shop to change all police equipment, emergency lights and computer equipment on the two new 2008 Chevrolet Impalas.

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

Item #10. **APPROVAL OF PARKS USE AGREEMENTS – LOWELL XTREME GIRLS SOFTBALL CLUB AND THE KENT COUNTY YOUTH AGRICULTURAL ASSOCIATION.** After a number of months of review with the Parks and Recreation Commission, agreements have been reached with the Lowell Xtreme Girls Softball and the Kent County Youth Agricultural Association. Specifically, Xtreme Softball will use Creekside Park under an agreement with the City expiring September 30, 2012. The Kent County Youth Agricultural Association will have a ten year agreement expiring December 31, 2016 for the usage of the Fairgrounds area.

The Council is requested to adopt both resolutions.

Bob Richardson, representative of Xtreme Softball, made note the agreement was already complete, giving the groups no choice. It was mentioned if a team wants to play in the park, the team must sign the agreement or the event can not be scheduled.

Councilmember Pfaller stated the Parks and Recreation Commission believed a million dollar insurance liability policy was inadequate. Therefore, it was raised to two million dollars. The Commission felt each organization using the parks should have a uniform policy.

Lowell Youth Fair Manager Ron Wenger explained there were disagreements when the group discussed the issue. However, it was not an unpleasant task. He commended the Parks and Recreation Commission for working with these organizations.

Councilmember Hodges believed the groups involved are all different. For example, the Boy Scouts are all volunteers, while the YMCA has paid staff. There are also other organizations with individuals who are paid to get involved. Hodges referred to Xtreme Softball. This group is all volunteer and the \$5 should be waived.

Pfaller stated the Parks and Recreation Commission believes it is the athletic use of the parks, which is driving the cost. The activity also increases the use of water and sewer.

Shores believed there needs to be a charge. The City taxpayers can not stand all the burden of paying for the upkeep of the parks. Seventy-five percent of the users are non city residents.

Mayor Myers felt it needed to be across the board in terms of how these contracts are administered. This is particularly true of sports where there is use of the fields which creates maintenance. If concepts are pieced together for one or another group, the City can end up back to where no one is charged. Myers believed the charge was fair.

Pfaller believed \$5 was a nominal fee for what it costs to maintain the parks.

IT WAS MOVED BY PFALLER and seconded by SHORES to approve the resolution for Lowell Xtreme Girls Softball Club of Lowell as presented.

YEA: 3. (Councilmembers Shores, Pfaller and Mayor Myers.)

NAY: 2. (Councilmember Hodges and Mayor Pro Mathews.)

ABSENT: None. MOTION CARRIED.

Councilmember Pfaller indicated this is a 10 year agreement, instead of 5 years due to the physical structures of the capital improvements which have gone into the Kent County Youth Fair. Ron Wenger has taken over the management and scheduling of all activities. A stipulation has been placed regarding the softball and football fields being used for athletic purposes only.

IT WAS MOVED BY PFALLER and seconded by MATHEWS to approve the resolution for the Kent County Youth Agricultural Association for the ten year agreement using Recreation Park.

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

NAY: None. ABSENT: None. MOTION CARRIED.

Item #11. **CITIZEN COMMENTS**. None.

Item #12. **COUNCIL COMMENTS**. Councilmember Pfaller commented on the meetings held Friday and Saturday night regarding the Wege Property. Sketches and drawings of proposals were presented during this time. Peter Wege has requested a portion of the property be reserved as natural prairie land. Pfaller stated the process was interesting and the engineers have their hands full. A time line of the end of the year has been given.

Shores stated she attended the meeting at the township as well. There was a good turn out and many ideas were presented.

Mayor Pro Tem Mathews stated work began on the ice skating rink. He believed this would be a benefit to the community. Many stopped and inquired regarding the work being done.

Mathews thanked Jim Hall of 424 N. Monroe regarding a letter which was emailed to the Councilmembers. Mathews asked if it will be printed in the Ledger. Hall responded yes. Mathews appreciated it. He and Mayor Myers have been beat up pretty good over the last few weeks in the Ledger.

Item #13. **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 September 20, 2007
 - Grand Valley Metro Council – Transportation Policy Committee meeting of August 15, 2007
 - Parks and Recreation meeting of September 15, 2007
 - Planning Commission meeting of September 24, 2007
 - Downtown Development Authority meeting of September 27, 2007
2. A letter from the Lowell Area Arts Council thanking the Council for its consideration of having the LAAC utilize the Riverwalk building was provided. A final decision on a new home has yet to be made.
3. A thank you letter from the Grand Rapids Community Foundation was also provided for establishing the LCTV Endowment Fund with the GRCF.

4. The City owned 50' x 208' parcel on North Washington Street is advertised for bid. Sealed bids are due by Wednesday, November 7. The Council will consider these at its November 19 meeting. The Assessor's estimate is \$12,500.
5. Mayor's Exchange is planned for the City of Hastings
 - Thursday, May 15, 2008 here
 - Wednesday, May 21, 2008 in Hastings

IT WAS MOVED BY MATHEWS to adjourn at 9:00 p.m.

DATE:

APPROVED:

Charles R. Myers, Mayor

Betty R. Morlock, Clerk