

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

For the Regular Meeting of Monday, **DECEMBER 17, 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, Police Sergeant James Hinton, Councilmembers Elect Jeff Altoft and Sharon Ellison.

IT WAS MOVED BY PFALLER and seconded by HODGES to approve the minutes of the December 3, 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: 5. NAY: 0. ABSENT: 0. MOTION CARRIED.

<u>BILLS AND ACCOUNTS PAYABLE (12/17/07)</u>	
GENERAL FUND	\$80,668.51
MAJOR STREET FUND	9.96
LOCAL STREET FUND	425.00
DDA FUND	10,041.60
CITY HALL CONSTRUCTION FUND	37,607.50
AIRPORT FUND	373.78
WASTEWATER FUND	29,297.29
WATER FUND	4,886.08
EQUIPMENT FUND	832.05
CURRENT FUND	5,154.49
LEE FUND	9,240.00

Mayor Myers suggested Items #7 and #8 be switched. By general consensus, the Council agreed.

Item #1. **KENT INTERMEDIATE SCHOOL DISTRICT – COLLECTION OF SUMMER PROPERTY TAXES FOR 2008.** As in previous years, the Kent Intermediate School District has requested that the City collect the summer property taxes for the district (4.6903 mills last year). As part of a continuing resolution, the City collects the KISD property taxes at no fee but is able to keep the interest earned during the bank deposit before distributing these monies.

IT WAS MOVED BY SHORES and seconded by PFALLER to approve the resolution collecting the property taxes for 2008 for Kent Intermediate School District at no fee but able to keep the interest earned during the bank deposit before distributing these monies.

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

Item #2. **RESOLUTION APPROVING CERTAIN COSTS RELATED TO CABLE TV SALE PROCEEDS**. In an effort to close out the account, various costs have been determined to be allocated from the Cable TV sale proceeds. These are as noted from the attached:

- \$28,936 to reimburse Lowell Light and Power for the payments it made for Cable operations which were in excess of the remaining Cable TV cash as reviewed from the auditing form of Vredeveld and Haefner
- \$220 to Consumers Energy for additional pole inspections for clearance violations
- \$454.80 for CATV's allocated share of Worker's Compensation costs

With \$5,000 set aside for unanticipated expense, \$23,878.61 will be transferred to the LCTV Endowment Fund established in the care of the Grand Rapids Community Foundation. Already, 2.4 million dollars is invested.

The Council is requested to approve the attached resolution.

Mayor Myers asked if there was a closed end date of transferring this to the foundation regarding \$5,000. City Manager Pasquale believed it would be no later than the end of the fiscal year. Comcast has held back 10% of its proceedings to the City due by June, 2008.

IT WAS MOVED BY HODGES and seconded by SHORES to approve the resolution approving certain costs related to Cable TV sale proceeds.

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

NAY: None. ABSENT: None. MOTION CARRIED.

Item #3. **COMMUNITY DEVELOPMENT BLOCK GRANT – 2008 – 2009 ALLOCATION OF FUNDS - SET PUBLIC HEARING (1/7)**. As mentioned at the last meeting, Kent County has informed the City that an estimated \$42,829.23 in Federal Community Development Block Grant funds is available for various community projects beginning July 1, 2008.

In noting the attachments provided by the County, Block Grant funds are primarily limited to the west side neighborhoods. Over the past several years, sidewalk improvements have been pursued.

out of the airport. Barron believed someone could have also knocked on his door to let him know what is going on.

Dale Fegel of 12752 Vergennes expressed his appreciation for being able to address the Council. He referred to the comment made "we should come to the horse's mouth." Fegel believed they got the horse before the cart. They are not condemning the City's part, but rather the City is after their property rights. He and Barron were not even invited to the meeting held last November. However, they were informed by property negotiator Rick Osborne that a meeting would be held and they would probably be invited.

He wanted to address the negotiation process. The threat of condemnation was mentioned during the first call received from the negotiator Rick Osborne. May of 2007 was the last time he met with Osborne to negotiate an easement. Osborne left with a list of questions and Osborne made no further contact until Fegel received a letter from him dated July 9th, 2007. He read the following into record: "I have been unable to obtain answers to the list of questions which was submitted at our meeting on May 1, 2007. In reviewing the aviation easement negotiation process, I see our first contact was via my letter to you on February 2, 2006, approximately 17 months ago. This time frame exceeds the process time limit for reaching mutually agreeable terms and compensation. As negotiations have been unsuccessful in reaching an agreement to date and reaching an agreement appears unlikely in the near future, I'm writing to inform you that my efforts in negotiating an agreement are now terminated and the process will move to condemnation".

Another part of the process involved the trees being identified which are in the flight path. He has 16 trees which have been identified, but the easement is for the entire property. Fegel did not believe compensation was even close to what it should be. Another issue within the easement involves the restriction of developing the property. Airport Manager Jim Soble has stated there are regulations which do not allow new residents on the property. However, MDOT has indicated that as long as the township approves, he can build under the basic utility airport which now exists. But, once it is general utility airport, he would not be able to. He also has a letter from the township which allows for splits of the property. Due to all of these issues this is why he has refused to sign the agreement for the easement.

Item #5. **BIDS – TREE CLEARING AT LOWELL CITY AIRPORT.** Jason Clark of URS Corporation explained the project involves clearing trees on the six parcels which have already signed the aviation easements and approximately 6 to 8 acres on clearing on the airport property.

This work was put forth under an MDOT grant with funding at 95% from the State and 5% local match.

There was a mandatory pre bid meeting on site to bid on the project. Contractors had to walk the site and view each and every parcel and all the work which was entailed. They also had to stipulate methods of removal, disposal, schedule and submit references.

A total of 32 contractors appeared at the pre bid and a total of 6 successful bidders. The low bid from Midwest Tree Service of Belding proposed to use a crane and a climber to climb trees individually. The stumps will be removed with clean up in the Spring.

Councilmember Pfaller questioned the letter from Clark which states the State cost would be 90% and the local cost would be 10%. Clark stated this was an error on his part.

IT WAS MOVED BY PFALLER and seconded by MATHEWS to approve the low bid from Midwest Tree Service in the amount of \$48,372.50 for tree trimming and clearance involving six adjoining properties adjacent to the Lowell City Airport.

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

Item #6. **PRESENTATION ON THE OUR LOVE SKATE PARK.** President of "Our Love Skate Park Committee" Cody Dolfin, 8555 Vergennes Street, expressed the committee's concern regarding the need to build a skate board park within the City. He believed the park would be very beneficial to the Lowell area. The committee wishes to have such a park added to the City budget for 2008.

Mayor Myers thanked Dolfin for presenting the idea to the Council. The Lowell Skate Park has been an idea for years. It sounds as if there may be some possible funding already in place. This involves a match if the committee able to raise \$60,000 then a grant of \$20,000 would be received from the Lowell Area Community Fund. Also, it was mentioned regarding the Cable sale proceeds. The thought with this is to consider only the interest and even withholding some interest for inflationary purposes. There will be at least \$200,000 a year in which the sale proceeds will provide for funding of projects within the community. The Council has made a decision which no money will be spent in advance of earning it. Since this has recently been placed within the foundation, it will be a full year before disbursements can begin.

Myers questioned the reaction to the proposal from the Parks and Recreation Commission. Dolfin responded the commission is very interested in the project. He has been attending the meetings regularly. A site at Stoney Lakeside Park has been designated.

Myers inquired the idea of the ice skating rink being used as a skate boarding park in the summer time. Councilmember Pfaller stated the pad poured at Richards Park for the ice skating can have a dual use in the summer with portable equipment. However, it is really not large enough for a true skate park.

Councilmember Shores did not believe Richards Park was a bad location, as far as safety.

Mayor Pro Tem Mathews asked if the Lowell Area Community Fund gave a time frame in order to receive matching funds. Dolfin responded yes. The match grant expires in June at which time they will reapply.

City Manager Pasquale stated there are also opportunities in receiving a grant from the Look Memorial Fund as well as those from the Lowell Rotary Club.

Councilmember Shores asked if any corporate donations have been made. Dolfin responded Meijer's recently rejected their application. However, a donation of \$150 was received from Backwater Café.

Police Chief Valentine stated many communities consider such a park an asset to the community.

Item #7. **APPROVAL OF 2008 CITY COUNCIL MEETING DATES.** The following meeting dates were considered by the City Council.

January	7 22 (Tuesday) Martin Luther King Day	July	7 21
February	4 19 (Tuesday) Presidents Day	August	4 18
March	3 17	September	2 (Tuesday) Labor Day 15
April	7 21	October	6 20
May	5 19	November	3 17
June	2 16	December	1 15

IT WAS MOVED BY PFALLER and seconded by HODGES to approve the 2008 City Council meeting dates as presented.

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

Item #8. **MONTHLY REPORTS.** No comments were received.

Item #9. **CITIZEN COMMENTS.** No comments received.

Item #10. **COUNCIL COMMENTS.** Mayor Pro Tem Mathews commented on his tie he wore to the Council meeting. He appreciated the other Councilmembers and being part of the Council.

Councilmember Hodges stated he has appreciated the work and diligence done by Mayor Pro Tem Mathews and Mayor Myers. He looked forward in continuing to work with them.

Councilmember Pfaller suggested a reminder be placed in the Ledger regarding snow removal on sidewalks throughout the City.

Pfaller stated the Dog Park is open and running.

Also, the Skate Park was recently flooded by the DPW. Unfortunately, there was vandalism done to the first batch of ice.

Pfaller also requested Noreen Myers and Jayne Mathews come forward and stand behind their husbands. He stated when an individual runs for an election, it is the entire family that gets elected because of the time spent. With that, on behalf of the community and the Council, Pfaller presented Mayor Pro Tem Mathews with a plaque for seven years of service to the Planning Commission and City Council. Pfaller also presented Mayor Myers with a plaque in appreciation of 17 years of service to the City with the Planning Commission and City Council.

Myers reflected upon projects which have been completed during his years of service. In particular was the Englehardt Public Library. He also commented on the relationships with others which have been built during his time of service. It has been a pleasure.

Item #11. **MANAGER'S REPORT**. City Manager Pasquale stated he appreciated Mathews and Myers' commitment to this community. There were many meetings attended as well as the time taken and the tough decisions made. Each should have a great deal of pride. Pasquale commented on the love each one showed toward Lowell. Congratulations.

1. The meeting minutes for the following boards and commissions were provided:
 - Lowell Light and Power Board meeting of November 1 and Special meeting of November 8, 2007
 - Chamber of Commerce meeting of November 13, 2007
 - Downtown Development Authority meeting of November 1, 2007
 - Downtown Historic District Commission meeting of October 23, 2007
2. New electric rates recently adopted by the Board of Light and Power. Under Section 16.6 of the City Charter, the Board shall have full power and authority to fix all rates for electricity which become effective thirty days after these were filed with the City Clerk.
3. The City offices will be closed on Monday, December 24 and Tuesday, December 25, 2007 for the Christmas holidays and Tuesday, January 1, 2008 for New Year's Day. The Council will next meet on Monday, January 7, 2008.

MERRY CHRISTMAS AND HAPPY NEW YEAR!

Item #12. **APPOINTMENTS.** By general consensus, the Council appointed the following individuals:

		<u>Term Expires</u>
Downtown Development Authority		
Dean Lonick	reappointment	01/01/2012
Shelly Catlin	reappointment	01/01/2012
Downtown Historic District Commission		
Robert Reagan	reappointment	01/01/2011
Greg Canfield	reappointment	01/01/2011
Construction Board of Appeals		
Dan DesJarden	reappointment	01/01/2010
Ray Zandstra	reappointment	01/01/2010
Greg Canfield	reappointment	01/01/2010
Board of Light and Power		
Judy Straub	appointment	
Keith Valentine	appointment	

City Manager Pasquale was unsure of when their appointments would expire. He would check with City Attorney Richard Wendt and report back at the next meeting.

Councilmember Shores questioned if the Chairperson or anyone from the Board of Light and Power interview these individuals as well. Myers stated no. However, he spoke with the Chairperson and reviewed the entire list and received concurrence.

IT WAS MOVED BY MATHEWS to adjourn at 8:35 p.m.

DATE:

APPROVED:

C. Jeanne Shores, Mayor

Betty R. Morlock, Clerk