

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

For the Regular Meeting of **MONDAY, APRIL 7, 2008.**

The Meeting was called to order at 7:30 p.m. by Mayor Shores and City Clerk Betty Morlock called Roll.

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

Absent: Councilmember Ellison.

Also Present: City Manager David Pasquale, City Clerk Betty Morlock, DPW Director Dan DesJarden, Police Chief Jim Valentine, Planning Commission Chair Maryalene LaPonsie, Lowell Light and Power Boardmember Greg Canfield and Arbor Boardmember Dana Chase.

IT WAS MOVED BY HODGES and seconded by PFALLER to excuse the absence of Councilmember Ellison.

YEA: 4. NAY: 0. ABSENT: 1. MOTION CARRIED.

IT WAS MOVED BY PFALLER and seconded by HODGES to approve the minutes of the March 17, 2008 regular meeting as written.

YEA: 4. NAY: 0. ABSENT: 1. MOTION CARRIED.

IT WAS MOVED BY PFALLER and seconded by HODGES that the bills and accounts payable be allowed and the warrants issued.

YEA: 4. NAY: 0. ABSENT: 1. MOTION CARRIED.

Councilmember Pfaller commented on the payments being made to Rapid Cellular, Verizon Wireless and Nextel. He suggested consolidating the plans.

<u>BILLS AND ACCOUNTS PAYABLE (04/07/08)</u>	
GENERAL FUND	\$163,686.23
MAJOR STREET FUND	4,435.37
LOCAL STREET FUND	3,321.12
DDA FUND	17,677.83
AIRPORT FUND	76.05
WASTEWATER FUND	33,272.94
WATER FUND	11,546.72
DATA PROCESSING FUND	952.50
EQUIPMENT FUND	10,057.21
CURRENT TAX FUND	88,891.65
LOOK FUND	1,250.00

Item #1. **LOWELL RUGBY TEAM PARKS USE AGREEMENT.** The Lowell Rugby Team attended the March 15, 2008 Parks and Recreation Commission meeting and inquired about a use agreement for Burch Field. The Commission directed City Manager Pasquale to have City Attorney Richard Wendt create an agreement similar to those for the other users of the parks.

Assistant Coach Josh Byler of the Lowell Rugby Team stated the team has liability insurance through USA Rugby. A copy of the liability insurance was provided.

The Parks and Recreation Commission unanimously recommended the agreement be approved. There is communication between Rugby and Lowell Youth Football in terms of usage of Burch Field so there will not be an overlap.

Mayor Shores confirmed the fields would be used by them during April and May. Byler responded correct. Shores questioned the number of participants. Byler responded approximately twenty. This is the third year.

IT WAS MOVED BY PFALLER and seconded by ALTOFT to approve the Lowell Rugby Team Parks Use Agreement as proposed.

YEA: 4. NAY: 0. ABSENT: 1. MOTION CARRIED.

Item #2. **TREE CITY USA DESIGNATION AND PRESENTATION AND ARBOR DAY PROCLAMATION.** Michigan Department of Natural Resources State Forester Kevin Sayers was in attendance for a Tree City USA presentation. City Manager Pasquale noted the Arbor Board consists of Chairperson Dana Chase, Mayor Jeanne Shores, Jim Hall, Diane LaWarre and Dr. Jim Reagan.

Sayers presented the City with its first ever Tree City USA Award. This award program is nationally recognized which began in 1976. It is sponsored by the National Arbor Day Foundation in conjunction with the USADA Forest Service and the National Association of State Foresters. This is a program which recognizes communities from across the country, who demonstrates a commitment to quality tree care and a commitment to improving environmental quality through good forest management. It is also a select group. The City of Lowell is one of five communities in Michigan this year to be certified "new" and one of only 115 in the State total. Nationally, there are approximately 3000 communities certified as Tree City USA.

The program provides a positive opportunity for the City. It improves the City's public image, creating opportunities for education and outreaching to the community about the benefits and care of trees. Without this program, many communities would never have any standards or an organized approach in taking care of their trees.

In order to be certified as a Tree City, the following requirements must be met:

- A tree board or a designated board which oversees and advises the community on caring for the trees.

- A local tree ordinance.
- Annual work plan and budget expenditure of at least \$2 per capita on tree related activities. This encompasses a wide variety of things from leaf pickup to actually planting and removing trees.
- An annual Arbor Day celebration and proclamation.

The City of Lowell meets these standards and has demonstrated a strong commitment to recognizing trees as part of the community's infrastructure. Sayers commended the City, City Manager, staff, Council for their support and involved citizens for their efforts in achieving this important designation.

On behalf of the National Arbor Day Foundation and State of Michigan, Sayers presented the City with its first ever Tree City USA Award.

Mayor Shores read the Arbor Day Proclamation into record.

Chase clarified the first Arbor Day was recognized last October and noted now will be in April.

IT WAS MOVED BY HODGES and seconded by PFALLER to adopt the proclamation recognizing the last Friday in April as Arbor Day.

YEA: 4. NAY: 0. ABSENT: 1. MOTION CARRIED.

Item #3. **TEMPORARY SIGNS ORDINANCE AMENDMENT – RECOMMENDATION FROM THE PLANNING COMMISSION – PUBLIC HEARING AND CONSIDER ADOPTION.** After months of review and discussion as well as consultation with merchants, the Planning Commission provided a temporary signs ordinance amendment.

The changes give the display of temporary signs in the C-1, C-2, C-3 and Public Facilities Districts an extension to 60 days (from 21) within a calendar year, while other districts would have a maximum of 21 days.

Planning Commission Chair Maryalene LaPonsie explained the issue of signage, particularly for the west end businesses has been discussed several times. The Commission agreed to work with the businesses on creating a new ordinance. Therefore, a moratorium was placed on enforcing the signage ordinance. This lasted for a year. There was difficulty receiving cooperation from the businesses. The Commission attempted to contact the businesses for input, but was unsuccessful and the issue was dropped.

Since then, Rodger Garner of Good Chevrolet came forward again for some changes. Garner discussed the issue with other businesses and came back to the Planning Commission with a recommendation of 90 days for temporary signs in a year. However, the Commission believed this period of time was too long and suggested 60 days. This appeared to be agreeable.

Mayor Pro Tem Hodges stated the Planning Commission has completed much of the work as well as from Rodger Garner.

No comments were heard from the public hearing.

IT WAS MOVED BY HODGES and seconded by ALTOFT to adopt the temporary signs ordinance amendment as proposed.

YEA: 4. NAY: 0. ABSENT: 1. MOTION CARRIED.

Item #4. **TEXT CHANGES IN THE RESIDENTIAL ZONING DISTRICTS – RECOMMENDATION FROM THE PLANNING COMMISSION – ADOPT OR SET PUBLIC HEARING DATE (4/21)**. The City's Master Plan was newly adopted. The Planning Commission, in reviewing the Master Plan text, wanted to ensure there was more linkage between the plan and the zoning ordinance. It was decided to tie in the residential zoning districts and the residential land use designations which are in the plan. In each and every one of the residential zoning districts there is a reference back to the equivalent land use designation. The proposed zoning ordinance amendment is called "description and purpose". Thus, a tie can be shown between the Master Plan and Zoning Ordinance.

Chair LaPonsie stated this is an initial step in implementing the Master Plan. It does not change zoning as well as what individuals can do in these districts. It only inserts the text from the Master Plan into the ordinance.

Councilmember Pfaller believed it would be appropriate to act on the issue tonight. The Master Plan has already been adopted.

Mayor Pro Tem Hodges wanted in noted in 99% of the cases it is appropriate to hold a public hearing. However, in this particular case, it is simple.

IT WAS MOVED BY PFALLER and seconded by HODGES to approve the text changes in the Residential Zoning Districts as proposed.

YEA: 4. NAY: 0. ABSENT: 1. MOTION CARRIED.

Item #5. **MASTER PLAN AMENDMENTS – PARK DESIGNATIONS – COUNCIL APPROVAL TO DISTRIBUTE**. At its March 17, 2008, the City Council directed the Planning Commission to have the City owned North Washington property minus the rental house and surrounding three acres as park for preservation proposed.

The Planning Commission, at its March 24, 2008, meeting noted the property in question would be changed from public to parks and recreation designation in the future land use plan. Also, the existing land use is altered from semi public to park and recreation.

Upon further investigation, the western portion of Stoney Lakeside Park would also be redesignated from utility to park recreation in the existing land use map. Stoney Lakeside Park would be classified from public to park in the Future Land Use Map.

The first step is the Planning Commission recommendation to City Council for approval to distribute. The Commission has approved the map amendments and recommended distribution for comment. The Council needs to initiate this action. Maps will be presented to the Council no later than the time of the meeting.

Councilmember Pfaller stated the map shows McMahon Park omitted from the future land use map. While on both maps, the Upper Bridge Park is omitted and then on future land use Recreational Park is no longer a park it is listed as public. Pasquale stated these can be reviewed as a second amendment.

Pfaller also asked what Vergennes Township zoning was on the North Washington property. LaPonsie did not know. A joint meeting is scheduled for April 24, 2008 with Lowell and Vergennes Township. This is one of the items she would like to discuss.

IT WAS MOVED BY HODGES and seconded by ALTOFT to postpone the master plan amendments until all parks can be shown on one map.

YEA: 4. NAY: 0. ABSENT: 1. MOTION CARRIED.

Item #6. **STREET SWEEPING BIDS.** Public Works Director DesJarden explained bids were received from three companies for sweeping six and eight times a year as well as for M-21 which will be paid by MDOT.

Kent Vac is the low bidder and recommended for approval by the City Council. (6 sweeps per year for City \$19,200 and 8 sweeps per year State \$3,200).

IT WAS MOVED BY PFALLER and seconded by HODGES to approve the bid from Kent Vac for sweeping City streets six times a year and M-21 eight times a year.

YEA: 4. NAY: 0. ABSENT: 1. MOTION CARRIED.

Item #7. **UPGRADE IN POLICE IN-CAR COMPUTERS – WAIVER OF BID PROCESS.** In 2002, Police Chief Jim Valentine initiated a process where computers were installed in the cars. This year, Sgt. James Hinton authored a grant to the Lowell Area Community Fund seeking grant funds to assist with the department upgrade and expansion of technology infrastructure, including IT costs where necessary. The LACF agreed to this as a match grant. For every dollar spent, the LACF will match with a dollar up to \$25,000.

To date, there has been a number of items that have been completed this year, totaling just over \$8,900.

Part of this grant initiative is to upgrade the computers in the cars. New computers are priced about \$3,800 each for a total of just over \$15,000.

Valentine contacted the company the department worked with in 2002 which provided out of lease reconditioned computers that have worked without problem during the entire six year time period.

Valentine asked the bid process be waived in order for four computers to be purchased at \$1,000 a piece. The computers are considered proprietary to the department's particular system. The officers are familiar with the configurations and operation, and the reconditioned units originally purchased have worked without problem.

The Kent County Sheriff's Department and Walker Police Department use the same company and the reconditioned computers.

Mayor Shores asked if the off hour calls are still dispatched to the City of Walker. Valentine responded yes.

IT WAS MOVED BY HODGES and seconded by ALTOFT to approve the upgrade of the police in car computers as proposed.

YEA: 4. NAY: 0. ABSENT: 1. MOTION CARRIED.

Item #8. **WATER TREATMENT PLANT – LAWN MOWING CONTRACT.** Bids were received for a lawn mowing contract at the Water Treatment Plant as follows:

- Fritsma Outdoor Services (Ada) - \$70 per cut (24 weeks)
- Everett's Landscape Management (G.R.) - \$70 per cut
- Zach's Clean Cut Lawn Care (Lowell) - \$75 per cut

Water Treatment Plant Superintendent George Regan has recommended Fritsma Outdoor Services based on his familiarity of the contractor.

DPW Director DesJarden stated Regan has indicated he would like to try this on a one time basis. He may do the lawn mowing himself next year.

Mayor Pro Tem Hodges wanted to keep the money local and would lean toward Zach's Clean Cut Lawn Care.

Councilmember Pfaller believed it was more important to have Regan running the Water Plant rather than mowing grass.

Shores asked if the City has ever used Zach's Clean Cut Lawn Care before. DesJarden stated the City uses him on the long grass complaints as well as mowing the grass along the railroads.

Shores was concerned regarding not using the recommendation from Regan.

IT WAS MOVED BY HODGES and seconded by ALTOFT to approve the contract with Zach's Clean Cut Lawn Care service in the amount of \$75 per cut.

YEA: 3. (Councilmembers Altoft, Pfaller, Mayor Pro Tem Hodges)

NAY: 1. (Mayor Shores) ABSENT: 1. MOTION CARRIED.

Item #9. **CITIZEN COMMENTS.** Charlie Bernard of Bernard's Ace Hardware thanked the Council for the opportunity of bringing issues forward. He commented on the trash and leaf bags which his business distributes to residents, sold to customers at cost. If a customer rights a bad check, then the business owner must bare the burden of the bounced check and loose the money on the leaf bags. Bernard believed this was an unfriendly program in which it deprives the merchants in the City of Lowell from the ability to sell trash bags.

Bernard also referred to the mowing ordinance. It seems to be arbitrarily enforced. He requested this be reviewed. He believed it does not benefit anyone and if the lot is not mowed it would not harm anyone.

Mayor Shores believed there is a cosmetic value to having the lots mowed and looking good. It speaks well of the City. Bernard believed it is one could mow within 20 feet of the sidewalk. However, he questioned the harm in leaving a 2 to 3 acre lot unmowed.

Councilmember Pfaller referred to trash and leaf bags. Currently, the City is under contract. He believed Bernard's suggestion would be a fair option to review.

Pfaller also suggested other communities be contacted regarding their lawn mowing ordinance. He would not have a problem with a separate ordinance for vacant lots in non residential areas.

Item #10. **COUNCIL COMMENTS.** Councilmember Pfaller requested a worksession be held on Monday, April 14, 2008 to discuss the Lowell Cable TV Fund and distribution of those funds. He asked the agenda also include an informal budget discussion on the City budget in order to give staff a better idea of where the Council is coming from. He also suggested a joint meeting with the Lowell Light and Power Board to discuss their budget. Mayor Shores noted at the last Light and Power meeting there was some discussion of having a joint Council and Light and Power Board meeting. Tentatively, a meeting is scheduled for April 17, 2008 at 7 p.m. Council agreed to the meeting.

Councilmember Altoft stated he attended the Legislative Conference held in Lansing. It was informative.

Mayor Shores stated it is time for the payment in lieu of taxes policy meeting. An individual from the Council needs to serve on the committee. A date has not been set. Altoft indicated he would be able to serve on the committee. Pasquale stated it has been approximately 7 years since this policy has been established. Prior to this, the electricity used by the City was looked upon as a credit against the value of Light and Power and was basically a wash. Then, it was determined it was necessary to actually have a formal payment. At the time, this was established Dan Brubaker, who served on the Council, and Dave Austin, formally serving on the Light and Power Board, examined other communities in terms of what the percentage would be. Since this time, the payment in lieu of taxes is 4.5% of the gross Light and Power revenues. Also, last year it was amended to consider the plowing of Lowell Light and Power's parking lots. It is important to remember Light and Power is a municipally owned utility as it does not pay taxes. This is a situation where there is a return back to the citizens of this community since the citizens own this utility. There were a number of communities which were surveyed in Michigan and 4.5% seemed to strike a balance. Currently, this is a five year agreement and then each year if the Council wishes to raise this question it can be so mentioned to determine if there are any concerns. It was noted City Manager Pasquale will also serve on the board.

Shores noted she attended the Legislative Conference as well.

Item #11. **MANAGER'S REPORT.** City Manager Pasquale reported on the following:

1. The following boards and commissions meetings minutes are provided:
 - Parks and Recreation Commission meeting of February 16, 2008
 - Arbor Board meeting of February 19, 2008
 - Grand Valley Metro Council – Transportation Policy Committee meeting of January 16, 2008
 - Lowell Area Leadership Council meeting of December 20, 2007
 - Downtown Development Authority meeting of February
 - Planning Commission meeting of February 25, 2008
 - Airport Board meeting of March 6, 2008

Councilmember Pfaller commented regarding SMAT moving their maintenance school to Ionia but interested in keeping the flight school in Lowell.

2. A work session is planned for Monday, April 14 at 7 p.m. to review the LCTV Endowment Fund in terms of organization and funding priorities. Also, discussion on the General Fund will be held in terms of fund balance and transportation funding.

Pasquale stated SMAT does have an interest in maintaining a presence in Lowell. In particular, using the building they had a built a few years ago for storage and other needs. Mechanic Dan Williams, who has worked for SMAT for several years, is interested in being a Fixed Base Operator at the Lowell Airport. The Airport Board is still reviewing these options. Airport Manager Jim Sowle should be back in town soon.

Item #12. **APPOINTMENTS**. No appointments were received.

IT WAS MOVED BY HODGES to adjourn at 8:48 p.m.

DATE:

APPROVED:

C. Jeanne Shores, Mayor

Betty R. Morlock, Clerk