

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

For the Regular Meeting of **MONDAY, APRIL 21, 2008.**

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

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

Absent: None.

Also Present: City Manager David Pasquale, Deputy City Clerk Susan Ullery, DPW Director Dan DesJarden, Police Chief Jim Valentine and Arbor Board & Light & Power Boardmember Jim Hall.

IT WAS MOVED BY PFALLER and seconded by HODGES to approve the minutes of the April 7, 2008 regular meeting as written.

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

IT WAS MOVED BY HODGES and seconded by ELLISON 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 (04/21/08)</u>	
GENERAL FUND	\$74,764.37
MAJOR STREET FUND	682.16
LOCAL STREET FUND	355.18
DDA FUND	16.94
WASTEWATER FUND	646.63
WATER FUND	4,012.42
EQUIPMENT FUND	172.88
CURRENT TAX FUND	9,433.61

Item #1. **REQUEST TO CLOSE KING STREET.** Barb Zandstra requested that King Street be closed between North Jefferson and North Washington on Saturday, April 26. This will take place between the hours of 1:30 p.m. to 4:30 p.m. for a private party.

IT WAS MOVED BY HODGES and seconded by ALTOFT to approve the request to close King Street on Saturday, April 26 from 1:30 p.m. to 4:30 p.m. as requested.

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

Item #2. **LOWELL RUGBY TEAM PARKS USE AGREEMENT**. At its April 19, 2008 meeting, the Parks and Recreation Commission considered a recommendation to grant Lowell High School Lacrosse a five year parks use agreement. There are approximately 70 participants which would use Burch Field during the months of April and May for practice and competition. Their usage of the field will be coordinated with Lowell Youth Football and Lowell Rugby.

Lowell Youth Football Team Representative Kim Young noted the insurance certificate has been received.

Ellison believed this was a great opportunity.

IT WAS MOVED BY PFALLER and seconded by ALTOFT to approve the Parks Use Agreement with the Lowell High School Lacrosse Team.

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

Councilmember Pfaller stated at the Parks and Recreation Commission meeting, another group suggested the City develop a policy on who does and does not need to have an agreement. Pfaller stated he would create a draft proposed policy for the Parks and Recreation Commission to review and then report back to the City Council in May.

Item #3. **PERMISSION FOR FIREWORKS DISPLAY**. Chamber of Commerce Director Liz Baker and Riverwalk Festival Chairperson Betsy Davidson requested permission for the display of fireworks for the festival on Saturday, July 12. Baker also requested permission to paint duck feet on the downtown sidewalks using tempera paints. This would be cleared from the sidewalks within one week after the festival.

IT WAS MOVED BY PFALLER and seconded by ELLISON to approve the fireworks display which will be held on Saturday, July 12, 2008 at Stoney Lakeside Park.

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

IT WAS MOVED BY HODGES and seconded by ALTOFT to approve the painting of duck feet along Main Street using tempera paint.

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

Item #4. **BUILDING INSPECTION SERVICES**. At the request of Council at its February 19 meeting, noting it has been much time since proposals were considered, City Manager Pasquale sent letters of inquiry to Imperial Municipal Services (who currently provides the City's Building Inspection Services), Professional Code Inspections of Michigan, Inc. and Cascade Inspection Services. The letter requested about the firm, personnel, communities served and costs.

After reviewing the proposals, Pasquale recommended to continue building inspection services with IMS based on the following:

- A long established, proven track with the City in carrying out building permits and zoning enforcement issues.
- Competitive pricing for permits and zoning enforcement
- Will and continue to provide office hours at City Hall; has consistently been at Planning Commission meetings
- Further upon approval, a contract should be drawn delineating responsibilities and costs

Councilmember Altoft confirmed the fees would be changed to 10%. Pasquale responded yes.

Councilmember Pfaller believed the exercise has been good and reinforces who the City is with.

IT WAS MOVED BY HODGES and seconded by PFALLER to continue the building inspection contract with IMS.

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

Item #5. **RESOLUTION TO APPROVE THE POLICE DISPATCH SERVICES AGREEMENT WITH THE CITY OF WALKER.** Police Chief Jim Valentine explained the City has maintained a police dispatch services agreement with the City of Walker to cover off hours since 1992. The only basic change in the agreement is the \$1,000 annual fee increase from \$20,000 to \$21,000.

Mayor Shores stated the City of Walker has done a good job for the City of Lowell.

Valentine stated three years ago the City solicited bids and found the City of Walker to be very reasonable.

IT WAS MOVED BY PFALLER and seconded by HODGES to approve the police dispatch services agreement with the City of Walker in the amount of \$21,000.

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

Item #6. **RESOLUTION REGARDING THE ADMINISTRATION AND DEPOSITION OF THE LCTV ENDOWMENT FUND.** At its April 14, 2008 worksession, the City Council discussed how the administration or the LCTV Endowment Fund should be accomplished as well as the deposition of these funds.

City Manager Pasquale read the resolution approving the administration and deposition of the LCTV Endowment Fund.

Mayor Pro Tem Hodges commented as much as the streets need improvement, the final payout should be allocated to the LCTV Fund principal and be returned for future growth. Hodges

suggested deleting allocating the remaining \$331,201 due from the Comcast Lowell Cable TV purchase for street construction.

Councilmember Altoft firmly believed without having any money, it would be a good step to get the street fund kicked off.

Councilmember Ellison stated she would wish the streets repaired, but did not believe it would be appropriate to use these funds. It should be allocated into the principal. This is a perpetual fund and should be built up as much as possible. Ellison believed only the proceeds from the investments should be used.

Mayor Shores questioned the cost to mill and resurface the street. DPW Director DesJarden stated it would take much funding.

Shores stated she wanted to have most of the payment go into the fund.

City Manager Pasquale believed it would be into 2009 before any street work can be done.

Shores still believed there needed to be a small amount in the Construction Fund for streets. Pasquale explained there was discussion regarding reallocating a mill or equivalent of a mill, which is approximately \$96,000 for street work.

IT WAS MOVED BY PFALLER and seconded by HODGES to approve the resolution regarding the administration and deposition of the LCTV Endowment Fund with Item #4 (allocating the remaining Lowell Cable TV purchase funds to the Street Construction Fund) being struck as well as the correction of #6 (noting that the City Council shall meet every second Monday of September to allocate funds).

Dave Austin of Williams and Works, residing at 908 Lincoln Lake, informed the Council Williams and Works just opened bids on a similar remill project for the City of North Muskegon. A typical City street with 27 feet would cost approximately \$50 a foot. One mill would provide approximately \$96,000 and would allow 1900 feet of street mill and resurface per year.

Shores stated the City will be receiving some interest as well as approximately \$96,000. Pasquale stated the monies could be combined and utilize endowment funds and then consider the millage reallocation. Shores stated this is a start and it is important.

Pfaller noted there is also a portion of the Community Development Block Grant Funds, which could also be allocated instead of sidewalks.

Pasquale stated the City could actually combine the millage, Community Development block grant and endowment fund in 2009. When looking at it this way, Shores changed her mind she proposed combining the funds and receive much more interest back for 2009.

Ivan Blough of 623 N. Jefferson stated at one point he was very much against the sale of the Cable TV. He believed a solution could be worked out in which it would be fair and equitable to

everyone. Blough stated the Cable Television was never funded by the City of Lowell. Not one penny was ever put into it. When the Board originally set this up, it was made sure that only rate payer's monies would make the Cable Company run. It would be installed, maintained and serviced by the money from the television rates.

Cable Television gave the City of Lowell very good things such as entertainment, communication, education and an introduction to the arts.

Blough thought it would be a good decision to take the money and put into an escrow fund, take the money it generated to perpetuate those things for the community. He could live with this.

Blough noted part of this money came from Lowell and Vergennes Townships subscribers as well as subscribers from the City of Lowell.

He wanted the perpetual fund set up by an Advisory Board and administered by a representative from Lowell and Vergennes Township, the City of Lowell, Superintendent of the Lowell Area Schools and others, such as the Englehardt Fund.

Blough stated at one point he met with four of the five Councilmembers to review this proposal. Everyone agreed this money would not go into the City budget or to be used to establish any City budget. The Council was quoted in the paper shortly after in September and stated the decisions will be made and appointed by an Advisory Board, a separate board. The Councilmembers gave a temporary name to the fund call LCTV Endowment Fund. The Advisory Board shall set the bylaws on how monies shall be allocated. The Board provides recommendations to the City Council. The Advisory Boardmembers would be appointed positions such as City Manager, Superintendent, Township representatives and bank representatives. Blough stated he does not see this happening and is very appalled.

Blough wanted the Councilmembers to think about the decision before a vote is taken. The ordinance states the Cable TV department shall be subject to the general direction of a Cable TV Board. He questioned why Lowell Cable TV paid to the City of Lowell a franchise of 5 percent for all the subscribers which were in the City. If the City of Lowell owned it, why would we pay a subscriber fee? This was set up with the blessing of the City Council.

Blough wanted the Council to understand were Cable TV originated, came from and what it was set to do.

VOTE ON THE MOTION:

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

Item #7. **MONTHLY REPORTS**. No comments were received.

Item #8. **CITIZEN COMMENTS.** Sandy Bartlett and Gary Dietzel of 990 N. Washington stated unfortunately a lease has not been prepared to sign today. However, they are willing to sign one. Now that the area is a park, they feel they are an asset to the area and to the community.

City Manager Pasquale stated this was to be mentioned under the Manager's Report. He was to mention the correspondence between the attorneys. Bartlett's and Dietzel's attorney apologized for not responding on this as quickly as he should. At this time, the lease is in the midst of completion. It appears there is an issue as to the length of the agreement and the couple wishes to remain in the house until June, 2009.

Mayor Shores questioned why the lease has taken so long. Dietzel stated he has left four voice mail messages for his attorney. His attorney did prepare a lease. However, City Attorney Richard Wendt was uncomfortable with it. Wendt stated the lease should be for a period of at least one year.

Pfaller clarified the North Washington Street City owned property is not a park. It is proceeding through the process to be redesignated in the Master Plan. But as of now, for the record, it is not a park. There is a minimum of at least 45 to 60 days before any designation will change.

Councilmember Ellison commented these negotiations take a long time. The Council is still working with the Boy Scouts to get this agreement done. However, the process is moving forward. She believed Dietzel and Bartlett should have a chance to finish the lease through 2009. Pasquale noted the attorneys are working on a lease. This needs to be finished no later than May 19, 2008.

Councilmember Altoft believed the City should let them stay until a decision is made. Mayor Pro Tem Hodges agreed. However, on the record, he feels uncomfortable with the City being a landlord.

Dietzel did not understand the impatience. It has been rented for over 90 years.

Shores wanted a lease within 30 days.

Pasquale confirmed a lease should be signed within 30 days with an expiration date of June 30, 2009. By general consensus, the Council agreed.

Item #9. **COUNCIL COMMENTS.** Councilmember Ellison commented on the recent worksession regarding the LCTV Endowment Fund. One of the reasons it was decided to have the Council be the Board is because "the buck should not be passed". It comes down to the Council. The Council was elected to approve or disapprove issues within the City. The Council feels responsible for making such decisions.

Councilmember Pfaller stated the Grand Rapids Community Foundation advised the Council to handle the decision making. Legally the money belongs to the City. The Council was advised to not delegate this responsibility.

Also, in the Charter under Parks Chapter 14.28 it states in addition to the five members there shall be one ex-official non voting member appointed by the local branch of the YMCA. This was written many years ago when the YMCA was the Recreation Department of the City. Because of the number of agreements that the City has, Pfaller suggested a representative from each of those organizations to be in attendance at each one of the Parks meeting. He questioned if this could be done as an amendment to the agreements. Pfaller suggested City Manager Pasquale check with City Attorney Richard Wendt. Pasquale noted a number of organizations already attend the meetings. Pasquale suggested a letter be written with the Mayor's signature, requesting such representatives attend the Parks meeting. Mayor Shores agreed.

Mayor Pro Tem Hodges also responded to Ivan Blough's comments. One of the issues discussed was no money goes into City budget line items. These are for projects which the fund would be used in the community within the City limits. With legal advice, the Council was told they are the responsible party for the funds and the responsibility could not be delegated. He was very much in favor of having a community board. However, under legal advice, this can not be passed onto anyone else.

Hodges announced Reverend Roger LaWarre will do his last service on Sunday, April 27, 2008. There is a community welcome and goodbye party on Friday evening at First Congregational Church as well as a service of God Speed on Sunday at 2:00 p.m.

Mayor Shores stated to Ivan Blough and all the citizens of Lowell, the Council has given the LCTV Fund much thought and attention. Many ideas have been collected.

Item #10. **MANAGER'S REPORT.** City Manager Pasquale reported on the following:

1. The following boards and commissions meetings minutes are provided:
 - Light and Power Board meeting of March 6, 2008
 - Chamber of Commerce meeting of March 11, 2008
 - Grand Valley Metro Council meeting of March 6, 2008
 - Grand Valley Metro Council – Transportation Policy Committee meeting of March 19, 2008
2. The issue regarding Gary Dietzel and Sandy Bartlett has been addressed prior to the Manager's report.
3. At the Parks and Recreation Commission meeting, there has been a proposal mentioned by the Lowell Rotary Club to consider constructing a playground at Richards Park in which Rotary would provide fund raising. The Parks and Recreation Commission had a brief discussion. The Rotary is requesting designation of the park and would like it called Rotary Playground. The Commission also looked at the idea of not only the construction of a playground, but the maintenance of it and who would be responsible for it.

Councilmember Pfaller referred to the Kingdom at Creekside Park. Money was set aside for maintenance, but this was gone within two to three years. Now it has become a burden to the City to sand and seal the kingdom every other year. The Commission requested the committee who put together the off leash facility at Stoney Lakeside Park help determine what type of maintenance would be required on an annual basis. The number was then doubled.

Item #11. **APPOINTMENTS**. No appointments were received.

IT WAS MOVED BY HODGES to adjourn at 8:32 p.m.

DATE:

APPROVED:

C. Jeanne Shores, Mayor

Betty R. Morlock, Clerk