

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

For the Regular Meeting of **MONDAY, JUNE 16, 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, Ellison, Pfaller, Mayor Pro Tem Hodges and Mayor Shores.

Absent: None.

Also Present: City Manager David Pasquale, City Clerk Betty Morlock, DPW Director Dan DesJarden, Police Chief Jim Valentine, Water Distribution Supervisor Bob Robinson, Arbor Board and Light & Power Boardmember Jim Hall and Lowell Light and Power Boardmembers Greg Canfield and Perry Beachum.

IT WAS MOVED BY PFALLER and seconded by ALTOFT to approve the minutes of the June 2, 2008 regular meeting as written.

Councilmember Ellison abstain due to being absent from the June 2, 2008 meeting.

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

IT WAS MOVED BY HODGES and seconded by PFALLER to approve the minutes of the May 19, 2008 closed session meeting as written:

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

IT WAS MOVED BY HODGES and seconded by ALTOFT 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 (06/16/08)</u>	
GENERAL FUND	\$89,979.04
MAJOR STREET FUND	412.15
LOCAL STREET FUND	348.62
DDA FUND	12,482.02
CITY HALL CONSTRUCTION FUND	1,750.00
WASTEWATER FUND	761.00
WATER FUND	9,259.20
DATA PROCESSING FUND	292.38
EQUIPMENT FUND	2,227.58
CURRENT TAX FUND	2,214.28
LEE FUND	1,000.27

Item #1. **PRESENTATION OF THE STATE OF THE CITY ADDRESS.** City Manager Pasquale read the following into record:

To: Mayor Shores, Members of the Lowell City Council and Citizens of Lowell

Once again, I have the opportunity and challenge to address the community every month of June. Our conditions are examined as issues are identified and goals established. At this time, we question if the community is headed in the appropriate direction.

Building permits, as mentioned in each address, have been an indicator of the local economy. In 2007, 67 permits were issued amounting to approximately \$2.5 million in value. This is an increase of 13 permits and over \$935,000 more in value than the previous year.

State Revenue Sharing remains tenuous. While efforts continue within the State Legislature to increase the local share, it is very questionable whether this will happen. The payments continue to amount to 15% of General Fund revenues dropping from 25% just a few years ago.

The challenges of the economy from a State and National perspective remain. Challenges are in many ways tougher each year. But, I continue to remain optimistic that Lowell will prosper. The following goals for the new 2008-2009 budget are established and in some cases re-established:

- Continue to strengthen the General Fund raising the fund balance. The 2008-2009 budget provides a \$153,000 General Fund balance representing about 6% of planned expenditures. The goal of \$300,000 balance or 15% of expenditures is established.
- Continue to promote the Equipment Fund replacing vehicles in the Public Works Department. With the sharing of the Mechanic between the Public Works Garage and the Water Treatment Plant, opportunities for purchase are becoming more likely.
- Support the work of the Downtown Development Authority and Downtown Historic District Commission. Seek opportunities to further enhance the downtown, such as upgrading the old Amphitheater, which is becoming a DDA priority. Also, the DDA will complete the upgrading of Riverside Drive and the accompanied parking lot as well as the alley improvements between Larkin's and the Post Office.
- Continue to support the Lowell Area Chamber of Commerce in its marketing strategy. The campaign "The Next Place To Be! Lowell" which promotes the business and entire community is in its third year. The Downtown Development Authority has allocated \$25,000 per year for three years toward this effort.
- Support the Planning Commission and the new master plan which outlines community land use and development goals.

- With the establishment of the LCTV Endowment Fund, there will be many project opportunities for the Council to consider. In September, a decision for the first project will be made.
- Promote a concerted effort continuing to upgrade City streets. The City has set aside \$96,000 for the coming year to assist in the upgrading of local streets. By 2010, Bowes Road from Valley Vista west will begin reconstruction through federal funding.

Sidewalks, particularly the school walks, continue to be a priority. A walk along Gee Drive has been identified for possible funding under the Safe Walks To Schools program.

Work closely with the Michigan Department of Transportation to provide a clearly communicated process for the public and particularly downtown merchants with the M-21 Flat River bridge reconstruction project.

Recognizing our heritage with the Boy Scout Cabin and the wooded natural areas within the 27 acres of City owned land on North Washington Street.

- Continue to recognize the Lowell Area Historical Museum, Lowell Area Arts Council and the YMCA as important resources to the City's quality of life.
- Support the Airport Board's efforts to attain General Utility status for the Lowell City Airport thereby qualifying for State assistance. Tree cutting is nearly complete along with the acquisition of air easements.
- Recognizing Rockford Ambulance as an integral part of our community health system. To this end, the recent addition to the Look Memorial Fire Station will provide better accommodations for the ambulance service.
- Appreciating the service of the Lowell Little League, YMCA, Xtreme Softball, Kent County Youth Fair, Lowell Youth Football, Lowell Rugby and Lowell Lacrosse given to the community's young people, but understanding the cost of up keeping the City's parks used for these organizations must be shared.
- Continue plans and construction of a community walking trail in cooperation with Lowell Charter Township and Vergennes Township through the Lowell Area Recreation Authority.
- Continue to plan for improvements to the Wastewater Treatment and Water Treatment Plants.
- With the joining of the REGIS program, the City's computer mapping capabilities will be greatly enhanced.

As always, while projects have been provided in our goals, the City places prime responsibility for service to the citizens of Lowell.

Respectfully submitted, David M Pasquale, City Manager

Item #2. **REQUEST FOR STREET CLOSING – LINCOLN LAKE FROM SUFFOLK TO MERCER TO AMITY – SATURDAY, JULY 12.** Tammy Smith (704 Lincoln Lake) has requested a street closing for Lincoln Lake from Suffolk south to the diverter at Mercer to Amity for the third neighborhood block party. The part will be held on Saturday, July 12 from 3 p.m. to 9 p.m. with setup from 12 noon to 3 p.m.

IT WAS MOVED BY PFALLER and seconded by ELLISON to approve the street closing – Lincoln Lake from Suffolk to Mercer to Amity on Saturday July, 12 2008.

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

Item #3. **REQUEST FROM OUR LOVE SKATEPARK COMMITTEE TO HOLD BEENFIT CONCERT AT RICHARDS PARK ON JULY 12.** Shannon Hanley of 829 N. Hudson requested use of Richards Park during the afternoon of July 12 as well as closing one block on Spring Street from Hudson to hold a benefit concert for the proposed skatepark.

Mayor Pro Tem Hodges stated the kids have done much work on this project and it is a very good fundraiser.

Hanley stated permission was received from First Congregational Church to use the bathroom facility, electricity and water.

The group wishes to place the stage in the street in order to allow people to sit in the park and listen to local young bands. The event would be held from noon to 4:00 p.m.

Councilmember Ellison asked if there was any foreseen security issues. Police Chief Jim Valentine stated the police department will be well staffed on this particular day. The group seems to have the project very well planned and the police department endorses the event.

Hanley noted this will be their third concert the organization has hosted at different locations.

IT WAS MOVED BY HODGES and seconded by ELLISON to support and allow the use of Richards Park for a skatepark benefit concert as well as the closing of Spring Street on July 12, 2008.

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

Item #4. **ATTWOOD CORPORATION – APPLICATION FOR AN INDUSTRIAL FACILITIES EXEMPTION CERTIFICATE UNDER PUBLIC ACT 198 – ESTABLISH PUBLIC HEARING DATE (7/7).** City Manager Pasquale introduced Attwood President Chris Drees and Chief Financial Officer Pete Zimmer. The project involved a tax abatement in which a public hearing needs to be held. There will be significant financial investment into the community from Attwood which necessitates a tax abatement with the City.

Drees thanked Pasquale and noted he did an outstanding job representing the City and coordinating efforts with the City of Lowell and the State of Michigan. Pasquale was a key person in attempting to keep jobs in Michigan, but also grow the number of jobs in Lowell.

Attwood currently owns and operates three manufacturing facilities in the United States. One in Atlanta, Texas and Michigan. The project consists of shutting down the facility in Texas and converting and moving all of the equipment to Lowell, purchasing new equipment and expanding the payroll of up to 50 new employees. The total investment will exceed one million dollars.

Pasquale stated this is terrific news and Attwood should be applauded. He explained any time a firm provides one million dollars of investment it automatically qualifies for 12 years of tax abatement. On top of this financial investment of equipment, there will be at least 43 new jobs created.

Mayor Shores stated it was great to have some good news. She thanked Attwood for investing in Lowell.

Councilmember Pfaller asked how many employees will be transferred here and how many will be hired. Drees responded there is only one person transferring from the Texas facility, while the rest are to be hired.

IT WAS MOVED BY HODGES and seconded by PFALLER to set a public hearing for July 7, 2008 to discuss the industrial facilities exemption certificate for Attwood Corporation.

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

Item #5. **OVERNIGHT PARKING PROHIBITION**. Police Chief Jim Valentine explained the issue of allowing overnight parking on City streets is periodically raised. Many do not understand why parking is prohibited.

He questioned if this particular ordinance should be readdressed and amended to prohibit any on street parking between 2 a.m. and 6 a.m. from November 15 to April 15. Valentine explained within the ordinance he has the authority to establish some type of permit process when those have hardships.

Councilmember Pfaller stated he would prefer to have vehicles parking in the streets in the summer rather than in the front yards. He would be in favor of the proposal.

Mayor Pro Tem Hodges stated he would support the change. He questioned changing the dates to the first of the month. Valentine stated these dates have been debated. DPW Director DesJarden agreed with the dates Valentine presented.

By general consensus, the Council agreed to proceed with preparing the ordinance.

Item #6. **CONSIDERATION OF RESOLUTION FOR PROPERTY USE AGREEMENT BETWEEN FIRST UNITED METHODIST CHURCH ON BEHALF OF BOY SCOUT TROOP 102 AND THE CITY REGARDING CABIN AND IMMEDIATE PROPERTY ON NORTH WASHINGTON.** After much review and discussion, a property use agreement for Boy Scout Troop 102 has been proposed involving the cabin and immediate property on North Washington Street. Since First United Methodist Church is the sponsor, it was determined the Church officials be the signatories.

IT WAS MOVED BY PFALLER and seconded by HODGES to approve the resolution for property use agreement between First United Methodist Church on behalf of Boy Scout Troop 102 and the City regarding cabin and immediate property on North Washington.

YEA: 5. (Councilmembers Altfot, Ellison, Pfaller, Mayor Pro Tem Hodges and Mayor Shores)

NAY: 0. ABSENT: 0. MOTION CARRIED.

Item #7. **HYDRO DESIGNS, INC. – PRESENTATION AND CONSIDERATION OF A CROSS CONNECTION CONTROL PROGRAM.** Water Distribution Supervisor Bob Robinson and City Manager Pasquale explained the Michigan Department of Environmental Quality is making a strong emphasis on having a cross connection program in place for the City's water distribution system.

Because of staff limitations, a firm has been proposed to carry out the responsibility. Hydro Design, Inc. is the only firm in the area with this expertise.

A presentation from Barry Walter of Hydro Designs, Inc. was made. He provided the Council with an understanding of what a cross connection is. Further, information was given on what a cross connection control program is and what it involves.

Councilmember Pfaller questioned the penalty if a violation is found by Hydro Designs. Robinson stated an ordinance has been in place in 1982 which states the service can be shut off if the violator does not comply within a reasonable amount of time. Pfaller suggested the ordinance also state the violator must reimburse the City for any further inspections.

Walter stated Hydro Designs, Inc. currently works for approximately 100 communities in the State of Michigan. Annually 15,000 inspections or surveys are done. The firm has never had to shut any water off or penalized anyone for non compliance.

IT WAS MOVED BY HODGES and seconded PFALLER to enter into a 3 year agreement with Hydro Designs, Inc. totally \$15,420 per year and overall \$46,260.

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

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

Item #9. **CITIZEN COMMENTS**. Greg Canfield, Chairman of the Lowell Light and Power Board informed the Council on Wednesday, June 18, 2008 the Board will be interviewing an interim manager for Lowell Light and Power.

Canfield also commented on the payment in lieu of taxes with the City. He understood the City budget has been approved as well as the Lowell Light and Power's budget and there is a slight increase which the City will receive. City Manager Pasquale explained the last report received showed \$280,000 in projected revenues which would come to the City as a payment in lieu of taxes. The City has shown a budget of \$245,000.

With the departure of Tom Richards, Canfield was hoping the Council would consider the idea of continuing with the payment in lieu of taxes at the current level. Next year, at this time the issue can be revisited when there is a permanent manager in place. Mayor Shores believed this was a good idea. The Lowell Light and Power Board have their hands full. However, they have done an excellent job and should be commended. Shores agreed, the payment in lieu of taxes should remain the same for the year and then be revisited if need be.

IT WAS MOVED BY HODGES and seconded by ELLISON to continue the payment in lieu of taxes as it currently is through the 2008 – 2009 budget.

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

Councilmember Pfaller suggested the payment in lieu of taxes become part of the budget process prior to budgets being finalized.

Item #10. **COUNCIL COMMENTS**. Councilmember Pfaller stated he received an email that LARA (Lowell Area Recreation Authority) received a \$150,000 grant from the Lowell Area Community Fund for a capital campaign. There is an opportunity with a developer along Alden Nash to have his excavator, planner, and landscape architect do some of the work for LARA at a less expensive price.

Mayor Shores attended a dinner meeting at the Flat River Grill. She commented on how beautiful the Riverwalk area is.

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

1. The following boards and commissions meetings minutes are provided:
  - Airport Board meeting of April 29, 2008
  - Chamber of Commerce meeting of May 13, 2008
2. A thank you note was received from Hastings Mayor Bob May regarding Mayor Exchange.

Item #12. **APPOINTMENTS**. By general consensus, the Council reappointed Diane LaWarre to the Arbor Board to a term expiring June 30, 2011.

IT WAS MOVED BY PFALLER and seconded by ELLISON to move into Closed Session at 8:32 p.m. pursuant to personnel issues.

YEA: 5. (Councilmember Altoft, Ellison, Pfaller, Mayor Pro Tem Hodges and Mayor Shores)

NAY: 0. ABSENT: 0. MOTION CARRIED.

IT WAS MOVED BY HODGES and seconded by ALTOFT to return to open session at 9:55 p.m.

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

IT WAS MOVED BY SHORES and supported by ELLISON to increase the wages of City Manager David Pasquale by 2%.

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

IT WAS MOVED BY HODGES to adjourn at 9:56 p.m.

DATE:

APPROVED:

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C. Jeanne Shores, Mayor

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Betty R. Morlock, Clerk