

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

For the Regular Meeting of **MONDAY, AUGUST 18, 2008.**

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

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

Absent: Mayor Shores.

Also Present: City Manager David Pasquale, City Clerk Betty Morlock, DPW Director Dan DesJarden, Police Chief Jim Valentine, Interim Light and Power Manager Greg Pierce, Airport Boardmember and Manager Jim Sowle, Arbor Board and Light & Power Boardmember Jim Hall, and Light & Power Boardmember Greg Canfield.

IT WAS MOVED BY PFALLER and seconded by ELLISON to excuse the absence of Mayor Shores.

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

IT WAS MOVED BY ELLISON and seconded by PFALLER to approve the minutes of the August 4, 2008 regular meeting as corrected.

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

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

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

<u>BILLS AND ACCOUNTS PAYABLE (08/18/08)</u>	
GENERAL FUND	\$110,913.72
MAJOR STREET FUND	498.75
DDA FUND	63,610.09
AIRPORT FUND	32.64
WASTEWATER FUND	853.87
WATER FUND	41,950.60
DATA PROCESSING FUND	192.50
EQUIPMENT FUND	666.59
CURRENT TAX FUND	17,611.06

Item #1. **RESOLUTION REGARDING LEGAL SERVICES AGREEMENT EXTENSION – DICKINSON WRIGHT**. As part of the legal services agreement with Dickinson Wright authorizing Richard Wendt City Attorney (most recently approved October 1, 2006), an additional two-year term of the agreement may be renewed upon the mutual concurrence of both parties.

The terms of the agreement remain the same extending the contract to September 30, 2010.

Councilmember Pfaller requested the RFQ to ensure the services being received were proper for what the City is paying and it is priced competitively since last being reviewed. It was found Wendt did have the best proposal, without any increase in fees.

IT WAS MOVED BY PFALLER and seconded by ALTOFT to adopt the resolution regarding Legal Services Agreement Extension for an additional two years with Dickinson Wright providing Richard Wendt as City Attorney.

YEA: 4. (Councilmember Altoft, Ellison, Pfaller and Mayor Pro Tem Hodges)

NAY: 0. ABSENT: 1. (Mayor Shores) MOTION CARRIED.

Item #2. **RESPONSE FROM LIGHT AND POWER – ASSISTANCE FOR DIGGING POST HOLES REGARDING GAZEBO PROJECT AT STONEY LAKESIDE PARK.** Councilmember Pfaller stated there has been a consensus regarding the placement of the proposed gazebo being moved closer to the water at Stoney Lakeside Park. He contacted Lowell Light and Power to determine if they would be willing to help bore the holes with their auger. They have proposed to split the cost of digging the holes. An estimate of \$250 was provided, using a truck and two men for two hours. Pfaller noted the ground is very hard.

By general consensus, the Council agreed to pay Light and Power approximately \$125 to assist in digging post holes for the gazebo project at Stoney Lakeside Park.

Item #3. **LCTV ENDOWMENT FUND.** At its August 13 work session, the City Council had the opportunity to hear comments regarding the administration of the LCTV Endowment Fund. From the comments received as well as the Councilmembers' discussion, the proposals were raised for amendments:

- Only projects with the City, Lowell Charter and Vergennes Townships will be considered.
- Only one time, specific projects will be considered, with no City operating expenses are to be authorized.
- Proposals from citizens and City non profit groups will be considered for one time, specific projects.
- Consideration of an advisory board for projects review.

The Council proposed to form a committee composed of two Councilmembers and two "Disenfranchised Concerned Cable Subscribers Advisory Committee" members to consider the issue of the advisory board role and provide a consensus on administration.

City Manager Pasquale questioned if the Council wanted him or Kate Luckert Schmid from the Grand Rapids Community Foundation present at meetings.

Mayor Pro Tem Hodges believed it would be appropriate to begin the process with two and two. Pfaller felt it would be appropriate to have Luckert Schmid present at the meeting. She has an understanding of how some of these decisions and committees are assembled. It would be good to offer a different perspective.

The Council selected Councilmembers Altoft and Pfaller to serve on the Committee as well as Dr. Bob Reagan as a representative along with another to be determined.

Item #4. **MONTHLY REPORTS.** No comments were received.

Item #5. **CITIZEN COMMENTS.** Bob Reagan, resident of Schneider Manor, explained before the worksession was held Councilmember Pfaller showed him many Council meeting minutes from 1981, 1982 and 1983. The minutes showed the City was certainly involved in establishing Lowell Cable TV. Ivan Blough also furnished him much information which showed the Council stating to King Doyle and Blough to proceed, but they are on their own. Doyle and Blough did a terrific job in setting the cable business up as well as running it. The information stipulated the cable business was owned by the subscribers, not the City. Reagan believed the actual sale of the Cable TV was not so well documented and should be further reviewed.

Reagan stated the worksession was nice, but only the resolution proposed by the City was discussed in depth. He felt their proposal was glanced over and there was very little opportunity to discuss it.

Dennis Kent of 1700 Faith Drive attended the meeting before the worksession as well as the worksession itself. The action taken appeared to be a reasonable compromise. He did not want the advisory board or the Council to lose sight of the need for infrastructure. Kent questioned how the other two members would be picked? Hodges responded the other members would come from the disenfranchised group, with Bob Reagan's leadership. Kent reemphasized his concern that the advisory group is a little slanted toward arts and entertainment. Hodges explained this is not the advisory group, but rather figuring out if there should be an advisory group and what the composition would be. Kent withdrew his comment for now.

Item #6. **COUNCIL COMMENTS.** Councilmember Altoft commented on the garbage collection contract within the City of Lowell. He spoke with many of other Cities who are franchised for their waste pickup. This means there is only one trash service picking up the trash throughout the City. This cuts down on truck traffic. He believed this would help protect the streets as well.

City Manager Pasquale stated he spoke with Tom Dempsey City Manager of Portland. If Council is interested in such a change an ordinance would need to be passed. This would limit the waste haulers to one.

Pasquale stated the issue could be placed on the September 2, 2008 agenda for additional discussion and review.

Pasquale noted bids are due for trash collection on August 25, 2008.

Mayor Pro Tem Hodges suggested extending the current contract for one year, giving the Council time to work out details and possibly change the ordinance.

Hodges asked everyone to continue to keep Mayor Shores in their thoughts and prayers.

Hodges stated his church is involved with the proposed skateboard park. A golf outing is planned for Saturday, September 6, 2008 to help raise funds for "Our Love Skate Park". It will be held at Tyler Creek at 2:00 p.m. The church phone is 897-5906. The cost is \$35.

Hodges stated he is unable to attend the Fire Board meeting Thursday as he has a conflict in his schedule.

Item #7. **MANAGER'S REPORT.** City Manager Pasquale reported on the following:

1. The following boards and commissions meetings minutes are provided:
 - Airport Board meeting of July 1, 2008
 - Lowell Light and Power meeting of July 2, 2008
 - Grand Valley Metro Council meeting of July 14, 2008
 - Lowell Area Recreation Authority meeting of July 9, 2008
2. A stakeholders meeting was held on Wednesday, August 13 so that MDOT could update those business owners regarding the bridge work downtown. Though specific plans are not finalized, the following was mentioned:
 - Estimated start April 2010, finish (approximately 4 ½ months) Labor Day 2010
 - Partial width construction start north side first complete by July then south
 - Traffic – recommended east board one way
 - Bridge railings options reviewed
 - Another meeting scheduled in 2 to 3 months
3. In observance of Labor Day, City offices will be closed on Monday, September 1. The Council will meet on Tuesday, September 2.

Item #8. **APPOINTMENTS.** None.

IT WAS MOVED BY PFALLER to adjourn at 8:03 p.m.

DATE:

APPROVED:

C. Jeanne Shores, Mayor

Betty R. Morlock, Clerk