

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

For the Regular Meeting of **MONDAY, SEPTEMBER 15, 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 and Police Chief Jim Valentine.

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

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

IT WAS MOVED BY PFALLER and seconded by ELLISON to approve the minutes of the September 2, 2008 regular meeting as corrected.

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

IT WAS MOVED BY PFALLER and seconded by ALTOFT to approve the minutes of the September 8, 2008 special meeting as written.

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

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

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

BILLS AND ACCOUNTS PAYABLE (09/15/08)

GENERAL FUND	\$93,871.93
MAJOR STREET FUND	806.15
LOCAL STREET FUND	1,569.43
DDA FUND	418.17
AIRPORT FUND	18.54
WASTEWATER FUND	275.31
WATER FUND	11,994.93
EQUIPMENT FUND	1,037.23
CURRENT TAX FUND	293,282.36
LEE FUND	440.00

Item #1. **UPDATE ON PINK ARROW PROJECT DAY.** Patty Sellner, Director of Lowell Community Wellness, provided an update on the Pink Arrow Project Day which occurred last Friday, September 12, 2008. The event was a huge success. Through sales, more than \$75,000 was generated.

Sellner thanked everyone for their support.

Item #2. **RESOLUTION TO THE STATE LEGISLATURE SUPPORTING CONTINUED FUNDING FOR THE KENT COUNTY DISPATCH AUTHORITY.** A letter was provided from Wyoming City Manager and Chair of the Kent County Dispatch Authority Curtis Holt asking all communities to pass a resolution in response to the State legislature's action one year ago. The act has empowered counties to establish a surcharge through State enabling acts providing funding for the County Dispatch Authority, which has been improving 911 services.

The State Enabling Acts are set to expire February 28, 2009. In order to provide adequate funding for the Dispatch Authority, the resolution provided requests extension of these Acts to December 31, 2013.

The Council is asked to provide a resolution for adequate funding for the dispatch authority with an extension to December 31, 2013.

IT WAS MOVED BY PFALLER and seconded by ALTOFT to approve the resolution as presented regarding extension of the State Enabling Acts involving funding for county dispatch authorities.

YEA: Councilmembers Altoft, Ellison, Pfaller and Mayor Pro Tem Hodges. NAY: None.

ABSENT: Mayor Shores. MOTION CARRIED.

Item #3. **ZONING BOARD OF APPEALS**

A. 292 Donna – Donna Tyler – rear yard variance to construct an enclosure – public hearing. Donna Tyler applied for a rear yard variance to construct an enclosure. Because it is a corner lot, there would be two front yards and two side yards. There is no need for a variance and by right this would be allowed, as long as the side yard setbacks are no less than 15 feet and a minimum of 6 feet. Therefore, the applicant was instructed to proceed with a building permit.

Item #4. **SIDEWALK CONSTRUCTION ON NORTH CENTER STREET – COMMUNITY DEVELOPMENT BLOCK GRANT – AWARD OF BID.** At its January 7, 2008 meeting, the City Council approved an allocation of Federal Community Development Block Grant funds amounting to \$36,829.23 for sidewalks on North Center Street from West Main to Laurels of Kent on both sides and Sibley from North Center to North West Street.

As noted in Dave Austin's letter of September 2, seven bids were received from contractors. DeYoung Concrete was lowest at \$53,234.75. Because of the limitations on funds, City Manager Pasquale recommended the project be limited to North Center as a cost of \$34,832.75.

Councilmember Ellison understood the City did not have enough money to do both sides of North Center and Sibley. She suggested doing one side of both streets and not doing the remaining until later. DesJarden explained the idea is to complete blocks one at a time, instead of piecing it together and having to go back. Pasquale explained the street improvements along Sibley will be coordinated with the sidewalk work.

Councilmember Pfaller questioned the large differences between bid prices. DesJarden stated this is the way it has been with concrete businesses.

Hodges asked if there was a guarantee of how long the concrete would stay in good condition. DesJarden noted there is usually a one year warranty.

IT WAS MOVED BY PFALLER and seconded by ALTOFT to approve the bid from DeYoung Concrete in the amount of \$34,832.75 for the sidewalk construction along North Center utilizing Federal Community Development Block Grant funds.

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

Item #5. **WAGE REOPENER – CONTRACT WITH THE LOWELL POLICE OFFICERS AFFILIATED WITH THE POLICE OFFICERS ASSOCIATION OF MICHIGAN.** The City is in the second year of a three year contract with the Lowell Police Officers. Wages are the only items open for review and negotiation.

After a session of mediation, an agreement (subject to Council approval) was reached providing 2.5% wage increase for all classifications covering the second year effective July 1, 2008 and the third year effective July 1, 2009. (NOTE: recent previous increases to the police officers were: 2% in 2007, 2.5% in 2006 and 2.5% in 2005).

Councilmember Altoft questioned the amount the wage budget would be increased. Pasquale responded it is equivalent to an additional \$.13 an hour. Currently, there are five full time officers. The increase remains within the budget.

IT WAS MOVED BY PFALLER and seconded by ALTOFT to approve the wage reopener agreement at 2.5% for 2008 and 2.5% for 2009 for the Lowell Police Officers Association affiliated with the Police Officers Association of Michigan.

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

Item #6. **LCTV ENDOWMENT FUND – PROGRESS REPORT AND CONSIDERATION OF PUBLIC HEARINGS.** At the Monday, September 8 work session, the Council discussed the LCTV Endowment Fund with representatives of the DCCSAC committee. In particular, the composition of a LCTV Endowment Board was reviewed as well as disposition of the funds.

The resolution and commentary of the propose changes from Barb Barber and City Manager Pasquale regarding the fund was provided. These have been forwarded to City Attorney Richard Wendt and committee attorney Devin Schindler so that a new final resolution can be written.

Councilmember Pfaller asked if a 31 day notice was necessary if a public hearing is held. Pasquale explained this is a resolution and the 31 day notice is not required. If it was an ordinance, then a public hearing would be required. However, the Council needs to determine the amount of days.

Pasquale stated the issue can be placed on the October 6, 2008 agenda.

Item #7. **SOLID WASTE, RECYCLING AND YARD WASTE CONTRACT – FURTHER REVIEW.** At the September 2 meeting, the Council had the opportunity to discuss the merits of exclusive solid waste collection contracts. As directed by the Councilmembers, a cost for carts under an exclusive contract was requested from Allied Waste, Green Valley and Waste Management. While no specific numbers were given, generally speaking cart service under an exclusive contract would result in cost savings (letters from Allied Waste, Waste Management and Green Valley were provided).

An exclusive contract requires an ordinance and public input. As mentioned previously, City Manager Pasquale recommended a contract with Allied Waste for one year having options for a two year renewal based on the bids submitted on August 25.

Cart service is a benefit for those with a great amount of garbage.

Pasquale suggested looking at a one year agreement with Allied and then have options for the two other years. The City could look at considering an ordinance for an exclusive contract over this year, receive public opinion and input and then enact it the next year.

Councilmember Altoft believed something needed to be done. He noted the recycling doubles in price. Pasquale stated the City could consider raising the cost of the garbage pickup per bag, which would cover some recycling cost.

Councilmember Ellison referred to companies that pick up carts and bags. Pasquale stated Allied is already doing this. Individuals with carts have their own contract. Pasquale believed if the Council wanted to look at a contract for one year, the bags would cost approximately \$1.50 per bag, \$1.70 to \$2.00 for yard waste, which would cover the cost and a portion of the recycling.

City Clerk Morlock noted from July 2007 to June 2008 there was 3,658 bags per month sold. On a weekly basis for curb side recycling, there were approximately 491 totes which are signed out. Yard waste pick up for the same period was approximately 1,353 bags per month.

Councilmember Pfaller believed there was no other choice than extending the current contract for at least one year.

IT WAS MOVED BY PFALLER and seconded by ELLISON to extend the current contract with Allied Waste having the new rates for one year with an option for two one year renewals.

Pfaller believed this would get us into a position where the City's needs with the carrier are taken care of and the Council can review the issue.

Eric Schelhas (Red Creek Waste Services) and an Ada resident, who is in the refuse business as well, suggested the Council consider the option of recycling every other week. Many other cities do this. He also noted Allied Waste is in the process of merging with another company.

Altoft wanted to wait on extending the contract for one more meeting and consider picking up the recycling every other week.

YEA: 3. NAY: 1. (Altoft) ABSENT: 1. MOTION CARRIED.

Item #8. **MONTHLY REPORTS.** City Manager Pasquale noted the Code Enforcement report has been provided.

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

Item #10. **COUNCIL COMMENTS.** Councilmember Pfaller noted the permit for the gazebo has been received. The holes are dug. He noted it took Light and Power 45 minutes to dig the holes. Two hours was estimated. The post will be set on September 16, 2008.

Mayor Pro Tem Hodges thanked the community for its support of the "Pink Arrow Project" and the wonderful excitement and support which drew the community together. It was fun to be one. The community was one in spirit and effort on the project. He congratulated Coach Dean and everyone who worked hard on make this a unique and spectacular event.

Hodges questioned the news of Earth Tech being sold. City Manager Pasquale explained the service will remain the same and Mark Mundt will continue to be the superintendent. The contract will go to 2014/2015.

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

1. The following boards and commissions meetings minutes were provided:
 1. Grand Valley Metro Council meeting of August 7, 2008
 2. Chamber of Commerce meeting of August 12, 2008
 3. Airport Board meeting of August 5, 2008
2. Congratulations to Police Chief Jim Valentine graduating with a bachelor's degree from Siena Heights University. Jim graduated with honors balancing his studies with a very busy work schedule.

Item #12. **APPOINTMENTS.** None.

IT WAS MOVED BY PFALLER to adjourn at 8:22 p.m.

DATE:

APPROVED:

James W. Hodges, Mayor Pro Tem

Betty R. Morlock, Clerk