

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

For the Regular Meeting of **MONDAY, OCTOBER 6, 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 and 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, Airport Manager Jim Sowle, Light and Power and Arbor Boardmember Jim Hall, Wastewater Treatment Plant Superintendent Mark Mundt and Lowell Light and Power Boardmember Perry Beachum.

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 ALTOFT to approve the minutes of the October 6, 2008 regular meeting as corrected.

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

IT WAS MOVED BY PFALLER and seconded by ELLISON 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 (10/06/08)</u>	
GENERAL FUND	\$111,176.71
MAJOR STREET FUND	4,424.55
LOCAL STREET FUND	7,271.46
DDA FUND	17,154.03
CITY HALL CONSTRUCTION FUND	250.00
AIRPORT FUND	965.69
WASTEWATER FUND	5,414.83
WATER FUND	11,170.25
LOWELL CABLE TV FUND	9,412.00
DATA PROCESSING FUND	3,220.49
EQUIPMENT FUND	1,505.60
CURRENT TAX FUND	1,614,276.94
LEE FUND	5,113.47
LOOK FUND	5,486.00

Item #1. **PRESENTATION OF THE KENT DISTRICT LIBRARY ANNUAL REPORT.** Chuck Myers was present to represent the Board of Trustees of the Kent District Library System. He thanked the City Council for their support of the library. Myers noted he has served on the Board of Trustees for eight years as well as serving as Chair of the Pension Board.

Jim Brucksford, Director of Information Technology, presented the annual report. The KDL Fund is nonprofit which allows money to be collected in order to help support the library. One major initiative for the upcoming year is to invest in training. This is not only technology training, but training in general.

Jane Aronson Manager of the Englehardt Branch Library updated the Council regarding what has happened throughout 2008. There has been a couple of staff changes at the Lowell branch. Anne Pasquale retired in March. Her position was replaced by Craig Hart. In early June, Mary Esparza transferred to the Alto branch. Zerina Arafin has been hired to replace her position.

Aronson noted the new media in the library is called Play Away. There is also the ability for WiFi connection. The library computers are always busy.

Councilmember Pfaller questioned what percentage of users come from the City and what are from outside of the City. Aronson stated she would check into this.

Mayor Pro Tem Hodges thanked the library representatives.

Item #2. **REVIEW AND CONSIDERATION OF PROPOSED PARKS AGREEMENT POLICY.** Councilmember Pfaller stated the Parks and Recreation Commission is seeking direction from the City Council regarding a proposed parks agreement policy.

Mayor Pro Tem Hodges mentioned the City has wonderful parks and much green space that has been made available to the entire community. Extra consideration needs to be made for groups which would use the fields on a regular basis. He would have no problem with there being no fees charged if it is a school event. Hodges believed there should be a fee for use of the parks for activities, such as a tournament where there are entry fees for softball games. He agreed to what the Parks and Recreation Commission has provided.

Councilmember Ellison agreed. She suggested the application indicate whether it is a school or non profit group and how many people will be involved as well as an entrance fee. City Clerk Morlock stated the Creekside pavilion is open to anyone. The fields can be reserved by groups who have an agreement with the City. Ellison believed this was a very good policy.

Councilmember Altoft commented on the different agreements for various groups. Pfaller did not believe the Kent County Youth Fair and the Boy Scouts could be compared. He noted the Kent County Youth Fair and Boy Scouts do year around maintenance. There is also a 10% fee to the Kent County Youth Fair on any activities outside the fair events. Pfaller stated the Commission needs to determine at which point a group would fall under a usage fee.

Hodges believed this was a document in progress and needs further work. However, at the moment, it provides staff direction as well as having a policy which can be referred to. Pfaller believed the policy needed to be brought back to the Parks and Recreation Commission to be rewritten.

Item #3. **REVIEW OF RESOLUTION ESTABLISHING LCTV ENDOWMENT BOARD AND PRESCRIBING ITS DUTIES AND RESPONSIBILITIES AND OTHER MATTERS RELATED THERETO – CONSIDER ESTABLISHING PUBLIC HEARINGS.** Mayor Pro Tem Hodges suggested reviewing the LCTV Endowment Board issue further before a public hearing is held.

Councilmember Pfaller stated he discussed a couple points with Ivan Blough. They were in agreement that it is not exactly what is wanted. Pfaller reviewed the minutes from the last meeting and had a problem with Items C and D under #7. These need to be better defined. Item C states “must provide and dollar for dollar match”. He did not see this in any of his notes or what was provided. Item D needs to be further defined as to what limitations there are for what an operating cost includes. This should be further restricted. Hodges believed the resolution needed to be redrafted. He suggested a worksession be established to discuss the issue outside of a regular Council meeting.

Councilmember Ellison stated she has received complaints regarding the makeup of the board. There are two members from each township and two from the City. She suggested adding a third representative from the City.

Councilmember Pfaller suggested the worksession be held Monday, October 13, 2008 at 7:00 p.m. to further review the issue. By consensus, the Council agreed.

Item #4. **SOLID WASTE, RECYCLING AND YARD WASTE COLLECTION:**

A. Todd Harland – Allied Services – recycling option, response to any questions. Todd Harland of Allied Services was unable to attend the meeting.

During the last meeting, the option of providing recycling on an every other week basis was discussed. Allied gave a biweekly cost of \$4.23 per month per residence from \$6.02 per month per resident weekly given for next year (\$3.01) per month currently).

Another issue raised involved the viability of Allied. City Manager Pasquale said the company is alive and well. Currently, there is consideration of a merger pending with Republic Waste Services which could be completed by December 1, 2008. However, personnel will remain the same.

Councilmember Altoft suggested waiting until Harland can be present. City Manager Pasquale stated the issue can be placed on the October 20, 2008 meeting agenda.

Councilmember Pfaller believed this is something which should be considered. There are concerns regarding the Council providing a franchise and it limiting the competition between vendors. One issue which was raised in discussion involves using the trash bags and yard waste bags to help subsidize the free recycling being offered. When the City has outside vendors come in, revenue is lost from the bags. He questioned if it would be possible to have a licensing fee for any carrier in the City which would help subsidize the recycling program.

- B. City of Greenville – Yard Waste Program. This past week, City Manager Pasquale stated that Barb Barber mentioned the very successful Greenville yard waste program. She noted paper bags are sold at ten cents and wanted this program considered.

George Bosanic, City Manager of Greenville, said the yard waste program is very popular among its residents. Collections are made the last full week of the month and on Fridays on a call in basis.

The program is carried out by City Public Services (Works) personnel. Bags are then transported to the City's old landfill site. Branches would be chipped (the City owns a chipper) and a machine is rented which turns the compost. The soil provided is then sold.

Issue to consider:

- City personnel involved with bag pickup and composting
- Purchase or rental of equipment
- DEQ permits and monitoring

Barber stated the pick up of the yard waste is done by retirees who work part time at minimum wage. Bosanic has indicated the program is so successful and it pays for itself. The composted material produces a better soil than what the nurseries around there can even buy. They are under contract and buy anything they can receive from the City. This income pays for the program.

Pasquale stated more information will be provided as it becomes available.

Item #5. **BLOCKING OF EAST – WEST ALLEY BETWEEN THE POST OFFICE AND LOWELL LEDGER TO THE LOWELL AREA HISTORICAL MUSEUM – REVIEW AND CONSIDERATION.** DPW Director DesJarden stated there has been discussion about closing the alleyway running east and west in order to enlarge the museum parking lot. He explained the end of July, the alleyway was to be paved while the DDA would pay for the underground work. This was not completed at the same time. The contractor did pave Riverside and the parking lot and the alley was to be done at a later date. The last week of July, DesJarden approached all the property owners around the area including Larkin's, Lowell Ledger, US Post Office and the museum and received thoughts about closing the alleyway, especially going west bound. At the time, three said they had no problem and would work with it. However, Postmaster Gil Brown said he wanted to see it open both ways, but also said it is City property

and he would work with it. With this in mind, DesJarden called the contractor to submit a proposal to remove the asphalt from the parking lot at the museum and repave it at the same time. This was brought to the DDA during August 28 meeting and it was approved.

The DDA entertained obtaining an easement from the post office to widen the east bound part of the alley. This would end up being a driveway for the Lowell Ledger and the post office.

After completion of the asphaltting, City staff attempted to strip and block off the alley. There were some concerns from the post office that it was all wrong. At the time, DesJarden spoke with City Manager Pasquale who suggested the issue come back to the Council for a decision.

DesJarden also contacted the building inspector and zoning administrators and asked what classification the museum is in to establish the number of parking spaces needed. It was noted there should be one space for every 300 square feet of the building. Therefore, there are 17 spaces needed. Section 19 of the zoning ordinance states no permit will be issued for major changes on an existing parking lot unless the parking is made to comply with the regulations of the ordinance.

Pasquale read a letter from Postmaster Gil Brown into record stating he was opposed to closing the alley in order to gain additional parking.

Mayor Pro Tem Hodges asked if there was any thought to having a one way west bound alley and then exiting through the post office parking lot. DesJarden stated this can be done.

Police Chief Valentine stated he does not have a problem with this. The vehicles are exiting into a busy intersection.

Pfaller inquired if there has been any response to increasing the width of the alley into the lawn of the post office. DesJarden stated when they returned with the asphalt representative, the post master indicated DesJarden would have to contact the same Postal Chicago office as Lowell Light and Power did for the easement underground for their underground wire. This process would have to start from Chicago.

Pfaller stated the alley is narrow and it is difficult to maneuver a vehicle to the back of the Lowell Ledger office. He believed it would be restrictive for not only the post office and the ledger/buyers guide, if an easement can not be obtained. Pfaller was opposed to closing the alley.

Councilmember Ellison stated the museum parking lot is very narrow and it is difficult to turn a vehicle around. More space is needed.

Hodges questioned when the museum is open. Carolyn Blough stated it is open on Tuesday from 1-4, Thursday from 1-8 and Friday and Saturday from 1-4. An individual also holds office hours from 9-5 on Wednesday.

Councilmember Altoft asked if the alley was owned City property. DesJarden responded yes. DesJarden stated under the Zoning Ordinance the alley needs to be brought up to date. Altoft believed the alley should be closed or turned into one way.

Hodges agreed with the proposal of making the alley one way, except for the fact the Ledger uses the alley for their deliveries. In order for a truck to legally exit, it would need to use the private property of the post office. Altoft suggested the alley be turned into a one way alley entering from Hudson and exiting on Broadway.

Hodges believed the intent of the DDA was to extend the parking lot for the museum and have the alley way blocked off.

Hodges suggested giving the property owners and the DDA more time to receive additional input. Ellison agreed.

Item #6. **REQUEST TO PURCHASE POLICE PHONE/RADIO LOGGER SYSTEM.** Sergeant Hinton explained the phone logger system is equipment which records incoming and outgoing calls to the police department plus the radio communications. The equipment is necessary for evidence and liability reasons. The insurance company strongly recommends its usage. The product they are looking to purchase is from DSS Company. It was strongly recommended by the Portage Police, VanBuren County Sheriff's and the Grand Rapids Police Departments, who all have similar to this equipment.

City Manager Pasquale stated the department received \$8,900 in grant funds, but the recorder can be purchased in the amount of \$4,990. Hinton explained \$8,900 has already been secured for expenditures this year. This is grant money which was obtained through the 2007 – 2008 fiscal year, from the Lowell Area Community Fund.

IT WAS MOVED BY ELLISON and seconded by ALTOFT to approve the purchase of the police phone/radio logger system in the amount of \$4,990.

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

Item #7. **FIXED BASE OPERATOR AGREEMENT (AIRPORT MANAGEMENT) WITH WILLIAMS AIR POWER, INC.** With the leaving School of Missionary Aviation Technology from the Lowell City Airport to Ionia, the Airport Board sought a new Fixed base Operator to manage the facility. Dan Williams has been a SMAT employee and is established as an aircraft mechanic. He already provides services to a number of pilots.

As an FBO, Williams will be responsible for the maintenance of the airport, including mowing and snow plowing. He will also provide fuel services.

The agreement outlines the FBO responsibilities. As compensation, income received from a building (No. 3) at the airport currently being rented by SMAT (\$500 a month) would be provided. In absence of a tenant, Williams has the right to utilize the space.

The agreement is for five years and carries obligations involving liability insurance.

The Airport Board has unanimously recommended Williams be the FBO.

IT WAS MOVED BY ELLISON and seconded by PFALLER to approve Williams Air Power, Inc. as a fixed base operator for the Lowell City Airport.

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

Airport Manager Jim Sowle is pleased to have Williams working with the airport. He has been the face of SMAT for all the pilots at the Airport. He has been maintaining these airplanes for over 5 years.

Item #8. **WASTEWATER TREATMENT PLANT ROOFTOP HVAC QUOTES.** Wastewater Treatment Plant Superintendent Mark Mundt explained this is a continuation of the energy audit done approximately 4 years ago. This is for the replacement of the other two roof top units on the main building. Also included, is the removal of the rooftop unit on the primary building which is not being used. Bids were solicited from local businesses. Progressive Heating, Cooling and Refrigeration was the lowest at \$17,697.

IT WAS MOVED BY PFALLER and seconded by ALTOFT to approve the bid from Progressive, Heating, Cooling and Refrigeration in the amount of \$17,697 for the replacement of the rooftop units at the Wastewater Treatment Plant.

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

Item #9. **CITIZEN COMMENTS.** Dennis Kent of 1700 Faith referred to the agreement between the elected Council and the non elected ADHOC cable group. Is this resolution available for him to review? Pasquale responded yes, it is a public document.

Item #10. **COUNCIL COMMENTS.** Councilmember Altoft stated the MML Conference was very good.

Councilmember Ellison agreed with Altoft. It was very interesting to discuss issues with other cities. Ellison suggested the Council review the rules of procedures during Council meeting. Another issue many be to include approval of the agenda.

Ellison received an email from Lowell High School Football Coach, Noel Dean regarding the Pink Arrow update. Over \$93,000 has been raised.

Councilmember Pfaller received information regarding strengthening neighborhoods in the City. He also had a discussion with Ivan Blough regarding the Cable Funds and noted a worksession will be held on Monday, October 13, 2008.

Mayor Pro Tem Hodges echoed everyone's comments regarding the MML conference. It provides a wonderful opportunity to exchange information.

Hodges went on to note it has been a wonderful privilege to fill in for Mayor Shores. There are many good people serving on committees.

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

1. The following boards and commissions meetings minutes are provided:
  - Look Memorial Committee meeting of February 21, 2008
  - Grand Valley Metro Council – Transportation Policy Committee meeting of July 23, 2008
  - Lowell Community Leadership Council meeting of June 19, 2008
  - Parks and Recreation Commission meeting of August 16, 2008
  - Arbor Board meeting of August 18, 2008
  - Planning Commission meeting of August 25, 2008
  - Downtown Historic District Commission meeting of September 2, 2008
  - Downtown Development Authority meeting of August 28, 2008
2. In response to the Council's resolution as well as other communities' responses, State Representative Hildenbrand requested a hearing to help enact extensions of Public Acts 164 and 165 so that 911 funding may continue.
3. As mentioned previously, Earth Tech was sold to United Water. A memo was provided of explanation from Mark Mundt along with other supporting documents. Nothing changes the operation of the City's plant.

Item #12. **APPOINTMENTS**. By general consensus, the Council appointed Dan Brubaker Lowell Area Housing (Schneider Manor) Board of Directors for a three year term.

IT WAS MOVED BY PFALLER to adjourn at 8:57 p.m.

DATE:

APPROVED:

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James W. Hodges, Mayor Pro

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Betty R. Morlock, Clerk