

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

For the Regular Meeting of **MONDAY, NOVEMBER 17, 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, Police Chief Jim Valentine, Lowell Light and Power Boardmember, Arbor Boardmember and Parks and Recreation Commissioner Jim Hall, Light and Power General Manager Greg Pierce and Police Sergeant James Hinton.

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

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

Item #1. **APPROVAL OF AGENDA.**

IT WAS MOVED BY ELLISON and seconded by PFALLER to approve the agenda as written.

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

Item #2. **APPROVAL OF THE REGULAR MINUTES OF THE NOVEMBER 3, 2008 MEETING.**

IT WAS MOVED BY PFALLER and seconded by ALTOFT to approve the minutes of the November 3, 2008 regular meeting as corrected.

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

Item #3. **APPROVAL OF THE ACCOUNTS PAYABLE.**

IT WAS MOVED BY ELLISON and seconded by PFALLER 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 (11/17/08)</u>	
GENERAL FUND	\$100,510.33
MAJOR STREET FUND	6,251.58
LOCAL STREET FUND	1,977.48
DDA FUND	106,345.01

CITY HALL CONSTRUCTION FUND	112,117.50
AIRPORT FUND	2,754.26
WASTEWATER FUND	30,328.47
WATER FUND	13,206.70
DATA PROCESSING FUND	675.00
EQUIPMENT FUND	429.79
CURRENT TAX FUND	38,544.93
LEE FUND	17.49
CARR FUND	450.00

Item #4. **CITIZEN COMMENTS FOR ITEMS NOT ON THE AGENDA.** No comments were received from the public.

Item #5. **REQUEST FROM IGNITE (IMPACT) CHURCH TO UTILIZE RICHARDS PARK TO HOST A POST PARADE CHRISTMAS FESTIVAL.** Phil Struckmeyer of Ignite (Impact) Church proposed to hold a community Christmas festival after the parade on Saturday, December 6 from 7 p.m. to 10 p.m. at Richards Park. There will be food, carols and a live band.

City Manager Pasquale was concerned with the time schedule due to Richards Park being located near a residential neighborhood. He suggested the event be held on the Riverwalk.

Councilmember Altoft was comfortable with the event being held at Richards Park.

Police Chief Valentine noted the curfew is not applicable if one is traveling to and from an organized event.

Councilmember Pfaller thought it would be more appropriate to have the event on the Riverwalk, where all the other activities will be. He questioned if neighbors had been contacted to determine if there were any objections to the event being held at Richards Park. Struckmeyer explained he spoke with Chamber of Commerce Director Liz Baker to ensure the event would not take away business from the downtown area. It is believed the event will bring exposure to Richards Park and the skating rink.

Councilmember Ellison thought it would be a good event to have at Richards Park.

It was noted the band would play until 10:00 p.m.

IT WAS MOVED BY ELLISON and seconded by ALTOFT to approve Ignite (Impact) Church to host a post parade Christmas activities at Richards Park on December 6, 2008 from 7 p.m. to 10 p.m.

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

Item #6. **REQUEST FOR RECONSIDERATION – FROM SYLVIA TAYLOR, POST OFFICE OPERATIONS MANAGER – BLOCKING THE WEST END OF THE EAST – WEST ALLEY BETWEEN THE POST OFFICE AND LOWELL LEDGER TO THE LOWELL AREA HISTORICAL MUSEUM.** Post Office Operations Manager Sylvia Taylor expressed her appreciation to Mayor Pro Tem Hodges and to the Council in allowing her the opportunity to come to the Council meeting after a decision had already been made. She also expressed her appreciation to the friends from the Lowell Area Historical Museum.

She is appreciative of the need for additional parking, especially at the west end of town. However, as a business, she hoped there could be some type of compromise in providing a better alternative to closing off the alley completely. The Post Office uses the alley extensively. There are at least eight vehicles traveling the alley daily. Taylor believed exiting out onto Broadway was a safety hazard and noted the street slopes severely to the west making it very difficult to see when pulling out into the road.

Taylor commented on the suggestion that the building be moved and use the area behind the dock for exiting. If there is absolutely no alternative, this is a possibility. The Post Office could eliminate some green space for additional parking. However, they would still lose the location of their trash dumpster, as well as the ability for the trash service to enter the alley.

Taylor suggested individuals from the City, Historical Museum, and affected businesses get together and reach a mutual resolution. A suggestion was made regarding the parking be parallel instead of perpendicular to Hudson and use the alley as the entrance or make it one way in and one way out down the alley.

Taylor stated the Post Office is a business which will remain in Lowell and wishes to be good neighbors. However, a decision to close off the main thoroughfare for exiting the parking would be a devastating decision to the business. Taylor requested the issue be tabled for further discussion.

Councilmember Ellison asked if Taylor had ever talked to the telephone company behind the post office. Taylor responded there is a considerable height difference between the properties.

Councilmember Alftoft stated it is difficult to drive down the alley. If it were to become one way, he would want it to exit onto Broadway, not out Hudson. Alftoft noted the Council made a decision and it should be closed.

Mayor Pro Tem Hodges understood the difficulties faced for the Post Office. He remembers the difficulties when the YMCA was housed at the Graham Building and the parking. He personally believed the parking is needed and the DDA in good faith, put money into the project to repave the entire area, primarily to increase parking for downtown, not just for the museum. At this particular time, Hodges stated he would not be in favor of changing the direction. However, there may be some ideas for additional proposals, drawings or other considerations.

Councilmember Pfaller was opposed to closing the alley. It would be appropriate to get AT&T, the Post Office, Museum, Larkin's, Ledger as well as others together for discussion. Pfaller

stated he would support relooking at the configuration. Hodges understood and agreed it needed to be reviewed and possibly reconfigure. However, for the time it should be left as discussed at the last meeting and provide the additional parking. Councilmember Ellison agreed.

Pfaller suggested a staff member instigate the conversation between the City, Historical Commission and the adjoining property owners to see if there is a resolution. Altoft agreed. However, Altoft referred to the light pole being moved, noting there is underground wire.

Item #7. **RESOLUTION APPROVING ASSESSOR EMPLOYMENT AGREEMENT**. Jim Marfia has served as City Assessor since January, 1988 under an employment agreement. City Manager Pasquale proposed such an agreement be extended two years with a change in the compensation schedule. In 2009, Marfia's salary would be \$34,412 (from the present \$33,737). This will increase to \$35,100 in 2010. The raises amount to 2% per year. Mileage for business travel at the current IRS rate is given along with workers compensation and unemployment compensation insurance. Vacation allowance is given, but no other fringe benefits are provided.

The remainder of the agreement stays the same. Marfia continue to have office hours all day Wednesday and Thursday of each week.

A listing of ten area cities' assessor salaries were provided. The salaries are very comparable to Lowell's. Several communities have this posted full time with benefits.

The City Assessor is an appointment of the City Manager. Pasquale recommended approval of the agreement.

IT WAS MOVED BY PFALLER and seconded by HODGES to approve the resolution approving Assessor Employment Agreement.

Councilmember Ellison was interested in how Cedar Springs does their assessment by parcel. She questioned if something similar could be done. Ellison also noted Pasquale indicated the assessor is very busy. She does not like to just give anyone a raise. However, it seems this is a reasonable request. It is a small raise.

Councilmember Pfaller believed Marfia has experience and knowledge of the area. He noted Hastings has a full time assessor plus and additional individual. Ionia has an assessor who works two days and earns significantly more money, while Rockford has an assessor working three days a week and a 401K is provided.

YEA: 3. (Councilmembers, Ellison, Pfaller and Mayor Pro Tem Hodges).

NAY: 1. (Councilmember Altoft) ABSENT: 1. (Mayor Shores) MOTION CARRIED.

Item #8. **RESOLUTION APPROVING AN INSTALLMENT PURCHASE AGREEMENT TO FINANCE THE COST OF THE DUMP TRUCK, AUTHORIZING EXECUTION OF SAID INSTALLMENT PURCHASE AGREEMENT AND AUTHORIZING THE UNDERTAKING OF ALL OTHER NECESSARY AND REQUIRED ACTS IN CONNECTION WITH THE FINANCING THEREOF.** At its September 2, 2008 meeting, the City Council approved the purchase of a 2009 dump truck (for street maintenance and repair) from Western Michigan International Trucks in the amount of \$92,500. As directed by Council, proposals were requested for financing the cost of the truck through an installment purchase agreement.

Only one proposal was received from Firstbank – West Michigan of Lowell at 4.5% interest annually for five years. Principal payments would be in the amount of \$18,500 per year for five years commencing July 1, 2009 through July 1, 2013.

City Treasurer Sue Olin and City Manager Pasquale recommend the Installment Purchase Agreement to Finance the 2009 Dump Truck through Firstbank – West Michigan of Lowell and approve the resolution.

Councilmember Pfaller asked if there was sufficient cash in the Equipment Fund to pay for the truck. Pasquale responded no. Pfaller inquired if there was another fund in which the City could self finance. Pasquale was unsure if this could be done. He did not want to stretch another fund.

IT WAS MOVED BY PFALLER and seconded by ALTOFT to approve the resolution regarding an installment purchase agreement to finance the cost of the dump truck, authorizing execution of said installment purchase agreement and authorizing the undertaking of all other necessary and required acts in connection with the financing.

YEA: 4. (Councilmembers Altoft, Ellison, Pfaller and Mayor Hodges). NAY: 0.

ABSENT: 1. (Mayor Shores) MOTION CARRIED.

Item #9. **ORDINANCE INCORPORATING THE UPDATED UNIFORM TRAFFIC CODE AND MICHIGAN VEHICLE CODE – SET PUBLIC HEARING (12/1).** In 2003, the State Police merged the Uniform Traffic Code and the Michigan Vehicle Code together and encouraged municipalities to adopt these codes as one. This will eliminate the need to update the City Code each time there are amendments or revisions.

IT WAS MOVED BY PFALLER and seconded by ELLISON to establish a public hearing for December 1, 2008 regarding the ordinance incorporating the updated Uniform Traffic Code and Michigan Vehicle Code.

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

Item #10. **APPROVAL OF PARKS USE POLICY.** At its November 8, 2008 meeting, the Parks and Recreation Commission recommended approval of the Parks Use Policy. This comes after a number of months of further review by the Commission. The policy outlines requirements for all organized athletic leagues/groups which will use parks facilities. This includes a signed Park Use Agreement as well as athletic organizations need to provide a fee per participant for each sport an individual participates. All non profit organizations not athletic in nature do not provide a fee per participant, but a fee structured as a percentage of proceeds from extracurricular activities. For profits will give a fee based on percentage from sponsored events.

IT WAS MOVED BY PFALLER and seconded by ELLISON to approve the Parks Use Policy as presented.

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

Item #11. **ADOPTION OF THE RECREATION PLAN.** The City Council adopted the Recreation Plan on July 7, 2008. In order to qualify for Michigan Department of Natural Resources certification, the plan must have a 30 day public review period, which then qualifies projects for grant funding.

The City did not have a full 30 day review. Thus, the Council is recommended to establish this review period and have a public hearing at its January 5, 2009 meeting. No changes are being made to the plan.

IT WAS MOVED BY PFALLER and seconded by ALTOFT to set a public hearing for January 5, 2009 regarding the adoption of the Recreation Plan.

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

Item #12. **LCTV ADVISORY BOARD APPOINTMENTS.** At the request of Mayor Pro Tem Hodges, notification to City residents of the three openings on the LCTV Advisory Board will be published. Letters of interest should be submitted to the City Clerk by Wednesday, November 26, 5 p.m.

Item #13. **RETIREMENT OF POLICE CHIEF JIM VALENTINE.** Police Chief Jim Valentine submitted a letter of his intent to retire by the end of December, 2008. He has had a strong desire to apply his training, education and experience in another management field outside of the law enforcement. He has accepted a position as Director of Ionia County Central Dispatch. Valentine thanked City Manager Dave Pasquale for giving him the opportunity to be Chief of Police and for his trust in his abilities and decisions and for his continued support. Pasquale has allowed Valentine to run and manage the department as he sees fit. He has also given him chances to participate in some very prestigious management training, especially the FBI National Academy.

He loves the community and it has been a wonderful place to work since his very first day as a patrol officer in January, 1983. Immediately, it became his home. Valentine thanked the community for being able to serve them for almost 26 years.

Pasquale stated he will miss Valentine. He has set a high standard for this position. Valentine is very respected by his department and City staff as well as the community and State wide. He also has a number of contacts nationwide in terms of public safety.

Upon Valentine's departure, Sergeant James Hinton, a 16 year department veteran, will serve as Acting Chief starting January 1, 2009. Request for interest in applying for the Chief's position will be solicited from within the department as well as outside.

Pasquale congratulated Valentine, adding he will do an excellent job for Ionia County.

Item #14. **MONTHLY REPORTS**. No comments were received.

Item #15. **COUNCIL COMMENTS**. Councilmember Ellison received a comment from a citizen who was unhappy with the recycling program being picked up every other week.

Councilmember Pfaller noted the LED street lights seem to be working good. He also requested an update on the safe walks to school project at the next meeting.

Item #16. **MANAGER'S REPORT**. City Manager Pasquale reported on the following:

1. The following boards and commissions meetings minutes are provided:
 - Grand Valley Metro Council meeting of October 13, 2008
 - Airport Board meeting of October 7, 2008
 - Light and Power Board meeting of October 9, 2008
 - Parks and Recreation Commission meeting of October 18, 2008
 - Arbor Board meeting of October 13, 2008
 - Chamber of Commerce meeting of October 14, 2008
 - Lowell Area Recreation Authority meetings of September 10 and October 8, 2008
2. A work session between the City Council and Light and Power Board is scheduled for Thursday, November 20, 2008, 7 p.m. at City Hall.
3. City offices will be closed on Thursday, November 27 and Friday, November 28 in observance of Thanksgiving.

Item #17. **APPOINTMENTS**. By general consensus, Councilmember Ellison was appointed to the LCTV Advisory Board as the Council representative.

IT WAS MOVED BY PFALLER to adjourn at 8:29 p.m.

DATE:

APPROVED:

James W. Hodges, Mayor Pro Tem

Betty R. Morlock, Clerk