

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

For the Regular Meeting of **MONDAY, DECEMBER 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 and Mayor Pro Tem Hodges.

Absent: Mayor Shores.

Also Present: City Manager David Pasquale, City Clerk Betty Morlock, Police Chief Jim Valentine, DPW Director Dan DesJarden, Water Treatment Plant Superintendent George Regan, City Attorney Richard Wendt, Police Sergeant James Hinton, and Lowell Light and Power Boardmember Keith Valentine.

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

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

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

IT WAS MOVED BY PFALLER and seconded by ALTOFT to approve the agenda as presented.

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

Item #2. **APPROVAL OF THE REGULAR MINUTES OF THE DECEMBER 1, 2008 MEETING.**

IT WAS MOVED BY PFALLER and seconded by ALTOFT to approve the minutes of the December 1, 2008 regular meeting as corrected.

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

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

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 (12/15/08)</u>	
GENERAL FUND	\$96271.45
MAJOR STREET FUND	4,816.65
LOCAL STREET FUND	1,635.67
HISTORIC DISTRICT FUND	7,511.00

DDA FUND	43,057.11
CITY HALL CONSTRUCTION FUND	5,550.00
AIRPORT FUND	77.82
WASTEWATER FUND	43,738.03
WATER FUND	31,707.05
DATA PROCESSING FUND	1,450.00
EQUIPMENT FUND	1,235.70
CURRENT TAX FUND	13,786.23

Item #4. **CITIZEN COMMENTS FOR ITEMS NOT ON THE AGENDA.** Keith Valentine of 945 Lincoln Lake commented on the discussion held at the last meeting regarding the status of the Lowell Police Department. He was very disappointed with what he read in the Lowell Ledger. Valentine is a resident of the City and expects the best service. He understood the taxes are high in the City. However, there are certain things one can not place a price tag. As a former police officer himself, Lowell is blessed with exceptional service. Lowell has an outstanding police force from top to bottom. There is exceptional leadership waiting to take over when the Chief retires. Valentine hoped the discussion of looking elsewhere for police services does not get any further than it already has.

Don Schneider of 520 Elizabeth commented on the Lowell Police Department. He has lived in Lowell for 17 years and has raised three girls. One of the reasons his family remained living in the area is due to the soundness of the community. This is a good community with a good school system. Schneider has called on the Lowell Police Department with a couple of emergencies. He did not believe the City would get the same response as the City would from the Lowell Police Department. A dollar amount can not be placed on losing the Lowell Police Department.

Item #5. **KENT INTERMEDIATE SCHOOL DISTRICT – COLLECTION OF SUMMER PROPERTY TAXES FOR 2009.** As in previous years, the Kent Intermediate School District has requested that the City collect the summer property taxes for the districts (4.6903 mills this past years). As part of a continuing resolution, the City collects the KISD property taxes at no fee but is able to keep the interest earned during the bank deposit before distributing these monies.

IT WAS MOVED BY ALTOFT and seconded by PFALLER to collect the summer property taxes for 2009 for Kent Intermediate School District.

YEA: Councilmember Altoft, Ellison, Pfaller and Mayor Pro Tem Hodges. NAY: 0.

ABSENT: Mayor Shores. MOTION CARRIED.

Item #6. **TALL GRASS AND NOXIOUS WEEDS ORDINANCE – RECOMMENDATION FROM THE PLANNING COMMISSION – PUBLIC HEARING** . At its June 2, 2008 meeting, the City

Council accepted the Planning Commission's offer to provide a recommendation on the tall grass and noxious weeds ordinance. After several months of review and discussion, the ordinance proposal has been unanimously approved by the Commission.

Specifically, the ordinance which is based on the Plainfield Township statute would provide mowing, maintenance on:

- On areas of developed lots, parcels and units where a traditional lawn has been established;
- The front twenty-five (25) feet measured from the improved right of way of residentially zoned lots or parcels, whether or not vacant, or lots or parcels with residential uses in which more than eighty-five percent (85%) of the lot or parcel has been developed (for corner lots and parcels, the front twenty-five (25) feet shall be measured from both improved public right-of-way); and
- All cleared and graded areas of lots and parcels where lawns or other landscaped improvements are intended to be planted, but have not yet been established.
- For all business and industrial zoned property and all other properties on which there are commercial, office, business and industrial uses regardless of the zone district, a property owner, tenant or other responsible party shall maintain all landscaped areas of the property free of the nuisances.

It was noted the ordinance will be placed on the City's website.

Councilmember Ellison commented on a letter received from a resident complaining about leaves. It is a nuisance when one does not maintain the leaves in their yards. She questioned if this should be addressed in the ordinance. Mayor Pro Tem Hodges noted the Planning Commission believed the ordinance involved the grasses and noxious weeds. However, this could be considered as well as possibly being in a separate ordinance.

Councilmember Altoft asked if the ordinance would pertain to the areas within the parks which are not mowed. DPW DesJarden stated he believed so.

Altoft asked if it would be easy enough to enforce. Valentine responded yes. It is mostly dealing with residential properties, which is the greatest concern.

IT WAS MOVED BY ELLISON and seconded by ALTOFT to adopt the Tall Grass and Noxious Weeds Ordinance as presented.

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

Item #7. **MOWING BIDS.** Bids were received on Tuesday, December 2 for mowing parks and public areas. Of the seven submitted, Manszewski Excavating bid \$27,000 in 2009, \$28,200 in 2010 and \$28,200 in 2011 totaling \$83,400 over three years as the lowest provided.

Parks Supervisor Scott Fosburg and DPW Director Dan DesJarden have recommended that the Council approve a three year contract with Manszewski. Everett's Landscape Management (formerly Horizons) currently charges the City \$27,492 a year.

DesJarden clarified Clean Cut Lawn Care is contracted to the Water Treatment Plant at this time. Everett's has been under contract with the City for over 12 years. This firm has done a good job and are highly recommended. However, Manszewski Excavating is recommended because of the low bid.

Jim Reynhout of Horizons and previously Endless, has been mowing the parks for the past 15 years. He noted the City had taken a low bidder in previous years who lasted two months. His company was then given the job and has been mowing the parks since. The company has not received any complaints and would love to continue. The company has been in business for 53 years.

Joe Manszewski of Manszewski Excavating stated he has been in business in Lowell for over 25 years and has been in the lawn business for over 12 years. They provide service for many large accounts. The company is proud of the City of Lowell and would like to make it look good.

IT WAS MOVED BY PFALLER and seconded by ALTOFT to approve the low bid of Manszewski Excavating from 2009 through 2011 season carrying out parks and public areas mowing services.

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

Item #8. **FEDERAL COMMUNITY DEVELOPMENT BLOCK GRANT – 2009 – 2010 ALLOCATIONS OF FUNDS – SET PUBLIC HEARING (1/5)**. Kent County has informed the City that \$20,552.40 is available in Federal Community Development Block Grant funds beginning in July, 2009. With \$6,000 allocated to North Kent Transit Service to assist elderly and handicapped riders only \$14,552.40 would be available.

City Manager Pasquale recommended the remaining funds be banked until next year so that a larger project can be considered. This is allowable under CDBG rules.

For advertising a public hearing on Monday, January 5, 2009 the following wording would be:

- North Kent Transit assistance to senior citizens and Handicapped riders \$6,000.00
  - Unallocated 14,552.40
- \$20,552.40

Councilmember Pfaller asked if the monies could be used for engineering. He referred to the Bowes Road project or the Safe Routes to school project (Gee Drive sidewalk). Pasquale stated the City has already had an engineering company under contract. The City would have

to go through an RFP process. The County doesn't encourage engineering, but more construction.

IT WAS MOVED BY PFALLER and seconded by ELLISON to set a public hearing for January 5, 2009 regarding the Federal Community Development Block Grant - 2009 – 2010 allocation of funds.

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

Item #9. **CHANGE ORDER – WATER TREATMENT PLANT – WELL AND PUMP #2 OVERHAUL.** Water Treatment Plant Superintendent George Regan explained Peerless Midwest cleaned and video taped Well #2 as well as tore down the units on the pump. Upon inspection, Peerless found added items which needed replacement. This included a worn and obsolete pump bowl and a deeply pitted column within the pump amounting to \$4,034.

IT WAS MOVED BY PFALLER and seconded by ALTOFT to approve the change order regarding the well and pump #2 at the Water Treatment Plant as proposed.

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

Item #10. **APPROVAL OF THE 2009 CITY COUNCIL MEETING DATES.** The following 2009 City Council meeting dates were approved:

January	5 20 (Tuesday) Martin Luther King Day	July	6 20
February	2 17 (Tuesday) Presidents Day	August	3 17
March	2 16	September	8 (Tuesday) Labor Day 21
April	6 20	October	5 19
May	4 18	November	2 16
June	1 15	December	7 21

IT WAS MOVED BY ELLISON and seconded by ALTOFT to approve the 2009 City Council meeting dates as proposed.

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

Item #11 **MONTHLY REPORTS**. Councilmember Pfaller questioned the increased activity in the Police Department. Police Chief Valentine explained the previous years will show activity goes up and down. The calls for service also rise and fall.

Item #12. **COUNCIL COMMENTS**. Councilmember Altoft commented on how well the parade went. He enjoys having this at night.

Councilmember Ellison thanked everyone for their help during her first year in office. She thanked the public for their support and wished everyone Happy Holidays.

Councilmember Pfaller thanked Perry Beachum for his work on the ice rink in Richards Park. He noted the Parks and Recreation Commission is seeking an organization to maintain the rink.

Pfaller also requested a notice be placed in the Ledger regarding the sidewalk snow removal policy.

Mayor Pro Tem Hodges congratulated Chamber of Commerce Director Liz Baker and everyone else involved in the Christmas Parade.

Hodges also stated there will be a public retirement party for Police Chief Jim Valentine held on Tuesday, December 16 from 4 to 6 p.m. Everyone is encouraged to attend. Hodges appreciated the services Valentine has given to the community.

Police Chief Valentine stated he has had a wonderful career and has worked at the pleasure with City Manager Pasquale. He appreciates the support of Pasquale and for giving him this chance.

Valentine went back to the discussion from the last meeting regarding the Police Department. He believed we all needed to work together and do the best they can for this community. There are many individuals within the department who are very professional and has made the department what it is.

Item #13. **MANAGER'S REPORT**. City Manager Pasquale reported on the following:

1. Pasquale stated he will miss Police Chief Jim Valentine very much and their morning visits. He has been an outstanding officer and Chief for almost 26 years.
2. The following boards and commissions meetings minutes are provided:
  - Grand Valley Metro Council meeting of November 6, 2008
  - Downtown Development Authority meeting of October 30, 2008

- Chamber of Commerce meeting of November 11, 2008

2. The City offices will be closed on Wednesday, December 24 and Thursday, December 25, 2008 for the Christmas holidays and Thursday, January 1, 2009 for New Year's Day. The next Council will be on Monday, January 5, 2009.

IT WAS MOVED BY PFALLER and seconded by ELLISON to go into a closed session meeting at 8:17 p.m.

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

IT WAS MOVED BY PFALLER and seconded by ALTOFT to return to open session at 8:48 p.m.

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

The Council briefly discussed various topics.

No actions were taken.

IT WAS MOVED BY PFALLER to adjourn at 8:59 p.m.

DATE:

APPROVED:

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James W. Hodges, Mayor Pro Tem

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Betty R. Morlock, Clerk