

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

For the Regular Meeting of **MONDAY, FEBRUARY 2, 2009.**

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

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

Absent: None.

Also Present: City Manager David Pasquale, City Clerk Betty Morlock, DPW Director Dan DesJarden, Acting Police Chief James Hinton, Lowell Light and Power General Manager Greg Pierce and Lowell Light and Power Boardmember and Arbor Boardmember Jim Hall.

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

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

YEA: 5. NAY: 0. ABSENT: 0. MOTION CARRIED.

Item #2. **APPROVAL OF THE REGULAR MINUTES OF THE JANUARY 20, 2009 MEETING.**

IT WAS MOVED BY PFALLER and seconded by ELLISON to approve the minutes of the January 20, 2009 regular meeting as corrected.

YEA: 5. NAY: 0. ABSENT: 0. MOTION CARRIED.

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

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

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

NAY: 0. ABSENT: 0. MOTION CARRIED.

<u>BILLS AND ACCOUNTS PAYABLE (02/02/09)</u>	
GENERAL FUND	\$136,726.78
MAJOR STREET FUND	4,587.41
HISTORIC DISTRICT FUND	5,163.37
DDA FUND	2,929.44
AIRPORT FUND	1,981.75
WASTEWATER FUND	37,886.37
WATER FUND	15,949.75

DATA PROCESSING FUND	569.99
EQUIPMENT FUND	93,849.63
CURRENT TAX FUND	98,775.50

Item #4. **CITIZENS COMMENTS FOR ITEMS NOT ON THE AGENDA.** No comments were received.

Item #5. **RESOLUTION TO PREPAY INSTALLMENT PURCHASE AGREEMENT RELATED TO THE ACQUISITION OF A DUMP TRUCK AND TO APPROVE AN INTER-FUND LOAN TO FINANCE SUCH ACQUISITION.** As proposed by Councilmember Ellison, the financing of a dump truck would be handled by an inter-fund loan from the City's Local Street Construction Account in the General Fund to the Equipment Fund in the amount of \$92,500 at an interest rate of 4.75% over five years. This will allow the pre-payment of an installment purchase agreement from First Bank, which was approved by Council in November.

This provided a loan between City funds and allows the General Fund to secure the interest payments.

The resolution was prepared by City Attorney Richard Wendt.

IT WAS MOVED BY LAPONSIE and seconded by ELLISON to approve the resolution to prepay the installment purchase agreement related to the acquisition of a dump truck and to approve an inter-fund loan to finance such acquisition in the amount of \$92,500 at 4.75% interest over five years.

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

NAY: None. ABSENT: None. MOTION CARRIED.

Item #6. **RESOLUTIONS CLARFYING PERMITTED USES OF PROPERTY AFTER ACQUISITION OF AVIATION EASEMENTS RELATED TO THE LOWELL CITY AIRPORT.** During the midst of filing appraisals regarding the calculating of valuing air easements for the Barron and Fegel properties adjacent to the Lowell City Airport, questions arose from the property owners' appraisers whether permitted land uses remain for each and reduced their values.

The resolutions stated on May 19, 2008 an amended declaration of taking was passed for these air easements. Specifically, the declaration allows the Barrons to develop their property with a commercial use and Fegels for residential development on the remainder of their property.

These resolutions are designed to clear up any confusion regarding what can be done with the properties after the imposition of the air easements.

Mayor Pro Tem Pfaller asked if the land uses were determined by MDOT with the aviation law. It appears there are some restrictions. City Manager Pasquale stated as far as the court is concerned, it

is important to show the intent of the easement does not change any of the land uses which are proposed.

IT WAS MOVED BY ELLISON and seconded by PFALLER to accept the resolutions as presented clarifying uses of property after acquisition of aviation easements for the Barron and Fegel properties.

YEA: Councilmembers Altoft, Ellison, LaPonsie, Mayor Pro Tem Pfaller and Mayor Hodges.

NAY: None. ABSENT: None. MOTION CARRIED.

Item #7. **DEER RESEARCH AND INFORMATION**. Acting Police Chief James Hinton stated he presented a memo to City Manager Pasquale dated January 26, 2009 regarding the following items:

- Car vs. Deer crash data for the last 4 years
- A copy of the proposed draft ordinance that was created by researching other city ordinances throughout the State of Michigan
- Permit process for hunting
- Number of single parcels in the city that are 10 acres or more in size with an attached map. In short, 15 private parcels around the city are 10 acres or more in size, courtesy of REGIS with the assistance of DPW staff.

Hinton drafted the proposed ordinance with the law enforcement perspective in mind with 2 key elements:

- Public Safety is his main concern since arrows will be discharged within the city limits – The minimum acreage requirements for the single parcel is crucial – This minimum acreage was determined by talking with experienced archery hunters and DNR officials.
- Enforceability of the ordinance – Lack of loop holes with clear cut verbiage. Minimum leg work for city staff.

The proposed draft ordinance would allow for all types of legal archery hunting, such as turkey and other DNR seasons. Hinton believed this hunting option could be done safely with the proposed ordinance.

City Manager Pasquale stated it would be appropriate to say there needs to be an ordinance drafted. It could possibly be presented at the next meeting for Council review as well as advertising for a public hearing.

Hinton proposed only five hunters be allowed to hunt on the property per season. An example would be this past deer hunting season each bow hunter could actually harvest five deer. This would be 25 deer per 10 acre parcel. This assists in the efforts of the DNR to reduce the deer population in Kent County.

After reviewing the parcels with 10 acres or more, Councilmember Ellison discovered this would encompass only a few single family homes, while the rest would be commercial parcels. Hinton

noted there are a few parcels of land which currently have trapping. As long as the owner of the parcel of land gives written permission to hunt or trap on that specific piece of property, it is approved.

Councilmember LaPonsie noted the ordinance states one can not hunt within 300 feet from a public street. However, it does not say anything about other residences. She questioned if it was covered under State law. Hinton responded yes. It is 450 feet from any occupied dwelling unless there is written permission provided by the occupant.

Pfaller stated Hinton did a very nice job, but believed it was overly restrictive. He suggested the ordinance be reviewed again after next year's hunting season to determine if there were any problems or if it could be expanded. Pfaller referred to the Grand Rapids Gravel property on West Bowes Road which is close to three small residential properties. These could be included if the ordinance were to state adjacent to a 10 acre parcel.

Ellison believed this was extreme, but could live with it. This appears to be a compromise and we can see how it goes.

Councilmember Altoft agreed 100% with Pfaller. He believed it was restrictive, but agreed to a review after one year.

LaPonsie leaned toward agreeing with Ellison. Her feeling is the City really isn't the place to hunt. However, she is willing to give it a try. Hodges agreed as well. He noted the critters are overwhelming. The issue should be turned over to City Attorney Richard Wendt to draft a proposed ordinance.

Hinton noted he is looking at making this ordinance a misdemeanor violation, meaning an arrestable ordinance.

Item #8. **CABLE TV TOWER REPAIRS**. City Manager Pasquale explained the Cable TV Tower lights have not been working well and there is a need for a replacement. Chrouch Communications attempted to replace the strobe tubes for the Cable TV tower lights. The flash head on top of the tower had burned parts and wires. To re-lamp, replacing the flash head on the tower top is recommended. The total cost is \$5,345.

Also, a price has been received for cleaning up the tower. This includes removing all unused antennas and cables from the tower as well as removing microwave dishes and lines from the building top and disposing of such. This would cost \$3,275.

DPW Director DesJarden is also seeking bids to repair the roof once the dishes are removed.

Thus, the total cost is \$8,620. The project would be paid from the remaining Cable TV sales proceeds (\$4,607.94) and the unallocated account in the General Fund (4,012.06).

IT WAS MOVED BY PFALLER and seconded by LAPONSIE to approve \$8,620 to repair the maintenance on the antenna with \$4,607.94 allocated from the proceeds from the Cable TV sale and \$4,012.06 from the General Fund with Chrouch Communications providing the work.

YEA: 5. NAY: 0. ABSENT: 0. MOTION CARRIED.

Item #9. **CONSIDERATION OF AMENDING THE COMPENSATION FOR THE LIGHT AND POWER BOARD.** Lowell Light and Power Board Chair Greg Canfield provided a memo bringing attention to the Council that there has not been a change in their compensation as a board since 1997. Each receives \$25 per meeting to a maximum of \$325 (13 meetings). It was noted the board met 18 times last year.

Lowell Light and Power Manager Greg Pierce stated the main concern involves the length of time since it has been reviewed. He wanted to keep the review current as well as recognize the limit of 13 meetings was set sometime ago when the board was not as busy.

Mayor Hodges noted the Light and Power Board meets every month. The meeting could last up to three hours.

Mayor Pro Tem Pfaller believed the issue should go before the Elected Officers Compensation Board.

Item #10. **COUNCIL COMMENTS.** Mayor Pro Tem Pfaller commented on the portable sign in front of BC Pizza. It is an eyesore. Also, he commented on Ignite Church taking ownership of Voyages and potentially Larkins. Pfaller questioned if these two properties would then be tax exempt. City Manager Pasquale responded a written report would be provided to the Council regarding this issue.

Pfaller also commented on the discussion held last summer with Stephan Kansman who lives in Lowell Township and attends Michigan State University Landscape Architecture program. He and Jim Hall met with him at Recreation Park. There are issues with the aging of the trees along the Grand and Flat rivers. Some are falling into the river every time the water rises. Also, in viewing the ballfield at Recreation Park, there is a lack of screening by the industrial area. Whether it is King Milling or Michigan Wire, it would be a good idea to have a landscape plan. Therefore, the Junior Landscape Architecture Class from Michigan State has offered to provide a landscape plan for all of Recreation Park at no charge other than expenses traveling back and forth.

Pasquale noted the class could gain direct access to Regis maps similar to what the students did who assisted with the RV park study. A form needs to be signed by the City and the students if they wish to gain direct access to Regis.

Councilmember Ellison asked if the group can design skateboard parks.

Councilmember Altoft commented on how he misses Cemetery Sexton Don DeJong when it comes to shoveling snow around City Hall. He suggested a path from the street to the sidewalk be shoveled.

Altoft also commented on Chatham Street near the post office. The snow and ice is so hard near the curb that it is causing everyone to park further into the street. He asked if this could be broken up.

Mayor Hodges reminded everyone Coffee with Council will be held on Saturday, February 7, 2009 from 8:00 a.m. to 10:00 a.m.

Hodges also noted the Chamber of Commerce is having their annual dinner on February 19, 2009 at the King Memorial Building. The person of year will be honored.

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

1. The following boards and commissions meetings minutes are enclosed:
 - Parks and Recreation Commission meeting of December 20, 2008
 - Grand Valley Metro Council – Transportation Policy Committee meeting November 10, 2008.
 - Planning Commission meeting of November 24, 2008
2. Mayor Hodges and Pasquale will be meeting with representatives of the Lowell Area Historical Museum regarding operating expenses. Another such meeting is to be held with the Chamber of Commerce.
3. In observance of Presidents Day, City offices will be closed on Monday, February 16. The next Council meeting is scheduled for Tuesday, February 17.
4. DPW Director Dan DesJarden explained the Water Treatment Plant is currently having a problem with filtration. The plant has scheduled the tank to be shut down and remove the filtration material, which includes gravel and sand. It is believed there is a broken pipe because it is bubbling. It has been shut down for three weeks now and the City is currently having to use hard water. The goal is to have Water Treatment Plant Supervisor George Regan provide cost repair estimates for this particular expense.

Item #12. **APPOINTMENTS.** By general consensus, the City Council appointed Andrew Schrauben to the Planning Commission with a term expiring June 30, 2010.

Mayor Hodges also noted the other openings available which were previously held by Mayor Shores:

- Arbor Board – Councilmember must serve, a voting position
- Board of Review – at large, appointment to 06/30/09
- Liaison to Light and Power Board
- Representative to Lowell Area chamber of Commerce
- Fire and Emergency Services Authority Board
 - one Councilmember

- one citizen at large

Hodges appointed himself to the Light and Power Board. It was noted Light and Power Board Chair Greg Canfield has no objection.

By general consensus, the Council appointed Councilmember Sharon Ellison to the Arbor Board.

By general consensus, the Council appointed Councilmember Altoft to the Board of Review for a term expiring June 30, 2009.

By general consensus, the Council appointed Mayor Hodges as the representative to the Lowell Area Chamber of Commerce.

Hodges went on the state one Councilmember and one citizen at large is needed to serve on the Fire and Emergency Services Authority Board. Pasquale noted the board usually meets during the day on a quarterly basis. LaPonsie noted she could be the Councilmember representative if they met during the evening.

IT WAS MOVED BY PFALLER and seconded by ALTOFT to adjourn to Closed Session at 8:16 p.m. to discuss a personnel matter pursuant to Section 8A of the Open Meetings Act.

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

NAY: None. ABSENT: None. MOTION CARRIED.

IT WAS MOVED BY PFALLER and seconded by ALTOFT to return to open session at 9:37 p.m.

YEA: 5. NAY: 0. ABSENT: 0. MOTION CARRIED.

IT WAS MOVED BY PFALLER to adjourn at 9:38 p.m.

DATE:

APPROVED:

James W. Hodges, Mayor

Betty R. Morlock, Clerk