

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

For the Regular Meeting of **TUESDAY, FEBRUARY 17, 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 Boardmember and Arbor Boardmember Jim Hall, Water Treatment Plant Superintendent George Regan and Planning Commissioner Andrew Schrauben.

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 FEBRUARY 2, 2009 MEETING.**

IT WAS MOVED BY PFALLER and seconded by LAPONSIE to approve the minutes of the February 2, 2009 regular meeting as corrected.

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

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

IT WAS MOVED BY LAPONSIE and seconded by PFALLER 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 (02/17/09)</u>	
GENERAL FUND	\$99,077.28
MAJOR STREET FUND	47.50
LOCAL STREET FUND	37.10
DDA FUND	609.10
CITY HALL CONSTRUCTION FUND	300.00
AIRPORT FUND	2,379.64
WASTEWATER FUND	1,537.23
WATER FUND	195,521.32
DATA PROCESSING FUND	256.90
EQUIPMENT FUND	2,099.44
CURRENT TAX FUND	88,618.46

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

Item #5. **WATER TREATMENT PLANT – FILTER STATUS REPORT.** Water Treatment Plant Superintendent George Regan provided a filter status report. Four bids have been received for the replacement of the filter. Regan recommended the low bid from All American Water Solutions.

Regan explained Filter #2 was lost on January 22, 2009. The plant ran a week or so on Filter #1 by itself, which proved to be detrimental to the filter system. The plant is not set up to run on one filter with the chemical composition of the lime and the elements. It did not have an overall impact on the filter, but it did have a negative effect. In the process, the plant took both filters out of service, anticipating a problem with the underdrain system in #2. Regan noted Filter #2 actually solidified the deposition on the filter along with failure of two of the surface wash units on the left side. There is no explanation as to why this happened, but these were the results. The Plant is in the process, with the help of Fishbeck, Thompson, Carr and Huber Engineering, of replacing the filter, which will be a multi media filtering system. Both filters have been emptied and both will be replaced.

Regan explained media is the material the water flows through to be filtered on the last process before the finished water. As water leaves the clarifier where the softening process takes place, it forms a flock which settles to the bottom of the clarifier while the water which is left (softened water) flows to the filters. The filters remove the flock which carries over.

Regan also referred to the source water or the wells which have risen in hardness from approximately 300 to 320 parts to running an average of almost 350. This is impacting the finished water. The hardness in water for the future will probably be a little higher than what it has been and will run 150 to 160 parts of hardness instead of 130 or 140 parts.

Regan stated the Councilmembers are welcome to visit the plant anytime. Now may be a good time to visit the plant considering it is out of service and see what is being faced. Regan

also indicated he is taking advantage of the down time to get other work done around the plant.

Mayor Hodges stated Regan had indicated not only is All American Water Solutions the low bid but also comes highly recommended. Regan stated Jim Carroll is the Assistant Superintendent of East Lansing's plant, which is also the sister plant to Lowell's water plant. Both were built by the same company. East Lansing had a similar situation, only it was a grout failure. The media had to be removed and a bigger tile was placed. The plant was very happy with the work done by All American Water Solutions. The company is quoting a three man crew, while the high bid was quoting a two man crew.

Regan was hopeful for a one week application. However, there may be a delay with the filter media being delivered.

Hodges asked for an anticipated date of when everything will be running again. Regan predicted the first or second week of March.

Councilmember LaPonsie questioned if Regan has had any experience with Harpin. Regan stated John Harpin submitted a bid. However, he did not agree with the procedure presented by Harpin, noting he wanted to bring in all the gravel and sand in individual bags, which creates a lot of dust.

IT WAS MOVED BY PFALLER and seconded by ALTOFT to approve the low bid from All American Water Solutions at a cost of \$17,206 for the replacement of the filter media at the Water Treatment Plant.

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

Item #6. **LOWELL AREA HISTORICAL MUSEUM – FUNDING OPERATIONAL EXPENSES.** According to a lease dated April 23, 2001, the Lowell Area Historical Museum pays the City operating expenses not exceeding \$100 per month for usage of the municipally owned building located at 323-325 West Main. The cap on the Museum's contribution is to be reviewed on an annual basis. This has not been done.

On Tuesday, February 3, a meeting was held with Museum Director Pat Allchin, Museum President Jim Doyle, Mayor Hodges, City Treasurer Sue Olin and City Manager Pasquale to review the operations issue. It was agreed upon to increase the monthly payment from \$100 to \$200 during discussion.

The Museum also has undertaken efforts to be energy efficient and to ensure proper repairs are taken.

The Museum will request the Downtown Development Authority for the DDA's captured tax increment from their millage (\$3,500).

Councilmember Ellison stated the museum is an asset to the community and this appears to be an excellent compromise.

By general consensus, the Council accepted the increase of \$200 per month for utilities.

It was also noted the issue received of the museum tax increment will be addressed with the DDA.

Item #7. **BOW AND ARROW HUNTING ORDINANCE – SET PUBLIC HEARING DATE (3/2).**

Acting Police Chief James Hinton has worked with City Attorney Richard Wendt on the proposed ordinance for hunting within the City of Lowell. It was discovered that the City should not issue permits to hunters, because it would expose the City to liability issues. With this correction, Wendt drafted the proposed ordinance as requested.

Mayor Hodges did not like the idea as he believed permits would assist the City with some level of control. City Manager Pasquale stated it does, but also by issuing permits it exposes the City to potential liability. By not doing this, it provides a measure of safety to the City. Hodges noted the ordinance will be available on the website as well as being available at City Hall and the Library.

Councilmember Ellison stated many citizens have approached her regarding this issue. Several questioned if one can hunt living next to a 10 acre parcel and be able to hunt on five or seven acres. Also, what would happen if one is hunting with a bow and the deer drops in someone's property, what is going to happen? Who takes care of a deer which is shot and dies elsewhere or runs into the street? She was not against hunting, but believed there is a time and place for it and the City is not the place. Ellison suggested a variance for one year and revisit the issue, rather than just change the entire ordinance. She understood the problem, but did not believe the ordinance should be changed permanently. However, Ellison noted she would be in favor of it if it were for one year, deer only.

Councilmember LaPonsie noted she missed the beginning stages of the discussion. She would support the idea with it being revisited in one year. LaPonsie was unsure of just limiting it to deer, questioning how it would be enforced. What would happen if an individual is hunting and does not have a license or complaints are made regarding hunters on property that is not big enough? Hinton responded it would be a criminal matter and handled by the Lowell Police Department. The department would also work with the DNR and any other agency dealing with hunting issues. The LPD can enforce any State law within the City of Lowell. LaPonsie asked if there were other cities with hunting ordinances. Hinton explained the proposed ordinance is composed from other municipalities who allow hunting within their City limits. The two closest would be the cities of Ionia and Walker. Neither city has had a problem with the ordinance. Ellison noted the City of Ionia allows hunting on 20 acres or more. She also noted Cedar Springs and Portland do not allow such hunting. She believed the City of Lowell is unique, because there are not many cities with 10 acre parcels. Ellison stated there are 15 parcels within the City with 10 or more acres. However, ten of these are Industrial. Do you really think Steelcase would take on such a responsibility? She believed as a business owner,

the corporation would be inclined to say no. Therefore, it leaves five parcels left. Ellison questioned the number of individuals the ordinance was being accommodated for. The Council should not move fast and she did not believe the ordinance was ready.

Councilmember Altoft noted one can only hunt so many weeks out of the year. There are five to ten individuals within the City limits who have large enough lots and have requested the Council to look into this. Ellison noted a City is allowed to write its own ordinances, which is what we are doing. Therefore, the City is taking control of the situation by saying we will allow hunting and DNR will take care of it. Then control is given up. Altoft disagreed. We are not giving up because he can not hunt on his property.

Hodges believed this stimulates some thought. The Council is looking to set a public hearing in order to receive public comments.

IT WAS MOVED BY PFALLER and seconded by ALTOFT to set a public hearing for March 2, 2009 regarding the Bow and Arrow Hunting Ordinance.

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

Item #8. **MONTHLY REPORTS**. No comments were received.

Item #9. **COUNCIL COMMENTS**. Mayor Pro Tem Pfaller did not believe the "Call to Order" and "Approval of the Agenda" needed to be printed in each Council agenda package.

Pfaller received a note regarding a free class to attend regarding pipe line safety. He questioned if an employee from the City was going to attend.

Councilmember Ellison stated she attended her first Arbor Board meeting. It was a very good group of individuals.

Also, she received a very nice note regarding the "Skate Board Park". However, she did not know who the note was from. If anyone knows, please let her know so she can contact them.

Councilmember Altoft noticed some off road vehicle tire tracks around the Moose property. Also, construction of Walgreen's has begun. Altoft asked if permission was needed for a curb cut. LaPonsie stated the Planning Commission approved it last year. Walgreen's had to submit a site plan just for the sidewalk and curb cut. Altoft referred to PA 312 and PA 425. The City just allowed another business build on the fringe of the City, while a similar business within the City is paying much higher property taxes. Why do so many other cities have a 425 and the City of Lowell does not. City Manager Pasquale explained 425's require an agreement between the township and the City. The City of Lowell and Lowell Township met several times trying to negotiate an agreement. However, the township can not be forced. Pfaller noted his experience in dealing with Vergennes Township and the Cook property. The leverage does not lie with the Cook property. The City's leverage does not lie with a curb cut. It lies with

water and sewer service of which Lowell Township already owns a portion of the capacity. Hodges added nothing could be done. They had the right to build where they wish.

Item #10. **MANAGER'S REPORT.** City Manager Pasquale reported on the following:

1. The following boards and commissions meetings minutes are enclosed:
  - Arbor Board meeting of January 12, 2009
  - Lowell Area Recreation Authority meeting of January 14, 2009.
  - Grand Valley Metro Council meeting of January 12, 2009
  - Chamber of Commerce meeting of January 13, 2009
2. At the last meeting, a question arose regarding property tax exemption status involving two ventures from Impact Church. City Assessor Jim Marfia provided a letter to address these issues. However, Impact Church no longer operates Voyages.
3. The organization meeting of the LCTV Endowment Fund Board will be held on Tuesday, February 24, 2009 at 7 p.m. Notices have been sent to all members.
4. During Pasquale's evaluation, the issue of a citizen questionnaire was raised. Councilmember Ellison suggested each councilmember provided two proposed questions to include asking the public.
5. The Fire and Emergency Services Board will meet on Monday, February 23, 2009, 4 p.m. at the Fire Station.

Item #11. **APPOINTMENTS.** By general consensus, the City Council appointed Councilmember LaPonsie to the Fire and Emergency Services Authority Board with a term expiring January 1, 2011.

Mayor Pro Tem Pfaller stated the Lowell Area Recreation Authority/Trails Group are in the process of submitting a grant proposal to the Michigan Department of Natural Resources/DEQ Trust Fund. In order to do this, a Recreation Master Plan is needed. This is now completed and is on the LARA website. It is going through the 45 day review before being turned into the State for their final approval. This is needed before any funds can be received from the State. A meeting will be held on March 11, 2009 at Lowell Township Hall for any public comments.

IT WAS MOVED BY PFALLER to adjourn at 8:18 p.m.

DATE:

APPROVED:

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James W. Hodges, Mayor

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Betty R. Morlock, Clerk

