

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

For the Regular Meeting of **MONDAY, APRIL 6, 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, LaPonsie, Mayor Pro Tem Pfaller and Mayor Hodges.

Absent: Councilmember Ellison.

Also Present: City Clerk Betty Morlock, DPW Director Dan DesJarden, Police Chief James Hinton, City Treasurer Suzanne Olin and Planning Commissioner Andrew Schauben.

IT WAS MOVED BY LAPONSIE and seconded by PFALLER to excuse the absence of Councilmember Ellison.

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

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

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

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

Item #2. **APPROVAL OF THE MINUTES OF THE MARCH 16, 2009 REGULAR MEETING.**

IT WAS MOVED BY PFALLER and seconded by LAPONSIE to approve the minutes of the March 16, 2009 regular meeting as corrected.

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

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

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

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

NAY: 0. ABSENT: 1. MOTION CARRIED.

<u>BILLS AND ACCOUNTS PAYABLE (04/06/09)</u>	
GENERAL FUND	\$227,307.91
MAJOR STREET FUND	24,918.75
LOCAL STREET FUND	625.84

HISTORIC DISTRICT FUND	7,095.45
DDA FUND	15,332.67
AIRPORT FUND	334.38
WASTEWATER FUND	82,175.15
WATER FUND	9,354.19
DATA PROCESSING FUND	410.00
EQUIPMENT FUND	5,470.81
CURRENT TAX FUND	68,927.69

Item #4. **CITIZENS COMMENTS FOR ITEMS NOT ON THE AGENDA.** DPW Director Dan DesJarden commented on the estimate he provided at the last meeting for the repair of the flat roof on the Cable building. The Council directed him to also provide an estimate for a pitched roof, matching the roof on the Chamber of Commerce. DesJarden noted the estimate received was approximately \$36,000 while a flat roof repair would be approximately \$12,000.

Mayor Pro Tem Pfaller was unsure if the City should seek bids until it is determined where the money will be allocated. He questioned if funds had been requested from the Downtown Development Authority (DDA). City Manager Pasquale responded not yet. Pfaller preferred a pitched roof, similar to what the Chamber has. Mayor Hodges agreed.

Councilmember Altoft preferred a flat roof, stating a pitched roof would block the view of the Showboat.

Councilmember LaPonsie questioned where the funds would be provided. Pasquale noted a request would be made to the DDA. LaPonsie was in favor of a pitched roof, only if funds are available and money is not too tight.

Item #5. **ANNOUNCEMENT OF NEW POLICE CHIEF.** After Jim Valentine retired from his position as Police Chief at the end of last year to assume responsibilities as Director of Ionia County Central Dispatch, advertisements were distributed seeking those qualified interested in the position. A total of 58 individuals applied, several from out of state.

From the resumes received, a total of four were interviewed from a panel. After completing the interviews and consulting with the panel, City Manager Pasquale appointed James Hinton as the new Lowell Police Chief.

Hinton has served the City since September 7, 1992 as a Police Officer and since January 22, 2006 as Police Sergeant. During this interim period, he has acted as Acting Police Chief.

Hinton has served admirably during his Lowell career spanning over 16 years. City Manager Pasquale has every confidence that he will carry out his Chief duties well.

It was noted his wife Deb and daughter Allie were also present showing their support.

Hinton thanked everyone for the opportunity to serve the City of Lowell as the next Chief of Police. He gave a special thanks to City Manager Pasquale, City Councilmembers and those who supported him. He also thanked his wife Deb who has always supported him in his career and his daughter Allie who thinks it's cool to have a father serving as Chief of Police.

Item #6. **APPLICATION FOR TEMPORARY AUTHORIZATION TO THE LIQUOR CONTROL COMMISSION – FLAT RIVER GRILL – SUMMER CONCERT SERIES AND RIVERWALK FESTIVAL.** The Flat River Grill is requesting temporary liquor licenses to the LCC to serve alcoholic beverages during the Summer Concert Series and Riverwalk Festival for the following dates:

June 11	July 2	July 11	July 30
June 18	July 9	July 16	August 6
June 25	July 10	July 23	August 20

All events will be held on the Showboat. Police Chief Hinton has recommended the requests. The Council is asked to approve the application.

Chris West of Flat River Grill explained the restaurant has been doing this since 2002 with the Chamber of Commerce. She noted an event with the Arts Council has also been added.

IT WAS MOVED BY PFALLER and seconded by LAPONSIE to approve the application from Flat River Grill for temporary authorization to the Michigan Liquor Control Commission during the summer concert series and Riverwalk Festival.

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

Item #7. **APPROVAL OF THE KENT COUNTY SOLID WASTE MANAGEMENT PLAN AMENDMENT.** Kent County has assembled a solid waste management plan as required by the Michigan Department of Environmental Quality. An amendment to the Plan has been proposed.

On behalf of the Kent County Board of Public Works, Kristin Wieland explained the Solid Waste Management Plan is required by Public Act 451 Part 115. Every county in the State of Michigan is required to have a solid waste management plan. Kent County wishes to amend the 1999 version of the plan. The basic updates provide goals to ensure there is long term disposal capacity at the solid waste disposal facilities. This includes the waste to energy facility located in downtown Grand Rapids. Also, the expansion plans for the South Kent Land Fill located in Byron Township will be continued which will reach its capacity by approximately 2029.

There is also a goal to increase and provide public education programs relating to solid waste, which includes recycling, composting, waste reduction and reuse. Plans are also being formed to build a new recycling facility. This will break ground in the next few months which will

enable the county to provide more recycling opportunity for its residents. There is a desire to have more services to apartments and multiple family dwellings, who are not being served very well. Wieland also noted the household hazardous waste program which serves all of Kent County residents. They hope to expand this program making it more readily available.

Mayor Pro Tem Pfaller was confused regarding the strategy to utilize 50% of the municipal solid waste generated in Kent County. Wieland stated 50% is not just at the incinerator, but is at all of the facilities. The County wishes to utilize 50% of the waste. This would be to have more out of the waste and more recycled. The waste to energy facility operates at full capacity presently. There is room to expand and will be considered within the next five years.

Pfaller asked where the County is as far as a commercial composting facility. Wieland stated this is a problem that has become more and more urgent with the passing of the State's permitting requirements for commercial composting facilities.

IT WAS MOVED BY ALTOFT and seconded by PFALLER to approve the resolution to the Kent County Solid Waste Management Plan Amendment.

YEA: 4. Councilmembers Altoft, LaPonise, Mayor Pro Tem Pfaller and Mayor Hodges.

NAY: 0. ABSENT: Councilmember Ellison. MOTION CARRIED.

Item #8. **AMENDMENT TO THE RESOLUTION ESTABLISHING THE LCTV ENDOWMENT BOARD.** At its March 12, 2009 meeting, the LCTV Endowment Board reviewed the resolution establishing the board itself. In examining paragraph 5, sentence 1 of the document, the statement provides distributions of annual investment earnings from the LCTV Fund will be utilized after solicitation and review of request and submitted to the Council for recommendation. Rather, the distributions of the spendable amount based on the Grand Rapids Community Foundation spending formula is more accurate.

The Board has unanimously proposed an amendment to the resolution regarding the spending of fund proceeds. The Grand Rapids Community Foundation concurs.

IT WAS MOVED BY PFALLER and seconded by LAPONSIE to approve the amendment to the resolution establishing the LCTV Endowment Board regarding distributions of spendable amounts as proposed.

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

NAY: None. ABSENT: Councilmember Ellison. MOTION CARRIED.

Item #9. **ORDINANCE AMENDING THE MHP, PF, C-3 AND R-3 DISTRICTS TO INCLUDE FUTURE LAND USE DESIGNATIONS FROM THE MASTER PLAN – RECOMMENDATION FROM THE PLANNING COMMISSION – ADOPT OR SET PUBLIC HEARING (4/20).**

Councilmember LaPonsie explained the Planning Commission is slowly implementing the Master Plan. Language is simply being added to link the zoning ordinance and the plan so there is continuity between the two.

Councilmember LaPonsie stated the Planning Commission held a public hearing regarding the issue and received no public comments.

IT WAS MOVED BY PFALLER and seconded by LAPONSIE to adopt the ordinance amendment regarding future land use designations from the Master Plan to the zoning ordinance as presented.

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

Item #10. **PARK USE AGREEMENT FOR BACKYARD DREAMS.** A local youth travel league baseball organization called Backyard Dreams wishes to utilize Creekside and Recreation Parks for a tournament on June 5, 6 and 7 as well as Tuesdays and Thursdays. Toby Alderink helped form the league last year with two teams. The league has grown to 4 teams this year. They will host games with teams from the Grand Rapids and Kalamazoo area and playing against an 11 U and 12 U baseball team.

City Manager Pasquale stated the Parks and Recreation Commission has approved this and recommended a Parks Use agreement for Backyard Dreams.

Mayor Pro Tem Pfaller suggested the wording under Article 10 Annual Review be changed from April to September when the season is finished.

IT WAS MOVED BY PFALLER and seconded by ALTOFT to approve the Park use Agreement for Backyard Dreams as amended with Annual Review changed from April to September.

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

Item #11. **REVIEW OF THE 2009 – 2010 PRELIMINARY GENERAL FUND BUDGET.** Over the past several weeks, City staff has been working on the upcoming budget. Information on the General Fund was presented in a preliminary form. The purpose is to solicit comments so a final proposal may be given in May.

Revenues are projected to be slightly less than last year. Certain factors were taken into account regarding less interest revenue and no longer having a cable room lease. With the Fire and Emergency Services Authority, significantly less expenditure for fire are projected. We are seeing a true sharing of costs between the City and the two townships.

Revenues are estimated to be at \$2,561,574.59 with expenditures at \$2,470,210.79. This leaves a positive balance of \$91,363.80 and added to the projected 08-09 balance of \$147,827.79 brings the projected fund balance for 09-10 to \$239,191.65.

A mill is valued at \$99,190.95 in comparison to \$95,083.87 from last year. This is an improvement over last year.

At this point, a \$239,191.65 fund balance is shown based on the following:

- Operating millage at 15.83 with the added 0.25 mills for the Lowell Area Historical Museum
- Providing a 2.0% salary increase for City employees with no planned merit increases
- Assumes no further cuts in State Revenue Sharing currently at \$393,143 (projected for 2009 – 2010)
- request allocations from the Downtown Development Authority (\$140,000), Look Memorial Fund (\$15,000) and the Lee Fund for parks maintenance (\$5,000).

The budget is not a finished product. These are issues to consider:

- State Revenue Sharing appears to be a moving target. The same amount received last year has been given for the budget from the information provided.
- The increase in the General Fund balance from \$147,827.79 to \$239,191.65 is 9.6% of projected expenditures.

There are two police officer vacancies at this time. The proposal is to fill one of these as shown in the budget. City Manager Pasquale and Police Chief Hinton are considering the proposal of applying for a Cops Grant which would take care of the salary for this coming year.

Police Chief Hinton stated the Cops Grant has an expiration date of April 16, 2009. If the department is able to secure the funding from the federal government, it would give the City approximately \$142,000 minimal, which allows funding for one police officer for the next three years. The grant pays for workman's compensation insurance and federal taxes. This is a great grant for municipalities who are looking to replace staffing for their police departments.

Pasquale stated last year, equivalent of one mill toward street improvements had been placed. The majority of these funds were used toward a dump truck. Nothing has been shown for street improvements under the General Fund. Is this something the Council would be interested in doing? Also, what is the Council looking at in terms of a General Fund balance?

Pfaller stated the Council had discussed the loan coming from the Local Street fund to the Equipment Fund to buy the truck. He questioned when the \$20,000 would get repaid. This should go back into the Street fund. Pasquale stated the Equipment Fund pays for this loan. This returns to the General fund and the remaining amounts are considered a receivable to the General fund. Pasquale said \$99,000 could be placed for street improvements with an amount acceptable for the General fund balance.

Councilmember LaPonsie questioned how much \$99,000 would provide the City in street repair. Pasquale explained it does not include Major Street reconstruction. DPW Director DesJarden is reviewing other means of providing improvements. Total reconstruction is

expensive. There are a number of streets which do have curb and gutter and have worn over a number of years. These can be milled with a new layer of asphalt.

A Streets Improvement Plan will also be assembled and presented over the next couple months.

The City has been very fortunate and has received federal grants to cover 80% of the reconstruction of Gee Drive. However, there is not much for local streets. The Local Street fund is responsible for maintenance and snow plowing of these streets. This is a difficult situation. Act 51 monies are received which include gas and weight taxes provided from the State. This will also be subsidized with local tax dollars. LaPonsie was concerned that \$99,000 does not give the City much. She wanted to make sure there was money in savings as she is concerned when the State budget gets balanced, there may be significant cuts, including revenue sharing.

Pfaller questioned how much could be cut from the State. Pasquale explained approximately \$200,000 is constitutively protected. If the State came through under the worst case scenario and looked at the statutory allocation, the City would probably lose about \$120,000.

Councilmember Altoft suggested cutting another mill out of the budget and then if the City does receive State funding, more can be done. The streets have been ignored too many years.

DesJarden stated he has received calls regarding Sibley Street. This is a local street and would cost approximately \$230,000 to \$250,000 to curb, gutter and pave.

Pasquale stated additional information will be provided at each meeting with public hearings also being established.

Item #12. **REQUEST TO USE CRACKER SHELLS TO DETER WILDLIFE DAMAGE.** Mayor Pro Tem Pfaller requested the use of cracker shells to deter wildlife damage at 800 and 810 Bowes Road. He made a similar request many years ago. At that time, the DNR had suggested using cracker shells in a 12 gage shot gun. When discharged, it travels about 200 feet and explodes. It is basically a fire cracker being launched out of a shot gun. In discussion with Chief Hinton, he indicated Council approval is needed because the City has an ordinance against discharging a firearm. This has been approved in the past by the Council. Pfaller noted the Police Department has used the shells to scare geese off the lake in the past.

Councilmember LaPonsie was open to the idea, but wanted to hear from the neighbors first. Mayor Hodges was also open to the idea. He requested a proposed set of dates and times of when the shots would be fired. He also suggested the nearest neighbors be notified. Pfaller stated signatures from nearby neighbors would be provided at the next meeting.

Pfaller noted he would abstain from voting on the issue.

Councilmember Altoft has seen the damage deer can do and would be in favor of the idea.

Police Chief Hinton stated he was opposed to this method of wildlife management. He believed it would be too disruptive to the neighbors. Also, Hinton believed there were more effective ways of controlling the wildlife. He suggested using products such as liquid fence or deer scam. Blue Ribbon Feed has indicated these products are effective.

It was noted the issue will be addressed at the next meeting.

Item #13. **COUNCIL COMMENTS**. Councilmember LaPonsie congratulated Chief Hinton.

Mayor Pro Tem Pfaller cheered for the Michigan State Basketball team.

Item #14. **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 February 21, 2009
 - Planning Commission meeting of February 23, 2009
 - LCTV Endowment Board meeting of March 12, 2009
 - Fire and Emergency Services Authority meeting of February 23, 2009
2. The next stakeholders meeting regarding the Flat River bridge reconstruction has been scheduled for Wednesday, April 22 at 8 a.m. in the Council Chambers.
3. Pasquale thanked everyone for the cards and words of kindness during his brother Tom's passing away. He was especially appreciative of the flowers which were sent by the City.
4. The City offices will be closed on April 10, 2009 in observance of Good Friday.

Item #15. **APPOINTMENTS**. None.

IT WAS MOVED BY PFALLER to adjourn at 8:28 p.m.

DATE:

APPROVED:

James W. Hodges, Mayor

Betty R. Morlock, Clerk