

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

For the Regular Meeting of **MONDAY, APRIL 20, 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, Police Chief James Hinton, Planning Commissioner Andrew Schrauben, Lowell Light and Power General Manager Greg Pierce and Light and Power and Arbor Boardmember Jim Hall.

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

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

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

Item #2. **APPROVAL OF THE MINUTES OF THE APRIL 6, 2009 REGULAR MEETING.**

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

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

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

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

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

NAY: 0. ABSENT: 0. MOTION CARRIED.

<u>BILLS AND ACCOUNTS PAYABLE (04/20/09)</u>	
GENERAL FUND	\$73,269.77
MAJOR STREET FUND	12.49
HISTORIC DISTRICT FUND	2,568.75
AIRPORT FUND	319.51
WASTEWATER FUND	375.51
WATER FUND	6,297.03
LOWELL CABLE TV FUND	4,607.94
EQUIPMENT FUND	2,397.51
LEE FUND	1,500.00

Item #4. **CITIZENS COMMENTS FOR ITEMS NOT ON THE AGENDA.** Ray Zandstra of 423 King, on behalf of his wife Barbara, requested permission to close King Street between North Washington and North Jefferson from 1:00 p.m. to 4:00 p.m. on Saturday, May 2, 2009 for the annual neighborhood Spring Fun Hunt.

IT WAS MOVED BY LAPONSIE and seconded by PFALLER to approve the closure of King Street between North Washington and North Jefferson on May 2, 2009 from 1:00 p.m. to 4:00 p.m. for the annual neighborhood Spring Fun Hunt.

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

Dave Thompson of 14100 Thompson Drive in Vergennes Township as Post Commander of the American Legion said traditionally there is a Memorial Day Parade held every year. A parade with little celebration is conducted to remember those who have been veterans as well as those who have died in defense of our country. Thompson requested a permit be issued allowing the parade. This would begin at 10:00 a.m. with a brief stop at the downtown memorial. A wreath would be launched into the river on behalf of those members of the US Navy and US Coast Guard. There is also a brief ceremony at Veterans Memorial Park before moving to the cemetery. The cemetery program will begin at approximately 11:00 a.m. The service will be short as many WWII Veterans are well into their 80's. It was noted chairs for these individuals will be available. The program will discuss military history and what the military uniform represents.

Thompson indicated there has been discussion in placing an additional memorial at the Fallen Soldier Memorial. It would be aimed primarily at the veterans from the Afghan and Iraq war. Thompson questioned who should be contacted regarding the details of placing the memorial. City Manager Pasquale believed it would be appropriate for both the Downtown Development Authority and the City Council to review the plans.

Thompson also noted the Lowell Rotary Club has its annual auction Friday, April, 24, 2009 at the Grand Volute. Tickets are still available.

Item #5. **REQUEST FROM DORLA WEST TO USE CITY OWNED PROPERTY LOCATED AT THE SOUTHWEST CORNER OF FRONT AND SOUTH JACKSON FOR A PLANT SWAP – MAY 9.** As requested and held in previous years, Dorla West of 525 Front Street wishes to utilize the City owned field across the street (southwest corner of Front and South Jackson) for a plant swap. The event will be scheduled on Saturday, May 9, 2009 from 9:00 a.m. to 12 noon.

The Plant swap has been a very successful event and City Manager Pasquale recommended the Council approve this.

IT WAS MOVED BY PFALLER and seconded by LAPONSIE to allow Dorla West to use the City owned property located at the southwest corner of Front and South Jackson for a plant swap on May 9, 2009 from 9 a.m. to 12 noon.

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

Item #6. **REQUEST FROM THE LOWELL AREA ARTS COUNCIL – HOST “RIVER REVELRY” FUNDRAISER ON RIVERWALK – JULY 25.** Representing the Lowell Arts Council, Barb Pierce stated the group wishes to hold a fundraiser on the Riverwalk, next to the Showboat on Saturday, July 25, 2009. The event would include entertainment, food and beverages provided by the Flat River Grill. An auction will also be held as part of the fundraiser. The event will run from 6:00 p.m. to 11:00 p.m.

Councilmember LaPonsie asked if music would be played until the end of the event. Pierce responded music will be played no later than 10:30 p.m. The noise level has been discussed.

Pierce noted alcohol sales will be sectioned off with one entrance and exit.

Mayor Hodges said the “Art Attack” event has always been adult orientated.

Mayor Pro Tem Pfaller questioned if any of the proceeds would be provided to the City. Hodges asked if Flat River Grill provides 10% of its proceeds when using the boat during the Summer Concert series. Pfaller noted a rental fee is charged to individuals who wish to hold a wedding reception on the boat. He questioned if the City was charging Flat River Grill a rental fee for using the boat. City Manager Pasquale responded no. He explained the Chamber of Commerce and Flat River Grill have an agreement. Councilmember Altoft agreed with Pfaller as this is a for profit business. Pierce stated the summer concert series is co-hosted by the Chamber and the Arts Council. Pierce proposed the Arts Council contribute toward the maintenance of the boat.

Hodges suggested tabling the issue until the next meeting to allow ideas to be put together. Pfaller stated he was not singling out just Flat River Grill. The City receives 10% of all concessions as well when Youth Football, Lowell Little League or the YMCA holds an event. The City needs to be consistent and apply fees for the use of City facilities. LaPonsie suggested a policy be established.

Pfaller was in favor of the Riverwalk being used. However, as a Councilmember, it is necessary to ensure agreements are applied to all.

Further discussion will be held at the next meeting.

Item #7. **REQUEST TO EXTEND LEASE AT 990 N. WASHINGTON – GARY DIETZEL AND SANDY BARTLETT.** Over the past few years, there has been discussion concerning the house owned by the City and rented by Gary Dietzel and Sandy Bartlett for the last 30 years. Last year, the City wrote a lease agreement whereby Dietzel and Bartlett would pay the City \$350 a month for the use of the house at 990 N. Washington for a one year period expiring June 30, 2009. They requested for another year extension.

Mayor Hodges stated he would be in favor of extending the lease for one more year. However, he still feels the City does not need to be in the landlord business. Because of the time and fairness, he did not believe the City should be making any major changes at this moment. However, within the next year this should be addressed.

Councilmember Ellison agreed. The property values have gone down. Dietzel and Bartlett are good tenants and the lease should be extended. Councilmember Altoft agreed.

City Manager Pasquale explained a resolution could be drawn to extend the lease for one year. A new lease would be signed as is.

Councilmember LaPonsie also believed the City should not be a landlord. However, she was not inclined to kick someone out of their home after they have lived there for 27 years.

Pasquale stated the Council could vote to extend the lease and a resolution as well as the lease will be prepared.

IT WAS MOVED BY ELLISON and seconded by ALTOFT to extend the resolution and lease at 990 N. Washington – Gary Dietzel and Sandy Bartlett for one year to June 30, 2010.

YEA: 5. (Councilmembers Altoft, Ellison, LaPonsie, Mayor Pro Tem Pfaller and Mayor Hodges)

NAY: 0. ABSENT: MOTION CARRIED.

Item #8. **RESOLUTION TO PARTICIPATE IN THE FEDERAL SURPLUS ASSISTANCE PROGRAM.** The City has the opportunity to participate in the Federal Surplus Assistance Program. This allows the City departments to purchase equipment at a lower discounted price. The Police Department, DPW, City Hall and the Airport can utilize such supplies.

A resolution of approval from the Council is necessary to allow certain individuals to purchase such items on line when needed.

Mayor Hodges proposed DPW Director DesJarden be named as the local coordinator.

IT WAS MOVED BY ELLISON and seconded by LAPONSIE to approve the State of Michigan Board Resolution for Federal Surplus Assistance Program, designating DPW Director DesJarden as the coordinator.

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

NAY: None. ABSENT: None. MOTION CARRIED.

Item #9. **UPDATE – APPLICATON FOR MDOT ENHANCEMENT GRANT – LARA TRAILS.**

Dave Austin of Williams and Works stated on March 28, 2009 at the Lowell Area Expo the Lowell Area Recreation Authority kicked off their public fundraising campaign. A few days later on April 1, 2009, the grant application to the DNR for \$435,000 was submitted to Lansing. This will take several months to review. The next step in the last part of the funding is the MDOT application. The document is required to be submitted by an Act 51 agency and the City Council graciously voted to serve this role as a sponsor. This is an application which is filed online and not submitted in a bound format. A meeting was held with MDOT representatives and a preliminary overview of the project was provided. However, there is very specific criteria which needs to be met in order to be qualified. MDOT is in favor of the trail connecting to other trails.

The application to MDOT is for \$225,000. This combined with the DNR application was \$435,000. Therefore, approximately \$650,000 is being requested, while the remainder of the funds is being raised by a fundraising campaign through LARA.

The trail will begin on Foreman Road at Cherry Creek Elementary and proceed along Foreman to Alden Nash. An easement is being obtained through the Wege property and will proceed up to the Alden Nash West subdivision. Another easement through this subdivision and in cooperation with the high school, the LARA board is working to obtain permission to proceed through the school property and eventually across Vergennes to the Wittenbach/Wege Agri Science Center.

Mayor Hodges believed this was a great project and many individuals have volunteered several hours. It shows much cooperation between the governmental units and its citizens.

Public input and participation is very important to the funding agencies.

Item #10. **RESOLUTION REQUESTING THE KENT COUNTY ROAD COMMISSION CHANGE THE NAME OF A PORTION OF SOUTH DIVISION TO SOUTH JACKSON STREET.** As mentioned at the March 2, 2009 meeting, the Planning Commission has discussed the issue of changing street names. In particular, the conversations centered on South Division just south of Front Street to the bridge.

It appears to be more appropriate to rename this South Jackson Street. Since this is a county road, the Kent County Road Commission asks all affected property owners to agree. DPW Director Dan DesJarden contacted the one affected property owner who was reluctant to do so.

IT WAS MOVED BY PFALLER and seconded by ALTOFT to adopt the resolution requesting the Kent County Road Commission change the name of a portion of South Division to South Jackson Street.

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

NAY: 0. ABSENT: 0. MOTION CARRIED.

Item #11. **MONTHLY REPORTS.** City Manager Pasquale stated Police Chief Hinton provided his first monthly report in a new format. Mayor Pro Tem Pfaller questioned what a PBT is. Hinton responded it stands for preliminary breath test which is offered under court orders to give alcohol breath test daily or whenever called upon.

Pfaller pointed out the March 2009 Cemetery Sexton report from Don DeJong indicates the damage the deer have done to the pine trees and Yews in the cemetery. DeJong stated the trees and yews have been eaten up at least five feet and look awful. He is unsure if they will come back.

Item #12. **COUNCIL COMMENTS.** Councilmember Altoft requested a hand held microphone be available to those who are physically unable to come to the podium during the Council meeting for Citizen Comments. City Clerk Morlock noted one would be provided.

Councilmember Ellison received a phone call from a resident complaining about Sibley Street. Something needs to be done. Mayor Hodges asked if a priority list had been assembled. City Manager Pasquale responded a priority list of street reconstruction will be included in the budget. He is working with DPW Director DesJarden to provide this. Pasquale explained reconstruction of Sibley is difficult because it is a local street and does not receive the funding that a major street would.

Ellison commented on the spring clean up and how attractive the City looks.

Councilmember LaPonsie commented on the article in the Grand Rapids Press about the remodeled parade of homes. The old bank was featured as part of the remodeling. She was grateful to all the private organizations who have gone above and beyond as far as preserving the old buildings.

Mayor Pro Tem Pfaller commented on mail he received recently due to being a Councilmember. It was received from Fleis & Vandenbrink Engineering regarding the stimulus money available for municipal buildings and energy projects. There is \$144 billion dollars

available for energy audit work. City Manager Pasquale stated there is a program that provides for LED lighting for the City.

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

1. The following boards and commissions meetings minutes are enclosed:
  - Airport Board meeting of March 3, 2009
  - Arbor Board meeting of March 9, 2009
  - Chamber of Commerce meeting of March 10, 2009
  - Grand Valley Metro Council – Transportation Policy Committee meeting of March 18, 2009
  - LCTV Endowment Fund Board meeting of March 30, 2009
2. The City received a \$72,500 grant from the Lowell Area Community Fund to cover engineering and retaining wall costs in connection with the Gee Drive walking path project. A Federal safe Routes to Schools grant was previously provided for the construction of the path. The actual work will take place during the Summer.
3. On Wednesday, April 22 at 8 a.m., MDOT officials will meet with any interested, affected parties to review and discuss the bridge project.

At 7 p.m. on April 22, 2009, a public meeting will be held to review federal grant applications for Bowes Road construction work.

Retired Police Officer Cal Kamphuis thanked the City Council and Citizens of Lowell for his retirement party and gift.

Item #14. **APPOINTMENTS**. None.

IT WAS MOVED BY PFALLER to adjourn at 8:17 p.m.

DATE:

APPROVED:

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James W. Hodges, Mayor

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Betty R. Morlock, Clerk