

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

For the Regular Meeting of **MONDAY, JUNE 15, 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, Police Chief James Hinton, Lowell Light and Power Generation Power Plant/Safety Director Tom Russo, Parks and Recreation Commissioner, Arbor Boardmember and Lowell Light and Power Boardmember Jim Hall, Lowell Light and Power Boardmember Keith Valentine and Lowell Light and Power Administrative Manager Mary Sawka.

Item #1. **APPROVAL OF AGENDA.** Councilmember Altoft suggested the issue of sidewalks be added to the agenda for discussion. Mayor Hodges stated the issue could be added as Item #11.5.

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

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

Item #2. **APPROVAL OF THE MINUTES OF THE JUNE 1, 2009 REGULAR MEETING.**

IT WAS MOVED BY PFALLER and seconded by ALTOFT to approve the minutes of the June 1, 2009 regular meeting as corrected.

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

Item #3. **APPROVAL OF THE ACCOUNTS PAYABLE.** Councilmember Pfaller questioned the check made payable to "Our Love Skate Park" in the amount of \$1,500.00. City Manager Pasquale stated the City has been holding the funds for this group.

Councilmember Ellison asked if a brief description of each check could be provided within the Accounts Payable. City Clerk Morlock stated she would check with City Treasurer Suzanne Olin.

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

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

NAY: 0. ABSENT: 0. MOTION CARRIED.

<u>BILLS AND ACCOUNTS PAYABLE (06/15/09)</u>	
GENERAL FUND	\$87,057.28
MAJOR STREET FUND	2,712.14
DDA FUND	486.75
CITY HALL CONSTRUCTION FUND	875.00
AIRPORT FUND	9,347.83
WASTEWATER FUND	29,262.36
WATER FUND	15,078.19
EQUIPMENT FUND	588.49
CURRENT TAX FUND	1,446.50

Item #4. **CITIZENS COMMENTS FOR ITEMS NOT ON THE AGENDA.** Police Chief Hinton requested direction from Council regarding the proposal of having High Street between Monroe and Washington one way. He has been in contact with Superintendent Greg Pratt and the Transportation Director Larry Mikulski. At this time both strongly recommend keeping the street one way. Next year, the attendance at Runciman will increase by 30 students. There is a strong safety concern due to the narrowness of the roadway.

Item #5. **PRESENTATION OF THE STATE OF THE CITY ADDRESS.**

STATE OF THE CITY ADDRESS
MONDAY, JUNE 15, 2009

To: Mayor Hodges, Members of the Lowell City Council and Citizens of Lowell

Each June prior to the beginning of the new fiscal year, I have the opportunity and privilege to address our community. Our conditions are examined as issues are identified and goals established. Courses of action are set.

This message is overshadowed by economic events which have taken place on a national and global scale. Plant and business closures, layoffs, bankruptcies and home foreclosures have greatly affected Lowell. But, the City has valuable assets and must never give in to negativity. To this end, Lowell will strive to maintain and improve as a business friendly City. Financially,

the municipality will seek efficiencies in operation of this government.

With the 2009-2010 Budget adopted, the following goals are established and in some cases reestablished.

- Continue to strengthen the General Fund raising the fund balance. The 2009-2010 budget provides a \$176,705 balance representing 7% of planned expenditures. The goal of a \$300,000 balance or 15% of expenditures is established.
- Continue to promote a concerted effort to upgrade City streets. Over the past several years, significant improvements have been made through federal funding. To this end, over \$99,000 has been set aside to improve either North Center or Sibley Streets.

Through federal funding, portions of Bowes Road will be greatly enhanced through milling and repaving as well as a total reconstruction.

- Work closely with the Michigan Department of Transportation to provide a clearly communicated process for the public and particularly downtown merchants with the M-21 Flat River bridge reconstruction project in 2010.
- Work cooperatively between the City and the Department of Light and Power to provide efficiencies and cost savings through such projects as joint utility billing.
- Ensure that all municipal facilities and equipment are in good repair and well maintained.
- Sidewalks, particularly school walks, continue to be a priority. A path along Gee Drive will be constructed this summer between Alden Nash and the Cherry Creek Elementary School through the Federal Safe Walks to Schools Program.
- Continue to strongly support the Lowell Area Recreation Authority in its efforts to establish a community wide trail system.
- Continue support of the Downtown Development Authority and Downtown Historic District Commission in its efforts to improve the downtown.
- Continue to support the Lowell Area Chamber of Commerce in its marketing strategy. The Chamber has been a key component in revitalizing the downtown through such activities as the Riverwalk Festival and Christmas thru Lowell. The Downtown Development Authority has allocated \$25,000 for the coming year for the effort with matching monies provided from the Lowell Area Community Fund.
- With the establishment of the LCTV Endowment Fund Board, opportunities will be promoted for municipal and non profit projects.

- The formation of the Lowell Area Fire and Emergency Services Authority will give the City, Lowell Charter and Vergennes Townships greater cooperation and sharing of resources for public safety.
- Continue to recognize the Lowell Area Historical Museum, Lowell Area Arts Council, Kent District Library, Lowell Community Wellness and YMCA as important resources to the City's quality of life.
- Support the Airport Board's efforts to attain General Utility status for the Lowell City Airport understanding that safety is the first consideration for improvements.
- Recognizing Lowell-Rockford Ambulance as an integral part of our health community system. This is further enhanced by the Ambulance station completed in 2007.
- Recognizing the work of the City's Arbor Board and the gaining of Tree City USA status to promote the growth and maintenance of trees in our community.
- Appreciating the service the Lowell Little League, YMCA, Xtreme Softball, Kent County Youth Fair, Lowell Youth Football, Lowell Rugby and Lowell Lacrosse have given to the community's youth.
- Continue to plan for improvements to the Wastewater and Water Treatment Plants.
- In conclusion, as I approach my 22nd anniversary as City Manager, I count it a privilege to work for the City. The goals and projects provided above are a means of giving greater service to our citizens.

Respectfully submitted,
David M. Pasquale

Item #6. **REQUEST FOR STREET CLOSING – LINCOLN LAKE FROM SUFFOLK TO MERCER TO AMITY – SATURDAY, JULY 11.** Tammy Smith (704 Lincoln Lake) requested a street closing for Lincoln Lake from Suffolk south to the diverter at Mercer to Amity for the fourth neighborhood block party. The party will be held on Saturday, July 11 until 10:00 p.m. with setup beginning at 10 a.m. Chief Hinton and Pasquale recommended that the Council approve this.

IT WAS MOVED BY PFALLER and seconded by ALTOFT to approve the request for street closing – Lincoln Lake from Suffolk to Mercer to Amity on Saturday, July 11, 2009.

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

Item #7. **APPROVE OF CONTRACT BETWEEN THE COUNTY, CITY AND HOPE NETWORK WEST MICHIGAN (NORTH KENT TRANSIT)** The City has utilized Hope Network – North Kent Transit for transportation services involving senior citizens and the handicapped utilizing Federal Community Development Block Grant funds. As required by the U.S. Department of Housing and Urban Development, a contract between Kent County, the City and Hope Network must be approved as submitted. City Manager Pasquale recommended the Council do so.

IT WAS MOVED BY LAPONSIE and seconded by PFALLER to approve the contract between the County, City and Hope Network West Michigan (North Kent Transit) July 1, 2009 to June 30, 2010.

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

NAY: None. ABSENT: None. MOTION CARRIED.

Item #8. **AMENDED BOW AND ARROW HUNTING ORDINANCE – REVIEW OPTIONS – PUBLIC HEARING (7/6)**. At the June 1, 2009 meeting, the City Council discussed the issue and proposed ordinance regarding bow and arrow hunting in the City to assist in the reducing of the deer populations. As a result of the meeting discussion, the following amendments to the proposed ordinance have been submitted for consideration:

- Eliminate Section 13-112 (6) regarding distances hunting may take place from streets and structures. This is covered under State Law.
- Provide options for future reconsideration of the ordinance. As prepared by City Attorney Richard Wendt, one option automatically terminates the ordinance on June 30, 2012. The other allows for review after three years to determine whether the ordinance should be amended or terminated.

Mayor Hodges explained the Council considered the ordinance lasting for three years with a sunset.

Councilmember LaPonsie liked the idea of a sunset being attached as it allows the Council to review the ordinance. Councilmember Ellison agreed. Mayor Pro Tem Pfaller and Councilmember Altoft favored the other ordinance option. Pfaller believed safety issues would arise whether or not there was a three year sunset.

Pfaller explained the two ordinance options are exactly the same, allowing bow hunting on 10 acres or more during hunting season as long as one is properly licensed. No cross bows are allowed. Pfaller stated he would support Option 1. Three years after the effective date of this section, the City Council shall review the affect of the application of this section and determine whether it should be removed or amended. Option 2 states this section shall terminate at midnight on June 30, 2012.

IT WAS MOVED BY PFALLER and seconded by ALTOFT to submit the Bow and Arrow

Hunting Ordinance Option #1, which supports a review of the ordinance after three years for public hearing at the July 6, 2009 meeting.

YEA: 3. (Councilmember Altoft, Mayor Pro Tem Pfaller and Mayor Hodges)

NAY: 2. (Councilmembers Ellison and LaPonsie)

ABSENT: 0. MOTION CARRIED.

Pfaller suggested letters be sent to the affected property owners notifying them of the public hearing. LaPonsie noted extending notification to the adjoining property owners as well.

Item #9. **ALLOWING ANIMALS (DOGS) IN OAKWOOD CEMETERY.** At the last meeting, the issue of allowing dogs in the cemetery was discussed. Under the current Cemetery Rules and Regulations, Section 3.8 (f), "bringing animals, except those assisting blind or deaf persons, into the cemetery or any of its buildings" shall be avoided.

Councilmember LaPonsie believed this was a logical place to walk a dog. Councilmember Ellison agreed. Mayor Pro Tem Pfaller was opposed to changing it. He believed it is inappropriate, as cemeteries are not playgrounds. The City of Lowell has an off leash facility at Stoney Lakeside Park. Mayor Hodges agreed with Pfaller.

Barb Barber of 318 King Street in Lowell stated she loves dogs and is a dog owner. However, she believed the cemetery was not a place to walk dogs.

IT WAS MOVED BY PFALLER and seconded by HODGES to keep the cemetery rule as is not allowing dogs.

YEA: 2. (Mayor Pro Tem Pfaller and Mayor Hodges).

NAY: 3. (Councilmembers Altoft, Ellison and LaPonsie).

ABSENT: 0. MOTION DEFEATED.

IT WAS MOVED BY LAPONSIE and seconded by ALTOFT to establish a public hearing on July 20, 2009 to discuss dogs being allowed in Oakwood Cemetery.

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

Item #10. **ACCEPTANCE OF FEDERAL COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS THROUGH THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009 FOR SIBLEY STREET ROAD CONSTRUCTION.** The Kent County Community Development Department will receive \$400,000 through the Federal Stimulus program which would directly be allocated to Community Development Block Grant Funds. The City of Lowell, upon

application, will have a grant of \$140,000 awarded from the program, subject to final approval from the U.S. Department of Housing and Urban Development. This is to be matched \$110,000 in local street funds, primarily allocated from the one mill set aside to upgrade roads, for the upgrading of Sibley Street totaling \$250,000.

The project will involve cold milling and resurfacing of Sibley from North Center to 150 feet west of West Street (already has curb and gutter). Then Sibley from 150 feet west of West Street to Valley Vista will have total reconstruction with new curb. It is anticipated that work will be undertaken this summer.

As required by the Kent County Community Development Department a motion from the Council to accept these funds, subject to final U.S. HYD approval, is needed.

IT WAS MOVED BY ALTOFT and seconded by ELLISON to accept the Federal Community Development Block Grant funds of \$140,000 through the American Recovery and Reinvestment Act of 2009 for the upgrading of Sibley Street.

Councilmember Pfaller asked if any Federal Transportation or MDOT guidelines needed to be followed. City Manager Pasquale explained this is through Community Development. Other grants such as Bowes Road was received through MDOT through the Federal Highway Administration. This is through HUD. Guidelines need to be followed as with previous sidewalk projects.

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

Item #11 (11.5). **SIDEWALKS**. Councilmember Altoft questioned who is responsible for the upkeep of the sidewalks. Mayor Hodges stated the property owner is responsible for the maintenance and upkeep of the sidewalks. They need to be cleared in the summer and winter.

Altoft suggested enforcements or inspections be placed on sidewalks when property is bought or sold within the City limits. City Manager Pasquale stated it takes a while to repair sidewalks. Also, if a home is sold in the winter, there would need to be an escrow. Altoft stated there are many sidewalks in need of repair. He suggested these be done when inspections are carried out. City Clerk Morlock stated the City does not know when houses are sold until closing. Mayor Pro Tem Pfaller was unsure how this would be enforced. One does not have to notify the City that their house is up for sale. Pfaller questioned how the City of Grand Rapids would handle this. Pasquale stated he would acquire a copy of the ordinance from the City of Grand Rapids.

Keith Valentine of 945 Lincoln Lake stated he recently had an appraisal of his home. He has about lost one-fifth of the value of his home in three years. He would not appreciate the City placing another encumbrance on him in selling, upgrading or buying another house within the

City. When the economy improves maybe there will be a time and place for this. However, at this time he wished to have the Council leave this alone. Pasquale stated this would be on the next agenda.

Altoft stated Amity Street is one of the most student traveled streets in the City. About six blocks of it does not have sidewalks. He asked if Community Block Grant funds could be used. Pasquale stated it is not in the area. Hodges asked if it would fall under the Safe Routes to School program. Pasquale stated that grant is highly competitive. Altoft suggested writing a grant to the Englehardt Fund.

Item #12. **MONTHLY REPORTS**. Mayor Pro Tem Pfaller questioned the Michigan Safe Communities Task Force. Police Chief Hinton explained this is extra money received from the office of Highway Safety Planning through the Click It or Tick It or OWI/Drunk Driving Enforcement. The officers worked a total of 65 hours. They were able to make the number of stops and arrest associated with that. He noted they will be refunded \$1873.00 by OHSP for the efforts in enforcing Drunk Driving Laws within the City. Hinton said these funds will be allocated from the line item for the full time employees overtime. But when the City receives the check from the Federal Government, it does not go back into this line item. There is over \$6,000 in OHSP grants which comes from these line items but these are never replenished. These are designated, into the General Fund.

Item #13. **COUNCIL COMMENTS**. Councilmember LaPonsie stated she was very upset to see Good Chevrolet received a letter from GM terminating their franchise agreement. She encouraged everyone to send a letter to GM and let them know how important they are to our community.

Also, LaPonsie stated she had a citizen contact her regarding her son doing a Boy Scout project and needed an organizational chart for the City. Within an hour, City Clerk Morlock had emailed him this information. She thanked Morlock for doing such a great job.

Mayor ProTem Pfaller stated he noticed at the Memorial Day observance that the cannon the City had removed several years ago to be refurbished is still gone. He questioned where this was and what the plan is for putting it back in. Morlock stated she would check with Cemetery Sexton Don DeJong.

Pfaller thanked Light and Power Boardmembers and employees very much for the removal of Bowes Road substation at Stoney Lakeside Park.

Pfaller stated he had the pleasure to attend an Eagle Scout ceremony. Mark Johnson II became the 53RD or 54TH Eagle Scout from Troop 102 and was pinned. It is a very good ceremony.

Councilmember Ellison commented on a letter to editor in the Ledger. It referred to a citizen group called VOICE (Voters Organized In Civic Excellence). This is a group that meets to

have a say in government. She encouraged people to come to Coffee with Council or speak at the City Council meeting. Ellison wanted people to know they can talk to Council anytime. Also, if one would like to have an impact on government, the City is trying to fill some board positions at this time. This is a great place to step up if one is interested in having a say.

Mayor Hodges reminded everyone Relay for Life will be held at the high school at the football stadium on the track. It will be held on Friday June 26 and Saturday 27th.

Hodges was also contacted to be a judge in an American Idol type event. This will be held from 10:00 to 12:00 midnight on Friday June 26th. Also, he will be representing the First Congregational Church walking in drag as a female representative between 7:00 and 7:30 at the track.

He commented on Jeanne Shores being stricken last July 26. Last Monday, he received word that his father has 8 months to live. This touches everyone.

Item #14. **MANAGER'S REPORT.** City Manager Pasquale reported on the following:

1. The following boards and commissions meetings minutes are enclosed:
 - Fire and Emergency Services Authority Board meeting of May 4, 2009
 - Airport Board meeting of May 5, 2009
 - Downtown Development Authority meeting of April 30, 2009
 - Grand Valley Metro Council meeting of May 7, 2009
 - Look Memorial Committee meeting of September 17, 2008
 - Chamber of Commerce meeting of May 12, 2009
2. In response to Mayor Pro Tem Pfaller's inquiry, the Kent District Library provided percentage usage of the Englehardt Library by jurisdiction.
3. In the observance of Independence Day, City offices will be closed Friday, July 3, 2009.

Pfaller commented on the percentage of the users of the Englehardt Library. He stated the citizens of Lowell comprised 25.5% percent of the users, Lowell Township 21.4 and Vergennes Township 19.4, Grattan and Ada one 5.1 and the other is 4.9 and then 2.7 of other make up the remaining amount. The City bears the burden of maintaining that facility and building.

Item #15. **APPOINTMENTS.**

By general consensus, the City Council reappointed Dana Chase to the Arbor Board with a term expiring June 30, 2012.

IT WAS MOVED BY PFALLER and seconded by ELLISON to adjourn to closed session at 8:20 p.m. to discuss personnel matters pursuant to Section 8A of the Open Meetings Act.

IT WAS MOVED BY PFALLER and seconded by ALTOFT to return to open session at 9:50 p.m.

IT WAS MOVED BY PFALLER to adjourn at 9:51 p.m.

DATE:

APPROVED:

James W. Hodges, Mayor

Betty R. Morlock, Clerk