

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

For the Regular Meeting of **MONDAY, AUGUST 3, 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, City Treasurer Suzanne Olin, Police Chief James Hinton, Police Sergeant Steve Bukala, Water Treatment Plant Superintendent George Regan, Arbor Boardmember and Lowell Light and Power Boardmember Jim Hall, Lowell Light and Power Boardmember Greg Canfield, Planning Commissioner Andrew Schrauben, LCTV Endowment Board Chair Dan Brubaker, LCTV Endowment Board Vice Chair Dennis Kent, LCTV Endowment Board Secretary Barb Barber, LCTV Endowment Board Representative of Lowell Township Sue Simmons and LCTV Endowment Boardmember William C. Thompson.

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

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

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

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

IT WAS MOVED BY PFALLER and seconded by LAPONSIE to approve the minutes of the July 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 LAPONSIE and seconded by PFALLER 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 (08/03/09)</u>	
GENERAL FUND	\$105,451.73
MAJOR STREET FUND	3,334.62
LOCAL STREET FUND	62,776.82
DDA FUND	1,453.61
AIRPORT FUND	548.53
WASTEWATER FUND	35,065.24
WATER FUND	12,456.21
DATA PROCESSING FUND	6,554.17
EQUIPMENT FUND	628.42
CURRENT TAX FUND	105,116.49
LOOK FUND	2,887.00

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

Item #5. **APPROVAL OF THE 15<sup>TH</sup> ANNUAL TONY'S TOY RUN AT THE FAIRGROUNDS.** As held during these past years, Tony's (motorcycle) Toy Run is scheduled for Sunday, September 13 afternoon using the Fairgrounds. The event has been well received. Police Chief James Hinton and City Manager Pasquale recommend the Council allow usage of the Fairgrounds for this event.

IT WAS MOVED BY PFALLER and seconded by ALTOFT to approve the 15<sup>th</sup> Annual Tony's Toy Run to be located at the Fairgrounds on Sunday, September 13.

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

Item #6. **PROMOTION OF STEVE BUKALA TO POLICE SERGEANT.** Police Chief James Hinton introduced Steve Bukala as Sergeant to the Lowell Police Department. Bukala has been with the LPD since 1995 and has served in the capacity as a police officer, DARE officer and school liaison officer. His promotion as Sergeant was effective on July 20, 2009.

Mayor Hodges thanked Bukala for his services.

Item #7. **PROCLAMATION RECOGNIZING THE KENT COUNTY YOUTH FAIR ON ITS 75<sup>TH</sup> ANNIVERSARY.** Fairgrounds Director Ron Wenger stated this is the 75<sup>th</sup> year of the Kent County Youth Fair in Lowell. There is a special button which can be purchased to help promote the fair. A parade will also be held on Sunday, August 9, 2009 at 5:30 p.m. Sheriff Stelma will be the key note speaker during opening ceremonies. There are 1283 exhibitors

and 171 explorers (small children) for a total of 1450 children showing their animals.

Wenger remembered a reporter talking to retired Chief Valentine. The reporter had asked why the police department spends so much time and work with all these children. Valentine responded he does not want to see these kids again. They become responsible citizens. The children work very hard.

He invited everyone to come to the fair. It is going to be bigger and better than ever.

City Manager Pasquale read the proclamation into record:

**WHEREAS**, the Kent County Youth Fair has been residing within the City of Lowell at the Fairgrounds in Recreation Park for 75 years and

**WHEREAS**, generations of young men and women have worked hard on their projects which include still exhibits and livestock and

**WHEREAS**, once a year in August, over 1200 children come together to show their projects at the fair and

**WHEREAS**, the week long fair provides West Michigan with great learning opportunities, free entertainment every day and night as well as games and rides.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Lowell, Michigan congratulates the Kent County Youth Fair on its 75<sup>th</sup> Anniversary and wishes continued success.

IT WAS MOVED BY LAPONSIE and seconded by PFALLER to adopt the resolution recognizing the Kent County Youth Fair on its 75<sup>th</sup> anniversary.

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

NAY: None. ABSENT: 0. MOTION CARRIED.

Item #8. **ATTWOOD CORPORATION – APPLICATION FOR AN INDUSTRIAL FACILITIES EXEMPTION CERTIFICATE UNDER PUBLIC ACT 198 – PUBLIC HEARING.** As discussed at the last meeting, Attwood Corporation will be consolidating the Motor Guide operation (manufacturing and assembling of trolling motors) from Tulsa, Oklahoma to the Lowell facility. This will increase employment from its present 138 positions adding 51 within seven years.

The cost of the machinery and equipment of their project is \$1,191,221. Under the current City policy, this qualifies for 12 years of 50% tax abatement under Public Act 198 which Attwood seeks under the enclosed application.

No comments were received during the public hearing.

IT WAS MOVED BY ELLISON and seconded by ALTOFT to recommend approval of the application for an Industrial Facilities Exemption under Public Act 198 for Attwood Corporation to the State Tax Commission.

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

NAY: None. ABSENT: None. MOTION CARRIED.

Item #9. **LCTV ENDOWMENT BOARD - AMENDING ENABLING RESOLUTION AND CONSIDER GRANT RECOMMENDATIONS.** Since February, the LCTV Endowment Board has worked diligently in organizing and then reviewing as well as recommending a first round of grant requests.

The resolution adjustment states that the requirement of a dollar for dollar match has been deleted. It was originally deleted but somehow got back into the last resolution. This was brought up by Councilmember Ellison. The rest of the process remains the same.

IT WAS MOVED BY PFALLER and seconded by ELLISON to amend the resolution to the LCTV Endowment Board eliminating the dollar for dollar match for projects.

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

NAY: None. ABSENT: None. MOTION CARRIED.

LCTV Endowment Board Chair Dan Brubaker stated initially the board met to determine how much money there was to disburse. There were many good applications and projects around town which deserved to be funded. The following recommendations were made:

- Gilda's Club of Grand Rapids, Lowell Program, Phase 1 \$10,000
- Lowell Area Recreational Authority, Connecting Lowell Area Trailways \$15,000
- LAPAC – Lowell Area Schools, Public Access Channel Enhancement \$10,750
- City of Lowell, Englehardt Public Library Roof \$10,000
- Rotary Club of Lowell Community Foundation, Richards Park Project \$5,000
- Lowell Charter Township, CDBG Sidewalk project \$4,000
- Flat River Outreach Ministries, Heating/AC Unit Replacement \$10,000

Barb Barber stated the projects chosen all had an impact on the entire community, not just the City of Lowell.

In receiving comments regarding LCTV projects, Candice Fleszar of 417 Howard believed others were being attracted to Richards Park who are not there to skate or have fun. Many activities appear dangerous and illegal. The older teens seem to be pushing out the younger kids who are there to skate. There is vandalism, trash, broken glass, drug sales and older men hanging out with the kids who are not the parents. There are kids being dropped off and

left for hours, leaving the City to baby sit them. She believed more thought needed to be given on how to keep these kids safe.

Dick Cooper of 310 Lincoln Lake lives across the street from Richards Park. The park is a nice place for people to gather. However, it has started to deteriorate over the last few years. The park is being trashed by individuals who show much disrespect for the citizens and the law enforcement of the City of Lowell. The profanity is uncalled for. His wife tries to correct teens using such words, while in turn the teens yell all sorts of names to her. Cooper was concerned with how such activities should be controlled.

Chief Hinton stated activity at Richards Park has increased over the last two years, leaving the neighbors frustrated. There have been assault and drug arrests. Fleszar brought up some good ideas, noting the park should address park rules. Hinton favored the idea of helmet laws and suggested this be a good idea on all City properties.

Dan Brubaker of 523 Lincoln Lake lives a few blocks away from Richards Park. The nature of the park has changed over the last few years and should be addressed. However, this should not affect the grant funding which lies before the Council tonight.

Ray Wolfe of 414 Lincoln Lake lives adjacent to the park. He can see and hear what goes on from his front porch and living room. It is a very nice park and he would like to see the improvements. Wolfe shares the same concerns of the others. Perhaps the improvements will draw in more parents and adults. He believed it is a minority of kids who are causing the problems.

Hinton stated the kids have migrated to this area. Unfortunately, many of the parents from the surrounding area are bringing their kids into the community. The kids being dropped off are between the ages of 10 and 15 years old.

Mayor Pro Tem Pfaller stated he lives near Stoney Lakeside Park where there has been similar experiences.

Councilmember LaPonsie asked what happens to the children when they are in the park unsupervised. Hinton responded there is not much that can be done when a child of 10 is with his 15 year old brother.

Councilmember Ellison noted the grant was for temporary platforms which will hopefully be transferred to the new skate park near Stoney Lakeside Park, if funding is received. As far as awarding grants, she believed the improvements should happen as well as posting and enforcing the rules of Richards Park. Then the skateboarders can start policing themselves. They may not get a bigger park, if activities don't improve.

Pfaller requested the issue be placed on the Parks and Recreation Commission agenda.

Councilmember Altoft stated there are a few teens abusing the park. However, it is Police Chief Hinton's job to address the situation.

Pasquale noted the Rotarians believe the improvements will provide a better atmosphere and will redevelop the park.

Mayor Hodges stated this is just one of the many wonderful projects which the LCTV Board has addressed. These projects are enhancing the community, not just the City.

IT WAS MOVED BY PFALLER and seconded by ALTOFT to approve and accept the recommendations of the LCTV Endowment Board for the grants listed for a total of \$64,750.

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

Item #10. **RESIDENTIAL SOLID WASTE COLLECTION – EXCLUSIVE FRANCHISE OPTION – DIRECTION.** On July 23, a meeting was held with DPW Director Dan DesJarden, City Councilmember Jeff Altoft, Todd Harland of Allied Waste and City Manager Pasquale concerning exclusive franchising of residential solid waste collection. By having only one company handle this service, savings could be attained.

The following issues were reviewed:

- Providing carts only (95 gallon) which is where the industry is going
- Consider an option for bags (particularly for seniors)
- Use of carts would be on the joint bill with Light and Power, water and sewer

In consulting with City Manager Tom Dempsey of Portland who utilizes exclusive solid waste collection, he recommends that the City bid this to determine price first. Then, a decision can be made to proceed.

Councilmember Ellison questioned recycling. Pasquale responded recycling would be handled as it currently is.

Mayor Pro Tem Pfaller stated he has trouble going to a 95 gallon cart when he struggles to fill a 35 gallon one. He would be paying for 3 times the amount for trash service.

Councilmember LaPonsie was not against seeking bids. However, she would not support a monopoly on trash hauling in the City and would not support forcing people to use a cart.

Councilmember Altoft explained there is still an option for the City to use bags. This is also an opportunity for the City to get trash haulers off its streets. A bid needs to be completed to determine if there is going to be a savings. Altoft noted the carts are easier to dump and mentioned smaller carts are available.

Councilmember Ellison questioned the length of the contract. Altoft responded 3 years. Pfaller suggested a clause be placed with a 30 to 60 day notification of termination, if the residents are unhappy.

Hodges suggested discussion be held regarding the residential solid waste collection during the August 31, 2009 worksession.

Holly Oudhoff of 510 N. Hudson uses a container for her trash. She believed this would decrease traffic, as there are many garbage trucks that pass by her house. She believed it would save money, cut down on carbon monoxide pollution, noise and speeding. It sounds like a great idea.

Item #11. **STATEMENT OF CONCERN – GEORGE REGAN – RAILROAD TIES BEING STORED AT EDGE OF WELLHEAD PROTECTION AREA – POSSIBLE CONTAMINATION.**

Water Treatment Plant Superintendent George Regan submitted a letter regarding possible arsenic contamination with railroad ties being stored on the edge of the wellhead protection area.

Mayor Pro Tem Pfaller asked if the City could require a bond if there are contamination issues outside the 10 year limit. Regan was unsure. He stated the location of the storage site is on the edge of the wellhead protection area. This is in the three to five year out range. He reminded the Council the delineation field is for 10 years at the furthest point. This is much closer. The City could potentially see arsenic in the water as soon as three years. The local wells within the area could see it much sooner.

Regan noted railroad ties deteriorate quickly when they are removed from their gravel beds.

Pfaller asked where the liability lies. Regan was unsure. However, in his opinion it goes back to the company and the person leasing the property. The DEQ states they have no jurisdiction. However, their recommendation is that it should not be there more than six months to one year.

Pfaller suggested City Attorney Richard Wendt be contacted for a legal opinion.

Regan indicated arsenic is very difficult to remove once it is in the wells.

Item #12. **FINANCIAL COMPUTER SOFTWARE UPGRADE.** City Treasurer Suzanne Olin explained the City of Lowell has been using CMI Software since 1994. It is very outdated. It is not window based but rather character based software. After receiving presentations from three firms, Olin recommended BS&A. The software would be used for payroll, general ledger, accounts payable, cash receipting and utility billing.

Councilmember LaPonsie asked the software would be compatible if joint billing is done with Lowell Light and Power. Betsy Davidson of Addorio Technologies stated Lowell Light and Power and BS&A are currently having some preliminary discussion regarding joint billing and how it can be done.

Olin noted the support from BS&A is excellent. She contacted all the municipalities in Kent

County who use BS&A and received no negative comments.

IT WAS MOVED BY PFALLER and seconded by ELLISON to accept the bid of \$33,755 from BS&A for a financial computer software upgrade.

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

Item #13. **SELECTION OF AUDITOR**. Three proposals were received from firms for municipal auditing. Based on costs received, City Treasurer and City Manager Pasquale recommend selection of Rehmann Robson as the City auditor for the next five years with an initial fee of \$10,900 to carry out the 2008 – 2009 audit.

IT WAS MOVED ELLISON and seconded by LAPONSIE to select Rehmann Robson as the City auditor for the next five years for the fees submitted.

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

Item #14. **FLAT RIVER GRILL – REQUEST TO EXTEND LICENSED AREA ON THE RIVERWALK TO ACCOMMODATE ADDED SEATING**. Chris West of the Flat River Grill wishes to add five to eight tables to the outdoor patio. The additional seating would extend toward the southern part of the riverwalk. There would also be a movement of the entrance way to provide this additional seating. In 2002, a license was granted by the City to Flat River Grill for outdoor seating at \$1 a year. The license is allowance of use rather than actual property.

West explained Flat River Grill is willing to pay the cost of moving the entrance on the riverwalk.

Mayor Hodges suggested a public hearing be held on September 8, 2009. He also believed the \$1 lease expense should be reviewed.

IT WAS MOVED BY ELLISON and seconded by LAPONSIE to set a public hearing for September 8, 2009 regarding the request to extend licensed area on the Riverwalk to accommodate added seating for the Flat River Grill.

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

Mayor Pro Tem Pfaller explained he abstained due to the company he works for does much business with Flat River Grill.

Item #15. **COUNCIL COMMENTS**. Councilmember Altoft had concerns regarding the “Safe Walk to School” route. He questioned who is responsible for the maintenance and snow removal on Gee Drive. DPW Director DesJarden responded the City of Lowell is responsible

for the new path.

Altoft thanked DesJarden for the repair of other sidewalks throughout the City.

Mayor Hodges stated "Coffee with Council" was very nice on August 1, 2009. The next one will be held in October due to the first Saturday in September falling over Labor Day weekend.

Item #16. **MANAGER'S REPORT**. City Manager Pasquale reported on the following:

1. The following boards and commissions meetings minutes are enclosed:
  - Planning Commission meeting of June 22, 2009
  - LCTV Endowment Board meeting of July 7, 2009
2. A letter from Standard and Poor's was received raising the City's Bond rating from BBB+ to A.
3. The Kent County Youth Fair begins next week (August 10 – 15). Opening ceremonies and parade are Sunday, August 9.

Item #17. **APPOINTMENTS**. Mayor Hodges noted the position available to serve on the Planning Commission.

IT WAS MOVED BY PFALLER to adjourn at 8:50 p.m.

DATE:

APPROVED:

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James W. Hodges, Mayor

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Betty R. Morlock, Clerk