

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

For the Regular Meeting of **MONDAY, OCTOBER 19, 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, Arbor Boardmember, Lowell Light and Power Boardmember and Planning Commissioner Jim Hall, Planning Commissioner Andrew Schrauben and Lowell Light and Power Boardmember Greg Canfield.

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

IT WAS MOVED BY PFALLER 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 OCTOBER 5, 2009 REGULAR MEETING.**

IT WAS MOVED BY PFALLER and seconded by ELLISON to approve the minutes of the October 5, 2009 regular meeting as corrected.

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

Item #3. **APPROVAL OF THE ACCOUNTS PAYABLE.** Councilmember LaPonsie questioned the amount to "Give Em A Brake Safety" paid from the Water and Wastewater Funds. Mayor Pro Tem Pfaller believed this had to be rental. Expenses for water maintenance are paid from the water department.

Pfaller was happy to see the City purchasing items from Self Serve Lumber.

Councilmember Ellison commented on it costing \$700 to repair the score board. Pfaller explained the Parks and Recreation Commission authorized the purchase of a controller for the scoreboard at Burch field.

IT WAS MOVED BY PFALLER and seconded by ALTOFT 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 (10/05/09)</u>	
GENERAL FUND	\$81,757.37
MAJOR STREET FUND	17,879.39
LOCAL STREET FUND	4,305.85
HISTORIC DISTRICT FUND	\$7,000.00
DDA FUND	95,231.46
AIRPORT FUND	436.43
WASTEWATER FUND	608.33
WATER FUND	14,477.31
DATA PROCESSING FUND	1720.92
EQUIPMENT FUND	825.76
CURRENT TAX FUND	22,223.39
LEE FUND	225.68

Item #4. **CITIZENS COMMENTS FOR ITEMS NOT ON THE AGENDA.** Police Chief James Hinton followed up concerning the Michigan Wildlife Centers contract. Sjana Gordon is still checking on the insurance issue with the agent. She only had a \$500,000 liability policy. Therefore, Gordon is reviewing the cost for the \$2,000,000 liability requirement.

Item #5. **MDOT M-21 FLAT RIVER BRIDGE PROJECT.** The following requested actions are related to the upcoming M-21 Flat River Bridge Project as proposed by the Michigan Department of Transportation scheduled in 2010:

A. **Noise Ordinance Variance.** A request has been placed before the City to allow the bridge work to continue during overnight hours. This will allow greater flexibility to provide work between 9 p.m. to 6 a.m. on weekdays and weekends.

In Section 13-62 (2), construction noises are limited except by the approval of the City Manager. But because of the project's importance, Pasquale recommended Council's approval.

Al Halbeisen of HH Engineering Ltd. indicated he is under contract with MDOT, who requested the noise ordinance variance. Much of the work will be done by cutting the bridge structure so it does not fall into the river. There may also be times when the contractor may have to work additional hours in order to meet certain deadlines.

IT WAS MOVED BY ALTOFT and seconded by ELLISON to grant the Noise Ordinance Variance for the Flat River Bridge Reconstruction Project.

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

- B. Water Valve and Main project. DPW Director DesJarden explained part of the M21 bridge project involves relocating and isolating the utilities on the bridge with the new design. Part of the City's project is water service needs to extend to its customers on the south side. There will be two isolating valves on each end of the bridges. Also, a lift station will be placed on the east side of the bridges for sanitary sewer and then all the other utilities will also be relocated.

Lee's Trenching was awarded the project at a cost of \$34,446 subject to MDOT written concurrence. As part of the bridge work, MDOT will reimburse the City for the cost of the project.

IT WAS MOVED BY PFALLER and seconded by LAPONSIE to approve the low bid for Lee's Trenching for the water valve and main project in the amount of \$34,446.

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

Item #6. **RESOLUTION RATIFYING AND CONFIRMING CITY BUILDING OFFICIAL'S DETERMINATION TO RESCIND ORDER TO DEMOLISH AND REMOVE BUILDINGS LOCATED AT 115, 117 AND 119 WEST MAIN.** As referenced in the resolution and letter from Building Official Doug Hopkins, the buildings located at 115, 117 and 119 West Main had been placed on a demolition order because of unsafe and dangerous conditions. Since that time, Greg Canfield, as new owner, has structurally repaired the buildings. Along with the structural engineer's report, Hopkins has inspected the work and advised Canfield and Pasquale that he is rescinding the demolition order.

Canfield indicated the foundations are secure. Massive concrete footings were poured. It is very stable. At this point, he will now begin rehabilitating the structure. The rear decks will be removed and the buildings will be remodeled over the winter. Canfield appreciated the support from the DDA to help with the funding.

Mayor Hodges thanked Canfield in working to rehabilitate the three buildings in the downtown area.

IT WAS MOVED BY ALTOFT and seconded by PFALLER to approve the resolution to rescind the order to demolish and remove buildings located at 115, 117 and 119 West Main.

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

NAY: None. ABSENT: None. MOTION CARRIED.

Item #7. **CREEKSIDE KINGDOM – REMOVAL OF WOOD CHIPS.** DPW Director DesJarden explained the woodchips at Creekside Kingdom need to be completely removed and replaced every eight to ten years due to decaying. The chips eventually turn into dirt and can plug the fabric, which does not allow the water to drain. The goal is to remove all the woodchips, reseal the structure and have new woodchips brought in.

Parks Superintendent Scott Fosburg and DesJarden are also reviewing the idea of placing rubber down depending on how cost effective it would be.

An estimate was received for the removal and disposal of the wood chips from Pollution Control Services. A vac truck would be used to vacuum out the tight areas. The open areas would be cleaned by the DPW using backhoes in effort to cut costs. Pollution Control estimated the project would take 5 days at a cost of approximately \$2,750 per day. This brings the cost to approximately \$13,000 with the dumping fee estimated at \$10,000.

City Manager Pasquale explained the Parks and Recreation Commission approved the project at its July 18, 2009 meeting and asked the City to seek grant funds. The Lowell Area Community Fund granted \$22,500 for the removal and disposal of the Creekside Kingdom wood chips. The City hopes to cut down the cost and use a portion of it for the new chips.

DesJarden noted the estimated cost for placing 12 inches of new chips is slightly more than \$10,000. If rubber material is found to be more feasible, the issue will be brought back to the Council for further direction. Rubber is more expensive, but would not need to be replaced in another 10 years.

Councilmember LaPonsie asked if there was a concern of having no chips down from now until Spring. DesJarden stated the park would be closed for the winter.

IT WAS MOVED BY PFALLER and seconded by ELLISON to approve the amount of \$22,500 for the removal and disposal of the Creekside Kingdom wood chips utilizing Pollution Control Services.

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

Item #8. **UPDATING PENALTIES FOR PARKING OFFENSES – TABLED FROM THE LAST MEETING, CONTINUED DISCUSSION.** As requested by Council, Police Chief James Hinton retained a few schedules from the Lansing Police Department and Western Michigan University's Police Department on their parking fines and fees for review. The majority of the fines are approximately \$15 per violation. Mayor Pro Tem Pfaller liked the idea of charging \$25, but then reducing it to \$15 if paid early. He questioned if \$15 would even be enough to write the ticket. Hinton responded yes. Councilmember Ellison agreed with Pfaller. Hinton noted the LPD's fines are currently set to increase up to \$25 if not paid within 30 days. Then an increase to \$50 is provided, if not paid within an additional 30 days.

Hinton clarified the Councilmembers wished to set the fee at \$25 with an incentive to drop the

fine to \$15 if paid within 14 days. After 15 days it will be kept at \$25 and increase from there on.

Hinton requested a consensus from the Council. City Attorney Richard Wendt would draft a new ordinance and would be brought back to Council.

Mayor Hodges favored the form of the ticket used by Western Michigan University.

Pfaller favored using a scale of \$15, \$25, \$50.

By general consensus, the Council agreed.

Councilmember Altoft stated Hinton had mentioned he was working on changing the bad signage in town. Hinton noted he and DPW Director DesJarden reviewed the signage near Amity and Chatham. Due to the demographics with the closing of businesses, the signage should be revised to be neighborhood friendly for cars.

Item #9. **AMENDING CEMETERY RULES FOR ANIMAL ACCESS**. DPW Director DesJarden requested clarification on the walkways within the cemetery. The new rule indicated leashed animals should be on walkways only. DesJarden provided the Council with information and a map of Oakwood Cemetery. He questioned if the intent was to allow animals in the grass area or just on the paved roadways. Councilmember LaPonsie noted her intent was to allow dogs on the paved walkways only. DesJarden read the language passed was "bringing the animals on a leash in walkways only". The map shows there are eight-foot walkways throughout the entire cemetery. In 2007, the Council eliminated the east/west walkways in the old, first and second additions. However, the entire cemetery has walkways which run the entire length north and south. It would be much easier to enforce if the rules stated "asphalt roadways". Individuals can then be approached and asked to remain on the paved roadway.

Councilmember Ellison also believed this was the intent.

IT WAS MOVED BY PFALLER and seconded by LAPONSIE to further define the ordinance to state one must walk their dogs on the hard surfaced walkways in Oakwood Cemetery.

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

Item #10. **MONTHLY REPORTS**. No comments were received.

Item #11. **COUNCIL COMMENTS**. Councilmember Ellison noted the street sign has been changed from Division to Jackson Street.

Item #12. **MANAGER'S REPORT.** City Manager Pasquale reported on the following:

1. The following boards and commissioners meetings minutes were provided:
 - Airport Board meeting of August 11, 2009
2. A letter from Kent County Community Development Department noting an American Recovery and Reinvestment Act grant of \$140,000 for Sibley Street improvement has been awarded. With \$110,000 in local funds, a total of \$250,000 is provided.
3. Mayor Hodges explained the Kent District Library Director Martha Smart has informed the City that a Board of Trustees position is open. Chuck Myers is interested in reappointment. But, three names must be submitted. There needs to be two others, even as a "throw-in". Pasquale noted the townships can provide names if they wish. Hodges proposed the names Anne Pasquale and Chris Hodges. By general consensus, Council agreed.
4. Halloween Trick or Treat Hours are on Saturday, October 31 from 4 to 8 p.m.
5. City Assessor Jim Marfia sustained serious injuries in an auto accident a few weeks ago. Pasquale proposed a temporary appointment to handle this upcoming tax year. Deb and Jeff Rashid have offered their services. Deb provides assessing services for Vergennes Township, Cedar Springs and Ada. Jeff is a level 2 Assessor while she is a level 3 Assessor.
6. In talking to Greg Pierce, a proposed joint meeting between the Light and Power Board and the City Council is scheduled for Monday, November 9, at the Chatham Building. By consensus, this was acceptable.

Item #13. **APPOINTMENTS.** None.

IT WAS MOVED BY PFALLER to adjourn at 8:08 p.m.

DATE:

APPROVED:

James W. Hodges, Mayor

Betty R. Morlock, Clerk