

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

For the Regular Meeting of **MONDAY, NOVEMBER 16, 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, Arbor Boardmember and Lowell Light and Power Boardmember and Planning Commissioner Jim Hall, and Water Distribution Supervisor Bob Robinson.

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

IT WAS MOVED BY ELLISON and seconded by PFALLER to approve the agenda as written.

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

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

IT WAS MOVED BY ELLISON and seconded by PFALLER to approve the minutes of the November 2, 2009 regular meeting as written.

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

Item #3. **APPROVAL OF THE MINUTES OF THE NOVEMBER 2, 2009 CLOSED SESSION MINUTES.**

IT WAS MOVED BY PFALLER and seconded by ELLISON to approve the minutes of the November 2, 2009 closed meeting as written.

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

Item #4. **APPROVAL OF THE ACCOUNTS PAYABLE.**

IT WAS MOVED BY LAPONSIE 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 (11/02/09)</u>	
GENERAL FUND	\$25,192.03
MAJOR STREET FUND	17,278.48
LOCAL STREET FUND	3,917.17
DDA FUND	127,702.19
CITY HALL CONSTRUCTION FUND	110,992.50
AIRPORT FUND	112.79
WASTEWATER FUND	292.45
WATER FUND	57,666.77
DATA PROCESSING FUND	1,062.50
EQUIPMENT FUND	1,233.61
CURRENT TAX FUND	53,590.55

Mayor Pro Tem Pfaller questioned the amount paid to Pacific Telemanagement and asked how much the pay phone is used. City Manager Pasquale believed it was used more than one would think.

Pfaller also inquired regarding the amount paid to Wittenbach Grand for an oil/filter change and asked why this was not done by the city mechanic. Police Chief James Hinton explained the City Mechanic Ralph Brecken had to work at the Water Plant as well as he was leaving for vacation. The LPD was advised to take the vehicle to Wittenbach for an oil change.

Item #5. **CITIZENS COMMENTS FOR ITEMS NOT ON THE AGENDA.** No comments were received.

Item #6. **REPORT AND RECOMMENDATIONS FROM THE CITY HALL FACILITIES USE COMMITTEE.** Councilmember Ellison explained a lengthy discussion was held concerning user fees. It was decided City Hall is for government purposes and should be made available only for professional and civic groups, not private parties such as wedding receptions. Also, a definition was provided for non profit groups. It had been noted the City does not wish to share the computer technology once installed. However, the screens and microphones could be used upon approval of the City Manager. A request use form has been redone and should be completed by anyone wishing to use the facility, screens or microphones. The fee schedule has also been changed noting it applies for the first hour and then so much per additional hour. Also, there was discussion regarding use of the small room at the library. It is used by many,

yet the City continues to pay for the cleaning. City Manager Pasquale stated the City has an agreement with the Kent District Library. He noted the City receives \$1 per square foot per year for maintenance and cost of the library. However, it does not cover all the cost that is involved.

If the Council wishes to pursue this further, he would inquire with the Kent District Library.

Ellison noted Chief Hinton, City Clerk Morlock, Dr. Bob Reagan and herself were all on the committee. By general consensus, the committee agreed.

Mayor Hodges thanked everyone for their work and input.

IT WAS MOVED BY ALTOFT and seconded by PFALLER to adopt the City Hall Facilities Use Policy as presented.

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

Item #7. **RESOLUTION SETTING CERTAIN WATER SYSTEM AND SANITARY SEWER SYSTEM FEES**. Fees for water and sanitary sewer were thoroughly reviewed by Water Distribution Supervisor Bob Robinson and Assistant City Treasurer Lori Gerard. The last changes were adopted by Council in June, 2005.

The resolution provides all the various water and sanitary sewer fees. Also, the fees recommended for change were noted. The new rates would be effective on January 1, 2010.

IT WAS MOVED BY PFALLER and seconded by LAPONSIE to adopt the resolution setting certain water system and sanitary sewer system fees as presented.

Mayor Pro Tem Pfaller clarified this is not a rate increase just the fees for meters.

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

NAY: None. ABSENT: None. MOTION CARRIED.

Item #8. **RESOLUTION ACCEPTING COMMUNITY DEVELOPMENT BLOCK GRANT – RECOVERY PROGRAM FUNDING FOR SIBLEY STREET IMPROVEMENTS**. As part of the requirements, a City Council resolution must be passed accepting Community Development Block Grant Recovery Program funds for the upgrading of Sibley Street from North Center to Valley Vista. Specifically, \$140,000 in CDBG-R funds would be matched with Local Street Construction amounts of \$110,000 totaling \$250,000.

City Manager Pasquale recommended the Council adopt the resolution.

IT WAS MOVED BY PFALLER and seconded by ELLISON to adopt the resolution accepting

Community Development Block Grant – Recovery Program funding for Sibley Street Improvements.

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

NAY: None. ABSENT: None. MOTION CARRIED.

Item #9. **FEE FOR CANVASSING AND SOLICITATION TO ALL WEATHER SEAL.** Scott McDowell, owner of All Weather Seal, requested permission to canvass and solicit for business involving the City residents. A total of three to six people representing All Weather Seal will carry out this task.

Under the schedule of fees and charges for peddlers, the City Council must approve and set fees for a request of greater than one month.

City Clerk Betty Morlock and City Manager Pasquale recommend a \$300 fee for the year to All Weather Seal plus \$10 per person to cover a police background check. This charge is similar to the firm of Edward Jones who recently went door to door canvassing and solicitation.

McDowell explained the company sells windows and siding. The canvassers distribute information about their products and services. They will not be selling anything at the door.

McDowell noted the company already does back ground checks on its employees. He asked if another check would need to be done. Police Chief Hinton stated he would prefer to do their own through the Michigan State Police ICHAT.

IT WAS MOVED BY PFALLER and seconded by ELLISON to set the fee for a one year duration for All Weather Seal's solicitation permit at \$300 and a \$10 per person to cover the police background check.

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

Item #10. **ORDINANCE AMENDMENT PROVIDING FOR THE SELECTION AND USE OF A SINGLE RESIDENTIAL SOLID WASTE HAULER - REVIEW.** As requested by Council and prepared by City Attorney Richard Wendt, an ordinance amendment was provided which directs for the selection and use of a single residential solid waste hauler.

As noted in the August 31, 2009 worksession, the following schedule was proposed:

- Have ordinance document to Council for review by December 7 meeting
- Bid out contract – March, 2010
- Receive bids – June, 2010
- Start service – November, 2010

The ordinance text would be broad enough to allow bag and carts.

After a Council review, a public hearing date for ordinance consideration is required.

IT WAS MOVED BY ELLISON and seconded by LAPONSIE to set a public hearing for December 7, 2009 to review the amendment providing for the selection and use of a single residential solid waste hauler.

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

Item #11. **MONTHLY REPORTS**. Mayor Pro Tem Pfaller commented on the report from the Waste Water Report which showed the phosphate levels below .5 when there is a 1.0 limit. Have we changed procedures? Does the City have an industry that is putting in which would cause the phosphate levels on the discharge to double? City Manager Pasquale was unsure but would provide a response at the next meeting.

Pfaller asked if the manhole sealing had been completed. Pasquale did not believe so but would check. Pfaller noticed the flow through the wastewater plant was almost triple of what it was through the water treatment plant.

Pfaller stated he liked the new revenue and expenditure report. Since the City is 1/3rd its way through the fiscal year, we should be at 33% on expenditures for the funds. The parks is above this, however these expenses occurred during the warm weather. He asked if there were any areas of concern.

Item #12. **COUNCIL COMMENTS**. Councilmember Altoft stated there are many leaves in the street which are going into and plugging the storm drains. It also seems there are many residents who are blowing their leaves into the streets. This needs to be addressed. Altoft inquired if the street sweeping was all done for the year. Mayor Hodges stated the streets will be swept one more time before December 5, 2009.

Altoft apologized for being absent at the last meeting.

Councilmember Ellison requested a copy of the final resolution passed regarding parking fees.

Ellison also cheered the Lowell Red Arrows.

Mayor Pro Tem Pfaller requested a copy of the buy/sell agreement from Comcast.

Pfaller also commented on the leaves throughout the City streets.

Mayor Hodges stated Monday, December 21, 2009 has been designated as a time to recognize our past Mayor Jeanne Shores. Shores will be present during this meeting as Mayor Emeritus to conduct her last Council meeting. The agenda will be shortened in order to celebrate 28 years of service that Mayor Shores has given to the community.

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 October 6, 2009
 - Downtown Development Authority meeting of October 1, 2009
 - Chamber of Commerce meeting of October 12, 2009
 - Lowell Area Recreation Authority meeting of October 14, 2009
2. The City offices will be closed on Thursday, November 26 and Friday, November 27 in observance of Thanksgiving.

Item #14. **APPOINTMENTS.** By general consensus, the City Council made the following appointments:

		<u>Term Expires</u>
Downtown Historic District Commission		01/01/2013
Chris Fleszar	reappointment	
LCTV Endowment Fund Board		12/31/2012
Barb Barber	reappointment	
Airport Board		
Kevin Vezino	reappointment	01/01/2013
Eric Nelson	reappointment	01/01/2013
Parks and Recreation Commission		01/01/2013
Perry Beachum	reappointment	
Building Authority		
Suzanne Olin	reappointment	01/01/2013
Lowell Area Recreation Authority		
Vacancy	appointment	
(City elected official)		
Perry Beachum	reappointment	11/15/2011
(City non elected member)		

Councilmember Pfaller also reminded the Council there will be a vacancy on the Planning Commission once Andrew Schrauben becomes a Councilmember. There also has to be an elected official appointed to the Parks and Recreation Commission as well.

IT WAS MOVED BY PFALLER to adjourn at 8:00 p.m.

DATE:

APPROVED:

James W. Hodges, Mayor

Betty R. Morlock, Clerk