

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

For the Regular Meeting of **MONDAY, DECEMBER 7, 2009.**

The Meeting was called to order at 7:30 p.m. by Mayor Hodges and City Clerk Betty Morlock called Roll.

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

Absent: Councilmember Altoft.

Also Present: City Manager David Pasquale, City Clerk Betty Morlock, Police Chief James Hinton, Arbor Boardmember, Lowell Light and Power Boardmember and Planning Commissioner Jim Hall, Planning Commissioner Andrew Schrauben, Lowell Light and Power General Manager Greg Pierce and Lowell Light and Power Boardmember and Parks and Recreation Commission Chair Perry Beachum.

IT WAS MOVED BY LAPONSIE and seconded by ELLISON to accept the absence of Councilmember Altoft.

YEA: 4. NAY: 0. ABSENT: 1. MOTION CARRIED.

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

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

YEA: 4. NAY: 0. ABSENT: 1. MOTION CARRIED.

Item #2. **APPROVAL OF THE MINUTES OF THE NOVEMBER 16, 2009 REGULAR MEETING.**

IT WAS MOVED BY PFALLER and seconded by LAPONSIE to approve the minutes of the November 16, 2009 regular meeting as corrected.

YEA: 4. NAY: 0. ABSENT: 1. MOTION CARRIED.

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

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

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

NAY: 0. ABSENT: 1. MOTION CARRIED.

<u>BILLS AND ACCOUNTS PAYABLE (12/7/09)</u>	
GENERAL FUND	\$60,899.64
MAJOR STREET FUND	7,784.20
LOCAL STREET FUND	1,047.07
DDA FUND	15,680.55
AIRPORT FUND	156.67
WASTEWATER FUND	34,614.55
WATER FUND	9,639.13
DATA PROCESSING FUND	304.80
EQUIPMENT FUND	919.88
CURRENT TAX FUND	5,820.99

Item #4. **CITIZENS COMMENTS FOR ITEMS NOT ON THE AGENDA.** Perry Beachum of 924 Riverside Drive commented as a member of Lowell Area Recreation Authority (LARA), Lowell and Vergennes Townships and the City of Lowell received a DNR grant for \$398,000 which will assist in securing enough funds to make the trail a reality next year.

Item #5. **ORDINANCE AMENDMENT PROVIDING FOR THE SELECTION AND USE OF A SINGLE RESIDENTIAL SOLID WASTE HAULER – PUBLIC HEARING.** As requested by Council and prepared by City Attorney Richard Wendt, an ordinance amendment is provided which directs for the selection and use of a single residential solid waste hauler.

As noted in the August 31, 2009 work session, the following schedule was proposed upon adoption of the ordinance:

- Bid out contract – March, 2010
- Receive bids – June, 2010
- Start service – November, 2010

After receiving public comments, the Council may consider the ordinance.

Berry Rinks with Flat River Waste, 11222 52<sup>nd</sup> Street was opposed to a single waste hauler for the City as it takes away from free enterprise. This would make it difficult for a small waste hauler and would take away 25% of his business.

Rinks questioned if the bid would include commercial and residential. City Manager Pasquale responded residential only.

A representative from Flat River Waste stated garbage carts would be a great expense for them. He asked if it would be possible to continue with a bag system similar to what the City has been doing with Allied Waste. Pasquale explained the other waste haulers seem more interested in having carts as it is easier to remove the waste. Discussions have indicated the City would allow carts and bags.

Pasquale questioned the number of customers Flat River Waste had in the City. The representative believed approximately 30 to 40 customers. The company picks up the trash in the City on Wednesdays.

Perry Beachum of 924 Riverside Dr. was against the amendment to limit the residential waste haulers. He believed it is against free enterprise. With this amendment, the City is telling him who he has to do business with, giving no choice.

Eric Sahaas, resident of Ada, Michigan and owner of Red Creek Waste Services is also against the proposal. He did not believe there would be much difference to the City budget if the haulers are limited to one. Have any of the cities using a single hauler stated they had to lay off employees or the budget can not be balanced. He believed some of the larger haulers may be pushing the City to cart service. He also was in favor of free enterprise. He started his business from nothing and has built it up to thousands of customers. He wanted the City to keep the same program and place the issue out for bid.

City Clerk Morlock read a letter into record from Steve Doyle of 706 Riverside which stated he believed it was a good idea to consolidate the trash pickup in the City of Lowell. The numerous trash service companies picking up on any given day of the week is unwarranted wear and tear on the City streets.

Pasquale also received a communication from Green Valley Disposal. There were several issues which were brought up. City Attorney Richard Wendt responded to these.

Councilmember LaPonsie understood during the worksession it was discussed the City would try and keep bags as an option. Mayor Pro Tem Pfaller did not believe it had been excluded. It states it allows for carts and/or bags. LaPonsie explained it seems it allows residents to use bags, but not for City bags. It states if your cart is overflowing with is too much waste, it allows you to use two bags next to the cart. LaPonsie did not believe she could support the idea without an option for bags.

Pfaller believed "small appliance" needed to be better defined. He also felt it was unreasonable to provide a container for each category of recyclables. Also, it would not be appropriate to not have yard waste picked up in November as well as it only being done once a month in October or November. There should also be more cleanup done in the spring.

Pfaller did not believe it was necessary to require an office representative from the waste

hauler be available at all times until the route collections have been completed.

Councilmember Ellison questioned the annual pickup and asked what happens if one does not have a mattress or appliance to get rid of. Does the person pay for this service anyway? Ellison was undecided about the issue. She understood the idea of free enterprise and also understood the City is trying to save money.

Ellison noted Councilmember Altoft was very interested in this idea and she would be uncomfortable deciding what to do without him being present.

Mayor Hodges believed clarifications needed to be made. He suggested postponing the decision until January 19<sup>th</sup> 2009 and hold another public hearing. On January 4, 2009 the issue would be discussed further. By general consensus, the Council agreed. It was noted the issue will be advertised as well as the amendment being reworded.

Item #6. ZONING BOARD OF APPEALS.

- A. Schneider Manor (725 Bowes) – front yard variance for the construction of a 76' x 36' office-maintenance building – set public hearing (1/4). Schneider manor wishes to construct a 2736 square foot office-maintenance building. The property is zoned R-3 (Multiple Family Residential) and requires a 30 foot front yard setback from the Grand Street right of way. Schneider Manor wishes to provide a 15 foot setback and therefore requires a variance.

IT WAS MOVED BY LAPONSIE and seconded by ELLISON to set a public hearing on Monday, January 4, 2009 for Schneider Manor requesting a front yard setback variance for an office maintenance building.

YEA: 4. NAY: 0. ABSENT: 1. MOTION CARRIED.

City Manager Pasquale noted the site plan for the building was approved by the Planning Commission at its November 23 meeting. Further, the Commission recommended the variance.

Item #7. **SELLING OF 1998 FORD TAURUS AND 1991 CHEVROLET LUMINA.** With the purchase of two new police cruisers, the two oldest vehicles in the fleet were placed for bid. A total of nine bids were received. The top bid for the Taurus was \$900 while the top bid for the Chevy Lumina was \$650. Police Chief James Hinton requested permission from the Council to sell these vehicles to the two top bidders.

IT WAS MOVED BY PFALLER and seconded by LAPONSIE to approve the highest bids with the first being the 1998 Taurus at \$900 and the 1991 Chevy Lumina for the amount of \$650.

YEA: 4. NAY: 0. ABSENT: 1. MOTION CARRIED.

Item #8. **FEE FOR CANVASSING AND SOLICITATION FOR STEPHANIE LIBBY, FINANCIAL ADVISOR FOR EDWARD JONES.** Stephanie Libby, a Financial Advisor for Edward Jones wishes to go door to door to meet Lowell citizens and introduce her business. As with previous requests, a fee for peddlers must be processed. Since this is more than one month, the Council must set the fee.

Libby indicated she will be opening a branch in Lowell. Much of the advertising done by Edward Jones is by going door to door and explaining what services they offer.

IT WAS MOVED BY LAPONSIE and seconded by ELLISON to approve the fee of \$300 a year plus \$10 to cover a background check for Stephanie Libby, Financial Advisor for Edward Jones.

YEA: 4. NAY: 0. ABSENT: 1. MOTION CARRIED.

Item #9. **LEASE AGREEMENT BETWEEN THE CITY AND ROTARY CLUB OF LOWELL FOR USE OF COUNCIL CHAMBERS AND ADJACENT FACILITIES.** Over the past three years, Lowell Rotary Club has leased the Council Chambers and adjoined facilities for its meetings. Lowell Rotary usually meets on Wednesday at noon. There is a charge of \$75 per meeting but also we are looking at the auto visual setup proposal. There has been some discussion from City staff, representatives from Rotary and looking at the idea of an audio visual system that will help with Rotary, City Council, Planning Commission meetings. This will make it much easier for the Council, Commission and Rotary to view what is being presented.

The weekly fee which would be provided by Rotary would go toward the purchase of this equipment. There have been several discussions with City staff members and Rotary members in terms of desirable equipment.

Jim White of 4961 Badacki Avenue and of Lowell Rotary explained the plan would be a wash as far as finances go. Rotary has asked Betsy Davidson to review the system. The Council and other organizations would be able to use the system.

Mayor Hodges received a suggestion to seek funds from the Lowell Area Community Fund or other such groups. City Manager Pasquale explained the idea was initiated by Rotary.

Mayor Pro Pfaller believed the \$75 a week rental fee was for wear and tear on the building. He suggested the funds be sought from the LCTV Endowment Fund. He questioned where the money would come from to help maintain the building if bartering is done.

Councilmember LaPonsie did not have a problem with the idea.

Councilmember Ellison liked the idea of looking for the money elsewhere. It is a very generous idea but would prefer it come elsewhere.

Hodges also agreed the funds should come elsewhere. It would provide better public perception and would appear cleaner.

Pfaller suggested funds be sought elsewhere. However, if the City can not get \$7,000 then we should be able to revisit the trade with Rotary.

Pasquale suggested omitting the barter provisions and go back to the previous agreement but change the dates.

Pfaller believed the lease agreement should be revised.

Pasquale noted the agreement will be brought back to the next meeting.

Item #10. **COUNCIL COMMENTS**. Councilmember LaPonsie commented on the Christmas festivities held on Saturday, December 5, 2009 throughout the City. Everything was very nice.

Councilmember Pfaller mentioned the DNR grant. Also, LARA had already received an MDOT grant just under \$300,000 from MDOT which is conditional.

Mayor Hodges also stated the Christmas parade as well as the activities held on December 5, 2009 was a great success. Liz Baker of the Chamber of Commerce and all of the other volunteers did a great job.

Mayor Hodges and other Mayors of West Michigan visited Governor Granholm to discuss the financial future of Michigan and where that may go with budget concerns. He thanked Grand Rapids Mayor Heartwell for hosting the event and bringing all the communities together.

Hodges reminded everyone that on December 21, 2009, the City will be recognizing Mayor Emeritus Jeanne Shores and her time that she has worked with the City over the last 28 years.

Hodges also thanked his long time friend Jim Pfaller who will be completing eight years of service on the City Council and a life time of service to this community.

Item #11. **MANAGER'S REPORT**. City Manager Pasquale reported on the following:

1. The following boards and commissions meetings minutes are enclosed:
  - Planning Commission meeting of October 26, 2009
  - Parks and Recreation Commission meeting of October 17, 2009
  - Grand Valley Metro Council–Transportation Policy Committee meeting of September 16, 2009
2. Over the past number of years, the City provided approvals of a 2% cost of living

Benefit E to City MERS retirees. Under a new system, MERS now requires an 80% funding level for such consideration. The city is at 77%. In order to reach this, the City would be required to provide a \$106,000 payment to MERS to qualify.

Thus, the City will not pursue this.

3. In response to Councilmember Pfaller's inquires, enclosed is a memo from Wastewater Treatment Plant Superintendent Mark Mundt regarding plant flow and phosphorous.
4. During the December 21 meeting, the City will honor Mayor Emeritus Jeanne Shores.
5. Police Chief James Hinton noted since the trail has been completed along Gee Drive, he is considering to increase the speed limit to 35 mph. Numerous speed surveys have been completed over the past year. He spoke with City engineer Dave Austin who has recommended the curb speed remain at 25 mph.

Item #12. **APPOINTMENTS**. Mayor Hodges suggested Andrew Schrauben be appointed to the Lowell Area Recreation Authority. This is a City elected position. However, Schrauben will be an appointed City Councilmember in January. Thus, making him qualified to fill the position after January 4, 2009. By general consensus, Council agreed.

Bob Ford has indicated he does not want to continue serving on the Downtown Development Authority. However, he has yet to put this in writing.

IT WAS MOVED BY PFALLER to adjourn at 8:26 p.m.

DATE:

APPROVED:

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James W. Hodges, Mayor

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Betty R. Morlock, Clerk