

PROCEEDINGS
OF
CITY COUNCIL
OF THE
CITY OF LOWELL

For the Regular Meeting of FEBRUARY 7, 2011.

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

Present: Councilmembers Jeff Altoft, Maryalene LaPonsie, Andrew Schrauben, Mayor Pro Tem Sharon Ellison and Mayor Jim Hodges.

Absent: None.

Also Present: City Manager David Pasquale, City Clerk Betty Morlock, DPW Director Dan DesJarden, Police Chief James Hinton, City Treasurer Suzanne Olin, Light and Power Boardmember, Planning Commissioner and Parks and Recreation Commissioner Jim Hall and Light and Power General Manager Greg Pierce.

Mayor Hodges requested the issue of the LIDAR, police radar device be added as Item 12.1 and also a brief update on the worksession for the budget as Item 12.2.

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

IT WAS MOVED BY LAPONSIE and supported by ELLISON to approve the revised agenda.

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

Item #2. **APPROVAL OF THE MINUTES OF THE REGULAR MEETING OF JANUARY 18, 2011.**

IT WAS MOVED BY ELLISON and supported by SCHRAUBEN to approve the regular meeting minutes of January 18, 2011 as corrected.

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

Item #3. **APPROVAL OF THE ACCOUNTS PAYABLES.** Councilmember LaPonsie questioned the bill to Comcast. DPW Director Dan DesJarden noted this is for cable at the DPW.

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

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

NAY: None. ABSENT: None. MOTION CARRIED.

<u>BILLS AND ACCOUNTS PAYABLE (02/07/11)</u>	
GENERAL FUND	\$19,224.79
MAJOR STREET FUND	16.44
LOCAL STREET FUND	16.44
HISTORICAL DISTRICT FUND	328.00
WASTEWATER FUND	38,926.43
WATER FUND	638.09
DATA PROCESSING FUND	319.57
CURRENT TAX FUND	338,425.29
LEE FUND	230.00

Item #4. **CITIZEN COMMENTS FOR ITEMS NOT ON THE AGENDA.** Brandon Hall, City Council Videographer, extended his apologies if it seemed he was angry at the last meeting. That was not his intent. Hall did not want the City to jump into this idea too quickly and suggested public comments be considered.

Per Council request, a letter was sent to residents on North Center Street regarding the narrowing of the road. One comment was received from Laurels of Kent regarding traffic concerns during construction.

Item #5. **OLD BUSINESS.**

- a) Streets, sidewalks plan – City Council work session was held Monday, January 31.
- b) Wastewater Treatment update – To schedule door to door survey to determine where sump pumps are. Certified mail has been sent to a list of residents who the City knows are pumping ground water. Ads in the Ledger, Buyers Guide, Cable TV and City web site were provided.
- c) Amphitheater renovations – Parks and Recreation Master Plan update completed and approved by the State to qualify for grants assistance. A survey delineating ownership has also been finished. A design charette (getting citizen input) for riverbank improvements was carried out on Thursday, January 13. At the Downtown Development Authority meeting held on January 13, the Boardmembers continued discussion regarding future development of this property.
- d) Website upgrade – ten website proposals have been received. A committee meeting for review is planned for Wednesday, January 19.
- e) Consumers Energy – sidewalk report – under review.

City Manager Pasquale read a letter into record from Al Eckman, WLHS Station Manager and WLSH AV Club Advisor. He believed Brandon Hall should maintain his position and record the meetings. Ellison suggested the DDA meeting regarding the design charette be televised. A schedule can be established at a later date. Mayor Hodges was concerned regarding the cost of a new camera and recording each meeting. He wanted the issue discussed further.

Councilmember Altoft did not believe the issue should be postponed. Councilmember Schrauben agreed with Ellison. The DDA meeting regarding the design charette should be recorded. However, he wanted further discussion before a long term arrangement is agreed upon. Ellison felt the City should start with the DDA meeting and work from there once further discussion is held. Councilmember LaPonsie agreed. LaPonsie noted Brandon Hall should be asked first.

Ellison questioned the idea of the City adopting a policy regarding a Capitalization Threshold. She suggested this be added to "Old Business".

Item #6. **APPROVAL OF PAWSITIVE WALK – SATURDAY, FEBRUARY 12, 1- 2:30 P.M. BY CHAMBER OF COMMERCE, SHOWBOAT.** Lowell High School teacher Kim Keglovitz represented a group of students, who are planning a fundraiser for the Kent County Humane Society. Permission is requested to have a Pawsitive Walk on Saturday, February 12 from 1 to 2:30 p.m. near the Chamber of Commerce. While the student's goal is to raise funds, there will also be minor refreshments. An amateur photographer will be available to take pictures of those with their pets.

By general consensus, the Council approved the Pawsitive Walk on Saturday, February 12, 2011.

Item #7. **SNOW PLOW OPERATORS PERMIT – FURTHER REVIEW AND DISCUSSION.** Police Chief James Hinton explained the snow plow application has been changed. Three items were omitted, including the amber light requirement, company name displayed requirement and a list of customers. Verbiage was added to the application to accommodate workmen's compensation insurance requirement, if required by State law.

David Lehigh of 4833 S. Montcalm commented on the recent snow storm. There were a few complaints. However, the first involved a contractor who pushed snow onto a sidewalk. Another concerned a six foot pile of snow on the sidewalk which was pushed by a City plow truck. After consulting with the Lowell Police Department, it was determined the City needed to put the snow there. However, considering all the snow, there were few issues.

He noted his conversation with DPW Director Dan DesJarden as far as damage to City property. DesJarden said he does not keep records of such damage.

Lehigh referred to the last meeting when Mayor Pro Tem Ellison mentioned the ordinance was to protect the residents. He questioned what the citizens were being protected of. Ellison responded it is a safety issue and these are large vehicles. The City wants to ensure the drivers are insured and following safe practices.

Councilmember LaPonsie believed the government needs to be proactive and would rather not have it turn into an issue. Anyone individual getting paid to plow should be licensed.

Tom Smith of 3788 Pratt Lake questioned where the line should be drawn for the licensing requirement. Hinton noted the ordinance states it could be a farm tractor which is actually plowing driveways. One would still have to register their vehicle. A vehicle is considered anything mechanical.

Lehigh questioned why snow plow trucks should have the same rules as garbage trucks. Mayor Hodges noted these are similar in terms of being registered and licensed.

Lehigh asked if there was anything in the ordinance pertaining to snow blowers. Hinton stated the verbiage is for motor vehicles or any which one would ride upon.

Ellison noted the application was changed to "if required by State law". Hinton proposed the question to City Attorney Richard Wendt. The ordinance does not need to be changed to accommodate this as long as the application states it.

Item #8. **EXTENSION OF STREET SWEEPING CONTRACT ONE YEAR WITH SANISWEEP, INC.** At the March 15, 2010 City Council meeting, the Council approved the bid from Sanisweep, Inc. for the sweeping of City streets with an option of a one year extension for the 2011 sweeping season. The cost for this service will remain the same as last year which includes 5 sweeps at \$3,636 per sweep and \$23 per ton for disposal of the debris plus trucking fees.

IT WAS MOVED BY ALTOFT and seconded by ELLISON to extend the contract with Sanisweep Inc. for 2011 as proposed.

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

Item #9. **RESOLUTION COMMITTING LOCAL FUNDS FOR THE LOWELL AREA RECREATION AUTHORITY PHASE I TRAILWAY.** The Lowell Area Recreation Authority has been in the midst of securing funding for the first phase of the trailway project which begins at the future Lowell-Greenville rail trail following Foreman, west past Cherry Creek Elementary School, to the Safe Routes to School Trail on Gee Drive north to the east side of Alden Nash Road connecting west Lowell High School and finishing by crossing Vergennes Road to the Wittenbach-Wedge Agriscience and Environmental Center.

As proposed, the total cost of construction is \$899,960 with funding applications to the Federal Transportation enhancement Funds of \$273,318, the Michigan Natural Recourses Trust Fund of \$398,000 and \$228,642 from the Lowell Area Recreation Authority.

As part of the application process, for the Transportation Enhancement Grant administered by MDOT, the City of Lowell must certify the local share is secured, available and committed for use in constructing the project.

IT WAS MOVED BY SCHRAUBEN and seconded by LAPONSIE to adopt the resolution committing local funds for the Lowell Area Recreation Authority Phase 1 Trailway to the MDOT on the Transportation Enhancement Grant.

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

NAY: None. ABSENT: None. MOTION CARRIED.

Item #10. **ORDINANCE – PLACING PROPERTY LIEN ON UNPAID ELECTRIC PAYMENTS – SET PUBLIC HEARING (2/22).** The Light and Power will officially provide a recommendation on this after the meeting on Thursday, February 10, 2011. This would allow property liens on unpaid electric payments. An ordinance has been drafted by City Attorney Richard Wendt. The Light and Power Board will formally be recommended and a public hearing held on February 22, 2011.

IT WAS MOVED BY ELLISON and LAPONSIE to set a public hearing for February 22, 2011 with regards to placing property liens on unpaid electric payments.

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

Item #11. **LIGHT AND POWER CREDIT CARD SERVICES.** As noted in Greg Pierce's memo, Light and Power has requested standard credit card services be continued for utility payment as begun several months ago under a pilot project. Council approval was petitioned.

A number of people have requested regular credit card services. There have been approximately 700 individuals who have utilized the service over the last six months. The average cost for the customers in the service area is approximately \$0.10 per month.

City Treasurer Suzanne Olin believed the cost averaged \$2.75 to \$3.00 based upon the card being used by the individual. She asked if he planned absorbing the fees. Pierce responded yes. Mayor Hodges believed it has been the City's policy for the customer to absorb the fees. Olin did not know of one municipality which absorbs the fees. Cities such as Detroit and Lansing do not do this. Olin believed this was awkward to the citizens when paying a bill at City Hall and having to pay a fee. Pierce understood this. However, as an enterprise fund, Light and Power operates a little differently. Councilmember Schrauben questioned the cost if everyone used it in the same month. Olin noted this would run \$6,000 to \$7,000 a month based upon 2,200 customers.

Councilmember Altoft stated the City residents can pay their water bill at Light and Power and then it would not cost the City. Altoft suggested City residents be allowed to do this.

Mayor Hodges was a bit uncomfortable as the City and Light and Power have gone through great work bringing holidays, vacation, paid time offs into line with each other. He would hope this too would be similar. He suggested a worksession with the Light and Power Board and the City Council.

Councilmember LaPonsie noted her mother pays her Light and Power bill and water bill over the phone with her debit card. This is a nice service. City pays for many items that not all residents use.

Pierce asked if the service could be continued as it is now at the end of the pilot study.

Mayor Pro Tem Ellison stated she would be in favor of continuing the study until a decision could be made more permanent.

Hodges suggested Light and Power continue with the pilot program but urged City Manager Pasquale and Light and Power General Manager Greg Pierce to schedule a worksession.

Item #12.1 **PURCHASE OF A LIDAR UNIT.** Police Chief James Hinton explained in an effort to control some of the speeds in the City and to hopefully receive some voluntary compliance, he presented a proposal to obtain a laser device called a LIDAR Unit. The current radars will remain in the patrol cars. This is just another way to help determine speeds at a long distance.

The Lowell Police Department has tried three different LIDAR devices over the past several months and has determined the STALKER LIDAR would be the best to purchase at a cost of \$2,350. The devices should last anywhere from 15 to 20 years and do not need to be updated. It was noted this is a budgeted item.

Hinton noted the Doppler units detect speeds going toward and away from both moving and stationary vehicles.

IT WAS MOVED BY LAPONSIE and seconded by ALTOFT to approve the purchase of a Stalker LIDAR unit in the amount of \$2,350.

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

Item #12.2. **BUDGET WORKSESSION.** There has been discussion regarding a budget worksession. Concentration will be given to the General Fund. City Manager Pasquale recommended a budget worksession be scheduled for Monday, March 14, 2011 at 7:00 p.m.

By general consensus, the Council agreed.

Item #13. **COUNCIL REPORTS AND COMMENTS.** Councilmember Schrauben noted the Airport and LARA Boards will meet this week. The Parks and Recreation Commission is to meet the week of February 14, 2011.

Councilmember LaPonsie noted the Planning Commission met. The Commissioners will be reviewing woodburning stoves at the February meeting. A draft ordinance is being considered. The Commission also approved the Farmers Market to be relocated at Tractors Supply.

Backyard Spring Training attended the Planning Commission meeting as well. They will be leasing the property behind the old Good Chevrolet site and wish to install a baseball field. This was approved by the Planning Commission, as long as surrounding neighbors do not oppose.

LaPonsie questioned the finalist for the website. Also, Chief Hinton sent out a notice regarding the Nixel System. She suggested this be more visible.

Councilmember Altoft thanked the City employees who helped with the snow removal. Everyone did a great job.

Mayor Pro Tem Ellison noted there will be an Arbor Board meeting. An art contest is being held regarding trees throughout the City.

Ellison said the LCTV Endowment Board will meet next week. A position needs to be filled by a City resident. Letters of interest should be submitted.

Mayor Hodges stated Lowell Light and Power will have a meeting on February 10, 2011. They continue to be very successful. A special meeting was held regarding generation and future generation of power locally.

The Chamber of Commerce will meet on February 8, 2011.

Hodges congratulated the various honorees; Joy Smith for Person of the Year, All Weather Seal Windows, Main Street Inn and Atwood Corporation for their involvement and successes of the year.

Hodges noted the Lowell Expo will be held the last Saturday in March.

The Look Memorial Fund will meet again in the Spring.

Hodges also thanked DPW Dan DesJarden and the City employees for the snow removal.

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

1. The following boards and commissions meetings minutes are provided:
 - Grand Valley Metro Council – Transportation Policy Committee meeting of December 15, 2010
 - Planning Commission meeting of November 22, 2010
2. In observance of Presidents Day, City offices will be closed on Monday, February 21. The next Council meeting is scheduled for Tuesday, February 22.

Item #15. **APPOINTMENTS.** Mayor Hodges noted the vacancies to serve on the Board of Review, Planning Commission and LCTV Endowment Fund Board.

IT WAS MOVED BY ELLISON to adjourn at 8:41 p.m.

DATE:

APPROVED:

James W. Hodges, Mayor

Betty R. Morlock, City Clerk