

PROCEEDINGS  
OF  
CITY COUNCIL  
OF THE  
CITY OF LOWELL

For the Regular Meeting of MAY 2, 2011.

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

Present: Councilmembers Jeff Altoft, Maryalene LaPonsie, Mayor Pro Tem Ellison and Mayor Hodges.

Absent: Councilmember Schrauben.

Also Present: City Manager David Pasquale, City Clerk Betty Morlock, DPW Director Dan DesJarden and Police Chief Barry Getzen.

IT WAS MOVED BY LAPONSIE and seconded by ELLISON to excuse the absence of Councilmember Schrauben.

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

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

IT WAS MOVED BY ELLISON and supported by ALTOFT to approve the agenda as corrected.

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

Item #2. **APPROVAL OF THE MINUTES OF THE REGULAR MEETING OF APRIL 18, 2011 AND SPECIAL MEETINGS OF APRIL 25 AND 30, 2011.**

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

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

IT WAS MOVED BY ELLISON and seconded by ALTOFT to approve the special meeting minutes of April 25, 2011 as written.

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

IT WAS MOVED BY LAPONSIE and seconded by ALTOFT to approve the special meeting minutes of April 30, 2011 as written.

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

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

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

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

NAY: None. ABSENT: Councilmember Schrauben. MOTION CARRIED.

<u>BILLS AND ACCOUNTS PAYABLE (05/02/11)</u>	
GENERAL FUND	\$42,270.85
MAJOR STREET FUND	415.87
LOCAL STREET FUND	665.95
DOWNTOWN DEVELOPMENT FUND	4,030.00
CITY HALL CONSTRUCTION FUND	250.00
WASTEWATER FUND	156.66
WATER FUND	1,286.62
CABLE TV FUND	10,000.00
DATA PROCESSING FUND	682.14

Item #4. **CITIZEN COMMENTS FOR ITEMS NOT ON THE AGENDA.** Mayor Hodges welcomed Boy Scout Troop 102 to the City Council meeting.

Item #5. **OLD BUSINESS.**

- a. Streets, sidewalks plan – The Council will consider the sidewalks improvements ordinance upon sale of property at the May 2 meeting after tabling the issue. The Council also lifted the moratorium requirement sidewalk improvements at their March 21 meeting.
- b. Wastewater Treatment update – DPW Director DesJarden noted there are four monitors out and a range gate as well. A full report will be provided.
- c. East Riverfront renovations – A Parks and Recreation Master Plan update was completed and approved by the State to qualify for grant assistance. A survey delineating ownership has also been finished. A design charette (getting citizen input) for riverbank improvements was successfully carried out by Design Plus, Inc. on Thursday, January 13. At the Downtown Development Authority meeting of February 17, the Boardmembers recommended purchase of the amphitheater property from Lowell Area Schools for \$25,000. Also, the amphitheater riverfront design was approved along with an allocation of \$50,000 toward the project. At its January 11, 2011 meeting, the Lowell Area Community Fund provided \$50,000 in addition to this task. The Council, at its February 22 meeting approved the purchase of Lowell Area Schools property within the amphitheater area at a cost of \$25,000 as recommended by the DDA.

An application for the Michigan Department of Natural Resources Trust Fund grant of \$300,000 has been submitted to the State as of April 1, 2011. A LCTV Endowment Fund grant application of \$50,000 was completed.

- d. Consumers Energy – sidewalk report – under review.
- e. Video coverage of public meetings – On May 9, 2011 the Council will discuss video equipment. Also, the Planning Commission and Downtown Development Authority meetings will be video taped.
- f. Motion of job offer for a candidate and alternate for City Manager position.

IT WAS MOVED BY ELLISON and seconded by LAPONSIE to select Mark Howe as lead candidate and Mathew Butts as the alternate candidate for the City Manager position.

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

IT WAS MOVED BY LAPONSIE and seconded by ELLISON to direct City Attorney Richard Wendt to negotiate the contract for City Manager along with the assistance of William Baldrige of the Michigan Municipal League.

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

Item #6. **2011 – 2012 BUDGET – SET PUBLIC HEARINGS (5/16 AND 6/6).** The Council has scheduled a work session on Monday, May 9 to review the proposed budget. The General Fund draft summary has been updated. Also, the Downtown Development Authority budget (to be considered at the DDA meeting of May 5) was included.

A copy of the final proposed 2011 – 2012 Budget will be presented to the Council prior to the work session. In order to be timely with final approvals, City Manager Pasquale recommended the Council conduct public hearings on May 16 and June 6 before adoption.

IT WAS MOVED BY ELLISON and supported by ALTOFT to set a public hearings for May 16 and June 6 to discuss and consider the 2011 – 2012 Budget.

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

Item #7. **STREET CLOSURE - MERCER BETWEEN HUDSON AND RIVERSIDE – SATURDAY, JUNE 11 FROM 5 P.M. to 12 MIDNIGHT** Amy Hayes (624 Riverside Drive) requested that Mercer Street be closed between 5 p.m. to 12 midnight on Saturday, June 11 for a graduation open house.

IT WAS MOVED BY ALTOFT and seconded by LAPONSIE to close Mercer between Hudson and Riverside – Saturday, June 11 from 5 p.m. to 12 midnight.

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

Item #8. **ORDINANCE FOR SIDEWALK INSPECTION AND COMPLIANCE UPON SALE OR TRANSFER OF ABUTTING PROPERTY – TABLED FROM PREVIOUS MEETING.** A

proposed ordinance would require an inspection and subsequent improvement if necessary upon sale. This is considered as a means to provide sidewalks which are in compliance with City standards.

The Council discussed the ordinance at length. By consensus, the issue was tabled at the last meeting until Mayor Hodges could be present at the meeting to determine a direction.

Mayor Hodges stated his feelings on sidewalk inspection are simple. The City of Lowell is a wonderful place to live and a great place for kids. The sidewalks provide a safe place to walk and children to ride their bikes. As homeowners, we have a responsibility for our properties, including the sidewalks. Our properties must be safe for ourselves as well as for others. It is important for sidewalks to be in good condition.

The ordinance gives the City an opportunity to visibly inspect sidewalks and make sure they are in good repair to ensure the next homeowner will have safe and adequate sidewalks for the public as well as their own children.

Mayor Pro Tem Ellison noted much time was spent discussing the issue during the work session. The ordinance is for safety and protection of a new homeowner. One should keep their sidewalks maintained at all times as this is an ordinance. Ellison noted she was in favor of the ordinance as well.

Councilmember Altoft had a difficult time approving another ordinance when the City already has an ordinance stating this, however, does not enforce.

Councilmember LaPonsie believed sidewalks were important as well. She agreed it was the homeowner's responsibility. However, that said, LaPonsie believed there was another way to address the sidewalks. She noted this adds another layer of bureaucracy for the City. We would have to hire an inspector as there would be extra hours of work and would much rather try a carrot rather than a stick approach. LaPonsie suggested such ideas as grant money or a matching program.

Barb Barber of 318 King Street explained a number of years ago one of her rental properties had a large tree which grew into the sidewalk area to the point where the City had to have it removed. The equipment brought in to remove the tree broke some sidewalk. A complaint was made to the City concerning the issue and nothing was done. She questioned who would be responsible. If and when they sell this property, this is one which would come up to be repaired. Hodges believed it should have been taken care of at that time and apologized for it not being taken care of during that time.

Ellison commented on the other ordinance Altoft referred to. It is a different ordinance. Both refer to sidewalks. However, this one is about capturing and fixing sidewalks when a property is being sold. This is a starting point.

LaPonsie did not disagree with the repair of sidewalks. But, she sympathized with individuals selling houses which have depreciated in value 12 percent (highest in Kent County). Many may

already be strapped for money and facing foreclosure making it very difficult to come up with an extra \$1000 or \$2000.

Altoft noted the City has an ordinance which states the sidewalks must be in good repair.

IT WAS MOVED BY ELLISON and seconded by ALTOFT to adopt the ordinance for sidewalk inspection and compliance upon sale or transfer of abutting property as proposed.

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

NAY: Councilmember LaPonsie                      ABSENT:      Councilmember Schrauben.

MOTION CARRIED.

Mayor Hodges noted a contractor broke two sections of his sidewalk last year when repairing his roof. These will be fixed within the next sixty days as well as another section of sidewalk near his house.

Item #9. **LOWELL AREA CHAMBER OF COMMERCE.**

- A. Request to close Avery from Riverwalk Plaza to Washington Street – Thursday, July 7 to Saturday, July 9. Director of the Chamber of Commerce Liz Baker noted the Riverwalk Festival is scheduled for Thursday, July 7 to Saturday, July 9. As part of new planned activities, Avery Street has been requested by the Chamber to close during that time from the Riverwalk Plaza to Washington Street.

IT WAS MOVED BY LAPONSIE and seconded by ELLISON to close Avery from Riverwalk Plaza to Washington Street Thursday, July 7 to Saturday, July 9, 2011.

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

- B. Building Renovation. The Chamber will be adding additional space to their floor plan. This space would be provided by adding into the garage. The renovation will start within a few weeks.

Mayor Hodges thanked Baker for providing tours of the City to the candidates being interviewed for the City Manager position.

Item #10. **COUNCIL REPORTS AND COMMENTS.** Councilmember LaPonsie noted a Planning Commission meeting was not held in April due to there being no issues to discuss. It was brought to their attention by Chair Hall that the Commission only needs to meet a minimum of four times a year.

LaPonsie asked if an individual receives an ordinance or zoning violation and they fight it, does the City recover any of those costs if there are attorney fees? City Manager Pasquale was unsure but would check into.

Councilmember Altoft noted he missed the DDA meeting last month. City Manger Pasquale said the DDA will meet on May 5, 2011.

Mayor Pro Tem Ellison stated the Arbor Board will meet on May 9, 2011.

The LCTV Endowment Fund Board met to review the applications received to ensure all qualified and there were no concerns before recommendations were made. The next meeting will be held May 3, 2011.

Ellison thanked Michigan Municipal League facilitator Bill Baldrige for helping with the City Manager position. He has done an excellent job and was very helpful.

Ellison was also thankful the people involved in the pontoon accident were not injured. She thanked Greg Canfield for his help in getting the boat out.

Mayor Hodges stated the Lowell Light and Power Board will meet on May 12, 2011.

The Chamber Board of Directors will meet next week as well. Things are going well. It was a very successful Expo and Girls Night Out. The next big event will be the Riverwalk.

The Look Memorial Fund Committee will meet soon.

Hodges noted "Coffee with Council" will be held Saturday, May 7, 2011. Also Mayor Exchange is scheduled here on Friday, May 6, 2011 with the City with Belding. In two weeks, the City of Lowell will visit the City of Belding.

Also, The Skateboard Park will be holding an open house for the residents to witness the kids skating on Saturday, May 7, 2011 from 11:00 a.m. to 1:00 p.m.

Item #11. **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 March 16, 2011
  - LCTV Endowment Fund Board meeting of February 15, 2011
2. A letter of retirement from Water Treatment Plant Superintendent George Regan. George has held this position since April 19, 1983 and will be greatly missed. Recommendations regarding replacement will be provided.
3. A work session will be held on Monday, May 9<sup>th</sup> to review the budget and consider camera options so public meetings are videoed. Also, if available a draft of the City Manager agreement will be provided.
4. Mayor Exchange is scheduled with Belding as follows:
  - Friday, May 6<sup>th</sup> here

- Friday, May 20<sup>th</sup> in Belding

Item #12. **APPOINTMENTS**. None.

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

DATE:

APPROVED:

---

James W. Hodges, Mayor

---

Betty R. Morlock, City Clerk