

PROCEEDINGS  
OF  
CITY COUNCIL  
OF THE  
CITY OF LOWELL

For the Regular Meeting of MONDAY, JANUARY 3, 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, Lowell Light and Power General Manager Greg Pierce and Light and Power Boardmember, Planning Commissioner and Parks and Recreation Commissioner Jim Hall.

Item #1. **APPROVAL OF THE AGENDA.** Councilmember Altoft suggested moving Item #15 to Item #6.5 as it should be a brief discussion.

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

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

Item #2. **APPROVAL OF THE MINUTES OF THE REGULAR MEETING OF DECEMBER 20, 2010.**

IT WAS MOVED BY ELLISON and supported by LAPONSIE to approve the regular meeting minutes of DECEMBER 20, 2010 as corrected.

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

Item #3. **APPROVAL OF THE ACCOUNTS PAYABLES.** Councilmember LaPonsie questioned the payment to Noble regarding sidewalks. City Manager Pasquale noted this was payment for the Amity Street area. Funds were received through the Lowell Area Community Fund.

Mayor Pro Tem Ellison was happy to see hand dryers were installed at the library.

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 (01/03/11)</u>	
GENERAL FUND	\$100,420.68
MAJOR STREET FUND	2,554.40
LOCAL STREET FUND	2,470.07
HISTORICAL DISTRICT FUND	3,865.00
DDA FUND	34,369.60
AIRPORT FUND	1,115.85
WASTEWATER FUND	933.11
WATER FUND	9,282.07
CABLE TV FUND	1,510.67
DATA PROCESSING FUND	4,318.53
EQUIPMENT FUND	3,462.98
CURRENT TAX FUND	138,368.64

Item #4. **CITIZEN COMMENTS FOR ITEMS NOT ON THE AGENDA.** David Lehigh of 4833 S. Montcalm Ave., Lowell, MI was present regarding the snow plow ordinance. There are certain items in the ordinance which he disagrees with. Mayor Hodges noted a public hearing was held several months ago regarding the ordinance. Lehigh noted his wife has been contacting City Hall for two months and just received the requested paperwork 10 days ago. He heard nothing about the public hearing and it seems several others within the snow plow industry had heard nothing as well.

Lehigh did not agree with the following issues within the ordinance:

- List of customers – he believed this was a privacy issue – Councilmember LaPonsie clarified this would strictly be for the Lowell Police Department's records. Mayor Hodges noted the ordinance was drafted by City Attorney Richard Wendt and was followed by similar communities.

Lehigh questioned the number of complaints filed over the last five to six years. Police Chief Hinton estimated a dozen annually. He did not believe enforcement issues were what drove the ordinance to existence. The Police Department did not ask for this ordinance. Councilmember Altoft noted the idea was brought up when a trash hauling ordinance was being considered. This would help indicate which snow plow drivers are leaving big clumps of snow in the middle of the street. There is also the issue of a driver not having insurance. Altoft commented on water boxes near the curb being broken off by snow plow drivers. He was not against considering a customer list being deleted from the ordinance.

- Lehigh stated he and others use their personal vehicle and did not want company lettering placed on the vehicles. Altoft disagreed with this.

Lehigh questioned the fines. Hinton responded typically the first offense is \$50, \$100 for the second offense and \$200 for the third offense. This probably needs to be discussed because the application is requesting more than what the verbage for the ordinance is allowing. The application is asking for much more detail than the ordinance actually mandates.

Lehigh questioned who was present during the public hearing for the snow plowing ordinance. Hodges noted a couple operators were present. City Clerk Morlock explained the public hearing was advertised in the Buyers Guide and the Ledger. Anyone doing business in the City should read these papers as this is where all public notices are advertised. The entire ordinance was also on the City's website prior to the public hearing.

Lehigh commented on the subcontractors who do not have lettering on their trucks as these are their personal trucks as well.

LaPonsie believed the Council was open to other ideas regarding better ways to communicate with the public. She noted it is not feasible to contact each business separately. There is a constant issue of trying to receive more public input.

Mayor Pro Tem Ellison said the Council approached the issue as a government entity and what can be done to protect the citizens and what can be done to regulate businesses or trucks within the City. She was not opposed to adjusting the ordinance.

Lehigh noted the difficulty of lettering a truck during the cold weather.

Hinton suggested a meeting be held with Lehigh, Morlock and himself regarding the application process and suggested a moratorium be placed until February 15, 2011. The public is welcome to attend the meeting as well.

IT WAS MOVED BY ALTOFT and seconded by LAPONSIE to place a moratorium regarding snow plow licenses until February 15, 2011.

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

Item #5. **OLD BUSINESS.**

- a) Streets, sidewalks plan – work session scheduled for Monday, January 31.
- b) Wastewater Treatment update – To schedule door to door survey to determine where sump pumps are. DPW DesJarden indicated certified mail has been sent to a list of residents who the City knows are pumping ground water. He has received a few responses. Morlock noted an ad will be in the Ledger, Buyers Guide, Cable Station 25 and the City's web site.
- c) Amphitheater renovations – Recreation Master Plan update completed and sent to State to qualify for grants, met with LAS Superintendent Greg Pratt discussing City acquisition of entire amphitheater side, a survey is being prepared, DDA meeting on January 13 and charette design all day session also on January 13. Pasquale noted the east and west sides of the riverbank will be completed in terms of design.
- d) Website upgrade – ten website proposals have been received. A committee meeting will be scheduled soon for review.
- e) Joint billing between Lowell Light and Power and City water/sewer. Lowell Light and Power General Manager Greg Pierce noted the issue is still moving forward. At the last discussion, there were issues between the two data basis and updating changes each month. Another joint meeting will be held within the next few weeks.
- f) Consumers Energy – sidewalk report – under review. DesJarden noted there will be a follow up in the Spring.

Item #6. **VIDEO COVERAGE OF PUBLIC MEETINGS.** At the request of Councilmember Altoft, consideration and discussion will be undertaken for the video coverage of all City public meetings.

Station Manager of the WLHS TV Public Channel Al Eckman noted issues are placed on the public access channel. Through a grant received from the Lowell Area Community Fund, the station has been able to purchase equipment which allows events to be placed on a hard drive and put into the video server, which can then be viewed on the public access channel as well as sent to a website called Peg Central. This

can be downloaded by anyone, anywhere in the world. Eckman noted the last two City Council meetings have been uploaded to this site. The site is WLHSTV.org. There are also approximately 20 other community events listed as well.

Eckman referred to placing other meetings the City of Lowell has besides the City Council meeting. The station is interested in doing this because of the desire to keep the material local. He has also tried to encourage the townships to get involved in recording their meetings as well. WLHS and its students would be happy to assist. Eckman suggested individuals video taping such meetings be paid for their services, as this is being done on their own time.

Eckman proposed the City purchase a new camera as the current one being used is outdated.

No further information was provided.

Item #7. **ANNUAL AUTHORIZATION OF SIGNATURES FOR CITY BANK ACCOUNTS AND DESIGNATION OF DEPOSITORY BANKS.** There is a need for the City to annually designate its depository banks and authorize signatures for the coming year.

The following designations are recommended:

a. Authorized signatures:

Mayor James Hodges  
Mayor Pro Tem Sharon Ellison

City Manager David Pasquale  
City Treasurer Suzanne Olin  
Police Chief James Hinton  
Deputy City Treasurer Lori Gerard

b. Safety Deposit Box:

Betty Morlock  
Susan Ullery  
Luanne Wisniewski

c. Depository Banks:

Comerica Bank-Grand Rapids	(Grand Rapids)
Huntington Banks	(Lowell)
National City Bank	(Grand Rapids)
Fifth Third Bank	(Lowell, Ada, Grand Rapids)
Bank One-Grand Rapids	(Ada, Grand Rapids)
Standard Federal Bank	(Ada, Grand Rapids)
Firstbank	(Lowell)
Mercantile Bank of West Michigan	(Wyoming)

IT WAS MOVED BY LAPONSIE and seconded by ALTOFT to authorize the signatures for city bank accounts and designation of depository banks.

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

Item #8. **KENT INTERMEDIATE SCHOOL DISTRICT – COLLECTION OF SUMMER PROPERTY TAXES FOR 2011.** As in previous years, the Kent Intermediate School District has requested that the City collect the summer property taxes for the district (4.6903 mills this past year). As part of a continuing resolution, the City collects the KISD property taxes at no fee but is able to keep the interest earned during the bank deposit before distributing these monies.

IT WAS MOVED BY ELLISON and seconded by LAPONSIE to collect the summer property taxes for the Kent Intermediate School District in 2011.

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

Item #9. **UPDATE ON THE LOWELL AREA HISTORICAL MUSEUM.** Pat Allchin, Executive Director of the Lowell Area Historical Museum noted 2010 was a good year. A new book titled “Lowell” was published. Also, there was a census release in July. This was a great seller for the Christmas Holiday. A new exhibit opened as well titled “Fabulous Furniture”.

Approximately 27,000 people visited the museum in 2010. There were 47 volunteers who contributed 3,700 volunteer hours to the museum. Currently, there are two traveling exhibits touring the community. A new exhibit will be presented in 2011. The museum has acquired over 1,300 artifacts from 80 donors and added 67 books to the education and research library. The Lowell Area Historical Museum is grateful for the grants received in 2010 from the Lowell Area Community Fund, Lowell Area School Education Foundation, Lowell Cable TV, Look Memorial Fund and Lowell Community Fund. The museum is a great asset to the community.

Mayor Hodges noted it is a terrific museum and has represented the community well.

City Manager Pasquale noted the 10 year agreement which expires this year. He also noted a millage vote will be required in 2012.

Item #10. **OUTDOOR LIGHTING ORDINANCE – RECOMMENDATION FROM THE PLANNING COMMISSION – PUBLIC HEARING.** After much times of review and study, the Planning Commission has prepared a set of outdoor lighting standards. Planners Jay Kilpatrick and Brian Wegener of Williams & Works provided the text in a more simple form. City Attorney Richard Wendt placed this proposal in final ordinance form.

The Commission held a public hearing at its November 22, 2010 meeting and unanimously approved the proposed ordinance to the City Council. After receiving public comments, the Council may consider adopting the proposed ordinance.

Councilmember LaPonsie noted the requirements are intended to address commercial uses. In residential areas, it only applies to lights which are mounted to 10 feet. This should not restrict any residential lighting. It also only applies to new developments or major changes in upgrades in commercial properties.

Chief Hinton questioned the enforcement issue of the ordinance and asked if Council saw this as a zoning issue in which IMS would address. He also inquired who would purchase the equipment. LaPonsie was unsure if equipment was discussed. She believed this would be enforced as a zoning issue. Mayor Hodges felt this would be a zoning issue as well. He noted the ordinance is very simple and easy to understand.

Mayor Pro Tem Ellison believed all angles have been considered.

IT WAS MOVED BY LAPONSIE and seconded by ELLISON to adopt the Lighting Ordinance as proposed.

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

Item #11. **SOFT SIDED ACCESSORY BUILDINGS ORDINANCE – RECOMMENDATION FROM THE PLANNING COMMISSION – PUBLIC HEARING.** A proposed ordinance regulating accessory structures has been reviewed by the Planning Commission. Assistance from planners Jay Kilpatrick and Brian Wegener of Williams & Works was received in preparation of this proposed ordinance. Based on previous discussions, accessory buildings greater than 200 square feet must comply with building codes and be compatible with the main structure in design.

Also, gazebos, pergolas (a garden feature forming a shaded walk or passageway of pillars that support cross beams and a sturdy open lattice) or other accessory buildings erected and used by retail or commercial business may be erected and used by such businesses for no more than 180 days during a twelve month period. Further, these structures can be erected for no more than 3 consecutive days during three consecutive months for such event (weddings, graduations and reunions), being exempt from the structural requirements.

The Commission held a public hearing on the proposed ordinance at its November 22, 2010 meeting. After receiving public comments, the Commissioners voted 3-2 to recommend the ordinance to Council.

Jim Miles of 718 Lincoln Lake has had a soft sided structure for over 10 years. It has gone up and down in his driveway and has never blown away or been damaged. This has not been a problem in the neighborhood. He was not happy with the way the ordinance has been handled.

Miles noted the structure is within 200 square feet just as it was when he called the City asking about the structure 8 to 10 years ago.

Miles believed communication is a big problem.

Dave Clark of 712 Lincoln Lake thanked the Planning Commission for spending much time working on the issue. He puts his soft sided structure up in the spring and takes it down in the fall. He understood there were some issues and hoped it could be resolved.

Councilmember LaPonsie opposed the ordinance and believed the City would be over stepping its bounds. She did not want to micro manage people's property. LaPonsie understood the City wants to keep the neighborhoods attractive and does not want giant circus tent structures in back yards. However, limiting what people can do and requiring structures larger than 10 x 20 match the primary structure is too much.

LaPonsie referred to two other cities where soft sided accessory buildings were a hot topic. Both are located in Canada. One city is considering banning portable garages. As a compromise, such structures may be allowed in the back yard only. The other city currently has a ban. However, due to the number of requests, this city is considering lifting the ban.

LaPonsie believed the City should be as hands off as possible and not meddle too much in property owners business.

Councilmember Altoft agreed with LaPonsie 100% on Item #J4 of the ordinance. He did not believe this was enforceable. It can be interpreted too many ways.

Councilmember Schrauben agreed, Item #J4 is unnecessary. He questioned if there was a height limitation. LaPonsie believed it was left out.

Mayor Pro Tem Ellison believed this was a good compromise. Although, she did believe Item #J4 goes further than necessary, as far as the character and quality. City Manager Pasquale indicated this can be deleted if the Council wants to consider the ordinance.

Mayor Hodges stated this is not the perfect ordinance, but it is a great compromise ordinance. He believed it was more of a benefit than a liability. He could also live with Item #J4.

Schrauben suggesting striking Item #J4 just for the reason it adds one more ambiguity which is not needed. Ellison agreed.

IT WAS MOVED BY ELLISON and seconded by SCHRAUBEN to adopt the Soft Sided Accessory Buildings Ordinance, striking Item #J4.

YEA: 4. NAY: 1. (LaPonsie) ABSENT: 0. MOTION CARRIED.

Item #12. **RESOLUTION AUTHORIZING SIGNATURES FOR A CONTRACT OF TRANSPORTATION INVOLVING APPROACH CLEARING ON RUNWAY 12/30 AT THE LOWELL CITY AIRPORT.** Tree clearing is taking place near the southeast intersection of Vergennes and Lincoln Lake Roads to provide safe take offs and landings at the main runway 12/30 for the Lowell City Airport. Previously, air easements were secured from adjoining property owners. The total cost is budgeted at \$74,000 of which the State is responsible for 90% or \$66,600 and the City through its Airport Fund will allocate 10% or \$7,400.

Mayor Hodges noted no taxpayers monies will be used in the removal of these trees.

City Manager Pasquale noted airport monies are derived from hangar rentals.

IT WAS MOVED BY ELLISON and seconded by ALTOFT to adopt the resolution authorizing signatures for a contract of transportation involving approach clearing on runway 12/30 at the Lowell City Airport.

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

NAY: None. ABSENT: NONE.

Item #13. **RESOLUTION REGARDING COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION FOR NORTH CENTER STREET IMPROVEMENTS AND ASSISTANCE FOR THE ELDERLY AND HANDICAPPED THROUGH NORTH KENT TRANSIT – PUBLIC HEARING**. As discussed at the last meeting, the City must submit an application to Kent County regarding the Federal Community Development Block Grant. A total of \$79,650.80 is available for projects. The following recommendation is provided:

\$6,000.00 for North Kent Transit for senior and handicapped transportation assistance  
\$73,650.80 for North Center Street improvements based on the following funding scenario:

North Center Street –

• Community Development Block Grant	\$73,650.80
• Local Street Construction Project Account (FY 11-12)	83,961.74
• Remaining Local Street Construction Project Account (FY10-11)	6,886.13
• Water main contribution for street restoration	40,000.00
• DDA contribution	<u>36,501.33</u>
	\$241,000.00
• Water main project (Water Fund)	\$220,000.00

Dennis Kent of 1700 Faith Drive noted Sibley Street west of Valley Vista is reaching a point where some consideration needs to be given to resurfacing. Mayor Hodges noted Sibley was a close second choice. The street will be reconsidered next year.

Tom Coviak of 902 Sibley questioned the process of moving curbs. DPW Director DesJarden noted if the project moves forward, N. Center Street will be narrowed. The sidewalk will not be touched. The water main is being placed in the street to abandon another. He believed this was why the Council was more inclined to update N. Center because it is being coordinated with the water project.

Coviak asked if the speed limit would be less. DesJarden noted the speed limit is already 25 mph. Councilmember LaPonsie believed individuals would slow down with the street being narrowed. Coviak suggested the idea of a three way stop similar to the other end of Sibley.

Coviak also suggested the idea of placing special notices on utility bills.

Councilmember LaPonsie stated it would be nice to mark this project off.

IT WAS MOVED BY LAPONSIE and seconded by ELLISON to approve the resolution regarding Community Development Block Grant Application for North Center Street improvements and assistance for the elderly and handicapped through North Kent Transit as proposed.

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

NAY: None. ABSENT: None. MOTION CARRIED.

Item #14. **LITEHOUSE, INC. (1400 FOREMAN) – APPLICATION FOR AN INDUSTRIAL FACILITIES EXCEMPTION CERTIFICATE UNDER PUBLIC ACT 198 – PUBLIC HEARING.**

Litehouse is providing a 43,000 square foot addition to its facility on Foreman. Litehouse, according to the tax abatement application submitted, will retain 161 positions while adding 25 within two years.

The cost of the building and land is \$3,882,317 and the cost of the machinery and equipment would be \$1,044,000 totaling \$4,926,317. Under the current City policy, this qualifies for 12 years of 50% tax abatement under Public Act 198 which Litehouse seeks under the enclosed application.

No public comments were received.

IT WAS MOVED BY LAPONISE and seconded by ALTOFT to approve the application for an Industrial Facilities Exemption Certificate under Public Act 198 – Litehouse, Inc. – 1400 Foreman.

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

Item #15. **COUNCIL REPORTS AND COMMENTS.** Councilmember Schrauben commented on the LARA meeting which will be held at the Chamber of Commerce on January 12, 2011 at 6:00 p.m. There will be a work session on Phase 2 of the trail. Consideration will be given to routing and how to connect rails to trails together.

Councilmember LaPonsie noted the positions available to serve on the Planning Commission. Many of the hot topics have been dealt with so it should be a slow start to the new year. Training for the new Commissioners is available. LaPonsie encouraged more female candidates to serve on the boards. Planning Commission is a great place to start.

Also, LaPonsie encouraged the public to attend the charette on January 13, 2011.

Mayor Pro Tem Ellison noted there will be an Arbor Board meeting on Monday, January 10, 2011.

Also, a Christmas tree recycling center has been established at the Wittenbach/Wege Center. Volunteers are needed for Sunday, January 9, 2011 from 1 to 4 when the trees are placed in the chipper.

The CATV Endowment Board will meet in February, 2011.

Ellison also noted it is very important to receive public input at the design charette. The City does not want to build a riverwalk, if this is really not what the residents want.

Mayor Hodges noted Lowell Light and Power will meet January 6, 2011, the Chamber of Commerce will meet January 11, 2011 and Look Memorial Fund will meet in the spring.

He congratulated Chamber Director Liz Baker and the Chamber of Commerce on a great Christmas season and bringing attention to the downtown area. Many of the businesses did fairly well.

Item #16. **CITY MANAGER'S REPORT.** City Manager Pasquale reported on the following:

1. The following boards and commissions meetings minutes are provided:
  - Parks and Recreation Commission meeting of November 13, 2010
  - Fire and Emergency Services Authority meeting of September 13, 2010
2. The Michigan Department of Transportation announced that the City of Lowell will receive Federal Surface Transportation Small Urban grants for the following projects:

FY 2011-2012      Reconstruction of Bowes Road from 1950 feet west of Valley Vista Drive to 2925 feet west (to the relocated section of Bowes)

Mill and resurfacing of Bowes from South Hudson to South West Street.

Federal grant:	\$334,000
Local match:	<u>83,501</u>
	\$417,501

FY 2013-2014      Resurfacing of Bowes from 2950 feet west of Valley Vista Drive to West Main

Federal grant:	\$178,648
Local match:	<u>44,663</u>
	\$223,311

Once completed, the entire Bowes Road will be upgraded.

3. The year of 2010 was a busy one for the City of Lowell. The following are some of the highlights.
  - Completion of the downtown Main Street bridge reconstruction through MDOT
  - New solid waste, yard waste and recycling contract, registration of solid waste haulers and snow removal operators
  - Conversion to CFL fixtures for downtown parking lot lighting
  - New ground cover for Creekside Kingdom
  - Installation of new lime slaker for the Water Treatment Plant
  - Road improvements projects – (1) Bowes from Valley Vista to 1950 feet west – reconstruction, (2) Bowes from West to Valley Vista – mill and resurface, (3) Sibley Street from North Center to Valley Vista – reconstruction and (4) South Pleasant and South West Streets – mill and resurface
  - New 10 year lease for the Lowell Area Chamber of Commerce at 113 Riverwalk Plaza
  - Clearance of out buildings at the North Washington property
  - Reroofing of the Englehardt Public Library along with residing (including soffit and fascia)
  - Northwest Booster Pump Station improvements
  - Agreement with the Kent County Dispatch Authority

- New three year agreement with the Lowell Police Officers Association (affiliated with the Fraternal Order of Police)
- Construction of new parking lot and skateboard park at Stoney Lakeside Park
- Provided funding contribution to the Right Place Program for economic development
- Reroofing of Creekside and Stoney Lakeside Parks Restroom buildings
- Creekside Park ballfields improvements
- Parks and Recreation Master Plan update approved and sent to State
- Sale of 320 Kent to Jice Pharmaceuticals for business expansion
- Construction of sidewalks in the Amity Street area

4. In observance of Martin Luther King Day, the Council will next meet on Tuesday, January 18, 2011. City offices will remain open on that day.

Mayor Hodges noted Monday, January 17, 2011 the Metro Council is having their transportation meeting which will be held from 6 p.m. – 8 p.m.

Item #17. **APPOINTMENTS**. The following boards or commissioners positions need appointment or reappointment.

Airport Board		
Paul Nicholls	reappointment	01/01/2014

By general consensus, the Council approved the above appointment.

IT WAS MOVED BY ELLISON and seconded by LAPONSIE to adjourn into closed session at 8:54 p.m. considering personnel matters pursuant to Section 8A of the open meetings act.

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

IT WAS MOVED BY ELLISON and seconded by ALTOFT to return to open session at 9:24 p.m.

IT WAS MOVED BY ELLISON to adjourn at 9:26 p.m.

DATE:

APPROVED:

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James W. Hodges, Mayor

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Betty R. Morlock, City Clerk