

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

For the Regular Meeting of MONDAY, **JUNE 21, 2004**

The Meeting was called to order at 7:30 p.m. by Mayor Shores and the City Clerk called Roll.

Present: Councilmembers Hodges, Mathews, Myers, Pfaller and Mayor Shores.

Absent: None.

Also Present: City Manager Dave Pasquale, City Clerk Betty Morlock, DPW Director Dan DesJarden, Police Officer Steve Bukula and Water Treatment Plant Superintendent George Regan.

IT WAS MOVED BY PFALLER and seconded by MYERS to approve the minutes of the June 7, 2004 regular meeting as written.

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

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

YEA: Councilmember Hodges, Mathews, Myers, Pfaller and Mayor Shores.

NAY: 0. ABSENT: 0. MOTION CARRIED.

<u>BILLS AND ACCOUNTS PAYABLE (06/21/04)</u>	
GENERAL FUND	\$113,438.33
MAJOR STREET FUND	493.49
LOCAL STREET FUND	1,236.18
DDA FUND	276.72
CITY HALL CONSTRUCTION FUND	7,133.50
WASTEWATER FUND	4,684.96
WATER FUND	16,465.60
DATA PROCESSING FUND	178.75
EQUIPMENT FUND	3,131.10
LOOK FUND	15,050.00
LOWELL AREA TRAILWAY	25.00

Item #1. **PRESENTATION OF THE STATE OF THE CITY ADDRESS.**

To: Mayor Shores, Members of the Lowell city Council and citizens of Lowell

The State of the City address provides the community to assess our condition as a municipality. What events occurred this past year which impact Lowell? What are the challenges and opportunities? As a City, how do we respond?

The budget process was completed just two weeks ago. Very difficult decisions had to be made. Property tax revenues are projected to rise \$67,000, while total General Fund revenues will increase just by \$36,000. Expenditures, in an effort to hold the line, have decreased \$6,000. Overall, the General Fund balance is just over \$50,000.

This situation is caused by the slow economy and the after effects of job losses. Also, State Revenue Sharing continues to decrease.

As stated last year, my pledge continues that fiscal restraint will be utilized in all funds the City has.

Several positive economic trends continue. The downtown has attracted several new businesses. Through the Downtown Historic District Commission, grants have been provided on a matching basis through assistance given by the Lowell Area Community Fund for rehabilitation of structures.

Elsewhere, plans for nearly one hundred homes in the City have been approved. This is the single largest number of dwellings built in one year in recent memory.

Also, PURforms, Inc., a plastic molding manufacturer and Preferred Engineering, providing plastic stadium seats, have started their businesses in the old Newell Building. Initial estimates show employment could reach ultimately one hundred positions together.

The River Valley Credit Union has moved into a new facility on West Main Street, while Tractor Supply Company is now occupying the old Family Fare Supermarket.

The City celebrated July 12, 2003 as the dedication day for the City Hall renovation and Police Station construction project giving a cornerstone to downtown restoration efforts.

While there is much encouragement, the City must be proactive to ensure economic vitality.

The following are the goals to be pursued:

- Continue to support the efforts of the Downtown Development Authority and the Downtown Historic District Commission as key economic development tools. The DDA as a first priority will assist in projects which provide business growth or retention. In addition, aiding in promotions for the Lowell Area Chamber of Commerce has been of importance. The Downtown Historic District Commission has through grants received from the Lowell Area Community Fund, provided assistance on a matching basis for 46 building renovation project totalling \$265,000. This has given new impetus for businesses in the downtown.

- Continue to recognize the Lowell Area Chamber of Commerce as an important part of the City's economic development strategy. As a coordinator of events such as the Summer Concert Series (with the Lowell Area Arts Council), Riverwalk Festival and Christmas Parade, the Chamber acts as the voice of local businesses and industries.
- Be in communication with organizations such as the Michigan Economic Development Corporation and Right Place Program, which can promote the growth of businesses. Efforts are being made to visit community manufacturers.
- Promote a concerted effort to continue to upgrade City streets. Under Federal funding, Foreman Road will be reconstructed. In concert, the first 500 feet of Gee Drive from Foreman will also be reconstructed. South Center and Clarke Streets will be undertaken for improvements coordinating a housing development. Also, the upgrading of Grindle Drive is planned in 2005.

Sidewalks, particularly with school walks and in conjunction with street construction projects, need to be emphasized. Walks on Foreman and Gee will be completed this Summer.

- Continue to recognize the Lowell Area Historical Museum, the Lowell Area Arts Council and the YMCA as important resources to the City's quality of life.
- Support the Airport Board's efforts to attain General Utility status for the Lowell City Airport, thereby qualifying for State assistance. The attaining of air easements and cutting of trees is scheduled by the Fall.
- Continue to cooperate with the Lowell Area Schools along with Lowell and Vergennes Townships on recreational matters. As part of this cooperative venture, a community walking trails study has been completed. The starting of a trail system is planned by this Fall.
- Plan for improvements to the Wastewater Treatment and Water Treatment Plants. A Wellhead Protection Program and Water Reliability (Master Plan) Study have been started and toward completion.

As mentioned in previous years, while projects have been provided in our goals, the City places prime responsibility for service to the citizens of Lowell.

Respectfully submitted,
David M. Pasquale
City Manager

Mayor Shores stated Lowell has done well over the last year with regard to the hard economic times.

Item #2. **PROPOSED 2004 – 2007 POLICE CONTRACT.** After several months of negotiations with the Lowell Police Officers Association, a three-year agreement, subject to City Council approval had been reached. The following are the major items of the contract renewal:

- A. 1.0% wage increase for the Police Officer and Sergeant positions during the first year of the new contract is provided. Wage re-openers would be in place for the second and third years.
- B. Allowed a one-time payout of 20 hours of compensatory time anytime during the fiscal year.
- C. Included in the 80 hour work cycle for purposes of call in time are vacation, sick and compensatory time.
- D. Provision of a holiday schedule in accordance with other City, Light and Power and Cable TV employees.
- E. Compensation for Part Time Officer Supervision at an added 25¢ an hour.
- F. A 4% contribution capped at \$60 per month for group health insurance premiums (currently for family coverage this would range between \$29.71 to \$41.36 a month dependent on the plan taken).
- G. Employees contribute 45% of dental insurance for family coverage with a cap of \$50 per month (currently employees are paying 43%).
- H. Field Training Officer compensation includes those officers providing in service training of more than four hours.

City Manager Pasquale recommended the Council consider approval of the new contract effective July 1, 2004.

Councilmember Pfaller questioned the one time pay out of compensatory time. Officer Bukula explained this is at the employees' request in lieu of time off.

IT WAS MOVED BY HODGES and seconded by MATHEWS to approve the 2004 – 2007 Police Contract effective July 1, 2004.

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

Item #3. **PURCHASE OF CLOSED CIRCUIT TELEVISION SYSTEM FOR THE WATER TREATMENT PLANT.** Water Treatment Plant Superintendent George Regan requested quotes be received to purchase and install a closed circuit television system for the Water Treatment Plant. Unfortunately, the plant was recently vandalized before such a system could be installed. Regan commented on the damages.

Regan explained such a program was initiated by the Homeland Defense Rule which has been established since September 11, 2001.

After reviewing quotes, Regan recommended the security system be purchased from Mid State Security at a cost of \$10,269. This includes 30 day continuous coverage as well as a DVD burner. Regan noted the low quote from ADT on the project did not provide enough hard drive for 30 day continuous monitoring.

Councilmember Myers asked if the security system could be added on to as the plant expands. Regan responded yes. Myers questioned if there was a monthly cost. Regan stated no. He would review the videos himself.

Officer Bukula stated the Police Department obtained a confession from one of the suspects involved in the vandalism. However, there are four to five other suspects.

IT WAS MOVED BY MYERS and seconded by MATHEWS to approve the bid of \$10,269 from Mid State Security for a new security system at the Water Treatment Plant.

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

Item #3. **WELLHEAD PROTECTION PROGRAM – PRESENTATION.** Joel Annable of Peerless – Midwest, Inc. was present to provide a presentation on the Wellhead Protection Program. The first year of the program has included back ground research on the hydrogeology of the area and the gathering of field information, such as measuring water levels around the area. Recently, the computer modeling was completed, which determines the recharge area for the wells. The next phase includes management planning to determine what contaminates are within the area and how it will be protected.

Hydrogeoloist Peter Kaczor, also with Peerless – Midwest, Inc. explained the program involving the hydrologic cycle, which is how groundwater, surface water and precipitation all interact. Peerless is concerned about how groundwater comes from the sky and infiltrates into the ground and moves over the City's wells. When it passes through, it affects the ground water quality.

The State of Michigan's program is voluntary with the State paying for half of all cost.

The study is broke down into the following two parts:

Delineation - Where does the water come from. The delineation was recently completed, including background research. It identified where the City wells are located. Peerless was able to develop cross sections based on area well logs of what the subsurface geology appears and how groundwater travels in the area, based upon the influence of the rivers. The field work consisted of measuring water levels to identify where ground water flows, based on actual measurements and ground water modeling. The background research was to collect basic hydro information and develop cross sections and provide recommendations on what needs to happen for tests 2 and 3.

Kaczor presented a map of all the wells within the area.

The field work consisted of gathering data to utilize with the computer model. In December of 2003, water levels were measured in residential wells to determine which direction the water flows. It was noted the State approved the previous aquifer test data.

Kaczor presented a groundwater flow map.

Part 2 - Management – How do we protect it.

Hydrogeologist Mike Chapman performed the computer model to development the actual aerial delineation of the well head protection area. Steps 1, 2 and 3 are in tandem with Michigan Department of Environmental Quality (MDEQ). A meeting is held to discuss the area being studied and the amount of data necessary to collect. A conceptualization meeting is then held with MDEQ.

Task 3 delineation is to incorporate the data from Task 1 and 2 and to define the areas which contribute ground water to the well field over a period of 1, 5 and 10 years. The 10 year wellhead protection areas are mandated by MDEQ. In general, the properties of the aquifer need to be simulated to determine the velocity which the groundwater has traveled. The 10 year wellhead protection program is based upon a certain amount of water taking ten years to reach the well field. Peerless used a USGS numerical model to simulate the flow system within the Lowell area. Once the flow field was established, tracking was completed to determine the one year, five year and ten year time of travel.

The management portion involves taking the study to the next level. Six steps in the management plan according to the MDEQ is as follows:

- Formation of a local planning team – already in place and meets quarterly.
- Contaminate source of inventory - to identify known and potential sources of contamination within the ten year time of travel, data base searches and driving through roads looking for possible sources of contamination which include above ground storage tanks and chemical storage areas.
- Contingency plan to update an existing contingency plan for a water supply emergency.
- Plan for new wells based on geologic information obtained through the delineation. They identified one to two areas where a new well could be drilled in a short period of time.
- A big part of the plan for MDEQ is public education and participation.

Councilmember Myers inquired about the number of feet to where the 10 year is. Chapman responded 15,000 feet.

Councilmember Pfaller commented on the meeting held earlier. The Wellhead Protection Board was presented with a comprehensive book on all of the information.

Myers thanked the individuals for the time spent on the project.

Item #4. **BOWES ROAD STRIPING**. Public Works Director Dan DesJarden received a quote of \$5,568.22 to restripe Bowes Road from Pro Line Printers LLC. This would include the arrows and center line on Bowes Road from S. Hudson to M21. Added cost included the addition of white lines from S. Hudson on Bowes about three to four feet out from the curb to Valley Vista. Studies have shown the addition of the white line will make the road appear narrower and hopefully slow traffic. Funds have been budgeted for maintenance and the extra cost.

IT WAS MOVED BY HODGES and seconded by MYERS to approve the quote from Pro Line Printers LLC at a cost of \$5,568.22 to restripe Bowes Road.

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

Item #5. **MONTHLY REPORTS**. No comments were received.

Item #6. **CITIZEN COMMENTS**. John VanderWilp of 1264 Fun Street spoke concerning the Martin-Anderson development on Grindle in which Al Mathews received a variance on. VanderWilp wanted everything to be fair and equitable to all. VanderWilp was concerned about the following issues:

- A special situation is granted when a variance is provided .
- City employees, as well as contracted employees, indicated everything was adequate.
- This particular piece of property was in violation from the first day of construction.
- Developer ran the gas line down the center of the property.
- Easement between the two existing houses.
- Private drive is to serve three different parcels - private drive can only serve two parcels.

VanderWilp did not believe the Council took proper action at the last Council meeting.

City Manager Pasquale reviewed the issue with City Attorney Richard Wendt. Wendt indicated it was acceptable for the Council to proceed with the private road application. Corrective action can be pursued. He reviewed the application, there are still a few items which need to be added. Pasquale noted the private road recently approved for the Sundry project also requires additional information. Pasquale stated Sundry also received a waiver as well, noting no one is receiving special treatment. The Council was aware of what needs to be done as well as the Planning Commission. VanderWilp did not believe the waivers were acceptable. Pasquale noted the Council can proceed on waivers.

VanderWilp believed the developer created his own problem.

Mayor Shores stated the issue was brought before the City Attorney. The Planning Commission as well as City Council has done nothing wrong.

Councilmember Myers believed a public hearing should have been held. Pasquale explained a public hearing is not required within the regulations. Modifications are set up differently than variances. A public hearing is not required to modify a private road. Pasquale also noted a public hearing was not held when modifications were made on the private road through the Sundry project.

Item #7. **COUNCIL COMMENTS.** Councilmember Hodges agreed with Councilmember Myers regarding public hearings being held concerning special issues.

Mayor Shores stated the first summer concert was a great success. The Showboat is very attractive.

Item #8. **MANAGER'S REPORT.** City Manager Dave Pasquale reported on the following:

1. The following boards and commission meetings minutes are provided for your information:
 - Parks and Recreation Commission meeting of May 8, 2004
 - Chamber of Commerce meeting of May 11, 2004
 - Merchants Committee meeting of June 9, 2004
 - Lowell Area Trails meeting of May 12, 2004
 - Lowell Community Leadership Council meeting of March 11, 2004
2. A grant from the Lowell Area Community Fund toward the purchase of a new pumper for the Fire Department was received. With \$167,000 secured from Kent County, the LACF will provide \$50,000 plus a \$1 for \$1 match up to \$300,000 in total cost. Currently, the pumper is estimated to cost \$283,000. This would give \$83,000 in grant allocations requiring the City and the two townships to provide \$11,000 each.
3. The next meeting is scheduled for Tuesday, July 6. City offices are closed on Monday, July 5 because of Independence Day.

Item #9. **APPOINTMENTS.** Mayor Shores stated there is an opening on the Planning Commission as well as the Downtown Historic District Commission.

IT WAS MOVED BY HODGES and seconded by MATHEWS to adjourn to closed session at 8:39 p.m. pursuant to the provisions of the Open Meetings Act.

YEA: Councilmembers Hodges, Mathews, Myers, Pfaller and Mayor Shores.

NAY: 0. ABSENT: 0. MOTION CARRIED.

IT WAS MOVED BY MYERS and seconded by HODGES to return to open session at 9:13 p.m.

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

IT WAS MOVED BY PFALLER and seconded by MATHEWS to increase the wages of City Manager David Pasquale by 1%.

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

IT WAS MOVED BY MYERS to adjourn at 9:14 p.m.

DATE:

APPROVED:

C. Jeanne Shores, Mayor

Betty R. Morlock, Clerk