

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

For the Regular Meeting of Monday, **AUGUST 16, 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 David Pasquale, City Clerk Betty Morlock, DPW Director Dan DesJarden, Police Chief Jim Valentine, Police Officer James Hinton and Waste Water Treatment Plant Superintendent Mark Mundt.

IT WAS MOVED BY HODGES and seconded by MYERS to approve the minutes of the August 2, 2004 regular meeting as corrected.

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

Councilmember Pfaller suggested the payment of \$4,739.31 to Pro-Line Painters, LLC be held since the Bowes Road striping was done incorrectly.

IT WAS MOVED BY PFALLER and seconded by HODGES that the bills and accounts payable be allowed and the warrants issued with the exception of Pro-Line Painters LLC until the Bowes Road striping project is completed correctly.

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

| <u>BILLS AND ACCOUNTS PAYABLE (08/16/04)</u> | |
|--|--------------|
| GENERAL FUND | \$259,334.44 |
| MAJOR STREET FUND | 66,816.90 |
| LOCAL STREET FUND | 10,756.45 |
| DDA FUND | 5,056.93 |
| CITY HALL CONSTRUCTION FUND | 1,980.00 |
| AIRPORT FUND | 16.27 |
| WASTEWATER FUND | 9,194.83 |
| WATER FUND | 56,798.01 |
| DATA PROCESSING FUND | 375.00 |
| EQUIPMENT FUND | 2,006.05 |
| CURRENT TAX FUND | 190,772.88 |

Item #1. **APPROVAL OF THE 10TH MOTORCYCLE TOY RUN AT FAIRGROUNDS.** Dave Stevens proposed to hold the 10th annual Motorcycle Toy Run on Sunday, September 12th, 2004. The program began by distributing toys to the local hospitals and has expanded to aid the Battered Women's and Children Center. The event runs from 12 noon to 3 p.m. ending at the fairgrounds.

Councilmember Pfaller confirmed Ron Wenger from the Kent County Youth Fair had been contacted. Stevens responded yes.

Police Chief Valentine reminded Stevens regarding the prohibition on alcohol. Valentine questioned the number of port-a-jons which would be available. Stevens stated three would be placed near the event as well as the new restrooms at the King Memorial Building.

Mayor Shores noted the event is very impressive.

IT WAS MOVED BY MYERS and seconded by MATHEWS to support the 10th annual motorcycle toy run at the fairgrounds.

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

Mayor Shores suggested the event be advertised in both the Grand Rapids Press and the Lowell Ledger.

Item #2. **REQUEST FROM LARKIN'S RESTAURANT AND BANQUET HALL TO CLOSE BROADWAY FROM MAIN STREET TO THE ALLEY NEXT TO THE BUYERS GUIDE ON SATURDAY, OCTOBER 9.** Mike Larkin of Larkin's Restaurant stated another Chili Cook Off is planned for Saturday, October 9. Last year, Larkin's raised approximately \$1100 for Flat River Outreach Ministries. This year, the proceeds will be provided to the Lowell Area Fire Department. The money is raised by entrance fees and selling cups of chili to the public.

In order to accommodate additional participants, Broadway from Main Street north to the alley is proposed for closure from 8 a.m. to 7 p.m.

Mayor Shores stated the event grows larger every year.

Police Chief Valentine had no problem with the event as long as a secured fence is placed. Also, the addition within the building itself will help accommodate more people. In the past, there has been no problem with traffic movement.

Councilmember Pfaller asked if the Council would be required to approve a temporary liquor permit for the outdoor activity. Valentine believed this was an extension of the license. Larkin explained this is an additional permit for the area identified.

IT WAS MOVED BY HODGES and seconded by PFALLER to approve the closure of the Broadway from Main Street to the alley next to the Buyers Guide on October 9, 2004 as well as recommend a temporary authorization to the Michigan Liquor Control Commission be issued for

the area involved.

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

Item #3. **PURCHASING PROCEDURES – LOCAL BIDDERS PREFERENCE.** At the request of Councilmember Myers, City Manager Pasquale researched the current code regarding local preference for bidding and purchasing procedures. Currently under Section 2-71 (e), the following is allowed:

(e) If two (2) or more qualified local vendors are located in the city or the surrounding area, the requirement of obtaining competitive bids or quotations may be limited to such local vendors upon prior approval of the City Council.

The City of Alpena has a Council policy which provides preference to local bidders. An award may be given to a qualified local bidder/vendor if within 3% of the lowest bid/quotation which meets specifications. The award may then be granted to the lowest local bidder for an amount equal to the lowest bid.

Councilmember Pfaller asked if the Charter required the Council to accept the lowest bid. Pfaller did not believe this needed to be written into the Charter as long as there is a general consensus of the board that consideration be given to the local vendors. Pasquale explained currently, if there are two or more local vendors, the Council can state ahead of time the bids will be limited to the local area.

Councilmember Mathews agreed with Hodges. It should be left as currently written. Councilmember Hodges said every situation is different.

Councilmember Myers also wanted it known, if the bids are close, the Council will consider local businesses first.

By general consensus, the Council chose to leave the purchase requirements as stated in the City Charter as is.

Item #4. **REVIEW OF THE PROPOSED ORDINANCE CHANGE CONCERNING BB GUNS, AIR RIFLES, SLINGSHOTS.** Police Chief Jim Valentine explained Simon Rosenbaum Jr. approached the Council a few weeks ago requesting the City review the ordinance in order to sell Air Soft guns. After reviewing the ordinance, it was determined State law does not prohibit the sale of these devices. Businesses outside of the City can sell such items such as BB guns, slingshots and air soft rifles.

Ordinance 13 - 108 concerning fire arms does not prohibit the sale of fire arms, but rather restricts the discharging of those within the City. However, there is an exception which states there can be approved firing ranges where firearms can be authorized to be discharged in the City.

The department is not opposed to amendments in Ordinance 13 – 107. However, Valentine recommended the removal of wording “sell or offer for sale”. It would still be against the ordinance to discharge these devices in the City, but would not prohibit the sale of such items and allow shooting in approved areas sanctioned by the Police Department.

Mayor Shores asked if the designated shooting areas would be marked. Valentine responded it would be case by case.

Shores suggested a public hearing be held. Pfaller agreed and stated a public hearing should be held in reference to the change in the ordinance as proposed.

IT WAS MOVED BY PFALLER and seconded HODGES to set a public hearing for September 7, 2004 to amend Section 13 – 107 of the ordinance concerning BB guns, air rifles and slingshots.

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

Valentine stated the Police Department would ask this amendment within the ordinance be decriminalized from a misdemeanor to a civil infraction.

Item #5. **ZONING FEES – TABLED FROM THE PREVIOUS MEETING – COMPARISONS FROM NEIGHBORING COMMUNITIES**. At the last meeting, zoning fees were proposed as follows:

- Sign Permits \$25.00
- Temporary Sign Permits \$225.00 (\$200 refundable)
- Zoning Permits \$25.00
(fences, determine location of an accessory building)
- Site Plan Review \$25.00

As requested by Council, a survey of nearby communities was undertaken. While zoning permits were not specifically identified, fees would compensate for I.M.S. time.

IT WAS MOVED BY HODGES and seconded by MATHEWS to approve the suggested increase in zoning fees.

Councilmember Myers stated he would be opposed to charging \$25 for zoning permits. He noted no communities surveyed assess this fee.

Myers suggested some type of tag be placed on a temporary sign indicating approval was received. Police Chief Valentine proposed orange stickers with the expiration date written. Mayor Shores believed this would be a good idea.

Councilmember Pfaller agreed with Myers concerning a charge on zoning permits and requested it be removed from the motion.

Hodges and Mathews withdrew their motion.

IT WAS MOVED BY MYERS and seconded by MATHEWS to approve the fee schedule for sign permits (\$25), temporary sign permits (\$225, \$200 refundable) and site plan review (\$25).

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

Item #6. **CITY ATTORNEY RFP.** At its June 7, 2004 meeting, the City Council authorized the solicitation of proposals for City Attorney services. The firm of Plunkett & Cooney stated its interest and needed approximately one week to submit their documentation. The request was inadvertently sent to the wrong office.

By general consensus, the Council tabled the issue until the next meeting.

Item #7. **MONTHLY REPORTS.** Councilmember Pfaller questioned at what point will the Waste Water Treatment Plant need an addition. What effect is there on the plant when it runs over capacity. Waste Water Treatment Plant Superintendent Mark Mundt stated there was a great amount of rain in the spring and the flows went up dramatically. However, the plant handled the situation very well.

Item #8. **CITIZEN COMMENTS.** DPW Director Dan DesJarden said an individual has requested a tree within the right of way at 623 N. Jefferson (Ivan Blough) be removed. A branch fell from the tree and was caught in the wires. DesJarden noted the tree is along a designated school route. Upon review of the tree Bartlett Tree Service (formerly Poortenga Tree Service) has determined the tree should be removed.

Mayor Shores was concerned about the tree losing branches.

Councilmember Mathews stated Bartlett Tree Service is a good professional organization. He agreed with Shores.

Councilmember Pfaller agreed. He was concerned about the liability being brought to the City. He suggested DesJarden work with Blough with regard to restoring the lawn in order to meet his satisfaction.

Blough believed the tree has several years left of life. He referred to a previous issue concerning City removing a tree from his property without his knowledge. The tree was healthy with the exception of approximately four inches on one side. Blough was not satisfied with the opinion from Bartlett Tree Service considering their business is to cut down trees.

Blough noted all the branches on the trees are green, as well as having heavy foliage. The roots are growing as well. The outside shell of the tree and limbs are solid. Blough did not believe the tree should be cut.

Shores stated Brian McKenzie from Bartlett Tree Service who provided the assessment is a

certified arborist.

Pfaller agreed with Blough concerning the individual assessing the tree should not be the same individual who would remove the tree. Pfaller suggested an independent agent assess the tree.

DesJarden stated the letter from McKenzie states a more extensive evaluation could be performed by measuring the solid to the decaying wood and then calculating the strength of the wood.

Myers appreciated the point regarding the removal of the tree by an uninterested party. He referred to the statement made concerning "visual opinion" and suggested a second opinion be sought. Myers also suggested cutting down the part which may create the most risk and leave the rest. Pfaller believed the test would eliminate the need for a second opinion.

By general consensus, the Council agreed to perform a test for further evaluation.

Blough will be notified and may be present when the arborist performs the test.

DesJarden stated the next Household Hazardous Waste day will be held in May, 2005. An exact date has not been scheduled. DesJarden noted a permanent site in Kentwood is open year around by appointments only. The number is 336 – 3695.

DesJarden also noted the sewer maintenance program has begun its third year.

A resident living on North Monroe requested a street light be placed near the intersection on Grant Street. There have been a number of burglaries in the area. The cost of the light is \$217 and would cost approximately \$70 a year to operate.

IT WAS MOVED BY MYERS and seconded by PFALLER to install an additional street light on Grant Street near the intersection of North Monroe.

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

DesJarden requested the Council consider transferring \$20,000 from the Sewer Fund to the Equipment Fund for the purchase of a 600 gallon sewer jetting wagon. A sewer backup recently occurred on North Monroe Street. The City had to wait approximately four hours for a vendor to provide proper equipment. DesJarden stated a new wagon would cost \$35,000 - \$37,000. However, one vendor is offering a used 1995 wagon which includes a new motor, pump and warranty for \$18,955. A 600 gallon tank with 4000 feet of ¾ inch hose is included.

Pasquale suggested the purchase be placed for bid.

Pfaller questioned the cause of the backup on North Monroe. DesJarden responded roots within the sewer main.

Myers requested City Treasurer Suzanne Olin confirm the amount to transfer is appropriate.

By consensus, the Council told DesJarden to provide bids for this purchase.

Item #9. **COUNCIL COMMENTS**. Councilmember Mathews stated construction traffic has been traveling down James Street. Sundry Development is in violation of their own contract.

Also, Mathews commented on the temporary sign placed in the parking lot of Tractor Supply. City Clerk Morlock stated IMS has issued a letter.

Councilmember Myers stated the 4-H fair was successful.

Myers asked if a long grass letter has been issued to the auto repair facility along Main Street. Morlock responded yes.

Councilmember Hodges thanked DesJarden for his efforts in helping First Congregational Church obtain barricades to block the street in order to hold outdoor services.

Hodges requested Valentine investigate whether vehicles can be parked on the east side of Jefferson within 100 feet of the intersection. It is very congested.

Mayor Shores received a letter from the Veterans requesting a recognition day be held on September 24, 2004 for MOA – MIA. A ceremony will be held at the Veterans Facility.

By general consensus, the Council agreed.

Shores was also pleased with the fair as well as the new office near the horse barn.

Item #10. **MANAGER'S REPORT**. City Manager Pasquale reported on the following:

1. Enclosed are meeting minutes from the following boards and commissions:
 - Chamber of Commerce meeting of July 13, 2004
2. Earlier this year, the Council passed a resolution of intent to provide a Michigan Transportation Fund Bond to reconstruct Grindle Drive. Pasquale asked if the Council wishes to request for Proposal involving engineering services or utilize Williams and Works? Myers suggested the RFP process be followed. By general consensus, the Council agreed.
3. Because of the observance of Labor Day, City offices will be closed on Monday, September 6. The next Council meeting is scheduled for Tuesday, September 7.

Item #11. **APPOINTMENTS**. Mayor Shores noted the opening on the Planning Commission, Local Officers Compensation Commission and the Downtown Historic District Commission.

IT WAS MOVED BY MYERS to adjourn at 8:52 p.m.

DATE:

APPROVED:

C. Jeanne Shores, Mayor

Betty R. Morlock, Clerk