

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

For the Regular Meeting of **TUESDAY, SEPTEMBER 2, 2008.**

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

Present: Councilmembers Altoft, Ellison, Pfaller, Mayor Pro Tem Hodges.

Absent: Mayor Shores.

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

IT WAS MOVED BY PFALLER and seconded by ELLISON to excuse the absence of Mayor Shores.

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

IT WAS MOVED BY PFALLER and seconded by ELLISON to approve the minutes of the August 18, 2008 regular meeting as corrected.

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

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

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

Councilmember Pfaller questioned the amount paid to Grand Valley Metro Council in the amount of \$7,690.75 from the Water Fund. City Manager Pasquale responded this is for the REGIS computer mapping program.

BILLS AND ACCOUNTS PAYABLE (09/02/08)

GENERAL FUND	\$122,118.45
MAJOR STREET FUND	6,626.91
LOCAL STREET FUND	7,224.99
DDA FUND	1,002.21
AIRPORT FUND	2,621.93
WASTEWATER FUND	46,246.77
WATER FUND	12,667.68
EQUIPMENT FUND	1,041.56
CURRENT TAX FUND	27.00
LOOK FUND	27,000.00

Item #1. **RESOLUTION PROCLAIMING FRIDAY, SEPTEMBER 12, 2008 AS "PINK ARROW PROJECT DAY"**. The Lowell High School football team and coaching staff have initiated a cancer awareness and fund raising event called Pink Arrow Project Day. To be held Friday, September 12, players will wear pink jerseys in a game against Holland. Funds are being raised from the sale of T shirts and auction of the football jerseys. Proceeds will go for two scholarships and Lowell Community Wellness to aid those Lowell families dealing with cancer.

A resolution will recognize Friday, September 12 as "Pink Arrow Project Day" and encourages community participation in this event.

City Manager Pasquale read the following resolution into record:

WHEREAS, many have been afflicted and battling cancer and breast cancer in particular and

WHEREAS, the Lowell High School football team will compete against this disease with each player wearing a pink jersey for its game on Friday, September 12, 2008 and

WHEREAS, the Lowell community is encouraged to buy and wear Pink Arrow Pride t-shirts to support two scholarships honoring Kathy Talus, a well respected teacher and coach who passed away from breast cancer and Dr. Don Gerard, a team physician for over 35 years and to Lowell Community Wellness which will be using funds to help Lowell families who are dealing with cancer and

NOW, THEREFORE, BE IT RESOLVED, that the Lowell City Council recognize Friday, September 12, 2008 as "Pink Arrow Project Day" and further to encourage all Lowell Community residents to participate in this event by purchasing pink T-shirts and attending the game.

Mayor Pro Tem Hodges believed this was a wonderful way of showing community togetherness. Hats off to the Lowell High School Football Team who are probably wearing pink for the first time. This shows we can all be one and let our pride down a little bit while we are also raising it up. Hodges mentioned Mayor Shores is currently in her own battle with cancer and much support is shown. She intends to serve out her term and celebrate on December 21, 2009, which would be her last Council meeting.

IT WAS MOVED BY ALTOFT and seconded by PFALLER to adopt the resolution proclaiming Friday, September 12, 2008 as "Pink Arrow Project Day".

YEA: Councilmembers Altoft, Ellison, Pfaller and Mayor Pro Tem Hodges. NAY:
None.

ABSENT: Mayor Shores. MOTION CARRIED.

Item #2. **REQUEST FROM LARKIN'S RESTAURANT – CLOSE BROADWAY ON SATURDAY, OCTOBER 11 FOR THE CHILI COOK OFF.** As part of the Harvest Festival schedule on Saturday, October 11, Larkin's will hold its seventh Annual Chili Cook Off from 7 a.m. to 7 p.m. Broadway once again is requested to be closed from the alley by the Post Office to the Main Street intersection. Chief Valentine and City Manager Pasquale recommend the Council approve this request.

City Clerk Morlock noted the proceeds would be provided to Flat River Outreach Ministries.

IT WAS MOVED BY PFALLER and seconded by ALTOFT to approve the closing of Broadway from the Post Office to the Main Street intersection on Saturday, October 11 from 7 a.m. to 7 p.m. for the Larkin's Chili Cook Off.

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

Item #3. **PURCHASE OF 2009 DUMP TRUCK**. As provided in the adopted budget, bids were sought for the purchase of a new dump truck replacing the 1989 C-10 Chevrolet. The following were received:

- Western Michigan International Trucks, LLC \$92,500.
2009 International Work Star
- Duthler Truck Center, Inc. \$95,571.

After reviewing the bids, Mechanic Ralph Brecken recommended the International Work Star. It was noted the budget estimated the cost to be \$90,000 to \$95,000.

Upon approval by Council, bids will also be sought to secure a five year lease on the vehicle.

Councilmember Pfaller questioned what would happen with the old truck. DPW Director DesJarden responded the Council approved a new underbody for the truck which will be transferred to the vehicle which was purchased last year. Currently, the DPW does not know what will be done with the truck at this time.

IT WAS MOVED BY ALTOFT and seconded by ELLISON to approve the purchase of the 2009 dump truck from International Work Star in the amount of \$92,500.

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

Item #4. **APPROVAL OF MASTER PLAN AMENDMENTS**. Many months ago, there was discussion regarding the opportunity to amend the master plan map to both the existing land use and future land use. The Planning Commission amended the proposed map and then held a public hearing at its last meeting held on August 25. There were no comments received.

Additionally, a mailed solicitation was provided to both Lowell and Vergennes Townships, to the West Michigan Regional Planning Commission and the Grand Valley Metro Council where no comments were provided.

The Commission adopted these amendments and recommended the City Council do likewise. The proposed Master Plan Map Amendments include:

- City owned North Washington Street property
Existing land use from semi public to park and recreation
Future land use from public to park and recreation
- Stoney Lakeside Park
Existing land use - western portion - redesignated from utility to park and recreation
Future land use public to park

- Upper Bridge Park (north side of Grand River Dr., east of Division Street)
Existing land use – from vacant to park and recreation
Future land use – from flood plain to park
- McMahon Park (Shepard Drive)
Future land use – from single family 1 to public (utility)
- Recreation Park
Future land use from public to park
Wastewater Treatment Plant – public
- Moose and Rogers property (east side of Flat River north of Grand River)
Future land use – public to park
- Three islands in the Flat River south of Main Street to park as future land use

IT WAS MOVED BY PFALLER and seconded by ELLISON to approve the Present and Future Land Use Master Plan Maps amendments as presented.

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

Item #5. **DISCUSSION OF EXCLUSIVE FRANCHISING OF SOLID WASTE COLLECTION AND CONSIDERATION OF BIDS.** This issue of the City providing an exclusive franchise for solid waste collection was initially discussed at the last meeting. The benefits are:

- Volume discount to the residents since one contractor handles the entire city
- Less truck traffic with one hauler.

The negatives can be summed as the following:

- Residents feeling forced to use a contractor, being content with their current hauler
- Haulers questioning the locking out of competition.

City Manager Pasquale noted it is very apparent many Michigan communities have exclusive solid waste collection franchises. These include Portland, Fremont and Big Rapids. If the Council wishes to pursue this, an ordinance must be adopted.

On August 25, the City received bids for a three year solid waste, recycling and yard waste collection contract. Two firms, Waste Management and Green Valley Disposal Service chose not to bid, preferring cart service for trash.

The City's current hauler Allied Waste Services provided the only bid as follows:

RESIDENTIAL REFUSE COLLECTION AND DISPOSAL SERVICE FOR ONE AND TWO – FAMILY RESIDENTIAL STRUCTURES

From December 1, 2008 to November 30, 2009	2009	\$1.36 per bag
2010	2010	\$1.43 plus applicable FRF per bag
2011	2011	\$1.50 plus applicable FRF per bag
currently		\$1.07 per bag

CURBSIDE RECYCLING

From December 1, 2008 to November 30, 2009	2009	\$6.02 per residence
2010	2010	\$6.32 plus applicable FRF per residence
2011	2011	\$6.64 plus applicable FRF per residence
currently		\$3.01 per residence

YARD WASTE

From December 1, 2008 to November 30, 2009	2009	\$1.70 per bag
2010	2010	\$1.79 plus applicable FRF per bag
2011	2011	\$1.88 plus applicable FRF per bag
currently		\$1.02 per bag

City Manager Pasquale recommended the City proceed slowly with exclusive franchising. Public opinion should be gathered. Further, he recommended Allied be given a one year contract starting in November with options (at City discretion) for the following two. Prices to residences can be adjusted accordingly.

Mayor Pro Tem Hodges questioned if Waste Management and Green Valley Disposal indicated an interest in the recycling as well as yard waste. A representative from Green Valley responded only if carts are used.

Councilmember Pfaller noted the suggestion some time back from a local retailer regarding the option of using tags instead of bags to give the local merchants the opportunity to sell bags to City residents.

Pfaller requested a cost comparison between carts and bags.

Todd Harland of Allied Waste stated the bags are easier to spot rather than tags. Harland noted Allied would provide prices on a per month basis.

Pfaller questioned curbside recycling. Pasquale stated the City is billed based upon the number of bins which are out. City Clerk Morlock noted only one bin per household is allowed.

Pasquale stated a request would be made to each vendor to provide a cost regarding a franchise or use of carts.

By general consensus, the Council agreed to table the issue until the September 15, 2008 meeting.

Item #6. **LCTV ENDOWMENT FUND – UPDATE.** Councilmembers Altoft and Pfaller were invited to

attend the meeting of the DCCSAC meeting. A proposal was made by which the City accepts an administrative board which would have control over the fund and make the final decisions on the funds from the Cable sale.

Grand Rapids Community Foundation representative Kate Luckert Schmid was present and made some suggestions at the meeting.

Pfaller spoke with City Attorney Richard Wendt who indicated the City Council is required to have the final say on the funds. Pfaller questioned if the Council was comfortable having an advisory board. He noted the group of individuals who met were uncomfortable with an advisory board at this time. However, according to legal advice from Wendt, the City has no choice.

The group suggested the advisory board consist of one City Councilmember, one member from Vergennes and Lowell Townships, one bank manager, one member of the Lowell School Board, one member of the Lowell Chamber of Commerce and one member at large. Pfaller believed there should be two members at large.

Mayor Pro Tem Hodges stated the Council is the final authority with the disbursement of the funds. However, advisement could come from any number of persons. Any kind of input from others is welcome.

Councilmember Ellison agreed. There is no other choice but to have the Council be the final authority. An advisory committee would be appropriate.

Pasquale noted for the Lowell Area Community Fund, each advisory boardmember has to provide a disclosure as to what boards and commissions they or their spouse serve on.

Councilmember Altoft also agreed with the final authority coming from the City Council. However, he suggested the City Council be a non voting member. Altoft also believed three members at large may be more appropriate. There are many individuals who are interested in this issue.

Pfaller stated a meeting is scheduled for September 8, 2008 to discuss the LCTV Endowment Fund. He questioned if any inquiries have been made. Pasquale responded no. The City has not stated its preferences for funding. Pfaller proposed the City hold a worksession and invite the officers from the group.

Hodges suggested a proposal be made on September 8, 2008 to postpone the disbursements of the funds for one year. This would allow the group to adjourn and then proceed into a worksession. One year provides the opportunity to review the issue and receive input from everyone as well as removing pressure from the Council to make any decisions. The City is required by its own resolution and proposal to hold a meeting on September 8, 2008. Pfaller believed this would be appropriate with the funds from the first year being reinvested.

Pasquale confirmed a special meeting would be held on September 8, 2008 at 7 p.m. to consider postponing any decisions on funding for one year for the LCTV Endowment Fund. Immediately after the meeting, a worksession would be held in order to review the issue further.

Pfaller suggested Kate Luckert Schmid be invited as well.

Item #7. **CITIZEN COMMENTS.** Barbara Barber of 318 King Street questioned the exclusive franchising of solid waste collection and asked how it is enforced. Mayor Pro Tem Hodges explained trash haulers would have a license to operate within the City of Lowell. Others would not and therefore be in violation and ticketed.

Item #8. **COUNCIL COMMENTS.** Councilmember Ellison was happy to see the North Washington Street property added to the parks system.

Councilmember Altoft stated he has had a couple inquires about the existing car port ordinance and the requirements for it. He suggested the Planning Commission revisit the issue. He believed it was written before all the new changes occurred in the industry.

Item #9. **MANAGER'S REPORT.** City Manager Pasquale reported on the following:

1. A representative from the "Pink Arrow Project" will be present at the next meeting.
2. The following boards and commissions meetings minutes are enclosed:
 1. Arbor Board meeting of July 21, 2008
 2. Parks and Recreation Commission meeting of July 19, 2008
 3. Planning Commission meeting of July 28, 2008
 4. Downtown Development Authority meeting of July 24, 2008
3. The Municipal Employees Retirement System (MERS) will hold its annual meeting in Traverse City from September 30 – October 2. An officer delegate from the City must be appointed by Council. Greg Pierce is recommended for approval while Jim Valentine would be selected as an alternate. Tom Russo (Light and Power) is the employees delegate with Scott Fosburg (DPW) being the alternate.

A voting delegate to the Michigan Municipal League Annual Meeting at Mackinac Island (October 1-4) needs to be selected.

IT WAS MOVED BY PFALLER and seconded by ALTOFT to appoint Greg Pierce from Lowell Light and Power as delegate and Police Chief Jim Valentine as the alternate to attend the Municipal Employees retirement System (MERS) held in Traverse City from September 30 – October 2, 2008.

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

IT WAS MOVED BY ELLISON and seconded by ALTOFT to appoint Mayor Pro Tem Hodges as a voting delegate to the Michigan Municipal League Annual meeting at Mackinac Island held from October 1-4, 2008.

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

Councilmember Pfaller questioned the status of the permits for the picnic/gazebo shelter at Stoney Lakeside Park. DPW Director DesJarden stated he has the soil/erosion permit, but does not have the DEQ permit yet.

Item #10. **APPOINTMENTS**. None.

IT WAS MOVED BY PFALLER to adjourn at 8:27 p.m.

DATE:

APPROVED:

James W. Hodges, Mayor Pro Tem

Betty R. Morlock, Clerk