

PROCEEDINGS
OF
CITY COUNCIL
OF THE
CITY OF LOWELL

For the Regular Meeting of MONDAY, OCTOBER 18, 2010.

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, Police Chief James Hinton, DPW Director Dan DesJarden, Light and Power Boardmember, Planning Commissioner and Parks and Recreation Commissioner Jim Hall, and Lowell Light and Power Manager Greg Pierce.

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

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

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

Item #2. **APPROVAL OF THE MINUTES OF THE REGULAR MEETING OF OCTOBER 4, 2010.**

IT WAS MOVED BY ELLISON and supported by LAPONSIE to approve the regular meeting minutes of October 4, 2010 as written.

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

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

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: 0. ABSENT: 0. MOTION CARRIED.
BILLS AND ACCOUNTS PAYABLE (10/18/10)

GENERAL FUND	\$25,297.87
MAJOR STREET FUND	21,273.61
LOCAL STREET FUND	11,633.54
DDA FUND	93,443.26
AIRPORT FUND	1,162.08
WASTEWATER FUND	8,581.44
WATER FUND	17,967.38
CABLE TV FUND	18,209.89
EQUIPMENT FUND	1,239.80
CURRENT TAX FUND	134,429.36
LEE FUND	1,511.00
CARR FUND	400.00

Item #4. **CITIZEN COMMENTS FOR ITEMS NOT ON THE AGENDA.** Dave Harding of 804 N. Monroe commented on how blessed Lowell is because of the surrounding waters. He proposed the City build a fishing pier at Stoney Lakeside Park for the handicapped, children and veterans. Being a member of the West Michigan Steelheaders Club, he is fortunate enough to participate in a yearly fishing outing with the veterans in Grand Rapids. The event takes place at the Veterans Park. The Club supplies the rod, reels and bait.

Harding noted there are all kinds of grants available from the State DNR. He also noted the Steelheaders Foundation has funds available.

Mayor Hodges stated the Parks and Recreation Commission meet the third Saturday of the month. Councilmember Schrauben, also serves on the Commission, will share the information. City Manager Pasquale noted the Commission will meet on November 13, 2010 due to firearms deer hunting season.

Harding also requested one or two parking spaces be eliminated along Main Street, near City Hall. It is very difficult to see oncoming traffic when turning onto Main Street from N. Monroe.

Item #5. **PRESENTATION BY BIRGIT KLOHS REGARDING THE RIGHT PLACE, INC. AND FUNDING CAMPAIGN.** Birgit Klohs, President and CEO of the Right Place, Inc., the economic development organization for West Michigan, provided a presentation regarding their funding campaign. Specifically, a request has been made to the City to invest \$2,000 per year for five years in the Right Place. There are sufficient City funds to accommodate this request.

Mike DeVries, Supervisor of Grand Rapids Township, was also present. He noted the township has been very active in the program.

Klohs explained the organization is 25 years old. It came about during the time when the unemployment rate in Michigan was even higher than presently. Retention is their key job. They make over 300 retention calls to companies within Kent County. Right Place is a strong believer that America needs to make things. Their number one issue is keep what we have and help companies grow in their own back yards.

Since the beginning of 2009 to the end of September, the company has done \$313,000,000.00 in new investment, created 172,000,000.00 in new payroll and almost 5,000 new jobs.

Klohs asked the City of Lowell to become an investor in their efforts.

DeVries explained the township thought very carefully before partnering up with The Right Place, which has been very valuable to the township.

Councilmember LaPonsie has great respect for The Right Place. Seeing the City of Lowell has benefited already, she would support working with them.

Mayor Pro Tem Ellison asked how an investment of \$2,000 per year was determined. Klohs explained the ability of a municipality is considered. She noted the City of Lowell has one of the highest tax rates.

IT WAS MOVED BY LAPONSIE and seconded by ELLISON to partner with The Right Place Program at an investment of \$2,000 for a total of \$10,000 over five years.

Councilmember Schrauben asked if the City of Lowell has ever invested in the Right Place Program. He also asked where the funds would come from within the budget. City Manager Pasquale responded it could come from unallocated funds. There are several line items where the City could provide such monies.

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

Item #6. **REROOFING THE CREEKSIDE AND STONEY LAKESIDE PARKS RESTROOMS - BIDS.** The roofs on the restrooms at Creekside and Stoney Lakeside Parks restroom have been deteriorating badly. A total of \$7,460 was secured from the Lowell Area Community Fund for these projects.

Based on the bids received, DPW Director Dan DesJarden and City Manager Pasquale recommend Risner Roofing be awarded these projects at a cost of \$7,370.

IT WAS MOVED BY ELLISON and seconded by LAPONSIE to approve the bid from Risner Roofing in the amount of \$7,370 for the reroofing of the restrooms at Creekside and Stoney Lakeside Parks.

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

Item #7. **CREEKSIDE PARK BALLFIELDS IMPROVEMENTS - BIDS.** The existing west ballfield at Creekside Park has an insufficient height for a backstop (currently 10-11 feet). A new sixteen foot high backstop will prevent foul balls from the ballfield. The remaining three backstops at the other fields would also be raised. Netting between the three backstops would be provided dependent on how the new backstops function.

Also, a new out of play fence will be installed at the west field along with a safe-drop guard.

A total of \$14,878 has been received from the LCTV Endowment Fund (\$7,000) and the Lowell Area Community Fund (\$7,878).

DPW Director Dan DesJarden and City Manager Pasquale recommend AAA Fence, LLC be awarded the project.

Mayor Pro Tem Ellison noted Alto Fencing is only \$200 more. Councilmember Altoft considered Alto Fencing to be a local company and believed they should be used.

IT WAS MOVED BY ELLISON and seconded by ALTOFT to approve the bid from Alto Fencing in the amount of \$13,050 to provide the improvements at Creekside Park Ballfields.

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

Item #8. **STONEY LAKESIDE PARK – SKATEBOARD PARK AND PARKING LOT IMPROVEMENTS**. The City is in the midst of moving the skateboard park from Richards Park to Stoney Lakeside Park. Improvements include a 60' x 100' concrete slab for the placement of skateboard equipment, 4 foot high fencing and a 20 space parking lot which will also serve the dog park.

A low bid of \$6,000 for the fence was received from Alto Fencing as well as a low bid from Great Lakes Paving for the parking lot in an amount of \$11,490 for the Skateboard park and parking lot improvements in Stoney Lakeside Park.

Mayor Pro Tem Ellison questioned where Great Lakes Paving and Superior Asphalt, Inc. were located. DPW Director DesJarden stated Great Lakes Paving is located in Vergennes Township.

IT WAS MOVED BY ELLISON and ALTOFT to approve the bid from Alto Fencing for \$6,000 and Great Lakes Paving for \$11,490 for the skateboard park and parking lot improvements in Stoney Lakeside Park.

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

Item #9. **PARKS AND RECREATION MASTER PLAN AMENDMENTS – SET PUBLIC HEARING (11/15)**. There have been several proposed amendments to the Parks and Recreation Master Plan. Most particularly the riverbank improvements on both the east and west side near the downtown area. In order to be eligible for the State DNR E grants, these need to be in the master plan. It is required there be a public notice, two weeks prior to the hearing.

IT WAS MOVED BY ELLISON and seconded by SCHRAUBEN to set a public hearing on November 15, 2010 to consider the Parks and Recreation Master Plan Amendments.

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

Item #10. **AWARDING ENGINEERING SERVICES CONTRACT FOR URS CORPORATION FOR THE WEST SIDE TREE CLEARING PROJECT AT THE LOWELL CITY AIRPORT.** With air easements secured on the west side of the Lowell City Airport, a tree clearing project is initiated to have the facility a Utility Airport for purposes of future grants acquisition and air safety.

URS Corporation is recommended to provide engineering services which includes surveying for the project. The firm has been involved with improvements to the Airport over the past several years.

Dave Helmstetter of URS explained the existing airport has roughly 2,400 linear feet of pavement. Approximately 1,000 feet is deemed unusable for standard aircraft landing and approaches because of the trees which have grown. The second phase of the project involves obtaining the easements on the west side. The project would be to exercise easement rights by removing the natural growth obstructions to the 12-30 main runway. The second stage would be to identify how much of the existing pavement would be allowed to be usable for the continuing of the airport. A portion of the project would be to relocate the existing light fixtures, which denote where the safe operating limits for the runway are by using the existing infrastructure and moving a few simple lights. This shows exactly where the ends of the useful pavement are to the pilots using the airport.

IT WAS MOVED BY LAPONSIE and seconded by SCHRAUBEN to award the engineering services contract for URS Corporation for the west side tree clearing project at the Lowell City Airport at a cost of \$28,000 with the Airport Fund allocating 10% or \$2,800 and the State of Michigan 90% or \$25,200.

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

Item #11. **LOWELL LIGHT AND POWER RETIREES COST OF LIVING**. General Manager Greg Pierce explained the Lowell Light and Power Board wishes to provide a Municipal Employees Retirements System (MERS) Benefit E cost of living increase to its retirees. Lowell Light and Power Board has approved this for its retirees.

Councilmember Altoft asked when the last increase was. Pierce responded April, 2009. There will be no increase for 2010 and hoped there would not be one for 2011. Mayor Hodges believed Lowell Light and Power was in good financial shape.

Altoft had a problem with this. The City Charter Section 16.2 B - Board of Light and Power Charter - states "the superintendent shall have power to employ or discharge all personal deemed by him to be necessary for carrying on the supervision, operation, maintenance and general conduct of electric utility of the City. Such salaries and hourly rates of pay are as established within the department shall be consistent with the salaries and rates of pay established by the Council for City employees performing comparable work but shall not be so limited for other employees of the board". Altoft stated Light and Power employees are currently having 5% of their pension paid, while City employees pay this. Altoft noted he would not be able to support the increase.

Councilmember LaPonsie questioned the last time a cost of living increase was given. Pierce stated both the City and Light and Power have provided a cost of living increase with the Benefit E through MERS for approximately 20 years. Last year was the first they were not able to do it because they did not meet the 80% funded criteria. If Light and Power had been able to meet the criteria, they would have kept on with that practice.

Mayor Pro Tem Ellison believed there have been great strides with the City and Light and Power employees working together. Ellison believed the two groups needed to move ahead together. Not Lowell Light and Power going in one direction and then the City another. The Charter states both need to be comparable.

Mayor Hodges asked if this was the first year the cost of living has not been made. City Manager Pasquale explained approximately one year ago the decision was made that the City could not go ahead because we were at 78% funded at MERS. The City would need to provide additional dollars to make the 80%. The decision was, because of budget considerations, that we would hold off. By not doing this, it would actually help us approach the 80%. The same is being done this year as well.

Pierce stated one of the things that compounds the issue is that in order to start offering Benefit E again you have to get caught up for those years it was not offered. The longer it is put off, the more costly it becomes.

Pierce noted there have been several studies on the likes and differences between Light and Power and City employees regarding benefits. Both are very similar. Light and Power has given up some on the medical side when the Board agreed to pay more of their pension benefits. There has been give and take all along, but in general the benefits are similar.

Councilmember LaPonsie agreed with Ellison that it would be good if we are all moving together in the same direction. But we are talking about individuals with budgets. If Lowell Light and Power can do this for its retirees, then let them.

Ellison understood what LaPonsie was saying. However, she was elected to follow the Charter. Altoft noted the Council hasn't been able to do this for its employees and hasn't raised taxes.

Councilmember Schrauben thought it was a good goal for all City employees to be equal, but it also serves as a good example that if one can do it, why not.

Mayor Hodges believed we need to move forward and do what can be done to help those who have served our community.

IT WAS MOVED BY LAPONSIE and seconded by SCHRAUBEN to approve the Lowell Light and Power proposal regarding allocating \$42,974 to the Municipal Employees Retirement System (MERS) for Benefit E Cost of Living increase.

YEA: 3. (Councilmembers LaPonsie, Schrauben and Mayor Hodges)

NAY: 2. (Councilmember Altoft and Mayor Pro Tem Ellison)

ABSENT: 0. MOTION CARRIED.

Item #12. **2010 SIDEWALK IMPROVEMENTS (AMITY STREET AREA) – BIDS.** Dave Austin of Williams and Works explained the project is to provide sidewalks on Amity, Chatham and Spring Streets to fill in the gaps which currently exist. A total of seven bids were received last week. The low bid was \$35,680. However, the bid was not submitted properly. The second low bid came from Nobel Concrete, Inc. at \$40,606.25. The City has not worked with them. However, references were sought and they are highly recommended.

City Manager Pasquale noted the City received \$45,300 from the Lowell Area Community Fund. The primary reason why the money was received is that a number of the walks are directly related to a safe walk to school. There are some areas adjoining that may utilize these funds as well. In addition, the Downtown Development Authority has granted \$19,375 for sidewalk for the first block off of M21. The City is having approximately \$64,000 in sidewalk work which can be carried out to ensure the walks are safe and gaps are taken care of.

IT WAS MOVED BY LAPONSIE and seconded by SCHRAUBEN to approve the second lowest bid from Nobel Concrete, Inc. in the amount of \$40,606.25 for the 2010 Sidewalk Improvements Project.

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

Item #13. **COUNCIL COMMENTS.** Mayor Pro Tem Ellison walked past 990 N. Washington and saw where the concrete, block building and the other building had been removed. They did a good job and it looks attractive.

Item #14. **CITY MANAGER'S REPORT.** City Manager Pasquale reported on the following:

1. The following boards and commissions meetings minutes were provided:
 - Airport Board meeting of September 14, 2010
 - Arbor Board meeting of September 13, 2010
 - Chamber of Commerce meeting of September 14, 2010
2. DPW Director Dan DesJarden has provided a report on sidewalk repairs. Specifically, North Monroe has been inspected by Building Inspector Doug Hopkins and the scope of the repairs have been outlined. A question of concern has been raised regarding cost and if the City would bear the burden for fronting the payment. Sidewalk squares have been identified and need replacement. However, residents don't always have the money to pay for such repairs. Usually, a special assessment program is established, but the City fronts the cost. This is done through a bond.

Councilmember LaPonsie suggested letters be sent to the residents stating the sidewalk is out of compliance. DesJarden questioned if the ordinance was going to be used to enforce the sidewalk repair. Currently, the issue is handled by sending the resident a

letter. If the repair is not made within 60 days, the City repairs the sidewalk and the cost is placed on individual's tax bill.

DesJarden explained the situation of 24 residents on N. Monroe potentially refusing to pay and it is placed on the tax roll, who would then turn around and pay the contractor? Also, what reason is given to the residents on N. Monroe of why the City started on the repair work on their street? Pasquale suggested a special assessment bond be placed.

Altoft did not believe the sidewalk code has been enforced very well. He questioned when the funding was taken out of the budget. DesJarden stated it was some time ago.

LaPonsie stated it would be nice for the next budget cycle to have a plan that the City can start to implement. She suggested starting with the worst sections first.

Councilmember Schrauben was unsure that the City should begin to address the problem, without knowing how much it is going to take to fix the entire problem. He suggested creating a map with red drawn where all the sidewalks are no good, yellow where they are getting bad and green where good.

DesJarden asked if the Council wanted the City to move forward on an order given by the Council.

Altoft stated the City has rules and ordinances which need to be followed. If not, a moratorium needs to be put in place. There are violations right now. LaPonsie stated she would be in favor of a moratorium until a plan is in place.

IT WAS MOVED BY ALTOFT and seconded by LAPONSIE to place a moratorium on all sidewalk repairs until April 30, 2011.

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

3. Trick or Treat hours for Halloween are 5 p.m. to 8 p.m. on Sunday, October 31.

Item #15. **APPOINTMENTS**. By general consensus, the City Council approved the appointment of Andrew Schrauben to the Airport Board filling Gerald Hale's unexpired term ending January 1, 2012.

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

DATE:

APPROVED:

James W. Hodges, Mayor

Betty R. Morlock, City Clerk