

PROCEEDINGS  
OF  
CITY COUNCIL  
OF THE  
CITY OF LOWELL

For the Regular Meeting of MONDAY, DECEMBER 6, 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, DPW Director Dan DesJarden, Police Chief James Hinton, Light and Power Manager Greg Pierce, Light and Power Boardmember, Planning Commissioner and Parks and Recreation Commissioner Jim Hall.

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

IT WAS MOVED BY LAPONSIE and supported by SCHRAUBEN to approve the agenda as written.

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

Item #2. **APPROVAL OF THE MINUTES OF THE REGULAR MEETING OF NOVEMBER 15, 2010.**

IT WAS MOVED BY ELLISON and supported by LAPONSIE to approve the regular meeting minutes of NOVEMBER 15, 2010 as corrected.

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: None. MOTION CARRIED.

<u>BILLS AND ACCOUNTS PAYABLE (12/06/10)</u>	
GENERAL FUND	\$43,774.54
MAJOR STREET FUND	3,753.60
LOCAL STREET FUND	77,710.59
HISTORICAL DISTRICT FUND	9313.00
DDA FUND	4776.03
AIRPORT FUND	1,329.09
WASTEWATER FUND	36,006.31
WATER FUND	15,894.40
CABLE TV FUND	11,296.90
DATA PROCESSING FUND	5,104.20
EQUIPMENT FUND	546.09

Item #4. **CITIZEN COMMENTS FOR ITEMS NOT ON THE AGENDA.** Dave Meyerholtz of Belmont, Michigan noted he emailed the boardmembers in October opposing the ordinance on banning fire arms in parks. He has not received a response. Mayor Hodges noted City Attorney Richard Wendt is reviewing the ordinance.

Item #5. **OLD BUSINESS.** City Manager Pasquale stated the Downtown Development Authority met last Thursday and has selected Design Plus to provide a design charette for the Amphitheater renovation. It is scheduled for Thursday, January 13, 2010. This will be an all day session in which the public will be able to provide design suggestions. Information will then be provided back to the DDA, public and Council.

Also, the Parks Master Plan has been amended. The City is in the midst of sending this to the State. This is another part of the puzzle in terms of funding the amphitheater – riverwalk improvements.

There was also some discussion regarding the Consumers Energy sidewalk. DPW Director DesJarden believed the complaints have been taken care of.

Councilmember Altoft questioned the sidewalk near Springrove. DesJarden noted he was not directed to take this out. Altoft questioned the curb on Chatham Street north of Little Caesar's mall. He said there is curb on Chatham Street which is broken instead of a straight cut. Also, the sidewalk near Springrove and City Hall needs to be repaired indicating the end of the sidewalk. There are no dimples in the cement which indicates the end of the sidewalk is near to an intersection for people with disabilities.

DesJarden noted a survey had been sent out asking for those to volunteer if they have sump pumps. Because no one has come forward, the next step would be to go door to door contacting those with sump pumps and asking for them to volunteer.

DesJarden was unsure what the Council wanted concerning the street and sidewalk plans. Councilmember LaPonsie believed the Council was looking for a plan of how to get the sidewalks into order. How we would go about evaluating and budgeting. DesJarden stated he was under the impression the City Council will have a worksession on this issue because of the moratorium

on N. Monroe Street. DesJarden suggested a worksession date be set for January or February because of the budget. Hodges suggested Monday, January 31, 2011 at 7:00 p.m.

Item #6. **OUTDOOR LIGHTING ORDINANCE – RECOMMENDATION FROM THE PLANNING COMMISSION – SET PUBLIC HEARING (1/3)**. After much time 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. This ordinance then may be considered for a public hearing at the Council's January 3, 2011 meeting.

IT WAS MOVED BY LAPONSIE and seconded by SCHRAUBEN to hold a public hearing on January 3, 2011 regarding the Outdoor Lighting Ordinance.

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

Item #7. **SOFT SIDED ACCESSORY BUILDINGS ORDINANCE – RECOMMENDATION FROM THE PLANNING COMMISSION – CONSIDER SETTING PUBLIC HEARING (1/3)**. 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 discussion, 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.

IT WAS MOVED BY LAPONSIE and seconded by ELLISON to set a public hearing for January 3, 2011 regarding soft sided accessory buildings ordinance.

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

Item #8. **AIRPORT TREE CUTTING NEAR RUNWAY 12/30 – AWARD PROJECT**. The City will undertake tree cutting at the west end of the Lowell City Airport. A contract for tree cutting is being considered.

Dave Helmstetter of URS explained bids have been accepted from contractors for the tree clearing work. URS recommends the acceptance of the low bid from Wonsey Tree Service of Alma in the amount of \$41,848.00.

City Manager Pasquale noted the State of Michigan is picking up 90% of the cost. The Airport Fund will provide the remaining 10%. There have been air easements which have been acquired for the project.

IT WAS MOVED BY LAPONSIE and seconded by ALTOFT to accept the low bid of \$41,848 from Wonsey Tree Service for airport tree cutting near Runway 12/30.

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

Item #8. **SALE OF 320 KENT – RECOMMENDATION FROM THE DOWNTOWN DEVELOPMENT AUTHORITY.** The property in question is approximately .7 acres or 35,000 square feet. The Downtown Development Authority (DDA) purchased this property in 2002. At the time, Superior Furniture Company was interested in expanding their business and needed parking. The DDA acquired this property, which is on the south side of Kent Street between S. Monroe and S. Washington to provide parking for Superior Furniture. There was an initial plan that was put together showing approximately 100 parking spaces. Unfortunately, Superior Furniture is no longer at the site.

Jice Pharmaceutical (218 S. Washington) has been interested in expanding. Last Thursday, the DDA received one sealed bid in the amount of \$15,000 from Jice. The DDA approved the bid subject to the approval from the City Council. Any proceeds should be directed back to the General Fund.

Jason Liley from Jice Pharmaceutical stated they have been in business for 21 years. The firm has been manufacturing and private labeling veterinarian products for wholesalers all over the U.S. In the last two to three years, their sales have increased about 30 to 40 percent. They have also increased their employment by four to a total of nine employees.

Mayor Pro Tem Ellison questioned the purchase price in 2002. City Manager Pasquale noted approximately \$30,000.

IT WAS MOVED BY ALTOFT and seconded by ELLISON to approve the DDA recommendation regarding the bid from Jice Pharmaceutical in the amount of \$15,000 for the purchase of 320 Kent providing the proceeds to the General Fund.

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

Item #9. **COUNCIL REPORTS AND COMMENTS.** Councilmember Schrauben noted the LARA meeting will be held the week of December 6, 2010. The group will work on finalizing Phase 1 details and begin to think more about Phase 2 and where the next section of trails should be.

Councilmember LaPonsie stated the Planning Commission has been busy. The Lighting Ordinance and Temporary Garage Ordinance have been passed. The Commission is also working on the issue of wood burning stoves.

LaPonsie noted there are currently two openings on the Planning Commission.

She also indicated the Fire and Emergency Services Authority will meet on Monday, December 13, 2010.

LaPonsie was happy to see so many people attend "Coffee with Council". Very good discussion was held concerning the amphitheater.

Also, the Santa Claus Parade was wonderful. There were so many children lining the street.

Councilmember Altoft noted the Board of Review will meet the end of the month. He also had a good time at the parade.

Mayor Pro Tem Sharon Ellison agreed "Coffee with Council" was a huge success. There was great discussion regarding view's of the Riverwalk. Ellison also noted the parade was a blast. The volunteers do a great job.

Mayor Hodges noted Lowell Light and Power Board will meet Thursday, December 9, 2010. He also noted the Chamber of Commerce will have a breakfast meeting at the First Congregational Church on Wednesday, December 8, 2010 at 7:30 a.m.

Hodges commented on the decisions made from the Look Memorial Fund. Contributions were made to the Lowell Area Historical Museum for tables and chairs in the amount of \$3,200. The Lowell American Legion received \$1,000 for battle field cross and memorial work and the Lowell Area Arts Council received \$537 for windows.

Hodges noted the parade was wonderful. The Chamber of Commerce and all the volunteers do a great job and make it a wonderful place to live.

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

1. The following boards and commissions meetings minutes were provided:
  - Parks and Recreation Commission meeting of October 16, 2010
  - Planning Commission meeting of October 25, 2010
  - Downtown Development Authority meeting of October 28, 2010
2. DPW Director Dan DesJarden, Dave Austin of Williams & Works and Pasquale has been working on alternatives for street construction utilizing Community Development Block Grant funds. A recommendation will be provided at the December 20 meeting.
3. In response to a Council inquiry, the check written to Wittenbach GMC was for vehicles parts and an oil change when the mechanic was vacation.

Item #11. **APPOINTMENTS.** The following boards or commissioners positions need appointment or reappointment.

		<u>Terms Expires</u>
Board of Review		
To fill in for Jim Wood's position	appointment	06/30/2013
Alternate Position	appointment	
Planning Commission		
Vacancy (Barb Brown's resignation)	appointment	06/30/2013
Vacancy (Amy Hayes' resignation)	appointment	06/30/2011
Downtown Historic District Commission		
Robert Reagan	reappointment	01/01/2014
Greg Canfield	reappointment	01/01/2014
LCTV Endowment Fund Board		
Dan Brubaker	reappointment	12/31/2013
Airport Board		
Paul Nicholls	reappointment	01/01/2014
Jim Sowle	reappointment	01/01/2014
Tom Grimm	reappointment	01/01/2014
Parks and Recreation Commission		
Jim Hall	reappointment	01/01/2014
Downtown Development Authority		
Mike Sprenger	reappointment	01/01/2015
Mike Larkin	reappointment	01/01/2015
Building Authority		
Vacancy (Jim Maatman moved out of town)	appointment	01/01/2014
Construction Board of Appeals		
Dan DesJarden	reappointment	01/01/2013
Ray Zandstra	reappointment	01/01/2013
Greg Canfield	reappointment	01/01/2013

IT WAS MOVED BY ELLISON to adjourn at 8:03 p.m.

DATE:

APPROVED:

\_\_\_\_\_  
 James W. Hodges, Mayor

\_\_\_\_\_  
 Betty R. Morlock, City Clerk