

CITY OF LOWELL
MICHIGAN
CITY COUNCIL
AGENDA

FOR THE REGULAR MEETING OF THE LOWELL CITY COUNCIL
MONDAY, APRIL 4, 2011, 7:30 P.M.

AT
LOWELL CITY HALL
CITY COUNCIL CHAMBERS
SECOND FLOOR
301 EAST MAIN STREET

1. CALL TO ORDER; PLEDGE OF ALLEGIANCE, ROLL CALL
2. APPROVAL OF THE AGENDA
3. APPROVAL OF THE REGULAR AND CLOSED SESSION MINUTES OF THE MARCH 21, 2011 MEETING
4. APPROVAL OF ACCOUNTS PAYABLE
5. CITIZENS' COMMENTS FOR ITEMS NOT ON THE AGENDA
6. OLD BUSINESS
7. ORDINANCE APPROVING THIRD AMENDMENT TO DEVELOPMENT AND TAX INCREMENT FINANCING PLANS EXTENDING THE DOWNTOWN DEVELOPMENT AUTHORITY TO JUNE 30, 2033 – PUBLIC HEARING
8. APPLICATION FOR TEMPORARY AUTHORIZATION TO THE LIQUOR CONTROL COMMISSION – FLAT RIVER GRILL SUMMER CONCERT SERIES AND RIVERWALK FESTIVALS
9. PERMISSION FOR FIREWORKS DISPLAY
10. RESIGNATION OF JAMES HINTON AS POLICE CHIEF; APPOINTMENT OF BARRY GETZEN
11. OUTDOOR FURNACE ORDINANCE – RECOMMENDATION FROM THE PLANNING COMMISSION – SET PUBLIC HEARING (4/18)
12. PURCHASE OF MOWER
13. COMPLETE REPLACEMENT OF VALVE ASSEMBLY IN CHLORINE ROOM – WATER TREATMENT PLANT
14. REQUEST TO ALLOCATE \$15,000 TO PURCHASE WATER METERS AND RELATED PARTS – TABLED FROM THE LAST MEETING
15. PURCHASE OF WATER LEAK DETECTOR
16. HEAD END BUILDING OPTIONS

17. ORDINANCE FOR SIDEWALK INSPECTION AND COMPLIANCE UPON SALE OR TRANSFER OF ABUTTING PROPERTY – SET PUBLIC HEARING (4/18)
18. COUNCIL REPORTS AND COMMENTS
19. CITY MANAGER'S REPORT
20. APPOINTMENTS
21. ADJOURNMENT

NOTE: Any person who wishes to speak on an item included on the printed meeting agenda may do so. Speakers will be recognized by the Chair, at which time they will be required to state their name and will be allowed five (5) minutes maximum to address the Council. A speaker representing a subdivision association or group will be allowed ten (10) minutes to address the Council.

To: Mayor Hodges and the Members of the City Council

From: David M. Pasquale

SUBJECT: Agenda for Monday, April 4, 2011 Meeting

1. Call to order, pledge of allegiance, roll call.
2. Approval of the Agenda.
3. Approval of the regular and closed session minutes of the March 21, 2011 meeting.
4. Approval of the Accounts Payable
5. Citizens comments for items not on the agenda.
6. Other Business
 - A. Streets, sidewalks plan. The Council will hold a public hearing on April 18 to consider the sidewalks improvements ordinance upon sale of property. The Council also lifted the moratorium requirement sidewalk improvements at their March 21 meeting.
 - B. Wastewater Treatment update – To schedule door to door surveys to determine where sump pumps are located, certified mail has been sent to a list of residents who City knows are pumping ground water. Ads in the Ledger, Buyers Guide, Cable TV and City web site will be provided. Four residential meters to monitor flow have been established.
 - C. East Riverbank renovations – A Parks and Recreation Master Plan update was completed and approved by the State to qualify for grant assistance. A survey delineating ownership has also been finished. A design charette (getting citizen input) for riverbank improvements was successfully carried out by Design Plus, Inc. on Thursday, January 13. At the Downtown Development Authority meeting of February 17, the Boardmembers recommended purchase of the amphitheater property from Lowell Area Schools for \$25,000. Also, the amphitheater riverfront design was approved along with an allocation of \$50,000 toward the project. At its January 11, 2011 meeting, the Lowell Area Community Fund provided \$50,000 in addition to this task. The Council, at its February 22 meeting approved the purchase of Lowell Area Schools property within the amphitheater area at a cost of \$25,000 as recommended by the DDA.

An application for the Michigan Department of Natural Resources Trust Fund grant of \$300,000 is to be submitted to the State by April 1. A LCTV Endowment Fund grant application of \$50,000 will be completed by April 15.
 - D. Consumers Energy – sidewalk report – under review.
 - E. Video coverage of public meetings – At its April 18 meeting, the Council will consider camera options as well as which meetings are to be videoed.

7. Ordinance approving Third Amendment to Development and Tax Increment Financing Plans extending the Downtown Development Authority to June 30, 2033 – public hearing. The DDA Boardmembers have noted there are additional downtown projects to accomplish but the current development and tax increment financing plans expire on June 30, 2013.

The attached documentation allows the DDA plans to be extended to June 30, 2033 (20 years) for completing projects. The DDA Boardmembers approved a resolution at its February 17 meeting recommending the extension.

After conducting a public hearing, the Council may consider adopting the ordinance approving the third amendment to the DDA plans and extending the Authority twenty years.

**CITY OF LOWELL
DOWNTOWN DEVELOPMENT AUTHORITY**

**Steps to Approving Third Amendment to Development and Tax
Increment Financing Plans**

Step	Event	Date
1	DDA Board approves and recommends to the City Council Third Amendment.	2/17/11
2	City Council sets public hearing for Third Amendment.	2/22/11
3	Letter sent to governing body of taxing jurisdictions levying taxes subject to capture offering to meet before public hearing to discuss Third Amendment.	2/28/11
4	Publish first notice of public hearing in the <i>Lowell Ledger</i> (first notice must be not less than 20 days before public hearing).	3/9/11
5	Post notice of public hearing in at least 20 conspicuous and public places in Downtown District not less than 20 days before public hearing.	3/11/11
6	Send by first-class mail notice of public hearing to all property taxpayers of record (as shown on most recent property tax assessment records) in the Downtown District at least 20 days before public hearing.	3/11/11
7	Send by certified mail notice of public hearing to the governing body of each taxing jurisdiction levying taxes subject to capture and the Michigan Secretary of State at least 20 days before public hearing.	3/11/11
8	City Council meets with taxing jurisdictions to discuss Third Amendment, if requested (meeting must take place before public hearing).	3/21/11
9	Publish second notice of public hearing in the <i>Lowell Ledger</i> (7 to 10 days before public hearing).	3/23/11
10	City Council holds public hearing on Third Amendment.	4/4/11
11	City Council adopts ordinance approving Third Amendment.	4/4/11
12	Ordinance approving Third Amendment or summary thereof published in the <i>Lowell Ledger</i> .	4/6/112
13	Ordinance approving Third Amendment filed with Michigan Secretary of State.	4/7/11

8. Application for temporary authorization to the Liquor Control Commission – Flat River Grill Summer Concert Series and Riverwalk Festivals. As in previous years, the Flat River Grill is requesting a temporary liquor license to the LCC to serve alcoholic beverages during the Summer Concert Series and Riverwalk Festival for the following dates:

June 16	July 7	July 14	August 4
June 23	July 8	July 21	August 18
June 30	July 9	July 28	August 25

All events will be held on the Showboat. Police Chief Hinton has recommended the requests. The Council is asked to approve the attached application.

9. Permission for Fireworks Display. As part of the Riverwalk Festival, the Lowell Area Chamber of Commerce has requested permission and approval of a permit to have a fireworks display on Saturday, July 9. As with recent years, the fireworks would be launched from Stoney Lakeside Park. I recommend the Council approve this.
10. Resignation of James Hinton as Police Chief; appointment of Barry Getzen. With regret, I announce the resignation of James Hinton as Police Chief. As noted in the attached letter, Chief Hinton wishes to more fully pursue his college education where he is a student at Northwood University.

James has served with the Lowell Police Department for over 18 years starting on September 7, 1992. He was promoted to Sergeant on January 22, 2006 and then as Police Chief on April 1, 2009.

Chief Hinton's resignation is effective April 15. He will be missed.

Further, I announce the appointment of Barry Getzen as Lowell Police Chief, effective May 2. Barry has recently completed a distinguished career with the Michigan State Police retiring this past September 1. He served over 31 years in various capacities ending with the rank of Major, West Region Commander, Field Services Bureau, East Lansing Headquarters and then Deputy Director, Office of Specialized Services.

Barry, his wife Jean and children Hayley and Phillip have lived in the Lowell area for the past 16 years. They have been active in the community.

The City is truly privileged to have a person with the credentials of Barry Getzen to serve as Police Chief. Please note Sergeant Steve Bukala will serve as Acting Chief during the interim period.

11. Outdoor Furnace Ordinance – recommendation from the Planning Commission – set public hearing (4/18). Over the past several months, the Planning Commission has reviewed how to regulate outdoor furnaces. In consulting with the Council, there would be zoning regulations but kept simple.

The attached ordinance states outdoor furnaces are permitted in side and rear yards as an accessory use to residential dwellings in the SR and R-1 districts with a parcel area of at least 20,000 square feet. The furnace shall be located a minimum of 80 feet from any residential dwelling. Also, the stack or chimney height of an outdoor furnace shall extend at least two feet above the roof peak of any residential dwelling within 300 feet of an outdoor furnace. Permitted and prohibited combustion materials are noted.

The Planning Commission held a public hearing on the ordinance proposal at its March 28 meeting a unanimously recommended adoption. The Council is recommended to set a public hearing for April 18 to consider the ordinance.

12. Purchase of mower. The Public Works Department has stated the need of a replacement lawn mower for the cemetery and downtown area. An ExMark mower with a 48" deck (same model as the previous machine) was provided through State bid from Kubota West Michigan at a cost of \$7,910.

At its March 24 meeting, the Downtown Development Authority approved one half the cost of the mower at \$3,955 because of usage in the downtown district.

I recommend the City allocate \$3,955 for the purchase of an ExMark mower with a 48" deck from the Public Works Account.

13. Complete replacement of valve assembly in chlorine room – Water Treatment Plant. WTP Superintendent George Regan had stated that the dieframes in the chlorine room have failed requiring a complete replacement of the valve assembly.

RS Technical Services, Inc. is the service representative for the plant. Their cost for repair is \$2,430 allocated from the Water Fund. George will be at the meeting to answer any questions.

14. Request to allocate \$15,000 to purchase water meters and related parts – tabled from the last meeting. At the meeting of March 7, the Council approved the purchase of meter reading equipment. Water Distribution Supervisor Bob Robinson has requested approval to purchase the meters and related parts.

Currently there are about 450 meters that have been installed in the last 5 years that are ready for the R-900 radio conversion. All which is necessary is to replace the touch pad, which is located on the outside of the house with a new R-900 radio transmitter.

Most of the meters reads should be able to be picked up by the automatic reading device from as far away as 900 feet. Robinson will focus our attention on getting all of the meters that are ready to convert, first. Then the Water Department will go to the customer's house to do a meter repair or restart the service. The new meter reading system will be installed at that time. The old meters that can be rebuilt and tested will be converted to the new system. The meters that can't be rebuilt will be sold as scrap.

Another \$30,000 in the new budget year for meters and related parts is provided.

At the March 21 meeting of the City Council, a question arose regarding compatibility with the Light and Power metering system. As noted in Greg Pierce's memo, meetings have been held between Light and Power and Public Works to discuss future cooperation on metering services. As a result, new Light and Power meters will have the capability of collecting the Lowell water data by installing a special transmitting module on the water meters.

In light of this plan, I recommend purchase of the new Neptune water meters as proposed.

15. Purchase of water leak detector. As referenced in a letter from Water Distribution Supervisor Bob Robinson, there have been needs to determine where leaks are located in the City's water main system. Two leaks were recently found on a borrowed detector where there were large increases of water.

An Aquaphone 100 Professional Leak Detector Kit is recommended for purchase at a cost of \$4,495 allocated from the Water Fund.

16. Head end building options. As you know, the head end building by the Riverwalk which housed Lowell Cable Television has remained vacant for the last several years. Recently, there have been several interested parties who wish to utilize this space. These are Brian Bangme for bicycle and kayak sales, Jim Pfaller for a Firearms LLC and the Flat River Grill for banquet space.

I have requested each party to address the Council regarding their proposal. Through these discussions, the Council may provide a sense of direction.

17. Ordinance for sidewalk inspection and compliance upon sale or transfer of abutting property – set public hearing (4/18). As discussed previously by Council, a proposed ordinance would require an inspection and subsequent improvement if necessary upon sale. This is looked upon as a means to provide sidewalks which are in compliance with City standards.

The Council is recommended to hold a public hearing on the ordinance at its April 18 meeting.

18. Council Reports and Comments.

Andrew Schrauben	Lowell Airport Board Parks and Recreation Commission Lowell Area Recreation Authority
Maryalene LaPonsie	Planning Commission Zoning Board of Appeals Lowell Area Fire and Emergency Services Authority
Jeff Altoft	Board of Review Downtown Development Authority
Sharon Ellison	Arbor Board LCTV Endowment Board
Jim Hodges	Lowell Light and Power Chamber of Commerce Board of Directors Look Memorial Fund
Commissions without Representatives:	Downtown Historic District Commission Construction Board of Appeals Building Authority Local Officers Compensation Commission

19. City Manager's Report. Attached.

20. Appointments. The following boards or commissioners positions need appointment or reappointment.

		<u>Terms Expires</u>
Board of Review Alternate Position	appointment	
Planning Commission Vacancy (Amy Hayes' resignation)	appointment	06/30/2011

21. Adjournment.