

PROCEEDINGS
OF
CITY COUNCIL
OF THE
CITY OF LOWELL

For the Regular Meeting of MARCH 21, 2011.

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, Lowell Light and Power Boardmember, Planning Commissioner and Parks and Recreation Commissioner Jim Hall and Light and Water Distribution Supervisor Bob Robinson.

Item #1. **APPROVAL OF THE AGENDA.** Upon staff request and Mayor Hodges recommendation, Item #13 will be tabled until April 4, 2011 regarding the allocation of \$15,000 to purchase water meters.

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

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

Item #2. **APPROVAL OF THE MINUTES OF THE REGULAR MEETING OF MARCH 7, 2011.**

IT WAS MOVED BY LAPONISE and supported by SCHRAUBEN to approve the regular meeting minutes of March 7, 2011 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: None. ABSENT: None. MOTION CARRIED.

<u>BILLS AND ACCOUNTS PAYABLE (03/21/11)</u>	
GENERAL FUND	\$19,107.28
MAJOR STREET FUND	317.87
LOCAL STREET FUND	410.25
DOWNTOWN DEVELOPMENT FUND	1,286.22
AIRPORT FUND	23.17
WASTEWATER FUND	43,197.50
WATER FUND	13,556.73
CABLE TV FUND	4,717.55
DATA PROCESSING FUND	20,370.66
EQUIPMENT FUND	4,096.75
CURRENT TAX FUND	524,480.31
LEE FUND	1,500.00

Item #4. **CITIZEN COMMENTS FOR ITEMS NOT ON THE AGENDA.** No comments were received.

Item #5. **OLD BUSINESS.**

- a. Streets, sidewalks plan – City Manager Pasquale mentioned discussion was held at a worksession where it was determined to consider sidewalk improvements ordinance upon sale and lifting the moratorium requiring improvements at this meeting.
- b. Wastewater Treatment update – DPW Director DesJarden noted there are four monitors out and a range gate as well. A full report will be provided.
- c. East Riverfront renovations – the City is proceeding with a grant application to the State Department of Natural Resources and Environment. The step will be to provide a public meeting for any public comment regarding this. The City is in the midst of acquiring the property at the old amphitheater site from the Lowell Area Schools. A deed is being drawn and there is a sale price of \$25,000 which was approved. The City has already allocated \$100,000 through grants from the Lowell Area Community Fund and allocation from the Downtown Development Authority. Another \$50,000 from the LCTV Fund is being sought. The grant application to the State is due by April 1, 2011. We are looking at an application of \$300,000 with a \$150,000 match.
- d. Consumers Energy – sidewalk report – under review.
- e. Video coverage of public meetings – At its April 18 meeting, the Council may consider camera options as well as which meetings are to be videoed.

Item #6. **APPLICATION TO THE MICHIGAN DEPARTMENT OF NATURAL RESOURCES TRUST FUND FOR IMPROVEMENTS TO THE DOWNTOWN RIVERWALK AREA – PUBLIC MEETING AND ADOPT RESOLUTION TO SUPPORT SUBMISSION.** Williams and Works Engineer Dave Austin explained this meeting is being held as a requirement of the grant application process for the Michigan Natural Resources Trust Fund.

Austin presented an aerial picture of the river and Main Street. Currently, it has been identified in the planning process the amphitheater, as it exists now, is an unsafe concrete area and not useful for any practical need. There is a lack of green area. He also noted while there is a boat launch, but no dock for the boats as well as a formal canoe or kayak launch area. First and foremost the area is also not accessible for these uses.

In preparation for this, the City held a design charette to seek input from the public as to options for improving the area. The major components included:

- Dock that would be in close proximity to the existing boat launch that would allow one to tie their boat up to the side. A deck area could also be added for some fishing.
- A formal location for a kayak/canoe launch area has been identified.
- A new extension of the seawall will be required. This would then hold up the extension of the riverwalk.
- The old stage area has many possibilities. This will be a general use accessible platform that would have multi uses.
- The pedestrian walk would continue and eventually connecting to the adjoining streets
- Green space would be added
- General seating would be provided and built into the hill
- Provisions were provided for a small concrete platform that some day in the future could be expanded to be a water park spray facility.
- Additional benches, trash receptacles will also be added.

The exact location of these facilities are flexible. The goal is to turn the area into a green space and create a public park facility. Improvements to the water use facilities and the improvements to the walk ability must remain.

As mentioned by City Manager Pasquale in his summary of old business, the project cost has been identified by Design Plus and Williams and Works is \$450,000, seeking a maximum grant of \$300,000. Through the sources identified such as the DDA, Lowell Area Community Fund and LCTV Endowment Fund, if successful this would allow \$150,000 in match.

The grant application includes many items. However, Austin highlighted the following:

- Letters of support from the community. Such would include minutes from public meetings. There are no environmental issues related to this particular area. It will be enhanced with no detrimental components to it.
- Many site photographs have been taken.

The schedule includes the application being due April 1, 2011. Staff will review this over the summer and then come out for a site visit. A recommendation will then be made to the Trust Fund Board in November. If approved, a final stamp will be provided in December. The monies do not become available until the following year when the legislature approves the funding. The City would be looking at construction at the earliest next year.

IT WAS MOVED BY ELLISON and supported by ALTOFT to adopt the resolution to support submission of the application to the Michigan Department of Natural Resources Trust Fund for improvements to the downtown riverwalk area.

YEA: Councilmember Altoft, LaPonsie, Schrauben, Mayor Pro Tem Ellison and Mayor Hodges.

NAY: None. ABSENT: None. MOTION CARRIED.

Item #7. **RESOLUTION ESTABLISHING A THRESHOLD FOR THE CAPITALIZATION OF GENERAL CAPITAL ASSETS OF THE CITY.** City Attorney Richard Wendt explained this is a resolution which the City auditors have requested the City Council adopt. There are some new general accounting principles (GASBE 34) which states municipalities must determine or set a threshold for fixed capital assets and that it depreciates in expenses. The common limit or threshold is \$5,000. Any amount \$5,000 or greater would be capitalized or depreciated over time. Less than \$5,000 would be expensed in any given year. When GASBE 34 was initially adopted, it applied only to the largest of cities or municipalities. Over the last three or four years, it was worked its way down to smaller communities.

IT WAS MOVED BY ELLISON and seconded by LAPONSIE to adopt the resolution establishing a threshold for the capitalization of general capital assets of the City at \$5,000.

YEA: Councilmember Altoft, LaPonsie, Schrauben, Mayor Pro Tem Ellison and Mayor Hodges.

NAY: None. ABSENT: None. MOTION CARRIED.

Item #8. **RESOLUTION APPROVING AND AUTHORIZING EXECUTION OF A LEASE WITH THE LOWELL AREA HISTORICAL MUSEUM.** On March 1, 2011, Mayor Hodges and City Manager Pasquale met with Jim Doyle, President and Pat Allchin, Director of the Lowell Area Historical Museum concerning the renewal of the lease for 325 West Main which expires April 24, 2011.

Through this meeting, the following changes were submitted:

- New 10 year agreement from April 25, 2011 to April 24, 2021 at a rent of \$1 per year
- The Museum provides \$200 per month for operating expenses (previously \$100)
- Acknowledgement of the \$150,000 in building improvements provided by the Museum during the previous term and a minimum of \$10,000 in improvements for the new term.
- Insurance liability limits were adjusted as recommended by the City's carrier.

Mayor Hodges noted the Museum has added a great deal to the community. When he came to the community approximately 29 years ago as the YMCA Director he worked out of the building. The improvements the Historical Association has done have greatly enhanced the building.

Mayor Pro Tem Ellison questioned the amount received through the millage. Pasquale responded it is .25 mill which is approximately \$20,000 per year.

Allchin noted the millage will be revisited on the election ballots again in 2013. Support is received from the City of Lowell as well as the townships.

Allchin noted there are approximately 50 volunteers who provide about 3,800 hours a year.

Councilmember Alftoft noted the millage is reviewed every 10 years and the lease is also reviewed every 10 years. Why not renew the lease for two years until the election. Everything can be done the same year. Alftoft also questioned the utility bills. Has anything been done to try and conserve energy? Allchin responded always. Every door is winterized.

Mayor Pro Tem Ellison believed this was a perfect use to the building. Allchin also noted their educational programs are great and empowers the students to look at our City in a different way.

Councilmember LaPonsie also believed the Museum was a huge asset to the City and was in favor of signing the lease.

Councilmember Schrauben questioned the \$150,000 building improvements from the previous term. Was this required to be placed in the lease? Hodges explained it wasn't required but the building was nothing but a bare structure. Everything on the inside has been done through the Museum's own expense.

Schrauben commented on the insurance being around \$613,000. Pasquale responded this came from the City's insurance carrier. Allchin noted the Museum insures the inside of the building, alarm system, assets.

Schrauben agreed with Alftoft regarding a two year lease this time around.

IT WAS MOVED BY LAPONSIE and supported by ELLISON to approve the resolution to authorize a ten year lease with the Lowell Area Historical Museum as proposed.

YEA: Councilmember Alftoft, LaPonsie, Schrauben, Mayor Pro Tem Ellison and Mayor Hodges.

NAY: None. ABSENT: None. MOTION CARRIED.

Item #9. **SIDEWALK REPAIR UPON RESIDENTIAL SALE ORDINANCE – DISCUSS AND CONSIDER, LIFTING MORATORIUM ON SIDEWALK REPAIRS, INITIATE ENFORCEMENT.**

At its August 17, 2009 meeting, the Council considered a proposed ordinance to require sidewalk repairs at time of residential sale. The Council, at that time, decided not to pursue this. City Manager Pasquale explained the City of Grand Rapids ordinance was presented to the Lowell City Council for review and discussion. During the time of discussion it was decided to defer any action. If the City wishes to pursue this it would have to be placed in the City of Lowell ordinance form.

Councilmember LaPonsie asked if any smaller communities have a similar ordinance. City Attorney Richard Wendt could not think of any. Most communities have an enforcement program. LaPonsie wished there was a way to find grant money to match to help people fix their sidewalks.

Mayor Pro Tem Ellison did not believe it would be a deal breaker if sidewalk repair is required upon sale of a house.

Mayor Hodges suggested Wendt put this into City ordinance form and hold a public hearing for April 18, 2011.

Also, the Council imposed a moratorium on October 18, 2010 meeting until April 30, 2011 on needed sidewalk repairs, due to winter weather concerns. At this time, the Council should consider lifting the moratorium and initiating enforcement.

LaPonsie questioned the willingness of residents to fix their sidewalks. DPW Director DesJarden responded the homeowners have been good about the repairs.

By general consensus, the Council agreed to let the moratorium expire.

Item #10. **RESOLUTION APPROVING A CONTRACT WITH THE MICHIGAN DEPARTMENT OF TRANSPORTATION FOR THE LOWELL AREA RECREATION AUTHORITY PHASE 1 TRAILWAY.** The Michigan Department of Transportation has proposed a contract with the City to initiate work on the first phase of the LARA Phase I Trailway. It was noted that \$273,317.85 in Federal Transportation enhancement Funds have been designated to the \$933,800 project.

Dave Austin of Williams and Works stated the City is one of three community entities that comprise the Lowell Area Recreation Authority. The City was the only Act 51 agency, meaning the only one of three which could take on the role of signatory for the project using MDOT funds. The project will go through the MDOT process on April 1, 2011. Construction would be forth coming in mid May, 2011.

IT WAS MOVED BY LAPONSIE and seconded by SCHRAUBEN to approve the resolution approving a contract with Michigan Department of Transportation for the Lowell Area recreation Authority Phase 1 trailway.

YEA: Councilmember Altoft, LaPonsie, Schrauben, Mayor Pro Tem Ellison and Mayor Hodges.

NAY: None. ABSENT: None. MOTION CARRIED.

Item #11. **WATER SYSTEM IMPROVEMENTS – WEST, HEFFRON AND NORTH CENTER STREETS – AWARD CONTRACT.** Dave Austin of Williams and Works stated on March 15, bids were received for the 2011 water system improvement which involves the replacement of the water main on Heffron, Donna and North Center Street, Ten bids were received to carry out this work. The low bid was CL Trucking & Excavating for a cost of \$186,794.10 as allocated from the Water Fund.

This is the firm that worked on the Sibley Street reconstruction project as well as the east end of Bowes Road.

Councilmember Altoft asked if the street would be narrowed. Austin clarified this is for the water main. There will be a separate contract for the reconstruction of Center Street. A proposal to

narrow this street is being considered. Currently it is 33 feet wide which is abnormally wide for a local street. A standard curb to curb street is 24 feet.

IT WAS MOVED BY ELLISON and seconded by LAPONSIE to accept the bid from CL Trucking & Excavating for a cost of \$186,794.10 concerning the water system improvements on West, Heffron and North Center Streets.

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

Item #12. **REQUEST TO ALLOCATE \$14,000 TO HAVE TWO WATER MAIN VALVES INSERTED INTO THE WATER MAIN.** Bob Robinson from the City of Lowell Water Department explained during the valve exercising program the department found a valve that needs replacing. To replace this valve the City needs to install two new valves. Normally, the water main would be shut off and replace the valve for about \$2,000 in parts, not including labor. In this situation, the department has about 1800 feet of water main affected in this project. After these valves are installed, the department will be able to shut down about 1,000 feet of water main and replace the broken valve. When another valve was being replaced on a hydrant in this location, it was noticed that a customer didn't have enough water flow to maintain a 40psi working pressure needed for this process. This area was called out in water reliability study as one of the locations which needs to have the 4" water main replaced with 8". This water main upgrade is proposed in the new budget.

Councilmember LaPonsie asked if this was specialized work. Robinson responded yes.

IT WAS MOVED BY ELLISON and seconded by ALTOFT to approve the request to allocate \$14,000 to have two water main valves insert into the water main.

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

Item #13. **MONTHLY REPORTS.** Mayor Pro Tem Ellison questioned the report from the Wastewater Treatment Plant, which has exceeded permit limits. Was this because of the flooding? City Manager Pasquale was unsure. He spoke with Mundt and he did mention the flooding. Pasquale does believe that it is under control.

Item #14. **COUNCIL REPORTS AND COMMENTS.** Councilmember Schrauben noted the Airport Board was held on March 8, 2011. There are still some more trees which need to be cut down to meet official general utility status. The Parks and Recreation Commission met on March 19, 2011. There are a couple projects which will be submitted to the LCTV Endowment Fund. One project includes the storage building at Creekside. LARA will also be looking at submitting applications to the LCTV Fund. They are looking for Phase 1 and Phase 2 planning support. Schrauben noted LARA will be present at the Lowell Expo. He also congratulated the FFA team for their performance at the Nationals.

Councilmember LaPonsie noted the Planning Commission will meet on Monday, March 28, 2011 at 7:00 p.m. A public hearing will be held concerning outdoor burning furnaces. The Lowell Area

Fire and Emergency Services Authority met on March 21, 2011. They will be receiving a jaws of life grant from FEMA. The grant will pay for half the project while hopefully the LCTV Fund will pay for the remaining half. Also, there is the possibility of receiving grant money for radios and equipment which are used by the LPD and Fire, DPW, and Lowell Light and Power. Frank Martin found a great deal on a Cascade Air System which will fill up air tanks when the department goes on runs. These normally go for \$36,000. Martin found a used one in great condition for \$9,000. It appears the authority will break even for the year. There is a leak in the fire station roof. LaPonsie also noted March 26, 2011 from 7 to 11 a.m. the fire department will provide a pancake breakfast.

LaPonsie also commented on the walkway which she thought should have been installed from the parking lot to the dog park. DeJarden noted the DPW is planning on installing one.

Councilmember Altoft commented on the Board of Review which was held last week. The CPI went up 1.7 percent. The City will lose a little revenue this coming year because of it. The DDA meets this Thursday.

Mayor Pro Tem Ellison noted it appears the LCTV Endowment Board will be very busy in April, 2011. The Arbor Board will also be meeting in April.

She commented on the picture which was emailed to her from Dave Austin regarding a Kayak launch. It is very exciting and she hopes it works out.

Mayor Hodges noted the Lowell Light and Power Board met on Thursday, March 10, 2011 at 5:30 p.m. Councilmember Schrauben attended the meeting. He said the board adopted their Code of Conduct policy and Board policies. Some of the employees have been attending "The Line of Workers Rodeo". Light and Power is also in the market for a new generator. Also, consideration needs to be made to hold a joint Light and Power meeting. City Clerk Morlock stated she received a call from a Boardmember to confirm the date of the meeting as of next Tuesday, March 29, 2011. Hodges thought this was a possibility, but was not confirmed.

The Chamber of Commerce Board of Directors met on Tuesday, March 8, 2011. They are excited about the Lowell Community Expo on Saturday, March 26 at the Lowell High School. Hodges also noted the Fire Department will hold a pancake breakfast. Also coming is the Riverwalk Festival. The ducks are fading. Therefore, the Chamber of Commerce is considering new ducks.

The LOOK Memorial Fund will not meet for a few more months.

Item #15. **CITY MANAGER'S REPORT.** City Manager Pasquale reported on the following:

1. The following boards and commissions meetings minutes are provided:
 - Chamber of Commerce meeting of February 8, 2011
 - Airport Board meeting of February 8, 2011

2. Remember! The Lowell Expo is scheduled on Saturday, March 26 from 9 a.m. to 3 p.m. Also, the Firefighters Breakfast is planned for the same day from 7-11 a.m.

City Clerk Morlock noted the City of Lowell will also have a booth at the Expo processing passports.

Item #16. **APPOINTMENTS**. Mayor Hodges noted there is one opening to serve on the Planning Commission. Also, the Board of Review has requested there be an alternate position.

IT WAS MOVED BY ELLISON and seconded by LAPONSIE to adjourn to closed session at 8:37 p.m. pursuant to section 8A of the Open Meetings Act.

YEA: Councilmember Altoft, LaPonsie, Schrauben, Mayor Tem Ellison and Mayor Hodges.

NAY: None. ABSENT: None. MOTION CARRIED.

IT WAS MOVED BY ELLISON to adjourn at 8:47 p.m.

DATE:

APPROVED:

James W. Hodges, Mayor

Betty R. Morlock, City Clerk