

**PROCEEDINGS  
OF  
CITY COUNCIL  
OF THE  
CITY OF LOWELL  
MONDAY, AUGUST 5, 2013, 7:00 P.M.**

**1. CALL TO ORDER; PLEDGE OF ALLEGIANCE; ROLL CALL**

The Meeting was called to order at 7:00 p.m. by Mayor Hodges and City Clerk Morlock called the roll.

Present: Councilmembers Chris Schwab, Jim Hall, Andrew Schrauben, Sharon Ellison and Mayor Jim Hodges.

Absent: None.

Also Present: City Clerk Betty Morlock, City Treasurer Sue Olin, Department of Public Works Director Dan DesJarden, Chief of Police Barry Getzen and Williams & Works Engineer Andy Moore.

**2. APPROVAL OF THE AGENDA**

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

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

**3. APPROVAL OF MINUTES OF PREVIOUS MEETING(S)**

A. July 15, 2013 – Regular Meeting

IT WAS MOVED BY HALL and supported by SCHRAUBEN to approve the regular minutes of the July 15, 2013 meeting as corrected.

YEA: 4. NAY: 0. ABSTAIN: 1. (Ellison) ABSENT: 0. MOTION CARRIED.

B. July 15, 2013 – Closed Session

IT WAS MOVED BY HALL and supported by SCHRAUBEN to approve the closed session minutes of the July 15, 2013 meeting as written.

YEA: 4. NAY: 0. ABSTAIN: 1. (Ellison) ABSENT: 0. MOTION CARRIED.

**4. APPROVAL OF ACCOUNTS PAYABLE**

IT WAS MOVED BY ELLISON and supported by SCHRAUBEN that the bills and accounts payables be allowed and the warrants issued.

YEA: Councilmembers Schwab, Hall, Schrauben, Ellison and Mayor Hodges.

NAY: 0. ABSENT: 0. MOTION CARRIED.

BILLS AND ACCOUNTS PAYABLE (08/05/2013)

GENERAL FUND	\$108,199.02
MAJOR STREET FUND	2,036.09
LOCAL STREET FUND	659.48
DOWNTOWN DEVELOP	2,256.33
AIRPORT FUND	3,106.89
WASTEWATER FUND	46,917.51
WATER FUND	8,744.95
DATA PROCESSING	2,318.68
EQUIPMENT FUND	2,382.10
CURRENT TAX COLL	59,877.53

5. **CITIZEN COMMENTS FOR ITEMS NOT ON THE AGENDA**

No comments were received.

6. **OLD BUSINESS**

A. **PENDING COUNCIL PROJECTS REPORT**

City Manager Howe noted sidewalk reconstruction has begun on the east side going west and Ridgeview will be the connector to LARA's Lowell Area Trail Way.

Howe also noted the contractor cleaning and televising the lines in the flood area will be issuing a report in the near future with recommendations on the areas that need improvements and types of improvements that would be most cost effective.

7. **NEW BUSINESS**

A. **NORTH KENT TRANSIT SERVICES CONTRACT**

The City has allocated \$3,000 of our Community Development Block Grant toward North Kent Transit Services to provide transportation for senior citizens and the disabled. The services are provided by Hope Network West Michigan who contracts with the city to receive the funds and provide the services. The contract is for a one-year period beginning July 1, 2013.

IT WAS MOVED BY ELLISON and supported by HALL to approve the contract with Hope Network West Michigan to provide transportation services through North Kent Transit for Lowell city residents for a one year period beginning July 1, 2013.

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

B. **RESOLUTION 12-13 AMENDING RESOLUTION 03-13 PLACING AMENDMENT TO SECTION 4.1(C) OF CHAPTER 4 OF THE CITY CHARTER BEFORE THE VOTERS AT THE NOVEMBER 5, 2013 GENERAL ELECTION**

City Manager Howe explained that items (b) and (c) are related so he provided an explanation for each item here even though separate action will be needed for both resolutions. Council had previously adopted resolutions that would put a charter amendment before city voters at the November election that will clarify when newly elected council members begin their term of office. There are conflicting provisions in the charter because it requires the council's organizational meeting to be held in January of each year with council terms beginning on Monday following the election in November. There is this gap between November and January where, theoretically, Council had not selected a Mayor. The past practice has been that council members would not start their terms of office until January but following the last election we found that to be inaccurate as well as the inconsistencies stated above.

The prior resolution adopted was reviewed by the Attorney General's office who stated that we had to resolve the conflict for council members, who are currently elected to terms that end in November, 2013, and November, 2015. The city attorney has worked with the Attorney General's office and they have approved the language being presented to you.

IT WAS MOVED BY HALL and supported by SCHRAUBEN to adopt Resolution 12-13 as presented.

YEA: Councilmembers Schwab, Hall, Schrauben, Ellison and Mayor Hodges.

NAY: 0. ABSENT: 0. MOTION CARRIED.

C. **RESOLUTION 13-13 AMENDING RESOLUTION 04-13 PLACING AMENDMENT TO SECTION 4.9(A) OF CHAPTER 4 OF THE CITY CHARTER BEFORE THE VOTERS AT THE NOVEMBER 5, 2013 GENERAL ELECTION**

IT WAS MOVED BY ELLISON and supported by SCHRAUBEN to adopt Resolution 13-13 as presented.

YEA: Councilmembers Schwab, Hall, Schrauben, Ellison and Mayor Hodges.

NAY: 0. ABSENT: 0. MOTION CARRIED.

D. **RESOLUTION 14-13 PLACING AMENDMENT TO SECTION 13.3(A) OF CHAPTER 13 OF THE CITY CHARTER BEFORE THE VOTERS AT THE NOVEMBER 5, 2013 GENERAL ELECTION**

City Manager Howe noted the charter currently limits the council's authority to contract to ten years. This becomes problematic when considering contracts with other units of government where state law allows longer terms or for the sale or lease of property when infrastructure improvements are needed on the property. The most recent case in point is the lease of a portion of the parcel behind the Moose Building where the DDA would like to construct a new parking lot. An investment in asphalt and curb and gutter that might last 30 years does not make sense when the lot can only be leased for a 10-year period.

The language being proposed would extend the authority to contract for periods longer than 10 years under limited circumstances.

IT WAS MOVED BY ELLISON and supported by HALL to adopt Resolution 14-13 as presented.

YEA: Councilmembers Schwab, Hall, Schrauben, Ellison and Mayor Hodges.

NAY: 0. ABSENT: 0. MOTION CARRIED.

E. **ORDINANCE NO. 13-03, ZONING ORDINANCE AMENDMENT – CHAPTER 20: SIGNS**

City Manager Howe noted the planning commission has spent several months working on revisions to the sign section of the zoning ordinance. A memo from Brian Wegener of Williams and Works outlining the major changes was included in the agenda for Council.

IT WAS MOVED BY ELLISON and supported by HALL to adopt Ordinance No. 13-03 to amend Chapter 20 of the Zoning Ordinance.

YEA: Councilmembers Schwab, Hall, Schrauben, Ellison and Mayor Hodges.

NAY: 0. ABSENT: 0. MOTION CARRIED.

F. **ZONING BOARD OF REVIEW**

- i. Variance Requests: 403 W Main Street –BP Gas Station

Mayor Hodges turned the meeting over to Zoning Board of Appeals Chairperson Hall.

Beacon Blvd Corporation has requested several variances to the zoning ordinance for a site plan that will be reviewed by the planning commission. A memo from City Planner Andy Moore of Williams and Works was provided in the agenda.

Chairman Hall opened the public hearing.

John Tenpas, PE from Driesenga & Associates, Inc. explained the proposed project and briefly reviewed the site plan.

No other comments were received; Chairman Hall closed the public hearing.

IT WAS MOVED BY SCHRAUBEN and supported by ELLISON to approve the variances as requested.

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

ZBA Chairman Hall turned the meeting back over to Mayor Hodges.

## 8. COUNCIL COMMENTS

Councilmember Schwab noted the Fire Authority Board is not meeting in August.

Councilmember Hall noted the Planning Commission will be meeting on August 12 and the Downtown Historic District Commission had to table the topic of their July 23<sup>rd</sup> meeting because the petitioners were not present.

Councilmember Schrauben noted the Airport Board will meet on August 6 and the Parks and Recreation Commission met on July 26<sup>th</sup> at Creekside Park and discussed capital improvements and the Creekside Kingdom. LARA had a trail cleanup day on Wednesday, July 31 and he and his son, Henry helped. Schrauben also gave a big thank you to Gary Goff for organizing this event.

Councilmember Ellison stated she had no committee reports but is enjoying the summer concerts and happy that the sidewalk project is underway. Ellison also requested a copy of the Riverwalk plan be posted outside for the public to see.

Mayor Hodges noted that Light and Power's Board meeting will be held on August 15<sup>th</sup> but he did read an email received from Light and Power Manager Greg Pierce giving a brief update and praise on the Solar Combustion turbine. Tuesday, July 30<sup>th</sup> the solar turbine and generator were fired up and ran smoothly. It was a great day. Several minor adjustments had to be made during the afternoon before actual "lift-off", but all in all it took minimal time and effort to get everything adjusted for ignition. The Caterpillar-Solar Rep had been here for several days going through testing procedures before attempting start-up and was pleased with the advanced preparations and the way the turbine performed while running. A huge thank you and congratulations go out to Dou Barnes, Tom Russo and the rest of LLP outside staff for their efforts to bring this project to fruition.

Hodges also thanked Susan Maxwell Stevens for the great job of writing the city's monthly newsletter. Hodges also mentioned the Vietnam Legacy Ride, that started as "A Welcome Home For Our Vietnam Veterans" by a small group of motorcycle riders led by Doran Jaffas now consist of hundreds of motorcycle riders, that rolled through West Michigan starting in Lansing and ending in Lowell on Saturday, August 3<sup>rd</sup> ending at the Lowell Showboat stage for a brief ceremony. The Lowell Area Chamber of Commerce golf outing to benefit the Ivan K. Blough Scholarship Foundation will be on Friday, August 9<sup>th</sup> at Tyler Creek Golf Course and the Kent County Youth Fair is this week, August 4<sup>th</sup> through the 17<sup>th</sup>.

## 9. MANAGER'S REPORT.

1. The City is in the design phases of resurfacing Sibley Street from Valley Vista to Ridgeview and is still on target for construction yet this fall. In the meantime, a grade inspection meeting is being held this month on the Bowes Road project (from M-21 to where 2012 construction ended) and we are on track to have that project completed in the spring.
2. MDO'T has put the left turn signal at Hudson and Main Streets on hold yet again. There is discussion with the potential purchaser of the former Blue Ribbon Feed property to acquire an easement for a right turn lane on Main Street heading east. If the easement is acquired, the pole for the left turn signal would be moved back.

3. City Manager Howe is meeting with FEMA to discuss the potential reimbursement of our costs relating to the record flood. Howe should be able to provide more of an update at the Council's next meeting.
4. Howe has identified an Operations Team consisting of all supervisors to help further develop the work plan for our Strategic Plan. We have met twice and are meeting on a monthly basis. Howe will keep Council updated on our progress. In the meantime, we may want to schedule workshops for September and October to begin reviewing the plan and updating it. This schedule should coincide nicely with the work of the Operations Team.
5. The police department has been working on zoning and nuisance ordinance compliance. A code enforcement report was presented to Council. A postcard was developed to send to property owners who voluntarily comply with zoning and/or nuisance code violations.
6. We are currently repainting the hallways in city hall in preparation for new carpet that is being funded through the Look Memorial Fund. Special thanks to Police Clerk Theresa Mundt for her extra effort and the great paint job.
7. Staff has cleared an area along the river at the fairgrounds for tent camping. Our partners at the North Country Trail Association are excited about marketing this to through-hikers.
8. Just a reminder to the public that video access to Council, Planning Commission, Downtown Development Authority and Light & Power Board meetings is no longer available through the WLHS website, but they are available on Comcast.
9. Police Chief Barry Getzen announced that he will be leaving serving the City and retiring sometime in November, 2013. He has a few projects he would like to complete before leaving. He thanked City Manager Dave Pasquale for hiring him and thanked City Manager Mark Howe for his support during his employment with the City.

City Manager Howe thanked Chief Getzen for his service and he will be greatly missed. The Council thanked Getzen for his leadership and a job well done.

10. **APPOINTMENTS.**

No appointments were made.

11. **CLOSED SESSION**

A. Union Negotiations

IT WAS MOVED BY ELLISON and supported by HALL to move to closed session at 8:11 p.m. as allowed under the Open Meeting Act MCL 15.268 (c) to discuss union negotiations.

YEA: Councilmembers Schwab, Hall, Schrauben, Ellison and Mayor Hodges.

NAY: 0. ABSENT: 0. MOTION CARRIED.

Council returned to open session at 9:38 p.m.

IT WAS MOVED BY HALL to adjourn at 9:39 p.m.

DATE:

APPROVED:

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James W. Hodges, Mayor

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Betty R. Morlock, City Clerk