

**PROCEEDINGS
OF
CITY COUNCIL
OF THE
CITY OF LOWELL**

For the Regular Meeting of **MONDAY, JULY 20, 2009.**

The Meeting was called to order at 7:30 p.m. by Mayor Hodges and City Clerk Betty Morlock called Roll.

Present: Councilmembers Altoft, Ellison, LaPonsie, Mayor Pro Tem Pfaller and Mayor 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 Generation Power/Safety Director Tom Russo, Arbor Boardmember and Lowell Light and Power Boardmember Jim Hall, Lowell Light and Power Boardmember Greg Canfield and Planning Commissioner Andrew Schrauben.

Item #1. **APPROVAL OF AGENDA.** Councilmember Altoft requested Item #7 – Sidewalk Repair Upon House Sale Program be deferred until the August 17, 2009 meeting.

Altoft asked for meeting minutes from several years ago when the Council originally reviewed sidewalks regulations issues.

IT WAS MOVED BY ELLISON and seconded by LAPONSIE to approve the agenda as adjusted.

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

Item #2. **APPROVAL OF THE MINUTES OF THE JULY 6, 2009 REGULAR MEETING.**

IT WAS MOVED BY PFALLER and seconded by LAPONSIE to approve the minutes of the July 6, 2009 regular meeting as corrected.

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

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

IT WAS MOVED BY ELLISON and seconded by ALTOFT that the bills and accounts payable be allowed and the warrants issued.

YEA: Councilmembers Altoft, Ellison, LaPonsie, Mayor Pro Tem Pfaller and Mayor Hodges.

NAY: 0. ABSENT: 0. MOTION CARRIED.

<u>BILLS AND ACCOUNTS PAYABLE (07/20/09)</u>	
GENERAL FUND	\$161,080.55
MAJOR STREET FUND	454.99
LOCAL STREET FUND	1,239.73
HISTORIC DISTRICT FUND	1,566.00
DDA FUND	200.32
AIRPORT FUND	3,203.94
WASTEWATER FUND	15,633.17
WATER FUND	10,599.93
DATA PROCESSING FUND	252.00
EQUIPMENT FUND	2,401.69

Item #4. **CITIZENS COMMENTS FOR ITEMS NOT ON THE AGENDA**. Greg Canfield of 403 N. Washington provided an update on 115, 117 and 119 W. Main Street. A permit application has been sent to the Michigan Department of Environmental Quality for a minor project. Engineering plans have also been submitted. The DDA agreed to contribute \$30,000 toward the repair of the wall along the roadway, pending approval from City Attorney Richard Wendt. City Manager Pasquale stated this has been reviewed with Wendt and is allowable as it is considered public improvement. Canfield's contractor will be used for this work. Wendt will submit a letter to the DDA.

Canfield had hoped to lower the water slightly to make construction easier. However, there is an endangered mussel species in the river and the work will have to be done at the current water level.

During the July 6, 2009 City Council meeting, Mayor Hodges requested an estimated price for placement of a bike rack at City Hall. DPW Director Dan DesJarden received an estimate of \$140. He suggested it be placed where the bench currently is in front of City Hall.

DesJarden also noted Laurels of Kent has requested a street light be placed at the end of North Center Street. Lowell Light and Power provided an estimate of approximately \$203. This includes installation, materials and labor. After discussion with Lowell Light and Power staff, it is suggested the mercury vapor be converted to a CFL, running approximately \$26 a year for energy.

By general consensus, the Council agreed.

Item #5. **ATTWOOD CORPORATION – APPLICATION FOR AN INDUSTRIAL FACILITIES EXEMPTION CERTIFICATE UNDER PUBLIC ACT 109 – ESTABLISH PUBLIC HEARING DATE (8/3).** Attwood Corporation will be consolidating the Motor Guide operation (manufacturing and assembling of trolling motors) from Tulsa, Oklahoma to the Lowell facility. This will increase employment from its present 138 positions adding 50 within two years providing a grand total of 172.

The cost of the machinery and equipment of their project is \$1,191,221. Under the current City policy, this qualifies for 12 years of 50% tax abatement under Public Act 198 which Attwood seeks in the application.

A public hearing should be established for the August 3, 2009 meeting.

Chris Drees of Attwood Corporation explained the company is trying to bring employment into Lowell. He noted 138 were employed last year. Twenty-eight positions were added this year and they have committed to 40 new positions. With this move and the consolidation, they are targeting 51 positions by the end of seven years. Lowell is a great place to relocate a business and Attwood is very excited about the project.

Upon approval, the project would be completed by October 30, 2009. Hiring would begin as early as this month.

IT WAS MOVED BY PFALLER and seconded by LAPONSIE to establish a public hearing for August 3, 2009 regarding the application for an Industrial Facilities Exemption Certificate for Attwood Corporation.

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

Item #6. **ALLOWING ANIMALS (DOGS) IN OAKWOOD CEMETERY – PUBLIC HEARING.** The issue of allowing dogs in the cemetery was discussed in June. Under the current Cemetery Rules and Regulations, Section 3.8 (f), “bringing animals, except those assisting blind or deaf persons, into the cemetery or any of its buildings” shall be avoided.

At the June 15, 2009 meeting the Council determined to hold a public hearing on this proposal. After receiving public comments, the Council may consider amending these rules if so desired.

Andrew Schrauben of 755 Grindle supported the idea of allowing dogs. He ran his dogs through the cemetery many times prior to realizing dogs were not allowed. Many people consider their dogs part of their family. Dog owners have also earned much respect lately with the support of the dog park and the way it has been treated and maintained.

Schrauben noted all dog owners should leash and clean up after their dogs when walking through the cemetery.

DPW Director Dan DesJarden believed a cemetery is a sacred place and animals should not

be allowed. He was concerned with owners not cleaning up after their dogs. DesJarden noted no dogs are allowed on the beach at Stoney Lakeside Park. There are certain areas within the City where restrictions should be placed for the respect, health and welfare of its residents.

Councilmember Ellison asked if there were many problems with dogs being allowed in the cemetery at this time. DesJarden responded yes. He sees dog waste on a daily basis. There are over 100 acres of park land within the City where one can walk their dogs.

Barb Barber of 318 King agreed with DesJarden. She is a dog owner and always carries a bag when her dog is walked. However, there are many people who go over to the school grounds to run their dogs and do not clean up after them. If the ordinance will be rewritten, she would like to see some wording changed. She commented on site and hearing dogs and noted there are all other types of service dogs which should also be included.

City Clerk Morlock received an email from Jim Hall, 724 N. Monroe noting he did not believe dogs should be allowed in the cemetery.

Councilmember LaPonsie stated the dog park has a separate purpose other than walking a dog. She did not believe it would be a problem to have dogs walked in the cemetery and would support the change.

Mayor Pro Tem Pfaller opposed the change. There are many places for dogs to be walked. He agreed with DesJarden. A cemetery is a sacred place and should not be turned into an exercise ground for animals.

Councilmember Ellison did not believe more people would walk their dogs through the cemetery if dogs were allowed. Nor did she believe allowing dogs in the cemetery would be disrespectful.

Councilmember Altoft stated other communities allow dogs in their cemetery. If the ordinance is not changed, he would then want it enforced. Altoft was in favor of changing the rules. He also received a couple emails indicating support for the change.

Mayor Hodges believed the cemetery is a sacred place and dog traffic should not be allowed. LaPonsie agreed the cemetery is a sacred place. However, she did not see how walking a dog makes it a less sacred place.

Pasquale noted this is not in the ordinance, but rather a cemetery rule. He also said the rules state animals, which means more than just dogs. Ellison suggested "bringing animals other than dogs".

Pfaller questioned Cemetery Sexton Don DeJong feeling regarding this situation. DesJarden believed DeJong did not think a cemetery was a place for dogs.

City Clerk Betty Morlock stated she did not care for dogs to come and lift their legs on her son's marker. The marker and plants can not be cleaned up. LaPonsie stated she would

support limiting the walking of dogs on the walkways only. Pfaller was unsure how this would be enforced.

IT WAS MOVED BY ALTOFT and seconded by ELLISON to change the cemetery rules allowing leashed dogs to be walked on the walkways throughout the cemetery.

YEA: 3. (Altoft, Ellison and LaPonsie) NAY: 2. (Pfaller and Hodges)
ABSENT: 0. MOTION CARRIED

Pasquale confirmed the change (F) – bringing animals on a leash on walkways only.

Item #7. **SET CITY COUNCIL WORK SESSION DATE FOR GOAL SETTING.** At the request of Mayor Pro Tem Pfaller, a date needs to be determined for a work session on goal setting.

By general consensus, the Council agreed to meet on Monday, August 31, 2009 at 7:00 p.m.

Item #8. **MONTHLY REPORTS.** Mayor Pro Tem Pfaller inquired regarding the infiltration of unmetered water into the wastewater system. DPW DesJarden stated there is one more firm who will provide a quote to review the river crossing when it floods. DesJarden stated it will cost approximately \$30,000 to take care of three man holes and the pipes which are in between.

Item #9. **COUNCIL COMMENTS.** Councilmember Altoft questioned the current contract with IMS. City Manager Pasquale stated the City has a five year agreement, which was approved last year. Altoft stated he has received a few complaints from various builders. Maybe a review should be done. Pasquale stated he has had no complaints directed to him. If there are any concerns, Building Inspector Doug Hopkins deserves a chance to explain.

Mayor Pro Tem Pfaller stated this could be discussed during the work session.

Councilmember Ellison inquired regarding the Jackson/Division street sign change. DesJarden stated City Clerk Morlock sent all the paperwork to the County. The change is in process.

Councilmember LaPonsie indicated she has only received one complaint regarding IMS in all her years of serving on the Planning Commission. She noted it was years ago and supports the work he had done.

LaPonsie stated the Riverwalk Festival was great and everyone did a good job.

Mayor Pro Tem Pfaller referred to the two homes built on Center Street on the west side of the road. The sidewalk was tore up when lines were ran and has not yet been repaired. DesJarden responded this is a Consumers Gas line. He has called them several times to have

this repaired.

Pfaller thanked Laurels of Kent for sponsoring the fireworks. He also enjoyed his afternoon judging the pet parade at Laurels of Kent.

Pfaller congratulated James Hinton and his Xtream Softball group. They played 76 games. There were 30 teams from organizations 100 miles away.

Pfaller also questioned the whereabouts of the cannon which was taken from the cemetery for refurbishing years ago. DesJarden stated the cannon is locked and stored at the DPW. It is still in the process of being refurbished. City Clerk Morlock stated money is still being raised to finish the refurbishing.

Mayor Hodges stated the Riverwalk Festival was wonderful. The fireworks were terrific and he thanked Laurels of Kent for sponsoring them.

Also, one year ago, Mayor Jeanne Shores was stricken with cancer. He requested cards be sent to her for continued success in her recovery at the following address:

Fountain View
Jeanne Shores
Room #13
11535 East Fulton

Please keep Shores in your prayers. The City is grateful to all she has contributed.

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

1. The following boards and commissions meetings minutes are enclosed:
 - LCTV Endowment Fund Board meeting of June 23, 2009
 - Arbor Board meeting of June 15, 2009
 - Airport Board meeting of June 2, 2009
 - Downtown Development Authority meeting of June 4, 2009
2. Police Chief Hinton requested that the following issues be raised for Council direction:
 - Modification of the ORV ordinance
 - Updating parking fines

Hinton reported Mayor Pro Tem Pfaller had brought up the issue of ORVs within the City as well as the deer hunting ordinance in the early winter of 2008. He questioned how the Council wished to proceed with the ORV ordinance update. Councilmember LaPonsie confirmed the ORVs were prohibited and asked what the request was. Pfaller

did not believe there should be restrictions on them. LaPonsie liked the idea of ORVs being restricted. Councilmember Ellison agreed with LaPonsie.

Hinton also raised concerns regarding parking within the downtown area. There are many violating the two hour parking law. He believed the parking fees needed to be updated in order to get voluntary compliance. Hinton wanted to review other cities fee schedule to see what would be appropriate. Mayor Hodges believed this would be a good idea.

3. The Riverwalk Festival was a success. Remember "River Revelry" sponsored by the Lowell Area Arts Council on Saturday, July 25 from 7 – 11 p.m.
4. At its July 16, 2009 meeting, the Downtown Development Authority allocated \$30,000 toward stabilizing the riverbank, securing the front wall along 117 and 119 West Main, subject to City Attorney review.

DDA Chairman Jim Reagan explained with the condemnation of the buildings recently purchased by Greg Canfield, the entire west bank of the river was examined. It is continuing to deteriorate. The DDA has pursued an engineering company who will provide suggestions of what should be done to the west bank.

Item #11. **APPOINTMENTS**. None.

IT WAS MOVED BY PFALLER to adjourn at 8:27 p.m.

DATE:

APPROVED:

James W. Hodges, Mayor

Betty R. Morlock, Clerk