

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

For the Regular Meeting of MONDAY, **MARCH 1, 2004**

The Meeting was called to order at 7:30 p.m. by Mayor Shores and the City Clerk called Roll.

Present: Councilmembers Hodges, Mathews, Myers, Pfaller and Mayor Shores.

Absent: None.

Also Present: City Manager Dave Pasquale, City Clerk Betty Morlock, Police Chief Jim Valentine, Public Works Director Dan DesJarden, Fire Chief Frank Martin, Police Officer James Hinton, Planning Commission Chairman Clark Jahnke and Intern Student Justin Peterson.

IT WAS MOVED BY MYERS and seconded by PFALLER that the minutes of the February 17, 2004 regular meeting be approved as written.

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

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

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

<u>BILLS AND ACCOUNTS PAYABLE (03/01/04)</u>	
GENERAL FUND	\$123,323.23
MAJOR STREET FUND	914.21
LOCAL STREET FUND	893.51
DDA FUND	2,300.39
BUILDING & SITE FUND	42,940.00
WASTEWATER FUND	1,531.06
WATER FUND	182,186.14
EQUIPMENT FUND	1,553.85
CURRENT TAX FUND	584,351.81

Item #1. **PROPOSED ZONING ORDINANCE AMENDMENTS REGARDING FENCES AND WALLS AND PRIMARY ACCESSORY BULDINGS – ADOPT OR ESTABLISH A PUBLIC HEARING DATE (3/15)**. Over the past several months, the Planning Commission has reviewed several sections of the Zoning Ordinance involving fences, walls and primary accessory buildings. Of note, the amendments include:

- Adds a new subparagraph detailing walls and fences must be kept in good repair and condition.
- Driveways to accessory buildings (garages) must be hard surfaced. The definition of hard surfaced states these must be a pavement of poured cement or rolled asphalt or such

surfaces approved by the Planning Commission.

- Driveways need to be a minimum of ten feet in width and twelve feet for a new curb cut. The intent of the driveway ordinance is provided.

At its meeting of February 23, 2004, the Planning Commission unanimously recommended to the City Council these amendments be approved after holding a public hearing. The Council may adopt these amendments at this meeting or set a hearing for the March 15 session.

Planning Commission Chairman Clark Jahnke explained there was discussion about agricultural style fences, such as chicken wire. He was unsure if this should be included. Mathews believed discussion was held to restrict this type of fencing. Pasquale stated this text could be included.

IT WAS MOVED BY MATHEWS and seconded by HODGES to set a public hearing for March 15, 2004 concerning the proposed zoning ordinance amendment regarding fences and walls and primary accessory buildings.

Mathews requested the agricultural style fences such as chicken wire not be allowed.

Councilmember Pfaller questioned if agricultural style fencing would only be restricted from the front yard. Jahnke explained there has been much discussion about the woven wire fences. He believed the intent was to restrict it in all areas.

Candice Fleszar - Smith of 417 Howard stated she has been working on the issue for more than a year. The direction of the discussions went if an individual needs a fence such as wire fences, a chain link can be installed. Concerns with the farm type of fences included the looks of them.

By consensus, the Council included the wording "farm type fences are allowed on farmland in residential districts within the proposed ordinance amendments".

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

Item #2. **STRIKING OF DELINQUENT PERSONAL PROPERTY TAXES.** City Treasurer Sue Olin has requested that three businesses' 1998 delinquent personal property taxes be stricken. As noted in her memo, one business ceased operations filing bankruptcy, while the other two were turned over to a collection agency and efforts to collect were exhausted.

The City's portion lost is \$539.25. City Manager Pasquale recommended the City strike these taxes.

IT WAS MOVED BY HODGES and seconded by MYERS to strike the delinquent personal property taxes of three businesses amounting to \$539.25.

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

Item #3. **AMENDMENT TO THE HISTORIC DISTRICT ORDINANCE DELETING THE REQUIREMENT INVOLVING A MEMBER OF THE HISTORIC DISTRICT COMMISSION BE ON THE PLANNING COMMISSION – SET A PUBLIC HEARING DATE (3/15).** During discussion with Planning Commissioner Jim Hall to fill a vacancy on the Historic District Commission, he pointed out a Planning Commissioner may not hold another municipal office except as a member of the Zoning Board of Appeals according to the Municipal Planning Act (P.A. 285 of 1931). After a review by City Attorney Richard Wendt, he concurred.

Thus, an ordinance was prepared which deletes the Planning Commissioner requirement which had conflicted with State Law.

IT WAS MOVED BY PFALLER and seconded by MYERS to set a public hearing for March 15, 2004 to consider the amendment to the historic district ordinance.

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

Item #4. **LOWELL AREA FIRE DEPARTMENT – ENDORSEMENT OF LOWELL AREA COMMUNITY FUND GRANT APPLICATION TOWARD PURCHASE OF NEW PUMPER AND UPDATE REGARDING FEMA GRANT.** Fire Chief Frank Martin explained the Kent County Fire Commission has approximately \$168,000 available for the City of Lowell toward the purchase of a new fire pumper truck. However, the lowest bid meeting specifications was \$285,000 from Spencer Manufacturing which is identical to the one purchased in 2001. The department has held off awarding the bid until the middle of June in the hope of a Lowell Area Community Fund grant of \$100,000.

The replacement truck is valued at \$10,000. The remaining balance of \$27,000 would be split between the three units of government based upon receiving funds from the Lowell Area Community Fund.

IT WAS MOVED BY PFALLER and seconded by HODGES to endorse the Lowell Area Fire Departments request for the Lowell Area Community Fund for a grant of \$100,000.

YEA: 4. NAY: 0. ABSTAIN: 1.(Councilmember Myers) MOTION CARRIED.

Councilmember Myers noted he would abstain from voting on the issue as he serves as a trustee on the Lowell Area (Englehardt) Community Fund. He would also abstain from voting when the issue is presented to the Committee.

Martin went on to explain the Fire Department has applied for a Federal Emergency Management Agency grant for the past three years. The application included a breathing apparatus for the fire fighters and an exhaust system at the fire station. In December, 2003 the department was awarded \$69,030. The total grant was \$76,700 and the three units of government will come up with the 10 percent difference. Both Lowell and Vergennes townships have indicated monies are available in their Community Development Block Grant Funds. City Treasurer Sue Olin has also indicated the City's share is already set aside.

Shores inquired how often would the breathing apparatus have to be replaced. Martin responded every 25 years, if not longer.

Item #5. **CONTRACTED SERVICES – CITY ATTORNEY – FURTHER REVIEW**. As requested by Council, information regarding request for proposal involving legal services has been secured from East Grand Rapids, Rockford, Marshall, Grand Haven and Battle Creek. Copies of these documents were provided to each Councilmember. Also, information regarding current costs of these services was gathered from several neighboring communities.

Councilmember Hodges suggested tabling the issue for further review.

By general consensus, the Council agreed.

Item #6. **CITIZEN COMMENTS**. David Hildenbrand explained he is a candidate for State House of Representatives, 86<sup>th</sup> District. He is a Republican candidate and will be running this summer to replace Jim Koetje who is term limited. The 86<sup>th</sup> House seat includes Lowell, Ada Township, Grand Rapids Township, East Grand Rapids and Walker. Hildenbrand noted he is currently working with State Senator Bill Hardiman as Chief of Staff.

Hildenbrand graduated from Lowell High School 12 years ago and has been a life long resident of the community. He has eight years of experience in Lansing, which he believes would be beneficial to Kent County.

Jim Decenzo as a board member on the Chamber of Commerce questioned who would purchase the fire pumper. Fire Chief Frank Martin responded the Kent County Fire Commission.

Item #7. **COUNCIL COMMENTS**. Councilmember Mathews stated he would like to revisit reconstructing Grindle Drive. He explained there will be much construction in the area. He did not believe there would be much left of the road when the development is completed. City Manager Pasquale stated the Council could revisit the issue and provide updated information.

Pasquale noted he would also provide information concerning the reconstruction of Sibley.

Councilmember Pfaller questioned the missing gates on the dumpster enclosures behind City Hall. Public Works Director DesJarden explained the wind has destroyed each gate four times. A replacement set is being reviewed.

Item #8. **MANAGER'S REPORT**. City Manager Dave Pasquale reported on the following:

1. The following Boards and Commissions meetings minutes were provided.

- Grand Valley Metro Council – Transportation Policy Committee meeting of December 17, 2003. Pasquale noted the committee recommended Bowes Road be added to the urban aid systems map which will eventually make it eligible for federal funding.
  - Planning Commission meeting of January 26, 2004
  - Downtown Development Authority meeting of January 15, 2004
2. The Flat River Grill has requested a temporary liquor license utilizing the Showboat on Friday, May 21, Saturday, June 26, Friday, July 9 and Saturday, August 28 for wine dinners.

The Council had approved this last year though the Showboat was not utilized.

Councilmember Pfaller questioned the charge for rent on the Showboat as well as the necessary insurance to handle such a dinner. Police Chief Valentine explained the establishment's insurance would be extended through the Liquor Commission. Pfaller wanted to ensure the City would have a certificate of insurance to the City's standards and protecting the City from any liability.

By general consensus, the Council agreed.

Item #9. **APPOINTMENTS**. Mayor Shores noted the vacancy on the Planning Commission as well as the Downtown Historic District Commission Interested parties should submit a letter to City Clerk Betty Morlock or herself.

IT WAS MOVED BY MYERS to adjourn at 8:14 p.m.

DATE:

APPROVED:

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C. Jeanne Shores, Mayor

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Betty R. Morlock, Clerk