

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

For the Regular Meeting of MONDAY, **May 3, 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, City Treasurer Suzanne Olin, Lowell Light and Power/Cable TV General Manager Tom Richards and Police Officer James Hinton.

IT WAS MOVED BY PFALLER and seconded by MYERS to approve the minutes of the April 19, 2004 regular meeting be approved as corrected.

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

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

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

BILLS AND ACCOUNTS PAYABLE (05/03/04)

GENERAL FUND	\$113,398.95
LOCAL STREET FUND	3.39
HISTORIC DISTRICT FUND	2,685.00
DDA FUND	624.40
AIRPORT FUND	15.95
WASTEWATER FUND	2,226.45
WATER FUND	2,918.07
EQUIPMENT FUND	6,396.56
CURRENT TAX FUND	150.21
LEE FUND	6,390.40
LOWELL AREA TRAILWAY	1,867.50

Item #1. **REQUEST BY DORLA WEST TO USE THE CITY OWNED PROPERTY AT THE SOUTHWEST CORNER OF JACKSON AND FRONT STREETS FOR A PLANT SWAP.** Dorla West wished to utilize the City owned property located at the southwest corner of Jackson and Front Streets to serve as a site for a plant swap on Saturday, May 8.

West explained this will be the tenth annual plant swap and to be held from 9:00 a.m. to 11:00 a.m. She noted the Garden Club will be participating.

IT WAS MOVED BY HODGES and seconded by MYERS to grant the request by Dorla West to use the City owned property at the southwest corner of Jackson and Front Street for a plant swap.

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

Item #2. **PRESENTATION OF THE ANNUAL REPORT OF THE KENT DISTRICT LIBRARY – ENGLEHARDT BRANCH AND MILLAGE RENEWAL.** Jane Aronson, Branch Librarian of the Englehardt Public Library was present to discuss the annual library report.

With over 80,631 visitors, it was a busy and exciting year. Aronson stated fifty-four percent of Lowell citizens currently have KDL library cards. The library has also increased the number of programs being offered. The branch received a 34 percent increase since 1999 of items checked out from the Englehardt branch. As the circulation grows, the collection also grows. Approximately 1700 items were added in 2003. The collection budget increased 98 percent since 1999. The district has also been concentrating on providing a teen corner throughout the year. Aronson commented on a roof leak near the teen corner. Aronson referred to the on-line catalogue, which has increased the number of holds being placed on books. The community room has had a 33% increase in its total number of occupancies over the past year. The smaller conference room has also increased over the year.

Mayor Shores questioned the number of employees working at the library. Aronson stated she is the only full time employee, while there are six part-time employees.

Councilmember Pfaller asked how the library calculates the number of visitors. Aronson explained the count is based upon the number of individuals walking through the door.

Shores questioned the leak. Aronson stated the building has always had the leak. Pasquale added the leak should be taken care of this spring.

Martha Smart, Director of the Kent District Library, presented a seven minute video explaining the services provided by the library. Smart noted Councilmember Myers serves as Chair of Trustees for the Kent District Library. He is beginning his second four year term. Smart values his work and role as Chair of the Board. Myers has done much for the Englehardt Branch as well as the entire library system.

Charles Myers, Chair of Trustees for the Kent District Library, commented on the upcoming millage vote of August 3, 2004. The ballot will provide a millage renewal of .88 mills as well as a request

for an additional .12 mills bringing the request up to a full one mill. The board is requesting the millage be in place for ten years. The renewal will allow the library to remain in operation. If the full mill is approved, the library would intend to have all library materials on a free basis which includes, DVDs, CDs and other materials which are currently being charged. The best seller items will also be expanded. The service for the blind and physically handicapped will be discontinued, if the full mill is not received. Myers explained a millage of .88 will cost an individual \$44 a year based on a \$100,000 home. A millage of 1.0 will cost an individual \$50 a year. Without renewal of the millage, the Englehardt Library, as well as 18 others would become vacant.

Myers requested a positive vote with both millage requests.

Myers stated the Board will request a proclamation of support during the May 17, 2004 meeting.

Item #3. **ZONING BOARD OF APPEALS.**

- A. 885, 875, 855 and 845 N. Jefferson – G&C Land Co., LLC – lot width variance for one of four single family home lots – set public hearing date (5/17). At its April 26, 2004 meeting, the Planning Commission unanimously recommended the variance be granted reducing each lot width 1.25 feet to 73.75 feet (rather than one lot of 70 feet).

IT WAS MOVED BY HODGES and seconded by MATHEWS to set a public hearing for May 17, 2004 to consider the lot width variance for one of four single family home lots location at 885, 875, 855 and 845 N. Jefferson.

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

Item #4. **REQUEST FOR WAIVER OF SIDEWALK – 1018 RIVERSIDE – DICK AND KATHY NOSKEY.** A request for a waiver of a sidewalk for a new home located at 1018 Riverside (north of Hunt) was presented by Dick and Kathy Noskey.

At its April 26 meeting, the Planning Commission recommended against the sidewalk waiver by a vote of 6 to 1. The Commission believed this sidewalk section will eventually link with walks to be constructed in the future.

Dick Noskey of 1018 Riverside explained he would be constructing a cement island if the sidewalk were installed. He was concerned with liability of the sidewalk as well as upkeep.

Noskey referred to the comment made by Commissioner Hall during the Planning Commission meeting. Hall stated “if we require new construction to have new sidewalks, at least the City of Lowell would have some sidewalks”. Noskey believed this was a good theory, if there was going to be more sidewalk.

Noskey stated he called the surrounding neighbors to see if they wish to install sidewalks. Each answered “no”.

Noskey was concerned about spending \$1,000 on a sidewalk which will never be used.

Noskey stated he is asking for a sidewalk waiver. He noted several new constructed homes in the City have no sidewalks.

Noskey mentioned he would be more than happy to install these sidewalks if the City requested these be placed on every street.

IT WAS MOVED BY HODGES to deny the variance.

Motion died due to lack of support.

IT WAS MOVED BY PFALLER and seconded by MYERS to waive the sidewalk requirement at 1018 Riverside Drive for Dick and Kathy Noskey.

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

Item #5. **REMOVAL OF TREE IN RIGHT OF WAY IN FRONT OF 323 SHERMAN.** Michelle Fallstrom of 323 Sherman Street wished to remove a walnut tree from right of way between Monroe and Washington. It is causing much damage, drops many limbs and debris as well as causing damage to the road.

It is recommended True Vine of Rockford be awarded the project in the amount of \$400.

Councilmember Pfaller asked if the tree would be replaced. Fallstrom stated she planned on placing grass seed down in the area.

Myers would be in favor of the removal, if the tree was replaced.

IT WAS MOVED BY PFALLER and seconded by MYERS to approve the bid from True Vine of \$400 for the tree removal in front of 323 Sherman, contingent upon a new tree being planted outside of the right of way with the homeowner being responsible.

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

Item #6. **WASTE MANAGEMENT – SERVICE REVIEW.** City Manager Pasquale explained there have been some concerns with the service provided by Waste Management. Several pickups have been missed.

Councilmember Mathews stated he has received several calls from concerned residents regarding missed pickups. He also noted it is very difficult to reach an individual at Waste Management.

Waste Management District Manager Jim Bentley stated he would provide the City with his cell number as well as contacts to help with this situation.

He explained a new driver has recently taken over the pickups throughout the City of Lowell and is still learning the job.

Bentley stated he would also provide a two way Nextel phone to City Hall personnel. This would provide direct connect to two managers at Waste Management. The Nextel service would be available for one year.

Bentley suggested complaints about missed pickups be sent to the following email addresses:

- Tgeffer@wm.com
- Jvugtaveen@wm.com
- copy of complaint sent to Jbentley@wm.com

Bentley noted residents on the east side of the river are served on Tuesday and residents the west side of the river are served on Thursday. He stated he would be happy to come back on June 7th for a review. Bentley provided his cell number of 616-292-8007.

Item #7. **CITY HALL – POLICE STATION PROJECT – PROGRESS REPORT FROM FISHBECK, THOMPSON, CARR AND HUBER REGARDING ROOF.** Rick Davis from Fishbeck, Thompson, Carr and Huber (FTC&H) explained his company has been investigating the roof leak in the main lobby of the City Hall – Police Station since last summer. The roof has been flooded and just about all areas has been caulked. Essentially, the roof does not leak. However, it appears there is an area leaking within the walls.

Davis explained during construction, the service door to the roof was turned around to swing the opposite way. In conjunction with Architect Tom Smith, everyone agreed this was a bad idea. A door can not be sealed properly. The door will be removed and reinstalled as originally designed and another water test will be performed. Once the leak is corrected, the insulation on the duct work will be removed and reinsulated with damaged ceiling panels replaced.

Davis noted repair work has also been completed on the minor leak in the Police garage as well as the leak in the Police dispatch area.

Councilmember Pfaller questioned the length of the roof warranty. Davis responded a ten year warranty.

Councilmember Mathews inquired regarding the issues of the gates for the dumpster enclosure. Pasquale stated the gates have been installed. DPW Director Dan DesJarden is continuing to work on payment with the insurance company.

Item #8. **2004 – 2005 BUDGET – PRELIMINARY REVIEW AND ESTABLISH PUBLIC HEARING DATES (MAY 17 AND JUNE 7).** City Manager Pasquale said since the April 19 meeting, the Downtown Development Authority has allocated \$125,000 and the Look Memorial Committee \$15,000 (by consensus instead of \$25,000) toward the City Hall – Police Station Building Authority Bond Issue. This currently leaves \$35,874.35 as a General Fund balance. In order to assist in completing the budget document, Pasquale asked Council opinion on the following items.

- Eliminate conferences \$12,000.00
- Eliminate two proposed police cruisers (lease) \$12,500.00
- Raising millage (currently at 15.83 for operating
Plus 0.25 for the museum - \$83,106 for one mill)
- Solid and yard waste program
 - Have residents pay the entire cost of solid waste
Pickup 93¢ a bag from 80¢ \$6,444.11
 - Have resident pay entire cost of yard waste
Pickup 75¢ a bag from 40¢ \$5,218.35
- Have residents pay for recycling \$2.52 a month
Based on 798 bins \$24,131.52

Councilmember Pfaller suggested increasing both yard waste and solid waste bags to \$1.00.

Councilmember Myers asked if there was a way to communicate with individuals to see how many bins are actually being used. Pasquale stated yes. Pfaller suggested Waste Management be contacted concerning the amount of bins being used.

The City continues to review personnel costs, particularly health insurance.

Police Chief Jim Valentine explained the department can lease two cars for less than what the cost of one car would be out the door. The cars are rotated on a monthly basis to keep mileage at a minimum.

The two cars hoping to be replaced are within the low 100,000 mile range.

Pasquale stated cuts can be made within the conference budget.

IT WAS MOVED BY MYERS and seconded by HODGES to set a public hearing date for May 17, 2004 and June 7, 2004 for purposes of reviewing and adopting the 2004 – 2005 budget.

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

Item #9. **CONTRACT SERVICES.** Councilmember Pfaller stated he is preparing a request for proposal for City Attorney Services. This will be included in the next meeting's packet.

Item #10. **CITIZEN COMMENTS**. No comments were received.

Item #11. **COUNCIL COMMENTS**. Councilmember Mathews stated he received a letter from the public without a name or address. Future letters should include name and phone numbers. Letters will be kept confidential if requested.

Mathews also commented on the house on S. Pleasant Street. The house will be demolished.

Mathews also stated Remax Realty on Bowes Road does not have a paved parking lot. Pasquale explained a paved lot is required under the site plan review. Pasquale noted there is a performance bond. The plan was approved in the winter when the lot could not be paved.

Councilmember Myers commented on the new All State insurance sign placed along Main Street. It seems large.

Councilmember Hodges noted his home number is listed incorrectly in the new directory. Individuals should contact him at 897-6894.

Councilmember Pfaller stated he received a phone call from a resident who wanted to inquire on the Sundry project. Pfaller confirmed the Drain Commission has been contacted and what Sundry needs to do to come into compliance. Pasquale stated yes. Pfaller asked who would be responsible for monitoring the construction water and sewer mains. Pasquale stated periodic inspections will be done by Williams & Works. Pfaller confirmed Sundry is required to install sewer for the Grindle project. Pasquale responded yes.

Pfaller stated he was pleased to see a letter from City Attorney Dick Wendt stating the City is ready to close on the Barton home.

Pfaller questioned the on-street and overnight parking. Police Chief Jim Valentine explained the department is trying to establish a set criteria. Permits can be issued for individuals to park on the street overnight.

Mayor Shores noted garage sale signs should not be placed on posts throughout the City. A notice should be placed in the paper. Valentine will remind the Police Officers.

Item #12. **MANAGER'S REPORT**. City Manager Dave Pasquale reported on the following:

1. The following meetings minutes of the following boards and commissions were provided.
 - Look Memorial Committee meeting of October 15, 2003
 - Downtown Development Authority meeting of March 25, 2004

- Planning Commission meeting of March 22, 2004
- 2. Rob Wade of the Michigan Department of Environmental Quality who handles Soil Erosion and Sedimentation permit locally has said he is checking in the Sundry site regarding drainage. He will meet with City representatives and those from Sundry to determine what needs to be done regarding placement of a culvert.
- 3. Regarding the Richard Anderson development off Grindle, a private street is required for three or more lots. The City is working with the developer to see this is accomplished in a timely manner.
- 4. Mayor Exchange is here with the City of Wayland on Thursday, May 13 and in Wayland on Thursday, May 20.
- 5. The path through Creekside Park is completed. This is a good way for pedestrians to travel.

Item #13. **APPOINTMENTS**. Mayor Shores noted there is still one opening for the Planning Commission. Shores suggested this be advertised on the Lowell Cable Channel.

Shores also noted volunteers are still needed for renovation of the Lowell Showboat.

IT WAS MOVED BY MYERS to adjourn at 9:12 p.m.

DATE:

APPROVED:

C. Jeanne Shores, Mayor

Betty R. Morlock, Clerk