

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

For the Regular Meeting of MONDAY, **JUNE 7, 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, DPW Director Dan DesJarden, City Treasurer Suzanne Olin, Lowell Light and Power/Cable TV General Manager Tom Richards, Police Sergeant Steve Junewick, Police Officer James Hinton, Fire Chief Frank Martin, Water Treatment Plant Superintendent George Regan and Planning Commission Chairman Clark Jahnke.

IT WAS MOVED BY HODGES and seconded by MYERS to approve the minutes of the May 17, 2004 regular meeting as written.

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

IT WAS MOVED BY PFALLER and seconded by MATHEWS 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 (06/07/04)</u>	
GENERAL FUND	\$114,351.10
MAJOR STREET FUND	5,017.73
LOCAL STREET FUND	6,481.79
HISTORIC DISTRICT FUND	8,029.00
DDA FUND	26,263.11
CITY HALL CONSTRUCTION FUND	114,142.50
AIRPORT FUND	12,382.88
WASTEWATER FUND	6,201.09
WATER FUND	44,574.51
DATA PROCESSING FUND	1,333.51
EQUIPMENT FUND	1,925.54
CURRENT TAX FUND	232.87
LOOK FUND	17,600.00

Item #1. **ADOPTION OF THE 2003 – 2004 BUDGET AMENDMENTS.** As required by State Law, the City Council must review and approve final adjustments to the City's operating funds. A list of each affected fund prepared by City Treasurer Sue Olin was provided.

Olin explained payments for disability insurance, sick and accrued vacation were provided after the last budget year, which is why there were many amendments.

City Manager Pasquale explained at the beginning of every budget year a plan is laid out for expenditures and revenues. The majority of the amendments have been provided by City Council actions.

IT WAS MOVED BY PFALLER and seconded by MYERS to adopt the budget amendments for 2003 – 2004.

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

Item #2. **CONSIDERATION AND ADOPTION OF THE 2004 – 2005 OPERATING BUDGET, SET MILLAGE RATE, WATER AND SEWER CHARGES, SOLID AND YARD WASTE CHARGES AND HOLD PUBLIC HEARING.** An initial presentation was provided in April as well as a first public hearing of the budget held during the last meeting. The following actions need to be considered:

- Adoption of the budget. An outline summary was provided.
- Set Millage Rate retaining the same 15.83 mills as last year for operations. Also, 0.25 mills in addition is included for the Lowell Area Historical Museum voted in an election on November, 2002.
- Consider increase in water and sewer rates. A consideration of increasing the readiness to serve charge for water and the debt service charge for sanitary sewer has been proposed.
- Consider an increase to \$1 a bag for trash and yard waste.

As requested, the following are taxable values for each of the jurisdictions:

City of Lowell	\$96,292,475.
Lowell Charter Township	\$137,919,624.
Vergennes Township	\$139,493,494.

Expenditures from the Look and Carr Funds were included as requested.

IT WAS MOVED BY HODGES and seconded by PFALLER to increase the fees for yard waste and trash bags to \$1 each.

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

IT WAS MOVED BY HODGES and seconded by MYERS to adjust the water and sewer rates by \$1 for the readiness to serve and \$1 for the debt service per month.

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

IT WAS MOVED BY MYERS and seconded by MATHEWS to set the millage rate at 15.83 mills in addition to the .25 mills for Lowell Area Historical Association.

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

IT WAS MOVED BY PFALLER and seconded by HODGES to adopt the 2004 – 2005 Operating budget as presented.

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

Councilmember Pfaller asked if there has been any discussion between the City and the townships as far as creating further partnerships. Pasquale explained there is a fire board as well as the Kent District Library. Each of the jurisdictions provides a millage to provide for operations of the library. The library building itself and the maintenance are the City's responsibility.

Councilmember Myers believed it was a good idea to review the distribution of the equalized values.

Olin explained the townships are billed monthly as well as yearly for the number of fire runs. The value of the property is not figured into the calculation of the amount billed.

Pfaller suggested this to be discussed at the next fire board meeting.

Myers noted the Cable TV utility extends beyond the City. He asked if the service was being provided fairly. Lowell Light and Power/Cable TV General Manager Tom Richards stated the original cable investment was made by the City of Lowell and Lowell Light and Power. The expansion of the Cable System was possible with funds which were generated by itself. The City of Lowell maintains the ownership of the system, while the two townships share the service of it. Both the City and the townships receive a 5 percent fee on revenues. The City does not incur any cost to maintain the system.

Mayor Shores wanted discussion to be held concerning parks within the area. Each is used by everyone. However, the City maintains the each park on its own.

No further information was discussed.

Item #3. **CONSIDERATION OF PRIVATE STREET SERVING 911, 925 AND 951 GRINDLE – RICHARD ANDERSON AND FRANK MARTIN.** Single family housing has been developed off Grindle Drive by Richard Anderson and Frank Martin. Since a third house is under construction, the private street requirements must be met (this has been reviewed by the City Attorney). The following is a review based on the current ordinance:

- Application – registered surveyor (rather than engineer) 5 units or fewer waiver requested
 - Right of way shown with utilities
 - No lakes, streams present
 - Location of houses shown
- Design standards
 - Length not to exceed 800 feet – has 850 feet – waiver requested
 - Provide 66 feet of right of way – has 33 feet the first 425 feet of road
 - Complies with local street standards being 36 feet of width providing curb and gutter
 - Has 16 feet of width with valley gutter – waiver requested.

Councilmember Myers questioned the number of units which can be developed on the land. Frank Martin stated four. Currently, the third unit is being developed.

Councilmember Mathews asked if consideration had been given to providing a wider asphalted area allowing better passage of vehicles. Martin explained the new private street ordinance was followed.

IT WAS MOVED BY PFALLER and seconded HODGES to approve the waiver request for using a registered survey rather than engineer for the application regarding 911, 925 and 951 Grindle.

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

IT WAS MOVED BY MYERS and seconded by MATHEWS to approve the waiver request lengthening the private road to 850 feet.

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

IT WAS MOVED BY PFALLER and seconded by HODGES to approve the waiver request of 16 feet of width with valley gutter as well as the entire application for the private road.

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

John VanderWilp of 1264 Fun Street commented concerning the private drive and the development that is taking place on the property. A variance was approved on May 20, 2002 and read as follows:

“Lowell City Council, acting as the Zoning Board of Appeals, granted a variance at 901 Grindle to allow for a 33 foot front yard setback with an additional lot can be created to build a home off of the entrance drive”.

When the Planning Commission considered this matter there were two different issues. First, the Commission had to provide a 33 foot variance in the front yard as well as cutting down the size of the lots and making the lots more in compliance than what these were at the present time.

VanderWilp believed the developers of the property went directly against the spirit of the ordinance. A private drive can only service two separate parcels. However, a private street should have a 66 foot easement. In order to correct the violation, the ordinance should be changed. VanderWilp did not believe there should be any room for a variance. If the City allows the developer to continue, the City must say and confirm that a 33 foot front yard width setback may support four homes or parcels on this particular road.

No further information was provided.

Item #4. **WASTE MANAGEMENT – UPDATE.** Jim Bentley, Waste Management District Manager, was present to discuss issues brought up previously concerning trash, recycling and yard waste issues. Bentley believed such issues have been resolved a better service is being provided. City Clerk Morlock confirmed service is much smoother.

Bentley explained the company tracked the number of recycling containers over a two week period of time. The first week indicated 225 containers were being used while the second week provided for 215. Olin asked if it would be possible to be billed based on the number of bins picked up. Bentley stated this would change the nature of the contract. He would be willing to bill on the number of tons which are dumped. Bentley explained most municipalities charge every single customer regardless if the service is used.

No further information was discussed.

Item #5. **WATER TREATMENT PLANT CLARIFIER REPAINTING – ENGINEERING SERVICES.** Water Treatment Plant Superintendent George Regan explained the clarifier unit is in need of repainting. Regan recommended using Dixon Engineering because of past experience with Lowell and their painting expertise.

Dixon Engineering will charge approximately \$2,500. This includes drawing the specifications and sending out bids. The engineering cost on the project will not exceed 10 percent of the project. The work will not take place until January or February. Regan noted the water would not be softened during this time. The clarifier was last painted in 1989.

Regan noted approximately \$60,000 has been budgeted for the project.

IT WAS MOVED BY MYERS and seconded by MATHEWS to approve a \$2,500 budget for Dixon Engineering Services to undertake the water treatment plant clarifier repainting engineering services.

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

Item #6. **STREETS PROJECTS – FOREMAN AND GEE RECONSTRUCTION AND CENTER AND CLARKE RECONSTRUCTION – BID RESULTS.** Dave Austin of Williams and Works provided the results of bidding for the two separate road projects. First, a total of 10 bids were received for the Foreman and Gee reconstruction. The bids ranged from \$518,539 to \$602,000. The City does not have an award process on an MDOT funded project. The City simply signs an agreement to support the bidding process and initial budget. Austin stated the bid of \$518,539 was approximately 7.6 percent below the engineers estimate. The bids were reviewed by MDOT and found to be accurate as well as the contractor is qualified.

The construction on Foreman Street is eligible for approximately an 81 percent grant from MDOT. The work on Gee Drive from Foreman to the park entrance is a non participating portion. Curb, gutter and storm drain will be added to the park entrance. Also, water main replacement lines will be upgraded from Hudson to Beech Streets.

Austin explained the City will be responsible for approximately \$194,000.

A public information meeting has been held as well as notification placed in the paper and on Cable TV.

Completion is scheduled for August 20, 2004.

The project will be completed in three segments and will include Hudson to Beech, Beech to the railroad tracks and railroad tracks to the park. Truck traffic will be detoured down M21 to Alden Nash to Foreman. Traffic will be open to the park.

Austin noted the project does not include fixing the intersection at Hudson. This would require removal of a house and a few front yards. Because it is an MDOT project, there are specific requirements, one of which the street will no longer be allowed any parking after project completion. There were a couple small trees within the right of way which will be removed. Some of the sidewalk ramps will have to be modified to meet federal requirements for Americans with Disability Act.

The railroad crossing tracks will be improved. However, these will be improved by the railroad. MDOT has mandated this be done by November, 2004. The Foreman Road project will stop 15 feet before the tracks. Once the railroad tracks are repaired, MDOT will continue to fix the crossing and as well as install new walkways on either side of the tracks.

Austin referred to the Center and Clarke Streets project off Bowes Road. Two housing units have already been completed and others are planned. The proposal is for the City to improve Center Street, while the developer would pay for water and sanitary sewer to be extended down Center and Clarke (paper) Streets. This will be an east/west street which will connect Center Street south of Bowes Road to what is now the vacated West Street, near the boat launch at Stoney Lakeside Park. A draft agreement was established as well as preliminary numbers concerning cost sharing.

Austin stated nine bids were received. The low bid was from Ron Meyer and Associates of Zeeland in the amount of \$150,400. The high bid was received at \$193,000.

Austin noted Williams and Works has not worked with Meyer and Associates. However, favorable references were received from Holland, Alpine and Plainfield Townships as well as the City of Allegan.

The City share is approximately \$83,724 and the development is responsible for approximately \$103,748. This includes the addition of water main on West Street which will be looped on the vacated roadway. The developer requested a potential payback for future connections and utilities on two lots at an estimated cost of \$4,000.

Austin recommended award of the project be given to Ron Meyer and Associates.

Mathews stated he would abstain from voting on the issue due working with Ron Meyer and Associates.

IT WAS MOVED BY MYERS and seconded by PFALLER to approve the bid from Ron Meyer and Associates in the amount of \$150,877.90 and the agreement with the Michigan Department of Transportation for the Foreman Road project.

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

Item #7. **REQUEST PROPOSAL – CITY ATTORNEY SERVICES – REVIEW AND CONSIDERATION.** Councilmember Pfaller stated suggested revisions from the previous meeting have been included in the City Attorney proposal.

Councilmember Myers stated he was in favor of the scoring method.

City Manager Pasquale asked when proposals should be submitted. Pfaller suggested August 1, 2004.

Mayor Shores suggested the paragraph stating “it has been several years since many of the contracts have been reviewed” be removed. Pfaller agreed stating the second paragraph under overview can be deleted.

Pfaller suggested the proposal be advertised in the Grand Rapids Press as well as being sent to City Attorney Richard Wendt (Dickinson – Wright) and Mika Meyers Beckett & Jones.

By general consensus, the Council agreed.

Item #8. **CITIZEN COMMENTS.** John VanderWilp of 1264 Fun Street commented on the variances which were granted and asked if this allows the developer to build four homes. City Manager Pasquale stated the Planning Commission has indicated the developer has the right to build these four homes. VanderWilp believed the Commission was wrong. Many issues are being changed and a public hearing should be held. He did not believe this was legal. Pasquale stated he would review this issue with City Attorney Richard Wendt.

Item #9. **COUNCIL COMMENTS.** Councilmember Mathews commented on the amount of time the DPW has had to clean Grindle due to runoff from the Sundry project. Mathews suggested Sundry Development be billed for the cleanup. He also suggested Sundry place crushed concrete or crushed asphalt to prevent additional run off.

Mathews also commented on the power poles along James Street. Several trees have been trimmed. Is it the homeowner's responsibility to dispose of such limbs?

Mathews questioned the High/James Street intersection. DPW DesJarden stated a meeting has been held with Sundry Representative Les Cole, noting additional work is to be completed.

Councilmember Hodges stated the Mayor Exchange held in Wayland was very interesting. The City of Lowell has much to be proud of. Hodges also commented on the Memorial Day parade. The cemetery was terrific and looked great.

Councilmember Pfaller apologized to Cherry Creek Elementary School for not attending the recent event. His invitation did not arrive until after the event had occurred.

Pfaller stated he was disappointed in the Planning Commission's decision on the Dykema project at the west end of Bowes Road. He believed the Council should charge the Planning Commission with providing a definition for mining. Dykema and Grand Rapids Gravel own many acres on the south side of Bowes Road. He did not believe the Zoning Ordinance describes what mining is or has a definition of what it is. He suggested the Planning Commission provide a definition to add to the Zoning Ordinance of what mining is for a special use permit.

Pfaller asked if the roof/wall was still leaking in the City Hall/Police Station. Pasquale stated yes. Pfaller also commented on the poor quality of the finish on the front door. Something needs to be done otherwise a replacement will be needed within a few years. He suggested Fishbeck address the poor quality of the doors.

Mayor Shores commented on the Memorial Day parade. It was a good turnout. Some of the Council walked in the parade as well as City Manager Pasquale, who participated in his seventeenth Memorial Day parade.

Shores attended the Foreman Road preconstruction meeting on Thursday, June 3 and thanked Dave Austin for the presentation.

Shores noted Lowell Light and Power/Cable TV will hold a meeting on June 10, 2004.

Shores also apologized for not attending the Cherry Creek Elementary activity.

Shores received two letters from the City of Wayland. The first was from the City and the other personally from the Mayor. The Wayland Mayor commented on the enthusiasm proclaimed in showcasing the City of Lowell and the deep rooted pride. What a wonderful gift to witness.

On June 17, 2004, the Summer Concert series begins.

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

1. For your information, the following boards and commissions meetings minutes are provided:
 - Grand Valley Metro Council - Transportation Policy Committee meeting of March 17, 2004
 - Planning Commission meeting of April 26, 2004
 - Downtown Development Authority meeting of April 22, 2004
 - Airport Board meeting of May 4, 2004
 - Light and Power and Cable TV Boards meetings of April 29, 2004
2. The City officially gained title to the Barton property on May 24. At its May 27 meeting, the Downtown Development Authority allocated up to \$12,850 for demolition and clearance of the house. The City received two bids for demolition from Pitsch Companies and Olin Excavating. Each bid exactly \$9,800. The DDA's preference was Olin, since this firm is local. Work should commence shortly. Pasquale noted City Treasurer Suzanne Olin has no financial interest in Olin Excavating.

Public Works Director Dan DesJarden explained an asbestos material inspection had to be done. There were a few hot spots, so an abatement needs to be done on the front porch, rear porch and calking around the windows. The DEQ needs a 10 day notification of intent. As of June 3, 2004 the well was abandoned and sealed property. The septic tank was located and pumped. Contact has been made with Consumers Energy for gas. Their schedule is two weeks to unhook the service from the gas main in the home. Goal is to have it cleared, seeded and ready for the fair.

3. Correspondence was received from the Grand Valley Metro Council relates to the disbanding of the Kent Area Hazardous Materials Alliance.

Fire Chief Frank Martin recommended the Council do this and will answer any questions at the meeting. Martin stated this is something which has been in effect for the last 10 years. It has never been used. Most cities and townships want to disband from it. It doesn't have any effect on the hazardous material.

IT WAS MOVED BY HODGES and PFALLER to disband from the Kent Area Hazardous Material Alliance.

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

Item #11. **APPOINTMENTS**. Mayor Shores stated there is an opening on the Planning Commission as well as the Downtown Historical District.

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

DATE:

APPROVED:

C. Jeanne Shores, Mayor

Betty R. Morlock, Clerk