

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

For the Regular Meeting of WEDNESDAY, **JULY 5, 2006**

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

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

Absent: Mayor Pro Tem Mathews.

Also Present: City Manager David Pasquale, City Clerk Betty Morlock, DPW Director Dan DesJarden, Police Chief Jim Valentine, Lowell Light and Power/Cable TV General Manager Tom Richards, and Planning Commissioner Jim Hall.

IT WAS MOVED BY HODGES and seconded by SHORES to excuse the absence of Mayor Pro Tem Mathews.

YEA: 4. NAY: 0. ABSENT: 1. MOTION CARRIED.

IT WAS MOVED BY SHORES and seconded by PFALLER to approve the minutes of the June 19, 2006 regular meeting as corrected.

YEA: 4. NAY: 0. ABSENT: 1. MOTION CARRIED.

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

YEA: Councilmember Hodges, Pfaller, Shores, and Mayor Myers.

NAY: None. ABSENT: Mayor Pro Tem Mathews. MOTION CARRIED.

Councilmember Pfaller stated he would approve the account payables with the contingency that the two checks, both in the amounts of \$34.97, written to Ivan Blough for the Showboat be verified that these are for two separate items.

<u>BILLS AND ACCOUNTS PAYABLE (07/05/06)</u>	
GENERAL FUND	\$133,649.00
MAJOR STREET FUND	475.92
LOCAL STREET FUND	7,702.22
DDA FUND	383.09
CITY HALL CONSTRUCTION FUND	3,687.50
AIRPORT FUND	62.64
WASTEWATER FUND	6,353.38
WATER FUND	65,302.42
DATA PROCESSING FUND	195.00
EQUIPMENT FUND	1,396.33
CURRENT TAX FUND	1,652.47
LOOK FUND	1,908.00

Item #1. **PRESENTATION BY PEGGY COVERT REGARDING CITY OWNED NORTH WASHINGTON STREET PROPERTY.** Peggy Covert, 982 North Washington explained there has been a group of individuals who wish to preserve the City owned property on North Washington Street. Covert stated petitions have been placed in several locations throughout the City of Lowell. Approximately 400 signatures were collected. Slightly over 200 of these signatures were City residents.

Covert has contacted the Land Conservancy of West Michigan. The organization provides preservation of green space. The Conservancy has indicated their interest and would be willing to review the possibility of preserving this land. However, Council approval is necessary.

Councilmember Shores suggested the Land Conservancy provide the City with a letter of interest. Shores also questioned whether individuals understood what they were signing.

Shores noted as citizens of Lowell and stewards to the taxpayers of the Lowell, the Council is very interested in the property and what happens to it. A decision would not be made without much study.

Councilmember Hodges stated he would support Covert's efforts of contacting the West Michigan Land Conservancy. He indicated there are no decisions being made at this time. However, the Council is entertaining possibilities.

Mayor Myers agreed with Shores regarding interested parties contacting the City. Councilmember Pfaller also agreed. Pfaller stated this will be a long process and the City is not close to soliciting for proposals.

Covert referred to the City Council minutes from February where there was already discussion regarding the possibility of a development. Several ideas were also reviewed during other Council meetings. City Manager Pasquale explained if and when the time comes, the City finally wishes to sell the property, a decision would first need to be made by the City Council, followed by an advertisement of bids. Once received, the Council will decide whether to move forward. The Council is keeping their options open. It was noted the City does not have to sell the entire acreage.

Myers stated there is a strong contingency of preservation and an equally strong contingency to receive tax revenue. The City has to find a balance and weigh all the options. Why would the City give up tax revenue on the amount of acres for the next 100 to 300 years? The Council is not to the point of reaching any preliminary decision because these two issues need to be examined. Covert wanted an open discussion to present ideas. Myers noted all meetings are public.

Covert confirmed it would be acceptable for the Michigan Land Conservancy to review the property for preservation. Shores stated the City should receive a letter of intent first.

Item #2. **REQUEST TO PURSUE INTEREST IN DEVELOPING A RECREATIONAL CAMPING FACILITY – JIM HALL AND RAY ZANDSTRA.** Jim Hall and Ray Zandstra have been reviewing the feasibility and possibility of a recreational vehicle camping facility within the City, in an area known as the Rogers property located near the confluence of the Flat and Grand Rivers. Hall spoke to the Downtown Development Authority regarding the involvement of the DDA, particularly the feasibility study. Hall received a letter from McKenna Associates which provided a cost estimate of \$5,000 to \$17,000 depending on the depth of the study.

The DDA expressed an interest. However, the property being reviewed is not currently in the DDA District. Further, the DDA would want to have some concurrence of interest on the part of the City Council to pursue such a facility. Hall strongly believes this is something which can aid the local economy. There is a demand for such facilities and has been proven in a number of cities of similar size.

Jim Hall, 724 Monroe was present to answer any questions.

Councilmember Hodges stated this is a wonderful idea. However, he was concerned with the City budget and maintaining what the City currently has. Perhaps, a feasibility study does need to be done. Hall explained he is requesting the DDA to handle the feasibility study on the building site. Hall believed this could be a self sustaining facility and can bring financial profits to the City. He calculated if there were 100 sites, the City could expect a yearly income of approximately \$200,000.

Hodges questioned the actual location. Hall stated the overall program would involve the Flat River islands. However, the main facility would be parcel four on the map and include parcel three, which is the Moose property. The property is adjacent to Broadway. If the S. Monroe access to the property proves to be too difficult, the next access point could come off of Division Street.

Councilmember Shores questioned if floodplain would affect the park. Hall believed so. This would be an added expense. The State of Michigan incorporated a law in 2003 which states the sewer and water access has to be above the 100 year flood plain. However, variances can be obtained. This will be addressed during the feasibility study.

Councilmember Pfaller stated this is a wonderful idea. However, he did not believe it would fall under the umbrella of the DDA. The DDA is for developing, maintaining and beautifying the downtown. He suggested monies for a feasibility study be sought from a different source. Pfaller also did not believe the City would want to be involved with such an expense or have this ongoing operation. Such activities should be done by private enterprise. The City should not be responsible in developing a commercial enterprise. Hall asked if Pfaller would mind placing this question before City Attorney Richard Wendt. Pfaller stated he personally did not think it was the City's place to be in competition with the taxpayers.

Mayor Myers recognized Hall as a planner and a visionary over the years with a particular fondness to water. He too did not believe the DDA was the proper source of funding. However, he would fully embrace the concept. Myers noted he had no opinion of whether it should be City

or privately operated. There are too many questions to ask in this preliminary point. However, he would want the funds for the feasibility study to come from a source other than the DDA.

Ron Wenger of the Kent County Youth Fair believed the area currently being used as a campground for the fair would eventually be needed for the expansion of the Wastewater Treatment Plant. The fair has also considered the property Hall is suggesting with the possibility of a bridge over the river to the island. Wenger noted the trails program could also be tied into the project. This is a very attractive area and is only a block and a half from downtown. The number one area which will benefit from a campground is the downtown and will directly affect its development. This is a great idea and it can work.

Shores agreed with Wenger stating the park would be a real asset and would benefit the downtown.

Hall believed the campground would benefit the entire City and community. He noted the Grand Rapids Community Foundation has indicated they would not support this project which will show a profit.

City Manager Pasquale supported the idea. The question involves using DDA money. He will check with the City Attorney Richard Wendt to determine if this is allowable.

Shores stated she would favor the idea if it is legal and the DDA is comfortable with the proposal.

Hall noted other DDAs in the State have used monies to buy buildings, renovate them and rent as a source of income.

Hodges agreed with Pfaller, this is a stretch. However, he would also be open to discussing it with Wendt to determine his opinion.

Pasquale stated he would discuss this with Wendt and report back at the next meeting.

Myers did not mean to discredit that the downtown would benefit and certainly did not mean to say he was not in favor of the idea. This is a great idea. He just believed the funding needs to come from elsewhere.

With a 2 to 2 vote, Pasquale stated he would provide information back to the City Council. Councilmember Mathews' opinion may be helpful.

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

- A. 1270 Sibley – David Roskamp – front yard variance to allow an enclosed porch – public hearing. David Roskamp wished to construct a 10' x 28' enclosed porch on the front of his home located at 1270 Sibley. Under Section 4.05B of the Zoning Ordinance, porches may project a maximum of ten feet into the required front yard if all sides are open,

unenclosed and uncovered. Since the proposed structure projects ten feet into the required front yard and is enclosed, a variance has been sought.

At its June 26, 2006 meeting, the Planning Commission reviewed the variance application and unanimously recommended against because of failure to meet the six criteria necessary to grant such a variance.

Martha Roskamp, 1270 Sibley stated she and her husband have lived in Lowell since 1969. Mrs. Roskamp explained the health issues her husband has. Because of this, she does not like to be too far away from him. Mrs. Roskamp did not believe her husband could be heard if a porch was built on the back of the house. She stated this was a three part plan. The driveway has been repaired. They were told by IMS such an enclosed porch would be allowed. She noted there are eleven in Valley Vista neighborhood with porches.

Mrs. Roskamp questioned when the Planning Commission would review an ordinance change to allow roofs for porches. Pasquale stated the issue will be discussed during the July 24, 2006 meeting. The concern is there should be an allowance for a roof. However, he did not believe the Commission was interested in having an entire enclosure, but there was a general interest in allowing a roof.

Shirley Luna, 1301 Sibley objected to an enclosed porch. This would obstruct the view.

Marilyn Andrews, 1289 Sibley objected to the addition. Andrews inquired who in Valley Vista received a letter regarding this issue. City Clerk Morlock explained all individuals within 300 feet from the property. Andrews questioned why some people received the letter and others did not. Morlock stated some letters were returned as undeliverable. The notice was also placed in the Lowell Ledger. Andrews objected to the addition because of the protrusion into the front yard. She and her neighbor are involved in the neighborhood watch. This is a major walkway for kids walking to school. How can they be watched if a porch is blocking the view?

A letter was read into record from Evelyn Zalis, 1284 Sibley stating her objection to the addition.

Hodges commented on the neighbors being rough on Roskamps. However, he did not believe the variance should be granted.

Mrs. Roskamp noted their desire to at least construct an unenclosed porch. She noted one individual involved in the neighborhood watch with shrubs which are very high. The porch would be hidden behind these shrubs. On the other side of the porch would be a pine tree which protrudes 10 feet. Either way, one would not be able to see the porch looking either way.

Shores indicated she has driven by their home. The house would look attractive with a porch on it. She also understood the benefit of a three season porch. However, after

hearing public comments, perhaps the Planning Commission needs to take some time to review the ordinance.

Myers reviewed the examples of porches provided by the Roskamps. It appeared there were none enclosed. He questioned if the porch would be wired for electricity and have any heat ducts. Roskamp stated there would be no heat ducts. Electricity would be provided by moving a light onto the porch.

Myers said he would not favor an enclosed porch, but would look to the Planning Commission to provide a proposal for an ordinance change.

IT WAS MOVED BY HODGES and seconded by SHORES to deny the front yard variance to allow an enclosed porch at 1270 Sibley as recommended by the Planning Commission.

YEA: 4. NAY: 0. ABSENT: 1. MOTION CARRIED.

Item #4. **ADOPTION OF THE CAPITAL IMPROVEMENTS PLAN 2006 - 2011**. The Capital Improvements Plan provides a six year plan for capital expenditures necessary to implement the Master Plan. The provided document covers capital facilities, streets, water distribution, airport and parks. The plan was recommended for approval by the Planning Commission at its June 26, 2006 meeting.

City Manager Pasquale explained Gee Drive is half complete through the benefit of a federal grant. It is completely improved with curb and gutter from the Creekside Park entrance to 2100 feet west. The City anticipates the remaining amount would complete the reconstruction to Alden Nash. An application has been submitted to the Michigan Department of Transportation for an 80 percent grant in order to complete the project. Once this is finished, the next road on the federal grant list is Bowes Road. Work would begin on Bowes from Valley Vista west to M21. This is the last remaining federally designated road within the City which needs a substantial amount of work. Improvements have been made to Grindle with hopes of it being completed. An application has been submitted to the Michigan Department of Transportation to bring this to Major Street status, which will help future funding. Sibley is a local street in need of a major reconstruction, particularly, from Valley Vista proceeding east.

Mayor Myers questioned the Water Treatment Plant as well as the Public Works Storage site. There are no dates listed in the plan. Is this for next year's budget? Pasquale explained the Water Treatment Plant does not have a date because the plant is at approximately 50% capacity. This is a future need and has been placed within the 2006 – 2011 budget range. However, a year has not been designated. DesJarden added there is no anticipated date for a Public Works Storage or cemetery buildings.

Myers commented on the reference made regarding a Water Reliability Study which was conducted in March of 1988 by Fishbeck, Thompson Carr and Huber. Myers stated he would be hesitant to operate on any data which is 18 years old. DesJarden noted this is currently

being updated.

Pfaller views the Capital Improvements Plan as not only necessities, but in some cases, a wish list. When serving on the Airport Board, there were priorities and then there were issues which would be necessary in the future. He believed all of the improvements are prioritized properly, whether the funds are there to complete the plan.

IT WAS MOVED BY PFALLER and seconded by HODGES to approve the Capital Improvements Plan for 2006 – 2011 as presented.

YEA: 4. NAY: 0. ABSENT: 1. MOTION CARRIED.

Item #5. **RESOLUTION ADOPTING NEW CEMETERY GRAVE OPENING AND CLOSING FEES**. City Clerk Betty Morlock explained three years ago the Council suggested the updated rates for purchases as well as burials be calculated for a period of three years. DPW Director DesJarden and Morlock have since reviewed the cemetery burial fees to determine if these kept pace with labor costs and inflation. The new rates are proposed to cover these costs plus 6% inflation (2% for three years annually).

Councilmember Pfaller asked if the numbers included the equipment rental for the Equipment Fund. DesJarden responded yes. Pfaller questioned if the money for the purchase of the lots goes into a perpetual fund. DesJarden responded yes.

DesJarden noted the inflation of the rates will provide what is necessary within the Capital Improvements Plan. Pfaller questioned if charges from the surrounding areas had been researched. DesJarden stated ten different surveys were taken three years ago. It varies depending on what services are provided.

Mayor Myers questioned rate increases for Oakwood Cemetery as of June 2006. In most of these, there is very little margin beyond what the actual cost is. He asked whether this is enough of a margin of error for cost versus what is being charged. DesJarden inquired if Myers felt the rates needed to be higher. The rates were figured at a 6% increase over three years in hopes of breaking even. Myers asked if 6% was added to the actual cost. DesJarden responded yes. Myers questioned if this would be an appropriate time to revisit what others are charging. Morlock stated the surrounding townships charge just what they are billed from the local person doing the actual work. Higher rates are charged from privately owned cemeteries. Most municipalities charge just what it costs.

Shores suggested the rates be reviewed every year. Pfaller noted the budget is reviewed every year and the cemetery is part of the budget. The water and sewer rates are reviewed on an annual basis, so should the cemetery.

Pasquale stated the resolution does not provide a date and it can be updated next year. The resolution can be adopted with the instruction that updated rates will be reviewed and recommended to the Council.

IT WAS MOVED BY SHORES and seconded by PFALLER to adopt the resolution regarding new cemetery grave opening and closing fees as proposed. Further, an annual review of the rates is established.

YEA: Councilmember Hodges, Pfaller, Shores, and Mayor Myers.

NAY: None. ABSENT: Mayor Pro Tem Mathews MOTION CARRIED.

Item #6. **RESTORATION OF THE CITY RIGHT OF WAY.** Councilmember Pfaller requested the Planning Commission to review and possibly provide an ordinance for restoration of the right of way should there be any construction whether it be done by Lowell Light and Power, plumber or Michigan Bell. There should have a policy in place which specifically states what the City expects.

City Manager Pasquale noted the issue can be placed on the July 24, 2006 agenda of the Planning Commission.

Lowell Light and Power and Cable TV General Manager Tom Richards asked if there have been right of way issues outside of those with Light and Power which are of concern currently. Pfaller responded yes. However, such issues have not been addressed with DPW Director DesJarden. There are broken sidewalks where contractors have driven heavy equipment. Pfaller believed individuals should be held responsible for their actions. Richards wanted the Council to be aware that the Light and Power Board is considering changes in its practice or policy in regards to restoration.

Item #7. **CITIZEN COMMENTS.** Kraig Haybarker of 423 Suffolk was in favor of the DDA being involved with the recreational camping facility. Anything which can be done to draw people to the community is positive.

Haybarker was also concerned with the Boy Scout property. He questioned if the public would have a vote regarding what is decided with this property. Mayor Myers stated a public hearing would be held. The Council is looking for public feedback. However, the matter does not require a vote from its citizens.

Haybarker referred to comments made by Covert regarding the petition signed by City residents and others. He believed Lowell, Bowne and Vergennes Townships are all part of Lowell. It is just not City of Lowell residents using this property. Haybarker questioned if the City has been contacted by or has anyone had contact with actual developers. Pasquale stated he has had a few developers approach him, but there have been no offers.

Delores Alexander, 406 Foreman stated the land on N. Washington Street is a treasure and it should remain a park. Alexander also noted all the empty houses throughout Lowell. Sharon Ellison, 407 N. Division enjoys the area. There are no parks on this side of town. The

Scouts are our future.

Ron Wenger, Kent County Youth Fair Director, stated the DPW removed the fence south of the fire station because it was in bad disrepair. However, the old fence needs to be replaced in order to keep live stock during the fair from North Hudson Street. Wenger wanted to continue the white three rail fence along the south side of the fire station. Due to the financial situation of the City he suggested the check recently mailed to the City for 10% percent of the rentals be returned to him and applied toward the fence material, which will cost approximately \$800. Wenger noted he would install the fence. Myers suggested this be placed on the July 17, 2006 agenda for discussion. He requested a recommendation from staff.

Councilmember Pfaller said previous Council action has marked any of rental funds for improvements to Recreation Park. He would ask this decision be left up to the Parks and Recreation Commission who will hold a meeting on July 15, 2006. By general consensus, the Council agreed.

DPW Director DesJarden wanted clarification of the motion made last year. At the Parks and Recreation Commission meeting, there was a proposal of a 50% share received from the Kent County Youth Fair to be utilized for Recreation Park. The minutes from the Council meeting in August states "Councilmember Pfaller commented on the agreement between the City of Lowell and the Youth Fair. Funds received from events should be marked for improvements to Recreation Park as recommended from the Parks and Recreation Commission". The prior Parks Commission meeting before recommended a 50% share. Pfaller stated Council approved all of it. It does not state 50 percent. He noted improvements must first proceed through the Parks Commission.

Dirk Ritzema, 829 Shepard, commented on the intersection of Grindle, Division and Shepard Drive. This is a bad intersection. He suggested a stop sign at Grindle making it a three way stop and allowing oncoming traffic to travel with a stop sign. Police Chief Jim Valentine stated he would review the situation.

Tony Chopp, 82 Countryview, has property on the north end of Washington. He understands part of the Council's job is to run the business of the City. He is concerned because he recently spoke with Vergennes Township and was informed of a letter which was received from the City of Lowell asking to deannex two parcels on North Washington. One of the parcels is where the Boy Scout cabin is located and the other is where Lowell Light and Power has its storage buildings. The reference in the letter indicated the area requested to be deannexed is for residential development with some wooded area. If there has been no commitment or thought to a plan, then why was the deannexation requested. City Manager Pasquale explained several months ago, he was approached by the City Council. Most of the property being considered is in the City. However, there is approximately three acres owned by the City, but is located in Vergennes Township. The request to the township was, since the City owns the property, it should actually be within the City limits. As a possible use, the City is reviewing the possibility of residential with open space. Pasquale emphasized there have been no decisions made in terms of any final use. As part of the overall review of the property, it would make more sense for the City to have all of the property within the City limits. There has been no decision to

remove any building and all options are still open.

Peggy Covert, 982 North Washington referred to the de-annexation. She pointed out the surrounding property is actually Vergennes Township. It was not annexed to the City until 1994.

Doug Shassberger, 2048 Eleanor Street, was concerned because every time a parcel of green land is developed, it moves animals closer to homes. Key Heights Mobile Home Park where he lives has many skunks, raccoons, possums and turkeys.

Haybarker referred to the de-annexation. He was concerned because this land has been in Vergennes Township for so long and now all of a sudden the City wants these few acres. He believed the City desires this property, so the entire amount can be sold.

Ken Gregerson, 938 North Washington stated his property is adjacent to the property in question. He asked if there had been any consideration made regarding the acquisition of property. Should he wait until the property is vacated by Light and Power? Gregerson stated he requested additional square footage of the City property so he would be in compliance with the setback rules for his garage. His property line is now four feet from the edge of his building, which was built in 1994. He was concerned about losing access to his garage. What steps should be taken? Myers suggested he work with City staff in which a presentation can be made back to City Council.

Myers appreciated all the public comments made.

Item #8. **COUNCIL COMMENTS**. Councilmember Shores appreciated all the good discussion tonight. Shores commented on the Riverwalk Festival. If she has offended anyone during the last year, feel free to come to the Riverwalk on Saturday afternoon. She will be sitting in the flush tank and for \$1 an individual can try to get her all wet. Shores noted the squirt gun she will have.

Councilmember Pfaller said there is an article in the Michigan Municipal Review which the Councilmembers may find interesting. It references a vision and why municipalities need a performance based strategic planning.

Pfaller noted the Chairman of the Lowell Light and Power Board has requested the joint meetings with the Council be held once again. This should be placed on the agenda.

Pfaller questioned the policy for noisy vehicles. Police Chief Valentine stated it depends on the context. However, the ones deliberately and rapidly accelerating will be enforced.

Pfaller thanked Richards for removing the mounds of dirt around all the poles on Bowes Road. It looks much better.

Mayor Myers stated the Michigan Municipal League is in September in Marquette. He questioned if there was any interest in attending from the Councilmembers. The other

Councilmembers determined the drive was too long.

Myers questioned if the Planning Commission Master Survey had been mailed yet. Pasquale responded no. Myers stated Light and Power had inquired regarding some questions pertaining to them. Pasquale noted there would be an opportunity for all departments to review.

Myers referred to the DDA meeting which mentioned the need to repaint light poles along Main Street. DPW Director DesJarden stated competitive bids are currently being received. City Manager Pasquale noted the clock will also be painted.

Myers also noted the minutes from the DDA indicated Dean Lonick was present as well as absent from the meeting. This needs to be corrected.

Myers noted Pfaller's name was spelled incorrectly several times in the Light and Power minutes.

Item #9. **MANAGER'S REPORT**. City Manager Pasquale reported on the following:

1. The following boards and commissions meetings minutes were provided:
  - Planning Commission meeting of May 22, 2006
  - Grand Valley Metro Council – Transportation Policy Committee meeting of April 19, 2006
  - Lowell Community Leadership Council meeting of March 15, 2006
  - Downtown Development Authority meeting of May 18, 2006
  - Lowell Light and Power and Cable TV Boards meeting of June 8, 2006
2. A letter was received from King Doyle on behalf of the Lowell High School Class of 1940 requesting use of the Council Chamber for a reunion. It would be provided during business hours (noon during a weekday). Under the current policy, non profits are not charged for meetings during business hours. Should the LHS Class of 1940 be considered non profit? Councilmember Hodges noted the Rotary is charged and they are non profit. Myers stated usually the stipulation of non profit involves a 501C (3) designation. It was determined the reunion can be held as long as the class is charged.
3. Vergennes Township Supervisor Tim Wittenbach requested a joint Township Board – City Council meeting regarding the proposed annexation of 3.63 acres on North Washington Street. Council agreed upon a meeting. A Monday evening was suggested. Pasquale will check to see when they are available.
4. The Riverwalk Festival will be held on Friday and Saturday, July 7 and 8.

Mayor Myers also noted the annual review of City Manager Pasquale has been administered. He suggested the review be housed at City Attorney Richard Wendt's office for privacy purposes.

Item #10. **APPOINTMENTS**. Currently there are two openings for the Planning Commission. Mayor Myers noted he is also still waiting for a response from Commissioner LaPonsie.

Also, at the last meeting, Mayor Myers did propose to reappoint Dave Austin to the Lowell Light and Power and Cable TV Board. Austin has indicated his interest in doing so.

IT WAS MOVED BY PFALLER to adjourn at 9:31 p.m.

DATE:

APPROVED:

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Charles R. Myers, Mayor

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Betty R. Morlock, Clerk