

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

For the Regular Meeting of Monday, **JULY 19, 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: Acting City Manager Jim Valentine, City Clerk Betty Morlock, DPW Director Dan DesJarden, Police Officer James Hinton, Planning Commission Chairman Clark Jahnke and Lowell Light and Power/Cable TV General Manager Tom Richards.

IT WAS MOVED BY PFALLER and seconded by MYERS to approve the minutes of the July 6, 2004 regular meeting as corrected.

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

IT WAS MOVED BY HODGES and seconded by PFALLER 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 (07/19/04)</u>	
GENERAL FUND	\$121,803.48
MAJOR STREET FUND	1,431.94
LOCAL STREET FUND	78,321.48
DDA FUND	12,517.91
AIRPORT FUND	4,063.00
WASTEWATER FUND	7,395.33
WATER FUND	16,677.37
DATA PROCESSING FUND	4,150.00
EQUIPMENT FUND	2,583.55
CURRENT TAX FUND	165.40
LEE FUND	1,168.95
LOOK FUND	10,586.00

Item #1. **PRESENTATION BY BOB ELEVELD, CANDIDATE FOR OFFICE OF STATE REPRESENTATIVE, 86<sup>TH</sup> DISTRICT.** Bob Eleveld was present to request support for his candidacy in running for Office of State Representative in the 86<sup>th</sup> District. Eleveld has worked as an attorney for 35 years and has been active in the Republican Party. He served as the County Chair in the late 70's early 80's. Most recently, he ran Senator John McCain's campaign four years ago in West Michigan.

Eleveld is a strong advocate of public education and has worked with a number of the school board members. He has been endorsed by Superintendents from Kenowa Hills, Grand Rapids, East Grand Rapids and Forest Hills Schools. Eleveld is against lifting the cap on charters and against vouchers. Both issues would erode the public schools over the course of time. Eleveld is also concerned about clean air and water.

No further information was received.

Item #2. **AMENDMENTS TO THE PRIVATE STREET ORDINANCE – RECOMMENDATION FROM THE PLANNING COMMISSION – PUBLIC HEARING.** After several months of review, the Planning Commission proposed amendments involving design requirements for private streets. These are divided by developments of three to five dwellings and six or more units. At present, such developments served by private streets must meet local public street standards (34 feet wide with curb and gutter). The ordinance amendments provide a lesser standard similar to what nearby communities have.

At its June 28, 2004 meeting, the Planning Commission held a public hearing on the amendments and unanimously recommended approval to the City Council.

Councilmember Mathews questioned the quality of the sand and gravel. He suggested it be defined. Councilmember Pfaller believed it should be consistent with the current ordinance. Austin stated the ordinance should have a specific class designation to both the sand and gravel. There are common standards available for the City to adopt. Acting City Manager Jim Valentine suggested this be a stand alone document.

Councilmember Pfaller suggested "meet specification" be placed after 6 inches of sand and 6 inches of gravel. Specifications can be left to City employees. The change should reference both asphalt and concrete.

IT WAS MOVED BY MATHEWS and seconded by PFALLER to approve the private street ordinance amendments with the added wording of "City specifications".

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

Item #3. **CONSIDERATION OF STREET NAME CHANGE – HIGH STREET EAST OF JAMES TO HIGHLAND HILL DRIVE – PUBLIC HEARING.** As requested by Sundry Corporation, renaming High Street east of James to Highland Hill Drive has been proposed. It was noted the

street name at the intersection of High and James is consistently being replaced. Currently, only one house would be affected while 53 families will be served off of this roadway in the future. After holding a public hearing, the Council may consider the street name change. Also, if approved, the Council could assess the related costs of the street name change to the petitioner.

Lynn Dawson, 905 High Street, stated there would be two homes affected by the name change. Dawson did not want the street name changed. She believed Highland Hill Drive should start at the entrance of the development.

Clark Jahnke of 905 E Main believed the name change would cause confusion.

Jane Mathews of 822 Grindle Drive did not agree with the name change.

Councilmember Myers stated he owns four lots along High Street. The community has made a lengthy list of self serving concessions to the developer over the last three years. Myers was not in favor of the name change.

Councilmember Mathews did not believe enough criteria has been met to allow the name change.

Councilmember Hodges did not believe a name change was necessary.

Mayor Shores did not believe action was necessary at the present time. Sundry should come back and readdress the issue.

IT WAS MOVED BY HODGES to provide no action at this time.

Mayor Shores turned the meeting over to Mayor Pro Tem Chuck Myers.

IT WAS MOVED BY HODGES and seconded by SHORES to undertake no action at this time.

YEA: 2. Councilmembers Hodges and Shores.

NAY: 3. Councilmembers Mathews, Myers and Pfaller.

ABSENT: 0. MOTION DEFEATED.

IT WAS MOVED BY MYERS and seconded by MATHEWS to deny the request to change a portion of High Street east of James Street to Highland Hill.

YEA: 3. (Councilmembers Mathews, Myers and Pfaller).

NAY: 2. (Councilmember Hodges and Mayor Shores).

ABSENT: 0. MOTION CARRIED.

Item #4. **RESOLUTION SUPPORTING THE KENT DISTRICT LIBRARY MILLAGE REQUEST.**  
The Kent District Library has proposed a City Council resolution supporting the millage request being submitted to the voters on Tuesday, August 3. The millage encompasses ten years and is necessary to keep all branches of the District, including the Englehardt Public Library open.

Councilmember Pfaller did not believe the Council, as a governing body, should take a position on an issue or candidate which goes before the voters.

Councilmember Mathews agreed with Pfaller. However, he personally would support the issue.

Councilmember Hodges stated while he would support the issue personally. He agreed it would be wrong to take a position as a board.

Councilmember Myers disagreed. The City Council has a fiduciary responsibility to the community. The City owns the library building. The Kent District Library is urging the passage of the millage to keep the doors open and to meet the demand. Myers wants to see a continued success of the building. The consequences of not passing the millage are far greater.

Mayor Shores agreed with Myers. The City has a major interest in keeping the doors open. Shores would support the millage request.

IT WAS MOVED BY MYERS and seconded by HODGES to support the Kent District Library millage request.

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

Item #5. **UPDATE ON CONSTRUCTION PROJECTS.** Dave Austin of Williams and Works was present to provide a brief update on the status of the Center/Clarke, Foreman/Gee and the Highland Hills projects.

Center/Clarke Street Project:

The original contract was scheduled to be done 25 working days from the beginning of the project. There has been some work involved in receiving the proper gravel to meet specifications. This has caused a short delay and should be resolved. The placement of gravel for the road will be completed. All utilities, including a loop of water from Bowes to Center to Clarke to West have been completed as well as sanitary sewer serving a new development. Water services were also updated to serve existing facilities. The disruption on Bowes Road has been completed. New sanitary sewer and water services have been extended to all the proposed lots within the development. Conduits have been placed under the road in anticipation of a gas line being placed.

The developer will share half the cost. The City will bill the developer in which he has thirty days to provide for reimbursement. A line of credit is in place, if the developer fails to do so.

Foreman/Gee Drive:

Project is planned to be completed August 20, 2004. The project is on schedule. Many unknown issues have been found. However, everything is being cleaned up. The project is preparing to be flipped between Hudson and the railroad tracks. Traffic will be allowed to come in from Hudson and work will begin from the tracks west through the industries.

The project does not include any utility work. No problems are anticipated, which would have increased the cost.

Councilmember Pfaller questioned when the railroad tracks would be repaired. Austin stated the railroad company has an obligation to complete the work by November.

Item #6. **MONTHLY REPORTS.** No comments were received.

Item #7. **CITIZEN COMMENTS.** John VanderWilp 1264 Fun referred to the easement Al Mathews received at 901 Grindle. He questioned the process by which the driveway went from a private drive to private road. VanderWilp requested the process be shown in writing. Mayor Shores stated the records will have to be reviewed.

Simon Rosenbaum of 1440 Pine Grove Trail requested he be placed on the next agenda to discuss the selling of a product called Air Soft Training Weapon within the City limits. Such items are prohibited within the City ordinance. The plastic gun is less harmful than that of a paintball gun or BB gun.

Councilmember Pfaller believed the ordinance was somewhat outdated and needed to be reviewed.

The City staff will review this issue.

Item #8. **COUNCIL COMMENTS.** Councilmember Hodges stated the Riverwalk Festival was a great success.

Councilmember Pfaller commented on the minutes from the Trails Committee. At the last Parks and Recreation Commission meeting, the YMCA provided a percentage of the participants with their programs who are City residents. Currently, less than 25% are City residents. Pfaller suggested the Council consider expanding the proposed Recreation Authority which would include the surrounding townships.

Pfaller also explained the Council raised the cost of yard waste bags from \$0.40 to \$1.00 in order to help offset costs within the budget. He encouraged the use of the recycling program.

Councilmember Myers also enjoyed the Riverwalk Festival. Myers agreed with Councilmember Pfaller in regards to the Parks.

Mayor Shores stated the Riverwalk Festival was a lot of fun and a successful event. Merchants were happy.

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

1. The following boards and commissions meetings minutes are provided:
  - Chamber of Commerce meeting of June 8, 2004
  - Parks and Recreation Commission meeting of June 12, 2004
  - Grand Valley Metro Council - Transportation Policy Committee meeting of May 19, 2004
  - Trails meeting of June 9, 2004
2. From all accounts, the Riverwalk Festival was a success. Many people came downtown... local merchants for the most part were pleased.

Item #10. **APPOINTMENTS**. By general consensus the following reappointments were made:

Clarke Jahnke and Debra Hinton were reappointed to the Planning Commission as well as James Wood to the Board of Review. All terms expire June 30, 2007.

IT WAS MOVED BY MYERS to adjourn at 8:29 p.m.

DATE:

APPROVED:

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C. Jeanne Shores, Mayor

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Betty R. Morlock, Clerk