

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

For the Regular Meeting of **MONDAY, SEPTEMBER 19, 2005**

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

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

Absent: None.

Also Present: City Manager David Pasquale, City Clerk Betty Morlock, DPW Director Dan DesJarden, Chief of Police Jim Valentine, Waste Water Treatment Plant Superintendent Mark Mundt, Planning Commission Chairman Clark Jahnke, Lowell Light and Power/Cable TV Boardmember Dave Austin

IT WAS MOVED BY PFALLER and seconded by HODGES to approve the minutes of the September 6, 2005 regular meeting minutes as submitted.

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

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

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

BILLS AND ACCOUNTS PAYABLE (09/19/05)

GENERAL FUND	\$86,551.37
MAJOR STREET FUND	2,231.50
LOCAL STREET FUND	183,684.96
DDA FUND	4,275.02
AIRPORT FUND	2,121.94
WASTEWATER FUND	27,552.51
WATER FUND	8,562.60
DATA PROCESSING FUND	479.39
EQUIPMENT FUND	2,086.76
CURRENT TAX FUND	5,475.23
LOOK FUND	100.00

Item #1. **NORTH COUNTRY TRAIL – RELOCATION OF ROUTE REQUEST.** The North Country Trail Association expressed interest in rerouting a portion of its trail in the City. The Association has proposed moving the trail off Grindle, which is not scenic nor safe (no sidewalks) to Washington next to the cemetery over to the Boy Scout Cabin east.

Alex Fleet, who will be working on the trail reroute as his Eagle Scout project was present.

Clare Cain, Director of the North Country Association stated she is in support of the project.

Councilmember Pfaller stated Fleet presented the idea to the Parks and Recreation Commission. However, the property where the trail has been proposed is not the parks. Therefore, he was referred to the Council.

Mayor Pro Tem Myers questioned if this would be more of a direct route from Main Street. Cain responded, yes.

It was noted the markers would be changed.

Councilmember Mathews believed the trail would be safer. Mayor Shores said it would also be more scenic.

IT WAS MOVED BY HODGES and seconded by MYERS to endorse the North Country Trail relocation project as proposed.

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

Item #2. **ZONING BOARD OF APPEALS.**

- A. 807 Bowes – Habitat for Humanity – reduce lot width from 66' to 65' – public hearing. The adjoining property to the home recently constructed by Habitat for Humanity, which is located at 206 Pleasant Street has a house with a window, which overhangs by four inches on this parcel. Habitat has felt the best way to resolve the situation is to deed the one foot over to the Pleasant Street property. However, in doing so, 807 Bowes would then be one foot short of its minimum width going from 66 to 65 feet.

At its August 22, 2005 meeting, the Planning Commission believed (by majority vote) the last three criteria of the six met granting a variance. The Commission recommended against the variance petition.

Mayor Pro Tem Myers questioned if any form of consideration has been proposed from either side for the granting of this change in lot line. Pasquale stated this was not brought to his attention.

Mayor Shores questioned the shed. Pasquale stated this is another issue which must be addressed.

Planning Commission Chairman Clark Jahnke believed there were other ways to handle the issue, other than making a nonconforming lot even more nonconforming. Jahnke stated instead of changing the entire lot width, they could also do part of the lot width or swap some part of the land so there is not a straight line. There may be other ways to achieve the same result on their behalf without causing a more nonconforming lot. Councilmember Pfaller did not believe the setback requirements could be met no matter how the lot line was altered.

Pfaller noted how a similar request from Holwerda Builders for narrower lots was recently denied.

Mayor Pro Tem Myers believed the criteria established a few years ago aids to the credibility of the decision making process of the Planning Commission. This is far more measurable and takes away from some of the emotional elements.

IT WAS MOVED BY SHORES and seconded by HODGES to deny the variance request to reduce the lot width at 807 Bowes based on the recommendation from the Planning Commission.

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

Frances Swearingen of 206 S. Pleasant stated she has been dealing with this issue for over 20 years. This (807 Bowes) was her property and it was taken from her. She believed Habitat and the City knew that part of her home was on the lot line and yet the decision had been to build. She did not believe she should have to remove any portion of her home.

Item #3. **AMENDMENT TO THE COMMEMORATIVE TREE PROGRAM.** Councilmember Pfaller explained the current commemorative tree program policy has been reviewed by the Parks and Recreation Commission. Contrary to this policy, donations of trees and other structures similar to a park bench should be encouraged.

The Parks and Recreation Commission has recommended this change. However, bronze plaques should be no larger than 5 by 9 inches.

IT WAS MOVED BY PFALLER and seconded by MATHEWS to approve the Commemorative Tree Program policy amendments as proposed.

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

Item #4. **PROPOSED WATER AND WASTEWATER COST OF SERVICE STUDY.** At its June 20,

2005 meeting, the City Council approved revised water and wastewater rates to December 15, 2005 pending a rate study of these utility charges by January 1, 2006. City Manager Pasquale contacted Mark Beauchamp of Utility Financial Solutions for a proposal. The firm has had a successful relationship with Lowell Light and Power and Cable TV regarding their rates.

The total cost of the proposal for the rate study would be carried out by UFS within the time constraints for a total of \$19,000 split between the Water and Wastewater Funds.

Pasquale recommended the Council approve this.

Councilmember Pfaller questioned if any other proposals were received. Pasquale responded no. He believed Beauchamp a considerable amount of knowledge regarding utility rates. Pasquale also was considering the short turn around time the City is considering in terms of adjusting the rates.

Mayor Pro Tem Myers questioned if there were other firms the City should consider. Pasquale responded the City would need to postpone the rate change.

Pfaller stated he would be in favor of extending the current rates in order to follow the standard procedure of receiving bids.

Myers questioned how long it would take to do the work. Pasquale figured 2 ½ to 3 months. Once a project is proceeding, the City will have to determine how far the current rates are extended.

No further information was provided.

Item #5. **POLICY FOR WATER AND SANITARY SEWER CONNECTIONS IN VERGENNES TOWNSHIP.** At the September 6, 2005 meeting, the City Council had the opportunity to review the current status of water and sanitary sewer connections in Vergennes Township. During the discussion, the Council directed that a policy be provided regarding connections and rates. A policy was prepared and reviewed.

It was moved by HODGES and seconded by PFALLER to approve the water and sanitary sewer connections policy as written.

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

Item #6. **ENGINEERING SERVICES FOR GEE DRIVE RECONSTRUCTION.** The City was awarded a federal grant to reconstruct Gee Drive from the Creekside Park entrance to 2100 feet west in 2006. This would leave approximately 1900 feet left to complete this road to Alden Nash. Currently, federal funding limitations prevent the full completion of Gee Drive. City Manager Pasquale is continuing to converse with Michigan Department of Transportation to seek this. The grant provides 80% of construction costs.

Proposals were sought from engineering firms for design and construction inspection covering the

entire length of the road. Five proposals were received. All have good qualifications. Based on the amount of fees submitted, DPW Director Dan DesJarden and Pasquale have recommended Williams and Works be awarded the project at a cost of \$70,634, allocated from the Major Street Fund.

Councilmember Pfaller noticed there were significant discrepancies between the proposals. All firms have the job taking different amount of weeks. Austin believed it would take between 10 and 14 weeks. This isn't known until it is designed.

Pfaller questioned Williams and Works calling for 10 foot test borings, while Wade Trim is requiring five feet. Austin explained normally one would only go down approximately 5 feet on flat surfaces. However, there are a few hills on Gee Drive which may cause some cuts within the final design. The soil which will be reviewed is a couple feet lower than the grade now. There has also been a history of poor soils in the area.

Pfaller commented on the issues with the water table at Creekside Park. He agreed that handling the drainage may be the trickiest part.

IT WAS MOVED BY MYERS and seconded by PFALLER to approve the proposal from Williams and Works in the amount of \$70,634 involving engineering services for Gee Drive reconstruction.

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

Item #7. **2005 SIDEWALK PROJECT – AWARD OF CONTRACT.** Bids were received for sidewalk construction which would be provided through the Community Development Block Grant administered by Kent County. Bids were received four firms with the lowest bid provided by Lyonnais, Inc. in the amount of \$69,529.50. A total of \$45,799 has been allocated from the Block Grant fund for this project.

Discussion was held with Tom Tilma from the Kent County Community Development Department, he said an analysis would have to be completed to determine anymore available funds. In the meantime, Pasquale recommended the Council approve the project up to the current funding level. Tilma will provide an answer toward the end of the construction work.

DPW Director DesJarden recommends the work be reduced to:

- Beech from Foreman to Hunt (both sides) instead of to Birchwood Court
- Hunt from Beech to Lincoln Lake
- Lincoln Lake from Godfrey to Hunt (west side only)
- Ridgeview would not be included

IT WAS MOVED BY PFALLER and seconded by MATHEWS to approve Lyonnais, Inc. to carry out

the revised 2005 Sidewalk Project as presented as allocated from the Community Development Block Grant.

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

Item #8. **MONTHLY REPORTS**. No comments were received.

Item #9. **CITIZEN COMMENTS**. It was noted Eric Mundt was present and is receiving a merit badge for communications.

Item #10. **COUNCIL COMMENTS**. Mayor Pro Tem Myers questioned when the striping on North Hudson would be completed. Police Chief Valentine explained paint contractors are being lined up and the work should begin soon.

Myers questioned the railroad crossing and the south side having sidewalk, while the north side does not. DPW Director Dan DesJarden stated the railroad company placed the foundation for cantilevers in the wrong spot on the north side. This will be reset, the county will come to install the curb and sidewalk and then the asphalt.

Myers commented on the issue of a skateboard park. He noted the fairgrounds in the City of Ionia has a skateboard park as well as one in Saranac. Myers commented on a proposed dog park within the City. He believed a dog park would be less expensive, not that it should be placed ahead in priority, but in terms of expense. Councilmember Pfaller stated Jeff Eckstrom is pursuing the dog park. The Parks and Recreation Commission have encouraged him to pursue this. No teens attended the last Parks and Recreation meeting. He noted a skateboard park costs between \$80,000 and \$100,000.

Myers asked if there was a policy manual for the City of Lowell. Pasquale stated a new policy book is being circulated for staff comments. It has been divided into various sections. There are also sections for agreements held with the City and various organizations.

Councilmember Pfaller questioned the monthly reports under the Street Department. It indicated the equipment went back into the Foreman building after the fair was over. He wanted to maintain its current look after all the effort placed into restoring the building. DesJarden could not guarantee this. The building is used to store such items as salt and sand. Myers suggested portable corrals. DesJarden stated there are dividers and backstops against walls.

Mayor Shores noted the fly in and Fallasburg Fall Festival this coming weekend.

She was also happy to see Hudson Street traffic slowing down.

Item #11. **MANAGER'S REPORT**. City Manager Pasquale reported on the following:

1. The following boards and commissions meetings minutes are provided:

- Parks and Recreation Commission meeting of August 13, 2005
- Lowell Community Leadership Council meeting of June 16, 2005
- Chamber of Commerce meeting of August 9, 2005
- Merchants Committee meeting of September 14, 2005

2. At its September 15, 2005 meeting, the State Boundary Commission postponed the decision on the DuRay annexation for 30 days so that the City and Vergennes Township can negotiate a 425 agreement. The issues on this are:

- length of the agreement – who will have the property at the end
- allocation of township millage
- housing density, zoning authority
- water and sewer services – who will provide

The Council will have to decide a course of action. If interested a committee can be formed. Shores believed an effort should be made. A committee was formed of Mayor Shores and Councilmember Pfaller, Mayor Pro Tem Myers is available dependent upon time of meeting.

IT WAS MOVED BY MYERS to adjourn at 8:32 p.m.

DATE:

APPROVED:

C. Jeanne Shores, Mayor

Betty R. Morlock, Clerk