

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

For the Regular Meeting of **MONDAY, JUNE 20, 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 and Planning Commission Chairman Clark Jahnke.

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

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

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

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

BILLS AND ACCOUNTS PAYABLE (06/20/05)

GENERAL FUND	\$107,638.37
MAJOR STREET FUND	3,108.12
LOCAL STREET FUND	2,223.49
DDA FUND	8,583.08
CITY HALL CONSTRUCTION FUND	5,375.85
WASTEWATER FUND	30,886.65
WATER FUND	16,223.66
DATA PROCESSING FUND	420.90
EQUIPMENT FUND	5,618.57
LEE FUND	659.85
LOOK FUND	1,500.00
LOWELL AREA TRAILWAY	8,677.64

Item #1. **PRESENTATION OF THE STATE OF THE CITY ADDRESS.** City Manager Pasquale read the following statement into record:

STATE OF THE CITY ADDRESS
MONDAY, JUNE 20, 2005

To: Mayor Shores, Members of the Lowell City Council and Citizens of Lowell

As provided over the last several years, the State of the City address gives this community the opportunity to review our conditions as a municipality. What has occurred over this last year which affects Lowell? What challenges and opportunities lie ahead? As a City, how do we respond?

At the last City Council meeting, the budget was adopted. As with the previous two budgets, the process continues to be difficult. Total property tax revenues have been projected to increase \$64,000 while total General Fund revenues are expected to decrease approximately \$2,000. Overall, the General Fund balance is just over \$40,000.

Again, the slow Michigan economy and the continued after effects of job losses within this community continue. State Revenue Sharing, though expected to remain at last year's level, is still well over \$100,000 less per year than just four years ago.

My pledge continues that fiscal constraints will be utilized in all funds the City has.

Positive economic trends continue for Lowell. Seventy-five residential building permits totaling over 2.8 million dollars were issued for new construction and renovations in 2004. Also, twenty-four commercial permits were undertaken last year amounting to \$855,000. In particular, Crab Apple Cove condominium apartments located at the northwest corner of Valley Vista and Bowes were completed as well as the construction of Clarke Street allowing for the eventual construction of duplex units.

The downtown continues to be strong. A primary concern has been traffic volume and speed along Main Street in the Central Business District. Through the efforts of the Downtown Development Authority, this issue is being closely examined. A speed board funded through the DDA and the Lowell Area Community Fund draws attention to motorists by displaying speeds. Intersection crossings will be provided to aid pedestrians. A mid block crossing by the riverwalk is being reviewed.

While there is much encouragement about Lowell's future, the City must continue to be proactive.

The following are the goals to be pursued:

- Continue to support the efforts of the Downtown Development Authority and the Downtown Historic District Commission as key economic development tools. The DDA as a first priority will assist in projects which provide business growth or retention. The Downtown Historic District Commission has through grants received funding from the Lowell Area Community Fund, provided

assistance on a matching basis for 61 building renovation projects totalling \$315,000. This has given new impetus for businesses in the downtown.

- Continue to recognize the Lowell Area Chamber of Commerce as an important part of the City's economic development strategy. As a coordinator of events such as the Summer Concert Series (with the Lowell Area Arts Council), Riverwalk Festival and the Christmas Parade, the Chamber acts as the voice of local businesses and industries.
- Be in communication with organizations such as the Michigan Economic Development Corporation and Right Place Program, which can promote the growth of businesses. This past year, visits to Attwood, Root Lowell and Metric Manufacturing were made to keep these organizations and the City informed.
- Promote a concerted effort to continue to upgrade City streets. This summer, portions of Grindle Drive will be reconstructed. Federal funding has been sought for Gee Drive reconstruction in 2006.

Sidewalks, particularly with school walks and in conjunction with street construction projects, need to be emphasized. Walks on Ridgeview and Beech will be completed this Summer.

- Continue to recognize the Lowell Area Historical Museum, the Lowell Area Arts Council, the YMCA and the Kent County Youth Fair as important resources to the City's quality of life.
- Support the Airport Board's efforts to attain General Utility status for the Lowell City Airport, thereby qualifying for State assistance. The attaining of air easements and cutting of trees is scheduled by the Fall.
- Continue to cooperate with the Lowell Area Schools along with Lowell and Vergennes Townships on recreational matters. As part of this cooperative venture, a community walking trails study has been completed. The starting of a trail system is planned by this Fall through the Lowell Area Recreation Authority.
- Plan for improvements to the Wastewater Treatment and Water Treatment Plants. A Wellhead Protection Program and Water Reliability (Master Plan) Study have been started and are toward completion.

As mentioned in previous years, while projects have been provided in our goals, the City places prime responsibility for service to the citizens of Lowell.

Respectfully submitted,

David M. Pasquale
City Manager

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

- A. 209 Lincoln Lake (northeast corner of Lincoln Lake and Chatham) – Zann Travis – variance to locate swimming pool in front yard – public hearing. City Manager Pasquale explained this variance involved the location of a pool in the front yard at 209 Lincoln Lake requested by Zann Travis. Under Section 4.17 C, pools may not be placed in the front yard. But, the configuration of this corner lot made it difficult to install the pool in any other location. Also, the ordinance provides the wording “front yard” rather than “required front yard”, which is more restrictive.

At its meeting of May 23, 2005, the Planning Commission recommended unanimously the variance be granted based on its review of the established criteria.

IT WAS MOVED BY SHORES and seconded by HODGES to approve the variance at 209 Lincoln Lake regarding the location of a swimming pool in the front yard.

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

Item #3. **LETTER FROM THE KENT COUNTY YOUTH FAIR BOARD.** Manager of the Kent County Youth Fair Ron Wenger spoke to the Council on behalf of the Kent County Youth Fair Board of Directors. He read the following letter into record:

Dear Councilmembers:

It has come to our attention that in a meeting with you on June 6, 2005, as well as in interviews granted with the Grand Rapids Press and the Lowell Ledger, the Board President at that time, Mr. Michael Oetman, conveyed a considerable amount of misinformation to you and the residents of Lowell and Kent County. We as a board would like to state we do not agree with either the contents of the message or manner, apparently, in which it was conveyed to you. We apologize for any misunderstanding in this matter and would certainly like to clarify our position to you in the letter, as well as to request a meeting if you would grant us time on your agenda.

First, neither the Kent County Youth Fair Board nor its constituency has any plans to leave the current Fair Grounds. Secondly, the Board recognized that the City of Lowell has supported the Kent County Youth Fair for decades. We feel our relationship is mutually beneficial and have no intention to sever or violate that relationship. Thirdly, Mr. Oetman has resigned from the Kent County Youth Fair Board. Finally, the Board takes its contractual relationship with the City seriously and we are looking into the apparent oversight of not returning the agreed upon 10% lease profits to the City.

We appreciate Jim Valentine’s presence at our June 8th meeting. He certainly clarified that the message Mr. Oetman sent was not the one intended by the Board or our constituency. He also assured us the Council would be willing to dialogue with the Fair Board in the future to make amends and work towards a better understanding of our mutual needs.

We ask that you accept our apology and wish to convey our interest in a meeting in a more constructive manner in the future.

Respectfully,

Steve Vickers
Acting President of Kent County Youth Fair Board

Wenger noted 15 Boardmembers were present for this Council meeting. What was said at the last meeting was not the Board's intent. The Board appreciates its relationship with the City.

Wenger noted Earth Tech has offered to buy paint for the Foreman Building, if the Fair Board wishes to paint it.

Mayor Shores stated the Council was surprised by the comments made during the Council meeting of June 6, 2005. She believed there has been a good working relationship between the City of Lowell and the Kent County Youth Fair. The City is proud to have the Fair.

Councilmember Hodges stated it was wonderful to have goals.

Councilmember Pfaller stated it is always good to have dialogue between the City and the Fair Board. He suggested the Board attend the Parks and Recreation Commission meetings which are held on the second or third Saturday of each month at 8:30 a.m.

Pasquale stated the Fair is important to Lowell as Lowell is to the Fair this year.

Shores noted she received a check from the Kent County Youth Fair.

The Fair will be held August 8th through the 13th this year.

Item #4. **APPROVAL OF RESOLUTION FOR THE ADOPTION OF THE NATIONAL INCIDENT MANAGEMENT SYSTEM.** Police Chief Jim Valentine stated a resolution has been requested from the County Emergency Management Office for the adoption of the National Incident Management System. He explained the Home Land Security funds filter through the State of Michigan historically and will continue to come through each County Emergency Management Office. The Federal Government requires all units of government within the County participant and adopt this resolution in order to receive grant monies.

Valentine noted all department heads and managers must participate in online testing.

This resolution will ensure monies for training and equipment.

IT WAS MOVED BY PFALLER and seconded by MATHEWS to adopt the resolution for the adoption of the National Incident Management System.

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

Item #5. **RESOLUTION TO CONSIDER ESTABLISHING NEW WATER AND SANITARY SEWER RATES, CERTAIN WATER AND SANITARY SEWER SYSTEM FEES AND AMENDMENTS TO WATER SERVICE RULES AND REGULATIONS – TABLED FROM THE PREVIOUS MEETING.**

City Manager Pasquale explained City staff proposed the water readiness to serve and sanitary sewer debt service charges be increased \$1 per month.

During Council discussion at the June 6 meeting, the issue of raising consumption charges instead of readiness – debt service fees was discussed. In order to obtain a rough equivalent of revenue, water and sewer, consumption charges would increase \$0.20 per thousand gallons per month (water to \$1.88 per thousand and sewer to \$2.00 per thousand).

Pasquale noted that raising consumption charges does place more burden on the larger user.

Mayor Pro Tem Myers wanted to be fair when reviewing such an increase. He agreed with the idea of the larger users paying more.

Councilmember Pfaller wanted to see the Council adopt a rate increase for six months. During this time a cost and use study can be performed with adjustments made at the beginning of the year.

IT WAS MOVED BY PFALLER and seconded by HODGES to increase the water and sewer readiness to serve and debt service rates by \$1 per month per user as proposed expiring December 15, 2005. Then, a cost and use study will be completed as well as a new rate structure beginning January 1, 2006.

Myers supported the study. However, he did not agree with increasing the readiness to serve.

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

Pasquale explained City staff reviewed the various fees involving water and sanitary sewer service in terms of actual costs to the City. These concern new accounts fees, new water service and inspection, additional meters, pump station, fire sprinkling system, swimming pool, fill permit, daily bulk water sales and new sanitary sewer inspection fees. Also, delinquent accounts and service reinstatement after regular business hours, are included.

IT WAS MOVED BY HODGES and seconded by MYERS to approve certain water and sanitary sewer system fees as presented.

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

DesJarden explained the rules and regulations amendments involve service connection fees and service turn on/off fees.

IT WAS MOVED BY MYERS and seconded by PFALLER to approve amendments to water service rules and regulations as presented.

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

Item #6. **COMMUNITY DEVELOPMENT BLOCK GRANT AMENDMENTS**. At its January 18, 2005, the Council approved a portion of the Block Grant funds for the installation of sidewalks which are proposed for Ridgeview Drive and Beech Street. It was brought to the city's attention by Tonia North who lives at 1040 Lincoln Lake that installing sidewalks to the end of Beech would have little impact on school pedestrian traffic. Rather, concentration should be made on the following: Beech to Birchwood Court, Hunt from Beech to Lincoln Lake and complete Lincoln Lake to north of Hunt.

DPW Director Dan DesJarden and Pasquale recommended this be approved.

Tonia North of 1040 Lincoln Lake explained she believes this would provide better use of the sidewalks.

IT WAS MOVED BY PFALLER and seconded by HODGES to approve the changes in the sidewalk plan as proposed providing walks on Beech to Birchwood Court, Hunt from Beech to Lincoln Lake and complete Lincoln Lake to north of Hunt.

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

Pasquale went on to state the Kent County Community Development Department recommended the Council increase the CDBG budget for North Kent Transit from \$6,000 to \$10,000.

Councilmember Myers questioned the reporting received from North Kent Transit. Pasquale stated reports are provided on a periodic basis, which refer to expenses and rides.

IT WAS MOVED BY HODGES and seconded by MYERS to accept the proposal concerning North Kent Transit increasing the budget from \$6,000 to \$10,000.

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

Item #7. **MONTHLY REPORTS**. No comments were received.

Item #8. **CITIZEN COMMENTS**. Planning Commission Chairman Clark Jahnke agreed with raising the water and sewer rates for a six month period. He strongly agreed with Mayor Pro Tem Myers regarding this issue.

Item #9. **COUNCIL COMMENTS**. Mayor Pro Tem Myers commented on the great concert held on June 16, 2005. It was very nice.

Councilmember Mathews questioned the status of the private road off Grindle owned by Frank Martin. City Manager Pasquale stated the City is trying to receive private road easements. At this point Frank Martin, through Attorney Mike Tummino has created a private road easement agreement for property owners to sign. Once signed, the issue will be brought back to Council where it will be formally reviewed.

Mathews commented on the sidewalk along North Jackson which is covered with top soil.

Myers stated he noticed several lots along Main Street which need mowing. Pasquale stated there are a

number of letters which have been sent out.

Councilmember Pfaller commented regarding a temporary four way stop on Bowes Road and Hudson Street during the closure of Main Street. Police Chief Valentine stated the Kent County Road Commission has assured him one would be established.

Pfaller noted Lowell Light and Power received the National Safety Award.

Mayor Shores commented on the Thursday night concert as well as the Riverwalk Festival which is held on July 9, 2005. She and City Manager Pasquale will be participating in the flush tank.

Shores commented on the sign in front of the museum. It should not be there.

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

1. The following boards and commission meetings minutes were presented:
 - Airport Board meeting of May 3, 2005
 - Parks and Recreation Commission meetings of March 12, April 9 and May 14, 2005
 - Chamber of Commerce meeting of May 10, 2005
 - Grand Valley Metro Council – Transportation Policy Committee meeting of May 18, 2005
 - Lowell Area Leadership Council meeting of March 17, 2005
2. The next Council meeting is scheduled for Tuesday, July 5, 2005. City Offices are closed on Monday, July 4 because of Independence Day.
3. The City is mourning the loss of Charlie Doyle. He served on the Council when Pasquale was appointed.

Item #11. **APPOINTMENTS**. None.

IT WAS MOVED BY PFALLER and seconded by MYERS to adjourn to closed session at 8:31 p.m. pursuant to the provisions of the Open Meetings Act.

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

NAY: 0. Absent: 0. MOTION CARRIED.

IT WAS MOVED BY PFALLER and seconded by MYERS to return to open session at 9:31 p.m.

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

IT WAS MOVED BY PFALLER and seconded by MYERS to increase the wages of City Manager David Pasquale by 2.5%.

YEA: 5. NAY: 0. ABSENT: 0.

MOTION CARRIED.

IT WAS MOVED BY MYERS to adjourn at 9:33 p.m.

DATE:

APPROVED:

C. Jeanne Shores, Mayor

Betty R. Morlock, Clerk