

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

For the Regular Meeting of **MONDAY, AUGUST 1, 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, Lowell Light and Power and Cable TV General Manager Tom Richards, Waste Water Treatment Plant Superintendent Mark Mundt and Planning Commission Chairman Clark Jahnke.

IT WAS MOVED BY HODGES and seconded by PFALLER to approve the minutes of the July 18, 2005 regular meeting minutes 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 (08/01/05)

GENERAL FUND	\$250,631.17
MAJOR STREET FUND	2,086.55
LOCAL STREET FUND	34,645.39
DDA FUND	2,058.47
AIRPORT FUND	15.87
WASTEWATER FUND	62,442.62
WATER FUND	8,344.43
DATA PROCESSING FUND	494.38
EQUIPMENT FUND	885.95
CURRENT TAX FUND	60,549.63
LEE FUND	249.35

Item #1. **APPROVAL OF THE 11TH ANNUAL MOTORCYCLE TOY RUN AT FAIRGROUNDS.** As held during these past years, the Motorcycle Toy Run is scheduled for Sunday, September 11 from 1 – 4 p.m. using the Fairgrounds. This event has been well received. Police Chief Jim Valentine and City Manager Pasquale recommended approval from Council.

Mayor Shores noted the event was very impressive. She suggested additional advertising.

IT WAS MOVED BY PFALLER and seconded by HODGES to grant the request allowing the holding of the 11th Annual Motorcycle Toy Run at the fairgrounds on September 11 from 1 to 4 p.m.

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

Item #2. **AMENDMENTS TO PROVISIONS REGARDING MINING IN THE ZONING ORDINANCE – RECOMMENDATION FROM THE PLANNING COMMISSION – ADOPT OR SET PUBLIC HEARING DATE (8/15).** After several months of research, the Planning Commission reviewed the mining provisions within the zoning ordinance. Planning Commission Chairman Jahnke explained the issue was discovered due to the operation of Grand Rapids Gravel near the Light and Power substation on Bowes Road. The text was taken from federal guidelines for mining and burrow pit operations. It was noted the permit needs to be issued by the City.

Councilmember Mathews was concerned about the statement “no milling is involved except for the use of a scalping screen to remove large rocks, wood or trash”, particularly the use of a scalping screen. Jahnke suggested the statement be changed to “no milling is involved including the use of a scalping screen”. He was concerned about with the noise and dust which would occur.

IT WAS MOVED BY PFALLER and seconded by MEYERS to set a public hearing for August 15, 2005 regarding amendment to provisions regarding mining in the zoning ordinance.

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

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

- A. 206 S. Pleasant – Habitat for Humanity – setback variance for new accessory building.
Zoning Board Chairman Jim Pfaller indicated the request has been withdrawn.

Item #4. **GRINDLE STREET RECONSTRUCTION – APPROVAL OF FIRST PAYMENT AND CHANGE ORDER NO. 1.** An approval of \$60,648.53 was recommended by Williams & Works, the engineering to Diversco Construction for the work which has already been completed on Grindle. Also, there is a \$1,000 change order request. Public Works Director Dan DesJarden inspected the 30 inch drain tile across Grindle. The change involved the end piece of the tile creating a shallower ditch to allow easier access of mowing the grass. The end piece will be less expensive at the end of the project, receiving \$700 credit.

IT WAS MOVED BY HODGES and seconded by MATHEWS to approve the bill in the amount of \$60,648.53 as well as change order #1 for the Grindle Street improvements project.

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

Item #5. **AWARD OF SANITARY SEWER MAINTENANCE CONTRACT 2005.** DPW Director DesJarden sent requests for bidding sanitary sewer maintenance to eight contractors. Three submitted bids. Selection was based on the lowest per lineal foot costs involving cleaning, televising, root cutting and root treatment.

DesJarden recommended Pollution Control undertake the work for sanitary sewer maintenance contract for 2005 based upon the low bid of \$3.53 per lineal foot.

DesJarden stated the City has invested approximately \$97,000 toward sewer maintenance since 2002. Currently, the City has over 56,000 feet of line on tape for review at anytime.

Councilmember Pfaller questioned the last time there was a sewer backup. DesJarden responded there have been no backups on the west side of the river. However, there was one on the east side of the river, which was due to roots in the main.

IT WAS MOVED BY PFALLER and seconded by HODGES to award the 2005 sanitary sewer maintenance contract to Pollution Control in an amount of \$3.53 per l.f.

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

Item #6. **CITIZEN COMMENTS.** John Stormzand of 2984 Gulliford Trails stated his daughter, son in law and grandchild live at 512 King Street. His daughter's neighbor at 329 N. Jefferson owns a pit bull who frequently enters their yard. The police and Humane Society have been contacted and the owner still has a problem keeping the dog in its yard. Police Chief Valentine stated the dog must remain in its yard. If there is another incident, the owner will be cited. Valentine said there is no ordinance pertaining to vicious animals, just dogs running at large. Councilmember Mathews questioned if the Council should review the ordinance. Valentine stated he would research which communities have such ordinances forbidding vicious animals. Mayor Shores suggested MML be contacted regarding such ordinances.

By consensus, the Council wished to have a staff report submitted to them at the next meeting regarding this issue.

Item #7. **COUNCIL COMMENTS.** Councilmember Mathews commented on the field east of Lowell (formerly Sam's garage) has weeds, which are very tall. There had been previous discussion about having it mowed. City Clerk Morlock stated she would check to see if a letter had been sent.

Councilmember Pfaller noted the lot immediately west of the movie theater needs to have its grass cut.

Mathews also stated Tractor Supply is parking tractors within 10 feet of the sidewalk.

Mayor Pro Tem Myers has had discussions with downtown merchants with regard to what can the City do to promote businesses. The individual has worked with the Chamber and is active with DDA. Myers referred to a seminar which addresses small communities within the business district and asked that copies of this be circulated.

Councilmember Hodges asked if the Mayor would be making any opening remarks at the Fair. Mayor Shores stated she has been invited to the opening ceremony. She was unsure if she would be speaking.

Hodges also commented on Balls Softee Cream. The grounds are beautiful.

Shores stated the fair opens on Sunday, August 7, 2005 at 6:30 p.m. and will remain open until August 13, 2005.

Shores commented on the crosswalks. These seem to be working.

Shores noted a worksession will be held at City Hall on August 16, 2005 at 7:00 p.m. involving the Council and the Light and Power/Cable TV Boards.

Shores stated the summer concert held last Thursday was wonderful. Each has been terrific.

Item #8. **MANAGER'S REPORT**. City Manager Pasquale reported on the following:

1. A yard sale was approved during the last Council meeting to assist Anna Organek. The sale has been rescheduled to August 4, 2005.
2. The following boards and commissions meetings minutes are enclosed:
 - Parks and Recreation Commission meeting of June 11, 2005
 - Grand Valley Metro Council – Transportation Policy Committee meeting of June 15, 2005
 - Downtown Development Authority meeting of June 2, 2005
 - Planning Commission meeting of June 27, 2005
 - Merchants Committee meeting of July 13, 2005
3. The Municipal Employees Retirement System (MERS) will hold its annual meeting in Dearborn from September 20-22. An officer delegate of the City must be appointed by Council. Dan DesJarden is recommended for approval while Sue Olin would be selected as an alternate.

IT WAS MOVED BY MYERS and seconded by PFALLER to appoint Dan DesJarden as an officer delegate representing the City of Lowell to the MERS Annual Meeting and Sue Olin as an alternate.

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

4. The Kent County Youth Fair is scheduled from August 6 to 13.

Item #9. **APPOINTMENTS**. Mayor Shores stated there is an opening on the Planning Commission with the resignation of Deb Hinton. The term expires June 30, 2007. Letters of interest are welcomed. City Manager Pasquale noted Commissioner LaPonise has been selected as the new Vice Chairman of the Planning Commission.

IT WAS MOVED BY MYERS to adjourn at 8:06 p.m.

DATE:

APPROVED:

C. Jeanne Shores, Mayor

Betty R. Morlock, Clerk