

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

For the Regular Meeting of MONDAY, **APRIL 17, 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, Mayor Pro Tem Mathews and Mayor Myers.

Absent: None.

Also Present: City Manager David Pasquale, City Clerk Betty Morlock, DPW Director Dan DesJarden, Police Chief Jim Valentine, Planning Commission Chairman Clark Jahnke, Lowell Light and Power/Cable TV General Manager Tom Richards and Lowell Fire Chief Frank Martin.

IT WAS MOVED BY PFALLER and seconded by HODGES to approve the minutes of the April 3, 2006 regular meeting as written.

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

Councilmember Pfaller questioned a payment to Alto Services in the amount of \$10,962.50 from the DDA Fund. City Manager Pasquale explained this is payment for the security fence at the DPW garage. He noted the fence was appropriated by the DDA. Pfaller did not approve of the fence. Spending such funds is an abuse of the DDA Fund. DPW Director DesJarden explained he approached the DDA for the funding because it was not a budgeted item. The original blue print of the building indicates a fence around the property. DesJarden also believed a fence was necessary because at any time there may be between \$300,000 to \$600,000 worth of equipment sitting outside of the building.

Mayor Myers concurred with Pfaller. He believed funds from the DDA were for visible improvements of the DDA District. DesJarden explained such a project fell within the rules and regulations of the DDA. He also noted the DDA was seeking projects.

Mayor Pro Tem Mathews understood the cost and importance of protecting the City's equipment. It doesn't take much for an individual to do damage.

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

YEA: Councilmember Hodges, Shores, and Mayor Pro Tem Mathews.

NAY: Councilmember Pfaller and Mayor Myers.

ABSENT: 0. MOTION CARRIED.

<u>BILLS AND ACCOUNTS PAYABLE (04/17/06)</u>	
GENERAL FUND	\$73,668.73
MAJOR STREET FUND	131.80
HISTORIC DISTRICT FUND	1,275.00
DDA FUND	10,962.50
WASTEWATER FUND	26,619.36
WATER FUND	1,497.88
DATA PROCESSING FUND	4,730.93
EQUIPMENT FUND	502.73
CURRENT TAX FUND	1,213.38
CARR FUND	500.00

Item #1. **UPDATE ON PROPOSED DOG PARK.** Jeff Eckstrom, 722 N. Jefferson has proposed to establish a dog park within the City of Lowell. The park would consist of a fenced and enclosed open area where dogs can run off of a leash, unencumbered by obstacles.

Eckstrom attended a Parks and Recreation Commission meeting and presented the proposal. The Commission liked the idea and asked him to pursue the issue. Eckstrom received favorable results through a survey indicating pet owners would use a dog park within the City of Lowell. A committee has since been formed and is working on the design of the park as well as fundraising.

The committee investigated several locations and it was determined that the park be placed on City owned property on the south side of Front Street between Division and Jefferson. In mid February, committee members visited homes surrounding the location and discussed the issue with residents. The results were positive, with the exception of one individual.

The on going cost of the park will be between \$500 to \$1,000 per year. This is an area in which the City is already mowing. He hopes to provide a parking lot which would have to be plowed in the winter. Trash barrels will also need to be emptied weekly.

Eckstrom is hopeful to receive fundraising monies from dog owners in the Lowell area. One flyer has been circulated, as well as request made for donations from local businesses. A donation pipe could also be placed near the park. The committee is pursuing local grants and contacting national dog food chains as well.

Eckstrom believed the park would contribute to the quality of life in Lowell for both people and dogs. This is good use of City property. He believed this helps with the behavior in dogs as they will be less likely to bark at other dogs because of the opportunity to properly socialize.

Councilmember Shores noted she received a call from a resident opposing the park. She questioned the size of the park. Eckstrom responded the park would be just under two acres running along the south side of Front Street. The zoning would allow the park to continue down Division.

Shores questioned how the park would be cleaned. Eckstrom stated people would be responsible for their own pets in both behavior and clean up. Bags would be on hand for people to use. There will also be clean up days every few months.

Mayor Pro Tem Mathews questioned the parking. Eckstrom stated the parking would probably be adjacent to the area where the City dumps from the street cleaner. This is directly south of where Jefferson enters.

Mathews asked if any neighbors raised concerns regarding on street parking. Eckstrom stated this was mentioned once. The street is wide enough and would allow parking. The parking lot will be adjacent to the entrance of the park.

Councilmember Pfaller stated Eckstrom has put much work into the park. The committee has planned to have alternate entrances to allow revitalization of the turf when it gets matted down as well as a separate area for large and small dogs.

Eckstrom noted dog parks are relatively new. He has been researching dog parks across the country.

Mathews noted the dog park south of 36th Street on Cherry Lane. Eckstrom stated the Grand Rapids dog park is used much more than anticipated and there are plans to create at least two more.

Mayor Myers questioned the hours of the park. Eckstrom responded the park would be open during daylight hours only.

Myers referred to the staging area. Eckstrom stated this will allow the dog owners to unleash the dogs when entering or existing the park.

Myers inquired who received the survey. Eckstrom responded licensed dog owners within the City of Lowell.

Shores asked if the park would be open year around. Eckstrom responded yes. Shores questioned if the plowing of the parking lot or additional mowing would be a problem. DPW Director DesJarden responded no.

Myers inquired regarding the next step. Eckstrom stated a mailing was sent out a few weeks ago requesting donations. Thus far, approximately \$1,600 has been received. The committee plans to send out at least two to three additional mailings.

Shores asked if the Parks and Recreation Commission have given their approval. Pfaller stated Eckstrom and the committee have spent a great amount of time reviewing various sites. This is the most logical site. The Commission is in favor of the park.

Item #2. **AMENDMENTS TO THE DEVELOPMENT AND TAX INCREMENT FINANCING PLANS OF THE DOWNTOWN DEVELOPMENT AUTHORITY TO INCLUDE MARKETING – SET PUBLIC HEARING (6/5).** At its March 15, 2006 meeting the Downtown Development Authority voted to allocate \$25,000 a year for three years (2006 – 2008) assisting the Chamber of Commerce in its marketing efforts. Upon consultation with City Attorney Richard Wendt, an amendment to the Development and Tax Increment Financing Plans of the DDA is needed to include marketing.

The amendments will be considered by the DDA at its April 20 meeting for recommendation. In order to comply with a 45 day notice, the Council should establish its public hearing date for June 5 for its consideration of the amendments.

IT WAS MOVED BY SHORES and seconded by HODGES to set a public hearing for June 5, 2006 regarding amendments to the development and tax increment financing plans of the downtown for marketing.

Mayor Pro Tem Mathews noted the date within the resolution was incorrect. Pasquale stated this will be corrected.

Councilmember Pfaller suggested the resolution be based upon a percentage rather than a fixed dollar amount. Pasquale explained the wording within the resolution would provide up to \$50,000 a year for marketing. He noted the DDA would need to make such a decision. Pasquale noted this is effective until the plan ends in 2013.

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

NAY: None. ABSENT: None. MOTION CARRIED.

Item #3. **PRESENTATION OF THE PRELIMINARY 2006 – 2007 OPERATING BUDGET.** As requested by the City Council, the preliminary 2006 – 2007 Operating Budget was presented for review and comment. A major item of the budget is the General Fund. There is an expected increase in property taxes of approximately four percent. The City has shown some financial improvement. One mill is valued at a little over 91 million dollars as opposed to 87 million dollars the year before. The Downtown Development Authority continues its strong growth. The DDA encompasses the entire commercial and industrial base except for the Attwood property. In 2002, the City's capture was slightly over 12 million and in 2006 it is over 16 million.

There is a need to keep the operating millage at its current level. The City needs to have State revenue sharing stable. However, the City has probably lost well over \$100,000 a year in State shared revenues over the last few years. This definitely is a challenge and hurts the City. Salary increases for City employees are expected to be at 1 ½ percent with no merit increases. No new hires are proposed.

Currently, there is a projected fund balance of almost \$12,000. The staff has reviewed allocations from various funds to assist with the General Fund.

A major item within the Major and Local Street Fund includes planned improvements for Gee Drive. Eighty percent of the road will be constructed through federal funds. Pasquale stated Dennis Kent, Lowell resident and MDOT planner has been a great help to him and city staff regarding federal grants.

Wastewater and water fund rates have been established and will provide a balanced budget for these utilities.

Mayor Myers questioned the ideal fund balance. Pasquale responded approximately 20 percent of the expenditures.

Councilmember Pfaller questioned why the Light and Power budget was not being presented, as according to City Charter. Lowell Light and Power and Cable TV General Manager Tom Richards stated the Board will be considering budget approval next week. Presentation of the budget any earlier would have provided very little information.

Pasquale stated the City would be providing a final budget in May. Two public hearings will be held and consideration of adoption will be held on June 5, 2006.

Item #4. **REVIEW OF PROPOSED FIRE STATION ADDITION AND NEWELL BUILDING FOR PUBLIC WORKS USE.** At its December 19, 2005 meeting, the City Council reviewed a proposal to provide a 34' x 72' addition to the Look Memorial Fire Station accommodating the needs of the Lowell Rockford Ambulance and Fire Department storage needs.

The total cost of the addition has been estimated at \$243,000. An application was made to the Lowell Area Community Fund for consideration of funding. The Lowell Area Community Fund would provide up to \$81,000 for this addition. Also, the Lowell Rockford Ambulance would provide \$81,000. The remaining amount would be divided three ways between the City, Vergennes and Lowell Township. This would be \$27,000 per jurisdiction with a lease purchase agreement which could be structured over a 5 year period of time. The City could also look toward the Look Memorial Fund providing contributions.

The issue was raised concerning the feasibility of moving the Department of Public Works to the Newell Building B, next to the structure where Light and Power will occupy. DPW Director DesJarden provided a preliminary study on the feasibility. If the entire operation would be moved, the following issues need to be addressed:

- Raising the roof to accommodate hoist operation and dump trucks
- Construction of floor drains
- Support beams – need protection

- High water table for hoist installation
- Offices need to be constructed
- Fire protection system
- Fire wall construction

If the building will be used strictly for storage, only roofing repairs need to be made. The sign shop at the Chamber – Cable TV building could be moved. Also, equipment stored at the Foreman Building could be accommodated.

Councilmember Pfaller questioned what loading and unloading is done inside the building with a dump truck. DesJarden explained the Foreman building is utilized in the winter for salt, cold patch, black dirt, and road gravel. Also, Kent County Road Commission utilizes the building as a satellite area for their salt during the winter time.

Mayor Myers inquired if Kent County Road Commission rents the space. DesJarden stated no. However, the Road Commission provides excellent coverage along M21 and Lincoln Lake. The Commission also hauled the remaining amount of salt out of the building and is storing it for the City. They will return the salt at no cost for the winter. The Road Commission has indicated their desire to build a salt bin next to the City's, if one is ever constructed.

Pfaller asked if the DPW were to move to the Chatham Street property, could a storage facility be constructed. DesJarden was unsure. He would review.

Pfaller questioned the support beams which need to be protected. DesJarden stated the vertical beams within the building must be protected. The beams are supporting a flat roof and would need to be protected if a truck were to back into these.

Pfaller asked if the City has looked into the need to out source maintenance which would eliminate a hoist. Would it be cheaper to have a local mechanic as opposed to a City employee do the repairs? DesJarden stated he has not considered out sourcing. This would include the police and fire departments as well. He noted the mechanic works on all equipment including lawn mowers and weed trimmers. DesJarden noted it is helpful to have repairs done immediately, rather than waiting for an outside mechanic to complete the work.

Pfaller questioned why Light and Power out sources their work as opposed to having the City mechanic do the maintenance. Lowell Light and Power and Cable TV General Manager Tom Richards explained retired City Mechanic Tom Hartman had higher priorities. D&D provides competitive rates as well as a quick turnaround time.

Pfaller did not believe the utilities should be separated, if the DPW moves into the building.

Pfaller asked if the current DPW building had sprinkler fire protection. DesJarden explained he has tried to budget this over the last few years. Pfaller believed a fire wall expense should be shared between tenants. It should be installed before one moves into the building.

Councilmember Shores asked if the DPW building was paid for. DesJarden responded yes.

Shores was concerned with the location of the Newell building. She also raised concerns regarding increased traffic. Shores believed the DPW is currently in a good location and would not be in favor of moving the entire DPW. Mayor Pro Tem Mathews agreed. The DPW is at a great central location.

Councilmember Hodges asked if the fire department and its current situation is adequate for the foreseeable future. Fire Chief Martin responded yes. He wanted to keep Rockford Ambulance near the Fire Department. Hodges commented regarding Rockford Ambulance moving into the DPW building. Martin stated the building would be too large. Hodges agreed with Shores and Mathews.

Myers asked if DesJarden anticipated any growth issues with the current space. DesJarden responded yes. A study completed in 2000 shows an additional building is needed.

Myers questioned equipment storage. Can we add more equipment to the current space? DesJarden responded yes.

Pasquale explained an addition would be with financial cooperation of the townships. Pasquale questioned if the Council wanted to pursue the review of such an addition. He noted a grant has already been secured. He asked if the Council would be interested in meeting with the townships at the fire station. Shores and Hodges indicated their support.

Pfaller wanted the City to plan on the retaining wall. The building would take up a significant amount of what has been used by the fair for many decades. He also suggested alternative sites such as south of the fire station or separate building immediately south of the DPW.

Pasquale stated a meeting would be scheduled.

The City Council agreed on a 4 to 1 consensus.

Item #5. **PROPOSED CITY HALL BUILDING USE FEES.** A committee composed of Councilmembers Shores and Mathews, DPW Director Dan DesJarden, City Clerk Betty Morlock and Police Chief Jim Valentine has reviewed and proposed building use fees for City Hall. The proposal includes non profit organization within the City limits and non profit organization outside the City limits.

The committee agreed there would be no charge for non profit organizations within the City limits when using the small conference room during regular business hours. Use of the small conference room after business hours would require a security/key deposit.

There will be a \$40 charge when using the small conference room during regular business hours for non profit organizations outside the City limits.

Other restrictions include, no smoking, no alcohol or red drinks in the building.

Councilmember Shores requested a check list, in which the renter can use to go through when exiting the building, sign it and then place it in the drop box. The deposit can then be returned once City staff inspects the room.

The building can be used between 7 a.m. and 10 p.m. with special arrangements.

IT WAS MOVED BY PFALLER and seconded by MATHEWS to approve the City Hall building use fees as presented.

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

Item #6. **WAIVER OF SIDEWALKS – 814 AND 818 GRINDLE**. David Woods of Woods Builders has requested a waiver of sidewalks for his recently built homes located at 814 and 818 Grindle. He noted there are no other sidewalks in the area and an extension of walks to the north would be difficult. The removal of trees is required at these properties, if a sidewalk is installed.

Councilmember Pfaller stated he would only approve the variance, if an agreement was made that the property owners must install sidewalks if needed in the future.

Mayor Pro Tem Mathews stated many individuals walk along the road. He commented on the large oak tree in his yard which would need to be removed if sidewalks were to be installed. Pfaller suggested the sidewalk be installed behind the tree.

Mayor Myers questioned at what point during the construction process was Woods informed of the sidewalk requirement. Woods responded last week. Myers was concerned with how the City handles building permits. This is the second or third request the Council has had of this nature which it appears that the builder was not properly informed regarding the sidewalk requirement. Myers believed sidewalks provide public safety and give children a safe place to play.

Councilmember Hodges stated he would be in favor of denying the variance and request that sidewalks be installed.

DPW Director DesJarden explained any new building permit is accompanied by a check list which indicates the need for sidewalks.

Mathews did not want the roots to his oak tree damaged, if a sidewalk is installed.

DesJarden noted a sidewalk is typically set one foot within the right of way.

IT WAS MOVED BY PFALLER and seconded by HODGES to deny the waiver of sidewalks at 814 and 818 Grindle Drive.

YEA: 3. (Councilmembers Pfaller, Hodges and Mayor Myers)

NAY: 2. (Councilmember Shores and Mayor Pro Tem Mathews)

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

Item #8. **CITIZEN COMMENTS**. No comments were received.

Item #9. **COUNCIL COMMENTS**. Mayor Pro Tem Mathews commented on the banner sign across the street from Fry Daddys. City Clerk Morlock stated they received a temporary sign permit for 21 days.

Councilmember Pfaller asked if Good Chevrolet had a permit for their flashing sign. The sign ordinance does not allow a flashing light. Morlock stated they also have a temporary sign. It changes every two minutes.

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

1. The following boards and commissions meetings minutes were provided:
 - Chamber of Commerce meeting March 14, 2006
 - Parks and Recreation Commission meeting of March 11, 2006
 - Airport Board meeting of February 2, 2006
2. Bids were received by the Michigan Department of Transportation for reconstructing Gee Drive from the Creekside Park entrance to 2100 feet west. The low bid of Diversco Construction of \$356,091.69 is 13% under the engineer's estimate. A total of 80% of construction costs are covered by a federal grant.

DPW Director stated a pre construction meeting will be held at City Hall with a tentative start date of May 8, 2006.

A public hearing will be held on Tuesday, April 18 to hear comments for the 2008 Federal Small Urban Transportation program. As mentioned before, the City's first priority is to complete Gee Drive. Then, Bowes Road west of Valley Vista will be submitted as a second choice.

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

IT WAS MOVED BY PFALLER to adjourn at 8:59 p.m.

DATE:

APPROVED:

Charles R. Myers, Mayor

Betty R. Morlock, Clerk