

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

For the Regular Meeting of **MONDAY, JULY 6, 2009.**

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

Present: Councilmembers Ellison, LaPonsie, Mayor Pro Tem Pfaller and Mayor Hodges.

Absent: Councilmember Altoft.

Also Present: City Manager David Pasquale, City Clerk Betty Morlock, Lowell Light and Power Manager Greg Pierce, Arbor Boardmember and Lowell Light and Power Boardmember Jim Hall and Planning Commissioner Andrew Schrauben.

IT WAS MOVED BY PFALLER and seconded by LAPONSIE to excuse the absence of Councilmember Altoft.

YEA: 4. NAY: 0. ABSENT: 1. MOTION CARRIED.

Item #1. **APPROVAL OF AGENDA.**

IT WAS MOVED BY ELLISON and seconded by LAPONSIE to approve the agenda as submitted.

YEA: 4. NAY: 0. ABSENT: 1. MOTION CARRIED.

Item #2. **APPROVAL OF THE MINUTES OF THE JUNE 15, 2009 REGULAR MEETING.**

IT WAS MOVED BY PFALLER and seconded by ELLISON to approve the minutes of the June 15, 2009 regular meeting as corrected.

YEA: 4. NAY: 0. ABSENT: 1. MOTION CARRIED.

IT WAS MOVED BY LAPONSIE and seconded by ELLISON to approve the closed session minutes of June 15, 2009 as written.

YEA: 4. NAY: 0. ABSENT: 1. MOTION CARRIED.

Item #3. **APPROVAL OF THE ACCOUNTS PAYABLE.**

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

YEA: Councilmembers Ellison, LaPonsie, Mayor Pro Tem Pfaller and Mayor Hodges.

NAY: 0. ABSENT: 1. MOTION CARRIED.

<u>BILLS AND ACCOUNTS PAYABLE (07/06/09)</u>	
GENERAL FUND	\$93,938.30
MAJOR STREET FUND	5,454.27
LOCAL STREET FUND	1,084.06
DDA FUND	1,964.90
AIRPORT FUND	548.62
WASTEWATER FUND	44,356.87
WATER FUND	18,707.20
DATA PROCESSING FUND	542.50
EQUIPMENT FUND	880.02
CURRENT TAX FUND	1,156.10
LEE FUND	586.20
LOOK FUND	15,000.00

Mayor Pro Tem Pfaller commented on the payment to Noon Tire. He encouraged City businesses such as Ronda Tire to be used before going outside the City.

Item #4. **CITIZENS COMMENTS FOR ITEMS NOT ON THE AGENDA.** No comments were received.

Item #5. ZONING BOARD OF APPEALS.

A. 430 N. Monroe (southwest corner of N. Monroe and North Streets) – Dan Phillips – setback variance to accommodate an enclosed porch – public hearing. Councilmember LaPonsie explained the Planning Commission voted 4 to 1 vote to recommend the variance setback to accommodate an enclosed porch at 430 N. Monroe. Due to the home being located in the Historic District, the establishment of the lot as well as the placement of the existing door, the majority of the Commissioners believed the issue was not caused by the homeowner and it met all of the variance criteria. One member felt the applicant should have checked with the City before doing any work as he had partially started the work.

A letter was also received from neighbors Barb and Joe Vezino (504 N. Monroe) who were in support of the request.

Zoning Board Chair Pfaller stated it appears the steps were previously inside the building. Phillips said the door was moved for safety issues. It was a very small area with steps going down and up.

IT WAS MOVED BY HODGES and seconded by ELLISON to approve the setback variance at 430 N. Monroe (southwest corner of N. Monroe and North Streets) – to accommodate an enclosed porch.

YEA: 3. NAY: 1. (Pfaller) ABSENT: 1. MOTION CARRIED.

- B. 925 W. Main – Self Serve Lumber – Sign variance – public hearing. Curt Schwannecke of Self Serve Lumber wished to utilize the existing pylon sign used by Stock Lumber (and previously Erb) in establishing their business at 925 W. Main. As noted in the application, the sign is 128 square feet with a 32 square foot reader board.

According to the sign ordinance, a freestanding (pylon) sign in the General Business District is limited to one hundred (100) square feet in area per sign (Section 20.08). No nonconforming sign may be reestablished or continued after the activity, business, or use to which it applied has been discontinued for 90 days or longer. City Manager Pasquale explained originally the variance involved the size of the sign.

Councilmember LaPonsie explained the Planning Commission voted on this variance unanimously. When first approached about the variance, it was obvious the size was not going to meet the variance criteria. It was suggested by one of the Commissioners to offer a variance on the time due to the sign being there for so many years. The Commissioners believed it made sense for a new business to be able to utilize the existing materials.

The variance would allow a new business to utilize the existing sign for up to two years.

Councilmember Ellison, Mayor Hodges and Mayor Pro Tem Pfaller agreed with the Planning Commission.

IT WAS MOVED BY LAPONSIE and seconded by HODGES to approve the sign variance request for 925 W. Main Street – Self Serve Lumber allowing the use of the pylon sign up to two years between businesses leaving and starting.

YEA: 4. NAY: 0. ABSENT: 1. MOTION CARRIED.

- Item #6. REQUEST FROM FRIENDS OF THE ENGLEHARDT PUBLIC LIBRARY – INSTALL SECOND BIKE RACK. As noted in a letter dated June 16, 2009 from Maribeth Culver-Lammas, the Friends of the Englehardt Public Library wish to purchase and install a second bike rack located near the front door of the building. This would allow greater usage.

Since the building and grounds are City owned, Council approval is petitioned. There was a

recommended location as well as an alternate.

Mayor Hodges stated the library is well used.

Mayor Pro Tem Pfaller favors the black powder coat finish option as opposed to the galvanized.

Councilmember Ellison confirmed the bike rack would not interfere with the sidewalk or landscaping. Culver-Lammas stated it would run perpendicular to the building. There is plenty of room.

Pasquale noted the option of taking out some foliage. Culver-Lammas stated this can be done. She wanted to keep it simple. She did not believe this needed to be done.

Ellison did not like the idea of it being chained to the pillars. Culver-Lammas responded this may make snow removal a little easier. By general consensus, the Councilmembers suggested the bike rack be anchored to the concrete.

IT WAS MOVED BY PFALLER and seconded by ELLISON to grant permission to Friends of the Englehardt Library to install a second bike rack with it being located south west of the front door. The bike rack should be permanently anchored.

YEA: 4. NAY: 0. ABSENT: 1. MOTION CARRIED.

Hodges noted the possibility of a bike rack being placed at City Hall.

Item #7. **REQUEST TO WAIVE FEES AND TIME ALLOWANCES FOR TEMPORARY SIGN PERMIT – THE PINK ARROW PROJECT.** Teresa Beachum noted CBS Outdoor Billboard has installed the new Pink Arrow sign at the billboard by I-96. It is very attractive and should catch one's attention. The key part of the sign is the date of the game and the new website. CBS Billboard has also agreed to make a miniature version of the billboard sign. Beachum requested permission to locate the sign throughout the community for 9 weeks leading up to the football game held on Friday, September 11, 2009. She also requested permission to waive the \$25 sign fee as she did not want to penalize the businesses who allow the sign to be placed on their property.

Mayor Hodges stated businesses are allowed to have temporary signage for up to 60 days in a year. Perhaps when there is a charitable event no charge should be given. Beachum stated the idea is to promote the Pink Arrow project, promote the community and all of the goodness the project brought to the area last year.

Beachum hopes to move the sign to a different location every to 7 to 10 days.

LaPonsie explained the sign ordinance was created to allow temporary signs for businesses to advertise sales and provide revenue. This is more of a community initiative. She suggested

this be coordinated with the businesses so there is only one sign on the property.

Pfaller supported the idea. He suggested the Pink Arrow Project apply for the sign permit and waive the fee instead of having the businesses applying for the permit. Pasquale believed it would be appropriate to allow the Pink Arrow Project to apply for the temporary sign permit. He requested a schedule as well as a master list of where the sign will be located.

IT WAS MOVED BY PFALLER and seconded by ELLISON to waive the \$25 fee for the Pink Arrow Project as well as not penalize the businesses who host the sign for this year.

YEA: 4. NAY: 0. ABSENT: 1. MOTION CARRIED.

Item #8. **BOW AND ARROW HUNTING ORDINANCE (REVIEW AFTER THREE YEARS) – PUBLIC HEARING**. Jim Reagan of 690 Bowes Road was in favor of the Bow and Arrow Hunting ordinance as well as a review in three years. He believed there would be a healthier herd. Reagan did not want to overburden the police department and noted anyone hunting on his property would need written permission. Kent County has promoted the harvesting of more and more deer and is aware of the problem. He believed this was an excellent idea to try.

Councilmember Ellison continued to disagree and was not in favor of the ordinance.

After much thought, Councilmember LaPonsie did not see a reason to allow hunting within the City. However, being a representative of the City Council, she would not be opposed to the idea as she has received many positive comments. LaPonsie believed government should strive to be the least intrusive on individual's private property as possible. After hearing from the DNR, she was satisfied that hunting could be done safely as long as it is reviewed in three years.

Mayor Pro Tem Pfaller believed this needed to happen. There are many deer in his back yard eating the plants and vegetables. He whole heartedly supported the ordinance.

Mayor Hodges agreed with LaPonsie. He is not a hunter. Hodges has had discussions with many in the community. However, he is satisfied with the articulation and explanations from the DNR officer. As a public servant, this may not be such a bad proposal to allow hunting on private property. Hodges also agreed with the idea of a review in three years.

IT WAS MOVED BY PFALLER and seconded by LAPONSIE to approve the ordinance and allow archery hunting during normal seasons in the City of Lowell.

YEA: 4. NAY: 0. ABSENT: 1. MOTION CARRIED.

Item #9. **ADOPTION OF THE CAPITAL IMPROVEMENTS PLAN 2009 – 2014**. The CIP provides a six year plan for capital expenditures necessary to implement the Master Plan. The document covers capital facilities, streets, water distribution, airport and parks. This was

recommended for approval by the Planning Commission at its June 22, 2009 meeting.

City Manager recommended the Council adopt the Capital Improvements Plan as follows:

Capital Facilities

Expansion of the Water Treatment Plant, Department of Public Works Garage, and cemetery which includes resurfacing the main road into the cemetery and also placing a cemetery office/maintenance building. Additionally, airport improvements have also been shown. These were listed and approved by the Airport Board on May 5, 2009.

Streets

Continuing the improvements to Bowes Road, finishing Grindle and Sibley. In some cases, there will be eligibilities for Federal Funds and others will be very much dependent on some source of local funding.

Parks

The Commission recently adopted Parks and Recreation Master Plan. There are short and long term improvements. This was reviewed and approved by the Parks and Recreation Commission and also further adopted by the City Council. These improvements are identical to what is in the Master Plan.

Water Distribution

There is a listing of upgrades that have been proposed by the Water Distribution Supervisor Bob Robinson. He is under requirements with the Department of Environmental Quality to determine improvements are undertaken to the Water Distribution System. The Planning Commission has adopted these recommended the City Council do so as well.

Councilmember LaPonsie stated the Planning Commission also recommended a review of a vehicular storage building for the DPW and a maintenance structure for the cemetery. A recommendation was made for the Council to consider these needs and could be combined into one building.

Mayor Pro Tem Pfaller questioned the Wastewater Treatment Plant expansion. Pasquale stated this is under review. The City is looking at increasing the capacity. One way to increase this is to eliminate as much infiltration as possible.

Also, another idea is to expand the Wastewater plant. The first preference would be to eliminate as much infiltration as possible. Pfaller stated he reviewed the May report which showed the average daily production by the Water Treatment Plant was 565,000 gallons, yet the Wastewater Plant treated over a million gallons a day which is going into the system and not receiving payment.

IT WAS MOVED BY PFALLER and seconded by ELLISON to approve the Capital Improvements Plan for 2009 – 2014 as presented.

YEA: 4. NAY: 0. ABSENT: 1. MOTION CARRIED.

Item #10. **ALLOCATION OF FUNDS FOR CABLE TV BUILDING ROOF REPAIR – LCTV ENDOWMENT FUND BOARD RECOMMENDATION.** At its June 23, 2009 meeting, the LCTV Endowment Fund Board reviewed applications for funding. The Board recommended unanimously to the Council that \$12,085 as requested be allocated for the Cable Television roof repair. As proposed, a roof coating to water proof the concrete roof will address the issue. The Board felt these monies are directly related to the sale of Lowell Cable TV and should be funded.

Councilmember Ellison stated the feeling was there should have been money set aside because this was damage that was done by the Cable.

IT WAS MOVED BY PFALLER and seconded by LAPONSIE to accept the grant in the amount of \$12,085 from the LCTV Fund to repair the Cable TV building roof.

YEA: 4. NAY: 0. ABSENT: 1. MOTION CARRIED.

Item #11. **REPORT – CITY OF GRAND RAPIDS SIDEWALK UPON HOUSE SALE PROGRAM.** As mentioned at the last meeting, the issue of requiring sidewalk inspection at the time of housing sale was raised. The City of Grand Rapids has had such a program for some time. A copy of the ordinance governing the program was provided. This regulation is well known to realtors and they are aware of problems if the ordinance is violated.

Councilmember LaPonsie questioned who does the inspections. Pasquale explained the City of Grand Rapids has an engineering department who inspects the work when it is completed.

LaPonsie stated she personally was not a big fan of this idea. However, she suggested the Council discuss the issue at the next meeting when Councilmember Altoft can be present. By general consensus, the Councilmembers agreed to defer the issue until the next meeting.

Item #12. **COUNCIL COMMENTS.** Councilmember LaPonsie stated the temporary sign permit application still states 21 days allowed per year. This needs to be updated.

Mayor Hodges stated the Relay for Life went very well a few weeks ago. He also noted the Riverwalk Festival which will be held on July 11 and 12th, 2009.

Item #13. **MANAGER'S REPORT.** City Manager Pasquale reported on the following:

1. The following boards and commissions meetings minutes are enclosed:
 - Grand Valley Metro Council – Transportation Policy Committee meetings of April 14 and April 20, 2009
 - Parks and Recreation Commission meeting of May 16, 2009
 - Arbor Board meeting of May 11, 2009
 - Planning Commission meeting of May 26, 2009
 - LCTV Endowment Fund Board meeting of April 15, 2009
2. There will be a public information meeting on the Safe Routes to School Gee Drive Trail Project on Wednesday, July 8, 6:30 p.m. at Cherry Creek Elementary School for local residents and interested parties.
3. The Riverwalk Festival will be held from Thursday, July 9 to Sunday, July 12. City Manager will be in the flush tank on Saturday, July 11 from 2:30 to 3:00 p.m. while Mayor Hodges will take his turn from 3:00 to 3:30 p.m.

Item #14. **APPOINTMENTS**.

City Clerk Morlock stated in October, 2008 the Council appointed Dan Brubaker to the Lowell Area Housing Board of Directors. It has been mentioned the term should be Board of Director of the Trust. The Council by consensus agreed.

Arbor Boardmember Jim Reagan presented the plaque for the biggest tree contest for 2008. There were 1st, 2nd and 3rd place winners. Two of the winners were oak trees and the other was a sugar maple. The locations are Schneider Manor, a house located on Washington and the third location was on Riverside Drive. He thanked the Council. These are attractive plaques. There is an ongoing contest. The first place tree is a 180 inches in circumference. The measurement is taken at 4 ½ feet from the ground.

By general consensus, the City Council appointed Don Green (609 Lafayette) to the Planning Commission with a term expiring June 30, 2012.

IT WAS MOVED BY PFALLER to adjourn at 8:23 p.m.

DATE:

APPROVED:

James W. Hodges, Mayor

Betty R. Morlock, Clerk

