

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

For the Regular Meeting of MONDAY, **JULY 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, Lowell Light and Power/Cable TV General Manager Tom Richards, and Wastewater Treatment Plant Superintendent Mark Mundt.

IT WAS MOVED BY SHORES and seconded by PFALLER to approve the minutes of the July 5, 2006 regular meeting as written.

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

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

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

NAY: None. ABSENT: None. MOTION CARRIED.

<u>BILLS AND ACCOUNTS PAYABLE (07/17/06)</u>	
GENERAL FUND	\$113,101.63
MAJOR STREET FUND	65.03
LOCAL STREET FUND	47.05
DDA FUND	105.90
AIRPORT FUND	3,848.00
WASTEWATER FUND	26,935.48
WATER FUND	5,137.66
DATA PROCESSING FUND	5,338.00
EQUIPMENT FUND	135.54
CURRENT TAX FUND	60.71

Item #1. **REVIEW AND CONSIDERATION OF NEGOTIATED AGREEMENT BETWEEN THE CITY, LOWELL CHARTER TOWNSHIP AND VERGENNES TOWNSHIP REGARDING THE COOK PROPERTY.** Representatives from the City (Councilmembers Pfaller and Shores as well as City Manager Pasquale), Lowell Charter Township (Supervisor John Timpson and Trustee Leonard DenHouter) and Vergennes Township (Supervisor Tim Wittenbach and Clerk Mari Stone) met on three separate occasions to work on an agreement for development of the

Cook property, a 177 acre parcel located near the southeast corner of Alden Nash and Vergennes Road.

The property was the subject of an annexation petition filed by DuRay Development to the State Boundary Commission. Though the Commission turned down the request on October 20, 2005, a final decree was not issued by then Director of Labor and Economic Growth David Hollister. Rather, a charge was given to the City and Vergennes to work more diligently on a 425 agreement.

The services of Dr. Joe VanderMeulen, Executive Director of the Land Information Access Association, were enlisted to facilitate a framework for an agreement. His services were compensated by a grant from the Lowell Area Community Fund. The representatives met with Dr. VanderMeulen on May 4, 10 and 18 to interact and negotiate. Lowell Charter Township was included because of water and sewer considerations.

The document drawn is a negotiated agreement between the parties involved forming the basis of a 425 agreement between the City and Vergennes and a Interlocal agreement between the City and Lowell Charter Township involving utilities.

The State Boundary Commission will meet on Thursday, July 27 to receive an update. City Manager Pasquale recommended the Council formally approve the outline for final agreement which will be written. This action would be forwarded to the Commission. This can be provided as a framework for a 425 agreement and would require a formal document drawn by an attorney. Pasquale stated a letter should be provided to the Boundary Commission to show the City's good faith.

IT WAS MOVED BY PFALLER and seconded by SHORES to support the framework of the agreement and move forward with Vergennes Township to complete the 425 as well as the Interlocal agreements with Lowell Charter Township involving the utilities as proposed.

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

Item #2. **CONSIDERATION TO EXPAND CURRENT CONTRACT WITH HORIZONS LAWN MAINTENANCE TO INCLUDE RECREATION AND STONEY LAKESIDE PARKS MOWING.**

Public Works Director Dan DesJarden explained the proposal is to expand the current contract with Horizons Lawn Maintenance to include Recreation Park (Fairgrounds and Campground) and Stoney Lakeside Park. This would provide a savings of \$4,280.64 in equipment rentals and fuel each year.

Councilmember Shores asked if the City rents the equipment which is used within the parks. DesJarden explained the City owns the equipment. However, each department must keep a daily log of where the equipment is used. In turn, the appropriate department is charged rental.

DesJarden stated approximately 576 man hours can be utilized in other areas. He noted the last few weeks the DPW employees have been painting curbs and placing signs. One week

was spent checking to determine which traffic signs needed to be cleared from brush.

Mayor Myers asked if the proposal would start immediately. DesJarden responded yes.

Myers questioned the rational for not going out for bid. DesJarden stated Horizons has three years left on their current contract.

IT WAS MOVED BY SHORES and seconded by HODGES to approve the expansion of the current contract with Horizons Lawn Maintenance to include Recreation and Stoney Lakeside Parks mowing.

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

Item #3. **APPROVAL OF NEW WASTEWATER TREATMENT SURCHARGE RATES.** Wastewater Treatment Plant Superintendent Mark Mundt proposed increases in the wastewater treatment surcharge rates for those customers discharging wastes in higher concentrations than typical.

Councilmember Pfaller questioned how much additional income would be generated. Mundt responded \$240 to \$260 per month.

Mayor Myers questioned how many industrial users are surcharged. Mundt responded one.

Councilmember Shores believed the increase should be done now rather than wait until there is a large increase.

IT WAS MOVED BY HODGES and seconded by SHORES to adopt the new wastewater treatment surcharge rates as proposed.

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

Item #4. **RV PARK FEASIBILITY STUDY AND POSSIBLE DDA FUNDING.** At the July 5, 2006 City Council meeting, Jim Hall proposed a recreational vehicle park on the Rogers property. He believed this would provide a great economic benefit, particularly for nearby downtown merchants. Hall requested the Council consider the request to allocate funds from the Downtown Development Authority for a feasibility study. It is estimated to cost between \$5,000 and \$17,000.

In consulting with City Attorney Richard Wendt, it was determined the property must be in the DDA district in order to qualify for funding to institute a feasibility study. He indicated it would be difficult to justify the use of tax increment funds for this purpose.

Mayor Pro Tem Mathews noted his absence from the last meeting. He referred to an RV park owned by the City of Petoskey. Mathews spoke with the manager of the park who indicated his

willingness to share information. Mathews was in favor of the idea. However, he was concerned about using DDA funds. He also thought of applying for the Lowell Area Community Fund or other grants. He noted the City of Petoskey runs and owns the park.

City Manager Pasquale suggested Hall use the City as an endorsement on the application when applying for grants.

Hodges questioned if this should be referred to the Parks and Recreation Commission for their guidance and involvement.

Jim Hall, 724 N. Monroe noted he has been before the Parks and Recreation Commission. He would clarify that an endorsement was received. He has also considered applying to the local Look Memorial Fund. There are other sources he can seek, including participation with the Chamber of Commerce. Hall wanted the City and Council's approval to approach, either the Parks and Recreation Commission or the DDA as far as having access to the Moose and the Rogers property, which would allow access from two different areas.

Mayor Myers questioned the purpose of going back to the DDA. Hall responded he attends the DDA meetings and has use of the property. If the boundaries are changed, the property could be included in the new DDA boundaries. Hall questioned if Wendt realized how close the property is to the DDA.

Councilmember Shores received emails from a few businessmen in town indicating their support of the park. Shores believed the park would be an asset and would bring money into town. Therefore, she would endorse the RV park.

Councilmembers Mathews and Hodges also endorsed the project. Myers stated he fully supports the project. His only issue is the funding of the study. He did not want to ignore the advice from Wendt.

IT WAS MOVED BY SHORES and seconded by MATHEWS to endorse the RV Park.

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

Councilmember Pfaller referred to the map where the tennis courts are proposed on the Moose property. This has been earmarked as the location of the dog park.

Pfaller also noted there is leased property. As Hall moves forward on the feasibility study he should stay in contact with Pasquale because there are legal agreements which outline who has access to certain properties and where a street can be established. Pfaller noted the agreements with King Milling.

Item #5. **MONTHLY REPORTS**. No comments were received.

Item #6. **CITIZEN COMMENTS**. No comments were received.

Item #7. **COUNCIL COMMENTS**. Councilmember Mathews stated there appears to be many temporary signs throughout the community. City Clerk Morlock believed all applied for permits. She would review. Mayor Myers noted previous discussion where a sticker should be placed on the sign to indicate approval was received. Morlock stated she would review with Building Inspector Doug Hopkins.

Councilmember Pfaller stated Tractor Supply has two pallets near the road with a sign painted on the pallets. Morlock stated a letter has been issued. She is waiting for a response.

Pfaller thanked all of the volunteers involved with the Riverwalk Festival. He suggested the Council send a letter of appreciation to Laurels of Kent for sponsoring the fireworks. Pasquale stated he spoke with Administrator Wendell Torrey last week. A letter of appreciation will be sent.

Mayor Myers acknowledged a letter from Sandy VanStee to Lowell Light and Power, City Council and the Lowell Ledger with regard to the policy of Light and Power cutting down trees and leaving stumps behind.

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

1. The following boards and commissions meetings minutes were provided:
  - Chamber of Commerce meeting of June 13, 2006
  - Airport Board meeting of June 1, 2006
  - Lowell Area Recreation Authority meeting of May 10, 2006
2. In consultation with Supervisor Tim Wittenbach, a date of Monday, July 31 at 7 p.m. in City Hall has been established tentatively to discuss the proposed annexation of the North Washington Street property.

Item #9. **APPOINTMENTS**. Mayor Myers recommended Dee Doyle to serve on the Planning Commission with a term expiring June 30, 2009. By general consensus, the Commission agreed. Myers requested a letter of approval be sent to Doyle

IT WAS MOVED BY PFALLER to adjourn at 8:07 p.m.

DATE:

APPROVED:

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Charles R. Myers, Mayor

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Betty R. Morlock, Clerk

