

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

For the Regular Meeting of MONDAY, **AUGUST 7, 2006**

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

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

Absent: Mayor Myers.

Also Present: Assistant City Manager/Police Chief Jim Valentine, City Clerk Betty Morlock, DPW Director Dan DesJarden, Lowell Light and Power/Cable TV Boardmember Perry Beachum, and Police Sergeant James Hinton.

IT WAS MOVED BY PFALLER and seconded by HODGES to excuse the absence of Mayor Myers.

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

IT WAS MOVED BY SHORES and seconded by Hodges to approve the minutes of the July 17, 2006 regular meeting as written.

YEA: 4. NAY: 0. ABSENT: 1. 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, and Mayor Pro Tem Mathews.

NAY: None. ABSENT: 1. MOTION CARRIED.

<u>BILLS AND ACCOUNTS PAYABLE (08/07/06)</u>	
GENERAL FUND	\$441,112.77
MAJOR STREET FUND	78,053.97
LOCAL STREET FUND	34,995.87
HISTORIC DISTRICT FUND	595.00
DDA FUND	39,181.83
AIRPORT FUND	47.86
WASTEWATER FUND	4,920.52
WATER FUND	8,405.68
DATA PROCESSING FUND	529.05
EQUIPMENT FUND	3,835.12
CURRENT TAX FUND	80,719.57
LOOK FUND	15,000.00

Councilmember Pfaller noted the two identical payments of \$139,728 to Michigan Municipal Liability. He wanted to ensure this was not a double entry.

Item #1. **ZONING BOARD OF APPEALS**

- A. 242 S. Hudson (northwest corner of S. Hudson and Grand) – Donald and Connie Reedy – variance to allow a lot split – set public hearing dated (8/21). A variance application was received from Donald and Connie Reedy to allow a lot split so that an additional home can be built at 242 S. Hudson. The property, which has an existing home, is 101.64' x 132'. In order to be split (R-3 zoning), a 132 feet of width is necessary. The parcel lacks over 30 feet.

IT WAS MOVED BY SHORES and seconded by MATHEWS to set a public hearing for August 21, 2006 to consider a variance request at 242 S. Hudson.

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

Item #2. **CONSIDERATION OF A THREE YEAR EXTENSION OF THE LEASE AGREEMENT WITH THE ROTARY CLUB OF LOWELL FOR THE SECOND FLOOR CITY HALL MEETING SPACE.** The Rotary Club has utilized the second floor City Council Chamber for its meetings since July, 2005. The room is needed between 11:30 a.m. and 2 p.m. on Wednesdays. The Council gave its initial formal approval on November 21, 2005.

An extension to June 30, 2009 is proposed by the Rotary Club based on the same following conditions:

- Terminating by either party within 60 days notice
- Utilizing the Council Chambers, adjacent kitchenette and conference room as well as a small storage area
- Pay \$75 per week payable quarterly in advance
- Rotary is responsible for any extraordinary or unusual maintenance, such as additional carpet clearing
- Rotary provides liability insurance naming the City as an additional insured

IT WAS MOVED BY HODGES and seconded PFALLER to extend a three year lease agreement with the Rotary Club of Lowell for the second floor City Hall meeting space.

Public Works Director Dan DesJarden stated several months ago the Council requested a review of the rental rates for the Council Chambers and conference rooms. DesJarden questioned why the rate for Rotary was less than the rate for other organizations. Councilmember Shores stated she worked on the policy to establish the rates. She believed Rotary does much for Lowell and provides an ongoing weekly income for the City. Because of this situation, she did not have a problem charging less.

Assistant City Manager/Police Chief Valentine stated the Rotary Club has been using the facility before this particular rental agreement was in place. This is a reoccurring fee and guaranteed income for the City.

Mayor Pro Tem Mathews understood the view points. However, he also believed this should be somewhat grandfathered into the agreement.

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

Item #3. **REQUEST TO REMOVE STREET LIGHT AT 315 SHERMAN.** Dan McGillicuddy of McGill Builders requested the removal of a line, pole and street light at 315 Sherman. He felt running the lines in a different manner would make the property safer as opposed to the way these currently are. According to Light and Power, the line does not have to move. However, at his expense, he wishes to place a pole near the back two corners and part way up the property on the left side. It was noted there is only one other home on the street.

McGillicuddy explained there has been some discussion about moving the light, but not eliminating it.

Councilmember Shores was concerned about individuals walking in the area without lighting.

Assistant City Manager/Police Chief Valentine was unsure if this particular street light was requested by residents. The main patrol routes run along the long north/south streets, therefore it is advantageous to have the additional lighting along the short streets. He questioned if there was a way Lowell Light and Power could move the pole with the street light to the property line. Moving the light to the west would allow more room for the driveway. Valentine asked if the issue should be tabled until further research to determine if there is an alternative light source.

McGillicuddy stated he has been informed during the building process he may remove the light as long as it is installed back in place. It was noted a well will also be placed on the site. McGillicuddy explained the light will be down for approximately one month, during which time the Council can see how the street appears without a light. If the Council does not approve, it can be put back in place.

Mayor Pro Tem Mathews suggested the issue be tabled until there is further discussion with Lowell Light and Power.

IT WAS MOVED BY HODGES and seconded by SHORES to table the permanent removal of the street light at 315 Sherman until the August 21, 2006 City Council meeting.

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

Item #4. **RATIFICATION OF BIDS – FOREMAN BUILDING ENTRANCE PAVING PROJECT.** The entrance area in front of the Foreman Building has been in much need of repaving. DPW

Director DesJarden discussed the project with the Parks and Recreation Commission who provided their endorsement approving \$1500 from fair rentals and the Lee Fund.

With the Kent County Youth Fair approaching, there was a need to complete this project. DesJarden contacted Councilmembers individually to seek their approval. This was accomplished during the last week of July. The project then had been completed the first week of August.

Two bids were secured for the paving project. Both Great Lakes Paving and Snyder Asphalt submitted bids of \$5300. DesJarden recommended Great Lakes since this company hasn't received prior City work and this gives an opportunity to determine their quality.

The Council is requested to ratify the prior actions.

DesJarden noted the Kent County Road Commission will contribute \$2,000. In addition, \$650 each is contributed from the Local and Major Streets Funds winter maintenance budget respectively.

IT WAS MOVED BY SHORES and seconded by PFALLER to ratify the funding of paving the Foreman Building entrance and the project being accomplished by Great Lakes Paving.

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

Item #5. **RESTORATION OF CITY RIGHT OF WAY – FURTHER DISCUSSION.** Councilmember Shores requested the issue be tabled until after a worksession is held with Lowell Light and Power and Cable TV.

A worksession meeting was scheduled for August 16, 2006 at 7:00 p.m.

Shores noted at one point there were periodic meetings held with Lowell Light and Power and Cable TV. There was some interest in resuming this and meeting quarterly.

IT WAS MOVED BY SHORES and seconded by HODGES to table the issue until a worksession meeting is held on August 16, 2006 at 7:00 p.m.

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

Item #6. **CITIZEN COMMENTS.** Charles Bernard of Bernard's Ace Hardware received a letter regarding long grass on the back portion of his property. He questioned where the complaint originated.

Bernard presented pictures of other businesses with long grass as well.

City Clerk Morlock explained long grass is based upon citizen complaints. It falls under the City

Charter, not zoning.

DPW Director DesJarden stated several weeks ago, the City had a firm do an energy audit. This was tabled several times on a presentation of what their findings were from Honeywell. It has been two months. He asked if a worksession could be set. Councilmember Shores believed this would be important. Councilmember Pfaller suggested a meeting be held on September 11, 2006 at 7:00 p.m. By consensus, the Council agreed.

Item #7. **COUNCIL COMMENTS**. Councilmember Mathews reminded everyone to vote. He also noted Councilmember Shores, Pfaller and Mathews attended the opening program for the Kent County Fair.

Mathews stated he visited Mayor Myers in the hospital. He explained Myers did not have a heart attack. He had bypass surgery. Because of a minor setback, Myers had to return to the hospital. He would appreciate everyone's thoughts and prayers.

Item #8. **MANAGER'S REPORT**. Assistant City Manager/Police Chief Jim Valentine reported on the following:

1. The following boards and commissions meetings minutes were provided:
 - Planning Commission meeting of June 26, 2006
 - Merchants Committee meeting of July 26, 2006
 - Downtown Development Authority meeting of June 29, 2006
 - Lowell Light and Power and Cable TV Board meeting of June 29, 2006
2. The meeting with Vergennes Township is now scheduled for Tuesday, August 15 at 7 p.m. City Hall regarding North Washington Street property.

Item #9. **APPOINTMENTS**. By general consensus, the Commission reappointed Maryalene LaPonsie to the Planning Commission with a term expiring June 30, 2009.

IT WAS MOVED BY PFALLER to adjourn at 8:11 p.m.

DATE:

APPROVED:

Charles R. Myers, Mayor

Betty R. Morlock, Clerk