

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

For the Regular Meeting of MONDAY, **DECEMBER 4, 2006**

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

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

Absent: Mayor Myers.

Also Present: City Manager David Pasquale, City Clerk Betty Morlock, DPW Director Dan DesJarden, Planning Commission Chairman Clark Jahnke, Fire Chief Frank Martin and Police Sergeant James Hinton.

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

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

IT WAS MOVED BY SHORES and seconded by PFALLER to approve the minutes of the November 20, 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: Mayor Myers. MOTION CARRIED.

<u>BILLS AND ACCOUNTS PAYABLE (12/04/06)</u>	
GENERAL FUND	\$121,455.25
DDA FUND	210.00
AIRPORT FUND	872.81
WASTEWATER FUND	427.47
WATER FUND	1,817.50
DATA PROCESSING FUND	43.75
EQUIPMENT FUND	4,308.48

Item #1. ZONING BOARD OF APPEALS

- A. 753 Grindle (Grindle Court) – variance allowing slopes up to 40% to be counted as open space for 16 housing unit cluster development – United Bank of Michigan – public hearing.

At its March 29, 2004 meeting, the Zoning Board of Appeals granted a variance allowing a grade slope to 40% to be counted as open space. This would allow the development of 8.7 acres to be a cluster development which would allow for 16 units. The number of units stay the same regardless. However, this does provide the development the open space requirement much easier to accommodate. The variance is exactly the same as approved in 2004. There are no changes. However, United Bank of Michigan is the new owner and is asking for the regranting of the variance.

The Planning Commission reapproved the site plan for this development at its October 23, 2006 meeting.

John VanderWilp of 1264 Fun Street, adjoining property owner, questioned if the cluster development abided by the Local or State Regulations. City Manager Pasquale responded the development follows the State Open Space Preservation Ordinance. VanderWilp questioned how the City has the authority to grant a variance to this. Pasquale explained the City has the right to grant the variance because it is allowed and incorporated with a zoning ordinance. This provides the right to provide a variance. VanderWilp noted there have been many waivers and variances which have been given to this property.

He went on to question if a development this size needed to have two means of entering and leaving. Pasquale responded no.

VanderWilp referred to variances staying with the property. One was already approved so why is a public hearing going to be held. Pasquale explained the City is only trying to recognize the new owner and developer.

City Clerk Morlock read the following letter into record:

Dear members of the City Council,

This letter is in regards to the proposed building at the site of 753 Grindle. As a nearby resident, I have a few comments and questions.

There was a development just built off James Street as well as several new houses built on Grindle. At least two new homes are in the process of being built on Grindle at this time. These currently are not fully occupied. There are also numerous homes for sale in the city limits, several that have been on the market for over a year. Does this city really need more unoccupied homes with in the city limits?

The traffic is already an issue on Grindle as there is limited parking, obstructed views, and traffic limits that are ignored. Part of the street is still in disrepair. The increased traffic generated by a subdivision of 16 homes would only add to these issues. The

traffic required to construct this type of development will cause additional wear and tare on the road.

Has the city thought about herding the deer that used to run free where the subdivisions was built 2 years ago and placing them in the wild? The new development will take away their already restricted habitat.

I would like to know how much undeveloped property exists within the city limits and why was this site chosen over other non-developed areas within the city. What natural areas will be left? Secondly, how will the City benefit by this subdivision? Third, can the United Bank of Michigan produce a list of buyers for these 16 homes prior to construction? What additional costs will be added to the residents of this city if this subdivision is built (water/sewer/road up-keep etc)?

I understand the desire for growth but is bigger always better?

I would like a written response to the above questions as I will be working on the day of the City Council meeting. I would like to request a written copy of the meeting minutes from the December 4, 2006. Finally, will you please keep me informed of the developments of this proposed subdivision.

Thank you for your time,

Brenda Rawson  
729 Grindle Dr.  
Lowell, MI 49331

Zoning Boardmember Mathews stated one of the biggest concerns regarding this property was the back up of water. Has this been addressed in the site plan? Pasquale responded yes. However, as part of the development, the Public Works Department will keep an eye on this to ensure no other properties are being harmed.

Mathews was concerned with the grades. There are many wash out areas. Such areas should have vegetation. He wanted the City to work with the engineering firm to keep a close watch on the grades. There has already been one project within the development where the retaining wall was not built to code. The back side of the property is also washing out and shifting. There is always going to be some movement of dirt, when there is a steep grade. Mathews believed much of Rawson's letter should have been addressed to the Planning Commission. Mathews indicated he would discuss the issue with Rawson and explain the situation.

Ross Leisman of United Bank explained this is being requested as a result of the Planning Commission. The Commission reapproved the plan with the condition it be reapproved exactly the same as before. The bank is not asking to be treated any

differently or asking for anything different than what was approved for Sundry. Much time has gone by as well as ownership changes and a water main being installed.

IT WAS MOVED BY HODGES and seconded by SHORES to grant the variance at 753 Grindle allowing slopes up to 40% to be counted as open space for 16 housing unit cluster development.

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

B. 315 S. Hudson – front yard variance for ambulance addition to the Look Memorial Fire Station - set public hearing (1/2).

IT WAS MOVED BY HODGES and seconded by MATHEWS to set a public hearing for January 2, 2006 to consider a front yard variance for the ambulance addition to the Look Memorial Fire Station at 315 S. Hudson.

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

Item #2. **ASSESSOR EMPLOYMENT AGREEMENT.** Jim Marfia has served as City Assessor since January, 1988 under an employment agreement. City Manager Pasquale proposed such an agreement be extended two years with a change in the compensation schedule. In 2007, Marfia's salary would be \$33,075 per year (from the present \$32,425). This will increase to \$33,737 per year in 2008. The raises amount to 2% per year. Mileage for business travel will be provided at the current IRS rate (presently 44.5 cents a mile).

The remainder of the agreement stays the same. Marfia will continue to have office hours all day Wednesday and Thursday of each week.

A listing of ten area cities' assessor salaries was provided. The salaries are very comparable with Lowell's. It was noted also several communities have this position full time with fringe benefits.

The City Assessor is an appointment of the City Manager and Pasquale recommended Council approval of the agreement.

Councilmember Shores believed Marfia has done a good job and knows Lowell well.

IT WAS MOVED BY SHORES and seconded by PFALLER to extend the Assessor Employment Agreement with Jim Marfia for a period of two years covering 2007 and 2008.

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

Item #3. **DISTRICT REGULATIONS FOR SINGLE FAMILY DWELLINGS IN THE R-3 DISTRICT – RECOMMENDATION FROM THE PLANNING COMMISSION – ADOPT OR SET PUBLIC HEARING (1/2).** After a review by committee, the Planning Commission has provided amendment proposals to the R-3 district. Specifically, dimensional requirements are included to accommodate single family dwellings which had been omitted. The following has been unanimously recommended for amendment after a public hearing held by the Commission at its November 27, 2006 meeting:

Side yard                    Single and (added two family dwellings – 13 feet total/5 feet minimum

Minimum lot area    Single family dwelling – 8,200 square feet (added)

Minimum lot Width   Single family dwellings – 66 feet (added)

Minimum floor area Single and (added two family dwellings – 1,000 square feet DFA per unit/700 square feet DFA per unit on the ground floor

The Council may adopt the ordinance amendment as proposed at this meeting or establish a public hearing for the January 2, 2007 meeting.

IT WAS MOVED BY HODGES and seconded by SHORES to set a public hearing for January 2, 2007 regarding regulations for single family dwellings in the R-3 district.

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

Item #4. **PLANNING COMMISSION RESPONSE REGARDING THE ZONING ORDINANCE SECTION INVOLVING THE KEEPING OF FOWL, RABBITS AND SIMILAR ANIMALS.** At its last meeting of November 27, 2006 the Planning Commission intended to review the issue of keeping fowl, rabbits and similar animals further. But, the Commission has no plans to make the ordinance less restrictive and possibly be more tighter.

Mayor Pro Tem Mathews commented on the discussion of a decision being made within 60 or 90 days. City Manager Pasquale stated it is 90 days. Pasquale questioned what should happen after 90 days. Mathews stated “pull the plug”. Councilmember Shores disagreed. It would be a shame if a child can not have a pet rabbit or a pet chicken for a 4H project. She believed a limit needed to be placed.

Mathews questioned when the 90 day extension would expire. Pasquale responded early January.

Jahnke suggested a worksession be held to include some Councilmembers as well.

Councilmember Pfaller agreed with Shores regarding the ability to live in the City and being able to participate in the fair. There are provisions which allow for this, but it is restrictive on the amount of space between where the animals are kept and where the neighbor's property starts.

Councilmembers Shores and Hodges stated each would attend the worksession. Pfaller stated he would try to attend.

There was no further discussion.

Item #5. **DISCUSSION REGARDING CITY – OWNED NORTH WASHINGTON STREET PROPERTY – FURTHER DIRECTION.** Lowell Light and Power is almost moved out of the building located on North Washington Street. A worksession meeting was recently held regarding the building. DPW Director Dan DesJarden has a few vendors who may be interested in the pole barn.

City Manager Pasquale stated the main concern discussed during the meeting involved what the City will do with the buildings located at the south end (Light and Power storage buildings, house, well house). Pasquale noted there was no discussion regarding the Boy Scout Cabin.

Councilmember Pfaller noted discussion was also held to authorize DesJarden to begin seeking bids for the pole barn.

IT WAS MOVED BY PFALLER and seconded by HODGES to authorize DPW Director Dan DesJarden to seek bids for the pole building by Lowell Light and Power at the City owned North Washington Street property.

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

Councilmember Shores asked if a decision needed to be made regarding the house the City owns and the well house. Pfaller questioned if the well was sealed. Pasquale responded yes to both inquiries. Mayor Pro Tem Mathews suggested the City review the possibility of moving the house. If not, the City should give the individuals residing in the home a time table as well as going out for bid for the demolition. Councilmember Hodges suggested setting a date of June 30, 2007 for the current renters to leave the house.

There was no further discussion.

Item #6. **CITIZEN COMMENTS.** Sharon Ellison, 407 N. Division commented on the house on N. Washington. This is someone's home and they have been there for a long time. These people take care of the house and have beautiful gardens. Ellison asked if the Council would consider selling the home on land contract to these individuals? Ellison was happy to hear the Council was not considering the removal of the Boy Scout cabin. She suggested a discussion be held regarding the preservation of the land with hiking trails or sledding trails.

Ken Gregerson, 938 N. Washington, stated he has property next to the property in question. He questioned when the easement he asked would go out for bid. Mayor Pro Tem Mathews questioned if the City could actually sell the easement to Gregerson. City Manager Pasquale explained the City must go out for bid.

Peggy Covert, 982 N. Washington, was concerned how flippant the Council was being regarding the individual's home on this property.

Covert went on to comment on her original concern long ago regarding the property and all its issues. There are many different options. The home and the buildings were built in the 1800's and could be considered historical buildings. Many individuals have been asking for a number of months now if other options can be brought forward. The public was told no decisions are being made. However, the issue is now on the agenda and the public has not been notified. Covert noted North Country Trail wishes to bring the trail system through the property. They have requested funds from the Lowell Area Community (Englehardt) Fund because they were told the City would entertain offers or proposals from the North Country Trail Association if there is funding. However, requests can not be made to the Englehardt Fund without the City committing first.

Covert questioned if public hearings would be held.

Mathews favored Covert's ideas earlier regarding the preservation of the property. However, the Council has not heard anything since.

Mathews explained the City is only in process of removing the pole barn.

Pasquale explained a bid process is necessary, if the City decides to sell the property.

Covert explained the funding for the trail system can not be received, unless it is known the City will allow this to happen. However, the funding is needed in order to come before the Council with a proposal. Councilmember Pfaller had a problem with land preservation because it would last forever. One does not know what will happen in 20 to 50 years. He suggested leasing the land to the Boy Scouts for \$1 per year as long as the Scouts maintain the land.

Councilmember Shores stated the Council had asked for the North Country Trail Association to communicate this to the Council or the Land Conservancy. Shores thanked Covert for speaking. However, the Council needs to hear something directly from the North Country Trail Association.

Mathews explained currently the proposed project is to remove the building. He suggested North Country Trail come before the Council with a proposal. Pasquale suggested the house be included in the proposal if it is to be part of the proposal.

Pasquale stated the proposal should be submitted no later than Thursday, December 14, 2006 in order to be included in the Council packet.

Covert indicated the Boy Scouts have considered doing Eagle projects throughout the property. Pasquale stated the concept needs to be presented to the Council.

Covert also noted an individual who may be interested in the pole barn. Mathews stated the individual should contact DPW Director Dan DesJarden.

Item #7. **COUNCIL COMMENTS**. Councilmember Hodges requested City Assessor Jim Marfia provide the assessed value of the home which sits on the City owned property on N. Washington. Hodges suggested this be shared with the renter in case they wish to submit a proposal.

Councilmember Pfaller requested a snow removal reminder be placed in the Lowell Ledger and Buyers Guide reminding residents that the snow must be removed from their sidewalks within 12 hours of the snowfall. He would suggested the DDA hire a contractor to remove snow from the sidewalks downtown.

Pfaller asked if Light and Power would have to do any EPA testing on the North Washington property because of the transformers. DPW Director DesJarden noted this would be a requirement.

Councilmember Shores heard the Santa Claus Parade was very good.

Mayor Pro Tem Mathews stated Showboat Automotive inquired regarding licenses for snow plowers within the City. This was discussed last year. He was concerned with individuals pushing snow across the street. This is against the ordinance. Pfaller stated this is a continual problem at Faro's Plaza and at Curtis Cleaners. This is the property owners responsibility.

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

1. The following boards and commissions meeting minutes are enclosed:
  - Planning Commission meeting of October 23, 2006
2. The Michigan Department of Transportation has informed the City of its eligibility for federal funding of streets improvements under the Small Urban Program. Funding would be for FY 2009 and 2010 which could be accelerated under the State's "Local Jobs Today" program.

A public meeting will be held on Tuesday, December 12, 2006 at 7 p.m. to receive comments on the proposed reconstruction of Bowes Road from Valley Vista Drive to 1950 feet west. The length of the project is limited to the maximum amount of federal funds (\$375,000) allocated per project.

3. Also, the Kent County Community Development Department has estimated the City will have \$56,554.83 in unprogrammed Federal Community Development Block Grant funds in fiscal year 2007-2008. Allocating \$6,000 for North Kent Transit, DPW Director Dan DesJarden and I have proposed to complete sidewalks on South Pleasant, South Center and South West Streets (between Bowes and West Main). These would be linked to proposed sidewalks the DDA plans to accomplish.

Since applications must be submitted to the County by Monday, January 22, the process which includes a public hearing will begin shortly.

4. The Planning Commission has established Monday, January 8, 2007, 7 p.m. for a visioning session as part of the master plan process. The Council is invited to attend.
5. Pasquale had originally intended to have John Kaczor representing Rehmann Robson to provide a presentation on the proposal for a multi year financial forecasting model, which will more adequately address financial priorities and goals of the City on a long term basis. This would include the General Fund as well as the Equipment and Streets Funds. But, since Mayor Myers would not be present, Pasquale postponed the presentation until an agreeable date with Council.

Also, the firm of Plante Moran is submitting a proposal. Pasquale would desire to have the Council's wishes on meeting dates for presentation.

By general consensus, the Council agreed to discuss the issue during the January 2, 2007 meeting.

Item #9. **APPOINTMENTS**. None.

IT WAS MOVED BY HODGES to adjourn at 8:45 p.m.

DATE:

APPROVED:

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Charles R. Myers, Mayor

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Betty R. Morlock, Clerk