

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

For the Regular Meeting of TUESDAY, **JANUARY 2, 2007.**

The Meeting was called to order at 7:30 p.m. by Mayor Myers and the 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, Sergeant James Hinton, Police Detective Steve Bukala, Planning Commission Chairman Clark Jahnke, Planning Commissioners Mark Mundt and Vance Dimmick, Lowell Light and Power/Cable TV General Manager Tom Richards and City Attorney Richard Wendt.

IT WAS MOVED BY SHORES and seconded by PFALLER to approve the minutes of the December 18, 2006 regular meeting as submitted.

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

NAY: None. ABSENT: None. MOTION CARRIED.

<u>BILLS AND ACCOUNTS PAYABLE (01/02/07)</u>	
GENERAL FUND	\$101,662.17
MAJOR STREET FUND	510.30
DDA FUND	1,676.28
AIRPORT FUND	18.39
WASTEWATER FUND	6,699.43
WATER FUND	9,362.60
DATA PROCESSING FUND	698.93
EQUIPMENT FUND	2,106.36
CURRENT TAX FUND	14,455.29

Item #1. **PRESENTATION OF CERTIFICATE OF APPRECIATION TO KEITH HEYDENBURG.** Police Chief Jim Valentine and Detective Steve Bukala presented Keith Heydenburg with a certificate of appreciation recognizing his ten years of dedicated service to the community through his participation in the Lowell Police Department RSVP (Retired Senior Volunteer Program). Heydenburg is a charter member of the group, actually being the first person to sign as a volunteer when the program was first initiated.

Throughout the years, Heydenburg had been instrumental in helping to set the direction for volunteers' involvement in the community. He has also been very involved in training and recruiting new members. He personally kept the program very visible in the community volunteering countless hours of patrol, service and assistance in and around Lowell.

Heydenburg came to the City with many years of experience with the Kent County RSVP Program. Both Keith and his wife, Virginia have been very involved in various RSVP programs throughout the county.

Item #2. **ANNUAL AUTHORIZATION OF SIGNATURES FOR CITY BANK ACCOUNTS AND DESIGNATION OF DEPOSITORY BANKS.** The City must annually designate its depository banks and authorize signatures for the coming year.

The following designations were recommended.

a. Authorized signatures:

Mayor Charles Myers	City Manager David Pasquale
Mayor Pro Tem Alan Mathews	City Treasurer Suzanne Olin
	Police Chief James Valentine
	Deputy City Treasurer Vickie Videan

IT WAS MOVED BY HODGES and seconded by SHORES to approve the above individuals as authorized signatures.

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

b. Safety Deposit Box:

Betty Morlock
Susan Ullery
Luanne Wisniewski
Brenda Angelo

IT WAS MOVED BY PFALLER and seconded by MATHEWS to approve the above names for access into the safety deposit box.

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

c. Depository Banks:

Comerica Bank-Grand Rapids	(Grand Rapids)
Huntington Banks	(Lowell)
National City Bank	(Grand Rapids)

Fifth Third Bank	(Lowell, Ada, Grand Rapids)
Bank One-Grand Rapids	(Ada, Grand Rapids)
Standard Federal Bank	(Ada, Grand Rapids)
Ionia County National Bank	(Lowell)
Mercantile Bank of West Michigan	(Wyoming)

Mayor Myers abstained from discussion.

IT WAS MOVED BY SHORES and seconded by HODGES to approve the depository banks as presented.

YEA: 4. NAY: 0. ABSTAIN: 1. (Myers) ABSENT: 0. MOTION CARRIED.

Item #3. **GRAND RAPIDS COMMUNITY COLLEGE – COLLECTION OF SUMMER PROPERTY TAXES FOR 2007.** As recently carried out for the Kent Intermediate School District, Grand Rapids Community College has requested that the City collect the summer property taxes for the district. As part of a continuing resolution, the City collects the GRCC's property taxes at no fee, but is able to keep the interest earned during the bank deposit before distributing these monies.

IT WAS MOVED BY HODGES and seconded by PFALLER to approve the resolution for collecting the 2007 summer property taxes for Grand Rapids Community College.

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

NAY: None. ABSENT: None. MOTION CARRIED.

Item #4. **PRESENTATION ON PROPOSAL TO DEVELOP A MULTI YEAR FINANCIAL FORECASTING MODEL – JOHN KACZOR, REHMANN ROBSON – CONSIDERATION OF PROJECT.** As mentioned previously, there is a need to examine long term budgeting for the City's funds, particularly the General Fund. John Kaczor, representing Rehmann Robson, was present 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.

Kaczor explained many communities in Michigan are facing difficult times due to revenues being restricted. There is also the potential of personal property taxes being restricted or eliminated. Kaczor hoped to provide the City with tools which would assist management in developing necessary policies. He intends to have discussions with department heads, City Manager Pasquale and the City Council to determine their concerns. Kaczor noted he prefers to work on a line item detail basis. The deliverables at the end of the study involves a report. The general trend will not appear positive, however the question is how to manage it.

Pasquale stated he has spoken with a few other City Managers who have undertaken such a project. This is a continuing project and updated every year. One manager indicated the model is

helpful and actually stopped him from spending on a significant project. Kaczor noted the project is a one time cost. Updating of the project is done internally and there is no annual fee for maintaining the model.

Mayor Myers questioned the formula being used. Kaczor explained the most basic formula involves a CPI number. It involves reviewing the prior year budget and multiplying it by the inflation rate. This is the simplest formula. It would be helpful to use a spreadsheet for the Equipment Fund when calculating vehicle replacement and anticipated cost of the vehicle. This would also be helpful to use for other departments as well.

Myers questioned how the fee for this study compared with the fee of \$13,000 charged for the water/sewer study. Pasquale stated it is very close.

Pasquale explained he wanted to avoid what happened last year when reviewing the budget. He felt the Council and staff to be pro active in terms of reviewing the budget and making decisions along the way.

Myers suggested additional time to review the proposal.

Pasquale stated a proposal was also received from Plante Moran. In checking with the Michigan Municipal League it appears Rehmann Robson and Plante Moran handle such studies in the State of Michigan and both are excellent firms.

Pasquale suggested the issue be placed on the agenda for the January 16, 2007 meeting. By general consensus, the Council agreed.

Item #5. **ZONING BOARD OF APPEALS**

A. 315 SOUTH HUDSON – FRONT YARD VARIANCE FOR AMBULANCE ADDITION TO THE LOOK MEMORIAL FIRE STATION – PUBLIC HEARING. Architect Tom Smith of Fishbeck, Thompson, Carr and Huber (FTC&H) has prepared plans for the ambulance addition to the Look Memorial Fire Station. The 2170 square foot addition would accommodate the Lowell Rockford Ambulance in terms of storage space for the ambulance vehicles, sleeping quarters, and general storage space. Smith noted there would be interior parking for two ambulance vehicles. The remaining square footage would provide a small apartment area consisting of a small living area, kitchenette, two sleeping rooms, restroom, medical storage space and a small mechanical room.

City Manager Pasquale noted a site plan was submitted and approved by the Planning Commission in November, 2006. The addition itself is extending 6.4 feet into the required 50 foot front yard setback for the public facilities district. Smith explained when FTC&H originally reviewed the project they designed the addition on the east or back end of the fire station. This proved problematic, as it took space from the fairgrounds and located within the floodplain which meant a sizable retaining wall would need to be built. Due to the cost of filling in the floodplain and the necessary process to get DEQ approval, it was decided, if possible, to locate

the building to the southwest in the only open space available off the southwest corner of the existing fire station.

Zoning Boardmember Myers stated the diagram shows a 50 foot setback. He questioned the length of the proposed building from north to south. Smith estimated 40 feet. Myers asked if the existing sidewalk continues to the end. Myers did not want to disrupt foot traffic along the curb area. Smith indicated there was no sidewalk in this area.

Zoning Boardmember Shores believed the addition was very much needed. The ambulance space is very limited and more sleeping room is necessary.

IT WAS MOVED BY SHORES and seconded by MATHEWS to approve the 6.4 foot front yard variance for an ambulance addition to the Look Memorial Fire Station at 315 S. Hudson.

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

Myers noted the Planning Commission made a unanimous recommendation on the variance. Myers stated it seems self serving for the Council to grant a variance so the City can add on to the fire station. However, he determined the addition is needed greatly. It is a public service which will serve our taxpayer base well. Most often when variances are reviewed one should consider what impact the variance would have on the neighbors. However, the entire strip of property is owned by the City and there is no residential property nearby which would be impacted. Through this thought process, Myers would support such a variance.

Chairman Pfaller noted the setback requirements on Public Facilities is 20 feet more than what is required in the Residential District.

Item #6. **DISTRICT REGULATIONS FOR SINGLE FAMILY DEWELLINGS IN THE R-3 DISTRICT – RECOMMENDATION FROM THE PLANNING COMMISSION – PUBLIC HEARING.**

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 (dwelling floor area) per unit/700 square feet DFA per unit on the ground floor

Mayor Myers confirmed this was advertised as a public hearing. City Manager Pasquale responded yes.

IT WAS MOVED BY PFALLER and seconded by HODGES to approve the zoning ordinance amendment regarding district regulations for single family dwellings in the R-3 district.

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

NAY: None. ABSENT: None. MOTION CARRIED.

Item #7. **COMMUNITY DEVELOPMENT BLOCK GRANT – 2007 – 2008 ALLOCATION OF FUNDS – PUBLIC HEARING**. Kent County has informed the City that an estimated \$56,554.83 in Federal Community Development Block Grant funds is available for various community projects beginning July 1, 2007.

As noted from the County, Block Grant funds are limited primarily to neighborhoods on the west side. DPW Director Dan DesJarden assembled a listing of sidewalk needs for these neighborhoods. After a review, City Manager Pasquale recommended the completion of sidewalks on South Pleasant, South Center and South West Streets between West Main and Bowes. This would finish sidewalk construction for that immediate area. Further, the Downtown Development Authority has allocated \$7,020 to provide 390 feet of walk on South West and South Center within its district.

Again, monies should be provided to North Kent Transit. A total of \$6,000 is proposed.

Pasquale recommended the following projects:

- | | |
|---|--------------------------------|
| • South Pleasant, South Center and South West Streets both Sides sidewalk from West Main to Bowes | \$50,554.83 |
| • North Kent Transit assistance for senior citizens and Handicapped riders | <u>6,000.00</u>
\$56,554.83 |

Councilmember Pfaller asked if this was money which can be banked and used as funding for Bowes Road or Sibley Street in the future. Pasquale stated it would take some time to do this. We are considering federal funding for Bowes Road. The monies which are being received through Block Grants are relatively small. The City is trying to finish sidewalk projects on the west side. It was been the staff's preference to finish those projects at this time.

Pasquale stated the State is also considering covering a local match for those federal street projects.

Mayor Myers questioned if \$6,000 would be enough money for North Kent Transit. Pasquale stated it could go a little higher. His feeling in looking at sidewalks is the City may not use all of the \$50,000 which would allow for some flexibility between the projects.

IT WAS MOVED BY SHORES and seconded by HODGES to approve the projects for the Community Development Block Grant 2007 – 2008 Allocation of Funds for the sidewalks construction on South Center, South West and South Pleasant Streets and the North Kent Transit assistance for senior citizens and handicapped riders as noted above.

YEA: 4. NAY: 1. (Pfaller) ABSENT: 0. MOTION CARRIED.

Item #8. **ZONING ORDINANCE SECTION REGARDING THE KEEPING OF FOWL, RABBITS AND SIMILAR ANIMALS**. The Zoning Board of Appeals turned down a variance request from Brian McLane of 420 Kent to allow four chickens on his property (has .4 acres, requires .5 acres) at its October 2, 2006 meeting. The Council did provide a 90 day extension to the McLanes at the meeting requesting the Planning Commission recommendation for any changes to the ordinance.

The Planning Commission has decided against any changes which would more easily allow fowl. Any amendments could be stricter.

Councilmembers Pfaller and Shores attended the Planning Commission worksession. It was clear as to the direction the Planning Commission wanted to take.

Planning Commission Chairman Jahnke stated a committee has been formed to continue to work on this section of the ordinance. It appeared the committee may suggest limiting the total volume of “critters” and possibly allowing such critters if they are kept within the residence, such as a domestic rabbit. Jahnke noted there would be no loosening of the ordinance.

Councilmember Mathews explained the Council has reviewed all of this previously. He noted this family had the birds prior to coming before the Council. Therefore, they were in violation of the ordinance at the beginning. It may be time to tell the family the birds need to be removed.

Councilmember Shores stated she has always been somewhat opposed to this limitation because of the 4H program. If the Council chooses to limit the restriction on rabbits or chickens, maybe the City needs to go even further noting there are restrictions on dogs but none for cats. Should we should restrict and review any domestic animals as well as reptiles?

Mayor Myers suggested another 30 day extension in order for the family to remove the animals. Councilmember Hodges disagreed. The family has had enough time. They knew they were in violation when they got these chickens. He suggested the chickens be removed by the end of the week. Mathews believed the family should be given a few weeks.

Virginia Heydenburg of 280 Valley Vista Drive stated many children were heavily involved in the 4H program years ago when she first moved to the area. She believed such animals provided responsibility to children.

Pfaller stated his children have been involved in the Youth Fair for approximately 15 years now. They have been involved in projects found in the Foreman Building as well as showing beef cattle, chickens and rabbits. He and his family have lived within the City limits and raised a rabbit in their

backyard. He noted the rabbit was 50 feet from the nearest neighbor. However, the other animals his children have shown belonged to a friend or were kept outside the City limits. Pfaller stated he would be in support of the Council supporting the ordinance. He suggested the chickens be removed from Brian McLane's residence at 420 Kent Street by February 1, 2007.

IT WAS MOVED BY PFALLER and seconded by MATHEWS to have the chickens vacated from 420 Kent Street and removed from the City by February 1, 2007.

YEA: 3. (Councilmember Pfaller, Mayor Pro Tem Mathews and Mayor Myers)

NAY: 2. (Councilmembers Hodges and Shores)

ABSENT: 0. MOTION CARRIED.

Item #9. **PROPOSAL TO ALLOW MAYOR PRO TEM THE PER MEETING COMPENSATION OF MAYOR IN CARRYING OUT THOSE DUTIES.** At the request of Mayor Myers, a proposal has been provided to allow the Mayor Pro Tem the compensation of the Mayor (\$40 per meeting, Councilmember \$35) for meetings presided. Myers requested the pay be retroactive back to July 1, 2006.

IT WAS MOVED BY HODGES and seconded by PFALLER to provide the Mayor Pro Tem the same compensation as the Mayor Myers while chairing Council meetings. Further, Mayor Pro Tem Mathews be given this compensation for meetings chaired as of July 1, 2006.

Mayor Pro Tem Mathews abstained from discussion.

YEA: 4. NAY: 0. ABSTAIN: 1. (Mathews) MOTION CARRIED.

Item #10. **CITY ATTORNEY – REVIEW OF CHARTER AMENDMENT PROCESS.** City Attorney Richard Wendt reviewed the City Charter amendment process. Like a constitution, it is not easy to change, amend or alter the City Charter. In addition, there is a specific process or procedure to follow, if it is the community's intent to change or revise the Charter. This is dictated by the Home City Act which Lowell operates under. It provides the process for amending or changing the Charter. It also contains various provisions, some of which are mandatory and must be included in the Charter and some of which are optional provisions and may be included depending upon the desire of the community.

The Charter can be changed in one of two ways. The first is through the convening of a Charter Commission who would review the entire Charter. The City Council begins this process with a majority vote in favor. If approved, a Charter Commission of nine individuals is elected. These persons must be residents of the City. They may not be appointed, or elected officials or employees of the City.

The Charter Commission must then follow a specific procedure. The City Act requires that a

maximum of 90 meetings can be held. The process can be completed within three years and can only be submitted to the voters no more than three times during the three year period. If it is turned down all three times, then one must start all over again. Such a procedure is not done very often as it is time consuming and costly.

The second way to amend or revise a Charter is to review individual provisions of the Charter separately. The City Council may initiate this by a majority vote. The key to this option is each question placed on the ballot must deal with a single issue. It can not address multiple issues. In addition, if too many questions are placed on the ballot at once, it is likely to not be approved by the Governor's or Attorney General's office.

Wendt explained many communities deal with Charter amendments on an individual basis and submit them to the voters periodically. Some communities attempt to prioritize a list of changes and place 3 to 5 issues on a ballot each year until all are accomplished.

Wendt stated there are also many provisions within the Charter which no longer apply today. Such examples include the Justice of the Peace and the County Board of Supervisors. Unfortunately these provisions can not be removed. The City can only note State law has been subsequently adopted which supersedes the Charter provisions. The only way one can remove the provisions is by convening a Charter Commission and simply reviewing and revising the entire Charter. Wendt suggested drawing lines through provisions within the Charter which no longer apply.

Councilmember Pfaller questioned what would happen if the City has a difficult time acquiring nine members to serve on the Commission. Wendt responded the City must find nine members. One must be a resident of the City, but not necessarily a registered voter.

Pfaller questioned the maximum number of amendments which can be submitted at one time. Wendt thought six amendments would be the maximum at one time without raising questions.

Pfaller questioned the time frame of developing an amendment if the Council chooses this route. Wendt explained the language should be developed and voted upon no later than July if it will be placed on the November ballot.

No further discussion was held.

Item #11. **CITIZEN COMMENTS**. None.

Item #12. **COUNCIL COMMENTS**. Councilmember Pfaller again requested the Lowell Area Recreation Authority and Lowell Light and Power/Cable TV Boards meetings be placed on the City calendar.

Mayor Myers noted he was invited by the Gerald Ford Foundation to be part of the reception group to welcome Gerald Ford back to Grand Rapids. It was an honor to attend.

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

1. The following boards and commissions meetings minutes were provided:
 - Parks and Recreation Commission meeting of November 11, 2006
 - Lowell Light and Power and Cable TV Boards meetings of December 7, 2006
2. In response to a Council inquiry, realtor Rick Seese of Greenridge Realty was contacted regarding an estimate for a current rental monthly rate for 990 North Washington. He placed the range at \$475 - \$575 a month.
3. 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.
4. The year 2006 had the following highlights:
 - initiation of Master Plan Update selecting McKenna Associates as consultant
 - purchase of a part of the old Newell site for Lowell Light and Power
 - completion of water and sewer cost of service rate study
 - completion of reconstructing 2100 lineal feet of Gee Drive primarily through federal funding. The remaining 1900 lineal feet will be finished in the Spring 2007.
 - three year Downtown Development Authority commitment for marketing
 - commencement of the Farmer's Market at the Fairgrounds
5. The next City Council meeting is scheduled for Tuesday, January 16, 2007 in observance of Martin Luther King Day. City offices will be open on Monday, January 15.

Councilmember Pfaller asked if action needed to be taken to adjust the rent at 990 N. Washington. Pasquale stated it can be done if the Council wishes. Mayor Pro Tem Mathews stated he visited the property. He suggested removal of the deteriorating buildings and adjust the rent while also placing the house on the market. He stated the house appears to be in good condition.

Hodges noted if the City were to sell the property, it would revert to Vergennes Township. Therefore, he believed the City also needed to provide the appropriate lot size for what Vergennes Township requires. Myers also agreed.

Pfaller believed the rent should be adjusted as of the first of February. For discussion purposes, Hodges believed the Council had given the tenants until June 30, 2007 before a decision is made regarding the home or making any adjustments in rent, sale of the home or vacation of the home. Shores agreed with Hodges. It does not need to be done at this time. Myers suggested a \$50 per month increase. Hodges noted the current rent on the home per month is \$70 per month.

IT WAS MOVED BY MATHEWS and seconded by PFALLER to begin March 1, 2007 with a \$50 increase per month until the rent reaches \$500 per month.

Councilmember Shores was concerned about making such a decision without knowing what is actually going to happen to the house. Myers stated this decision does not relate to the disposition of the house, but rather based on a fair and accruable rent amount for the taxpayer base in the City.

YEA: 3. (Councilmember Pfaller, Mayor Pro Tem Mathews and Mayor Myers)

NAY: 2. (Councilmembers Hodges and Shores)

ABSENT: None. MOTION CARRIED.

Item #14. **APPOINTMENTS**. None.

Item #15. **CLOSED SESSION – REVIEW LEGAL OPINIONS OF THE CITY ATTORNEY.**

IT WAS MOVED BY MATHEWS and seconded by PFALLER to adjourn into a closed session at 9:17 p.m. for the purposes of reviewing legal opinions of the City Attorney.

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

NAY: None. ABSENT: None. MOTION CARRIED.

IT WAS MOVED BY PFALLER and seconded by MATHEWS to return to open session at 9:42 p.m.

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

IT WAS MOVED BY PFALLER to adjourn at 9:43 p.m.

DATE:

APPROVED:

Charles R. Myers, Mayor

Betty R. Morlock, Clerk