

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

For the Regular Meeting of Monday, **JULY 2, 2007**.

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 and Mayor Pro Tem Mathews.

Absent: Councilmember Shores and Mayor Myers.

Also Present: City Manager Pasquale, City Clerk Betty Morlock, DPW Director Dan DesJarden, and Police Sergeant James Hinton.

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

YEA: 3. NAY: 0. ABSENT: 2. MOTION CARRIED.

IT WAS MOVED BY PFALLER and seconded by HODGES to approve the minutes of the June 18, 2007 regular meeting as corrected.

YEA: 3. NAY: 0. ABSENT: 2. 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 and Mayor Pro Tem Mathews.

NAY: None. ABSENT: Councilmember Shores and Mayor Myers.

MOTION CARRIED.

<u>BILLS AND ACCOUNTS PAYABLE (07/02/07)</u>	
GENERAL FUND	\$101,930.18
MAJOR STREET FUND	2,863.90
LOCAL STREET FUND	858.84
DDA FUND	999.79
CONSTRUCTION FUND	2,607.50
AIRPORT FUND	17.37
WASTEWATER FUND	7,331.63
WATER FUND	12,294.92
EQUIPMENT FUND	4,499.23
LOOK FUND	832.89

Item #1. **INTRODUCTION OF ROBERT CARLSTROM, WATER TREATMENT PLANT OPERATOR**. DPW Director DesJarden introduced Robert Carlstrom who was recently hired as a Water Treatment Plant Operator. The position was filled due to Mark Bogdanik leaving the City of Lowell in February taking a job with the Plainfield Township Plant. Carlstrom is a graduate of Cedar Springs High School and furthered his education at Grand Rapids Community College and Bay De Noc Community College in Escanaba. He has worked on completing a degree in Water Resource management. Carlstrom has been an intern with the City of Wyoming Drinking Water Plant in Holland.

Councilmember Pfaller inquired when Carlstrom would receive his license. Carlstrom responded he would receive a license in November.

Item #2. **ZONING BOARD OF APPEALS**

- A. 221 Amity (southeast corner of Elm and Amity) – John Sterly – construction of a duplex – variance for lot width – reopen public hearing. At its June 4, 2007 meeting, the ZBA granted a variance involving lot width so that owner John Sterly could build a duplex at 221 Amity. It was found out after this meeting that nine (9) neighboring properties were missed from receiving the public notice regarding this variance petition. In consulting with City Attorney Richard Wendt, the public hearing must be reopened and the variance may be reconsidered.

The variance involved the following conditions:

- Zoning – R-2 required 8200 square feet of lot area, 100 feet of lot width
15 feet total side yards (6 feet minimum)
25 feet rear yard
30 feet front yard
- Since this is a corner lot under Section 2.13, the principal front lot line shall be the shorter of the two lot lines. The other is the secondary front lot setback requiring one half the setback (15 feet)

A variance would be needed on the following:

- The lot width of 100 feet is required for the proposed and existing lots (currently, both would be 66 feet each).

Though a front yard setback variance was originally requested, it was determined this would not be needed since there is sufficient room to accommodate the required setback.

At its April 23, 2007 meeting, the Planning Commission recommended against the variance on a vote of 5 to 4 based on the established criteria to be met.

Michelle and Torsten Boss of 523 Elm Street, Michelle Fiane of 318 Lincoln Lake, Karyn Detmer of 517 Elm Street and Mary Jane Wolf of 517 Elm Street were present regarding the variance. There was concern regarding the historical value of the homes in the neighborhood. Each believed the value of the homes would be decreased and traffic would increase. There was also concern regarding renters having no vested interest in the neighborhood, as well as several renters moving in and out.

Fiane was concerned comparing a new home to a home built in the 1800's. Such homes were built before the ordinance was established. Fiane also noted she had to follow the ordinance when her house was rebuilt after the fire at her house.

City Clerk Morlock read the following letter into record:

To Whom It May Concern,

My family and I live at 304 Lincoln Lake where I also have a daycare. It has been brought to my attention that Mr. Sterly wants to build a duplex across the street from us. I am against this project because we already have four rental properties in our neighborhood. We already have had some issues with the tenants with fires every night and very loud vehicles.

This neighborhood is very old, meaning we all live in older styled homes and it gives the city a historical sense. Our neighborhood does not want another rental property going in we already have enough! Mr. Sterly said he would be sure and put a higher class of people in this property, He already has all this money invested, he will rent to whoever he can get to fill the space. What if Mr. Sterly decides this particular property is a hassle or not profitable enough and sells? We as a neighborhood are the ones that are affected. This is a great place to live and I want it to stay that way.

My concern is also for my Daycare, my Business. I am responsible for eight to twelve daycare children in my home on a daily basis. My concern for them is their safety, rental properties have a lot of traffic coming in and out of them all the time and people. Again we are the ones that are directly affected.

Please hear my concerns and keep my neighborhood the quiet and loving neighborhood that it already is.

Please call me with any concerns.

Thank you for hearing my concerns.

Stephen/Tammy Browning

Councilmember Pfaller was uncomfortable in making a decision without the presence of Mayor Myers and Councilmember Shores.

Mayor Pro Tem Mathews agreed.

John Sterly of 2615 Alden Nash was concerned with the issue being open and closed to the public several times. He commented on the nearby daycare center and how much traffic it causes. Sterly also believed a duplex would increase the value of the surrounding properties. He is very involved with his renters and would solve any noise complaints. Sterly clarified that just because one rents, it does not make them a bad person.

He believed this is a busy corner and there would always be traffic.

IT WAS MOVED BY MATHEWS and seconded by HODGES to table the 221 Amity lot width variance until July 16, 2007 when a full Board is present.

YEA: 3. NAY: 0. ABSENT: 2. MOTION CARRIED.

Item #3. **ADOPTION OF THE CAPITAL IMPROVEMENTS PLAN 2007 - 2012**. The CIP provides a 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 25, 2007 meeting.

IT WAS MOVED BY HODGES and seconded by PFALLER to adopt the Capital Improvements plan for 2007 – 2012.

YEA: 3. NAY: 0. ABSENT: 2. MOTION CARRIED.

Item #4. **CITIZEN COMMENTS**. No comments were received.

Item #5. **COUNCIL COMMENTS**. Councilmember Pfaller questioned if the Energy Study had been implemented yet. In particular, he asked regarding the status of the rooftop HVAC units at the Wastewater Treatment Plant. DPW Director Dan DesJarden responded this is being done piece by piece depending on what the City can afford. A report involving the WWTP units will be provided.

Mayor Pro Tem Mathews inquired regarding the situation with water running down on Grindle. DesJarden responded this has been addressed with the County. However, this is not on their priority list. Pasquale stated this can be addressed with the Kent County Road Commission again.

Mathews also questioned if there is a speed limit sign upon entering the City on Grindle. DesJarden responded yes.

Item #6. **MANAGER'S REPORT**. City Manager Pasquale reported on the following:

1. The meeting minutes for the following boards and commissions were provided:
 - Parks and Recreation Commission meeting of May 19, 2007
 - Planning Commission meeting of May 29, 2007
 - Lowell Community Leadership Council meetings of December 21, 2006 and March 15, 2007
2. In observance of Independence Day, City and Light and Power offices will be closed on Wednesday, July 4.

Item #7. **APPOINTMENTS**. Appointments were tabled until these can be provided by Mayor Myers.

Item #8. **CLOSED SESSION**.

IT WAS MOVED BY HODGES and seconded by PFALLER to table the closed session meeting regarding a personnel matter until July 16, 2007 meeting.

YEA: 3. NAY: 0. ABSENT: 2. MOTION CARRIED.

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

DATE:

APPROVED:

Charles R. Myers, Mayor

Betty R. Morlock, Clerk