

PROCEEDINGS  
OF  
CITY COUNCIL  
OF THE  
CITY OF LOWELL

For the Regular Meeting of MONDAY, MAY 3, 2010.

The Meeting was called to order at 7:30 p.m. by Mayor Jim Hodges and City Clerk Betty Morlock called the roll.

Present: Councilmembers Jeff Altoft, Maryalene LaPonsie, Andrew Schrauben, Mayor Pro Tem Sharon Ellison and Mayor Jim Hodges.

Absent: None.

Also Present: City Manager David Pasquale, City Clerk Betty Morlock, Chief of Police James Hinton, Arbor Boardmember, Lowell Light and Power Boardmember and Planning Commissioner Jim Hall, Lowell Light and Power General Manager Greg Pierce and Lowell Light and Power Board Chair, Historic District Commissioner and Downtown Development Authority Boardmember Greg Canfield.

Item #1. **APPROVAL OF THE AGENDA.**

IT WAS MOVED BY LAPONSIE and supported by SCHRAUBEN to approve the agenda as written.

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

Item #2. **APPROVAL OF THE MINUTES OF THE APRIL 19, 2010 MEETING.**

IT WAS MOVED BY LAPONSIE and supported by ELLISON to approve the minutes of the April 19, 2010 regular meeting minutes as written.

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

Item #3. **APPROVAL OF THE ACCOUNTS PAYABLE.**

IT WAS MOVED BY ELLISON and supported by LAPONSIE that the bills and accounts payable be allowed and the warrants issued.

YEA: Councilmembers Altoft, LaPonsie Schrauben, Mayor Pro Tem Ellison and Mayor Hodges.

NAY: 0. ABSENT: 0. MOTION CARRIED.

<u>BILLS AND ACCOUNTS PAYABLE (05/03/2010)</u>	
GENERAL FUND	\$36,360.66
MAJOR STREET FUND	7,457.41
LOCAL STREET FUND	138.19

DOWNTOWN DEV. AUTHORITY	12,463.72
CITY HALL CONSTRUCTION FUND	170,992.50
AIRPORT FUND	467.25
WASTEWATER FUND	9,488.92
WATER FUND	24,109.80
CABLE TV FUND	15,000.00
DATA PROCESSING FUND	471.03
EQUIPMENT FUND	699.01
CURRENT TAX FUND	1,654.22

Item #4. **CITIZENS COMMENTS FOR ITEMS NOT ON THE AGENDA.** No comments were received.

Item #5. **UNITY HIGH SCHOOL ENVIRONMENTAL STUDIES CLASS – REVIEW OF FLAT RIVER CLEAN UP PROJECT AND COUNCIL SUGGESTIONS FOR FURTHER WORK.**

The Unity High School Environmental Studies Class has completed a Flat River clean up project. The class is soliciting Council suggestions on further projects.

Unity High School student Dakota Rocco explained the project and was hopeful to make this a City wide project involving the community rather than just one group of people. There are many areas in need of clean up.

Mayor Hodges suggested Rocco also contact Peggy Colvert who has put forth much effort in removing mustard weed.

Rocco questioned the City's recycling plan. He asked what could be done with the items found which could be recycled. He also questioned if a dumpster could be provided near the school and used for this specifically. City Manager Pasquale suggested he contact DPW Director Dan DesJarden.

Ms. Sue Sweet noted the river project was the students' idea. However, Rocco has taken on the responsibility to further the project.

Item #6. **ORDINANCE TO INCLUDE TEMPORARY SOFT SIDED GARAGES IN RESIDENTIAL DISTRICTS – RECOMMENDATIONS FROM THE PLANNING COMMISSION – PUBLIC HEARING.**

After a number of months of review and study, the Planning Commission has proposed an ordinance which addresses temporary soft sided garages in residential districts.

Bob Robinson 130 N. Center, explained he has had a soft sided shed in his driveway since 2001. He stores his lawn equipment and other such items. Because the vinyl needs to be replaced every three years, Robinson considered a carport and brought the issue before the Planning Commission. However, after learning about all the necessary requirements of installing a carport, Robinson determined this would not be cost effective for him. Therefore, he wishes to keep the structure. No complaints have been received.

Jim Pfaller 810 Bowes, was not opposed entirely to soft sided storage buildings. There may be a need for such a structure, if an individual has had a house fire or is undertaking a

remodeling project. However, Pfaller did not agree with the way the ordinance was written. There are no setback requirements listed in the ordinance. It does not state where the structure should be placed. Is such a structure allowed if an individual already has two accessory buildings? Pfaller also believed allowing this for a period of three years with an extension of another three years would be considered a permanent structure.

Pfaller stated three years ago the Council approved an ordinance for temporary hard sided PODS. If such an ordinance will be approved, it should be added onto this ordinance, as an alternative storage.

Finally, the ordinance requires a sloped roof to prevent excessive snow on roofs. Is it going to meet the other snow load requirements with the regular ordinance?

Al Mathews 822 Grindle Drive, did not believe such an issue should even be at a public hearing. The Planning Commission has had 50 individuals voicing against the ordinance. People live in this City because of the beautiful surroundings. Mathews noted he has lived in the City of Lowell for 28 years and fully believes there is no place for such structures. It has taken him 20 years to build his garage. Prior to this, he stored such items in a Dutch storage barn. He noted there are also rental storage units within the City. This is not needed and would be a major detriment to the City.

Kent McKay 1775 Gee Drive, questioned the issue of keeping something in good repair and noted many individuals have different opinions of what has been kept in good repair. He also questioned allowing such structures for three years with an additional three year extension. A temporary structure should be counted in months, not years. McKay is completely opposed to any soft sided buildings in the City of Lowell.

Donna Ford 671 Birchwood Ct, was not in favor of the soft sided buildings. She wanted people to see a beautiful City that is well maintained. Allowing such buildings would be taking a step backwards.

Ivan Blough 623 N. Jefferson could not believe the issue has even gotten this far and that the Council would even think about allowing such structures. These structures should only be allowed for short periods of time while a project is being completed. Blough noted he has been a contractor for 40 years in town and has always had to construct according to the building codes. He questioned what a soft sided garage would look like within six years. Blough also noted such structures can be placed within 3 feet of the lot line, while his garage had to be 8 feet from the lot line. Blough stated he has always tried to adhere to all the rules and regulations of the building code for structures. This is not a structure. This is a kick in teeth to all the contractors who have tried to do a good job and make the community look very attractive. He urged the Council to reconsider. Blough was completely against the structures and believed the structures would be difficult to enforce.

Steve Doyle 706 Riverside, questioned the number of letters, emails and calls Clerk Morlock has received indicating they are against the issue. Mayor Hodges explained there have been a number of letters. Rather than reading each into the record, these will be published as part of the record. Morlock stated she has received 10 to 15 emails indicating being against the ordinance other than one. She also received two additional letters and three phone calls. Again, all were against the soft sided structures. Such correspondences have indicated three years is not temporary and it would hurt their property.

Steve Doyle also noted 55 signatures were collected indicating they were not in favor of the structures.

Doyle read the following into record:

The construction of soft-sided buildings should not be permitted in any residential district in the City of Lowell. These units which are essentially poly propylene plastic tents are commercial and rural in nature and impermanent. They are not compatible with our small city lots, existing homes and accessory buildings. We live in a traditional small American town in which our residential neighborhoods are built with hard surfaced materials like wood and brick.

Accommodating by instituting an ordinance which allows the construction of buildings made out of plastic tarps is poor planning and will only lead to depreciating property values of residential property.

I spoke with the City Manager from the City of Cedar Springs and she said that the soft-sided units you're contemplating allowing are strictly prohibited. She indicated the units are substandard, do not meet State building codes, become unsightly and depreciate property values. Virtually every City in Kent County does not allow soft sided buildings.

No matter how new or old this type of building may be, no matter how tough an ordinance can be written in regards to its continue "good repair" it is still essentially a tent.

The City will waste tax payer's dollars policing and administering this ordinance. Who has what and for how long?

How many variances will the City grant because individuals need larger units or units will only fit on a lot if they encroach on setback lines?

We have a beautiful City Hall and first class Police Station. We have a top notch library and great school system. We have an attractive Historic downtown that has been the envy of most small communities throughout the State. Why are we proposing an ordinance which allows for the construction of buildings made out of plastic tarps?

Do you as a City Council person wish to look out your living room windows for six years at a wall of plastic 14' feet high 30' long built three feet from your lot line. The ceiling of the Council chamber room is 14' high. Further, not only one is allowed but two! You are on the verge of approving an ordinance which allows for a wall of plastic possibly 60' long 14' high in residential neighborhoods. Is this a positive? It seems like a disruptive idea.

This type of construction should fall within Lowell's current temporary building ordinance which allows up to 6 to 12 months. Three to six years is not temporary and there is really no end to the six years because for \$1 per square foot purchase individual may simply pull another permit and install another \$250 soft-sided building for another 6 years.

The negatives are out-weighed developing any type of ordinance which accepts this type of construction. I urge you to reject any ordinance accommodating soft-sided buildings in residential areas of Lowell.

Sincerely,  
Steve Doyle

Chris Fleszar 417 Howard was also present to state his opposition to the ordinance for soft sided garages in the City of Lowell.

Over the last several months, he and Steve Doyle have gathered approximately 55 signatures from residents, property owners, taxpayers who are opposed to the soft sided garages. We all agree and passionately believe they are not appropriate and do not belong in the residential neighborhoods. Some have argued, including Councilmember Altoft that prohibiting these structures is an infringement on a property owners rights. All the property owners opposed to it have rights as well. Using this argument, would mean we should abolish the ordinance as designed to protect our community. Every ordinance could potentially affect a property owners rights.

Fleszar referred to Chapter 4 of the ordinance, "General Provisions". Why does the City tell me I can not use my property as a used car lot? It is because it is unattractive. Why does the City tell me I can not store inoperable vehicles in my side yard? Why does the City tell me I can not leave my front yard unmowed for more than 12 inches? Who is the City to tell me I can't build 20 feet over any setback line I choose. It is my property and I will build anywhere I feel like it. We can make that argument for every ordinance if you want to argue owner property rights. Fleszar stated he uses these examples to illustrate how ridiculous this argument is. We live in a zoned community. We have established ordinances for a reason. To keep people safe and to keep our community attractive and welcoming. Soft sided garages do not fit in the City of Lowell.

This whole soft sided issue has become somewhat peculiar from last September up until now. Fleszar has been at all the meetings and there have only been two or three perhaps individuals interested in this ordinance. There are also only a few of these units installed throughout town.

At last months Planning Commission public hearing the opposition of this ordinance was out numbered 1 to 45. One person stood up in favor of the soft sided garages and 45 others said "no" to the idea. Yet 45 people saying "no" meant basically nothing to the Planning Commission.

If you think our view point is out of the ordinary, you are wrong. We have checked with other cities in Kent County and they all prohibit soft sided buildings. A commissioner from Wyoming mentioned they do not believe it fits in the residential neighborhood, but also they do not meet basic State snow and wind loads.

During this debate, many have talked about the wonderful downtown historic district. We all agree it is something to be proud of. We are not suggesting our neighborhoods become historic districts and every flower is regulated. But our historic district did not happen by accident. It happened due to dedicated leadership and a vision for something better than it was. There are set rules that are followed and make our downtown what it is today. Something we are all proud of.

It has also been mentioned that this could be taken care of under the nuisance ordinance, which people call and complain to the City. His own experience is he has complained many times about the lot at the corner of Amity and Main Street and yes there has been a response but has to take time out of his day to call the City to say the weeds are overgrown and it is unsightly. This is not a solution.

Finally, this is a public hearing. He believes as government officials you are obligated to listen to the overwhelming voices of people who oppose this ordinance. Whatever your personal beliefs are you are here to represent us and should vote accordingly to the vast majority of those opposed to soft sided garages in Lowell.

The following letters were also received as follows:

To the City Council and Planning Commission:

I am vehemently opposed to the soft side temporary structure proposed for the City of Lowell.

I sat on the planning commission during the onset of the proposal. I was immediately against this proposal when Mr. Robinson appeared before the commission.

When I left the commission, after my tenure, it was resolved, as I recall, there would not be soft sided, but metal covers on three sides and possibly a door to close and a driveway. It was to be temporary for three years with a three year renewal. After that it was to be removed for a permanent structure (approved by city requirements) or none at all.

Now it seems since I left and one or two others have left the commission there is only one holdout, Jim Hall.

Saying NO one showed interest in the matter opposing it is a LIE. Steve Doyle appeared at the commission several times and brought a petition with 50 names opposing. I don't call that a lack of interest.

I was approached while on the commission by Jeff Altoft, who sits on the council, about this issue. He is also a friend of Mr. Robinson who first brought up this proposal! He took me for a "ride" one day and showed me two or three nicely placed and hard sided structures not clearly seen from the road. That is about the time the hard side and three year limit was proposed – Then a possible renewal of three more years only. Six in all.

Mr. Altoft wants one of those structures himself for the wood stoves he sells. Right now he has a white tarp or plastic structure in his yard. Looks like "hell." The other soft sided structure is across from the Methodist church on the N.E. corner of N. Division, a black tarp or plastic. Looks awful for a residential area.

When my husband Charlie Doyle, who was a councilman several times, brought me to Lowell as a bride, he told me Lowell was the prettiest town in Michigan.

I am not a home owner anymore but am very proud of my city – I know Charlie is guiding me right now in helping me keep this a beautiful place to live.

Dee Doyle

Betty -

I would like the Council to know that as a citizen, I oppose the proposed ordinance allowing "temporary soft-sided accessory buildings" in any residentially zoned district within the City of Lowell.

After reading the ordinance I am concerned temporary may mean up 6 years.

Further, I have not received adequate explanation as to why this ordinance is good for the community or what problem it solves.

From what I have seen of these structures, I am unconvinced that this ordinance is a good idea.

Thanks!

Andy Johnston  
911 N. Hudson  
Lowell, MI 49331

Betty,

I was told about The Planning Commission recently passed a proposed ordinance allowing "temporary soft-sided accessory buildings" in any residentially zoned district within the City of Lowell. Hey, if they are preparing to have a tent set up for a wedding, or even a make shift "temporary soft-sided accessory building" to house building materials for a project that has a **day limit of 90 days**, okay, but the proposed ordinance is good for 5 years? They don't last that long before they are torn in shreds from the weather! That will just add to the trashy look thru our neighborhoods that our taxpayers don't need right now. If they need a shed, then have them build one.

Respectfully sent,  
Tina Cadwallader  
806 Lafayette  
Lowell Mi

Hi Betty,

I know the City is just taking its first look at the soft-sided garages tonight, but I wanted to officially share my view on it as a citizen. Please see letter below.

Thank you,

Candice Fleszar  
417 Howard St.  
Lowell, MI 49331

To the City of Lowell;

As we continue to discuss the issue of soft-sided garages in Lowell, those in favor of them cite the need to protect property owner rights. On this point, I agree. As a property owner, I want my rights protected. I want the value of my home, my biggest investment protected. My point is those of us opposed to the soft-sided garages have rights too! As far as I can tell, many more of us are against the idea of allowing the tent-style garages in the city, than are in favor of them. Why are our concerns being brushed aside by Councilman Jeff Altoft? Was he not

elected to represent ALL of us and not simply apply what he thinks is right (per his recent letter to the Ledger)?

Lowell is a zoned community. We have ordinances on the books to protect people, homeowners and our community. Using Councilman Altoft's logic, home and property owners should be allowed to let their lawn grow 2 feet tall; it is their property after all. However, they can't, because we have an ordinance that says it must be cut regularly and under a specific height.

Yes, we do have a part-time zoning enforcement officer. As our system is designed, he relies on citizens to call in and complain (sometimes repeatedly) before anything is done to fix a problem. How many crumbling sidewalks do we have in the city? I would say a good number, especially in the neighborhoods near the city cemetery. Why haven't they been fixed? I can only assume no one has complained and yet there is no question they are a public hazard. Again my point is, people are busy with their own lives and they don't want to squeal on their neighbors. How badly will the tent garages fall into disrepair before something is actually done about them?

In addition to property owner rights, this issue is about having a vision for our community. Not trying to create a homogeneous community with limited paint colors and regulated plants and flowers, as some have claimed. It's about looking to the future and challenging ourselves to be an even better community. Our historic district is beautiful and something to be very proud of. However, this has not happened by accident. We have rules and guidelines we follow and adhere to. It is these rules and the vision of the original people behind the effort to establish the commission that has given us our beautiful historic district. We need a similar vision for our neighborhoods. I maintain soft-sided garages are not something we want as a community and certainly are not something to be proud of. Attend the May 3<sup>rd</sup> public hearing, voice your opposition, write city hall. Let your voices be heard.

Hi Dave and Betty,

I'm not sure if I'll be able to make the City Council meeting on May 3 because of other commitments. However, I would like to voice my opposition to the proposed ordinance that would permit temporary soft-sided accessory buildings in residentially zoned districts. I have a very strong suspicion that such structures would lower the property values of surrounding homes. It is already difficult to sell a house in the City, and I believe it would be even harder if the neighbors had such structures in their yards. At a minimum, I do not believe the ordinance should be adopted until the Council hears from real estate agents or appraisers who can provide honest, unbiased opinions about the impact of such structures on neighboring property values. I therefore encourage the Council to postpone action on the ordinance until additional input is received, or to decline to adopt it altogether.

Respectfully yours,

Dan Brubaker

Last time I objected to something the council was doing they put me on a committee. I don't want to pay that heavy a price just to voice my opposition to this ordinance. But for you Jim, I'll consider it.

The Planning Commission recently passed a proposed ordinance allowing "temporary soft-sided accessory buildings" in any residentially zoned district within the City of Lowell. This ordinance will now be sent to the City Council for their approval. The word "temporary" in this case actually means 6 years. I feel that this proposed legislation is bad for our community, and I encourage you to send a brief note to [bmorlock@ci.lowell.mi.us](mailto:bmorlock@ci.lowell.mi.us) stating your objection to this ordinance. Be sure to include your name and address. Please send your responses no later than April 30th for the May 3rd Public Hearing.

Please forward this email to other city residents on your mailing list so they may also express their opinion.

Thanks  
Jim Hall, Planning Commissioner

Good afternoon Betty,

I noticed that the ordinance for soft sided garages is being brought to the City Council this evening. As a former member of the Planning Commission and a resident of the City of Lowell, I strongly disagree against this ordinance being passed. I believe that we are trying to elevate how our neighborhoods look and feel that these structures (I use that word loosely) are not what we want. I feel they will be a blight to the neighborhoods. I also believe that it is going to be difficult to govern how long they are actually in place. If these structures are not maintained they will look bad long before the three years is up and who is going to be watching that they are reviewed every three years, this seems like a waste of city resources. When we are requiring people to have sidewalks and maintain them, have paved driveways of a certain distances and to even keep the grass at a respectable length, why would we even consider this sort of structure in the city.

Thank you for your time and have a great evening.

Debra Hinton  
925 Grindle Drive  
Lowell, MI

To Lowell City Council,

I object to the passage of "Temporary Soft-sided Buildings" being OKed for " 6 years!"

Six years is way more than temporary! How about 6 months?

Please review!

Jan Johnson

The Lowell City Council will be conducting a public hearing on May 3, 2010 to consider the adoption of the attached ordinance.

Mayor Hodges has stated on the record that it's a good ordinance, Councilpersons LaPonsie and Schrauben were on the Planning Commission that produced the ordinance and Councilman Altoft initiated the ordinance request. That's a potential 4 out of 5 votes.

As a local business person who may be impacted by this ordinance, I would appreciate your attendance at this meeting or alternatively, by sending a letter to the city clerk stating your professional opinion of this ordinance.

Sincerest thanks,

Jim Hall  
Lowell City Planning Commission

Members of the Lowell City Council

This letter is in response to the upcoming public hearing regarding an ordinance for controlling portable soft-sided garages. As a planning commissioner for the City of Lowell for much of the last 20 years, I have tried to guide and assist city leaders in making decisions that would lead to the overall improvement of the city, especially in regards to any aesthetic considerations. Having worked as an interior designer for the majority of my life where aesthetics are a major concern, I am totally against this ordinance and sincerely hope that you will collectively vote against this proposal.

If you want to live in a city, there are responsibilities that an individual should undertake in being a "good" neighbor.

No, I can not prove that this affects property values, in either a positive or negative way. My feelings are only that, feelings. I also cannot say one way or another, that this affects a persons property rights. But, along with property rights, we should also be cognizant of the property owner responsibilities.

So, where does one go when "common sense" no longer seems to matter? The citizens of Lowell do have the process of referendary petitions as outlined in the city charter. I would hope that we, the citizenry of Lowell, do not have to spend the time and effort to initiate or utilize this process, but it is available. This process allows for the circulation of petitions and gaining signatures from 15 percent of the registered voters to repeal the ordinance.

City leadership should involve far more than doing what is good for the individual, and a City Council should emphasize what is good for the collective community. We must be thinking about more than ourselves.

Even the best magician in the world can't hide a 14 foot plastic garage behind a 6 foot fence. Well thought out zoning is a property owners only protection from the totally inconsiderate actions from "well intentioned but irresponsible citizens". And, should this ordinance pass the city council, these units will be next door to us for a minimum of 6 years. And we will be left without any recourse in the matter.

Some members of the Planning Commission have stated that they "hope" that the owners of these "garages" will pick up all the "stuff, junk and debris" in their yards and put it into the garages. Good luck with that!!!! If they weren't self-centered and inconsiderate of their neighbors, the problem that they pose wouldn't exist in the first place.

The city responds to zoning violations only when a citizen complains about the violation. So in this case, neighbors will have to formally complain about their own neighbor. Or, in other words, there will not be any serious long term oversight on this very serious issue.

At a time when the property values are eroding, at an alarming rate on a local and statewide basis, I urge each councilperson to reject this unfortunate and poorly thought out proposed ordinance.

Thanks for your consideration.

Best personal regards,

Jim Hall  
724 Monroe  
Lowell MI  
616.897.6033

We are against allowing "temporary soft-sided accessory buildings" in any residentially zoned district within the city of Lowell

Leo and Madelyn Pfaller  
725 Bowes Road

Barbara Brown  
526 N. Hudson  
Lowell, Mi 49331

I think 6 years is too long for a temporary eye sore!

Betty would you tell me the names of the folks on the Planning Comm.? Would you start with the other end from where you and Dave were sitting? Thanks, Barb

Betty: Thought I should let you know I think a temporary soft sided accessory building that is around for six years is not good for our community. They look tacky. Why not put up a carport? Who lets the people know when their six years are over?

From: Steve Doyle

Betty,

Soft-sided buildings have been an important Planning Commission Agenda item for the last several months particularly dating from November of 09. The Commission encouraged people to voice their opinion after receiving I believe two opposition letters that you presented at a meeting.

Over the last several months how many people have been logged by either phone, letter, email or in person that are against soft-sided buildings in residential areas??

I know of at least those two letters you presented and you mentioned some emails and maybe a phone call or two at last month's meeting. I was going to ask you this question a couple days

before Monday's meeting but things were hectic and I simply forgot. My intention was not to put you on the spot.

Thank you,

Steve

Councilmember LaPonsie was disappointed regarding the ongoing comments that the Planning Commission did not consider other individual's views. Just because the majority of the Planning Commission disagreed does not mean the issue was not considered. This has been a difficult issue. The issue began in December of 2008 when a citizen came forward and asked if such a structure could be placed on his property. The word "temporary" has been discussed several times. The ordinance used was based upon one from Barry County in which such structures were allowed with a three year permit. This seems to be the lifespan of these temporary structures.

LaPonsie pointed out if anyone signed the petition based upon the picture shown, such a structure is not allowed under this ordinance if it passes.

The first time this issue came forward, LaPonsie was totally opposed. In the end, this is a property rights issue. This is one of two accessory buildings that one can have on their lot. It is supposed to follow the same setbacks. If government is going to tell people what to do with their property, there has to be a compelling reason. She did not see why the style makes a difference with regards to one's property rights. The ordinance states the building has to be anchored, enclosed and maintained. She believed the structure should be set at the end of an existing drive and if there is not an existing drive it must be hard surfaced.

The Planning Commission spent two years discussing the issue. LaPonsie did not believe anyone disregarded others feelings. At the very first hearing in July 2009, everyone who attended was opposed to limiting these.

Councilmember Schrauben noted he served on the Planning Commission for approximately one year. He greatly appreciates everyone who has been present and provided an opinion. It was mentioned before that one of the roles and jobs of the City Council is to represent the wishes for the majority. He also feels another duty is to protect the right of the minority.

While he served on the Planning Commission, the first couple residents who came to talk about these issues were both in support of the soft sided structures. It was only later that the opposition came in and tried to talk against it.

The other issue involves the condition of the soft sided buildings. This applies to every building. He personally felt it does not matter what the structure is made of, it needs to be kept in good condition.

Over the last several months he has tried to find some sort of evidence to state this will hurt home values, that it will hurt or help the community. He could not find this. Therefore, he believed this was more of a judgment issue and what do we want for our community.

While serving on the Planning Commission, he believed the reason why this is an issue is because there is a hole in the City's zoning ordinance. There is really nothing that governs a

structure less than 600 square feet. He was hoping this ordinance would accomplish this and fill in that hole and make sure a structure of any size, is being governed.

Schrauben believed a six year time limit seemed permanent and a structure of 14 feet in height was too high. The other inconsistency is the ordinance specifies a structure under 300 square feet yet the maximum dimensions effectively limit it to 264 square feet, creating another gap. Schrauben personally believed such structures are not temporary garages but rather soft sided accessory buildings. This should be governed by the accessory building ordinance because garages are actually addressed as an accessory building itself. In this regard, for him this ordinance asks as many questions as it answers and therefore he could not support it.

Schrauben stated he would be more likely to favor a renewal every year rather than every three years.

Schrauben stated he does not support the current ordinance and would prefer something more specific to the accessory building and covering the gap regarding less than 600 square feet and addressing the size ranges.

Mayor Pro Tem Ellison believed the Planning Commission was given a direction and did the best they could. Ellison did not believe these structures would be attractive within the City. She was opposed to the idea.

Mayor Hodges stated many years ago there was a time where he had seven vehicles on his property. There have been a number of situations that he never dreamt would have happened at his house. Thank goodness his neighbors didn't complain. When this item first came before the Council, he was sympathetic to it because of his particular situations. However, he must consider the way the ordinance is, the way it would affect the community and the way some of the softsided garages already look within the community. It does not look like the community he would want to live in nor would he want his next door neighbor to have these particular structures.

Hodges sympathized and is grateful to the Planning Commission for their efforts.

Councilmember Altoft explained he did not know these particular structures were illegal when the issue was initially raised. If illegal, why have they been able to stay this long? Altoft noted he has had one in his back yard for nine years. There are many more throughout the City that have been there even longer.

Altoft believed there were many things in the City of Lowell that are much worse than a softsided garage. He is not opposed to this ordinance, as there are many more within the City.

Altoft noted the Planning Commission did a good job reviewing this issue. He believed the structures should be inspected every year. Also, most will not be 14 feet tall. The ones being considered meet the snow load and government regulations. Altoft believed there are many things that happen in the City because one does not want to get involved. He went on to note the City has a zoning enforcement officer who does not do his job.

IT WAS MOVED BY LAPONSIE and seconded by ALTOFT to adopt the ordinance to include temporary soft sided garages in residential districts.

YEA: 2. (Councilmembers LaPonsie and Altoft)

NAY: 3. (Councilmember Ellison, Schrauben and Mayor Hodges) ABSENT: 0.

MOTION DEFEATED.

Item #7. **2010 – 2011 BUDGET – SET PUBLIC HEARINGS (5/17 AND 6/7)**. Based on discussions held at the April 27, work session, the General Fund draft summary has been updated. This reflects the inclusion of seasonal part-time employees in the cemetery and parks and reductions of recycling costs with the proposal to have this charge undertaken by the residents.

Also provided was a copy of the Downtown Development Authority and Water fund budgets.

A copy of the final proposed 2010-2011 Budget will be presented to Council before the next meetings. In order to be timely with final approvals, City Manager Pasquale recommended the Council conduct public hearings on May 17 and June 7 before adoption.

IT WAS MOVED BY ELLISON and supported by SCHRAUBEN to conduct public hearings on May 17, 2010 and June 7, 2010 regarding the 2010 – 2011 budget.

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

Item #8. **BIDS – SIBLEY STREET RECONSTRUCTION PROJECT**. Dave Austin of Williams and Works explained bids were received for the reconstruction of Sibley from North Center to Valley Vista Drive. CL Trucking and Excavating was the low bid at \$182,687.20 (\$223,991.50 engineer's estimate) and recommended for approval.

Work is anticipated to begin shortly after July 4, 2010 if not before.

Councilmember LaPonsie questioned what happens to the budgeted money not used. City Manager Pasquale responded the City is using all of the Community Development Block Grant money plus the stimulus money. The remaining amount not used will stay within the City's Local Street Fund.

IT WAS MOVED BY LAPONSIE and seconded by SCHRAUBEN to contract with CL Trucking and Excavating for the Sibley Street Reconstruction Project in the amount of \$182,687.20.

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

Item #9. **CITY 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 March 20, 2010
  - Planning Commission meeting of March 22, 2010
  - Grand Valley Metro Council – Transportation Policy Committee meeting of March 17, 2010.

2. With regard to the Council inquiry, Hubbell, Roth and Clark are still gathering data involving the water infiltration study for the Wastewater system. Once the work is complete, the Council will be informed.
3. A joint meeting with the Light and Power Board has been planned for Monday, May 10, 2010 at 7:00 p.m.

Item #10. **COUNCIL COMMENTS**. Mayor Pro Tem Ellison commented on the survey regarding trash/recycling pickup. She encouraged City residents to complete and return it to City Hall.

Councilmember LaPonsie received a request from a citizen regarding the Council revisiting the off street parking issue. Police Chief Hinton stated he would provide documentation from previous discussions regarding this issue at the next meeting.

Mayor Hodges noted the Blue Grass Festival will be held at the fairgrounds May 14, 15 and 16<sup>th</sup>. Hodges encouraged everyone to attend as well as support the downtown businesses, especially while the bridge reconstruction is taking place.

IT WAS MOVED BY ELLISON to adjourn at 8:38 p.m.

DATE:

APPROVED:

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James W. Hodges, Mayor

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Betty R. Morlock, City Clerk