

**PROCEEDINGS  
OF  
CITY COUNCIL  
OF THE  
CITY OF LOWELL  
MONDAY, JUNE 4, 2012, 7:00 P.M.**

**1. CALL TO ORDER; PLEDGE OF ALLEGIANCE; ROLL CALL**

The Meeting was called to order at 7:00 p.m. by Mayor Hodges and City Clerk Morlock called the roll.

Present: Councilmember Sharon Ellison, Jim Hall, Andrew Schrauben, Jim Valentine and Mayor Jim Hodges.

Absent: None.

Also Present: City Manager Mark Howe, City Clerk Betty Morlock, Police Chief Barry Getzen, DPW Director Dan Desjarden, City Treasurer Sue Olin, Water Treatment Plant Superintendent Brian VanVeelen and Light and Power Electric Distribution Manager Tom Russo.

**2. APPROVAL OF THE AGENDA**

IT WAS MOVED BY SCHRAUBEN and supported by ELLISON to approve the agenda as presented.

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

**3. APPROVAL OF MINUTES OF PREVIOUS MEETING(S)**

a. May 21, 2012 – Regular Meeting

IT WAS MOVED BY ELLISON and supported by HALL to approve the regular minutes of the May 21, 2012 meeting as written.

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

b. May 21, 2012 – Closed Session

IT WAS MOVED BY ELLISON and supported by SCHRAUBEN to approve the closed session minutes of the May 21, 2012 meeting as written.

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

**4. APPROVAL OF ACCOUNTS PAYABLE**

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

YEA: Councilmembers Ellison, Hall, Schrauben, Valentine and Mayor Hodges.

NAY: 0. ABSENT: 0. MOTION CARRIED.

BILLS AND ACCOUNTS PAYABLE (06/04/12)

GENERAL FUND	\$79,817.37
MAJOR STREET FUND	10,074.19
LOCAL STREET FUND	6,297.33
HISTORIC DISTRICT FUND	4,050.00
DDA FUND	2,408.88
AIRPORT FUND	2,571.01
WASTEWATER FUND	40,869.99
WATER FUND	33,616.79
CABLE TV FUND	561.86
DATA PROCESSING	857.51
EQUIPMENT FUND	2,341.06
CURRENT TAX FUND	11,246.74

5. **CITIZEN COMMENTS FOR ITEMS NOT ON THE AGENDA**

Mayor Hodges introduced Arno Tschunke, who was the host for the Lowell coalition when it traveled to Germany and visited various bio-digester operations.

6. **OLD BUSINESS**

**A. PENDING COUNCIL PROJECTS REPORT**

City Manager Howe informed the Council that one of the grants for sidewalks has been denied. This will be discussed at a work session later this summer.

**B. 2012-2013 BUDGET PUBLIC HEARING AND ADOPTION**

This is the second public hearing for the proposed 2012-13 budget.

Mayor Hodges opened the public hearing. No comments were received; Mayor Hodges closed the public hearing.

IT WAS MOVED BY ELLISON and supported by VALENTINE to approve the 2012-2013 budget as presented.

YEA: Councilmembers Ellison, Hall, Schrauben, Valentine and Mayor Hodges.

NAY: 0. ABSENT: 0. MOTION CARRIED.

7. **NEW BUSINESS**

**A. PRESENTATION OF WATER TREATMENT AWARD**

Brain VanVeelen, Water Treatment Plant Superintendent presented Mayor Hodges with a regional water quality award. In the fall we will be eligible to compete for the State water quality award.

**B. GARY ROLLS, KENT COUNTY COMMISSION UPDATE**

Gary Rolls, Kent County Commissioner for District Four provided updates on county issues.

**C. SPECIAL EVENT PERMIT – LOWELL MOOSE LODGE #809 ON JULY 4, 2012**

Bruce Munroe of the Lowell Moose Lodge #809 is planning a special event of serving chicken dinners from 10:00 a.m. to 2:00 p.m. on July 4, 2012. For this purpose, the organization is requesting to use the southern portion of the King Milling parking lot from 8:00 a.m. to 4:00 p.m.

IT WAS MOVED BY ELLISON and supported by VALENTINE to approve the request from Lowell Moose Lodge #809 to use the southern portion of the King Milling parking lot from 8 a.m. to 4 p.m. for their chicken dinners on July 4, 2012.

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

**D. RESOLUTION TO AUTHORIZE ELECTION RECEIVING BOARD**

City Clerk Morlock requested the Council adopt a resolution authorizing Receiving Boards. The use of a receiving board confirms that the ballot container is properly sealed, seal number is properly recorded and number of names entered into the poll book balances with the number of voters counted.

IT WAS MOVED BY SCHRAUBEN and supported by HALL to adopt the resolution authorizing a Receiving Board for all elections.

YEA: Councilmembers Ellison, Hall, Schrauben, Valentine and Mayor Hodges.

NAY: 0. ABSENT: 0. MOTION CARRIED.

**E. INSPECTION SERVICES AGREEMENT**

City Manager Howe discussed with Cascade Township the possibility to contract for Building Inspection Services. The agreement has been reviewed by the city attorney. The agreement states that Cascade Township will provide the services and forward 20 percent of the fee to the City of Lowell to cover our administrative expenses. This represents twice the amount that is returned to the city under the current contract and also meets pending state requirements that we continue to look for ways to contract with other local units of government for services.

IT WAS MOVED BY ELLISON and supported by HALL to approve the Inspection Services Agreement with Cascade Township.

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

**F. ZONING ORDINANCE AMENDMENT**

An amendment to the Zoning Ordinance was presented to the Council for consideration. The amendment would add a definition for Vehicle Towing Service and outline where these services could be located and special use requirement that would have to be met.

The Planning Commission held a public hearing and recommends adoption. In the past, an additional public hearing had been scheduled prior to adoption of zoning ordinance amendments, although through research it has been determined that a public hearing by the City Council is not required. If a public hearing is scheduled, public hearing requirements of the Zoning Act which require a 15-day notice and the cost of publication, would need to be followed. Howe stated that the amendment in question does not have a negative impact on any existing use and expedites the process of locating a new business into the community. He recommended that the ordinance be adopted at this meeting.

IT WAS MOVED BY HALL and supported by ELLISON to adopt the zoning ordinance amendment as presented.

YEA: Councilmembers Ellison, Hall, Schrauben, Valentine and Mayor Hodges.

NAY: 0. ABSENT: 0. MOTION CARRIED.

**G. ZONING BOARD OF APPEALS**

IT WAS MOVED BY SCHRAUBEN and supported by HALL to enter into Zoning Board of Appeals at 7:26 p.m.

YEA: Councilmembers Ellison, Hall, Schrauben, Valentine and Mayor Hodges.

NAY: 0. ABSENT: 0. MOTION CARRIED.

**I) PUBLIC HEARING: SPECIAL EVENTS SIGN VARIANCE REQUEST FOR 325 WEST MAIN - LOWELL AREA HISTORICAL MUSEUM.** Zoning Board of Appeals Chair Hall opened the public hearing for a special events sign variance request from the Lowell Area Historical Museum for 325 West Main Street. No comments were received so Chair Hall closed the public hearing.

The Zoning Board of Appeals reviewed and discussed the six criteria of the variance and the following motion was made.

IT WAS MOVED BY HODGES and supported by VALENTINE to approve the special events sign variance from the Lowell Area Historical Museum for 325 West Main Street as presented.

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

**II) PUBLIC HEARING: FRONT YARD SETBACK VARIANCE REQUEST FOR 1324**

**LAURIE GAIL DRIVE - NANCY FANSHER.** Zoning Board of Appeals Chair Hall opened the public hearing for a front yard setback variance request from Dan and Nancy Fansher at 1324 Laurie Gail Drive. City Clerk Morlock received a telephone call from Virginia Heydenburg, 280 Valley Vista Drive supporting the request. Two ladies from the area also stopped in to City Hall and talked with Morlock regarding their support of the variance. Chair Hall closed the public hearing.

The Zoning Board of Appeals reviewed and discussed the six criteria of the variance and noted the City Planning Commission should review the front yard setback requirement within the City of Lowell.

IT WAS MOVED BY HODGES and supported by VALENTINE to approve the front yard setback variance request of 25' setback where 30' is required in the R-2 District at 1324 Laurie Gail Drive.

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

IT WAS MOVED BY HODGES and supported to SCHRAUBEN to return to the City Council meeting at 7:53 p.m.

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

**8. COUNCIL COMMENTS**

Councilmember Hall reported the City Planning Commission approved a site plan for 2111 West Main Street from USA Fireworks. The Arbor Board is working on trees and signage on Main Street and the Downtown Historic District Commission meeting was cancelled.

Councilmember Schrauben noted the Airport Board is meeting Tuesday night, June 5<sup>th</sup> and the Parks and Recreation and Lowell Area Recreation authority will meet later this month.

Councilmember Valentine updated the Council on the activities of the Lowell Area Fire and Emergency Services Authority.

Councilmember Ellison stated the Arbor Board will meet on June 18<sup>th</sup>, the LCTV Endowment Board will not meet until March of 2013 and the Downtown Development Authority meeting was cancelled.

Mayor Hodges stated the Lowell Light and Power Board and the Chamber of Commerce Board of Directors will meet next week. Hodges also thanked City Manager Howe, City Treasurer Olin and the City Staff for all their work on the 2012-2013 budget.

**9. MANAGER'S REPORT.**

1. A report on the sale of the Water Refunding Bonds is attached for your review. The principal amount of the bonds will be \$990,000 at an interest rate of 1.98% with Huntington National Bank. The refunding results in an overall savings of \$239,000.

2. Howe met with Airport Manager Jim Sowle as well as Amanda Hopper from the Bureau of Aeronautics to discuss efforts to continue the tree clearing project at the airport. We are very close to gaining General Utility status which is a real credit to the Airport Board.
3. The Lowell Area Fire and Emergency Services Authority are implementing a committee system in order to provide more in-depth review of certain functions of the fire department.
4. Budget amendment will be presented at the June 18, 2012 meeting.
5. Howe has been investigating a possible community clean up in the fall.
6. The new City website is up and running.
7. Howe thanked the Council for their positive remarks regarding the 2012-2013 budget. It is a lot of hard work and he appreciated all the work by city staff, especially City Treasurer Olin for her ability to get information he needed in a timely manner. He also noted that Council's leadership with a strategic plan was very helpful.

10. **APPOINTMENTS.**

By consensus of the Council, Nancy Wood was appointed to the Historic District commission with a term ending January 1, 2015.

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

DATE:

APPROVED:

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James W. Hodges, Mayor

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Betty R. Morlock, City Clerk