

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

For the Regular Meeting of **MONDAY, APRIL 18, 2005**

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

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

Absent: Mayor Pro Tem Myers.

Also Present: City Manager David Pasquale, City Clerk Betty Morlock, Police Chief Jim Valentine, Planning Commission Chairman Clark Jahnke, and Lowell Light and Power and Cable TV General Manager Tom Richards.

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

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

IT WAS MOVED BY HODGES and seconded by MATHEWS to approve the minutes of the April 4, 2005 regular meeting as submitted.

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.

Councilmember Pfaller noted on the Lee Fund, due to the ice skating season being shortened, Ron Wenger took a deduction in what he was awarded for taking care of the ice rink. Originally it would have been \$3,000.

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

BILLS AND ACCOUNTS PAYABLE (04/18/05)

GENERAL FUND	\$74,223.31
MAJOR STREET FUND	\$299.76
LOCAL STREET FUND	\$4,463.88
DDA FUND	\$22,202.50
AIRPORT FUND	\$134.36
WASTEWATER FUND	\$134.36
WATER FUND	\$5,399.00
DATA PROCESSING FUND	\$1,289.85
EQUIPMENT FUND	\$1,992.82
CURRENT TAX FUND	\$1,596.47
LEE FUND	\$1,500.00

Item #1. **REQUEST BY DORLA WEST TO USE THE CITY OWNED PROPERTY AT THE SOUTHWEST CORNER OF JACKSON AND FRONT STREET FOR A PLANT SWAP.** A letter was received from Dorla West requesting to utilize the City owned property located at the southwest corner of Jackson and Front Streets across from her residence to serve as a site for a plant swap. The eleventh annual plant swap is scheduled for Saturday, May 7 from approximately 9 a.m. until 12:00 noon.

IT WAS MOVED BY PFALLER and seconded by MATHEWS to approve the request of Dorla West to use the City property located at the southwest corner of Jackson and Front Streets for her plant swap on May 7, 2005.

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

Item #2. **REQUEST BY FIRST CONGREGATIONAL CHURCH TO CLOSE SPRING STREET AND UTILIZE RICHARDS PARK.** Mayor Shores noted as petitioned in the past, the First Congregational Church requested Spring Street between Hudson and Lincoln Lake be closed on Sunday, May 15 between 9 a.m. to 12 noon to have an outdoor cake and ice cream reception.

Also, the Church has asked for the use of Richards Park on Sunday, August 14 utilizing the northwest corner for an outdoor service from 9 a.m. to noon. In case of rain, a tent would be erected and Spring Street would be closed.

These events have been provided for several years and have always worked out very well.

IT WAS MOVED BY MATHEWS and seconded by PFALLER to approve the requests as noted on May 15 and August 14, 2005 between 9 a.m. and 12 noon for the First Congregational Church.

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

Item #3. **APPLICATION FOR TEMPORARY AUTHORIZATION FROM THE LIQUOR CONTROL COMMISSION AS REQUESTED BY THE FLAT RIVER GRILL UTILIZING THE SHOWBOAT.** Chris West, representing Flat River Grill, requested a temporary authorization to serve alcohol beverages using the Showboat for Chamber of Commerce/Arts Council events, such as the Summer Concert Series which are held on Thursdays, June 16 to August 18, the Folk Festival program on Friday, June 18 only and the Riverwalk Festival which is scheduled July 8 and 9. The total number of Chamber events would be 11 with a floating date for the Flat River Grill to use for a special event. During these events, the area is totally roped off and patrons are only allowed to bring the beverages on the boat. Flat River Grill and the Chamber would have someone at the entrance to assure patrons comply. West also noted that Flat River Grill insurance would cover special events on the Showboat.

Councilmember Pfaller asked if there was a rental fee for using the Showboat and if any comes back to the City for maintenance of the boat. Chamber of Commerce Executive Director Liz Baker stated

the Chamber receives 15% of the gross profits and the money is redirected into the event costs and other programs.

IT WAS MOVED BY PFALLER and seconded by HODGES to recommend approval of the temporary authorization to the Liquor Control Commission for the Flat River Grill to utilize the Lowell Showboat for the eleven dates as scheduled by the Chamber of Commerce and one floating date for the Flat River Grill to utilize for a special event in 2005.

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

Councilmember Pfaller request that an agenda item be added to discuss user fees for the Showboat and other City facilities.

ZONING BOARD OF APPEALS

A. **504 LINCOLN LAKE (NORTHWEST CORNER OF LINCOLN LAKE AND HOWARD) – PATRICIA HORN – FENCE HEIGHT VARIANCE – SET PUBLIC HEARING (5/2)**. Zoning Board of Appeals Chairperson Pfaller stated Patricia Horn, applicant, wishes to have a six foot high fence installed for her residence at 504 Lincoln Lake. But the portion of property within the Howard Street front yard area is limited to three feet. She desires the six foot height for safety reasons. A public hearing needs to be established for the May 2, 2005 meeting.

The Planning Commission will provide a recommendation at its April 25, 2005 meeting.

IT WAS MOVED BY MATHEWS and seconded by SHORES to establish a public hearing for May 2, 2005 to consider the fence height variance request from Patricia Horn at 504 Lincoln Lake.

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

Item #4. **RIVER CITY BROKERS, INC. – REQUEST FOR CURB CUT ONTO BOWES ROAD IN CONJUGATION WITH A PROPOSED BIG BOY RESTAURANT**. Jim Karris, representing River City Brokers, is present regarding a curb cut onto Bowes Road. The Council had previously discussed that and the following conditions needed to be met before a curb cut approval could be considered. Responses to these conditions are provided.

- Applying for and receiving a permit to install the curb cut as required by the City Code – agreed by River City and will be carried out.
- Installing the curb cut in accordance with City standards – agreed by River City.

- Providing the City a copy of the latest site plan for River City's project – given to the Planning Commission and also had the opportunity to review the site plan last week at this time and reviewed the landscaping, parking layout as well as the curb cut.

Recommendations were received by Williams & Works regarding drainage and from Ed Swanson, Traffic Engineer regarding the curb cut. All were approved by the Planning Commission with a condition of seeing landscaping on the south side of the entrance drive from Bowes Road, providing some screening between the drive and Substation to the south.

- Having the City's engineers at River City's cost review the location of the curb cut in proximity to the M-21/Bowes Road intersection from a safety perspective and the drainage plan for the project as it affects or relates to property located within the City. This has been reviewed by Williams & Works (drainage) and Ed Swanson, traffic engineer.
- An agreement by River City to share the curb cut with the property located immediately to the south on Bowes Road (this property is currently owned by the City and utilized as a substation for the City Department of Light and Power). This was agreed by River City.
- The construction at River City's cost of a public sidewalk in accordance with City standard specifications on the east side of the River City property fronting on Bowes Road. A sidewalk is shown on the site plan extending across M-21 frontage south along Bowes to the entrance drive. River City wishes to defer the sidewalk south of the drive (approximately 20 feet) because of the steepness in grade. A cash deposit in an amount determined by DPW Director DesJarden may be provided for the section of a walk south of the curb cut onto Bowes.
- Review by the City Planning Commission of the landscaping/parking plan for that portion of the River City property located within the City. This has been done at the April 11, 2005 Planning Commission meeting.
- Provision of a guaranty or other acceptable assurance that delivery trucks exiting the River City property onto Bowes Road will not damage the roadway (Bowes Road is a Class B road not designed to serve heavier motor vehicles). Jim Karris talked to Big Boy and they stated the trucks would come in two to three times a week with a maximum load of 1500 pounds and 2000 pounds cargo weight is the guidelines. Karris is not sure of the size of truck, but will not exceed the weight limit. The developers would agree to maintain the curb and have requested to not have this as a requirement.

Councilmember Pfaller stated the sidewalk that runs parallel to Bowes Road, but there is no way to access from the sidewalk to parking lot/restaurant. Karris said a sidewalk was placed there at one time, but could have been removed due to some type of safety concern with Tim Johnson, Lowell Charter Township Planner. He will check into this.

The request to tap directly into the City's sanitary sewer on Bowes Road for the back portion of future development was discussed. The Council agreed to this request, subject to remaining as a Lowell Charter Township sanitary sewer customer and all expenses would be totally the developers and the City would bear no cost.

IT WAS MOVED BY PFALLER and seconded by HODGES to approve the curb cut onto Bowes Road to River City Brokers, Inc. for a proposed Big Boy Restaurant as stipulated above.

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

Item #5. **MONTHLY REPORTS.** No comments were received.

Item #6. **CITIZEN COMMENTS.** Charlie Bernard, owner of Bernard's Ace Hardware, questioned the procedures of zoning enforcement from the City and Imperial Municipal Services. The consensus of the Council was to review the ordinance regarding outdoor display.

Item #7. **COUNCIL COMMENTS.** Councilmember Mathews stated concern of items for sale in parking lots.

Councilmember Hodges stated he attended a seminar held by Rich Harrison regarding "Innovative Neighborhood Design" last Thursday at Caledonia High School. Mayor Shores, Planning Commissioners Hinton and Teelander and City Clerk Morlock also attended. It was very interesting.

Mayor Shores concurred with Hodges. She wished more people from the City as well as the Township would have attended.

Councilmember Pfaller noted concerns with the current resident trash hauler regarding pickup of corrugated products. It was stated that corrugated products need to be broke down in 2' x 2' sections for pick up. He suggested that a public notice be placed in the paper stating the rules of recycling.

Mayor Shores requested a notice be published regarding signs being posted in City right of way and on poles.

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

1. The following boards and commission meetings minutes were presented:

- Airport Board meeting of January 4, 2005.
- Chamber of Commerce meeting of March 8, 2005.

2. A meeting will be held on Wednesday, April 20 at City Hall to review and receive comments on a federal application to reconstruct Gee Drive. An application will be submitted to MDOT by May 1, 2005 for this project.

Item #9. **APPOINTMENTS**. No appointments needed at this time.

IT WAS MOVED BY PFALLER to adjourn at 8:39 p.m.

DATE:

APPROVED:

C. Jeanne Shores, Mayor

Betty R. Morlock, Clerk