

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

For the Regular Meeting of TUESDAY, **JULY 6, 2004**

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

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

Absent: Councilmember Myers.

Also Present: City Manager Dave Pasquale, City Clerk Betty Morlock, DPW Director Dan DesJarden, Police Chief Jim Valentine, Police Officer James Hinton and Fire Chief Frank Martin.

IT WAS MOVED BY HODGES and seconded by PFALLER to approve the minutes of the June 21, 2004 regular meeting as written.

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

IT WAS MOVED BY PFALLER and seconded by MATHEWS to approve the minutes of the June 21, 2004 closed session

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

Councilmember Pfaller referred a payment made to O.E. Bieri and Sons for work completed at Richards Park. The amount was considerably more than expected which may affect the Parks budget for the year.

IT WAS MOVED BY PFALLER and seconded by HODGES that the bills and accounts payable be allowed and the warrants issued.

YEA: Councilmember Hodges, Mathews, Pfaller and Mayor Shores.

NAY: 0. ABSENT: 1. MOTION CARRIED.

<u>BILLS AND ACCOUNTS PAYABLE (07/06/04)</u>	
GENERAL FUND	\$127,469.29
MAJOR STREET FUND	2,982.77
LOCAL STREET FUND	3,518.65
DDA FUND	2,091.90
CITY HALL CONSTRUCTION FUND	1,231.00
AIRPORT FUND	15.80

WASTEWATER FUND	35,109.53
WATER FUND	13,834.64
DATA PROCESSING FUND	1,746.49
EQUIPMENT FUND	616.10
LEE FUND	1,755.00
CEMETERY FUND	2,000.00

Item #1. **AMENDMENTS TO THE PRIVATE STREET ORDINANCE – RECOMMENDATION FROM THE PLANNING COMMISSION – ADOPT OR SET PUBLIC HEARING DATE (7/19).**

After several months of review, the Planning Commission proposed amendments involving design requirements for private streets. These are divided by developments of three to five dwellings and six or more units. At present, such developments served by private streets must meet local public street standards (34 feet wide with curb and gutter). The ordinance amendments provide a lesser standard similar to what nearby communities have.

At its June 28, 2004 meeting, the Planning Commission held a public hearing on the amendments and unanimously recommended approval to the City Council.

IT WAS MOVED BY PFALLER and seconded by HODGES to set a public hearing for July 19, 2004 concerning the amendments to the Private Street Ordinance.

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

Item #2. **ADOPTION OF THE CAPITAL IMPROVEMENTS PLAN 2004 – 2009.** At its last meeting of June 28, 2004, the Planning Commission recommended approval of the Capital Improvements Plan. The document included street reconstruction improvements as well as mill and resurfacing.

With the assistance of DPW Director DesJarden and Water Distribution Supervisor Bob Robinson, the water distribution needs have been updated. The Airport Board provided a list of priorities for the Airport Capital Improvements plan. Also, the Parks and Recreation Commission has provided a list of improvements.

Councilmember Pfaller asked if Bowes Road from Valley Vista to Ridgeview Drive would be included as part of the Street Capital Improvements Plan. City Manager Pasquale responded yes, if Federal Funding is received.

Pfaller commented on the work which needs to be done on the Foreman Building. He suggested the funds be taken from the City rather than the Parks and Recreation Commission budget. He also suggested work be completed on the Foreman Building before construction of a new storage building begins.

Pfaller stated the Space Needs study for the DPW storage building can be eliminated as this has already been completed.

IT WAS MOVED BY PFALLER and seconded by HODGES to approve the Capital Improvements Plan including the amendments.

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

Item #3. **ROOFING WORK AT THE WASTEWATER TREATMENT PLANT.** On July 1, bids were received for reroofing all building at the Wastewater Treatment Plant. This work was identified in the budget at an estimated cost of \$40,000. The bids were as follows:

Weather Shield Roofing Systems, Inc. (Grand Rapids)	\$36,197.
J&L Roofing (Grand Rapids)	\$45,590

After reviewing the bids, WWTP Superintendent Mark Mundt recommended Weather Shield Roofing Systems Inc. be awarded the project.

IT WAS MOVED BY MATHEWS and seconded by PFALLER to accept the bid from Weather Shield Roofing Systems, Inc. in the amount of \$36,197 for the roofing work at the Wastewater Treatment Plant.

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

Item #4. **MORATORIUM CONCERNING THE ENFORCEMENT OF SIGNS WITHIN THE RESIDENTIAL DISTRICT.** Councilmember Pfaller stated the Planning Commission has requested a moratorium of the enforcement of the sign ordinance in the Residential Districts be placed, due to constitutional questions raised by a resident which arose.

IT WAS MOVED BY PFALLER and seconded by MATHEWS to place a moratorium on the sign ordinance enforcement throughout the residential districts.

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

Item #5. **CITIZEN COMMENTS.** No comments were received.

Item #6. **COUNCIL COMMENTS.** Councilmember Mathews asked when work would begin at the James/High Street intersection. DPW Director DesJarden was unsure. Mathews noted there is a large hole near the manhole.

City Manager Pasquale spoke with Sundry Representative Les Cole, who indicated grading for curb and gutter will be completed the week of July 6, 2004. Curb and gutter is planned for the week of July 12, 2004. There will be an extension of the gas main on July 8, 2004 as well as the completion of the storm sewer and water service.

Councilmember Pfaller noted the Parks and Recreation Commission meeting will be held on July 6, 2004, 7:00 p.m. at Stoney Lakeside Park.

Mayor Shores commented on the Riverwalk Festival scheduled for the coming weekend. Shores also commented on how clean Creekside Park was.

Item #7. **MANAGER'S REPORT**. City Manager Dave Pasquale reported on the following:

1. Sundry Development has asked the Council to consider renaming a portion of High Street situated east of James Street to Highland Hill Drive. The High Street sign is constantly being replaced by the City. Sundry believes this would become an issue when the street is being served by 53 families. Currently, the Kamstra family is the only family who uses the referenced portion of the roadway.

IT WAS MOVED BY PFALLER and seconded by MATHEWS to set a public hearing for July 19, 2004 to discuss the renaming High Street east of James Street as Highland Hill Drive.

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

2. The following boards and commissions meetings minutes are enclosed:

- Downtown Development Authority meeting of May 27, 2004
- Planning Commission meeting of May 24, 2004

3. At its June 28 meeting, the Planning Commission reviewed a notice of violation which was sent to Josh Langdon of 410 Hunt Street (southeast corner of Beech and Hunt) regarding two signs placed in his yard. According to the Zoning Ordinance, signs (except for identification) are not allowed in residential districts.

Mr. Langdon stated these religious signs are protected by freedom of speech as held by the U.S. Supreme Court. The City Attorney has mentioned the City can't prohibit signs, but provide regulations.

The Commission is researching this and has asked that a moratorium be place on the residential sign enforcement until the issue is resolved. The Council provided this action.

4. The River walk Festival is this Friday and Saturday, July 9 and 10.

Item #8. **APPOINTMENTS**. By general consensus the following reappointments were made:

Garland Berry, Planning Commission, James Maatman, Board of Light and Power and Cable Television and Teresa Beachum, Local Officers Compensation Commission. All terms expire June 30, 2007.

IT WAS MOVED BY HODGES and seconded by MATHEWS to excuse the absence of Councilmember Myers.

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

IT WAS MOVED BY HODGES to adjourn at 7:53 p.m.

DATE:

APPROVED:

C. Jeanne Shores, Mayor

Betty R. Morlock, Clerk