

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

For the Regular Meeting of **TUESDAY, SEPTEMBER 6, 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, Pfaller, Mayor Pro Tem Myers and Mayor Shores.

Absent: Councilmember Mathews.

Also Present: City Manager David Pasquale, City Clerk Betty Morlock, DPW Director Dan DesJarden, Chief of Police Jim Valentine, Waste Water Treatment Plant Superintendent Mark Mundt, Water Distribution Supervisor Bob Robinson, and Police Officer James Hinton.

IT WAS MOVED BY HODGES and seconded by MYERS to excuse the absence of Councilmember Mathews.

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

IT WAS MOVED BY MYERS and seconded by PFALLER to approve the minutes of the August 15, 2005 regular meeting minutes 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.

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

<u>BILLS AND ACCOUNTS PAYABLE (09/06/05)</u>	
GENERAL FUND	\$170,729.94
MAJOR STREET FUND	2,546.72
LOCAL STREET FUND	62,929.10
DDA FUND	758.78
CITY HALL CONSTRUCTION FUND	1,000.00
AIRPORT FUND	31.35
WASTEWATER FUND	5,877.33
WATER FUND	63,572.69
EQUIPMENT FUND	3,685.65
CURRENT TAX FUND	306,337.79
LEE FUND	136.70

Item #1. **REQUEST FROM FIRST CONGREGATIONAL CHURCH – CLOSE ONE BLOCK OF SPRING STREET.** Mayor Shores stated as part of a worship service and time of fellowship celebrating 150 years of ministry in Lowell, the First Congregational Church has requested Spring Street between Hudson and Lincoln Lake be closed on Sunday, September 18, 2005 between 8:30 a.m. to 12 noon.

IT WAS MOVED BY PFALLER and seconded by HODGES to approve the request from First Congregational Church to close Spring Street between Hudson and Lincoln Lake between 8:30 a.m. to 12 noon on Sunday, September 18, 2005 to celebrate 150 years of ministry in Lowell.

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

Item #2. **REQUEST FROM LARKIN'S RESTAURANT FOR TEMPORARY AUTHORIZATION FROM THE MICHIGAN LIQUOR CONTROL COMMISSION ON SATURDAY, OCTOBER 8.** As part of the Chili Cook off held on the street (Broadway) next to the premises, Larkin's Restaurant requested a temporary liquor license from the LCC on Saturday, October 8.

Chief Valentine noted a map was provided showing what area would be fenced off. This area was laid out so it would not interfere with the municipal parking lot or the ability to access the post office for business. Valentine has no problem with this event, noting there has been no traffic issue in the past.

City Manager Pasquale said he had not received any complaints or concerns in the past and he and Valentine recommend Council approve this request.

IT WAS MOVED BY HODGES and seconded by MYERS to approve the request from Larkin's Restaurant for temporary authorization from the Michigan Liquor Control Commission on Saturday, October 8, 2005 for the annual Chili Cook Off.

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

Item #3. **ZONING BOARD OF APPEALS**

A. **807 BOWES – HABITAT FOR HUMANITY – REDUCE LOT WIDTH FROM 66' TO 65' – SET PUBLIC HEARING (9/19).** ZBA Chairman Pfaller stated Habitat for Humanity wishes to reduce the lot width by one foot for the property the organization had recently built a house on Bowes Road. The neighbor's window (206 S. Pleasant) overhangs the property line by four inches. The one foot would be deeded to the Pleasant Street property, avoiding the overhang. But, 807 Bowes would be one foot short of the minimum width.

A public hearing needs to be established for the September 19, 2005 meeting.

IT WAS MOVED BY SHORES and seconded by MYERS to establish a public hearing for Monday, September 19, 2005 to consider a variance request from Habitat for Humanity for 807

Bowes Road to reduce the lot width to 65' from the required 66'.

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

Item #4. **MINING ORDINANCE – CONTINUE TO TABLE**. At their August 22, 2005 meeting, the Planning Commission received the City Attorney's comments regarding the proposed amendments to the mining ordinance. The Commission wishes to have the opportunity to further review these and request the ordinance proposal be continued to be tabled.

It was the consensus of the Council to table this item until the Planning Commission had reviewed the proposed amendments.

Item #5. **RECOMMENDATION FROM THE PARKS AND RECREATION COMMISSION REGARDING USAGE OF KENT COUNTY YOUTH FAIR FEES**. Councilmember Pfaller commented on the agreement held between the City and the Youth Fair. Funds received from events should be marked for improvements to Recreation Park as recommended by the Parks and Recreation Commission.

It was moved by PFALLER and seconded by HODGES that any funds generated for the City from the agreement with the Kent County Youth Fair be directed for use of Recreation Park improvements and maintenance.

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

Item #6. **RESOLUTION ESTABLISHING FEE FOR STREET OPENING PERMIT**. In an effort to reimburse for City costs, DPW Director Dan DesJarden recommended a \$50 fee for a street opening permit covering the displacement, removal or opening of any paved street.

DesJarden added several months ago new regulations were established with water and sewer. He believed this would assist in tracking who is working within the right of way. The permit itself provides the location and type of work being done. The contractor is also responsible for all repairs within the right of way. The company must provide two million dollars worth of insurance for liability as well as a bond for equal to all of the repairs within the right of way. The City would release the bond after it is inspected.

Councilmember Pfaller questioned the length of time the bond would be held to ensure the compacting was done correctly. He believed the sand would settle throughout the seasons. DesJarden responded the fee would cover additional inspection to make sure the compaction is done.

Myers questioned if a \$50 fee would be sufficient. DesJarden believed this was a fair price.

IT WAS MOVED BY MYERS and seconded by PFALLER to approve the proposed resolution

establishing a fee of \$50 for a street opening permit.

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

Item #7. **APPROVAL OF PAYMENT NO. 2 – GRINDLE STREET RECONSTRUCTION.** Diversco Construction has requested a payment of \$181,591.49 for street reconstruction on Grindle. This includes the balance of the water main work and all of the road work up to the base paving completed on August 25. This has been reviewed by Williams and Works and has been recommended for approval.

Dave Austin from Williams and Works stated the paving is complete. However, cleanup and restoration still needs to be done. The road is open to traffic at this point.

IT WAS MOVED BY HODGES and seconded by PFALLER to approve payment #2 for the Grindle Street reconstruction.

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

Item #8. **REVIEW OF WATER AND SANITARY SEWER SERVICE IN VERGENNES TOWNSHIP.** City Manager Pasquale explained there are a total of 16 water customers who are in Vergennes Township as well as three water/sewer service customers. These customers are being serviced off of mains which has existed for some time. The City has not extended any mains to accommodate anyone in Vergennes Township. Currently, an individual is allowed to tap into an existing main. However, there is no written policy.

Additionally, the water customers are charged double the consumption rate. Currently, one would pay \$3.36 per thousand gallons per month. Sewer customers are paying the same rate as the City on consumption and debt service.

Pasquale and Water Distribution Supervisor Bob Robinson have been approached by individuals who are interested in tapping into the existing mains. Should there be any changes or a formal policy?

Mayor Pro Tem Myers questioned what should be included in such a policy. Pasquale asked if the Council would want to allow an individual to tap into an existing main.

Councilmember Pfaller stated he would be reluctant to allow anyone to tap into the system, without an agreement with the township. He suggested a cost and use study. At this point, he suggested suspending additional hook ups.

Mayor Shores questioned the chance of the mains failing. Robinson explained the mains are old. He was asking for guidance as to what the City should do when new customers wish to hook in. He also questioned if the City wanted to adjust the fees for the sanitary sewer consumption for Vergennes Township. Pfaller questioned the fee structure for Lowell Township. Pasquale explained the township is a whole sale customer and own their mains. The mains in Vergennes Township are

owned by the City. The City bills the customers in Vergennes Township.

Myers questioned the need for an agreement with the township. Pfaller was concerned about providing a service in an area where no tax revenue is received. Myers stated the City has the same infrastructure expense for the sewer as for the water. It would seem there should be a charge for this service. He believed a policy would be beneficial as well as a cost study.

Robinson noted there are a few customers who wish to hook up to the existing water and sewer. DesJarden questioned if the City should continue allowing individuals to keep hooking up to sewer, without having downstream mains. Robinson recommended the individuals be allowed to hook up to the system.

Pasquale clarified the idea is to allow for tap ins to the existing mains as well as doubling the rate for sewer. Pfaller had no problem doubling the rate, but would be reluctant to support it until a cost and use study is completed.

Pasquale stated he would provide a proposal on such a study at the next meeting.

By general consensus, the Council agreed to establish a short policy on allowing the tap ins on existing mains.

Item #9. **CITIZEN COMMENTS**. No comments were received.

Item #10. **COUNCIL COMMENTS**. Mayor Pro Tem Myers commented on the Merchants Committee. City Manager Pasquale explained this committee is separate from the DDA. Myers suggested the minutes from the meeting be included in the Council packets.

Mayor Shores received a letter from the Vietnam Veteran of America. This group requested a resolution to provide a designation of September 16, 2005 as POW/MIA recognition day. By consensus, the Council approved this.

Item #11. **MANAGER'S REPORT**. City Manager Pasquale reported on the following:

1. The following boards and commissions meetings are enclosed:
 - Parks and Recreation Commission meeting of July 16, 2005
 - Downtown Development Authority of July 21, 2005
 - Planning Commission meeting of July 25, 2005
 - Downtown Historic District Commission meeting of July 5 and July 26, 2005
2. The State Boundary Commission has scheduled Thursday, September 15, 2005, 1:30 p.m. in Lansing to consider the DuRay annexation petition.
3. In reference to a question raised at the last Council meeting, there were 190, not 19

responding to medical calls in July, 2004 for the Fire Department.

Item #12. **APPOINTMENTS**. By general consensus, City Council appointed Mark Mundt (800 Bowes Road) to the Planning Commission for a term expiring June 30, 2007.

IT WAS MOVED BY MYERS to adjourn at 8:08 p.m.

DATE:

APPROVED:

C. Jeanne Shores, Mayor

Betty R. Morlock, Clerk