

**PROCEEDINGS
OF
CITY COUNCIL
OF THE
CITY OF LOWELL
MONDAY, SEPTEMBER 17, 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 and Mayor Jim Hodges.

Absent: Jim Valentine.

Also Present: City Manager Mark Howe, City Clerk Betty Morlock, DPW Director Dan DesJarden, Police Chief Barry Getzen, Light and Power General Manager Greg Pierce, Light and Power Electric Distribution Manager Tom Russo and Light and Power Board Chair Greg Canfield (arrived 8:08 p.m.).

IT WAS MOVED BY SCHRAUBEN and supported by HALL to excuse the absence of Councilmember Jim Valentine.

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

2. **APPROVAL OF THE AGENDA**

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

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

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

A. September 4, 2012 – Regular Meeting

IT WAS MOVED BY ELLISON and supported by SCHRAUBEN to approve the regular minutes of the September 4, 2012 meeting as written.

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

B. September 4, 2012 – Closed Session Meeting

IT WAS MOVED BY SCHRAUBEN and supported by HALL to approve the closed session minutes of the September 4, 2012 meeting as written.

YEA: 4. NAY: 0. ABSENT: 1. 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 and Mayor Hodges.

NAY: 0. ABSENT: 1. (Valentine) MOTION CARRIED.

<u>BILLS AND ACCOUNTS PAYABLE (09/17/12)</u>	
GENERAL FUND	\$20,770.96
MAJOR STREET FUND	845.78
LOCAL STREET FUND	2,673.35
DDA FUND	884.84
AIRPORT FUND	5,551.07
WASTEWATER FUND	2,246.67
WATER FUND	9,763.36
EQUIPMENT FUND	182.69
CURRENT TAX COLL	1,883,059.79

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

Brent Boncher, Attorney (601 Three Mile Road, N.W., Grand Rapids) and a member of Courtland Township Zoning Board of Appeals, addressed the Council on behalf of Al Mathews of Tip Top Gravel regarding the lime pit at the Water Treatment Plant.

Jessica Marks, Kent County Youth Fair Director (2020 Parnell), informed the Council that the 2012 KCYF was a great success and thanked the City and everyone from the community for their support.

6. **OLD BUSINESS**

A. **PENDING COUNCIL PROJECTS REPORT**

City Manager Howe had no new updates at this time.

7. **NEW BUSINESS**

A. **CRACK SEALIG BIDS**

The city received three bids for crack sealing this year and they are as follows:

1. A-1 Asphalt of Wayland, \$2,321.83 (Unit Cost: \$0.9636)
2. Harding Enterprises of Lowell, \$2,485.20 (Unit Cost: \$0.95)
3. Scodeller Construction of Portland, \$6,300 (Unit Cost: \$1.80)

DPW Director DesJarden requested unit cost because the City may look at additional locations this fall including city owned parking lots. Based on the lower unit cost, and within a reasonable range to consider a local contractor, it was recommended to accept the bid from Harding Enterprises of Lowell for crack sealing at an amount of \$2,485.20 and a unit cost of \$0.95 per lineal foot for any additional work.

IT WAS MOVED BY ELLISON and seconded by HALL to award contract to Harding Enterprises of Lowell for crack sealing at an amount of \$2,485.20 and a Unit Cost of \$0.95 per lineal foot for any additional work.

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

B. RESOLUTION: FIRST AMENDMENT TO LICENSE AGREEMENT WITH BERGIN BUILDING, LLC

The License Agreement with Bergin Building, LLC (Flat River Grill) has expired and a new 10-year agreement under the same terms and conditions has been negotiated. A resolution authorizing the execution of a new license agreement was prepared.

IT WAS MOVED BY ELLISON and supported by HALL to adopt the resolution approving and authorizing the execution of a first amendment to the license agreement with Bergin Building, LLC.

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

NAY: 0. ABSENT: 1. (Valentine) MOTION CARRIED.

C. RESOLUTION: OPPOSING THE 25 X 25 RENEWABLE ENERGY INITIATIVE

In November, Michigan voters will be asked to require electrical companies, including our own Lowell Light and Power, to generate or purchase 25 percent of its energy from renewable sources. There is already a legislative requirement that Lowell Light and Power meet a 10 percent standard by 2015. This has contributed to the motivation behind efforts to locate a bio digester in the City of Lowell. The ballot question is troublesome from the local point of view in several ways:

1. It burns into the Michigan Constitution public policy that should be open for discussion and debate at a legislative level.
2. It ignores the current standard and does not allow for ample opportunity to evaluate the 10 percent by 2015 standard as to its impact on opening renewable energy markets while balancing the cost to the consumer.

After discussion a motion was made by Councilmember Hall but died due to lack of support. The Council directed City Manager Howe to get more information for the next meeting.

D. **EASEMENT USE AND INDEMNIFICATION AGREEMENT, KING MILLING**

Mayor Hodges noted his wife is employed with King Milling. Therefore, he would be abstaining from discussion and turned the meeting over to Mayor Pro Tem Ellison.

King Milling has proposed to expand its facilities into a utility easement held by the City of Lowell through a vacated portion of Water Street. In order to allow the facility expansion, a use agreement that indemnifies the city needs to be executed. A resolution has been drafted to approve the agreement subject to approval of content by the City Manager and form by the City Attorney.

IT WAS MOVED BY SCHRAUBEN and supported by HALL to adopt the resolution approving and authorizing the execution of an easement use and indemnification agreement with King Milling Company.

YEA: Councilmembers Hall, Schrauben and Mayor Pro Tem Ellison. NAY: 0.

ABSTAIN: 1. (Hodges) ABSENT: 1. (Valentine) MOTION CARRIED.

Mayor Pro Tem Ellison turned the meeting back over to Mayor Hodges.

8. **MONTHLY REPORTS**

No comments were received on materials presented.

9. **COUNCIL COMMENTS**

Councilmember Hall had no comments.

Councilmember Schrauben noted the Airport Board was meeting next month and the Parks and Recreation Commission and the Lowell Area Recreation Authority will be meeting later this month.

Councilmember Ellison noted that Jim Reagan will be the new Chair for the Arbor Board. The previous Chair, Dana Chase, resigned because she moved out of the City of Lowell. There is now a position on the Arbor Board for anyone who would be interested.

Mayor Hodges stated the Light and Power Board met and discussed the bio digester project as well as other things. The Greater Lowell Community Vision will have public meetings on Wednesday, October 10, Tuesday, October 23 and Thursday, October 25 at 6 p.m. at the Lowell High School. He also noted Fallasburg and the Blue Grass events were very well attended this past weekend. Also, please help Pink Arrow V win \$250,000 by voting on the Chase Community Giving Facebook page.

10. **MANAGER'S REPORT.**

1. Staff approved a special event request that did not require council action; however, City Manager Howe wanted Council to be aware of it. A martial arts demonstration and photo shoot will take place at Stoney Lakeside Park on September 21, 2012, from 8 p.m. to 11 p.m. Police Chief Barry Getzen reviewed the request and was comfortable that the organizers could meet all of the city ordinance requirements.
2. Lowell Water received the 2011 Water Fluoridation Quality Award from the U.S. Center for Disease Control and Prevention (CDC). The award was given to Lowell Water for maintaining a consistent level for 12 consecutive months of optimally fluoridated water for the 2011 calendar year. Special thanks to our staff who continue to work toward a goal to provide the best small town public water in the nation!
3. The bio digester project continues to move forward. Plans for landscaping and signs will be presented to the planning commission next week. Agreements to use city facilities are also being worked out.
4. The Department of Public Works will be planting trees again this fall thanks to grants from the Lowell Area Community Fund and the LCTV Fund. The new plantings (27) will be along Bowes Road.
5. We continue to look at how we can maximize the efficiency of the heating and cooling system at city hall in order to save money on our utility bills. In addition, the system is now over 10 years old, which is near or beyond the useful life of some components of the system. We will look to replace these components in a way that will create more efficiency in the system.
6. Council previously approved a bid to replace water valves under Bowes Road in anticipation of the paving project that will begin this month. Incidentally, we were notified that the start date has been moved to September 24. As the valves were replaced others were found in need of replacement. While our contractor was already on the scene Howe approved the replacement of the additional two valves.

11. **APPOINTMENTS.**

No appointments were made.

11. **CLOSED SESSION**

A. Union Negotiations

IT WAS MOVED BY ELLISON and supported by HALL to move to closed session at 7:53 p.m. as allowed under the Open Meeting Act MCL 15.268 (c) to discuss union negotiations.

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

NAY: 0. ABSENT: 1. (Valentine) MOTION CARRIED.

Council returned to open session at 8:21p.m.

IT WAS MOVED BY ELLISON to adjourn at 8:22 p.m.

DATE:

APPROVED:

James W. Hodges, Mayor

Betty R. Morlock, City Clerk