

**PROCEEDINGS
OF
CITY COUNCIL
OF THE
CITY OF LOWELL
MONDAY, JUNE 17, 2013, 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: Councilmembers Chris Schwab, Jim Hall, Andrew Schrauben, Sharon Ellison and Mayor Jim Hodges.

Absent: None.

Also Present: City Manager Mark Howe, City Clerk Betty Morlock, City Treasurer Sue Olin, Department of Public Works Director Dan DesJarden, Chief of Police Barry Getzen and Light and Power General Manager Greg Pierce.

2. APPROVAL OF THE AGENDA

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

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

3. APPROVAL OF MINUTES OF PREVIOUS MEETING(S)

A. June 3, 2013 – Regular Meeting

IT WAS MOVED BY SCHRAUBEN and supported by HALL to approve the regular minutes of the June 3, 2013 meeting as written.

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

B. June 3, 2013 – Closed Session

IT WAS MOVED BY SCHWAB and supported by HALL to approve the closed session minutes of the June 3, 2013 meeting as written.

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

4. APPROVAL OF ACCOUNTS PAYABLE

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

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

NAY: 0. ABSENT: 0. MOTION CARRIED.

BILLS AND ACCOUNTS PAYABLE (06/17/2013)

GENERAL FUND	\$45,763.39
MAJOR STREET FUND	7,261.54
LOCAL STREET FUND	950.52
DOWNTOWN DEVELOP	669.93
RIVERFRONT DEVEL	10,189.18
AIRPORT FUND	765.64
WASTEWATER FUND	23,115.31
WATER FUND	12,363.37
DATA PROCESSING	200.00
EQUIPMENT FUND	2,233.14

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

No comments were received.

6. **OLD BUSINESS**

A. **PENDING COUNCIL PROJECTS REPORT**

City Manager Howe reported a letter was sent to every property owner having sidewalks categorized as “Red” and/or “Yellow”. The replacement project will begin in the next week or so. In the meantime, we have scheduled a town hall meeting for June 25 at 7 p.m.

Howe also noted the agenda includes review and approval of a bid for construction on the Riverwalk Extension project so he requested this item be removed from the “Pending Council Projects Report”. By consensus, the council agreed with Howe and the Riverwalk Extension will be removed.

B. **ORDINANCE REVIEW (FINAL): CHAPTER 19 – STREETS, SIDEWALKS AND OTHER PUBLIC PLACES**

A redlined version of Chapter 19 of the Code of Ordinances based on staff recommendations and previous discussions with council was provided. Police Chief Barry Getzen reviewed these changes with council and will submit it to the City Attorney to put in ordinance form for final adoption.

C. **ORDINANCE REVIEW (SECOND): CHAPTER 11 – GARBAGE, TRASH AND REFUSE**

The Council reviewed the redlined version of Chapter 11 of the Code of Ordinances based on staff recommendations and previous discussions. Police Chief Barry Getzen will incorporate the suggestions and bring it back to council for a final review in July.

7. **NEW BUSINESS**

A. **RIVERWALK EXTENSION PROJECT BIDS**

Dave Austin, P.E. from Williams & Works was present to outline the bidding results for the Riverwalk Extension Project. The low bid from Katerberg VerHage, Inc., at \$346,300 was submitted to council for approval.

IT WAS MOVED BY ELLISON and supported by HALL to award the 2013 Riverwalk Extension Project to Katerberg VerHage, Inc., for the base bid amount of \$346,300, contingent upon approval by the MDNR.

YEA: 4. NAY: 0. ABSTAIN: 1. (Schwab) ABSENT: 0. MOTION CARRIED.

B. **RIVERWALK FESTIVAL FIREWORKS DISPLAY**

Betsy Davidson, on behalf of the Lowell Area Chamber of Commerce requested approval of a permit for a fireworks display on Saturday, July 13, 2013. This will be part of the annual Riverwalk Festival and, as in recent years, the fireworks will be launched from Stoney Lakeside Park.

IT WAS MOVED BY ELLISON and supported by SCHRAUBEN to approve the request from the Lowell Area Chamber of Commerce for a fireworks display on Saturday, July 13, 2013.

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

C. **RIVERWALK FESTIVAL STREET CLOSURE REQUEST**

Betsy Davidson, on behalf of the Lowell Area Chamber of Commerce requested permission to close Avery Street, west of Monroe Street, beginning on Thursday, July 11, 2013, at 6 a.m. through Saturday, July 13, 2013, ending at 6 p.m.; and to close Avery Street, from Monroe Street to Washington Street and to close Washington Street, from Main Street north to the Lowell Area Schools Parking Lot, on Saturday, July 13, 2013, from 6 a.m. to 4 p.m. for the various Riverwalk Festival events.

IT WAS MOVED BY HALL and supported by SCHWAB to approve the request from the Lowell Area Chamber of Commerce to close Avery Street, west of Monroe Street, beginning on Thursday, July 11, 2013, at 6 a.m. through Saturday, July 13, 2013, ending at 6 p.m.; and to close Avery Street, from Monroe Street to Washington Street and to close Washington Street, from Main Street north to the Lowell Area Schools Parking Lot, on Saturday, July 13, 2013, from 6 a.m. to 4 p.m. for the various Riverwalk Festival events.

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

D. **2012-13 FISCAL YEAR BUDGET AMENDMENT**

City Manager Howe presented a memo and resolution outlining the proposed amendments to the 2012-13 budget. Other than the unexpected flood cost, there were no significant events that required major changes to the budget.

IT WAS MOVED BY ELLSION and supported by SCHRAUBEN to adopt Resolution 08-13, which outlines the amendment to the City of Lowell Annual Budget for Fiscal Year 2012-13.

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

NAY: 0. ABSENT: 0. MOTION CARRIED.

E. **PLANNING COMMISSION COMPENSATION**

City Manager Howe stated with the new fiscal year approaching, staff has been reviewing compensation in a number of areas that have not been adjusted for many years. The Planning Commission currently earns \$25 per meeting for a total of 13 meetings per year with total compensation not to exceed \$325 annually.

Howe noted the planning commission is essential to the orderly growth of the community and provides the “front door” to economic development through its functional review of site plans. Members of the planning commission must have a solid technical understanding of the city’s zoning ordinance and apply the requirements of the code while also creating an atmosphere that the City of Lowell is open for business.

Therefore Howe recommended that Council adopt Resolution 09-13 that increases planning commissioners’ compensation to \$35 per meeting for a total of 14 meetings with annual compensation not to exceed \$490 per year.

IT WAS MOVED BY ELLISON and supported by SCHRAUBEN to adopt Resolution 09-13 setting the compensation to \$35 per meeting for a total of 14 meetings with annual compensation not to exceed \$490 per year for the Planning Commissioners.

YEA: Councilmembers Schrauben, Ellison and Mayor Hodges. NAY: 0.

ABSTAIN: 2. (Schwab and Hall) ABSENT: 0. MOTION CARRIED.

F. **LIGHT & POWER BOARD COMPENSATION**

City Manager Howe noted the City of Lowell is somewhat unique in Michigan in that it owns and operates its own electric utility department. Operations of the department are guided by a Light and Power Board whose members are appointed by the Mayor. The Light and Power Board currently receives \$25 per meeting for a total of 20 meetings per year with a total compensation not to exceed \$500 per year.

The Light and Power Board is essential to a well-run electric utility which provides power to all city residents. Members of the board must have a solid technical understanding of power generation and distribution as well as utility operations and general departmental oversight. Our electric department is among the leading municipal electric utilities in Michigan due in no small part to the leadership provided by the board.

Therefore Howe recommended that Council adopt Resolution 10-13 that increases Light and Power Board compensation to \$35 per meeting for a total of 20 meetings with annual compensation not to exceed \$700 per year.

IT WAS MOVED BY HALL and supported by SCHRAUBEN to adopt Resolution 10-13 setting the compensation for members of the Light and Power Board to \$35 per meeting for a total of 20 meetings with annual compensation not to exceed \$700 per year.

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

NAY: 0. ABSENT: 0. MOTION CARRIED.

G. **CIVIL WAR CANNON**

The City has a Civil War cannon that used to be displayed at Oakwood Cemetery but is now in storage. The American Legion is working with the City to have the cannon restored and placed back at the cemetery.

Post Commander David Thompson (14100 Thompson) was present requesting council endorsement to seek funding to restore and place the cannon back in Oakwood Cemetery.

IT WAS MOVED BY ELLISON and supported by SCHRAUBEN to endorse the collaboration with the Lowell American Legion Post #152 to restore the Civil War cannon and place it at Oakwood Cemetery.

YEA: 4. NAY: 1. (Hall) ABSENT: 0. MOTION CARRIED.

8. **MONTHLY REPORTS.**

No comments were received from materials presented.

9. **COUNCIL COMMENTS**

Councilmember Schwab noted the Lowell Area Fire and Emergency Services Authority met earlier today and discussed the financials, possible new pumper truck and reorganizing the committees.

Councilmember Hall noted the Planning Commission met on June 10th and held a public hearing on an updated sign ordinance that will be forwarded to council for review and adoption. Also, a special meeting will be held on June 24th to review a site plan for Lake Michigan Credit Union, 1400 West Main Street. The Downtown Historic District Commission met and reviewed the Lowell Area Historic Museum sign project.

Councilmember Schrauben noted the Airport Board met and discussed repairs on the hanger buildings. The Parks and Recreation Commission will be meeting on June 18th at Stoney Lakeside Park and will be discussing the Capital Improvement Plan. The Lowell Area Recreation Authority met and discussed the signage that is being put up as well as the proposed pavilion.

Councilmember Ellison noted the June 10th Arbor Board meeting was cancelled. The Downtown Development Authority met and discussed the funding for the Streetscape Plan. She also stated she was glad to see the airplane that was sitting by the entrance of the airport had been removed.

Mayor Hodges noted Light and Power board met and the system/generation upgrade has a targeted start-up date of July 22nd, the potential investor for the bio-digester project has withdrawn but Caterpillar Company is interested in this new technology and might be willing to invest in this type of project. L&P held a recycling event June 1st and was very successful with nearly 10,000 pounds of electronic equipment being collected. Greg Pierce and Tom Russo attended a municipal summit focusing on enhancing the effectiveness of the electric grid. This will develop better security, reliability and overall efficiency to the electric grid.

The Chamber of Commerce Board of Directors met on June 11th and noted the Farmer's Market starts June 13th with new hours of 11 am to 3 pm, they discussed the Showboat issues and possibilities and the Summer Concerts start June 13th from 7 pm to 9 pm. Burke Sage of the Michigan Retailers was the guest speaker at the Merchants meeting on June 12th. The Chamber's Breakfast Club will be on June 19th at Arrowhead Golf Course and the Chamber Golf Outing is scheduled for August 9th at Tyler Creek Golf Course. The Riverwalk Festival will be held on July 11th, 12th and 13th.

Hodges also noted that he and City Manager Howe attended the Open House of Builder's Fireplace at 531 West Main, a new business in Lowell, on June 13th.

10. **MANAGER'S REPORT.**

- A. City Manager Howe noted modifications to the showboat have been completed and it is open for the summer season, just in time for the Summer Concert Series and Riverwalk Festival. Local contractor Lou D'Agostino was hired to coordinate the modifications and several volunteers spent two Saturday mornings working on the boat. A very special thank you goes to Mr. D'Agostino who donated half of his time to do this work. Volunteers are still needed to help with minor maintenance including painting. Individuals who are interested can contact the chamber.
- B. The City will start the process soon to design and put out for bid street work on Sibley Street from Valley Vista to Ridgeview. Our goal is to have the work completed yet this year.

11. **APPOINTMENTS.**

By general consensus, the Council agreed to the following appointments:

Arbor Board		<u>Term Expires</u>
Maryalene LaPonsie	717 E. Main	06/30/2016
Jim Reagan	680 Bowes Road	06/30/2016
Board of Review		
Greg Canfield	403 N. Washington	06/30/2016
Light and Power		
Maryalene LaPonsie	717 E. Main	06/30/2016
Tina Cadwallader	806 Lafayette	06/30/2016

Local Officers Compensation Commission

Barb Vezino 504 N. Monroe
Barb Zandstra 423 King St.

06/30/2017
06/30/2017

12. **CLOSED SESSION**

A. Union Negotiations

IT WAS MOVED BY ELLISON and supported by HALL to move to closed session at 7:59 p.m. as allowed under the Open Meeting Act MCL 15.268 (c) to discuss union negotiations and a personnel issue.

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

NAY: 0. ABSENT: 0. MOTION CARRIED.

Council returned to open session at 8:13 p.m.

IT WAS MOVED BY ELLISON to adjourn at 8:14 p.m.

DATE:

APPROVED:

James W. Hodges, Mayor

Betty R. Morlock, City Clerk