

**PROCEEDINGS
OF
CITY COUNCIL
OF THE
CITY OF LOWELL
MONDAY, AUGUST 19, 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, Department of Public Works Director Dan DesJarden, Chief of Police Barry Getzen, Light and Power Boardmember Perry Beachum and Light and Power General Manager Greg Pierce.

2. APPROVAL OF THE AGENDA

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

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

3. APPROVAL OF MINUTES OF PREVIOUS MEETING(S)

A. August 5, 2013 – Regular Meeting

IT WAS MOVED BY SCHRAUBEN and supported by HALL to approve the regular minutes of the August 5, 2013 meeting as corrected.

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

B. August 5, 2013 – Closed Session

IT WAS MOVED BY HALL and supported by SCHWAB to approve the closed session minutes of the August 5, 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 (08/19/2013)

GENERAL FUND	\$17,708.55
MAJOR STREET FUND	6,286.84
LOCAL STREET FUND	355.50
DOWNTOWN DEVELOP	393.99
RIVERFRONT DEVEL	47,477.70
AIRPORT FUND	743.81
WASTEWATER FUND	38,372.63
WATER FUND	8,621.25
DATA PROCESSING	1,269.18
EQUIPMENT FUND	8,450.44

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

Perry Beachum (924 Riverside Drive) announced that a few High School football players have donated their Pink Arrow Jersey to benefit Lowell area families on their cancer journey. This year the auction will be on Thursday, August 29 at the Red Arrow Memorial Stadium between the junior varsity and varsity football games against River Rouge. All those interested in bidding on a jersey should be at the stadium by 6 p.m. on August 29th.

6. **OLD BUSINESS**

A. **PENDING COUNCIL PROJECTS REPORT**

City Manager Howe stated the sidewalk reconstruction on the east side is now completed and work on the west side will start. Also, the connection from Ridgeview going south to LARA's Lowell Area Trail Way started today.

Engineering Services Request for Qualifications was sent out and are due on August 23. The letters of interested were due on August 16 and we have five (5) interested firms.

7. **NEW BUSINESS**

A. **RESOLUTION 15-13 PROCLAIMING FRIDAY, SEPTEMBER 6, 2013 AS PINK ARROW PRIDE DAY – ARROW FORCE VI IN THE CITY OF LOWELL**

For the sixth year, the Lowell High School football team and coaching staff, as well as the girls outdoor volleyball team and boys soccer team, have initiated a cancer awareness and fund raising event called Pink Arrow Pride Day to be held on Friday, September 6, 2013. The players once again, will wear pink jerseys in games being held that day. Funds are being raised for the two scholarships, Gilda's Club of Lowell and Lowell Community Wellness for Pink Arrow Family Support.

IT WAS MOVED BY ELLISON and supported by HALL to adopt Resolution 15-13 proclaiming Friday, September 6, 2013 as Pink Arrow Pride Day – Arrow Force VI in the City of Lowell.

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

NAY: 0. ABSENT: 0. MOTION CARRIED.

B. **RESOLUTION 16-13 PROCLAIMING FRIDAY, SEPTEMBER 20, 2013 AS PRISONER OF WAR/MISSING IN ACTION RECOGNITION DAY**

The Michael J. Bost Chapter 18 of the Vietnam Veterans of America will observe Prisoner of War/Missing in Action Recognition Day on Friday, September 20, 2013. A brief ceremony will be held at 2:00 p.m. in the chapel of the Michigan Home for Veterans in Grand Rapids.

The resolution proclaiming Prisoner of War/Missing in Action Day will be presented by Mayor Hodges during the above mentioned ceremony.

IT WAS MOVED BY ELLISON and supported by SCHRAUBEN to adopt Resolution 16-13 proclaiming Friday, September 20, 2013 as Prisoner of War/Missing in Action Recognition Day.

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

NAY: 0. ABSENT: 0. MOTION CARRIED.

C. **SPECIAL EVENT – HEIFER INTERNATIONAL “LIVE, LOVE, LIVESTOCK” SEPTEMBER 14, 2013**

Jane Vierzen, representing Heifer International, requested a Special Event Permit for September 14, 2013. The event will be held in the Foreman Building and will include a live band, chili cook-off, silent auction and beer and wine service. This year’s proceeds will go toward the Roanoke Ranch for Kids.

Police Chief Barry Getzen reviewed the application and recommended approval with the following provisions or contingencies:

- 1) Heifer International/Roanoke Ranch for Kids or Ms. Vierzen enter into a contract with the city of Lowell for one part-time police officer to be on duty for the entirety of the event.
- 2) Heifer International/Roanoke Ranch for Kids or Ms. Vierzen place adequate fencing around the event to segregate attendees of the event from non-attendees and to regulate the procurement of alcohol by non-attendees and those under 21 years of age. The fencing needs to be approved by the police department prior to the start of the event.

IT WAS MOVED BY ELLISON and supported by SCHRAUBEN to approve the Special Event Permit for Heifer International to use the Foreman building at Recreation Park to hold a fund raising event on September 14, 2013 provided that contingencies noted above from Police Chief Getzen are met.

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

D. **MERS ANNUAL MEETING OFFICER DELEGATE**

The 2013 Municipal Employees' Retirement (MERS) Annual Meeting is being held this year on October 1 through 3 at the Grand Traverse Resort. Council needs to appoint an Employer Delegate and Alternate to the Annual Meeting. It is recommended that Betty Morlock be appointed as the Employer Delegate and Dan DesJarden as the Employer Alternate.

Ballots were distributed to the employees and they selected Leslie Heffron as their delegate and Steve Donkersloot as their alternate to represent the City of Lowell Employees.

IT WAS MOVED BY ELLISON and supported by SCHRAUBEN to appoint Betty Morlock as the Employer Delegate and Dan DesJarden as the Employer Alternate for the 2013 MERS Annual Meeting.

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

E. **RIVERWALK BUILDING LEASE PROPOSAL**

The City received a Request for Lease Proposal to offer for lease a portion of the building that formerly housed Lowell Cable Television. The RFLP is from Government Services Administration (GSA) that is charged with securing space for the National Park Service. The National Park Service would like to locate employees who are responsible for the North Country Trail in the City of Lowell.

Staff has been working with the city attorney and an engineering firm to identify potential costs to rehabilitate the building to meet the requirements of the proposal. The potential lease would be for a ten-year period, five years firm and a five-year option. The City's proposal would allow us to meet our operational and reconstruction expenses during the first five years of the lease. If the City's proposal is accepted, it will be necessary to develop a method for financing the construction costs.

IT WAS MOVED BY SCHRAUBEN and supported by ELLISON to authorizes the City Manager to submit a response to the Request for Lease Proposal to the Government Services Administration as presented, with the understanding that the final lease documents will be presented to the council for approval pending identification of financing for reconstruction costs.

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

F. **METRO ACT RIGHT OF WAY PERMIT EXTENSION**

The Metro Authority, as part of the Public Service Commission, is responsible to coordinate right of way matters with municipalities and collect fees from telecommunications providers which are then distributed to local units of government. We enter into agreements with these providers to ensure that we are paid under the Metro Act. AT&T has asked that we extend our current agreement with them until December 31, 2018.

IT WAS MOVED BY HALL and supported by SCHWAB to approve the Metro Act Right of Way Permit Extension with AT&T for a term to end on December 31, 2018.

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

8. **MONTHLY REPORTS**

No comments were received from material presented.

9. **COUNCIL COMMENTS**

Councilmember Schwab noted the Fire Authority Board will be meeting in September and he is enjoying Ball's Ice Cream.

Councilmember Hall had nothing to report.

Councilmember Schrauben noted he was unable to attend the Airport Board but they are working on getting General Utility status as well as discussing maintenance issues. Parks and Recreation Commission meeting for August was cancelled and LARA is hoping to get the donor wall, pavilion and trail head at Cherry Creek completed by time school starts. Schrauben also noted he witnessed a person with a walker using the newly reconstructed sidewalk on his way to tonight's Council meeting.

Councilmember Ellison stated the Arbor Board, which meets on the second Monday of the month at 12 noon, is looking for someone who would be interested in serving on their board. At their August meeting they approved their financial report and fall planting projects at the riverwalk extension and Water Treatment Plant. Ellison also thanked City Manager Howe for posting the Riverwalk Extension Project visual on the fence for the public to see.

Mayor Hodges noted that Light and Power met and the following issues were discussed: 1) after receiving public comments the Board voted to pass the updated Renewable energy plan. 2) discussed the billing process and shutoff procedures for Board clarification. 3) System/Generation Upgrade Process, the Solar Combustion turbine had several minor adjustments, primarily in regulating the gas supply, and on August 8th at 5:30 p.m. the turbine was fired up and the turbine/generator ran successfully and smoothly. Congratulations to Doug Barnes, Tom Russo and all the LLP outside staff for their efforts in bringing this project to fruition. 4) Biodigestion Update, it appears that Caterpillar is on board with financing the project. The way the contract is designed, Caterpillar funds 70% of the project and the rest of the funding must come from other sources. 5) Last month Greg Pierce had the opportunity to give a talk to the Evert, Michigan Economic Development Board. The Board has completed a feasibility study regarding the possibility of starting a municipal utility in their community. They were very impressed with the activities, rates, financial condition and achievements of Lowell Light and Power. Pierce informed the group that an engaged Board with a Strategic Plan and a Vision was key to the success of a municipal utility.

Hodges also noted he attending the Lowell Area Chamber of Commerce Board of Directors meeting last week and they are wrapping up the Riverwalk Festival, working on the Harvest Festival and Christmas Through Lowell. It was also announced that there are several vacancies on the Chamber Board.

10. **MANAGER'S REPORT.**

1. Final approval has been given by the DEQ for the water/sewer permits for O'Reilly's construction project. It looks like that will be moving forward this fall.
2. The planning commission has given final approval for the site plan and special use permits for the BP gas station and car wash at the corner of Main and Hudson.
3. The riverwalk extension project continues to move forward with expected completion yet this spring. DPW Director DesJarden talked with the foreman and was told that as soon as most of the underground work is completed, we should be able to see some major changes on the project.
4. Due to the Council, Planning Commission, Downtown Development Authority and Light & Power Board meetings no longer available through the WLHS website, Howe started the process of setting up a YouTube account for them to be viewed.

11. **APPOINTMENTS.**

No appointments were made.

12. **CLOSED SESSION**

A. Union Negotiations

IT WAS MOVED BY ELLISON and supported by HALL to move to closed session at 7:47 p.m. as allowed under the Open Meeting Act MCL 15.268 (c) to discuss union negotiations.

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

NAY: 0. ABSENT: 0. MOTION CARRIED.

Council returned to open session at 8:22 p.m.

IT WAS MOVED BY ELLISON to adjourn at 8:23 p.m.

DATE:

APPROVED:

James W. Hodges, Mayor

Betty R. Morlock, City Clerk