

CITY OF LOWELL
CITY COUNCIL AGENDA
MONDAY, FEBRUARY 1, 2016, 7:00 P.M.

1. CALL TO ORDER; PLEDGE OF ALLEGIANCE; ROLL CALL
2. APPROVAL OF THE AGENDA
3. APPROVAL OF MINUTES OF PRECEDING REGULAR AND/OR SPECIAL MEETINGS
 - a. January 19, 2016 – Regular Meeting
 - b. January 26 – Special Meeting
 - c. January 26 – Closed Session
4. APPROVAL OF ACCOUNTS PAYABLE
5. CITIZEN DISCUSSION FOR ITEMS NOT ON THE AGENDA
6. OLD BUSINESS
 - a. Strategic Goals Report – (tabled)
 - b. Pending Council Projects Report
 - c. Council Training and Information Schedule
 - d. Equipment Purchase (tabled)
 - e. Big Boiler Brewing Company Job Creation Grant
 - f. Strategic Plan Overview (tabled)
 - g.
7. NEW BUSINESS
 - a. Actions needed toward hiring Acting City Manager
 - b. Lowell Historic Museum Update – Lisa Plank
 - c.
8. BOARD/COMMISSION REPORTS
9. APPOINTMENTS TO COMMISSIONS AND BOARDS
 - a. Citizen Appointments
10. MANAGER'S REPORT
11. COUNCIL COMMENTS
12. ADJOURNMENT

NOTE: Any person who wishes to speak on an item included on the printed meeting agenda may do so. Speakers will be recognized by the Chair, at which time they will be allowed five (5) minutes maximum to address the Council. A speaker representing a subdivision association or group will be allowed ten (10) minutes to address the Council.



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MEMORANDUM

TO: Lowell City Council

FROM: Susan Ullery, City Clerk

RE: Council Agenda for Monday, February, 2016

1. CALL TO ORDER; PLEDGE OF ALLEGIANCE; ROLL CALL
2. APPROVAL OF THE AGENDA
3. APPROVAL OF MINUTES FROM THE PRECEDING REGULAR AND/OR SPECIAL MEETINGS(S)
 - a. January 19, 2016 – Regular Session Meeting
 - b. January 26, 2016 – Special Meeting
 - c. January 26, 2016 – Closed Session
4. ACCOUNTS PAYABLE
5. CITIZEN DISCUSSION FOR ITEMS NOT ON THE AGENDA
6. OLD BUSINESS

a. Strategic Goals Report (tabled)

The report is attached for your review.

b. Pending Council Projects Report

The report is attached for your review.

c. Council Training and Information Schedule

An updated schedule is attached for your review. City staff has been working together and with others to schedule the next few presentations. Please let me know if there are items to add or if there is something you would like to see moved up the list.

d. Equipment Purchase (tabled)

This item was tabled for further discussion.

Since that time we have discussed and reaffirmed that our recommended priorities for equipment replacement are outlined in the current plan adopted by the city council.

In the meantime, we have reviewed the past several years of service records on the current skid steer and there does not appear to be any significant major overhaul that has been required. Records show that the annual costs for maintenance and repair (including parts and labor) have been:

- 2009 \$ 1,445.57
- 2010 \$ 2,360.38
- 2011 \$ 1,529.58
- 2012 \$ 1,713.61
- 2013 \$ 1,340.89
- 2014 \$ 1,158.84
- 2015 \$ 875.74

Trade-in value of the equipment has been quoted at \$3,500 as-is or \$4,000 with the door replaced. This does not necessarily reflect the value in a private action which we have used with some success in the past.

The door has arrived with some installation hardware expected soon. Our annual staff review of the equipment replacement plan will occur within the next month during which time we can reassess priorities and update the plan for your consideration. The recommendation is to continue to work with the staff to update our long-term plan for equipment replacement.

e. Big Boiler Brewing Company Job Creation Grant

The Job Creation Grant application for the Big Boiler Brewing Company project has been prepared and submitted to the Michigan Economic Development Corporation (MEDC). Request for Proposals for an Administrative Consultant has been advertised. The consultant would be responsible for management and administrative services required by the City of Lowell for administration/implementation of a Community Development Block Grant (CDBG) if funded by the state.

We will be working with MEDC to select this consultant and hope to bring a recommendation to the City Council at its **Tuesday**, February 16, 2016 meeting.

f. Strategic Plan Overview

This item was tabled from the last meeting.

7. NEW BUSINESS

a. Actions needed toward hiring Acting City Manager

As directed by the Council at the Special Meeting of January 26, City Clerk Susan Ullery posted the position and job description for an Acting City Manager on January 27. Resumes were accepted up until 4 p.m. on January 29.

Five possible candidates have been identified and their resumes were distributed to each of you for consideration. Council may vote tonight on the top one or two candidates to interview and/or select for this position.

It should be noted that each candidate was contacted and informed of this meeting tonight.

b. Lowell Historic Museum Update – Lisa Plank

Lisa Plank, Director of the Lowell Historic Museum, will be present to present an annual report.

8. BOARD/COMMISSION REPORTS

9. APPOINTMENTS TO COMMISSIONS AND BOARDS

a. Citizen Appointments

LCTV Endowment Board
Vacancy

12/31/2016

Planning Commission
Vacancy

06/30/2017

Look Memorial Fund Committee
Vacancy – City Rep. – Community-At-Large

10. MANAGER'S REPORT

There is no report to present.

11. COUNCIL COMMENTS

12. ADJOURNMENT

**PROCEEDINGS
OF
CITY COUNCIL
OF THE
CITY OF LOWELL
MONDAY, JANUARY 19, 2016, 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 City Clerk Susan Ullery.

Present: Councilmembers Mike Devore, Jim Hodges, Jeff Phillips, Alan Teelander and Mayor Altoft.

Absent: None.

Also Present: City Manager Mark Howe, City Clerk Susan Ullery, Police Chief Steve Bukala and DPW Director Ron Woods.

2. **APPROVAL OF THE AGENDA.**

Councilmember DeVore asked that the agenda be modified under "Old Business". "A" would be changed to state "Council would like to retain special legal counsel to handle a matter in which the city has an interest, pursuant to Section 7.7 of the Lowell City Charter". He also asked that "E" be moved to follow "A". All other items would follow as written.

IT WAS MOVED BY TEELANDER and seconded by PHILLIPS to approve agenda as modified.

YES: Councilmembers DeVore, Phillips, Teelander and Mayor Altoft. NO: Hodges.

MOTION CARRIED.

3. **APPROVAL OF THE MINUTES FROM THE PRECEDING REGULAR AND/OR SPECIAL MEETINGS.**

IT WAS MOVED BY DEVORE and seconded by TEELANDER to approve the regular minutes of the January 4, 2016 meeting as written.

YES: Councilmembers DeVore, Hodges, Phillips, Teelander and Mayor Altoft. NO: None.

ABSENT: None. MOTION CARRIED.

4. **APPROVAL OF THE ACCOUNTS PAYABLE.**

IT WAS MOVED BY DEVORE and seconded by HODGES to approve the accounts payable as presented.

YES: Councilmembers DeVore, Hodges, Phillips, Teelander and Mayor Altoft. NO: None.

ABSENT: None. MOTION CARRIED.

BILLS AND ACCOUNTS PAYABLE (1/19/2016)

General Fund	\$18,760.64
Local Street Fund	\$4,513.55
Historical District Fund	\$13,101.00
Downtown Development Fund	\$2,517.02
Designated Contributions	\$54.00
Airport Fund	\$2,595.66
Wastewater Fund	\$10,507.53
Water Fund	\$37,067.89
Data Processing Fund	\$7,840.05
Equipment Fund	\$4,550.06
Current Tax Collected	\$315,806.96

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

Citizens Perry Beachum, Dennis Kent and Roger LaWarre got up to speak on behalf of City Manager Mark Howe and asked that the Council work together and follow due process and stated that Mr. Howe has done a good job for the City of Lowell. City Clerk Susan Ullery read aloud an email from former City Clerk, Betty Morlock. She also spoke in favor of Mark Howe and what a pleasure it was to work with him.

6. **OLD BUSINESS.**

- a. **Strategic Goals Report – Retain Special Legal Counsel To Handle A Matter In Which The City Has An Interest, Pursuant to Section 7.7 of the Lowell City Charter.**

Councilmember DeVore spoke about hiring Kathryn Henry to deal with continuing personnel issues.

Discussion followed with Councilmember Hodges, stating the City attorney Dick Wendt was not present because the councilmembers had asked him not to come. The City employs him and Hodges believed it would be a mistake to go forward with any legal work without Wendt's advisement.

Perry Beachum went to the podium and asked what the total fee was expected to be for Attorney Katherine Henry and then asked if this was something that should go out for bid.

Henry explained she was asked to attend in order to make sure procedures and policies are followed and everything is done in a fair and orderly fashion. She also responded to Beachum's question stating that if fees were going to be an issue, she would go down to \$100/hour.

Hodges questioned Henry's legal background. She responded she has a law degree from William Mitchell College of Law and hundreds of hours of continuing legal education. Her office in Midland is a general practice firm. She has dealt with issues that were municipal in nature, criminal, divorce, landlord/tenant, collections and bankruptcy. She has also dealt with OMA, FOIA, issues pertaining to city charters and ordinances and has served on local city boards. Councilmember Hodges asked Henry if she could state whether or not she worked for any municipalities and she stated that she was not able to share that information.

Diane LaWarre of 681 Birchwood Court stated that she recognized Henry from the Belding situation and that she would not want Lowell to get into the same situation they had, as it was a big problem in Belding.

Lowell Light and Power employee John Francis stated the Council was voted in by the people to make their own decisions and their own direction as to what the citizens of Lowell want. He thinks the Council is doing a great job.

Chief of Police Steve Bukala stated he needs to look out for the best interests of the municipality when it comes to labor law. The Council needs to be considerate of the employee's interest, which would be Mr. Howe, the employer's interest, which would be the City and that of its citizens, and preventing mistakes. Some of the Council ran on the issue of transparency. Therefore, he believed it would be to the interest of the Council to know that Henry and her husband are friends with the labor representative of the Department of Public Works. Bukala believed it would be a conflict of interest to hire her. If the Council would like to hire an attorney other than Wendt, there were several others available in the area who specialize in labor law.

IT WAS MOVED BY TEELANDER and seconded by DEVORE to approve the hiring of Kathryn Henry.

YES: Councilmembers DeVore, Phillips, Teelander and Mayor Altoft.

NO: Hodges.

MOTION CARRIED.

b. Discussion of Continuing Personnel Issues.

Councilmember DeVore stated that the City has had a lot of contention over City Manager Howe and his actions over the last few years. These issues have been discussed in both public meetings and among the public generally. Given recent events, he has reviewed the City Charter which states "the City and its officers shall have the power to do any act to enhance the interest, good government and prosperity to the City and its inhabitants to protect public peace and general welfare. The City Manager shall be responsible to serve at the pleasure of the Council. The Mayor shall preside at the Council meetings and shall be a conservator of the peace. The Council itself shall provide for public peace and health and safety of persons and property, investigating municipal affairs and when deemed necessary an office or department of the City. The Council shall see that the provision is made for the public peace. The City Manager shall serve at the pleasure of and is subject to removal by the Council. The City Manager shall perform the duties of his office under the authority of and be accountable to the Council and it shall be the duty of the City Manager to see that all laws and ordinances are enforced." Black's Law dictionary defines "serving at the pleasure of" as the assignment of someone to an appointment that can be taken away at any time with no requirement for a notice or a hearing. So considering our duties to provide for public peace, and considering the continuing actions taken in the last few years, Councilmember DeVore moved that Mark Howe be immediately removed from office as City Manager and that this termination be considered because of an illegal or criminal act or breach of the terms and conditions of the employment contract. He then stated that Ms. Henry is now available for questions.

Councilmember Hodges stated that he believes the Council is making a big mistake.

Roger LaWarre asked that they think about what they're doing. He said he finds it hard to believe that this decision is being based on so little when several of the councilmembers are new and haven't yet

had the opportunity to really work with Mr. Howe. He also asked that they present the case rather than make this decision based on hearsay.

IT WAS MOVED BY TEELANDER and seconded by PHILLIPS to approve the termination of Mark Howe as City Manager.

YES: Councilmembers DeVore, Phillips, Teelander and Mayor Altoft.

NO: Hodges.

ABSENT: None. MOTION CARRIED.

c. Strategic Goals Report.

IT WAS MOVED BY DEVORE and seconded by TEELANDER to table this matter to the next council meeting.

YES: 4. NO: 1.(Hodges) ABSENT: None. MOTION CARRIED.

d. Pending Council Projects Report.

Underground Electrical Lines – Mayor Altoft requested an update from Lowell Light & Power General Manager Greg Pierce at the next meeting.

Right-of-Way Ordinance – Councilmember DeVore stated that Attorney Wendt was not present and was therefore unable to advise them on this matter.

e. Council Training and Information Schedule.

Councilmember DeVore confirmed a Lowell Light & Power presentation would be presented at the next meeting. Pierce responded yes.

f. Equipment Purchase.

After much discussion, there was a consensus to table the issue.

IT WAS MOVED BY DEVORE and seconded by TEELANDER to table this matter to the next council meeting.

YES: Councilmembers DeVore, Hodges, Phillips, Teelander and Mayor Altoft.

NO: None. ABSENT: None. MOTION CARRIED.

7. NEW BUSINESS.

a. Mowing Bids.

The City has secured bids for mowing parks and other public areas within the city for the next three years. There were three responses to our request for bids.

- Manszewski Landscaping, Lowell \$28,800 per year
- Green Thumb Lawn and Landscape, Saranac \$39,312 per year

- Zach's Lawn Care, Lowell \$39,600 per year

The current contract has been with Zach's Lawn Care for a total of \$26,520 per year. Staff went through a process of reviewing areas to be mowed and added some areas to the current bid. The City has had previous experience with Manszewski which has been positive and are recommending approval of the low-bid.

IT WAS MOVED BY DEVORE and seconded by TEELANDER that the Lowell City Council approve the bid from Manszewski Landscaping for \$28,800 per year for three years and authorize the execution of the appropriate agreements.

YES: Councilmembers DeVore, Hodges, Phillips, Teelander and Mayor Altoft. NO: None.

ABSENT: None. MOTION CARRIED.

b. Plow Truck Replacement.

Staff has been researching and preparing for the replacement of a plow truck as that is the next priority on the Equipment Replacement Plan. Attached is a memo from Interim DPW Director Ron Woods providing background information on the issue.

IT WAS MOVED BY DEVORE and seconded by PHILLIPS that the Lowell City Council approve the purchase of a plow truck and related equipment at a cost of \$168,935.

YES: Councilmembers DeVore, Hodges, Phillips, Teelander and Mayor Altoft. NO: None.

ABSENT: None. MOTION CARRIED.

c. Brewery Ordinance.

The Planning Commission has held a public hearing and is recommending an amendment to the Zoning Ordinance that would define a Brewery/Winery, allow a Restaurant to include a Brewery/Winery as an accessory use, and allow a Brewery/Winery as a Special Land Use in the C-3 General Business District and as a Use Permitted by Right in the I – Industrial District.

IT WAS MOVED BY DEVORE and seconded by TEELANDER that the Lowell City Council adopt Ordinance 16-01.

YES: Councilmembers DeVore, Hodges, Phillips, Teelander and Mayor Altoft. NO: None.

ABSENT: None. MOTION CARRIED.

d. Big Boiler Brewing Company Job Creation Grant.

The Michigan Economic Development Corporation (MEDC) has issued a letter of interest to the City of Lowell for a Job Creation Grant in the amount of \$210,000 for the Big Boiler Brewing Company project, to be located in the former Superior Furniture building. The total project is currently estimated at \$1.026 million.

The Job Creation Grant is required to flow through the City of Lowell and will require that we take a number of steps throughout the process. It will also require a local commitment of 5 to 10 percent of

the project. That local commitment can be in the form of local grants (such as a historic commission façade grant), commercial tax abatements, or payment by the Downtown Development Authority (DDA) of eligible expenses through Tax Increment Finance (TIF) capture. We are planning to discuss these options with the Historic District Commission and the Downtown Development Authority at their next meetings.

Mr. Howe has been working with the MEDC on the initial paperwork and grant application packet that will be required in order to receive the grant. If the application is approved, a grant agreement will be drafted and presented to you for consideration and adoption. At this point, we would like to have formal approval to proceed with the grant application authorizing appropriate signatures on the application and other required paperwork.

IT WAS MOVED BY DEVORE and seconded by PHILLIPS that the Lowell City Council prepare a Job Creation Grant application for the Big Boiler Brewing Company project and authorizes appropriate signatures on the application and other related paperwork.

YES: Councilmembers DeVore, Hodges, Phillips, Teelander and Mayor Altoft. NO: None.

ABSENT: None. MOTION CARRIED.

e. Strategic Plan Overview.

Perry Beachum raised concerns with the Council tabling items.

IT WAS MOVED BY DEVORE and seconded by TEELANDER to table this matter to the next council meeting.

YES: Councilmembers DeVore, Hodges, Phillips, Teelander and Mayor Altoft. NO: None.

ABSENT: None. MOTION CARRIED.

8. MONTHLY REPORTS.

Councilmember DeVore questioned the medical portion of the report from the police department.

9. BOARD/COMMISSIONS REPORTS.

Arbor Board – vacancy on the board

Downtown Development Authority – Meeting was cancelled

Downtown Historic Commission – no comments

Light and Power Board – Mayor Altoft asked Councilmember Hodges if there were any comments from the meeting and he responded saying that he is not assigned to that Board.

The Mayor then stated that he would like to table this agenda item.

10. APPOINTMENTS TO COMMISSIONS AND BOARDS.

a. Councilmember Appointments.

Arbor Board – Councilmember Hodges volunteered to be on the Board.

Downtown Development Authority – Councilmember Teelander volunteered to be on the Board.
Downtown Historic Commission – Councilmember Phillips volunteered to be on the Board.
LCTV Endowment Board – Councilmember Hodges volunteered to be on the Board.
Light and Power Board – Mayor Altoft volunteered to be on the Board.
Lowell Area Recreation Authority – Councilmember DeVore volunteered to be on the Board.

IT WAS MOVED BY DEVORE and seconded by TEELANDER to approve these council appointments.

YES: 5. NO: 0. ABSENT: 0. MOTION CARRIED.

b. Citizen Appointments.

LCTV Endowment Board – This position is posted on the City's website and also goes out in our monthly newsletter.
Look Memorial Fund Committee – Councilmember DeVore volunteered to be on the Board.
Parks and Recreation Commission – Councilmember DeVore volunteered to be on the Board.
Planning Commission – This position is posted on the City's website and also goes out in our monthly newsletter.

Councilmember DeVore volunteered to organize "Coffee with Council".

IT WAS MOVED BY TEELANDER and seconded by DEVORE to approve these citizen appointments.

YES: 5. NO: 0. ABSENT: 0. MOTION CARRIED.

11. MANAGER'S REPORT.

City Clerk Susan Ullery read the following into record:

1. We are working with the engineer to finalize the bid packet for the South Monroe Parking Project. The project will include moving utilities, as well as creating a water loop that is part of the Water System Reliability Study and General Plan. In short, the water loop will create more flow for fire suppression for the buildings on the 200 block of Main Street (south side). One section of the parking lot may need to be phased if we cannot acquire that parcel of property prior to commencing construction.
2. We are also preparing the final bid package for the Monroe Street Project which includes utility work and mill/resurface of Monroe from Main to Avery. This will be combined with the South Monroe Parking Project above to take advantage of economies of scale and perhaps save some money.
3. We are conducting an internal staff review of the Cemetery Rules. Once we have completed our internal review, we will bring any recommended changes to the Council for consideration. We want to get the word out that we are reviewing the rules and looking for public input and feedback prior to our recommendation to you. Please help us spread the word that we are going through this process and that we welcome any comments or suggestions. People can contact us at City Hall at 897-8457.

12. **COUNCIL COMMENTS.**

Councilmember Hodges spoke about a discussion he had the prior night with citizen Chris Flezar who is interested in being involved with some of the council's street discussions. He thanked Flezar for being willing to volunteer, should the council choose to go that route.

Councilmember Phillips had no comments.

Councilmember Teelander thanked everyone for coming to the council meeting. He also stated that if you take 5 incandescent bulbs to Lowell Light and Power, they will give you 5 LED bulbs in return.

Councilmember DeVore had no further comments.

Mayor Altoft thanked everyone for coming and said it was a hard thing to do and wished everyone a good evening.

13. **ADJOURNMENT.**

IT WAS MOVED BY DEVORE and seconded by TEELANDER to adjourn at 8:14 p.m.

DATE:

APPROVED:

Jeff Altoft, Mayor

Susan Ullery, City Clerk

CITY OF LOWELL
KENT COUNTY, MICHIGAN

ORDINANCE NO. 16-01

AN ORDINANCE TO AMEND SECTION 2.03, "DEFINITIONS-B," AND SECTION 2.18, "DEFINITIONS-R," OF CHAPTER 2, "DEFINITIONS," SECTION 12.03, "SPECIAL LAND USES," OF CHAPTER 12, "C-3 GENERAL BUSINESS DISTRICT," SECTION 13.02, "USES PERMITTED BY RIGHT," OF CHAPTER 13, "I-INDUSTRIAL DISTRICT," AND SECTION 17.04, "SITE DESIGN STANDARDS," OF CHAPTER 17, "SPECIAL LAND USES" OF APPENDIX A, "ZONING," OF THE CODE OF ORDINANCES OF THE CITY OF LOWELL

Councilmember DEVORE, supported by Councilmember TEELANDER, moved the adoption of the following ordinance:

THE CITY OF LOWELL ORDAINS:

Section 1. Amendment to Section 2.03 of Chapter 2. Section 2.03, "Definitions-B," of Chapter 2, "Definitions," of Appendix A, "Zoning," of the Code of Ordinance of the City of Lowell is amended by adding the following definition in alphabetical order:

Brewery/Winery. A facility that engages in the production of beers, meads, wine, ciders, distilled spirits and similar beverages for off-premise consumption. A brewery/winery may include retail sale of beer, wine, spirits, and similar products made on-site and related items, but shall not include a restaurant.

Section 2. Amendment to Section 2.18 of Chapter 2. Section 2.18, "Definitions-R," of Chapter 2, "Definitions," of Appendix A, "Zoning," of the Code of Ordinances of the City of Lowell is amended by adding the following definition in alphabetical order:

Restaurant. A retail establishment selling food and drink primarily for consumption on the premises, and including establishments selling prepared foods and drinks for immediate on-site consumption or for take-out. A restaurant may also include a brewery/winery as an accessory use.

Section 3. Amendment to Section 12.03 of Chapter 12. Section 12.03, "Special land uses," of Chapter 12, "C-3 General Business District," of Appendix A, "Zoning," of the Code of Ordinances of the City of Lowell is amended to include the following subsection Q, which reads as follows:

Q. *Brewery/Winery*

Section 4. Amendment to Section 13.02. Section 13.02, "Uses permitted by right," of Chapter 13, "I- Industrial District," of Appendix A, "Zoning," of the Code of Ordinances of the City of Lowell is amended to include the following subsection N, which reads as follows:

N. *Brewery/Winery*

Section 5. Amendment to Section 17.04 of Chapter 17. Section 17.04, "Site design standards," of Chapter 17, "Special Land Uses," of Appendix A, "Zoning," of the Code of Ordinances of the City of Lowell is amended to include the following subsection DD, which reads as follows:

DD. *Brewery/Winery*

1. Shall be located on a parcel at least two hundred (200) feet from any residentially zoned property.
2. Shall be designed and operated to minimize potential negative impacts on adjacent properties, such as odors, vibration, smoke, dust, fumes, and similar potential impacts.
3. All trucks and delivery vehicles shall be provided with adequate maneuvering areas within the lot where the brewery/winery is located. Maneuvering shall not be permitted on adjacent property or in a public right-of-way.
4. Approval may include a limitation on hours of operation.
5. Shall obtain and maintain all applicable federal, state, and local permits and upon request, furnish copies of applicable permits to the City.
6. Adequate parking and loading areas shall be provided within the lot where the brewery/winery is located.

Section 5. Publication. After its adoption, the City Clerk shall publish this ordinance or a summary thereof, as permitted by law, along with its date of adoption in the *Lowell Ledger*, a newspaper of general circulation in the City, at least ten (10) days before its effective date.

Section 6. Effective Date. This ordinance shall take effect ten (10) days after it, or a summary thereof, as permitted by law, along with the date of its adoption, is published in the *Lowell Ledger*, a newspaper of general circulation in the City.

YES: Councilmembers DeVore, Phillips, Teeland and Mayor Altoft


NO: Councilmembers None

ABSTAIN: Councilmembers None.

ABSENT: Councilmembers Councilmember Hodges

ORDINANCE DECLARED ADOPTED.

Dated: January 19, 2016


Susan Ullery
City Clerk

PROCEEDINGS OF THE
CITY COUNCIL SPECIAL MEETING
OF THE CITY OF LOWELL
TUESDAY, JANUARY 26, 2016

1. **CALL TO ORDER; ROLL CALL.**

The Meeting was called to order at 5:00 p.m. and City Clerk Susan Ullery called roll.

Present: Councilmembers Mike DeVore, Jeff Phillips, Alan Teelander and Mayor Jeff Altoft.

Absent: Councilmember Jim Hodges.

Also Present: City Clerk Susan Ullery, Police Chief Steve Bukala and Interim DPW Director Ron Woods.

IT WAS MOVED BY TEELANDER and seconded by DEVORE to excuse the absence of Councilmember Hodges.

YES: 4. NO: 0. ABSENT: 1. MOTION CARRIED.

2. **APPROVAL OF THE AGENDA.**

IT WAS MOVED BY DEVORE and seconded by TEELANDER to approve the agenda as presented.

YES: 4. NO: 0. ABSENT: 1. MOTION CARRIED.

3. **CITIZEN DISCUSSION FOR ITEMS NOT ON THE AGENDA.**

Marylène LaPonsie from 775 Alden Nash Ave SE in Vergennes Township (she also owns the property located at 717 E. Main St) stated she has served on many of the City's boards and commissions in the past, as well as City Council. She pointed out many great things that have happened since Mark Howe was hired as the City Manager. She then raised concerns over issues that have taken place since the new City Council has been in place, including the firing of Howe. LaPonsie asked the Council if they had met with Attorney Henry prior to the council meeting to discuss hiring her. Henry responded by stating the Council was not allowed to comment on ongoing pending litigation. LaPonsie stated this sounds like an Open Meetings Act violation. When asked "Why did you fire Mark Howe?" Henry responded the Council would not be answering that question either. LaPonsie questioned if there was pending litigation. Henry responded that is why "Item #6" is on the meeting's agenda (Closed Session Permitted Under MCL 15.268(e)).

Greg Canfield of 403 N. Washington stated he emailed the Council on January 20, 2016 to question the events that took place at the meeting of January 19, 2016 which appeared to be a

violation of the Open Meetings Act. To date, he had not received a response from any of them. Canfield commented on the training session that each Councilmember attended with Attorney Peter Letzmann on December 21, 2016. Letzman was very clear that Council and board members could not get around the Open Meetings Act by "round-robinning" or by meeting individually. Canfield asked the Councilmembers to do the honorable thing for the community and resign their positions.

Sharon Ellison of 407 N. Division stated the hiring of Mark Howe was a unanimous decision that included then Councilmember Altoft. Shortly after the union matter came up, Altoft spoke to her many times about firing Howe. She told Altoft that if he had any evidence to warrant that action, she would back him. She questioned why the Council would bypass the City Attorney and hire another attorney. Henry has been in the news for the firing of the City Manager in Belding and they are now involved in a lawsuit over that situation. Ellison also noted Altoft has mentioned to her that he would never vote for a budget that didn't include cutting the police department and his personal prejudice against Lowell Light and Power is obvious.

4. **DISCUSSION REGARDING THE PROCESS FOR HIRING AN ACTING CITY MANAGER.**

Attorney Henry spoke about the Council's wishes to find an acting City Manager to fill the role while the City looks for someone to fill the position permanently. She suggested going over the current job description to make any changes necessary for the interim position. Mayor Altoft suggested changing the experience needed to a suggested item and not having it be required.

IT WAS MOVED BY TEELANDER and seconded by PHILLIPS to approve the description for acting City Manager as presented.

YES: 4. NO: 0. ABSENT: 1. MOTION CARRIED.

Attorney Henry discussed publishing deadlines and posting the position on the City's website, at City Hall and on the City of Lowell's Facebook page.

IT WAS MOVED BY TEELANDER and seconded by PHILLIPS to post the position for acting City Manager as discussed.

YES: 4. NO: 0. ABSENT: 1. MOTION CARRIED.

5. **COUNCIL COMMENTS.** No comments were received.

IT WAS MOVED BY TEELANDER and seconded by DEVORE to go into closed session at 5:29 p.m.

YES: 4. NO: 0. ABSENT: 1. MOTION CARRIED.

6. **CLOSED SESSION**

A. Permitted Under MCL 15.268(e).

IT WAS MOVED BY TEELANDER and seconded by DEVORE to move to closed session at 5:29 p.m. as allowed under the Open Meetings Act MCL 15.268(e).

YES: Councilmember DeVore, Phillips, Teelander and Mayor Altoft.

NO: None. ABSENT: Councilmember Hodges MOTION CARRIED.

IT WAS MOVED BY DEVORE and seconded by PHILLIPS to return to open session at 6:48 p.m.

YES: 4. NO: 0. ABSENT: 1. (Hodges) MOTION CARRIED.

IT WAS MOVED BY ALTOFT and seconded by DEVORE to accept the agreement with confidentiality clauses, most recently proposed by Mark Howe's attorney, provided it is signed and delivered to the Lowell City Clerk by noon on Monday, February 1st.

YES: Councilmember DeVore, Phillips, Teelander and Mayor Altoft.

NO: None. ABSENT: Councilmember Hodges MOTION CARRIED.

7. **ADJOURNMENT**

IT WAS MOVED BY DEVORE to adjourn at 6:49 p.m.

DATE:

APPROVED:

Jeff Altoft, Mayor

Susan Ullery, City Clerk

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INVOICE GL DISTRIBUTION REPORT FOR CITY OF LOWELL
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GL Number	Invoice Line Desc	Vendor	Invoice Description	Amount	Check #
Fund 101 GENERAL FUND					
Dept 000					
101-000-084.015	DUE FROM FIRE AUTHORITY	AT&T LONG DISTANCE	STATEMENT OF ACCT - LONG	6.09	67347
101-000-285.001	DEPOSITS/RECYCLE CONTAINERS	LANCE JONES	RECYCLE BIN RETURN	25.00	67336
101-000-285.001	DEPOSITS/RECYCLE CONTAINERS	NATALIE SANDERSON	RECYCLE BIN REFUND	25.00	67337
Total For Dept 000				56.09	
Dept 101 COUNCIL					
101-101-727.000	OFFICE SUPPLIES	FANDANGLED CUSTOM APPAREL	NAME PLATES & SIGNAGE	30.30	67351
101-101-727.000	OFFICE SUPPLIES	HOOPER PRINTING	BUSINESS CARDS - DEVORE	35.00	67357
101-101-880.000	COMMUNITY PROMOTION	GARY'S MEAT MARKET	CHRISTMAS 2015 HAMS/TURKE	811.77	67335
Total For Dept 101 COUNCI				877.07	
Dept 191 ELECTIONS					
101-191-740.000	OPERATING SUPPLIES	PRINTING SYSTEMS	QVF MASTER CARDS	41.36	67371
101-191-860.000	TRAVEL EXPENSES	DUNHAM, TRISHA	MILEAGE & MEALS FOR CLASS	138.24	67334
101-191-955.000	MISCELLANEOUS EXPENSE	DUNHAM, TRISHA	MILEAGE & MEALS FOR CLASS	13.95	67334
Total For Dept 191 ELECTI				193.55	
Dept 215 CLERK					
101-215-730.000	POSTAGE	PURCHASE POWER	STATEMENT OF ACCOUNT	1,041.98	67372
101-215-900.000	PRINTING	FANDANGLED CUSTOM APPAREL	NAME PLATES & SIGNAGE	90.00	67351
101-215-955.000	MISCELLANEOUS EXPENSE	KENT COUNTY CLERKS ASSOC.	MEMBERSHIP DUES - ULLERY	15.00	67339
Total For Dept 215 CLERK				1,146.98	
Dept 253 TREASURER					
101-253-801.000	PROFESSIONAL SERVICES	FLEX ADMINISTRATORS, INC.	DECEMBER 2015 ADMIN	45.00	67352
Total For Dept 253 TREASU				45.00	
Dept 265 CITY HALL					
101-265-727.000	OFFICE SUPPLIES	SUPPLYGEEKS	OFFICE SUPPLIES	130.15	67379
101-265-727.000	OFFICE SUPPLIES	SUPPLYGEEKS	OFFICE SUPPLIES	21.59	67379
101-265-740.000	OPERATING SUPPLIES	LOWELL LEDGER	SUBSCRIPTION 2016	25.00	67367
101-265-850.000	COMMUNICATIONS	AT&T	STATEMENT OF ACCOUNT	2,009.57	67346
101-265-850.000	COMMUNICATIONS	AT&T LONG DISTANCE	STATEMENT OF ACCT - LONG	141.49	67347
Total For Dept 265 CITY H				2,327.80	
Dept 301 POLICE DEPARTMENT					
101-301-727.000	OFFICE SUPPLIES	RDJ SPECIALTIES, INC.	LPD OFFICE SUPPLIES	124.80	67373
101-301-744.000	UNIFORMS	CINTAS - 723	CONTRACTUAL	65.89	67349
101-301-850.000	COMMUNICATIONS	AT&T	STATEMENT OF ACCOUNT	1,459.40	67346
101-301-850.000	COMMUNICATIONS	AT&T LONG DISTANCE	STATEMENT OF ACCT - LONG	67.75	67347
101-301-850.000	COMMUNICATIONS	SPRINT	STATEMENT OF ACCOUNT	212.15	67376
101-301-860.000	TRAVEL EXPENSES	HEFFRON, LESLIE	MILEAGE TAC TRAINING	28.75	67356
101-301-930.000	R & M EQUIPMENT	VANSOLKEMA, SCOT	REIMBURSEMENT LPD	34.61	67382
101-301-955.000	MISCELLANEOUS EXPENSE	STATE OF MICHIGAN	LPD UNMARKED CAR PLATES B	26.00	67341
101-301-955.000	MISCELLANEOUS EXPENSE	KENT COUNTY PROSECUTORS O	LPD CASES 9/1 - 12/31/15	150.00	67359
Total For Dept 301 POLICE				2,169.35	
Dept 441 DEPARTMENT OF PUBLIC WORKS					
101-441-740.000	OPERATING SUPPLIES	WOODS, RON	LUNCH FOR DPW	67.64	67388
101-441-802.000	CONTRACTUAL	SPECTRUM HEALTH OCCUPATIO	DOT PHYSICAL - BRECKEN	64.00	67375
101-441-802.000	CONTRACTUAL	SPECTRUM HEALTH OCCUPATIO	DOT PHYSICAL - BAKER	64.00	67375
101-441-850.000	COMMUNICATIONS	AT&T	STATEMENT OF ACCOUNT	730.63	67346
101-441-850.000	COMMUNICATIONS	AT&T LONG DISTANCE	STATEMENT OF ACCT - LONG	74.93	67347
101-441-927.000	REPAIR & MAINT. STREET LI	LOWELL LIGHT & POWER	STREET LIGHTS	350.19	67368
101-441-927.000	REPAIR & MAINT. STREET LI	LOWELL LIGHT & POWER	STATEMENT OF ACCT	282.00	67368
Total For Dept 441 DEPART				1,633.39	
Dept 442 SIDEWALK					
101-442-740.000	OPERATING SUPPLIES	TRACTOR SUPPLY	CUB CADET SNOWBLOWER	999.99	67343
Total For Dept 442 SIDEWA				999.99	
Dept 523 TRASH					

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GL Number	Invoice Line Desc	Vendor	Invoice Description	Amount	Check #
Fund 101 GENERAL FUND					
Dept 523 TRASH					
101-523-802.000	CONTRACTUAL	RED CREEK	1354 BLUE TRASH BAGS	2,369.50	67338
Total For Dept 523 TRASH				2,369.50	
Dept 790 LIBRARY					
101-790-850.000	COMMUNICATIONS	AT&T	STATEMENT OF ACCOUNT	314.89	67346
101-790-930.000	REPAIR & MAINTENANCE	RICKERT ELECTRIC INC	STATEMENT OF ACCT	344.81	67374
Total For Dept 790 LIBRAR				659.70	
Dept 804 MUSEUM					
101-804-955.000	PROPERTY TAX DISTRIBUTION	LOWELL AREA HISTORICAL MU	TAX DISBURSEMENTE	19.07	67365
Total For Dept 804 MUSEUM				19.07	
Total For Fund 101 GENERA				12,497.49	
Fund 202 MAJOR STREET FUND					
Dept 463 MAINTENANCE					
202-463-850.000	COMMUNICATIONS	SPRINT	STATEMENT OF ACCOUNT	12.71	67376
202-463-940.000	RENTALS	VERMEER MIDWEST	RENTAL - BRUSH CHIPPER	750.00	67385
Total For Dept 463 MAINTEN				762.71	
Total For Fund 202 MAJOR				762.71	
Fund 203 LOCAL STREET FUND					
Dept 450 CAPITAL OUTLAY					
203-450-801.000	PROFESSIONAL SERVICES	WILLIAMS & WORKS INC.	OVERAGES & ADDED SERVICES	4,933.24	67387
203-450-801.000	PROFESSIONAL SERVICES	WILLIAMS & WORKS INC.	PROF SERVICES - STREETS	510.60	67387
203-450-801.000	PROFESSIONAL SERVICES	WILLIAMS & WORKS INC.	PROF SERVICES - GROVE & H	166.50	67387
Total For Dept 450 CAPITA				5,610.34	
Dept 463 MAINTENANCE					
203-463-740.000	OPERATING SUPPLIES	SUPERIOR ASPHALT, INC.	ASPHALT	976.25	67378
203-463-850.000	COMMUNICATIONS	SPRINT	STATEMENT OF ACCOUNT	12.71	67376
203-463-940.000	RENTALS	VERMEER MIDWEST	RENTAL - BRUSH CHIPPER	750.00	67385
Total For Dept 463 MAINTEN				1,738.96	
Total For Fund 203 LOCAL				7,349.30	
Fund 248 DOWNTOWN DEVELOPMENT AUTHORITY					
Dept 450 CAPITAL OUTLAY					
248-450-801.000	PROFESSIONAL SERVICES	WILLIAM BOS GREENHOUSE	PROF SERVICES	289.66	67386
Total For Dept 450 CAPITA				289.66	
Dept 463 MAINTENANCE					
248-463-920.000	PUBLIC UTILITIES	LOWELL LIGHT & POWER	STATEMENT OF ACCT	210.00	67368
248-463-930.000	REPAIR & MAINTENANCE	THE VERDIN COMPANY	CITY CLOCK AGREEMENT 2016	630.00	67380
248-463-930.000	REPAIR & MAINTENANCE	THE VERDIN COMPANY	CITY CLOCK REPAIRS	2,290.00	67381
Total For Dept 463 MAINTEN				3,130.00	
Total For Fund 248 DOWNTOW				3,419.66	
Fund 581 AIRPORT FUND					
Dept 000					
581-000-802.000	CONTRACTUAL	SCENIC EXPRESSIONS LLC	AIRPORT PLOWING	1,500.00	67333
581-000-955.000	MISCELLANEOUS EXPENSE	VERGENNES BROADBAND	AIRPORT INTERNET	49.99	67383
Total For Dept 000				1,549.99	
Total For Fund 581 AIRPOR				1,549.99	
Fund 590 WASTEWATER FUND					
Dept 000					
590-000-043.000	DUE FROM EARTH TECH	AT&T LONG DISTANCE	STATEMENT OF ACCT - LONG	13.01	67347
Total For Dept 000				13.01	
Dept 550 TREATMENT					
590-550-802.000	CONTRACTUAL	SUEZ WATER, INC.	PROF SERVICES DEC 2015/SU	189.73	67377
590-550-802.000	CONTRACTUAL	SUEZ WATER, INC.	PROF SERVIES JAN 2016	35,925.00	67377
Total For Dept 550 TREATM				36,114.73	

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Fund 590 WASTEWATER FUND					
Dept 551 COLLECTION					
590-551-802.000	CONTRACTUAL	NORTHERN A-1 KALKASKA	SEWER CLEANING	1,581.25	67370
590-551-864.000	CONFERENCES & CONVENTIONS	MICHIGAN RURAL WATER ASSO	ADVANCED ELECTRIAL TRAINI	82.50	67340
590-551-930.000	REPAIR & MAINTENANCE	MICHIGAN METER TECHNOLOGY	WATER DEPT R & M	44.70	67369
Total For Dept 551 COLLEC				1,708.45	
Dept 552 CUSTOMER ACCOUNTS					
590-552-860.000	TRAVEL EXPENSES	BARTLETT, SANDY	MILEAGE	32.13	67348
Total For Dept 552 CUSTOM				32.13	
Dept 553 ADMINISTRATION					
590-553-801.000	PROFESSIONAL SERVICES	WILLIAM BOS GREENHOUSE	PROF SERVICES	72.42	67386
Total For Dept 553 ADMINI				72.42	
Total For Fund 590 WASTEW				37,940.74	
Fund 591 WATER FUND					
Dept 570 TREATMENT					
591-570-740.000	OPERATING SUPPLIES	HACH COMPANY	WTP SUPPLIES	407.49	67355
591-570-850.000	COMMUNICATIONS	AT&T	STATEMENT OF ACCOUNT	69.16	67346
591-570-850.000	COMMUNICATIONS	AT&T LONG DISTANCE	STATEMENT OF ACCT - LONG	1.17	67347
591-570-930.000	REPAIR & MAINTENANCE	KENDALL ELECTRIC INCORPOR	WTP WELL #1	827.77	67358
Total For Dept 570 TREATM				1,305.59	
Dept 571 DISTRIBUTION					
591-571-802.000	CONTRACTUAL	GREAT LAKES PAVING	WATER MAIN BREAK -356 VAL	2,850.00	67354
591-571-802.000	CONTRACTUAL	LEE'S TRENCHING SERVICE,	514 SUFFOLK WORK	3,000.00	67364
591-571-850.000	COMMUNICATIONS	SPRINT	STATEMENT OF ACCOUNT	51.80	67376
591-571-850.000	COMMUNICATIONS	VERIZON WIRELESS	WIRELESS	40.01	67384
591-571-864.000	CONFERENCES & CONVENTIONS	MICHIGAN RURAL WATER ASSO	ADVANCED ELECTRIAL TRAINI	82.50	67340
591-571-930.000	REPAIR & MAINTENANCE	MICHIGAN METER TECHNOLOGY	WATER DEPT R & M	44.70	67369
Total For Dept 571 DISTRI				6,069.01	
Dept 572 CUSTOMER ACCOUNTS					
591-572-860.000	TRAVEL EXPENSES	BARTLETT, SANDY	MILEAGE	32.13	67348
Total For Dept 572 CUSTOM				32.13	
Dept 573 ADMINISTRATION					
591-573-801.000	PROFESSIONAL SERVICES	WILLIAM BOS GREENHOUSE	PROF SERVICES	72.41	67386
Total For Dept 573 ADMINI				72.41	
Total For Fund 591 WATER				7,479.14	
Fund 636 DATA PROCESSING FUND					
Dept 000					
636-000-740.000	OPERATING SUPPLIES	ALL SOURCE IMAGING, LLC	PRINTER INK	279.98	67345
636-000-802.000	CONTRACTUAL	CONSTANT CONTACT	CONTRACTUAL	108.00	67350
Total For Dept 000				387.98	
Total For Fund 636 DATA P				387.98	
Fund 661 EQUIPMENT FUND					
Dept 895 FLEET MAINT. & REPLACEMENT					
661-895-740.000	OPERATING SUPPLIES	STATE OF MICHIGAN	MUNICIPAL PLATES - 10	130.00	67342
661-895-930.000	REPAIR & MAINTENANCE	BERGER CHEVROLET	AUXILLARY SWITCH CONSOLE	125.00	67344
661-895-957.000	TRAINING	MICHIGAN RURAL WATER ASSO	ADVANCED ELECTRIAL TRAINI	165.00	67340
Total For Dept 895 FLEET				420.00	
Total For Fund 661 EQUIPM				420.00	
Fund 703 CURRENT TAX COLLECTION FUND					
Dept 000					
703-000-222.000	DUE TO COUNTY-CURRENT TAX	KENT COUNTY TREASURER	TAX DISBURSERMENT	18,323.85	67360
703-000-223.000	DUE TO LIBRARY	KENT DISTRICT LIBRARY	TAX DISBURSEMENT	13,190.68	67362
703-000-225.000	DUE TO SCHOOLS	LOWELL AREA SCHOOLS	TAX DISBURSEMENT	99,930.86	67366
703-000-228.009	DUE TO STATE-S.E.T.	KENT COUNTY TREASURER	TAX DISBURSEMENT - SET	472.13	67361
703-000-234.000	DUE TO INTERMED SCH DISTR	KENT INTERMEDIATE SCHOOL	TAX DISBURSEMENT	376.94	67363

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GL Number	Invoice Line Desc	Vendor	Invoice Description	Amount	Check #
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Fund 703 CURRENT TAX COLLECTION FUND					
Dept 000					
703-000-235.000	DUE TO COMMUNITY COLLEGE	GRAND RAPIDS COMMUNITY CO	TAX DISBURSEMENT	140.57	67353
		Total For Dept 000		132,435.03	
		Total For Fund 703 CURREN		132,435.03	

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GL Number	Invoice Line Desc	Vendor	Invoice Description	Amount	Check #
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Fund Totals:					
			Fund 101 GENERAL FUND	12,497.49	
			Fund 202 MAJOR STREET FUN	762.71	
			Fund 203 LOCAL STREET FUN	7,349.30	
			Fund 248 DOWNTOWN DEVELOP	3,419.66	
			Fund 581 AIRPORT FUND	1,549.99	
			Fund 590 WASTEWATER FUND	37,940.74	
			Fund 591 WATER FUND	7,479.14	
			Fund 636 DATA PROCESSING	387.98	
			Fund 661 EQUIPMENT FUND	420.00	
			Fund 703 CURRENT TAX COLL	132,435.03	
				<hr/>	
				204,242.04	



STRATEGIC GOALS REPORT

FEBRUARY 1, 2016

TIER ONE

1) Street Asset Management Plan: Ron Woods has prepared a draft plan which we are reviewing and hope to bring to you in the future. (12-21-15)

2) Look/Lee Fund Investment Options: We have completed the transfer of a portion of the assets of the Look Memorial Fund to the Grand Rapids Foundation for investment purposes. We are still exploring a similar investment structure for the Lee Fund. (7-6-15)

✓ **3) Banners Downtown:** New banners have been installed downtown and our banner program is up and running. This project is completed. (7-20-15)

4) Wastewater Inflow & Infiltration: A final report has been completed by Prein & Newhoff. They are prepared to make a presentation to the council giving some history on the analysis leading up to obtaining the DEQ SAW Grant and the decision to move the wastewater lift station. (12-7-15)

5) Downtown Trail Connector: LARA would like councilmembers to attend their December 2, 2015, meeting so that their plan and recommended route can be presented. (11-16-15)

✓ **6) Secure City Funding for Arbor Board:** This has been completed with the adoption of the FY 2015-16 budget. (7-6-15)

7) Rental Rehabilitation Program: As of July 1, 2015, we have become eligible to receive CDBG grants through the State of Michigan. We will formulate a work plan to begin the process. In the meantime, we are working with a building owner who is currently pursuing CDBG funds through the MEDC. (7-6-15)

8) Economic Development Staff: There was discussion with the Downtown Development Authority about the concept of hiring a full-time economic development staff person. There seemed to be a consensus on the concept so our next step will be to bring a proposed job description and other details back to the DDA for further consideration. (11-16-15)

CITY OF LOWELL STRATEGIC GOALS REPORT

TIER TWO

1) Promote Accomplishments: We have launched our Twitter account and are posting tweets about city and community events. (12-21-15)

2) Ordinance Review: Next step on this goal will be to create a calendar and assignments to keep us on task.

a) Buried Utility Lines: We will need to work with Light & Power to review the current ordinance and review our goals before drafting language. (7-6-15)

b) Right-of-Way: Public Works and City Hall staff are already discussing our internal process for reviewing building and zoning applications including a discussion on how to create a sign-off process when projects impact the right-of-way. I expect that ordinance/policy issues will arise from this discussion. (7-6-15)

c) Trash: We have a draft for discussion which can be reviewed at a future workshop. (7-6-15)

3) College Intern Program: We have advertised with the Michigan Municipal League for college interns and have had some inquiries. (7-6-15)

4) Proactive Code Enforcement: This item will require further discussion at a future workshop to identify outcomes for this goal. (7-6-15)

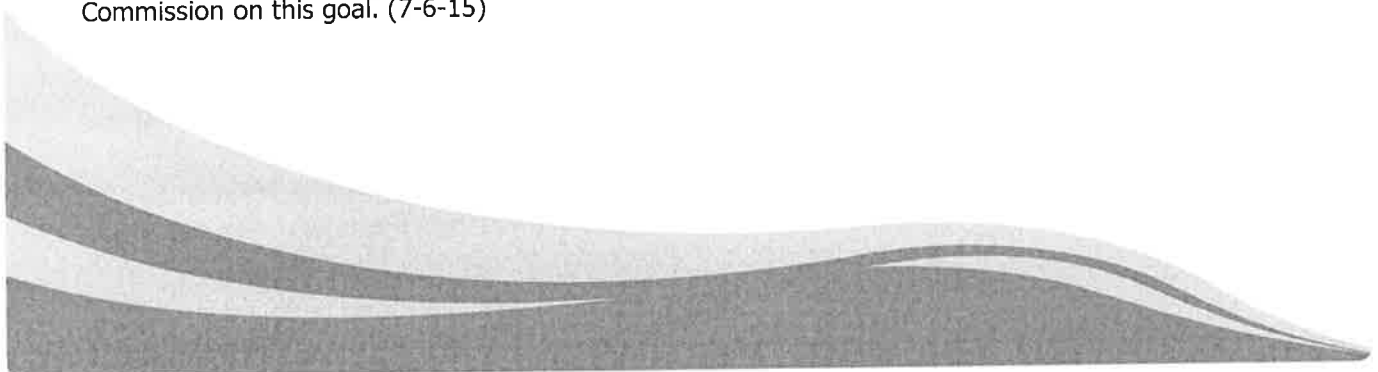
5) Business Development Packet: I have reached out to The Right Place who indicated they can assist us with this project. (7-20-15)

TIER THREE

1) Review Investment Strategy: We will need to develop a work plan for this goal as well as develop specific outcomes that identify when the goal is met. (7-6-15)

2) Master Plan for Recreation Park: With the upcoming discussion on the river valley trail connector, we will need to engage with the users of Recreation Park to identify a specific trail route through the park. This will likely begin our discussion on an overall master plan for the park. (7-6-15)

3) North Washington Park Name & Signage: We will begin a discussion with the Parks & Recreation Commission on this goal. (7-6-15)





301 East Main Street
Lowell, Michigan 49331
Phone (616) 897-8457
Fax (616) 897-4085
www.ci.lowell.mi.us

PENDING COUNCIL PROJECTS REPORT

February 1, 2016

UPDATES

Underground Electrical Lines – At the last meeting Mayor Altoft requested an update from Lowell Light & Power General Manager Greg Pierce. He will provide a brief presentation tonight.

Trash Ordinance Update – No further update.

Right of Way Ordinance – No further update.

UPDATES

Underground Electrical Lines

(11-3-14) You discussed this item at your previous council meeting. A report was presented by Light & Power General Manager Greg Pierce and questions were asked and answered.

(10/6/14) During your early September workshop you asked that I convey to Light & Power that you would like to have a report back to the council by your second meeting in October. Greg Pierce responded to my email stating that he would have something prepared for your October 20 council meeting.


Trash Ordinance Update

(10/6/14) We have completed drafts to make improvements to the trash ordinance and have also developed rules to go along with the ordinance. This will be an agenda item at a future workshop.

Right of Way Ordinance

(10/6/14) You have asked that I contact the city attorney to begin a discussion about a right-of-way ordinance.

Memorandum

To: Lowell City Council
From: Greg Pierce 
Date: January 22, 2015
Re: LLP Underground Cabling

Recently it came to my attention that the subject of LLP Underground Cabling was still on your Pending Council Projects Report. I am not sure why it is still there, as indicated in your 10/06/14 entry, I prepared a final report for the October 20, 2014 Council meeting. That report is attached for your convenience.

I will also provide an update so you have current information.

As mentioned in my October 14 report, LLP staff is now taking a photo for the file on underground inspections. The photo will accurately document the conditions at the time of the inspection. This will help not only for future verification, but for comparison at the time of final inspection for service connection. In addition, we recognized that there is better, more sophisticated equipment available for doing miss digs, and we purchased a new Locator. Finally, we hand dug several test locations for the services that were previously questioned and found them all to meet National Safety Standards, fall within our policy parameters, and the customer is satisfied with our conclusion(s).

I hope this provides the information you needed.

Memorandum

To: Lowell City Council

From: Greg Pierce

Date: October 14, 2014

Re: Lowell Light and Power Undergrounding Policy

During the last several months there has been concern raised regarding the policy of Lowell Light and Power (LLP) as it pertains to the burial of underground wire. Burial of underground electric service has become a fairly common practice in the industry and National guidelines have been established for various conditions and applications. Most of the original National guidelines were developed for the direct burial of wire (cable), which means the electric wire is simply buried underground, without any additional protection. The guidelines therefore reflected a recommended depth of burial that would protect the integrity and longevity of the buried wire.

Several years ago, in an attempt to identify our operating standards, Lowell Light and Power developed an Operating Policy and Procedures Manual that delineated Policy while incorporating procedural components. It was during this process that Lowell Light and Power adopted an "Engineering and Operating Policy" for Underground Primary and Secondary Distribution Lines, Policy 6-6. Lowell Light and Power had made the conscious decision that it did not want to have electric lines in our distribution system that were "direct buried". Therefore, LLP tried to establish a policy that met or exceeded the National guidelines by requiring that all underground lines in our system be buried in conduit.

The recent controversy seems to be focused on the aspect of whether a given buried line meets our stated policy. This is an excellent question, and if the current Lowell Light and Power underground operating policy, or any other operating policy, is

strictly interpreted as being a mandate, or law, then there are and will be occasions where that policy has been violated. In the literal sense, the instances recently brought to our attention as violations of our Underground Policy, did not retain the initial criteria in their final condition. We are committed to working with the property owner to reach a resolution for their site.

As Lowell Light and Power moves forward, having had the opportunity to review our underground policy, we recognize that our industry is constantly changing and unfortunately things are no longer as simple as we would like them to be. Everything is more complex and there are many more variables involved in each situation than we can ever anticipate. With that in mind, Lowell Light and Power is committed to reviewing the applicability of all its operating policies and procedures. Webster defines Policy as a "high level overall plan" that embraces general goals and applicable procedures. The Lowell Light and Power Board will be reviewing its policies in that context and will look to staff for the development of separate procedures that meet the intent of the policy.

The Board has recently had several lengthy discussions regarding the Lowell Light and Power Underground Policy and has determined there are changes necessary to update the Policy (and applicable procedures) to insure their relevance in today's operating environment. During this process, the Board recognized that the original intent of the current Lowell Light and Power Underground Policy was to meet or exceed the National Standards. The National Standards that were utilized as reference depths in our current policy were the depths recommended for direct buried cable. Lowell Light and Power's Policy went above and beyond those guidelines in that we required all buried lines to be in conduit, which is not required in the National Standards. We also required the use of marking tape above the buried conduit (which we provide) as an additional precaution, which again is not required in the National Standards. Our policy, which incorporated operating procedures, recognized the potential for anomalies in the undergrounding and inspection process due to timing of

inspections, weather, final grading characteristics and ultimately the intent of the National guidelines. From a timing standpoint, our inspections need to occur fairly early in the construction process. Trenches are dug and empty conduit is placed in the trenches well before most of the site surface work even begins.

When you read the National guidelines, it becomes apparent that their recommendations are intended for the protection and safety of the buried cable based on the expected surface use of the location. The guidelines state "The distance between the top of a cable and the surface under which it is installed (depth of burial) shall be sufficient to protect the cable from damage imposed by expected surface use." The guidelines go on to state that lesser depths than those indicated for direct buried cable may be used where supplemental protection is provided. Placing the cable in PVC conduit is supplemental protection and a lesser depth is acceptable based on the expected surface usage. For example, buried cable in someone's lawn where the expected surface use is foot traffic and a lawn mower is different than buried cable under a grassed or dirt surface that has significant vehicle or machinery traffic.

The most current National guideline for buried cable suggests the following for direct bury and cable in conduit: (All buried lines in Lowell are less than 22 KV)

	<u>Direct Bury</u>	<u>Non-Metallic</u>	<u>Rigid Metallic</u>
Less than 600v	24 inches	12 inches	6 inches
600V - 22 KV	30 inches	18 inches	6 inches
22 KV - 40 KV	36 inches	24 inches	6 inches
over 40 KV	42 inches	30 inches	6 inches

These recommended depths can be further modified, either up or down, based on the expected surface use. For example, if a 600v cable is buried in non-metallic conduit under a 4-inch concrete side walk, the burial depth may be as shallow as 4 - 6 inches.

However, the same cable/conduit under heavy equipment traffic may need to be buried 24 - 30 inches deep.

Everyone needs to recognize these National Standards are intended to provide a safe environment for the longevity, viability and ultimate safety of the cable itself based on the expected surface use. The safety of surface **users** who penetrate the surface for some reason is an entirely different issue. The concern for safety from surface disruptions is the reason we have a Miss Dig program in Michigan. The Miss Dig process is intended to identify potential safety issues to those who are disrupting/penetrating the surface. This concern is exactly why the new Miss Dig law in Michigan provides a definition of excavation that includes nearly every displacement of earth below the surface using a power tool and describes "soft excavation" by hand or with non-mechanical tools. For example pounding a tent stake into the ground warrants a Miss Dig.

The bottom line is that our original policy, which included many procedures, was written to be more stringent than the National Standards. It was also intended to recognize there will be circumstances where snow, site conditions, and/or final grading may result in a situation that does not maintain our initial inspection criteria. However, the policy would insure that in most cases the final product meets the National guidelines (both of the potential policy violations brought to our attention, BP and Biggby, meet or exceed the National Standards in their finished condition).

Today however, the complexities and variables associated with individual site conditions, uses, parking, building techniques, building materials, etc result in the need for a broad policy and flexible procedures that allow for variations in site parameters and conditions while still meeting the National guidelines. Therefore, the Lowell Light and Power Board has recommended that staff include in its underground procedure that pictures be taken and included in the file for every underground inspection. This will more accurately document the actual inspection and the site conditions at the time of inspection. The Board also approved a revision to the

Underground Policy that specifically states the intent of the Lowell Light and Power Underground Policy is to "Meet or Exceed" the National Standards. The standards have been developed by experts and are recognized in the industry as being appropriate. Our procedures can and will still indicate that our expectations are more stringent or higher than the National guidelines. We will still require conduit and marking tape for all underground service. Consultation with LLP staff for input, recommendations, and inspections will still be required for every underground Electric Service Request. However, each site may be assessed individually with respect to site design, location of the buried line, expected surface traffic, construction materials and any other parameter that may lead to a variation, as long as in the final analysis the National Standards are met or exceeded.

2016 Council Training and Information Schedule

January 19 (Tuesday, MLK Holiday)

- Strategic Planning Overview – not completed

February 1

- Light & Power
- Equipment Replacement Plan

February 16 (Tuesday, President's Day)

- Water and Wastewater Systems
- Street Plan and Asset Management
- Strategic Planning, Finalize Overall Priorities

March 7

- City Finances and Fund Accounting
- LCTV Fund, Look Memorial, Carr Funds, Lee Fund
- Sidewalk Repair and Replacement
- Community Facilities

March 21

- Preliminary Budget Recommendations
- Arbor Board and Urban Forest Initiative
- Parks & Recreation, LARA, Trails

April 4 (Spring Break week)

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April 18

- City Manager's Budget Recommendation

May 2

- Budget Review and Discussion

May 16

- Public Hearing and Adoption of Final Budget
- Planning & Zoning

June 6

- Downtown Development Authority
- Historic District Commission

June 20

-

July 5 (Tuesday, Fourth of July week)

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July 18

-

August 1

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August 15

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September 6 (Tuesday, Labor Day week)

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September 19

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October 3

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October 17

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November 7

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November 21 (Thanksgiving week)

-

December 5

-

December 19 (Christmas week)

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CITY OF LOWELL

Application for Board or Commission Appointment

Name: Mark Mundt

Address: 800 Bowes Rd.

Telephone Numbers: Home 897-4209 Work: 897-8135 Cell: 616-723-3637

Email: mark.mundt@suez-na.com

Board or Commission Position Desired: Lowell Cable TV Endowment Board Member

Please give a brief resume of your qualifications for the desired position:

I have been a citizen, taxpayer, rate payer and active member of the City of Lowell for almost 27 years. Over that time I have been active with many organizations. Below is a small sampling of these:

- Current board member of the Rotary Club of Lowell Community Foundation
- Incoming President for the Lowell Rotary Club
- Current member of the Chamber of Commerce's Rebuild the Showboat Committee
- Current advisor to the Lowell Methodist Middle School Youth Group (16 years)
- Past member of the finance committee for the Lowell United Methodist Church
- Past member of the Lowell Planning Commission
- Past Advancement Chair for Boy Scout Troop #102
- Past Committee Chairman for Cub Scout Pack #3188
- Past member of the Lowell Area Fire Department (17 years)

In addition I have donated countless hours of my time supporting various groups and activities in the greater Lowell area, nationally and internationally. Some of these include:

- FROM
- Neighbor to Neighbor program
- Various Rotary projects
- Numerous Chamber of Commerce activities
- Relay for Life
- Mission Trips (21)- Including trips to Kentucky, Louisiana, , Pennsylvania, New Mexico, Costa Rica and Haiti

I believe my community involvement, my community spirit and my passion for volunteering would make me an asset to the LCTV Board.


Mark Mundt