

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.**

Maryalene 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. LaPonise 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