

**PROCEEDINGS  
OF  
CITY COUNCIL  
OF THE  
CITY OF LOWELL  
MONDAY, JULY 2, 2018, 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 Mike DeVore and City Deputy Clerk Amy Brown called roll.

Present: Councilmembers Greg Canfield, Jeff Phillips, Jim Salzwedel, Marty Chambers and Mayor DeVore.

Absent: None.

Also Present: City Manager Michael Burns, City Deputy Clerk Amy Brown, DPW Director Rich LaBombard, L & P Steve Donkersloot and Police Chief Steve Bukala.

2. **APPROVAL OF THE CONSENT AGENDA.**

- Approval of the Agenda.
- Approve and place on file the regular minutes of the June 18, 2018 City Council meeting.
- Authorize payment of invoices in the amount of \$203,283.19.

IT WAS MOVED BY PHILLIPS and seconded by CANFIELD to approve the consent agenda as amended adding language to item 10, "Conducting a personal evaluation of the City Manager" and approving the minutes as amended.

YES: Councilmember Phillips, Councilmember Chambers, Councilmember Canfield, Mayor Devore, and Councilmember Salzwedel.

NO: None. ABSENT: None. MOTION CARRIED.

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

There were none.

4. **OLD BUSINESS.**

There was none.

5. **NEW BUSINESS.**

a. North Broadway.

City Manager Mike Burns stated that one of the two sidewalk ramps nearer to the entrance to the Light & Power building was removed during the repaving on N. Broadway and someone filed a complaint with the City and was concerned we were not ADA compliant. Burns explained they have looked at the matter and the Council has reviewed the situation, we are in compliance with ADA.

Perry Beachum spoke regarding his disagreement with the closest ramp to the Light & Power Building being removed.

Attorney Dick Wendt stated for convenience, closer to the door would be better but legally we are compliant.

IT WAS MOVED BY DEVORE and seconded by CHAMBERS that the City Council does not put in a sidewalk ramp as we are currently ADA compliant.

YES: Mayor Devore, Councilmember Salzwedel, Councilmember Phillips, and Councilmember Chambers

NO: Councilmember Canfield.

ABSENT: None.

MOTION CARRIED.

b. 2560 Bowes Road.

City Manager Mike Burns stated in 2014, the City of Lowell acquired the property located at 2560 Bowes Road through a tax reversion from Kent County and the property was formerly owned by an operator of a Big Boy franchise and was never developed. The property is zoned General Industrial and is adjacent to City owned property where Lowell Light & Power utilize their transmission station. Burns went on to state, earlier this spring; we received a request from Ryan Peel, of Vergennes Broadband to purchase the property so he can use it to manage the fiber system he provides to customers in this community. It was explained to Ryan Peel the provisions in the charter pertaining to the sale of city owned property which includes the following:

(1) In case of sale, there shall be at least two published advertisements for bids prior to adoption of a resolution for sale or disposal.

(2) Such action is approved by the affirmative vote of four or more members of the Council, and unless,

(3) In the case of real estate owned by it, the resolution authorizing the sale, lease or disposal thereof shall be completed in the manner in which it is finally passed and has remained on file with the Clerk for public inspection for twenty days before the final adoption or passage thereof, and unless

(4) It shall in accordance with Section 5.12 (a) of this Charter

Burns continued City Administration views the use of this property as being utilized for a tax generating use and following the process above, the city had no need for this property. If the property is placed out for bid, anyone could bid, including Vergennes Broadband. The City Council could then select any bid they receive that most suits the city and use of the property with the property being sold at near market value according to the Michigan Constitution.

IT WAS MOVED BY DEVORE and seconded by CANFIELD to allow the City to establish a request for proposals for the sale of 2560 Bowes St. in accordance with the City Charter.

YES: Councilmember Salzwedel, Councilmember Phillips, and Councilmember Chambers, Councilmember Canfield, and Mayor Devore.

NO: None.

ABSENT: None.

MOTION CARRIED.

c. Lowell Light & Power – Spending Authority.

Lowell Light & Power(LL&P) General Manager Steve Donkersloot explained the spending limit for the LL&P General Manager is 10+ years old and needs to be increased and why. The LL&P Board decided the spending authority should be a flat dollar amount based on a percentage of the fiscal year’s budgeted total revenue that the Board feels comfortable with. The flat dollar amount would be reviewed annually if revenue significantly changes (up or down) from the previous year.

IT WAS MOVED BY CANFIELD and seconded by CHAMBERS to increase the LL&P’s General Managers (i.e. Superintendent’s) maximum spending authority to \$50,000 for budgeted and/or approved projects and to \$25,000 for discretionary purchases/items.

YES: Councilmember Phillips, Councilmember Chambers, Councilmember Canfield, Mayor DeVore, and Councilmember Salzwedel.

NO: None. ABSENT: None. MOTION CARRIED.

d. AT&T Right of Way Permit.

City Manager Mike Burns stated the AT&T right of way permit is going to expire in December and the City has had a continuous agreement with AT&T that has been renewed every five years since 2003. The agreement is for AT&T to operate in our right of way and payments made to the City for use of our right of way have been set by the METRO ACT.

IT WAS MOVED BY DEVORE and seconded by CHAMBERS to renew the AT&T Right of Way Permit agreement with the City of Lowell until December 5, 2023.

YES: Councilmember Chambers, Councilmember Canfield, Mayor DeVore Councilmember Salzwedel, and Councilmember Phillips.

NO: None. ABSENT: None. MOTION CARRIED.

6. **BOARD/COMMISSION REPORTS.**

Councilmember Canfield stated Parks & Rec met on June 19, 2019 and said Heather Wood-Gramza from Englehardt Library came and stated they were selected to do a story walk and they are in the process of figuring out which park they are going to use. Love week/Impact church had 606 volunteers who did a lot of projects around town and a great thing for the community. The Showboat is in its final stages of design and getting ready to get that project out for bid.

Councilmember Phillips gave a report for the Historic District Commission.

Mayor Devore stated Fire Authority may be cancelled this month but will meet again in August.

7. **MANAGER'S REPORT.**

City Manager Mike Burns reported on the following:

- Final Stages of the S. Broadway Project, paving should be complete next week or soon after.
- Articles on Michigan's Infrastructure, would like Council to review.
- Flower Planters on the bridge in the future was discussed at the June 28 DDA meeting.
- Walkability study gave us some idea to enhance our City and we would like to make some modifications to the Master Plan to include some of these and finalize the Downtown Master Plan.

8. **APPOINTMENTS.**

IT WAS MOVED BY DEVORE and seconded by PHILLIPS to appoint Jim Hodges to the Board of Review.  
YES: 5. NO: None. ABSENT: None. MOTION CARRIED.

9. **COUNCIL COMMENTS.**

Councilmember Chambers stated Coffee with Council next Saturday is cancelled.

Councilmember Phillips thanked all the staff and departments for their hard work and dedication.

Councilmember Salzwedel reminded everyone to get out to the Riverwalk Festival.

Mayor DeVore stated that he and Mike Burns went to visit the Lighthouse in Iowa and they were very impressed with the company, their success, and all the employees demeanor.

IT WAS MOVED BY CHAMBERS and seconded by SALZWEDEL to go into a closed session at 7:40 p.m.  
YES: 5. NO: None. ABSENT: None. MOTION CARRIED.

IT WAS MOVED BY CHAMBERS and seconded by CANFIELD to come out of closed session at 8:43 p.m.  
YES: 5. NO: None. ABSENT: None. MOTION CARRIED.

10. **ADJOURNMENT.**

IT WAS MOVED BY SALZWEDEL and seconded by CHAMBERS to ADJORN AT 8:44.  
YES: 5. NO: None. ABSENT: None. MOTION CARRIED.

DATE:

APPROVED:

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Mike DeVore, Mayor

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Susan Ullery, City Clerk