

**PROCEEDINGS
OF
CITY COUNCIL
OF THE
CITY OF LOWELL
MONDAY, OCTOBER 15, 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 DeVore and City Clerk Sue Ullery called roll.

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

Absent: Councilmember Greg Canfield.

Also Present: City Manager Michael Burns, City Clerk Sue Ullery, DPW Director Rich LaBombard and Chief of Police Steve Bukala.

2. **EXCUSE OF ABSENCES.**

IT WAS MOVED BY SALZWEDEL and seconded by CHAMBERS to excuse the absence of Councilmember Canfield.

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

NO: None. ABSENT: Councilmember Canfield. MOTION CARRIED.

3. **APPROVAL OF THE CONSENT AGENDA.**

- Approval of the Agenda.
- Approve and place on file the regular minutes of the October 1, 2018 City Council meeting as written.
- Authorize payment of invoices in the amount of \$223,272.30.

IT WAS MOVED BY PHILLIPS and seconded by CHAMBERS to approve the consent agenda as presented.

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

NO: None. ABSENT: Councilmember Canfield. MOTION CARRIED.

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

Perry Beachum stated that he is receiving support and money contributions for the fence project at Oakwood Cemetery.

5. **OLD BUSINESS.**

a. **Proposal 1.**

City Manager Michael Burns stated on November 6, 2018, Michigan voters will be voting on legalizing

marijuana for recreational use. This will be under Proposal 1. This ballot initiative and legislation will be separate than the current requirements for the Medical Marijuana Act. Michigan Municipal League created a fact sheet detailing the differences between the Proposal 1 legislation and the Medical Marijuana Act.

Jim Reagan who resides at 753 Grindle thanked Council for their research on the medical marijuana and all the work they do. He encouraged Council to opt out on allowing marijuana dispensaries in the City if Proposal 1 passes.

6. **NEW BUSINESS.**

a. Resolution 29-18.

IT WAS MOVED BY CHAMBERS and seconded by SALZWEDEL that the Lowell City Council adopt Resolution 29-18 approving and authorizing execution of a memorandum of understanding between the Lowell Area Recreation Authority, Lowell Area Schools and the City related to maintenance responsibilities for the non-motorized trail with the Lowell-Area Community.

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

NO: None. ABSENT: Councilmember Canfield. MOTION CARRIED.

b. Resolution 30-18.

City Manager Michael Burns stated he has been informing us about the changes made by the Michigan Department of Environmental Quality pertaining to the revision of lead and copper rules for water systems we have to comply with. The City of Lowell is deeply committed to providing safe drinking water to everyone we serve and believes they have for as long as the city's water system has existed. There are three problems with the most recent MDEQ rule changes.

1. They are not complete and are being implemented piecemeal with the expectation that communities will just follow their direction with each stage whenever DEQ provides another set of answers. For instance, we still do not know what sort of verification will have to be provided to demonstrate that the service line has never had any leading in it or on it. Nor can the DEQ provide verifiable legal confirmation that municipalities can go on private property without the owner's permission to replace the service line all the way up to the house.
2. The cost are unnecessarily excessive. The City of Lowell has not exceeded lead and copper levels, nor will it exceed the new lower levels. However, under the new rules the City would still have to proceed with replacing numerous service lines that have never had any lead issues. There is still the constitutional issue of whether this is lending of credit, utilizing public funds for a private purpose. That action is a blatant violation of the Michigan Constitution.
3. Funding: Where is the money for the proposed mandate? How will it be paid for? Why aren't all communities eligible to receive the same funding Flint and a few other communities have already been provided??

IT WAS MOVED BY CHAMBERS and seconded by PHILLIPS that the Lowell City Council adopt Resolution 30-18 Approving the submission of a concurrence with petitioners' request for declaratory ruling regarding MEDEQ's lead and copper rules and direct City Attorney Richard Wendt

to submit the paperwork needed.

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

NO: None. ABSENT: Councilmember Canfield MOTION CARRIED.

7. **BOARD/COMMISSION REPORTS.**

Councilmember Salzwedel stated that he filled in for Chambers at the Lowell Light & Power Board meeting. The 2018 Audit report from them will be available on June 30, 2019.

Mayor DeVore stated at the Fire Authority meeting on October 8, 2018, the new Tender was discussed and it will be coming in December. They also discussed making some hourly changes to the employee staffing.

8. **MANAGER'S REPORT.**

City Manager Mike Burns reported the following:

- Vredeveld Haefner LLC conducted the City audit this past week. A big thank you to Sue Olin and Lori Gerard. They put a lot of work into getting prepared for the audit this year and every year. Some good news, about \$99,000 in unused funds from last fiscal year will be going into our fund balance for the general fund. Vredeveld Haefner LLC will present our audit in December or January to Council.
- Wanted to inform Council, that back in August, the City wrote a grant to the Englehardt fund for a new building temperature management system at the library. The grant was received, about \$19,000 and last week we were informed by the Grand Rapids Community Foundation that the grant was approved. Thank you to the Lowell Area Community Fund for the grant.
- New City website is up and much more user friendly. Still has a few kinks but we are working them out.
- Working on the sewer amendment and now have a draft copy which we will submit to the DEQ hopefully this week, then will have ready for the Council to approve soon.
- Will be meeting with Lowell Township next week regarding their sewer and water agreement.
- Hudson Street speed monitors have been up for a couple of weeks now and they are working.
- Received a letter from the DEQ regarding our industrial pretreatment program PFAS audit we had to do. We had to submit a survey to determine whether we had any permittees' who might be in a situation where they were sending PFAS through the wastewater system and it was being discharged from the plant. We were informed that they did not identify any potential sources of PFAS and that we meet the minimum requirements for that and we do not at this time need to do any further testing.

9. **APPOINTMENTS.**

By general consensus, the City Council appointed Michael Bryan to the Local Officers Compensation

Board with his term expiring June 30, 2021.

10. **COUNCIL COMMENTS.**

There was none.

11. **ADJOURNMENT.**

IT WAS MOVED BY SALZWEDEL and seconded by CHAMBERS to adjourn at 7:37.

YES: 4. NO: None. ABSENT: Councilmember Canfield. MOTION CARRIED.

DATE:

APPROVED:

Mike DeVore, Mayor

Susan Ullery, City Clerk