

**PROCEEDINGS
OF
CITY COUNCIL
OF THE
CITY OF LOWELL**

For the Regular Meeting of MONDAY, **JUNE 19, 2006**

The Meeting was called to order at 7:30 p.m. by Mayor Myers and Deputy City Clerk Susan Ullery called Roll.

Present: Councilmembers Hodges, Pfaller, Shores, and Mayor Myers.

Absent: Mayor Pro Tem Mathews.

Also Present: City Manager David Pasquale, Deputy City Clerk Susan Ullery, DPW Director Dan DesJarden, Lowell Light and Power/Cable TV General Manager Tom Richards, Water Distribution Supervisor Bob Robinson, Planning Commissioner Mark Mundt, Airport Manager Jim Sowle, Police Sergeant James Hinton and Kent County Youth Fair Manager Ron Wenger.

IT WAS MOVED BY HODGES and seconded by SHORES to excuse the absence of Mayor Pro Tem Mathews.

YEA: 4. NAY: 0. ABSENT: 1. MOTION CARRIED.

IT WAS MOVED BY SHORES and seconded by HODGES to approve the minutes of the June 5, 2006 regular meeting as corrected.

YEA: 4. NAY: 0. ABSENT: 1. MOTION CARRIED.

IT WAS MOVED BY PFALLER and seconded by HODGES that the bills and accounts payable be allowed and the warrants issued.

YEA: Councilmember Hodges, Pfaller, Shores, and Mayor Myers.

NAY: None. ABSENT: Mayor Pro Tem Mathews. MOTION CARRIED.

<u>BILLS AND ACCOUNTS PAYABLE (06/19/06)</u>	
GENERAL FUND	\$80,858.71
MAJOR STREET FUND	263.40
LOCAL STREET FUND	51.37
DDA FUND	10.99
CITY HALL CONSTRUCTION FUND	250.00
WASTEWATER FUND	36,225.97
WATER FUND	3,588.61
DATA PROCESSING FUND	1,427.98
EQUIPMENT FUND	5,251.76
CURRENT TAX FUND	1,509.25

Item #1. **PRESENTATION OF THE STATE OF THE CITY ADDRESS.** City Manager Pasquale read the following into record:

STATE OF THE CITY ADDRESS
MONDAY, JUNE 19, 2006

To: Mayor Myers, Members of the Lowell City Council and Citizens of Lowell

Since 1999, I have had the opportunity to update the community on our conditions through the State of the City address. Every year, we ask what are the challenges and opportunities which lie ahead. As a City, how do we respond?

Building permits are a good indicator of the local economy. Last year, 48 were taken amounting to \$1.9 million in value. For the previous 17 years, the City has averaged 83 permits per year amounting to approximately 3.58 million dollars per year.

We know, of course, the State of Michigan's economy continues to be difficult. This translates into less State Revenue Sharing funds. The City still receives more than \$100,000 a year less than five years ago.

Acknowledging the difficulty of the past budget process, my pledge continues to utilize fiscal constraints in all funds. Further, all City funds' integrity will be closely reviewed and protected. This is particularly important for the Equipment Fund as the City seeks to replace vehicles in the Public Works Department.

While difficulties must be faced, I remain confident that these challenges will be overcome. I am optimistic about Lowell's future.

The following are the goals to be pursued:

- Continue its support of the Downtown Development Authority and the Downtown Historic District Commission as key economic tools of this community. The vitality of its downtown is critical for Lowell's success.
- Continue to recognize the Lowell Area Chamber of Commerce as an important part of the City's economic development strategy. The Chamber has launched a marketing campaign "The Next Place To Be! Lowell" which promotes the business community as well as a place to work, start a business, relocate a plant, go to school, raise a family, shop and dine. The Downtown Development Authority has allocated \$25,000 per year for three years toward this effort.
- Support the Planning Commission in the updating of the Master Plan which was initially adopted in 1995. The City will review its goals as well as conduct a survey as part of the process.
- Promote a concerted effort to continue to upgrade City streets. This month, Gee Drive from the Creekside Park entrance to 2100 feet west will be reconstructed and finished primarily

through federal funding. Application to complete this road to Alden Nash has been submitted to the Michigan Department of Transportation for funding by 2008.

Sidewalks, particularly with school walks, continue to be emphasized.

- Seek a resolution and final approval between the City and Vergennes Township on a 425 tax sharing agreement regarding the 177 acre parcel located at the southeast corner of Alden Nash and Vergennes Road, commonly known as the Cook property. Further, an agreement with Lowell Charter Township regarding utilities for the site is sought.
- Continue to recognize the Lowell Area Historical Museum, the Lowell Area Arts Council and the YMCA as important resources to the City's quality of life. This is particularly important for the Arts Center as it seeks a fund raising drive for facility expansion.
- Support the Airport Board's efforts to attain General Utility status for the Lowell City Airport, thereby qualifying for State assistance. Currently, air easements involving eight adjoining properties are being attained with tree cutting to follow.
- Continue plans and construction of a community walking trail in cooperation with Lowell Charter Township and Vergennes Township through the Lowell Area Recreation Authority.
- Plan for improvements to the Wastewater Treatment and Water Treatment Plants. A Wellhead Protection Program and Water Reliability (Master Plan) are nearing completion.

As always, while projects have been provided in our goals, the City places prime responsibility for service to the citizens of Lowell.

Respectfully submitted,

David M. Pasquale
City Manager

By consensus, the Council accepted the State of the City address into the record.

Item #2. **ZONING BOARD OF APPEALS**

- A. 1270 Sibley – David Roskamp – front yard variance to allow an enclosed porch – set public hearing date (7/5). David Roskamp wished to construct a 10' X 28' enclosed porch on to the front of his home located at 1270 Sibley. Under Section 4.05B of the Zoning Ordinance, porches may project a maximum of ten feet into the required front yard if all sides are open, unenclosed and uncovered. Since the proposed structure projects ten feet into the required front yard and enclosed, a variance is sought.

IT WAS MOVED BY HODGES and seconded by SHORES to establish a public hearing for July 5, 2006 regarding a front yard variance at 1270 Sibley.

YEA: 4. NAY: 0. ABSENT: 1. MOTION CARRIED.

Item #3. **REQUEST FOR STREET CLOSING – LINCOLN LAKE FROM SUFFOLK TO MERCER TO AMITY – SATURDAY, AUGUST 5.** Tammy Smith (704 Lincoln Lake) has requested a street closing for Lincoln Lake from Suffolk south to the diverter at Mercer to Amity for a neighborhood block party on Saturday, August 5 starting at 3 p.m. until 9 p.m.

City Manager Pasquale stated City staff and the Police Department have reviewed the request. DPW Director DesJarden stated the department would provide barricades for the street closure. The fire department is also aware of the situation.

IT WAS MOVED BY PFALLER and seconded by SHORES to grant the request to close Lincoln Lake from Suffolk to Mercer to Amity on Saturday, August 5 from 3 p.m. to 9 p.m.

YEA: 4. NAY: 0. ABSENT: 1. MOTION CARRIED.

Item #4. **RESOLUTION AGREEING TO CO-SPONSOR AND AUTHORIZE USE OF FAIRGROUNDS FOR A FARMER'S MARKET INCLUDING RULES, REGULATIONS AND FEES.** As discussed at the last meeting, the Lowell Area Chamber of Commerce and the Kent County Youth Fair are organizing a Farmer's Market. Liz Baker and Ron Wenger have stated the market will be near the intersection of Bowes and South Hudson, instead of the Foreman Building. The amended resolution reflects this. Also, the listing of rules and regulations along with fees were provided.

Councilmember Pfaller questioned if Wenger was considered the Market Master. Wenger responded yes. Pfaller asked who would take his place if Wenger became unavailable. Wenger responded Liz Baker.

Wenger stated a committee has been formed with people who have experience with markets. This has been beneficial when establishing the rules and regulations.

Pfaller asked if any inspections of the market would be done. Wenger responded the Market Master ensures all farmers are following the regulations.

Wenger stated the only pets allowed would be assistant dogs.

Councilmember Shores inquired if there was a Lowell Area Farmer's Market Committee in place now. Wenger responded yes. He noted a logo and sign is being established.

Mayor Myers asked if proof of liability insurance would be a requirement. Wenger stated it is recommended. The insurance agent for the fair has indicated there is a million dollar umbrella policy, which includes the farmer's market. The agent indicated sometimes if a vendor does not have it they have to sign a waiver. However, Wenger he will be asking everyone for proof of insurance. Myers believed even if the fair has a liability policy, the general practice is, the fair is

involved and it is on City property so lets go to fair and see where they are insured, now lets go to the City and see where they are insured. Myers wanted to make sure this base was covered. Pasquale noted the City has liability insurance. Myers stated the City has liability insurance for the Showboat, but yet we require the users to provide a policy. Pfaller stated the application does not allow for a waiver. Myers did not want to have the practice of all waivers.

IT WAS MOVED BY HODGES and seconded by SHORES grant the resolution to co-sponsor and authorize use of the Fairgrounds for a Farmer's Market, including rules, regulations and fees.

YEA: Councilmembers Hodges, Pfaller, Shores, Mayor Myers.

NAY: 0. ABSENT: Mayor Pro Tem Mathews. MOTION CARRIED.

Item #5. **RESOLUTION APPROVING AND AUTHORIZING IMPROVEMENTS TO THE HIGH STREET RETAINING WALL.** Mayor Myers explained because the issue involves property behind his house, he will abstain from discussion and any voting.

Dave Austin from Williams and Works explained with the Highland Hills project, there were financial guarantees provided by the developer for various components of the project. Those included such items as earth moving, water main, sanitary sewer pipe and sewers. At the close of the project, there were two items which were not completed. The City took action and requested the financial guarantee for the two components be paid to the City in order for completion. The first issue involved the water main loop for Grindle Court. This was recently completed by Lee's Trenching. The cost of the looping was below what was retained and will be returned to the contractor. As part of the guarantee, a stipulation was placed stating the monies must be spent within nine months. The guarantee took place in September of last year. The second component involved improvements to High Street. At the time, High Street improvements were valued at \$42,570. Austin recalled during construction, a retaining wall was installed adjacent to High Street which was not included in the original project plan. Williams and Works indicated they would not approve this retaining wall as a long term solution. With the City Attorney Richard Wendt's approval, the money assigned to High Street was retained and requested from the bank in order make improvements to the retaining wall. Indirectly, the retaining does have a function of supporting High Street in its location.

Williams and Works have been working with the City and the adjacent property owners for some time to provide a solution which is acceptable to the property owners and affordable within the funds retained by the City. After seeking alternatives, it was determined to place fill behind the wall. This would be an earth and fill area which would be covered with vegetation and require a grading easement from the adjacent property owners. Both affected property owners have indicated preliminary acceptance. The budget provided to the City will support this fill concept and resolve some drainage issues.

Austin explained the agreement with the bank indicates the funds must be spent by June 21, two days from now. There is not a sufficient amount of time to complete the work. Wendt has

indicated it would be acceptable for the City to allow Williams and Works to do the design build option. This would allow the City to spend the funds and satisfy the conditions of the bank. It would also allow Williams and Works to obtain the proper grading easements from the property owners and proceed with the work in a timely fashion.

The resolution would authorize the City to enter into an agreement with Williams and Works to provide these services as a design-build contract. Williams and Works would proceed with the project immediately. Austin stated the company would bid out the construction portions of this and present to the City a detailed accounting of all funds and time spent and charge only those amounts actually incurred. The City does have an obligation and an agreement with the bank to return any funds which are not spent from the money collected.

City Manager Pasquale noted the resolution refers to Hill Street. This is incorrect, it is High Street and it will be corrected.

IT WAS MOVED BY SHORES and seconded by HODGES to accept the resolution approving and authorizing improvements to the High Street retaining wall.

Councilmember Pfaller questioned why the City waited to spend the money until two days prior to the deadline. Austin explained the City needed to arrive to a point where there was a solution which was both within the amount collected and was acceptable to the adjacent property owners. They needed to review structural issues, access and disruption to the adjacent property owners. The budget amount was set for improvements to High Street, not to the retaining wall.

Pfaller questioned if this removed Sundry from any legal responsibility on High Street. Once the guarantee is spent, Sundry has no obligation. Austin understood Sundry is not contractually involved with the project at this time.

YEA: Councilmembers Hodges, Pfaller and Shores.

NAY: None ABSTAIN: Mayor Myers

ABSENT: Mayor Pro Tem Mathews MOTION CARRIED.

Item #6. **PRESENTATION OF THE ABANDONED WELL PROGRAM.** Pete Kaczor of Peerless Midwest explained in 2003 – 2004 the City applied for and received grant funding involving Wellhead protection, which was to identify where the City obtains its ground water supply. In August 2004, Peerless submitted a delineation report to Michigan Department of Environmental Quality (MDEQ) which showed, through ground water modeling, where the City receives its water from within a 10 year time period. This is the area which the State requires to be protected.

In 2004 – 2005, Peerless conducted the Management Plan for the Wellhead Protection Program. In August 2005, the report was submitted and MDEQ approved the plan in October of

2005. In 2005 – 2006 (the current grant cycle), Peerless is completing the management portion which includes public education, posting on websites and fliers. In conjunction, there is a two year grant cycle for the Abandoned Well Management Program.

Kaczor stated the Abandoned Well Grant package provides 75% matching funds from the State. The Wellhead Protection grant the City received has paid 50% of the cost of the program.

The City is currently in the Abandoned Well Management Program for two years. In January 2005, City Council passed a resolution in support of the Clean Michigan Initiative Abandoned Well Program for the City. In June 2005, the MDEQ granted approval for the funds to pay for this program.

The grant request form is a summary page explaining how the costs are factored in and the total cost of the program. It is based on the number of square miles within the Wellhead Protection area (one mile in the City). The grant request shown was for \$12,750, the local match required by the grant is 25% or \$4,250. The grant allows for services to be applied toward the 25% match. Any work completed by DPW employees to support this program is logged and applied toward the City's match.

Kaczor explained the incentive for individuals to report abandoned wells. The objective is to locate abandoned wells within the 10 year time of travel, so these can be plugged and sealed. This would prevent any water from entering directly into the aquifer and quickly contaminating the public water supply. The State recognizes the threat of this and has established funding to plug these wells. In addition to public education, Peerless wished to mail a form to all addresses within the wellhead protection area requesting whether or not these residents have an abandoned well on their property. A person who reports an abandoned well on their property would receive \$100 finders fee, after the well is plugged. If a person knows of a well in this area one could report it. If the homeowner agrees to have it plugged, they would split the \$100 cost. The incentive for the property owners is a \$100 payment and also be relieved of the liability of having an abandoned well on their property. The well would be plugged at no cost to the property owner, because of the grant funding.

Kaczor presented a letter for approval to circulate to those residents within the wellhead protection area.

Mayor Myers commented on the local match contribution and the ability to apply the work done by City staff toward this expense. Is this policy retroactive in terms of the work already completed by City staff? Kaczor responded yes. He explained the work was not started by City staff until the grant approval was given. The grant was approved in June 2005. Water Distribution Supervisor Bob Robinson has recorded hours involving information being downloaded from the internet on well logs and maps. A quarterly report of his time is submitted by Peerless to MDEQ on the City's behalf. It included a list of invoices plus work done by City employees.

Myers questioned where the City is at in terms of financial support toward the \$4250. Any idea what we may be able to credit toward this expense? Kaczor was unsure. The City is in the very

early stages of the project.

Myers inquired if a well used for irrigation would fall under the protection act. Kaczor stated it can. First, there is no ordinance in effect to prevent a well from being drilled. The State does not allow this well to be cross connected to the City water supply. A well drilled for irrigation needs to be constructed according to Michigan code. However, Peerless wished to abandon these types of wells because of a tendency to get lost through property transfers and ownership. Such wells are not used for drinking water, therefore one may not release if there is a problem with the well.

Myers questioned if Peerless was only concerned with the wells in the designed area. Kaczor stated the funding will only pay for this area. Myers asked if abandon wells outside the designated area are of concern. Kaczor stated yes, because these could reach the aquifer and eventually the water supply of the City. Unfortunately, the funding does not cover such wells. If it is an agricultural well, there may be funding through the Michigan Ground Water Stewardship Program through Farm Assist. There is also a program called Home Assist.

The approximate cost to plug these wells averages \$750 per well. Currently, the City has three test wells and an old production well which will be plugged as part of the program.

Councilmember Pfaller referred to the fuel leak at the old Action Auto (Admiral Gas Station) on West Main Street. There were several test wells. Do these fall into this program or are they required to stay open for continued testing? Kaczor stated it depends on the State. If the site is in a monitoring program to comply with State regulations for a leaking underground storage tank or a UST site, it must stay open. If not, the wells should be plugged. Pfaller questioned if the City could go back to the insurance company. It seems if a well has completed monitoring it can then be filled. Kaczor questioned if this site was closed. Pfaller was unsure. Kaczor responded if the well is not being used to monitor, it can be closed.

Kaczor stated the program is voluntary. However, homeowners need to be aware they are liable for ground water contamination.

No further information was provided.

Item #7. **GRINDLE RECONSTRUCTION – CHANGE ORDER NO. 2 AND PAYMENT REQUEST NO. 4.** The Grindle reconstruction project is now complete. Change Order No. 2 adjusts the final project amount decreasing it \$8,366.22 (from \$305,455.08 to \$297,088.86) to Diversco Corporation. The final payment request covers the balance of the retainage amounting to \$7,457.22.

Dave Austin of Williams and Works stated the project was completed last fall. However, there were three to four items which were not completed by the contractor. These have now been done and all is satisfactory. Final approval was recommended.

IT WAS MOVED BY PFALLER and seconded by HODGES to approve final payment and

change order No. 2 for the Grindle Reconstruction project.

YEA: 4. NAY: 0. ABSENT: 1. MOTION CARRIED.

Item #8. **MONTHLY REPORTS.** Mayor Myers commented on the color photo provided from the Wastewater Treatment Plant which shows the before and after picture of the painting that was done to the exterior of the plant. The picture helped a lot as there is a noticeable difference.

Item #9. **CITIZEN COMMENTS.** Mayor Myers recognized the presence of Boy Scouts 102. Devin Chopp of Troop 102 stated only 4% of all Scouts become Eagle Scouts. The troop was established in 1942 being 64 years old. Some Lowell Eagle Scouts include Dirk Ritzema, George Lessens and Aaron Sterling. Chopp noted the many Scout activities they are involved in. Their troop is strong due to the Boy Scout cabin. In return, the Scouts are involved in many projects, which benefit the City.

Chopp was concerned about the City taking the Boy Scout Cabin and land. The cabin was built by the Scouts in 1952. There are only ten troops in the State of Michigan with their own place to meet. The Scouts have always maintained the grounds, mowing and keeping the area in good condition. The bills have always been paid on time. Consumers Power donated the land to the City for recreation purposes.

If the land is left alone, they will use the land for Eagle Scout projects, such as trails and other activities.

Mayor Myers thanked Chopp. This was a good presentation noting his parents and troop leaders should be proud.

Tom Richards, General Manager of Lowell Light and Power and Cable TV stated from his experience at these meetings, he has learned in the comment section of the agenda, it is allowable to ask probing questions to those in the room.

During last week's worksession meeting to discuss budget concerns and cost containment efforts, it was reported that the conversation included discussion on how that it might somehow be beneficial for Lowell to sell its electric utility. From the customers just outside our service area who are customers of Consumers Energy, Light and Power often receives the question, how can I get service from Lowell Light and Power. He wondered if these people appreciate something that our owners, customers, City leaders don't. Before asking if we should sell our electric utility, maybe the customers and owners of this utility ought to be asking some other questions.

Richards asked the following questions:

- In severe weather, who believes they would be better off if they were a Consumers Energy customer?
- In the rare instance when electricity goes out in Lowell, who thinks they would be better off if they were reporting the problem to Consumers instead to Lowell Light and Power?
- Who would rather be counting on Consumers for fast restoration of power?
- If Consumers provided service here, who thinks Consumers would have any poles, trucks or staff in Lowell ready to fix the problem?
- Who thinks that by calling Consumers they would even get the chance to talk to a real person about their outage or concerns?
- When it is time to pay their bill that would rather pay Consumers Energy's higher rates for energy?
- Who thinks Consumers or some other investor owned utility would provide a greater financial contribution to the City?
- Who thinks they would provide greater civic contribution?
- Who thinks Consumers would be more cooperative with the local schools, businesses, or City services?
- Who thinks it would be better to get electricity from a company whose primary goal is to maximize profits and pay dividends?
- Who thinks that they would have lower utility rates or better policies if they entrusted those things to the State's public service commission instead of to your own Lowell neighbors?
- Who thinks Consumers or anyone else for that matter would be more focused on Lowell's needs or its future?
- So except for the fact or one bitter individual's personal agenda, does anyone here think there is a good reason why the citizens and owners of Lowell Light and Power should consider selling their successful community owned non profit electric utility?
- Instead of demoralizing them and giving them reason to fear for their jobs, does anyone in the room think that the Board and the staff of the utility deserve respect, maybe even some appreciation for their dedicated efforts?

Richards stated we will always have room to improve and if any citizen of Lowell has a concern or a suggestion to improve the operation and management of their utility, they have a rare opportunity to make a difference. Simply by bringing their ideas to the utility management or to the Board of Light and Power. These are dedicated people who are entrusted by the Charter and by this Council for the responsible control and direction of the utility. We do it exclusively for the benefit of the citizens of Lowell. So as customers and owners of the utility, you are enjoying benefits that our neighbors outside of our service area only wish they had. Benefits that have endured and improved for 110 years.

Richards thanked everyone for hearing his comments and continued support.

Tim Vanderwulp of 622 N. Monroe appreciated the summer concerts. However, one problem involves parking along the street near City Hall and the Police Station. The street has actually been blocked off where no traffic can enter. This is a great safety concern. He suggested no parking signs or a yellow strip.

He also noted Lowell Light and Power has done a great job. A storm came through last summer and within an hour they were working on it to acquire power.

DPW Director DesJarden commented on the parking issue. A work order from the Police Chief has been received to paint yellow paint and place no parking signs.

Assistant Scout Master of Troop 102 James Sterling of 10800 Bennett stated he has Consumers Energy and has been without power for several days. His friend, living just one mile from him and serviced by Lowell Light and Power, did not lose power. He would like the opportunity to buy the power from someone who does not lose power as often.

Sterling stated, there is a small portion of the boys who represent the troop. There are currently 48 boys registered. He feared what could happen to the boys in Lowell if they have to find a different location. This would be a detriment to the City of Lowell, because the scouts do projects within the City limits. The leaders spend much time with the boys. They are trying to raise leaders. He asked the Council to keep the scouts in mind when a final decision is being made.

Peggy Covert of 982 N. Washington stated she has been doing some research through the Land Conservancy and through various funding opportunities. She noted the possibility of having the Boy Scout property purchased for preservation. The City could entertain offers from the Land Conservancy.

Item #10. **COUNCIL COMMENTS**. Councilmember Shores commented on Richards' presentation. She was glad to have Lowell Light and Power. Shores believed no matter the board, there is always some criticism and concerns. This is what makes changes.

Shores also commented on the concerts. The first concert drew a great crowd. She also noted the parade coming up for Lowell's 175th Anniversary. She questioned if the Council wishes to do something special for the parade.

Shores thanked the Boy Scouts. No one has decided what is going to happen to the property. It is in the beginning stages. The Boy Scouts are near and dear to the citizens and the government of the City of Lowell.

Councilmember Pfaller commented regarding the recent articles in the press since the last meeting. He looks at the five members which sit on the Council and the individuals who are appointed to the other boards within the City. We are challenged to be stewards of what the City has. Pfaller stated he will continue to challenge any decision made by the City Council or staff in order to make the City better. If one does not challenge or question, one has what they always have had. Pfaller stated he will continue to challenge every decision made to ensure the correct decision. Unfortunately, there is some staff who are uncomfortable with this. Though it may cause some discomfort, this is what the City needs to move forward.

Mayor Myers received a letter from the City of Coldwater expressing their appreciation for the

City of Lowell's hospitality during their visit. Mayor Eugene Wallace wrote "the day spent together certainly proves the fact that relative strangers can meet, connect, share knowledge and part personal and civic experiences and bond like new friends". Myers believed this summed up how one feels through the process of exchanging ideas.

Myers stated he also received a letter from Linda Phillips in regards to the North Washington Street property.

He also received a letter from Steven Hartley requesting possible placement or possible extra gravesites near his family which may result from redrawing the lines in the cemetery. City Manager Pasquale stated this has already been reviewed and a response will be provided.

Item #11. **MANAGER'S REPORT.** City Manager Pasquale reported on the following:

1. The following boards and commissions meetings minutes were provided:
 - Chamber of Commerce meeting of May 9, 2006
 - Parks and Recreation Commission meeting of May 13, 2006
 - Lowell Light and Power and Lowell Cable TV Board meeting of April 27, 2006
2. The next Council meeting is scheduled for Wednesday, July 5, 2006. City offices are closed on Tuesday, July 4 because of Independence Day.

The Riverwalk Festival will be held on July 7 and 8.

Item #12. **APPOINTMENTS.** By general consensus the Council reappointed Jeanne Shores to the Board of Review expiring June 30, 2009.

By general consensus, the Council reappointed Patricia Horn to the Local Officers Compensation Commission expiring June 30, 2011.

By general consensus, the Council agreed to reappoint Sherry Grimm and Maryalene LaPonsie to the Planning Commission with terms expiring June 30, 2009, if these individuals so choose.

By general consensus, the Council agreed to reappoint David Austin to the Light and Power/Cable TV Board with a term expiring June 30, 2009 if he so chooses.

Myers also noted the opening on the Planning Commission with a term ending on June 30, 2009. Anyone interested should contact City Hall.

IT WAS MOVED BY HODGES and seconded by PFALLER to adjourn into a closed session in regards to a personnel matter pursuant to the Section 8A of the open meetings act and property acquisition issue at 8:49 p.m.

YEA: Councilmembers Hodges, Pfaller, Shores and Mayor Myers.

NAY: 0. ABSENT: Mayor Pro Tem Mathews. MOTION CARRIED.

IT WAS MOVED BY PFALLER and seconded by SHORES to return to open session at 10:15 p.m.

YEA: 4. NAY: 0. ABSENT: 1. MOTION CARRIED.

IT WAS MOVED BY SHORES to adjourn at 10:16 p.m.

DATE:

APPROVED:

Charles R. Myers, Mayor

Betty R. Morlock, Clerk