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## MEMORANDUM

TO: Lowell City Council  
FROM: Mark Howe, City Manager  
RE: Council Agenda for Monday, September 17, 2012

1. CALL TO ORDER; PLEDGE OF ALLEGIANCE; ROLL CALL
2. APPROVAL OF THE AGENDA
3. APPROVAL OF MINUTES OF PREVIOUS MEETING(S)
  - a. September 4, 2012 – Regular Meeting
  - b. September 4, 2012 – Closed Session Meeting
4. APPROVAL OF ACCOUNTS PAYABLE
5. CITIZEN COMMENTS FOR ITEMS NOT ON THE AGENDA
6. OLD BUSINESS
  - a. Pending Council Projects Report
7. NEW BUSINESS
  - a. Crack Sealing Bids

We have received three bids for crack sealing this year. They are as follows:

1. A-1 Asphalt of Wayland, \$2,321.83 (Unit Cost: \$0.9636)
2. Harding Enterprises of Lowell, \$2,485.20 (Unit Cost: \$0.95)
3. Scodeller Construction of Portland, \$6,300 (Unit Cost: \$1.80)

We asked for a unit cost because we may look at additional locations this spring including city owned parking lots. Based on the lower unit cost and within a reasonable range to consider a local contractor, we are recommending that you accept the bid from Harding Enterprises of Lowell.

Recommended Motion: That the Lowell City Council accept the bid from Harding Enterprises of Lowell for crack sealing at an amount of \$2,485.20 and a Unit Cost of \$0.95 per lineal foot for any additional work.

b. Resolution: First Amendment to License Agreement with Bergin Building, LLC

The License Agreement with the Flat River Grill has expired and a new 10-year agreement under the same terms and conditions has been negotiated. A resolution authorizing the execution of a new license agreement is attached.

Recommended Motion: That the Lowell City Council adopt the resolution approving and authorizing the execution of a first amendment to license agreement with Bergin Building, LLC.

c. Resolution: Opposing the 25 x 25 Renewable Energy Initiative

In November Michigan voters will be asked to require electrical companies, including our own Lowell Light and Power, to generate or purchase 25 percent of its energy from renewable sources. There is already a legislative requirement that Lowell Light and Power meet a 10 percent standard by 2015. This has contributed to the motivation behind efforts to locate a bio digester in the City of Lowell. The ballot question is troublesome from the local point of view in several ways:

1. It burns into the Michigan Constitution public policy that should be open for discussion and debate at a legislative level.
2. It ignores the current standard and does not allow for ample opportunity to evaluate the 10 percent by 2015 standard as to its impact on opening renewable energy markets while balancing the cost to the consumer.

Recommended Motion: That the Lowell City Council adopt the resolution opposing the 25 x 25 renewable energy initiative.

d. Easement Use and Indemnification Agreement, King Milling

King Milling has proposed to expand its facilities into a utility easement held by the City of Lowell through a vacated portion of Water Street. In order to allow the facility expansion, a use agreement that indemnifies the city will need to be executed.

Recommended Motion: That the Lowell City Council adopt the resolution approving and authorizing the execution of an easement use and indemnification agreement with King Milling Company.

8. MONTHLY REPORTS

Reports are attached for your review.

9. COUNCIL COMMENTS

Jim Hall	Planning Commission Downtown Historic District Commission
Andrew Schrauben	Lowell Airport Board Parks and Recreation Commission Lowell Area Recreation Authority
Jim Valentine	Lowell Area Fire and Emergency Services Authority
Sharon Ellison	Arbor Board LCTV Endowment Board Downtown Development Authority
Jim Hodges	Lowell Light and Power Chamber of Commerce Board of Directors Look Memorial Fund

10. MANAGER'S REPORT

The report is attached for your review.

11. APPOINTMENT(S)

Airport Board Vacancy (Kevin Vezino resigned)	Appointment	Term Expires 01/01/2013
Historic District Commission Vacancy (Chris Fleszar resigned)	Appointment	01/01/2013
Arbor Board Vacancy (Dana Chase moved out of City)	Appointment	06/30/2014

12. CLOSED SESSION

a. Union Negotiations

We will need to go into closed session as allowed under the Open Meetings Act (MCL 15.268 (c)) to discuss union negotiations.

13. ADJOURNMENT