

**PROCEEDINGS  
OF  
CITY COUNCIL  
OF THE  
CITY OF LOWELL  
TUESDAY, SEPTEMBER 4, 2012, 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 Hodges and City Clerk Morlock called the roll.

Present: Councilmember Sharon Ellison, Jim Hall, Andrew Schrauben, Jim Valentine and Mayor Jim Hodges.

Absent: None.

Also Present: City Manager Mark Howe, City Clerk Betty Morlock, DPW Director Dan DesJarden, Police Chief Barry Getzen, Light and Power General Manager Greg Pierce and Light and Power Board Chair Greg Canfield.

**2. APPROVAL OF THE AGENDA**

IT WAS MOVED BY ELLISON and supported by HALL to approve the agenda as presented.

YEA: 5. NAY: 0. ABSENT: 0. MOTION CARRIED.

**3. APPROVAL OF MINUTES OF PREVIOUS MEETING(S)**

A. August 20, 2012 – Regular Meeting

IT WAS MOVED BY HALL and supported by VALENTINE to approve the regular minutes of the August 20, 2012 meeting as corrected.

YEA: 5. NAY: 0. ABSENT: 0. MOTION CARRIED.

B. August 20, 2012 – Closed Session Meeting

IT WAS MOVED BY HALL and supported by VALENTINE to approve the closed session minutes of the August 20, 2012 meeting as written.

YEA: 5. NAY: 0. ABSENT: 0. MOTION CARRIED.

**4. APPROVAL OF ACCOUNTS PAYABLE**

IT WAS MOVED BY ELLISON and supported by HALL that the bills and accounts payables be allowed and the warrants issued.

YEA: Councilmembers Ellison, Hall, Schrauben, Valentine and Mayor Hodges.

NAY: 0. ABSENT: 0. MOTION CARRIED.

BILLS AND ACCOUNTS PAYABLE (09/04/12)

GENERAL FUND	\$7,989.11
MAJOR STREET FUND	1,284.10
LOCAL STREET FUND	834.08
HISTORICAL DISTRICT	700.00
DDA FUND	429.65
GENERAL DEBT SER	4,628.25
WASTEWATER FUND	38,172.47
WATER FUND	5,299.25
CURRENT TAX COLL	42,184.07

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

No comments were received.

6. **OLD BUSINESS**

A. **PENDING COUNCIL PROJECTS REPORT**

City Manager Howe informed the Council that it will take until mid-September to complete the citywide sidewalk inspection. He also noted the design workgroup for the East Riverbank renovations met on August 30<sup>th</sup> and a report will be given shortly.

7. **NEW BUSINESS**

A. **PINK ARROW PRIDE DAY RESOLUTION**

For the fifth year, the Lowell High School football team and coaching staff have initiated cancer awareness and a fund raising event called Pink Arrow Pride Day to be held on Friday, September 7, 2012. The players once again, will wear pink jerseys in a game against Grand Haven High School. Funds are being raised for the two scholarships, Gilda's Club of Lowell and Lowell Community Wellness for Pink Arrow Family Support. A resolution has been provide for your review and Howe recommended adoption of the resolution.

Mayor Hodges read the resolution proclaiming Friday, September 7, 2012 as Pink Arrow Pride Day – Arrow Force V.

IT WAS MOVED BY VALENTINE and seconded by HALL to adopt the resolution proclaiming Friday, September 7, 2012 as Pink Arrow Pride Day.

YEA: Councilmember Ellison, Hall, Schrauben, Valentine and Mayor Hodges.

NAY: None. ABSENT: None. MOTION CARRIED.

**B. PRISONER OF WAR/MISSING IN ACTION RECOGNITION DAY RESOLUTION**

The Michael J. Bost Chapter 18 of the Vietnam Veterans of America will observe Prisoner of War/Missing in Action Recognition Day on Friday, September 21, 2012. A brief ceremony will be held at 2:00 p.m. in the chapel of the Michigan Home for Veterans in Grand Rapids. Mayor Hodges will be attending.

Mayor Hodges read the resolution proclaiming Prisoner of War/Missing in Action Recognition Day on Friday September 21, 2012 and will presented at the ceremony.

IT WAS MOVED BY HALL and seconded by ELLISON to adopt the resolution proclaiming Friday, September 21, 2012 as "Prisoner of War/Missing in Action Recognition Day".

YEA: Councilmember Ellison, Hall, Schrauben, Valentine and Mayor Hodges.

NAY: NONE. ABSENT: NONE. MOTION CARRIED.

**C. ADOPTION OF THE 2012 EDITION OF NFPA 1 FIRE CODE AND NFPA 101 LIFE SAFETY CODE**

Roger Reed, Fire Inspector of the Lowell Area Fire Department presented information and the advantages of adopting the more current 2012 Edition of NFPA 1 Fire Code, and NFPA 101 Safety Code and requested the Council to adopt the new fire code.

City Manager Howe will direct City Attorney Wendt to prepare an ordinance for consideration at the September 17, 2012 meeting.

**D. ALPHA WOMEN'S CENTER CHILI COOK-OFF SPECIAL EVENT PERMIT**

Mike Larkin, owner of Larkin's Restaurant, stated the restaurant will hold its eleventh annual chili cook off. The money raised will be going to the Alpha Women's Center. He requested Broadway Street from south of the Post Office to Main Street be closed on Saturday, October 13, 2012, from 8 a.m. to 7 p.m. Police Chief Getzen recommends approval contingent on Larkin's or Alpha Women's Center providing proof of insurance naming the City as additional insured in the amount of two million dollars to the Police Chief by October 5, 2012. Also, Larkin's shall provide adequate fencing around the event to segregate attendees of the event from non-attendees and to regulate the procurement of alcohol by non-attendees and those under 21 years of age.

IT WAS MOVED BY HALL and seconded by ELLISON to approve the Alpha Women's Center Chili Cook-Off Special Event permit and the closure of Broadway Street on Saturday, October 13, 2012 from 8 a.m. to 7 p.m. provided the contingencies from Police Chief Getzen are met.

YEA: 5. NAY: 0. ABSENT: 0. MOTION CARRIED.

E. **LOYAL ORDER OF THE MOOSE SPECIAL EVENT PERMIT**

Jerry Cole, Administrator of the Lowell Moose Lodge requested a special event permit and to close the alley behind 210 East Main Street and a portion of the city parking lot south of the alley to hold a fund raising event for its charitable works on November 3, 2012 from 9 a.m. to 7 p.m. Police Chief Barry Getzen recommends approval providing the following contingencies are met 1) The Moose Lodge provide proof of insurance naming the City of Lowell as an additional insured in the amount of two million dollars to the Chief Getzen by October 26, 2012, 2) The Moose Lodge shall place adequate fencing around the event to segregate attendees from non-attendees and to regulate the procurement of alcohol by non-attendees and those under 21 year of age. The fencing shall be inspected by the Police Department prior to the beginning of the event. 3) The Moose Lodge will contract with the City of Lowell for one part-time police officer to be on duty from 12 p.m. to 6 p.m.

IT WAS MOVED BY ELLISON and seconded by HALL to approve the Lowell Moose Lodge Special Event permit and the closure of the alley behind 210 East Main Street and a portion of the City parking lot south of the alley on Saturday, November 3, 2012 from 9 a.m. to 7 p.m. provided the contingencies from Police Chief Getzen are met.

YEA: 5. NAY: 0. ABSENT: 0. MOTION CARRIED.

F. **HEIFER INTERNATIONAL SPECIAL EVENT PERMIT**

Jane Vierzen, representing Heifer International, requested a Special Event Permit and to use the Reith barn at the fairgrounds to hold a fund raising event on Saturday, September 22, 2012. Police Chief Getzen recommends approval contingent upon 1) Heifer International or Ms. Vierzen provide proof of insurance naming the City of Lowell as an additional insured in the amount of two million dollars to the Police Chief by September 14, 2012, 2) Heifer International or Ms. Vierzen enter into a contract with the city of Lowell for one part-time police officer to be on duty for the entirety of the event and 3) Heifer International or Ms. Vierzen shall place adequate fencing around the event to segregate attendees of the event from non-attendees and to regulate the procurement of alcohol by non-attendees and those under 21 years of age. The fencing needs to be approved by the Police Department prior to the start of the event.

IT WAS MOVED BY ELLISON and seconded by SCHRAUBEN to approve the Special Event Permit for Heifer International to use the Reith barn at the fairgrounds to hold a fund raising event on September 22, 2012 provided that contingencies from Police Chief Getzen are met.

YEA: 5. NAY: 0. ABSENT: 0. MOTION CARRIED.

G. **MUNICIPAL EMPLOYEES RETIREMENT SYSTEM (MERS) ANNUAL MEETING DELEGATES AND ALTERNATES**

The 2012 Municipal Employees' Retirement (MERS) Annual Meeting is being held this year on October 3 through 5 in Grand Rapids. An Employer Delegate and Alternate needs to be appointed by the City

Council for the Annual Meeting. It is recommended that Betty Morlock be appointed as the Employer Delegate and Dan DesJarden as the Employer Alternate.

Ballots were distributed to the employees and Tom Russo was elected as the Employee Delegate and Bob Robinson as the Employee Alternate for the 2012 MERS Annual Meeting.

IT WAS MOVED BY ELLISON and seconded by SCHRAUBEN to appoint Betty Morlock as Employer Delegate and Dan DesJarden as Alternate for the 2012 Municipal Employees Retirement System annual meeting.

YEA: 5. NAY: 0. ABSENT: 0. MOTION CARRIED.

#### H. **DNR AGREEMENT – RIVERWALK AMPHITHEATER PROJECT**

The City received the grant agreement from the Michigan Department of Natural Resources Trust Fund for \$300,000 for the Riverwalk Amphitheater Project. The City will provide a match of \$150,000 which has been secured in \$50,000 increments from the Lowell Area Community Fund, the LCTV Fund and the Downtown Development Authority. A grant agreement resolution was provide for Council approval.

IT WAS MOVED HALL and seconded by SCHRAUBEN to approve the resolution authorizing signatures for an agreement between the City of Lowell and the Michigan Department of Natural Resources.

YEA: Councilmember Ellison, Hall, Schrauben, Valentine and Mayor Hodges.

NAY: NONE. ABSENT: NONE. MOTION CARRIED.

#### 8. **COUNCIL COMMENTS**

Councilmember Hall stated the Planning Commission approve a site plan for 721 Ottawa and are going to do a complete review of signage. The Downtown Historic District approved six new windows for 219 West Main and signage for 318 East Main.

Councilmember Schrauben noted the Airport Board was meeting same as Council and the Parks and Recreation Commission and Lowell Area Recreation Authority will be meeting later this month. Schrauben did congratulate everyone who ran in the Pink Arrow “Quiver 5K Run” run that is taking place tonight, September 4, 2012. Schrauben also noted over this past weekend he kayaked from Fallasburg Park to the Showboat. He saw lots of wild life in this stretch of the river.

Councilmember Valentine noted the Lowell Area Fire and Emergency Services Authority met and the various committees of the Authority will start meeting soon.

Councilmember Ellison had no comments on her Boards but did note the first day of school was good.

Mayor Hodges had no comments on his Boards but noted the 80<sup>th</sup> Birthday for the Lowell Showboat was very well attended. Also, the Greater Lowell Community Vision will have public meetings on Wednesday, October 10, Tuesday, October 23 and Thursday, October 25 at 6 p.m. at the Lowell High School.

9. **MANAGER'S REPORT.**

1. A training session for the Planning Commission at its September meeting to talk about signs and related provisions in the zoning ordinance has been scheduled.
2. The auditors were on-site during the past two weeks and should have a report in the near future.
3. The Police Department conducted a speed survey along Main Street. In one survey, the average speed was 22.75 miles per hour with a maximum speed of 48 miles per hour. In another, the average speed was 24.38 miles per hour with a maximum speed of 61 miles per hour. The monitor was placed on the bridge.
4. A Council work session is scheduled for September 10 at 6 p.m.
5. City Manager Howe welcomed Chief of Police Getzen back from his leave of absence.

10. **APPOINTMENTS.**

No appointments were made.

11. **CLOSED SESSION**

A. Union Negotiations

IT WAS MOVED BY ELLISON and supported by HALL to move to closed session at 7:40 p.m. as allowed under the Open Meeting Act MCL 15.268 (c) to discuss union negotiations.

YEA: Councilmembers Ellison, Schrauben, Valentine and Mayor Hodges.

NAY: 0. ABSENT: 0. MOTION CARRIED.

Council returned to open session at 8:28 p.m.

IT WAS MOVED BY ELLISON to adjourn at 8:29 p.m.

DATE:

APPROVED:

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James W. Hodges, Mayor

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Betty R. Morlock, City Clerk