

**PROCEEDINGS
OF
CITY COUNCIL
OF THE
CITY OF LOWELL
MONDAY, NOVEMBER 4, 2013 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: Councilmembers Chris Schwab, Jim Hall, Andrew Schrauben, Sharon Ellison and Mayor Jim Hodges.

Absent: None.

Also Present: City Manager Mark Howe, City Clerk Betty Morlock, Department of Public Works Director Dan DesJarden, Chief of Police Barry Getzen, City Treasurer Sue Olin, Light and Power Boardmember Perry Beachum, Light and Power General Manager Greg Pierce and Attorney John R. McGlinchey.

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 THE PREVIOUS MEETING(S)

IT WAS MOVED BY HALL and supported by SCHRAUBEN to approve the regular minutes of the October 21, 2013 meeting as written.

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

IT WAS MOVED BY HALL and supported by ELLISON to approve the closed session minutes of the October 21, 2013 meeting as written.

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

4. APPROVAL OF THE ACCOUNTS PAYABLE

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

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

NAY: 0. ABSENT: 0. MOTION CARRIED.

BILLS AND ACCOUNTS PAYABLE (11/04/2013)

General Fund	\$65,676.47
Major Streets Fund	6,266.59
Local Street Fund	8,170.74
Downtown Development	758.96
Designated Contr.	119.85
Riverfront Development	4,080.84
Airport Fund	2,152.41
Wastewater Fund	46,952.88
Water Fund	22,348.85
Data Processing	6,072.61
Equipment Fund	742.33
Current Tax Coll	2,095.32

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

Mayor Hodges read a letter from Charles Myers (1019 East Main) expressing his support for Sgt. Steve Bukala to be appointed as the new chief of police. Perry Beachum (924 Riverside Dr.) who sits on the Lowell Light and Power Board, responded to a letter to the editor regarding Light & Power and their plans for the bio-digester. Nancy and Bill Wood (760 Grindle Drive) stated each of them had been contacted to represent ten (10) people regarding union negotiations and Peggy Covert also commented on union negotiations. Ken Ackers (707 Foreman) commented on the power outage and stated that ten (10) people had contacted him regarding union negotiations and question if any information had been received from the Drain Commissioner regarding the flooding on Foreman Street.

6. **OLD BUSINESS**

A. **PENDING COUNCIL PROJECT REPORT**

The sidewalk project is still underway on the west end of town.

The SAW Grant Application will be addressed later in the Council agenda.

7. **NEW BUSINESS**

A. **2012 – 2013 AUDIT PRESENTATIONS**

Peter Haefner of Vredeveld and Haefner presented their audit findings for the 2012-13 fiscal year for the City of Lowell and Lowell Light and Power.

IT WAS MOVED BY ELLISON and supported by HALL to receive and file the audits for the City of Lowell and Lowell Light and Power for the 2012-2013 fiscal year.

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

B. LIGHT AND POWER MERS COST OF LIVING

Lowell Light and Power retirees are eligible for a cost of living increase adjustment through MERS under Benefit E. This adjustment must be approved by City Council. The Lowell Light and Power Board approved the cost of living increase by 1.7% for retirees effective January 1, 2014.

IT WAS MOVED BY ELLISON and supported by SCHRAUBEN to approve the 1.7% cost of living increase for Light and Power retirees through MERS under Benefit E.

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

C. SAW GRANT APPLICATION

City Manager Howe reported that he is working on an application for a SAW grant from the Michigan Department of Environmental Quality. A resolution will need to be adopted by the council at its next meeting. A summary of the grant application and financial implications are included in the agenda for council review.

D. SOLID WASTE, YARD WASTE AND RECYCLING CONTRACT EXTENSION

City Manager Howe negotiated an extension of our current agreement with Red Creek to provide waste hauling services in the City of Lowell. The extension will be for three-years with an increase in the cost of trash bags from \$1.50 per bag to \$1.75 per bag. Yard waste bags will remain the same and recycling will still be provided at no cost. City residents also have a number of additional waste haulers to choose from as we are not proposing this be a single-hauler contract.

IT WAS MOVED BY ELLISON and supported by SCHRAUBEN that the Lowell City Council adopt the resolution allowing for a three-year contract extension with Red Creek with an increase in trash bags from \$1.50 per bag to \$1.75 per bag.

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

E. CHAPTER 11 GARBAGE/TRASH ORDINANCE

Chief of Police Getzen presented revisions of the Chapter 11 of the Code of Ordinances dealing with Garbage and Trash for Council review, along with proposed rules that would need adoption by the council. No action is needed at this time.

F. RIVERWALK EXTENSION PROJECT CHANGE ORDER

Dave Austin of Williams & Works stated the contractor has submitted Change Order #1 on the Riverwalk Extension project in the amount of \$25,122.07. His firm, serving as construction supervision on behalf of the city, is recommending an amount of \$14,966.74. This, plus additional expenses for hiring a landscape architect to assist with a re-design of the project during the initial phases, will increase the city's share to \$157,795. The City has received a \$50,000 commitment from the Lowell Area Community Fund, the LCTV Endowment Fund and the Downtown Development Authority plus \$7,500 from the Arbor Board for tree planting.

IT WAS MOVED BY ELLISON and supported by SCHRAUBEN that the Lowell City Council authorize approval of Change Order #1 for the Riverwalk Extension Project in the amount of \$14,966.74.

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

G. RIVERWALK EXTENSION PROJECT FENCING

During the design phase of the Riverwalk project there was discussion about re-installing fencing along the east border of the project from King Street to the school building along the river. The city obtained an estimate from Alto Fencing for \$1,327.50, the same contractor that was just awarded the bid for the Water Treatment Plant security fencing project. This would need to pay for this from the General Fund.

Councilmember Hall suggested we include the crewing area for fencing. Howe said he would get a cost from Alto Fencing and bring it back for Council approval.

8. COUNCIL COMMENTS

Councilmember Schrauben reflected his adventures over the past four years as he served on the City Council as well as many other boards and commissions. He thanked his fellow Councilmembers, boards and commissioners and all the city staff.

Councilmember Schwab stated the Fire Authority will meet later this month. He is also looking forward for the current council and new council working together to make Lowell a better place to live.

Councilmember Hall stated the Planning Commission will meet next week and has nothing to report on the Downtown Historic District Commission. He thanked Councilmember Schrauben for all his service to the City.

Councilmember Ellison had nothing to report. However, she thanked Councilmember Schrauben for all his work on the council and the various other boards and commissions he has served.

Mayor Hodges stated Lowell Light and Power and the Chamber of Commerce Board of Directors will meet later this month. Hodges thanked Schrauben for his service, time, detail and questions while he was a part of City Council.

9. MANAGER'S REPORT

- A. Base paving on Sibley Street is currently scheduled for Wednesday, November 6, with full completion targeted for November 14. There will be two paving lifts installed, about a day or two between. The overlays for portions of Roberta Jane and Faith Drive most likely will occur during the second lift.
- B. Crews were in Lowell last week installing the left turn signal at Main and Hudson for north/south traffic. We have been working with MDOT for several months and are happy to see that this project is moving forward.

- C. Thanks to Chief Barry Getzen and the Michigan State Police, we were able to retrieve the video file of our previous council meeting. Council meetings are recorded by Brandon Hall who gives the SD card from the video recorder to City Clerk Betty Morlock. She places the card into an envelope, seals it, dates it, and gives it to the Chief of Police the night of the meeting. The police chief delivers the card to the high school where it is given to Al Eckman, a volunteer with WLHS, who uploads the video file so that it can be broadcast on cable television. Somewhere along this process, the file was erased. With the help of the Michigan State Police, Chief Getzen was able to retrieve the file so that our meeting could be broadcast to the public. A special thanks to Chief Getzen and the State Police as well as Brandon and everyone else who helps bring our meetings to the public who cannot always attend in person.
- D. This will be the final official meeting for councilmember Andrew Schrauben and Police Chief Barry Getzen. Councilmember Schrauben has brought an excellent perspective to the issues facing the City of Lowell and has been a true leader in representing the citizens of Lowell. Chief Getzen has been a key member of our leadership team and during nearly 2 ½ years has made a number of improvements to the operations of the police department. Both will be missed in their official capacities, yet I hope that will continue to be leaders in the community.
- E. After three months of working through a process to appoint Lowell's next Chief of Police it was determined that the top candidate could not meet the residency requirements of living within 20 miles of the city limits. Therefore, City Manager Howe decided to offer the position to Steve Bukala.
- F. City Manager Howe also apologized to Ken Akers, who commented under Citizens Comments, for not getting back to him regarding contacting the Kent County Drain Commissioner on the flooding on Foreman Road last spring. Howe will contact him as soon as possible regarding the Drain Commissioner's findings on this issue.

10. **APPOINTMENTS**

By general consensus, the Council agreed to appointment John Gerard to the Planning Commission and Andrew Schrauben to the Light and Power Board with terms expiring June 30, 2016.

11. **CLOSED SESSION**

A. Union Negotiations

IT WAS MOVED BY ELLISON and supported by SCHWAUBEN to move to closed session at 8:30 p.m. as allowed under the Open Meetings Act MCL 15.268(c) to discuss union negotiations.

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

NAY: 0. ABSENT: 0. MOTION CARRIED.

Council returned to open session at 9:13 p.m.

IT WAS MOVED BY SCHRAUBEN to adjourn at 9:14 p.m.

DATE:

APPROVED:

James W. Hodges, Mayor

Betty R. Morlock, City Clerk