

**PROCEEDINGS
OF
CITY COUNCIL
OF THE
CITY OF LOWELL
MONDAY, JUNE 15, 2015, 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 roll was called by Deputy City Clerk Susan Ullery.

Present: Councilmembers Jeff Altoft, Sharon Ellison, Jim Hall, Matt Mayer and Mayor Jim Hodges.

Absent: None.

Also Present: City Manager Mark Howe, Deputy City Clerk Susan Ullery, Suzanne Olin, Police Chief Steve Bukala and Interim DPW Director Ron Woods.

3. **APPROVAL OF THE AGENDA.**

Councilmember Hall suggested Item 7 (f) be deleted from the agenda.

IT WAS MOVED BY HALL and seconded by MAYER to delete Item 7 (f) from the agenda.

YES: 5. NO: 0. ABSENT: 0. MOTION CARRIED.

IT WAS MOVED BY HALL and seconded by MAYER to approve the agenda as modified.

YES: 5. NO: 0. ABSENT: 0. MOTION CARRIED.

4. **APPROVAL OF THE MINUTES OF THE PREVIOUS MEETING(S).**

IT WAS MOVED BY ELLISON and seconded by HALL to approve the regular minutes of the June 1, 2015 meeting as written.

YES: 5. NO: 0. ABSENT: 0. MOTION CARRIED.

5. **APPROVAL OF THE ACCOUNTS PAYABLE.**

Councilmember Ellison questioned the bill from Model Coverall. City Treasurer Suzanne Olin stated the payment is for the mats at the library.

IT WAS MOVED BY ELLISON and seconded by MAYER to approve the accounts payable as presented.

YES: Councilmember Altoft, Ellison, Hall, Mayer and Mayor Hodges.

NO: None. ABSENT: None. MOTION CARRIED.

BILLS AND ACCOUNTS PAYABLE (06/15/2015)
General Fund \$26,570.70

Major Street Fund	\$1,228.61
Local Street Fund	\$1,115.01
Downtown Development Fund	\$1,284.55
Designated Contributions	239.08
Airport Fund	\$1,100.25
Wastewater Fund	\$18,249.58
Water Fund	\$60,451.12
Data Processing Fund	\$716.00
Equipment Fund	\$3,596.00

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

No comments were received.

7. **OLD BUSINESS.**

- a. Strategic Goals Report. City Manager Howe stated the City began mapping the “community” streets and will put together a priority list of potential street projects for Council review.

The flow monitors and groundwater monitors are being pulled this week and Prein & Newhof will begin compiling the data and present a report.

- b. Pending Council Projects Report. Howe stated the downtown tower removal will be discussed further into the agenda. The City has settled with GroAmerica and made a final payment to the company of \$40,000 which reflects the total due minus the City’s expenses. This project is now closed and completed.

8. **NEW BUSINESS**

- a. Public Hearing – Truth and Taxation.

The City has posted the notice for the Council to hold a Truth-in-Taxation hearing which may be required each year based on calculations performed by the Kent County Equalization Department relating to the “Headlee” provisions of the state’s constitution. The Council will need to open the public hearing and take citizen comments before closing the hearing and moving on to the next portion of this agenda item.

The state law that outlines the notice to hold a Truth-in-Taxation hearing requires that we use language such as “notice of public hearing on increasing property taxes” and “proposed additional millage.”

The City is not proposing a property tax increase or a millage rate increase.

The city’s charter authorizes the council to allocate up to 20 mills, however, Headlee rollbacks have reduced that amount to 17.4597 mills. The council has allocated a millage rate of 15.70 mills, more than 10 percent below the amount authorized. Headlee rollbacks are typically triggered by increases in taxable value that exceed the rate of inflation, although that is a simplistic way of describing a much more complicated formula.

During the past several years, the formula has not triggered a Truth-in-Taxation hearing although when the hearings are required they can be held in conjunction with the budget hearing with a note in the

budget hearing notice that the proposed millage rate will be a subject of the hearing. We did not include that language in our budget hearing notice and only found out after the notice had been published that a Truth-in-Taxation hearing is required.

No public comments were received.

- i) Resolution 08-15 – Approving City Operating Millage Rate Levy for Fiscal Year 2015-16.

IT WAS MOVED BY ELLISON and seconded by HALL to approve resolution 08-15 approving City Operating Millage Rate Levy for Fiscal Year.

YES: 5. NO: 0. ABSENT: 0. MOTION CARRIED.

- b. Fireworks For Fiverwalk. The Lowell Area Chamber of Commerce is requesting approval of a permit for a fireworks display on Saturday, July 11, 2015. This will be part of the annual Riverwalk Festival and, as in recent years, the fireworks will be launched from Stoney Lakeside Park. The City is grateful to have Laurels of Kent sponsoring the fireworks once again.

IT WAS MOVED BY ELLISON and seconded by HALL to approve the request from the Lowell Area Chamber of Commerce for a fireworks display on Saturday, July 11, 2015.

YES: 5. NO: 0. ABSENT: 0. MOTION CARRIED.

- c. Riverwalk Festival Street Closure Request. The Lowell Area Chamber of Commerce is requesting several street closures relating to events that are part of the annual Riverwalk Festival. This is primarily for the car show.

IT WAS MOVED BY ELLISON and seconded by HALL to approve the request from the Lowell Area Chamber of Commerce to close Avery Street, west of Monroe Street, beginning on Thursday, July 11, 2015, at 6 a.m. through Saturday, July 11, 2015, ending at 6 p.m.; and to close Avery Street, from Monroe Street to Washington Street and to close Washington Street, from Main Street north to the Lowell Area Schools Parking Lot, on Saturday, July 11, 2015 from 6 a.m. to 4 p.m.

YES: 5. NO: 0. ABSENT: 0. MOTION CARRIED.

- d. FOIA Policy Review and Approval. A procedures and guidelines document was presented to the Council for this review. City Manager Howe explained this would put us in compliance with changes to the Michigan Freedom of Information Act. A draft was provided at the previous meeting with the only update being that the actual cost of making copies and has been calculated and inserted into the new document.

IT WAS MOVED BY HALL and seconded by MAYER to adopt the Freedom of Information Act Procedures and Guidelines as presented.

YES: 5. NO: 0. ABSENT: 0. MOTION CARRIED.

- e. Ordinance Amendment – Site Plan Review. The City of Lowell Planning Commission has held a public hearing and has recommended an amendment to the City of Lowell Zoning Ordinance. This amendment will allow administrative approval of changes in use when the use is allowed by right.

This amendment is part of our continued efforts to streamline the process to make the City of Lowell business and development friendly. A more detailed description of the amendment is outlined in a memo from planning consultant Andy Moore of Williams & Works.

IT WAS MOVED BY HALL and seconded by ELLISON to adopt Ordinance 15-03.

YES: Councilmembers Altoft, Ellison, Hall, Mayer and Mayor Hodges.

NO: None. ABSENT: None. MOTION CARRIED.

- f. Ordinance Amendment – Rezoning of Properties. The City of Lowell Planning Commission has held a public hearing and has recommended an amendment to the City of Lowell Zoning Ordinance. This amendment modifies the zone district classification for certain properties. These were requested by the respective property owners. A more detailed description of the amendment was outline in a memo from planning consultant Andy Moore of Williams & Works.

IT WAS MOVED BY HALL and seconded by MAYER to adopt Ordinance 15-05.

YES: Councilmembers Altoft, Ellison, Hall, Mayer and Mayor Hodges.

NO: None. ABSENT: None. MOTION CARRIED.

- g. Police Vehicle Replacement. It is time to move forward with the third of the four-year police vehicle replacement plan by putting in our order under the state bid. A grant was received from the Lowell Area Community Fund that covered approximately 100 percent of the third year with a commitment that the City pays for 100 percent of a vehicle in the fourth year. This was included in the 2015–16 budget that has been adopted.

The City continues to use the state bid process to keep administrative costs and time at a minimum and meet the bid requirements. The bid price for the base vehicle is the same this year as it was last year. The ready for road package was also purchased which includes wiring, harnesses, lighting, LED spot light, and siren package as we have purchased in prior years. Total cost of the base package is \$29,576. There will be additional equipment such as radio, cage, light bar and computer installation as well as the biohazard rear seat. This equipment and set up is coordinated through Mid-Michigan Emergency Equipment and is also included in the budget.

Councilmember Altoft wanted it noted he would vote “yes” on this because there was a grant for this prior to him taking office. Otherwise, he would vote “no”. He did not think the department should have bought four new vehicles in a row.

IT WAS MOVED BY ALTOFT and seconded by ELLISON that the Lowell City Council authorize the purchase for the 2015-16 fiscal year of a 2016 Ford Interceptor through the state bid at \$29, 576.

YES: 5. NO: 0. ABSENT: 0. MOTION CARRIED.

- h. Cell Tower Removal. The City received a single bid from SyncWave, LLC, based in Scottville, Michigan, for removal of the downtown tower located at the old cable building. Under the bid, SyncWave will remove the tower and keep it for its own use at no cost to the City.

IT WAS MOVED BY ELLISON and seconded by HALL that the Lowell City Council approve the bid from SyncWave, LLC, of Scottville, Michigan, to remove the downtown city tower.

YES: 5. NO: 0. ABSENT: 0. MOTION CARRIED.

- i. Letter of Agreement – 318 Lincoln Lake. A Letter of Agreement with Olin Excavating for the removal of structures and vehicles at 318 Lincoln Lake was provided. The Council has had previous discussion regarding this property that was destroyed by fire last year.

The City has taken the necessary steps to require the property owners to bring this unsafe structure into compliance with current code. This Letter of Agreement will allow the City to take the necessary steps to demolish the structures and bring the property into compliance if the property owners refuse to do so. Payment has already been received from Bank of America, the mortgage holder on the property, to cover the cost of executing this Letter of Agreement.

There is a local church that is talking about the idea of reseeded the area once the building is removed.

IT WAS MOVED BY ELLISON and seconded by HALL to approve the Letter of Agreement with Olin Excavating and authorize the signature of the Mayor and City Clerk.

YES: 5. NO: 0. ABSENT: 0. MOTION CARRIED.

- j. Budget Amendment. The City monitors revenue and expenses from the various city funds on a regular basis and it appears as though everything is tracking according to the current fiscal year 2014-15 budget that was adopted.

One exception is the Cable TV Fund which, as you may recall from our 2013-14 audit, requires adoption of an annual budget because it is considered a special revenue fund. As a reminder, state law requires adoption of an annual budget for the general and all special revenue funds. A copy of the note from our most recent audit is included for review.

Adoption of a budget for the Cable TV Fund does not impact previous decisions relating to distribution of the funds or the grant processes and policies that are in place. It simply puts the City in compliance with the state law.

IT WAS MOVED BY ELLISON and seconded by ALTOFT that the City Council adopt Resolution 09-15.

YES: Councilmembers Altoft, Ellison, Hall, Mayer and Mayor Hodges.

NO: None. ABSENT: None. MOTION CARRIED.

- k. City Clerk Appointment. City Clerk Betty Morlock has announced her retirement from the City of Lowell after many years serving the residents. Her last working day will be July 31, 2015. She will certainly be missed.

Deputy City Clerk Sue Ullery has served in the capacity of deputy clerk for 17 years and performed all of the duties of city clerk for more than a year while Ms. Morlock was on a leave of absence. The city charter requires that the appointment of city clerk be approved by the City Council. Howe recommended that the City Council appoint Sue Ullery as City Clerk effective August 1, 2015.

Councilmember Altoft liked the idea of promoting from within.

IT WAS MOVED BY ALTOFT and seconded by HALL that the Lowell City Council approve the appointment of Sue Ullery as City Clerk effective August 1, 2015.

YES: 5. NO: 0. ABSENT: 0. MOTION CARRIED.

8. **MONTHLY REPORTS.** No comments were received.

9. **COUNCIL COMMENTS.**

Councilmember Mayer stated the fire department recently sold a 1946 fire truck. It was sold to a gentleman who does the hose testing for the department. The sale is more of a swap in labor. The purchaser gets the truck and the department gets three years of hose testing free. Mayer congratulated Sue Ullery.

Councilmember Altoft stated an Airport Board meeting was held. Everything seems to be going well.

Councilmember Hall thanked the Council for approving everything the Planning Commission has been working on. LARA has been discussing the trails. Spring maintenance has been completed by a “friends group”. Also, the pavilion off Foreman looks very nice. He appreciates everyone that works with the “friends group” including the former police chief.

Councilmember Ellison stated the Arbor Board met. A few citizens were also present discussing the overgrown tree on Lafayette. Recommendations will be forwarded to the City Council. Ellison congratulated Sue Ullery.

Mayor Hodges stated Lowell Light and Power met on Thursday, June 11, 2015. Valerie Braider of Michigan Energy Agency will be in Lowell and have lunch with the Lowell Rotary and the Chamber of Commerce on July 15, 2015. She will also be touring the bio-digester. The American Public Power Association had their 2015 Lineman’s Rodeo in which Lowell Light and Power participated in. Also, at this conference Lowell Light and Power received a distinguished award in the top category as a diamond recipient as well as first place safety award for the category. The bio-digester continues to struggle getting over the hump of 50% capacity. Minor modifications are still being made. Lowell Light and Power recently approved updates to their personnel handbook. Also, they have volunteered to facilitate as a drop off point for the Food Fight. The Chamber of Commerce Board met briefly last week and discussed the summer concerts and the Riverwalk celebration. There was also a short discussion about the traffic rerouting. Cliff Yankovich mentioned Ella’s received more customers than usual because of this.

10. **CITY MANAGER REPORT.**

1. The Kent County Road Commission reports that the Hudson Street bridge project is on schedule, which means the bridge should be open by July 2. In the meantime, we are thinking about contingency planning for the riverwalk festival in case they don’t meet this schedule.
2. Progress is being made on the project to turn the log from the old Maple tree in front of the library into something that can be displayed for the community to enjoy. There was a cross-section of the log, then it had to be divided lengthways in order to run it through a saw mill to be turned into boards.

3. The City was awarded a \$15,000 grant from the Lowell Area Community Fund for heating/cooling system replacement and upgrades at the Englehardt Public Library.
4. The Lowell Area Fire Authority was awarded a \$40,000 grant from the Lowell Area Community Fund for replacement of SCBA gear.
5. A workshop meeting is scheduled for June 22 at 6 p.m.
6. A draft copy of the Strategic Plan was presented.

11. **APPOINTMENTS.** By general consensus, the Council agreed with the following appointments:

Airport Board

Appoint Jeff Ostrander for a term expiring 01/01/2017

Board of Review

Reappoint Nancy Wood for a term expiring 06/30/2018

Light and Power Board

Reappoint Greg Canfield for a term expiring 06/30/2018

Local Officers Compensation Commission

Reappoint Roger LaWarre for a term expiring 06/30/2020

Planning Commission

Reappoint Kelli Carney for a term expiring 06/30/2018

Reappoint Jim Salzwedel for a term expiring 06/30/2018

12. **CLOSED SESSION.**

A. City Manager Evaluation – MCL 15.268(a)

IT WAS MOVED BY ELLISON and seconded by HALL to move to closed session at 7:57 p.m. as allowed under the Open Meetings Act MCL 15.268(a) to discuss City Manager Evaluation.

YES: Councilmembers Altoft, Ellison, Hall, Mayer and Mayor Hodges.

NO: None. ABSENT: None. MOTION CARRIED.

Council returned to open session at 9:04 p.m.

IT WAS MOVED BY HALL and seconded by ELLISON to increase City Manager Mark Howe's salary by 2%, consistent with other city employees.

YES: 3. (Councilmembers Ellison, Hall and Mayor Hodges)

NO: 2. (Councilmembers Altoft and Mayer) ABSENT: 0. MOTION CARRIED.

IT WAS MOVED BY ELLISON and seconded by HALL to adjourn at 9:05 p.m.

DATE:

APPROVED:

James W. Hodges, Mayor

Susan S. Ullery, Deputy City Clerk