

**PROCEEDINGS  
OF  
CITY COUNCIL  
OF THE  
CITY OF LOWELL  
MONDAY, AUGUST 3, 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 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, City Clerk Susan Ullery and Police Sergeant Chris Hurst.

2. **APPROVAL OF THE AGENDA.**

Councilmember Altoft questioned when the S. Monroe parking lot would be discussed. Mayor Hodges noted under "Old Business".

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

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

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

IT WAS MOVED BY HALL and seconded by ALTOFT to approve the regular minutes of the July 20, 2015 meeting as presented.

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

4. **APPROVAL OF THE ACCOUNTS PAYABLE.**

Councilmember Ellison asked to see detailed information on the attorney fees.

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

YES: Councilmembers Altoft, Hall, Ellison, Mayer and Mayor Hodges. NO: None.

ABSENT: None. MOTION CARRIED.

**BILLS AND ACCOUNTS PAYABLE (08/03/2015)**

General Fund	\$30,077.40
Major Street Fund	\$106.29
Local Street Fund	\$163.70
Historical District	157.00
Downtown Development Fund	\$1,241.54
Airport Fund	352.60

Wastewater Fund	\$858.08
Water Fund	\$15,212.54
Data Processing Fund	\$486.04
Equipment Fund	\$3,446.00
Current Tax Collected	\$104,653.21

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

No comments were received.

6. **OLD BUSINESS.**

- a. Strategic Goals Report. No new updates were provided.
- b. Pending Council Projects Report. City Manager Howe stated preparation for the downtown tower removal has been completed. Chief Bukala is working on a schedule.

Councilmember Altoft questioned when the garage behind Main Street BBQ would be demolished. Howe stated the plans have been submitted for the parking lot. A request will be forwarded to the DDA for assistance with the project. Howe noted the boy scouts are storing items in the garage and will be given proper notice. Greg Canfield of 403 N. Washington stated Main Street BBQ is scheduled to open September 1, 2015. Many issues will be created if the City plans on giving the boy scouts a 30 day notice.

7. **NEW BUSINESS**

- a. Lowell Area Recreation Authority Agreement. The Lowell Area Recreation Authority (LARA) has proposed changes to the agreement creating LARA which must be reviewed and approved by Lowell and Vergennes Township and the City of Lowell. Most of the changes have to do with routine matters such as incorporate amendments that have been made along the way as well as clerical changes such as clarifying when the annual organizational meeting is held.

The proposed changes were submitted to City Attorney Richard Wendt who offered the following comments:

*The only concern I have is the use of "authority" in the name of the organization. The Urban Cooperation of 1967, Act 7 of the Public Acts of Michigan of 1967, as amended, pursuant to which the three communities have entered into the Agreement, is a joint exercise of powers of participating communities which each individually have. Act 7 does not give the created organization separate powers outside of those contained in the interlocal agreement between the communities. The organization formed through the Agreement gets its powers from each of the communities that are parties to the Agreement through the Agreement. An authority is a separate legal entity that must be created by specific statutory authority and which is given independent powers through the statute. Importantly, Section 7(1) of Act 7 specifically limits the legal entity formed by an interlocal agreement to a "commission, board or council." "Authority" should be removed from the name of the organization."*

This issue was evidently raised when LARA was originally created but apparently was not addressed. Given that LARA has been operating under the name of an "authority" but that its specific purposes are limited in the agreement, Howe was comfortable recommending approval of the agreement.

IT WAS MOVED BY ELLISON and seconded by HALL to approve the Lowell Area Recreation Authority Agreement as presented.

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

8. **COUNCIL COMMENTS.**

Councilmember Mayer stated the Fire Authority will meet on August 10, 2015 at 3:30 p.m.

Councilmember Altoft stated Grove Street is in bad shape and continues to get worse. He also questioned when the street sweeper would be coming again as many of the catch basins are covered with trash.

Councilmember Hall noted his meetings were upcoming.

Councilmember Ellison stated her meetings were upcoming as well. She noted she has been traveling but it was nice to return and see the banners up and the progress of Main Street BBQ. Ellison was sorry to have missed Betty Morlock's last meeting but wished her the best. Ellison appreciates all that Morlock has done for the City. Ellison went on to wish Sue Ullery the best in her new position.

Mayor Hodges stated there will be a reception for Betty on August 6, 2015 from 4:00 p.m. to 7:00 p.m. at the Main Street Inn. Hodges also noted Lowell Light and Power will meet next week. The Chamber of Commerce Board of Directors will meet next week as well. Look Memorial Fund will meet in October and November. Hodges stated the recent Showboat concert was impressive. Lowell resident Betty Yeiter made a wonderful statement about the Swiss heritage.

9. **CITY MANAGER REPORT.**

1. As requested City Clerk Betty Morlock forwarded the election schedule for ballot proposals for the upcoming November election to the Council. Ballot wording of proposals qualified to appear on the ballot certified to county and local clerks must be submitted by 4 p.m. on August 11, 2015.
2. The City was represented at a meeting with MDOT on the proposed mill and resurface project of M-21. At this point they are looking at next spring and expect it will take eight weeks to complete. They do not expect to detour traffic.
3. Please join the City on August 6 anytime between 4 p.m. and 7 p.m. for Betty Morlock's retirement reception at the Main Street Inn. Howe stated how much he appreciates everything she has done.
4. Howe stated he and his wife recently moved their daughter, son in law and granddaughter from Virginia into their home. He posted a picture of his adorable granddaughter.

10. **APPOINTMENTS.** At this time all appointments are filled.

IT WAS MOVED BY ELLISON and seconded by HALL to adjourn at 7:16 p.m.

DATE:

APPROVED:

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James W. Hodges, Mayor

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Susan Ullery, City Clerk

