

**PROCEEDINGS  
OF  
CITY COUNCIL  
OF THE  
CITY OF LOWELL  
MONDAY, DECEMBER 5, 2016, 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 Mike DeVore and City Clerk Susan Ullery called roll.

Present: Councilmembers Greg Canfield, Jim Hodges, Jeff Phillips, Alan Teelander and Mayor DeVore.

Absent: None.

Also Present: City Manager Mike Burns, City Clerk Susan Ullery, Light & Power Director Steve Donkersloot, and Chief of Police Steve Bukala.

2. **SWEARING IN OF GREG CANFIELD TO CITY COUNCIL**

Councilmember Greg Canfield was sworn into the office of City Councilmember.

3. **APPROVAL OF THE CONSENT AGENDA**

IT WAS MOVED BY HODGES and seconded by PHILLIPS to approve the consent agenda as written with the exception of the meeting date for Monday, July 3, 2017 be moved to Wednesday, July 5, 2017 due to Independence Day.

- Approval of the Agenda
- Approve and place on file the minutes of the November 21, 2016 City Council meeting
- Authorize payment of invoices in the amount of \$218,921.10
- Approval of 2017 Meeting Dates

YES: Councilmember Canfield, Mayor DeVore, Councilmember Hodges, Councilmember Phillips and Councilmember Teelander. NO: None. ABSENT: None. MOTION CARRIED.

4. **CITIZEN DISCUSSION FOR ITEMS NOT ON THE AGENDA**

No public comments were received.

5. **OLD BUSINESS**

a. **Biodigester Update.**

City Manager Mike Burns explained that the City Council and Lowell Light and Power met on Thursday, December 1, 2016 and took three actions. The first action was to revoke the discharge

permit from the Wastewater Treatment Plant for the biodigester. The second action was to direct the City Manager to work amicably towards terminating the agreement with Lowell AD for the biodigester and to begin the process of disassembling from the facility. The third action was the same for Lowell Light and Power to terminate their purchase power agreement.

Burns advised that since that time, the City has notified Lowell AD regarding the actions the City Council took on Thursday.

Chair Perry Beachum of Lowell Light and Power advised that the Grand Rapids Press reported there was a spill of 500,000 gallons from the biodigester over the weekend. He noted this was incorrect and the spill was a fraction of what was reported.

## 6. NEW BUSINESS

### a. Audit Presentation

Doug Vredevelde of Vredevelde Haefner presented the 2015-2016 City audit. In their opinion, the financial statements referred to present fairly, in all material respects, the respective financial position of the governmental activities, the business-type activities, the discretely presented component unit, each major fund, and the aggregate remaining fund information of the City of Lowell, Michigan, as of June 30, 2016, and the respective changes in financial position and, where applicable, cash flows thereof for the year then ended in accordance with accounting principles generally accepted in the United States of America.

A powerpoint presentation of the various funds was also presented.

### b. MERS

City Manager Burns announced that recently Lowell Light and Power entered into a participation agreement with MERS (Michigan Employer's Retirement System) for them to allow employees to create 457 Deferred Compensation Plans. These are tax-deferred voluntary retirement supplementary programs that employees can establish for themselves to assist them in their retirement.

There was interest for City employees to be allowed to participate in this program. Recently, a representative from MERS discussed the program with employees. There is significant positive interest from employees to participate.

IT WAS MOVED BY TEELANDER and seconded by CANFIELD to approve the MERS 457 Participation plan as presented.

YES: Mayor DeVore, Councilmember Hodges, Councilmember Phillips, Councilmember Teelander, and Councilmember Canfield. NO: None. ABSENT: None. MOTION CARRIED.

### c. Design Engineering for South Broadway

City Manager Mike Burns stated the City received a proposal from Prein & Newhof regarding design engineering for the Broadway Street Infrastructure Improvements. This proposal does not include the construction engineering aspects at this time and will be presented sooner to the construction phase.

Prein & Newhof proposed a cost not to exceed \$69,000 for this phase.

John Verplank of Prein & Newhof spoke in reference to the project.

IT WAS MOVED BY HODGES and seconded by TEELANDER to approve for Prein & Newhof to begin the design engineering aspects of the Broadway Street Infrastructure Project at a cost not to exceed \$69,000.00.

YES: Councilmember Hodges, Councilmember Phillips, Councilmember Teelander,

Councilmember Canfield and Mayor DeVore.

NO: None.

ABSENT: None.

MOTION CARRIED.

## 7. **BOARD AND COMMISSION REPORTS**

Councilmember Phillips sated the Lowell Historical District Commission meeting has been rescheduled from December 27, 2016 to December 20, 2016 at 6:00 p.m.

Councilmember Hodges stated that the Lowell Cable TV Endowment Board met on December 1, 2016 to discuss when applications will be due and how much is available for allocation.

LCTV Chair Dennis Kent stated there is approximately \$120,000 available to distribute. Notices for receiving grant applications will be advertised twice in the Lowell Ledger (December and January), with a deadline of February 10, 2016 at 5:00 p.m. Recommendations will be brought to the City Council at its second meeting in March.

Councilmember Canfield had nothing to report.

Councilmember Teelander advised that the Lowell Light and Power meeting is on Thursday, December 8, 2016.

Mayor DeVore had nothing to report.

## 8. **MANAGER'S REPORT**

City Manager Burns stated there was a new business using "food trucks" to supplement their business and it has brought to his attention that there might be concerns in reference to this. Currently, the City's ordinance does not allow for it; however, as the City continues to grow and the downtown continues to thrive, the Council may want to research the idea. Burns stated he would provide further information in January.

The City recently received notice from AT&T that the fees would increase 15% as of January 1, 2017 and possibly again on July 1, 2017. Therefore, he recommended the City move forward with the project.

Last week the bond sale for the Broadway Street project was completed. The City received a good interest rate.

Burns wished everyone a Happy Holiday and Merry Christmas. He also reminded everyone the December 19, 2016 City Council meeting has been cancelled.

9. **APPOINTMENTS**

By general consensus, the Council agreed to the following appointments:

Light and Power Board

Vacancy – (Martin Chambers)

Lowell Area Fire Authority

Vacancy – (Jim Hodges)

Construction Board of Appeals

Vacancy – (Mark Mundt continue serving)

Vacancy – (Greg Canfield continue serving)

LCTV Endowment Board

Vacancy – (Mark Mundt continue serving)

Lowell Area Recreation Authority

Vacancy – (Mike DeVore continue serving)

Parks and Recreation Commission

Vacancy – (Paula Mierendorf continue serving)

The additional vacancies were tabled.

10. **COUNCIL COMMENTS**

Councilmember Phillips wished everyone a Merry Christmas and a Happy New Year.

Councilmember Hodges congratulated Councilmember Canfield and wished everyone a Merry Christmas and a Happy New Year.

Councilmember Canfield stated he was glad to be on the Council and looks forward to working with a great group of people and wished everyone Happy Holidays.

Councilmember Teelander congratulated Councilmember Canfield and wished everyone Happy Holidays.

Mayor DeVore wished everyone a Merry Christmas.

11. **CLOSED SESSION AT THE REQUEST OF THE CITY MANAGER TO DISCUSS CITY MANAGER PERFORMANCE EVALUATION**

IT WAS MOVED BY HODGES and seconded by PHILLIPS to go into closed session at 7:26 p.m. for the City Manager's performance evaluation.

YES: Councilmember Phillips, Councilmember Teelander, Councilmember Canfield, Mayor DeVore and Councilmember Hodges. NO: None. ABSENT: None.

MOTION CARRIED.

12. **RETURN TO OPEN SESSION**

IT WAS MOVED BY HODGES and seconded by PHILLIPS to go back into open session at 7:46 p.m.

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

13. **ADJOURNMENT**

IT WAS MOVED BY HODGES and seconded by TEELANDER to adjourn at 7:47 p.m.

DATE:

APPROVED:

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Mike DeVore, Mayor

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Susan Ullery, City Clerk