

PROCEEDINGS OF THE JOINT  
LOWELL CITY COUNCIL AND THE BOARD OF LOWELL LIGHT AND POWER  
SPECIAL MEETING  
OF THE CITY OF LOWELL  
THURSDAY, DECEMBER 1, 2016

1. **CALL TO ORDER; ROLL CALL**

The Meeting was called to order at 7:00 p.m. and City Clerk Susan Ullery called roll.

Present: Councilmembers Greg Canfield, Jim Hodges, Jeff Phillips, Alan Teelander and Mayor Mike DeVore. Lowell Light and Power Boardmembers Tina Cadwallader, Jim Salzwedel, Andrew Schrauben and Chair Perry Beachum.

Also Present: City Manager Mike Burns, Lowell Light and Power General Manager Steve Donkersloot, Police Chief Steven Bukala, City Clerk Susan Ullery and City Attorney Richard Wendt.

2. **APPROVAL OF THE AGENDA**

IT WAS MOVED BY HODGES and seconded by TEELANDER to amend the agenda adding "Item #7 - Return to Open Meeting" and "Item #8 - Adjournment".

YES: 9. NO: 0. ABSENT: 0. MOTION CARRIED.

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

No public comments were received.

4. **DISCUSSION REGARDING THE LOWELL ENERGY AD, LLC ("LEAD") BIOSOLIDS DIGESTER FACILITY ODOR ISSUE.**

City Manager Mike Burns reiterated that at the last City Council meeting, the Council directed him and City Attorney Dick Wendt to take action and cease operations of the biodigester until the odor issue was corrected subject to the September 22, 2016 agreement. However, a formal notice was never given because LEAD was in the process of issuing a notice to the City stating such actions were going to be taken.

On the morning of Saturday, November 26<sup>th</sup> Burns was notified there was an issue with a valve at the biodigester, however no order was emanating from the site. Later that afternoon, Burns received notification from Chief Bukala that there was an odor at the site and a citation had been issued. On Sunday, November 27<sup>th</sup>, Burns received an additional notification that a liquid substance was being released from the biodigester along with a strong odor. Since then, the City was notified there was "foaming" of the biodigester, which caused the issue and odor. LEAD is currently in the process of pumping out the material from the biodigester and ceasing operation.

Burns read a letter into record from Attorney James Rosloniec to City Attorney Dick Wendt outlining the steps that LEAD has taken and will take to shut down the biodigester located at 615 Chatham Street in Lowell, Michigan.

LEAD also issued a similar letter to the surrounding residents of the biodigester indicating the operations have been halted and remains in shut-down mode.

Boardmember Salzwedel commented that he drove around the area and could smell the odor. He wanted to move forward.

Boardmember Cadwallader stated she was shocked and apologized for letting the residents down.

Chair Beachum commented that he wanted to hear from legal counsel on how to move forward.

Boardmember Schrauben stated all along he was a huge supporter of the biodigester and thought it was a great idea. Despite all of this, he still believes in the concept, just does not have the confidence in LEAD to do it.

Councilmember Teelander noted he would like to include Litehouse, Inc. as part of the discussion.

Councilmember Phillips stated he is concerned about the odor affecting children in the schools. Kids are our future and we need to take care of them.

Councilmember Hodges agreed with Schrauben. He did not go to Germany, but believed the ones that did used their best judgment and were excited about generating electricity in this manner. Hodges has also lost faith in LEAD and this is not the way it was presented to the City. This is a huge disappointment and he apologized to the community.

Councilmember Canfield noted his disappointment that LEAD was not present at this meeting. Both boards felt it was cutting edge technology and believed it was going to enhance Lowell, but instead gave Lowell a "black eye". Canfield referred to the last joint meeting and thought they had settled on an agreement that would force them to shut down in seven days. He was disappointed to find out they did not honor that agreement. Canfield suggested a second legal opinion be sought.

Mayor DeVore believed the City got a "rotten lemon" and he had no confidence in LEAD.

Ryan Mitchell of 523 Amity, Annette and Mark Ritzema of 525 N. Hudson, Candice Fleszar of 417 Howard, Diane Smith of 618 Lafayette, Mike Kooistra of 1820 Sibley, Pamela Krzysik of 617 Howard, Steve Browning of 304 Lincoln Lake, Arnie Kimball of 202 N. Hudson, Tim and Lisa Kurzhals of 517 Spring, Tracy Kroft of 516 Howard all spoke of their concerns regarding the biodigester.

The Council and Boardmembers responded to the concerns of the public and had further discussion.

Beachum explained he would be making a motion for the Council and Boardmembers to go into closed session. However, he encouraged the public stay until the meeting returned to open session.

IT WAS MOVED BY BEACHUM and seconded by SALZEWEDEL to go into closed session at 8:12 p.m.

YES: 4. NO: 0. ABSENT: 0 MOTION CARRIED.

IT WAS MOVED BY PHILLIPS and seconded by TEELANDER to go into closed session at 8:12 p.m.

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

Council and Boardmembers returned to open session at 9:42 p.m.

IT WAS MOVED BY TEELANDER and seconded by PHILLIPS to direct the City Manager to direct the Wastewater Superintendent to revoke the wastewater discharge permit for LEAD.

YES: Councilmember Canfield, Councilmember Hodges, Councilmember Phillips,

Councilmember Teelander and Mayor DeVore.

NO: None. ABSENT: None. MOTION CARRIED.

IT WAS MOVED BY HODGES and seconded by CANFIELD to direct the City Manager to terminate the lease with LEAD, if by January 16, 2017 there is not a mutual agreement to dismantle the bio-solids facility.

YES: Councilmember Canfield, Councilmember Hodges, Councilmember Phillips,

Councilmember Teelander and Mayor DeVore.

NO: None. ABSENT: None. MOTION CARRIED.

IT WAS MOVED BY SCHRAUBEN and seconded by CADWALLADER to direct the Light and Power Manager to terminate the power purchase agreement with LEAD, if by January 16, 2017 there is not a mutual agreement to dismantle the biodigester facility.

YES: Boardmember Cadwallader, Boardmember Salzwedel, Boardmember Schrauben and

Chair Beachum.

NO: None. ABSENT: None. MOTION CARRIED.

IT WAS MOVED BY HODGES and seconded by TEELANDER to adjourn at 9:46 p.m.

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

IT WAS MOVED BY CADWALLADER and seconded by SALZWEDEL to adjourn at 9:46 p.m.

YES: 4. NO: 0. ABSENT: 0. MOTION CARRIED.

DATE:

APPROVED:

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Mike DeVore, Mayor

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Susan Ullery, City Clerk

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Perry Beachum, Chair