

**PROCEEDINGS
OF
CITY COUNCIL
OF THE
CITY OF LOWELL
MONDAY, AUGUST 7, 2017, 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, City Attorney Richard Wendt, Department of Public Works Director Rich LaBombard, and Police Sergeant Christopher Hurst.

2. **APPROVAL OF THE CONSENT AGENDA**

- Approval of the Agenda.
- Approve and place on file the regular and closed session minutes of the July 17, 2017 City Council meeting.
- Approve and place on file the closed minutes of the August 1, 2017 City Council meeting.
- Authorize payment of invoices in the amount of \$748,741.88.

IT WAS MOVED BY HODGES and seconded by TEELANDER to approve the consent agenda as written.

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

Councilmember Canfield abstained on payment of invoices.

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

There were no comments.

4. **OLD BUSINESS.**

a. **Discussion with Showboat Committee.**

Committee Chairperson Lou D'Agostino gave an update on rebuilding the new Showboat. He and a group recently toured the Michigan Princess in Lansing a couple of weeks ago. The Committee is working with Captain Chris Chamberlain regarding the design of the new Showboat. The boat will be constructed out of either steel or aluminum instead of wood.

Councilmember Phillips asked if the DEQ would still require permits. D'Agostino advised the permits will not be required due to the boat being built as a floating structure.

Councilmember Hodges asked what is going to happen to the old Showboat. D'Agostino advised the committee has not decided yet. They may auction parts of the boat off as part of a fundraiser and salvage or recycle as much as they can.

City Manager Mike Burns advised the Showboat committee has a couple options and a proposal will come before the Council soon.

b. Food Truck Ordinance.

City Manager Mike Burns presented the fee schedule as described:

- An annual fee of \$300 for food truck, trailer or cart to operate on City-owned or controlled property and private property.
- An annual fee of \$150 for food truck, trailer or cart operating only on private property.
- An annual fee of \$50 for food truck, trailer or cart owned and operated by a property tax-paying brick and mortar restaurant operating on City-owned or controlled property.
- No fee (although a license is still required) for operating a food truck, trailer or cart on property owned by vendor.
- Vendor buying multiple licenses in the same year shall pay the full price for the most expensive license and half price of the applicable license fee for all additional licenses.
- A food truck, trailer or cart selling only prepackage and nonperishable food shall pay license fee equal to one half of the otherwise applicable fee.
- A food truck, trailer or cart operating at a one-time event on either City-owned or controlled property or private property who has not paid an annual license fee shall pay a \$50 fee per event per food truck, trailer or cart.

City Attorney Dick Wendt advised that in addition to the fees, the Resolution would set the operation time from 7:00 a.m. to 10:00 p.m. Also, if a food truck is to operate on City-owned or controlled property, that would require the approval of the City Manager or his/her designee.

IT WAS MOVED BY HODGES and seconded by PHILLIPS to approve Ordinance 17-02 pertaining to the Food Truck Ordinance.

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

IT WAS MOVED BY HODGES and seconded by TEELANDER to approve Resolution 21-17 setting the fee structure for the food truck licensing as well as hours of operation.

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

c. Medical Marihuana Discussion.

No further discussion needed.

5. **NEW BUSINESS.**

a. N. Jefferson Street Resurfacing & Utility Improvement Bids.

Department of Public Works Director Rich LaBombard explained the projected change orders for the North Jefferson Street Resurfacing and Utility Improvement Bids.

IT WAS MOVED BY TEELANDER and seconded by PHILLIPS to authorize payment to CL Trucking and Excavating in the amount of \$80,482.06 for the North Jefferson Street Resurfacing and Utility Improvement project and the additional resurfacing work on Fremont Street from Washington to Monroe.

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

b. Resolution 22-17 – Approving and Authorizing Execution of a Professional Service Agreement with Hydrocorp related to the City’s Cross Connection Control Program.

DPW Director Rich LaBombard advised HydroCorp currently manages the City of Lowell’s cross connection control program. The purpose of a cross connection control program is to protect the drinking water system from any non-potable water sources. The rules and standards are set from the State of Michigan Safe Drinking Water Act 399 of 1976.

IT WAS MOVED BY TEELANDER and seconded by CANFIELD to approve the Professional Services Agreement with HydroCorp and authorize the City Manager to sign on behalf of the City.

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

c. MERS Annual Meeting Officer Delegate.

The 2017 Municipal Employees’ Retirement (MERS) Annual Meeting is being held this year on September 21st and 22nd at the Marriott Renaissance Center in Detroit. Council needs to appoint an Employer Delegate to the Annual Meeting. Ballots were distributed to the employees and they selected Gail Chitwood as their delegate to represent the City of Lowell Employees.

IT WAS MOVED BY HODGES and seconded by CANFIELD to appoint Steve Donkersloot as the Employer Delegate for the 2017 MERS Annual Meeting.

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

6. **BOARDS AND COMISSION REPORTS.**

Councilmember Canfield had nothing to report.

Councilmember Teelander advised LARA met two weeks ago and the Alden Nash project is moving along well. The trail has been marked and Zach’s Lawn Care is now mowing the trail where it meets Foreman Road going south. Rich LaBombard looked into trail cutouts on Gee Drive and it will be discussed at the next LARA meeting.

Councilmember Hodges had nothing to report.

Councilmember Phillips advised the Historic District Commission met and discussed permit applications for 219 E. Main for signage, 106 W. Main for store front renovations, grant applications for 218 E. Main for paint and brick repair, painting at 217 and 219 W. Main, 325 W. Main paint and brick repair, 106 W. Main store front renovations, 215 W. Main painting. Phillips also mentioned project updates at 318 E. Main for windows and 120 W. Main for exterior renovations. The next Historic District Commission meeting will be on August 22, 2017 at 6:00 p.m.

Mayor Mike DeVore advised the DDA meeting is on Thursday, August 10th.

7. **MANAGER'S REPORT.**

City Manager Burns reported on the following:

- Looking forward to going to the Youth Fair.
- All labor contracts have been settled, including Lowell Light & Power, the Police Department and the DPW contract. He thanked all parties involved.
- Burns and Rich LaBombard will be meeting this week with Mark Anderson to discuss maintenance for the trail.
- Last Council meeting, a Football contract was approved. The City learned that back in 1994, there was a transfer of ownership from the School to the City for Birch Field, however; the deed was never transferred. The City will be correcting this with the Schools.
- Looking into a new Website.
- Leaving at 7:30 a.m. on Friday for a tour of Fenton.
- Gave update on Chief Steve Bukala and a resolution should happen pretty soon.

8. **COUNCIL COMMENTS.**

Councilmember Phillips thanked all City employees, departments and staff for their hard work and dedication.

Councilmember Hodges thanked the City Manager for all he has been doing with current situations, union contracts and the Food Truck Ordinance. Hodges also mentioned the Council may want to review the Nuisance Ordinance as it pertains to odors, fines and things of that nature.

Councilmember Canfield thanked Dave Hildenbrand for all he has done for Lowell. Canfield also encouraged citizens to talk to the Councilmembers and noted he was happy to hear that Chief Bukala will be returning.

Councilmember Teelander thanked the City Manager for bringing information to the Marihuana meeting. Teelander welcomed any citizen comments.

Mayor DeVore reiterated what everyone else stated.

9. **ADJOURNMENT.**

IT WAS MOVED BY HODGES and seconded by TEELANDER to adjourn at 7:36 p.m.

YES: 5. NO: NONE. ABSENT: 0. MOTION CARRIED.

DATE:

APPROVED:

Mike DeVore, Mayor

Susan Ullery, City Clerk