

**PROCEEDINGS
OF
CITY COUNCIL
OF THE
CITY OF LOWELL
MONDAY, APRIL 01, 2019, 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 Treasurer Suzanne Olin called roll.

Present: Councilmembers Greg Canfield, Marty Chambers, Cliff Yankovich, Jim Salzwedel, and Mayor DeVore.

Absent: None.

Also Present: City Manager Michael Burns, Treasurer Suzanne Olin, and Police Chief Steve Bukala.

2. **APPROVAL OF THE CONSENT AGENDA.**

- Approval of the Agenda.
- Approve and place on file the minutes of the Regular City Council meeting of March 18, 2019.
- Authorize payment of invoices in the amount of \$157,559.69.

IT WAS MOVED BY CANFIELD and seconded by CHAMBERS to go into closed session at the end of the scheduled meeting and approve the consent agenda.

YES: Councilmember Canfield, Councilmember Salzwedel, Councilmember Yankovich, Councilmember Chambers. NO: Mayor Devore. ABSENT: None. MOTION CARRIED.

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

There were no comments.

4. **OLD BUSINESS**

a. **Resolution 11-19 – Purchasing Policy.**

City Manager Michael Burns stated that last summer, the Lowell Board of Light & Power presented a modification to their purchasing policy which the City Council approved. At the time, he had asked City Council to allow him to revise the City's policy to somewhat mirror the Lowell Light & Power board and mentioned the policy doesn't necessarily align with how we purchase items. Over the summer, he worked with Department Directors to modify our policy and make it align to how the Administration operates.

IT WAS MOVED BY CANFIELD and seconded by SALZWEDEL to approve Resolution 11-19 adding a percentage amount to the local vendor's policy.

YES: Councilmember Canfield, Mayor DeVore, Councilmember Salzwedel, Councilmember Yankovich and Councilmember Chambers.

NO: None.

Absent: None

MOTION CARRIED.

b. Public Act 198 Policy.

City Manager Michael Burns stated last fall, he had discussed with the City Council the creation of a policy pertaining to Public Act 198 Tax Abatements. At the time we discussed a fee for the application for the applicant to provide so the City can recover costs for processing these applications. We also discussed a more comprehensive policy for approving these requests when they come in. The policy Burns created to consider, does this and also develops a point system to determine how long we provide an abatement for.

IT WAS MOVED BY CHAMBERS and seconded by CANFIELD for City Council to approve Resolution 14-19 to establish a Public Act 198 Tax Abatement policy as presented.

YES: Mayor DeVore, Councilmember Salzwedel, Councilmember Yankovich, Councilmember Chambers and Councilmember Canfield.

NO: None.

ABSENT: None.

MOTION CARRIED.

c. Community Gardens.

City Attorney Dick Wendt went over the ordinance and discussed with Council what the City wants and does not want to permit to be placed or grown within the public right of way (the space between the sidewalk and the street). Also, community gardens by themselves, whether to permit them or not to permit them to take place in a certain zoned district and if so, under what terms and what conditions. The City Council agreed to leave the ordinance as it is and no changes were made.

5. **NEW BUSINESS**

a. Resolution 15-19 – MDOT Category B funding for Amity.

City Manager Michael Burns stated the City Administration has been working with Williams & Works on submitting a Michigan Department of Transportation Category B grant for Amity St. Originally, we sought grant funding for road improvements to Amity, Chatham, Lincoln Lake and Elm Street in conjunction with water and sewer main work (aka Saw Project #6). After reviewing the project, we found that conditions were worse on Amity than Elm and Chatham, in addition the water and sewer funds could cover the costs of the roadwork on these streets when time comes for those water and sewer repairs. If we move forward, the grant would cover Amity Street from Main Street to Suffolk Street. The road construction cost would be \$500,000 and we would be eligible for \$250,000 in grants. The City would be responsible for utility work and engineering. The project would consist of removing existing asphalt and replacing it with 3-3.5 inches of new asphalt. Sidewalk ramps would also be brought up to ADA standards.

Burns continued, we would also like to incorporate stub outs for anticipated future water main extensions along Chatham and Elm at this time. Additionally, sanitary sewer and manhole repair at Main Street identified in the SAW grant work. Again, this work is not included in the MDOT grant.

IT WAS MOVED BY SALZWEDEL and seconded by YANKOVICH to approve Resolution 15-19 to submit a grant request for the Michigan Department of Transportation Category B program.

YES: Councilmember Yankovich, Councilmember Chambers, Councilmember Canfield, Mayor DeVore and Councilmember Salzwedel.

NO: None.

ABSENT: None.

MOTION CARRIED.

b. Ordinance 19-01 – Rezoning of 2560 Bowes Rd.

City Manager Michael Burns stated with the sale of 2560 Bowes to Lowell Township as an addition to their new park, we needed to have the property rezoned. Currently the zoning is industrial but needed to be rezoned to public facilities. At the most recent City Planning Commission meeting, the board recommended to the City Council this action. This rezoning has followed the requirements of the Michigan Zoning Enabling Act. Andy Moore from Williams & Works drafted a memo explaining this in greater detail. Rezoning must be done via ordinance approval. If approved the ordinance would become effective 10 days after publication in a newspaper of record (Lowell Ledger).

IT WAS MOVED BY YANKOVICH and seconded by CHAMBERS to approve Ordinance 19-01 as presented to modify the zoning classifications for 2560 Bowes from Industrial to Public Facilities.
YES: Councilmember Chambers, Councilmember Canfield, Mayor DeVore, Councilmember Salzwedel and Councilmember Yankovich.

NO: None.

ABSENT: None.

MOTION CARRIED.

c. Revision to Kent County Fire Commission agreement.

City Manager Michael Burns stated Kent County has informed the City that their Fire Commission Board has chosen to update the current member contract and assessment formula in 2016 as they believed it was outdated. The revised contract adds clarity to membership. It addresses membership and membership benefits, terms of membership, termination of membership, new membership, Fire Commission Board governance and administration, fire apparatus acquisition and sale of apparatus, budget, assessment and finances, among other terms. The Fire Commission contribution to fire-fighting supplies (i.e. oxygen supplies) is eliminated. This approval requires a majority vote of Kent County Fire Commission Board, Kent County Board of Commissioners and $\frac{3}{4}$ of the membership communities.

IT WAS MOVED BY DEVORE and seconded by CANFIELD to approve the member contract revision for the Kent County Fire Commission Agreement as presented.

YES: Councilmember Canfield, Mayor DeVore, Councilmember Salzwedel, Councilmember Yankovich and Councilmember Chambers.

NO: None.

ABSENT: None.

MOTION CARRIED.

6. BOARD/COMMISSION REPORTS.

Councilmember Salzwedel stated the Arbor Board meets on April 8, 2019.

Councilmember Yankovich stated he had a great week last week and spent a couple hours with Steve Donkersloot at Lowell Light & Power and he learned a lot including our customer rates at Lowell Light & Power are consistently lower than Consumers Energy. Lowell Light & Power has a voluntary green pricing that you can sign up for as well. He also attended his first Historic District Board meeting and met the new owners of the beer store who would like to make some improvements to the store once the sale is finalized.

7. MONTHLY REPORTS.

There were no comments.

8. **MANAGER'S REPORT.**

City Manager Mike Burns reported on the following:

- Just a reminder that the next City Council meeting will be moved from Monday, April 15, 2019 to Tuesday, April 16, 2019 at 7:00 p.m.
- Wednesday, April 17, 2019 will be the Rec Park Design Day with sessions from 2-4 p.m. & 5-7 p.m. We did have a lot of positive feedback from the Expo and gave away a lot of flyers that people were going to mail back to Williams & Works. He felt that people were impressed with how the City was getting input for the future of the Rec Park site.
- Most of his time has been dedicated to the budget for the past week and a half. In the City's general fund, will see about a \$60,000 increase before any modifications from the Board of Review. The DDA is seeing a significant increase in revenue and the DDA is eligible to pick up some additional financing for the general fund for the City Hall Building, so you will see money that is normally dedicated to the general fund for that bond payment, somewhere in the range of \$100,000 to \$150,000 being freed up by the DDA taking that on. It has not been finalized yet but he is working on that currently. That will allow us to put a little more money into the street improvements, retirement health care, and the increased payments to MERS. We will also discuss the unfunded liability and his ideas to correct it moving forward.
- Reminder that the budget work session will be on Saturday, April 27, 2019 at 10:00 a.m. at Lowell Light & Power.
- Last week Burns participated in a work group of communities that are considering recreational marijuana. LARA has been hosting these work groups across the state trying to get input from the marijuana industry along with the municipalities and how they should designate their regulations once they put their rules into effect later this year. A couple things to note, the communities that did the lottery based system to allow different businesses to participate, some of them are now getting litigation against them by the businesses that did not get approved. So we need to think about that as we develop our policy on this. Other big issues were security and odor control. Another item to consider, if a business is not in compliance, we need to make sure Lara restricts them in order to get them on a path of compliance. It sounds like LARA is supportive of this endeavor but we haven't seen any draft language yet, maybe in the fall. Another item, there are issues popping up with the social clubs, where you have a private club where people are smoking marijuana. Much more to come regarding all of these.
- We received renewals for healthcare for our employees from Priority Health and the good news is we are only looking at a 1.2 percent increase to our premiums which is very good. We will not have to make modifications to our health care this year.
- At our last Committee of the Whole meeting we did discuss possible ballot language for a City

Income Tax. We have until August 13 2019 to get that placed on November ballot. Burns will work with the City Attorney on it and bring something back at some point in the spring.

9. **APPOINTMENTS.**

The Historic District Commission has an appointment opening.
Construction Board of Appeals has an appointment opening.

10. **COUNCIL COMMENTS.**

Councilmember Chambers stated that he just came back from Colorado and he watched the Lowell Light & Power linemen compete with linemen from all over the United States. Most importantly, he noticed that much larger companies from all around know where our little town is and that our linemen were getting high praise. It was good to see and a good feeling to realize how well our linemen are doing.

Councilmember Salzwedel stated the Expo was very busy and he had a lot of fun.

Mayor DeVore agreed the Expo had a great turnout and he had a great time as well.

11. **MOTION TO GO INTO CLOSED SESSION.**

IT WAS MOVED BY SALZWEDEL and seconded by CHAMBERS to go into closed session at 8:32.
YES: Mayor DeVore, Councilmember Salzwedel, Councilmember Yankovich, Councilmember Canfield and Councilmember Chambers.

NO: None. ABSENT: None. MOTION CARRIED.

12. **MOTION TO GO BACK INTO OPEN SESSION.**

IT WAS MOVED BY SALZWEDEL and seconded by YANKOVICH to return to open session at 9:15.

YES: Councilmember Salzwedel, Councilmember Yankovich, Councilmember Chambers, Councilmember Canfield and Mayor DeVore.

NO: None. ABSENT: None. MOTION CARRIED.

13. **ADJOURNMENT.**

IT WAS MOVED SALZWEDEL and seconded by YANKOVICH to adjourn at 9:16 p.m.

DATE:

APPROVED:

Mike DeVore, Mayor

Sue Ullery, Lowell City Clerk