

**PROCEEDINGS  
OF  
CITY COUNCIL  
OF THE  
CITY OF LOWELL  
MONDAY, MAY 20, 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 DeVore and City Clerk Sue Ullery called roll.

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

Absent: None.

Also Present: City Manager Michael Burns, Chief of Police Steve Bukala, City Clerk Sue Ullery, City Treasurer Sue Olin and Lowell Light & Power General Manager Steve Donkersloot.

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

- Approval of the Agenda.
- Approve and place on file the minutes of the open and closed special meetings of the City Council and Lowell Light & Power meetings of May 6, 2019 and the minutes of the Regular City Council meeting of May 6, 2019.
- Authorize payment of invoices in the amount of \$95,492.13.

IT WAS MOVED BY SALWEDEL and seconded by CHAMBERS to approve the consent agenda as written.

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

NO: None.

ABSENT: None.

MOTION CARRIED.

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

Perry Beachum who resides at 924 Riverside Drive thanked the Council and City Manager Michael Burns for allowing him to put a fence in at the Oakwood Cemetery and then thanked the volunteers: Marty & Cody Chambers, Jeff & Tina Dickerman, Eric Bartkus, Bob Pfaller, Dale Dawson, Roger Cahoon and Teresa Beachum for helping erect the fence at Oakwood Cemetery and also those that financially have supported this private endeavor.

4. **OLD BUSINESS**

a. Ware Road Landfill.

City Manager Michael Burns stated in late April, he had received a notice from the Michigan Environmental, Great Lakes and Energy Department (EGLE) pertaining to the Ware Rd. Landfill owned by the City. We were informed of a report from 1987 that indicated groundwater contamination existed at the property from landfill leachate. At the time, levels of Tetrachloroethylene, Dichloromethane and Carbon Tetrachloride above the minimal impact levels were detected. In the 1980's there was communication between the then Department of Natural Resources (DNR) and the City to take steps to address this but it appears there was no action taken by the City nor prompting from the DNR to do so.

In the letter, we were directed to communicate and begin taking remediation actions as required by Part 201 of the Michigan Natural Resources and Environmental Protection Act, Public Act 451 of 1994 by May 30, 2019. Burns then contacted the City Attorney who had Sharon Newlon, an environmental attorney from Dickinson Wright assist him with this. It was determined that an environmental engineering firm needed to be contacted to begin analysis. Burns was referred to BLDI Environmental Engineering, a Grand Rapids based firm experienced in handling these matters. Since time was of the essence, Burn engaged BLDI to work on the City's behalf under City Ordinance 2.72 as he deemed this necessary and emergency action. Burns then introduced Joe Berlin, the President of BLDI to explain how his company will be managing the situation and explain with EGLE requests of the City and the potential impacts.

Joe Berlin of BLDI then explained the process and breakdown of what would happen if the City Council continued to move forward with BLDI Environmental Engineering.

Council asked several questions and agreed to move forward with BLDI.

b. Broadway.

City Manager Michael Burns stated Brian Vilmont with Prein & Newhof is here to discuss the change order on the Braodway project.

Brian Vilmont from Prein & Newhof then spoke and explained the change order and he also stated we are going to need to discuss the alley and the railroad section and how to complete it.

Councilmembers Chambers and Canfield both asked Vilmont several questions regarding the change order and the increase in expense and feel the City has already put plenty of funding into this project.

c. Javo Construction Lowell Showboat VI Construction Project Manager.

City Manager Michael Burns introduced Jim VanOverloop, owner of JAVO Construction of Hudsonville, who explained the process and complexity of the showboat construction and the reason for the amount of hours he will be managing the project.

Councilmembers asked him several questions and were concerned about the cost.

IT WAS MOVED BY CANFIELD and seconded by CHAMBERS to accept JAVO Constructions proposal to provide Construction Project Management services for the Lowell Showboat VI Project for an estimated total not to exceed \$78, 400, subject to the formulation of an agreement where content is approved by the City Manager and form approved by the City Attorney, whereby signed by the Mayor and City Clerk to sign on behalf of the City.

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

NO: None.

ABSENT: None.

MOTION CARRIED.

d. City Income Tax.

City Manager Michael Burns updated Council on City Income Tax and stated he is currently in the process of putting together some frequently asked questions for the street project. The ballot proposal will be presented at a Council meeting and a question/answer page will be added to the City's website on a page devoted to the street project. Burns stated Rich LaBombard, Dave Austin and himself met to discuss a street plan if the income tax passed and also, if it did not pass. They drove all the streets of the

City, made a sketch of what roads needs to be repaired and in what order by degree of utility projects needed to be complete, then most deteriorated and most frequently traveled. Burns will come back to Council with updated details and plans in a few weeks.

5. **NEW BUSINESS**

a. National Public Works Week May 19-25.

City Manager Michael Burns stated in accordance with the tradition of the American Public Works Association, those who work in professions that provide and maintain public facilities and services will be honored during National Public Works Week, May 19-25, 2019. The week is intended to highlight those public servants and celebrate their contributions to the profession and the community they serve as well as enlighten the public about the duties, practices and goals of public works professionals. This year's theme is "Public Works – It Starts Here". Public Works professionals include those who manage water, sewer, and storm systems, and those who are responsible for maintaining public building and grounds. They are the people who maintain and improve the systems and services vital to a community's health, safety and comfort. Please take a moment to thank your public works professionals this week for a job well done.

b. Public Hearing – Resolution 19-19 Adopting the City of Lowell Annual Budget/Fiscal Year 2019-2020.

Mayor DeVore opened the public hearing.

There were no comments.

Mayor DeVore closed the public hearing.

IT WAS MOVED BY CHAMBERS and seconded by YANKOVICH to approve Resolution 19-19 Adopting City of Lowell Annual Budget for fiscal year 2019-2020, approving millage levies, approving schedule of rates and fees and other matters related thereto.

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

NO: None.

ABSENT: None.

MOTION CARRIED.

6. **BOARD/COMMISSION REPORTS.**

Councilmember Chambers stated he had attended the Lowell Light & Power meeting. They do an amazing job and they are getting some new lines ran down under the river so we can make the power better and have better backups.

Councilmember Yankovich stated the Look Foundation is supporting the Lowell Arts and awarded them their grant funding request that will be used for renting out their facilities for events, anniversaries, showers, etc. and also awarded Flat River Outreach Ministries their grant funding request to install a camera security system throughout their building.

Mayor DeVore covered the Arbor Board meeting for Councilmember Salzwedel on Monday where they

created a policy that is uniform when making plaques for commemorative trees and tweaked the policy that was already in place. They are also working on a replacement tree plan for the City trees that need replacing and deciding which trees to do first and what type of trees to replace them with.

## 7. **MANAGER'S REPORT.**

City Manager Michael Burns reported on the following:

- Rich LaBombard's last day with the City of Lowell will be June 7, 2019 and we have posted the position for Assistant City Manager in the Trade Magazine, Michigan Municipal League, American Public Water Works Association and the Michigan World Water Association Website. June 4, 2019 is the deadline for that.
- Burns also thanked Perry Beachum and the other Councilmembers and volunteers that put in the Oakland Cemetery fence on Saturday. It looks really good.
- Last week was National Police Week and wanted to recognize that and thank our police department for the great work they do.
- We have been informed that Lighthouse has started trickling us the processed water very slowly and this is good news.
- We received a rebate for \$1,674.50 through the Grand Valley Metro Council for our Regis dues This is the GIS System that is in use for Kent County and they have continued to improve services, keep the cost down and give rebates back for the last 5 or 6 consistent years.
- Wanted to inform the Council that we will be hiring a new Department of Public Works water maintenance worker whose name is Cody Soyka. He is a lifelong Lowell resident and worked on the Fire Department for a couple of years and also LA Trim for many years. He will begin with the City on June 4, 2019 and we are very excited to bring him aboard to the staff.
- Reminder for the Council on June 29, 2019 the Lowell Showboat Garden Club will be hosting their 70<sup>th</sup> Anniversary that day. Burns believes it is from 5-7.
- Lastly, a reminder of the Memorial Day Parade on Monday, May 27, 2019 starting at 10:30 am.

## 8. **APPOINTMENTS.**

The Historic District Commission has an appointment opening.

The Construction Board of Appeals has an appointment opening.

The Planning Commission has an application for the opening and it was a consensus of the Council to appoint Michael Gadula to the Planning Commission Board.

Council also reappointed Perry Beachum to the Arbor Board and reappointed Amanda Schrauben to the Planning Commission.

## 9. **COUNCIL COMMENTS.**

Councilmember Yankovich thanked Perry Beachum for heading the Oakland Cemetery fence project.

Councilmember Chambers thanked Brian Vilmont from Prein & Newhof and also thanked the DPW for doing an awesome job, even when they are short-staffed.

Councilmember Canfield agreed with Chambers and thanked the DPW staff, also thanked Perry Beachum and the volunteers for the great work on the Oakland Cemetery fence and thanked Chief of Police Steve Bukala and his staff for the great job they do. Also wanted to bring up the issue of residents using the river for dumping their lawn brush and waste. It ends up down at the dam and causes problems for King Milling so we need to address that.

Mayor DeVore thanked Perry Beachum, Chief Bukala, the DPW and EMS as it is also EMS week this week.

10. **ADJOURNMENT.**

IT WAS MOVED SALZWEDEL and seconded by CHAMBERS to adjourn at 8:14 p.m.

DATE:

APPROVED:

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Mike DeVore, Mayor

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Sue Ullery, Lowell City Clerk