

**PROCEEDINGS
OF
CITY COUNCIL
OF THE
CITY OF LOWELL
MONDAY, JUNE 3, 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 Pro-tem Greg Canfield and City Clerk Sue Ullery called roll.

Present: Councilmembers Marty Chambers, Cliff Yankovich, Jim Salzwedel and Mayor Pro-tem Canfield.

Absent: Mayor DeVore.

Also Present: City Manager Michael Burns, Chief of Police Steve Bukala, City Clerk Sue Ullery.

2. **EXCUSE OF ABSENCES.**

IT WAS MOVED BY SALZWEDEL and seconded by CHAMBERS to excuse the absence of Mayor DeVore.

YES: Councilmember Salzwedel, Councilmember Chambers, Mayor Pro-tem Canfield, and Councilmember Yankovich.

NO: None.

ABSENT: Mayor DeVore

MOTION CARRIED.

3. **APPROVAL OF THE CONSENT AGENDA.**

- Approval of the Agenda.
- Approve and place on file the minutes of the regular City Council Meeting of May 20, 2019.
- Authorize payment of invoices in the amount of \$72,672.30.

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

YES: Mayor Pro-tem Canfield, Councilmember Salzwedel, Councilmember Yankovich, and Councilmember Chambers.

NO: None.

ABSENT: Mayor DeVore.

MOTION CARRIED.

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

Perry Beachum who resides at 924 Riverside Drive expressed his gratitude for the quality of work that Rich LaBombard has done for the City of Lowell and what a great asset the Village of the City of Douglas is gaining in a City Manager. Beachum also stated, he was away but heard numerous comments on what a great and heartfelt speech City Manager Michael Burns gave at the Memorial Day parade and thanked him.

5. **OLD BUSINESS**

a. **Ware Road Landfill.**

City Manager Michael Burns gave an update on the Ware Road landfill status. They were able to obtain some additional files on the Ware Road landfill and Lowell Ledger also assisted the city with some past

news articles on it, some dating all the way back to the 1930's. The additional information has now been submitted to BLDI and so we will continue to move forward on the project. There is still a lot of work to be done.

b. Unity School.

City Manager Michael Burns stated on Friday, May 10, 2019 our City Attorney Dick Wendt sent notice to the Unity School Developers attorney for a good faith offer for the Unity School power lines. We have not received any response from their attorney so we will be filing paperwork for litigation this week.

c. Small Urban Project.

City Manager Michael Burns stated he received some communication from MDOT pertaining to the Small Urban Project for the reconstruction of Monroe St. The City is eligible for projects on even years, so we will be eligible in 2022. The grant would provide up to \$375,000 for road construction. Estimated road construction costs are \$750,000 for Monroe and the City would need to come up with the remaining costs which equates to approximately \$420,000. The City needs to submit a letter of commitment to MDOT to agree to fund the remainder. Monroe is a major street and we have approximately \$300,000 in fund balance today and anticipate more by the time this project would begin in three years. In addition, we are proposing water and sewer work on that street and those funds could be used for a portion of street repairs.

IT WAS MOVED BY CHAMBERS and seconded by YANKOVICH to authorize the City Manager to send a commitment letter to MDOT to agree to pay the remainder of the funds for the construction of Monroe Street.

YES: Councilmember Salzwedel, Councilmember Yankovich, Councilmember Chambers and Mayor Pro-tem Canfield.

NO: None.

ABSENT: Mayor DeVore.

MOTION CARRIED.

d. City Income Tax.

City Manager Michael Burns explained the process and details of where the city is on this task. Burns and the City of Lowell Attorney Dick Wendt have prepared a City Income Tax Question and Answer sheet that will be put on the website expeditiously. They will continue to update the questions and have similes of different people in different category scenarios so the residents can understand better. The Ordinance and Resolutions that follow under new business are required per state statute to be considered for the ballot measure to occur.

6. **NEW BUSINESS**

a. Ordinance 19-02 – To add Chapter 26, City Income Tax, “of the Code of Ordinances of the City of Lowell”.

City Manager Michael Burns stated City Council needs to approve Ordinance 19-02 which would approve the City Income Tax. The Ordinance would not come into effect unless approved by the vote of the people. Again, per Michigan statute, this must be approved as part of the ballot proposal.

Then City Attorney Dick Wendt explained the details of these changes.

IT WAS MOVED BY CHAMBERS and seconded by SALZWEDEL to approve the Ordinance 19-02

An Ordinance to add Chapter 26, "City Income Tax." Of the Code of Ordinances of the City of Lowell.
YES: Mayor Pro-tem Canfield, Councilmember Salzwedel, Councilmember Yankovich, Councilmember Chambers.

NO: None.

ABSENT: Mayor DeVore.

MOTION CARRIED.

b. Resolution 20-19- Proposing an amendment to the Charter of the City of Lowell to authorize an income tax.

Resolution 20-19 would propose an amendment to the City Charter to authorize a City Income Tax.

IT WAS MOVED BY YANKOVICH and seconded by CHAMBERS to approve Resolution 20-19. Resolution proposing an amendment to the Charter of the City of Lowell to authorize an income tax.
YES: Councilmember Salzwedel, Councilmember Yankovich, Councilmember Chambers and Mayor Pro-tem Canfield.

NO: None.

ABSENT: Mayor DeVore

MOTION CARRIED.

c. Resolution 21-19- Proposing an amendment to the Charter of the City of Lowell to set a property tax limitation during any year that an excise tax on income is in effect in the City of Lowell.

IT WAS MOVED BY SALZWEDEL and seconded by YANKOVICH to approve Resolution 21-19.

A Resolution proposing an amendment to the Charter of the City of Lowell to set a property tax limitation during any year that an excise on income is in effect in the City.

YES: Councilmember Salzwedel, Councilmember Yankovich, Councilmember Chambers and Mayor Pro-tem Canfield.

NO: None.

ABSENT: Mayor DeVore

MOTION CARRIED.

d. Foreman Building Roof Repair.

Assistant City Manager Rich LaBombard stated on the morning of April 25, 2019, DPW employees noticed roof and fascia damage to the Foreman Building where the DPW equipment is stored. High winds during the overnight lifted the roofing off of approximately one half of the building and fascia was missing or hanging from the eaves. A vendor was immediately contacted to secure the damaged section of roofing. Subsequent wind events caused the roofing to lift again and it was determined to seek quotes to replace the roofing. An insurance claim was submitted and an insurance adjuster provided a claim estimate.

Multiple vendors were contacted to quote the repair work and below are their responses:

- Risner Roofing - \$22,950.
- Mr. Roof – declined to quote.
- All Weather Seal – declined to quote.
- Summit Point – Inspected the roof but didn't provide the quote.

It should be noted that the Risner Roofing did not quote the fascia repair cost in the estimate, but the adjuster included the fascia repair costs in his estimate. Therefore, an additional amount will be requested for council approval to cover the cost of fascia repair.

IT WAS MOVED BY CHAMBERS and seconded by YANKOVICH to award the roof and fascia repair of the Foreman Building to Risner Roofing of Lowell, Michigan not to exceed \$23,500.

YES: 4. NO: NONE. ABSENT: Mayor DeVore MOTION CARRIED.

e. Resolution 22-19- Fairground Lease Agreement with Kent County Youth Fair.

City Manager Michael Burns stated City Administration has been working with the Kent County Youth Fair on a future lease agreement and their use of Recreation Park. Administration and the Youth Fair have come to a tentative agreement on the future use. Since this is a lease on park property, the lease must sit in front of City Council for twenty days per City Charter. We will bring the agreement to the Parks and Recreation Commission at their next meeting for a recommendation. Perry Beachum has been involved in the negotiation and the concern of the Parks & Rec board members has been discussed during the negotiation.

7. **BOARD/COMMISSION REPORTS.**

There was none.

8. **MANAGER'S REPORT.**

City Manager Michael Burns reported on the following:

- Rich LaBombard's last day is next Friday and Burns feels the Village of the City of Douglas is the perfect opportunity for LaBombard and that he is going to do an excellent job in Douglas. They are going to be very appreciative of what they are getting. He wished him the best and thanked him for his time in the City of Lowell and stated he is going to be missed.
- Key cards have been issued and security has been installed throughout the DPW building and City Hall. A special thanks to Jim Salzwedel and Midstate Security.
- There will be some delay with the Showboat, it should be done some time the end of April or the beginning of May 2020. It is a work in progress and we will keep you updated.
- Rec Park Committee is going to meet next week and go over the findings/requests from design day and we will report back to Council with the results.
- On Friday June 7, 2019 Mayor DeVore and Burns will be participating in the North Country Trail Legislative hike. The County Commissioner and Representative Alberts and Senator Brinks will also be walking along the trails. It will take up most of the day.

9. **APPOINTMENTS.**

The Historic District Commission has an appointment opening.

The Construction Board of Appeals has an appointment opening.

9. **COUNCIL COMMENTS.**

Councilmember Yankovich thanked Rich LaBombard for his service and wished him the best in the

Village of the City of Douglas.

Councilmember Chambers thanked Rich LaBombard and said he will be missed and the Village of the City of Douglas is going to be very fortunate to have him.

Councilmember Canfield agreed with Chambers and thanked Rich LaBombard and stated what a wonderful job he has done for the City of Lowell, that he has made a lot of contributions and brought us a long way from where we were before he started. Canfield wished him luck and thanked him for all he has done.

10. **ADJOURNMENT.**

IT WAS MOVED SALZWEDEL and seconded by CHAMBERS to adjourn at 7:50 p.m.

DATE:

APPROVED:

Mike DeVore, Mayor

Sue Ullery, Lowell City Clerk