

**PROCEEDINGS
OF
CITY COUNCIL
OF THE
CITY OF LOWELL
MONDAY, OCTOBER 21, 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 via phone, Chief of Police Steve Bukala, City Clerk Sue Ullery, DPW Director Dan Czarnecki.

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

- Approval of the Agenda.
- Approve and place on file the Committee of the Whole, Regular and Closed minutes of the October 07, 2019 City Council meetings.
- Authorize payment of invoices in the amount of \$227,523.79.

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

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

NO: None.

ABSENT: None.

MOTION CARRIED.

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

There were no comments.

4. **OLD BUSINESS**

a. **Ware Road Landfill.**

City Manager Michael Burns stated via phone that with the assistance of BLDI Engineering, the City of Lowell has filed our work plan with the Michigan Department of Great Lakes, Environment and Energy (EAGLE) to address the issues at the former Ware Road Land Fill. As part of this project, we will be drilling 9 monitoring wells on the site and approximately 60 feet below ground to determine whether or not the contaminants have dissipated or migrated from what was found over 30 years ago.

As part of this project, BLDI gathered quotes on the City's behalf from multiple firms who address this type of drilling. BLDI sought quotes from the following firms:

- Stearns Drilling – Dutton - \$50,396.91
- Pearson Drilling – Lake City - \$28,399.83

- Job Site Services – Bay City - \$49,139.50
- MATECO – Rockford - \$52,368.70
- Fibertec – Brighton – Unable to bid
- Terraprobe – Ottawa Lake – Unable to bid

Pearson Drilling was significantly the lowest bidder. Since there was a \$20,000 difference between them and the second lowest bidder, Burns stated he was concerned of the possibility of costs escalating during the project. BLDI also stated that Pearson Drilling is capable and experienced in handling this work. but also stated they have not had experience in the past with Pearson Drilling. They also anticipate completing the work in 5 days. The second lowest bidder anticipated completing the work in 10 days. If approved, we believe the well drilling can begin before the winter months. BLDI will also be monitoring this project on behalf of the City. They have provided an estimate for their services in the amount of \$30,300. As you are aware, Ware Road was not budgeted at this time as we do not know in entirety the cost to address this. In our Fiscal Year 2020 budget, we had approximately \$70,000 in revenues unallocated. We can use these funds before having to go into our nearly \$1 million general fund reserve. That said, Burns stated he plans on seeking assistance through the LCTV and the Look Memorial Funds.

IT WAS MOVED BY YANKOVICH and seconded by CHAMBERS to approve Pearson Drilling to drill the 9 wells at a cost not to exceed \$28,399.83.

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

NO: None.

ABSENT: None.

MOTION CARRIED.

IT WAS MOVED BY CHAMBERS and seconded by SALZWEDEL to approve BLDI Engineering to perform inspection services at a cost not to exceed \$30,300.

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

NO: None.

ABSENT: None.

MOTION CARRIED.

b. Adult Use Marihuana Ordinance.

City Manager Michael Burns stated after several reviews of the zoning and regulatory ordinances for Adult Use Marihuana, we are now at a point of taking action on requirements for allowing this in the City of Lowell. As we discussed at our previous meeting, during a review of the ordinances, we struck language pertaining to lighting. Another item evolved during the development of the ordinance. Since we are restricting adult use marihuana facilities within 1,000 feet of schools and preschools, a question was raised regarding preschools which might be a 1,000 feet from a facility in the City, but happen to be in neighboring Lowell Township. There is a preschool that is approximately 1,300 feet from the city limits. That being said, I researched the question. If a municipality would like, they could make it a requirement if they so choose. After discussing this with Jessica Wood, I asked for this provision to be added to the ordinance restricting facilities within 1,000 feet of a preschool in Lowell Township. If you don't believe this is necessary, this can be stricken from the ordinance.

Burns continued, the zoning ordinance ensures these applications for facilities must be approved by a special land use permit. Applicants wishing to open facilities in the City, must show they meet standards set

forth in ordinance prior to approval from the Planning Commission and they must comply once the business is operational.

Zoning Ordinance 19-06 and the Regulatory Ordinance 19-07 have been drafted and meet the concerns of the Planning Commission and City Council in their appropriate venue. Once approved, we will have guidelines in place. Beginning on November 1, 2019, the Michigan Marihuana Agency (MRA) will be accepting applications for adult use facility licenses in Michigan. By approving these ordinances, the City of Lowell is formally allowing facilities for Adult Use Marihuana within the city limits. As applicants seeking facilities in the City of Lowell are preliminarily approved by the MRA, the City will be able to begin the process of approving these facilities in the State of Michigan with these ordinances.

IT WAS MOVED BY SALZWEDEL and seconded by YANKOVICH to approve Zoning Ordinance 19-06 as written.

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

NO: None.

ABSENT: None.

MOTION CARRIED.

IT WAS MOVED BY YANKOVICH and seconded by CHAMBERS to approve Regulatory Ordinance 19-07 as written.

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

NO: None.

ABSENT: None.

MOTION CARRIED.

c. City Income Tax.

City Manager Michael Burns stated we had our last informational meeting last Wednesday, it went very well and there were about 20 people there. The people attended have an understanding of what is being asked and why we are asking it. There will have one more informational mailer that will go out with the water bill this month and then we are two weeks away from the election and will then know where we stand.

Burns believes the City audit preparation is showing we have some street funds available (for next summer) and we are looking at the streets Howard and Suffolk. Once we get more information, we will come back to the Council with it.

d. Fire Authority Proposal.

Mayor DeVore stated this proposal is a means to explore audit/assessment for future staffing methodology for the Lowell Area Fire & Emergency Service Authority. Mayor DeVore stated Vergennes Township has approved the proposal at their meeting unanimously. Lowell Township and City of Lowell are discussing and voting tonight. Two of the three municipalities have to approve it for it to pass. Mayor DeVore would like to bring on Lew Bender as a consultant if the proposal passes.

IT WAS MOVED BY CANFIELD and seconded by CHAMBERS to approve the Fire Authority Proposal with Lew Bender as an added consultant.

YES: Councilmember Chambers, Councilmember Canfield. NO: Councilmember Salzwedel, Councilmember Yankovich, Mayor DeVore. ABSENT: None. MOTION FAILED.

5. **NEW BUSINESS**

a. Generator Preventative Maintenance.

DPW Director Dan Czarnecki stated the City of Lowell has four large backup generators to assist with supplying power in case of emergency. The generators are located at City Hall, Shepard Drive Pump Station, and two are at the Wastewater Treatment Facility (one is the plant generator, the other is the portable generator for the lift stations). While we would prefer for the power to stay on and not have a need to use the generators, we also need to know the generators will work when we need them. The DPW and Wastewater Plant looked at obtaining quotes for scheduled annual preventative maintenance for all units.

The annual work is to include oil change, oil filter and fuel filter change, and inspect and maintain all aspects of the generator system. This includes, inspection of cooling fan and fan drives, adjust all pulleys, belt tensioners, adjusters etc., including lubricate all drive bearings, gear drives, etc., inspection of the charging system, fuel system, cooling system and much more. One item of concern is the transfer switch operations. The annual maintenance plan is to include a thorough inspection of the switchgear and a load bank test of each generator under operating conditions. Quotes were received from 4 companies that specialize in generator systems maintenance. The program is for five years. The work performed will be paid through the different facility maintenance funds.

Company	City Hall	Shepard Dr.	WWTP	TOTAL
Cummins Sales/Service, GR	\$2,808.88	\$3,504.41	\$10,743.58	\$17,056.88
Wolverine Power Systems, Wixom	\$3,515.00	\$3,530.00	\$10,600.00	\$17,645.00
Kennedy Industries, Wixom	\$4,532.50	\$4,562.50	\$9,125.00	\$18,250.00
Michigan Caterpillar, Lansing	\$5,537.00	\$4,604.00	\$11,500.00	\$21,641.00

The quote from Michigan Caterpillar includes performance of an infrared thermographic imagery of the switchgear connections, with a report on the findings. This technology is used to detect overloaded circuits, faulty or high resistance connections, damaged fuses and clips, and other defective electrical components. Thermographic imagery helps to eliminate the risk of human injury and/or loss of life. The DPW feels this added review of the switchgear would be a great safety aspect to the maintenance program. This is a good step towards arc-flash testing of our electrical components at our different facilities.

IT WAS MOVED BY CANFIELD and seconded by YANKOVICH to approve the quote from Michigan Caterpillar, Grand Rapids for the 5-year generator preventative maintenance program at a total cost of \$21,641.00 (\$4,328.20 per year for 5 years).

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

NO: None. ABSENT: 0. MOTION CARRIED.

b. Showboat Sponsorship.

City Manager Michael Burns stated as part of the Showboat Committee's continuing fundraising efforts, they have proposed possible sponsorship options for people and entities going forward. An idea the Showboat Committee came up with is donor naming opportunities for the Showboat. These funds will

help with finishing costs for the boat, the adjacent plaza area along with perpetual care going forward.

Liz Baker and Mark Mundt developed a plan where based on the amount donated, the donor could be recognized as to a particular component of the proposed boat. This plan is identical to the fundraising opportunities that were taken up by Lowell Arts during their capital campaign. Burns has reviewed the plan and believes it is sound. They anticipate acknowledging the donors with some sort of plaque on the boat. Burns is approaching the City Council to gather input in the sponsorship efforts and to gauge your support for the Showboat Committee to move forward with these efforts.

Liz Baker with the Lowell Chamber of Commerce stated they have worked on this project for a long time and there are many people that are very passionate about it. Deadline is December 1, 2020.

6. **BOARD/COMMISSION REPORTS.**

Councilmember Canfield stated LARA Board met and they withdrew their application to the state and will resubmit that in the Spring, which will be the last try (next summer). We are about 1.5 million short out of 6.5 million so if anyone has some extra money, send it our way. Park s & Rec met on the 15th, and we have ball field contracts to renew this Spring. DPW Director Dan Czarnecki is looking into the best options for writing those contracts. Most of the parks are being closed for the Winter. Sound speakers have been added on the light post along the river walk. Due to the EEE virus factor, next year all the water will be removed from the ice rink at Richards Park and will also be looking at different options available to decrease the mosquitoes.

Councilmember Chambers stated he was not able to attend the joint Township meeting because he was at a City meeting, nor was he able to attend the Light & Power meeting due to running his store for the Girls Night Out event.

Councilmember Salzwedel stated last week at the Arbor Board Meeting we spoke about standardizing plaques that will be given if you donate a tree and in the Spring, DPW Director Dan Czarnecki will be looking at what it is going to take to replace trees downtown and in the City. The next meeting is in January 2020. Then December 5, 2019, we have our first LCTV Fund meeting and after that we will be looking for applicants to apply for funding.

Councilmember Yankovich stated he learned a few things at the Chamber of Commerce meeting, the Amity School Building is going to be the new Yeiter Learning Center (under Betty Yeiter) and hoping to have it opened after the Christmas break. Christmas through Lowell is looking really good, there are 66 locations this year. Girls night out was a great success from everyone he has talked to, no problems and lots of fun.

Mayor DeVore stated at the Vision meeting, we got the final numbers on community cleanup, we were a little bit down this year which could have been due to the bad weather, but still, a great event. The Historic District Commission meeting is cancelled.

7. **MANAGER'S REPORT.**

City Manager Michael Burns reported on the following:

- Last week, we received notification that we are going to be getting a gift from a resident that passed away. In her will, she offered to give the city half the proceeds of selling her home which will be split between the city and another individual in honor of her parents who were Jordan and Ester Staal. This person who passed, lived at 738 High Street. Burns has spoken to the attorney, but still need to get in touch with the conservator of the estate for more details about what this entails. Hopefully by next Council meeting, Burns will have more information.
- Giant Medal Detector, received by the Police Department as part of the military 1033 Program. We did not have to pay for that, the only cost we had was to pay to ship it here. It will be beneficial for our Police Department.
- Monday, November 4th at 5:30 we will have a Committee of the Whole Meeting to discuss the Lowell Township water agreement.
- Sexton position for the cemetery has been posted and we will be taking applications.

8. **APPOINTMENTS.**

The Downtown Development Authority has an appointment opening.

The Construction Board of Appeals has an appointment opening.

9. **COUNCIL COMMENTS.**

Councilmember Yankovich stated people are stopping a little bit more than they used to for the crosswalk. It is getting better. He listened to the feedback regarding the tax abatement proposal, he has had a change of heart going forward, the more he listens to people. State Senator Briggs was at the coffee shop Saturday morning and was discussing the tax abatement proposal and she supported all the information that we have been giving people and that the state has been turning off the “street funding faucet” for road repairs pretty much since a little while after Angler was elected. So that was great to hear her support.

Councilmember Chambers would like to thank Mike Larkin for all he does for comedy shows. Larkins Other Place is a lot of fun and it brings a lot of people to our town and a lot of people come back. Darren McCarty was the headliner at the last comedy show and it went really great and he is a fantastic person, was able to sign autographs and meet the police department before the show.

Mayor DeVore agreed with Chambers, Larkins Other Place was packed. Darren McCarty's performance was really good. He also noted Girls Night Out was a great success.

10. **ADJOURNMENT.**

IT WAS MOVED SALZWEDEL and seconded by CHAMBERS to adjourn at 7:59 p.m.

DATE:

APPROVED:

Mike DeVore, Mayor

Sue Ullery, Lowell City Clerk