

**PROCEEDINGS
OF
CITY COUNCIL
OF THE
CITY OF LOWELL
MONDAY, NOVEMBER 04, 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 Treasurer Sue Olin called roll.

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

Absent: Jim Salzwedel.

Also Present: City Manager Michael Burns, Chief of Police Steve Bukala, City Attorney Dick Wendt, Lowell Light & Power General Manager Steve Donkersloot, Dave Austin with Williams & Works and DPW Director Dan Czarnecki.

2. **EXCUSE OF ABSENCES.**

IT WAS MOVED BY CHAMBERS and seconded by YANKOVICH to excuse the absence of Councilmember Jim Salzwedel.

YES: 4 NO: 0. ABSENT: 1. MOTION CARRIED.

Then Mayor DeVore turned the meeting over to Officer Chris Hurst for a presentation to honor the Lowell Chief of Police, Steve Bukala with a Metal of Valor. Bukala was presented this award because of his action on Thursday, July 11, 2019 when responding to a possible drowning at the Stoney Lakeside Park in the City of Lowell. A swimmer had attempted to swim a short distance from the beach area to the small offshore island, experienced a problem and went underwater and did not resurface. Bukala used his training experience and knowledge from being a certified diver to take immediate action, he organized and directed an ad hoc search party using other swimmers and kayakers in the immediate area to assist. Chief Bukala not having the luxury of time, used his training and experience to locate the missing swimmer with the assistance of another citizen. Chief Bukala went above and beyond the call of duty taking the initiative, putting his personal safety at risk while entering into an uncertain situation, taking immediate action without hesitation and located the missing swimmer in 12 feet of murky water. His able leadership in a stressful situation coupled with his years of experience and training brings credit upon himself, the Lowell Police Department and the City of Lowell.

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

- Approval of the Agenda.
- Approve and place on file the Regular minutes of the October 21, 2019 City Council meeting.
- Authorize payment of invoices in the amount of \$154,332.30.

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

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

NO: None. ABSENT: Councilmember Salzwedel. MOTION CARRIED.

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

There were no comments.

5. **OLD BUSINESS**

a. City Income Tax

City Manager Michael Burns stated he has spent a lot of time and effort on this and now it is up to the voters to make the decision. We will know where we stand tomorrow after the election. We will deal with whatever happens from there.

b. Fire Authority Proposal

IT WAS MOVED BY DEVORE and seconded by YANKOVICH to approve Lew Bender for training for the Fire Authority Board at a cost not to exceed \$1000.

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

NO: None.

ABSENT: Councilmember Salzwedel

MOTION CARRIED.

6. **NEW BUSINESS**

a. LL&P Board Line Shack (115 Riverside Drive).

General Manager of Lowell Light & Power Steve Donkersloot stated on January 24, 2017, the LL&P Board and City Council held a joint special meeting for the purpose of discussing the potential redevelopment of 115 Riverside Dr., also known as the old LL&P “Line Shack”. Due to the fact that a handful of Councilmembers and LL&P Board Members were against a sale (of the building), there was a consensus amongst the Council and Board to pursue a lease of the property pursuant to the guidelines in the City Charter. As you are well aware, because the Charter does not allow the City to lease a building for longer than 10 years, interest from the parties who approached us about the building dried up and nothing further transpired with a potential lease. Since that meeting, very little has happened – until recently. At the LL&P September 2019 Board Meeting, per the Boards direction, the Line Shack was on the Agenda for discussion as part of the Board’s FY 2020 Strategic Plan Action Item List. The LL&P Board ultimately voted that they are willing to depart with the building as there is no current or future operational need for LL&P to own the building, it is costing money (that could be spent elsewhere) to maintain, and there is a high degree of likelihood the private sector could transform this building into something positive or beneficial for the community.

IT WAS MOVED BY CHAMBERS and seconded by YANKOVICH to accept Lowell Light & Powers recommendation to sell 115 Riverside Drive pursuant to the guidelines in the City Charter.

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

NO: None.

ABSENT Councilmember Salzwedel.

MOTION CARRIED.

b. Design Engineering for Howard and Suffolk Street

DPW Director Dan Cznarecki stated for the current fiscal year we have looked over the financial information available and determined the unaudited fund balance for major streets was approximately

\$400,000 and for local streets was approximately \$233,000. At this time there have been no major street improvements made for the fiscal year. We have discussed utilizing these funds to resurface streets in the neighborhoods of Bushnell Elementary School and Lowell Middle School. Howard St. is the main route for the Lowell Middle School. Elizabeth St. is a backup entrance to the school properties. I have met with Dave Austin from Williams & Works and we walked all three streets determining the resurfacing needs for the streets. Because of settlements and large areas of deterioration, it was determined soil borings would be helpful to best understand the conditions of the subsurface materials. There is a small amount of deteriorated curbs along these streets. The sidewalks are in good condition, however several ramp portions could be updated with proper sloping and warning devices.

Czarnecki continued stating Williams & Works is providing a plan of services that will be required for any bidders in the bidding process. Those services include soil borings, survey work to determine all aspects of the existing streets, design of the work needed and bidding assistance. It is our desire to be ready to start work as soon as school is out on summer break. Currently, the last day of school is shown to be May 29, 2020. This should provide adequate time for a contractor to perform the needed work and be completed before school starts back up in August. Williams & Works has provided us with a not to exceed fee of \$22,250 for this work. They have developed a preliminary estimate of the construction work to be about \$340,000. These amounts are within the range of funds we have available for street construction work.

IT WAS MOVED BY YANKOVICH and seconded by CHAMBERS to approve the Design Engineering Services quote proposed by Williams & Works at a cost not to exceed \$22,250.

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

NO: None.

ABSENT: Councilmember Salzwedel.

MOTION CARRIED.

7. **BOARD/COMMISSION REPORTS.**

There were no reports.

8. **MANAGER'S REPORT.**

City Manager Michael Burns reported on the following:

- We will be receiving funding for Monroe Street in 2022 from the small urban program in the amount of \$375,000 and then we will match the difference for the street portions. There is water and sewer repair that does need to be done so we will look at going out for engineering in the next year's budget so we can start planning that and also looking at engineering Washington Street as well.
- Ware Road Landfill update. The drilling was completed last week (in five days), they were able to drill nine wells and already tested the soil samples. We should hear back from them pretty soon on the soil samples results and at the end of the month they are going to go out and test the water in the wells to determine if there is any impact.
- A resident that has passed away, who lived at 738 High Street, has willed half of the proceeds of the house sale, to the City. The house is now up for sale currently and Burns will keep you informed as it progresses.

9. **APPOINTMENTS.**

It was a general consensus from the City Councilmembers that Planning Commissioners Gadula and Ellis continue to serve.

The Downtown Development Authority has an appointment opening.
The Construction Board of Appeals has an appointment opening.

10. **COUNCIL COMMENTS.**

Mayor DeVore reminded everyone to get out tomorrow and vote.

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

IT WAS MOVED BY CHAMBERS and seconded by YANKOVICH to go into closed session to discuss City of Lowell vs Unity Schools, LLC. at 7:25 p.m.

YES: Councilmember Canfield, Mayor Devore, Councilmember Yankovich, and Councilmember Chambers.

NO: None. ABSENT: Councilmember Salzwedel. MOTION CARRIED.

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

IT WAS MOVED BY CANFIELD and seconded by CHAMBERS to go back into open session at 8:15 p.m.

YES: 4. NO: 0. ABSENT:1. MOTION CARRIED.

13. **ADJOURNMENT.**

IT WAS MOVED YANKOVICH and seconded by CHAMBERS to adjourn at 8:15 p.m.

DATE:

APPROVED:

Mike DeVore, Mayor

Sue Ullery, Lowell City Clerk