

**PROCEEDINGS  
OF  
CITY COUNCIL  
OF THE  
CITY OF LOWELL  
MONDAY, JULY 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 DeVore and Deputy Clerk Amy Brown called roll.

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

Absent: None.

Also Present: City Manager Michael Burns, Police Sergeant Chris Hurst, City Attorney Richard Wendt, Lowell Light & Power General Manager Steve Donkersloot, and Deputy Clerk Amy Brown.

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

- Approval of the Agenda.
- Approve and place on file the minutes of the regular City Council Meeting minutes and the Committee of the Whole Meeting Minutes of June 17, 2019. City Manager Michael Burns noted that there was an emergency action purchase of \$9,000 to Plumbers for erosion evasion due to some infiltration of ground water and sand in two city locations.
- Authorize payment of invoices in the amount of \$152,208.97.

IT WAS MOVED BY CHAMBERS and seconded by SALZWEDEL 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.**

There was none.

4. **OLD BUSINESS**

a. **Fireworks Ordinance 19-03 Revision.**

City Manager Michael Burns stated at the end of the 2018 legislative cycle, the Michigan Fireworks Safety Act (Public Act of 2011) was revised reducing the number of days one can shoot off unrestricted fireworks, from 30 to 12. Our current ordinance doesn't necessarily align with the statute. At our June 2019 City Council meeting we discussed the modifications to the Michigan statute and the City Council directed me to align our ordinance with the Michigan Statute. The Council directed me to add a provision to the ordinance allowing for fireworks up to 11:45 pm on the Saturday in July when the Riverwalk Fireworks occur.

IT WAS MOVED BY CHAMBERS and seconded by YANKOVICH to approve Ordinance 19-03 as presented.

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

NO: None.

ABSENT: None.

MOTION CARRIED.

b. City Income Tax.

City Manager Michael Burns stated since our last meeting he has been working on getting the calculator up and running on the website and working with Sable PR for the informational piece for the proposal for the election.

c. South Broadway.

City Manager Michael Burns stated at our last City Council Meeting he was directed to let King Milling know that the City would split the cost with them for the asphalt needed on South Broadway. Burns met with King Milling and they were fine with splitting the cost and Burns also advised them that their sign cannot be put in the right of way and they had no issues with that.

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

City Manager Michael Burns stated over the past year, City Administration has been working with the Kent County Youth Fair regarding their agreement. In this agreement, the Parks and Recreation Commission had some concern to ensure that we are receiving an appropriate amount for a rental fee and we also wanted to begin a plan for when the Fair vacates sometime in the near future. The agreement will continue until December 31, 2021 but may be extended. The Fair has agreed to work with the City on a rental agreement for the King Building as they would still like to use the King Building for functions once they vacate the site. At the June 17, 2019 Parks and Recreation Commission meeting, the agreement was reviewed and then recommended to be sent to City Council for approval.

IT WAS MOVED BY SALZWEDEL and seconded by CANFIELD to approve Resolution 22-19 to formalize a rental agreement with the Kent County Youth Fair Association for use of Recreation Park.

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

NO: None.

ABSENT: None.

MOTION CARRIED.

5. **NEW BUSINESS**

a. Riverwalk Street Closures.

City Manager Michael Burns stated the Riverwalk Festival will be from Thursday, July 11, 2019 to Saturday, July 13, 2019. The requested closures (the same as last year) are as follows:

- Avery Street West of Monroe St. from 6:00 a.m. on Thursday July 11, 2019 until 9:00 p.m. on July 13, 2019. This will be the food concession area.
- Avery Street East of Monroe to Jefferson Street and Washington Street North of Main Street to the Lowell Area Schools parking lot on Saturday, July 13, 2019 from 6:00 a.m. until 4:00 p.m. for the Riverwalk Cruise-in.

IT WAS MOVED BY DEVORE and seconded by CHAMBERS to approve the requested street closures for the Lowell Riverwalk Festival.

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

NO: None.

ABSENT: None

MOTION CARRIED.

b. Fox Easement Acceptance Agreement and Resolution 25-19.

Lowell Light & Power General Manager Steve Donkersloot stated at the June LL&P Special Board Meeting, the LL&P Board approved and recommended to the City Council (for final approval) a Utility Easement Agreement with Wanda Lee Fox. The agreement will allow LL&P to install a pad-mount transformer on Fox's property. This is part of the Doc Addition Overhead to Underground Project which is part of their System Improvement Plan.

IT WAS MOVED BY CHAMBERS and seconded by CANFIELD to approve the Utility Easement Agreement with Wanda Lee Fox.

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

NO: None.

ABSENT: None.

MOTION CARRIED.

c. TDC, Inc.– (Dependable LP Gas Co.) Easement.

Lowell Light & Power General Manager Steve Donkersloot stated at the June LL&P Special Board Meeting, the LL&P Board approved and recommended to the City Council (for final approval) a Utility Easement Agreement with TDC, Inc. (Dependable LP Gas Co). The agreement will allow LL&P to install overhead and underground infrastructure on Dependables' property, which is needed for the Jackson Street River Bore Project (part of Project #110 in their System Improvement Plan) and to remove the "River Crossing" Infrastructure that has caused numerous problems throughout the years.

IT WAS MOVED BY YANKOVICH and seconded by SALZWEDEL to approve the Utility Easement Agreement with TDC, Inc. and Resolution 25-19.

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

NO: None.

ABSENT: None.

MOTION CARRIED.

6. **BOARD/COMMISSION REPORTS.**

Councilmember Yankovich stated they have two vacancies on the Historic District Commission.

7. **MONTHLY REPORTS.**

There was none.

8. **MANAGERS REPORT.**

City Manager Michael Burns reported on the following:

- We have selected a new director of Public Works, his name is Dan Czarnecki, he comes from the City of Fenton and he will begin on August 05, 2019. He will do an excellent job and be an excellent addition to the city.
- Creekside Park bathroom vandalism has ceased. No more incidents since the police made contact with some kids in the area.
- The police have also arrested an individual that is the suspect in the stolen vehicles out of Valley Vista area, there was evidence found at the scene that implicated the individual. He has not been arraigned yet but is currently being housed in a correctional facility.
- Ware Road Landfill update. Burns had a conference call with DHS, Ionia County, EVO and Joe Berlin. Ionia County Health Department did do some well testing at the site for houses in that area and did not having any volatile organic compounds come up. We will still move forward with our testing but that is good news.
- We just received our most recent MERS actuarial and our percentage went from 64% funded to 63% percent funded and one of the big issues is that MERS is going to lower the rate of return in 2021 to the point where we are going to be under 60% so we anticipate we may have to file a corrective action plan but he will have MERS come and speak to us.

9. **APPOINTMENTS.**

The Historic District Commission has an appointment opening.

The Construction Board of Appeals has an appointment opening.

The Downtown Historic District Commission has two appointment openings.

10. **COUNCIL COMMENTS.**

Councilmember Chambers stated there is no coffee with Council this Saturday due to the holiday weekend.

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

IT WAS MOVED BY SALZWEDEL and seconded by CHAMBER to go into closed session at 7:24 p.m.  
YES: Mayor DeVore, Councilmember Salzwedel, Councilmember Yankovich, Councilmember Chambers and Councilmember Canfield.

NO: None.

ABSENT: None.

MOTION CARRIED.

12. **MOTION TO COME OUT OF CLOSED SESSION AND INTO OPEN SESSION.**

IT WAS MOVED BY CANFIELD and seconded by CHAMBERS to come out of closed session and back into open session at 8:24 p.m.

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 CHAMBERS to adjourn at 8:35 p.m.

DATE:

APPROVED:

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Mike DeVore, Mayor

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Sue Ullery, Lowell City Clerk