

**PROCEEDINGS
OF
CITY COUNCIL
OF THE
CITY OF LOWELL
MONDAY, MARCH 16, 2020, 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 Susan Ullery called roll.

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

Absent: None.

Also Present: City Clerk Susan Ullery, Acting City Manager Chief of Police Steve Bukala, General
Manager of Lowell Light & Power Steve Donkersloot, DPW Director Dan Czarnecki.

Mayor DeVore then turned over the meeting to Chief of Police Steve Bukala.

Chief of Police Steve Bukala stated a firefighter, Ben Lauren died in the line of duty in Forsyth Township, Michigan. Ben was 23 years old and Police Officer Gordy Lauren's nephew. He comes from a family of firefighters and on a sad note, his sister was the one that pulled him from the structure. Chief Bukala then asked for a moment of silence.

City Manager Michael Burns then gave an update on how the City of Lowell is managing the Covid 19 situation. As you are all aware, we made the declaration to close City Hall to the public. This is being done so that we can still continue to provide essential public services to the public and not compromise those services if any staff were to be affected. We have contingency plans in place currently to handle if the staff are impacted. We have contingencies in place pertaining to water shut offs and also I am working on contingency plans in the event with this new guideline of ten people (employees) congregating in a room. With the CDC guideline, if by chance the state shuts all businesses and operations down, with the exception of the police and fire, I am preparing that contingency as well in case that occurs. As of right now, I do not plan to shut us down unless we are ordered by the governor's office.

Burns continued, we are also looking at additional contingency regarding utilities and things of that nature, trying to think of every possible situation and the bizarre thing is every time you think you've thought of something you have to think of something else. I have been in communication with the majority of City Managers in Kent County, a number of City Managers across the state, and the majority of them are doing the exact same thing we are doing at this time. Something to recognize pertaining to the City Council meeting tonight: Under the Open Meetings Act, we had to have this meeting tonight, while we encouraged the public not to come, we legally could not tell them they couldn't. That being said, there have been directives issued by the State of Michigan pertaining to State Agencies and State Boards as to how they are going to operate their open public meetings. They are now allowed to do some type of virtual types of meetings to avoid the spread, however at this time, they have not dictated that to municipalities, cities, townships, counties and authorities. Hopefully we get a direction tomorrow on how to address that with the state so we can have that situation worked on over the next couple weeks. I anticipate that this is continuing to be a fluent situation and I don't know where this is going to go at this time but we are doing everything we can to try and think of every contingency that's in front of us at this time.

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

- Approval of the Agenda.
- Approve and place on file the minutes of the March 2, 2020 Regular City Council meeting.
- Authorize payment of invoices in the amount of \$171,424.89.

IT WAS MOVED BY CHAMBERS and seconded by YANKOVICH 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 were no comments.

4. **OLD BUSINESS**

a. Suez Agreement. - Resolution 09-20.

City Manager Michael Burns explained our current agreement with Suez to manage our Wastewater Treatment facility is scheduled to expire on June 30, 2020. Suez has reached out to the City, to inquire if we would be interested in extending the current agreement for an additional five years. In November, I approached the Council and was directed to come back with a new agreement. Since that time, Suez's attorney and our attorney have been working on the contractual language.

The current agreement with Suez set the baseline monthly payment for services at \$35,925 per month and annually during the contract would be adjusted by a cost of living index to account for inflation. During the five years of the contract we saw the following increases:

2016: 1.01%
2017: 1.63%
2018: 2.87%
2019: 1.65%

The current amount in Fiscal Year for Suez's services is \$38,490 per month. In Fiscal Year 2021, the price will remain as it is currently. The first cost of living adjustment wouldn't take place until Fiscal Year 2022 (July 1, 2021). The first cost of living adjustment wouldn't take place until Fiscal Year 2022 (July 1, 2021). The increase for the remaining years of the contract would be the cost of living adjustment.

IT WAS MOVED BY YANKOVICH and seconded by CANFIELD to approve Resolution 09-20 to renew our Wastewater Treatment Facility agreement with Suez from July 1, 2020 until June 2025 as presented.

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

NO: None.

ABSENT: None.

MOTION CARRIED.

b. Resolution 10-20 – Public Hearing.

Mayor DeVore opened the Public Hearing.

Dave Austin with William & Works stated he has two items to go through. First is a public information segment to inform the public of the city's intent to consider a grant application to the DNR to assist in the completion of the project of the Rail Trail through town and then second, the Council will consider the Resolution for the trail. Austin then went through the presentation and also stated they received an email from the DNR recognizing the limited attendance that communities would have during this global crisis.

The DNR stated that this meeting would be suffice for their requirement, but encouraged us to put this meeting and information on line and have the input forms available.

We now have the meeting and information on line and an on-line input form has been created for anyone to submit questions and comments about the project. You may also get information and submit comments on the Lowell Area Trailway Facebook page.

Citizens that have questions or input to this project that could not attend tonight, can go to the City's website and there will be a link to an online form, you can also provide comments and information to the Lowell Area Facebook page and I would encourage everyone to do that.

City Clerk Susan Ullery then read a letter from Sharon Bonczyk who resides at 13393 Grand River Drive SE and is not in favor of the newly proposed route LARA has for the trail.

City Clerk Susan Ullery also read a letter from James Pfaller who resides at 810 Bowes who supports the project, just not the funding sources.

Councilmember Greg Canfield who is also on the LARA Board addressed the concern stating that the plans for the trail had been changed recently when the railroad turned down our route (not aloud from a liability standpoint) and we did make an effort and I believe did reach out to every property owner. Mark Anderson and myself did contact everyone to let them know what was going on after this new route was proposed. It did come about very quickly; I think sometimes the property owners hear about it from the Ledger, but on Bowes Road, we did make an attempt to contact them and the ones that were not home, were left fliers in their doors and we did our best to let them know.

Dave Austin with Williams & Works then went through the route for those seeing it for the first time and went quickly through the map giving detail of the proposed trail including the funding. Austin also stressed there is plenty of time to talk to property owners, get them up to speed, get their input, their concerns and criticism so tonight isn't the only time that they will have an opportunity. Austin also explained the funding we are getting from MDOT and DNR Trust Fund is not money that is available at all for our roads. We are not taking any money from any source that prevents us from using that on our streets, you have to change that at the federal level if you wanted to dispute that. As part of these grant requirements, the City did have to commit \$25,000 and the townships each \$5,000 but that is consistent with all the cities and townships along the entire trail and we had done that a long time ago.

There was then a lengthy general discussion about the project.

IT WAS MOVED BY SALZWEDEL and seconded by CHAMBERS for City Council to accept the recommendations by the Lowell Area Recreation Authority regarding modifications to the trail plan and approve Resolution 10-20 as presented.

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

NO: None.

ABSENT: None.

MOTION CARRIED.

5. **NEW BUSINESS**

a. **LL&P Amended MERS Defined Contribution Plan Adoption.**

General Manager of Lowell Light & Power Steve Donkersloot stated as you may remember, at the January 21, 2020 City Council Meeting, the City Council approved a LL&P MERS Defined Contribution (DC) Plan Adoption Agreement for all LL&P non-union new hires. At that meeting, I stated it was the LL&P Board's goal/intention for all LL&P new hires, not just non-union employees, to one day be enrolled in this DC Plan. I am happy to report that since the January Council Meeting, we have completed negotiations with the bargaining unit which included coming to the agreement that all LL&P union new hires will be enrolled in the same DC Plan (with the same benefit structure) that was approved by the LL&P Board and City Council this past January. To finalize everything, the LL&P Board at their March 12th Meeting has recommended that the City Council adopt the Amended MERS Defined Contribution Plan Adoption Agreement.

IT WAS MOVED BY CHAMBERS and seconded by YANKOVICH to adopt the Amended MERS Defined Contribution Plan Adoption Agreement as written.

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

NO: None.

ABSENT: None.

MOTION CARRIED.

b. **Fireworks.**

City Manager Michael Burns stated we received a request from the Lowell Area Chamber of Commerce for this year's fireworks show at the Stoney Lakeside Park. This is an annual request and the event is being held on Saturday July 11, 2020. The application form will be filed with the state, a map of where they will be detonating and a copy of their liability insurance listing the City of Lowell as an additional insured.

IT WAS MOVED BY CANFIELD and seconded by SALZWEDEL to approve the fireworks application as presented.

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

NO: None.

ABSENT: Councilmember Chambers.

MOTION CARRIED.

6. **BOARD/COMMISSION REPORTS.**

Councilmember Canfield stated LARA Board met last week and as we heard, the changes were a surprise to everyone and we made our best efforts to reach out to every property owner. Unfortunately, sometimes there are some bumps in the beginning, but we are looking for solutions and to go around these two homes doubles the distance for us and the expense but we are asking them, which do you prefer the back yard or

the front yard and allowing them some input to this process and doing what we can. Trails are huge for communities and we're in the middle of an economic downturn that appears currently. Trail towns average 30% increase in revenue and it is good for the gas stations, restaurants and mom and pop stores. This is going to be amazing for us. We already have the North Country Trail coming through town and this is the second trail system, Grand River water trail is coming as well, so we are in a great spot.

Councilmember Chambers stated we had a nice short meeting, basically tidying up for the most part. They got a new racking system down there at the generations center. A large group of Girls Scouts have been there twice now and they are having a ball there and that is great to see. Planning Commission meeting was 11 minutes long and nothing to report on.

Councilmember Yankovich stated Mr. Doyle has some training for the Historical District but are being put on hold right now. The Chamber spent quite a bit of time talking about timing of the showboat. The main concern being not only that there is construction at the Unity building but the boat once delivered, it will sit for eight to ten weeks as they get it on the water and put it together. At this point, it looks like it would arrive and disrupt the concerts and Riverwalk. City Manager Michael Burns was not there to update us but it looks like the best option is to have them deliver the boat after the concerts are finished.

City Manager Michael Burns stated it is actually coming the Monday after Riverwalk.

Councilmember Salzwedel stated the Arbor Board met and there are going to be several trees replanted around the City.

Mayor DeVore stated all his meetings were cancelled, but if anyone wants to have a meeting about anything, he will be available.

7. MANAGER'S REPORT.

- Just to add pertaining to the showboat, bid for a general contractor was supposed to go out last week but the electrical engineers needed to make a couple of tweaks so we anticipate that going out next week.
- Groundhog excavating are out currently and have begun sidewalk repairs and hopefully will get the majority of work done this week.
- I came back to work on Thursday after the birth of my son and I have only been dealing with Covid 19 since I came back.
- We did get another application for another marijuana facility in the city and I will be reviewing that here hopefully this week.

8. APPOINTMENTS.

There were no changes at this time.

9. **COUNCIL COMMENTS.**

Councilmember Yankovich stated he would like to comment about the Covid 19 situation and that he posted something that he hopes encourages people, he doesn't think any of us have ever faced anything like this and a lot of the business owners are scared, but I want to encourage everybody and to pull together and look at the big picture as we are going into this mess.

Councilmember Chamber stated during this time, as a small business owner and as a community, we need to support the local restaurants. Most of them here in town are going to do a curbside pickup and I would like to see the community reach out and at least once a week if not more, order dinner from our local restaurants.

Councilmember Canfield congratulated Mike and Jennifer Burns on their new son. The City of Hartford and Banquert have the local police department doing home checks for parents that have kids home alone from school, can call or email the police department and they are instructing the kids to look out and make sure that they see a police officer **and** a police car before they open the door. Thought that was pretty neat and maybe something we could do here. Also agree with Marty, support the local restaurants by ordering takeout. It was also great to see the street sweeping done. Also is it possible for the City to not charge credit card fees for payments to the City while we are not open inside currently?

City Manager Michael Burns said he would look into it while we are not open inside.

Mayor DeVore stated eat local but also shop local because the lack of foot traffic is going to affect the local shops and businesses.

10. **ADJOURNMENT.**

IT WAS MOVED BY SALZWEDEL and seconded by YANKOVICH to adjourn at 7:50.

DATE:

APPROVED:

Mike DeVore, Mayor

Sue Ullery, Lowell City Clerk