

**PROCEEDINGS
OF
CITY COUNCIL
OF THE
CITY OF LOWELL
ZOOM MEETING
MONDAY, MAY 4, 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 Cliff Yankovich, Greg Canfield, Marty Chambers and Mayor Pro Tem Salzwedel.

Absent: Mayor DeVore.

Also Present: City Manager Michael Burns, City Clerk Susan Ullery, Chief of Police Steve Bukala, and DPW Director Dan Czarnecki.

2. **EXCUSE OF ABSENCE.**

IT WAS MOVED BY CHAMBERS and seconded by CANFIELD to approve the absence of Mayor DeVore.

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

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 April 20, 2020 Regular City Council meeting and the April 25, 2020 Budget work session.
- Authorize payment of invoices in the amount \$439,626.66626.

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

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

NO: None. ABSENT: Mayor DeVore. MOTION CARRIED.

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

There were no comments.

5. **OLD BUSINESS**

a. **COVID 19 Issues.**

City Manager Michael Burns the City is still working under the executive orders due to the COVID-19 pandemic. This being said, there are a few items Burns wanted the Council to consider as this matter continues.

Festival and Events – While the Executive Orders will most likely dictate when large gatherings can begin. Concern will be with ensuring events are complying with Center of Disease Control standards. While it may be difficult to prove on the end of liability, the concern is for mass exposures at events. Rather than the City dictating what must be done at events, I would like to have events develop plans (in writing) to submit to the City that they will ensure sanitary conditions, proper social distancing and proper CDC guidelines they will be following to manage their events in order to have the event on our property. Burns anticipates the event planners for these events will be responsible for these safety practices as we move forward.

Opening City Hall – We are currently complying with the Executive Order regarding Staying at Home. DPW returned to full staffing last week and are working but following social distancing. We are making sure equipment is sanitized and are assigning only one employee in a vehicle at a time. We have also provided masks and hand sanitizer. Employees are also going to be required to take their temperature at the beginning and end of their shifts and have provided each department with a thermometer if they don't have one at home.

City Hall staff is currently working remotely but we have had one employee in City Hall daily to answer phone calls coming in. I am planning on having all City Hall employees come back to City Hall on May 18, 2020, which is three days after the current stay at home orders will be lifted. When city hall staff returns, policies in place requiring they wear masks in dealing with the public. We have also placed Plexiglas protections at the Police Department and City Hall desks to provide additional protection for the public and our staff.

There are discussion with many cities as to when the municipal buildings will open their doors. The standard being considered for this is 14 consecutive days where diminishing new exposures in the municipalities county. Earlier this week, Burns began tracking the number of new exposures daily and it is his hope we can open the doors to the public on June 1, 2020.

Burns is also considering the possibility of having all employees tested for COVID-19. There may be logistical issues with this but we are researching this possibility also.

The Police Chief and Burns are working with Servpro so we can have weekly fogging's of our facility as an extra sanitation measure. We are also looking at doing this with our vehicles.

Burns believes we will be embarking in a new normal once we return. However, he believes the City of Lowell is trying to be responsive to the public and working safely through this pandemic.

After Council discussion believed this would be appropriate considering the event holders are following the CDC guidelines.

Burns also noted there will be a Memorial Day celebration at the cemetery but no parade.

b. Gift from Staal Estate.

City Manager Michael Burns explained this was tabled from the last City Council meeting as the Council wanted to review the upcoming budget at the work session meeting that was held on April 25, 2020.

Councilmember Salzwedel believed the gift should benefit the entire community.

Lowell resident Mark Mundt at 800 Bowes Road suggested the gift go towards the Showboat.

The item was tabled until Mayor DeVore could be available.

c. Budget Presentation.

City Manager Michael Burns stated at the April 25, 2020 budget work session, he provided a PowerPoint presentation with a number of budget reduction options. Many of the options in his opinion were more policy decisions of the City Council than the City Manager.

City Administration would like to know if any of the items suggested are actual items the City Council would like to pursue before he moves forward.

By general consensus, the Council agreed the budget looked good and the public hearing was set for May 18, 2020.

6. **NEW BUSINESS**

a. 2020 HMA Crackfill Project Award.

Public Works Director Daniel Czarnecki explained the maintenance of our pavements (street and parking lots) is important for the extension of the useful life of the pavement surface. As the asphalt ages it will crack. The cracks will allow water to penetrate into and below the pavement. Water is one of the worse causes of potholes and pavement deterioration.

A sealant can be placed on the cracks to deter water from entering. This crackfill process places a band of rubberized asphalt material 4-6 inches wide over and into the crack, filling and sealing any potential voids. This leaves a black stripe of material on the pavement surface. While this isn't the most visually appealing solution, it is an effective process for sealing pavement.

Bid documents were created for this work and the request for proposals package was set out to five companies that perform this type of work. The proposal was also listed at the Builders Exchange in Grand Rapids and on our City webpage.

The work areas include Bowes Road, Gee Drive and Foreman Street (Gee to Beech), plus five downtown parking lots.

The City received one bid proposal for the project from Wolverine Sealcoating LLC, Jackson in the amount of \$15,770.00.

Czarnecki spoke with the contractor and they are set up to perform this project for the City of Lowell. They currently have several sealing projects and feel confident they can have our project completed by July 1st, weather permitting.

IT WAS MOVED BY YANKOVICH and seconded by CANFIELD to approve the 2020 HMA Overband Crackfill Project bid from Wolverine Sealcoating LLC, Jackson, Michigan, for a cost of \$15,770.00.

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

b. Sanitary Sewer Repair in Alley.

Public Works Director Daniel Czarnecki explained recently we had Plummer Environmental in town to clean a sanitary sewer line near city hall. This line goes behind the stores on the north side of the street in the 200 block of E. Main Street. An upstream manhole was found to be full of water, which caused DPW to have the line investigated. Ralph Brecken put together a PowerPoint presentation showing the location.

The line has been having problems for a while. After cleaning the pipe they ran a camera down it and found a broken pipe with separation, which is most likely the culprit for causing backups. The DPW contacted Lee's Trenching and they provided a quote of T&M to fix the problem. Based on their T&M amounts, Czarnecki is guessing the cost for Lee's Trenching to fix the line will be about \$21,000. He figures it could take them up to 2 days to do all the work (\$1,100/hr.) plus the necessary materials needed for the repair.

While this is a large sum of money, the area to work in is questionable. Being behind the businesses in an older part of the city there is no telling what they will find in the ground. And there is another problem that could rear its ugly head. According to Bob Robinson there is an old galvanized water line that services these stores and it also runs behind the buildings in the same alleyway as the sewer main. Extra caution and care will be necessary for any excavation work. Unfortunately, old galvanized pipe can break from the vibrations of equipment. Any repairs to the water line would be in addition to the amount above.

The problem isn't going to go away on its own. While we could add this sewer repair and replacement of the water line to the Monroe Street project, that project isn't scheduled to be completed until 2022. We should get the sewer line fixed soon as backups have the potential to continue until the broken pipe is fixed. We also should consider replacement of the water line as part of the Monroe Street project in 2020.

In review of the budget on BS&A there is \$125,500 budgeted in the Wastewater Collection Repair and Maintenance line (590-551-930.000). According to the current budget for this year, \$25,000 has been set aside for main repairs.

With the state still in shutdown mode, now might be a good time to get this line fixed, before Sneaker's, Flat River Grill, Fans in the Stands, etc. are opened back up full-time and more people are congregating in the area. Currently Gary's Country Meats, Sneakers (part-time) and the Beer Store are open during the day. Their back entrances will be affected by the work. Any deliveries to them would have to use the parking lot and walk around the excavation or park on Main and use the front door. We would make sure the businesses know what we are doing in advance of any work being started and everything would be done as safely as possible.

FYI, Lee's Trenching is a preferred vendor that we use on our underground repairs such as this. They helped us to repair the broken watermain and valve at M-21/West Street. Their proposal includes cost for all material for the sewer repair and the replacement of an asphalt patch. It does not include any rework on the waterline.

Councilmember Chambers confirmed the residents who live above these businesses will also be informed. Czarnecki responded yes.

IT WAS MOVED BY CHAMBERS and seconded by CANFIELD to approve the repair quote from Lee's Trenching Service, Inc. Byron Center, dated April 7, 2020, for the repairs to the sanitary sewer in the alley behind the 200 block of E. Main Street., for an estimated cost of \$21,000.00.

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

c. Foreman Street Sanitary Sewer Engineering.

Public Works Director Daniel Czarnecki explained back in December 2019, the City Council approved the design and construction engineering work for the Foreman Street Sanitary Sewer Replacement Project. At that time the City was looking at utilizing all city funds to replace a small section of sanitary sewer that is experiencing a large amount of infiltration and inflow. In February 2020, the City was awarded \$132,000 in Small Urban funds from MDOT for the street replacement portion of this project. These funds are to be obligated during the current fiscal year.

With the use of Small Urban funds on our project we are required to flow MDOT procedures for design, bidding, construction oversight, and project payment. The MDOT process is more in depth than is necessary for project with only City oversight.

With the changes to the project we have asked our engineers, Prein & Newhof to put together a new scope of services following the additional MDOT requirements. They have broken down the additional requirement involved with the project and their additional engineering services to be provided during design and contraction. They have submitted a new cost proposal for professional services for design and construction of \$44,800 (Design engineering \$13,750; Construction Engineering \$31,050). This new proposal takes the place of the original proposal which has been cancelled.

We are looking to perform this project during Summer 2021, starting immediately after school ends for the summer. Our anticipated construction window will be June 1 through August 15th.

Prein and Newhoff representatives Payton Novak and Brian Vilmont were present to address any concerns or questions. Vilmont explained there could be a 10% increase in the cost of the project due to prevailing wages. He noted 80% of the drawings need to be submitted to MDOT by June in order to received funding. He explained the Council can back out of the project if prices increase when the bids are received.

IT WAS MOVED BY CANFIELD and seconded by CHAMBERS to approve the proposal from Prein & Newhof, Grand Rapids, dated April 10, 2020, for Professional Design Services and Construction Engineering Services for the Foreman St. Sanitary Sewer Replacement Project at a cost "not-to-exceed" \$44,800.

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

d. Outdoor Seating.

City Manager Michael Burns explained the City has received a request to consider to utilize a portion of our municipal parking lots as seating areas for our Downtown restaurants. This is due to concern that once restaurants are allowed to open to patrons, they will not be able to fully utilize their current space as social guidelines would most likely still be in place. As you know there are currently five restaurants in the downtown district this could possibly impact. In addition, two of the businesses have open space that doesn't encumber municipal property. The remaining three would.

City Administration looked at this as there were concerns pertaining to their liquor licenses and insurance liability. In the past two weeks the Police Chief and Burns have looked into these issues further.

After further discussion, the City Council believed the City needed to do anything we can to help.

By general consensus, the Council agreed to allow Burns to continue to work with business owners as far as layouts, parking, agreements etc.

7. **BOARD/COMMISSION REPORTS.**

No commented were reported.

8. **MANAGER'S REPORT.**

- MDOT update regarding Act 51 monies was presented.
- Due to COVID – 19 issues, the Mayor Exchange scheduled with Middleville has been postponed until next year.
- Received a Community Block Grant to repave Amity
- Received a \$200,000 grant from the Lowell Area Community Fund for the Showboat.
- Classification and Communication Study has been completed and will provide an update at the May 18, 2020 City Council meeting.
- Planning Commission will review two Special Land Use applications for marijuana facilities at its May 11, 2020 meeting.
- Water and Sewer rules will be presented at the next City Council meeting.

9. **APPOINTMENTS.**

There were no changes at this time.

10. **COUNCIL COMMENS.**

Councilmember Chambers requested permission to clean the area up near the Riverwalk that is a mess. DPW Director Dan Czarnecki stated he would also have the DPW employees help. Salzwedel stated he would help as well.

Councilmember Canfield encouraged everyone to wear their masks and stay safe.

Councilmember Yankovich offered his help to clean the area up near the Riverwalk if it can be done on a Sunday.

11. **ADJOURNMENT.**

IT WAS MOVED BY CHAMBERS and seconded by YANKOVICH to adjourn at 8:07.

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

DATE:

APPROVED:

Mike DeVore, Mayor

Sue Ullery, Lowell City Clerk