

**PROCEEDINGS  
OF  
CITY COUNCIL  
OF THE  
CITY OF LOWELL  
ZOOM MEETING  
MONDAY, JUNE 15, 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 Jim Salzwedel and Mayor DeVore..

Absent: None.

Also Present: City Manage Michael Burns, City Clerk Susan Ullery, Interim Police Chief Chris Hurst, City Attorney Jessica Wood, L&P Manager Steve Donkersloot, and DPW Director Dan Czarnecki.

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

- Approval of the Agenda.
- Approve and place on file the minutes of the June 1, 2020 Regular City Council meeting.
- Authorize payment of invoices in the amount \$91,974.01.

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.**

City Clerk Susan Ullery and Mayor DeVore read the following letters into record:

An email from Michelle Theisen who resides 4 miles on the outskirts of the City of Lowell, who is not in favor of defunding the Lowell Police Department.

An email from Diane Titche who resides at 1370 Hunters Trace NE in Lowell, who supports the City Managers decision to remove Steve Bukula from the position of Chief of Police.

An email from Emma Wikstrom who resides at 924 N Hudson in Lowell, who fully back the City Manager and the Mayor on their decision to request Steve Bukala resign his position.

An email from Sharon Ellison who resides at 407 N Division St in Lowell, who supports the decision of Lowell City Manager Mike Burns to ask for the resignation of Steve Bukala.

An email from Rich and Patty Wade who resides at 427 King in Lowell, who support the Lowell Police Department and wanted to remind Lowell City Council, the City Manager and all listening.

An email from Parker Liu who resides at 903 N. Monroe in Lowell, who supports the decision of the City Manager Burns to ask for the resignation of the former police chief.

An email from Jennifer Hall who resides at 204 Lincoln Lake in Lowell, who supports the decision of the Lowell City Manager to ask for the resignation of Steve Bukala.

An email from Nicole Lintemuth who resides at 10988 Sconcewood and owns a business in the City of Lowell, supports the decision of the Lowell City Manager to ask for the resignation of the former police chief.

An email from Nancy Mister who resides in Lowell, supports the decision to allow Mr. Bukala to resign.

An email from Andrea VanderJagt who lived in Lowell for 21 years fully supports the city in asking for the resignation of Steve Bukala.

An email from Jay Foreman who resides at 830 W Main in Lowell does not support the resignation of Police Chief Steve Bukala.

A letter from Dan and Sharon Vosovic who reside at 417 High St in Lowell who are not in favor of defunding the Police Department of Lowell.

An email from Heather Cooper who resides at 1370 Hunters Trace NE in Lowell, who supports the City Managers decision to ask Steve Bukala to resign.

A letter from Janet Twesten who resides in Lowell supports the Lowell Police Department.

The following people spoke during public comments:

Rich Conrad who resides at 1295 Laurie Gail in Lowell, spoke regarding asking clarification with the incident that occurred and would like more information on why Chief Bukala was forced to resign.

Morgan Jarema who resides at 850 Montcalm in Vergennes Township, spoke regarding her disappointment with the Lowell Police Department.

Attorney Katherine Henry spoke on behalf of others as well regarding Steve Bukala's immediate resignation and does not support it.

Jamie Lett who resides at 12790 Heim St. in Lowell, spoke not in support of Steve Bukala's resignation.

Bradley Wade who resides at 12991 Ryan Ridge in Lowell, spoke not in support of Steve Bukala's resignation.

Alisha Despres who resides at 1260 Boynes Hill in Ada and was a police dispatcher for 10 years in Lowell and spoke not in support of Steve Bukala's resignation.

Bill Bledsoe who resides at 1180 Lincoln Lake in Vergennes Township spoke not in support of Steve Bukala's resignation.

Jim Myaard who resides at 413 N Washington in Lowell spoke not in support of Steve Bukala's resignation.

Jeff Dickerman who resides at 429 High in Lowell spoke in support of the Lowell Police Department and not to defund them.

Attorney Katherine Henry requested to have video shot of who was there in support of Bukala.

Deborah McDonald who resides at 13445 Crestwood Drive near Lowell stated she had an issue with comments made from the post and it seemed the Lowell Police Department didn't care.

Michelle Zuidema who resides at 9081 Conservation and owns property on Kings St in Lowell spoke regarding concern for the residents of the City of Lowell and does not want Council elected that does not support the Constitution.

Olivia Gieger who resides at 1245 Jane Ellen in Lowell spoke in favor of the City Manager asking for the resignation of the Police Chief.

Becky Condon who lives in Key Heights in Lowell, spoke not in support of the resignation of Steve Bukala.

Richard Eric Johnson who reside at 1267 Valley Vista in Lowell and does not support the resignation of Police Chief Steve Bukala.

Patty Mogor who resides at 605 Birchwood Ct in Lowell, supports the City Managers decision to ask for the resignation of Police Chief Steve Bukala.

Eric Bartkus who has a resides at 215 W. Main in Lowell stated he did not hear Michelle Zuidemas comments and request that she speaks again.

Michelle Zuidema restated her position as stated above.

Lillian Peterson who resides at 14061 Covered Bridge Rd just outside of Lowell, appreciates the decision to have the Police Chief resign.

#### 4. **OLD BUSINESS**

##### a. 990 Washington.

City Clerk Sue Ullery read a letter from Gary Dietzel and Sandy Barlett who reside at 990 N. Washington into record. "To conclude: Stress on everyone for leases of 30-2-10 and now 2 matters. We've known a few managers and many councilmembers. Research: give it up to something sustainable. The damage is done-lets repair. You can offer relief and our commitment. Thanks for your concern."

City Manager Michael Burns stated in February 2020, he had presented the issue regarding the lease expiration at 990 N. Washington with Gary Dietzel and Sandy Bartlett. At the time, he was directed to have the City Attorney draft a lease which increases the current monthly lease from \$450 per month to \$500 per month, beginning on July 1, 2020 and then a \$20 increase beginning on July 1, 2021. Council also directed me to prepare only a two-year lease and they would review the future lease options for the property then.

City Attorney Jessica Wood prepared this lease in February and Burns presented it to Dietzel via U.S. Mail in late March. In April, Dietzel contacted Burns and asked to be present and provided items attached to the memo. Burns then informed him that due to COVID-19, we were meeting virtually and he stated he couldn't do that. I told him he could telephone in and he didn't want to do that.

In May, Burns spoke to Sandy Bartlett and they asked to be present when this is presented to the City Council. He informed her about how Council is meeting virtually and could phone in. She said she wanted to meet in person but would phone in as a last resort and asked for Burns to wait until June 15, 2020 to present to the City Council. Burns also told them he didn't know when we would meet in person. However, regardless if we were virtual or not, it had to be presented no later than June 15 since the lease expires June 30<sup>th</sup>. Burns provided them the call in for this meeting.

While this lease was presented Dietzel, they have not indicated if it is satisfactory. Although, the terms of the lease are the same as before except the rental rate.

All the Council Members agreed that they were good with the lease agreement as written.

IT WAS MOVED BY CHAMBERS and seconded by YANKOVICH to approve the lease agreement for 990 Washington as written.

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

NO: Mayor DeVore

ABSENT: None.

MOTION CARRIED.

b. 2019-2020 Budget Amendments.

City Manager Michael Burns stated throughout the year, revenue and expenses are monitored from the various city funds. The annual budgeted amendments and resolution were presented.

IT WAS MOVED BY YANKOVICH and seconded by SALZWEDEL to approve Resolution 17-20 which outlines the amendments to the City of Lowell's annual budget for fiscal year 2019-2020.

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

NO: None.

ABSENT: None.

MOTION CARRIED.

c. Tonia North – Garden Sale.

Tonia North stated that the garden sale went really well today. Her biggest issue was the signage and people saying they had trouble finding them so that will need to be improved. Sunday wasn't as busy and participants would prefer to do it again but only on Friday/Saturday or just a Saturday and no Sundays.

d. LL&P Board Line Shack RFP Recommendation.

Lowell Light & Power General Manager Steve Donkersloot stated in September 2019, the LL&P Board recommended to the City Council that the City pursue a sale of LL&P's Line Shack located at 115 Riverside Drive pursuant to the guidelines in the City Charter. At the November 4, 2019 City Council Meeting, the Council accepted LL&P's recommendation and directed an RFP be drafted and published with a response date of June 1<sup>st</sup>. One proposal was received in response to the RFP. At their June 10<sup>th</sup> Board Meeting, the LL&P Board reviewed and discussed the lone proposal that was received. The result of

that discussion was a recommendation to the City Council to reject the proposal and re-issue the RFP at a yet-to-be-determined future date. The rationale for the LL&P Board's decision was the RFP process (the posting and response timeframe) took place during the height of the COVID-19 pandemic (a 3<sup>rd</sup> or 4<sup>th</sup> standard deviation event for the country and the City), which was the cause of great economic and financial uncertainty in the market – potentially resulting in decreased awareness and/or interest in the property.

The Council members discussed at length.

Eric Bartkus who resides at 215 W Main stated it would have been easier for the average person to put in a bid had it been a live auction and to consider that for future property RFP's.

IT WAS MOVED BY CANFIELD and seconded by DEVORE to accept the RFP bid, contingent on an agreed upon development plan and 3-year time frame agreement.

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

e. Water/Sewer Rates.

City Manager Michael Burns stated in April, He asked City Council what they wanted him to budget for in regard to water and sewer rates. If you recall, we had a rate study for our water and sewer rates in accordance to the SAW Grant. The study recommended a 6% increase to our water ready to serve and commodity charges and 2% on our wastewater ready to serve customers. To the average residential customer who uses 5/8' meter and consumes 3000 gallons a month this is a \$2.67 monthly increase to their water and sewer bills with rates varying as meter size increases. That said, he recognizes the reluctance of the City Council to not raise rates while municipal financial advisors would always recommend a small increase annually to account for inflation. The current approved budget was not approved with those increases when it was submitted to you on April 20, 2020. We will need to issue debt to complete the water and sewer utility projects on Monroe St and Washington St. and rates will need to reflect proper debt coverage. Administration was planning on completing the utility work on Washington St. beginning in Spring 2021 and Monroe St. in Spring 2022 as there are transportation funds earmarked in 2022 for Monroe. The projects are necessary for the reliability of our water and sewer systems so Burns would propose flipping the Washington St. project from Spring 2021 to Spring 2023. That said we run the risk of a slighter increase when we begin those projects.

IT WAS MOVED BY SALZWEDEL and seconded by YANKOVICH to proceed with the 6% increase to ready to serve in commodity and 2% to wastewater ready to serve and commodity.

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

5. NEW BUSINESS

a. Wastewater Plant Digester #3 Repair.

City Manager Michael Burns stated in the upcoming Fiscal Year 2020-2021 budget, we budgeted a repair to the Digester #3 lid at the Wastewater Treatment Plant. Suez had the ability to complete this work as a maintenance item under current agreement. The work entailed removing and disposing of the existing coating, all 2" concrete topping, and hollow-core concrete planking. Preparing top of the tank for

installation of the aluminum geodesic dome. Installing the aluminum geodesic dome over the existing tank.

Terminating the electrical connections for existing mixers and completing site restoration. Suez proposes cost for this work not exceeding \$135,181 which came in much lower than Williams and Works engineering estimate of \$175,000. This work will be paid over two fiscal cycles. 50% will be due on completion and the remaining 50% will be due on July 1, 2021 to alleviate our budget constraints.

Brian VanderMeulen with Suez said they hope to have it complete by this fall.

IT WAS MOVED BY CHAMBERS and seconded by SALZWEDEL to approve Suez to complete the repairs to the Digester #3 lid at a cost not to exceed \$135,181.

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

NO: None.

ABSENT: None.

MOTION CARRIED.

6. **MONTHLY REPORTS.**

There were none.

7. **BOARD/COMMISSION REPORTS.**

Councilmember Yankovich stated at the Chamber Zoom meeting they discussed that we should be seeing the four pieces of the Showboat before the end of the month. Liz Baker and Yankovich will be working on a survey of business owners as far as the impact with the COVID-19 Pandemic. Best news he has obtained though is that Betsy Davidsons pet scan came back great!

Councilmember Chambers stated at the Planning Commission Meeting, they went over highlights of the previous meeting due to the problems with people being able to get on the Zoom meeting. The two applicants for marijuana establishments came back. The pastor and an elder from First Baptist Church spoke of their concerns regarding the possibility of the marijuana establishment near their church. And he did not attend the Lowell Light & Power Board meeting that was Wednesday.

Councilmember Canfield stated Lara Board meets next month. Parks and Rec Board will meet tomorrow night.

Mayor DeVore stated Fire Authority did meet in person, severed agreement with previous fire and safety attorney and looking at a new attorney. Update on the boat which Chamber will have more on later. Looked at the budget. DeVore got the consultants draft report and is going to have a conference call with the consultant tomorrow. As soon as he gets the final report, he will get it out to everyone for review.

8. **MANAGER'S REPORT.**

- Burns stated last Wednesday the Showboat committee met, reviewed the three proposals we have for the general contractor for the Showboat. The committee and our consultants reviewed the three bids and are reaching out to all three bidders and submitting a post addendum to verify. Once we

have that complete, we may request for value engineering in their bids. Once we have those answers in their bids, we will be coming to the City Council with a recommendation on a general contractor.

- The Showboat will be arriving and assembly will begin the week of July 7<sup>th</sup>. Last week, Dan Czarnecki, Ryan Teachworth, Steve Donkersloot and myself met with Moran to work out some logistical issues for their site needs. They are going to be on site for 8 weeks completing their assembly.
- Our first restaurant has submitted their application and it has been approved for using our public spaces. Flat River Grill made a request, and they will be using a portion of the river walk for their needs. It will not impede any river access at the river walks.
- I took an application today for a grow and processing facility at 2335 West Main (the old baseball batting cage lot). We are now beginning that site plan review.
- We began Suffix street construction last week, they did start milling on Friday and they are working towards that and one of the nice things about that is our contractor does their own milling so it will go quicker

9. **APPOINTMENTS.**

There were no changes at this time.

10. **COUNCIL COMMENTS.**

Councilmember Canfield would like to thank everyone that joined us at the last zoom meeting and hope the next meeting will be in person. Also, not in favor of getting rid of the Police Department.

Councilmember Chambers thanked Officer VanSolkema for helping with the assembly for the new boat, motor and new equipment for the Fire Department.

Councilmember Yankovich thanked LARA, walked the new paved trails and it is wonderful and also looks great. Also stated the “Defund the Police” movement is to make it easier on cops so that they are not trying to cover so many areas of situations and it is not about taking them out of commission like it sounds. It is poor choice in wording.

Mayor DeVore stated there is a Michigan made clothing website called “The Mitten State” that has a “support the trails” tee shirt that they are putting out in June. If you order one, they do make a donation from every shirt to the North Country Trails. Thanked Police Officer Scott VanSolkema for helping with obtaining the boat. Also, the Lowell Police Department is a great asset and he supports them.

11. **ADJOURNMENT.**

IT WAS MOVED BY SALZWEDEL and seconded by CANFIELD to adjourn at 9:16.  
YES: Councilmember Salzwedel, Councilmember Yankovich, Councilmember Chambers and Councilmember Canfield and Mayor DeVore.

NO: None.

ABSENT: None.

MOTION CARRIED.

DATE:

APPROVED:

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Mike DeVore, Mayor

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Sue Ullery, Lowell City Clerk