

**PROCEEDINGS
OF
CITY COUNCIL
OF THE
CITY OF LOWELL
MONDAY, JULY 06, 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 Manager Michael Burns, City Clerk Susan Ullery, Police Chief Chris Hurst, City Attorney Jessica Wood, and DPW Director Dan Czarnecki.

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

- Approval of the Revised Agenda.
- Approve and place on file the minutes of the June 15, 2020 Regular City Council meeting.
- Authorize payment of invoices in the amount \$335,649.72.

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

Lynn Afendoulus who grew up and raised her kids in West Michigan, introduced herself and her explained her role in running for legislative Congress.

Bill Bleadzoe who resides at 1180 Lincoln Lake did not agree with how the City handled 2nd Amendment rights in regards to the incident that involved the Chief of Police and his resignation.

City Clerk Susan Ullery read the headers on two petitions that came via letters to the City of Lowell. The first petition header reads “We the people, Michigan citizens with the best of interest in the community of Lowell do not consent to having a Lowell City Manager who has given over his own personal political motives and has forsaken the constitutional freedoms, protections and rights guaranteed all citizens. We petition City Council to force the termination of the Lowell City Manager Michael Burns.” This petition was signed by 104 people for Mike Burns resignation. Many of the signatures were illegible and none of the residence were confirmed.

The second petition header reads, “We the people, Michigan citizens with the best of interest in the community of Lowell do not consent to having a Lowell Mayor who governs more of his personal political learnings, than by the law of the land forsaking the constitutional freedoms protections and rights guaranteed all citizens. And that Mayor Mike DeVore has broken all the same standards that he forced the resignation of Police Chief Bukala over doing so in a much more profane manner himself. We petition

Mayor DeVore for his resignation, thereby saving the citizens of Lowell yet another recall initiative.” This petition was signed by 102 people for Mayor Mike DeVores’ resignation. Many of the signatures were illegible and none of the residence were confirmed.

Mayor DeVore then stated that Michael Burns has promoted Chris Hurst from interim chief to Chief of Police for the City of Lowell and he will now be officially sworn in.

City of Lowell Clerk Susan Ullery swore Chris Hurst in as Chief of Police.

4. **OLD BUSINESS**

a. Staal Estate.

City Manager Michael Burns stated in May 2020, the City Council approved for money to be set aside for a bench pertaining to the Staal Estate and \$25,000 to be set aside for the City’s portion of the LARA trail extension. The remaining funds would be determined on a later date. After the City Council took action on the matter, I received a letter from the conservator of the estate, Mr. Bill Cutler. He stated the estate would like to utilize the remaining portion of the funds for the Showboat. If you recall, I presented the memo to you in my weekly correspondence. Last week, I received a phone call from Mr. Cutler following up on the letter. I mentioned that we utilized \$25,000 for the trail and told him we didn’t receive the letter until after the Council took action. During our discussion, he was fine with the decision on the trail. However, he asked if the Council would consider the remaining portion to be used for the Showboat. He believed this action would close out all matters on the City’s portion for the estate. The City has yet to receive the funds for the estate.

IT WAS MOVED BY CHAMBERS and seconded by SALZWEDEL to agree to use the remaining proceeds after the trail contribution and the bench contribution to be used for the Lowell Showboat.

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

NO: None.

ABSENT: None.

MOTION CARRIED.

b. Laurels of Kent Drain Issues.

City DPW Director Dan Czarnecki stated at the June 1st Council Meeting we received concerns form the neighbor on Donna Drive that surface water runoff from the Laurels of Kent was affecting their property. At that time, they were reminded this is really an issue between the neighbors, but to help keep dialog going and to keep all parties working together, I sent Laurels of Kent a letter explaining the situation as it was presented to the City. The letter was mailed on June 5th. On June 18th, I received a call from the corporate offices of Laurel Health Care Company. I talked to their property representative Mr. Derek Zajac and had a good conversation about the Laurels of Kent facility and their drainage. Mr. Zajac had a good understanding of the situation and he said he has had multiple conversations with Mrs. Marsman and Mrs. Krause. I assured him the City is not taking sides on the issue between private parties and the City is only trying to keep the conversation going so it can be resolved amicably and quickly. Dan continued to explain their conversation and all the facets involved. After talking with Mr. Zajac, he had contacted the Kent County Drain Commissioner’s office and spoke to Joel Morgan, the Senior Engineer at KCDC. He informed me the drain commissioner’s office is currently putting out a request for proposals to perform maintenance work on the entire Cherry Creek County Drain from Main St to just north of Foreman St. which will be a two-year project. The bids for the ditch work are to be opened up July 8th. The contractor

will have the end of September to complete the first phase of the work and the second phase will be conducted in 2021.

5. **NEW BUSINESS**

a. #16 Truck Dump Box Body Replacement.

City DPW Director Dan Czarnecki stated we have budgeted for the purchase of a new stainless steel dump box on Truck #16 along with the optional crossmemberless western style understructure, through the MI-Deal State Purchasing Program, for Truck #16, at a cost not to exceed \$16,678.00.

IT WAS MOVED BY YANKOVICH and seconded by CHAMBERS to approve the purchase of a new stainless steel dump box on Truck #16 along with the optional crossmemberless western style understructure, through the MI-Deal State Purchasing Program, for Truck #16, at a cost not to exceed \$16,678.00.

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

NO: None.

ABSENT: None.

MOTION CARRIED.

6. **BOARD/COMMISSION REPORTS.**

There were none.

7. **MANAGER'S REPORT.**

- Burns congratulated Chris Hurst on his promotion to Chief of Police. Hurst has been with the department for over 25 years and has done an exemplary job and is an exemplary leader. Burns is pleased that he has accepted the position and he is looking forward to working with him.
- The Showboat will be arriving and assembly will begin this Wednesday.
- We did receive our MERS actuarial for the 2020-2021 calendar year.
- We were notified today, that Kent County is eligible for small business and administration loans for businesses that were impacted by the flood.
- We get a Statutory Constitutional Revenue Sharing every 2 months and in the August payment that we will be getting; they have guaranteed 150 percent Statutory Constitutional Revenue Sharing payments for municipalities statewide. The dollar amount is not yet confirmed.
- Last week the governor signed a bill for additional CARES ACT funding for Municipalities. I need to look into it further and will let you know more info once I get it.
- Suffolk and Elizabeth Street project is moving along really well. Riverside Drive work will begin on July 13th.
- Division Street Bridge will begin this week and that work is being done by Kent County. They will begin by reducing the bridge from 13 feet to 10 feet and that will go through the end of August. At the end of August, the bridge will be shut down for 30 days starting August 28th.
- Kent County has received \$122 Million Dollars through the CARES ACT from the Federal

Government. Of that money, about \$15 Million Dollars will be going to the Municipalities for their PPE (Personal Protection Equipment). We have already put in our first request for reimbursement from Kent County which is about \$15,000 in expenses we have had at this point. It is my understanding we are eligible for reimbursement at 100%.

8. **APPOINTMENTS.**

Light & Power Board members Perry Beechum and Daniel Crawford would like to continue serving on the board. with terms expiring June 2023.

By general consensus, the Council agreed to reappoint Perry Beechum and Daniel Crawford to the Lowell Light and Power Board.

DeVore noted that Arbor Board member Diane Lawarre is resigning.

9. **COUNCIL COMMENTS.**

Councilmember Salzwedel wanted to discuss the Line Shack building and stated he was disappointed to hear that the RFP was pulled. He did not receive an apology from the City for the error that was made but moving forward, it is important to make sure that we have our I's dotted and T's crossed.

Councilmember Canfield stated he met with Jerry Hale and Bill Wheelen and they received their feasibility water/sewer study and they would still like us to take one more look at it and they need to move on it pretty quickly. Would like to see it on our agenda and maybe get some help from William & Works understanding it all. Congrats to Chris Hurst.

Mayor DeVore congratulated Chris Hurst for the Chief of Police position.

10. **ADJOURNMENT.**

IT WAS MOVED BY SALZWEDEL and seconded by CANFIELD to adjourn at 7:32.

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

NO: None.

ABSENT: None.

MOTION CARRIED.

DATE:

APPROVED:

Mike DeVore, Mayor

Sue Ullery, Lowell City Clerk