

**PROCEEDINGS  
OF  
CITY COUNCIL  
OF THE  
CITY OF LOWELL  
MONDAY, AUGUST 03, 2020, 7:00 P.M.  
(ZOOM MEETING)**

1. **CALL TO ORDER; 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, City Attorney Jessica Wood.

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

- Approval of the Agenda.
- Approve and place on file the minutes of the July 20, 2020 Regular City Council meeting.
- Authorize payment of invoices in the amount \$674,847.89.

IT WAS MOVED BY YANKOVICH 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.**

Trevor Workman who is Pastor at the Lowell Church of the Nazarene located at 201 N. Washington Street would like to hold their church services outside and questioned the noise ordinance and requested either a special exemption or an amendment to the ordinance which would allow church services to be held outside on Sunday. The issue will be brought back at the next meeting and or the Pastor will work with City Manager Michael Burns.

4. **OLD BUSINESS**

a. **MERS Actuarial.**

Mike Oberly presented the MERS Actuarial evaluation update. He explained MERS as an independent non-profit professional retirement services company serving municipal members across Michigan. The independent elected board is made up of three officer members, three employee members, two expert members and one retiree member. There is a program for every need. At MERS, the ultimate goal is to insure that, over time, the assets in the plan are sufficient to meet the projected benefits to be paid to retirees. When the level of plan assets is equal to the expected benefits to be paid (which is the plan's "liability"), the plan is considered "full funded" or "100% funded". Another way to think of this is that

the plan is “in balance”. Oberly then explained how the employer contribution is calculated and things that impact the plan such as economic assumption changes, the impact of retirements. Also, future impacts such as assumption change in 2020 based on demographic assumptions, adjustments to the actuarial assumptions including mortality, retirement, disability and termination rates. Changes to the demographic assumptions resulting from the experience study have been approved by MERS Retirement Board and are to be effective beginning with the December 31, 2020 actuarial valuation first impacting 2022 fiscal year contributions.

The City Councilmembers then voiced their concerns.

The City Manager Michael Burns stated we are at the point (under 60%) where next year, we will be required to submit a corrective action plan and once we submit that plan, we will have to stick to it.

b. Public Hearing – Riverview Flats Site Plan Amendment.

Andy Moore with Williams & Works explained the applicants for the Riverview Flats have applied for an amendment to their PUD. The changes are significant enough that we have to go through the same process that we went through the first time around. That means, City Council hearing and then we’ll have to adopt another ordinance that approves the PUD in its amended format. Brief summary, they have reoriented the streets and driveway a little bit and the previous High Street issues are all reflected in the updated plan.

Todd Schaal then gave a brief summary of what the changes are including more parking, more landscaping, eliminating the driveway on Monroe so it flows nicer and eliminates car headlights shining on the resident homes across the street.

Mayor DeVore opened the Public Hearing.

There were no comments.

Andy Moore stated that the Planning Commission had an overall favorable opinion of the changes as did Williams & Works and that this is an improvement from what was approved a year ago. There were several concerns that this plan addresses. They will have to update their landscaping plan according to the new layout.

Mayor DeVore closed the Public Hearing.

IT WAS MOVED BY CHAMBERS and seconded by DEVORE to approve the Riverview Flat Site Plan Amendment – Ordinance 20-04.

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

NO: None.

ABSENT: None.

MOTION CARRIED.

c. Street Closure – Tonia North.

City Manager Michael Burns stated that he received a request from Tonia North and North Star Antiques pertaining to a street closure of Riverside Drive, if you recall in June, we allowed a street closure of Riverside for North to have a garden sale. North would like to do this event again on Saturday August 8, 2020 from 10:00 a.m. to 5:00 p.m. in conjunction with the sidewalk sales the Chamber of Commerce is having. In addition to August 8, North is also requesting to do this at the same time as before but on

Saturday, September 12, 2020 and Saturday, October 10, 2020.

IT WAS MOVED BY SALZWEDEL and seconded by CHAMBERS to approve the Riverside Drive street closure dates as presented.

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

NO: None.

ABSENT: None.

MOTION CARRIED.

## 5. **NEW BUSINESS**

### a. MML Delegate.

City Manager Michael Burns stated the Michigan Municipal League Annual Convention will be held as an online virtual conference September 29 – October 2, 2020. The League’s “Annual Meeting” is scheduled for 3:00 p.m. on Tuesday, September 29. The Council is requested to designate by action of your governing body one of your officials who will be in attendance at the virtual convention as your official representative to cast the vote of the municipality at the Annual Meeting, and, if possible, to designate one other official to serve as an alternate.

City Councilmembers designated Mike DeVore to attend the virtual conference.

### b. Marihuana Ordinance hours of operation.

City Manager Michael Burns stated Section 28-30 subsection of our Adult Use Marihuana Ordinance states, “It shall be unlawful for any license to sell marihuana or marihuana products at a licensed marihuana retailer or microbusiness at any time other than between the hours of 7:00 a.m. and 9:00 p.m. daily.” Meds Café has made a request to modify this provision of the ordinance. They are seeing an unintended issue occur with their business due to this. Meds Café closes as required at 9:00 p.m. However, they cannot process sales after 9:00 p.m. So people who are arriving 15 to 20 minutes prior to closing are in a position where the clerks may have to turn them away. The owners have had dozens of complaints/requests when they have turned late arriving customers away and this has caused lost revenue by not being able to serve all their customers. Med Café informs me a normal transaction takes 5 to 15 minutes as they have to track the sale with the State. This is also dependent on the customer’s questions or the size of their order to be filled. Meds Café is requesting they still close at 9:00 p.m. However, be allowed to operate no later than 10:00 p.m. to process those transactions. From my discussions with Meds Café, I believe this is a reasonable request and was an oversight when we developed the ordinance.

Councilmember Chambers stated we looked long and hard at this initially and based the decision on the neighborhood around the facility.

Councilmember Salzwedel questioned whether they were educating their customers of their hours of operation and what the close time is.

Casey Cole who is the operations manager for Meds Café stated they are educating everyone but they do get a lot of new customers every day. He explained this issue is just for the curbside customers as that process makes the transactions take longer.

City Manager then asked for direction from the Council.

City Council discussed at length.

City Attorney Jessica Wood stated the only vote tonight would be for City Manager Michael Burns to change the ordinance or to leave it as it is.

There was no consensus on having the ordinance changed and brought back to Council.

c. Lowell Arts Yarn Bombing.

City Manager Michael Burns stated in 2013, Lowell Arts approached the City Council to allow a yarn bombing of the downtown. This is where volunteer artisans create art projects out of yarn on trees in the Downtown District. It is supposed to be a way to provide color to the downtown with lively knitted and crocheted wraps. It is unknown what day this will occur as it is a secret as to the actual date of the event. Lowell Arts is asking permission from the City Council for our trees to be utilized for this event.

Liz Baker with the Chamber of Commerce explained the process.

IT WAS MOVED BY YANKOVICH and seconded by CHAMBERS to approve Lowell Arts request to hold a yarn bombing.

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

NO: None.

ABSENT: None.

MOTIONCARRIED.

6. **BOARD/COMMISSION REPORTS.**

There were no reports.

7. **MANAGER'S REPORT.**

- Burns stated the paving is complete on Suffolk, Elizabeth, Howard and Riverside. They will come back and do some restoration work. Burns is pretty sure but will confirm whether this project was completed under budget and let you know.
- Showboat meeting with the Showboat Committee will be held at Creekside Park on Tuesday August 11, 2020 at 7:00 p.m.
- CARES ACT Funding: Hazard pay request has been submitted to the State of Michigan. There is another funding available, so another request has been submitted for another program we are eligible for which is reimbursement for payroll cost for public health and public safety expenses for April and May.
- We are starting our process with the USDA Rural Development pertaining to financing for the proposed Monroe and Washington Street projects in 2022 and 2023. Meeting with the USDA in mid-August for that.
- At the next meeting you will be getting a proposal for engineering for the Amity Street project for next summer which includes the 250K we received from United States Community Development Block Grant.

- Also I am reviewing our street funds and looking to see if it is possible to repave a street or two in the Valley Vista subdivision next year in addition to Amity.
- I am meeting with a financial advisor pertaining to Lowell Township next week.
- Police Department did fill their full time police position hiring Jason Diaz, one of our previous part time officers. Diaz has taken the position and will start August 10, 2020.
- Next week, the Police Department will be holding their first phase of the sergeant exams so there will be interviews and then at a later date, there will be practical exams.

8. **APPOINTMENTS.**

There were none.

9. **COUNCIL COMMENTS.**

Councilmember Yankovich welcomed the T-Myer family back to the Lowell area.

Councilmember Canfield stated he is disappointed we are hiring full time employees when a few months ago we could get by without them, tough times are coming, we are spending money we don't have and we are going to be bankrupt pretty soon.

City Manager Michael Burns responded to Commissioner Canfield's comment and stated he took offense by that accusation and he takes the budget very serious and these were budgeted hires at the beginning of the year.

10. **ADJOURNMENT.**

IT WAS MOVED BY SALZWEDEL and seconded by CANFIELD to adjourn at 8:37.

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