

**PROCEEDINGS  
OF  
CITY COUNCIL MEETING  
OF THE  
CITY OF LOWELL  
MONDAY, SEPTEMBER 21, 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 Pro Tem Salzwedel and Deputy City Clerk Amy Brown called roll.

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

Absent: Mayor DeVore.

Also Present: City Manager Michael Burns, Deputy City Clerk Amy Brown, DPW Director Dan Czarnecki and Chief of Police Chris Hurst.

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

- Approval of the Agenda.
- Approve and place on file the minutes of the Regular minutes of the September 8, 2020 meeting.
- Authorize payment of invoices in the amount of \$771,128.09.

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

YES: Councilmembers Canfield, Councilmember Salzwedel and Councilmember Chambers.

NO: None.

ABSENT: Mayor DeVore.

MOTION CARRIED.

3. **EXCUSE OF ABSENSE.**

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

YES: Councilmembers Salzwedel, Yankovich, Chambers and Canfield.

NO: None.

ABSENT: Mayor DeVore.

MOTION CARRIED.

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

David Sefton was recognized as a distinguished citizen after capturing a video of someone breaking into a physical therapy office. His quick thinking and actions provided for the recovery of thousands of dollars.

Perry Beachum of 924 Riverside stated Coffee with Council was cancelled due to it being Labor Day weekend.

5. **OLD BUSINESS.**

a. **WARE ROAD – BLDI ADDITIONAL PROPOSAL.**

City Manager Michael Burns stated he asked Renee Pewitt from BLDI to attend and update the Council on the status of the issue at the former Ware Road Landfill. While she can go into greater detail on the issue, EAGLE is going to require us to mobilize and complete three different sets of additional wells to be installed on the site. Mainly to determine whether the PERC has migrated from its original location and away from the site.

We are going to be required in this fiscal year and the next two fiscal years after to install these wells. We also will need to go offsite to install wells in the third fiscal year. The proposal provides an estimate for these tasks. It provides a low range price which is a 20% contingency and a high range price with a 40% contingency. The estimates are as follows:

	<u>2020</u>	<u>2021</u>	<u>2022</u>
Low Range	\$66,766	\$61,952	\$93,719
High Range	\$79,922	\$73,710	\$111,585

These are going to require tasks by EGLE and we will need to complete them. It is unknown if the three installations wof wells is going to be all which is required going forward. However, this at least allows us to plan for these when we budget in the upcoming fiscal years. If you recall, we budgeted \$88,000 in this year's budget for Ware Road.

IT WAS MOVED BY YANKOVICH and seconded by CHAMBERS to approve the proposal for additional monitoring wells as presented.

YES: Councilmembers Salzwedel, Yankovich, Chambers and Canfield.

NO: None.

ABSENT: Mayor DeVore.

MOTION CARRIED.

b. **LOWELL TOWNSHIP – WATER AND SEWER RATE STUDY.**

At the last City Council meeting, City Manager Michael Burns was directed to reach out to Jerry Hale and find out Lowell Townships status as to create their own water and sewer system. Since then, Burns has had a phone conversation and received a letter pertaining to their status.

To date, they have conducted the original study discussed in July. This study suggested that the development of public water and sanitary sewer to service the southern end of the township is feasible. They intend to continue to contract with the City for their northern portion of the township, while the separate system will serve properties in the southern portion. The study also recommends a single sanitary sewer be developed in order to serve all planned portions of the Township eventually.

Since the receipt of the study, the Township Board has authorized the expenditure of further sums to pay additional engineering fees associated with discussions with regulators, beginning to refine engineering options, etc. The township has also retained the services on bond counsel and a financial advisor/underwriter to investigate rate structure issues as well as financing options. They are also working on securing a property for the site.

After receiving this information, both the City Attorney and Burns believes the study proposed from Utility Financial Solutions will be needed no matter what occurs moving forward. This will impact our rates and this study will provide us a better understanding of the effect.

With this aside, there are also upcoming expansions which will need to occur to our water and wastewater facility mainly to accommodate the Townships growth that we will still need to work through.

The total cost of the proposal will not exceed \$15,000 which can be split by the water and wastewater fund. The study can be completed in six weeks according to Mark Beauchamp, the company's president.

IT WAS MOVED BY CANFIELD and seconded by YANKOVICH to authorize the rate analysis of potential rate impacts from Lowell Township constructing a water and wastewater system at a cost not to exceed \$15,000.

YES: Councilmembers Salzwedel, Yankovich, Chambers and Canfield.

NO: None.

ABSENT: Mayor DeVore.

MOTION CARRIED.

c. **MERS.**

City Manager Michael Burns provided an update on the MERS. He noted there is approximately \$197,000 over in revenue expenditures. He suggested taking \$75,000 and put aside for the fire truck and the rest going toward the pension debt.

Burns noted the auditors are in the office next week.

d. **RESTAURANTS – OUTDOOR SEATING.**

City Manager Michael Burns explained Flat River Grill would like to place igloos outside during the winter months. Power would run from their building. Burns noted it would be their responsibility for snow removal. Further information will be provided at a later date.

6. **NEW BUSINESS.**

a. **RESOLUTION 20-20 RESOLUTION ESTABLISHING NEW SANITARY SEWER SYSTEM SURCHARGE RATES.**

City Manager Michael Burns stated the City has not reviewed the rate of surcharges for our Industrial Pretreatment Program in ten years. After reviewing the amounts for the surcharges we believe it is necessary to modify the charges instances when wastewater is above 300 mg/l of Biochemical Oxygen Demand (BOD), 300 mg/l Suspended Solids (SS), and/or 10 mg/l of Phosphate (PO<sub>4</sub>). Currently the City only has two entities participating in our Industrial Pretreatment Program. This has no impact on our normal residential/commercial user.

A memo from Brian Vandermuelen was provided explaining this in great detail. However, he is suggesting we increase the surcharge amounts for the following:

	<b>Current Surcharge</b>	<b>Calculated Surcharge</b>
BOD	\$0.18	\$0.29
SS	\$0.26	\$0.35
PO(4)	\$6.79	\$6.60

If we go ahead and modify the charges per our Sewer Ordinance this must be approved via council resolution. Resolution 20-20 was provided for consideration.

IT WAS MOVED BY YANKOVICH and seconded by CHAMBERS to approve Resolution 20-20 modifying the surcharges for the Industrial Pretreatment Program as presented.

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

NO: None.

ABSENT: Mayor DeVore.

MOTION CARRIED.

**b. LARA RESOLUTION 21-20.**

City Manager Michael Burns explained the City is an applicant, on behalf of LARA, for funding the Fed Meijer Flat River Valley Trail connection through the Lowell Community. The grant is through the Michigan Department of Transportation Alternative Program (TAP). As part of this grant request, the City must approve a resolution for consideration.

Resolution 21-20 was provided which is a formal commitment and requires that Burns act as the City's agent in this grant request. The City agrees to commit funds necessary for this project, and agrees to owning/operating the facility and developing a maintenance plan in the area where the grant is funded.

IT WAS MOVED BY CHAMBERS and seconded by SALZWEDEL to approve Resolution 21-20 to commit towards the LARA Fred Meijer Flat River Valley Trail project.

YES: Councilmembers Chambers, Canfield, Salzwedel and Yankovich.

NO: None.

ABSENT: Mayor DeVore.

MOTION CARRIED.

**7. BOARD/COMMISSION REPORTS.**

No comments.

**8. MANAGER'S REPORT.**

- Burns has completed some revenue estimating and it seems to be good news. The State determined revenues for sales and gas taxes are not as bad as they projected with approximately \$43,000 increase in revenue sharings.
- The City will receive \$130,000 for CARES ACT funding – not sure what we can use it on but we can use it for additional payroll for the fire and police.
- \$92,000 was received and \$46,000 was received back.
- Burns attended a Webinar with the State Treasury.
- DPW Director Dan Czarnecki and Williams and Works Dave Austin are working on redong the Amity Street project. We are also looking at redoing Jane Ellen.
- There are some traffic concerns in the downtown district and this is being addressed.
- A presentation will be provided at the October 19, 2020 City Council meeting.
- Administrative Assistant Luanne Wisniewski will be retiring soon. She will be missed.

9. **APPOINTMENTS.**

By general consensus Ashley Dunn was appointed to the Arbor Board and Todd Schaal was appointed to the Parks Commission.

10. **COUNCIL COMMENTS.**

Councilmember Chambers stated Theresa Beachum had asked him to help with the Drive – In Pink Arrow game at the Fairgrounds. If anyone would like to volunteer please contact him.

Councilmember Yankovich thanked the Police Chief Chris Hurst and the LPD for listening to the citizens and doing what they can to help slow down the speed of traffic.

Councilmember Canfield thanked Mike Burns for working hard on the budget

Councilmember Salzwedel encouraged everyone to support the Lowell Red Arrows on September 25, 2020.

11. **ADJOURNMENT.**

IT WAS MOVED BY YANKOVICH and seconded by CHAMBERS to adjourn at 8:00.

YES: 5.

NO: NONE.

ABSENT: Mayor DeVore.

MOTION CARRIED.

DATE:

APPROVED:

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Mike DeVore, Mayor

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Sue Ullery, Lowell City Clerk