

**PROCEEDINGS
OF
CITY COUNCIL MEETING
OF THE
CITY OF LOWELL
MONDAY, OCTOBER 19, 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 Deputy City Clerk Amy Brown called roll.

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

Absent: None.

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

2. **ADDITIONAL AGENDA ITEM.**

Mayor DeVore requested that an additional item be added under new business regarding “Fire Chief Contract”.

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

YES: 5. NO: None. ABSENT: None. MOTION CARRIED.

3. **APPROVAL OF THE CONSENT AGENDA.**

- Approval of the Agenda.
- Approve and place on file the minutes of the Regular minutes of the October 5, 2020 meeting.
- Authorize payment of invoices in the amount of \$238,180.55.

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

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

NO: None. ABSENT: None. MOTION CARRIED.

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

No comments.

5. **OLD BUSINESS.**

a. **SHOWBOAT.**

City Manager Michael Burns stated there were a number of questions that the City Council wanted him to answer with regards to the ordinance regarding liquor and insurance liability. There is a provision in the ordinance that states alcohol is prohibited in all parks and city facilities. With this being an ordinance it is something that can be modified and be permitted for the Showboat and the parks surrounding it. The other issue involves the insurance liability. He spoke with the insurance carrier who had concerns with allowing alcohol on the boat be done through either a bartender or catered service. With regards to insurance requirements they could have a minimum \$500,000 liability insurance but would be recommended to have a million dollar liability insurance but also they were very adamant against having people bring their own alcohol on the boat.

The next step would be to discuss the operation of the boat.

Executive Director Liz Baker stated they have a desire to manage the boat but it needs to make sense which is why they are asking the City Council what they would like to see.

Councilmember Yankovich stated as a Council it was discussed they do not want to be in the rental business nor are they as a Council excited about new hires and adding to the payroll. Therefore, it may make more sense for the Chamber to manage it. Mayor DeVore believed it made sense as well.

Councilmember Salzwedel requested the Council hold a committee meeting to discuss details and then come back later to discuss the management of the boat.

Yankovich questioned who owns the boat. Burns stated the City took ownership of the boat years ago due to financial incapability's due to the previous nonprofit entity running it. Once our obligation with the State is complete it would not be an issue to give the boat to the Chamber.

Councilmember Canfield believed the boat should be managed by the Chamber.

Mark Mundt of 800 Bowes Road raised some concerns regarding fundraising etc. He also commented on the fundraising and as of today they have raised \$345,600.

A special meeting was established for October 26, 2020 at 6 p.m.

b. **LOWELL TOWNSHIP WATER/SEWER.**

City Manager Michael Burns stated received an email from Suzanne Schulz who is a project manager for Progressive AE Engineering. She has been asked to see if the City of Lowell would be willing to collaborate with Lowell Township in the creation of a task force to look at the water and sewer infrastructure needs of the City and Township.

Schulz stated she has been asked to assist with the industrial park that will be going in near the highway in the Lowell Township. They have had this area planned and zoned as industrial for approximately 2 decades however lack of water and sewer has prevented it from being developed. Therefore, the township

would like to have a conversation with the City to come up with answer of how to handle this and figure out what the future holds.

She suggested looking into a task force being formed that would consist of a variety of people from the City and the township.

A task force could consist of Greg Canfield and Liz Baker, Dan Czarnecki and Marty Chambers from the City and possibly Jerry Hale, Bill Thompson and Rhonda Benedict from the Township. DeVore state he would reach out to Hale.

c. **MERS.**

City Manager Mike Burns noted the audit has been completed. We are in negotiation with the IEBW.

Deputy City Clerk Amy Brown read a letter into record from Susan Hanline from 811 N. Jefferson Street who indicated she is against any taxpayer dollars being used for the Showboat. Mayor DeVore noted there has been no tax money being spent on the Showboat.

6. **NEW BUSINESS.**

a. **MONROE ST./WASHINGTON ST. CONSTRUCTION OVERVIEW.**

Public Works Director Daniel Czarnecki stated he was asked to provide an outline of the proposed infrastructure improvement projects for Monroe St. and Washington St. Overviews of both projects have been developed utilizing the asset management plans that have been previously developed for our storm water system and the sanitary sewer utility, the water reliability study, and the street PASER ratings.

To better help understand the scope of the proposed work, he presented a map showing the individual infrastructure work areas, information from the 2019 Capital Improvement Plan developed by Prein & Newhof, the most recent PASER ratings for the Monroe St. and Washington St.

b. **MONROE ST. AND WASHINGTON ST. USDA SCOPE OF SERVICES.**

Public Works Director Daniel Czarnecki went on to explain that for the Monroe St. and the Washington St. infrastructure improvement projects, the City is considering utilizing the United States Department of Agriculture to apply for a loan to perform the work through their Rural Utility Services loan program. The loan has several components within its application process. One item includes providing preliminary engineering reports for each street. The reports need to address the water component and the sanitary component separately for each street

Williams & Works has provided us with a scope of services to perform the Preliminary Engineering Reports (PER) and to provide utility right-of-way maps to meet the needs of USDA and the application process. The PER will better define the project and separate utility construction needs. Cost estimates

generated through the PER process will be used to apply for funding for our projects. The ROW map will show all our utilities within the City. The map will be utilized by the City Attorney as they prepare their legal opinion relative to the title of rights-of-ways and easements on the entire City of Lowell Water and Sanitary sewer system. Williams and Works has indicated they can do the PER and the ROW map for a cost not to exceed \$12,5000.

City Attorney Jessica Wood explained what the process would look like for the loan process.

IT WAS MOVED BY SALWEDEL and seconded by CANFIELD to approve the N. Monroe and Washington Avenue USDA Preliminary Engineering Report and Right-of-Way Map services with Williams & Works, as outlined in their scope of services dated October 14, 2020 for the amount of \$12,500.00.

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

c. **FIRE CHIEF CONTRACT.**

Mayor DeVore stated the Fire Authority met last week to begin negotiation with Shannon Witherell to go from Interim Fire Chief to full time Fire Chief.

IT WAS MOVED BY DEVORE and seconded by CHAMBERS to approve the employment contract agreement with Shannon Witherell to be presented at the next Fire Authority Meeting.

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

7. **BOARD/COMMISSION REPORTS.**

Councilmember Chambers stated the Planning Commission approved a retail building to be built at 126 S. West Street. He was unable to attend the LL&P meeting.

Councilmember Canfield stated the LARA board met last Thursday night however he was unable to attend.

Mayor DeVore stated the Fire Authority met regarding the new fire chief. The full time fire chief is needed to move forward with the new fire truck.

8. **MONTHLY REPORTS.**

No comments were received.

9. **MANAGER'S REPORT.**

- Lowell Community Fund met in September and the City received \$150,000 for the Showboat. To date the City has received \$350,000 for the Showboat in the last four month from the Community Fund.
- Executive Order has created a number of issues. The City is allowed to go back to Zoom meetings if necessary. Also, previous meetings through Zoom are valid. We are now finding issues pertaining to election day. A law was passed to allow communities greater than 25,000 to have an extra day of counting absentee ballots. However, this does not pertain to the City of Lowell with being a smaller community. The other issue involves the SOS announcing there is no open carry allowed in precincts. There is a significant legal questions regarding the statutory authority of this being allowed. Our City Attorney is looking into this.
- Burns thanked Luanne Wisniewski for her service to the City. As discussed we are not filling her position but there may be some part-time needs.

10. **APPOINTMENTS.**

No appointments.

11. **COUNCIL COMMENTS.**

Councilmember Canfield stated 25 years ago he began serving on the Planning Commission as well as a few other community boards and commissions. With recent family issues he has decided to resign from the City Council because of time commitment. He believes the City is in a good place and he feels confident the Council will continue on. It has been a pleasure working together.

Councilmember Chambers stated he has known Canfield a long time. However, family is always first and he will be missed.

Councilmember Yankovich thanked Canfield for all he has done and it is much appreciated.

Councilmember Salzwedel thanked Canfield as well and for his services.

Mayor DeVore stated he had no doubt that he wouldn't be on the Council if it wasn't for Canfield and he is much appreciated.

City Manager Burns commented on working with Canfield. He has always respected him and his commitment to the community. His service is much appreciated.

12. **CLOSED SESSION**

- a. At the request of the City Manager to discuss performance review.

IT WAS MOVED BY CANFIELD and seconded by SALZWEDEL to go into Closed Session at the request of the City Manager to discuss performance review at 8:40 p.m.

YES: Councilmembers Yankovich, Chambers, Canfield, and Mayor DeVore.

NO: None.

ABSENT:

MOTION CARRIED.

The Council went back into open session at 9:46 p.m.

13. **ADJOURNMENT.**

IT WAS MOVED BY SALZWEDEL to adjourn at 9:46 p.m.

YES: 5.

NO: NONE.

ABSENT: None.

MOTION CARRIED.

DATE:

APPROVED:

Mike DeVore, Mayor

Sue Ullery, Lowell City Clerk