

**PROCEEDINGS
OF
CITY COUNCIL MEETING
OF THE
CITY OF LOWELL
MONDAY, NOVEMBER 2, 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 Treasurer Suzanne Olin called roll.

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

Absent: None.

Also Present: City Manager Michael Burns, City Clerk Suzanne Olin, DPW Director Dan Czarnecki, Chief of Police Chris Hurst.

2. **RESIGNATION OF COUNCILMAN CANFIELD.**

City Manager Michael Burns stated a resignation letter was included in the agenda from Councilman Greg Canfield effective Monday, November 2, 2020. His term was set to expire in January 2021. Upon acceptance of the resignation, the City Charter calls for the position to be filled in 30 days. Requirements in the City Charter require the candidate to be “a resident of the City, or of the territory annexed to the City, or both, for at least one year immediately prior to, and was a registered elector on, the last day for filing nominating petitions for such office or prior to the time of his appointment to fill a vacancy, not shall he be in default to the City.”

If you recall, when Councilman Jeff Phillips resigned in November of 2018, the Council established a two week letter of interest period that ended on a Monday and the following Saturday you held interviews for the vacancy. You are well within your right to do this again if you so choose.

Once this position is filled, the position will be contested in the November 2021 election. City Administration needs direction on how you would like to proceed.

Burns noted the City has already received two letters of interest.

Mayor DeVore thought this worked well and noted November 16, 2020 would be the deadline.

By general consensus the Council decided to hold a special meeting to conduct these interviews on November 23, 2020 at 6 p.m.

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

- Approval of the Agenda. Mayor DeVore noted the addition of Item C under New Business regarding Monroe/Washington Survey Work.
- Approve and place on file the minutes of the Regular and Closed Session minutes of the October 19, 2020 meeting and the Special meeting minutes of the October 26, 2020 meeting.
- Authorize payment of invoices in the amount of \$266,212.61.

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

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

NO: None.

ABSENT: None.

MOTION CARRIED.

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

Perry Beachum of 924 Riverside Drive questioned the status of the Unity property swap. He understood this is holding up the easements which need to be taken care of.

5. **OLD BUSINESS.**

a. MERS.

City Manager Michael Burns had no new updates.

b. Showboat.

City Manager Michael Burns stated since the last meeting he was asked to check with the City Attorney regarding the City's legal option of forming a separate entity. After a lengthy discussion with Dick Wendt he suggested forming a non profit entity, operating as its own. One advantage of this is this would allow those who donate to use the donation as a tax write off. Burns noted he has yet to follow up with insurance agencies as they are putting quotes together still. However, in discussion with attorney it is actually probably to be on our insurance.

Burns noted the letter received from the Chamber of Commerce and what they would be willing to assist with such as phone calls, scheduling, marketing etc.

Councilmembers, Mark Mundt of 800 Bowes Road and Executive Director of the Chamber Liz Baker had a lengthy discussion on some confusion over the Showboat and fund raising opportunities.

c. Lowell Township Water/Sewer.

City Manager Michael Burns presented a proposed schedule with the first meeting being on November 10th, 2020 with seven total meetings for discussion and conclusion. The task force will consist of various members from the City and Lowell Township.

d. Lineshack.

City Manager Michael Burns stated he was asked to place the Lineshack RFP on the agenda. If you recall due to an administrative error, we could not move forward with this process.

Burns suggested referring this matter back to Lowell Light and Power to see what they would like to do with the property before moving forward.

Councilmember Chambers wanted to see this issue resolved quickly. Lowell Light and Power Chair Perry Beachum stated he has asked General Manager Steve Donkersloot to get a formal appraisal of this property before his last day with the company.

6. **NEW BUSINESS.**

a. Revised Oakwood Cemetery Rules and Regulations.

Public Works Director Daniel Czarnecki stated he was asked to finalize the new rules and regulations for the cemetery. It has been nine years since these have been amended. During this time City personnel have seen areas that need amending. There have also been some new ideas with cemeteries that are happening and we would like to address some of these before they become an issue in Lowell. These new ideas include increased burial densities, new eco-friendly burial containers, more cremations and spreading of ashes, private markers with abilities in inter many cremains, and additional recreational uses of cemeteries.

Overall, the current rules and regulations work to keep some order in the cemetery and its use. City personnel have been good to work with cemetery users, however, there have been some past actions taken by staff to appease relatives and families that have caused issues as we move forward. The current rules allow for purchase of burial rights by city residents at a reduced cost to them. However, there is no language to address the transferring of those burial rights to people who do not live in the city. The City loses money when this happens. Also, there have been issues when people ask to use empty spaces that were purchased by their great-great uncle or aunt. The relative chain becomes difficult to follow and sometimes other relatives start asking about the spaces and how we determined who we would allow to be buried on the vacant sites. The new rules will hopefully clean up these issues and clarify many other rules.

These revised Rules and Regulations do not include any changes to the current fee schedule. Changes to the charges and fees will come before City Council after any of the proposed rules and regulations changes are approved, and prior to the next budget year.

In the future the rules and regulations should be reviewed and modified or adjusted in a more timely basis to allow city personnel to better run the cemetery.

The Council appreciated the work done on updating the rules and regulations. Further review will be brought back to the next meeting.

b. DPW HVAC Unit.

Public Works Director Daniel Czarnecki explained the Department of Public Works building on Hudson St. had issues with the building's HVAC unit during the summer. Several times Progressive Heating and Cooling was out to inspect and fix, as well as recharge the unit. During one of the inspections they found a crack in the heat exchanger. With winter on the horizon now would be a

good time to replace the 12+ year-old unit. This is an unanticipated and unbudgeted expense. However, there is \$10,000 in the DPW Building Improvement line item that could be redirect to this replacement.

Progressive Heating and Colling has quoted a replacement AC unit of equal size to be \$4,896.00, installed. The current energy code requires a new low leak economizer be included with these units. The cost for the economizer is \$1,671.00. The total cost to replace the existing HVAC unit, with economizer, is \$6,567.00

The old unit would be removed and disposed of properly, and a new unit would be installed in the same location. They will also utilize the existing ductwork, electric lines and gas lines.

IT WAS MOVED BY CHAMBERS and seconded by YANKOVICH that the Lowell City Council approve the DPW building HVAC replacement quote from Progressive Heating, Cooling & Refrigeration, Inc., Lowell, Michigan, dated September 23, 2020, for a cost of \$6,567.00

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

NO: None.

ABSENT: None.

MOTION CARRIED.

c. Monroe/Washington Survey Work.

Public Works Director Daniel Czarnecki stated in order to perform the design work for the upcoming street projects, survey work is needed. The engineers would like to get started on the survey as soon as possible and take advantage of the fall weather, with the goal to complete as much as possible before winter sets in.

The design work for the Monroe St. improvements needs to be completed by mid-spring. This is necessary in order to meet the MDOT time frame for project fund obligating and project letting. We are working towards an October/November 2021 project.

While they are working on the Monroe St. project design they would like to get started on the Washington St. survey work too. Several portions of the Monroe St. work ties into the Washington St. work. Having the survey of both streets being worked on at the same time will help with the necessary information gathering. At this time we are not planning to utilize MDOT funds on the Washington St. project and we will not need to follow the MDOT project timelines.

Williams & Works has provided a proposal for the topographical survey work for both streets. If the survey work can be worked on concurrently they are proposing the costs to be:

- Monroe St. - \$21,900
- Washington St. - \$17,200

The survey work fee is an eligible expense of the USDA funding loans. Also, we currently have funds budgeted for the Washington St. project design work.

IT WAS MOVED BY SALZWEDEL and seconded by CHAMBERS that the Lowell City Council approves the Topographical Survey Services for the Monroe St. and Washington St. projects with Williams a& Works, as outlined in their letter dated October 30, 2020, for the amount of \$21,900.00 for Monroe St. and \$17,200.00 for Washington St.

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

7. **BOARD/COMMISSION REPORTS.**

No comments were reported.

8. **MANAGER'S REPORT.**

- Tomorrow is Election Day. We have roughly over 2,000 registered voters and we have had over 1,000 absentee ballots.
- Burns provided an update on the CDBG project.
- Thanked Root Lowell who donated an electric atomizer which will sanitize each city building weekly.
- COVID – 19, we have had to modify some employee policies.

9. **APPOINTMENTS.**

No appointments.

10. **COUNCIL COMMENTS**

No comments were received.

11. **ADJOURNMENT.**

IT WAS MOVED BY SALZWEDEL to adjourn at 7:57 p.m.

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

DATE:

APPROVED:

Mike DeVore, Mayor

Sue Ullery, Lowell City Clerk