

**PROCEEDINGS
OF
CITY COUNCIL MEETING
OF THE
CITY OF LOWELL
MONDAY, NOVEMBER 16, 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 Sue Ullery called roll.

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

Absent: None.

Also Present: City Manager Michael Burns, City Clerk Sue Ullery, DPW Director Dan Czarnecki, Chief of Police Chris Hurst and Lowell Light and Power General Managers Steve Donkersloot and Charlie West.

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

- Approval of the Agenda
- Approve and place on file the minutes of the November 2, 2020 City Council Regular meeting.
- Authorize payment of invoices in the amount of \$292,584.96.

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

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

NO: None.

ABSENT: None.

MOTION CARRIED.

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

There were no comments.

4. **OLD BUSINESS.**

a. **MERS.**

City Manager Michael Burns stated he has an update that he will present soon.

b. **Showboat.**

City Manager Michael Burns stated that City Attorney Jessica Wood said the City can have a non-profit 501C3 formed for the Showboat that can be a separate entity from the City and operate on its own. They would need to form a board for the 501C3 and then the following five things would need to happen. They would need to develop a mission statement, articles of incorporation, establish by laws, have a conflict of interest policy and delve out exactly what the responsibilities are from the non-profit entity. In researching insurance for the Showboat, it's a little bit complicated. If it stays on the City insurance, it will be relatively cheap, but insurance through PAR, would be much more expensive and

also risky because of liability due to the boat is on water. So we are looking at special insurance where there could be some risk but not as much.

c. Lowell Township Water/Sewer.

City Manager Michael Burns said they had their first meeting, Tuesday, November 10, 2020. It was more of an introductory meeting than anything else, but it was a good discussion. They talked about what they would like to see come out of this, stating at the end of the day, we are going to still be working together on this.

d. Revised Oakwood Cemetery Rules & Regulations.

Public Works Director Dan Czarnecki read his memo which stated that the Oakwood Cemetery Rules & Regulations have been reviewed and updated. Some of the updated changes include new language for purchasing and assigning burial rights, transferring of burial rights, defining the layout of the area around markers including where items may be placed, the City's repurchasing burial rights, the number of internments per grave space, and additional charges after regular designated work time. Once approved, the new rules & regulations will be made available at City Hall for anyone requesting a copy, or purchasing a burial site. They will be on the City's webpage and will be sent to local funeral homes and monument companies.

IT WAS MOVED BY SALZWEDEL and seconded by DEVORE to approve the Oakwood Cemetery Rules and Regulations dated November 2020, as presented.

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

NO: None.

ABSENT: None.

MOTION CARRIED.

e. COVID – 19.

City Manager Michael Burns stated he has spent a lot of time on COVID -19. One employee had it, but had obtained it on vacation so it didn't involve quarantining other City employees; that said, it has caused the City to make some changes. Daily screenings of employees will now take place starting Wednesday, November 18, 2020. Gatherings have been reduced to 10 people at a time so all meetings will be held via ZOOM and any changes to COVID-19 orders will be given as changes occur. The City Hall employees may go to an appointment based system so we can still service our residents but do our best to keep the employees safe. Screening people asking for appointments could be an option.

It was a general consensus by all the Council members to begin by appointment only for residents that need services at City Hall. Also, to continue waiving late fees and no water shut offs for water/sewer residents' delinquent with payment. For the Police Department, to start referring all PBT and fingerprinting back to the Sheriffs Dept for the time being. We will continue to leave COVID – 19 on the agenda until it is over.

f. Council Vacancy.

City Manager Michael Burns stated today was the deadline to submit an application for the City Council vacancy position. We had five applications, all have met requirements to serve. The following are the applicants: Jake Davenport, Michael Gadula, Leah Groves, Tina Dickerman and Katie Rademaker. All are able to do Zoom interviews. Council was not comfortable with ZOOM interviews so Burns will get a legal opinion on whether we can do the interviews in person if we provide Zoom for the public, and we will set up interview appointments next week.

5. **NEW BUSINESS.**

a. Jane Ellen St. Design Engineering Services.

Public Works Director Daniel Czarnecki stated the City of Lowell has approximately \$300,000 available in the Street Funds that can be used for street work. Jane Ellen Street, in the Valley Vista subdivision is in need of resurfacing. The existing pavement is worn out and falling apart. Recent street sweeping exposed more areas of poor asphalt along the curb line of the street. There is a drainage issue in one location that is contributing to the deterioration of the street surface. We would like to resurface this street and have asked Williams & Works engineers to provide a scope of services for the design portion of the work. The project limits are from Sibley St. to Donna St. The work would consist of removal and replacement of the existing asphalt. If necessary, the gravel base may also be replaced. The drainage problem area is to be addressed and any failed curb and gutter will be replaced. The sidewalk ramps will also be addressed as needed. William & Works has proposed design services that include soil borings to determine the existing base materials, survey work to identify existing features and help set the limits of the work, and design of the street work to be completed. They will also prepare all construction documents and will bid the work for the City of Lowell. For their services, Williams & Works has provided a proposed fee of \$21,900.

IT WAS MOVED BY YANKOVICH and seconded by CHAMBERS to approve the design engineering quote for the Jane Ellen Street Design Engineering Services, as proposed by Williams & Works in their letter dated November 9, 2020 for the amount of \$21,900.

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

NO: None.

ABSENT: None.

MOTION CARRIED.

b. Lowell Light & Power & The City of Lowell-MERS Addendums.

City Manager Michael Burns read his memo stating prior to 1/1/2021, MERS is requiring members to complete an addendum, for each plan division that has active employees,

for the purpose of confirming the definition of compensation, defining how certain leaves should be handled, indicating which employee classifications should be included in the plan, and reviewing the change in the handling of forfeiture assets. For the time being, all the employees with the exception of the two full time employees hired after July 1, 2020 are in the cities defined benefit plan. The two new hires will be placed in the Cities defined contribution plan once the matter is completely finalized. However, all matters pertaining to these employees regarding retirement are held in abeyance until the final employment agreement is finalized. Burns provided an addendum for the employees in the current defined benefit plan, we will file electronically and currently dictate the activities of the current plan.

IT WAS MOVED BY CHAMBERS and seconded by YANKOVICH that the City Council approve the Lowell Light & Power MERS Defined Benefit, Hybrid and Defined Contributions as presented in the packet.

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

NO: None.

ABSENT: None

MOTION CARRIED.

IT WAS MOVED BY CHAMBERS and seconded by SALZWEDEL that the Lowell City Council approve the MERS addendum to our current Division 01 defined benefit plan.

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

NO: None.

ABSENT: None.

MOTION CARRIED.

c. Foreman St. MDOT Contract- Resolution 23-20.

Public Works Director Daniel Czarnecki stated the City is receiving funding through the MDOT Surface Transportation Program Small Urban Funds Program for the Foreman Street Sanitary Sewer project. We have the opportunity to receive \$141,500 to put towards the street portion of the project work. The work on this project must follow MDOT procedures for design, bidding and construction oversight and project payment. In order to access the MDOT Small Urban Funds, the City needs to approve and sign the standard agreement contract with MDOT. MDOT also requires the City to authorize an official to sign the document, via a certified resolution.

IT WAS MOVED BY SALZWEDEL and seconded by YANKOVICH that the City Council approve Resolution 23-20 approving the MDOT agreement for the Foreman St. Sanitary Sewer Project, and authorizes Mr. Michael Burns, City Manager, to act on behalf of the City of Lowell to sign the contract documents with MDOT, Contract #20-5404.

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

NO: None.

ABSENT: None.

MOTION CARRIED.

6. **BOARD/COMMISSION REPORTS.**

Councilmember Chambers stated at the planning commission meeting, we had new marijuana applicants, one was approved and the other applicant did not show up.

Councilmember Salzwedel stated at the Lowell Light & Power meeting exciting updates are happening at the Chatham Distribution Center. Also, LL&P Board will be teaming up with Lowell Rotary Club to have a Holiday Lighting Contest for the 2nd consecutive year. Councilmember Salzwedel asked Steve Donkersloot to give details. Donkersloot gave some highlights of the contest and said more details will come on the LL&P website and Facebook page. Councilmember Salzwedel also stated the LCTV will meet December 3, 2020.

Councilmember Yankovich stated at the LOOK Foundation meeting, funds were granted to the following:

\$12,000 to FROM to establish their brand a little more seismically.

\$7,450 to the Observatory for a new well.

\$2,000 to the Historical Museum towards a book they are creating about the museum.

\$2,000 to Lowell's Open Table for a commercial grade freezer.

\$3,862.25 to Lowell Police Department for three new AED's.

Showboat asked for money but they were a week late applying, so they did not receive a grant. They were directed to re-apply for a LOOK grant in May.

Mayor DeVore stated the Fire Authority met last Monday, 11-2-2020. Contract was approved but changed a little, cost will be less. If one of the Townships approves it tonight, there will be a small swearing in for Shannon Witherell, the new fire chief. County truck process has now begun. AED's that were affected by the recall are being replaced.

Also, DeVore noted he will be attending the Park & Rec meeting, filling in for Greg Canfield.

7. **BUDGET REPORTS.**

City Manager Michael Burns gave an update. We are 1/3 of the way into the budget cycle. In good shape for the most part. A few of the road projects came in less than projected. Money from Cares Act is all credited to this Fiscal Year 2020.

8. **MONTHLY REPORTS.**

There were no comments.

9. **MANAGER'S REPORT.**

- CDBG issue with Kent County is fixed. So we should be good for beginning the Amity Street project on July 1st, 2021.
- Last two weeks was primarily spent on COVID-19 and labor negotiations, which will be discussed in closed session.

10. **APPOINTMENTS.**

No appointments.

11. **COUNCIL COMMENTS**

Councilmember Yankovich expressed again the City's stance on marijuana facilities in the City, the number of those facilities and how the City was directed by legal advice and by the residents that voted.

Councilmember Salzwedel asked Public Works Director Dan Czarnecki about the Arbor Board meeting and have we accomplished anything discussed at the beginning of the year. Czarnecki will look into it and report back.

Councilmember Chambers checked in with the Showboat general contractor and things are moving forward. There were some minor issues but engineers are working that out and all is going well. Also, thanked Dan for getting the trashcans back. FROM is holding a Toy Drive, there are collection containers in several stores around town, so help make some children have a good Christmas.

Mayor DeVore thanked Steve Donkersloot for everything he has done, he has helped with many vital parts of this City, he wishes him well and stated he will be missed.

10. **CLOSED SESSION.**

IT WAS MOVED BY CHAMBERS and seconded by YANCKOVICH to go into closed session at 7:57 p.m.

YES: 4. NO: None. ABSENT: None. MOTION CARRIED.

IT WAS MOVED BY SALZWEDEL and seconded by CHAMBERS to go back into open session at 9:01 p.m.

YES: 4. NO: None. ABSENT: None. MOTION CARRIED.

IT WAS MOVED BY CHAMBERS and seconded by SALZWEDEL to approve the labor agreement with the IEBW.

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

15. **MOTION TO ADJOURN.**

IT WAS MOVED BY SALZWEDEL to adjourn at 9:05

YES: 4.

NO: None.

ABSENT: None.

MOTION CARRIED.

DATE:

APPROVED:

Mike DeVore, Mayor

Sue Ullery, Lowell City Clerk