

**PROCEEDINGS
OF
CITY COUNCIL MEETING
OF THE
CITY OF LOWELL
MONDAY, JUNE 21, 2021, 7:00 P.M.**

1. **CALL TO ORDER; PLEDGE OF ALLEGIANCE; ROLL CALL.**

The Regular 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, Leah Groves, Jim Salzwedel and Mayor DeVore.

Absent: None.

Also Present: City Manager Michael Burns, City Clerk Susan Ullery, Chief of Police Chris Hurst, and City Attorney Jessica Wood.

2. **CONSENT AGENDA.**

- Approval of the Agenda.
- Approve and place on file the minutes of the June 7, 2021, Regular City Council Meeting.
- Authorize payment of invoices in the amount of \$240,528.29.

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

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

NO: None.

ABSENT: None.

MOTION CARRIED.

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

Perry Beachum who resides at 924 Riverside Dr. commented on the City of Denver's rebate program for residents with "low flow toilets" and how it could reduce the amount of water going through the system.

Councilmember Salzwedel mentioned he had heard of the "toilet tank brick campaign" (plastic brick in the tank to reduce how much water it takes to fill up the back of the tank) to help reduce water use.

City Manager Michael Burns will check or have Dan Czarnecki check into these programs.

4. **OLD BUSINESS.**

a. **COVID.**

City Manager Michael Burns stated June 30, 2021 the State of Emergency for Kent County will expire. We don't know if they will extend it, my thought is regardless if they extend it or not, we should end the zoom component of the meetings. There will be no capacity limits after tomorrow. But we will continue doing Facebook live.

b. Downtown Restrooms.

City Manager Michael Burns read his memo regarding the downtown restrooms, stating as part of the Showboat project, there were plans to construct Downtown Restrooms across from the Showboat. We originally went out for bids for this project. The architect designed bid specs and the low bid originally came in at approximately \$367,000 to build a women and men's restroom, which was ADA compliant. I also did not believe we had the proceeds to build the restrooms from the Showboat campaign. At the time, we received bids only from Orion Construction and Wolverine Building Group, both of which are design firms. I went back to them and requested if there were ways to construct a restroom and allow for future renovations surrounding it cheaper than what was originally proposed. Both said yet. Therefore, I did not involve the architect any further and went directly to the firms because both had the capability to handle it in house. I told them each to provide an estimate to build a durable municipal bathroom with no adornments and see how low they could get their price. The parameters were that the improvements would allow for future expansion and to sustain long-term usage as a municipal restroom. Approximately one month later, I received bids from both firms. The following quotes were provided from both firms.

- Wolverine Building Group \$251,721.80
- Orion Construction \$255,325.00

I met with both contractors and they, for the most part, designed the restrooms specific to the original bid specifications. The savings came from mainly concrete and furnishings, cutting trenches around only where the underground plumbing/drainage was necessary and using "Chevrolet" style furnishings instead of "Cadillac" style furnishings. If approved, both firms can begin work in July. I reviewed with Liz Baker the revenues and expenses currently for the Showboat. When the boat is complete, there will be approximately \$182,000 for the Showboat with an additional \$41,000 pledged. I propose we use \$100,000 from the showboat fundraising, \$75,000 from the Downtown Development Authority and the remaining \$76,721 from the funds received to the City from the American Recovery Plan.

IT WAS MOVED BY YANKOVICH and seconded by GROVES that the Lowell City Council award construction of the restrooms to Wolverine Building Group at a cost not to exceed \$251,721.80 in the manner described.

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

NO: None.

ABSENT: None.

MOTION CARRIED.

5. NEW BUSINESS.

a. Resolution 08-21 – Fiscal Year 20/21 Budget Amendments.

City Manager Michael Burns provided Resolution 08-21 to approve budget amendments for the current fiscal year

IT WAS MOVED BY SALZWEDEL and seconded by YANKOVICH that the Lowell City Council approve Resolution 08-21 as presented.

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

NO: None.

ABSENT: None.

MOTION CARRIED.

b. Street Closure – Riverside Drive.

City Manager Michael Burns stated we received a request from Eric and Beryl Bartkus from Ability Weavers to close Riverside Drive from the Lineshack to Lowell Light & Power for their second annual Weaving Fair on Saturday, July 31, 2021.

IT WAS MOVED BY DEVORE and seconded by SALZWEDEL that the Lowell City Council approve the road closure for Ability Weavers second annual Weaving Fair on Saturday, July 31, 2021 from 8:00 A.M. to 5:00 P.M.

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

NO: None.

ABSENT: None.

MOTION CARRIED.

c. Ordinance 21-04.

City Manager Michael Burns read his memo stating after a full year of adult facilities operating in the City, it is becoming apparent the facilities are most suitable in the west and commercial area on Main Street and Bowes Road, which are not 1000 feet from schools and nurse schools, in the Downtown District and not in residential areas. One area not fully thought of were areas east of the Flat River. There are a few C-3 zoned parcels on this side of the river, however in many instances, they are surrounded by residential units. At the Planning Commission meeting on Monday, June 14, 2021, the Planning Commission had a public hearing on restricting facilities east of the Flat River and made a recommendation to amend the zoning ordinance to restrict facilities east of the Flat River.

Perry Beachum who resides at 924 Riverside stated he is proud of the Council and this is what the people in the City voted for.

Brad Brillhart who is the Senior Pastor at First United Methodist Church stated he would support this ordinance amendment and members of the church would as well.

Conner Baker who resides at 805 & 825 E Main spoke regarding his purchase in the City and was not aware of this amendment until a friend told him. He was not in favor of this ordinance amendment.

Council discussed at length. There was no motion and no vote made regarding this ordinance amendment.

d. Ordinance 21-05.

City Manager Michael Burns read his memo stating when Proposal 1 of 2018 was approved by the people of the State of Michigan, to allow for adult use marihuana facilities in Michigan; the act allowed for microprocessors, provisioning centers, grow facilities, secure transporter and safety compliance facilities to operate. When the Michigan Marijuana Regulatory Agency drafted their initial rules in 2019, they allowed for special event permits and designated consumption facilities. Our current ordinance recognizes these exist, but our ordinance also does not allow for consumption at facilities. When we first drafted the ordinance, administration had concern about allowing designated consumption facilities in the City. This is why the consumption clause to our ordinance was added. The City Attorney has drafted Ordinance 21-05 as an addendum to Section 28-21 of the City Ordinance outright banning designated consumption establishments, excess Marihuana growers, marihuana event organizers, temporary marihuana events or any other future licenses by the state.

IT WAS MOVED BY SALZWEDEL and seconded by DEVORE that the Lowell City Council Ordinance 21-05 as presented.

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

NO: None.

ABSENT: None.

MOTION CARRIED.

e. Resolution 09-21 – Lowell Area Historical Museum Millage Renewal.

Lisa Plank, Director of the Lowell Area Historical Museum spoke about the Museum Millage Renewal and asks for the City Councils consideration to add the millage renewal to the ballot for November 2, 2021 election.

IT WAS MOVED BY DEVORE and seconded by CHAMBERS to approve Resolution 09-21 as presented to allow the Museum renewal to be placed on the ballot for the November 2, 2021 election.

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

NO: None.

ABSENT: None.

MOTION CARRIED.

f. Resolution 10-21 - Downtown Redevelopment Liquor License – 101 W. Main.

Burns read from his memo stating we received a request from Brent Slagell, from Rio Plano Taqueria LLC, for consideration for a Downtown Redevelopment Liquor License at 101 W. Main. Currently, there is one of these licenses in the City at Big Boiler Brewing, also owned by Mr. Slagell. In order to be approved for these licenses, the Assessors must swear to an affidavit that the qualified development district in the City (DDA District) has had more than \$200,000 in public and private improvements in the past five years. The City Council must also pass a resolution for consideration of a Downtown Redevelopment License and the applicant must do a number of things including verify there are no available liquor licenses in Kent County.

IT WAS MOVED BY YANKOVICH and seconded by DEVORE that the City Council approve Resolution 10-21 for a downtown redevelopment liquor license to Rio Plano Taquiera at 101 W. Main.

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

NO: None.

ABSENT: None.

MOTION CARRIED.

- g. Ordinance Amendment 21-06 – Rezone Parcels located at 746 W. Main and 728 W Main entirely to C3 General Business District.

City Clerk Sue Ullery read the memo stating at the June 14, 2021 meeting, the Planning Commission reviewed a request from Betten Baker to rezone 746 W. Main and 728 W. Main. Currently, there are three zoning districts split between the two parcels. The parcel at 746 W. Main contains the C3 General Business district and R2 Single and Two Family Residential district. The parcel at 728 W. Main is located in the I General Industrial district. The applicant is requesting that both properties be rezoned so that they are all completely within the C3 General Business district because this is the only district in which open air businesses, such as dealerships, are permitted by special land use. (Section 12.03G)

IT WAS MOVED BY CHAMBERS and seconded by SALZWEDEL that the Lowell City Council accept the recommendation of the Planning Commission and approve Ordinance 21-06.

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

NO: None.

ABSENT: None.

MOTION CARRIED.

- h. Partial Parking Lot Closure.

Burns read his memo stating we received a request from King Milling for a partial parking lot closure. They are doing restoration and renovation of the McQueen Building and would like the western end of the Broadway Parking Lot closed so the construction crews can work safely. This would affect 11 spaces and the time of the closure is during normal working hours Monday through Friday. They will reopen the parking lot on the weekends. Their plan is to begin construction on Monday June 21, 2021 and they believe they will need until December to keep those spaces closed.

IT WAS MOVED BY CHAMBERS and seconded by GROVES that the Lowell City Council approve a partial parking lot closure of the Broadway Parking Lot for King Milling during normal working hours from June 21, 2021 to December 31, 2021.

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

NO: None.

ABSENT: None.

MOTION CARRIED.

i. PROTEC Membership.

Burns read this memo stating we received a letter from PROTEC –The Michigan Coalition to Protect Public Rights-of-Way. PROTEC has been an organization for 25 years. Their purpose is to take the lead to coordinate actions to protect local government interests and to inform municipal officials of significant developments in the area of public right of way management. In the past they have actively been involved in protecting PEG Channels and the fees associated with them. This group is currently involved in the fight regarding Small Cell/DAS legislation that I mentioned previously. The cost of the membership to the City of Lowell is \$472.88.

IT WAS MOVED BY DEVORE and seconded by GROVES that the Lowell City Council approve the City's membership in PROTEC.

6. BOARD/COMMISSION REPORTS.

Councilmember Groves stated that when she moved in the City of Lowell it was busy and thriving and then COVID 19 hit and she wasn't sure it would ever go back to that, but she is very happy to see that it is busy, happy and thriving again.

Councilmember Chambers was happy that they approved everything they did today.

Councilmember Salzwedel missed the Lowell Light & Power meeting but he did meet with Charlie West on a new solar agreement that the board is working on. They are also down to only 20 meters left that are not automated meters in the City and those that have chosen not to, will be charged a \$10 fee.

Mayor DeVore stated Fire Authority met and discussed a huge facilitation with all the local boards together with Lew Bender. Bids were received for the new fire engine. Spencer has the winning bid and they are looking at about a 400-day build. And the first payment will be due until 2023. The fire department is going to start running priority three medicals.

7. BUDGET REPORT.

There were no updates.

8. MANAGER'S REPORT.

City Manager Michael Burns went over a couple items:

- Foreman Street Project is moving along well and we are in the process of putting the service leak connections in. Very strong possibility that all the sewer work will be done by the end of the week and they will start the road restoration process.
- The Jane Ellen project is scheduled to begin July 7, 2021.
- Dan Czarnecki and I have met with the Showboat garden club about bridge boxes on the River.
- We received our MERS actuarial today, and total system wide went up from 60 % funded to 62% and the City's component (Division 10) went up from 60% to 64%, so we are making some progress.

- The Amity project is scheduled to begin August 31, 2021. Residents affected will be getting letters for the projects affecting them.
- We have had an issue with the Library's air conditioning in the last couple weeks. One of the units has reached its lifespan and the replacement part that has to be done is a \$5,000 replacement. The part we need will be about 3½ weeks to get. Hopefully it will come faster but the Library may need to be shut down if it doesn't and it gets too hot.
- We did receive from the union, a request for an easement vacation, Jessica Wood and I are reviewing it right now. As you recall there is an undesignated street flat between where New Union is now and the property that they also own next to it. Hope to come back with this at our next meeting.

9. **APPOINTMENTS.**

Matthew Silverman has applied for the Arbor Board vacancy
Amanda Schrauben would like to be appointed on the LCTV Endowment Fund Board.
There were no objections so they were both appointed to said boards.

10. **COUNCIL COMMENTS**

Councilmember Yankovich stating it is his understanding that some other small communities are looking at our example with the Lowell Pride and thinking of trying it in their town.

Councilmember Salzwedel thanks the DPW for cleaning up around town. Doing a great job. Concert was off the charts.

Councilmember Chambers stated Riverwalk was a lot of fun. The fire department was doing hot dogs and chicken dinners and it was good to see everyone in the community come together.

Councilmember Groves stated she has two things to mention. Feeding America is partnering with the library, so Monday through Friday at noon they are handing out free lunches to kids. Thank you for all the citizens showing up at the meeting.

Mayor DeVore said the Expo was outside and it was hot but very well attended and organized as well as the Pride Event.

11. **ADJOURNMENT.**

IT WAS MOVED BY SALWEDEL and seconded by CHAMBERS to adjourn at 7:55 p.m.

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

DATE:

APPROVED:

Mike DeVore, Mayor

Sue Ullery, Lowell City Clerk