

**PROCEEDINGS
OF
CITY COUNCIL MEETING
OF THE
CITY OF LOWELL
TUESDAY, SEPTEMBER 07 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 (attending via Zoom in Lowell, MI), 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, DPW Director Dan Czarnecki, City Attorney Jessica Wood and L & P Charlie West.

2. **CONSENT AGENDA.**

- Approval of the Agenda.
- Approve and place on file the minutes of the August 16, 2021, Regular City Council Meeting.
- Authorize payment of invoices in the amount of \$946,306.76.

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

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

NO: None.

ABSENT: None.

MOTION CARRIED.

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

Jake Davenport who resides at 527 Lafayette St., stated this Saturday marks the 20th year remembrance of the September 11th attacks, so along with dozens of other volunteers, we will be placing 2,997 flags out on the Riverwalk in commemoration. All are invited to attend and welcome from 9:00 am to 4:00 pm.

4. **OLD BUSINESS.**

a. **Donna Jean Ford Fund- Resolution 12-21.**

City Manager Michael Burns stated the City received a donation of approximately \$110,000 from the estate of Donna Jean Ford to be used in conjunction with the Lowell Showboat Garden Club for community beautification projects. To date, the City has received approximately \$12,000 of these funds. The remaining funds are invested in mutual funds which have yet to be turned over to the City of Lowell. These funds are being administered by Edward Jones. Michigan statute does not allow for municipalities to own stocks or mutual funds. The City Attorney has been working with legal counsel from Edward Jones on how the City may receive these funds. One solution, is Edward Jones can in essence cash out the mutual funds and turn them over to the City. In order to do this, the City must approve this action via Council Resolution.

IT WAS MOVED BY CHAMBERS and seconded by SALZWEDEL that the Lowell City Council approve Resolution 12-21 authorizing Edward Jones to liquidate the mutual funds due to the City of Lowell and distribute them to the City of Lowell.

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

NO: None.

ABSENT: None.

MOTION CARRIED.

b. USDA Bond Resolution for Monroe and Washington Streets – Resolution 13-21 and 15-21.

City Manager Michael Burns stated we are going to be presenting Resolutions for these street projects tonight and one of the requirements for these project is to have a rate analysis done. Burns then introduced Peter Haefner who did the rate analysis to walk us through the impacts of the analysis.

Peter Haefner then gave his presentation on the analysis, the USDA Bonds and the Resolutions 13-21 & 15-21 for the Monroe and Washington Street projects.

City Attorney Jessica Wood reviewed the Resolutions and explained they will need to be published.

IT WAS MOVED BY DEVORE and seconded by GROVES that Lowell City Council approve Resolution 13-21 authorizing the publication of a notice of intent to issue bonds in connection with the issuance of sewer system revenue bonds pursuant to Act 94 of the Public Acts of Michigan of 1933, as amended and declaring intent of the City to reimburse itself for the cost of improvements.

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

NO: None.

ABSENT: None.

MOTION CARRIED.

IT WAS MOVED BY DEVORE and seconded by SALZWEDEL that the Lowell City Council approve Resolution 15-21 authorizing the publication of a notice of intent to issue bonds in connection with the issuance of water system revenue bonds pursuant to Act 94 of the Public Acts of Michigan of 1933, as amended and declaring intent of the City to reimburse itself for the cost of improvements.

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

NO: None.

ABSENT: None.

MOTION CARRIED.

c. Hillside Court.

DPW Director Dan Czarnecki read his memo regarding the meeting on August 24th with six of the seven residents on Hillside Ct. and obtained their input for potential changes to their street. There is concern with garbage trucks, school buses, emergency vehicles and delivery trucks having no place to turn around. They went through and discussed options and the majority thought that the installation of

a new road including addressing the drainage and the installation of a full-size cul-de-sac at the end of the right-of-way as was originally laid out would be the best solution to their roadway. They also discussed what can be done to the current situation to improve it for now and then work into the other end of it as far as reconstruction. It was also brought to our attention, there is a resident that lives close to the turn around, that has a health issue and addressing the dust situation would be a great improvement for that person. Czarnecki stated former City employees have expressed that it has always been a turn-around and is actually the street right of way.

Carrie Hoffman who resides at 800 Hillside Court expressed several of her concerns and would like at least a temporary fix for now until they can figure out the financing.

Larry Perez who resides at 730 Hillside Court stated his concern is mostly for children's safety and appreciates the City taking a look at a solution; he also feels that paving the area would be a great temporary solution.

Council discussed at length and concluded the residents are asking to have it on the City's radar, solicit bids, and if feasible, add it to the seven-year plan.

5. **NEW BUSINESS.**

a. **TIMS Record Management.**

City of Lowell's Chief of Police spoke regarding the Lowell Police Department currently using and paying for the State Records Management System (SMRS) which is a service invented, maintained and provided by the Michigan State Police. The SRMS is offered to law enforcement agencies to complete and maintain department incident reports. Data is transmitted via secure lines to Saginaw for storage. They also use TALON for running checks on names property and vehicles and this is a sub program of TALON. A third program they use is Lexis-Nexis E-citation/E-crash for issuing instant citations to violators. Surrounding agencies such as Kent and Ionia Counties, Sparta PD and Rockford PD and EGR DPS use the record management program called TIMS (Talon Incident Management System) which is much more capable with many features not offered by SRMS. Chief Hurst explained the benefits of TIMS and the cost comparison.

IT WAS MOVED BY DEVORE and seconded by CHAMBERS to approve the Lowell Police Department spend the amount not to exceed \$7,500.00 to have TIMS installed by Core Technology.

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

NO: None.

ABSENT: None.

MOTION CARRIED.

b. EGLE Administrative Consent Order.

DPW Director Dan Czarnecki read his memo explaining on July 27, 2021, City staff met with Mr. Wood Chooi, District Engineer for the Drinking Water and Environmental Health Division of EGLE. During June and July, Mr. Chooi had been working with Water Department staff to complete the annual water Sanitary Survey. A Sanitary Survey of the water system is a general review of the entire system, including the treatment facility and distribution system. During the review, any discrepancies or omissions are discussed and a list of follow up items is created. The City then has time to correct any issues. Because the results of these meetings have turned up significant deficiency, EGLE has issued an Administrative Consent Order (ACO) for corrective actions to be made by the City. Czarnecki then went on to explain the deficiencies and what ones we already were aware of and have included in the current fiscal year budget.

Czarnecki continued stating a requirement from the Michigan Department of Environment, Great Lakes and Energy (EGLE) is for our water system to provide a Water System Reliability Study and General Plan every 5 years. This was last completed in 2015. The Reliability Study portion includes documenting all the information on customers, review of the future needs such as present and future demands (including Township service), basis of projections, production information, usage, and an updated Emergency Plan. The General Plan portion includes layout of the entire system from the wells, through the treatment facility, and all of our distribution system. Also, as part of the plan is performance testing of selected hydrant locations to collect flow data, modeling of the system for specific water demands, inventory of the system, and projected capital improvements including estimated costs.

c. Water Reliability Study.

Czarnecki continued stating Williams & Works Engineers have provided a scope of service to complete the Reliability Study and General Plan. Their fee is not to exceed \$14,950.00. We have anticipated the need for the study and have budgeted funds for this work. EGLE has placed this work into their recent Administrative Consent Order which requires a draft of the study to be provided by the end of 2021 with the final study submitted by March 31, 2022. Williams & Works has indicated they will be able to complete the study within the time frames required.

IT WAS MOVED BY CHAMBERS and seconded by GROVES that the Lowell City Council approve the proposed Updated Water Reliability Study and General Plan with Williams & Works, as outlined in their scope of services, dated August 31, 2021, for the amount of \$14,950.

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

NO: None.

ABSENT: None.

MOTION CARRIED.

d. Historical Museum Lease Agreement – Resolution 14-21.

City Manager Michael Burns stated in April, a ten-year lease agreement with the Lowell Area Historical Museum Agreement to use the city owned Graham Building at 325 E. Main expired. He has been working with Lisa Plank to update the agreement. The terms of the lease agreement between the City of Lowell and the Lowell Area Historical Museum remain the same from the previous ten years. The only change was the amount for utilities per month was increased from \$200 per month to \$300 per month. The agreement was also back dated to April 25, 2021, which was the first date the previous agreement expired. Resolution 14-21 approves and authorizes execution of a lease with the Lowell Area Museum.

IT WAS MOVED BY DEVORE and seconded by SALZWEDEL that the Lowell City Council approve Resolution 14-21 which would provide a ten-year lease of 325 E. Main with the Lowell Historical Museum.

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

NO: None.

ABSENT: None.

MOTION CARRIED.

e. MERS – 2021 Officer and Employee Delegate.

City Manager Michael Burns stated the 2021 Municipal Employees' Retirement (MERS) Annual Meeting is being held this year on October 7th & 8th, 2021 at the Amway Grand Plaza Hotel in Grand Rapids, MI. Council needs to appoint an Employer Delegate to the Annual Meeting.

IT WAS MOVED BY SALZWEDEL and seconded by DEVORE that the Lowell City Council appoint Michael Burns as the Employer Delegate for the 2021 MERS Annual Meeting.

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

NO: None.

ABSENT: None.

MOTION CARRIED.

f. MML Annual Meeting Officer Delegate.

City Manager Michael Burns stated the 2021 Michigan Municipal League will be holding the annual conference on September 22-24 at the Amway Grand in Downtown Grand Rapids. As in the past years, the City will need to select a delegate to the annual business meeting on September 21, 2021. Ballots were distributed to the employees and they selected Scot VanSolkema as the delegate to represent the City of Lowell Employees.

IT WAS MOVED BY DEVORE and seconded by SALZWEDEL that the Lowell City Council appoint Scott VanSolkema as the Employee delegate for the 2021 MERS Annual Meeting.

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

NO: None.

ABSENT: None.

MOTION CARRIED.

6. **BOARD/COMMISSION REPORTS.**

Mayor DeVore stated that Fire Authority is cancelled and Vision is tomorrow evening.

7. **BUDGET REPORT.**

There was none.

8. **MANAGER'S REPORT.**

City Manager Michael Burns went over a couple items:

- Jane Ellen project is complete; we did receive word that the cost is \$25,000 less than anticipated although we have not stated engineering costs just yet and we anticipate something similar to that with Amity St project as well which was also completed last week as well.
- Line Shack meeting will be next week Thursday at Lowell Light & Power to review the bid proposals. There are six bids.
- We did hire a new distribution operator David Embody who started a couple weeks ago and came from the City of Belding.
- Community cleanup is September 25, 2021.

9. **APPOINTMENTS.**

There were none.

10. **COUNCIL COMMENTS**

Councilmember Groves read a letter received from someone who is part of the woman up club and they are holding a formal wear drive. They are looking for dresses, suits, dress pants, dress shoes, ties and jewelry. The drive is aimed at providing a cost-effective and eco-friendly option for our kids who will hopefully have their first safe and normal dance in over a year. All proceeds will go to future woman up events that usually pertain to supporting and celebrating women. If you have clothes to spare, drop-offs can be made at Lowell High Schools main office.

Councilmember Chambers stated he will be at the Riverwalk in the morning to help Jake Davenport out with the flags for the 20-year 911 remembrance commemoration.

Councilmember Yankovich wanted to thank some people as Pink Arrow is transitioning. They were short volunteer drivers for golf carts that drive people back and forth to their vehicles at the Pink Arrow games. Thank you to the regulars and thank you to all of the new volunteers that stepped up to help at the Pink Arrow game.

11. **ADJOURNMENT.**

IT WAS MOVED BY SALWEDEL and seconded by CHAMBERS to adjourn at 8:08 p.m.

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

NO: None.

ABSENT: None.

MOTION CARRIED.

DATE:

APPROVED:

Mike DeVore, Mayor

Sue Ullery, Lowell City Clerk