

**PROCEEDINGS
OF
CITY COUNCIL
OF THE
CITY OF LOWELL
MONDAY, JANUARY 18, 2022, 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 Clerk Amy Brown called roll.

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

Absent: Councilmember Leah Groves.

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

2. **EXCUSED OF ABSENCE.**

IT WAS MOVED BY YANKOVICH and seconded by CHAMBERS to excuse the absence of Councilmember Groves.

YES: 4 NO: 0. ABSENT: 1 MOTION CARRIED.

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

- Approval of the Agenda as amended.
- Approve and place on file the regular minutes of the January 03, 2022 City Council meeting.
- Authorize payment of invoices in the amount of \$310,364.74.

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

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

NO: None. ABSENT: Councilmember Groves. MOTION CARRIED.

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

Annette Ritzema who resides at 525 N Hudson is very alarmed with the change in her property as they are experiencing the property sinking and the driveway cracking. Concerned with what the underlying cause is and if there is a possible sink hole. Ritzema praised the DPW crew for their efforts in helping her figure it out and responding so quickly.

5. **OLD BUSINESS**

a. **Washington St. Design Engineering Services.**

DPW Director Dan Czarnecki read his memo stating we are planning to have the Washington Street project under construction in 2023, and in order to meet that schedule, the design work needs to get

started. Williams and Works has prepared a proposal for the design engineering work not to exceed \$155,000.00.

IT WAS MOVED BY SALZWEDEL and seconded by YANKOVICH that the Lowell City Council approve the Washington Street Improvements Design Engineering Services, Scope of Services with Williams and Works, as outlined in their letter dated January 10, 2022, in an amount not-to-exceed \$155,000 and authorize the Mayor to sign the necessary agreements.

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

NO: None.

ABSENT: Councilmember Groves.

MOTION CARRIED.

b. 2022 Street Improvements Project Design Engineering Services.

DPW Director Dan Czarnecki read his memo stating for the upcoming construction season, the City of Lowell will be replacing the street surfaces on the following streets: Roberta Jayne Drive from Sibley Street to Faith Drive (approx. 770 feet), Faith Drive entire street from end to end (approx. 630 feet), Valley Vista Drive from West Main to Bowes Road (approx. 725 feet), and Heffron Drive from Donna to approximately 150 feet heading east. 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 with a proposed fee of \$34,500.

IT WAS MOVED BY CHAMBERS and seconded by YANKOVICH that the Lowell City Council approve the Design Engineering Service quote for the 2022 Street Improvements, as proposed by William & Works in their letter dated January 7, 2022, for the amount of \$34,500.

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

NO: None.

ABSENT: Councilmember Groves.

MOTION CARRIED.

c. Gee Drive Mill and Resurfacing Engineering Design Services.

DPW Director Dan Czarnecki read his memo stating Gee Drive was most recently reconstructed over a two-year period between 2006 and 2007. Over the past 15 years, the surface of this street has been deteriorating. It has been determined a mill and resurface will help extend the useful life of this street. The City has found funding through the MDOT Small Urban Program to resurface the entire length of Gee Drive. We are eligible for up to \$360,000 to perform the construction work. The engineer's estimate for construction is \$450,000. William & Works has provided a quote of \$10,700 for design engineering services. Since this is funded through MDOT, we will need to follow their procedures. William & Works will provide information on the design portion of the project.

IT WAS MOVED BY SALZWEDEL and seconded by CHAMBERS that the Lowell City Council approve the Design Engineering Services quote for the Gee Drive Mill and Resurfacing, as proposed by William & Works in their letter dated January 7, 2022, for the amount of \$10,700.

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

NO: None.

ABSENT: Councilmember Groves.

MOTION CARRIED.

d. Adult Marihuana Facilities east of the Flat River.

City Manager Michael Burns read his memo stating in June 2021, an ordinance was presented to restrict adult use marihuana facilities in C-3 zoned properties east of the Flat River. At the January 10, 2022 Planning Commission meeting, the board asked to reconsider this matter as the building is currently up for sale. I was asked by a city councilmember to place this on the agenda for discussion before the planning commission would take up this process again.

The councilmembers discussed and agreed for the Planning Commission to have a public hearing regarding this and then depending on that outcome, the City Council could as well have a public hearing and then the Planning Commission can bring their recommendation to the City Council.

e. Lowell Township water and sewer discussion-Resolution 04-22.

City Manager Michael Burns stated himself, City Attorney Jessica Wood, Mayor Pro Tem Chambers, and Mayor Devore met with Lowell Township representatives along with the developer for the site and they had a very positive meeting and discussed all the issues. The biggest concern to the City is the 425 agreement and it seems that the developer and the Township are open to this. Lowell Townships biggest concern is that they are working with the right place with their assistance to help them gain funding for the infrastructure improvements needed for the site.

City Attorney Jessica Wood then explained the Resolution as an expression of intention to continue discussions.

IT WAS MOVED BY DEVORE and seconded by SALZWEDEL that the Lowell City Council approve Resolution 04-22 as written.

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

NO: None.

ABSENT: None.

MOTION CARRIED.

6. **NEW BUSINESS**

a. Betten Baker Auto Group – Rezoning Request for 211 N. Pleasant Avenue.

City Manager Michael Burns read the memo regarding the rezoning of 211 N Pleasant from R3 Multiple Family Residential to C3 General Commercial. The applicant previously applied for a rezoning, site plan review, and special land use approval to redevelop and expand the car dealership properties located at 746 and 728 W Main Street. The applicant states that as a part of the redevelopment project, the bank is requiring the parcel at 211 N Pleasant Avenue to be rezoned due to nonconforming issues at 211 N. Pleasant.

IT WAS MOVED BY YANKOVICH and seconded by SALZWEDEL that Lowell City Council accept the recommendation of the Planning Commission and approve this zoning map amendment for 211 N Pleasant Avenue from R3 Multiple Family Residential to C3 General Commercial.

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

NO: None.

ABSENT: Councilmember Groves.

MOTION CARRIED.

b. Cruiser #836-2014 Ford Explorer.

Chief of Police Chris Hurst read his letter stating the Lowell Police Department has recently purchased and put into service its newest cruiser; 2022 Ford Explorer (Car 836). This new car is replacing a 2014 Ford Explorer (“Old” 836). The department needs only four cruisers and has no need for the “Old” 836. The car has been stripped of all the police equipment (lights, sirens, divider, etc.) and transformed back for civilian use. Kelley Blue Book suggests a price of \$10-\$12 thousand dollars as a trade-in value for this car in its current condition, options and mileage. The Lowell Police Department is asking the city manager and city council to approve the sale of the 2014 Ford Explorer (“Old” 836). Any money received from the sale will be allocated toward the purchase of a new cruiser in budget year 2022-2023.

IT WAS MOVED BY CHAMBERS and seconded by YANKOVICH that the Lowell City Council approve the sale of the 2014 Ford Explorer (“Old” 836) as described.

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

NO: None.

ABSENT: Councilmember Groves.

MOTION CARRIED.

c. Small Lime Pond Cleanout- Water Plant.

DPW Director Dan Czarnecki read his memo stating the treatment and softening of water at the Water Plant results in a lime slurry discharge into ponds behind the plant. The water dissipates leaving the white lime material. Over time the ponds fill up with the lime and needs to be cleaned out. There are approximately 4,400 cubic yards of lime in the small pond that need to be removed. It has been over 10+ years since this was last cleaned out. Two quotes were received for this work. Michigan AgriBusiness Solutions, LLC was the low bid at \$40.37 per yard. The removal of all 4,400 yards would be \$177,628.

IT WAS MOVED BY YANKOVICH and seconded by SALZWEDEL that the Lowell City Council approve the lime pond cleanout quote from Michigan AgriBusiness Solutions, LLC, dated October 19, 2021, for the removal and disposal of lime material, for a cost of \$4037. per yard and authorizing the Mayor and City Clerk to sign the agreement.

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

NO: None.

ABSENT: Councilmember Groves.

MOTION CARRIED.

d. Permit Performance-Resolution 02-22.

DPW Director Dan Czarnecki read his memo stating in order for the City to perform work in the M-21 right-of-way we need a permit from MDOT. An annual permit is necessary for the City to perform routine operations in the in the M-21 ROW such as water main repairs and any small construction type. MDOT requires a performance resolution to be on file with them.

IT WAS MOVED BY YANOVICH and seconded by CHAMBERS to approve Resolution 02-22, Michigan Department of Transportation Performance Resolution for Municipalities, and authorize those who may apply for MDOT work permits.

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

NO: None.

ABSENT: Councilmember Groves.

MOTION CARRIED.

e. Review and Adoption of City of Lowell's Rules of Procedure.

City of Lowell Attorney Jessica Wood went through and explained the Rules of Procedure for the Lowell City Council. Wood also handed out copies of the Open Meetings Act Handbook and the Freedom of Information Act handbook and briefly touched on those procedures as well.

IT WAS MOVED BY CHAMBERS and seconded by DEVORE to approve that Lowell City Council adopt the Rules of Procedure as presented.

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

NO: None.

ABSENT: Councilmember Yankovich.

MOTION CARRIED.

7. **BOARD/COMMISSION REPORTS.**

Councilmember Yankovich stated LARA will meet Feb 7, 2022 and Dave Austin will be there with the Final Phases to go over.

Councilmember Salzwedel stated Arbor Board has been pushed out to March, the LCTV Fund deadline is February 4, 2022, it is fast approaching, so get your applications in. Salzwedel attended the Lowell Light & Power meeting last week and said we should be seeing their budget in the next couple months as Charlie West and his group are working hard on that. They also discussed time of use rate and that their online portal for utility payments is ready. LL&P is also dealing with Covid issues as everyone else is.

Mayor DeVore stated he attended the Fire Authority meeting where they presented a very preliminary budget that we should be seeing here in a month or so. The new fire truck is still on schedule and board of officers were appointed and remained the same, there were no changes.

8. **BUDGET REPORT.**

City Manager Michael Burns stated all the budget issues that we have already discussed are the same, there hasn't been any changes, usually around the first of January, we look at the individual lines items to make sure there isn't really any discrepancies. Our City staff is doing a good job of putting in their rental forms to be tracked and that has helped a lot.

9. **MANAGER'S REPORT.**

City Manager Michael Burns reported on the following:

- We have had our share of Covid issues at the City of Lowell but the good news is, it hasn't impacted staffing levels.
- There were a number of water main breaks over the past weekend, DPW staff did a great job to

mitigate the problems and get the issues under control. Thank you for their great work.

- Talked to you briefly about Health Insurance Pools and I have met with one entity last week. These insurance pools help prevent rate increase and that is my biggest concern. I will be meeting with another company later this week. Also talking about moving retirees to a MERS pool.
- The LARA Trail update will probably be at the next council meeting.
- Meeting with MERS tomorrow, they did a study on extending the five-year amortization period on the unfunded pension liability as I am looking to cushion us if the rate of return or our investments go wrong.
- The future of the fairgrounds will be brought to the second meeting in February for you to start thinking about and Andy Moore with Williams & Works will be at that meeting as well.
- We will get counted for five Marihuana facilities this year, state has received 270 million dollars' in excise tax and there are 374 statewide. Will give more detail as we get it.
- We will be getting the back door entrance of City Hall fixed the week of January 30, 2022 so we will route everyone to the front entrance while the work is completed.

10. **APPOINTMENTS.**

Mayor DeVore stated we are going to change how we update board appointments by finding current board members that's time is termed, ask if they wish to continue and if they do not, then work on filling those vacancies. DeVore stated he and City Clerk Sue Ullery have gotten together and figured out where those vacancies are on what boards and who wishes to continue.

It was a general consensus by the Councilmembers to allow Mike DeVore to fill the vacancy for the Board of Review and for Marty Chambers to fill the vacancy for the Construction Board of Appeals. It was a general consensus of the councilmembers to appoint Nicole Lintemuth and Laurie Chambers to the Downtown Development Authority board to fill those two vacancies and Jim Salzwedel to the Zoning Board of Appeals for Vice Chair.

11. **COUNCIL COMMENTS.**

Councilmember Chambers attended the Poker Run, it was well attended, very successful night and \$565 dollars were raised for the VFW and American Legion. Thank you to the fire department for manning the fires as it was a chilly evening.

Councilmember Yankovich is happy about all the roads that will be fixed on the road repair agenda for this year.

Councilmember Salzwedel stated he would like to thank the DPW for keeping the streets and sidewalks safe with the weather we are having. He was able to meet the new fire dog "Chief" over at the fire barn.

Mayor DeVore explained how "Chief" the fire dog came to the City, stating originally he was purchased as a Christmas present but then was adopted by fire department members so he is at the fire barn from 8:00am to 4:00pm with Fire Chief Shannon during his full-time hours. Chief is going through some puppy

classes right now, then he will go to the support dog program. Feedback on “Chief” has been fantastic. These type of things, show how much the fire department does that doesn’t get noticed, they do so many great things. Compliments to Dan Czarnecki at the DPW and his staff, they do a great job all the time as well.

12. **ADJOURNMENT.**

IT WAS MOVED SALZWEDEL and seconded by CHAMBERS to adjourn at 8:25 p.m.

DATE:

APPROVED:

Mike DeVore, Mayor

Sue Ullery, Lowell City Clerk