

**PROCEEDINGS  
OF  
CITY COUNCIL  
OF THE  
CITY OF LOWELL  
MONDAY, FEBRUARY 7, 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 Clerk Susan Ullery called roll.

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

Absent: None.

Also Present: City Manager Michael Burns, Chief of Police Chris Hurst, Clerk Susan Ullery, DPW Director Dan Czarnecki, and Lowell Light & Powers Charlie West.

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

- Approval of the Agenda as amended.
- Approve and place on file the regular minutes of the January 18, 2022 City Council meeting.
- Authorize payment of invoices in the amount of \$820,319.32.

IT WAS MOVED BY GROVES and seconded by CHAMBERS to approve the consent agenda as amended.

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

NO: None.

ABSENT: None.

MOTION CARRIED.

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

Annette Ritzema who resides at 525 N Hudson gave an update on her property that seems to be sinking. She believes this stems from the 2018 boring project and she is asking for council support. Ritzema is also meeting with an AT&T representative tomorrow morning.

Michael Brown, a Republican Candidate for Governor introduced himself, thanked the City Council for their service and gave a small synopsis of what he will be paying attention to, including unfunded mandates to local government and supporting small town/rural policing.

Dane Huffman, a Republican State Representative for the 78<sup>th</sup> District introduced himself and stated he will be running in the primary.

4. **OLD BUSINESS**

a. **86<sup>th</sup> District Representative – Thomas Albert.**

Thomas Albert, 86<sup>th</sup> District Representative from Lansing, introduced himself and provided an update

on what he has been working on. Alberts will be running for the Senate in the 18<sup>th</sup> District.

b. Kent Conservation District.

Betty Favor and Ryan Wilemski with the Kent Conservation District introduced themselves and presented a power point about the invasive species that are threatening Michigan and doing a lot of damage to our eco systems. Gave information on how to be involved and how to let them know if you see any of these species in your area.

c. Lowell Historical Museum Update.

Lisa Plank, Director of the Lowell Historical Museum gave an annual report and update on what the Museum did in the past year and what they plan to do in the new year.

d. LARA Trail Presentation.

William and Works Engineer, Dave Austin provided an update, explaining because it is taking so long getting permission from the railroad to get the last section approved from Jackson St to Montcalm Avenue (the DNR is in charge of that), we have asked MDOT if we could phase the project into two phases to secure the grant and allow us to get something built sooner. They are going to allow us to do it in two phases. We are planning that phase 1 will be done in 2023, and hoping by that time we will have all the railroad permissions and be able to finish the remainder by 2025. The two phases will cost \$5.9 million.

e. LARA Trail Design Engineering Proposal.

William and Works Engineer, Dave Austin explained the first step would be to design phase one and because of MDOT funding, follow their standards and requirements to design both phases. We will turn those plans into MDOT and they will then bid out those projects in the fall for spring construction.

Austin, then introduced Brandon Mearus, in charge of engineering at William & Works, stating he will be taking over the project sometime in May, when Dave Austin retires and puts on a new hat on by volunteering for LARA for the trail project.

5. **NEW BUSINESS**

a. Waste Hauling Ordinance Exception.

City Manager Michael Burns read the memo stating with the recent sale of Larkins at 303 W. Main to one of Brent Slagell's enterprises, we received a request from Red Creek Waste regarding waste hauling for them because of concern that servicing this site will cause major traffic safety issues if they pick up waste after 7:00 am daily which was the "no earlier than" time revised in 2020 trash hauling ordinance (Section 11-36). This is the only exception they are requesting and it would be between 5:30/6:00 am.

Council members discussed at length, doesn't believe an exception would make that much of a difference, and feel there must be a better way to get this figured out. There was no motion.

b. Sewer Line to Buildings 96-106 W. Main Street.

DPW Director Dan Czarnecki read his memo stating the set of buildings at 96 through 106 West Main Street have their interior sewer lines connected together beneath the set of buildings. The lines exit to the north at approximately the west edge of 100 W Main St (Flat River Tattoo). There is a clean out in the sidewalk at this location. The 6-inch sewer line runs north, across Main St. and into a manhole on the north side of the street. There is an 8-inch sewer main that runs east out of this manhole. The sewer line under M-21 is very shallow. We were contacted by Mr. Greg Canfield about this line possibly being frozen. Up until now, the line has been considered a sewer lateral, which is the property owner's responsibility to maintain from the building to the sanitary sewer main. Mr. Canfield contends this line is the City's public line because there are more than two properties connected. On February 4, 2022, the City went out and checked the line under M-21 and found it to be flowing from the cleanout to the manhole. An outside contractor was also brought in to jet the line from the manhole to the building and they were able to traverse approximately 75-ft up the sewer lateral from the manhole to beneath the building. At question is the responsibility of this existing sewer line from the building to the manhole. Mr. Canfield contends that since the line is connected to several buildings this should be a public line and should be the responsibility of the City of Lowell to maintain. Past City practice has been that sewer laterals are the responsibility of the property owner to maintain from the building until it enters into the City's sewer main. For this specific sewer line, it does not appear the City has ever performed any maintenance activity on it, according to long term employees. There will be several items to be considered if the City is to take responsibility.

Mr. Canfield then explained a bit of history on the buildings and his experience/repair with the sewer line to those buildings and stated he believes this is the City's responsibility.

City Councilmembers discussed at length and wondered why there is no previous documentation on it, that there are no records of the City maintaining this specific sewer line.

City Manager asked for a direction to go with this. The Council at this time does not wish to pursue this as a public City line.

6. **BOARD/COMMISSION REPORTS.**

Councilmember Salzwedel stated the LCTV Fund meeting is going to be held, Wednesday, February 16, 2022 at 6:30 pm.

Councilmember Groves stated they will have an update on the skate park at the next Council meeting.

7. **MANAGER'S REPORT.**

City Manager Michael Burns reported on the following:

- River City Cannabis last week was issued a citation \$500 misdemeanor for odor, they are trying to address the problem but have yet to fix it. They have been given 10 days to abate the nuisance and then beginning Thursday, February 10, 2022, if they are not in compliance, they will be issued \$500 citations

daily and we will start the process of removing their license in the City of Lowell if needed. Burns is working with the City Attorney on this.

- Thank you to the DPW for their plowing efforts, they are doing a great job.
- USDA financing – going through the underwriting portion, we have concerns we are above the medium income thresh-hold in order to seek financing, working on fixing that, however the Project won't get awarded until April/May so we will have to split it up the streets into phases.
- Lineshack Development agreement should be to you at the next meeting.
- There will be a Zoning Board Appeals meeting Feb 22, 2022 for Betten Baker to switch their signs.
- MERS will be here March 7, 2022 to review last years' actuarial report with you.
- Suez was sold to Viola and finalized in the last week or two.
- City Managers weekly memo will now be online to be more transparent.

8. **APPOINTMENTS.**

There are no new appointments.

9. **COUNCIL COMMENTS.**

Councilmember Yankovich thanked Dave Austin for his hard work and passion for LARA Trail and also the City of Lowell and congratulations on your retirement.

Councilmember Salzwedel agreed with Yankovich regarding Dave Austin.

Councilmember Chambers thanked DPW for keeping our City nice and safe and working so hard. Also, thank you to the Chief of Police and the officers for their hard work and keeping the City safe. Happy Birthday to his wife, Laurie.

Councilmember Groves echoed her fellow councilmembers and states she loves a meeting when it is full of information, people who care and seeing an audience.

10. **ADJOURNMENT.**

IT WAS MOVED SALZWEDEL and seconded by CHAMBERS to adjourn at 8:52 p.m.

DATE:

APPROVED:

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Mike DeVore, Mayor

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Sue Ullery, Lowell City Clerk