

**PROCEEDINGS  
OF  
CITY COUNCIL  
OF THE  
CITY OF LOWELL  
MONDAY, APRIL 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 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, Lowell Light & Power Charlie West, Bruce Barker and Airport Manager Casey Brown.

2. **SWEARING IN CEREMONY FOR SERGEANT LAUREN AND OFFICER CULVER.**

Chief of Police Chris Hurst gave a brief introduction for Sergeant Gordy Lauren and Officer Aubrey Culver. City Clerk Sue Ullery swore them into office and congratulated both of them. Chief Hurst then swore them in with the ultra bond.

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

Mayor DeVore added agenda item “c” under new business regarding a Proclamation for the 53<sup>rd</sup> Annual Professional Municipal Clerks Week.

- Approval of the Agenda as modified.
- Approve and place on file the minutes of the April 4, 2022 Regular City Council meeting.
- Authorize payment of invoices in the amount of \$239,185.18.

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

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

NO: None.

ABSENT: None.

MOTION CARRIED.

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

Perry Beachum who resides at 924 Riverside Dr. stated there was a tree down across the trail, contacted the City Manager and it was taken care of by Monday. Also, he likes the newsletter that goes out with the water/sewer bills. There is some confusion with the responsibility in the right-of-way areas, would like some clarification on that by the City.

Greg Canfield who resides at 403 N. Washington Street spoke on the sewer situation from 96 West Main Street to 106 West Main St. as he was not satisfied with the outcome of the previous discussion.

David Bonga who resides at 804 Riverside spoke regarding a crosswalk across Main Street and trying to make it a little more pedestrian safe.

DPW Czarnecki said he spoke to the County and MDOT earlier today about the pedestrian walk and says ordinances can be created for City or a possible pilot program through MDOT. Kent County Road Commission said they do not participate with push button crosswalks.

5. **OLD BUSINESS**

a. Restrictions of Marijuana Facilities East of the Flat River – Ordinance 22-02.

City Manager Michael Burns read his memo stating earlier this year, the City Council discussed the possibility of restricting adult use marijuana commercial facilities in C-3 zoned properties east of the Flat River. At the time, the Council appeared supportive of the idea and asked for the Planning Commission to review again and to come back with any other recommendations pertaining to the zoning ordinance pertaining to marijuana facilities. The council then informed me once this was completed, they would take this under consideration. At the April 11, 2022 Planning Commission, they held their public hearing. With the exception of restricting marijuana facilities east of the Flat River, they didn't see the need for any other changes. Members of the Planning Commission stated that they believe the facilities should not be in these locations because this is a primarily a residential area with only a few commercial facilities. Furthermore, they have done everything they can to prevent these from being in residential areas. Some members stated the facilities are best suited in the commercial and industrial areas on West Main and Bowes Road where they are currently eligible. The Planning Commission then made a recommendation for the City Council to approve an amendment to the zoning ordinance restricting marijuana facilities in C-3 zoned properties east of the Flat River.

Planning Commissioner Bruce Barker who resides at 901 Washington spoke regarding how much time the City, and several departments of the City have spent making sure the marijuana facilities in the City are safe for all the community.

IT WAS MOVED BY CHAMBERS and seconded by SALWEDEL to adopt Ordinance 22-02 as written.

YES: Councilmember Chambers. NO: Councilmembers Salzwedel, Groves, Yankovich and Mayor DeVore. MOTION WAS DENIED.

City Attorney Ron Bultje noted the importance of stating the reasons for not supporting the ordinance.

IT WAS MOVED BY DEVORE and seconded by SALZWEDEL to reject Ordinance 22-02 for the following reasons:

- 1) this area is not any closer to residential neighborhoods as the existing marijuana facilities
- 2) existing marijuana facilities are as closely or more closely regulated than the commercial entities that could be moving there
- 3) it encompasses eliminating the other three or four locations by adopting this ordinance
- 4) there could be a potential entity that brings a plan that would meet all the conditions.

YES: Councilmember Salzwedel, Councilmember Yankovich, Councilmember Groves and Mayor

DeVore.

NO: Councilmember Chambers.

ABSENT: None.

MOTION CARRIED.

6. **NEW BUSINESS**

a. **Bowes Road Sanitary Sewer Repairs.**

DPW Director Dan Czarnecki read his memo stating they found large rocks in the sewer while cleaning the sanitary sewer main on Bowes Road. Upon further investigation two damaged area of pipe were found just to the west of Pleasant St. The broken pipe allowed the rocks to enter the sewer pipe. To fix the problem with minimal disturbance to the areas we are looking at a cured-in-place repair. Three companies were contacted and received two quotes back. We have worked with Plummer's Environmental Services on several other project with the City of Lowell with good results.

IT WAS MOVED BY YANKOVICH and seconded by SALZWEDEL that the Lowell City Council approve the Bowes Road Sanitary Sewer Repair quote from Plummer's Environmental Services Inc., Byron Center, as proposed in their quote dated June 23, 2021, for the amount of \$9,900.

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

NO: None.

ABSENT: None.

MOTION CARRIED.

b. **Airport Mower.**

City Manager Michael Burns read memo stating he received a request from airport manager Casey Brown to replace the worn out zero turn mower with a new Gravely mower from Riverside Motorsports. The cost is \$6,327. The airport fund has capital allocated for this purchase and funding available. There is no need to request funds from the general fund.

IT WAS MOVED BY DEVORE and seconded by CHAMBERS that the Lowell City Council approve for the Airport to purchase a new mower from Riverside Motorsports at a cost not to exceed \$6,327.00.

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

NO: None.

ABSENT: None.

MOTION CARRIED.

c. **Proclamation – Municipal Clerks.**

Mayor DeVore read into record a Proclamation of the 53<sup>rd</sup> Annual Professional Municipal Clerks Week for Clerks Susan Ullery and Amy Sue Brown for the week of May 1 through May 7, 2022.

7. **BOARD/COMMISSION REPORTS.**

Councilmember Groves stated Parks and Recreation Commission met and began reviewing the recreation plan, discussed logistics and improvements to the City.

Councilmember Chambers stated the Planning Commission met and discussed an amendment to the marijuana ordinance as well as a review of the Grand Rapids Gravel site plan reapprove.

Councilmember Salzwedel stated Lowell Light and Power met. The ev chargers are now in place. Also, Lowell Light & Power received the APPA Safety Award. Congratulations to Charlie and his staff. A new wood chipper has been purchased and he is excited to see it work. Salzwedel was unable to attend Arbor Board meeting.

Councilmember Yankovich stated Historic District Commission provided funds to King Milling for their restoration. Funds are getting low so the Commission will be asking for another \$100,000. LARA is having minor issues with Grand Rapids Gravel but they are being dealt with.

Mayor Devore stated Fire Authority meeting was cancelled.

8. **BUDGET REPORT.**

City Manager Michael Burns stated nothing significant has come up, but if you look at the amended budget when we made transfer to local streets, it washed itself out with the excess fund balance, shows as expenditures.

9. **MANAGER'S REPORT.**

City Manager Michael Burns reported on the following:

- EV Charging stations are out and running.
- Budget is complete.
- Congrats to Ralph Brecken for his three years of the Michigan Public Service Institute.
- Scott Fosburg, the Parks & Street Supervisor will be retiring on May 20, 2022 at 11:35. Congratulations to him and he will be truly missed.

10. **APPOINTMENTS.**

There are no new appointments.

11. **COUNCIL COMMENTS.**

Councilmember Salzwedel commented on the Showboat open house that was held on Saturday. He noted the insurance has been paid as well as there are 25 events booked this summer. Questions on electric bill for February will be discussed with Mike Burns and Charlie West.

Councilmember Groves congratulated Sergeant Lauren and Officer Culver on their promotions and they are doing a great job.

Councilmember Chambers stated today is the official day for appreciating and thanking Lineman. They

are great people and this year he will again host an appreciation dinner for them. If you see lineman out there, please thank them.

12. **MOTION TO ENTER CLOSED SESSION.**

IT WAS MOVED BY SALZWEDEL and seconded by CHAMBERS to go into closed session at 8:10pm.

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

NO: None.

ABSENT: None

MOTION CARRIED.

13. **MOTION TO COME OUT OF CLOSED SESSION.**

IT WAS MOVED BY SALZWEDEL and seconded by CHAMBERS to go back into open session at 9:57 p.m..

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

NO: None.

ABSENT: None

MOTION CARRIED.

14. **ADJOURNMENT.**

IT WAS MOVED SALZWEDEL and seconded by YANKOVICH to adjourn at 9:58 p.m.

DATE:

APPROVED:

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Mike DeVore, Mayor

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Sue Ullery, Lowell City Clerk