

**PROCEEDINGS
OF
CITY COUNCIL
OF THE
CITY OF LOWELL
MONDAY, JUNE 06, 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, and City Attorney Jessica Wood.

2. **RECOGNITION OF JEFF PHILLIPS.**

DPW Director Dan Czarnecki introduced and congratulated Jeff Phillips as the new Park & Streets Supervisor.

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

- Approval of the Agenda as written.
- Approve and place on file the minutes of the May 16, 2022 regular meeting and the minutes of the May 23, 2022 joint meeting between the Lowell City Council and the Board of Lowell Light and Power.
- Authorize payment of invoices in the amount of \$128,935.91.

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

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.**

Nicole Lintemuth who resides at 10988 Sconewood gave an update and a thank you to everyone regarding this year's Lowell Pride Event that took place over the weekend.

Craig Fonger who resides at 827 N Washington thanked and appreciated everyone who came to this year's Lowell Pride Event.

Perry Beachum who resides at 924 Riverside Drive wanted to mention that Main Street is looking great with the flower boxes on the bridges donated from the estate of Donna Jean Ford.

5. **OLD BUSINESS**

a. Street Asset Management Plan- Resolution 14-22

City Manager Michael Burns read his memo stating we have provided a few updates to the Street Asset Management Plan and will continue to change as we move forward. Projects could be moved up, be delayed or projects added based on revenue. City Administration believes the plan presented is possible. Attached is resolution 14-22. This will approve for the Act 51 Street Asset Management Plan to be filed with the Michigan Department of Transportation. This will also allow the City of Lowell to use more than 50% of their major street fund allocation to be used for local street improvements.

Dave Austin also suggested if approved to put on the website and on a map (that Austin can provide) and to review and update annually.

IT WAS MOVED BY CHAMBERS and seconded by YANKOVICH that Lowell City Council approve Resolution 14-22 as presented.

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

NO: None.

ABSENT: None.

MOTION CARRIED.

b. Special Event Insurance.

City Manager Michael Burns introduced Chris Arendshort with BHS Insurance to explain the special events insurance options. Chris answered insurance questions, discouraged a blanket policy but recommended each event obtain a certificate of liability naming City of Lowell as additionally insured. Specific amounts for different events and different size events. The City Attorney could come up with the specific criteria for what is considered for each event.

City Attorney Jessica Wood encouraged a really well written waiver to protect the City and thinks that is a good practical solution.

Mayor DeVore suggested to maybe consider underwriters' opinion on risk with events.

6. **NEW BUSINESS**

a. Washington/Front Street Moose Property.

City Manager Michael Burns read his memo stating he received a complaint regarding concern on the Moose Property on Front St at Washington Street regarding the potential for soil contaminants on the property. For many years, the City provided street sweepings and when it became too costly to replace the truck, the city chose to begin contracting street sweepings. It is unknown what if any contamination there may be. We asked BLDI into this matter and they believe at minimum a Phase 2 soil analysis for the area of the site these pilings are at, to determine if there is greater need to mitigate. Depending on the level of concentration on the site, there may be a way to mitigate onsite. However, we may need to haul off the pilings to a landfill. Total cost for the Phase 2 analysis is \$15,600 as they will complete 24 soil borings on the site. I would deem this as consulting engineer services as this is an exemption from

the purchase policy. If approved, results would be in three to five weeks.

Renee Pewitt from BLDI then answered questions.

IT WAS MOVED BY SALZWEDEL and seconded by GROVES that the Lowell City Council approve for BLDI to conduct a Phase 2 soil analysis at a cost not to exceed \$15,600.

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

NO: None.

ABSENT: None.

MOTION CARRIED.

b. Motor Starter HSP #1 & #3 – Water Plant.

DPW Director Dan read his memo stating there are three High Service Pumps (HSP) at the water plant that pump water into the distribution system. In Spring 2021, we replaced the motor starter and switch gear on HSP #2 as it was having random problems starting and running. We also had some of the water plant wiring upgraded as necessary for this motor operations upgrade. Being original to the plant, the pumps are over 40 years old and we didn't want to have issues with the HSP's during the high demand summer season. Once HSP #2 was upgraded, we budgeted similar replacement work on the other two HSP's for the current fiscal year.

IT WAS MOVED BY CHAMBERS and seconded by YANKOVICH that the Lowell City Council approve the quote from RS Technical Services, Inc., Lowell, MI, dated May 13, 2022, for the installation and all necessary wiring of the Variable Speed Drive on High Service Pumps #1 and #3, for a cost of \$33,373.78.

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

NO: None.

ABSENT: None.

MOTION CARRIED.

c. Set Public Hearing for 1016 N. Monroe Industrial Development District - Resolution 15-22.

IT WAS MOVED BY DEVORE and seconded by CHAMBERS that the Lowell City Council approve Resolution 15-22 as presented changing the date to Monday, June 20, 2022 in City Council Chambers at 7:00 PM.

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

NO: None.

ABSENT: None.

MOTION CARRIED.

d. Set Public Hearing for 139 S. Broadway Industrial Facility Tax Credit – Resolution 16-22.

IT WAS MOVED BY DEVORE and seconded by YANKOVICH that the Lowell City Council approve Resolution 16-22 as presented changing the date to Monday, June 20, 2022 in City Council Chambers at 7:00 PM.

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

NO: None.

ABSENT: None.

MOTION CARRIED.

7. **BOARD/COMMISSION REPORTS.**

Councilmember Yankovich stated the HDC met, very short meeting. New owner of the Old Theatre showed up and asked several questions. Still waiting to hear whether the HDC grant was granted.

Councilmember Salzwedel stated his meeting is this week for Lowell Light & Power, they are meeting out at the Energy Center on Thursday, June 9, 2022.

8. **BUDGET REPORT.**

Nothing new to report.

9. **MANAGER'S REPORT.**

City Manager Michael Burns reported on the following:

- River Valley Cannabis has been working on their odor mitigation plan, they are doing weekly updates and he has walked through the facility and they have taken the complaint seriously and are doing what was asked.
- New Union Brewing Company had a site plan that was awarded last year and they just submitted a sketch to have the asphalt parking lot completed. Goal is in the next 60 days.
- Police Department- Vansolkema resigned, will need to hire outside the department. Part time staff is already down to about 5-part time officers. Having staffing issues just like everyone else but looking at options to address this issue. May consider eliminating part time and just having full time officers.
- Water Treatment Plant – for our summer help, we now have Carson VanVeelen who is interning with us from the U of M and working under Brian VanVeelen's license.

10. **APPOINTMENTS.**

There are no new appointments.

11. **COUNCIL COMMENTS.**

Councilmember Yankovich stated the crowd helped with picking up trash (thanks to Nicole) and a longtime friend came out to Lowell Pride and has been to many other Pride Events and he posted ours was the best he has ever been to.

Councilmember Salzwedel also attended Lowell Pride and it was great. Suggested toiletry items were needed in the new bathrooms as well as getting the door timers. Would be helpful to have a list of contacts for when bathroom items need to be replenished.

Councilmember Chambers stated he would like to thank the crew out at the cemetery and they made

sure everything was perfect for the memorial service. Great event and turnout.

Councilmember Groves thanked the rest of Council for coming to the Lowell Pride Event, she then read her letter of how her life changed on June 4, 2022 because of many moments during the Lowell Pride Event this year. It is exactly what she wanted to see happening in the City.

Mayor DeVore stated Lowell Pride Event was great and he wants to do more and is glad it is here.

12. **MOTION TO GO INTO CLOSED SESSION.**

IT WAS MOVED BY GROVES and seconded by CHAMBERS to go into closed session at 8:06 p.m. for the following:

- a. to consider material exempt from discussion or disclosure by state or federal statute. MCL 15.268(1)(h).
- b. for strategy and negotiation of a collective bargaining agreement if either negotiating party requests a closed hearing. MCL 15.268(1)(a).
- c. to consider a periodic personnel evaluation of, a public officer, employee, staff member, or individual agent, if the named individual requests a closed hearing. MCL 15.268(1)(a).

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

NO: None.

ABSENT: None.

MOTION CARRIED.

13. **RETURN TO OPEN SESSION AT 9:17 P.M..**

IT WAS MOVED BY DEVORE and seconded by SALZWEDEL to terminate purchase agreement with BGR and re-list property through RFP.

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

No. None

ABSENT: None.

MOTION CARRIED.

IT WAS MOVED BY DEVORE and seconded by YANKOVICH to accept the tentative IBEW contract.

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

No. None

ABSENT: None.

MOTION CARRIED.

14. **ADJOURNMENT.**

IT WAS MOVED SALZWEDEL and seconded by CHAMBERS to adjourn at 9:18 p.m.

DATE:

APPROVED:

Mike DeVore, Mayor

Sue Ullery, Lowell City Clerk