

**PROCEEDINGS
OF
CITY COUNCIL
OF THE
CITY OF LOWELL
MONDAY, JULY 05, 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.

Present: Clerk Susan Ullery, DPW Director Dan Czarnecki, and City Attorney Jessica Wood.

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

- Approval of the Agenda.
- Approve and place on file the minutes of the June 20, 2022 regular meeting and Zoning Board of Appeals meeting.
- Authorize payment of invoices for \$106,822.59.

IT WAS MOVED BY GROVES and seconded by CHAMBERS 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.

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

Perry Beachum who resides at 924 Riverside Drive stated that he attended the Coffee with Council this past Saturday. They discussed the car sales going on at the fairgrounds and he was disappointed in the approval of that Special Land Use as we have other dealerships in the City.

4. **OLD BUSINESS**

a. **Construction Engineering Services – 2022 Lowell Street Improvements.**

DPW Director Dan Czarnecki read his memo stating the 2022 Lowell Street Improvement Project will need engineering oversight during construction. There are portions of seven streets within the project that will be reconstructed with new base gravel and new asphalt. Our engineers, Williams & Works, have provided us with a scope of services for this work including contract documentation, construction staking, construction observation of the proposed work, construction engineering as required to address and resolve issues as they arise, documentation of construction activities and pay item quantities, and coordinate material testing. They will also handle all the contract administrations including execution of contract documents, arrange and attend pre-construction and progress meetings, review request for construction payments, and finalize paperwork at the end of the project. Williams & Works will do all

this for a cost not to exceed \$43,800. Material testing work such as compaction testing, asphalt sampling and testing, concrete testing, etc., will be performed by a subcontractor and will be coordinated through Williams & Works. Because the Valley Vista Dr. is within the Downtown Development Authority, the DDA will be asked to pay \$9,400 towards this total amount. The Local Streets fund will pay the remaining \$34,400. Dan stated they are hoping to be complete by the end of August, weather permitting.

IT WAS MOVED BY CHAMBERS and seconded by YANKOVICH that Lowell City Council approves the 2022 Lowell Street Improvement Project Construction Engineering Services with Williams & Works, as outlined in their scope of services, dated June 28, 2022, for the amount of \$43,800, with \$34,400 coming from the Local Street fund and \$9,400 being funded by the DDA.

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

NO: None.

ABSENT: None.

MOTION CARRIED.

b. Employee Handbook Revision.

City Manager Michael Burns read his memo stating the city updated the employee handbook approximately two and a half years ago. Since this time, there have been some changes mainly to retirement benefits. However, himself, along with Lizzie Mills, Chad Karsten from Fahey, Schultz, Burzych, Rhodes reviewed our handbook to make sure it was most compliant with current law. We also tightened some language to the handbook due to some issues we had in the past. It should be noted whereby any contractual language in either the Police Department and DPW Collective Bargaining Agreements differs from the employee handbook, the CBA would take precedence on an issue impacting an employments matter with a member of the bargaining unit.

IT WAS MOVED BY SALZWEDEL and seconded by GROVES that the Lowell City Council approve the employee handbook as presented.

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

NO: None.

ABSENT: None.

MOTION CARRIED.

5. **NEW BUSINESS**

a. Tree Removals.

DPW Director Dan Czarnecki read his memo stating residents are contacting us about several trees in the City that are in the right of way and in distress. All the residents are concerned the trees are posing a hazard to their homes with falling limbs and possibly the tree falling. Upon review, we have determined the need to remove three trees at 805 N. Jefferson (dead Spruce), 704 Mercer St., (dying Maple with deadwood falling on house/garage) and 203 s. Jefferson St (on Kent St., dying maple with hanging and falling branches. Inbody Tree Service reviewed each location and gave us quotes for removal of the trees and grinding of the stumps at the tree locations.

IT WAS MOVED BY YANKOVICH and seconded by CHAMBERS that the Lowell City Council approve the tree removal quotes from Inbody Tree Service, Lowell, dated June 2022, for the tree removal and stump grinding at three locations in the City, for a total cost of \$8,300.

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

NO: None.

ABSENT: None.

MOTION CARRIED.

b. Fire Pit Ordinance.

Chief Shannon Witherall spoke regarding the City's burning ordinance. Currently our ordinance doesn't allow for fire pits or outdoor fire places inside the city unless they are used for cooking. Also, the current ordinance states recreational fires in "an approved container" with very little to go off from. Chief Witherall and the Council discussed making changes to the ordinance and all came to the decision to revise the ordinance, come back to present to Council the changes with our City Attorneys' legal approval.

c. Renaissance Zone.

City Manager Michael Burns read his memo stating as part of the possible development at I-96 and Alden Nash, the Michigan Economic Development Corporation has reached out to the City of Lowell and Lowell Charter Township on if we would support the concept of a renaissance zone for the proposed development. This project has been submitted as a potential property for an MDEC Attraction Project RFP. The application to MEDC mentions the potential of \$2 Billion in new development along with 2,000 jobs. The MEDC would like to consider the project to be deemed a Renaissance Zone under the Michigan Strategic Fund. Under the zone no state or local taxes would be captured, their could be a payment in lieu of taxes in the amount of what would be owed to the municipality for services. If the City were involved in this project a 425 agreement would be needed. However, both the City and Township were asked to consider this.

City Attorney Jessica Wood then explained in more detail the Renaissance Zone and the steps to convert to city property and that the state allows 20 years. Wood also stated the state needs permission from the City to move forward if this is something we would consider. Council all agreed it is something they would consider.

6. **BOARD/COMMISSION REPORTS.**

Councilmember Yankovich stated the HDC received \$50,000 but the meeting had been cancelled

7. **BUDGET REPORT.**

Nothing new to report.

8. **MANAGER'S REPORT.**

City Manager Michael Burns reported on the following:

- WTP – Water restriction for the township and the city is now in place. Over the last few weeks, we have seen significant reduction in levels. The reason the restriction is in place is that we needed to have the township place the restriction. We were running the risk of the plant not being able to function because there is a limit to what the plant can pump out daily, and if we are right at the top of that level we are running into not having water if there was a fire. The reason the city has to do the restriction is because of the current agreement that we have with the township that states that if the city makes the township put a restriction in place, the city has to follow it as well.
- MERS – Actuarial went up to 62% to 67% (Mayor DeVore gave credit to Burns for such a great job on working on this).
- Received word from the USDA to move forward with the Monroe project- next year.
- Road projects – should be beginning the end of the month, except for Gee Drive (will probably be in Oct/Nov).

9. **APPOINTMENTS.**

There are no new appointments.

10. **COUNCIL COMMENTS.**

Councilmember Chambers reminded everyone that the Riverwalk Festival is this weekend. Also the Pinewood Derby contest.

Councilmember Groves said we still need volunteers for the Riverwalk this weekend. Email Liz at the Chamber if you can help out.

Councilmember Yankovich stated we need Revise to fix the website for it to be more user friendly from cell phones. Also concerned about some issues he has heard about splash pads from other cities that have them.

Councilmember Salzwedel stated the crews are working on getting the public bathrooms open on a automated system today and should be up and ready for this weekend.

11 **ADJOURNMENT.**

IT WAS MOVED SALZWEDEL and seconded by Chambers to adjourn at 8:11 p.m.

DATE:

APPROVED:

Mike DeVore, Mayor

Sue Ullery, Lowell City Clerk