

**PROCEEDINGS
OF
CITY COUNCIL
OF THE
CITY OF LOWELL
MONDAY, AUGUST 15, 2022, 7:00 P.M.**

1. **CALL TO ORDER; PLEDGE OF ALLEGIANCE; ROLL CALL.**

Mayor DeVore called the Meeting to order at 7:00 p.m. and City Clerk Sue Ullery called roll.

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

Absent: None.

Present: City Clerk Sue Ullery, DPW Director Dan Czarnecki, and City Manager Michael Burns, City Attorney John Weiss and Chief of Police Chris Hurst.

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

- Approval of the Agenda.
- Approve and place on file the minutes of the August 01, 2022 regular meeting.
- Authorize payment of invoices for \$376,989.98.

IT WAS MOVED BY YANKOVICH 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.**

There were no comments.

5. **OLD BUSINESS**

a. **Resolution 21-22- 115 Riverside Drive**

City Manager Michael Burns stated the 20-day period has passed for the sale of the City Property. He then allowed Greg Taylor, Matthew Hall and Dean Rosendall from Copperrock to go through their plan changes for their building design. Four stories with a restaurant on the bottom, 12 1-bedroom units on the upper three floors and a rooftop deck on top. Working hard to listen to what the community wants. They also did a radius study of parking around the property and found 155 existing parking spaces with a 400 foot radius.

Councilmember Yankovich inquired whether their ability to do this project was not dependent on any monies from the City.

Greg Taylor stated during the RFP process, they would be pursuing all the normal economic incentives

that are available for a normal site like this and that would include cooperating with the City of Lowell with whatever is available. We haven't determined yet what is available, that will happen after the design process is completed, but they did not go on record stating they would be doing it without pursuing any incentives.

City Manager Michael Burns stated they have counted within a 400 foot radius to the building and found they have the ability to add 147 spaces for parking.

Mayor DeVore then opened it up for public comment.

Perry Beachum who resides at 924 Riverside Drive questioned about the parking spaces on the street in regards to this building and being available, would the ordinances about overnight parking be waived for this? Also wanted to clarify what the Ledger had wrote about the building for sale. Beachum informed that Lowell Light & Power (LL&P) told the City they don't need the building for use now or future use, they don't need the money from the sale and that it will not affect rates to customers of LL&P.

City Manager Michael Burns stated he has ran into this situation in his former community with parking and what they would have to do is some type of pass for overnight municipal parking, not during the winter months and the current ordinance may need to be modified.

Andy Moore with Williams & Works then explained how the ordinance applies.

Sharon Ellison who resides at 407 N. Division stated she is not in favor of the Copperrock project and doesn't feel that is goes along with the small town character. Doesn't feel that it follows the masterplan.

Bruce Barker who resides at 901 N Jefferson street stated just comparing the dollars and cents of who is awarded this project, how much does that equate to rate savings from LL&P for each individual household. Ultimately, the project income actually will make a difference to the residents according to Barker.

Charlie West with Lowell Light & Power stated that was what Perry Beachum was eluding to earlier, that this sale is not a necessity, they just do not need the building anymore and the sale of this building and property will not affect the rates of LL&P and this money will go into their reserves. Sale price is no motivation.

Nicole Lintemuth who resides at 1098 Sconcewood, thanked Copperrock for their proposal and wanted to state that in Lowell, we need affordable housing and long term benefits for our residents.

Greg Taylor with Copperrock stated the building as proposed today with four stories fits within the the City Ordinance and Masterplan.

Mark Ritzema who resides at 525 N Hudson questioned whether the Fire Department has the ability to get up that high and that the parking for this project just does not make sense.

Susan Stevens who resides at 610 N Jefferson understands the parking issues but thinks maybe a solution would be to not have employees of the City businesses park in prime parking spots or on main street and that they park farther away to allow the customers of those businesses to have those spaces.

Joanne Miller who resides at 7551 Riverside Drive met with a group of people who questioned why the City would turn down offers for more money, not changing the footprint or needing any grants. Also questions the parking.

Denise Barker who resides at 901 N. Jefferson agrees parking is a big issue. Can't believe this Copperrock project building will be "affordable housing". Frustrated with people coming to the quaint City, building things and then expecting to use municipal parking.

Bryle Bartkus who lives at 215 W. Main hopes you are not counting the five private parking spaces behind her building. Stated she likes the Copperrock building but looks above 40 feet, every bit of this building should be 40 feet or under. There are other issues than parking, including dumpsters and the smell of peoples garbage and snow removal. High-end city housing is not a good idea. If Council doesn't vote on this tonight, Copperrock will have a chance to change their plan again and feels the other four bidders should have another opportunity as well. Make this space for the community.

Eric Bartkus who lives at 215 W. Main stated he made an error two weeks ago about the City approaching other bidders and he apologized. Also delivered a letter from Jane Quiggle to City Clerk Sue Ullery and hopes Sue will read the letter into record. Parking lot is full already, feels this is going to be a huge problem, Greenspace is important. Tall building will cause an echo for the concert music. Concerned with taxes money required for building of the Copperrock Project. Not in favor of the Copperrock Project.

Tonia North who resides at 1040 Lincoln Lake and also owns North Star Antiques, stated she is not against or for Copperrock, just needs more information. There is not enough information to make an informed decision. Confused why the Councilmembers didn't have more questions after the new proposal was presented. Parking is a huge problem.

Mary Bernthall who resides at 202 W. Main street questioned if the historic district has had a chance to review this? Also, she believes the south side parking was included in on the parking spots counted and those are private spots as well. Also concerned for the need of a firetruck with a ladder. Not in favor of the Copperrock project.

Perry Beachum who resides at 924 Riverside Drive questioned the deck on top of the building, is there any rules for the deck.

Andy Moore with Williams & Works stated it does appear they are within the limits of the 40 feet height requirements.

Annette Ritzema who resides at 525 N. Hudson questioned the benefit of a building there, where would kids play, no greenspace. Parking needs to be friendly. Impressed with Copperrocks design and enthusiasm. But not in favor of the building at that property, perhaps at the old Roll Away property.

Rita Lundstrom who resides at 220 King Street questioned why Council is taking the RFP that was \$100K when they could have \$130K - \$150K??

Councilmember Yankovich explained why he voted the way he did, he is looking at the long term benefits.

Dean Rosendall, President of Copperrock spoke to clarify a few things. Wants a nice project. Building will be fully fire suppressed, do not need a new fire truck. Matthew Hall and his family live in Lowell and love it here. Rosendall lives close as well. Vertical housing helps make it affordable housing.

Greg Taylor then stated about the school taxes, there would be net zero impact on school funding.

Mark Ritzema who resides at 525 N. Hudson then questioned where all the construction equipment for this project would be parked.

Melinda Cosgrove who resides at 424 Lafayette stated that she will be looking straight at this building so she is happier about the four story verses 6 story building but still will block her view and she would like it to be a lot smaller. People in Lowell pay a lot in taxes, how does this benefit them.

Matthew Hall explained Copperrock will be professionally taking care of the property and managing it as well. It will bring taxes to the City. They have several meetings yet to accomplish with the Planning Commission and hammer out the issues and hope you all are happy with the results.

City Clerk Sue Ullery read into record a letter from Jan Quiggle who has lived in Lowell for over 40 years at 216 Riverside Drive and is not in favor of the Copperrock project.

City Clerk Sue Ullery read into record a letter from Jenny Teachout who resides at 328 N. Jefferson Street stating she is in favor of Greg Canfield's project of more hotel space.

Councilmember Chambers spoke about the reason the Councilmembers just listen and don't comment after each and everyone's opinions. He is happy to talk with anyone about the proposals and why he chose the way he did. He is concerned about his future plans and how the residents are going to respond to his future endeavor of apartments above his store front. Parking is terrible for everyone, all the proposals are looking at needing 10-25 parking spaces.

Councilmember Salzwedel thanked everyone for coming and sharing his or her concerns and that he is more than happy to meet with anyone to discuss the proposals. Every proposal Council had questions on.

Councilmember Groves stated Lowell has a vision to move, change and transform. There is no hush-hush. We have done everything as it is required and we did not jump the gun in our choice. Groves is comfortable that Copperrock can work well with what Lowell is all about.

Mayor DeVore stated he takes some offense with the hush hush comments and believes this Council is transparent, everything has been done correctly.

Councilmember Yankovich stated they as Council, they have a requirement by law to be transparent, everything Council does is recorded and on video.

Eric Bartkus who resides at 215 W Main stated he does feel they are being transparent,

that is not what he meant.

IT WAS MOVED BY SALZWEDEL and seconded by YANKOVICH that Lowell City Council approve Resolution 24-22 for 115 Riverside Drive.

YES: Councilmember Chambers and Councilmember Groves.

NO: Councilmember Yankovich, Salzwedel and Mayor DeVore.

ABSENT: None. MOTION DENIED 3-2.

Mayor DeVore called a five-minute break @ 8:40.

Mayor DeVore called the meeting back to order @ 8:45.

b. Resolution 22-22 Re-Districting of the Social District and permitting Sabor Mexicana into the Social District.

City Manager Michael Burns read his memo stating the City has received a request from Sabor Mexicano, located at 109 Riverside to be included in the Social District. They are in the process of applying for a liquor license at their new location.

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

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

NO: None. ABSENT: None. MOTION CARRIED.

6. NEW BUSINESS

a. Water Plant Chlorinator/Leak Detector.

DPW Director Dan Czarnecki read his memo requesting replacement for operational devices for the water treatment facility. RS Technical has been working on the water plant electrical devices and chlorinators since the plant opened. They provided a quote to replace the chlorinators with the most up to date devices available. In addition, there is a chlorine gas detector in need of replacement. The purchase and installation of a new gas detector has been quoted by RS Technical for \$2,977.73. The new detector can also be incorporated into the existing SCADA system.

IT WAS MOVED BY YANKOVICH and seconded by CHAMBERS that the Lowell City Council approve the quotes from RS Technical Services, Inc., Lowell, MI, for the purchase and installation of two gas chlorinators and one chlorine gas detector at the water treatment facility, for a total cost of \$15,169.43.

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

NO: None.

ABSENT: None.

MOTION CARRIED.

b. Mers-2022 Officer and Employee Delegate.

City Manager read his memo stating the 2022 Municipal Employees' Retirement (MERS) Annual Meeting will be held this year on September 26 and 27, 2022 at the Grand Traverse Resort in Acme Michigan. Council needs to appoint an Employer Delegate to the Annual Meeting. Ballots were distributed to the employees and they selected Lori Gerard as their delegate to represent the City of Lowell Employees.

IT WAS MOVED BY DEVORE and seconded by GROVES that the Lowell City Council appoint Daniel Czarnecki as the Employer Delegate for the 2022 MERS Annual meeting.

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

NO: None.

ABSENT: None.

MOTION CARRIED.

c. Resolution 23-22 – Pink Arrow Pride Day.

City Manager Michael Burns read his memo stating the Lowell High School sport teams have initiated the cancer awareness and fund raising event called Pink Arrow Pride Day to be held on Thursday, September 1, 2022. The players will wear pink jerseys in games being held that day. Funds are being raised for Gilda's Club of Lowell and Lowell Community Wellness for Pink Arrow Family support.

IT WAS MOVED BY DEVORE and seconded by YANKOVICH that the Lowell City Council adopt Resolution 23-22 proclaiming Thursday, September 1, 2022 as Pink Arrow Pride Day – Arrow Force XV in the City of Lowell.

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

NO: None.

ABSENT: None.

MOTION CARRIED.

d. Ordinance 22-04 – District Boundaries.

Andy Moore with Williams & Works explained at the August 8, 2022 Planning Commission meeting, a request was made to rezone three non-conforming single family residential properties located at 815 W. Main Street and 803 W Main Street from C-3 General Business to C-1 Neighborhood Business District.

IT WAS MOVED BY YANKOVICH and seconded by SALZWEDEL that Lowell City Council approve Ordinance 22-04 as presented.

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

NO: None.

ABSENT: None.

MOTION CARRIED.

7. **BOARD/COMMISSION REPORTS.**

Councilmember Yankovich stated fair just happened, and he just received an email about the new fairgrounds, so far they have received \$13,130,172. in funding. Historic District has money and so far, no one is requesting any. The new website for LARA is up, but bad news is hospice is now come in for Betsy Davidson. Care Page for Betsy is www.caringbridge.org/visit/betsydavidson/journal.

Councilmember Salzwedel stated he attended LL&P meeting, the energy smart program was covered. They also had some anniversaries to celebrate. Casey, 4 years; Megan, and Nancy 8 years.

Mayor DeVore stated Tuesday, September 6, 2022 will be the next City Council meeting due to Labor Day holiday on Monday, September 5, 2022.

8. **BUDGET REPORT.**

Nothing new to report.

9. **MANAGER'S REPORT.**

City Manager Michael Burns reported on the following:

- spent a lot of time the last two weeks on the USDA paperwork for the Monroe street project, finishing up all they need from us.
- water restrictions at the plant have gone way down.
- New Union has submitted a plan for their parking lot and Andy Moore is reviewing it.
- Next City Council Meeting will be Tuesday, September 6, 2022. Renee Pugh from BLDI will be here to talk to you about the Front Street project.
- Two weeks ago, he toured River City Cannabis and walked the entire facility. Could not smell anything. They are going to be in full compliance with the odor requirements. They were providing complete reports to us, so I told them they do not need to do that anymore.

10. **APPOINTMENTS.**

There are no new appointments.

11. **COUNCIL COMMENTS.**

Councilmember Chambers stated Saturday was Market on Main and the weather was crappy but everyone that came out had fun and made the best of it. Thank you for all the people that came to City Council meeting tonight to express their opinions.

Councilmember Salzwedel wanted to echo what Marty said, it gives him faith in what small town America is all about when you have lots of people coming in and giving opinions one-way or the other, they may not necessarily agree with his or whatever it is, but it is nice to see, so thank you all for

coming out tonight.

Councilmember Yankovich wanted to say thanks to Betsy Davidson for everything she has done in various capacities for many many years.

Mayor DeVore wanted to invite everybody who came out for the last two meetings, to come to every meeting. You don't have to only come when you are against something or upset about something, come see how it works, be a part of the process. Join a local board.

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

IT WAS MOVED BY DEVORE and seconded by CHAMBERS to go into closed session @ 9:03p.m.

13. **MOTION TO OPEN CLOSED SESSION.**

IT WAS MOVED BY _____ and seconded by _____ to open closed session @9:11p.m.

14. **MOTION TO GO BACK INTO OPEN SESSION.**

IT WAS MOVED BY GROVES and seconded by CHAMBERS to return to open session @ 9:27p.m.

15. **ADJOURNMENT.**

IT WAS MOVED SALZWEDEL and seconded by DEVORE to adjourn @ 9:28 p.m.

DATE:

APPROVED:

Mike DeVore, Mayor

Sue Ullery, Lowell City Clerk