

**PROCEEDINGS
OF
CITY COUNCIL
OF THE
CITY OF LOWELL
TUESDAY, SEPTEMBER 6, 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, LL&P Charlie West 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 15, 2022 regular and closed session meetings.
- Authorize payment of invoices for \$1,245,173.08.

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.

Then Councilmember Cliff Yankovich gave a special tribute to Betsy Davidson.

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

Alex Taylor who resides at 11517 W Peck Lake Road spoke regarding his lease at the airport and gave an update on their team and how they have grown. They have 15 engineers on board now. Taylor thanked the council for their support. Introduced Jason Taylor, team architect and Brian Davis, former F-16 10 pilot. Expressed his love for continuing to grow his business in the City of Lowell and at the City Airport.

Jake Davenport who resides at 527 Lafayette spoke about the upcoming 2nd Annual 911 Memorial Walk on the river this Sunday, September 11, 2022 from 7:30 am to 4:30 pm. If anyone is available to help place the flags, he could use some help. Special thank you to Lori Gerard for all of her help setting the event up.

4. **OLD BUSINESS**

a. **Front Street Property**

City Manager Michael Burns introduced Nicole Mason from BLDI who explained the process of getting and the results of the soil boring activities done of the subject property. The next step is for

BLDI to evaluate the GSI pathway, which is the interface between ground water and surface water. This will confirm there is no contaminated ground water going into the surface water. The next step is to run limited soil samples and ground water samples of the actual native soils to see if that has any of the metals discussed, coming from the ground water.

City Manager Michael Burns stated these tests would be \$8,500 to complete.

Perry Beachum who resides at 924 Riverside Dr is concerned with the City not removing the contaminants. Beachum feels it is not safe for the public.

Craig Fonger who resides at 827 N Washington inquired if this study covers liability if it floods in the spring.

Mason stated it is highly unlikely that a flood would cause the contaminants to move as the area is well vegetated at this point.

IT WAS MOVED BY YANKOVICH and seconded by CHAMBERS that Lowell City Council approve \$8,500 for BLDI to complete the testing as explained.

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

NO: None.

ABSENT: None.

MOTION CARRIED.

b. 115 Riverside

City Manager Michael Burns read his memo stating with the inability to garner four votes for the sale of 115 Riverside Drive, the city will not be selling the building to Copperrock Construction for their proposed development. City administration needs direction on what they would like to do next. Potential options are as follows:

1. Select another applicant who submitted a proposal to move forward. The Council would need administration to prepare a new resolution to sit for twenty days before you can take action. If this was selected this evening, council action to sell the property could not occur until the October 3rd City Council meeting.
2. Have the remaining applicants resubmit proposals.
3. Reinstitute another RFP process.
4. Take no further action on this matter.

If you were to take no action, we could leave the building as is and let it continue to deteriorate. However, this would be continued liability to the City and Lowell Light & Power if this occurred. We probably should consider demolishing the building. If we wish to consider this option, we may want to consider communicating with Lowell Light & Power and or the Downtown Development Authority regarding this option.

IT WAS MOVED BY CHAMBERS and seconded by YANKOVICH that the Lowell City Council table this decision until next Council meeting.

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

NO: None.

ABSENT: None.

MOTION CARRIED.

5. **NEW BUSINESS**

a. Gee Drive MDOT Small Urban Contract – Resolution 25-22.

City Manager Michael Burns read his memo stating the City of Lowell is receiving funding through the MDOT Surface Transportation Program Small Urban Funds program for resurfacing of the Gee Drive. We have the opportunity to receive \$375,000 to put towards the project work. The work on this project must follow MDOT procedures for design, bidding, construction oversight, and project payment. In order to access the MDOT Small Urban Funds, the City needs to approve and sign the standard agreement contract with MDOT. MDOT also requires the City to authorize an official to sign the document, via a certified resolution.

Perry Beachum who resides at 924 Riverside inquired whether this changes the order of streets being repaired.

Burns explained only the few Federal Streets we have are eligible for this type of program.

IT WAS MOVED BY YANKOVICH and seconded by SALZWEDEL that the Lowell City Council adopt the Resolution 25-22, approving the MDOT agreement for the Gee Drive resurfacing project, and authorizes Mr. Michael Burns, City Manager, to act as agent on behalf of the City of Lowell to sign the contract documents with MDOT, Contract #22-5395.

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

NO: None.

ABSENT: None.

MOTION CARRIED.

b. Prisoner of War/Missing in Action Recognition Day – Resolution 26-22.

Mayor DeVore read the memo from Tom Sibley representing Vietnam Veterans of America and then read Resolution 26-22 into record.

IT WAS MOVED BY CHAMBERS and seconded by GROVES that the Lowell City Council approve Resolution 26-22 as presented.

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

NO: None.

ABSENT: None.

MOTION CARRIED.

c. Off Premises Tasting Room License.

City Manager Michael Burns read his memo stating the City of Lowell has received a request to consider a resolution for a new Off-Premises Tasting Room License from Red Barn Antiques, located at 217 W. Main St. Red Barn would like to allow for samples and sell wine from Love Wines based in Ludington, MI. This approval would allow Red Barn Antiques to sell under the liquor license held by Love Wines. Approval is needed from the local governing body to allow Red Barn Antiques to be

able to do this. Council will need to approve Resolution 27-22.

IT WAS MOVED BY DEVORE and seconded by SALZWEDEL that the Lowell City Council approve Resolution 27-22 allowing Red Barn Antiques to have an Off-Premises Tasting License.

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

NO: None. Abstained: Councilmember Chambers. ABSENT: None. MOTION CARRIED.

d. Michigan Municipal League Annual Meeting Notice.

City Manager Michael Burns stated this is a notice for us to select a delegate for the Board Meeting and stated it does need to be an elected official. Mayor Devore was selected. The meeting will be held in Muskegon.

IT WAS MOVED BY CHAMBERS and seconded by YANKOVICH that Lowell City Council approve Mayor DeVore as the elected official for the MML Annual Meeting in Muskegon for 2022.

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

NO: None. ABSENT: None. MOTION CARRIED.

e. YMCA Soccer Park Use Agreement.

DPW Director Dan Czarnecki read his memo stating the agreement between the City of Lowell and the YMCA of Greater Grand Rapids to utilize Creekside Park for their soccer program has expired and they would like to continue their program and their use of this park. Identical to past agreement except the dates. The new agreement would expire March 31, 2025.

IT WAS MOVED BY CHAMBERS and seconded by GROVES that the Lowell City Council approve the agreement with the YMCA of Greater Grand Rapids as presented and authorize the Mayor to sign the agreement.

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

NO: None. ABSENT: None. MOTION CARRIED.

f. Surplus Equipment.

DPW Director Dan Czarnecki read his memo stating the DPW has come up with a list of unused equipment that can be sold through Ranger Bid online sales.

IT WAS MOVED BY YANKOVICH and seconded by SALZWEDEL to approve the sale of the unused surplus equipment at the DPW through Ranger Bid online sales.

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

NO: None.

ABSENT: None.

MOTION CARRIED.

6. **BOARD/COMMISSION REPORTS.**

Councilmember Yankovich stated he was on vacation, but the HDC met and they talked about approving some signs for the Tacoria on the bridge. LARA meets tomorrow night.

Councilmember Salzwedel stated the LCTV will be meeting in December, can't believe it is only a few months away!

7. **MANAGER'S REPORT.**

City Manager Michael Burns reported on the following:

- Scheduled street projects are mostly complete, just some restoration work left.
- Received word from Kent County that they plan to resurface Fulton from Cumberland in the Township to Valley Vista sometime in the fall.
- Bridgework starting September 12th through the 16th at Hudson for the railroad. There will be a detour.
- Currently chip and seal work is being done on Alden Nash.
- Most of the paperwork for the USDA is completed.

8. **APPOINTMENTS.**

There are no new appointments.

9. **COUNCIL COMMENTS.**

Councilmember Groves gave heartfelt sympathy to Betsy Davidson's family and loved ones. Congrats to Lowell football team for their big win.

Councilmember Chambers stated Betsy Davidson will be sorely missed, especially her huge smile that always made everyone feel better.

Councilmember Salzwedel stated it is really important to continue support the community through pink arrow.

Councilmember Yankovich wanted to say thanks to all those who is put everything together for pink arrow this year.

Mayor DeVore stated his brother and nephew came out to the pink arrow game and were blown away by the turnout, the atmosphere, and even the score of the game. Pink arrow is always a great success.

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

IT WAS MOVED BY GROVES and seconded by YANKOVICH to go into closed session @ 8:03p.m.

11. **MOTION TO OPEN CLOSED SESSION.**

IT WAS MOVED BY _____ and seconded by _____ to open closed session @8:11p.m.

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

IT WAS MOVED BY SALZWEDEL and seconded by GROVES to return to open session @ 8:42p.m.

13. **ADJOURNMENT.**

IT WAS MOVED SALZWEDEL and seconded by GROVES to adjourn @ 8:42 p.m.

DATE:

APPROVED:

Mike DeVore, Mayor

Sue Ullery, Lowell City Clerk