

**PROCEEDINGS
OF
CITY COUNCIL
OF THE
CITY OF LOWELL
MONDAY, OCTOBER 17, 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: Mayor Pro Tem Marty Chambers, Councilmembers Jim Salzwedel, Leah Groves, Cliff Yankovich, and Mayor DeVore.

Absent: None.

Present: City Clerk Sue Ullery, DPW Director Dan Czarnecki, LL&P Charlie West, Police Sergeant Gordy Lawrence and City Attorney Jessica Woods.

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

- Approval of the Agenda as amended.
- Approve and place on file the minutes of the October 3, 2022 regular meeting.
- Authorize payment of invoices for \$331,964.80.

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

YES: Councilmember Groves, Mayor Devore, Councilmember Chambers, Councilmember Yankovich, 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 stated First Look is sponsoring School Board Candidate forums at the Lowell Performance Art Center, Thursday, October 20, 2022 at 6:30.

4. **OLD BUSINESS**

a. **West Michigan Health Insurance Pool.**

City Manager Michael Burns read his memo explaining about the City employee's healthcare situation and how it is very challenging for a city our size to find a good health plan with minimal cost increase but important to have a quality insurance plan to ensure retention. Burns then introduced Doug Dirks who presented a powerpoint about the West Michigan Health Insurance Pool to explain the benefits and how it works.

IT WAS MOVED BY CHAMBERS and seconded by YANKOVICH that Lowell City Council approve the City to participate in the West Michigan Health Insurance Pool.

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

and Councilmember Groves.

NO: None.

ABSENT: None.

MOTION CARRIED.

b. King Milling IFT.

City Manager Michael Burns read his memo stating in June, 2022, the Lowell City Council approved a \$42 million Industrial Facility Tax Credit for King Milling's construction of an additional mill. The city submitted the paperwork to the Michigan Department of Treasury and they came back with a number of items needing correction. After review of this matter, the City Attorney believed it would be much easier to resubmit this abatement as was done previously to ensure this application is submitted by the October 31, 2022 deadline for projects to be considered for this tax year. City Administration believes the information provided satisfies the concerns of the Michigan Department of Treasury and follow the City Council's approval for the 12 year industrial Facility Tax Credit for King Milling.

IT WAS MOVED BY YANKOVICH and seconded by SALZWEDEL to approve Resolution 30-22 for King Milling IFT with a revised Agreement for tax.

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

NO: None.

ABSENT: None.

MOTION CARRIED.

c. Bond Ordinance.

City Attorney Jessica Wood explained at the end of 2021, City adopted a resolution for two rural development loans, one for water and one for sewer. A representative from Rural Development said to hold off until the bids are open to do the two bond ordinances.

IT WAS MOVED BY GROVES and seconded by CHAMBERS to table the bond ordinance until further notice.

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

NO: None.

ABSENT: None.

MOTION CARRIED.

5. **NEW BUSINESS**

a. Fire Code Enforcement.

Fire Chief Shannon Witherell explained that the Fire Authority is in the middle of an ISO - Insurance Rating which is a long process and they are hoping to get a lower rating. It was recommended to transition to the International Fire Code and that will help with the rating. Need to draft an ordinance to change our fire enforcement code to an IFC 2015 for life safety.

IT WAS MOVED BY CHAMBERS and seconded by YANKOVICH that the Lowell City Council approve drafting an ordinance to change the Fire Code Enforcement to IFC-2015.

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

Councilmember Yankovich.

NO: None.

ABSENT: None.

MOTION CARRIED.

b. Master Plan Update.

City Manager Michael Burns read the memo regarding the review of the master plan every 5 years. It has not been changed since 2007, and that it may be time for an update. Council decided the best solution is to have City Councilmembers attend the Planning Commission Meeting on November 14, 2022 as they do not have a lot on the agenda. All agreed.

c. Main Lift Station Repair.

Wastewater Treatment Plant Superintendent Brian VanderMeulen read his memo regarding the Main Lift Station Pump that was significantly damaged on August 18, 2022 when the cord was drawn into the impeller. Not only was the cord damaged, the pump motor also suffered water intrusion damage that requires repair. This was due to how the contractor initially secured the cord when the station was built. The other 2 pumps have been evaluated and corrections made to avoid this situation happening again. Kennedy Industries (local equipment rep & service company) has provided a quote for the repair for not more than \$17,000.

IT WAS MOVED BY SALZWEDEL and seconded by GROVES that Lowell City Council approve the quote from Kennedy Industries for not more than \$17,000 for the repair of the Main Lift Station.

Councilmember Groves, Mayor DeVore, Councilmember Salzwedel, Councilmember Yanovich and Councilmember Chambers.

NO: None.

ABSENT: None.

MOTION CARRIED.

d. Gee Drive Construction Engineering.

DPW Director Dan Czarnecki read his memo stating the 2022 Gee Dr. Milling/Resurfacing Project will need engineering oversight during construction. The project consists of milling off a portion of the existing street surface, aggregate base repairs as needed, adjustment of manholes and other castings, and the resurfacing of the street surface with new asphalt. When completed there will be 2-inches of new asphalt on the entire length of this street. Our engineers, Williams and Works, have provided us with a scope of services for this construction engineering work. Williams and Works has indicated they can do all the construction engineering, administration, and materials testing work for a cost not exceed \$21,500.

IT WAS MOVED BY CHAMBERS and seconded by YANKOVICH that Lowell City Council approve the cold milling and resurfacing of Gee Dr. Project Construction Engineering Services with Williams & Works, as outlined in their scope of services, dated October 13, 2022, for the amount not to exceed \$21,500.

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

NO: None.

ABSENT: None.

MOTION CARRIED.

e. Park Building Roof Replacements.

DPW Director Dan Czarnecki read his memo stating roofs on several park buildings have been budgeted for replacement in the current fiscal year. The City contacted several roofing companies for quotes to replace the three roofs. We heard back from two. We received a quote from one company for replacement on the roofs, and from the second company we received a letter indicating the company could not provide a competitive quote at this time. Risner's Roofing has quoted the replacement of the roofs. Creekside \$38,900 for both Pavilion roofs, Recreation Park \$7300 to replace the roof, totaling \$46,200.

IT WAS MOVED BY YANKOVICH and seconded by SALZWEDEL that Lowell City Council approve the quotes from Risner's Roofing and Home Improvement, Lowell, MI, for the replacement of the shingled roofing on the two pavilions at Creekside Park, and on the grandstand to the softball field at Recreation Park, as outlined in their quotes dated September 12, 2022, for a combined cost of \$46,200.

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

NO: None.

ABSENT: None.

MOTION CARRIED.

f. Flat River Grill Lease.

City Manager Michael Burns read his memo stating the ten year lease with Flat River Grill to utilize a portion of the Riverwalk for their outdoor seating expired on August 25, 2022. Burns reached out to Flat River and they would like to extend the lease for an additional ten years. We utilized the same terms for the first lease.

Perry Beachum 924 Riverside Drive stated he likes Flat River Grill and would like to see them stay, however, he would like to find out if it is equitable for a for profit restaurant to be getting charged only \$1. Does not seem fair and would like Councilmembers to table for further discussion.

Councilmember Yankovich stated we have allowed many other restaurants to use City parking lots, etc.

Councilmember Chambers stated Flat River Grill keeps it up very nice too.

Councilmember Salzwedel stated they are making a lot of money and only paying \$1 and he would like to hear what else they are doing for the community.

Byrle Bartkus who resides at 215 West Main Street stated she had to pay a \$25 event fee for a one day event on River Side Drive so it does seem kind of unfair.

Susan Maxwell who resides at 610 N. Jefferson asked if this was referencing the covered area? Then stated Grand Rapids City Council had same conversation and they charge a higher fee as well.

City Attorney Jessica Wood then explained it depends on the property in the City of Grand Rapids that you are talking about, with this agreement, this is very common, there is more to it than just the dollar, requires them to maintain it, insure it and indemnify the City.

7. **BUDGET REPORT.**

City Manager Michael Burns stated all is current nothing irregular yet. Telling his department heads to only buy what they need, just very essential capitol purchases. Starting to do some calculations for what revenues will be coming from the marijuana excise tax, possibly \$340,000. Looking at putting that towards some more local streets being repaired or even partially repaired.

8. **MANAGER'S REPORT.**

City Manager Michael Burns reported on the following:

- Line Shack Resolution 20 day waiting period will be passed at our November 7, 2022 City Council meeting so you can take action on it then if you wish to.
- The transfer agreement for the Showboat has been presented to Lowell Showboat VI for their review so they are reviewing that currently.
- BLDI informed me last week that they should be doing some additional testing out there next week for the Moose property.
- The Joint Water Advisory Committee met today (Lowell Township and Lowell City), will provide an update at the next Council meeting.
- DPW has the salt truck ready to go.
- The last two Thursday and Fridays, the Police has been doing active shooting training.
- Fair will be requesting an extension on their lease and will plan to be at the next Council meeting.

Councilmember Salzwedel stated they were going to discuss a title for the Showboat Committee but didn't have a quorum so it didn't happen.

9. **APPOINTMENTS.**

DDA has a vacancy; we received an application from Eric Bartkus. There was a consensus to appoint Eric Bartkus to the DDA.

10. **COUNCIL COMMENTS.**

There were no comments.

11. **ADJOURNMENT.**

IT WAS MOVED SALZWEDEL and seconded by CHAMBERS to adjourn @ 8:13 p.m.

DATE:

APPROVED:

Mike DeVore, Mayor

Sue Ullery, Lowell City Clerk

