

**PROCEEDINGS
OF
CITY COUNCIL
OF THE
CITY OF LOWELL
TUESDAY, JANUARY 17, 2023, 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, Jim Salzwedel, Leah Groves, Cliff Yankovich, and Mayor DeVore.

Absent: None.

Present: City Clerk Sue Ullery, DPW Director Dan Czarnecki, City Manager Michael Burns, Chief of Police Chris Hurst, City Attorney John Weiss, Williams & Works Andy Moore.

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

- Approval of the Agenda as amended.
- Approve and place on file the minutes of the January 03, 2023 Regular meeting.
- Authorize payment of invoices for \$454,741.91

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

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

NO: None.

ABSENT: None.

MOTION CARRIED.

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

Perry Beachum who resides at 924 Riverside Drive spoke about Scout Park. He sat on the Park board for over 30 years. He believes there is some misinformation going around. Sharon Ellison had previously asked if the lineshack building was going to be a part of the Scout Park and the answer was yes **IF** it does not cost anything. Citizens need to understand, there will be a cost no matter what. Perry also discussed Arbor Board and asked if it should be dissolved as there was a 7 am meeting that was cancelled and rescheduled to March. No one knew why it was canceled and Chair Reagan was not asked.

4. **OLD BUSINESS**

a. **Parks and Recreation Plan 2023-2027 – Resolution 02-23.**

DPW Director Dan Czarnecki read his memo stating the long process is over and we have completed the Parks and Recreation Plan 2023-2027.

Mayor Devore then opened the Public Hearing.

Peggy Covert who resides at 982 N Washington read her letter into record and is in favor of Scout Park. Covert is concerned with what portions of the park are protected and why Scout Park is named different on the City's website. Covert feels some City leaders themselves cause confusion for concerned citizens by their own comments. Covert would like to see Scout Park as part of Parks and Recreation Plan 2023-2027, to continue the process for Scout Park's complete preservation.

City Clerk Sue Ullery read into record a letter from Mary Ann Geldersma who resides at 125 Bowes Road who is in favor of preserving Scout Park. Wants to keep it natural and feels the Scout Camp is important to the boys of Lowell.

City Clerk Sue Ullery read into record a letter from Joel Thurtell who now resides at 11803 Priscilla Lane in Plymouth, MI. Thurtell supports the Lowell Scout Park Associations efforts to preserve Lowell's unique property alongside the Flat River and supports developing Scout Park along lines that encompass research, education, presentation and recreation on an expanded site.

City Clerk Sue Ullery read into record a letter from Bob Thaler who now resides at 7397 West Ryan Ct in Bay City, MI but was fortunate to grow up in Lowell from 1945 to 1960 and supports preserving and expanding Lowell's unique Scout Park.

Mayor Devore closed the Public Hearing.

Councilmember Yankovich asked whether there is River frontage that is considered Scout Park.

City Manager said he will find out and clarify that.

Councilmember Salzwedel states that on page 21 of the Parks and Recreation Plan 2023-2027, Scout Park is officially named Scout Park.

City Manager said he will change the website to say "Scout Park".

Mayor DeVore would like to have two public hearings for the 990 N. Washington property. One on February 20, 2023 and one on March 20, 2023. Both will be noticed in the Lowell Ledger.

Councilmember Yankovich suggested to display a definitive map at each public hearing.

City Manager Michael Burns stated we have a deadline of February 1, 2023 that we have to meet to get the grant application loaded up to the DNR's website.

Andy Moore with Williams and Works added to think of the 5 year plan as an enabling document to be followed, but it has intentional flexibility that allows you to change things if needed down the road.

Councilmember Chambers asked if this was similar to when we went through the Master Plan where we updated sections and cleaned up the language.

Moore stated it is similar and we update because we have to, but also to reflect improvements that have been made and conditions that have changed.

Mayor Devore stated that a lot of hard work has been put into the Parks and Recreation Plan 2023-2027

and he doesn't understand delaying this.

Councilmember Yankovich explained the reason the 990 N Washington was not included in the plan was because at the time, there were tenants in there.

City Manager Michael Burns also pointed out 990 N Washington is not in the City limits so it cannot be part of the City park plan.

DPW Director Dan Czarnecki then pointed out goal #5 of the plan was added as part of this discussion because as you said, the property is not part of the parks not part of the City, but the park board didn't want to lose sight of a potential development area or whatever its going to be and if there is a way to incorporate it into the plan; that is why they added goal #5 to consider designated and developed natural areas within the city for future park areas and then the objectives that they went through. There was a lot of discussion on that part.

City Attorney John Weiss pointed out since the last meeting, City Council decided to annex the property at 990 N Washington, so we are proceeding with that process and once it becomes formalized then it will be okay for public participation to get to an outcome that the City deserves.

IT WAS MOVED BY DEVORE and seconded by SALZWEDEL that Lowell City Council approve Resolution 02-23, adopting the 2023-2027 5-year Parks and Recreation Plan.

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

NO: None. ABSENT: None. MOTION CARRIED.

b. Lowell Township Water Advisory Committee.

City Manager Michael Burns read his memo stating the Joint Water Advisory Committee met on Monday, December 5, 2022 for our continuation on the water plant expansion. The meeting was relatively short. The Township inquired on if the City would be interested in the township buying in and forming a water authority. We discussed that the Council is not necessarily opposed from our understanding. However, representation would need to be based on percentage of flow or units and the City would not be interested in less than 50 percent representation in the authority. The Township has mentioned several times regarding giving the City money to buy in to create the authority. To this date, the township has never provided an amount they would provide to the city for a buy in. The City has also expressed that we are only addressing the needs for the exclusive service area which is primarily the area of Parnell, south of Foreman, west of Alden Nash (except the residential area in Vergennes Township on the east of the street) and along Fulton. We were asked to discuss this with the City Council to see if this is of interest.

Councilmember Chambers stated at this time, we are only talking about water in the service area, not sewer. The next meeting with the Township is in February.

Councilmember Yankovich asked how much it cost to set up the authority.

City Manager Michael Burns stated it would be paperwork and legal costs and they have yet to give us an amount they want to buy in at.

Mayor DeVore stated maybe it shouldn't be equal representation in this instance, maybe it should be based on the flow rate of customers and let the growth dictate the growth makeup. Don't think it should start at 50/50 as the employees need to be protected.

City Manager Michael Burns said he can never recommend we ever give up less than 50 authority.

Councilmember Salzwedel asked if we can continue conversations and move forward with that and as time goes along and they need it elsewhere in the Township, then we can talk about that. We can't predict what is going to happen.

Councilmember Chambers would like to first see what the number is they are talking about to buy in at. Lets start there at the next meeting on February 27, 2023.

5. NEW BUSINESS

a. Sidewalk at 860 Hillside Ct.

DPW Director Dan Czarnecki read his memo asking for a temporary delay in the requirement of a sidewalk during construction for the home at 860 Hillside Ct and allow the homeowners John and Susan Barnett to install the sidewalk until such a time that is feasible.

By general consensus the City Councilmembers all agreed.

b. Parking Ordinance.

City Manager Michael Burns read his memo stating City Administration was directed to prepare a modification to our parking ordinance pertaining to overnight parking. As you are aware, from Nov 1 to April 1 overnight parking is prohibited unless a permit is issued by the Chief of Police. However, there is nothing in the ordinance restricting this in the municipal parking lots in the Downtown District. Attached is Ordinance 23-02, which will restrict overnight parking in our parking lots during the same time frame. The Chief of Police will issue permits to residents and lodging businesses to allow parking in municipal lots. There is technically a \$25 fee for each permit issued for on-street parking permits. However, to Chief Hurst and my knowledge, the City has never levied this fee for on street parking. Unless something unforeseen occurs, we would continue the same practice for the parking lots. Also included in the ordinance is the restriction of parking between 2 am to 6 am year round on Main Street annually directed by the City Council. In this instance, no permits will be granted for overnight parking. Burns said he did notice there is nothing in the ordinance that states the Chief will issue a permit for the parking lots. Also, how far down Main Street do we want to restrict?

Councilmembers Chambers stated Jefferson to Hudson or Jefferson to Jackson.

Burns will get the ordinance cleaned up and bring it back for approval.

c. Public Safety Cost Recovery Ordinance.

Mayor DeVore spoke and stated we need to take out any fire reference as the Fire Authority has their own public safety cost recovery ordinance and it is uniform to all three municipalities that are involved.

City Attorney John Weiss will make the changes to Ordinance 23-03.

Dennis Kent who resides at 1700 Faith Drive asked that the ordinance show when the City can charge but also clarify of what your not going to charge so people don't get reluctant to call the police and fire if they are afraid they will get a bill for it.

d. Splashpad Cost Sharing Agreement.

City Manager Michael Burns read his memo stating for the past few years, the City and Lowell Township have been working towards the possibility of having a splash pad we both contributed towards. Originally, the plan was to place a splashpad on the property we sold the township adjacent to the Riverfront Park. Unfortunately, the electric easement on the property did not allow this to happen. The Township then had property deeded to them from Impact Church for the splashpad. They anticipate the total project costs at approximately a \$100,000 gap where they have asked the city to submit a grant request to the Lowell Area Community Foundation along with possibly securing a portion from other options and/or general fund expenditures. Once constructed, they have requested the city to contribute the equal amount for operational and maintenance costs. This is a joint partnership and is significantly less than if we were to do this ourselves. The city has desired a splashpad for years. While I haven't received a projection for annual operational and maintenance costs, I don't believe it would be significant strain to the general fund and would be less if we did this on our own. It is also in a central location between the City and Township where our residents can enjoy it.

Mayor DeVore will visit splashpads in Plymouth and Wayland and review maintenance costs.

Councilmember Groves questioned if we have a water ban, how would this be affected and is this City water that would be used and would it go into our sewer system.

Councilmember Chambers stated if they are \$100,000 short in funding, what is the grant process.

Burns stated Jerry Hale indicated over the phone to him, that our cost wouldn't be more than \$25,000.

City Attorney John Weiss cautioned approving this without having the details in place as the agreement will mean cost will be shared equally.

Perry Beachum who resides at 924 Riverside Drive stated there seems to be a lot of unanswered questions and it would be better to get those details answered before approving this.

There was a general consensus to table this matter and bring it back at a later date.

e. Proclamation.

Mayor DeVore read into record the Proclamation for February 2023 as community support month.

Brad Brillhardt who resides at 640 Shepard Drive spoke regarding the proclamation explaining the positive energy, encouragement and gift bags given to support the community.

IT WAS MOVED BY CHAMBERS and seconded by YANKOVICH that Lowell City Council accept the Proclamation.

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

NO: None.

ABSENT: None.

MOTION CARRIED.

6. **BOARD/COMMISSION REPORTS.**

Councilmember Yankovich stated at the LARA meeting they are getting closer to launching the website and making some real good progress.

Councilmember Salzwedel stated he attended the Lowell Light & Power meeting and the former general manager Steve Donkersloot was there and spoke on behalf of the MMPA and all the good things they are doing. There was talk about the Hart solar plant that is coming down the pipeline. The LCTV fund application deadline is fast approaching, which is February 10, 2023 at 5:00 pm.

Mayor DeVore stated he attended Fire Authority and they approved the budget. Also, for the first time in the history of our fire department, we have a Battalion Chief, Sean Donahue. He has been with the department since he was a cadet, family bloodline of firefighters, super dedicated and will be an excellent addition to all the great things fire authority already does.

Councilmember Chambers stated the Planning Commission meeting was cancelled.

Councilmember Groves wanted to congratulate person of the year Liz Baker, well deserved with her passion for the community and all her hard work and dedication. Congrats to Shannon Kennedy, the new executive director who will be taking Liz Bakers place at the Chamber of Commerce. At Parks and Recreation, we appointed a new commissioner chairperson Casey Butler. Congrats to him. Passing off the torch is Paula Mierendorf who has served Parks and Rec and done very well. I have learned a bounty of information from her.

City Manager Michael Burns stated the biggest issue he sees with the budget is the police department has racked up about \$11,000 in overtime already which is significantly more than we have in the past. Main reason is because we have no part-time officers and we have shifts that have to be covered. The Chief and I are working on a resolution towards that. Also, the other item to talk about, we have been building up an additional fund balance, I'd like to put a portion towards local streets, including Shepard Drive. Maybe to be done this summer.

7. **CITY MANAGERS REPORT.**

City Manager Michael Burns went over the following:

- Had to issue an emergency expenditure under Ordinance 272, it was for the amount of \$7,875 for work that is being done January 18, 2023, at Foreman and Hudson with a manhole cover that sunk, this was not part of the foreman project two years prior as it was not in need of repair at that time.

- Working on the demolition bid for 990 N Washington.
- Still working with Western Michigan to get that Police car however, last week we were informed of another car we could purchase which is in the amount of what we budgeted for. Chief and I are working on that and may bring it to the next council meeting.
- USDA loan for the Monroe Street Project, we should be getting our clearance this week to go out for bid. It will be a 30 day bid process.
- Thank you to Lori Gerard for 24 years of service to the City, she did retire on Friday. Had a great get together for her and she is looking forward to retirement.

8. **APPOINTMENTS.**

There are no changes.

9. **COUNCIL COMMENTS.**

Councilmember Chambers thanked the DPW for helping with a hole behind his store (a rotten utility pole that was buried).

10. **ADJOURNMENT.**

IT WAS MOVED SALZWEDEL and seconded by GROVES to adjourn @ 8:31 p.m.

DATE:

APPROVED:

Mike DeVore, Mayor

Sue Ullery, Lowell City Clerk