

**PROCEEDINGS  
OF  
CITY COUNCIL  
OF THE  
CITY OF LOWELL  
MONDAY, MARCH 6, 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, Leah Groves, Cliff Yankovich, and Mayor DeVore.

Absent: Councilmember Jim Salzwedel.

Present: City Clerk Sue Ullery, DPW Director Dan Czarnecki, City Manager Michael Burns, General Manager of LL&P Charlie West, City Attorney Jessica Wood.

2. **EXCUSE OF ABSENCE.**

IT WAS MOVED BY YANKOVICH and seconded by GROVES to excuse the absence of Councilmember Salzwedel.

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

NO: None. ABSENT: Councilmember Salzwedel. MOTION CARRIED.

3. **APPROVAL OF THE CONSENT AGENDA.**

- Approval of the Agenda as written.
- Approve and place on file the minutes of the February 21, 2023 Regular City Council meeting.
- Authorize payment of invoices for \$121,067.38.

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

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

NO: None. ABSENT: Councilmember Salzwedel. MOTION CARRIED.

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

Perry Beachum who resides at 924 Riverside Drive wanted to speak in support of Council, believes they are doing the best that they can, even though he does not always agree with them. Council has the challenge of representing everyone. Beachum believes more citizens should attend meetings on a regular basis, not just when there is a hot topic. Announcements: Benefit for Doak Dean who has been diagnosed with cancer will be held on March 24<sup>th</sup>, 2023, Friday night at the Lowell Showboat. Laugh Fest is March 10<sup>th</sup>, 2023 at the Lowell Congregational Church, tickets can be purchased at the door, or online.

Eric Bartkus who resides at 215 ½ W. Main also wants to thank Council for the excellent job that they do, including Coffee with Council. Also, thank you Marty Chambers. After Bartkus voiced his concerns at Coffee with Council, Marty Chambers was on the phone making things happen.

Jean Havey who resides at 9402 Button Rd in Belding, has grandchildren in the local schools, is very worried about what is happening in Lowell, specifically the PRIDE parade, not in support of having another one or of supporting change of gender in schools or anywhere.

Ron Janowski who resides at 520 N. Monroe, read his letter into record stating his concern with Councils agenda items not being exposed to citizens in enough time for citizens to know, understand or disagree on items before the Council makes a decisions on them. Wishes for better communication.

## 5. **OLD BUSINESS**

### a. Splash Pad.

City Manager Michael Burns invited Lowell Charter Township Supervisor Jerry Hale to discuss the Splash pad.

Jerry Hale then explained that the idea started 2 years ago, Township has the space for it now, thanks to Impact Church, the Township received a passport grant for \$150,000. Then Hale asked a grandfather that has kids in the City of Lowell to match that and he did; Now we are applying for a community grant for \$100,000. Then we should have all the funding. Questions are where the water supply will come from and how will the maintenance be taken care of. Hale believes once the new pumps are installed at the pump station, it should not be an issue.

Councilmember Yankovich asked how much water the splash pad would use, as capacity has been an issue for the water plant.

Discussion continued for several minutes, concern is mostly about enough water supply.

Hale stated if we have an issue, we would have to shut down the splash pad. We could put a well in, but then we have the tannin issues. It has been advised not to recycle the water used for the splash pad. Worse case, city would have to pay \$24,000, but he thinks we will be ok.

Mayor DeVore thinks it is best to go ahead and create the splash pad and use it a couple days a weeks if there is water supply issues, rather than lose the funds being granted/generated now and try to come up with the funds at a later date after the plant expansion happens.

City Attorney Jessica Wood stated as presented, it doesn't address the water shortage situation, so if you are going to act on this tonight, she suggests that you approve it with a friendly amendment stating, Lowell Charter Township and City of Lowell (the parties involved) agree to turn off the water in the case of a water shortage and to engage in a dispute resolution conversation to dissolve it.

Byrle Bartkus asked if the liability and maintenance will be split between the parties.

City Manager stated the liability is on the Township as it is on their property but the maintenance will be split between the parties.

IT WAS MOVED BY DEVORE and seconded by CHAMBERS that the Lowell City Council approve the

cost sharing agreement for Lowell Township splash pad as presented adding a friendly amendment stating both parties agree to turn off the splash pad in the case of a water shortage and then at that time, they engage in a dispute resolution conversation to dissolve it.

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

NO: None. ABSENT: Councilmember Salzwedel. MOTION CARRIED.

b. Fire Department Annual Report.

Chief Shannon Witherell gave a PowerPoint on the Fire Department's annual report and gave highlights. He also thanked the City and the residents of the City for their continued support and for allowing the fire fighters to do what they love.

c. Museum Annual Report.

Lisa Plank, Executive Director of the Lowell Area Museum, provided an annual report via a PowerPoint for the Historical Museum. Membership is \$150 for an annual membership, Museum is celebrating 150 years this year and has a goal to obtain 150 new members this year!

Councilmember Chambers thanked Lisa Plank for all that she does and has done for and at the museum.

Craig Fonger who lives at 827 N Washington, also a part of the Fallasburg Historical Society, thanked Lisa Plank for all she does at the museum and for being such a great community partner. They have some exciting programming coming up that they are creating together. Lowell Fire Department, thank you for your work at the Fallasburg Village Celebration. Lowell Area Chamber of Commerce Liz Baker, thank you for your community support and putting up with me.

d. Museum Steps.

DPW Director Dan Czarnecki read his memo requesting the Museum steps be replaced adding an additional railing. Sent out 16 bid packages to general contractors and only received one back which was from Ram Construction Services of Michigan, Inc. with two different options to consider.

IT WAS MOVED BY CHAMBERS and seconded by GROVES that the Lowell City Council approve the bid from RAM Construction Services of Michigan, Inc., Kentwood, Michigan, dated February 2, 2023, for the removal and replacement of the front entry stairway and landing, Option 2., at a cost of \$53,357.82.

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

NO: None. ABSENT: Councilmember Salzwedel. MOTION CARRIED.

e. Demolition of 990 N. Washington Bids.

City Manager Michael Burns read his memo stating on Monday, February 27, 2023, the City opened bids from four entities interested in demolishing 990 N. Washington. The City has worked with Earthworm in the past with no issues and they have the ability to complete this work and understand all our requests for the bid.

IT WAS MOVED BY YANKOVICH and seconded by GROVES, that the Lowell City Council approve for Earthworm Dozing and Excavating to complete the lead and asbestos testing and demolition of 990 N. Washington at a cost not to exceed \$13,950.

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

NO: None. ABSENT: Councilmember Salzwedel. MOTION CARRIED.

f. Parking Ordinance.

Mayor DeVore explained at the previous Council meeting, Council made a policy decision on the parking ordinance, the ordinance was not changed but there was some feedback and questions, so Mayor Devore is opening up public comment so people could give their opinions.

City Clerk Sue Ullery then read into record an email from Karen Wade who is asking the City Council to reinstate two hour parking along main street.

Greg Canfield who resides at 403 N. Washington asked that the ordinance be explained.

City Manager Michael Burns stated the ordinance eliminates overnight parking from 2 am to 6 am on Main Street from Hudson to Jefferson year round and they aligned the parking ordinance for the overnight street parking to the parking lot, so during the winter months from Nov 1<sup>st</sup> to April 1<sup>st</sup>, between 2 am to 6 am, there would be no parking in the parking lots unless you live there or were at the Inn or were issued a permit.

Perry Beachum, 924 Riverside Drive, recommends to look at all this feedback and question whether two hour parking should be completely eliminated. Also, at Coffee with Council, there were 9 people that attended.

Councilmember Chambers stated a business owner approached him asking about a few things that they were told, which are not true.

Baryl Bartkus who lives at 215 ½ West Main, thanked the Council for clarifying the ordinance and wanted to explain she does not want to discourage people from exploring our town, and two-hour parking doesn't allow exploring our town.

Eric Bartkus who lives at 215 ½ West Main, request that Council at least send a reply when an email is received, even if there is no response that they would like to implement.

Councilmember Chambers and Mayor DeVore agreed to from now on to at least acknowledge, thank and reply that an email was received.

Perry Beachum who resides at 924 Riverside stated it makes sense listening to Byrle Bartkus explanation, but there are still a lot of questions and need more thought before making a decision.

Kim Deloughy, owner of Sweat Seasons and previously on the Board at Impact Church stated, the problem is parking. Maybe increase time length for more than 2 hours. But feels that this is more than a two-hour parking issue and it needs to be looked at further.

Greg Canfield who resides at 403 N. Washington thinks a good compromise would work, maybe from 2 to 4 hours would work and leave it available in the summer. Feels like we are creating a lot more work for the police. Questioned the logic for no parking on Main Street year round.

Councilmember Groves admitted that she feels this should go back on the agenda. This is what we are here for, to make sure we have communicated for everyone and try to make the best decision for all involved.

Craig Fonger who resides at 827 N. Washington, stated maybe we need more signs where parking is allowed for better clarification.

Council continued discussion for several minutes.

IT WAS MOVED BY DEVORE and seconded by GROVES to table the parking ordinance discussion until March 20, 2023, the next City Council Meeting.

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

NO: None. ABSENT: Councilmember Salzwedel. MOTION CARRIED.

## 6. NEW BUSINESS

### a. 2023 Application for Fireworks.

City Manager Michael Burns stated Chamber is asking again for the Annual Fireworks Permit for the Riverwalk Festival. No changes, same annual request.

IT WAS MOVED BY YANKOVICH and seconded by CHAMBERS that Lowell City Council approve the request from the Chamber for the annual fireworks permit for the Riverwalk Festival.

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

NO: None. ABSENT: Councilmember Salzwedel. MOTION CARRIED.

### b. Street Closure Request.

Chamber of Commerce Liz Baker asked for permission for the street closures as follows:  
Avery Street west of Monroe, Thursday, July 7 beginning at 6 am through Saturday, July 8, 9:00 pm for the purpose of food concessions.

Avery Street, east of Monroe to Jefferson St., Washington Street, north of Main to the High St, Saturday, July 8 beginning at 6:00 am to 4:00 pm for the Riverwalk Cruise-in.

Main Street at 1:45 pm from Jackson to Hudson for the Riverwalk Ruble “Classic Cars” departing the Cruise-in.

IT WAS MOVED BY YANKOVICH and seconded by DEVORE that the Lowell City Council approve the street closures as requested.

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

NO: None. ABSENT: Councilmember Salzwedel. MOTION CARRIED.

c. LCTV Grant Recommendations.

LCTV Board Chair Dennis Kent presented the LCTV recommendations stating they received less request than money available and that the remaining funds will carry over to next year. The following were grants were granted:

City of Lowell – LCTV Fund Administration Expenses -\$4000.00  
Fallasburg Historical Society – Technology Upgrade - \$4,284.09  
First Congregational Church –Senior Neighbors/Gilda’s Club Improvements - \$27,150.54  
Flat River Outreach Ministries – FROM Transportation Program - \$15,000.00  
GR Amateur Astro, Assoc. – DayStar Observatory - \$10,000.00  
Kent District Library – Teen Area Remodeling Project - \$2,250.00  
Lowell Area Fire Department – Nozzle Replacement Project - \$10,000.00  
Lowell Dog Park – Small Dog Park Weather Shelter \$4,475.00  
Rotary Club of Lowell/City – Rejuvenate/Update Creekside Kingdom - \$2,400.00

Craig Fonger who resides at 827 N. Washington thanked the Council for the grant and stated the Fallasburg Historical Society will be asking for more next grant period.

City Clerk Sue Ullery read into record a letter from Councilmember Salzwedel thanking all the members of the LCTV Board and City Clerk Sue Ullery and her staff and asked to consider reviewing grant requirements for future grant requests.

IT WAS MOVED BY YANKOVICH and seconded by CHAMBERS that the Lowell City Council approve the recommendations by the LCTV Board for the above request of funds.

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

NO: None. ABSENT: Councilmember Salzwedel. MOTION CARRIED.

d. Resolution 04-23 – Dissolution of the Lowell Showboat VI Committee.

City Manager Michael Burns stated the City Charter does not allow standing committees of the City Council. The Lowell Showboat VI Committee was formed by the council to address the needs of the Showboat. Since the formation of this committee, they have formed a separate Michigan Non-Profit Association and we have approved transfer of ownership to the organization. There is no longer a need for this committee to be in the auspices of the City of Lowell. Attached is Resolution 04-23 to dissolve the Lowell Showboat VI Committee.

IT WAS MOVED BY CHAMBERS and seconded by YANKOVICH that the Lowell City Council approve Resolution 04-23 as written.

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

NO: None. ABSENT: Councilmember Salzwedel. MOTION CARRIED.

e. Resolution 05-23 – Utility Easements and Quitclaim Deeds for USDA Project.

City Manager Michael Burns read his memo stating upon examination into the properties related to the USDA financing for Monroe and Washington, two issues were presented that need to be resolved in order to move forward with the project. First, an easement is needed from the Grand Rapids Gravel Co. for a sewer lift station where the line traverses the property. We have received such easement from them and need to accept such easement. Second, there are some title discrepancies as to the Fairground property. Many years ago, Lowell Area Schools owned the three parcels that consist of the Fairground, which include the King Building, the baseball fields, Busch Field, and the southern portion of this property. Ownership of the parcels was transferred to the City but was never done so formally, which created some confusion as to title. In order to resolve all discrepancies, Lowell Area Schools has agreed to formally transfer their rights, if any, to such properties to the City. Resolution 05-23, which resolves the above issues to accept and authorize the utility easement agreement with Grand Rapids Gravel and to accept and authorize the execution of quitclaim deeds from Lowell Area Schools.

IT WAS MOVED BY DEVORE and seconded by CHAMBERS to approve Resolution 05-23 as written.

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

NO: None.

ABSENT: Councilmember Salzwedel.

MOTION CARRIED.

7. **BOARD/COMMISSION REPORTS.**

Councilmember Yankovich stated Museum wants funds from HDC but there is none.

8. **CITY MANAGERS REPORT.**

City Manager Michael Burns went over the following:

- Monroe Street project still in the bid process hunt, we are having a meeting with the merchants tomorrow to explain the project.
- Washington Street Project, we are in the middle of the engineering and meeting with the USDA tomorrow to formally start our application for Washington for next year.
- We just received notice from the County that they are accepting applications for this year's Community Development Block Grant Program. We will be submitting a request for 50% of the costs for Riverside Drive for the 2024-2025 construction season. There is no waterline on Riverside from Hunt to Foreman; everyone connects their water off of Hudson. We would add the line as part of the project, but we wouldn't require connection until something was to happen down the road where they needed to connect.
- We did receive a request from the County last week to write letters of support to them, they are seeking 4.1 million dollar grant to do repairs to the Fallasburg Dam, so I submitted a letter of support on the City's behalf and King Milling. We will wait and see what happens.
- Last week we did receive our notice of our marijuana funds revenue, the City will receive just under \$363,000, which is the equivalent to close to 10% of our general fund of revenue. Once received, those funds will be transferred directly to the local street fund.

- The speed sign that was hit by a truck has been sent back to manufacturer, they are looking to see if they can repair it for \$2000, which we prefer over an insurance claim or the cost of a new one at \$6000. Will let you know what the outcome is.

9. **APPOINTMENTS.**

There was none.

10. **COUNCIL COMMENTS.**

Councilmember Yankovich would like to thank Chambers for calling the attorney general and checking into the chalking tires debate. Also, even though he doesn't agree with everything people say, he appreciates people showing up and letting us know what's on your mind.

Councilmember Salzwedel saw the new fire truck going down the road and it looks great.

Councilmember Chambers thanked everyone that comes to Coffee with Council, he wishes they had more people come so they can understand their wishes.

Mayor DeVore stated he is not going to be part of any governmental body that stifles Free Speech, if you want to have an event here, it means we have created a place where you feel comfortable that your event will be well attended and beneficial, so that makes me proud. No one makes you go and no one is taking school buses full of kidnapped children down there and forcing them to read green eggs and ham with a drag queen. I am wrong enough, when I am actually wrong; I do not enjoy being accused of being wrong when I am not. If you are looking to elect 5 people who know everything, you are going to be unhappy for the rest of your life, because those people just simply don't exist. We are trying to do the best job we can, because we do live here too and we do for the most part volunteer to do most of the stuff we do and I most of the time genuinely enjoy it. We are not secretly making decisions and blowing through agenda items so that people can't talk and this parking thing didn't come up organically last second or to believe anything to the contrary would be at your own peril because we had been talking about it for months. I pride myself actually on public hearings and allowing people to talk and maintain a public comment period that's 5 minutes instead of 3 minutes which is what you get most other places and not saying oh, you already talked, so you don't get to talk on anything else. No. Please do not come here just when you are upset, come here anytime you want. Do not say we are not accessible, because that is not true.

Councilmember Groves thanked everyone for coming to the meeting and staying so late. She also wants to stick up for the LGBTQIA plus Community who she is a close ally to, and she wants them to know she is a safe person. We celebrated Lowell Pride this weekend with our annual Gala and raised over \$5000 to go towards our Friday event in June.



11. **ADJOURNMENT.**

IT WAS MOVED YANKOVICH and seconded by CHAMBERS to adjourn @ 9:27 p.m.

DATE:

APPROVED:

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Mike DeVore, Mayor

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Sue Ullery, Lowell City Clerk