

**PROCEEDINGS
OF
CITY COUNCIL
OF THE
CITY OF LOWELL
MONDAY, MAY 01, 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, Jim Salzwedel and Mayor DeVore.

Absent: None.

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

2. **MERITORIOUS SERVICE CITATION AWARD FOR IAN SHEARS.**

Chief of Police Chris Hurst presented a meritorious service citation award to what the Lowell City Police Department calls their “Triple Threat Police Officer” Ian Shears who has been on the police force for four years now. Shears is a licensed law enforcement, licensed EMT paramedic, as well as a Firefighter. Congratulations Ian Shears for your dedication and a great job!

3. **CONSENT AGENDA.**

- Approval of the Agenda as written
- Approve and place on file the minutes of the April 17, 2023 Regular City Council meeting and April 24, 2023 Budget Work Session Meeting.
- Authorize payment of invoices for \$562,435.31.

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

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

NO: None.

ABSENT: None.

MOTION CARRIED.

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

Perry Beachum who resides at 924 Riverside Drive wanted to mention how nice Richards park looks, trees all trimmed up and DPW does a fantastic job of maintaining that park. Branch and tree limb pick up, thank you to the City of Lowell and Lowell Light & Power for this. Hydro-corp letters to the citizens seem to be a burden; time frame doesn't seem very compatible for many. Would like to City to look into helping get this accomplished so the time frame can work around residents work schedule.

5. **OLD BUSINESS**

- a. Downtown Parking.

City Manager Michael Burns stated Council directed him to come back with an idea for 15-minute parking for downtown. Burns presented views of streets for 15-minute parking spot all along Main Street to Washington Street. Each spot designated as a 15-minute parking spot would be marked as such (total of eight 15 minute spots).

IT WAS MOVED BY YANKOVICH and seconded by GROVES that Lowell City Council approve the eight parking spots for 15 minute parking downtown.

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

NO: None.

ABSENT: None.

MOTION CARRIED.

b. ROW Permit Fees.

DPW Director Dan Czarnecki read his memo explaining the changes needed for the ROW permit fees and proposing to add a third tier to the ROW Permit fees. For work on water or sewer lines by property owners or private contractors, we propose a fee of \$150. This amount should cover the average cost of the City's work to review, process and inspect any repairs or installations of these utilities.

Greg Canfield who resides at 403 N. Washington ask the City Attorney Jessica Wood if the Public Act that he referenced at the previous meeting does not apply to the City.

Attorney Jessica Wood stated she did not attend that meeting but the Public Act she looked at applied to County. Several different laws apply for the City; there is the Right of Way Statute, Home Rule City Act, the Metro Act and other things that gives cities the general authority to regulate their local roads.

IT WAS MOVED BY GROVES and seconded by YANKOVICH that the Lowell City Council approve Right-of-Way permit fees for Fiscal Year 2023-2024 to be set at \$50 for ROW Access (curb cuts, driveway-approaches, sidewalks), \$150 for work on City Utilities (water service, sewer lateral), and \$250 for Franchise Utilities (gas, telecommunications, etc.).

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

NO: None

ABSENT: None.

MOTION CARRIED.

6. **NEW BUSINESS**

a. Lowell Pride Closure.

City Manager Michael Burns read his memo stating Lowell Pride will be holding their 3rd Annual Event on Saturday June 3, 2023 on the Lowell Riverwalk. The city received a request from the Lowell Pride Board President Nicole Lintemuth regarding the closure of the north portion of the Oklahoma property, 216 N. Monroe for June 3, 2023 from 9:00 AM to 5:00 PM. This is the area where parking spaces are.

Councilmember Yankovich spoke up and wanted follow up after he had attended a Pride Board

meeting where he had expressed concerns about language on the stage, and a particular vendors items being sold.

Nicole Lintemuth responded and said we are always happy to hear feedback. Lowell Pride has created guidelines for the main stage for any of their acts to follow so that they are meeting Lowell Pride standards. As for the vendors, Lowell Pride isn't going to be able to police every item that each of the vendor sells, but feels as long as these items are legal to sell in the State of Michigan, they should be permitted to sell at the event. Lintemuth went on to say, they make sure everyone knows that this is an open area and hopes that parents and people make their best judgement if they are going to let their kids run around.

Perry Beachum stated Council should review the guidelines that Lowell Pride has created. Also, mentioned that sound travels the cities river very easily which sets us apart as a unique city, and it is much different than in other communities.

City Manager Michael Burns and Mayor DeVore stated the City should have clean and clear established guidelines and will work with the City attorney and bring guidelines back to the next Council meeting to put in place for any future City permitted event.

Susan Stevens who resides at 610 N. Jefferson stated she can hear the main stage clearly at her house and all the kids that live all around her can hear that language and that is a problem. She would also like to not see items sold in a public park that are sexually explicit. Also does not appreciate the political responses given.

Craig Fonger who resides at 827 N Washington St was at Pride last year and it was marketed as a family event and he expected it to be a family event. It was brought to his attention and he himself heard some of the language last year and now to protect Fallsburg Historical Society's brand, they cannot have their organization attend this year until they make sure the standards are what represents the community as well as the standards "Lowell Pride promotes itself as".

Kelsey Krupp who lives at 2156 Gee Drive wanted to note that she has attended the Pride events and was very happy to find these events were held here when she moved to Lowell. Feels that it is important to have these and it shows peoples values. Has not seen anyone uncomfortable or not having a good time and also feels items made to look like certain body parts is considered art.

Councilmember Chambers asked Nicole Lintemuth to bring to Council a copy of their guidelines.

- b. Set Public Hearing for 2023/2024.

Mayor DeVore stated the Public Hearing will be presented during our regular city council meeting on Monday, May 15, 2023 here in Council Chambers. Copy of the budget is available on the website.

7. **BOARD/COMMISSION REPORTS.**

Councilmember Yankovich stated the Historical District asked for 100K, the previous grant writer failed to submit a grant request in December. Brent Slagel would like to turn Larkins into a restaurant with apartments above it, so Slagel is looking for 40k and there are also a couple of other big requests so we are asking for 100K.

Councilmember Salzwedel stated Arbor Board met, Williams & Works was there. We will meet again on

May 15, 2023 at Lowell Light & Power at 8:00 am and will discuss changes for ordinance. Thank you to DPW Dan Czarnecki and Ryan from LL&P for attending.

Mayor DeVore stated DDA is cancelled and Fire Authority is next Thursday.

Councilmember Chambers stated Planning Commission is next week.

Councilmember Groves stated her meetings are in the next two weeks as well.

8. **CITY MANAGERS REPORT.**

City Manager Michael Burns went over the following:

- Congratulations goes to Mayor DeVore and Mayor Pro-Tem Chambers for their graduation from the Elected Officials Academy for the Michigan Municipals League. Mayor DeVore graduated to level 2 and Mayor Pro-tem Chambers graduated to level 1. Congratulations, it was a lot of work!
- We closed on the USDA loans and had our pre-construction meeting with the contractor last week. They have advised us that their plan is to begin work on June 5. For the first 16 business days, they will do all of their work south of main street. They will be starting with the water main and will work north from there. There will be a meeting with residents on May 11, 2023 at 6 pm to address any concerns.
- We finally got the left-turn light onto Hudson from Main, the tradeoff is a longer delay at the intersection.
- Submitted a grant to the Community Foundation for \$100,000 for the Splash pad
- 990 N. Washington has been demolished.
- DPW Director Dan Czarnecki has submitted his notification for retirement. His last day will be July 21, 2023. I have had a 14-year working relationship with him, learned almost all I know about Public Works and have enjoyed working with him and wish him a very happy retirement.

Salzwedel questioned the USDA loan and the interest rates going up.

Burns and Attorney Jessica Woods explained we will be getting the best deal we can.

9. **APPOINTMENTS.**

There are no changes.

10. **COUNCIL COMMENTS.**

There were no comments.

11. **CLOSED SESSION TO CONSIDER MATERIAL EXEMPT FROM DISCUSSION FOR DISCLOSURE BY STATE OR FEDERAL STATUTE OF MCL. 15.268(1)(h)**

IT WAS MOVED BY SALZWEDEL and seconded by CHAMBERS to go into closed session at 8:27p.m.

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

NO: None.

ABSENT: None.

MOTION CARRIED.

12. **MOTION TO GO BACK INTO OPEN SESSION @ 8:55**

IT WAS MOVED BY YANKOVICH and seconded by CHAMBERS to go back into open session at 8:55 p.m.

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

NO: None.

ABSENT: None.

MOTION CARRIED.

13. **ADJOURNMENT.**

IT WAS MOVED SALZWEDEL and seconded by CHAMBERS to adjourn @ 8:55 p.m.

DATE:

APPROVED:

Mike DeVore, Mayor

Sue Ullery, Lowell City Clerk