

**PROCEEDINGS  
OF  
CITY COUNCIL  
OF THE  
CITY OF LOWELL  
MONDAY, JULY 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, Leah Groves, Cliff Yankovich, Jim Salzwedel and Mayor DeVore.

Absent: None.

Present: City Clerk Sue Ullery, DPW Director Dan Czarnecki, City Manager Michael Burns via zoom, Police Chief Chris Hurst and LL&P Charlie West, City Attorney Jessica Wood and WWTP Superintendent Brian VanderMeulen.

2. **CONSENT AGENDA.**

- Approval of the Agenda.
- Approve and place on file the minutes of the June 19, 2023 Regular and Closed City Council meetings.
- Authorize payment of invoices for \$697,250.11.

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.

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

Shannon Kennedy with the Lowell Area Chamber of Commerce thanked everyone including City Council, City Police Department, Fire Authority and everyone in the City of Lowell for the successful Riverwalk Festival and appreciated all the support.

4. **OLD BUSINESS**

a.) Proposed Zoning Ordinance Text Amendment - Ordinance 23-05.

City Manager Michael explained that our City's ordinance needed to comply with the Supreme Court Rulings pertaining to content on signs or doors. The amendment includes an expanded intent and purpose statement along with revisions to the sign definitions, general sign provisions, signs not requiring permits, supplementary signs and signs permitted by zoning district.

IT WAS MOVED BY GROVES and seconded by YANKOVICH that Lowell City Council accept the recommendation of the Planning Commission and approve the proposed zoning ordinance text

amendment- Ordinance 23-05.

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

NO: None.

ABSENT: None.

MOTION CARRIED.

b.) Rezoning Request for 112 Horatio St., 805 E. Main St., and 825 E. Main St.

City Manager Michael Burns read his memo stating at the July 10, 2023 Planning Commission meeting, the Commissioners reviewed a request from CopperRock Construction to rezone three parcels of land located at 112 Horatio St., 805 E. Main St., and 825 E. Main St. to MU Mixed Use. If rezoned, it will go back to Planning Commission for site plan review with CopperRock Construction.

Dennis Kent who resides at 1700 Faith Dr. asked if we have enough water in the City for 44 new dwelling units in Lowell along with all the new township properties being built.

Tyler Kent who resides at 280 Jane Ellen stated he would like to echo what Dennis Kent said and would like the City to take a holistic look at our water situation. The City of Lowell and Lowell Township are already taking a heavy burden of limited water usage to even/odd days. He is concerned with the parking for this project as well.

Burns addressed the water issue comments stating they do not believe they will have an impact to the water supply and the township water issue is going to have to be addressed, sooner than later.

Loretta Riley who resides at 818 East Main Street was concerned about water and parking as well. She has to leave her water on in the winter and takes her forever to water in summer because the pressure is so low. Also, it is very dangerous pulling out on M-21 from her driveway, and there are lots of accidents in that area. Speed limit is too high.

Councilmember Chambers stated the CopperRock site plan for these properties was tabled at the last Planning Commission meeting until the September meeting. Chamber is not in favor of tabling it until September and would like to get it on the August meeting agenda. Chambers feels, if a development is approved for this site, he would like to see the City sewer issue there fixed, take Avery street and move it ahead, address the neighbor water pressure issue and force MDOT/State to take care of the speeding problem and bring it back down to 25 speed limit or maybe even put a light down there. Address all these issues together.

Tyler Kent noted that MDOT doesn't control the speed.

Burns stated the water/sewer main issue are lateral connection problems.

Czarnecki will have the water department get out there and check on those issues.

IT WAS MOVED BY SALZWEDEL and seconded by CHAMBERS that the City of Lowell accept the recommendation of the Planning Commission and approve this rezoning request.

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

NO: Mayor DeVore.

ABSENT: None.

MOTION CARRIED 4-1.

5. **NEW BUSINESS**

a. Harassment Ordinance – 23-06.

City Manager Michael Burns read his memo regarding the police creating a harassment ordinance to better address some issues they are facing. Our Police Department has researched other Michigan Communities' statutes and worked with the City Attorney to craft a municipal harassment ordinance we can enforce locally rather than having the Kent County Prosecutor's Office enforce for us.

City Attorney Jessica Wood stated, it is a new Section and it is an exception to those things that will be treated as something less than a misdemeanor so it gives the police a lot more authority to get a person to stop the behavior. Wood then explained how it works.

IT WAS MOVED BY CHAMBERS and seconded by GROVES that the Lowell City Council approve Ordinance 23-06 to establish a local misdemeanor harassment ordinance as presented.

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

NO: None.

ABSENT: None.

MOTION CARRIED.

b. Tree Ordinance 23-07.

DPW Director Dan Czarnecki read his memo about updating the tree ordinance.

Jim Reagan who resides at 753 Grindle Drive, talked about Arbor Board and its members, explained the background of the Arbor Board and thanked all those who served. Explained how we became a "Tree City".

Salzwedel thanked Dan Czarnecki, Ryan Teachworth, and all who were involved for all they done regarding updating this tree ordinance.

Mayor DeVore stated they will revisit this ordinance update in two weeks at the next City Council meeting.

c. Grindle Drive and Shepard Blvd Improvements.

DPW Director Dan Czarnecki read his memo regarding our street improvement project for 2023 Grindle Dr. and Shepard Blvd. The current 7-year street plan listed Grindle for this construction year. Bid specifications were developed and posted at the construction clearinghouse websites. The City opened bids for the construction on July 6, 2023. There were three. Michigan Paving recently performed our Gee Drive paving last fall and although it did not go perfectly the contractor did step up and made the proper repairs this spring, at no additional cost to the City. Past experiences working with Michigan Paving and Materials (previously Woodland Paving) have been positive.

IT WAS MOVED BY CHAMBERS and seconded by YANKOVICH that Lowell City Council approve the 2023 Grindle Drive and Shepard Blvd. Improvement Project bid from Michigan Paving and Materials, Inc., Grand Rapids, Michigan, for a cost of \$457,528.50, and authorize the Mayor to sign the documents.

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

NO: None.

ABSENT: None.

MOTION CARRIED.

d.) 2023 Grindle Dr & Shepard Blvd Project Engineering Services.

DPW Dan Czarnecki read his memo regarding the engineering services needed for the Project.

Councilmember Salzwedel questioned the rain runoff direction.

Czarnecki stated most of it will be improved as we are putting in a basin on Shepard and a little ways up the hill we are going to collect rain and shoot it across with a culvert tile.

IT WAS MOVED BY SALZWEDEL and seconded by CHAMBERS that the Lowell City Council approves the 2023 Grindle Dr. and Shepard Blvd. Improvement Project Construction Engineering Services with Williams & Works, as outlined in their scope of services, dated July 11, 2023, for the amount of \$45,600.

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

NO: None.

ABSENT: None.

MOTION CARRIED.

e.) Ottawa and Brook Design Engineering.

DPW Director Dan Czarnecki read his memo stating within the Downtown Development Area, we are looking at resurfacing Ottawa St. from Hudson St. to Brook St., utilizing DDA funding. Upon review of the deterioration of the connecting street, it was determined to include Brook St. for resurfacing. In order to obtain bids for the construction work, design engineering is needed. Williams & Works has proposed design services for \$19,800. The DDA will be responsible for \$11,500 of this amount, with local streets picking up the remainder of the cost.

IT WAS MOVED BY CHAMBERS and seconded by YANKOVICH that the Lowell City Council approve the Design Engineering Services quote for the 2024 Brook St and Ottawa St Resurfacing Project, as proposal by Williams & Works in their letter dated July 7, 2023, for \$19,800.

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

NO: None.

ABSENT: None.

MOTION CARRIED.

f.) 2024 Street Improvements Projects Design Engineering Services.

DPW Director Dan Czarnecki read his memo stating to go along with the reconstruction of Washington St., and its water/sewer utilities, the 7-year street plan has an aggressive construction season scheduled for 2024 in the same vicinity. For next year, Lafayette St. and all the connecting streets between Lafayette and Jefferson will be resurfaced. With North Jefferson St. paved in 2017 and Monroe St. scheduled to be paved sometime this fall, the 2024 street improvement project will complete a huge area of needed street resurfacing in our community. Williams and Works have

proposed design services quote in the amount of \$82,000.

Councilmember Salzwedel questioned the Monroe project and if we have discovered any lead pipes.

Czarnecki said not yet, but we are right to that point, then he gave an update on the progress so far.

IT WAS MOVED BY YANKOVICH and seconded by SALZWEDEL that the Lowell City Council approve the Design Engineering Services quote for the 2024 Lafayette and Cross Streets Resurfacing Project, as proposed by Williams & Works in their letter dated July 10, 2023, for the amount of \$82,000.

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

NO: None.

ABSENT: None.

MOTION CARRIED.

g.) Social District Request.

City Manager Michael Burns read his memo stating the City has received a request from Red Barn Mercantile via Love Wines regarding being added to the Social District. Red Barn Mercantile LLC has partnered with Love Wines in Ludington to sell their product directly here in Lowell. Red Barn via Love Wines will be able to sell products out the door, have wine tasting events, and sell by the glass at 217 W. Main. In order for Love Wines to receive a Social District endorsement on their liquor licenses, they must fall within the district boundaries and be approved via City Council Resolution. 217 W. Main does fall within the boundaries and Resolution 16-23 needs to be approved.

IT WAS MOVED BY SALZWEDEL and seconded by GROVES that the Lowell City Council approve Resolution 16-23 to allow Love Wines to participate in the Social District at 217 W. Main as presented.

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

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

h.) Street Sweeping.

City Manager Michael Burns read memo stating he received some requests recently about additional street sweeping throughout the city this summer. Due to heat, pollen and areas with continued road deterioration, we asked Sanisweep for a quote for an additional sweep. The total cost of the sweep is \$10,600. Of this, \$1,100 would be reimbursed via MDOT as this would include Main St.

IT WAS MOVED BY SALZWEDEL and seconded by DEVORE that the Lowell City Council approve an additional street sweeping with Sanisweep at a cost not to exceed \$10,600.

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

NO: None.

ABSENT: None.

MOTION CARRIED.

i.) Request to Purchase a New Police Cruiser.

Chief of Police Chris Hurst read his memo requesting a new police cruiser, a 2024 Ford Police Interceptor Utility All Wheel Drive Hybrid.

IT WAS MOVED BY CHAMBERS and seconded by GROVES that the Lowell City Council approve the purchase of a 2024 Police Interceptor Utility AWD hybrid from Lunghammer Ford in Owosso, the up-fitting from Great Lakes Up-fitting, and the graphics from B&K Graphics at a cost not to exceed \$67,189.71.

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

NO: None.

ABSENT: None.

MOTION CARRIED.

6. **BOARD/COMMISSION REPORTS.**

Councilmember Yankovich stated LARA is moving along, the state is requiring us to put in some bridges but they are going to help us with funding. Again, Dave Austin does a great job on behalf of the Lowell City community with the LARA Trails.

Councilmember Salzwedel stated at Lowell Light & Power met, and Lisa celebrated her second year there. Ryan Teachworth gave some inside information on the East Side Project Review, which is the new power line coming up Jackson Street down to North Street and then Monroe. Very informative if you would like to view their meeting. Hats off to the community for supporting them.

Charlie West explained the project, stating they are building a new 3-phase tie-line that will ultimately serve as a basis for removing the two large step down transformers that have caused fire hazards in the past and replace aging infrastructure (poles and the wires on the east side of town).

Councilmember Groves stated that Parks meets tomorrow and Chamber of Commerce did not have a meeting for July due to the Riverwalk festival. It went really well. Loves to see the community show up and support each other.

Councilmember Chambers stated the Planning Commission had the rezoning we approved tonight and then the Shed in Huntington parking lot was tabled until next meeting because the contractor that erected it was not at the meeting to tell us what its intents are.

Mayor DeVore stated that Fire Authority is Thursday July 20, 2023.

7. **CITY MANAGERS REPORT.**

City Manager Michael Burns went over the following:

- Thank you to Dan Czarnecki for his years of service with the City of Lowell and also for all of his years in the Public Works profession. We are going to miss him when he retires on Friday but thank you for all your years of great service.
- Burns will be the interim Public Works director while we find a replacement, which we are working on.

- Attended the Great Riverwalk Festival, and it was a great event. Sold a lot of tickets for the ducks which funds the next year's festival.
- USDA application has been filed for the Washington Street project and we are just waiting to hear back.

8. **APPOINTMENTS.**

There were no changes.

9. **COUNCIL COMMENTS.**

Dan Czarnecki took a few moments to express his appreciation and thanks to the community and for those he has had the pleasure of working for and with for four years here in Lowell.

Councilmember Yankovich told the story of the boot scrapers that Czarnecki set up at City Hall and the Chamber, giving an example of how great he is at his job. Thank you, Dan. Also, we may need a bike rack near the Riverwalk.

Councilmember Groves thanked Dan and said he has been a pillar to this community.

Councilmember Chambers thanked Dan for the four years he has been here, that he has helped make us a better community.

Mayor DeVore stated the last three weeks have been an unmediated nightmare, but he has been surrounded by support, care and love. Thank you, Dan for the last 4 years, but even more for the last few weeks. Also, thank you to Councilmember Chambers, Chief Shannon and all who have supported him, cant imagine a better community to be in when tragedy strikes.

Councilmember Chambers reminisced about Mayor DeVore's dad, Mike DeVore and asked for a moment of silence for the loss of a good friend.

10. **ADJOURNMENT.**

IT WAS MOVED SALZWEDEL and seconded by CHAMBERS to adjourn @ 8:30 p.m.

DATE:

APPROVED:

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Mike DeVore, Mayor

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Sue Ullery, Lowell City Clerk