

**PROCEEDINGS  
OF  
CITY COUNCIL  
OF THE  
CITY OF LOWELL  
TUESDAY, SEPTEMBER 5, 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: Mayor DeVore, Councilmember Leah Groves, Councilmember Cliff Yankovich,  
Councilmember Jim Salzwedel.

Absent: Councilmember Chambers.

Present: City Clerk Sue Ullery, City Manager Michael Burns, Police Chief Chris Hurst, LL&P  
Charlie West and Brian Vandermeulen.

2. **EXCUSE OF ABSENCE.**

IT WAS MOVED BY SALZWEDEL and seconded by GROVES to excuse the absence of  
Councilmember Marty Chambers.

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

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

3. **CONSENT AGENDA.**

- Approval of the Agenda.
- Approve and place on file the minutes of the August 7, 2023 Regular City Council meeting.
- Authorize payment of invoices for \$790,225.09.

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

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

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

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

Perry Beachum who resides at 924 Riverside Drive thanked LL&P for their services during and after the storm, also the DPW. Does not feel that LL&P should be sold as he believes it is one of the city's biggest assets. Beachum was approached by a citizen who received the 300' notice about vacating Horatio and the lawsuit is confusing. Feels CopperRock could explain better what is going on. Also, does not feel that the city streets should be used as part of the parking for the CopperRock building. Pink Arrow shirts are

available as of September 7, 2023 at the High School Stadium, Red Barn, Heidi's and the old Spring Grove Store. Football game will be September 22, 2023.

Dennis Kent who resides at 1725 Faith Drive stated that LL&P did a great job with the storm and power outages. Also, feels selling LL&P is a bad idea. Would like brush pickup to be a couple more times a year.

Eric Bartkiss who resides at 215 W Main also echoed Perry Beachum's comment on LL&P and how much it is an asset to the City of Lowell. Does not think it would be a good idea to sell it.

Jake Davenport who resides at 527 Lafayette, thanked all the departments of LL&P, Police Department and the DPW for their work during and after the storm. Is not in favor of the City selling LL&P.

5. **OLD BUSINESS**

a.) Response from Township regarding Water.

City Manager Michael Burns stated we did receive a response from Lowell Township to our letter sent on July 26, 2023 regarding our request to the township for a decision on the water. The Lowell Township letter stated they could not make a decision within 60 days and don't feel like they have enough information to do so, however they did say they are interested in investigating the possibility of building the additional clarifier. They have questions on cost and size and how much this would cover. We are only in the investigation stage right now. Feels we should have Williams and Works determine whether it is possible. We did ask Wolverine to give us an updated estimate on what it would cost to extend the water plant with additional wells.

DeVore doesn't feel that our ratepayers should pay for the quote for the clarifier that isn't needed by the City residents.

Yankovich clarified whether we need to replace our pumps in the next few years.

Burns said yes, we will need to replace the pumps and the clarifier and only an additional clarifier if we are still being used for water and sewer by Lowell township.

Perry Beachum asked how many clarifier's we have now, and if we need another clarifier for our city.

Yankovich and DeVore do not want to pay for a study for what it would cost for something only the Township needs.

IT WAS MOVED BY YANKOVICH and seconded by SALZWEDEL that Lowell City Council direct the City Manager Michael Burns to get a quote from Williams and Works for a feasibility study.

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

NO: None.

ABSENT: Councilmember Chambers.

MOTION CARRIED.

6. **NEW BUSINESS**

a. Election Precinct Consolidation- Resolution 17-23.

City Clerk Sue Ullery read the memo.

IT WAS MOVED BY YANKOVICH and seconded by DEVORE that the Lowell City Council approve Resolution 17-23 and allow for consolidation of precincts 1 and 2 for the November 7, 2023 City General Election.

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

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

b. Purchase of Additional Election Equipment.

City Clerk Sue Ullery read the memo.

IT WAS MOVED BY GROVES and seconded by SALZWEDEL that the Lowell City Council approve the quote from Election Source for \$7103 for additional equipment following the adoption of Proposal 2022-2, including a tabulator, ballot bin as well as the firmware license agreement, annual maintenance service, warranty and Election Day support.

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

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

c. Pink Arrow Resolution 18-23.

Mayor DeVore read the memo regarding the Pink Arrow Day and the Resolution 18-23.

IT WAS MOVED BY GROVES and seconded by YANKOVICH that Lowell City Council adopt Resolution 18-23 proclaiming Thursday, September 7, 2023 as Pink Arrow Pride Day – Arrow Force XVI in the City of Lowell.

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

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

d. Vacation of Horatio St.

City Manager Michael Burns read the memo regarding the vacation of Horatio St.

Jane Wolbers who lives at 826 E. Main agreed that the notice they received was very confusing from the lawyers for the vacation of this street and CopperRock is not being very transparent and her biggest concern is the safety with the street and accidents that already happen in that area.

Paula Patterson who resides at 906 E Main stated she as well felt a panic receiving the lawyers notification, noted the Planning Commission meeting where public voiced their complaints and that CopperRock did not seem to change anything regarding their concerns. She did attend the meeting with CopperRock and felt like their concerns were brushed off.

Donald LaPonsie who resides at 717 E. Main does not support vacating Horatio and does not approve the CopperRock project.

Perry Beachum who resides at 924 Riverside stated CopperRocks' website states that they value their communication and are solid performers and he feels there has been a huge lack of communication going on.

Pam Rowley who lives at 804 E Main stated that Horatio is part of the neighborhood and it is used. Not in favor of vacating Horatio. Also spoke on receiving the lawyer's letter.

City Attorney Jessica Wood spoke and explained that this is how the law says a road needs to be vacated. This is how the law requires you to do it. This is common and this was done correctly. Procedurally this street vacation and application is separate from the land use approval and planning approval.

Greg Taylor from CopperRock spoke and stated he wanted to address multiple things that he heard tonight. Took responsibility for the lack of communication and in hindsight realizes now a letter explaining the procedure would have been helpful. They are also looking at ways to increase safety and they have incorporated multiple comments into site plan like adding a sidewalk.

Councilmember Yankovich asked what the market rental rate is.

Taylor stated it is similar to \$1.75 per square per month. \$1575 for a two bedroom.

Jane Wolbers thinks 30 units on corner is better than 44 units, may resolve some safety issues.

Beachum reached out to CopperRock, and had a good conversation but he still has issues of the 17 spots on City Streets.

City Attorney Jessica Wood then explained the options.

Craig Fonger who resides at 827 N Washington questioned if anyone carries more weight than others.

City Attorney Jessica Wood said no.

Paula Patterson explained there are questions for approval of this build, who approves it City Council by the Planning Commission.

Burns explained that the project meets the requirements.

Tyler Kent who resides at 280 Jane Ellen asked a question about the masterplan and public comments.

IT WAS MOVED BY GROVES and seconded by DEVORE to object and file an appearance for the vacation of Horatio Street.

YES: Councilmember Groves, Mayor DeVore, Councilmember Salzwedel.

NO: Councilmember Yankovich. ABSENT: Councilmember Chambers. MOTION CARRIED.

e. Effluent Cascade Repair.

Brian Vandermeulen from the Waste Water Treatment Plant stated the concrete tankage around the wastewater plant has begun to degrade, in particular the concrete walls of the effluent cascade. Funds have been budgeted for this work in the current budget, specifically \$47,000. Bids were accepted and the lowest bidder was Jelsema Concrete came in at \$43,800 with an option of \$3,200 per handrail pocket repair.

IT WAS MOVED BY SALZWEDEL and seconded by YANKOVICH that the Lowell City Council approve the bid from Jelsema Concrete not to exceed \$47,000.

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

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

7. **BOARD/COMMISSION REPORTS.**

There were no reports.

8. **CITY MANAGERS REPORT.**

City Manager Michael Burns went over the following:

- Storm – everyone did an excellent job.
- State of Michigan did declare a state of emergency for Kent County. Have not got the details on what that entails. Should know more in a few days and will get back to you.
- Grindle and Shepard project is moving along. Milling on Shepard ran into cobble, which caused some damage to equipment, but it still should be done on time.
- Monroe street is still on pace as well.

9. **APPOINTMENTS.**

Nothing.

10. **COUNCIL COMMENTS.**

Councilmember Salzwedel was very impressed with the storm handling by Lowell Light and Power. Never would consider selling LL&P.

Councilmember Yankovich thanked the DPW for all they did for storm cleanup.

Mayor DeVore thanked the Fire Department that was also out all night during the storm, but thank you to DPW, Lowell Light & Power as well. See's the relevance in LL&P and how they are a great service to our small community.

11. **ADJOURNMENT.**

IT WAS MOVED SALZWEDEL and seconded by GROVES to adjourn @ 8:29 p.m.

DATE:

APPROVED:

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Mike DeVore, Mayor

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Sue Ullery, Lowell City Clerk