

**PROCEEDINGS
OF
CITY COUNCIL
OF THE
CITY OF LOWELL
MONDAY, JUNE 19, 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, City Treasurer Sue Olin, Detective Aubrey Culver, City Attorney Jessica Wood.

2. CONSENT AGENDA.

- Approval of the Agenda.
- Approve and place on file the minutes of the June 5, 2023 Work Session and Regular City Council meetings.
- Authorize payment of invoices for \$108,435.87.

IT WAS MOVED BY GROVES and seconded by CHAMBERS 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.

Perry Beechum who lives at 924 Riverside stated the DPW does a great job, thank you for taking care of problems right away. Also, Beachum stated he is not in favor of changing the ordinance for sound amplification or for extending the time limit of public demonstrations. Beachum also is against the Special Land Use for West Michigan Auto Xchange.

4. OLD BUSINESS

a. Cost Recovery Hearing.

City Attorney Jessica Wood spoke to explain this is a public hearing for Lowell City resident Joe Nelson who asked to be heard regarding his bill related to the Cost Recovery Ordinance 23-03 that allows the police to bill people for non-actual emergencies. He received a bill for such recoveries and wanted to speak about his situation.

Chief of Police Chris Hurst spoke first and explained the Cost Recovery Ordinance and why it has been

put in place. Then Hurst explained that during March and April of 2023, they were overwhelmed with calls that were regarding Joe Nelson and they were not emergency calls. He needs to be a good neighbor and stop all these violations.

Detective Aubrey Culver then spoke and stated that these violations with Joe Nelson have gotten worse. They started in 2021 and have increased since then, she has two folders full of incidents. Culver has recently submitted a draft of an ordinance to the City Manager and City Attorney that is a step up from just the cost recovery ordinance for review.

Joe Nelson who lives at 295 Roberta Jayne then spoke and explained his reasons and situation. Over the months of March and April he stated he had some issues with a stalker and her accomplice. He did not have any gain or benefit from being stalked. He believes the bill belongs to his stalker and not him.

City Councilmembers had no comments.

Mayor DeVore then opened it up to public comments.

Marilyn Branham who resides at 280 Roberta Jayne spoke on violations she has witnessed and recorded that were by Joe Nelson and begged City Councilmembers to uphold the ordinance and charges.

Laura Becker who resides at 249 Roberta Jayne and is a neighbor of Joe Nelson's spoke and complained of all the noises and sounds he makes very early in the morning, along with playing some recordings of it. She hopes the ordinance stands or that the "step up" ordinance becomes enforced.

Paula Meirendorf who resides at 303 Roberta Jayne and lives on the other side of Joe Nelson spoke on Joe Nelson's behavior that is ongoing and not being reasonable and asked City Councilmembers to please consider all the people in the neighborhood.

City Attorney Jessica Wood then stated, "So consistent with the ordinance after a responsible party has been given an opportunity to appear before it, which has occurred tonight, the City Council shall promptly determine whether to confirm modify or avoid the payment of accessible costs."

IT WAS MOVED BY YANKOVICH and seconded by DEVORE that the Lowell City Council uphold the invoice as presented.

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

NO: None.

ABSENT: None.

MOTION CARRIED.

Councilmember Salzwedel would like to know how to move forward from this to keep this neighborhood safe and not have repeat situation.

b. Employee Handbook.

City Manager Michael Burns explained they modified two items in the City of Lowell Employee Handbook. The first item was to identify the new health insurance plan the City offers and the second

was to modify the same vacation policy to provide the same vacation policy to the non-union employees and department heads as we do both unions.

IT WAS MOVED BY SALZWEDEL and seconded by CHAMBERS that the Lowell City Council approve the modifications to the Employee Handbook as presented.

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

NO: None.

ABSENT: None.

MOTION CARRIED.

c. Budget Amendments – Resolution 14-23.

City Manager Michael Burns stated in the City Council meeting packet for June 19, 2023 is Resolution 14-23 to approve budget amendments for the current fiscal year and a spreadsheet identifying all of the adjustments with an explanation as to the need for the adjustment.

IT WAS MOVED BY CHAMBERS and seconded by SALZWEDEL that Lowell City Council approve Resolution 14-23 as presented.

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

NO: None.

ABSENT: None.

MOTION CARRIED.

6. NEW BUSINESS

a. Creekside Kingdom Presentation.

City Manager Michael Burns stated City Administration has been working with Cody Chambers and Theresa Mundt with the Rotary Club regarding the rebuilding of Creekside Kingdom. For the past few months we have met with Leathers & Associates, the firm who originally assisted in building the previous structure. In April, they provided us with an assessment report for Creekside Kingdom which was funded via a LCTV fund and to summarize, we found it would be in our best interest to completely rebuild Creekside Kingdom and will cost approximately \$400,000 to do so. Rotary would like to partner with the city in fundraising for all aspects of this project including design. The city would also write a DNR Passport Grant this fall to assist and we would reach out to the different endowment funds also.

Theresa Mundt then spoke on the Rotary project and her experience from being involved in the original build of Creekside Kingdom. The next phase is the design phase and would like to get the public involved. The goal is to start the new build by Spring of 2024.

Perry Beachum hopes Council moves forward on this and gets a lot of input from the public.

Paula Meirendorf stated she knows many love Creekside Kingdom, even from outside of the City.

Councilmember Salzwedel questioned whether it was safe to keep open until rebuild as it sounds like it may not be safe.

IT WAS MOVED BY DEVORE and seconded by GROVES that the Lowell City Council partner with the Lowell Rotary Club to rebuild Creekside Kingdom.

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

NO: None.

ABSENT: None.

MOTION CARRIED.

b. PROTEC Membership.

City Manager Michael Burns read his memo regarding Protec – The Michigan Coalition to Protect Public Rights-of-Way. The cost of the renewal of membership is \$517.75.

IT WAS MOVED BY SALZWEDEL and seconded by CHAMBERS that the Lowell City Council approve the City's membership in PROTEC.

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

NO: None.

ABSENT: None.

MOTION CARRIED.

c. Flock Safety Cameras.

City Manager Michael Burns read his memo regarding the Police Department purchasing four Flock Safety Cameras to be located at various points across the city. The agreement is a two-year agreement for the Flock Safety cameras. DDA agreed to purchase three of the four cameras.

IT WAS MOVED BY CHAMBERS and seconded by SALZWEDEL that the Lowell City Council approve a two year agreement with Flock Safety to install four license plate reader cameras in the City of Lowell.

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

NO: None.

ABSENT: None.

MOTION CARRIED.

d. Request to Close South Water Street.

City Manager Michael Burns stated we have received a request from King Milling to close S. Water Street access from the public from July 10 to July 14, 2023. This will be so they can continue their construction at the mill and it will be safer for the public to restrict access. King Milling would also close the public parking on Water Street during this timeframe.

IT WAS MOVED BY SALZWEDEL and seconded by DEVORE that the Lowell City Council approve the closure of S. Water Street as requested.

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

NO: None.

ABSENT: None.

MOTION CARRIED.

e. City of Hastings Request to Leave Grand Valley Metropolitan Council-Resolution 15-23.

City Manager Michael Burns read his memo regarding the City of Hastings has requested to leave the Grand Valley Metropolitan Council (GVMC). Hastings is the farthest jurisdiction within our region. Their representative, who was on the City Council stepped down and the remaining members of their Council did not want to be represented. The Councilmembers didn't believe being a part of the GVMC would benefit them going forward. At the June 1, 2023 GVMC meeting, the board approved the request for them to leave the Metropolitan Planning Organization. The next step is for each of the governing bodies from the remaining governmental entities to approve via resolution.

IT WAS MOVED BY GROVES and seconded by YANKOVICH that the Lowell City Council approve Resolution 15-23 to honor the City of Hastings request to leave the Grand Valley Metropolitan Council.

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

NO: None.

ABSENT: None.

MOTION CARRIED.

7. BOARD/COMMISSION REPORTS.

Councilmember Yankovich stated that the Historic District Commission received a \$20,000 grant.

Councilmember Salzwedel stated Perry Beachum and Daniel Crawford would like to be reappointed to the Lowell Light & Power Board. It was a general consensus. In addition, Lowell Light & Power almost had zero outages.

Councilmember Groves stated Parks and Recreation meet tomorrow and Chamber of Commerce has the Riverwalk Festival July 6-8, 2023.

Councilmember Chambers stated the Planning Commission decided to table the Special Land Use for the West Michigan Auto Xchange until the next meeting.

8. CITY MANAGERS REPORT.

City Manager Michael Burns went over the following:

- The Community Fund grant for the Splash pad with the Township received \$28,000, we can go back for the rest in September once they are fully funded again.
- Gee Drive issue was fixed the Saturday before last and it was at no cost to the City.
- Grindle and Shepard project bid deadline is July 6, 2023.
- Monroe Street project still seems to be ahead of schedule.
- MERS – Received Actuarial Report, good news, we moved from 67 to 68% - we are in pretty good shape
- water restrictions are still in place, people are being respectful of that.

- Have just had four big issues with vandalism over at the Riverwalk bathrooms and also just had a fire started there. Going to shut down for daily use for now and only open for special events.

9. **APPOINTMENTS.**

There were no changes.

10. **COUNCIL COMMENTS.**

Councilmember Chambers stated July 10, 2023 the Mayor turns 43, so if you see him, wish him Happy Birthday!!

Councilmember Groves attended the River Run Triathlon, thanked the organizer Grant and his wife. Thought it was a great event and also thanked the police and fire department for keeping them safe and directing them.

Mayor DeVore visited WION radio station in Ionia with Charlie West and Marty Chambers. Feels it is a great radio station close to our community. Also showed West some of the City facilities (DPW office and water treatment facilities). While he was there, he realized he forgot how impressive they are.

11. **MOTION TO GO INTO CLOSED SESSION TO CONSIDER MATERIAL EXEMPT FROM DISCUSSION OR DISCLOSURES BY STATE AND FEDERAL STATUTE @ 8:29 pm.**

IT WAS MOVED BY CHAMBERS and seconded by GROVES to go into closed session @ 8:29 pm.

YES: 5 NO: None. ABSENT: None. MOTION CARRIED.

12. **MOTION TO GO BACK INTO OPEN SESSION @ 9:04 pm.**

IT WAS MOVED BY CHAMBERS and seconded by GROVES to go back into open session @ 9:04 pm.

13. **ADJOURNMENT.**

IT WAS MOVED SALZWEDEL and seconded by CHAMBERS to adjourn @ 8:08 p.m.

DATE:

APPROVED:

Mike DeVore, Mayor

Sue Ullery, Lowell City Clerk