

**PROCEEDINGS
OF
CITY COUNCIL
OF THE
CITY OF LOWELL CITY COUNCIL MEETING
MONDAY, APRIL 3, 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 Leah Groves, Cliff Yankovich, Jim Salzwedel, Mayor DeVore, Marty Chambers.

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. **APPROVAL OF THE CONSENT AGENDA.**

- Approval of the Agenda as amended.
- Approve and place on file the minutes of the March 20, 2023 Regular City Council meeting and March 28, 2023 Special City Council meeting.
- Authorize payment of invoices in the amount of \$179,720.95.

IT WAS MOVED BY YANKOVICH and seconded by GROVES to approve the agenda as amended adding the closed session minutes and changing the agenda date to April 3, 2023.

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

NO: None.

ABSENT: None.

MOTION CARRIED.

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

Perry Beachum who lives at 924 Riverside Drive stated on behalf of the Dean family, he wanted to thank the community for their support with the fundraiser that we had for the Deans, and that they raised enough money to help other families in the Lowell Community as well.

Grant Hengesbach who resides at 722 N. Hudson Street stated he attended Coffee with Council and it was suggested that he come to the meeting and announce the River Trail Triathlon that he would like to host. Perspective date is Saturday, June 17, 2023. It will be kayak, bike and run. Two Divisions: Try Hard Division, and the Try Harder Division. Looking for the green light to host this and excited to make it happen. Loves the Lowell community and feels all the events they host set them apart from other cities.

4. **OLD BUSINESS.**

a.) **Parking Ordinance 23-02.**

City Manager Michael Burns read his memo stating recently, the City Council approved Ordinance 23-02. At the time, the City Council restricted parking on Main Street from Hudson to Jefferson from 2

AM to 6 AM every day.

Upon further review, City Administration was directed to bring back Section 21-70 restricting parking on Main Street from 2 AM to 6 AM from November 1 to April 1 only.

IT WAS MOVED BY SALZWEDEL and seconded by GROVES that the Lowell City Council modify Ordinance 23-02 allowing the changes pertaining to Section 21-70 restricting parking on Main Street from 2 AM to 6 AM from November 1 to April 1 annually.

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

NO: None.

ABSENT: None.

MOTION CARRIED.

b.) RD Water and Sewer Resolutions.

City Attorney Jessica Wood spoke and explained the Loan Resolutions. Terms reflect what was already approved.

IT WAS MOVED BY SALZWEDEL and seconded by CHAMBERS to approve Loan Resolution 9-23 as written for the Drinking Water System.

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

NO: None.

ABSENT: None.

MOTION CARRIED.

IT WAS MOVED BY CHAMBERS and seconded by GROVES to approve Loan Resolution 10-23 as written for the Sanitary Sewer System.

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

NO: None.

ABSENT: None.

MOTION CARRIED.

c.) Joint Water Advisory Committee.

City Manager Michael Burns spoke about Lowell Charter Township presenting an offer to buy one half interest in the City of Lowell's Water Plant and the pump station serving the Townships water tower at \$2,775,000.

Councilmember Yankovich questioned what the cost of building a water plant would be. Feels this is very low.

Mayor DeVore agreed.

Councilmember Chambers thinks we should know what it would cost to replace.

Councilmember Salzwedel would like to see more detail, like what the authority would look like, what the expansion would cost (that only the Township needs) and still keeping the opportunity to have the

425.

Perry Beachum stated he heard talk that the authority would go based upon the largest user, so he sees the continuing growth in the Township and the fact that the City only has so much land left, concerning to him.

Burns stated for the authority, it has to be equal representation once you reach 50%, so he always expresses to the Council to never go below 50%. Burns states, we always need to make sure we are benefiting from any changes we make, and with this number, it doesn't seem that we would be. But, we can start at this point and go back to the committee for more discussion.

Possible storage capacity would help but it doesn't take care of the problem that the plant can only make 1.5 million gallons of water a day.

Councilmember Chambers raised concerns of needing water for a house fire.

Burns stated the agreement states we provide water but not expand and the agreement for water expires in 2033 and for sewer it expires in 2027.

Mayor Devore states we can leave this under old business, go back to the advisory committee and also check with insurance on what replacement cost would be.

5. **NEW BUSINESS.**

a.) **Canoe Rentals.**

Annie Schaver who lives at 5399 Waterwood Dr spoke regarding starting up a Canoe Rental business using Oklahoma property east of port-a-johns. This would be a three-year lease at \$286 a month (which is approximately equivalent to \$10 a day at 16 days per month).

Eric Bartkus questioned how insurance works for this.

Burns stated they will have to provide insurance and list the City as additionally insured for the entire term of the agreement.

IT WAS MOVED BY GROVES and seconded by YANKOVICH that the Lowell City Council enter into a three year lease agreement with Flat River Kayaks for \$160 per month from May 1 to September 30, 2023 with them providing insurance and listing the City of Lowell as additionally insured.

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

NO: None.

ABSENT: None.

MOTION CARRIED.

b.) **Animal Ordinance.**

City Manager Michael Burns read his memo stating the Kent County Sheriff's Office (who houses the Kent County Animal Control) contacted the City of Lowell recently regarding our animal ordinance. We were informed that Kent County Animal Control could not assist us when needed if our animal ordinance does not align with an ordinance passed by the Kent County Board of Commissioners in

June 2022. Jurisdictions not adopting the new ordinance need their local enforcement personnel to enforce local ordinances. The City Attorney has revised our ordinances to align with the request from Kent County.

IT WAS MOVED BY YANKOVICH and seconded by SALZWEDEL that the Lowell City Council approve Ordinance 23-04 revising our animal ordinances and aligning with the countywide animal ordinance.

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

NO: None.

ABSENT: None.

MOTION CARRIED.

c.) Pension Reform Resolution – 8-23.

City Manager Michael Burns read his memo regarding the communities' coalition of city managers signing Resolution 08-23 to approve and send to our State Senator and State Representative.

IT WAS MOVED BY SALZWEDEL and seconded by CHAMBERS that the Lowell City Council approve resolution asking the State of Michigan to restore \$250 million for pension grants to assist communities just over 60% funded to help address their pension issues.

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

7. COUNCIL COMMENTS.

Councilmember Salzwedel asked to clarify what the Parks Board said about taking over the Arbor Board.

DPW Director said the Parks Board would be happy to do whatever is requested of them and they can help out in any way but they would prefer to leave it up to the experts at the Arbor Board and not take over and replace the Arbor Board.

Councilmember Groves stated that Councilmember Salzwedel had attended the Parks Board meeting.

8. CITY MANAGER'S REPORT.

City Manager Michael Burns went over the following:

- There was an issue with some water/sewer payments made at LL&P, about 60 peoples payments were not posted to the City at the correct time. Now corrected and all fees were reversed.
- Budget taking up everything I do right now, until April 15 deadline.
- wanted to comment on Marihuana money– all sales are taxed @ 10%, of that 15% goes to Local Community – paid per facility.
- Wednesday, he met with LL&P regarding the trees on Bowes Rd, there are 9 trees that need to be

removed. For those nine trees, we will match LL&P, who has \$250 tree fund per tree removed policy, so it will be \$500 per tree. Will make sure by next meeting, the correct recommendation for tree removal, bring comprehensive ideas on the right trees to replace with.

- Partnering together with LL&P with using wood chipper in the City, so people can set their limbs out and we can take care of them with the wood chipper, that will be the first week of May 2023.
- Notices for Monroe St project have been sent. May 11th @ 6:00 pm there will be an informational meeting everyone can attend.
- 990 N Washington did not have any asbestos reported at the property.
- Museum steps are being renovated.
- We are applying for grants for Riverside Dr. Project, will score better if we apply in 2024.
- Showboat fence is up and completed.
- May 1st, 2023 there will be a ZBA meeting for 2212 Gee Dr.

Yankovich questioned whether we make Monroe a one-way.

Burns stated it is technically a major street, so we can get construction done and then transition to a local road after the construction is complete or discuss what to do towards the end of the project, we have time.

9. APPOINTMENTS.

It was a general consensus to appoint Jackie Tousley to the Look Memorial Fund Committee.

10. COUNCIL COMMENTS.

Councilmember Salzwedel asked DPW Director Dan Czarnecki if he ever found any cold patch. Czarnecki said they did find some in Battle Creek.

Councilmember Groves stated she is excited for the kayak's and is going to participate in the Triathlon.

11. CLOSED SESSION

- a) For the purpose of discussing W.B., by and through his Next Friend Shmeka Craig Miles v Jason Diaz, Christopher Hurst and City of Lowell – MCL 15.268(e).

IT WAS MOVED BY SALZWEDEL and seconded by CHAMBERS to go into closed session at 7:51p.m.

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

NO: None.

ABSENT: None.

MOTION CARRIED.

IT WAS MOVED BY SALZWEDEL and seconded by CHAMBERS to go back into open session at 8:16 p.m.

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

NO: None.

ABSENT: None.

MOTION CARRIED.

IT WAS MOVED SALZWEDEL and seconded by CHAMBERS to adjourn @ 8:16 p.m.

DATE:

APPROVED:

Mike DeVore, Mayor

Sue Ullery, Lowell City Clerk