

**PROCEEDINGS  
OF  
CITY COUNCIL  
OF THE  
CITY OF LOWELL  
TUESDAY, JANUARY 16, 2018, 7:00 P.M.**

1. **CALL TO ORDER; PLEDGE OF ALLEGIANCE; ROLL CALL.**

The Meeting was called to order at 7:00 p.m. by Councilmember Mike DeVore and City Clerk Susan Ullery called roll.

Present: Councilmembers Greg Canfield, Marty Chambers, Jeff Phillips, Jim Salzwedel, and Mayor DeVore.

Also Present: DPW Director Rich LaBombard, City Attorney Richard Wendt, City Clerk Susan Ullery, and Police Chief Steve Bukala.

2. **APPROVAL OF THE CONSENT AGENDA.**

- Approval of the Agenda.
- Approve and place on file the regular minutes of the January 2, 2018 City Council meeting.
- Grand Rapids Community College - Collection of Summer Property Taxes for 2018.
- Authorize payment of invoices in the amount of \$464,734.69.

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

YES: Councilmember Canfield, Mayor DeVore, Councilmember Salzwedel, Councilmember Phillips, and Councilmember Chambers.

NO: None. ABSENT: None. MOTION CARRIED.

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

There were no comments.

4. **OLD BUSINESS.**

a. **LARA Phase 2 Trail.**

DPW Director Rich LaBombard spoke on the recommendation of the Lowell Area Recreation Authority (LARA) to have Phase 2 of the LARA Trail project to be constructed on Bowes Road rather than through an on-street path in the Valley Vista subdivision. In addition, there will be a request on behalf of LARA requesting the City write a DNR Trust Fund Grant for funding this project. DNR Trust Fund Grants are highly competitive grants and the more projects received and proximity of being awarded a grant, are major contributing factors toward not being awarded a grant.

Engineer Dave Austin of Williams and Works presented a power point presentation regarding the proposed trail location.

IT WAS MOVED BY CHAMBERS and seconded by PHILLIPS to approve the recommendations being made by the Lowell Area Recreation Authority pertaining to the Phase 2 Trail and direct the City Manager to work with LARA in applying for a DNR Trust Fund Grant for the community trail project.

YES: Mayor DeVore, Councilmember Salzwedel, Councilmember Phillips, Councilmember Chambers, and Councilmember Canfield.

NO: None. ABSENT: None. MOTION CARRIED

b. Broadway and SAW Grant Update.

With several new City Councilmembers, the City has been asked to update the Council on the Broadway project. Brian Vilmont from Prein and Newhof made a presentation on this matter and will also update the Council briefly on the SAW Grant status.

Vilmont advised that SAW stands for Storm Water and Wastewater program and its main aim is to provide monies for municipalities to do total inventories on their storm and sanitary systems, total condition assessments on all of them, and then work through an Asset Management Plan or Asset Management Principles, which is looking for the lowest long-term life cycle cost solution.

Vilmont then gave an update on the Broadway Street project and advised of the changes that would be made to Broadway Street and recommending that the City parking lot be moved up by Main Street and make it part of the DDA. Vilmont stated that King Milling trucks would not be utilizing Main Street and would have to use Broadway. Vilmont advised this would also eliminate passenger vehicles from the King Milling route, which is not a great situation. This also prompted the Kent County Road Commission to look at a potential light down at Bowes and Hudson.

c. Chamber Marketing Survey.

The Lowell Area Chamber of Commerce recently completed an updated marketing survey. Cliff Yankovich, business owner and resident gave a brief history of the Marketing Plan for the Chamber.

Liz Baker of the Chamber shared the findings with the Council. Baker explained that the Mission of the Community-Wide Business Marketing Plan is to strengthen the Greater Lowell Community through the development of a Community-Wide Business Marketing Plan, which will promote Lowell as an attractive area to work, start a business, relocate a plant, go to school, raise a family, shop, dine and enjoy its many other amenities.

Rick Seese, business owner in Lowell then spoke in reference to the Chamber of Commerce and the Marketing Plan and the wonderful job the Chamber of Commerce has done. Seese added that he would like to have the Council's vision down the road for dollars to add to what the Chamber really needs to bring more people to Lowell, make Christmas Through Lowell huge, make the summer concerts grow and all the activities the Chamber puts on, we want to keep that success going.

Rich LaBombard added that there is a lot of valuable information in the packet from the Chamber and in talking with the City Manager Mike Burns today, Burns was very emphatic that LaBombard mention to Council that they find a way to contribute some money to their marketing budget.

d. Sidewalks Replacement and LCTV Grant.

Department of Public Works Director Rich LaBombard stated in February 2016, the Interim Director of Public Works inspected and identified \$67,560 worth of sidewalk replacements at 91 addresses throughout the City. He applied to LCTV for a grant for a sidewalk replacement program with a 60% City/40% Property Owner cost share component and was awarded \$27,600 to remediate the worst sidewalks on the list.

LaBombard stated that since a large number of the hazardous walks were within the DDA, the then Mayor recommended the DDA pay for those walks within the DDA boundary using DDA funds. That project was supported and it was completed in the fall of 2016.

Since that time, the remaining identified projects on the list have gone uncompleted due to a number of reasons. It's unclear if the remainder of the identified property owners were communicated with at the outset and informed of their responsibility with the cost share component. Maintenance of sidewalks is the responsibility of the homeowner per City Ordinance. Furthermore, a sidewalk replacement project is difficult to administer and a cost share component makes the process even more complicated with the City having to front the money in many cases to complete the project efficiently. Finally, LCTV has been pressing the DPW to expend the funding that was awarded nearly two years ago and close out the project.

With that history in mind, LaBombard is seeking City Council's approval to re-approach the sidewalk replacement plan in a different manner rather than using the methodology outlined in the LCTV grant award. He proposes to utilize the funds to make improvements to sidewalks on municipal property and furthermore install sidewalk in locations throughout the city to increase ADA accessibility. As an example of an accessibility need, the Parks and Recreation Board has approved the installation of new drinking fountains at several City parks; however, many of the existing drinking fountain locations lack ADA accessibility. With this approach, the funds would be beneficial to all citizens by improving parks and public property rather than benefitting individual property owners. Especially when sidewalk replacement is the sole responsibility of the homeowner and not the City.

IT WAS MOVED BY CANFIELD and seconded by CHAMBERS to allow the 2016 LCTV Lowell Sidewalk Replacement Program Grant in the amount of \$27,600 be utilized exclusively to improve ADA accessibility and improve sidewalks on publicly owned property.

YES: Councilmember Salzwedel, Councilmember Phillips, Councilmember Chambers, Councilmember Canfield, and Mayor DeVore.

NO: None. ABSENT: None. MOTION CARRIED

e. Medical Marijuana Public Hearing.

IT WAS MOVED BY PHILLIPS and seconded by SALZWEDEL to open the Public Hearing for Medical Marijuana.

YES: 5. NO: 0. ABSENT: None. MOTION CARRIED

Connor Baker resident of Belding is a Medical Marijuana caregiver spoke in reference to Medical Marijuana. Jim Hodges of 422 North Jefferson spoke in reference to Medical Marijuana. Keith Johnson of the Lowell area spoke in reference to Medical Marijuana. Jim Reagan, life-long resident of Lowell, spoke in reference to Medical Marijuana.

IT WAS MOVED BY CANFIELD and seconded by SALZWEDEL to close the Public Hearing.  
YES: 5. NO: 0. ABSENT: None. MOTION CARRIED

Councilmember Phillips thanked everyone for coming and expressing their opinions. Phillips commented that he supports the Chief of Police who takes care of us and supports our community. Phillips stated that there are good aspects and bad aspects on both sides, but this is where he stands.

Councilmember Salzwedel advised that since the last meeting regarding discussion on Medical Marihuana, he has watched four or five different specials, heard all kinds of different facts that have come out regarding if it is recreation use or medical marihuana. The FDA has not always been 100% accurate and have gotten it wrong several times. He has mixed feelings as well.

Councilmember Chambers advised that it is important that the Council took this issue up. He stated there people in this community that this will truly help and there are people in this community that will take full advantage of the situation. He stated he supports the Chief. He if this would slow down the growth and the prosperity we are currently seeing in the City.

Councilmember Canfield thanked everyone who has come to the different meetings and expressed their opinions. He advised the Councilmembers have gone to different seminars on this issue and tried to do their homework. He advised that the community seems to be evenly split from what they've seen. There have been quite a few business owners who have stepped up and voiced their opposition to this and this in concerning to him.

Canfield stated that if they opt out, there are other places that this medicine is available for people, there is a little bit of a drive involved, but it's not like we are eliminating that option. Like other Councilmembers have stated, Lowell is doing really well right now and prosperity is a great description of what we have. Our restaurants, breweries, and stores are busy and he is concerned about putting that at risk. Also, it is predictions that recreational marihuana will be on the ballot this fall.

Mayor DeVore stated that a lot of the comments here have been about the medical benefits and he will not argue the medical benefits of marihuana. He stated that he's seen it in different situations and he's seen it work and not work. He stated that the question really is, is it right for us? We have done our homework and we've listened to what everyone had to say. The police department is already taxed enough and do we want additional work for them?

IT WAS MOVED BY CANFIELD and seconded by DEVORE to direct the City Attorney to draw up the paperwork to opt out at this time. It is not a long-term decision we're making, we can see what happens in the next three to six months with other communities.

YES: Councilmember Canfield, Mayor DeVore, Councilmember Salzwedel, Councilmember Phillips, and Councilmember Chambers.

NO: None. ABSENT: None. MOTION CARRIED

5. **NEW BUSINESS.**

a. **Resolution 02-18 and Meter Reader Independent Contractor Agreement.**

In December of 2017, on the City of Attorney's recommendation, the City requested the development of a "Meter Reader Independent Contractor Agreement for Sandra Bartlett. Ms. Bartlett has been reading meters for the City for the past 37 years and this Agreement formalizes her relationship with

the City. This Agreement shall commence on January 1, 2018 and will be up for renewal on July 1, 2018 and may be renewed as needed thereafter.

IT WAS MOVED BY SALZWEDEL and seconded by CHAMBERS to approve Resolution 02-18 and authorize the Mayor and City Clerk to execute the approved Meter Reader Independent Contractor Agreement for Sandra Bartlett on behalf of the City.

YES: Mayor DeVore, Councilmember Salzwedel, Councilmember Phillips, Councilmember Chambers, and Councilmember Canfield,

NO: None. ABSENT: None. MOTION CARRIED

b. Resolutions 03-18 and 04-18 – MERS.

On July 1, 2018, all City employees will be increasing their pension contribution from 5% to 7% of their income. This will be their contribution to adjust the \$3.2 Million unfunded pension liability. This was negotiated in both the DPW and Police Contracts and agreed upon.

Resolutions 03-18 directs Michigan Municipal Employee Retirement System (MERS) to increase the Employee's Contribution to 7% (which automatically reduces the City's contribution 2%). Resolution 04-18 directs the surplus fund to be created so the City can contribute the agreed upon 2%.

IT WAS MOVED BY PHILLIPS and seconded by CANFIELD to approve Resolution 03-18 and direct MERS to increase the Employee's Contribution to 7%.

YES: Councilmember Salzwedel, Councilmember Phillips, Councilmember Chambers, Councilmember Canfield, and Mayor DeVore

NO: None. ABSENT: None. MOTION CARRIED

IT WAS MOVED BY CHAMBERS and seconded by PHILLIPS to approve Resolution 04-18 and direct the surplus fund to be created so the City can contribute the agreed upon 2%.

YES: Councilmember Phillips, Councilmember Chambers, Councilmember Canfield, Mayor DeVore, Councilmember Salzwedel,

NO: None. ABSENT: None. MOTION CARRIED

c. Striking Taxes.

Treasurer Suzanne Olin has exercised due diligence in an effort to collect the personal property taxes listed. The business known as Digital Image located at 508 W. Main moved suddenly. She has tried contacting them by placing phone calls, sending out past due notices and personal calls. She is requesting the amount of \$112.50 (the City and Museum portion) be stricken from the rolls.

IT WAS MOVED BY CANFIELD and seconded by CHAMBERS to approve the Striking of Taxes for Digital Image.

YES: Councilmember Chambers, Councilmember Canfield, Mayor DeVore, Councilmember Salzwedel, and Councilmember Phillips,

NO: None. ABSENT: None. MOTION CARRIED.

d. Ordinances 18-01 and 18-02 – Zoning Ordinance Text Amendments.

Proposed draft language to Zoning Ordinance Text Amendments of Chapter 22 – Administration and Enforcement and draft language to regulate Short-term Rentals as a special land use in the City. At its January 8, 2018 the Planning Commission recommended the City Council approve both of these ordinances.

IT WAS MOVED BY DEVORE and seconded by PHILLIPS to table the Zoning Ordinance Text Amendments until the February 5, 2018 Council meeting. The Council would like to view the changes made before approval is made.

By consensus, the Council agreed to table Ordinances 18-01 and 18-02 until the February 5, 2018 Council meeting.

e. Website Redevelopment.

In October, the City received proposals for the redevelopment of the City’s website. The intent of doing so was to have a modernized website that is capable of addressing the needs of the public in today’s day and age. The City was also interested in having a website designed by a firm that focuses solely on municipal government websites.

The demos were held and it was apparent to the team that Revise would be best suited to provide a website that served our needs. City Administration believes that hiring Revise would be best suited to provide a more citizen friendly website to our residents, businesses, visitors, and future residents and businesses.

Revise was the second lowest bidder, However during the first year hosting and support would be included in the package. In year 2 through year 4, the hosting fee is \$1800 annually.

IT WAS MOVED BY DEVORE and seconded by SALZWEDEL to approve Revise for the redevelopment of the City Website at a cost not to exceed \$9,700 and after an annual hosting fee of \$1,800 during the 2018, 2020 and 2021 calendar years.

YES: Councilmember Salzwedel, Councilmember Phillips, Councilmember Chambers, Councilmember Canfield, and Mayor DeVore.

NO: None. ABSENT: None. MOTION CARRIED.

6. **BOARD/COMMISSION REPORTS.**

Councilmember Phillips had nothing to report, but advised the next Historic District meeting will be on January 23, 2018.

Councilmember Salzwedel advised the LCTV Fund applications are due on February 9<sup>th</sup>, applications will be available to the board on February 16<sup>th</sup> and the applications will be reviewed on February 28<sup>th</sup>.

Councilmember Chambers advised Lowell Light and Power will be remodeling their building and will get new tile and paint. He also advised the Planning Commission opened up another Chapter and will have that ready for Council in the next couple of months or so.

Councilmember Canfield advised that at the LARA meeting, Dave Austin covered the upcoming connection between the north and east trail. One thing LARA didn't cover was the work that Ryan Excavating is doing on the project along Alden Nash.

Mayor DeVore advised Arbor Board meeting was cancelled. He attended the Fire Authority meeting and Fire Chief Ron vanOverbeek provided the year end round numbers. The new engine is being built for the department and the new brush truck is down at the Fire Department awaiting striping. The board also appointed Dave Pasquale as Vice-Chair and everyone else stayed the same.

7. **MONTHLY REPORTS.**

There were no comments.

8. **MANAGER'S REPORT.**

On behalf of the City Manager Burn, Rich LaBombard reported on the following:

- City Manager apologizes for his absence.
- Committee of the Whole meeting has been moved to February 5<sup>th</sup> at 5:30 p.m. to discuss Revenue Options for Infrastructure improvements.
- Committee of the Whole on February 20<sup>rd</sup> will be to discuss the Chamber of Commerce's place with the City. This meeting may also include discussion on sidewalks or may be delayed until the March Committee of the Whole.
- Dr. Lew Bender will be here on Friday, January 26<sup>th</sup> at the Fire Department at 5:00 p.m.
- City Manager was informed by the Fire Chief about the status changes to Rockford Ambulance. Effective February 5<sup>th</sup>, they will return to 24-hour shifts rather than 12-hour shifts. The building they have currently will return as a sleeping quarters for the EMS units. In addition, we were informed that both the Sparta Unit and Lowell Unit will be primary to our area and Rockford Ambulance will do their best to ensure the EMS Unit assigned to both areas is not pulled to assist another geographical areas, which Rockford Ambulance provides service to.
- Last Friday, Liz Baker, Rich and Mike Burns went to Hudsonville to visit Terra Square, which is the City of Hudsonville's new Farmer's Market in their developing Downtown District. We are interested in seeing the operation of Terra Square as it has become a pseudo-event center the City of Hudsonville operates. With the construction of the Showboat, we went to Terra Square to learn of their operation and revenue models, for this, which would hopefully provide revenue for maintenance and capital improvements to the Showboat. Furthermore, I am interested in utilizing additional revenue, if possible, toward improvements to the City Park System. The City Manager will elaborate on this at a later date.
- In the process of hiring a new Deputy Clerk since Mrs. Mundt is retiring, internal candidates may submit letters of interest for seven days before the external process begins seeking candidates. We have put a time limit in place, with the intention of this candidate being hired in

mid-March, allowing a small window of time for Mundt to help train her replacement before she retires on March 30, 2018.

- Public Works is in the process of gathering quotes for carpeting upstairs at City Hall.
- Public Works is in the process of gathering quotes for the front steps at the Museum.

#### 9. **APPOINTMENTS.**

Theresa Mundt submitted her application to serve on the Parks and Recreation Commission. Mayor DeVore nominated Theresa for the position and it was seconded by Chambers.

There are still two Planning Commission vacancies and one DDA vacancy.

#### 10. **COUNCIL COMMENTS.**

Councilmember Phillips thanked all employees and departments for their hard work and dedication. Phillips mentioned the DPW guys have been doing a wonderful job cleaning the streets and mentioned the Police Department has been busy as well. Phillips also thanked Liz Baker for the wonderful job she does with the Chamber and all the events she puts on.

Councilmember Salzwedel thanked the Police Department for helping his wife who was stranded on South Hudson when her vehicle broke down. Salzwedel also commented that it was a tough decision in reference to the medical marijuana issue. He has mixed emotions, but thinks the Council did the right thing. He looks forward to more challenges like this in the future.

Councilmember Chambers commented that his store Red Barn Consignments is hosting a painting event at Big Boiler and they are raising money for the Showboat. They have about 75 people participating and it sold out in two days. This shows our community has a lot of heart and soul when it comes to this downtown and everything Liz Baker does.

Councilmember Canfield congratulated Liz Baker for the study that was done. She received glowing remarks in all areas. It is amazing what she has done for the community. Canfield advised that Charlie Bernard of Bernard's Ace Hardware had commented to him that while he lives in Cascade and referenced the amount of money they pay in taxes, his streets are not plowed half as well as they are in Lowell. Bernard said the City of Lowell does an amazing job keeping things cleaned up. Canfield also encouraged businesses to keep their sidewalks shoveled.

Mayor DeVore thanked everyone for coming out to the Public Hearing regarding Medical Marijuana and thanked those who come to the meetings every week. DeVore commented that Liz Baker is his favorite one-woman show in town. He also advised that he appreciates the DPW and can always tell when he's back in town because the streets have been plowed.

11. **ADJOURNMENT.**

IT WAS MOVED BY SALZWEDEL and seconded by CANFIELD to adjourn at 8:41 p.m.

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

DATE:

APPROVED:

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Mike DeVore, Mayor

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Susan Ullery, City Clerk