

**PROCEEDINGS
OF
CITY COUNCIL
OF THE
CITY OF LOWELL
MONDAY, FEBRUARY 04, 2019, 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 Mayor Mike DeVore and City Clerk Susan Ullery called roll.

Present: Councilmembers Greg Canfield, Marty Chambers, Jim Salzwedel, Cliff Yankovich, and Mayor DeVore.

Absent: None.

Also Present: City Manager Michael Burns, City Clerk Susan Ullery, and Police Chief Steve Bukala and DPW Director Rich LaBombard and Light & Power General Manager Steve Donkersloot.

Mayor DeVore then turned the microphone over to Officer Justin Brown.

Officer Justin Brown stated that he accepted a job in Grandville and will be resigning from the City of Lowell Police Department and thanked Chief Bukala, the Police Department, the City and the great citizens for allowing him to serve them.

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

- Approval of the Agenda.
- Approve and place on file the City Council/Planning Commission Joint Meeting minutes and the Regular Minutes of the January 22, 2019 City Council meeting.
- Authorize payment of invoices in the amount of \$312,434.24.

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

YES: Councilmember Canfield, Mayor Devore, Councilmember Salzwedel, and Councilmember Yankovich and Councilmember Chambers.

NO: None.

ABSENT: None.

MOTION CARRIED.

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

There were none.

4. **OLD BUSINESS.**

a. Saw Grant

City Manager Michael Burns stated that last Friday, they had met with Prein and Newhof and were able to see the first draft of the capital improvement plan to where we can tie in the sanitary storm sewer improvements along with water main improvements and some road improvements. This is a small portion of what the entire plan encompasses but this small portion will start giving us an idea as to where we can go

forward. Burns then showed a map of the City that detailed the area's that need project repairs and improvements, what areas we can do projects on and in what priority of importance.

It was a general consensus of the City Council members to continue working on this and collect more data so we keep moving forward. Also looking at putting this SAW Grant on the November ballot.

5. **NEW BUSINESS.**

a. Presentation on Lowell Township Water and Sewer Rates.

City Manager Michael Burns explained last year we received an inquiry from Lowell Township to investigate a significant spike in the calculation of their sewer rates in a two-year period. We asked Peter Haefner to analyze this and found they had been miscalculated in accordance to the water and sewer rate methodologies set forth in our agreements with Lowell Township.

Haefner then showed a power point and explained the findings along with the corrections that will be made.

b. RFP for Riverwalk Park Property.

Mayor DeVore opened the Public Hearing.
There were no comments.
Mayor DeVore closed the Public Hearing.

City Manager Michael Burns stated for the past year, he has been working with developers interested in redeveloping the Unity School Property. As part of their proposed project, they requested a 263.3' X 7' piece of property along the eastern region of the Riverside Park property to facilitate their development.

Our City Charter requires a vote of the people to sell, transfer or dispose of any property in a Master Plan of the City. Currently, Riverside Park is in the Parks and Recreation Master Plan. The requested portion of property that is technically in the plan, however, is undeveloped property. If a sale were to occur, this portion must be removed from the Parks and Recreation Master Plan.

If the portion of property were to be sold, transferred or disposed of, there is another issue to address. In 2012, the City of Lowell received a Michigan Department of Natural Resources Trust Fund Grant to redevelop the path and the boat launch at Riverside Park. A condition of receiving this grant requires the park remain in perpetuity or the grant money received must be returned. However, over time, the DNR recognizes situations such as private development encroaching park property. The DNR allows a land transfer component whereby the municipality receives new land to use as park property in exchange for the land where the Trust Fund Grant was provided for. In addition, the value/size of land must be equal to or greater than the land being removed from the affected park.

Burns continued stating in October he presented this project to the City Council and there was interest. He was directed by them to write an RFP, and at some point set a meeting with the Parks and Recreation Commission to discuss this and that meeting did occur.

The RFP was purposely written prior to a joint meeting so we can review all possibilities coming in and have officially requested information to consider and move forward on this process. This RFP was difficult to develop as the steps provided in the Charter must be followed. This parcel of property being considered is a non-conforming parcel and can never be sold on its own per the Michigan Land Division Act, the parcel must be adjacent to a contiguous property and added to it. The RFP was worded in a way to address the City Charter and the Land Division Act concerns.

On November 29, 2018 the City received one bid from the RFP. This bid was from Unity School Investors, LLC., these two individuals approached the City in October regarding this project. They are proposing to transfer a 48' X 67' parcel or 3,216 sq. ft. of property owned by them to be transferred to the City as park property in return for the 263.2' X 7' ft. of property at Riverside Park. In October, there was discussion about possibly vacating High Street for the development. This has not been formally requested to the City Council at this time nor was it part of the RFP process. It may be requested at a later date.

Burns continued stating discussion since November has been regarding the surrounding parcels of the development. Currently Unity School Investors own the property south of the proposed development at 238 High Street. There is also concern about boat traffic to the launch and if the development restricts that. Unity School investors are willing to work with the City on ensuring a win-win for all involved. There has been concern about addressing these ancillary issues in one occurrence rather than in tandem before the requested transfer occurs. This request on removing the parcel and accepting the new parcel as park property in to the Parks and Recreation Master Plan was not recommended by the Park and Recreation Commission at their January 15, 2019 meeting. While the consensus of the Park and Rec Commission was supportive of the development, they would like to see all of the ancillary issues resolved prior to the transfer.

The developer recognizes the ancillary issues pertaining to the development and is supportive of working through the City's concerns, however, they need the seven feet of property to begin development. They want to begin construction of 14 condominiums facing the Flat River immediately. Their concern is addressing these issues at one time will stall them in moving forward. If they have to wait, there is a strong indication this project will not occur. Hence, the property has been lying vacant for fifteen years, it might be a long period of time before it would otherwise.

If the City is interested in moving forward on this development in the manner requested, the steps of removing it from the Parks and Recreation Master Plan and addressing the DNR Trust Fund issues must occur. The public hearing for this meeting is a required step to this. The next action is the City Council must decide if they wish to remove the parcel from the Park and Recreation Plan and add the new parcel to the plan. If this action occurs, the next action would be for a resolution in accordance to the City Charter to transfer the property and accept the new property. This ordinance would need to sit for twenty days and require four of five votes of Council for the transaction to occur.

Burns said it should be noted, in the RFP there was a request to submit a project pro forma and a list of investors only for the City Attorney to review. This has not been provided by the developer as they believe

this is a small transaction and they would not like to submit. The City Attorney has been steadfast with them in requiring them to provide it. They are offering to provide a performance bond to the City to ensure the project occurs as an addendum to the pro forma. If this is satisfactory to the City Council, the City Attorney and I must be directed to accept this.

IT WAS MOVED BY CHAMBERS and seconded by CANFIELD to approve Resolution 07-19 and turn over to the Planning Commission for review.

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

NO: None.

ABSENT: None

MOTION CARRIED.

c. Set Public Hearing – Resolution 06-19 – King Milling Industrial Facility Tax Credit.

IT WAS MOVED BY SALZWEDEL and seconded by CHAMBERS to establish a public hearing at City Council's next meeting to consider the application of King Milling for an industrial Facilities Exemption Certificate.

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

6. **BOARD/COMMISSION REPORTS.**

Councilmember Salzwedel stated the LCTV Endowment Fund application deadline is Friday, February 8, 2019 at 5:00 p.m. It will be determined to whom the funds are awarded, February 26, 2019.

Mayor DeVore stated the fairgrounds feasibility board met and had a great discussion and a lot of good ideas. DDA meeting is cancelled for February and Fire Authority meeting is Monday, February 11, 2019.

7. **MANAGER'S REPORT.**

City Manager Mike Burns reported on the following:

- With the cold temperatures last week and the snow, our Department of Public Works worked very hard and continues to provide an excellent standard of service for the City. They are presently short staffed which we will be discussing at the next Committee of the Whole meeting that will be February 19, 2019 at 5:30.
- Officers Dustin Brown and Ian Shear have taken positions with the Grandville Police Department, we thank them for their dedicated service. Next week Police Chief Bukala will have an outside panel who will be interviewing current part time candidates for a full time position. Also we will be interviewing part time police staff. Chief Bukala will temporarily take over the investigations and Gordy Lauren will be on patrol.
- February 5 through February 7, 2018, Rich LaBombard and City Manager Michael Burns will be attending Michigan Municipal Executives Winter Institute in Battle Creek.
- City Manager Michael Burns will be on vacation February 8 through February 18, 2019 for his wedding

and honeymoon.

8. **APPOINTMENTS.**

The Historic District Commission has an appointment opening.
Construction Board of Appeals has an appointment opening.

9. **COUNCIL COMMENTS.**

Councilmember Yankovich stated he had a constructive morning with Rich LaBombard and was shown everything the Department of Public Works does which gave him a great appreciation for all they do.

Councilmember Salzwedel stated they had a great meeting with Lew Bender and is looking forward to next year.

Councilmember Canfield stated he enjoyed the meeting with Cliff Yankovich and Rich LaBombard and they discussed how the culture at the DPW has changed and the City staff in the last couple years has made huge progress, treats our residents well and is getting respect. It is nice to see that change. DPW also is doing a great job with all the winter storms. Canfield thanked City Manager Michael Burns for the presentation on the SAW Grant and stated it is nice to see the results.

Councilmember Chambers stated his wife took a picture of Don DeJong cleaning the sidewalks off with the Zamboni and posted it on the City Facebook Page and received 2078 likes. Thanks to the DPW who are doing an awesome job with the weather.

Mayor DeVore stated he appreciates the DPW and the Police Department all the time and also enjoyed the Lew Bender meeting. Next City Council meeting will be on Tuesday, February 19, 2019 at 7:00.

10. **MOTION TO GO INTO CLOSED SESSION.**

IT WAS MOVED BY CHAMBERS and seconded by CANFIELD to go into closed session @ 8:03 p.m.

YES: Councilmember Chambers, Councilmember Canfield, Mayor Devore, Councilmember Salzwedel and Councilmember Yankovich.

NO: None. ABSENT: None. MOTION CARRIED.

11. **MOTION TO GO BACK INTO OPEN SESSION**

IT WAS MOVED BY CANFIELD and seconded by CHAMBERS to go back into open session @ 8:40 p.m.

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

NO: None. ABSENT: None. MOTION CARRIED.

IT WAS MOVED BY CANFIELD and seconded by CHAMBERS to approve the salary and wage reopener for the IEBW for vacation and wages.

YES: Councilmember Salzwedel, Councilmember Yankovich, Councilmember Chambers, Councilmember

Canfield, and Mayor DeVore.

NO: None

ABSENT: None.

MOTION CARRIED.

IT WAS MOVED BY YANKOVICH and seconded by CHAMBER to create a position for a Utility Supervisor.

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

12. **ADJOURNMENT.**

IT WAS MOVED SALZWEDEL and seconded by CHAMBERS to adjourn at 8.42 p.m.

DATE:

APPROVED:

Mike DeVore, Mayor

Susan Ullery, City Clerk