

**PROCEEDINGS
OF
CITY COUNCIL
OF THE
CITY OF LOWELL
MONDAY, AUGUST 05, 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 DeVore and City Clerk Sue Ullery called roll.

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

Absent: Councilmember Jim Salzwedel.

Also Present: City Manager Michael Burns, Chief of Police Steve Bukala, Lowell Light & Power General Manager Steve Donkersloot, City Clerk Sue Ullery and Director of Public Works Dan Czarnecki.

2. **EXCUSE ABSENSES.**

IT WAS MOVED BY CHAMBERS and seconded by CANFIELD to excuse the absence of Councilmember Jim Salzwedel.

YES: 4. NO: 0. ABSENT: 1. MOTION CARRIED.

3. **APPROVAL OF THE CONSENT AGENDA.**

- Approval of the Agenda as written.
- Approve and place on file the minutes of the regular minutes of the July 15, 2019 City Council Meeting.
- Authorize payment of invoices in the amount of \$479,165.11

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

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

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

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

There were no comments.

5. **OLD BUSINESS**

a. City Income Tax.

City Manager Michael Burns gave an update on the City Income tax stating he has been working with a company named City Tax who is based out of Eaton Rapids and they handle software for the cities in Michigan that collect income tax. They administer on behalf of municipalities if you contract with them and they will do the whole process even the collection. They also handle a number of communities in Ohio and Georgia as well. We are waiting for a proposal from them and would like them to come to an upcoming Council meeting. Also, Burns stated he has been working with Mary Ann Sabo on the information campaign and he anticipates seeing a first draft of information later this week. Also, tonight under new business, Council will consider the adoption of Ordinance 19-04.

Councilmember Canfield asked what the fee schedule was for this and Burns stated it is based per return but he doesn't have the numbers yet.

Councilmember Yankovich stated that the Councilmembers are in favor of presenting the income tax proposal as an option to the voters.

b. Construction Engineering for Showboat and DPW Building.

City Manager Michael Burns stated Comprehensive Engineering is near completing the design services component of this project. We have separate proposals from them for engineering services for the Showboat Construction Documents and the renovation of the former DPW building adjacent to the Showboat. These proposals scope out services for building code compliance, plumbing, fire suppression, HVAC, electrical and structural systems for the proposed DPW building. For the Showboat, they propose services for the building code compliance, HVAC and the electrical system. Restrooms will be at the DPW building thus no plan for running water on the boat. They will be developing construction specs and bid packages for both the Showboat and DPW Building. The costs for services are the following:

- DPW Building - \$33,000 (will be paid by proceeds from fundraising)
- Showboat - \$42,000 (will be paid by grant proceeds)

Ken Reigler from Comprehensive Engineering introduced himself and answered questions.

IT WAS MOVED BY CHAMBERS and seconded by YANKOVICH to approve engineering services with Comprehensive Engineering for the DPW Building at a cost not to exceed \$33,000 and the Showboat for a cost not to exceed \$42,000.

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

NO: None.

ABSENT: Councilmember Salzwedel.

MOTION CARRIED.

c. Prein & Newhof – Change Order #5.

Brian Vilmont with Prein & Newhof spoke and explained the change order #5 in detail to the Council.

IT WAS MOVED BY CHAMBERS and seconded by YANKOVICH that the Lowell City Council approve Prein & Newhof Change Order #5.

YES: Councilmember Yankovich, Councilmember Chambers, Councilmember Canfield and Mayor

DeVore.

No: None.

ABSENT: Councilmember Salzwedel.

MOTION CARRIED.

d. Saw Grant Update – Maps.

Brian Vilmont with Prein & Newhof gave an update, explained what they found, provided maps and presented a video.

6. **NEW BUSINESS**

a. Ordinance 19-04 – to Amend Section 26-6, “Effective After Approval” of Chapter 26, “City Income Tax,” of the Code of Ordinance of the City of Lowell.

City Manager Michael Burns stated our charter amendment and ballot language have both been approved by Attorney General Dana Nessel and Governor Gretchen Whitmer. During the review process, they did require one modification to the Ordinance 19-02 approved in May pertaining to this. Ordinance 19-04 clarifies when an income tax would become effective being upon the addition of Chapter 9a consisting of Section 9a-1 (Power to Tax and Administer) to the Lowell City Charter should such change be approved by city voters at the general election to be held on November 5, 2019.

City Attorney Dick Wendt then provided an update on the change.

IT WAS MOVED BY CHAMBERS and seconded by YANKOVICH to approve Ordinance 19-04 as presented.

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

NO: None.

ABSENT: Councilmember Salzwedel.

MOTION CARRIED.

b. Salt Spreader #16-2 Replacement Purchase for #16 Plow Truck.

Utilities Supervisor Ralph Brecken provided the information for replacing the salter and explained the new type of salter they are looking at to purchase.

IT WAS MOVED BY CANFIELD and seconded by YANKOVICH to approve the purchase of a new salt spreader at a cost not to exceed \$21,799.

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

NO: None.

ABSENT: Councilmember Salzwedel

MOTION CARRIED.

c. #53 Mower Replacement Purchase.

Utilities Supervisor Ralph Brecken provided the information for replacing the #53 mower with a new mower.

IT WAS MOVED BY YANKOVICH and seconded by CHAMBERS that Lowell City Council approve the purchase of a new mower at a cost not to exceed \$7,759.

YES: Councilmember Yankovich, Councilmember Chambers, Councilmember Canfield and Mayor

DeVore.

NO: None.

ABSENT: Councilmember Salzwedel.

MOTION CARRIED.

d. Library Temperature Control System.

City Manager Michael Burns stated last fall, the City of Lowell received a grant from the Lowell Area Community Foundation to replace the aging temperature control building management system at the Englehardt Library in the amount of \$18,000. The building management system at the library is the original system and is obsolete. The City sought a quote from a company to install an upgrade to the current system and from the company that supplies the system for City Hall. The cost for the systems are the following:

- MCMC Facility Automation – Sterling Heights - \$15,300.
- Enertemp – Kentwood - \$23,500.

In our grant budget, we accounted for approximately \$3,000 for IT services from Addorio Technologies in the grant. The cost for the system from MCMC will allow us to use the \$18,000. from the grant and complete this with no more than \$300. in funds from the Data Processing Fund.

IT WAS MOVED BY YANKOVICH and seconded by CHAMBER to enter into agreement with MCMC Facility Automation to install an upgraded temperature control building management system for the Englehart Library at a cost not to exceed \$15,300.

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

NO: None.

ABSENT: Councilmember Salzwedel.

MOTION CARRIED.

e. MERS Annual Meeting Officer Delegate.

City Manager Michael Burns stated the 2019 Municipal Employees' Retirement (MERS) Annual Meeting is being held this year on October 3rd and 4th, 2019 at the Grand Traverse Resort in Traverse City, MI. Council needs to appoint an Employer Delegate to the Annual Meeting. Ballots were distributed to the employees and they selected Joe Baker as their delegate and Leslie Heffron as their alternate to represent the City of Lowell Employees.

IT WAS MOVED BY CHAMBERS and seconded by YANKOVICH to appoint Steve Donkersloot as the Employer Delegate for the 2019 MERS Annual Meeting.

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

NO: None.

ABSENT: Councilmember Salzwedel.

MOTION CARRIED.

7. **BOARD/COMMISSION REPORTS.**

Councilmember Canfield stated that Parks & Rec meet over at Creekside last month. They were going to tour the gardens but it was raining so it was postponed. They met under the canopy there and it was a pretty regular meeting. Todd Schaal attended for the second time as he has concerns over the wildflower gardens that are near the boat ramp and we explained those were maintenance free and we do not trim

them.

Mayor DeVore stated that the Fire Authority will meet on Monday August 12, 2019.

8. **MONTHLY REPORTS.**

There was none.

9. **MANAGERS REPORT.**

City Manager Michael Burns reported on the following:

- Welcome Dan Czarnecki to the City and look forward to working with him again. Dan brings a vast knowledge of Public Works and he is very good at what he does and he's going to be an excellent addition to our staff.
- Next Committee of the Whole Meeting will be held Monday, August 19, 2019 at 5:30 and the topic will be Recreational Marijuana. You will be getting the Zoning Amended Ordinance that the Planning Commission is recommending to you as well as the first draft of the Regulatory Ordinance to review and discuss.

10. **APPOINTMENTS.**

The Historic District Commission has two appointment openings. Application from Julie DeVoe for the Historic District Commission. It was a general consensus to appoint Julie DeVoe to the Historic District Board.

The Construction Board of Appeals still has one appointment opening.

City Manager Michael Burns stated Councilmembers can serve if you don't have someone else to fill an appointment. They would be representing themselves as a citizen and for the same term requirements as anyone else.

11. **COUNCIL COMMENTS.**

Councilmember Yankovich stated the corndogs are excellent at the Lowell Kent County Youth Fair.

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

IT WAS MOVED BY CHAMBERS and seconded by YANKOVICH to go into closed session at 7:56 p.m.

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

NO: None.

ABSENT: Councilmember Salzwedel

MOTION CARRIED.

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

IT WAS MOVED CANFIELD and seconded by CHAMBERS to return to open session at 8:42 p.m.

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

NO: None.

ABSENT: Councilmember Salzwedel.

MOTION CARRIED.

14. **ADJOURNMENT.**

IT WAS MOVED CANFIELD and seconded by CHAMBERS to adjourn at 8:42 p.m.

DATE:

APPROVED:

Mike DeVore, Mayor

Sue Ullery, Lowell City Clerk