



301 East Main Street  
Lowell, Michigan 49331  
Phone (616) 897-8457  
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CITY OF LOWELL  
CITY COUNCIL AGENDA  
MONDAY, FEBRUARY 7, 2022, 7:00 P.M.

1. CALL TO ORDER; PLEDGE OF ALLEGIANCE; ROLL CALL
2. CONSENT AGENDA
  - Approval of the Agenda.
  - Approve and place on file the minutes of the January 18, 2022 Regular City Council meeting.
  - Authorize payment of invoices in the amount of \$820,319.32.
  - Striking Taxes.
3. CITIZEN DISCUSSION FOR ITEMS NOT ON THE AGENDA

IF YOU WISH TO ADDRESS AN AGENDA ITEM, PUBLIC COMMENT FOR EACH ITEM WILL OCCUR AFTER THE INITIAL INFORMATION IS SHARED ON THE MATTER AND INITIAL DELIBERATIONS BY THE PUBLIC BODY. PUBLIC COMMENT WILL OCCUR BEFORE A VOTE ON THE AGENDA ITEM OCCURS.
4. OLD BUSINESS
  - a. 86<sup>th</sup> District Representative – Thomas Albert
  - b. Kent Conservation District
  - c. Museum Update
  - d. King Memorial Pool
  - e. LARA Trail Presentation
  - f. LARA Trail Design Engineering Proposal
5. NEW BUSINESS
  - a. Waste Hauling Ordinance Exception
  - b. Sewer Line to Buildings 96-106 W. Main Street
6. BOARD/COMMISSION REPORTS
7. MANAGER'S REPORT
8. APPOINTMENTS

## 9. COUNCIL COMMENTS

## 10. ADJOURNMENT

NOTE: Any person who wishes to speak on an item included on the printed meeting agenda may do so. Speakers will be recognized by the Chair, at which time they will be allowed five (5) minutes maximum to address the Council. A speaker representing a subdivision association or group will be allowed ten (10) minutes to address the Council.



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## MEMORANDUM

TO: Lowell City Council

FROM: Michael Burns, City Manager

RE: Council Agenda for Monday, February 7, 2022

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2. CONSENT AGENDA

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4. OLD BUSINESS

- a. 86<sup>th</sup> Distrist Representative – Thomas Albert. 86<sup>th</sup> District Representative Thomas Albert will provide an update.
- b. Kent Conservation District. Conservation Coordinator Ryan Wilemski will provide an update.
- c. Museum Update. Lowell Historical Museum Director Lisa Plank will provide an update.
- d. King Memorial Pool. Lowell resident John Sterly will provide an update.
- e. LARA Trail Presentation. Williams and Works Engineer Dave Austin will provide an update.
- f. LARA Trail Design Engineering Proposal. Williams and Works Engineer Brandon Mieras will provide an update.

5. NEW BUSINESS

- a. Waste Hauling Ordinance Exception. Memo is provided by City Manager Michael Burns.

Recommended Motion: That the Lowell City Council grant an exception for Red Creek to haul waste from 303 W. Main prior to 7 a.m.

- b. Sewer Line to Buildings 96-106 W. Main Street. Memo is provided by Public Works Director Daniel Czarnecki.

6. BOARD/COMMISSION REPORTS

7. MANAGER'S REPORT

8. APPOINTMENTS

9. COUNCIL COMMENTS

10. ADJOURNMENT

**PROCEEDINGS  
OF  
CITY COUNCIL  
OF THE  
CITY OF LOWELL  
MONDAY, JANUARY 18, 2022, 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 Deputy Clerk Amy Brown called roll.

Present: Councilmembers Marty Chambers, Councilmember Jim Salzwedel, Councilmember Cliff Yankovich and Mayor Mike DeVore.

Absent: Councilmember Leah Groves.

Also Present: City Manager Michael Burns, Chief of Police Chris Hurst, Deputy Clerk Amy Brown, DPW Director Dan Czarnecki, and City Attorney Jessica Wood.

**2. EXCUSED OF ABSENCE.**

IT WAS MOVED BY YANKOVICH and seconded by CHAMBERS to excuse the absence of Councilmember Groves.

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

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

- Approval of the Agenda as amended.
- Approve and place on file the regular minutes of the January 03, 2022 City Council meeting.
- Authorize payment of invoices in the amount of \$310,364.74.

IT WAS MOVED BY SALZWEDEL and seconded by YANKOVICH to approve the consent agenda as amended.

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

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

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

Annette Ritzema who resides at 525 N Hudson is very alarmed with the change in her property as they are experiencing the property sinking and the driveway cracking. Concerned with what the underlying cause is and if there is a possible sink hole. Ritzema praised the DPW crew for their efforts in helping her figure it out and responding so quickly.

**5. OLD BUSINESS**

**a. Washington St. Design Engineering Services.**

DPW Director Dan Czarnecki read his memo stating we are planning to have the Washington Street project under construction in 2023, and in order to meet that schedule, the design work needs to get

started. Williams and Works has prepared a proposal for the design engineering work not to exceed \$155,000.00.

IT WAS MOVED BY SALZWEDEL and seconded by YANKOVICH that the Lowell City Council approve the Washington Street Improvements Design Engineering Services, Scope of Services with Williams and Works, as outlined in their letter dated January 10, 2022, in an amount not-to-exceed \$155,000 and authorize the Mayor to sign the necessary agreements.

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

NO: None.

ABSENT: Councilmember Groves.

MOTION CARRIED.

b. 2022 Street Improvements Project Design Engineering Services.

DPW Director Dan Czarnecki read his memo stating for the upcoming construction season, the City of Lowell will be replacing the street surfaces on the following streets: Roberta Jayne Drive from Sibley Street to Faith Drive (approx. 770 feet), Faith Drive entire street from end to end (approx. 630 feet), Valley Vista Drive from West Main to Bowes Road (approx. 725 feet), and Heffron Drive from Donna to approximately 150 feet heading east. William & Works has proposed design services that include soil borings to determine the existing base materials, survey work to identify existing features and help set the limits of the work, and design of the street work to be completed. They will also prepare all construction documents and will bid the work for the City of Lowell with a proposed fee of \$34,500.

IT WAS MOVED BY CHAMBERS and seconded by YANKOVICH that the Lowell City Council approve the Design Engineering Service quote for the 2022 Street Improvements, as proposed by William & Works in their letter dated January 7, 2022, for the amount of \$34,500.

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

NO: None.

ABSENT: Councilmember Groves.

MOTION CARRIED.

c. Gee Drive Mill and Resurfacing Engineering Design Services.

DPW Director Dan Czarnecki read his memo stating Gee Drive was most recently reconstructed over a two-year period between 2006 and 2007. Over the past 15 years, the surface of this street has been deteriorating. It has been determined a mill and resurface will help extend the useful life of this street. The City has found funding through the MDOT Small Urban Program to resurface the entire length of Gee Drive. We are eligible for up to \$360,000 to perform the construction work. The engineer's estimate for construction is \$450,000. William & Works has provided a quote of \$10,700 for design engineering services. Since this is funded through MDOT, we will need to follow their procedures. William & Works will provide information on the design portion of the project.

IT WAS MOVED BY SALZWEDEL and seconded by CHAMBERS that the Lowell City Council approve the Design Engineering Services quote for the Gee Drive Mill and Resurfacing, as proposed by William & Works in their letter dated January 7, 2022, for the amount of \$10,700.

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

NO: None.

ABSENT: Councilmember Groves.

MOTION CARRIED.

d. Adult Marihuana Facilities east of the Flat River.

City Manager Michael Burns read his memo stating in June 2021, an ordinance was presented to restrict adult use marihuana facilities in C-3 zoned properties east of the Flat River. At the January 10, 2022 Planning Commission meeting, the board asked to reconsider this matter as the building is currently up for sale. I was asked by a city councilmember to place this on the agenda for discussion before the planning commission would take up this process again.

The councilmembers discussed and agreed for the Planning Commission to have a public hearing regarding this and then depending on that outcome, the City Council could as well have a public hearing and then the Planning Commission can bring their recommendation to the City Council.

e. Lowell Township water and sewer discussion-Resolution 04-22.

City Manager Michael Burns stated himself, City Attorney Jessica Wood, Mayor Pro Tem Chambers, and Mayor Devore met with Lowell Township representatives along with the developer for the site and they had a very positive meeting and discussed all the issues. The biggest concern to the City is the 425 agreement and it seems that the developer and the Township are open to this. Lowell Townships biggest concern is that they are working with the right place with their assistance to help them gain funding for the infrastructure improvements needed for the site.

City Attorney Jessica Wood then explained the Resolution as an expression of intention to continue discussions.

IT WAS MOVED BY DEVORE and seconded by SALZWEDEL that the Lowell City Council approve Resolution 04-22 as written.

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

NO: None.

ABSENT: None.

MOTION CARRIED.

6. NEW BUSINESS

a. Betten Baker Auto Group – Rezoning Request for 211 N. Pleasant Avenue.

City Manager Michael Burns read the memo regarding the rezoning of 211 N Pleasant from R3 Multiple Family Residential to C3 General Commercial. The applicant previously applied for a rezoning, site plan review, and special land use approval to redevelop and expand the car dealership properties located at 746 and 728 W Main Street. The applicant states that as a part of the redevelopment project, the bank is requiring the parcel at 211 N Pleasant Avenue to be rezoned due to nonconforming issues at 211 N. Pleasant.

IT WAS MOVED BY YANKOVICH and seconded by SALZWEDEL that Lowell City Council accept the recommendation of the Planning Commission and approve this zoning map amendment for 211 N Pleasant Avenue from R3 Multiple Family Residential to C3 General Commercial.

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

NO: None.

ABSENT: Councilmember Groves.

MOTION CARRIED.

b. Cruiser #836-2014 Ford Explorer.

Chief of Police Chris Hurst read his letter stating the Lowell Police Department has recently purchased and put into service its newest cruiser; 2022 Ford Explorer (Car 836). This new car is replacing a 2014 Ford Explorer ("Old" 836). The department needs only four cruisers and has no need for the "Old" 836. The car has been stripped of all the police equipment (lights, sirens, divider, etc.) and transformed back for civilian use. Kelley Blue Book suggests a price of \$10-\$12 thousand dollars as a trade-in value for this car in its current condition, options and mileage. The Lowell Police Department is asking the city manager and city council to approve the sale of the 2014 Ford Explorer ("Old" 836). Any money received from the sale will be allocated toward the purchase of a new cruiser in budget year 2022-2023.

IT WAS MOVED BY CHAMBERS and seconded by YANKOVICH that the Lowell City Council approve the sale of the 2014 Ford Explorer ("Old" 836) as described.

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

NO: None.

ABSENT: Councilmember Groves.

MOTION CARRIED.

c. Small Lime Pond Cleanout- Water Plant.

DPW Director Dan Czarnecki read his memo stating the treatment and softening of water at the Water Plant results in a lime slurry discharge into ponds behind the plant. The water dissipates leaving the white lime material. Over time the ponds fill up with the lime and needs to be cleaned out. There are approximately 4,400 cubic yards of lime in the small pond that need to be removed. It has been over 10+ years since this was last cleaned out. Two quotes were received for this work. Michigan AgriBusiness Solutions, LLC was the low bid at \$40.37 per yard. The removal of all 4,400 yards would be \$177,628.

IT WAS MOVED BY YANKOVICH and seconded by SALZWEDEL that the Lowell City Council approve the lime pond cleanout quote from Michigan AgriBusiness Solutions, LLC, dated October 19, 2021, for the removal and disposal of lime material, for a cost of \$4037. per yard and authorizing the Mayor and City Clerk to sign the agreement.

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

NO: None.

ABSENT: Councilmember Groves.

MOTION CARRIED.

d. Permit Performance-Resolution 02-22.

DPW Director Dan Czarnecki read his memo stating in order for the City to perform work in the M-21 right-of-way we need a permit from MDOT. An annual permit is necessary for the City to perform routine operations in the in the M-21 ROW such as water main repairs and any small construction type. MDOT requires a performance resolution to be on file with them.

IT WAS MOVED BY YANOVICH and seconded by CHAMBERS to approve Resolution 02-22, Michigan Department of Transportation Performance Resolution for Municipalities, and authorize those who may apply for MDOT work permits.

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

NO: None.

ABSENT: Councilmember Groves.

MOTION CARRIED.

e. Review and Adoption of City of Lowell's Rules of Procedure.

City of Lowell Attorney Jessica Wood went through and explained the Rules of Procedure for the Lowell City Council. Wood also handed out copies of the Open Meetings Act Handbook and the Freedom of Information Act handbook and briefly touched on those procedures as well.

IT WAS MOVED BY CHAMBERS and seconded by DEVORE to approve that Lowell City Council adopt the Rules of Procedure as presented.

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

NO: None.

ABSENT: Councilmember Yankovich.

MOTION CARRIED.

7. BOARD/COMMISSION REPORTS.

Councilmember Yankovich stated LARA will meet Feb 7, 2022 and Dave Austin will be there with the Final Phases to go over.

Councilmember Salzwedel stated Arbor Board has been pushed out to March, the LCTV Fund deadline is February 4, 2022, it is fast approaching, so get your applications in. Salzwedel attended the Lowell Light & Power meeting last week and said we should be seeing their budget in the next couple months as Charlie West and his group are working hard on that. They also discussed time of use rate and that their online portal for utility payments is ready. LL&P is also dealing with Covid issues as everyone else is.

Mayor DeVore stated he attended the Fire Authority meeting where they presented a very preliminary budget that we should be seeing here in a month or so. The new fire truck is still on schedule and board of officers were appointed and remained the same, there were no changes.

8. BUDGET REPORT.

City Manager Michael Burns stated all the budget issues that we have already discussed are the same, there hasn't been any changes, usually around the first of January, we look at the individual lines items to make sure there isn't really any discrepancies. Our City staff is doing a good job of putting in their rental forms to be tracked and that has helped a lot.

9. MANAGER'S REPORT.

City Manager Michael Burns reported on the following:

- We have had our share of Covid issues at the City of Lowell but the good news is, it hasn't impacted staffing levels.
- There were a number of water main breaks over the past weekend, DPW staff did a great job to

mitigate the problems and get the issues under control. Thank you for their great work.

- Talked to you briefly about Health Insurance Pools and I have met with one entity last week. These insurance pools help prevent rate increase and that is my biggest concern. I will be meeting with another company later this week. Also talking about moving retirees to a MERS pool.
- The LARA Trail update will probably be at the next council meeting.
- Meeting with MERS tomorrow, they did a study on extending the five-year amortization period on the unfunded pension liability as I am looking to cushion us if the rate of return or our investments go wrong.
- The future of the fairgrounds will be brought to the second meeting in February for you to start thinking about and Andy Moore with Williams & Works will be at that meeting as well.
- We will get counted for five Marihuana facilities this year, state has received 270 million dollars' in excise tax and there are 374 statewide. Will give more detail as we get it.
- We will be getting the back door entrance of City Hall fixed the week of January 30, 2022 so we will route everyone to the front entrance while the work is completed.

#### 10. APPOINTMENTS.

Mayor DeVore stated we are going to change how we update board appointments by finding current board members that's time is termed, ask if they wish to continue and if they do not, then work on filling those vacancies. DeVore stated he and City Clerk Sue Ullery have gotten together and figured out where those vacancies are on what boards and who wishes to continue.

It was a general consensus by the Councilmembers to allow Mike DeVore to fill the vacancy for the Board of Review and for Marty Chambers to fill the vacancy for the Construction Board of Appeals. It was a general consensus of the councilmembers to appoint Nicole Lintemuth and Laurie Chambers to the Downtown Development Authority board to fill those two vacancies and Jim Salzwedel to the Zoning Board of Appeals for Vice Chair.

#### 11. COUNCIL COMMENTS.

Councilmember Chambers attended the Poker Run, it was well attended, very successful night and \$565 dollars were raised for the VFW and American Legion. Thank you to the fire department for manning the fires as it was a chilly evening.

Councilmember Yankovich is happy about all the roads that will be fixed on the road repair agenda for this year.

Councilmember Salzwedel stated he would like to thank the DPW for keeping the streets and sidewalks safe with the weather we are having. He was able to meet the new fire dog "Chief" over at the fire barn.

Mayor DeVore explained how "Chief" the fire dog came to the City, stating originally he was purchased as a Christmas present but then was adopted by fire department members so he is at the fire barn from 8:00am to 4:00pm with Fire Chief Shannon during his full-time hours. Chief is going through some puppy

classes right now, then he will go to the support dog program. Feedback on “Chief” has been fantastic. These type of things, show how much the fire department does that doesn’t get noticed, they do so many great things. Compliments to Dan Czarnecki at the DPW and his staff, they do a great job all the time as well.

12. ADJOURNMENT.

IT WAS MOVED SALZWEDEL and seconded by CHAMBERS to adjourn at 8:25 p.m.

DATE:

APPROVED:

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Mike DeVore, Mayor

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Sue Ullery, Lowell City Clerk

RESOLUTION 02-22  
PERFORMANCE RESOLUTION FOR  
MUNICIPALITIES

*This Performance Resolution (Resolution) is required by the Michigan Department of Transportation for purposes of issuing to a Municipality an "Individual Permit for Use of State Highway Right of Way", and/or an "Annual Application and Permit for Miscellaneous Operations within State Highway Right of Way".*

RESOLVED WHEREAS, the City of LOWELL  
(County, City, Village, Township, etc.)

hereinafter referred to as the "MUNICIPALITY," periodically applies to the Michigan Department of Transportation, hereinafter referred to as the "DEPARTMENT," for permits, referred to as "PERMIT," to construct, operate, use and/or maintain utilities or other facilities, or to conduct other activities, on, over, and under State Highway Right of Way at various locations within and adjacent to its corporate limits;

NOW THEREFORE, in consideration of the DEPARTMENT granting such PERMIT, the MUNICIPALITY agrees that:

1. Each party to this *Resolution* shall remain responsible for any claims arising out of their own acts and/or omissions during the performance of this *Resolution*, as provided by law. This *Resolution* is not intended to increase either party's liability for, or immunity from, tort claims, nor shall it be interpreted, as giving either party hereto a right of indemnification, either by Agreement or at law, for claims arising out of the performance of this Agreement.
2. If any of the work performed for the MUNICIPALITY is performed by a contractor, the MUNICIPALITY shall require its contractor to hold harmless, indemnify and defend in litigation, the State of Michigan, the DEPARTMENT and their agents and employee's, against any claims for damages to public or private property and for injuries to person arising out of the performance of the work, except for claims that result from the sole negligence or willful acts of the DEPARTMENT, until the contractor achieves final acceptance of the MUNICIPALITY. Failure of the MUNICIPALITY to require its contractor to indemnify the DEPARTMENT, as set forth above, shall be considered a breach of its duties to the DEPARTMENT.
3. Any work performed for the MUNICIPALITY by a contractor or subcontractor will be solely as a contractor for the MUNICIPALITY and not as a contractor or agent of the DEPARTMENT. The DEPARTMENT shall not be subject to any obligations or liabilities by vendors and contractors of the MUNICIPALITY, or their subcontractors or any other person not a party to the PERMIT without the DEPARTMENT'S specific prior written consent and notwithstanding the issuance of the PERMIT. Any claims by any contractor or subcontractor will be the sole responsibility of the MUNICIPALITY.
4. The MUNICIPALITY shall take no unlawful action or conduct, which arises either directly or indirectly out of its obligations, responsibilities, and duties under the PERMIT which results in claims being asserted against or judgment being imposed against the State of Michigan, the Michigan Transportation Commission, the DEPARTMENT, and all officers, agents and employees thereof, and those contracting governmental bodies performing permit activities for the DEPARTMENT and all officers, agents, and employees thereof, pursuant to a maintenance contract. In the event that the same occurs, for the purposes of the PERMIT, it will be considered as a breach of the PERMIT thereby giving the State of Michigan, the DEPARTMENT, and/or the Michigan Transportation Commission a right to seek and obtain any necessary relief or remedy, including, but not by way of limitation, a judgment for money damages.
5. The MUNICIPALITY will, by its own volition and/or request by the DEPARTMENT, promptly restore and/or correct physical or operating damages to any State Highway Right of Way resulting from the installation construction, operation and/or maintenance of the MUNICIPALITY'S facilities according to a PERMIT issued by the DEPARTMENT.

6. With respect to any activities authorized by a PERMIT, when the MUNICIPALITY requires insurance on its own or its contractor's behalf it shall also require that such policy include as named insured the State of Michigan, the Transportation Commission, the DEPARTMENT, and all officers, agents, and employees thereof and those governmental bodies performing permit activities for the DEPARTMENT and all officers, agents, and employees thereof, pursuant to a maintenance contract.
7. The incorporation by the DEPARTMENT of this *Resolution* as part of a PERMIT does not prevent the DEPARTMENT from requiring additional performance security or insurance before issuance of a PERMIT.
8. This *Resolution* shall continue in force from this date until cancelled by the MUNICIPALITY or the DEPARTMENT with no less than thirty (30) days prior written notice provided to the other party. It will not be cancelled or otherwise terminated by the MUNICIPALITY with regard to any PERMIT which has already been issued or activity which has already been undertaken.

BE IT FURTHER RESOLVED that the following position(s) are authorized to apply to the DEPARTMENT for the necessary permit to work within State Highway Right of Way on behalf of the MUNICIPALITY.

Title and/or Name:

\_\_\_\_\_  
LOWELL MAYOR

\_\_\_\_\_  
CITY MANAGER

\_\_\_\_\_  
CITY CLERK

\_\_\_\_\_  
CHIEF of POLICE

\_\_\_\_\_  
PUBLIC WORKS DIRECTOR

I HEREBY CERTIFY that the foregoing is a true copy of a resolution adopted by

the \_\_\_\_\_  
LOWELL CITY COUNCIL

of the \_\_\_\_\_ of \_\_\_\_\_  
(Name of Board, etc.)

\_\_\_\_\_ of the \_\_\_\_\_  
(Name of MUNICIPALITY)

\_\_\_\_\_ of \_\_\_\_\_  
(County)

at a \_\_\_\_\_ meeting held on the \_\_\_\_\_ day

of \_\_\_\_\_ JANUARY \_\_\_\_\_ A.D. \_\_\_\_\_ 2022.

  
\_\_\_\_\_  
Signed

\_\_\_\_\_  
CITY CLERK

\_\_\_\_\_  
Title

\_\_\_\_\_  
SUSAN ULLERY

\_\_\_\_\_  
Print Signed Name

**CITY COUNCIL  
CITY OF LOWELL  
KENT COUNTY, MICHIGAN**

**RESOLUTION NO. 04-22**

**RESOLUTION TO AUTHORIZE THE NEGOTIATION OF A LETTER  
OF UNDERSTANDING WITH LOWELL CHARTER TOWNSHIP  
RELATIVE TO A POTENTIAL PROVISION OF WATER AND SEWER  
SERVICE, CONDITIONAL TRANSFER OF LAND AND FORMATION  
OF A JOINT AUTHORITY**

Mayor DEVORE supported by Councilmember SALZWEDEL moved the adoption of the following resolution:

**WHEREAS**, property totaling approximately 240 acres in the south part of Lowell Charter Township and located adjacent to I-96 has the potential for significant industrial development; and

**WHEREAS**, City has been negotiating with the Township for several years to provide utilities to the property; and

**WHEREAS**, the cost to upgrade the sewer facilities and run a collection pipe from the property to the City sewer plant is estimated to be approximately \$17 million; and

**WHEREAS**, during the next several months there is the potential for grant money to be available for certain upgrades and lines.

**NOW, THEREFORE, BE IT HEREBY RESOLVED:**

1. To facilitate development and encourage grant funding, the City Attorney and City Manager are authorized to work with the Township to negotiate a letter of understanding which may include consideration of a 425 agreement and establishment of a joint authority for sewer and water serving both the City and Township.
2. That the City investigate and support further joint efforts with the Township that may be in the best interests of both.

3. All resolutions and parts of resolutions are, to the extent of any conflict with this resolution, rescinded.

YES: Mayor DeVore and Councilmembers Salzwedel, Yankovich and Chambers

NO: Councilmembers None

ABSTAIN: Councilmembers None

ABSENT: Councilmembers Groves

**RESOLUTION DECLARED ADOPTED.**

Dated: January 18, 2022

  
Susan Ullery, City Clerk

**CERTIFICATION**

I hereby certify that the foregoing is a true and complete copy of a resolution adopted by the City Council of the City of Lowell at a regular meeting held on January 18, 2022, and that public notice of said meeting was given pursuant to, and in compliance with, Act 267 of the Public Acts of Michigan of 1976, as amended.

Dated: January 18, 2022

  
Susan Ullery, City Clerk



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**RULES OF PROCEDURE  
FOR THE LOWELL CITY COUNCIL  
2022**

**A. REGULAR AND SPECIAL MEETINGS**

All meetings of the City Council will be held in compliance with state statutes, including the Open Meetings Act, 1976 PA 267 as amended, and with these rules.

**1. Regular meetings**

Regular meetings of the City Council will be held on the first and third Monday of each month beginning at 7 p.m. at the City office unless otherwise rescheduled by resolution of the Council.

**2. Special Meetings**

A special meeting shall be called by the Clerk upon the written request of the Mayor or any two members of the Council on at least 48 hours' written notice to each member of the Council served personally or left at the Councilmember's usual place of residence. Special meeting notices shall state the purpose of the meeting. No official action shall be transacted at any special meeting of the Council unless the item has been stated in the notice of such meeting.

**3. Posting requirements for regular and special meeting**

- a. During the second regular meeting of December, the City Council will establish the dates, times and places of the regular bimonthly Council meetings. The listing will be posted in the City offices.
- b. For a rescheduled regular or a special meeting of the Council, a public notice stating the date, time and place of the meeting shall be posted at least 18 hours before the meeting at the City office.
- c. The notice described above is not required for a meeting of the Council in emergency session in the event of a severe and imminent threat to the health, safety or welfare of the public when two-thirds of the members of the Council determine that delay would be detrimental to the City's efforts in responding to the threat.

#### 4. Minutes of regular and special meetings

The Clerk shall attend the Council meetings and record all the proceedings and resolutions of the Council in accordance with the Open Meetings Act. In the absence of the Clerk, the City Manager may appoint a member of City staff to temporarily perform the Clerk's duties.

Within 8 days of a Council meeting, the draft minutes shall be prepared by the Clerk and shall be placed on the city website for public viewing.

A copy of the minutes of each regular or special Council meeting shall be available for public inspection at the City offices during regular business hours.

#### 5. Work Sessions

Upon the call of the Mayor or the Council and with at least 48 hours notice to the Councilmembers and to the public, the Council may convene a work session devoted exclusively to the exchange of information relating to municipal affairs. No votes shall be taken on any matters under discussion nor shall any Councilmember enter into a formal commitment with another member regarding a vote to be taken subsequently.

An agenda shall be prepared at least 48 hours prior to the work session.

Work sessions shall be audio/video recorded in accordance with other provisions of these Rules of Procedure.

### B. CONDUCT OF MEETINGS

#### 1. Meetings to be public

All official meetings of the Council shall be open to the public, and citizens shall have a reasonable opportunity to be heard in accordance with such rules and regulations as the Council may determine, except that the meetings may be closed to the public and the media in accordance with the Open Meetings Act.

All official meetings of the Council shall be open to the media, freely subject to recording by radio, television and photographic services at any time, provided that such arrangements do not interfere with the orderly conduct of the meetings.

The City Clerk shall record all regular and special City Council meetings by audio device. Upon approval of that meeting's minutes, the audio shall be destroyed except in the absence of a video. The meetings shall be videoed. These will be stored electronically and available to the public for reviewing.

#### 2. Agenda preparation

An agenda for each regular Council meeting shall be prepared by the City Manager with the following order of business:

- a. Call to Order; Pledge of Allegiance, Roll Call
- b. Consent Agenda
- c. Citizen Comments for Items Not on the Agenda
- d. Old Business
- e. New Business
- f. Board/Commission Reports
- g. Monthly Reports (prepared for the second regular meeting of the month)
- h. Appointments to Commissions and Boards
- i. Manager's Report
- j. Council Comments
- k. Executive Session
- l. Adjournment

Any Councilmember shall have the right to request new/additional items to the regular agenda during the Approval of the Agenda item of business.

### 3. Agenda distribution

Agendas shall be distributed so that Councilmembers receive their agendas by the Friday evening before the Monday meeting. Agendas will be distributed to Councilmember's place of residence.

### 4. Quorum

A majority of the elected or appointed and serving members of the Council shall constitute a quorum for the transaction of business at all council meetings. In the absence of a quorum, a lesser number may adjourn any meeting to a later time or date with appropriate public notice.

### 5. Attendance at council meetings

Election to the City Council is a privilege freely sought by the nominee. It carries with it the responsibility to participate in Council activities and represent the residents of the City. Attendance at Council meetings is critical to fulfilling this responsibility.

The Council may excuse absences for cause. Such cause must be communicated with the clerk prior to the meeting. If a Councilmember has more than three unexcused successive absences for regular or special Council meetings, the Council may enact a resolution of reprimand. In the event that the member's absences continue for more than three additional successive regular or special meetings of the Council, the Council may enact a resolution of censure or request the Councilmember's resignation or both.

6. Presiding officer

The presiding officer shall be responsible for enforcing these rules of procedure and for enforcing orderly conduct at meetings. The Mayor is the presiding officer. The Mayor Pro Tem shall preside in the absence of the Mayor. In the absence of the Mayor and Mayor Pro Tem, the member present who has the longest consecutive service on the Council shall preside.

7. Disorderly conduct

The Mayor may call to order any person who is being disorderly by speaking out of order or otherwise disrupting the proceedings, failing to be germane, speaking longer than allotted time or speaking vulgarities. Such person shall be seated until the chair determines whether the person is in order.

If the person so engaged in presentation is called out of order, he or she shall not be permitted to continue to speak at the same meeting except by special leave of the Council. If the person shall continue to be disorderly and disrupt the meeting, the chair may order the sergeant at arms to remove the person from the meeting. No person shall be removed from a public meeting except for an actual breach of the peace committed at the meeting.

C. CLOSED MEETINGS

1. Purpose

Closed meetings may be held only for the reasons authorized in the Open Meetings Act, which are the following:

- a. To consider the dismissal, suspension or disciplining of, or to hear complaints or charges brought against a public officer, employee, staff member or individual agent when the named person requests a closed meeting. MCL 15.268 Sec. 8(a)
- b. For strategy and negotiation sessions connected with the negotiation of a collective bargaining agreement when either negotiating party requests a closed hearing. MCL 15.268 Sec. 8(c)
- c. To consider the purchase or lease of real property up to the time an option to purchase or lease that real property is obtained. MCL 15.268 Sec. 8(d)
- d. To consult with its attorney regarding trial or settlement strategy in connection with specific pending litigation, but only when an open meeting would have a detrimental financial effect on the litigating or settlement position of the Council. MCL 15.268 Sec. 8(e)
- e. To review the specific contents of an application for employment or appointment to a public office when a candidate requests that the application remain confidential. However, all interviews by a public body for employment or appointment to a public office shall be held in an open meeting. MCL 15.268 Sec. 8(f)
- f. To consider material exempt from discussion or disclosure by state or federal statute. MCL 15.268 Sec. 8(h)

## 2. Calling closed meetings

At a regular or special meeting, the Councilmembers, elected or appointed and serving, may call a closed session by a two-thirds roll call vote for purposes (c), (d), (e) and (f) above, and by a simple majority for purposes (a) and (b). The roll call vote, the purpose(s) for calling the closed meeting, and the time in which the vote was taken shall be entered into the minutes of the open session during which the vote is taken. In addition, the time in which the Council returned to open session shall be recorded in the open session minutes.

## 3. Minutes of closed meetings

A separate set of minutes shall be taken by the Clerk or the designated secretary of the Council at the closed session. These minutes will be retained by the Clerk, shall not be available to the public, and shall only be disclosed if required by a civil action, as authorized by the Open Meetings Act. These minutes shall be destroyed one year and one day after approval of the minutes of the regular meeting at which the closed session was approved.

# D. DISCUSSION AND VOTING

## 1. Rules of parliamentary procedure

The rules of parliamentary practice as contained in the latest edition of Robert's Rules of Order shall govern the Council in all cases to which they are applicable, provided that they are not in conflict with these rules, City ordinances or applicable state statutes. The Mayor may appoint a parliamentarian.

The chair shall preserve order and decorum and may speak to points of order in preference to other Councilmembers. The chair shall decide all questions arising under this parliamentary authority, subject to appeal and reversal by a majority of the Councilmembers present.

Any member may appeal to the Council a ruling of the presiding officer. If the appeal is seconded, the member making the appeal may briefly state the reason for the appeal and the presiding officer may briefly state the ruling. There shall be no debate on the appeal and no other member shall participate in the discussion. The question shall be, "Shall the decision of the chair be sustained?" If the majority of the members present vote "yes," the ruling of the chair is sustained; otherwise it is overruled.

## 2. Conduct of discussion

During the Council discussion and debate, no member shall speak until recognized for that purpose by the chair. After such recognition, the member shall confine discussion to the question at hand and to its merits and shall not be interrupted except by a point of order or privilege raised by another member. Speakers should address their remarks to the chair, maintain a courteous tone and avoid interjecting a personal note into debate.

No member shall speak more than once on the same question until every member desiring to speak to that question shall have had the opportunity to do so.

The chair, at his or her discretion and subject to the appeal process mentioned in Section D.1., may permit any person to address the Council during its deliberations.

3. Ordinances and resolutions

No ordinance, except an appropriation ordinance, an ordinance adopting or embodying an administrative or governmental code or an ordinance adopting a code of ordinances, shall relate to more than one subject, and that subject shall be clearly stated in its title.

A vote on all ordinances and resolutions shall be taken by a roll call vote and entered in the minutes.

4. Roll call

In all roll call votes, the names of members of the Council shall be called in random order as determined by the City Clerk.

5. Duty to vote

Election to a deliberative body carries with it the obligation to vote. Councilmembers present at a Council meeting shall vote on every matter before the body, unless otherwise excused or prohibited from voting by law. A Councilmember who is present and abstains or does not respond to a roll call vote shall be counted as voting with the prevailing side and shall be so recorded, unless otherwise excused or prohibited by law from voting.

Conflict of interest, as defined by law, shall be the sole reason for a member to abstain from voting. The opinion of the City Attorney shall be binding on the Council with respect to the existence of a conflict of interest. A vote may be tabled, if necessary, to obtain the opinion of the City Attorney.

The right to vote is limited to the members of Council present at the time the vote is taken. Voting by proxy or by telephone is not permitted.

All votes must be held and determined in public; no secret ballots are permitted.

6. Results of voting

In all cases where a vote is taken, the chair shall declare the result.

It shall be in order for any Councilmember voting in the majority to move for a reconsideration of the vote on any question at that meeting or at the next succeeding meeting of the Council. When a motion to reconsider fails, it cannot be renewed.

E. CITIZEN COMMENTS

1. General

Each Council meeting agenda shall provide for reserve time for citizen comments as requested.

2. Length of presentation - public hearings and public participation

Members of the public at the meeting shall not speak unless recognized by the chair. Members of the public shall be limited to speaking for a maximum of five (5) minutes during any public hearing or public comment. The Sergeant of Arms shall notify the chair when time has expired.

At the discretion of the chair, the time for speaking may be added or reduced.

3. Person addressing the City Council

Prior to addressing the Council, members of the public may state their name and address and, if appropriate, group affiliation. The Council may in its discretion limit public comments to new information or matters not fully addressed at any previous meeting regarding the agenda item at issue. No person shall have the right to speak more than once on any particular subject until all other persons wishing to be heard on that subject have had the opportunity to speak.

4. Deviation

Either in his/her discretion, or upon the request of a member of the Council, the Mayor may recognize a member of the audience who shall be permitted to address the Council at a time other than audience participation; however, all other rules as provided herein shall apply.

5. Request to speak during citizen comments

Any person who wishes to speak on a subject not on the printed agenda may speak at this time. All rules of conduct still apply.

6. Requests to speak during regular agenda items

Any person who wishes to speak on an item included on the printed meeting agenda may do so. Speakers will be recognized by the Chair, at which time they will be required to state their name and will be allowed five (5) minutes maximum to address the Council.

## F. MISCELLANEOUS

1. Adoption and amendment of rules of procedure

These rules of procedure of the Council will be placed on the organizational meeting agenda for review and adoption. A copy of the rules adopted shall be distributed to each Councilmember.

The Council may alter or amend its rules at any time by a vote of a majority of its members after written notice has been given of the proposed alteration or amendment. The notice shall be given at least 48 hours in advance with a written copy of the proposed alteration or amendment provided to each Councilmember.

2. Suspension of rules

The rules of the Council may be suspended for a specified portion of a meeting by an affirmative vote of two-thirds of the members present except that Council actions shall conform to state statutes and to the Michigan and the United States Constitutions.

3. Bid awards

Bids will be awarded by the Council during regular or special meetings. A bid award may be made at a special meeting of the Council if that action is announced in the notice of the special meeting.

4. Special committees

Special committees may be established for a specific period of time by the Mayor or by a resolution of the Council which specifies the task of the special committee and the date of its dissolution.

5. Authorization for contacting the City Attorney

The following officials (by title) are authorized to contact the City Attorney regarding municipal matters:

Mayor and City Councilmembers

City Manager

City Department Heads (upon approval of the City Manager)

6. These Rules of Procedure shall apply except as otherwise provided by the City Charter and/or applicable state statutes.

G. CERTIFICATE OF ADOPTION

Certified to be complete and accurate set of Rules of Procedures of the City Council of the City of Lowell, Michigan adopted by resolution of its regular meeting held January 18, 2022.

Adopted: January 18, 2022



Susan S. Ullery  
City Clerk  
City of Lowell

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Vendor Code	Vendor Name	Invoice	Description	Amount
00015	ALEXANDER CHEMICAL CORP			
	49536		WTP CHEMICALS	1,865.88
	49995		WTP CHEMICALS	55.00
	50158		WTP CHEMICALS	2,560.00
TOTAL FOR: ALEXANDER CHEMICAL CORP				4,480.88
10869	ALLIED UNIVERSAL TECH SERVICES			
	IN1-910184508		ACCESS CARD SYSTEM	180.00
TOTAL FOR: ALLIED UNIVERSAL TECH SERVICES				180.00
10816	AMAZON CAPITAL SERVICES			
	1PC3-1HTW-VCH4		DPW HOSE & WALL MOUNT	150.47
	1XCQ-QDK6-T4GK		EQUIP SUPPLIES	117.78
TOTAL FOR: AMAZON CAPITAL SERVICES				268.25
10731	APPLIED IMAGING			
	1883107		CITY HALL COPY MACHOME	439.29
TOTAL FOR: APPLIED IMAGING				439.29
10818	AT&T MOBILITY			
	2879291108942X011		FIRST NET PHONE BILL	899.46
TOTAL FOR: AT&T MOBILITY				899.46
00045	BARTLETT, SANDY			
	1/26/2022		MILEAGE & METER READS PAYROLL	766.42
TOTAL FOR: BARTLETT, SANDY				766.42
00050	BERNARDS ACE HARDWARE			
	7/31/2022		ACCOUNT STATEMENT	1,015.02
TOTAL FOR: BERNARDS ACE HARDWARE				1,015.02
REFUND TAX	Birmingham Title Agency			
	01/28/2022		2021 Win Tax Refund 41-20-03-370-031	1,000.00
TOTAL FOR: Birmingham Title Agency				1,000.00
02397	BLUESTONE PSYCH			
	3413		EVALUTION - LPD	465.00
TOTAL FOR: BLUESTONE PSYCH				465.00
01916	BS&A SOFTWARE			
	138965		ASSESSING SYSTEM SUPPORT FEE	932.00
TOTAL FOR: BS&A SOFTWARE				932.00
10633	BURNS, MICHAEL			
	2/2/2022		MANAGER CONF HOTEL	501.88
TOTAL FOR: BURNS, MICHAEL				501.88
00084	CANFIELD PLUMBING & HEATING IN			
	32467483		MUSEUM R & M	349.00
	32629698		LIBRARY SOAP DISPENSER	144.78
TOTAL FOR: CANFIELD PLUMBING & HEATING IN				493.78
00344	CITY OF LOWELL			
	1/20/2022		ZONING AMENDMENT 115 RIVERSIDE	1,750.00
TOTAL FOR: CITY OF LOWELL				1,750.00
02121	CMP			
	69816		POLICE DEPT R & M	72.25
TOTAL FOR: CMP				72.25

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Vendor Code	Vendor Name	Invoice	Description	Amount
10493	COMCAST CABLE	2/6 - 3/5/2022	DPW CABLE TV	58.54
TOTAL FOR: COMCAST CABLE				58.54
10509	CONSUMERS ENERGY	12/21 - 1/19/2022	ACCOUNT STATEMENTS	907.25
TOTAL FOR: CONSUMERS ENERGY				907.25
10936	CORE & MAIN	Q053385	WATER DEPT SUPPLIES	846.10
TOTAL FOR: CORE & MAIN				846.10
01156	CURTIS CLEANERS	29D70E	POLICE DRY CLEANING	130.80
TOTAL FOR: CURTIS CLEANERS				130.80
10815	CUSTOM & DESIGN SHEET METAL INC	3424	SHOWBOAT THRESHOLD REPAIRS	200.00
		3432	SHOWBOAT THRESHOLD RAMPS	415.00
TOTAL FOR: CUSTOM & DESIGN SHEET METAL INC				615.00
00132	D&D TRUCKING ACQUISITION, LLC	34148	EQUIP R & M	191.74
TOTAL FOR: D&D TRUCKING ACQUISITION, LLC				191.74
00148	DICKINSON WRIGHT PLLC	1648545	W/S AUTHORITY LOWELL TWP	3,515.00
		1648546	GENERAL MUNICIPAL	5,346.50
		1648547	RIGHT-OF-WAY CERTIFICATION	203.50
		1648549	126 S WEST STREET PAVING	222.00
TOTAL FOR: DICKINSON WRIGHT PLLC				9,287.00
02035	DIGITAL OFFICE MACHINES, INC.	19777	DPW COPY MACHINE	131.57
		19823	DPW COPY MACHINE	44.28
		19908	POLICE COPY MACHINE	51.22
TOTAL FOR: DIGITAL OFFICE MACHINES, INC.				227.07
02089	DORNBOS SIGN, INC	INV60214	STREET SIGNS - KING & LAFAYETTE	340.12
TOTAL FOR: DORNBOS SIGN, INC				340.12
10673	FERGUSON WATERWORKS	0146377	W/S DEPT	58.57
TOTAL FOR: FERGUSON WATERWORKS				58.57
01699	FIXALL ELECTRIC MOTOR SERVICE INC.	INV-30247	WWTP R & M	2,395.05
TOTAL FOR: FIXALL ELECTRIC MOTOR SERVICE INC.				2,395.05
00215	GODWIN ADA VILLAGE HARDWARE	9840	HEDGE TRIMMER	369.99
TOTAL FOR: GODWIN ADA VILLAGE HARDWARE				369.99
00225	GRAND RAPIDS COMMUNITY COLLEGE	1/1 - 1/15/2022	TAX DISBURSEMENT	350.76
		1/16 - 1/31/2022	TAX DISBURSEMENT	3,378.95
TOTAL FOR: GRAND RAPIDS COMMUNITY COLLEGE				3,729.71

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Vendor Code	Vendor Name	Invoice	Description	Amount
10918	GREAT LAKES UPFITTING	3056	LPD 2020 GMC ACADIA SUPPLIES	3,478.40
TOTAL FOR: GREAT LAKES UPFITTING				3,478.40
01508	GTW	272896	CYLINDER RENTAL JAN 2022	49.45
TOTAL FOR: GTW				49.45
00234	HACH COMPANY	12816422	WTP SUPPLIES	717.38
		12818536	WTP SUPPLIES	413.10
		12818784	WTP SUPPLIES	80.76
TOTAL FOR: HACH COMPANY				1,211.24
00710	HAROLD ZEIGLER FORD, INC.	230540	#837 POLICE EXPLORER	68.71
		230588	LPD 2016 EXPLORER R & M	2,124.16
		230917	#841 POLICE FUSION	53.86
TOTAL FOR: HAROLD ZEIGLER FORD, INC.				2,246.73
00300	KENT COUNTY TREASURER	1/1 - 1/15/2022	TAX DISBURSEMENT	82,167.35
		1/16 - 1/31/2022	TAX DISBURSEMENT	58,375.47
		1/18/2021	DEC & JAN TRAILER FEES	607.50
TOTAL FOR: KENT COUNTY TREASURER				141,150.32
00303	KENT DISTRICT LIBRARY	1/1 - 1/15/2022	TAX DISBURSEMENT	42,605.81
		1/16 - 1/31/2022	TAX DISBURSEMENT	31,880.65
TOTAL FOR: KENT DISTRICT LIBRARY				74,486.46
00302	KENT INTERMEDIATE SCHOOL DIST.	1/1 - 1/15/2022	TAX DISBURSEMENT	1,117.86
		1/16 - 1/31/2022	TAX DISBURSEMENT	9,038.89
TOTAL FOR: KENT INTERMEDIATE SCHOOL DIST.				10,156.75
10627	KIESLER'S POLICE SUPPLY, INC	IN181892	POLICE AMMO	136.47
TOTAL FOR: KIESLER'S POLICE SUPPLY, INC				136.47
10018	KORE/HI COM, INC.	30712	MULTIFACTOR AUTH SUBSCRIPTION	27.00
TOTAL FOR: KORE/HI COM, INC.				27.00
10152	KUBOTA OF WEST MICHIGAN	BYR-105910	#53 MOWER R & M	1,527.67
		BYR-105911	#52 MOWER R & M	1,198.25
TOTAL FOR: KUBOTA OF WEST MICHIGAN				2,725.92
00805	LEE'S TRENCHING SERVICE, INC.	108248	890 BOWES RD WATER MAIN	5,665.00
		108249	401 N DIVISION WATER MAIN	6,280.00
TOTAL FOR: LEE'S TRENCHING SERVICE, INC.				11,945.00
02241	LITES PLUS	52263	CITY HALL LIGHTS	324.90
TOTAL FOR: LITES PLUS				324.90

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Vendor Code	Vendor Name	Invoice	Description	Amount
01374	LOWELL AREA HISTORICAL MUSEUM			
	1/1 - 1/15/2022	TAX DISBURSEMENT		46.21
	1/16 - 1/31/2022	TAX DISBURSEMENT		457.32
	1/24/2022	ABC BOOKLET GRANT		2,500.00
TOTAL FOR: LOWELL AREA HISTORICAL MUSEUM				3,003.53
00562	LOWELL AREA SCHOOLS			
	1/1 - 1 15/2022	TAX DISBURSEMENT		256,698.61
	1/16 - 1/31/2022	TAX DISBURSEMENT		198,260.11
TOTAL FOR: LOWELL AREA SCHOOLS				454,958.72
00341	LOWELL LIGHT & POWER			
	1/1 - 1/15/2021	DELINQ ELEC - EDWARDS		416.68
	1/16 - 1/31/2022	DELINQ ELEC -ANDREW LINDSAY 260 VALLEY VISTA		34.02
	1/31/2021	ELECTRIC STATEMENTS		20,929.79
	3563	KORE/HI COM INVOICES		7,535.15
TOTAL FOR: LOWELL LIGHT & POWER				28,915.64
10557	MAIN STREET DEVELOPMENT OF LOWELL			
	1/28/2022	HDC GRANT WINDOWS/DOOR 123 W MAIN		5,531.00
TOTAL FOR: MAIN STREET DEVELOPMENT OF LOWELL				5,531.00
10206	MISS DIG SYSTEM, INC.			
	20220614	MEMBERSHIP FEE & MAINTENANCE		1,890.77
TOTAL FOR: MISS DIG SYSTEM, INC.				1,890.77
00424	MML WORKERS' COMP FUND			
	2498206	WC PREMIUM #4 2021-2022		6,216.00
TOTAL FOR: MML WORKERS' COMP FUND				6,216.00
00426	MODEL COVERALL SERVICE, INC.			
	2/1/2022	LIBRARY RUGS JAN 2022		260.72
TOTAL FOR: MODEL COVERALL SERVICE, INC.				260.72
01924	MSC INDUSTRIAL SUPPLY CO INC			
	9478783	EQUIPMENT R & M		357.57
	9541774	EQUIPMENT R & M		39.00
TOTAL FOR: MSC INDUSTRIAL SUPPLY CO INC				396.57
00468	NYE UNIFORM COMPANY CO			
	802411	POLICE UNIFORMS		99.00
	802705	POLICE DEPT EMBLEMS		380.00
	805106	STICKERS FOR CRISERS		30.00
TOTAL FOR: NYE UNIFORM COMPANY CO				509.00
00499	PETTY CASH			
	1/21/2022	PETTY CASH		103.83
TOTAL FOR: PETTY CASH				103.83
01270	PLUMMERS ENVIRONMENTAL SERVICE INC.			
	22146827	JETTING SANITARY SEWER		7,317.43
TOTAL FOR: PLUMMERS ENVIRONMENTAL SERVICE INC.				7,317.43
10898	POINT BROADBAND			
	5267-20220117-1	INTERNET SERVICES		309.99
TOTAL FOR: POINT BROADBAND				309.99

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00506	POSTMASTER	1/31/2022	W/S BILLS POSTAGE	446.25
TOTAL FOR: POSTMASTER				446.25
02331	PROGRESSIVE HEATING COOLING, CORP.	2020395	DPW SERVICE CALL	173.50
TOTAL FOR: PROGRESSIVE HEATING COOLING, CORP.				173.50
10133	RED CREEK WASTE SERVICES INC.	21R00642	TRASH SERVICE	394.81
TOTAL FOR: RED CREEK WASTE SERVICES INC.				394.81
10316	SCENIC EXPRESSIONS LLC	2962	AIRPORT SNOW PLOWING #2	3,100.00
TOTAL FOR: SCENIC EXPRESSIONS LLC				3,100.00
02575	SELF SERVE LUMBER	2/1/2022	ACCOUNT STATEMENT	82.77
TOTAL FOR: SELF SERVE LUMBER				82.77
REFUND UB	SHEAROUSE, TROY	02/02/2022	UB refund for account: 7-00280-2	115.96
TOTAL FOR: SHEAROUSE, TROY				115.96
10662	SKYLINE ELECTRIC, INC	1616	DPW OUTLETS R & M	160.00
TOTAL FOR: SKYLINE ELECTRIC, INC				160.00
10849	SMART BUSINESS SOURCE	IN-6709	RECEIVED STAMP - CITY HALL	59.90
		OE-46589-1	TOWELS	157.71
		OE-46672-1	ACCOUNTING PAD	16.84
		OE-46777-1	BIFOLD TOWELS	131.26
TOTAL FOR: SMART BUSINESS SOURCE				365.71
10341	STATE OF MICHIGAN	551-588389	LIVE SCAN JUNE 2021	216.25
		551-589241	LIVE SCAN JULY 2021	302.75
		551-590225	LIVE SCANS AUGUST 2021	1,211.00
TOTAL FOR: STATE OF MICHIGAN				1,730.00
10328	STEVENS, SUSAN M	10312021	NEWSLETTER FOR OCT 2021	425.00
		11302021	NEWSLETTER NOV 2021	500.00
		12312021	NEWSLETTER DEC 2021	400.00
TOTAL FOR: STEVENS, SUSAN M				1,325.00
10887	STRYKER SALES CORPORATION	3620921 M	CPR120 KIT & CASE	1,649.05
TOTAL FOR: STRYKER SALES CORPORATION				1,649.05
10323	UNION ST. HYDRAULICS	UH-19816-1	CYLINDER REPAIRS #32 BACKHOE	1,100.00
TOTAL FOR: UNION ST. HYDRAULICS				1,100.00
10309	WEST MI. INTERNATIONAL	R101029749:01	#17 PLOW TRUCK R & M	3,148.59
TOTAL FOR: WEST MI. INTERNATIONAL				3,148.59

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Vendor Code	Vendor Name Invoice	Description	Amount
00692	WILLIAMS & WORKS INC.		
	93587	TWP UTILTIY EXTENSION REVIEW	392.42
	93588	MONROE ST RESURFACING	5,454.00
TOTAL FOR: WILLIAMS & WORKS INC.			5,846.42
10034	WMACP		
	2022	CHIEF OF POLICE MEMBERSHIP	25.00
TOTAL FOR: WMACP			25.00
10567	WOLF KUBOTA		
	BYR-105898	#54 MOWER R & M	883.25
TOTAL FOR: WOLF KUBOTA			883.25
00707	YMCA		
	1/24/2022	CAPITAL PROJECT - NEW FACILITY	10,000.00
TOTAL FOR: YMCA			10,000.00
TOTAL - ALL VENDORS			820,319.32

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EXP CHECK RUN DATES 01/15/2022 - 02/03/2022

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BOTH JOURNALIZED AND UNJOURNALIZED

BOTH OPEN AND PAID

GL Number	Invoice Line Desc	Vendor	Invoice Description	Amount	Check #
Fund 101 GENERAL FUND					
Dept 000					
101-000-084.015	DUE FROM FIRE AUTHORITY	POINT BROADBAND	INTERNET SERVICES	28.57	76746
101-000-085.000	DUE FROM LIGHT & POWER	LOWELL LIGHT & POWER	DELINQ ELEC - EDWARDS	416.68	76739
101-000-085.000	DUE FROM LIGHT & POWER	POINT BROADBAND	INTERNET SERVICES	58.58	76746
101-000-085.000	DUE FROM LIGHT & POWER	LOWELL LIGHT & POWER	DELINQ ELEC -ANDREW LINDS	34.02	76779
101-000-222.000	DUE TO COUNTY-TRAILER FEE	KENT COUNTY TREASURER	DEC & JAN TRAILER FEES	121.50	76731
101-000-225.000	DUE TO SET -TRAILER FEES	KENT COUNTY TREASURER	DEC & JAN TRAILER FEES	486.00	76731
101-000-264.003	WORKERS COMP INSURANCE PA	MML WORKERS' COMP FUND	WC PREMIUM #4 2021-2022	6,216.00	76780
Total For Dept 000				7,361.35	
Dept 101 COUNCIL					
101-101-955.000	MISCELLANEOUS EXPENSE	AT&T MOBILITY	FIRST NET PHONE BILL	36.24	76715
Total For Dept 101 COUNCI				36.24	
Dept 172 MANAGER					
101-172-801.000	PROFESSIONAL SERVICES	STEVENS, SUSAN M	NEWSLETTER DEC 2021	400.00	76790
101-172-801.000	PROFESSIONAL SERVICES	STEVENS, SUSAN M	NEWSLETTER NOV 2021	500.00	76790
101-172-801.000	PROFESSIONAL SERVICES	STEVENS, SUSAN M	NEWSLETTER FOR OCT 2021	425.00	76790
101-172-850.000	COMMUNICATIONS	AT&T MOBILITY	FIRST NET PHONE BILL	45.20	76715
101-172-864.000	CONFERENCES & CONVENTIONS	BURNS, MICHAEL	MANAGER CONF HOTEL	501.88	76757
Total For Dept 172 MANAGE				1,872.08	
Dept 209 ASSESSOR					
101-209-802.000	CONTRACTUAL	BS&A SOFTWARE	ASSESSING SYSTEM SUPPORT	932.00	76719
Total For Dept 209 ASSESS				932.00	
Dept 210 ATTORNEY					
101-210-801.000	PROFESSIONAL SERVICES	DICKINSON WRIGHT PLLC	126 S WEST STREET PAVING	222.00	76726
101-210-801.000	PROFESSIONAL SERVICES	DICKINSON WRIGHT PLLC	GENERAL MUNICIPAL	5,346.50	76726
101-210-801.000	PROFESSIONAL SERVICES	DICKINSON WRIGHT PLLC	RIGHT-OF-WAY CERTIFICATIO	203.50	76726
Total For Dept 210 ATTORN				5,772.00	
Dept 215 CLERK					
101-215-850.000	COMMUNICATIONS	AT&T MOBILITY	FIRST NET PHONE BILL	45.20	76715
Total For Dept 215 CLERK				45.20	
Dept 265 CITY HALL					
101-265-727.000	OFFICE SUPPLIES	SMART BUSINESS SOURCE	RECEIVED STAMP - CITY HAL	59.90	76747
101-265-740.000	OPERATING SUPPLIES	PETTY CASH	PETTY CASH	75.08	76711
101-265-740.000	OPERATING SUPPLIES	ALLIED UNIVERSAL TECH SER	ACCESS CARD SYSTEM	90.00	76712
101-265-740.000	OPERATING SUPPLIES	SMART BUSINESS SOURCE	TOWELS	78.86	76747
101-265-740.000	OPERATING SUPPLIES	BERNARDS ACE HARDWARE	ACCOUNT STATEMENT	180.88	76756
101-265-740.000	OPERATING SUPPLIES	LITESPLUS	CITY HALL LIGHTS	324.90	76775
101-265-802.000	CONTRACTUAL	RED CREEK WASTE SERVICES	TRASH SERVICE	103.45	76784
101-265-850.000	COMMUNICATIONS	POINT BROADBAND	INTERNET SERVICES	43.57	76746
101-265-920.000	PUBLIC UTILITIES	LOWELL LIGHT & POWER	ELECTRIC STATEMENTS	2,391.54	76778
Total For Dept 265 CITY H				3,348.18	
Dept 276 CEMETERY					
101-276-920.000	PUBLIC UTILITIES	LOWELL LIGHT & POWER	ELECTRIC STATEMENTS	209.59	76778
Total For Dept 276 CEMETE				209.59	
Dept 301 POLICE DEPARTMENT					
101-301-626.000	REPORTS & FINGERPRINT FEE	STATE OF MICHIGAN	LIVE SCAN JUNE 2021	216.25	76789
101-301-626.000	REPORTS & FINGERPRINT FEE	STATE OF MICHIGAN	LIVE SCANS AUGUST 2021	1,211.00	76789
101-301-626.000	REPORTS & FINGERPRINT FEE	STATE OF MICHIGAN	LIVE SCAN JULY 2021	302.75	76789
101-301-727.000	OFFICE SUPPLIES	PETTY CASH	PETTY CASH	6.88	76711
101-301-727.000	OFFICE SUPPLIES	SMART BUSINESS SOURCE	ACCOUNTING PAD	16.84	76747
101-301-740.000	OPERATING SUPPLIES	PETTY CASH	PETTY CASH	8.47	76711
101-301-740.000	OPERATING SUPPLIES	ALLIED UNIVERSAL TECH SER	ACCESS CARD SYSTEM	90.00	76712
101-301-743.000	AMMUNITION	KIESLER'S POLICE SUPPLY,	POLICE AMMO	136.47	76773
101-301-744.000	UNIFORMS	NYE UNIFORM COMPANY CO	POLICE DEPT EMBLEMS	380.00	76744
101-301-744.000	UNIFORMS	CURTIS CLEANERS	POLICE DRY CLEANING	130.80	76760

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GL Number	Invoice Line Desc	Vendor	Invoice Description	Amount	Check #
Fund 101 GENERAL FUND					
Dept 301 POLICE DEPARTMENT					
101-301-744.000	UNIFORMS	NYE UNIFORM COMPANY CO	POLICE UNIFORMS	99.00	76782
101-301-802.000	CONTRACTUAL	KORE/HI COM, INC.	MULTIFACTOR AUTH SUBSCRIP	27.00	76735
101-301-850.000	COMMUNICATIONS	AT&T MOBILITY	FIRST NET PHONE BILL	444.92	76715
101-301-850.000	COMMUNICATIONS	POINT BROADBAND	INTERNET SERVICES	43.57	76746
101-301-930.000	R & M EQUIPMENT	CMP	POLICE DEPT R & M	72.25	76722
101-301-930.000	R & M EQUIPMENT	NYE UNIFORM COMPANY CO	STICKERS FOR CRISERS	30.00	76744
101-301-955.000	MISCELLANEOUS EXPENSE	BLUESTONE PSYCH	EVALUTION - LPD	465.00	76718
101-301-955.000	MISCELLANEOUS EXPENSE	WMACP	CHIEF OF POLICE MEMBERSHI	25.00	76752
101-301-981.000	POLICE VEHICLES	GREAT LAKES UPFITTING	LPD 2020 GMC ACADIA SUPPL	3,478.40	76729
Total For Dept 301 POLICE				7,184.60	
Dept 441 DEPARTMENT OF PUBLIC WORKS					
101-441-740.000	OPERATING SUPPLIES	BERNARDS ACE HARDWARE	ACCOUNT STATEMENT	29.30	76756
101-441-740.000	OPERATING SUPPLIES	BERNARDS ACE HARDWARE	ACCOUNT STATEMENT	88.10	76756
101-441-802.000	CONTRACTUAL	RED CREEK WASTE SERVICES	TRASH SERVICE	238.86	76784
101-441-850.000	COMMUNICATIONS	AT&T MOBILITY	FIRST NET PHONE BILL	88.47	76715
101-441-850.000	COMMUNICATIONS	POINT BROADBAND	INTERNET SERVICES	28.57	76746
101-441-850.000	COMMUNICATIONS	COMCAST CABLE	DPW CABLE TV	58.54	76759
101-441-920.000	PUBLIC UTILITIES	LOWELL LIGHT & POWER	ELECTRIC STATEMENTS	628.04	76778
101-441-926.000	STREET LIGHTING	LOWELL LIGHT & POWER	ELECTRIC STATEMENTS	1,030.35	76778
101-441-930.000	REPAIR & MAINTENANCE	AMAZON CAPITAL SERVICES	DPW HOSE & WALL MOUNT	150.47	76713
101-441-930.000	REPAIR & MAINTENANCE	PROGRESSIVE HEATING COOLI	DPW SERVICE CALL	173.50	76783
101-441-930.000	REPAIR & MAINTENANCE	SELF SERVE LUMBER	ACCOUNT STATEMENT	5.99	76786
101-441-930.000	REPAIR & MAINTENANCE	BERNARDS ACE HARDWARE	ACCOUNT STATEMENT	487.04	76756
101-441-930.000	REPAIR & MAINTENANCE	SKYLINE ELECTRIC, INC	DPW OUTLETS R & M	160.00	76788
101-441-955.000	MISCELLANEOUS EXPENSE	BERNARDS ACE HARDWARE	ACCOUNT STATEMENT	16.78	76756
Total For Dept 441 DEPART				3,184.01	
Dept 747 CHAMBER/RIVERWALK					
101-747-920.000	CHAMBER UTILITIES	LOWELL LIGHT & POWER	ELECTRIC STATEMENTS	400.94	76778
Total For Dept 747 CHAMBE				400.94	
Dept 751 PARKS					
101-751-850.000	COMMUNICATIONS	AT&T MOBILITY	FIRST NET PHONE BILL	38.24	76715
101-751-920.000	PUBLIC UTILITIES	LOWELL LIGHT & POWER	ELECTRIC STATEMENTS	430.54	76778
Total For Dept 751 PARKS				468.78	
Dept 790 LIBRARY					
101-790-740.000	OPERATING SUPPLIES	SMART BUSINESS SOURCE	TOWELS	78.85	76747
101-790-740.000	OPERATING SUPPLIES	BERNARDS ACE HARDWARE	ACCOUNT STATEMENT	106.27	76756
101-790-802.000	CONTRACTUAL	RED CREEK WASTE SERVICES	TRASH SERVICE	52.50	76784
101-790-802.000	CONTRACTUAL	MODEL COVERALL SERVICE, I	LIBRARY RUGS JAN 2022	260.72	76781
101-790-920.000	PUBLIC UTILITIES	LOWELL LIGHT & POWER	ELECTRIC STATEMENTS	1,481.80	76778
101-790-930.000	REPAIR & MAINTENANCE	PETTY CASH	PETTY CASH	13.40	76711
101-790-930.000	REPAIR & MAINTENANCE	CANFIELD PLUMBING & HEATI	LIBRARY SOAP DISPENSER	144.78	76720
101-790-930.000	REPAIR & MAINTENANCE	STRYKER SALES CORPORATION	CPR120 KIT & CASE	1,649.05	76748
Total For Dept 790 LIBRAR				3,787.37	
Dept 804 MUSEUM					
101-804-887.000	CONTRIBUTIONS & MAINTENAN	CANFIELD PLUMBING & HEATI	MUSEUM R & M	349.00	76758
101-804-920.000	PUBLIC UTILITIES	LOWELL LIGHT & POWER	ELECTRIC STATEMENTS	253.00	76778
101-804-955.000	PROPERTY TAX DISTRIBUTION	LOWELL AREA HISTORICAL MU	TAX DISBURSEMENT	46.21	76737
101-804-955.000	PROPERTY TAX DISTRIBUTION	LOWELL AREA HISTORICAL MU	TAX DISBURSEMENT	457.32	76776
Total For Dept 804 MUSEUM				1,105.53	
Total For Fund 101 GENERA				35,707.87	
Fund 202 MAJOR STREET FUND					
Dept 450 CAPITAL OUTLAY					
202-450-970.000	CAPITAL OUTLAY	WILLIAMS & WORKS INC.	MONROE ST RESURFACING	1,818.00	76751

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INVOICE GL DISTRIBUTION REPORT FOR CITY OF LOWELL  
EXP CHECK RUN DATES 01/15/2022 - 02/03/2022  
BOTH JOURNALIZED AND UNJOURNALIZED  
BOTH OPEN AND PAID

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GL Number	Invoice Line Desc	Vendor	Invoice Description	Amount	Check #
Fund 202 MAJOR STREET FUND					
Dept 450 CAPITAL OUTLAY					
		Total For Dept 450 CAPITA		1,818.00	
		Total For Fund 202 MAJOR		1,818.00	
Fund 203 LOCAL STREET FUND					
Dept 463 MAINTENANCE					
203-463-740.000	OPERATING SUPPLIES	SELF SERVE LUMBER	ACCOUNT STATEMENT	34.26	76786
203-463-740.000	OPERATING SUPPLIES	BERNARDS ACE HARDWARE	ACCOUNT STATEMENT	30.98	76756
		Total For Dept 463 MAINTENANCE		65.24	
Dept 474 TRAFFIC					
203-474-740.000	OPERATING SUPPLIES	DORNBOS SIGN, INC	STREET SIGNS - KING & LAF	340.12	76763
		Total For Dept 474 TRAFFIC		340.12	
Dept 478 WINTER MAINTENANCE					
203-478-740.000	OPERATING SUPPLIES	BERNARDS ACE HARDWARE	ACCOUNT STATEMENT	67.68	76756
		Total For Dept 478 WINTER		67.68	
		Total For Fund 203 LOCAL		473.04	
Fund 238 HISTORICAL DISTRICT FUND					
Dept 000					
238-000-880.000	COMMUNITY PROMOTION	MAIN STREET DEVELOPMENT O HDC GRANT WINDOWS/DOOR 12		5,531.00	76741
		Total For Dept 000		5,531.00	
		Total For Fund 238 HISTOR		5,531.00	
Fund 248 DOWNTOWN DEVELOPMENT AUTHORITY					
Dept 463 MAINTENANCE					
248-463-920.000	PUBLIC UTILITIES	LOWELL LIGHT & POWER	ELECTRIC STATEMENTS	1,064.66	76778
		Total For Dept 463 MAINTENANCE		1,064.66	
Dept 740 COMMUNITY PROMOTIONS					
248-740-880.000	COMMUNITY PROMOTION	CITY OF LOWELL	ZONING AMENDMENT 115 RIVE	1,750.00	76721
		Total For Dept 740 COMMUN		1,750.00	
		Total For Fund 248 DOWNTOWN		2,814.66	
Fund 260 DESIGNATED CONTRIBUTIONS					
Dept 751 PARKS					
260-751-955.000	CAPITAL OUTLAY	LOWELL LIGHT & POWER	ELECTRIC STATEMENTS	347.38	76778
260-751-970.000	CAPITAL OUTLAY	CUSTOM & DESIGN SHEET MET SHOWBOAT THRESHOLD REPAIR		200.00	76761
260-751-970.000	CAPITAL OUTLAY	CUSTOM & DESIGN SHEET MET SHOWBOAT THRESHOLD RAMPS		415.00	76761
		Total For Dept 751 PARKS		962.38	
Dept 758 DOG PARK					
260-758-920.000	PUBLIC UTILITIES	LOWELL LIGHT & POWER	ELECTRIC STATEMENTS	59.39	76778
		Total For Dept 758 DOG PA		59.39	
		Total For Fund 260 DESIGN		1,021.77	
Fund 581 AIRPORT FUND					
Dept 000					
581-000-802.000	CONTRACTUAL	SCENIC EXPRESSIONS LLC	AIRPORT SNOW PLOWING #2	3,100.00	76785
581-000-920.000	PUBLIC UTILITIES	CONSUMERS ENERGY	ACCOUNT STATEMENTS	430.30	76723
581-000-920.000	PUBLIC UTILITIES	CONSUMERS ENERGY	ACCOUNT STATEMENTS	29.50	76723
581-000-920.000	PUBLIC UTILITIES	CONSUMERS ENERGY	ACCOUNT STATEMENTS	168.20	76723
581-000-920.000	PUBLIC UTILITIES	CONSUMERS ENERGY	ACCOUNT STATEMENTS	279.25	76723
581-000-955.000	MISCELLANEOUS EXPENSE	POINT BROADBAND	INTERNET SERVICES	49.99	76746
		Total For Dept 000		4,057.24	
		Total For Fund 581 AIRPOR		4,057.24	
Fund 590 WASTEWATER FUND					
Dept 000					
590-000-043.000	DUE FROM EARTH TECH	POINT BROADBAND	INTERNET SERVICES	28.57	76746
590-000-043.000	DUE FROM EARTH TECH	LOWELL LIGHT & POWER	ELECTRIC STATEMENTS	5,744.72	76778
		Total For Dept 000		5,773.29	

GL Number	Invoice Line Desc	Vendor	Invoice Description	Amount	Check #
Fund 590 WASTEWATER FUND					
Dept 550 TREATMENT					
590-550-930.000	REPAIR & MAINTENANCE	FIXALL ELECTRIC MOTOR SER WWTP R & M		2,395.05	76765
		Total For Dept 550 TREATM		2,395.05	
Dept 551 COLLECTION					
590-551-850.000	COMMUNICATIONS	AT&T MOBILITY	FIRST NET PHONE BILL	81.47	76715
590-551-930.000	REPAIR & MAINTENANCE	PLUMMERS ENVIRONMENTAL SE	JETTING SANITARY SEWER	7,317.43	76745
590-551-930.000	REPAIR & MAINTENANCE	FERGUSON WATERWORKS	W/S DEPT	29.28	76764
590-551-955.000	MISCELLANEOUS EXPENSE	MISS DIG SYSTEM, INC.	MEMBERSHIP FEE & MAINTENA	945.38	76742
590-551-970.000	CAPITAL OUTLAY	WILLIAMS & WORKS INC.	MONROE ST RESURFACING	1,818.00	76751
		Total For Dept 551 COLLEC		10,191.56	
Dept 552 CUSTOMER ACCOUNTS					
590-552-703.000	SALARIES-METER READS	BARTLETT, SANDY	MILEAGE & METER READS PAY	353.37	76716
590-552-730.000	POSTAGE	POSTMASTER	W/S BILLS POSTAGE	223.12	76754
590-552-860.000	TRAVEL EXPENSES	BARTLETT, SANDY	MILEAGE & METER READS PAY	29.83	76716
		Total For Dept 552 CUSTOM		606.32	
Dept 553 ADMINISTRATION					
590-553-801.000	PROFESSIONAL SERVICES	DICKINSON WRIGHT PLLC	W/S AUTHORITY LOWELL TWP	1,757.50	76726
590-553-801.000	PROFESSIONAL SERVICES	WILLIAMS & WORKS INC.	TWP UTILITIY EXTENSION REV	196.21	76751
		Total For Dept 553 ADMINI		1,953.71	
		Total For Fund 590 WASTE		20,919.93	
Fund 591 WATER FUND					
Dept 000					
591-000-276.000	Water	SHEAROUSE, TROY	UB refund for account: 7-	115.96	76787
		Total For Dept 000		115.96	
Dept 570 TREATMENT					
591-570-740.000	OPERATING SUPPLIES	HACH COMPANY	WTP SUPPLIES	717.38	76730
591-570-740.000	OPERATING SUPPLIES	HACH COMPANY	WTP SUPPLIES	413.10	76730
591-570-740.000	OPERATING SUPPLIES	HACH COMPANY	WTP SUPPLIES	80.76	76730
591-570-740.000	OPERATING SUPPLIES	SMART BUSINESS SOURCE	BIFOLD TOWELS	131.26	76747
591-570-740.000	OPERATING SUPPLIES	SELF SERVE LUMBER	ACCOUNT STATEMENT	12.55	76786
591-570-743.000	CHEMICALS	ALEXANDER CHEMICAL CORP	WTP CHEMICALS	1,865.88	76755
591-570-743.000	CHEMICALS	ALEXANDER CHEMICAL CORP	WTP CHEMICALS	2,560.00	76755
591-570-743.000	CHEMICALS	ALEXANDER CHEMICAL CORP	WTP CHEMICALS	55.00	76755
591-570-920.000	PUBLIC UTILITIES	LOWELL LIGHT & POWER	ELECTRIC STATEMENTS	5,617.52	76778
		Total For Dept 570 TREATM		11,453.45	
Dept 571 DISTRIBUTION					
591-571-740.000	OPERATING SUPPLIES	SELF SERVE LUMBER	ACCOUNT STATEMENT	29.97	76786
591-571-740.000	OPERATING SUPPLIES	BERNARDS ACE HARDWARE	ACCOUNT STATEMENT	7.99	76756
591-571-850.000	COMMUNICATIONS	AT&T MOBILITY	FIRST NET PHONE BILL	81.48	76715
591-571-850.000	COMMUNICATIONS	AT&T MOBILITY	FIRST NET PHONE BILL	38.24	76715
591-571-850.000	COMMUNICATIONS	POINT BROADBAND	INTERNET SERVICES	28.57	76746
591-571-920.000	PUBLIC UTILITIES	LOWELL LIGHT & POWER	ELECTRIC STATEMENTS	1,270.32	76778
591-571-930.000	REPAIR & MAINTENANCE	CORE & MAIN	WATER DEPT SUPPLIES	846.10	76724
591-571-930.000	REPAIR & MAINTENANCE	FERGUSON WATERWORKS	W/S DEPT	29.29	76764
591-571-930.000	REPAIR & MAINTENANCE	LEE'S TRENCHING SERVICE,	890 BOWES RD WATER MAIN	5,665.00	76774
591-571-930.000	REPAIR & MAINTENANCE	LEE'S TRENCHING SERVICE,	401 N DIVISION WATER MAIN	6,280.00	76774
591-571-955.000	MISCELLANEOUS EXPENSE	MISS DIG SYSTEM, INC.	MEMBERSHIP FEE & MAINTENA	945.39	76742
591-571-970.000	CAPITAL OUTLAY	WILLIAMS & WORKS INC.	MONROE ST RESURFACING	1,818.00	76751
		Total For Dept 571 DISTRI		17,040.35	
Dept 572 CUSTOMER ACCOUNTS					
591-572-703.000	SALARIES-METER READS	BARTLETT, SANDY	MILEAGE & METER READS PAY	353.38	76716
591-572-730.000	POSTAGE	POSTMASTER	W/S BILLS POSTAGE	223.13	76754
591-572-860.000	TRAVEL EXPENSES	BARTLETT, SANDY	MILEAGE & METER READS PAY	29.84	76716
		Total For Dept 572 CUSTOM		606.35	

GL Number	Invoice Line Desc	Vendor	Invoice Description	Amount	Check #
Fund 591 WATER FUND					
Dept 573 ADMINISTRATION					
591-573-801.000	PROFESSIONAL SERVICES	DICKINSON WRIGHT PLLC	W/S AUTHORITY LOWELL TWP	1,757.50	76726
591-573-801.000	PROFESSIONAL SERVICES	WILLIAMS & WORKS INC.	TWP UTILTIY EXTENSION REV	196.21	76751
Total For Dept 573 ADMINI				1,953.71	
Total For Fund 591 WATER				31,169.82	
Fund 636 DATA PROCESSING FUND					
Dept 000					
636-000-801.000	PROFESSIONAL SERVICES	DIGITAL OFFICE MACHINES,	DPW COPY MACHINE	44.28	76727
636-000-801.000	PROFESSIONAL SERVICES	LOWELL LIGHT & POWER	KORE/HI COM INVOICES	7,535.15	76740
636-000-801.000	PROFESSIONAL SERVICES	DIGITAL OFFICE MACHINES,	POLICE COPY MACHINE	51.22	76762
636-000-802.000	CONTRACTUAL	APPLIED IMAGING	CITY HALL COPY MACHOME	439.29	76714
636-000-802.000	CONTRACTUAL	DIGITAL OFFICE MACHINES,	DPW COPY MACHINE	131.57	76727
Total For Dept 000				8,201.51	
Total For Fund 636 DATA P				8,201.51	
Fund 661 EQUIPMENT FUND					
Dept 895 FLEET MAINT. & REPLACEMENT					
661-895-930.000	REPAIR & MAINTENANCE	MSC INDUSTRIAL SUPPLY CO	EQUIPMENT R & M	357.57	76743
661-895-930.000	REPAIR & MAINTENANCE	MSC INDUSTRIAL SUPPLY CO	EQUIPMENT R & M	39.00	76743
661-895-930.000	REPAIR & MAINTENANCE	UNION ST. HYDRAULICS	CYLINDER REPAIRS #32 BACK	1,100.00	76749
661-895-930.000	REPAIR & MAINTENANCE	WEST MI. INTERNATIONAL	#17 PLOW TRUCK R & M	3,148.59	76750
661-895-930.000	REPAIR & MAINTENANCE	AMAZON CAPITAL SERVICES	EQUIP SUPPLIES	117.78	76713
661-895-930.000	REPAIR & MAINTENANCE	D&D TRUCKING ACQUISITION,	EQUIP R & M	191.74	76725
661-895-930.000	REPAIR & MAINTENANCE	KUBOTA OF WEST MICHIGAN	#53 MOWER R & M	1,527.67	76736
661-895-930.000	REPAIR & MAINTENANCE	KUBOTA OF WEST MICHIGAN	#52 MOWER R & M	1,198.25	76736
661-895-930.000	REPAIR & MAINTENANCE	WOLF KUBOTA	#54 MOWER R & M	883.25	76753
661-895-930.000	REPAIR & MAINTENANCE	GODWIN ADA VILLAGE HARDWA	HEDGE TRIMMER	369.99	76766
661-895-930.000	REPAIR & MAINTENANCE	GTW	CYLINDER RENTAL JAN 2022	49.45	76768
661-895-930.000	REPAIR & MAINTENANCE	HAROLD ZEIGLER FORD, INC.	LPD 2016 EXPLORER R & M	2,124.16	76769
661-895-930.000	REPAIR & MAINTENANCE	HAROLD ZEIGLER FORD, INC.	#841 POLICE FUSION	53.86	76769
661-895-930.000	REPAIR & MAINTENANCE	HAROLD ZEIGLER FORD, INC.	#837 POLICE EXPLORER	68.71	76769
Total For Dept 895 FLEET				11,230.02	
Total For Fund 661 EQUIPM				11,230.02	
Fund 703 CURRENT TAX COLLECTION FUND					
Dept 000					
703-000-222.000	DUE TO COUNTY-CURRENT TAX	KENT COUNTY TREASURER	TAX DISBURSEMENT	80,951.33	76732
703-000-222.000	DUE TO COUNTY-CURRENT TAX	KENT COUNTY TREASURER	TAX DISBURSEMENT	57,391.33	76770
703-000-223.000	DUE TO LIBRARY	KENT DISTRICT LIBRARY	TAX DISBURSEMENT	42,605.81	76733
703-000-223.000	DUE TO LIBRARY	KENT DISTRICT LIBRARY	TAX DISBURSEMENT	31,880.65	76771
703-000-225.000	DUE TO SCHOOLS	LOWELL AREA SCHOOLS	TAX DISBURSEMENT	256,698.61	76738
703-000-225.000	DUE TO SCHOOLS	LOWELL AREA SCHOOLS	TAX DISBURSEMENT	198,260.11	76777
703-000-228.009	DUE TO STATE-S.E.T.	KENT COUNTY TREASURER	TAX DISBURSEMENT	1,216.02	76732
703-000-228.009	DUE TO STATE-S.E.T.	KENT COUNTY TREASURER	TAX DISBURSEMENT	984.14	76770
703-000-234.000	DUE TO INTERMED SCH DISTR	KENT INTERMEDIATE SCHOOL	TAX DISBURSEMENT	1,117.86	76734
703-000-234.000	DUE TO INTERMED SCH DISTR	KENT INTERMEDIATE SCHOOL	TAX DISBURSEMENT	9,038.89	76772
703-000-235.000	DUE TO COMMUNITY COLLEGE	GRAND RAPIDS COMMUNITY CO	TAX DISBURSEMENT	350.76	76728
703-000-235.000	DUE TO COMMUNITY COLLEGE	GRAND RAPIDS COMMUNITY CO	TAX DISBURSEMENT	3,378.95	76767
703-000-275.000	DUE TO TAXPAYERS	Birmingham Title Agnecy	2021 Win Tax Refund 41-20	1,000.00	76717
Total For Dept 000				684,874.46	
Total For Fund 703 CURREN				684,874.46	
Fund 715 LOOK FUND					
Dept 000					
715-000-880.000	COMMUNITY PROMOTION	YMCA	CAPITAL PROJECT - NEW FAC	10,000.00	1424
715-000-880.000	COMMUNITY PROMOTION	LOWELL AREA HISTORICAL MU	ABC BOOKLET GRANT	2,500.00	1425
Total For Dept 000				12,500.00	

02/03/2022 03:34 PM  
User: LORI  
DB: Lowell

INVOICE GL DISTRIBUTION REPORT FOR CITY OF LOWELL  
EXP CHECK RUN DATES 01/15/2022 - 02/03/2022  
BOTH JOURNALIZED AND UNJOURNALIZED  
BOTH OPEN AND PAID

Page: 6/7

GL Number	Invoice Line Desc	Vendor	Invoice Description	Amount	Check #
Fund 715 LOOK FUND					
Total For Fund 715 LOOK F				12,500.00	

02/03/2022 03:34 PM

User: LORI

DB: Lowell

## INVOICE GL DISTRIBUTION REPORT FOR CITY OF LOWELL

EXP CHECK RUN DATES 01/15/2022 - 02/03/2022

BOTH JOURNALIZED AND UNJOURNALIZED

BOTH OPEN AND PAID

Page: 7/7

GL Number	Invoice Line Desc	Vendor	Invoice Description	Amount	Check #
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## Fund Totals:

Fund 101	GENERAL FUND	35,707.87
Fund 202	MAJOR STREET FUN	1,818.00
Fund 203	LOCAL STREET FUN	473.04
Fund 238	HISTORICAL DISTR	5,531.00
Fund 248	DOWNTOWN DEVELOP	2,814.66
Fund 260	DESIGNATED CONTR	1,021.77
Fund 581	AIRPORT FUND	4,057.24
Fund 590	WASTEWATER FUND	20,919.93
Fund 591	WATER FUND	31,169.82
Fund 636	DATA PROCESSING	8,201.51
Fund 661	EQUIPMENT FUND	11,230.02
Fund 703	CURRENT TAX COLL	684,874.46
Fund 715	LOOK FUND	12,500.00

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820,319.32



**LOWELL CITY ADMINISTRATION**  
**INTER OFFICE MEMORANDUM**

**DATE:** January 21, 2022  
**TO:** Michael T. Burns  
**FROM:** Suzanne M. Olin  
**RE:** Striking Taxes

---

As treasurer of the City of Lowell, I have exercised due diligence in an effort to collect the personal property taxes listed on the attached exhibit A.

I tried contacting them by placing phone calls, sending out past due notices and personal calls. I am requesting the amount of \$79.71 (the city and museum portion) be stricken from the rolls.

**Recommended Motion:** That the Lowell City Council approves striking the 2016 personal property taxes from the roll.

01/21/2022

04:34 PM

By: solin

## TAX SPREAD REPORT FOR CITY OF LOWELL

Page: 1/1

DB: Lowell

Tax Year: 2016 Calculated As of: 1/21/2022  
POPULATION: All Records

## SCHOOL: 41170 YEAR: 2016

TAX TYPE	TAX NAME	MILLS	BILLED	PAID	DUE
LOWELL AREA OPER	School Operating	9.00000	79.80	49.80	30.00
LOWELL AREA DEBT	School Debt	3.50000	93.10	58.10	35.00
LAS BLDG/SITE	School Supplement	0.49850	6.60	4.11	2.49
STATE EDUCATION	State Educ. Tax	6.00000	79.80	49.80	30.00
SCHOOL OPER FC	School Operating	9.00000	0.00	0.00	0.00
LOWELL BLDG/SITE	School Supplement	0.49850	6.60	4.11	2.49
TOTALS: SCHOOL 41170 2016			265.90	165.92	99.98

## UNIT: 00000 YEAR: 2016

TAX NAME	MILLS	BILLED	PAID	DUE	
LOWELL CITY	15.70000	208.81	130.31	78.50	
LOCAL ADMIN	0.00000	6.59	4.11	2.48	
LOCAL INTRST	0.00000	31.75	19.81	11.94	
TOTALS: UNIT 00000 2016			247.15	154.23	92.92

## County Tax YEAR: 2016

TAX NAME	MILLS	BILLED	PAID	DUE	
KENT COUNTY	4.28030	56.91	35.51	21.40	
KC JAIL	0.78930	10.47	6.53	3.94	
KC SENIOR MILLAG	0.50000	6.65	4.15	2.50	
KC VETERANS	0.05000	0.65	0.40	0.25	
KC ZOO/MUSEUM	0.44000	5.84	3.64	2.20	
TOTALS: County Tax 2016			80.52	50.23	30.29

## College Tax YEAR: 2016

TAX NAME	MILLS	BILLED	PAID	DUE	
GRAND RAPIDS CC	1.78650	23.74	14.81	8.93	
TOTALS: College Tax 2016			23.74	14.81	8.93

## I.S.D. Tax YEAR: 2016

TAX NAME	MILLS	BILLED	PAID	DUE	
KENT INTERMEDIAT	4.79030	63.68	39.73	23.95	
TOTALS: I.S.D. Tax 2016			63.68	39.73	23.95

## Library Tax YEAR: 2016

TAX NAME	MILLS	BILLED	PAID	DUE	
KENT DIST LIBRAR	1.28000	17.01	10.61	6.40	
TOTALS: Library Tax 2016			17.01	10.61	6.40

## Other 1 YEAR: 2016

TAX NAME	MILLS	BILLED	PAID	DUE	
LOWELL MUSEUM	0.24240	3.20	1.99	1.21	
TOTALS: Other 1 2016			3.20	1.99	1.21

TOTALS (7 PARCELS)			701.20	437.52	263.68
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01/21/2022  
04:38 PM  
By: solin

DELINQUENT TAXES DUE FOR CITY OF LOWELL

Page: 1/1  
DB: Lowell

Tax Year: 2016 Calculated As of: 1/21/2022  
POPULATION: All Records

Owner Parcel #	Tax Year	Tax Due	Intrst Due	Admin Due	Penalty	Other Fees	Total Due
COMPUTER REHAB 508 W MAIN ST SE LOWELL MI 49531 41-50-72-020-009	2016	249.26	159.01	2.48	7.48	0.00	418.23
2016	1	249.26	159.01	2.48	7.48	0.00	418.23
DLQ PARCEL COUNT	1	249.26	159.01	2.48	7.48	0.00	418.23

## MEMORANDUM

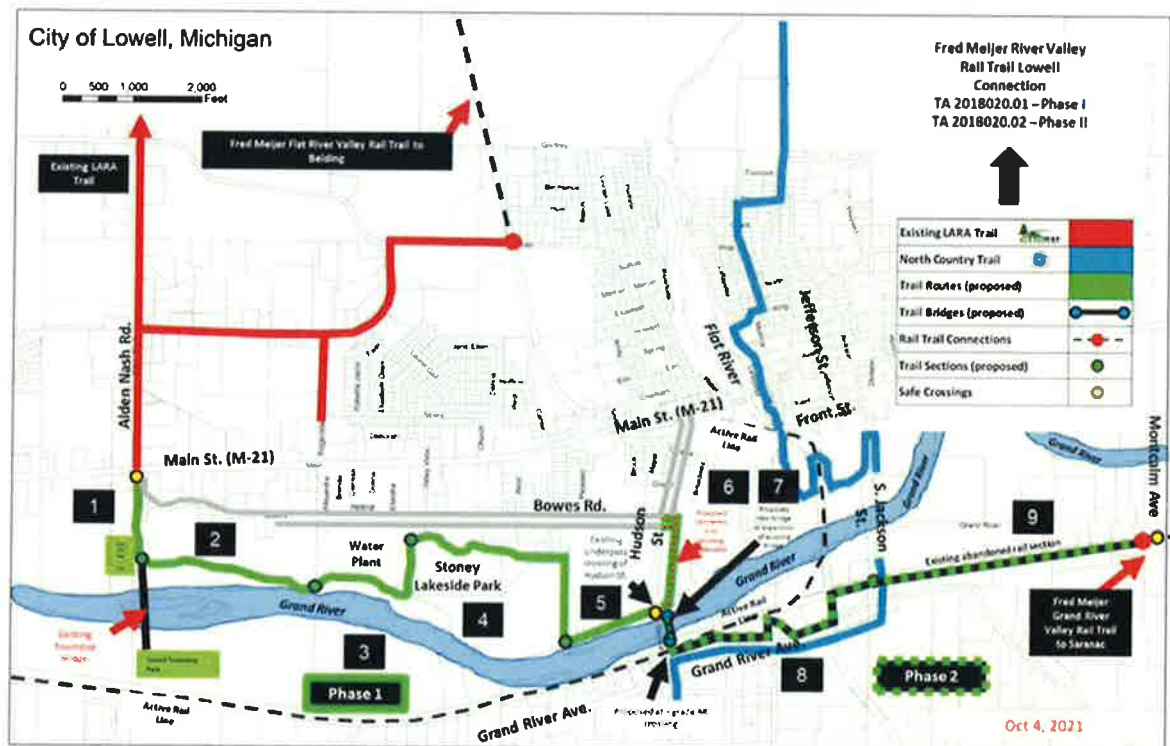
Date: January 21, 2022  
To: LARA Board Members  
cc: Mike Burns, Dan Czarnecki, City of Lowell  
From: Dave Austin  
RE: Lowell Trail Connection Project Update

***Following is a summary of the status of the on-going work on the trail projects for 2022! We will make a presentation at the Feb 7 City Council Meeting. Please feel free to contact us with any questions!***

### PROJECT PHASING

In conjunction with the MDNR, work continues to secure right-of-way permission from the railroad to use the abandoned corridors east of Hudson Street. While we are confident this will happen, it is taking longer than expected, so in order to not hold things up, MDOT and MDNR are allowing the project to be done in 2 phases;

- **Phase 1** – Township Park to Fairgrounds & Bowes Rd (**Construct in 2023**)
- **Phase 2** – Bridge over Grand River and east connection to Montcalm Ave. (**ASAP after Phase 1**)



#### PHASE 1 SCHEDULE

- **Jan - Jul 2022** Design Tasks (Surveying, Easements, Borings, Permits)
- **Jul - Sept 2022** MDOT Approvals (Plan, Specs, Estimate, SHPO Clearance)
- **Oct - Dec 2022** Bidding – by MDOT
- **Jan - Jul 2023** Construction

#### PHASE 2 SCHEDULE

- **Feb 2022 - Feb 2023** Bridge Design Phase
- **2022 - 2023** Finalize Acquisition of Railroad Right-of-Way
- **2023** Final Bridge Design & Trail Design
- **2024 - 2026** Construction (MDOT funds assigned to Fed FY 2025, but can be moved up if project ready to go)

#### FUNDING

Current total estimates for Phases 1 + 2 total \$5,888,000. A total of \$5,461,000 has been committed to the project to date. LARA expects to receive another \$300,000 from MDNR for Phase 2. Allowing for inflation, the balance, \$127,000 will need to be raised for Phase 2, currently budgeted for FY 2025.

	Total
MDOT TAP	\$ 2,905,000
MDNR TRUST - CITY	\$ 300,000
MDNR TRUST - LARA	\$ 300,000
MDNR RTP - MDNR	\$ 300,000
City of Lowell	\$ 135,000
Lowell DDA	\$ 300,000
Lowell Township	\$ 116,000
Vergennes Township	\$ 5,000
Lowell Community Foundation	\$ 550,000
Meijer Foundation	\$ 750,000
Private Donations	\$ 100,000
<b>Subtotal</b>	<b>\$ 5,761,000</b>
Balance for Phase 2 - 2025	\$ 127,000
<b>Total Phase 1 + Phase 2 Project</b>	<b>\$ 5,888,000</b>
<b>Phase 1</b>	<b>\$ 1,432,000</b>
<b>Phase 2</b>	<b>\$ 4,456,000</b>
	<b>\$ 5,888,000</b>

# williams&works

engineers | surveyors | planners

February 1, 2022

Mr. Dan Czarnecki, Public Works Director  
City of Lowell  
301 E. Main Street  
Lowell, MI 49331

**Re: Lowell Trail Connection Phase 1 - Design Engineering Services**

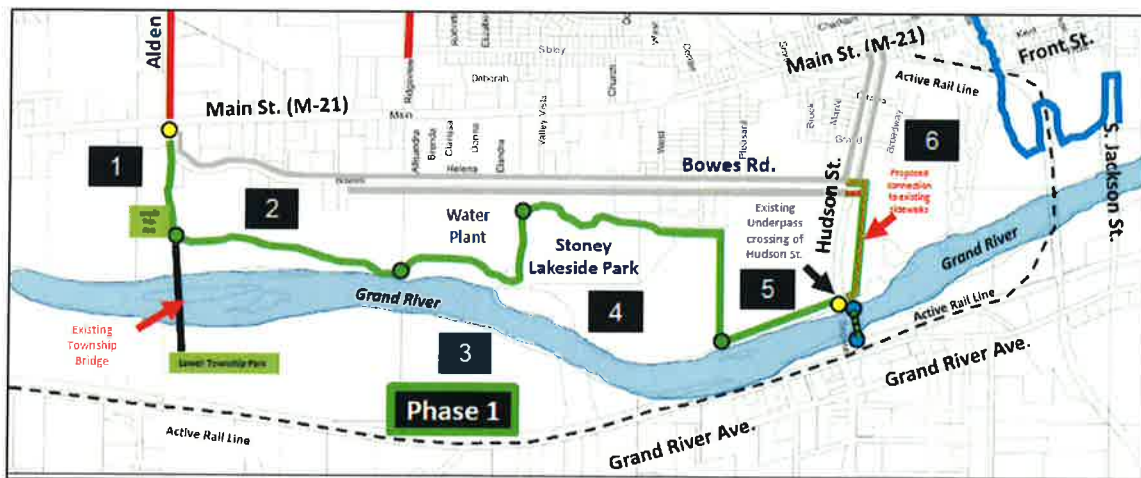
Dear Mr. Czarnecki:

For the past several years, the City of Lowell has been working alongside the Lowell Area Recreation Authority (LARA) in the planning and funding for a non-motorized trail project that will connect the Fred Meijer Flat River Valley Rail Trail to the Fred Meijer Grand River Valley Rail Trail thru the City of Lowell. As planned now, the project will be constructed in two Phases; Phase1 will connect the Lowell Township North Riverside Park to the City of Lowell Recreation Park (the fairgrounds) and Phase 2 will continue east, across the Grand River and connect to the existing rail trail to Saranac and beyond at Montcalm Avenue. With the recent award to the City of an MDNR Trust Fund Grant, the City and LARA now wish to proceed with the design of Phase 1 so that it can be constructed in 2023.

Williams & Works has been involved with assisting the City and LARA in the development of the proposed trail and funding. Following for your consideration is our proposed scope of services for the Design portion of the Phase 1 project.

## Project Scope

The primary scope of the proposed construction project includes the placement of a 10 ft. wide, paved non-motorized path. The project will follow the proposed route that travels across property owned by Lowell Township, the City of Lowell and private easements.



549 Ottawa Avenue NW, Grand Rapids, MI 49503

(616) 224-1500

[williams-works.com](http://williams-works.com)

## **Design Engineering Services**

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**Topographic Survey** – A topographic survey be performed along the entire trail alignment. From this survey, a base layer will be developed from which the trail will be designed. Property lines will be determined to assist in the development of descriptions for trail right-of-way descriptions.

**Geotechnical Investigation** – We recommend that a total of approximately 15 - 20 soil borings approximately spaced 500 ft. be taken, to verify the make-up of the underlying base materials. This will help identify areas for potential base material upgrades necessary for the trail construction.

**SHPO Application:** We will make the required application to the State Historical Preservation Office (SHPO) for a Section 106 review.

**NEPA Evaluation:** MDOT requires the City of Lowell receive environmental clearance for the project satisfying the National Environmental Policy Act (NEPA). While this process is fairly straight-forward to complete, and no major concerns are anticipated for this type of project, it is required by MDOT to be submitted a minimum of two months prior to a Grade Inspection submittal.

**Preliminary Trail Alignment** – A preliminary alignment will be staked and reviewed in the field with the City of Lowell and LARA prior to proceeding with formal design.

**Preliminary Plans, Special Provisions & MERL Estimate:** Once the alignment is agreed upon, a formal design following the standards required by the MDOT and MDNR grants will be pursued. Williams & Works will submit a set of 50% plans, special provisions and the required Michigan Engineering Resource Library (MERL) estimate to the City of Lowell and LARA for review. These plans will be of sufficient detail to show the plan and profile of the existing utilities, typical cross-sections, limits of work, preliminary maintenance of traffic plans and proposed easements (if needed).

**Preliminary Plan Review Meeting:** Williams & Works will attend a Preliminary Plan Review Meeting with the City of Lowell and LARA. This will be an opportunity for the City staff to review the preliminary plans, special provisions, progress clause and MERL estimate that have already been submitted and offer their comments and suggestions. All comments and suggestions received will be incorporated into future submittals.

**Permit Acquisition Assistance:** Williams & Works will submit to the City of Lowell any supporting documentation that will be required to complete this project. At a minimum a SHPO Section 106, MDOT Programming Application, SESC permit, and EGLE/USACE Jt. Permit will be required to complete this project. Williams & Works will also provide supporting documentation if additional permits are required.

**Permanent and Temporary Right-of-Way Assistance:** Two permanent easements are known to be required for this project. The work associated with acquiring these is currently being undertaken by Williams & Works and LARA separate from this proposed Design Scope and is not included in the proposed fee.

The design process will identify any temporary construction grading permits required. Williams & Works will provide all legal descriptions, sketches, and negotiation assistance as needed for these temporary grading permits. An initial budget allowance of \$3,000 for this service is included in the Design Services fee.

**Public Information:** Williams & Work will assist the City in providing information to residents regarding the proposed project during the design process.

**MDOT Programming Application:** Williams & Works will submit the MDOT Programming Application to the City for your review and signatures. This document will be required as part of the MDOT submittal package.

**Grade Inspection (GI) Plans, Special Provisions & MERL Estimate:** Williams & Works will submit to the City of Lowell a full set of GI Plans, Special Provisions and Estimate. This will include removal plans, utility plans, specifications, quantities, progress clause, maintenance of traffic plans, restoration plans, and a detailed MERRL cost estimate. All comments and suggestions from prior review meetings will be incorporated into this submittal.

**Pre-GI Review Meeting (if needed):** Williams & Works will attend a Pre-GI Review Meeting with the City of Lowell. This will be an opportunity for the City staff to review the GI plans, specifications, progress clause and costs estimate that have already been submitted and offer their comments and suggestions. All comments and suggestions received will be incorporated into the MDOT GI Submittal.

**MDOT Grade Inspection Submittal:** Following the Pre-GI Review Meeting and approval from the City, Williams & Works will submit a set of plans, special provisions, and MERL estimate to MDOT for a GI Meeting. These submittals will be of sufficient quality that they would be considered to be 90% complete. This will include all unique special provisions for this project.

**MDOT Grade Inspection Meeting:** Williams & Works will attend a GI Meeting at the City offices. In attendance at this meeting will be MDOT LAP, Williams & Works, City, utility companies, and other project stakeholders. MDOT will conduct their review of the plan, special provisions and cost estimates and offer any comments. Meeting minutes will be taken by Williams & Works during the meeting and distributed to all attendees following the meeting. All comments and suggestions by MDOT during the meeting will be incorporated into the final plans.

**Final Plans, Special Provisions & MERL Estimate:** Williams & Works will submit to the City of Lowell a full set of Final Plans, Special Provisions & MERL Estimate. This will be a complete bid package set, including: typical sections, removal plans, utility plans, specifications, quantities, progress clause, maintenance of traffic plans, restoration plans, and a cost estimate. All comments and suggestions from all prior plan review meetings and Williams & Works QA/QC Review will be incorporated into this submittal.

**Final Review Meeting (if needed):** Williams & Works will attend a 100% Plan Review Meeting with the City. This will be an opportunity for the City staff to review the 100% plans, specifications, and cost estimate that have already been submitted and offer their comments and suggestions. All comments and suggestions received will be incorporated into a revised set of 100% Drawings & Specifications and resubmitted to the City and MDOT for bidding.

**MDOT Bidding Assistance:** Williams & Works is able to assist MDOT and the City of Lowell with any bidding assistance that may be needed. This will include answering all bidding questions from contractors and issuing any addendum to answer or clarify specific questions and/or concerns.

#### **Design Engineering Schedule**

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Williams & Works will start the Design Engineering Services outlined above immediately upon authorization. We propose to pursue the work in a manner to allow for the project to be bid in the Fall of 2022 by MDOT for a 2023 construction project.

#### **Design Engineering Professional Fees**

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We propose to provide the Design Engineering Services presented above for amount not-to-exceed \$78,500.00 which include all labor, expenses and subcontractors.

Thank you for this opportunity to be of service and please feel free to contact us should you have any questions.

Respectfully,

**Williams & Works**

**Brandon Mieras**     Brandon Mieras  
Feb 1 2022 1:15 PM

Brandon Mieras, P.E.  
Principal

cc:     Mike Burns, City of Lowell  
        Dave Austin P.E., Williams & Works  
        File



**LOWELL CITY ADMINISTRATION**  
**INTER OFFICE MEMORANDUM**

**DATE:** February 4, 2022

**TO:** Mayor Mike DeVore and the Lowell City Council

**FROM:** Michael T. Burns, City Manager *MTB*

**RE:** Waste hauling ordinance exception

---

With the recent sale of Larkins at 303 W. Main to one of Brent Slagell's enterprises, we received a request from Red Creek Waste regarding waste hauling for them.

If you recall, in 2020 we revised the trash hauling ordinance (Section 11-36) to establish waste pickup times by haulers daily between the hours of 7:00 AM to 9:00 PM. This was due to many issues with commercial pickups early in the morning. To my understanding, since the ordinance has been modified, we've had minimal issues pertaining to this.

I received a request from Red Creek pertaining to 303 W. Main since they will now be providing service to the new enterprise. They are concerned that if they begin servicing the site, this will cause major traffic safety issues if they pick up waste after 7:00 AM daily.

They would need to reverse into the area between 303 W. Main and the Old Theater to collect the waste. There is no other way to access the site and there is no other area where the dumpsters can be placed.

I measured via REGIS and the closest residence north of the site is approximately 325 feet from the site and the closest apartments on Main Street are approximately 250 feet from the site.

In my discussion with Red Creek, they said if allowed an exception to this, they would continue to service their other commercial clients after 7 AM. When the property was under the ownership of Larkins, they used Grainger for waste hauling. Grainger was able load the waste from the rear of the truck. Most waste hauling is now done from the front of the truck and Red Creek only has hauling from the front of their trucks.

Since I do not have the authority to allow someone to disregard an ordinance, I am requesting for the City Council to consider this exception.

After evaluating this request, I believe this is a reasonable request for an exception. I share the same concerns as Red Creek if they pickup later in the morning.

**I recommend the Lowell City Council grant an exception for Red Creek to haul waste from 303 W. Main prior to 7 AM.**

Sec. 11-36. - Time for collection and transport.

Waste haulers shall only collect and transport solid waste within the city between the hours of 7:00 a.m. and 9:00 p.m. daily.

(Ord. No. 10-02, § 1, 8-16-10; Ord. No. 20-02, § 1, 5-18-20)

# 303 W. Main



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Printed 2/4/2022

9:29:36 AM

# Memorandum



**DATE:** February 4, 2022

**TO:** Michael Burns, City Manager *MB*

**FROM:** Daniel Czarnecki, Public Works Director *Da*

**PUBLIC WORKS**

**RE:** Sewer line to Buildings 96-106 W. Main St.

---

The set of buildings at 96 through 106 West Main St. have their interior sewer lines connected together beneath the set of buildings. The line exits to the north from beneath the buildings at approximately the west edge of 100 W. Main St. (Flat River Tattoo). There is a clean out in the sidewalk at this location. The 6-inch sewer line runs north, across Mains St., and into a manhole on the north side of the street. There is an 8-inch sewer main that runs east out of this manhole.

The sewer line under M-21 is very shallow. We were contacted by Mr. Greg Canfield about this line possibly being frozen. Up until now, this line has been considered a sewer lateral, which is the property owner's responsibility to maintain from the building to the sanitary sewer main. Mr. Canfield contends this line is the City's public line because there are more than two properties connected to it. In discussions with long-time DPW employees, there was no remembrance by any employees of the City ever cleaning or maintaining this line from the manhole to the buildings. For the sake of argument, on February 4th the City went out and checked the line under M-21 and found it to be flowing from the cleanout to the manhole. An outside contractor was also brought in to jet the line from the manhole to the building and they were able to traverse approximately 75-ft up the sewer lateral from the manhole to beneath the building.

How and when these individual building sewer lines were allowed to be connected into one sewer lateral is unknown. The City's ordinance (25-62) says a separate and independent building sewer shall be provided to each structure. However, it goes on to say more than one structure may be served with the same building sewer subject to approval by the City Manager. It does not address future maintenance of the shared sewer line. The Michigan Department of Environment, Great Lakes, and Energy (EGLE) has a policy (WRD-010) that addresses shared sanitary sewer lines for new construction through the EGLE Part 41 permitting process. The policy says a line is to be public if it handles sanitary sewage for more than one individually owned family unit or dwelling, or more than one individually owned business. It goes on to explain the steps necessary to receive Part 41 Permit approval for new construction that has shared sanitary sewer lines. However, I do not find information within the policy on how to deal with existing shared sewer laterals that were installed prior to the original effective date of the EGLE policy.

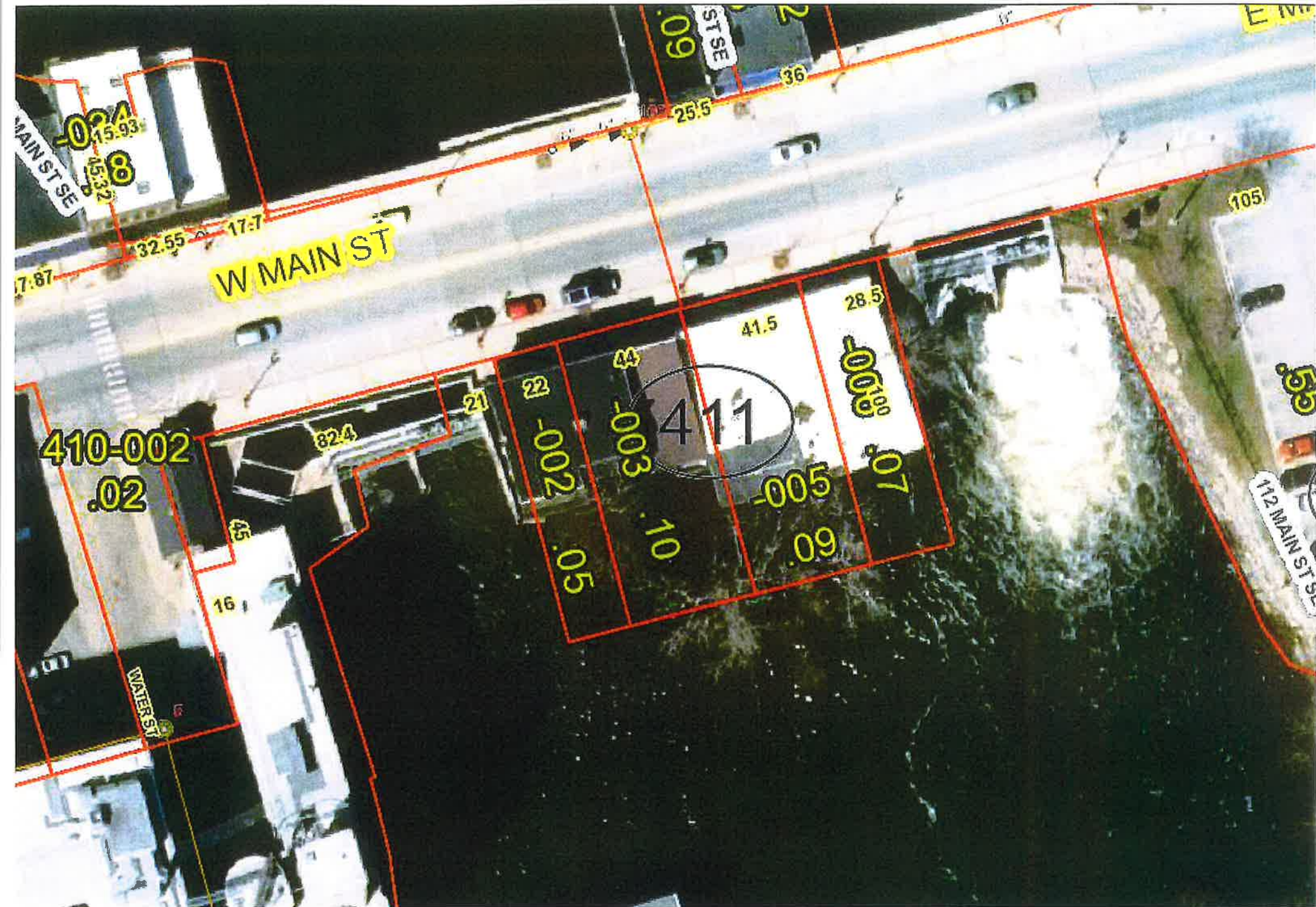
At question is the responsibility of this exiting sewer line from the building to the manhole. Mr. Canfield contends that since the line is connected to several buildings this should be a public line and should be the responsibility of the City of Lowell to maintain. Past City practice has been that sewer laterals are the responsibility of the property owner to maintain from the building until it enters into the City's sewer main. For this specific sewer line, it does not appear the City has ever performed any maintenance activity on it, according to long term employees.

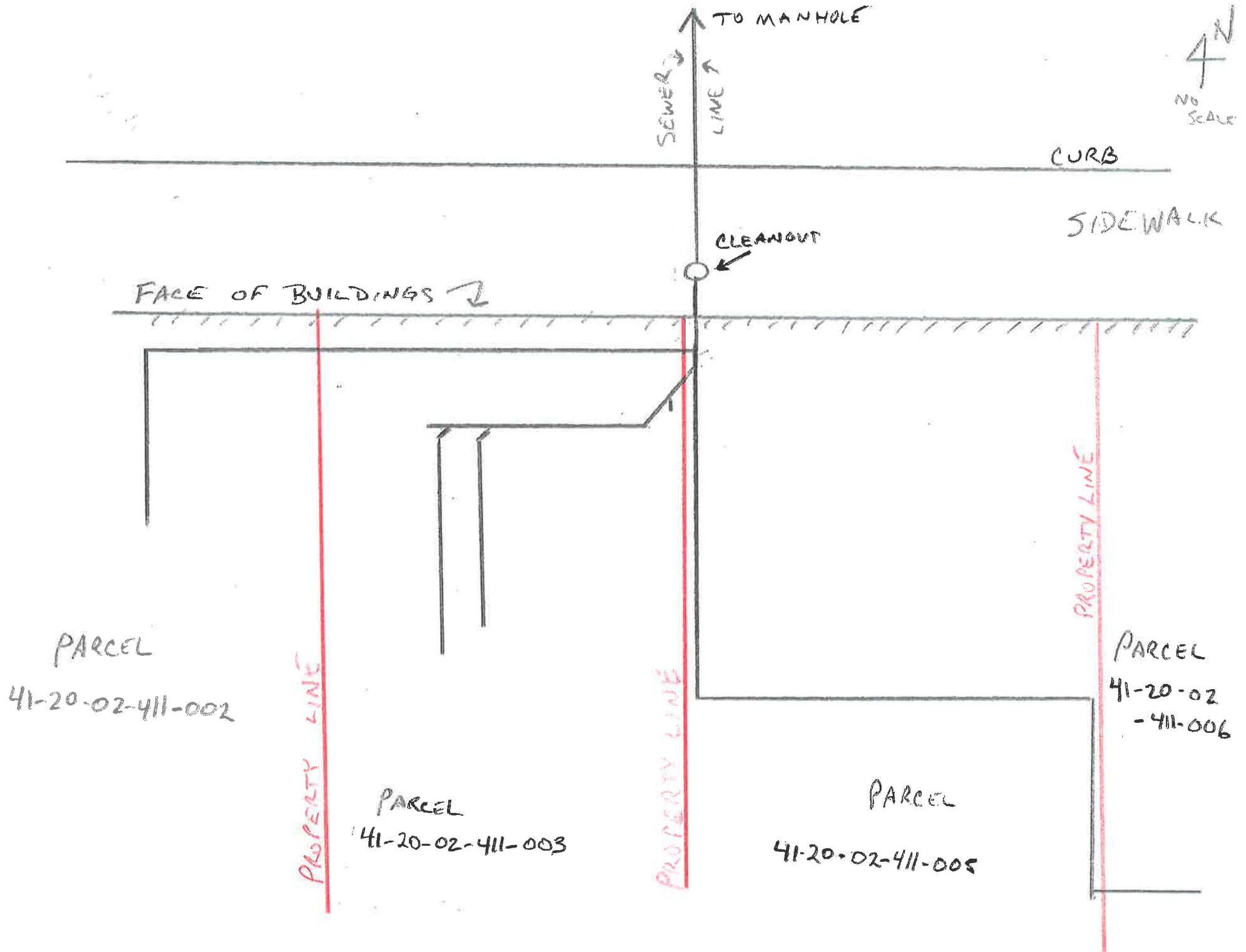
If the City is to consider taking responsibility for this sewer line from the building to the sewer main, the following items should be considered:

1. Delineation between City's responsibility and all private property owner's responsibilities for use and maintenance of the sewer lines. Should the City be responsible for the portion of this line that is combined and under the buildings, on private property?
2. Does existing sewer line meet all current requirements, or are improvements necessary? For future jetting of this 6-inch line we would prefer a manhole at the delineation point of responsibilities for safety. As the line is being jetted we do not want to go onto private property and cause damage to the private sewer lines. The current cleanout in the sidewalk does not provide us a sufficient safety barrier.
3. Installation of some types of devices to limit freezing opportunities for all portions that will be under City responsibility. This could include heat tape and insulation for portions of the pipe under the building, insulation of the pipe under the sidewalk and street, and any other available options.
4. Any lines on private property that are to be maintained by the City should be placed in easements for access. There also should be access agreements with the property owners to allow permission for City staff and any contractors we hire to go onto the private property under the buildings to access the sewer.
5. Written agreements between the City and property owners on the above considerations.



TITLE





SKETCH OF SEWER LINES BENEATH BUILDINGS

Sec. 25-46. - Reserved.

**Editor's note**— Ord. No. 92-3, § 2, adopted Nov. 16, 1992, repealed § 25-46, which pertained to the purpose for establishing regulations to regulate sewers and sewage disposal.

Sec. 25-47. - Definitions.

Unless the context specifically indicates otherwise, the meaning of terms used in this article and any rules, regulations, standards or requirements promulgated pursuant hereto shall be as follows:

*Available city sanitary sewer* means a sanitary sewer line of the system located in a right-of-way, easement, highway, street or public way which crosses and joins or abuts upon the property and passing not more than two hundred (200) feet from a structure in which sanitary sewage originates.

*BOD or biochemical oxygen demand* means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at twenty (20) degrees Centigrade expressed in terms of weight (parts per million) and/or by concentration (milligrams per liter).

*Building drain* means that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet outside the inner face of the building wall.

*Building sewer* means the extension from the building drain to the public sanitary sewer or other place of disposal.

*COD or chemical oxygen demand* means a measure of the oxygen-consuming capacity of inorganic and organic matter present in water or wastewater determined as the amount of oxygen consumed from a chemical oxidant in a specified test and expressed in terms of concentration (milligrams per liter).

*Cesspool* means an underground pit into which raw household sewage or other untreated liquid waste is discharged and from which the liquid seeps into surrounding soil or is otherwise removed.

*Chlorine demand* means the difference between the amount of chlorine added to water or wastewater and the amount remaining at the end of a specified contact period expressed in terms of concentration (milligrams per liter).

*City manager* means the city manager of the city and/or the director of public works or any other authorized deputy, agent, representative or designee of the city manager.

*Combined sewer* means a sewer receiving both surface runoff and sewage.

*Combined wastestream* means the wastestream of an industrial user where regulated process effluent is mixed with other wastewater (either regulated or unregulated) prior to treatment.

*Commercial user* means an establishment listed in the Office of Management and Budget's "Standard Industrial Classification Manual" (SICM) (1972 Edition) involved in a commercial enterprise, business or service which, based on a determination by the city manager discharges primarily segregated domestic wastes or wastes from sanitary convenience and which is not a residential user or an industrial user.

*Compatible substance or compatible pollutant* means a substance amenable to treatment in the system's wastewater treatment plant and for which treatment the treatment plant was designed.

*Domestic user* means a user whose premises or buildings are used primarily as a permanent domicile for one (1) or more persons (transit lodging such as motels, hotels and motor inns are not included) and which discharges only domestic waste.

*Domestic waste* means the water carried wastes from sanitary conveniences such as toilets, sinks, garbage disposals, dishwashers and clothes washing machines located in a domicile. Domestic waste has a strength not exceeding three hundred (300) parts per million of BOD, three hundred (300) parts per million of suspended solids and ten (10) parts per million of phosphorus at the point of discharge.

*Garbage* means solid wastes from the preparation, cooking and dispensing of food, and from the growing, handling, storage and sale of produce or other edible products.

*Grease trap* means a tank of a size and material and so designed as to be capable of removing grease and oily wastes from the sewage.

*Incompatible substance or incompatible pollutant* means any substance which is not a compatible substance.

*Industrial user* means a user who discharges any industrial waste.

*Industrial waste* means liquid or liquid carried wastes from any industrial, manufacturing, trade or business processes, or from any such structure used or designed to be used for any such purpose, as distinct from domestic waste or wastes from sanitary conveniences.

*Integrated facilities* means industrial facilities which combine process waste prior to treatment.

*Interfere with sewage treatment* means to inhibit or disrupt sewage treatment plant processes or operations so as to cause or contribute to a violation of the city's NPDES permit, to reduce the sewage treatment plant efficiency or to increase the cost of wastewater treatment. The term also includes directly or indirectly inhibiting, disrupting, hindering or restricting the use or disposal of sewage sludge.

*MDNR* means the Michigan Department of Natural Resources.

*National categorical pretreatment standard* means any federal regulation containing water pollutant discharge limits which is promulgated by the USEPA and which applies to a specific category of industrial users.

*NPDES permit* means a National Pollutant Discharge Elimination System Permit issued pursuant to Section 402 of P.L. 92-500 of 1972 as amended by P.L. 95-217 of 1977, 33 U.S.C.A. § 1342 and all applicable regulations.

*Natural outlet* means any outlet into a watercourse, pond, ditch, lake or other body of surface or ground water.

*New source* means any source, emanating from a building, the construction of which is commenced after the adoption of this chapter.

*Operation and maintenance* means all work, materials, equipment, utilities, administration and other effort required to operate and maintain the sewage works and includes the cost of replacement.

*Person* means any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity, or its legal representatives, agents or assigns. The masculine gender shall include the feminine, the singular shall include the plural where indicated by the context.

*pH* means the logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed in grams per liter of solution.

*Pollutant* means any of various chemicals, substances, and refuse materials such as solid waste, sewage, garbage, sewage sludge, chemical wastes, biological materials, radioactive materials, heat, and industrial, municipal and agricultural wastes which impair the purity or natural qualities of surface waters, ground waters, and/or soil.

*Premises* means a lot, parcel or plot of land including the buildings or structures thereon or any part thereof.

*Pretreatment* or *treatment* means the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into the sewage works. The reduction or alteration can be obtained by physical, chemical or biological processes, process changes, or other means, except as prohibited by 40 CFR Section 403.6(d).

*Pretreatment facilities* means devices or structures for use in treating industrial waste prior to entry into public sewers.

*Pretreatment requirements* means any substantive or procedural requirement for treating of a waste prior to discharge to the sewers.

*Pretreatment standards* means National Categorical Pretreatment Standards, Alternative Discharge Limits, or other federal, state, or local standards, whichever are applicable, including those in or promulgated pursuant to subsection 307(a) of the Clean Water Act, 33 U.S.C. § 1317(a).

*Private sewage system* means any sanitary sewage works or part thereof not connected to a public sewer and shall include but not be limited to septic tanks, cesspools and seepage pits.

*Properly shredded garbage* means garbage that has been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half-inch in any dimension.

*Sanitary sewer* means a sewer which carries sewage and to which storm, surface and ground waters are not intentionally admitted.

*Seepage pit* means a cistern or underground enclosure constructed of concrete blocks, bricks, or similar material loosely laid with open joints so as to allow the septic tank overflow or effluent to be absorbed directly into the surrounding soil.

*Septic tank* means a receptacle receiving sewage and having an inlet and outlet designed to permit the separation of solids in suspension from such wastes and to permit such retained solids to undergo decomposition therein.

*Sewage* or *wastewater* means a combination of liquid, liquid-carried, water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface, and storm waters as may be present.

*Sewage disposal system* and *system* means the combined Lowell Sanitary and Storm Sewage Disposal Systems.

*Sewage treatment plant* means any arrangement of devices and structures used for treating sewage.

*Sewage works* means all facilities for collecting, pumping, treating, and disposing of sewage.

*Sewer* means a pipe or conduit for carrying sewage.

*Slug* means any discharge of compatible or incompatible substances in concentrations or quantities which interfere with sewage treatment or damage the system.

*Standard industrial classification* or *SIC* means a classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1972.

*State* means the state of Michigan.

*Storm sewer* or *storm drain* means a sewer which carries storm and surface water and drainage, but excludes sewage and polluted industrial wastes.

*Storm water* means any flow occurring during or following any form of natural precipitation and resulting therefrom.

*Structure in which sanitary sewage originates* or *structure* means a building in which toilet, kitchen, laundry, bathing or other facilities which generate water-carried sanitary sewage, are used or are available for use for household, commercial, industrial or other purposes.

*Surcharge* means an extra charge to cover the cost of treating and sludge disposal of extra strength sewage or slugs.

*Suspended solids* or *SS* means the total suspended matter that floats on the surface of, or is suspended in, water, wastewater or other liquids, and which is removable by laboratory filtering.

*Toxic pollutant* means any pollutant or combination of pollutants which is or can potentially be harmful to public health, treatment, or environment including those listed as toxic in regulations promulgated by the administrator of the USEPA.

*Upset* means an exceptional incident in which there is an unintentional and temporary noncompliance with pretreatment standards because of factors beyond the reasonable control of the industrial user. An upset does not include any noncompliance caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive or other maintenance, or careless or improper operation.

*USEPA* means the United States Environmental Protection Agency.

*User* means any person who contributes, causes or permits the contribution of sewage into the sewage works.

*Watercourse* means a channel, natural or artificial, in which a flow of water occurs, either continuously or intermittently, but does not include the sewage disposal system or any part or component thereof.

#### Sec. 25-48. - Abbreviations.

The meaning of abbreviations used in this article and rules promulgated pursuant hereto shall be as follows:

- (1) gpd shall mean gallons per day.
- (2) l shall mean liter.
- (3) MG shall mean million gallons.
- (4) mg shall mean milligrams.
- (5) mg/l shall mean milligrams per liter.
- (6) ppm shall mean parts per million.
- (7) u shall mean microgram.
- (8) u/l shall mean micrograms per liter.

Sec. 25-49. - Pollution and waste deposits prohibited.

No person shall deposit, place or discharge, cause to be deposited, placed or discharged or permit to be deposited, placed or discharged onto any property or into any natural outlet or watercourse within or under the jurisdiction of the city any domestic waste, industrial waste, sanitary sewage or other pollutant, unless the same has been treated to comply with all applicable federal, state and local laws, rules, regulations and requirements, and no person shall dispose of, place or deposit, cause to be disposed of, placed or deposited or permit to be disposed of, placed or deposited in an unsanitary manner upon, in or with any premises within or under the jurisdiction of the city any human or animal excrement, garbage or other objectionable material.

Sec. 25-50. - Sewer connection required.

All structures in which sanitary sewage originates which is located on premises with an available city sanitary sewer shall, at the expense of the owner thereof and in accordance with the provisions of this article, be connected to the city sanitary sewer within one hundred eighty (180) days after the city sanitary sewer becomes available or, if it is presently unoccupied and unused, prior to any occupancy or use. Provided, however, no new connection to the sanitary sewer will be required or permitted unless there is sufficient available capacity in all downstream sewage collection lines, force mains and lift stations and in the sewage treatment plant, including capacity for treating BOD and suspended solids.

Sec. 25-51. - Use of private sewage system.

Where a city sanitary sewer is not available to a structure, the building sewer shall be connected to a private sewage system which complies with all applicable state and local laws, rules and regulations including any requirements of state, county or city health officers.

Sec. 25-52. - Repair, maintenance and replacement of private sewage system.

The owner of a private sewage system shall, at his own expense, repair, maintain and/or replace the private sewage system or parts and components thereof to assure that it operates correctly, does not cause any odors, is not a public or private nuisance and does not violate any provision of this article or the rules promulgated pursuant hereto. If the city manager determines the use of the private sewage system or the failure to repair, maintain or replace the private sewage system or any part or component thereof causes a health hazard, results in a violation of any provision of this article, creates an obnoxious odor or creates a nuisance, the owner of the premises shall take immediate efforts to repair or replace the private sewage system or any parts or components thereof to correct the problem. If it is not possible to correct the problem by repairing or replacing the private sewage system or parts or components thereof, the owner of the premises shall either connect to the city sanitary sewer at his own expense or cease the use and occupancy of the premises.

Sec. 25-53. - Prohibited private sewage system.

No private sewage system may be operated, repaired, maintained, enlarged, extended or constructed if any structure to which it is connected is located on a premises with an available city sanitary sewer.

Sec. 25-54. - Unused private sewage system.

Where a premises is connected to a sanitary sewer and there exists on the premises a septic tank, cesspool, seepage pit or other similar private sewage facility, any sewage in the septic tank, cesspool, seepage pit or other similar private sewage facility shall be removed and disposed of in a sanitary manner and the septic tank, cesspool, seepage pit or other private sewage facility shall be filled with sand or gravel.

Sec. 25-55. - Permit required for private sewage system construction; application; fee.

Before commencement of construction of a private sewage system, the owner shall first obtain a written permit signed by the city manager. The application for such permit shall be made on a form furnished by the city, which the applicant shall supplement by any plans, specifications and other information as are deemed necessary by the city manager. A permit and inspection fee in an amount to be established from time to time by the city council shall be paid to the city at the time the application is filed.

Sec. 25-56. - When permit effective; inspection of work.

A permit for a private sewage system shall not become effective until the installation is completed to the satisfaction of the city manager. He shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the city manager when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within forty-eight (48) hours of the receipt of notice by the city manager.

Sec. 25-57. - Type, capacity, location of private sewage systems.

The type, capacity, location and layout of a private sewage system shall comply with all applicable federal, state and local laws, rules, regulations and requirements and with all recommendations of the state department of public health. No permit shall be issued for any private sewage system employing subsurface soil absorption facilities where the area of the lot is less than eight thousand (8,000) square feet. No septic tank or cesspool shall be permitted to discharge to any public sewer or natural outlet.

Sec. 25-58. - Bond required of plumbers.

All plumbers or others designated to perform sewer work shall be required to file a surety bond with the city clerk in the sum of ten thousand dollars (\$10,000.00) and running to the city to protect it against any liability in connection with the work done, and which surety bond or bonds shall be kept in force and effect from year to year.

Sec. 25-59. - Sewer connection permit required.

No person shall uncover and make any connections with, or openings into, use, alter or disturb any city sewer or appurtenance thereof, without obtaining a written permit from the city manager. Any sewer connections or work done within the city's right-of-way shall require a street opening permit from the city manager.

Sec. 25-60. - Sanitary sewer connection permit, classification, application and fee.

(a) *Classification.* There shall be two (2) classes of building sewer permits:

(1) Residential and commercial services, and

(2) Establishments producing industrial wastes. In either case, the owner or his agent shall make application on

the form furnished by the city.

- (b) *Application.* In addition to such other information as may be required by the city manager or under rules promulgated pursuant to this article, such application for excavating shall plainly state the location thereof, the purpose for which it is to be done, the date when said work is to be performed and also kind and nature of the sewer, whether four (4) inches cast iron or six (6) inches sewer pipe (vitrified). The application shall be supplemented by any plans, specifications or other information considered pertinent by the city manager.
- (c) *Fees.* The application shall be accompanied by the appropriate permit, connection and inspection fees which shall be in amounts specified in this Code or as set forth from time to time by the city council.

Sec. 25-61. - Costs of connection; indemnification of city.

All costs and expenses incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the city from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

Sec. 25-62. - Separate building sewers required.

A separate and independent building sewer shall be provided for each structure. However, where any existing structure is so located on an interior lot so that no individual building sewer is available nor can one be constructed to the structure through an adjoining alley, courtyard or driveway, more than one (1) structure may be served with the same building sewer subject to approval by the city manager. In areas where laterals have not been constructed to the property and complete street improvements have been made or where unusual lot splits have occurred leaving only one (1) lateral for two (2) properties, joint use of this lateral may be approved by the city manager with the connection being made to the city sewer. Where joint use of a lateral is permitted, it shall be conditional upon the city's right to, at any time, monitor the effluent of the joint users of the lateral prior to its entry into the joint lateral, whether or not such monitoring must occur on private or public property or in or outside the users' facilities.

Sec. 25-63. - Use of old building sewers in new building.

Old building sewers may be used in connection with new buildings only when they are found, on examination and testing by the city manager, to meet all requirements of this article.

Sec. 25-64. - Existing building sewers.

Existing building sewers shall meet all requirements of this article. Whenever any examination determines that an existing building sewer does not meet the requirements of this article and the city manager determines that the connection is creating a health hazard, odor, or public nuisance, the sewer shall be reconstructed at the owner's expense.

Sec. 25-65. - Connections of building sewer into public sanitary sewer.

The connection of the building sewer into the public sanitary sewer shall be made at the Y branch, if such branch is available at a suitable location. If no Y branch is available, the contractor will install a cast iron saddle. This cast iron device will be furnished by the city and must be installed according to instructions furnished by the city manager. The invert of the building sewer at the point of connection shall be at the same or at a higher elevation than the invert of the public sewer. A smooth, neat joint shall be made, and the connection made secure and watertight by encasement in concrete.

Sec. 25-66. - Connections on trunk line highways or county roads.

Where it may be necessary to connect into a sewer on a trunk line highway or on a county road, the applicant will secure the necessary permits from the state department of transportation and the county road commission. Such permits shall be presented to the city manager when the application for local permit is made. The applicant to pay all fees thereof.

Sec. 25-67. - Prohibited lateral sewer connections.

In no case shall a lateral sanitary sewer be connected to the outlet end of a septic tank and cesspool, but said sewer shall be laid as direct as possible between the trunk line sanitary sewer and the building to be connected. No lateral sanitary sewer from any building shall be connected directly to any catch basin, manhole or any line leading from any catch basin to the main sanitary sewer.

Sec. 25-68. - Taps.

All taps made in any trunk line sanitary sewer within the city shall be made under the supervision of the city manager. Lateral sanitary sewers must be laid at least to the property line by the plumber or person designated to perform the work.

Sec. 25-69. - Inspection and supervision of connections.

The applicant for the building sewer permit shall notify the city manager when the building sewer is ready for inspection and connection to the city sewer. The connection shall be made under the supervision of the city manager.

Sec. 25-70. - Pipe specifications.

The building sewer shall be cast-iron soil pipe, ASTM specifications (A74-42) or equal; vitrified clay sewer pipe, ASTM specifications (C13-44T) or equal; or other suitable material approved by the city manager. Joints shall be tight and waterproof, and part of the building sewer that is located within ten (10) feet of a water service pipe shall be constructed of cast-iron soil pipe with leaded joints. Cast-iron pipe with leaded joints may be required by the city manager where the building sewer is exposed to damage by tree roots. If installed in filled or unstable ground, the building sewers shall be of cast-iron soil pipe except that nonmetallic material may be accepted if laid on a suitable concrete bed or cradle as approved by the city manager.

Sec. 25-71. - Joints.

- (a) Joints are to be gastight and watertight. All joints and connections shall be made gastight and watertight.
- (b) Cast-iron pipe joints. Cast-iron pipe joints shall be firmly packed with oakum or hemp and filled with molten lead, federal specification (QQ-L-156), not less than one (1) inch deep. Lead shall be run in one (1) pouring and caulked tight. No paint, varnish or other coatings shall be permitted on the jointing material until after the joint has been tested and approved.
- (c) Joints in vitrified clay pipe. All joints in vitrified clay pipe or between such pipe and metals shall be made with approved hot poured jointing material or cement mortar as specified below.
- (d) Hot poured joints. Material for hot poured joints shall not soften sufficiently to destroy the effectiveness of the joint when subjected to a temperature of one hundred sixty (160) degrees Fahrenheit, nor be soluble in any of

the waste carried by the drainage system. The joint shall first be caulked tight with jute, hemp, or similar approved material.

- (e) Cement joints. Cement joints shall be made by packing a closely twisted jute or oakum gasket, or suitable size to fill partly the annular space between the pipes. The remaining space shall be filled and firmly compacted with mortar composed of one (1) part portland cement and three (3) parts mortar sand. The material shall be mixed dry; only sufficient water shall be added to make the mixture workable. Mortar which has begun to set shall not be used or retempered. Lime putty or hydrated lime may be substituted to the extent of not more than twenty-five (25) percent of the volume of the portland cement that may be added.
- (f) Jointing materials not specified. Other jointing materials and methods may be used only by approval of the city manager.

#### Sec. 25-72. - Building sewer size and slope.

The size and slope of the building sewer shall be subject to the approval of the city manager, but in no event shall the diameter be less than four (4) inches soil and six (6) inches vitrified pipe. The slope of such pipe shall be not less than one-eighth inch per foot.

#### Sec. 25-73. - Building sewer location, elevation, grade and alignment.

Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. No building sewer shall be laid parallel to nor within three (3) feet of any bearing wall. The depth shall be sufficient to be protected against frost. The building sewer shall be laid at uniform grade and in straight alignment insofar as possible. Changes in straight alignment shall be made only with property curved pipe or long radius fittings. Changes in direction using bends of forty-five (45) degrees or over shall have a cleanout.

#### Sec. 25-74. - Floor drains.

Floor drains which are connected to the building sewer shall be required for all basements or cellars if the elevation of the public sanitary sewer will service the building.

#### Sec. 25-75. - Building drains; artificial lift required.

In all structures in which any building drain is too low to permit gravity flow to the public sanitary sewer, sanitary sewage carried by such drain shall be lifted by approved artificial means and discharged to the building sewer.

#### Sec. 25-76. - Replacement of asphalt pavement.

In case it is necessary to cut into asphalt pavement, all asphalt pavement shall be replaced by the city or its authorized agent and shall be paid for by the applicant at a rate to be set from time to time by the city council on each and every opening. An estimate of the number of square yards of asphalt pavement to be removed shall be specified in the application and the same shall be paid for by the applicant at the time application is made. Any additional amount of paving over and above the estimated amount shall be promptly paid for by the applicant, and in case the amount of pavement removed is not as much as specified in the estimate, the city shall promptly make refund to the applicant therefor.

Sec. 25-77. - Excavations.


- (a) *Specifications generally.* All excavations required for the installation of a building sewer shall be open trench work unless otherwise approved by the city manager. Pipe laying and backfill shall be performed in accordance with ASTM specification (C12-19) except that no backfill shall be placed until the work has been inspected.
- (b) *Guarding; restoration of streets, sidewalks, etc.* All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the city.
- (c) *Filling.* All excavation or trenches shall be filled in a thorough and workmanlike manner, either by flooding or hand tamping. Additional filling shall be placed if necessary in excavations or trenches that have settled, and all surplus earth or any refuse shall be removed from the street by the applicant obtaining the permit.

Sec. 25-78. - Storm water, runoff, cooling water.

- (a) The present separated sanitary sewer, and the sanitary portion of the sewage disposal system shall be used for the collection and transportation of sanitary sewage only. Downspouts, footing drains, weep tile, or any conduit that carries storm water or groundwater, alone or in combination with sanitary sewage, shall not be connected to the system, directly or indirectly.
- (b) No person shall discharge or cause to be discharged, any storm water, surface water, ground water, roof runoff, subsurface drainage, cooling water, unpolluted air-conditioning water or unpolluted industrial process waters to any sanitary sewer unless specifically permitted by the city manager. This water shall be discharged into storm sewers, dry wells or natural outlet as approved by the director, the county drain commissioner, state water resources commission or other such governmental agency having jurisdiction to make such determination.

Secs. 25-79—25-132. - Reserved.

**Editor's note—** Ord. No. 92-3, § 2, adopted Nov. 16, 1992, repealed §§ 25-79—25-115, which pertained to regulatory provisions for sewers and sewage disposal.

	<b>Water Resources Division POLICY AND PROCEDURE</b>		DEPARTMENT OF ENVIRONMENTAL QUALITY
Original Effective Date: July 26, 2007	Subject: Part 41 - Sewerage Systems Permit Approval		Category: <input type="checkbox"/> Internal/Administrative <input checked="" type="checkbox"/> External/Non-Interpretive <input type="checkbox"/> External/Interpretive
Revised Date: April 29, 2014	Program Name: Surface Water Quality Program		Type: <input type="checkbox"/> Policy <input type="checkbox"/> Procedure <input checked="" type="checkbox"/> Policy and Procedure
Reformatted Date:	Number: WRD-010	Page: 1 of 7	

*A Department of Environmental Quality (DEQ) Policy and Procedure cannot establish regulatory requirements for parties outside of the DEQ. This document provides direction to DEQ staff regarding the implementation of rules and laws administered by the DEQ. It is merely explanatory; does not affect the rights of, or procedures and practices available to, the public; and does not have the force and effect of law.*

**Note: This policy and procedure was previously numbered WB-010.**

#### **ISSUE:**

Public sewerage system construction permit approval and owner/user obligations for privately owned and publicly used sewerage systems pursuant to Part 41, Sewerage Systems, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (NREPA).

Initially, it is noted that a municipality (hereinafter local unit of government or LUG) is subject to the requirements of Section 3109(2) and Section 3109(3) of Part 31, Water Resources Protection, of the NREPA (MCL 324.3109), for the direct or indirect discharge of raw sewage within its borders that enters the waters of the state.

Further, no person may discharge any waste or waste effluent into the waters of the state unless the person is in possession of a valid permit issued by the DEQ [Section 3112(1) of Part 31]. A person may not construct a sewerage system used or intended to be used by the public for human waste without obtaining a permit to construct in accordance with Part 41 of the NREPA.

The Water Resources Division (WRD) is charged with administering the Public Sewerage System program governed under Part 41. This policy is established as a direct result of an adverse ruling from the Michigan Court of Appeals invalidating R 299.2933(4), 1954 ACS 85, as amended, promulgated pursuant to Part 41 [Subrule 33(4)]. Specifically, the court determined that the DEQ could not require persons who are requesting a permit for constructing and operating a sewerage system designed for public use to first obtain a resolution from the LUG as a guarantee that the LUG would assume responsibility for the operation and maintenance of the system in the event that the private owner fails to perform these functions. The court further found that the DEQ does not have the statutory authority to force the LUG to pass the resolution.

In response to the court opinion, the DEQ has established this alternative process to ensure that sewerage systems governed under Part 41 are continually operated and maintained to avoid the unauthorized discharge of raw or untreated sewage into the waters of the state; and to ensure that sewage is not potentially prejudicial to the public health. In the event that a private developer or operator in charge of the sewerage system abandons or otherwise fails to maintain proper system operation, the DEQ faces two major problems: difficulty in imposing liability

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against the individual users; and due to the court ruling in the Lake Isabella case, the DEQ is unable to force a municipality to comply with Subrule 33(4) of 1979 AC R 299.2933, as amended. Therefore, to ensure that privately owned public sewerage systems are properly operated and maintained in accordance with Part 41 and the rules promulgated thereunder, the WRD will implement the following requirements that shall be completed before issuing a construction permit.

**AUTHORITY:**

The DEQ is granted statutory authority to regulate public sewerage systems under the provisions of Section 4102 of Part 41. The DEQ also has broad authority to reject or require modifications to a construction permit application if it finds that the proposed sewerage system plans and specifications submitted by the applicant do not adequately protect the public health or may not prevent unlawful pollution of the waters of the state. Under Section 4107 of Part 41, the DEQ is authorized to require specific conditions in the sewerage system design plans and specifications, including method of operation, to ensure that the public health is adequately protected before the owner is issued a construction permit to build the system. The DEQ is further authorized under this section to require a developer or sewerage system owner to comply with recommendations or orders from the DEQ with respect to the method of operation of the proposed sewerage system.

Further, R 299.2941, 1954 ACS 85, as amended, promulgated under Part 41 (Rule 41) provides that either proper devices are or will be in satisfactory operation before discharges to the waters of the state will occur; or a definite program or agreement, approved by the department, which governs the operation of the system must be in place before the DEQ is required to issue a construction permit. In addition, R 299.2955, 1954 ACS 85, as amended, promulgated under Part 41 (Rule 55) requires that the owner of the sewerage system operate and maintain it at all times to avoid any unlawful discharges or upsets.

**DEFINITIONS:**

"LUG" means Local Unit of Government.

"Public" means that the sewerage system collects, conveys, transports, treats, or otherwise handles sanitary sewage for more than one individually owned family unit or dwelling, or more than one individually owned business.

**POLICY:**

The DEQ may seek civil fines and penalties and/or criminal sanctions against a municipality or any other "person" when an unauthorized discharge of sewerage occurs. If a private developer constructs a sewerage system intended for use by the public, meaning for the express purpose of treating sewage received from persons defined as public herein, the developer is obligated to maintain the operation of this system for the benefit of those intended users.

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In the event that a private developer or operator in charge of the sewerage system abandons or otherwise fails to maintain proper system operation; and to ensure that privately owned public sewerage systems are properly operated and maintained in accordance with Part 41 and the rules promulgated thereunder, the following requirements under either Paragraph A or Paragraph B below shall be completed by the Part 41 permit applicant before the DEQ will issue a construction permit:

- A. The owner of the sewerage system shall first approach the LUG and request that it pass a resolution whereby the LUG agrees to assume responsibility for operating and maintaining the sewerage system in the event that the private owner/operator becomes insolvent or otherwise is unable to continue system operation. This request shall be in writing and shall be sent via certified letter, in order to obtain a delivery receipt. In addition, the owner of the sewerage system and LUG, under this option, will enter into a binding agreement through which the LUG expressly agrees to assume this responsibility. An example of a resolution is attached to this policy as Addendum A and an example of an agreement, including the required conditions, is attached as Addendum B.
- B. If the LUG declines to pass the resolution and voluntarily assumes responsibility, then the owner of the sewerage system shall complete the following requirements before a construction permit will be issued.

The following requirements will be listed as "completed" on a certification statement signed by the owner of the sewerage system and notarized by a public notary before the Part 41 Permit will be issued. Please note that the submittal of any falsified documents attached to the Part 41 application or the submittal of a falsified Part 41 application is a violation of Part 41.

Additionally, please note that any person who shall utter and publish as true, any false, forged, altered, or counterfeit record, deed, instrument, or other writing, . . . knowing the same to be false, altered, forged, or counterfeit, with intent to injure or defraud as aforesaid, may be guilty of a felony, punishable by imprisonment in the state prison for not more than 14 years in accordance with Section 249 of the Michigan Penal Code, 1931 PA 328, as amended, MCL 750.249.

1. The owner of the sewerage system must obtain and submit a letter to the DEQ that is signed by the local municipality in which the project is located that certifies that the municipality has declined to enter the resolution and agreement, provided under Paragraph A of this guidance, accepting responsibility for the sewerage system in accordance with Section 3109 of Part 31 of the NREPA (MCL 324.3109). If the local municipality declines to sign such a letter, or provides no response to the request, the owner of the sewerage system shall submit to the DEQ a written statement, along with the certified letter mailing receipt, that describes the unresponsiveness of the local municipality to its request.
2. The owner of the sewerage system will either retain ownership of the sewerage system or transfer ownership to a "legal entity" it has created to represent all of the users of the sewerage system, and of which all users of the sewerage system shall be a member. The "legal entity" must be a legal entity registered and authorized to conduct business in the State of Michigan. Examples of such legal entities include, but are not limited to, associations, LLCs, P.C.s, LLPs, or partnerships. When that legal entity acquires ownership

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of the sewerage system, it assumes the responsibility for all aspects of the sewerage system with respect to the obligations set forth under the covenant [see paragraph B(4)]. In the event, however, that the owner of the sewerage system sells the sewerage system, that new owner will also need to form a legal entity as stated herein, and such legal entity shall be the registered sewerage system owner of record and solely responsible for it.

3. The owner of the sewerage system shall, before issuance of the Part 41 Permit, establish a perpetual funding mechanism in the form of an escrow agreement or other financial instrument (collectively escrow) in the two-year amount as is detailed in subparagraph B(3)(II) of this paragraph. This instrument must be payable to the owner of the sewerage system and all users of the system, jointly (this is the "legal entity"); and both shall be obligated to maintain the escrow to ensure that sufficient funding is available and its use is restricted for the sole purpose of continuing uninterrupted system operation and maintenance in the event that the primary funding mechanism from user fees or other assessments is inadequate or becomes unavailable. The owner of the sewerage system and the users of the system (represented by the "legal entity," of which all users of the system are a member) thereby shall jointly and severally have authority to access the escrow for its intended use. The escrow shall be established and replenished by the owner of the sewerage system and the "legal entity" as stated in subparagraphs B(3)(I) and B(3)(II) of this paragraph.
  - I. A calculation of the costs to operate and maintain all operational aspects of the sewerage system for a time period of five years shall be completed by a Michigan licensed professional engineer. The engineer shall certify this operation and maintenance calculation with their legal name and professional engineer license number, attesting that the amount is sufficient to pay for the sewerage system operation and maintenance costs for a period of five years (an example workbook for these costs is attached to this policy and procedure as Addendum D).
  - II. The escrow shall be initially established by the sewerage system owner in an amount sufficient to properly operate the facility and sufficient to conduct maintenance and necessary repairs and replacements, in accordance with all applicable laws, regulations, and permits, for a period not less than two years. Each user shall be required through the covenant to contribute an additional prorated amount as a portion of the user fee or other funding process to increase the amount of the escrow to pay for the sewerage system operation, maintenance, repairs, and replacements for a total escrow amount of not less than five years. The escrow shall be fully funded to the five-year amount not later than two years after system operation commences. The amount of the two-year escrow calculation and the five-year escrow calculation shall be the amount of money that was determined to be sufficient to pay for the sewerage system operation, maintenance, repairs, replacements, and other necessary costs for the time period stated, as was determined and certified in writing on forms prepared by the licensed professional engineer [subparagraph B(3)(I) of this paragraph].
4. The owner of the sewerage system shall establish and record on the land a "covenant running with the land" (covenant). The covenant shall be legally binding on and enforceable by all system users individually, and will require each individual system user to sign the

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covenant, or legally agree to the terms in another manner (as in the instance of recordation on the users' property), as a condition precedent of connecting to the sewerage system. Authority for the DEQ requiring this covenant is set forth under Rule 41 promulgated under Part 41 and shall serve as an agreement with specific conditions necessary to properly operate and maintain the sewerage system (an example covenant is attached to this policy and procedure as Addendum E).

Conditions within the covenant shall include the following:

- I. Each user shall agree through the covenant that the sewerage system owner may assess a user fee, prorated among the system users, sufficient to maintain all operational aspects of the system, including potential upgrades, repairs, and general maintenance consistent with the system design and all applicable laws, regulations, and permits. The covenant shall provide for periodic rate increases as necessary to cover operation, maintenance, repair, and expansion costs. This agreement shall be binding on the sewerage system owner, the "legal entity," and individual users jointly.
- II. Each user shall agree through the covenant that it will pay into and maintain the escrow account in an amount sufficient to operate and maintain the sewerage system for a period of five years. The covenant shall allow access to the escrow funds by the legal entity, representing all of the system users jointly, for the operation, maintenance, repair, and replacement of the sewerage system.

**PROCEDURES:**

OPTION 1

Step	Who	Does What
1	Applicant	The documents, plans, and specifications in the application shall include: <ul style="list-style-type: none"><li>• A resolution from the LUG (see Addendum A), accepting responsibility for the system, if the LUG has agreed to this option.</li><li>• An agreement (see Addendum B) between the LUG and the owner of the sewerage system.</li><li>• A signed and notarized (by a public notary) checklist and Certification Statement (see Addendum C).</li></ul>
2	District Engineering Staff	Reviews permit applications submitted for the construction of privately owned, publicly used sewerage systems to ensure that the plans and specifications are adequate for the proposed sewerage system, in accordance with Part 41.

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Option 2

3	Applicant	<p>If the LUG refuses to pass a resolution and sign an agreement accepting responsibility, then the applicant shall follow Option 2 and submit an application package containing:</p> <ul style="list-style-type: none"><li>• A letter of declination from the LUG, declining to pass a resolution and sign an agreement for the continued operation and maintenance of the sewerage system, in the event that the owner of the sewerage system fails to properly operate and maintain it.</li><li>• A signed and notarized (by a public notary) checklist with certification statement. The checklist and certification statement (see Addendum C) shall assure:<ul style="list-style-type: none"><li>➤ That the "legal entity," of which all users of the system shall be a member, has been created and is registered by the Department of Licensing and Regulatory Affairs (LARA), and is thereby authorized to conduct business in the State of Michigan.</li><li>➤ That the covenant has been drafted in accordance with the requirements of this policy and procedure and has been recorded on the land that the sewerage system is to be constructed upon (an example covenant is attached as Addendum E).</li><li>➤ That a Michigan licensed professional engineer has personally examined the plans and specifications for the sewerage system and has drafted the operation, maintenance, repair, and replacement costs for a five-year period for the sewerage system, based on the engineer's direct review of the plans and specifications of the proposed sewerage system (the engineer's certification is a part of the workbook attached as Addendum D).</li><li>➤ That an escrow account has been created and finalized; and is payable to the "legal entity" in the initial amount of 2/5 of the total five-year operation and maintenance cost of the sewerage system, as determined by the Michigan licensed professional engineer (workbook attached as Addendum D).</li></ul></li></ul>
4	District Engineering Staff	<p>Review the plans and specifications; letter of declination by the LUG; certificate of creation of the "legal entity" by the LARA; and the signed and notarized certification statement certifying that the permit applicant recorded the covenant with the Register of Deeds Office, that the permit applicant has a workbook showing the five-year escrow calculations completed by the Michigan licensed professional engineer, along with his certification of the document, and that the permit applicant has an escrow agreement with at least a two-year escrow account.</p>

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5	District Engineering Staff	Issue construction permit if the final plans and specifications comport with Part 41 and the administrative rules promulgated thereunder, and if the Option 1 or Option 2 documents are complete and comport with this policy and procedure.
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**ADDENDUMS:**

Addendum A - Example Resolution  
Addendum B - Example Agreement  
Addendum C - Non-Governmental Ownership Checklist  
Addendum D - Example Workbook  
Addendum E - Example Restrictive Covenant Running with the Land

DIVISION CHIEF APPROVAL:



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William Creal, Chief  
Water Resources Division