



CITY OF LOWELL  
ARBOR BOARD AGENDA  
MONDAY, SEPTEMBER 13, 2021 AT 12 NOON  
CITY HALL – UPSTAIRS CHAMBER

1. CALL TO ORDER; ROLL CALL
2. APPROVAL OF THE AGENDA
3. APPROVAL OF MINUTES OF PREVIOUS MEETING(S)
4. REVIEW FINANCIAL REPORTS
5. CITIZEN COMMENTS FOR ITEMS NOT ON THE AGENDA
6. OLD BUSINESS
  - a. Arbor Day Tree Planting
  - b. Lowell Light and Power Tree Removal
  - c. Arbor Board Guidelines Tree Removal and Replacement
7. NEW BUSINESS
  - a. Monroe St. Infrastructure Improvement Project Tree Removals
8. BOARDMEMBER COMMENTS
9. ADJOURNMENT

**ARBOR BOARD OF LOWELL**  
**MONDAY, MAY 10, 2021**  
**12:00 Noon**

**1. CALL TO ORDER: ROLL CALL**

The meeting was called to order at 12:04 pm and the roll was called.

Present: Jim Salzwedel, Perry Beachum, Lean Groves, Chair Reagan

Absent: None

Also Present: Ryan Teachworth, LLP and Dan Czarnecki

**2. APPROVAL OF AGENDA**

IT WAS MOVED BY BEACHUM, and seconded by SALZWEDEL to approve the agenda as written.

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

**3. APPROVAL OF THE MINUTES**

IT WAS MOVED BY BEACHUM, and seconded by GROVES to approve the regular minutes of the March 9, 2020 meeting as written.

YES: 4      NO: 0      ABSENT: 0      MOTION CARRIED

**4. REVIEW FINANCIAL REPORTS**

IT WAS MOVED BY SALZWEDEL, and seconded by BEACHUM to approve the financial reports as presented.

YES: 4      NO: 0      ABSENT: 0      MOTION CARRIED

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

Ryan Teachworth, Distribution Manager for Lowell Light and Power presented information on trees they need to remove as they are under power lines and trimming will not be sufficient for clearance around power lines. They would like to remove them in the fall. LLP is asking Arbor Board for input on the removal. Teachworth has marked the trees with caution tape and provided the locations as: 421 N. Jefferson (2), 402 N. and 406 N. Washington (cluster), 314 N. Washington (2), and 400 N. Washington. Board members will look over the trees/locations and will discuss further at the September meeting. Beachum mentioned the he thought the policy was any trees removed were to be replaced with two new trees. Unsure of the location to be placed whether they be planted in parks, in the adjacent homeowner's property, or elsewhere. Salzwedel said he would like to see the trees replaced in the same neighborhood. Chair Reagan said he would find the guidelines on removal and replacement of trees for next meeting.

**6. OLD BUSINESS**

None

## **7. NEW BUSINESS**

a. Election of Chair

IT WAS MOVED BY BEACHUM, and seconded by SALZWEDEL to appoint Dr. Jim Reagan as chairperson of the Arbor Board.

YES: 4 NO: 0 ABSENT: 0 MOTION CARRIED

b. Approve 2021 Meeting Dates

Meeting dates for 2021 were set as April 12, May 10, September 13, and October 11. IT WAS MOVED BY SALZWEDEL, and seconded by BEACHUM to approve the dates.

YES: 4 NO: 0 ABSENT: 0 MOTON CARRIED

c. Comprehensive Tree Plan

Board looked over the 2021-2022 Comprehensive Tree Plan. Mentioned the dead arborvitaes at the Museum. Museum Board is looking to have them removed and replaced with a new buffer between their green space and Main St.

IT WAS MOVED BY PERRY, and seconded by Groves to approve the 2021-2022 Comprehensive Tree Plan

YES: 4 NO: 0 ABSENT: 0 MOTON CARRIED

The Plan will be presented to City Council at their May 17, 2021 regular meeting.

d. Consider Business Selection for Arbor Day Tree 2021.

It was suggested to contact River View Flats Condos to see if they would like to be the recipient of the tree for 2021. Czarnecki will contact Schaal and ask.

## **8. BOARD MEMBER COMMENTS**

Leah Groves introduced herself and said she is interested in getting more involved in many more areas within Lowell and is looking forward to being on the Arbor Board.

## **9. ADJOURNMENT**

The meeting was adjourned at 12:34pm.

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James Reagan, Chair

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Susan Ullery, Recording Secretary



**9-Sep-21**

<b>TREE FUND BEG. BALANCE July 2021</b>	<b>\$5,877.75</b>
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<b>Total Expenditures</b>	<b>\$0.00</b>
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<b>Ending balance</b>	<b>\$5,877.75</b>
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# Memorandum



**DATE:** September 9, 2021

**TO:** Arbor Board

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

A handwritten signature in blue ink, appearing to be "DC", is located to the right of the "TO:" line and above the "FROM:" line.

**PUBLIC WORKS**

**RE:** Arbor Day Tree Planting

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At the direction of the Arbor Board at a previous meeting, I reached out to Riverview Flats condominiums and asked if they would be interested in receiving a new tree as part of our City's Arbor Day celebration. I did not receive any response from two inquiries.

We are in need of a location to plant a tree for last Arbor Day. We also need to start the process to find someplace to plant a new tree for Arbor Day 2023.

Input from the Arbor Board on this is requested.

# Memorandum



**PUBLIC WORKS**

**DATE:** September 9, 2021

**TO:** Arbor Board

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

A handwritten signature in blue ink, appearing to be "Dc", located to the right of the "TO:" line.

**RE:** Lowell Light and Power Tree Removal

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At the May 10<sup>th</sup> meeting Ryan Teachworth, Distribution/Transmission Manager for Lowell Light & Power brought to the Arbor Board's attention several community trees that are in conflict with power lines. LLP would like to cut down these trees as trimming will remove many branches and leave the trees looking in poor shape. LLP is looking to remove the trees and asked Arbor Board to review them in the field and to provide their input on this at their September meeting.

The trees are located at:

- 421 North Jefferson (2 trees)
- 402/406 North Washington (cluster of trees)
- 400 North Washington (1 tree)
- 314 N. Washington (2 trees)

# Memorandum



**PUBLIC WORKS**

**DATE:** September 9, 2021

**TO:** Arbor Board

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

**RE:** Arbor Board Guidelines  
Tree Removal and Replacement

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During the May 10<sup>th</sup> discussion with Lowell Light & Power and their proposed tree removals, Chairperson Reagan questioned the City requirements for tree removal of City trees. He indicated a need to review the guidelines for the replacement of these trees.

City Ordinances 23-66 through 23-77 addresses the creation and duties of the Arbor Board. Ordinances 23-91 through 23-102 addresses trees on public property.

The City Manager or their designee can have a tree removed if it is dead, diseased, disfigured, or partially destroyed (Ord 23-93). The ordinance says the trees removed shall be replaced on a one-to-one basis at a location to be determined by the City Manager or their designee, or a fee is to be paid per tree for its replacement. Ordinance 23-97 allows the City Manager or their designee, or a utility company, to trim or remove any trees to provide appropriate clearance from utilities for safety reasons. The ordinance section also says a replacement fee is to be established for each tree removed. I do not find a specific fee set for tree replacement in the City's Fee Schedule.

Recently, the DPW had a dogwood tree purchased and planted. The cost of the tree was approximately \$500 and the installation cost was about \$500. A fee for tree replacement should be set high enough to cover the cost of a decent sized tree (minimum 2-inch caliper) and for installation costs.

Input from the Arbor Board is requested. FYI, any fees set by the Arbor Board will need final approval by City Council.

#### ARTICLE IV. - CITY ARBOR BOARD

##### Sec. 23-66. - Creation.

There is hereby created a board of the city to be known as the city arbor board to accomplish the public purposes and who shall have such powers, duties and responsibilities as hereinafter set forth.

(Ord. No. 07-06, § 1, 5-21-07)

##### Sec. 23-67. - Duties and responsibilities.

The city arbor board shall study, investigate, counsel, and develop, annually update and administer a written plan for the care, preservation, pruning, planting, replanting, removal or disposition of trees and shrubs in public parks, along public streets and roads, within public right-of-ways and within other public areas. Such plan as annually updated shall be for the immediately succeeding fiscal year of the city and shall be presented to the city council in April of each year. Upon review, acceptance and approval by the city council it shall constitute the official comprehensive tree plan of the city. In addition, the city arbor board shall, at the request of the city council, consider, investigate, make findings, report and make recommendations to the city council on any matter or question within the scope of its work as set forth in this section.

(Ord. No. 07-06, § 1, 5-21-07)

##### Sec. 23-68. - Composition.

The city arbor board shall consist of five (5) voting members, all of whom shall be registered electors of the city. One (1) voting member shall be a currently serving city councilperson and one (1) voting member shall be a current member of the city board of light and power. All members shall be approved by the mayor and confirmed by a majority of the members then serving on the city council, provided, however, the councilperson to be appointed shall not vote on the confirmation of his or her appointment. In addition, there shall be one (1) ex-officio nonvoting member who shall be a certified tree arborist who need not be a registered elector of the city, who shall be identified by the city manager and who shall agree to serve in such capacity.

(Ord. No. 07-06, § 1, 5-21-07; Ord. No. 08-01, § 1, 1-22-08)

##### Sec. 23-69. - Term of office.

The term of office for city arbor board voting members, other than the member also serving on the city council and the member also serving on the city board of light and power, shall be for three (3) years, provided, that for the first members appointed, one (1) member shall be appointed for a three-year term, one (1) member shall be appointed for a two-year term, and one (1) member shall be appointed for a one-year term. Except for the initial appointment of such board members where a member's term shall commence upon appointment, all terms of such members shall commence on July 1. If such board member's term has expired, and a successor has not been appointed, such board member shall continue to serve until a successor is appointed. The terms of the board member appointed as a currently serving city councilperson and the board member appointed as a current member of the city board of light and power shall begin on the date of appointment and end on date such member is no longer a city councilperson or member of the city board of light and power. Such board members shall not continue to serve after their term has ended even if a successor has not been appointed.

(Ord. No. 07-06, § 1, 5-21-07; Ord. No. 08-01, § 1, 1-22-08)



Sec. 23-70. - Vacancies.

Vacancies on the city arbor board shall be filled in the same manner as regular appointments for the remainder of the unexpired term of the appointment vacated.

(Ord. No. 07-06, § 1, 5-21-07)

Sec. 23-71. - Removal from office.

A board member may be removed from the city arbor board by the city council at any time for cause as determined solely by the city council upon receiving a recommendation for removal by the city arbor board.

(Ord. No. 07-06, § 1, 5-21-07)

Sec. 23-72. - Compensation.

Members of the city arbor board shall receive no compensation, but shall be entitled to their actual and necessary reasonable expenses incurred in the performance of their duties as approved by the city council.

(Ord. No. 07-06, § 1, 5-21-07)

Sec. 23-73. - Rules of procedure.

The city arbor board may adopt such rules of procedure for carrying out its powers, duties and responsibilities that are not inconsistent with the provisions of this article.

(Ord. No. 07-06, § 1, 5-21-07)

Sec. 23-74. - Meetings.

All meetings of the city arbor board shall, except as otherwise permitted by law, be open to the public and held in compliance with the Michigan Open Meetings Act, Act 267 of the Public Acts of Michigan of 1976, as amended (MCL 15.261 et seq.). Meetings of the city arbor board may be called by the board chairperson or by any two (2) of its board members.

(Ord. No. 07-06, § 1, 5-21-07)

Sec. 23-75. - Quorum.

A majority of the voting board members then serving on the city arbor board shall constitute a quorum for the conducting of the business of the board.

(Ord. No. 07-06, § 1, 5-21-07)

Sec. 23-76. - Chairperson.

The members of the city arbor board shall annually elect one (1) of its members as chairperson. The chairperson shall be responsible for conducting all meetings of the board. Another member of the board,

selected by board members present at the meeting, may serve as temporary chairperson for a meeting at which the chairperson is absent.

(Ord. No. 07-06, § 1, 5-21-07)

Sec. 23-77. - Execution of contracts and commitment of funds.

The city arbor board may advise and make recommendations to the city council regarding the entering into contracts or the expenditure of city funds in connection with its duties and responsibilities, but may not itself enter into contracts or commit city funds.

(Ord. No. 07-06, § 1, 5-21-07)

Secs. 23-78—23-90. - Reserved.

#### ARTICLE V. - TREES

Sec. 23-91. - Intent.

It is the intent of this article to promote and protect the public health, safety and welfare by providing for the regulation of the planting, maintenance and removal of trees, shrubs and other woody plants within the city. It is the further intent of this article to cause the replacement of each approved tree species that is removed from public street right-of-ways, city parks and other city-owned property. Such replacements shall be of an approved species as designated by the city arbor board and at locations as shall be determined by the city manager or his/her designee; thereby ensuring the variety and longevity of the city tree inventory.

(Ord. No. 08-04, § 1, 11-3-08)

Sec. 23-92. - Permits for tree planting, care and removal.

The city manager or his/her designee shall have control of the planting, removal and care of trees, shrubs and other woody plants in the public street right-of-ways, city parks and other city-owned property subject to the provisions of this article. The owner of land abutting a public street right-of-way may, upon obtaining a written permit from the city manager or his/her designee, prune, plant, remove, spray and otherwise maintain trees, shrubs and other woody plants in that part of the street right-of-way abutting such owners land not used for pedestrian or vehicular travel. No person shall otherwise prune, plant, remove, spray or otherwise maintain trees, shrubs and other woody plants in any public street right-of-way, city park or other city-owned property. Each permit shall specify the extent and conditions of authorization.

(Ord. No. 08-04, § 1, 11-3-08)

Sec. 23-93. - Tree removal and replacement.

If the city manger or his/her designee shall determine that an existing tree, shrub or other woody plant located in the public street right-of-way, a city park or other city-owned property has died or is diseased, disfigured or partially destroyed, he/she shall authorize its removal. All trees, shrubs and other woody plants that are removed from public street right-of-ways, city parks and other city-owned property shall be replaced on a one-to-one basis at a location to be determined by the city manager or his/her designee. At the time of the authorization and removal of a tree, shrub or other woody plant a fee as established from time to time by resolution of the city council shall be paid by the party responsible for

removal and deposited in a designated city tree fund for its replacement unless otherwise provided by resolution of the city council.

(Ord. No. 08-04, § 1, 11-3-08)

Sec. 23-94. - Planting and spacing of trees.

The planting of trees, shrubs and other woody plants in public street right-of-ways, city parks and other city-owned property shall be authorized by the city manager or his/her designee in accordance with prescribed planting practices and their location and spacing shall be determined by the city manager or his/her designee. The planting and spacing of city provided trees on private property shall be mutually approved by the property owner and the city manager or his/her designee.

(Ord. No. 08-04, § 1, 11-3-08)

Sec. 23-95. - Covering soil surface near trees; sidewalks.

No person shall place within the public street right-of-ways any material which will impede or redirect the full and free passage of water, air or fertilizer or other plant food to the roots of any tree, shrub or other woody plant except for a sidewalk of authorized width and location. Where there are sidewalks within the public street right-of-way, every effort shall be made to place materials that will inhibit the growth of root structures under the sidewalk.

(Ord. No. 08-04, § 1, 11-3-08)

Sec. 23-96. - Clear vision clearance.

No trees, shrubs, woody plants, other plantings, fencing or other obstruction shall be located or maintained on a corner lot which will obstruct the view of the driver or operator of a vehicle within the public street right-of-way. Such unobstructed view area shall mean a triangular area formed by the private property lines along each public street right-of-way and a line connecting them at a point twenty-five (25) feet from the private property lines extended. Trees, shrubs, woody plants and other plantings may be located in such unobstructed view area provided they will not achieve a height at maturity greater than thirty (30) inches. In addition, no trees, shrubs, woody plants or other plantings shall be located or maintained in any front, side or rear yard of a lot which, in the opinion of the city manager or his/her designee will obstruct the view from vehicles entering or leaving the lot from driveways or adjacent private roadways.

(Ord. No. 08-04, § 1, 11-3-08)

Sec. 23-97. - Tree removal for utility operation or public safety.

If a public or private utility company (which shall include the city department of light and power) or the city manager or his/her designee determines that a tree, shrub or other woody plant located in a public street right-of-way, city park or other city-owned property is a detriment to utility operations or a public safety concern it may be trimmed or removed to provide the necessary and appropriate clearance or to otherwise eliminate the operational or public safety concern. Any tree, shrub or other woody plant removed shall be replaced at a location determined by the city manager or his/her designee. At the time of removal, a fee as established from time to time by resolution of the city council shall be paid by the party responsible for the removal and deposited in a designated city tree fund to pay for the replacement unless otherwise provided by resolution of the city council.

(Ord. No. 08-04, § 1, 11-3-08)

Sec. 23-98. - Maintenance of trees on private property.

The owner of a tree located on private property which overhangs onto a public street right-of-way shall periodically be responsible for trimming its branches (a) so the tree does not obstruct the light from any street lamp or the clear view of any public street intersection, and (b) so there is a clear space of thirteen (13) feet above the surface of the public street right-of-way. The owner of a dead, diseased, infested or dangerous tree or a tree with broken or decayed limbs on private property which constitutes a danger to public safety shall promptly remove such tree or limbs. The city has the right to trim any tree, shrub or other woody plant that obstructs the light of any street lamp in the public street right-of-way or interferes with the visibility of any traffic control device or sign. Such trimming shall be confined to the area immediately above the public street right-of-way.

(Ord. No. 08-04, § 1, 11-3-08)

Sec. 23-99. - Tree trimming standards.

All trees, shrubs and other woody plants that are subject to this article shall be trimmed and pruned in accordance with the then current standards established by the American National Standard Institute for tree care operations (ANSI A-300) or, with respect to any activities of the city board of light and power related to this article, the Lowell Light and Power Operating Policy 5-14 for Power Line Clearance as it may be revised from time to time. In no case shall a tree be "topped" or improperly pruned.

(Ord. No. 08-04, § 1, 11-3-08)

Sec. 23-100. - Persons engaged in trimming, pruning and removal.

All persons, firms and companies providing trimming, pruning and removal services of trees, shrubs and woody plants within the public street right-of-ways or in city parks or other city-owned property shall be, if required, currently licensed by the appropriate state authority, if any, and shall have in effect a general liability policy of insurance which names the city as an additional or co-insured. A copy of the policy or a certificate of insurance shall be filed with the city clerk before beginning work within the city.

(Ord. No. 08-04, § 1, 11-3-08)

Sec. 23-101. - Species of trees.

It is the policy of the city that it will not plant more than fifty (50) percent of the trees in one (1) area of the city with one (1) single species of trees during a calendar year. It is recommended that the species of trees planted throughout the city be staggered to prevent the loss of inventory from disease or infestation. A list of approved tree species compiled by the city arbor board shall be kept by the city clerk and shall be available to the general public upon request. Only species indicated on such list shall be planted in the public street right-of-ways, city parks or other city-owned property or with funds made available from the designated city tree fund.

(Ord. No. 08-04, § 1, 11-3-08)

Sec. 23-102. - Road commission jurisdiction.

For those public street right-of-ways in the city which the Kent County road commission has jurisdiction or maintenance responsibility, the tree policy of the road commission, rather than the provisions of this article shall apply.

(Ord. No. 08-04, § 1, 11-3-08)

# Memorandum



**DATE:** September 9, 2021

**TO:** Arbor Board

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

**PUBLIC WORKS**

**RE: Monroe St. Infrastructure Improvement  
Project Tree Removals**

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For the 2022 construction year the City will be replacing all the underground water and sewer lines along Monroe St from Front to Fremont. Because of EGLE rules for installation of utilities, the work is proposed to take place very close to several existing trees. The requirements for new installation is to place watermain a minimum of 10ft away from all sewer mains. Storm sewer mains must be a minimum of 10 ft. away from sanitary sewer. The new pipes will be installed close to the existing lines, however, they will be placed to meet minimum distance requirements. The sanitary sewer will be placed along the centerline of the street and the watermain will be installed next to the west curb. Storm sewer will be placed next to the east curb.

Digging along the curb will have a detrimental effect on any nearby tree roots. This includes any trees between the sidewalk and curb. There are three large trees along the west side of the street and 2 large trees on the east side of the street that will be in the way of the construction. The trees are located at:

406 N. Monroe (2 trees)  
723 N. Monroe  
830 N. Monroe  
903 N. Monroe

Funding of a portion of the street work is being provided by MDOT. These funds have specific rules for tree removals on projects. Because of the potential for certain bats to be roosting in the trees during the spring/summer months, MDOT does not allow trees to be removed from their projects from April through September without a great deal of research and investigation. This limits work that can potential be completed during the construction season if trees need to be removed for the work. To meet MDOT requirements we are looking to remove these trees sometime between October and March.

## NOTES:

The tree at 903 Monroe is in need of removal and LLP has indicated they will bring it down as soon as possible (within the next 5-7 days). This tree is in poor shape as there is a hollow spot in the trunk about 6 ft. above the ground. During the evening windstorm on August 10-11, a limb about 15 ft. above the ground broke off at a rotted crotch and fell on the house, causing damage.

There is a second tree at 830 Monroe that is between the curb and sidewalk that may be affected by construction. It is a much smaller tree that is located further away from the curb and work may not damage its roots. We are still reviewing this location and will make a final decision soon. The tree is currently growing into the overhead utility lines. Trimming of branches could leave the tree looking less than desirable. If the tree is allowed to remain and is damaged during construction, we will remove/replace it.

The City will look at replacing these trees at the conclusion of the construction project. At that time the planting locations will be determined. If trees are to be replaced along Monroe St. we will look to install them on the house side of the sidewalk due to the narrow area available between the curb and sidewalk, and the proximity of overhead utility cables.



406 N. MONROE ST.  
LOOKING NORTH FROM  
KING STREET







406 N. MONROE - SOUTH TREE



406 N. MONROE - NORTH TREE





723 N. MONROE



723 N. MONROE - LOOKING NORTH



830 N. MONROE  
LOOKING NORTH







830 N. MONROE

MAY BE ABLE TO  
PROTECT & SAVE.  
STILL UNDER REVIEW.



903 N. MONROE  
LOOKING NORTH

