



301 East Main Street  
Lowell, Michigan 49331  
Phone (616) 897-8457  
Fax (616) 897-4085

CITY OF LOWELL  
CITY COUNCIL AGENDA  
MONDAY, APRIL 6, 2020, 7:00 P.M.  
Meeting will be held remotely via Zoom

Join Zoom Meeting  
<https://zoom.us/j/165277270>

Meeting ID: 165 277 270

One tap mobile  
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+16465588656,,165277270# US (New York)

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+1 253 215 8782 US  
+1 301 715 8592 US  
Meeting ID: 165 277 270

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 March 16, 2020 Regular City Council meeting.
- Authorize payment of invoices in the amount of \$205,354.24.

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 Main St. Street Study

5. NEW BUSINESS

- a. Covid – 19 issues
- b. Ordinance 20-02 – Moratorium to Ordinance 13-41

- c. 1242 E. Main Street
- d. Noise Ordinance

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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[www.ci.lowell.mi.us](http://www.ci.lowell.mi.us)

## MEMORANDUM

TO: Lowell City Council

FROM: Michael Burns, City Manager

RE: Council Agenda for Monday, April 6, 2020

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

2. CONSENT AGENDA

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4. OLD BUSINESS

- a. Main St. Street Study. Police Chief Steve Bukala provided a memo.

5. NEW BUSINESS

- a. Covid – 19 Issues. City Manager Michael Burns will provide an update.
- b. Ordinance 20-02 – Moratorium to Ordinance 13-41. City Manager Michael Burns provided a memo.
- c. 1242 E. Main Street. City Manager Michael Burns provided a memo.

There is no recommended motion.

- d. Noise Ordinance. Police Chief Steve Bukala provided a memo.

Recommended Motion: That the City Council recommends the City Attorney update the trash collection for specific times – Sec. 11-36 and noise ordinance time needs to stand alone – Sec. 13-62.

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, MARCH 16, 2020, 7:00 P.M.**

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

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

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

Absent: None.

Also Present: City Clerk Susan Ullery, Acting City Manager Chief of Police Steve Bukala, General  
Manager of Lowell Light & Power Steve Donkersloot, DPW Director Dan Czarnecki.

Mayor DeVore then turned over the meeting to Chief of Police Steve Bukala.

Chief of Police Steve Bukala stated a firefighter, Ben Lauren died in the line of duty in Forsyth Township, Michigan. Ben was 23 years old and Police Officer Gordy Lauren's nephew. He comes from a family of firefighters and on a sad note, his sister was the one that pulled him from the structure. Chief Bukala then asked for a moment of silence.

City Manager Michael Burns then gave an update on how the City of Lowell is managing the Covid 19 situation. As you are all aware, we made the declaration to close City Hall to the public. This is being done so that we can still continue to provide essential public services to the public and not compromise those services if any staff were to be affected. We have contingency plans in place currently to handle if the staff are impacted. We have contingencies in place pertaining to water shut offs and also I am working on contingency plans in the event with this new guideline of ten people (employees) congregating in a room. With the CDC guideline, if by chance the state shuts all businesses and operations down, with the exception of the police and fire, I am preparing that contingency as well in case that occurs. As of right now, I do not plan to shut us down unless we are ordered by the governor's office.

Burns continued, we are also looking at additional contingency regarding utilities and things of that nature, trying to think of every possible situation and the bizarre thing is every time you think you've thought of something you have to think of something else. I have been in communication with the ajority of City Managers in Kent County, a number of City Managers across the state, and the majority of them are doing the exact same thing we are doing at this time. Something to recognize pertaining to the City Council meeting tonight: Under the Open Meetings Act, we had to have this meeting tonight, while we encouraged the public not to come, we legally could not tell them they couldn't. That being said, there have been directives issued by the State of Michigan pertaining to State Agencies and State Boards as to how they are going to operate their open public meetings. They are now allowed to do some type of virtual types of meetings to avoid the spread, however at this time, they have not dictated that to municipalities, cities, townships, counties and authorities. Hopefully we get a direction tomorrow on how to address that with the state so we can have that situation worked on over the next couple weeks. I anticipate that this is continuing to be a fluent situation and I don't know where this is going to go at this time but we are doing everything we can to try and think of every contingency that's in front of us at this time.

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

- Approval of the Agenda.
- Approve and place on file the minutes of the March 2, 2020 Regular City Council meeting.
- Authorize payment of invoices in the amount of \$171,424.89.

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

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

NO: None.

ABSENT: None.

MOTION CARRIED.

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

There were no comments.

4. **OLD BUSINESS**

a. **Suez Agreement. - Resolution 09-20.**

City Manager Michael Burns explained our current agreement with Suez to manage our Wastewater Treatment facility is scheduled to expire on June 30, 2020. Suez has reached out to the City, to inquire if we would be interested in extending the current agreement for an additional five years. In November, I approached the Council and was directed to come back with a new agreement. Since that time, Suez's attorney and our attorney have been working on the contractual language.

The current agreement with Suez set the baseline monthly payment for services at \$35,925 per month and annually during the contract would be adjusted by a cost of living index to account for inflation. During the five years of the contract we saw the following increases:

2016: 1.01%  
2017: 1.63%  
2018: 2.87%  
2019: 1.65%

The current amount in Fiscal Year for Suez's services is \$38,490 per month. In Fiscal Year 2021, the price will remain as it is currently. The first cost of living adjustment wouldn't take place until Fiscal Year 2022 (July 1, 2021). The first cost of living adjustment wouldn't take place until Fiscal Year 2022 (July 1, 2021). The increase for the remaining years of the contract would be the cost of living adjustment.

IT WAS MOVED BY YANKOVICH and seconded by CANFIELD to approve Resolution 09-20 to renew our Wastewater Treatment Facility agreement with Suez from July 1, 2020 until June 2025 as presented.

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

NO: None.

ABSENT: None.

MOTION CARRIED.

b. Resolution 10-20 – Public Hearing.

Mayor DeVore opened the Public Hearing.

Dave Austin with William & Works stated he has two items to go through. First is a public information segment to inform the public of the city's intent to consider a grant application to the DNR to assist in the completion of the project of the Rail Trail through town and then second, the Council will consider the Resolution for the trail. Austin then went through the presentation and also stated they received an email from the DNR recognizing the limited attendance that communities would have during this global crisis.

The DNR stated that this meeting would be suffice for their requirement, but encouraged us to put this meeting and information on line and have the input forms available.

We now have the meeting and information on line and an on-line input form has been created for anyone to submit questions and comments about the project. You may also get information and submit comments on the Lowell Area Trailway Facebook page.

Citizens that have questions or input to this project that could not attend tonight, can go to the City's website and there will be a link to an online form, you can also provide comments and information to the Lowell Area Facebook page and I would encourage everyone to do that.

City Clerk Susan Ullery then read a letter from Sharon Bonczyk who resides at 13393 Grand River Drive SE and is not in favor of the newly proposed route LARA has for the trail.

City Clerk Susan Ullery also read a letter from James Pfaller who resides at 810 Bowes who supports the project, just not the funding sources.

Councilmember Greg Canfield who is also on the LARA Board addressed the concern stating that the plans for the trail had been changed recently when the railroad turned down our route (not aloud from a liability standpoint) and we did make an effort and I believe did reach out to every property owner. Mark Anderson and myself did contact everyone to let them know what was going on after this new route was proposed. It did come about very quickly; I think sometimes the property owners hear about it from the Ledger, but on Bowes Road, we did make an attempt to contact them and the ones that were not home, were left fliers in their doors and we did our best to let them know.

Dave Austin with Williams & Works then went through the route for those seeing it for the first time and went quickly through the map giving detail of the proposed trail including the funding. Austin also stressed there is plenty of time to talk to property owners, get them up to speed, get their input, their concerns and criticism so tonight isn't the only time that they will have an opportunity. Austin also explained the funding we are getting from MDOT and DNR Trust Fund is not money that is available at all for our roads. We are not taking any money from any source that prevents us from using that on our streets, you have to change that at the federal level if you wanted to dispute that. As part of these grant requirements, the City did have to commit \$25,000 and the townships each \$5,000 but that is consistent with all the cities and townships along the entire trail and we had done that a long time ago.

There was then a lengthy general discussion about the project.

IT WAS MOVED BY SALZWEDEL and seconded by CHAMBERS for City Council to accept the recommendations by the Lowell Area Recreation Authority regarding modifications to the trail plan and approve Resolution 10-20 as presented.

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

NO: None.

ABSENT: None.

MOTION CARRIED.

5. **NEW BUSINESS**

a. **LL&P Amended MERS Defined Contribution Plan Adoption.**

General Manager of Lowell Light & Power Steve Donkersloot stated as you may remember, at the January 21, 2020 City Council Meeting, the City Council approved a LL&P MERS Defined Contribution (DC) Plan Adoption Agreement for all LL&P non-union new hires. At that meeting, I stated it was the LL&P Board's goal/intention for all LL&P new hires, not just non-union employees, to one day be enrolled in this DC Plan. I am happy to report that since the January Council Meeting, we have completed negotiations with the bargaining unit which included coming to the agreement that all LL&P union new hires will be enrolled in the same DC Plan (with the same benefit structure) that was approved by the LL&P Board and City Council this past January. To finalize everything, the LL&P Board at their March 12<sup>th</sup> Meeting has recommended that the City Council adopt the Amended MERS Defined Contribution Plan Adoption Agreement.

IT WAS MOVED BY CHAMBERS and seconded by YANKOVICH to adopt the Amended MERS Defined Contribution Plan Adoption Agreement as written.

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

NO: None.

ABSENT: None.

MOTION CARRIED.

b. **Fireworks.**

City Manager Michael Burns stated we received a request from the Lowell Area Chamber of Commerce for this year's fireworks show at the Stoney Lakeside Park. This is an annual request and the event is being held on Saturday July 11, 2020. The application form will be filed with the state, a map of where they will be detonating and a copy of their liability insurance listing the City of Lowell as an additional insured.

IT WAS MOVED BY CANFIELD and seconded by SALZWEDEL to approve the fireworks application as presented.

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

NO: None.

ABSENT: Councilmember Chambers.

MOTION CARRIED.

6. **BOARD/COMMISSION REPORTS.**

Councilmember Canfield stated LARA Board met last week and as we heard, the changes were a surprise to everyone and we made our best efforts to reach out to every property owner. Unfortunately, sometimes there are some bumps in the beginning, but we are looking for solutions and to go around these two homes doubles the distance for us and the expense but we are asking them, which do you prefer the back yard or



the front yard and allowing them some input to this process and doing what we can. Trails are huge for communities and we're in the middle of an economic downturn that appears currently. Trail towns average 30% increase in revenue and it is good for the gas stations, restaurants and mom and pop stores. This is going to be amazing for us. We already have the North Country Trail coming through town and this is the second trail system, Grand River water trail is coming as well, so we are in a great spot.

Councilmember Chambers stated we had a nice short meeting, basically tidying up for the most part. They got a new racking system down there at the generations center. A large group of Girls Scouts have been there twice now and they are having a ball there and that is great to see. Planning Commission meeting was 11 minutes long and nothing to report on.

Councilmember Yankovich stated Mr. Doyle has some training for the Historical District but are being put on hold right now. The Chamber spent quite a bit of time talking about timing of the showboat. The main concern being not only that there is construction at the Unity building but the boat once delivered, it will sit for eight to ten weeks as they get it on the water and put it together. At this point, it looks like it would arrive and disrupt the concerts and Riverwalk. City Manager Michael Burns was not there to update us but it looks like the best option is to have them deliver the boat after the concerts are finished.

City Manager Michael Burns stated it is actually coming the Monday after Riverwalk.

Councilmember Salzwedel stated the Arbor Board met and there are going to be several trees replanted around the City.

Mayor DeVore stated all his meetings were cancelled, but if anyone wants to have a meeting about anything, he will be available.

#### 7. **MANAGER'S REPORT.**

- Just to add pertaining to the showboat, bid for a general contractor was supposed to go out last week but the electrical engineers needed to make a couple of tweaks so we anticipate that going out next week.
- Groundhog excavating are out currently and have begun sidewalk repairs and hopefully will get the majority of work done this week.
- I came back to work on Thursday after the birth of my son and I have only been dealing with Covid 19 since I came back.
- We did get another application for another marijuana facility in the city and I will be reviewing that here hopefully this week.

#### 8. **APPOINTMENTS.**

There were no changes at this time.

9. **COUNCIL COMMENTS.**

Councilmember Yankovich stated he would like to comment about the Covid 19 situation and that he posted something that he hopes encourages people, he doesn't think any of us have ever faced anything like this and a lot of the business owners are scared, but I want to encourage everybody and to pull together and look at the big picture as we are going into this mess.

Councilmember Chamber stated during this time, as a small business owner and as a community, we need to support the local restaurants. Most of them here in town are going to do a curbside pickup and I would like to see the community reach out and at least once a week if not more, order dinner from our local restaurants.

Councilmember Canfield congratulated Mike and Jennifer Burns on their new son. The City of Hartford and Banquet have the local police department doing home checks for parents that have kids home alone from school, can call or email the police department and they are instructing the kids to look out and make sure that they see a police officer **and** a police car before they open the door. Thought that was pretty neat and maybe something we could do here. Also agree with Marty, support the local restaurants by ordering takeout. It was also great to see the street sweeping done. Also is it possible for the City to not charge credit card fees for payments to the City while we are not open inside currently?

City Manager Michael Burns said he would look into it while we are not open inside.

Mayor DeVore stated eat local but also shop local because the lack of foot traffic is going to affect the local shops and businesses.

10. **ADJOURNMENT.**

IT WAS MOVED BY SALZWEDEL and seconded by YANKOVICH to adjourn at 7:50.

DATE:

APPROVED:

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Mike DeVore, Mayor

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Sue Ullery, Lowell City Clerk

**FIRST AMENDMENT TO THE AMENDED AND RESTATED OPERATION AND  
MAINTENANCE AGREEMENT BY AND BETWEEN SUEZ WATER  
ENVIRONMENTAL SERVICES INC. AND THE CITY OF LOWELL, MI**

This First Amendment to the Amended and Restated Operation and Maintenance Agreement for the Lowell wastewater treatment facilities, (the “**Agreement**”) is effective as of this 16th day of March, 2020 by and between SUEZ Water Environmental Services Inc. (“**SUEZ**”; formerly named United Water Environmental Services Inc.), with a corporate address at 461 From Road, Suite 400, Paramus, NJ 07652 and the City of Lowell, MI (“**Client**” and, together with SUEZ, the “**Parties**”), with an address at 301 E. Main Street Lowell, MI 49331.

**WITNESSETH:**

**WHEREAS**, SUEZ and Client are parties to the Agreement, whereby SUEZ provides operation and maintenance services for the Client’s wastewater treatment facilities; and

**WHEREAS**, the Agreement has a five (5) year term of July 1, 2015 through June 30, 2020; and

**WHEREAS**, the Parties wish to extend the Agreement for an additional term of five (5) years and make additional changes to the terms of the Agreement; and

**NOW, THEREFORE**, in consideration of the mutual covenants herein contained, the Parties agree as follows:

1. Article I, Section 1.04 of the Agreement shall be amended to include:

“SUEZ shall notify Client whenever the annual cost of maintenance exceeds the \$12,000 yearly maximum.”

2. Article I, Section 1.06 of the Agreement shall be amended to include:

“SUEZ shall replace any employee of SUEZ employed at the Facilities at the request of Client, provided that such request is provided for cause, is provided in writing, and allows a reasonable opportunity for corrective action. SUEZ shall not, however, be required to take any employment action that would violate any applicable law.”

3. Article I, Section 1.08 of the Agreement shall be amended to delete the words “and financial transactions” from the first sentence thereof.

4. Article II, Section 2.03 of the Agreement shall be amended to read as follows:

“SUEZ will provide and maintain at all times during the term of this Agreement the following insurance and limits for losses caused by SUEZ:

- (a) Workers Compensation Insurance in compliance with Michigan law and Employers' Liability with a limit of ONE MILLION DOLLARS (\$1,000,000);
- (b) General Liability Insurance with a combined single limit of TWO MILLION DOLLARS (\$2,000,000), including the broad form property damage endorsement; and
- (c) Automobile Liability Insurance (owned, non-owned, or hired units) with a combined single limit of ONE MILLION DOLLARS (\$1,000,000).

SUEZ will furnish the Client with Certificates of Insurance as evidence that policies providing the required coverages and limits are in full force and effect, and identifying the Client as an additional insured on the General Liability Insurance and Automobile Insurance. Such policies shall provide for no less than thirty (30) days notice of cancellation, termination, or material alteration and notices shall be sent directly to SUEZ and the Client.

SUEZ will maintain property insurance for SUEZ assets located at the Facilities. Such policy shall contain a waiver of subrogation in favor of the Client.

Liability of SUEZ to Client shall be limited to the Base Rate paid to SUEZ during the previous twenty-four (24) months plus the proceeds of applicable insurance required to be maintained by SUEZ pursuant to this Agreement. The foregoing limitation of liability shall not apply to claims of indemnification from third parties."

5. Article III, Section 3.02 of the Agreement shall be amended to read as follows:

"Client is responsible for providing all risk property insurance on the Facilities. Such as risk property insurance shall include a waiver of subrogation in favor of SUEZ. Client shall maintain in full force and effect automobile liability and collision coverage for Client owned, non-owned or hired vehicles. Client shall furnish SUEZ with Certificates of Insurance as evidence that such policies are in full force and effect. Such policies shall provide that no less than thirty (30) days advance notice of cancellation, termination, or material alteration shall be sent directly to SUEZ and the Client. Client may satisfy the requirements in this paragraph through self-insurance. If Client satisfies these requirements with self-insurance, Client shall provide SUEZ with written proof of such self-insurance."

6. The terms of Article IV, Section 4.02 notwithstanding, there shall be no annual cost of living adjustment to the monthly compensation due to SUEZ under the Agreement in 2020. Subsequent cost of living adjustments shall be made as described in Section 4.02.
7. Article IV, Section 4.09 of the Agreement shall be deleted in its entirety.
8. Article V, Section 5.01 of the Agreement shall be amended to read as follows:

"This Agreement shall remain in full force and effect until June 30, 2025 unless earlier terminated per the terms of this Agreement."

9. Article VII, Section 7.04 of the Agreement shall be amended to read as follows:

“No waiver, discharge or renunciation of any claim or right of either Party arising out of breach of this Agreement by the other Party shall be effective unless in writing signed by the Party waiving, discharging, or renouncing the claim or right.”

10. The terms of the Agreement remain in full effect, except as explicitly stated herein.

11. This First Amendment shall be governed by the laws of the State of Michigan.

12. This First Amendment may be signed in any number of counterparts with the same effect as if the signatures thereto and hereto were upon the same instrument.

**IN WITNESS WHEREOF**, the Parties hereto have executed this First Amendment as of the date first written above.

**SUEZ Water Environmental Services, Inc.**

By: \_\_\_\_\_

Xavier Castro, President

Date: \_\_\_\_\_

**The City of Lowell, MI**

By: \_\_\_\_\_

Michael DeVore, Mayor

Date: 3-16-2020

Attest

Susan Ullery  
Susan Ullery, City Clerk

**CITY OF LOWELL  
KENT COUNTY, MICHIGAN**

**RESOLUTION NO. 09-20**

**RESOLUTION APPROVING AND AUTHORIZING THE EXECUTION OF  
A FIRST AMENDMENT TO THE AMENDED AND RESTATED  
OPERATION AND MAINTENANCE AGREEMENT BETWEEN THE  
CITY AND SUEZ WATER ENVIRONMENTAL SERVICES INC.**

Councilmember YANKOVICH supported by Councilmember CANFIELD moved the adoption of the following resolution:

**WHEREAS**, the City entered into an Amended and Restated Operation and Maintenance Agreement (the “Amended Agreement”) dated as of March 31, 2015, with United Water Environmental Services, Inc. the former name of SUEZ Water Environmental Services, Inc. (“SUEZ”) to operate and maintain the City’s wastewater treatment facilities; and

**WHEREAS**, the term of the Agreement ends June 30, 2020; and

**WHEREAS**, the City and SUEZ have agreed to extend the term of the Agreement an additional five years through June 30, 2025, pursuant to the terms of a First Amendment to the Amended and Restated Operation and Maintenance Agreement (the “First Amendment”).

**NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:**

1. That the First Amendment between the City and SUEZ in the form presented at this meeting is approved and the Mayor and City Clerk are authorized and directed to execute the First Amendment for and on behalf of the City.
2. That all resolutions or parts of resolutions in conflict herewith shall be and the same are hereby rescinded.

YEAS: Mayor DeVore, Councilmembers Salzwedel, Yankovich, Chambers and  
Canfield

NAYS: Councilmembers None

ABSTAIN: Councilmembers None

ABSENT: Councilmembers None

**RESOLUTION DECLARED ADOPTED.**

Dated: March 16, 2020

  
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 at a regular meeting held on March 16, 2020, 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: March 16, 2020

  
Susan Ullery  
City Clerk

CITY OF LOWELL  
MDNR TRUST FUND GRANT APPLICATION FOR THE  
RIVER VALLEY RAIL TRAIL LOWELL CONNECTION PROJECT  
RESOLUTION OF ADOPTION

RESOLUTION - 10-20

Councilmember SALZWEDEL supported by Councilmembers CHAMBERS moved adoption of the following resolution:

WHEREAS, the City of Lowell supports the submission of an application titled, "River Valley Rail Trail Lowell Connection Project" to the Michigan Natural Resources Trust Fund for development of non-motorized trails thru the Lowell Community to connect the Flat River Valley Rail Trail to the Grand River Valley Rail Trail, and

WHEREAS, the proposed application is supported by the Community's 5-Year Approved Parks and Recreation Plan, and

WHEREAS the City is working cooperatively with the Lowell Area Recreation Authority who is also seeking funding from the MDNR and private foundations for this project, and,

WHEREAS the City's portion of the estimated total project cost is \$4,587,000 and

WHEREAS, the City of Lowell has made a financial commitment to the project in the amount of \$4,287,000 matching funds, in cash and/or force account,

WHEREAS, if the grant is awarded the applicant commits its local match and donated amounts from the following sources:

MDOT TAP Grant -	\$ 2,400,000
MDNR RTP Grant -	\$ 300,000
Private Foundations -	\$ 1,562,000
City of Lowell -	\$ 25,000
Total	\$ 4,287,000

NOW THEREFORE, BE IT RESOLVED that the City of Lowell hereby authorizes submission of a Michigan Natural Resources Trust Fund Application for \$300,000, and further resolves to make available a local match through financial commitment and donation(s) of \$4,287,000 (93%) of a total \$4,587,000 project cost.

Yeas: Councilmembers Salzwedel, Yankovich, Chambers, Canfield and Mayor DeVore

Nays: None

Absent: None

Abstain: None

Motion: Approved



I, Sue Ullery, Clerk, do hereby certify that the foregoing is a true and original copy of a resolution adopted by the City of Lowell at a regular City Council Meeting held on the 16th day of March, 2020.

  
\_\_\_\_\_  
Sue Ullery, Clerk City  
of Lowell

User: LORI

POST DATES 03/14/2020 - 04/02/2020

DB: Lowell

BOTH JOURNALIZED AND UNJOURNALIZED

BOTH OPEN AND PAID - CHECK TYPE: PAPER CHECK

Vendor Code	Vendor Name	Description	Amount
Invoice			
10816	AMAZON CAPITAL SERVICES		
	1HYX-4VL3-OSP6	WTP SUPPLIES	48.70
	1KVL-V7-JD-KFWR	ACCOUT STATEMENT	137.70
	1KVL-Y7-JD-KFWR	ACCOUNT STATEMENT	137.70
TOTAL FOR: AMAZON CAPITAL SERVICES			324.10
10731	APPLIED IMAGING		
	1517187	CITY HALL COPY MACHINE	421.59
TOTAL FOR: APPLIED IMAGING			421.59
10818	AT&T MOBILITY		
	287291108942X0314	FIRST NET PHONE BILL	847.63
TOTAL FOR: AT&T MOBILITY			847.63
10327	AUTOMATED BUSINESS EQUIPMENT		
	20717	SERVICE CONTRACT 5/1/2020 - 5/1/2021	800.00
TOTAL FOR: AUTOMATED BUSINESS EQUIPMENT			800.00
MISC	BAIRD, DANIEL		
	3/20/2020	REFUND FENCE PERMIT	25.00
TOTAL FOR: BAIRD, DANIEL			25.00
00045	BARTLETT, SANDY		
	MARCH 2020	METER READS & MILEAGE	775.13
TOTAL FOR: BARTLETT, SANDY			775.13
10686	BETTEN BAKER		
	133870	2016 SILVERADO R & M	56.03
TOTAL FOR: BETTEN BAKER			56.03
10822	BLDI ENVIRONMENTAL ENGINEERING		
	17618	WARE ROAD PROJECT	8,333.25
TOTAL FOR: BLDI ENVIRONMENTAL ENGINEERING			8,333.25
00065	BOUWHUIS SUPPLY, INC.		
	60994	TISSUES & TOWELS	275.09
TOTAL FOR: BOUWHUIS SUPPLY, INC.			275.09
01375	BRECKEN, RALPH		
	175997	REIMBURSEMENT FOR WATER CONFERENCE	273.60
TOTAL FOR: BRECKEN, RALPH			273.60
10858	CAREPAYMENT		
	7000270010676645	NEW HIRE TB TEST	13.00
TOTAL FOR: CAREPAYMENT			13.00
00101	CHROUCH COMMUNICATIONS, INC.		
	145002401-1	LPD MICROPHONE	105.00
TOTAL FOR: CHROUCH COMMUNICATIONS, INC.			105.00
00344	CITY OF LOWELL		
	03/02/2020	ADMIN FEE	4,000.00
	3/20/2020	LCTV -WARE ROAD PROJECT	30,000.00
TOTAL FOR: CITY OF LOWELL			34,000.00
10493	COMCAST CABLE		
	4/9 -5/5/2020	DPW CABLE	50.41
TOTAL FOR: COMCAST CABLE			50.41

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Vendor Code	Vendor Name	Description	Amount
Invoice			
10509	CONSUMERS ENERGY		
2/8 - 3/11/2020	ENERGY STATEMENTS		2,997.21
MARCH 2020	ACCOUNT STATEMENTS		3,637.68
TOTAL FOR: CONSUMERS ENERGY			6,634.89
01156	CURTIS CLEANERS		
804-1-7375-2	POLICE DEPT DRYCLEANING		364.90
TOTAL FOR: CURTIS CLEANERS			364.90
00148	DICKINSON WRIGHT PLLC		
1458415	WARE ROAD PROJECT		740.00
1460706	GENERAL MUNICIPAL		5,069.00
TOTAL FOR: DICKINSON WRIGHT PLLC			5,809.00
02035	DIGITAL OFFICE MACHINES, INC.		
18927	POLICE COPY MACHINE CONTRACT		130.31
18963	DPW COPY MACHINE		33.63
TOTAL FOR: DIGITAL OFFICE MACHINES, INC.			163.94
10713	ENGINEERED PROTECTION SYSTEMS INC		
A1188080	VIDEO SERVICE AGREEMENT		225.00
TOTAL FOR: ENGINEERED PROTECTION SYSTEMS INC			225.00
10761	FANS IN THE STANDS		
1484	FLEECE JACKET - DEVORE		125.00
TOTAL FOR: FANS IN THE STANDS			125.00
10211	FIRE PROS INC.		
INV-1784206	FIRE ALARM INSPECTION - MUSEUM		190.00
TOTAL FOR: FIRE PROS INC.			190.00
01089	FISHER DOOR & HARDWARE, INC.		
58429	LIBRARY ADA DOOR		150.00
TOTAL FOR: FISHER DOOR & HARDWARE, INC.			150.00
00215	GODWIN ADA VILLAGE HARDWARE		
179842	GENERATOR & SAW REPAIRS		128.66
TOTAL FOR: GODWIN ADA VILLAGE HARDWARE			128.66
01493	GRAINGER INDUSTRIAL SUPPLY		
9483637469	WATER DEPT SUPPLIES		99.84
TOTAL FOR: GRAINGER INDUSTRIAL SUPPLY			99.84
01508	GTW		
207500	CYLINDER RENTAL - JAN 2020		34.96
209913	CYLINDER RENTAL - FEB 2020		32.72
TOTAL FOR: GTW			67.68
00248	HOOPER PRINTING		
59769	BUSINESS CARDS - BRECKEN		31.80
59872	LPD BADGE - OESCH		10.00
59917	LPD BOND FORMS & ENVELOPES		257.71
TOTAL FOR: HOOPER PRINTING			299.51
02463	HYDROCORP		
0056333-IN	CROSS CONNECTION FEB 2020		937.00
TOTAL FOR: HYDROCORP			937.00

Vendor Code	Vendor Name	Description	Amount
	Invoice		
00291	KENT COUNTY ROAD COMMISSION		
	411948	TRAFFIC SIGNAL	44.68
TOTAL FOR: KENT COUNTY ROAD COMMISSION			44.68
00300	KENT COUNTY TREASURER		
	10/1 - 10/15/2020 TAX DISBURSEMENT		3,394.14
TOTAL FOR: KENT COUNTY TREASURER			3,394.14
02209	KERKSTRA PORTABLE, INC.		
	153964	PORTABLE RESTROOM - OAKWOOD	90.00
TOTAL FOR: KERKSTRA PORTABLE, INC.			90.00
01374	LOWELL AREA HISTORICAL MUSEUM		
	3/20/2020	SUMMER YOUTH CAMP	2,000.00
TOTAL FOR: LOWELL AREA HISTORICAL MUSEUM			2,000.00
01006	LOWELL ARTS		
	03/20/2020	LCTV - 2020 OFFICE UPDATES	2,000.00
TOTAL FOR: LOWELL ARTS			2,000.00
00341	LOWELL LIGHT & POWER		
	3402	ACCESS POINT/STREET LIGHTS/IP CONSULTING	3,708.37
TOTAL FOR: LOWELL LIGHT & POWER			3,708.37
10697	LYNCH, MICHAEL R		
	3/31/2020	SHOWBOAT ARCHITECTURAL SERVICES	10,324.00
TOTAL FOR: LYNCH, MICHAEL R			10,324.00
10645	MERCANTILE BANK OF MICHIGAN		
	3/20/2020	LOAN 4207 & LOAN 4215	34,168.83
TOTAL FOR: MERCANTILE BANK OF MICHIGAN			34,168.83
00426	MODEL COVERALL SERVICE, INC.		
	3/31/2020	LIBRARY RUGS FEB & MAR	383.88
	FEB 2020	LIBRARY RUGS	255.92
TOTAL FOR: MODEL COVERALL SERVICE, INC.			639.80
02291	PEERLESS MIDWEST INC.		
	502675	WELL #4 PUMP OVERHAUL & CLEANING	29,528.66
TOTAL FOR: PEERLESS MIDWEST INC.			29,528.66
00499	PETTY CASH		
	3/16/2020	PETTY CASH 3/16/2020	71.68
TOTAL FOR: PETTY CASH			71.68
01270	PLUMMERS ENVIRONMENTAL SERVICE		
	20116099	CLEANED SANITARY SEWER	1,350.20
TOTAL FOR: PLUMMERS ENVIRONMENTAL SERVICE			1,350.20
00506	POSTMASTER		
	3/31/2020	W/S BILLS DUE IN APRIL 2020	444.58
TOTAL FOR: POSTMASTER			444.58
02331	PROGRESSIVE HEATING COOLING, CORP.		
	2016396	DPW FURNACE R&M	196.50
TOTAL FOR: PROGRESSIVE HEATING COOLING, CORP.			196.50

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Vendor Code	Vendor Name	Description	Amount
Invoice			
01159	PURCHASE POWER		
2/11/2020		POSTAGE/SUPPLIES	598.79
TOTAL FOR: PURCHASE POWER			598.79
10130	RASHID, JEFFREY		
FEB 2020		ASSESSING OFFICE REIMBURSEMENTS	30.48
MARCH 2020		ASSESSING OFFICE EXPENSES	212.23
TOTAL FOR: RASHID, JEFFREY			242.71
10849	SMART BUSINESS SOURCE		
WO-69634-1		OFFICE SUPPLIES	192.68
WO-70399-1		OFFICE SUPPLIES	57.91
TOTAL FOR: SMART BUSINESS SOURCE			250.59
10583	SUEZ WATER ENVIRONMENTAL SVC INC		
202039407		WWTP SERVICES MARCH 2020	38,490.00
TOTAL FOR: SUEZ WATER ENVIRONMENTAL SVC INC			38,490.00
MISC	THE BARN FOR EQUINE LEARNING		
03/20/20		LCTV GRANT	10,800.00
TOTAL FOR: THE BARN FOR EQUINE LEARNING			10,800.00
00633	TIP TOP GRAVEL CO.		
363073		CONCRETENUGGETS	447.02
TOTAL FOR: TIP TOP GRAVEL CO.			447.02
10484	VERGENNES BROADBAND		
5267-20200317-1		INTERNET SERVICES	309.99
TOTAL FOR: VERGENNES BROADBAND			309.99
02203	VISA		
FEBRUARY 2020		MERCANTILE VISA STATEMENT	3,503.07
TOTAL FOR: VISA			3,503.07
00692	WILLIAMS & WORKS INC.		
89921		WWTP EXPANSION STUDY	617.24
89925		DIGESTER #3 COVER REPAIR	638.14
TOTAL FOR: WILLIAMS & WORKS INC.			1,255.38
TOTAL - ALL VENDORS			205,354.24

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Fund 101 GENERAL FUND					
Dept 000					
101-000-040.000	ACCOUNTS RECEIVABLE	BRECKEN, RALPH	REIMBURSEMENT FOR WATER C	273.60	74140
101-000-084.015	DUE FROM FIRE AUTHORITY	VERGENNES BROADBAND	INTERNET SERVICES	28.57	74160
101-000-085.000	DUE FROM LIGHT & POWER	AUTOMATED BUSINESS EQUIPM	SERVICE CONTRACT 5/1/2020	400.00	74135
101-000-085.000	DUE FROM LIGHT & POWER	VERGENNES BROADBAND	INTERNET SERVICES	58.58	74160
101-000-085.000	DUE FROM LIGHT & POWER	DICKINSON WRIGHT PLLC	GENERAL MUNICIPAL	684.50	74169
101-000-451.000	BUSINESS LIC & APPLICATIO	BAIRD, DANIEL	REFUND FENCE PERMIT	25.00	74136
Total For Dept 000				1,470.25	
Dept 101 COUNCIL					
101-101-727.000	OFFICE SUPPLIES	FANS IN THE STANDS	FLEECE JACKET - DEVORE	125.00	74145
Total For Dept 101 COUNCI				125.00	
Dept 172 MANAGER					
101-172-801.000	PROFESSIONAL SERVICES	BLDI ENVIRONMENTAL ENGINE	WARE ROAD PROJECT	8,333.25	74163
101-172-801.000	PROFESSIONAL SERVICES	DICKINSON WRIGHT PLLC	WARE ROAD PROJECT	740.00	74169
101-172-850.000	COMMUNICATIONS	AT&T MOBILITY	FIRST NET PHONE BILL	45.08	74133
101-172-864.000	CONFERENCES & CONVENTIONS	VISA	MERCANTILE VISA STATEMENT	456.17	74129
Total For Dept 172 MANAGE				9,574.50	
Dept 191 ELECTIONS					
101-191-740.000	OPERATING SUPPLIES	PETTY CASH	PETTY CASH 3/16/2020	10.67	74128
Total For Dept 191 ELECTI				10.67	
Dept 209 ASSESSOR					
101-209-740.000	OPERATING SUPPLIES	RASHID, JEFFREY	ASSESSING OFFICE EXPENSES	168.53	74159
101-209-860.000	TRAVEL EXPENSES	RASHID, JEFFREY	ASSESSING OFFICE REIMBURS	30.48	74159
101-209-860.000	TRAVEL EXPENSES	RASHID, JEFFREY	ASSESSING OFFICE EXPENSES	43.70	74159
Total For Dept 209 ASSESS				242.71	
Dept 210 ATTORNEY					
101-210-801.000	PROFESSIONAL SERVICES	DICKINSON WRIGHT PLLC	GENERAL MUNICIPAL	4,088.50	74169
Total For Dept 210 ATTORN				4,088.50	
Dept 215 CLERK					
101-215-730.000	POSTAGE	PETTY CASH	PETTY CASH 3/16/2020	0.76	74128
101-215-850.000	COMMUNICATIONS	AT&T MOBILITY	FIRST NET PHONE BILL	45.08	74133
101-215-864.000	CONFERENCES & CONVENTIONS	VISA	MERCANTILE VISA STATEMENT	1,759.26	74129
Total For Dept 215 CLERK				1,805.10	
Dept 265 CITY HALL					
101-265-727.000	OFFICE SUPPLIES	SMART BUSINESS SOURCE	OFFICE SUPPLIES	57.91	74180
101-265-730.000	POSTAGE	PETTY CASH	PETTY CASH 3/16/2020	1.60	74128
101-265-730.000	POSTAGE	PURCHASE POWER	POSTAGE/SUPPLIES	598.79	74158
101-265-740.000	OPERATING SUPPLIES	PETTY CASH	PETTY CASH 3/16/2020	22.63	74128
101-265-740.000	OPERATING SUPPLIES	VISA	MERCANTILE VISA STATEMENT	48.75	74129
101-265-740.000	OPERATING SUPPLIES	AMAZON CAPITAL SERVICES	ACCOUNT STATEMENT	137.70	74162
101-265-740.000	OPERATING SUPPLIES	AMAZON CAPITAL SERVICES	ACCOUT STATEMENT	137.70	74162
101-265-740.000	OPERATING SUPPLIES	SMART BUSINESS SOURCE	OFFICE SUPPLIES	148.87	74180
101-265-850.000	COMMUNICATIONS	VERGENNES BROADBAND	INTERNET SERVICES	43.57	74160
101-265-850.000	COMMUNICATIONS	LOWELL LIGHT & POWER	ACCESS POINT/STREET LIGHT	1,267.04	74176
101-265-920.000	PUBLIC UTILITIES	CONSUMERS ENERGY	ACCOUNT STATEMENTS	3,064.86	74168
Total For Dept 265 CITY H				5,529.42	
Dept 276 CEMETERY					
101-276-802.000	CONTRACTUAL	KERKSTRA PORTABLE, INC.	PORTABLE RESTROOM - OAKWO	90.00	74153
Total For Dept 276 CEMETE				90.00	
Dept 301 POLICE DEPARTMENT					
101-301-624.000	SALVAGE INSPECTION FEES	VISA	MERCANTILE VISA STATEMENT	311.56	74129
101-301-727.000	OFFICE SUPPLIES	VISA	MERCANTILE VISA STATEMENT	125.04	74129
101-301-727.000	OFFICE SUPPLIES	HOOPER PRINTING	LPD BOND FORMS & ENVELOPE	257.71	74173
101-301-740.000	OPERATING SUPPLIES	VISA	MERCANTILE VISA STATEMENT	63.37	74129

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Fund 101 GENERAL FUND					
Dept 301 POLICE DEPARTMENT					
101-301-740.000	OPERATING SUPPLIES	HOOPER PRINTING	LPD BADGE - OESCH	10.00	74149
101-301-744.000	UNIFORMS	CURTIS CLEANERS	POLICE DEPT DRYCLEANING	364.90	74142
101-301-850.000	COMMUNICATIONS	VERGENNES BROADBAND	INTERNET SERVICES	43.57	74160
101-301-850.000	COMMUNICATIONS	AT&T MOBILITY	FIRST NET PHONE BILL	398.82	74133
101-301-850.000	COMMUNICATIONS	LOWELL LIGHT & POWER	ACCESS POINT/STREET LIGHT	93.30	74176
101-301-864.000	CONFERENCES & CONVENTIONS	VISA	MERCANTILE VISA STATEMENT	100.70	74129
101-301-930.000	R & M EQUIPMENT	CHROUCH COMMUNICATIONS, I	LPD MICROPHONE	105.00	74165
101-301-955.000	MISCELLANEOUS EXPENSE	VISA	MERCANTILE VISA STATEMENT	216.40	74129
101-301-955.000	MISCELLANEOUS EXPENSE	CAREPAYMENT	NEW HIRE TB TEST	13.00	74164
101-301-957.000	TRAINING	PETTY CASH	PETTY CASH 3/16/2020	36.02	74128
101-301-984.000	EQUIPMENT	VISA	MERCANTILE VISA STATEMENT	27.54	74129
Total For Dept 301 POLICE				2,166.93	
Dept 400 PLANNING & ZONING					
101-400-864.000	CONFERENCES & CONVENTIONS	VISA	MERCANTILE VISA STATEMENT	76.52	74129
Total For Dept 400 PLANNI				76.52	
Dept 441 DEPARTMENT OF PUBLIC WORKS					
101-441-740.000	OPERATING SUPPLIES	BOUWHUIS SUPPLY, INC.	TISSUES & TOWELS	275.09	74139
101-441-850.000	COMMUNICATIONS	VERGENNES BROADBAND	INTERNET SERVICES	28.57	74160
101-441-850.000	COMMUNICATIONS	AT&T MOBILITY	FIRST NET PHONE BILL	88.35	74133
101-441-850.000	COMMUNICATIONS	COMCAST CABLE	DPW CABLE	50.41	74167
101-441-850.000	COMMUNICATIONS	LOWELL LIGHT & POWER	ACCESS POINT/STREET LIGHT	27.21	74176
101-441-920.000	PUBLIC UTILITIES	CONSUMERS ENERGY	ENERGY STATEMENTS	876.61	74141
101-441-926.000	STREET LIGHTING	LOWELL LIGHT & POWER	ACCESS POINT/STREET LIGHT	1,588.10	74176
101-441-930.000	REPAIR & MAINTENANCE	PROGRESSIVE HEATING COOLI	DPW FURNACE R&M	196.50	74157
Total For Dept 441 DEPART				3,130.84	
Dept 747 CHAMBER/RIVERWALK					
101-747-920.000	CHAMBER UTILITIES	CONSUMERS ENERGY	ENERGY STATEMENTS	96.90	74141
Total For Dept 747 CHAMBE				96.90	
Dept 751 PARKS					
101-751-850.000	COMMUNICATIONS	AT&T MOBILITY	FIRST NET PHONE BILL	38.24	74133
101-751-930.000	REPAIR & MAINTENANCE	TIP TOP GRAVEL CO.	CONCRETENUGGETS	447.02	74183
Total For Dept 751 PARKS				485.26	
Dept 790 LIBRARY					
101-790-740.000	OPERATING SUPPLIES	SMART BUSINESS SOURCE	OFFICE SUPPLIES	43.81	74180
101-790-802.000	CONTRACTUAL	MODEL COVERALL SERVICE, I	LIBRARY RUGS	255.92	74155
101-790-802.000	CONTRACTUAL	MODEL COVERALL SERVICE, I	LIBRARY RUGS FEB & MAR	383.88	74178
101-790-850.000	COMMUNICATIONS	LOWELL LIGHT & POWER	ACCESS POINT/STREET LIGHT	127.14	74176
101-790-920.000	PUBLIC UTILITIES	CONSUMERS ENERGY	ENERGY STATEMENTS	825.55	74141
101-790-930.000	REPAIR & MAINTENANCE	FISHER DOOR & HARDWARE, I	LIBRARY ADA DOOR	150.00	74147
Total For Dept 790 LIBRAR				1,786.30	
Dept 804 MUSEUM					
101-804-887.000	CONTRIBUTIONS & MAINTENAN	FIRE PROS INC.	FIRE ALARM INSPECTION - M	190.00	74146
101-804-920.000	PUBLIC UTILITIES	CONSUMERS ENERGY	ENERGY STATEMENTS	570.75	74141
Total For Dept 804 MUSEUM				760.75	
Total For Fund 101 GENERA				31,439.65	
Fund 202 MAJOR STREET FUND					
Dept 463 MAINTENANCE					
202-463-850.000	COMMUNICATIONS	AT&T MOBILITY	FIRST NET PHONE BILL	25.06	74133
Total For Dept 463 MAINTEN				25.06	
Dept 474 TRAFFIC					
202-474-802.000	CONTRACTUAL	KENT COUNTY ROAD COMMISSI	TRAFFIC SIGNAL	44.68	74151
Total For Dept 474 TRAFFI				44.68	

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Fund 202 MAJOR STREET FUND					
		Total For Fund 202 MAJOR		69.74	
Fund 203 LOCAL STREET FUND					
Dept 463 MAINTENANCE					
203-463-850.000	COMMUNICATIONS	AT&T MOBILITY	FIRST NET PHONE BILL	25.05	74133
		Total For Dept 463 MAINTENANCE		25.05	
		Total For Fund 203 LOCAL		25.05	
Fund 248 DOWNTOWN DEVELOPMENT AUTHORITY					
Dept 463 MAINTENANCE					
248-463-920.000	PUBLIC UTILITIES	LOWELL LIGHT & POWER	ACCESS POINT/STREET LIGHT	360.45	74176
		Total For Dept 463 MAINTENANCE		360.45	
		Total For Fund 248 DOWNTOWN		360.45	
Fund 260 DESIGNATED CONTRIBUTIONS					
Dept 751 PARKS					
260-751-970.000	CAPITAL OUTLAY	LYNCH, MICHAEL R	SHOWBOAT ARCHITECTURAL SE	10,324.00	74177
		Total For Dept 751 PARKS		10,324.00	
		Total For Fund 260 DESIGN		10,324.00	
Fund 581 AIRPORT FUND					
Dept 000					
581-000-920.000	PUBLIC UTILITIES	CONSUMERS ENERGY	ACCOUNT STATEMENTS	572.82	74168
581-000-955.000	MISCELLANEOUS EXPENSE	VERGENNES BROADBAND	INTERNET SERVICES	49.99	74160
		Total For Dept 000		622.81	
		Total For Fund 581 AIRPORT		622.81	
Fund 590 WASTEWATER FUND					
Dept 000					
590-000-043.000	DUE FROM EARTH TECH	VERGENNES BROADBAND	INTERNET SERVICES	28.57	74160
590-000-043.000	DUE FROM EARTH TECH	LOWELL LIGHT & POWER	ACCESS POINT/STREET LIGHT	154.35	74176
		Total For Dept 000		182.92	
Dept 550 TREATMENT					
590-550-802.000	CONTRACTUAL	SUEZ WATER ENVIRONMENTAL	WWTP SERVICES MARCH 2020	38,490.00	74181
590-550-850.000	COMMUNICATIONS	AT&T MOBILITY	FIRST NET PHONE BILL	38.24	74133
		Total For Dept 550 TREATMENT		38,528.24	
Dept 551 COLLECTION					
590-551-802.000	CONTRACTUAL	PLUMMERS ENVIRONMENTAL SE	CLEANED SANITARY SEWER	1,350.20	74179
590-551-850.000	COMMUNICATIONS	AT&T MOBILITY	FIRST NET PHONE BILL	71.85	74133
590-551-864.000	CONFERENCES & CONVENTIONS	VISA	MERCANTILE VISA STATEMENT	(28.62)	74129
		Total For Dept 551 COLLECTION		1,393.43	
Dept 552 CUSTOMER ACCOUNTS					
590-552-703.000	SALARIES-METER READS	BARTLETT, SANDY	METER READS & MILEAGE	353.93	74137
590-552-730.000	POSTAGE	POSTMASTER	W/S BILLS DUE IN APRIL 20	222.29	74161
590-552-860.000	TRAVEL EXPENSES	BARTLETT, SANDY	METER READS & MILEAGE	33.64	74137
		Total For Dept 552 CUSTOMER		609.86	
Dept 553 ADMINISTRATION					
590-553-801.000	PROFESSIONAL SERVICES	WILLIAMS & WORKS INC.	DIGESTER #3 COVER REPAIR	638.14	74184
590-553-801.000	PROFESSIONAL SERVICES	WILLIAMS & WORKS INC.	WWTP EXPANSION STUDY	617.24	74184
		Total For Dept 553 ADMINISTRATION		1,255.38	
		Total For Fund 590 WASTEWATER		41,969.83	
Fund 591 WATER FUND					
Dept 570 TREATMENT					
591-570-740.000	OPERATING SUPPLIES	AMAZON CAPITAL SERVICES	WTP SUPPLIES	48.70	74131
591-570-802.000	CONTRACTUAL	ENGINEERED PROTECTION SYS	VIDEO SERVICE AGREEMENT	225.00	74144
591-570-850.000	COMMUNICATIONS	VERGENNES BROADBAND	INTERNET SERVICES	28.57	74160
591-570-850.000	COMMUNICATIONS	LOWELL LIGHT & POWER	ACCESS POINT/STREET LIGHT	90.78	74176
591-570-920.000	PUBLIC UTILITIES	CONSUMERS ENERGY	ENERGY STATEMENTS	451.63	74141
591-570-970.000	CAPITAL OUTLAY	PEERLESS MIDWEST INC.	WELL #4 PUMP OVERHAUL & C	29,528.66	74156



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Fund 591 WATER FUND					
Dept 570 TREATMENT					
		Total For Dept 570 TREATM		30,373.34	
Dept 571 DISTRIBUTION					
591-571-740.000	OPERATING SUPPLIES	HOOPER PRINTING	BUSINESS CARDS - BRECKEN	31.80	74149
591-571-740.000	OPERATING SUPPLIES	GRAINGER INDUSTRIAL SUPPL	WATER DEPT SUPPLIES	99.84	74172
591-571-801.000	CROSS CONNECTIONS	HYDROCORP	CROSS CONNECTION FEB 2020	937.00	74150
591-571-850.000	COMMUNICATIONS	AT&T MOBILITY	FIRST NET PHONE BILL	71.86	74133
591-571-864.000	CONFERENCES & CONVENTIONS	VISA	MERCANTILE VISA STATEMENT	(28.62)	74129
591-571-920.000	PUBLIC UTILITIES	CONSUMERS ENERGY	ENERGY STATEMENTS	175.77	74141
591-571-930.000	REPAIR & MAINTENANCE	GODWIN ADA VILLAGE HARDWA	GENERATOR & SAW REPAIRS	128.66	74171
		Total For Dept 571 DISTRI		1,416.31	
Dept 572 CUSTOMER ACCOUNTS					
591-572-703.000	SALARIES-METER READS	BARTLETT, SANDY	METER READS & MILEAGE	353.92	74137
591-572-730.000	POSTAGE	POSTMASTER	W/S BILLS DUE IN APRIL 20	222.29	74161
591-572-860.000	TRAVEL EXPENSES	BARTLETT, SANDY	METER READS & MILEAGE	33.64	74137
		Total For Dept 572 CUSTOM		609.85	
Dept 573 ADMINISTRATION					
591-573-801.000	PROFESSIONAL SERVICES	DICKINSON WRIGHT PLLC	GENERAL MUNICPAL	296.00	74169
		Total For Dept 573 ADMINI		296.00	
		Total For Fund 591 WATER		32,695.50	
Fund 598 CABLE TV FUND					
Dept 000					
598-000-970.000	CAPITAL OUTLAY	CITY OF LOWELL	LCTV -WARE ROAD PROJECT	30,000.00	74166
598-000-970.000	CAPITAL OUTLAY	CITY OF LOWELL	ADMIN FEE	4,000.00	74166
598-000-970.000	CAPITAL OUTLAY	LOWELL AREA HISTORICAL MU	SUMMER YOUTH CAMP	2,000.00	74174
598-000-970.000	CAPITAL OUTLAY	LOWELL ARTS	LCTV - 2020 OFFICE UPDATE	2,000.00	74175
598-000-970.000	CAPITAL OUTLAY	THE BARN FOR EQUINE LEARN	LCTV GRANT	10,800.00	74182
		Total For Dept 000		48,800.00	
		Total For Fund 598 CABLE		48,800.00	
Fund 636 DATA PROCESSING FUND					
Dept 000					
636-000-802.000	CONTRACTUAL	VISA	MERCANTILE VISA STATEMENT	375.00	74129
636-000-802.000	CONTRACTUAL	AUTOMATED BUSINESS EQUIPM	SERVICE CONTRACT 5/1/2020	400.00	74135
636-000-802.000	CONTRACTUAL	APPLIED IMAGING	CITY HALL COPY MACHINE	421.59	74132
636-000-802.000	CONTRACTUAL	DIGITAL OFFICE MACHINES,	POLICE COPY MACHINE CONTR	130.31	74143
636-000-802.000	CONTRACTUAL	DIGITAL OFFICE MACHINES,	DPW COPY MACHINE	33.63	74170
		Total For Dept 000		1,360.53	
		Total For Fund 636 DATA P		1,360.53	
Fund 661 EQUIPMENT FUND					
Dept 895 FLEET MAINT. & REPLACEMENT					
661-895-930.000	REPAIR & MAINTENANCE	BETTEN BAKER	2016 SILVERADO R & M	56.03	74138
661-895-930.000	REPAIR & MAINTENANCE	GTW	CYLINDER RENTAL - FEB 202	32.72	74148
661-895-930.000	REPAIR & MAINTENANCE	GTW	CYLINDER RENTAL - JAN 202	34.96	74148
661-895-991.000	PRINCIPAL	MERCANTILE BANK OF MICHIG	LOAN 4207 & LOAN 4215	33,787.00	74154
661-895-995.000	INTEREST PAYABLE	MERCANTILE BANK OF MICHIG	LOAN 4207 & LOAN 4215	381.83	74154
		Total For Dept 895 FLEET		34,292.54	
		Total For Fund 661 EQUIPM		34,292.54	
Fund 703 CURRENT TAX COLLECTION FUND					
Dept 000					
703-000-222.000	DUE TO COUNTY-CURRENT TAX	KENT COUNTY TREASURER	TAX DISBURSEMENT	1,408.69	74152
703-000-228.009	DUE TO STATE-S.E.T.	KENT COUNTY TREASURER	TAX DISBURSEMENT	1,985.45	74152
		Total For Dept 000		3,394.14	
		Total For Fund 703 CURREN		3,394.14	

04/02/2020 01:23 PM  
User: LORI  
DB: Lowell

INVOICE GL DISTRIBUTION REPORT FOR CITY OF LOWELL  
EXP CHECK RUN DATES 03/14/2020 - 04/02/2020  
BOTH JOURNALIZED AND UNJOURNALIZED  
BOTH OPEN AND PAID

Page: 5/6

GL Number	Invoice Line Desc	Vendor	Invoice Description	Amount	Check #
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04/02/2020 01:23 PM  
User: LORI  
DB: Lowell

INVOICE GL DISTRIBUTION REPORT FOR CITY OF LOWELL  
EXP CHECK RUN DATES 03/14/2020 - 04/02/2020  
BOTH JOURNALIZED AND UNJOURNALIZED  
BOTH OPEN AND PAID

Page: 6/6

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

Fund 101	GENERAL FUND	31,439.65
Fund 202	MAJOR STREET FUN	69.74
Fund 203	LOCAL STREET FUN	25.05
Fund 248	DOWNTOWN DEVELOP	360.45
Fund 260	DESIGNATED CONTR	10,324.00
Fund 581	AIRPORT FUND	622.81
Fund 590	WASTEWATER FUND	41,969.83
Fund 591	WATER FUND	32,695.50
Fund 598	CABLE TV FUND	48,800.00
Fund 636	DATA PROCESSING	1,360.53
Fund 661	EQUIPMENT FUND	34,292.54
Fund 703	CURRENT TAX COLL	3,394.14

205,354.24

# Police Department

**Steven Bukala**  
Chief of Police



March 31, 2020

To: City manager Michael Burns  
From: Steve Bukala Chief of Police  
RE: Speeds on Main Street

Good evening City Council members

A few months back you requested more directed patrol on Main Street, specifically in the downtown area. I had instructed the officers to be stopping vehicles 10mph or more in the downtown area. The response I was getting from patrol was they did not have vehicles 10mph or more during their shifts. I then changed the criteria to 5-10 mph over the speed limit and they were able to stop a few people.

I had Officer VanSolkema download the speed signs and you have a 24 page report attached to this memo in which I will summarize for you.

The speed sign data from January 1 through March 31, 2020 shows that 99.38% of the vehicles traveling are 40 mph or less. The 85% speed is incoming at 23 MPH and outgoing at 27 MPH.

Main and Jefferson through the same time period shows that incoming and outgoing vehicles are at 99.25% at 40 mph or less. The 85% speed for this section of the roadway is 23 MPH for the incoming and 28 MPH for the outgoing. When you calculate these two pieces of data together the 85% speed for the downtown area is 27.5 MPH.

When MDOT did their study and we had the speed signs off, the 85% speed was 30 MPH and if you recall, we fought them by using the data we had prior to the electronic signs coming down, to keep the speed limit at 25 mph.

Now the rest of the data shows traffic volume average is approximately 9296 cars a day for a 90 day average in the downtown business district. The State of Michigan has the intersection of Main and Hudson just above 15,000 vehicles daily. This count is completed with a mechanical counter with tubing on the roadway. I believe this to be an accurate data count as this will be a normal workday count versus ours over a 90 day period including the weekend traffic which is significantly lower count.

Our speed sign data showed our incoming at 31,641. What I believe happened here is the radar was catching vehicles near Smith Street, for one count, and then they were caught again as the light turned green, so the traffic was caught twice.

So, not satisfied with this, I shortened the data pool to the month of January, prior to the speeding complaints from city council and the COVID 19 pandemic. 98.45% were under 40 MPH, and the 85% for incoming traffic was 27 MPH at Jefferson Street, however the outgoing 85% speed was 34 MPH. This traffic would be headed eastbound to Ionia or Saranac. When I drove this route prior to this summary, the 40 MPH sign is visible from Washington Street and it appears the traffic is getting a jump on the speed going out of town. This would support the information I received from patrol about not seeing anyone 10 MPH or more in the downtown area.

In conclusion, we have a traffic volume problem of 10,000 cars or more during the workweek in the downtown area. Do we have an occasional speeder come through the downtown area? Yes but they are less than 1% of the data we collected.

Sincerely,  
Chief Steve Bukala



# ÉlanCité



DÉTECTER • INFORMER • SÉCURISER

**Start date:**

Wednesday, January 1, 2020 3:00 PM

**End date:**

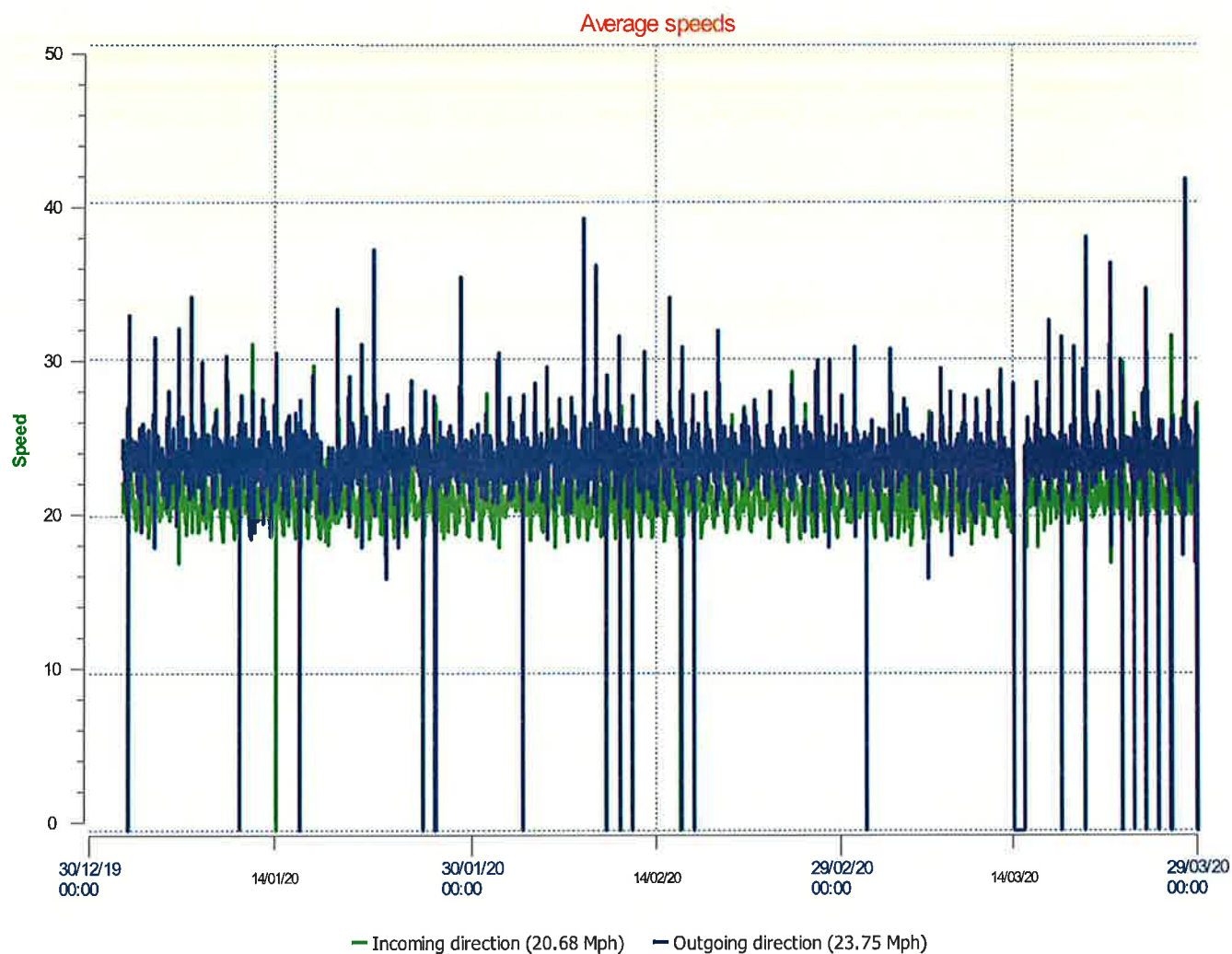
Monday, March 30, 2020 3:30 PM

**Location:**

Westbo

**Comments:**

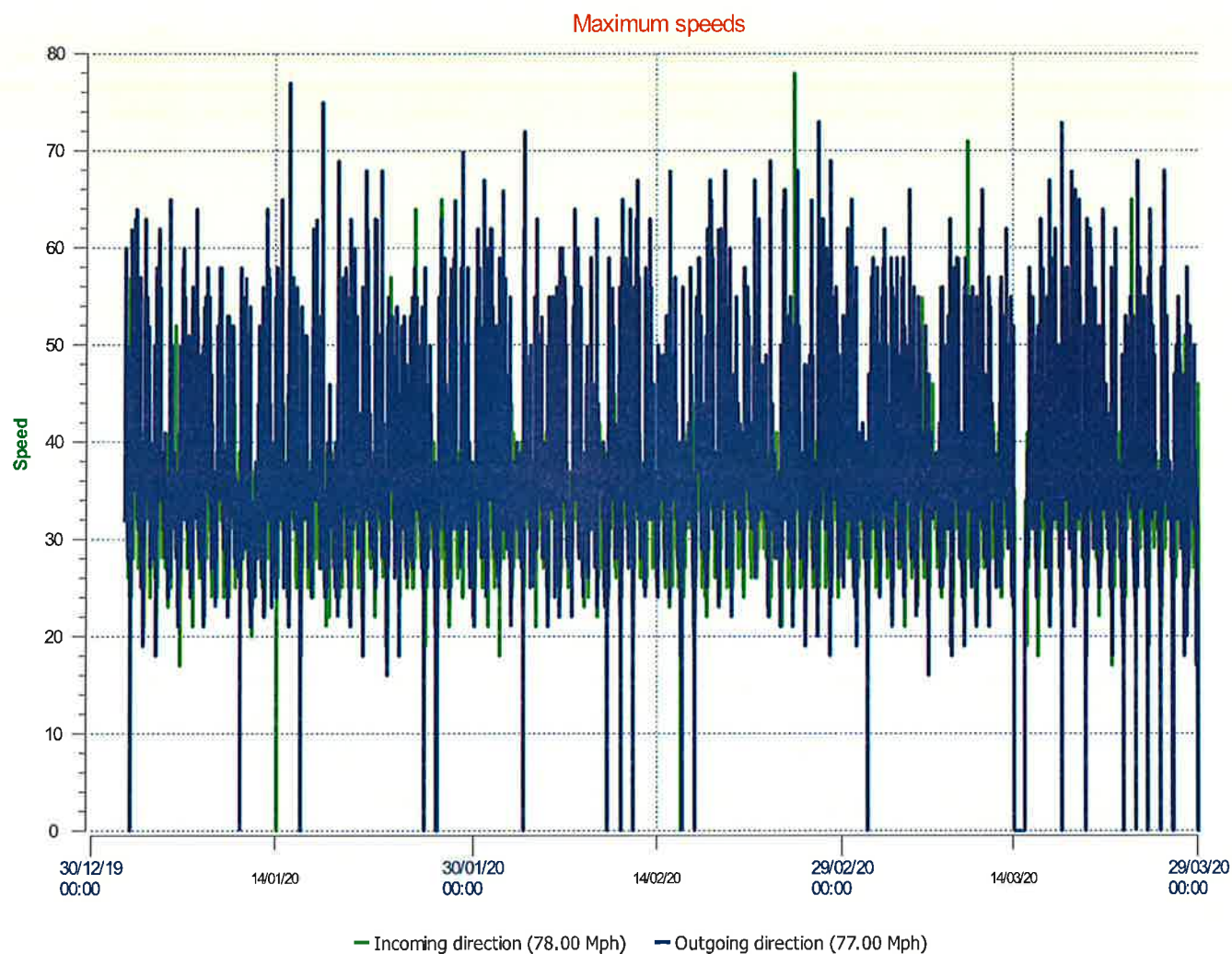
**Reference :** 2020-01-01\_2020-03-30\_Jefferson.pdf



**Start date:** Wednesday, January 1, 2020 3:00 PM  
**End date:** Monday, March 30, 2020 3:30 PM

**Location:** Westbo

**Comments:**

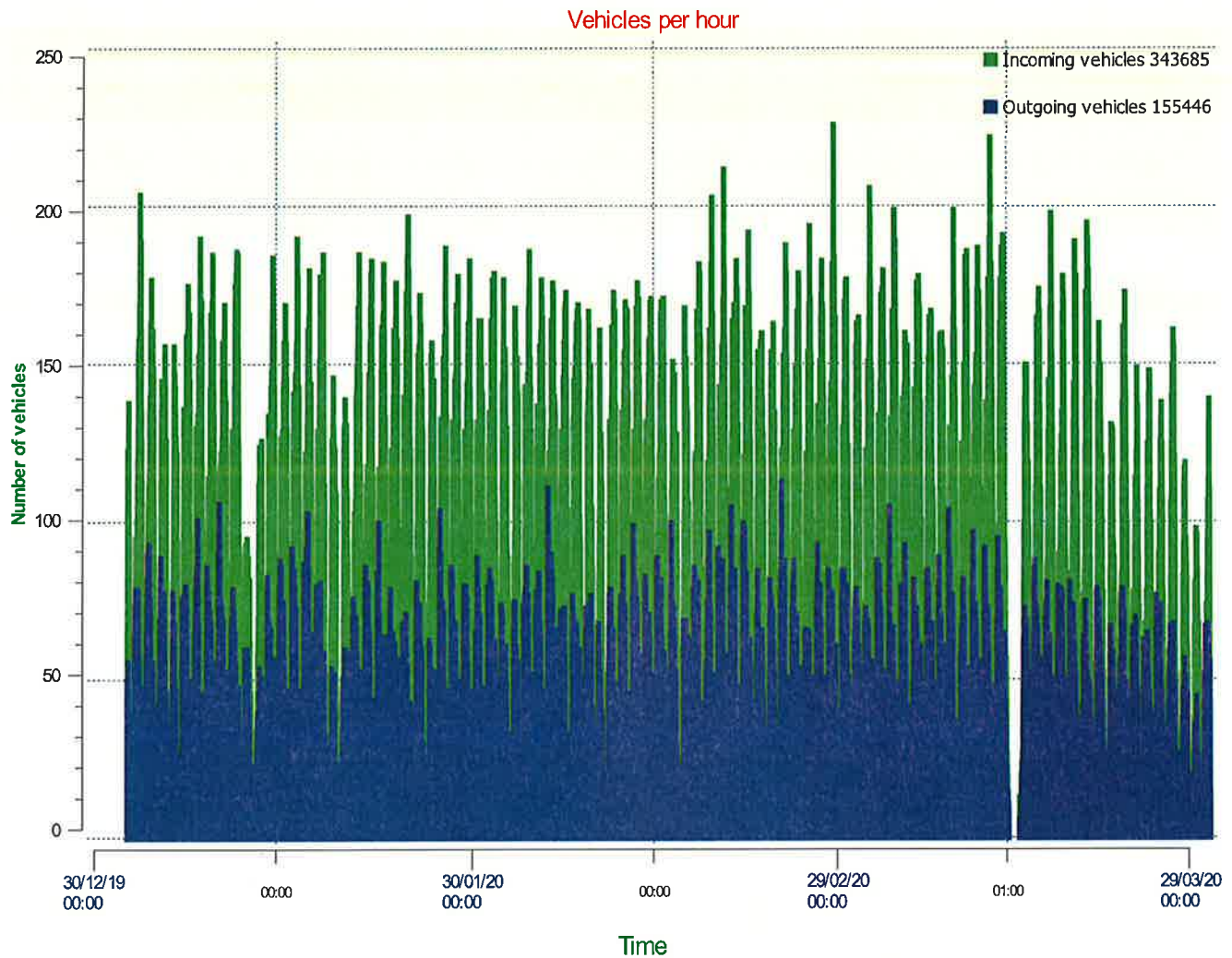


**Start date:** Wednesday, January 1, 2020 3:00 PM  
**End date:** Monday, March 30, 2020 3:30 PM

**Location:** Westbo

**Comments:**

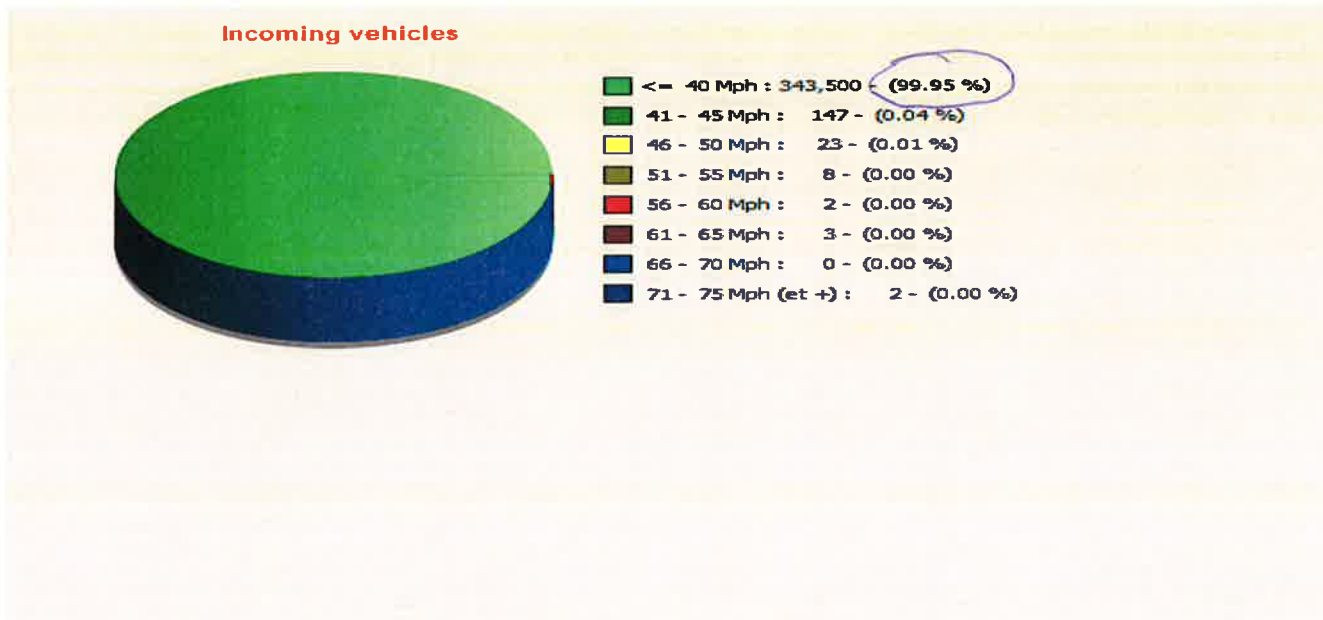




**Start date:** Wednesday, January 1, 2020 3:00 PM  
**End date:** Monday, March 30, 2020 3:30 PM

**Location:** Westbo

**Comments:**



**Start date:** Wednesday, January 1, 2020 3:00 PM








**End date:** Monday, March 30, 2020 3:30 PM

**Location:** Westbo

**Comments:**

### Outgoing vehicles



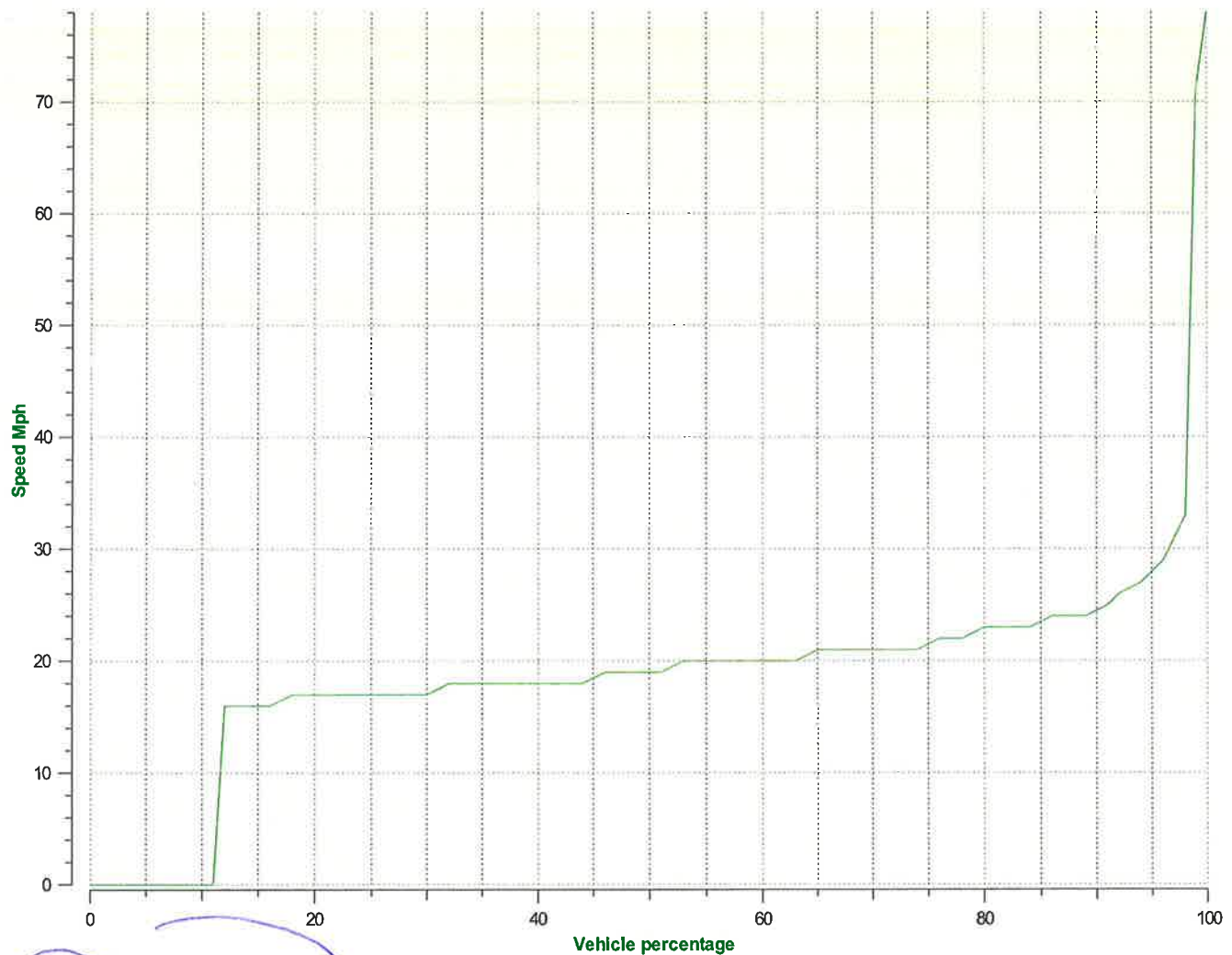
	<= 40 Mph : 154,282 - (99.25 %)
	41 - 45 Mph : 297 - (0.19 %)
	46 - 50 Mph : 337 - (0.22 %)
	51 - 55 Mph : 271 - (0.17 %)
	56 - 60 Mph : 163 - (0.10 %)
	61 - 65 Mph : 64 - (0.04 %)
	66 - 70 Mph : 27 - (0.02 %)

**Start date:** Wednesday, January 1, 2020 3:00 PM

**End date:** Monday, March 30, 2020 3:30 PM

**Location:** Westbo

**Comments:**



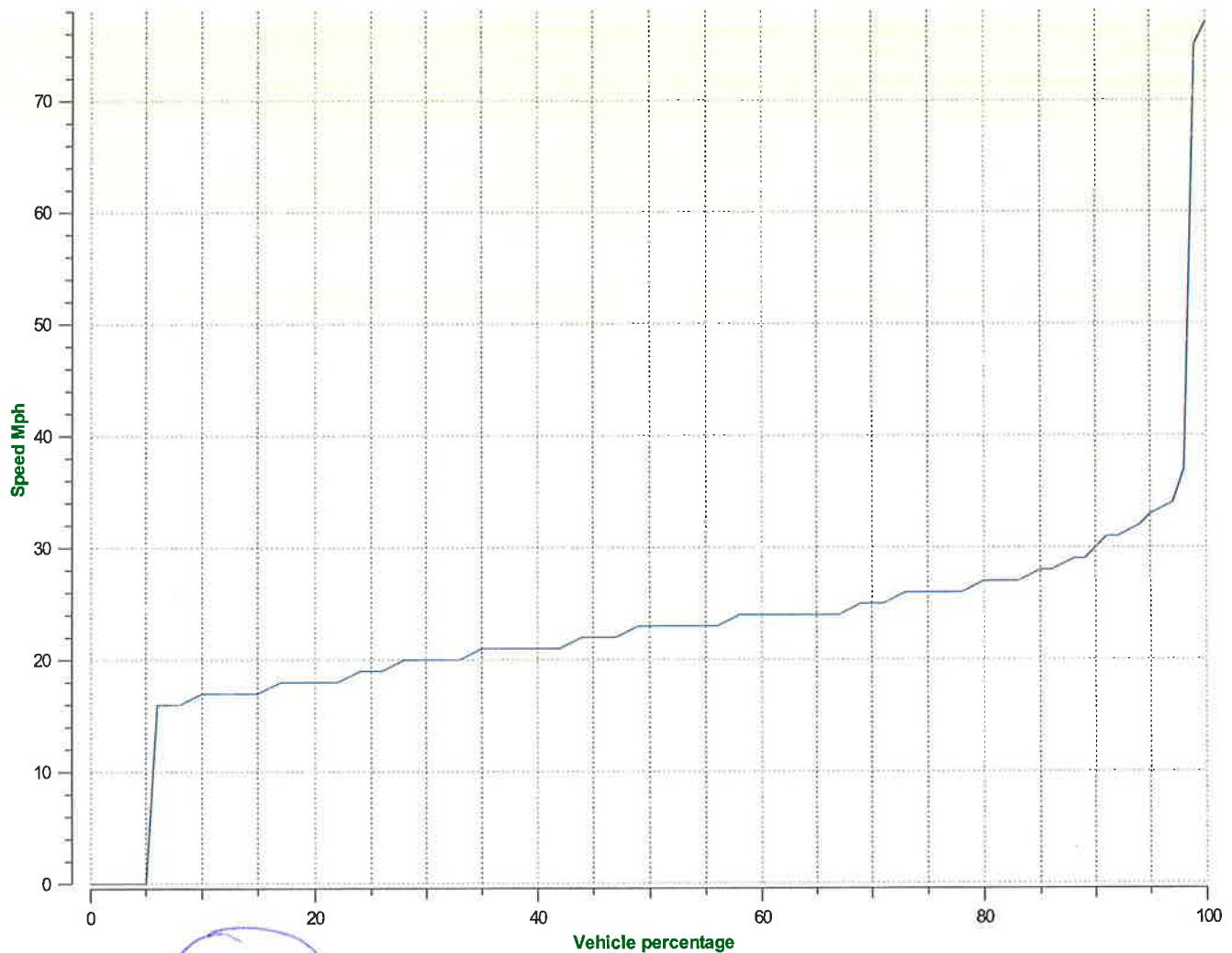
Speed percentiles (incoming)

V30: 17.00Mph V50: 19.00Mph V85: 23.00Mph

Start date: Wednesday, January 1, 2020 3:00 PM  
End date: Monday, March 30, 2020 3:30 PM

Location: Westbo

Comments:



Speed percentile(outgoing)

V30: 20.00Mph V50: 23.00Mph V85: 28.00Mph

Start date: Wednesday, January 1, 2020 3:00 PM

End date: Monday, March 30, 2020 3:30 PM

Location: Westbo

Comments:

# ÉlanCité



DÉTECTER • INFORMER • SÉCURISER

**Start date:**

Wednesday, January 1, 2020 3:00 PM

**End date:**

Monday, March 30, 2020 3:30 PM

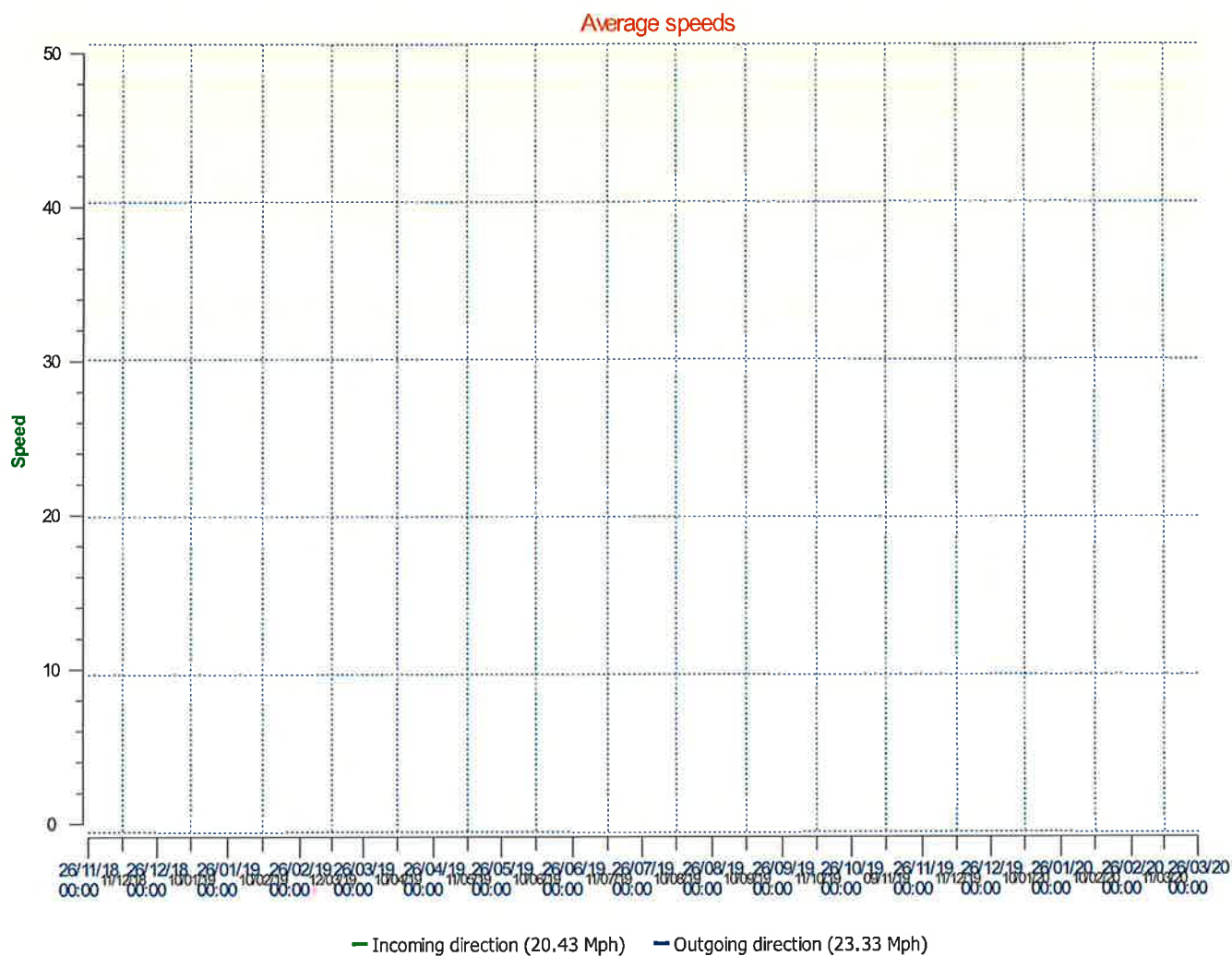
**Location:**

Westbo

**Comments:**

**Reference :** 2020-01-01\_2020-03-30\_Broadway.pdf

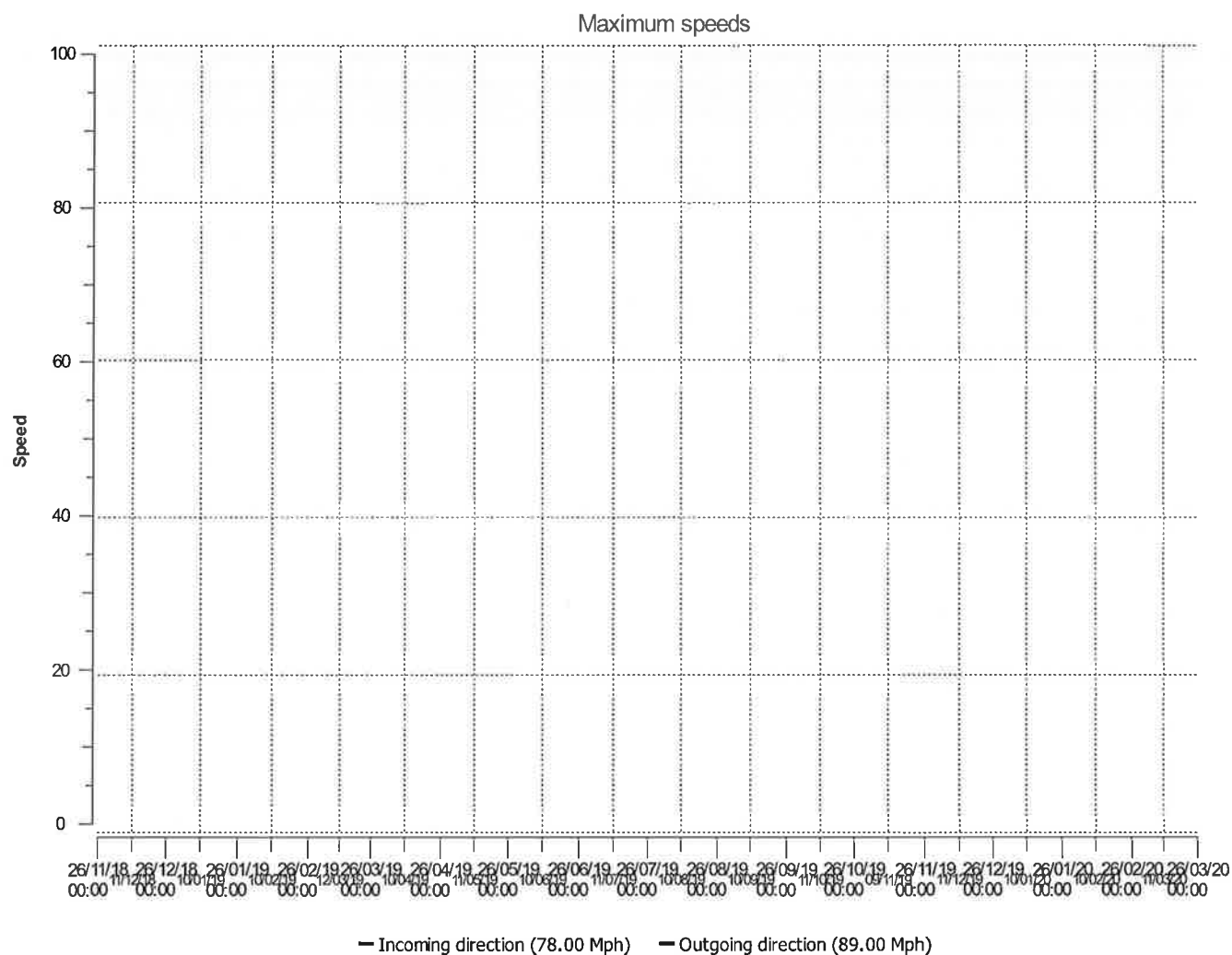




**Start date:** Wednesday, January 1, 2020 3:00 PM  
**End date:** Monday, March 30, 2020 3:30 PM

**Location:** Westbo

**Comments:**



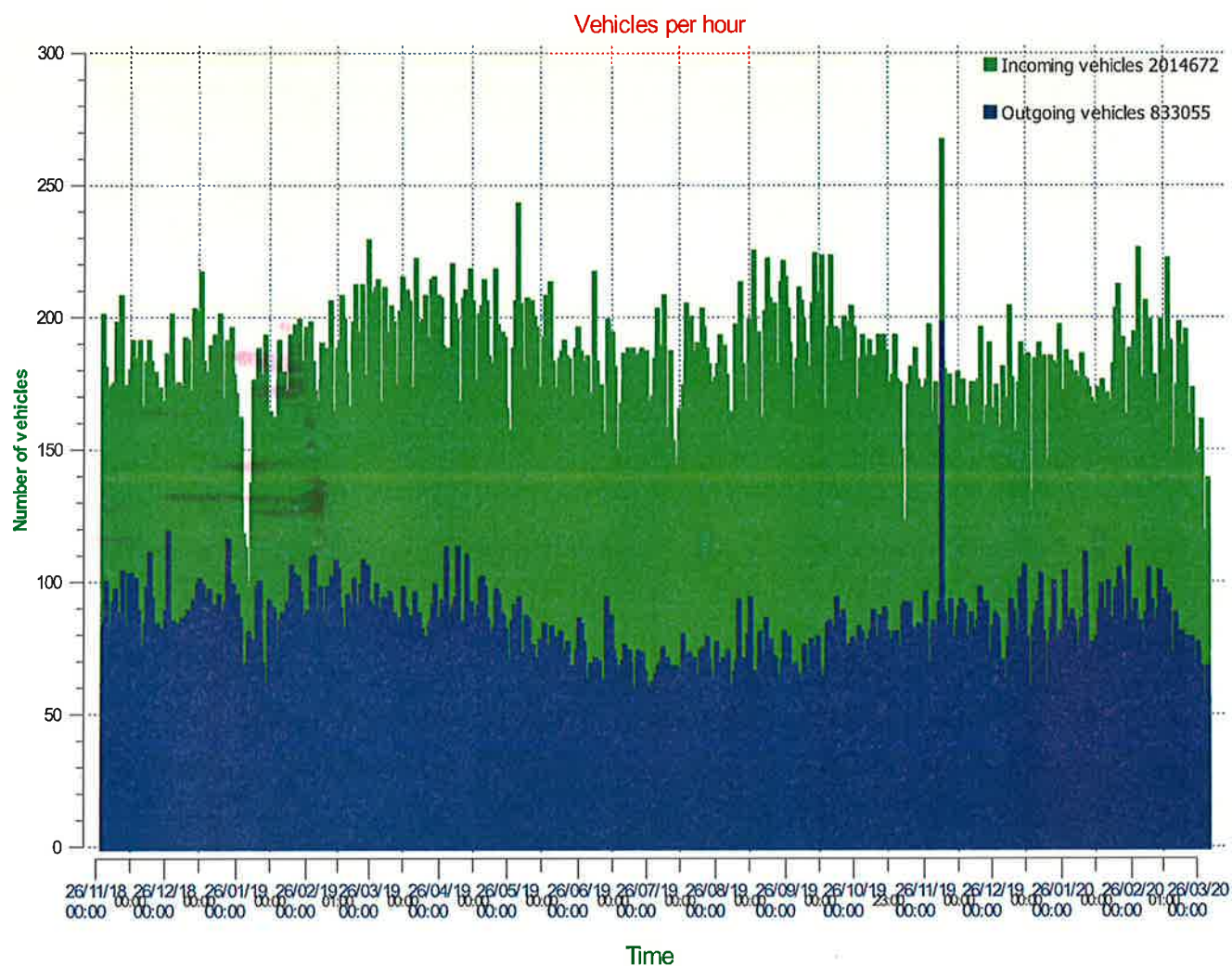
**Start date:** Wednesday, January 1, 2020 3:00 PM

**End date:** Monday, March 30, 2020 3:30 PM

**Location:** Westbo

**Comments:**

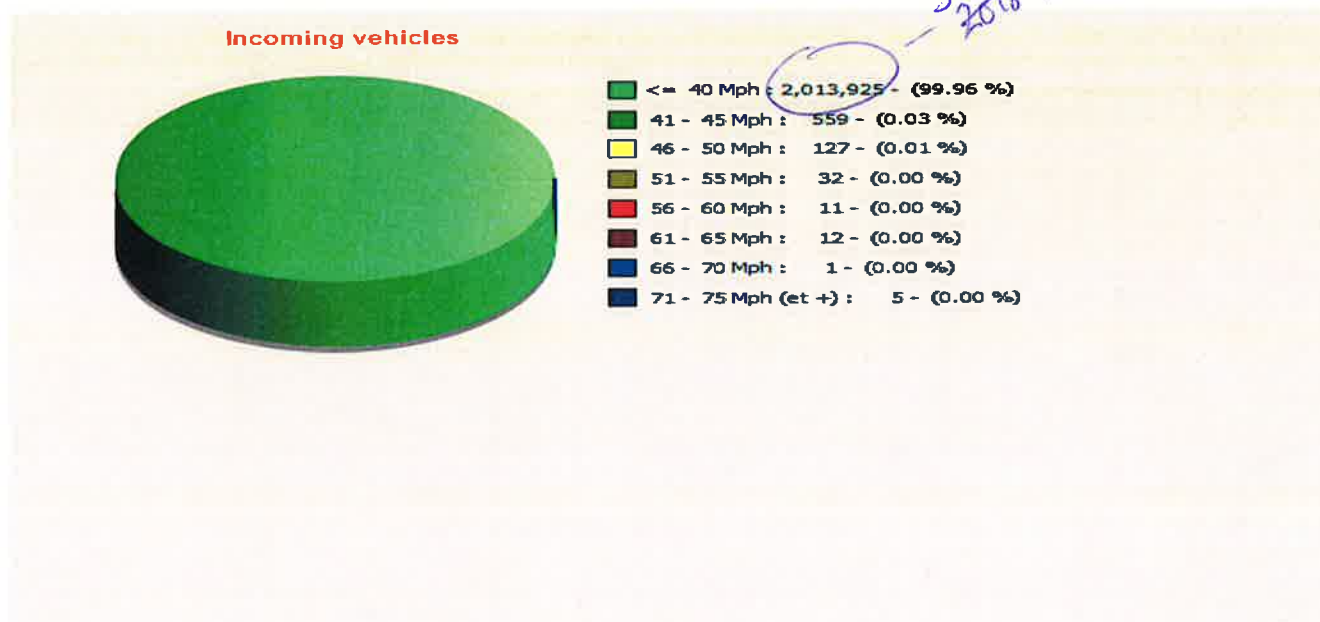




**Start date:** Wednesday, January 1, 2020 3:00 PM  
**End date:** Monday, March 30, 2020 3:30 PM

**Location:** Westbo

**Comments:**



**Start date:** Wednesday, January 1, 2020 3:00 PM

**End date:** Monday, March 30, 2020 3:30 PM

**Location:** Westbo

**Comments:**

### Outgoing vehicles

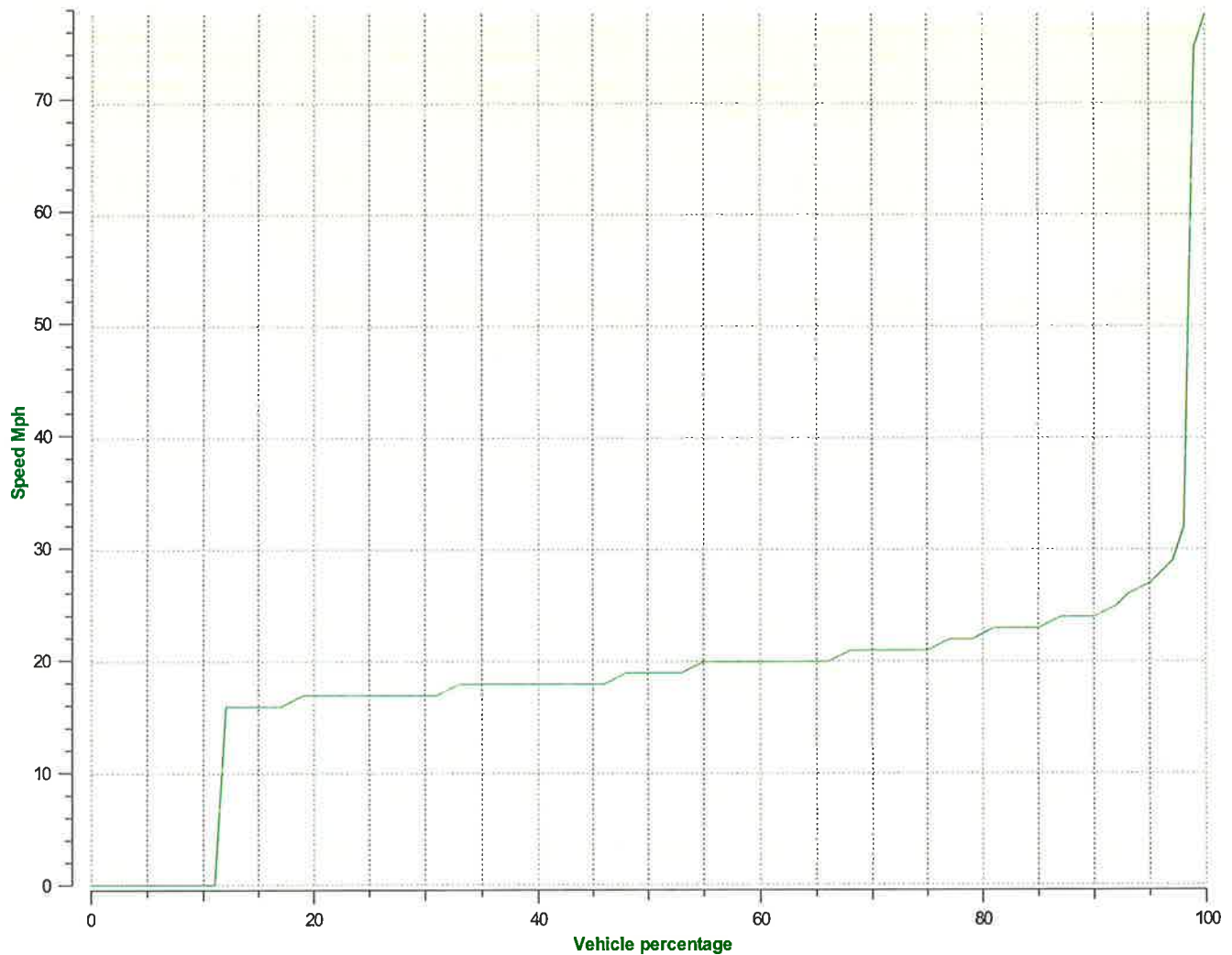


<= 40 Mph	: 827,908 - (99.38 %)
41 - 45 Mph	: 1,318 - (0.16 %)
46 - 50 Mph	: 1,380 - (0.17 %)
51 - 55 Mph	: 1,302 - (0.16 %)
56 - 60 Mph	: 737 - (0.09 %)
61 - 65 Mph	: 280 - (0.03 %)
66 - 70 Mph	: 104 - (0.01 %)

**Start date:** Wednesday, January 1, 2020 3:00 PM  
**End date:** Monday, March 30, 2020 3:30 PM

**Location:** Westbo

**Comments:**



**Speed percentiles (incoming)**

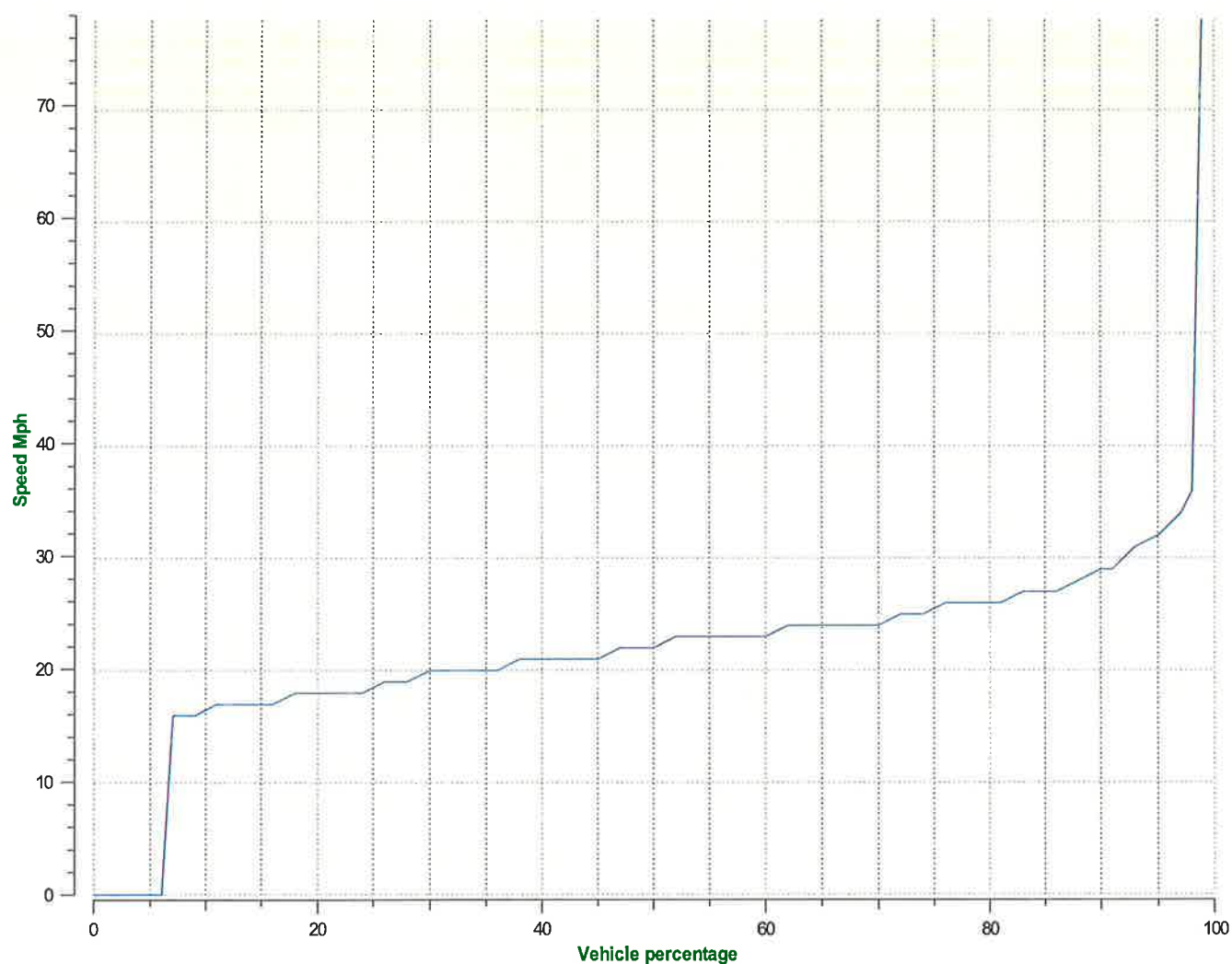
**V30:** 17.00Mph   **V50:** 19.00Mph   **V85:** 23.00Mph

**Start date:** Wednesday, January 1, 2020 3:00 PM

**End date:** Monday, March 30, 2020 3:30 PM

**Location:** Westbo

**Comments:**



Speed percentile(outgoing)

V30: 20.00Mph V50: 22.00Mph V85: 27.00Mph

Start date: Wednesday, January 1, 2020 3:00 PM

End date: Monday, March 30, 2020 3:30 PM

Location: Westbo

Comments:

# ÉlanCité



DÉTECTER • INFORMER • SÉCURISER

**Start date:**

Wednesday, January 1, 2020 1:30 PM

**End date:**

Thursday, January 30, 2020 11:30 PM

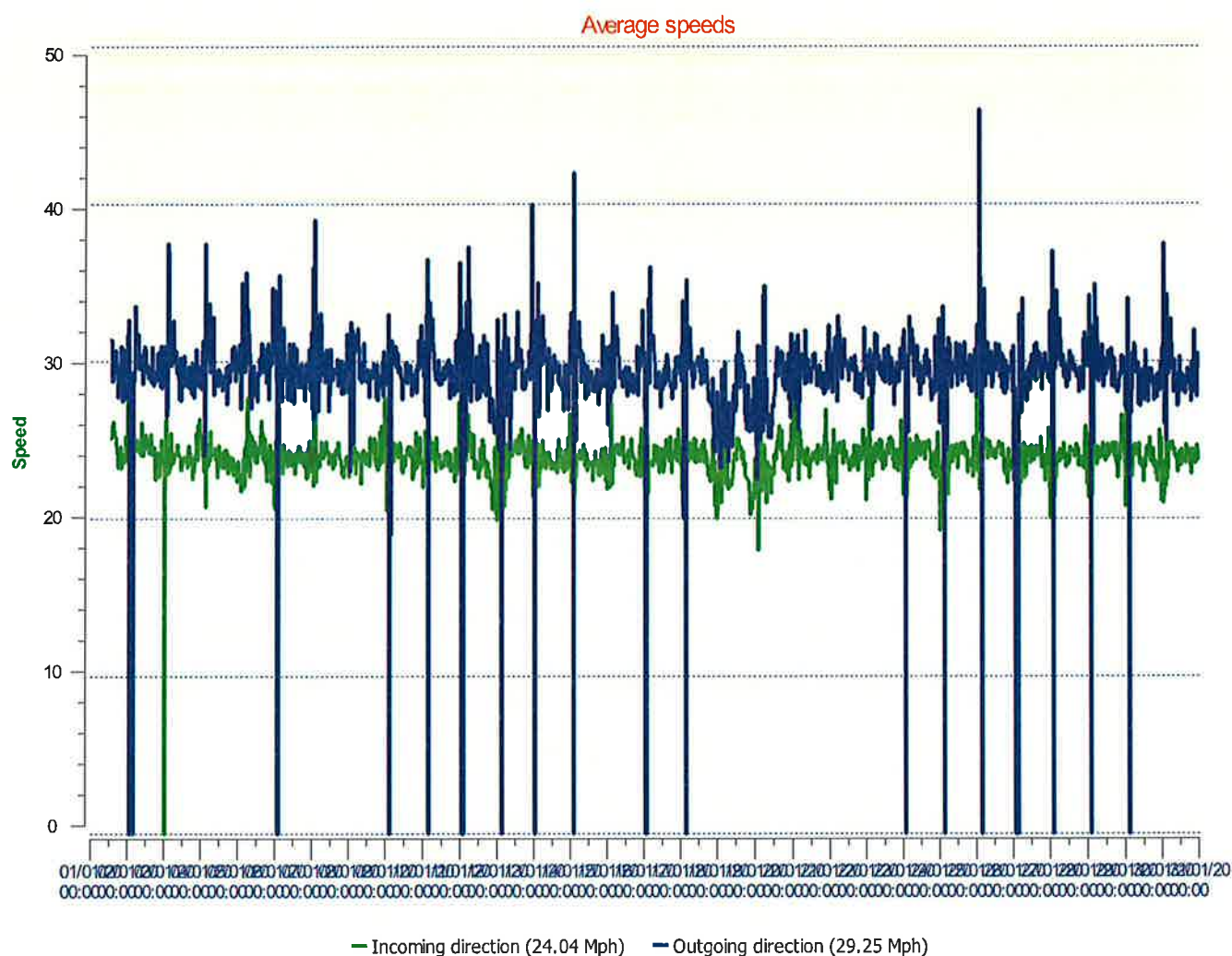
**Location:**

Jefferson

**Comments:**

**Reference :** 2020-01-01\_2020-01-30\_Jefferson.pdf

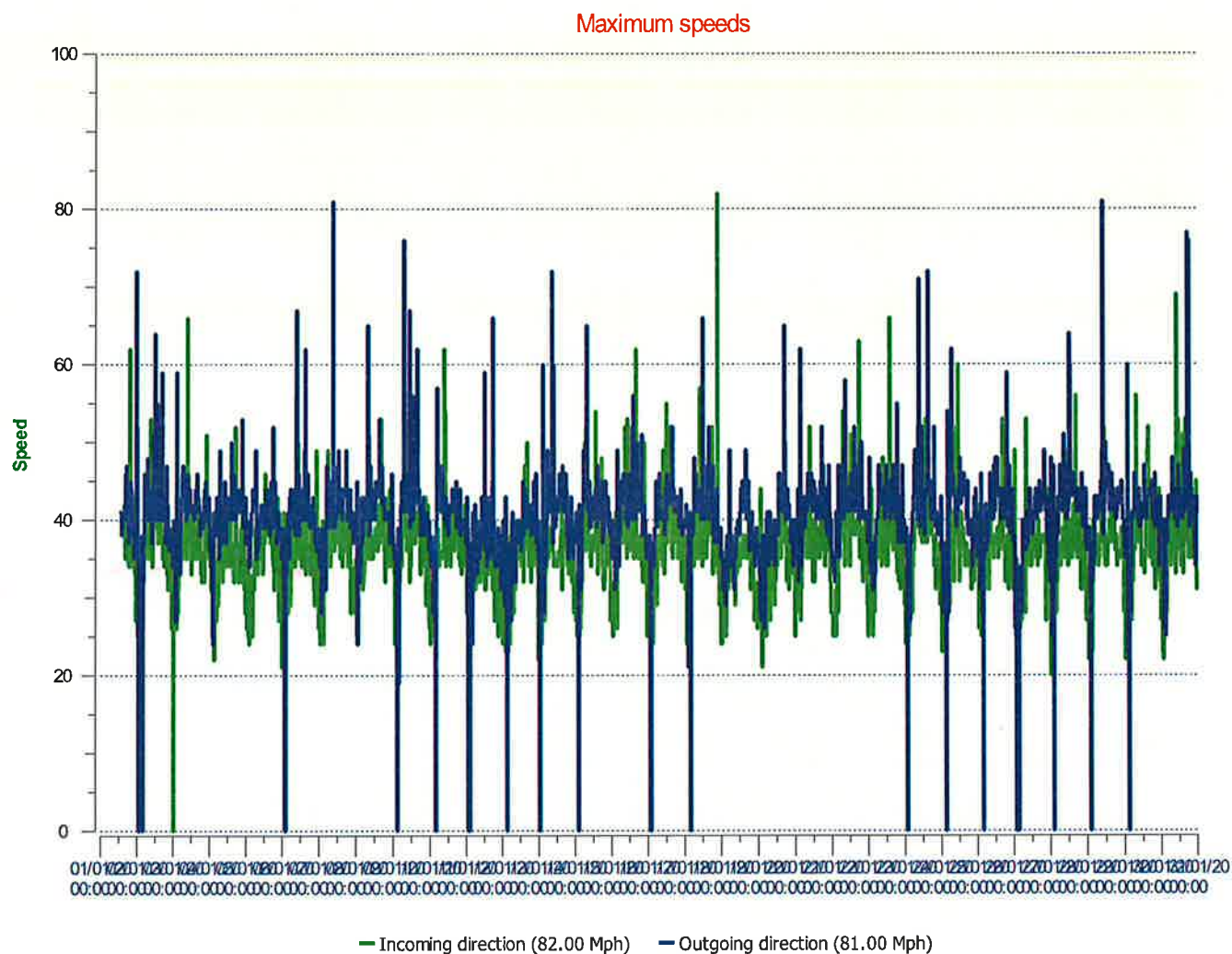




**Start date:** Wednesday, January 1, 2020 1:30 PM  
**End date:** Thursday, January 30, 2020 11:30 PM

**Location:** Jefferson

**Comments:**

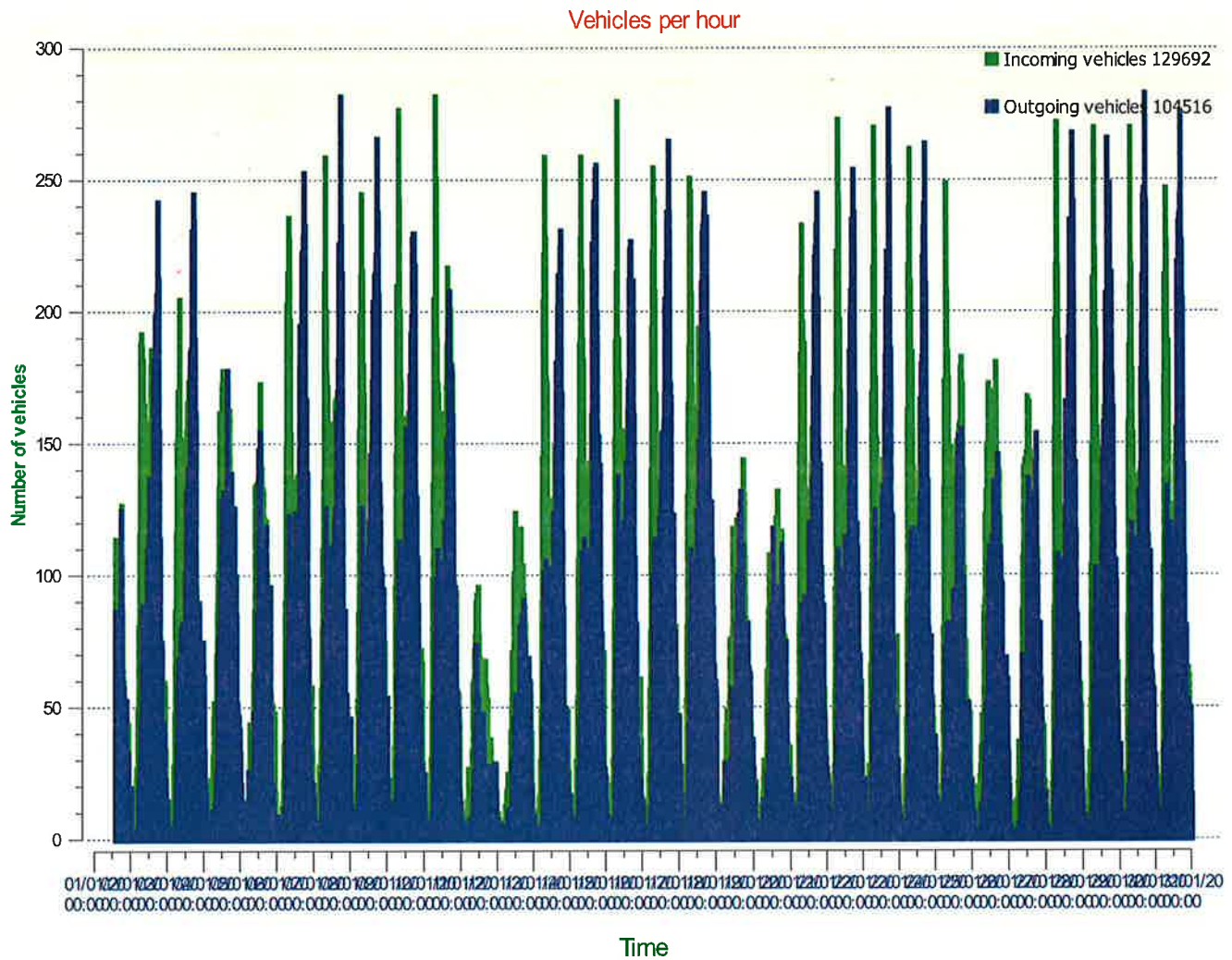


**Start date:** Wednesday, January 1, 2020 1:30 PM  
**End date:** Thursday, January 30, 2020 11:30 PM

**Location:** Jefferson

**Comments:**





**Start date:** Wednesday, January 1, 2020 1:30 PM  
**End date:** Thursday, January 30, 2020 11:30 PM

**Location:** Jefferson

**Comments:**

Incoming vehicles



<= 40 Mph :	129,469	- (99.83 %)
41 - 45 Mph :	142	- (0.11 %)
46 - 50 Mph :	32	- (0.02 %)
51 - 55 Mph :	33	- (0.03 %)
56 - 60 Mph :	5	- (0.00 %)
61 - 65 Mph :	5	- (0.00 %)
66 - 70 Mph :	4	- (0.00 %)
71 - 75 Mph (et +) :	2	- (0.00 %)








**Start date:** Wednesday, January 1, 2020 1:30 PM  
**End date:** Thursday, January 30, 2020 11:30 PM

**Location:** Jefferson

**Comments:**

### Outgoing vehicles



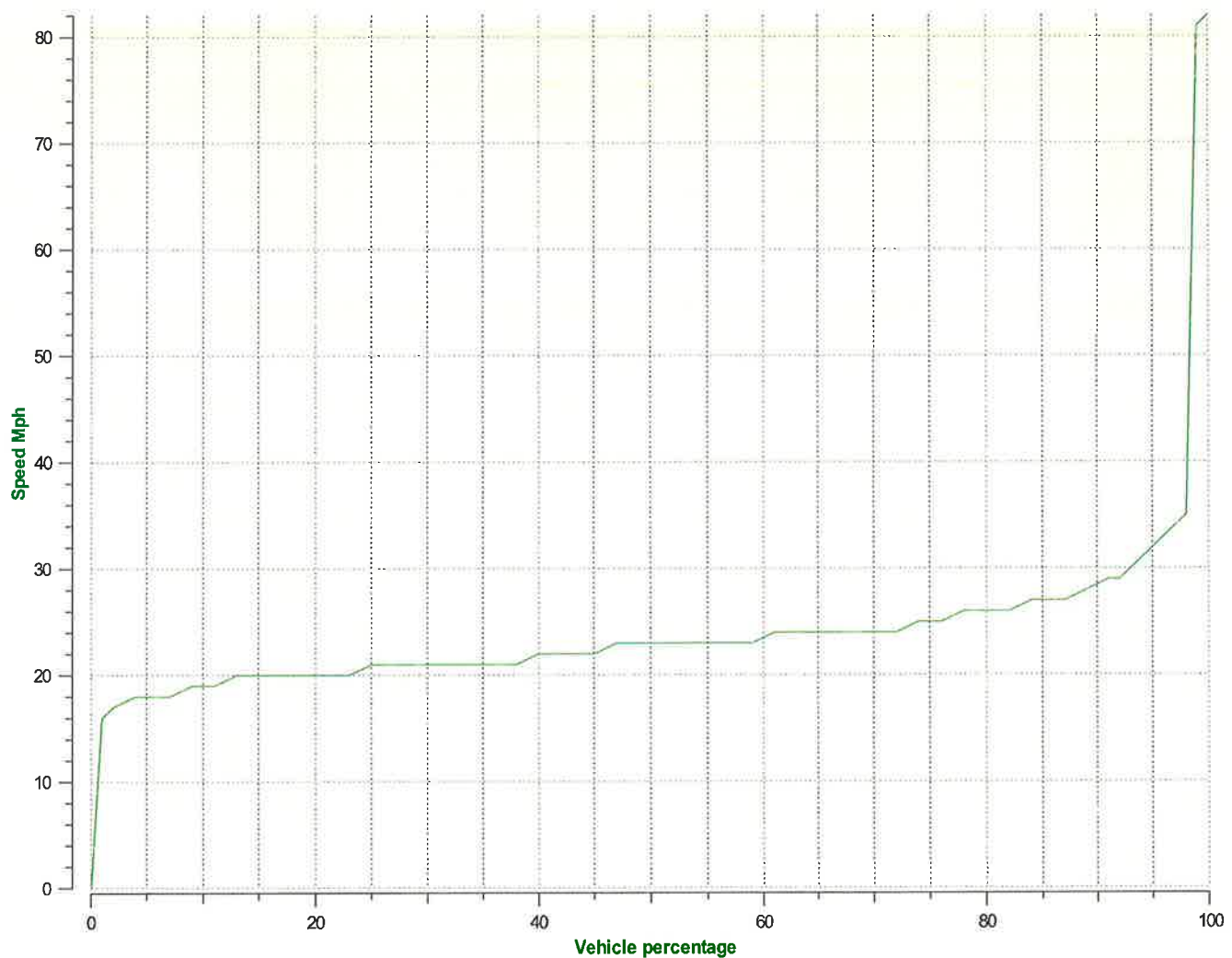
	<= 40 Mph : 102,901 - (98.45 %)
	41 - 45 Mph : 1,412 - (1.35 %)
	46 - 50 Mph : 145 - (0.14 %)
	51 - 55 Mph : 19 - (0.02 %)
	56 - 60 Mph : 16 - (0.02 %)
	61 - 65 Mph : 9 - (0.01 %)
	66 - 70 Mph : 4 - (0.00 %)

**Start date:** Wednesday, January 1, 2020 1:30 PM

**End date:** Thursday, January 30, 2020 11:30 PM

**Location:** Jefferson

**Comments:**



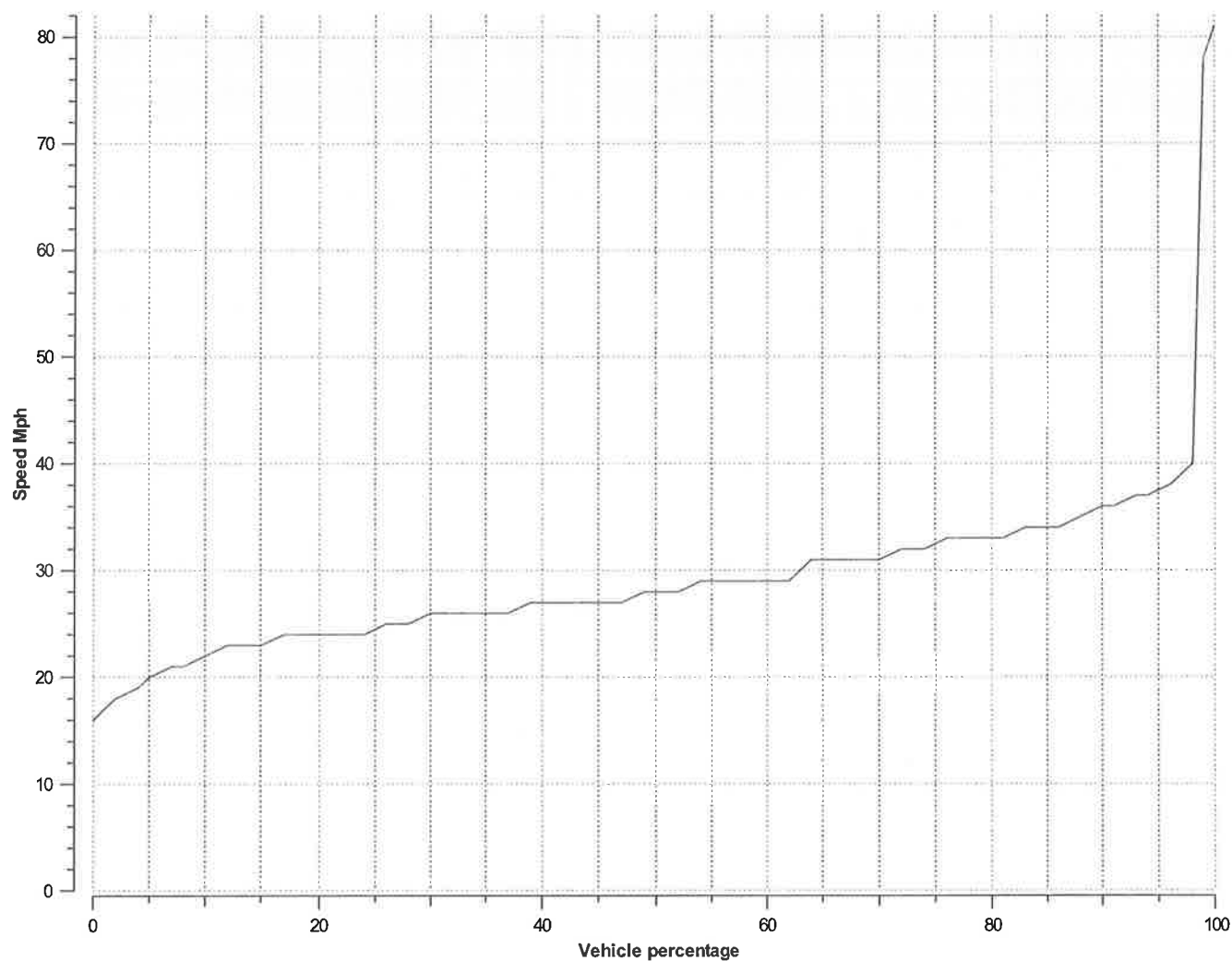
Speed percentiles (incoming)

V30: 21.00Mph V50: 23.00Mph V85: 27.00Mph

Start date: Wednesday, January 1, 2020 1:30 PM  
End date: Thursday, January 30, 2020 11:30 PM

Location: Jefferson

Comments:



Speed percentile(outgoing)

V30: 26.00Mph V50: 28.00Mph V85: 34.00Mph

Start date: Wednesday, January 1, 2020 1:30 PM  
End date: Thursday, January 30, 2020 11:30 PM

Location: Jefferson

Comments:



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

**DATE:** April 2, 2020  
**TO:** Mayor DeVore and the Lowell City Council  
**FROM:** Michael T. Burns, City Manager  
**RE:** COVID 19 Issues

---

In light of the COVID 19 pandemic, City Administration would like input from the City Council on two issues as we move forward. The Public Works Director, Mayor and I have gone over an issue pertaining to playgrounds.

Over two weeks ago, signs were placed at all city playgrounds that stated they are not sanitized. Social distancing practices are strongly encouraged. Enjoy open spaces, but remain ten feet away from others at all times. We believe this notice protects the City as we have notified essentially to play at your own risk. We have received a generous donation from Platinum Property Solutions who are power washing the park equipment weekly until the pandemic ends. However, proper protocols require sanitizing of park equipment every four hours.

Some Cities have closed playgrounds to the point they are either putting police tape or snow fencing around the equipment. Other cities have done what we have. My concern is putting police tape or snow fencing around the equipment is we are promoting a militarized environment which could spread more unnecessary fear when hopefully common sense would prevail. However, unfortunately common sense may not be so common in some instances.

One simple solution would be to just change the park signs that says the playground is closed, but I would like your direction on this before I move forward.

The other issue is utility billing. As I looked into the question at last council meeting about waving the credit card fees and the Michigan Constitution not allowing us to do so. At the end of our last billing we had not received payment from approximately 150 customers. This is double the amount from the month prior. I did not issue late fees and penalties for March. As you know, I ordered we would not shutoff customers on March 13, 2020 and Governor Whitmer issued an Executive Order on Saturday March 28, 2020 regarding the same issue. That being said, we have a requirement to provide water and sewer services to our customers in accordance to guidelines provided by EGLE. We are required to have adequate cash flow into the wastewater and water funds to continue the sustainability of these systems.

I would like Council to weigh in but I would like to notify all customers who didn't pay and inform them that after the April bill deadline, late fees and penalties will be assessed if they do not contact the City to demonstrate a hardship. I will direct staff to develop adequate payment plans with each customer. My concern is while I recognize there are people who are in a situation they cannot pay in full at this time, I am concerned there will be a sector of the populace who will take advantage of this pandemic.

In addition, if you recall we had a rate study for our water and sewer rates in accordance to the SAW Grant. The study recommended a 6% increase to our water ready to serve and commodity

charges and 2% on our wastewater ready to serve customers. To the average residential customer who uses a 5/8" meter and consumes 3000 gallons a month this is a \$2.67 monthly increase to their water and sewer bills with rates varying as meter size increases. That said, I recognize the reluctance of the City Council to not raise rates while municipal financial advisors would always recommend a small increase annually to account for inflation.

Unless directed otherwise, I will not prepare the budget with those increases when I submit the budget to you on April 20, 2020. We will need to issue debt to complete the water and sewer utility projects on Monroe St. and Washington St. and rates will need to reflect proper debt coverage. Administration was planning on completing the utility work on Washington St. beginning in Spring 2021 and Monroe St. in Spring 2022 as there are transportation funds earmarked in 2022 for Monroe. The projects are necessary for the reliability of our water and sewer systems so I would propose flipping the Washington St. project from Spring 2021 to Spring 2023. That said we run the risk of a slighter increase when we begin those projects.

I am seeking input from the council and am open to approaching this in a manner different than I am recommending. Once directed, I will move forward as we discuss.





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

**DATE:** April 2, 2020  
**TO:** Mayor DeVore and the Lowell City Council  
**FROM:** Michael T. Burns, City Manager  
**RE:** Ordinance 20-02 – Moratorium to Ordinance 13-41

---

I have received a request from Councilman Canfield and Mayor Devore to look at temporary non-enforcement of ordinance 13-41 in light of threats posed by the effects of COVID-19. Ordinance 13-41 states the following:

***Sec. 13-41. - Posting in public places prohibited.***

*It shall be unlawful for any person to post, paste, tack or in any manner to attach any circular, notice, picture, sign, card, advertisement or any other document in printing or any writing to any telegraph, telephone or electric light pole, or to any tree in any public place within the city, or on the railing to any bridge or sidewalk within the city.*

*(Code 1971, § 3-1)*

The City has received requests to place banners and signs on light poles and trees in the downtown district to provide effective communication during the current COVID-19 crisis. Presumably, the concern is the detrimental effect that the crisis has taken on effective communication between members of the public and businesses and the acute threat to businesses that must shutter and be otherwise inactive. While Administration is supportive of the efforts of the downtown businesses, we are placed in a predicament when we do get complaints about postings in public places and we are required to enforce the ordinance as written. In those cases, I have reached out to the Chamber of Commerce and those business owners to come up with ideas to be in compliance with this ordinance. We had some instances where businesses placed signage in the downtown not sized in compliance with the City Ordinance and Administration had no option but to enforce the ordinance when the complaint was filed.

I spoke to Jessica Wood about this and she informed me that moratoriums on ordinances have been upheld for short periods of time in the face of a direct threat to health, safety, and welfare. Moratoriums must be temporary and for the shortest amount of time necessary to accomplish the goals of the moratorium. Therefore, if the Council finds that there is such a direct threat to health, safety, and welfare, it could place a moratorium on the enforcement of Ordinance 13-41. Legal counsel advises that it be limited in duration to the shortest time necessary and that courts have typically upheld moratoriums in other circumstances for up to 6 months, after which such a moratorium could potentially be deemed invalid or the Council would have to consider taking permanent action regarding regulations as to posting in public places.

As a note, if you place a moratorium on this ordinance it will not be designated to only the downtown district but will be city wide. So anybody can place any sign on any telephone, light pole or tree in the public right of way throughout the city. It should be noted that free speech principles would not be suspended and there is no regulation as to the content of the postings with very few exceptions even if signage content may be offensive to some.



Jessica Wood drafted the attached Ordinance 20-02 which would provide us an option for a moratorium of enforcement of this ordinance for 90 days or until the COVID-19 crisis is declared over, whichever occurs first. This ordinance wouldn't be effective until 10 days after published in our public notification of record. If you were to execute this ordinance moratorium, I would recommend the moratorium be initially set for 90 days with review and determination of whether or not there is a continued threat that would justify its extension nearer to expiration.

City Administration understands the concern and is supportive of the request. My concern is this may create situations we are not anticipating and might regret while our intentions were good. The City may also have to expend resources to remove such postings and make repairs to public infrastructure caused by attachments after the crisis has passed.

**CITY OF LOWELL  
KENT COUNTY, MICHIGAN**

**ORDINANCE NO. 20-02**

**AN ORDINANCE TO IMPOSE A TEMPORARY MORATORIUM ON  
ENFORCEMENT OF CITY OF LOWELL ORDINANCE 13-41 "POSTING  
IN PUBLIC PLACES PROHIBITED" DUE TO THE DETRIMENTAL  
EFFECTS OF THE COVID-19 CRISIS**

Councilmember \_\_\_\_\_, supported by Councilmember \_\_\_\_\_, moved  
the adoption of the following ordinance:

**THE CITY OF LOWELL ORDAINS:**

**Section 1. Intent and Purpose.** On March 10, 2020, Michigan Governor Gretchen Whitmer declared a state of emergency for the State of Michigan pursuant to Executive Order 2020-4 and subsequently issued a stay-at-home order pursuant to Executive Order 2020-21. On April 1, 2020, an expanded emergency and disaster declaration was instituted by the Governor pursuant to Executive Order 2020-33 which describes the "harsh economic consequences" where "businesses have closed or significantly restricted their normal operations". These Orders, among other Orders, seek to limit in-person contact to prevent the spread of the novel coronavirus (COVID-19). The City of Lowell recognizes the detrimental effect that COVID-19 has taken on effective communication between members of the public and businesses and the significant threat to businesses that must shutter and be otherwise inactive. Those without internet access and others still need to search for goods and services and businesses need opportunity to communicate such available commodities in a time of otherwise limited communication. To that end, the City wishes to temporarily make certain public places available for expanded communication during this extraordinary circumstance.

The City Council finds that this temporary moratorium is necessary to address this immediate threat and to promote the public health, safety and welfare of City residents.

**Section 2. Moratorium.** A moratorium is hereby imposed on the enforcement of City of Lowell Ordinance 13-41 "Posting in Public Places Prohibited" for a period of ninety (90) days or until such time as the Governor of Michigan declares that the State of Emergency and any stay-at-home Executive Orders are no longer in effect, whichever shall occur first. Prior to the expiration of the ninety (90) day moratorium, the City may extend the moratorium for an additional ninety (90) days by resolution if it determines that the immediate threat to the public health, safety, and welfare is still present.

**Section 3. Publication.** After its adoption, the City Clerk shall publish this ordinance or a summary thereof, as permitted by law, along with its date of adoption in the *Lowell Ledger*, a newspaper of general circulation in the City, at least ten (10) days before its effective date.

**Section 3. Effective Date.** This ordinance shall take effect ten (10) days after it, or a summary thereof, as permitted by law, along with the date of its adoption, is published in the *Lowell Ledger*, a newspaper of general circulation in the City.

YEAS: Councilmembers \_\_\_\_\_

\_\_\_\_\_

NAYS: Councilmembers \_\_\_\_\_

ABSTAIN: Councilmembers \_\_\_\_\_

ABSENT: Councilmembers \_\_\_\_\_

**ORDINANCE DECLARED ADOPTED.**

Dated: April 6, 2020

\_\_\_\_\_  
Susan Ullery  
City Clerk

## CERTIFICATION

I, the undersigned City Clerk of the City of Lowell, Michigan (the "City"), certify that the above ordinance is a true and complete copy of an ordinance adopted at a regular meeting of the Lowell City Council held on April 6, 2020, pursuant to notice given in compliance with Act 267 of the Public Acts of Michigan of 1976, as amended, and notice of its adoption, including a summary of its contents and its effective date, was published in the *Lowell Ledger*, on \_\_\_\_\_, 2020. I further certify that the above ordinance was entered into the Ordinance Book of the City on \_\_\_\_\_, 2020, and was effective \_\_\_\_\_, 2020, ten (10) days after publication.

Dated: April 6, 2020

---

Susan Ullery  
City Clerk

Sec. 13-41. - Posting in public places prohibited.

It shall be unlawful for any person to post, paste, tack or in any manner to attach any circular, notice, picture, sign, card, advertisement or any other document in printing or any writing to any telegraph, telephone or electric light pole, or to any tree in any public place within the city, or on the railing to any bridge or sidewalk within the city.

(Code 1971, § 3-1)



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

**DATE:** April 2, 2020  
**TO:** Mayor DeVore and the Lowell City Council  
**FROM:** Michael T. Burns, City Manager  
**RE:** 1242 E. Main

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I received a request from Ryan Gould who resides at 1242 E. Main. He is renovating his home and has been working with the Michigan Environment, Great Lakes and Energy Agency on the construction. His home is in the flood plain and is deemed by EGLE as in the flood flow.

He is requesting for the City to not require him to place sidewalk and a hard surface driveway on the property. He claims that EGLE does not want him to place it as they do not want him to place fill in the area as it causes issues with the flood flow. In addition, there is no sidewalk anywhere near his property and he would need to install 350 feet of sidewalk. Furthermore, he will be making a request to the Zoning Board of Appeals (City Council) to request for a pole barn to be placed on the property in front of his home. He will also need to make a separate request to waive the hard surface driveway at that time.

City Ordinance Section 19-26 states the following and is where I need council direction:

**19-26 - New construction.**

*The owner of any property within the city upon which a new residential, commercial or industrial building is to be constructed shall, in conjunction with such construction, construct sidewalks and any necessary retaining walls and driveway approaches in the public right-of-way adjacent or abutting such property as shall be required by the city manager at the time a building permit is issued for such construction. All such required structures shall be completed prior to the issuance by the city of a certificate of occupancy.*

My interpretation of the ordinance is this gives me as City Manager no flexibility in these circumstances. My issue in this instance is this property is along M-21 and is in the Suburban Residential District. It isn't in the normal residential areas and it is a sidewalk to nowhere. The homes in this area are for the most part older and most likely won't be reconstructed thus requiring sidewalk to be installed for a long time.

I discussed this with Jessica Wood and Dick Wendt who after analyzing the ordinance in detail believe there is ambiguity to the ordinance where it gives me no flexibility on this issue but it also might. Before I move forward on this I would like the City Council's guidance in this scenario. These situations come up from time to time and after review, I think we need to review and possibly revise the sidewalk ordinance to give the council and I the opportunity review these on a case by case basis.

I understand the philosophy behind the ordinance requiring new construction to have sidewalk. If we want interconnectivity throughout the community the sidewalk has to start somewhere. I also can understand the residents concern that the sidewalk will lead to nowhere for many years at a time. I would like your direction on this matter and I can come back at a later date for revisions on the ordinance.

My name is Ryan Gould, I live at 1242 E. Main and have been a Lowell resident for 47 years. We are currently rebuilding our home of 6 years. We are now 3 years into this process due to the tight requirements of the state (DEQ). We are in what is called the flood flow.

The reason for this letter is to request we not be required to put in 350' of sidewalk along M-21. We do not receive city sewer or water and do not have sidewalk on either side of us.

I also ask we not pave the driveway (500'-600') due to cost, the state not wanting fill in the flood flow, and gravel drives on both sides and across the street. I am requesting that we asphalt an apron at M-21 back 50'-60' toward house.

RECEIVED

MAR 18 2020

CITY OF LOWELL  
LOWELL, MICHIGAN

Ryan Gould 262-9949

condemned  
gas

1242  
E. Main

32'x40'

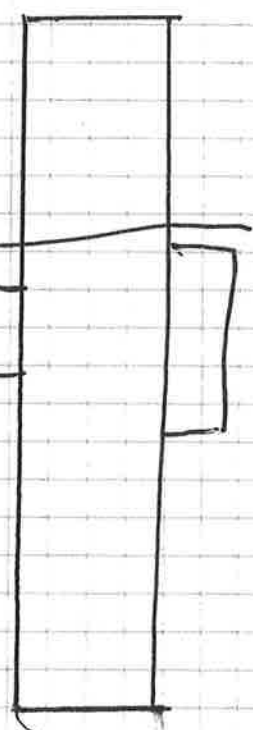
← pole barn

new drive  
→

← existing drive

polebarn proposal

house



3 1/2  
acre Lot

River





# Police Department

Steven Bukala  
Chief of Police



March 31, 2020

Mike,

We are running into a reoccurring issue with one of our trash haulers and this is usually fixed with a phone call or a citation. One of the haulers is picking up dumpsters in the 2100 block of W. Main between 4:45-5am. Our noise ordinance that we have been issuing citations on has been 13-62 the noise ordinance. After looking at this ordinance closer, the times are specific for construction noise of 6am to 9pm. We were issuing citations under 13-62(5) with handling merchandise containers during quiet hours. No one has challenged a citation yet, but if they ever did, I'm convinced we would have it dismissed. 11-36 is the trash ordinance and there is no specific times listed. I am suggesting we have the city attorney update one or both of these to have the times posted as a stand-alone or all-encompassing time. We have also enclosed a copy of how Cascade Twp. Specifically handles trash haulers.

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

Waste haulers shall only collect and transport solid waste within the city on such day or days and during such time during the day as shall be established from time to time by resolution of the city council.

(Ord. No. 10-02, § 1, 8-16-10)

Sec. 13-62. - Noise control.

Each of the following acts is declared unlawful and prohibited but this enumeration shall not be deemed to be exclusive namely:

(1) Animal and bird noises. The keeping of any animal or bird which, by causing frequent or long continued noise, shall disturb the comfort or repose of any person.

(2) Construction noises. The erection (including excavating therefore) demolition, alteration or repair of any building, and the excavation of streets and highways, on Sundays, and other days, except between the hours of 6:00 a.m. and 9:00 p.m., unless prior approval is obtained from the city manager.

(3) Sound amplifiers. Use of any loudspeaker, amplifier or other instrument or device, whether stationary or mounted on a vehicle for any purpose except by speakers in the course of a public address which is noncommercial in character and when so used shall be subject to the following restrictions:

a. The only sounds permitted are music or human speech.

b. Operations are permitted each day, except on Sundays and legal holidays when no operations shall be authorized. The permitted hours shall be between the hours of 9:00 a.m. and 5:00 p.m. without prior city manager approval.

c. Sound amplifying equipment mounted on vehicles shall not be operated unless the sound truck upon which such equipment is mounted is operated at a speed of at least ten (10) miles per hour except when the truck is stopped or impeded by traffic.

d. Sound shall not originate within one hundred (100) yards of schools or churches.

e. The volume of sound shall be controlled so that it will not be audible for a distance in excess of one hundred (100) feet from the sound amplifying equipment and so that the volume is not unreasonably loud, raucous, jarring, disturbing or a nuisance to persons within the area of audibility.

f. No sound amplifying equipment shall be operated with an excess of fifteen (15) watts of power in the last state of amplification.

(4) Engine exhausts. The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, or motor vehicle except through a muffler or other device which effectively prevents loud or explosive noises therefrom.

(5) Handling merchandise. The creation of a loud and excessive noise in connection with loading or unloading any vehicle or the opening and destruction of bales, boxes, crates and containers.

(6) Blowers. The discharge into the open air of air from any noise creating blower or power fan unless the noise from such blower or fan is muffled sufficiently to deaden such noise.

(7) Hawking. The hawking of goods, merchandise, or newspapers in a loud and boisterous manner.

(8) Horns and signal devices. The sounding of any horns or signal device on any automobile, motorcycle, bus or other vehicle while not in motion, except as a danger signal if another vehicle is approaching apparently out of control, or to give warning of intent to get under motion, or if in motion, only as a danger signal after or as brakes are being applied and deceleration of the vehicle is intended; the creation by means of any such signal device of any unreasonably loud or harsh sound; and the sounding of such device for an unnecessary and unreasonable period of time.

(9) Radio and musical instruments. The playing of any radio, television set, phonograph, or any musical instrument in such a manner or with such volume at any time or place so as to annoy or disturb the quiet, comfort, or repose of persons.

(10) Shouting and whistling. Yelling, shouting, hooting, whistling, or singing or the making of any other loud noise on the public streets, or the making of any such noise at any time so as to annoy or disturb the quiet, comfort, or repose of persons.

(11) Whistle or siren. The blowing of any whistle or siren, except of any whistle or siren to give notice of the time to begin or stop work or as a warning of fire or danger.

(12) Exceptions. None of the terms or prohibitions of this section shall apply to or be enforced against:

a. Emergency vehicles. Any police or fire vehicle or any ambulance, while engaged in emergency business.

b. Highway and construction. Excavations or repairs of bridges, streets, or highways by or on behalf of the city or the state, during the night, when public safety, welfare, and convenience renders it impossible to perform such work during the day.

(Code 1971, §§ 18-46, 18-47)

## Chapter 264. Noise

### § 264-2. Prohibited noises.

A. General regulation. It shall be unlawful for any person to make, continue or cause to be made or continued any loud, unreasonable, unnecessary or unusual noise or any noise which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of any other person, resident or property owner within the Township.

B. Specific prohibitions. The following activities and noises are prohibited if they produce clearly audible sound beyond the property line of the property on which they are conducted. These regulations apply to commercial properties, activities or uses between the hours of 10:00 p.m. and 7:00 a.m. and residential properties between the hours of 11:00 p.m. and 7:00 a.m.  
[Amended by Ord. No. 4-2005]

- (1) The operation of power tools or equipment.
- (2) The sounding of any bell, chime, siren, whistle or similar device, except:
  - (a) To alert persons to the existence of an emergency, danger or attempted crime; or
  - (b) As provided in § 264-3.
- (3) The operation or playing of any radio, television, phonograph, audio equipment, drum or musical instrument; also, the creation or activity of music.
- (4) Construction, repair, remodeling, demolition, drilling or excavation work Monday through Sunday, except as permitted in § 264-3.
- (5) The operation or use of any loudspeaker, sound amplifier, public address system or similar device used to amplify sounds indoors or outside the premises.
- (6) The creation of any loud, unnecessary noise in connection with the loading or unloading of any vehicle or the opening and closing or destruction of bales, boxes, crates or other containers.
- (7) The use of any drums, loudspeakers, musical devices or other instruments or devices for the purposes of attracting attention by the creation of noise to any performance, show or sale or display of merchandise.
- (8) The collection of solid waste and source-separated materials on any property that has a commercial and/or industrial use that is adjacent to a residential use.

- C. Special prohibitions. It shall be unlawful for any person to own, harbor or keep any dog which shall cause annoyance or disturbance at any time (24 hours a day) to people in the neighborhood or people on the streets of the neighborhood by loud or frequent or habitual barking, howling or yelping.  
[Amended by Ord. No. 7-2003]

## APPOINTMENTS

	Expires
Downtown Development Authority Vacancy (Eric Wakeman – Currently Serving)	01/01/2020
Lowell Area Fire and Emergency Services Authority Vacancy (Dave Pasquale – Currently Serving)	01/01/2020