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CITY OF LOWELL
CITY COUNCIL AGENDA
MONDAY, APRIL 2, 2018, 7:00 P.M.

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

2. CONSENT AGENDA

- Approval of the Agenda.
- Approve and place on file the Committee of the Whole minutes of the March 19, 2018 City Council meeting.
- Approve and place on file the regular minutes of the March 19, 2018 City Council meeting.
- Authorize payment of invoices in the amount of \$153,362.50

3. CITIZEN COMMENTS 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. NEW BUSINESS

- a. Hudson Street Mill and Overlay
- b. Traffic Signal Cost Share
- c. Resolution 11-18 – Grand River Water Trail
- d. Alternative City Hall Hours and Staffing Schedule

5. OLD BUSINESS

- a. Sidewalks Code Enforcement

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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Lowell, Michigan 49331
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MEMORANDUM

TO: Lowell City Council

FROM: Michael Burns, City Manager

RE: Council Agenda for Monday, April 2, 2018

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3. CITIZEN DISCUSSION FOR ITEMS NOT ON THE AGENDA

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4. NEW BUSINESS

- a. Hudson Street Mill and Overlay. Memo is provided by City Manager Mike Burns.

Recommended Motion: That the Lowell City Council approve construction of Hudson Street from north of the Grand River Bridge to the north City limits in the methods prescribed at an estimated cost not to exceed \$151,000. I also recommend that the City make payments in the methods prescribed and utilize the Major Street Fund for this expenditure.

- b. Traffic Signal Cost Share. Memo is provided by Assistant City Manager Rich LaBombard.

Recommended Motion: That the City Council approve the cost share agreement with the Kent County Road Commission and authorize the Mayor and City Clerk to sign the agreement on behalf of the City.

- c. Resolution 11-18 –Grand River Water Trial. Memo is provided by Assistant City Manager Rich LaBombard.

Recommended Motion: The Parks and Recreation Commission is supportive of the proposed Grand River Water Trail Project and recommend approval of the Resolution of Support as presented.

- d. Alternative City Hall Hours and Staffing Schedule. Memo is provided from City Manager Mike Burns.

Recommended Motion: That the Lowell City Council allow modifications to the hours of City Hall from 7:30 a.m. from Monday through Thursday and 8:00 a.m. until noon on Friday during the timeframe mentioned along with the scheduling parameters listed above.

5. OLD BUSINESS

- a. Sidewalk Code Enforcement. Memo is provided by Assistant City Manager Rich LaBombard.

Recommended Motion: That the City Council adopt the proposed enforcement policy and procedure for City Ordinance – Sidewalks, Drive Approaches and Retaining Walls.

6. BOARD/COMMISSION REPORTS

7. MANAGER'S REPORT

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**PROCEEDINGS
OF
THE COMMITTEE OF THE WHOLE
OF THE
CITY OF LOWELL
MONDAY, MARCH 19, 2018, 5:30 P.M.**

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

The Meeting was called to order at 5:30 p.m. by Mayor Mike DeVore and City Clerk Susan Ullery called roll.

Present: Councilmembers Greg Canfield, Marty Chambers, Jeff Phillips, Jim Salzwedel, and Mayor DeVore.

Absent: None.

Also Present: City Manager Mike Burns, Assistant City Manager Rich LaBombard, City Clerk Susan Ullery, and Police Chief Steve Bukala.

2. APPROVAL OF THE AGENDA

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

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

NO: None.

ABSENT: None.

MOTION CARRIED.

3. CITIZEN COMMENTS FOR ITEMS NOT ON THE AGENDA.

There were no comments.

4. STAFFING ISSUES FOR POLICE AND DPW.

City Manager Michael Burns spoke in reference to staffing issues at the Police Department and the Department of Public Works, stating the Chief of Police and the Assistant City Manager will be making a presentation on these issues in their department.

Chief Bukala gave a staffing presentation for the 2018-2019 budget year. Bukala then asked the question as to if they wanted to stay with the five full time officers, including him or if they wanted to go back with six full time officers, which is where they were when he came to the department twenty years ago.

Bukala then gave a brief budget history, giving the years when they had less and more officers and the budget amounts. Bukala stated that in 2013, the department took over code enforcement, which added more to their budget.

Bukala stated that the part-time officers are the backbone of the department and in 2009, they had a peak, where they were just under six thousand hours and they started making it a little more manageable when they were full staff. Back in 2010, they were back to six full time officers and part-time hours were cut back to around four thousand and have been hovering right around there.

Bukala stated that if they stayed status quo for this year, they would be at five full time officers and the part-time officers would work a little over five thousand hours this year. Officer Brown will reach his top

step increase this year. If the department went to six full time officers, the part-time hours would be down to around three thousand hours, or maybe less.

Bukala went on to explain the pros for having six full time officers instead of five. This would allow the detective to focus on investigations of cases and not have to worry about being on patrol on certain days. Bukala explained that you're basically taking funds from the part-time budget and putting it in the full time budget. He went on to explain that there was a debate five years ago as to the need for a full time detective, so they decided to try it, thinking it would be for a year, but fast-forward five years ago and they're still in the same boat and it has not gotten any better. Investigations have changed and are much more time consuming than ever have been.

The expectation of the general public has been that they like having their own police department and they like the level of service they provide. He is trying to maintain that level of service to the public and it would be easier with a sixth position filled.

Burns advised this is one of the most important needs for the City and if he had to fill any staffing in the City, he would say that this is the one. Burns explained that this was looked at last year, but he didn't feel comfortable with filling the position. He would like to see the position sustainable for five years.

Mayor DeVore stated that this is more than a need and they've explored it a few years ago, but the people sitting on council at the time wanted to illuminate the police department all together, which didn't gain any traction. The police department is one of the most important City services provided.

It was the consensus of the Council that if the sixth full time officer could be sustainable, it should be considered to be put in the budget accordingly.

Assistant City Manager Rich LaBombard then gave a presentation as to what you would expect at the Department of Public Works. LaBombard stated that most people would say they fill pot holes, plow streets, mow grass, but the reality is that the DPW staff affects all citizens on a daily basis.

LaBombard stated the full time employees are himself, superintendent, two supervisors and four regular staff. LaBombard stated they have one regular part-time employee, three to five seasonal employees and then some contract employees such as the meter reader, janitorial, and contracted services from Suez, for mowing, or mechanical or engineering.

LaBombard then explained the hours worked for fiscal year 2017 were 13,248 on the full time side and 3,039 hours for the part-time and seasonal hours. This is actual hours worked and not counting vacation or paid time off. It is estimated for Suez about 4,000 hours, mowing 1,000 plus hours, 600 plus hours for janitorial and 250 hours a year for the meter reader.

Time spent on activities for these hours in the DPW for the 2017 fiscal year was 28 ½% on water treatment, which 9.79% of that time was on equipment. They also spent a lot of time in parks, local streets and even right on down to doing some work for the fire department.

LaBombard explained they would like to see the seasonal employees spend more time in parks, where now they are spending time in the cemetery and DDA. He went on to explain that the full time employees spend time in parks and replacing them in parks with seasonal employees would help alleviate the full time hours spent in parks.

LaBombard stated he has been a little more safety and security focused to doing routine inspections, be more prepared and be more involved in training and drills. He also advised they were looking at probably three full time employees retiring within the next three to five years.

He has identified five under-served service areas in the DPW, which are street maintenance, sidewalks, storm water management, facilities and parking. He advised they are putting patches on patches and it just doesn't hold up very well. It takes a lot of man hours to keep the streets in the condition they are in right now, which is not great and they would like to stop that decline in the pavement and streets.

LaBombard stated they will be talking about sidewalks a little bit later. So far, there are 17 1/2 miles of sidewalks in the City, which is hard to believe, but as of today, in his policy and procedure for maintaining sidewalks, they do not have a good solid inspection criteria.

LaBombard moved to storm water and stated there is more storm sewer than there is sanitary sewer in the City. He stated that they do not have a good preventative maintenance plan for this utility and they don't have a solid dedicated plan for this either.

LaBombard advised their maintenance plan is very inconsistent and they have sheds and other buildings that need to be taken care of.

LaBombard stated there are nine municipal parking lots that need to be maintained. There are three lots at the parks, four lots at public facilities and there is not a great preventative maintenance plan for routine paving for the parking lots.

LaBombard then advised with the new Showboat, they should have a budget for maintaining the Showboat. Also, he advised the Fairgrounds will be coming back to the City and there should be a plan for that as well.

In conclusion, LaBombard stated their bucket is pretty full, much like the police department and they can't take on much more. He advised that any seasonal help during the summer could help alleviate some of the work load.

Mayor DeVore stated that mechanic jumps out at him as work lightening up and should not be needed as a full-time employee, especially as many new vehicles that have been purchased by the police and fire departments and there is no mechanical needs for the newer vehicles.

Councilmember Salzwedel asked if the 10% for the time for equipment was for maintenance and LaBombard stated that it was.

City Manager Burns advised that if this something the Council wanted him to look at, he would suggest possibly having an outside consultant come in and take a look at that to see whether or not a full time mechanic is needed.

Councilmember Chambers advised that the position should be part-time if the equipment is new.

Mayor DeVore stated he didn't want to see anything suffer because of this, but a lot of it was fabricated and dragging out the old vehicles. DeVore stated that there was a need for the new equipment.

It was the consensus of the Council to have the City Manager inquire an outside consultant come in and advise if a full time mechanic is needed.

5. COUNCIL AND BOARDMEMBER COMMENTS.

6. ADJOURNMENT.

IT WAS MOVED BY SALZWEDEL and seconded by PHILLIPS to adjourn at 6:41p.m.

YES: 5. NO: None. ABSENT: None. MOTION CARRIED.

DATE:

APPROVED:

Mike DeVore, Mayor

Susan Ullery, City Clerk

**PROCEEDINGS
OF
CITY COUNCIL
OF THE
CITY OF LOWELL
MONDAY, MARCH 19, 2018, 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 Councilmember Mike DeVore and City Clerk Susan Ullery called roll.

Present: Councilmembers Greg Canfield, Marty Chambers, Jeff Phillips, Jim Salzwedel, and Mayor DeVore.

Absent: None.

Also Present: City Manager Michael Burns, Assistant City Manager Rich LaBombard, City Clerk Susan Ullery, and Police Chief Steve Bukala.

2. APPROVAL OF THE CONSENT AGENDA.

- Approval of the Agenda.
- Approve and place on file the regular minutes of the March 5, 2018 City Council meeting.
- Kent Intermediate School District – Collection of Summer Property Taxes.
- Application for Fireworks Display.
- Authorize payment of invoices in the amount of \$116,868.24.

IT WAS MOVED BY SALZWEDEL and seconded by PHILLIPS to approve the consent agenda as amended, moving the 'Trails Public Hearing' under New Business 5 (a).

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

NO: None.

ABSENT:

None.

MOTION CARRIED.

3. CITIZEN COMMENTS FOR ITEMS NOT ON THE AGENDA.

Mark Mundt spoke in reference to this being his last Council meeting as Superintendent of the City's Wastewater Plant. Mundt stated that in 1989, he and Theresa moved their family of four from a little town of Union Pier two hours north to a not much bigger town of Lowell. Our family soon turned to five and we never looked back. Mundt stated that Lowell is not our home town, but for the past twenty-nine years, it has become our home. It's a great place to live, to raise a family, work, play, shop and volunteer.

Mundt thanked Dave Pasquale and Tony Siciliano who interviewed him and picked him for the job. He also thanked the City Council that was seated at that time who had foresight and vision to protect the City's newest asset by hiring a contractor to operate and maintain it. Mundt also thanked every Council since then that saw the benefit of contractor operations and continued that tradition.

Mundt also thanked City staff that he's had the pleasure of working with over the years. He also thanked the citizens of Lowell that welcomed us into their community. Mundt stated that mostly, he wanted to

thank his family and especially his wife for their unending support. Mundt stated that he and Theresa made a life-changing decision almost twenty-nine years ago and it turned out to be one of the best moves of our lives. Mundt stated that Lowell is a great little community and it has been his sincere pleasure, honor and privilege to work with you and for you. Thank you very much.

4. **OLD BUSINESS.**

a. **Broadway Street Reconfiguration.**

City Manager Michael Burns stated that with the underground infrastructure projects that are currently occurring on Broadway Street, we have been speaking for months regarding reconfiguring Broadway. Based on recommendations from our engineering company, the proposed redesign is to alleviate truck traffic going onto Main Street and diverting the traffic on Broadway back to Hudson.

Burns explained that there have been concerns about this and at the request of some City Councilmembers, he asked Prein and Newhof to come back to the City Council to discuss if this is the best option for the project.

While the project is under construction, if the Council wants the street reconfigured different than what is being recommended by Prein and Newhof, we have time now to make that change.

Brian Vilmont of Prein and Newhof gave an explanation as to why the road was reconfigured this way and advised this would alleviate truck traffic off of Main Street during high traffic times and would help traffic flow smoother.

Perry Beachum asked if they were going to install a sidewalk or will there be pedestrian traffic to get to the ball park or if they would also be diverted down Hudson Street. Vilmont advised there is no sidewalk that goes down that way now and they will not be adding sidewalk to allow pedestrian traffic. Vilmont advised that route for passenger traffic and pedestrian traffic will be rerouted to Hudson Street, which will be safer. There will be a removable fence that can be removed for special events or other things.

Chief Bukala was concerned about vehicles and pedestrians cutting through and reminded everyone there is still a live railroad track. He noted he was in favor of closing the road off and creating a parking lot and routing traffic to use the main road.

Councilmember Chambers sees this as a deterrent for people that visit Lowell, go to the fair and other events at the fairgrounds. It is keeping individuals from coming into the City. This is direct access from that property to our City streets. No one is going to walk around to Hudson.

Mayor DeVore advised that was part of the reasoning for making the fence removable.

Councilmember Phillips asked if they had considered a one-way street. Vilmont advised it would create the same problem because it is currently two-way truck traffic now due to trucks coming to and from the scales.

Cliff Yankovich suggested a gate so people could walk through and not drive through. Vilmont noted there is an opening for people to get through on the south side.

Councilmember Canfield stated that citizens could still get to the parking lot and walk down to the ball field, but they are trying to discourage it because of truck traffic, but if people want to walk down there, they still can.

By general consensus, the Council agreed to proceed with the plan for Broadway Street reconfiguring.

b. Sidewalk Code Enforcement.

City Manager Mike Burns stated that they had looked into the issue of sidewalk enforcement a couple of weeks ago and at that time, he advised Council that he would report back to them. Since then, Burns, Assistant City Manager Rich LaBombard and Chief Bukala have put a plan in place to recommend to the Council. Burns advised Council does not have to vote on this tonight, but they are presenting it for consideration.

Chief Bukala stated that in looking at the current Ordinance, we have the tools in place to make our sidewalks all walkable. Bukala went on to describe the definitions for driveway approach, retaining wall, sidewalk and trail.

Bukala then explained Section 19-3, displacing, opening up pavement, which requires a permit and fee. Inspection of work is needed and any person violating any of the provisions shall be subject to a stop work order and/or revocation of his or her permit.

Is this Ordinance necessary? Yes it is, it is hereby declared necessary for the protection of the health and safety of the general public that the City provide by ordinance for the construction, repair and maintenance of sidewalks, retaining walls and driveway approaches to the City.

Bukala went on to explain the rest of Chapter 19, Sections 19-22 – Responsibility and liability, 19-23 – Existing construction not in good repair, 19-24 – Necessary construction, 19-25 – Notice of violation, 19-26 – New Construction, 19-27 – Permit, 19-28 – Assessment and lien upon property,

Recommendations under the current Ordinance are as follows:

The DPW will assess the all sidewalks in the City that are deemed a hazard. The sidewalk notice of hazard will be distributed via first class mail to the residents responsible for maintaining the sidewalk. The resident will be given a one-year moratorium to come in compliance and the sidewalk permit fee will be waived through June of 2019.

Starting July 1, 2019, if you have a notice of violation, you have sixty days to fix your sidewalk. If it is not in compliance within those sixty days, it goes to the Chief's office and they will have to issue a citation and if that citation is not paid, they will cite you into 63rd District Court, you will be given a formal court hearing, if you are found not responsible, nothing happens, if you are found responsible, you are going to be ordered by 63rd District Court to fix the sidewalk. If you don't fix the sidewalk after a court order, the City will then come in and fix the sidewalk, assess alien and then you will be back in court for Contempt of Court.

Assistant City Manager Rich LaBombard then explained that in order to have a fair and equitable inspection program, the City needs to develop a set of inspection criteria which he has developed for Council review.

Perry Beachum of 924 Riverside Drive advised he has a problem with the City requiring sidewalks for all homeowners and businesses, but then the City doesn't install sidewalks in front of City property.

Rich Conrad of 1302 Laurie Gail spoke in reference to being proactive when sidewalks are going bad and asked if he had to contact or hire the City to repair his sidewalk. It was explained to Conrad that the City will not recommend anyone, but he can hire whoever he wants for fixing the sidewalk. Conrad then went on to explain that he likes to run a lot and he is always hit by low lying branches, etc. when running on the sidewalk. Conrad asked who he would contact in reference to clearing the sidewalks from the branches.

IT WAS MOVED BY DEVORE and seconded by SALZWEDEL to table the issue with sidewalks and discuss at another meeting to get more citizen comments and concerns.

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

NO: None. ABSENT: None. MOTION CARRIED.

5. **NEW BUSINESS.**

a. Public Hearing for LARA Trail Discussion.

Walt Thebo of 6130 Hastings Road in Lowell stated he appreciates the Council allowing him to address them. Thebo stated he and his wife have been Lowell area residents for thirty-five years and they've seen what they feel is a wonderful transition of Lowell from what it was like back then to what it is now. Thebo stated that they raised their children here because they felt Lowell had an excellent school system and overall, an excellent community environment. Although they've trusted the school and council leaders, that doesn't mean they blindly follow them on every decision they've made or approved of their decision.

Thebo stated – My wife and I, the creation of this trail network, is just a decision that we whole heartedly support. I am disabled with Muscular Dystrophy, but my understanding is that in order to have this completed trail and have the funding for it, it must be compliant with the ADA, the American Disabilities Act. The smooth trail surface would be really beneficial to me because of my balance issues. I realize I'm only one voice and I understand there're a lot of people that are upset over this because of what it might do to their property and I'm sympathetic to toward that, I truly am, but I do believe that this would be very beneficial to the City and I hope we go through with it.

Eric Bartkus of 1270 Hawthorne Hills stated - the business my wife and I own is at 215 W. Main, Ability Weavers. I would like to say that in the two years that we've been here with our business, we have seen a number of people come in from outside the area. More and more people from long distances visit Lowell to experience the river, the restaurants, the excitement, the shopping, we would like that to continue, as we all would, and we believe that the continuation of this trail would go a long way to helping that. I look to Rockford, which we like to bike that trail often, from Grand Rapids to Rockford and having that smooth, paved continuous trail just is a wonderful thing to bring in people to make it friendly for people with strollers and things like that. It's a neat destination with a river, breweries, restaurants, ice cream and we have that exact thing here, if not better, so I support that trail continuation.

Jim Pfaller of 810 Bowes Road stated he had a couple of concerns. You're going to be looking at a proposed ordinance change or an agreement addendum very shortly, and it concerns me that the State is requiring this Council to make an addendum to the agreement that formed LARA and that if LARA should dissolve, the City is then responsible for the trail within their jurisdiction. Has there been any projections on what the maintenance costs are going to be? Greg, thank you for bringing these around Saturday, I was out of town, I assume it was Saturday. But, it is not a 10-foot wide path. It's a 14-foot wide path; it's a 10-foot wide paved path with 2-feet on either side as the shoulder, so that means I'm losing more of my yard that was originally proposed. Two and a half inches of asphalt does not hold up in Michigan winter, I'm sorry, it's going to crumble and I don't think there's enough funding available in the LARA budget and in the trail's coalition budget that's going to be able to maintain this long term.

Pfaller continued – we can't maintain our streets, yet, down the road, we're going to end up maintaining a trail. Now, am I going to be liable when that happens and the City is then responsible and is going to come back to the property owner, where now, instead of maintaining a 5-foot wide path, I've got to maintain a 10-foot wide path. Something to think about.

Rich Conrad of 1302 Laurie Gail – my apologies to anyone, I'm not exactly up to date with what's happening with the trail. I understand now that it's going through some of the yards on Bowes, my apologies. I'm not here to say that I'm here to support the trail system just in general, I'm from Rockford, I moved here about four years ago, to Lowell. It's a great area and one of the things that attracted me here are the trails. I like to run a lot, I've lost quite a bit of weight because of running and I also want to run safe. Some of the issues I have with again, sidewalks, I don't want to complain about every little thing, on a country road, I can just run down the road and don't have to worry about it. I'm sure some people here have seen me, I'm kind of goofy where I run without a shirt in zero degree weather, I sweat a lot, I love it, I wear bright colors, I'm not going to wear black at dark, that's non-reflective, that's not safe.

Conrad continued – The more trails that there are I feel that it's more safe to run on and it keeps me away from where traffic is. I think it's a great thing, I think it's safe for, in the City, for people to feel safe in a way that's only for running, and again, from Rockford, I think this would be beneficial for the City as well. The more trail systems we have, especially with Lowell becoming a HUB, this connects a lot of the trail systems, which are going to attract a lot more groups. I know there are relay-races that go across the state and bring in hundreds of people, other states some have thousands. I don't know what it could do exactly for the City number wise, but that will attract people.

Conrad continued – In the winter time, it's something that feels great too, I know a lot of people try and shovel their sidewalk, they don't always do it; I feel weird complaining about that, but with the trail system, my experience so far, the trails that are available already, those have been well maintained and are easier to run on. Where I try sidewalks, that's a little bit more difficult because there's slush, there's people that aren't home for the weekend, there's people who just don't care, a lot of those, so I try and avoid those areas, kind of in a hilly area, it's difficult to find a lot of areas where I can try getting, you know, forty to sixty miles in a week without running the same path over and over with traffic. With trails, it provides a lot more of a safe area and basically, I'd like to just use the trails for safety and to see the new business it can bring to Lowell. I'm sorry, I'm not against everybody that lives on Bowes, I'm sorry, I'm just in favor of the trail system.

Deb Pavsek of 970 Alden Nash stated – I live on the Alden Nash section of the LARA Trail and I'm a big proponent of the trail system. I'm a walker so the chance to live on a trail was a big bonus when,

well, it was a big selling point when I bought my home. It adds a sense of community, promotes a positive image for Lowell and it fits in well with other programs offered in the area. For a few years, I worked at the Main Street Inn and people who came to town were very excited that there was easy access to the trails from the Inn and many visited the North Country Trail Association office. I've lived here for five years and I've not had one negative experience. People are respectful and courteous and I was presently surprised at how well the dog walkers picked up. I'm not so very nice being spokesman for legged and it's a sure sign of spring when I see people outside walking again. Everybody was so happy to be walking over the weekend on the trail. The Cooper Woodland Preserve Trail was a brilliant addition, it's beautiful even this time of year and if you haven't walked it, you should, there is convenient parking. Thank you, I appreciate your time.

Rick Seese stated – I'm a life-long resident of the Lowell community. I've been the Associate Broker for Greenridge Realty for thirty years on West Main Street and I've been in the real estate business for forty years. I just want to speak to the popularity of trails in itself. All around West Michigan there are plenty of communities all around us that have partaken in trails. They have become pretty much a prerequisite for many home buyers that look at communities where they might want to move to. Lowell is already a great place to live and it could become even greater. Every age gets a 'positive' out of trails, whether it's older, I'm not like Mr. Conrad, I should run trails more, but we have our seniors and they get exercise, we have our young families that look for vitality in communities before they choose where they might want to move to. They look for good schools, they look for vibrancy, Lowell has it, and it could be greater if we could connect with all of the trail ways and become a trail town. Thank you.

Liz Sparks of 257 Donna Drive stated – I'm here to speak in favor of the walk and bike trail proposed along Bowes Road. I walk and bike a lot in the summer and it will be wonderful to have a bike trail that I can use to get downtown without breaking the law of riding on the sidewalk because I will not ride on Main Street, it's just not safe. I don't want to share the street with all the cars and the trucks and the semis. So, until this trail is put in, Mr. Steve, I will be riding on the sidewalk. We already have the Fred Meijer Rail Trail to the north and the east of us, as well as the North Country Trail and this trail will only add another asset to this already great community. So, thank you for your time and I'm hoping that it really goes through.

Jodi Seese of 1888 Parnell Avenue in Lowell Township stated – I'm one of the original co-chairs of the capital campaign for the LARA Trail and I am here to lend my support to the expansion of this trail as it is a critical element in helping Lowell become a trail town. So, I encourage the City Council to pass the resolution because it will bide the time necessary to allow the Lowell Area Trail board to explore options and reach solutions for concerned citizens and thereby create a phenomenal trail for our entire community to enjoy.

Jodi continued – I'd like to take a second to offer you two perspectives of why a trail in our City would be considered. The first is that in 2016, as Director for the LoWellness health initiative, I worked with a team consisting of regional health institutions as well as local stakeholders to assess the health and interest in wellness in our community. The initiative featured a survey that was completed by two thousand adult residents from Lowell and the data gives us some insight as to how this trail can support the health of our community.

Jodi continued – I offer for you three exhibits, a) 65.9 % of adults that completed our survey reported being overweight or obese and according to the CDC, Center for Disease Control Prevention, thirty minutes of movement per day is recommended for weight loss or maintaining proper weight for those under the age of eighteen. So, paved trails would provide year round opportunities for those physical activities. b) 79% of the adults surveyed reported the desire to change their physical health as their top priority. Outdoor trails offered excellent study for such recreation as walking, jogging, and running regardless of skill level, requiring no special equipment and at no cost, making this an activity that is accessible to all who seek to use it and; c) lastly, the survey showed that the number one reported form of activity most adults desired was outdoor recreation. A non-motorized community trail allows for the best and safest option for individuals, families, and groups alike to find easy convenient exercise opportunities.

Jodi continued – Secondly, I'd like to share a piece of personal experience with this community as a member who is better from our local trails here. I'm not a life-long resident, haven't been doing the same career for forty some years, but I moved here in 2005 and over the course of the four years of living here, I lost about seventy pounds becoming, basically, through moving more and eating better, so you guys were a good influence on me, but what I can tell you is that to obtain and maintain my health, I am participating in one of three travel groups of that are running area groups in the greater Grand Rapids area.

Jodi continued – So, each of these three groups' travels somewhere on Saturday morning year-round, usually before the sun comes up, to find safe and paved trails and runways for walking. My group is sponsored by Priority Health, but it consists of two hundred runners from all corners of Kent County and we travel to Belmont, Rockford, Kentwood, Byron Center and Millennial Park, but we also use trails from nearby townships of Ada, Grand Rapids, Cascade and Cannon. So, after our run, we take in local offerings, such as restaurants and coffee shops and farmer's markets and festivals. So, each Saturday while I'm out here, I see in addition to runners, people of all ages using these trails. I see people on bikes, I see people walking, I see people on rollerblades.

Jodi continued – I see people pushing strollers, I see church groups and Boy Scouts, collegiate teams and youth groups from city and urban areas who seek trails to get out and enjoy nature. Now, I would be proud to invite our run group to Lowell, but we run anywhere from three to fifteen miles, depending on what event we're training for, so currently, there aren't enough miles to use Life Lowell as a training venue, but the proposed trail would be an ideal way to bring these health minded outdoor living groups to Lowell to experience all that our community has to offer. So, it is for the health of our own residents as well as the opportunity to invite recreation seekers to visit our town, our shops, and our restaurants, that I encourage the City Council to approve the resolution before you, not only would this trail invite others to take in our natural resources, experience our gracious spirit and our welcoming community, but it would also create a platform, a connected system of opportunity for health and wellness for us and for our children and for our grandchildren for years to come. Thank you.

Cliff Yankovich of 329 North Monroe and has a business at 208 West Main stated – I would like to address it from the standpoint of a business person. First of all, I think trails fit very well with our family oriented town, but on the economic front, I did some searching this afternoon and I know you can find anything you want to find on the internet if you term it right, but I even looked, I did searches for negative impact of trails, I couldn't find anything that supported a negative impact on a town or a state or a city from putting in trails. Everything I saw was good, there were all kinds of numbers being thrown around so, I'm not even going to quote them.

Yankovich continued – With all respect to them runners here, if I were marketing, I would market it to the bicycle riders because it seems they have a lot more disposable income and they like to spend it. That's totally unscientific, but that's what I found out this afternoon. I even saw things that property values increased that were close to the trails, property values in homes and businesses. I'm not really silly enough to think that anybody's going to run through Lowell and come in and buy some jewelry from me, my perspective is they might stop at New Union and get some beer, they might go to the Jim Ball's and get some ice cream and then maybe those guys will come and buy some jewelry from me.

Yankovich continued – I know you're sick and tired of hearing me say it, but I want to see a campground at the fairgrounds and I think that if we have to divert the trails across the river and send them down to Saranac, you'd be missing a huge opportunity to tie everything together. The family aspect of our town, we're going to have, if this thing is all connected, it will be the fifth largest trail in the country. I think we could get people, I mean Jodi belongs to a huge group, I was reading about these bicycle people and they travel to go do their thing, it's not like we're just gonna try and get people from Grand Rapids here, they move around the country and they spend their money, so I'm hoping that you guys, with all due respect to the people on Bowes Road, because I certainly understand the difficulties there, but I hope things can be worked out and I think we'll all benefit from it. Thanks very much.

Mark Mundt of 800 Bowes Road stated – I'm going to stay on script again. I debated about whether or not I wanted to get up and say anything. I would have preferred my comments on my final night be the positive ones I made a few minutes ago. Part of me thinks my comments aren't going to change anything anyway, but who knows I may strike a chord with you. I'm here to speak against the proposed trail on Bowes Rd. In theory, I believe in a trail, not on Bowes Road, it doesn't fit in that area but let me get back to this script.

Mundt continued – Proposed Location- We are told that one of the selling points of putting in the trail is that downtown business traffic will increase 30%, Cliff pretty well just confirmed some of that. I don't believe that, but let's just put that aside; if we are trying to connect the ends of two trails that exist currently and you drew a straight line from one to the other it goes right through our downtown, but what they're proposing takes it completely away from downtown and over to Bowes Road.

Mundt continued – 125 miles the 5th biggest trail system in the country". Well that's great, we already have both ends within the City limits, if we don't be connected are inside the City limits. Assuming this trail will add about 2 miles, if we don't put that two miles in the middle, we're still connected to a hundred and twenty-three miles of trail, we'll still be connect to a 123 mile trail, all right. And if we don't connect it, people will be forced to walk right through the downtown to get from one part to the other, increasing the downtown traffic just like what you want to do.

Mundt continued – Grand River Trail– I was told by a Township board member less than two weeks ago that MDOT was "chomping at the bit" to fund a trail from Lowell Township park to Ada. Why wouldn't it make sense for the trail to go from the Township Park east to Dependable Gas and use that route? When I talked to LARA about this option, I really honestly had the distinct impression that they never really took a hard look at it even though it would reduce the cost significantly because it would eliminating the need for three bridges.

Long Term Costs- My neighbor, Mr. Pfaller mentioned this briefly. This is a \$5 Million project. What are the long term maintenance costs going to be? There will be a few miles of pavement and at least three bridges over the rivers that will need to be maintained using local dollars. This magic pot is only funding the conditional construction, and it is not paying for any maintenance down the road. Recently, you have been having discussions about how to raise more revenue because we can't even find enough money to maintain the wonderful assets we already have. How do we plan on paying for the maintenance of this trail system? In a few years when the blacktop on the trail begins to fail will we be forced to divert necessary funds for our roads to the trails because the State of Michigan helped fund it and now they're going to lord over us and tell us that we need to maintain the trails? We're going to be paying for that, I hope you have a plan.

Mundt continued – Bowes Rd. Impact-What is the impact to the residents of the trail on Bowes Road in our front yards? Nobody knows for sure. What we do know we will lose trees and bushes that are decades old. We know that perfectly good sidewalk, some of which we paid for ourselves, including me is going to get ripped out and replaced with ten feet of blacktop. We do know that we will forever be losing part of our property, forever. I can tell you that, with the exception of Betsy Davidson, everyone I have talked would not want it in their front yard and I don't want it in mine. I can tell you that a weekend Bowes Road is a very quiet place to be, and this trail is going to change that.

Mundt continued – Right of Way – This is my favorite one. I have been told three or four times that if LARA didn't need the easements they wouldn't have been talking to us in the first place because they would have just put the trail in the right of way in front of our house. That's a pretty bold statement considering LARA doesn't own the right of way, it belongs to the citizens of Lowell and you folks are the representatives of those citizens. You have every right to represent those citizens here tonight and vote no on the proposed resolution.

Mundt continued – Recap: This trail plan is not bringing people to downtown its taking them directly away from it, if you don't put it in we would still be connected to 123 miles of trails, there are other options that have not gotten a serious look, there will be long term costs that we can't afford and last but not least.... It is my understanding that if the grants are awarded, the project needs to be built "as submitted" with very little wiggle room is there for changing something. In other words, they can't decide after you guys vote tonight to move it to Grand River, and that is not an option. I have just another brief sentence and my wife will defer her five minutes to me, thank you. That means it will be coming down Bowes Road if they get the grants they want to have to have it come down Bowes Road. Let me finish with this, most of you on the City Council, the City Manager and the folks from LARA have all said they will not force the trail on the residents of Bowes Rd. If that is so, we're here tonight telling you we don't want it, so just vote no and that way you will keep your word to us. The residents of Bowes Rd. don't want it and you have the power to stop it! PLEASE VOTE NO! Thank you.

Martha Davis stated – I own Tap House Bo at 218 E. Main Street and I'm voting in favor for consideration of this trail as I do think it would give us some of the benefits that we've all discussed as businesses, having more people come into the area, not necessarily needs to be a direct straight shot, I just think that people coming into the area as a whole, will utilize the downtown area. So, I am in favor of the trail. Thank you.

City Clerk Susan Ullery then read letters from the following residents:

Trudy Cahoon of 2599 Gee Drive writes- I am unable to attend the City Council meeting this week but would like to say a few words about the trail way. I live on the corner of Alden Nash and Gee Drive, so I have the trail both in front and along the side of my house. We have never had any sort of issue with anyone using the path. We have never had trash in our yard or people in our yard. We have found the path to enhance the side of our yard as they placed a beautiful bridge over a swampy area that no matter how hard we tried, we could not get it cleaned up. Blair always enjoyed people walking by as he sat in his barn and often had conversations with people as he was sitting there watching tv. It gives a very neighborly feel to our community and we, ourselves, have enjoyed it for walking as well. I couldn't image a reason to not want this trail way to continue throughout our community, but I can come up with several good reasons to support it continuing through Lowell's City limits; it is good for business and our local economy, it enhances the area, it brings people to our beautiful community, but most importantly, it gives people a safe place to walk, run and bike or take a stroll with their kids and dogs. We are so very fortunate to have this beautiful feature in our community as it continues throughout Michigan and the entire United States.

William Sanborn of 2401 Bowes Road writes – I favor the new trail through Lowell. I believe that bicycle traffic has become a safety issue on Bowes Road. This trail will alleviate much of this problem. I also think it will open up some recreational fishing areas along the Grand River that have not been available before. I look forward to walking the new trail. I believe the positives outweigh the negatives.

Velma Perry of 725 Bowes Road writes – Yes, we need trails for our walkers and bicycles, no cars. Will bring families closer riding with adults and children instead of our busy roads.

Carol Kelly of 725 Bowes Road write - I feel the trails would benefit the people who enjoy walking and riding bikes. This should keep the bike riders off the roads, which is not safe for the bike riders or people driving cars. I do not like sharing the road with people on bikes.

Councilmember Canfield stated he appreciated the turnout by the public, in hindsight we're just starting this process and although people feel we were trying to sneak this by them, that was not the case at all, this is just the beginning and we are looking for a solution that works for everybody. Canfield stated he definitely supports this project, I think it will be good for Lowell and the trail users to bring it somewhat close to downtown Lowell. Canfield stated that he spent Saturday printing copies of a four-page informative brochure that Dave Austin put together and made sure that every house on Bowes Road had a copy and talked with anyone that was home. Canfield stated that he did talk to some trail users. Just a lot of support for this, I think it would be good for Lowell.

Canfield stated that we do need to find a compromise that works for the residents. Canfield stated that we are not going to take anything away from the people that don't want to allow an easement on their property, but he thinks it's the best route, Dave Austin spent a lot of time looking at ten or twelve different routes through Lowell and this was the best route and other routes had more problems. Canfield stated he does support this, this is how we begin; we find a compromise that works for everybody.

Councilmember Chambers thanked everybody for coming out tonight and speaking. Chambers stated he is for the trail coming through and think it's well needed. Chambers stated he thinks it will be well

used and well maintained. Chambers stated he knows there's still concerns and he hopes we can come up with an understanding and we can work through these problems and go forward. Chambers stated that he feels that we had a good turn out tonight, good positives, good negatives and he thinks that they just need to start going forward with it.

Councilmember Phillips thanked everybody for coming out and communicating with us, we appreciate it and they will take that into consideration.

Councilmember Salzwedel stated that when he boarded on this a couple of weeks ago, he was sort of under the impression that we were just looking at getting the funding approved, that there could be some possible alternatives to the trail system and not necessarily come down Bowes Road, so apparently, he was kind of misinformed on that part of it. Salzwedel stated that he feels sorry for the residents that live there on Bowes Road and are going to have to deal with this. Salzwedel stated that he is going to have to do some soul-searching before he decides which way he's in favor of going.

Dave Austin then explained the clarifications of the two things that are in front of Council this evening, which is a Resolution to amend the LARA Trail Agreement and a resolution to approve the LARA Trail DNR Trust Fund Grant application. Austin stated that right now, LARA has to pick a route, when we apply for this; we can't say we have five or six options 'what do you think'? Austin explained the grant folks want to see what is your proposed route, so this is the route that we are proposing today, changing it a little bit left or right or front or back, those are things that you can change during the grant process, but if we were to change and totally divert the City and use the township bridge and go down the Grand River Avenue, that would be a significant change that the public hasn't had a chance to comment on and the grants are due April 1st.

Austin continued – So, if they were to make that kind of a change, we could do it with MDOT because their grant process is quarterly and we can do that this summer, and we would have to wait until next year to address the DNR for a major thing, so it can be changed, a major change in a route like that, Mr. Mundt was correct and you'd have to wait, wouldn't really delay the project because the monies aren't going to be available until 2020 anyway from MDOT, so it's just a little finality. Austin advised that before the funding programs will give you final award of the grants, we have to have commitments from all the easements before the grant will be awarded. Austin stated they have to have the thing pretty much designed and all the permits. Austin stated they have a lot of challenges in front of them east of the Flat River. Austin stated that approving the application does not approve the trail by any means, it just keeps going, but if the Council denies it this evening, the project would mostly likely be put off at least a year.

Mayor DeVore asked if they had looked into narrowing the roadway on Bowes Road.

Austin stated that they have not. Austin stated it has been suggested, but in order to get money from the state through the federal program, the City applied for and had the road changed to a federal aid road and that allowed the City to get money towards the reconstruction and in trade for that, you cannot allow parking on the road and you cannot prevent truck traffic, so when they took the parking off, it was now a very wide road and in order to slow the traffic down, the white stripes were put in and that visually, as motorists, it caused us to slow a little bit.

Austin went on to explain that those left over lanes really were just left over lanes, they really weren't designated bike lanes, so now we have thirty-three feet of pavement, let's say we were able to narrow it down to say two twelve foot lanes, twenty-four feet, give us another nine feet. If we did that, we still

have power poles on Bowes Road, on both sides, particularly on the south side and they're major transmission lines, so they're right in the middle of the parkway between the curb and the existing sidewalk. So, it really it really doesn't do anything for us because as Mr. Pfaller pointed out, we need a ten foot wide path and they need two-foot clearance to any obstructions, such as a power pole or a tree, so those power poles would have to be eliminated so, he didn't think that moving the curb really does anything for them, but it's not without consideration if that's the only thing holding them up, they could take a look at it. Austin explained they still have until October 1st with the DNR program to have a letter of commitment from all the properties they need easements from.

Councilmember Salzwedel stated 'so, you're saying if one resident refuses, the trail's done?'

Austin stated 'I'll put it this way, we need control of all the property that we've proposed to put the trail on from start to finish, it either needs to be in the right-of-way or it needs to be in an easement. It is a public facility and so if they City wanted to do this, and I'm not suggesting this at all, I'm working with other communities and I've not experienced it, it's a public facility and you could seek condemnation. We're not talking about ten feet of people's front yards, we're talking about between two and five or six feet, but yes, it would stop the project. If our goal is to do this without forcing it on people, if we don't have permission from these folks by October 1st, we could not go down that route. In our study that we did that was mentioned, there were dozens of options, we looked at sharing the road on Bowes Road not putting the trail in that section, which you'll see in Grand Rapids and in other areas. While that's legal and allowable by MDOT, private funding folks that we were talking to that we're dependent on, are really looking its totally independent trail way. As one of the folks who wrote a letter, they didn't like the sharing concept and that's what we're hearing from some of the funding sources, not the State, I don't want to put this on the State, they want to put in a separate trail.'

Perry Beachum stated that under LARA, under their public act, could not condemn property. Maybe the City could, but under LARA, they cannot condemn property, I want to make that clear from the get go.

Mark Anderson of 4350 Maple Run, a township board member and he is on Lowell Area Recreation Authority and also on the Park Authority, then had a question and answer session with Dave Austin to help clarify questions for some citizens.

Anderson stated – I have some questions for Dave and he thought some of these folks asked this, first one I would like to know is what year was phase one installed?

Austin answered – correct me if I'm wrong Jodi and Betsy, but I think we actually cut the ribbon in 11, 2011.

Anderson asked – and what shape is the trail in today?

Austin answered – it's in pretty good shape, I was on it the other day and annually, we have to seal cracks and take care of some root issues that folks identified, but pretty good shape. LARA has invested a few thousand dollars a couple of years ago to seal the trail.

Anderson asked – so is there any parts of the trail that are crumbling or falling apart at this point.

Austin answered – you know, there are a couple areas like I said with tree roots that needed attention this season, but nothing extraordinary.

Anderson stated – I think this is a big one, the maintenance plan, who all is involved in the maintenance plan and who's part of this mix to take care of it, who we are partnered with.

Austin – that's been a big issue, especially with new staff at the City who inherited these things and we had that thing called winter that came and went, who's going to plow that, but recently, as you recall, the City, LARA and the schools signed a cooperative agreement for the maintenance of the trails. The primary responsibility, LARA has accepted that responsibility with support from the number of communities, the City and the two townships, Mr. Mundt and Mr. Pfaller are correct. However, and the grant programs, as a part of their check list with approving this grant, they have the same questions as Mr. Mundt and Mr. Pfaller do, is how are you going to maintain this, it's very important and I think our neighbors in Belding and Ionia who just went through this grant process, this was a big part of it, they want to know the maintenance plan and they want to know how you're going to fund it and it's not an insignificant cost.

Austin continued – I think compared to the capital cost you're getting, I think it's reasonable, but I think those are legitimate questions that the three communities have to answer, but we have a cooperation arrangement here. In addition, because of the connection, you are now part of the Fred Meijer River Valley Rail Trail system and the Meijer Foundation donated three million dollars for an endowment for maintenance within that one hundred and twenty-five mile section and while you don't get an annual amount from it, as a member of that system, you're able to go to the trail authority and request distributions from that endowment for the purpose of maintenance.

Anderson stated – the last thing I had was, you know we were talking at our last meeting about moving the poles; we were talking about waivers for the width of the trail, have we applied for that MDOT waiver?

Austin stated – yeah, it's too early in the process to ask. Typically when we're designing these things and we run into an obstacle, there's a process of design exception that we can ask for, but we're not at that point yet, we're just asking for some money, but we have made a formal request to MDOT and given them photographs and survey information for Bowes Road and said; is there in this instance because we have some folks who are concerned, is there a possibility for us to be able to narrow the trail less than the ASHTO standards and I don't have a response from them as of today. Their initial response was, at the grant level, the grant folks usually don't like to make those variances, so they say yeah we run into this all the time, keep working at it. So, we don't have an official, but we're asking.

Anderson stated – I guess my point is we're continually trying to exploring different options and trying to make the least amount of impact on the residents on Bowes Road, whether it be the width, whether it be the type of pavement, whether it be trees or scrubs or grass. We're trying to address those and we've been continually meeting with residents along the road and I think we're for meeting a lot of their needs, but we're also listening to them and we're trying every possible way to put this trail down there with the least amount of impact. I'm sorry I didn't write my name down there, but it's just notes. Thank you.

Mayor DeVore thanked everyone for coming out and I hope their questions got answered. DeVore stated that it was nice to see so many people come out, he's all for the trail, but he's also opposed to impeding on anybody's rights or shoving it down people's throats and he didn't think that either one of the trail items was going to do that. DeVore stated that if there was nothing else, he looked for a motion to close the public hearing on the trail agreement.

IT WAS MOVED BY PHILLIPS and seconded by CHAMBERS to close the Public Hearing on the Trail agreement.

YES: Councilmember Chambers, Councilmember Canfield, Mayor DeVore, and Councilmember Phillips.
NO: 1. (Salzwedel). ABSENT: None. MOTION CARRIED.

b. Resolution 08-18 - LARA Trail Agreement Addendum.

City Manager Mike Burns stated as the City is making the grant request to the Michigan Department of Natural Resources, (DNR) for the proposed trail, one of the parameters of a DNR Trust Fund Grant is that whatever the grant is being used for must remain as a public land in perpetuity. The DNR has informed us of an instance whereby an authority was created and a grant for a trail was provided, and the authority dissolved.

In order to ensure this event doesn't occur, an amendment is being made to the original Articles of Incorporation of the Lowell Area Recreation Authority and will be presented to the City, Lowell Township and Vergennes Township. An Addendum is attached that states that if the Lowell Area Recreation Authority dissolves, the trail will revert ownership toward the municipality where the trail lies.

IT WAS MOVED BY CANFIELD and seconded by PHILLIPS to approve Resolution 08-18 stating that the City will maintain ownership of the trail and keep the land as public land if the Lowell Area Recreation Authority were ever to dissolve.

YES: Councilmember Canfield, Mayor DeVore, Councilmember Salzwedel, Councilmember Phillips, and Councilmember Chambers.
NO: None. ABSENT: None. MOTION CARRIED.

c. Resolution 09-18 – LARA Trail DNR Trust Fund Grant.

City Manager Burns spoke stating as part of the generating funding for the consideration of the proposed Lowell Area Recreation Authority River Valley Trail Lowell Connection, they will be seeking grant funding. One of these grant sources will be the Michigan Department of Natural Resources Trust Fund Grant.

While there is a proposed plan for where the trail will go, those plans can be modified and will not impact whether or not the grant is denied. Burns stated that he recognizes there are some issues regarding the layout of the Trail and working with some property. Those issues can still be worked on by LARA if we submit the grant. At a later date, if the Council doesn't want to move forward because of dissatisfaction with residents with the trail, they can choose that option. At a later date, a final presentation will be made by LARA regarding the trail for the City Council to formally approve and place in the City Right of Way. If we wait to pursue the grant until those issues are worked on to

completion, the long we have to wait to see if we are eligible. If we receive the grant and there is dissatisfaction on moving forward with the trail, we simply do not move forward with the project and don't accept the grant. Burns stated from a policy perspective, he hopes there is a positive solution as the trail has been planned for the past ten years.

IT WAS MOVED BY DEVORE and seconded by SALZWEDEL to approve Resolution 09-18 for the City to apply for a DNR Trust Fund Grant for the River Valley Lowell Connection Project.

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

NO: None. ABSENT: None. MOTION CARRIED.

d. LCTV Endowment Fund Recommendations.

City Manager Mike Burns advised that the LCTV Board met on March 6, 2018 to discuss the applications received for grant opportunities. LCTV Chair Dennis Kent presented the recommendations as follows:

| | | |
|-------------------------|--|-------------|
| City of Lowell | LCTV Fund Administration Expenses | \$ 4,000.00 |
| FROM | Phone System & Light Upgrade | \$13,804.00 |
| Englehardt Library | Library Reading Garden | \$10,000.00 |
| GR Amateur Astronomical | Golf Cart Purchase | \$ 6,150.00 |
| Greater Lowell Chamber | New Stage, Cover & Equipment | \$20,000.00 |
| LARA | Extend existing paved Trail Gee to Alden Nash | \$25,000.00 |
| Lowell Area Schools | Bushnell Playground | \$19,395.00 |
| Lowell Area Schools | Program Delay Manager | \$ 2,429.12 |
| LowellArts | LowellArts 2 nd Floor Heating & Cooling | \$11,315.45 |

IT WAS MOVED BY DEVORE and seconded by PHILLIPS to approve the recommended LCTV Grants as presented.

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

NO: None. ABSENT: None. MOTION CARRIED.

e. Resolution – 10-18 – Service Credit Purchase for Rich LaBombard.

City Manager Mike Burns advised Rich LaBombard has requested to purchase five years' service credit toward his Defined Benefit pension that he is eligible to receive in the City of Lowell. Michigan Municipal Employees' Retirement System (MERS) allows for an employee to purchase up to five years' generic time and transfer service time from other Act 88 MERS entities into another plan. MERS members have the option to purchase service credits to help meet an early retirement eligibility or to increase their pension.

IT WAS MOVED BY DEVORE and seconded by CHAMBERS to approve Resolution 10-18 and allow Rich LaBombard to make that service credit.

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

NO: None. ABSENT: None. MOTION CARRIED.

6. **BOARD/COMMISSION REPORTS.**

Councilmember Phillips had no report.

Councilmember Salzwedel advised that the next LCTV meeting will be held on December 7, 2018.

Councilmember Canfield advised he was unable to attend the LARA meeting.

Councilmember Chambers advised Lowell Light and Power board approved the purchase of a mini excavator which replaces a 30-year old back hoe. It is much faster and more economical to run.

Mayor DeVore advised his meetings were cancelled except for the Vision meeting, which will be held on Tuesday.

7. **MONTHLY REPORTS**

There were no comments.

8. **MANAGER'S REPORT.**

City Manager Mike Burns reported on the following:

- Refreshing the website. Revise is working on the plan to redevelop the site.
- Downtown Plan was presented at the DDA meeting and revisions are being made.
- Governor Snyder did declare a declaration of disaster for Kent County for the flooding.
- Working on the budget and it will be presented to the Council on April 16, 2018.
- Budget meeting on Saturday, April 28, 2018 at 10:00 a.m. at Lowell Light and Power.
- Lew Bender will be here on Wednesday, March 28, 2018 at 5:00 p.m. at the Fire Department.

9. **APPOINTMENTS.**

None.

10. **COUNCIL COMMENTS.**

Councilmember Phillips thanked all staff and departments for their hard work. Phillips also thanked the citizens for coming out and communicating with the Council. Phillips stated they really appreciate their input. Phillips also advised that the first Saturday of every month, they have coffee with Council and Councilmember Chambers provides a nice cup of coffee and asked the citizens to come and see them.

Councilmember Salzwedel had no comments.

Councilmember Canfield congratulated Mark and Theresa Mundt on their retirement and thanked them for their service to the community. Both have done a great job for many years. Canfield apologized for the little bump in the road for their retirement part, but we'll get through this and find a solution that works for everybody. Canfield also encouraged the community to come up to the Lowell Expo this weekend.

Councilmember Chambers thanked everybody for coming out tonight and stated that it's all about when you sit up here and you take the shots and try to move forward and do the best that you can do. Chambers stated that he does appreciate everybody that spoke tonight and he heard all of them.

Mayor DeVore congratulated the Mundts as well. DeVore advised that if you have questions on the trail, go to LARA, they're not new, they know exactly what they're talking about, they're not going to give you the answer you want to hear, they're not going to twist it to make it fit your agenda, they're going to give you the answer and it's going to be fact-based and there's a lot of work that's been put into it, so don't be afraid to go to them with questions.

11. ADJOURNMENT.

IT WAS MOVED BY SALZWEDEL and seconded by PHILLIPS to adjourn at 9:02 p.m.

YES: 5. NO: None. ABSENT: None. MOTION CARRIED.

DATE:

APPROVED:

Mike DeVore, Mayor

Susan Ullery, City Clerk

AMENDMENT to
LOWELL AREA TRAILWAY AGREEMENT

Res: 08-18

WHEREAS the City of Lowell, the Township of Varennes and the Charter Township of Lowell entered into the Lowell Area Trailway Agreement dated November 15, 2004 for the purpose of establishing and providing a separate legal entity to be known as the "Lowell Area Recreation Authority" for the purpose of developing, acquiring, constructing, operating and maintaining one or more trails for the use and enjoyment of the residents of the Townships and the City; and

WHEREAS, the Lowell Area Recreation Authority acquired MDNR Grant funding for the Phase 1 Trail project in 2010 and desires to apply for MDNR Grant funding for future trail projects; and

WHEREAS, the MDNR requires that all lands involved with projects with MDNR Grant funds be under the control of the grant recipient in perpetuity via ownership or easements; and

WHEREAS the MDNR has requested that the existing Lowell Area Trailway Agreement be amended to address the assignment of responsibility of said lands in the event the Lowell Area Recreation Authority was dissolved;

NOW BE IT RESOLVED

Article VI - Personal and Real Property of the Lowell Area Trail Agreement dated November, 15th 2004 is hereby amended to add Section E - MDNR Grant Requirements as follows:

Article VI - Section E - MDNR Grant Requirements - All lands purchased or developed with Michigan Department of Natural Resources Trust Fund (MDNRTF), Land and Water Conservation Fund (LWCF), or Recreation Passport (RP), collectively known as "DNR Grants" herein after must be maintained as public land in perpetuity or as outlined in the DNR Project Agreement. In the event that in the time of dissolution, the Authority is in possession of land acquired with, in whole or in part, with DNR Grants, the participating municipality in which the lands acquired or developed with MDNR Grants are located shall assume title and control of said lands and per the DNR Grant Project Agreement.

This Amendment shall be approved by resolution of the governing board of each Constituent Unit, and signed by the Township Supervisor and Clerk, as to the Townships and by the City Mayor and Clerk, as to the City.

This Amendment shall become effective upon its approval in accordance with Article XIV and upon its filing with the Kent County Clerk and the Michigan Secretary of State as set forth in Article XIII L.

IN WITNESS WHEREOF, the Constituent Units have caused these presents to be signed by their respective duly authorized officers as of March 19, 2018.

Varennes Township

Supervisor

Tim Wittenbach

Clerk

Heather Hoffman

Date

3-19-18

Lowell Charter Township

Supervisor

Jerry Hale

Clerk

Monica Burt

Date

3-19-18

City of Lowell

Mayor

Michael DeVore

Clerk

Sue Ullery

Date

3-19-18

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

RESOLUTION - 09-18

WHEREAS, the City of Lowell (LARA) 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 \$4,142,000 and

WHEREAS, the City of Lowell has made a financial commitment to the project in the amount of \$3,842,000 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 - | \$ 2,586,000 |
| Private Foundations - | \$ 1,231,000 |
| City of Lowell - | \$ 25,000 |

NOW THEREFORE, BE IT RESOLVED that Lowell Area Recreation Authority 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 \$3,842,000 (93%) of a total \$4,142,000 project cost, and

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

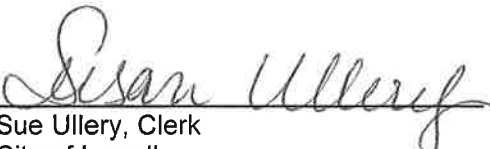
Nays: None

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 19th day of March, 2018.


Sue Ullery, Clerk
City of Lowell

Application for Additional Service Credit Purchase**Section 1: Service Credit Purchase Cost Estimate**

With the approval of the employer and the local governing body, participants can purchase additional service credit to help meet an early retirement eligibility provision or to increase their pension benefit. Unlike MERS-to-MERS or Act 88 time, purchased service credit generally cannot be used to reach vesting.

This estimate is only valid for two months after February 1, 2018, the effective date of this calculation.

The cost to purchase service credit for each individual is based on many factors. Below is the information that MERS used to prepare this estimate. Please review the following information for accuracy. If any is incorrect, this estimate may not be correct.

Participant Information

**Richard M
Labombard**

Date of Birth: 12/30/1970
Age: 47 years, 1 months
FAC as of calculation date: \$67,224.60

Employer Information

Lowell, City of
4104 / 10

Benefit Program

Benefit B-4 (80% max)
Benefit F55 (With 25 Years of Service)
Early Reduced (.5%) at Age 50 with 25 Years or Age 55 with 15 Years
Benefit FAC-3 (3 Year Final Average Compensation)
10 Year Vesting
Defined Benefit Normal Retirement Age - 60

Service Credit

Earned service credit as of calculation date: 1 year, 9 months
Vesting Only Service:
Other Governmental Service used for Eligibility (MERS or Act 88):
Type of Credited Service to be Purchased: Generic
Amount of additional service requested: 5 years, 0 months

Benefit Impact

| | Earliest Eligibility Retirement Date | Retirement Age | Projected FAC | X | Service Credit | X | Benefit Multiplier | = | Annual Benefit |
|---------------------------------|--------------------------------------|-------------------|---------------|---|-------------------|---|--------------------|---|----------------|
| Before Proposed Purchase | 8/1/2027 | 56 years 7 months | \$95,370.75 | | 11 years 3 months | | 2.5% | | \$26,823.00 |
| After Proposed Purchase | 1/1/2026 | 55 years 0 months | \$89,970.62 | | 14 years 8 months | | 2.5% | | \$32,989.32 |

Estimated Cost of This Service Credit Purchase: \$68,249.00

The total cost is due in full at the time of purchase and may be paid by either the participant or employer. You may be eligible to transfer assets from other accounts to make a payment for the purchase, such as: 457 Deferred Compensation Plans; 401 plans; 403(b) plans; and some IRAs (traditional and SIMPLE). To initiate this transfer complete the form *Certification of Qualified Fund Rollover to MERS* (form number F-38). Send signed, approved Application for Additional Service Credit to MERS prior to sending any payment.

Section 2: Calculation Assumptions

1. Projected Earliest Eligible Retirement Date

This date is calculated using the participant's date of birth, the amount of service credit reported by the employer, and other service credit that we have on record (such as MERS-to-MERS or Act 88 time). If any of this data is incomplete or inaccurate this can affect the cost estimate. If the participant chooses to retire on a different date, it may increase/decrease the actual cost.

2. Projected Final Average Compensation (FAC)

Future increases in the FAC are assumed to be a 3.75% annual increase. This calculation is dependent on the wages reported by the employer to MERS. If the actual increases end up being different than the assumption, it may increase/decrease the actual cost.

3. Projected Service Credit

It is assumed the participant will continue to work until the earliest date for unreduced retirement benefits unless a specific termination date is shown. Any deviation from the earliest eligibility date may increase/decrease the actual cost.

4. Benefit Program

The current benefit plan provisions are used to calculate the cost of purchasing service credit. If the participant transfers into a different division and is eligible for a benefit plan with different provisions, then the cost may differ from the initial calculation. Likewise costs may differ if the municipality adopts different benefits in the future for any participant that has purchased service credit. These changes will be reflected in the actuarial valuation required to adopt any benefit increase.

5. Investment Assumption

The current investment return assumption for service credit purchase is 6.75%.

6. Mortality Rate

Assumptions are made on the life expectancies of the participant and their surviving spouse, using tables generated by actuarial professionals.

Section 3: Certification and Authorization

PARTICIPANT CERTIFICATION

I certify the above information is correct and accurate. If this is a purchase of qualifying "other governmental" service, I certify the service has not and will not be recognized for the purposes of obtaining or increasing a pension under another defined benefit retirement plan.

Richard M. LaBombard
Participant Signature

3-21-18
Date

GOVERNING BODY RESOLUTION

By Resolution of its Governing Body, at its meeting on 3/19/18, as provided by the MERS Plan Document, and in accordance with the employer's policy, the employer hereby authorizes the participant named above to make a service credit purchase from MERS as described above. The employer understands this is an estimated cost, calculated using actuarial assumptions approved by the Retirement Board. Any difference between the assumptions and actuarial experience will affect the true cost of the additional service to the employer. The calculation assumptions are outlined above and the employer understands and agrees it is accountable for any difference between estimated and actual costs.

[Signature]
Signature of Authorized Official

22 March -18
Date

Mayer
Title

MERS Use Only

| | |
|-------------------|----------------------|
| Payment Received: | Participant Payment: |
| Service Credit: | ER Payment: |
| Signed: | |

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DB: Lowell

BOTH JOURNALIZED AND UNJOURNALIZED

PAID

| Vendor Code | Vendor Name | Invoice | Description | Amount |
|---------------------------------------|----------------------------|----------------|-----------------------------------|----------|
| 10550 | 63RD DISTRICT COURT | 3/16/2018 | POLICE BOND - KINGMA | 200.00 |
| TOTAL FOR: 63RD DISTRICT COURT | | | | 200.00 |
| 00007 | ADT SECURITY SYSTEMS, INC. | 4/1 - 6/30 /18 | WTP SECURITY | 113.64 |
| TOTAL FOR: ADT SECURITY SYSTEMS, INC. | | | | 113.64 |
| 00015 | ALEXANDER CHEMICAL CORP | SLS 10069106 | WTP CHEMICALS | 1,496.36 |
| TOTAL FOR: ALEXANDER CHEMICAL CORP | | | | 1,496.36 |
| REFUND UB | ALLEN EDWIN HOMES | 03/29/2018 | UB refund for account: 7-00450-1 | 284.58 |
| TOTAL FOR: ALLEN EDWIN HOMES | | | | 284.58 |
| 10731 | APPLIED IMAGING | 1095035 | COPY MACHINE CONTRACTUAL | 334.26 |
| TOTAL FOR: APPLIED IMAGING | | | | 334.26 |
| 00045 | BARTLETT, SANDY | MARCH 2018 | MILEAGE & PAYROLL FOR METER READS | 773.25 |
| TOTAL FOR: BARTLETT, SANDY | | | | 773.25 |
| 10686 | BETTEN BAKER | 118142 | POLICE CAR R & M | 51.84 |
| | | 118198 | POLICE VEHICLES R & M | 110.50 |
| TOTAL FOR: BETTEN BAKER | | | | 162.34 |
| 10738 | BROWN, AMY | 3/20/2018 | CLERK INSTITUTE REIMBURSEMENT | 109.82 |
| | | 3/23/2018 | QVF TRAINING & MILEAGE | 27.81 |
| TOTAL FOR: BROWN, AMY | | | | 137.63 |
| 00788 | CDW GOVERNMENT, INC. | MBV3706 | APPLE IPAD | 324.55 |
| TOTAL FOR: CDW GOVERNMENT, INC. | | | | 324.55 |
| 10493 | COMCAST CABLE | 3/29/2018 | ACCOUNT STATEMENT- DPW | 33.08 |
| TOTAL FOR: COMCAST CABLE | | | | 33.08 |
| 10509 | CONSUMERS ENERGY | 2/1 - 2/28/18 | ACCOUNT STATEMENT | 22.51 |
| | | 2/21 - 3/22/18 | ACCOUNT STATEMENT | 148.42 |
| TOTAL FOR: CONSUMERS ENERGY | | | | 170.93 |
| 10737 | CUMMINS - ALLISON CORP | 5445065 | CITY HALL JETSCAN | 1,815.87 |
| TOTAL FOR: CUMMINS - ALLISON CORP | | | | 1,815.87 |
| 10673 | FERGUSON WATERWORKS | 0040870 | WATER DEPT R & M | 26.83 |
| TOTAL FOR: FERGUSON WATERWORKS | | | | 26.83 |

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| Vendor Code | Vendor Name | Description | Amount |
|---|--------------------------------|---|----------|
| | Invoice | | |
| 02218 | FLEX ADMINISTRATORS, INC. | | |
| | 993502 | FEBRUARY ADMIN FEES | 50.00 |
| TOTAL FOR: FLEX ADMINISTRATORS, INC. | | | 50.00 |
| 01517 | GR CITY TREASURER | | |
| | 18003304 | LPD VALIDATEION PARKING - JULY & AUG 2017 | 75.50 |
| TOTAL FOR: GR CITY TREASURER | | | 75.50 |
| 00225 | GRAND RAPIDS COMMUNITY COLLEGE | | |
| | 3/1 - 3/15/2018 | TAX DISBURSEMENT | 4.71 |
| TOTAL FOR: GRAND RAPIDS COMMUNITY COLLEGE | | | 4.71 |
| 00234 | HACH COMPANY | | |
| | 10885072 | WTP SUPPLIES | 658.23 |
| TOTAL FOR: HACH COMPANY | | | 658.23 |
| 00248 | HOOPER PRINTING | | |
| | 54015 | DRIVER REPAIR ODER FORMS | 52.68 |
| TOTAL FOR: HOOPER PRINTING | | | 52.68 |
| 00300 | KENT COUNTY TREASURER | | |
| | 3/1 - 3/15/2018 | TAX DISBURSEMENT | 1,592.30 |
| TOTAL FOR: KENT COUNTY TREASURER | | | 1,592.30 |
| 00303 | KENT DISTRICT LIBRARY | | |
| | 3/1 - 3/15/2018 | TAX DISBURSEMENT | 1,128.57 |
| TOTAL FOR: KENT DISTRICT LIBRARY | | | 1,128.57 |
| 00302 | KENT INTERMEDIATE SCHOOL DIST. | | |
| | 3/1 - 3/15/2018 | TAX DISUBRSEMENT | 15.02 |
| TOTAL FOR: KENT INTERMEDIATE SCHOOL DIST. | | | 15.02 |
| 10641 | LA BOMBARD, RICH | | |
| | 03/28/2018 | SUPPLIES | 28.72 |
| TOTAL FOR: LA BOMBARD, RICH | | | 28.72 |
| 02168 | LITES PLUS, INC. | | |
| | 41902 | CITY HALL LIGHTS | 423.75 |
| TOTAL FOR: LITES PLUS, INC. | | | 423.75 |
| 01374 | LOWELL AREA HISTORICAL MUSEUM | | |
| | 3/1 - 3/15/2018 | TAX DISBURSEMENT | 0.64 |
| TOTAL FOR: LOWELL AREA HISTORICAL MUSEUM | | | 0.64 |
| 00562 | LOWELL AREA SCHOOLS | | |
| | 3/1 - 3/15/2018 | TAX DISBURSEMENT | 6,175.12 |
| TOTAL FOR: LOWELL AREA SCHOOLS | | | 6,175.12 |
| 00341 | LOWELL LIGHT & POWER | | |
| | 1/1 - 1/15/2018 | DELINQ ELEC - 2535 GEE CHRISTENSEN | 196.69 |
| | 3100 | STREET LIGHT MAINTENANCE | 468.12 |
| TOTAL FOR: LOWELL LIGHT & POWER | | | 664.81 |

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| Vendor Code | Vendor Name Invoice | Description | Amount |
|---|--|--|------------------------|
| 01583 | LOWELL LITTLE LEAGUE 3/21/2018 | ICE RINK MAINTENANCE AT RICHARDS PARK | 750.00 |
| TOTAL FOR: LOWELL LITTLE LEAGUE | | | 750.00 |
| 10717 | MAIN STREET BBQ 3/19/2018 | 2J0% GRATUITY FOR 3/19/18 DELIVERY | 25.00 |
| TOTAL FOR: MAIN STREET BBQ | | | 25.00 |
| 10645 | MERCANTILE BANK OF MICHIGAN 3/19/18 3/19/2018 | FLOW TRUCK LOAN 4215 DUMP BODY LOAN 4207 | 19,711.88 15,134.15 |
| TOTAL FOR: MERCANTILE BANK OF MICHIGAN | | | 34,846.03 |
| 00418 | MICHIGAN POLICE EQUIPMENT CO 169260 | POLICE AMMUNITION | 249.75 |
| TOTAL FOR: MICHIGAN POLICE EQUIPMENT CO | | | 249.75 |
| 10415 | MID MICHIGAN EMERGENCY EQUIPMENT 1497 | POLICE - BATTERY FOR CAMERA REMOTE | 66.65 |
| TOTAL FOR: MID MICHIGAN EMERGENCY EQUIPMENT | | | 66.65 |
| 10665 | MISS P'S CATERING 3/28/2018 | DINNER FOR 3/28/18 MEETING | 162.50 |
| TOTAL FOR: MISS P'S CATERING | | | 162.50 |
| REFUND UB | MORTON, DEAN 03/29/2018 | UB refund for account: 5-01870-6 | 139.13 |
| TOTAL FOR: MORTON, DEAN | | | 139.13 |
| 00512 | PREIN & NEWHOF, INC. 43773 43775 | SAW GRANT ASSET MGMT WWTP CAPACITY REVIEW | 53,577.80 4,680.10 |
| TOTAL FOR: PREIN & NEWHOF, INC. | | | 58,257.90 |
| 02331 | PROGRESSIVE HEATING COOLING, CORP. 2014699 2014718 | CITY HALL R & M CITY HALL R & M | 504.36 227.77 |
| TOTAL FOR: PROGRESSIVE HEATING COOLING, CORP. | | | 732.13 |
| 00827 | RS TECHNICAL SERVICES, INC. 20451 | WTP R & M | 137.69 |
| TOTAL FOR: RS TECHNICAL SERVICES, INC. | | | 137.69 |
| 10378 | RUESINK, KATHIE 692/693 | CLEANING SERVICES | 540.00 |
| TOTAL FOR: RUESINK, KATHIE | | | 540.00 |
| 02383 | SANISWEEP, INC. 91297 | FLOOD SWEEPING SE ROADS | 560.00 |
| TOTAL FOR: SANISWEEP, INC. | | | 560.00 |
| 10276 | SPRINT 2/10 - 3/9/2018 | ACCOUNT STATEMENT | 554.20 |
| TOTAL FOR: SPRINT | | | 554.20 |

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| Vendor Code | Vendor Name | Description | Amount |
|---|----------------------------------|------------------------------------|------------|
| | Invoice | | |
| 10341 | STATE OF MICHIGAN | | |
| | 551-508408 | SOR REGISTRATION FEB 2018 | 270.00 |
| TOTAL FOR: STATE OF MICHIGAN | | | 270.00 |
| 02032 | STEALTH PEST MANAGEMENT LLC | | |
| | FEB 2018 | PEST CONTROL | 130.00 |
| TOTAL FOR: STEALTH PEST MANAGEMENT LLC | | | 130.00 |
| 10583 | SUEZ WATER ENVIRONMENTAL SVC INC | | |
| | 201833535 | WWTP SERVICES FOR MARCH 2018 | 36,852.48 |
| TOTAL FOR: SUEZ WATER ENVIRONMENTAL SVC INC | | | 36,852.48 |
| 02473 | SUPERIOR ASPHALT, INC. | | |
| | 54749 | STREET SUPPLIES | 793.75 |
| TOTAL FOR: SUPERIOR ASPHALT, INC. | | | 793.75 |
| 00930 | TRUCK & TRAILER SPECIALTIES | | |
| | DRO005164 | EQUIP FUND R & M | 167.75 |
| TOTAL FOR: TRUCK & TRAILER SPECIALTIES | | | 167.75 |
| 00646 | ULLERY, SUSAN | | |
| | 3/23/2018 | MILEAGE & LUNCH FOR CLERKS MEETING | 49.79 |
| TOTAL FOR: ULLERY, SUSAN | | | 49.79 |
| 02146 | VANSOLKEMA, SCOT | | |
| | 3/23/18 | UNIFORM BOOTS - VANSOLKEMA | 76.31 |
| TOTAL FOR: VANSOLKEMA, SCOT | | | 76.31 |
| 10484 | VERGENNES BROADBAND | | |
| | 3521-20180317-1 | AIRPORT INTERNET | 49.99 |
| TOTAL FOR: VERGENNES BROADBAND | | | 49.99 |
| 02277 | VERIZON WIRELESS | | |
| | 2/13 - 3/12/18 | ACCOUNT STATEMENT | 40.01 |
| | 9803357487 | ACCOUNT STATEMENT | 158.07 |
| TOTAL FOR: VERIZON WIRELESS | | | 198.08 |
| 00692 | WILLIAMS & WORKS INC. | | |
| | 84543 | PROF SERVICES - STREEST ASSET MGMT | 935.00 |
| TOTAL FOR: WILLIAMS & WORKS INC. | | | 935.00 |
| 01967 | ZACH'S CLEAN CUT LAWN CARE | | |
| | 8027 | MOWING 1012 E MAIN JUNE 2017 | 75.00 |
| TOTAL FOR: ZACH'S CLEAN CUT LAWN CARE | | | 75.00 |
| TOTAL - ALL VENDORS | | | 153,362.50 |

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| GL Number | Invoice Line Desc | Vendor | Invoice Description | Amount | Check # |
|-------------------------------------|---------------------------|---------------------------|---------------------------|----------|---------|
| Fund 101 GENERAL FUND | | | | | |
| Dept 000 | | | | | |
| 101-000-040.000 | ACCOUNTS RECEIVABLE | 63RD DISTRICT COURT | POLICE BOND - KINGMA | 200.00 | 70962 |
| 101-000-040.000 | ACCOUNTS RECEIVABLE | ZACH'S CLEAN CUT LAWN CAR | MOWING 1012 E MAIN JUNE 2 | 75.00 | 71014 |
| 101-000-085.000 | DUE FROM LIGHT & POWER | LOWELL LIGHT & POWER | DELINQ ELEC - 2535 GEE CH | 196.69 | 70963 |
| | Total For Dept 000 | | | 471.69 | |
| Dept 101 COUNCIL | | | | | |
| 101-101-880.000 | COMMUNITY PROMOTION | MAIN STREET BBQ | 2J0% GRATUITY FOR 3/19/18 | 25.00 | 70964 |
| | Total For Dept 101 COUNCI | | | 25.00 | |
| Dept 172 MANAGER | | | | | |
| 101-172-850.000 | COMMUNICATIONS | SPRINT | ACCOUNT STATEMENT | 51.99 | 71003 |
| 101-172-955.000 | MISCELLANEOUS EXPENSE | MISS P'S CATERING | DINNER FOR 3/28/18 MEETIN | 162.50 | 70996 |
| | Total For Dept 172 MANAGE | | | 214.49 | |
| Dept 191 ELECTIONS | | | | | |
| 101-191-860.000 | TRAVEL EXPENSES | BROWN, AMY | QVF TRAINING & MILEAGE | 17.33 | 70972 |
| 101-191-860.000 | TRAVEL EXPENSES | ULLERY, SUSAN | MILEAGE & LUNCH FOR CLERK | 36.88 | 71009 |
| 101-191-955.000 | MISCELLANEOUS EXPENSE | BROWN, AMY | QVF TRAINING & MILEAGE | 10.48 | 70972 |
| 101-191-955.000 | MISCELLANEOUS EXPENSE | ULLERY, SUSAN | MILEAGE & LUNCH FOR CLERK | 12.91 | 71009 |
| | Total For Dept 191 ELECTI | | | 77.60 | |
| Dept 215 CLERK | | | | | |
| 101-215-850.000 | COMMUNICATIONS | SPRINT | ACCOUNT STATEMENT | 51.99 | 71003 |
| 101-215-860.000 | TRAVEL EXPENSES | BROWN, AMY | CLERK INSTITUTE REIMBURSE | 109.82 | 70972 |
| | Total For Dept 215 CLERK | | | 161.81 | |
| Dept 253 TREASURER | | | | | |
| 101-253-801.000 | PROFESSIONAL SERVICES | FLEX ADMINISTRATORS, INC. | FEBRUARY ADMIN FEES | 50.00 | 70978 |
| | Total For Dept 253 TREASU | | | 50.00 | |
| Dept 265 CITY HALL | | | | | |
| 101-265-740.000 | OPERATING SUPPLIES | CUMMINS - ALLISON CORP | CITY HALL JETSCAN | 1,815.87 | 70976 |
| 101-265-802.000 | CONTRACTUAL | RUESINK, KATHIE | CLEANING SERVICES | 360.00 | 71001 |
| 101-265-930.000 | REPAIR & MAINTENANCE | PROGRESSIVE HEATING COOLI | CITY HALL R & M | 504.36 | 70999 |
| 101-265-930.000 | REPAIR & MAINTENANCE | LITES PLUS, INC. | CITY HALL LIGHTS | 423.75 | 70987 |
| 101-265-930.000 | REPAIR & MAINTENANCE | PROGRESSIVE HEATING COOLI | CITY HALL R & M | 227.77 | 70999 |
| | Total For Dept 265 CITY H | | | 3,331.75 | |
| Dept 294 UNALLOCATED MISCELLANEOUS | | | | | |
| 101-294-955.000 | UNALLOCATED MISCELLANEOUS | LA BOMBARD, RICH | SUPPLIES | 28.72 | 70986 |
| | Total For Dept 294 UNALLO | | | 28.72 | |
| Dept 301 POLICE DEPARTMENT | | | | | |
| 101-301-626.000 | REPORTS & FINGERPRINT FEE | STATE OF MICHIGAN | SOR REGISTRATION FEB 2018 | 270.00 | 71004 |
| 101-301-743.000 | AMMUNITION | MICHIGAN POLICE EQUIPMENT | POLICE AMMUNITION | 249.75 | 70994 |
| 101-301-744.000 | UNIFORMS | VANSOLKEMA, SCOT | UNIFORM BOOTS - VANSOLKEM | 76.31 | 71010 |
| 101-301-850.000 | COMMUNICATIONS | SPRINT | ACCOUNT STATEMENT | 320.60 | 71003 |
| 101-301-850.000 | COMMUNICATIONS | VERIZON WIRELESS | ACCOUNT STATEMENT | 158.07 | 71012 |
| 101-301-931.000 | R & M POLICE CARS | BETTEN BAKER | POLICE CAR R & M | 51.84 | 70971 |
| 101-301-931.000 | R & M POLICE CARS | MID MICHIGAN EMERGENCY EQ | POLICE - BATTERY FOR CAME | 66.65 | 70995 |
| 101-301-931.000 | R & M POLICE CARS | BETTEN BAKER | POLICE VEHICLES R & M | 110.50 | 70971 |
| 101-301-955.000 | MISCELLANEOUS EXPENSE | GR CITY TREASURER | LPD VALIDATEION PARKING - | 75.50 | 70979 |
| | Total For Dept 301 POLICE | | | 1,379.22 | |
| Dept 426 EMERGENCY MANAGEMENT | | | | | |
| 101-426-930.000 | REPAIR & MAINTENANCE | SANISWEEP, INC. | FLOOD SWEEPING SE ROADS | 560.00 | 71002 |
| | Total For Dept 426 EMERGE | | | 560.00 | |
| Dept 441 DEPARTMENT OF PUBLIC WORKS | | | | | |
| 101-441-802.000 | CONTRACTUAL | STEALTH PEST MANAGEMENT L | PEST CONTROL | 50.00 | 71005 |
| 101-441-850.000 | COMMUNICATIONS | SPRINT | ACCOUNT STATEMENT | 51.99 | 71003 |
| 101-441-850.000 | COMMUNICATIONS | COMCAST CABLE | ACCOUNT STATEMENT- DPW | 33.08 | 70974 |
| 101-441-926.000 | STREET LIGHTING | LOWELL LIGHT & POWER | STREET LIGHT MAINTENANCE | 468.12 | 70990 |

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| GL Number | Invoice Line Desc | Vendor | Invoice Description | Amount | Check # |
|-------------------------------------|---------------------------|--------------------------------|---------------------------|-----------|---------|
| Fund 101 GENERAL FUND | | | | | |
| Dept 441 DEPARTMENT OF PUBLIC WORKS | | | | | |
| | | Total For Dept 441 DEPART | | 603.19 | |
| Dept 751 PARKS | | | | | |
| 101-751-930.000 | REPAIR & MAINTENANCE | LOWELL LITTLE LEAGUE | ICE RINK MAINTENANCE AT R | 750.00 | 70991 |
| | | Total For Dept 751 PARKS | | 750.00 | |
| Dept 790 LIBRARY | | | | | |
| 101-790-802.000 | CONTRACTUAL | STEALTH PEST MANAGEMENT L | PEST CONTROL | 40.00 | 71005 |
| 101-790-802.000 | CONTRACTUAL | RUESINK, KATHIE | CLEANING SERVICES | 180.00 | 71001 |
| | | Total For Dept 790 LIBRAR | | 220.00 | |
| Dept 804 MUSEUM | | | | | |
| 101-804-802.000 | CONTRACTUAL | STEALTH PEST MANAGEMENT L | PEST CONTROL | 40.00 | 71005 |
| 101-804-955.000 | PROPERTY TAX DISTRIBUTION | LOWELL AREA HISTORICAL MU | TAX DISBURSEMENT | 0.64 | 70988 |
| | | Total For Dept 804 MUSEUM | | 40.64 | |
| | | Total For Fund 101 GENERA | | 7,914.11 | |
| Fund 202 MAJOR STREET FUND | | | | | |
| Dept 463 MAINTENANCE | | | | | |
| 202-463-850.000 | COMMUNICATIONS | SPRINT | ACCOUNT STATEMENT | 12.82 | 71003 |
| | | Total For Dept 463 MAINTENANCE | | 12.82 | |
| Dept 478 WINTER MAINTENANCE | | | | | |
| 202-478-740.000 | OPERATING SUPPLIES | SUPERIOR ASPHALT, INC. | STREET SUPPLIES | 396.88 | 71007 |
| | | Total For Dept 478 WINTER | | 396.88 | |
| Dept 483 ADMINISTRATION | | | | | |
| 202-483-801.000 | PROFESSIONAL SERVICES | WILLIAMS & WORKS INC. | PROF SERVICES - STREEST A | 467.50 | 71013 |
| | | Total For Dept 483 ADMINI | | 467.50 | |
| | | Total For Fund 202 MAJOR | | 877.20 | |
| Fund 203 LOCAL STREET FUND | | | | | |
| Dept 463 MAINTENANCE | | | | | |
| 203-463-850.000 | COMMUNICATIONS | SPRINT | ACCOUNT STATEMENT | 12.82 | 71003 |
| | | Total For Dept 463 MAINTENANCE | | 12.82 | |
| Dept 478 WINTER MAINTENANCE | | | | | |
| 203-478-740.000 | OPERATING SUPPLIES | SUPERIOR ASPHALT, INC. | STREET SUPPLIES | 396.87 | 71007 |
| | | Total For Dept 478 WINTER | | 396.87 | |
| Dept 483 ADMINISTRATION | | | | | |
| 203-483-801.000 | PROFESSIONAL SERVICES | WILLIAMS & WORKS INC. | PROF SERVICES - STREEST A | 467.50 | 71013 |
| | | Total For Dept 483 ADMINI | | 467.50 | |
| | | Total For Fund 203 LOCAL | | 877.19 | |
| Fund 581 AIRPORT FUND | | | | | |
| Dept 000 | | | | | |
| 581-000-920.000 | PUBLIC UTILITIES | CONSUMERS ENERGY | ACCOUNT STATEMENT | 22.51 | 70975 |
| 581-000-955.000 | MISCELLANEOUS EXPENSE | VERGENNES BROADBAND | AIRPORT INTERNET | 49.99 | 71011 |
| | | Total For Dept 000 | | 72.50 | |
| | | Total For Fund 581 AIRPOR | | 72.50 | |
| Fund 590 WASTEWATER FUND | | | | | |
| Dept 000 | | | | | |
| 590-000-276.000 | Sewer Inside 5/8" | MORTON, DEAN | UB refund for account: 5- | 72.71 | 70997 |
| | | Total For Dept 000 | | 72.71 | |
| Dept 550 TREATMENT | | | | | |
| 590-550-801.000 | PROFESSIONAL SERVICES | PREIN & NEWHOF, INC. | SAW GRANT ASSET MGMT | 53,577.80 | 70998 |
| 590-550-801.000 | PROFESSIONAL SERVICES | PREIN & NEWHOF, INC. | WWTP CAPACITY REVIEW | 4,680.10 | 70998 |
| 590-550-802.000 | CONTRACTUAL | SUEZ WATER ENVIRONMENTAL | WWTP SERVICES FOR MARCH 2 | 36,852.48 | 71006 |
| | | Total For Dept 550 TREATM | | 95,110.38 | |
| Dept 551 COLLECTION | | | | | |
| 590-551-930.000 | REPAIR & MAINTENANCE | FERGUSON WATERWORKS | WATER DEPT R & M | 26.83 | 70977 |

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| GL Number | Invoice Line Desc | Vendor | Invoice Description | Amount | Check # |
|--------------------------------------|---------------------------|---------------------------|---------------------------|-----------|---------|
| Fund 590 WASTEWATER FUND | | | | | |
| Dept 551 COLLECTION | | | | | |
| | | Total For Dept 551 COLLEC | | 26.83 | |
| Dept 552 CUSTOMER ACCOUNTS | | | | | |
| 590-552-703.000 | SALARIES-METER READS | BARTLETT, SANDY | MILEAGE & PAYROLL FOR MET | 353.93 | 70970 |
| 590-552-860.000 | TRAVEL EXPENSES | BARTLETT, SANDY | MILEAGE & PAYROLL FOR MET | 32.70 | 70970 |
| | | Total For Dept 552 CUSTOM | | 386.63 | |
| | | Total For Fund 590 WASTE | | 95,596.55 | |
| Fund 591 WATER FUND | | | | | |
| Dept 000 | | | | | |
| 591-000-276.000 | Water | ALLEN EDWIN HOMES | UB refund for account: 7- | 284.58 | 70968 |
| 591-000-276.000 | Water Inside 5/8" | MORTON, DEAN | UB refund for account: 5- | 66.42 | 70997 |
| | | Total For Dept 000 | | 351.00 | |
| Dept 570 TREATMENT | | | | | |
| 591-570-740.000 | OPERATING SUPPLIES | HACH COMPANY | WTP SUPPLIES | 658.23 | 70981 |
| 591-570-743.000 | CHEMICALS | ALEXANDER CHEMICAL CORP | WTP CHEMICALS | 1,496.36 | 70967 |
| 591-570-802.000 | CONTRACTUAL | ADT SECURITY SYSTEMS, INC | WTP SECURITY | 113.64 | 70966 |
| 591-570-930.000 | REPAIR & MAINTENANCE | RS TECHNICAL SERVICES, IN | WTP R & M | 137.69 | 71000 |
| | | Total For Dept 570 TREATM | | 2,405.92 | |
| Dept 571 DISTRIBUTION | | | | | |
| 591-571-850.000 | COMMUNICATIONS | SPRINT | ACCOUNT STATEMENT | 51.99 | 71003 |
| 591-571-850.000 | COMMUNICATIONS | VERIZON WIRELESS | ACCOUNT STATEMENT | 40.01 | 71012 |
| 591-571-920.000 | PUBLIC UTILITIES | CONSUMERS ENERGY | ACCOUNT STATEMENT | 148.42 | 70975 |
| | | Total For Dept 571 DISTRI | | 240.42 | |
| Dept 572 CUSTOMER ACCOUNTS | | | | | |
| 591-572-703.000 | SALARIES-METER READS | BARTLETT, SANDY | MILEAGE & PAYROLL FOR MET | 353.92 | 70970 |
| 591-572-860.000 | TRAVEL EXPENSES | BARTLETT, SANDY | MILEAGE & PAYROLL FOR MET | 32.70 | 70970 |
| | | Total For Dept 572 CUSTOM | | 386.62 | |
| | | Total For Fund 591 WATER | | 3,383.96 | |
| Fund 636 DATA PROCESSING FUND | | | | | |
| Dept 000 | | | | | |
| 636-000-802.000 | CONTRACTUAL | APPLIED IMAGING | COPY MACHINE CONTRACTUAL | 334.26 | 70969 |
| 636-000-986.000 | COMPUTER DATA PROCESSING | CDW GOVERNMENT, INC. | APPLE IPAD | 324.55 | 70973 |
| | | Total For Dept 000 | | 658.81 | |
| | | Total For Fund 636 DATA P | | 658.81 | |
| Fund 661 EQUIPMENT FUND | | | | | |
| Dept 895 FLEET MAINT. & REPLACEMENT | | | | | |
| 661-895-727.000 | OFFICE SUPPLIES | HOOPER PRINTING | DRIVER REPAIR ODER FORMS | 52.68 | 70982 |
| 661-895-930.000 | REPAIR & MAINTENANCE | TRUCK & TRAILER SPECIALTI | EQUIP FUND R & M | 167.75 | 71008 |
| 661-895-955.000 | MISCELLANEOUS EXPENSE | MERCANTILE BANK OF MICHIG | DUMP BODY LOAN 4207 | 459.95 | 70993 |
| 661-895-991.000 | PRINCIPAL | MERCANTILE BANK OF MICHIG | PLOW TRUCK LOAN 4215 | 19,112.80 | 70992 |
| 661-895-991.000 | PRINCIPAL | MERCANTILE BANK OF MICHIG | DUMP BODY LOAN 4207 | 14,674.20 | 70993 |
| 661-895-995.000 | INTEREST PAYABLE | MERCANTILE BANK OF MICHIG | PLOW TRUCK LOAN 4215 | 599.08 | 70992 |
| | | Total For Dept 895 FLEET | | 35,066.46 | |
| | | Total For Fund 661 EQUIPM | | 35,066.46 | |
| Fund 703 CURRENT TAX COLLECTION FUND | | | | | |
| Dept 000 | | | | | |
| 703-000-222.000 | DUE TO COUNTY-CURRENT TAX | KENT COUNTY TREASURER | TAX DISBURSEMENT | 1,576.40 | 70983 |
| 703-000-223.000 | DUE TO LIBRARY | KENT DISTRICT LIBRARY | TAX DISBURSEMENT | 1,128.57 | 70984 |
| 703-000-225.000 | DUE TO SCHOOLS | LOWELL AREA SCHOOLS | TAX DISBURSEMENT | 6,175.12 | 70989 |
| 703-000-228.009 | DUE TO STATE-S.E.T. | KENT COUNTY TREASURER | TAX DISBURSEMENT | 15.90 | 70983 |
| 703-000-234.000 | DUE TO INTERMED SCH DISTR | KENT INTERMEDIATE SCHOOL | TAX DISUBRSEMENT | 15.02 | 70985 |
| 703-000-235.000 | DUE TO COMMUNITY COLLEGE | GRAND RAPIDS COMMUNITY CO | TAX DISBURSEMENT | 4.71 | 70980 |
| | | Total For Dept 000 | | 8,915.72 | |

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| GL Number | Invoice Line Desc | Vendor | Invoice Description | Amount | Check # |
|--------------------------------------|-------------------|--------|---------------------|----------|---------|
| Fund 703 CURRENT TAX COLLECTION FUND | | | | | |
| Total For Fund 703 CURREN | | | | 8,915.72 | |

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

| | | |
|----------|------------------|-----------|
| Fund 101 | GENERAL FUND | 7,914.11 |
| Fund 202 | MAJOR STREET FUN | 877.20 |
| Fund 203 | LOCAL STREET FUN | 877.19 |
| Fund 581 | AIRPORT FUND | 72.50 |
| Fund 590 | WASTEWATER FUND | 95,596.55 |
| Fund 591 | WATER FUND | 3,383.96 |
| Fund 636 | DATA PROCESSING | 658.81 |
| Fund 661 | EQUIPMENT FUND | 35,066.46 |
| Fund 703 | CURRENT TAX COLL | 8,915.72 |

153,362.50



LOWELL CITY COUNCIL

MEMORANDUM

DATE: March 29, 2018

TO: Mayor DeVore and the City Council

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

RE: Hudson Street Mill and Overlay

As we are all aware, Hudson Street throughout the City limits is in very poor condition. For approximately the past six months, I have been working with the Kent County Road Commission (KCRC) to repave Hudson St.

On Friday March 23, 2018, Assistant City Manager LaBombard and I met with representatives from the Kent County Road Commission to discuss this. They informed us they would like to complete a mill and overlay project. KCRC provided estimates to this project. We could mill and overlay Hudson from Main Street to the north city limits (Godfrey) at an estimated cost not to exceed \$177,000. They also provided an estimated cost to mill and overlay Hudson from north of the bridge at the Grand River to Main not to exceed \$125,000. If we opted to complete both projects, the total cost would be estimated at \$302,000.

In 1988, Michigan Department of Transportation vacated highway M-91 that is now Hudson Street. KCRC took over ownership of Hudson, but entered into an agreement with the City to share responsibility for construction and maintenance. However, KCRC would be responsible for all engineering costs.

If the City were to proceed with resurfacing Hudson, our cost would be estimated at \$151,000. Funds are available in the Major Street fund to cover this cost. If approved, I have already arranged with KCRC to make the first payment of 50% of the cost shortly after July 1, 2018 and the second payment of 50% prior to December 31, 2019.

KCRC would like to start construction in mid-May 2018, with completion before July 1, 2018. While the schedule is not finalized, the intention is when they are doing the mill and overlay south of Main; this will need to be shut down with north and south thru traffic being diverted to Jackson Street. While north of Main, north and south traffic will still be open but lanes would be reduced.

I have asked KCRC if this project could begin sometime early in the fall to accommodate the current construction on Broadway. I am awaiting word from them regarding this. While this would be an inconvenience during construction if both the Broadway and Hudson project occurred at the same time, I am concerned about delaying construction on Hudson for another year.

I recommend that the Lowell City Council approve construction of Hudson Street from north of the Grand River Bridge to the north City limits in the methods prescribed at an estimated cost not to exceed \$151,000. I also recommend that the City make payments in the methods prescribed and utilize the Major Street Fund for this expenditure.



Kent County Road Commission

To: Wayne Harrall, P.E., Assist. Managing Director - Engineering
Jerry Byrne, Assist. Managing Director – Maintenance

From: Jeff Kocsis, Engineer for Maintenance and Local Construction

Date: March 23, 2018

Re: **Hudson Street: M-21 to the North Lowell City Limits**

The estimate for the above referenced project is **\$177,000**.

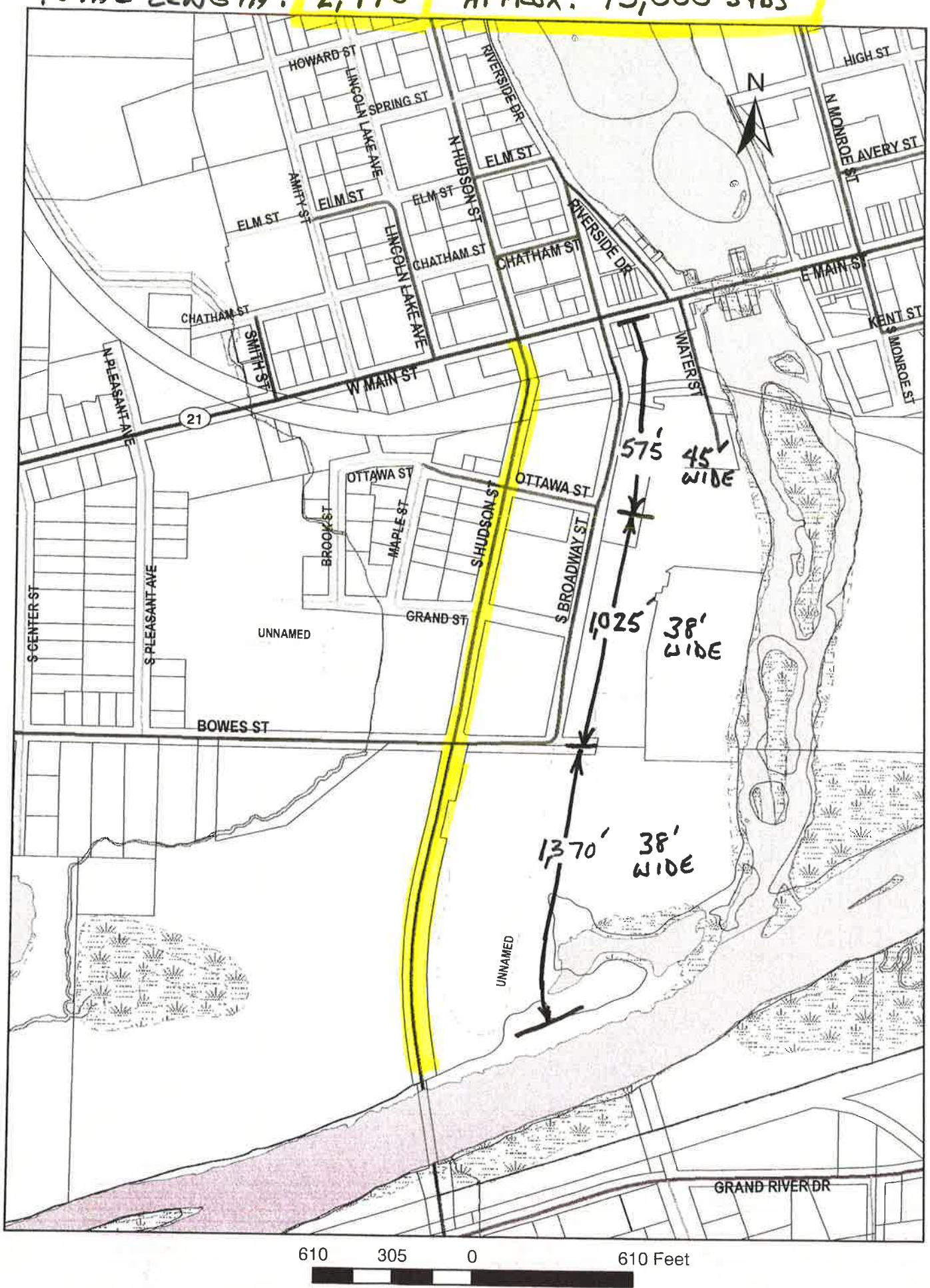
This work includes Lowering all castings, Cold Milling 2" of existing HMA, Adjusting castings, then repaving with 2" of HMA 4E1.

If we went from the bridge South of M-21 to M-21, this would add another **\$125,000** to the project cost. We also have the RR to coordinate with, which could add additional cost to the project.

If we are thinking about doing this project, the sooner we can bid it out, the better the prices will be.

S. HUDSON ST. (N. OF GRAND RIVER BRIDGE TO M-21)

TOTAL LENGTH: 2,970' APPROX. 13,000 SYDS



2,940 @ 40' w

17,870 5415

HUDSON ST



810 Feet

CONTRACT

This Agreement, made this 21st day of November, 1988, by and between the City of Lowell, Kent County, Michigan, hereinafter called "City", and the Board of County Road Commissioners of the County of Kent, a statutory body corporate, located at 1500 Scribner Avenue, N.W., Grand Rapids, MI 49504, hereinafter called "Road Commission".

WITNESSETH:

Whereas, the City is desirous that the following streets:

| | |
|--|----------------|
| Hudson Street - S. City limit of Lowell to Hunt St. | 1.24 mi |
| Hunt Street - Hudson St. to Riverside Dr. | 0.06 mi |
| Riverside Dr. - Hunt St. to N. City Limits of Lowell | <u>0.14</u> mi |
| Total | 1.44 mi |

within the City Limits, presently under the jurisdiction of the City, be taken over by the Road Commission as county roads or streets in accordance with the statutes of the State of Michigan, to the end and to the effect that the jurisdiction thereover shall be vested in the Road Commission to the extent herein provided; and

Whereas, as a condition of the Road Commission taking over jurisdiction of the aforementioned streets, the City shall agree to participate in the cost of construction or reconstruction of these streets and the Hudson Street bridge at a rate equal to 50% of those costs;

NOW, THEREFORE, IT IS HEREBY AGREED BETWEEN THE PARTIES HERETO AS FOLLOWS:

1. All construction and/or reconstruction projects shall proceed only after authorizing resolutions have been passed by both parties to this contract agreeing to the scope of the project and its estimated cost.
2. The Road Commission shall program the construction and/or reconstruction necessary to repair the Hudson Street Bridge over the Grand River. The preliminary engineering and resulting project engineering costs shall be the responsibility of the Road Commission.
3. Preliminary and project engineering, including administration, supervision, and preparation of "as built" plans for any construction and/or reconstruction to the aforementioned streets, shall be at Road Commission expense, excluding any "right of way" expense which shall be shared equally between the parties.
4. For the purpose of this agreement, construction and/or reconstruction shall include any bituminous overlay placed on the streets covered by this agreement.
5. The City hereby grants to the Road Commission, its contractors, and their subcontractors, materialmen, and suppliers, full authority and permission to the reasonable use of the public streets, alleys, rights-of-way and other public properties necessary to the construction and/or reconstruction of any project undertaken through the terms of this agreement. During the pendency of the construction and/or reconstruction, the Road Commission hereby agrees to indemnify and hold the City harmless

from any and all liabilities for damages proximately caused by or arising out of such use of said streets, alleys, rights-of-way, and other public properties by the Road Commission and/or its contractors, and their sub-contractors, materialmen, and suppliers. The Road Commission further agrees that it shall promptly repair or cause to be repaired any damage it causes to said streets, alleys, rights-of-way, or other public properties in excess of normal wear and tear. The Road Commission shall not be responsible to indemnify or hold the City harmless for such liabilities that arise after the completion of the construction and/or reconstruction.

6. It is understood and agreed that any construction and/or reconstruction project on the aforementioned streets may include new non-motorized trails. In the event the City desires the installation of new non-motorized trails, the City shall be responsible for all future costs of maintenance or reconstruction thereof, together with the statutory liability for failure to keep the same in proper condition and repair. The Road Commission shall not assume responsibility for construction, reconstruction, or maintenance of any sidewalk or non-motorized trail systems currently existing along said streets, over which the City retains its jurisdiction. The City shall hold the Road Commission harmless from any and all liabilities for damages caused by or arising out of the use of any sidewalks or non-motorized trails.

7. The Road Commission shall not assume responsibility for construction, reconstruction, maintenance, or cost of any street light systems, whether such systems are presently in place or become part of any future construction or reconstruction program on the aforementioned streets. The City shall hold the Road Commission harmless from any and all liabilities for damages caused by or arising out of the operation, use, geographic location, structural integrity, failure, or absence of such systems.
8. All costs to install, maintain, replace, and provide electrical energy to traffic lights and their systems shall be shared equally between the City and the Road Commission.
9. The Road Commission shall be responsible for the continuous maintenance of the streets covered by this agreement. Such maintenance shall include, but not be limited to, patching and sealcoating.
10. The City and Road Commission shall share equally all construction and reconstruction costs, except as specifically provided in this agreement.
11. The City shall have the authority to enforce State and local traffic statutes and ordinances.
12. The City retains, and the Road Commission hereby grants to the City, an easement over and through the aforementioned streets for any and all public utility systems that presently exist or that may be built in the future, and the City retains, and the Road Commission

hereby grants to the City, the right to maintain and construct or place such utilities and to enter and be on said streets for such purpose, but the City agrees to repair any damage to return such streets to their condition prior to any work or construction of any such utilities, and the City shall indemnify and hold the Road Commission harmless for all liabilities for damages caused by the City maintaining, constructing, or placing such utilities and their systems. Such utilities shall include, but not be limited to: sanitary sewer lines, storm sewer lines, waterlines, steamlines, electrical lines, and any and all facilities or structures necessary thereto. Prior to any such activities, the City shall give at least 30 days notice to the Road Commission that it intends to undergo such activity, except in emergency situations, when such notice shall be given as soon as practicable.

13. This contract shall become effective on the date when jurisdiction over the listed roads is transferred from the City to the Road Commission by and with the approval of the Michigan Department of Transportation. Thereafter, the Road Commission shall have the statutory obligation to keep the aforementioned streets in a condition which makes them reasonably safe and convenient for public travel. The Road Commission shall indemnify and hold the City harmless for any damages and injuries that arise after the transfer of jurisdiction and the effec-

tive date of this contract. The City shall remain responsible for, and shall indemnify and hold the Road Commission harmless for, any injuries and damages that occur prior to the transfer of jurisdiction and the effective date of this contract.

14. Wherever used in this contract, the term indemnification includes the payment of all costs, fees, and attorneys' fees incurred as a result of litigation or in response to a threat of litigation.

15. This contract is a contract only between the City and the Road Commission. It is not contemplated to be nor is it for the benefit of any third parties, and no third-party-beneficiary rights shall be created hereby.

16. The City's share of construction or reconstruction cost may be reimbursed to the Road Commission over a two (2) year period, should the City show that it does not have adequate funds available in the year of the project. The balance in the second year shall have interest added at the rate the Road Commission receives on money managed by the County through the "money max" system.

In Witness Whereof, the City of Lowell has caused this contract to be signed in its name by its Manager in accordance with the Resolution of its governing body authorizing the execution of this Contract and the affixing of his signature hereto, and the Board of County Road Commissioners of the County of Kent by its Chairman, in accordance with its Resolution authorizing the execu-

tion of this Contract and the affixing of the Chairman's signature hereto, the day and year first above written.

In the Presence of:

CITY OF LOWELL
a Michigan City

Betty R. Marshall

By: David M. Pasquale
Its Manager

Winifred E. De Wolf

In the Presence of:

BOARD OF COUNTY ROAD COMMISSIONERS
OF THE COUNTY OF KENT,
a Statutory Body Corporate

James C. Porritt
James C. Porritt

By: Ronald D. Sytsma
Its Chairman Ronald D. Sytsma

Sara K. Lankamp
Sara K. Lankamp

AMENDMENT TO AGREEMENT

The BOARD OF COUNTY ROAD COMMISSIONERS OF THE COUNTY OF KENT, statutory body corporation, and the CITY OF LOWELL, a Michigan municipal corporation having executed an agreement on November 21, 1988, and the parties now desire to amend said agreement,

NOW, THEREFOR, in consideration of mutual agreements and covenants contained herein, it is mutually agreed and covenanted by and between the parties as followed:

That paragraph eleven (11) on page 4 of the agreement shall read as follows:

1. Access to all Streets, traffic regulations, and the enforcement of local ordinances regarding the use of said Streets shall be the sole prerogative of the City of Lowell as to that portion of the Streets located within its municipal limits.
2. That all other terms and provisions of the aforesaid Agreement shall remain in full force and effect.

In witness Whereof, the City of Lowell has caused this Amendment to Agreement to be executed by its Manager in accordance with the resolution of its governing body dated May 15, 1989, authorizing this Amendment to Agreement and the affixing of his signature hereto, and the Board of County Road Commissioners of the County of Kent has caused it to be executed by its Chairman, in accordance with a resolution dated _____, 1989, authorizing the Amendment to Agreement and its execution by the Chairman, the day and year first above written.

WITNESSES:

James (P) Smith

BOARD OF COUNTY ROAD COMMISSIONERS
OF THE COUNTY OF KENT, a
Statutory Body Corporation

By: Ronald Taylor
Its Chairman

David M. Paquale

CITY OF LOWELL, a Michigan city

By: David M. Paquale
Its Manager



LOWELL CITY ADMINISTRATION
INTER OFFICE MEMORANDUM

DATE: March 28, 2018

TO: Michael Burns
City Manager *mb*

FROM: Rich LaBombard
Assistant City Manager

RE: Traffic Signal Cost Share

In October 2017, the City requested the Kent County Road Commission study the intersection of Hudson and Bowes to determine if a traffic signal is warranted. The study determined a signal is necessary given the traffic volumes at peak hours and given the proposed improvements to Bowes and Broadway Streets that will increase truck traffic at the intersection.

The County estimates the cost of the installation of the traffic signal and equipment is no more than \$120,000 and since the intersection is shared 50/50 between the City and the Road Commission, 50 percent of the installation, traffic signal energy and maintenance costs are the responsibility of the City. The signal will also include pedestrian signals on each of the four legs of the intersection.

Funds for this project have been allocated from the \$3.2 million bond issued in 2017.

I recommend the City Council approve the cost share agreement with the Kent County Road Commission and authorize the Mayor and City Clerk to sign the agreement on behalf of the City.



**Kent County
Road Commission**

October 23, 2017

Michael Burns
City Manager
City of Lowell
301 East Main Street
Lowell, MI 49331

Re: Traffic signal at Hudson Street and Bowes Street.

Dear Mike,

We have completed a traffic signal warrant study for the intersection of Hudson Street and Bowes Street. Since the intersection is shared 50-50 between the City and the Road Commission, 50% of the installation, traffic signal energy and maintenance costs are the responsibility of the City. The cost of the installation is no more than \$120,000. Please sign this letter and return it to me as an acknowledgement of this responsibility.

Sincerely,

Tim Haagsma, PE
Director of Traffic and Safety

cc: Shirley Wollner

The City of Lowell agrees to the cost participation for the installation, energy and maintenance of a traffic signal at the intersection of Hudson Street and Bowes Street.

Signed

Name (printed)

Title

Working to keep Kent County moving

1500 Scribner Avenue NW, Grand Rapids, MI 49504 | (616) 242-6900 | kentcountyroads.net



Kent County Road Commission

MEMORANDUM

To: Tim Haagsma, Director of Traffic & Safety
From: Shirley Wollner, Assistant Director of Traffic & Safety
Date: October 11, 2017
Subject: Hudson Street/Segwun Avenue & Bowes Street Traffic Signal Warrant

A traffic signal warrant study was completed for the intersection of Bowes Street and Hudson Street in the City of Lowell. This is a summary of that study.

The intersection has four legs. Bowes Street is under the jurisdiction of the City of Lowell. The speed limit on Bowes Street is 25 mph and on Hudson Street is 35 mph. The west leg of Bowes Street and the Hudson Street approaches have a left turn lane and a through lane. The east Bowes Street has a single wide, unmarked approach where it intersects into Hudson Street. There is one departure lane on each leg.

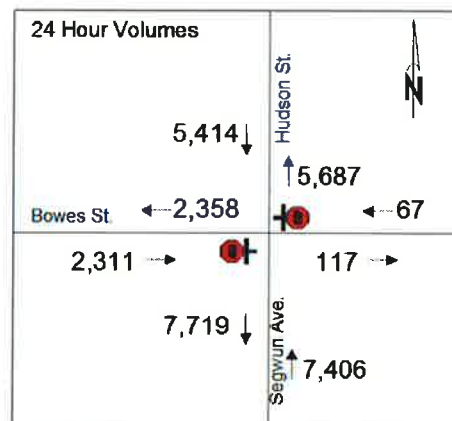


Figure 1 Twenty-four Hour Volumes

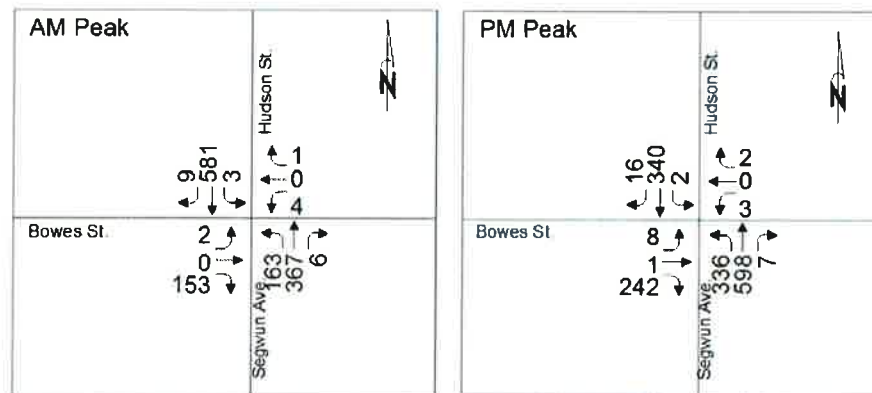


Figure 2 Peak Hour Traffic Volumes

Working to keep Kent County moving

TRAFFIC VOLUME WARRANTS

The 8-hour warrant for a traffic signal requires at least one of the following volume requirements be met for the lane configuration at the intersection: Condition A - the Minimum Vehicular Volume is intended for application at locations where a large volume of intersecting traffic is the principal reason to consider installing a traffic control signal; this requires 420 vehicles per hour on the major street and 140 vehicles per hour on one approach of the minor street for at least eight hours of an average day.

Condition B - the Interruption of Continuous Traffic is intended for application at locations where Condition A is not satisfied and where the traffic volume on a major street is so heavy that traffic on a minor intersecting street suffers excessive delay or conflict in entering or crossing the major street; this requires 630 vehicles per hour on the major street and 70 vehicles per hour on one approach of the minor street for at least eight hours of an average day. The 70% volume warrants were used since the City of Lowell meets the population and description of an isolated community as specified in the warrants.

For Warrant 1: Eight-Hour Vehicular Volume, Part A is met for 7 hours and Part B for 9 hours. Warrant 1 is met for Part B. To meet Warrant 2: Four-Hour Vehicular Volume, volumes must exceed the values in the chart as found in Part 4 of the Michigan Manual on Traffic Control Devices. Seven hours of the day meet the Warrant 2 threshold values. The intersection also meets Warrant 3: Peak-Hour Vehicular Volume for 4 hours. The counts and warrant analysis are summarized in the following table and charts.

Table 1 Warrant 1: Eight-Hour Vehicular Volume Summary

| Hour | NB Segwun Ave | SB Hudson St | Total Hudson St Segwun Ave | EB Bowes St | WB Bowes St | Meets 8 Hr Warrant? | | Meets Warrant 2 – 4 Hr Warrant? |
|------------------|------------------|-----------------|----------------------------------|----------------|----------------|------------------------|-----|---------------------------------------|
| | | | | | | A | B | |
| 5 | 118 | 250 | 368 | 27 | 0 | No | No | No |
| 6 | 245 | 412 | 657 | 67 | 0 | No | No | No |
| 7 | 510 | 572 | 1082 | 128 | 4 | No | Yes | Yes |
| 8 | 426 | 378 | 804 | 116 | 4 | No | Yes | Yes |
| 9 | 348 | 290 | 638 | 98 | 0 | No | Yes | No |
| 10 | 354 | 256 | 610 | 121 | 9 | No | No | No |
| 11 | 329 | 239 | 568 | 89 | 8 | No | No | No |
| 12 | 389 | 277 | 666 | 147 | 1 | Yes | Yes | No |
| 1 | 365 | 263 | 628 | 146 | 4 | Yes | No | No |
| 2 | 469 | 277 | 746 | 146 | 10 | Yes | Yes | Yes |
| 3 | 677 | 334 | 1011 | 186 | 4 | Yes | Yes | Yes |
| 4 | 857 | 398 | 1255 | 226 | 6 | Yes | Yes | Yes |
| 5 | 938 | 339 | 1277 | 263 | 5 | Yes | Yes | Yes |
| 6 | 573 | 253 | 826 | 181 | 4 | Yes | Yes | Yes |
| 7 | 349 | 234 | 583 | 133 | 6 | No | No | No |
| 8 | 250 | 177 | 427 | 107 | 0 | No | No | No |
| 9 | 142 | 144 | 286 | 71 | 0 | No | No | No |
| 10 | 148 | 92 | 240 | 21 | 1 | No | No | No |
| 11 | 83 | 49 | 132 | 16 | 0 | No | No | No |
| Total Hours Met: | | | | | | 7 | 9 | 7 |

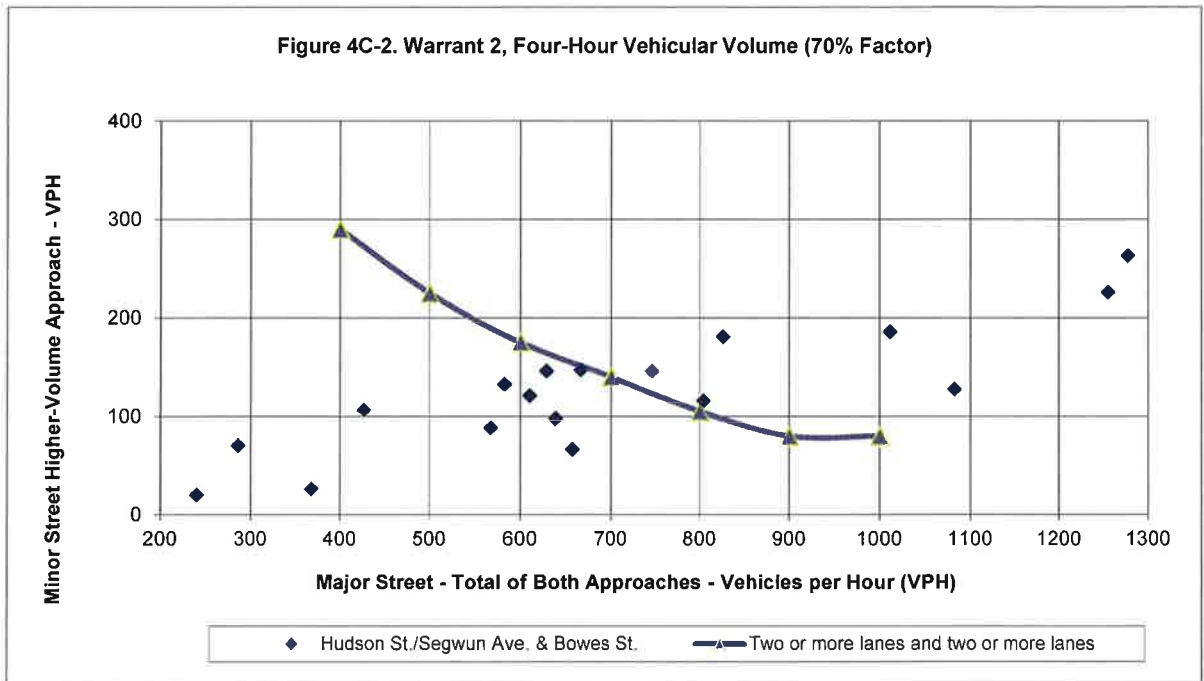


Figure 4 Warrant 2

TRAFFIC CRASHES

There have been no reported non-animal vehicle crashes at the intersection since 2014.

SUMMARY

Observations during the peak hour show that significant backups and delays are occurring. There are some spillback queues that also impact the intersection from the M21 and Grand River Avenue intersections during peak periods.

The volumes at this intersection meet the warrant values for Warrant 1 Part B. The volumes also meet the criteria for Warrant 2 and Warrant 3 for a traffic signal. Since warrant criteria are met I recommend installation of a traffic signal at the intersection of Hudson Street and Bowes Street.

The City of Lowell is contemplating changes to their street network that will result in additional traffic on the east leg of Bowes Street. Additional traffic demand would place further demands on the intersection. The City would be responsible for 50% of the costs associated with the traffic signal.



LOWELL CITY ADMINISTRATION
INTER OFFICE MEMORANDUM

DATE: **March 29, 2018**

TO: **Michael Burns**
 City Manager

FROM: **Rich LaBombard**
 Assistant City Manager

RE: **Grand River Water Trail**
 Resolution 11-18

The West Michigan Environmental Action Council attended the March 20, 2018, Parks and Recreation Commission meeting and gave a presentation about the Grand River Water Trail plan. The proposed Grand River Water Trail route extends from Jackson County to Lake Michigan and will promote recreational opportunities along the Grand River and also has the potential to have an economic impact on local communities like Lowell. The City's support of recognizing the Grand River Water Trail plan is an important step formalizing the trail system and furthering the goal of establishing a statewide system of water trails.

The Parks and Recreation Commission is supportive of the proposed Grand River Water Trail Project and recommend approval of the Resolution of Support as presented.

A RESOLUTION TO SUPPORT THE GRAND RIVER WATER TRAIL
FOR THE City OF LOWELL, MICHIGAN

WHEREAS, the residents of the City of Lowell value its natural resources and outdoor recreation opportunities afforded by the Grand River and its tributaries; and

WHEREAS, the residents of the City of Lowell value the Grand River for water quality and fish and wildlife habitat; and

WHEREAS, the residents of the City of Lowell will greatly benefit from the recreational, natural and cultural experiences provided by the water trail; and

WHEREAS, water trails present great opportunities to grow local and regional economies, strengthen regional identity, attract out-of-state tourists and workers, promote healthy lifestyles and showcase Michigan's incredible water resources; and

WHEREAS, the Statewide Comprehensive Outdoor Recreation Plan, the Michigan Comprehensive Trail Plan, the Michigan Department of Natural Resources Parks and Recreation Division Strategic Plan, and the Michigan Water Strategy all call for the establishment of a statewide system of designated water trails; and

WHEREAS, a designated water trail will provide sound information to help customers make recreational activity choices and to provide clear, consistent communication about trails that contribute to successful recruitment and retention of new water trail users and encourage return visits to regional destinations; and

WHEREAS, a water trail will be successful if it can provide a quality trail experience for users and possess broad community support and local partnerships; and

WHEREAS, this water trail is consistent with the comprehensive land use plan of the City of Lowell for recreational facilities for its citizens; and

WHEREAS, the City of Lowell has previously supported activities that promote recreation on the river; and

WHEREAS, the residents of the City of Lowell have indicated their support for the water trail; and

WHEREAS, Lowell affirms and supports the water trail, beginning in Jackson County and ending at Lake Michigan in Ottawa County to be of value and benefit to the residents of Lowell and its neighboring communities and counties.

NOW, THEREFORE, BE IT RESOLVED by the City Commission of Lowell, Michigan;

Section 1: That the Grand River Water Trail on the Grand River in Lowell is hereby recognized and accepted by the City Commission on behalf of the residents of Lowell, and visitors from throughout the State of Michigan and the United States;

Section 2: That this Resolution shall take effect immediately upon its adoption; and

PASSED AND ADOPTED BY THE CITY COMMISSION OF LOWELL, MICHIGAN, this ____ day of _____, 2018.

By: _____

Attest: _____



LOWELL CITY ADMINISTRATION
INTER OFFICE MEMORANDUM

DATE: March 29, 2018

TO: Mayor DeVore and the Lowell City Council

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

RE: Alternative City Hall Hours and staffing schedule

Last year at the budget session, I spoke with the City Council about some sort of alternative city hall schedule to provide effective and efficient city services along with improving morale for City workers. Initially, we discussed the concept of City Hall employees working four ten hour shifts. DPW would also work 4 ten hour shifts. This is similar to the Police Department, where police officers work 12 hour shifts. The intent of the 12 hour shift is to give police officers two weekends off. However, there were concerns by the Council about keeping City Hall open only four days a week. I took this into consideration and looked at different options.

In reviewing this matter, it has been fairly obvious to me, most Friday's traffic into City Hall and phone calls are minimal. From noon to 5 p.m., there have been many times I have wondered about even keeping City Hall open. This was especially the case in the summertime. In addition, on many Friday's we tend to be short staffed as people are utilizing time.

I had city hall and police staff gather data on two instances in the last year. For four Friday's in a row, from mid-October until early November 2017, I had staff track daily traffic from February 5, 2018 to March 16, 2018. During October, I had them breakdown calls and walk-ins before and after 12 p.m. (see attached).

While there are some exceptions to the data, it was obvious to me that Friday traffic was much lower than on Monday's through Thursday.

I would like to propose the following: Currently city hall is open 8 a.m. to 5 p.m. on Monday through Friday. Employees at city hall currently receive an hour for lunch. I would like to open city hall at 7:30 a.m. to 5 p.m. on Monday through Thursday and from 8 a.m. to noon on Friday. Employees would work nine hour days on Monday through Thursday and four hours on Friday. Monday through Thursday they would receive a half hour lunch. This is identical to the City Hall schedule in the City of Walker aka "The Walker Schedule".

In addition, on the week a holiday falls, and we are closed for that day during the week (i.e. Labor Day, Memorial Day), we would go back to a regular 8 a.m. to 5 p.m. schedule for smoother accounting purposes. I would also propose the week prior to any election, City Hall be open during the week on Monday through Friday from 8 a.m. to 5 p.m. (current standard operations). In the event of a tax or water bill deadline being due on a Friday, we would not

assess the late charge until 5 PM on the Monday following the deadline. I presented this idea to the employees at City Hall and there was no objection to it.

In regard to the DPW, we do not believe the Walker schedule is an effective and efficient way of managing DPW services. For them we would propose they work a 4/10 schedule Monday through Thursday. This would be only during the late spring, summer and early fall as winter maintenance responsibilities would not make this an effective way of providing services. On weeks that holiday's fall during the week, they would revert to the normal 8 hour schedule. This is identical to the summer maintenance crew schedule at the Gerald R. Ford International Airport aka "The Airport Schedule". I have been in discussion with the IBEW regarding this.

I would like to test the Walker schedule with City Hall staff during the week of June 3, 2018 through October 26, 2018. I would like to test the Airport schedule with the DPW from June 3, 2018 through October 12, 2018.

I do not believe there will be much cost savings in doing this. However, I think this would be a morale booster for all City staff especially in the warmer months. It should be noted neither Vergennes or Lowell Township offices are open on Friday's, and they are open approximately 16 and 20 hours per week respectively.

I am recommending that the Lowell City Council allow modifications to the hours of City Hall from 7:30 a.m. from Monday through Thursday and 8:00 a.m. until noon on Friday during the timeframe mentioned along with the scheduling parameters listed above.

OCTOBER FRIDAY COUNT**POLICE**

| | Calls | Walk Ins | Total |
|--------------------|-------|----------|-------|
| 10/13/17 before 12 | 7 | 7 | 14 |
| 10/13/17 after 12 | 10 | 6 | 16 |
| 10/20/17 before 12 | 4 | 3 | 7 |
| 10/20/17 after 12 | 7 | 6 | 13 |
| 10/27/17 before 12 | 7 | 6 | 13 |
| 10/27/17 after 12 | 8 | 2 | 10 |
| 11/3/17 before 12 | 5 | 3 | 8 |
| 11/3/17 after 12 | 5 | 8 | 13 |

CITY HALL

| | Calls | Walk Ins | Total |
|--------------------|-------|----------|-------|
| 10/13/17 before 12 | 15 | 2 | 17 |
| 10/13/17 after 12 | 9 | 5 | 14 |
| 10/20/17 before 12 | 5 | 1 | 6 |
| 10/20/17 after 12 | 9 | 8 | 17 |
| 10/27/17 before 12 | 7 | 8 | 15 |
| 10/27/17 after 12 | 8 | 5 | 13 |
| 11/3/17 before 12 | 6 | 6 | 12 |
| 11/3/17 after 12 | 13 | 15 | 28 |

CITY HALL

| | Calls | Walk Ins | Total |
|---------------|-------|----------|-------|
| Mon. Feb 5 | 26 | 15 | 41 |
| Tues. Feb 6 | 35 | 18 | 53 |
| Wed Feb. 7 | 28 | 13 | 41 |
| Thurs. Feb 8 | 22 | 9 | 31 |
| Fri. Feb 9 | 21 | 9 | 30 |
| Mon. Feb 12 | 28 | 21 | 49 |
| Tues. Feb 13 | 20 | 14 | 34 |
| Wed. Feb 14 | 24 | 31 | 55 |
| Thurs. Feb 15 | 15 | 8 | 23 |
| Fri. Feb 16 | 12 | 11 | 23 |
| Tues. Feb 20 | 11 | 15 | 26 |
| Wed. Feb 21 | 16 | 13 | 29 |
| Thurs. Feb 22 | 35 | 9 | 44 |
| Fri. Feb 23 | 20 | 14 | 34 |
| Mon. Feb 26 | 33 | 11 | 44 |
| Tues. Feb 27 | 17 | 7 | 24 |
| Wed. Feb 28 | 20 | 8 | 28 |
| Thurs. Mar 1 | 28 | 11 | 39 |
| Fri. Mar 2 | 27 | 15 | 42 |
| Mon. Mar 5 | 20 | 6 | 26 |
| Tues. Mar 6 | 12 | 6 | 18 |
| Wed. Mar 7 | 22 | 3 | 25 |
| Thurs. Mar 8 | 30 | 5 | 35 |
| Fri. Mar.9 | 21 | 22 | 43 |
| Mon Mar. 12 | 22 | 6 | 28 |
| Tues Mar. 13 | 21 | 5 | 26 |
| Wed. Mar 14 | 25 | 10 | 35 |
| Thurs. Mar 15 | 10 | 0 | 10 |
| Fri. Mar 16 | 20 | 5 | 25 |

POLICE DEPARTMENT

| | Calls | Walk Ins | Total |
|---------------|-------|----------|-------|
| Mon. Feb 5 | 22 | 9 | 31 |
| Tues. Feb 6 | 15 | 8 | 23 |
| Wed Feb. 7 | 12 | 10 | 22 |
| Thurs. Feb 8 | 17 | 7 | 24 |
| Mon. Feb 12 | 17 | 8 | 25 |
| Tues. Feb 13 | 23 | 4 | 27 |
| Wed. Feb 14 | 24 | 5 | 29 |
| Thurs. Feb 15 | 18 | 5 | 23 |
| Tues. Feb 20 | 17 | 12 | 29 |
| Wed. Feb 21 | 11 | 7 | 18 |
| Thurs. Feb 22 | 26 | 5 | 31 |



LOWELL CITY ADMINISTRATION
INTER OFFICE MEMORANDUM

DATE: March 13, 2018

TO: Michael Burns
City Manager

FROM: Rich LaBombard
Assistant City Manager

RE: Sidewalk Code Enforcement

This is a follow up communication from the February 5, 2018, Council meeting. City Council directed City Administration to develop a recommended policy and procedure to enforce City Ordinance – Sidewalks, Retaining Walls and Driveway Approaches - Sections 19-21 thru 19-28. Currently, sidewalk, retaining wall and drive approach maintenance is minimally enforced and the proposed policy serves to establish an updated procedure for City Administration and citizens.

Chief Bukala will give a presentation about code enforcement and provide current examples followed by a discussion of the recommended policy and procedure.

Step 1 – Per the declaration of necessity of Section 19-21, the Department of Public Works will inspect sidewalks, retaining walls and driveway approaches located within City rights-of-way on an annual basis. Typically, inspections occur in the spring season. DPW will identify the adjacent or abutting physical address of the deficiency and also physically mark the deficiency with paint. It is further recommended that DPW photograph the deficiency and physical address to be kept as a digital record in the event of an appeal.

Step 2 – DPW submits identified deficiencies and proposed solution to Code Enforcement annually or at another proposed interval.

Step 3 – Code Enforcement issues a Notice of Violation per Section 19-25 and issues a letter to the property owner.

Step 4 – Property owner obtains a new Sidewalk, Retaining Wall and Drive Approach Permit from City Hall. The proposed fee for the new permit is \$25.00 and will expire in 60 days. However, for the purposes of getting repairs expedited, City Administration will propose waiving the fee until July 1, 2019. Modification of the ordinance may be necessary to accommodate the new permit.

Step 5 – Per the permit requirements, DPW will inspect the grading and forms prior to placement of concrete and provide notification to Code Enforcement that the work is underway. A follow up inspection may occur to determine if soil restoration and established growth has been completed. The City of Lowell will not be responsible for repair or replacement of private sprinkler systems placed within the City right-of-way without proper permitting.

LOWELL CITY ADMINISTRATION
INTER OFFICE MEMORANDUM

Step 6 – If the home owner hasn't obtained a permit or fail to correct the deficiencies, Code Enforcement will issue a civil infraction citation with a fine. If the issue is not corrected in the allotted time frame, the police department will issue an appearance citation for a Formal Hearing at 63rd district court. After the due process is exhausted at the formal hearing, we would request the courts to allow the city of Lowell to replace the sidewalk and place a lien on the next property tax cycle for reimbursement.

Appeals – An appeals process will be developed to provide residents an opportunity to request an exemption from Ordinance.

Inspection Criteria – A proposed inspection criteria has been developed indicating the problems and thresholds that will dictate a replacement need.

Permit – A proposed new permit will be developed for sidewalk installation which will create a record of new work and also serves to cover some of the cost of the annual identification process, form inspection, and code enforcement.

I recommend City Council adopt the proposed enforcement policy and procedure for City Ordinance – Sidewalks, Drive Approaches and Retaining Walls.

Sidewalk, Retaining Wall and Drive Approach - Inspection criteria:

- Vertical displacement of less than two inches (2")
 - Possibly grind edges to eliminate trip hazards or replace section.
- Vertical displacement of two inches (2") or greater.
 - Replace section
- Multiple vertical displacements caused by tree roots.
 - Remove section
 - Grind shallow tree roots
 - Replace section
- Minor Spalling or Pop Outs – less than six square inches (6" sq.)
 - Apply bonding agent and vinyl concrete patch
- Excessive Spalling or Pop Outs – greater than six square inches (6" sq.)
 - Replace section
- Narrow Cracking – less than one inch (1") wide by half inch (1/2") deep
 - Apply masonry crack filler (if less than 1/2" wide)
 - Apply vinyl concrete patch (up to 1" wide)
- Wide Cracking – greater than one inch (1") side by half inch (1/2") deep
 - Replace section
- Obstruction
 - Trim away or remove obstruction
- Holding water
 - Remove adjacent soil to permit drainage
 - Replace section
- Excessive sloping – greater than 8% vertical slope (greater than 1" rise over 12" run) or 2% cross slope (greater than 1" rise over 5' run)
 - Replace section

Simplified Inspection Criteria:

Sidewalks shall be marked for replacement using the following criteria:

- Differential sidewalk elevation is greater than two inches (2")
- Sidewalk is cracked and uneven
- More than 25 percent of the sidewalk has spalling or flaking, pitting or popped
- Sidewalk shows signs of ponding water
- Sidewalk has excessive sloping, more than one inch (1") per foot
- Sidewalk does not comply with five foot (5') standard

DIVISION 2. - SIDEWALKS, RETAINING WALLS AND DRIVEWAY APPROACHES

Sec. 19-21. - Declaration of necessity.

It is hereby declared necessary for the protection of the health and safety of the general public that the city provide by ordinance for the construction, repair and maintenance of sidewalks, retaining walls and driveway approaches in the city. The failure to keep sidewalks, driveway approaches and retaining walls in good repair or to construct such structures when required by this chapter shall constitute a public nuisance.

(Ord. No. 88-5, § 1, 3-7-88)

Sec. 19-22. - Responsibility and liability.

All sidewalks, driveway approaches and retaining walls within the city shall be maintained in good repair, free from any buckling, unevenness, cracking, etc., which would pose a health or safety hazard to pedestrians, by the owner of land adjacent to or abutting the same. The owner shall be liable to and fully indemnify the city for any damages recovered against the city by any person for neglect to keep these areas in good repair, and reasonably safe, fit and convenient for public travel of pedestrians. The owner shall be liable to any injured person for violation of this chapter, and any injured person may recover the damages suffered by them directly from the property owner.

(Ord. No. 88-5, § 1, 3-7-88)

Sec. 19-23. - Existing construction not in good repair.

The city manager is hereby authorized and directed to order any person who owns property adjacent to or abutting upon any sidewalk, retaining wall or driveway approach that is not in good repair to build, rebuild or repair such structure. The city manager shall send a notice of violation of this article in accordance with the provisions of [section 19-25](#). Such notice shall specify the location of such structure, the work required and that work must be completed within sixty (60) days after receipt of such notice, provided, however, the city manager may extend the period in which the work must be completed if conditions, as determined by the city manager, prevent completion of the work.

(Ord. No. 88-5, § 1, 3-7-88; Ord. No. [13-02](#), § 4, 7-1-13)

Sec. 19-24. - Necessary construction.

In any street where concrete sidewalks, retaining walls and surfaced driveway approaches do not exist, and in the judgment of the city manager, such sidewalks, retaining walls and driveway approaches are necessary for the health and safety of the general public, the city council may by resolution order the abutting and adjacent property owners to install such structures as required within such time period as provided in the resolution. The city manager shall send notice of such order in accordance with the provisions of [section 19-25](#). Such notice shall specify the location of such structure, the work required and the time within which the work must be completed.

(Ord. No. 88-5, § 1, 3-7-88)

Sec. 19-25. - Notice of violation.

- (a) Notice of required sidewalk, retaining wall, and driveway approach repairs or construction shall be served upon the adjacent or abutting property owner as follows:
 - (1) By delivering the notice to the owner personally or by leaving the same at his residence, office, or place of business with some person of suitable age and discretion;
 - (2) By mailing such notice by certified or registered mail to such owner at his last known address; or
 - (3) If the owner is unknown, by posting such notice in some conspicuous place on the property for five (5) days.
- (b) The responsibility for giving notice of violation is limited to providing for such notice to the property owner of record as shown on the most recent tax rolls of the city at the time of the giving of such notice.

(Ord. No. 88-5, § 1, 3-7-88)

Sec. 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.

(Ord. No. 88-5, § 1, 3-7-88)

Sec. 19-27. - Permit.

- (a) Before starting any work required by this division in the public right-of-way, the property owner or his or her representative shall obtain a permit. The fee for this permit shall be set by resolution of the city council from time to time. When applying for the permit, the property owner or his or her representative shall submit a plan or sketch showing:
 - (1) The proposed location of the sidewalk and any related retaining walls and driveway approaches; and
 - (2) That the existing ground surfaces adjacent to and within the limits of the public right-of-way will be graded or excavated to conform to the established sidewalk grade upon completion of construction.
- (b) Upon approval of the plan or sketch, the city manager shall promptly issue the permit.

(Ord. No. 88-5, § 1, 3-7-88; Ord. No. [13-02](#), § 5, 7-1-13)

Sec. 19-28. - Assessment and lien upon property.

If a property owner shall fail to:

- (1) Repair an abutting or adjacent sidewalk, retaining wall or driveway approach pursuant to [section 19-23](#);
- (2) Construct necessary sidewalks, retaining walls or driveway approaches pursuant to [section 19-24](#); or
- (3) Construct sidewalks, retaining walls and driveway approaches pursuant to [section 19-26](#) within the time limits prescribed in such sections, the city may, without further notice, cause the same to be done and specially assess such expense against such property pursuant to section 10-10 of the city Charter. Such special assessment shall be a lien upon the property and shall be collected and enforced in the same manner as for general ad valorem property taxes of the city.

(Ord. No. 88-5, § 1, 3-7-88)

Secs. 19-29—19-45. - Reserved.

APPOINTMENTS

| | Expires |
|---|------------|
| Downtown Development Authority Vacancy (April McClure – currently serving) | 01/01/2018 |
| Local Officers Compensation Commission Vacancy (Barb Zandstra – Resigned) | 06/30/2021 |
| LCTV Endowment Board Vacancy (Barb Zandstra – Resigned) | 12/31/2018 |