



**301 East Main Street**  
**Lowell, Michigan 49331**  
**Phone (616) 897-8457**  
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**CITY OF LOWELL**  
**CITY COUNCIL AGENDA**  
**MONDAY, NOVEMBER 4, 2019, 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 Regular minutes of the October 21, 2019 City Council meeting.
- Authorize payment of invoices in the amount of \$154,332.30

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

IF YOU WISH TO ADDRESS AN AGENDA ITEM, PUBLIC COMMENT FOR EACH ITEM WILL OCCUR AFTER THE INITIAL INFORMATION IS SHARED ON THE MATTER AND INITIAL DELIBERATIONS BY THE PUBLIC BODY. PUBLIC COMMENT WILL OCCUR BEFORE A VOTE ON THE AGENDA ITEM OCCURS.

**4. OLD BUSINESS.**

- a. City Income Tax
- b. Fire Authority Proposal – Lew Bender

**5. NEW BUSINESS**

- a. LL&P Board Line Shack (115 Riverside Drive)
- b. Design Engineering for Howard and Suffolk Street

**6. BOARD/COMMISSION REPORTS**

**7. MANAGER'S REPORT**

**8. APPOINTMENTS**

**9. COUNCIL COMMENTS**

**10. CLOSED SESSION – to discuss pending litigation**

**11. ADJOURNMENT**

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



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## MEMORANDUM

TO: Lowell City Council

FROM: Michael Burns, City Manager

RE: Council Agenda for Monday, November 4, 2019

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4. OLD BUSINESS

- a. City Income Tax – City Manager Michael Burns will provide an update.
- b. Fire Authority Proposal – Lew Bender – Mayor DeVore will provide information.

5. NEW BUSINESS

- a. LL&P Board Line Shack (115 Riverside Drive). – Memo is provided by LL&P General Manager Steve Donkersloot.

Recommended Motion: That the Lowell City Council sell 115 Riverside Drive pursuant to the guidelines in the City Charter.

- b. Design Engineering for Howard and Suffolk Street. Memo is provided by Public Works Director Daniel Czarnecki.

Recommended Motion: That the Lowell City Council approve the Design Engineering Services quote for the Howard, Suffolk, Elizabeth Streets Resurfacing Design, as proposal by Williams & Works in their letter dated October 31, 2019, for a “not-to-exceed” amount of \$22,250.00

6. BOARD/COMMISSION REPORTS
7. MANAGER'S REPORT
8. APPOINTMENTS
9. COUNCIL COMMENTS
10. ADJOURNMENT

**PROCEEDINGS  
OF  
CITY COUNCIL  
OF THE  
CITY OF LOWELL  
MONDAY, OCTOBER 21, 2019, 7:00 P.M.**

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

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

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

Absent: None.

Also Present: City Manager Michael Burns via phone, Chief of Police Steve Bukala, City Clerk Sue Ullery, DPW Director Dan Czarnecki.

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

- Approval of the Agenda.
- Approve and place on file the Committee of the Whole, Regular and Closed minutes of the October 07, 2019 City Council meetings.
- Authorize payment of invoices in the amount of \$227,523.79.

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

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

NO: None.

ABSENT: None.

MOTION CARRIED.

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

There were no comments.

**4. OLD BUSINESS**

**a. Ware Road Landfill.**

City Manager Michael Burns stated via phone that with the assistance of BLDI Engineering, the City of Lowell has filed our work plan with the Michigan Department of Great Lakes, Environment and Energy (EAGLE) to address the issues at the former Ware Road Land Fill. As part of this project, we will be drilling 9 monitoring wells on the site and approximately 60 feet below ground to determine whether or not the contaminants have dissipated or migrated from what was found over 30 years ago.

As part of this project, BLDI gathered quotes on the City's behalf from multiple firms who address this type of drilling. BLDI sought quotes from the following firms:

- Stearns Drilling – Dutton - \$50,396.91
- Pearson Drilling – Lake City - \$28,399.83

- Job Site Services – Bay City - \$49,139.50
- MATECO – Rockford - \$52,368.70
- Fibertec – Brighton – Unable to bid
- Terraprobe – Ottawa Lake – Unable to bid

Pearson Drilling was significantly the lowest bidder. Since there was a \$20,000 difference between them and the second lowest bidder, Burns stated he was concerned of the possibility of costs escalating during the project. BLDI also stated that Pearson Drilling is capable and experienced in handling this work. but also stated they have not had experience in the past with Pearson Drilling. They also anticipate completing the work in 5 days. The second lowest bidder anticipated completing the work in 10 days. If approved, we believe the well drilling can begin before the winter months. BLDI will also be monitoring this project on behalf of the City. They have provided an estimate for their services in the amount of \$30,300. As you are aware, Ware Road was not budgeted at this time as we do not know in entirety the cost to address this. In our Fiscal Year 2020 budget, we had approximately \$70,000 in revenues unallocated. We can use these funds before having to go into our nearly \$1 million general fund reserve. That said, Burns stated he plans on seeking assistance through the LCTV and the Look Memorial Funds.

IT WAS MOVED BY YANKOVICH and seconded by CHAMBERS to approve Pearson Drilling to drill the 9 wells at a cost not to exceed \$28,399.83.

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

NO: None.

ABSENT: None.

MOTION CARRIED.

IT WAS MOVED BY CHAMBERS and seconded by SALZWEDEL to approve BLDI Engineering to perform inspection services at a cost not to exceed \$30,300.

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

NO: None.

ABSENT: None.

MOTION CARRIED.

b. Adult Use Marihuana Ordinance.

City Manager Michael Burns stated after several reviews of the zoning and regulatory ordinances for Adult Use Marihuana, we are now at a point of taking action on requirements for allowing this in the City of Lowell. As we discussed at our previous meeting, during a review of the ordinances, we struck language pertaining to lighting. Another item evolved during the development of the ordinance. Since we are restricting adult use marihuana facilities within 1,000 feet of schools and preschools, a question was raised regarding preschools which might be a 1,000 feet from a facility in the City, but happen to be in neighboring Lowell Township. There is a preschool that is approximately 1,300 feet from the city limits. That being said, I researched the question. If a municipality would like, they could make it a requirement if they so choose. After discussing this with Jessica Wood, I asked for this provision to be added to the ordinance restricting facilities within 1,000 feet of a preschool in Lowell Township. If you don't believe this is necessary, this can be stricken from the ordinance.

Burns continued, the zoning ordinance ensures these applications for facilities must be approved by a special land use permit. Applicants wishing to open facilities in the City, must show they meet standards set

forth in ordinance prior to approval from the Planning Commission and they must comply once the business is operational.

Zoning Ordinance 19-06 and the Regulatory Ordinance 19-07 have been drafted and meet the concerns of the Planning Commission and City Council in their appropriate venue. Once approved, we will have guidelines in place. Beginning on November 1, 2019, the Michigan Marihuana Agency (MRA) will be accepting applications for adult use facility licenses in Michigan. By approving these ordinances, the City of Lowell is formally allowing facilities for Adult Use Marihuana within the city limits. As applicants seeking facilities in the City of Lowell are preliminarily approved by the MRA, the City will be able to begin the process of approving these facilities in the State of Michigan with these ordinances.

IT WAS MOVED BY SALZWEDEL and seconded by YANKOVICH to approve Zoning Ordinance 19-06 as written.

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

NO: None.

ABSENT: None.

MOTION CARRIED.

IT WAS MOVED BY YANKOVICH and seconded by CHAMBERS to approve Regulatory Ordinance 19-07 as written.

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

NO: None.

ABSENT: None.

MOTION CARRIED.

c. City Income Tax.

City Manager Michael Burns stated we had our last informational meeting last Wednesday, it went very well and there were about 20 people there. The people attended have an understanding of what is being asked and why we are asking it. There will have one more informational mailer that will go out with the water bill this month and then we are two weeks away from the election and will then know where we stand.

Burns believes the City audit preparation is showing we have some street funds available (for next summer) and we are looking at the streets Howard and Suffolk. Once we get more information, we will come back to the Council with it.

d. Fire Authority Proposal.

Mayor DeVore stated this proposal is a means to explore audit/assessment for future staffing methodology for the Lowell Area Fire & Emergency Service Authority. Mayor DeVore stated Vergennes Township has approved the proposal at their meeting unanimously. Lowell Township and City of Lowell are discussing and voting tonight. Two of the three municipalities have to approve it for it to pass. Mayor DeVore would like to bring on Lew Bender as a consultant if the proposal passes.

IT WAS MOVED BY CANFIELD and seconded by CHAMBERS to approve the Fire Authority Proposal with Lew Bender as an added consultant.

YES: Councilmember Chambers, Councilmember Canfield. NO: Councilmember Salzwedel, Councilmember Yankovich, Mayor DeVore. ABSENT: None.

MOTION FAILED.

## 5. NEW BUSINESS

### a. Generator Preventative Maintenance.

DPW Director Dan Czarnecki stated the City of Lowell has four large backup generators to assist with supplying power in case of emergency. The generators are located at City Hall, Shepard Drive Pump Station, and two are at the Wastewater Treatment Facility (one is the plant generator, the other is the portable generator for the lift stations). While we would prefer for the power to stay on and not have a need to use the generators, we also need to know the generators will work when we need them. The DPW and Wastewater Plant looked at obtaining quotes for scheduled annual preventative maintenance for all units.

The annual work is to include oil change, oil filter and fuel filter change, and inspect and maintain all aspects of the generator system. This includes, inspection of cooling fan and fan drives, adjust all pulleys, belt tensioners, adjusters etc., including lubricate all drive bearings, gear drives, etc., inspection of the charging system, fuel system, cooling system and much more. One item of concern is the transfer switch operations. The annual maintenance plan is to include a thorough inspection of the switchgear and a load bank test of each generator under operating conditions. Quotes were received from 4 companies that specialize in generator systems maintenance. The program is for five years. The work performed will be paid through the different facility maintenance funds.

Company	City Hall	Shepard Dr.	WWTP	TOTAL
Cummins Sales/Service, GR	\$2,808.88	\$3,504.41	\$10,743.58	\$17,056.88
Wolverine Power Systems, Wixom	\$3,515.00	\$3,530.00	\$10,600.00	\$17,645.00
Kennedy Industries, Wixom	\$4,532.50	\$4,562.50	\$9,125.00	\$18,250.00
Michigan Caterpillar, Lansing	\$5,537.00	\$4,604.00	\$11,500.00	\$21,641.00

The quote from Michigan Caterpillar includes performance of an infrared thermographic imagery of the switchgear connections, with a report on the findings. This technology is used to detect overloaded circuits, faulty or high resistance connections, damaged fuses and clips, and other defective electrical components. Thermographic imagery helps to eliminate the risk of human injury and/or loss of life. The DPW feels this added review of the switchgear would be a great safety aspect to the maintenance program. This is a good step towards arc-flash testing of our electrical components at our different facilities.

IT WAS MOVED BY CANFIELD and seconded by YANKOVICH to approve the quote from Michigan Caterpillar, Grand Rapids for the 5-year generator preventative maintenance program at a total cost of \$21,641.00 (\$4,328.20 per year for 5 years).

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

NO: None. ABSENT: 0. MOTION CARRIED.

### b. Showboat Sponsorship.

City Manager Michael Burns stated as part of the Showboat Committee's continuing fundraising efforts, they have proposed possible sponsorship options for people and entities going forward. An idea the Showboat Committee came up with is donor naming opportunities for the Showboat. These funds will

help with finishing costs for the boat, the adjacent plaza area along with perpetual care going forward.

Liz Baker and Mark Mundt developed a plan where based on the amount donated, the donor could be recognized as to a particular component of the proposed boat. This plan is identical to the fundraising opportunities that were taken up by Lowell Arts during their capital campaign. Burns has reviewed the plan and believes it is sound. They anticipate acknowledging the donors with some sort of plaque on the boat. Burns is approaching the City Council to gather input in the sponsorship efforts and to gauge your support for the Showboat Committee to move forward with these efforts.

Liz Baker with the Lowell Chamber of Commerce stated they have worked on this project for a long time and there are many people that are very passionate about it. Deadline is December 1, 2020.

## **6. BOARD/COMMISSION REPORTS.**

Councilmember Canfield stated LARA Board met and they withdrew their application to the state and will resubmit that in the Spring, which will be the last try (next summer). We are about 1.5 million short out of 6.5 million so if anyone has some extra money, send it our way. Parks & Rec met on the 15<sup>th</sup>, and we have ball field contracts to renew this Spring. DPW Director Dan Czarnecki is looking into the best options for writing those contracts. Most of the parks are being closed for the Winter. Sound speakers have been added on the light post along the river walk. Due to the EEE virus factor, next year all the water will be removed from the ice rink at Richards Park and will also be looking at different options available to decrease the mosquitoes.

Councilmember Chambers stated he was not able to attend the joint Township meeting because he was at a City meeting, nor was he able to attend the Light & Power meeting due to running his store for the Girls Night Out event.

Councilmember Salzwedel stated last week at the Arbor Board Meeting we spoke about standardizing plaques that will be given if you donate a tree and in the Spring, DPW Director Dan Czarnecki will be looking at what it is going to take to replace trees downtown and in the City. The next meeting is in January 2020. Then December 5, 2019, we have our first LCTV Fund meeting and after that we will be looking for applicants to apply for funding.

Councilmember Yankovich stated he learned a few things at the Chamber of Commerce meeting, the Amity School Building is going to be the new Yeiter Learning Center (under Betty Yeiter) and hoping to have it opened after the Christmas break. Christmas through Lowell is looking really good, there are 66 locations this year. Girls night out was a great success from everyone he has talked to, no problems and lots of fun.

Mayor DeVore stated at the Vision meeting, we got the final numbers on community cleanup, we were a little bit down this year which could have been due to the bad weather, but still, a great event. The Historic District Commission meeting is cancelled.



## 7. MANAGER'S REPORT.

City Manager Michael Burns reported on the following:

- Last week, we received notification that we are going to be getting a gift from a resident that passed away. In her will, she offered to give the city half the proceeds of selling her home which will be split between the city and another individual in honor of her parents who were Jordan and Ester Staal. This person who passed, lived at 738 High Street. Burns has spoken to the attorney, but still need to get in touch with the conservator of the estate for more details about what this entails. Hopefully by next Council meeting, Burns will have more information.
- Giant Medal Detector, received by the Police Department as part of the military 1033 Program. We did not have to pay for that, the only cost we had was to pay to ship it here. It will be beneficial for our Police Department.
- Monday, November 4<sup>th</sup> at 5:30 we will have a Committee of the Whole Meeting to discuss the Lowell Township water agreement.
- Sexton position for the cemetery has been posted and we will be taking applications.

## 8. APPOINTMENTS.

The Downtown Development Authority has an appointment opening.

The Construction Board of Appeals has an appointment opening.

## 9. COUNCIL COMMENTS.

Councilmember Yankovich stated people are stopping a little bit more than they used to for the crosswalk. It is getting better. He listened to the feedback regarding the tax abatement proposal, he has had a change of heart going forward, the more he listens to people. State Senator Briggs was at the coffee shop Saturday morning and was discussing the tax abatement proposal and she supported all the information that we have been giving people and that the state has been turning off the "street funding faucet" for road repairs pretty much since a little while after Angler was elected. So that was great to hear her support.

Councilmember Chambers would like to thank Mike Larkin for all he does for comedy shows. Larkins Other Place is a lot of fun and it brings a lot of people to our town and a lot of people come back. Darren McCarty was the headliner at the last comedy show and it went really great and he is a fantastic person, was able to sign autographs and meet the police department before the show.

Mayor DeVore agreed with Chambers, Larkins Other Place was packed. Darren McCarty's performance was really good. He also noted Girls Night Out was a great success.

10. ADJOURNMENT.

IT WAS MOVED SALZWEDEL and seconded by CHAMBERS to adjourn at 7:59 p.m.

DATE:

APPROVED:

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Mike DeVore, Mayor

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Sue Ullery, Lowell City Clerk

**CITY OF LOWELL  
KENT COUNTY, MICHIGAN**

**ORDINANCE NO. 19-06**

**AN ORDINANCE TO AMEND SECTION 2.10, "DEFINITIONS, I" AND SECTION 2.14, "DEFINITIONS, M" OF CHAPTER 2, "DEFINITIONS;" TO AMEND SECTION 12.03, "SPECIAL LAND USES" OF "CHAPTER 12, C-3 – GENERAL BUSINESS DISTRICT;" TO AMEND SECTION 12A.03, "SPECIAL LAND USES," OF CHAPTER 12A, "L-I – LIGHT INDUSTRIAL DISTRICT;" TO AMEND SECTION 13.03, "SPECIAL LAND USES" OF CHAPTER 13, "I - INDUSTRIAL DISTRICT;" TO AMEND SECTION 14A.03, "SPECIAL LAND USES," OF CHAPTER 14A, "RE - RIVER'S EDGE DISTRICT;" AND TO AMEND SECTION 17.03, "SITE DESIGN STANDARDS" OF CHAPTER 17, "SPECIAL LAND USES" OF APPENDIX A, "ZONING," OF THE CODE OF ORDINANCES OF THE CITY OF LOWELL**

Councilmember SALZWEDEL supported by Councilmember YANKOVICH moved the adoption of the following ordinance:

**THE CITY OF LOWELL ORDAINS:**

**Section 1. Amendment of Section 2.10.** Section 2.10 of Chapter 2 of Appendix A, "Zoning," of the Code of Ordinances of the City of Lowell is amended to include a new definition, which is inserted in alphabetical order, and which reads as follows:

*Industrial hemp.* A plant of the genus cannabis and any part of that plant, whether growing or not, with a delta-9 tetrahydrocannabinol concentration that does not exceed 0.3% on a dry-weight basis, or per volume or weight of marihuana-infused product, or the combined percent of delta-9-tetrahydrocannabinol and tetrahydrocannabinolic acid in any part of the plant of the genus cannabis regardless of moisture content.

**Section 2. Amendment of Section 2.14.** Section 2.14 of Chapter 2 of Appendix A, "Zoning," of the Code of Ordinances of the City of Lowell is amended to include the following new definitions, which are inserted in alphabetical order, and which read as follows:

Marihuana. All parts of the plant of the genus cannabis, growing or not; the seeds of the plant; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its seeds or resin, including marihuana concentrate and marihuana-infused products. For purposes of this ordinance, marihuana does not include:

- A. the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or

preparation of the mature stalks, except the resin extracted from those stalks, fiber, oil, or cake, or any sterilized seed of the plant that is incapable of germination;

B. industrial hemp; or

C. any other ingredient combined with marihuana to prepare topical or oral administrations, food, drink, or other products.

Marihuana accessories. Any equipment, product, material, or combination of equipment, products, or materials, which is specifically designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, ingesting, inhaling, or otherwise introducing marihuana into the human body.

Marihuana concentrate. The resin extracted from any part of the plant of the genus cannabis.

Marihuana establishment or adult use marihuana establishment. A marihuana grower, marihuana safety compliance facility, marihuana processor, marihuana microbusiness, marihuana retailer, marihuana secure transporter, or any other type of marihuana-related business licensed by the city.

Marihuana grower. A person licensed to cultivate marihuana and sell or otherwise transfer marihuana to marihuana establishments.

Marihuana-infused product. A topical formulation, tincture, beverage, edible substance, or similar product containing marihuana and other ingredients and that is intended for human consumption.

Marihuana licensee. A person holding a valid license for an adult use marihuana establishment issued by the State of Michigan.

Marihuana microbusiness. A person licensed to cultivate not more than 150 marihuana plants; process and package marihuana; and sell or otherwise transfer marihuana to individuals who are 21 years of age or older or to a marihuana safety compliance facility, but not to other marihuana establishments.

Marihuana processor. A person licensed to obtain marihuana from marihuana establishments; process and package marihuana; and sell or otherwise transfer marihuana to marihuana establishments.

Marihuana retailer. a person licensed to obtain marihuana from marihuana establishments and to sell or otherwise transfer marihuana to marihuana establishments and to individuals who are 21 years of age or older.

Marihuana secure transporter. A person licensed to obtain marihuana from marihuana establishments in order to transport marihuana to marihuana establishments.

Marihuana safety compliance facility. A person licensed to test marihuana, including certification for potency and the presence of contaminants.

**Section 3. Amendment of Section 12.03.** Section 12.03 of Chapter 12 of Appendix A, "Zoning," of the Code of Ordinances of the City of Lowell is amended to include the following subsection R, which reads as follows:

R. Adult use marihuana establishments.

**Section 4. Amendment of Section 12A.03.** Section 12A.03 of Chapter 12A of Appendix A, "Zoning," of the Code of Ordinances of the City of Lowell is amended to include the following subsection I, which reads as follows:

I. Adult use marihuana establishments.

**Section 5. Amendment of Section 13.03.** Section 13.03 of Chapter 13 of Appendix A, "Zoning," of the Code of Ordinances of the City of Lowell is amended to include the following subsection H, which reads as follows:

H. Adult use marihuana establishments.

**Section 6. Amendment of Section 14A.03.** Section 14A.03 of Chapter 14A of Appendix A, "Zoning," of the Code of Ordinances of the City of Lowell is amended to include the following subsection B, which reads as follows:

B. Adult use marihuana establishments.

**Section 7. Amendment of Section 17.04.** Section 17.04 of Chapter 17 of Appendix A, "Zoning," of the Code of Ordinances of the City of Lowell is amended to include the following subsection FF, which reads as follows:

FF. Adult use Marihuana Establishment

1. Purpose and Intent. The purpose of this section is to protect the public health, safety, and welfare, protect neighborhood character, minimize negative community impacts, and enact effective regulatory and enforcement controls through minimum land use

requirements for adult use marihuana establishments in the city of Lowell. Marihuana establishments, as defined pursuant to Section 3 (h) of the Michigan Regulation and Taxation of Marihuana Act (MTRMA), include a marihuana grower, safety compliance facility, processor, microbusiness, retailer, or a secure transporter, or other establishment types permitted by applicable Rules for Adult Use Marihuana Establishments, as amended, promulgated by the State of Michigan Department Licensing and Regulatory Affairs (LARA).

2. License Required.

- a. In addition to the special land use permit required by this section, a license issued by the city of Lowell pursuant to Chapter 28 of the city of Lowell Code of Ordinances shall be required prior to operating any marihuana establishment in the city of Lowell, along with any other licenses or permits required by any other federal, state, or local agency having jurisdiction.
- b. The issuance of a special land use permit pursuant to this section does not create an exception, defense, or immunity to any person in regard to any potential civil or criminal liability.
- c. It shall be unlawful for any person to operate a marihuana establishment in the city without obtaining both a license to operate pursuant to the requirements of Chapter 28 of the city of Lowell Code of Ordinances, and a special land use permit pursuant to the requirements of this section.
- d. A separate special land use permit shall be required for each geographic location.
- e. The planning commission may approve a special land use permit for multiple marihuana establishments at the same geographic location and/or in one building, provided that all appropriate licenses are obtained from (LARA and the city of Lowell).

3. Application Requirements. An application for an adult use marihuana establishment special land use shall be accompanied by a site plan pursuant to Section 18.05, along with any additional information necessary to describe the proposed establishment. At a minimum, the following materials shall be submitted as part of an application, in addition to the special land use application requirements of Section 17.02(A).

- a. Verification. A signed statement by the applicant indicating the proposed establishment type, including any requested special licenses, provided that such special licenses are authorized by the city of Lowell and by applicable Rules for Adult Use Marihuana Establishments, as amended, promulgated by LARA.
- b. Consent. A notarized statement by the property owner that acknowledges use of the property for a marihuana establishment and agreement to indemnify, defend and hold harmless the city, its officers, elected officials, employees, and insurers, against all liability, claims or demands arising out of, or in connection to, the operation of a marihuana establishment. Written consent shall also include approval of the owner and operator for the city to inspect the establishment at any time during normal business hours to ensure compliance with applicable laws and regulations.

- c. State License. A copy of official paperwork issued by LARA indicating that the applicant has successfully completed the application for a state operating license. Copies of all documents submitted to LARA in connection with the initial license application, subsequent renewal applications, or investigations conducted by LARA shall be provided to the city.
  - d. A provisional license issued by the city of Lowell pursuant to Chapter 28 of the city of Lowell code of ordinances is not required in order to apply for special land use approval for a marihuana establishment. When a license from the city has not yet been obtained prior to applying for a special land use, the planning commission shall require a license from the city of Lowell as a condition of special land use approval.
- 4. Additional Site Plan Requirements. In addition to the site plan requirements in Section 18.04, the following information shall also be submitted:
  - a. A map, drawn to scale, containing all preschools and K-12 public or private schools near the proposed marihuana establishment location and a 1,000-foot isolation radius drawn around the proposed location to show an appropriate setback distance.
  - b. A narrative describing how the enclosed areas with marihuana have been secured and how permitted individuals will be given access.
  - c. A detailed security plan that addresses all security measures of the marihuana establishment in compliance with all applicable Rules for Adult Use Marihuana Establishments, as amended, promulgated by LARA.
  - d. A lighting plan showing the lighting outside of the marihuana establishment for security purposes and compliance with section 4.24 and any other applicable city requirements.
  - e. Existing and proposed building elevations, including building materials, window calculations, descriptions of glass to be used, and other pertinent information that describes building construction or structural alterations.
  - f. A floor plan of the marihuana establishment detailing the locations of the following:
    - i. All entrances and exits to the establishment;
    - ii. The location of any windows, skylights, and roof hatches;
    - iii. The location of all cameras, and their field of view;
    - iv. The location of all alarm inputs (door contacts, motion detectors, duress/hold up devices) and alarm sirens;
    - v. The location of the digital video recorder and alarm control panel, including the location of the off-site storage or network service provider for storage of the required copies of surveillance recordings; and
    - vi. Restricted and public areas.
    - vii. Any proposed outdoor growing areas

- g. The applicant's procedures for accepting delivery of marihuana at the establishment, including procedures for how and where it is received, where it is stored, and how the transaction is recorded.
5. General Provisions. Adult use marihuana establishments shall be subject to the following requirements:
- a. Security. The marihuana establishment shall comply with all applicable security requirements contained in applicable Rules for Adult Use Marihuana Establishments, as amended, promulgated by LARA.
    - i. All marihuana and marihuana accessories shall be located within an enclosed, locked area, inaccessible on all sides, and equipped with locks that permit access only by the licensed operator or their employees, agents of LARA, law enforcement officers, emergency personnel, and other authorized individuals, as reviewed and approved by the city.
    - ii. Marihuana establishments shall use commercial-grade, nonresidential door locks on all points of entry and exit to the permitted premises.
    - iii. Security cameras are required to be installed and operated in marihuana establishments 24 hours per day, 365 days per year, and shall be directed to record only the subject property. Required security cameras may not be directed to public rights-of-way as applicable, except as required to comply with applicable Rules for Adult Use Marihuana Establishments, as amended, promulgated by LARA.
  - b. Separation distances. The distances described in this subsection shall be computed by measuring a straight line from the nearest property line of the land used for the purposes stated in this subsection to the nearest property line of the parcel used as a marihuana establishment. The following minimum-distancing regulations shall apply to all marihuana establishments. A marihuana establishment shall not be located within:
    - i. 1,000 feet of a preschool or child care center, whether or not it is within the city of Lowell;
    - ii. 1,000 feet of a public or private K-12 school, whether or not it is within the city of Lowell;
    - iii. 500 feet of a property within the C-2, Central Business District as illustrated on the City of Lowell Zoning Map.
- Exception. The requirements above do not apply if the marihuana establishment was lawfully established prior to the location of an establishment or zoning district specified in items i - iii above.
- c. Odors. The marihuana establishment shall be designed to provide sufficient odor absorbing ventilation and exhaust systems so that any odor generated inside the establishment is not detected outside the building in which it operates, on adjacent



public rights-of-way, private road easements, or within other units located within the same building as the establishment if it occupies only a portion of the building. Odors must be controlled and eliminated by the following methods:

- i. The building must be equipped with an activated air scrubbing and carbon filtration system that eliminates all odors prior to leaving the building. Fan(s) must be sized for cubic feet per minute (CFM) equivalent to the volume of the building (length multiplied by width multiplied by height) divided by three. The filter(s) shall be rated for the applicable CFM.
  - ii. Air scrubbing and filtration systems must be maintained in working order and must be in use at all times. Filters must be changed per manufacturers' recommendation to ensure optimal performance.
  - iii. Negative air pressure must be maintained inside the building.
    1. At a ratio of 1:4 between the air intake (CFM) and exhaust fan (CFM), or a similar ratio as approved by the planning commission.
    2. A minimum negative pressure of 0.01" water column relative to the building exterior and to adjacent spaces without product.
    3. A minimum exhaust rate of 0.2 CFM per square foot of floor area or greater.
  - iv. Doors and windows must remain closed, except for the minimum time length needed to allow people to ingress or egress the building.
  - v. The planning commission may approve an alternative odor control system if a mechanical engineer licensed in the State of Michigan submits a report that sufficiently demonstrates the alternative system will be equal or superior to the air scrubbing and carbon filtration system otherwise required above.
- d. The marijuana establishment shall be operated and maintained at all times so that any by-products or waste of any kind shall be properly and lawfully kept and disposed of so as to preclude any risk of harm to the public health, safety, or welfare.
  - e. The marijuana establishment shall not be operated out of a residence or any building used wholly or partially for residential purposes.
  - f. Any portion of the structure where energy usage and heat exceed typical residential use, such as a grow room, and the storage of any chemicals such as herbicides, pesticides, and fertilizers shall be subject to inspection and approval by the Fire Department to insure compliance with applicable fire codes. Any fuel, fertilizer, pesticide, fungicide, rodenticide, herbicide, or other substance toxic to wildlife, children, or pets shall be stored in a secured and locked area and be in compliance with State pesticide laws and regulations.
  - g. A marijuana establishment shall not be operated from a business which also sells alcoholic beverages or tobacco products.
  - h. No drive-through facilities shall be permitted.

- i. The marihuana establishment shall comply at all times and in all circumstances with the MTRMA and the Rules for Adult Use Marihuana Establishments, as amended, promulgated by LARA.
- j. The Planning Commission may require additional landscape buffers or screening beyond what is required in Section 4.26 of the Zoning Ordinance.
- k. The owner and/or licensee shall maintain clear and adequate records and documentation demonstrating that all cannabis or cannabis products have been obtained from and are provided to other permitted and licensed cannabis operations. The city shall have the right to examine, monitor, and audit such records and documentation, which shall be made available to the city upon request.
- l. All necessary building, electrical, plumbing, and mechanical permits shall be obtained for any portion of the structure which contains electrical wiring, lighting, and/or watering devices that support the cultivation growing or harvesting of marihuana.
- m. In the event of any conflict, the terms of this ordinance are preempted and the controlling authority shall be the statutory regulations set forth by the MRTMA or the adopted Rules for Adult Use Marihuana Establishments, as amended, promulgated by LARA.

6. Effect of Permit.

- a. A special land use permit for a marihuana establishment is valid only for the location identified on the license and cannot be transferred to another location within the city without a new special land use permit.
- b. A special land use permit does not prohibit prosecution by the federal government of its laws or prosecution by state authorities for violations of the act or other violations not protected by the MTRMA.
- c. Compliance with city ordinances and state statutes is a condition of maintenance of a special land use permit, and a license may be suspended or revoked pursuant to section 17.02(L) if such ordinances and statutes are violated.
- d. Nothing contained herein is intended to limit the city's ability to prosecute code violations that may have been the cause of the suspension or any other code violations not protected by MTRMA.

7. Violations. Failure to comply with the requirements of this section shall be considered a violation of the zoning ordinance.

- a. Request for revocation of state operating license. If at any time an authorized establishment violates this section or any other applicable city ordinance, the city may request that LARA revoke or refrain from renewing the establishment's state operating license.
- b. Any approval granted for a marihuana establishment may be revoked or suspended automatically for either of the following reasons:

- i. Revocation or suspension of the licensee's authorization to operate by LARA.
- ii. A finding by LARA that a rule or regulation has been violated by the licensee. After an automatic revocation of a special land use approval, a new special land use application shall be required for an establishment to commence operation at the same location.
- iii. Other violations of the zoning ordinance, special land use permit, or conditions imposed thereon by the planning commission.

**Section 8. Publication.** After its adoption, the City Clerk shall publish this ordinance or a summary thereof, as permitted by law, along with its date of adoption in the *Lowell Ledger*, a newspaper of general circulation in the City, at least ten (10) days before its effective date.

**Section 9. Effective Date.** This ordinance shall take effect ten (10) days after it, or a summary thereof, as permitted by law, along with the date of its adoption, is published in the *Lowell Ledger*, a newspaper of general circulation in the City.

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

NAYS: Councilmembers None

ABSTAIN: Councilmembers None

ABSENT: Councilmembers None

**ORDINANCE DECLARED ADOPTED.**

Dated: October 21, 2019

  
Susan Ullery  
City Clerk

### CERTIFICATION

I, the undersigned City Clerk of the City of Lowell, Michigan (the "City"), certify that the above ordinance is a true and complete copy of an ordinance adopted at a regular meeting of the Lowell City Council held on October 21, 2019, pursuant to notice given in compliance with Act 267 of the Public Acts of Michigan of 1976, as amended, and notice of its adoption, including a summary of its contents and its effective date, was published in the *Lowell Ledger*, on October 23, 2019. I further certify that the above ordinance was entered into the Ordinance Book of the City on November 2, 2019, and was effective November 2, 2019, ten (10) days after publication.

Dated: October 21, 2019

  
Susan Ullery  
City Clerk

**CITY OF LOWELL  
KENT COUNTY, MICHIGAN**

**ORDINANCE NO. 19-07**

**AN ORDINANCE TO ADD CHAPTER 28, "ADULT USE MARIHUANA  
ESTABLISHMENTS" TO THE  
CODE OF ORDINANCES OF THE CITY OF LOWELL**

Councilmember YANKOVICH supported by Councilmember CHAMBERS moved the adoption of the following ordinance:

**THE CITY OF LOWELL ORDAINS:**

**Section 1. Addition of Chapter 28 to the Code.** Chapter 28, "Adult Use Marihuana Establishments" is added to the Code of Ordinances of the City of Lowell to read as follows:

**Chapter 28 - Adult Use Marihuana Establishments**

**Sec. 28-1 Purpose and Intent.**

(a) The purpose of this Chapter is to implement the provisions of the Michigan Regulation and Taxation of Marihuana Act, Prop 1 of 2018, so as to protect the public health, safety, and welfare of the residents of the City by setting forth the manner in which recreational marihuana establishments can be operated in the City. Further, the purpose of this Chapter is to:

- (1) Provide a means to regulate and control the commercial production and distribution of marihuana, the lawful production of related products as set forth in, and for purposes of implementing, the Michigan Regulation and Taxation of Marihuana Act, MCL 333.27951 et. seq. (hereafter referred to as the "MRTMA" or the "Act");
- (2) Protect public health and safety through reasonable limitations on marihuana commercial entity operations, and limitations upon other marihuana-related activities provided for by the MRTMA, as they relate to noise, air and water quality, neighborhood safety, security for the establishment and its personnel, and other health and safety concerns;
- (3) Impose fees to defray and recover the costs to the City of the administrative and enforcement costs associated with marihuana establishments, and permitted marihuana activities as provided for in the MRTMA;

- (4) Coordinate with laws and regulations that may be enacted by the State addressing marihuana, including but not limited to the Department of Licensing and Regulatory Affairs Marihuana Regulatory Agency Adult – Use Marihuana Establishments Emergency Rules (LARA Rules), as amended from time to time; and
  - (5) To restrict the issuance of marihuana establishment licenses only to individuals and entities that have demonstrated an intent and ability to comply with this Chapter, and with State law and regulation, without monitoring by City officials.
- (b) This Chapter authorizes the establishment of recreational marihuana establishments within the City of Lowell, Michigan, consistent with the provisions of the MRTMA, and with regulations and LARA Rules enacted by the State; and subject to the following:
- (1) Marihuana cultivation, processing, transportation and sale can have an impact on health, safety, and community resources, and this Chapter is intended to permit marihuana cultivation, processing, transportation and sale where it will have minimal detrimental impact;
  - (2) Use, distribution, cultivation, production, possession, and transportation of marihuana remain illegal under Federal law, and marihuana remains classified as a "controlled substance" by federal law;
  - (3) The regulations for marihuana commercial entities may not be adequate at the state level to address the impacts on the City of the commercialization of marihuana, making it appropriate for local regulation of the impact of marihuana commercial entities;
  - (4) Nothing in this Chapter is intended to promote or condone the production, distribution, sale or possession of marihuana in violation of any applicable law;
  - (5) This Chapter is to be construed to protect the public over marihuana establishment interests. Operation of a marihuana establishment is a revocable privilege and not a right in the City. There is no property right for an individual or establishment to engage or obtain a license to engage in marihuana as a commercial enterprise in the City; and
  - (6) Because marihuana is a heavily regulated industry in the City, all licensees are assumed to be fully aware of the law; the City shall not therefore be required to issue warnings before issuing citations for violations of this Chapter.
- (c) As of the effective date of this ordinance, marihuana is classified as a Schedule 1 controlled substance under Federal law which makes it unlawful to manufacture, distribute, cultivate, produce, possess dispense or transport marihuana. Nothing in this ordinance is intended to grant immunity from any criminal prosecution under Federal law.
- (d) Relationship to State Law.

(1) Except as otherwise provided by the MRTMA and this Chapter, a licensee and its employees and agents who are operating within the scope of a valid State-issued operating license are not subject to criminal or civil prosecution under City ordinances regulating marihuana.

(2) Except as otherwise provided by the MRTMA and this Chapter, a person who owns or leases real property upon which a marihuana establishment is located and who has no knowledge that the licensee is violating or violated the MRTMA or a provision of this Chapter, is not subject to criminal or civil prosecution under City ordinances regulating marihuana.

(3) Nothing in this ordinance is intended to grant immunity from criminal or civil prosecution, penalty or sanction for the cultivation, manufacture, possession, use, sale, distribution or transport of marihuana or hemp in any form, that is not in strict compliance with the MRTMA, the Michigan Medical Marihuana Act, the Medical Marihuana Establishments Licensing Act, the Marihuana Tracking Act, and all applicable rules promulgated by the State of Michigan regarding marihuana. Strict compliance with any applicable State law or regulation shall be deemed a requirement for the issuance or renewal of any license issued under this Chapter, and noncompliance with any applicable State law or regulation shall be grounds for revocation or nonrenewal of any license issued under the terms of this Chapter.

(4) A person is not subject to criminal prosecution or sanctions under City ordinance for purchasing marihuana from a marihuana retailer consistent with the terms of the MRTMA if the quantity purchased is within the limits established under the MRTMA.

(5) In the event of any conflict, the terms of this Chapter are preempted and the controlling authority shall be the statutory regulations set forth by the MRTMA or the rules adopted by the Board (Michigan Department of Licensing and Regulatory Affairs, "LARA" or "Department")(LARA Rules) to implement, administer or enforce the MRTMA.

(e) City liability and indemnification.

(1) By accepting a license issued pursuant to this Chapter, the licensee waives and releases the City, its officers, elected officials, and employees from any liability for injuries, damages or liabilities of any kind that result from any arrest or prosecution of marihuana establishment owners, operators, employees, clients or customers for a violation of state or federal laws, rules or regulations.

(2) By accepting a license issued pursuant to this Chapter, all licensees agree to indemnify, defend and hold harmless the City, its officers, elected officials, employees, and insurers, against all liability, claims or demands arising on account of bodily injury, sickness, disease, death, property loss or damage or any other loss of any kind, including but not limited to, any claim of diminution of property value by a property owner whose property is located in proximity to a licensed operating

establishment, arising out of, claimed to have arisen out of, or in any manner connected with the operation of a marihuana establishment or use of a product cultivated, processed, distributed or sold that is subject to the license, or any claim based on an alleged injury to business or property by reason of a claimed violation of the federal Racketeer Influenced and Corrupt Organizations Act (RICO), 18 U.S.C. §1964(c) or any other alleged violation of law .

(3) By accepting a license issued pursuant to the Chapter, a licensee agrees to indemnify, defend and hold harmless the City, its officers, elected officials, employees, and insurers, against all liability, claims, penalties, or demands arising on account of any alleged violation of any existing law including the federal Controlled Substances Act, 21 U.S.C. §801 et seq. or Chapter 7 of the Michigan Public Health Code, MCL 333.7101 et seq.

## **Sec. 28-2 Definitions.**

The following words, terms and phrases when used in this Chapter shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Applicant* means a person who applies for a state operating license. With respect to disclosures in an application, or for purposes of ineligibility for a license, the term applicant includes an officer, director, and managerial employee of the applicant and a person who holds any direct or indirect ownership interest in the applicant, as more specifically set forth in the LARA Rules.

*Board* means the marihuana licensing board, as anticipated by the MRTMA to be created at LARA in order to regulate and administer state licenses.

*Cultivate* or *cultivation* means to propagate, breed, grow, harvest, dry, cure, or separate parts of the marihuana plant by manual or mechanical means.

*Department* or *Agency* means the Michigan Department of Licensing and Regulatory Affairs (LARA), or its successor agency.

*Designated consumption establishment* means a commercial space that is licensed by the agency and authorized to permit adults 21 years of age and older to consume marihuana products at the location indicated on the state license.

*Excess marihuana grower* means a license issued to a person holding 5 class C marihuana grower licenses and licensed to cultivate marihuana and sell or otherwise transfer marihuana to marihuana establishments.

*Grower* means a person licensed to cultivate marihuana and sell or otherwise transfer marihuana to marihuana establishments.

*Licensee* means a person holding a state operating license.



*Marihuana* means all parts of the plant of the genus *cannabis*, growing or not; the seeds of the plant; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its seeds or resin, including marihuana concentrate and marihuana-infused products. For purposes of this ordinance, marihuana does not include: (1) the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks, except the resin extracted from those stalks, fiber, oil, or cake, or any sterilized seed of the plant that is incapable of germination; (2) industrial hemp; or (3) any other ingredient combined with marihuana to prepare topical or oral administrations, food, drink, or other products.

*Marihuana accessories* means any equipment, product, material, or combination of equipment, products, or materials, which is specifically designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, ingesting, inhaling, or otherwise introducing marihuana into the human body.

*Marihuana concentrate* means the resin extracted from any part of the plant of the genus *cannabis*.

*Marihuana establishment* means a marihuana grower, marihuana safety compliance facility, marihuana processor, marihuana microbusiness, marihuana retailer, marijuana secure transporter, marihuana designated consumption establishment, or any other type of marihuana-related business licensed by the department.

*Marihuana event organizer* means a person licensed to apply for a temporary marihuana event license under these rules.

*Marihuana-infused product* means a topical formulation, tincture, beverage, edible substance, or similar product containing marihuana and other ingredients and that is intended for human consumption.

*Marihuana microbusiness* means a person licensed to cultivate not more than 150 marihuana plants; process and package marihuana; and sell or otherwise transfer marihuana to individuals who are 21 years of age or older or to a marihuana safety compliance facility, but not to other marihuana establishments.

*Michigan Marihuana Act* or *MMMA* means 2008 IL 1, MCL 333.26421 et seq., as may be amended.

*Michigan Marihuana Facilities Licensing Act* or *MMFLA* means Public Act 281 of 2016, MCL 333.27101 et seq., as may be amended.

*Michigan Marihuana Tracking Act* means Public Act 282 of 2016, MCL 333.27901 et seq., as may be amended.

*Marihuana Processor* means a person licensed to obtain marihuana from marihuana establishments; process and package marihuana; and sell or otherwise transfer marihuana to marihuana establishments.

*Marihuana retailer* means a person licensed to obtain marihuana from marihuana establishments and to sell or otherwise transfer marihuana to marihuana establishments and to individuals who are 21 years of age or older.

*Person* means an individual, corporation, limited liability company, partnership of any type, trust, or other legal entity.

*Rules* mean rules promulgated by the Department in consultation with the Board to implement this act, including the LARA Rules as may be amended from time to time.

*Safety compliance establishment* means a person licensed to test marihuana, including certification for potency and the presence of contaminants.

*Secure transporter* means a person licensed to obtain marihuana from marihuana establishments in order to transport marihuana to marihuana establishments.

*Stacked license* means more than 1 State license issued to a single licensee to operate as a class C marihuana grower as specified in each State license at a marihuana establishment.

*State operating license* or, unless the context requires a different meaning, *license*, means a license issued by the department that allows a person to operate a marihuana establishment.

*Temporary marihuana event license* means a State license held by a marihuana event organizer for an event where the onsite sale or consumption of marihuana products, or both, are authorized at the location indicated on the State license during the dates indicated on the State license.

*True party of interest* means:

- (1) For an individual or sole proprietorship: the proprietor and spouse.
- (2) For a partnership and limited liability partnership: all partners and their spouses.
- (3) For a limited partnership and limited liability limited partnership: all general and limited partners and their spouses.
- (4) For a limited liability company: all members, managers, not including a member holding a direct or indirect ownership interest of 10% or less and who does not exercise control over or participate in the management of the company, and their spouses.

- (5) For a privately held corporation: all corporate officers or persons with equivalent titles and their spouses and all stockholders and their spouses.
- (6) For a publicly held corporation: all corporate officers or persons with equivalent titles and their spouses.
- (7) For a multilevel ownership enterprise: any entity or person that receives or has the right to receive a percentage of the gross or net profit from the enterprise during any full or partial calendar or fiscal year.
- (8) For a nonprofit corporation: all individuals and entities with membership or shareholder rights in accordance with the articles of incorporation or the bylaws and their spouses.
- (9) For a trust: the names of the beneficiaries.

However, *true party of interest* does not mean:

- (1) A person who provides financing to an applicant or licensee under a bona fide financing agreement at a reasonable rate.
- (2) A franchisor who grants a franchise to an applicant, provided that the franchisor does not have the right to receive royalties based upon the sale of marihuana or marihuana-infused products by the applicant who is a franchisee.
- (3) A person or entity receiving reasonable payment for rent on a fixed basis under a bona fide lease or rental obligation, unless the lessor or property manager exercises control over or participates in the management of the business.
- (4) A person receiving reasonable payment under a licensing agreement or contract approved by the agency concerning the licensing of intellectual property including, but not limited to, brands and recipes.
- (5) A person who receives a bonus as an employee if the employee is on a fixed wage or salary and the bonus is not more than 25% of the employee's pre-bonus annual compensation or if the bonus is based on a written incentive or bonus program that is not out of the ordinary for the services rendered.

### **Sec. 28-3 License Application Process.**

Applications must be complete and shall be considered in the order in which they are received. Among the criteria to be considered in determining whether the applications are complete are the following:

- (1) Applicant must submit detailed application materials and plans (including plans which address the provisions of this Chapter and related provisions, such as current ownership of the property, security, lighting, processing, site plans, record-

keeping, disposal, water/utility, ventilation, odor, etc.) which illustrate the likely success of the proposed business, in harmony with surrounding properties at the proposed site;

(2) Applicant must not be currently in default/arrears on any taxes or fees otherwise due to the City, and must not have a history of noncompliance or violations with City Ordinances or applicable laws; and applicant must not have been served with any complaint or notice filed by or with any public body, regarding the delinquency in the payment of any tax required under federal, state or local law;

(3) Applicant must indicate whether it has a history of criminal convictions/pleas, other than as specified by the MRTMA, MCL 333.27958;

(4) Applicant must indicate whether it has ever applied for or has been granted any commercial license or certificate issued by a licensing authority in Michigan or any other jurisdiction, that has been denied, restricted, suspended, revoked, or not renewed, or has proceedings pending related to such;

(5) Applicant must indicate whether it has filed, or had filed against it/him/her, a proceeding for bankruptcy or been involved in any formal process to adjust, defer, suspend or otherwise work out payment of a debt in the past seven years;

(6) Other criteria, published by the office of the City Manager on the City's website, prior to the selection process, as may be determined to be pertinent to the selection process, including but not limited to the criteria developed and considered by LARA in the issuance of licenses under MRTMA, or under any other marihuana-related licensing process, such as the Michigan Medical Marihuana Act.

#### **Sec. 28-4      Location eligibility.**

(a) No marihuana establishment shall be eligible to be issued a license unless the applicant complies, for the parcel in question, with all other City regulations, including zoning and land use regulations.

(b) A licensee shall not operate a marihuana establishment at any place in the City other than the address provided in the application on file with the City Clerk.

#### **Sec. 28-5      License and annual fee required.**

No person shall establish or operate a marihuana commercial entity in the City without first having obtained from the City and the State a license for each such establishment to be operated. License certificates shall be kept current and publically displayed within the establishment. Failure to maintain or display a current license certificate shall be a violation of this Chapter. City licenses are required as follows:

(a) An annual nonrefundable fee must be paid to defray the administrative and enforcement costs associated with marihuana establishments located in the City in the amount of \$5,000 per license. If more than one type of marihuana establishment is located at a certain location, each shall require a separate license.

(b) The annual nonrefundable fee required under this section shall be due and payable with the application for a license and upon the application for renewal of any such license under this Chapter.

(c) The license fee requirement set forth in this Chapter shall be in addition to, and not in lieu of, any other licensing and permitting requirements imposed by any other federal, state, or City law or ordinance, including, by way of example, any applicable zoning or building permits.

(d) The issuance of any license pursuant to this Chapter does not create an exception, defense, or immunity to any person in regard to any potential criminal liability the person may have for the production, distribution, or possession of marihuana under federal law.

(e) Licenses may be allowed to be stacked for multiple uses per premise, subject to the City's determination that such uses are compatible together at that location, are consistent on a shared basis with all the provisions of the MRTMA and each use is consistent is consistent with all zoning, land use and other provisions of the City Code of Ordinances. If those conditions are met, more than one different marihuana establishment may be located on one parcel. Unless higher performance is required by applicable law, there must be a minimum of a one-hour fire separation wall between any marihuana establishment and any adjacent business.

#### **Sec. 28-6 General license application requirements.**

(a) A person seeking a license pursuant to the MRTMA and the provisions of this Chapter shall submit an application to the City on forms provided by the City. At the time of application, each applicant shall pay a nonrefundable application fee to defray the costs incurred by the City for background investigations and inspection of the proposed premises, as well as any other costs associated with the processing of the application. In addition, the applicant shall present a suitable form of identification.

(b) The applicant shall also provide the following information, under the penalty of perjury, on the City-issued form. Such information is required for the applicant, the proposed manager of the marihuana commercial entity, and all persons who are true parties of interest in the marihuana commercial entity that is the subject of the application:

(1) The name, address, date of birth, business address, business telephone number, driver's license, and, if applicable, federal tax identification number;

(2) If the applicant is a business entity, information regarding the entity, including, without limitation, the name and address of the entity, its legal status,

and proof of registration with, or a certificate of good standing from, the State of Michigan, as applicable;

(3) The identity of every person having any ownership interest in the applicant with respect to which the license is sought.

(4) If the applicant is not the owner of the proposed licensed premises, a notarized statement from the owner of such property authorizing the use of the property for a marihuana establishment;

(5) A copy of any deed reflecting the applicant's ownership of, or lease reflecting the right of the applicant to possess, or an option reflecting the applicant's right to purchase or lease, the proposed licensed premises;

(6) A stamped or sealed 24 inch by 36 inch drawing of the proposed licensed premises showing, without limitation, building layout, all entryways and exits to the proposed licensed premises, loading zones and all areas in which marihuana will be stored, grown, manufactured or dispensed;

(7) A comprehensive establishment operation plan for the marihuana commercial entity which shall contain, at a minimum, the following:

a. A security plan indicating how the applicant will comply with the requirements of this Chapter and any other applicable law, rule, or regulation. The security plan shall include details of security arrangements and will be protected from disclosure as provided under the Michigan Freedom of Information Act, MCL 15.231 et seq. If the City finds that such documents are subject to disclosure, it will attempt to provide at least 2 business days' notice to the applicant prior to such disclosure.

b. For grower and processing establishments, a plan that specifies the methods to be used to prevent the growth of harmful mold and compliance with limitations on discharge into the wastewater system of the City;

c. A lighting plan showing the lighting outside of the marihuana establishment for security purposes and compliance with applicable City requirements;

d. A plan for disposal of any marihuana or marihuana-infused product that is not sold to a customer, in a manner that protects any portion thereof from being possessed or ingested by any person or animal.

e. A plan for ventilation of the marihuana establishment that describes the ventilation systems that will be used to prevent any odor of marihuana off the premises of the business. For marihuana establishments that grow marihuana plants, such plan shall also include all ventilation systems used to control the environment for the plants and describe how such systems operate with the systems preventing any odor leaving the premises. For

marihuana businesses that produce marihuana-infused products, such plan shall also include all ventilation systems used to mitigate noxious gases or other fumes used or created as part of the production process.

f. A description of all toxic, flammable, or other materials regulated by a federal, state, or local authority that would have jurisdiction over the business if it was not a marihuana business, that will be used or kept at the marihuana business, the location of such materials, and how such materials will be stored.

g. For grower and processing establishments, an applicant must submit electrical plans for load review to Lowell Light & Power for a primary/secondary load study. After the load study has been conducted, applicants must prepay all costs associated with overbuilds that are necessary to meet the applicant's required load before construction is to start. Associated costs may include:

1. Overbuild of primary/secondary utility lines and their supporting structures.
2. KVA cost (Transformer(s)).
3. All labor and equipment cost.
4. Lowell Light & Power reserve the right to deny electric service to any applicant based on failure to meet load acceptance review or load requirements that are not conducive to the location.

(8) Prior to making a modification to a structure that would require a building permit or which would alter or change items required by this subsection, the licensee shall submit to the City and have approved a completed application for modification of premises in the form provided by the City.

(9) Proof of Insurance. A licensee shall at all times maintain full force and effect for duration of the license, worker's compensation insurance as required by state law, and general liability insurance with minimum limits of \$1,000,000 per occurrence and a \$2,000,000 aggregate limit issued from a company licensed to do business in Michigan. A licensee shall provide proof of insurance to the City Clerk in the form of a certificate of insurance evidencing the existence of a valid and effective policy which discloses the limits of each policy, the name of the insurer, the effective date and expiration date of each policy, the policy number, and the names of the additional insureds. The policy shall name the City of Lowell and its officials and employees as additional insureds to the limits required by this section. A licensee or its insurance broker shall notify the City of any cancellation or reduction in coverage within seven days of receipt of insurer's notification to that effect. The licensee, permittee, or lessee shall forthwith obtain and submit proof of substitute insurance to the City Clerk within 5 business days in the event of expiration or cancellation of coverage.

(10) Whether an applicant has been indicted for, charged with, arrested for, or convicted of, pled guilty or nolo contendere to, forfeited bail concerning any criminal offense under the laws of any jurisdiction, either felony or controlled-substance-related misdemeanor, not including traffic violations, regardless of whether the offense has been reversed on appeal or otherwise, including the date, the name and location of the court, arresting agency, and prosecuting agency, the case caption, the docket number, the offense, the disposition, and the location and length of incarceration. Prior criminal history will be addressed/considered consistent with the provisions of the MRTMA, including but not limited to MCL 333.27958(1)(c).

(11) Whether an applicant has ever applied for or has been granted any commercial license or certificate issued by a licensing authority in Michigan or any other jurisdiction that has been denied, restricted, suspended, revoked, or not renewed and a statement describing the facts and circumstances concerning the application, denial, restriction, suspension, revocation, or nonrenewal, including the licensing authority, the date each action was taken, and the reason for each action.

(12) Whether an applicant has filed, or been served with, a complaint or other notice filed with any public body, regarding the delinquency in the payment of, or a dispute over the filings concerning the payment of, any tax required under federal, state, or local law, including the amount, type of tax, taxing agency, and time periods involved.

(13) A description of the type of marihuana establishment and the anticipated or actual number of employees.

(14) An acknowledgment and consent that the City may conduct a background investigation, including a criminal history check, and that the City will be entitled to full and complete disclosure of all financial records of the marihuana commercial entity, including records of deposit, withdrawals, balances and loans; and

(15) Any additional information that the City Manager or Police Department reasonably determines to be necessary in connection with the investigation and review of the application.

(c) Consistent with the MRTMA, including but not limited to MCL 333.27959 (7), and the Freedom of Information Act, MCL 15.231 et seq. the information provided to the City Clerk pursuant to this section relative to licensure is exempt from disclosure.

(d) All marihuana commercial entities shall be required to obtain all other required permits or licenses related to the operation of the marihuana commercial entity, including, without limitation, any development approvals or building permits required by any applicable code or ordinance.

(e) If a deficiency is identified in an application, the applicant shall have five (5) business days to correct the deficiency after notification.



(f) Upon an applicant's completion of the above-provided form and furnishing of all required information and documentation, the City Clerk shall accept the application and assign it an application number by establishment type.

(g) Upon receipt of a completed application, the City Clerk shall circulate the application to the Planning Department, Police Department, Assessing Department, Department of Public Works (as well as any other City department or consultants that the Office of the City Manager may determine is pertinent to review of such applications) to determine whether the application is in full compliance with all applicable laws, rules and regulations.

#### **Sec. 28-7 Denial of application.**

(a) The City Clerk, following recommendations from the above-referenced departments, shall reject any application that does not meet the requirements of the MRTMA, the rules promulgated by LARA, this Chapter, the City Code of Ordinances or other applicable law or regulations. The City Clerk shall reject any application that contains any false, misleading or incomplete information.

(b) Subject to the provisions of the MRTMA, an applicant is ineligible to receive a license under this Chapter if any of the following circumstances exist regarding a true party of interest of the applicant:

(1) Conviction of or release from incarceration for a felony under the laws of this state, any other state, or the United States within the past 10 years or conviction of a controlled substance-related felony within the past 10 years, except that, consistent with MCL 333.27958 (1)(c), a prior conviction solely for a marihuana-related offense does not disqualify an individual or otherwise affect eligibility for licensure, unless the offense involved distribution of a controlled substance to a minor.

(2) Other than as set forth in MCL 333.27958(1)(c), within the past 5 years, conviction of a misdemeanor involving a controlled substance, theft, dishonesty, or fraud in any state or having been found responsible for violating a local ordinance in any state involving a controlled substance, dishonesty, theft, or fraud that substantially corresponds to a misdemeanor in that state.

(3) The applicant has knowingly submitted an application for a license that contains false, misleading or fraudulent information, or who has intentionally omitted pertinent information on the application for a license.

(4) Is a member of the Board or, as contemplated by MCL 333.27957 is an individual involved in the implementation, administration or enforcement of the MRTMA provisions.

(5) The applicant fails to provide and maintain adequate premises liability and casualty insurance for its proposed marihuana establishment.

(6) Holds an elective office of a governmental unit of this state, another state, or the federal government; is a member of or employed by a regulatory body of a governmental unit in this state, another state, or the federal government; or is employed by a governmental unit of this state. This subdivision does not apply to an elected officer of or employee of a federally recognized Indian tribe or to an elected precinct delegate.

(7) The applicant does not meet the MRTMA provisions concerning eligible license applicants, including but not limited to the provisions of MCL 333.27959, including the provisions of subsection (6) of that statute, which set forth time periods within which only certain applicants may obtain licenses.

(8) The applicant is an owner of, or has an interest in, such business or entity which, pursuant to the provisions of MCL 333.27959(3)(d), would make the applicant ineligible for the license for which the applicant has applied, or the applicant otherwise fails to meet other criteria established by State law.

**Sec. 28-8 Issuance of provisional approval certificate.**

(a) Complete applications for a marihuana establishment license determined to be in full compliance with the requirements of this Chapter shall be issued a provisional marihuana establishment approval certificate in accordance with the procedures specified in this Section.

(b) The City Clerk, upon approval by the City Council, shall issue a provisional marihuana establishment approval certificate if the inspection, background checks, and all other information available to the City verify that the applicant has submitted a full and complete application, has made improvements to the business location consistent with the application, complies with applicable zoning and location requirements, and is prepared to operate the business as set forth in the application, all in compliance with this Code and any other applicable law, rule, or regulation.

(c) Applications whose inspection, background checks, and all other information available to the City verify that the applicant has submitted a full and complete application, has made improvements to the business location consistent with the application, complies with applicable zoning and location requirements, and is prepared to operate the business as set forth in the application, all in compliance with this Code and any other applicable law, rule, or regulation shall be evaluated by City staff for recommendation to approve or deny a provisional marihuana establishment approval certificate.

(d) A provisional marihuana establishment approval certificate means only that the applicant has submitted a valid application for a marihuana establishment license, and is eligible to receive the appropriate marihuana establishment license from the Board. The applicant shall not locate or operate a marihuana establishment in the City without obtaining a license approved by the Board and issued by the State. A provisional certificate issued by the City will expire and be void after 12 months if State license approval is not

diligently pursued to completion by the applicant within such time, or on the date that State license approval is denied to the applicant, whichever first occurs.

(e) The conditions of an approval of a marihuana business license shall include, at a minimum, operation of the business in compliance with all of the plans and information made part of the application.

**Sec. 28-9 Issuance of City marihuana establishment operating license.**

(a) An applicant holding an unexpired provisional certificate issued pursuant to this Chapter and for which the Board has granted the appropriate marihuana establishment State operating license shall provide proof of same to the City Clerk.

(b) Inspection. An inspection of the proposed marihuana establishment by the City shall be required prior to issuance of the City operating license. Such inspection shall occur after the premises are ready for operation, but prior to the stocking of the business with any marihuana, and prior to the opening of the business to the public. The inspection is to verify that the business establishments are constructed and can be operated in accordance with the application submitted and the applicable requirements of the code and any other applicable law, rule, or regulation.

(c) After verification that the business establishments are constructed and can be operated in accordance with the application submitted and the applicable requirements of the code and any other applicable law, rule, or regulation, the City Clerk shall issue a City marihuana operating license whose term shall run concurrent with the State operating license for the establishment.

(d) Maintaining a valid marihuana establishment license issued by the State is a condition for the issuance and maintenance of the City marihuana establishment operating license issued under this Chapter and the continued operation of any marihuana establishment.

**Sec. 28-10 License forfeiture.**

In the event that a marihuana establishment does not commence operations within one year of issuance of a City operating license, the license shall be deemed forfeited; the business may not commence operations and the license is not eligible for renewal.

**Sec. 28-11 License renewal.**

(a) A City marihuana establishment operating license shall run concurrently with the State operating marijuana license issued for the establishment, unless revoked as provided by law.

(b) A valid marihuana establishment license may be renewed on an annual basis by a renewal application upon a form provided by the City and payment of the annual license fee. An application to renew a marihuana establishment license shall be filed at least thirty (30) days prior to the date of its expiration.

(c) Prior to the issuance of a renewed marihuana establishment license by the City, the premises shall be inspected to assure that it and its systems are in compliance with the requirements of this Chapter and the City Code of Ordinances.

**Sec. 28-12 Transfer, sale or purchase of license.**

(a) A marihuana business license is valid only for the owner named thereon, the type of business disclosed on the application for the license, and the location for which the license is issued. The licensees of a marihuana business license are only those persons disclosed in the application or subsequently disclosed to the City in accordance with this Chapter.

(b) Each operating license is exclusive to the licensee, and a licensee or any other person must submit an application for licensure with the City Clerk before a license is transferred, sold, or purchased. The attempted transfer, sale, or other conveyance of an interest in a license without prior application with the City Clerk is grounds for suspension or revocation of the license.

**Sec. 28-13 License as revocable privilege.**

An operating license granted by this Chapter is a revocable privilege granted by the City and is not a property right. Granting a license does not create or vest any right, title, franchise, or other property interest. Each license is exclusive to the licensee, and a licensee or any other person must apply for and receive the City's approval before a license is transferred, sold, or purchased. A licensee or any other person shall not lease, pledge, or borrow or loan money against a license. The attempted transfer, sale, or other conveyance of an interest in a license without prior Board approval is grounds for suspension or revocation of the license or for other sanction considered appropriate by the City.

**Sec. 28-14 Denial, nonrenewal, suspension or revocation of license.**

(a) The City may, after notice and hearing, deny, suspend, revoke or refuse to renew a license for any of the following reasons:

(1) The applicant or licensee, or his or her agent, manager or employee, has violated, does not meet, or has failed to comply with, any of the terms, requirements, conditions or provisions of this Chapter or with any applicable State or local law or regulation;

(2) The applicant or licensee, or his or her agent, manager or employee, has failed to comply with any special terms or conditions of its license pursuant to an order of the State or local licensing authority, including those terms and conditions that were established at the time of issuance of the license and those imposed as a result of any disciplinary proceedings held subsequent to the date of issuance of the license; or

(3) The marihuana commercial entity has been operated in a manner that adversely affects the public health, safety or welfare.

(b) Evidence to support a finding under this section may include, without limitation, a continuing pattern of conduct, a continuing pattern of drug-related criminal conduct within the premises of the marihuana commercial entity or in the immediate area surrounding such business, a continuing pattern of criminal conduct directly related to or arising from the operation of the marihuana commercial entity, or an ongoing nuisance condition emanating from or caused by the marihuana commercial entity. Criminal conduct shall be limited to the violation of a State law or regulation or City ordinance.

(c) Denial of an application, or nonrenewal, suspension or revocation of an existing license may be appealed to a court of competent jurisdiction.

#### **Sec. 28-15 Grower license.**

Applicable standards for grower establishments:

(1) A grower shall comply with all of the provisions of the MRTMA and LARA Rules, and shall comply with the following:

a. No pesticides or insecticides which are prohibited by applicable law for fertilization or production of edible produce shall be used on any marihuana cultivated, produced, or distributed by a marihuana business.

b. A marihuana business shall be ventilated so that the odor of marihuana cannot be detected by a person with a normal sense of smell at the exterior of the marihuana business or at any adjoining use or property.

#### **Sec. 28-16 Processor license.**

Applicable standards for processor establishments shall be as set forth in the MRTMA and LARA Rules.

#### **Sec. 28-17 Secure transporter license.**

Applicable standards for secure transporter shall be as set forth in the MRTMA and LARA Rules.

**Sec. 28-18     Marihuana retailer license.**

Applicable standards for marihuana retailers shall be as set forth in the MRTMA and LARA Rules.

**Sec. 28-19     Safety compliance establishment license.**

Applicable standards for safety compliance shall be as set forth in the MRTMA and LARA Rules.

**Sec. 28-20     Microbusiness License.**

Applicable standards for a marihuana microbusiness shall be as set forth in the MRTMA and LARA Rules.

**Sec. 28-21     Special Licenses.**

Applicable standards for Special Licenses (Designated Consumption Establishment Licenses, Excess Marihuana Grower Licenses, Marihuana Event Organizer License, and Temporary Marihuana Event Licenses) shall be as dictated by the MRTMA and LARA Rules:

**Sec. 28-22     Compliance with rules; inspections.**

- (a) A licensee shall strictly comply with the rules and emergency rules that may from time to time be promulgated by the Department.
- (b) If it is determined that the Marihuana Tracking Act applies, or LARA promulgates rules or regulations which require such, a licensee shall adopt and use the statewide monitoring system of inventory control and tracking authorized by the Marihuana Tracking Act so as to provide the capability for the licensee to comply with the State requirements applicable to the type of license held by the licensee.
- (c) A marihuana establishment and all articles of property in the establishment are subject to inspection, search and examination at any time by a member of the Lowell Police Department or the Department of State Police.
- (d) Any failure by a licensee to comply with Department rules or the provisions of this Chapter is a violation of this Chapter and any infraction or violation, however slight, is sufficient grounds for suspension and revocation of licensure under this Chapter.

**Sec. 28-23 Signage and advertising.**

All signage and advertising for a marihuana establishment shall comply with all applicable provisions of this Code and applicable zoning and land use provisions. In addition, it shall be unlawful for any licensee to:

- (1) Use advertising material that is misleading, deceptive or false or that, as evidenced by the content of the advertising material or by the medium or the manner in which the advertising material is disseminated, is designed to appeal to minors;
- (2) Advertise in a manner that is inconsistent with the provisions of the MRTMA or LARA rules.

**Sec. 28-24 Warning signs.**

There shall be posted in a conspicuous location in each establishment a legible sign containing the content of this section warning that:

- (1) The possession, use or distribution of marihuana is a violation of federal law;
- (2) It is illegal under State law to drive a motor vehicle or to operate machinery when under the influence of, or impaired by, marihuana; and
- (3) No one under the age of twenty-one (21) years is permitted on the premises.

**Sec. 28-25 Security requirements.**

(a) Security measures at all licensed premises shall comply with the requirements of the MRTMA, including but not limited to MCL 333.27961, and all applicable rules and regulations promulgated by the Department.

(b) A description of the security plan shall be submitted with the application for a City operating license. The security system, shall be maintained in good working order and provide twenty-four hours per day coverage. A separate security system is required for each establishment.

(c) The security plan must comply with all LARA Rules, and must include, at a minimum, the following security measures:

- (1) Cameras. The marihuana business shall install and use security cameras to monitor and record all areas of the premises (except in restrooms) where persons may gain or attempt to gain access to marihuana or cash maintained by the marihuana business entity. Cameras shall record operations of the business to an off-site location, as well as all potential areas of ingress or egress to the business



with sufficient detail to identify facial features and clothing. Recordings from security cameras shall be maintained for a minimum of forty-five (45) days in a secure offsite location in the City or through a service over a network that provides on-demand access, commonly referred to as a "cloud." The offsite location shall be included in the security plan submitted to the City and provided to the Police Department upon request, and updated within seventy-two hours of any change of such location.

(2) Use of safe for storage. The marihuana business shall install and use a safe for storage of any processed marihuana and cash on the premises when the business is closed to the public. The safe shall be incorporated into the building structure or securely attached thereto. For marihuana-infused products that must be kept refrigerated or frozen, the business may lock the refrigerated container or freezer in a manner authorized by the City in place of the use of a safe so long as the container is affixed to the building structure.

(3) Alarm system. The marihuana business shall install and use an alarm system that is monitored by a company that is staffed twenty-four hours a day, seven days a week. The security plan submitted to the City shall identify the company monitoring the alarm, including contact information, and updated within seventy-two hours of any change of monitoring company.

#### **Sec. 28-26 Visibility of activities; control of emissions.**

(a) All activities of marihuana commercial entities, including, without limitation, the cultivating, growing, processing, sale, displaying, manufacturing, selling, and storage of marihuana and marihuana-infused products shall be conducted consistent with the MRTMA, including but not limited to MCL 333.27961 concerning activities, to be conducted outside of public view.

(b) No marihuana or marihuana accessories shall be displayed or kept in a business so as to be visible from outside the licensed premises.

(c) Sufficient measures and means of preventing smoke, odors, debris, dust, fluids and other substances from exiting a marihuana commercial entity must be provided at all times. In the event that any odors, debris, dust, fluids or other substances exit a marihuana commercial entity, the owner of the subject premises and the licensee shall be jointly and severally liable for such conditions and shall be responsible for immediate, full clean-up and correction of such condition. The licensee shall properly dispose of all such materials, items and other substances in a safe, sanitary and secure manner and in accordance with all applicable federal, state and local laws and regulations.

#### **Sec. 28-27 Marihuana cultivation.**

(a) Cultivation, generally.



- (1) Marihuana cultivation shall be conducted consistent with the MRTMA, including but not limited to MCL 333.27961, and all LARA rules, within an enclosed, secured area;
  - (2) Marihuana cultivation shall comply with all applicable requirements of the laws and regulations of the City and the State.
- (b) All marihuana products kept on premises where marihuana plants are grown shall be stored in a locked and enclosed space.
- (c) No marihuana cultivation activity shall result in the emission of any gas, vapors, odors, smoke, dust, heat or glare that is noticeable at or beyond the property line of the dwelling at which the cultivation occurs. Sufficient measures and means of preventing the escape of such substances from a dwelling must be provided at all times. In the event that any gas, vapors, odors, smoke, dust, heat or glare or other substances exit a dwelling, the owner of the subject premises shall be liable for such conditions and shall be responsible for immediate, full clean-up and correction of such condition. The owner shall properly dispose of all such materials, items and other substances in a safe, sanitary and secure manner and in accordance with all applicable federal, state and local laws and regulations. In the event there is a lessee of the subject premises, the owner and the lessee shall be jointly and severally liable for such conditions.

**Sec. 28-28 Odor control.**

- (a) No person, tenant, occupant, or property owner shall permit the emission of marihuana odor from any source to result in detectable odors that leave the premises upon which they originated and interfere with the reasonable and comfortable use and enjoyment of another's property.
- (b) Whether or not a marihuana odor emission interferes with the reasonable and comfortable use and enjoyment of a property shall be measured against the objective standards of a reasonable person of normal sensitivity.
- (c) A grower or a processor shall install and maintain in operable condition a system which precludes the emission of marihuana odor from the premises.

**Sec. 28-29 Separation of licensed premises.**

A grower establishment and processor establishment are separate marihuana commercial entities requiring separate licenses and separate premises. In addition to all other application requirements for separate premises, each business shall:

- (1) Have separate operations, ventilation, security, and fire suppression systems, and separate access from a public area.

- (2) Be divided within a building from floor to roof. Unless higher performance is required by applicable law, there must be a minimum of a one-hour fire separation between a marihuana business and any adjacent business.

**Sec. 28-30 Prohibited acts.**

- (a) It shall be unlawful for any licensee to permit the consumption of alcohol beverages on the licensed premises.
- (b) It shall be unlawful for any licensee holding a marihuana retailer license, or for any agent, manager or employee thereof, to:
  - (1) sell, give, dispense or otherwise distribute marihuana or marihuana accessories from any outdoor location;
  - (2) display marihuana or marihuana accessories so as to be visible from a public place outside of the marihuana establishment;
- (c) It shall be unlawful for retail marihuana establishments to distribute marihuana or marihuana-infused products to a consumer free of charge.
- (d) It shall be unlawful for any licensee to permit the consumption of retail marihuana or retail marihuana products on the licensed premises.
- (e) It shall be unlawful for any licensee to sell marihuana or marihuana products at a licensed marihuana retailer or microbusiness at any time other than between the hours of 7:00 a.m. and 9:00 p.m. daily.

**Sec. 28-31 Reports of crime.**

Reports of all criminal activities or attempts of violation of any law at the marihuana establishment or related thereto shall be reported to Lowell Police Department within twelve hours of occurrence, or its discovery, whichever is sooner.

**Sec. 28-32 Inspection of licensed premises.**

- (a) During all business hours and other times when the premises are occupied by the licensee or an employee or agent of the licensee, all licensed premises shall be subject to examination and inspection by Police Department all other City departments for the purpose of investigating and determining compliance with the provisions of this Chapter and any other applicable state and local laws or regulations.
- (b) Consent to Inspection. Application for a marihuana business license or operation of a marihuana business, or leasing property to a marihuana business, constitutes consent by the applicant, and all owners, managers, and employees of the business, and the owner of the property to permit the City manager to conduct routine examinations and inspections

of the marihuana business to ensure compliance with this Chapter or any other applicable law, rule, or regulation. For purposes of this Chapter, examinations and inspections of marihuana businesses and recordings from security cameras in such businesses are part of the routine policy of enforcement of this Chapter for the purpose of protecting the public safety, individuals operating and using the services of the marihuana business, and the adjoining properties and neighborhood.

(c) Application for a marihuana business license constitutes consent to the examination and inspection of the business as a public premise without a search warrant, and consent to seizure of any surveillance records, camera recordings, reports, or other materials required as a condition of a marihuana license without a search warrant.

(d) A licensee, or an employee or agent of the licensee, shall not threaten, hinder or obstruct a law enforcement officer or a City inspector or investigator in the course of making an examination or inspection of the licensed premises and shall not refuse, fail, or neglect to cooperate with a law enforcement officer, inspector, or investigator in the performance of his or her duties to enforce this Chapter, the MRTMA, or applicable state administrative rules.

#### **Sec. 28-33 Additional requirements.**

(a) No marihuana business may use metals, butane, propane, or other flammable product, or produce flammable vapors, to process marihuana unless the process used and the premises are verified as safe and in compliance with all applicable codes by a qualified industrial hygienist.

(b) The City shall require the business to obtain verification from a qualified industrial hygienist that the manner in which the business is producing marihuana complies with all applicable laws and does not produce noxious or dangerous gases or odors or otherwise create a danger to any person or entity in or near the businesses.

#### **Sec. 28-34 Other laws remain applicable.**

To the extent the State adopts in the future any additional or stricter law or regulation governing the sale or distribution of marihuana, the additional or stricter regulation shall control the establishment or operation of any marihuana commercial entity in the City. Compliance with any applicable State law or regulation shall be deemed an additional requirement for issuance or denial of any license under this Chapter, and noncompliance with any applicable State law or regulation shall be grounds for revocation or suspension of any license issued hereunder.

**Sec. 28-35 Grant of administrative authority.**

The City Manager is granted the power and duty to fully and effectively implement and administer the license application process and issuance of Provisional Approval Certificates and Operating Licenses issued by the City under this Chapter.

**Sec. 28-36 Violations and penalties.**

In addition to the possible denial, suspension, revocation or nonrenewal of a license under the provisions of this Chapter, consistent with MCL 333.27956(2)(d), any person or marihuana establishment, including, but not limited to, any licensee, manager or employee of a marihuana commercial entity, who violates any of the provisions of this Chapter, shall be guilty of a municipal civil infraction and a fine of not more than \$500.

In addition, any person, including any person, customer or member of the public, who violates the provisions of section 4 of the Act, MCL 333.27954, and who acts in a manner contrary to the acts prohibited therein, except as may be otherwise provided in MCL 333.27965, shall be guilty of a misdemeanor.

Notwithstanding the above, to the extent any violation or penalty set forth herein may be deemed inconsistent with any State law, or inconsistent with any rule or penalty which is promulgated by the Department, now or hereafter, including but not limited to those promulgated pursuant to MCL 333.27958, then the State law or Department rule or penalty shall govern over the provisions of this Chapter.

**Sec. 28-37 Additional Provisions**

(a) Notwithstanding any provision herein, to the extent it may be determined that any provision in this Chapter is in conflict with either the MRTMA, or the rules and regulations of LARA, or other provisions of law, then such provision of this Chapter as is in conflict shall be subject to and preempted by the rule or provision of law of this State.

(b) Consistent with the provisions of the MRTMA, nothing herein shall prevent any employer from disciplining any employee for violation of a workplace drug policy or for working while under the influence of marihuana, nor does anything in this Chapter prevent an employer from developing workplace policies, or from refusing to hire a person because of that person's violation of a workplace drug policy.

(c) Likewise, consistent with the MRTMA, nothing in this Chapter prevents a landlord from prohibiting or otherwise regulating the consumption, cultivation, distribution, processing, sale or display of marihuana and marihuana accessories on leased property except that a lease agreement may not prohibit a tenant from lawfully possessing and consuming marihuana by means other than smoking as set forth in the MRTMA and the LARA rules.

**Section 2. Publication.** After its adoption, the City Clerk shall publish this ordinance, or a summary thereof, as permitted by law, along with its date of adoption in *The Lowell Ledger*, a newspaper of general circulation in the City, at least ten (10) days before its effective date.

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

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

NAYS : Councilmembers None

ABSTAIN: Councilmembers None

ABSENT: Councilmembers None

**ORDINANCE DECLARED ADOPTED.**

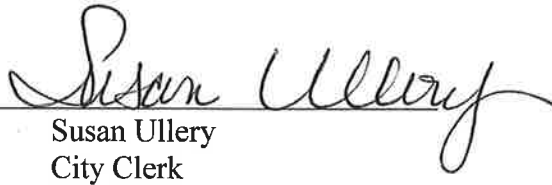
Dated: October 21, 2019

  
Susan Ullery  
City Clerk

## CERTIFICATION

I, the undersigned City Clerk of the City of Lowell, Michigan (the "City"), certify that the above ordinance is a true and complete copy of an ordinance adopted at a regular meeting of the Lowell City Council held on October 21, 2019, pursuant to notice given in compliance with Act 267 of the Public Acts of Michigan of 1976, as amended, and notice of its adoption, including a summary of its contents and its effective date, was published in *The Lowell Ledger*, on October 23, 2019. I further certify that the above ordinance was entered into the Ordinance Book of the City on November 2, 2019, and was effective November 2, 2019, ten (10) days after publication.

Dated: October 21, 2019

  
Susan Ullery  
City Clerk

**CITY OF LOWELL  
KENT COUNTY, MICHIGAN  
NOTICE OF ORDINANCE ADOPTION**

At their regular meeting on Monday, October 21, 2019 at 7:00 PM, the Lowell City Council adopted Ordinance No. 19-06 , amendment to “Appendix A, Zoning” of the City’s code of ordinances to address adult use marihuana establishments and Ordinance No. 19-07, adding a new Chapter 28, “Adult Use Marihuana Establishments”. The following provides a summary of the ordinances and their regulatory effect:

1. Ordinance No. 19-06 amends the city of Lowell zoning ordinance to permit adult use marihuana facilities licensed by the state of Michigan pursuant to the Michigan Taxation and Regulation of Marihuana Act (MRTMA) as a special land use in the following zoning districts:

- C-3 General Business
- LI Light Industrial
- I Industrial
- RE River’s Edge

In addition, this amendment establishes regulations pertaining specifically to recreational marihuana establishments, including licensing and application requirements, site plan requirements, and general provisions related security, separation distances, odor control, violations, and other matters.

2. Ordinance No. 19-07 authorizes the establishment of recreational marihuana establishments in the City of Lowell, provided that special land use approval is also given by the City planning commission. The ordinance provides a means to regulate and control the commercial production and distribution of marihuana as permitted by the Michigan Regulation and Taxation of Marihuana Act (MTRMA). The ordinance contains definitions, specifies a process for obtaining and maintaining a license, and provides for fees to defray and recover the costs to the City of the administrative and enforcement costs associated with marihuana establishments. The ordinance also provides general standards for the application, establishment, operation, and maintenance of marihuana establishments in the City consistent with the MTRMA and other applicable laws.

Copies of the ordinances described above are available for inspection at City Hall, 301 East Main Street in the City during regular business hours of the City.

Ordinance No. 19-06 and Ordinance No. 19-07 are effective 10 days after this publication.

Susan Ullery  
Lowell City Clerk

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Vendor Code	Vendor Name	Invoice	Description	Amount
10816	AMAZON CAPTIAL SERVICES			
	111-4427198-24058	AMAZON BUSINESS ACCT		5.49
	139L-4XDW-T1YW	AMAZON BUSINESS ACCT		161.97
	139L-X4DW-QQ63	AMAZON BUSIINESS ACCT		219.98
	1DV3-4VEK-MPHG	AMAZON BUSINESS ACCT		72.03
	1M4Q-99Q1-6QJC	AMAZON BUISINESS ACCT		599.98
TOTAL FOR: AMAZON CAPTIAL SERVICES				1,059.45
10731	APPLIED IMAGING			
	1427730	CITY HALL COPY MACHINE		519.14
TOTAL FOR: APPLIED IMAGING				519.14
10541	APWA, MICHIGAN CHAPTER - MPSI			
	10/30/2019	2020 SPRING MI PUBLIC SVC INSTITUTE - BRECKEN		695.00
TOTAL FOR: APWA, MICHIGAN CHAPTER - MPSI				695.00
00045	BARTLETT, SANDY			
	10/21/19	METER READS & MILEAGE OCT 2019		775.38
TOTAL FOR: BARTLETT, SANDY				775.38
00053	BIERI AUTO BODY INC.			
	BF204763	2010 IMPALA R & M		886.56
TOTAL FOR: BIERI AUTO BODY INC.				886.56
00065	BOUWHUIS SUPPLY, INC.			
	60590	DPW TOWELS		152.88
TOTAL FOR: BOUWHUIS SUPPLY, INC.				152.88
10633	BURNS, MICHAEL			
	10/29/19	ICMA CONF REIMBURSEMENTS		84.88
TOTAL FOR: BURNS, MICHAEL				84.88
10493	COMCAST CABLE			
	11/6 - 12/5/19	DPW CABLE		45.05
TOTAL FOR: COMCAST CABLE				45.05
10817	COMPRENHENSIVE ENGINEERING PC			
	203571	SHOWBOAT DESIGN/CONSTRUCTION		16,800.00
TOTAL FOR: COMPRENHENSIVE ENGINEERING PC				16,800.00
10509	CONSUMERS ENERGY			
	9/12 - 10/11/19	ACCOUNT STATEMENT		509.65
	9/25/- 10/23/19	ACCOUNT STATEMENT		651.17
TOTAL FOR: CONSUMERS ENERGY				1,160.82
00132	D&D TRUCKING ACQUISITION, LLC			
	29261	SWEEPSTER #37-2 R & M		144.58
TOTAL FOR: D&D TRUCKING ACQUISITION, LLC				144.58
02035	DIGITAL OFFICE MACHINES, INC.			
	18758	DPW COPY MACHINE CONTRACT		97.65
TOTAL FOR: DIGITAL OFFICE MACHINES, INC.				97.65
02089	DORNBOS SIGN, INC			
	INV46614	STREET SUPPLIES		479.40
TOTAL FOR: DORNBOS SIGN, INC				479.40



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Vendor Code	Vendor Name	Description	Amount
Invoice			
10485	ELECTIONSOURCE		
19-45096		ELECTION SUPPLIES	45.00
TOTAL FOR: ELECTIONSOURCE			45.00
10487	ENVIRONMENTAL RESOURCE ASSOCIATES		
915208		WTP PROF SERVICES	297.37
TOTAL FOR: ENVIRONMENTAL RESOURCE ASSOCIATES			297.37
00225	GRAND RAPIDS COMMUNITY COLLEGE		
10/23/19		2019 IFT SUMMER	95.76
TOTAL FOR: GRAND RAPIDS COMMUNITY COLLEGE			95.76
01944	GREATER LOWELL CHAMBER FOUND.		
10/23/19		DDA - 2019-2020 MARKETING PLAN	40,000.00
TOTAL FOR: GREATER LOWELL CHAMBER FOUND.			40,000.00
00234	HACH COMPANY		
11674412		WTP SUPPLIES	217.65
TOTAL FOR: HACH COMPANY			217.65
00254	HURST, CHRIS		
10252019		REIMBURSEMENT	36.03
TOTAL FOR: HURST, CHRIS			36.03
10832	INTAGLIO, LLC		
12316		LIBRARY MOVIE SCREEN R & M	180.00
TOTAL FOR: INTAGLIO, LLC			180.00
00300	KENT COUNTY TREASURER		
10/23/19		2019 IFT	231.55
10/31/19		2018 TAXES LOWELL HOUSING	93.91
K-4935		TAXES REFUNDED	28.88
TOTAL FOR: KENT COUNTY TREASURER			354.34
00303	KENT DISTRICT LIBRARY		
10/31/19		2018 TAXES LOWELL HOUSING	74.20
TOTAL FOR: KENT DISTRICT LIBRARY			74.20
02209	KERKSTRA PORTABLE, INC.		
148338		PORTABLE RESTROOM - PARKS	145.00
148339		PORTABLE RESTROOM - CEMETERY	90.00
TOTAL FOR: KERKSTRA PORTABLE, INC.			235.00
10018	KORE/HI COM, INC.		
LOWC1019VSR		VERITAS SYSTEM RECOVERY SUPPORT	324.30
TOTAL FOR: KORE/HI COM, INC.			324.30
00317	LOWELL AREA CHAMBER		
10/23/19		DDA - 2019 CHRISTMAS ACTIVITIES	6,450.00
TOTAL FOR: LOWELL AREA CHAMBER			6,450.00
01374	LOWELL AREA HISTORICAL MUSEUM		
10/23/19		2019 SUMMER IFT	13.17
TOTAL FOR: LOWELL AREA HISTORICAL MUSEUM			13.17
00562	LOWELL AREA SCHOOLS		
10/31/19		2018 TAXES LOWELL HOUSING	295.15
2034		CARTONS OF PAPER	740.00
TOTAL FOR: LOWELL AREA SCHOOLS			1,035.15

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Vendor Code	Vendor Name	Invoice	Description	Amount
10251	MAG PLUMBING SERVICE LLC	10/16/19	WINERIZED IRRIGATIONS	1,575.00
TOTAL FOR: MAG PLUMBING SERVICE LLC				1,575.00
10552	MI-AWWA PAYMENT PROCESSING	200012046	WATER CONFERENCE - VANVEELEN	465.00
TOTAL FOR: MI-AWWA PAYMENT PROCESSING				465.00
10083	MICHIGAN CAT	ER10367818	STANDBY GENERATOR	671.00
		SD10392503	STANDBY GENERATOR	311.90
		SD1365424	STAND BY GENERATOR R & M	2,038.45
TOTAL FOR: MICHIGAN CAT				3,021.35
00426	MODEL COVERALL SERVICE, INC.	OCT 2019	LIBRARY RUGS	255.92
TOTAL FOR: MODEL COVERALL SERVICE, INC.				255.92
00499	PETTY CASH	10/21/2019	PETTY CASH	84.73
TOTAL FOR: PETTY CASH				84.73
00512	PREIN & NEWHOF, INC.	52093	SAW GRANT ASSET MGMT	19,037.42
TOTAL FOR: PREIN & NEWHOF, INC.				19,037.42
10133	RED CREEK WASTE SERVICES INC.	9AR00509	TRASH SERVICE	379.81
TOTAL FOR: RED CREEK WASTE SERVICES INC.				379.81
10378	RUESINK, KATHIE	911009/911010	CLEANING SERVICES 10/17 - 10/30	540.00
TOTAL FOR: RUESINK, KATHIE				540.00
02383	SANISWEEP, INC.	95593	STREET SWEEPING	11,365.65
TOTAL FOR: SANISWEEP, INC.				11,365.65
10616	SITEONE LANDSCAPE SUPPLY LLC	93237433-001	SUPPLIES	319.18
TOTAL FOR: SITEONE LANDSCAPE SUPPLY LLC				319.18
01627	STATE INSTALLATION & SERVICE LLC	19601	DPW LIFT INSPECTION	526.50
TOTAL FOR: STATE INSTALLATION & SERVICE LLC				526.50
10341	STATE OF MICHIGAN	551-538529	TUTITION FOR COURSE - LAUREN	50.00
TOTAL FOR: STATE OF MICHIGAN				50.00
02032	STEALTH PEST MANAGEMENT LLC	OCT 2019	PEST CONTROL	220.00
TOTAL FOR: STEALTH PEST MANAGEMENT LLC				220.00
10583	SUEZ WATER ENVIRONMENTAL SVC INC	201937924	WWTP SURCHARGES AUG 2019	607.73
		201938115	WWTP SERVICES OCT 2019	38,490.00
		201938152	WWTP SURCHARGES SEPT 2019	583.69
TOTAL FOR: SUEZ WATER ENVIRONMENTAL SVC INC				39,681.42

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02473	SUPERIOR ASPHALT, INC.	61234	STREET SUPPLIES	2,128.00
TOTAL FOR: SUPERIOR ASPHALT, INC.				2,128.00
10514	SUPPLYGEEKS	OE-17643-1	OFFICE SUPPLIES	61.46
TOTAL FOR: SUPPLYGEEKS				61.46
00930	TRUCK & TRAILER SPECIALTIES	DR005615	2017 PETERBILT #15 R & L M	266.00
TOTAL FOR: TRUCK & TRAILER SPECIALTIES				266.00
10069	TRUGREEN	3077922303	LAWN SERVICE	114.17
		3344795174	LAWN SERVICE - BIRCH FIELD	126.69
TOTAL FOR: TRUGREEN				240.86
10158	VAN STRIEN HEATING AND PLUMBING	4091	AIRPORT ELECTRICAL WORK	436.72
TOTAL FOR: VAN STRIEN HEATING AND PLUMBING				436.72
10308	W. MI CRIMINAL JUSTICE TRAINING	4041	FALL 2019 DISTRIBUTION PYMT	219.15
TOTAL FOR: W. MI CRIMINAL JUSTICE TRAINING				219.15
10567	WOLF KUBOTA	101424	NEW WHEEL MOTOR & SEALS #54	1,199.37
TOTAL FOR: WOLF KUBOTA				1,199.37
TOTAL - ALL VENDORS				154,332.30

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Fund 101 GENERAL FUND					
Dept 000					
101-000-040.000	ACCOUNTS RECEIVABLE	KENT COUNTY TREASURER	2018 TAXES LOWELL HOUSING	93.91	73558
101-000-040.000	ACCOUNTS RECEIVABLE	KENT DISTRICT LIBRARY	2018 TAXES LOWELL HOUSING	74.20	73559
101-000-040.000	ACCOUNTS RECEIVABLE	LOWELL AREA SCHOOLS	2018 TAXES LOWELL HOUSING	295.15	73564
101-000-084.015	DUE FROM FIRE AUTHORITY	MAG PLUMBING SERVICE LLC	WINERIZED IRRIGATIONS	196.87	73565
101-000-084.015	DUE FROM FIRE AUTHORITY	SITEONE LANDSCAPE SUPPLY	SUPPLIES	50.00	73573
Total For Dept 000				710.13	
Dept 101 COUNCIL					
101-101-955.000	MISCELLANEOUS EXPENSE	PETTY CASH	PETTY CASH	6.10	73533
Total For Dept 101 COUNCI				6.10	
Dept 172 MANAGER					
101-172-864.000	CONFERENCES & CONVENTIONS	BURNS, MICHAEL	ICMA CONF REIMBURSEMENTS	84.88	73543
Total For Dept 172 MANAGE				84.88	
Dept 191 ELECTIONS					
101-191-740.000	OPERATING SUPPLIES	ELECTIONSOURCE	ELECTION SUPPLIES	45.00	73550
Total For Dept 191 ELECTI				45.00	
Dept 209 ASSESSOR					
101-209-740.000	OPERATING SUPPLIES	SUPPLYGEEKS	OFFICE SUPPLIES	10.12	73579
Total For Dept 209 ASSESS				10.12	
Dept 215 CLERK					
101-215-955.000	MISCELLANEOUS EXPENSE	PETTY CASH	PETTY CASH	20.00	73533
Total For Dept 215 CLERK				20.00	
Dept 253 TREASURER					
101-253-955.000	MISCELLANEOUS EXPENSE	KENT COUNTY TREASURER	TAXES REFUNDED	28.88	73556
Total For Dept 253 TREASU				28.88	
Dept 265 CITY HALL					
101-265-740.000	OPERATING SUPPLIES	PETTY CASH	PETTY CASH	9.54	73533
101-265-740.000	OPERATING SUPPLIES	SUPPLYGEEKS	OFFICE SUPPLIES	39.35	73579
101-265-802.000	CONTRACTUAL	RED CREEK WASTE SERVICES	TRASH SERVICE	124.45	73570
101-265-802.000	CONTRACTUAL	RUESINK, KATHIE	CLEANING SERVICES 10/17 -	360.00	73571
101-265-802.000	CONTRACTUAL	STEALTH PEST MANAGEMENT L	PEST CONTROL	50.00	73576
101-265-920.000	PUBLIC UTILITIES	CONSUMERS ENERGY	ACCOUNT STATEMENT	389.50	73546
101-265-930.000	REPAIR & MAINTENANCE	MAG PLUMBING SERVICE LLC	WINERIZED IRRIGATIONS	196.87	73565
Total For Dept 265 CITY H				1,169.71	
Dept 276 CEMETERY					
101-276-802.000	CONTRACTUAL	KERKSTRA PORTABLE, INC.	PORTABLE RESTROOM - CEMET	90.00	73560
Total For Dept 276 CEMETE				90.00	
Dept 294 UNALLOCATED MISCELLANEOUS					
101-294-955.000	UNALLOCATED MISCELLANEOUS	HURST, CHRIS	REIMBURSEMENT	36.03	73534
Total For Dept 294 UNALLO				36.03	
Dept 301 POLICE DEPARTMENT					
101-301-740.000	OPERATING SUPPLIES	PETTY CASH	PETTY CASH	33.34	73533
101-301-931.000	R & M POLICE CARS	BIERI AUTO BODY INC.	2010 IMPALA R & M	886.56	73541
101-301-955.000	MISCELLANEOUS EXPENSE	PETTY CASH	PETTY CASH	8.00	73533
101-301-957.000	TRAINING	STATE OF MICHIGAN	TUTITION FOR COURSE - LAU	50.00	73575
101-301-958.000	MI CRIMINAL JUSTIS TRAIN.	W. MI CRIMINAL JUSTICE TR	FALL 2019 DISTRIBUTION PY	219.15	73583
Total For Dept 301 POLICE				1,197.05	
Dept 441 DEPARTMENT OF PUBLIC WORKS					
101-441-727.000	OFFICE SUPPLIES	SUPPLYGEEKS	OFFICE SUPPLIES	11.99	73579
101-441-740.000	OPERATING SUPPLIES	AMAZON CAPTIAL SERVICES	AMAZON BUSIINESS ACCT	219.98	73537
101-441-740.000	OPERATING SUPPLIES	BOUWHUIS SUPPLY, INC.	DPW TOWELS	152.88	73542
101-441-740.000	OPERATING SUPPLIES	SITEONE LANDSCAPE SUPPLY	SUPPLIES	50.00	73573
101-441-802.000	CONTRACTUAL	RED CREEK WASTE SERVICES	TRASH SERVICE	207.86	73570
101-441-802.000	CONTRACTUAL	STEALTH PEST MANAGEMENT L	PEST CONTROL	50.00	73576

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Fund 101 GENERAL FUND					
Dept 441 DEPARTMENT OF PUBLIC WORKS					
101-441-850.000	COMMUNICATIONS	COMCAST CABLE	DPW CABLE	45.05	73544
101-441-920.000	PUBLIC UTILITIES	CONSUMERS ENERGY	ACCOUNT STATEMENT	108.84	73546
101-441-930.000	REPAIR & MAINTENANCE	MAG PLUMBING SERVICE LLC	WINERIZED IRRIGATIONS	196.87	73565
Total For Dept 441 DEPART				1,043.47	
Dept 747 CHAMBER/RIVERWALK					
101-747-920.000	CHAMBER UTILITIES	CONSUMERS ENERGY	ACCOUNT STATEMENT	17.05	73546
Total For Dept 747 CHAMBE				17.05	
Dept 751 PARKS					
101-751-802.000	CONTRACTUAL	TRUGREEN	LAWN SERVICE - BIRCH FIEL	126.69	73581
101-751-802.000	CONTRACTUAL	KERKSTRA PORTABLE, INC.	PORTABLE RESTROOM - PARKS	145.00	73560
101-751-930.000	REPAIR & MAINTENANCE	MAG PLUMBING SERVICE LLC	WINERIZED IRRIGATIONS	196.87	73565
101-751-930.000	REPAIR & MAINTENANCE	SITEONE LANDSCAPE SUPPLY	SUPPLIES	119.18	73573
Total For Dept 751 PARKS				587.74	
Dept 790 LIBRARY					
101-790-740.000	OPERATING SUPPLIES	MAG PLUMBING SERVICE LLC	WINERIZED IRRIGATIONS	393.77	73565
101-790-802.000	CONTRACTUAL	RED CREEK WASTE SERVICES	TRASH SERVICE	47.50	73570
101-790-802.000	CONTRACTUAL	RUESINK, KATHIE	CLEANING SERVICES 10/17 -	180.00	73571
101-790-802.000	CONTRACTUAL	STEALTH PEST MANAGEMENT L	PEST CONTROL	40.00	73576
101-790-920.000	PUBLIC UTILITIES	CONSUMERS ENERGY	ACCOUNT STATEMENT	192.72	73546
101-790-930.000	REPAIR & MAINTENANCE	MODEL COVERALL SERVICE, I	LIBRARY RUGS	255.92	73568
101-790-930.000	REPAIR & MAINTENANCE	INTAGLIO, LLC	LIBRARY MOVIE SCREEN R &	180.00	73555
Total For Dept 790 LIBRAR				1,289.91	
Dept 804 MUSEUM					
101-804-887.000	CONTRIBUTIONS & MAINTENAN	STEALTH PEST MANAGEMENT L	PEST CONTROL	40.00	73576
101-804-920.000	PUBLIC UTILITIES	CONSUMERS ENERGY	ACCOUNT STATEMENT	26.20	73546
Total For Dept 804 MUSEUM				66.20	
Total For Fund 101 GENERA				6,402.27	
Fund 202 MAJOR STREET FUND					
Dept 463 MAINTENANCE					
202-463-740.000	OPERATING SUPPLIES	SUPERIOR ASPHALT, INC.	STREET SUPPLIES	1,064.00	73578
202-463-802.000	CONTRACTUAL	SANISWEEP, INC.	STREET SWEEPING	2,841.41	73572
Total For Dept 463 MAINTEN				3,905.41	
Dept 474 TRAFFIC					
202-474-740.000	OPERATING SUPPLIES	DORNBOS SIGN, INC	STREET SUPPLIES	239.70	73549
Total For Dept 474 TRAFFI				239.70	
Total For Fund 202 MAJOR				4,145.11	
Fund 203 LOCAL STREET FUND					
Dept 463 MAINTENANCE					
203-463-740.000	OPERATING SUPPLIES	SUPERIOR ASPHALT, INC.	STREET SUPPLIES	1,064.00	73578
203-463-802.000	CONTRACTUAL	SANISWEEP, INC.	STREET SWEEPING	8,524.24	73572
Total For Dept 463 MAINTEN				9,588.24	
Dept 474 TRAFFIC					
203-474-740.000	OPERATING SUPPLIES	DORNBOS SIGN, INC	STREET SUPPLIES	239.70	73549
Total For Dept 474 TRAFFI				239.70	
Total For Fund 203 LOCAL				9,827.94	
Fund 248 DOWNTOWN DEVELOPMENT AUTHORITY					
Dept 463 MAINTENANCE					
248-463-740.000	OPERATING SUPPLIES	MAG PLUMBING SERVICE LLC	WINERIZED IRRIGATIONS	393.75	73565
248-463-740.000	OPERATING SUPPLIES	SITEONE LANDSCAPE SUPPLY	SUPPLIES	100.00	73573
Total For Dept 463 MAINTEN				493.75	
Dept 740 COMMUNITY PROMOTIONS					
248-740-880.000	COMMUNITY PROMOTION	PETTY CASH	PETTY CASH	7.75	73533
248-740-880.000	COMMUNITY PROMOTION	GREATER LOWELL CHAMBER FO	DDA - 2019-2020 MARKETING	40,000.00	73553

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Fund 248 DOWNTOWN DEVELOPMENT AUTHORITY					
Dept 740 COMMUNITY PROMOTIONS					
248-740-880.000	COMMUNITY PROMOTION	LOWELL AREA CHAMBER	DDA - 2019 CHRISTMAS ACTI	6,450.00	73562
Total For Dept 740 COMMUN				46,457.75	
Total For Fund 248 DOWNTO				46,951.50	
Fund 260 DESIGNATED CONTRIBUTIONS					
Dept 751 PARKS					
260-751-970.000	CAPITAL OUTLAY	COMPRENHENSIVE ENGINEERIN	SHOWBOAT DESIGN/CONSTRUCT	16,800.00	73545
Total For Dept 751 PARKS				16,800.00	
Total For Fund 260 DESIGN				16,800.00	
Fund 581 AIRPORT FUND					
Dept 000					
581-000-920.000	PUBLIC UTILITIES	CONSUMERS ENERGY	ACCOUNT STATEMENT	244.69	73546
581-000-930.000	REPAIR & MAINTENANCE	VAN STRIEN HEATING AND PL	AIRPORT ELECTRICAL WORK	436.72	73582
Total For Dept 000				681.41	
Total For Fund 581 AIRPOR				681.41	
Fund 590 WASTEWATER FUND					
Dept 550 TREATMENT					
590-550-801.000	PROFESSIONAL SERVICES	PREIN & NEWHOF, INC.	SAW GRANT ASSET MGMT	19,037.42	73569
590-550-802.000	CONTRACTUAL	SUEZ WATER ENVIRONMENTAL	WWTP SERVICES OCT 2019	38,490.00	73577
590-550-802.000	CONTRACTUAL	SUEZ WATER ENVIRONMENTAL	WWTP SURCHARGES SEPT 201	583.69	73577
590-550-802.000	CONTRACTUAL	SUEZ WATER ENVIRONMENTAL	WWTP SURCHARGES AUG 2019	607.73	73577
Total For Dept 550 TREATM				58,718.84	
Dept 551 COLLECTION					
590-551-740.000	OPERATING SUPPLIES	AMAZON CAPTIAL SERVICES	AMAZON BUSINESS ACCT	80.98	73537
590-551-740.000	OPERATING SUPPLIES	AMAZON CAPTIAL SERVICES	AMAZON BUSINESS ACCT	2.75	73537
590-551-864.000	CONFERENCES & CONVENTIONS	APWA, MICHIGAN CHAPTER -	2020 SPRING MI PUBLIC SVC	347.50	73539
Total For Dept 551 COLLEC				431.23	
Dept 552 CUSTOMER ACCOUNTS					
590-552-703.000	SALARIES-METER READS	BARTLETT, SANDY	METER READS & MILEAGE OCT	356.95	73540
590-552-860.000	TRAVEL EXPENSES	BARTLETT, SANDY	METER READS & MILEAGE OCT	30.74	73540
Total For Dept 552 CUSTOM				387.69	
Total For Fund 590 WASTEW				59,537.76	
Fund 591 WATER FUND					
Dept 570 TREATMENT					
591-570-740.000	OPERATING SUPPLIES	AMAZON CAPTIAL SERVICES	AMAZON BUSINESS ACCT	72.03	73537
591-570-740.000	OPERATING SUPPLIES	HACH COMPANY	WTP SUPPLIES	217.65	73554
591-570-801.000	PROFESSIONAL SERVICES	ENVIRONMENTAL RESOURCE AS	WTP PROF SERVICES	297.37	73551
591-570-802.000	CONTRACTUAL	TRUGREEN	LAWN SERVICE	114.17	73581
591-570-802.000	CONTRACTUAL	STEALTH PEST MANAGEMENT L	PEST CONTROL	40.00	73576
591-570-864.000	CONFERENCES & CONVENTIONS	MI-AWWA PAYMENT PROCESSIN	WATER CONFERENCE - VANVEE	465.00	73566
591-570-920.000	PUBLIC UTILITIES	CONSUMERS ENERGY	ACCOUNT STATEMENT	150.49	73546
Total For Dept 570 TREATM				1,356.71	
Dept 571 DISTRIBUTION					
591-571-740.000	OPERATING SUPPLIES	AMAZON CAPTIAL SERVICES	AMAZON BUSINESS ACCT	80.99	73537
591-571-740.000	OPERATING SUPPLIES	AMAZON CAPTIAL SERVICES	AMAZON BUSINESS ACCT	2.74	73537
591-571-864.000	CONFERENCES & CONVENTIONS	APWA, MICHIGAN CHAPTER -	2020 SPRING MI PUBLIC SVC	347.50	73539
591-571-920.000	PUBLIC UTILITIES	CONSUMERS ENERGY	ACCOUNT STATEMENT	16.98	73546
591-571-920.000	PUBLIC UTILITIES	CONSUMERS ENERGY	ACCOUNT STATEMENT	14.35	73546
591-571-930.000	REPAIR & MAINTENANCE	MICHIGAN CAT	STANDBY GENERATOR	311.90	73567
591-571-930.000	REPAIR & MAINTENANCE	MICHIGAN CAT	STAND BY GENERATOR R & M	2,038.45	73567
591-571-930.000	REPAIR & MAINTENANCE	MICHIGAN CAT	STANDBY GENERATOR	671.00	73567
Total For Dept 571 DISTRI				3,483.91	
Dept 572 CUSTOMER ACCOUNTS					
591-572-703.000	SALARIES-METER READS	BARTLETT, SANDY	METER READS & MILEAGE OCT	356.95	73540

GL Number	Invoice Line Desc	Vendor	Invoice Description	Amount	Check #
Fund 591 WATER FUND					
Dept 572 CUSTOMER ACCOUNTS					
591-572-860.000	TRAVEL EXPENSES	BARTLETT, SANDY	METER READS & MILEAGE OCT	30.74	73540
	Total For Dept 572 CUSTOM			387.69	
	Total For Fund 591 WATER			5,228.31	
Fund 636 DATA PROCESSING FUND					
Dept 000					
636-000-740.000	OPERATING SUPPLIES	LOWELL AREA SCHOOLS	CARTONS OF PAPER	740.00	73564
636-000-801.000	PROFESSIONAL SERVICES	APPLIED IMAGING	CITY HALL COPY MACHINE	519.14	73538
636-000-802.000	CONTRACTUAL	KORE/HI COM, INC.	VERITAS SYSTEM RECOVERY S	324.30	73561
636-000-802.000	CONTRACTUAL	DIGITAL OFFICE MACHINES,	DPW COPY MACHINE CONTRACT	97.65	73548
636-000-986.000	COMPUTER DATA PROCESSING	AMAZON CAPTIAL SERVICES	AMAZON BUISINESS ACCT	599.98	73537
	Total For Dept 000			2,281.07	
	Total For Fund 636 DATA P			2,281.07	
Fund 661 EQUIPMENT FUND					
Dept 895 FLEET MAINT. & REPLACEMENT					
661-895-740.000	OPERATING SUPPLIES	STATE INSTALLATION & SERV	DPW LIFT INSPECTION	526.50	73574
661-895-930.000	REPAIR & MAINTENANCE	D&D TRUCKING ACQUISITION,	SWEEPSTER #37-2 R & M	144.58	73547
661-895-930.000	REPAIR & MAINTENANCE	TRUCK & TRAILER SPECIALTI	2017 PETERBILT #15 R & L	266.00	73580
661-895-930.000	REPAIR & MAINTENANCE	WOLF KUBOTA	NEW WHEEL MOTOR & SEALS #	1,199.37	73584
	Total For Dept 895 FLEET			2,136.45	
	Total For Fund 661 EQUIPM			2,136.45	
Fund 703 CURRENT TAX COLLECTION FUND					
Dept 000					
703-000-274.001	UNDISTRIBUTED PA 198 TAXE	GRAND RAPIDS COMMUNITY CO	2019 IFT SUMMER	95.76	73552
703-000-274.001	UNDISTRIBUTED PA 198 TAXE	KENT COUNTY TREASURER	2019 IFT	231.55	73557
703-000-274.001	UNDISTRIBUTED PA 198 TAXE	LOWELL AREA HISTORICAL MU	2019 SUMMER IFT	13.17	73563
	Total For Dept 000			340.48	
	Total For Fund 703 CURREN			340.48	

11/01/2019 12:50 PM

User: LORI

DB: Lowell

## INVOICE GL DISTRIBUTION REPORT FOR CITY OF LOWELL

EXP CHECK RUN DATES 10/19/2019 - 11/01/2019

BOTH JOURNALIZED AND UNJOURNALIZED

BOTH OPEN AND PAID

Page: 5/5

GL Number	Invoice Line Desc	Vendor	Invoice Description	Amount	Check #
<hr/>					
Fund Totals:					
			Fund 101 GENERAL FUND	6,402.27	
			Fund 202 MAJOR STREET FUN	4,145.11	
			Fund 203 LOCAL STREET FUN	9,827.94	
			Fund 248 DOWNTOWN DEVELOP	46,951.50	
			Fund 260 DESIGNATED CONTR	16,800.00	
			Fund 581 AIRPORT FUND	681.41	
			Fund 590 WASTEWATER FUND	59,537.76	
			Fund 591 WATER FUND	5,228.31	
			Fund 636 DATA PROCESSING	2,281.07	
			Fund 661 EQUIPMENT FUND	2,136.45	
			Fund 703 CURRENT TAX COLL	340.48	
				<hr/>	
				154,332.30	



# Memorandum



To: Michael Burns, City Manager

From: Steve Donkersloot

Date: October 28, 2019

Re: LL&P Board Line Shack (115 Riverside Drive) Recommendation to Sell

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On January 24, 2017, the LL&P Board and City Council held a joint special meeting for the purpose of discussing the potential redevelopment of 115 Riverside Drive, otherwise known as the old LL&P "Line Shack". Due to the fact that a handful of Councilmembers and LL&P Board Members were against a sale (of the building), there was a consensus amongst the Council and Board to pursue a lease of the property pursuant to the guidelines in the City Charter. As you are well aware, because the Charter does not allow the City to lease a building for longer than 10 years, interest from the parties who approached us about the building dried up and nothing further transpired with a potential lease.

Since that meeting, very little has happened – until recently. At the LL&P September 2019 Board Meeting, per the Board's direction, the Line Shack was on the Agenda for discussion as part of the Board's FY 2020 Strategic Plan Action Item List. The LL&P Board ultimately voted that they are willing to depart with the building as there is no current or future operational need for LL&P to own the building, it is costing money (that could be spent elsewhere) to maintain, and there is a high degree of likelihood the private sector could transform this building into something positive/beneficial for the community.

Thus, it is the LL&P's Board's recommendation to the City (both you and the City Council) to sell 115 Riverside Drive pursuant to the guidelines in the City Charter.

# Memorandum



DATE: October 31, 2019

TO: Michael Burns, City Manager

FROM: Daniel Czarnecki, Public Works Director

**PUBLIC WORKS**

**RE: Howard, Suffolk, Elizabeth  
Street Resurfacing Design Services**

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For the current fiscal year we have looked over the financial information available and determined the unaudited fund balance for major streets was approximately \$400,000 and for local streets was approximately \$233,000. At this time there have been no major street improvements made for the fiscal year. We have discussed utilizing these funds to resurface streets in the neighborhoods of Bushnell Elementary School and Lowell Middle School. Howard St. is the main route to Bushnell Elementary School, and Suffolk St. is the back entrance and drop off route for Lowell Middle School. Elizabeth St. is a backup entrance to the school properties.

I met with Dave Austin from Williams & Works and we walked all three streets determining the resurfacing needs for the streets. Because of settlements and large areas of deterioration, it was determined soil borings would be helpful to best understand the conditions of the subsurface materials. There is a small amount of deteriorated curbs along these streets. The sidewalks are in good condition, however several ramp portions could be updated with proper sloping and warning devices.

Williams & Works have provided a scope of services to design and help the city bid out the project. Their services include soil borings, survey work to determine all aspects of the existing streets, design of the work needed, and bidding assistance. It is our desire to be ready to start work as soon as school is out on summer break. Currently, the last day of school is shown to be May 29, 2020. This should provide adequate time for a contractor to perform the needed work and be completed before school starts back up in August.

Williams & Works has provided us with a "not-to-exceed" fee of \$22,250 for this work. They have developed a preliminary estimate of the construction work to be about \$340,000. These amounts are within the range of funds we have available for street construction work.

It is my recommendation: **That the Lowell City Council approve the Design Engineering Services quote for the Howard, Suffolk, Elizabeth Streets Resurfacing Design, as proposal by Williams & Works in their letter dated October 31, 2019, for a "not-to-exceed" amount of \$22,250.00.**

# williams&works

engineers | surveyors | planners

October 31, 2019

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

RE: Howard, Suffolk, Elizabeth Streets - Street Resurfacing Design Services

Dear Mr. Czarnecki:

There are three east-west cross streets on the west side of Lowell that provide critical access to local schools. Bushnell Elementary School is accessed primarily by Howard St., with periodic access for bus traffic leaving the school on Elizabeth St. Lowell Middle School is accessed primarily by Suffolk St. Both Howard St. and Suffolk St. are in the City's Major Street classification while Elizabeth St. is under the Local Street classification. According to the lasted PASER rating these streets are rated at a condition of Poor to Fair. Since no work was completed on Major Streets within the City this year, the City will have sufficient funds available to make resurfacing improvements to both Howard St. and Suffolk St. in 2020. (Work on Elizabeth St. may be pursued if bid prices are reasonable and local funds are available.) In order to have the project advertised, bid and ready for construction as soon as school is out next year, the City wishes to pursue the design work at this time.

## **Construction Scope**

The scope of the proposed construction project includes pavement resurfacing of the streets from the west side of Hudson St. to the school entrances. For each street, the work area would include extending north and south into the intersections with Lincoln Lake St. and Amity St. to the radius point of the curb (approximately 20 ft.).

The basic scope of construction would include milling or removal of the existing pavement, replacement of any unsuitable sand and gravel base material, replacement of any failed concrete curb and gutter sections, improvements to existing drainage structures as needed, paving with new Hot Mix Asphalt (HMA) surface, and replacement of cross walk striping. Preliminary field visits to the streets indicate that the majority of the curb is in good condition.

In addition to the street resurfacing work, some sidewalk ramps will be upgraded at the City's discretion. Since no federal funds are being used for the work, replacement of the ramps are not required. However, the City will plan to upgrade any ramp sections that are deteriorated or significantly steep at this time.

The SAW grant work identified a minor sanitary manhole repair and minor storm sewer manhole repair on Suffolk St. that will be included in the construction scope. For watermain, there is an existing 4 inch line located on Howard Street between Hudson St. and Lincoln Lake St. There are no watermains on Suffolk St., but the watermain on Lincoln Lake is a 4 inch line. The watermains on Elizabeth St. are 6 inch and 10 inch, but the line at the Lincoln Lake intersection is a 4 inch main. There are no identified hydraulic deficiencies in these areas, however, due to its age and size (under the new minimum of 6 inch), the City should evaluate replacement during the design process.

## Professional Design Services

Williams & Works proposes to provide the following services in order to prepare the project for construction in June, 2020.

- **Soil Borings** – We recommend that soil borings be taken on each street section to verify the thickness of the HMA and make-up of the underlying base materials. This will help determine the proper resurfacing process and identify areas for potential base material upgrades. For this proposal, we are assuming that 2 borings per street would be performed, for a total of 6 borings.
- **Survey** – While the proposed work is primarily a resurfacing project, we recommend that a topographic survey be provided to identify features such as drive openings, utility castings, power poles, sidewalk ramps. This will aid in the bidding process and will be information available to the City for future utility and sidewalk work if needed. The survey limits would be from Right-of-Way to Right-of Way and at intersections.
- **Design** – Using the soil boring and survey information, we will prepare preliminary plans, specifications and estimate for the street resurfacing project for the construction scope outlined above. Once complete, we will review the documents in detail with City staff. After review, we will address all comments and prepare final plans, specifications, contract documents and estimate ready for bidding.
- **Advertisement & Bidding** - On behalf of the City of Lowell, we will advertise the project for bidding, with a proposed start date for construction of June 1, directly after school closes for the summer. We will advertise the project in the state wide MITN web site and will alert local contractors directly. We propose a 3-week advertisement period. We will attend the bid opening and review the bids received for accuracy. If necessary, we will check references on the lowest bidders and issue a letter to the City summarizing the bid results.

### *Note:*

*We propose the bid package be organized to request one bid for the Howard and Suffolk sections and a separate bid alternate to add the Elizabeth Street work. The City can then decide if it wants to award the Elizabeth Street section depending on the availability of funds.*

## Schedule

Williams & Works can begin work on this project immediately upon authorization. We will pursue the design efforts this fall to allow the City to advertise and bid the project at their earliest convenience in the coming year.

**Proposed Fee**

We propose to provide the above soil boring and design services for the street reconstruction projects for the not-to-exceed amount of \$22,250.

*Note:*

*Should the City determine that they would like to upgrade the existing 4 inch watermain, we will provide an addendum to our Not-to-Exceed fees for the City's review and approval.*

We appreciate this opportunity to work with the City of Lowell on this project to enhance the condition of the City's street system. We will be happy to make any adjustments to the proposed scope to address any concerns you may have.

Respectfully,

Williams & Works

A handwritten signature in black ink, appearing to read "Dave Austin".

Dave Austin, P.E.

Lowell Howard - Suffolk  
Preliminary Estimate 10.30.19

Item	Description	Units	Quantity	ENGINEER	
				Unit Price	Amount
1	Mobilization	L.S.	1.0	\$2,000.00	\$1,980
2	Maintaining Traffic	L.S.	1.0	\$1,500.00	\$1,485
3	Erosion & Sedimentation Control	L.S.	1.0	\$1,000.00	\$990
4	Concrete Drive and Sidewalk, Rem	Syd	0.0	\$18.00	\$0
5	Curb and Gutter, Rem	Lft	60.0	\$10.00	\$600
6	HMA Surface Rem	Syd	8,300.0	\$5.00	\$41,500
7	Coldmilling HMA	Syd	0.0	\$2.65	\$0
8	Drainage Structure Repair	Ea	3.0	\$400.00	\$1,200
9	Sand Sub-base	Cyd	0.0	\$12.00	\$0
10	6 inch Aggregate Base	Syd	830.0	\$13.00	\$10,790
11	Conc Curb & Gutter	Fl	60.0	\$20.00	\$1,200
12	Machine Grading	Sta	25.5	\$2,500.00	\$63,750
13	Dr. Structure Cover, Adjust	Ea	6.0	\$500.00	\$3,000
14	Dr. Structure Cover	LBS	1,800.0	\$2.00	\$3,600
15	Adjust Gate Box	Ea	6.0	\$400.00	\$2,400
16	Water Shutoff, Adjust	Ea	6.0	\$300.00	\$1,800
17	HMA, LVSP	Ton	1,757.5	\$90.00	\$158,177
18	6 inch Concrete Driveway & Sidewalk	Sft	0.0	\$4.75	\$0
19	4 inch Concrete Sidewalk	Sft	0.0	\$3.70	\$0
20	Sidewalk Ramp	Sft	0.0	\$6.35	\$0
21	Detrectable Warning Surface	Lft	0.0	\$62.00	\$0
22	Pavement Markings	L.S.	1.0	\$1,500.00	\$1,485
23	Slope Restoration	L.S.	1.0	\$1,000.00	\$990

TOTAL BID \$ 294,947  
 15% Prelim Contingency \$ 44,242  
 Total Construction \$ 339,189

Howard - 920 ft.		Suffolk - 750 ft.		Elizabeth - 850 ft.	
Qty	Amount	Qty	Amount	Qty	Amount
0.33	\$660	0.33	\$660	0.33	\$660
0.33	\$495	0.33	\$495	0.33	\$495
0.33	\$330	0.33	\$330	0.33	\$330
0	\$0	0	\$0	0	\$0
20	\$200	20	\$200	20	\$200
3100	\$15,500	2500	\$12,500	2700	\$13,500
0	\$0	0	\$0	0	\$0
1	\$400	1	\$400	1	\$400
0	\$0	0	\$0	0	\$0
310	\$4,030	250	\$3,250	270	\$3,510
20	\$400	20	\$400	20	\$400
9.3	\$23,250	7.7	\$19,250	8.5	\$21,250
2	\$1,000	2	\$1,000	2	\$1,000
600	\$1,200	600	\$1,200	600	\$1,200
2	\$800	2	\$800	2	\$800
2	\$600	2	\$600	2	\$600
656	\$59,078	529	\$47,644	572	\$51,455
0	\$0	0	\$0	0	\$0
0	\$0	0	\$0	0	\$0
0	\$0	0	\$0	0	\$0
0	\$0	0	\$0	0	\$0
0.33	\$495	0.33	\$495	0.33	\$495
0.33	\$330	0.33	\$330	0.33	\$330

\$108,768  
 \$ 16,315  
 \$ 125,083

\$89,554  
 \$ 13,433  
 \$ 102,987

\$96,625  
 \$ 14,494  
 \$ 111,119

## **APPOINTMENTS**

Construction Board of Appeals

Vacancy (Dan DesJarden – Resigned)

Expires

01/01/2019

Downtown Development Authority

Vacancy (April McClure – Resigned)

01/01/2022

Planning Commission

Vacancy (Tony Ellis – Currently Serving)

06/30/2019

Vacancy (Michael Gadula – Currently Serving)

06/30/2019