



**301 East Main Street
Lowell, Michigan 49331
Phone (616) 897-8457
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**CITY OF LOWELL
CITY COUNCIL AGENDA
MONDAY, SEPTEMBER 16, 2019, 7:00 P.M.**

1. CALL TO ORDER; PLEDGE OF ALLEGIANCE; ROLL CALL
2. PRESENTATION FROM THE AMERICAN WATER WORKS ASSOCIATION MICHIGAN SECTION ON LOWELL WINNING BEST TASTING WATER AWARD.
3. CONSENT AGENDA

- Approval of the Agenda.
- Approve and place on file the Regular and Closed minutes of the September 3, 2019 City Council meetings.
- Authorize payment of invoices in the amount of \$65,999.33

4. 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.

5. OLD BUSINESS.

- a. City Income Tax
 - i) Update
 - ii) Street Asset Management Plan
- b. Unity Schools – PUD Review
- c. Public Hearing - Adult Use Marihuana Ordinance

6. NEW BUSINESS

- a. Wastewater Treatment Plant Digester #3 Lid
- d. Wastewater Treatment Plant Expansion Study Proposal

7. BOARD/COMMISSION REPORTS

8. MONTHLY REPORTS

9. MANAGER'S REPORT

10. APPOINTMENTS

11. COUNCIL COMMENTS

12. CLOSED SESSION - to discuss pending litigation

13. 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, September 16, 2019

1. CALL TO ORDER; PLEDGE OF ALLEGIANCE; ROLL CALL
2. CONSENT AGENDA

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4. OLD BUSINESS

- a. City Income Tax – City Manager Michael Burns will provide an update.
 - i) Update
 - ii) Street Asset Management Plan – Memo is provided by Public Works Director Daniel Czarnecki.
- b. Unity Schools – PUD Review – Memo is provided by City Manager Michael Burns.
- c. Public Hearing – Adult Use Marihuana Ordinance. Information and draft ordinance is provided.

5. NEW BUSINESS

- a. Wastewater Treatment Plant Digester #3 Lid. – Memo is provided by City Manager Michael Burns.

Recommended Motion: That the Lowell City Council approve Suez and Williams and Works to proceed with their proposed work to repair Digester #3 at the Wastewater Treatment Plant at a cost not to exceed \$61,440.

- b. Wastewater Treatment Plant Expansion Study Proposal- Memo is provided by City Manager Michael Burns.

Recommended Motion: That the Lowell City Council approve the provided estimate of a cost not to exceed \$13,000 (\$6,500 paid by Lowell Township) for an expansion study of the Wastewater Treatment Plant.

6. BOARD/COMMISSION REPORTS
7. MONTHLY REPORTS
8. MANAGER'S REPORT
9. APPOINTMENTS
10. COUNCIL COMMENTS
11. CLOSED SESSION – to discuss pending litigation
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**PROCEEDINGS
OF
CITY COUNCIL
OF THE
CITY OF LOWELL
TUESDAY, SEPTEMBER 03, 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 Marty Chambers, Cliff Yankovich, Jim Salzwedel, Greg Canfield and Mayor DeVore.

Absent: None.

Also Present: City Manager Michael Burns, Chief of Police Steve Bukala, DPW Director Dan Czarnecki and City Clerk Sue Ullery, Lowell Light & Power Steve Donkersloot, City Attorneys Dick Wendt and Jessica Wood.

2. APPROVAL OF THE CONSENT AGENDA.

- Approval of the Agenda.
- Approve and place on file the Committee of the Whole and Regular minutes of the August 19, 2019 City Council Meetings.
- Authorize payment of invoices in the amount of \$504,634.37.

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, and Councilmember Chambers.

NO: None.

ABSENT: None.

MOTION CARRIED.

3. CITIZEN COMMENTS FOR ITEMS NOT ON THE AGENDA.

There was none.

4. OLD BUSINESS

a. Adult Use Marijuana Ordinances.

City Manager Michael Burns stated the ordinance has been modified per the August 19, 2019 Committee of the Whole discussion and pared down from 32 pages to 25 pages. The zoning ordinance requirements, namely the 1,000-foot restriction from schools and preschools, the C-2 Business District restriction and the 500 feet from C-2 Business District restrictions remain. We have not added any provisions limiting the number of each type of facility. There is concern with the possibility of restricting the number of facilities and the possibility of opening ourselves up to being challenged legally with any requirements. However, the City Council has the ability to modify this portion of the ordinance to its preference.

Burns continued stating we have attached applications spelling out processes from the City of Battle Creek and Grand Rapids on how they are selecting applicants in their perspective cities. We can discuss these

processes as they are subjectively different.

Jessica Wood, Attorney with Dickinson Wright then gave an update on the modifications.

IT WAS MOVED BY CANFIELD and seconded by SALZWEDEL to set a public hearing at the September 16, 2019 City Council meeting.

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

NO: None.

ABSENT: None.

MOTION CARRIED.

b. Lowell Township Water and Sewer Agreements.

City Manager Michael Burns stated we are still continuing our conversations with Lowell Township regarding the future water and sewer planning and possible agreements. Burns gave an update and stated they are meeting again next Tuesday at the Township.

c. City Income Tax.

City Manager Michael Burns gave Council an update since the last meeting. Informational meeting dates have been set for Monday, September 16, 2019 at 6:00 p.m., Tuesday October 1, 2019 at 11:00 a.m. Wednesday, October 16, 2019 at 6:00 p.m. in the Council Chambers. Informational mailers were sent out with the water/sewer bill and newsletter as well.

Kathy Normstead who resides at 590 Shepard did receive the information that was sent on the Income tax and she agrees with City Manager Michael Burns that the street conditions in the City of Lowell are at an all-time low and gave suggestions on how to get the bill passed.

5. **NEW BUSINESS**

a. Public Hearing – Unity Schools – PUD Review.

Mayor DeVore opened the Public Hearing.

Todd Schaal with Unity School Investors and a resident at 216 W. Main here in Lowell, stated Andy Moore with William & Works' report is extremely thorough and detailed. Jerry Zandstra and himself are excited to take the two buildings that have been in disrepair for over 15 years and do something cool with them, including a lot of landscaping and will put their best foot forward.

Andy Moore with William & Works reviewed the memo with all the applicable standards of the zoning ordinance to determine whether or not the Council feels those standards are met, and if there are any items of concern.

The applicant has proposed a condominium project on the subject property, which would include re-development of the existing Unity School building and bus garage, known as "Riverview Flats." The applicant is proposing three phases during the project.

The first phase would convert the former bus garage into 14 residential condominiums.

The second phase would renovate the existing Unity School building into new condominium units (approximately 16 residential units) A parking lot for these units is proposed on the east side of the school building with internal access from the private drive created during Phase 1.

The project's third phase would involve the construction of residential units in new buildings on the northeastern corner of the property.

The Planning Commission recommended approval of the project to the City Council during its regular August Planning Commission meeting. The Commission included several conditions in its recommendation.

Objective and Qualifying Conditions. In accordance with Section 15.02 of the City of Lowell Zoning Ordinance, the City Council shall consider the degree to which the proposed PUD satisfies the objectives and qualifying conditions for PUDs. These objectives are listed below.

Objectives

1. To encourage the provision and protection of open spaces, cultural/historic resources, the development of recreational amenities, and where included in the plan, other support facilities in a generally central location within reasonable distance of all dwelling units.

Remarks: The proposed development includes the redevelopment of the former Unity School building and bus garage. Preservation of these old structures aligns with the City's value of preserving historic buildings. Since many Lowell residents attended Unity School, its preservation would retain some historic qualities of the building that may be appreciated by residents. Additionally, the PUD plan involves the creation of several residential units near the downtown area. Although the development is not proposing additional support facilities, the location of residential units near the downtown area may allow residents to have access to other support facilities in a walkable environment.

The applicant has included designated open space areas in the plan. This open space includes all areas that do not have structural development. The largest and most prominent open space area is located in the southwestern corner of the subject property. This area has an existing concrete base and the applicant is proposing landscaped islands within the area. There are also smaller sodded open space elements that exist primarily in the corners of the site. The designation of open space on the site plan adheres to this objective. However, the provided open spaces should be considered for their ability to function for the provision or protection of open areas on the property. The size of the parcel limits the amount of open space that may be provided in this development; however, it does not appear that many of the designated open space areas were designed with the purpose to function as an open space. Yet, in an urban setting, significant open space is not always desired or necessary. Therefore, the role of open spaces in the development should be considered by the City Council. Recreational activities may be encouraged by the development's proximity to a boat launch on High Street and other City parks, services, and the Riverwalk. However, specific recreational amenities are not included on the plan or described in the narrative. This should also be considered by the City Council.

2. To encourage developers to use a more creative and imaginative approach in the development of property.

Remarks: The applicant indicated in the project narrative that previous developers interested in this property had proposed to demolish the existing buildings. The applicant has ostensibly approached this development with the objective of preserving the existing buildings. In order to renovate these buildings, a creative design is required that appears to be somewhat limited through the strict application of the current Mixed Use zoning district standards. Specifically, Mixed Use

zoning requires a minimum building frontage of 80% in primary front yards and 50% in secondary front yards, in accordance with Section 16A.04. Because the subject property is a corner lot surrounded by three rights-of-way, the parcel has three front yards. Creating a design that retains the existing buildings and meets the primary and secondary front yard coverage requirements would be difficult, if not impossible, under the strict requirements of the underlying Mixed Use District. Additionally, the mixed use zoning designation does not allow off street parking in the front yard, which limits the amount of parking available for residents. Thus, through PUD rezoning, it appears that a more creative approach is possible that may not have been otherwise feasible if the requirements of the underlying zoning district were applied.

3. To allow for market-driven development or redevelopment in places that are most conducive to accommodating additional activity.

Remarks: A cursory review of relevant market data trends suggests that the Lowell housing market is competitive. The proposed development site is located in downtown Lowell, along the Flat River, and adjacent to residential neighborhoods, public facilities, and services. Adequate infrastructure is already in place and accessible at the subject property, so the property is well-positioned as an ideal infill site where relatively dense residential densities are appropriate. If there are concerns about the overall viability of the project, the City Council may request additional evidence from the applicant in order to show that there is demand for the project that would reflect the desire to encourage market-driven redevelopment activity.

4. To facilitate economic development through the creation of a mix of uses and/or building types.

Remarks: The applicant has indicated in the project narrative that the project “will generate new real estate tax revenue for the City” as well as “new economic benefits for local businesses with the redevelopment of multiple buildings.” It is possible that the proposed PUD would result in increased property values, as each condominium unit would pay property taxes. The combination of redevelopment and new construction appears to provide a variety of building types that could lead to a successful development. The location of the development near the downtown area can also be expected to generate local economic activity, although this effect will not likely be easily noticeable since only a total of 44 units are proposed. Nevertheless, if successful, the proposed project would likely contribute positively to economic development in the City.

5. To create walkable developments with pedestrian-oriented buildings and open space that connects to nearby destinations or neighborhoods.

Remarks: The proposed development is located near the Lowell Riverwalk. This walkway is already connected to sidewalks surrounding the proposed development and will facilitate pedestrian traffic between residential neighborhoods and the downtown area. The applicant has also proposed sidewalks within the development, connecting to surrounding sidewalks on the northern and eastern property boundaries.

The applicant has indicated open space areas on the site plan. A small open space is located in the northeast corner of the property. The landscape plan includes some landscaping at this location, but it does not appear to be intended for public use. Further, there is a portion of concrete space located in the southwest corner of the subject property, adjacent to the former Unity School building. The landscape plan shows several landscape islands in this location; however, the purpose of this space is unclear from the plan. While the proposed development provides minimal open space, a significant amount of open space is not likely necessary in a downtown setting. The

City Council should discuss whether the proposed open space is sufficient and appropriate.

6. To provide for the adaptive re-use of significant or historic buildings;

Remarks: The applicant has proposed to reuse the former Unity School building and bus garage. This will retain some local cultural and historic characteristics, as many of Lowell's residents attended the school over the years prior to its closure. Thus, the development appears to provide for the adaptive re-use of significant buildings in the community.

7. To allow phased construction with the knowledge that subsequent phases will be approved as originally planned and approved by the city.

Remarks: The applicant has proposed a phased development with a total of three phases. It is important to note that phases one and two of the development will need to exist and function both independently and collectively. Most multi-phase projects take years to reach full build-out, so it is important that each development phase of the development is fully functional on its own, so that the project is functional if subsequent phases are not developed for long periods of time. The portion of the school building that protrudes into the High Street right of way will need to be addressed in detail in phase 2, although the City Council may request additional information regarding how this will be handled. Further, if the PUD rezoning is approved, each phase will be required to secure site plan approval from the Planning Commission, who will need to verify that the phase, when presented, is consistent with the original PUD rezoning approval.

8. To promote flexibility in design and to permit planned diversification in the location of structures.

Remarks: The proposed development is designed so as to utilize the existing buildings on the site. Rezoning to PUD allows greater flexibility in requirements such as parking, setbacks, and front yard build-to zone requirements. Therefore, it appears that rezoning to PUD would allow for diversification in the location of structures, since the development is already somewhat limited by utilizing existing buildings.

9. To promote the efficient use of land to facilitate a more economic arrangement of buildings, circulation systems, land use, and utilities.

Remarks: Because two buildings already exist on the subject property, utilities are readily available for redevelopment. Redevelopment of existing buildings also contributes to the conservation and efficient use of building materials. Therefore, it appears as though the proposed development would offer an efficient arrangement of buildings and utilities.

Vehicular circulation appears to be efficiently designed to facilitate traffic between different buildings. Internal sidewalks provide logical connections to existing sidewalks bordering the subject property and within the site. Therefore, it appears as though the proposed arrangement would promote efficient use of buildings, circulation systems, land use, and utilities.

10. To minimize adverse traffic impacts and to accommodate safe and efficient pedestrian access and circulation;

Remarks: Internal vehicular access is proposed through a private drive with two curb cuts: one on King Street and one on Monroe Street. It appears as though this design would not adversely impact traffic.

Pedestrian circulation includes connections to existing sidewalks bordering the subject property. A sidewalk is also proposed between the former Unity School building and parking lot, which facilitates an internal connection to another sidewalk. Internal sidewalks also connect the former bus garage, the former Unity school, and internal parking spaces developed during phase 2 to existing sidewalks along Monroe Street and King Street. The sidewalks do not connect to the Lowell Riverwalk internally, but connect to the existing sidewalk along King Street, which has a connection point to the Riverwalk. The Riverwalk may also be accessed via the High Street right-of-way.

Additionally, as described above, the southeast portion of the development includes a concrete area with landscape islands. It is unclear whether this is intended to function for pedestrian circulation. The City Council may discuss safe and efficient pedestrian access and circulation with the applicant.

11. To provide for redevelopment of sites and/or buildings that are under-developed or have fallen into disrepair;

Remarks: The former Unity School building and bus garage are vacant buildings and have begun to fall into disrepair. The proposed PUD plan would redevelop these buildings and restore them to a useful state.

12. To combine and coordinate architectural styles, building forms, and building relationships within the PUD; and

Remarks: The exteriors of existing buildings are consistent with each other. The applicant has indicated in the project narrative that new materials will coordinate and complement the architectural styles and building forms that currently exist. The applicant has submitted building elevations for the phase 1 development, and some renderings of this phase are found on the project website. The City Council may discuss architectural styles and building forms with the applicant to ensure they are consistent throughout the development.

13. To ensure a quality of construction commensurate with other developments within the city.

Remarks: In the applicant's narrative, it is stated that the "quality of construction will meet or exceed that of other buildings in and around the City." If desired, the City Council may ask for additional information regarding how the applicant intends to ensure quality of construction, although the preliminary indications are that the materials would be of an acceptable quality.

Qualifying Conditions

1. Ownership. The tract of land for which a PUD application is received must be either in one (1) ownership or with written approval of the owners of all affected properties.

Remarks: The former Unity School building extends into the High Street right-of-way. However, the applicant has indicated on the site plan that the portion extending into the right-of-way will be removed to the property line. Therefore, there are no owners of affected properties associated with this development and the PUD application is in one ownership. Subject to the removal of the portion of the former Unity School building in the right-of-way, this condition is met.

2. Conditions. To be considered as a PUD, the proposed development must fulfill at least one (1)

of the following conditions:

- a. The PUD contains two (2) or more separate and distinct uses, for example, residential dwellings and office or commercial uses;
- b. The PUD site exhibits significant natural features encompassing at least twenty-five (25) percent of the land area of the PUD which will be preserved as a result of the PUD plan.
- c. The PUD is designed to preserve, in perpetuity, at least sixty (60) percent of the total area of the site as open space.
- d. The PUD constitutes a significant redevelopment of an underutilized or vacant property where conventional development may not be feasible.

Remarks: It appears as though the PUD Plan fulfills letter (d), as it proposes to redevelop two existing buildings and construct two new buildings on what is presently an underutilized property. Conventional development that complies fully with the underlying Mixed Use zoning regulation may be infeasible unless the buildings are razed. Due to the intent to preserve their historic and cultural character, it appears as though this PUD plan would constitute a significant redevelopment of the vacant property.

3. Master Plan. The applicant shall demonstrate that the proposed PUD is consistent with the adopted master plan.

Remarks: The future land use map shows the subject property in the Mixed Use designation, which is intended to permit a mixture of residential, office, and commercial land uses. This category may include redevelopment of existing areas or new construction and should promote pedestrian accessibility. The intended development appears to align well with the Plan's Mixed Use future land use category.

PUD Plan and Rezoning Standards. Section 15.10 of the Zoning Ordinance sets forth standards that shall be utilized by the Planning Commission and City Council in reviewing a PUD plan and request for PUD rezoning. These standards are below, along with our remarks on each.

1. The proposed PUD complies with the purpose and qualifying conditions of sections 15.01 and 15.02.

Remarks: The proposed PUD appears to comply with the purpose and qualifying sections of 15.01 and 15.02. However, there are a few objectives that may be questionable due to the current design of the plan. These are primarily related to open space.

2. The uses conducted within the proposed PUD, the PUD's impact on the community, and other aspects of the PUD are consistent with, and further implement the policies of, the adopted master plan.

Remarks: The future land use map shows the subject property in the Mixed Use designation, which is intended to permit a mixture of residential, office, and commercial land uses. This category may include redevelopment of existing areas or new construction and should promote pedestrian accessibility. The intended development appears to align well with the Mixed Use category. The Master Plan does not consider PUDs on the future land use map.

The PUD plan may be supported through some of the Master Plan's goals and objectives. The Master Plan's goal for Community Image promotes Lowell's image as a historic community with natural resources such as the Flat River. Objectives include measures to improve access and views to the Flat River and restoration of buildings to their original style. Encouraging river access and views may include "demolition of view blocking buildings and structures, building of paths, construction of view overlooks, and others." The proposed PUD plan does not propose additional buildings along the riverfront. The addition of a second story on the bus garage may contribute to diminishing the viewshed; however, the extent to which this would occur is unclear. The residential units in the former bus garage would allow those owners river views.

The Community Image goal also includes an objective to encourage the restoration of building fronts to their original style. By preserving the existing buildings on the site, the applicant may retain their original style. The development appears to support this objective. The applicant has submitted building elevations for phase 1. It does not appear that the new construction would significantly diminish the original historic character of the site. However, the City Council may request additional information regarding building styles and architecture in order to ensure that the building fronts and new construction would not diminish the historic character of the site.

The Master Plan also lists a Land Use goal to "promote a walkable community with stable neighborhoods, and conveniently located public, commercial, and service uses." Objectives include improved pedestrian access to the Flat River, a land use pattern to facilitate walking to and within the downtown area safer and easier, and encouragement of new development in and around the downtown area. The PUD plan appears to align well with the objective for encouraging new development in and around the downtown area. The placement of residential units at this location appears to support this objective of building off of the downtown as the heart of Lowell.

Lastly, the Master Plan defines Housing goals, desiring a variety of housing opportunities on a range of lot sizes to provide affordable housing. The applicant has not submitted any information regarding the targeted income level of these housing units. However, the primary housing types in the surrounding area are single-family residential homes, and some residential-over-retail dwellings along Main Street. The presence of attached condo units may provide diversity in the housing market through different types of units and lot size, as there are few attached condos in the City at present.

3. The proposed PUD shall be designed, constructed, operated, and maintained in a manner harmonious with the character of adjacent property, the surrounding uses of land, the natural environment, and the capacity of public services and facilities affected by the development.

Remarks: The Single or Two Family Residential district is located north and east of the subject property and the Public Facilities district is located south and west of the subject property. Uses on adjacent Public Facilities property include the Kent District Library and a small public park with a riverfront walkway. A school is also located in the immediate area. Because the proposed PUD is residential in nature, it appears that the use would be harmonious with the character of the surrounding uses. The PUD plan depicts a higher density than that allowed in the neighboring residential uses. However, because the subject property is also adjacent to the Public Facilities district and the riverfront walkway, the increased density may be more compatible and appropriate at this site, and offer a transition between the lower-intensity neighborhoods to the north and the more intense uses in downtown Lowell.

The subject property contains minimal natural features. The landscape plan submitted by the applicant indicates an increase in overall vegetative density on the site as a result of the development. Therefore, it appears that the natural environment will remain harmonious with the surrounding area.

Because this site was the former location of Unity School, public facilities and services are already available for use. It is expected that the capacity of public services and facilities would support the intended development. However, the City Council may request additional comments and approval from the City Engineer and DPW.

4. The proposed PUD shall not be hazardous to adjacent property or involve uses, activities, materials, or equipment that will be detrimental to the health, safety, or welfare of persons or property through the excessive production of traffic, noise, smoke, fumes, or glare.

Remarks: The proposed PUD is residential in nature and therefore not expected to involve uses, activities, materials, or equipment that will be detrimental to the health, safety, or welfare of persons or property through excessive production of traffic, noise, smoke, fumes, or glare. The development is likely to have some impact on traffic in the area, as 44 new housing units would eventually be created. Because the development can be accessed via King Street and Monroe Street, it appears as though traffic will be distributed so as not to overload one particular area. Further, many of the future residents may walk to destinations in downtown Lowell, reducing the number of vehicle trips needed.

5. The proposed PUD shall not place demands on public services and facilities more than current or anticipated future capacity.

Remarks: The City Council may request approval of public service and facility capacities by the City Engineer and DPW. This may be addressed as a condition of approval.

6. The proposed PUD shall satisfy all applicable local, state, and federal laws, rules and, regulations.

Remarks: This may be addressed as a condition of approval.

Floodplain Overlay District Standards. A portion of the subject property is located within the Floodplain Overlay District; therefore, the standards and regulations of Chapter 14 apply to all proposed uses in that district. Section 14.04 of the Zoning Ordinance sets forth additional standards that shall be utilized by the Planning Commission and City Council in reviewing the PUD plan and request for PUD rezoning. These standards are below, along with our remarks on each.

1. "Development, including the erection of structures and placement of manufactured homes, within the floodplain overlay district shall not occur except in accordance with the requirements of ... the following standards":

1. The requirements of this chapter shall be met.

Remarks: This may be addressed as a condition of approval.

2. The requirements of the underlying zoning district and applicable general provisions of this ordinance shall be met;

Remarks: Contingent upon the applicant's conformance to the applicable standards for PUD approval, this standard would be met.

3. All necessary permits shall have been issued by the appropriate local, state, and federal authorities, including a floodplain permit, or letter of no authority from the Michigan Department of Natural Resources under authority of Act 451, of the Public Acts of 1994, as amended. Where a permit cannot be issued prior to the issuance of zoning compliance permit, a letter from the issuing agency indicating intent to issue contingent only upon proof of zoning compliance shall be acceptable.

Remarks: The proposed project may require a Part 31 permit from the Michigan Department of Environmental Quality (DEQ). So far, no permits related to development in the floodplain have been submitted to our knowledge. This may be addressed as a condition of approval.

4. The proposed use and/or structure(s) shall be so designed as not to reduce the water impoundment capacity of the floodplain or significantly change the volume or speed of the flow of water.

Remarks: The City Council may request review by the City Engineer regarding the applicant's grading and storm water management design to ensure the floodplain capacity, volume, and speed of water will not be significantly changed.

5. Utilities, streets, off-street parking, railroads, structures, and buildings for public or recreational uses shall be designed so as not to increase the possibility of flood or be otherwise detrimental to the public health, safety, and welfare.

Remarks: Portions of land in phases 1 and 2 are within the 100-year floodplain. It appears as though utilities, streets, off-street parking, railroads, structures, and buildings for public or recreational uses are designed so as not to increase the possibility of flood or be otherwise detrimental to the public health, safety, and welfare. However, any infill or construction activity that displaces 200 cubic yards or more may require a compensating cut nearby so as not to increase the base flood elevation for the remainder of the area. The City Council may defer to the City Engineer regarding additional comments related to increased flood risk.

2. Specific base flood elevation standards:

1. On the basis of the most recent available base flood elevation data all new construction and substantial improvements shall have the lowest floor, including basements, elevated at least one (1) foot above the flood level; or for nonresidential structures, be constructed such that at or below base flood level, together with attendant utility and sanitary facilities, the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall certify that these standards are met and that the floodproofing methods employed are adequate to withstand the flood depths, pressures, velocities, impact, and uplift forces and other factors associated with the base flood in the location of the structure. Such certification shall be submitted as provided in this ordinance and shall indicate the elevation to which the structure is floodproofed.

Remarks: The applicant has not submitted a plan detailing structural improvements related to flooding. It is unclear from the site plan whether the proposed developments in the floodplain will be elevated at least one foot above the flood level. The City Council may address this with the applicant.

2. The most recent flood elevation data received from the Federal Insurance and Mitigation Administration (FIMA) shall take precedence over data from other sources.

Remarks: This may be addressed as a condition of approval.

Discussion. It is recognized that the PUD approval process involves much collaboration and communication between various parties. This review is more complex than most due to the review procedures, property involved, and phased nature of the development. If approved, the PUD plan provides the basis to which site plans for subsequent phases must adhere, so it is imperative that potential issues or uncertainties regarding the

PUD plan be discussed at the project's outset. With this in mind, the City Council should discuss the following topics:

- **Open space.** As a condominium development, open spaces are generally owned and maintained by a developer or condominium association. Undeveloped or improved open areas are often identified as a general common element. Accordingly, the applicant has indicated "open space" on all areas that are not proposed for development. However, the purpose of open space should be discussed. According to Section 15.06 (B) of the Ordinance, open space areas "shall be large enough and of proper dimensions so as to constitute a useable area, with adequate access...such that all properties within the entire PUD may reasonably utilize the available open space." As identified by the Ordinance, open space areas are intended to provide usable areas for residents and be in joint ownership of all property owners within the PUD. The City Council may discuss whether all designated open space areas on the site plan are in agreement with the description of open space in Section 15.06 of the Ordinance. This may include discussion regarding the size, desired dimensions, access points, and potential utilization of such areas.

Additionally, the City Council may discuss maintenance of open spaces with the applicant. This may take the form of a property owner's association or similar entity, which must be approved by the City. This may further describe the role of residents in contributing to the upkeep of the property and the arrangement of maintenance to ensure future upkeep of the property. Condominium bylaws and a master deed addressing these issues should be provided to the City for review prior to authorization.

- **Architectural compatibility.** It is recognized that the proposed development is a long-term project that will involve the collaboration of many parties. In order to ensure consistent architectural standards between each phase, it may be helpful for the City Council to discuss architectural compatibility with the surrounding properties. This may include a discussion of the applicant's intended building forms, the role of architecture in preserving the historic character of the site, and use of similar building materials within each phase.
- **Proximity to downtown.** From a holistic planning perspective, this proposal seems to be consistent with the Master Plan and City's vision for development through the preservation of historic buildings, potential contribution to a walkable community, and redevelopment of a vacant area. The placement of features in close proximity to the downtown area would likely support the economic development of downtown while offering significant improvement to an underutilized site. The site's location would facilitate pedestrian traffic to the downtown area, enhancing residential connections. It would also seem to provide an appropriate transition between less dense residential uses and the downtown commercial and public uses. The City Council may further consider how this development's location and function would impact the downtown area and its consistency with the Master Plan considering its proposed use, phased development, transitional function, and aesthetic impact.
- **Parking.** Concern was expressed from the Planning Commission and the public regarding the proposed parking on the site plan. The PUD is proposed to contain a total of 44 dwelling units in three phases, and the applicant proposes to serve these units with 49 parking spaces on the property. Section 19.07 of the Zoning Ordinance requires two parking spaces for each residential unit in a multiple-family use, for a total requirement of 88 parking spaces. Thus, the applicant is short of the minimum requirement by 39 spaces. Parking for the site is provided as follows:

Phase	# Units	Parking Required	Parking Provided	Difference
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1	14	28	22	-6
2	~16	32	10	-22
3	~14	28	17	-11
Total	44	88	49	-39

The applicant's property is located within the MU Mixed Use district. Section 19.02(B) allows on-street or off-street public parking within 400 feet of the property to be counted toward the required minimum parking. The applicant has submitted a review of available parking within 400 feet of the proposed development, and has indicated that 103 spaces are within 400 feet, and that the parking requirements of the Zoning Ordinance are met.

In order to help reduce the number of public parking spaces being used by residents of Riverview Flats, the Planning Commission recommended that 18 spaces located at 238 High Street be permanently dedicated to the development and be allocated as Riverview Flats parking only. While not part of this PUD, 238 High Street is owned by the applicant and contains 18 parking spaces. If those 18 spaces were included in this PUD, it would reduce the number of additional public spaces needed to 21. The Planning Commissions found this acceptable, after reviewing relevant data from ITE and other sources.

It should be noted that these 21 public spaces that would be counted toward the required minimum are also used (and intended to be used) by the public, including Lowell residents, employees, and visitors. There is also a perception that parking downtown is scarce, and allowing a private developer to utilize public parking for future residents may, for some, be a cause for concern.

Further, it should also be noted that the City of Lowell Zoning Ordinance requires the same amount of parking (2 per dwelling) for all residential uses (single, two-family, and multi-family) and does not distinguish between urban and suburban areas, so it is possible that these standards may require more parking than is necessary for urban multi-family projects. Generally, fewer spaces are needed for higher-density urban developments than what is currently required in the City of Lowell Zoning Ordinance.

Conclusion. At the September 3, 2019 public hearing, the City Council should discuss the site and carefully consider any comments from the applicant and the public. In addition to the overall project, the following specific items should be discussed by the City Council:

1. Whether the applicant should provide relevant market data showing that the development in this location is appropriate.
2. The intended land use for the concrete area located in the southwestern portion of the subject property.
3. If the quality of construction will meet or exceed that of other buildings in and around the City.
4. Whether the applicant has sufficiently demonstrated if the proposed PUD is consistent with the adopted Master Plan.
5. Whether the capacity of public services and facilities is adequate and any additional questions regarding grading, stormwater management, and capacity of the floodplain.
6. Whether the lowest floor in the floodplain is elevated at least one foot above the base flood level.
7. Whether all necessary permits by the appropriate local, state, and federal authorities, including a floodplain permit, or whether a letter of no authority from the Michigan Department of Natural Resources under authority of Act 451, of the Public Acts of 1994, as amended, has been received. Where a permit cannot be issued prior to the issuance of zoning compliance permit, a letter from the

issuing agency indicating intent to issue contingent only upon proof of zoning compliance could be acceptable.

After the public hearing, the City Council may approve, approve with conditions, or deny the request, or it may table the request for further consideration and analysis. Should the City Council be inclined to make a decision regarding the application, we suggest that the decision be a tentative decision, subject to written findings that would be formally adopted at the next meeting.

In its recommendation of approval, the Planning Commission included the following conditions:

- a. Prior to issuance of any City permits, the applicant shall have paid all application, permit, reimbursable escrow, and other fees related to the request.
- b. The proposed PUD shall satisfy all applicable local, state, and federal laws, rules and, regulations, including, but not limited to, all applicable requirements pertaining to barrier-free access and the Americans with Disabilities Act (ADA).
- c. The applicant shall comply with applicable local, state and federal laws, rules and regulations including the requirements of the City's Code of Ordinances, promulgated rules, regulations and policies of the City's Department of Public Works, the City Engineer and Department of Light and Power, and promulgated rules, regulations, and policies of the Lowell Area Fire Authority.
- d. All necessary permits shall have been issued by the appropriate local, state, and federal authorities, including a floodplain permit, or letter of no authority from the Michigan Department of Natural Resources and/or Department of Environment, Great Lakes, and Energy (EGLE) under authority of Act 451, of the Public Acts of 1994, as amended. Where a permit cannot be issued prior to the issuance of zoning compliance permit, a letter from the issuing agency indicating intent to issue contingent only upon proof of zoning compliance shall be acceptable.
- e. The most recent flood elevation data received from the Federal Insurance and Mitigation Administration (FIMA) shall take precedence over data from other sources.
- f. The applicant shall submit evidence that the requirements of Chapter 14, Floodplain Overlay District of the Zoning Ordinance are or will be satisfied.
- g. If it is determined that the work involved would require a compensating cut pursuant to EGLE requirements, such compensating cut shall occur at a location approved by the City and shall be subject to reasonable regulation and oversight by the City of Lowell.
- h. Consistent with Note 9 of Sheet C 2.0 stating that "as the site is riparian and within a floodplain, storm water management goals of the project focus on providing storm water quality improvements and maintaining onsite grading characteristics to provide storage for impending flood conditions." Since the site has a direct discharge to the Flat River, the applicant shall submit evidence to the City Engineer's satisfaction that demonstrates specific storm water quality Best Management Practices (BMPs).
- i. Site Plan review by the Planning Commission for phases 2 and 3 shall be required.
- j. Eighteen spaces located on 238 High Street as shown on the site plan shall be dedicated to parking for the proposed PUD. The applicant shall submit a copy of a restrictive covenant or similar instrument acceptable to the City Attorney confirming the common ownership and prohibiting the separate conveyance by way of sale or lease of either lot, and confirming that the 18 parking spaces are for the

exclusive use of Riverview Flats. Evidence of the recording with the Kent County Register of Deeds shall be provided to the City.

- k. The applicant shall work cooperatively with the Lowell City Council on the affected High Street area.

Mayor DeVore then opened it up for public comment.

Ron Janowski who resides at 520 N. Monroe St stated his wife and himself have lived in Lowell for 20 years and is in favor of the PUD development.

John Wenger, non-resident of the City of Lowell but on the Committee for the Summer Concert Series is not in favor of the PUD development and is concerned about the Summer Concerts parking. 100% opposed.

Justin St. John who resides at 305 High is in favor of the PUD development.

Jeff Dickerman who resides at 429 High St. stated he is not in favor of the PUD development. PUD only serves the applicant and not the community.

Eric Lundstrom, current resident of Vergennes Township, stated he is in favor of the PUD development and it will do nothing but enhance the beauty of Lowell.

Michelle Emaus who resides at 725 Lafayette stated she is in favor of forward movement but not in favor of the PUD development. Concerned with the 44 condos going in as there are already issues with parking. Does not see this as a positive.

City Clerk Susan Ullery read a letter from Gregory Gilmore who is the owner of the Flat River Grill and is in favor of the PUD development.

City Clerk Susan Ullery read a letter from Colonel Daniel Packard who is considering moving back to the area and is in favor of the PUD development.

City Clerk Susan Ullery read an email from Morgan Whitney who resides in Lowell and is not in favor of the PUD development.

City Clerk Susan Ullery also stated she has approximately 30 emails with signatures and stating they are in favor of the PUD development.

There were no comments from the Councilmembers.

Mayor Devore then closed the Public Hearing.

b. LCTV Distribution.

City Manager Michael Burns stated at the request of the LCTV Fund Advisory Committee, Council has committed to giving them prior notice of the amount that will be available for distribution. Burns recommends that all of the spendable balance in the fund be available to the committee so that you can receive their recommendations for the 2019-2020 fiscal year.

IT WAS MOVED BY YANKOVICH and seconded by SALZWEDEL that the Lowell City Council authorizes all of the spendable balance of the LCTV Fund for the 2019-2020 fiscal year to be available for recommendations from the LCTV Fund advisory committee.

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

NO: None.

ABSENT: None.

MOTION CARRIED.

c. Resolution 28-19 – Prisoner of War/Missing in Action Recognition Day.

Mayor DeVore stated the Michael J. Bost Chapter 18 of the Vietnam Veterans of America will observe Prisoner of War/Missing in Action Recognition Day on Friday, September 20, 2019. A brief ceremony will be held at 2:00 p.m. in the chapel of the Michigan Home for Veterans in Grand Rapids.

IT WAS MOVED BY CHAMBERS and seconded by CANFIELD that the Lowell City Council adopt Resolution 28-19 proclaiming Friday, September 20, 2019 as Prisoner of War/Missing in Action Recognition Day.

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

NO: None.

ABSENT: None.

MOTION CARRIED.

6. BOARD AND COMMISSION REPORTS.

Councilmember Canfield stated the LARA board met last week and Dave Austin was there from Williams & Works. We have commitments of approximately five million of the 6.5 million that we need to connect the trail. We have a couple of easements we are working on and we need to have the rest of the money commitments by October 4, 2019. This is a 2021 or 2022 construction project so if we still aren't there financially, then it will get withdrawn and reapplied for in the spring.

7. MANAGERS REPORT.

City Manager Michael Burns stated the following:

- Reminder: Committee of the Whole meeting Monday, September 16, 2019 at 5:30, MERS will be there to discuss the actuarial. The Committee of the Whole meeting that was supposed to be this evening, has been moved to October 7, 2019 at 5:30.
- Lowell was selected out of this region from the American Water Works Association for being the best tasting water for the region. They are actually going to be having their sampling at their state conference next week up in Grand Traverse. This is the fourth time we have been a finalist and we have never won it, but hopefully, that will change this year.

8. APPOINTMENTS.

We have one application from Daniel Crawford who would like to take Dave VanKeulen position on the

Light & Power Board. It was a consensus of the City Councilmembers to appoint Daniel Crawford to The Light & Power Board.

Tina Cadwallader and Andrew Schrauben would like to continue on the Lowell Light & Power Board. It was a consensus of the City Councilmembers to reappoint Tina Cadwallader and Andrew Schrauben.

IT WAS MOVED BY MAYOR DEVORE and seconded by SALZWEDEL to appoint Jim Hodges as the City's representative on the Board of Directors of Lowell Area Housing, Inc. (Schneider Manor) and as a trustee on the Advisory Board of the Philip H. Schneider Trust.

YES: 5. NAY: 0. ABSENT: 0. MOTION CARRIED.

9. **COUNCIL COMMENTS.**

Councilmember Chambers thanked the Ledger for their great article they wrote on the Lego showboat.

10. **MOTION TO GO INTO CLOSED SESSION.**

IT WAS MOVED BY CANFIELD and seconded by YANKOVICH to go into closed session at 8:50 p.m.

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

NO: None. ABSENT: None. MOTION CARRIED.

11. **MOTION TO GO BACK INTO OPEN SESSION.**

IT WAS MOVED BY CANFIELD and seconded by CHAMBERS to go back into open session at 9:37 p.m.

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

NO: None. ABSENT: None. MOTION CARRIED.

City Attorney Dick Wendt then explained the process of Council going through the conditions the Planning Commission recommended and stating yes or no to each one and then if approval, to direct city staff to prepare the ordinance approving the PUD with the approved conditions.

Andy Moore with Williams & Works then stated in its recommendation of approval, the Planning Commission included the following conditions:

- a Prior to issuance of any City permits, the applicant shall have paid all application, permit, reimbursable escrow, and other fees related to the request.

All the commissioners agreed yes.

- b The proposed PUD shall satisfy all applicable local, state, and federal laws, rules and, regulations, including, but not limited to, all applicable requirements pertaining to barrier-free access and the

Americans with Disabilities Act (ADA).

All the commissioners agreed yes.

- c The applicant shall comply with applicable local, state and federal laws, rules and regulations including the requirements of the City's Code of Ordinances, promulgated rules, regulations and policies of the City's Department of Public Works, the City Engineer and Department of Light and Power, and promulgated rules, regulations, and policies of the Lowell Area Fire Authority.

All the commissioners agreed yes.

- d All necessary permits shall have been issued by the appropriate local, state, and federal authorities, including a floodplain permit, or letter of no authority from the Michigan Department of Natural Resources and/or Department of Environment, Great Lakes, and Energy (EGLE) under authority of Act 451, of the Public Acts of 1994, as amended. Where a permit cannot be issued prior to the issuance of zoning compliance permit, a letter from the issuing agency indicating intent to issue contingent only upon proof of zoning compliance shall be acceptable.

All the commissioners agreed yes.

- e The most recent flood elevation data received from the Federal Insurance and Mitigation Administration (FIMA) shall take precedence over data from other sources.

All the commissioners agreed yes.

- f The applicant shall submit evidence that the requirements of Chapter 14, Floodplain Overlay District of the Zoning Ordinance are or will be satisfied.

All the commissioners agreed yes.

- g If it is determined that the work involved would require a compensating cut pursuant to EGLE requirements, such compensating cut shall occur at a location approved by the City and shall be subject to reasonable regulation and oversight by the City of Lowell.

All the commissioners agreed yes.

- h Consistent with Note 9 of Sheet C 2.0 stating that "as the site is riparian and within a floodplain, storm water management goals of the project focus on providing storm water quality improvements and maintaining onsite grading characteristics to provide storage for impending flood conditions." Since the site has a direct discharge to the Flat River, the applicant shall submit evidence to the City Engineer's satisfaction that demonstrates specific storm water quality Best Management Practices (BMPs).

All the commissioners agreed yes.

- i Site Plan review by the Planning Commission for phases 2 and 3 shall be required.

All the commissioners agreed yes.

- j Eighteen spaces located on 238 High Street as shown on the site plan shall be dedicated to parking for the proposed PUD. The applicant shall submit a copy of a restrictive covenant or similar instrument

acceptable to the City Attorney confirming the common ownership and prohibiting the separate conveyance by way of sale or lease of either lot, and confirming that the 18 parking spaces are for the exclusive use of Riverview Flats. Evidence of the recording with the Kent County Register of Deeds shall be provided to the City.

All the commissioners agreed **no**.

- k The applicant shall work cooperatively with the Lowell City Council on the affected High Street area.

All the commissioners agreed yes. **So item k became item j.**

Commissioners all agreed item k as follows:

- k High Street shall have curb and gutter and sidewalk down the North side, done by the developer and to be completed in Phase 1.

Mayor DeVore then directed city staff to prepare the ordinance approving the PUD with the above approved conditions.

12. MOTION TO GO BACK INTO CLOSED SESSION.

IT WAS MOVED BY CANFIELD and seconded by CHAMBERS to go back into closed session for pending litigation. at 9:48 p.m.

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

13. MOTION TO GO BACK INTO OPEN SESSION.

IT WAS MOVED BY CANFIELD and seconded by CHAMBERS to go back into open session at 10:36 p.m.

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

14. ADJOURNMENT.

IT WAS MOVED SALZWEDEL and seconded by CHAMBERS to adjourn at 10:37 p.m.

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

NO: None. ABSENT: None. MOTION CARRIED.

DATE:

APPROVED:

Mike DeVore, Mayor

Sue Ullery, Lowell City Clerk

**CITY OF LOWELL
KENT COUNTY, MICHIGAN**

RESOLUTION NO. 28-19

**RESOLUTION TO PROVIDE FOR THE DESIGNATION OF
SEPTEMBER 20, 2019, AS
"PRISONER OF WAR/MISSING IN ACTION RECOGNITION DAY"**

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

WHEREAS, the United States has fought in many wars, one of the longest was the Vietnamese Conflict; and,

WHEREAS, Friday, September 20, 2019 is a day of remembrance for those who suffered as prisoners of war or are still missing as a result of any conflict; and,

WHEREAS, although cooperation has increased within the past few years, there are still nearly 1700 American servicemen and civilians including 48 from the State of Michigan missing and unaccounted for in Indochina. The uncertainty surrounding their fates has caused their families to suffer great hardship; and,

WHEREAS, increasing public awareness and focusing public attention on this issue is one way to help achieve this goal;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Lowell, that **Friday, September 20, 2019** shall be designated as:

"PRISONER OF WAR/MISSING IN ACTION RECOGNITION DAY"

We urge all of our citizens to take note of this important issue and remember those servicemen and civilians who were prisoners of war and those that are still missing and to commemorate the day with appropriate activities.

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

NAYS: Councilmembers None

ABSTAIN: Councilmembers None

ABSENT: Councilmembers None

RESOLUTION DECLARED ADOPTED.

Dated: September 3, 2019


Susan Ullery, City Clerk

CERTIFICATION

I, the undersigned Clerk of the City of Lowell, Michigan (the "City"), do hereby certify that the foregoing is a true and complete copy of a resolution adopted by the City Council of the City at a regular meeting held on September 3, 2019, and that public notice of said meeting was given pursuant to, and in compliance with, Act 267 of the Public Acts of Michigan of 1976, as amended.


Susan Ullery, City Clerk

Dated: September 3, 2019

09/13/2019 03:00 PM

User: LORI

DB: Lowell

INVOICE APPROVAL BY INVOICE REPORT FOR CITY OF LOWELL

EXP CHECK RUN DATES 08/30/2019 - 09/13/2019

BOTH JOURNALIZED AND UNJOURNALIZED

PAID - CHECK TYPE: PAPER CHECK

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Vendor Code	Vendor Name	Invoice	Description	Amount
10550	63RD DISTRICT COURT	9/4/19	BOND - LENNON HARRIS	50.00
TOTAL FOR: 63RD DISTRICT COURT				50.00
01513	ADDORIO TECHNOLOGIES, LLC	8175	DATA PROCESSING	620.00
TOTAL FOR: ADDORIO TECHNOLOGIES, LLC				620.00
00007	ADT SECURITY SYSTEMS, INC.	9/2/2019	WTP SECURITY SEPT-NOV 2019	119.97
TOTAL FOR: ADT SECURITY SYSTEMS, INC.				119.97
10816	AMAZON CAPTIAL SERVICES	1WCYC-J3P4-4KG4	WTP BEARINGS	111.80
TOTAL FOR: AMAZON CAPTIAL SERVICES				111.80
00050	BERNARDS ACE HARDWARE	AUG 2019	ACCOUNT STATEMENT	259.79
TOTAL FOR: BERNARDS ACE HARDWARE				259.79
10686	BETTEN BAKER	129688	2014 FORD EXPLORER LPD #836	842.11
		7981	LPD 2010 CHEVY - DEER ACCIDENT	2,103.18
TOTAL FOR: BETTEN BAKER				2,945.29
10483	BOURGETTE, BOB	9/12/19	AIRPORT MOWER GAS	31.00
TOTAL FOR: BOURGETTE, BOB				31.00
01375	BRECKEN, RALPH	9/13/19	MILEAGE AWWA FALL CONFERENCE	183.86
TOTAL FOR: BRECKEN, RALPH				183.86
CREEKSID	CARLSON, STEPHEN	8/31/2019	CREEKSID PARK DEPOSIT	50.00
TOTAL FOR: CARLSON, STEPHEN				50.00
REFUND UB	CHATERDON, BRYAN	09/04/2019	UB refund for account: 1-01222-17	90.55
TOTAL FOR: CHATERDON, BRYAN				90.55
MISC	COHL, STOKER & TOSKEY, P.C.	9/5/2019	CONTRACT NEGOTIATIONS CLASS - BUKALA	125.00
TOTAL FOR: COHL, STOKER & TOSKEY, P.C.				125.00
10493	COMCAST CABLE	9/6 - 10/5/19	CABLE TV - DPW	45.05
TOTAL FOR: COMCAST CABLE				45.05
10509	CONSUMERS ENERGY	7/26 - 8/25/19	ACCOUNT STATEMENTS	493.27
		8/1 - 8/31/19	ACCOUNT STATEMENT	26.64
TOTAL FOR: CONSUMERS ENERGY				519.91
01156	CURTIS CLEANERS	AUGUST 2019	ACCOUNT STATEMENT	390.50
TOTAL FOR: CURTIS CLEANERS				390.50

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Vendor Code	Vendor Name Invoice	Description	Amount
REFUND TAX	CURTIS LAUNDRY & DRY CLEANING 09/04/2019	2019 Sum Tax Refund 41-50-72-003-487	3.00
TOTAL FOR: CURTIS LAUNDRY & DRY CLEANING			3.00
00132	D&D TRUCKING ACQUISITION, LLC 28952	1992 CHEVY DUMP TRUCK	941.24
TOTAL FOR: D&D TRUCKING ACQUISITION, LLC			941.24
10598	DATAWORKS PLUS LLC 19-852	LPD - SCOPE REPAIRS	360.00
TOTAL FOR: DATAWORKS PLUS LLC			360.00
02035	DIGITAL OFFICE MACHINES, INC. 18669	DPW COPY MACHINE CONTRACT	33.07
TOTAL FOR: DIGITAL OFFICE MACHINES, INC.			33.07
02340	EARLE PRESS INC. 227824	AP CHECKS	273.54
TOTAL FOR: EARLE PRESS INC.			273.54
10713	ENGINEERED PROTECTION SYSTEMS INC A1161454	WTP- VIDEO SERVICE OCT-DEC	225.00
TOTAL FOR: ENGINEERED PROTECTION SYSTEMS INC			225.00
00172	EVERGREEN UNDERGROUND, INC. 43599	SPRINKLER REPAIRS	797.98
TOTAL FOR: EVERGREEN UNDERGROUND, INC.			797.98
10536	FANDANGLED CUSTOM APPAREL & GIFTS 1805	DESK BAR - CZARNECKI	83.00
TOTAL FOR: FANDANGLED CUSTOM APPAREL & GIFTS			83.00
02218	FLEX ADMINISTRATORS, INC. 104184	2019-2020 ANNUAL RENEWAL FLEX	225.00
TOTAL FOR: FLEX ADMINISTRATORS, INC.			225.00
REFUND TAX	HARWOOD JEFFREY S & ANDREA J 09/04/2019	2019 Sum Tax Refund 41-20-01-178-018	41.31
TOTAL FOR: HARWOOD JEFFREY S & ANDREA J			41.31
00248	HOOPER PRINTING 58297	CZARNECKI BUSINESS CARDS	38.00
TOTAL FOR: HOOPER PRINTING			38.00
02209	KERKSTRA PORTABLE, INC. 145095 145096	PORTABLE RESTROOM - REC PARK PORTABLE RESTROOM - CEMETERY	220.00 90.00
TOTAL FOR: KERKSTRA PORTABLE, INC.			310.00
10018	KORE/HI COM, INC. 09/03/2019	CISCO SMARTNET WARRANTY/SUPPORT	137.00
TOTAL FOR: KORE/HI COM, INC.			137.00
02222	LOWELL AREA RECREATION AUTH. 8/29/19	ANNUAL MAINTENANCE JULY 1, 2019	5,000.00
TOTAL FOR: LOWELL AREA RECREATION AUTH.			5,000.00

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Vendor Code	Vendor Name	Invoice	Description	Amount
00347	LOWELL CHARTER TOWNSHIP	9/12/19	WATER OVERPAYMENT SEPT 2019 - #7	5,103.33
TOTAL FOR: LOWELL CHARTER TOWNSHIP				5,103.33
00330	LOWELL LEDGER	AUG 2019	ACCOUNT STATEMENT	271.50
TOTAL FOR: LOWELL LEDGER				271.50
00341	LOWELL LIGHT & POWER	09/03/2019	STREET LIGHT REPAIR	835.70
		3329	ACCESS POINT & ADDORIO/IP CONSULTING	2,350.42
		AUG 2019	ELECTRIC INVOICES	19,179.35
TOTAL FOR: LOWELL LIGHT & POWER				22,365.47
10185	LUDEMA AND BOYINK	33858	CEMETERY SOD	6.90
TOTAL FOR: LUDEMA AND BOYINK				6.90
10552	MI-AWWA PAYMENT PROCESSING	200012235	AMERICAN WATER CONFERENCE	590.00
TOTAL FOR: MI-AWWA PAYMENT PROCESSING				590.00
00426	MODEL COVERALL SERVICE, INC.	AUG 2019	LIBRARY RUGS	281.60
TOTAL FOR: MODEL COVERALL SERVICE, INC.				281.60
10356	NELSON, ERIC	8/29/19	AIRPORT MOWER GAS	17.34
		9/9/2019	AIRPORT GAS/FLY-IN FOOD LICENSE	360.00
TOTAL FOR: NELSON, ERIC				377.34
10103	PITNEY BOWES GLOBAL FIN. SRVS LLC	330945073	LEASING FEE FOR POSTAGE METER	150.00
TOTAL FOR: PITNEY BOWES GLOBAL FIN. SRVS LLC				150.00
01270	PLUMMERS ENVIRONMENTAL SERVICE	19100661	WWTP - VACUUMED & DISPOSAL OF WASTE	1,920.00
TOTAL FOR: PLUMMERS ENVIRONMENTAL SERVICE				1,920.00
00512	PREIN & NEWHOF, INC.	85999	AUGUST STONEY LAKE SAMPLES	620.00
		86035	LEAD & COPPER TESTING	378.00
TOTAL FOR: PREIN & NEWHOF, INC.				998.00
10762	PROFESSIONAL CODE INSPECTIONS OF MI	6116	AUGUST 2019 PERMITS	1,402.20
TOTAL FOR: PROFESSIONAL CODE INSPECTIONS OF MI				1,402.20
02331	PROGRESSIVE HEATING COOLING, CORP.	2016058	CITY HALL R & M	150.00
		2016062	CITY HALL R & M	915.84
TOTAL FOR: PROGRESSIVE HEATING COOLING, CORP.				1,065.84
10130	RASHID, JEFFREY	9/11/2019	AUGUST ASSESSING EXPENSES	38.28
TOTAL FOR: RASHID, JEFFREY				38.28

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Vendor Code	Vendor Name	Invoice	Description	Amount
10378	RUESINK, KATHIE	11000/911001	CLEANING SERVICES 8/29-9/11	510.00
TOTAL FOR: RUESINK, KATHIE				510.00
01044	S.A. MORMAN & CO.	664213	PARKS R & M	95.00
TOTAL FOR: S.A. MORMAN & CO.				95.00
MISC	SCHWEITZER, KEN	7/22/19	AIRPORT LOVE WEEK REIMBURSEMENT	264.94
TOTAL FOR: SCHWEITZER, KEN				264.94
02575	SELF SERVE LUMBER	AUG 2019	ACCUONT STATEMENT	76.33
TOTAL FOR: SELF SERVE LUMBER				76.33
10328	SMS COMMUNICATIONS	08302019	CITY NEWSLETTER	300.00
TOTAL FOR: SMS COMMUNICATIONS				300.00
REFUND UB	SPEERSTRA, JIM	09/04/2019	UB deposit refund for account: 9-00001-2	130.00
TOTAL FOR: SPEERSTRA, JIM				130.00
10341	STATE OF MICHIGAN	551-545271	LIVESCAN AUGUST 2019	1,124.50
TOTAL FOR: STATE OF MICHIGAN				1,124.50
10442	STATE OF MICHIGAN	9/5/2019	APPL FOR DIST CERT S4 - SOYKA	70.00
TOTAL FOR: STATE OF MICHIGAN				70.00
02032	STEALTH PEST MANAGEMENT LLC	JULY 2019	PEST MANAGEMENT	220.00
TOTAL FOR: STEALTH PEST MANAGEMENT LLC				220.00
10530	STRATEGIC ACCOUNTING & TAX SOLUTION	9535	PRE AUDIT WORK	337.50
TOTAL FOR: STRATEGIC ACCOUNTING & TAX SOLUTION				337.50
10514	SUPPLYGEEKS	OE-13490-1	OFFICE SUPPLIES & TOWELS	209.51
		OE-14861-1	OFFICE SUPPLIES	131.30
TOTAL FOR: SUPPLYGEEKS				340.81
CREEKSIDE	TEELANDER, ALAN	9/8/19	CREEKSIDE PARK DEPOSIT	50.00
TOTAL FOR: TEELANDER, ALAN				50.00
REFUND TAX	THE STATE BANK	09/04/2019	2019 Sum Tax Refund 41-20-03-488-005	2,991.03
TOTAL FOR: THE STATE BANK				2,991.03
00633	TIP TOP GRAVEL CO.	044964	TOP SOIL	475.68
TOTAL FOR: TIP TOP GRAVEL CO.				475.68

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Vendor Code	Vendor Name	Description	Amount
	Invoice		
10543	TRACTOR SUPPLY CREDIT PLAN		
	AUG 2019	ACCOUNT STATEMENT	356.42
TOTAL FOR: TRACTOR SUPPLY CREDIT PLAN			356.42
00930	TRUCK & TRAILER SPECIALTIES		
	PRO005020	TRUCK W-21 R& M	1,577.80
TOTAL FOR: TRUCK & TRAILER SPECIALTIES			1,577.80
02395	UNITED STATES POSTAL SERVICE		
	08302019	AUGUST WATER BILLING	502.00
TOTAL FOR: UNITED STATES POSTAL SERVICE			502.00
02203	VISA		
	AUG 2019	MERCANTILE VISA STATEMENET	4,038.00
TOTAL FOR: VISA			4,038.00
MISC	WEIDMAN, TIM		
	9/12/2019	PBT OVERPAYMENT	15.00
TOTAL FOR: WEIDMAN, TIM			15.00
10715	WEST MI LOCAL GOVT MGMT ASSOC		
	9/30/19	WMME MEMBERSHIP - BURNS, MICHAEL	125.00
TOTAL FOR: WEST MI LOCAL GOVT MGMT ASSOC			125.00
00692	WILLIAMS & WORKS INC.		
	88688	HIGHLAND HILL CONCO DOC SEARCH	65.00
	88699	PLANNING SERVICES	3,733.00
TOTAL FOR: WILLIAMS & WORKS INC.			3,798.00
02184	WMRCA		
	9/27/19	FALL 2019 SEMINAR - BROWN, AMY	10.00
	9/5/2019	FALL 2019 SEMINAR - ULLERY, SUSAN	10.00
TOTAL FOR: WMRCA			20.00
TOTAL - ALL VENDORS			65,999.33

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Fund 101 GENERAL FUND					
Dept 000					
101-000-040.000	ACCOUNTS RECEIVABLE	63RD DISTRICT COURT	BOND - LENNON HARRIS	50.00	73280
101-000-285.004	CREEKSIDE DEPOSIT	CARLSON, STEPHEN	CREEKSIDE PARK DEPOSIT	50.00	73317
101-000-285.004	CREEKSIDE DEPOSIT	TEELANDER, ALAN	CREEKSIDE PARK DEPOSIT	50.00	73343
101-000-676.000	INSURANCE RECOVERIES	TRUCK & TRAILER SPECIALTI	TRUCK W-21 R& M	1,033.80	73345
101-000-676.000	INSURANCE RECOVERIES	BETTEN BAKER	LPD 2010 CHEVY - DEER ACC	2,051.18	73314
Total For Dept 000				3,234.98	
Dept 101 COUNCIL					
101-101-864.000	CONFERENCES & CONVENTIONS VISA		MERCANTILE VISA STATEMENE	449.00	73310
Total For Dept 101 COUNCI				449.00	
Dept 172 MANAGER					
101-172-801.000	PROFESSIONAL SERVICES	SMS COMMUNICATIONS	CITY NEWSLETTER	300.00	73340
101-172-864.000	CONFERENCES & CONVENTIONS VISA		MERCANTILE VISA STATEMENE	1,997.04	73310
101-172-955.000	MISCELLANEOUS EXPENSE	VISA	MERCANTILE VISA STATEMENE	109.99	73310
101-172-955.000	MISCELLANEOUS EXPENSE	WEST MI LOCAL GOVT MGMT A	WMME MEMBERSHIP - BURNS,	125.00	73347
Total For Dept 172 MANAGE				2,532.03	
Dept 191 ELECTIONS					
101-191-864.000	CONFERENCES & CONVENTIONS WMRCA		FALL 2019 SEMINAR - BROWN	10.00	73349
101-191-864.000	CONFERENCES & CONVENTIONS WMRCA		FALL 2019 SEMINAR - ULLER	10.00	73350
Total For Dept 191 ELECTI				20.00	
Dept 209 ASSESSOR					
101-209-860.000	TRAVEL EXPENSES	RASHID, JEFFREY	AUGUST ASSESSING EXPENSES	38.28	73335
Total For Dept 209 ASSESS				38.28	
Dept 215 CLERK					
101-215-864.000	CONFERENCES & CONVENTIONS VISA		MERCANTILE VISA STATEMENE	225.00	73310
101-215-900.000	PRINTING	LOWELL LEDGER	ACCOUNT STATEMENT	271.50	73325
Total For Dept 215 CLERK				496.50	
Dept 253 TREASURER					
101-253-801.000	PROFESSIONAL SERVICES	STRATEGIC ACCOUNTING & TA	PRE AUDIT WORK	337.50	73307
101-253-801.000	PROFESSIONAL SERVICES	FLEX ADMINISTRATORS, INC.	2019-2020 ANNUAL RENEWAL	225.00	73322
Total For Dept 253 TREASU				562.50	
Dept 265 CITY HALL					
101-265-727.000	OFFICE SUPPLIES	EARLE PRESS INC.	AP CHECKS	273.54	73292
101-265-730.000	POSTAGE	PITNEY BOWES GLOBAL FIN.	LEASING FEE FOR POSTAGE M	150.00	73332
101-265-740.000	OPERATING SUPPLIES	VISA	MERCANTILE VISA STATEMENE	89.53	73310
101-265-740.000	OPERATING SUPPLIES	SUPPLYGEEKS	OFFICE SUPPLIES	54.38	73342
101-265-740.000	OPERATING SUPPLIES	SUPPLYGEEKS	OFFICE SUPPLIES & TOWELS	145.79	73342
101-265-802.000	CONTRACTUAL	STEALTH PEST MANAGEMENT L	PEST MANAGEMENT	50.00	73306
101-265-802.000	CONTRACTUAL	RUESINK, KATHIE	CLEANING SERVICES 8/29-9/	360.00	73336
101-265-850.000	COMMUNICATIONS	LOWELL LIGHT & POWER	ACCESS POINT & ADDORIO/IP	717.21	73326
101-265-920.000	PUBLIC UTILITIES	CONSUMERS ENERGY	ACCOUNT STATEMENTS	261.06	73288
101-265-920.000	PUBLIC UTILITIES	LOWELL LIGHT & POWER	ELECTRIC INVOICES	2,992.33	73328
101-265-930.000	REPAIR & MAINTENANCE	PROGRESSIVE HEATING COOLI	CITY HALL R & M	150.00	73303
101-265-930.000	REPAIR & MAINTENANCE	PROGRESSIVE HEATING COOLI	CITY HALL R & M	915.84	73303
101-265-930.000	REPAIR & MAINTENANCE	BERNARDS ACE HARDWARE	ACCOUNT STATEMENT	7.99	73313
Total For Dept 265 CITY H				6,167.67	
Dept 276 CEMETERY					
101-276-740.000	OPERATING SUPPLIES	TIP TOP GRAVEL CO.	TOP SOIL	475.68	73309
101-276-740.000	OPERATING SUPPLIES	BERNARDS ACE HARDWARE	ACCOUNT STATEMENT	34.98	73313
101-276-740.000	OPERATING SUPPLIES	LUDEMA AND BOYINK	CEMETERY SOD	6.90	73329
101-276-802.000	CONTRACTUAL	KERKSTRA PORTABLE, INC.	PORTABLE RESTROOM - CEMET	90.00	73323
101-276-920.000	PUBLIC UTILITIES	LOWELL LIGHT & POWER	ELECTRIC INVOICES	60.90	73328
101-276-930.000	REPAIR & MAINTENANCE	BERNARDS ACE HARDWARE	ACCOUNT STATEMENT	53.57	73313
101-276-930.000	REPAIR & MAINTENANCE	SELF SERVE LUMBER	ACCUONT STATEMENT	41.85	73339

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Fund 101 GENERAL FUND					
Dept 276 CEMETERY					
Total For Dept 276 CEMETE				763.88	
Dept 301 POLICE DEPARTMENT					
101-301-626.000	REPORTS & FINGERPRINT FEE	STATE OF MICHIGAN	LIVESCAN AUGUST 2019	1,124.50	73341
101-301-626.001	PBT TEST	WEIDMAN, TIM	PBT OVERPAYMENT	15.00	73346
101-301-740.000	OPERATING SUPPLIES	BERNARDS ACE HARDWARE	ACCOUNT STATEMENT	13.99	73313
101-301-740.000	OPERATING SUPPLIES	SUPPLYGEEKS	OFFICE SUPPLIES	33.67	73342
101-301-744.000	UNIFORMS	CURTIS CLEANERS	ACCOUNT STATEMENT	390.50	73319
101-301-850.000	COMMUNICATIONS	LOWELL LIGHT & POWER	ACCESS POINT & ADDORIO/IP	350.60	73326
101-301-930.000	R & M EQUIPMENT	DATAWORKS PLUS LLC	LPD - SCOPE REPAIRS	360.00	73320
101-301-931.000	R & M POLICE CARS	BETTEN BAKER	LPD 2010 CHEVY - DEER ACC	52.00	73314
101-301-955.000	MISCELLANEOUS EXPENSE	VISA	MERCANTILE VISA STATEMENE	140.02	73310
101-301-955.000	MISCELLANEOUS EXPENSE	BERNARDS ACE HARDWARE	ACCOUNT STATEMENT	4.32	73313
101-301-957.000	TRAINING	COHL, STOKER & TOSKEY, P.	CONTRACT NEGOTIATIONS CLA	125.00	73286
101-301-957.000	TRAINING	VISA	MERCANTILE VISA STATEMENE	143.18	73310
101-301-984.000	EQUIPMENT	VISA	MERCANTILE VISA STATEMENE	377.77	73310
Total For Dept 301 POLICE				3,130.55	
Dept 400 PLANNING & ZONING					
101-400-801.000	PROFESSIONAL SERVICES	WILLIAMS & WORKS INC.	PLANNING SERVICES	2,149.00	73348
101-400-801.000	PROFESSIONAL SERVICES	WILLIAMS & WORKS INC.	HIGHLAND HILL CONCO DOC S	65.00	73348
101-400-801.000	PROFESSIONAL SERVICES	WILLIAMS & WORKS INC.	PLANNING SERVICES	1,334.00	73348
101-400-801.000	PROFESSIONAL SERVICES	WILLIAMS & WORKS INC.	PLANNING SERVICES	250.00	73348
Total For Dept 400 PLANNI				3,798.00	
Dept 441 DEPARTMENT OF PUBLIC WORKS					
101-441-727.000	OFFICE SUPPLIES	FANDANGLED CUSTOM APPAREL	DESK BAR - CZARNECKI	83.00	73294
101-441-727.000	OFFICE SUPPLIES	HOOPER PRINTING	CZARNECKI BUSINESS CARDS	38.00	73296
101-441-802.000	CONTRACTUAL	STEALTH PEST MANAGEMENT L	PEST MANAGEMENT	50.00	73306
101-441-850.000	COMMUNICATIONS	COMCAST CABLE	CABLE TV - DPW	45.05	73287
101-441-850.000	COMMUNICATIONS	LOWELL LIGHT & POWER	ACCESS POINT & ADDORIO/IP	190.24	73326
101-441-920.000	PUBLIC UTILITIES	LOWELL LIGHT & POWER	ELECTRIC INVOICES	400.17	73328
101-441-926.000	STREET LIGHTING	LOWELL LIGHT & POWER	ELECTRIC INVOICES	1,132.10	73328
101-441-927.000	REPAIR & MAINT. STREET LI	LOWELL LIGHT & POWER	STREET LIGHT REPAIR	835.70	73279
101-441-927.000	REPAIR & MAINT. STREET LI	LOWELL LIGHT & POWER	ACCESS POINT & ADDORIO/IP	367.44	73326
101-441-930.000	REPAIR & MAINTENANCE	BERNARDS ACE HARDWARE	ACCOUNT STATEMENT	19.90	73313
101-441-930.000	REPAIR & MAINTENANCE	TRACTOR SUPPLY CREDIT PLA	ACCOUNT STATEMENT	27.44	73344
Total For Dept 441 DEPART				3,189.04	
Dept 747 CHAMBER/RIVERWALK					
101-747-920.000	CHAMBER UTILITIES	LOWELL LIGHT & POWER	ELECTRIC INVOICES	164.19	73328
Total For Dept 747 CHAMBE				164.19	
Dept 751 PARKS					
101-751-740.000	OPERATING SUPPLIES	EVERGREEN UNDERGROUND, IN	SPRINKLER REPAIRS	595.78	73293
101-751-740.000	OPERATING SUPPLIES	BERNARDS ACE HARDWARE	ACCOUNT STATEMENT	57.11	73313
101-751-740.000	OPERATING SUPPLIES	TRACTOR SUPPLY CREDIT PLA	ACCOUNT STATEMENT	118.97	73344
101-751-802.000	CONTRACTUAL	KERKSTRA PORTABLE, INC.	PORTABLE RESTROOM - REC P	220.00	73323
101-751-802.000	CONTRACTUAL	PREIN & NEWHOF, INC.	AUGUST STONEY LAKE SAMPLE	620.00	73333
101-751-920.000	PUBLIC UTILITIES	LOWELL LIGHT & POWER	ELECTRIC INVOICES	493.92	73328
101-751-930.000	REPAIR & MAINTENANCE	S.A. MORMAN & CO.	PARKS R & M	95.00	73337
Total For Dept 751 PARKS				2,200.78	
Dept 757 SHOWBOAT					
101-757-920.000	SHOWBOAT UTILITIES	LOWELL LIGHT & POWER	ELECTRIC INVOICES	50.74	73328
Total For Dept 757 SHOWBO				50.74	
Dept 774 RECREATION CONTRIBUTIONS					
101-774-886.000	RECREATION CONTRIBUTIONS	LOWELL AREA RECREATION AU	ANNUAL MAINTENANCE JULY 1	5,000.00	73298
Total For Dept 774 RECREA				5,000.00	
Dept 790 LIBRARY					

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Fund 101 GENERAL FUND					
Dept 790 LIBRARY					
101-790-740.000	OPERATING SUPPLIES	SUPPLYGEEKS	OFFICE SUPPLIES	43.25	73342
101-790-802.000	CONTRACTUAL	STEALTH PEST MANAGEMENT L	PEST MANAGEMENT	40.00	73306
101-790-802.000	CONTRACTUAL	RUESINK, KATHIE	CLEANING SERVICES 8/29-9/	150.00	73336
101-790-850.000	COMMUNICATIONS	LOWELL LIGHT & POWER	ACCESS POINT & ADDORIO/IP	138.94	73326
101-790-920.000	PUBLIC UTILITIES	LOWELL LIGHT & POWER	ELECTRIC INVOICES	1,626.97	73328
101-790-930.000	REPAIR & MAINTENANCE	MODEL COVERALL SERVICE, I	LIBRARY RUGS	281.60	73299
Total For Dept 790 LIBRAR				2,280.76	
Dept 804 MUSEUM					
101-804-887.000	CONTRIBUTIONS & MAINTENAN	STEALTH PEST MANAGEMENT L	PEST MANAGEMENT	40.00	73306
101-804-887.000	CONTRIBUTIONS & MAINTENAN	SELF SERVE LUMBER	ACCUONT STATEMENT	6.49	73339
101-804-887.000	CONTRIBUTIONS & MAINTENAN	TRACTOR SUPPLY CREDIT PLA	ACCOUNT STATEMENT	67.51	73344
101-804-920.000	PUBLIC UTILITIES	LOWELL LIGHT & POWER	ELECTRIC INVOICES	359.41	73328
Total For Dept 804 MUSEUM				473.41	
Total For Fund 101 GENERA				34,552.31	
Fund 202 MAJOR STREET FUND					
Dept 463 MAINTENANCE					
202-463-740.000	OPERATING SUPPLIES	TRACTOR SUPPLY CREDIT PLA	ACCOUNT STATEMENT	18.99	73344
Total For Dept 463 MAINTEN				18.99	
Total For Fund 202 MAJOR				18.99	
Fund 203 LOCAL STREET FUND					
Dept 463 MAINTENANCE					
203-463-740.000	OPERATING SUPPLIES	TRACTOR SUPPLY CREDIT PLA	ACCOUNT STATEMENT	19.00	73344
Total For Dept 463 MAINTEN				19.00	
Dept 474 TRAFFIC					
203-474-740.000	OPERATING SUPPLIES	SELF SERVE LUMBER	ACCUONT STATEMENT	27.99	73339
203-474-740.000	OPERATING SUPPLIES	TRACTOR SUPPLY CREDIT PLA	ACCOUNT STATEMENT	54.52	73344
Total For Dept 474 TRAFFI				82.51	
Total For Fund 203 LOCAL				101.51	
Fund 248 DOWNTOWN DEVELOPMENT AUTHORITY					
Dept 463 MAINTENANCE					
248-463-740.000	OPERATING SUPPLIES	EVERGREEN UNDERGROUND, IN	SPRINKLER REPAIRS	202.20	73293
248-463-920.000	PUBLIC UTILITIES	LOWELL LIGHT & POWER	ELECTRIC INVOICES	458.12	73328
248-463-930.000	REPAIR & MAINTENANCE	BERNARDS ACE HARDWARE	ACCOUNT STATEMENT	9.98	73313
Total For Dept 463 MAINTEN				670.30	
Dept 740 COMMUNITY PROMOTIONS					
248-740-880.000	COMMUNITY PROMOTION	VISA	MERCANTILE VISA STATEMENE	97.51	73310
Total For Dept 740 COMMUN				97.51	
Total For Fund 248 DOWNTO				767.81	
Fund 249 BUILDING INSPECTION FUND					
Dept 371 BUILDING INSPECTION DEPARTMENT					
249-371-802.000	CONTRACTUAL	PROFESSIONAL CODE INSPECT	AUGUST 2019 PERMITS	1,402.20	73334
Total For Dept 371 BUILDI				1,402.20	
Total For Fund 249 BUILDI				1,402.20	
Fund 581 AIRPORT FUND					
Dept 000					
581-000-740.000	OPERATING SUPPLIES	NELSON, ERIC	AIRPORT MOWER GAS	17.34	73300
581-000-740.000	OPERATING SUPPLIES	NELSON, ERIC	AIRPORT GAS/FLY-IN FOOD L	201.00	73331
581-000-740.000	OPERATING SUPPLIES	BOURGETTE, BOB	AIRPORT MOWER GAS	31.00	73315
581-000-740.000	OPERATING SUPPLIES	SCHWEITZER, KEN	AIRPORT LOVE WEEK REIMBUR	264.94	73338
581-000-920.000	PUBLIC UTILITIES	CONSUMERS ENERGY	ACCOUNT STATEMENTS	232.21	73288
581-000-920.000	PUBLIC UTILITIES	CONSUMERS ENERGY	ACCOUNT STATEMENT	26.64	73318
581-000-955.000	MISCELLANEOUS EXPENSE	NELSON, ERIC	AIRPORT GAS/FLY-IN FOOD L	159.00	73331

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Fund 581 AIRPORT FUND					
Dept 000					
		Total For Dept 000		932.13	
		Total For Fund 581 AIRPOR		932.13	
Fund 590 WASTEWATER FUND					
Dept 000					
590-000-043.000	DUE FROM EARTH TECH	LOWELL LIGHT & POWER	ACCESS POINT & ADDORIO/IP	328.49	73326
590-000-043.000	DUE FROM EARTH TECH	LOWELL LIGHT & POWER	ELECTRIC INVOICES	4,592.91	73328
590-000-276.000	Sewer Inside 5/8"	CHATERDON, BRYAN	UB refund for account: 1-	49.84	73285
		Total For Dept 000		4,971.24	
Dept 550 TREATMENT					
590-550-930.000	REPAIR & MAINTENANCE	PLUMMERS ENVIRONMENTAL SE WWTP - VACUUMED & DISPOSA		1,920.00	73301
		Total For Dept 550 TREATM		1,920.00	
Dept 552 CUSTOMER ACCOUNTS					
590-552-730.000	POSTAGE	UNITED STATES POSTAL SERV	AUGUST WATER BILLING	251.00	73278
		Total For Dept 552 CUSTOM		251.00	
		Total For Fund 590 WASTEW		7,142.24	
Fund 591 WATER FUND					
Dept 000					
591-000-276.000	Water	CHATERDON, BRYAN	UB refund for account: 1-	40.71	73285
591-000-276.000	Deposit Refund	SPEERSTRA, JIM	UB deposit refund for acc	130.00	73304
591-000-632.000	METERED SALES-TOWNSHIP	LOWELL CHARTER TOWNSHIP	WATER OVERPAYMENT SEPT 20	5,103.33	73324
		Total For Dept 000		5,274.04	
Dept 570 TREATMENT					
591-570-740.000	OPERATING SUPPLIES	BERNARDS ACE HARDWARE	ACCOUNT STATEMENT	57.95	73313
591-570-740.000	OPERATING SUPPLIES	SUPPLYGEEKS	OFFICE SUPPLIES & TOWELS	63.72	73342
591-570-801.000	PROFESSIONAL SERVICES	PREIN & NEWHOF, INC.	LEAD & COPPER TESTING	378.00	73302
591-570-802.000	CONTRACTUAL	ADT SECURITY SYSTEMS, INC	WTP SECURITY SEPT-NOV 201	119.97	73282
591-570-802.000	CONTRACTUAL	STEALTH PEST MANAGEMENT L	PEST MANAGEMENT	40.00	73306
591-570-802.000	CONTRACTUAL	ENGINEERED PROTECTION SYS	WTP- VIDEO SERVICE OCT-DE	225.00	73321
591-570-850.000	COMMUNICATIONS	LOWELL LIGHT & POWER	ACCESS POINT & ADDORIO/IP	257.50	73326
591-570-864.000	CONFERENCES & CONVENTIONS	BRECKEN, RALPH	MILEAGE AWWA FALL CONFERE	183.86	73316
591-570-920.000	PUBLIC UTILITIES	LOWELL LIGHT & POWER	ELECTRIC INVOICES	4,976.44	73328
591-570-930.000	REPAIR & MAINTENANCE	AMAZON CAPTIAL SERVICES	WTP BEARINGS	111.80	73283
591-570-930.000	REPAIR & MAINTENANCE	VISA	MERCANTILE VISA STATEMENE	190.96	73310
		Total For Dept 570 TREATM		6,605.20	
Dept 571 DISTRIBUTION					
591-571-864.000	CONFERENCES & CONVENTIONS	MI-AWWA PAYMENT PROCESSIN	AMERICAN WATER CONFERECE	590.00	73330
591-571-920.000	PUBLIC UTILITIES	LOWELL LIGHT & POWER	ELECTRIC INVOICES	1,871.15	73328
591-571-955.000	MISCELLANEOUS EXPENSE	STATE OF MICHIGAN	APPL FOR DIST CERT S4 - S	70.00	73305
591-571-955.000	MISCELLANEOUS EXPENSE	VISA	MERCANTILE VISA STATEMENE	218.00	73310
		Total For Dept 571 DISTRI		2,749.15	
Dept 572 CUSTOMER ACCOUNTS					
591-572-730.000	POSTAGE	UNITED STATES POSTAL SERV	AUGUST WATER BILLING	251.00	73278
		Total For Dept 572 CUSTOM		251.00	
		Total For Fund 591 WATER		14,879.39	
Fund 636 DATA PROCESSING FUND					
Dept 000					
636-000-801.000	PROFESSIONAL SERVICES	ADDORIO TECHNOLOGIES, LLC	DATA PROCESSING	620.00	73281
636-000-802.000	CONTRACTUAL	DIGITAL OFFICE MACHINES,	DPW COPY MACHINE CONTRACT	33.07	73291
636-000-802.000	CONTRACTUAL	KORE/HI COM, INC.	CISCO SMARTNET WARRANTY/S	137.00	73297
		Total For Dept 000		790.07	
		Total For Fund 636 DATA P		790.07	
Fund 661 EQUIPMENT FUND					
Dept 895 FLEET MAINT. & REPLACEMENT					

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GL Number	Invoice Line Desc	Vendor	Invoice Description	Amount	Check #
Fund 661 EQUIPMENT FUND					
Dept 895 FLEET MAINT. & REPLACEMENT					
661-895-930.000	REPAIR & MAINTENANCE	BETTEN BAKER	2014 FORD EXPLORER LPD #8	842.11	73284
661-895-930.000	REPAIR & MAINTENANCE	D&D TRUCKING ACQUISITION,	1992 CHEVY DUMP TRUCK	941.24	73290
661-895-930.000	REPAIR & MAINTENANCE	TRACTOR SUPPLY CREDIT PLA	ACCOUNT STATEMENT	49.99	73344
661-895-930.000	REPAIR & MAINTENANCE	TRUCK & TRAILER SPECIALTI	TRUCK W-21 R& M	544.00	73345
Total For Dept 895 FLEET				2,377.34	
Total For Fund 661 EQUIPM				2,377.34	
Fund 703 CURRENT TAX COLLECTION FUND					
Dept 000					
703-000-275.000	DUE TO TAXPAYERS	CURTIS LAUNDRY & DRY CLEA	2019 Sum Tax Refund 41-50	3.00	73289
703-000-275.000	DUE TO TAXPAYERS	HARWOOD JEFFREY S & ANDRE	2019 Sum Tax Refund 41-20	41.31	73295
703-000-275.000	DUE TO TAXPAYERS	THE STATE BANK	2019 Sum Tax Refund 41-20	2,991.03	73308
Total For Dept 000				3,035.34	
Total For Fund 703 CURREN				3,035.34	

09/13/2019 03:01 PM
User: LORI
DB: Lowell

INVOICE GL DISTRIBUTION REPORT FOR CITY OF LOWELL
EXP CHECK RUN DATES 08/30/2019 - 09/13/2019
BOTH JOURNALIZED AND UNJOURNALIZED
BOTH OPEN AND PAID

Page: 6/6

GL Number	Invoice Line Desc	Vendor	Invoice Description	Amount	Check #
Fund Totals:					
			Fund 101 GENERAL FUND	34,552.31	
			Fund 202 MAJOR STREET FUN	18.99	
			Fund 203 LOCAL STREET FUN	101.51	
			Fund 248 DOWNTOWN DEVELOP	767.81	
			Fund 249 BUILDING INSPECT	1,402.20	
			Fund 581 AIRPORT FUND	932.13	
			Fund 590 WASTEWATER FUND	7,142.24	
			Fund 591 WATER FUND	14,879.39	
			Fund 636 DATA PROCESSING	790.07	
			Fund 661 EQUIPMENT FUND	2,377.34	
			Fund 703 CURRENT TAX COLL	3,035.34	
				<hr/>	
				65,999.33	

Memorandum



DATE: September 12, 2019

TO: Michael Burns, City Manager

FROM: Daniel Czarnecki, Public Works Director

PUBLIC WORKS

RE: Asset Management Plan

Recently, all the streets in the City of Lowell were reviewed and the road surfaces evaluated and rated utilizing the PASER surface rating system. From the evaluation it has been determined 91% of our streets fall into a fair or poor rating. A city streets ratings map is provided. With discussions and informational meetings soon to be taking place, we have taken our entire street system and developed a Streets Asset Management program. The program has been combined with our Sanitary Sewer Asset Management Plan and our Water Asset Management Plan, to develop an overall 15-year Infrastructure Management Plan.

The plan takes into account making the necessary underground repairs at the same time sections of streets are improved. Because of the included underground work the number of streets to be resurfaced varies each year. I believe the plan is very buildable as we have developed it. We have concentrated the plan to hit specific neighborhoods of the City, instead of jumping around to all different sections of the community each year. This keeps the construction inconvenience to small areas at a time. This also allows us to complete an area before moving on, without the need to return for several years. We will also be able to control the heavy construction vehicles and keep them off the newly resurfaced/reconstructed streets as future project years come along.

It should be noted as the streets are improved it is imperative the City keeps up on the routine maintenance of the streets as time goes on. This will help extend the useful life of the street surface. The routine maintenance may begin on streets before all streets within Lowell are resurfaced.

Funding for the Infrastructure Management Plan has been established utilizing the anticipated Income Tax revenues, along with projected Transportation Improvement Program (TIP) funding and utility fund reserves. The TIP funding can only be procured for streets on the Federal National Function Classification (NFC) Transportation Map, which includes Gee, Foreman, and Bowes.

The Infrastructure Management Plan consists of several types of repairs, depending on the street conditions and the need for underground utilities. Where there is a need for utility improvements the streets would see reconstruction (new sand subbase, gravel base and asphalt) as the excavations of utilities would remove most of the existing materials. Where no major

underground work is necessary the plan would call for surface removal, either by milling the existing asphalt or complete removal of the deteriorated asphalt. The existing gravel would be repaired as needed, graded to provide positive drainage, and the street would be repaved with the appropriate thickness of asphalt (3-4 inches thick depending on the street designation and types of traffic).

There is a "mix-of-fixes" that are utilized to help keep streets in good condition. This includes sealing of cracks, light coatings of asphalt, micro-sealing of street surfaces, thin asphalt overlays, chip sealing, etc. As our program starts up, in the first few years there would be work performed on the street surfaces that are in good to fair condition to help extend the useful life of the surface. This work would start as crack sealing to fill any cracks before they can become pothole. Most of this work would take place on streets that we resurfaced in the past 5-10 years. I would expect the public to question our thinking of spending time/funds to work on streets that are in better shape than many others in town. The answer to this is we want to keep the streets in the best condition possible for the longest time period possible, with the end result to keep them from falling into the disrepair we see today.

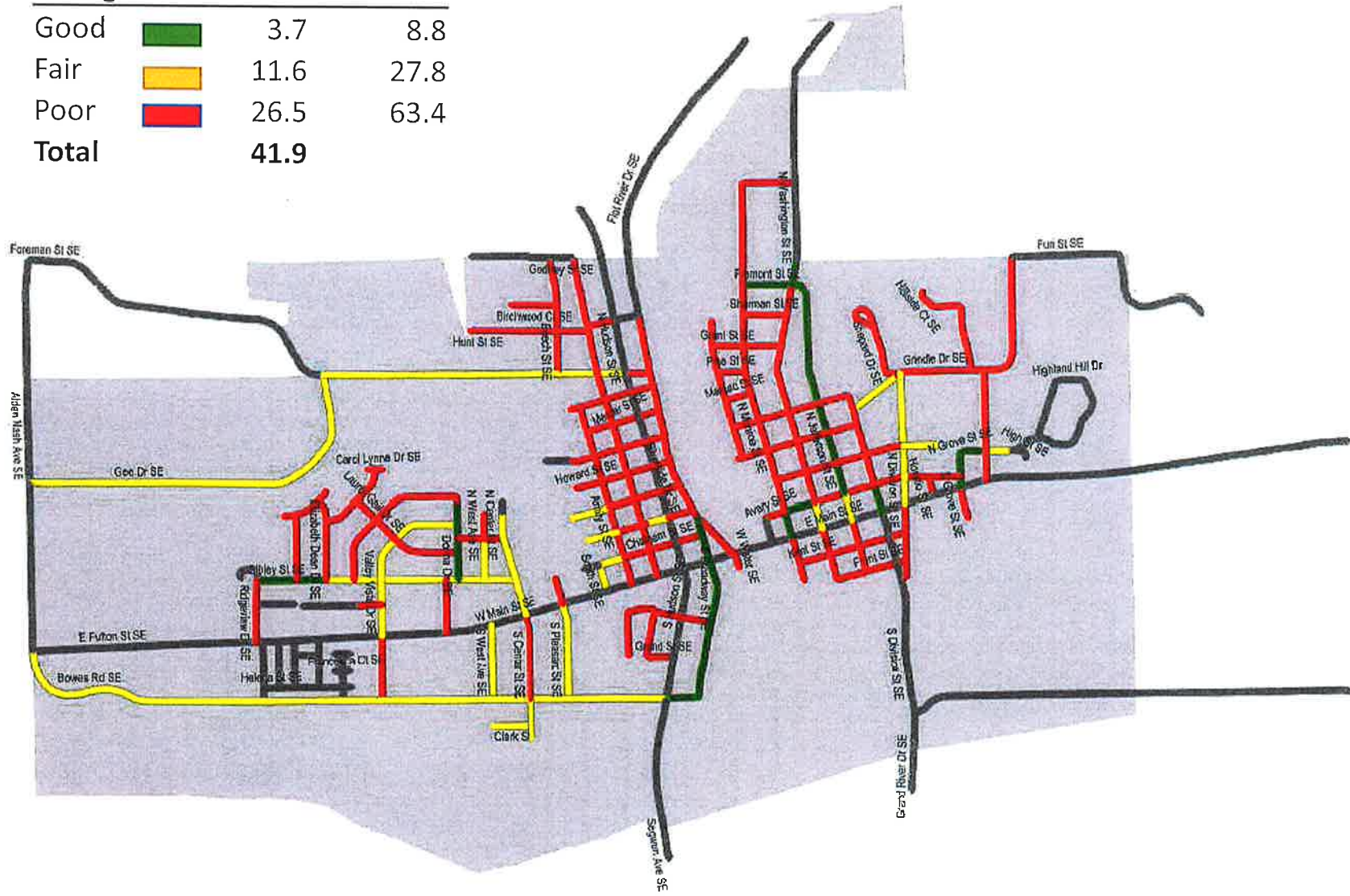
The 15-year plan is very tentative. I am comfortable with the proposed work anticipated in the first 2 years of the plan. Year 1 would see watermain and sanitary sewer replacement on portions of Elm, Chatham and Lincoln Lake. We understand the traffic utilization and needs of Amity from Main to Foreman, so that portion would also be included for resurfacing in the first year. As mentioned earlier, cracksealing would also be included. Year 2 is the Monroe St. project that we are anticipating receiving State transportation funding to help with the project. There is watermain and sanitary sewer work needed in this area. Included in the Year 2 project would also be Lafayette St. and the connector streets between Lafayette and Monroe. The third year would be resurfacing of much of the Valley Vista subdivision, provided we can pull together the needed funding. An overall map showing the proposed infrastructure work for the 15-year period from 2021 through 2035 will be available at the Monday council meeting.

Because of the number of variables out of our control, the plan will need to be reviewed annually. Costs of construction, availability of materials, unforeseen water and sewer issues, other private utilities, possible drainage problems to resolve, etc., all need to be addressed as we move forward. While today we anticipate our plan to cover the entire community in 15 years, there is a good possibility the street plan will need to change as the years go by.

Final notes: Without a large funding source our Infrastructure Improvement Plan will need to be significantly revised and altered. As we move forward with our plan, we would be contacting all the other underground (and above ground) private utilities. We will let them know of our plan and allow them to make any improvement and repairs to their infrastructure prior to the City of Lowell starting our projects. Also, Main St (M-21) is an MDOT roadway that is maintained by MDOT funds. Hudson St. is a county road maintained by Kent County Road Commission funds. We would discuss with them their management plans for those streets within the City of Lowell to assure they too will continue to be maintained to a high standard.

LOWELL STREET ASSET MANAGEMENT: Last PASER Ratings

Current Values			
Rating		Lane Miles	%
Good		3.7	8.8
Fair		11.6	27.8
Poor		26.5	63.4
Total		41.9	

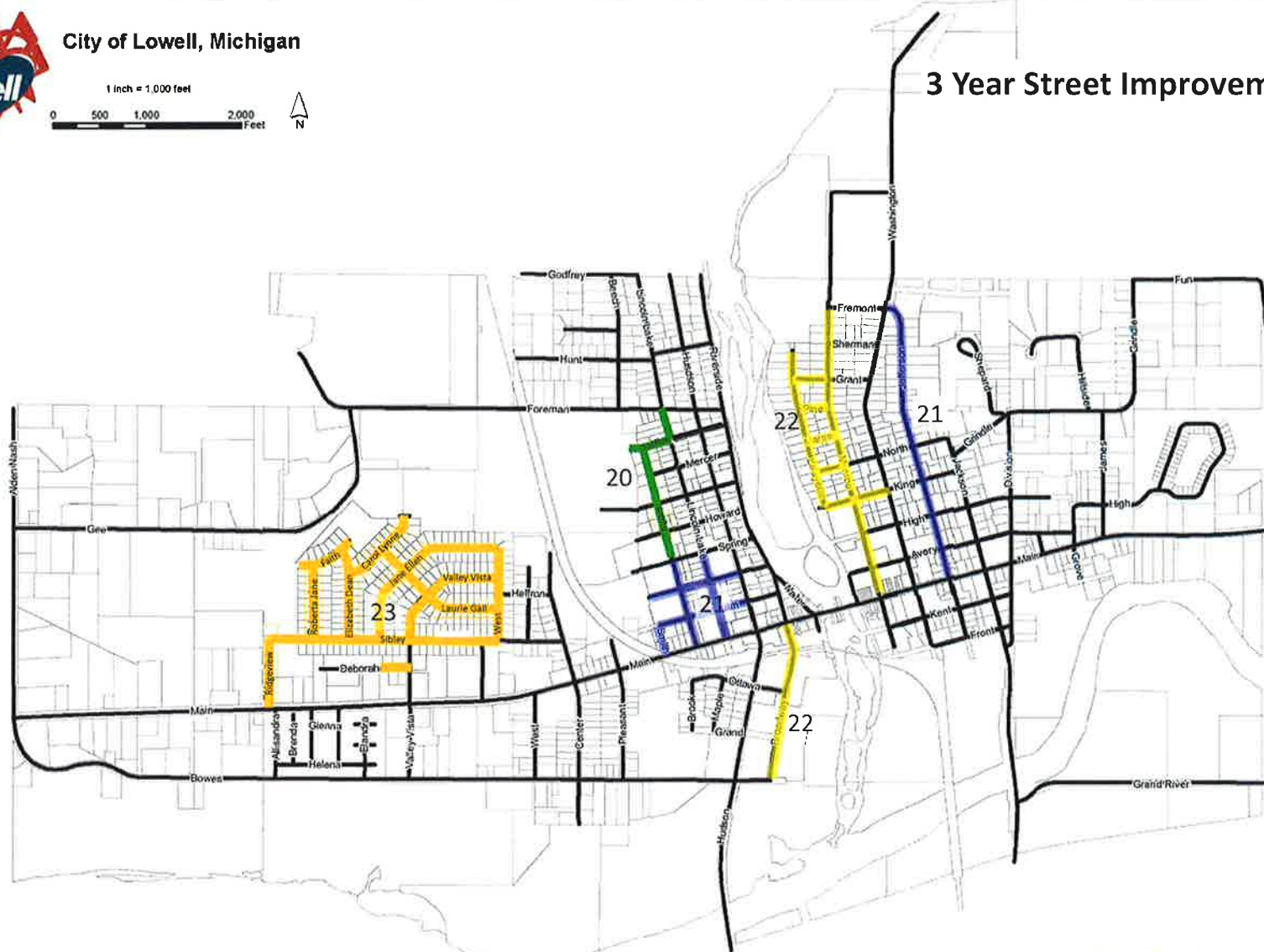


1 inch = 1,000 feet



3 Year Street Improvement Areas

2021	
2022	
2023	





LOWELL CITY ADMINISTRATION
INTER OFFICE MEMORANDUM

DATE: September 13, 2019

TO: Mayor DeVore and the Lowell City Council

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

RE: Unity Schools Investors Planned Unit Development

At the September 3, 2019, City Council meeting, City Council directed City Administration to prepare an ordinance to approve the Planned Unit Development Agreement with Unity Schools Investors. We were directed to prepare language in the ordinance with two modifications from the original conditions recommended from the Planning Commission August 12, 2019 resolution.

Those modifications were the following:

- Remove recommendation “j”; requiring eighteen spaces located on to be dedicated to parking for the proposed PUD and deed restrict those spaces.
- Add a new provision “j” to the ordinance stating, “The applicant shall install a curb, gutter, and sidewalk along the south side of the development, along the north side of High Street, but outside of the High Street right-of-way. There shall be no curb cuts on the north side of High Street.”

Attached is an ordinance presented in the form requested by the City Council at their September 3, 2019 meeting. This should meet your concerns and can be voted on.

williams&works

engineers | surveyors | planners

MEMORANDUM

To: Lowell City Council
Date: August 29, 2019
From: Andy Moore, AICP
Whitney Newberry
RE: Riverview Flats – PUD Review

Unity School Investors, LLC has submitted an application for a PUD located at 219 High Street (PPN 41-20-02-260-003). The purpose of this memorandum is to review the PUD plan pursuant to Chapter 15 of the Lowell Zoning Ordinance.

Background. The applicant owns two parcels (219 and 238 High Street), however, only 219 High Street is the subject of this application. The subject property is within the Mixed Use district zoning and a portion of the subject property (219 High Street) is located within the Floodplain Overlay district. The total acreage of 219 High Street is approximately 2.0 acres.



The applicant has proposed a condominium project on the subject property, which would include redevelopment of the existing Unity School building and bus garage, known as "Riverview Flats." The applicant is proposing three phases during the project.

The first phase would convert the former bus garage (on the western portion of the site) into 14 residential condominiums. In order to achieve this, the applicant has proposed an additional story to be constructed on top of the building. This first phase would also include the construction of four enclosed private garages for condominium residents. Access to these condominiums is proposed through the construction of private drives from King Street and Monroe Street. This phase is expected to take approximately one year.

The second phase of Riverview Flats would renovate the existing Unity School building into new condominium units. The applicant has indicated that this building will accommodate approximately 16 residential units. A parking lot for these units is proposed on the east side of the school building with internal access from the private drive created during phase 1. A portion of the former Unity School building currently extends into the High Street right-of-way, which is

not allowed. However, the applicant has indicated on the site plan that this portion will be removed.

The project's third phase would involve the construction of residential units in new buildings on the northeastern corner of the property. There are no buildings presently on this portion of the site. These residential units would be located in two buildings and access would be provided via the private drives from Monroe Street and King Street that were constructed during Phase 1. The applicant has indicated that approximately 14 residential units will be in these buildings comprising Phase 3.

The Planning Commission recommended approval of the project to the City Council during its regular August Planning Commission meeting. At its September meeting, the City Council must hold a public hearing prior to making a decision on the proposed PUD. The Commission included several conditions in its recommendation, which are included at the end of this memorandum.

Objectives and Qualifying Conditions. In accordance with Section 15.02 of the City of Lowell Zoning Ordinance, the City Council shall consider the degree to which the proposed PUD satisfies the objectives and qualifying conditions for PUDs. These objectives are listed below, along with our remarks on each.

Objectives

1. To encourage the provision and protection of open spaces, cultural/historic resources, the development of recreational amenities, and, where included in the plan, other support facilities in a generally central location within reasonable distance of all dwelling units.

Remarks: The proposed development includes the redevelopment of the former Unity School building and bus garage. Preservation of these old structures aligns with the City's value of preserving historic buildings. Since many Lowell residents attended Unity School, its preservation would retain some historic qualities of the building that may be appreciated by residents. Additionally, the PUD plan involves the creation of several residential units near the downtown area. Although the development is not proposing additional support facilities, the location of residential units near the downtown area may allow residents to have access to other support facilities in a walkable environment.

The applicant has included designated open space areas in the plan. This open space includes all areas that do not have structural development. The largest and most prominent open space area is located in the southwestern corner of the subject property. This area has an existing concrete base and the applicant is proposing landscaped islands within the area. There are also smaller sodded open space elements that exist primarily in the corners of the site. The designation of open space on the site plan adheres to this objective. However, the provided open spaces should be considered for their ability to function for the provision or protection of open areas on the property. The size of the parcel limits the amount of open space that may be provided in this

development; however, it does not appear that many of the designated open space areas were designed with the purpose to function as an open space. Yet, in an urban setting, significant open space is not always desired or necessary. Therefore, the role of open spaces in the development should be considered by the City Council.

Recreational activities may be encouraged by the development's proximity to a boat launch on High Street and other City parks, services, and the Riverwalk. However, specific recreational amenities are not included on the plan or described in the narrative. This should also be considered by the City Council.

2. To encourage developers to use a more creative and imaginative approach in the development of property.

Remarks: The applicant indicated in the project narrative that previous developers interested in this property had proposed to demolish the existing buildings. The applicant has ostensibly approached this development with the objective of preserving the existing buildings. In order to renovate these buildings, a creative design is required that appears to be somewhat limited through the strict application of the current Mixed Use zoning district standards. Specifically, Mixed Use zoning requires a minimum building frontage of 80% in primary front yards and 50% in secondary front yards, in accordance with Section 16A.04. Because the subject property is a corner lot surrounded by three rights-of-way, the parcel has three front yards. Creating a design that retains the existing buildings and meets the primary and secondary front yard coverage requirements would be difficult, if not impossible, under the strict requirements of the underlying Mixed Use district. Additionally, the mixed use zoning designation does not allow off street parking in the front yard, which limits the amount of parking available for residents. Thus, through PUD rezoning, it appears that a more creative approach is possible that may not have been otherwise feasible if the requirements of the underlying zoning district were applied.

3. To allow for market-driven development or redevelopment in places that are most conducive to accommodating additional activity.

Remarks: A cursory review of relevant market data trends suggests that the Lowell housing market is competitive. The proposed development site is located in downtown Lowell, along the Flat River, and adjacent to residential neighborhoods, public facilities, and services. Adequate infrastructure is already in place and accessible at the subject property, so the property is well-positioned as an ideal infill site where relatively dense residential densities are appropriate. If there are concerns about the overall viability of the project, the City Council may request additional evidence from the applicant in order to show that there is demand for the project that would reflect the desire to encourage market-driven redevelopment activity.

4. To facilitate economic development through the creation of a mix of uses and/or building types.

Remarks: The applicant has indicated in the project narrative that the project “will generate new real estate tax revenue for the City” as well as “new economic benefits for local businesses with the redevelopment of multiple buildings.” It is possible that the proposed PUD would result in increased property values, as each condominium unit would pay property taxes. The combination of redevelopment and new construction appears to provide a variety of building types that could lead to a successful development. The location of the development near the downtown area can also be expected to generate local economic activity, although this effect will not likely be easily noticeable since only a total of 44 units are proposed. Nevertheless, if successful, the proposed project would likely contribute positively to economic development in the City.

5. To create walkable developments with pedestrian-oriented buildings and open space that connects to nearby destinations or neighborhoods.

Remarks: The proposed development is located near the Lowell Riverwalk. This walkway is already connected to sidewalks surrounding the proposed development and will facilitate pedestrian traffic between residential neighborhoods and the downtown area. The applicant has also proposed sidewalks within the development, connecting to surrounding sidewalks on the northern and eastern property boundaries.

The applicant has indicated open space areas on the site plan. A small open space is located in the northeast corner of the property. The landscape plan includes some landscaping at this location, but it does not appear to be intended for public use. Further, there is a portion of concrete space located in the southwest corner of the subject property, adjacent to the former Unity School building. The landscape plan shows several landscape islands in this location; however, the purpose of this space is unclear from the plan. While the proposed development provides minimal open space, a significant amount of open space is not likely necessary in a downtown setting. The City Council should discuss whether the proposed open space is sufficient and appropriate.

6. To provide for the adaptive re-use of significant or historic buildings;

Remarks: The applicant has proposed to reuse the former Unity School building and bus garage. This will retain some local cultural and historic characteristics, as many of Lowell’s residents attended the school over the years prior to its closure. Thus, the development appears to provide for the adaptive re-use of significant buildings in the community.

7. To allow phased construction with the knowledge that subsequent phases will be approved as originally planned and approved by the city.

Remarks: The applicant has proposed a phased development with a total of three phases. It is important to note that phases one and two of the development will need to exist and function both independently and collectively. Most multi-phase projects take years to reach full build-out, so it is important that each development phase of the development is fully functional on its own, so that the project is functional if subsequent

phases are not developed for long periods of time. The portion of the school building that protrudes into the High Street right of way will need to be addressed in detail in phase 2, although the City Council may request additional information regarding how this will be handled. Further, if the PUD rezoning is approved, each phase will be required to secure site plan approval from the Planning Commission, who will need to verify that the phase, when presented, is consistent with the original PUD rezoning approval.

8. To promote flexibility in design and to permit planned diversification in the location of structures.

Remarks: The proposed development is designed so as to utilize the existing buildings on the site. Rezoning to PUD allows greater flexibility in requirements such as parking, setbacks, and front yard build-to zone requirements. Therefore, it appears that rezoning to PUD would allow for diversification in the location of structures, since the development is already somewhat limited by utilizing existing buildings.

9. To promote the efficient use of land to facilitate a more economic arrangement of buildings, circulation systems, land use, and utilities.

Remarks: Because two buildings already exist on the subject property, utilities are readily available for redevelopment. Redevelopment of existing buildings also contributes to the conservation and efficient use of building materials. Therefore, it appears as though the proposed development would offer an efficient arrangement of buildings and utilities.

Vehicular circulation appears to be efficiently designed to facilitate traffic between different buildings. Internal sidewalks provide logical connections to existing sidewalks bordering the subject property and within the site. Therefore, it appears as though the proposed arrangement would promote efficient use of buildings, circulation systems, land use, and utilities.

10. To minimize adverse traffic impacts and to accommodate safe and efficient pedestrian access and circulation;

Remarks: Internal vehicular access is proposed through a private drive with two curb cuts: one on King Street and one on Monroe Street. It appears as though this design would not adversely impact traffic.

Pedestrian circulation includes connections to existing sidewalks bordering the subject property. A sidewalk is also proposed between the former Unity School building and parking lot, which facilitates an internal connection to another sidewalk. Internal sidewalks also connect the former bus garage, the former Unity school, and internal parking spaces developed during phase 2 to existing sidewalks along Monroe Street and King Street. The sidewalks do not connect to the Lowell Riverwalk internally, but connect to the existing sidewalk along King Street, which has a connection point to the Riverwalk. The Riverwalk may also be accessed via the High Street right-of-way.

Additionally, as described above, the southeast portion of the development includes a concrete area with landscape islands. It is unclear whether this is intended to function for pedestrian circulation. The City Council may discuss safe and efficient pedestrian access and circulation with the applicant.

11. To provide for redevelopment of sites and/or buildings that are under-developed or have fallen into disrepair;

Remarks: The former Unity School building and bus garage are vacant buildings and have begun to fall into disrepair. The proposed PUD plan would redevelop these buildings and restore them to a useful state.

12. To combine and coordinate architectural styles, building forms, and building relationships within the PUD; and

Remarks: The exteriors of existing buildings are consistent with each other. The applicant has indicated in the project narrative that new materials will coordinate and complement the architectural styles and building forms that currently exist. The applicant has submitted building elevations for the phase 1 development, and some renderings of this phase are found on the project website. The City Council may discuss architectural styles and building forms with the applicant to ensure they are consistent throughout the development.

13. To ensure a quality of construction commensurate with other developments within the city.

Remarks: In the applicant's narrative, it is stated that the "quality of construction will meet or exceed that of other buildings in and around the City." If desired, the City Council may ask for additional information regarding how the applicant intends to ensure quality of construction, although the preliminary indications are that the materials would be of an acceptable quality.

Qualifying Conditions

1. Ownership. The tract of land for which a PUD application is received must be either in one (1) ownership or with written approval of the owners of all affected properties.

Remarks: The former Unity School building extends into the High Street right-of-way. However, the applicant has indicated on the site plan that the portion extending into the right-of-way will be removed to the property line. Therefore, there are no owners of affected properties associated with this development and the PUD application is in one ownership. Subject to the removal of the portion of the former Unity School building in the right-of-way, this condition is met.

2. Conditions. To be considered as a PUD, the proposed development must fulfill at least one (1) of the following conditions:

- a. The PUD contains two (2) or more separate and distinct uses, for example, residential dwellings and office or commercial uses;
- b. The PUD site exhibits significant natural features encompassing at least twenty-five (25) percent of the land area of the PUD which will be preserved as a result of the PUD plan.
- c. The PUD is designed to preserve, in perpetuity, at least sixty (60) percent of the total area of the site as open space.
- d. The PUD constitutes a significant redevelopment of an underutilized or vacant property where conventional development may not be feasible.

Remarks: It appears as though the PUD Plan fulfills letter (d), as it proposes to redevelop two existing buildings and construct two new buildings on what is presently an underutilized property. Conventional development that complies fully with the underlying Mixed Use zoning regulation may be infeasible unless the buildings are razed. Due to the intent to preserve their historic and cultural character, it appears as though this PUD plan would constitute a significant redevelopment of the vacant property.

3. Master Plan. The applicant shall demonstrate that the proposed PUD is consistent with the adopted master plan.

Remarks: The future land use map shows the subject property in the Mixed Use designation, which is intended to permit a mixture of residential, office, and commercial land uses. This category may include redevelopment of existing areas or new construction and should promote pedestrian accessibility. The intended development appears to align well with the Plan's Mixed Use future land use category.

PUD Plan and Rezoning Standards. Section 15.10 of the Zoning Ordinance sets forth standards that shall be utilized by the Planning Commission and City Council in reviewing a PUD plan and request for PUD rezoning. These standards are below, along with our remarks on each.

1. The proposed PUD complies with the purpose and qualifying conditions of sections 15.01 and 15.02.

Remarks: The proposed PUD appears to comply with the purpose and qualifying sections of 15.01 and 15.02. However, there are a few objectives that may be questionable due to the current design of the plan. These are primarily related to open space.

2. The uses conducted within the proposed PUD, the PUD's impact on the community, and other aspects of the PUD are consistent with, and further implement the policies of, the adopted master plan.

Remarks: The future land use map shows the subject property in the Mixed Use designation, which is intended to permit a mixture of residential, office, and commercial land uses. This category may include redevelopment of existing areas or new construction and should promote pedestrian accessibility. The intended development appears to align well with the Mixed Use category. The Master Plan does not consider PUDs on the future land use map.

The PUD plan may be supported through some of the Master Plan's goals and objectives. The Master Plan's goal for Community Image promotes Lowell's image as a historic community with natural resources such as the Flat River. Objectives include measures to improve access and views to the Flat River and restoration of buildings to their original style. Encouraging river access and views may include "demolition of view blocking buildings and structures, building of paths, construction of view overlooks, and others." The proposed PUD plan does not propose additional buildings along the riverfront. The addition of a second story on the bus garage may contribute to diminishing the viewshed; however, the extent to which this would occur is unclear. The residential units in the former bus garage would allow those owners river views.

The Community Image goal also includes an objective to encourage the restoration of building fronts to their original style. By preserving the existing buildings on the site, the applicant may retain their original style. The development appears to support this objective. The applicant has submitted building elevations for phase 1. It does not appear that the new construction would significantly diminish the original historic character of the site. However, the City Council may request additional information regarding building styles and architecture in order to ensure that the building fronts and new construction would not diminish the historic character of the site.

The Master Plan also lists a Land Use goal to "promote a walkable community with stable neighborhoods, and conveniently located public, commercial, and service uses." Objectives include improved pedestrian access to the Flat River, a land use pattern to facilitate walking to and within the downtown area safer and easier, and encouragement of new development in and around the downtown area. The PUD plan appears to align well with the objective for encouraging new development in and around the downtown area. The placement of residential units at this location appears to support this objective of building off of the downtown as the heart of Lowell.

Lastly, the Master Plan defines Housing goals, desiring a variety of housing opportunities on a range of lot sizes to provide affordable housing. The applicant has not submitted any information regarding the targeted income level of these housing units. However, the primary housing types in the surrounding area are single-family residential homes, and some residential-over-retail dwellings along Main Street. The presence of attached condo units may provide diversity in the housing market through different types of units and lot size, as there are few attached condos in the City at present.

3. The proposed PUD shall be designed, constructed, operated, and maintained in a manner harmonious with the character of adjacent property, the surrounding uses of land, the natural environment, and the capacity of public services and facilities affected by the development.

Remarks: The Single or Two Family Residential district is located north and east of the subject property and the Public Facilities district is located south and west of the subject property. Uses on adjacent Public Facilities property include the Kent District Library and a small public park with a riverfront walkway. A school is also located in the immediate area. Because the proposed PUD is residential in nature, it appears that the use would be harmonious with the character of the surrounding uses. The PUD plan depicts a higher density than that allowed in the neighboring residential uses. However, because the subject property is also adjacent to the Public Facilities district and the riverfront walkway, the increased density may be more compatible and appropriate at this site, and offer a transition between the lower-intensity neighborhoods to the north and the more intense uses in downtown Lowell.

The subject property contains minimal natural features. The landscape plan submitted by the applicant indicates an increase in overall vegetative density on the site as a result of the development. Therefore, it appears that the natural environment will remain harmonious with the surrounding area.

Because this site was the former location of Unity School, public facilities and services are already available for use. It is expected that the capacity of public services and facilities would support the intended development. However, the City Council may request additional comments and approval from the City Engineer and DPW.

4. The proposed PUD shall not be hazardous to adjacent property or involve uses, activities, materials, or equipment that will be detrimental to the health, safety, or welfare of persons or property through the excessive production of traffic, noise, smoke, fumes, or glare.

Remarks: The proposed PUD is residential in nature and therefore not expected to involve uses, activities, materials, or equipment that will be detrimental to the health, safety, or welfare of persons or property through excessive production of traffic, noise, smoke, fumes, or glare. The development is likely to have some impact on traffic in the area, as 44 new housing units would eventually be created. Because the development can be accessed via King Street and Monroe Street, it appears as though traffic will be distributed so as not to overload one particular area. Further, many of the future residents may walk to destinations in downtown Lowell, reducing the number of vehicle trips needed.

5. The proposed PUD shall not place demands on public services and facilities more than current or anticipated future capacity.

Remarks: The City Council may request approval of public service and facility capacities by the City Engineer and DPW. This may be addressed as a condition of approval.

6. The proposed PUD shall satisfy all applicable local, state, and federal laws, rules and, regulations.

Remarks: This may be addressed as a condition of approval.

Floodplain Overlay District Standards. A portion of the subject property is located within the Floodplain Overlay District; therefore, the standards and regulations of Chapter 14 apply to all proposed uses in that district. Section 14.04 of the Zoning Ordinance sets forth additional standards that shall be utilized by the Planning Commission and City Council in reviewing the PUD plan and request for PUD rezoning. These standards are below, along with our remarks on each.

1. "Development, including the erection of structures and placement of manufactured homes, within the floodplain overlay district shall not occur except in accordance with the requirements of ... the following standards":

1. The requirements of this chapter shall be met.

Remarks: This may be addressed as a condition of approval.

2. The requirements of the underlying zoning district and applicable general provisions of this ordinance shall be met;

Remarks: Contingent upon the applicant's conformance to the applicable standards for PUD approval, this standard would be met.

3. All necessary permits shall have been issued by the appropriate local, state, and federal authorities, including a floodplain permit, or letter of no authority from the Michigan Department of Natural Resources under authority of Act 451, of the Public Acts of 1994, as amended. Where a permit cannot be issued prior to the issuance of zoning compliance permit, a letter from the issuing agency indicating intent to issue contingent only upon proof of zoning compliance shall be acceptable.

Remarks: The proposed project may require a Part 31 permit from the Michigan Department of Environmental Quality (DEQ). So far, no permits related to development in the floodplain have been submitted to our knowledge. This may be addressed as a condition of approval.

4. The proposed use and/or structure(s) shall be so designed as not to reduce the water impoundment capacity of the floodplain or significantly change the volume or speed of the flow of water.

Remarks: The City Council may request review by the City Engineer regarding the applicant's grading and stormwater management design to ensure the floodplain capacity, volume, and speed of water will not be significantly changed.

5. Utilities, streets, off-street parking, railroads, structures, and buildings for public or recreational uses shall be designed so as not to increase the possibility of flood or be otherwise detrimental to the public health, safety, and welfare.

Remarks: Portions of land in phases 1 and 2 are within the 100-year floodplain. It appears as though utilities, streets, off-street parking, railroads, structures, and buildings for public or recreational uses are designed so as not to increase the possibility of flood or be otherwise detrimental to the public health, safety, and welfare. However, any infill or construction activity that displaces 200 cubic yards or more may require a compensating cut nearby so as not to increase the base flood elevation for the remainder of the area. The City Council may defer to the City Engineer regarding additional comments related to increased flood risk.

2. Specific base flood elevation standards:

1. On the basis of the most recent available base flood elevation data all new construction and substantial improvements shall have the lowest floor, including basements, elevated at least one (1) foot above the flood level; or for nonresidential structures, be constructed such that at or below base flood level, together with attendant utility and sanitary facilities, the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall certify that these standards are met and that the floodproofing methods employed are adequate to withstand the flood depths, pressures, velocities, impact, and uplift forces and other factors associated with the base flood in the location of the structure. Such certification shall be submitted as provided in this ordinance and shall indicate the elevation to which the structure is floodproofed.

Remarks: The applicant has not submitted a plan detailing structural improvements related to flooding. It is unclear from the site plan whether the proposed developments in the floodplain will be elevated at least one foot above the flood level. The City Council may address this with the applicant.

2. The most recent flood elevation data received from the Federal Insurance and Mitigation Administration (FIMA) shall take precedence over data from other sources.

Remarks: This may be addressed as a condition of approval.

Discussion. It is recognized that the PUD approval process involves much collaboration and communication between various parties. This review is more complex than most due to the review procedures, property involved, and phased nature of the development. If approved, the PUD plan provides the basis to which site plans for subsequent phases must adhere, so it is imperative that potential issues or uncertainties regarding the PUD plan be discussed at the project's outset. With this in mind, the City Council should discuss the following topics:

- **Open space.** As a condominium development, open spaces are generally owned and maintained by a developer or condominium association. Undeveloped or improved open areas are often identified as a general common element. Accordingly, the applicant has indicated "open space" on all areas that are not proposed for development. However, the purpose of open space should be discussed. According to Section 15.06 (B) of the Ordinance, open space areas "shall be large enough and of proper dimensions so as to constitute a useable area, with adequate access...such that all properties within the entire PUD may reasonably utilize the available open space." As identified by the Ordinance, open space areas are intended to provide usable areas for residents and be in joint ownership of all property owners within the PUD. The City Council may discuss whether all designated open space areas on the site plan are in agreement with the description of open space in Section 15.06 of the Ordinance. This may include discussion regarding the size, desired dimensions, access points, and potential utilization of such areas.

Additionally, the City Council may discuss maintenance of open spaces with the applicant. This may take the form of a property owner's association or similar entity, which must be approved by the City. This may further describe the role of residents in contributing to the upkeep of the property and the arrangement of maintenance to ensure future upkeep of the property. Condominium bylaws and a master deed addressing these issues should be provided to the City for review prior to authorization.

- **Architectural compatibility.** It is recognized that the proposed development is a long-term project that will involve the collaboration of many parties. In order to ensure consistent architectural standards between each phase, it may be helpful for the City Council to discuss architectural compatibility with the surrounding properties. This may include a discussion of the applicant's intended building forms, the role of architecture in preserving the historic character of the site, and use of similar building materials within each phase.
- **Proximity to downtown.** From a holistic planning perspective, this proposal seems to be consistent with the Master Plan and City's vision for development through the preservation of historic buildings, potential contribution to a walkable community, and redevelopment of a vacant area. The placement of features in close proximity to the downtown area would likely support the economic development of downtown while offering significant improvement to an underutilized site. The site's location would facilitate pedestrian traffic to the downtown area, enhancing residential connections. It would also seem to provide an appropriate transition between less dense residential

uses and the downtown commercial and public uses. The City Council may further consider how this development's location and function would impact the downtown area and its consistency with the Master Plan considering its proposed use, phased development, transitional function, and aesthetic impact.

- **Parking.** Concern was expressed from the Planning Commission and the public regarding the proposed parking on the site plan. The PUD is proposed to contain a total of 44 dwelling units in three phases, and the applicant proposes to serve these units with 49 parking spaces on the property. Section 19.07 of the Zoning Ordinance requires two parking spaces for each residential unit in a multiple-family use, for a total requirement of 88 parking spaces. Thus, the applicant is short of the minimum requirement by 39 spaces. Parking for the site is provided as follows:

Phase	# Units	Parking Required	Parking Provided	Difference
1	14	28	22	-6
2	~16	32	10	-22
3	~14	28	17	-11
Total	44	88	49	-39

The applicant's property is located within the MU Mixed Use district. Section 19.02(B) allows on-street or off-street public parking within 400 feet of the property to be counted toward the required minimum parking. The applicant has submitted a review of available parking within 400 feet of the proposed development, and has indicated that 103 spaces are within 400 feet, and that the parking requirements of the Zoning Ordinance are met.

In order to help reduce the number of public parking spaces being used by residents of Riverview Flats, the Planning Commission recommended that 18 spaces located at 238 High Street be permanently dedicated to the development and be allocated as Riverview Flats parking only. While not part of this PUD, 238 High Street is owned by the applicant and contains 18 parking spaces. If those 18 spaces were included in this PUD, it would reduce the number of additional public spaces needed to 21. The Planning Commissions found this acceptable, after reviewing relevant data from ITE and other sources.

It should be noted that these 21 public spaces that would be counted toward the required minimum are also used (and intended to be used) by the public, including Lowell residents, employees, and visitors. There is also a perception that parking downtown is scarce, and allowing a private developer to utilize public parking for future residents may, for some, be a cause for concern.

Further, it should also be noted that the City of Lowell Zoning Ordinance requires the same amount of parking (2 per dwelling) for all residential uses (single, two-family, and multi-family) and does not distinguish between urban and suburban areas, so it is possible that these standards may require more parking than is necessary for urban multi-family projects. Generally, fewer spaces are needed for higher-density urban developments than what is currently required in the City of Lowell Zoning Ordinance.

Conclusion. At the September 3, 2019 public hearing, the City Council should discuss the site and carefully consider any comments from the applicant and the public. In addition to the overall project, the following specific items should be discussed by the City Council:

1. Whether the applicant should provide relevant market data showing that the development in this location is appropriate.
2. The intended land use for the concrete area located in the southwestern portion of the subject property.
3. If the quality of construction will meet or exceed that of other buildings in and around the City.
4. Whether the applicant has sufficiently demonstrated if the proposed PUD is consistent with the adopted Master Plan.
5. Whether the capacity of public services and facilities is adequate and any additional questions regarding grading, stormwater management, and capacity of the floodplain.
6. Whether the lowest floor in the floodplain is elevated at least one foot above the base flood level.
7. Whether all necessary permits by the appropriate local, state, and federal authorities, including a floodplain permit, or whether a letter of no authority from the Michigan Department of Natural Resources under authority of Act 451, of the Public Acts of 1994, as amended, has been received. Where a permit cannot be issued prior to the issuance of zoning compliance permit, a letter from the issuing agency indicating intent to issue contingent only upon proof of zoning compliance could be acceptable.

After the public hearing, the City Council may approve, approve with conditions, or deny the request, or it may table the request for further consideration and analysis. Should the City Council be inclined to make a decision regarding the application, we suggest that the decision be a tentative decision, subject to written findings that would be formally adopted at the next meeting.

In its recommendation of approval, the Planning Commission included the following conditions:

- a. Prior to issuance of any City permits, the applicant shall have paid all application, permit, reimbursable escrow, and other fees related to the request.
- b. The proposed PUD shall satisfy all applicable local, state, and federal laws, rules and regulations, including, but not limited to, all applicable requirements pertaining to barrier-free access and the Americans with Disabilities Act (ADA).
- c. The applicant shall comply with applicable local, state and federal laws, rules and regulations including the requirements of the City's Code of Ordinances, promulgated rules, regulations and policies of the City's Department of Public Works, the City Engineer and Department of Light and Power, and promulgated rules, regulations, and policies of the Lowell Area Fire Authority.

- d. All necessary permits shall have been issued by the appropriate local, state, and federal authorities, including a floodplain permit, or letter of no authority from the Michigan Department of Natural Resources and/or Department of Environment, Great Lakes, and Energy (EGLE) under authority of Act 451, of the Public Acts of 1994, as amended. Where a permit cannot be issued prior to the issuance of zoning compliance permit, a letter from the issuing agency indicating intent to issue contingent only upon proof of zoning compliance shall be acceptable.
- e. The most recent flood elevation data received from the Federal Insurance and Mitigation Administration (FIMA) shall take precedence over data from other sources.
- f. The applicant shall submit evidence that the requirements of Chapter 14, Floodplain Overlay District of the Zoning Ordinance are or will be satisfied.
- g. If it is determined that the work involved would require a compensating cut pursuant to EGLE requirements, such compensating cut shall occur at a location approved by the City and shall be subject to reasonable regulation and oversight by the City of Lowell.
- h. Consistent with Note 9 of Sheet C 2.0 stating that "as the site is riparian and within a floodplain, stormwater management goals of the project focus on providing stormwater quality improvements and maintaining onsite grading characteristics to provide storage for impending flood conditions." Since the site has a direct discharge to the Flat River, the applicant shall submit evidence to the City Engineer's satisfaction that demonstrates specific stormwater quality Best Management Practices (BMPs).
- i. Site Plan review by the Planning Commission for phases 2 and 3 shall be required.
- j. Eighteen spaces located on 238 High Street as shown on the site plan shall be dedicated to parking for the proposed PUD. The applicant shall submit a copy of a restrictive covenant or similar instrument acceptable to the City Attorney confirming the common ownership and prohibiting the separate conveyance by way of sale or lease of either lot, and confirming that the 18 parking spaces are for the exclusive use of Riverview Flats. Evidence of the recording with the Kent County Register of Deeds shall be provided to the City.
- k. The applicant shall work cooperatively with the Lowell City on the affected High Street area.

As always, please feel free to contact us if there are further questions.



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

CITY OF LOWELL

PUBLIC NOTICE

Please take notice that the Lowell City Council will hold a public hearing on Tuesday, September 3, 2019 at 7:00 pm., in the City Hall at 301 East Main Street, Lowell, Michigan. The subject of the hearing will be:

Request for Planned Unit Development rezoning at 219 High Street for a residential condominium project called "Riverview Flats."

Unity School Investors, LLC, has submitted an application for Planned Unit Development (PUD) to redevelop property at 219 High Street. The proposed PUD would include redevelopment of the existing Unity School building, the existing bus garage, and the construction of new residential buildings on the subject property. The proposed development would occur in three phases and, when complete, would include 44 residential condominiums.

Copies of the proposed PUD, supporting documentation and materials, and the City's Zoning Ordinance are available for public viewing during regular business hours at Lowell City Hall, 301 East Main Street, Lowell, Michigan. Written Comments will be received until the night of the hearing.

If you are planning to attend this hearing and are handicapped requiring any special assistance, please notify the City Clerk by calling at (616) 897-8457 as soon as possible.

Respectfully,


Susan Ullery
City Clerk

Request Number: _____

Filing Fee: _____



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

APPLICATION FOR PLANNED UNIT DEVELOPMENT

- All drawings must be sealed by a licensed architect, engineer, and/or landscape architect unless waived by the Zoning Enforcement Officer.
- 10 copies and a PDF of the site plan must be submitted to the City Manager's office no later than three weeks before the Planning Commission meeting to allow adequate staff review.
- The Planning Commission meets the second Monday of the month at 7:00 p.m. where plans are approved, rejected, or modified.
- Preliminary plans may be presented for Planning Commission comment, but no final approval is given until all required conditions are met.
- After approval, public works and building permits must be secured before construction may commence.

1. Street Address and/or Location of Request: 219 High Street

2. Parcel Identification Number (Tax I.D. No.): #41-20- 02-260-003

3. Applicant's Name: Unity School Investors, LLC Phone Number 616.822.6477

Address: 216 W Main, Unit #6 Lowell MI 49331
Street City State Zip

Fax Number 616.585.0804 Email Address todd@estesgroup.com

4. Are You: ☒ Property Owner ☐ Owner's Agent ☐ Contract Purchaser ☐ Option Holder

5. Applicant is being represented by: Todd Schaal Phone Number 616.822.6477

Address: 216 W Main, Unit #7 Lowell MI 49331

6. Present Zoning of Parcel PUD - Mixed Use Present Use of Parcel Vacant

7. Description of proposed development (attached additional materials if needed):

Redevelopment of the buildings and property with uses consistent with the Mixed Use zoning.
(Please see narrative for additional information.)

The facts presented above are true and correct to the best of my knowledge.

Signature: _____ Date: _____

Type or Print Your Name Here: _____

~~Property Owner Approval: As owner I hereby authorize the submittal of this application and agree to abide by any decision made in response to it.~~

Owner

Date

The following **CHECKLIST** lists required information needed on the drawing for final plan approval (unless specifically waived by the Planning Commission). Please go over this **CHECKLIST** with the City Manager and Zoning Administrator before presenting to the Planning Commission.

1. General Information

- | | |
|--|----------|
| a. Name and firm address of the professional individual responsible for preparing site plan and his/her professional seal. | <u>X</u> |
| b. Name and address of the property owner or petitioner. | <u>X</u> |
| c. Scale, north arrow, and date | <u>X</u> |
| d. Acreage (gross and net) | <u>X</u> |
| e. Zoning of adjacent properties | <u>X</u> |
| f. Legal property description | <u>X</u> |
| g. Existing Site Conditions: | |
| 1) Boundary survey lines and setbacks. | <u>X</u> |
| 2) Location sketch showing site, adjacent streets and properties within 200 feet or as directed by the city. | <u>X</u> |
| 3) Location, width, and purpose of all existing easements and lease areas, including cross-access. | <u>X</u> |
| 4) Abutting street right(s)-of-way and width. | <u>X</u> |
| 5) Topography with contour intervals of no more than two (2) feet. | <u>X</u> |
| 6) Natural features such as wooded areas, surface water feature, floodplains or floodways, wetlands, slopes exceeding 15%, lakes, rivers, creeks, county drains, and other significant site features, including the area of such features. | <u>X</u> |
| 7) Existing buildings, structures, paved surfaces and areas, installed landscaping, and other significant physical infrastructure. | <u>X</u> |
| 8) Size and location of existing utilities and status, where applicable. | <u>X</u> |
| h. Proposed Development: | |
| 1) Layout of proposed buildings, structures, driveways, parking lots, streets, landscaped areas, and other physical infrastructure, as applicable, including the area of these improvements. | <u>X</u> |
| 2) Recreation areas, common use areas, dedicated open space, and areas to be conveyed for public use. | <u>X</u> |
| 3) Layout of sidewalks and/or pathways, both internal to the development and along the main road frontage. | <u>X</u> |
| 4) Layout and typical dimensions of building envelopes, proposed parcels, and lots. | <u>X</u> |
| 5) Parking, stacking, and loading calculations, if applicable. | <u>X</u> |
| 6) Phasing plan, if applicable. | <u>X</u> |
| 7) Conceptual plan for provision of public water and public sanitary sewer services. | <u>X</u> |
| 8) Conceptual grading plan. | <u>X</u> |
| 9) Conceptual stormwater plan. | <u>X</u> |
| 10) Conceptual plan for provision of public water and public sanitary sewer services. | <u>X</u> |
| i. Additional Information: | |
| 1) A narrative, which shall describe the proposed PUD, the proposed timeframe of development, the zoning district(s) in which it will be located, the overall residential | |

density of the project, and documentation indicating how the qualifying conditions in Section 15.02 and the standards of 15.10 are met.

X

- 2) A table detailing all requested deviations identified in the PUD Plan compared to the requirements of the zoning district in which the proposed PUD is located. This table shall clearly identify the requirement in comparison to the requested deviation.

X

- 3) The Planning Commission may require additional information from the applicant to better assist in the determination of PUD qualification such as, but not limited to, market studies, fiscal impact analysis, traffic impact studies, and environmental impact assessments.

Standards for Approval. Prior to approval of a planned unit development application, the planning commission and city council shall ensure that the standards specified in Chapter 15 of the City of Lowell Zoning Ordinance are satisfied by the completion of the planned unit development under consideration. Section 15.10 lists the following standards for approval. Please respond to each, illustrating why the proposal would meet each standard.

- A. The proposed PUD complies with the purpose and qualifying conditions of sections 15.01 and 15.02.

See attached PUD Development Narrative.

- B. The uses conducted within the proposed PUD, the PUD's impact on the community, and other aspects of the PUD are consistent with, and further implement the policies of, the adopted master plan.

See attached PUD Development Narrative.

- C. The proposed PUD shall be designed, constructed, operated, and maintained in a manner harmonious with the character of adjacent property, the surrounding uses of land, the natural environment, and the capacity of public services and facilities affected by the development.

See attached PUD Development Narrative.

- D. The proposed PUD shall not be hazardous to adjacent property or involve uses, activities, materials, or equipment that will be detrimental to the health, safety, or welfare of persons or property through the excessive production of traffic, noise, smoke, fumes, or glare.

See attached PUD Development Narrative.

-
- E. The proposed PUD shall not place demands on public services and facilities more than current or anticipated future capacity.

See attached PUD Development Narrative.

- F. The proposed PUD shall satisfy all applicable local, state, and federal laws, rules, and regulations.

See attached PUD Development Narrative.

RiverView Flats

Condominium Project PUD Development Narrative

April 26, 2019

May 2019 - Updated as noted

REQUIRED SUBMITTALS:

- Preliminary Development Plans
 - C2.0 – Proposed Site Plan
 - C1.0 – Existing Conditions, Removals & Preliminary SE/SC Plan
 - C3.0 – Grading & Stormwater Management Plan
 - C3.1 Grading & Stormwater Management Plan (Cross Sections & Details)
 - C5.0 – Preliminary Site Details
 - C5.1 – Preliminary Drive Details
 - Architectural Renderings & Floor Plans
- Completed Zoning Application (*information copied onto PUD Application form*)
- Fee payment of \$1,100
 - Application fee of \$100
 - Escrow of \$1,000 (*additional \$4,000 escrow payment made to City*)

SUMMARY OF INTENT:

The proposed RiverView Flats condominium project is the redevelopment of the buildings and site commonly known as the former Unity School.

The project will consist of three Phases. The first Phase is the addition of another story to the former bus garage building with the bus garage building being converted into 14-residential condominiums. There will also be the construction of enclosed garages for said condominiums.

The second Phase will be the renovation of the school building into condominiums.

The third Phase will be the construction of condominiums or apartments on the vacant property at the northeast corner of the property.

The first Phase is expected to take approximately one year at a cost of approximately \$2.1-million. The timing of the other Phases will be dependent on market demand.

The current zoning of the property is Mixed Use which was written for the property a few years ago.

To the east and north of the property is residential in an urban environment and with urban density, to the west is the Flat River and to the south is a vacant parcel, a library and then commercial buildings and uses.

The size, location, character and compatibility are consistent with the goals of the City's Master Plan adopted in November of 2007. 'New Development in the City will be encouraged to be located in and around the downtown area...' as taken from page 33 of the Goals and Objectives Chapter of the Master Plan. Further the Master Plan encourages and promotes the rehabilitation of existing buildings and facades and the development of residential uses in the downtown area.

Section 15.02

15.01 – The project will protect the cultural and historic history of the property by preserving the former Unity School buildings of which many Lowell residents attended.

15.02 – Past developers that considered development of the property proposed the demolition of the existing buildings and concluded new construction wasn't feasible. Through creative thinking, the developers have figured out a way to utilize and preserve the existing buildings.

15.03 – There is a market driven need for housing in the downtown area.

- 15.04 – The project will generate new real estate tax revenue for the City as well new economic benefits for local businesses with the redevelopment of multiple buildings.
- 15.05 – The project is located along the river front park and walkway as well as bordered by two City sidewalks. It will be unusually friendly and conducive to the neighborhood and pedestrian traffic.
- 15.06 – The project will re-use significant and historic buildings.
- 15.07 – The project will allow phased development.
- 15.08 – The proposed PUD allows flexibility to utilize existing buildings as well as the future construction of new buildings.
- 15.09 – The proposed PUD allows the efficient use of the land and buildings.
- 15.10 – The proposed PUD will have no adverse impacts and will promote efficient pedestrian access and circulation.
- 15.11 – The PUD provides for the redevelopment of the site and buildings which have fallen into disrepair.
- 15.12 – The exteriors of the existing buildings are consistent with each other and new materials will coordinate and compliment architectural styles and building forms within the PUD.
- 15.13 – The quality of construction will meet or exceed that of other buildings in and around the City.

The proposed PUD meets the Qualifying Conditions of:

- 1. Ownership – The property is under one ownership.
- 2. d – The project will constitute the significant redevelopment of an under utilized and vacant property where conventional development is not feasible.

Section 15.10 (*These responses correlate to pages 3 and 4 of the PUD application*)

- 15.10 A. As demonstrated above, the proposed PUD complies with the purposes and qualifying conditions of Section 15.01 and 15.02.
- 15.10 B. – The uses within the proposed PUD are consistent with the policies of the Master Plan. Additionally, the uses further and promote the objectives of the Master Plan including the rehabilitation of cultural and historic buildings. The promotion of pedestrian friendly environments. Increasing downtown housing and bringing economic benefits to the City.
- 15.10 C. – The proposed PUD is residential in nature and complimentary to the residential uses adjacent to it. It will be constructed and maintained in a manner harmonious with those uses and within the capacity of the City's services.
- 15.10 D. – As stated, the proposed PUD is residential and will not be hazardous to the adjacent uses of the property nor will any of the adverse conditions referenced in 15.10 D exist.
- 15.10 E. – The proposed uses within the PUD will not place demands on the City's public services greater than their current and contemplated future ability to handle.
- 15.10 F. – The proposed PUD will satisfy all local, state and federal rules and regulations.

Requested Deviations from Underlying Zoning

Zoning: Mixed Use - PUD	No deviation requested. Proposed front setbacks: 0-feet minimum; 10-foot maximum
Parking: 67-spaces proposed on site. Additional 103-spaces within 400-feet of project.	Request deviation to allow parking in the front yard for Phase 2.
Site Access: Proposed private drives from King Street and Monroe Street.	No deviation requested.
Public Utilities: Proposed public water, sewer and storm management connections and private utility service connections (gas, phone, electric, cable, etc.)	No deviation requested.
Site Lighting: Site lighting will be in accordance with the City's ordinance.	No deviation requested.
Signage: Proposed signage will be in accordance with the City Zoning Ordinance.	No deviation requested.



SCALE: 1" = 100'

FILE NO. 181278-PARKEXHIBIT

LEGEND

- - IRON STAKE — SET
- - IRON FOUND
- - WOOD STAKE
- R - RECORDED DIMENSION
- D - DEED DIMENSION
- M - MEASURED DIMENSION
- C - CENTER LINE
- x-x - FENCE LINE



Roosien & Associates
SURVEYING AND ENGINEERING

5055 PLAINFIELD AVE. NE
GRAND RAPIDS, MI 49525
TELE. (616) 361-7220
FAX (616) 361-1822

AVAILABLE PUBLIC PARKING SPACES WITHIN 400 FEET OF RIVER VIEW FLATS

PREPARED FOR:
UNITY SCHOOLS INVESTORS

DATE:
6-12-2019

CITY OF LOWELL CITY COUNCIL

KENT COUNTY, MI

ORDINANCE # 19-05

At a regular meeting of the City of Lowell City Council, Kent County, Michigan, held at the Lowell City Hall on September 16, 2019 at 7:00 PM, Councilmember _____, supported by Councilmember _____, moved the adoption of the following ordinance:

AN ORDINANCE AMEND APPENDIX "A", ZONING, OF THE CODE OF ORDINANCES OF THE CITY OF LOWELL TO REZONE CERTAIN 219 HIGH STREET TO THE PLANNED UNIT DEVELOPMENT (PUD) DISTRICT AND TO APPROVE A PRELIMINARY PLANNED UNIT DEVELOPMENT PLAN FOR UNITY SCHOOL INVESTORS, LLC.

PREAMBLE

WHEREAS, Unity School Investors, LLC has submitted an application for a planned unit development (PUD) located at 219 High Street (PPN 41-20-02-260-003) for approval of a condominium project located in the Mixed Use zoning district; and

WHEREAS, the applicant has requested approval of the PUD plan and rezoning pursuant to applicable provisions in the City of Lowell Zoning Ordinance;

WHEREAS, the Planning Commission has recommended approval of the PUD plan to the City Council; and

WHEREAS, the City Council has determined that the proposed PUD plan satisfies the requirements of the Zoning Ordinance, if certain conditions are met, as specified herein.

THE CITY OF LOWELL, KENT COUNTY, MICHIGAN ORDAINS:

Section 1. Findings of Fact. The City Council makes the following findings with respect to the proposed PUD:

- a. The City Council finds, after careful review, and based on information contained in the application, the Planning Commission minutes from August 12, 2019, the memorandum to the Planning Commission from Williams & Works dated July 3, 2019, two memorandums from Williams & Works to the Planning Commission dated August 6, 2019, the memorandum to the City Council by Williams & Works dated August 29, 2019, and all other pertinent materials on the record for this matter, that the proposed PUD satisfies the standards contained in Section 15.02 (A) of the City of Lowell Zoning Ordinance pertaining to the objectives applicable to all PUDs based on the following findings:

1. To encourage the provision and protection of open spaces, cultural/historic resources, the development of recreational amenities, and, where included in the plan, other support facilities in a generally central location within reasonable distance of all dwelling units.

Findings: The proposed development includes the redevelopment of the former Unity School building and bus garage. Preservation of these old structures aligns with the City's value of preserving historic buildings. The location of the development is expected to allow residents to access support facilities within a walkable environment. Additionally, the applicant has included designated open space areas in the plan. This open space includes all areas that do not have structural development and is determined to be in conformance with the designation of open space in an urban area. Further, recreational activities may be encouraged by the development's proximity to a boat

launch on High Street and other City parks, services, and the Riverwalk. The City Council finds that this standard is met.

2. To encourage developers to use a more creative and imaginative approach in the development of property

Findings: The applicant has approached this development with the objective of preserving the existing buildings. In order to renovate these buildings, a creative design is required that appears to be somewhat limited through the strict application of the current Mixed Use zoning district standards, specifically the adherence to minimum building frontage standards in primary and secondary front yards and the prohibition of off-street parking in front yards. Thus, through PUD rezoning, a more creative approach is possible that may not have been otherwise feasible if the requirements of the underlying zoning district were applied. The City Council finds that this standard is met.

3. To allow for market-driven development or redevelopment in places that are most conducive to accommodating additional activity.

Findings: The proposed development site is located in downtown Lowell, along the Flat River and adjacent to residential neighborhoods, public facilities, and services. Adequate infrastructure is already in place and accessible at the subject property, so the property is well-positioned as an ideal infill site where relatively dense residential densities are appropriate. The City Council finds that this standard is met.

4. To facilitate economic development through the creation of a mix of uses and/or building types.

Findings: The rehabilitation and restoration of the existing vacant buildings will generate new real estate tax revenue for the City. The combination of redevelopment and new construction is expected to provide a variety of building types that could lead to a successful development. The location of the development near the downtown area is also be expected to contribute positively to economic development in the City. The City Council finds that this standard is met.

5. To create walkable developments with pedestrian-oriented buildings and open space that connects to nearby destinations or neighborhoods.

Findings: The proposed development is located near the Lowell Riverwalk. This walkway is already connected to a sidewalk on the northern boundary of the development. The City Council has also requested the applicant to install a sidewalk on the southern property boundary as a condition of approval. These sidewalks will facilitate pedestrian traffic to and from the Riverwalk, residential neighborhoods, and the downtown area. The applicant has also proposed sidewalks within the development to accommodate internal pedestrian circulation. Additionally, open space is indicated on the PUD plan, which is connected by sidewalks. The City Council finds that this standard is met.

6. To provide for the adaptive re-use of significant or historic buildings;

Findings: The applicant has proposed to reuse the former Unity School building and bus garage. This will retain some local cultural and historic characteristics on the site, as many of Lowell's residents attended the school over the years prior to its closure. The City Council finds that this standard is met.

7. To allow phased construction with the knowledge that subsequent phases will be approved as originally planned and approved by the city.

Findings: The applicant has proposed a phased development with a total of three phases. Each phase will be required to secure site plan approval from the Planning Commission, who will need to verify that the phase, when presented, is consistent with the original PUD rezoning approval. Each phase is understood to be developed so as to exist and function both independently and collectively. The City Council finds that this standard is met.

8. To promote flexibility in design and to permit planned diversification in the location of structures.

Findings: The proposed development is designed so as to utilize the existing buildings on the site. Therefore, it is found that rezoning to PUD would allow for diversification in the location of structures, since the development is already somewhat limited by utilizing existing buildings. The City Council finds that this standard is met.

9. To promote the efficient use of land to facilitate a more economic arrangement of buildings, circulation systems, land use, and utilities.

Findings: Because two buildings already exist on the subject property, utilities are readily available for redevelopment. Redevelopment of existing buildings also contributes to the conservation and efficient use of building materials. Therefore, the proposed development would offer an efficient arrangement of buildings and utilities. Additionally, vehicular circulation is efficiently designed to facilitate traffic between different buildings and to the City's street network. Internal sidewalks provide logical

connections to existing sidewalks bordering the subject property. The City Council finds that this standard is met.

10. To minimize adverse traffic impacts and to accommodate safe and efficient pedestrian access and circulation;

Findings: Internal vehicular access is proposed through a private drive with two curb cuts: one on King Street and one on Monroe Street. This design would not likely adversely impact traffic. Pedestrian circulation includes connections to existing sidewalks bordering the subject property and includes internal sidewalk connections. The City Council finds that this standard is met.

11. To provide for redevelopment of sites and/or buildings that are under-developed or have fallen into disrepair;

Findings: The former Unity School building and bus garage are vacant buildings and have begun to fall into disrepair. The proposed PUD plan would redevelop these buildings and restore them to a useful state. The City Council finds that this standard is met.

12. To combine and coordinate architectural styles, building forms, and building relationships within the PUD; and

Findings: The exteriors of existing buildings are consistent with each other. The applicant has indicated in the project narrative that new materials will coordinate and complement the architectural styles and building forms that currently exist. The applicant has submitted building elevations for the phase 1 development and some renderings of this phase are found on the project website, which indicate coordination between buildings. The City Council finds that this standard is met.

13. To ensure a quality of construction commensurate with other developments within the city.

Findings: In the applicant's narrative, it is stated that the "quality of construction will meet or exceed that of other buildings in and around the City." Preliminary indications are that the materials would be of an acceptable quality. The City Council finds that this standard is met.

b. The City Council finds, after careful review, and based on information contained in the application, the Planning Commission minutes from August 12, 2019, the memorandum to the Planning Commission from Williams & Works dated July 3, 2019, two memorandums from Williams & Works to the Planning Commission dated August 6, 2019, the memorandum to the City Council by Williams & Works dated August 29, 2019, and all other pertinent materials on the record for this matter, that the proposed PUD satisfies the standards contained in Section 15.02 (B) of the City of Lowell Zoning Ordinance pertaining to the qualifying conditions applicable to all PUDs based on the following findings:

1. **Ownership.** The tract of land for which a PUD application is received must be either in one (1) ownership or with written approval of the owners of all affected properties.

Findings: The former Unity School building extends into the High Street right-of-way. However, the applicant has indicated on the PUD plan that the portion extending into the right-of-way will be removed to the property line. Therefore, there are no owners of affected properties associated with this development and the PUD application is in one ownership. The City Council finds that this standard is met.

2. **Conditions.** To be considered as a PUD, the proposed development must fulfill at least one (1) of the following conditions:

- (a) The PUD contains two (2) or more separate and distinct uses, for example, residential dwellings and office or commercial uses;
- (b) The PUD site exhibits significant natural features encompassing at least twenty-five (25) percent of the land area of the PUD which will be preserved as a result of the PUD plan.
- (c) The PUD is designed to preserve, in perpetuity, at least sixty (60) percent of the total area of the site as open space.
- (d) The PUD constitutes a significant redevelopment of an underutilized or vacant property where conventional development may not be feasible.

Findings: The PUD Plan fulfills letter (d), as it proposes to redevelop two existing buildings and construct two new buildings on a property that is presently underutilized. Conventional development that complies fully with the underlying Mixed Use zoning regulation may be infeasible unless the buildings are razed. Due to the intent to preserve their historic and cultural character, this PUD plan would constitute a significant redevelopment of the vacant property. The City Council finds that this standard is met.

3. **Master Plan.** The applicant shall demonstrate that the proposed PUD is consistent with the adopted master plan.

Findings: The future land use map shows the subject property in the Mixed Use designation, which is intended to permit a mixture of residential, office, and commercial land uses. This category may include redevelopment of existing areas or new construction and should promote pedestrian accessibility. The intended

development aligns well with the Plan's Mixed Use future land use category. The City Council finds that this standard is met.

- c. The City Council finds, after careful review, and based on information contained in the application, the Planning Commission minutes from August 12, 2019, the memorandum to the Planning Commission from Williams & Works dated July 3, 2019, two memorandums from Williams & Works to the Planning Commission dated August 6, 2019, the memorandum to the City Council by Williams & Works dated August 29, 2019, and all other pertinent materials on the record for this matter, that the proposed special land use satisfies the standards contained in Section 15.10 of the City of Lowell Zoning Ordinance pertaining to PUD plan and rezoning applicable to all PUDs based on the following findings:

1. The proposed PUD complies with the purpose and qualifying conditions of sections 15.01 and 15.02.

Findings: The proposed PUD complies with the purpose and qualifying sections of 15.01 and 15.02, as described above. The City Council finds that this standard is met.

2. The uses conducted within the proposed PUD, the PUD's impact on the community, and other aspects of the PUD are consistent with, and further implement the policies of, the adopted master plan.

Findings: The future land use map shows the subject property in the Mixed Use designation, which is intended to permit a mixture of residential, office, and commercial land uses. This category may include redevelopment of existing areas or new construction and should promote pedestrian accessibility. The intended

development aligns well with the Mixed Use category. The Master Plan does not consider PUDs on the future land use map.

The PUD plan is also supported through the Master Plan's goals and objectives. The Master Plan's goal for Community Image promotes Lowell's image as a historic community with natural resources such as the Flat River. Objectives include measures to improve access and views to the Flat River and restoration of buildings to their original style. Encouraging river access and views may include "demolition of view blocking buildings and structures, building of paths, construction of view overlooks, and others." The proposed PUD plan does not propose additional buildings along the riverfront and the residential units in the former bus garage would allow those owners to have river views.

The Community Image goal also includes an objective to encourage the restoration of building fronts to their original style. By preserving the existing buildings on the site, the applicant may retain their original style. Based on building elevations for phase 1, the new construction would not significantly diminish the original historic character of the site.

The Master Plan also lists a Land Use goal to "promote a walkable community with stable neighborhoods, and conveniently located public, commercial, and service uses." Objectives include improved pedestrian access to the Flat River, a land use pattern to facilitate walking to and within the downtown area safer and easier, and encouragement of new development in and around the downtown area. The PUD plan aligns well with the objective for encouraging new development in and around the downtown area. The

placement of residential units at this location supports this objective of building off of the downtown as the heart of Lowell.

Lastly, the Master Plan defines Housing goals, desiring a variety of housing opportunities on a range of lot sizes to provide affordable housing. The primary housing types in the surrounding area are single-family residential homes, and some residential-over-retail dwellings along Main Street. The presence of attached condo units is expected to provide diversity in the housing market through different types of units and lot size, as there are few attached condos in the City at present. The City Council finds that this standard is met.

3. The proposed PUD shall be designed, constructed, operated, and maintained in a manner harmonious with the character of adjacent property, the surrounding uses of land, the natural environment, and the capacity of public services and facilities affected by the development.

Findings: The proposed PUD is residential in nature and the surrounding uses are predominately residential or public areas. The PUD plan depicts a higher density than that allowed in the neighboring residential uses. However, because the subject property is also adjacent to the Public Facilities district and the riverfront walkway, the increased density is more compatible and appropriate at this site, and offers a transition between the lower-intensity neighborhoods to the north and the more intense uses in downtown Lowell.

The subject property contains minimal natural features and adequate public services and facilities. The landscape plan submitted by the applicant indicates an increase in overall vegetative density on the site as a result of the development. Because this site

was the former location of Unity School, public facilities and services are already available for use and the capacity of public services and facilities will support the intended development. Therefore, the PUD development would remain harmonious in relation to natural features and the capacity of public services and facilities. The City Council finds that this standard is met.

4. The proposed PUD shall not be hazardous to adjacent property or involve uses, activities, materials, or equipment that will be detrimental to the health, safety, or welfare of persons or property through the excessive production of traffic, noise, smoke, fumes, or glare.

Findings: The proposed PUD is residential in nature and therefore not expected to involve uses, activities, materials, or equipment that will be detrimental to the health, safety, or welfare of persons or property through excessive production of traffic, noise, smoke, fumes, or glare. The development is likely to have some impact on traffic in the area, as 44 new housing units would eventually be created. Because the development can be accessed via King Street and Monroe Street, traffic will be distributed so as not to overload one particular area. Further, many of the future residents may walk to destinations in downtown Lowell, reducing the number of vehicle trips needed. The City Council finds that this standard is met.

5. The proposed PUD shall not place demands on public services and facilities more than current or anticipated future capacity.

Findings: The proposed PUD proposes a total of 44 dwelling units. The proposed use will not likely generate demands on public facilities that are more than current or anticipated future capacity. The City Council finds that this standard is met.

6. The proposed PUD shall satisfy all applicable local, state, and federal laws, rules and, regulations.

Findings: This is addressed as a condition of approval.

- d. The City Council finds, after careful review, and based on information contained in the application, the Planning Commission minutes from August 12, 2019, the memorandum to the Planning Commission from Williams & Works dated July 3, 2019, two memorandums from Williams & Works to the Planning Commission dated August 6, 2019, the memorandum to the City Council by Williams & Works dated August 29, 2019, and all other pertinent materials on the record for this matter, that the proposed site plan satisfies the standards contained in Section 14.04 of the City of Lowell Zoning Ordinance pertaining to the Floodplain Overlay district standards based on the following findings:

1. Development, including the erection of structures and placement of manufactured homes, within the floodplain overlay district shall not occur except in accordance with the requirements of this ordinance and the following standards:

- (a) The requirements of this chapter shall be met.

Findings: This is addressed as a condition of approval.

- (b) The requirements of the underlying zoning district and applicable general provisions of this ordinance shall be met;

Findings: The applicant's conformance to the applicable standards for PUD approval fulfill the requirements of this standard.

- (c) All necessary permits shall have been issued by the appropriate local, state, and federal authorities, including a floodplain permit, or letter of no authority from the Michigan Department of Natural Resources under authority of Act 451, of

the Public Acts of 1994, as amended. Where a permit cannot be issued prior to the issuance of zoning compliance permit, a letter from the issuing agency indicating intent to issue contingent only upon proof of zoning compliance shall be acceptable.

Findings: The proposed project may require a Part 31 permit from the Michigan Department of Environmental Quality (DEQ). This is addressed as a condition of approval.

- (d) The proposed use and/or structure(s) shall be so designed as not to reduce the water impoundment capacity of the floodplain or significantly change the volume or speed of the flow of water.

Findings: Portions of the site are within the 100-year floodplain and these areas contain existing buildings that would be renovated to accommodate the proposed condominiums. Additions are not planned within the 100-year floodplains and those portions of the site that are proposed for new construction are not within the 100-year floodplain. The City Council finds that this standard is met.

- (e) Utilities, streets, off-street parking, railroads, structures, and buildings for public or recreational uses shall be designed so as not to increase the possibility of flood or be otherwise detrimental to the public health, safety, and welfare.

Findings: Portions of land in Phases I and II are within the 100-year floodplain. However, these phases include the existing former Unity School and bus garage; additions are not planned within the 100-year floodplain and those

portions of the site that are proposed for new construction are not within the 100-year floodplain. The City Council finds that this standard is met.

2. Specific base flood elevation standards:

- (f) On the basis of the most recent available base flood elevation data all new construction and substantial improvements shall have the lowest floor, including basements, elevated at least one (1) foot above the flood level; or for nonresidential structures, be constructed such that at or below base flood level, together with attendant utility and sanitary facilities, the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall certify that these standards are met and that the floodproofing methods employed are adequate to withstand the flood depths, pressures, velocities, impact, and uplift forces and other factors associated with the base flood in the location of the structure. Such certification shall be submitted as provided in this ordinance and shall indicate the elevation to which the structure is floodproofed.

Findings: This is addressed as a condition of approval.

- (g) The most recent flood elevation data received from the Federal Insurance and Mitigation Administration (FIMA) shall take precedence over data from other sources.

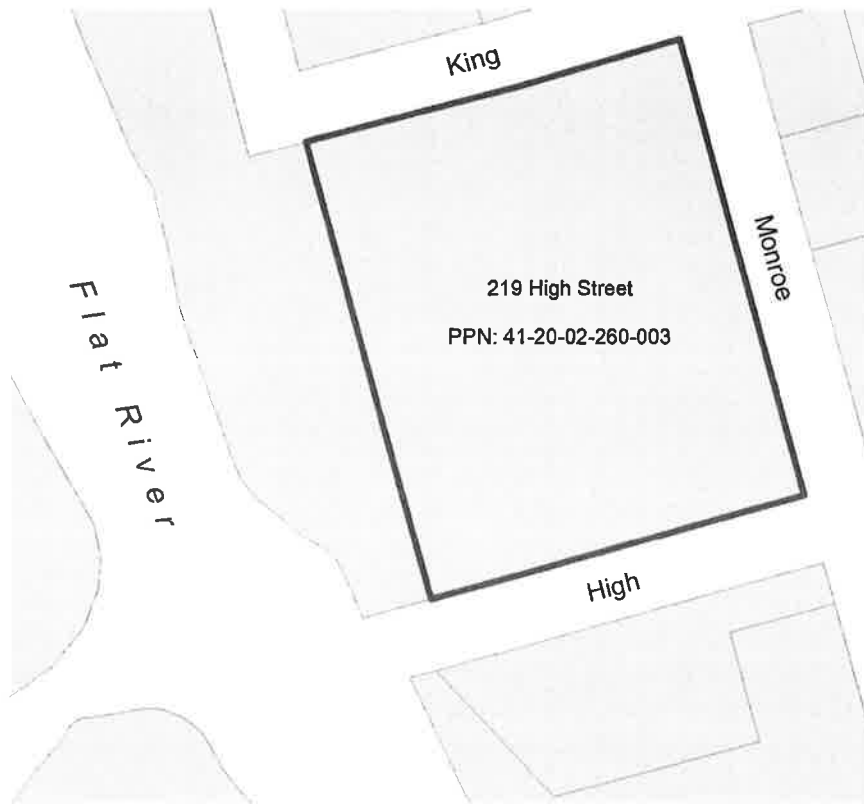
Findings: This is addressed as a condition of approval.

Section 2. Conditions of Approval. This PUD plan and rezoning approval is subject to the following conditions and regulations:

- a. Prior to issuance of any City permits, the applicant shall have paid all application, permit, reimbursable escrow, and other fees related to the request.
- b. The proposed PUD shall satisfy all applicable local, state, and federal laws, rules and regulations, including, but not limited to, all applicable requirements pertaining to barrier-free access and the Americans with Disabilities Act ADA.
- c. The applicant shall comply with applicable local, state, and federal laws, rules and regulations, including the requirements of the City's Code of Ordinances, promulgated rules, regulations, and policies of the City's Department of Public Works, the City Engineer and Department of Light and Power, and promulgated rules, regulations, and policies of the Lowell Area Fire Authority.
- d. All necessary permits shall have been issued by the appropriate local, state, and federal authorities, including a floodplain permit, or letter of no authority from the Michigan Department of Natural Resources and/or Department of Environment, Great Lakes, and Energy (EGLE) under authority of Act 451, of the Public Acts of 1994, as amended. Where a permit cannot be issued prior to the issuance of zoning compliance permit, a letter from the issuing agency indicating intent to issue contingent only upon proof of zoning compliance shall be acceptable.
- e. The most recent flood elevation data received from the Federal Insurance and Mitigation Administration (FIMA) shall take precedence over data from other sources.
- f. The applicant shall submit evidence that the requirements of Chapter 14, Floodplain Overlay District of the Zoning Ordinance are or will be satisfied.

- g. If it is determined that the work involved would require a compensating cut pursuant to EGLE requirements, such compensating cut, if in the City, shall occur at a location approved by the City and shall be subject to reasonable regulation and oversight by the City of Lowell.
- h. Consistent with Note 9 of Sheet C 2.0 of the site plan submitted by the applicant stating that “as the site is riparian and within a floodplain, stormwater management goals of the project focus on providing stormwater quality improvements and maintaining onsite grading characteristics to provide storage for impending flood conditions.” Since the site has a direct discharge to the Flat River, the applicant shall submit evidence to the City Engineer’s satisfaction that demonstrates specific stormwater quality Best Management Practices (BMPs).
- i. Site Plan review by the Planning Commission for phases 2 and 3 shall be required.
- j. The applicant shall install a curb, gutter, and sidewalk along the south side of the development, along the north side of High Street, but outside of the High Street right-of-way. There shall be no curb cuts on the north side of High Street.
- k. The applicant shall work cooperatively with the Lowell City Council on the affected High Street area.

Section 3. Amendment to the Official Zoning Map. The subject property located at 219 High Street is hereby rezoned to the PUD-Planned Unit Development zoning district designation and the zoning map is also amended accordingly. Furthermore, the preliminary site plan (as amended) submitted by Unity Schools Investors, LLC is hereby approved. Such approval and rezoning is expressly subject to the conditions and regulations of this Ordinance and the City of Lowell Zoning Ordinance.



Section 4. 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 5. 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.

YES: Councilmembers _____

NO: Councilmembers _____

ABSTAIN: Councilmembers _____

ABSENT: Councilmembers _____

ORDINANCE DECLARED ADOPTED.

Dated: _____, 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 _____ 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 _____, 2019. I further certify that the above ordinance was entered into the Ordinance Book of the City on _____, 2019, and was effective _____, 2019, ten (10) days after publication.

Dated: _____, 2019

Susan Ullery
City Clerk

**CITY OF LOWELL
KENT COUNTY, MICHIGAN**

ORDINANCE NO.

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 _____, supported by Councilmember _____,

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 recreational 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. ~~Recreational~~ 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 ~~Recreational~~ 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 ~~Recreational~~ 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 ~~Recreational~~ 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 Recreational~~ 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 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, include a marihuana grower, safety compliance facility, processor, microbusiness, retailer, or a secure transporter.

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 ____ of the city of Lowell Code of Ordinances shall be required prior to ~~the approval of 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 a both a license to operate pursuant to the requirements of Chapter ____ 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 specific business and 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 the State of Michigan Department Licensing and Regulatory Affairs (LARA) and the City of Lowell.
3. Application Requirements. An application for a 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 Site Plan Review application requirements of Section 18.05.
- 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 ~~the State of Michigan Department of Licensing and Regulatory Affairs (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 _____ 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 ~~several~~ measures of security at the marihuana establishment in compliance with all applicable Rules for Adult Use Marihuana Establishments, as amended, promulgated by LARA., such as surveillance methods, access control strategies, maintenance, the licensee's closing procedures after the cessation of business each day, and safety for customers, employees, and neighbors.
 - 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 Recreational~~ 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.~~all security measures established by the emergency rules, including, but not limited to:~~
 - 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~~licensing requirements of the State of Michigan.~~
 - 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 point of establishment on 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;
 - ii. 1,000 feet of a public or private K-12 school;
 - iii. 500 feet of property within the C-2, Central Business District.
- 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 grant 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.
- d. The marihuana 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 marihuana 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 marihuana 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 Michigan Regulation and Taxation of Marihuana Act and the Administrative Rules promulgated by the Michigan Department of Licensing and Regulatory Affairs.
- 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 rules adopted by the Board (Michigan Department of Licensing and Regulatory Affairs, "LARA" or "Department") to implement, administer, or enforce the MRTMA.

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 application.
- 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 Michigan Regulation and Taxation of Marihuana Act.
- 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 this the Michigan Regulation and Taxation of Marihuana Act.

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 Chapter or any other applicable city ordinance, the city may request that LARA revoke or refrain from renewing the establishment's state operating license.

- b. Revocation of Special Land Use approval. 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 _____

NAYS: Councilmembers _____

ABSTAIN: Councilmembers _____

ABSENT: Councilmembers _____

ORDINANCE DECLARED ADOPTED.

Dated: _____

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 _____, 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 _____, 2019. I further certify that the above ordinance was entered into the Ordinance Book of the City on _____, 2019, and was effective _____, 2019, ten (10) days after publication.

Dated: _____

Susan Ullery
City Clerk

**CITY OF LOWELL
KENT COUNTY, MICHIGAN
NOTICE OF CITY COUNCIL PUBLIC HEARING**

The Lowell City Council will conduct a public hearing at Lowell City Hall, located at 301 East Main Street, Lowell, MI 49331 on Monday, September 16, 2019 at 7:00 PM concerning the potential addition of a new chapter in the City's code of ordinances to address adult use, recreational marihuana establishments. The purpose of the public hearing is to invite and consider public comment and input. The following provides a summary of the proposed ordinance and its regulatory effect:

The proposed ordinance would authorize 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 proposed ordinance would provide 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 will contain definitions, specify a process for obtaining and maintaining a license, and provide for fees to defray and recover the costs to the City of the administrative and enforcement costs associated with marihuana establishments. The ordinance also would provide general standards for the application, establishment, operation, and maintenance of marihuana establishments in the City consistent with the MTRMA and other applicable laws.

At the above time and place, all interested parties will be given an opportunity to be heard. Written comments concerning the issue may be mailed or delivered to the Lowell City Clerk, 301 East Main Street, Lowell, MI 49331 up to the date of the public hearing. Copies of the proposed ordinance may be viewed at City Hall at the address noted above during normal business hours.

The City will provide necessary reasonable auxiliary aids and services to those with disabilities planning to attend upon three (3) days' notice to the City Clerk. Individuals who require such services should contact the City at the address listed above or by telephone at 616-897-8457.

Susan Ullery
City Clerk

**CITY OF LOWELL
KENT COUNTY, MICHIGAN**

ORDINANCE NO. 19-__

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

Councilmember _____, supported by Councilmember _____,

moved the adoption of the following ordinance:

THE CITY OF LOWELL ORDAINS:

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

Chapter __ - Adult Use Marihuana Establishments

Sec. __ - __ 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. __ - __ 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. __ - __ 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. __ - __ Location eligibility.

(a) No marihuana establishment shall be eligible to be issued a license unless the applicant complies, for the parcel in question, with Chapter _____ and all City zoning 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. __ - __ 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 with zoning and other provisions of the City Code of Ordinances, including but not limited to Chapter _____. 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. __ - __ 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. __ - __ 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 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. __ - __ 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. __ - __ 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. __ - __ 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. __ - __ 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. __ - __ 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. __ - __ 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. __ - __ Nonrenewal, suspension or revocation of license.

(a) The City may, after notice and hearing, 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) Questions that arise in the administration of this Chapter, including appeals of suspension and revocations of City operating licenses, shall be determined pursuant to Chapter ____.

Sec. __ - __ 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. __ - __ Processor license.

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

Sec. __-__ Secure transporter license.

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

Sec. __-__ Marihuana retailer license.

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

Sec. __-__ Safety compliance establishment license.

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

Sec. __-__ Microbusiness License.

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

Sec. __-__ 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. __-__ 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. __-__ Signage and advertising.

All signage and advertising for a marihuana establishment shall comply with all applicable provisions of this Code including Chapter __. 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. __-__ 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. __-__ 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. __-__ 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. __ - __ 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) The use of any lighting for indoor marihuana cultivation shall be limited to light-emitting diodes (LEDs), compact fluorescent lamps (CFLs) or other fluorescent lighting. All high-intensity discharge (HID) lighting, including, but not limited to, mercury-vapor lamps, metal-halide (MH) lamps, ceramic MH lamps, sodium-vapor lamps, high-pressure sodium (HPS) lamps and xenon short-arc lamps, is prohibited.

(d) 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. __ - __ 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. __ - __ 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. __ - __ 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. __ - __ 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. __ - __ 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. __ - __ 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. __ - __ 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. __ - __ 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. __ - __ 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. __ - __ 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 _____

NAYS : Councilmembers _____

ABSTAIN: Councilmembers _____

ABSENT: Councilmembers _____

ORDINANCE DECLARED ADOPTED.

Dated: _____, 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 August _____, 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 _____, 2019. I further certify that the above ordinance was entered into the Ordinance Book of the City on _____, 2019, and was effective _____, 2019, ten (10) days after publication.

Dated: _____, 2019

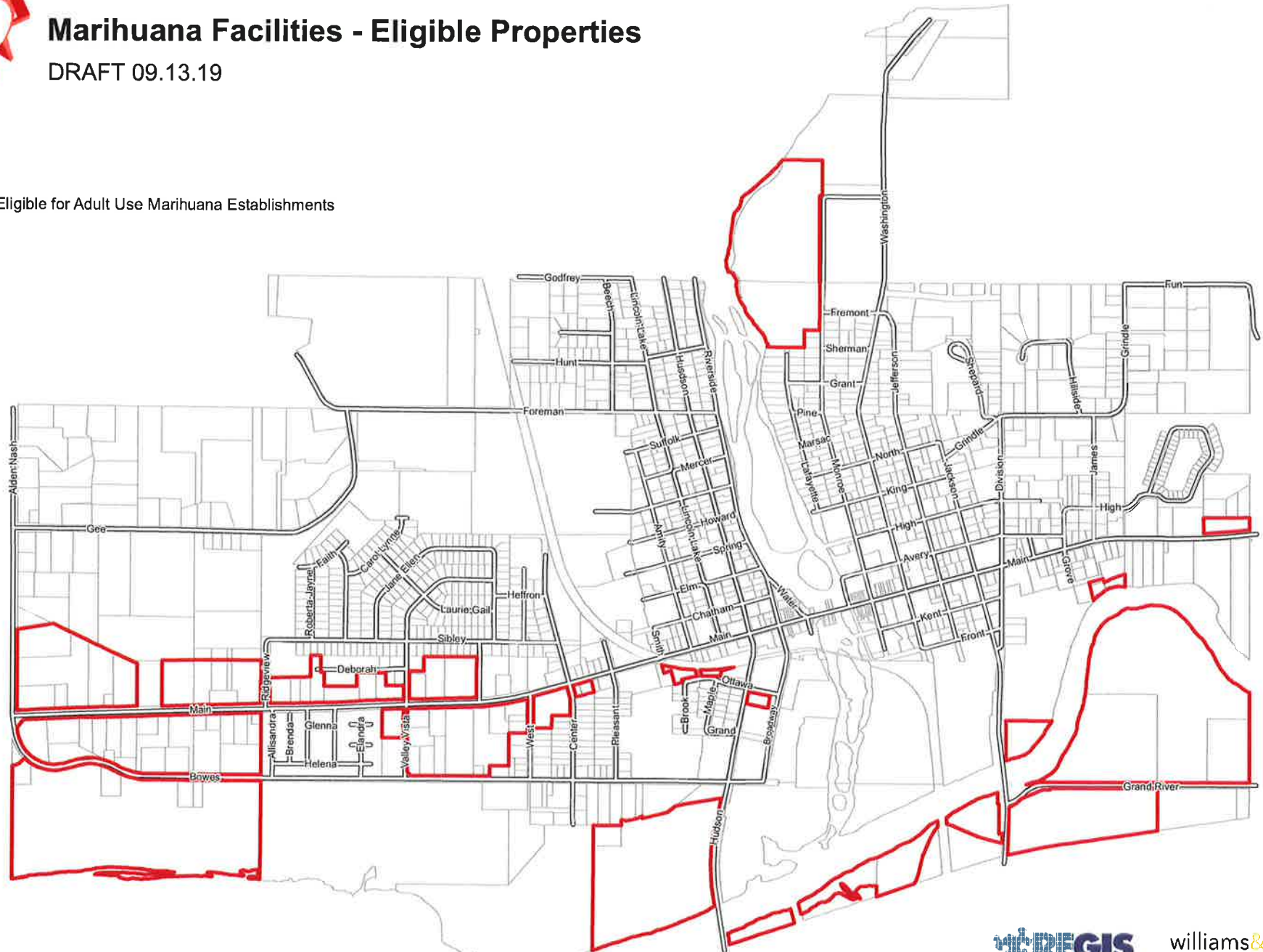
Susan Ullery
City Clerk

Marihuana Facilities - Eligible Properties

DRAFT 09.13.19

Legend

Properties Eligible for Adult Use Marihuana Establishments



1 inch = 1,500 feet



A horizontal graphic scale bar with a black background and white markings. The bar is divided into four equal segments by white vertical lines. Above the bar, the numbers 0, 750, 1,500, and 3,000 are printed in black. The word "Feet" is printed in black at the right end of the bar.



williams&works
engineers surveyors planners

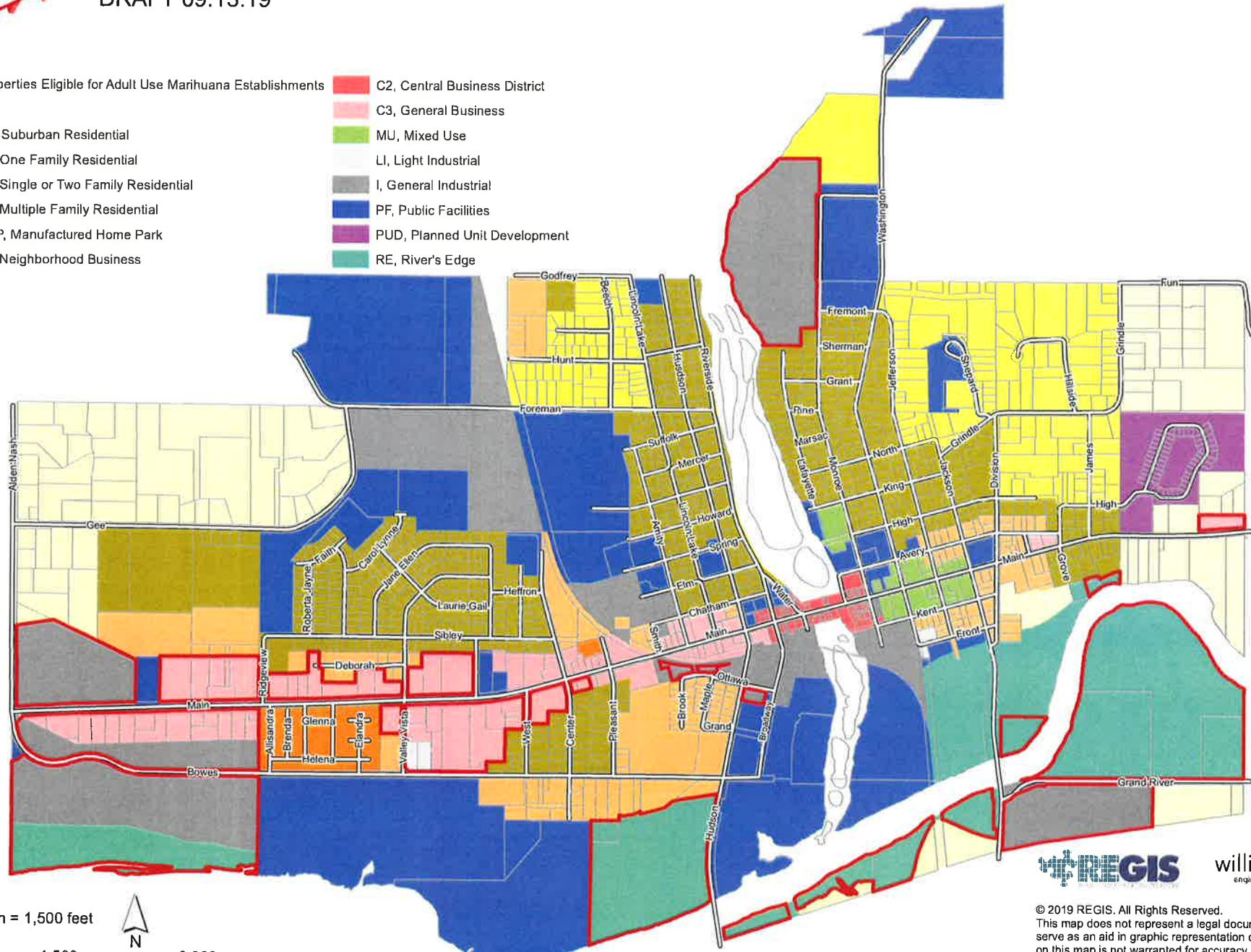
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Marihuana Facilities - Eligible Properties

DRAFT 09.13.19

Legend

- | | | | |
|---|--|---|-------------------------------|
|  | Properties Eligible for Adult Use Marihuana Establishments |  | C2, Central Business District |
| Zoning | |  | C3, General Business |
|  | SR, Suburban Residential |  | MU, Mixed Use |
|  | R1, One Family Residential |  | LI, Light Industrial |
|  | R2, Single or Two Family Residential |  | I, General Industrial |
|  | R3, Multiple Family Residential |  | PF, Public Facilities |
|  | MHP, Manufactured Home Park |  | PUD, Planned Unit Development |
|  | C1, Neighborhood Business |  | RE, River's Edge |



1 inch = 1,500 feet

A horizontal graphic scale bar with a black background and white markings. The bar is divided into four equal segments by white vertical lines. Above the bar, the numbers 0, 750, 1,500, and 3,000 are printed in black. The word "Feet" is printed in black at the right end of the bar.



williams&works
engineers surveyors planners

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LOWELL CITY ADMINISTRATION
INTER OFFICE MEMORANDUM

DATE: September 12, 2019
TO: Mayor DeVore and the Lowell City Council
FROM: Michael T. Burns, City Manager *MB*
RE: Wastewater Plant Digester #3 lid

In the current fiscal year budget, \$68,000 was budgeted in the Wastewater fund to repair the lid to digester #3 at the Wastewater Treatment Plant. This lid has not been repaired since the wastewater plant was built and is need of an upgrade.

Suez can provide this work under the maintenance clause of their current agreement with the City and thus not go out for bid. They have given us a proposal of completing the work for \$60,000. There was also a need for some engineering inspection work to ensure the repairs are made properly and we received a quote from Williams and Works and Prein and Newhof. Williams and Works had a lower quote of \$1,440.

Attached are proposals from both Williams and Works and Suez for their proposed work on the project. **I recommend the Lowell City Council approve Suez and Williams and Works to proceed with their proposed work to repair Digester #3 at the Wastewater Treatment Plant at a cost not to exceed \$61,440.**



Fernando Almirall
Chief Financial Officer
SUEZ Water Environmental Services Inc.
461 From Road, Suite 400
Paramus, New Jersey 07652
Fernando.Almirall@suez.com

August 30, 2019

Mike Devore
Mayor
Lowell City Hall
301 E. Main Street
Lowell, MI 49331

Sue Ullery
City Clerk
Lowell City Hall
301 E. Main Street
Lowell, MI 49331

RE: Additional Service Agreement ("ASA") by and between SUEZ Water Environmental Services Inc. ("SUEZ") and the City of Lowell, Michigan (the "City") to repair the digester #3 lid.

Dear Mayor Devore and City Clerk Ullery:

SUEZ is pleased to present this ASA to the City for repair of the digester #3 lid at the City's wastewater treatment facility (the "Digester Lid").

This ASA is offered pursuant to Section 2.01 of the Amended and Restated Operations and Maintenance Agreement for the City's wastewater treatment plant between SUEZ and the City dated as of March 31, 2015 (the "Agreement").

The following is the scope of work, the pricing assumptions, and the proposed terms for this ASA.

Scope of Work

The Scope of Work to be completed under this ASA is to repair the Digester Lid by doing the following:

1. Remove and dispose of existing coating, all 2" concrete topping, and damaged concrete edge grouting.
2. Allow City Engineer to inspect digester #3 prior to proceeding to items 3 and 4 below.
3. Place new concrete topping, minimum 2" at edge and 5" at center, and regrout sloping concrete edge.
4. Prepare and coat entire concrete lid per engineers recommended coating.



Price and Terms

SUEZ and the City agree that the cost for this work shall be time and material based and the total cost includes but is not limited to all direct labor and non-labor costs that SUEZ incurs in performance of this work. Costs for materials and any subcontractor will be paid by City to SUEZ at cost plus 10% on the actual cost of materials to compensate SUEZ for its administrative expenses and profit. Costs for direct wages and fringe benefits associated with this work will be paid by City to SUEZ with a 20% markup to reimburse SUEZ for its administrative expenses and profit.

The costs for the work described herein are not to exceed \$60,000. In the event that SUEZ believes the costs for this work are approaching a total cost of \$60,000, SUEZ shall stop work and consult with the City for further direction.


SUEZ and the City further agree that the performance of the scope of work contemplated in this ASA is in accordance with Sections 2.01 and 4.07 of the Agreement and will be billed separately to the City. Payment shall be due net thirty (30) days upon completion of the scope of work.

Assumptions

1. Upon our receipt of the City's countersignature of this proposal indicating acceptance of the ASA, SUEZ and the City will discuss and coordinate a mutually agreeable timetable for the services outlined herein.
2. Except as expressly stated herein, this ASA shall be performed pursuant to the terms of the Agreement.
3. The work will be performed by SUEZ's Mechanical Services Group employees, none of whom are regularly assigned to the Lowell site.

If this ASA is acceptable to the City, please sign and send two copies of the signed proposal to SUEZ, Attn: Carla Krueger, Senior Paralegal, 461 From Road, Suite 400, Paramus, NJ 07652. Please also send a signed copy of the signed document to Brian Vander Meulen at brian.vandermeulen@suez.com.

Sincerely,



Fernando Almirall
Chief Financial Officer
SUEZ Water Environmental Services Inc.

williams&works

engineers surveyors planners

August 26, 2019

Mr. Brian VanderMeulen, Superintendent
City of Lowell WWTP
300 Bowes Road
Lowell, MI 49331

**Re: Digester #3 Cover Repairs
Proposal for Professional Services**

Dear Brian:

Williams & Works is pleased to provide you this proposal for professional services related to the preparation of project specifications and structural inspection to complete repairs to the cover of the tank known as Digester No. 3 at your facility. You and Cody showed me and Chris Dombrowski, P.E. the cover in need of repair on August 22, 2019. Based on that visit, and review of a draft work plan from Suez, the following scope of work is offered;

- Project work specification(s) for completing the rehabilitation work based on removing the failing coating and concrete topping, and replacing with a new concrete topping including a drip edge.
- One site visit to inspect the hollow core concrete planks and assess their condition and suitability for the proposed fix. If the planks are in poor condition, work will stop on this scope and a new scope of work will be developed based on an alternate cover replacement option.
- One site visit to inspect the forms and hatches prior to placement of new concrete topping with an access opening to the decant chamber.
- One final visit to inspect the finished concrete topping work. An additional coating system is not recommended. It is our belief the existing coating system contributed to the failure of the existing concrete topping.

Our proposed not-to-exceed fee to complete the scope of work provided above is \$1,440 to be billed monthly based on actual hours worked and expenses incurred. We are able to begin right away.

Please call me at (616) 644-8520 or email me at mieras@williams-works.com if you have questions on this proposal. Thank you for the opportunity to work with you on this project.

Respectfully submitted,

Williams & Works

Brandon Mieras
Aug 26 2019 1:56 PM

Brandon Mieras, P.E.
Principal

Cc: Mike Burns, City of Lowell
Dave Austin, Williams & Works
File

549 Ottawa Avenue NW, Grand Rapids, MI 49503

(616) 224-1500

williams-works.com



Accepted, Agreed to and Approved by Mike Devore, Mayor and Sue Ullery, Clerk as of this ____ day
of _____, 2019.

Signature

Name: Mike Devore

Title: Mayor City of Lowell, MI

Signature

Name: Sue Ullery

Title: Clerk City of Lowell, MI

LOWELL CITY ADMINISTRATION
INTER OFFICE MEMORANDUM



DATE: September 12, 2019

TO: Mayor DeVore and the Lowell City Council

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

RE: Wastewater Treatment Plant Expansion Study

Currently, we are nearly approaching our 80 % capacity for the wastewater treatment plant. Once we are over the 80% level, we are required by the Michigan Environment, Great Lakes and Energy (EGLE) to begin planning for an expansion. While we are currently finishing up our assessment from the Stormwater Asset Management (SAW Grant) program, we are hoping many of the recommendations being made through SAW will allow us to avoid having to conduct a plant expansion.

That being said, Lowell Township which currently owns 18 % capacity in our system, is continuing to grow at a much faster pace than the City. In addition, Litehouse is now delivering process water to the Wastewater Treatment Plant after a 2 year hiatus. Now would be a good time to complete the necessary study to determine what upgrades to the facility would be needed.

In the current fiscal year, the City budgeted funds in the Wastewater Fund for the Wastewater Plant Study. I have received an estimate from Williams and Works of \$13,000 to complete the study. Additionally, Lowell Township has agreed to pay 50% of the cost for the study as they are partner in this and in future ventures.

I recommend the Lowell City Council approve the provided estimate of a cost not to exceed \$13,000 (\$6,500 paid by Lowell Township) for an expansion study of the Wastewater Treatment Plant.

williams&works

engineers | surveyors | planners

May 10, 2019

Mr. Rich LaBombard, Assistant City Manager
City of Lowell
301 Main St.
Lowell, MI 49331

**Re: Wastewater Treatment Plant Expansion Study
Proposal for Professional Services**

Dear Mr. LaBombard:

Williams & Works is pleased to provide you this proposal for professional services for an engineering study of your wastewater treatment facility to expand the treatment system capacity and make necessary repairs or upgrades of existing equipment and controls.

Overview

The City of Lowell owns and operates a wastewater treatment plant (WWTP) originally constructed in 1966 as a primary treatment facility. The WWTP underwent a major expansion and treatment upgrade that included the Primary Building, Control Building, oxidation ditches, secondary clarifiers, sludge storage tanks, pumps, piping, and controls. The WWTP has a rated capacity to treat an average flow of 1.42 MGD, containing 2,570 lbs or Biochemical Oxygen Demand (BOD₅). A study conducted in 1999 concluded the WWTP could be re-rated to a treatment capacity of 1.56 MGD, containing 3,360 lbs of BOD₅, but that report was never submitted to MDEQ to increase the rated treatment capacity.

The WWTP liquid process consists of influent pumping, screening, grit removal, activated sludge treatment in two oxidation ditches, secondary clarification, and chlorine disinfection with a continuous discharge into the Flat River. The solids treatment process consists of waste sludge pumping, sludge thickening, and storage with land application disposal. The plant uses a well-established and proven wastewater treatment system that has served the city well for over 30 years.

The City of Lowell desires to increase the treatment capacity of the WWTP up to an average day capacity of 2.13 MGD, replace aging pumps and equipment, modernize the plant equipment and controls, including addition of a supervisory control and data acquisition (SCADA) system, and utilizing variable frequency drives (VFDs) and perhaps alternate oxygen delivery systems to increase efficiency. Williams & Works and Century A&E propose to evaluate the existing WWTP

and consider expanding the plant utilizing the existing treatment system, or change to treatment technology at Our proposed scope of work, fee and schedule is provided on the following page.

Project Team

The project team will consist of design professionals from Williams & Works and Century A&E. The project will be led by Brandon Mieras, P.E. of Williams & Works, with Steve Williams, P.E. and Nathan Breese providing input and assistance. Century A&E staff includes Troy MacDonald, P.E. and Matt Tipping, P.E. The project team has decades of combined design experience in water and wastewater plant design.

Scope of Work/Technical Approach

Task 1: Engineering Study Report

Task 1.A. Kick-off Meeting, Data Acquisition, and Site Visit

Kick-off Meeting

Meet with the plant operation staff to discuss the plan for moving forward with the engineering report to make sure their concerns are adequately addressed with this study, and the focus is placed on feasible treatment technologies.

Data Acquisition

Portions of the 1987 construction plans are already in our possession, and the remaining sheets will be made available to us at the beginning of the work. The O&M manual from the 1987 expansion is also in our possession, along with the 1999 WWTP evaluation. Additional data to be acquired would include specific operation data, including chemical and power use and cost, and any operation difficulties or concerns.

Site Visit

Staff from Williams & Works and Century A&E will examine the WWTP as part of our analysis to assess the overall condition of the plant.

Task 1.B. System Evaluation and Treatment Option Development

WWTP System Expansion Evaluation

Information gathered from Task 1.A. will be analyzed and evaluated by the project team to be presented later in the written report.

Treatment Option Evaluation

The city has made its desires known to modernize the WWTP controls and to make the plant more efficient. Century A&E will focus on adding a SCADA system and using VFDs on the large electric motors in the process.

Williams & Works will focus on the treatment component capacity and technology. Each step in the process will be evaluated for hydraulic capacity and pollutant load treatment capacity. Consideration of changing the oxygen delivery system to the oxidation ditches will be made, along with options for solids treatment and disposal, such as dewatering solids for landfill disposal.

The plant is configured in such a way that expansion of the existing treatment process is possible. There is space available, although it is in a floodplain, for an additional oxidation ditch and secondary clarifier. That will be considered the primary expansion option, and will be coupled with a continuation of the 1999 study to increase the treatment capacity of the existing facility with an additional oxidation ditch and clarifier. Process modification(s) will also be considered to expand capacity, such as adding a step equivalent to primary clarification.

Task 1.C. Cost Estimates

Construction Cost Estimates

Construction cost estimates will be developed for the SCADA system and electrical improvements, and the WWTP expansion options evaluated. The estimates will include a 20% contingency.

Operation Cost Estimates

Annual operating cost estimates will be developed for the WWTP expansion options evaluations. Coupled with the construction cost estimates, it will be possible to determine the present worth of the options considered.

Task 1.D. Report Preparation

The deliverable will be a written engineering report. The report will include simple representative flow/process diagrams for the SCADA improvements and WWTP processes evaluated, construction and operation cost estimates, and written descriptions of observations of the existing system and expected performance advantages/disadvantages of proposed WWTP technology versus current technology.

Proposed Task 1 – Engineering Study Fee

Total hourly plus expenses, not-to-exceed fee is Thirteen Thousand Dollars (\$13,000.00). This budget allows for more than 140 professional hours and limited expenses to spend the

Mr. LaBombard
Page 4 of 4
May 10, 2019

time necessary to evaluate treatment equipment, develop the diagrams and cost estimates critical to this report.

Schedule

Williams & Works is prepared to begin this study immediately upon authorization. The study is expected to take approximately ten (10) to fourteen (14) weeks to complete. A time variable should be factored in for pricing and design information from wastewater treatment equipment representatives.

Please call me at (616) 644-8520 or email me at mieras@williams-works.com if you have questions on this proposal. Thank you for the opportunity to work with you on this project.

Respectfully submitted,

Williams & Works

Brandon Mieras

Brandon Mieras
May 10 2019 10:52 AM

Brandon Mieras, P.E.
Principal

Cc: Troy MacDonald, Century A&E
Dave Austin, Williams & Works
Steve Williams, SEW Consulting
File

CITY OF LOWELL
REPORT FOR : AUGUST
FOR: Michael Burns

DRINKING WATER TREATMENT AND FILTRATION PLANT

A TOTAL OF: 26.11123 MILLION GALLONS OF RAW WATER WAS TREATED FOR THE
MONTH OF: AUGUST TOTAL PUMPING TIME, TREATMENT AND THE DISTRIBUTION
OF THE FINISHED WATER TO THE SYSTEM REQUIRED 388.25 HOURS, WHICH RESULTED IN
503.3 MAN HOURS FOR THE OPERATION.

CHEMICAL COST PER MILLION GALLONS: \$ 168.05

ELECTRICAL COST PER MILLION GALLONS: \$ 192.65

TOTAL COST PER MILLION GALLONS: \$ 360.70

WATER PRODUCTION

DAILY AVERAGE: 0.842 MILLION GALLONS

DAILY MAXIMUM: 1.570 MILLION GALLONS

DAILY MINIMUM: 0.597 MILLION GALLONS

THE AVERAGE PLANT OPERATION TIME WAS 12.524 HOURS PER DAY.

Lowell Area Fire Dept.

Lowell, MI

This report was generated on 9/3/2019 8:05:52 AM



Basic Incident Info with Number of Responding Apparatus and Personnel for Date Range

Start Date: 08/01/2019 | End Date: 08/31/2019

DATE	INCIDENT #	ADDRESS	INCIDENT TYPE	SHIFT	ZONE	# APP.	# PERS.
08/01/2019	2019-586		611 - Dispatched & cancelled en route		Lowell Township - Lowell Township	1	4
08/01/2019	2019-587		321 - EMS call, excluding vehicle accident with injury		City of Lowell - City	2	7
08/01/2019	2019-588		322 - Motor vehicle accident with injuries		Vergennes Township - Vergennes Township	3	5
08/02/2019	2019-589		622 - No incident found on arrival at dispatch address		City of Lowell - City	2	5
08/02/2019	2019-590		321 - EMS call, excluding vehicle accident with injury		Vergennes Township - Vergennes Township	1	5
08/02/2019	2019-591		321 - EMS call, excluding vehicle accident with injury		Lowell Township - Lowell Township	1	4
08/03/2019	2019-592		352 - Extrication of victim(s) from vehicle		Lowell Township - Lowell Township	6	11
08/03/2019	2019-593		321 - EMS call, excluding vehicle accident with injury		Lowell Township - Lowell Township	3	9
08/03/2019	2019-594		138 - Off-road vehicle or heavy equipment fire		Vergennes Township - Vergennes Township	3	10
08/03/2019	2019-595		322 - Motor vehicle accident with injuries		Lowell Township - Lowell Township	3	10
08/04/2019	2019-596		341 - Search for person on land		City of Lowell - City	3	8
08/04/2019	2019-597		444 - Power line down		Lowell Township - Lowell Township	2	9
08/05/2019	2019-598		321 - EMS call, excluding vehicle accident with injury		City of Lowell - City	2	3
08/05/2019	2019-599		321 - EMS call, excluding vehicle accident with injury		Lowell Township - Lowell Township	4	6

Only REVIEWED incidents included.

DATE	INCIDENT #	ADDRESS	INCIDENT TYPE	SHIFT	ZONE	# APP.	# PERS.
08/05/2019	2019-600		321 - EMS call, excluding vehicle accident with injury		Lowell Township - Lowell Township	2	4
08/06/2019	2019-602		322 - Motor vehicle accident with injuries		Lowell Township - Lowell Township	3	7
08/06/2019	2019-603		322 - Motor vehicle accident with injuries		City of Lowell - City	3	4
08/06/2019	2019-604		321 - EMS call, excluding vehicle accident with injury		City of Lowell - City	1	7
08/06/2019	2019-605		322 - Motor vehicle accident with injuries		City of Lowell - City	3	10
08/07/2019	2019-606		321 - EMS call, excluding vehicle accident with injury		City of Lowell - City	1	4
08/07/2019	2019-607		600 - Good intent call, other		City of Lowell - City	1	4
08/08/2019	2019-608		321 - EMS call, excluding vehicle accident with injury		City of Lowell - City	2	4
08/08/2019	2019-609		322 - Motor vehicle accident with injuries		Lowell Township - Lowell Township	1	3
08/08/2019	2019-610		611 - Dispatched & cancelled en route		City of Lowell - City	1	5
08/09/2019	2019-611		324 - Motor vehicle accident with no injuries.		Vergennes Township - Vergennes Township	1	5
08/10/2019	2019-612		551 - Assist police or other governmental agency		City of Lowell - City	1	8
08/10/2019	2019-613		651 - Smoke scare, odor of smoke		Vergennes Township - Vergennes Township	3	8
08/10/2019	2019-615		444 - Power line down		Lowell Township - Lowell Township	1	7
08/10/2019	2019-616		412 - Gas leak (natural gas or LPG)		City of Lowell - City	2	7
08/10/2019	2019-617		321 - EMS call, excluding vehicle accident with injury		City of Lowell - City	2	9
08/11/2019	2019-618		322 - Motor vehicle accident with injuries		City of Lowell - City	2	10
08/11/2019	2019-619		365 - Watercraft rescue		Vergennes Township - Vergennes Township	5	11

Only REVIEWED incidents included.

DATE	INCIDENT #	ADDRESS	INCIDENT TYPE	SHIFT	ZONE	# APP.	# PERS.
08/12/2019	2019-620		321 - EMS call, excluding vehicle accident with injury		City of Lowell - City	1	3
08/12/2019	2019-621		611 - Dispatched & cancelled en route		Vergennes Township - Vergennes Township	1	8
08/12/2019	2019-622		444 - Power line down		City of Lowell - City	3	7
08/12/2019	2019-623		321 - EMS call, excluding vehicle accident with injury		Lowell Township - Lowell Township	2	4
08/13/2019	2019-624		321 - EMS call, excluding vehicle accident with injury		Lowell Township - Lowell Township	1	3
08/13/2019	2019-625		311 - Medical assist, assist EMS crew		Lowell Township - Lowell Township	1	3
08/13/2019	2019-626		321 - EMS call, excluding vehicle accident with injury		Lowell Township - Lowell Township	2	6
08/14/2019	2019-627		730 - System malfunction, other		City of Lowell - City	1	5
08/14/2019	2019-628		631 - Authorized controlled burning		Lowell Township - Lowell Township	1	2
08/14/2019	2019-629		311 - Medical assist, assist EMS crew		City of Lowell - City	1	2
08/15/2019	2019-630		311 - Medical assist, assist EMS crew		Vergennes Township - Vergennes Township	1	5
08/15/2019	2019-631		611 - Dispatched & cancelled en route		Vergennes Township - Vergennes Township	1	6
08/15/2019	2019-632		321 - EMS call, excluding vehicle accident with injury		Lowell Township - Lowell Township	4	6
08/16/2019	2019-633		321 - EMS call, excluding vehicle accident with injury		City of Lowell - City	1	5
08/17/2019	2019-634		321 - EMS call, excluding vehicle accident with injury		Vergennes Township - Vergennes Township	2	3
08/17/2019	2019-635		611 - Dispatched & cancelled en route		City of Lowell - City	1	4
08/17/2019	2019-636		444 - Power line down		City of Lowell - City	1	6
08/18/2019	2019-637		321 - EMS call, excluding vehicle accident with injury		Vergennes Township - Vergennes Township	1	3

Only REVIEWED incidents included.

DATE	INCIDENT #	ADDRESS	INCIDENT TYPE	SHIFT	ZONE	# APP.	# PERS.
08/18/2019	2019-638		321 - EMS call, excluding vehicle accident with injury		City of Lowell - City	1	4
08/19/2019	2019-639		321 - EMS call, excluding vehicle accident with injury		Lowell Township - Lowell Township	2	5
08/19/2019	2019-640		700 - False alarm or false call, other		Vergennes Township - Vergennes Township	2	7
08/19/2019	2019-641		321 - EMS call, excluding vehicle accident with injury		City of Lowell - City	2	10
08/21/2019	2019-642		511 - Lock-out		City of Lowell - City	2	3
08/21/2019	2019-643		321 - EMS call, excluding vehicle accident with injury		City of Lowell - City	2	6
08/21/2019	2019-644		321 - EMS call, excluding vehicle accident with injury		Lowell Township - Lowell Township	1	5
08/22/2019	2019-645		321 - EMS call, excluding vehicle accident with injury		Lowell Township - Lowell Township	1	3
08/22/2019	2019-646		321 - EMS call, excluding vehicle accident with injury		City of Lowell - City	2	9
08/23/2019	2019-647		730 - System malfunction, other		City of Lowell - City	2	2
08/23/2019	2019-648		631 - Authorized controlled burning		Lowell Township - Lowell Township	1	11
08/23/2019	2019-649		321 - EMS call, excluding vehicle accident with injury		City of Lowell - City	1	11
08/24/2019	2019-650		321 - EMS call, excluding vehicle accident with injury		Vergennes Township - Vergennes Township	1	19
08/25/2019	2019-651		743 - Smoke detector activation, no fire - unintentional		Lowell Township - Lowell Township	3	8
08/25/2019	2019-652		424 - Carbon monoxide incident		City of Lowell - City	2	6
08/27/2019	2019-653		611 - Dispatched & cancelled en route		Lowell Township - Lowell Township	1	3
08/27/2019	2019-654		700 - False alarm or false call, other		City of Lowell - City	1	2
08/27/2019	2019-655		321 - EMS call, excluding vehicle accident with injury		City of Lowell - City	1	6

Only REVIEWED incidents included.

DATE	INCIDENT #	ADDRESS	INCIDENT TYPE	SHIFT	ZONE	# APP.	# PERS.
08/28/2019	2019-656		321 - EMS call, excluding vehicle accident with injury		City of Lowell - City	3	3
08/28/2019	2019-657		550 - Public service assistance, other		Lowell Township - Lowell Township	2	6
08/28/2019	2019-658		321 - EMS call, excluding vehicle accident with injury		City of Lowell - City	2	10
08/28/2019	2019-659		321 - EMS call, excluding vehicle accident with injury		Saranac - Saranac	1	8
08/29/2019	2019-660		321 - EMS call, excluding vehicle accident with injury		Vergennes Township - Vergennes Township	1	3
08/29/2019	2019-661		321 - EMS call, excluding vehicle accident with injury		Lowell Township - Lowell Township	2	6
08/30/2019	2019-662		733 - Smoke detector activation due to malfunction		Vergennes Township - Vergennes Township	1	10
08/31/2019	2019-663		321 - EMS call, excluding vehicle accident with injury		City of Lowell - City	2	7
08/31/2019	2019-664		321 - EMS call, excluding vehicle accident with injury		Vergennes Township - Vergennes Township	5	10
08/31/2019	2019-665		561 - Unauthorized burning		City of Lowell - City	2	9

TOTAL # INCIDENTS: 78

Only REVIEWED incidents included.

Lowell Area Fire Dept.

Lowell, MI

This report was generated on 9/3/2019 8:08:12 AM



Incident Count with Man-Hours per Zone for Date Range

Start Date: 08/01/2019 | End Date: 08/31/2019

ZONE	INCIDENT COUNT	MAN-HOURS
City of Lowell - City	36	41:55
Lowell Township - Lowell Township	25	66:09
Saranac - Saranac	1	0:58
Vergennes Township - Vergennes Township	16	40:11
TOTAL	78	149:14

NOTE that this report takes into consideration ONLY those Personnel that are associated with an Apparatus, and that only Reviewed incidents are included in the counts.



**EMERGENCY
REPORTING**

emergencyreporting.com

Doc Id: 1306

Page # 1

Lowell Area Fire Dept.

Lowell, MI

This report was generated on 9/3/2019 8:06:43 AM



Incident Count per User-Defined Fields for Date Range

Start Date: 08/01/2019 | End Date: 08/31/2019

ANSWERS	# INCIDENTS
USER-DEFINED FIELD: SCBA (Required)	
0	78
USER-DEFINED FIELD: Hose 1.5 inch Feet used (Required)	
0	77
50	1
USER-DEFINED FIELD: Hose 3 inch Feet used (Required)	
0	78
USER-DEFINED FIELD: Hose 5 inch feet used (Required)	
0	78
USER-DEFINED FIELD: Hand Tools Used (Required)	
0	71
2 TIC	1
CO2 detectors	1
Electric fan	1
gas monitors	1
shovels brooms cones	1
TIC	2
USER-DEFINED FIELD: Rescue Tools Used (Required)	
0	77
Cutters, sawZall, chainsaw, stabilization strut.	1
USER-DEFINED FIELD: Water used (gal) (Required)	
0	77
150	1
USER-DEFINED FIELD: LUCAS (Required)	
NO	77
Yes	1

Only User-Defined values selected in the CUSTOM field of an incident Included. Only REVIEWED incidents included in count.

Lowell Area Fire Dept.

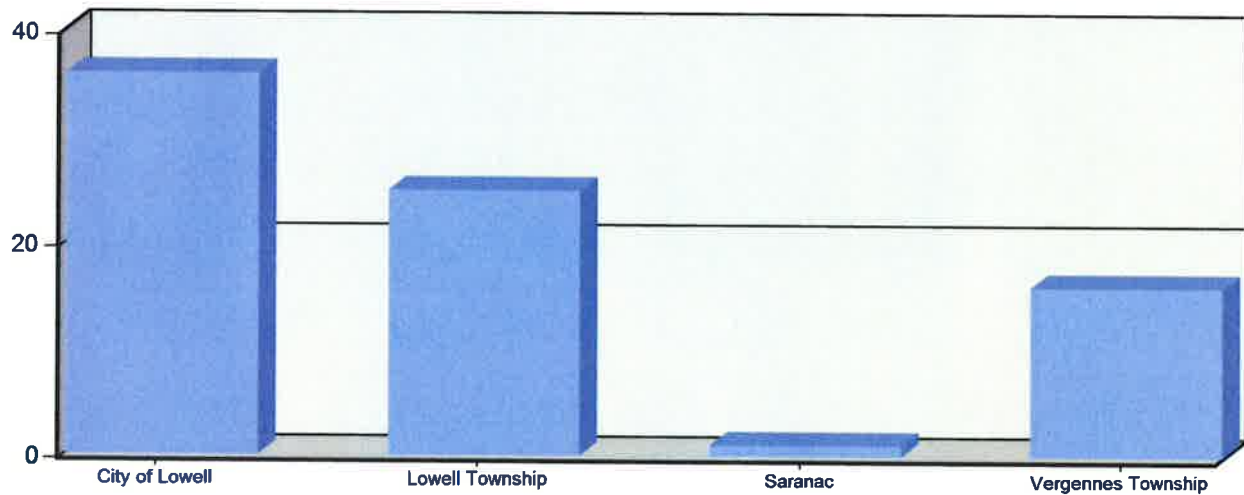
Lowell, MI

This report was generated on 9/3/2019 8:09:58 AM



Incident Count per Zone for Date Range

Start Date: 08/01/2019 | End Date: 08/31/2019



ZONE	# INCIDENTS
City of Lowell - City	36
Lowell Township - Lowell Township	25
Saranac - Saranac	1
Vergennes Township - Vergennes Township	16
TOTAL:	78

Zone information is defined on the Basic Info 3 screen of an incident. Only REVIEWED incidents included.
Archived Zones cannot be unarchived.

Lowell Area Fire Dept.

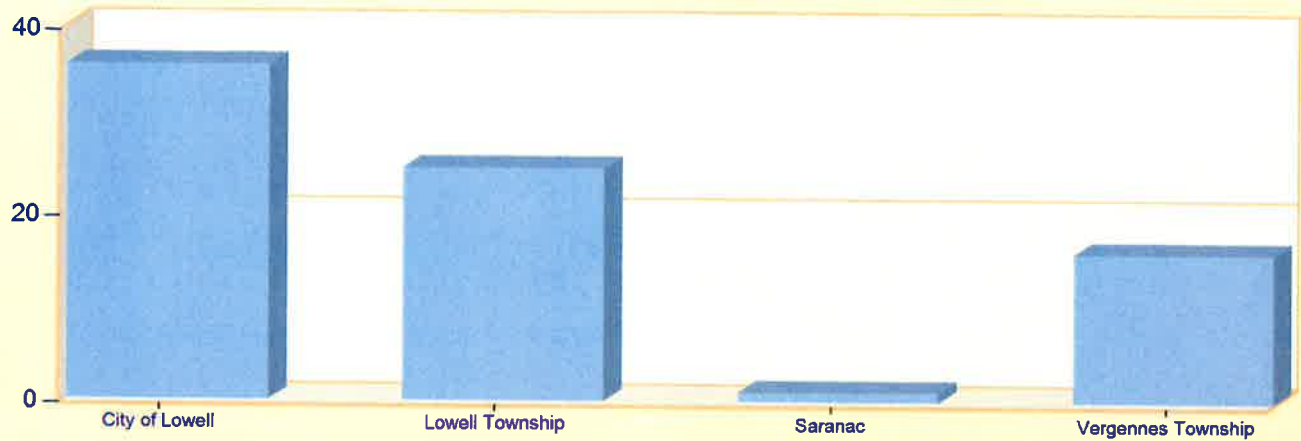
Lowell, MI

This report was generated on 9/3/2019 8:07:23 AM



Incident Type Count per Zone for Date Range

Start Date: 08/01/2019 | End Date: 08/31/2019



ZONES	INCIDENT TYPE	COUNT
City of Lowell - City		
	311 - Medical assist, assist EMS crew	1
	321 - EMS call, excluding vehicle accident with injury	17
	322 - Motor vehicle accident with injuries	3
	341 - Search for person on land	1
	412 - Gas leak (natural gas or LPG)	1
	424 - Carbon monoxide incident	1
	444 - Power line down	2
	511 - Lock-out	1
	551 - Assist police or other governmental agency	1
	561 - Unauthorized burning	1
	600 - Good intent call, other	1
	611 - Dispatched & cancelled en route	2
	622 - No incident found on arrival at dispatch address	1
	700 - False alarm or false call, other	1
	730 - System malfunction, other	2
	Total Incidents for City of Lowell - City	36
Lowell Township - Lowell Township		
	311 - Medical assist, assist EMS crew	1
	321 - EMS call, excluding vehicle accident with injury	12
	322 - Motor vehicle accident with injuries	3

Zone information is defined on the Basic Info 3 screen of an incident.
Only REVIEWED incidents included.

ZONES	INCIDENT TYPE	COUNT
	352 - Extrication of victim(s) from vehicle	1
	444 - Power line down	2
	550 - Public service assistance, other	1
	611 - Dispatched & cancelled en route	2
	631 - Authorized controlled burning	2
	743 - Smoke detector activation, no fire - unintentional	1
	<i>Total Incidents for Lowell Township - Lowell Township</i>	25
Saranac - Saranac		
	321 - EMS call, excluding vehicle accident with injury	1
	<i>Total Incidents for Saranac - Saranac:</i>	1
Vergennes Township - Vergennes Township		
	138 - Off-road vehicle or heavy equipment fire	1
	311 - Medical assist, assist EMS crew	1
	321 - EMS call, excluding vehicle accident with injury	6
	322 - Motor vehicle accident with injuries	1
	324 - Motor vehicle accident with no injuries.	1
	365 - Watercraft rescue	1
	611 - Dispatched & cancelled en route	2
	651 - Smoke scare, odor of smoke	1
	700 - False alarm or false call, other	1
	733 - Smoke detector activation due to malfunction	1
	<i>Total Incidents for Vergennes Township - Vergennes Township</i>	16
Total Count for all Zone:		78

Zone information is defined on the Basic Info 3 screen of an incident.
Only REVIEWED incidents included.



Lowell Area Fire and
Emergency Services Authority
Lowell Area Fire Department
315 S. Hudson St. Lowell, MI 49331
616-897-7354

Friday, September 06, 2019

Fire Authority Board:

We responded to 78 total incidents for the month of August.

We are continuing to train on the new tender.

We're happy to report our new hires have passed all phases of medical training. We are waiting for the State and county to award practicing privileges.

Fallasburg fall festival is this weekend. We will be cooking chicken both Saturday and Sunday all day.

I've met with Platinum Power sports to discuss the purchase of the UTV. The final cost will be \$12,010.00 and we would keep the one we have. We have budgeted \$11,000.00 for this purchase. I will be drafting a letter for membership and the police department soon explaining the sealed bid process for the existing mini-medic. The money received from this sale will help cover the overage of the new purchase. The expected purchase date will be early October.

Hose and ladder testing is completed. All ladders passed and 2 sections of hose failed

We now have 3 quotes for window replacement. All 3 are between \$4500-\$5000

We are continuing to work on the punch list provided by the former DPW director regarding our station needs. Ceiling tiles are gradually being replaced. LED lighting in the bays will be next.

Shannon, Corey and I are reviewing all reports.

Please feel free to contact me at (616) 648-1478 with any questions or concerns.

Respectfully, Ron van Overbeek

Fire Chief, Lowell Area Fire Dept.

REVENUE AND EXPENDITURE REPORT FOR CITY OF LOWELL
 PERIOD ENDING 08/31/2019

GL NUMBER	DESCRIPTION	2019-20 AMENDED BUDGET	YTD BALANCE 08/31/2019	ACTIVITY FOR MONTH 08/31/2019	AVAILABLE BALANCE	% BDGT USED
Fund 101 - GENERAL FUND						
Revenues						
TAXES	TAXES	2,082,750.79	477,973.84	378,742.73	1,604,776.95	22.95
STATE	STATE GRANTS	415,009.00	1.26	0.00	415,007.74	0.00
LICPER	LICENSES AND PERMITS	42,300.00	11,030.63	10,155.63	31,269.37	26.08
CHARGES	CHARGES FOR SERVICES	360,733.00	9,561.48	4,792.18	351,171.52	2.65
INT	INTEREST AND RENTS	8,100.00	0.00	0.00	8,100.00	0.00
OTHER	OTHER REVENUE	13,150.00	1,810.74	270.01	11,339.26	13.77
TRANSIN	TRANSFERS IN	303,382.00	0.00	0.00	303,382.00	0.00
FINES	FINES AND FORFEITURES	9,500.00	1,294.75	909.00	8,205.25	13.63
LOCAL	LOCAL CONTRIBUTIONS	11,108.00	2,902.88	0.00	8,205.12	26.13
TOTAL REVENUES		3,246,032.79	504,575.58	394,869.55	2,741,457.21	15.54
Expenditures						
000		0.00	0.00	0.00	0.00	0.00
101	COUNCIL	21,675.00	322.47	262.22	21,352.53	1.49
172	MANAGER	135,807.79	28,646.96	19,883.93	107,160.83	21.09
191	ELECTIONS	15,525.00	0.00	0.00	15,525.00	0.00
209	ASSESSOR	60,600.00	7,545.85	5,693.33	53,054.15	12.45
210	ATTORNEY	60,000.00	8,303.20	8,303.20	51,696.80	13.84
215	CLERK	130,930.47	17,071.31	10,276.89	113,859.16	13.04
253	TREASURER	225,789.26	22,925.14	15,601.01	202,864.12	10.15
265	CITY HALL	148,663.83	10,595.17	9,488.84	138,068.66	7.13
276	CEMETERY	128,196.54	26,636.07	18,699.52	101,560.47	20.78
294	UNALLOCATED MISCELLANEOUS	5,000.00	113,752.00	500.00	(108,752.00)	2,275.04
301	POLICE DEPARTMENT	744,687.81	91,802.92	59,132.62	652,884.89	12.33
305	CODE ENFORCEMENT	113,016.55	11,754.19	6,637.63	101,262.36	10.40
336	FIRE	118,155.00	29,590.28	640.06	88,564.72	25.04
371	BUILDING INSPECTION DEPARTMENT	0.00	0.00	0.00	0.00	0.00
400	PLANNING & ZONING	54,986.35	5,707.45	4,479.85	49,278.90	10.38
426	EMERGENCY MANAGEMENT	0.00	0.00	0.00	0.00	0.00
441	DEPARTMENT OF PUBLIC WORKS	341,640.96	22,082.48	16,099.07	319,558.48	6.46
442	SIDEWALK	3,788.58	54.42	23.95	3,734.16	1.44
443	ARBOR BOARD	0.00	0.00	0.00	0.00	0.00
523	TRASH	0.00	0.00	0.00	0.00	0.00
651	AMBULANCE	0.00	0.00	0.00	0.00	0.00
672	SENIOR CITIZEN CONTRIBUTION	0.00	0.00	0.00	0.00	0.00
728	ECONOMIC DEVELOPMENT	1,100.00	0.00	0.00	1,100.00	0.00
747	CHAMBER/RIVERWALK	4,000.00	311.00	240.21	3,689.00	7.78
751	PARKS	157,832.42	36,569.38	29,252.55	121,263.04	23.17
757	SHOWBOAT	0.00	57.52	57.52	(57.52)	100.00
758	DOG PARK	0.00	0.00	0.00	0.00	0.00
774	RECREATION CONTRIBUTIONS	5,000.00	0.00	0.00	5,000.00	0.00
790	LIBRARY	78,874.24	13,354.00	11,367.40	65,520.24	16.93
803	HISTORICAL DISTRICT COMMISSION	0.00	0.00	0.00	0.00	0.00
804	MUSEUM	49,166.45	11,561.95	9,869.25	37,604.50	23.52
906	DEBT SERVICE	0.00	0.00	0.00	0.00	0.00
965	TRANSFERS OUT	538,382.00	0.00	0.00	538,382.00	0.00
TOTAL EXPENDITURES		3,142,818.25	458,643.76	226,509.05	2,684,174.49	14.59
TOTAL REVENUES		3,246,032.79	504,575.58	394,869.55	2,741,457.21	15.54
TOTAL EXPENDITURES		3,142,818.25	458,643.76	226,509.05	2,684,174.49	14.59
NET OF REVENUES & EXPENDITURES		103,214.54	45,931.82	168,360.50	57,282.72	44.50

REVENUE AND EXPENDITURE REPORT FOR CITY OF LOWELL
 PERIOD ENDING 08/31/2019

GL NUMBER	DESCRIPTION	2019-20 AMENDED BUDGET	YTD BALANCE 08/31/2019	ACTIVITY FOR MONTH 08/31/2019	AVAILABLE BALANCE	% BDGT USED
Fund 202 - MAJOR STREET FUND						
Revenues						
STATE	STATE GRANTS	0.00	0.00	0.00	0.00	0.00
INT	INTEREST AND RENTS	1,500.00	0.00	0.00	1,500.00	0.00
OTHER	OTHER REVENUE	345,284.00	0.00	0.00	345,284.00	0.00
TRANSIN	TRANSFERS IN	0.00	0.00	0.00	0.00	0.00
FED	FEDERAL GRANTS	0.00	0.00	0.00	0.00	0.00
TOTAL REVENUES		346,784.00	0.00	0.00	346,784.00	0.00
Expenditures						
000		0.00	0.00	0.00	0.00	0.00
450	CAPITAL OUTLAY	7,500.00	0.00	0.00	7,500.00	0.00
463	MAINTENANCE	55,811.76	1,891.75	1,323.92	53,920.01	3.39
474	TRAFFIC	9,459.29	1,855.20	1,714.33	7,604.09	19.61
478	WINTER MAINTENANCE	59,941.61	513.98	138.13	59,427.63	0.86
483	ADMINISTRATION	16,944.00	0.00	0.00	16,944.00	0.00
906	DEBT SERVICE	0.00	0.00	0.00	0.00	0.00
965	TRANSFERS OUT	0.00	0.00	0.00	0.00	0.00
999	TRANSFERS IN	0.00	0.00	0.00	0.00	0.00
TOTAL EXPENDITURES		149,656.66	4,260.93	3,176.38	145,395.73	2.85
TOTAL REVENUES		346,784.00	0.00	0.00	346,784.00	0.00
TOTAL EXPENDITURES		149,656.66	4,260.93	3,176.38	145,395.73	2.85
NET OF REVENUES & EXPENDITURES		197,127.34	(4,260.93)	(3,176.38)	201,388.27	2.16

REVENUE AND EXPENDITURE REPORT FOR CITY OF LOWELL
 PERIOD ENDING 08/31/2019

GL NUMBER	DESCRIPTION	2019-20 AMENDED BUDGET	YTD BALANCE 08/31/2019	ACTIVITY FOR MONTH 08/31/2019	AVAILABLE BALANCE	% BDGT USED
Fund 203 - LOCAL STREET FUND						
Revenues						
STATE	STATE GRANTS	0.00	0.00	0.00	0.00	0.00
CHARGES	CHARGES FOR SERVICES	0.00	0.00	0.00	0.00	0.00
INT	INTEREST AND RENTS	700.00	0.00	0.00	700.00	0.00
OTHER	OTHER REVENUE	148,602.00	0.00	0.00	148,602.00	0.00
TRANSIN	TRANSFERS IN	175,000.00	0.00	0.00	175,000.00	0.00
LOCAL	LOCAL CONTRIBUTIONS	0.00	0.00	0.00	0.00	0.00
TOTAL REVENUES		324,302.00	0.00	0.00	324,302.00	0.00
Expenditures						
000		0.00	0.00	0.00	0.00	0.00
450	CAPITAL OUTLAY	125,500.00	0.00	0.00	125,500.00	0.00
463	MAINTENANCE	84,685.22	9,964.68	6,925.48	74,720.54	11.77
474	TRAFFIC	11,090.31	3,499.94	3,127.52	7,590.37	31.56
478	WINTER MAINTENANCE	80,830.73	3,084.31	2,465.12	77,746.42	3.82
483	ADMINISTRATION	20,662.00	0.00	0.00	20,662.00	0.00
906	DEBT SERVICE	25,531.00	25,531.25	0.00	(0.25)	100.00
965	TRANSFERS OUT	0.00	0.00	0.00	0.00	0.00
999	TRANSFERS IN	0.00	0.00	0.00	0.00	0.00
TOTAL EXPENDITURES		348,299.26	42,080.18	12,518.12	306,219.08	12.08
TOTAL REVENUES		324,302.00	0.00	0.00	324,302.00	0.00
TOTAL EXPENDITURES		348,299.26	42,080.18	12,518.12	306,219.08	12.08
NET OF REVENUES & EXPENDITURES		(23,997.26)	(42,080.18)	(12,518.12)	18,082.92	175.35

REVENUE AND EXPENDITURE REPORT FOR CITY OF LOWELL
 PERIOD ENDING 08/31/2019

GL NUMBER	DESCRIPTION	2019-20 AMENDED BUDGET	YTD BALANCE 08/31/2019	ACTIVITY FOR MONTH 08/31/2019	AVAILABLE BALANCE	% BDGT USED
Fund 238 - HISTORICAL DISTRICT FUND						
Revenues						
INT	INTEREST AND RENTS	0.00	0.00	0.00	0.00	0.00
OTHER	OTHER REVENUE	50,000.00	0.00	0.00	50,000.00	0.00
TOTAL REVENUES		50,000.00	0.00	0.00	50,000.00	0.00
Expenditures						
000		50,000.00	720.00	720.00	49,280.00	1.44
999	TRANSFERS IN	0.00	0.00	0.00	0.00	0.00
TOTAL EXPENDITURES		50,000.00	720.00	720.00	49,280.00	1.44
TOTAL REVENUES		50,000.00	0.00	0.00	50,000.00	0.00
TOTAL EXPENDITURES		50,000.00	720.00	720.00	49,280.00	1.44
NET OF REVENUES & EXPENDITURES		0.00	(720.00)	(720.00)	720.00	100.00

REVENUE AND EXPENDITURE REPORT FOR CITY OF LOWELL
 PERIOD ENDING 08/31/2019

GL NUMBER	DESCRIPTION	2019-20 AMENDED BUDGET	YTD BALANCE 08/31/2019	ACTIVITY FOR MONTH 08/31/2019	AVAILABLE BALANCE	% BDGT USED
Fund 248 - DOWNTOWN DEVELOPMENT AUTHORITY						
Revenues						
TAXES	TAXES	545,794.00	146,000.00	141,000.00	399,794.00	26.75
STATE	STATE GRANTS	0.00	0.00	0.00	0.00	0.00
INT	INTEREST AND RENTS	2,700.00	0.00	0.00	2,700.00	0.00
OTHER	OTHER REVENUE	0.00	0.00	0.00	0.00	0.00
TRANSIN	TRANSFERS IN	0.00	0.00	0.00	0.00	0.00
TOTAL REVENUES		548,494.00	146,000.00	141,000.00	402,494.00	26.62
Expenditures						
000		0.00	0.00	0.00	0.00	0.00
450	CAPITAL OUTLAY	210,000.00	1,241.56	1,241.56	208,758.44	0.59
463	MAINTENANCE	112,304.09	12,834.07	7,758.96	99,470.02	11.43
483	ADMINISTRATION	61,761.10	7,728.36	4,102.82	54,032.74	12.51
740	COMMUNITY PROMOTIONS	85,000.00	0.00	0.00	85,000.00	0.00
906	DEBT SERVICE	0.00	0.00	0.00	0.00	0.00
965	TRANSFERS OUT	320,722.00	0.00	0.00	320,722.00	0.00
999	TRANSFERS IN	0.00	0.00	0.00	0.00	0.00
TOTAL EXPENDITURES		789,787.19	21,803.99	13,103.34	767,983.20	2.76
TOTAL REVENUES		548,494.00	146,000.00	141,000.00	402,494.00	26.62
TOTAL EXPENDITURES		789,787.19	21,803.99	13,103.34	767,983.20	2.76
NET OF REVENUES & EXPENDITURES		(241,293.19)	124,196.01	127,896.66	(365,489.20)	51.47

REVENUE AND EXPENDITURE REPORT FOR CITY OF LOWELL
PERIOD ENDING 08/31/2019

GL NUMBER	DESCRIPTION	2019-20 AMENDED BUDGET	YTD BALANCE 08/31/2019	ACTIVITY FOR MONTH 08/31/2019	AVAILABLE BALANCE	% BDGT USED
Fund 249 - BUILDING INSPECTION FUND						
Revenues						
CHARGES	CHARGES FOR SERVICES	90,000.00	6,015.00	1,952.00	83,985.00	6.68
INT	INTEREST AND RENTS	0.00	0.00	0.00	0.00	0.00
TRANSIN	TRANSFERS IN	0.00	0.00	0.00	0.00	0.00
TOTAL REVENUES		90,000.00	6,015.00	1,952.00	83,985.00	6.68
Expenditures						
371	BUILDING INSPECTION DEPARTMENT	90,000.00	1,756.80	1,756.80	88,243.20	1.95
TOTAL EXPENDITURES		90,000.00	1,756.80	1,756.80	88,243.20	1.95
TOTAL REVENUES		90,000.00	6,015.00	1,952.00	83,985.00	6.68
TOTAL EXPENDITURES		90,000.00	1,756.80	1,756.80	88,243.20	1.95
NET OF REVENUES & EXPENDITURES		0.00	4,258.20	195.20	(4,258.20)	100.00

REVENUE AND EXPENDITURE REPORT FOR CITY OF LOWELL
 PERIOD ENDING 08/31/2019

GL NUMBER	DESCRIPTION	2019-20 AMENDED BUDGET	YTD BALANCE 08/31/2019	ACTIVITY FOR MONTH 08/31/2019	AVAILABLE BALANCE	% BDGT USED
Fund 260 - DESIGNATED CONTRIBUTIONS						
Revenues						
STATE	STATE GRANTS	582,000.00	0.00	0.00	582,000.00	0.00
CHARGES	CHARGES FOR SERVICES	0.00	0.00	0.00	0.00	0.00
INT	INTEREST AND RENTS	1,500.00	0.00	(409.40)	1,500.00	0.00
OTHER	OTHER REVENUE	0.00	656.00	656.00	(656.00)	100.00
TRANSIN	TRANSFERS IN	0.00	0.00	0.00	0.00	0.00
LOCAL	LOCAL CONTRIBUTIONS	0.00	0.00	0.00	0.00	0.00
TOTAL REVENUES		583,500.00	656.00	246.60	582,844.00	0.11
Expenditures						
000		0.00	0.00	0.00	0.00	0.00
265	CITY HALL	0.00	0.00	0.00	0.00	0.00
276	CEMETERY	0.00	0.00	0.00	0.00	0.00
301	POLICE DEPARTMENT	0.00	0.00	0.00	0.00	0.00
442	SIDEWALK	0.00	0.00	0.00	0.00	0.00
443	ARBOR BOARD	0.00	0.00	0.00	0.00	0.00
474	TRAFFIC	0.00	0.00	0.00	0.00	0.00
751	PARKS	582,000.00	3,062.50	3,062.50	578,937.50	0.53
758	DOG PARK	1,500.00	42.84	42.84	1,457.16	2.86
759	COMMUNITY GARDEN	0.00	409.40	0.00	(409.40)	100.00
790	LIBRARY	0.00	0.00	0.00	0.00	0.00
TOTAL EXPENDITURES		583,500.00	3,514.74	3,105.34	579,985.26	0.60
TOTAL REVENUES		583,500.00	656.00	246.60	582,844.00	0.11
TOTAL EXPENDITURES		583,500.00	3,514.74	3,105.34	579,985.26	0.60
NET OF REVENUES & EXPENDITURES		0.00	(2,858.74)	(2,858.74)	2,858.74	100.00

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REVENUE AND EXPENDITURE REPORT FOR CITY OF LOWELL
PERIOD ENDING 08/31/2019

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GL NUMBER	DESCRIPTION	2019-20 AMENDED BUDGET	YTD BALANCE 08/31/2019	ACTIVITY FOR MONTH 08/31/2019	AVAILABLE BALANCE	% BDGT USED
Fund 351 - GENERAL DEBT SERVICE (NON-VOTED BONDS)						
Revenues						
INT	INTEREST AND RENTS	0.00	0.00	0.00	0.00	0.00
OTHER	OTHER REVENUE	0.00	0.00	0.00	0.00	0.00
TRANSIN	TRANSFERS IN	0.00	0.00	0.00	0.00	0.00
TOTAL REVENUES		0.00	0.00	0.00	0.00	0.00
Expenditures						
000		0.00	0.00	0.00	0.00	0.00
906	DEBT SERVICE	0.00	0.00	0.00	0.00	0.00
TOTAL EXPENDITURES		0.00	0.00	0.00	0.00	0.00
TOTAL REVENUES		0.00	0.00	0.00	0.00	0.00
TOTAL EXPENDITURES		0.00	0.00	0.00	0.00	0.00
NET OF REVENUES & EXPENDITURES		0.00	0.00	0.00	0.00	0.00

REVENUE AND EXPENDITURE REPORT FOR CITY OF LOWELL
 PERIOD ENDING 08/31/2019

GL NUMBER	DESCRIPTION	2019-20 AMENDED BUDGET	YTD BALANCE 08/31/2019	ACTIVITY FOR MONTH 08/31/2019	AVAILABLE BALANCE	% BDGT USED
Fund 581 ~ AIRPORT FUND						
Revenues						
CHARGES	CHARGES FOR SERVICES	12,716.00	6,386.76	2,773.52	6,329.24	50.23
INT	INTEREST AND RENTS	55,200.00	4,840.00	2,160.00	50,360.00	8.77
OTHER	OTHER REVENUE	0.00	0.00	0.00	0.00	0.00
TRANSIN	TRANSFERS IN	0.00	0.00	0.00	0.00	0.00
TOTAL REVENUES		67,916.00	11,226.76	4,933.52	56,689.24	16.53
Expenditures						
000		74,000.00	16,267.73	16,142.29	57,732.27	21.98
999	TRANSFERS IN	0.00	0.00	0.00	0.00	0.00
TOTAL EXPENDITURES		74,000.00	16,267.73	16,142.29	57,732.27	21.98
TOTAL REVENUES		67,916.00	11,226.76	4,933.52	56,689.24	16.53
TOTAL EXPENDITURES		74,000.00	16,267.73	16,142.29	57,732.27	21.98
NET OF REVENUES & EXPENDITURES		(6,084.00)	(5,040.97)	(11,208.77)	(1,043.03)	82.86

REVENUE AND EXPENDITURE REPORT FOR CITY OF LOWELL
 PERIOD ENDING 08/31/2019

GL NUMBER	DESCRIPTION	2019-20 AMENDED BUDGET	YTD BALANCE 08/31/2019	ACTIVITY FOR MONTH 08/31/2019	AVAILABLE BALANCE	% BDGT USED
Fund 590 - WASTEWATER FUND						
Revenues						
STATE	STATE GRANTS	0.00	0.00	0.00	0.00	0.00
CHARGES	CHARGES FOR SERVICES	1,200,983.00	171,813.60	113,786.55	1,029,169.40	14.31
INT	INTEREST AND RENTS	7,000.00	0.00	0.00	7,000.00	0.00
OTHER	OTHER REVENUE	57,810.00	819.00	794.00	56,991.00	1.42
TRANSIN	TRANSFERS IN	0.00	0.00	0.00	0.00	0.00
LOCAL	LOCAL CONTRIBUTIONS	0.00	0.00	0.00	0.00	0.00
FED	FEDERAL GRANTS	0.00	0.00	0.00	0.00	0.00
TOTAL REVENUES		1,265,793.00	172,632.60	114,580.55	1,093,160.40	13.64
Expenditures						
000		0.00	0.00	0.00	0.00	0.00
550	TREATMENT	815,895.50	166,953.99	55,888.26	648,941.51	20.46
551	COLLECTION	248,549.76	21,930.60	12,303.06	226,619.16	8.82
552	CUSTOMER ACCOUNTS	82,700.25	8,363.30	5,135.32	74,336.95	10.11
553	ADMINISTRATION	392,291.50	0.00	0.00	392,291.50	0.00
999	TRANSFERS IN	0.00	0.00	0.00	0.00	0.00
TOTAL EXPENDITURES		1,539,437.01	197,247.89	73,326.64	1,342,189.12	12.81
TOTAL REVENUES		1,265,793.00	172,632.60	114,580.55	1,093,160.40	13.64
TOTAL EXPENDITURES		1,539,437.01	197,247.89	73,326.64	1,342,189.12	12.81
NET OF REVENUES & EXPENDITURES		(273,644.01)	(24,615.29)	41,253.91	(249,028.72)	9.00

REVENUE AND EXPENDITURE REPORT FOR CITY OF LOWELL
 PERIOD ENDING 08/31/2019

GL NUMBER	DESCRIPTION	2019-20 AMENDED BUDGET	YTD BALANCE 08/31/2019	ACTIVITY FOR MONTH 08/31/2019	AVAILABLE BALANCE	% BDGT USED
Fund 591 - WATER FUND						
Revenues						
CHARGES	CHARGES FOR SERVICES	1,202,583.00	157,480.17	107,498.13	1,045,102.83	13.10
INT	INTEREST AND RENTS	17,040.00	900.00	450.00	16,140.00	5.28
OTHER	OTHER REVENUE	10,000.00	1,268.62	1,131.50	8,731.38	12.69
TRANSIN	TRANSFERS IN	0.00	0.00	0.00	0.00	0.00
TOTAL REVENUES		1,229,623.00	159,648.79	109,079.63	1,069,974.21	12.98
Expenditures						
000		0.00	0.00	0.00	0.00	0.00
552	CUSTOMER ACCOUNTS	0.00	0.00	0.00	0.00	0.00
570	TREATMENT	447,124.10	52,125.70	38,215.40	394,998.40	11.66
571	DISTRIBUTION	489,996.27	47,656.53	27,919.26	442,339.74	9.73
572	CUSTOMER ACCOUNTS	88,668.25	8,363.21	5,135.33	80,305.04	9.43
573	ADMINISTRATION	350,056.50	0.00	0.00	350,056.50	0.00
906	DEBT SERVICE	0.00	0.00	0.00	0.00	0.00
965	TRANSFERS OUT	0.00	0.00	0.00	0.00	0.00
999	TRANSFERS IN	0.00	0.00	0.00	0.00	0.00
TOTAL EXPENDITURES		1,375,845.12	108,145.44	71,269.99	1,267,699.68	7.86
TOTAL REVENUES		1,229,623.00	159,648.79	109,079.63	1,069,974.21	12.98
TOTAL EXPENDITURES		1,375,845.12	108,145.44	71,269.99	1,267,699.68	7.86
NET OF REVENUES & EXPENDITURES		(146,222.12)	51,503.35	37,809.64	(197,725.47)	35.22

REVENUE AND EXPENDITURE REPORT FOR CITY OF LOWELL
 PERIOD ENDING 08/31/2019

GL NUMBER	DESCRIPTION	2019-20 AMENDED BUDGET	YTD BALANCE 08/31/2019	ACTIVITY FOR MONTH 08/31/2019	AVAILABLE BALANCE	% BDGT USED
Fund 636 - DATA PROCESSING FUND						
Revenues						
INT	INTEREST AND RENTS	80,274.00	0.00	0.00	80,274.00	0.00
OTHER	OTHER REVENUE	0.00	0.00	0.00	0.00	0.00
TRANSIN	TRANSFERS IN	0.00	0.00	0.00	0.00	0.00
TOTAL REVENUES		80,274.00	0.00	0.00	80,274.00	0.00
Expenditures						
000		73,300.00	13,844.20	8,442.73	59,455.80	18.89
965	TRANSFERS OUT	0.00	0.00	0.00	0.00	0.00
999	TRANSFERS IN	0.00	0.00	0.00	0.00	0.00
TOTAL EXPENDITURES		73,300.00	13,844.20	8,442.73	59,455.80	18.89
TOTAL REVENUES		80,274.00	0.00	0.00	80,274.00	0.00
TOTAL EXPENDITURES		73,300.00	13,844.20	8,442.73	59,455.80	18.89
NET OF REVENUES & EXPENDITURES		6,974.00	(13,844.20)	(8,442.73)	20,818.20	198.51

GL NUMBER	DESCRIPTION	2019-20 AMENDED BUDGET	YTD BALANCE 08/31/2019	ACTIVITY FOR MONTH 08/31/2019	AVAILABLE BALANCE	% BDGT USED
Fund 661 - EQUIPMENT FUND						
Revenues						
CHARGES	CHARGES FOR SERVICES	208,625.00	35,776.80	25,068.90	172,848.20	17.15
INT	INTEREST AND RENTS	500.00	0.00	0.00	500.00	0.00
OTHER	OTHER REVENUE	0.00	0.00	0.00	0.00	0.00
TRANSIN	TRANSFERS IN	71,878.46	0.00	0.00	71,878.46	0.00
TOTAL REVENUES		281,003.46	35,776.80	25,068.90	245,226.66	12.73
Expenditures						
000		0.00	0.00	0.00	0.00	0.00
895	FLEET MAINT. & REPLACEMENT	439,863.85	18,166.32	10,940.23	421,697.53	4.13
965	TRANSFERS OUT	0.00	0.00	0.00	0.00	0.00
999	TRANSFERS IN	0.00	0.00	0.00	0.00	0.00
TOTAL EXPENDITURES		439,863.85	18,166.32	10,940.23	421,697.53	4.13
TOTAL REVENUES		281,003.46	35,776.80	25,068.90	245,226.66	12.73
TOTAL EXPENDITURES		439,863.85	18,166.32	10,940.23	421,697.53	4.13
NET OF REVENUES & EXPENDITURES		(158,860.39)	17,610.48	14,128.67	(176,470.87)	11.09

REVENUE AND EXPENDITURE REPORT FOR CITY OF LOWELL
 PERIOD ENDING 08/31/2019

GL NUMBER	DESCRIPTION	2019-20 AMENDED BUDGET	YTD BALANCE 08/31/2019	ACTIVITY FOR MONTH 08/31/2019	AVAILABLE BALANCE	% BDGT USED
Fund 711 - CEMETERY FUND						
Revenues						
CHARGES	CHARGES FOR SERVICES	0.00	3,750.00	2,000.00	(3,750.00)	100.00
INT	INTEREST AND RENTS	0.00	0.00	0.00	0.00	0.00
TOTAL REVENUES		0.00	3,750.00	2,000.00	(3,750.00)	100.00
Expenditures						
000		0.00	0.00	0.00	0.00	0.00
965	TRANSFERS OUT	0.00	0.00	0.00	0.00	0.00
999	TRANSFERS IN	0.00	0.00	0.00	0.00	0.00
TOTAL EXPENDITURES		0.00	0.00	0.00	0.00	0.00
TOTAL REVENUES		0.00	3,750.00	2,000.00	(3,750.00)	100.00
TOTAL EXPENDITURES		0.00	0.00	0.00	0.00	0.00
NET OF REVENUES & EXPENDITURES		0.00	3,750.00	2,000.00	(3,750.00)	100.00

REVENUE AND EXPENDITURE REPORT FOR CITY OF LOWELL
PERIOD ENDING 08/31/2019

GL NUMBER	DESCRIPTION	2019-20 AMENDED BUDGET	YTD BALANCE 08/31/2019	ACTIVITY FOR MONTH 08/31/2019	AVAILABLE BALANCE	% BDGT USED
Fund 714 - LEE FUND						
Revenues						
INT	INTEREST AND RENTS	5,000.00	739.02	739.02	4,260.98	14.78
OTHER	OTHER REVENUE	0.00	0.00	0.00	0.00	0.00
TOTAL REVENUES		5,000.00	739.02	739.02	4,260.98	14.78
Expenditures						
000		5,000.00	0.00	0.00	5,000.00	0.00
965	TRANSFERS OUT	0.00	0.00	0.00	0.00	0.00
999	TRANSFERS IN	0.00	0.00	0.00	0.00	0.00
TOTAL EXPENDITURES		5,000.00	0.00	0.00	5,000.00	0.00
TOTAL REVENUES		5,000.00	739.02	739.02	4,260.98	14.78
TOTAL EXPENDITURES		5,000.00	0.00	0.00	5,000.00	0.00
NET OF REVENUES & EXPENDITURES		0.00	739.02	739.02	(739.02)	100.00

REVENUE AND EXPENDITURE REPORT FOR CITY OF LOWELL
 PERIOD ENDING 08/31/2019

GL NUMBER	DESCRIPTION	2019-20 AMENDED BUDGET	YTD BALANCE 08/31/2019	ACTIVITY FOR MONTH 08/31/2019	AVAILABLE BALANCE	% BDGT USED
Fund 715 - LOOK FUND						
Revenues						
INT	INTEREST AND RENTS	0.00	2,675.47	2,675.47	(2,675.47)	100.00
OTHER	OTHER REVENUE	20,000.00	10,275.00	0.00	9,725.00	51.38
TOTAL REVENUES		20,000.00	12,950.47	2,675.47	7,049.53	64.75
Expenditures						
000		20,000.00	0.00	0.00	20,000.00	0.00
965	TRANSFERS OUT	0.00	0.00	0.00	0.00	0.00
999	TRANSFERS IN	0.00	0.00	0.00	0.00	0.00
TOTAL EXPENDITURES		20,000.00	0.00	0.00	20,000.00	0.00
TOTAL REVENUES		20,000.00	12,950.47	2,675.47	7,049.53	64.75
TOTAL EXPENDITURES		20,000.00	0.00	0.00	20,000.00	0.00
NET OF REVENUES & EXPENDITURES		0.00	12,950.47	2,675.47	(12,950.47)	100.00

REVENUE AND EXPENDITURE REPORT FOR CITY OF LOWELL
PERIOD ENDING 08/31/2019

GL NUMBER	DESCRIPTION	2019-20 AMENDED BUDGET	YTD BALANCE 08/31/2019	ACTIVITY FOR MONTH 08/31/2019	AVAILABLE BALANCE	% BDGT USED
Fund 716 - CARR FUND						
Revenues						
INT	INTEREST AND RENTS	0.00	0.00	0.00	0.00	0.00
OTHER	OTHER REVENUE	0.00	0.00	0.00	0.00	0.00
TOTAL REVENUES		0.00	0.00	0.00	0.00	0.00
Expenditures						
000		0.00	0.00	0.00	0.00	0.00
999	TRANSFERS IN	0.00	0.00	0.00	0.00	0.00
TOTAL EXPENDITURES		0.00	0.00	0.00	0.00	0.00
TOTAL REVENUES		0.00	0.00	0.00	0.00	0.00
TOTAL EXPENDITURES		0.00	0.00	0.00	0.00	0.00
NET OF REVENUES & EXPENDITURES		0.00	0.00	0.00	0.00	0.00

GL NUMBER	DESCRIPTION	2019-20 AMENDED BUDGET	YTD BALANCE 08/31/2019	ACTIVITY FOR MONTH 08/31/2019	AVAILABLE BALANCE	% BDGT USED
Fund 717 - PENSION TRUST FUND						
Revenues						
INT	INTEREST AND RENTS	0.00	0.00	0.00	0.00	0.00
OTHER	OTHER REVENUE	0.00	0.00	0.00	0.00	0.00
TOTAL REVENUES		0.00	0.00	0.00	0.00	0.00
Expenditures						
000		0.00	0.00	0.00	0.00	0.00
999	TRANSFERS IN	0.00	0.00	0.00	0.00	0.00
TOTAL EXPENDITURES		0.00	0.00	0.00	0.00	0.00
TOTAL REVENUES		0.00	0.00	0.00	0.00	0.00
TOTAL EXPENDITURES		0.00	0.00	0.00	0.00	0.00
NET OF REVENUES & EXPENDITURES		0.00	0.00	0.00	0.00	0.00

GL NUMBER	DESCRIPTION	2019-20 AMENDED BUDGET	YTD BALANCE 08/31/2019	ACTIVITY FOR MONTH 08/31/2019	AVAILABLE BALANCE	% BDGT USED
Fund 718 - CARR FUND II						
Revenues						
INT	INTEREST AND RENTS	0.00	0.00	0.00	0.00	0.00
OTHER	OTHER REVENUE	0.00	0.00	0.00	0.00	0.00
TOTAL REVENUES		0.00	0.00	0.00	0.00	0.00
Expenditures						
000		0.00	0.00	0.00	0.00	0.00
965	TRANSFERS OUT	0.00	0.00	0.00	0.00	0.00
999	TRANSFERS IN	0.00	0.00	0.00	0.00	0.00
TOTAL EXPENDITURES		0.00	0.00	0.00	0.00	0.00
TOTAL REVENUES		0.00	0.00	0.00	0.00	0.00
TOTAL EXPENDITURES		0.00	0.00	0.00	0.00	0.00
NET OF REVENUES & EXPENDITURES		0.00	0.00	0.00	0.00	0.00
TOTAL REVENUES - ALL FUNDS		8,138,722.25	1,053,971.02	797,145.24	7,084,751.23	12.95
TOTAL EXPENDITURES - ALL FUNDS		8,681,507.34	886,451.98	441,010.91	7,795,055.36	10.21
NET OF REVENUES & EXPENDITURES		(542,785.09)	167,519.04	356,134.33	(710,304.13)	30.86

Monthly Operating Report

for the . . .

Contract Operation

of the . . .



Wastewater Treatment Plant

August 2019





September 12, 2019

Mr. Mike Burns
City Manager
City of Lowell
301 East Main Street
Lowell, MI 49331

Dear Mr. Burns:

On behalf of Suez I am pleased to submit the August Monthly Operating Report for the Lowell Wastewater Treatment Plant. During the month 31.23 million gallons of wastewater were treated, down from 36.58 million gallons the month before.

All NPDES Permit requirements were satisfied. Copies of the Monthly Operating Reports for August can be seen in Appendix A. Appendix B contains graphs representing how the actual lab results compared to the limits in the NPDES Permit and how the actual plant flows compared to the design flow.

INDUSTRIAL PRETREATMENT PROGRAM

The Fullers Septic August surcharges were \$61.79. No operational problems were experienced at the plant from this discharge.

Litchouse Inc. began discharging to the city in early May. Their flows and loadings stabilized slightly this month and I was notified that they anticipate starting their second Dissolved Air Flotation (DAF) unit the first week of September. Based on that information and other laboratory results it was decided to start up the second Oxidation Ditch at the wastewater plant. The Litchouse August surcharges were \$1153.68 for the month. One fine was assessed for exceeding their discharge permit. No operational problems were experienced at the plant from their discharge.

MAINTENANCE COST REPORT

Date	Vendor	Cost
8/1	Ace hardware (1)	\$ 116.67
8/20	Sprinkler Warehouse (2)	150.60
8/20	Showboat Auto (3)	56.55
8/21	Showboat Auto (4)	128.79
Beginning Balance of the Annual Maintenance Allowance (Including carryover \$\$ from FY 18-19)*		\$ 12,089.01*
Maintenance Allowance Spent YTD		\$ 1,275.85
Balance of Maintenance Allowance		\$ 10,813.16

*The maintenance spending for FY 18-19 was under the annual allotment by \$89.01. That amount will be added to the beginning balance on July 1st. That makes the beginning balance \$12,089.01 (\$12,000+\$89.01).

In addition to the preventive maintenance the following corrective maintenance activities occurred:

- Rented cement mixer to reinstall plant sign (1)
- Replaced multiple sprinkler heads (2)
- Recharged A/C on plant truck (3)
- Replaced bearings on rotating drum thickener (4)

PROJECTS FOR THE FUTURE

- Continue miscellaneous painting projects
- Annual flow meter calibrations
- Replace chain on rotating drum thickener
- Annual replacement of furnace filters

If you have any questions or would like additional information, please feel free to call me at your convenience.

Respectfully submitted,

SUEZ



Brian Vander Meulen
Plant Manager

AUGUST EFFLUENT ANALYSIS OVERVIEW

The daily average for CBOD was 5 mg/l, 80% under the NPDES limit of 25 mg/l. The worst 7-day average was 6 mg/l, 85% under the NPDES limit of 40 mg/l.

The daily average for Suspended Solids was 4.2 mg/l, 86% under the NPDES limit of 30 mg/l. The worst 7-day average was 4.9 mg/l, 89% under the NPDES limit of 45 mg/l.

The monthly average for Phosphorus was 0.60 mg/l, the limit is 1.0 mg/l.

The average removal rate for BOD was 97%; a minimum of 85% is required. The average removal rate for Suspended Solids was 96%; a minimum of 85% is required.

The geometric average for fecal coliform bacteria was 46 colonies/100 mls, the limit is 200 colonies/100 mls. The worst 7-day average was 106 colonies/100 mls, the limit is 400 colonies/100 mls.

The highest chlorine residual was 0.037 mg/l; the limit is 0.038 mg/l. The monthly average was 0.025 mg/l.

Appendix A



State of Michigan
Department of Environmental Quality

Plant Influent Sheet

Lowell, Michigan

R4607 4/74
4833-6040

Weather Code	
1. Clear	6. Warm
2. Partly Cloudy	7. Cold
3. Cloudy	8. Windy
4. Rain	9. Melting Snow
5. Snow	

Plant No. 410049
Month August
Year 2019

Superintendent's Signature
Brian Vander Meulen, Supt.

	WEATHER		FLOW		RAW SEWAGE QUALITY											
D A Y P N S F	Type Code	Precip Inches	Total MGD	Peak MGD	Temp F	pH SU	BOD		SS		Total-P		VSS mg/l	NH3-N mg/l	Mercury ng/l	D A Y P N S F
	0033	0045	50050	50051	00011	00400	00310	85001	00530	85002	00665	85004	00535	00610	71900	
1	16	0.00	1.04	1.40											9.7	1
2	16	0.00	1.04	1.30	61	7.3	185	1605	126	1093			114			2
3	26	0.00	0.97	1.20												3
4	246	0.07	1.01	1.40												4
5	246	0.12	1.04	1.30	62	7.3	116	1006	94	815			92			5
6	246	0.04	1.03	1.30												6
7	246	0.23	1.05	1.20	62	7.4	177	1550	118	1033	2.5	21.9	116	9.7		7
8	26	0.00	0.94	1.30	63	7.4	170	1333	106	831			100			8
9	16	0.00	1.10	1.30												9
10	246	0.02	0.97	1.26												10
11	26	0.00	0.96	1.20												11
12	26	0.00	1.00	1.30	63	7.4	88	734	72	600			76			12
13	26	0.00	1.00	1.30												13
14	246	0.46	1.00	1.10	63	7.3	171	1426	112	934	2.4	20.0	96	10.2		14
15	26	0.00	0.98	1.20												15
16	26	0.03	0.94	1.20	62	7.2	117	917	78	611			68			16
17	246	1.44	1.05	0.40												17
18	246	0.12	1.10	1.30												18
19	26	0.00	1.02	1.30	64	7.1	138	1174	96	817			92			19
20	246	0.06	1.09	1.40												20
21	26	0.00	1.06	1.40	64	7.3	200	1768	104	919	2.5	22.1	96	11.6		21
22	16	0.00	1.04	1.40												22
23	26	0.00	0.95	1.20	64	7.4	165	1307	84	666			82			23
24	268	0.00	0.95	1.20												24
25	16	0.00	1.02	1.20												25
26	346	0.33	0.98	1.20	64	7.5	103	842	86	703			84			26
27	26	0.00	0.99	1.20												27
28	26	0.00	1.00	1.30												28
29	246	0.79	1.05	2.80	64	7.3	181	1585	110	963	2.9	25.4	108	11.7		29
30	268	0.00	0.92	1.30	64	7.4	192	1473	140	1074			124			30
31	246	0.15	0.94	1.30												31
TL	XXXX	3.86	31.23	XXXX	XXXX	XXXX	XXXX	39871	XXXX	26375	XXXX	693	XXXX	XXXX	XXXX	TL
ME	XXXX	XXXX	1.01	XXXX	63	7.3	154	1286	102	851	2.6	22.4	96	10.8	XXXX	ME
MAX	XXXX	1.44	1.10	2.80	64	7.5	200	1768	140	1093	2.9	25.4	124	11.7	XXXX	MAX
MIN	XXXX	XXXX	0.92	1.10	61	7.1	88	734	72	600	2.4	20.0	68	9.7	XXXX	MIN

Activated Sludge Sheet

State of Michigan
Department of Environmental Quality

Lowell, Michigan

- PM Code
1. Coventional
2. Step Feed
3. Complete Mix
4. Extended Aeration
5. Contact Stabilization
6. Other

Plant No. Month Year
410049 August 2019

Superintendent's Signature
Brian Vander Meulen, Supt.

AERATION SYSTEM					MIXED LIQUOR						SECONDARY SLUDGE			Process Modifi- cation see code 80889	D A Y P N S F	REMARKS
D A Y P N S F	Aeration Volume KCF 80993	Detention Time Hours 81001	Sludge Age Days 80990	Organic Loading F/M 80992	MLSS mg/l 70323	MLVSS mg/l 70324	Settle % 81004	SDI % 81007	DO mg/l 00300	SVI % 8100	SS % 81006	VSS % 70325	Waste Kgal 80991			
1	96	16.6	11.6	0.16	2115	1651	50	0.42	4.1	236	0.31	0.24	0.0	4	1	
2		16.6											19.2		2	
3		17.8											0.0		3	
4		17.1											0.0		4	
5		16.6	16.5	0.10	2244	1717	23	0.98	4.0	102	0.33	0.25	26.0		5	
6		16.7											0.0		6	
7		16.4	13.3	0.15	2296	1765	21	1.09	4.2	91	0.35	0.26	0.0		7	
8		18.3	18.2	0.11	2527	1941	20	1.26	3.5	79	0.37	0.28	25.4		8	
9		15.7											0.0		9	
10		17.8											0.0		10	
11		18.0											0.0		11	
12		17.2	27.6	0.06	2766	2081	26	1.06	3.9	94	0.42	0.31	0.0		12	
13		17.2											85.3		13	
14		17.2	14.7	0.14	2299	1748	24	0.96	4.4	104	0.34	0.26	23.5		14	
15		17.6											0.0		15	
16		18.3	21.7	0.09	2220	1676	46	0.48	5.0	207	0.33	0.25	0.0		16	
17		16.4											0.0		17	
18		15.7											0.0		18	
19		16.9	18.5	0.10	2524	1915	54	0.47	2.2	214	0.40	0.30	94.2		19	
20		15.8											25.4		20	
21		16.3	12.2	0.20	1877	1444	49	0.38	4.3	261	0.28	0.21	0.0		21	
22		16.6											24.0		22	
23		18.1	18.2	0.14	2024	1577	39	0.52	4.5	193	0.28	0.22	0.0		23	
24		18.1											0.0		24	
25		16.9											0.0		25	
26		17.6	18.1	0.09	2123	1620	29	0.73	3.0	137	0.31	0.24	0.0		26	
27		17.4											0.0		27	
28		17.2											0.0		28	
29		16.4	7.4	0.29	1198	919	13	0.92	6.2	109	0.23	0.17	0.0		29	
30		18.7	7.2	0.25	1300	978	14	0.93	4.4	108	0.19	0.15	0.0		30	
31		18.3											0.0		31	
TL	XXXX	XXXX	XXXX	XXXX	XXXX	XXXX	XXXX	XXXX	XXXX	XXXX	XXXX	XXXX	323.0	XXXX	TL	
ME	96	17.1	15.8	0.14	2116	1618	31	0.79	4.1	149	0.32	0.24	10.4	XXXX	ME	
MAX	XXXX	18.7	27.6	0.29	2766	2081	54	1.26	6.2	261	0.42	0.31	94.2	XXXX	MAX	
MIN	XXXX	15.7	7.2	0.06	1198	919	13	0.38	2.2	79	0.19	0.15	XXXX	XXXX	MIN	

Remarks:

4833-5034
R4609 4/74

Final Effluent Sheet

State of Michigan
Department of Environmental Quality

Lowell, Michigan

	Fecal	Total
MF	31616	31504
MPW	31615	31505

Plant No. 410049
Month August
Year 2019
Sampling Point Code 001

Superintendent's Signature
Brian Vander Meulen, Supt.

R 4610 4/74
4833-5468

D A Y P N S	CBOD			SS			Total - P			VSS	pH	DO	F.Coll	NH3	Cl2	Mercury	D A Y P N S
	mg/l	LBS	% Rem	mg/l	LBS	% Rem	mg/l	LBS	% Rem	mg/l	SU	mg/l	#/100ml	mg/l	mg/l	ng/l	
	80082	85001	80091	00530	85002	81011	00665	85004	81012	00535	00400	00300	31616	00610	50060	71900	
1																	1
2	4	35	98	5.6	49	96				2.8	7.2	9.0	105		0.015		2
3																	3
4																	4
5	5	43	96	5.6	49	94				5.2	7.2	8.9	46		0.030		5
6																	6
7	8	70	95	3.6	32	97	0.72	6.31	71	3.2	7.2	8.7	34	0.08	0.028		7
8	5	39	97	3.2	25	97				2.8	7.2	8.7	40		0.036		8
9																	9
10																	10
11																	11
12	5	42	94	3.2	27	96				2.8	7.2	8.8	34		0.032		12
13																	13
14	3	25	98	4.4	37	96	0.63	5.25	74	2.0	7.2	8.8	42	0.06	0.025		14
15																	15
16	5	39	96	1.4	11	98				1.2	7.4	8.6	12		0.035		16
17																	17
18																	18
19	3	26	98	2.0	17	98				1.2	7.2	8.7	113		0.002		19
20																	20
21	4	35	98	4.0	35	96	0.49	4.33	80	2.0	7.2	8.6	121	0.50	0.017		21
22																	22
23	5	40	97	4.4	35	95				4.0	7.3	8.7	88		0.013		23
24																	24
25																	25
26	5	43	95	5.2	43	94				4.8	7.3	9.0	30		0.034		26
27																	27
28																	28
29	3	28	98	3.2	28	97	0.57	4.99	80	2.8	7.3	9.0	44	0.35	0.037		29
30	4	31	98	8.4	64	94				6.4	7.3	8.7	24		0.023		30
31																	31
TL	XXXX	1180	XXXX	XXXX	1074	XXXX	XXXX	161.8	XXXX	XXXX	XXXX	XXXX	XXXX	XXXX	XXXX	XXXX	TL
ME	5	38	97	4.2	35	96	0.60	5.22	76	3.2	7.2	8.8	46	0.25	0.025	XXXX	ME
WA	6	51	96	4.9	43	94	XXXX	XXXX	XXXX	4.4	7.3	8.6	106	0.50	0.032	XXXX	WA
MAX	8	70	98	8.4	64	98	0.72	6.31	80	6.4	7.4	9.0	121	0.50	0.037	XXXX	MAX
MIN	3	25	94	1.4	11	94	0.49	4.33	71	1.2	7.2	8.6	12	0.06	0.002	XXXX	MIN

Remarks: Fecal Coli for August are actually "Greater Than"
Cl2 Residuals for August are actually "Less Than"

Miscellaneous Sheet

State of Michigan
Department of Environmental Quality

Lowell, Michigan

R 4607 4/74
4833-6040

Plant No. Month Year
410049 August 2019

Superintendent's Signature _____
Brian Vander Meulen, Supt.

D A Y P N S	Grit	Aux Fuel	Power Consumption	Chemicals Applied		
	CF	Nat. Gas CF	KWH	CL2 LBS	FeCL2 GAL	
SF		2	3			
1	1	1	1.6	10	40	
2	1	0	1.6	10	35	
3	1	0	1.4	10	40	
4	1	0	1.6	10	40	
5	1	0	1.6	10	40	
6	1	0	1.6	5	35	
7	1	0	1.8	10	40	
8	1	1	1.4	10	30	
9	1	0	1.6	5	20	
10	1	0	1.4	7	40	
11	1	0	1.6	8	40	
12	1	0	1.6	10	45	
13	1	0	1.6	8	40	
14	1	0	1.6	10	40	
15	1	0	1.6	5	45	
16	1	0	1.4	2	40	
17	1	0	1.4	8	45	
18	1	1	1.8	5	40	
19	1	0	1.6	5	40	
20	1	0	1.6	8	40	
21	1	0	1.6	10	40	
22	1	0	1.8	7	40	
23	1	0	1.4	11	35	
24	1	0	1.4	8	50	
25	1	0	1.6	8	45	
26	1	1	1.6	8	45	
27	1	0	1.4	5	40	
28	1	0	2.6	7	45	
29	1	0	2.4	8	40	
30	1	0	2.0	10	40	
31	1	0	2.2	10	45	
TL	31	4	51.4	248	1240	0
ME	1	0	1.7	8	40	0
MAX	1	1	2.6	11	50	0
MIN	1	0	1.4	2	20	0

Manpower						
Position Title	Full Time	Part Time	Total Hours	No. of Vac.	No. of Separations	No. of New Hires
Superintendent	1	0	176	0	0	0
Shift Operator	1	1	196	0	0	0
Total	2	1	372	0	0	0
Weekday Hrs.	8					
Saturday Hrs.	2.5					
Sunday Hrs.	2.5					
Holiday Hrs.	0					

PERMITTEE NAME/ADDRESS (Include Facility Name/Location if Different)

NAME: LOWELL WWTP
ADDRESS: 301 EAST MAIN STREET
 LOWELL MI 49331

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)

DISCHARGE MONITORING REPORT (DMR)

MI0020311	001 A
PERMIT NUMBER	DISCHARGE NUMBER

MINOR
 (SUBR GG)
 F-FINAL
 001 MUN.WASTE20--FLAT RIVER

FACILITY: LOWELL WWTP
LOCATION: LOWELL MI 49331
ATTN: BRIAN VANDER MEULEN

MONITORING PERIOD					
YEAR	MO	DAY	YEAR	MO	DAY
2019	8	01	2019	8	31

*** NO DISCHARGE ☐ ***

NOTE: Read Instructions before completing this form.

PARAMETER		QUANTITY OR LOADING			QUALITY OR CONCENTRATION				NO. EX	FREQUENCY OF ANALYSIS	SAMPLE TYPE
		AVERAGE	MAXIMUM	UNITS	MINIMUM	AVERAGE	MAXIMUM	UNITS			
FLOW, IN CONDUIT OR THRU TREATMENT PLANT	SAMPLE MEASUREMENT	1.01	1.10	(03)	*****	*****	*****		-	7/7	RECORD FLOW
50050 1 0 0	PERMIT REQUIREMENT	REPORT MONTHLY AVG	REPORT DAILY MAX	MGD	*****	*****	*****	****		WEEKDAYS	RECORD FLOW
EFFLUENT GROSS VALUE	SAMPLE MEASUREMENT	35	43	(26)	*****	4.2	4.9	(19)	0	3/7	24 HR COMP
SOLIDS, TOTAL SUSPENDED	PERMIT REQUIREMENT	360	530		*****	30	45			WEEKDAYS	24 HR COMP
00530 B 0 0		MONTHLY AVG	7 DAY AVG	lbs/day		MONTHLY AVG	7 DAY AVG	mg/L			
PRIOR TO DISINFECT	SAMPLE MEASUREMENT	38	51	(26)	*****	5	6	(19)	0	3/7	24 HR COMP
BOD, CARBONACEOUS 05 DAY, 20C	PERMIT REQUIREMENT	300	470		*****	25	40			WEEKDAYS	24 HR COMP
80082 B 0 0		MONTHLY AVG	7 DAY AVG	lbs/day		MONTHLY AVG	7 DAY AVG	mg/L			
PRIOR TO DISINFECT	SAMPLE MEASUREMENT	*****	*****		*****	*****	0.50	(19)	0	1/7	24 HR COMP
NITROGEN, AMMONIA TOTAL (AS N)	PERMIT REQUIREMENT	*****	*****	****	*****	*****	REPORT DAILY MAX	mg/L		WEEKLY	24 HR COMP
00610 B 1 0				****							
PRIOR TO DISINFECT	SAMPLE MEASUREMENT	5.2	6.3	(26)	*****	0.60	0.72	(19)	0	1/7	24 HR COMP
PHOSPHORUS, TOTAL (AS P)	PERMIT REQUIREMENT	12	REPORT DAILY MAX		*****	1.0	REPORT DAILY MAX	mg/L		WEEKLY	24 HR COMP
00665 B 0 0		MONTHLY AVG		lbs/day		MONTHLY AVG					
PRIOR TO DISINFECT	SAMPLE MEASUREMENT	*****	*****		*****	*****	0.037	(19)	0	3/7	GRAB
CHLORINE, TOTAL RESIDUAL	PERMIT REQUIREMENT	*****	*****	*****	*****	*****	0.038			WEEKDAYS	GRAB
50060 P 0 0				*****			DAILY MAX	mg/L			
SEE COMMENTS BELOW	SAMPLE MEASUREMENT	*****	*G		*****	*****	*G		0	1/90	GRAB
MERCURY, TOTAL	PERMIT REQUIREMENT	*****	Report Max Monthly Avg	lbs/day	*****	*****	Report Max Monthly Avg	ng/L		QUARTERLY	GRAB
71900 B 0 0											
PRIOR TO DISINFECT											
NAME/TITLE PRINCIPAL EXECUTIVE OFFICER Brian Vander Meulen, Supt. TYPED OR PRINTED		I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.					PHONE NUMBER		DATE		
							(616)	897-8135	2019	9	10
					SIGNATURE OF PRINCIPAL EXECUTIVE OFFICER OR AUTHORIZED AGENT		AREA CODE	NUMBER	YEAR	MO	DAY

COMMENTS AND EXPLANATION OF ANY VIOLATIONS (Reference all attachments here)

P=AFTER DISINFECTION

PERMITTEE NAME/ADDRESS (Include Facility Name/Location if Different)

NAME: LOWELL WWTP
ADDRESS: 301 EAST MAIN STREET
 LOWELL MI 49331

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)
DISCHARGE MONITORING REPORT (DMR)

MI0020311	001 A
PERMIT NUMBER	DISCHARGE NUMBER

MINOR
 (SUBR GC)
 F-FINAL
 001 MUN. WASTE H2O--FLAT RIVER

FACILITY: LOWELL WWTP
LOCATION: LOWELL MI 49331
ATTN: BRIAN VANDER MEULEN

MONITORING PERIOD					
YEAR	MO	DAY	YEAR	MO	DAY
2019	8	01	2019	8	31

*** NO DISCHARGE ☐ ***
 NOTE: Read instructions before completing this form.

PARAMETER		QUANTITY OR LOADING			QUALITY OR CONCENTRATION				NO. EX	FREQUENCY OF ANALYSIS	SAMPLE TYPE
		AVERAGE	MAXIMUM	UNITS	MINIMUM	AVERAGE	MAXIMUM	UNITS			
MERCURY, TOTAL	SAMPLE MEASUREMENT	*****	0.000007		*****	*****	0.58		0	1/90	CALCTD
71900 X 0 0 PRIOR TO DISINFECT	PERMIT REQUIREMENT	*****	0.000036 12-Mo Rolling Avg	lbs/day	*****	*****	3.0 12-Mo Rolling Avg	ng/L		QUARTERLY	CALCTD
COLIFORM, FECAL GENERAL	SAMPLE MEASUREMENT	*****	*****		*****	46	106	(19)	0	3/7	GRAB
74055 P 0 0 SEE COMMENTS BELOW	PERMIT REQUIREMENT	*****	*****	*****	*****	200 MONTHLY AVG	400 7 DAY AVG	mg/L		DAILY	GRAB
BOD, 5-DAY PERCENT REMOVAL	SAMPLE MEASUREMENT	*****	*****		97	*****	94	(23)	0	1/30	CALCTD
81010 K 0 0 PERCENT REMOVAL	PERMIT REQUIREMENT	*****	*****	*****	85 MIN % REMOVAL	*****	Minimum Daily % Removal	PER-CENT		ONCE/MON	CALCTD
SOLIDS, SUSPENDED PERCENT REMOVAL	SAMPLE MEASUREMENT	*****	*****		96	*****	94	(23)	0	1/30	CALCTD
81011 K 0 0 PERCENT REMOVAL	PERMIT REQUIREMENT	*****	*****	*****	85 MIN % REMOVAL	*****	Minimum Daily % Removal	PER-CENT		ONCE/MON	CALCTD
pH	SAMPLE MEASUREMENT	*****	*****		7.2	*****	7.4	(12)	0	3/7	GRAB
00400 P 0 0 SEE COMMENTS BELOW	PERMIT REQUIREMENT	*****	*****	*****	6.5 DAILY MINIMUM	*****	9.0 DAILY MAX	S.U.		WEEKDAYS	GRAB
OXYGEN, DISSOLVED (DO)	SAMPLE MEASUREMENT	*****	*****		8.6	*****	*****	(19)	0	3/7	GRAB
00300 P 0 0 SEE COMMENTS BELOW	PERMIT REQUIREMENT	*****	*****	*****	3.0 DAILY MINIMUM	*****	*****	mg/L		WEEKDAYS	GRAB
	SAMPLE MEASUREMENT										
	PERMIT REQUIREMENT										
NAME/TITLE PRINCIPAL EXECUTIVE OFFICER	I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.						PHONE NUMBER		DATE		
Brian Vander Meulen, Supt.							(616) 897-8135		2019	9	10
TYPED OR PRINTED	SIGNATURE OF PRINCIPAL EXECUTIVE OFFICER OR AUTHORIZED AGENT						AREA CODE	NUMBER	YEAR	MO	DAY

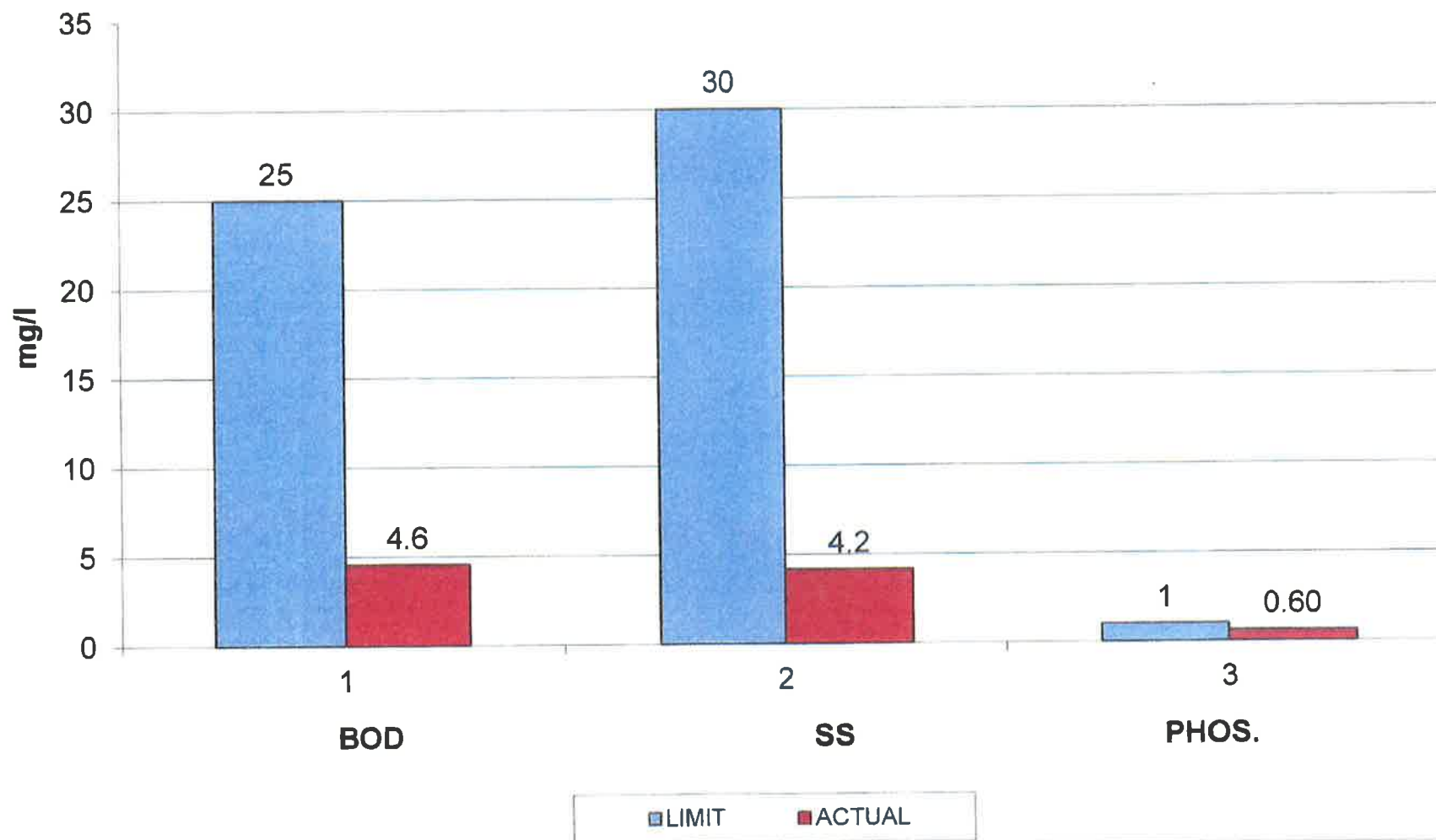
COMMENTS AND EXPLANATION OF ANY VIOLATIONS (Reference all attachments here)

P=AFTER DISINFECTION

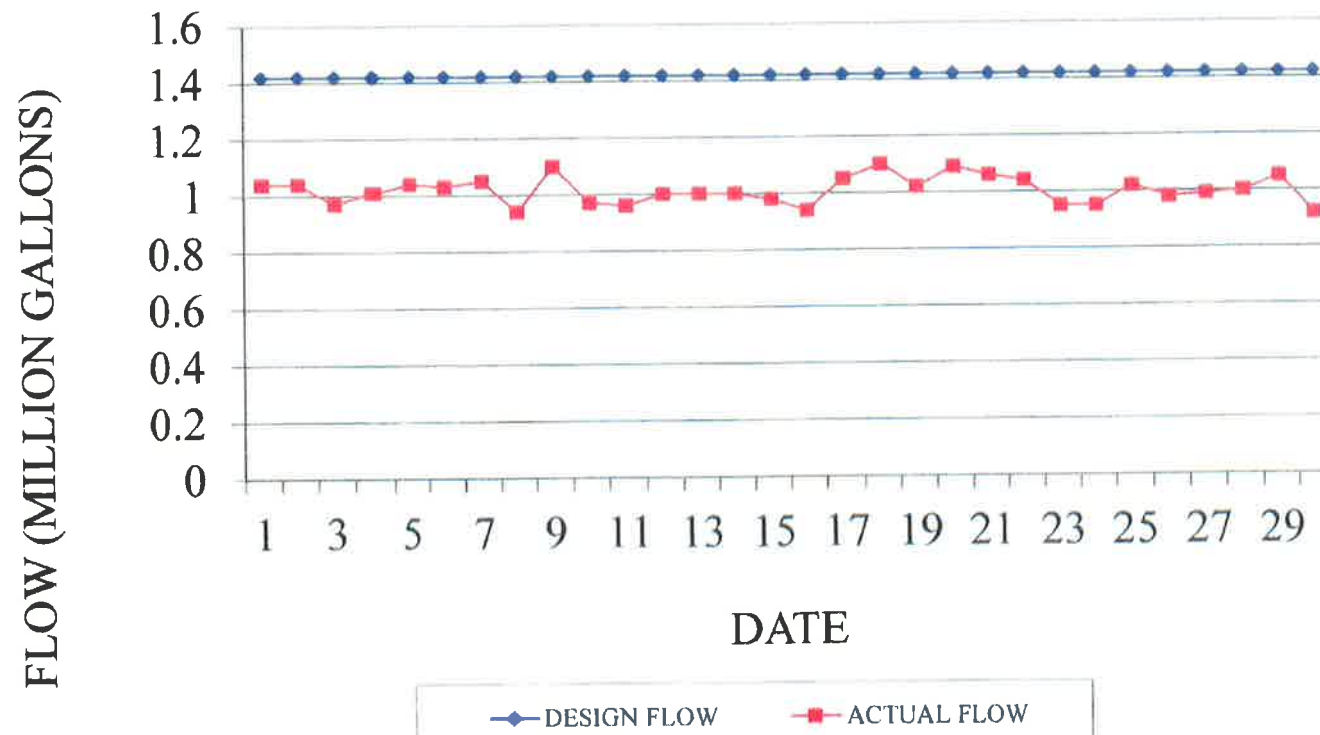
Appendix B



EFFLUENT LIMIT vs ACTUAL



DESIGN FLOW vs ACTUAL FLOW



APPOINTMENTS

	Expires
Abor Board	
Vacancy (Jim Reagan – currently serving)	06/30/2019
Construction Board of Appeals	
Vacancy (Dan DesJarden – Resigned)	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