



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

CITY OF LOWELL
CITY COUNCIL AGENDA
MONDAY, FEBRUARY 4, 2019, 7:00 P.M.

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

2. CONSENT AGENDA

- Approval of the Agenda.
- Approve and place on file the minutes of the joint City Council and Planning Commission meeting and the regular City Council meeting of January 22, 2019
- Authorize payment of invoices in the amount of \$312,434.24

3. CITIZEN DISCUSSION FOR ITEMS NOT ON THE AGENDA

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

4. OLD BUSINESS

- a. Saw Update

5. NEW BUSINESS

- a. Presentation on Lowell Township Water and Sewer Rates
- b. Public Hearing - Consider Removing a Portion of Riverside Park from the Park and Recreation Master Plan
- c. Set Public Hearing – Resolution 06-19 - King Milling Industrial Facility Tax Credit

6. BOARD/COMMISSION REPORTS

7. MANAGER'S REPORT

8. APPOINTMENTS

9. COUNCIL COMMENTS

10. CLOSED SESSION –

- a. At the request of the City Manager to discuss labor negotiation strategy.

11. ADJOURNMENT

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



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Lowell, Michigan 49331
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www.ci.lowell.mi.us

MEMORANDUM

TO: Lowell City Council

FROM: Michael Burns, City Manager

RE: Council Agenda for Monday, February 4, 2019

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

- Approval of the Agenda.
- Approve and place on file the minutes of the January 22, 2019 Joint Planning Commission/City Council meeting and Regular City Council meeting
- Authorize payment of invoices in the amount of \$312,434.24

3. CITIZEN DISCUSSION FOR ITEMS NOT ON THE AGENDA

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

4. OLD BUSINESS

- a. SAW Update

5. NEW BUSINESS

- a. Presentation on Lowell Township Water and Sewer Rates. Memo is provided by City Manager Mike Burns.

Recommended Motion: No action is needed.

- b. Public Hearing – Consider Removing a Portion of Riverside Park from the Park and Recreation Master Plan. Memo is provided by City Manager Mike Burns.

Recommended Motion: Is to remove the 263.3' X 7' piece of property along the eastern region of the Riverside Park property and accept the 48' X 67" parcel or 3,216 sq. ft. of property owned by them as new park property. I also recommend the Council direct me to continue to work with Unity Schools Investors to address the other ancillary issues but allow them to move forward with the development.

c. Set Public Hearing – Resolution 06-19 - King Milling Industrial Facility Tax Credit.

6. BOARD/COMMISSION REPORTS

7. MANAGER'S REPORT

8. APPOINTMENTS

9. COUNCIL COMMENTS

10. CLOSED SESSION

a. At the request of the City Manager to discuss labor negotiation strategy.

11. ADJOURNMENT

**PROCEEDINGS
OF THE MEETING BETWEEN THE CITY COUNCIL
& THE PLANNING COMMISSION OF THE CITY OF LOWELL
TUESDAY, JANUARY 22, 2019, 5:30 P.M.**

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

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

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

Absent: None.

Also Present: City Manager Mike Burns, City Clerk Susan Ullery, Police Chief Steve Bukala, Williams and Works Planner Andy Moore, City Attorney Dick Wendt and Attorney Jessica Wood with Dickinson Wright.

Present for the Planning Commission:

Chair Barker, Commissioner Breimayer, Commissioner Cadwallader, Commissioner Chambers, Commissioner Plank, and Commissioner Schrauben.

Absent: Commissioner Ellis.

2. APPROVAL OF THE AGENDA.

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

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

NO: None.

ABSENT: None.

MOTION CARRIED

3. CITIZEN COMMENTS FOR ITEMS NOT ON THE AGENDA.

There was none.

4. REGULATION OF RECREATIONAL MARIHUANA.

City Manager Michael Burns stated we are at the starting point now that the City of Lowell voted to opt in for recreational marihuana. We now know more what we can and cannot do, what the law allows and does not allow. We need to start thinking of zoning requirements, areas where we want to allow the marihuana facilities and how many we want to allow. There are some areas we are thinking about and want to share those with you. Burns then turned it over to Attorney Dick Wendt.

City Attorney Dick Wendt stated there doesn't need to be any decisions made tonight, there is a fair amount of time. LARA State agency has a year as of last November to come up with their own rules and regulations, many of which will have an impact on this community since the City of Lowell opted in. There is a lot to this, so it might be helpful to think of this in two categories. First, Zoning regulations as there are a whole variety of zoning considerations. Second, Regulatory requirements, which may not have anything to do directly with zoning although they do intersect. Defining what a public place is in the

regulatory requirements is important. Attorney Jessica Wood gave several points of advice and explanation where questions were raised.

The Councilmembers and Commissioners had a lengthy discussion and referenced Andy Moore with William & Work's memorandum on Recreational Marihuana Planning/Zoning Considerations. Moore presented the Zoning Map and explained what are eligible properties for marihuana facilities. It was a general consensus by the City Council and the Commissioners to adopt both a Zoning Ordinance and a Regulatory Ordinance that the Attorney will draft and bring back along with a more detailed map of where Recreational Facilities will be restricted. Andy Moore with Williams & Works will draft the map. Next Planning Commission meeting will be held February 11, 2019 at 7:00.

5. **ADJOURNMENT.**

IT WAS MOVED BY SALZWEDEL and seconded by YANKOVICH to adjourn the meeting at 6:54
p.m.

YES: 5

NO: None

Absent: None.

MOTION CARRIED.

DATE:

APPROVED:

Mike DeVore, Mayor

Susan Ullery, City Clerk

**PROCEEDINGS
OF
CITY COUNCIL
OF THE
CITY OF LOWELL
TUESDAY, JANUARY 22, 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 Mike DeVore and City Clerk Susan Ullery called roll.

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

Absent: None.

Also Present: City Manager Michael Burns, City Clerk Susan Ullery, and Police Chief Steve Bukala, DPW Director Rich LaBombard, City Attorney Dick Wendt and City Treasurer Sue Olin.

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

- Approval of the Agenda.
- Approve and place on file the minutes of the January 7, 2019 Regular City Council meeting.
- Authorize payment of invoices in the amount of \$517,810.96.

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

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

NO: None. ABSENT: None. MOTION CARRIED.

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

There were none.

4. **OLD BUSINESS.**

There was none.

5. **NEW BUSINESS**

a. **Public Hearing – Resolution 04-19 Industrial Development District – King Milling.**

City Manager Michael Burns explained the purpose of this resolution and Mayor DeVore opened the Public Hearing.

Jim Doyle with King Milling stated King Milling is applying for the tax abatement and in order to do so, they have to establish the district first. King Milling has been fortunate to continue growth and they are

putting in a warehouse packing facility where they will send the flour from the milling process to this new structure where they will then pack the flour into several size bags for shipping.

Councilmember Canfield asked how many jobs this will create.

Jim Doyle stated it will not create any new jobs as they are packing now, just in a cramped facility and those employees will be moving to the new warehouse so it will be retaining their jobs.

Councilmember Chambers inquired if it will be a decrease in jobs. Doyle said it will not.

Councilmember Chambers inquired why they are asking for 41,000 square feet when Planning Commission approved 36,000 square feet.

Doyle explained the levels of floors changes the square footage but the footprint is 31,000 square feet.

Mayor DeVore closed the public hearing.

IT WAS MOVED BY CANFIELD and seconded by SALZWEDEL to adopt Resolution 03-19. A Resolution Establishing an Industrial Development District (Plant Rehabilitation District) for 149 S. Broadway.

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

NO: None.

ABSENT: None.

MOTION CARRIED.

b. Lowell Area Fire Authority Staffing Presentation.

Deputy Fire Chief Shannon Witherell of the Lowell Area Fire Department gave a presentation on the increase in calls for emergency services and their shortage of staff available at the peak times they are needed, generally from 9 to 4. Witherell explained they cover all the City of Lowell, all of Vergennes Township and most of Lowell Township and they have a roster for 28 positions and right now only have 20 positions filled. All of the staff is part time. Witherell explained they are looking at hiring three full time staff that will be available during the peak times and gave the approximate numbers for the increase in the budget. They are looking at filling these positions from within their current staff.

City Manager Michael Burns explained that this proposal will require an increase in revenue in some way and some form. Burns also stated that this is a definite need that will have to be addressed.

c. Striking Taxes.

City Treasurer Susan Olin stated she has exercised due diligence in an effort to collect the personal property taxes listed on exhibit A. Olin tried contacting them by placing phone calls, sending out past due notices and personal calls. I am requesting the amount of \$414.50 (the city and museum portion) be stricken from the rolls.

IT WAS MOVED BY CHAMBERS and seconded by CANFIELD to approve striking the 2013 personal property taxes listed on exhibit A from the roll.

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

NO: None.

ABSENT: NONE

MOTION CARRIED.

d. Public Hearing – for Participation in Small Urban Program.

City Manager Michael Burns explained the program and that the grant would be for the construction of Monroe street as it is a federally eligible road. We did get a preliminary estimate from Williams & Works of \$702,000 for Monroe from Fremont to Avery. Estimate is on the conservative end as there is possible underlying grate, sand, water and sewer work to consider. A grant awards a maximum of \$375,000 with a 20% match.

Mayor DeVore opened the public hearing. There were no comments.

Mayor DeVore closed the public hearing. No action was taken.

City Manager Michael Burns will submit the grant.

e. Set Public Hearing for February 4, 2019 – Consider Removing a Portion of Riverside Park from the Park & Recreation Master Plan.

Councilmember Canfield stated that Todd Schaal came to a Parks & Rec meeting to gather some endorsements and support and there were 3 or 4 members in attendance that showed concern and feels that we really need to see the full plan for this project.

Perry Beachum spoke and stated the Parks & Recreation Commission just want clear definitions and straight answers before the project will get their support.

Councilmember Canfield stated he thinks everybody supports the project, it is going to be a great project and it will happen.

Councilmember Yankovich stated his concern is with the possible loss or lack of boat access. We need to get everything of concern answered and spelled out at the City Council meeting on February 4, 2019.

IT WAS MOVED BY YANKOVICH and seconded by CANFIELD to set a Public Hearing for February 4, 2019 – to consider removing a portion of Riverside Park from the Park & Recreation Master Plan.

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

NO: None.

ABSENT: None.

MOTION CARRIED.

f. Resolution 05-19 – First Addendum to Employment Agreement with Michael T. Burns.

Attorney Dick Wendt summarized the addendum to the existing employment agreement between the City Manager and the City.

IT WAS MOVED BY CHAMBERS and seconded by Salzwedel to approve Resolution 05-19 – First Addendum to Employment Agreement with Michael T. Burns.

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

NO: None.

ABSENT: None.

MOTION CARRIED.

g. Discussion on Council Representation to our Boards and Commissions.

By general consensus, the board agreed to represent for the following Boards and Commissions:

Chairman ZBA – Marty Chambers (09/18/2017)
Representative to Airport Board – Canfield (01/22/2019)
Representative to Arbor Board – Salzwedel (11/06/2017)
Representative to Chamber of Commerce – Yankovich (01/22/2019)
Liaison to Downtown Development Authority – DeVore
Representative to Historic District Commission – Yankovich (01/22/2019)
Representative to LARA Board – Canfield (08/21/2017)
Representative to LCTV Endowment Fund – Salzwedel (03/06/2018)
Liaison to Light and Power – Chambers (11/06/2017)
Representative to Look Committee – Yankovich (01/22/2019)
Representative to Lowell Area Fire & Emergency Services Authority – DeVore (11/06/2017)
Representative to Parks & Recreation Commission – Canfield
Representative to Planning Commission – Chambers (11/06/2017)

6. BOARD/COMMISSION REPORTS.

Councilmember Canfield stated unfortunately there was a miscommunication about the LARA meeting and three of us were a week late but he will be there next month.

Councilmember Salzwedel stated the first Arbor Board meeting went well. Chairman Reagan will be presenting the Comprehensive Tree Plan in March. LCTV Endowment grants are due by February 8, 2019 at 5:00 p.m. at City Hall.

Mayor DeVore stated we just covered most of the Fire Authority meeting with their presentation today and the public area that will be addressed at the City Council meeting on February 4, 2019 will be most of what we covered at the DDA meeting.

7. MONTHLY REPORTS.

There were no comments.

8. **MANAGER'S REPORT.**

City Manager Mike Burns reported on the following:

- Doctor Lew Bender will be here Wednesday, January 30, 2019 from 5 to 9 at the Fire Station for facilitation training.
- Next Council meeting February 4, 2019, there will be a presentation from Public Works about their staffing issues.

9. **APPOINTMENTS.**

Mayor Devore stated still no applications for Construction Board of Appeals.

By general consensus, appointments were approved for Mike Sprenger, Eric Wakeman and Julie DeVoe for the Downtown Development Authority.

Also, by general consensus, Council approved the addition of Brian Doyle to the feasibility study committee for the Park & Recreation Committee.

10. **COUNCIL COMMENTS.**

Councilmember Yankovich stated he learned a lot about the wastewater treatment plant last Monday and had a really good meeting yesterday with Bob Rogers who is spearheading the Lowell Community Center effort and feels they are really serious and want to get it done.

11. **ADJOURNMENT.**

IT WAS MOVED SALZWEDEL and seconded by CHAMBERS to adjourn at 8:35 p.m.

DATE:

APPROVED:

Mike DeVore, Mayor

Susan Ullery, City Clerk

**CITY OF LOWELL
KENT COUNTY, MICHIGAN**

RESOLUTION NO. 04-19

**RESOLUTION ESTABLISHING AN INDUSTRIAL DEVELOPMENT
DISTRICT (PLANT REHABILITATION DISTRICT) FOR 149 S.
BROADWAY**

Councilmember CANFIELD, supported by Councilmember SALZWEDEL moved the adoption of the following resolution:

WHEREAS, Act 198 of the Public Acts of Michigan of 1974, as amended ("Act 198"), provides for the establishment of industrial development and plant rehabilitation districts in local government units and also provides, within such districts, an exemption from certain *ad valorem* property taxes as an incentive to industries to renovate and expand aging facilities and to build and acquire new facilities; and

WHEREAS, King Milling, has filed a request with the City for the establishment of an industrial development district (plant rehabilitation district); and

WHEREAS, written notice, not less than 7 days prior to the hearing, has (a) been given by regular mail to the owners of all real property within the proposed industrial development district (plant rehabilitation district) and (b) published in the *Lowell Ledger*, a newspaper of general circulation in the City setting the date of January 22, 2019, at 7:00 p.m., local time, in the City Hall at 301 E. Main Street, Lowell, Michigan, at the time and place at which those owners and any other resident or taxpayer of the City were given and afforded an opportunity to be heard on the establishment of the industrial development district (plant rehabilitation district).

NOW, THEREFORE, BE IT HEREBY RESOLVED AS FOLLOWS:

1. That the City Council of the City, based upon the facts and information submitted, does hereby approve the establishment of an industrial development district (plant rehabilitation district), which district is described as follows:

Part of Blocks 1, 2 and 5 and parts of Lots A, B and C, and part of vacated Ottawa Street and vacated Water Street in Mrs. Snell's Addition to the Village (now City) of Lowell, Kent County, Michigan, according to the recorded plot thereof, as recorded in Liber 2 of Plats, on Page 35 and part of Government Lots 7 and 8 of Section 2, T6N, R9W, described as; Commencing at the Southeasterly corner of Lot 3, Block 5 of Mrs. Snell's Addition; thence N12°04'46"E 364.20 feet along the Easterly line of said Blocks 5 and 2; thence S88°33'57"W 335.25 feet; thence N15°26'31"W 223.62 feet to the South line of said Government Lot 7 and the Place of Beginning; thence S15°26'31"W 223.62 feet; thence N88°33'57"W 335.25 feet to the Easterly line of said Blocks 2 and 5; thence S12°04'19"W 329.20 feet along said Easterly line to the North line of the South 35 feet of Lot 3, Block 5 of said Mrs. Snell's Addition; thence N77°58'53"W 137.94 feet along said North line to the East line of Broadway Street (66 feet wide); thence N12°01'15"E 553.52 feet along the East line of said Broadway Street to the South line of the North 20 feet of Lot 2, Block 2 of said Mrs. Snell's Addition; thence Northeasterly and Northwesterly along the East line of said Broadway Street to the Southerly line of Mid Michigan Railroad right of way; thence Northeasterly, Easterly and Southeasterly along said South right of way line to water's edge of the Flat River; thence Southerly along said water's edge to a line bearing S87°23'45"E of the point of beginning; thence N87°23'45"W to the Place of Beginning.

and commonly known as 149 Broadway St. SE, Lowell, Michigan.

2. That all resolutions or parts of resolutions in conflict herewith are rescinded.

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

NAYS: Councilmember None

ABSTAIN: Councilmember None

ABSENT: Councilmember None

RESOLUTION DECLARED ADOPTED.

Dated: January 22, 2019


City Clerk

CERTIFICATION

I hereby certify that the foregoing is a true and complete copy of a resolution adopted by the City Commission of the City of Lowell at a meeting held on January 22, 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.

Dated: January 22, 2019



City Clerk

**CITY OF LOWELL
KENT COUNTY, MICHIGAN**

**NOTICE OF PUBLIC HEARING TO CONSIDER REMOVING A PORTION
OF RIVERSIDE PARK FROM THE PARK AND RECREATION MASTER
PLAN. ALSO, CONSIDERING ACCEPTANCE OF NEW PROPERTY TO
BE ADDED TO THE PARK AND RECREATION MASTER PLAN.**

PLEASE TAKE NOTICE that the City Council of the City of Lowell has been requested to consider removing a portion of property from Riverside Park from the City of Lowell Parks and Recreation Master Plan.

PPN: 41-20-02-260-002 Owner - City of Lowell

The portion 263'-2" x 7' (1,842sf approx.) in the eastern region of the parcel.

The City of Lowell has also been requested to consider adding new property to the Park and Recreation Master Plan.

PPN: 41-20-02-260-003 Owner – Unity School Investors LLC

The portion 48' x 67' (3,216 sf approx.) in the southwest region of the parcel.

TAKE FURTHER NOTICE that the City Council will meet at the City Hall at 301 E. Main Street in the City on Monday February 4, 2019, at 7:00 p.m., local time, for the purpose of hearing the public on these actions to facilitate redevelopment of the Unity School Property.

City Clerk
City of Lowell

**CITY OF LOWELL
KENT COUNTY, MICHIGAN**

RESOLUTION NO. 05-19

**RESOLUTION APPROVING AND AUTHORIZING
EXECUTION OF FIRST ADDENDUM TO EMPLOYMENT
AGREEMENT WITH MICHAEL T. BURNS**

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

WHEREAS, the City of Lowell (the “City”) and Michael T. Burns (“Mr. Burns”) entered into an Employment Agreement dated as of August 1, 2016 (the “Agreement”), employing the services of Mr. Burns as the City Manager of the City; and

WHEREAS, the City and Mr. Burns have determined to modify the terms and conditions of the Agreement pursuant to a First Addendum to Employment Agreement (the “First Addendum”).

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

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

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

NAYS: Councilmembers None

ABSTAIN: Councilmembers None

ABSENT: Councilmembers None

RESOLUTION DECLARED ADOPTED.

Dated: January 22, 2019


Susan Ullery, City Clerk

CERTIFICATION

I hereby certify that the foregoing is a true and complete copy of a resolution adopted by the City Council of the City of Lowell, at a regular meeting held on January 22, 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.

Dated: January 22, 2019


Susan Ullery, City Clerk

FIRST ADDENDUM TO EMPLOYMENT AGREEMENT

THIS FIRST ADDENDUM TO EMPLOYMENT AGREEMENT (the "First Addendum") is made and entered into as of January 22, 2019, by and between the **CITY OF LOWELL**, a Michigan municipal corporation (the "City"), 301 E. Main Street, Lowell, Michigan 49331 and **MICHAEL T. BURNS** ("Mr. Burns") 301 E. Main Street, Lowell, Michigan 49331

RECITALS

A. The City and Mr. Burns have previously entered into an Employment Agreement dated as of August 1, 2016 (the "Agreement"), employing the services of Mr. Burns as the City Manager of the City.

B. The City and Mr. Burns desire to modify the terms and conditions of the Agreement in certain respects.

NOW, THEREFORE, in exchange for consideration in, or referred to by, the Agreement and this First Addendum the City and Mr. Burns agree as follows:

Section 1. Amendment to Section 3 of Agreement. The third sentence of Section 3, "Compensation," of the Agreement is amended to read as follows:

Thereafter, so long as Mr. Burns shall remain in the employ of the City as City Manager, the City Council shall annually review Mr. Burns' compensation as a part of his annual performance evaluation and determine Mr. Burns' compensation for the succeeding annual period, *provided, however*, during such employment for each of the annual periods commencing July 1, 2019, July 1, 2020 and July 1, 2021, Mr. Burns annual salary shall be increased by a minimum of 3% over the prior year's annual salary.

Section 2. Amendment to Section 5 of Agreement. Section 5, "Severance Pay," of the Agreement is amended in its entirety to read as follows:

Section 5. Severance Pay. In the event Mr. Burns is terminated by the City while his is willing and able to perform the duties of City Manager, the City agrees, subject to the succeeding sentences in this Section 5, to (a) compensate Mr. Burns for twelve months salary at its then current compensation value which amount shall be paid on an every two week basis during such twelve months, (b) to pay Mr. Burns for unused vacation leave that he has accumulated up though the date of termination at the then current compensation rate and (c) to continue to provide health care coverage or the then established payment in lieu of coverage, at the election of Mr. Burns, then being provided or offered to other City employees. If during such twelve-month period Mr. Burns shall be employed elsewhere (excluding any part-time employment related to sports officiating or related activities), the amount of salary or

wage compensation from such employment shall offset dollar-for-dollar the amount the City is required to pay and the City shall no longer be required to provide health care coverage or make any payment to him in lieu of coverage. In the event Mr. Burns resigns pursuant to Section 4.a. hereof (with or without the required notice) or is terminated by the City pursuant to Section 4.d. hereof or upon the occurrence of a termination pursuant to Section 4.b. hereof, the City shall have no obligation to pay Mr. Burns the severance payments identified in (a) and (b) of this Section 5 or to continue the health care benefits or any payment in lieu of coverage.

Section 3. Amendment to Section 7 of Agreement. The last sentence of Section 7, "Vacation Leave," of the Agreement is amended to read as follows:

Except as otherwise provided in Section 5 hereof, the use, retention and payment of vacation leave shall be the same as that applicable to all other full-time management level employees of the City.

Section 4. Amendment to Section 8 of Agreement. The following sentence is added at the end of Section 8, "Sick and Leave Time," of the Agreement:

Commencing on July 1, 2019, and on each subsequent July 1 during the time Mr. Burns is employed by the City as its City Manager pursuant to this Agreement, Mr. Burns may elect to be paid for unused sick leave that accumulated during the prior twelve-month period at the compensation rate in effect during such period.

Section 5. Amendment to Section 10 of Agreement. The second paragraph of Section 10, "Professional Development," of the Agreement is amended in its entirety to read as follows:

The City agrees to reimburse Mr. Burns up to \$1,500 of documented expenses related to registration fees, travel, lodging and meals for attendance at each annual International City Managers Association conference during the time Mr. Burns is employed by the City as its City Manager. The days he is absent from the City shall not count against his vacation leave.

Section 6. Amendment to Section 15 of Agreement. Section 15, "Residency," is amended in its entirety to read as follows:


Section 15. Residency. Effective as of the date of the First Addendum, Mr. Burns resides within the City Limits. During the time he is employed by the City as its City Manager, Mr. Burns shall reside within the City limits unless suitable housing is not available at a reasonable cost, in which case, Mr. Burns agrees that his residence shall not be more than 20 miles from the City limits.

Section 7. Ratification. Except as otherwise provided in this First Addendum, the Agreement is hereby ratified and confirmed.

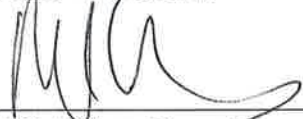
IN WITNESS WHEREOF, the City and Mr. Burns have executed this Agreement as of the day first written above.

CITY OF LOWELL

By: 
Michael DeVore, Mayor

Attest: 
Susan Ullery, City Clerk

MICHAEL T. BURNS


Michael T. Burns

User: LORI

EXP CHECK RUN DATES 01/21/2019 - 02/01/2019

DB: Lowell

BOTH JOURNALIZED AND UNJOURNALIZED

PAID - CHECK TYPE: PAPER CHECK

Vendor Code	Vendor Name	Invoice	Description	Amount
01513	ADDORIO TECHNOLOGIES, LLC			
	7871		NEW SERVER EQUIP	8,870.00
	7872		PROFESSIONAL COMPUTER SERVICES	4,181.20
	7873		DATA PROCESSING SERVICES	640.00
	7880		DATA PROCESSING SERVICES	1,035.78
TOTAL FOR: ADDORIO TECHNOLOGIES, LLC				14,726.98
10731	APPLIED IMAGING			
	1268689		COPY MACHINE CONTRACT	328.03
TOTAL FOR: APPLIED IMAGING				328.03
00045	BARTLETT, SANDY			
	2/1/2019		JANUARY 2019 METER READS/MILEAGE	768.88
TOTAL FOR: BARTLETT, SANDY				768.88
10686	BETTEN BAKER			
	125026		EQUIP FUND R & M	2,381.33
TOTAL FOR: BETTEN BAKER				2,381.33
REFUND TAX	Chicago Title of Michigan			
	01/23/2019		2018 Win Tax Refund 41-20-02-284-011	442.02
TOTAL FOR: Chicago Title of Michigan				442.02
00101	CHROUCH COMMUNICATIONS, INC.			
	145000726-1		COUNCIL CHAMBER PA SYSTEM R & M	120.00
TOTAL FOR: CHROUCH COMMUNICATIONS, INC.				120.00
10493	COMCAST CABLE			
	0123		ACCOUNT STATEMENT	35.04
TOTAL FOR: COMCAST CABLE				35.04
10499	COMPASS MINERALS			
	376393		STREET SUPPLIES/SALT	3,665.01
TOTAL FOR: COMPASS MINERALS				3,665.01
10509	CONSUMERS ENERGY			
	1/14/2019		ACCOUNT STATEMENTS	6,359.44
	12/18/18 - 1/17/19		STATEMENT OF ACCOUNT	158.39
	12/21 - 1/21/19		ACCOUNT STATEMENT	109.48
TOTAL FOR: CONSUMERS ENERGY				6,627.31
00132	D&D TRUCKING ACQUISITION, LLC			
	27558		EQUIP FUND R & M	238.51
TOTAL FOR: D&D TRUCKING ACQUISITION, LLC				238.51
02035	DIGITAL OFFICE MACHINES, INC.			
	18326		POLICE DEPT COPY MACHINE CONTRACT	38.36
	18340		DPW COPY MACHINE CONTRACT	90.63
TOTAL FOR: DIGITAL OFFICE MACHINES, INC.				128.99
01721	DREW WIRELESS			
	ANM010119		POLICE DEPT DISPATCHING	620.00
TOTAL FOR: DREW WIRELESS				620.00

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Vendor Code	Vendor Name	Invoice	Description	Amount
10303	ECO GREEN SUPPLY	17170	ICE MELT	533.12
TOTAL FOR: ECO GREEN SUPPLY				533.12
02488	ENERTEMP INC.	18-667	DATA PROCESSING	65.00
TOTAL FOR: ENERTEMP INC.				65.00
10536	FANDANGLED CUSTOM APPAREL & GIFTS	1662	DESK BAR - CLIFF YANKOVICH	83.75
TOTAL FOR: FANDANGLED CUSTOM APPAREL & GIFTS				83.75
01821	FLAT RIVER DEVELOPMENT	1/28/19	ESCROW REFUND	600.00
TOTAL FOR: FLAT RIVER DEVELOPMENT				600.00
00225	GRAND RAPIDS COMMUNITY COLLEGE	1/1 - 1/15/2019	TAX DISBURSEMENT	3,503.61
TOTAL FOR: GRAND RAPIDS COMMUNITY COLLEGE				3,503.61
00234	HACH COMPANY	11298354	WTP SUPPLIES	565.81
TOTAL FOR: HACH COMPANY				565.81
00248	HOOPER PRINTING	56627	POLICE DEPT BUSINESS CARDS	49.50
TOTAL FOR: HOOPER PRINTING				49.50
00948	KCCA	1/18/2019	KCCA MEMBERSHIP 2019 - ULLERY/BROWN	15.00
TOTAL FOR: KCCA				15.00
00291	KENT COUNTY ROAD COMMISSION	27961	TRAFFIC SIGNAL BOWE/HUDSON	41,563.37
TOTAL FOR: KENT COUNTY ROAD COMMISSION				41,563.37
00298	KENT COUNTY TREASURER	1/1 - 1/15/2019	TAX DISBURSEMENT	32,594.60
TOTAL FOR: KENT COUNTY TREASURER				32,594.60
00300	KENT COUNTY TREASURER	1/23/19	TRAILER FEES	920.00
TOTAL FOR: KENT COUNTY TREASURER				920.00
00303	KENT DISTRICT LIBRARY	1/1 - 1/15/19	TAX DISBURSEMENT	2,207.99
TOTAL FOR: KENT DISTRICT LIBRARY				2,207.99
00302	KENT INTERMEDIATE SCHOOL DIST.	1/1 - 1/15/2019	TAX DISBURSEMENT	9,436.58
TOTAL FOR: KENT INTERMEDIATE SCHOOL DIST.				9,436.58

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Vendor Code	Vendor Name	Description	Amount
	Invoice		
02241	LITES PLUS		
	50477	CITY HALL R & M	835.80
TOTAL FOR: LITES PLUS			835.80
01374	LOWELL AREA HISTORICAL MUSEUM		
	1/1 - 1/15/2019	TAX DISBURSEMENT	475.81
TOTAL FOR: LOWELL AREA HISTORICAL MUSEUM			475.81
00562	LOWELL AREA SCHOOLS		
	1/1 - 1/15/2019	TAX DISBURSEMENT	102,429.42
TOTAL FOR: LOWELL AREA SCHOOLS			102,429.42
00506	POSTMASTER		
	1/31/2019	WATER/SEWER BILLS MAILED	434.09
TOTAL FOR: POSTMASTER			434.09
00512	PREIN & NEWHOF, INC.		
	48165	ENGINEERING SERVICES - SAW GRANT	28,406.40
	48166	ENGINEERING SERVICES	1,425.00
TOTAL FOR: PREIN & NEWHOF, INC.			29,831.40
01159	PURCHASE POWER		
	1/10/2019	POSTAGE MACHINE	475.95
TOTAL FOR: PURCHASE POWER			475.95
10133	RED CREEK WASTE SERVICES INC.		
	91R00459	TRASH SERVICE	319.81
TOTAL FOR: RED CREEK WASTE SERVICES INC.			319.81
00827	RS TECHNICAL SERVICES, INC.		
	21044	WWTP R& M	1,076.64
TOTAL FOR: RS TECHNICAL SERVICES, INC.			1,076.64
10378	RUESINK, KATHIE		
	10959/10960	CLEANING SERVICES	510.00
TOTAL FOR: RUESINK, KATHIE			510.00
02383	SANISWEEP, INC.		
	94588	STREET SWEEPING	1,609.85
	94589	STREET SWEEPING	11,118.87
TOTAL FOR: SANISWEEP, INC.			12,728.72
10276	SPRINT		
	353302524-178	STATEMENT 12/10 -1/9/19	646.39
TOTAL FOR: SPRINT			646.39
10583	SUEZ WATER ENVIRONMENTAL SVC INC		
	201935899	SERVICES JAN 2019	37,882.00
TOTAL FOR: SUEZ WATER ENVIRONMENTAL SVC INC			37,882.00

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Vendor Code	Vendor Name	Invoice	Description	Amount
10514	SUPPLYGEEKS	562730-0	OFFICE SUPPLIES	327.41
TOTAL FOR: SUPPLYGEEKS				327.41
10457	THE BANK OF NY MELLON CORP. TRUST	1/16/2019	WSS12 REV RFDG BOND	1,969.25
TOTAL FOR: THE BANK OF NY MELLON CORP. TRUST				1,969.25
02277	VERIZON WIRELESS	9822070469	POLICE DEPT STATEMENT	158.09
		9822119249	WATER DEPT BROADBAND	40.01
TOTAL FOR: VERIZON WIRELESS				198.10
10567	WOLF KUBOTA	01-72773	EQUIP/BELT	73.02
TOTAL FOR: WOLF KUBOTA				73.02
TOTAL - ALL VENDORS				312,434.24

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GL Number	Invoice Line Desc	Vendor	Invoice Description	Amount	Check #
Fund 101 GENERAL FUND					
Dept 000					
101-000-222.000	DUE TO COUNTY-TRAILER FEE	KENT COUNTY TREASURER	TRAILER FEES	184.00	72397
101-000-225.000	DUE TO SET -TRAILER FEES	KENT COUNTY TREASURER	TRAILER FEES	736.00	72397
Total For Dept 000				920.00	
Dept 101 COUNCIL					
101-101-955.000	MISCELLANEOUS EXPENSE	FANDANGLED CUSTOM APPAREL	DESK BAR - CLIFF YANKOVIC	83.75	72389
Total For Dept 101 COUNCI				83.75	
Dept 172 MANAGER					
101-172-850.000	COMMUNICATIONS	SPRINT	STATEMENT 12/10 -1/9/19	52.22	72409
Total For Dept 172 MANAGE				52.22	
Dept 209 ASSESSOR					
101-209-955.000	MISCELLANEOUS EXPENSE	SUPPLYGEEKS	OFFICE SUPPLIES	14.18	72412
Total For Dept 209 ASSESS				14.18	
Dept 215 CLERK					
101-215-850.000	COMMUNICATIONS	SPRINT	STATEMENT 12/10 -1/9/19	52.22	72409
101-215-955.000	MISCELLANEOUS EXPENSE	KCCA	KCCA MEMBERSHIP 2019 - UL	15.00	72394
Total For Dept 215 CLERK				67.22	
Dept 265 CITY HALL					
101-265-727.000	OFFICE SUPPLIES	SUPPLYGEEKS	OFFICE SUPPLIES	249.51	72412
101-265-730.000	POSTAGE	PURCHASE POWER	POSTAGE MACHINE	475.95	72404
101-265-802.000	CONTRACTUAL	RED CREEK WASTE SERVICES	TRASH SERVICE	64.45	72405
101-265-802.000	CONTRACTUAL	RUESINK, KATHIE	CLEANING SERVICES	390.00	72407
101-265-920.000	PUBLIC UTILITIES	CONSUMERS ENERGY	ACCOUNT STATEMENTS	2,282.91	72383
101-265-930.000	REPAIR & MAINTENANCE	CHROUCH COMMUNICATIONS, I	COUNCIL CHAMBER PA SYSTEM	120.00	72380
101-265-930.000	REPAIR & MAINTENANCE	LITES PLUS	CITY HALL R & M	835.80	72400
Total For Dept 265 CITY H				4,418.62	
Dept 301 POLICE DEPARTMENT					
101-301-727.000	OFFICE SUPPLIES	HOOPER PRINTING	POLICE DEPT BUSINESS CARD	49.50	72393
101-301-803.000	DISPATCHING SERVICES	DREW WIRELESS	POLICE DEPT DISPATCHING	620.00	72386
101-301-850.000	COMMUNICATIONS	SPRINT	STATEMENT 12/10 -1/9/19	311.61	72409
101-301-850.000	COMMUNICATIONS	VERIZON WIRELESS	POLICE DEPT STATEMENT	158.09	72414
Total For Dept 301 POLICE				1,139.20	
Dept 400 PLANNING & ZONING					
101-400-611.000	SITE PLAN REVIEW RETAINER	FLAT RIVER DEVELOPMENT	ESCROW REFUND	600.00	72390
Total For Dept 400 PLANNI				600.00	
Dept 441 DEPARTMENT OF PUBLIC WORKS					
101-441-802.000	CONTRACTUAL	RED CREEK WASTE SERVICES	TRASH SERVICE	207.86	72405
101-441-850.000	COMMUNICATIONS	SPRINT	STATEMENT 12/10 -1/9/19	52.22	72409
101-441-850.000	COMMUNICATIONS	COMCAST CABLE	ACCOUNT STATEMENT	35.04	72381
101-441-920.000	PUBLIC UTILITIES	CONSUMERS ENERGY	ACCOUNT STATEMENTS	1,218.31	72383
Total For Dept 441 DEPART				1,513.43	
Dept 442 SIDEWALK					
101-442-740.000	OPERATING SUPPLIES	ECO GREEN SUPPLY	ICE MELT	533.12	72387
Total For Dept 442 SIDEWA				533.12	
Dept 747 CHAMBER/RIVERWALK					
101-747-920.000	CHAMBER UTILITIES	CONSUMERS ENERGY	ACCOUNT STATEMENTS	129.79	72383
Total For Dept 747 CHAMBE				129.79	
Dept 751 PARKS					
101-751-850.000	COMMUNICATIONS	SPRINT	STATEMENT 12/10 -1/9/19	25.00	72409
Total For Dept 751 PARKS				25.00	
Dept 790 LIBRARY					
101-790-802.000	CONTRACTUAL	RED CREEK WASTE SERVICES	TRASH SERVICE	47.50	72405
101-790-802.000	CONTRACTUAL	RUESINK, KATHIE	CLEANING SERVICES	120.00	72407
101-790-920.000	PUBLIC UTILITIES	CONSUMERS ENERGY	ACCOUNT STATEMENTS	1,273.60	72383

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Fund 101 GENERAL FUND					
Dept 790 LIBRARY					
		Total For Dept 790 LIBRAR		1,441.10	
Dept 804 MUSEUM					
101-804-920.000	PUBLIC UTILITIES	CONSUMERS ENERGY	ACCOUNT STATEMENTS	578.34	72383
101-804-955.000	PROPERTY TAX DISTRIBUTION	LOWELL AREA HISTORICAL MU	TAX DISBURSEMENT	475.81	72401
		Total For Dept 804 MUSEUM		1,054.15	
		Total For Fund 101 GENERA		11,991.78	
Fund 202 MAJOR STREET FUND					
Dept 450 CAPITAL OUTLAY					
202-450-970.000	CAPITAL OUTLAY	KENT COUNTY ROAD COMMISSI	TRAFFIC SIGNAL BOWE/HUDSO	41,563.37	72395
		Total For Dept 450 CAPITA		41,563.37	
Dept 463 MAINTENANCE					
202-463-802.000	CONTRACTUAL	SANISWEEP, INC.	STREET SWEEPING	3,335.66	72408
202-463-802.000	CONTRACTUAL	SANISWEEP, INC.	STREET SWEEPIING	1,609.85	72408
202-463-850.000	COMMUNICATIONS	SPRINT	STATEMENT 12/10 -1/9/19	25.45	72409
		Total For Dept 463 MAINTE		4,970.96	
		Total For Fund 202 MAJOR		46,534.33	
Fund 203 LOCAL STREET FUND					
Dept 463 MAINTENANCE					
203-463-802.000	CONTRACTUAL	SANISWEEP, INC.	STREET SWEEPING	7,783.21	72408
203-463-850.000	COMMUNICATIONS	SPRINT	STATEMENT 12/10 -1/9/19	25.45	72409
		Total For Dept 463 MAINTE		7,808.66	
Dept 478 WINTER MAINTENANCE					
203-478-740.000	OPERATING SUPPLIES	COMPASS MINERALS	STREET SUPPLIES/SALT	3,665.01	72382
		Total For Dept 478 WINTER		3,665.01	
		Total For Fund 203 LOCAL		11,473.67	
Fund 581 AIRPORT FUND					
Dept 000					
581-000-920.000	PUBLIC UTILITIES	CONSUMERS ENERGY	ACCOUNT STATEMENTS	876.49	72383
		Total For Dept 000		876.49	
		Total For Fund 581 AIRPOR		876.49	
Fund 590 WASTEWATER FUND					
Dept 550 TREATMENT					
590-550-801.000	PROFESSIONAL SERVICES	PREIN & NEWHOF, INC.	ENGINEERING SERVICES - SA	28,406.40	72403
590-550-802.000	CONTRACTUAL	SUEZ WATER ENVIRONMENTAL	SERVICES JAN 2019	37,882.00	72411
590-550-930.000	REPAIR & MAINTENANCE	RS TECHNICAL SERVICES, IN	WWTP R& M	1,076.64	72406
		Total For Dept 550 TREATM		67,365.04	
Dept 551 COLLECTION					
590-551-850.000	COMMUNICATIONS	SPRINT	STATEMENT 12/10 -1/9/19	38.61	72409
590-551-850.000	COMMUNICATIONS	VERIZON WIRELESS	WATER DEPT BROADBAND	20.00	72414
590-551-970.000	CAPITAL OUTLAY	PREIN & NEWHOF, INC.	ENGINEERING SERVICES	684.00	72403
		Total For Dept 551 COLLEC		742.61	
Dept 552 CUSTOMER ACCOUNTS					
590-552-703.000	SALARIES-METER READS	BARTLETT, SANDY	JANUARY 2019 METER READS/	353.38	72377
590-552-730.000	POSTAGE	POSTMASTER	WATER/SEWER BILLS MAILED	217.04	72374
590-552-860.000	TRAVEL EXPENSES	BARTLETT, SANDY	JANUARY 2019 METER READS/	31.07	72377
		Total For Dept 552 CUSTOM		601.49	
		Total For Fund 590 WASTE		68,709.14	
Fund 591 WATER FUND					
Dept 570 TREATMENT					
591-570-740.000	OPERATING SUPPLIES	HACH COMPANY	WTP SUPPLIES	565.81	72392
591-570-740.000	OPERATING SUPPLIES	SUPPLYGEEKS	OFFICE SUPPLIES	63.72	72412
591-570-850.000	COMMUNICATIONS	SPRINT	STATEMENT 12/10 -1/9/19	25.00	72409

GL Number	Invoice Line Desc	Vendor	Invoice Description	Amount	Check #
Fund 591 WATER FUND					
Dept 570 TREATMENT					
		Total For Dept 570 TREATM		654.53	
Dept 571 DISTRIBUTION					
591-571-850.000	COMMUNICATIONS	SPRINT	STATEMENT 12/10 -1/9/19	38.61	72409
591-571-850.000	COMMUNICATIONS	VERIZON WIRELESS	WATER DEPT BROADBAND	20.01	72414
591-571-920.000	PUBLIC UTILITIES	CONSUMERS ENERGY	STATEMENT OF ACCOUNT	158.39	72383
591-571-920.000	PUBLIC UTILITIES	CONSUMERS ENERGY	ACCOUNT STATMENT	109.48	72383
591-571-970.000	CAPITAL OUTLAY	PREIN & NEWHOF, INC.	ENGINEERING SERVICES	741.00	72403
		Total For Dept 571 DISTRI		1,067.49	
Dept 572 CUSTOMER ACCOUNTS					
591-572-703.000	SALARIES-METER READS	BARTLETT, SANDY	JANUARY 2019 METER READS/	353.37	72377
591-572-730.000	POSTAGE	POSTMASTER	WATER/SEWER BILLS MAILED	217.05	72374
591-572-860.000	TRAVEL EXPENSES	BARTLETT, SANDY	JANUARY 2019 METER READS/	31.06	72377
		Total For Dept 572 CUSTOM		601.48	
Dept 573 ADMINISTRATION					
591-573-991.000	PRINCIPAL-BONDS	THE BANK OF NY MELLON COR	WSS12 REV RFDG BOND	979.25	72413
591-573-995.000	INTEREST-BONDS	THE BANK OF NY MELLON COR	WSS12 REV RFDG BOND	990.00	72413
		Total For Dept 573 ADMINI		1,969.25	
		Total For Fund 591 WATER		4,292.75	
Fund 636 DATA PROCESSING FUND					
Dept 000					
636-000-801.000	PROFESSIONAL SERVICES	ADDORIO TECHNOLOGIES, LLC	PROFESSIONAL COMPUTER SER	3,436.00	72375
636-000-801.000	PROFESSIONAL SERVICES	ENERTEMP INC.	DATA PROCESSING	65.00	72388
636-000-801.000	PROFESSIONAL SERVICES	ADDORIO TECHNOLOGIES, LLC	DATA PROCESSING SERVICES	640.00	72375
636-000-801.000	PROFESSIONAL SERVICES	ADDORIO TECHNOLOGIES, LLC	DATA PROCESSING SERVICES	1,035.78	72375
636-000-802.000	CONTRACTUAL	APPLIED IMAGING	COPY MACHINE CONTRACT	328.03	72376
636-000-802.000	CONTRACTUAL	DIGITAL OFFICE MACHINES,	POLICE DEPT COPY MACHINE	38.36	72385
636-000-802.000	CONTRACTUAL	DIGITAL OFFICE MACHINES,	DPW COPY MACHINE CONTRACT	90.63	72385
636-000-986.000	COMPUTER DATA PROCESSING	ADDORIO TECHNOLOGIES, LLC	PROFESSIONAL COMPUTER SER	745.20	72375
636-000-986.000	COMPUTER DATA PROCESSING	ADDORIO TECHNOLOGIES, LLC	NEW SERVER EQUIP	8,870.00	72375
		Total For Dept 000		15,249.00	
		Total For Fund 636 DATA P		15,249.00	
Fund 661 EQUIPMENT FUND					
Dept 895 FLEET MAINT. & REPLACEMENT					
661-895-930.000	REPAIR & MAINTENANCE	D&D TRUCKING ACQUISITION,	EQUIP FUND R & M	238.51	72384
661-895-930.000	REPAIR & MAINTENANCE	WOLF KUBOTA	EQUIP/BELT	73.02	72415
661-895-930.000	REPAIR & MAINTENANCE	BETTEN BAKER	EQUIP FUND R & M	2,381.33	72378
		Total For Dept 895 FLEET		2,692.86	
		Total For Fund 661 EQUIPM		2,692.86	
Fund 703 CURRENT TAX COLLECTION FUND					
Dept 000					
703-000-222.000	DUE TO COUNTY-CURRENT TAX	KENT COUNTY TREASURER	TAX DISBURSEMENT	31,160.66	72396
703-000-223.000	DUE TO LIBRARY	KENT DISTRICT LIBRARY	TAX DISBURSEMENT	2,207.99	72398
703-000-225.000	DUE TO SCHOOLS	LOWELL AREA SCHOOLS	TAX DISBURSEMENT	102,429.42	72402
703-000-228.009	DUE TO STATE-S.E.T.	KENT COUNTY TREASURER	TAX DISBURSEMENT	1,433.94	72396
703-000-234.000	DUE TO INTERMED SCH DISTR	KENT INTERMEDIATE SCHOOL	TAX DISBURSEMENT	9,436.58	72399
703-000-235.000	DUE TO COMMUNITY COLLEGE	GRAND RAPIDS COMMUNITY CO	TAX DISBURSEMENT	3,503.61	72391
703-000-275.000	DUE TO TAXPAYERS	Chicago Title of Michigan	2018 Win Tax Refund 41-20	442.02	72379
		Total For Dept 000		150,614.22	
		Total For Fund 703 CURREN		150,614.22	

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Fund Totals:					
			Fund 101 GENERAL FUND	11,991.78	
			Fund 202 MAJOR STREET FUN	46,534.33	
			Fund 203 LOCAL STREET FUN	11,473.67	
			Fund 581 AIRPORT FUND	876.49	
			Fund 590 WASTEWATER FUND	68,709.14	
			Fund 591 WATER FUND	4,292.75	
			Fund 636 DATA PROCESSING	15,249.00	
			Fund 661 EQUIPMENT FUND	2,692.86	
			Fund 703 CURRENT TAX COLL	150,614.22	
				<hr/>	
				312,434.24	

LOWELL CITY ADMINISTRATION
INTER OFFICE MEMORANDUM



DATE: February 1, 2019

TO: Mayor DeVore and the Lowell City Council

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

RE: Lowell Township Water and Sewer Rates

Last year, we received an inquiry from Lowell Township to investigate a significant spike in the calculation of their sewer rates in a two year period. We asked Peter Haefner to analyze these and found they had been miscalculated in accordance to the water and sewer rate methodologies set forth in our agreements with Lowell Township.

We are going to present you our findings along with the corrections made. We met with the Township on January 24, 2019 and it was a positive meeting. Peter Haefner will also be presenting these to Lowell Township at their February 21, 2019 meeting.

No action is needed.



LOWELL CITY ADMINISTRATION
INTER OFFICE MEMORANDUM

DATE: February 1, 2019

TO: Mayor DeVore and the Lowell City Council

FROM: Michael T. Burns, City Manager ^{MB}

RE: RFP for Riverwalk Park Property

For approximately the past year, I have been working with developers interested in redeveloping the Unity School property. As part of their proposed project, they requested a 263.3' X 7' piece of property along the eastern region of the Riverside Park property to facilitate their development.

Downtown property redevelopment is a challenging task because of the many issues that are encountered which many greenfield developments do not have. This is no different. There are many items to address with this development, mainly due to the request for park property.

Our City Charter requires a vote of the people to sell, transfer or dispose of any property in a Master Plan of the City. Currently, Riverside Park is in the Parks and Recreation Master Plan. The requested portion of property is technically in the plan, however, this is undeveloped property. If a sale were to occur, this portion must be removed from the Parks and Recreation Master Plan.

If the portion of property were to be sold, transferred or disposed of, there is another issue to address. In 2012, the City of Lowell received a Michigan Department of Natural Resources Trust Fund Grant to redevelop the path and the boat launch at Riverside Park. A condition of receiving this grant requires the park remain in perpetuity or the grant money received must be returned. However, over time, the DNR recognizes situations such as private development encroaching park property. The DNR allows a land transfer component whereby the municipality receives new land to use as park property in exchange for the land where the Trust Fund Grant was provided for. In addition, the value/size of land must be equal to or greater than the land being removed from the affected park.

In October, I presented this project to the City Council and there was interest, I was directed by them to write an RFP, and at some point set a meeting with the Parks and Recreation Commission to discuss this. I have followed these directives.

The RFP was purposely written prior to a joint meeting so we can review all possibilities coming in and have officially requested information to consider and move forward on this process. This RFP was difficult to develop as the steps provided in the Charter must be followed. This parcel of property being considered is a non-conforming parcel and can never be sold on its own per the Michigan Land Division Act, the parcel must be adjacent to a contiguous property and added to it. The RFP was worded in a way to address the City Charter and the Land Division Act concerns.

On November 29, 2018 the City received one bid from the RFP. This bid was from Unity School Investors, LLC which includes Dr. Jerry Zandstra and Todd Schaal a.k.a. Unity School Investors LLC. These two individuals approached the City in October regarding on this project.

They are proposing to transfer a 48' X 67' parcel or 3,216 sq. ft. of property owned by them to be transferred to the City as park property in return for the 263.2' X 7' ft. of property at Riverside Park. Attached is information on the proposed parklet design and estimated cost.

In October, there was discussion about possibly vacating High Street for the development. This has not been formally requested to the City Council at this time nor was it part of the RFP process. It may be requested at a later date.

Discussion since November has been regarding the surrounding parcels of the development. Currently Unity School Investors own the property south of the proposed development at 238 High Street. There is also concern about boat traffic to the launch and if the development restricts that. Unity School Investors is willing to work with the City on ensuring a win-win for all involved. There has also been concern about addressing these ancillary issues in one occurrence rather than in tandem before the requested transfer occurs.

This request on removing the parcel and accepting the new parcel as park property in to the Parks and Recreation Master Plan was not recommended by the Park and Recreation Commission at their January 15, 2019 meeting. While the consensus of the Park and Rec Commission was supportive of the development they would like to see all of the ancillary issues resolved prior to the transfer.

The developer recognizes the ancillary issues pertaining to the development and is supportive of working through the City's concerns, however they need the seven feet of property to begin development. They want to begin construction of 14 condominiums facing the Flat River immediately. Their concern is addressing these issues at one time will stall them in moving forward. If they have to wait, there is a strong indication this project will not occur. Hence, this property has been lying vacant for fifteen years, it might be a long period of time before it would otherwise.

If the City is interested in moving forward on this development in the manner requested, the steps of removing it from the Parks and Recreation Master Plan and addressing the DNR Trust Fund issues must occur. The public hearing for this meeting is required as a step to this. Then next action is the City Council must decide if they wish to remove the parcel from the Park and Recreation Plan and add the new parcel to the plan.

If this action occurs, the next action would be for a resolution to be drafted in accordance to the City Charter to transfer the property and accept the new property. This ordinance would need to sit for twenty days and require four of five votes of Council for the transaction to occur.

It should be noted, in the RFP there was a request to submit a project pro forma and a list of investors only for the City Attorney to review. This has not been provided by the developer as they believe this is a small transaction and would not like to submit. The City Attorney has been steadfast with them in requiring them to provide it. They are offering to provide a performance bond to the City to ensure the project occurs as an addendum to the pro forma. If this is satisfactory to the City Council, the City Attorney and I must be directed to accept this.

My recommendation is to remove the 263.3' X 7' piece of property along the eastern region of the Riverside Park property and accept the 48' X 67' parcel or 3,216 sq. ft. of property owned by them as new park property. I also recommend the Council direct me to continue to work with Unity Schools Investors to address the other ancillary issues but allow them to move forward with the development.

williams&works

engineers | surveyors | planners

February 1, 2019

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

RE: Riverwalk Park Expansion Cost Opinion

Dear Mr. Burns:

At your request, we have prepared two preliminary opinions of cost for the expansion of park space adjacent to the existing Riverwalk based on the designs we prepared a few weeks ago. The first alternative contains the proposed wood walkway constructed with colored stamped concrete to simulate wood, while the second alternative provides the costs reflective of a pressure treated wood walkway.

A summary of the assumptions used for this opinion are as follows:

- Asphalt Removal – 511 sq.yd
- Curb & Gutter Removal – 95 ln.ft.
- Tree Stump Removal – 1 stump
- Earthwork – L.S.
- 6" Concrete Sidewalk & Pads – 452 sq.ft.
- 6" Decorative Concrete (Stamped & Integrally Colored) OR Pressure Treated Wood Walkway– 267 sq.ft.
- Concrete Curb & Gutter, MDOT Detail F4 – 73 ln.ft.
- Custom Decorative Kayak Racks – 2 racks
- Chilton Outcropping Boulders (4 at approx. 2' x 1' x 8") – 0.8 tons
- Landscape Beds (Amend Soils, Mulch at 4" Depth, Understory Installation) – 940 sq.ft.
- 6" Black Aluminum Edging – 175 ln.ft.
- Irrigation – 4,052 sq.ft.
- Bluegrass Turf – 2,642 sq.ft.
- Tree - River Birch (1.5" cal. Multistem) – 1 tree
- Tree - Red Maple (2.5" cal.) – 2 trees
- Shrub - Evergreen (3 gal.) – 11 shrubs
- Shrub - Deciduous (3 gal.) – 19 shrubs
- Ornamental Grass - Large (3 gal.) – 33 grasses
- Ornamental Grass - Small (1 gal.) – 34 grasses
- Perennials (12" O.C. - flats) – 90 perennials

Alternative 1 Total Cost Opinion =

\$ 44,423.61

Alternative 2 Total Cost Opinion =

\$ 52,767.36

Note: This is a preliminary opinion of construction costs, and includes contingency fees at 10% and fees for final design and engineering at 15%. The rates listed are generalizations informed by past experience, and are subject to change based on market influences.

A detailed copy of the cost opinion can be found on the following pages. If you have any questions regarding this estimate or any other matters, please feel free to contact us any time.

Sincerely,

Williams & Works

(via email)

Andy Moore, AICP

c: Maleah Beatty, ASLA
Dave Austin, PE

City of Lowell: Riverwalk Park Expansion

Preliminary Opinion of Construction Costs: Alternative 1

Removal & Site Preparation		Quantity	Unit	Unit Price	Amount
1	Asphalt Removal	511	sq.yd	\$2.00	\$1,022.89
2	Curb & Gutter Removal	95	ln.ft.	\$4.00	\$380.00
3	Tree Stump Removal	1	ea.	\$500.00	\$500.00
4	Earthwork	1	L.S.	\$2,500.00	\$2,500.00
Proposed Materials					
5	6" Concrete Sidewalk & Pads	452	sq.ft.	\$7.00	\$3,164.00
6	6" Decorative Concrete (Stamped & Integrally Colored)	267	sq.ft.	\$10.00	\$2,670.00
7	Concrete Curb & Gutter, MDOT Detail F4	73	ln.ft.	\$15.00	\$1,095.00
8	Custom Decorative Kayak Racks	2	racks	\$3,000.00	\$6,000.00
9	Chilton Outcropping Boulders (4 at approx. 2' x 1' x 8")	0.8	ton	\$325.00	\$260.00
10	Landscape Beds (Amend Soils, Mulch at 4" Depth, Understory Installation)	940	sq.ft.	\$12.00	\$11,280.00
11	6" Black Aluminum Edging	175	ln.ft.	\$2.40	\$420.00
12	Irrigation	4,052	sq.ft.	\$0.50	\$2,026.00
13	Bluegrass Turf	2,642	sq.ft.	\$0.50	\$1,321.00
14	Tree - River Birch (1.5" cal. Multistem)	1	tree	\$150.00	\$150.00
15	Tree - Red Maple (2.5" cal.)	2	tree	\$200.00	\$400.00
16	Shrub - Evergreen (3 gal.)	11	shrubs	\$30.00	\$330.00
17	Shrub - Deciduous (3 gal.)	19	shrubs	\$30.00	\$570.00
18	Ornamental Grass - Large (3 gal.)	33	grasses	\$20.00	\$660.00
19	Ornamental Grass - Small (1 gal.)	34	grasses	\$10.00	\$340.00
20	Perennials (12" O.C. - flats)	90	perennials	\$5.00	\$450.00
Construction Subtotal					\$35,538.89
Contingencies @ 10%					\$3,553.89
Engineering @ 15%					\$5,330.83
Total Cost Opinion					\$44,423.61

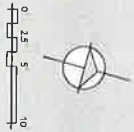
By: M. Beatty
Checked: D. Austin
Date: 2/1/19

City of Lowell: Riverwalk Park Expansion

Preliminary Opinion of Construction Costs: Alternative 2

Removal & Site Preparation		Quantity	Unit	Dollars/Unit	Cost
1	Asphalt Removal	511	sq.yd	\$2.00	\$1,022.89
2	Curb & Gutter Removal	95	ln.ft.	\$4.00	\$380.00
3	Tree Stump Removal	1	ea.	\$500.00	\$500.00
4	Earthwork	1	L.S.	\$2,500.00	\$2,500.00
Proposed Materials					
5	6" Concrete Sidewalk & Pads	452	sq.ft.	\$7.00	\$3,164.00
6	Pressure Treated Wood Walkway	267	sq.ft.	\$35.00	\$9,345.00
7	Concrete Curb & Gutter, MDOT Detail F4	73	ln.ft.	\$15.00	\$1,095.00
8	Custom Decorative Kayak Racks	2	racks	\$3,000.00	\$6,000.00
9	Chilton Outcropping Boulders (4 at approx. 2' x 1' x 8")	0.8	ton	\$325.00	\$260.00
10	Landscape Beds (Amend Soils, Mulch at 4" Depth, Understory Installation)	940	sq.ft.	\$12.00	\$11,280.00
11	6" Black Aluminum Edging	175	ln.ft.	\$2.40	\$420.00
12	Irrigation	4,052	sq.ft.	\$0.50	\$2,026.00
13	Bluegrass Turf	2,642	sq.ft.	\$0.50	\$1,321.00
14	Tree - River Birch (1.5" cal. Multistem)	1	tree	\$150.00	\$150.00
15	Tree - Red Maple (2.5" cal.)	2	tree	\$200.00	\$400.00
16	Shrub - Evergreen (3 gal.)	11	shrubs	\$30.00	\$330.00
17	Shrub - Deciduous (3 gal.)	19	shrubs	\$30.00	\$570.00
18	Ornamental Grass - Large (3 gal.)	33	grasses	\$20.00	\$660.00
19	Ornamental Grass - Small (1 gal.)	34	grasses	\$10.00	\$340.00
20	Perennials (12" O.C. - flats)	90	perennials	\$5.00	\$450.00
Construction Subtotal					\$ 42,213.89
Contingencies @ 10%					\$ 4,221.39
Engineering @ 15%					\$ 6,332.08
Total Cost Opinion					\$ 52,767.36

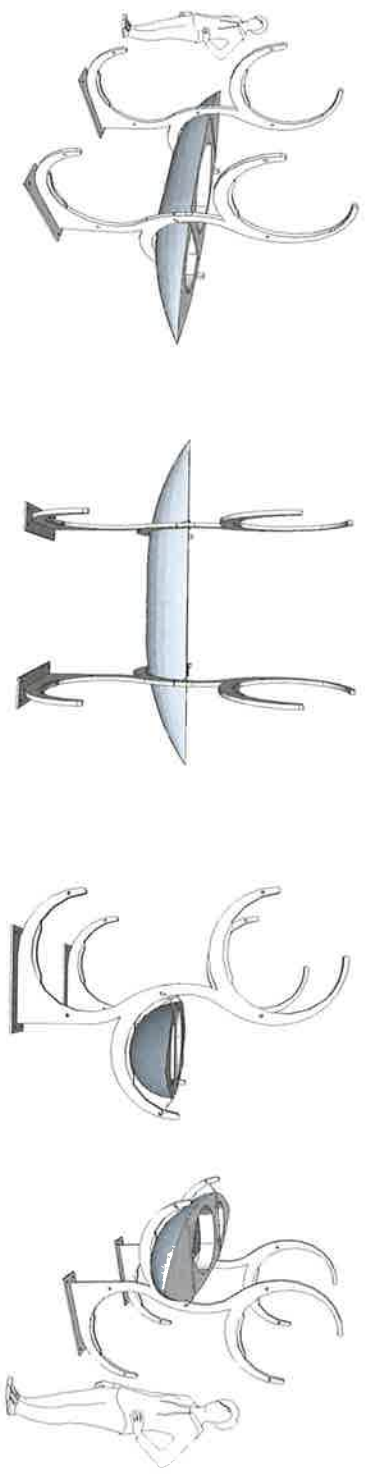
By: M. Beatty
Checked: D. Austin
Date: 2/1/19





Above: This illustrative view into the improved parkspace shows the vibrancy created from converting this unused area into a green oasis. The repetition of materials, like the continuation of boardwalk pathways and curvilinear patterns, the use of native river birches, soft grasses, and natural cut bluestone help knit the proposed and existing elements together, creating a seamless expansion. Artistic kayak racks act as aesthetic elements while still supporting the short term storage needs of kayakers coming to port. Through greening, function and design, this space could be transformed into a small, comfortable enhancement of the riverwalk.

Below: Conceptual illustrations of the artistic kayak rack, inspired by the curvilinear design of the park and the kayaks themselves.



**CITY OF LOWELL
KENT COUNTY, MICHIGAN**

RESOLUTION NO. 06-19

**RESOLUTION SETTING PUBLIC HEARING TO CONSIDER THE
APPLICATION OF KING MILLING FOR AN INDUSTRIAL FACILITIES
EXEMPTION CERTIFICATE**

Councilmember _____, supported by Councilmember _____,
moved the adoption of the following resolution:

WHEREAS, Act 198 of the Public Acts of Michigan of 1974, as amended ("Act 198"),
authorizes the City to approve applications for Industrial Facilities Exemption Certificates; and

WHEREAS, pursuant to Act 198 and after a duly noticed public hearing held on January 22,
2019, this City Council, by its resolution adopted January 22, 2019, established an Industrial
Development District (Plant Rehabilitation District) as legally described in said resolution (the
"District") for King Milling (the "Applicant"); and

WHEREAS, the Applicant has filed an application for an Industrial Facilities Exemption
Certificate under the provisions of Act 198 for facilities to be located in the District (the
"Application"); and

WHEREAS, Act 198 requires that prior to approving the Application the City Commission,
after notice as provided in Act 198, hold a public hearing.

NOW, THEREFORE, BE IT HEREBY RESOLVED AS FOLLOWS:

1. That a public hearing shall be held on Tuesday, February 19, 2019, at 7:00 p.m., local
time, in the City Hall at 301 E. Main Street, Lowell, Michigan, to consider the Application, at which
public hearing the Applicant, the City Assessor, a representative of each taxing unit which levies *ad
valorem* property taxes in the City, and residents or taxpayers of the City will be given and afforded
an opportunity to be heard.

2. That not less than seven days before the public hearing notice of the public hearing in the form attached hereto as Exhibit A shall be (a) mailed by certified mail to the Applicant, the City Assessor and a representative of each taxing unit which levies *ad valorem* property taxes in the City and (b) published in the *Lowell Ledger*, a newspaper of general circulation in the City by the City Clerk.

3. That all resolutions or parts of resolutions in conflict herewith are rescinded.

YEAS: Councilmember _____

NAYS: Councilmember _____

ABSTAIN: Councilmember _____

ABSENT: Councilmember _____

RESOLUTION DECLARED ADOPTED.

Dated: _____, 20__

City Clerk

CERTIFICATION

I hereby certify that the foregoing is a true and complete copy of a resolution adopted by the City Council of the City of Lowell at a meeting held on February 4, 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.

Dated: _____, 20__

City Clerk

APPOINTMENTS

Expires

Construction Board of Appeals
Vacancy (Dan DesJarden – Resigning)

01/01/2019

Downtown Historic District Commission
Vacancy (Brian McLane – Resigned)

01/01/2019