



301 East Main Street
Lowell, Michigan 49331
Phone (616) 897-8457
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CITY OF LOWELL
CITY COUNCIL AGENDA

MONDAY, JUNE 1, 2020, 7:00 P.M.

Meeting will be held remotely via Zoom

Join Zoom Meeting

<https://us02web.zoom.us/j/81721423027>

Meeting ID: 817 2142 3027

One tap mobile

+16465588656,,81721423027# US (New York)

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+1 253 215 8782 US (Tacoma)

+1 346 248 7799 US (Houston)

Meeting ID: 817 2142 3027

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 May 18, 2020 Zoning Board of Appeals, Regular City Council and Closed Session meetings.
- Authorize payment of invoices in the amount of \$161,964.70.

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. Covid – 19 Issues
- b. Sidewalks
- c. DNR Land Conversion

5. NEW BUSINESS
 - a. Parking Lot Closure – First Annual Lowell Garden Sale - June 13
 - b. Resolution 14-20 – Sandwich Board Moratorium
 - c. Resolutions 15-20 and 16-20 Retirement Health Care Savings Plan
6. BOARD/COMMISSION REPORTS
7. MANAGER'S REPORT
8. APPOINTMENTS
9. COUNCIL COMMENTS
10. ADJOURNMENT

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



301 East Main Street
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, June 1, 2020

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4. OLD BUSINESS

- a. Covid – 19 Issues. City Manager Michael Burns will provide an update.
- b. Sidewalks. City Manager Michael Burns provided a memo.
- c. DNR Land Conversion. City Manager Michael Burns will provide an update.

5. NEW BUSINESS

- a. Parking Lot Closure – First Annual Lowell Garden Sale – June 13. City Clerk Susan Ullery provided a memo.
- b. Resolution 14-20 - Sandwich Board Moratorium. City Manager Michael Burns provided a memo.

Recommended Motion: That the Lowell City Council approve Resolution 14-20 which would provide a 120 day moratorium to Section 20.06.A.14 of the City of Lowell Zoning Ordinance.

- c. Resolutions 15-20 and 16-20 – Retirement Health Care Savings Plan. City Manager Michael Burns provided a memo.

Recommended Motion: That the Lowell City Council approve Resolutions 15-20 and 16-20 as presented.

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

**CITY OF LOWELL
ZONING BOARD OF APPEALS
MONDAY, MAY 18, 2020
VIA ZOOM
AT 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 Zoning Board Chair Marty Chambers and City Clerk Susan Ullery called roll.

Present: Boardmembers Canfield, Salzwedel, Yankovich, DeVore and Chair Chambers.

Absent: None.

Also Present: City Manager Mike Burns, City Clerk Susan Ullery, City Treasurer Suzanne Olin, Police Chief Steve Bukala, DPW Director Dan Czarnecki, LL&P General Manager Steve Donkersloot and Williams and Works Planner Andy Moore.

2. APPROVAL OF THE CONSENT AGENDA.

- Approval of the Agenda.

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

YES: Boardmembers Canfield, DeVore, Salzwedel, Yankovich and Chair Chambers.

NO: None. ABSENT: None. MOTION CARRIED.

3. CITIZEN COMMENTS FOR ITEMS NOT ON THE AGENDA.

There were no comments.

4. NEW BUSINESS.

a. Public Hearing – 1242 E. Main Street Non-Use Variance Application.

Andy Moore of Williams and Works explained that Ryan Gould has submitted an application for a variance on his property located at 1242 E. Main Street (PN 41-20-01-326-013). The applicant is proposing to construct an accessory building on the subject property and is seeking relief from three provisions in Section 4.08 of the Zoning Ordinance, which relate to accessory buildings located in front yards, accessory building size, and a hard-surfaced driveway.

The subject property is approximately 3.6 acres in the SR Suburban Residential district. The applicant is proposing to construct a 1,600 square foot accessory building in the front yard, near the East Main Street right-of-way. This would be accessed through an additional paved driveway off East Main Street. The applicant is requesting two variances. The first variance is from Section 4.08 F of the Ordinance, which states:

F. Detached accessory buildings shall be located:

1. A minimum of ten (10) feet from any main building;
2. A minimum of three (3) feet to any side or rear lot line, as measured to the eave of the building;

3. No nearer than the front yard setback required for the main building.

The applicant's proposed location for the accessory building meets requirements 1 and 2; however, the applicant is seeking relief from requirements 3, which requires all accessory buildings to be located no nearer than the front yard setback for a main building. The applicant has instead proposed an accessory building adjacent to the East Main Street right-of-way.

Additionally, Section 4.08 G (1)(b) states that the maximum total floor area for all accessory buildings associated with single and two-family dwellings, including the garage, is 1,200 square feet on lots 9,000 square feet or greater. The applicant has proposed a 1,600 square foot building. Additionally, the boundary survey indicates a shed on the property near the dwelling, the size of which is unknown. Therefore, the maximum allowed accessory building area would be exceeded by at least 400 square feet.

Finally, the applicant is not proposing to connect a hard surface driveway to the building which is required by Section 4.08 (L).

City Clerk Susan Ullery read a letter into record from Steve Parker at 1132 East Main Street, Brenda Haveman of 1225 East Main Street who were in support of the variance request.

Moore went through the Standards to see if they are met accordingly to the ordinance. To approve a variance, the Board of Zoning Appeals must find that all of the standards presented in Section 21.04 B. are met.

Part 1. Variance Review Standards – Front Yard Setback

1. That there are exceptional or extraordinary circumstances or conditions applying to the property in question that do not apply generally to other properties in the same zoning district; Exceptional or extraordinary circumstances include: exceptional narrowness, shallowness or shape of a specific property on the effective date of this chapter, or by reason of exceptional topographic conditions or other extraordinary situation on the land, building or structure or by reason of the use of development of the property immediately adjoining the property in question, the literal enforcement of this requirements of this ordinance would involve practical difficulties.

Remarks: The applicant's property is located almost entirely within the Grand River's 100- year floodplain. The applicant stated that EGLE will not permit the structure to be built within the floodplain. The front yard setback for the SR Suburban Residential district is 30 feet, while the applicant is proposing to place the accessory building adjacent to the East Main Street right-of-way boundary. Although a setback dimension is not specified, this appears to make the setback approximately 0-10 feet according to the site plan. The applicant's front property line closely corresponds to the boundary of the 100-year floodplain, so the proposed accessory building location appears to be the option that would provide the smallest impact on the floodplain.

Compared to other SR Suburban Residential properties, the applicant's situation appears to be unique. There are limited properties in this district that are also within the floodplain. The few properties that are both in the SR district and entirely within the floodplain have limited or no residential development. Therefore, the applicant's situation appears unique within the SR Suburban Residential district. Because essentially the entire property is within the floodplain, there are exceptional natural features on the property that prohibit the applicant's ability to comply with the front yard setback requirement. The Board may find this standard met.

2. That the condition or situation of the specific piece of property for which the variance is sought is not of so general or recurrent a nature as to make reasonably practical the formulation of a general regulation for such conditions or situations.

The applicant's property is almost entirely within the 100-year floodplain and is also in the SR Suburban Residential district. This combination is relatively unique within the City, with limited development on parcels of a similar nature. The situation of this parcel does not appear to be so general or recurrent as to make practical the formulation of a general regulation. The Board may find this standard met.

3. That such variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same zoning district and in the vicinity. The possibility of increased financial return shall not of itself be deemed sufficient to warrant a variance.

Accessory buildings are a relatively common property right in the SR Suburban Residential district. There are a few accessory buildings on nearby properties, although they are not abundant. Because the property is located close to the border between the City of Lowell and Lowell Charter Township, different standards are present for accessory buildings. Nearby parcels along M-21 in Lowell Charter Township appear to have more accessory buildings than nearby parcels in the City. Overall, accessory buildings appear to be general present throughout the broader area around the subject property. The applicant is not seeking any financial return as a result of the accessory building construction. The Board may find this standard met.

4. The variance will not be significantly detrimental to adjacent property and the surrounding neighborhood.

The construction of an accessory building at the proposed location would likely not be significantly detrimental to adjacent properties or the surrounding neighborhood. The subject property is heavily wooded, which is expected to provide natural screening of the building for adjacent properties. The number of trees removed could impact screening and therefore building's effect on surrounding properties. The Board may discuss the extent of required tree removal that would be necessary to build the accessory building and how this would affect screening.

The applicant is proposing a paved driveway off East Main Street to access the building. Currently, the applicant's driveway provides two access points off East Main Street, forming a "V" on the property and combining into one driveway in the parcel's interior. It's unclear whether this paved driveway would extend from an existing curb cut or require a new curb cut on East Main Street. If a new curb cut is desired, the applicant would have to obtain a permit from MDOT. The presence of three access points on one property could increase the potential for hazardous vehicle interaction along East Main Street and should be further considered. However, the applicant has also indicated that EGLE will not permit any material added into the floodplain area, which may necessitate the proposed driveway location to avoid the floodplain. Emergency vehicle access should also be considered to ensure the accessory building would be accessible. The Board may address driveway design with the applicant.

Lastly, the building materials and proposed design of the building were not indicated in the application. Section 4.08 J provides standards for building design, including compatibility with the main building and neighborhood. The Board may discuss screening, building materials, and driveway access from East Main Street with the applicant to determine the extent to which the

proposed location would impact the neighboring area. Subject to those discussion, the Board may find that this standard is met.

5. The variance will not impair the intent and purpose of this ordinance.

The purpose of the Zoning Ordinance includes the provision for appropriate relationships between uses of land and their locations. Given that the applicant's property is almost entirely in the floodplain, the proposed location for the accessory building appears to allow a use that is generally permitted in the SR Suburban Residential district in an are that protects the floodplain to the greatest extent possible. Therefore, the Board may find this standard met.

6. That the immediate practical difficulty caused the need for the variance request was not created by any action of the applicant.

The practical difficulty causing the variance request is not created by the action of the applicant. The subject property is within the 100-year floodplain and the construction of an accessory building in locations permitted by the ordinance is not allowed by EGLE. The Board may find this standard met.

Moore indicated he is comfortable with the request regarding the location in the front yard. He is proposing to pave a portion of the drive, which will help with runoff onto East Main Street.

Boardmembers DeVore, Salzwedel, Yankovich, Chair Chambers and Boardmember Canfield agreed that the standards for the location of the accessory building were met.

Part 2. Variance Review Standards – Accessory Building Size

Moore explained the ordinance requires that when an applicant constructs a home or an accessory building, the applicant must provide a hard surfaced drive all the way to the building. He does indicate there will be a paved drive near the accessory building just not all the way up to it. The overall intent of this is to minimize dust and runoff. Moore noted the applicant has a larger parcel, heavily wooded and not close to neighbors.

Standards are the same and Moore is comfortable with this being approved.

Chambers questioned if millings could be required as a condition. Moore said the City has approved this in the past and this would be fine to approve.

Salzwedel asked if the drive was going to be paved all the way to the street? Gould stated he would prefer to go with millings up to it. He noted he would be willing to pave an apron and the use millings as far as far back as the DEQ would allow. Chambers confirmed he would pave from the street to the barn? Gould responded yes, it would be paved from the street to the barn or 50 to 60 feet and then a paved apron up to the building.

Boardmember Salzwedel, Yankovich, Chair Chambers, Boardmembers Canfield, and DeVore all agreed on the hard surface driveway requirement.

Part 3. Variance Review Standards – Accessory Building Size.

Moore explained this did not come through on the request but as they were reviewing they found the size is larger than what is allowed. Moore did not believe there was a good enough reason that would require such a variance. Gould explained he owns four boats all of which are in use throughout the summer as well as other things to store. He lives on a large piece of property and has a lot to maintain.

Moore stated if this is built he would not be permitted to build an additional accessory building.

Boardmember Yankovich, Chair Chambers, Boardmembers Canfield, DeVore and Salzwedel all agreed the requested size was appropriate.

IT WAS MOVED BY CANFIELD and seconded by DEVORE to grant the variance for the placement of the accessory building.

YES: Chair Chambers, Boardmembers Canfield, DeVore, Salzwedel and Yankovich.

NO: None. ABSENT: None. MOTION CARRIED.

IT WAS MOVED BY DEVORE and seconded by YANKOVICH to grant the variance for the hard surfaced driveway which includes an asphalt apron from East Main Street to the accessory building and then millings for approximately 50 to 60 feet from the accessory building.

YES: Boardmembers Canfield, DeVore, Salzwedel and Yankovich and Chair Chambers.

NO: None. ABSENT: None. MOTION CARRIED.

IT WAS MOVED BY DEVORE and seconded by SALZWEDEL to approve the size of the accessory building as presented.

YES: Boardmembers DeVore, Salzwedel, Yankovich, Chair Chambers and Boardmember Canfield.

NO: None. ABSENT: None. MOTION CARRIED.

5. **BOARDS AND COMMISSION REPORTS.**

There were none.

6. **COUNCIL COMMENTS.**

There were none.

7. **ADJOURNMENT.**

IT WAS MOVED BY SALZWEDEL and seconded by DEVORE to adjourn at 7:33 p.m.

YES: 5. NO: NONE. ABSENT: 1. MOTION CARRIED.

DATE:

APPROVED:

Chair Marty Chambers

Susan Ullery, City Clerk

**PROCEEDINGS
OF
CITY COUNCIL
OF THE
CITY OF LOWELL
ZOOM MEETING
MONDAY, MAY 18, 2020, 7:36 P.M.**

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

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

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

Absent: None.

Also Present: City Manager Mike Burns, City Clerk Susan Ullery, City Treasurer Suzanne Olin, Police Chief Steve Bukala, DPW Director Dan Czarnecki and LL&P General Manager Steve Donkersloot.

Mayor DeVore requested Item B (Budget Hearing) move to item D and both LL&P agenda items be moved up.

2. APPROVAL OF THE CONSENT AGENDA.

- Approval of the Agenda.
- Approve and place on file the minutes of the May 4, 2020 Regular City Council as corrected.
- Authorize payment of invoices in the amount \$153,488.34

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

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

NO: None.

ABSENT: None

MOTION CARRIED.

3. CITIZEN COMMENTS FOR ITEMS NOT ON THE AGENDA.

There were no comments.

4. OLD BUSINESS

a. Classification and Compensation Study.

City Manager Michael Burns stated the City of Lowell partnered with the Michigan Municipal League to review and revise job descriptions for a number of positions held in the City. In addition, we performed a compensation study to determine whether our positions are in line with our market.

Marsha Cornell and Mandy Reed from the Michigan Municipal League walked through their report and presented their findings.

At the onset of the project, current job descriptions, pay plans, benefits information, and other related materials were collected and reviewed. The City identified the positions to include in the scope of this project which included 12 positions. All 12 positions underwent a thorough review of job analysis, were included in the market study, had point factor job evaluation performed to establish an internally equitable pay system, and had updated job descriptions prepared.

It was noted the system administration needs regular maintenance and it is suggested a full study be done every 5 to 7 years. Burns noted the last job analysis was done in 2001.

No further information was provided.

b. Gift from Staal Estate.

City Manager Michael Burns explained this was tabled from the last City Council meeting as there was discussion of what to do with the proceeds and using it toward something more community based may be more appropriate.

Burns stated a suggestion was brought up regarding funds going toward the Showboat. He also suggested two other expenditures that are community based and would be an impact to the General Fund. This includes the Fire Truck purchase in two years with our share being due of \$125,000 as well as the City agreeing to set aside \$25,000 for the LARA trail for when that is finalized.

Mayor DeVore stated the memorial bench will be coming out of these funds either way.

Councilmember Yankovich saw a nice tie in with a bench on a portion of the LARA trail. Councilmember Canfield liked that idea and possibly put the rest on hold. Councilmember Salzwedel agreed.

By general consensus, the Council agreed to move forward with the memorial bench placing it somewhere along the LARA trail.

c. High Street Vacation.

City Manager Michael Burns stated as part of the settlement with Unity Schools Investors, LLC the City agreed to the partial vacation of the north 15 feet of High Street from Monroe Street to the west edge of the existing Unity School building on the 219 High Street parcel with the ownership transferred to Unity.

Since this time, Unity has filed action regarding the vacated parcel and is making the request for the action.

Resolution 11-20 was presented for the Council to approve which states we approve the partial vacation of High Street in conjunction with our settlement agreement.

IT WAS MOVED BY CHAMBERS and seconded by CANFIELD to approve Resolution 11-20 to approve partial vacation of the High Street plat.

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

At the request of the Council, a drawing of the property will be presented.

d. Water Billing Late Fees.

City Manager Michael Burns stated since the COVID-19 pandemic began in March, the City has not issued late fees for not meeting water billing deadlines. When it was presented earlier, the Council agreed to continue to waive fees in April but asked that this be brought back in May.

Burns was informed we have a number of people utilizing a payment plan to address their bills. That said, if shutoffs were allowed currently, the City would have only shut off 14 accounts for delinquency after the April billing was due. This is not a very high number for the City. We have a number of people who are a month behind however, this is common even when the economy was better.

As Manager, Burns does not see an issue with continuing to waive late fees for a few months as this still plays out. It appears that we are getting pretty decent compliance from our customers. There are a number of cities who have waived late fees until the end of the year. If you were to waive fees, maybe consider until the end of August and come back and reconsider for September.

There is also the option of reinstituting the fee. Burns can see arguments for both sides of the debate on the issue. He does not want to create a system to reward people to not follow their obligations. That said, City Administration will stand ready to follow any course of action provided.

Mayor DeVore wanted to see this remain through June. By general consensus, the Council agreed to keep it through June and bring back to the agenda at the June 15th meeting.

e. HVAC Maintenance.

City Manager Michael Burns proposed Preventive Maintenance Agreements between the City and Progressive Heating, Cooling & Refrigeration (Lowell) to provide routine service, inspection and cleaning of heating and cooling equipment located Lowell City Hall, DPW Building, the Lowell Historical Museum and the Englehardt Library.

The cost for the service are as follows:

- City Hall - \$1,668
- DPW Building - \$448
- Library \$1,592
- Museum - \$720

This is an annual agreement and the cost does not include repairs to the system. Progressive has been providing routine repair services to the City since 2016. Burns noted these prices have been the same amount for four years. Progressive did mention the possibility of a slight increase next time the agreement is renewed. Funds have been budgeted for these expenses.

IT WAS MOVED BY CANFIELD and seconded by CHAMBERS to approve the Preventative Maintenance Agreements with Progressive Heating, Cooling & Refrigeration, Inc. as presented.

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

NO: None. ABSENT: None. MOTION CARRIED.

5. NEW BUSINESS

a. Water Service Rules and Regulations.

Public Works Director Daniel Czarnecki explained the operations of the City's water and sewer utilities has its own chapter in the Code of Ordinances for Lowell. The information found here helps us to properly interpret and operate these two utility departments. As time moves forward issues come up that need direction that is not found in the ordinance.

Chapter 25 – Water and Sewage Disposal Service spells out the City's rules for connecting to the available utilities. This includes the rules to be followed by the city and the customer, as well as how the utility charges are billed out. While the sewer portion goes into great details, the water portion leaves many of the details to be determined, as necessary, by the creation of rules and regulations (Sec. 25 – 18). The current Water Service Rules and Regulations were developed several years ago. While they are very useful, there are many areas that administration has found to be difficult to explain and enforce. There are other areas that are not discussed. City administration works hard to interpret the direction that is needed and help the customer as much as possible. However, many times this isn't easy, and sometimes not everyone interprets things the same way.

Recently, two items have come up that caused a review of the ordinance. First, we received a request to stop billing at a business as they have vacated their building and are closed due to the Governor's "Stay at Home" orders. As you are aware, the water/sewer utility bills include a commodity charge on the amount of water that is used, plus a Readiness-to-Serve charge based on the size of meter. Not using any water would bring the commodity charge to \$0. However, the Readiness-to-Serve charge is based on connecting to the system and is a straight charge that is generally intended to cover the capital costs of the system. Those capital costs include capital works that is schedule yearly, plus yearly payment on the current bonds. The bond payments are figured based on the number of customers. If not every customer is paying their share, then the income to pay capital costs could become deficient. Keep in mind, in future years the City is looking at making some major system improvements that have been figured into future rate increases.

The second item of concern was the connection to our water system in areas without a watermain in front of the property. There are a few areas of the community that city water is not available directly in front of a property, however, it is available a few hundred feet down the street. We have allowed a customer to make a tap of our system and they have run a long private water service to their property. We place the meter near the water tap and the long service line is the responsibility of the property owner. The private service line is in the street right-of-way and we do not have any agreements with the property owner on who is responsible if anything were to happen to this line and cause damage to the city right-of-way or an adjacent property owner. Also, if a watermain is extended in front of this property the City does not have a mechanism to require the property owner to pay for the new watermain. The property owner would not need the new watermain as they are already connected to our system. We would like to clean this up with some language that helps the City and the customer as we moved into the future.

There are many other areas that need rules and regulations to better define the situation. The idea is not to be cumbersome or overbearing with unnecessary regulations. We want to be consistent, clear and concise with the utility operations and fair to all customers. We want the City staff to be able to operate the system correctly, with a good document for everyone to follow equally.

Some of the areas that are being developed with more defined information are services and connections, charges and fees, accessibility and customer responsibilities, shutoff policies (which have recently changed due to the coronavirus issues), billing and payments, payment agreements, meter installation and testing, watermain extensions, critical care facilities and senior citizens, and cross connection control

By general consensus, the Council stated they were comfortable with Czarnecki continuing on with the project.

b. Fiscal Year 2021 Operating and Capital Budget

LL&P General Manager Steve Donkersloot presented the proposed Fiscal Year 2021 Operating and Capital Budgets. Per the City Charter, LL&P's budgets must be presented to the City Council for consideration and approval every year. As such, the City Manager has asked that he give an overview of LL&P's budget process, our Fiscal Year 2021 Operating and Capital Budgets, and the major projects we expect to work on over the course of the next year.

In March the LL&P Board approved a budget. With the COVID-19 pandemic, there has been a major change to the March budget. The packet includes the final budget that LL&P is asking the Council to adopt. Some of the major things to point out is that in March there was total revenue of 9 million dollars whereas the final budget being presented tonight has a total revenue of just under 8.2 million dollars due to the kilowatt-hours in sales being down 11 to 13 percent and the demand is down 10 plus percent. In March they had planned on hiring a two man tree trimming crew which has been taken out of the budget. There are also a number of other budget cuts that have been made to other departments. They have maintained current staff and plan to hire an additional lineman to replace a lineman lost earlier this year.

The COVID Pandemic has changed LL&P future and has impacted the pilot contribution that they had planned to pay the City. This has been reduced by \$34,000 and will now pay \$351,000.

The Capital budget was reduced by over \$600,000 for next year's expenses.

The Council had no questions or comments.

c. LL&P Board Recommendation to the City Council to Adopt Resolution Authorizing the Publication of a Notice of Intent to Issue Bonds.

LL&P General Manager Steve Donkersloot explained at the recent LL&P Boardmembers meeting they voted to recommend that the Council adopt Resolution 13-20. This would allow for a notice to be published in the Ledger which would advertise LL&P intent to sell revenue bonds up to \$995,000. The resolution, if passed does not obligate LL&P to issue debt. It just starts a 45 day clock where citizens of Lowell can petition to have the decision of whether LL&P moves forward with issuing the bonds or not by a vote of the people rather than the LL&P Board or the Council. This must be done per Act 94 of the Public Acts of Michigan of 1933.

The reason they are considering with going forward with issuing debt is because there are a number of deferred facility related projects that need to be done at the Lowell LL&P Energy Center.

IT WAS MOVED BY YANKOVICH and second by CANFIELD to adopt Resolution 13-20 authorizing the Publication of a Notice of Intent to Issue Bonds.

YEA: Councilmembers Salzwedel, Yankovich, Chambers, Canfield and Mayor DeVore.
NO: None. ABSENT: None. MOTION CARRIED.

d. Fiscal Year 2020-21 Budget.

On Monday April 20, 2020, City Manager Michael Burns presented the City Council with the proposed Fiscal Year 2020-21 for initial review. On Saturday, April 25, 2020 the City Council budget work session was held where the budget was reviewed. Since this time we have provided clarification to budget items in question and have had discussion since about additional budget reductions.

Burns is still projecting approximately \$160,000 in revenue lost from all municipal funds with the exception of the water and wastewater funds.

Burns presented the budget memo previously submitted to the City Council and a public hearing should be held tonight. It is the Council's option to approve the proposed budget at this meeting.

A couple things to note is the issue with the sales tax. In the budget we projected approximately \$60,000 loss and \$43,000 loss in the General Fund for the LL&P pilot. Last Friday, the State of Michigan provided the City with the new revenue projections for the sales tax which is our revenue sharing. The rest of this fiscal year we are looking at \$25,000 less than what was originally projected when the budget was approved last year and then for next year we are looking at \$40,000 less than what we projected for our budget earlier this year. There is also an additional \$60,000 as part of our revenue sharing that will get cut in addition to the sales tax component.

Mayor DeVore opened the Public Hearing and there were no comments.

Burns pointed out the rate increase for the water and sewer was not submitted in the budget and asked if the Council wanted this to come back in June. By general consensus, Council agreed to look at in June.

IT WAS MOVED BY YANKOVICH and seconded by CHAMBERS to approve Resolution 12-20 as presented.

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

e. Ordinance 20-02.

In April, the City Administration came to the City Council to discuss commercial waste haulers violating our noise ordinances as they were handling their routes very early in the morning. Residents adjacent to some of these businesses were complaining of this practice. We asked at the time to consider modifications to the noise ordinance and were directed by Council to come back with an ordinance to approve.

Since then Chief Bukala and Burns have been working with City Attorney Jessica Wood to modify the ordinance to accommodate this. Wood looked at the ordinance and only amended Section 11-36 of the waste hauler ordinance. In the ordinance it states that all waste haulers can pick up the City between 7:00 a.m. to 9:00 p.m. daily.

We did not amend the noise ordinance because after reading it, it is probably unnecessary. The noise ordinance is a bit more generalized and there may be reasons beyond noise why waste hauling is limited

to the hours above. Noise ordinances are usually a poor tool to enforce this and since waste haulers must be licensed a quicker remedy is for the City to terminate haulers licenses for excessive violations of the waste hauling article of the ordinance.

IT WAS MOVED BY SALZWEDEL and seconded by CHAMBERS to approve Ordinance 20-02 as presented.

YES: Councilmembers Chambers, Canfield, Mayor DeVore and Councilmembers Salzwedel and Yankovich NO: None. ABSENT: None. MOTION CARRIED.

f. Furloughs.

City Manager Michael Burns explained the City of Lowell is projected to lose over \$160,000 in revenue in all funds throughout the City due to the COVID-19 pandemic. There is a potential for the City to lose much more than projected depending on how this crisis pans out. Since March 23, 2020, the City of Lowell has made staffing modifications to comply with Governor Gretchen Whitmer's Stay at Home Order. At this point, the City has and will do everything to keep our full time staff gainfully employed.

Burns proposed to furlough 15 of our 19 Full Time Employees to 80% of their hourly pay or salary. He will propose the City continue to provide all benefits as we do currently. MERS Service Credit will still be counted in full, however, during the time of furloughs, MERS will only count what the City pays each employee and base that toward each employees final average compensation as it will be reduced some. Burns would also be furloughed as well. The water treatment plant employees and the two employees set to retire on July 31, 2020 would not be furloughed. Every other full time City employee would be.

Brad Wade of 12991 Ryan Ridge, Eric Schelhaas of Red Creek Waste Services and City of Lowell resident Holly Christopher all indicated they were not in favor of the employees being furloughed.

After much Council discussion, Mayor DeVore asked for a motion to approve or to table the City of Lowell furloughs. There was no motion made, therefore the issue died.

g. Memorial Day Events.

City Manager Michael Burns stated due to the COVID-19 pandemic, this is forcing changes to our annual Memorial Day events. This being said, the current Stay at Home Executive Order from Governor Whitmer is giving City Administration difficulty in how to handle the Memorial Day remembrances.

Burns has been in contact with Herm Westrate, who is the Commander of the Veterans of Foreign Wars Post 8303. He has informed Burns that the parade has been canceled. They are requesting to utilize Oakwood Cemetery on Memorial Day and do so without putting the public at risk. They would like to read the names and allow businesses and organizations to present flowers at the Civil War Monument. There would also be an Honor Guard to render a rifle salute before the playing of Taps.

After much discussion, the Councilmembers and Mayor DeVore believed this would be appropriate. Chief Bukala agreed to allow the Honor Guard and Taps player at Oakwood Cemetery.

6. **BOARD/COMMISSION REPORTS.**

Councilmember Canfield stated the LARA Board met. He noted Laura Garrison and Todd Gossiaux (alternate) would be the new members. Council approval is needed.

Dave Austin also answered questions on the DNR grant that was submitted.

Councilmember Chambers stated the Planning Commission met on May 11, 2020 and reviewed the special land use applications for two new marihuana facilities. However, due to some technical difficulties a synopsis of these approvals will be held at the June 8, 2020 Planning Commission meeting.

Mayor DeVore stated the Fire Authority received an email from a consultant recently brought on. He is gathering information and DeVore was hopeful that he could share this with the Council after the Fire Authority meets.

DeVore asked Mayor Pro Tem Salzwedel to Chair the remainder of the meeting, as he had to step away.

7. **MANAGER'S REPORT.**

- Thanked Meds Café for their generous donation for the boat. He noted there was an incorrect story on News 8 stating that the City of Lowell is receiving a lot of money from the sales. The owner has apologized for the error.
- The City received notification that the Waiver for PA 202 will not require the City to file a corrective action plan.
- Applications for the outdoor seating for restaurants is completed. He needs the insurance company to review before distributing.
- Need direction on if the June 1, 2020 meeting should be held through Zoom. By general consensus, the Council agreed to meet via Zoom.

8. **APPOINTMENTS.**

There were no changes at this time.

9. **COUNCIL COMMENS.**

Councilmember Canfield questioned the cement work done by Groundhog Excavating in the downtown area. It looks like it is a long ways away from being the right color. Czarnecki stated the color will have an issue at first but he will take a look at it.

He also encouraged everyone to continue to wear masks.

Councilmember Chambers commented on the process to start helping restaurants. Now we need to do something for the merchants. He attended the Downtown Merchants Zoom meeting and they indicated

they would like to have a 2nd sign to do more advertising until end of October. Maybe 6 feet between each sign. Burns stated he would report back at the next meeting.

IT WAS MOVED BY CHAMBERS and seconded by YANKOVICH to go into closed session at 9:34 p.m. pursuant to 15.268 Sec 8 of the Open Meetings Act item (c) for strategy and negotiation sessions connected with the negotiation of a collective bargaining agreement.

YES: Councilmembers Salzwedel, Yankovich, Chambers and Canfield.

NO: None. ABSENT: Mayor DeVore. MOTION CARRIED.

IT WAS MOVED BY CHAMBERS and seconded by YANKOVICH to return to open session at 10:00 p.m.

YES: Councilmembers Yankovich, Chambers, Canfield and Salzwedel.

NO: None. ABSENT: Mayor DeVore MOTION CARRIED.

10. **ADJOURNMENT.**

IT WAS MOVED BY YANKOVICH and seconded by CANFIELD to adjourn at 10:01.

YES: Councilmember Chambers, Councilmember Canfield, Councilmember Salzwedel and

Councilmember Yankovich. NO: None. ABSENT: Mayor DeVore. MOTION CARRIED.

DATE:

APPROVED:

Mike DeVore, Mayor

Sue Ullery, Lowell City Clerk

**CITY OF LOWELL
KENT COUNTY, MICHIGAN**

RESOLUTION NO. 11-20

**RESOLUTION APPROVING PARTIAL VACATION OF CERTAIN
RIGHT OF WAY AND EASEMENT INTERESTS AS REFERENCED IN
PARAGRAPH 3 OF THE SETTLEMENT AGREEMENT DATED AS OF
JANUARY 1, 2020.**

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

WHEREAS, the City entered into a Settlement Agreement dated as of January 1, 2020 with Unity School Investors, LLC (“Unity”); and

WHEREAS, paragraph 3 of the Settlement Agreement (a copy of which is attached as part of Exhibit A) states that the City will support the partial vacation of the north 15 feet of High Street from Monroe Street to the west edge of the existing Unity School building on the 219 High Street Parcel with ownership of said vacated property (the “Vacated Parcel”) to be transferred to Unity; and

WHEREAS, Unity commenced an action regarding the Vacated Parcel entitled *Unity School Investors, LLC v. City of Lowell, et al.*, Kent County Circuit Court Case Number 20-01250-CE (the “Vacated Parcel Action”); and

WHEREAS, Unity is preparing to submit a proposed Judgment (“Proposed Judgment”) in the form attached as Exhibit A for entry by the Court in the Vacated Parcel Action.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. That the City, pursuant to M.C.L. §560.226 and the Settlement Agreement, approves partial vacation of interests described in the Proposed Judgment and paragraph 3 of the

Settlement Agreement, subject to Unity meeting filing and platting requirements referred to in the Proposed Judgment.

2. That all resolutions or parts of resolutions in conflict herewith shall be and the same are hereby rescinded.

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

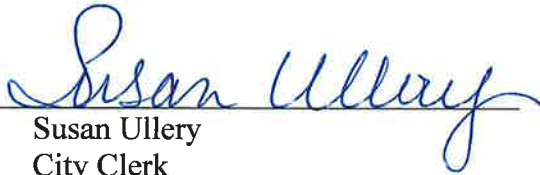
NAYS: Councilmembers None

ABSTAIN: Councilmembers None

ABSENT: Councilmembers None

RESOLUTION DECLARED ADOPTED.

Dated: May 18, 2020


Susan Ullery
City Clerk

CERTIFICATION

I hereby certify that the foregoing is a true and complete copy of a resolution adopted by the City Council at a regular meeting held on May 18, 2020, and that public notice of said meeting was given pursuant to, and in compliance with, Act 267 of the Public Acts of Michigan of 1976, as amended.

Dated: May 18, 2020


Susan Ullery
City Clerk

And in conformance with the executive order 2020-75 of the Governor of the State of Michigan.

**CITY OF LOWELL
KENT COUNTY, MICHIGAN**

RESOLUTION NO. 12-20

**RESOLUTION ADOPTING CITY OF LOWELL ANNUAL
BUDGET FOR FISCAL YEAR 2020-2021, APPROVING
MILLAGE LEVIES, APPROVING SCHEDULE OF RATES
AND FEES AND OTHER MATTERS RELATED THERETO**

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

WHEREAS, the City Manager has prepared and presented to the City Council at its meeting on April 20, 2020, a proposed complete itemized annual budget for the 2020-21 fiscal year of the City (the "FY 20-21 Budget") in accordance with the City Charter, applicable State of Michigan law and applicable federal law and regulations, if any; and

WHEREAS, after the FY 20-21 Budget was presented to the City Council, a copy has been available for public inspection at City Hall at the office of the City Clerk; and

WHEREAS, the City Charter requires that before the FY 20-21 Budget may be considered for adoption by the City Council the City Council shall hold a public meeting; and

WHEREAS, a public hearing on the FY 20-21 Budget, properly noticed as referenced by Section 8.4 of Chapter 8 of the City Charter and Section 2 of Act 43 of the Public Acts of Michigan of 1963, as amended (2nd Ex. Sess.), was held at 7:00 p.m. on May 18, 2020, in the City Council Chambers in City Hall at which time all interested persons were given an opportunity to be heard; and

WHEREAS, the City Charter requires that the City Council adopt a budget for the City for the 2020-21 fiscal year of the City not later than the first Monday in June, including the amount to be levied in such fiscal year on taxable real and personal property in the City to meet the requirements of the FY 20-21 Budget; and

WHEREAS, in connection with the approval of the FY 20-21 Budget, the City Council desires to approve a schedule of rates and fees to be applicable in the City commencing at the beginning of the City's 2020-21 fiscal year.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. That the FY 20-21 Budget as presented at this meeting, including modifications, if any, made at the time of public hearing and noted in the FY 20-21 Budget document, is hereby adopted.

2. That for the 2020-21 fiscal year of the City there shall be levied on all taxable real and personal property in the City (a) a general *ad valorem* tax rate of 15.70 mills for general purposes (i.e., administration, fire, police, parks and recreation, etc.), and (b) a general *ad valorem* tax rate

of 0.2335 mills for improvements to, and operation of, the public museum. The total 2020-21 fiscal year City general *ad valorem* tax levy on all taxable real and personal property in the City is 15.9335 mills.

3. That in accordance with the FY 20-21 Budget, the following are the estimated City revenues and expenses for the 2020-21 fiscal year of the City:

REVENUES

General Fund, \$3,240,222.37
Major Street Fund, \$278,284.00
Local Street Fund, \$296,129.65
Historic District Fund, \$25,050.00
Downtown Development Authority Fund, \$602,500.00
Building Inspectors Fund, \$45,000.00
Designated Contributions Fund, \$508,000.00
Airport Fund, \$70,316.00
Wastewater Fund, \$1,025,439.00
Water Fund, \$1,140,732.00
Cable Fund, \$100,000.00
Light and Power Fund, \$8,312,010.00
Data Processing Fund, \$80,274.00
Equipment Fund, \$243,765.00
Lee Fund, \$4,000.00
Look Fund, \$40,000.00

APPROPRIATIONS

General Fund, \$3,225,751.63
Major Street Fund, \$414,780.71
Local Street Fund, \$484,984.68
Historic District Fund, \$25,000.00
Downtown Development Authority Fund, \$788,475.23
Building Inspectors Fund, \$40,000.00
Designated Contributions Fund, \$506,000.00
Airport Fund, \$81,500.00
Wastewater Fund, \$1,550,788.56
Water Fund, \$1,454,785.72
Cable Fund, \$100,000.00
Light and Power Fund, \$8,861,885.00
Data Processing Fund, \$110,800.00
Equipment Fund, \$320,213.03
Lee Fund, \$4,000.00
Look Fund, \$40,000.00

4. That in a Fund where total appropriations exceed estimated revenue the City has determined that there is sufficient surplus, or undesignated fund balance, in the Fund to meet the requirements of the Uniform Budgeting and Accounting Act, Act 2 of the Public Acts of Michigan of 1968, as amended ("Act 2").

5. That pursuant to the provisions of Act 2, the City Manager is hereby authorized to make budgetary transfers within the identified fund in the FY 20-21 Budget or between identified activities within a fund. All other budgetary transfers in the FY 20-21 Budget shall be in accordance with Act 2 when City Council approval is required.

6. That the City Manager or his designee(s) is authorized to make expenditures budgeted in the FY 20-21 Budget in accordance with applicable law, ordinances, rules, regulations and policies.

7. That the Schedule of Rates and Fees presented at this meeting is approved to be effective July 1, 2020.

8. That all resolutions or parts of resolutions to the extent of any conflict herewith are rescinded.

YEAS: Councilmembers Yankovich, Chambers, Canfield Mayor DeVore,

Councilmember Salzwedel

NAYS: Councilmembers None

ABSTAIN: Councilmembers None

ABSENT: Councilmembers None

RESOLUTION DECLARED ADOPTED.

Dated: May 18, 2020


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, at a meeting held on May 18, 2020, and that public notice of said meeting was given pursuant to and in compliance with Act 267 of the Public Acts of Michigan of 1976, as amended.

Dated: May 18, 2020


Susan Ullery, City Clerk

And in conformance with the executive order 2020-75 of the Governor of the State of Michigan

**CITY COUNCIL
CITY OF LOWELL
KENT COUNTY, MICHIGAN**

RESOLUTION NO. 13-20

**RESOLUTION AUTHORIZING THE PUBLICATION OF A NOTICE OF
INTENT TO ISSUE BONDS IN CONNECTION WITH THE ISSUANCE OF
ELECTRIC SYSTEM REVENUE BONDS PURSUANT TO ACT 94 OF THE
PUBLIC ACTS OF MICHIGAN OF 1933, AS AMENDED, AND
DECLARING INTENT OF THE CITY TO REIMBURSE ITSELF FOR THE
COSTS OF IMPROVEMENTS TO THE CITY'S ELECTRIC SYSTEM**

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

WHEREAS, the City through its Department of Light & Power intends to finance all or a portion of the costs of the improvements and renovations to the Department of Light and Power building at 625 Chatham Street in the City and improvement to an adjacent parking lot (the "Improvements") by the issuance of one or more series of revenue bonds (the "Bonds") in an amount not to exceed \$995,000 pursuant to Act 94 of the Public Acts of Michigan of 1933, as amended ("Act 94"); and

WHEREAS, it is necessary to publish a notice of intent to issue bonds for the Bonds pursuant to Section 33 of Act 94; and

WHEREAS, the City desires to express its intent to reimburse itself the cost of all or a portion of the costs of the Improvements from proceeds of the Bonds.

NOW, THEREFORE, BE IT HEREBY RESOLVED AS FOLLOWS:

1. That a notice of intent to issue bonds for the Bonds in an amount not to exceed \$995,000 shall be published in accordance with Section 33 of Act 94.
2. That the City Clerk is authorized and directed to publish the notice of intent to issue bonds in *The Lowell Ledger*, a newspaper of general circulation in the City, determined to be the newspaper reaching the largest number or persons to whom said notice is directed, which notice shall be in the form of Exhibit A attached hereto.

3. That the City, pursuant to Section 1.150-2 of the Treasury Regulations promulgated pursuant to the Internal Revenue Code of 1984, as amended, declares its intent to reimburse itself the costs of all or a portion of the Improvements from proceeds of the Bonds.

4. That a copy of this resolution shall be available for public inspection at the office of the City Clerk at City Hall, 301 E. Main Street, Lowell, Michigan or a copy will be sent to the requester upon request to the City Clerk by telephone at 616-897-8457.

5. That all resolutions or parts of resolutions in conflict herewith shall be and the same are hereby rescinded to the extent of such conflict.

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

NAYS: Councilmembers None

ABSTAIN: Councilmembers None

ABSENT: Councilmembers None

RESOLUTION DECLARED ADOPTED.

Dated: May 18, 2020


Susan Ullery, City Clerk

CERTIFICATION

I hereby certify that the foregoing is a true and complete copy of a resolution adopted by the City Council of the City of Lowell at a regular meeting held on May 18, 2020, and that public notice of said meeting was given pursuant to, and in compliance with, Act 267 of the Public Acts of Michigan of 1976, as amended and Executive Order Number 2020-75 of the Governor of the State of Michigan.

IN WITNESS WHEREOF, I have affixed my official signature this 18th day of May, 2020.


Susan Ullery, City Clerk

And in conformance with the executive order 2020-75 of the Governor of the State of Michigan.

EXHIBIT A

CITY OF LOWELL KENT COUNTY, MICHIGAN

NOTICE OF INTENT TO ISSUE BONDS TO ELECTORS AND TAXPAYERS OF THE CITY OF LOWELL, KENT COUNTY, MICHIGAN SECURED BY THE REVENUES OF THE CITY'S ELECTRIC SYSTEM AND THE RIGHT OF REFERENDUM THEREON

PLEASE TAKE NOTICE THAT THE CITY OF LOWELL (the "City") intends to issue revenue bonds in a maximum amount of not to exceed \$995,000.

The bonds shall be used for the purpose of paying all or a portion of the costs of improvements and renovations to the Department of Light and Power building at 625 Chatham Street in the City and improvements to an adjacent parking lot.

The bonds, to be issued in one or more series, shall mature within the maximum term permitted by law with interest on the unpaid balance at a rate not to exceed the maximum rate permitted by law. The bonds shall be issued pursuant to Act 94 of the Public Acts of Michigan of 1933, as amended ("Act 94").

SOURCE OF PAYMENT

The principal of and interest on the bonds shall be payable from the revenues derived from the operations of the City's Electric System and shall not constitute a general obligation of the City nor an indebtedness of the City within any constitution, statutory and charter limitation.

RIGHT OF REFERENDUM

The bonds will be issued without a vote of the electors of the City approving said bonds unless within 45 days from the date of publication of this notice, a petition signed by not less than 10% of the registered electors residing within the limits of the City, shall have been filed with the City Clerk requesting a referendum upon the question of the issuance of the bonds, then the bonds shall not be issued until approved by the vote of a majority of the electors of the City qualified to vote and voting thereon at a general or special election.

This notice is published pursuant to the requirements of Section 33 of Act 94.

Susan Ullery
City Clerk

**CITY OF LOWELL
KENT COUNTY, MICHIGAN**

ORDINANCE NO. 20-02

**NOTICE OF ADOPTION AND SUMMARY OF AN ORDINANCE
AMENDING SECTION 11-36 "TIME FOR COLLECTION AND
TRANSPORT" OF THE CODE OF ORDINANCES OF THE CITY OF
LOWELL IN ORDER TO SET THE TIMES OF DAY DURING WHICH A
WASTE HAULER CAN COLLECT AND TRANSPORT SOLID WASTE**

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

THE CITY OF LOWELL ORDAINS:

Section 1. Amendment to Section 11-36 of Chapter 11. Section 11-36 "Time for Collection and Transport" of Chapter 11 of the Code of Ordinances of the City of Lowell is amended in its entirety to read as follows:

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

Waste haulers shall only collect and transport solid waste within the city between the hours of 7 a.m. and 9 p.m. daily.

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

Section 3. Effective Date. This ordinance shall take effect ten (10) days after it, or a summary thereof, as permitted by law, along with the date of its adoption, is published as provided in Section 2 above.

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

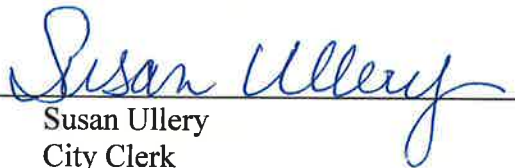
NAYS: Councilmembers None

ABSTAIN: Councilmembers None

ABSENT: Councilmembers None

ORDINANCE DECLARED ADOPTED.

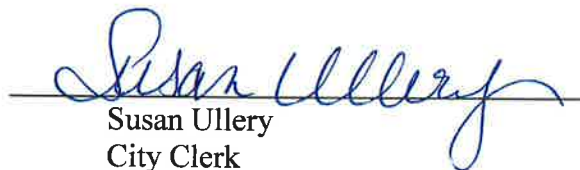
Dated: May 18, 2020


Susan Ullery
City Clerk

CERTIFICATION

I, the undersigned City Clerk of the City of Lowell, Michigan (the "City"), certify that the above ordinance is a true and complete copy of an ordinance adopted at a regular meeting of the Lowell City Council held on May 18, 2020, pursuant to notice given in compliance with Act 267 of the Public Acts of Michigan of 1976, as amended, and notice of its adoption, including the full ordinance or a summary of its contents and its effective date, was published in the *Lowell Ledger*, on May 20, 2020. I further certify that the above ordinance was entered into the Ordinance Book of the City on May 30, 2020, and was effective May 30, 2020, ten (10) days after publication.

Dated May 18, 2020


Susan Ullery
City Clerk

And in conformance with the executive order 2020-75 of the Governor of the State of Michigan.

05/29/2020 12:05 PM

INVOICE APPROVAL BY INVOICE REPORT FOR CITY OF LOWELL

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User: LORI

POST DATES 05/16/2020 - 05/29/2020

DB: Lowell

BOTH JOURNALIZED AND UNJOURNALIZED

BOTH OPEN AND PAID - CHECK TYPE: PAPER CHECK

Vendor Code	Vendor Name	Invoice	Description	Amount
01513	ADDORIO TECHNOLOGIES, LLC			
	8478		DATA PROCESSING R & M	2,239.99
	8479		DATA PROCESSING	938.98
TOTAL FOR: ADDORIO TECHNOLOGIES, LLC				3,178.97
00007	ADT SECURITY SYSTEMS, INC.			
	767419274		WTP SECURITY SYSTEM	119.97
TOTAL FOR: ADT SECURITY SYSTEMS, INC.				119.97
10816	AMAZON CAPITAL SERVICES			
	111-4449774-56866		CEMETERY TRIMMER LINE	85.98
	112-8564360-25218		WTP REGULATOR & GUAGE	96.20
TOTAL FOR: AMAZON CAPITAL SERVICES				182.18
01741	AMERICAN WATER WORKS ASSOC.			
	7001782542		MEMBERSHIP - VANVEELEN #01470745	224.00
TOTAL FOR: AMERICAN WATER WORKS ASSOC.				224.00
10731	APPLIED IMAGING			
	1543248		CITY HALL COPY MACHINE	366.98
TOTAL FOR: APPLIED IMAGING				366.98
10818	AT&T MOBILITY			
	27291108942X05142		STATEMENT - PHONES & IPADS	844.24
TOTAL FOR: AT&T MOBILITY				844.24
00045	BARTLETT, SANDY			
	5/21/2020		MAY METER READINGS & MILEAGE	1,101.53
TOTAL FOR: BARTLETT, SANDY				1,101.53
10863	CNA SURETY DIRECT BILL			
	BOND 65078420N		NOTARY BOND FOR HEFFRON	55.00
TOTAL FOR: CNA SURETY DIRECT BILL				55.00
10509	CONSUMERS ENERGY			
	MAY 20		ACCOUNT STATEMENT	425.04
	MAY 2020		ACCOUNT STATEMENTS	1,619.96
TOTAL FOR: CONSUMERS ENERGY				2,045.00
00126	CRYSTAL FLASH ENERGY - LOWELL			
	001977620		DIESEL FOR PUMP - FLOOD	583.53
	001977630		DIESEL FOR PUMP FOR FLOOD	583.91
	001978090		DIESEL FOR PUMP FOR FLOOD	279.81
TOTAL FOR: CRYSTAL FLASH ENERGY - LOWELL				1,447.25
00148	DICKINSON WRIGHT PLLC			
	1477255		PROF SERVICES - WARE RD LANDFILL	370.00
	1477256		PROF SERVICES - VACATE HIGH ST	351.50
	1477257		PROF SERVICES - RIVERSIDE PARK	92.50
	1477258		PROF SERVICES - GENERAL	3,422.50
TOTAL FOR: DICKINSON WRIGHT PLLC				4,236.50
REFUND UB	DOEZEMA, SHELLY			
	05/28/2020		UB refund for account: 5-05160-2	237.90
TOTAL FOR: DOEZEMA, SHELLY				237.90
02295	GRAYMONT WESTERN LIME INC.			
	148304		WTP QUICKLIME	6,790.50
TOTAL FOR: GRAYMONT WESTERN LIME INC.				6,790.50

05/29/2020 12:05 PM
User: LORI
DB: Lowell

INVOICE APPROVAL BY INVOICE REPORT FOR CITY OF LOWELL
POST DATES 05/16/2020 - 05/29/2020
BOTH JOURNALIZED AND UNJOURNALIZED
BOTH OPEN AND PAID - CHECK TYPE: PAPER CHECK

Page: 2/3

Vendor Code	Vendor Name Invoice	Description	Amount
00234	HACH COMPANY		
	11958788	WTP SUPPLIES	196.80
	11960160	WTP FLOURIDE ISE KIT	2,891.00
TOTAL FOR: HACH COMPANY			3,087.80
00248	HOOPER PRINTING		
	60141	BUSINESS CARDS - FOSBURG	31.80
	60144	CEMETERY - LEASED PETS SIGNAGE	69.71
TOTAL FOR: HOOPER PRINTING			101.51
10501	KCAAO		
	5/28/2020	MEMBERSHIP DUES 2020 - J RASHID	75.00
TOTAL FOR: KCAAO			75.00
01883	KENT COUNTY CLERK		
	5/19/2020	NOTARY APPLICATION - HEFFRON	10.00
TOTAL FOR: KENT COUNTY CLERK			10.00
02209	KERKSTRA PORTABLE, INC.		
	156894	PORTABLE RESTROOM CEMETERY	150.00
TOTAL FOR: KERKSTRA PORTABLE, INC.			150.00
00341	LOWELL LIGHT & POWER		
	3420	ADDORIO & IP CONSULT & KORE HI COM	875.00
TOTAL FOR: LOWELL LIGHT & POWER			875.00
02267	MMTA		
	2500	MEMBERSHIP DUES	150.00
TOTAL FOR: MMTA			150.00
10838	MORAN IRON WORKS, INC		
	16161	SHOWBOAT PROJECT	60,590.02
	16169	SHOWBOAT PROJECT	27,378.67
TOTAL FOR: MORAN IRON WORKS, INC			87,968.69
00480	OLIN, SUZANNE		
	5/27/2020	MILEAGE TO CITY OF WYOMING	31.05
TOTAL FOR: OLIN, SUZANNE			31.05
00506	POSTMASTER		
	5/28/2020	W/S BILLS POSTAGE	436.05
TOTAL FOR: POSTMASTER			436.05
00859	PRINTING SYSTEMS		
	5/4/2020	ELECTION SUPPLIES	732.99
TOTAL FOR: PRINTING SYSTEMS			732.99
10130	RASHID, JEFFREY		
	5/26/2020	MAY ASSESSING EXPENSES	15.53
TOTAL FOR: RASHID, JEFFREY			15.53
00827	RS TECHNICAL SERVICES, INC.		
	DB-1388	WTP FLOURIDE PUMP R & M	978.69
TOTAL FOR: RS TECHNICAL SERVICES, INC.			978.69
10378	RUESINK, KATHIE		
	911039	CLEANING SERVICES 5/17 - 5/24/2020	240.00
TOTAL FOR: RUESINK, KATHIE			240.00

05/29/2020 12:05 PM
User: LORI
DB: Lowell

INVOICE APPROVAL BY INVOICE REPORT FOR CITY OF LOWELL
POST DATES 05/16/2020 - 05/29/2020
BOTH JOURNALIZED AND UNJOURNALIZED
BOTH OPEN AND PAID - CHECK TYPE: PAPER CHECK

Page: 3/3

Vendor Code	Vendor Name	Invoice	Description	Amount
10583	SUEZ WATER ENVIRONMENTAL SVC INC	202039919	WWTP SERVICES MAY 2020	38,490.00
TOTAL FOR: SUEZ WATER ENVIRONMENTAL SVC INC				38,490.00
02458	TIMPSON TRANSPORT, INC.	9765	SALT DELIVERY TO COUNTY	362.50
TOTAL FOR: TIMPSON TRANSPORT, INC.				362.50
10069	TRUGREEN	120043650	WTP LAW SERVICE	119.88
TOTAL FOR: TRUGREEN				119.88
10484	VERGENNES BROADBAND	567-20200517-1	ACCOUNT STATEMENT	309.99
TOTAL FOR: VERGENNES BROADBAND				309.99
00666	VERGENNES TOWNSHIP TREASURER	5/11/2020	LCTV GRANT - COMMUNITY ROOM	7,000.00
TOTAL FOR: VERGENNES TOWNSHIP TREASURER				7,000.00
TOTAL - ALL VENDORS				161,964.70

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Fund 101 GENERAL FUND					
Dept 000					
101-000-084.015	DUE FROM FIRE AUTHORITY	VERGENNES BROADBAND	ACCOUNT STATEMENT	28.57	74341
101-000-085.000	DUE FROM LIGHT & POWER	VERGENNES BROADBAND	ACCOUNT STATEMENT	58.58	74341
Total For Dept 000				87.15	
Dept 172 MANAGER					
101-172-801.000	PROFESSIONAL SERVICES	DICKINSON WRIGHT PLLC	PROF SERVICES - WARE RD L	370.00	74322
101-172-850.000	COMMUNICATIONS	AT&T MOBILITY	STATEMENT - PHONES & IPAD	45.05	74316
Total For Dept 172 MANAGE				415.05	
Dept 209 ASSESSOR					
101-209-860.000	TRAVEL EXPENSES	RASHID, JEFFREY	MAY ASSESSING EXPENSES	15.53	74335
101-209-955.000	MISCELLANEOUS EXPENSE	KCAAO	MEMBERSHIP DUES 2020 - J	75.00	74327
Total For Dept 209 ASSESS				90.53	
Dept 210 ATTORNEY					
101-210-801.000	PROFESSIONAL SERVICES	DICKINSON WRIGHT PLLC	PROF SERVICES - VACATE HI	351.50	74322
101-210-801.000	PROFESSIONAL SERVICES	DICKINSON WRIGHT PLLC	PROF SERVICES - RIVERSIDE	92.50	74322
101-210-801.000	PROFESSIONAL SERVICES	DICKINSON WRIGHT PLLC	PROF SERVICES - GENERAL	2,294.00	74322
Total For Dept 210 ATTORN				2,738.00	
Dept 215 CLERK					
101-215-850.000	COMMUNICATIONS	AT&T MOBILITY	STATEMENT - PHONES & IPAD	45.05	74316
101-215-900.000	PRINTING	PRINTING SYSTEMS	ELECTION SUPPLIES	732.99	74334
Total For Dept 215 CLERK				778.04	
Dept 253 TREASURER					
101-253-860.000	TRAVEL EXPENSES	OLIN, SUZANNE	MILEAGE TO CITY OF WYOMIN	31.05	74333
101-253-955.000	MISCELLANEOUS EXPENSE	MMTA	MEMBERSHIP DUES	150.00	74331
Total For Dept 253 TREASU				181.05	
Dept 265 CITY HALL					
101-265-802.000	CONTRACTUAL	RUESINK, KATHIE	CLEANING SERVICES 5/17 -	240.00	74337
101-265-850.000	COMMUNICATIONS	LOWELL LIGHT & POWER	ADDORIO & IP CONSULT & KO	87.50	74330
101-265-850.000	COMMUNICATIONS	VERGENNES BROADBAND	ACCOUNT STATEMENT	43.57	74341
Total For Dept 265 CITY H				371.07	
Dept 276 CEMETERY					
101-276-930.000	REPAIR & MAINTENANCE	AMAZON CAPITAL SERVICES	CEMETERY TRIMMER LINE	85.98	74313
101-276-930.000	REPAIR & MAINTENANCE	HOOPER PRINTING	CEMETERY - LEASED PETS SI	69.71	74326
101-276-930.000	REPAIR & MAINTENANCE	KERKSTRA PORTABLE, INC.	PORTABLE RESTROOM CEMETER	150.00	74329
Total For Dept 276 CEMETE				305.69	
Dept 301 POLICE DEPARTMENT					
101-301-850.000	COMMUNICATIONS	AT&T MOBILITY	STATEMENT - PHONES & IPAD	395.61	74316
101-301-850.000	COMMUNICATIONS	LOWELL LIGHT & POWER	ADDORIO & IP CONSULT & KO	87.50	74330
101-301-850.000	COMMUNICATIONS	VERGENNES BROADBAND	ACCOUNT STATEMENT	43.57	74341
101-301-955.000	MISCELLANEOUS EXPENSE	KENT COUNTY CLERK	NOTARY APPLICATION - HEFF	10.00	74328
101-301-955.000	MISCELLANEOUS EXPENSE	CNA SURETY DIRECT BILL	NOTARY BOND FOR HEFFRON	55.00	74319
Total For Dept 301 POLICE				591.68	
Dept 426 EMERGENCY MANAGEMENT					
101-426-801.000	PROFESSIONAL SERVICES	DICKINSON WRIGHT PLLC	PROF SERVICES - GENERAL	1,128.50	74322
Total For Dept 426 EMERGE				1,128.50	
Dept 441 DEPARTMENT OF PUBLIC WORKS					
101-441-727.000	OFFICE SUPPLIES	HOOPER PRINTING	BUSINESS CARDS - FOSBURG	31.80	74326
101-441-850.000	COMMUNICATIONS	AT&T MOBILITY	STATEMENT - PHONES & IPAD	88.31	74316
101-441-850.000	COMMUNICATIONS	LOWELL LIGHT & POWER	ADDORIO & IP CONSULT & KO	87.50	74330
101-441-850.000	COMMUNICATIONS	VERGENNES BROADBAND	ACCOUNT STATEMENT	28.57	74341
101-441-920.000	PUBLIC UTILITIES	CONSUMERS ENERGY	ACCOUNT STATEMENTS	364.62	74320
Total For Dept 441 DEPART				600.80	
Dept 747 CHAMBER/RIVERWALK					
101-747-920.000	CHAMBER UTILITIES	CONSUMERS ENERGY	ACCOUNT STATEMENTS	51.17	74320

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Fund 101 GENERAL FUND					
Dept 747 CHAMBER/RIVERWALK					
		Total For Dept 747 CHAMBE		51.17	
Dept 751 PARKS					
101-751-850.000	COMMUNICATIONS	AT&T MOBILITY	STATEMENT - PHONES & IPAD	38.24	74316
		Total For Dept 751 PARKS		38.24	
Dept 790 LIBRARY					
101-790-920.000	PUBLIC UTILITIES	CONSUMERS ENERGY	ACCOUNT STATEMENTS	429.04	74320
		Total For Dept 790 LIBRAR		429.04	
Dept 804 MUSEUM					
101-804-920.000	PUBLIC UTILITIES	CONSUMERS ENERGY	ACCOUNT STATEMENTS	268.16	74320
		Total For Dept 804 MUSEUM		268.16	
		Total For Fund 101 GENERA		8,074.17	
Fund 202 MAJOR STREET FUND					
Dept 463 MAINTENANCE					
202-463-850.000	COMMUNICATIONS	AT&T MOBILITY	STATEMENT - PHONES & IPAD	25.04	74316
		Total For Dept 463 MAINTE		25.04	
Dept 478 WINTER MAINTENANCE					
202-478-740.000	OPERATING SUPPLIES	TIMPSON TRANSPORT, INC.	SALT DELIVERY TO COUNTY	181.25	74339
		Total For Dept 478 WINTER		181.25	
		Total For Fund 202 MAJOR		206.29	
Fund 203 LOCAL STREET FUND					
Dept 463 MAINTENANCE					
203-463-850.000	COMMUNICATIONS	AT&T MOBILITY	STATEMENT - PHONES & IPAD	25.03	74316
		Total For Dept 463 MAINTE		25.03	
Dept 478 WINTER MAINTENANCE					
203-478-740.000	OPERATING SUPPLIES	TIMPSON TRANSPORT, INC.	SALT DELIVERY TO COUNTY	181.25	74339
		Total For Dept 478 WINTER		181.25	
		Total For Fund 203 LOCAL		206.28	
Fund 260 DESIGNATED CONTRIBUTIONS					
Dept 751 PARKS					
260-751-970.000	CAPITAL OUTLAY	MORAN IRON WORKS, INC	SHOWBOAT PROJECT	60,590.02	74310
260-751-970.000	CAPITAL OUTLAY	MORAN IRON WORKS, INC	SHOWBOAT PROJECT	27,378.67	74332
		Total For Dept 751 PARKS		87,968.69	
		Total For Fund 260 DESIGN		87,968.69	
Fund 581 AIRPORT FUND					
Dept 000					
581-000-920.000	PUBLIC UTILITIES	CONSUMERS ENERGY	ACCOUNT STATEMENT	425.04	74320
581-000-955.000	MISCELLANEOUS EXPENSE	VERGENNES BROADBAND	ACCOUNT STATEMENT	49.99	74341
		Total For Dept 000		475.03	
		Total For Fund 581 AIRPOR		475.03	
Fund 590 WASTEWATER FUND					
Dept 000					
590-000-043.000	DUE FROM EARTH TECH	LOWELL LIGHT & POWER	ADDORIO & IP CONSULT & KO	87.50	74330
590-000-043.000	DUE FROM EARTH TECH	VERGENNES BROADBAND	ACCOUNT STATEMENT	28.57	74341
590-000-276.000	Sewer Inside 5/8"	DOEZEMA, SHELLY	UB refund for account: 5-	5.91	74323
		Total For Dept 000		121.98	
Dept 550 TREATMENT					
590-550-802.000	CONTRACTUAL	SUEZ WATER ENVIRONMENTAL	WWTP SERVICES MAY 2020	38,490.00	74338
590-550-850.000	COMMUNICATIONS	AT&T MOBILITY	STATEMENT - PHONES & IPAD	38.24	74316
590-550-930.000	REPAIR & MAINTENANCE	CRYSTAL FLASH ENERGY - LO	DIESEL FOR PUMP - FLOOD	583.53	74321
590-550-930.000	REPAIR & MAINTENANCE	CRYSTAL FLASH ENERGY - LO	DIESEL FOR PUMP FOR FLOOD	583.91	74321
590-550-930.000	REPAIR & MAINTENANCE	CRYSTAL FLASH ENERGY - LO	DIESEL FOR PUMP FOR FLOOD	279.81	74321
		Total For Dept 550 TREATM		39,975.49	

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Fund 590 WASTEWATER FUND					
Dept 551 COLLECTION					
590-551-850.000	COMMUNICATIONS	AT&T MOBILITY	STATEMENT - PHONES & IPAD	71.83	74316
Total For Dept 551 COLLEC				71.83	
Dept 552 CUSTOMER ACCOUNTS					
590-552-703.000	SALARIES-METER READS	BARTLETT, SANDY	MAY METER READINGS & MILE	507.93	74318
590-552-730.000	POSTAGE	POSTMASTER	W/S BILLS POSTAGE	218.02	74343
590-552-860.000	TRAVEL EXPENSES	BARTLETT, SANDY	MAY METER READINGS & MILE	42.84	74318
Total For Dept 552 CUSTOM				768.79	
Total For Fund 590 WASTE				40,938.09	
Fund 591 WATER FUND					
Dept 000					
591-000-276.000	Water Inside 5/8"	DOEZEMA, SHELLY	UB refund for account: 5-	231.99	74323
Total For Dept 000				231.99	
Dept 570 TREATMENT					
591-570-740.000	OPERATING SUPPLIES	HACH COMPANY	WTP SUPPLIES	196.80	74325
591-570-740.000	OPERATING SUPPLIES	HACH COMPANY	WTP FLOURIDE ISE KIT	2,891.00	74325
591-570-743.000	CHEMICALS	GRAYMONT WESTERN LIME INC	WTP QUICKLIME	6,790.50	74324
591-570-802.000	CONTRACTUAL	ADT SECURITY SYSTEMS, INC	WTP SECURITY SYSTEM	119.97	74312
591-570-802.000	CONTRACTUAL	TRUGREEN	WTP LAW SERVICE	119.88	74340
591-570-850.000	COMMUNICATIONS	LOWELL LIGHT & POWER	ADDORIO & IP CONSULT & KO	87.50	74330
591-570-850.000	COMMUNICATIONS	VERGENNES BROADBAND	ACCOUNT STATEMENT	28.57	74341
591-570-920.000	PUBLIC UTILITIES	CONSUMERS ENERGY	ACCOUNT STATEMENTS	296.46	74320
591-570-930.000	REPAIR & MAINTENANCE	AMAZON CAPITAL SERVICES	WTP REGULATOR & GUAGE	96.20	74313
591-570-930.000	REPAIR & MAINTENANCE	RS TECHNICAL SERVICES, IN	WTP FLOURIDE PUMP R & M	978.69	74336
591-570-955.000	MISCELLANEOUS EXPENSE	AMERICAN WATER WORKS ASSO	MEMBERSHIP - VANVEELEN #0	224.00	74314
Total For Dept 570 TREATM				11,829.57	
Dept 571 DISTRIBUTION					
591-571-850.000	COMMUNICATIONS	AT&T MOBILITY	STATEMENT - PHONES & IPAD	71.84	74316
591-571-920.000	PUBLIC UTILITIES	CONSUMERS ENERGY	ACCOUNT STATEMENTS	210.51	74320
Total For Dept 571 DISTRI				282.35	
Dept 572 CUSTOMER ACCOUNTS					
591-572-703.000	SALARIES-METER READS	BARTLETT, SANDY	MAY METER READINGS & MILE	507.92	74318
591-572-730.000	POSTAGE	POSTMASTER	W/S BILLS POSTAGE	218.03	74343
591-572-860.000	TRAVEL EXPENSES	BARTLETT, SANDY	MAY METER READINGS & MILE	42.84	74318
Total For Dept 572 CUSTOM				768.79	
Total For Fund 591 WATER				13,112.70	
Fund 598 CABLE TV FUND					
Dept 000					
598-000-970.000	CAPITAL OUTLAY	VERGENNES TOWNSHIP TREASU	LCTV GRANT - COMMUNITY RO	7,000.00	74342
Total For Dept 000				7,000.00	
Total For Fund 598 CABLE				7,000.00	
Fund 636 DATA PROCESSING FUND					
Dept 000					
636-000-801.000	PROFESSIONAL SERVICES	ADDORIO TECHNOLOGIES, LLC	DATA PROCESSING	938.98	74311
636-000-801.000	PROFESSIONAL SERVICES	LOWELL LIGHT & POWER	ADDORIO & IP CONSULT & KO	437.50	74330
636-000-801.000	PROFESSIONAL SERVICES	ADDORIO TECHNOLOGIES, LLC	DATA PROCESSING R & M	2,239.99	74311
636-000-802.000	CONTRACTUAL	APPLIED IMAGING	CITY HALL COPY MACHINE	366.98	74315
Total For Dept 000				3,983.45	
Total For Fund 636 DATA P				3,983.45	

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Fund Totals:					
			Fund 101 GENERAL FUND	8,074.17	
			Fund 202 MAJOR STREET FUN	206.29	
			Fund 203 LOCAL STREET FUN	206.28	
			Fund 260 DESIGNATED CONTR	87,968.69	
			Fund 581 AIRPORT FUND	475.03	
			Fund 590 WASTEWATER FUND	40,938.09	
			Fund 591 WATER FUND	13,112.70	
			Fund 598 CABLE TV FUND	7,000.00	
			Fund 636 DATA PROCESSING	3,983.45	
				<hr/>	
				161,964.70	



LOWELL CITY ADMINISTRATION
INTER OFFICE MEMORANDUM

DATE: May 29, 2020
TO: Mayor DeVore and the Lowell City Council
FROM: Michael T. Burns, City Manager MB
RE: Sidewalks

I have attached the memo from March 2018, 2020 which spelled out the institution of our sidewalk plan. City Council wanted to see this re-implemented in 2020 when we met with Lew Bender. As you know there were some communication issues pertaining to the original plan. There was also a concern by the previous Public Works Director that we didn't have a mechanism of enforcement once we notified residents of the deficiencies which slowed down implementation. In addition, this was trying to be implemented at a time there were some other issues that became higher priority to City Administration where this couldn't be given its due attention.

Due to the COVID-19 Pandemic, I have difficulty having our staff try to reinstitute this plan. I don't think now is the time for City staff trying to institute this with the amount of our residents who may be enduring tremendous hardships. I would like to table this matter until the beginning of 2021 and review it at that time.



LOWELL CITY ADMINISTRATION
INTER OFFICE MEMORANDUM

DATE: **March 13, 2018**

TO: **Michael Burns**
 City Manager

FROM: **Rich LaBombard**
 Assistant City Manager

RE: **Sidewalk Code Enforcement**

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

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

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

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

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

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

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

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

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

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

Permit – A proposed new permit will be developed for sidewalk installation which will create a record of new walks, cover some of the cost of deficiency identification, form inspection, and code enforcement.

LOWELL CITY ADMINISTRATION
INTER OFFICE MEMORANDUM

DIVISION 2. - SIDEWALKS, RETAINING WALLS AND DRIVEWAY APPROACHES

Sec. 19-21. - Declaration of necessity.

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

(Ord. No. 88-5, § 1, 3-7-88)

Sec. 19-22. - Responsibility and liability.

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

(Ord. No. 88-5, § 1, 3-7-88)

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

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

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

Sec. 19-24. - Necessary construction.

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

(Ord. No. 88-5, § 1, 3-7-88)

Sec. 19-25. - Notice of violation.

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

(Ord. No. 88-5, § 1, 3-7-88)

Sec. 19-26. - New construction.

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

(Ord. No. 88-5, § 1, 3-7-88)

Sec. 19-27. - Permit.

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

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

LOWELL CITY ADMINISTRATION
INTER OFFICE MEMORANDUM

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

If a property owner shall fail to:

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

(Ord. No. 88-5, § 1, 3-7-88)

Secs. 19-29—19-45. - Reserved.

Proposed New Permit – Sidewalk, Retaining Wall and Drive Approach

The “Sidewalk, Retaining Wall and Drive Approach” permit is **required** for the inspection of new installation, repair or replacement of a sidewalk, retaining wall or drive approach within the public right-of-way. (City of Lowell, Code of Ordinances, *Sidewalks, Retaining Walls and Driveway Approaches* – Section 19-27 – Permits)

The Sidewalk, Retaining Wall and Drive Approach Permit is applied for at City Hall and has a \$25.00 fee to cover the cost of inspection and code enforcement.

Call DPW staff for grading inspection and form inspection prior to concrete placement.

Please observe the following guidelines when planning a sidewalk or drive approach project:

Sidewalks:

- Typical pedestrian sidewalk shall be five feet by five feet square (5' x 5') and shall be four inches (4") thick except where vehicles cross. Weight bearing sections of walk shall be thickened to six inches (6").
- No wire mesh is permitted in the concrete; however, concrete with a fiberglass additive is permitted.
- Expansion joints shall be placed at a minimum of one expansion for every 50 feet of run.
- Sidewalk permits are valid for 60 days.

Drive Approaches:

- Typical drive approaches shall be six inches (6") thick.
- No wire mesh is permitted in the concrete; however, concrete with a fiberglass additive is permitted.
- Expansion joint shall be placed at either the top or bottom of the drive approach.
- When possible the bottom of the drive approach shall be flared one and one half feet (1.5') on each side.
- Where curb exists at a new drive opening, it shall be saw cut smooth.

LOWELL CITY ADMINISTRATION
INTER OFFICE MEMORANDUM

Inspection criteria:

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

Simplified Inspection Criteria:

Sidewalks shall be marked for replacement using the following criteria:

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



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Printed 5/22/2020 12:38:50 PM





LOWELL CITY ADMINISTRATION
INTER OFFICE MEMORANDUM

DATE: May 29, 2020
TO: City Manager Michael Burns MB
FROM: City Clerk Susan Ullery su
RE: **Parking Lot Closure – First Annual
Lowell Garden Sale – June 13**

Tonia North, owner of North Star Antiques has submitted a request to close off a portion of the parking lot within the 200 block of W. Main Street. The event would run from 10 a.m. to 5 p.m. on Saturday, June 13, 2020. They hope to promote this as the “First Annual Lowell Garden Sale”.

Attached are drawings that show the layout. The first drawing shows the layout from the May 29, 2020 event and the second drawing is the tentative layout for the June 13, 2020 event if approved. North has indicated they are open to any suggestions or concerns.

Sue Ullery

From: Tonia North <northstarantiques211@gmail.com>
Sent: Friday, May 29, 2020 11:21 AM
To: Sue Ullery
Subject: Garden Show - Downtown Lowell June 13th for City Council
Attachments: img05292020_0001.pdf

Earlier this year North Star Antiques started planning an Event we have hopes of making an annual event. A "Garden Show". The idea was big but as we all know, the year's Coronavirus Crisis brought a crushing blow to our plan.

But with some dogged determination to help bring some life back to downtown, we decided to go ahead with a smaller and shorter version this last weekend in the parking lot behind our store. Because of the quick decision, we missed the approval of council to do more. But we opted to push forward because we were okay that it wasn't going to be "BiG". The initial plans were to invite other businesses, vendors, restaurants and even have live flowers available.

It is Friday as I type this and an hour before it starts so I can't give you the details of how it went. I will do that when we are in the meeting. I can tell you now that for the small amount of advertising I did for this quick event, it seems people are hungry for something to do. Feedback has been strong and positive so far and my dealers are doing an amazing job pulling this off. I am blessed to have great people working with me.

It has become apparent that 'large' events are going to be a thing of the past for at least this year. Our business will be taking a big hit without the larger Chamber events going on and we feel if we can work harder and provide some outdoor events that it will be good for businesses and for the communities mental health. We feel strongly that we can still do a smaller safe event a second time and want to do this again on June 13th. Not only do we feel we have enough product to attract people, we thought it would be a good thing if we did a test-run of a smaller show to get people out in smaller numbers first. Moving forward I believe we are going to need to adapt to more but smaller events.

On June 13th, we would like to utilize the area between the Art's Council and Larkin's so that we can get the benefit of more space, a better presence that can be seen from Main street and it keeps the flow of the parking lot intact. The layout and blocking would be similar to what is done for the Chili cookoff. It is my intent to try and get some sort of food for this event. Ideally from Larkins to help them during this business crisis. My current list for this show includes some local dealers & Artists. Some other businesses have also expressed interest and we are looking to bring in a local garden sale with perhaps some discounted end of season flowers & Plants. Phone calls are out to individuals as I type this. Again, this is being done fairly quickly but I believe strongly in the energy my team can bring to this event. We will have Tents, unique pieces and a fun vintage Trailer as a fun backdrop. We also hope to have some music available if we can figure out the tech side of that. :)

The Event would be a little longer on the 13th with a 10 AM - 5 PM time slot for Saturday, June 13th. And we hope to promote this as the "First Annual Lowell Garden Sale." Although this is technically the same name we did this last weekend - I plan to call it an 'encore' event because I am planning on success!

I have attached to hand drawings. The first one is the layout we had for this weekend. I will try and forward pictures to Sue later today. The second is the tentative layout for the June 13th if we are approved. We are open to any suggestions or concerns.

Thank you for your consideration,

--

Tonia North
North Star Antiques
616-897-0898 Store #
616-322-8588 Cell #

GRASS

TENTS +
CHECKOUT

SUE

NORTH
STAR
RAMP

MARY

KARIN

Vintage Truck
+ Setup

STAR

CINDY

TONIA

CONCRETE
FRANK
10 x 10 Tent

Traffic

Traffic

↑ MAIN STREET

20x10 TENT
WITH SIDES

ARTS
Council

• PLANTS

• FLOWERS

• TREE
SAPLINGS

LARKINS
→

• MISC
VENDOR
BOOTHs.

• MUSIC

• DEALERS

• LOCAL ARTISTS

• BUSINESSES

• POSSIBLE GARDEN [REDACTED]
(SNOW AVE.) CENTER

• Hoping for FOOD (LARKINS?)

• TENTS

• UNIQUE CRAFTS
FOR outdoors

- VINTAGE CAMPER -



LOWELL CITY ADMINISTRATION
INTER OFFICE MEMORANDUM

DATE: May 29, 2020
TO: Mayor DeVore and the Lowell City Council
FROM: Michael T. Burns, City Manager *MTB*
RE: Sandwich Board Moratorium

At the last City Council meeting, City Administration was asked to look into allowing a second sandwich board for businesses in the Downtown District. After the meeting, Jessica Wood and I looked at the ordinance regarding this and since the sandwich board requirements are only allowed in the Central Business District (downtown) this will be much easier to implement than a moratorium throughout the entire city.

Since there is a specific emergency reason why to institute a moratorium, we can articulate the COVID 19 pandemic as a reason to implement.

Attached is Resolution 14-20 which would provide 120 day moratorium of Section 20.06.A.14 of the City of Lowell Zoning ordinance that would allow no more than two sandwich boards per business or establishment in the C-2 Central Business District. This moratorium would run until October 8, 2020.

I recommend the Lowell City Council approve Resolution 14-20 which would provide a 120 day moratorium to Section 20.06.A.14 of the City of Lowell Zoning Ordinance.

**CITY OF LOWELL
KENT COUNTY, MICHIGAN**

RESOLUTION NO. 14-20

**AN ORDINANCE TO IMPOSE A TEMPORARY MORATORIUM ON
ENFORCEMENT OF A PORTION OF SECTION 20.06.A.14. OF THE
CITY OF LOWELL ZONING ORDINANCE, APPENDIX A, CHAPTER 20
“SIGNS” DUE TO THE DETRIMENTAL EFFECTS OF THE COVID-19
CRISIS**

Councilmember _____, supported by Councilmember _____,

moved the adoption of the following ordinance:

THE CITY OF LOWELL ORDAINS:

Section 1. Intent and Purpose. On March 10, 2020, Michigan Governor Gretchen Whitmer declared a state of emergency for the State of Michigan pursuant to Executive Order 2020-4 and subsequently issued a stay-at-home order pursuant to Executive Order 2020-21 that has been modified with subsequent stay-at-home orders. On April 1, 2020, an expanded emergency and disaster declaration was instituted by the Governor pursuant to Executive Order 2020-33 which describes the “harsh economic consequences” where “businesses have closed or significantly restricted their normal operations”. These Orders, among other Orders, seek to limit in-person contact to prevent the spread of the novel coronavirus (COVID-19). The City of Lowell recognizes the detrimental effect that COVID-19 has taken on effective communication between members of the public and businesses and the significant threat to businesses that must shutter and be otherwise inactive. Those without internet access and others still need to search for goods and services and businesses need opportunity to communicate such available commodities in a time of otherwise limited communication. To that end, the City wishes to temporarily modify enforcement as it pertains to the number of sandwich board signs allowed in the C-2 – Central Business District.

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

Section 2. Moratorium. A moratorium is hereby imposed on the enforcement of City of Section 20.06.A.14. of the City of Lowell Zoning Ordinance to the extent that the section limits the number of sandwich board signs to one (1) per business or establishment in the C-2 Central Business District such that two (2) sandwich board signs shall be allowed per business or establishment in the C-2 Central Business District for a period of one hundred twenty (120) days or until such time as the Governor of Michigan declares that the State of Emergency and any stay-at-home Executive Orders are no longer in effect, whichever shall occur first. In all other respects the Section shall continue to be enforced. Prior to the expiration of the one hundred twenty (120) day moratorium, the City may extend the moratorium for an additional one hundred twenty (120) days by resolution if it determines that the immediate threat to the public health, safety, and welfare is still present.

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

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

YEAS: Councilmembers _____

NAYS: Councilmembers _____

ABSTAIN: Councilmembers _____

ABSENT: Councilmembers _____

ORDINANCE DECLARED ADOPTED.

Dated: June 1, 2020

Susan Ullery
City Clerk

CERTIFICATION

I, the undersigned City Clerk of the City of Lowell, Michigan (the "City"), certify that the above ordinance is a true and complete copy of an ordinance adopted at a regular meeting of the Lowell City Council held on June 1, 2020, pursuant to notice given in compliance with Act 267 of the Public Acts of Michigan of 1976, as amended, and notice of its adoption, including a summary of its contents and its effective date, was published in the *Lowell Ledger*, on _____, 2020. I further certify that the above ordinance was entered into the Ordinance Book of the City on _____, 2020, and was effective _____, 2020, ten (10) days after publication.

Dated: June 1, 2020

Susan Ullery
City Clerk



LOWELL CITY ADMINISTRATION
INTER OFFICE MEMORANDUM

DATE: May 29, 2020
TO: Mayor DeVore and the Lowell City Council
FROM: Michael T. Burns, City Manager *mo*
RE: Retirement Health Care Savings Plan

In February, the City Council approved the Lowell Police Officer Association Labor Agreement and implemented a Retirement Health Care Savings Plan for nonunion and department director employees. If you recall, we agreed to create plans for those employees not eligible to retire by June 30, 2025. In addition, we agreed not to provide retirement health care provisions for any nonunion or department director employee hired after September 6, 2016 and for any new police hires after July 1, 2020.

I have worked with the Michigan Municipal Employee Retirement System (MERS) to establish individual plans for employees who would be eligible for the health care savings plan. Currently, five employees of the City this would be eligible to at this time. We are ready to implement these plans on July 1, 2020 however we need to approve these by resolution for MERS to administer.

Attached are Resolutions 15-20 and 16-20 which institute plans specifically for the Police Officers Union and the nonunion and department director employees.

I recommend the Lowell City Council approve Resolutions 15-20 and 16-20 as presented.

MERS Health Care Savings Program Uniform Resolution



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www.mersofmich.com

WHEREAS, the Municipal Employees Retirement Act authorized the Municipal Employees' Retirement Board ("Board") to establish additional programs including but not limited to defined benefit and defined contribution program (MERS Plan Document Section 72; MCL 38.1536(2)(a)).

WHEREAS, the Board has authorized MERS' establishment of the health care savings program ("HCSP" or "Program"), which a participating municipality or court, or another eligible public employer that constitutes a "municipality" under MERS Plan Document Section 2; MCL 38.1502b(2) ("Eligible Employer"), may adopt for its Eligible Employees.

WHEREAS, MERS has been determined by the Internal Revenue Service to be a tax qualified "governmental plan" and trust under section 401(a) of the Internal Revenue Code of 1986, and all trust assets within MERS reserves are therefore exempt from taxation under Code section 501(a) (IRS Letter of Favorable Determination dated October 8, 2016).

WHEREAS, the Board has established a governmental trust (the "Trust Fund") to hold the assets of the HCSP, which Trust Fund shall be administered under the discretion of the Board as fiduciary, directly by (or through a combination of) MERS or MERS' duly-appointed Program Administrator.

WHEREAS, 1999 PA 149, the Public Employee Health Care Fund Investment Act, MCL 38.1211 et seq. ("PA 149") provides for the creation by a public corporation of a public employee health care fund, and its administration, investment, and management, in order to accumulate funds to provide for the funding of health benefits for retirees and beneficiaries.

WHEREAS, a separate MERS health care trust fund created under PA 149 also constitutes a governmental trust established by an Eligible Employer, provided that all such employers shall be the State of Michigan, its political subdivisions, and any public entity the income of which is excluded from gross income under Section 115 of the Internal Revenue Code; provided further, that the PA 149 trust shall not accept assets from any defined benefit health account established under Section 401(h) of the Internal Revenue Code.

WHEREAS, the Board acts as investment fiduciary for the pooled assets of each MERS participating municipality as defined by the MERS 401(a) Plan Document, on whose behalf MERS performs all plan administration and investment functions, and such participating municipalities and courts have full membership, representation and voting rights at the Annual Meeting as provided under Plan Section 78; MCL 38.1545.

WHEREAS, the Board also acts as investment fiduciary for those participating employers who are non-MERS participating municipalities and courts that have adopted the MERS Health Care Savings Program, Retiree Health Funding Vehicle, or Investment Service Program, and such entities are not accorded membership, representation or voting rights provided to MERS participating municipalities and courts at the Annual meeting under Plan Document Section Document 78; MCL 38.1545.

MERS Health Care Savings Program Uniform Resolution

WHEREAS, adoption of this Uniform Resolution and the HCSP Participation Agreement (the "Uniform Resolution") by each Eligible Employer is necessary and required in order that the benefits available under the MERS HCSP may be extended to the Eligible Employer's employees.

- It is expressly agreed and understood as an integral and nonseverable part of extension or continuation of coverage under this HCSP Resolution that Section 43 of the MERS Plan Document shall not apply to this Uniform Resolution Adopting MERS HCSP, the Participation Agreement, the HCSP Plan Document, the Trust Agreement, and their administration or interpretation.
- In the event any alteration of the language, terms or conditions stated in this Uniform Resolution Adopting MERS HCSP is made or occurs, it is expressly recognized that MERS and the Board, as fiduciary of the MERS Plan and its trust reserves, and whose authority is nondelegable, shall have no obligation or duty to administer (or to have administered) the Trust Fund, or to continue administration.

WHEREAS, concurrent with this HCSP Uniform Resolution, and as a continuing obligation, this governing body has completed, approved, and submitted to MERS documents necessary for participation in and implementation of the HCSP. This obligation applies to any documents deemed necessary to the operation of the Trust Fund by MERS.

NOW, THEREFORE, BE IT RESOLVED that the governing body adopts (or readopts) the MERS HCSP as provided below.

SECTION 1. HCSP PARTICIPATION

EFFECTIVE _____, 20____, (to be known as the ADOPTION DATE) the

MERS HCSP is hereby adopted by the City of Lowell
(MERS municipality or court or other eligible employer)

- (A) **CONTRIBUTIONS** shall be as allowed and specified in the MERS Health Care Savings Program Participation Agreement. Basic Employer Contributions, Mandatory Salary Reduction Contributions, Mandatory Leave Conversion Contributions, and Post-Tax Employee Contributions, shall be remitted pursuant to MERS by the Eligible Employer, and credited to the Eligible Employer's separate fund within the MERS Trust Fund.
- (B) **INVESTMENT** of funds accumulated and held in the Health Care Savings Program Trust Fund shall be held in a separate reserve and invested on a pooled basis by MERS subject to the Public Employee Retirement System Investment Act ("PERSIA"), 1965 PA 314, as provided by MERS Plan Document Section 76; MCL 38.1539, and PA 149.
- (C) **THE ELIGIBLE EMPLOYER** shall abide by the terms of the HCSP, including the HCSP Plan Document, HCSP Trust Agreement, all investment, administration, and service agreements, and all applicable provisions of the Code and other law. It is affirmed that no assets from any defined benefit health account established under Section 401(h) of the Internal Revenue Code shall be transferred to, or accepted by, MERS.

MERS Health Care Savings Program Uniform Resolution

SECTION 2. IMPLEMENTATION DIRECTIONS FOR MERS

- (A) The governing body of this Eligible Employer desires that all assets placed in its MERS HCSP Trust Fund (as a sub-fund within all pooled HCSP trust funds with MERS) be administered by MERS, which shall act as investment fiduciary with all powers provided under PERSIA, pursuant to PA 149, all applicable provisions of the Internal Revenue Code and other relevant law.
- (B) The governing body desires, and MERS upon its approval of this Resolution agrees, that all funds accumulated and held in the MERS HCSP Trust Fund shall be invested and managed by MERS within the collective and commingled investment of all HCSP funds held in trust for all Eligible Employers.
- (C) All monies in the MERS HCSP Trust Fund (and any earnings thereon, positive or negative) shall be held and invested for the sole purpose of paying health care benefits for the exclusive benefit of "Eligible Employees" who shall constitute "qualified persons" who have retired or separated from employment with the Eligible Employer, and for any expenses of administration, and shall not be used for any other purpose, and shall not be distributed to the State.
- (D) The Eligible Employer will fund on a defined contribution, individual account, basis its MERS HCSP Trust sub-fund to provide funds for health care benefits for "Eligible Employees" who shall constitute "qualified persons" under the Internal Revenue Code. Participation in and any coverage under HCSP shall not constitute nor be construed to constitute an "accrued financial benefit" under Article 9 Section 24 of the Michigan Constitution of 1963.
- (E) The Eligible Employer designates and incorporates as "Eligible Employees" who shall constitute "qualified persons" under this HCSP Resolution those who are "Eligible Employees as defined in the HCSP Participation Agreement under this HCSP.
- (F) The Eligible Employer may designate employer contacts who shall receive necessary reports, notices, etc. and shall act on behalf of the Eligible Employer.

SECTION 3. EFFECTIVENESS OF THIS HCSP UNIFORM RESOLUTION

This Resolution shall have no legal effect until an executed copy of this adopting Resolution is filed with MERS, and MERS determines that all necessary requirements under MERS Plan Document Section 72, PA 149 and other relevant laws, and this Resolution have been met. Upon MERS' determination that all necessary documents have been submitted, MERS shall execute this Resolution, and return a copy to the Eligible Employer's designated primary contact.

In the event an amendatory resolution or other action by the Eligible Employer is required by MERS, such Resolution or action may be deemed effective as of the date of the initial Resolution or action where concurred in by this governing body and MERS (and the Program Administrator if necessary). Section 86 of the MERS Plan Document shall apply to this Resolution and all acts performed under MERS' authority. The terms and conditions of this Resolution supersede and stand in place of any prior resolution, and its terms are controlling.

MERS Health Care Savings Program Uniform Resolution

I hereby certify that the above is a true copy of the Uniform Resolution Adopting The MERS Health Care Savings Program, adopted at the official meeting held by the governing body of this municipality:

On _____, 20_____
(Signature of authorized official)

Printed name: _____ Position title: _____
(Authorized Official - printed) (Authorized Official - position)

Received and Approved by the Municipal Employees' Retirement System of Michigan

Dated: _____, 20_____
(Authorized MERS signatory)

Resolution Establishing Authorized Signatories for MERS Contracts and Service Credit Purchase Approvals



1134 Municipal Way Lansing, MI 48917 | 800.767.MERS (6377) | Fax 517.703.9711

www.mersofmich.com

This Resolution is entered into under the provisions of 1996 PA 220 and the Municipal Employees' Retirement System of Michigan ("MERS") Plan Document, as each may be amended.

This resolution applies to reporting unit(s) # ⁰¹_____ of the participating municipality listed below.

WHEREAS, City of Lowell ("Employer") is a participating municipality with the Municipal Employees' Retirement System of Michigan ("MERS") and has adopted one or more retirement, insurance, investment or other post-employment benefit products administered by MERS;

WHEREAS, MERS requires signatures of an authorized representative of the Employer to execute contracts with MERS, the entry of which is authorized by the governing body and permitted under the applicable MERS Plan Document(s);

WHEREAS, the Employer wishes to designate certain job position(s), the holder(s) of which may sign MERS' contracts relating to the adoption, amendment and termination of MERS' products, and defined benefit service credit purchase approvals on behalf of Employer to implement decisions and actions of the governing body;

WHEREAS, this Resolution is not intended to apply to MERS forms or any other MERS document except as specifically mentioned herein,

Therefore, the Governing Body resolves:

The holders of the following job position(s) are hereby *Authorized Officials* that can sign: (1) MERS Adoption Agreements, Resolutions, Participation Agreements, Administrative Services Agreements, Withdrawal Agreements and any other contracts between MERS and the Employer with respect to Employer's participation in any MERS-administered product and any amendments and addendums thereto, and (2) MERS Defined Benefit service credit purchase approvals:

1. City Manager

Optional additional job positions:

2. _____

3. _____

This Resolution may be revoked in writing or amended by the Governing Body at any time, provided that it will not be effective until such writing or amended Resolution is received by MERS. The Governing Body agrees that MERS may rely upon this Resolution as conferring signing authority upon the holders of the above job position(s) to bind Employer with respect to MERS.

Adopted at a regular/special meeting of the Governing Body on _____, 20____.

Authorized signature (must be currently in a position named above): _____

Name: _____

Title: _____

Witness signature: _____

Witness name: _____

Witness title: _____

MERS Health Care Savings Program Participation Agreement



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I. PARTICIPATING EMPLOYER

Employer Name: City of Lowell
(Name of municipality or court)

Municipality Number: 4104 **Division Number:** _____

II. EFFECTIVE DATE

1. If this is the initial Participation Agreement relating to the MERS Health Care Savings Program for this covered group, the effective date of the program here adopted shall be:
June 1, 2020
(Date)
2. If this is an amendment and restatement of an existing Participation Agreement relating to the MERS Health Care Savings Program for this covered group, the effective date of this amendment and restatement shall be effective: _____
(Date)

Note: You only need to mark **changes** to your plan throughout the remainder of this Agreement.

III. COVERED EMPLOYEE GROUPS

A participating Employer may cover all of its employee groups, bargaining units or personnel/ employee classifications ("Covered Group"), in Health Care Savings Program. **Contributions shall be made on the same basis within each Covered Group identified by this agreement, and remitted as directed by the Program Administrator.** If the Employer has varying coverage or contribution structures between groups, a separate agreement will need to be completed for each covered group. This agreement encompasses the following group(s):

Full time POLC employees hired before July 1, 2020 unless they meet retiree healthcare qualifications
(Name/s of HCSP covered group/s)

Note: To maintain the tax-favored status of the employer's Health Care Savings Program and to comply with federal law, the Employer may not provide coverage or benefit levels to highly-compensated employees that are not provided to non highly-compensated employees.

IV. ELIGIBLE EMPLOYEES

Only Employees of a "municipality" may be covered by the Health Care Savings Program Participation Agreement. Independent contractors may not participate in the Health Care Savings Program.

The Employer shall provide MERS with the name, address, Social Security Number, and date of birth for each Eligible Employee, as defined by the Participation Agreement.

V. EMPLOYER CONTRIBUTIONS TO THE HEALTH CARE SAVINGS PROGRAM

The Participating Employer hereby elects to make contributions to the Trust. Contributions shall be made on the same basis within each Covered Group specified in this agreement, and remitted to MERS as directed by the Employer, to be credited to the individual accounts of Eligible Employees as follows (next page):

MERS Health Care Savings Program Participation Agreement

Check one or more (A or B, C and/or D):

- A. ☐ **Employer Contributions for Retirees / Former Employees.** Employer contributions may be made according to any frequency. Identify below the contribution formula or amount that will apply to all in this covered group. *Note: If this contribution is selected, Sections B, C, and D do not apply.*

Contribution structure (specify): _____

For active employees, please check one or more below (B, C, and/or D).

- B. ☒ **Basic Employer (Before-Tax) Contributions.** Before-tax employer contributions may be made as a percentage of salary and/or by a specified dollar amount. Identify below the basic employer contribution formula to be applied to the covered groups within the Health Care Savings Program identified in this agreement.

Contribution structure (specify):

2% base wages

Vesting Cycle For Basic Employer Contributions Only. The employer contributions identified in this Participation Agreement are subject to the following vesting cycle.

- ☒ Immediate Vesting upon Participation
- ☐ Cliff Vesting: The participant is 100% vested upon _____ year(s).
(Stated years)
- ☐ Graded Vesting Percentage per year of service: Employers can select the percentage of vesting with the corresponding years of service:

Years of Service	Percent Vested
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	100%

FORFEITURE PROVISION. Upon separation from service with the Employer prior to meeting the required vesting schedule set out above or in the event a Participant dies without Dependent(s) and/or a named Beneficiary, a Participant's account assets shall:

Check only one:

- ☐ Remain in the HCSP sub-trust to be reallocated among all Plan participants equally
- ☒ Remain in the HCSP sub-trust to be used to offset future Employer Contributions
- ☐ Be transferred to the Retiree Health Funding Vehicle ("RHFV")

MERS Health Care Savings Program Participation Agreement

- C. ☐ **Mandatory Salary Reduction (Before-Tax) Contributions.** Before-tax Employer Contributions to the Health Care Savings Program Sub-Trust shall be made that represent a mandatory salary reduction resulting from collective bargaining or the establishment of a personnel policy. These reductions may be made as a percentage of salary or a specific dollar amount.

Contribution structure (specify):

--

- D. ☐ **Mandatory Leave Conversion (Before-Tax) Contributions.** Before-tax Employer Contributions to the Health Care Savings Program Sub-Trust shall be made that represent a mandatory conversion of accrued leave including, but not limited to vacation, holiday, sick leave, or severance amounts otherwise paid out, to a cash contribution. These contributions may be calculated as a percentage of accrued leave or a specific dollar amount representing the accrued leave. Leave conversions may be made on an annual basis or at separation from service, or at such other time as the Employer indicates. *(Note: The leave conversion program shall not permit employees the option of receiving cash in lieu of the employer contribution.)*

- ☐ Check here if the covered employee group has the option to direct any/all of the leave conversion lump sum to an existing 457 program.

Check one or more:

- | | | | |
|--------------------------|---|--------------------------------|---|
| <input type="checkbox"/> | As of _____,
Annual date or X weeks before termination | _____ % of _____
Percentage | Type of Leave Conversion (sick, vacation, etc.) |
| | must be contributed to the HCSP. | | |
| <input type="checkbox"/> | As of _____,
Annual date or X weeks before termination | _____ % of _____
Percentage | Type of Leave Conversion (sick, vacation, etc.) |
| | must be contributed to the HCSP. | | |
| <input type="checkbox"/> | As of _____,
Annual date or X weeks before termination | _____ % of _____
Percentage | Type of Leave Conversion (sick, vacation, etc.) |
| | must be contributed to the HCSP. | | |
| <input type="checkbox"/> | As of _____,
Annual date or X weeks before termination | _____ % of _____
Percentage | Type of Leave Conversion (sick, vacation, etc.) |
| | must be contributed to the HCSP. | | |

MERS Health Care Savings Program Participation Agreement

Post-Tax Employee Contributions. Post-tax Employee Contributions made by Eligible Employees within the Covered Group(s) shall be remitted as directed by the Program Administrator, to be credited to the individual accounts of Eligible Employees. All Employee Contributions must be remitted to MERS along with the Participation Report.

VI. MODIFICATION OF THE TERMS OF THE PARTICIPATION AGREEMENT

If a Participating Employer desires to amend any of its previous elections contained in this Participation Agreement, including attachments, the Governing Body by official action must adopt a new Participation Agreement and forward it to the Board for approval. The amendment of the new Participation Agreement is not effective until approved by the Board and other procedures required by the Trust Agreement and Plan Document have been implemented.

VII. STATE LAW

To the extent not preempted by federal law, this agreement shall be interpreted in accordance with Michigan law.

VIII. TERMINATION OF THE PARTICIPATION AGREEMENT

This Participation Agreement may be terminated only in accordance with the Trust Agreement.

IX. EXECUTION BY GOVERNING BODY OF MUNICIPALITY

The foregoing Participation Agreement is hereby adopted and approved on
the ____ day of _____, 20____ at the official meeting held
by City of Lowell
(Name of approving employer)

Authorized Signature: _____

Name: _____

Title: _____

Received and Approved by the Municipal Employees' Retirement System of Michigan

Dated: _____, 20____

(Authorized MERS signatory)

MERS Health Care Savings Program Participation Agreement



1134 Municipal Way Lansing, MI 48917 | 800.767.2308 | Fax 517.703.9707

www.mersofmich.com

I. PARTICIPATING EMPLOYER

Employer Name: City of Lowell
(Name of municipality or court)
Municipality Number: 4104 **Division Number:** _____

II. EFFECTIVE DATE

1. If this is the initial Participation Agreement relating to the MERS Health Care Savings Program for this covered group, the effective date of the program here adopted shall be:
June 1, 2020
(Date)
2. If this is an amendment and restatement of an existing Participation Agreement relating to the MERS Health Care Savings Program for this covered group, the effective date of this amendment and restatement shall be effective: _____
(Date)

Note: You only need to mark **changes** to your plan throughout the remainder of this Agreement.

III. COVERED EMPLOYEE GROUPS

A participating Employer may cover all of its employee groups, bargaining units or personnel/employee classifications ("Covered Group"), in Health Care Savings Program. **Contributions shall be made on the same basis within each Covered Group identified by this agreement, and remitted as directed by the Program Administrator.** If the Employer has varying coverage or contribution structures between groups, a separate agreement will need to be completed for each covered group. This agreement encompasses the following group(s):

Full time Non-Union employees hired before Sept. 6, 2016 unless they meet retiree healthcare qualifications
(Name/s of HCSP covered group/s)

Note: To maintain the tax-favored status of the employer's Health Care Savings Program and to comply with federal law, the Employer may not provide coverage or benefit levels to highly-compensated employees that are not provided to non highly-compensated employees.

IV. ELIGIBLE EMPLOYEES

Only Employees of a "municipality" may be covered by the Health Care Savings Program Participation Agreement. Independent contractors may not participate in the Health Care Savings Program.

The Employer shall provide MERS with the name, address, Social Security Number, and date of birth for each Eligible Employee, as defined by the Participation Agreement.

V. EMPLOYER CONTRIBUTIONS TO THE HEALTH CARE SAVINGS PROGRAM

The Participating Employer hereby elects to make contributions to the Trust. Contributions shall be made on the same basis within each Covered Group specified in this agreement, and remitted to MERS as directed by the Employer, to be credited to the individual accounts of Eligible Employees as follows (next page):

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Check one or more (A or B, C and/or D):

- A. ☐ **Employer Contributions for Retirees / Former Employees.** Employer contributions may be made according to any frequency. Identify below the contribution formula or amount that will apply to all in this covered group. *Note: If this contribution is selected, Sections B, C, and D do not apply.*

Contribution structure (specify): _____

For active employees, please check one or more below (B, C, and/or D).

- B. ☒ **Basic Employer (Before-Tax) Contributions.** Before-tax employer contributions may be made as a percentage of salary and/or by a specified dollar amount. Identify below the basic employer contribution formula to be applied to the covered groups within the Health Care Savings Program identified in this agreement.

Contribution structure (specify):

2% base wages

Vesting Cycle For Basic Employer Contributions Only. The employer contributions identified in this Participation Agreement are subject to the following vesting cycle.

- ☒ Immediate Vesting upon Participation
- ☐ Cliff Vesting: The participant is 100% vested upon _____ year(s).
(Stated years)
- ☐ Graded Vesting Percentage per year of service: Employers can select the percentage of vesting with the corresponding years of service:

Years of Service	Percent Vested
_____	_____
_____	_____
_____	_____
_____	_____
_____	100%

FORFEITURE PROVISION. Upon separation from service with the Employer prior to meeting the required vesting schedule set out above or in the event a Participant dies without Dependent(s) and/or a named Beneficiary, a Participant's account assets shall:

Check only one:

- ☐ Remain in the HCSP sub-trust to be reallocated among all Plan participants equally
- ☒ Remain in the HCSP sub-trust to be used to offset future Employer Contributions
- ☐ Be transferred to the Retiree Health Funding Vehicle ("RHFV")

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- C. ☐ **Mandatory Salary Reduction (Before-Tax) Contributions.** Before-tax Employer Contributions to the Health Care Savings Program Sub-Trust shall be made that represent a mandatory salary reduction resulting from collective bargaining or the establishment of a personnel policy. These reductions may be made as a percentage of salary or a specific dollar amount.

Contribution structure (specify):

- D. ☐ **Mandatory Leave Conversion (Before-Tax) Contributions.** Before-tax Employer Contributions to the Health Care Savings Program Sub-Trust shall be made that represent a mandatory conversion of accrued leave including, but not limited to vacation, holiday, sick leave, or severance amounts otherwise paid out, to a cash contribution. These contributions may be calculated as a percentage of accrued leave or a specific dollar amount representing the accrued leave. Leave conversions may be made on an annual basis or at separation from service, or at such other time as the Employer indicates. *(Note: The leave conversion program shall not permit employees the option of receiving cash in lieu of the employer contribution.)*

- ☐ Check here if the covered employee group has the option to direct any/all of the leave conversion lump sum to an existing 457 program.

Check one or more:

- | | | | |
|--------------------------|---|--------------------------------|---|
| <input type="checkbox"/> | As of _____,
Annual date or X weeks before termination | _____ % of _____
Percentage | Type of Leave Conversion (sick, vacation, etc.) |
| | must be contributed to the HCSP. | | |
| <input type="checkbox"/> | As of _____,
Annual date or X weeks before termination | _____ % of _____
Percentage | Type of Leave Conversion (sick, vacation, etc.) |
| | must be contributed to the HCSP. | | |
| <input type="checkbox"/> | As of _____,
Annual date or X weeks before termination | _____ % of _____
Percentage | Type of Leave Conversion (sick, vacation, etc.) |
| | must be contributed to the HCSP. | | |
| <input type="checkbox"/> | As of _____,
Annual date or X weeks before termination | _____ % of _____
Percentage | Type of Leave Conversion (sick, vacation, etc.) |
| | must be contributed to the HCSP. | | |

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Post-Tax Employee Contributions. Post-tax Employee Contributions made by Eligible Employees within the Covered Group(s) shall be remitted as directed by the Program Administrator, to be credited to the individual accounts of Eligible Employees. All Employee Contributions must be remitted to MERS along with the Participation Report.

VI. MODIFICATION OF THE TERMS OF THE PARTICIPATION AGREEMENT

If a Participating Employer desires to amend any of its previous elections contained in this Participation Agreement, including attachments, the Governing Body by official action must adopt a new Participation Agreement and forward it to the Board for approval. The amendment of the new Participation Agreement is not effective until approved by the Board and other procedures required by the Trust Agreement and Plan Document have been implemented.

VII. STATE LAW

To the extent not preempted by federal law, this agreement shall be interpreted in accordance with Michigan law.

VIII. TERMINATION OF THE PARTICIPATION AGREEMENT

This Participation Agreement may be terminated only in accordance with the Trust Agreement.

IX. EXECUTION BY GOVERNING BODY OF MUNICIPALITY

The foregoing Participation Agreement is hereby adopted and approved on
the ____ day of _____, 20____ at the official meeting held
by City of Lowell
(Name of approving employer)

Authorized Signature: _____

Name: _____

Title: _____

Received and Approved by the Municipal Employees' Retirement System of Michigan

Dated: _____, 20____

(Authorized MERS signatory)

APPOINTMENTS

	Expires
Arbor Board	
Vacancy (Diane LaWarre – Resigned)	06/30/2020
Vacancy (Melissa Spino – Currently Serving)	06/30/2020
Construction Board of Appeals	
Vacancy	01/01/2021
Downtown Development Authority	
Vacancy (Eric Wakeman – Currently Serving)	01/01/2020
Local Officers Compensation Commission	
Vacancy (Roger LaWarre – Currently Serving)	06/30/2020
Lowell Light and Power Board	
Vacancy (Perry Beachum – Currently Serving)	06/30/2020
Vacancy (Daniel Crawford – Currently Serving)	06/30/2020
Lowell Area Fire and Emergency Services Authority	
Vacancy (Dave Pasquale – Currently Serving)	01/01/2020
Planning Commission	
Vacancy (David Cadwallader – Currently Serving)	06/30/2020
Vacancy (Colin Plank – Currently Serving)	06/30/2020