



301 East Main Street  
Lowell, Michigan 49331  
Phone (616) 897-8457  
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CITY OF LOWELL  
CITY COUNCIL AGENDA  
MONDAY, APRIL 3, 2023, 7:00 P.M.

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

2. CONSENT AGENDA

- Approval of the Agenda.
- Approve and place on file the minutes of the March 20, 2023 Regular and Closed City Council meeting and March 28, 2023 Special City Council meeting.
- Authorize payment of invoices in the amount of \$178,485.86.

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. Parking Ordinance
- b. Joint Water Advisory Committee

5. NEW BUSINESS

- a. Boat Launch Rental Agreement
- b. USDA Resolutions
- c. Animal Ordinances

6. BOARD/COMMISSION REPORTS

7. MANAGER'S REPORT

8. APPOINTMENTS

9. COUNCIL COMMENTS

10. CLOSED SESSION - For the purpose of discussing W.B., by and through his Next Friend Shmeka Craig Miles v Jason Diaz, Christopher Hurst and City of Lowell - MCL 15.268(e)

11. ADJOURNMENT

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



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## MEMORANDUM

TO: Lowell City Council

FROM: Michael Burns, City Manager

RE: Council Agenda for Monday, April 3, 2023

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 March 20, 2023 Regular and Closed Session City Council meeting and March 28, 2023 Special City Council meeting. Authorize payment of invoices in the amount of \$179,720.95.

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. Parking Ordinance – 23-02. City Manager Michael Burns provided a memo.

Recommended Motion:

- b. RD Water and Sewer Resolutions. City Attorney Jessica Wood will provide Resolutions 09-23 and 10-23 at the meeting.
- c. Joint Water Advisory Committee. Lowell Township Supervisor Jerry Hale provided letter.

5. NEW BUSINESS

- a. Canoe Rentals. City Manager Michael Burns provided a memo.

Recommended Motion: That the Lowell City Council enter into a two-year lease agreement with Flat River Kayaks for \$160 per month from May 1 to September 30, 2023.

- b. Animal Ordinance – 23-04. City Manager Michael Burns provided a memo.

Recommended Motion: That the Lowell City Council approve Ordinance 23-04 revising our animal ordinances and aligning with the countywide animal ordinance.

c. Pension Reform Resolution – 08-23.

6. BOARD/COMMISSION REPORTS

7. MANAGER'S REPORT

8. APPOINTMENTS

9. COUNCIL COMMENTS

12. CLOSED SESSION

- a. For the purpose of discussing W.B., by and through his Next Friend Shmeka Craig Miles v Jason Diaz, Christopher Hurst and City of Lowell - MCL 15.268(e)

13. ADJOURNMENT

**PROCEEDINGS  
OF  
CITY COUNCIL  
OF THE  
CITY OF LOWELL  
MONDAY, MARCH 20, 2023, 7:00 P.M.**

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

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

Present: Councilmembers Marty Chambers, Leah Groves, Cliff Yankovich, Jim Salzwedel and Mayor DeVore.

Absent: None.

Present: City Clerk Sue Ullery, DPW Director Dan Czarnecki, City Manager Michael Burns, Chief of Police Chris Hurst, and City Attorney Jessica Wood.

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

- Approval of the Agenda as amended.
- Approve and place on file the minutes of the March 6, 2023 Regular City Council meeting.
- Authorize payment of invoices for \$592,404.82.

IT WAS MOVED BY SALZWEDEL and seconded by GROVES to approve the consent agenda as amended, adding Thomas Albert with the Legislative Update to Old Business.

YES: Councilmember Groves, Mayor Devore, Councilmember Yankovich, Councilmember Chambers, and Councilmember Salzwedel.

NO: None.

ABSENT: MOTION CARRIED.

MOTION CARRIED.

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

Perry Beachum who resides at 924 Riverside Drive observed while out in Colorado, two counties, had marijuana facilities that extended their hours until 11 and/or 12 pm and raised a lot of funding for a large portion of their infrastructure. We might want to look at doing something like that. If there is any money left over from what we raised for the Oakwood cemetery fence, it would be nice to see some porta johns at the cemetery. Everyone is aware of what Lowell's Pink Arrow stands for. Noel Dean, the former coach at Lowell who started that, has a son, Doak who is diagnosed with testicular cancer. We are having a benefit for him at the Lowell Showboat on Friday, March 24, 2023, to help with bills not covered by insurance.

Eric Bartkus who resides at 215 ½ W. Main also wants to publicly thank Mike Burns for the article he wrote in the Ledger, it was very wonderful and full of information, so thank you.

**4. OLD BUSINESS**

a. Senator Thomas Albert – Legislative Update.

Senator Thomas Albert introduced himself, stated he is now in the Senate and gave a legislative update.

b. Parking Ordinance.

City Manager Michael Burn went through a spreadsheet explaining his research with other like cities and what they're doing. Sent inquiries to 16 communities and heard back from seven of them. Pretty much, every community is doing it differently, and based on their needs. Pretty much no one is enforcing time restrictions.

City Clerk Sue Ullery read into record a letter from Michael Lowery, business owner at 216 W Main, Suite 2, who is not in favor of restoring the 2-hour parking limit.

City Clerk Sue Ullery read into record a letter from Karen Waid who would like to see Parking Ordinance 23-02 rewritten.

Carrie Scudder who resides at 820 N Jefferson asks if we should consider parking meters, like in Traverse City.

Burns stated we would have to meter the whole city, the majority of business owners would not be in favor of that and Traverse City is a lot larger than Lowell City.

Greg Canfield who resides at 403 N Washington is concerned that this parking issue is not a big enough problem to change, thinks it worked well the way it was and we should continue what we were doing.

Mayor DeVore stated we realized it was an oversight to make the parking ordinance year round and are changing it back to just the winter months as well as the permit thing has been corrected, so now we just need to figure out what to do on Main Street. Possibly have a few loading zones.

Beachum suggest a compromise, no parking from November 1st to April 1st on any of the streets but April 2<sup>nd</sup> till Oct 31 you can park on streets. Recommends not calling it loading zones but rather short-term zones.

Kim Dlouhy who resides at 810 Riverside agrees with Beachum, but we need some type of force for a change over at least on Main Street, so people don't park in a spot for an entire week.

Mayor DeVore believes we should give better signage to where parking is available in the City. 4 hour parking with a couple loading zones seems like a fair compromise.

Councilmember Groves suggest 2 hour parking on Main St for those coming and going and no time limits in the parking lots.

Dlouhy feels like sometimes by saying there is a policy, people tend to follow.

Susan Stephens who resides at 610 N Jefferson, has seen where people paint on side of buildings directing people to parking lots.

Councilmember Salzwedel questioned when are the times that it is so hard to find parking spots. He has been observing and does not see an issue.

Council continued to discuss.

IT WAS MOVED BY YANKOVICH and seconded by SALZWEDEL to make it a two-hour parking for all of Main Street and then one 30 minute loading zone per block per direction.

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

Beachum suggest business owners in Lowell reach out to employees and explain the changes and not to park on Main Street when working.

c. Public Hearing for 990 N. Washington.

Mayor DeVore opened the public hearing.

City Clerk Sue Ullery read into record a letter from Sharon Ellison who resides at 407 North Division St who is in favor of preserving Scout Park and add 990 and 846 N Washington to the Scout Park.

Gary Dietzel who lived at 990 N Washington for 43 years spoke of barrels leaking oil and knowing many things being buried there that could potentially have seeped bad chemicals into the ground. Believes borings are necessary.

Robin Getz who resides in Lowell Township, has auto immune problems and really enjoys the North Country Trail and enjoys the property at Scout Park.

Jake Davenport who resides at 527 Lafayette wanted to express his support for turning the 990 N Washington Property into more Scout Park land. If the Bloughs do not want to use their name, he would suggest using Bill Nowak in the name of the Park since he helped build the original cabin.

Councilmember Chambers stated he has been working on changing the name and we do now have the blessing of the Bloughs to change the name of the park to Ivan and Jane Blough Park or something of that nature. Would like to see a hard surface parking lot, bathroom and drinking fountain become of 990 N. Washington. Would like to see it done in 3 years and it would be a good addition to our City Parks. Also would like to see the chimes put back up and a plaque for Gary Dietzel put on it.

Peggy Covert who resides at 982 N Washington is very pleased and appreciates what she is hearing and that Council is listening to the public and their requests. Also would like to get some kids to lay seeds for butterflies. Ivan Blough was a huge part of Scouts. Some informational signs would be nice of the history of the area.

Perry Beachum thinks renaming is a good idea.

Kim Dlouhy stated his son is an Eagle and he is thrilled in hearing all this. Ivan Blough was a huge part of Scouts here in Lowell.

Public Hearing closed.

Councilmember Groves likes all the ideas, all good things.

Councilmember Chambers recommends the Boy Scouts Troops have reservations rights first, before other groups.

Councilmember Salzwedel wants to make sure, if there are Indian burials there, that we do things correctly.

Councilmember Yankovich likes all the ideas as well.

Mayor DeVore agrees there is a lot to do going forward, testing the soil is in the works.

IT WAS MOVED BY DEVORE and seconded by CHAMBERS that the City Council approve including 990 N Washington and all the surrounding undesignated parcels into the park system, upon the annexation from Vergennes Township.

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

NO: None.

ABSENT: None.

MOTION CARRIED.

Mayor Devore announced a 5-minute break.

## 5. **NEW BUSINESS**

### a. **Friends of the Library Shed.**

City Manager Michael Burns read his memo stating the Library is asking to put a shed outside of the Library on City property, for the use of their twice a year book sales. Cost will be under \$5000. Burns is asking Council for permission to use City property for this.

Denise Barker with the Kent District Library explained in more detail.

IT WAS MOVED BY DEVORE and seconded by GROVES that Lowell City Council allow Friends of the Library to build a shed on the City property for book storage and sale needs.

YES: Councilmember Yankovich, Councilmember Chambers, Councilmember Groves, Mayor Devore, and Councilmember Salzwedel

NO: None.

ABSENT: None.

MOTION CARRIED.

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

Councilmember Yankovich stated the EXPO is next week at the Lowell High School, Saturday, March 25, 2025 and is hoping to kick off the new website for LARA at the EXPO.

Councilmember Salzwedel stated we tried to have an Arbor Board Meeting, but there was not a quorum, will try next meeting again. He also attended the LL&P meeting; they had zero outages in February!

Councilmember Chambers stated the meeting for the Planning Commission was cancelled.

Councilmember Groves wanted say her praises for Shannon Kennedy, the new Executive Director at the Chamber of Commerce for her taking over for Liz Baker and doing it so well.

Mayor DeVore had Fire Authority; they promoted Bob Homes from Lieutenant to Captain, well deserved. They are going to grab a couple white Tahoe's and put them in service, fully licensed and stocked. At

Vision meeting, they are discussing moving the community cleanup from a Fall event to a Spring event as well as they are working on a Vision Alliance group, which would entail two people from each community to form an alliance. There will be a Pancake Breakfast from 7 to 11 on Saturday morning, March 25, 2023, before the EXPO.

Bruce Barker stated the City of Lowell will be having a Joint Meeting with Lowell Township and Vergennes Township on April 12, 2023 at 7:00 p.m.

7. **CITY MANAGERS REPORT.**

City Manager Michael Burns went over the following:

- Thanked Matt Bloom from Bloom Specialties for cleaning up some graffiti in the City. Got 98% of the debris out of there.
- Staff is currently working on the budget.
- Had the bid openings for the Monroe Street Project. Low bid just over 3 Million, high bid came in under estimate. Going through everything right now to make sure that all the requirements for USDA are met. Special meeting will be Tuesday, March 28, 2023 at 6:30 pm to approve the bids and the bonds ordinance language. Even though we are seeking finance through the USDA, a 40-year loan at 2% interest in comparison to regular bond markets, we are seeing about a 1.1 Million dollars savings with going with the USDA.
- We purchased a hot box machine for about \$3000 for the DPW for patch work instead of cold patching. We are already using it and very happy with it.

8. **APPOINTMENTS.**

Thank you to Teresa Beachum, as she found someone to fill the Look Memorial Fund appointment.

9. **COUNCIL COMMENTS.**

Councilmember Groves thanked everyone for coming.

Councilmember Chamber reminded everyone that the EXPO is this weekend. Coffee with Council is Saturday morning at 8 am as well.

Councilmember Yankovich stated he misspoke on the LCTV Board needing to change the ordinance and how they approve grants. They are happy with it the way it is.

Councilmember Salzwedel saw the new fire truck going down the road and it looks great.

Mayor DeVore reminded everyone of the pancake breakfast on Saturday morning and then go to the EXPO.

10. **MOTION TO GO INTO CLOSED SESSION TO DIRECT CITY MANAGER TO PROCEED WITH LABOR NEGOTIATIONS.**



IT WAS MOVED BY DEVORE and seconded by CHAMBERS to go into closed session at 8:49pm.

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

NO: None.

ABSENT: None.

MOTION CARRIED.

**11. MOTION TO GO BACK INTO OPEN SESSION @ 9:36**

IT WAS MOVED BY DEVORE and seconded by CHAMBERS to go back into open session at 9:36.

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

NO: None.

ABSENT: None.

MOTION CARRIED.

IT WAS MOVED DEVORE and seconded by SALZWEDEL to direct City Manager Michael Burns to proceed with labor negotiations.

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

No: None.

ABSENT: None.

MOTION CARRIED.

**12. ADJOURNMENT.**

IT WAS MOVED SALZWEDEL and seconded by CHAMBERS to adjourn @ 9:37 p.m.

DATE:

APPROVED:

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Mike DeVore, Mayor

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Sue Ullery, Lowell City Clerk

**PROCEEDINGS  
OF  
CITY COUNCIL  
OF THE  
CITY OF LOWELL SPECIAL MEETING  
TUESDAY, MARCH 28, 2023, 6:30 P.M.**

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

Mayor DeVore called the Meeting to order at 6:30 p.m. and City Clerk Sue Ullery called roll.

Present: Councilmembers Leah Groves, Cliff Yankovich, Jim Salzwedel and Mayor DeVore.

Absent: Marty Chambers.

Present: City Clerk Sue Ullery, DPW Director Dan Czarnecki, City Manager Michael Burns, Brandon Mieras and Katie Mendez with Williams & Works, and City Attorney Jessica Wood.

**2. EXCUSE OF ABSENCE.**

IT WAS MOVED BY YANKOVICH and seconded by SALZWEDEL to excuse the absence of Councilmember Chambers.

YES: 4.            NO: None.            ABSENT: Councilmember Chambers.            MOTION CARRIED.

**3. APPROVAL OF THE AGENDA.**

IT WAS MOVED BY YANKOVICH and seconded by GROVES to approve the agenda as written.

YES: Councilmember Groves, Mayor Devore, Councilmember Yankovich, Councilmember Salzwedel.

NO: None.            ABSENT: Councilmember Chambers.            MOTION CARRIED.

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

There was none.

**5. APPROVE BIDS FOR N. MONROE STREET.**

DPW Director Dan Czarnecki spoke stating we received three bids on Monroe Project and they were very competitive bids. Lowest bid was from CL Trucking LLC, out of Ionia, which was a little more than 3 Million. They have done many projects for us over the years and we feel they can handle the project well. Spoke on the timeline of the project as well.

Salzwedel wanted to make sure that the lawns affected from the project will be restored completely.

IT WAS MOVED BY YANKOVICH and seconded by SALZWEDEL that the Lowell City Council approve the Monroe Street Improvement Project bid from CL Trucking LLC, Ionia, Michigan, for a cost of \$3,059,340.50, and authorize the Mayor and City Clerk to sign the documents, as necessary.

YES: Councilmember Groves, Mayor DeVore, Councilmember Salzwedel, Councilmember Yankovich.

NO: None.

ABSENT: Councilmember Chambers.

MOTION CARRIED.

6. **APPROVE RESOLUTIONS – 6-23 and 7-23**

City Manager Michael Burns explained the USDA needs the Resolutions approved.

City Attorney Jessica Woods explained the Resolutions, the loan term and the savings on the interest amount.

IT WAS MOVED BY SALZWEDEL and seconded by YANKOVICH to approve Resolution 6-23. A RESOLUTION TO AUTHORIZE ISSUANCE OF WATER SUPPLY SYSTEM JUNIOR LIEN REVENUE BONDS.

YES: Mayor DeVore, Councilmember Salzwedel, Councilmember Yankovich, Councilmember Groves.

NO: None.

ABSENT: Councilmember Chambers.

MOTION CARRIED.

IT WAS MOVED BY YANKOVICH and seconded by GROVES to approve Resolution 7-23. A RESOLUTION TO AUTHORIZE ISSUANCE OF SANITARY SEWER SYSTEM JUNIOR LIEN REVENUE BONDS.

YES: Councilmember Salzwedel, Councilmember Yankovich, Councilmember Groves, and Mayor DeVore.

NO: None.

ABSENT: Councilmember Chambers.

MOTION CARRIED.

7. **COUNCIL COMMENTS.**

DPW Director Dan Czarnecki stated they are having trouble finding cold patch material in Michigan. They have a small pile but need to find some material.

8. **ADJOURNMENT.**

IT WAS MOVED SALZWEDEL and seconded by GROVES to adjourn @ 6:47 p.m.

DATE:

APPROVED:

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Mike DeVore, Mayor

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Sue Ullery, Lowell City Clerk

**CITY OF LOWELL  
(Kent County, Michigan)**

**Resolution No. 06-23**

**RESOLUTION TO AUTHORIZE ISSUANCE  
OF WATER SUPPLY SYSTEM JUNIOR LIEN REVENUE BONDS**

Minutes of a meeting of the City Council of the City of Lowell, Kent County, Michigan, held at the City Hall on March 28, 2023, at 6:30 p.m., local time.

PRESENT: Councilmembers Groves, Salzwedel, Yankovich and Mayor Devore

ABSENT: Councilmember Chambers

The following Resolution was offered by Member SALZWEDEL and supported by Member GROVES.

WHEREAS, pursuant to Act 94, Public Acts of Michigan, 1933, as amended (the "Act") the City Council of the City of Lowell (the "City") has determined to make improvements to the City's Water Supply System; and

WHEREAS, the improvements will enable the City to provide more efficient and better quality public services to the users of the Water Supply System; and

WHEREAS, the improvements shall be financed in part by the issuance of revenue bonds in accordance with the Act in the sum of not to exceed \$1,504,000 for a period of not to exceed forty (40) years.

NOW, THEREFORE, BE IT RESOLVED as follows:

Section 1. DEFINITIONS. Whenever used in this Resolution except when otherwise indicated by context, the following definitions shall apply:

- (a) "Act" means Act 94, Public Acts of Michigan, 1933, as amended.
- (b) "Additional First Lien Bonds" means any First Lien Bonds issued in the future.
- (c) "Additional Junior Lien Bonds" means any additional Junior Lien Bonds issued in the future.
- (d) "Adjusted Net Revenues" means for any operating year the Net Revenues to which may be made the following adjustments:
  - (i) Revenues may be augmented by the amount of any rate increase adopted prior to the issuance of additional Bonds or to be placed into effect before the time

principal or interest on the additional Bonds becomes payable from Revenues as applied to quantities of service furnished during the operating year or portion thereof that the increased rates were not in effect.

(ii) Revenues may be augmented by amounts that may be derived from rates and charges to be paid by new customers of the System.

(e) “Authorized Officer,” means the City Mayor, City Manager, the Clerk and the Treasurer of the City, or any one or more of them acting alone or together.

(f) “Bondholder” or “Bondholders” means the holder or holders of the Bonds.

(g) “Bond Reserve Account” means the subaccount established within the Redemption Account pursuant to Section 16(b)(ii)(C).

(h) “Bonds” means the Series 2023 Bonds, any Additional Junior Lien Bonds, and any Additional First Lien Bonds authorized pursuant to this Resolution or any resolution supplemental to this Resolution.

(i) “City” means the City of Lowell, Kent County, Michigan.

(j) “Construction Fund” shall mean the 2023 Water Supply System Revenue Bonds Construction Fund created pursuant to Section 16(a).

(k) “Council” means the City Council of the City, the legislative and governing body thereof.

(l) “First Lien Bonds” shall mean any bonds or other obligations that may be issued or incurred by the City in the future payable from the Revenues of the System that are secured by a lien that is a first lien on the Net Revenues of the System, senior in standing and priority of lien with respect to the Net Revenues to the claim of the Junior Lien Bonds.

(m) “First Lien Redemption Account” means the First Lien Bond and Interest Redemption Account created as a subaccount of the Redemption Account pursuant to Section 16(b)(ii)(A).

(n) “G. O. Fund” means the General Obligation Debt Fund created pursuant to Section 16(b)(iii).

(o) “Government Obligations” means any bonds or other obligations not callable at the option of the Issuer thereof, which as to principal and interest constitute direct obligations of the United States of America, or obligations the principal of and interest on which

is fully guaranteed by the United States of America, including U.S. Treasury Trust Receipts, or any other obligations permitted under the terms of an escrow agreement.

(p) “Improvements” means the design, acquisition and construction of improvements to the System, including, but not limited to, improvements and renovations to the water system along Washington Street and Monroe Street, the restoration of streets, rights-of-way and easements affected by the improvements and related facilities, as well as all work, equipment and appurtenances necessary or incidental to these improvements.

(q) “Junior Lien Bonds” shall mean any bonds or other obligations that may be issued or incurred by the City payable from the Revenues of the System that are secured by a lien on the Net Revenues of the System that is subordinate to a first lien on the Net Revenues of the System that may be created for the benefit of any First Lien Bonds and shall include the Series 2023 Bonds.

(r) “Junior Lien Redemption Account” shall mean the Junior Lien Bond and Interest Redemption Account created as a subaccount of the Redemption Account pursuant to Section 16(b)(ii)(B).

(s) “Net Revenues” shall have the same meaning as defined in Section 3 of the Act.

(t) “Operation and Maintenance Fund” means the Operation and Maintenance Fund created pursuant to Section 16(b)(i).

(u) “Receiving Fund” shall mean the Water Supply System Receiving Fund created pursuant to Section 16(b).

(v) “Redemption Account” shall mean the Bond and Interest Redemption Account created pursuant to Section 16(b)(ii).

(w) “Resolution” means this Resolution and all amendments hereto.

(x) “Revenues” shall have the same meaning as defined in Section 3 of the Act and shall include all earnings on investment of funds of the System and all other revenues derived from or pledged to the operation of the System.

(y) “Series 2023 Bonds” means the City’s Water Supply System Junior Lien Revenue Bonds, Series 2023 (Federally Taxable) to be issued pursuant to this Resolution in one or more series.

(z) “System” means the City’s complete Water Supply System, both inside and outside the City, including all wells, distribution and treatment facilities for the supply of water and all appurtenances thereto now owned by the City and those acquired pursuant to this Resolution and all extensions and improvements thereto hereafter made.

(aa) “United States” means the United States of America.

Section 2. NECESSITY, PUBLIC PURPOSE. It is hereby determined to be necessary for the public health, safety and welfare of the City to acquire and construct the Improvements to the System in accordance with the maps, plans and specifications therefor prepared by the City’s consulting engineers, which are hereby approved.

Section 3. ESTIMATED COST; PERIOD OF USEFULNESS. The cost of the Improvements has been estimated by the engineers to be not to exceed \$1,589,000, including the payment of legal, engineering, financial and other expenses, which estimate of cost is approved and confirmed, and the period of usefulness of the Improvements is estimated to be greater than forty (40) years.

Section 4. ISSUANCE OF BONDS. To pay a portion of the cost of designing, acquiring and constructing the Improvements and to pay the legal and financial expenses and all other expenses incidental to the issuance of the Series 2023 Bonds, the City shall borrow the sum of not to exceed \$1,504,000 and issue its revenue bonds pursuant to the provisions of the Act in one or more series in the aggregate principal sum of not to exceed \$1,504,000, as finally determined by the Authorized Officer at the time of sale.

Section 5. SERIES 2023 BOND TERMS. The Series 2023 Bonds shall be issued in one or more series with each series issued as one fully registered manuscript bond, shall be sold and delivered to the United States in denominations of \$1,000 or any whole multiple thereof. Each series of the Series 2023 Bonds shall be dated the date of delivery to the United States, or such other date approved by the Authorized Officer, and shall be payable on the dates and in the amounts determined by the Authorized Officer at the time of sale provided the final maturity of each series of the Series 2023 Bonds shall be no later than forty (40) years after the date of issuance. The Series 2023 Bonds shall bear interest at a rate or rates of not to exceed 2.00% per annum as determined by the Authorized Officer, payable semiannually on the dates determined by the Authorized Officer at the time of sale. The Authorized Officer may alter or determine the Bond terms within the parameters of this Resolution as hereafter provided.

Section 6. PAYMENT OF BONDS; PLEDGE OF NET REVENUES. Principal of and interest on the Bonds shall be payable in lawful money of the United States to the person appearing on the Bond registration books as the registered owner thereof. Payment of principal of the Bonds shall be made at the principal office of the Paying Agent (defined below), and payment of interest on the Bonds shall be paid to the registered owner at the address as it appears on the registration books; provided, however, while any Bonds are held by the United States, principal of and interest on those Bonds shall be paid in lawful money of the United States to the United States or its assignee by draft, check or pre-authorized debit at the office specified in writing or by such other method of payment as instructed by the United States or its assignee.

The principal of and interest on the Bonds shall be payable from the Net Revenues derived from the operation of the System, including future improvements, enlargements and extensions thereof, after provision has been made for the payment of expenses of administration, operation and maintenance thereof. The Net Revenues of the System, including future enlargements, improvements, and extensions thereto, are hereby pledged to the payment of the principal of and interest on the Bonds. To secure the payment of the principal of and interest on the Bonds a statutory lien is created pursuant to the Act to and in favor of the Bondholders of the Bonds upon the Net Revenues of the System, including future enlargements, improvements, and extensions thereof. The statutory lien on the Net Revenues securing all First Lien Bonds shall be a first lien as provided in the Act and shall at all times and in all respects be and remain superior to the lien on the Net Revenues securing any Junior Lien Bonds. The Net Revenues so pledged shall be and remain subject to such lien until the payment in full of the principal of and interest on the Bonds or until Bonds are defeased as provided in Section 23.

The Series 2023 Bonds, including both principal and interest thereon, shall not be a general obligation of the City and shall not constitute an indebtedness of the City for the purpose of any debt limitations imposed by any constitutional, statutory or charter provisions.

Section 7. PRIOR REDEMPTION. The Series 2023 Bonds shall be subject to redemption prior to maturity, at the option of the City, in whole or in part, in such order as the City may designate on any date, at the par value thereof and accrued interest to the date fixed for redemption, without a premium. Series 2023 Bonds may be partially redeemed in any amount. If less than all of the Series 2023 Bonds maturing in any year are to be redeemed, the Series 2023 Bonds or portions of the Series 2023 Bonds to be redeemed shall be selected by lot. Series 2023



Bonds called for redemption shall be redeemed at the par value thereof, plus accrued interest to the date fixed for redemption, without a premium.

Notice of the call of any Series 2023 Bonds for redemption shall be given by mail not less than thirty (30) days prior to the date fixed for redemption to the registered holder at the registered address. Series 2023 Bonds so called for redemption shall not bear interest after the date fixed for redemption, whether presented for redemption or not, provided funds are on hand with the Paying Agent to redeem such Series 2023 Bonds.

Section 8. PAYING AGENT AND REGISTRATION.

(a) Appointment of Paying Agent. From time to time the City shall designate and appoint a Paying Agent (the "Paying Agent"), which shall also act as transfer agent and bond registrar. The initial Paying Agent shall be the Treasurer of the City. The Authorized officer shall have the authority to remove a Paying Agent and to appoint a successor Paying Agent. In the event of a change in the Paying Agent, notice shall be given in writing, by certified mail, to each Registered Owner not less than sixty (60) days prior to the next interest payment date. The Paying Agent shall keep the official books for the recordation of the Registered Owners of the Bonds.

(b) Registration of Bonds. Registration of the Bonds shall be recorded in the registration books of the City to be kept by a Paying Agent. Except as may be provided for additional Bonds in the resolution authorizing issuance of those Bonds, Bonds may be transferred only by submitting the same, together with a satisfactory instrument of transfer signed by the Registered Owner or the Registered Owner's legal representative duly authorized in writing, to the Paying Agent, after which a new Bond or Bonds shall be issued by the Paying Agent to the transferee (new registered owner) in any denomination, in the same aggregate principal amount as the Bond submitted for transfer. No transfer of Bonds shall be valid unless and until recorded on the bond registration books in accordance with the foregoing. The person in whose name any Bond is registered may for all purposes, notwithstanding any notice to the contrary, be deemed and treated by the City and the Paying Agent as the absolute owner thereof, and any payment of the principal of and interest on any Bond to the Registered Owner thereof shall constitute a valid discharge of the City's liability upon such Bond to the extent of such payment. No Bond shall be transferred less than fifteen (15) days prior to an interest payment date nor after the Bond has been called for redemption.

Section 9. SALE OF BONDS. The Series 2023 Bonds shall be sold to the United States. The City determines that a negotiated sale to the United States is in the best interest of the City because the terms offered by the United States are more favorable than those available from other sources of funding.

Section 10. BOND FORM. The Series 2023 Bonds shall be substantially in the form attached hereto as Exhibit A, and incorporated herein, with such completions, changes and additions as may be required by the United States or as recommended by the City's Bond counsel and approved by the officers of the City signing the Series 2023 Bonds.

Section 11. AUTHORIZED OFFICER. The Authorized Officer is hereby designated, for and on behalf of the City, without further Council approval, to do all acts and to take all necessary steps required to effectuate the sale, issuance and delivery of the Series 2023 Bonds. Notwithstanding any other provision of this Resolution, the Authorized Officer is authorized within the limitations of this Resolution to determine the specific interest rate or rates to be borne by the Series 2023 Bonds, not exceeding 2.00% per annum, the principal amount, interest payment dates, dates of maturities, and amount of maturities, redemption rights, the title of the Series 2023 Bonds, date of issuance, the amount of the rate covenant in Section 19 and additional bonds test in Section 22 and other terms and conditions relating to the Series 2023 Bonds and the sale thereof provided, however, the last annual principal installment of each series shall not be more than forty (40) years from the date of issuance of that series of the Series 2023 Bonds. The Authorized Officer's approval of the terms shall be evidenced by his or her signature on the document or agreement stating such terms. The Authorized Officer is authorized to execute any orders, receipts, agreements, pledge agreements, documents or certificates necessary to complete the transaction, including, but not limited to, any issuer's certificate, any certificates relating to federal or state securities laws, rules or regulations, any applications to the Michigan Department of Treasury.

Section 12. EXECUTION OF BONDS. The Mayor or the Mayor Pro Tem and the Clerk or the Deputy Clerk of the City are hereby authorized and directed to sign the Series 2023 Bonds, either manually or by facsimile signature, on behalf of the City. Upon execution, the Series 2023 Bonds shall be delivered to the purchaser thereof.

Section 13. RIGHTS OF BONDHOLDERS. The Bondholders representing in the aggregate not less than twenty percent (20%) of the entire amount of Bonds then outstanding may protect and enforce the statutory lien, either at law or in equity, by suit, action, mandamus, or other

proceedings, and enforce and compel the performance of all duties of the officials of the City, including the fixing of sufficient rates, the collection of revenues, the proper segregation of revenues and the proper application thereof; provided, however, that such statutory lien shall not be construed to give any Registered Owner of any Bond authority to compel the sale of the System, the revenues of which are pledged thereto.

If there is any default in the payment of the principal of or interest on any of the Bonds, any court having jurisdiction in any proper action may appoint a receiver to administer and operate the System on behalf of the City and under the direction of such court, and by and with the approval of such court, to fix and charge rates and collect revenues sufficient to provide for the payment of any Bonds or other obligations outstanding against the revenues of the System and for the payment of the expenses of operating and maintaining the System and to apply the income and revenues of the System in conformity with the Act and this Resolution.

The owners or Bondholders, from time to time, of the Bonds, shall have all the rights and remedies given by law, and particularly by the Act, for the collection and enforcement of the Bonds and the security therefor.

Section 14. MANAGEMENT OF SYSTEM. Except as provided in this Resolution, the construction, alteration, repair and management of the System shall be under the supervision and control of the Council. The City may employ such persons in such capacities as it deems advisable to carry on the efficient management and operation of the System. The Council may make such rules, orders and regulations as it deems advisable and necessary to assure the efficient management and operation of the System.

Section 15. SUPERVISED BANK ACCOUNTS. The Treasurer shall be custodian of all funds belonging to and/or associated with the System and such funds shall be deposited in a bank or banks, each of which has unimpaired capital and surplus of at least \$2,000,000, or which are each a member of the Federal Deposit Insurance Corporation.

Section 16. FUNDS AND ACCOUNTS. The Treasurer is hereby directed to create and maintain the following funds, which shall be designated as follows, into which the Bond proceeds and the revenues and income from the System shall be deposited, which funds and accounts shall be established and maintained, except as otherwise provided, so long as any of the Bonds hereby authorized remain unpaid.

(a) Bond Proceeds – Construction Fund. The proceeds of the Series 2023 Bonds shall be deposited in the Construction Fund. Such moneys shall be used solely for the purpose for which the Series 2023 Bonds were issued. Any unexpended balance in the Construction Fund remaining after completion of the Improvements may be used for such purposes as allowed by law. After completion of the Improvements and disposition of remaining Series 2023 Bond proceeds, if any, pursuant to the provisions of this Section, the Construction Fund shall be closed.

(b) Receiving Fund. The gross income and revenue of the System shall be set aside into the Receiving Fund. The moneys so deposited are pledged for the purpose of the following funds and accounts and shall be expended and used only in the manner and order as follows:

(i) Operation and Maintenance Fund. The City shall create and maintain the Operation and Maintenance Fund. Prior to the beginning of each fiscal year, the Council shall prepare an annual budget of the System for the ensuing fiscal year. Out of the revenues in the Receiving Fund, there shall be set aside, quarterly and deposited into the Operation and Maintenance Fund a sum sufficient to pay the reasonable and necessary current expenses of administering, operating and maintaining the System for the ensuing three months.

(ii) Redemption Account. The City shall create and maintain the Redemption Account.

(A) First Lien Redemption Account. The First Lien Redemption Account shall be established as a subaccount within the Redemption Account to be used solely for the purpose of paying the principal of and interest on First Lien Bonds. After the transfers required above, there shall first be transferred quarterly from the Receiving Fund, and deposited in the First Lien Redemption Account, for payment of principal of and interest on the First Lien Bonds, a sum equal to at least one-half (1/2) of the amount of interest due on First Lien Bonds on the next ensuing interest payment date plus not less than one-fourth (1/4) of the principal maturing on First Lien Bonds on the next ensuing principal payment date in each year. The moneys in the First Lien Redemption Account shall be accounted for separately.

(B) Junior Lien Redemption Account. The Junior Lien Redemption Account shall also be established as a subaccount within the Redemption Account to be used solely for the purpose of paying the principal of and interest on Junior Lien Bonds. After

the transfers required above, there shall be transferred quarterly from the Receiving Fund, and deposited in the Junior Lien Redemption Account for payment of principal of and interest on the Junior Lien Bonds, a sum equal to at least one-half (1/2) of the amount of interest on Junior Lien Bonds due on the next ensuing interest payment date plus not less than one-fourth (1/4) of the principal maturing on Junior Lien Bonds on the next ensuing principal payment date in each year. The monies in the Junior Lien Redemption Account shall be accounted for separately.

(C) Bond Reserve Account. The Bond Reserve Account shall also be established as a subaccount of the Redemption Account. There is hereby established a subaccount with respect to the Series 2023 Bonds within the Bond Reserve Account to be known as the Series 2023 Bonds Reserve Account (the “2023 Reserve”). The City shall pay into the 2023 Reserve from the revenues of the System after provision has been made for the Operation and Maintenance Fund and the current requirements of the Redemption Account, an annual sum of not less than \$5,480. until there has been accumulated in the 2023 Reserve the sum of \$54,800 or such other amounts determined by the United States and approved by the Authorized Officer (the “Required Reserve”). Except as hereinafter provided, no further deposits or additions need be made into the 2023 Reserve once the Required Reserve has been deposited therein. The moneys in the Bond Reserve Account shall be used solely for the payment of the principal of and interest on the Series 2023 Bonds as to which there would otherwise be default.

If at any time it shall be necessary to use moneys in the 2023 Reserve for payment of principal and/or interest on the Series 2023 Bonds, then the moneys so used shall be replaced from the revenues first received thereafter that are not required by this Resolution to be used for operation and maintenance or for current principal and interest requirements. The 2023 Reserve shall be maintained while the Series 2023 Bonds remain outstanding or until they are defeased. The 2023 Reserve may be applied to the final payments of principal and interest on the Series 2023 Bonds or to provide funds for their defeasance.

(D) Additional Deposits. If for any reason there is a failure to make a required deposit to any of the subaccounts of the Redemption Account or for any reason there is a deficiency in any of the subaccounts, then an amount equal to the deficiency shall be set aside and deposited in the subaccount from the Net Revenues in the next succeeding period, which amount shall be in addition to the regular deposit required during such succeeding period.

No further payments need be made into a subaccount of the Redemption Account after the amount accumulated and held in the subaccount, or in the case of the Series 2023 Bonds together with amounts held in the 2023 Reserve, is sufficient to pay when due the entire amount of principal and interest that will be payable at the time of maturity or at an earlier redemption date of all the Bonds then remaining outstanding that are payable from the subaccount, or for Bonds that have been defeased as provided in Section 23.

(iii) General Obligation Debt Fund. The G. O. Fund is hereby established. After meeting the requirement of the foregoing funds, there may be transferred quarterly from remaining revenues in the Receiving Fund, or from other available monies, and deposited in the G. O. Fund, such sums as the Council, in its sole discretion determines to be desirable to pay debt service on presently existing or future general obligation bond issues of the City or general obligation contractual obligations of the City incurred or to be incurred for System purposes. This section shall not be construed to create a lien on the Net Revenues in favor of any obligations the debt service on which may be paid from the G. O. Fund from time to time.

(iv) Repair Replacement and Improvement Fund. The City shall create and maintain the Repair Replacement and Improvement Fund. The City shall deposit each year from monies in the Receiving Fund, after meeting the requirements of the subsections set forth above, the sum of \$17,398 or such other amounts determined by the United States and approved by the Authorized Officer, until the principal of and interest on the Series 2023 Bonds has been paid in full. Moneys in the Repair Replacement and Improvement Fund shall be used by the City for the purpose of acquiring and constructing improvements, additions and extensions and for making repairs and replacements to the System. Such additional sums may be deposited into the Repair Replacement and Improvement Fund as the Council shall determine to be necessary from time to time for the purposes of the Repair Replacement and Improvement Fund.

(v) Surplus Moneys. All moneys remaining in the Receiving Fund at the end of any operating year after satisfying the above requirements may be transferred to the Redemption Account and its subaccounts and used as authorized in this Resolution or, at the option of the City, transferred to the G. O. Fund or the Repair Replacement and Improvement Fund and used for the purposes for which said funds were established. Provided, however, that if there should be a deficit in the Operation and Maintenance Fund, and any subaccount of the Redemption Account, the G. O. Fund or a bond reserve account on account of defaults in setting aside therein

the amounts required in this Resolution, or a future resolution, then the City shall transfer the moneys remaining in the Receiving Fund at the end of any operating year to such funds in the priority and order named, to the extent of such deficits. Available surplus moneys may be used to retire any outstanding obligations of the City incurred for construction, expansion or addition to the System, including additional bonds, the issuance of which is authorized by this Resolution, or if no other disposition has been provided for, such moneys may be used for such other purposes of the System as the City Council may deem to be for the best interest of the City.

(vi) Priority of Accounts. In the event the monies in the Receiving Fund are insufficient to provide for the current requirements of the Operation and Maintenance Fund or any subaccounts of the Redemption Account, any monies or securities in other funds of the System, except the Construction Fund, shall be credited or transferred, first, to the Operation and Maintenance Fund, second to the First Lien Redemption Account, third to the Junior Lien Redemption Account and fourth to a bond reserve account, to the extent of any deficit therein.

Section 17. INVESTMENT OF FUNDS. Moneys in the funds and accounts established herein may be invested by the City in bonds, notes, bills and certificates of, or guaranteed by, the United States of America, or in interest bearing time deposits or other investments as shall be determined by the City, subject to the provisions of Act 20, Public Acts of Michigan, 1943, as amended, or any statute subsequently adopted regulating investments by the City.

Section 18. DEPOSITORY AND FUNDS ON HAND. Monies in the several funds and accounts maintained pursuant to this Resolution, except monies in the Construction Fund and Redemption Account, which must be kept in a separate account, may be kept in one or more accounts at financial institutions designated by resolution of the City, and if kept in one account, the monies shall be allocated on the books and records of the City in the manner and at the times provided in this Resolution.

Section 19. RATES AND CHARGES. Rates shall be fixed and revised from time to time by the Council so as to produce amounts that are sufficient to pay the expenses of administration and the costs of operation and maintenance of the System, to provide an amount of revenues adequate for the payment of principal of and interest on the Bonds, reserve, replacement and improvement requirements and to otherwise comply with all requirements and covenants provided herein; and such that are reasonably expected to yield annual Net Revenues of the System, in the current fiscal year equal to at least 100% of principal maturing and interest payable

in such fiscal year on the then outstanding Junior Lien Bonds and equal to such percentage of the annual principal and interest thereafter maturing in such fiscal year on the then outstanding First Lien Bonds, if any, as is established by the resolution authorizing the issuance of the First Lien Bonds; and promptly upon any material change in the circumstances which were not contemplated at the time such rates and charges were most recently reviewed, but not less frequently than once in each fiscal year, review the rates and charges for its services and promptly revise such rates and charges as necessary to comply with the foregoing requirement, in which case the City will be in compliance with the requirements of this Section. The rates and charges for all services and facilities rendered by the System shall be reasonable and just, taking into consideration the costs and value of the System, the cost of maintaining, repairing, and operating the System, and the amounts necessary for the retirement of all Bonds and interest accruing on all Bonds, and there shall be charged such rates and charges as shall be adequate to meet the requirement of this and the preceding sections.

Section 20. NO FREE SERVICE. No free service shall be furnished by the System to the City or to any individual, firm or corporation, public or private, or to any agency or instrumentality.

Section 21. REVENUE BOND COVENANTS. The City covenants and agrees, so long as any of the Bonds hereby authorized remain unpaid, as follows:

(a) It will punctually perform all duties with reference to the System and comply with applicable State laws and regulations and continually operate and maintain the System in good condition.

(b) It will not sell, lease, mortgage or in any manner dispose of the System, or any substantial part of it, until all Bonds payable from the revenues of the System shall have been paid in full, defeased, or provision has been made or an agreement entered into for the payment of such Bonds. The City is explicitly authorized to enter into arrangements, including a lease of the system, with a regional authority in which the City is a participant if such arrangements require the authority to provide funds to make payments sufficient to pay the debt service on any of the bonds affected by the arrangement.

(c) It will cause an annual review of rates and charges to be made and based thereon will adjust such rates and charges to provide the amounts required by this Resolution.



(d) It will maintain complete books and records relating to the operation of the System and its financial affairs, will cause such books and records to be audited annually at the end of each fiscal year and an audit report prepared, and will furnish a Bondholder a copy of such report upon written request.

(e) It will maintain and carry insurance on all physical properties of the System, for the benefit of the Bondholders, of the kinds and in the amounts normally carried by municipalities engaged in the operation of similar systems. All moneys received for losses under any such insurance policies shall be applied solely to the replacement and restoration of the property damaged or destroyed, and to the extent not so used, shall be used for the purpose of calling Bonds.

Section 22. ADDITIONAL BONDS. Additional First Lien Bonds of equal standing and priority with any outstanding First Lien Bonds may be issued for repair, replacement, improvement or extension of the System and to refund all or a portion of Bonds and paying the costs of issuing the Additional First Lien Bonds, but only if the average actual or Adjusted Net Revenues of the System for any consecutive twelve month period out of the 24 months preceding the adoption of the resolution authorizing the issuance of such Bonds shall be equal to at least one hundred percent (100%) of the average annual principal and interest thereafter maturing in any operating year on the then outstanding First Lien Bonds, Junior Lien Bonds and the Additional First Lien Bonds then being issued. In addition, Additional First Lien Bonds of equal standing and priority with any outstanding First Lien Bonds may be issued to refund all or a portion of outstanding Bonds if the refunding would provide a net present value debt service savings to the City. If the Additional First Lien Bonds are to be issued in whole or in part for refunding outstanding Bonds, the annual principal and interest requirements shall be determined by deducting from the principal and interest requirements for each operating year the annual principal and interest requirements of any Bonds to be refunded from the proceeds of the Additional First Lien Bonds.

Additional Junior Lien Bonds of equal standing and priority with any outstanding Junior Lien Bonds may be issued in the discretion of the City.

In addition, at any time that the United States is the holder of all of the Bonds outstanding, Additional First Lien Bonds and Junior Lien Bonds may be issued if the United States consents or agrees to the issuance.

In addition, Additional First Lien Bonds may be issued without meeting any of the conditions and tests set forth above to pay: (i) the cost of acquisition and construction of any repairs, replacements, improvements, major renewals or corrections of any damage or loss to the System necessary, in the opinion of the City engineer, to keep the System in good operating condition or to prevent a loss of Revenues therefrom to the extent that the cost thereof cannot reasonably be paid from the Repair Replacement and Improvement Fund or from insurance proceeds, or (ii) the cost of decommissioning, disposal or termination of any part of the System.

Determination by the Council as to existence of conditions permitting the issuance of Additional Bonds shall be conclusive, provided this shall not eliminate any requirement for any other approval required herein.

Any additional Bonds shall be subject to the various funds herein established, and all revenue from any such extension or replacement constructed by the proceeds of any additional Bonds shall be paid into the Receiving Fund.

Section 23. DEFEASANCE.

(a) Bonds held by the United States shall not be defeased without written approval of the United States.

(b) Except as provided above, in the event cash or direct obligations of the United States or obligations the principal of and interest on which are guaranteed by the United States, or a combination thereof, the principal of and interest on which, without reinvestment, come due at times and in amounts sufficient to pay at maturity or irrevocable call for earlier optional or mandatory redemption, the principal of, premium, if any, and interest on any of the Bonds, shall be deposited in trust, this Resolution shall be defeased with respect to such Bonds (the "Defeased Bonds"), and the owners of the Defeased Bonds shall have no further rights under this Resolution except to receive payment of the principal of, premium, if any, and interest on the bonds from the cash or securities deposited in trust and the interest and gains thereon and to transfer and exchange bonds as provided herein. Defeased Bonds shall be treated as if they have been redeemed for all purposes under this Resolution.

Section 24. FISCAL YEAR OF SYSTEM. The fiscal year for operating the System shall coincide with the fiscal year of the City.

Section 25. CONTRACT WITH BONDHOLDERS. The provisions of this Resolution shall constitute a contract between the City and the Bondholders from time to time, and after the

issuance of any of such Bonds, no change, variation or alteration of the provisions of this Resolution may be made that would lessen the security for such Bonds. The provisions of this Resolution shall be enforceable by appropriate proceedings taken by such Bondholder, either at law or in equity.

Section 26. ELECTRONIC FUND TRANSFERS. Pursuant to the guidelines and requirements of the United States, promulgated through the Rural Development Division of the United States Department of Agriculture, the Series 2023 Bond proceeds will be released and delivered to the City pursuant to draws against such funds during construction and acquisition of the Improvements. Commencing with the issuance of the Series 2023 Bonds, the Treasurer, or his or her appointee, will inscribe his or her initials on Schedule II attached to the appropriate Series 2023 Bonds to acknowledge receipt and acceptance of the amount of the draw. Thereafter the Treasurer will complete and execute an "Estimate of Funds Needed for a Thirty- (30-) Day Period", Form 440-11 (the "Estimate of Funds Needed") periodically requesting additional funds.

In the event the United States provides for an electronic fund transfer of draws, the City shall deliver the executed Estimate of Funds Needed by mail or facsimile transmission to the United States, after which the appropriate funds will be wire transferred to the account of the City.

Section 27. LOAN RESOLUTION. The Loan Resolution, RUS Bulletin 1780-27, is hereby adopted and the terms and conditions hereof are incorporated herein, with such changes completions an additions as are approved by the Authorized Officer.

Section 28. PUBLICATION AND RECORDATION. This Resolution shall be published once in full in a newspaper of general circulation in the City qualified under state law to publish legal notices, and the same shall be recorded in the records of the City and such recording authenticated by the signature of the City Clerk.

Section 29. RESOLUTION SUBJECT TO MICHIGAN LAW. The provisions of this Resolution are subject to the laws of the State of Michigan.

Section 30. SECTION HEADINGS. The section headings in this Resolution are furnished for convenience of reference only and shall not be considered to be a part of this Resolution.

Section 31. SEVERABILITY. If any section, paragraph, clause or provision of this Resolution shall be held invalid, the invalidity of such section, paragraph, clause or provision shall not affect any of the other provisions of this Resolution.

Section 32. CONFLICT. Except as provided above, all Resolutions and Resolutions or parts thereof, insofar as the same may be in conflict herewith, are hereby repealed to the extent of the conflict; provided that the foregoing shall not operate to repeal any provision thereof, the repeal of which would impair the obligation on the Bonds.

Section 33. EFFECTIVE DATE OF RESOLUTION. Pursuant to Section 6 of the Act, this Resolution shall be approved on the date of first reading and this Resolution shall be effective immediately upon its adoption and publication as required by the Act.

YEAS: Mayor DeVore, Councilmembers Salzwedel, Yankovich and Groves

NAYS: None

ABSTAIN: None

ABSENT: Councilmember Chambers

RESOLUTION DECLARED ADOPTED.

Mike Devore, Mayor

Susan Ullery, Clerk

#### **CERTIFICATION**

I, Susan Ullery, the duly qualified and acting Clerk of the City of Lowell, Kent County, Michigan, 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 March 28, 2023, and that notice of said meeting was given pursuant to Act 267, Public Acts of Michigan, 1976, as amended.

Date: March 28, 2023

Susan Ullery, Clerk

**EXHIBIT A**

**UNITED STATES OF AMERICA  
STATE OF MICHIGAN  
COUNTY OF KENT  
CITY OF LOWELL  
WATER SUPPLY SYSTEM JUNIOR LIEN REVENUE BONDS,  
SERIES, 2023  
(Federally Taxable)**

**Interest Rate**

**Maturity Date**

**Date of Original Issue**

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Registered Owner:    United States of America

Principal Amount:    [Insert par amount]

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The City of Lowell, Kent County, Michigan (the “Issuer”), acknowledges itself indebted and, for value received, hereby promises to pay to the Registered Owner specified above, or registered assigns, out of the net revenues of the Water Supply System of the Issuer (the “System”), including all appurtenances, additions, extensions and improvements thereto after provision has been made for reasonable and necessary expenses of operation, maintenance and administration of the System (the “Net Revenues”), the Principal Amount specified above, in the amounts and on the dates as set forth on Schedule I attached hereto, unless prepaid prior thereto as hereinafter provided, together with interest thereon from the dates of receipt of such funds, or such later date to which interest has been paid, at the Interest Rate per annum specified above, first payable on \_\_\_\_\_ 1, 20\_\_, and semiannually thereafter on the first day of \_\_\_\_\_ and \_\_\_\_\_ of each year, except as the provisions hereinafter set forth with respect to redemption of this Bond prior to maturity may become applicable hereto.

Principal of this Bond is payable in lawful money of the United States of America to the United States of America. As long as the United States is the holder of this Bond, such payments shall be made by check, draft, wire transfer, Pre-Authorized Debit (PAD) or such other method of payment as instructed by the United States or its assignee.

This Bond, being one fully registered manuscript bond payable serially as set forth on Schedule I, is issued in accordance with the provisions of Act 94, Public Acts of Michigan, 1933, as amended and a resolution adopted by the City Council of the Issuer on March 28, 2023 (the "Resolution"), for the purpose of paying the cost of acquiring and constructing improvements to the System. This Bond is a self-liquidating Bond, and is not a general obligation of the Issuer within any constitutional, statutory or charter limitations but is payable, both as to principal and interest, solely from the Net Revenues of the System. The principal of and interest on this Bond are secured by a statutory lien on the Net Revenues.

The Issuer hereby covenants and agrees to fix, and maintain at all times while any of the Bonds shall be outstanding, such rates for service furnished by the System as are required by the Resolution, to maintain a bond and interest redemption account, a bond reserve account and to provide for the payment of expenses of administration and operation and such expenses for maintenance of the System as are necessary to preserve the same in good repair and working order, and to provide for such other expenditures and funds for the System as are required by the Resolution. The statutory liens securing any First Lien Bonds (as defined in the Resolution) issued by the Issuer will be first liens that are and shall remain superior to the lien on the Net Revenues securing this Bond and any and any Additional Junior Lien Bonds (as defined in the Resolution). The Bonds of this series shall have equal standing with any Additional Junior Lien Bonds that may be issued pursuant to the Resolution, and additional bonds of superior standing to the bonds of this series may be issued pursuant to the Resolution. For a complete statement of the revenues from which, and the conditions under which, this Bond is payable, a statement of the conditions under which additional bonds of equal or superior standing may hereafter be issued, and the general covenants and provisions pursuant to which this Bond is issued, reference is made to the Resolution.

While the Bonds of this series are held by the United States of America they shall not be defeased without the prior written consent of the United States of America. The Bonds shall be subject to redemption prior to maturity, at the option of the Issuer and in whole or in part in such order as the Issuer may designate, on any date, at the par value thereof and accrued interest to the date fixed for redemption, without a premium.

This Bond shall be registered in the name of the United States of America on the registration books kept by the Treasurer, acting as Paying Agent and bond registrar. No transfer shall be valid unless made upon the books of the Paying Agent.

It is hereby certified and recited that all acts, conditions and things required by law, precedent to and in the issuance of this Bond, exist and have been done and performed in regular

and due time and form as required by law and that the total indebtedness of the Issuer including this Bond, does not exceed any constitutional, statutory or charter limitation.

IN WITNESS WHEREOF, the City of Lowell, Kent County, Michigan, by its City Council, has caused this Bond to be signed, by the manual or facsimile signatures of its Mayor and the Clerk, all as of the 28<sup>th</sup> day of March 2023.

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Mike Devore, Mayor

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Susan Ullery, Clerk

#### **CERTIFICATE OF REGISTRATION AND AUTHENTICATION**

This Bond represents the total authorized issue of the City of Lowell Water Supply System Junior Lien Revenue Bonds, Series 2023 (Federally Taxable), in the principal amount of [Insert par amount], and has been registered in the name of the Registered Owner designated on the face hereof in the bond register maintained for the City of Lowell.

Date: \_\_\_\_\_, 2023

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Suzanne Olin, Treasurer  
As Paying Agent/Bond Registrar/Transfer Agent



## TRANSFER

For value received, the undersigned hereby sells, assigns and transfers unto

(Tax Identification or Social Security No. \_\_\_\_\_) the within Bond and all rights hereunder, and hereby constitutes and appoints \_\_\_\_\_ attorney, to transfer the within Bond on the books kept for registration thereof by the Paying Agent, with full power of substitution in the premises.

Dated: \_\_\_\_\_

**Notice:** The signature to this assignment must correspond with the name as it appears on the registration books every particular, without alteration or enlargement or any change whatever.

**SCHEDULE I**

**CITY OF LOWELL**

**\$(INSERT PAR AMOUNT)  
WATER SUPPLY SYSTEM JUNIOR LIEN REVENUE BONDS,  
SERIES 2023  
(Federally Taxable)**

The Bond in the aggregate principal amount of \$[Insert par amount] matures annually on the first day of \_\_\_\_\_ as follows:

<b><u>Year</u></b>	<b><u>Amount</u></b>	<b><u>Year</u></b>	<b><u>Amount</u></b>	<b><u>Year</u></b>	<b><u>Amount</u></b>
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**CITY OF LOWELL**  
**\$(INSERT PAR AMOUNT)**  
**WATER SUPPLY SYSTEM JUNIOR LIEN REVENUE BONDS,**  
**SERIES 2023**  
**(Federally Taxable)**

**REGISTRATION**  
**(Nothing to be Written Hereon Except by the Bond Registrar)**

<b>Date of Registration</b>	<b>Principal Installment Delivered</b>	<b>Name of Registered Owner</b>	<b>Bond Registrar</b>
		United States of America	
		United States of America	
		United States of America	
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		United States of America	

**CITY OF LOWELL  
(Kent County, Michigan)**

**Resolution No. 07-23**

**RESOLUTION TO AUTHORIZE ISSUANCE  
OF SANITARY SEWER SYSTEM JUNIOR LIEN REVENUE BONDS**

Minutes of a meeting of the City Council of the City of Lowell, Kent County, Michigan, held at the City Hall on March 28, 2023, at 6:30 p.m., local time.

PRESENT: Councilmembers Groves, Salzwedel, Yankovich and Mayor DeVore

ABSENT: Councilmember Chambers

The following Resolution was offered by Member YANKOVICH and supported by Member GROVES.

WHEREAS, pursuant to Act 94, Public Acts of Michigan, 1933, as amended (the “Act”) the City Council of the City of Lowell (the “City”) has determined to make improvements to the City’s Sanitary Sewer System; and

WHEREAS, the improvements will enable the City to provide more efficient and better quality public services to the users of the Sanitary Sewer System; and

WHEREAS, the improvements shall be financed in part by the issuance of revenue bonds in accordance with the Act in the sum of not to exceed \$2,287,000 for a period of not to exceed forty (40) years.

NOW, THEREFORE, BE IT RESOLVED as follows:

Section 1. DEFINITIONS. Whenever used in this Resolution except when otherwise indicated by context, the following definitions shall apply:

- (a) “Act” means Act 94, Public Acts of Michigan, 1933, as amended.
- (b) “Additional First Lien Bonds” means any First Lien Bonds issued in the future.
- (c) “Additional Junior Lien Bonds” means any additional Junior Lien Bonds issued in the future.
- (d) “Adjusted Net Revenues” means for any operating year the Net Revenues to which may be made the following adjustments:
  - (i) Revenues may be augmented by the amount of any rate increase adopted prior to the issuance of additional Bonds or to be placed into effect before the time

principal or interest on the additional Bonds becomes payable from Revenues as applied to quantities of service furnished during the operating year or portion thereof that the increased rates were not in effect.

(ii) Revenues may be augmented by amounts that may be derived from rates and charges to be paid by new customers of the System.

(e) “Authorized Officer,” means the City Mayor, City Manager, the Clerk and the Treasurer of the City, or any one or more of them acting alone or together.

(f) “Bondholder” or “Bondholders” means the holder or holders of the Bonds.

(g) “Bond Reserve Account” means the subaccount established within the Redemption Account pursuant to Section 16(b)(ii)(C).

(h) “Bonds” means the Series 2023 Bonds, any Additional Junior Lien Bonds, and any Additional First Lien Bonds authorized pursuant to this Resolution or any resolution supplemental to this Resolution.

(i) “City” means the City of Lowell, Kent County, Michigan.

(j) “Construction Fund” shall mean the 2023 Sanitary Sewer System Revenue Bonds Construction Fund created pursuant to Section 16(a).

(k) “Council” means the City Council of the City, the legislative and governing body thereof.

(l) “First Lien Bonds” shall mean any bonds or other obligations that may be issued or incurred by the City in the future payable from the Revenues of the System that are secured by a lien that is a first lien on the Net Revenues of the System, senior in standing and priority of lien with respect to the Net Revenues to the claim of the Junior Lien Bonds.

(m) “First Lien Redemption Account” means the First Lien Bond and Interest Redemption Account created as a subaccount of the Redemption Account pursuant to Section 16(b)(ii)(A).

(n) “G. O. Fund” means the General Obligation Debt Fund created pursuant to Section 16(b)(iii).

(o) “Government Obligations” means any bonds or other obligations not callable at the option of the Issuer thereof, which as to principal and interest constitute direct obligations of the United States of America, or obligations the principal of and interest on which

is fully guaranteed by the United States of America, including U.S. Treasury Trust Receipts, or any other obligations permitted under the terms of an escrow agreement.

(p) “Improvements” means the design, acquisition and construction of improvements to the System, including, but not limited to, improvements and renovations to the sewer system along Washington Street and Monroe Street, the restoration of streets, rights-of-way and easements affected by the improvements and related facilities, as well as all work, equipment and appurtenances necessary or incidental to these improvements.

(q) “Junior Lien Bonds” shall mean any bonds or other obligations that may be issued or incurred by the City payable from the Revenues of the System that are secured by a lien on the Net Revenues of the System that is subordinate to a first lien on the Net Revenues of the System that may be created for the benefit of any First Lien Bonds and shall include the Series 2023 Bonds.

(r) “Junior Lien Redemption Account” shall mean the Junior Lien Bond and Interest Redemption Account created as a subaccount of the Redemption Account pursuant to Section 16(b)(ii)(B).

(s) “Net Revenues” shall have the same meaning as defined in Section 3 of the Act.

(t) “Operation and Maintenance Fund” means the Operation and Maintenance Fund created pursuant to Section 16(b)(i).

(u) “Receiving Fund” shall mean the Sanitary Sewer System Receiving Fund created pursuant to Section 16(b).

(v) “Redemption Account” shall mean the Bond and Interest Redemption Account created pursuant to Section 16(b)(ii).

(w) “Resolution” means this Resolution and all amendments hereto.

(x) “Revenues” shall have the same meaning as defined in Section 3 of the Act and shall include all earnings on investment of funds of the System and all other revenues derived from or pledged to the operation of the System.

(y) “Series 2023 Bonds” means the City’s Sanitary Sewer System Junior Lien Revenue Bonds, Series 2023 (Federally Taxable) to be issued pursuant to this Resolution in one or more series.

(z) “System” means the City’s complete sanitary sewer system, also known as the wastewater system, both inside and outside the City, including all collection and treatment facilities for sanitary sewer and all appurtenances thereto now owned by the City and those acquired pursuant to this Resolution and all extensions and improvements thereto hereafter made.

(aa) “United States” means the United States of America.

Section 2. NECESSITY, PUBLIC PURPOSE. It is hereby determined to be necessary for the public health, safety and welfare of the City to acquire and construct the Improvements to the System in accordance with the maps, plans and specifications therefor prepared by the City’s consulting engineers, which are hereby approved.

Section 3. ESTIMATED COST; PERIOD OF USEFULNESS. The cost of the Improvements has been estimated by the engineers not to exceed \$2,401,000, including the payment of legal, engineering, financial and other expenses, which estimate of cost is approved and confirmed, and the period of usefulness of the Improvements is estimated to be greater than forty (40) years.

Section 4. ISSUANCE OF BONDS. To pay a portion of the cost of designing, acquiring and constructing the Improvements and to pay the legal and financial expenses and all other expenses incidental to the issuance of the Series 2023 Bonds, the City shall borrow the sum of not to exceed \$2,287,000 and issue its revenue bonds pursuant to the provisions of the Act in one or more series in the aggregate principal sum of not to exceed \$2,287,000, as finally determined by the Authorized Officer at the time of sale.

Section 5. SERIES 2023 BOND TERMS. The Series 2023 Bonds shall be issued in one or more series with each series issued as one fully registered manuscript bond, shall be sold and delivered to the United States in denominations of \$1,000 or any whole multiple thereof. Each series of the Series 2023 Bonds shall be dated the date of delivery to the United States, or such other date approved by the Authorized Officer, and shall be payable on the dates and in the amounts determined by the Authorized Officer at the time of sale provided the final maturity of each series of the Series 2023 Bonds shall be no later than forty (40) years after the date of issuance. The Series 2023 Bonds shall bear interest at a rate or rates of not to exceed 2.00% per annum as determined by the Authorized Officer, payable semiannually on the dates determined by the Authorized Officer at the time of sale. The Authorized Officer may alter or determine the Bond terms within the parameters of this Resolution as hereafter provided.

Section 6. PAYMENT OF BONDS; PLEDGE OF NET REVENUES. Principal of and interest on the Bonds shall be payable in lawful money of the United States to the person appearing on the Bond registration books as the registered owner thereof. Payment of principal of the Bonds shall be made at the principal office of the Paying Agent (defined below), and payment of interest on the Bonds shall be paid to the registered owner at the address as it appears on the registration books; provided, however, while any Bonds are held by the United States, principal of and interest on those Bonds shall be paid in lawful money of the United States to the United States or its assignee by draft, check or pre-authorized debit at the office specified in writing or by such other method of payment as instructed by the United States or its assignee.

The principal of and interest on the Bonds shall be payable from the Net Revenues derived from the operation of the System, including future improvements, enlargements and extensions thereof, after provision has been made for the payment of expenses of administration, operation and maintenance thereof. The Net Revenues of the System, including future enlargements, improvements, and extensions thereto, are hereby pledged to the payment of the principal of and interest on the Bonds. To secure the payment of the principal of and interest on the Bonds a statutory lien is created pursuant to the Act to and in favor of the Bondholders of the Bonds upon the Net Revenues of the System, including future enlargements, improvements, and extensions thereof. The statutory lien on the Net Revenues securing all First Lien Bonds shall be a first lien as provided in the Act and shall at all times and in all respects be and remain superior to the lien on the Net Revenues securing any Junior Lien Bonds. The Net Revenues so pledged shall be and remain subject to such lien until the payment in full of the principal of and interest on the Bonds or until Bonds are defeased as provided in Section 23.

The Series 2023 Bonds, including both principal and interest thereon, shall not be a general obligation of the City and shall not constitute an indebtedness of the City for the purpose of any debt limitations imposed by any constitutional, statutory or charter provisions.

Section 7. PRIOR REDEMPTION. The Series 2023 Bonds shall be subject to redemption prior to maturity, at the option of the City, in whole or in part, in such order as the City may designate on any date, at the par value thereof and accrued interest to the date fixed for redemption, without a premium. Series 2023 Bonds may be partially redeemed in any amount. If less than all of the Series 2023 Bonds maturing in any year are to be redeemed, the Series 2023 Bonds or portions of the Series 2023 Bonds to be redeemed shall be selected by lot. Series 2023



Bonds called for redemption shall be redeemed at the par value thereof, plus accrued interest to the date fixed for redemption, without a premium.

Notice of the call of any Series 2023 Bonds for redemption shall be given by mail not less than thirty (30) days prior to the date fixed for redemption to the registered holder at the registered address. Series 2023 Bonds so called for redemption shall not bear interest after the date fixed for redemption, whether presented for redemption or not, provided funds are on hand with the Paying Agent to redeem such Series 2023 Bonds.

Section 8. PAYING AGENT AND REGISTRATION.

(a) Appointment of Paying Agent. From time to time the City shall designate and appoint a Paying Agent (the "Paying Agent"), which shall also act as transfer agent and bond registrar. The initial Paying Agent shall be the Treasurer of the City. The Authorized officer shall have the authority to remove a Paying Agent and to appoint a successor Paying Agent. In the event of a change in the Paying Agent, notice shall be given in writing, by certified mail, to each Registered Owner not less than sixty (60) days prior to the next interest payment date. The Paying Agent shall keep the official books for the recordation of the Registered Owners of the Bonds.

(b) Registration of Bonds. Registration of the Bonds shall be recorded in the registration books of the City to be kept by a Paying Agent. Except as may be provided for additional Bonds in the resolution authorizing issuance of those Bonds, Bonds may be transferred only by submitting the same, together with a satisfactory instrument of transfer signed by the Registered Owner or the Registered Owner's legal representative duly authorized in writing, to the Paying Agent, after which a new Bond or Bonds shall be issued by the Paying Agent to the transferee (new registered owner) in any denomination, in the same aggregate principal amount as the Bond submitted for transfer. No transfer of Bonds shall be valid unless and until recorded on the bond registration books in accordance with the foregoing. The person in whose name any Bond is registered may for all purposes, notwithstanding any notice to the contrary, be deemed and treated by the City and the Paying Agent as the absolute owner thereof, and any payment of the principal of and interest on any Bond to the Registered Owner thereof shall constitute a valid discharge of the City's liability upon such Bond to the extent of such payment. No Bond shall be transferred less than fifteen (15) days prior to an interest payment date nor after the Bond has been called for redemption.

Section 9. SALE OF BONDS. The Series 2023 Bonds shall be sold to the United States. The City determines that a negotiated sale to the United States is in the best interest of the City because the terms offered by the United States are more favorable than those available from other sources of funding.

Section 10. BOND FORM. The Series 2023 Bonds shall be substantially in the form attached hereto as Exhibit A, and incorporated herein, with such completions, changes and additions as may be required by the United States or as recommended by the City's Bond counsel and approved by the officers of the City signing the Series 2023 Bonds.

Section 11. AUTHORIZED OFFICER. The Authorized Officer is hereby designated, for and on behalf of the City, without further Council approval, to do all acts and to take all necessary steps required to effectuate the sale, issuance and delivery of the Series 2023 Bonds. Notwithstanding any other provision of this Resolution, the Authorized Officer is authorized within the limitations of this Resolution to determine the specific interest rate or rates to be borne by the Series 2023 Bonds, not exceeding 2.00% per annum, the principal amount, interest payment dates, dates of maturities, and amount of maturities, redemption rights, the title of the Series 2023 Bonds, date of issuance, the amount of the rate covenant in Section 19 and additional bonds test in Section 22 and other terms and conditions relating to the Series 2023 Bonds and the sale thereof provided, however, the last annual principal installment of each series shall not be more than forty (40) years from the date of issuance of that series of the Series 2023 Bonds. The Authorized Officer's approval of the terms shall be evidenced by his or her signature on the document or agreement stating such terms. The Authorized Officer is authorized to execute any orders, receipts, agreements, pledge agreements, documents or certificates necessary to complete the transaction, including, but not limited to, any issuer's certificate, any certificates relating to federal or state securities laws, rules or regulations, any applications to the Michigan Department of Treasury.

Section 12. EXECUTION OF BONDS. The Mayor or the Mayor Pro Tem and the Clerk or the Deputy Clerk of the City are hereby authorized and directed to sign the Series 2023 Bonds, either manually or by facsimile signature, on behalf of the City. Upon execution, the Series 2023 Bonds shall be delivered to the purchaser thereof.

Section 13. RIGHTS OF BONDHOLDERS. The Bondholders representing in the aggregate not less than twenty percent (20%) of the entire amount of Bonds then outstanding may protect and enforce the statutory lien, either at law or in equity, by suit, action, mandamus, or other

proceedings, and enforce and compel the performance of all duties of the officials of the City, including the fixing of sufficient rates, the collection of revenues, the proper segregation of revenues and the proper application thereof; provided, however, that such statutory lien shall not be construed to give any Registered Owner of any Bond authority to compel the sale of the System, the revenues of which are pledged thereto.

If there is any default in the payment of the principal of or interest on any of the Bonds, any court having jurisdiction in any proper action may appoint a receiver to administer and operate the System on behalf of the City and under the direction of such court, and by and with the approval of such court, to fix and charge rates and collect revenues sufficient to provide for the payment of any Bonds or other obligations outstanding against the revenues of the System and for the payment of the expenses of operating and maintaining the System and to apply the income and revenues of the System in conformity with the Act and this Resolution.

The owners or Bondholders, from time to time, of the Bonds, shall have all the rights and remedies given by law, and particularly by the Act, for the collection and enforcement of the Bonds and the security therefor.

Section 14. MANAGEMENT OF SYSTEM. Except as provided in this Resolution, the construction, alteration, repair and management of the System shall be under the supervision and control of the Council. The City may employ such persons in such capacities as it deems advisable to carry on the efficient management and operation of the System. The Council may make such rules, orders and regulations as it deems advisable and necessary to assure the efficient management and operation of the System.

Section 15. SUPERVISED BANK ACCOUNTS. The Treasurer shall be custodian of all funds belonging to and/or associated with the System and such funds shall be deposited in a bank or banks, each of which has unimpaired capital and surplus of at least \$2,000,000, or which are each a member of the Federal Deposit Insurance Corporation.

Section 16. FUNDS AND ACCOUNTS. The Treasurer is hereby directed to create and maintain the following funds, which shall be designated as follows, into which the Bond proceeds and the revenues and income from the System shall be deposited, which funds and accounts shall be established and maintained, except as otherwise provided, so long as any of the Bonds hereby authorized remain unpaid.

(a) Bond Proceeds – Construction Fund. The proceeds of the Series 2023 Bonds shall be deposited in the Construction Fund. Such moneys shall be used solely for the purpose for which the Series 2023 Bonds were issued. Any unexpended balance in the Construction Fund remaining after completion of the Improvements may be used for such purposes as allowed by law. After completion of the Improvements and disposition of remaining Series 2023 Bond proceeds, if any, pursuant to the provisions of this Section, the Construction Fund shall be closed.

(b) Receiving Fund. The gross income and revenue of the System shall be set aside into the Receiving Fund. The moneys so deposited are pledged for the purpose of the following funds and accounts and shall be expended and used only in the manner and order as follows:

(i) Operation and Maintenance Fund. The City shall create and maintain the Operation and Maintenance Fund. Prior to the beginning of each fiscal year, the Council shall prepare an annual budget of the System for the ensuing fiscal year. Out of the revenues in the Receiving Fund, there shall be set aside, quarterly and deposited into the Operation and Maintenance Fund a sum sufficient to pay the reasonable and necessary current expenses of administering, operating and maintaining the System for the ensuing three months.

(ii) Redemption Account. The City shall create and maintain the Redemption Account.

(A) First Lien Redemption Account. The First Lien Redemption Account shall be established as a subaccount within the Redemption Account to be used solely for the purpose of paying the principal of and interest on First Lien Bonds. After the transfers required above, there shall first be transferred quarterly from the Receiving Fund, and deposited in the First Lien Redemption Account, for payment of principal of and interest on the First Lien Bonds, a sum equal to at least one-half ( $1/2$ ) of the amount of interest due on First Lien Bonds on the next ensuing interest payment date plus not less than one-fourth ( $1/4$ ) of the principal maturing on First Lien Bonds on the next ensuing principal payment date in each year. The moneys in the First Lien Redemption Account shall be accounted for separately.

(B) Junior Lien Redemption Account. The Junior Lien Redemption Account shall also be established as a subaccount within the Redemption Account to be used solely for the purpose of paying the principal of and interest on Junior Lien Bonds. After

the transfers required above, there shall be transferred quarterly from the Receiving Fund, and deposited in the Junior Lien Redemption Account for payment of principal of and interest on the Junior Lien Bonds, a sum equal to at least one-half (1/2) of the amount of interest on Junior Lien Bonds due on the next ensuing interest payment date plus not less than one-fourth (1/4) of the principal maturing on Junior Lien Bonds on the next ensuing principal payment date in each year. The monies in the Junior Lien Redemption Account shall be accounted for separately.

(C) Bond Reserve Account. The Bond Reserve Account shall also be established as a subaccount of the Redemption Account. There is hereby established a subaccount with respect to the Series 2023 Bonds within the Bond Reserve Account to be known as the Series 2023 Bonds Reserve Account (the “2023 Reserve”). The City shall pay into the 2023 Reserve from the revenues of the System after provision has been made for the Operation and Maintenance Fund and the current requirements of the Redemption Account, an annual sum of not less than \$8,334, until there has been accumulated in the 2023 Reserve the sum of \$83,340 or such other amounts determined by the United States and approved by the Authorized Officer (the “Required Reserve”). Except as hereinafter provided, no further deposits or additions need be made into the 2023 Reserve once the Required Reserve has been deposited therein. The moneys in the Bond Reserve Account shall be used solely for the payment of the principal of and interest on the Series 2023 Bonds as to which there would otherwise be default.

If at any time it shall be necessary to use moneys in the 2023 Reserve for payment of principal and/or interest on the Series 2023 Bonds, then the moneys so used shall be replaced from the revenues first received thereafter that are not required by this Resolution to be used for operation and maintenance or for current principal and interest requirements. The 2023 Reserve shall be maintained while the Series 2023 Bonds remain outstanding or until they are defeased. The 2023 Reserve may be applied to the final payments of principal and interest on the Series 2023 Bonds or to provide funds for their defeasance.

(D) Additional Deposits. If for any reason there is a failure to make a required deposit to any of the subaccounts of the Redemption Account or for any reason there is a deficiency in any of the subaccounts, then an amount equal to the deficiency shall be set aside and deposited in the subaccount from the Net Revenues in the next succeeding period, which amount shall be in addition to the regular deposit required during such succeeding period.

No further payments need be made into a subaccount of the Redemption Account after the amount accumulated and held in the subaccount, or in the case of the Series 2023 Bonds together with amounts held in the 2023 Reserve, is sufficient to pay when due the entire amount of principal and interest that will be payable at the time of maturity or at an earlier redemption date of all the Bonds then remaining outstanding that are payable from the subaccount, or for Bonds that have been defeased as provided in Section 23.

(iii) General Obligation Debt Fund. The G. O. Fund is hereby established. After meeting the requirement of the foregoing funds, there may be transferred quarterly from remaining revenues in the Receiving Fund, or from other available monies, and deposited in the G. O. Fund, such sums as the Council, in its sole discretion determines to be desirable to pay debt service on presently existing or future general obligation bond issues of the City or general obligation contractual obligations of the City incurred or to be incurred for System purposes. This section shall not be construed to create a lien on the Net Revenues in favor of any obligations the debt service on which may be paid from the G. O. Fund from time to time.

(iv) Repair Replacement and Improvement Fund. The City shall create and maintain the Repair Replacement and Improvement Fund. The City shall deposit each year from monies in the Receiving Fund, after meeting the requirements of the subsections set forth above, the sum of \$10,583 or such other amounts determined by the United States and approved by the Authorized Officer, until the principal of and interest on the Series 2023 Bonds has been paid in full. Moneys in the Repair Replacement and Improvement Fund shall be used by the City for the purpose of acquiring and constructing improvements, additions and extensions and for making repairs and replacements to the System. Such additional sums may be deposited into the Repair Replacement and Improvement Fund as the Council shall determine to be necessary from time to time for the purposes of the Repair Replacement and Improvement Fund.

(v) Surplus Moneys. All moneys remaining in the Receiving Fund at the end of any operating year after satisfying the above requirements may be transferred to the Redemption Account and its subaccounts and used as authorized in this Resolution or, at the option of the City, transferred to the G. O. Fund or the Repair Replacement and Improvement Fund and used for the purposes for which said funds were established. Provided, however, that if there should be a deficit in the Operation and Maintenance Fund, and any subaccount of the Redemption Account, the G. O. Fund or a bond reserve account on account of defaults in setting aside therein

the amounts required in this Resolution, or a future resolution, then the City shall transfer the moneys remaining in the Receiving Fund at the end of any operating year to such funds in the priority and order named, to the extent of such deficits. Available surplus moneys may be used to retire any outstanding obligations of the City incurred for construction, expansion or addition to the System, including additional bonds, the issuance of which is authorized by this Resolution, or if no other disposition has been provided for, such moneys may be used for such other purposes of the System as the City Council may deem to be for the best interest of the City.

(vi) Priority of Accounts. In the event the monies in the Receiving Fund are insufficient to provide for the current requirements of the Operation and Maintenance Fund or any subaccounts of the Redemption Account, any monies or securities in other funds of the System, except the Construction Fund, shall be credited or transferred, first, to the Operation and Maintenance Fund, second to the First Lien Redemption Account, third to the Junior Lien Redemption Account and fourth to a bond reserve account, to the extent of any deficit therein.

Section 17. INVESTMENT OF FUNDS. Moneys in the funds and accounts established herein may be invested by the City in bonds, notes, bills and certificates of, or guaranteed by, the United States of America, or in interest bearing time deposits or other investments as shall be determined by the City, subject to the provisions of Act 20, Public Acts of Michigan, 1943, as amended, or any statute subsequently adopted regulating investments by the City.

Section 18. DEPOSITORY AND FUNDS ON HAND. Monies in the several funds and accounts maintained pursuant to this Resolution, except monies in the Construction Fund and Redemption Account, which must be kept in a separate account, may be kept in one or more accounts at financial institutions designated by resolution of the City, and if kept in one account, the monies shall be allocated on the books and records of the City in the manner and at the times provided in this Resolution.

Section 19. RATES AND CHARGES. Rates shall be fixed and revised from time to time by the Council so as to produce amounts that are sufficient to pay the expenses of administration and the costs of operation and maintenance of the System, to provide an amount of revenues adequate for the payment of principal of and interest on the Bonds, reserve, replacement and improvement requirements and to otherwise comply with all requirements and covenants provided herein; and such that are reasonably expected to yield annual Net Revenues of the System, in the current fiscal year equal to at least 100% of principal maturing and interest payable

in such fiscal year on the then outstanding Junior Lien Bonds and equal to such percentage of the annual principal and interest thereafter maturing in such fiscal year on the then outstanding First Lien Bonds, if any, as is established by the resolution authorizing the issuance of the First Lien Bonds; and promptly upon any material change in the circumstances which were not contemplated at the time such rates and charges were most recently reviewed, but not less frequently than once in each fiscal year, review the rates and charges for its services and promptly revise such rates and charges as necessary to comply with the foregoing requirement, in which case the City will be in compliance with the requirements of this Section. The rates and charges for all services and facilities rendered by the System shall be reasonable and just, taking into consideration the costs and value of the System, the cost of maintaining, repairing, and operating the System, and the amounts necessary for the retirement of all Bonds and interest accruing on all Bonds, and there shall be charged such rates and charges as shall be adequate to meet the requirement of this and the preceding sections.

Section 20. NO FREE SERVICE. No free service shall be furnished by the System to the City or to any individual, firm or corporation, public or private, or to any agency or instrumentality.

Section 21. REVENUE BOND COVENANTS. The City covenants and agrees, so long as any of the Bonds hereby authorized remain unpaid, as follows:

(a) It will punctually perform all duties with reference to the System and comply with applicable State laws and regulations and continually operate and maintain the System in good condition.

(b) It will not sell, lease, mortgage or in any manner dispose of the System, or any substantial part of it, until all Bonds payable from the revenues of the System shall have been paid in full, defeased, or provision has been made or an agreement entered into for the payment of such Bonds. The City is explicitly authorized to enter into arrangements, including a lease of the system, with a regional authority in which the City is a participant if such arrangements require the authority to provide funds to make payments sufficient to pay the debt service on any of the bonds affected by the arrangement.

(c) It will cause an annual review of rates and charges to be made and based thereon will adjust such rates and charges to provide the amounts required by this Resolution.



(d) It will maintain complete books and records relating to the operation of the System and its financial affairs, will cause such books and records to be audited annually at the end of each fiscal year and an audit report prepared, and will furnish a Bondholder a copy of such report upon written request.

(e) It will maintain and carry insurance on all physical properties of the System, for the benefit of the Bondholders, of the kinds and in the amounts normally carried by municipalities engaged in the operation of similar systems. All moneys received for losses under any such insurance policies shall be applied solely to the replacement and restoration of the property damaged or destroyed, and to the extent not so used, shall be used for the purpose of calling Bonds.

Section 22. ADDITIONAL BONDS. Additional First Lien Bonds of equal standing and priority with any outstanding First Lien Bonds may be issued for repair, replacement, improvement or extension of the System and to refund all or a portion of Bonds and paying the costs of issuing the Additional First Lien Bonds, but only if the average actual or Adjusted Net Revenues of the System for any consecutive twelve month period out of the 24 months preceding the adoption of the resolution authorizing the issuance of such Bonds shall be equal to at least one hundred percent (100%) of the average annual principal and interest thereafter maturing in any operating year on the then outstanding First Lien Bonds, Junior Lien Bonds and the Additional First Lien Bonds then being issued. In addition, Additional First Lien Bonds of equal standing and priority with any outstanding First Lien Bonds may be issued to refund all or a portion of outstanding Bonds if the refunding would provide a net present value debt service savings to the City. If the Additional First Lien Bonds are to be issued in whole or in part for refunding outstanding Bonds, the annual principal and interest requirements shall be determined by deducting from the principal and interest requirements for each operating year the annual principal and interest requirements of any Bonds to be refunded from the proceeds of the Additional First Lien Bonds.

Additional Junior Lien Bonds of equal standing and priority with any outstanding Junior Lien Bonds may be issued in the discretion of the City.

In addition, at any time that the United States is the holder of all of the Bonds outstanding, Additional First Lien Bonds and Junior Lien Bonds may be issued if the United States consents or agrees to the issuance.

In addition, Additional First Lien Bonds may be issued without meeting any of the conditions and tests set forth above to pay: (i) the cost of acquisition and construction of any repairs, replacements, improvements, major renewals or corrections of any damage or loss to the System necessary, in the opinion of the City engineer, to keep the System in good operating condition or to prevent a loss of Revenues therefrom to the extent that the cost thereof cannot reasonably be paid from the Repair Replacement and Improvement Fund or from insurance proceeds, or (ii) the cost of decommissioning, disposal or termination of any part of the System.

Determination by the Council as to existence of conditions permitting the issuance of Additional Bonds shall be conclusive, provided this shall not eliminate any requirement for any other approval required herein.

Any additional Bonds shall be subject to the various funds herein established, and all revenue from any such extension or replacement constructed by the proceeds of any additional Bonds shall be paid into the Receiving Fund.

Section 23. DEFEASANCE.

(a) Bonds held by the United States shall not be defeased without written approval of the United States.

(b) Except as provided above, in the event cash or direct obligations of the United States or obligations the principal of and interest on which are guaranteed by the United States, or a combination thereof, the principal of and interest on which, without reinvestment, come due at times and in amounts sufficient to pay at maturity or irrevocable call for earlier optional or mandatory redemption, the principal of, premium, if any, and interest on any of the Bonds, shall be deposited in trust, this Resolution shall be defeased with respect to such Bonds (the "Defeased Bonds"), and the owners of the Defeased Bonds shall have no further rights under this Resolution except to receive payment of the principal of, premium, if any, and interest on the bonds from the cash or securities deposited in trust and the interest and gains thereon and to transfer and exchange bonds as provided herein. Defeased Bonds shall be treated as if they have been redeemed for all purposes under this Resolution.

Section 24. FISCAL YEAR OF SYSTEM. The fiscal year for operating the System shall coincide with the fiscal year of the City.

Section 25. CONTRACT WITH BONDHOLDERS. The provisions of this Resolution shall constitute a contract between the City and the Bondholders from time to time, and after the

issuance of any of such Bonds, no change, variation or alteration of the provisions of this Resolution may be made that would lessen the security for such Bonds. The provisions of this Resolution shall be enforceable by appropriate proceedings taken by such Bondholder, either at law or in equity.

Section 26. ELECTRONIC FUND TRANSFERS. Pursuant to the guidelines and requirements of the United States, promulgated through the Rural Development Division of the United States Department of Agriculture, the Series 2023 Bond proceeds will be released and delivered to the City pursuant to draws against such funds during construction and acquisition of the Improvements. Commencing with the issuance of the Series 2023 Bonds, the Treasurer, or his or her appointee, will inscribe his or her initials on Schedule II attached to the appropriate Series 2023 Bonds to acknowledge receipt and acceptance of the amount of the draw. Thereafter the Treasurer will complete and execute an “Estimate of Funds Needed for a Thirty- (30-) Day Period”, Form 440-11 (the “Estimate of Funds Needed”) periodically requesting additional funds.

In the event the United States provides for an electronic fund transfer of draws, the City shall deliver the executed Estimate of Funds Needed by mail or facsimile transmission to the United States, after which the appropriate funds will be wire transferred to the account of the City.

Section 27. LOAN RESOLUTION. The Loan Resolution, RUS Bulletin 1780-27, is hereby adopted and the terms and conditions hereof are incorporated herein, with such changes completions an additions as are approved by the Authorized Officer.

Section 28. PUBLICATION AND RECORDATION. This Resolution shall be published once in full in a newspaper of general circulation in the City qualified under state law to publish legal notices, and the same shall be recorded in the records of the City and such recording authenticated by the signature of the City Clerk.

Section 29. RESOLUTION SUBJECT TO MICHIGAN LAW. The provisions of this Resolution are subject to the laws of the State of Michigan.

Section 30. SECTION HEADINGS. The section headings in this Resolution are furnished for convenience of reference only and shall not be considered to be a part of this Resolution.

Section 31. SEVERABILITY. If any section, paragraph, clause or provision of this Resolution shall be held invalid, the invalidity of such section, paragraph, clause or provision shall not affect any of the other provisions of this Resolution.

Section 32. CONFLICT. Except as provided above, all Resolutions and Resolutions or parts thereof, insofar as the same may be in conflict herewith, are hereby repealed to the extent of the conflict; provided that the foregoing shall not operate to repeal any provision thereof, the repeal of which would impair the obligation on the Bonds.

Section 33. EFFECTIVE DATE OF RESOLUTION. Pursuant to Section 6 of the Act, this Resolution shall be approved on the date of first reading and this Resolution shall be effective immediately upon its adoption and publication as required by the Act.

YEAS: Councilmember Salzwedel, Yankovich, Groves and Mayor DeVore

NAYS: None

ABSTAIN: None

ABSENT: Councilmember Chambers

RESOLUTION DECLARED ADOPTED.

Mike Devore, Mayor

Susan Ullery, Clerk

### **CERTIFICATION**

I, Susan Ullery, the duly qualified and acting Clerk of the City of Lowell, Kent County, Michigan, 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 March 28, 2023, and that notice of said meeting was given pursuant to Act 267, Public Acts of Michigan, 1976, as amended.

Date: March 28, 2023

Susan Ullery, Clerk

**EXHIBIT A**

**UNITED STATES OF AMERICA  
STATE OF MICHIGAN  
COUNTY OF KENT  
CITY OF LOWELL  
SANITARY SEWER SYSTEM JUNIOR LIEN REVENUE BONDS,  
SERIES, 2023  
(Federally Taxable)**

**Interest Rate**

**Maturity Date**

**Date of Original Issue**

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Registered Owner:     United States of America

Principal Amount:     [Insert par amount]

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The City of Lowell, Kent County, Michigan (the “Issuer”), acknowledges itself indebted and, for value received, hereby promises to pay to the Registered Owner specified above, or registered assigns, out of the net revenues of the Sanitary Sewer System of the Issuer, also known as the Wastewater System (the “System”), including all appurtenances, additions, extensions and improvements thereto after provision has been made for reasonable and necessary expenses of operation, maintenance and administration of the System (the “Net Revenues”), the Principal Amount specified above, in the amounts and on the dates as set forth on Schedule I attached hereto, unless prepaid prior thereto as hereinafter provided, together with interest thereon from the dates of receipt of such funds, or such later date to which interest has been paid, at the Interest Rate per annum specified above, first payable on \_\_\_\_\_ 1, 20\_\_, and semiannually thereafter on the first day of \_\_\_\_\_ and \_\_\_\_\_ of each year, except as the provisions hereinafter set forth with respect to redemption of this Bond prior to maturity may become applicable hereto.

Principal of this Bond is payable in lawful money of the United States of America to the United States of America. As long as the United States is the holder of this Bond, such payments shall be made by check, draft, wire transfer, Pre-Authorized Debit (PAD) or such other method of payment as instructed by the United States or its assignee.

This Bond, being one fully registered manuscript bond payable serially as set forth on Schedule I, is issued in accordance with the provisions of Act 94, Public Acts of Michigan, 1933, as amended and a resolution adopted by the City Council of the Issuer on \_\_\_\_\_, 2023 (the "Resolution"), for the purpose of paying the cost of acquiring and constructing improvements to the System. This Bond is a self-liquidating Bond, and is not a general obligation of the Issuer within any constitutional, statutory or charter limitations but is payable, both as to principal and interest, solely from the Net Revenues of the System. The principal of and interest on this Bond are secured by a statutory lien on the Net Revenues.

The Issuer hereby covenants and agrees to fix, and maintain at all times while any of the Bonds shall be outstanding, such rates for service furnished by the System as are required by the Resolution, to maintain a bond and interest redemption account, a bond reserve account and to provide for the payment of expenses of administration and operation and such expenses for maintenance of the System as are necessary to preserve the same in good repair and working order, and to provide for such other expenditures and funds for the System as are required by the Resolution. The statutory liens securing any First Lien Bonds (as defined in the Resolution) issued by the Issuer will be first liens that are and shall remain superior to the lien on the Net Revenues securing this Bond and any and any Additional Junior Lien Bonds (as defined in the Resolution). The Bonds of this series shall have equal standing with any Additional Junior Lien Bonds that may be issued pursuant to the Resolution, and additional bonds of superior standing to the bonds of this series may be issued pursuant to the Resolution. For a complete statement of the revenues from which, and the conditions under which, this Bond is payable, a statement of the conditions under which additional bonds of equal or superior standing may hereafter be issued, and the general covenants and provisions pursuant to which this Bond is issued, reference is made to the Resolution.

While the Bonds of this series are held by the United States of America they shall not be defeased without the prior written consent of the United States of America. The Bonds shall be subject to redemption prior to maturity, at the option of the Issuer and in whole or in part in such order as the Issuer may designate, on any date, at the par value thereof and accrued interest to the date fixed for redemption, without a premium.

This Bond shall be registered in the name of the United States of America on the registration books kept by the Treasurer, acting as Paying Agent and bond registrar. No transfer shall be valid unless made upon the books of the Paying Agent.

It is hereby certified and recited that all acts, conditions and things required by law, precedent to and in the issuance of this Bond, exist and have been done and performed in regular

and due time and form as required by law and that the total indebtedness of the Issuer including this Bond, does not exceed any constitutional, statutory or charter limitation.

IN WITNESS WHEREOF, the City of Lowell, Kent County, Michigan, by its City Council, has caused this Bond to be signed, by the manual or facsimile signatures of its Mayor and the Clerk, all as of the 28<sup>th</sup> day of March, 2023.

\_\_\_\_\_  
Mike Devore, Mayor

\_\_\_\_\_  
Susan Ullery, Clerk

#### **CERTIFICATE OF REGISTRATION AND AUTHENTICATION**

This Bond represents the total authorized issue of the City of Lowell Sanitary Sewer System Junior Lien Revenue Bonds, Series 2023 (Federally Taxable), in the principal amount of [Insert par amount], and has been registered in the name of the Registered Owner designated on the face hereof in the bond register maintained for the City of Lowell.

Date: March 28, 2023

\_\_\_\_\_  
Suzanne Olin, Treasurer  
As Paying Agent/Bond Registrar/Transfer Agent



## TRANSFER

For value received, the undersigned hereby sells, assigns and transfers unto \_\_\_\_\_  
(Tax Identification or Social Security No. \_\_\_\_\_) the within Bond and all rights  
hereunder, and hereby constitutes and appoints \_\_\_\_\_  
attorney, to transfer the within Bond on the books kept for registration thereof by the Paying Agent,  
with full power of substitution in the premises.

Dated: \_\_\_\_\_

**Notice:** The signature to this assignment must  
correspond with the name as it appears on the  
registration books every particular, without  
alteration or enlargement or any change  
whatever.

**SCHEDULE I**

**CITY OF LOWELL**

**\$(INSERT PAR AMOUNT)  
SANITARY SEWER SYSTEM JUNIOR LIEN REVENUE BONDS,  
SERIES 2023  
(Federally Taxable)**

The Bond in the aggregate principal amount of \$[Insert par amount] matures annually on the first day of \_\_\_\_\_ as follows:

<b><u>Year</u></b>	<b><u>Amount</u></b>	<b><u>Year</u></b>	<b><u>Amount</u></b>	<b><u>Year</u></b>	<b><u>Amount</u></b>
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**CITY OF LOWELL**  
**\$[INSERT PAR AMOUNT]**  
**SANITARY SEWER SYSTEM JUNIOR LIEN REVENUE BONDS,**  
**SERIES 2023**  
**(Federally Taxable)**

**REGISTRATION**  
**(Nothing to be Written Hereon Except by the Bond Registrar)**

<b>Date of Registration</b>	<b>Principal Installment Delivered</b>	<b>Name of Registered Owner</b>	<b>Bond Registrar</b>
		United States of America	
		United States of America	
		United States of America	
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INVOICE APPROVAL BY INVOICE REPORT FOR CITY OF LOWELL  
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BOTH OPEN AND PAID - CHECK TYPE: PAPER CHECK

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Vendor Code	Vendor Name	Description	Amount
Invoice			
10423	AB SPRING SERVICE, INC.		
	01S30463	#14 CEMETERY	1,880.94
TOTAL FOR: AB SPRING SERVICE, INC.			1,880.94
10816	AMAZON CAPITAL SERVICES		
	16DR-Q19N-H3TL	FILTER FOR NW PUMP STATION	73.63
	1N17-JMKF-6QQX	EQUIPMENT R&M	209.35
	1PTR-L933-GX9H	PARTS FOR INVENTORY	46.84
	1WLH-T4RL-7CCQ	#15 FLOW TRUCK	16.69
	6242230 ORDER#	WTP PARTS	46.00
TOTAL FOR: AMAZON CAPITAL SERVICES			392.51
10818	AT&T MOBILITY		
	04/01/23	FIRSTNET PHONE BILL	994.46
TOTAL FOR: AT&T MOBILITY			994.46
10121	BEHRENS LIMITED, LCC		
	2503	CLEANER & PARTS	85.60
TOTAL FOR: BEHRENS LIMITED, LCC			85.60
REFUND TAX	BIG BISCUIT HOLDINGS		
	03/17/23	REFUND ESCROW FOR 815 W MAIN REZONING	285.00
TOTAL FOR: BIG BISCUIT HOLDINGS			285.00
10822	BLDI ENVIRONMENTAL ENGINEERING		
	20857	FORMER CITY OF LOWELL LANDFILL	65,767.80
TOTAL FOR: BLDI ENVIRONMENTAL ENGINEERING			65,767.80
00104	CITY OF GRAND RAPIDS/ TREASURER		
	23002704	FEB. & SEPT. PARKING VALIDATIONS	80.50
TOTAL FOR: CITY OF GRAND RAPIDS/ TREASURER			80.50
02121	CMP		
	74905	SHEARS TRAUMA PLATE	785.00
TOTAL FOR: CMP			785.00
10509	CONSUMERS ENERGY		
	201096931343	ACCOUNT STATEMENT - AIRPORT 02/22 - 3/22/23	48.08
	201185882364	ACCOUNT STATEMENT	665.90
	201363842952	ACCOUNT STATEMENT	353.65
	201719779286	ACCOUNT STATEMENT	29.08
	202075737557	ACCOUNT STATEMENT - PUMP STATION	207.19
	20243171893	ACCOUNT STATEMENT	435.36
	202609689704	ACCOUNT STATEMENT	156.03
	204122527852	ACCOUNT STATEMENT - DPW	707.04
	205546336353	ACCOUNT STATEMENT	104.86
	205635292632	ACCOUNT STATEMENT	524.96
	205813275425	WTP ACCOUNT STATEMENT	586.48
	207147029431	ACCOUNT STATEMENT- LIBRARY	1,640.86
	207147029432	ACCOUNT STATEMENT	1,962.36
TOTAL FOR: CONSUMERS ENERGY			7,421.85
11011	CR FORGE LLC		
	20123711597	SHOWBOAT FENCING	15,990.50
TOTAL FOR: CR FORGE LLC			15,990.50
02089	DORNBOS SIGN, INC		
	INV6799	DOWNTOWN PARKING SIGNS	375.00
	INV68474	DPW SUPPLIES	241.80
TOTAL FOR: DORNBOS SIGN, INC			616.80

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BOTH JOURNALIZED AND UNJOURNALIZED

BOTH OPEN AND PAID - CHECK TYPE: PAPER CHECK

Vendor Code	Vendor Name	Description	Amount
	Invoice		
10622	ELAN CITY		
	20-3210	SPEED SIGN - REPLACEMENT	1,562.00
TOTAL FOR: ELAN CITY			1,562.00
10959	ENBODY, DAVID		
	3/20/23	CONFERENCE MEAL RECIEPTS	77.14
TOTAL FOR: ENBODY, DAVID			77.14
MISC	FALLASBURG HISTORICAL SOCIETY		
	03/14/23	LCTV ENDOWMENT - TECHNOLOGY UPGRADE	4,284.09
TOTAL FOR: FALLASBURG HISTORICAL SOCIETY			4,284.09
10673	FERGUSON WATERWORKS		
	0169178	METER PARTS	2,459.11
	0170026-3	METER PARTS	393.00
	0170026-4	METER PARTS	369.12
	0173275	WTP PARTS	2,682.60
TOTAL FOR: FERGUSON WATERWORKS			5,903.83
10211	FIRE PROS INC.		
	INV - 1867821	POLICE NEW SPRINKLER	817.03
	INV-1867832	MUSEUM ALARM SYSTEM	404.50
TOTAL FOR: FIRE PROS INC.			1,221.53
REFUND TAX	FLAT RIVER GRILL		
	03/17/2023	2022 Sum Tax Refund 41-50-72-003-609	160.83
TOTAL FOR: FLAT RIVER GRILL			160.83
11010	GEN DIGITAL INC		
	10010206780	LIFELOCK - JULY 1, 2019 - MAY 31, 2020	1,200.00
TOTAL FOR: GEN DIGITAL INC			1,200.00
10573	GREENMARK EQUIPMENT		
	P57060	#36 302 JOHN DEERE TRACTOR	42.91
TOTAL FOR: GREENMARK EQUIPMENT			42.91
00248	HOOPER PRINTING, LLC		
	66383	EXPO HANDOUTS	69.22
TOTAL FOR: HOOPER PRINTING, LLC			69.22
00298	KENT COUNTY TREASURER		
	23031700419	POLICE DISPATCH 3/21/23	20,551.86
TOTAL FOR: KENT COUNTY TREASURER			20,551.86
MISC	KENT DISTRICT LIBRARY		
	03/15/23	LCTV ENDOWMENT FUND - TEEN AREA REMODELING PROJECT	2,250.00
TOTAL FOR: KENT DISTRICT LIBRARY			2,250.00
02209	KERKSTRA PORTABLE, INC.		
	220418	OAKWOOD CEMETERY	150.00
TOTAL FOR: KERKSTRA PORTABLE, INC.			150.00
10968	KERR PUMP AND SUPPLY INC		
	INV217921	WWTP SHAFT DRIVE	2,114.99
TOTAL FOR: KERR PUMP AND SUPPLY INC			2,114.99
00333	LOWELL AREA FIRE DEPT.		
	03/06/23	LCTV ENDOWMENT - NOZZLE REPLACEMENT	10,000.00
TOTAL FOR: LOWELL AREA FIRE DEPT.			10,000.00

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Vendor Code	Vendor Name Invoice	Description	Amount
00341	LOWELL LIGHT & POWER 2692	SPECTROTOL / COMCAST / IPC	1,586.65
TOTAL FOR: LOWELL LIGHT & POWER			1,586.65
01633	NEW PIG CORP. 23918578-00	WTP WATER FILTER BUCKET	176.15
TOTAL FOR: NEW PIG CORP.			176.15
00501	PHILLIPS, TODD 03/22/23	CONFERENCE MEAL RECEIPTS	121.86
TOTAL FOR: PHILLIPS, TODD			121.86
10898	POINT BROADBAND 5267-20230317-1	MARCH INTERNET SERVICES	319.99
TOTAL FOR: POINT BROADBAND			319.99
00991	POLLARDWATER 0233434	CURB STOP BOX CLEANER PARTS	149.25
TOTAL FOR: POLLARDWATER			149.25
00506	POSTMASTER 03/30/2023	MAILING WATER AND SEWER BILLS	515.09
TOTAL FOR: POSTMASTER			515.09
02331	PROGRESSIVE HEATING COOLING, CORP. 2021520	PREVENTIVE MAIN. LOWELL MUSEUM	195.00
TOTAL FOR: PROGRESSIVE HEATING COOLING, CORP.			195.00
10378	RUESINK, KATHIE 03/30/2023 585003	CLEANING CITY HALL 3/17 - 3/30 CLEANING SERVICES 3/03- 3/16	720.00 720.00
TOTAL FOR: RUESINK, KATHIE			1,440.00
MISC	SENIOR NEIGHBORS 03/09/23	LCTV ENDOWMENT FUND	27,150.54
TOTAL FOR: SENIOR NEIGHBORS			27,150.54
10849	SMART BUSINESS SOURCE OE-631145-1	SUPPLIES	19.85
TOTAL FOR: SMART BUSINESS SOURCE			19.85
01627	STATE INSTALLATION & SERVICE LLC 21534	ANNUAL INSPECTION ON INGROUND LIFT	210.00
TOTAL FOR: STATE INSTALLATION & SERVICE LLC			210.00
02473	SUPERIOR ASPHALT, INC. 72461	STREET SUPPLIES	1,395.00
TOTAL FOR: SUPERIOR ASPHALT, INC.			1,395.00
00628	TERMINAL SUPPLY CO. 25874-00	#36 JOHN DEERE R&M	110.35
TOTAL FOR: TERMINAL SUPPLY CO.			110.35
01275	THE VERDIN COMPANY 107393	MAINRENANCE RENEWAL	695.00
TOTAL FOR: THE VERDIN COMPANY			695.00

Vendor Code	Vendor Name	Invoice	Description	Amount
REFUND UB	WANDA FOX TRUST			
		03/17/2023	UB Receipt Refund for Account #: 3-00160	60.90
		03/17/2023	UB Receipt Refund for Account #: 3-00160	67.98
		03/17/2023	UB Receipt Refund for Account #: 3-00160	67.98
TOTAL FOR: WANDA FOX TRUST				196.86
00692	WILLIAMS & WORKS INC.			
	96031		PLANNER OF RECORD	1,550.00
TOTAL FOR: WILLIAMS & WORKS INC.				1,550.00
TOTAL - ALL VENDORS				179,720.95

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INVOICE GL DISTRIBUTION REPORT FOR CITY OF LOWELL  
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GL Number	Invoice Line Desc	Vendor	Invoice Description	Amount	Check #
Fund 101 GENERAL FUND					
Dept 000					
101-000-084.015	DUE FROM FIRE AUTHORITY	POINT BROADBAND	MARCH INTERNET SERVICES	29.49	78388
101-000-085.000	DUE FROM LIGHT & POWER	POINT BROADBAND	MARCH INTERNET SERVICES	60.46	78388
Total For Dept 000				89.95	
Dept 101 COUNCIL					
101-101-955.000	MISCELLANEOUS EXPENSE	AT&T MOBILITY	FIRSTNET PHONE BILL	36.24	78405
Total For Dept 101 COUNCI				36.24	
Dept 172 MANAGER					
101-172-801.000	PROFESSIONAL SERVICES	BLDI ENVIRONMENTAL ENGINE	FORMER CITY OF LOWELL LAN	65,767.80	78409
101-172-850.000	COMMUNICATIONS	AT&T MOBILITY	FIRSTNET PHONE BILL	45.05	78405
101-172-955.000	MISCELLANEOUS EXPENSE	CITY OF GRAND RAPIDS/ TRE	FEB. & SEPT. PARKING VALI	80.50	78410
Total For Dept 172 MANAGE				65,893.35	
Dept 215 CLERK					
101-215-850.000	COMMUNICATIONS	AT&T MOBILITY	FIRSTNET PHONE BILL	45.05	78405
Total For Dept 215 CLERK				45.05	
Dept 265 CITY HALL					
101-265-727.000	OFFICE SUPPLIES	SMART BUSINESS SOURCE	SUPPLIES	17.25	78431
101-265-802.000	CONTRACTUAL	RUESINK, KATHIE	CLEANING SERVICES 3/03- 3	360.00	78392
101-265-802.000	CONTRACTUAL	FIRE PROS INC.	POLICE NEW SPRINKLER	817.03	78418
101-265-802.000	CONTRACTUAL	RUESINK, KATHIE	CLEANING CITY HALL 3/17 -	360.00	78436
101-265-850.000	COMMUNICATIONS	POINT BROADBAND	MARCH INTERNET SERVICES	44.99	78388
101-265-850.000	COMMUNICATIONS	LOWELL LIGHT & POWER	SPECTROTEL / COMCAST / IP	290.58	78425
101-265-920.000	PUBLIC UTILITIES	CONSUMERS ENERGY	ACCOUNT STATEMENT	1,962.36	78357
Total For Dept 265 CITY H				3,852.21	
Dept 276 CEMETERY					
101-276-740.000	OPERATING SUPPLIES	SMART BUSINESS SOURCE	SUPPLIES	2.60	78431
101-276-802.000	CONTRACTUAL	KERKSTRA PORTABLE, INC.	OAKWOOD CEMETERY	150.00	78422
Total For Dept 276 CEMETE				152.60	
Dept 301 POLICE DEPARTMENT					
101-301-740.000	OPERATING SUPPLIES	HOOPER PRINTING, LLC	EXPO HANDOUTS	69.22	78419
101-301-744.000	UNIFORMS	CMP	SHEARS TRAUMA PLATE	785.00	78355
101-301-803.000	DISPATCHING SERVICES	KENT COUNTY TREASURER	POLICE DISPATCH 3/21/23	20,551.86	78420
101-301-850.000	COMMUNICATIONS	POINT BROADBAND	MARCH INTERNET SERVICES	44.98	78388
101-301-850.000	COMMUNICATIONS	AT&T MOBILITY	FIRSTNET PHONE BILL	540.52	78405
101-301-850.000	COMMUNICATIONS	LOWELL LIGHT & POWER	SPECTROTEL / COMCAST / IP	177.97	78425
Total For Dept 301 POLICE				22,169.55	
Dept 400 PLANNING & ZONING					
101-400-801.000	PROFESSIONAL SERVICES	WILLIAMS & WORKS INC.	PLANNER OF RECORD	952.00	78403
101-400-801.000	PROFESSIONAL SERVICES	BIG BISCUIT HOLDINGS	REFUND ESCROW FOR 815 W M	285.00	78353
101-400-801.000	PROFESSIONAL SERVICES	WILLIAMS & WORKS INC.	PLANNER OF RECORD	260.00	78403
101-400-801.000	PROFESSIONAL SERVICES	WILLIAMS & WORKS INC.	PLANNER OF RECORD	338.00	78403
Total For Dept 400 PLANNI				1,835.00	
Dept 441 DEPARTMENT OF PUBLIC WORKS					
101-441-850.000	COMMUNICATIONS	POINT BROADBAND	MARCH INTERNET SERVICES	29.49	78388
101-441-850.000	COMMUNICATIONS	AT&T MOBILITY	FIRSTNET PHONE BILL	88.32	78405
101-441-850.000	COMMUNICATIONS	LOWELL LIGHT & POWER	SPECTROTEL / COMCAST / IP	70.17	78425
101-441-920.000	PUBLIC UTILITIES	CONSUMERS ENERGY	ACCOUNT STATEMENT - DPW	707.04	78357
101-441-920.000	PUBLIC UTILITIES	CONSUMERS ENERGY	ACCOUNT STATEMENT	524.96	78357
Total For Dept 441 DEPART				1,419.98	
Dept 747 CHAMBER/RIVERWALK					
101-747-920.000	CHAMBER UTILITIES	CONSUMERS ENERGY	ACCOUNT STATEMENT	104.86	78357
Total For Dept 747 CHAMBE				104.86	
Dept 751 PARKS					
101-751-850.000	COMMUNICATIONS	AT&T MOBILITY	FIRSTNET PHONE BILL	38.24	78405



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GL Number	Invoice Line Desc	Vendor	Invoice Description	Amount	Check #
Fund 101 GENERAL FUND					
Dept 751 PARKS					
Total For Dept 751 PARKS				38.24	
Dept 790 LIBRARY					
101-790-802.000	CONTRACTUAL	RUESINK, KATHIE	CLEANING SERVICES 3/03- 3	360.00	78392
101-790-802.000	CONTRACTUAL	RUESINK, KATHIE	CLEANING CITY HALL 3/17 -	360.00	78436
101-790-850.000	COMMUNICATIONS	LOWELL LIGHT & POWER	SPECTROTEL / COMCAST / IP	144.48	78425
101-790-920.000	PUBLIC UTILITIES	CONSUMERS ENERGY	ACCOUNT STATEMENT- LIBRAR	1,640.86	78357
Total For Dept 790 LIBRAR				2,505.34	
Dept 804 MUSEUM					
101-804-802.000	CONTRACTUAL	FIRE PROS INC.	MUSEUM ALARM SYSTEM	404.50	78418
101-804-887.000	CONTRIBUTIONS & MAINTENAN	PROGRESSIVE HEATING COOLI	PREVENTIVE MAIN. LOWELL M	195.00	78429
101-804-920.000	PUBLIC UTILITIES	CONSUMERS ENERGY	ACCOUNT STATEMENT	665.90	78357
Total For Dept 804 MUSEUM				1,265.40	
Total For Fund 101 GENERA				99,407.77	
Fund 202 MAJOR STREET FUND					
Dept 478 WINTER MAINTENANCE					
202-478-740.000	OPERATING SUPPLIES	SUPERIOR ASPHALT, INC.	STREET SUPPLIES	1,395.00	78433
Total For Dept 478 WINTER				1,395.00	
Total For Fund 202 MAJOR				1,395.00	
Fund 248 DOWNTOWN DEVELOPMENT AUTHORITY					
Dept 450 CAPITAL OUTLAY					
248-450-970.000	CAPITAL OUTLAY	CR FORGE LLC	SHOWBOAT FENCING	15,990.50	78412
Total For Dept 450 CAPITA				15,990.50	
Dept 463 MAINTENANCE					
248-463-740.000	OPERATING SUPPLIES	DORNBOS SIGN, INC	DOWNTOWN PARKING SIGNS	375.00	78361
248-463-740.000	OPERATING SUPPLIES	THE VERDIN COMPANY	MAINRENANCE RENEWAL	695.00	78398
248-463-740.000	OPERATING SUPPLIES	DORNBOS SIGN, INC	DPW SUPPLIES	241.80	78413
248-463-930.000	REPAIR & MAINTENANCE	ELAN CITY	SPEED SIGN - REPLACEMENT	1,562.00	78414
Total For Dept 463 MAINTEN				2,873.80	
Total For Fund 248 DOWNTOW				18,864.30	
Fund 581 AIRPORT FUND					
Dept 000					
581-000-920.000	PUBLIC UTILITIES	CONSUMERS ENERGY	ACCOUNT STATEMENT - AIRPO	48.08	78411
581-000-920.000	PUBLIC UTILITIES	CONSUMERS ENERGY	ACCOUNT STATEMENT	29.08	78411
581-000-920.000	PUBLIC UTILITIES	CONSUMERS ENERGY	ACCOUNT STATEMENT	353.65	78411
581-000-920.000	PUBLIC UTILITIES	CONSUMERS ENERGY	ACCOUNT STATEMENT	435.36	78411
581-000-955.000	MISCELLANEOUS EXPENSE	POINT BROADBAND	MARCH INTERNET SERVICES	51.60	78388
Total For Dept 000				917.77	
Total For Fund 581 AIRPOR				917.77	
Fund 590 WASTEWATER FUND					
Dept 000					
590-000-043.000	DUE FROM VEOLIA	POINT BROADBAND	MARCH INTERNET SERVICES	29.49	78388
590-000-043.000	DUE FROM VEOLIA	LOWELL LIGHT & POWER	SPECTROTEL / COMCAST / IP	43.86	78425
590-000-276.000	Sewer	WANDA FOX TRUST	UB Receipt Refund for Acc	4.49	78402
590-000-276.000	Sewer Inside 5/8"	WANDA FOX TRUST	UB Receipt Refund for Acc	27.21	78402
590-000-276.000	Sewer	WANDA FOX TRUST	UB Receipt Refund for Acc	8.98	78402
590-000-276.000	Sewer Inside 5/8"	WANDA FOX TRUST	UB Receipt Refund for Acc	27.21	78402
590-000-276.000	Sewer	WANDA FOX TRUST	UB Receipt Refund for Acc	8.98	78402
590-000-276.000	Sewer Inside 5/8"	WANDA FOX TRUST	UB Receipt Refund for Acc	27.21	78402
Total For Dept 000				177.43	
Dept 550 TREATMENT					
590-550-930.000	REPAIR & MAINTENANCE	KERR PUMP AND SUPPLY INC	WWTP SHAFT DRIVE	2,114.99	78423
Total For Dept 550 TREATM				2,114.99	

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## INVOICE GL DISTRIBUTION REPORT FOR CITY OF LOWELL

EXP CHECK RUN DATES 03/17/2023 - 03/31/2023

BOTH JOURNALIZED AND UNJOURNALIZED

BOTH OPEN AND PAID

Page: 3/5

GL Number	Invoice Line Desc	Vendor	Invoice Description	Amount	Check #
Fund 590 WASTEWATER FUND					
Dept 551 COLLECTION					
590-551-850.000	COMMUNICATIONS	AT&T MOBILITY	FIRSTNET PHONE BILL	81.40	78405
590-551-930.000	REPAIR & MAINTENANCE	FERGUSON WATERWORKS	METER PARTS	1,229.56	78364
590-551-930.000	REPAIR & MAINTENANCE	FERGUSON WATERWORKS	METER PARTS	196.50	78364
590-551-930.000	REPAIR & MAINTENANCE	FERGUSON WATERWORKS	METER PARTS	184.56	78417
590-551-930.000	REPAIR & MAINTENANCE	FERGUSON WATERWORKS	WTP PARTS	1,341.30	78417
590-551-930.000	REPAIR & MAINTENANCE	FERGUSON WATERWORKS	WTP PARTS	1,341.30	78417
Total For Dept 551 COLLEC				4,374.62	
Dept 552 CUSTOMER ACCOUNTS					
590-552-730.000	POSTAGE	POSTMASTER	MAILING WATER AND SEWER B	257.54	78435
Total For Dept 552 CUSTOM				257.54	
Total For Fund 590 WASTE				6,924.58	
Fund 591 WATER FUND					
Dept 000					
591-000-276.000	Water	WANDA FOX TRUST	UB Receipt Refund for Acc	2.59	78402
591-000-276.000	Water Inside 5/8"	WANDA FOX TRUST	UB Receipt Refund for Acc	26.61	78402
591-000-276.000	Water	WANDA FOX TRUST	UB Receipt Refund for Acc	5.18	78402
591-000-276.000	Water Inside 5/8"	WANDA FOX TRUST	UB Receipt Refund for Acc	26.61	78402
591-000-276.000	Water	WANDA FOX TRUST	UB Receipt Refund for Acc	5.18	78402
591-000-276.000	Water Inside 5/8"	WANDA FOX TRUST	UB Receipt Refund for Acc	26.61	78402
Total For Dept 000				92.78	
Dept 570 TREATMENT					
591-570-850.000	COMMUNICATIONS	POINT BROADBAND	MARCH INTERNET SERVICES	29.49	78388
591-570-850.000	COMMUNICATIONS	AT&T MOBILITY	FIRSTNET PHONE BILL	38.24	78405
591-570-850.000	COMMUNICATIONS	LOWELL LIGHT & POWER	SPECTROTEL / COMCAST / IP	89.79	78425
591-570-864.000	CONFERENCES & CONVENTIONS	PHILLIPS, TODD	CONFERENCE MEAL RECEIPTS	121.86	78427
591-570-920.000	PUBLIC UTILITIES	CONSUMERS ENERGY	WTP ACCOUNT STATEMENT	586.48	78357
591-570-930.000	REPAIR & MAINTENANCE	AMAZON CAPITAL SERVICES	WTP PARTS	46.00	78407
591-570-930.000	REPAIR & MAINTENANCE	NEW PIG CORP.	WTP WATER FILTER BUCKET	176.15	78426
Total For Dept 570 TREATM				1,088.01	
Dept 571 DISTRIBUTION					
591-571-850.000	COMMUNICATIONS	AT&T MOBILITY	FIRSTNET PHONE BILL	81.40	78405
591-571-864.000	CONFERENCES & CONVENTIONS	ENBODY, DAVID	CONFERENCE MEAL RECIEPTS	77.14	78415
591-571-920.000	PUBLIC UTILITIES	CONSUMERS ENERGY	ACCOUNT STATEMENT - PUMP	207.19	78357
591-571-920.000	PUBLIC UTILITIES	CONSUMERS ENERGY	ACCOUNT STATEMENT	156.03	78357
591-571-930.000	REPAIR & MAINTENANCE	FERGUSON WATERWORKS	METER PARTS	1,229.55	78364
591-571-930.000	REPAIR & MAINTENANCE	FERGUSON WATERWORKS	METER PARTS	196.50	78364
591-571-930.000	REPAIR & MAINTENANCE	AMAZON CAPITAL SERVICES	PARTS FOR INVENTORY	46.84	78407
591-571-930.000	REPAIR & MAINTENANCE	AMAZON CAPITAL SERVICES	FILTER FOR NW PUMP STATIO	73.63	78407
591-571-930.000	REPAIR & MAINTENANCE	FERGUSON WATERWORKS	METER PARTS	184.56	78417
591-571-930.000	REPAIR & MAINTENANCE	POLLARDWATER	CURB STOP BOX CLEANER PAR	149.25	78428
Total For Dept 571 DISTRI				2,402.09	
Dept 572 CUSTOMER ACCOUNTS					
591-572-730.000	POSTAGE	POSTMASTER	MAILING WATER AND SEWER B	257.55	78435
Total For Dept 572 CUSTOM				257.55	
Total For Fund 591 WATER				3,840.43	
Fund 598 CABLE TV FUND					
Dept 000					
598-000-970.000	CAPITAL OUTLAY	FALLASBURG HISTORICAL SOC	LCTV ENDOWMENT - TECHNOLO	4,284.09	78416
598-000-970.000	CAPITAL OUTLAY	KENT DISTRICT LIBRARY	LCTV ENDOWMENT FUND - TEE	2,250.00	78421
598-000-970.000	CAPITAL OUTLAY	LOWELL AREA FIRE DEPT.	LCTV ENDOWMENT - NOZZLE R	10,000.00	78424
598-000-970.000	CAPITAL OUTLAY	SENIOR NEIGHBORS	LCTV ENDOWMENT FUND	27,150.54	78430
Total For Dept 000				43,684.63	
Total For Fund 598 CABLE				43,684.63	

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INVOICE GL DISTRIBUTION REPORT FOR CITY OF LOWELL  
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BOTH JOURNALIZED AND UNJOURNALIZED  
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GL Number	Invoice Line Desc	Vendor	Invoice Description	Amount	Check #
Fund 636 DATA PROCESSING FUND					
Dept 000					
636-000-740.000	OPERATING SUPPLIES	GEN DIGITAL INC	LIFELOCK - JULY 1, 2019 -	1,200.00	78406
636-000-801.000	PROFESSIONAL SERVICES	LOWELL LIGHT & POWER	SPECTROTEL / COMCAST / IP	27.00	78425
636-000-801.000	PROFESSIONAL SERVICES	LOWELL LIGHT & POWER	SPECTROTEL / COMCAST / IP	7.20	78425
636-000-801.000	PROFESSIONAL SERVICES	LOWELL LIGHT & POWER	SPECTROTEL / COMCAST / IP	450.60	78425
636-000-801.000	PROFESSIONAL SERVICES	LOWELL LIGHT & POWER	SPECTROTEL / COMCAST / IP	285.00	78425
Total For Dept 000				1,969.80	
Total For Fund 636 DATA P				1,969.80	
Fund 661 EQUIPMENT FUND					
Dept 895 FLEET MAINT. & REPLACEMENT					
661-895-740.000	OPERATING SUPPLIES	STATE INSTALLATION & SERV	ANNUAL INSPECTION ON INGR	210.00	78432
661-895-930.000	REPAIR & MAINTENANCE	AB SPRING SERVICE, INC.	#14 CEMETERY	1,880.94	78346
661-895-930.000	REPAIR & MAINTENANCE	AMAZON CAPITAL SERVICES	EQUIPMENT R&M	209.35	78349
661-895-930.000	REPAIR & MAINTENANCE	GREENMARK EQUIPMENT	#36 302 JOHN DEERE TRACTO	42.91	78369
661-895-930.000	REPAIR & MAINTENANCE	AMAZON CAPITAL SERVICES	#15 PLOW TRUCK	16.69	78407
661-895-930.000	REPAIR & MAINTENANCE	BEHRENS LIMITED, LCC	CLEANER & PARTS	85.60	78408
661-895-930.000	REPAIR & MAINTENANCE	TERMINAL SUPPLY CO.	#36 JOHN DEERE R&M	110.35	78434
Total For Dept 895 FLEET				2,555.84	
Total For Fund 661 EQUIPM				2,555.84	
Fund 703 CURRENT TAX COLLECTION FUND					
Dept 000					
703-000-275.000	DUE TO TAXPAYERS	FLAT RIVER GRILL	2022 Sum Tax Refund 41-50	160.83	78366
Total For Dept 000				160.83	
Total For Fund 703 CURREN				160.83	

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INVOICE GL DISTRIBUTION REPORT FOR CITY OF LOWELL  
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Page: 5/5

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

Fund 101	GENERAL FUND	99,407.77
Fund 202	MAJOR STREET FUN	1,395.00
Fund 248	DOWNTOWN DEVELOP	18,864.30
Fund 581	AIRPORT FUND	917.77
Fund 590	WASTEWATER FUND	6,924.58
Fund 591	WATER FUND	3,840.43
Fund 598	CABLE TV FUND	43,684.63
Fund 636	DATA PROCESSING	1,969.80
Fund 661	EQUIPMENT FUND	2,555.84
Fund 703	CURRENT TAX COLL	160.83

179,720.95



**LOWELL CITY COUNCIL**  
**MEMORANDUM**

**DATE: March 31, 2023**

**TO: Mayor DeVore and Lowell City Council**

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

**RE: Parking Ordinance 23-02**

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Recently, the City Council approved Ordinance 23-02. At the time, the City Council restricted parking on Main Street from Hudson to Jefferson from 2 AM to 6 AM every day. Upon further review, City Administration was directed to bring back Section 21-70 restricting parking on Main Street from 2 AM to 6 AM from November 1 to April 1 only.

Attached is a redline and clean version of Section 21-70 with the modifications requested.

**I recommend the Lowell City Council modify Ordinance 23-02 allowing the changes pertaining to Section 21-70 restricting parking on Main Street from 2 AM to 6 AM from November 1 to April 1 annually.**

**Sec. 21-70. - Parking prohibited on Main Street between 2:00 a.m. and 6:00 a.m.**

No vehicle shall be parked on Main Street from Hudson Street to Jefferson Street between the hours of 2:00 a.m. and 6:00 a.m. from November 1 through March 31.

<b>Summary report:</b> <b>Litera Compare for Word 11.1.0.69 Document comparison done on</b> <b>3/24/2023 8:10:16 AM</b>	
<b>Style name:</b> Default Style	
<b>Intelligent Table Comparison:</b> Active	
<b>Original filename:</b> Section 21-70.docx	
<b>Modified filename:</b> Section 21-70 v 1.docx	
<b>Changes:</b>	
Add	1
Delete	0
Move From	0
Move To	0
Table Insert	0
Table Delete	0
Table moves to	0
Table moves from	0
Embedded Graphics (Visio, ChemDraw, Images etc.)	0
Embedded Excel	0
Format changes	0
<b>Total Changes:</b>	1

**CITY OF LOWELL  
KENT COUNTY, MICHIGAN**

**ORDINANCE NO. 23 -02**

**AN ORDINANCE TO PROTECT THE PUBLIC HEALTH,  
SAFETY, AND GENERAL WELFARE OF PERSONS AND  
PROPERTY WITHIN CITY OF LOWELL, MICHIGAN,  
THROUGH THE ADOPTION OF CERTAIN MOTOR  
VEHICLE PROHIBITIONS.**

Councilmember \_\_\_\_\_, supported by Councilmember \_\_\_\_\_, moved  
the adoption of the following ordinance:

**THE CITY OF LOWELL ORDAINS AS FOLLOWS:**

**Section 1. Amendment and Restatement of Section 21-70.** Section 21-70, Division 1, “Generally,” of Article IV, “Stopping, Standing and Parking,” Chapter 21, “Traffic and Motor Vehicles,” of the Code of Ordinances of the City of Lowell is amended and restated in its entirety to read as follows:

**Sec. 21-70. - Parking prohibited on Main Street between 2:00  
a.m. and 6:00 a.m.**

No vehicle shall be parked on Main Street from Hudson Street to Jefferson Street between the hours of 2:00 a.m. and 6:00 a.m. from November 1 through March 31.

**Section 2. Repeal.** All ordinances inconsistent with the provisions of this Ordinance are hereby repealed.

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

YEAS: Councilmembers \_\_\_\_\_

\_\_\_\_\_

NAYS: Councilmembers \_\_\_\_\_

ABSTAIN: Councilmembers \_\_\_\_\_

ABSENT: Councilmembers \_\_\_\_\_

**ORDINANCE DECLARED ADOPTED.**

Dated: \_\_\_\_\_

\_\_\_\_\_  
Susan Ullery  
City Clerk

## CERTIFICATION

I, the undersigned City Clerk of the City of Lowell, Michigan (the "City"), certify that the above ordinance is a true and complete copy of an ordinance adopted at a regular meeting of the Lowell City Council held on \_\_\_\_\_, 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 \_\_\_\_\_, 2023. I further certify that the above ordinance was entered into the Ordinance Book of the City on \_\_\_\_\_, 2023, and was effective \_\_\_\_\_, 2023, ten (10) days after publication.

Dated: \_\_\_\_\_, 2023

\_\_\_\_\_  
Susan Ullery  
City Clerk

4889-1590-7912 v3 [60857-994]

**LOAN RESOLUTION** — 09-23  
(Public Bodies)A RESOLUTION OF THE City CouncilOF THE City of Lowell

AUTHORIZING AND PROVIDING FOR THE INCURRENCE OF INDEBTEDNESS FOR THE PURPOSE OF PROVIDING A PORTION OF THE COST OF ACQUIRING, CONSTRUCTING, ENLARGING, IMPROVING, AND/OR EXTENDING ITS

drinking water system

FACILITY TO SERVE AN AREA LAWFULLY WITHIN ITS JURISDICTION TO SERVE.

WHEREAS, it is necessary for the City of Lowell

(Public Body)

(herein after called Association) to raise a portion of the cost of such undertaking by issuance of its bonds in the principal amount of

One Million Five Hundred Four Thousand & 00 100pursuant to the provisions of Michigan Public Act 94 of 1933, as amended; and**WHEREAS**, the Association intends to obtain assistance from the United States Department of Agriculture, (herein called the Government) acting under the provisions of the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.) in the planning, financing, and supervision of such undertaking and the purchasing of bonds lawfully issued, in the event that no other acceptable purchaser for such bonds is found by the Association:**NOW THEREFORE**, in consideration of the premises the Association hereby resolves:

1. To have prepared on its behalf and to adopt an ordinance or resolution for the issuance of its bonds containing such items and in such forms as are required by State statutes and as are agreeable and acceptable to the Government.
2. To refinance the unpaid balance, in whole or in part, of its bonds upon the request of the Government if at any time it shall appear to the Government that the Association is able to refinance its bonds by obtaining a loan for such purposes from responsible cooperative or private sources at reasonable rates and terms for loans for similar purposes and periods of time as required by section 333(c) of said Consolidated Farm and Rural Development Act (7 U.S.C. 1983(c)).
3. To provide for, execute, and comply with Form RD 400-4, "Assurance Agreement," and Form RD 400-1, "Equal Opportunity Agreement," including an "Equal Opportunity Clause," which clause is to be incorporated in, or attached as a rider to, each construction contract and subcontract involving in excess of \$10,000.
4. To indemnify the Government for any payments made or losses suffered by the Government on behalf of the Association. Such indemnification shall be payable from the same source of funds pledged to pay the bonds or any other legal ly permissible source.
5. That upon default in the payments of any principal and accrued interest on the bonds or in the performance of any covenant or agreement contained herein or in the instruments incident to making or insuring the loan, the Government at its option may (a) declare the entire principal amount then outstanding and accrued interest immediately due and payable, (b) for the account of the Association (payable from the source of funds pledged to pay the bonds or any other legally permissible source), incur and pay reasonable expenses for repair, maintenance, and operation of the facility and such other reasonable expenses as may be necessary to cure the cause of default, and/or (c) take possession of the facility, repair, maintain, and operate or rent it. Default under the provisions of this resolution or any instrument incident to the making or insuring of the loan may be construed by the Government to constitute default under any other instrument held by the Government and executed or assumed by the Association, and default under any such instrument may be construed by the Government to constitute default hereunder.
6. Not to sell, transfer, lease, or otherwise encumber the facility or any portion thereof, or interest therein, or permit others to do so, without the prior written consent of the Government.
7. Not to defease the bonds, or to borrow money, enter into any contractor agreement, or otherwise incur any liabilities for any purpose in connection with the facility (exclusive of normal maintenance) without the prior written consent of the Government if such undertaking would involve the source of funds pledged to pay the bonds.
8. To place the proceeds of the bonds on deposit in an account and in a manner approved by the Government. Funds may be deposited in institutions insured by the State or Federal Government or invested in readily marketable securities backed by the full faith and credit of the United States. Any income from these accounts will be considered as revenues of the system.
9. To comply with all applicable State and Federal laws and regulations and to continually operate and maintain the facility in good condition.
10. To provide for the receipt of adequate revenues to meet the requirements of debt service, operation and maintenance, and the establishment of adequate reserves. Revenue accumulated over and above that needed to pay operating and maintenance, debt service and reserves may only be retained or used to make prepayments on the loan. Revenue cannot be used to pay any expenses which are not directly incurred for the facility financed by USDA. No free service or use of the facility will be permitted.

*According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0572-0121. The time required to complete this information collection is estimated to average 1 hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.*

11. To acquire and maintain such insurance and fidelity bond coverage as may be required by the Government.
12. To establish and maintain such books and records relating to the operation of the facility and its financial affairs and to provide for required audit thereof as required by the Government, to provide the Government a copy of each such audit without its request, and to forward to the Government such additional information and reports as it may from time to time require.
13. To provide the Government at all reasonable times access to all books and records relating to the facility and access to the property of the system so that the Government may ascertain that the Association is complying with the provisions hereof and of the instruments incident to the making or insuring of the loan.
14. That if the Government requires that a reserve account be established, disbursements from that account(s) may be used when necessary for payments due on the bond if sufficient funds are not otherwise available and prior approval of the Government is obtained. Also, with the prior written approval of the Government, funds may be withdrawn and used for such things as emergency maintenance, extensions to facilities and replacement of short lived assets.
15. To provide adequate service to all persons within the service area who can feasibly and legally be served and to obtain USDA's concurrence prior to refusing new or adequate services to such persons. Upon failure to provide services which are feasible and legal, such person shall have a direct right of action against the Association or public body.
16. To comply with the measures identified in the Government's environmental impact analysis for this facility for the purpose of avoiding or reducing the adverse environmental impacts of the facility's construction or operation.
17. To accept a grant in an amount not to exceed \$ 0.00

under the terms offered by the Government; that the N/A

and N/A of the Association are hereby authorized and empowered to take all action necessary or appropriate in the execution of all written instruments as may be required in regard to or as evidence of such grant; and to operate the facility under the terms offered in said grant agreement(s).

The provisions hereof and the provisions of all instruments incident to the making or the insuring of the loan, unless otherwise specifically provided by the terms of such instrument, shall be binding upon the Association as long as the bonds are held or insured by the Government or assignee. The provisions of sections 6 through 17 hereof may be provided for in more specific detail in the bond resolution or ordinance; to the extent that the provisions contained in such bond resolution or ordinance should be found to be inconsistent with the provisions hereof, these provisions shall be construed as controlling between the Association and the Government or assignee.

The vote was: Yeas \_\_\_\_\_ Nays \_\_\_\_\_ Absent \_\_\_\_\_

IN WITNESS WHEREOF, the City Council of the

City of Lowell has duly adopted this resolution and caused it

to be executed by the officers below in duplicate on this \_\_\_\_\_, 3rd day of April 2023

(SEAL)

Attest:

By

Title

Michael DeVore  
Mayor

Susan Ullery  
Title Clerk

**CERTIFICATION TO BE EXECUTED AT LOAN CLOSING**

I, the undersigned, as Clerk of the City of Lowell  
hereby certify that the City Council of such Association is composed of  
\_\_\_\_\_ members, of whom, \_\_\_\_\_ constituting a quorum, were present at a meeting thereof duly called and  
held on the 3rd day of April 2023; and that the foregoing resolution was adopted at such meeting  
by the vote shown above, I further certify that as of \_\_\_\_\_,  
the date of closing of the loan from the United States Department of Agriculture, said resolution remains in effect and has not been  
rescinded or amended in any way.

Dated, this \_\_\_\_\_ day of \_\_\_\_\_

Susan Ullery

Title Clerk

**LOAN RESOLUTION - 10-23**  
(Public Bodies)A RESOLUTION OF THE City CouncilOF THE City of Lowell

AUTHORIZING AND PROVIDING FOR THE INCURRENCE OF INDEBTEDNESS FOR THE PURPOSE OF PROVIDING A PORTION OF THE COST OF ACQUIRING, CONSTRUCTING, ENLARGING, IMPROVING, AND/OR EXTENDING ITS

sanitary sewer system

FACILITY TO SERVE AN AREA LAWFULLY WITHIN ITS JURISDICTION TO SERVE.

WHEREAS, it is necessary for the City of Lowell

(Public Body)

(herein after called Association) to raise a portion of the cost of such undertaking by issuance of its bonds in the principal amount of

Two Million Two Hundred Eighty Seven Thousand & 00 100pursuant to the provisions of Michigan Public Act 94 of 1933, as amended; and

WHEREAS, the Association intends to obtain assistance from the United States Department of Agriculture, (herein called the Government) acting under the provisions of the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.) in the planning, financing, and supervision of such undertaking and the purchasing of bonds lawfully issued, in the event that no other acceptable purchaser for such bonds is found by the Association:

NOW THEREFORE, in consideration of the premises the Association hereby resolves:

1. To have prepared on its behalf and to adopt an ordinance or resolution for the issuance of its bonds containing such items and in such forms as are required by State statutes and as are agreeable and acceptable to the Government.
2. To refinance the unpaid balance, in whole or in part, of its bonds upon the request of the Government if at any time it shall appear to the Government that the Association is able to refinance its bonds by obtaining a loan for such purposes from responsible cooperative or private sources at reasonable rates and terms for loans for similar purposes and periods of time as required by section 333(c) of said Consolidated Farm and Rural Development Act (7 U.S.C. 1983(c)).
3. To provide for, execute, and comply with Form RD 400-4, "Assurance Agreement," and Form RD 400-1, "Equal Opportunity Agreement," including an "Equal Opportunity Clause," which clause is to be incorporated in, or attached as a rider to, each construction contract and subcontract involving in excess of \$10,000.
4. To indemnify the Government for any payments made or losses suffered by the Government on behalf of the Association. Such indemnification shall be payable from the same source of funds pledged to pay the bonds or any other legal ly permissible source.
5. That upon default in the payments of any principal and accrued interest on the bonds or in the performance of any covenant or agreement contained herein or in the instruments incident to making or insuring the loan, the Government at its option may (a) declare the entire principal amount then outstanding and accrued interest immediately due and payable, (b) for the account of the Association (payable from the source of funds pledged to pay the bonds or any other legally permissible source), incur and pay reasonable expenses for repair, maintenance, and operation of the facility and such other reasonable expenses as may be necessary to cure the cause of default, and/or (c) take possession of the facility, repair, maintain, and operate or rent it. Default under the provisions of this resolution or any instrument incident to the making or insuring of the loan may be construed by the Government to constitute default under any other instrument held by the Government and executed or assumed by the Association, and default under any such instrument may be construed by the Government to constitute default hereunder.
6. Not to sell, transfer, lease, or otherwise encumber the facility or any portion thereof, or interest therein, or permit others to do so, without the prior written consent of the Government.
7. Not to defease the bonds, or to borrow money, enter into any contractor agreement, or otherwise incur any liabilities for any purpose in connection with the facility (exclusive of normal maintenance) without the prior written consent of the Government if such undertaking would involve the source of funds pledged to pay the bonds.
8. To place the proceeds of the bonds on deposit in an account and in a manner approved by the Government. Funds may be deposited in institutions insured by the State or Federal Government or invested in readily marketable securities backed by the full faith and credit of the United States. Any income from these accounts will be considered as revenues of the system.
9. To comply with all applicable State and Federal laws and regulations and to continually operate and maintain the facility in good condition.
10. To provide for the receipt of adequate revenues to meet the requirements of debt service, operation and maintenance, and the establishment of adequate reserves. Revenue accumulated over and above that needed to pay operating and maintenance, debt service and reserves may only be retained or used to make prepayments on the loan. Revenue cannot be used to pay any expenses which are not directly incurred for the facility financed by USDA. No free service or use of the facility will be permitted.

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0572-0121. The time required to complete this information collection is estimated to average 1 hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

11. To acquire and maintain such insurance and fidelity bond coverage as may be required by the Government.
12. To establish and maintain such books and records relating to the operation of the facility and its financial affairs and to provide for required audit thereof as required by the Government, to provide the Government a copy of each such audit without its request, and to forward to the Government such additional information and reports as it may from time to time require.
13. To provide the Government at all reasonable times access to all books and records relating to the facility and access to the property of the system so that the Government may ascertain that the Association is complying with the provisions hereof and of the instruments incident to the making or insuring of the loan.
14. That if the Government requires that a reserve account be established, disbursements from that account(s) may be used when necessary for payments due on the bond if sufficient funds are not otherwise available and prior approval of the Government is obtained. Also, with the prior written approval of the Government, funds may be withdrawn and used for such things as emergency maintenance, extensions to facilities and replacement of short lived assets.
15. To provide adequate service to all persons within the service area who can feasibly and legally be served and to obtain USDA's concurrence prior to refusing new or adequate services to such persons. Upon failure to provide services which are feasible and legal, such person shall have a direct right of action against the Association or public body.
16. To comply with the measures identified in the Government's environmental impact analysis for this facility for the purpose of avoiding or reducing the adverse environmental impacts of the facility's construction or operation.
17. To accept a grant in an amount not to exceed \$ 0.00

under the terms offered by the Government; that the N/A

and N/A of the Association are hereby authorized and empowered to take all action necessary or appropriate in the execution of all written instruments as may be required in regard to or as evidence of such grant; and to operate the facility under the terms offered in said grant agreement(s).

The provisions hereof and the provisions of all instruments incident to the making or the insuring of the loan, unless otherwise specifically provided by the terms of such instrument, shall be binding upon the Association as long as the bonds are held or insured by the Government or assignee. The provisions of sections 6 through 17 hereof may be provided for in more specific detail in the bond resolution or ordinance; to the extent that the provisions contained in such bond resolution or ordinance should be found to be inconsistent with the provisions hereof, these provisions shall be construed as controlling between the Association and the Government or assignee.

The vote was: Yeas \_\_\_\_\_ Nays \_\_\_\_\_ Absent \_\_\_\_\_

IN WITNESS WHEREOF, the City Council of the

City of Lowell has duly adopted this resolution and caused it

to be executed by the officers below in duplicate on this \_\_\_\_\_ 3rd day of April 2023

(SEAL)

By

Michael DeVore

Attest:

Title

Mayor

Susan Ullery

Title Clerk

**CERTIFICATION TO BE EXECUTED AT LOAN CLOSING**

I, the undersigned, as Clerk of the City of Lowell  
hereby certify that the City Council of such Association is composed of  
 members, of whom ,  constituting a quorum, were present at a meeting thereof duly called and  
held on the 3rd day of April 2023 ; and that the foregoing resolution was adopted at such meeting  
by the vote shown above, I further certify that as of \_\_\_\_\_  
the date of closing of the loan from the United States Department of Agriculture, said resolution remains in effect and has not been  
rescinded or amended in any way.

Dated, this \_\_\_\_\_ day of \_\_\_\_\_

Susan Ullery

Title Clerk





2910 ALDEN NASH SE • LOWELL, MI 49331  
PHONE (616) 897-7600 • FAX (616) 897-6482

March 27, 2023

Michael Burns  
301 E Main  
Lowell MI, 49331

Dear Mr. Burns

In our discussions at our last meeting, you had asked Lowell Township to present an offer to buy one half interest in the City of Lowell's Water Plant and the pump station serving the Townships water tower. At the Townships March 20, 2023, meeting the following offer of \$2,775,000 was approved by the Township Board. We arrived at this number by taking one half the middle of the range of value in the appraisal ( $\$4,500,000 - \$6,000,000 = \$5,250,000 = \$2,625,000$ ) plus \$150,000 for the pump station located on Foreman St.

Sincerely,

A handwritten signature in blue ink that reads "Jerry Hale". The signature is written in a cursive style.

Jerry Hale

Lowell Township Supervisor



# LOWELL CITY COUNCIL

## MEMORANDUM

**DATE:** March 31, 2023

**TO:** Mayor DeVore and Lowell City Council

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

**RE:** Canoe Rentals

I was recently approached by Annie and Kyle Schaver of Flat River Kayaks regarding the possibility of leasing canoes by the boat launch. They requested to utilize approximately 350 feet of city owned property to be used as a stand for their liveries.

When I first met with them, I informed them they could not set up in the Social District nor could they set up in front of Riverview Flats. They wanted to set up on the southwest corner of the boat launch. I expressed there may be concerns with that location as that is where most boats set up and drop into the river. They are open to another area on the boat launch area and the Oklahoma property.

I mentioned, the City cannot lease the area for free. I have requested the assessor provide me a value of the rental value of land in that area. For the 350-foot area, leased space is \$286 per month for land only. In my discussion with them, they stated they would like to use the land on Thursday's, Friday's, Saturday's and Sunday's and holidays from May 1 to September 30. This is equivalent to 16 days per month. I also advised them they could not operate on the day of Pride and Riverwalk unless they were to abide with those events. As a result, we agreed that we would charge them \$10 per day or \$160 per month during the months they operate. If you divide \$286 by 30 it comes to just under \$10 per day.

In addition, I informed them they need to list the City as an additional insured on their policy. They in return have asked for a two-year lease from the city if this was acceptable.

While a location for Flat River Kayaks to operate needs to be finalized, **I recommend the Lowell City Council enter into a two-year lease agreement with Flat River Kayaks for \$160 per month from May 1 to September 30, 2023.**



## SEASONAL RIVERWALK KAYAK RENTALS

June 1 – September 30

### HOURS

Thursday Evenings  
Friday, Saturday, Sunday  
Holidays

CLOSED FOR PRIDE & RIVERFEST

9am-9pm (30 minutes before sundown)

### INVENTORY & DETAILS

6-12 Kayaks + PFDs + Paddles

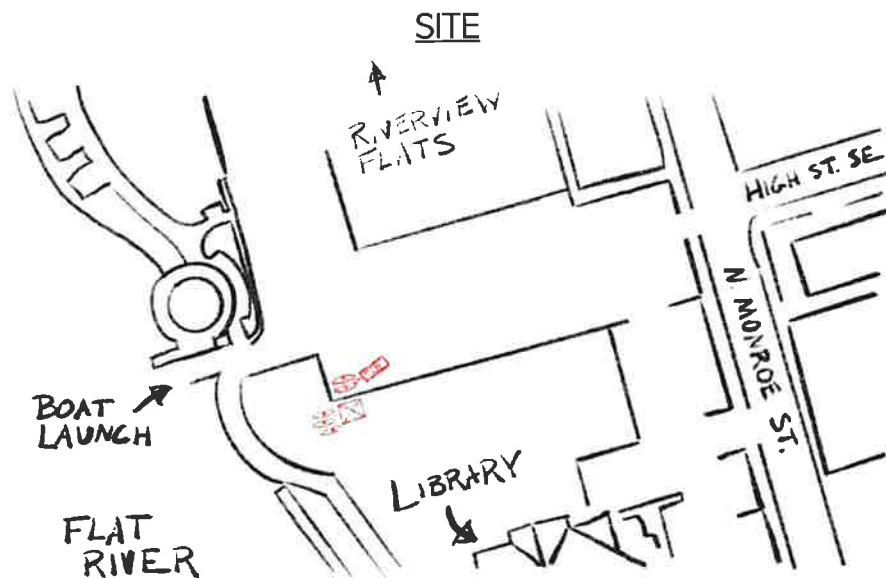
Offsite Overnight Storage  
iPad POS, CC only  
QR Link Liability Waivers / Tracking

### LAYOUT

Truck, Trailer & Canopy  
350 sq ft (250 pavement)

### CONTACT

Annie Schaver  
708.297.5006  
annelies.schaver@gmail.com





**LOWELL CITY COUNCIL  
MEMORANDUM**

**DATE: March 31, 2023**

**TO: Mayor DeVore and Lowell City Council**

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

*MB*

**RE: Animal Ordinance**

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The city was contacted by the Kent County Sheriff's Office recently regarding our animal ordinance. The Kent County Sheriff's Office also houses the Kent County Animal Control. We were informed that Kent County Animal Control could not assist us when needed if our animal ordinance doesn't align with an ordinance passed by the Kent County Board of Commissioners in June 2022. Jurisdictions not adopting the new ordinance need their local enforcement personnel to enforce local ordinances.

The County in essence has asked has asked to repeal our current animal ordinance and move any portions not covered by county ordinance (excessive barking or number of animals) to a zoning or noise section.

I have asked the City Attorney to revise our ordinances to align with the request from Kent County. Attached is the proposed ordinance and the City Attorney can answer any questions regarding this. I also attached the information I received from Kent County regarding this matter.

**I recommend the Lowell City Council approve Ordinance 23-04 revising our animal ordinances and aligning with the countywide animal ordinance.**

**CITY OF LOWELL  
KENT COUNTY, MICHIGAN**

**ORDINANCE NO. 23 -04**

**AN ORDINANCE TO AMEND CHAPTER 5 OF THE CODE  
OF ORDINANCES, CITY OF LOWELL, MICHIGAN.**

Councilmember \_\_\_\_\_, supported by Councilmember \_\_\_\_\_, moved  
the adoption of the following ordinance:

**THE CITY OF LOWELL ORDAINS AS FOLLOWS:**

**Section 1. Restatement of Chapter 5 of the Code of Ordinances.** Chapter 5,  
“ANIMALS,” of the Code of Ordinances of the City of Lowell is hereby amended and restated in  
its entirety as follows:

**Sec. 5-1. Scope.**

The provisions within this chapter shall not be construed as an “animal control ordinance” under the Dog Law of 1919, Public Act 339 of 1919, as amended, and are not intended to supersede the county’s animal control agency’s jurisdiction to enforce any State laws or County ordinances.

**Sec. 5-2. - Limit on number.**

Except in a kennel as permitted by the city's zoning ordinance, no person shall possess, harbor, shelter, or keep more than three dogs or cats other than dogs or cats under six months of age born to a female dog or cat under the care, custody, or control of such person.

**Sec. 5-3. - Nuisance.**

A person having custody of a dog or cat shall not permit such dog or cat to create a nuisance by way of noise, odor, or in any other manner.

**Sec. 5-4. - Wild Birds.**

Except a police officer acting in his or her official capacity, no person shall molest, kill, or capture any wild bird or molest any wild bird’s nest or the contents thereof.

**Sec. 5-5. - Animal Endangerment.**

No person shall throw or deposit any poisonous substance on any exposed public or private place where it endangers, or is likely to endanger, any animal or bird.

**Sec. 5-6. - Horses, Ponies, Donkeys, or Mules.**

No person shall ride, drive, or lead any horse, pony, or mule other than in the traveled roadway of streets and public ways except upon privately owned property with the consent of the owner.

**Sec. 5-7. - Exposure to Rabies.**

Any person who has in his possession an animal which has contracted rabies, which has been subjected to rabies, which is suspected of having rabies, or which has bitten any person or other animal shall notify the police department of his or her possession of such animal and, upon demand of any police officer, produce and surrender the animal to be held for observation.

**Section 2. Repeal.** All ordinances inconsistent with the provisions of this Ordinance are hereby repealed.

**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 4. 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: April 3, 2023

\_\_\_\_\_  
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 April 3, 2023, 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 \_\_\_\_\_, 2023. I further certify that the above ordinance was entered into the Ordinance Book of the City on \_\_\_\_\_, 2023, and was effective \_\_\_\_\_, 2023, ten (10) days after publication.

Dated: \_\_\_\_\_, 2023

\_\_\_\_\_  
Susan Ullery  
City Clerk

4858-9877-6920 v3 [60857-994]



March 9, 2023



City of Lowell  
301 E Main St.  
Lowell, MI. 49331

Michelle LaJoye-Young  
**SHERIFF**

Lowell City Council,

This letter is intended as a reminder that several townships and municipalities in Kent County have yet to take the necessary action to make the county animal ordinance enforceable in your jurisdiction.

In June of 2022, a new county-wide animal control ordinance was adopted by the Kent County Board of Commissioners. This ordinance was intended to give Animal Control Officers, who now fall under the Sheriff's Office Chain of Command, the benefit of using one ordinance to enforce animal violations county-wide. Jurisdictions that have not adopted the new county ordinance need their local police or enforcement personnel to enforce local ordinances.

To make the county ordinance enforceable, each venue will need to repeal the current animal ordinance and move any portions not covered by the county ordinance (excessive barking or number of animals) to a zoning or noise section.

To be clear, we are not seeking an avenue to issue citations to residents for minor violations. Enforcement action is taken after attempts to warn and educate the citizen have failed to produce the needed change in behavior, or there was an egregious violation. This does not replace the state law regarding severe cases of animal cruelty. Those incidents are still investigated and handled through the proper criminal process. Until the general animal ordinances are repealed by the local units, the animal control issues reside with those local units due to the limitation of the 1919 Dog Law.

If you have any questions please contact Lt. Ryan Wheeler, 616-632-6266 or [ryan.wheeler@kentcountymi.gov](mailto:ryan.wheeler@kentcountymi.gov).

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "R. Wheeler", with a long horizontal flourish extending to the right.

Ryan Wheeler  
Lieutenant, Kent County Animal Control

## **KENT COUNTY ANIMAL CONTROL ORDINANCE**

**Adopted by Kent County Board of Commissioners  
On June 23, 2022**

**Ordinance No. 06-23-22-82**

**AN ORDINANCE to control, protect and regulate Animals to protect the health, safety and welfare of Kent County citizens and their interests; and to prescribe penalties for violation of its provisions.**

**THE PEOPLE OF THE COUNTY OF KENT, MICHIGAN, DO ORDAIN:**

### **Section 1. Short Title and Citation**

This Ordinance shall be known and cited as the "Kent County Animal Control Ordinance".

### **Section 2. Declaration of Purpose**

It is in the best interest of the citizens of Kent County to control, protect and regulate Animals to protect the health, safety and welfare of Kent County citizens and their interests.

### **Section 3. Authority**

The authority for this Ordinance is found in 1919 Public Act 339, being MCL 287.261 et seq., as amended, and MCL 46.11(j).

### **Section 4. Limitations**

Pursuant to MCL. 287.289a, this Ordinance shall not be construed to apply within any city, village or township which has adopted its own Animal control ordinance.

### **Section 5. Construction**

- a. Any term in the singular shall include the plural.
- b. Pronouns in any gender shall include all genders.
- c. Any requirement or prohibition of any act shall respectively extend to and include the causing and procuring, directly or indirectly, of such act.
- d. No provision in this Ordinance shall make unlawful any act necessarily performed by any officer or employee of Kent County, the Kent County Sheriff's Office, or any other Kent County department or agency within the scope of his/her duty, or by

any independent contractor when acting under and in conformity with an agreement with the County and/or Sheriff's Department, or his/her agent or employees.

- e. The provisions of this Ordinance are minimum standards supplemental to the statutes of this State.

#### **Section 6. Definitions**

For the purpose of this Ordinance, the following terms are defined as follows:

- a. "Abandon" means leaving an Animal, or permitting an Animal to be left, without human supervision and without making provisions for the Animal's adequate care, unless premises are vacated in a short-term emergency for the protection of human life or the prevention of injury to a human. An Animal that is lost by an Owner or Custodian from home or while traveling, walking, hiking, or hunting is not abandoned when the Owner or Custodian has made a reasonable effort to locate the Animal.
- b. "Animal", unless otherwise stated, means domesticated animals, a population that have had their behavior, life cycle or physiology systemically altered as a result of being under human control. "Animal" includes but is not limited to birds, fish, mammals and reptiles.
- c. "Animal Control Officer" means a Kent County Deputy Sheriff or any person appointed by the Kent County Sheriff to enforce this Ordinance, as amended, and/or the Dog Law of 1919.
- d. "Animal Shelter" means the Kent County Animal Shelter or a facility that is contracted with the County for the purpose of Animal impound and to house Stray Animals.
- e. "Animal Shelter Director" means the Director of the Kent County Animal Shelter Department or his/her designee.
- f. "Board of Commissioners" means the Kent County Board of Commissioners.
- g. "County" means the County of Kent, State of Michigan.
- h. "Custodian" of an Animal for purposes of this Ordinance and its enforcement means a Person who keeps or harbors the Animal or has the Animal in his/her care or custody; or who permits the Animal to remain on or about any Premises occupied by the Person.

- i. "Dog Law of 1919" means 1919 Public Act 339, being MCL 287.261 et seq., as amended.
- j. "Kennel" means an establishment wherein or whereon 3 or more dogs are confined and kept for sale, boarding, breeding or training purposes, for remuneration.
- k. "Kent County Animal Shelter Department" shall be defined as an administrative department of Kent County
- l. "Livestock" means horses, stallions, colts, geldings, mares, sheep, rams, lambs, bulls, bullocks, steers, heifers, cows, calves, mules, jacks, jennets, burros, goats, kids and swine, and fur-bearing Animals being raised in captivity.
- m. "Owner" of an Animal for purposes of this Ordinance and its enforcement means a Person having a right of property ownership in an Animal;
- n. "Person" means any natural person, corporation, company, association, firm, or any other entity or organization.
- o. "Sanitary Conditions" means space free from health hazards including excessive Animal waste, overcrowding of Animals, or other conditions that endanger the Animal's health. This definition does not include any condition resulting from a customary and reasonable practice pursuant to farming or animal husbandry.
- p. "Sheriff" means the Kent County Sheriff or his/her designee.
- q. "State" means State of Michigan.
- r. "Stray" or "Running at Large" mean an Animal not under the control of an Owner or Custodian and not on an Owner or Custodian's premises.
- s. "Tag" means a physical identification emblem or a device issued as a verification of a dog license.
- t. "Treasurer" or "County Treasurer" means the Kent County Treasurer or his/her designee.

**Section 7. Animal Shelter, Animal Shelter Director and Animal Control Officers**

- a. The Kent County Animal Shelter Department is established by the Kent County Administrator for the operation of the Animal Shelter. The Animal Shelter Director shall be an employee of Kent County and shall report to the County Administrator. The Animal Shelter Director is not responsible for oversight of Animal Control Officers.

- b. Animal Control Officers and enforcement of this Ordinance will be under the supervision, oversight and control of the Kent County Sheriff. An Animal Control Officer may be deputized by the Sheriff as a peace officer and/or Special Deputy to enforce this ordinance and/or the Dog Law of 1919.
- c. An Animal Control Officer shall meet the minimum employment standards as established by the Dog Law of 1919 and any other applicable law, rule or regulation.

#### **Section 8. Collection of Animals**

- a. Capture. The Animal Control Officer or any Deputy of the Kent County Sheriff's Office may capture or take into custody:
  - 1. Unlicensed dogs;
  - 2. Dogs without current rabies vaccination certificates;
  - 3. Dogs which are Running at Large, Stray or which are not restrained with a lead or leash no greater than six (6) feet in length while off the Owner or Custodian's property; provided, however, this subsection shall not apply (1) when the dog is inside the boundaries of an established dog park accompanied by the dog's Owner or Custodian where dog park rules allow a dog to be off leash; (2) when the dog is engaged in lawful hunting accompanied by its Owner or Custodian; or (3) as allowed by other applicable law;
  - 4. Abandoned Animals;
  - 5. Animals whose treatment constitutes cruelty or abuse in violation of State law or this Ordinance;
  - 6. Animals not provided adequate care as required by State law or this Ordinance, including Section 13, Keeping of Animals;
  - 7. Animals which have bitten a person;
  - 8. Animals that are subject of a violation of this Ordinance, State law or other applicable law.
- b. Observation. The Animal Control Officer may capture and take into custody or accept and care for any Animal held for observation at the recommendation of a doctor, a veterinarian, or the County Health Department.

- c. **Producing for Inspection.** The Animal Control Officer or Deputy of the Kent County Sheriff's Office may require that a person owning any dog produce for inspection the dog, the required vaccination certificate, or the current license and license Tag for such dog.
- d. **Failure to Produce for Inspection.** Any Person upon whom a demand is made under authority of this Ordinance produce for inspection any dog, rabies vaccination certificate, license or Tag, who fails or refuses to produce the same, is in violation of this Ordinance.
- e. **Interference with an Animal Control Officer.** No Person shall interfere with, oppose, or resist the Animal Control Officer or Deputy Sheriff while he or she is engaged in the performance of any act authorized in this Ordinance.
- f. **Unauthorized Removal from the Shelter.** No Person shall remove any Animal from the Animal Shelter without first receiving permission from the Animal Shelter Director.
- g. **Reclamation.** All dogs reclaimed from the Animal Shelter must be licensed as specified in Sections 9 (Individual Dog Licensing) and 12 (Impoundment and Disposition).

#### **Section 9. Individual Dog Licensing**

- a. **Licensing Required.** Unless otherwise required by State law, all dogs shall be licensed by the County except:
  - 1. A dog under four months of age;
  - 2. A dog licensed by a municipality in which the dog Owner and dog reside;
  - 3. A dog licensed by another state or county in which the dog and Owner reside, if the Owner will be present in Kent County for thirty days or less;
  - 4. Dogs kept in Dog Kennels licensed pursuant to MCL 287.270.
- b. **Rabies Vaccination.** A dog license shall be issued for only a dog which has a current rabies vaccination; provided, however, that a license may be issued to an unvaccinated dog if a veterinarian states in writing that the dog should not be vaccinated for medical reasons and indicates when the dog can be vaccinated.
- c. **Individual Licenses.** The County Treasurer or the Treasurer's agent shall issue licenses as provided by MCL 287.274-287.274a. License fees shall be established from time to time by the County Board of Commissioners.

- d. Wearing of Tags. A license Tag shall be worn by each licensed dog at all times, except when such dog is engaged in lawful hunting accompanied by its Owner or Custodian.

#### **Section 10. Dog Kennels**

- a. Kennel Licenses. Any person who owns, keeps, or operates a Kennel may, in lieu of individual licenses required for dogs under this Ordinance and under the Statutes of the State of Michigan, apply at the Kent County Animal Shelter for a Kennel license entitling that person to own, keep, or operate such a Kennel in accordance with applicable laws of the State, including but not limited to MCL 287.270. Pets must be licensed individually and will not be covered under the Kennel license. This provision is not intended to and does not negate any obligation to obtain zoning permission from the local governmental unit if required by the local unit.
- b. Application for Kennel License. In order to obtain a Kennel License, any person who owns, keeps, or operates a Kennel at any single location within the boundaries of Kent County, except in cities, villages, or townships with their own Animal control ordinance, shall; (1) within thirty days prior to the start of such operation or; (2) a person who has been previously issued a Kennel License, shall apply for a new Kennel License for a new Kennel License by June 1 of each year, at the Animal Shelter Department which, acting as agent of the Treasurer, shall issue such license if the Dog Kennel is in compliance with Sections 10 and 11 of the Dog Law of 1919, being MCL 287.270 and MCL 287.271, and the applicant provides proof acceptable to the County that the Dog Kennel is in compliance with any applicable ordinance of the city, village, or township in which it is located.
- c. Inspection. The Animal Control Officer shall have the right to inspect any Dog Kennel in Kent County in order to determine whether said Kennel is in compliance with this Ordinance and State Statute. If the Kennel has been issued a Kennel License, it shall be the duty of the Animal Control Officer to suspend said Kennel License if, in the Officer's opinion, conditions exist which are not in compliance with this Ordinance, Section 10 of the Dog Law of 1919, being MCL 287.270, and the rules of the Michigan Department of Agriculture, pending correction of such conditions, and further shall have the ability to revoke said Kennel License if such conditions are not corrected within a designated reasonable time.
- d. Rabies Vaccination. Each dog kept in the Kennel that is four (4) months of age or older must have a current rabies vaccination as evidenced by a valid certificate of vaccination licensed by the United States Department of Agriculture, signed by an accredited veterinarian or affidavit of the Kennel owner.

- e. **Conditions of Kennel.** Any Kennel which under State law is to be covered by a Kennel License shall meet all applicable requirements of State law, including but not limited to Department of Agriculture and Rural Development, Animal Industry Division, Regulation No. 129, being R 285.129.1, Dog kennels.
- f. **Animal Care.** All licensed Kennels shall provide Animal care as required by applicable State law and this Ordinance, including but not limited to Section 13, Keeping of Animals.
- g. **Revocation of Kennel License.** A Kennel License may be revoked if the Kennel is not in compliance with State law or this Ordinance.
- h. **Forfeiture of Fee.** Upon revocation of a Kennel License no part of the fees paid for the License shall be returned and such fees shall be forfeited to the County.
- i. **Display of License.** Every person having a Kennel License shall keep the License posted and exhibited in a conspicuous manner at the Kennel.
- j. **Local Zoning.** No Kennel License shall be valid for any Kennel which violates any zoning ordinances or official land use plan. No Kennel License shall be valid where such use is declared a nuisance by the relevant Township Board, Village Council or City Commission.
- k. **Fees.** The Kent County Board of Commissioners shall set the fees associated with the Article and all other provisions in this Ordinance.

#### **Section 11. Animal Behavior**

- a. An Owner or Custodian shall not permit or enable his/her dog or Animal to Run at Large.
- b. An Owner or Custodian shall, at any time the dog is off that Person's property, restrain the dog with a lead or leash no greater than six (6) feet in length; provided, however, this requirement shall not apply (1) when the dog is inside the boundaries of an established dog park accompanied by the dog's Owner or Custodian where dog park rules allow a dog to be off leash; (2) when the dog is engaged in lawful hunting accompanied by its Owner or Custodian; or (3) as allowed by other applicable law.
- c. An Owner or Custodian shall not intentionally, or by failure to exercise due care, allow his/her dog or Animal to menace, attack or bite a person or other Animal in a place where the person or other Animal is legally entitled to be. "Menace" shall include, but not be limited to, charging, scratching, toppling, teeth-baring, snapping, growling, or other predatory mannerisms, directed at a person or other



Animal. "Menace" shall not include behavior of a dog or Animal separated from the person or other Animal by a cage, fence or other barrier.

- d. An Owner or Custodian shall not intentionally, or by failure to exercise due care, allow his/her dog or other Animal to destroy real or personal property.
- e. An Owner or Custodian shall prevent the Animal from defecating on any public or private property other than his own or shall immediately collect and properly dispose of all fecal matter deposited by the Animal while it is off his property.
- f. Stray Livestock. The Owner or Custodian of livestock or poultry shall prevent such animals from running at large on public or private property without consent of the property owner provided, however that this section shall not prohibit leading or driving livestock, under the Owner or Custodian's supervision, along a public highway.

#### **Section 12. Impoundment and Disposition**

- a. Animal Shelter. The Animal Shelter is the Animal custodial care and animal impound facility designated as such by the County. Any Stray Animal found in Kent County may be delivered to the custody of the Animal Shelter during its normal business hours.
- b. Relinquishing Strays. Any person picking up any Stray Animal promptly shall inform the Animal Shelter Director that they have found a Stray Animal and shall surrender such Animal to the Animal Shelter upon demand of the Animal Shelter Director, Animal Control Officer or law enforcement officer.
- c. Apprehension of Strays. Any person finding a Stray may assist the Animal Control Officer by holding such Animal for the Animal Control Officer to pick up or by delivering it to the Animal Shelter.
- d. Length of Impoundment. At a minimum the Animal Shelter shall impound Animals and Livestock for the length of time required by State law or applicable court order, if any.

The length of impoundment shall be computed by excluding the first day the Animal is brought to the shelter and including the last day of confinement. If the last day is Sunday, legal holiday, or day the Animal Shelter is closed to the public, the period shall be extended to the next day which is not Sunday, legal holiday, or day the Animal Shelter is closed to the public.

- e. Licensed Dogs. When any Stray dog wearing a current, valid license Tag issued by the Kent County Treasurer, his/her agent, or any municipality within Kent County is impounded pursuant to this Ordinance, the Animal Control Officer or the Animal

Shelter shall, within twelve working hours after receiving the dog, give written notice of the dog's impoundment to the person to whom the license was issued using the address given on the license application. The Notice shall inform the Owner that the dog will be impounded for seven days after the date of the Notice and must be reclaimed within that impoundment period. If the Owner does not reclaim the dog by the end of the impoundment period, the dog shall be considered unclaimed under Subsection J of this Section.

- f. Sick or Injured Animals. Any Animal that is terminally ill or suffering unduly may be humanely euthanized at the discretion of the Animal Shelter Director and any impound time shall not apply.
- g. Voluntarily Surrendered Animals. Any Animal may be humanely euthanized at the request of the Owner for a fee set from time to time by the County Board of Commissioners. No impound time is required for voluntarily surrendered Animals.
- h. Records. The Animal Shelter shall keep a record of each Animal impounded by it, the date of the impounding, the date and manner of its disposition, and if reclaimed, adopted or sold, the name and amount of all fees collected by the County because of the impounding, reclaiming, adopting or purchasing of the Animal, together with the number of any license Tag or Kennel License exhibited or purchased upon the redemption or sale.
- g. Compliance. The Animal Control Officer or Animal Shelter shall not release or sell any Animal that has been impounded in accordance with this Ordinance unless the person to whom the Animal is released or sold provides satisfactory proof that the Animal will be licensed and maintained in accordance with this Ordinance and any other relevant ordinance or statute.
- h. Medical Attention. The Animal Control Officer or Animal Shelter may employ a veterinarian whenever he or she deems necessary in a medical emergency in order to properly care for an impounded Animal. The County or Animal Shelter shall charge a fee for veterinary services and such Animal shall not thereafter be reclaimed without payment of such fee in addition to other impoundment fees and costs.
- i. Payment of Fees. All fees and costs shall be paid, or a payment plan established, prior to the release of any Animal. Fees and costs are established by the Kent County Board of Commissioners.
- j. Impoundment and Disposition. Upon conclusion of the impoundment period, if the Animal has not been reclaimed by its Owner, the Animal Shelter Director may continue to confine the Animal, release the Animal for adoption, sell the Animal or euthanize the Animal in a humane manner.

- k. Prohibition. Animals may not be sold or otherwise transferred to be used as experimental subjects.

### **Section 13. Keeping of Animals**

- a. Adequate Care. Every person who owns or who has charge, care, or custody of an Animal shall provide sufficient food, water, shelter, Sanitary Conditions, exercise, and veterinary medical attention in order to maintain the Animal in a state of good health. Adequate Care includes but is not limited to each of the following requirements.
  - 1. Feeding. Each Animal shall be supplied with sufficient, good, wholesome food and water of sufficient quality and nutritive value to meet the daily requirements determined by the condition and size of the Animal. All Animals shall have fresh water available at all times.
  - 2. Cleanliness. All Animals and all Animal buildings or enclosures shall be maintained in a clean and sanitary condition.
  - 3. Unattended Animals. Whenever a commercial Animal facility or a Dog Kennel is left unattended, the name, address, and telephone number of the owner of the facility and the person responsible for care of the Animals shall be posted in a conspicuous place at the front of the facility.
  - 4. Dangerous Surroundings. No condition shall be maintained or permitted that is, or could be, injurious to the Animal.
  - 5. Teasing. Every reasonable precaution shall be taken to ensure that Animals are not teased, abused, mistreated, annoyed, tormented, or made to suffer by any person.
  - 6. Protection. All reasonable precautions shall be taken to protect the public from Animals and Animals from the public.
  - 7. Sick Animals. Every commercial Animal facility and Dog Kennel shall isolate sick Animals sufficiently so as to not endanger the health of other Animals.
  - 8. Ventilation and Light. Every building or enclosure wherein Animals are maintained shall be constructed of materials easily cleaned and shall be kept in a sanitary condition. The building shall be properly ventilated to prevent drafts and to remove odors. Heating and cooling shall be provided as required

according to the physical needs of the Animals with sufficient light to allow observation of the Animals.

9. **Veterinarian Attention.** The Owner or Custodian shall take an Animal to a veterinarian for an examination and treatment if the Animal Control Officer finds this necessary to maintain the health of the Animal, and so orders.
10. **Cages.** Cages shall provide enough space to let each Animal stand up, lie down, and turn around without touching the top or sides of the cage. Cages shall be of a material and construction that permits cleaning and sanitizing. Cage floors, unless radiantly heated, shall have either a resting area above the cage floor or some type of bedding.
11. **Shelter.** Proper shelter and protection from the weather shall be provided at all times and at a minimum shall consist of a three-sided shelter of suitable size. Shelter floors, unless radiantly heated, shall have either a resting area above the shelter floor or some type of dry bedding.
12. **Structural Strength.** Housing facilities for Animals shall be structurally sound and shall be maintained in good repair to protect the Animals from injury, contain the Animal, and restrict the entrance of other Animals.

**b. Cruelty**

1. **General Prohibition.** No person shall beat, harass, injure, or attempt to beat, harass, or injure an Animal.
2. **Alcohol.** No person shall give an Animal any alcoholic beverage unless prescribed by a veterinarian.
3. **Incompatible Animals.** No person shall allow Animals, which are natural enemies, temperamentally unsuited, or otherwise incompatible to be quartered together or so near each other as to cause injury, fear, or torment. If two or more Animals are trained so that they can be placed together and without attacking each other, or performing, or attempting any hostile act toward each other, such Animals shall not be considered enemies.
4. **Injurious Tack.** No person shall allow the use of any tack, equipment, device, substance, or material that is, or could be, injurious or cause unnecessary cruelty to any Animal.

5. Proper Exercise. Working Animals shall be given exercise proper for the individual Animal under the particular conditions.
6. Working Sick Animals. No person shall work or use any Animal which is overheated, weakened, exhausted, sick, injured, diseased, lame, or otherwise unfit.
7. Dog in Heat. No person having a dog in heat shall permit her to be contained in a fashion which gives Animals Running at Large or Stray Animals access to her or which permits her to escape.
8. Confinement. No person shall confine a dog on a chain for more than four hours unless the chain permits movement over at least thirty square feet and allows the dog free access to a suitable shelter and water at all times.
9. Abandonment. No person shall Abandon an Animal.

#### **Section 14. Bites**

- a. Reporting. An Owner or Custodian of an Animal which is known to have bitten a person is obligated to report the bite to the Animal Control Officer and/or the Animal Shelter within twenty-four hours of knowledge of the bite. If on a weekend, the report may be made through calling emergency dispatch (911).
- b. Proof of Vaccination. Any Owner or Custodian must upon request provide proof of the Animal's rabies shots or vaccinations and if the Owner or Custodian refuses, the Animal will be presumed to have no current protections.
- c. Quarantine. Every Animal which is known to have bitten a person shall be quarantined as required by State law. Such quarantine shall be at the Animal Shelter, a veterinary office, or a place designated by the Animal Control Officer. The Owner or Custodian shall surrender the Animal to the Animal Control Officer upon request.

#### **Section 15. Enforcement and Penalties**

- a. Fines. Any person who violates this Ordinance may be responsible for municipal civil infraction violation punishable by a municipal civil infraction fine, as follows:
  1. \$100 for an initial infraction, or \$200 for a subsequent infraction within five years; and
  2. the costs of prosecution and other costs as determined by the court.

- b. **Enforcement.** The Animal Control Officer or any Deputy of the Kent County Sheriff's Office may also order correction of a violation and may specify the nature of corrective action required and a reasonable time limit for the corrective action to be completed. In the case of violations that may present an imminent danger to public health and safety, immediate corrective action may be required. The Animal Control Officer and any Deputy of the Kent County Sheriff's Office is authorized to issue and serve municipal civil infraction citations if he or she has reasonable cause to believe that a person has committed a violation of this Ordinance. The citation shall contain a description of the violation, that it is a civil infraction, and shall cite the specific sections of the State Statutes or this Ordinance that apply. A court which finds an individual responsible for a civil infraction may exercise equitable powers within its authority to compel current and future compliance with this Ordinance.
- c. **Other Remedies.** Nothing in this Ordinance shall be construed as impairing the right of Kent County or the Animal Control Officers to pursue other legal remedies, including but not limited to, injunctive relief, to enforce the provisions of this Ordinance or citation under applicable State law.

#### **Section 16. Fees for Licenses, Services and Costs**

The Kent County Board of Commissioners shall determine fees and costs for various licenses, services, and costs provided or incurred under this Ordinance.

#### **Section 17. Amendments**

This Ordinance may be amended from time to time at the discretion of the Kent County Board of Commissioners during a regularly scheduled meeting by majority vote of the members present. The Ordinance shall be read in conformity with and to include any amendments to the State statutes referenced.

#### **Section 18. Severability**

The phrases, sentences and provisions of this Ordinance are severable and the finding that any portion hereof is unconstitutional or otherwise unenforceable shall not detract from or affect the enforceability of the remainder of this Ordinance.

#### **Section 19. Repeal**

Any ordinances, rules or regulations heretofore enacted and in conflict with this Ordinance are hereby repealed.

**Section 20. Effective Date**

This Ordinance shall become effective July 1, 2022.

Adopted: 6/23/2022 by Resolution No. 06-23-22-82



# LOWELL CITY COUNCIL MEMORANDUM

**DATE:** March 31, 2023

**TO:** Mayor DeVore and Lowell City Council

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

**RE:** Pension Resolution 08-23

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If you recall, I brought an issue to you approximately a month or two ago regarding pension grants totaling \$750 million to communities who were under 60% funded. If you recall, there was originally \$250 million for communities just over 60% who have taken steps to address their pension issues which was stricken from the current State of Michigan appropriations budget.

I have been a part of a coalition of city managers statewide asking for funding to be placed into the upcoming State of Michigan budget for communities like us who have taken the steps to address our pension issues.

The coalition is asking for communities to approve the attached resolution (Resolution 08-23) to approve and send to our State Senator and State Representative. I also have letters of support we can send to our legislators if you so choose.

If you recall, communities who are at 60% or below for pension funding have to file a non-binding corrective action plan with the state. We met this trigger but never had to file the plan because we took steps needed on our own. We are currently 67% funded, although I am being told MERS investments are way down from last year so we may be down some when we receive our actuarial this June. However, we are not supported for trying to recognize and address our problems.

I should mention we are not asking for communities who are below 60% to not be able to receive the \$750 million grant assistance. This is a good thing especially if those communities are trying to address their problems. Communities like ours just want support for doing the right thing.

**I recommend the Lowell City Council approve Resolution 08-23 as presented to adopt a resolution asking the State of Michigan to restore \$250 million for pension grants to assist communities just over 60% funded to help address their pension issues.**



**THE CITY OF LOWELL**  
**RESOLUTION 08-23**  
**REQUEST THAT LEGISLATURE/GOVERNOR INCLUDE FUNDING IN THE 2023 BUDGET**  
**FOR COMMUNITIES FOLLOWING PENSION BEST PRACTICES ESTABLISHED BY THE STATE**

The following resolution was offered by Member \_\_\_\_\_, seconded by Member \_\_\_\_\_, at a (regular/special) meeting of (the governmental body of the local government unit) conducted (date) at (location):

*WHEREAS, the City of Lowell has taken financially difficult steps to stabilize its pension program and get its pension costs and liabilities under control; and*

*WHEREAS these steps followed best practices established by the State of Michigan and kept (local government unit) operationally viable in the face of enormous financial pressure; and*

*WHEREAS, HB 5054 of 2022 would have divided \$250 million between the City of Lowell, and other communities like it, that made the tough decisions and followed those best practices; and*

*WHEREAS, the City of Lowell and others like it are ineligible for \$750 million in pension relief allocated by the State in 2022 despite experiencing the same pension-related financial stresses as those who will receive that relief; and*

*WHEREAS, these stresses have been amplified by market losses in 2022 and a volatile market in 2023; and*

*WHEREAS, this \$250 million would have immeasurable impact on our ability to address our pension liabilities, maintain employment levels, and provide the services our taxpayers depend upon; and*

*WHEREAS, both the \$750 million allocated and the \$250 million requested here had broad, bipartisan support in the House a year ago; and*

*WHEREAS, HB 5054 created an equitable balance between those with pensions the House considered substantially underfunded and those who had followed best practices to achieve a higher funding ratio; and*

*WHEREAS, unallocated revenues are available to the State in 2023 to again make this pension assistance equitable by helping those communities struggling with pension costs, but ineligible for the \$750 million;*

*THEREFORE BE IT RESOLVED THAT, the City of Lowell asks the State of Michigan Legislature and Governor's Office to revisit HB 5054; and*

*BE IT FURTHER RESOLVED, that the Legislature and Governor give bipartisan support to the inclusion of the \$250 million in the 2023 State budget to be divided between communities including the City of Lowell that meet the best practices required in that Bill.*

The resolution was adopted by a vote of \_\_\_\_\_, with Members \_\_\_\_\_ voting yes, Members \_\_\_\_\_ voting no, and Members \_\_\_\_\_ absent.

I certify that the following resolution was adopted (date) by (the governmental body of the local government unit) at a (regular/special) meeting conducted (date) at (location).

\_\_\_\_\_  
(Clerk)

## APPOINTMENTS

	Expires
Airport Board	
Vacancy (Paul Nicholls – Currently Serving)	01/01/2023
Vacancy (Jeff Ostrander – Currently Serving)	01/01/2023
Vacancy (Tom Grimm – Currently Serving)	01/01/2023
Board of Review	
Vacancy (Maureen Pawloski – Currently Serving)	01/01/2023
Vacancy (Leah Vredenburg – Currently Serving)	01/01/2023
Vacancy (Jim Hodges – Currently Serving)	01/01/2023
Construction Board of Appeals	
Vacancy (Greg Canfield – Currently Serving)	01/01/2023
Downtown Development Authority	
Vacancy (Rick Seese – Currently Serving)	01/01/2023
Downtown Historic District Commission	
Vacancy (Ardis Barber – Currently Serving)	01/01/2023
Look Memorial Fund Committee	
Vacancy (Leah Vredenburg – Resigned)	
Note: new member must be Congregational Church rep.	



## CITY OF LOWELL

### Application for Board or Commission Appointment

Name: Jackie Tousley

Address: 1659 Barnsley Ct  
Lowell MI 49331

Telephone Numbers: Home

Cell 616-916-0436

Email: jackietousley@att.net

Board or Commission Position

Desired: Look Memorial Fund Committee

Please give a brief resume of your qualifications for the desired position (you may attach additional information): see attached

Signature: Jackie Tousley

**Please return application to:**

City of Lowell  
Attn: City Clerk  
301 East Main Street  
Lowell, MI 49331

Or by email to:

[sullery@ci.lowell.mi.us](mailto:sullery@ci.lowell.mi.us)

RECEIVED  
MAR 27 2023  
CITY OF LOWELL, MICHIGAN

I am seeking a position on the Look Memorial Fund Committee. I believe I am qualified because I have lived here most of my life-1952-1971 and 1977 to date. I grew up on a farm north of town, was a member of 4-H and graduated from Lowell High School. After graduation I attended GRCC and Michigan State University where I became a certified elementary teacher and taught for Lowell Area Schools for 41 years. My children grew up in this community, as well and my daughter is raising her family here now. Currently, I am treasurer of the Lowell Women's Club and enjoy working to raise funds for scholarships to be awarded to our high school student members along with granting community gifts to area non-profit organizations each year. I have been active in numerous community events such as the Lowell Riverwalk Festival and volunteering at FROM. In retirement, I developed and managed an after-school homework club for Cherry Creek students for several years. It is my understanding that this committee must have a member from First Congregational Church, and I am an active member having joined in 1986.

Many wonderful changes have taken place in our community, and I would like to help area organizations continue their work to make Lowell a thriving place to live. Thank you for considering me for this position.