

**PROCEEDINGS
OF
CITY COUNCIL
OF THE
CITY OF LOWELL
MONDAY, MARCH 5, 2018, 7:00 P.M.**

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

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

Present: Councilmembers Greg Canfield, Marty Chambers, Jeff Phillips, and Mayor DeVore.

Absent: Councilmember Jim Salzwedel.

Also Present: City Manager Michael Burns, DPW Director Rich LaBombard, City Clerk Susan Ullery, and Police Chief Steve Bukala.

2. **EXCUSE OF ABSENCES.**

IT WAS MOVED BY CHAMBERS and seconded by PHILLIPS to excuse the absence of Councilmember Salzwedel.

YES: Councilmember Canfield, Mayor DeVore, Councilmember Phillips, and Councilmember Chambers.

NO: None. ABSENT: 1.(Salzwedel) MOTION CARRIED.

3. **RECOGNITION OF STAFF AND COMMUNITY ORGANIZATIONS—FLOOD EFFORTS.**

City Manager Michael Burns felt it was important to recognize our City staff and the many different agencies that helped the City throughout the entire flood event. Burns stated that we had the fourth largest flood in the City of Lowell history and from where he sits, because of the efforts that everyone did, it made his job a little easier.

Burns publicly recognized the Assistant City Manager Rich LaBombard and Department of Public Works staff, Jeff VanSetters, Todd Phillips, Scott Fosburg, Ralph Brecken, and Joe Baker.

Burns also thanked Suez and the assistance of Mark Mundt, Brian VanderMeulen, and Cody Chambers. Burns stated that they worked hard and very well together during the entire event.

Burns also thanked Chief Ron van Overbeek and Captain Shannon Witherell of the Lowell Area Fire Department. Witherell managed this event during the weekend and the staff did an excellent job.

Burns also thanked the Lowell Police Department, who worked countless hours and had extra patrols. Burns thanked Chief Bukala, Detective Scot VanSolkema, and Officers Ian Shears and Andy Coaker for working many shifts.

Burns thanked F.R.O.M. for their relief efforts with clean-up and providing shelter if needed, which fortunately, was not needed. Burns also thanked the United Methodist Church and F.R.O.M. for providing meals and thanked Dawn Broene from F.R.O.M and Pastor Brad Brillhart and Ann Dimmick of the United Methodist Church for all their efforts.

4. **APPROVAL OF THE CONSENT AGENDA.**

- Approval of the Agenda.
- Approve and place on file the February 20, 2018 Committee of the Whole meeting.
- Approve and place on file the regular minutes of the February 20, 2018 City Council meeting.
- Authorize payment of invoices in the amount of \$526,432.18.

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

YES: Mayor DeVore, Councilmember Phillips, Councilmember Chambers, and Councilmember Canfield.

NO: None. ABSENT: 1.(Salzwedel) MOTION CARRIED.

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

Scott Noto of Walker introduced himself and stated he is running for Kent County Circuit Court. He grew up in Wyoming and has been practicing law.

6. **OLD BUSINESS.**

None.

7. **NEW BUSINESS.**

a. **LARA - MDNR Grant – Notice of Public Meeting.**

Dave Austin with Williams and Works serving as the engineer for the Lowell Area Recreation Authority, stated that tonight is an opportunity to seek public input on the MDNR Grant that is being submitted by the City and a separate equal grant by the Lowell Area Recreation Authority towards partial funding for a potential project to connect the two Rail Trail end points that are in the community.

Austin stated that the purpose of the meeting is to educate the folks quickly on what the project is and to seek public input on that. Austin stated there have been a lot of questions that have come up about this and to facilitate that, they have put together a “Frequently asked Questions” list and there are several copies.

Austin then showed a map of the trail and stated this is a map of 125-mile Rail Trail System that starts in Owasso and goes to the east, goes through St. Johns, Ionia, Saranac, and terminates in Lowell at South Division, just south of the Grand River where the bridge is. Austin stated that it picks up again on Foreman Street next to Metric Manufacturing, proceeds north to Belding, to Greenville, and then east to Alma. The only gap in the entire 125-mile section is here in Lowell, and that’s a good thing, because the reason we don’t have a rail gap is we have a thriving business here in the community who still uses the rail, so we don’t have an abandoned rail, but as such, they’ve had to look at different ways to connect those two rail trail end points. Austin stated when completed, this will be the fifth largest continuous rail trail in the country.

Austin stated that back in 2013, the DNR and the National Park Service did a master plan of this entire route to look at how they would complete it and at that time, they identified Lowell as the hub

community in the trail way system. Austin stated that in 2015, the DNR helped fund a study to look at options for connecting these two points because we don't have an abandoned rail, so we had to look at ways of getting from Foreman Street down to South Division. So, that study was done and they looked at a lot of different options.

Austin then presented the map showing the proposed route as it exists today, showing from Foreman Street that ends and goes to Belding. The existing LARA Trail goes down Foreman Street and connects to Gee Drive to Alden Nash, goes up to the High School and the Wittenbach Wege Nature Center to the north and to the south, they've started the construction, which will be completed this spring, to go from Gee Drive to Main Street to Alden Nash.

Austin explained the next Phase of the LARA Trail going down Bowes Road and going through Stoney Lakeside Park. After Stoney Lakeside Park, it would go back up onto the street and replacing the existing sidewalks on Bowes Road from Pleasant Street to Hudson Street, which would be in the road right of way of folk's houses. There will be a new light at Hudson and Bowes as part of the South Broadway construction, which will give the trail a protected crossing with the light.

Austin stated that where they want to go is across the Flat River and the Grand River and they might use the islands that are in the rivers. This would join with the North Country Trail and also provide a spur up to the north to get to Front Street, which would connect to the downtown area.

Austin stated that he is coming back to City Council on March 19th and ask them to consider a Resolution that will authorize the City to submit the application. Austin stated that the next LARA meeting will be held on Wednesday, March 14th.

Jim Pfaller of 810 Bowes Road stated he had a couple of points to make. First of all, I apologized for my lack of trust. I've lived on Bowes Road for thirty-six years and a few years ago, I met with the engineers from Lowell Light and Power and we were told there's going to be three trees removed, there's been one hundred and fifty removed when they put power line up. So, things changed when the chain saws start and when the bulldozers start and all of that. So, I'm real reluctant to say yeah, this is not going to impact me or there will be minimal impact because it's going to end up being more than what shows on paper.

Pfaller continued - I'm curious of why LARA hasn't approached every one of the proposed property owners up to this point. I know there's going to be time in the future, but for a public hearing, I feel everybody should have been contacted. When I contacted my neighbors, "do you know this is being discussed?" "no idea", so, I feel there is a failing there. If the LARA board can work with Light and Power to remove the telephone poles and put the line underground, I still don't want it in my front yard. I think spending five million dollars to build four miles worth of trails in the City, whether it's City money, State money, DNR money, I think it's irresponsible when we can't maintain our streets and it sends a bad message to the citizens. Yes, we're going to spend this money, but we can't maintain our streets. And, the reconstruction of Bowes Road and Broadway Street, blocking it off at Main Street and putting a light at the end of Bowes Road, is going to create higher traffic counts on Bowes Road, and we've got a problem with speed on Bowes Road right now and in my opinion, it is going to increase the truck traffic on Bowes Road and with a trail that close, I think it is going to cause problems and I don't want more traffic there when there is enough there already.

John Betit of 680 Bowes Road as of August stated I'm new to Lowell, I think it's a great town, I definitely did not know anything about this, I was approached by some neighbors, I don't feel too strong about it and the reason for that is, I am a mountain biker and I have to travel through all sorts of

towns to get to different trails, you know, I got trails to ride. I understand the fact that they want to connect all the trails, but if you think about it, and there's a lot of rail trails already existing. That's my opinion, that's why there's bike racks for cars. You know, big thing that States are trying to push is "share the road" for cyclists. I feel that they abide by the laws and that's pretty fair, you know. I'm just not really for it, you know, especially just moving and finding out they're gonna take ten feet. To me, that's a big deal. I do know that right in front of the house, there's signs for gas lines too, so gas lines have to be relocated, I'm not sure. Winter time, am I going to be in charge of clearing out a ten-foot path of my house, so, just some concerns I have.

Mark Mundt of 800 Bowes Road spoke as a taxpayer and not a contractor to the City. I'm going to bounce around a little bit, but my neighbor mentioned a little bit about it, but try to keep our property up on Bowes Road and I mentioned that last time I was here and we have some nice looking homes along there. But, Bowes Road has been a recipient of many failed experiments over the years, one of them he mentioned, cutting a hundred and fifty trees down.

Mundt continued - we try to keep our places nice and they come through and cut all this stuff down. The next experiment was putting the substation down at the other end of Bowes Road and decided we needed power lines down both sides of the road because Lowell Light and Power was too cheap to bury them. Again, it looks like an industrial park and it's a residential area, failed experiment. One of the board members, I believe, resigned because he was so embarrassed about how bad that looked when they got done. They stopped doing clear-cutting after they went down Bowes Road because that was decided it wasn't a good idea either.

Mundt continued - now, we're going to put a ten-foot wide piece of driveway down in everybody's front yard for people to walk on. Another failed experiment. We don't know if people are going to come and use these trails, there's studies that say they might, I don't know that, I'm not a trail person though, so I don't have any sympathy for that. We already have a sidewalk that goes from one end of Bowes Road to the other, perfectly good sidewalk, some of it paid for through private people, meaning they paid for it themselves and you're going to come through and tear it up and replace it with blacktop, which you can't put a blacktop sidewalk in this City I don't believe. And I know this isn't a sidewalk, it's a trail, but I don't think you can put a blacktop sidewalk in this City, but you're asking us to replace our cement sidewalk with blacktop.

Mundt continued - Right of Way-I was told that if it wasn't for those power poles and they didn't need an easement from us, they'd just put it in anyway. Well, that might be true in theory, but I'm here to ask you as our representatives to make sure that they don't come through and decimate our front yards like this. You have a right to stop this. You said you are going to be asked to authorize the Resolution for them to go for the grant. You can vote no, it's okay. It does not have to be ten foot wide, the reason it needs to be ten foot wide, according to them, which is true, is because of the grants they're applying for. If they weren't applying for those grants, you can put in any trail that you want. Mundt continued - Cascade does not have ten foot wide trails/walking paths because they paid for them themselves. They chose, as a community, to vote a bond issue and put those in and they get to set their own rules when they do it that way. So, don't fall for everything you're hearing. Some of this is "half

baked” let’s say. It sounds good, but there might be a little more truth there if you fare in a little bit and ask the right questions. That is all, thank you for your time.

Ryan Sullivan of 890 Bowes Road spoke stating my wife and I, and two small children just moved in at the end of September of this year. I can say that we moved to this community because it was a nice small community with nice neighborhoods, where we felt our children could have plenty of property and land in our front yard to move about, where we could grow into and be a part of the neighborhood. I can tell you that if that trail was in front of our house before we bought the property, we would not have bought it. I think it encroaches on everybody’s driveways, people with parking scenarios; there isn’t any parking on Bowes Road, so if I was having a family gathering and I had four cars in my driveway, now I’m blocking the trail. It’s going to be all that way all down Bowes Road and people’s property.

Sullivan continued - I think it increases the traffic level down Bowes Road with the stop light, which as others mentioned, the traffic moves very quickly. I would actually love to see stop signs, more stop signs on Bowes Road, actually, right at my corner at Center and Bowes, something to prevent more speeding. I do agree that I think there’s better ways for committee’s time to be spent within the community, finding projects that the community can gather around versus possibly potential use for people using these trails, but, we don’t really know. I can say that the short time I’ve been there, we have a very nice sidewalk, as others have mentioned it runs all the way down Bowes Road and really only sees traffic usage from a small handful of neighbors that use it on a daily basis, maybe a few children going to Stoney Lakeside Park. My wife and I will be opposed to the trail and I hope you can see concerned citizens here tonight opposing it and understand people’s concerns.

Cliff Yankovich of 329 North Monroe and also owns a business on Main Street and that’s the main reason I’m here to support the connecting of the trails. Up until today, I was not aware of the problems with running in front of people’s yards and I certainly respect that. Hopefully, we can get something worked out. The reason I think it would be important to connect all these dots, I know there’s no way to prove the trails would get used, but all you have to do is go up to Rockford on a Saturday or Sunday and take a look at what goes on there, bikes, walkers, all kinds of people up and down, their trails do get used. Something that rang my bell when we had the Chamber dinner a couple of weeks ago, was that if all of these pieces are put together, it would be the fifth largest trail in the country and Lowell’s kind of right in the middle of it.

Yankovich continued - and if you put in the fact that we are the home of the North Country Trail’s Home office, and I’ve said it here in the past, that I’d like to see a campground go in, Jim Hall’s name was mentioned earlier, I think that’s a genius idea when the fair moves. Liz Baker gets calls all the time from people looking for campgrounds and to me, it makes every bit of common sense to have a place where people can camp and the trails would tie it all together nicely. So, I’m hoping that you guys or LARA can find a way to accommodate everybody’s concerns and still get all of these dots connected.

Chantel Kuiper of 976 Bowes Road stated she would be right at the corner of where it would come up the side yard and across the front yard, so, right along my two children’s windows and along the front

of my house, taking up hundreds of square feet of my property. I only just brought the house this summer, I was very excited, much like my new neighbors, to be part of a small community, a thriving community, safe, friendly, and the thought of this trail, yes, I like the idea of a trail and connecting things, but we have that, we have a sidewalk, we have places for people to come and go and I can't image the lack of privacy that we'll now have with a ten foot wide trail in our own personal yard, running next to my children's bedroom doors.

Kuiper continued - I can't image people being out there in the middle of the night all hours, doing whatever they want, the litter, people throwing stuff all over our property that we'll now have to go and clean up. Now, we can put our trust in the City that they are going to maintain it and it will be shoveled and cleared, but what about our land? That entire section of my property, down the yard, that's my privacy, I have all my trees there. The privacy is the reason that I purchased the house, if I would have known this, coming to buy this house and becoming part of a great community, great schools and great people, I mean, I would never have bought that house and I can't imagine in years to come, when we turn around and want to sell it, other people would want to purchase our home.

Kuiper continued - I have spent the entire summer fixing the inside of the house. I've had to put time with my children aside so I could invest in this home and make it better for the City of Lowell and it's just so disappointing, especially the fact, that nobody reached out to me, a homeowner, that's affected by this. Never once did I hear about it until my neighbors came knocking on my door last Tuesday and said, "hey, did you hear about this"? No, I mean, the people who are affected most should be the people that are heard from first and if my neighbor didn't come down knocking on my door, I would have never known. I probably wouldn't have known until they were tearing stuff out in my front yard.

Kuiper continued - ten feet is a very large amount of space across, and I think I read somewhere as well that there's an extra two-foot shoulder or something alongside that too. My front yard is gone; my neighbor's front yards are gone. So, now my children go out to play and we're supposed to expect that on our property, our children are allowed to play and be safe and comfortable, in our home, on our property, but there's going to be so many people running through it. I definitely don't support this and I'm extremely disappointed. If it was something smaller, something that didn't tear up everyone's everything, then maybe, but, I mean, it's astronomical in the price that it's going to cost to build it when there's perfectly good existing pathways.

Betsy Davidson, a Lowell Area Recreation Authority board member stated their board and the Fred Meijer River Valley Rail Trail group have and many community leaders have been working on this rail trail connection project for over ten years. The map submitted is LARA's preferred route option, which touches many City parks and other City features and by deciding to allow us to move forward to submit these grants is not forcing the trail on anyone along Bowes Road. We will have until October to work with property owners along Bowes Road and give them the facts about the Rail Trail and how we can work together with them making improvements to their property where the trail goes through.

There's a bigger picture here than just Lowell, its regional and the trail will be available for generations to come. The route is the best chance to get funding from the state. So, we're hoping that the residents here tonight can read the facts that we put together and hopefully, they'll allow us to talk to them moving forward and figure out a plan for each property owner so, that's our goal and intent. I apologize if we didn't contact you directly yet, but we will be, our plan was to contact each property owner.

City Clerk Susan Ullery then read a letter from the Main Street Inn Manager Heather Strejc, which read – Dear City Council, I just wanted to let you know we at the Main Street Inn fully support the completion of the Trail System thru Lowell. Over the last five years, we have watched this community blossom and grow and are excited to see safe and healthy activities continue to increase things for visitors to do here in Lowell. Please do what you can to see that this happens.

b. Showboat Engineering Services C. Fly Marine Services, LLC.

Assistant City Manager Rich LaBombard explained as part of the rebuild the Showboat project, it is necessary to enlist the services of a qualified firm to design and engineer the new structure and provide a set of plans and specifications for bidding the construction vessel. As directed by the Showboat working group, the City owner's representative – Chris Chamberlain – solicited quotes for professional services from a number of engineering firms qualified in engineering and design of maritime vessels. Chamberlain received four quotes total and the Showboat working group recommended the selection of C. Fly Marine Services, LLC of Madisonville, Louisiana.

IT WAS MOVED CANFIELD and seconded by CHAMBERS to approve C. Fly Marine Services, LLC bid of \$70,000 for the engineering and design of the new Lowell Showboat, plus additional expenses as requested by the City; and subject to approval of a finalized legal agreement between the City and C. Fly Marine, LLC that will be reviewed and approved by the City Manager and City Attorney.

YES: Councilmember Phillips, Councilmember Chambers, Councilmember Canfield, and Mayor DeVore.

NO: None. ABSENT: 1.(Salzwedel) MOTION CARRIED.

c. LARA Trail Maintenance Memorandum of Understanding.

City Manager Mike Burns stated at the December 4, 2017 City Council Meeting the City Council directed him to work with the Lowell Area Recreation Authority and Lowell Area Schools to develop a memorandum of understanding to maintain the trail. With the trail system expanding and the addition of the Alden Nash section; and more plans are developed for new trails, the City is not in a position to continue to support routine maintenance of a non-city owned asset. The Department of Public Works proposed to return routine trail maintenance activities back to LARA and further proposed to formalize the division of responsibilities of trails and routine maintenance activities with a Memorandum of Understanding.

IT WAS MOVED BY PHILLIPS and seconded by CANFIELD to approve the Memorandum of Understanding between the Lowell Area Recreational Authority, Lowell Area Schools, and the City of Lowell regarding maintenance of the Lowell Area Recreational Authority Trail as presented.

YES: Councilmember Phillips, Councilmember Chambers, Councilmember Canfield, and Mayor DeVore.

NO: None. ABSENT: 1.(Salzwedel) MOTION CARRIED.

d. Resolution – 07-18 – Greater Grand Rapids Hazardous Mitigation Plan.

City Manager Mike Burns explained that in order for the City of Lowell to be eligible for any potential FEMA funds, an adopted Hazard Mitigation Plan is required as a condition of future funding for mitigation projects under multiple FEMA pre-and post-disaster mitigation grant programs. This plan is updated every five years.

Michigan State Police/Emergency Management Division and Federal Emergency Management Agency Region V officials have reviewed the updated Hazard Mitigation Plan and the Kent County Board of Commissioners approved the official adoption. Every jurisdiction in Kent County needs to approve the updated plan to be eligible.

IT WAS MOVED BY DEVORE and seconded by CHAMBERS to approve Resolution 07-18 as presented.

YES: Councilmember Chambers, Councilmember Canfield, Mayor DeVore, and Councilmember Phillips.

NO: None. ABSENT: 1.(Salzwedel) MOTION CARRIED.

8. **BOARD/COMMISSION REPORTS.**

Councilmember Phillips stated his last meeting was cancelled.

Councilmember Canfield had no report.

Councilmember Chambers had no report.

Mayor DeVore stated the Fire Authority meeting for March was cancelled and the next meeting will be April 9, 2018 at 3:30. DDA was rescheduled for March 15, 2018. The next Vision meeting will be held on March 20, 2018 at the superintendent's building.

9. **MANAGER'S REPORT.**

City Manager Mike Burns reported on the following:

- Update on the flood and pumping into the river.

- Governor has not declared a State of Emergency, not sure if he will.
- Concerns at last meeting on Broadway Street. Construction will begin on March 12, 2018.
- Hired new Deputy Clerk. Amy Brown will start on March 19th.
- Wayfinding Project moving along.
- Changed the date with Lew Bender, he will be here on March 28 at the fire department at 5:00 p.m.
- Budget session will be on April 28, beginning at 10:00 a.m.
- Dan Burden will be here to conduct a walkability study on May 15, 2018.

10. **APPOINTMENTS.**

None.

11. **COUNCIL COMMENTS.**

Councilmember Phillips thanked Rich, Chief Bukala, all departments and staff for their hard work and dedication during the flood. He also thanked the citizens for coming out and expressing their concerns to the Council. A good week was wished to all.

Councilmember Canfield thanked the DPW, LPD and everyone who helped with the flood. The National Weather Service misjudged, with their moderate predictions, but fortunately the DPW and police department were ready and handled it well. Councilmember Canfield also thanked all the citizens for showing up and expressing their opinions about the trail. As we've said numerous times, this won't be forced on anybody; this is a decision that will be made by the property owners if we can find a way to make it work. Canfield stated that he thinks it will be good for the community and the residences. It provides opportunities for safe recreation and we'll just try to work through this process. Canfield stated that Dave Austin is very good at this, he's done it with a lot of communities, he's found ways to make it work for people and confident that we can get through this and be a better community because of it.

Councilmember Chambers thanked the citizens for stepping up tonight and voicing their opinions. Chambers promised that it didn't fall on deaf ears. He met with some concerned citizens but would like to meet with others as well and urged those that he hasn't spoken with yet to stop by Red Barn Consignments to leave their name and address and a time when he can meet with them. Chambers also thanked everyone involved with the flood. The situation was handled very well.

Mayor DeVore thanked everyone for coming out and he was glad that whatever direction you take, you're passionate about this trail. DeVore agreed with Councilmember Canfield, stating we will not shove it down anyone's throat. He also stated he had plans to stay in town for the flood thinking that he could be of some help, but that turned up not be the case, which is a compliment to everybody else. Mark Mundt was on top of the issue at the Wastewater Treatment Plant and Mike Burns was on top of everything within the City. This was probably the best line of communication we've had during any other issue. DeVore thanked the LPD and Assistant City Manager Rich LaBombard for holding it together during the meetings held. It kept everyone on the same page.

12. **ADJOURNMENT.**

IT WAS MOVED BY PHILLIPS and seconded by CHAMBERS to adjourn at 7:53 p.m.

YES: 4. NO: NONE. ABSENT: 1. MOTION CARRIED.

DATE:

APPROVED:

Mike DeVore, Mayor

Susan Ullery, City Clerk