

**PROCEEDINGS
OF
CITY COUNCIL
OF THE
CITY OF LOWELL
MONDAY, MARCH 19, 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, Jim Salzwedel, and Mayor DeVore.

Absent: None.

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

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

- Approval of the Agenda.
- Approve and place on file the regular minutes of the March 5, 2018 City Council meeting.
- Kent Intermediate School District – Collection of Summer Property Taxes.
- Application for Fireworks Display.
- Authorize payment of invoices in the amount of \$116,868.24.

IT WAS MOVED BY SALZWEDEL and seconded by PHILLIPS to approve the consent agenda as amended, moving the 'Trails Public Hearing' under New Business 5 (a).

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

NO: None. ABSENT: None. MOTION CARRIED.

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

Mark Mundt spoke in reference to this being his last Council meeting as Superintendent of the City's Wastewater Plant. Mundt stated that in 1989, he and Theresa moved their family of four from a little town of Union Pier two hours north to a not much bigger town of Lowell. Our family soon turned to five and we never looked back. Mundt stated that Lowell is not our home town, but for the past twenty-nine years, it has become our home. It's a great place to live, to raise a family, work, play, shop and volunteer.

Mundt thanked Dave Pasquale and Tony Siciliano who interviewed him and picked him for the job. He also thanked the City Council that was seated at that time who had foresight and vision to protect the City's newest asset by hiring a contractor to operate and maintain it. Mundt also thanked every Council since then that saw the benefit of contractor operations and continued that tradition.

Mundt also thanked City staff that he's had the pleasure of working with over the years. He also thanked the citizens of Lowell that welcomed us into their community. Mundt stated that mostly, he wanted to

thank his family and especially his wife for their unending support. Mundt stated that he and Theresa made a life-changing decision almost twenty-nine years ago and it turned out to be one of the best moves of our lives. Mundt stated that Lowell is a great little community and it has been his sincere pleasure, honor and privilege to work with you and for you. Thank you very much.

4. **OLD BUSINESS.**

a. **Broadway Street Reconfiguration.**

City Manager Michael Burns stated that with the underground infrastructure projects that are currently occurring on Broadway Street, we have been speaking for months regarding reconfiguring Broadway. Based on recommendations from our engineering company, the proposed redesign is to alleviate truck traffic going onto Main Street and diverting the traffic on Broadway back to Hudson.

Burns explained that there have been concerns about this and at the request of some City Councilmembers, he asked Prein and Newhof to come back to the City Council to discuss if this is the best option for the project.

While the project is under construction, if the Council wants the street reconfigured different than what is being recommended by Prein and Newhof, we have time now to make that change.

Brian Vilmont of Prein and Newhof gave an explanation as to why the road was reconfigured this way and advised this would alleviate truck traffic off of Main Street during high traffic times and would help traffic flow smoother.

Perry Beachum asked if they were going to install a sidewalk or will there be pedestrian traffic to get to the ball park or if they would also be diverted down Hudson Street. Vilmont advised there is no sidewalk that goes down that way now and they will not be adding sidewalk to allow pedestrian traffic. Vilmont advised that route for passenger traffic and pedestrian traffic will be rerouted to Hudson Street, which will be safer. There will be a removable fence that can be removed for special events or other things.

Chief Bukala was concerned about vehicles and pedestrians cutting through and reminded everyone there is still a live railroad track. He noted he was in favor of closing the road off and creating a parking lot and routing traffic to use the main road.

Councilmember Chambers sees this as a deterrent for people that visit Lowell, go to the fair and other events at the fairgrounds. It is keeping individuals from coming into the City. This is direct access from that property to our City streets. No one is going to walk around to Hudson.

Mayor DeVore advised that was part of the reasoning for making the fence removable.

Councilmember Phillips asked if they had considered a one-way street. Vilmont advised it would create the same problem because it is currently two-way truck traffic now due to trucks coming to and from the scales.

Cliff Yankovich suggested a gate so people could walk through and not drive through. Vilmont noted there is an opening for people to get through on the south side.

Councilmember Canfield stated that citizens could still get to the parking lot and walk down to the ball field, but they are trying to discourage it because of truck traffic, but if people want to walk down there, they still can.

By general consensus, the Council agreed to proceed with the plan for Broadway Street reconfiguring.

b. Sidewalk Code Enforcement.

City Manager Mike Burns stated that they had looked into the issue of sidewalk enforcement a couple of weeks ago and at that time, he advised Council that he would report back to them. Since then, Burns, Assistant City Manager Rich LaBombard and Chief Bukala have put a plan in place to recommend to the Council. Burns advised Council does not have to vote on this tonight, but they are presenting it for consideration.

Chief Bukala stated that in looking at the current Ordinance, we have the tools in place to make our sidewalks all walkable. Bukala went on to describe the definitions for driveway approach, retaining wall, sidewalk and trail.

Bukala then explained Section 19-3, displacing, opening up pavement, which requires a permit and fee. Inspection of work is needed and any person violating any of the provisions shall be subject to a stop work order and/or revocation of his or her permit.

Is this Ordinance necessary? Yes it is, it is hereby declared necessary for the protection of the health and safety of the general public that the City provide by ordinance for the construction, repair and maintenance of sidewalks, retaining walls and driveway approaches to the City.

Bukala went on to explain the rest of Chapter 19, Sections 19-22 – Responsibility and liability, 19-23 – Existing construction not in good repair, 19-24 – Necessary construction, 19-25 – Notice of violation, 19-26 – New Construction, 19-27 – Permit, 19-28 – Assessment and lien upon property,

Recommendations under the current Ordinance are as follows:

The DPW will assess the all sidewalks in the City that are deemed a hazard. The sidewalk notice of hazard will be distributed via first class mail to the residents responsible for maintaining the sidewalk. The resident will be given a one-year moratorium to come in compliance and the sidewalk permit fee will be waived through June of 2019.

Starting July 1, 2019, if you have a notice of violation, you have sixty days to fix your sidewalk. If it is not in compliance within those sixty days, it goes to the Chief's office and they will have to issue a citation and if that citation is not paid, they will cite you into 63rd District Court, you will be given a formal court hearing, if you are found not responsible, nothing happens, if you are found responsible, you are going to be ordered by 63rd District Court to fix the sidewalk. If you don't fix the sidewalk after a court order, the City will then come in and fix the sidewalk, assess alien and then you will be back in court for Contempt of Court.

Assistant City Manager Rich LaBombard then explained that in order to have a fair and equitable inspection program, the City needs to develop a set of inspection criteria which he has developed for Council review.

Perry Beachum of 924 Riverside Drive advised he has a problem with the City requiring sidewalks for all homeowners and businesses, but then the City doesn't install sidewalks in front of City property.

Rich Conrad of 1302 Laurie Gail spoke in reference to being proactive when sidewalks are going bad and asked if he had to contact or hire the City to repair his sidewalk. It was explained to Conrad that the City will not recommend anyone, but he can hire whoever he wants for fixing the sidewalk. Conrad then went on to explain that he likes to run a lot and he is always hit by low lying branches, etc. when running on the sidewalk. Conrad asked who he would contact in reference to clearing the sidewalks from the branches.

IT WAS MOVED BY DEVORE and seconded by SALZWEDEL to table the issue with sidewalks and discuss at another meeting to get more citizen comments and concerns.

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

NO: None. ABSENT: None. MOTION CARRIED.

5. **NEW BUSINESS.**

a. Public Hearing for LARA Trail Discussion.

Walt Thebo of 6130 Hastings Road in Lowell stated he appreciates the Council allowing him to address them. Thebo stated he and his wife have been Lowell area residents for thirty-five years and they've seen what they feel is a wonderful transition of Lowell from what it was like back then to what it is now. Thebo stated that they raised their children here because they felt Lowell had an excellent school system and overall, an excellent community environment. Although they've trusted the school and council leaders, that doesn't mean they blindly follow them on every decision they've made or approved of their decision.

Thebo stated – My wife and I, the creation of this trail network, is just a decision that we whole heartedly support. I am disabled with Muscular Dystrophy, but my understanding is that in order to have this completed trail and have the funding for it, it must be compliant with the ADA, the American Disabilities Act. The smooth trail surface would be really beneficial to me because of my balance issues. I realize I'm only one voice and I understand there're a lot of people that are upset over this because of what it might do to their property and I'm sympathetic to toward that, I truly am, but I do believe that this would be very beneficial to the City and I hope we go through with it.

Eric Bartkus of 1270 Hawthorne Hills stated - the business my wife and I own is at 215 W. Main, Ability Weavers. I would like to say that in the two years that we've been here with our business, we have seen a number of people come in from outside the area. More and more people from long distances visit Lowell to experience the river, the restaurants, the excitement, the shopping, we would like that to continue, as we all would, and we believe that the continuation of this trail would go a long way to helping that. I look to Rockford, which we like to bike that trail often, from Grand Rapids to Rockford and having that smooth, paved continuous trail just is a wonderful thing to bring in people to make it friendly for people with strollers and things like that. It's a neat destination with a river, breweries, restaurants, ice cream and we have that exact thing here, if not better, so I support that trail continuation.

Jim Pfaller of 810 Bowes Road stated he had a couple of concerns. You're going to be looking at a proposed ordinance change or an agreement addendum very shortly, and it concerns me that the State is requiring this Council to make an addendum to the agreement that formed LARA and that if LARA should dissolve, the City is then responsible for the trail within their jurisdiction. Has there been any projections on what the maintenance costs are going to be? Greg, thank you for bringing these around Saturday, I was out of town, I assume it was Saturday. But, it is not a 10-foot wide path. It's a 14-foot wide path; it's a 10-foot wide paved path with 2-feet on either side as the shoulder, so that means I'm losing more of my yard that was originally proposed. Two and a half inches of asphalt does not hold up in Michigan winter, I'm sorry, it's going to crumble and I don't think there's enough funding available in the LARA budget and in the trail's coalition budget that's going to be able to maintain this long term.

Pfaller continued – we can't maintain our streets, yet, down the road, we're going to end up maintaining a trail. Now, am I going to be liable when that happens and the City is then responsible and is going to come back to the property owner, where now, instead of maintaining a 5-foot wide path, I've got to maintain a 10-foot wide path. Something to think about.

Rich Conrad of 1302 Laurie Gail – my apologies to anyone, I'm not exactly up to date with what's happening with the trail. I understand now that it's going through some of the yards on Bowes, my apologies. I'm not here to say that I'm here to support the trail system just in general, I'm from Rockford, I moved here about four years ago, to Lowell. It's a great area and one of the things that attracted me here are the trails. I like to run a lot, I've lost quite a bit of weight because of running and I also want to run safe. Some of the issues I have with again, sidewalks, I don't want to complain about every little thing, on a country road, I can just run down the road and don't have to worry about it. I'm sure some people here have seen me, I'm kind of goofy where I run without a shirt in zero degree weather, I sweat a lot, I love it, I wear bright colors, I'm not going to wear black at dark, that's non-reflective, that's not safe.

Conrad continued – The more trails that there are I feel that it's more safe to run on and it keeps me away from where traffic is. I think it's a great thing, I think it's safe for, in the City, for people to feel safe in a way that's only for running, and again, from Rockford, I think this would be beneficial for the City as well. The more trail systems we have, especially with Lowell becoming a HUB, this connects a lot of the trail systems, which are going to attract a lot more groups. I know there are relay-races that go across the state and bring in hundreds of people, other states some have thousands. I don't know what it could do exactly for the City number wise, but that will attract people.

Conrad continued – In the winter time, it's something that feels great too, I know a lot of people try and shovel their sidewalk, they don't always do it; I feel weird complaining about that, but with the trail system, my experience so far, the trails that are available already, those have been well maintained and are easier to run on. Where I try sidewalks, that's a little bit more difficult because there's slush, there's people that aren't home for the weekend, there's people who just don't care, a lot of those, so I try and avoid those areas, kind of in a hilly area, it's difficult to find a lot of areas where I can try getting, you know, forty to sixty miles in a week without running the same path over and over with traffic. With trails, it provides a lot more of a safe area and basically, I'd like to just use the trails for safety and to see the new business it can bring to Lowell. I'm sorry, I'm not against everybody that lives on Bowes, I'm sorry; I'm just in favor of the trail system.

Deb Pavek of 970 Alden Nash stated – I live on the Alden Nash section of the LARA Trail and I'm a big proponent of the trail system. I'm a walker so the chance to live on a trail was a big bonus when,

well, it was a big selling point when I bought my home. It adds a sense of community, promotes a positive image for Lowell and it fits in well with other programs offered in the area. For a few years, I worked at the Main Street Inn and people who came to town were very excited that there was easy access to the trails from the Inn and many visited the North Country Trail Association office. I've lived here for five years and I've not had one negative experience. People are respectful and courteous and I was presently surprised at how well the dog walkers picked up. I'm not so very nice being spokesman for legged and it's a sure sign of spring when I see people outside walking again. Everybody was so happy to be walking over the weekend on the trail. The Cooper Woodland Preserve Trail was a brilliant addition, it's beautiful even this time of year and if you haven't walked it, you should, there is convenient parking. Thank you, I appreciate your time.

Rick Seese stated – I'm a life-long resident of the Lowell community. I've been the Associate Broker for Greenridge Realty for thirty years on West Main Street and I've been in the real estate business for forty years. I just want to speak to the popularity of trails in itself. All around West Michigan there are plenty of communities all around us that have partaken in trails. They have become pretty much a prerequisite for many home buyers that look at communities where they might want to move to. Lowell is already a great place to live and it could become even greater. Every age gets a 'positive' out of trails, whether it's older, I'm not like Mr. Conrad, I should run trails more, but we have our seniors and they get exercise, we have our young families that look for vitality in communities before they choose where they might want to move to. They look for good schools, they look for vibrancy, Lowell has it, and it could be greater if we could connect with all of the trail ways and become a trail town. Thank you.

Liz Sparks of 257 Donna Drive stated – I'm here to speak in favor of the walk and bike trail proposed along Bowes Road. I walk and bike a lot in the summer and it will be wonderful to have a bike trail that I can use to get downtown without breaking the law of riding on the sidewalk because I will not ride on Main Street, it's just not safe. I don't want to share the street with all the cars and the trucks and the semis. So, until this trail is put in, Mr. Steve, I will be riding on the sidewalk. We already have the Fred Meijer Rail Trail to the north and the east of us, as well as the North Country Trail and this trail will only add another asset to this already great community. So, thank you for your time and I'm hoping that it really goes through.

Jodi Seese of 1888 Parnell Avenue in Lowell Township stated – I'm one of the original co-chairs of the capital campaign for the LARA Trail and I am here to lend my support to the expansion of this trail as it is a critical element in helping Lowell become a trail town. So, I encourage the City Council to pass the resolution because it will bide the time necessary to allow the Lowell Area Trail board to explore options and reach solutions for concerned citizens and thereby create a phenomenal trail for our entire community to enjoy.

Jodi continued – I'd like to take a second to offer you two perspectives of why a trail in our City would be considered. The first is that in 2016, as Director for the LoWellness health initiative, I worked with a team consisting of regional health institutions as well as local stakeholders to assess the health and interest in wellness in our community. The initiative featured a survey that was completed by two thousand adult residents from Lowell and the data gives us some insight as to how this trail can support the health of our community.

Jodi continued – I offer for you three exhibits, a) 65.9 % of adults that completed our survey reported being overweight or obese and according to the CDC, Center for Disease Control Prevention, thirty minutes of movement per day is recommended for weight loss or maintaining proper weight for those under the age of eighteen. So, paved trails would provide year round opportunities for those physical activities. b) 79% of the adults surveyed reported the desire to change their physical health as their top priority. Outdoor trails offered excellent study for such recreation as walking, jogging, and running regardless of skill level, requiring no special equipment and at no cost, making this an activity that is accessible to all who seek to use it and; c) lastly, the survey showed that the number one reported form of activity most adults desired was outdoor recreation. A non-motorized community trail allows for the best and safest option for individuals, families, and groups alike to find easy convenient exercise opportunities.

Jodi continued – Secondly, I'd like to share a piece of personal experience with this community as a member who is better from our local trails here. I'm not a life-long resident, haven't been doing the same career for forty some years, but I moved here in 2005 and over the course of the four years of living here, I lost about seventy pounds becoming, basically, through moving more and eating better, so you guys were a good influence on me, but what I can tell you is that to obtain and maintain my health, I am participating in one of three travel groups of that are running area groups in the greater Grand Rapids area.

Jodi continued – So, each of these three groups' travels somewhere on Saturday morning year-round, usually before the sun comes up, to find safe and paved trails and runways for walking. My group is sponsored by Priority Health, but it consists of two hundred runners from all corners of Kent County and we travel to Belmont, Rockford, Kentwood, Byron Center and Millennial Park, but we also use trails from nearby townships of Ada, Grand Rapids, Cascade and Cannon. So, after our run, we take in local offerings, such as restaurants and coffee shops and farmer's markets and festivals. So, each Saturday while I'm out here, I see in addition to runners, people of all ages using these trails. I see people on bikes, I see people walking, I see people on rollerblades.

Jodi continued – I see people pushing strollers, I see church groups and Boy Scouts, collegiate teams and youth groups from city and urban areas who seek trails to get out and enjoy nature. Now, I would be proud to invite our run group to Lowell, but we run anywhere from three to fifteen miles, depending on what event we're training for, so currently, there aren't enough miles to use Life Lowell as a training venue, but the proposed trail would be an ideal way to bring these health minded outdoor living groups to Lowell to experience all that our community has to offer. So, it is for the health of our own residents as well as the opportunity to invite recreation seekers to visit our town, our shops, and our restaurants, that I encourage the City Council to approve the resolution before you, not only would this trail invite others to take in our natural resources, experience our gracious spirit and our welcoming community, but it would also create a platform, a connected system of opportunity for health and wellness for us and for our children and for our grandchildren for years to come. Thank you.

Cliff Yankovich of 329 North Monroe and has a business at 208 West Main stated – I would like to address it from the standpoint of a business person. First of all, I think trails fit very well with our family oriented town, but on the economic front, I did some searching this afternoon and I know you can find anything you want to find on the internet if you term it right, but I even looked, I did searches for negative impact of trails, I couldn't find anything that supported a negative impact on a town or a state or a city from putting in trails. Everything I saw was good, there were all kinds of numbers being thrown around so, I'm not even going to quote them.

Yankovich continued – With all respect to them runners here, if I were marketing, I would market it to the bicycle riders because it seems they have a lot more disposable income and they like to spend it. That's totally unscientific, but that's what I found out this afternoon. I even saw things that property values increased that were close to the trails, property values in homes and businesses. I'm not really silly enough to think that anybody's going to run through Lowell and come in and buy some jewelry from me, my perspective is they might stop at New Union and get some beer, they might go to the Jim Ball's and get some ice cream and then maybe those guys will come and buy some jewelry from me.

Yankovich continued – I know you're sick and tired of hearing me say it, but I want to see a campground at the fairgrounds and I think that if we have to divert the trails across the river and send them down to Saranac, you'd be missing a huge opportunity to tie everything together. The family aspect of our town, we're going to have, if this thing is all connected, it will be the fifth largest trail in the country. I think we could get people, I mean Jodi belongs to a huge group, I was reading about these bicycle people and they travel to go do their thing, it's not like we're just gonna try and get people from Grand Rapids here, they move around the country and they spend their money, so I'm hoping that you guys, with all due respect to the people on Bowes Road, because I certainly understand the difficulties there, but I hope things can be worked out and I think we'll all benefit from it. Thanks very much.

Mark Mundt of 800 Bowes Road stated – I'm going to stay on script again. I debated about whether or not I wanted to get up and say anything. I would have preferred my comments on my final night be the positive ones I made a few minutes ago. Part of me thinks my comments aren't going to change anything anyway, but who knows I may strike a chord with you. I'm here to speak against the proposed trail on Bowes Rd. In theory, I believe in a trail, not on Bowes Road, it doesn't fit in that area but let me get back to this script.

Mundt continued – Proposed Location- We are told that one of the selling points of putting in the trail is that downtown business traffic will increase 30%, Cliff pretty well just confirmed some of that. I don't believe that, but let's just put that aside; if we are trying to connect the ends of two trails that exist currently and you drew a straight line from one to the other it goes right through our downtown, but what they're proposing takes it completely away from downtown and over to Bowes Road.

Mundt continued – 125 miles the 5th biggest trail system in the country". Well that's great, we already have both ends within the City limits, if we don't be connected are inside the City limits. Assuming this trail will add about 2 miles, if we don't put that two miles in the middle, we're still connected to a hundred and twenty-three miles of trail, we'll still be connect to a 123 mile trail, all right. And if we don't connect it, people will be forced to walk right through the downtown to get from one part to the other, increasing the downtown traffic just like what you want to do.

Mundt continued – Grand River Trail– I was told by a Township board member less than two weeks ago that MDOT was “chomping at the bit” to fund a trail from Lowell Township park to Ada. Why wouldn't it make sense for the trail to go from the Township Park east to Dependable Gas and use that route? When I talked to LARA about this option, I really honestly had the distinct impression that they never really took a hard look at it even though it would reduce the cost significantly because it would eliminating the need for three bridges.

Long Term Costs- My neighbor, Mr. Pfaller mentioned this briefly. This is a \$5 Million project. What are the long term maintenance costs going to be? There will be a few miles of pavement and at least three bridges over the rivers that will need to be maintained using local dollars. This magic pot is only funding the conditional construction, and it is not paying for any maintenance down the road. Recently, you have been having discussions about how to raise more revenue because we can't even find enough money to maintain the wonderful assets we already have. How do we plan on paying for the maintenance of this trail system? In a few years when the blacktop on the trail begins to fail will we be forced to divert necessary funds for our roads to the trails because the State of Michigan helped fund it and now they're going to lord over us and tell us that we need to maintain the trails? We're going to be paying for that, I hope you have a plan.

Mundt continued – Bowes Rd. Impact-What is the impact to the residents of the trail on Bowes Road in our front yards? Nobody knows for sure. What we do know we will lose trees and bushes that are decades old. We know that perfectly good sidewalk, some of which we paid for ourselves, including me is going to get ripped out and replaced with ten feet of blacktop. We do know that we will forever be losing part of our property, forever. I can tell you that, with the exception of Betsy Davidson, everyone I have talked would not want it in their front yard and I don't want it in mine. I can tell you that a weekend Bowes Road is a very quiet place to be, and this trail is going to change that.

Mundt continued – Right of Way – This is my favorite one. I have been told three or four times that if LARA didn't need the easements they wouldn't have been talking to us in the first place because they would have just put the trail in the right of way in front of our house. That's a pretty bold statement considering LARA doesn't own the right of way, it belongs to the citizens of Lowell and you folks are the representatives of those citizens. You have every right to represent those citizens here tonight and vote no on the proposed resolution.

Mundt continued – Recap: This trail plan is not bringing people to downtown its taking them directly away from it, if you don't put it in we would still be connected to 123 miles of trails, there are other options that have not gotten a serious look, there will be long term costs that we can't afford and last but not least.... It is my understanding that if the grants are awarded, the project needs to be built "as submitted" with very little wiggle room is there for changing something. In other words, they can't decide after you guys vote tonight to move it to Grand River, and that is not an option. I have just another brief sentence and my wife will defer her five minutes to me, thank you. That means it will be coming down Bowes Road if they get the grants they want to have to have it come down Bowes Road. Let me finish with this, most of you on the City Council, the City Manager and the folks from LARA have all said they will not force the trail on the residents of Bowes Rd. If that is so, we're here tonight telling you we don't want it, so just vote no and that way you will keep your word to us. The residents of Bowes Rd. don't want it and you have the power to stop it! PLEASE VOTE NO! Thank you.

Martha Davis stated – I own Tap House Bo at 218 E. Main Street and I'm voting in favor for consideration of this trail as I do think it would give us some of the benefits that we've all discussed as businesses, having more people come into the area, not necessarily needs to be a direct straight shot, I just think that people coming into the area as a whole, will utilize the downtown area. So, I am in favor of the trail. Thank you.

City Clerk Susan Ullery then read letters from the following residents:

Trudy Cahoon of 2599 Gee Drive writes- I am unable to attend the City Council meeting this week but would like to say a few words about the trail way. I live on the corner of Alden Nash and Gee Drive, so I have the trail both in front and along the side of my house. We have never had any sort of issue with anyone using the path. We have never had trash in our yard or people in our yard. We have found the path to enhance the side of our yard as they placed a beautiful bridge over a swampy area that no matter how hard we tried, we could not get it cleaned up. Blair always enjoyed people walking by as he sat in his barn and often had conversations with people as he was sitting there watching tv. It gives a very neighborly feel to our community and we, ourselves, have enjoyed it for walking as well. I couldn't image a reason to not want this trail way to continue throughout our community, but I can come up with several good reasons to support it continuing through Lowell's City limits; it is good for business and our local economy, it enhances the area, it brings people to our beautiful community, but most importantly, it gives people a safe place to walk, run and bike or take a stroll with their kids and dogs. We are so very fortunate to have this beautiful feature in our community as it continues throughout Michigan and the entire United States.

William Sanborn of 2401 Bowes Road writes – I favor the new trail through Lowell. I believe that bicycle traffic has become a safety issue on Bowes Road. This trail will alleviate much of this problem. I also think it will open up some recreational fishing areas along the Grand River that have not been available before. I look forward to walking the new trail. I believe the positives outweigh the negatives.

Velma Perry of 725 Bowes Road writes – Yes, we need trails for our walkers and bicycles, no cars. Will bring families closer riding with adults and children instead of our busy roads.

Carol Kelly of 725 Bowes Road write - I feel the trails would benefit the people who enjoy walking and riding bikes. This should keep the bike riders off the roads, which is not safe for the bike riders or people driving cars. I do not like sharing the road with people on bikes.

Councilmember Canfield stated he appreciated the turnout by the public, in hindsight we're just starting this process and although people feel we were trying to sneak this by them, that was not the case at all, this is just the beginning and we are looking for a solution that works for everybody. Canfield stated he definitely supports this project, I think it will be good for Lowell and the trail users to bring it somewhat close to downtown Lowell. Canfield stated that he spent Saturday printing copies of a four-page informative brochure that Dave Austin put together and made sure that every house on Bowes Road had a copy and talked with anyone that was home. Canfield stated that he did talk to some trail users. Just a lot of support for this, I think it would be good for Lowell.

Canfield stated that we do need to find a compromise that works for the residents. Canfield stated that we are not going to take anything away from the people that don't want to allow as easement on their property, but he thinks it's the best route, Dave Austin spent a lot of time looking at ten or twelve different routes through Lowell and this was the best route and other routes had more problems. Canfield stated he does support this, this is how we begin; we find a compromise that works for everybody.

Councilmember Chambers thanked everybody for coming out tonight and speaking. Chambers stated he is for the trail coming through and think it's well needed. Chambers stated he thinks it will be well

used and well maintained. Chambers stated he knows there's still concerns and he hopes we can come up with an understanding and we can work through these problems and go forward. Chambers stated that he feels that we had a good turn out tonight, good positives, good negatives and he thinks that they just need to start going forward with it.

Councilmember Phillips thanked everybody for coming out and communicating with us, we appreciate it and they will take that into consideration.

Councilmember Salzwedel stated that when he boarded on this a couple of weeks ago, he was sort of under the impression that we were just looking at getting the funding approved, that there could be some possible alternatives to the trail system and not necessarily come down Bowes Road, so apparently, he was kind of misinformed on that part of it. Salzwedel stated that he feels sorry for the residents that live there on Bowes Road and are going to have to deal with this. Salzwedel stated that he is going to have to do some soul-searching before he decides which way he's in favor of going.

Dave Austin then explained the clarifications of the two things that are in front of Council this evening, which is a Resolution to amend the LARA Trail Agreement and a resolution to approve the LARA Trail DNR Trust Fund Grant application. Austin stated that right now, LARA has to pick a route, when we apply for this; we can't say we have five or six options 'what do you think?' Austin explained the grant folks want to see what is your proposed route, so this is the route that we are proposing today, changing it a little bit left or right or front or back, those are things that you can change during the grant process, but if we were to change and totally divert the City and use the township bridge and go down the Grand River Avenue, that would be a significant change that the public hasn't had a chance to comment on and the grants are due April 1st.

Austin continued – So, if they were to make that kind of a change, we could do it with MDOT because their grant process is quarterly and we can do that this summer, and we would have to wait until next year to address the DNR for a major thing, so it can be changed, a major change in a route like that, Mr. Mundt was correct and you'd have to wait, wouldn't really delay the project because the monies aren't going to be available until 2020 anyway from MDOT, so it's just a little finality. Austin advised that before the funding programs will give you final award of the grants, we have to have commitments from all the easements before the grant will be awarded. Austin stated they have to have the thing pretty much designed and all the permits. Austin stated they have a lot of challenges in front of them east of the Flat River. Austin stated that approving the application does not approve the trail by any means, it just keeps going, but if the Council denies it this evening, the project would mostly likely be put off at least a year.

Mayor DeVore asked if they had looked into narrowing the roadway on Bowes Road.

Austin stated that they have not. Austin stated it has been suggested, but in order to get money from the state through the federal program, the City applied for and had the road changed to a federal aid road and that allowed the City to get money towards the reconstruction and in trade for that, you cannot allow parking on the road and you cannot prevent truck traffic, so when they took the parking off, it was now a very wide road and in order to slow the traffic down, the white stripes were put in and that visually, as motorists, it caused us to slow a little bit.

Austin went on to explain that those left over lanes really were just left over lanes, they really weren't designated bike lanes, so now we have thirty-three feet of pavement, let's say we were able to narrow it down to say two twelve foot lanes, twenty-four feet, give us another nine feet. If we did that, we still

have power poles on Bowes Road, on both sides, particularly on the south side and they're major transmission lines, so they're right in the middle of the parkway between the curb and the existing sidewalk. So, it really it really doesn't do anything for us because as Mr. Pfaller pointed out, we need a ten foot wide path and they need two-foot clearance to any obstructions, such as a power pole or a tree, so those power poles would have to be eliminated so, he didn't think that moving the curb really does anything for them, but it's not without consideration if that's the only thing holding them up, they could take a look at it. Austin explained they still have until October 1st with the DNR program to have a letter of commitment from all the properties they need easements from.

Councilmember Salzwedel stated 'so, you're saying if one resident refuses, the trail's done?'

Austin stated 'I'll put it this way, we need control of all the property that we've proposed to put the trail on from start to finish, it either needs to be in the right-of-way or it needs to be in an easement. It is a public facility and so if they City wanted to do this, and I'm not suggesting this at all, I'm working with other communities and I've not experienced it, it's a public facility and you could seek condemnation. We're not talking about ten feet of people's front yards, we're talking about between two and five or six feet, but yes, it would stop the project. If our goal is to do this without forcing it on people, if we don't have permission from these folks by October 1st, we could not go down that route. In our study that we did that was mentioned, there were dozens of options, we looked at sharing the road on Bowes Road not putting the trail in that section, which you'll see in Grand Rapids and in other areas. While that's legal and allowable by MDOT, private funding folks that we were talking to that we're dependent on, are really looking its totally independent trail way. As one of the folks who wrote a letter, they didn't like the sharing concept and that's what we're hearing from some of the funding sources, not the State, I don't want to put this on the State, they want to put in a separate trail.'

Perry Beachum stated that under LARA, under their public act, could not condemn property. Maybe the City could, but under LARA, they cannot condemn property, I want to make that clear from the get go.

Mark Anderson of 4350 Maple Run, a township board member and he is on Lowell Area Recreation Authority and also on the Park Authority, then had a question and answer session with Dave Austin to help clarify questions for some citizens.

Anderson stated – I have some questions for Dave and he thought some of these folks asked this, first one I would like to know is what year was phase one installed?

Austin answered – correct me if I'm wrong Jodi and Betsy, but I think we actually cut the ribbon in 11, 2011.

Anderson asked – and what shape is the trail in today?

Austin answered – it's in pretty good shape, I was on it the other day and annually, we have to seal cracks and take care of some root issues that folks identified, but pretty good shape. LARA has invested a few thousand dollars a couple of years ago to seal the trail.

Anderson asked – so is there any parts of the trail that are crumbling or falling apart at this point.

Austin answered – you know, there are a couple areas like I said with tree roots that needed attention this season, but nothing extraordinary.

Anderson stated – I think this is a big one, the maintenance plan, who all is involved in the maintenance plan and who's part of this mix to take care of it, who we are partnered with.

Austin – that's been a big issue, especially with new staff at the City who inherited these things and we had that thing called winter that came and went, who's going to plow that, but recently, as you recall, the City, LARA and the schools signed a cooperative agreement for the maintenance of the trails. The primary responsibility, LARA has accepted that responsibility with support from the number of communities, the City and the two townships, Mr. Mundt and Mr. Pfaller are correct. However, and the grant programs, as a part of their check list with approving this grant, they have the same questions as Mr. Mundt and Mr. Pfaller do, is how are you going to maintain this, it's very important and I think our neighbors in Belding and Ionia who just went through this grant process, this was a big part of it, they want to know the maintenance plan and they want to know how you're going to fund it and it's not an insignificant cost.

Austin continued – I think compared to the capital cost you're getting, I think it's reasonable, but I think those are legitimate questions that the three communities have to answer, but we have a cooperation arrangement here. In addition, because of the connection, you are now part of the Fred Meijer River Valley Rail Trail system and the Meijer Foundation donated three million dollars for an endowment for maintenance within that one hundred and twenty-five mile section and while you don't get an annual amount from it, as a member of that system, you're able to go to the trail authority and request distributions from that endowment for the purpose of maintenance.

Anderson stated – the last thing I had was, you know we were talking at our last meeting about moving the poles; we were talking about waivers for the width of the trail, have we applied for that MDOT waiver?

Austin stated – yeah, it's too early in the process to ask. Typically when we're designing these things and we run into an obstacle, there's a process of design exception that we can ask for, but we're not at that point yet, we're just asking for some money, but we have made a formal request to MDOT and given them photographs and survey information for Bowes Road and said; is there in this instance because we have some folks who are concerned, is there a possibility for us to be able to narrow the trail less than the ASHTO standards and I don't have a response from them as of today. Their initial response was, at the grant level, the grant folks usually don't like to make those variances, so they say yeah we run into this all the time, keep working at it. So, we don't have an official, but we're asking.

Anderson stated – I guess my point is we're continually trying to exploring different options and trying to make the least amount of impact on the residents on Bowes Road, whether it be the width, whether it be the type of pavement, whether it be trees or scrubs or grass. We're trying to address those and we've been continually meeting with residents along the road and I think we're for meeting a lot of their needs, but we're also listening to them and we're trying every possible way to put this trail down there with the least amount of impact. I'm sorry I didn't write my name down there, but it's just notes. Thank you.

Mayor DeVore thanked everyone for coming out and I hope their questions got answered. DeVore stated that it was nice to see so many people come out, he's all for the trail, but he's also opposed to impeding on anybody's rights or shoving it down people's throats and he didn't think that either one of the trail items was going to do that. DeVore stated that if there was nothing else, he looked for a motion to close the public hearing on the trail agreement.

IT WAS MOVED BY PHILLIPS and seconded by CHAMBERS to close the Public Hearing on the Trail agreement.

YES: Councilmember Chambers, Councilmember Canfield, Mayor DeVore, and Councilmember Phillips.
NO: 1. (Salzwedel). ABSENT: None. MOTION CARRIED.

b. Resolution 08-18 - LARA Trail Agreement Addendum.

City Manager Mike Burns stated as the City is making the grant request to the Michigan Department of Natural Resources, (DNR) for the proposed trail, one of the parameters of a DNR Trust Fund Grant I that whatever the grant is being used for must remain as a public land in perpetuity. The DNR has informed us of an instance whereby an authority was created and a grant for a trail was provided, and the authority dissolved.

In order to ensure this event doesn't occur, an amendment is being made to the original Articles of Incorporation of the Lowell Area Recreation Authority and will be presented to the City, Lowell Township and Vergennes Township. An Addendum is attached that states that if the Lowell Area Recreation Authority dissolves, the trail will revert ownership toward the municipality where the trail lies.

IT WAS MOVED BY CANFIELD and seconded by PHILLIPS to approve Resolution 08-18 stating that the City will maintain ownership of the trail and keep the land as public land if the Lowell Area Recreation Authority were ever to dissolve.

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

c. Resolution 09-18 – LARA Trail DNR Trust Fund Grant.

City Manager Burns spoke stating as part of the generating funding for the consideration of the proposed Lowell Area Recreation Authority River Valley Trail Lowell Connection, they will be seeking grant funding. One of these grant sources will be the Michigan Department of Natural Resources Trust Fund Grant.

While there is a proposed plan for where the trail will go, those plans can be modified and will not impact whether or not the grant is denied. Burns stated that he recognizes there are some issues regarding the layout of the Trail and working with some property. Those issues can still be worked on by LARA if we submit the grant. At a later date, if the Council doesn't want to move forward because of dissatisfaction with residents with the trail, they can choose that option. At a later date, a final presentation will be made by LARA regarding the trail for the City Council to formally approve and place in the City Right of Way. If we wait to pursue the grant until those issues are worked on to

completion, the long we have to wait to see if we are eligible. If we receive the grant and there is dissatisfaction on moving forward with the trail, we simply do not move forward with the project and don't accept the grant. Burns stated from a policy perspective, he hopes there is a positive solution as the trail has been planned for the past ten years.

IT WAS MOVED BY DEVORE and seconded by SALZWEDEL to approve Resolution 09-18 for the City to apply for a DNR Trust Fund Grant for the River Valley Lowell Connection Project.

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

NO: None. ABSENT: None. MOTION CARRIED.

d. LCTV Endowment Fund Recommendations.

City Manager Mike Burns advised that the LCTV Board met on March 6, 2018 to discuss the applications received for grant opportunities. LCTV Chair Dennis Kent presented the recommendations as follows:

City of Lowell	LCTV Fund Administration Expenses	\$ 4,000.00
FROM	Phone System & Light Upgrade	\$13,804.00
Englehardt Library	Library Reading Garden	\$10,000.00
GR Amateur Astronomical	Golf Cart Purchase	\$ 6,150.00
Greater Lowell Chamber	New Stage, Cover & Equipment	\$20,000.00
LARA	Extend existing paved Trail Gee to Alden Nash	\$25,000.00
Lowell Area Schools	Bushnell Playground	\$19,395.00
Lowell Area Schools	Program Delay Manager	\$ 2,429.12
LowellArts	LowellArts 2 nd Floor Heating & Cooling	\$11,315.45

IT WAS MOVED BY DEVORE and seconded by PHILLIPS to approve the recommended LCTV Grants as presented.

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

NO: None. ABSENT: None. MOTION CARRIED.

e. Resolution – 10-18 – Service Credit Purchase for Rich LaBombard.

City Manager Mike Burns advised Rich LaBombard has requested to purchase five years' service credit toward his Defined Benefit pension that he is eligible to receive in the City of Lowell. Michigan Municipal Employees' Retirement System (MERS) allows for an employee to purchase up to five years' generic time and transfer service time from other Act 88 MERS entities into another plan. MERS members have the option to purchase service credits to help meet an early retirement eligibility or to increase their pension.

IT WAS MOVED BY DEVORE and seconded by CHAMBERS to approve Resolution 10-18 and allow Rich LaBombard to make that service credit.

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

NO: None. ABSENT: None. MOTION CARRIED.

6. **BOARD/COMMISSION REPORTS.**

Councilmember Phillips had no report.

Councilmember Salzwedel advised that the next LCTV meeting will be held on December 7, 2018.

Councilmember Canfield advised he was unable to attend the LARA meeting.

Councilmember Chambers advised Lowell Light and Power board approved the purchase of a mini excavator which replaces a 30-year old back hoe. It is much faster and more economical to run.

Mayor DeVore advised his meetings were cancelled except for the Vision meeting, which will be held on Tuesday.

7. **MONTHLY REPORTS**

There were no comments.

8. **MANAGER'S REPORT.**

City Manager Mike Burns reported on the following:

- Refreshing the website. Revise is working on the plan to redevelop the site.
- Downtown Plan was presented at the DDA meeting and revisions are being made.
- Governor Snyder did declare a declaration of disaster for Kent County for the flooding.
- Working on the budget and it will be presented to the Council on April 16, 2018.
- Budget meeting on Saturday, April 28, 2018 at 10:00 a.m. at Lowell Light and Power.
- Lew Bender will be here on Wednesday, March 28, 2018 at 5:00 p.m. at the Fire Department.

9. **APPOINTMENTS.**

None.

10. **COUNCIL COMMENTS.**

Councilmember Phillips thanked all staff and departments for their hard work. Phillips also thanked the citizens for coming out and communicating with the Council. Phillips stated they really appreciate their input. Phillips also advised that the first Saturday of every month, they have coffee with Council and Councilmember Chambers provides and nice cup of coffee and asked the citizens to come and see them.

Councilmember Salzwedel had no comments.

Councilmember Canfield congratulated Mark and Theresa Mundt on their retirement and thanked them for their service to the community. Both have done a great job for many years. Canfield apologized for the little bump in the road for their retirement part, but we'll get through this and find a solution that works for everybody. Canfield also encouraged the community to come up to the Lowell Expo this weekend.

Councilmember Chambers thanked everybody for coming out tonight and stated that it's all about when you sit up here and you take the shots and try to move forward and do the best that you can do. Chambers stated that he does appreciate everybody that spoke tonight and he heard all of them.

Mayor DeVore congratulated the Mundts as well. DeVore advised that if you have questions on the trail, go to LARA, they're not new, they know exactly what they're talking about, they're not going to give you the answer you want to hear, they're not going to twist it to make it fit your agenda, they're going to give you the answer and it's going to be fact-based and there's a lot of work that's been put into it, so don't be afraid to go to them with questions.

11. **ADJOURNMENT.**

IT WAS MOVED BY SALZWEDEL and seconded by PHILLIPS to adjourn at 9:02 p.m.

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

DATE:

APPROVED:

Mike DeVore, Mayor

Susan Ullery, City Clerk