

**CITY OF SWARTZ CREEK  
SWARTZ CREEK, MICHIGAN  
MINUTES OF THE REGULAR COUNCIL MEETING  
DATE 1/12/2015**

The meeting was called to order at 7:00 p.m. by Mayor Krueger in the Swartz Creek City Council Chambers, 8083 Civic Drive.

Invocation and Pledge of Allegiance.

Councilmembers Present: Abrams, Gilbert, Hicks, Krueger, Pinkston, Porath, Shumaker.

Councilmembers Absent: None.

Staff Present: City Manager Adam Zettel, Deputy City Clerk Deanna Korth, DPS Director Tom Svrcek, City Attorney Mike Gilder.

Others Present: Sharon Shumaker, Bob Plumb, Jim Florence, Ron Schultz, Joe Perreault, Connie King, Boots Abrams, Larry Bush.

**APPROVAL OF MINUTES**

**Resolution No. 150112-01**

**(Carried)**

Motion by Councilmember Porath  
Second by Councilmember Gilbert

**I Move** the Swartz Creek City Council hereby approve the Minutes of the Regular Council Meeting held Monday, December 15, 2014 to be circulated and placed on file.

YES: Gilbert, Hicks, Krueger, Pinkston, Porath, Shumaker, Abrams.  
NO: None. Motion Declared Carried.

**APPROVAL OF AGENDA**

**Resolution No. 150112-02**

**(Carried)**

Motion by Mayor Pro-Tem Abrams  
Second by Councilmember Gilbert

**I Move** the Swartz Creek City Council approve the Agenda as presented, for the Regular Council Meeting of January 12, 2015, to be circulated and placed on file.

YES: Hicks, Krueger, Pinkston, Porath, Shumaker, Abrams, Gilbert.  
NO: None. Motion Declared Carried.

## REPORTS AND COMMUNICATIONS:

### City Manager's Report

**Resolution No. 150112-03**

**(Carried)**

Motion by Councilmember Shumaker  
Second by Councilmember Hicks

**I Move** the Swartz Creek City Council accept the City Manager's Report of January 12, 2015, to be circulated and placed on file.

YES: Krueger, Pinkston, Porath, Shumaker, Abrams, Gilbert, Hicks.  
NO: None. Motion Declared Carried.

### MEETING OPENED TO THE PUBLIC

Connie King, 7499 Miller Road, owner of Jan's Bar, asked why the bar is never included in City developmental funds or grants. City Manager Zettel stated that the bar is outside of the DDA District at this time, but that he would like to talk to her about it being revisited.

### COUNCIL BUSINESS

#### Sewer Investment Presentation

DPS Director Svrcek gave a brief presentation on sewer relining in the city. John Thompson from Liquiforce was present to answer questions.

#### Consumers Energy Contracts

**Resolution No. 150112-04**

**(Carried)**

Motion by Councilmember Hicks  
Second by Councilmember Pinkston

**WHEREAS**, the street lights in the city are owned and operated by Consumers Energy Company (CE), a Michigan utility with principle offices located at One Energy Plaza, Jackson MI, 49201; and

**WHEREAS**, CE is the sole provider of street lights, electrical delivery, and maintenance on said lights in the County of Genesee, including Swartz Creek City; and

**WHEREAS**, the operations and terms, including pricing, under which such services are delivered are regulated by the Michigan Public Service Commission; and

**WHEREAS**, CE supplies street lighting services to the city under a current standard street lighting contract which outlines specific fixture counts and types; and

**WHEREAS**, this contract has been revised to reflect updated field audit observations on the type and number of fixtures that the city is responsible for; and

**WHEREAS**, the revised contract will result in savings to the city of approximately 15%, including a refund of past payments; and

**WHEREAS**, executing the revised standard lighting contract (Form 548) will not compromise the city's ability to seek an additional refund for any and all past over-payments made under the existing contract; and

**WHEREAS**, the city council finds this contract to be in the best interest of the public.

**NOW THEREFORE, BE IT RESOLVED**, the City of Swartz Creek City Council hereby agrees to enter into a one year renewable contract with CE, as included in the city council packet for January 12, 2015, and further directs the Mayor to execute said contract.

Discussion Took Place.

YES: Pinkston, Porath, Shumaker, Gilbert, Hicks, Krueger.

NO: None. Motion Declared Carried.

Excused: Abrams.

### **Street Levy Ballot Language**

**Resolution No. 150112-05**

**(Carried)**

Motion by Councilmember Gilbert

Second by Councilmember Hicks

**WHEREAS**, the City of Swartz Creek is organized and operates as a home rule city pursuant to its charter, and under the provisions of the Home Rule Cities Act, 1909 P.A. 279, as amended, MCL 117.1, *et seq*; and

**WHEREAS**, the City of Swartz Creek, pursuant to the Michigan Constitution, Article IX, subsection 31, may levy additional taxes only with the approval of a majority of the qualified electors of the City of Swartz Creek voting thereon; and

**WHEREAS**, the City Council seeks the approval of the electors in order to generate funds for the sole purpose of constructing and repairing the public streets within the City of Swartz Creek.

**NOW, THEREFORE, BE IT RESOLVED**, that the question of whether to levy an additional 5.7 mills for the sole purpose of constructing, repairing, and improving the public streets within the City of Swartz Creek shall be submitted to the electors of

the City of Swartz Creek at the next election to be held in the City on May 5, 2015, which question shall read as follows:

### BALLOT QUESTION

Shall the City of Swartz Creek be authorized to levy a millage of up to a maximum of 5.7 mills (\$5.70 Per \$1,000 of taxable value) for twenty (20) years, 2015-2034, inclusive, for the purpose of funding construction and interest costs for the replacement, rehabilitation, repair, and maintenance of public streets and include pavement, sidewalk, curb, gutter, shoulders, and related drainage work within the City of Swartz Creek, the estimated revenues that will be collected during the first year of this millage as authorized and levied to be \$823,810?

**BE IT FURTHER RESOLVED**, that the City Clerk shall do and perform all acts required of said Clerk by the City Charter and the statutes of the State of Michigan and such case made and provided in regard to the registration of electors for said election, the giving of notice thereof, the giving of notice of said election, the preparation and furnishing of necessary ballots, and for the conduct of such election.

Discussion Ensued.

YES: Porath, Shumaker, Abrams, Gilbert, Hicks, Krueger, Pinkston.  
NO: None. Motion Declared Carried.

### Street Advisory Committee

**Resolution No. 150112-06**

**(Carried)**

Motion by Councilmember Pinkston  
Second by Mayor Pro-Tem Abrams

**WHEREAS**, under the General Operating Rules of the Council, the Mayor, with the advice and consent of Council, may appoint committees whose membership may include persons not on Council; and

**WHEREAS**, such committees must be temporary in nature, have a specific purpose, and include a specific time frame for their activities; and

**WHEREAS**, the city is in the process of studying the prospect of a 20 year street investment plan and accompanying levy; and

**WHEREAS**, on December 15, 2014, the council created a committee referred to as the "Street Project Review Committee," for the purpose of reviewing and making recommendations relating to the proposed street levy, with findings to include the recommended amount of such levy; and

**WHEREAS**, the committee has performed the requested function and is now needed to produce a detailed 20 year prioritized street improvement plan, as well as supporting informational documentation regarding the street ballot initiative.

**NOW, THEREFORE, BE IT RESOLVED**, the City of Swartz Creek City Council hereby directs the Street Project Review Committee to draft and deliver the plan and informational materials to the city council and be subsequently dissolved no later than May 5, 2015 unless otherwise engaged in further reviews at the direction of the city council.

**BE IT FURTHER RESOLVED**, the membership of the Street Project Review Committee shall be composed of the following individuals:

Mayor Krueger  
Councilmember Porath  
Councilmember Pinkston  
Lou Fleury – Consultant Engineer  
Adam Zettel – Staff Member

Discussion Took Place.

YES: Shumaker, Abrams, Gilbert, Hicks, Krueger, Pinkston, Porath.  
NO: None. Motion Declared Carried.

### **Raceway Rezoning**

**Resolution No. 150112-07**

**(Carried)**

Motion by Councilmember Porath  
Second by Councilmember Gilbert

**WHEREAS**, the Sports Creek Raceway is a large employer, business, and landholder in the city; and

**WHEREAS**, the Sports Creek Raceway has ceased operations and is actively marketing the site for reuse and/or redevelopment; and

**WHEREAS**, the City of Swartz Creek City Council finds that the current industrial zoning was established to accommodate the raceway activities and may not reflect the current best interests of the city and city master plan; and

**WHEREAS**, the majority of parcels planned for development at this interchange are zoned and/or planned for general commercial use.

**NOW THEREFORE, BE IT RESOLVED**, the City of Swartz Creek City Council hereby directs the planning commission to review the parcel in the context of the neighborhood setting and the city master plan and to formally consider a zoning change to General Business District, such findings and recommendation to be reported back to the city council no later than March 31, 2015.

Discussion Took Place.

YES: Abrams, Gilbert, Hicks, Krueger, Pinkston, Porath, Shumaker.

NO: None. Motion Declared Carried.

**MEETING OPEN TO PUBLIC:**

None.

**REMARKS BY COUNCILMEMBERS:**

Councilmember Porath spoke about the street committee stating that they have accomplished quite a bit. Mr. Porath stated that they are not trying to hide from anyone or keep things from anyone, but that they need to keep it small until the street prioritization is done.

Councilmember Shumaker suggested that the signal by the racetrack be turned off to save energy costs. Mr. Shumaker stated that the city made a good choice on the contractor for snow removal.

Councilmember Hicks asked if minutes were taken at the street advisory committee meetings. She was advised that they have not been up to this point. Ms. Hicks advised that minutes should be taken.

Councilmember Gilbert stated that work needs to be done on snow removal. Mr. Gilbert was advised that the weather has been making it hard to start enforcement.

Councilmember Pinkston stated that he is sorry to see the demise of the racetrack. Mr. Pinkston spoke about driver Ronny Wrenn being at the track. Mr. Pinkston stated that he hopes commercial enterprises at the racetrack location will be better for the city.

Mayor Pro-Tem Abrams stated that he has a copy of the Open Meetings Act if anyone would like to see it. Mr. Abrams stated that a new Master Plan is due.

Councilmember Porath asked if residents were required to remove ice as well as snow from the sidewalks. He was advised that people would be expected to do that but with the severe low temperatures, the salt for ice removal doesn't work and that it would be judgment calls with enforcement.

Mayor Krueger spoke about "The Review" magazine, speaking about an article about "campaigning with a purpose", suggesting that the councilmembers might find it useful.

**Adjournment**

**Resolution No. 150112-08**

**(Carried)**

Motion by Councilmember Shumaker  
Second by Councilmember Gilbert

**I Move** the City of Swartz Creek adjourn the Regular Session of the City Council meeting at 8:24 p.m.

YES: Unanimous Voice Vote.  
NO: None. Motion Declared Carried.

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**David A. Krueger, Mayor**

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**Deanna Korth, Deputy City Clerk**