

**CITY OF SWARTZ CREEK
SWARTZ CREEK, MICHIGAN
MINUTES OF THE REGULAR COUNCIL MEETING
DATE 05/23/2016**

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, Florence, Gilbert, Hicks, Krueger, Pinkston, Porath.

Councilmembers Absent: None.

Staff Present: City Manager Adam Zettel, City Clerk Connie Eskew, Finance Director Juanita Aguilar, Treasurer Deanna Korth.

Others Present: Tommy Butler, Jim Barclay, Steve Shumaker, Dennis Cramer, Boots Abrams, Sharon Shumaker, Lou Fleury, Bob Plumb, Dave Caudle, Lania Roche.

APPROVAL OF MINUTES

Resolutions No. 160523-01

(Carried)

Motion by Councilmember Pinkston
Second by Councilmember Gilbert

I Move the Swartz Creek City Council hereby approve the Minutes of the Regular Council Meeting held Monday May 9, 2016 to be circulated and placed on file.

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

APPROVAL OF AGENDA

Resolution No. 160523-02

(Carried)

Motion by Councilmember Gilbert
Second by Mayor Pro Tem Abrams

I Move the Swartz Creek City Council approve the Agenda as presented for the Regular Council Meeting of May 23, 2016, to be circulated and placed on file.

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

City Manager's Report

Resolution No. 160523-03

(Carried)

Motion by Councilmember Hicks
Second by Councilmember Gilbert

I Move the Swartz Creek City Council accept the City Manager's Report of May 23, 2016, including reports and communications, to be circulated and placed on file.

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

MEETING OPENED TO THE PUBLIC

Dennis Cramer, resident at 5299 Worchester Drive, announced that Save our Streets committee made a donation to Scout Troop 122 for the Elms Rd Park dog park project in the amount just over \$296.00.

Tommy Butler, 40 Somerset, commented on the paving job on S. Seymour Rd.

COUNCIL BUSINESS

APPROPRIATION – BID AWARD, PURCHASE ROAD SALT

Resolution No. 160523-04

(Carried)

Motion by Councilmember Florence
Second by Mayor Pro Tem Abrams

WHEREAS, the city finds it necessary to control ice and snow accumulation on public streets and parking areas with the application of road salt during winter months; and

WHEREAS, this process requires approximately 1,000 tons of rock salt during a winter season; and

WHEREAS, the City's Purchasing Ordinance, Chapter 2, Article VI, Section 2-406 provides for and encourages cooperative government purchasing practices; and

WHEREAS, the Genesee County Road Commission accepts and awards bids for the purchase of rock salt for application to public rights of way during those relentless and invasive Michigan winters; and

WHEREAS, the County Road Commission negotiated a salt price, with year over year decrease, with Detroit Salt Company of 12841 Sanders, Detroit, at a unit cost

of \$59.33 per ton, and a cooperative purchasing invitation has been extended to the City from the Genesee County Road Commission on May 3, 2016; and

WHEREAS, the City finds the per-ton cost of \$59.33 to be extremely competitive.

NOW, THEREFORE, I MOVE the City of Swartz Creek City Council accept the Genesee County Road Commission's cooperative purchasing agreement and appropriate an amount not to exceed \$59,330, plus 10% contingency, for the purchase of rock salt from the Detroit Salt Company, expenses to be distributed proportionate to use at the direction of the City's Finance Director.

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

NO: None. Motion Declared Carried.

AMEND CITY-WIDE RATES, FEES AND CHARGES

Resolution No. 160523-05

(Carried)

Motion by Mayor Pro Tem Abrams
Second by Councilmember Hicks

WHEREAS, the City collects rates, fees, fees for permits, charges for services, cost recovery's and cost recovery for consulting services, and;

WHEREAS, such rates, fees, fees for permits, charges for services, cost recovery's and cost recovery for consulting services are a necessary and essential part of the funding for the services that the City provides, and:

WHEREAS, the City's Code of Ordinances defines and provides for certain rates, fees, fees for permits, charges for services, cost recovery's and cost recovery for consulting services, and;

WHEREAS, other such rates, fees, fees for permits, charges for services, cost recovery's and cost recovery for consulting services are provided for by resolution of the City Council, statutory provision, past practice, policy and other such actions, and

WHEREAS, the City has amended the City's Code of Ordinances to provide for various rates, fees, fees for permits, charges for services, cost recovery's and cost recovery for consulting services to be set by resolution of the City Council, and;

WHEREAS, the City has need to implement additional rates, fees, fees for permits, charges for services, cost recovery's and cost recovery for consulting services to be set by resolution of the City Council, and;

WHEREAS, the City desires to have all such rates, fees, fees for permits, charges for services, cost recovery's and cost recovery for consulting services organized into a single resolution that can be visited periodically and adjusted accordingly.

NOW, THEREFORE, Be It Resolved the City of Swartz Creek hereby sets its rates, fees, fees for permits, charges for services, cost recovery's and cost recovery for

consulting services in accordance with the following schedule, effective immediately or as soon as practical thereafter, table as follows:

CITY OF SWARTZ CREEK RATES, FEES PERMITS & CHARGES FOR SERVICES

1. Chapter 1: Municipal Ordinance Violations Bureau (Parking Fines)

The following parking violations shall be punishable by the fines indicated:

<u>Offense</u>	<u>Fine</u>
(a) Parking too far from curb	\$ 20.00
(b) Angle parking violations	\$ 20.00
(c) Obstructing traffic	\$ 20.00

Prohibited parking (signs un-necessary)

(d) On sidewalk	\$ 20.00
(e) In front of drive	\$ 20.00
(f) Within intersection	\$ 20.00
(g) Within 15 feet of hydrant	\$ 20.00
(h) On crosswalk	\$ 20.00
(i) Within 20 feet of crosswalk or 15 feet of corner lot lines	\$ 20.00
(j) Within 30 feet of street side traffic sign or signal	\$ 20.00
(k) Within 50 feet of railroad crossing	\$ 20.00
(l) Within 20 feet of fire station entrance	\$ 20.00
(m) Within 75 feet of fire station entrance on opposite side of street (signs required)	\$ 20.00
(n) Beside street excavation when traffic obstructed	\$ 20.00
(o) Double parking	\$ 20.00
(p) On bridge of viaduct or within tunnel	\$ 20.00
(q) Within 200 feet of accident where police in attendance	\$ 20.00
(r) In front of theater	\$ 20.00
(s) Blocking emergency exit	\$ 20.00
(t) Blocking fire escape or fire lane	\$ 50.00
(u) In a handicapped space	\$100.00
(v) In prohibited zone (signs required)	\$ 20.00
(w) In alley (signs required)	\$ 20.00

Parking for prohibited purpose

(x) Displaying vehicle for sale	\$ 20.00
(y) Working or repairing vehicle	\$ 20.00
(z) Displaying advertising	\$ 20.00
(aa) Selling merchandise	\$ 20.00
(bb) Storage over 48 hours	\$ 20.00
(cc) Wrong side boulevard roadway	\$ 20.00
(dd) Loading zone violation	\$ 20.00
(ee) Bus, parking other than bus stop	\$ 20.00
(ff) Taxicab, parking other than cab stand	\$ 20.00
(gg) Bus, taxicab stand violations	\$ 20.00
(hh) Failure to set brakes	\$ 20.00
(ii) Parked on grade wheels not turned to curb	\$ 20.00
(jj) Parked on lawn extension within right of way	\$ 20.00
(kk) Parked on front lawn	\$ 20.00

All \$20.00 violations not paid within 20 days will be assessed a \$10.00 late fee.

2. Chapter 2: Liability for Expense of an Emergency Operation (Hazardous Materials Cleanup Cost Recovery)

Cost shall be actual expenses inclusive of all Police & Fire Department wages, equipment and motor-pool and / or any sub-contracted actual expenses associated with hazardous materials clean-up.

3. Chapter 2: Liability for Expense of an Emergency Response (Alcohol Related Arrests, Accidents)

A. A cost of \$150 shall be assessed to each defendant convicted of O.U.I.L. – O.U.I.D or O.W.I. The cost recovery shall be collected as a part of the fines and costs set by the 67th District Court.

B. Actual costs shall be assessed to each defendant convicted of O.U.I.L. – O.U.I.D or O.W.I. in which a motor vehicle accident occurred. The cost recovery shall be collected as a part of the fines and costs set by the 67th District Court. In the event the court declines collection, they shall be billed direct to the defendant.

C. For the purpose of determining costs for extensive investigation and cleanup recovery for emergency response for alcohol related arrests and accidents, the following table shall be used:

Police Personnel	\$40	Per Hour
Police Clerical	30	Per Hour
Police Car	15	Per Hour
Fire Personnel	20	Per Hour
Fire Pumper	250	Per Hour
Fire Support Vehicles	100	Per Hour

4. Chapter 5: Cemetery Lots - Purchase

The cost for purchase of cemetery lots will be \$100.00 per lot.

5. Chapter 5: Cemetery, Charges for Grave Openings, etc.

Grave openings shall be actual costs, either as sub-contracted or performed by City Employees, plus a 15% administrative fee.

6. Chapter 11: Park Reservation Fees

<u>Elms Park</u>	
Pavilion #1	\$ 70.00
Pavilion #2	\$ 120.00
Pavilion #3	\$ 70.00
Pavilion #4	\$ 120.00

<u>Winshall Park</u>	
Pavilion #1	\$ 70.00
Pavilion #2	\$ 70.00
Pavilion #3	\$ 70.00

Deposit \$100.00

7. Chapter 15: Permit, Sidewalk Installation

\$25.00

8. Chapter 15: Permit for Excavation, Right of Way or Other City Property

\$100.00

9. Chapter 19: Water System Use, Rates and Charges

(A) Charges for water supply services to premises within the city connected with the water supply system shall be as follows:

Rates for Quarterly Billings

Readiness to serve charge

5/8", 3/4", 1"	\$51.22	Was \$52.17
1.5"	\$220.77	Was \$220.77
2"	\$353.23	Was \$353.23
3"	\$662.31	Was \$662.31
4"	\$1,103.85	Was \$1,103.86
6"	\$2,207.70	Was \$2,207.70

Commodity charge (per 100 cubic feet of water): \$7.07 (previously was \$5.93)

Additional meters, connected for the exclusive purpose of registering water consumed and NOT returned to the sewer system shall be charged the commodity charge only (example: lawn sprinkler system).

(B) Any water customer may have water services temporarily shut off for any time period during which the premises, for which the water service is provided, will be unoccupied. The request for such shut off shall be made in writing on forms to be provided by the city. The written request shall specify the reason for the shut off and the date on which the water service shall be shut off.

(C) There shall be a Twenty Dollar (\$20.00) charge for shutting off the water service pursuant to such request and a Twenty Dollar (\$20.00) charge for turning the water service back on, if the shut off or turn on is performed during normal business hours. If this shut off or turn on is performed outside of normal business hours, the charge shall be One-Hundred Dollars (\$100.00). Such charges shall also apply if water is shut off or turned back on pursuant to account delinquency. The City Manager may waive shut off and turn on fees for reasonable cause.

(D) Water customers shall continue to be billed for a readiness to service charge while connected to the system.

(E) Bulk water sales shall be in accordance with the following fee schedule:

Bulk Water Purchases

1 cubic ft. = 7.4805
Gallons

Gallons	Cubic ft.	Cost
3,740	499.96658	\$104.00
5,000	668.40452	\$116.00
10,000	1336.809	\$160.00
15,000	2005.2136	\$204.00
20,000	2673.6181	\$247.00

10. Chapter 19: Water & Sewer Tap Fees

(A) There shall be paid, with respect to all premises connecting to the water and sanitary sewer system of the city, a tap-in fee pursuant to the following schedules:

- (1) Single-family residence--\$1,500 each for water & sanitary sewer
- (2) Multiple-family residence--\$1,500 per unit each for water and sanitary sewer

(B) All other uses connecting to the water and/or sanitary sewer system of the city shall be required to pay tap-in fees at the rate of one-thousand, five hundred dollars (\$1,500) per unit factor, pursuant to the unit factor table provided for by the Genesee County Division of Water and Waste. In no case shall tap-in fees be less than one-thousand, five hundred dollars (\$1,500).

(C) Furthermore, for any structure used generally for more than one (1) purpose, connection fees shall be determined by applying the appropriate unit factors as set by the Genesee County Division of Water and Waste, to the various uses on any level, grade or sub-grade plane of the structure, provided that it is intended that the fees so derived shall be cumulative. Tap fees shall also apply for any additional units that may be calculated and applied by the County WWS pursuant to change in use or otherwise.

11. Chapter 19: Sanitary Sewer Rates

Rates for Quarterly Billings

Readiness to serve charge (per metered account):	\$52.50 Was
\$58.86	
Readiness to serve charge (non-metered accounts):	\$124.61 Was
\$129.11	
Commodity charge (per 100 cubic feet of water consumed):	\$2.14 Was \$1.91

A readiness to serve charge equal to the number of calculated sewer units shall be charged to all customers connected to the city's sewer system to offset fixed costs of system operation. In addition, a commodity charge shall be applied to the sewer bill in an amount equal to the above rate multiplied by the number of ccf that the accompanying water account registers. If the sewer connection is not accompanied by a water meter to register water usage, the charge shall be considered non-metered and no commodity charge shall be applied.

For the purposes of determining sanitary sewer rates, per unit sewage disposal calculations resulting in a fraction of a whole number shall be rounded up to the next highest whole number.

12. Chapter 20: Weed Cutting Fees

\$300 per cut

13. Building & Trade Inspection Fees

A. Building Permit Fees: Appendix A 21.06

\$50.00 for first \$1,000 value \$5.00 per \$1,000 thereafter and \$50.00 for a one-time Inspection fee.

B. Electrical Inspection Fees

Application Fee (non-refundable) \$50

Service

Through 200 Amp.	\$10
Over 200 Amp. thru 600 Amp.	\$15
Over 600 Amp. thru 800 Amp.	\$20
Over 800 Amp. thru 1200 Amp.	\$25
Over 1200 Amp. (GFI only)	\$50
Circuits	\$5
Lighting Fixtures-per 25	\$6
Dishwasher	\$5
Furnace-Unit Heater	\$5
Electrical-Heating Units (baseboard)	\$4
Power Outlets (ranges, dryers, etc.)	\$7

Signs

Unit	\$10
Letter	\$15
Neon-each 25 feet	\$20
Feeders-Bus Ducts, etc.-per 50'	\$6
Mobile Home Park Site	\$6
Recreational Vehicle Park Site	\$4

K.V.A. & H.P.

Units up to 20	\$6
Units 21 to 50 K.V.A. or H.P.	\$10
Units 51 K.V.A. or H.P. & over	\$12

Fire Alarm Systems (excl. smoke detectors)

Up to 10 devices	\$50
11 to 20 devices	\$100
Over 20 devices	\$5 each

Data/Telecommunication Outlets

1-19 devices	\$5 each
20-300 devices	\$100
Over 300 devices	\$300
Energy Retrofit-Temp. Control	\$45
Conduit only or grounding only	\$45

Inspections

Special/Safety Insp. (includes cert. fee)	\$50
Additional Inspection	\$50
Final Inspection	\$50
Certification Fee	\$20

C. Mechanical Inspection Fees

Application Fee (non-refundable)	\$50
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Residential Heating System (includes duct & pipe, new building only)

Gas/Oil Burning Equipment (furnace, roof top units, generators)	\$30
Boiler	\$30
Water Heater	\$5
Damper	\$5
Solid Fuel Equip. (includes chimney)	\$30
Gas Burning Fireplace	\$30
Chimney, factory built (installed separately)	\$25
Solar; set of 3 panels-fluid transfer (includes piping)	\$20
Gas piping; each opening-new installation (residential)	\$5
Air Conditioning (includes split systems)	
RTU-Cooling only	\$30
Heat Pumps (complete residential)	\$30
Dryer, Bath & Kitchen Exhaust	\$5

Tanks

Aboveground	\$20
Aboveground Connection	\$20
Underground	\$25
Underground Connection	\$25

Humidifiers/Air Cleaners	\$10
<u>Piping-minimum fee \$25</u>	
Piping	\$.05/ft
Process piping	\$.05/ft
Duct-minimum fee \$25	\$.10/ft
Heat Pumps; Commercial (pipe not included)	\$20

<u>Air Handlers/Heat Wheels</u>	
Under 10,000 CFM	\$20
Over 10,000 CFM	\$60
Commercial Hoods/Exhausters	\$15
Heat Recovery Units	\$10
V.A.V. Boxes	\$10
Unit Ventilators	\$10
Unit Heaters (terminal units)	\$15

<u>Fire Suppression/Protection</u>	
(includes piping) –minimum fee \$20	\$.75/head
Evaporator Coils	\$30
Refrigeration (split system)	\$30
Chiller	\$30
Cooling Towers	\$30
Compressor/Condenser	\$30

<u>Inspections</u>	
Special/Safety Insp. (includes cert. fee)	\$50
Additional Inspection	\$50
Final Inspection	\$50
Certification Fee	\$20

D. Plumbing Inspection Fees	
Application Fee (non-refundable)	\$50

<u>Mobile Home Park Site</u>	
Fixtures, floor drains, special drains,	\$5 each
Water connected appliances	\$5 each
Stacks (soil, waste, vent and conductor)	\$3 each
Sewage ejectors, sumps	\$5 each
Sub-soil drains	\$5 each

<u>Water Service</u>	
Less than 2"	\$5
2" to 6"	\$25
Over 6"	\$50
Connection (bldg. drain-bldg. sewers)	\$5

<u>Sewers (sanitary, storm or combined)</u>	
Less than 6"	\$5
6" and Over	\$25
Manholes, Catch Basins	\$5 each

<u>Water Distributing Pipe (system)</u>	
¾" Water Distribution Pipe	\$5
1" Water Distribution Pipe	\$10
1 ¼" Water Distribution Pipe	\$15
1 ½" Water Distribution Pipe	\$20
2" Water Distribution Pipe	\$25

Over 2" Water Distribution Pipe	\$30
Reduced pressure zone back-flow preventer	\$5 each
Domestic water treatment and filtering equipment only	\$5
Medical Gas System	\$45

Inspections

Special/Safety Insp. (includes cert. fee)	\$50
Additional Inspection	\$50
Final Inspection	\$50
Certification Fee	\$20

14. Appendix B: Franchises

\$250 application fee plus actual expenses related to preparation by City Attorney.

15. Miscellaneous Fees

A. *Copies:*

Black & White: 10¢ for page.

Color or Mixed Color and Black & White: 25¢ per page

B. *Freedom of Information Act Requests:*

See the City of Swartz Creek Freedom of Information Act Procedures & Guidelines: adopted June 22, 2015 for details. Standard requests shall be charged 10¢ for 8.5 x 11 page (25¢ for color or mixed color) plus all actual costs for outside re-production (i.e. photo re-prints, blueprint copies, digital media storage, etc.). Extensive search requests shall have an additional per hour fee equal to wages only of the lowest paid clerical position employed with the City (\$8.15/hour with a 1.1 fringe multiplier, totaling \$8.97/hour).

C. *Police Reports:*

\$5 for copies under 6 pages, 10¢ for each page thereafter. Extensive research, reproduction costs, etc. shall be charged in accordance with F.O.I.A. requests.

D. *Gun Registrations, Permits & Safety Inspections:*

No Charge

E. *Towing & Impound Fees:*

\$100 for each vehicle towed as incidental to arrest or other civil custody. \$100 for each vehicle towed as abandoned. The Chief of Police may, at his/her discretion, waive any towing fee when in his/her opinion, special circumstance exists. A report shall be filed when any such action is taken.

F. *Weddings:*

\$50 per ceremony

G. *Fax Services:*

50¢ per page for the first 10 pages, then \$0.25 per page thereafter

H. *Notary Services:*

\$10.00 per item

I. *Insufficient Funds:*

\$25 each for any check returned unpaid for account insufficient, closed or stopped

J. *Penalties on Outstanding Invoices/Miscellaneous Receivables:*

\$10 penalty for unpaid miscellaneous receivables, including but not limited to: utility bills, mowing invoices, sidewalk repair, project reimbursements, charges for services, and retiree coverage contributions. This penalty shall be applied once to "past due" invoices.

- K. *Interest on Outstanding Invoices/Miscellaneous Receivables:*
1.5% interest per month on outstanding invoices that are 30 days “past due”.

*Payments made toward outstanding balances shall be applied in the following order:
interest, penalties, principle.

16. Chapter 13 & 16: Development Plans, Administrative Fees, Subdivision Site Plan & Review Fees

- A. Site Plan Review:
- | | |
|-------------------------------------|--------------------------------------|
| Property Re-Zoning | \$250 |
| Single & Multiple-Family (non-plat) | \$300 plus \$5.00 per lot |
| Cluster Housing Development | \$300 plus \$5.00 per unit |
| Mobile Home Park | \$400 plus \$5.00 per unit |
| Commercial Development | \$450 plus \$50.00 per acre/fraction |
| Industrial Development | \$400 plus \$50.00 per acre/fraction |
| Office Development | \$350 plus \$50.00 per acre/fraction |
| Institutional | \$300 plus \$50.00 per acre/fraction |
| Public/semi-public uses | \$300 plus \$50.00 per acre/fraction |
| Special Approval or Conditional Use | \$250 plus \$5.00 per acre/fraction |
| PUD/Mixed Use Review | \$500 plus \$50.00 per acre/fraction |
| Consulting Fees (All Reviews) | Actual consultant costs |
| Revisions | ½ of original review fee |
- B. Building and Zoning:
- | | |
|---|---------------------------|
| Swimming Pool Permit | \$25 |
| Misc. Zoning Permit | \$25 |
| Sidewalk Permit | \$25 |
| Sign Permit | See Building Permits |
| Structure Movement Permit | \$95 |
| Demolition Permit (Including ROW Permit) | \$150 |
| Right of Way Permit | \$100 |
| Home Occupation Permit | \$95 |
| Variance Review | \$250 per variance |
| Zoning Board of Appeals: Petitioned Interpretation Review | \$150 |
| Zoning Board of Appeals: Appeal Review | \$250 |
| Lot Split/Combination: City Ordinance Section 16.2 | \$150 plus \$5.00 per lot |
| Public or Private Road Plan Reviews | \$400 per mile/fraction |
| Consulting Fees | Actual consultant costs |
| Zoning Code | \$10 CD, \$25 Paper Copy |
| Engineering Standards Manual | \$10 CD, \$25 Paper Copy |
| Medical Marijuana Dispensary/Facility Review | \$500 |
- C. Subdivision Review
- | | |
|--|---------------------------|
| Preliminary Subdivision Review-Tentative | \$300 plus \$5.35 per lot |
| Preliminary Subdivision Review- Final | \$160 plus \$2.70 per lot |
| Final Plat Review | \$160 plus \$1.00 per lot |

17. Chapter 1: Municipal Civil Infraction Fines

- Civic Infraction Citation Fines:
- | | |
|----------------|-------|
| First Offense | \$100 |
| Second Offense | \$200 |
| Third Offense | \$300 |
- Civic Infraction Notice Fines:
- | | |
|----------------|-------|
| First Offense | \$75 |
| Second Offense | \$150 |
| Third Offense | \$250 |

18. Rental Inspection Program Fees

Registration	\$75 for the first unit, plus \$20 for each additional unit on a shared premises, with common ownership and management, or within recognized apartment complexes
Follow up inspections	The initial and one follow-up inspection will be performed without additional fees. Subsequent inspections shall be charged at the rate of \$25/unit
Registration Updates/Amendments Coverage	No charge The initial fee covers the registration and first inspection and is valid until the resulting certificate of compliance expires
Pro-ration	There shall be no pro-ration of fees

ADOPTION & REVISION HISTORY:

Resolution No. 050711-07	Dated July 11, 2005
Resolution No. 100208-06	Dated February 8, 2010
Resolution No. 101206-04	Dated December 6, 2010 (Water-Sewer-RTS)
Resolution No. 111114-05	Dated November 14, 2011 (Park Fees)
Resolution No. 110613-07	Dated June 13, 2011 (Water Fees)
Resolution No. 120611-05	Dated June 11, 2012 (Water Fees)
Resolution No. 120709-05	Dated July 9, 2012 (Bulk Water Fees)
Resolution No. 130610-09	Dated June 10, 2013 (Water Fees)
Resolution No. 130826-06	Dated August 26, 2013 (K.W.A. Water Fees)
Resolution No. 140922-07	Dated September 22, 2014 (Utility and MMD Fees)
Resolution No. 150824-05	Dated August 24, 2015 (FOIA, Rentals, Utility Fees)
Resolution No. 151214-05	Dated December 14, 2015 (Parking)
Resolution No. 160523-8B	Dated May 23, 2016 (Water and Sewer)

Discussion Ensued.

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

NO: None. Motion Declared Carried.

ZONING ORDINANCE AMENDMENT #430

Resolution No. 160523-06

(Failed)

Motion by Councilmember Porath
Second by Councilmember Gilbert

I Move the City of Swartz Creek enact Ordinance #430, an ordinance to amend Sections 16.02 of Article 16 and Section 30.09 of Article 30 of Appendix A of the Code of Ordinances to permit Medical Marijuana Growing Facilities in Light Industrial Districts and to establish additional requirements to such facilities, as follows:

CITY OF SWARTZ CREEK ORDINANCE NO. 430

An ordinance to amend Sections 16.02 of Article 16 and Section 30.09 of Article 30 of Appendix A Zoning of the Code of Ordinances to permit Medical Marijuana Growing

Facilities in Light Industrial Districts and to establish additional requirements to such facilities.

THE CITY OF SWARTZ CREEK ORDAINS:

Section 1. Amendment of Section 16.02 of Article 16 of Appendix A Zoning of the Code of Ordinances of the City of Swartz Creek.

Section 16.02 of Article 16 of Appendix A Zoning of the Code of Ordinances for the City of Swartz Creek shall be amended to include the following:

K.1. Medical Marijuana Dispensaries

Section 2. Amendment of Section 30.09 of Article 30 of Appendix A Zoning of the Code of Ordinances of the City of Swartz Creek.

Section 30.09 of Article 30 of Appendix A Zoning of the Code of Ordinances for the City of Swartz Creek shall be amended to include the following:

B.23.1.B.10 Such facilities shall be required to install, operate, and maintain commercial grade air filters or other suitable technology to ensure odors of operations are not detectable at or beyond any property line.

Section 3. Effective Date.

This Ordinance shall take effect thirty (30) days following publication. At a regular meeting of the City Council of Swartz Creek held on the 23rd day of May, 2016, Councilmember Porath moved for adoption of the foregoing ordinance and Councilmember Gilbert supported the motion.

Discussion Ensued.

YES: Porath, Krueger, Pinkston.

NO: Florence, Gilbert, Hicks, Abrams. Motion Failed.

Fiscal Year 2017 Budget

Adam Zettel, City Manager gave a presentation on the budget highlights and encouraged input from the council. He commented if additional meetings or workshops are needed they can be arranged.

Public Hearing

Open: 8:26 p.m.

Tommy Butler, resides at 30 Somerset, commented that Mr. Zettel had a great presentation.

Dennis Cramer, resides at 5299 Worchester, commended Mr. Zettel for bringing transparency to the public.

Closed: 8:28 p.m.

Break - ten minute recess
8:29 p.m. to 8:39 p.m.

Verizon Tower Lease Extension

Discussion

Adam Zettel, City Manager updated the council on the lease extension.

SUNOCO DEMOLITION BIDS

Resolution No. 160523-07

(Carried)

Motion by Councilmember Pinkston
Second by Councilmember Florence

WHEREAS, the city resolved to acquire real property, commonly known as the “Sunoco Gas Station” located at 5012 Holland Drive, parcel 58-02-529-017, from the Genesee County Treasurer’s Office on June 22, 2015; and

WHEREAS, the city subsequently submitted a Baseline Environmental Assessment and registered three underground gasoline storage tanks and one underground fuel oil tank with the State of Michigan; and

WHEREAS, the community desires to eliminate the blight and repurpose this site as a means to eliminate potential hazards and nuisances; and

WHEREAS, the city retain the services of Applied Ecosystems to assess this site and advise with its clean up; and

WHEREAS, the city applied for and has been granted a State of Michigan Blight Elimination Grant by the Michigan Land Bank Fast Track Authority to remove the site structures and underground storage tanks in an amount of \$22,000, with an additional match of \$10,000 from the Swartz Creek Downtown Development Authority; and

WHEREAS, the city sought sealed bids for the demolition of the gas station and removal of tanks as required under Purchasing Ordinance, Chapter 2, Article VI, Section 2-402; and

WHEREAS, the city received six valid bids.

NOW, THEREFORE BE IT RESOLVED that the City of Swartz Creek City Council accepts the low bid of RBF Construction, Inc. in the amount of \$26,000, plus a 20%

contingency for unanticipated, non-specified change orders, for completion of the work as specified in the attached bid specification, plus an additional \$2,850 for soil monitoring and filing of a UST removal report to the State of Michigan, if needed and directed by the city manager.

BE IT FURTHER RESOLVED that the City Council directs the city manager to execute any and all contracts necessary between RBF Construction, Inc., their subcontractors, and the State of Michigan to engage these services.

BE IT FURTHER RESOLVED that the finance director apportion project expenses from the general fund and track such expenses for reimbursement from the State of Michigan and Swartz Creek DDA as outlined in the grant agreement.

BE IT FURTHER RESOLVED that the City of Swartz Creek City Council hereby retains Applied EcoSystems as the city's environmental consultant for this demolition and tank removal, and directs the city manager to execute their proposal for services of observation, documentation, and regulatory control of the demolition and tank removal, price not to exceed \$2,500, with such costs to be apportioned from the city's general fund.

Discussion Ensued.

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

NO: None. Motion Declared Carried.

Building Services Service Provision

Discussion

Adam Zettel, City Manager reported to the council on the replacement of Building Inspector, Marty Johnson with Dennis Smith.

WINCHESTER WOODS ROAD SURFACE BID

Resolution No. 160523-08

(Carried)

Motion by Councilmember Gilbert
Second by Mayor Pro Tem Abrams

WHEREAS, the city owns, operates, and maintains a system of major and local streets; and

WHEREAS, the Winchester Woods Subdivision was platted in Gaines Township and was incorporated into the City of Swartz Creek in 1959; and

WHEREAS, the subdivision has water and partial sewer in place, but lacks storm water and accessible streets; and

WHEREAS, the city finds that vested rights of the various lot owners include reasonable access to their land, including that of public and emergency services; and

WHEREAS, the city has acquired ten lots in this area via the tax foreclosure process, with the intention of using these lots to provide storm water detention and/or financial resources to offset investments necessary to make surrounding lots buildable for their intended purpose of single family residential; and

WHEREAS, the city sought sealed bids for the application of city-owned street millings to the unimproved section of Young Drive and Cardigan Drive as required under Purchasing Ordinance, Chapter 2, Article VI, Section 2-402; and

WHEREAS, the city received one valid bid.

NOW, THEREFORE BE IT RESOLVED that the City of Swartz Creek City Council accepts the low bid of C & H Construction in the amount of \$12,800 for completion of the work as specified in the attached “Young and Cardigan Streets” bid specification.

BE IT FURTHER RESOLVED that the City of Swartz Creek City Council directs the Finance Director to apportion project expenses from the general fund and track such expenses for reimbursement against any future sales of city-owned lots in the Winchester Village Subdivision.

Discussion Ensued.

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

NO: None. Motion Declared Carried.

STREET ADVISORY COMMITTEE

Resolution No. 160523-09

(Carried)

Motion by Councilmember Hicks
Second by Councilmember Porath

WHEREAS, under the General Operating Rules of the Council, the Mayor, with the advice and consent of Council, may appoint temporary 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 has a 20 year street maintenance plan on file that is funded, in part, by a 20 year street levy; and

WHEREAS, the council desires to enable a committee of residents, councilmembers, and staff to further deliberate on the particulars relating to the prioritization and funding of the next three years of street projects, inclusive of those supported by the Major Street Fund, Local Street Fund, and Municipal Street Fund.

NOW, THEREFORE, BE IT RESOLVED, the City of Swartz Creek City Council hereby creates a temporary committee, to be referred to as the “Street Project Review Committee,” for the purpose of reviewing and making recommendations relating to the order and funding plan for the 2017, 2018, and 2019 construction seasons, to the most practical extent possible.

BE IT FURTHER RESOLVED, the Street Project Review Committee shall endeavor to deliver such findings at or before the regular meeting on September 26, 2016 and be subsequently dissolved 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 Hicks
Councilmember Pinkston
Steve Shumaker
Steve Long
Dennis Cramer
Lou Fleury – Consultant Engineer (non-voting)
Adam Zettel – Staff Member (non-voting)

Discussion Ensued.

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

ELMS PARK BATHROOM BIDS

Resolution No. 160523-10

(Carried)

Motion by Councilmember Florence
Second by Councilmember Gilbert

WHEREAS, the City of Swartz Creek owns operates and maintains a system of parks in the community, including grounds, facilities, and equipment; and

WHEREAS, at the recommendation of the Parks and Recreation Advisory Board, the City Council directed the city manager to apply for a Recreation Passport Grant to fund renovations and improvements at Elms Park; and

WHEREAS, city staff, with technical assistance from Rowe Professional Services Company, created a scope of work and grant applicant to the State of Michigan Department of Natural Resources for said grant; with DNR approval of the city’s request occurring in December of 2015; and

WHEREAS, the city desires to bid and construct said improvements as quickly as possible; and

WHEREAS, the city accepted the terms of the Agreement as received from the Michigan Department of Natural Resources by resolution on January 11, 2016 and subsequently received approval from the DNR to bid the bathroom renovation improvements related to this grant project and

WHEREAS, in accordance with the City's Purchasing Ordinance, Chapter 2, Article VI, Section 2-402, as well as DNR bidding requirements, the city solicited sealed bids for this project; and

WHEREAS, the city received four valid and qualified bids.

NOW, THEREFORE BE IT RESOLVED that the City of Swartz Creek City Council accepts the low bid of \$36,783 for completion of the Elms Park bathroom repairs as specified by the city's engineer and approved by the Michigan Department of Natural Resources, said bid submitted by Oak Construction Corporation, such expenses to be apportioned and expensed from the Elms Park Project Fund and submitted for reimbursement to the DNR.

BE IT FURTHER RESOLVED that the City Council hereby directs the city manager to submit necessary documents to the DNR for final approval of this project component and further directs the manager to execute any and all agreements, contracts, pay authorizations, and related documents necessary to carry out restoration of the bathrooms under the terms of the Recreation Passport Grant and engineer's contract.

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

NO: None. Motion Declared Carried.

MEETING OPEN TO THE PUBLIC:

Dennis Cramer resides at 5299 Worchester Drive, asked the council if there were any plans for a dog park in Winshall Park. Mayor Pro Tem Abrams responded no.

Steve Shumaker resides at 7446 Country Meadow, updated the council on the regulations for the amusements at Hometown Days. This was a topic at last council meeting. He also commented on the street advisory committee.

REMARKS BY COUNCILMEMBERS:

Councilmember Porath commented on Morrish/Bristol intersection. He also wanted to thank Lou Fleury for all his time and effort with the street milage.

Councilmember Florence commented about the traffic signs on Calkins/Morrish intersection.

Councilmember Hicks remarked that a traffic circle would be nice at the Morrish/Bristol intersection.

Councilmember Gilbert questioned if we have had a reduction in our garbage cost due to our recycling. Adam Zettel responded that we are experiencing savings. Mr. Gilbert mentioned on Memorial Day at 1:00 p.m., there is a service at the Veterans Memorial put on by the American Legion Post 294.

Mayor Pro Tem Abrams mentioned an article in the paper and the comments made by Clayton Township in regards to the light at Morrish/Bristol intersection.

Mayor Krueger commented on his neighbor, Mr. Eskew is requesting a deer crossing sign in front of his property. He wished everyone a great holiday weekend ahead.

Adjournment

Resolution No. 160523-11

(Carried)

Motion by Councilmember Gilbert
Second by Councilmember Pinkston

I Move the Swartz Creek City Council adjourn the regular meeting at 9:20 pm.

Unanimous Voice Vote.

David A. Krueger, Mayor

Connie Eskew, City Clerk