

**CITY OF SWARTZ CREEK
SWARTZ CREEK, MICHIGAN
MINUTES OF THE REGULAR COUNCIL MEETING
DATE 03/27/2017**

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

Councilmembers Absent: None.

Staff Present: City Manager Adam Zettel, Clerk Connie Eskew, Director of Public Services Tom Svrcek, City Attorney Mike Gildner.

Others Present: Tommy Butler, Richard Abrams, Boots Abrams, Lania Rocha, Steve Shumaker, Karan Pinkston, Michael Diericks, Bernie Bursting, Jim Barclay, Eric Barclay, Christa Bowman, Pamela Barclay, Troy Medore.

APPROVAL OF MINUTES

Resolution No. 170327-01

(Carried)

Motion by Councilmember Porath
Second by Councilmember Florence

I Move the Swartz Creek City Council approve the Minutes of the Regular Council Meeting held Monday March 13, 2017, to be circulated and placed on file.

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

APPROVAL OF AGENDA

Resolution No. 170327-02

(Carried)

Motion by Councilmember Cramer
Second by Councilmember Gilbert

I Move the Swartz Creek City Council approve the Agenda as presented, printed for the Regular Council Meeting of March 27, 2017, to be circulated and placed on file.

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

NO: None. Motion Declared Carried.

CITY MANAGER'S REPORT

Resolution No. 170327-03

(Carried)

Motion by Councilmember Florence
Second by Councilmember Cramer

I Move the Swartz Creek City Council accept the City Manager's Report of March 27, 2017, including reports and communications and verbal updates, to be circulated and placed on file.

Discussion Ensued.

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

NO: None. Motion Declared Carried.

MEETING OPENED TO THE PUBLIC:

None.

COUNCIL BUSINESS:

CITIZEN OF THE YEAR

PRESENTATION

Mayor David Krueger presented James Barclay with "The Miller Settlement Citizen of the Year Award". Jim has been a resident here in Winchester Village for the past 7 years. He is an accomplished photographer. He has been and still is a member of many organizations, projects and groups. Jim's biggest impact is engaging the community in doing things and being involved in projects and having a positive change. He is also a champion of social media, which is no easy task. We are lucky to have Jim in our town, he is an asset to his neighbors, to our parks and more importantly he has been instrumental to bringing the public at large much closer to how our local government works.

EXXON SITE LICENSE AGREEMENT

DISCUSSION

Adam Zettel, City Manager commented on the draft agreement Exxon Mobile has presented for the property on Holland Drive.

Exxon Mobile wants:

1. Access to site to remove soil
2. Limited, non-exclusive construction access to Miller Road and Holland Drive
3. Rights to place and accesses monitoring wells on the site
4. Deed restrictions that prohibit water wells in the vicinity
5. Passage of an ordinance to prohibit water wells in the vicinity
6. An acknowledgement that the city does not intend to abandon Holland Drive
7. A release from current future claims arising from the city

The city gets:

1. \$115,000
2. A site that is cleaner and likely to be “closed” by the MDEQ
3. Site restoration, inclusive of an aggregate surface
4. Indemnities related to the execution of the project
5. The ability to move forward with sale or use of the site

Mr. Zettel will have a final draft available with resolution to council by April 10, 2017.

REDEVELOPMENT READY COMMUNITIES

Resolution No. 170327-04

(Carried)

Motion by Councilmember Hicks
Second by Councilmember Florence

WHEREAS, the City of Swartz Creek maintains a current master plan for land use, policy, and investment; and,

WHEREAS, the plan and its component and complimentary parts note the challenges and opportunities of the community; and,

WHEREAS, opportunities for redevelopment of existing parcels and buildings are the future for major investment and prosperity for the community; and,

WHEREAS, the city finds that governmental processes are as important as practical outcomes and thereby maintains a desire to create processes that are predictable, consistent, fair, efficient, and transparent; and,

WHEREAS, the Michigan Economic Development Corporation (MEDC) oversees the Redevelopment Ready Communities (RRC) program to assist in improving municipal developmental process and to highlight sites for redevelopment and prosperity; and,

WHEREAS, certain grant and assistance funds allocated by the State of Michigan and its partners may be limited to or otherwise influenced by the status of the City as a Redevelopment Ready Community; and,

WHEREAS, the City of Swartz Creek finds that the goals and assets of the RRC align with the community needs that are related to developmental processes, branding, and site marketing.

NOW, THEREFORE, BE IT RESOLVED the City of Swartz Creek City Council endorses the RRC program and directs city staff and its consultants, if any, to engage in the RRC self-evaluation process and to further engage the MEDC staff to officially incorporate Swartz Creek City into the RRC program.

Discussion Ensued.

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

**RESOLUTION APPROVING THE GUARANTEE OF THE METRO POLICE AUTHORITY
OF GENESEE COUNTY DEFINED BENEFIT PLAN ADOPTION AGREEMENT AND
HYBRID PLAN ADOPTION AGREEMENT**

Resolution No. 170327-05

(Carried)

Motion by Councilmember Gilbert
Second by Councilmember Pinkston

WHEREAS, the City of Swartz Creek (“City”) and Charter Township of Mundy (“Township”) transferred their respective police service, including employees, assets, enforcement authority, and related powers and responsibilities to the Metro Police Authority of Genesee County (“Authority”), effective at 12:00 a.m. on February 1, 2017; and

WHEREAS, the City and Township, at the time of transfer, had outstanding accrued pension liabilities for affected current retirees and active employees; and

WHEREAS, the Authority has combined the transferred workforce, as represented by the Police Officers Labor Council, into a single unit that offers the same pension plan for active employees and a hybrid retirement plan for future hires; and

WHEREAS, the retirement plan provider, the Municipal Employee Retirement System (“MERS”), will not enable the Authority to establish or maintain retirement plans as a dependent entity unless the component municipalities guarantee the existing retirement plan and the new hybrid plan; and

WHEREAS, the City acknowledges that it is solely responsible for accrued pension liabilities for affected retirees and employees of the city as of the transfer date; and

WHEREAS, the City acknowledges that, as a component member of the Authority, it is responsible for its proportionate share of current and future liabilities related to Authority retirements; and

WHEREAS, the City acknowledges that, as a component member of the Authority, the Township is also responsible for its proportionate share of current and future liabilities related to Authority retirements; and

WHEREAS, the Authority is expected to provide pensions, as outlined in the retirement agreements included in the City Council Packet of March 27, 2017.

NOW, THEREFORE, BE IT RESOLVED that the City Council affirms that the recitals stated above are true and correct and are incorporated herein by reference.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the City Council affirms and acknowledges its commitment to guarantee the Authority pension agreements

as outlined in Section IX of the agreements as recorded in the March 27, 2017 City Council Packet.

NOW, THEREFORE, BE IT FURTHER RESOLVED the Mayor is hereby granted the authority by the City Council to execute all said agreements.

Discussion Ensued.

YES: Pinkston, Porath, Cramer, Florence, Krueger.

NO: Gilbert, Hicks. Motion Declared Carried.

HERITAGE VILLAGE LOTS

DISCUSSION

Adam Zettel, City Manager has received a request from Heritage Village Association that the city proceed with sales with two developers that the association has approved and process the sales with the same terms as we did with the Springbrook East sales. He requested opinions of council on this matter. The council agreed to sell the properties and use terms similar as we did in the sales with Springbrook East and asked Mr. Zettel to prepare something for approval at next council meeting.

MOWING SERVICES BID AWARD

Resolution No. 170327-06

(Carried)

Motion by Councilmember Pinkston
Second by Councilmember Cramer

WHEREAS, the City of Swartz Creek sought sealed bids for the mowing of city-owned properties in 2013, for services to be provided through January 2016; and

WHEREAS, Lawn Kings was found to be the responsible low bidder and was thereby awarded the work on April 22, 2013, with a subsequent one year extension for the 2016 season on February 22, 2016; and

WHEREAS, the time frame for the existing contract and extension has expired and the city has sought competitive, sealed bids for services for the next two years, through January of 2019; and

WHEREAS, four bids were received, with pricing reflecting one mowing service for each property in the bid specification, and the lowest responsible bid was Lawn Kings, with a price of \$810.00 per mowing service.

NOW, THEREFORE, BE IT RESOLVED, the Swartz Creek City Council hereby awards the low bid for mowing services to Lawn Kings, located at 5187 Seymour Road in Swartz Creek, and further, direct the City Manager to prepare and execute a contractor's agreement.

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

NO: Motion Declared Carried;

MEETING OPENED TO THE PUBLIC

Steve Shumaker resident at 7446 Country Meadow Drive, commented on the bidding process on the Heritage Village lots. He also spoke about his disappointment with Clayton Township Representatives failing to show for the Area Fireboard meeting and recommended the city look at the by-laws/parliamentary rules to make sure that a meeting may occur by adjournment for the next available day.

Richard Abrams resident at 5352 Greenleaf Drive, strongly suggested everyone to attend the Planning Commission meeting on April 4, 2017.

Tommy Butler resident at 40 Somerset Drive, encouraged everyone to attend the police authority meetings. He commented the implementation of the police authority is the hardest part.

REMARKS BY COUNCILMEMBERS:

Councilmember Porath noted that it was nice to see Mr. Gildner at meeting tonight.

Councilmember Cramer commented on the street construction waves of process.

Councilmember Florence remarked on the fire board's bickering and not in agreement.

Councilmember Hicks commented she felt uncomfortable with the situation of the police authority and all the problems with the fire board.

Councilmember Gilbert agreed with Rae Lynn's comments and mentioned that the windstorm left a lot of debris.

Mayor Pro Tem Pinkston remarked that it was a good selection for the citizen of year.

ADJOURNMENT

Resolution No. 170327-07

(Carried)

Motion by Councilmember Gilbert
Second by Councilmember Porath

I Move the Swartz Creek City Council adjourn the regular meeting at 8:42 p.m.

Unanimous Voice Vote.

David A. Krueger, Mayor

Connie Eskew, City Clerk