

**CITY OF SWARTZ CREEK
SWARTZ CREEK, MICHIGAN
MINUTES OF THE REGULAR COUNCIL MEETING
DATE 04/10/2017**

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.

Councilmembers Absent: Porath.

Staff Present: City Manager Adam Zettel, Clerk Connie Eskew.

Others Present: Mark Miltich, Richard Abrams, Boots Abrams, Lania Rocha, Steve Shumaker, Betty Binder, Michael Diericks, Elaine Tucker, Jim Barclay, Lou Fleury, Laurel Burns, Steve Long.

ABSENCE OF COUNCILMEMBER PORATH

Resolution No. 170410-01

(Carried)

Motion by Councilmember Gilbert
Second by Councilmember Florence

I Move the Swartz Creek City council excuse Councilmember Porath.

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

APPROVAL OF MINUTES

Resolution No. 170410-02

(Carried)

Motion by Councilmember Cramer
Second by Councilmember Florence

I Move the Swartz Creek City Council approve the Minutes of the Regular Council Meeting held Monday March 27, 2017, to be circulated and placed on file.

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

APPROVAL OF AGENDA

Resolution No. 170410-03

(Carried)

Motion by Councilmember Florence
Second by Councilmember Gilbert

I Move the Swartz Creek City Council approve the Agenda as presented, printed for the Regular Council Meeting of April 10, 2017, to be circulated and placed on file.

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

CITY MANAGER'S REPORT

Resolution No. 170410-04

(Carried)

Motion by Councilmember Hicks
Second by Councilmember Gilbert

I Move the Swartz Creek City Council accept the City Manager's Report of April 10, 2017, including reports and communications, to be circulated and placed on file.

Discussion Ensued.

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

MEETING OPENED TO THE PUBLIC:

Mark Miltich resident at 5272 Birchcrest Drive, commented about the gravel work on Cardigan Drive and his assessment on his property. He also wanted to know if the council considered changing the speed limit on Seymour Road.

Laurel Burns, from United Methodist Church wanted to introduce herself and let the council know the church is coordinating the painting of the plays cape, with help of the Swartz Creek Academy.

Richard Abrams, resident at 5352 Greenleaf Drive, wanted to let everyone about the speaker – Senator Gary Peters - at the American Legion on Thursday at 11:30 am who will be doing a presentation on the Vietnam area veterans.

COUNCIL BUSINESS:

Swartz Creek Womens Club

PRESENTATION

The Swartz Creek Womens Club presented the council with a check of \$500.00 for the Elms Road park improvement project towards the equipment.

**RESOLUTION TO APPROVE CONSUMERS ENERGY LIGHTING CONTRACT
ADDITION**

Resolution No. 170410-05

(Carried)

Motion by Councilmember Gilbert
Second by Councilmember Hicks

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, said contract restated on November 1, 2014; and

WHEREAS, this contract has been revised and approved by the city council as recently as February 08, 2016; and

WHEREAS, additional changes in lighting types and subsequent billing for existing street lights have been by CE; and

WHEREAS, CE is seeking an amendment to our street lighting contract, including acknowledgment of a rebate for the city, to be paid in the form of billing credits; and

WHEREAS, approval of the restated contract is required to effect this change.

NOW THEREFORE, BE IT RESOLVED, the City of Swartz Creek City Council hereby agrees to the proposed amendments to the CE street lighting contract, as included in the city council packet for April 10, 2017, and further directs the Mayor to execute said contract.

Discussion Ensued.

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

NO: None. Motion Declared Carried.

RESOLUTION APPROVING THE LIMITED SITE LICENSE AGREEMENT BETWEEN EXXONMOBIL OIL CORPORATION, GROUNDWATER & ENVIRONMENTAL SERVICES, INC., AND THE CITY OF SWARTZ CREEK.

Resolution No. 170410-06

(Carried)

Motion by Mayor Pro Tem Pinkston
Second by Councilmember Cramer

WHEREAS, the City of Swartz Creek acquired 5012 Holland Drive (“Property”) from Genesee County and subsequently removed the known fuel tanks and above grade structures; and

WHEREAS, the Swartz Creek Downtown Development Authority (DDA) provided the local funding match to perform said work; and

WHEREAS, the City and DDA desire to repurpose the site for a use that benefits the public; and

WHEREAS, ExxonMobil desires to proceed with soil removal and site restoration, making the site available for reuse in 2017 or 2018; and

WHEREAS, ExxonMobil is seeking an agreement to secure site access, certain restrictive covenants, ground water withdrawal regulations, a Public Highway Institutional Control form, and other provisions to enable soil removal, monitoring well installation, and site reuse; and

WHEREAS, the City is requesting payment and indemnities in exchange for the above mentioned provisions; and

WHEREAS, the City of Swartz Creek (“City”), ExxonMobil Oil Corporation (“ExxonMobil”), and Groundwater & Environmental Services, Inc. (“Consultant”) desire to enter into a Limited Site License Agreement (“Agreement”) for the purpose of granting a limited license to enter upon certain described property upon the terms and conditions specified in the Agreement; and

NOW, THEREFORE, BE IT RESOLVED, the Swartz Creek City Council hereby approves the Agreement as included in the city council packet of April 10, 2017 and directs the Mayor to execute the Agreement, Restrictive Covenants, and related instruments on behalf of the city council.

BE IT FURTHER RESOLVED, the Swartz Creek City Council hereby approves Public Highway Institutional Control form as included in the city council packet of April 10, 2017 and directs the Director of Public Services to execute said form.

BE IT FURTHER RESOLVED, the Swartz Creek City Council hereby directs staff to proceed with the preparation of the groundwater restriction ordinance for review by the City Council.

Discussion Ensued.

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

NO: None. Motion Declared Carried.

RESOLUTION TO APPROPRIATE FUNDS AND PROCEED WITH STREET LIGHT REPLACEMENT FOR 2017 STREET RECONSTRUCTION PROJECTS

Resolution No. 170410-07

(Carried)

Motion by Councilmember Cramer
Second by Councilmember Hicks

WHEREAS, the City of Swartz Creek owns, operates, and maintains a system of major and local streets, and

WHEREAS, Consumers Energy (CE) owns, operates, and maintains street lights on public roadways under an exclusive contract with the city to provide fixtures, operation, and maintenance, and

WHEREAS, Worchester Drive and parts of Winston Drive and Chesterfield Drive are to be reconstructed in 2017, and

WHEREAS, the project includes reconstruction of the streets and replacement of gas lines, replacement of water main, replacement of sidewalk/drive approaches, and removal/relocation of certain street lights, and

WHEREAS, the city recognizes that massive street investment, especially in Winchester Village, is tantamount to the quality of life in the Swartz Creek community, and

WHEREAS, street light technology and appearance, specifically decorative LED's, can provide a long term financial return on investment, as well as provide direct neighborhood benefits in function and property values, and

WHEREAS, the Street Project Review Committee, after reviewing a potential lighting plan and cost, recommend investment in seven decorative LED lamps and eight standard LED "cobra head" fixtures within the reconstruction area.

NOW, THEREFORE, BE IT RESOLVED the City of Swartz Creek City Council approves said purchase of decorative and non-decorative streetlamps, at an estimated cost of \$60,000, plus a 25% contingency, with said procurement and subsequent billing to be recognized in an amendment to the Street Lighting Contract.

BE IT FURTHER RESOLVED, that appropriations shall be made and expensed to Fund 202 (Major Streets), Fund 203 (Local Streets), or Fund 101 (General) as directed by the Treasurer.

BE IT FURTHER RESOLVED, the City Council directs staff to finalize engineer details with CE and proceed with installation within the parameters of this resolution.

Discussion Ensued.

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

RESOLUTION TO ENABLE NEGOTIATED SALES OF CONDO UNIT PROPERTIES IN HERITAGE VILLAGE

Resolution No. 170410-08

(Carried)

Motion by Councilmember Florence
Second by Councilmember Cramer

WHEREAS, the City of Swartz Creek (“City”) owns six condo units in Heritage Village, four of which were acquired as a result of the paving assessment project in 2011 and two of which were acquired from the county 2016 tax foreclosure process, and

WHEREAS, the city finds that a public purpose existed for obtaining the lots, being control and guarantee for the collection of the special assessment fees, the preservation of property values for the existing homes in the subdivision, and desirable development in accordance with the neighborhood design guidelines; and

WHEREAS, the City has received a request from the Heritage Village Homeowners Association (“HoA”), as represented by Mr. Ted Kramer, to enable construction of homes on these units by two residential builders that have been pre-qualified by the HoA, and

WHEREAS, the City desires to sell these units to a buyer that will construct compatible housing in a manner that is agreeable to the HoA and the City of Swartz Creek, and

WHEREAS, the City desires to receive market value from the sales of these lots in an amount that is at least sufficient to recover its recorded acquisition costs as noted below:

<u>Unit</u>	<u>City Cost</u>
3284 Heritage Blvd	\$1,311.86
3278 Heritage Blvd	\$1,311.86
3270 Heritage Blvd	\$1,311.86
3264 Heritage Blvd	\$1,311.86
3323 Heritage Blvd	\$41.45
3329 Heritage Blvd	\$41.45

WHEREAS, the City finds that proceeds above the above stated amounts can be used to partially offset street assessments that were levied as part of the arrangement to initially acquire condominium units listed; and

WHEREAS, the City finds that the primary objective of any conveyance is to assure the timely and quality development of condominiums within the development in a manner that supports the architectural continuity of the existing residences.

NOW, THEREFORE, BE IT RESOLVED the City of Swartz Creek City Council direct staff to negotiate the sale of all six parcels to one or both of the pre-qualified builders in accordance with the City's Land Sale Policy of April 28, 2014.

BE IT FURTHER RESOLVED staff is to prepare individual sale instruments and purchase agreements that protect the developmental interest of the City and HoA and bring them before the City Council for review.

Discussion Ensued.

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

NO: None. Motion Declared Carried.

WATER LOSS LEAK DETECTION

Discussion

Adam Zettel, City Manager, there has been a number of leaks found, most of them small. One substantial leak has been repaired and the other one we are still trying to locate. It is in the proximity of Miller and Elms. He hopes to report back in two weeks that it's fixed.

WINCHESTER WOODS DRAINAGE CONCEPT PLAN

Resolution No. 170410-09

(Carried)

Motion by Councilmember Hicks
Second by Councilmember Cramer

WHEREAS, the city owns, operates, and maintains a system of major and local streets, including drainage related features; 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 adequate storm water management; 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 applied street millings to the unimproved section of Young Drive and Cardigan Drive in the fall of 2016; and

WHEREAS, the city desires to ascertain the interested and feasibility of making the lots in this subdivision usable for single family dwellings; and

WHEREAS, Rowe Professional Services Company, functioning as the city's engineer, delivered a proposal, dated October 6, 2016, to provide an initial feasibility study for a storm water plan.

NOW, THEREFORE BE IT RESOLVED that the City of Swartz Creek City Council accepts the proposal from Rowe in the amount of \$8,675 for the noted services.

BE IT FURTHER RESOLVED that the City of Swartz Creek directs the Treasurer to apportion 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: Hicks, Krueger, Pinkston, Cramer, Florence.

NO: Gilbert. Motion Declared Carried.

MEETING OPENED TO THE PUBLIC:

Steve Long, resides at 5356 Worchester Drive, would like a left turn lane headed north on Miller turning onto Morrish. Mr. Zettel replied he will check with the County on the capability and fees on that option.

REMARKS BY COUNCILMEMBERS:

Councilmember Cramer reminded everyone about the Winchester Village crime watch fundraiser Wednesday at 6:00 pm at Jan's Bar with auction at 7:30 pm. He also announced members of law enforcement and himself are putting together a bomb threat assessment training at the PAC in the future and he will let everyone know once a date is set.

Councilmember Florence wanted an update on SeeClickFix. Mr. Zettel let everyone know probably will have a soft opening on the program in 3-4 weeks, and hopefully a larger grand opening in June or July.

Councilmember Hicks informed every one of the anonymous donor who will match donations in April up to \$6,500 for the Elms Park Tot Lot fundraiser so please consider donating this month.

Councilmember Gilbert commented on the house on Miller Road that needs painted now has two houses next to it for sale.

Mayor Krueger also commented on the house on Miller Road. He encouraged the council to attend the emergency training on the 27th.

ADJOURNMENT

Resolution No. 170410-10

(Carried)

Motion by Councilmember Hicks
Second by Councilmember Gilbert

I Move the Swartz Creek City Council adjourn the regular meeting at 8:35 p.m.

Unanimous Voice Vote.

David A. Krueger, Mayor

Connie Eskew, City Clerk