

**CITY OF SWARTZ CREEK
SWARTZ CREEK, MICHIGAN
MINUTES OF THE REGULAR COUNCIL MEETING
DATE 06/25/2018**

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.

Others Present: Lania Rocha, Bob Plumb, Fay Porath, Steve Shumaker, Al Jory, Brett Jory, Tommy Butler, Andy Harris, Todd Beedy, Jack Wheatley, Cori Amman, E. Jamison.

APPROVAL OF MINUTES

Resolution No. 180625-01 **(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 June 11, 2018, to be circulated and placed on file.

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

APPROVAL OF AGENDA

(Carried)

Resolution No. 180625-02

Motion by Councilmember Cramer
Second by Councilmember Gilbert

I Move the Swartz Creek City Council approve the Agenda as, printed for the Regular Council Meeting of June 25, 2018, 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. 180625-03

(Carried)

Motion by Councilmember Florence
Second by Councilmember Cramer

I Move the Swartz Creek City Council accept the City Manager's Report of June 25, 2018, including reports and verbal communications to be circulated and placed on file.

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

NO: None. Motion Declared Carried.

MEETING OPENED TO THE PUBLIC:

None.

COUNCIL BUSINESS:

RESOLUTION TO APPROVE THE SALE AND USE OF VACANT UNITS IN HERITAGE VILLAGE CONDOMINIUM

Resolution No. 180625-04

(Carried)

Motion by Mayor Councilmember Hicks
Second by Councilmember Cramer

WHEREAS, the city acquired a total of six vacant units in Heritage Village Condominium, including the following units:

3284 Heritage Blvd	58-30-651-091
3278 Heritage Blvd	58-30-651-092
3270 Heritage Blvd	58-30-651-093
3264 Heritage Blvd	58-30-651-094
3323 Heritage Blvd	58-30-651-106
3329 Heritage Blvd	58-30-651-107

WHEREAS, the city determined 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 the control over the quality of housing constructed on said units; and

WHEREAS, the city previously found that the long term intent is to sell the lots to recover assessment costs and other administrative costs that may occur and to preserve property values consistent with the findings within this resolution; and

WHEREAS, the city permitted a negotiation between the Heritage Village of Swartz Creek Homeowners Association (HoA), local builders, and city staff to occur with

the intent to develop these units in a manner that ensures quality and timely development of housing at a market sale price of each unit; and

WHEREAS, the HoA requested sale of the units to J.W. Morgan Construction, LLC., with certain conditions, as outlined in their statement from July 6, 2017 and the city subsequently resolved to sell two lots to J.W. Morgan Construction, with proceeds to be paid to the HoA; and

WHEREAS, J.W. Morgan Construction has commenced construction on four purchased units and is requesting to purchase two more at the same cost.

NOW, THEREFORE, BE IT RESOLVED, the Swartz Creek City Council hereby approves the sale of two additional units (89 & 90) in Heritage Village to J.W. Morgan Construction, LLC., in accordance with the purchase agreements and quit claim deeds attached.

BE IT FURTHER RESOLVED, that the council directs staff to make said sale instruments available for public inspection and comment for no less than 30 days, in accordance with city charter, at which point the sales shall be reviewed by the city council.

BE IT FURTHER RESOLVED, that the council directs staff to account the surplus proceeds from said sales with the expectation that such proceeds are allocated and paid to the Heritage Village of Swartz Creek Homeowners Association or the Genesee County Treasurer/Genesee County Land Bank in accordance with applicable law.

Discussion Ensued.

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

NO: None. Motion Declared Carried.

RESOLUTION TO APPROVE ANNUAL COVERAGE AND PAYMENT FOR GENERAL AND LIABILITY INSURANCE OF THE CITY TO MEADOWBROOK

Resolution No. 180625-05

(Carried)

Motion by Councilmember Gilbert
Second by Councilmember Cramer

WHEREAS, the City of Swartz Creek has a need to insure property, equipment, and services that it owns and provides; and

WHEREAS, the City of Swartz Creek has been engaged in risk management with the Michigan Municipal League Liability and Property Pool, as serviced by Meadowbrook Insurance Group since 1985; and

WHEREAS, the City of Swartz Creek finds this professional service to meet or exceed financial expectations, as well as the staffing and service needs of the city.

NOW, THEREFORE, BE IT RESOLVED, the City of Swartz Creek appropriate and approve payment for an amount not to exceed \$42,084 to Michigan Municipal League Meadow Brook Insurance, payment of the City's annual 2018-2019 premiums for property and liability insurance, funds to be apportioned to reflect departmental coverage as noted in the invoice.

Discussion Ensued.

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

NO: None. Motion Declared Carried.

RESOLUTION TO ACQUIRE TAX REVERTED PROPERTY FROM GENESEE COUNTY TREASURER

Resolution No. 180625-06

(Carried)

Motion by Mayor Pro Tem Pinkston
Second by Councilmember Cramer

WHEREAS, on June 11 and June 25, 2018 at public meetings, the Swartz Creek City Council reviewed the staff recommendation to acquire a specific parcel listed as Genesee County Treasurers' tax reverted property currently under foreclosure; and,

WHEREAS, the property for which there is a public purpose includes:

8002 Miller Road, Parcel ID Number 58-35-576-049; and,

WHEREAS, the City Council finds that a public purpose exists for the acquisition of the property, located at 8002 Miller Road, that purpose being the prevention of blight and neighborhood enhancement through the addition of a private and/or public improvement or through property improvement; and,

WHEREAS, the County Treasurers' Office requires certain conditions and stipulations relative to the acquisition of tax reverted properties by local units of government,

NOW, THEREFORE, I Move the City of Swartz Creek enter into an agreement with the Genesee County Treasurers' Office, and further, direct the Mayor David Krueger and City Clerk Connie Eskew to execute the agreement on behalf of the City, agreement as follows:

NOTICE TO GENESEE COUNTY TREASURER DEBORAH L. CHERRY, THE
FORECLOSING GOVERNMENTAL UNIT, OF ELECTION TO PURCHASE FORECLOSED
PROPERTY

The City of Swartz Creek hereby notifies Deborah L. Cherry, Genesee County Treasurer and Genesee County Foreclosing Governmental Unit, that it intends to purchase property described as SEE ATTACHED LISTING, also known as SEE ATTACHED LISTING,

which property is located in Swartz Creek, Michigan, for a public purpose. The purchase price is \$27,239.39, which amount is the minimum bid as that term is defined in MCL 211.78m (11).

The public purpose for which the property is being purchased is:

Blight prevention and neighborhood enhancement thus advancing neighborhood stabilization.

The City of Swartz Creek agrees that this Notice will be filed with the Genesee County Register of Deeds and that the City of Swartz Creek will notify the Foreclosing Governmental Unit at least seven days before the event if it ever sells or transfers to a third party all or any part of the above described property. Further, the City of Swartz Creek understands and agrees that if it should ever sell the purchased property above described for an amount in excess of the minimum bid and all costs incurred relating to demolition, renovation, improvements, or infrastructure development, the excess amount shall be returned to the Genesee County Treasurer for deposit into the delinquent tax property sales proceeds account for the year in which the property was purchased by the City of Swartz Creek.

Upon the request of the Foreclosing Governmental Unit the City of Swartz Creek shall provide without cost to the Foreclosing Governmental Unit information requested regarding any subsequent sale or transfer of the above described property. The information shall be provided within seven days of receipt of the request.

This election by the City of Swartz Creek is made subject to any prior right of election vested in the State of Michigan.

The City of Swartz Creek understands that neither Genesee County nor Deborah L. Cherry, either individually and/or as Genesee County Treasurer and/or as the Foreclosing Governmental Unit, makes any warranty of any kind as to the title transferred to the City of Swartz Creek and will not indemnify, defend, save nor hold harmless the City of Swartz Creek from any or all claims, liabilities, damages, losses, suits, fines, penalties, demands or expenses, including costs of suit and attorney fees, incurred by the City of Swartz Creek because of or related to its election to purchase the property above described.

The City of Swartz Creek agrees to indemnify, defend, save and hold harmless Genesee County and Deborah L. Cherry, individually and/or as Genesee County Treasurer and/or as Foreclosing Governmental Unit, from any and all claims, liabilities, damages, losses, suits, fines, penalties, demands and expenses, including costs of suit and attorney fees, which Genesee County and/or Deborah L. Cherry, individually and/or as Genesee County Treasurer and/or as Foreclosing Governmental Unit incurred because of or related to the election of the City of Swartz Creek to purchase the property above described.

Attached to this notice is a copy of the resolution authorizing the purchase which resolution incorporates the indemnification of Genesee County and Deborah L. Cherry.

Date: _____

David A. Krueger, Mayor

Date: _____

Connie Eskew, Clerk

BE IF FURTHER RESOLVED, the cost to purchase such property, being \$27,318 as well as the addition of the current year taxes, fees, and assessments, shall be appropriated to the unencumbered, unreserved General Fund (101) fund balance.

Discussion Ensued.

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

RESOLUTION TO APPROVE CRACK SEALING BIDS FOR CITY STREETS

Resolution No. 180625-07

(Carried)

Motion by Councilmember Porath
Second by Councilmember Florence

WHEREAS, the city's streets are in need of surface treatments as part of the recognized need to apply proper asset management practices to infrastructure assets; and

WHEREAS, one of the fundamental and affordable forms of surface treatment is overband crack sealing, which is generally applied to those street segments that are not in need of more intensive forms of rehabilitation; and

WHEREAS, the city conducted a sealed bid process for the application of overband sealant for select major and local streets, as well as two parking areas downtown; and

WHEREAS, the lowest qualified bid, as submitted by Highway maintenance and Construction, includes a cost-per-lane mile proposal, traffic control cost, parking lot cost, and total cost for the application of this treatment.

NOW, THEREFORE, BE IT RESOLVED the City of Swartz Creek hereby approves the proposal submitted by Highway Maintenance and Construction in the amount of \$43,062.50, with a 15% contingency, to perform overband crack sealing as outlined in the bidding specifications prepared by OHM Advisors.

BE IT FURTHER RESOLVED the City of Swartz Creek directs the City Manager to execute a standard contractor agreement with the bidder and further directs the Treasurer to appropriate funds from the general fund, local street fund, and major street fund as appropriated and prorated by the engineer.

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

RESOLUTION TO APPROVE THE CONCEPT USE AND NEGOTIATED SALE OF VACANT LAND ON PAUL FORTINO DRIVE

Resolution No. 180625-08

(Carried)

Motion by Councilmember Cramer
Second by Councilmember Florence

WHEREAS, the City acquired two pieces of property on Morrish Road, immediately north of Paul Fortino Drive, with the understanding that such property could be put to a direct public and/or economic development use; and

WHEREAS, the City, utilizing the planning commission and downtown development authority, engaged in numerous workshops and planning sessions in recent years to determine how these properties could be put to productive use in a manner that advances the city's master plan and downtown plan; and

WHEREAS, based upon circumstances and consultant recommendations, single family housing/condominiums resembling a traditional style were chosen as the preferred land use; and

WHEREAS, the DDA, with the city council's approval, engaged design services to ascertain specifics of how the site could be put to use for this purpose; and

WHEREAS, a developer has been sought to act as a partner to effect this change since 2016; and

WHEREAS, a contractor and home builder, RBF Construction, has presented themselves as an able and willing partner to realize the concept plan, including the initial presentation of improved design plans for the site layout; and

WHEREAS, the Swartz Creek Downtown Development Authority, at their regular meeting on June 14, 2018, unanimously voted to encourage the city council to enable cooperative planning and potential sale of this property to RBF Construction based upon the existing concepts.

NOW, THEREFORE, BE IT RESOLVED, the Swartz Creek City Council hereby approves the conceptual sale of vacant land, identified as PID 58-35-576-001 and 58-35-576-002, pending the development and approval of a site plan for use, property transfer instruments, and a development agreement or similar instrument to convey terms and conditions of transfer, use, and performance.

BE IT FURTHER RESOLVED, that the council authorizes the DDA and staff to cooperate with RBF Construction on the creation and review of a site plan, along with related zoning, special land use and/or variance needs that might arise as it pertains to proceeding with advancing the concepts included in the June 25, 2018 city council packet.

Discussion Ensued.

Break (10 min)

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

NO: Gilbert, Hicks. Motion Declared Carried.

RESOLUTION TO APPROVE THE SALE AND USE OF 5157 MORRISH ROAD

Resolution No. 180625-09

(Carried)

Motion by Councilmember Florence
Second by Councilmember Cramer

WHEREAS, the City acquired a blighted house located at 5157 Morrish Road, PID 58-01-100-013, through the tax reversion process with the intent of eliminating and preventing blight; and

WHEREAS, the City has found no short or long term public, direct use for this property; and

WHEREAS, the city can recover invested costs for this property but cannot financially gain from the sale of this property; and

WHEREAS, the planning commission directed staff to solicit proposals for use from the general public and adjacent land owners; and

WHEREAS, an adjacent land owner and local home builder submitted proposals for use and purchase of this property; and

WHEREAS, the planning commission recommended that the preferred use is to be the sale to the adjacent home owner as proposed by Michael Vozar, and the city council affirmed this at their regular meeting on June 11, 2018; and

WHEREAS, the city council directed the city manager to engage in negotiations for a sale to Michael Vozar as outlined in the proposal as included in the June 11, 2018 city council packet, with final approval to be by the Swartz Creek City Council, in accordance with the city's land sale policy and city charter.

NOW, THEREFORE, BE IT RESOLVED, the Swartz Creek City Council hereby approves the sale of 5157 Morrish Road, identified with PID 58-01-100-013., in accordance with the purchase agreements and quit claim deeds attached.

BE IT FURTHER RESOLVED, that the council directs staff to make said sale instruments available for public inspection and comment for no less than 30 days, in accordance with city charter, at which point the sales shall be reviewed by the city council.

BE IT FURTHER RESOLVED, that the council directs staff to account the surplus proceeds from said sales with the expectation that such proceeds are allocated and paid to the Genesee County Treasurer in accordance with applicable law.

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

NO: None. Motion Declared Carried.

RESOLUTION TO APPROVE THE SALE AND USE OF VACANT LAND ON WADE STREET

Resolution No. 180625-10

(Carried)

Motion by Councilmember Hicks
Second by Councilmember Cramer

WHEREAS, the City acquired vacant property located at Wade and Second Street, PID 58-01-502-036, through the tax reversion process with the intent of eliminating and preventing blight; and

WHEREAS, the City has found no short or long term public, direct use for this property; and

WHEREAS, the city can recover invested costs for this property but cannot financially gain from the sale of this property; and

WHEREAS, the planning commission directed staff to solicit proposals for use from the general public and adjacent land owners; and

WHEREAS, an adjacent land owner and local home builder submitted proposals for use and purchase of this property; and

WHEREAS, the planning commission recommended that the preferred use is to be residential infill housing as proposed by Woodside Builders, and the city council affirmed this at their regular meeting on June 11, 2018; and

WHEREAS, the city council directed the city manager to engage in negotiations for a sale to Woodside Builders as outlined in the proposal as included in the June 11, 2018 city council packet, with final approval to be by the Swartz Creek City Council, in accordance with the city's land sale policy and city charter.

NOW, THEREFORE, BE IT RESOLVED, the Swartz Creek City Council hereby approves the sale of vacant land on Wade Street, identified with PID 58-01-502-036., in accordance with the purchase agreements and quit claim deeds attached.

BE IT FURTHER RESOLVED, that the council directs staff to make said sale instruments available for public inspection and comment for no less than 30 days, in accordance with city charter, at which point the sales shall be reviewed by the city council.

BE IT FURTHER RESOLVED, that the council directs staff to account the surplus proceeds from said sales with the expectation that such proceeds are allocated and paid to the Genesee County Treasurer in accordance with applicable law.

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

RESOLUTION TO APPROVE A LETTER OF AGREEMENT WITH AFSCME

Resolution No. 180625-11

(Carried)

Motion by Councilmember Gilbert
Second by Councilmember Hicks

WHEREAS, the City of Swartz Creek entered into agreement with the American Federation of State, County and Municipal Employees (AFL-CIO) on June 29, 2016 to provide for conditions and provisions of employment; and

WHEREAS, the collective bargaining agreement is set to expire on June 30, 2019 and both parties desire to amend it one year prior to its expiration to advance common objectives of incentivizing water licensing among some members, as well as to increase pay parity between employees with matching job descriptions; and

WHEREAS, both parties are desirous of a continuing working agreement.

NOW, THEREFORE BE IT RESOLVED that the City of Swartz Creek City Council hereby approve the Letter of Agreement Between the City of Swartz Creek and the AFSCME bargaining unit, as recorded in the City Council Packet of June 25, 2018, and further, authorize and direct the Mayor and City Clerk to execute the letter on behalf of the City.

Discussion Ensued.

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

NO: None. Motion Declared Carried.

MEETING OPENED TO THE PUBLIC:

Bob Plumb of 37 Somerset Drive, invited council to the Swartz Creek Fire Department's unveiling of their new sign at Station #2 on July 15, 2018 at 12:30 p.m.

Director of Public Service Tom Svrcek updated council on street construction. Thanks to the Women's club who is watering the flowers on the weekends.

REMARKS BY COUNCILMEMBERS:

Councilmember Porath has concerns with the light at Miller/Elms intersection. The first concert was last week and had 550 in attendance. The Metro Police Authority meeting is Wednesday, the signing of the police chief contract will be done.

Councilmember Cramer attended the Genesee County Metropolitan Alliance meeting and wanted council to know the county is working on making the I-69/I-75 corridor safer for drivers.

Mayor Krueger is glad the county is working on that corridor because it is extremely dangerous.

Councilmember Florence he also has concerns with the Elms/Miller Rd. intersection.

Councilmember Hicks let everyone know Ryan Spillane was awarded the Chris Hilden firefighter of the year.

July 28th at 11 a.m.is the Slip and Slide at Elms Park, if anyone interested in helping please contact her. July 19th at 6 p.m. Will be the dedication of Abrams Park. She was happy the dirt at Elms Park was flattened. Park Board meeting is changed to July 11 due to July 4th holiday.

Councilmember Gilbert thanked everyone for their cards and prayers. His dog is waiting for the dog park to open.

Mayor Pro Tem Pinkston noticed the Don Shenk property's cement driveway and it looks beautiful.

Mayor Krueger glad to have Councilmember Gilbert back.

ADJOURNMENT

Resolution No. 180625-12

(Carried)

Motion by Councilmember Porath
Second by Councilmember Gilbert

I Move the Swartz Creek City Council adjourn the regular meeting at 9:03 p.m.

Unanimous Voice Vote.

David A. Krueger, Mayor

Connie Eskew, City Clerk