

**CITY OF SWARTZ CREEK
SWARTZ CREEK, MICHIGAN
MINUTES OF THE REGULAR COUNCIL MEETING
DATE 10/22/2018**

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.

Councilmembers Absent: None.

Staff Present: City Manager Adam Zettel, Clerk Connie Eskew, Public Services Director Tom Svrcek, City Attorney Chris Strittmatter.

Others Present: Lania Rocha, Bob Plumb, Steve Shumaker, Jentery Farmer, Erik Jamison, Steve Long, Faye Porath, Chief Matt Bade, John Wilson.

APPROVAL OF MINUTES

Resolution No. 181022-01

(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 October 8, 2018, 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. 181022-02

(Carried)

Motion by Councilmember Cramer
Second by Councilmember Florence

I Move the Swartz Creek City Council approve the Agenda as, amended and for the Regular Council Meeting of October 22, 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. 181022-03

(Carried)

Motion by Councilmember Florence
Second by Councilmember Cramer

I Move the Swartz Creek City Council accept the City Manager's Report as amended verbally regarding the police department and the KFC of October 22, 2018, including reports and communications as updated 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:

Steve Long, 5356 Worchester, informed the council that a college friend of his was filming the meeting tonight.

COUNCIL BUSINESS:

RESOLUTION TO APPROVE STREET USAGE PERMIT, ANNUAL CHRISTMAS TREE LIGHTING CEREMONY

Resolution No. 181022-04

(Carried)

Motion by Councilmember Hicks
Second by Councilmember Gilbert

WHEREAS, the City of Swartz Creek issues street closure permits for the purposes of holding public events from time-to-time; and,

WHEREAS, the GFWC Swartz Creek Women's Club has submitted application for such a street closure for the purposes of hosting an annual Christmas event in downtown Swartz Creek, centered at Holland Square 5012 Holland Drive; and,

WHEREAS, the Chief of Police finds the application satisfactory and the City Council finds the time, place, and manner of the event to be conducive to the health, safety, and welfare of the community.

NOW, THEREFORE, BE IT RESOLVED THAT the City of Swartz Creek accept the Chief of Police's recommendation and approve the Swartz Creek Women's Club Street Usage Application to hold an annual Christmas event on Friday, November 30, 2018 from 4:00 PM to 9:00 PM, stipulations and conditions as set forth in the application packet, a copy of which is attached hereto, under the direction and control of the office of the Chief of Police.

Discussion Ensued.

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

NO: None. Motion Declared Carried.

RESOLUTION TO APPROVE STREET USAGE PERMIT, FALL FAMILY FUN NIGHT

Resolution No. 181022-05

(Carried)

Motion by Councilmember Gilbert
Second by Councilmember Cramer

WHEREAS, the City of Swartz Creek issues street closure permits for the purposes of holding public events from time-to-time; and,

WHEREAS, the Swartz Creek Area Chamber of Commerce has submitted application for such a street closure for the purpose of hosting an annual Fall Family Fun Night event in downtown Swartz Creek, centered at Holland Square, 5012 Holland Drive; and,

WHEREAS, the Chief of Police finds the application satisfactory and the City Council finds the time, place, and manner of the event to be conducive to the health, safety, and welfare of the community.

NOW, THEREFORE, BE IT RESOLVED THAT the City of Swartz Creek accept the Chief of Police's recommendation and approve the Swartz Creek Area Chamber of Commerce Street Usage Application to hold an annual Fall Family Fun Night on Friday, October 26, 2018 from 3:00 PM to 9:00 PM, stipulations and conditions as set forth in the application packet, a copy of which is attached hereto, under the direction and control of the office of the Chief of Police.

Discussion Ensued.

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

NO: None. Motion Declared Carried.

RESOLUTION TO APPROVE LETTERS OF SUPPORT FOR THOROUGHBRED RACING AT THE SPORTS CREEK RACEWAY

Resolution No. 181022-06

(Carried)

Motion by Mayor Pro Tem Pinkston
Second by Councilmember Florence

WHEREAS, the Sports Creek Raceway has been an integral part of the Swartz Creek community for over thirty years, and

WHEREAS, the raceway ceased operations on December 31, 2014; and

WHEREAS, the city and community have been actively engaged in seeking to find a buyer that can use the existing site or repurpose the site for an economically viable purpose that aligns with the city's quality of life goals; and

WHEREAS, the unique facility has not had a viable buyer for nearly four years and is showing signs of deterioration; and

WHEREAS, the State of Michigan has experienced a total elimination of the harness racing industry but is considering legislation to make thoroughbred racing viable; and

WHEREAS, there is now a prospective buyer of the raceway that has identified themselves as AmRace & Sports, LLC, that is seeking live race days from the Michigan Gaming Control Board for 2019; and

WHEREAS, AmRace & Sports, LLC is seeking letters for support that indicate a willingness on behalf of the city to cooperate on the reuse of the site for thoroughbred racing and related facility improvements; and

WHEREAS, the Swartz Creek City Council finds that the transfer and use of the Sports Creek Raceway for thoroughbred racing is a desirable use.

NOW, THEREFORE, BE IT RESOLVED that the Swartz Creek City Council hereby directs the city manager to release letters of support as included in the city council packet of October 22, 2018.

Discussion Ensued.

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

RESOLUTION TO APPROVE APPLICATION TO THE TRAFFIC IMPROVEMENT PROGRAM AND RELATED PROFESSIONAL ENGINEERING SERVICES

Resolution No. 181022-07

(Carried)

Motion by Councilmember Porath
Second by Councilmember Cramer

WHEREAS, the City of Swartz Creek is a Local Governmental Unit and recognized Street Authority eligible to receive funding from the Michigan Department of Transportation and the Federal Highway Administration; and,

WHEREAS, the City of Swartz Creek is a member of the Genesee County Metropolitan Planning Alliance, an urban transportation planning cooperative charged with allocating funds to eligible street authorities in Genesee County; and

WHEREAS, the City of Swartz Creek has identified a need to make repairs and improvements to streets in its Major Street System and has considered the making of such repairs and improvements in open session following the review of documents and the hearing of comments on the need from the city's engineer & staff, and desires to submit applications for such repairs and improvements to the Genesee County Metropolitan Alliance Traffic Improvement Program; and

WHEREAS, the Genesee County Transportation Surface Management Committee will be creating a 2020-2023 Traffic Improvement Program (TIP) schedule to be recommended to the Technical Advisory Committee that ranks projects throughout the County, inclusive of projects submitted by the City; and

WHEREAS, the city's pre-qualified engineers cannot make application to the TIP without creating a potential conflict of interest as it relates to any future design and/or construction engineering needs for TIP projects; and

WHEREAS, after review, the City has determined that the following streets in its Major Street category are in need of, and meet, the criteria for repair:

Miller Road: Morrish to North Seymour
Seymour: Miller to South City Limits
Morrish: Bristol to Miller Road

NOW, THEREFORE, BE IT RESOLVED, that the City of Swartz Creek submit applications for the repair of said streets to the Genesee County Metropolitan Planning Organization.

BE IT FURTHER RESOLVED, that the City designate source funding for all construction local match, Design Engineering and Construction Engineering fees from Major Streets Fund 202, and further, direct the City Staff to create the necessary additions to the City's accounting system upon award.

BE IT FURTHER RESOLVED, that the City of Swartz Creek appropriate an amount not to exceed \$6,900 to Johnson & Anderson, Inc, for engineering fees associated with the preparation of street repair funding applications for the 2020-2023 TIP Program, funds to be appropriated from 202 Major Streets, and further

direct the Mayor to execute the agreement as included in the city council packet of October 22, 2018.

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

RESOLUTION EXTENDING UNIT PRICES FOR SEWER INSPECTION AND LINING PROJECTS

Resolution No. 181022-08

(Carried)

Motion by Councilmember Cramer
Second by Councilmember Hicks

WHEREAS, the city selected Liqui-Force Services (USA) Inc., to perform certain sewer inspections and repairs in December 2008; and

WHEREAS, Liqui-Force Services Inc., was selected based upon a competitive request-for-proposal process that included fixed unit costs for services; and

WHEREAS, the scope of work was to span four years and terminate in December 2012, but circumstances resulted in the delay of specific work items; and

WHEREAS, Liqui-Force and the city have previously agreed to extend the unit costs through June of 2019 for the purpose of completing work on the sanitary sewer system; and

WHEREAS, Liqui-Force has offered to further extend their unit costs through June 30 of 2021; and

WHEREAS, the city finds the value, quality, and predictability of the pricing for such services to be beneficial to the city.

NOW, THEREFORE, BE IT RESOLVED the City of Swartz Creek hereby approves the extension of the unit costs and service affiliation, included other applicable terms and conditions of the original agreement for service, with Liqui-Force Services (USA) Inc., said pricing to be valid through June 30, 2021.

Discussion Ensued.

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

RESOLUTION TO APPROVE 2018-2019 SEWER LINING PROJECTS

Resolution No. 181022-09

(Carried)

Motion by Councilmember Florence
Second by Councilmember Cramer

WHEREAS, the city selected Liqui-Force Services (USA) Inc., to perform certain sewer inspections and repairs in 2008 based upon a competitive request-for-proposal process that included fixed unit costs for services; and

WHEREAS, based upon the quality and reliability of work performed, Liqui-Force has remained the city's contractor for these specialized services past the original 2012 term of the contract; and

WHEREAS, Liqui-Force has agreed to extend their unit costs through June of 2021 for the purpose of completing work on the sanitary sewer system; and

WHEREAS, the city council agreed to extend said units prices at their regular meeting on October 22, 2018; and

WHEREAS, additional sewer rehabilitation work has been identified by staff and the city engineer based upon 2017-2018 inspections and consultation with the 20 year sewer plan.

NOW, THEREFORE, BE IT RESOLVED the City of Swartz Creek hereby approves the proposal and associated unit costs, in part, to perform rehabilitation on the sanitary sewer system as outlined for Chelmsford to Chesterfield, Chelmsford to Durwood, Durwood Interceptor, and School Street, as well as video services for Fairchild and other connectors as outlined on the updated proposal dated October 17, 2018, in the amount of \$197,722, plus a 10% contingency, funds to be appropriated to the Sewer 591 fund.

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

NO: None. Motion Declared Carried.

**RESOLUTION TO APPROVE THE RELEASE OF BID DOCUMENTS FOR 8002
MILLER ROAD**

Resolution No. 181022-10

(Carried)

Motion by Councilmember Hicks
Second by Councilmember Gilbert

WHEREAS, the city has acquired a commercial structure located at 8002 Miller Road, Parcel ID Number 58-35-576-049, that is in need of repairs and improvement; and

WHEREAS, the structure is occupied by an existing business that leases the bottom floor for retail space; and

WHEREAS, the council found that it is in the best interest of the economic viability of the structure and surrounding neighborhood to improve the function of the building for the existing retail use and upper floor residential use; and

WHEREAS, the council approved professional services to provide advice and to formalize specifications for the renovation of such structure, and those specifications are now complete.

NOW, BE IT RESOLVED, the Swartz Creek City Council hereby directs staff to release the bid specifications for 8002 Miller Road and bring the results back to the city council with a recommendation.

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

MEETING OPENED TO THE PUBLIC:

None.

REMARKS BY COUNCILMEMBERS:

Councilmember Porath reminded everyone to vote in a couple weeks. He is glad to see our attorney present at meeting. He hopes we have a great turn out at the Fall Festival.

Councilmember Cramer your vote counts. He is looking forward to the Trunk or Treat this week. He also commented on the Crain report in the council packet.

Councilmember Florence tonight is his last council meeting and he wanted to thank everyone and it was a pleasure to serve.

Councilmember Hicks everyone vote.

Councilmember Gilbert commented on scam phone calls he's been receiving.

Mayor Pro Tem commented on the race track.

Mayor Krueger is looking forward to activity at the racetrack. He thanked councilmember Florence for his services and all the council for working together.

ADJOURNMENT

Resolution No. 181022-11

(Carried)

Motion by Councilmember Gilbert
Second by Councilmember Cramer

I Move the Swartz Creek City Council adjourn the regular meeting at 8:09p.m.

Unanimous Voice Vote.

David A. Krueger, Mayor

Connie Eskew, City Clerk