

**CITY OF SWARTZ CREEK  
SWARTZ CREEK, MICHIGAN  
MINUTES OF THE REGULAR COUNCIL MEETING  
DATE 05/28/2019**

The meeting was called to order at 7:02 p.m. by Mayor Krueger in the Swartz Creek City Council Chambers, 8083 Civic Drive.

Invocation and Pledge of Allegiance.

Councilmembers Present: Cramer, Farmer, Gilbert, Hicks, Krueger, Root.

Councilmembers Absent: Pinkston.

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

Others Present: Lania Rocha, Bob Plumb, Trudy Plumb, Steve Shumaker, Richard Abrams, Sandi Brill, Erik Jamison, Faye Porath, Curt Porath, Nate Henry, Jim Barclay.

**EXCUSE COUNCILMEMBER PINKSTON**

**Resolution No. 190528-01** **(Carried)**

Motion by Councilmember Gilbert  
Second by Councilmember Hicks

**I Move** the Swartz Creek City Council excuse Mayor Pro Tem Pinkston.

YES: Unanimous Voice Vote.  
NO: None. Motion declared carried.

**APPROVAL OF MINUTES**

**Resolution No. 190528-02** **(Carried)**

Motion by Councilmember Root  
Second by Councilmember Gilbert

**I Move** the Swartz Creek City Council approve the Amended Minutes of the Regular Council Meeting held Monday May 13, 2019 to be circulated and placed on file.

YES Gilbert, Hicks, Krueger, Root, Cramer, Farmer.  
NO: None. Motion Declared Carried.

## **APPROVAL OF AGENDA**

**Resolution No. 190528-03**

**(Carried)**

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 May 28, 2019, to be circulated and placed on file.

YES: Hicks, Krueger, Root, Cramer, Farmer, Gilbert.

NO: None. Motion Declared Carried.

## **CITY MANAGER'S REPORT**

**Resolution No. 190528-04**

**(Carried)**

Motion by Councilmember Farmer  
Second by Councilmember Gilbert

**I Move** the Swartz Creek City Council accept the City Manager's Report of May 28, 2019, including reports and communications to be circulated and placed on file.

YES: Krueger, Root, Cramer, Farmer, Gilbert, Hicks.

NO: None. Motion Declared Carried.

## **MEETING OPENED TO THE PUBLIC:**

Sandi Brill, 5352 Greenleaf Drive, reminded everyone to vote for the "Kiss the Billy" contest. The women's club is having a Rock - A -Thon again this year on Fortino Drive 12-2:30 p.m. and donations from this will be going to the K9 unit.

## **COUNCIL BUSINESS:**

### **MILLER SETTLEMENT CITIZEN OF THE YEAR**

**Proclamation**

Mayor Krueger presented Curt Porath with the 2018 award. Curt has served on council along with many other boards. He has contributed to Hometown Days, Swartz Creek Fine Arts, Swartz Creek Lions Club and Swartz Creek Women's Club. His accomplishments and ability to lead and effect such profound and patient change represents volunteerism and leadership at its best.

## **BUDGET REVIEW**

Adam Zettel, City Manager highlighted these budget book items:  
Master Plan Task Audit, Budget Summary Narrative, Fund & Dept. Fact Sheets, Fiscal Year 2020 Budget, Fund Balance Statement.

Deanna Korth, Treasurer, commented on the sidewalk fund.

Mayor Krueger thanked Treasurer, Deanna Korth and City Manager, Adam Zettel for making the tremendous improvements on the presentation of the budget and making it much more understandable and easier to follow.

Mrs. Korth explained the negative or the red numbers on the budget requested by Councilmember Hicks.

Break 8:20-8:25 p.m.

### **Public Hearing**

Open 8:33 p. m.

Sandi Brill invited council to her father Dick Abrams 90<sup>th</sup> birthday party June 22<sup>nd</sup> at United Methodist Church, 2-4 p.m.

Nate Henry inquired if the downtown lighting replacement poles could be reused. Mr. Zettel responded some of poles are being replaced but we are only being billed for the heads being replaced.

Closed 8:36 p.m.

## **A RESOLUTION TO AMEND CHAPTER 2 OF THE CODE OF ORDINANCES BY ADDING THERETO A NEW ARTICLE VIII, ENTITLED "MARIHUANA ESTABLISHMENTS"**

**Resolution No. 190528-05**

**(Carried)**

Motion by Councilmember Hicks  
Second by Councilmember Farmer

**WHEREAS**, the City of Swartz Creek maintains police power over various activities and land uses related to medical and recreational marihuana (marijuana) , and

**WHEREAS**, the State of Michigan continues to promulgate rules and regulations pertaining to the same.

**NOW, THEREFORE, I MOVE** the City of Swartz Creek ordains:

**CITY OF SWARTZ CREEK  
ORDINANCE NO. 439**

An ordinance to amend Chapter 2 of the Code of Ordinances by adding thereto a new Article VIII, entitled "Marihuana Establishments."

**THE CITY OF SWARTZ CREEK ORDAINS:**

**Section 1. Amendment of Chapter 2 of the Code of Ordinances.**

The City hereby amends Chapter 2 of the Code of Ordinances of the City of Swartz Creek by adding thereto a new Article VIII, entitled "Marihuana Establishments," to read as follows:

**ARTICLE VIII. MARIJUANA ESTABLISHMENTS.**

**Sec. 2-601. Prohibition of Marihuana Establishments.**

No marihuana establishments, as defined by the Michigan Regulation and Taxation of Marihuana Act (PA – of 2018), are permitted within the boundaries of the City.

**Section 2. Effective date.**

This Ordinance shall take effect twenty (20) days following publication.

At a regular meeting of the City Council of Swartz Creek held on the 28<sup>th</sup> day of May, 2019, Councilmember Hicks moved for adoption of the ordinance and Councilmember Farmer supported the motion.

The Mayor declared the ordinance adopted.

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David Krueger  
Mayor

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Connie Eskew  
Clerk

**CERTIFICATION**

The foregoing is a true copy of Ordinance No. 439 which was enacted by the Swartz Creek City Council at a regular meeting held on the 28th day of May, 2019.

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Connie Eskew

City Clerk

Discussion Ensued.

YES: Root, Cramer, Farmer, Gilbert, Hicks, Krueger.  
NO: None. Motion Declared Carried.

**RESOLUTION TO APPROVE COST SHARING FOR MAINTENANCE OF SHARED ELEMENTS OF BRISTOL ROAD**

**Resolution No. 190528-06**

**(Carried)**

Motion by Councilmember Gilbert  
Second by Councilmember Hicks

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

**WHEREAS**, certain roads constitute a municipal border with another jurisdiction and result in shared right-of-way rights and responsibilities; and

**WHEREAS**, the corporate limits of the city extend 1,358 feet west of Morrish Road, along Bristol Road, making a portion of Bristol Road such an interjurisdictional road; and

**WHEREAS**, the Genesee County Road Commission (the Act 51 authority for Bristol Road) is providing a  $\frac{3}{4}$  inch asphalt overlay and is seeking cost sharing for 50% of the project cost from the responsible local municipalities; and

**WHEREAS**, in line with past practice, Clayton Township is requesting participation from the city in the pro-rated amount of 6.4% (\$5,180) to provide for such improvement.

**NOW, THEREFORE BE IT RESOLVED** that the City of Swartz Creek City Council approves the Bristol Road improvement and agrees to pay 6.4% of the estimated project cost of \$80,096.75 (\$5,180) and further directs the Treasurer to appropriate such funds from the Major Street Fund.

Discussion Ensued.

YES: Root, Cramer, Farmer, Gilbert, Hicks, Krueger.  
NO: None. Motion Declared Carried.

**RESOLUTION TO APPROVE CONSUMERS ENERGY LIGHTING REMOVAL AND REPLACEMENT WORK ORDERS**

**Resolution No. 190528-07**

**(Carried)**

Motion by Councilmember Root  
Second by Councilmember Cramer

**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**, 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 amended from time to time through various work orders by CE or as approved by the city; and

**WHEREAS**, the City is engaged in various projects that include lighting additions and upgrades, including Helmsley Drive reconstruction, Fairchild Street rehabilitation, and Miller Road streetscape; and

**WHEREAS**, Consumers Energy now seeks affirmation of the work orders and changes to the Standard Lighting Contract in order to remove certain existing lights, upgrade existing lights to LED, and install new lighting in accordance with the restated and amended lighting contract.

**NOW THEREFORE, BE IT RESOLVED**, it is hereby deemed advisable to authorize Consumers Energy Company to make changes in the lighting service as provided in the Standard Lighting Contract between the Company and the City of Swartz Creek, dated November 1, 2014, modified November 1, 2018, in accordance with the Authorization for Change in Standard Lighting Contracts dated April 30, 2019 (Helmsley, Fairchild, and Miller Road).

**BE IT FURTHER RESOLVED**, that it is hereby deemed advisable to enter into a contract with Consumers Energy Company for furnishing lighting service within the City of Swartz Creek for a period of one year and thereafter from year to year, in accordance with the terms of the contract heretofore submitted to the city council.

**BE IT FURTHER RESOLVED**, that the city agrees to the terms and conditions of forms 547 and 548 as included in the city council packet of May 28, 2019 and further directs the Mayor to execute said forms that represent the aforementioned terms and conditions.

Discussion Ensued.

YES: Cramer, Farmer, Gilbert, Hicks, Krueger, Root.  
NO: None. Motion Declared Carried.

**RESOLUTION TO ENTER INTO AGREEMENT WITH SWARTZ CREEK ESTATES TO PROVIDE FOR WATER AND SEWER READING AND BILLING CHANGES**

**Resolution No. 190528-08**

**(Carried)**

Motion by Councilmember Cramer  
Second by Councilmember Hicks

**WHEREAS**, the Swartz Creek Estates mobile home park houses 176 mobile homes with independent water and sewer connections; and,

**WHEREAS**, the units do not have standard water 'curb boxes' or meter installation practices; and,

**WHEREAS**, a six inch master meter capable of reading and reporting water and derived sewer usage is available to the grounds in the public right of way; and,

**WHEREAS**, the city and owner have agreed that billing of the units by the owner and billing of the owner by the city is preferred to the current arrangement.

**NOW, THEREFORE BE IT RESOLVED** the City of Swartz Creek hereby approves the Agreement to Change Water/Sewer Billing Practices with Swartz Creek Estates as included in the city council packet of May 28, 2019.

Discussion Ensued.

YES: Farmer, Gilbert, Hicks, Krueger, Root, Cramer.  
NO: None. Motion Declared Carried.

**MEETING OPENED TO THE PUBLIC:**

None.

**REMARKS BY COUNCILMEMBERS:**

Councilmember Gilbert noticed Morrish Road is closed and the carnival has arrived.

Councilmember Hicks thanked Deanna Korth, Treasurer, for sitting down and going over the budget information today. She asked how to replace new recycle/garbage bins. Mr. Zettel responded to contact Republic and they would replace them.

She questioned about the recycling program and if we ever got any money back or reduced our rates. Mr. Zettel responded that on our last contract they lowered our rates due to our recycling program going well.

Councilmember Farmer looking forward to Hometown Days Festival this weekend.

Councilmember Cramer has a community concern in regards to a semi-truck parking on Worchester Drive. He commented about the solicitation on the corner of Miller/Elms this last weekend.

Councilmember Root questioned what exactly community promotions budget is used for. Mr. Zettel replied it is used for flowers, Christmas lights and downtown decorations. She hopes everyone has a great time at Hometown Days.

Councilmember Gilbert commented that the commercial building formerly known as Green Photography is getting a new roof put on.

Mayor Krueger commented on his recent travels to Wisconsin and their roads are all new. Michigan would do well to contact them and find out how they managed to pull that off.

## **ADJOURNMENT**

**Resolution No. 190528-09**

**(Carried)**

Motion by Councilmember Gilbert  
Second by Councilmember Farmer

**I Move** the Swartz Creek City Council adjourn the regular meeting at 9:08 p.m.

Unanimous Voice Vote.

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**David A. Krueger, Mayor**

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**Connie Eskew, City Clerk**