

**CITY OF SWARTZ CREEK
SWARTZ CREEK, MICHIGAN
MINUTES OF THE REGULAR COUNCIL MEETING
DATE 04/13/2020**

The meeting was called to order at 7:01 p.m. by Mayor Krueger.

Invocation and Pledge of Allegiance.

Councilmembers Present: Cramer, Farmer, Gilbert, Hicks, Krueger, Pinkston, Henry.

Councilmembers Absent: None.

Staff Present: City Manager Adam Zettel, Clerk Connie Olger, City Treasurer Deanna Korth, Director of Community Services, Andy Harris, City Attorney Chris Stritmatter.

Others Present: Lania Rocha, Erik Jamison, Jim Barclay, Metro PD Chief Bade, Michael Wright, Glenn Wilson, Carmine Avantini, Jack Wheatley, Robert Daavettila.

APPROVAL OF MINUTES

Resolution No. 200413-01

(Carried)

Motion by Councilmember Henry
Second by Councilmember Gilbert

I Move the Swartz Creek City Council approve the Minutes of the Regular Council Meeting held Monday March 09, 2020 to be circulated and placed on file.

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

APPROVAL OF AGENDA

Resolution No. 200413-02

(Carried)

Motion by Councilmember Cramer
Second by Councilmember Gilbert

I Move the Swartz Creek City Council approve the Agenda as, amended for the Regular Council Meeting of April 13, 2020, to be circulated and placed on file.

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

CITY MANAGER'S REPORT

Resolution No. 200413-03

(Carried)

Motion by Councilmember Farmer
Second by Councilmember Cramer

I Move the Swartz Creek City Council accept the City Manager's Report of April 13, 2020, including reports and communications as amended, to be circulated and placed on file.

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

MEETING OPENED TO THE PUBLIC:

Brenda Huyck, 2451 Anna Clara Court, Hometown Days Representative, Hometown Days has been cancelled this year.

COUNCIL BUSINESS:

A RESOLUTION TO APPROVE ORDINANCE 447 TO AMEND THE ZONING MAP AS IT RELATES TO 2.2 ACRES OF 8197 MILLER ROAD

Resolution No. 200413-04

(Carried)

Motion by Councilmember Hicks
Second by Councilmember Cramer

WHEREAS, a land owner has petitioned the city to zone 2.2 acres of a parcel of land in the Downtown Residential District (R-3) to Multiple Family (RM-1), and;

WHEREAS, the petition to rezone has been reviewed by the city's planning consultant, and the planning commission as it relates to master plan objectives, future land use map, and zoning ordinance requirements; and,

WHEREAS, the planning commission, subsequent to a public hearing on March 10, 2020, in reviewing the criteria in Zoning Ordinance Section 24.04, found the proposed zoning ordinance map amendment for the conversion of 2.2 acres of 8197 Miller Road to RM-1 to meet the intent of the master plan and zoning amendment criteria.

THEREFORE, I MOVE the City of Swartz Creek ordains:

ORDINANCE NO. 447

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF SWARTZ CREEK TO BRING SAID ORDINANCE INTO COMPLIANCE WITH THE MICHIGAN ZONING ENABLING ACT, ACT 110 OF THE PUBLIC ACTS OF 2006, AS AMENDED; TO AMEND THE ZONING MAP.

THE CITY OF SWARTZ CREEK ORDAINS:

Section 1. Amendment of the Zoning Map of the City of Swartz Creek.

The official Zoning Map of the city shall be amended to reflect Multiple Family Residential District (RM-1) zoning for property identified as:

PART OF THE WEST 1/2 OF THE NORTHEAST 1/4 OF SECTION 2, T6N-R5E, CITY OF SWARTZ CREEK, GENESEE COUNTY, MICHIGAN, DESCRIBED AS BEING ALL OF LOTS 39 THRU 45, AND 50, AND PART OF LOTS 37, 38, 51, AND 52 OF CRAPO PLAT NO. 1, AS RECORDED IN PLAT LIBER 15, PAGE 40, OF GENESEE COUNTY RECORDS, AND MORE PARTICULARLY DESCRIBED AS BEGINNING AT THE NORTHEAST CORNER OF LOT 41 OF SAID "CRAPO PLAT NO. 1"; THENCE S00°00'00"E, ALONG THE WEST RIGHT-OF-WAY LINE OF SCHOOL ROAD, 351.00 FEET TO A POINT THAT IS N00°00'00"E, 21.00 FEET FROM THE NORTHEAST CORNER OF LOT 36 OF SAID CRAPO PLAT NO. 1; THENCE N90°00'00"W, 131.00 FEET PARALLEL WITH THE NORTH LINE OF SAID PLAT; THENCE N00°00'00"E, 67.00 FEET PARALLEL WITH THE WEST RIGHT-OF-WAY LINE OF SCHOOL ROAD; THENCE N90°00'00"W, 162.00 FEET PARALLEL WITH THE NORTH LINE OF SAID PLAT; THENCE N00°00'00"E, 77.00 FEET; THENCE 90°00'00"W, 157.00 FEET TO THE EAST RIGHT-OF-WAY LINE OF MCLAIN STREET; THENCE N00°00'00"E ALONG SAID RIGHT-OF-WAY LINE, 67.00 FEET TO THE NORTH LINE OF LOT 50 OF SAID CRAPO PLAT NO. 1; THENCE S90°00'00"E ALONG SAID NORTH LINE, 200.00 FEET; THENCE N00°00'00"E, 140.00 FEET ALONG THE WEST LINE OF LOT 45 OF SAID CRAPO PLAT NO. 1 TO THE SOUTH RIGHT-OF-WAY LINE OF MILLER ROAD; THENCE S90°00'00"E, 250.00 FEET TO THE POINT OF BEGINNING. CONTAINING 96,488 SQUARE FEET OR 2.215 ACRES OF LAND, MORE OR LESS. ALSO SUBJECT TO ALL EASEMENTS AND RESTRICTIONS OF RECORD. (as partitioned in the site plan dated March 3, 2020 of 8118 Miller Road)

Section 2. Penalties; Sanctions.

Any person who violates any provision of this Ordinance is subject to the penalties and sanctions provided for in Article 32 of the Zoning Ordinance

Section 3. Effective Date.

This ordinance shall be effective 20 days after publication.

At a regular meeting of the City Council of the City of Swartz Creek held on April 13, 2020, adoption of the foregoing ordinance was moved by Councilmember Hicks and supported by Councilmember Cramer.

Voting for: Krueger, Pinkston, Cramer, Farmer, Gilbert, Hicks.

Voting against: Henry.

The Mayor declared the ordinance adopted.

David Krueger
Mayor

CERTIFICATION

The foregoing is a true copy of Ordinance No. 447 which was enacted by the City Council of the City of Swartz Creek at a regular meeting held on April 13, 2020.

Connie Olger, City Clerk

Discussion Ensued.

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

NO: Henry. Motion Declared Carried.

CONTRACTOR MOWING

Discussion

Adam Zettel opened up discussion in regards to the concerns regarding the order in place for contractor mowing. He wants to discuss the ability of using our contracted service to mow city parks.

Chief Matt Bade spoke of the Executive Order #2020-42, # 6(a) & (b) and he feels it appears the parks are exempt.

Chris Stritmatter, City Attorney, he agrees with the Chief.

MARY CRAPO LEASE

Discussion

Adam Zettel presented the draft form of the lease. He wants the council and park board to look at this lease and identify what we are trying to accomplish with this property. He feels the park board should be involved in the decision making of this property.

Glenn Wilson, Communities First, after the community engagement sessions, a lot of the input was to keep the ballfield. Their intention is to let the space be used and their goal is to get something worked out.

Mike Wright, Communities First, they want to make sure both parties on the lease are accountable for taking care of what needs to happen and it is clear as possible.

Chris Stritmatter, City Attorney, he suggested the park and recreation board be a part of the decisions of this property use.

Councilmember Hicks feels this should be bumped out to the park board and they work with Communities First for recommendations to council on the future use of this property.

CONTRACTOR MOWING

Resolution No. 200413-05

(Carried)

Motion by Councilmember Henry
Second by Councilmember Cramer

I Move the city of Swartz Creek send a letter to Governor Whitmer informing her we consider lawn mowing a safety and quality of life issue and ask that she consider revising executive order 2020-42 to allow lawn mowing as an essential service.

Discussion Ensued.

YES: Pinkston, Henry, Cramer, Farmer, Gilbert, Krueger.
NO: Hicks. Motion Declared Carried.

A RESOLUTION TO APPROVE THE LOW BID FOR REHABILITATION AND REPLACEMENT OF THE PUBLIC SAFETY BUILDING ROOF

Resolution No. 200413-06

(Carried)

Motion by Councilmember Gilbert
Second by Councilmember Cramer

WHEREAS, the City of Swartz Creek sought sealed bids for the replacement of the public safety building roof, including rehabilitation of certain structural elements; and

WHEREAS, Lockhart Roofing was found to be the responsible low bidder out of five submitted bids.

NOW, THEREFORE, BE IT RESOLVED, the City of Swartz Creek accept the low bid of \$49,690, plus contingencies for siding and related work per the specifications set forth in the bid package, and award the work to Lockhart Roofing of Flint, Michigan, with the stipulation that Lockhart Roofing enter into a contractor's agreement with the City.

BE IT FURTHER RESOLVED, the City of Swartz Creek City Council direct the City Treasurer to amend the General Fund budget and appropriate funds accordingly.

Discussion Ensued.

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

RESOLUTION TO APPROVE DISTRICT 3 SURVEY AND PRELIMINARY ENGINEERING

Resolution No. 200413-07

(Carried)

Motion by Councilmember Cramer
Second by Councilmember Gilbert

WHEREAS, the city owns, operates, and maintains a system of sewer collection lines that transport sewer to the county interceptors located at various locations in and around the community; and

WHEREAS, capacity limits, especially as it pertains to wet weather events in district 3, have been revealed by flow meter analysis conducted in 2019; and

WHEREAS, Rowe Professional Services Company has been working with city staff to prepare solutions for the noted issues in the system and is situated to engage in further testing and analysis that will result in a basis for an improvement plan.

NOW, THEREFORE, BE IT RESOLVED the City of Swartz Creek hereby approves the proposal from Rowe Professional Services Company, dated March 18, 2020, in the amount of \$33,350, funds to be appropriated to the Sewer 591 fund.

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

RESOLUTION TO APPROVE PROFESSIONAL SERVICES ENGAGEMENT LETTERS FOR GENERAL AND ACT 51 AUDIT SERVICES

Resolution No. 200413-08

(Carried)

Motion by Councilmember Farmer
Second by Councilmember Gilbert

WHEREAS, Section 8.13 of the City Charter requires an audit of all accounts of the city government; and

WHEREAS, the city desires an independent and professional audit of financial statements in compliance with accounting principles generally accepted in the United States of America (GAAP); and

WHEREAS, independent auditors, Plante Moran, PLLC, chosen by the city per a qualified bidding selection process, have submitted an engagement letter, dated March 16, 2020, to perform auditing services related to the city's general fund, public utilities, enterprise accounts, Downtown Development Authority, and Act 51 monies,

NOW, THEREFORE BE IT RESOLVED that the City of Swartz Creek City Council accepts the engagement letter for general audit services, as submitted by Plante Moran, PLLC, in the amount of \$29,450 plus incidental hourly fees for noted and related services.

BE IT FURTHER RESOLVED, that the City of Swartz Creek directs the Treasurer to apportion expenses to city funds at her discretion.

BE IT FURTHER RESOLVED, that the City Council directs the City Manager to execute said engagement letter on behalf of the city.

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

MEETING OPENED TO THE PUBLIC:

None.

REMARKS BY COUNCILMEMBERS:

Councilmember Cramer gave an update on the 2020 Census. A chair from the Masonic Temple requested some information in regards to sewer project. Mr. Zettel requested Councilmember Cramer send him the contact information so he could speak to them directly regarding the sewer project.

Councilmember Farmer hopes everyone had a good weekend and Happy Easter. It was definitely different this year. He also spoke to John Cherry in regards to the executive order on commercial lawn care.

Councilmember Hicks knows that the decision to cancel HTD's was hard and she feels we should be supporting our Governor's decisions.

Councilmember Gilbert wishes everyone to be safe and healthy. He also thinks the playground equipment that was on the Mary Crapo property is now on St. Mary's property for the daycare.

Mayor Pro Tem Pinkston feels the meeting went well.

Mayor Krueger read the Proclamation for Law Day.

ADJOURNMENT

Resolution No. 200413-09

(Carried)

Motion by Councilmember Gilbert
Second by Councilmember Henry

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

Unanimous Voice Vote.

David A. Krueger, Mayor

Connie Olger, City Clerk