

**CITY OF SWARTZ CREEK  
SWARTZ CREEK, MICHIGAN  
MINUTES OF THE REGULAR COUNCIL MEETING  
AT ELMS PARK PAVILION #2  
DATE 07/13/2020**

The meeting was called to order at 7:00 p.m. by Mayor Krueger at Elms Road Park Pavilion #2.

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 Attorney Chris Stritmatter, Director of Community Services Andy Harris.

Others Present: Lania Rocha, Metro PD Chief Bade, Lou Fleury, Joe Perrault, James Florence, Todd Florence, Larry Cummings, David Spillane.

**APPROVAL OF MINUTES**

**Resolution No. 200713-01**

**(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 June 22, 2020 to be circulated and placed on file.

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

**APPROVAL OF AGENDA**

**Resolution No. 200713-02**

**(Carried)**

Motion by Councilmember Henry  
Second by Councilmember Farmer

**I Move** the Swartz Creek City Council approve the Agenda as, amended for the Regular Council Meeting of July 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. 200713-03**

**(Carried)**

Motion by Councilmember Farmer  
Second by Councilmember Gilbert

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

Discussion Ensued.

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

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

Lou Fleury OHM, gave an update on the USDA construction project.

## **COUNCIL BUSINESS:**

### **MILLER SETTLEMENT AWARD**

### **PRESENTATION**

Mayor Krueger presented James Florence with the 2019 award. Jim moved into Springbrook Colony in 1998. He has served on the city's Park Board, Zoning Board of Appeals, Planning Commission and City Council. His involvement with the United Methodist Church in Swartz Creek is extensive. Other groups James has been involved with are Swartz Creek Senior Center, Springbrook Colony Association and Kiwanis. He was crucial to the development and operation of the Kiwanis Krystal Art Fair, a robust annual art fair in Elms Park. He has made Swartz Creek a better place to live.

James thanked everyone for the award. He feels we have a lot of committed people on our council and in our administration.

## **RESOLUTION TO APPOINT VARIOUS OFFICIALS TO THE BOARD OF REVIEW PLANNING COMMISSION, DOWNTOWN DEVELOPMENT AUTHORITY, AND ZONING BOARD OF APPEALS**

### **Resolution No. 200713-04**

**(Carried)**

Motion by Councilmember Hicks  
Second by Councilmember Cramer

**WHEREAS**, the laws of the State of Michigan, the Charter and Ordinances of the City of Swartz Creek, interlocal agreements in which the City of Swartz Creek is a member, and previous resolutions of the city council require and set terms of offices for various appointments to city boards and commissions, as well as appointments to non-city boards and commissions seeking representation by city officials; and

**WHEREAS**, there exists two vacancies on the Zoning Board of Appeals, Board of Review, and the Planning Commission; and

**WHEREAS**, said appointments are Mayoral appointments, subject to affirmation of the city council.

**NOW, THEREFORE, BE IT RESOLVED**, the Swartz Creek City Council concur with the Mayor and City Council appointment as follows:

- |                   |   |                          |
|-------------------|---|--------------------------|
| <b>#200713-8A</b> | <b><u>MAYOR APPOINTMENT:</u></b><br>Board of Review, Resident<br>Three year term, expiring June 30, 2023          | <b>Robert Plumb</b>      |
| <b>#200713-8B</b> | <b><u>MAYOR APPOINTMENT:</u></b><br>Board of Review, Resident<br>Three year term, expiring June 30, 2023          | <b>Larry Cummings</b>    |
| <b>#200713-8C</b> | <b><u>MAYOR APPOINTMENT:</u></b><br>Zoning Board of Appeals, Alternate<br>Three year term, expiring June 30, 2023 | <b>Samantha Fountain</b> |
| <b>#200713-8D</b> | <b><u>MAYOR APPOINTMENT:</u></b><br>Zoning Board of Appeals<br>Three year term, expiring June 30, 2023            | <b>Ron Smith</b>         |
| <b>#200713-8E</b> | <b><u>MAYOR APPOINTMENT:</u></b><br>Planning Commission, Resident<br>Three year term, expiring June 30, 2023      | <b>Betty Binder</b>      |
| <b>#200713-8F</b> | <b><u>MAYOR APPOINTMENT:</u></b><br>Planning Commission, Resident<br>Three year term, expiring June 30, 2023      | <b>Tom Wyatt</b>         |

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

**RESOLUTION TO SET THE 2020-2021 COUNCIL MEETING SCHEDULE**

**Resolution No. 200713-05** **(Carried)**

Motion by Councilmember Gilbert  
Second by Councilmember Hicks

**WHEREAS**, Act 261 of the Public Acts of the State of Michigan of 1968, as amended, requires a public notice of the schedule of regular meetings of the Swartz Creek City Council be given once each calendar year or fiscal year and that said notice shall show the regular dates and times for the meeting and the place at which meetings are held; and

**WHEREAS**, the Act directs that notice be posted prominently at the principle office of the City of Swartz Creek or at the public building at which meetings are held or published in the newspaper of general circulation in Swartz Creek,

**NOW, THEREFORE**, pursuant to the Act, public notice is hereby given that regular meetings for fiscal year 2020-2021 shall be held twice each month, and further, that all meetings shall be held in the Paul D. Bueche Municipal Building Council Chambers located at 8083 Civic Drive, Swartz Creek, Michigan, unless otherwise provided in advance by the City Council, and further, meetings shall commence at 7:00 P.M. on the following dates:

July 2020:	Monday – 13 <sup>th</sup> (approved at 6/22/20 meeting) Monday – 27 <sup>th</sup>
August 2020:	Monday – 10 <sup>th</sup> Monday – 24 <sup>th</sup>
September 2020:	Monday – 14 <sup>th</sup> Monday – 28 <sup>th</sup>
October 2020:	Monday – 12 <sup>th</sup> Monday – 26 <sup>th</sup>
November 2020:	Monday– 9 <sup>th</sup> Monday – 23 <sup>rd</sup>
December 2020:	Monday – 7 <sup>th</sup> Monday – 14 <sup>th</sup>
January 2021:	Monday – 11 <sup>th</sup> Monday – 25 <sup>th</sup>
February 2021:	Monday – 8 <sup>th</sup> Monday – 22 <sup>nd</sup>
March 2021:	Monday – 8 <sup>th</sup> Monday – 22 <sup>nd</sup>
April 2021:	Monday – 12 <sup>th</sup> Monday – 26 <sup>th</sup>

May 2021: Monday – 10th  
Monday – 24th

June 2021: Monday – 14th  
Monday – 28th

**BE IT FURTHER RESOLVED** that the Clerk is hereby directed to post a copy of this resolution in a prominent place in the City Offices of the City of Swartz Creek.

**BE IT FURTHER RESOLVED** that the City Clerk is hereby directed to supply forthwith, upon request, a copy of this resolution to any newspaper of general circulation in the political subdivision in which the meetings will be held and/or to any radio or television station that regularly broadcasts into the City of Swartz Creek.

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

## **RESOLUTION TO APPROVE AN INCREASE IN PAY TO ELECTION WORKERS**

**Resolution No. 200713-06**

**(Carried)**

Motion by Mayor Pro Tem Pinkston  
Second by Councilmember Cramer

**WHEREAS**, State Election Law requires all precincts using the electronic poll book to have a receiving board review all documentation prior to submission to the county clerk on election night; and

**WHEREAS**, the City of Swartz Creek Election Commission met on June 17, 2020 and voted unanimously to recommend increases to the receiving board compensation to \$40.00 (first 2 hours) plus \$10 per hour after, bringing the pay in line with other county jurisdictions, and pay each election inspector an additional \$25.00 hazard pay for the August & November 2020 elections due to COVID 19 Pandemic.

**THEREFORE BE IT RESOLVED**, the Swartz Creek City Council hereby authorizes for receiving board member \$40.00 (first 2 hours) plus \$10 per hour after that and each election inspector receives an additional \$25.00 hazard pay for the August & November 2020 elections due to the COVID 19 Pandemic, effective July 13, 2020.

Discussion Ensued.

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

ABSTAIN: Farmer, Hicks.

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

**Resolution No. 200713-07**

**(Carried)**

Motion by Councilmember Henry  
Second by Councilmember Gilbert

**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 City is investing in reconstructing streets in Winchester Village and is including LED conversions of street lights and the addition of decorative pedestrian lighting; 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 revised and approved by the city council as recently as May 5, 2017; and

**WHEREAS**, the City seeks additional changes to the street lighting services agreement that include changes to lighting types and subsequent billing for LED and decorative lighting; and

**WHEREAS**, Consumers Energy requires affirmation of the work orders to remove the existing lighting 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, in accordance with the Authorization for Change in Standard Lighting Contract dated March 23, 2020.

**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 July 13, 2020 and further directs the Clerk to execute said forms that represent the aforementioned terms and conditions.

Discussion Ensued.

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

## **RESOLUTION TO APPROVE DISTRICT 3 TELEVISIONING PROPOSAL**

**Resolution No. 200713-08**

**(Carried)**

Motion by Councilmember Cramer  
Second by Councilmember Henry

**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 and inflow/infiltration, 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; and

**WHEREAS**, televising of the lines is required to ascertain the exact condition of the system that is impacted, including size, location of laterals, and inverts; and

**WHEREAS**, the city has a proposal to do so from its pre-approved sewer lining contractor; and

**WHEREAS**, such work is noted in the current sewer asset management plan as essential.

**NOW, THEREFORE, BE IT RESOLVED** the City of Swartz Creek hereby approves the proposal from Granite Inliner (formally Liquiforce), dated July 6, 2020, per the unit costs listed, totaling in an estimate of \$9,435, funds to be appropriated to the Sewer 591 fund.

Discussion Ensued.

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

## **RESOLUTION TO AFFIRM USDA EXPENSES AND REQUEST REIMBURSEMENT FROM THE USDA**

**Resolution No. 200713-09**

**(Carried)**

Motion by Councilmember Farmer  
Second by Councilmember Cramer

**WHEREAS**, the City of Swartz Creek closed on a USDA grant and loan program to support water main improvements in the city, and

**WHEREAS**, the USDA requires that all expenses related to the water main projects be approved by the city council for a reimbursement draw, prior to submitting such a request to the USDA, and

**WHEREAS**, the expenses for the work have been approved with a unit-based contract, and

**WHEREAS**, routine draws are to be processed by the City Treasurer, reviewed by the City Council, and submitted to the USDA for reimbursement within narrow time limits.

**NOW, THEREFORE, BE IT RESOLVED** the City of Swartz Creek City Council affirms and approves the draw request and all affiliated invoices and payments as included in the city council packet of July 13, 2020.

**BE IT FURTHER RESOLVED**, that the City Council directs the City Manager or his designee to submit the draw request to the USDA.

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

## **PARADE PERMIT FEE**

## **DISCUSSION**

Mayor Krueger suggests in future parade permit must be applied for with a deposit made, due to the event last Saturday that caused unplanned traffic issues.

Mr. Zettel responded that we also have a street closure permit that would probably work for events like past Saturday. He feels with any event causing a street closure should have a deposit should be on file. He needs to consult with city attorney and he will report back with additional findings.

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

Resident from Gaines would like the city to post notice in future of events that may cause traffic issues, such as the protest on Saturday. She was stopped by the event Saturday and had a critical appointment.

James Florence thanked everyone for the award.

Joe Perrault 6737 Nemer Ct., concerned with the blight issues on Miller/Elms southwest corner. Mr. Zettel responded that we are awaiting court dates and due to the pandemic blight issues are not the courts priority and we have no timeline on that date.

David Spillane President Fine Arts, concerned about the Pajtas Theater when the city public property is being used for events. He thanked Metro Police and the other units who assisted in last Saturday's event.

He would like someone to check the vacant lot next to him for the tall weeds, he also believes there is someone squatting on the property.

#### **REMARKS BY COUNCILMEMBERS:**

Councilmember Cramer said it's great to see the construction going on around the city and great to see everyone in person. It was great to have all the veteran support last Saturday.

Councilmember Farmer it's so great to see everyone again. He would like to set up next meeting to be done outside.

Councilmember Hicks was at both planned protests and the Friday one went really well. At the Saturday protest she was really surprised about the protesters heading into the street. She was very impressed with the Police presence and they did a great job.

Councilmember Gilbert great to be back. Glad to see everyone and everyone stay healthy and safe.

Mayor Pro Tem Pinkston was tickled to see the veterans Saturday.

Mayor Krueger thanked everyone for coming out tonight.

#### **JULY 27, 2020 COUNCIL MEETING**

**Resolution No. 200713-10**

**(Carried)**

Motion by Councilmember Henry  
Second by Councilmember Cramer

**I Move** the Swartz Creek City Council approve the July 27<sup>th</sup> city council meeting be held at 7pm at Abrams Park.

Unanimous Voice Vote.

**ADJOURNMENT**

**Resolution No. 200713-11**

**(Carried)**

Motion by Councilmember Gilbert  
Second by Councilmember Henry

**I Move** the Swartz Creek City Council adjourn the regular meeting at 8:13 p.m.

Unanimous Voice Vote.

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**David A. Krueger, Mayor**

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**Connie Olger, City Clerk**