

**CITY OF SWARTZ CREEK
SWARTZ CREEK, MICHIGAN
MINUTES OF THE REGULAR COUNCIL MEETING
DATE 09/14/2020**

The meeting was called to order at 7:00 p.m. by Mayor Krueger at Abrams 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.

Others Present: Lania Rocha, Lou Fleury, Samantha Fountain, Barclay, Metro PD Chief Bade, Steve Long.

APPROVAL OF MINUTES

Resolution No. 200914-01

(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 August 24, 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. 200914-02

(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 September 14, 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. 200914-03

(Carried)

Motion by Councilmember Farmer
Second by Councilmember Gilbert

I Move the Swartz Creek City Council accept the City Manager's Report of September 14, 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:

John Beaird 6157 Miller Road, following up on complaint made against neighbor back in May, who has hogs, chickens and ducks. Chief Bade responded the resident has until October 13th to get rid of the hogs and resident is working on complying with city ordinance for the chickens and ducks.

Lou Fleury OHM Advisors, gave an update on the street construction, contractors have entered the concrete phase.

Steve Long 5356 Worchester Drive, inquired if Trick or Treating is allowed in the city this year. Mr. Zettel and Chief Bade responded there has been no cancellation.

COUNCIL BUSINESS:

**A RESOLUTION TO ESTABLISH THAT THE GENESEE VALLEY TRAIL
EXTENSION IS A PUBLIC NECESSITY AND THAT THE RELATED NEED TO
ACQUIRE PROPERTY TO CONSTRUCT THE TRAIL TO MDOT STANDARDS IS
ALSO A PUBLIC NECESSITY**

Resolution No. 200914-04

(Carried)

Motion by Councilmember Hicks
Second by Councilmember Cramer

WHEREAS, the City of Swartz Creek has formally planned for, acquired funds for, and intends to construct an extension of the Genesee Valley Regional Trail, and

WHEREAS, the trail is a high priority regional asset that functions as an integral part of a non-motorized transportation network, as well as a recreational asset, and

WHEREAS, the trail extension will provide value public use for walkers, bikers, joggers, and other users by providing a direct health and recreational benefit and by providing access to non-motorized travel between key destinations, and

WHEREAS, MDOT standards for construction require a substantial and ridged footprint to accommodate the 10 foot wide path and accompanying shoulders, and

WHEREAS, some sections of the path lack the proper right-of-way to accommodate the path, and

WHEREAS, some permanent easements may not be acquired through donation or good faith offers acquisition.

THEREFORE, BE IT RESOLVED that the City of Swartz Creek finds that the Genesee Valley Trail extension is a public necessity and the permanent easements needed to construct and maintain the path are likewise a public necessity.

BE IT FURTHER RESOLVED that the Swartz Creek City Council authorizes the city attorney and staff to engage in condemnation proceedings for such easements as may be needed to complete the trail project, if any.

Discussion Ensued.

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

NO: None. Motion Declared Carried.

A RESOLUTION TO APPROVE ORDINANCE 450, AN ORDINANCE TO AMEND CHAPTER 4 OF THE CODE OF ORDINANCES SECTIONS 4-41 AND 4-45, RENTAL INSPECTIONS

Resolution No. 200914-05

(Amended)

Motion by Councilmember Gilbert
Second by Councilmember Cramer

WHEREAS, the Public Act 167 of 1917, the Housing Law of Michigan, as amended, enables municipal inspections of rental properties, and

WHEREAS, the Swartz Creek City Council recognizes a need and subsequent public benefit to regularly inspecting rental housing for compliance with building and property maintenance codes, and

WHEREAS, a program including registration, inspection, and follow up has been created and adopted by ordinance of the Swartz Creek City Council in July of 2015, along with applicable fees and forms, to enable a comprehensive rental inspection program in the city, and

WHEREAS, subsequent findings of Michigan courts have resulted in altered expectations for such rental inspection programs:

THEREFORE, I MOVE the City of Swartz Creek ordains:

ORDINANCE NO. 450

An ordinance to amend Chapter 4 of the Code of Ordinances sections 4-41 and 4-45.

THE CITY OF SWARTZ CREEK ORDAINS:

Section 1. Amendment of Chapter 4 of the Code of Ordinances of the City of Swartz Creek.

Chapter 4 of the City of Swartz Creek Code of Ordinances, sections 4-41 and 4-45, are amended as follows:

ARTICLE IV. RENTAL PROPERTY INSPECTIONS

Sec. 4-41. Purpose of standards.

The city recognizes a compelling interest in establishing standards for the maintenance of sanitary and safe residential rental structures in the city as an important factor for the general health, safety and welfare of all of its citizens. This article is designed to promote the continued maintenance of quality and safe rental properties and to enhance and maintain property values.

This article supplements and augments the existing International Property Maintenance Code in protecting and promoting the health, safety and welfare of the citizens of the City of Swartz Creek by requiring the registration of all rental dwelling units in the city. This registration, combined with regular systematic inspections, will help prevent overcrowding, the incidence of communicable diseases, and will aid in the enforcement of the International Property Maintenance Code, which sets minimum allowable standards for adequate maintenance of habitable dwellings. This article is not intended nor shall it be used for the purpose of including the city in civil disputes between rental owners and tenants involving, but not limited to, non-payment of rent, evictions and/or personal disputes.

In accordance with MCL 125.526(4)(d), inspections shall be conducted on a compliance basis, under which a premises brought into compliance with this Ordinance

will be issued a certificate of compliance that is good for a period of two years, unless a complaint is made to the City of Swartz Creek building inspector.

Sec. 4-45. Inspections.

The building official shall cause a periodic inspection to be made of every Rental Unit at least once every two ~~three~~ years. Such inspection shall include a thorough examination of all parts of such Rental Unit and the premises connected therewith.

The Owner shall be notified of the date and time of a rental inspection via first class mail at least 30 days prior to the inspection date. Owners shall be required to provide all notices of inspection to the tenant(s) as required by law.

Any Rental Unit, even though not previously scheduled for inspection, may be inspected with prior notice to the Owner and/or tenant if an authorized city official has probable cause to believe that there exists on the property any condition which makes it or any portion thereof substandard or unsafe, or there is evidence that a violation of a code may exist.

If access to a structure, premises or area for the purpose of inspection authorized by this section is refused, an authorized city official, upon showing that probable cause exists for the inspection and for the issuance of an order directing compliance with the inspection requirements of this article with respect to such rental dwelling or rental unit, may petition and obtain such order from a court which has jurisdiction.

Except for probable cause inspections, a Rental Unit may only be inspected during reasonable hours and upon presentation of proper identification by an authorized city official.

No notice of inspection requirement exists to the Owner/Tenant of the Rental Unit if an emergency exists, including but not limited to, fire, flood, or other threat of serious injury or death, the owner may enter at any time.

Section 2. Effective Date.

This Ordinance shall take effect 30 days following publication.

At a regular meeting of the City Council of Swartz Creek held on the 14th day of September, 2020, Pinkston- moved for adoption of the foregoing ordinance and Gilbert supported the motion.

Voting for: Pinkston, Henry, Cramer, Farmer, Gilbert, Hicks, Krueger.
Voting against: None.

The Mayor declared the ordinance adopted.

David Krueger
Mayor

Connie Olger
City Clerk

CERTIFICATION

The foregoing is a true copy of Ordinance No. 450- which was enacted by the Swartz Creek City Council at a regular meeting held on the -14th day of -September, 2020.

Connie Olger
City Clerk

BE IT FURTHER RESOLVED that the following forms, as included in the preceding July 13, 2015 city council packet, shall be hereby incorporated into the rental inspection program of the City of Swartz Creek, with future fees subject to resolution by the city council:

Rental Registration & Inspection Procedural Rules & Policies
Occupant Information Form.
Rental Registration Form
Rental Inspection Certificate of Compliance
Rental Inspection Report
Rental Registration Letter
Flowchart of Rental Registration Process

Discussion Ensued.

Motion by Mayor Pro Tem Pinkston
Second by Councilmember Gilbert

I Move that the motion be amended by striking out the following word two, and adding in its place the following word three.

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

RESOLUTION TO APPROVE ROAD PAINT MARKING COOPERATIVE BID

Resolution No. 200914-06

(Carried)

Motion by Mayor Pro Tem Pinkston
Second by Councilmember Henry

WHEREAS, the city finds it necessary to properly and adequately mark its streets with paint for lane delineation and related purposes; and

WHEREAS, this process requires approximately 150,000 lineal feet of various pavement markings to be applied to the city streets to complete this process; and

WHEREAS, the City's Purchasing Ordinance, Chapter 2, Article VI, Section 2-406 provides for and encourages cooperative government purchasing practices; and

WHEREAS, the City of Burton accepts and awards bids for the purchase of pavement markings to public rights of way; and

WHEREAS, bids received in June of 2020 indicate that M&M Pavement Marking, Inc is the successful low bidder; and

WHEREAS, the unit costs bid to the City of Burton for 2020 have been made available to the City and the city council finds that the lineal foot costs listed cannot be matched if attempts were made to bid on the open market or through private sources.

NOW, THEREFORE, I MOVE the City of Swartz Creek City Council accept the City of Burton's cooperative purchasing extension for the purchase of pavement marking services from M&M Pavement Marking, Inc., said contract to be based upon the unit costs listed therein, expenses to be distributed to the Local and Major Street funds proportionate to use at the direction of the City's Treasurer.

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

ORV ORDINANCE

Discussion

Mayor Pro Tem Pinkston would like the council to reconsider an ORV ordinance. Councilmember Hicks questioned if the ORV would have to be insured. Chief Bade responded the county ordinance is something we should look at for stipulations the city would need to put in place. Mayor Krueger requested Mr. Zettel gather information and present to council a possible resolution.

MEETING OPENED TO THE PUBLIC:

Steve Long 5356 Worchester Drive has heard of Florida communities that have an ORV ordinance in place having a lot of injuries. He also inquired about an age limit. Mr. Zettel said he would have to research that.

REMARKS BY COUNCILMEMBERS:

Councilmember Henry remarked on the parking inspection report in the packet. Councilmember Cramer had a fantastic Back to Badge fundraiser had approximately 200 people and it was great to see everyone. He does have signs if anyone is interested.

Councilmember Farmer requested the bathrooms at Abrams Park stay open until dusk since they were already locked tonight and at the movie night. Mr. Zettel will look into when they are getting locked.

Councilmember Hicks doesn't like to see residents that mad like tonight. Chief Bade responded that he will follow-up with the code enforcer tomorrow.

Councilmember Gilbert wishes everyone good health and stay safe.

Mayor Pro Tem Pinkston sympathizes with Mr. Beard.

Mayor Krueger gave an update on his wife.

ADJOURNMENT

Resolution No. 200914-07

(Carried)

Motion by Councilmember Gilbert
Second by Councilmember Cramer

I Move the Swartz Creek City Council adjourn the regular council meeting of September 14, 2020 at 8:17 p.m., and it will be virtual (Zoom) for the next regularly scheduled council meeting of September 28, 2020.

Unanimous Voice Vote.

David A. Krueger, Mayor

Connie Olger, City Clerk