

**CITY OF SWARTZ CREEK  
SWARTZ CREEK, MICHIGAN  
MINUTES OF THE REGULAR (HYBRID) COUNCIL MEETING  
DATE 3/22/2021**

The regular (hybrid) meeting was called to order at 7:00 p.m. by Mayor Krueger.

Invocation and Pledge of Allegiance.

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

Councilmembers Absent: None.

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

Others Present: Lania Rocha, Bob Plumb, Metro Chief Matt Bade, Dennis Cramer, Steve Long, Brett Jory.

**APPROVAL OF MINUTES**

**Resolution No. 210322-01** **(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 8, 2021 to be circulated and placed on file.

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

**APPROVAL OF AGENDA**

**Resolution No. 210322-02** **(Carried)**

Motion by Councilmember Fountain  
Second by Councilmember Farmer

**I Move** the Swartz Creek City Council approve the Agenda as, printed for the Regular Council Meeting of March 22, 2021, to be circulated and placed on file.

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

## **CITY MANAGER'S REPORT**

**Resolution No. 210322-03**

**(Carried)**

Motion by Councilmember Farmer  
Second by Councilmember Gilbert

**I Move** the Swartz Creek City Council accept the City Manager's Report of March 22, 2021, including reports and communications to be circulated and placed on file.

Discussion Ensued.

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

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

Steve Long 5356 Worchester Drive, questioned if anyone knew about the property at 5365 Worchester Drive. It's been abandoned for a while and all the windows are open on it. Mr. Zettel responded he wasn't aware of this property and will check on it.

Mayor Krueger read a letter that the U.S. Census Bureau sent along with a certificate.

### **COUNCIL BUSINESS:**

#### **RESOLUTION TO APPROVE THE PURCHASE OF DISC GOLF EQUIPMENT FOR OTTERBURN PARK**

**Resolution No. 210322-04**

**(Carried)**

Motion by Mayor Pro Tem Hicks  
Second by Councilmember Farmer

**WHEREAS**, the City of Swartz Creek is establishing a public disc golf course at Otterburn Park on Bristol Road, and

**WHEREAS**, the city has budgeted funds for the establishment of this park, in the amount of \$10,000 and

**WHEREAS**, local volunteers are assisting in the establishment of the course by offering design assistance, maintenance, and fundraising, and

**WHEREAS**, the park board desires to see use of the park as soon as possible, potentially in 2021, and

**WHEREAS**, delays exist in the production and delivery of many disc golf products, and

**WHEREAS**, the park board recommends proceeding with acquiring baskets for Otterburn Park.

**NOW, THEREFORE BE IT RESOLVED** that the City of Swartz Creek City Council accepts the quote from Discraft in the amount of \$5,981.40 for disc golf baskets and additionally approves the quote from MVP Disc Sports in the amount of \$3,600 for disc golf launch pads, as included in the city council packet of March 22, 2021, plus freight.

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

NO: None. Motion Declared Carried.

**RESOLUTION TO APPROVE WATER AND SEWER CONNECTION FEE INCENTIVES FOR THE BREWER TOWNHOME PROJECT**

**Resolution No. 210322-05**

**(Carried)**

Motion by Councilmember Gilbert  
Second by Councilmember Farmer

**WHEREAS**, the City of Swartz Creek approved the land sale and site plan for the Brewer Condominium project, which consists of 15 townhomes on Paul Fortino Drive, and

**WHEREAS**, the developer and buyer, RBF Construction, will be affirming the site plan before the planning commission in April, is finalizing condominium documents & master deed, has completed Genesee County approvals, and is proposing to begin construction on the first tri-plex this spring, and

**WHEREAS**, as part of the Redevelopment Ready Communities certification, the city has adopted an incentive policy for RRC sites, industrial rehabilitation sites, and other downtown properties, and

**WHEREAS**, the Brewer Condominium project does not qualify for any tax abatements, but does qualify for a 60% abatement of water and sewer tap fees.

**NOW, THEREFORE BE IT RESOLVED** that the City of Swartz Creek City Council approves the 60% abatement for water and sewer tap fees as applied for and reviewed in accordance with the city's incentive policy.

**NOW, BE IT FURTHER RESOLVED** that the reduction shall only apply to units built in accordance with the approved site plan. Any purchased units that are not

applied to the development as proposed shall not be vested or transferred without payment of 100% of the applicable fee.

Discussion Ensued.

YES: Pinkston, Henry, Fountain, Farmer, Hicks, Krueger.

NO: Gilbert. Motion Declared Carried.

**RESOLUTION TO APPROVE THE FOURTH AMENDMENT TO THE GENESEE COUNTY PHASE II REGULATIONS STORM WATER MANAGEMENT SYSTEM CONTRACT**

**Resolution No. 210322-06**

**(Carried)**

Motion by Councilmember Pinkston  
Second by Mayor Pro Tem Hicks

**WHEREAS**, the County of Genesee (the “County”) and the cities and townships located within the County identified on Exhibit A attached hereto (hereinafter referred to individually as a “Municipality” or collectively as the “Municipalities”) and other units of local government in the County have previously entered into the Genesee County Phase II Regulations Storm Water Management System Contract, dated as of May 1, 2001, as amended by the First Amendment to Genesee County Phase II Regulations Storm Water Management System Contract, the Second Amendment to Genesee County Phase II Regulations Storm Water Management System Contract and the Third Amendment to Genesee County Phase II Regulations Storm Water Management System Contract (as amended, the “Contract”), pursuant to which the County agreed to provide such services as are necessary (defined therein as the “Services”) to assist the County, the Municipalities and such other local units of government in complying with the requirements of the Phase II Regulations and in other watershed management activities, including, but not limited to, applying for NPDES permit coverage and planning for and implementing storm water discharge management controls (known as “best management practices”) with respect to the following minimum control measures: (a) public education and outreach on storm water impacts; (b) public participation/involvement; (c) illicit discharge detection and elimination; (d) construction site storm water runoff control; (e) post-construction storm water runoff control; and (f) pollution prevention/good housekeeping for municipal operations; and

**WHEREAS**, the Contract terminated on October 1, 2020 with the intent of the parties to renew, but that was not renewed due to the postponement and cancellation of certain public meetings of the County and the Municipalities following the COVID-19 outbreak and issuance of related statewide orders limiting attendance at various types of gatherings and venues; and

**WHEREAS**, the Clerk has presented to the Swartz Creek City Council a form of fourth amendment to contract dated as of April 1, 2021, among the County of Genesee, acting through its Drain Commissioner, as County Agency, and the Municipalities, which amendment ratifies and confirms the Contract and amends the Contract relative to the provision relative to the provision of services for implementation activities required by the Phase II Storm Water Regulations (the “Phase II Regulations”) and the allocation of the costs of such activities among the County and the Municipalities.

**WHEREAS**, Discussion of the fourth amendment to contract occurred at the regular city council meeting of March 22, 2021.

**NOW, THEREFORE BE IT RESOLVED:** The Contract is hereby ratified and confirmed, and the intent of the City of Swartz Creek to renew and restore the terms of the Contract, as amended through the Third Amendment to Genesee County Phase II Regulations Storm Water Management System Contract, is hereby acknowledged and confirmed.

**BE IT FURTHER RESOLVED** that the City of Swartz Creek City Council hereby approves the Fourth Amendment to Genesee County Phase II Regulations Storm Water Management System Contract to be dated as of April 1, 2021, among the County of Genesee, acting through its Drain Commissioner, as County Agency, and the Municipalities (the “Amendment”), which Amendment provides, among other things, for the provision by the Genesee County Storm Water Management System of services for implementation activities required by the Phase II Regulations, the allocation of the costs of such activities among the County and the Municipalities, and the payment by the County and the Municipalities of their respective share of the cost of the services as set forth in the Amendment.

**BE IT FURTHER RESOLVED** that the Mayor and the Clerk are authorized and directed to execute and deliver the Amendment for and on behalf of the City of Swartz Creek (in such number of counterparts as may be desirable).

**BE IT FURTHER RESOLVED** that a copy of the Amendment presented on this date and herein approved and authorized to be executed and delivered shall be attached to the minutes of this meeting and made a part thereof and shall be placed on file with the Clerk and made available for examination by any interested person during normal business hours.

**BE IT FURTHER RESOLVED** that All resolutions and parts of resolutions, insofar as they may be in conflict herewith, are hereby rescinded.

Discussion Ensued.

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

NO: None. Motion Declared Carried.

**RESOLUTION TO APPROVE UTILITY POLE RELOCATION SERVICES RELATED TO THE GENESEE VALLEY TRAIL EXTENSION**

**Resolution No. 210322-07**

**(Carried)**

Motion by Councilmember Henry  
Second by Councilmember Farmer

**WHEREAS**, the City of Swartz Creek intends to commence construction of the Genesee Valley Trail Extension in the city in 2021, and

**WHEREAS**, utility pole relocation services are required as part of this project, and

**WHEREAS**, these services are provided only by the utility provider, Consumers Energy, and must be approved separate from any competitive bidding process, and

**WHEREAS**, Consumers Energy has assessed the project and has quoted the work that is expected to be required, and

**WHEREAS**, the city engineer has reviewed the quote price and responsibility of the effort as it relates to trail work within and around the right of way, and

**WHEREAS**, the Consumers Energy quote is found to be justified and reasonable.

**NOW, THEREFORE BE IT RESOLVED** that the City of Swartz Creek City Council approves the quote from Consumers Energy in the amount of \$29,123 for the noted services.

**BE IT FURTHER RESOLVED** that the City of Swartz Creek directs the Treasurer to apportion expenses from the major street and general funds.

Discussion Ensued.

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

**RESOLUTION TO APPROVE AN EXPANDED USE RESERVATION AND PARK FEE/DEPOSIT WAIVER FOR USE OF ELMS PARK FOR A NON-PROFIT ART EVENT**

**Resolution No. 210322-08**

**(Carried)**

Motion by Councilmember Fountain  
Second by Mayor Pro Tem Hicks

**WHEREAS**, the City of Swartz Creek requires park usage reservations and fees in accordance with adopted rules and regulations; and

**WHEREAS**, the Swartz Creek Kiwanis Club, in conjunction with the Swartz Creek Area Art Guild and Women's Club is proposing an expanded park use reservation for Elms Park August 27-28, 2021 for the purpose of holding a public art fair; and

**WHEREAS**, all three groups are recognized non-profits operating in Swartz Creek that meet the requirements for an expanded use reservation; and

**WHEREAS**, the city park rules and regulations states that "fees may be waived in full if reservations by a non-profit are found to result in a public benefit directly or if proceeds from the reserved event are found to be a benefit to the city."; and

**WHEREAS**, the City Council finds the Swartz Creek Kiwanis Club, partnered with the Swartz Creek Area Art Guild and Women's Club, to be a qualifying group with a qualifying activity.

**NOW, THEREFORE, BE IT RESOLVED**, the Swartz Creek City Council hereby approves the expanded use reservation of the Swartz Creek Kiwanis Club and waives all fees for the August 27-28, 2021 reservation in Elms Park.

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

NO: None. Motion Declared Carried.

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

Dennis Cramer 5299 Worchester Drive, went on a ride along with Republic Services and he is going to reach out with the Chamber to see if there is something we can do to reach out to the community about the importance of recycling.

Brett Jory RBF Brewer Townhome project, is very appreciative that the council approved the water/sewer connection incentive. He wanted to let council know this abatement will pay for itself and appreciates everyone's opinion on this.

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

Councilmember Farmer thanked Mr. Harris for putting up the tennis nets at the park.

Councilmember Fountain it is nice to see everyone in person.

Mayor Pro Tem Hicks did see disc golf equipment at Play it Again Sports if anyone is interested in practicing the sport. She will be putting up the stick library at the dog park.

Councilmember Gilbert isn't happy about the water/sewer abatement and price we sold the property for the Brewer Townhome Project.

Mayor Krueger it's good to be back in person.

## **ADJOURNMENT**

**Resolution No. 210322-09**

**(Carried)**

Motion by Councilmember Gilbert  
Second by Councilmember Farmer

**I Move** the Swartz Creek City Council adjourn the regular council meeting of March 22, 2021 at 8:03 p.m., and set the city council chambers as the venue for the next regularly scheduled council meeting of April 12, 2021.

Unanimous Voice Vote.

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**David A. Krueger, Mayor**

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**Connie Olger, City Clerk**