

**CITY OF SWARTZ CREEK
SWARTZ CREEK, MICHIGAN
MINUTES OF THE REGULAR COUNCIL MEETING
DATE 4/12/2021**

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

Councilmembers Absent: None.

Staff Present: City Manager Adam Zettel, Clerk Connie Olger, City Treasurer Deanna Korth, City Attorney Chris Stritmatter.

Others Present: Lania Rocha, John O'Brien, Dennis Cramer, Steve Long, Jim Florence, Metro PD Chief Bade.

APPROVAL OF MINUTES

Resolution No. 210412-01

(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 22, 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. 210412-02

(Carried)

Motion by Councilmember Fountain
Second by Councilmember Gilbert

I Move the Swartz Creek City Council approve the Agenda as, presented for the Regular Council Meeting of April 12, 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. 210412-03

(Carried)

Motion by Councilmember Farmer
Second by Councilmember Gilbert

I Move the Swartz Creek City Council accept the City Manager’s amended Report of April 12, 2021, including reports and communications to be circulated and placed on file.

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

MEETING OPENED TO THE PUBLIC:

None.

COUNCIL BUSINESS:

GCDC-WWS

PRESENTATION

John O’Brien, Director of Water & Waste Genesee County, presented a slide show of the master plan for the Water & Waste service for the next 20 years. This was broken down into three plans: water, waste water and waste water treatment plant.

RESOLUTION TO APPROVE REIMBURSEMENT FOR FENCE INSTALLATION RELATED TO SECURING THE CONSUMERS ENERGY LICENSE FOR THE GENESEE VALLEY TRAIL

Resolution No. 210412-04

(Carried)

Motion by Mayor Pro Tem Hicks
Second by Councilmember Farmer

WHEREAS, the City of Swartz Creek is in the process of finalizing the construction of the Genesee Valley Trail project, which will traverse property owned by Consumers Energy; and

WHEREAS, said CE property is adjacent to private property that contains an open area and a pond; and

WHEREAS, said property owner also possess a site license to access and enjoy the Consumers Energy property; and

WHEREAS, the city, the private property owner, and Consumers all desire to enable the trail in a way that is safe for users and reduces liability for all parties; and

WHEREAS, fence construction by the private home owner has been found to be the most effective and efficient way to accomplish this objective; and

WHEREAS, Michigan Fence Co. has proposed to install a ‘farm style’ fence for \$7,570.

NOW, THEREFORE, BE IT RESOLVED, the Swartz Creek City Council hereby approves the reimbursement of up to \$3,785 to Kenneth Lauer for fence costs related to the project, conditioned upon the acquisition of a site license by CE.

Discussion Ensued.

Resolution No. 210412-04

(Amendment)

Motion by Councilmember Farmer
Second by Councilmember Fountain

Add waiving of the permit fee.

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

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

ORV ORDINANCE

DISCUSSION

Mr. Zettel reviewed the draft and requested the council define ORV and refine a final draft.

Mayor Pro Tem Hicks requested a map showing where ORV’s are allowed with speed limits and our definition of what we consider an ORV.

Councilmember Henry would like a definition of the ORV’s allowed be more restricted than what is in the current draft.

Mr. Farmer agrees the definition of the ORV needs to be refined.
Discussion took place in regards to the ORV having a license or a city registration/permit.

Mr. Zettel will refine the ordinance with suggestions made at this meeting and will bring it back to council.

Break 8:00 p.m. to 8:10 p.m.

RESOLUTION TO APPROVE PROFESSIONAL SERVICES ENGAGEMENT LETTERS FOR GENERAL AND SPECIAL AUDIT SERVICES

Resolution No. 210412-05

(Carried)

Motion by Councilmember Gilbert
Second by Councilmember Farmer

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, has submitted an engagement letter, dated March 23, 2021, to perform auditing services related to the city's general fund, public utilities, enterprise accounts, Downtown Development Authority, Act 51 monies, and the federal award Single Audit, and

WHEREAS, the City Council finds the services of Plante Moran, PLLC, to be sufficient and competitively priced.

NOW, THEREFORE BE IT RESOLVED that the City of Swartz Creek City Council accepts the engagement letter for general and Single Audit services, as submitted by Plante Moran, PLLC, in the amount of \$30,500 (general) and \$6,000 (Single Audit) and necessary and reasonable travel & out-of-pocket expenses, for the noted services.

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

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

RESOLUTION TO APPROVE CRACK SEALING BIDS FOR CITY STREETS

Resolution No. 210412-06

(Carried)

Motion by Councilmember Pinkston
Second by Councilmember Henry

WHEREAS, the city's streets are in need of surface treatments as part of the recognized need to apply proper asset management practices to infrastructure assets; and

WHEREAS, one of the fundamental and affordable forms of surface treatment is overband crack sealing, which is generally applied to those street segments that are not in need of more intensive forms of rehabilitation; and

WHEREAS, the city conducted a sealed bid process for the application of overband sealant for select major and local streets, and

WHEREAS, the lowest qualified bid, as submitted by Highway Maintenance and Construction., includes a cost-per-lane mile proposal and total cost for the application of this treatment.

NOW, THEREFORE, BE IT RESOLVED the City of Swartz Creek hereby approves the proposal submitted by Highway Maintenance and Construction in the amount of \$33,795.05, with a 20% contingency, to perform overband crack sealing as outlined in the bidding specifications prepared by staff.

BE IT FURTHER RESOLVED the City of Swartz Creek directs the City Manager to execute a standard contractor agreement with the bidder and further directs the Treasurer to appropriate funds from the general fund, local street fund, and major street fund as appropriated and prorated by the engineer.

Discussion Ensued.

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

**RESOLUTION TO APPROVE A TEMPORARY RENT REDUCTION FOR LASERS
FLOWERS AND GIFTS, LLC, LOCATED AT 8002 MILLER ROAD**

Resolution No. 210412-07

(Carried)

Motion by Councilmember Henry
Second by Councilmember Gilbert

WHEREAS, the city acquired a commercial structure located at 8002 Miller Road, Parcel ID Number 58-35-576-049, that was in need of repairs and improvement; and

WHEREAS, the structure was occupied by an existing business that leased the bottom floor for retail space; and

WHEREAS, the council found that it was in the best interest of the economic viability of the structure and surrounding neighborhood to improve the function of the building for the existing retail use and upper floor residential use; and

WHEREAS, the city rehabilitated the lower floor for commercial and the upper floor for residential use and entered into a lease agreement with the existing tenant, Lasers Flowers and Gifts, LLC. on November 6, 2019 to occupy both spaces; and

WHEREAS, COVID restrictions in 2020 and 2021 have severely and negatively impacted the economic vitality of the tenant, causing the tenant to fall behind in rent payments; and

WHEREAS, the tenant has recently made a \$10,000 payment towards outstanding rent and requested a \$200 per month temporary reduction for the commercial space and a matching reduction for the residential space as a temporary measure to mitigate COVID losses; and

WHEREAS, the city council finds that the tenant maintains intentions to occupy and ultimately purchase the property.

NOW, BE IT RESOLVED, the Swartz Creek City Council hereby approves a \$200 monthly reduction for the retail space and a \$200 monthly reduction for the residential space for the months of April through September 2021, bringing the total monthly payment down to \$1,600 a month from \$2,000.

Discussion Ensued.

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

RESOLUTION TO APPROVE CONSUMERS ENERGY LIGHTING REMOVAL AND REPLACEMENT WORK ORDERS

Resolution No. 210412-08

(Carried)

Motion by Councilmember Fountain
Second by Mayor Pro Tem Hicks

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 for non-LED lighting and November 1, 2018 for LED lighting, with said contracts amended from time to time through various work orders by CE or as approved by the city; and

WHEREAS, the City is engaged in an extension of the Genesee Valley Trail, which will require some lighting pole relocations; 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 Contracts between the Company and the City of Swartz Creek, dated November 1, 2014 & November 1, 2018, in accordance with the Authorization for Change in Standard Lighting Contracts dated March 24, 2021.

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 April 12, 2021 and further directs the Mayor to execute said forms that represent the aforementioned terms and conditions.

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

MEETING OPENED TO THE PUBLIC:

Jim Florence 4296 Springbrook Drive, reviewed license requirement from the state and he thinks the ORV will need a license. Mr. Zettel responded that we will look into it. The H.R.5 Equality Act info has been made available to his church and if anyone is interested in knowing more about this he would be glad to share it.

Dennis Cramer 5299 Worchester Drive, questioned when the city council will review the waste bid review committee information and make a decision. Mr. Zettel responded at next meeting.

REMARKS BY COUNCILMEMBERS:

Mayor Pro Tem Hicks questioned budget notes in packet and wanted clarification on the dates. Mr. Zettel clarified the dates. She was glad Mr. O'Brien came in and did the presentation tonight.

Councilmember Gilbert commented it's nice to be back and not on zoom and he hopes the weather stays decent.

Mayor Krueger thanked everyone who expressed condolences of the passing of his wife and appreciates the support.

ADJOURNMENT

Resolution No. 210412-09

(Carried)

Motion by Councilmember Gilbert
Second by Councilmember Farmer

I Move the Swartz Creek City Council adjourn the regular meeting at 8:43 p.m.

Unanimous Voice Vote.

David A. Krueger, Mayor

Connie Olger, City Clerk