

**CITY OF SWARTZ CREEK  
SWARTZ CREEK, MICHIGAN  
MINUTES OF THE REGULAR COUNCIL MEETING  
DATE 4/26/2021**

The meeting was called to order at 7:01 p.m. by Mayor Krueger in the Swartz Creek City Council Chambers, 8083 Civic Drive.

Invocation and Pledge of Allegiance.

Councilmembers Present: Fountain, Gilbert (arrived 7:21 pm.), Hicks, Krueger, Pinkston, Henry.

Councilmembers Absent: None.

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

Others Present: Lania Rocha, Bud Grimes, Steve Long, Chuck Campbell, Dennis Cramer, Metro PD Chief Bade, Jim Florence, Jason Christie, Fire Chief Plumb, Jeff Gomez, Spencer Miller, Brenda Huyck, Mark Gonyea.

**APPROVAL OF MINUTES**

**Resolution No. 210426-01**

**(Carried)**

Motion by Councilmember Henry  
Second by Councilmember Fountain

**I Move** the Swartz Creek City Council approve the Minutes of the Regular Council Meeting held Monday April 12, 2021 to be circulated and placed on file.

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

**APPROVAL OF AGENDA**

**Resolution No. 210426-02**

**(Carried)**

Motion by Councilmember Fountain  
Second by Mayor Pro Tem Hicks

**I Move** the Swartz Creek City Council approve the Agenda as, amended for the Regular Council Meeting of April 26, 2021, to be circulated and placed on file.

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

NO: None. Motion Declared Carried.

### **CITY MANAGER'S REPORT**

**Resolution No. 210426-03**

**(Carried)**

Motion by Mayor Pro Tem Hicks  
Second by Councilmember Henry

**I Move** the Swartz Creek City Council accept the City Manager's Report of April 26, 2021, including reports and communications to be circulated and placed on file.

Discussion Ensued.

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

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

Jeff Gomez, GFL Env. Muncipal Transition Manager. Introduced himself and other GFL employees that were in attendance. He spoke of concerns with the waste bid and was there to answer any questions or concerns about the waste bid.

Jason Christie, former councilmember, requested moment of silence in memory of Jentery Farmer.

Dennis Cramer, 5299 Worchester Drive, he was contacted by census bureau and informed council that preliminary information would be forthcoming.

### **COUNCIL BUSINESS:**

Chief Plumb spoke of the proposed resolution and was available for any questions.

### **RESOLUTION TO APPROVE A BY-LAW CHANGE AND NEW JOB DESCRIPTION FOR USE BY THE SWARTZ CREEK AREA FIRE DEPARTMENT**

**Resolution No. 210426-04**

**(Carried)**

Motion by Councilmember Gilbert  
Second by Mayor Pro Tem Hicks

**WHEREAS**, the City of Swartz Creek and Clayton Township operate a joint fire department pursuant to the provision of MSA 5.2640(6), in which a joint board has been established to operate the fire department; and

**WHEREAS**, The Swartz Creek Area Fire Board oversees the operation of the joint department under the applicable interlocal agreement and bylaws that are adopted by the two municipalities; and

**WHEREAS**, the Board seeks to update these bylaws to enable urgent medical runs by the department; and

**WHEREAS**, the Swartz Creek City Council finds these updates to be beneficial to the provision of fire service in the operations area; and

**WHEREAS**, the SCAFB approved a new job description, Emergency Service Personnel; and

**WHEREAS**, the addition of this job description does not coincide with any budgetary changes; and

**WHEREAS**, the SCAFB is seeking affirmation of the new description from the Swartz Creek City Council and the Township of Clayton Board of Trustees.

**NOW, THEREFORE, BE IT RESOLVED** the City of Swartz Creek hereby approves and affirms the Swartz Creek Area Fire Board bylaws as included in the April 26, 2021 city council packet.

**BE IT FURTHER RESOLVED** that the City of Swartz Creek approves the Emergency Service Personnel job description as included in the April 26, 2021 city council packet, and as may be amended by the SCAFB from time to time.

Discussion Ensued.

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

NO: None. Motion Declared Carried.

## **RESOLUTION TO ESTABLISH A DATE FOR THE PUBLIC HEARING REGARDING THE 2021-2022 FY BUDGET**

Adam Zettel, City Manager, reviewed proposed budget and encouraged council to ask questions of anything they needed explained.

**Resolution No. 210426-05**

**(Carried)**

Motion by Councilmember Pinkston

Second by Councilmember Henry

**WHEREAS**, the City of Swartz Creek observes a fiscal year, beginning on July 1 of each year; and,

**WHEREAS**, the City Charter requires a public hearing on the proposed budget and encourages adoption prior to the third Monday in May; and,

**WHEREAS**, city staff have prepared budget revenues and expenses in draft form in the timeliest manner practical based upon determinations available for taxable value.

**NOW, THEREFORE BE IT RESOLVED** the City of Swartz Creek hereby sets a Public Hearing, to be held on Monday May 10, 2021 at 7:00 PM, at the regularly scheduled City Council Meeting, or as soon thereafter as this matter can be heard, to hear public comments and needs regarding the Proposed 2021-2022 Fiscal Year Budget, and further, post a notice of the public hearing in the View News, with a copy of the proposed budget to be available in the Clerk's Office beginning April 27, 2021.

Discussion Ensued.

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

NO: None. Motion Declared Carried.

**Break 8:14 p.m. to 8:26 p.m.**

## **ORV ORDINANCE**

## **DISCUSSION**

Mr. Zettel indicated the city attorney is looking at setting up this ordinance in phases. Phase 1 would allow golf carts only. This will permit time to review other allowances in separate phases. Several councilmembers feel only allowing golf carts to start with is a good idea. Mayor would like to see that the trolley if not already street legal be added to this ordinance. Mr. Zettel will have the city attorney prepare this for the next meeting.

## **WASTE BID AWARD**

**Resolution No. 210426-06**

**(Denied)**

Motion by Councilmember Henry  
Second by Councilmember Gilbert

**WHEREAS**, the current contract for waste collection and disposal, including the services of refuse, recycling, and yard waste, expires after June 30, 2021; and

**WHEREAS**, the city has recently received bids for the collection of refuse, recycling, and yard waste from four different carriers; and

**WHEREAS**, the council created a temporary ad hoc committee of councilmembers, staff, and other stakeholders to review the proposals, interview contractors, and check references; and

**WHEREAS**, the committee reviewed the bids, interviewed service providers, checked references, and compared qualifications, as well as pricing, of the contractors; and

**WHEREAS**, the committee deliberated its findings and made a final recommendation to award the next service contract to Republic Services, Inc.

**NOW, THEREFORE, BE IT RESOLVED**, the City of Swartz Creek City Council hereby awards a conditional award of the waste collection services to Republic Services, Inc.

**BE IT FURTHER RESOLVED**, the city council directs the city manager and city attorney to negotiate a contract for services with Republic Services, Inc., that is based upon the bid specifications of the City and bid submission by Republic and to bring said draft agreement back to the city council for review and approval.

**BE IT FURTHER RESOLVED**, the Waste Bid Review Committee is hereby dissolved with the thanks of the city council.

Discussion Ensued.

YES: Gilbert, Krueger.

NO: Henry, Fountain, Hicks, Pinkston. Motion Declared Denied.

## **WASTE BID AWARD POSTPONEMENT**

**Resolution No. 210426-07**

**(Carried)**

Motion by Councilmember Pinkston

Second by Mayor Pro Tem Hicks

We postpone the decision to enable two weeks to look into the bids further and get more information from the waste bid committee. This is to be back at next council meeting.

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

NO: None. Motion Declared Carried.

## **RESOLUTION TO ASSESS DELINQUENT CHARGES TO THE ASSESSMENT ROLL**

**Resolution No. 210426-08**

**(Carried)**

Motion by Councilmember Fountain

Second by Councilmember Hicks

**WHEREAS**, the city, by virtue of enforcing certain ordinances and charter provisions, incurs expenses related to the improvement, maintenance, and/or replacement of private and public property; and

**WHEREAS**, the city also provides utility services, of which some recipients of said services have outstanding and overdue balances related to the same; and

**WHEREAS**, the city's ordinances related to the provision of water and sewer services, as well as those pertaining to the maintenance of sidewalks and noxious weeds, provide for the collection of expenses and related fees; and

**WHEREAS**, such outstanding expenses, service charges, and fees are able to be assessed to real property per Chapter 10 of the City Charter.

**NOW, THEREFORE, BE IT RESOLVED** the City of Swartz Creek directs the Treasurer to prepare an audit of all outstanding debts owed to the City for delinquent sidewalk snow removal, and further, to cause such debts to be assessed against the property owner of record, in accordance with City Ordinance and State Statute, said debts to be placed against the summer 2021 tax collection roll.

Discussion Ensued.

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

NO: None. Motion Declared Carried.

## **8067 MILLER REHABILITATION, SALE, & MARKETING APPROVAL**

**Resolution No. 210426-09**

**(Carried)**

Motion by Mayor Pro Tem Hicks

Second by Councilmember Henry

**WHEREAS**, the city acquired a single family home located at 8067 Miller Road, for the purpose of acquiring an alley easement; and

**WHEREAS**, the planning commission was directed to consider additional short and long term uses for the site; and

**WHEREAS**, the planning commission, at their regular meeting on March 2, 2021, recommended that the property be marketed and sold as a single family home, with the opportunity to provide 'home occupation' or live-work space ; and

**WHEREAS**, the city seeks to pursue an open and expansive marketing opportunity; and

**WHEREAS**, the council further desires to work with an established local real estate agent for which Swartz Creek home sales make up a preponderance his/her sales; and

**WHEREAS**, the home requires and will economically benefit from improvements to the first floor bathroom, flooring and wall composition prior to sale; and

**WHEREAS**, an estimate for work has been acquired from a reputable local contractor that was previously awarded home contractor projects via the Heritage Village/City of Swartz Creek Request for Qualifications process.

**NOW, THEREFORE, BE IT RESOLVED**, the City of Swartz Creek City Council hereby authorizes and directs the city manager to enter into a contractor's agreement with J.W. Morgan for improvements to 8067 Miller Road as included in the city council packet of April 26, 2021.

**BE IT FURTHER RESOLVED**, the City of Swartz Creek City Council hereby authorizes and directs the city manager to list 8067 Miller Road with Remax agent Andrea Fick.

**BE IT FURTHER RESOLVED**, the city manager shall bring acceptable offers before the city council for review and potential approval.

**BE IT FURTHER RESOLVED**, that the home be sold in 'as-is' condition, with the city manager, realtor, and city attorney to provide proper disclosures that are required by law.

Discussion Ensued.

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

NO: Gilbert. Motion Declared Carried.

## **8067 MILLER ROAD EASEMENT DEDICATION**

**Resolution No. 210426-10**

**(Carried)**

Motion by Councilmember Gilbert  
Second by Councilmember Fountain

**WHEREAS**, the city acquired a single family home located at 8067 Miller Road, for the purpose of acquiring an alley easement; and

**WHEREAS**, the City Council is proceeding with selling the home for residential use; and

**WHEREAS**, an easement has been prepared and is ready to be dedicated to the city for perpetual use if and when the home is sold and transferred to a third party; and

**NOW, THEREFORE, BE IT RESOLVED**, the City of Swartz Creek City Council hereby grants the Alley and Utility Easement and Right-of-Way Grant to the City of Swartz Creek for Parcel 58-02-529-021 as described and included in the city council packet of April 26, 2021.

**BE IT FURTHER RESOLVED**, the Mayor and Clerk are authorized and directed to execute said easement on behalf of the city.

**BE IT FURTHER RESOLVED**, that the same easement is to be recorded with the Genesee County Register of Deeds and disclosed to all potential buyers of 8067 Miller Road.

Discussion Ensued.

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

NO: Gilbert. Motion Declared Carried.

## **RESOLUTION TO PURCHASE ROAD SALT**

**Resolution No. 210426-11**

**(Carried)**

Motion by Councilmember Pinkston

Second by Councilmember Gilbert

**WHEREAS**, the city finds it necessary to control ice and snow accumulation on public streets and parking areas with the application of road salt during winter months; and

**WHEREAS**, this process requires approximately 1,100 tons of rock salt during a winter season; 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 Genesee County Road Commission has previously bid and/or negotiated the purchase of rock salt for application to public right-of-ways during those relentless and invasive Michigan winters; and

**WHEREAS**, the GCRC negotiated a salt price for the coming winter, with year over year increase, with Detroit Salt Company of 12841 Sanders St., Detroit, at a unit cost of \$62.66 per ton, and a cooperative purchasing invitation has been extended to the City from the Genesee County Road Commission on April 6, 2021; and

**WHEREAS**, the City finds the per-ton cost of \$62.66 to be extremely competitive.

**NOW, THEREFORE, BE IT RESOLVED** the City of Swartz Creek City Council accepts the Genesee County Road Commission's cooperative purchasing agreement and appropriate an amount not to exceed \$68,926, plus 10% contingency, for the purchase of rock salt from the Detroit Salt Company, expenses to be distributed proportionate to use at the direction of the City's Treasurer.

Discussion Ensued.

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

NO: None. Motion Declared Carried.

## **RESOLUTION TO APPROVE 5K FOOT RACE STREET PERMIT**

**Resolution No. 210426-12**

**(Carried)**

Motion by Councilmember Henry  
Second by Mayor Pro Tem Hicks

**WHEREAS**, Riverbend Striders, Inc. and Swartz Creek Community Schools Cross Country Teams are recognized not-for profit entities that operate in Swartz Creek; and

**WHEREAS**, said organizations propose to continue the annual 5k road race that coincides with the Hometown Days Festival, and they therefore seek a permit to use the city streets on June 3, 2021; and

**WHEREAS**, the City Council finds those organization and the event to be beneficial to the public and in good standing.

**NOW, THEREFORE BE IT RESOLVED** that the City of Swartz Creek hereby approves the application for a street usage permit to conduct a 5 kilometer foot road race on Thursday, June 3, 2021, 6:00 PM – 7:30 PM, applicant: the Riverbend Striders, Inc., care of Tyler McPherson, race to be held in Winchester Village Subdivision, in accordance with the application submitted, under the direction and control of the Chief of Police and contingent upon the provision of valid insurance listing the City of Swartz Creek as an additionally insured party.

Discussion Ensued.

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

NO: None. Motion Declared Carried.

**MEETING OPENED TO THE PUBLIC:**

Mark Gonyea 5378 Winshall Drive, voiced to council of his bad experiences with Republic Waste and encouraged a change in companies.

Brenda Huyck Hometown Days Committee Rep., update on Hometown Days event and they are moving forward with the event and will be submitting paperwork for council meeting May 10<sup>th</sup>.

Jeff Gomez GFL Rep., responded to comments made earlier about GFL and happy to still have opportunity to receive bid award due to the resolution being denied tonight.

Jim Florence 4296 Springbrook Drive, spoke of his memories of Jentery Farmer. He has had no complaints with Republic Waste. He also still offers information on H.R. 5 if anyone is interested.

### **REMARKS BY COUNCILMEMBERS:**

Councilmember Fountain commented isn't going to be the same without Jentery.

Mayor Pro Tem Hicks noticed the trailer on Miller Road is still there. She also shared her Jentery memories.

Councilmember John Gilbert wishes everyone stay healthy and safe.

Mayor Krueger is looking forward to spring and we will surely miss Mr. Farmer.

### **ADJOURNMENT**

**Resolution No. 210426-13**

**(Carried)**

Motion by Councilmember Gilbert  
Second by Councilmember Henry

**I Move** the Swartz Creek City Council adjourn the regular meeting at 9:42 p.m.

Unanimous Voice Vote.

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**David A. Krueger, Mayor**

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**Connie Olger, City Clerk**

