

**CITY OF SWARTZ CREEK
SWARTZ CREEK, MICHIGAN
MINUTES OF THE REGULAR COUNCIL MEETING
DATE 5/10/2021**

The meeting was called to order at 7:00 p.m. by Mayor Krueger in the Swartz Creek City Council Chambers, 8083 Civic Drive.

Invocation and Pledge of Allegiance.

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

Councilmembers Absent: None.

Staff Present: City Manager Adam Zettel, Clerk Connie Olger, Treasurer Deanna Korth, Director of Community Services Andy Harris.

Others Present: Lania Rocha, Bob Plumb, Dennis Cramer, Charles Campbell, James Florence, Brenda Huyck, Susan Mesack, Steve Long, Metro PD Chief Bade, Jeff Gomez, Tyler Rossmassler.

APPROVAL OF MINUTES

Resolution No. 210510-01

(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 April 26, 2021 to be circulated and placed on file.

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

APPROVAL OF AGENDA

Resolution No. 210510-02

(Carried)

Motion by Councilmember Fountain
Second by Councilmember Gilbert

I Move the Swartz Creek City Council approve the Agenda as, amended for the Regular Council Meeting of May 10, 2021, to be circulated and placed on file.

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

NO: None. Motion Declared Carried.

CITY MANAGER'S REPORT

Resolution No. 210510-03

(Carried)

Motion by Mayor Pro Tem Hicks
Second by Councilmember Fountain

I Move the Swartz Creek City Council accept the City Manager's Report of May 10, 2021, including reports and communications to be circulated and placed on file.

Discussion Ensued.

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

MEETING OPENED TO THE PUBLIC:

Brenda Huyck, Hometown Days Committee, commented she is here tonight at the meeting to answer any questions in regards to Hometown Days and the resolutions on the agenda.

Dennis Cramer 5299 Worchester Drive, will be attending a scheduled webinar regarding the census and will report back to council any news he receives.

Jeff Gomez GFL, attending meeting to answer any questions in regards to the garbage resolution tonight and looks forward to servicing Swartz Creek residents if awarded the bid.

COUNCIL BUSINESS:

FORWARD TOGETHER

PRESENTATION

Tyler Rossmassler Executive Director of Flint Genesee Economic Alliance, the county's economic development organization, and their job is to support the businesses in Genesee County. He briefly described their purpose, approach, vision, action agenda and the next steps.

FISCAL YEAR 2022 BUDGET

PUBLIC HEARING

Open to Public: 7:35 p.m.

Mr. Zettel spoke briefly of the budget previously presented and would like this time for comments and questions from the public.

Mayor Krueger commented that the budget book is developing very well and easy to follow and thanks for the work put into this book.

Closed to Public: 7:37 p.m.

******MasterResolution******

MASTER RESOLUTION TO APPROVE VARIOUS PERMITS RELATED TO THE 2021 HOMETOWN DAYS EVENTS

Resolution No. 210510-04

Carried

Motion by Councilmember Gilbert
Second by Councilmember Henry

WHEREAS, Swartz Creek Hometown Days organization is a recognized charitable entity that operates in Swartz Creek; and

WHEREAS, Hometown Days is seeking permits and approvals to operate an annual festival on private and public grounds within the city, including a parade, carnival, petting zoo, fireworks display, 'beer tent', food/drink vendors, a car show, petting zoo, animal attractions, and numerous other activities; and

WHEREAS, the City Council finds the Hometown Days organization and the event to be beneficial to the public and in good standing; and

WHEREAS, the Section 13.01.G of Appendix A of the City Code of Ordinances provides for conditions of approval for a festival within the city, provided that the duration is less than 10 days, the operator is a charitable entity, and city council approval is required.

NOW, THEREFORE BE IT RESOLVED that the City of Swartz Creek hereby approves Resolutions/Motions 200510-4C1 through 210510-4C8, allowing for the various permits related to the annual Swartz Creek Hometown Days festival, to be held beginning Tuesday, June 1, 2021 and concluding on Monday, June 7, 2021, inclusive of all stipulations and conditions as specified and listed within, including the provision of valid insurance that lists the City of Swartz Creek as an additionally insured party for all events.

HOMETOWN DAYS, STREET CARNIVAL, GENERAL STREET & PROPERTY USE PERMITS

Resolution No. 200510-4C1

I Move the City of Swartz Creek approve and authorize the Swartz Creek Hometown Days Committees' application for street closing and City property use permits for the following locations:

1. Morrish between Miller and Ingalls-Wade, Carnival.
2. Holland between Miller and Ingalls, Vendor – Carnival.
3. City Lot located at the southwest corner of Miller and Morrish, Carnival.
4. Ingalls at Holland and Park Land located to the North and Northwest of the intersection of Morrish and Ingalls, Carnival.
5. City owned property located along the North side of Fortino, West of Morrish Road, Car Show, Vendors, and Radio D.J., general parking.
6. City owned property, 4438 South Morrish Road.
7. City owned property, 4505 Fortino.
8. City owned property, Fortino (Branoff)
9. City owned property, 5012 Holland Drive
10. Fire Hall out lot properties.
11. Use of DPW Yard and Generator (access subject to department).

Street and City property use, unless otherwise indicated, begins Tuesday, June 1, 2021 at 9:00 a.m. until Monday June 7, 2021 at 9:00 A.M., for the purpose of, and authorization to conduct a carnival, vendor/display areas, car show and or other similar events under the following stipulations:

1. Insurance certificate naming the City as insured in the amount not less than \$1,000,000.00 (One-Million Dollars)
2. Written permission from deed holders of any private properties to be used and appropriate insurance certificates naming such parties as additional insured: City of Swartz Creek, Jerry Adkinson Construction 1258 Lansing Hwy., Durand, Mi; William Kincaid & Kincaid Properties 5086 South Morrish; St. Mary's Catholic Church 4413 Morrish Road; Pentecostal Church of God / The Oasis / Dan Rhanor / Family Worship Center 4494 Morrish Road; Mark O'Brien 5099 South Morrish; Kallas Heating and Cooling 8077 Miller; Swartz Creek Schools 8354 Cappy (High School Middle School); Ashley Hotchkiss 8280 Crapo; Swartz Creek Area Fire Department; Rite – Aid 9090 Miller Road.
3. Sufficient number of portable bathrooms placed and located, and litter control program in accordance and under the approval of Director of Community Services.
4. Approval by the Chief of Police. Traffic control and pedestrian safety plan in accordance with and under the approval of office of Chief of Police.

HOMETOWN DAYS, STREET USAGE PERMIT, MOTOR AND PEDESTRIAN PARADE

Resolution No. 210510-4C2

I Move the Swartz Creek City Council approve and authorize the Swartz Creek Hometown Days Committees' application for street closing / usage permit for Saturday, June 5, 2021 from 9:00 a.m. until 12:30 p.m. for purposes of conducting a parade, streets to be used include the high school performing arts center entrance, Miller Rd, and Frederick St under the following stipulations:

1. Insurance certificate naming the City as an additional insured party in the amount not less than \$1,000,000.00 (One Million Dollars).
2. No candy or other objects be thrown or handed from, to or at any vehicle, trailer, float, or similar, and further, that the Hometown Days Committee establish and maintain a list of all participants and/or entries in the parade that identifies a contact person, such contact to be informed by the Hometown Days Committee of the stipulation and motor vehicle code enforcement actions for violations thereof.
3. General approval, and under the direction and control of the Office of the Chief of Police.

HOMETOWN DAYS PERMIT, AERIAL FIREWORKS DISPLAY

Resolution No. 210510-4C3

I Move the Swartz Creek City Council approve and authorize the Swartz Creek Hometown Days Committee's application for one fireworks aerial display to be held on Friday, June 4, 2021, at or shortly after dusk, with a cancellation date of Saturday, June 5, 2021, at or shortly after dusk, to be launched from properties directly west of the Swartz Creek Middle School Building, said properties owned by the Swartz Creek School District and Mr. Scott Hoover, under the following stipulations and conditions:

1. Insurance certificate naming the City as insured in an amount to be determined adequate by the City Manager.
2. Written permission from the aforementioned parcel owners along with acceptable insurance certificates naming said parcel owners as additional insured parties, in an amount to be determined adequate by the City Manager.
3. Traffic Control Plan and administration by the Offices of Chief of Police and Director of Community Services.
4. Detailed Plan submitted to and approved by the Fire Chief.
5. All decisions concerning the event and cancellation thereof, if needed, under the direction and control of the Fire Chief.

HOMETOWN DAYS PERMIT, OPERATE ENTERTAINMENT TENT

Resolution No. 210510-4C4

I Move the Swartz Creek City Council approve and authorize the Swartz Creek Hometown Days Committee application to operate an entertainment tent with the sale of beer and wine for consumption on the premises, along with live entertainment, to be held on Parcel No. 58-02-200-014, owned by William Kincaid and located 5086 Morrish Road, south of Wade Street, beginning Thursday, June 3, 2021 12:00 PM through Sunday, June 6, 2021, 9:30 PM, under the following stipulations:

1. Michigan Liquor Control Commission Approved Application with appropriate insurance in accordance with the rules of the L.C.C. and naming the City and all other property owners as additional insured parties, in an amount not less than \$1,000,000 (One Million Dollars).
2. Portable bathrooms appropriately located and litter control program in accordance and under the approval of Director of Community Services.
3. Traffic control and pedestrian safety plan in accordance with and under the approval of Office of Chief of Police.
4. Adherence to all L.C.C. stipulations and regulations, state and local laws.
5. No music after 11:00 p.m. Thursday, June 3, 2021 and after 1:30 a.m. on Friday, June 4, 2021 (Saturday Morning), and Saturday, June 5, 2021(Sunday Morning), and Sunday, June 6, 2021, 9:30 PM.
6. Adequate security as approved by the Chief of Police.
7. Adherence to and under the direction and control of the Office of the Chief of Police.

HOMETOWN DAYS PERMIT, CEREMONIAL DISCHARGE OF A FIREARM

Resolution No. 210510-4C5

I Move the Swartz Creek City Council, pursuant to section 10-212(3) of the Code of Ordinances, approve and authorize the Swartz Creek Hometown Days Committee to discharge weapons as a part of a military concert and ceremonial military honor guard, to be held at the Swartz Creek High School's outdoor football stadium, on Friday, June 4, 2021, at approximately 9:00 p.m., in conjunction with a concert and aerial fireworks display, with a backup rain date of Saturday, June 5, 2021 at approximately 9:00 p.m. under the following stipulations and conditions:

1. Insurance certificate naming the City as an additional insured party in an amount not less than \$1,000,000.00 (One Million Dollars).

2. The party(ies) discharging the weapon(s) must be a practicing military honor guard trained and capable in the handling of firearms.

HOMETOWN DAYS PERMIT, CEREMONIAL DISCHARGE OF A FIREARM

Resolution No. 210510-4C6

I Move the Swartz Creek City Council, pursuant to section 10-212(3) of the Code of Ordinances, approve and authorize the Swartz Creek Hometown Days Committee to discharge weapons in conjunction with a Parade and as a ceremonial military honor guard, to be held along Miller Road on Saturday, June 5, 2021, at approximately 10:00 A.M., under the following stipulations and conditions:

1. Insurance certificate naming the City as an additional insured party in an amount not less than \$1,000,000.00 (One Million Dollars).
2. The party(ies) discharging the weapon(s) must be a practicing military honor guard trained and capable in the handling of firearms.

WAIVER OF INSPECTION FEE, HOMETOWN DAYS COMMITTEE

Resolution No. 210510-4C7

I Move the City of Swartz Creek waive the permit fees for the temporary structure (trailer) and electrical permit inspection fees for the Swartz Creek Hometown Days Committee

TRAFFIC CONTROL APPROPRIATION

Resolution No. 210510-4C8

I Move the City of Swartz Creek provide traffic control devices to ensure the safety of the public during the duration of the Swartz Creek Hometown Days event and hereby direct the Director of Public Works to order or supply barricades sufficient to do so at a cost not to exceed \$1,750, appropriated to the community promotions department of the general fund.

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

WASTE BID AWARD

Resolution No. 210510-05

(Carried)

Motion by Councilmember Pinkston
Second by Councilmember Henry

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.

WHEREAS, the City Council rejected the resolution to approve Republic as the provider at its April 26, 2021 meeting and tabled the matter until May 10, 2021.

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

BE IT FURTHER RESOLVED, the city council directs the city manager and city attorney to negotiate a contract for services with GFL, that is based upon the bid specifications of the City and bid submission by GFL 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: Pinkston, Henry, Fountain, Krueger.

NO: Gilbert, Hicks. Motion Declared Carried.

RESOLUTION TO APPROVE DISTRICT 3 CONSTRUCTION SERVICES

Resolution No. 210510-06

(Carried)

Motion by Councilmember Henry

Second by Councilmember Fountain

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, have been revealed by flow meter analysis conducted in 2019; and

WHEREAS, Rowe Professional Services Company has been working with the city to design a solution to the capacity problem and bid out construction services to address the deficiency; and

WHEREAS, sealed bids were opened on April 28, 2021, with Glaeser Dawes being the lowest responsible bidder.

NOW, THEREFORE, BE IT RESOLVED the City of Swartz Creek hereby approves the unit cost bid from Glaeser Dawes, dated April 28, 2021, in the calculated amount of \$172,239.20, funds to be appropriated to the Sewer 591 fund.

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

NO: None. Motion Declared Carried.

Break 8:00 p.m. to 8:06 p.m.

GOLF CART ORDINANCE

DISCUSSION

Mr. Zettel commented it is a real simple ordinance and if agreeable we will get it on the books. Councilmember Pinkston recommended that we require brake lights. Councilmember Henry request since we are going to require brake lights that we remove subsection (C) Golf Cart Operation, paragraph (II) article (iii) of section 18-24 of the proposed ordinance.

Mr. Zettel will proceed with revised ordinance and bring it back to next meeting.

COMMISSION APPOINTMENTS

Resolution No. 210510-07

(Carried)

Motion by Mayor Pro Tem Hicks

Second by Councilmember Gilbert

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

Resolution No. 210510-09

(Carried)

Motion by Councilmember Gilbert
Second by Councilmember Henry

WHEREAS, City Council Member Jentery Farmer Passed away on April 24, 2021 as a sitting City Council Member, and;

WHEREAS, the City Charter, Section 4.7, requires the seat be filled within thirty days with a qualifying elector, and;

WHEREAS, James Florence, a resident of the Fourth Ward, has volunteered to serve in the capacity as the Fourth Ward Swartz Creek City Council Member, and;

WHEREAS, James Florence has been found to satisfy the criteria to hold office as a City Council Member,

NOW, BE IT RESOLVED that the Swartz Creek City Council hereby appoints James Florence to the vacant Fourth Precinct City Council seat of Mr. Farmer, as outlined in the city charter.

BE IT FURTHER RESOLVED that City Clerk is directed to administer the oath of office to James Florence and execute other related administrative functions necessary to formalize his/her status as a City Council Member prior to the regular meeting of May 24, 2021.

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

NO: Hicks. Motion Declared Carried.

MEETING OPENED TO THE PUBLIC:

Steve Long 5356 Worchester Drive, commented that 5365 Worchester Drive grass is 11" tall. Mr. Harris responded that is on the list for mowing.

REMARKS BY COUNCILMEMBERS:

Councilmember Pinkston hopes the right decision was made for the waste contract.

Councilmember Gilbert questioned the Brewer Condo projects having basements. Mayor Krueger responded they must have basements or a safe room.

Mayor Pro Tem Hicks hopes GFL works out and wishes them luck.

Councilmember Henry welcomes Mr. Florence.

ADJOURNMENT

Resolution No. 210510-10

(Carried)

Motion by Councilmember Gilbert
Second by Councilmember Henry

I Move the Swartz Creek City Council adjourn the regular council meeting of May 10, 2021 at 8:32 p.m., and set the city council chambers as the venue for the next regularly scheduled council meeting of May 24, 2021.

Unanimous Voice Vote.

David A. Krueger, Mayor

Connie Olger, City Clerk