

**CITY OF SWARTZ CREEK  
SWARTZ CREEK, MICHIGAN  
MINUTES OF THE REGULAR COUNCIL MEETING  
DATE 11/08/2021**

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, Florence, Hicks, Krueger, Pinkston, Henry.

Councilmembers Absent: Gilbert.

Staff Present: City Manager Adam Zettel, Clerk Connie Olger, Director of Public & Community Services Rob Bincsik, City Attorney Chris Stritmatter.

Others Present: Erik Jamison, Steve Long.

Others Virtually Attended: Lania Rocha, Bob Plumb.

**EXCUSE COUNCILMEMBER GILBERT**

**Resolution No. 211108-01**

**(Carried)**

Motion by Councilmember Henry  
Second by Councilmember Florence

**I Move** the Swartz Creek City Council excuse Councilmember Gilbert.

YES: Unanimous Voice Vote.  
NO: None. Motion declared carried.

**APPROVAL OF MINUTES – OCTOBER 25, 2021**

**Resolution No. 211108-02**

**(Carried)**

Motion by Councilmember Florence  
Second by Councilmember Fountain

**I Move** the Swartz Creek City Council approve the Minutes of the Regular Council Meeting held Monday October 25, 2021 to be circulated and placed on file.

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

## **APPROVAL OF MINUTES - OCTOBER 28, 2021**

### **Resolution No. 211108-03**

**(Carried)**

Motion by Councilmember Henry  
Second by Mayor Pro Tem Hicks

**I Move** the Swartz Creek City Council approve the Minutes of the Special Council Meeting held Monday October 28, 2021, to be circulated and placed on file.

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

## **APPROVAL OF AGENDA**

### **Resolution No. 211108-04**

**(Carried)**

Motion by Councilmember Fountain  
Second by Councilmember Henry

**I Move** the Swartz Creek City Council approve the Agenda as, printed for the Regular Council Meeting of November 8, 2021, to be circulated and placed on file.

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

## **CITY MANAGER'S REPORT**

### **Resolution No. 211108-05**

**(Carried)**

Motion by Mayor Pro Tem Hicks  
Second by Councilmember Florence

**I Move** the Swartz Creek City Council accept the City Manager's Report of November 8, 2021, including reports and communications to be circulated and placed on file.

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

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

Steve Long 5356 Worchester Drive, on behalf of Roger Sharp he wants to invite all councilmembers to the reception for the Firefighters and Police Officers Saturday, November 13, 2021 @ 5 p.m. at Fire Station 1.

**COUNCIL BUSINESS:**

**RESOLUTION TO ADOPT ORDINANCE 456, AN ORDINANCE TO REGULATE PONDS**

**Resolution No. 211108-06**

**(Carried)**

Motion by Councilmember Pinkston  
Second by Councilmember Fountain

**WHEREAS**, the Public Act 110 of 2006, the Michigan Zoning Enabling Act, enables cities to regulate land use through the creation and enforcement of zoning maps and regulations, and

**WHEREAS**, the city, in pursuing certification as a Redevelopment Ready Community, performed a zoning audit that revealed the need for incremental changes to the zoning ordinance and;

**WHEREAS**, the planning commission, with the assistance of staff, and input by the public, reviewed specific changes to the zoning ordinance at their regular meeting on November 2, 2021, and;

**WHEREAS**, the planning commission, at a public hearing at their meeting on November 2, 2021, and in reviewing the criteria in Zoning Ordinance Section 31.04, found the proposed zoning ordinance amendments to be in the best interest of the public and recommended approval.

**THEREFORE, I MOVE** the City of Swartz Creek ordains:

**CITY OF SWARTZ CREEK  
ORDINANCE NO. 456**

An ordinance to amend the Code of Ordinances: Zoning Appendix A to add Section 13.13 Ponds

THE CITY OF SWARTZ CREEK ORDAINS:

**Section 1. Addition of Articles to Appendix A of the Code of Ordinances.**

The City hereby adds Section 13.13 to the Code of Ordinances of Appendix A as follows:

Section 13.13. - Ponds.

(A) Definition

Pond, Accessory Use: A facility (natural or excavated) capable of holding 24 inches or more of water, with an area larger than 100 square feet. Such basins are intended to be an accessory use to improved property and have aesthetic or intrinsic value as a water resource. Such basins are not intended for storm water management and may or may not have an outlet.

(B) Application and review procedures.

1. Application shall be made to the city zoning administrator. Applications shall contain the following information:
  - a. Name and address of the applicant.
  - b. Legal description of the property upon which the pond will be established.
  - c. Site plan submitted in accordance with article XXI, Site Plan Review.
2. Evidence shall also be presented at the time of application that the Genesee County Drain Commission and Michigan Department of Environmental Quality have granted the necessary permits and/or approvals to the applicant for the construction of the pond or have released the applicant from any obligation thereto.
3. The applicant shall also, at the discretion of the building official or zoning administrator at the time of application, provide evidence from a licensed excavator, civil engineer, or similar allied professional that water can be continuously maintained in the pond once it is constructed, that the drainage pattern of the site will preclude drainage of water onto adjacent property or toward buildings, and that the natural or manmade drainage pattern of the area will remain unaffected.
4. The zoning administrator may require full site plan review by the planning commission at his or her discretion.

(C) Requirements.

1. Ponds shall be an accessory use.
2. The minimum lot size for any pond shall be 1.5 acres.
3. The minimum setback distance for the pond shall be a minimum of 50 feet from any property line or right of way line. A pond may cross a property line only when all properties are

owned by the applicant or upon submittal of an easement allowing such occupation.

4. There shall be a horizontal distance of not less than 25 feet from any overhead transmission lines.
5. The pond shall not have a slope steeper than one to three (1:3) for the first ten feet around the perimeter of the pond.
6. All areas disturbed during construction shall be seeded with grasses and maintained in good condition to prevent erosion.
7. The zoning administrator or planning commission may, at its discretion, require the installation of a fence not less than four feet in height to protect the health, safety, and welfare of the property owners and/or tenants, neighboring uses, and residents.
8. No pond is to be located closer than 25 feet to a building, septic fields, or property easements.
9. All materials removed as a result of the pond excavation must be retained on-site and distributed about the property so as to not disturb or redirect the natural flow of water and drainage of the property. The Building Official may require a plan submitted for a pond include drawings showing adequate methods to prevent overflow of water onto adjacent properties or right-of-ways.

(D) Fees required.

1. Fees shall correspond to the standard Zoning Permit fee for administrative reviews and the applicable Site Plan Review fee for full site plan review by the planning commission, as set by the City Council.
2. The zoning administrator, building official, or planning commission may require posting of a performance bond or other surety to cover the estimated cost of completion or removal of the pond facility.

**Section 2. Effective date.**

This Ordinance shall take effect thirty (30) days following publication

Discussion Ensued.

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

**RESOLUTION TO APPROVE APPRAISAL FOR MEIJER PROPERTY**

**Resolution No. 211108-07**

**(Carried)**

Motion by Councilmember Florence  
Second by Councilmember Fountain

**WHEREAS**, the city assesses property and collects taxes per the Michigan General Property Tax Act; and

**WHEREAS**, the City Assessor is charged with determining values for property to be taxed under the same act and rules promulgated by the Michigan Department of Treasury, with the intent of valuing real and personal property in the city accurately, fairly, and consistently; and

**WHEREAS**, from time to time, the city finds it necessary to defend valuations that are appealed by owner interests in order to achieve those intentions.

**WHEREAS**, the city council approved a proposal from Integra Realty Resources on September 27, 2021, however, the city attorney recommended a consulting with additional appraisers after recent court findings.

**NOW, THEREFORE, BE IT RESOLVED**, the City of Swartz Creek City Council amend the budget to allocate \$25,000 of unencumbered, unreserved general fund monies to the assessing department for the purpose of contesting the tax appeals by parties referred to as 4141 Morrish Road; PID 58-36-100-014; Meijer, Inc., costs to include an appraisal, legal services, and other related expenses to be provided by the city's legal counsel and an appraisal firm, as selected by the city manager or assessor, with the authority of the city council under Section 2-402(a)(2) of the city ordinances.

**BE IT FURTHER RESOLVED**, the City of Swartz Creek City Council approve the proposal from Frohm & Widmer, Inc., as included in the city council packet of November 8, 2021, and further direct the Mayor to execute said proposal on behalf of the city.

Discussion Ensued.

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

**ZBA AND BOR COMPENSATION**

**Resolution No. 211108-08**

**(Carried)**

Motion by Councilmember Henry  
Second by Mayor Pro Tem Hicks

**WHEREAS**, the Zoning Board of Appeals is an adjudicatory board established by state law and appointed by the Swartz Creek City Council to fulfill obligations in accordance with PA 110 of 2006 and the city Code of Ordinances; and

**WHEREAS**, the ZBA members are compensated \$20 per meeting and the chair of the ZBA is compensated \$25 per meeting; and

**WHEREAS**, the Board of Review is a board established by state law and appointed by the Swartz Creek City Council to fulfill obligations in accordance with PA 206 of 1893 and the city Code of Ordinances; and

**WHEREAS**, the BOR members are compensated \$75 per meeting; and

**WHEREAS**, the City Council can establish and adjust the compensation of the ZBA and the BOR; and

**WHEREAS**, the Swartz Creek Local Officers Compensation Commission, at their regular meeting on October 28th, recommended an increase to this compensation in the amount of 5% to offset general inflation.

**NOW, THEREFORE, BE IT RESOLVED** that the City of Swartz Creek City Council hereby adopts the following compensation table for Swartz Creek Zoning Board of Appeals and Board of Review Members:

ZBA Chair:	\$26.25 per meeting
ZBA Commissioners:	\$21.00 per meeting
Board of Review Members:	\$78.75 per meeting

Discussion Ensued.

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

## **RESOLUTION TO AMEND THE PARK RULES**

**Resolution No. 211108-09**

**(Carried)**

Motion by Councilmember Fountain  
Second by Councilmember Florence

**WHEREAS**, the City of Swartz Creek owns, operates, and maintains public park and recreation facilities and desires to promote safe and equitable use of those facilities; and

**WHEREAS**, the city regulates use of city parks through the adoption of "Park Rules and Regulations" as enabled by enforceable under City Ordinance Section 11-47,

Park Rules and Regulations, which reads as follows: the City Council may by resolution adopt rules and regulations governing the use of parks, including prohibitions or restrictions on uses and acts within parks; and

**WHEREAS**, the city park and recreation commission recommends amending of the attached Park Rules and Regulations to re-word certain provisions and to add regulations pertaining to the use of fasteners and confetti/balloons.

**NOW, THEREFORE, BE IT RESOLVED**, the Swartz Creek City Council hereby approve the amended park rules as attached, including the reservation form.

Discussion Ensued.

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

NO: None. Motion Declared Carried.

## **RESOLUTION TO APPROVE PROFESSIONAL SERVICES FOR MS4 COMPLIANCE**

**Resolution No. 211108-10**

**(Carried)**

Motion by Mayor Pro Tem Hicks  
Second by Councilmember Fountain

**WHEREAS**, the City of Swartz Creek owns, operates, and maintains a system of storm water collection assets that drain to the Swartz Creek and other public water bodies of the state; and

**WHEREAS**, the city is required to comply with standards pertaining to the Municipal Separate Storm Sewer System (MS4); and

**WHEREAS**, the city and its current provider of MS4 services, the Genesee County Drain Commission, is seeking to satisfy the Michigan Department of Environment Great Lakes and Energy regulations; and

**WHEREAS**, the city solicited a proposal from a pre-approved engineer that specializes in sanitary and storm sewer matters to remedy the situation.

**NOW, THEREFORE, BE IT RESOLVED**, the Swartz Creek City Council hereby approves the professional service agreement dated October 19, 2021, as submitted by DLZ in the amount of \$12,028 and authorize and direct the Mayor to execute said agreement on behalf of the city.

Discussion Ensued.

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

NO: None. Motion Declared Carried.

## MEETING OPENED TO THE PUBLIC:

Erik Jamison 5017 Holland Drive, Christmas festivities and parade on Saturday, December 4, 2021. The parade line up is at 5 p.m. and parade starts at 6 p.m... The parade starts at the Middle School and heads east down Miller Road to Holland Square. The road will be closed after parade ends at Morrish Road. Santa will then light the tree and several festivities will take place at Holland Square. There will be a vendor market at 3 p.m.

## REMARKS BY COUNCILMEMBERS:

Councilmember Florence noticed the new condos on Fortino Drive foundation looks high. Mr. Zettel responded he had a call from the developer and was told it is done right.

Councilmember Henry questioned if there was anything happening on Veterans Day. Mr. Zettel responded he is not aware of anything but there always is an event. Mr. Henry asked when the catch basin on Wade would be repaired. Mr. Bincsik responded very soon.

Mayor Pro Tem Hicks asked if there was any news on the flower shop. Mr. Stritmatter responded that the hearing is November 30<sup>th</sup>.

Councilmember Pinkston mentioned that Flint City Council has 6 new members and hopefully they will get something done there. JW Morgan is now the vice president of Home Builders Association of Michigan, it's nice that a local person has gotten statewide recognition.

Mayor Krueger weather has been good and hope it continues so the street construction will get done.

## ADJOURNMENT

**Resolution No. 211108-11**

**(Carried)**

Motion by Councilmember Pinkston  
Second by Councilmember Florence

**I Move** the Swartz Creek City Council adjourn the regular meeting of November 8, 2021, at 8:07 p.m.

Unanimous Voice Vote.

---

David A. Krueger, Mayor

---

Connie Olger, City Clerk

