

**CITY OF SWARTZ CREEK
SWARTZ CREEK, MICHIGAN
MINUTES OF THE REGULAR COUNCIL MEETING
DATE 11/22/2021**

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, Treasurer Deanna Korth.

Others Present: Erik Jamison, Metro PD Chief Bade, Plante Moran Representatives Pam Hill & Mike Machala.

Others Virtually Attended: Bob Plumb.

EXCUSE COUNCILMEMBER GILBERT

Resolution No. 211122-01

(Carried)

Motion by Councilmember Henry
Second by Mayor Pro Tem Hicks

I Move the Swartz Creek City Council excuse Councilmember Gilbert.

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

APPROVAL OF MINUTES

Resolution No. 211122-02

(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 November 8, 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. 211122-03

(Carried)

Motion by Councilmember Henry
Second by Councilmember Fountain

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

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

CITY MANAGER'S REPORT

Resolution No. 211122-04

(Carried)

Motion by Councilmember Fountain
Second by Councilmember Henry

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

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

MEETING OPENED TO THE PUBLIC:

None.

COUNCIL BUSINESS:

FISCAL YEAR 2021 AUDIT

PRESENTATION

Pam Hill & Mike Machala, Plante Moran Representatives, presented the results of the City's audit for year ending June 30, 2021. This included the audit opinion letter. Pam thanked the staff for working with them through the audit process. We did issue an unmodified opinion.

Mike reviewed governmental fund revenue, taxable value, components of governmental fund expenditures, general fund, components of governmental funds, long-term liabilities, and business-type activities long-term liabilities. Items to consider looking ahead are the

strategic plans already in place investment in infrastructure, the USDA loan and Capital Forecasting.

RESOLUTION TO ACCEPT THE 2020-2021 FISCAL YEAR AUDIT BY INDEPENDENT AUDITOR PLANTE-MORAN

Resolution No. 211122-05

(Carried)

Motion by Councilmember Hicks
Second by Councilmember Fountain

WHEREAS, Section 8.13 of the City Charter requires an audit of all accounts of the city government; and

WHEREAS, independent auditors, retained by the city per a qualified bidding selection process, have completed said audit for the most recent fiscal year, 2021; and

WHEREAS, said audit contains financials for related public utilities, enterprise accounts, and the Downtown Development Authority; and

WHEREAS, the audit, as presented to the city council on November 22, 2021, has been found to meet generally accepted accounting standards and required reporting provisions of state and local law.

NOW, THEREFORE, BE IT RESOLVED, the City of Swartz Creek approve the 2020-2021 Fiscal Audit Report prepared by Plante-Moran, a copy of which is attached hereto, and further, direct such to be published, distributed, circulated and placed on file in a manner prescribed by law.

Discussion Ensued.

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

RESOLUTION TO REFUSE AUTOMATIC TRANSFER OF TAX REVERTED PROPERTIES

Resolution No. 211122-06

(Carried)

Motion by Councilmember Pinkston
Second by Mayor Pro Tem Hicks

WHEREAS, MCL 211.78 m(6) provides that foreclosed properties unsold at the mandatory yearly auction shall be listed and provided by the county treasurer to

the clerk of the appropriate local jurisdiction, with said property to be transferred to said local unit of government; and

WHEREAS, the statute allows the local unit to object to the transfer and the Genesee County Treasurer will accept such objections, as written or directed by the city council, through December 30, 2021; and,

WHEREAS, the City Council finds the properties in question, 9072 Luea Lane and 9070 Luea Lane to be vacant and unbuildable units with little or no public value; and,

WHEREAS, the Genesee County Land Bank, the Carriage Commons Condominium Association and/or similar entities, are found to be better suited to maintain and manage these properties.

NOW, THEREFORE, BE IT RESOLVED THAT the Swartz Creek City Council objects to the automatic reversion of 9072 Luea Lane and 9070 Luea Lane to the City and directs the city manager to act on the city council's behalf to send written notice affirming this objection to the Genesee County Treasurer's Office by December 30, 2021.

Discussion Ensued.

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

RESOLUTION TO APPROVE STREET USAGE PERMIT FOR THE ANNUAL FIRE DEPARTMENT CHRISTMAS PARADE & A HOLLAND SQUARE USAGE PERMIT FOR THE ANNUAL TREE LIGHTING AND MARKET

Resolution No. 211122-07

(Carried)

Motion by Councilmember Florence
Second by Councilmember Henry

WHEREAS, the City of Swartz Creek issues street closure permits and public plaza usage permits for the purposes of holding public events from time-to-time; and,

WHEREAS, the Swartz Creek Area Firefighters Association has submitted an application for such a street closure for the purposes of hosting an annual Christmas parade in downtown Swartz Creek, as well as an application to use Holland Square and the adjacent streets for a Christmas Market and Tree Lighting event; and,

WHEREAS, the Chief of Police finds the application satisfactory and the City Council finds the time, place, and manner of the parade and related events to be conducive to the health, safety, and welfare of the community.

NOW, THEREFORE, BE IT RESOLVED THAT the City of Swartz Creek accept the Chief of Police's recommendation and approve the Swartz Creek Area Fire Fighters Association's Street Usage Application to hold an annual Christmas Parade on Saturday, December 4, 2021 from 6:00 PM to 10:00 PM (Miller from Hayes to Morrish), route, stipulations and conditions as set forth in the application packet, a copy of which is attached hereto, under the direction and control of the office of the Chief of Police.

BE IT FURTHER RESOLVED THAT the City of Swartz Creek City Council hereby approves the Swartz Creek Area Fire Fighters Association's Municipal Property Reservation form to hold an annual Christmas Market and tree lighting event on Saturday, December 4, 2021 from 8:00 AM to 9:00 PM, with lot closure and conditions as set forth in the application packet, a copy of which is attached hereto, under the direction and control of the office of the Director of Public and Community Services.

BE IT FURTHER RESOLVED THAT the City of Swartz Creek City Council hereby authorizes and directs the Mayor to ensure quality weather, not too hot or too cold, with just the right amount of seasonal snow, for said events.

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

NO: None. Motion Declared Carried.

COMMISSION APPOINTMENTS

Resolution No. 211122-08

(Carried)

Motion by Councilmember Henry

Second by Councilmember Fountain

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

WHEREAS, there exist vacancies in a number of said positions; and

WHEREAS, said appointments are Mayoral appointments, subject to affirmation of the city council.

NOW, THEREFORE, BE IT RESOLVED THAT the City of Swartz Creek hereby supports the preservation application for Miller Road, from Morrish to North Seymour, in the total amount of \$1,346,197, and further commits to matching \$269,239 in local funds to the project.

BE IT FURTHER RESOLVED THAT the City of Swartz Creek hereby supports the preservation application for Seymour Road, from the south city limits to Miller Road, in the total amount of \$1,356,858, and further commits to matching \$271,372 in local funds to the project.

Discussion Ensued.

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

NO: None. Motion Declared Carried.

RESOLUTION TO AMEND THE 2021-2022 COUNCIL MEETING SCHEDULE

Resolution No. 211122-10

(Carried)

Motion by Mayor Pro Tem Hicks
Second by Councilmember Henry

WHEREAS, Act 261 of the Public Acts of the State of Michigan of 1968, as amended, requires a public notice of the schedule of regular meetings of the Swartz Creek City Council be given once each calendar year or fiscal year and that said notice shall show the regular dates and times for the meeting and the place at which meetings are held; and

WHEREAS, the Act directs that notice be posted prominently at the principle office of the City of Swartz Creek or at the public building at which meetings are held or published in the newspaper of general circulation in Swartz Creek, and

WHEREAS, the city council adopted a schedule for the 2022 fiscal year on June 14, 2021 but now finds it desirous to alter the start time of the December 13, 2021.

NOW, THEREFORE, pursuant to the Act, public notice is hereby given that regular meeting of December 13, 2021 shall be held in the Paul D. Bueche Municipal Building Council Chambers located at 8083 Civic Drive, Swartz Creek, Michigan, 6:00 P.M.

BE IT FURTHER RESOLVED that the Clerk is hereby directed to post a copy of this resolution in a prominent place in the City Offices of the City of Swartz Creek.

BE IT FURTHER RESOLVED that the City Clerk is hereby directed to supply forthwith, upon request, a copy of this resolution to any newspaper of general circulation in the political subdivision in which the meetings will be held and/or to

any radio or television station that regularly broadcasts into the City of Swartz Creek.

Discussion Ensued.

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

NO: None. Motion Declared Carried.

RESOLUTION TO APPROVE CHANGES TO THE CHART OF ACCOUNTS WITH A BUDGET ADJUSTMENT

Resolution No. 211122-11

(Carried)

Motion by Councilmember Pinkston
Second by Mayor Pro Tem Hicks

WHEREAS, Act 621 of P.A. 1978 provides for a uniform budgeting system for local units of government; and

WHEREAS, Act 275 of P.A. of 1980 further prohibits deficit spending by local units of government; and

WHEREAS, the City Council has reviewed the City's 2021 – 2022 budget and finds that it desires to alter the chart of accounts to simplify the budgeting and accounting processes; and

WHEREAS, the City Council has received the current chart of accounts and proposed chart of accounts and finds that no additional revenues or expenses are proposed.

THEREFORE BE IT RESOLVED, the Swartz Creek City Council hereby authorizes and directs the city treasurer to make all necessary budget adjustment amendments in accordance with the supplemental documentation (pages 81 to 83) attached.

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

NO: None. Motion Declared Carried.

RESOLUTION TO APPROVE A PROFESSIONAL SERVICE AGREEMENT WITH CBIZ BENEFITS & INSURANCE SERVICES, INC. (CBIZ) FOR ACTUARIAL VALUATION OF THE CITY'S RETIREE HEALTH CARE COSTS

Resolution No. 211122-12

(Carried)

Motion by Councilmember Henry
Second by Councilmember Fountain

WHEREAS, the City of Swartz Creek offers certain Other Post-Employment Benefits (OPEB), in the form of health care contributions or premium payments, in addition to pension benefits, and

WHEREAS, the City currently provides for payment of said benefits on a pay-as-you-go basis, and

WHEREAS, the Governmental Accounting Standards Board (GASB) has set standards and released Statements 67, 68, 74, & 75 which require actuarial valuations on said OPEB expenses, said statements to be performed for fiscal year ending June 30, 2017 and subsequent fiscal years, and

WHEREAS, the City also seeks to determine the current liability of said benefits and the ongoing contributions required to fund said benefits as part of its annual budgeting process, and

WHEREAS, CBIZ is recognized as a qualified and competent professional service company, under Ordinance Section 2-402, that is able to perform such actuarial studies with approval of the City Council.

NOW, THEREFORE, BE IT RESOLVED the City of Swartz Creek City Council approves the completion of the Administration Services Agreement dated December 1, 2021 for such professional services, with total costs for the engagement not exceeding \$12,600, for a period of three years, as outlined in the proposal.

BE IT FURTHER RESOLVED, that the City Council directs the City Manager to execute said proposal on behalf of the city and for the city finance director to appropriate such costs to all impacted funds as appropriate.

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

MEETING OPENED TO THE PUBLIC:

Erik Jamison thanked council for approving the Christmas Events.

REMARKS BY COUNCILMEMBERS:

Councilmember Florence commented he was having computer issues tonight.

Mayor Pro Tem Hicks will be into City Hall next week to set up the curio cabinet.

Mayor Krueger wished everyone a Happy & Blessed Thanksgiving.

ADJOURNMENT

Resolution No. 211122-13

(Carried)

Motion by Councilmember Henry
Second by Councilmember Fountain

I Move the Swartz Creek City Council adjourn the regular meeting of
November 22, 2021, at 8:19 p.m.

Unanimous Voice Vote.

David A. Krueger, Mayor

Connie Olger, City Clerk