

**City of Swartz Creek  
AGENDA**

**Special Council Meeting, Monday, April 28, 2014, 6:00 P.M.  
City Hall Building, 8083 Civic Drive Swartz Creek, Michigan 48473**

1. **CALL TO ORDER:**
2. **INVOCATION AND PLEDGE OF ALLEGIANCE:**
3. **ROLL CALL:**
4. **MOTION TO APPROVE MINUTES:**  
4A. Special Council Meeting of April 14, 2014 MOTION Pg. 21
5. **APPROVE AGENDA**  
5A. Proposed / Amended Agenda MOTION Pg. 1
6. **REPORTS & COMMUNICATIONS:**  
6A. City Manager's Report (Agenda Item) MOTION Pg. 2  
6B. Land Sale Policy Pg. 28  
6C. Solicitation Ordinance Pg. 36  
6D. CDBG Engineering Estimate Pg. 39  
6E. MML Loss Control Findings Pg. 44  
6F. Art Fair Request Pg. 49  
6G. Roadside Market Concept Pg. 63  
6H. Property Assessment List Pg. 77  
6I. AT&T Term Sheet Pg. 81  
6J. Comcast Update Pg. 86  
6K. Police Department Monthly Report Pg. 87  
6L. Park Board Minutes, February 26, 2014 Pg. 96  
6M. Budget Materials 98 & Attached
7. **MEETING OPENED TO THE PUBLIC:**  
7A. General Public Comments
8. **COUNCIL BUSINESS:**  
8A. Land Sale Policy RESO Pg. 13  
8B. Solicitation Ordinance RESO Pg. 14  
8C. CDBG Engineering Estimate RESO Pg. 17  
8D. Art Fair Request for Elms Park RESO Pg. 18  
8E-N. Commission Appointments RESO Pg. 18  
8O. Roadside Market Concept RESO Pg. 19  
8P. 2014 Summer Property Assessments RESO Pg. 20  
8Q. Budget Workshop DISC NA
9. **MEETING OPENED TO THE PUBLIC:**
10. **REMARKS BY COUNCILMEMBERS:**
11. **ADJOURNMENT:** MOTION

**City of Swartz Creek**  
**CITY MANAGER'S REPORT**  
Special Council Meeting of Monday, April 28, 2014 - 6:00 P.M.

**TO:** *Honorable Mayor, Mayor Pro-Tem & Council Members*  
**FROM:** Adam Zettel, City Manager  
**DATE:** April 22, 2014

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**OLD / ROUTINE BUSINESS – REVISITED ISSUES / PROJECTS**

- ✓ **MAJOR STREET FUND, TRAFFIC IMPROVEMENTS** *(See Individual Category)*
  - MORRISH ROAD BRIDGE PROJECT** *(No Change of Status)*  
The hearing with MDOT is scheduled for May 5, 2014.

The disagreement over the payment due, if any, for the bridge railing feature continues. The city is refusing \$16,000 in payment because the work quality is terrible, out of specification, and likely to be a financial hardship in the future for maintenance purposes. The contractor is disputing the complete withholding of payment, and they indicated they would make one last final-and-best offer. As of writing, no such offer has been received. Instead, they have submitted another claim letter to the MDOT, seeking a regional hearing. The 5% offer is at stake since any decision made at the regional level is binding, but I stand by the prior decision of the city council in this regard. Moving forward is the right thing to do.

- MILLER ROAD RESURFACING PROJECT** *(No Change of Status)*  
OHM is going to begin working on design engineering for Miller Road between Morrish and Dye. When preliminary work is completed, we will be back to discuss design options and costs. What follows is the background as written in the initial report.

*Miller Road is in bad shape east of Morrish. The county Traffic Improvement Program (TIP) has scheduled funding to assist with these repairs for the summer of 2015 (we may do this over two years to better fund the project). The repairs would include milling of asphalt and resurfacing. No reconstruction is proposed.*

*The section from Morrish to Elms would be redone as it is currently configured. The section from Tallmadge Court to Dye Road is proposed to be done as three lanes with bike lanes, to match what is done elsewhere on Miller. This configuration could pose some issues, but there may be opportunities here as well.*

*The road is extremely wide east of Tallmadge Court. This section has shoulders and ditching heading east until the Heritage Plaza area, where the road is curbed. The road width for these distances exceeds 70 feet in some areas, and only 48 feet are needed for the three lane concept. This poses some obvious questions.*

One possible solution is to perform a road diet in which the curb (likely the south side only) is brought in a lane width or two to meet modern needs. The reasons this may be a good idea include:

1. Traffic counts are much lower now with SPO operations and the extra lanes are simply not required.
2. Some yards on the south side of Miller are virtually non-existent. An extra 20 feet of yard could add much use value to the homes and future potential commercial.
3. Shrinking the road will shrink on-going maintenance costs and future repair costs substantially.
4. Shrinking the road would also lower speeds to match what is observed to the east in Flint Township and to the west.
5. A realigned curb would allow for an off-street path that would connect Swartz Creek to the Genesee Valley Trail (I am looking into grant funding for this).

Another option is to provide fewer lanes on the road and use hatch marks to eliminate travel near the shoulders. This is not recommended. It would not provide the benefits listed above, and it would look downright stupid.

The last option is to mark the road to match the current configuration. The benefits noted above would not present themselves, but the status quo would be maintained.

Cost estimates are as follows:

<b>Morrish to Elms</b>			
	Federal Funds	Local Match	Total Cost
Preliminary Engineering	\$71,553.00	\$17,888.00	\$89,441.00
Construction Engineering			\$0.00
Construction	\$814,272.00	\$203,568.00	\$1,017,840.00
<b>Total Project Cost</b>	<b>\$885,825.00</b>	<b>\$221,456.00</b>	<b>\$1,107,281.00</b>
<b>Tallmadge to Dye</b>			
	Federal Funds	Local Match	Total Cost
Preliminary Engineering	\$71,865.00	\$17,966.00	\$89,831.00
Construction Engineering			\$0.00
Construction	\$817,825.00	\$204,456.00	\$1,022,281.00
<b>Total Project Cost</b>	<b>\$889,690.00</b>	<b>\$222,422.00</b>	<b>\$1,112,112.00</b>

Note: Construction engineering is included in the construction cost total, equating to about \$130,000 per project.

- ✓ **MI-DEQ SCRAP TIRE GRANT PROJECT #1, PARKING LOTS** (No Change of Status)  
We've received a notice of award for \$136,904 from the MI-DEQ Scrap Tire Grant Program. We applied for a couple of our parking lots, being Public Safety Building and the north alley lot behind Hank & Don's.

The estimated total project costs have changed, along with some of the revenues. The changes include the water main addition, the alley hardscape, and the Meijer sidewalk. The breakdown on fund allocation is listed. The current budget includes approximately \$170,000 of general fund money for this purpose. The additional funds are not yet budgeted. We will look to bring this up for the FY 2015 budget. The new estimates are as follows:

**Project Costs**

Public Safety/Civic Drive	\$190,000
Sidewalk	\$30,000
Downtown Alley/Parking	\$65,000
Alley Enhancement (includes lighting, landscaping, retaining wall, railing, and colored concrete)	\$65,000
Water main Loop (for ductile iron water main)	\$80,000
Design/Construction Engineering	\$71,350
Total Project Cost	\$501,350

**Fund Sources**

Scrap Tire Grant	\$136,000
Meijer Contribution	\$10,000
Local Match	\$354,446

**Fund Impact**

Total Cost	\$501,350
Scrap Tire Grant	\$136,904
Meijer	\$10,000
CDBG (Pending)	\$29,000
Water Fund	\$103,158
General Fund	\$222,288

This proposal will likely change again! We met with the engineer and some of the property owners downtown. Recent revelations based upon the survey and owner preferences indicate that the water main work will not be practical or desirable at this time. This means that the alley resurfacing may not be in the cards either. However, this will allow the city to focus on resurfacing Civic Drive or to add additional features to the public parking area downtown, such as landscaping or a dumpster enclosure for the users in the Hank and Don’s building. We may be able to free up a 3-4 parking spots while we are at it. More updates will follow as a more final engineering scope and estimate is prepared.

- ✓ **WINCHESTER STREETS** *(No Status Change)*  
The streets in the village could be the next ‘big thing’ for the community. There will be a number of options here, but it will take some time to research these. I hope to bring this up during the budget and begin engaging the city council and/or public after the new fiscal year starts.
- ✓ **WATER – SEWER ISSUES PENDING** *(See Individual Category)*

❑ **SEWER REHABILITATION PROGRAM** *(No Change of Status)*

We will begin work on the approved lining and inspection projects as soon as possible. A plan for the next five years will be forthcoming.

❑ **BEAR CREEK SANITARY SEWER AGREEMENT** *(No Change of Status)*

WWS advises that now that we have cleared the sanitary sewer concerns as it relates to the main that crosses the creek at the bridge, they'll begin preparing agreements for transfer of the main to the County. As soon as I get a draft of the agreement, I'll set the matter up for discussion on the terms.

❑ **KWA** *(No Change of Status)*

The city enacted a pass-along increase beginning after the first of the year for the first phase of the debt retirement for the KWA. Costs for future service are very uncertain and will undoubtedly rise much. Despite that, I believe that we need to look at local increases to support a local capital improvement program for aging infrastructure. This may not amount to much, but we need to start somewhere. If we simply pass along increase from the other authorities, we will not even be able to keep up with inflationary increases for operating.

On the bright side, those continuing to purchase Detroit water may find rates tripling! This could encourage Oakland County to join the KWA or make rates in Genesee County even more competitive. I have attached an interesting Free Press Article on the matter.

❑ **STORM SEWER** *(No Change of Status)*

Mr. Svrcek has been working with the Michigan Department of Environmental Equality on some permitting issues that every city in the urban area of the county is dealing with. We are not thrilled with the expectations. What appears to be the heavy hand of the DEQ may put us out of the business of providing many basic services, or at least radically changing the way we do business. This could result in many new ordinances and expenses regulating a variety of practices including how we store road salt, where we can dump street sweepings, and how residents can discharge a pool. We will likely be addressing this in mid-summer, but we want to take our time due to the wide reaching effect that this could have on the community.

✓ **PERSONNEL: POLICIES & PROCEDURES** *(Update)*

I have a couple templates that I am looking at with some of the supervisors. The police department has an extensive handbook that is updated regularly. We expect to adopt a similar (but different) set of policies to cover all other employees.

✓ **CITY PROPERTY, 4438 MORRISH ROAD & THIRD STREET** *(Update)*

The tentative DDA budget includes some funds for demolition of these structures. Tom and I are looking at prices, unless there is an objection from the council. The city council will need to approve any demolition actions and costs. If and when this is completed, the city can begin planning for potential uses on these properties.

✓ **LABOR CONTRACTS, SHARED SERVICES, BUILDING DEPARTMENT** *(Update)*

The administrative assistant that covered the clerical duties at the police department has been off on leave since early March. This has created a number of issues concerning the clerical coverage and duties for the police department and city hall. Our

short term solution has been to cover those duties and that location with administrative assistants on a rotating basis. However, this is becoming problematic for a number of reasons.

Since the leave is likely to continue for some months, we have temporarily closed the clerical office of the police department. The police department and offices of the chief, detective, lieutenant, and patrol officers remain unchanged. For the time being, the phone lines for police and all clerical duties will be associated with and carried out at the city offices. We have already transferred all of the required hardware, software, and data to do this. A press release has also been sent to the Swartz Creek View.

For the next couple months, we will monitor the situation. If things operate smoothly, staff may recommend keeping this arrangement, even when we are back to full staffing levels. We suspect that this setup will be more efficient on a number of levels, including the potential to remain open during the lunch period. Currently, both offices are closed from 12-1pm. We will keep you informed.

The finance director vacancy issue has been solved. However, there is another issue that may have shed some light on a new opportunity. The city is down one AFSCME position through June. The vacancy is the administrative assistant position at the public safety building. Covering both buildings has been a challenge for the remaining staff. One idea to deal with the problem is to close the public access to the public safety building and bring those services to city hall. I am working with Ms. Aguilar and Chief Clolinger to see if this concept can be implemented and what the costs and benefits of doing so would be.

At this point, the idea would be to keep the chief, detective, and patrol positions at the public safety building and move the public access features and secretarial work to city hall. This would include the police department phone system and access to public safety databases. We believe this arrangement could have a lot of upside when we are back to full strength. The city would be able to cross train all positions and potentially cover the front desk area during lunch (right now, all buildings close between 12pm and 1pm). I will keep the city council informed.

The potential for additional shared services with Mundy Township, perhaps with police services, is still a likely topic for future discussion.

✓ **FIRE DEPARTMENT: COST RECOVERY & APPARATUS** *(Update)*

The fire board is at the end of their bidding process for a new piece of equipment. At this point, the council will be asked to support such a purchase. I expect the cost to the city to be between \$170,000 and \$200,000. This could be spread over 3-5 years without interfering with another purchase. Either way, there is a need to plan for ongoing equipment purchases, thereby requiring the city to contribute something each year in the form of a depreciation expense, equipment rental, or an equipment fund allocation. I suspect this amount needs to be about \$30,000 annually.

✓ **SPRINGBROOK EAST & HERITAGE S.A.D. – VACANT LOTS** *(No Change of Status)*  
Following are issues pending for the three Associations:

<b>SPRINGBROOK COLONY</b>	<b>SPRINGBROOK EAST</b>	<b>HERITAGE VILLAGE</b>
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<i>Transfer Water, Sanitary Sewer, Storm Sewer to City.</i>	<i>Seek Solution for 12 Vacant Lots Owned by City.</i>	<i>Transfer Water, Sanitary Sewer, Storm Sewer, Streets to City. Seek Solution for 5 Vacant Lots Owned by City.</i>
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We are live with maintenance of utilities in Springbrook.

I will work on a land sale policy in the near future. A very rough draft is done, but this can probably wait till we finish our budget.

Heritage Village utility and street transfers are in the works again. I will keep the council posted.

✓ **MEIJER COMMUNITY DONATION** (*Status*)

Regarding the Meijer Community Donation, we are still looking at several options for consideration, one of which is a sidewalk segment that would accompany the parking lot tire grant work we are looking to do. The costs for this may be a burden. I will be looking at options with Mr. Svrcek and bouncing those off the council and Meijer.

✓ **EVIP COMPETITIVE GRANT ASSISTANCE PROGRAM** (*Update*)

A state senate committee is proposing to do away with EVIP and increase revenue sharing. This would certainly be a step in the right direction. As I indicated in an email this week, the increase will likely generate \$10,000-\$20,000 for the city. However, the MML indicates that our city is short \$220,000 this year due to changes to revenue sharing disbursements, and we have lost about \$1.6 million over the last 12 years. So, forgive me if I am not jumping for joy at this apparent change of direction.

✓ **WINCHESTER WOODS LOTS** (*No Change of Status*)

I suggest we delay any sales or negotiations until and land sale policy is adopted. Prior to the last meeting, staff notified the interested parties that a sale will not be forthcoming anytime soon. They do not appear to be in a hurry and will await the council's decision.

I want to take a harder look at the development of this area. Previously, the city considered an assessment that would provide drainage, curbs, gutters, road construction, street lights and sidewalks. The price per lot was absurd. I think the goal should be to make these lots buildable for quality homes. The city could probably achieve this with less intensive ditching and surfacing of the roads, sans the underground drainage system, lights, curbs, and sidewalks. This would drastically reduce the scope of the project.

A sale of lots to an adjacent property owner could compromise the success of any special assessment for improvements and the ability to use these lots for single family homes.

✓ **NEWSLETTER** (*Update*)

The newsletter is being printed as I write this, and should arrive to occupants within our city shortly.

✓ **SEWER RATES** (*No Change of Status*)

They are going up. I suggest we look at increasing ours to cover our costs and any projected deficit that is apparent. Unless there is such an objection, staff will plan to do so as the anticipated budget progresses.

✓ **RENTAL REGISTRATION AND INSPECTIONS** (*No Change of Status*)

We have begun preparing for a rental registration program. One of the first steps will be to adopt the property maintenance code. Now that this is done, I will be working with Mr. Johnson and the council to begin developing a program that is compatible with our community goals.

✓ **WINSHALL PAVILION** (*Update*)

Repairs have been ordered using the insurance provider's contractor. We have already received a check for the estimated repairs. The contractor, who was selected by our insurance carrier, is taking their sweet time. In fact, I have requested another contractor. We have been waiting for about a month, and they have not even affirmed they can do the job. This may take a little longer than anticipated. I have passed along some displeasure at the choice of contractor to our insurance provider.

✓ **MML LOSS CONTROL RESPONSE** (*Update*)

The Michigan Municipal League provides workers' compensation, property, and general liability insurance for the city. Each year, they review claims, coverage, and risk with city staff and deliver a report with their findings. Their findings, along with some recommendations, are attached.

As noted, the city has a great claim history in all categories. There is nothing remarkable to report. However, there are a few recommendations. They include employee training, policy development, and facility management elements. All of these recommendations are reasonable and should be something that city staff can accommodate without anything more than a nominal expense. My responses are noted.

✓ **OTHER COMMUNICATIONS & HAPPENINGS** (*Update*)

The only additional communication of note is a proposal on behalf of AT&T. They lease space on the cell tower on Elms Road, north of the creek. They own the tower and use it for cellular communications.

Anyways, the city is constantly being asked to sell interests in these leases for lump sum payments. In essence, companies ask the city if it is willing to give up lease revenues for a lesser amount than is guaranteed. An example would be, "we will give you \$100 today for a lease that pays \$15 a year for the next ten years." In theory, this may be a good deal for the private sector, since investments could take the up-front sum and generate as much or more revenues. However, our investments return less than 1% a year.

This is a similar option. AT&T is asking for exactly this type of arrangement OR for a decrease in rent in exchange for 36 months of guaranteed rent at a discounted rate. They indicate that they may eliminate this tower location and this offer would guarantee revenues where they could otherwise disappear. Frankly, it is possible that this could happen, but I doubt it. If AT&T can eliminate this tower, then they are

probably destined to do so in or around this 36 month timeframe anyways. I don't see the rental savings changing that. The current lease amount is \$1,469 a month with a 20% escalator every 5 years. The impact on the general fund to take this offer would be about \$5,600 in the first year.

Summarily, I plan to let this go unless any member of the council chooses to discuss it further. At best, we continue to collect higher rents for the foreseeable future. At worst, we lose an untenable income stream a bit early.

✓ **BOARDS & COMMISSIONS** *(See Individual Category)*

☐ **PLANNING COMMISSION** *(Update)*

The planning commission reviewed the land sale policy at April meeting as requested by the city council. A couple minor changes were made. This is back in front of the city council at this meeting due to a high demand for city lots in Springbrook East.

☐ **DOWNTOWN DEVELOPMENT AUTHORITY** *(Update)*

The DDA met again in April. It appears there will be over \$100,000 of revenues in the DDA budget this year. This amount is unprecedented. In fact, they have not had any tax revenues in about five years. With the new revenues looking more secure, the board amended their budget to include an additional contribution to the public safety parking lot and potential demolitions of houses on city owned property downtown. Details are in the city budget.

☐ **ZONING BOARD OF APPEALS** *(No Change of Status)*

The ZBA is not up to much lately. Their annual meeting was held on March 19, 2014. All officers were reinstated.

☐ **PARKS AND RECREATION COMMISSION** *(No Change of Status)*

This commission is very active recently. They met on February 26<sup>th</sup> at 6pm at city hall to discuss a number of issues. Though there is not much of a budget, they will continue to work on one, if not two, tree grants as they have in years past. They are also working with some school groups for some spring volunteer clean up opportunities. Ultimately, they are hoping that there could be some funds available for rehabilitation work this summer. I indicated that the city could apply for a Department of Natural Resources Recreation Passport Grant and match any such funds with up to \$30,000 in state funds. The downside is that such a grant would be for the 2015 season. They feel this may still be the way to proceed. The work could include sprucing up Elms park bathrooms, ball diamonds, forestry, trails, and related work.

## **NEW BUSINESS / PROJECTED ISSUES & PROJECTS**

✓ **LAND SALE POLICY** *(Resolution)*

The city council reviewed a draft land sale policy recently and deferred a detailed review to the planning commission. The planning commission reviewed the policy and recommends approval with minor adjustments, including the elimination of superfluous language regarding development agreements. The commission agreed with the intent of the policy and felt it provided sound guidance with the right amount of flexibility to

effectively and efficiently transfer surplus city properties. The policy is back in front of the city council for approval. In the interest of being able to move forward with the sale of developable lots, I recommend the council approve this. Note that this is a set of guidelines and that such policies can be changed rather quickly should the council feel overly constrained or uncertain of requirements.

✓ **SOLICITATION ORDINANCE** (*Resolution*)

The city council indicated that some changes were definitely needed to our solicitation ordinance based upon reviews by the attorney. However, there were some questions about how such an ordinance would impact non-commercial efforts (including volunteer groups, political groups, and school fundraisers). There was also some concern about the complexity of the draft ordinance and whether private associations had additional solicitation regulation rights.

Mr. Gildner has submitted a revised draft that I believe takes all concerns into account. He also included a letter that addresses his opinion on the ability of home owner associations to regulate or control solicitation. I know the council prefers action when possible, so I included this as an ordinance amendment instead of a discussion item. Obviously, more deliberation and/or drafting is still possible.

✓ **CDBG ENGINEERING ESTIMATE** (*Resolution*)

The aesthetic improvements to the alley and Morrish Road street scape have been separated from the parking lot improvement bid. The reason for this is to separate the expenses of the CDBG grant and the other work. If the CDBG project is included in the parking improvements, then all federal requirements, including higher wages and reporting, apply to all project elements. This would have created a lot of paper work and increased costs.

Since the projects are separated for construction, they are also separated in regards to preliminary and construction engineering. I have included the estimate from Rowe Professional Services for these services, and I have also included the cost estimate for construction. Note that the DDA has opted to cover up to \$20,000 for these improvements, in addition to the \$29,100 of CDBG funds. However, engineering in this fiscal year does not have a funding mechanism. As such, I prepared a resolution to cover such expenses as part of the parking lot project. If contributions from the DDA and CDBG exceed expenses, part of the DDA contribution can offset the parking improvements occurring after July 1. I can better explain this at the meeting if the council wishes to hear my beautiful voice for a while.

✓ **ART FAIR REQUEST FOR ELMS PARK** (*Resolution*)

The local non-profit that runs the art guild is looking to pick up where the Kiwanis Club left off and hold an art fair in Elms Park. They are essentially planning the same event as the Kiwanis held, and they are requesting permission to use the park for the weekend of September 13-14. There are no reservation conflicts at this point in time, and I see no reason why this cannot be done.

I know there was some concern about allowing full-park use of any park facility by community groups. At some point, this could become unmanageable or unfair unless a policy is created. I think that staff can work with the park board and city council to

create such usage guidelines. For the time being, we are able to manage the requests we get (this is the only one for 2014) so I think we should proceed.

✓ **COMMISSION APPOINTMENTS** (*Resolutions*)

In March, Mr. Todd Beedy was appointed to the DDA for the remainder of Mr. Hull's term. Unfortunately, that term ended on March 31, 2014. The fix? Reappoint him for the next term.

The mayor is also recommended Mr. Robert Plumb for the alternate position on the Zoning Board of Appeals. All other appointments are extensions of terms for existing appointees.

✓ **ROADSIDE MARKET CONCEPT** (*Resolutions*)

The Swartz Creek DDA, with support from the city, has operated a farmers market nearly every year since the mid-2000s. Some years, the market has been strong, and other years it has not been. The last couple years have not been very good, especially with key vendors opting to go to other markets like Grand Blanc. Since the market has always had a cost to it, the obvious question before the DDA and city is whether to continue to financially support it.

Options that we have investigated include:

1. Funding the market at a high level, perhaps over \$10,000 a year, to see if it can be revived.
2. Dropping the market altogether.
3. Supporting the market like we have in the last few years, with similar results expected.
4. Allowing the market to be run by vendors, at little or no cost.

Option 4 has been recommended by the DDA. This would essentially enable the city to permit vendors to sell from their stands at a time of their choosing. They would need to follow vending rules and get a background check, similar to park concession/vending rules elsewhere.

From a practical standpoint, this will probably result in one or two of the staple vendors returning on Sundays in an unsupervised fashion. There may be some volunteers that will assist in marketing or operating the market no matter what form it takes, but this strategy has not worked out well in the past.

✓ **ANNUAL ASSESSMENTS: WATER-SEWER-WEEDS & SPECIAL** (*Resolution*)

Included with tonight's agenda is a resolution to assess delinquent water, sewer, weeds and special assessments (Heritage and Springbrook East). Included is a static list of outstanding delinquents. This list may change before the tax bills go out, depending on payments we get in.

✓ **BUDGET WORKSHOP** (*Discussion*)

The budget situation is more developed, and staff has done some research on potential alternates for known issues, especially in the waste fund. Changes have been made to reflect the staff-recommended course of action. Lively discussion shall ensue.....

### **Council Questions, Inquiries, Requests and Comments**

- *Additional Lighting, Miller – Fairchild Intersection.* We are back trying to get a review by Consumers Energy.
- *Parkridge Parkway “No Parking Signs”.* They are missing in the back phase near Hickory Lane. We are working to replace them, but it will likely be when the ground thaws.

**City of Swartz Creek  
RESOLUTIONS  
Special Council Meeting, Monday, April 28, 2014, 6:00 P.M.**

**Resolution No. 140428-4A                      MINUTES – APRIL 14, 2014**

Motion by Councilmember: \_\_\_\_\_

**I Move** the Swartz Creek City Council approve the Minutes of the Special Council Meeting held Monday April 14, 2014, to be circulated and placed on file.

Second by Councilmember: \_\_\_\_\_

Voting For: \_\_\_\_\_

Voting Against: \_\_\_\_\_

**Resolution No. 140428-5A                      AGENDA APPROVAL**

Motion by Councilmember: \_\_\_\_\_

**I Move** the Swartz Creek City Council approve the Agenda as presented / printed / amended for the Special Council Meeting of April 28, 2014, to be circulated and placed on file.

Second by Councilmember: \_\_\_\_\_

Voting For: \_\_\_\_\_

Voting Against: \_\_\_\_\_

**Resolution No. 140428-6A                      CITY MANAGER’S REPORT**

Motion by Councilmember: \_\_\_\_\_

**I Move** the Swartz Creek City Council approve the City Manager’s Report of April 28, 2014, to be circulated and placed on file.

Second by Councilmember: \_\_\_\_\_

Voting For: \_\_\_\_\_

Voting Against: \_\_\_\_\_

**Resolution No. 140428-8A                      LAND SALE POLICY**

Motion by Councilmember: \_\_\_\_\_

**I Move** the City of Swartz Creek City Council approve the land sale policy as included herein for use by the city staff and council.

Second by Councilmember: \_\_\_\_\_

Voting For: \_\_\_\_\_

Voting Against: \_\_\_\_\_

**Resolution No. 140428-8B SOLICITATION ORDINANCE AMENDMENT**

Motion by Councilmember: \_\_\_\_\_

**I Move** the City of Swartz Creek ordain:

**CITY OF SWARTZ CREEK**

**ORDINANCE NO. 414**

AN ORDINANCE TO AMEND CHAPTER 12 OF THE CODE OF ORDINANCES OF THE CITY OF SWARTZ CREEK TO REGULATE PEDDLERS AND SOLICITORS.

**THE CITY OF SWARTZ CREEK ORDAINS:**

**Section 1.** The City hereby amends Section 12 of the Code of Ordinances of the City of Swartz Creek to read as follows:

**Sec. 12-1. Definitions.**

*Person.* An individual, organization, group, association, partnership, corporation, trust, business entity or any combination of the above.

*Commercial solicitation.* Direct and personal communication in the course of a trade or business reasonably intended to result in a sale.

*Sale.* An activity creating an obligation to transfer property or services for a valuable consideration.

*Solicitor.*

- (1) A person who engages in commercial solicitation when traveling either by foot, automobile, motor truck, or other means of conveyance from place to place, from house to house or from street to street.
- (2) The word solicitor shall include but not be limited to the words canvassers, peddler, and hawker.

**Sec. 12-2. License required.**

No person shall be a solicitor and/or solicit in the City of Swartz Creek without first obtaining a license therefor. An application for a license shall be made to the City Clerk. In the event that the application is made by an organization, group, association, partnership, corporation, trust, business entity or any combination of the above, an application must be made for each agent or employee who will be engaging in the act of soliciting.

**Sec. 12-3. Exceptions to license.**

The following activities are exempt from this chapter:

- (1) Solicitations made to a congregation or group in attendance at one location and made by the person

or organization inviting the individuals composing the congregation or group;

- (2) Solicitations made over the radio, television or telephone;
- (3) Any communication by an organization soliciting contributions solely from persons who are members of the organization at the time of the solicitation;
- (4) Any solicitation pursuant to a political candidacy or ballot issue qualified pursuant to "The Michigan Election Law" or "The School Code of 1976" as they are amended from time to time;
- (5) Any peddler traveling on an established route at the request, express or implied, of their customers;
- (6) Salespersons calling on clients, customers or business establishments with whom they have established business relationships at the time of the solicitation;
- (7) The distribution of handbills or leaflets where the individual distributing them does not seek or accept payments, orders or contributions;
- (8) A person handling vegetables, fruits or perishable farm products at any established city farmers' market;
- (9) A person who is not a business or merchant, but who engages in a garage sale whereby they are selling their own items from their household.

**Sec. 12-4. License Application.**

A license application filed hereunder shall furnish the following information:

- (1) Name and description of the applicant.
- (2) Permanent home address and full local address of the applicant.
- (3) A brief description of the nature of the solicitation contemplated.
- (4) If the applicant is an employee, the name and address of the employer, together with the credentials establishing the exact employer/employee relationship.
- (5) The length of time the applicant intends to solicit.
- (6) The place where the wares, merchandise, services, items of personal property or real property are located, manufactured or produced and the proposed method of delivery.
- (7) One photograph of the applicant, it being from the applicant's driver's license or identification card.
- (8) The applicant's social security number.
- (9) A statement as to whether or not the applicant has been convicted of any felony, misdemeanor or violation of any municipal ordinance, the nature of the offense and the punishment or penalty assessed therefor. This statement shall be accompanied by a release allowing the City, including the City police department to conduct a criminal background check.

**Sec. 12-5. Administrative fee and/or license fee.**

An applicant shall pay a reasonable administrative processing fee and/or license fee set by resolution of the City Council when submitting his or her license application.

**Sec. 12-6. Issuance, possession, and presentation of license.**

Upon approval of the license application, the City Clerk shall issue a license and license identification card including the name, address, and photo of the licensed person. The licensed person shall visibly display on their person at all times the license identification card when conducting activities permitted by the license.

**Sec. 12-7. License revocation.**

The City may suspend or revoke a license for violation of this article after reasonable notice and opportunity to be heard. The City may suspend on an emergency basis, without hearing, any license issued to the solicitor when it specifies in the notice of emergency suspension, the reasons and grounds indicating the violation of this article which constitutes the emergency. The notice shall set forth that within 48 hours, at a designated time and place, a hearing shall be held on whether the license shall be permanently suspended or revoked.

**Sec. 12-8. Prohibited activities.**

The following acts or activities shall be prohibited:

- (1) *Prohibited areas.* No solicitor shall obstruct any street, alley, sidewalk or driveway.
- (2) *Litter.* No solicitor shall litter any street, alley, sidewalk, driveway, or private property in the City.
- (3) *Curb service prohibited.* No solicitor shall operate or maintain any stand, vehicle, store or place of solicitation on or near any highway. No solicitor shall be permitted to use the streets, alleys, lanes or public places of the City for soliciting or to use any stands, stores or other places of transaction in any manner that requires the person wishing to participate in a transaction, when engaged in the transaction, to stand within the limits of the streets, highways, alleys or public places of the City.
- (4) *Prohibition of entry upon private property expressly requesting no solicitation.* No solicitor shall enter upon and/or call upon a place of residence or business within the City of Swartz Creek after having been expressly notified by the occupant of the place of residence or business that no solicitation is desired, or if the place of residence or business visibly displays on its property and/or premises a sign indicating "no soliciting", "no solicitation" and/or other language specifically conveying the message that no soliciting is desired.
- (5) *Prohibition of creation of nuisance.* No solicitor shall threaten or annoy any resident of the City in the course of their solicitation or in any way engage in any conduct which is or would tend to create a nuisance.

**Sec. 12-9. Hours of operation.**

Soliciting may take place within the City between the hours of 9:00 a.m. and 8:00 p.m. or sunset, whichever occurs earlier.

**Sec. 12-10. Penalty.**

Any person or persons violating any of the provisions of this article shall be guilty of a misdemeanor and upon conviction thereof, shall be punished by a fine of not more than \$500.00 plus costs of prosecution or by imprisonment for not more than 90 days or by both fine and costs and imprisonment in the discretion of the court.

**Section 3. Effective date.**

This Ordinance shall become effective thirty (30) days after publication.

At a regular meeting of the City Council of Swartz Creek held on the \_\_\_\_\_ day of \_\_\_\_\_, 2014, \_\_\_\_\_ moved for adoption of the foregoing ordinance and \_\_\_\_\_ supported the motion.

Voting for:

Voting against:

The Mayor declared the ordinance adopted.

\_\_\_\_\_  
David Krueger  
Mayor

\_\_\_\_\_  
Juanita Aguilar  
City Clerk

**CERTIFICATION**

The foregoing is a true copy of Ordinance No. \_\_\_\_\_ which was enacted by the Swartz Creek City Council at a regular meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, 2014.

\_\_\_\_\_  
Juanita Aguilar  
City Clerk

Second by Councilmember: \_\_\_\_\_

Voting For: \_\_\_\_\_

Voting Against: \_\_\_\_\_

**Resolution No. 140428-8C      CDBG ENGINEERING**

Motion by Councilmember: \_\_\_\_\_

**I Move** the City of Swartz Creek enter into an agreement with Rowe Professional Services of Flint, Michigan for design and construction engineering services related to the CDBG funded portion of the public alley/streetscape project on Morrish Road, in an amount not to exceed \$4,335 plus 15% contingency, work to be performed in accordance with the professional service scope letter attached and requirements of the Genesee County Metropolitan Planning Commission CDBG program and further, direct the mayor and city clerk to execute any and all necessary documents on behalf of the city, funds to be appropriated from the appropriate department of the General

Fund (101) as required for grant purposes.

**Be it further resolved** that the City Council direct the staff to independently account for and recover potential expenses related to this project through the GCMPC CDBG program, and amount programmed to be \$29,100.

Second by Councilmember: \_\_\_\_\_

Voting For: \_\_\_\_\_

Voting Against: \_\_\_\_\_

**Resolution No. 140428-8D      ART FAIR REQUEST FOR ELMS PARK**

Motion by Councilmember: \_\_\_\_\_

**WHEREAS**, the Swartz Creek Area Art Guild, a local not-for-profit organization, desires to hold an art fair in Swartz Creek for the purpose of raising funds to support the non-profit's activities, and

**WHEREAS**, the previous location for a similar outdoor event is Elms Park; and

**WHEREAS**, the event would consist of a set-up day on Friday, September 12<sup>th</sup> and artist vending activities Saturday, September 13<sup>th</sup> and Sunday the 14<sup>th</sup>. The event will include approximately fifty artists, a food vendor, pavilion use, vendor and patron parking, and overnight camping by the boy scouts (security); and

**WHEREAS**, the city may allow exclusive use (Ord. 11-50), as well as overnight 'sleeping' within a city park (City Ordinances 11-49) with the written permission of the city manager.

**NOW, THEREFORE, BE IT RESOLVED** that the Swartz Creek City Council approve the exclusive use of Elms Park for an art fair on September 12-14, 2014, conditional upon the Swartz Creek Area Art Guild providing insurance for the event naming the city and the event as additional insured parties.

**BE IT FURTHER RESOLVED** that the park fees for the use of park pavilions shall be waived.

Second by Councilmember: \_\_\_\_\_

Voting For: \_\_\_\_\_

Voting Against: \_\_\_\_\_

**Resolution No. 140428-8E-N      COMMISSION APPOINTMENTS**

Motion by Councilmember: \_\_\_\_\_

**I Move** the Swartz Creek City Council concur with the Mayor and City Council appointments as follows:

#140428-8E

**MAYOR APPOINTMENT:**

Zoning Board of Appeals, Alternate

**ROBERT PLUMB**

Remainder of Three-Year Term Expiring June 30, 2016

- #1140428-8F **MAYOR APPOINTMENT:** **TODD BEEDY**  
Downtown Development Authority  
Four-Year Term Expiring March 31, 2018
- #140428-8G **MAYOR RE-APPOINTMENT:** **RODNEY GARDNER**  
Downtown Development Authority  
Four-Year Term Expiring March 31, 2018
- #140428-8H **MAYOR RE-APPOINTMENT:** **PAUL BUECHE**  
Downtown Development Authority  
Remainder of Four-Year Term Expiring November 30, 2017
- #140428-8I **MAYOR RE-APPOINTMENT:** **ERNIE ECKERDT**  
Downtown Development Authority  
Remainder of Four-Year Term Expiring November 30, 2017
- #130624-8J **MAYOR RE-APPOINTMENT:** **DOUG STEPHENS**  
Zoning Board of Appeals  
Three-Year Term expiring June 30, 2017
- #140428-8K **MAYOR RE-APPOINTMENT:** **RONALD SMITH**  
Zoning Board of Appeals  
Three-Year Term expiring June 30, 2017
- #140428-8L **MAYOR RE-APPOINTMENT:** **CARL CONNER**  
Planning Commission  
Three-Year Term expiring June 30, 2017
- #140428-8M **MAYOR RE-APPOINTMENT:** **DOUG STEPHENS**  
Planning Commission  
Three-Year Term expiring June 30, 2017
- #140428-8N **MAYOR RE-APPOINTMENT:** **JOE EDGERTON**  
Board of review  
Three-Year Term expiring June 30, 2017

Second by Councilmember: \_\_\_\_\_

Voting For: \_\_\_\_\_

Voting Against: \_\_\_\_\_

**Resolution No. 140428-8O      ROADSIDE MARKET CONCEPT**

Motion by Councilmember: \_\_\_\_\_

**I Move** the City of Swartz Creek approve the concept of a Roadside Market, to be held on the vacant city property located on the north-west corner of Morrish Road and Fortino Road, and direct the city staff to organize and permit such activities in accordance with the attached guidelines and applications, subject to final DDA and council budgetary appropriations.

Second by Councilmember: \_\_\_\_\_

Voting For: \_\_\_\_\_

Voting Against: \_\_\_\_\_

**Resolution No. 140428-8P**

**ASSESSMENTS: DELINQUENT WATER – SEWER – WEEDS & SPECIAL**

Motion by Councilmember: \_\_\_\_\_

**I Move** the City of Swartz Creek direct the Treasurer to prepare an audit of all outstanding debts owed to the City for delinquent water, sewer, mowing, sidewalk repairs and special assessments related to Heritage Village and Springbrook East Condominium Associations 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 2014 tax collection roll.

Second by Councilmember: \_\_\_\_\_

Voting For: \_\_\_\_\_

Voting Against: \_\_\_\_\_

**CITY OF SWARTZ CREEK  
SWARTZ CREEK, MICHIGAN  
MINUTES OF THE COUNCIL MEETING  
DATE 4/14/2014**

The meeting was called to order at 6:00 p.m. by Mayor Krueger in the Swartz Creek City Council Chambers, 8083 Civic Drive.

Invocation and Pledge of Allegiance to the Flag.

Councilmembers Present: Abrams, Gilbert, Hicks, Hurt, Krueger, Porath, Shumaker.

Councilmembers Absent: None.

Staff Present: City Manager Adam Zettel, City Clerk Juanita Aguilar,

Others Present: Tommy Butler, Denny Pinkston, Bob Plumb, Eric Merriam, Todd Beedy, Ron Schultz, Marty Johnson, Boots Abrams, Mr. C.G. Essex.

**APPROVAL OF MINUTES**

**Resolution No. 140414-01**

**(Carried)**

Motion Councilmember Hurt  
Second by Councilmember Gilbert

**I Move** the Swartz Creek City Council hereby approve the Minutes of the Regular Council Meeting, held Monday, March 24, 2014 to be circulated and placed on file.

YES: Gilbert, Hicks, Hurt, Krueger, Porath, Shumaker, Abrams.  
NO: None. Motion Declared Carried.

**Resolution No. 140414-02**

**(Carried)**

Motion Councilmember Gilbert  
Second by Councilmember Hurt

**I Move** the Swartz Creek City Council hereby approve the Minutes of the Special Council Meeting, held Monday, April 7, 2014 to be circulated and placed on file.

YES: Hicks, Hurt, Krueger, Porath, Shumaker, Abrams, Gilbert.  
NO: None. Motion Declared Carried.

**APPROVAL OF AGENDA**

**Resolution No. 140414-03**

**(Carried)**

Motion by Councilmember Hicks  
Second by Councilmember Shumaker

**I Move** the Swartz Creek City Council approve the Agenda as amended, for the Special Council Meeting of April 14, 2014, to be circulated and placed on file.

YES: Hurt, Krueger, Porath, Shumaker, Abrams, Gilbert, Hicks.  
NO: None. Motion Declared Carried.

**REPORTS AND COMMUNICATIONS:**

**City Manager's Report**

**Resolution No. 140414-04**

**(Carried)**

Motion by Councilmember Shumaker  
Second by Councilmember Hurt

**I Move** the Swartz Creek City Council approve the City Manager's Report of April 14, 2014, to be circulated and placed on file.

YES: Krueger, Porath, Shumaker, Abrams, Gilbert, Hicks, Hurt.  
NO: None. Motion Declared Carried.

Discussion Ensued.

**MEETING OPENED TO THE PUBLIC**

Marty Johnson, Mundy Twp/ Swartz Creek Building Inspector, introduced himself to the council. Mr. Johnson stated that the transition has been smooth so far. Mr. Johnson stated that if anyone needed to get ahold of him, they could call the City offices and he would return the call usually within a few minutes. Mr. Johnson stated that he really enjoys working for the City.

**COUNCIL BUSINESS**

**Fire Apparatus Presentation**

Eric Merriam, Assistant Fire Chief, apologized for the Fire Chief not being able to make it as he is in Las Vegas dealing with the estate of his parents. Mr. Merriam spoke about what the Fire Department is doing to try to get new equipment.

**Special Land Use- Urgent Medical Care Facility**

**Resolution No. 140414-05a**

Motion by Mayor Pro-Tem Abrams  
Second by Councilmember Hurt

**WHEREAS**, a special land use application was received by the city to place an urgent medical care facility in a commercial structure, located at 7070 Miller Road, zoned General Business District, and;

**WHEREAS**, the Planning Commission held a public hearing on this matter and recommended approval of the use to the city council with one condition.

**NOW THEREFORE BE IT RESOLVED** the Swartz Creek City Council, finding the application for a special land use meets all of the general and specific requirements for approval, hereby approves the special land use for an urgent medical care center to be located at 7070 Miller Road, parcel number 58-36-576-012, conditioned upon the following:

1. Hours of operation shall be limited to 10:00 a.m. to 10:00 p.m.

**Resolution No. 140414-05b**

**(Carried)**

Motion by Councilmember Hurt  
Second by Mayor Pro-Tem Abrams

**I Move** the Swartz Creek City Council amend the Urgent Care resolution, striking the condition for approval.

YES: Porath, Shumaker, Abrams, Gilbert, Hicks, Hurt, Krueger.  
NO: None. Motion Declared Carried.

**Resolution No. 140414-05c**

**(Amended)**

Motion by Mayor Pro-Tem Abrams  
Second by Councilmember Hurt

**WHEREAS**, a special land use application was received by the city to place an urgent medical care facility in a commercial structure, located at 7070 Miller Road, zoned General Business District, and;

**WHEREAS**, the Planning Commission held a public hearing on this matter and recommended approval of the use to the city council with one condition.

**NOW THEREFORE BE IT RESOLVED** the Swartz Creek City Council, finding the application for a special land use meets all of the general and specific requirements for approval, hereby approves the special land use for an urgent medical care center to be located at 7070 Miller Road, parcel number 58-36-576-012.

YES: Shumaker, Abrams, Gilbert, Hicks, Hurt, Krueger, Porath.  
NO: None. Motion Declared Carried.

**Heritage Lot Sales Affirmation**

**Resolution No. 140414-06**

**(Carried)**

Motion by Councilmember Porath  
Second by Councilmember Hurt

**WHEREAS**, the City of Swartz Creek City Council passed resolution 131014-09 to offer certain properties in Springbrook East and Heritage Village condominiums for sale to specific interests, based upon certain contingencies, and;

**WHEREAS**, the council subsequently passed resolution 131028-07 to sell five lots in Heritage Village condominium to three buyers, and;

**WHEREAS**, City Charter Section 13.3(b)(2) requires a land sale resolution to be passed in its final form and placed on file for 30 days for public inspection before any sale can be executed, and;

**WHEREAS**, the city council subsequently rescinded these lot sales and directed staff to begin the sale process over, with an understanding that conditions were not required and a previous offer was agreed to by the same council, and;

**WHEREAS**, the potential buyer of two lots described as parcels 58-30-651-092 and 58-30-651-091, the buyers being Jason and LeAnne Minto, have withdrawn their interest in those lots, and;

**WHEREAS**, the City of Swartz Creek City Council approved the sale of two lots to Mr. F. Jack Belzer for a price of \$1,734 each, such lots described as parcel identification numbers 58-30-651-093 and 58-30-651-094, and;

**WHEREAS**, the City of Swartz Creek City Council approves the sale of one lot to Mr. Theodore R Kramer Jr. and Ms. Ruth A. Kramer for a price of \$1,734, said lot described with parcel identification number 58-30-651-099, and;

**WHEREAS**, that the resolution and sale, by quit claim deeds, was made available to the public by the city clerk for a period of no less than 30 days, and no comments were received.

**NOW THEREFORE BE IT RESOLVED**, the transfer of said parcels is affirmed by the City of Swartz Creek City Council and the Mayor and Clerk are directed to execute corresponding quit claim deeds.

Discussion Took Place.

YES: Abrams, Gilbert, Hicks, Hurt, Krueger, Porath, Shumaker.  
NO: None. Motion Declared Carried.

**Charitable Gaming License- Hometown Days**

**Resolution No. 140414-07**

**(Carried)**

Motion by Councilmember Hurt  
Second by Councilmember Shumaker

**WHEREAS**, the City of Swartz Creek hosts an annual event, Hometown Days, each June for the purposes of promoting the community and enhancing the quality of life in the city, and;

**WHEREAS**, certain activities of the Swartz Creek Hometown Days, Inc. nonprofit organization require a charitable gaming license through the Charitable Gaming Commission of the Michigan Lottery.

**NOW THEREFORE, I Move** the City of Swartz Creek, of Genesee County, requests that the Swartz Creek Hometown Days, Inc. be recognized as a nonprofit organization operating in the community for the purpose of obtaining a charitable gaming license.

Discussion Ensued.

YES: Gilbert, Hicks, Hurt, Krueger, Porath, Shumaker, Abrams.

NO: None. Motion Declared Carried.

**MDOT Engineering Contracts- Miller Road**

**Resolution No. 140414-08**

**(Carried)**

Motion by Councilmember Gilbert  
Second by Councilmember Hurt

**WHEREAS**, the City of Swartz Creek approved a contract with OHM Advisors on February 10, 2014 for preliminary engineering of two segments of Miller Road, from Morrish Road to Elms Road and from Tallmadge Court to Dye Road, and;

**WHEREAS**, the engineering service of these road segments is funded primarily by the Federal Highway Administration as administered by the Michigan Department of Transportation, thereby requiring the City to meet certain federal standards and obligations.

**NOW THEREFORE, I Move** the City of Swartz Creek enter into agreements with the Michigan Department of Transportation (MDOT), copies of which are attached hereto, for the preliminary engineering of Miller Road from Morrish Road to Elms Road, as well as from Tallmadge Court to Dye Road, funding through the major street fund and the transportation improvement program as previously approved by the city council, and further, direct the Mayor and Clerk to execute the agreement on behalf of the City.

Discussion Took Place.

YES: Hicks, Hurt, Krueger, Porath, Shumaker, Abrams, Gilbert.  
NO: None. Motion Declared Carried.

**Police Vehicle Auction**

**Resolution No. 140414-09**

**(Carried)**

Motion by Councilmember Hicks  
Second by Councilmember Hurt

**I Move** the City of Swartz Creek, finding the 2007 Dodge Charger police cruiser to be beyond its useful life for the execution of safe and efficient police activities, hereby direct and authorize the Chief of Police to auction this vehicle and related appurtenances (listed below) by means of the Bidcorp.com service.

1. Setina "Body Guard" vehicle push bumper
2. Setina "Body Guard" vehicle partition
3. Whelen "Edge LFL" series light bar with federal control box model SW400SS
4. Whelen siren model SA315P federal control box model PA300
5. Two (2) Jotto center radio consoles
6. Computer paper rolls (x13): Box of twelve 8 7/16" white paper rolls

Discussion Ensued.

YES: Hurt, Krueger, Porath, Shumaker, Abrams, Gilbert, Hicks.  
NO: None. Motion Declared Carried.

**Swartz Creek Women's Club Presentation**

Boots Abrams, representing the Swartz Creek Women's Club, presented \$1000 to Officer Szmansky for the Cops in the Park Program. Ms. Abrams thanked Ofc. Szmansky for coming to the chili dinner and helping raise the money.

**Budget Workshop**

City Manager Zettel went through the draft budget.

**MEETING OPEN TO PUBLIC:**

Todd Beedy, 3445 Morrish, as a business owner and president of the Chamber of Commerce, wanted to thank the Council for their decision on the hours of operation for the new Urgent Care facility. Mr. Beedy spoke about the Chamber of Commerce lunch coming up on Tuesday. Mr. Beedy spoke about partnering with other Genesee County Chambers of Commerce in an effort to educate the public on the new Personal Property laws. Mr. Beedy encouraged councilmembers to bring forth ideas on how the Chamber

can help the city.

C.G. Essex, 4935 Ita Ct, thanked Councilmember Hicks for the pinwheel garden in her yard. Mr. Essex thanked the Women's Club for their contributions to the wellbeing of the children in the city. Mr. Essex spoke about a website that he invited the councilmembers to visit.

**REMARKS BY COUNCILMEMBERS:**

Councilmember Porath asked how close the city was to taking credit/debit payments. Mr. Porath stated that he feels it is something that the city should do. Mr. Porath spoke about the City of Flint using water from the Flint River and asked if that was a backup to the Karegnondi Water System.

Councilmember Shumaker spoke about the paperwork that he received for filing a candidate petition for the August election.

Councilmember Hicks encouraged everyone to come plant their pinwheels in the pinwheel garden in her front yard.

Councilmember Gilbert spoke about the garbage and recycling.

Mayor Krueger thanked everyone for paying such careful attention during the long meeting.

**Adjournment**

**Resolution No. 140414-10**

**(Carried)**

Motion by Mayor Pro-Tem Abrams  
Second by Councilmember Hurt

**I Move** the City of Swartz Creek adjourn the Regular Session of the City Council meeting at 8:50 p.m.

YES: Unanimous Voice Vote.  
NO: None. Motion Declared Carried.

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**David A. Krueger, Mayor**

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**Juanita Aguilar, City Clerk**

**CITY OF SWARTZ CREEK POLICY FOR  
DISPOSITION OF CITY-OWNED REAL PROPERTY**

**BACKGROUND**

The City of Swartz Creek is the owner of real property which is used for various purposes. As public service needs change, the needs, liabilities, and benefits of owning such property may change. This requires review of the site's potential for future public use and its potential economic benefit to the city.

**PURPOSE**

It is the purpose of this policy to:

- A. Establish a procedure by which unused or marginally used city-owned real estate is reviewed for its potential public use and for designating parcels for lease or sale; and
- B. Provide guidance for the auction, negotiated sale, or exchange of city-owned real estate; and
- C. Establish the conditions under which city-owned real property should be leased.

**POLICY**

It is the city's policy to manage its real estate assets so that they may properly carry out public needs which rely on these assets. It is not the city's policy to speculate in real estate. The city council will review all city-owned real estate not adequately used for municipal purposes and determine the appropriate use of the property. Those properties needed for municipal purposes may be so designated. If a property is not needed for public use within the foreseeable future, it may be made available for lease or sale, or if it will be needed at a future time, it may be suitable for lease in the interim. Those properties not required for municipal use, including those acquired because the owner failed to pay taxes, or designated for lease may be designated for sale or reserved to be exchanged for other land the city needs. The city shall optimize the sale price or lease rent from city-owned real estate based on relevant factors that may include:

- A. An appraisal of the property which is no more than six months old at the time the sales agreement is presented to the city council.
- B. Prevailing economic conditions and recent applicable trends.
- C. Any special benefits to accrue from the sale or lease.

Discounts will not be negotiated unless a need or circumstance is recognized by city council resolution before negotiation, setting forth the justification for it. The purpose of this is to demonstrate to the community that the city is not making a gift of public assets.

The *Swartz Creek City Charter* places limitations on the sale of property as follows:

Section 5.12. - Restrictions on powers of the council.

- (a) The Council shall not have the power to make any contract with or give any official position to any person who is in default to the city. Further, the Council shall not have the power to sell any park, cemetery or any part thereof, except where such park is not required under an official master plan of the city.

Section 13.3. – Limitations on contractual power

- (b) The city shall not have power to purchase, sell, lease, or dispose of any real estate unless:

(1) Such action is approved by the affirmative roll call vote of five or more members of the Council, and unless,

(2) In the case of real estate owned by it, the resolution authorizing the sale, lease, or disposal thereof shall be completed in the manner in which it is to be finally passed and has remained on file with the Clerk for public inspection for thirty days before the final adoption or passage thereof, and unless,

(3) When the proposition is to sell any park, cemetery, or any part thereof, except when such park is not required under an official master plan of the city, the proposition to sell, lease, or dispose of the same shall also be approved by a three-fifths vote of the electors of the city voting thereon at any general or special election.

## PROCEDURE

### A. Real estate review

All unused and marginally used city-owned real estate will be reviewed on a continuing basis to determine public facility needs. The city council shall make the final determination regarding such properties with any or all of the following procedural steps:

1. Review by appropriate city departments.
2. Review by any applicable city commission(s).
3. Review by the planning commission for consistency with the comprehensive plan and environmental impact.
4. The staff's recommendation and relevant comments along with those of the planning commission are submitted to the city council.
5. The city council then determines the designation to be applied to the property (e.g., public facility, open space, surplus, sale, or lease).

### B. Comprehensive plan and rezoning.

Before marketing a parcel, staff will review the parcel for likely changes in density or intensity of use since the city acquired the property. If such changes are likely, then staff shall initiate a necessary rezoning and comprehensive plan amendment through the planning commission to enable marketing the property at its highest and best use. When different land-use classifications divide projects, staff will seek lot splits, lot mergers, or property-line adjustments to divide the property along use lines, to reserve rights-of-way for streets and utilities, and to be able to disclose the terms of development of the property.

### C. Lease versus sale

City-owned real property not required for municipal uses may be designated for lease or sale using criteria listed below. City-owned property may also be leased in whole or in part if said lease does not conflict or compromise expected public needs. At the time staff recommends whether the property should be sold, leased, or reserved for exchange purposes, council shall be provided with an appropriate analysis of the alternatives.

### D. Sale of real estate

#### 1. Auction

Unless otherwise directed by the city council, land which is readily marketable and unrestricted in its sale potential will be sold to the highest bidder at a public auction by either oral or sealed bid, provided that the highest bid equals or exceeds the minimum published price established by the city before bid opening, which price shall not be lower than the amount shown on the appraisal. Notice of the sale by bid shall be published in a newspaper of general circulation at least ten days before bid opening. If sealed bids are requested, a deposit must accompany each bid in the form

of certified or cashiers' check made payable to the city in an amount equal to at least 10 percent of the bid amount. After sealed bids are opened, oral bids are permitted from bidders who can meet the 10 percent deposit requirement. The initial oral bid must be at least 5 percent higher than highest sealed bid. Subsequent oral bids must be in increments of not less than \$100.00. If the person whose bid is accepted fails to pay the total bid price within 60 days from acceptance of bid, the bidder's deposit is forfeited, and at the sole option of this city, property may be offered for sale to the next highest bidder on the same terms as granted the high bidder. The council shall be notified of bids received or, if applicable, the fact that no bids had been received. The council may reject any and all bids. The minimum acceptable bid will usually be the appraised fair market value as determined by the city assessor or an independent Member of Appraisal Institute (MAI) appraiser. The intent of this procedure is to set a minimum bid which will ensure a fair return to the city for its property, while encouraging maximum participation in the bidding process.

The city council may determine that property should be developed in a specific manner and may issue a request for competitive proposals (RFP) based upon pre-established criteria, in which case the property would not be sold at auction but sold through public advertising and the solicitation of proposals which will be publicly examined. See appendix A.

## 2. Negotiated sales

If the property is to be developed in a manner that would satisfy a long-term objective of the city or no bids are received or no bids are deemed acceptable by the city council, the city may seek to sell land by one of the following:

*Marketing* - Competitive offers for lease or sale may be solicited from the open market. This may be accomplished through several marketing techniques, such as requests for proposals (RFPs), a marketing subscription system, direct advertising, exposure through real estate services, posting the property, and any other appropriate means.

*Direct marketing* - seeking to sell the property through direct contacts under the following circumstances:

- a. When the land is not readily marketable because of its odd shape, lack of sufficient area to meet minimum space requirements for building in the zone in which it is located, landlocked state, or other lack of sales potential, the land may be sold by taking offers or by negotiation with adjoining landowners, provided the purchase price agreed upon is within 10 percent of the appraisal or the land is exchanged for public improvements of equal or greater value that would otherwise be the obligation of the city.
- b. When the sale to a contiguous owner would correct a site deficiency or improve access to the other property in a manner desired by the city.
- c. When a fee interest in public right-of-way is no longer required, it may be sold to a contiguous owner or exchanged for public improvements of equal or greater value. A restrictive easement of adequate width or other required easements may be reserved from said sale.
- d. When other governmental, public, and quasi-public agencies submit proposals to acquire city property, the city shall consider such requests before making the land available to the general public. Such sales shall be at fair market value, unless the council finds that selling at a lesser value is in the city's interest. Selling land at less than the appraised fair market value shall require a three-fifths vote of the city council to do so.
- e. When qualified, nonprofit institutional organizations offer to purchase city-owned land, a negotiated sale may be consummated at fair market value, providing there is (1) a development commitment and (2) a right to repurchase or a reversion upon a condition subsequent.
- f. When a property has been offered by public auction and no acceptable bids have been received, it may be sold on a negotiated basis to any applicant submitting an acceptable offer within six months following the date of auction. After six months, any offer must be based on an updated appraisal.

- g. When a property is to be developed in a manner that would satisfy a long term objective of the city, the sale may be negotiated as long as the objectives of the city are protected by the sale agreement.
- h. Real property exchanges may be consummated by direct negotiation; however, exchanges will be considered only when there is an advantage to the city, when it results in land needed for a public purpose, or to further the goals and objectives of the city's comprehensive plan.

#### E. Easements

Where the city or other governmental agency has paid for easements, rights-of-way, or access rights and requests to vacate such interests are received and approved, the city shall receive the current fair market value or equivalent compensation for the removal of the restriction. Easements may be exchanged for other easements or relocated to other locations without compensation. A three-fifths vote of the city council can enable the abandonment of such easements and rights-of-way to adjacent property owners if the area, shape, and value of the land are found by the city council to be severely compromised.

#### F. Exchanges

When land is exchanged, it shall be done based on the fair market value of each property as determined by appraisal. Any difference in value shall be made up by the party with the lower appraisal value.

#### G. Payment for city property

Sales of real property shall be on an all cash-basis, with the following exceptions:

1. Upon written recommendation and approval by the council, a parcel of surplus real property may be sold on such credit terms as are deemed to be necessary in each case. After the required down payment has been made, the balance of the purchase price shall be secured by a note and deed of trust. The credit payment period shall not exceed five years from the date of execution of the trust deed. Interest shall be at the prevailing rate in the community.
2. Sales to nonprofits performing a public purpose may be in the form of a loan or residual receipts note at less than the prevailing interest rates and for more than five years.

#### H. Leasing

1. Rate of return. Except for the areas listed below, the city shall obtain a fair market rate of return on city-owned property being considered for lease and negotiate terms and conditions which will continue to sustain a fair rate of return through rent review, consumer price index adjustments, reappraisals, or the application of percentage rents to gross income. The rate of return shall be based upon the highest rate commensurate with the highest and best use of the property or a fair rate of return commensurate with the designated public use. Rental rates shall be established by the city council based on a current appraisal, comparative studies, or past rents received.
2. Long-term lease. A lease greater than one (1) year requires council approval.
3. Short-term lease. Unless there are special circumstances, the city manager without council approval may execute a lease term of less than or equal to one (1) year. A short-term lease may not be renewed without council approval.
4. Selection of lessee. Lease proposals shall be evaluated in terms of:
  - a. Consideration offered as rent,
  - b. Financial capability,
  - c. Expertise regarding the proposed leasehold development and operation,
  - d. Nature of proposed development,
  - e. Special public benefits to be derived (if any), and
  - f. Consistency of the intended use with the comprehensive plan and zoning.
5. Leasehold assignments. Requests for assignment of leasehold interest will be evaluated on the same basis as the criteria used in evaluating a leasehold proposal. The city manager may

authorize assignments which do not require amendment of the master lease provisions and do not extend beyond the term of the lease.

6. Subleases. Requests for sublease approval will be considered on the merits of each individual transaction. No sublease shall be approved which would be detrimental to the city's rights under the master lease. The city manager may authorize subleases which meet this condition and which do not require amendment of the master lease or extend the term of the lease.

7. Amendments. Amendments of long-term leases require council authorization. Whenever there is a substantial amendment, staff shall provide the council an indication of the fair return for the leasehold. This can be accomplished by appraisals, a survey of the market rate of return, a combination of the above, or any other relevant information.

8. Updating lease terms. Lease terms shall be updated as often as practicable whenever there is a request for assignment or significant amendments or subleases are proposed.

9. Financial encumbrances. The city will generally not subordinate its fee interest to encumbrances placed against the leasehold by the lessee without specific authorization of the city council.

10. Tenant improvements. Improvements installed by the lessee will be removed at termination without cost to the city or they will revert to the city. In the event of removal, the property will be returned to "as was" condition. All leasehold improvements and alterations require prior approval by the city manager or city council, depending on the term of the lease. Any improvements within a public right-of-way by a lessee shall be deeded to the city.

11. Lease term. Lease terms will be limited to the shortest practical time commensurate with capital investment in permanent improvements to be made by the lessee following state law.

12. Audits. The city may audit all percentage leases in the first year of operation to establish proper reporting procedures and at least once every three years afterwards. More frequent audits may be made if appropriate. The city shall reserve the right to audit all other leases and agreements if determined warranted by the director of finance or city manager. Absent a city audit, a lessee shall submit an annual report certified by a certified public accountant each year within 30 days of the anniversary date of the lease.

13. Cancellation clauses. Short-term leases shall not have cancellation clauses unless they are month-to-month leases.

#### I. Option agreements

1. Option to sell. When properties have been put up for sealed or oral bids and bids have not either been received or been rejected by the city, the city manager may enter an option agreement of up to 90 days with someone interested in purchasing surplus property. Any such option agreement shall be subject to the following minimum terms:

- a. Shall not exceed 90 days without approval of the city council;
- b. Shall provide time for the prospective buyer to perform due diligence to see if the property is feasible for his/her purposes;
- c. Shall require a minimum non-refundable deposit of not less than \$1,000 or 1% of the value of the real estate, whichever is more;
- d. Shall require forfeiture of the deposit if the property is not placed in escrow within 90 days;
- e. Shall set the minimum purchase price of the property at not less than the appraised fair market value, based on its true cash value or an appraisal prepared within six months of the date escrow was opened, and shall provide a non-refundable deposit in an amount agreed upon by the city council and set the length of escrow;
- f. Shall disclose all realtors involved, if any; and
- g. Shall disclose the name of the buyer and his/her intended use of the property.

#### J. Real estate listing

It will be the presumption that the city will act as its own agent and that any real estate agent or broker will represent the buyer. When it is determined that any real property owned by the city is to be disposed of by sale, the city council may authorize a written listing contract with a real estate broker licensed by the state of Michigan.

Selecting a real estate broker to provide real estate services will be accomplished through a competitive recruitment process based on all or some of the following: the type of property to be marketed, relevant experience, knowledge of the community, proposed commission, qualifications, necessary licenses in good standing, and demonstrated competence.

Absent a real estate listing, the council may still designate certain surplus property for sale or lease for which the city would pay a partial commission upon the successful conclusion of a sale or lease. The agent or broker that procures a buyer or lessee for the city would be eligible for a commission. A commission would not be paid for subleases and existing leases on city property.

While the city will allow agent or broker participation on designated properties in the sale and lease of land not covered by contract, inherent in this is the right of the city to solicit and obtain sales or leases through in-house capabilities. There will not be any discount in land values or lease rates due to the absence of a commission to real estate brokers.

#### K. Time of payment of a real estate commission for a sale

In the event an agent or broker covered by contract with the city gets a buyer who submits either the highest bid or an offer to purchase based on the fair market value of the parcel and the sale is made and completed in due course, the commission provided in the contract will be paid to the agent or broker by the escrow agent from the sales proceeds.

#### L. Real estate commissions

Unless there is a written contract between a real estate agent or broker and the city, the city shall represent itself and practice good business practices in all real estate transactions. The city may pay a real estate brokerage fee for qualified representation of a selected lessee or purchaser of city property. While the amount of rental or purchase price offered is a criterion for selecting a lessee or purchaser in competitive situations, the selection will be based on the highest net rental or net purchase price, without taking into account any brokerage fees involved in the competition.

#### M. Real estate agent or broker certification

For any sale or lease involving a real estate agent or broker not under contract to the city on designated properties, the city shall require the following:

1. That the buyer or lessee certify that the real estate agent or broker is his/her agent in the transaction and has performed a service and procured the sale or lease.
2. That the real estate agent or broker certify that he or she is not an employee of the lessee or buyer.

#### N. Use of proceeds

Unless otherwise directed by the city council, proceeds from sales or leases shall be assigned as follows:

1. To enterprise accounts, if the property was purchased using ratepayer funds.
2. To the general fund
3. To a program or grant that requires refunding if the land was purchased using a source of money with that type of restriction.

#### O. Costs to sell, lease, and market surplus properties

Unless otherwise directed, the costs to sell, lease, exchange, or market surplus properties will be charged to the fund to which the proceeds of a sale would go.

## APPENDIX A

The city from time to time will have parcels that are vital to community and economic development for which proposals should be sought and examined by pre-established criteria. This will normally involve redevelopment projects. In such circumstances, the city will follow a process that may or may not include:

### 1. Preparation of a site development program

Illustrative development plans and guidelines are prepared by the city that reflect and address:

- economic parameters and feasibility
- community goals and design criteria
- physical capacity

There may be extensive public participation in the process to address critical issues such as height, orientation, parking, traffic, general design/materials, and community character. Open workshops or design charrettes may be held early in the process. Typically, this task includes the services of a planning/design firm, civil engineer, and traffic planners and often the services of a development advisor. The result should be a project that is economically feasible and physically reasonable and that meets the goals of the city. Development guidelines will be crafted that give prospective developers direction but still allow the community to tap the creativity and resourcefulness of the private sector.

### 2. Address development readiness of the site

There must be realistic assessment of factors that may impede development and may be difficult for the developer to address. Issues may include ownership holdouts, demolition, environmental contamination, soil conditions, storm water requirements, infrastructure status and responsibility, title exceptions and other similar problems. Who is in the best position to address these issues must be evaluated and action taken to resolve the issues. Decisions must be made as to the role the developer may have to play in their resolution. At the very least the key issues should be disclosed.

### 3. Prepare request for qualifications and proposals

A two-step process may be used, first seeking qualifications (RFQ), then requesting proposals (RFP) from a shortlist of qualified firms or teams. The request for qualifications provides full background information on the project and seeks the experience, track record, financial capacity, and references of development teams.

### 4. Review qualifications and creation of a short list

Qualifications will be reviewed and a short list selected. The review of qualifications will include assessing the relevance and depth of the background of each team, a confidential review of financial capacity, and interviews of references. A short list will be made. This may require interviews and staff/ consultant review.

### 5. Solicit/receive proposals from a short list

Meetings will be held with short-listed teams to provide additional background information and to answer questions that may arise. Other discussions also may occur during this period to help the developers fully understand the municipality's goals. The full proposals will include conceptual site and building plans, financial analysis, requests for city participation, and proposed payments to the city.

### 6. Evaluate proposals

Proposals will be evaluated in terms of overall quality, financial proposal, responsiveness, level of commitment from financing sources and tenants, etc. This is sometimes a summary and comparison or may be more evaluative. In either case, this provides information for use in interviews of the teams.

### 7. Interviews

Developers will publicly present their proposals to the city council.

### 8. Selection

Results of the interviews and public comment, if any, then will be considered along with the evaluation of the proposal as for quality, character, track record, ease of working relationship, price offered, and other factors.

### 9. Negotiation of redevelopment agreement

Following selection, the city will negotiate the business terms of the redevelopment agreement for the project. This includes both financial terms and the responsibilities of parties. City and special

legal counsel may be involved. ~~A redevelopment agreement is the basis for the public-private partnership that occurs.~~ The typical redevelopment agreement will include:

- Approved development
- Time of performance
- Protection on undeveloped land
- Acceptable tenants
- Payments to city
- Excess profit sharing
- Financing terms and public financial role, if any
- Requirements for closing, such as full funding, in balance
- Review and monitoring provisions

This is the opportunity to provide for requirements that reflect the desire to steward the land and achieve key public goals. Some may impact the economics of the project and value of the land, but if they are affordable and acceptable, the redevelopment agreement and covenants that run with the land are the mechanisms to do so and must be done before transfer.

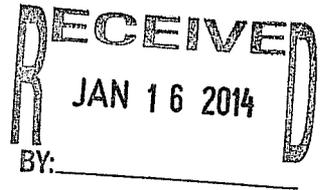
*I hereby certify that the foregoing document is a true copy of action taken by the Swartz Creek City Council at the regular meeting of \_\_\_\_\_, 2014.*

**Richard E. Herthneck Co., L.P.A.**

ATTORNEY AND COUNSELOR AT LAW  
304 PLAZA WEST BUILDING  
20220 CENTER RIDGE ROAD  
ROCKY RIVER, OHIO 44116  
FACSIMILE (440) 356-6090

(440) 331-4660

January 14, 2014



Attn: Juanita Aguilar  
City Clerk  
Swartz Creek, MI  
8083 Civic Drive  
Swartz Creek, MI 48473

**Re: City of Swartz Creek Municipal Chapter 12, Sec. 12-1: "Prior Invitation Required"**

Dear Ms. Aguilar:

I act as general counsel for independent distributors of Kirby home cleaning systems across the country.

Kirby home cleaning systems are retailed by independent dealers associated with authorized distributors of the product to consumer end-users through in-home demonstrations.

Distributors of the product (i.e., my clients) are not itinerant in that they are corporations with statutory agents; persons retailing the products to the consumer end-users (i.e, dealers) are background checked; the product itself is warranted by the manufacturer in keeping with terms of the manufacturer's limited warranty; the product has a lifetime rebuilding option performed by the manufacturer; and dealers have identification as to their name and association with the distributor whose name and address is also provided to the consumer.

As you know, this form of activity (i.e., door-to-door sales) is deemed to be commercial speech protected by the First Amendment to the U.S. Constitution.

Our understandings are that Swartz Creek's Municipal Code Chapter 12, Sec 12-1 prohibits uninvited door-to-door solicitation.

The type of activity which Swartz Creek attempts to prohibit has been determined to be "commercial speech" (Board of Trustees of State University of New York v. Fox, (1989) 109 S. Ct. 3028). Commercial speech is entitled to protection under the First Amendment of the United States Constitution (Virginia Pharmacy Board v. Virginia Citizens Consumer Council, Inc., (1976) 425 U.S. 748). Following the rulings in Virginia Pharmacy, every Federal Court decision has held that the First Amendment "commercial speech" Protection is to be accorded to door-to-door solicitation (Association of Community Organizations v. Municipality of Golden, CO., 10th Cir. (1984) 744 Fed. 2d, 739 and Watseska v. Illinois Public Action Council, 7th Cir. (1986) 796 Fed 2d, 1547). In fact,

commercial speech is protected in a similar manner as non commercial speech (44 Liquormart, Inc., et al. v. Rhode Island, et al., No. 94-1140 Supreme Court, 1996 U.S. LEXIS 3020).

The standards which have been established for the regulation by governmental authorities for commercial speech are set forth in Central Hudson Gas & Electric Corp. v. Public Service Commission, 447 U.S. 557 (1980); 100 S. Ct. 2343. The four part test established in Central Hudson and affirmed by Project 80's requires that:

1. A speech concerned as lawful and not misleading or deceptive;
2. The government interest must be substantial, such as the need to (i) protect privacy, (ii) prevent crime, and/or (iii) for consumer protection;
3. That the governmental interest must be directly advanced by the regulation;
4. A City's Ordinance cannot be "more extensive than is necessary to serve" the City's possessive interest.

As concerns point two above, the Court in Central Hudson noted that privacy could easily be served by residents posting signs at the home advising against solicitation and/or registering with a City official indicating that no solicitation was desired. Crime could be regulated by licensing, registering and other normal enforcement methods. Consumer protection is served by the various state and federal cooling-off periods for recission purposes.

I also suggest you look at Zauderer v. Office of Disciplinary Counsel of Supreme Court of Ohio, 471 U.S. 626 which establishes that the burden of justifying a governmental restriction against an Ordinance lies with the City which must further demonstrate a "reasonable fit" between the two.

Additionally, in State of Missouri, ex rel. Jeremiah W. (Jay) Nixon, Attorney General, Plaintiff v. American Blast Fax, Inc., et al. cited as 2002 WL 508330(e.d.MO), the United States District Court for the Eastern District of Missouri held in a ruling dated March 13, 2002 that the "Central Hudson test" applied to unsolicited telefaxes to consumers at their homes which practice had been prohibited by the Federal Telephone Consumer Protection Act and also by the Missouri Merchandising Practices Act all of which prohibitions were held to be unconstitutional.

The Supreme Court of the United States, in its Opinion decided June 17, 2002 in Watchtower Bible & Tract Society of New York, Inc., et al. v. Village of Stratton, et al. (No. 00-1737), held that the free speech rights under the First Amendment for Jehovah witnesses were violated by a requirement that they first obtain a permit and where a badge prior to unsolicited door-to-door canvassing. The Court went on to say that where the exchange of funds may occur, as is the case here, some form of regulation may be valid. However, any such ordinance would still have to be "tailored" to the municipality's interest in protecting the privacy of its resident and preventing fraud.

I ask that you review the most recent 10<sup>th</sup> Circuit Decision In Re Pacific Frontier, et al. v. Pleasant Grove City, its Mayor, Police Chief, City Manager, Council Members, reported at 2005 WL 1625238 (10<sup>th</sup> Cir., Utah) holding absolute bans involving those activities and even a restrictive ordinance to be unconstitutional subjecting municipal employees to personal liability resulting in a

negotiated ordinance allowing uninvited door-to-door solicitation as well as attorneys fees being paid by insurance carriers on behalf of the Defendants in excess of \$2.2 million dollars.

Furthermore, in addition to First Amendment implications, denying my clients the ability to canvass on an uninvited basis creates other Constitutional issues such as restrictions on Interstate Commerce, Due Process, and Equal Protection.

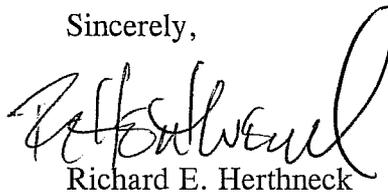
Finally, I'd like to call to your attention the fact that Green River, WY has recently revised their ordinance regarding uninvited door-to-door solicitations due to threats of numerous lawsuits citing the above legal authority. Green River had previously placed an absolute ban on uninvited door-to-door solicitations but now allows these activities per registration. Fort Collins, CO has also revised their ordinance regarding uninvited door-to-door solicitations per registration due to threats of litigation.

If my clients are being denied the ability to engage in door-to-door canvassing because of prior conduct or complaints from residents, please provide supporting documentation of same.

In summary, Swartz Creek's ordinance and actions in denying my client the ability to canvas on an uninvited basis are illegal and subjects Swartz Creek and its officials to damages, including attorney's fees, under 42 U.S.C. §1983.

If my understandings are correct, I look forward to your prompt response on our position that my client be issued a permit to solicit in Swartz Creek on an uninvited basis.

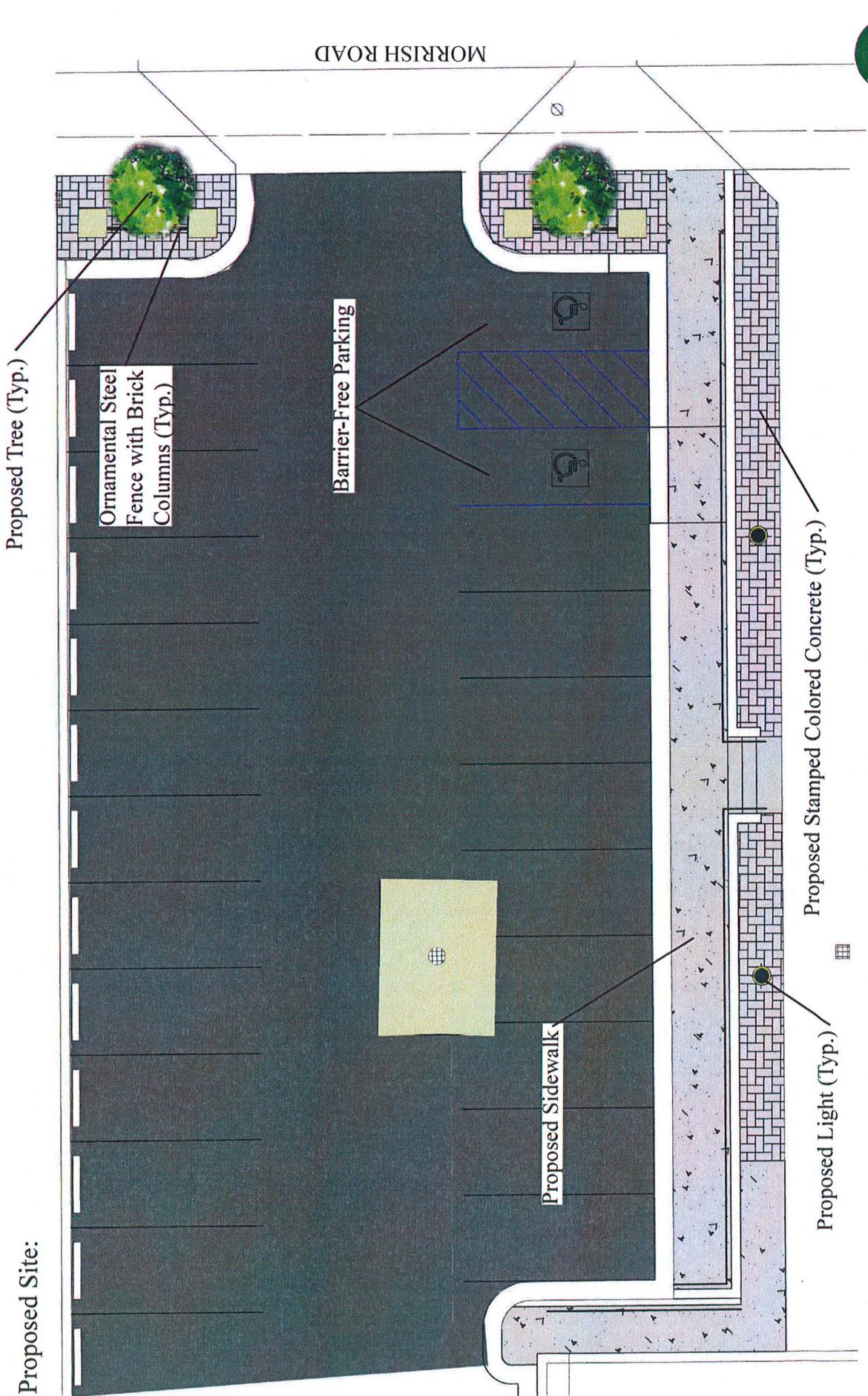
Sincerely,

A handwritten signature in black ink, appearing to read "Richard E. Herthneck", written in a cursive style. The signature is positioned above the printed name.

Richard E. Herthneck

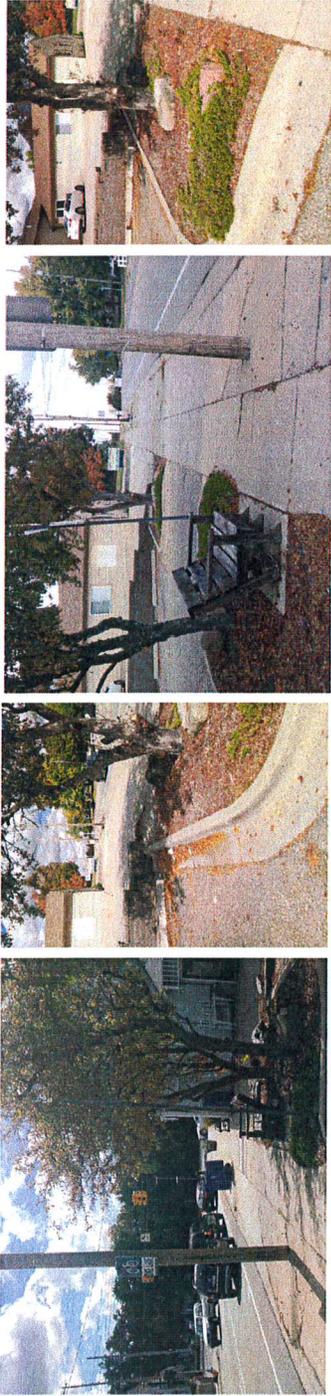
Conceptual View: Swartz Creek, MI  
Morrish Road Alley Project - Swart Creek DDA

City Council Packet

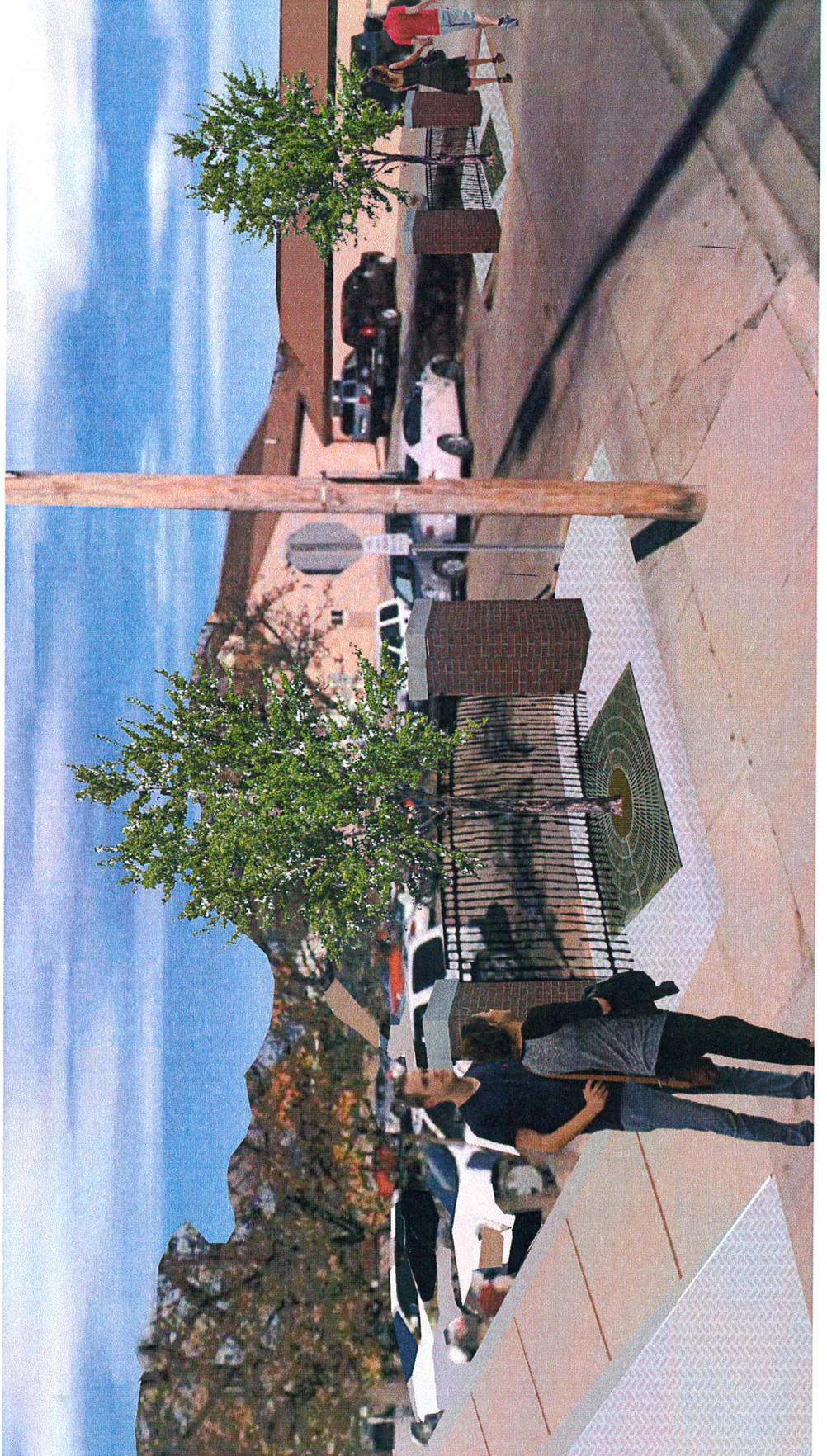


**Conceptual View: Swartz Creek, MI  
Morrish Road Alley Project - Swart Creek DDA**

**Existing Conditions:**



**Proposed Site:**



**CITY OF SWARTZ CREEK**  
**Parking Lot Enhancements**



**PRELIMINARY COST ESTIMATE**  
 3/5/2014

**DESCRIPTION:**

Enhancement Improvements to downtown alley and parking lot on Morrish Road  
 IMPROVEMENTS INCLUDE CONCRETE PAVEMENT, ORNAMENTAL LIGHTING (3),  
 PRESSED COLORED CONCRETE, ORNAMENTAL FENCING, AND LANDSCAPING

WORK DESCRIPTION	Quantity	Unit	UnitPrice	Total
Ornamental Light w/ Concrete Base	3	EA	\$5,000.00	\$15,000.00
Concrete Pavement	160	SFT	\$10.00	\$1,600.00
Pressed Colored Concrete	600	SFT	\$15.00	\$9,000.00
Ornamental Fence	26	LFT	\$100.00	\$2,600.00
Brick Columns	4	EA	\$2,500.00	\$10,000.00
Trees	2	EA	\$500.00	\$1,000.00
<b>CONSTRUCTION TOTAL</b>				<b>\$39,200.00</b>



# ROWE PROFESSIONAL SERVICES COMPANY

*Large Firm Resources. Personal Attention.<sup>sm</sup>*

March 10, 2014

Mr. Adam Zettel, City Manager  
City of Swartz Creek  
8083 Civic Drive  
Swartz Creek, MI 48473

RE: Design Engineering and Construction Assistance  
2014 CDBG Improvements

Dear Mr. Zettel:

ROWE Professional Services Company is pleased to provide this proposal for an enhancement project to the downtown area. As we have discussed, the project will involve streetscape amenities adjacent to the downtown alley as well as the entrance to the city parking lot on Morrish Road. Construction will include decorative lighting, pressed colored concrete, trees and decorative fencing.

Our fee to create the bidding documents including construction drawings, specifications, cost estimate and assistance during construction is **\$4,335** (see attached cost breakdown).

We look forward to another successful project with the city; feel free to contact me with any questions or comments.

Sincerely,  
ROWE Professional Services Company

  
Louis P. Fleury, P.E.  
Project Manager

R:\sdsk\Proj\PROPOSAL\CU\swartz creek\cdbg Proposal 2014revised.doc

Engineering | Surveying | Aerial Photography/Mapping | Landscape Architecture | Planning

Corporate: The ROWE Building, 540 S. Saginaw Street, Ste. 200; P.O. Box 3748 • Flint, MI 48502 • O (810) 341-7500 • F (810) 341-7573  
City Offices: Pelee, MI • Mt. Pleasant, MI • Farmington Hills, MI • Grayling, MI • Tri-Cities, MI • Myrtle Beach, SC

[www.rowepsc.com](http://www.rowepsc.com)

**2014 CDBG ENHANCEMENT PROJECT – DOWNTOWN PARKING LOT  
CITY OF SWARTZ CREEK**

March 10, 2014

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**Proposed Scope of Services:**

- Prepare construction details for enhancements adjacent to the alley and downtown parking
- Prepare technical specifications for proposed work
- Incorporate CDBG requirements into contract documents
- Submit preliminary bid package to Genesee County Metropolitan Planning Organization for approval prior to bidding
- Advertise for bids following CDBG requirements for minority outreach
- Address contractor questions and issue addendums, if necessary, prior to bid opening
- Conduct bid opening
- Prepare bid tabulation for verification of bids
- Verify low bidder's references and prepare letter of recommendation to the township
- Facilitate preconstruction meeting and prepare meeting minutes
- Prepare two contractor payment applications (project completion and final)
- Provide two site visits during construction

**DESIGN ENGINEERING/CONSTRUCTION ASSISTANCE TOTAL ..... \$4,335.00**

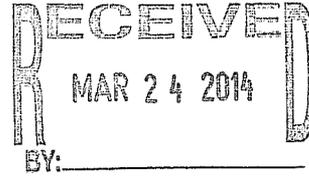
*Work not included:*

- Topographic survey
- Full-Time Construction Observation
- Construction Staking



michigan municipal league  
**Liability and Property Pool**

March 21, 2014



Mr. Adam Zettel, City Manager  
City of Swartz Creek  
8083 Civic Drive  
Swartz Creek, MI 48473-1377

**RE: MML POOL & FUND LOSS CONTROL SERVICES-PR**

Dear Mr. Zettel:

This letter is sent in confirmation of my March 18, 2014 meeting with you, Clerk Juanita Aguilar and Police Chief Rick Clolinger. The purpose of this meeting was to review claims, administrative means of loss control and MML member incidents of interest. I also introduced you to the "Risk Management Is Good Management" (RMGM) program.

**I look forward to your response to the attached recommendations within the next 30 days.** You can respond by e-mail or use the space on the attached form and return mail it to me using the enclosed envelope.

Many services are available to MML members. Our web site is [www.mml.org](http://www.mml.org) and has publications, forms, articles and links that provide you with an array of risk management services unmatched by other insurance programs.

The courtesy shown me was appreciated. Should you have any questions concerning my visit, please call at 800-482-0626, ext. 8037. You may also contact me by e-mail at [jgraczyk@meadowbrook.com](mailto:jgraczyk@meadowbrook.com).

Sincerely,

LOSS CONTROL SERVICES

Jerry Graczyk  
Loss Control Consultant

**Service Provider: Meadowbrook® Insurance Group**

Loss Control & Member Services: P.O. Box 5174, Southfield, MI 48037 PH: 248.358.1100 • 800.482.2726 • FX: 248.358.0534  
Southfield Claims Service: P.O. Box 5174, Southfield, MI 48086-5174 PH: 248.358.1100 • 800.482.2726 • FX: 248.358.3251  
Grand Rapids Claims: 3501 Lake Eastbrook S.E., Suite 150, Grand Rapids, MI 49546 PH: 616.942.0311 • 800.752.7477 • FX: 616.942.0390  
City Council Packet 44 April 28, 2014

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## LOSS REVIEW

We noted that your Fund mod @ .88 is very good, improved from all but one of the last nine years .92, 1.08, .96, .93, .94 .90, .91, .99 and .83 respectively. The effect mods have on your workers' compensation premium was explained to you. Number of claims were 1 in 2006, 2 in 2007, 3 in 2008, 0 in 2009, 5 in 2010, 2 in 2011, 0 in 2012 and 3 in 2013.

On the Pool side, the City's loss ratios over the last eight years @ 16%, 2%, 0%, 0%, 55%, 0%, 9% and 11% YTD have generally been very good.

Visit the Michigan Municipal League Liability & Property Pool or the Michigan Municipal League Workers' Compensation Fund @ [mml.org](http://mml.org) for additional program information

Please send us your response -- describing the corrective actions you have taken or intend to take or explaining the reasons why you will take no action-- within 30 days of receiving this letter.

The purpose of this report is to assist you with your risk management practices. Keep in mind that other exposures may exist in your operation that present varying degrees of risk. Although this report may assist you in your risk management efforts, it does not address every loss producing condition that exists currently or that may develop in the future.

**Loss Control Recommendations**

These recommendations address specific loss exposures. Other elements of your operations may present varying degrees of risk. I cannot guarantee to have identified and addressed every potential cause of loss that exists today or which may arise in the future. It is important therefore to continue your risk reduction efforts.

**CITY HALL**

01-14-02 We reviewed the "Risk Management Is Good Management" (RMGM) program during our meeting. The applicable survey guides should be completed and analyzed for the potential need for corrective action. The survey guides can be obtained from the MML's website, or, Rick may have a full hard copy manual.

Please respond here:  Agree:  
 Disagree for reasons listed below:

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02-14-02 It is imperative that all employees operating City vehicles have valid drivers' licenses with minimal points. This can best be monitored by being a part of the Secretary of State, Government Subscription Service. For further information and to enroll, call **517-322-6281** or **517-322-1544**.

Please respond here:  Agree. Anticipated completion date: Complete  
 Disagree for reasons listed below:

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Visit the Michigan Municipal League Liability & Property Pool or the Michigan Municipal League Workers' Compensation Fund @ [mml.org](http://mml.org) for additional program information

Please send us your response -- describing the corrective actions you have taken or intend to take or explaining the reasons why you will take no action-- within 30 days of receiving this letter.

The purpose of this report is to assist you with your risk management practices. Keep in mind that other exposures may exist in your operation that present varying degrees of risk. Although this report may assist you in your risk management efforts, it does not address every loss producing condition that exists currently or that may develop in the future.

03-14-02

Insure all City departments have conducted refresher Hazard Communication Program training (as discussed). MIOSHA has adopted a new chemical classification system. This is regarding the forthcoming Globally Harmonized System (GHS), MIOSHA Hazard Communication Standard Parts 42, 92 and 430.

One of the main requirements for employers with the adoption of this new system is to train all employees on the new signage and labeling of hazardous chemical containers. *MIOSHA set a deadline of December 1, 2013 to have this training completed.*

You may find training resources online at the MIOSHA website at <http://www.michigan.gov/lara/>. This includes a PowerPoint presentation on the new system. Links to the new poster are also at this site.

Additional resources can also be obtained from Colette Jardine in our resources department at 248-204-8559.

Please respond here:  Agree. Anticipated completion date: 6/15/2014  
 Disagree for reasons listed below:

We are going to complete this training after potential  
summer help & part-time maintenance workers are hired.

Visit the Michigan Municipal League Liability & Property Pool or the Michigan Municipal League Workers' Compensation Fund  
@ [mml.org](http://mml.org) for additional program information

Please send us your response -- describing the corrective actions you have taken or intend to take or explaining the reasons why you will take no action-- within 30 days of receiving this letter.

The purpose of this report is to assist you with your risk management practices. Keep in mind that other exposures may exist in your operation that present varying degrees of risk. Although this report may assist you in your risk management efforts, it does not address every loss producing condition that exists currently or that may develop in the future.

04-14-02

I encourage the City to continue its work in updating the employee manual. This manual should address general safety rules, disciplinary procedures, harassment issues etc. coordinated with existing contracts.

A well composed employee manual can serve as a valuable defense for employment practice claims.

Please respond here:  Agree:

Disagree for reasons listed below:

The police manual is up-to-date. A manual for all other employees is being created.

05-14-02

To reduce potential fire and carbon monoxide exposures, insure furnaces/boilers in all City properties are inspected for proper operation.

Please respond here:  Agree. Anticipated completion date: Completed

Disagree for reasons listed below:

This service is performed annually each fall.

Visit the Michigan Municipal League Liability & Property Pool or the Michigan Municipal League Workers' Compensation Fund @ [mml.org](http://mml.org) for additional program information

Please send us your response -- describing the corrective actions you have taken or intend to take or explaining the reasons why you will take no action-- within 30 days of receiving this letter.

The purpose of this report is to assist you with your risk management practices. Keep in mind that other exposures may exist in your operation that present varying degrees of risk. Although this report may assist you in your risk management efforts, it does not address every loss producing condition that exists currently or that may develop in the future.

## **SWARTZ CREEK AREA ART GUILD**

8048 Miller Rd., Ste G.

Swartz Creek, MI 48473

810-630-6076

[swartzcreekareaartguild.org](http://swartzcreekareaartguild.org)

March 26, 2014

TO: City Manager and Council Members

The Swartz Creek Area Art Guild requests usage of Elms Road Park for an annual arts and crafts show the second weekend of September, commencing 2014. The show will be open to all fine art and fine craft artists, attracting vendors from throughout the Great Lakes Region and beyond.

### **Proposal for 2014:**

1. Dates: September 13 and 14, 2014.
2. Hours of operation: 9am to 6pm on Saturday; 10am to 5pm on Sunday.
3. Check-in and set-up times: Friday, September 12, 3pm to 7pm and Saturday, 6am to 8am.
4. Tear-down will commence at 5pm on Sunday. Vendors will be responsible for cleaning their area before they leave the grounds. Failure to do so will exclude them from future shows.
5. Representative proposed artwork for the show must be submitted to the Guild for pre-approval to insure quality and craftsmanship.
6. Any vendor displaying buy/sell items will be asked to leave.
7. No distasteful tags or signs.
8. No pets allowed.
9. No RV parking.
10. Each vendor must remain open for all designated show hours.

### **Requirements:**

1. Designated area for approximately 40-50 vendors.
2. Designated parking for vendors and customers.

3. Designated areas for toilets for general population and specific area assessible for those with disabilities.
4. Designated area for signage on Elms Rd.
5. Designated area for a Boy Scout troop to camp overnight at the Park both Friday and Saturday for security. The Scouts will also assist vendors with loading and unloading, and help direct traffic during peak show hours if necessary.
6. Designated area to set up a hotdog stand. The Scout troop will share responsibility with the Guild for operation of the stand and share 50/50 in the net proceeds.

**Benefits:**

1. The Boy Scouts will have an opportunity to perform a service for the public, as well as earn money for their troop.
2. Restaurants, grocery stores, gas stations and motels will experience increased traffic and sales on show weekend.
3. Out of town vendors utilize the services of local hardwares, repair shops and general merchandise stores for purchase of lost, broken and forgotten items.
4. The Guild will have an opportunity to fulfill part of its mission by promoting interest in the visual arts in the greater Swartz Creek and surrounding areas.

Thank you for considering this request. Should you have any questions or concerns, please contact me at 810-252-4857 or [iamcjackson@aol.com](mailto:iamcjackson@aol.com).

Respectfully submitted,

Charles Jackson, Chairperson

2014 Fine Arts and Crafts Show

NOT TO SCALE

Proposed  
2015  
RV Parking

General  
Parking

Small  
Pavilion

Boy Scout  
Camp

Play  
Ground

Main  
Pavilion

Food  
Beverages

Porta  
Pottys

PAVILION  
ASSOCIATION

Overflow  
Vendor  
Parking

Vendor  
check-in

Vendor Parking

Signs

Elms Rd

**GUARDIAN POLICY DECLARATIONS**

Transaction Effective Date 10/25/2013	Policy Period (from 12:01 a.m.) 10/25/2013 To 10/25/2014	Policy No. S 278589813
------------------------------------------	-------------------------------------------------------------	---------------------------

**Named Insured and Mailing Address:**

SWARTZ CREEK AREA ART GUILD  
8048 MILLER RD #G  
SWARTZ CREEK, MI 48473

Agent: 3399  
BARBARA ROBERTSON  
Phone Number:  
810-635-8472  
Account Number:  
C000919031 001 00001  
Payment:  
FULL PAY

Description of Transaction: ENDORSEMENT  
AMENDED PAY PLAN

**TOTAL TERM PREMIUM: \$ 500**

Program Type: BUSINESS  
Business Description: ARTIST'S SUPPLY SALES  
Form of Business: CORPORATION

**ADDITIONAL INTEREST:** See attached Additional Interest Schedule (if applicable)

**LOCATION OF INSURED PREMISES:** See attached Location Schedule

**PROPERTY:** See attached Additional Declarations

**OPTIONAL COVERAGES:** See attached Additional Declarations (if applicable)

**LIABILITY AND MEDICAL PAYMENTS:**

BUSINESS LIABILITY:	LIMITS
General Aggregate (Other than Products-Completed Operations)	\$2,000,000
Products-Completed Operations Aggregate	\$2,000,000
Each Occurrence	\$1,000,000
Fire Legal Liability Coverage	\$ 50,000 Each Fire
Premises Medical Payments Coverage	\$ 10,000 Each Person

**FORMS AND ENDORSEMENTS:** See attached Forms Schedule

Issue Date: 10/31/2013

City Council Packet

52

April 28, 2014

INTERNAL REVENUE SERVICE  
P. O. BOX 2508  
CINCINNATI, OH 45201

DEPARTMENT OF THE TREASURY

Date: NOV 02 2010

SWARTZ CREEK AREA ART GUILD INC  
9251 W HILL RD  
SWARTZ CREEK, MI 48473

Employer Identification Number:  
27-2949574  
DLN:  
300238072  
Contact Person:  
WILLIAM SCHRODER ID# 31694  
Contact Telephone Number:  
(877) 829-5500  
Accounting Period Ending:  
December 31  
Public Charity Status:  
509(a)(2)  
Form 990 Required:  
Yes  
Effective Date of Exemption:  
June 30, 2010  
Contribution Deductibility:  
Yes  
Addendum Applies:  
No

Dear Applicant:

We are pleased to inform you that upon review of your application for tax exempt status we have determined that you are exempt from Federal income tax under section 501(c)(3) of the Internal Revenue Code. Contributions to you are deductible under section 170 of the Code. You are also qualified to receive tax deductible bequests, devises, transfers or gifts under section 2055, 2106 or 2522 of the Code. Because this letter could help resolve any questions regarding your exempt status, you should keep it in your permanent records.

Organizations exempt under section 501(c)(3) of the Code are further classified as either public charities or private foundations. We determined that you are a public charity under the Code section(s) listed in the heading of this letter.

Please see enclosed Publication 4221-PC, Compliance Guide for 501(c)(3) Public Charities, for some helpful information about your responsibilities as an exempt organization.

Letter 947 (DO/CG)

SWARTZ CREEK AREA ART GUILD INC

We have sent a copy of this letter to your representative as indicated in your power of attorney.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert Choi", written in a cursive style.

Robert Choi  
Director, Exempt Organizations  
Rulings and Agreements

Enclosure: Publication 4221-PC

Letter 947 (DO/CG)

*Michigan Department of Energy, Labor & Economic Growth*

*Filing Endorsement*

*This is to Certify that the ARTICLES OF INCORPORATION - NONPROFIT*

*for*

*SWARTZ CREEK AREA ART GUILD INC*

*ID NUMBER: 70771F*

*received by facsimile transmission on June 29, 2010 is hereby endorsed*

*Filed on June 30, 2010 by the Administrator.*

*The document is effective on the date filed, unless a subsequent effective date within 90 days after received date is stated in the document.*



*In testimony whereof, I have hereunto set my hand and affixed the Seal of the Department, in the City of Lansing, this 30TH day of June, 2010.*

A handwritten signature in black ink, appearing to read "A. Hughes", written over a horizontal line.

*Director*

BCS/CD-602 (Rev. 02/10)

**MICHIGAN DEPARTMENT OF ENERGY, LABOR & ECONOMIC GROWTH  
BUREAU OF COMMERCIAL SERVICES**

Date Received

This document is effective on the date filed, unless a subsequent effective date within 90 days after received date is stated in the document.

Name

BELLMORE'S TAX SPECIALISTS

Address

1284 N BELSAY ROAD

City

State

ZIP Code

BURTON

MI

48509

EFFECTIVE DATE:

Document will be returned to the name and address you enter above. If left blank, document will be returned to the registered office.

**ARTICLES OF INCORPORATION**

**For use by Domestic Nonprofit Corporations**

(Please read information and instructions on the last page)

Pursuant to the provisions of Act 162, Public Acts of 1982, the undersigned corporation executes the following Articles:

**ARTICLE I**

The name of the corporation is:

SWARTZ CREEK AREA ART GUILD INC

**ARTICLE II**

The purpose or purposes for which the corporation is organized are:

THE OBJECTIVE OF THIS GUILD SHALL BE TO PROMOTE INTEREST IN THE VISUAL ARTS IN THE GREATER SWARTZ CREEK AREA AND GIVE OPPORTUNITY FOR ACTIVE WORK AND MUTUAL HELPFULNESS WITHIN THE MEMBERSHIP.

**ARTICLE III**

1. The corporation is organized upon a NON STOCK basis.  
(Stock or Nonstock)

2. If organized on a stock basis, the total number of shares which the corporation has authority to issue is \_\_\_\_\_ . If the shares are, or are to be, divided into classes, the designation of each class, the number of shares in each class, and the relative rights, preferences and limitations of the shares of each class are as follows:

BELLMORE'S TAX SPECIALISTS

**ARTICLE III (cont.)**

3. a. If organized on a nonstock basis, the description and value of its real property assets are: (if none, insert "none")  
 NONE

b. The description and value of its personal property assets are: (if none, insert "none")  
 NONE

c. The corporation is to be financed under the following general plan:  
 COMMUNITY DONATIONS, SPONSORSHIPS AND FUNDRAISING

d. The corporation is organized on a \_\_\_\_\_ MEMBERSHIP \_\_\_\_\_ basis.  
 (Membership or Directorship)

**ARTICLE IV**

1. The name of the resident agent at the registered office is:  
RICHARD MATTSON

2. The address of its registered office in Michigan is:  
9251 WEST HILL ROAD \_\_\_\_\_ SWARTZ CREEK \_\_\_\_\_, Michigan 48473  
 (Street Address) (City) (ZIP Code)

3. The mailing address of the registered office in Michigan if different than above:  
 \_\_\_\_\_, Michigan \_\_\_\_\_  
 (Street Address or PO Box) (City) (ZIP Code)

**ARTICLE V**

The name(s) and address(es) of the incorporator(s) is (are) as follows:

Name	Residence or Business Address
<u>DENNY PINKSTON</u>	<u>9341 CHESTERFIELD DRIVE SWARTZ CREEK, MI 48473</u>
<u>JIM SMITH</u>	<u>1238 DUFFIELD ROAD FLUSHING, MI 48433</u>
<u>RICHARD MATTSON</u>	<u>9251 WEST HILL ROAD SWARTZ CREEK, MI 48473</u>
<u>JESSICA ADAMS</u>	<u>5403 SEYMOUR ROAD SWARTZ CREEK, MI 48473</u>
<u>PEGGY MATTSON</u>	<u>9251 WEST HILL ROAD SWARTZ CREEK, MI 48473</u>

BELLMORE'S TAX SPECIALISTS

Use space below for additional Articles or for continuation of previous Articles. Please identify any Article being continued or added. Attach additional pages if needed.

I, (We), the incorporator(s) sign my (our) name(s) this 29<sup>th</sup> day of June, 2010

*Richard D. McManis*  
Dennis B. Tuckers

*Agony Mattson*

*James D. Smith*

*Jessie Adams*

*Michigan Department of Energy, Labor & Economic Growth*

*Filing Endorsement*

*This is to Certify that the CERTIFICATE OF AMENDMENT - CORPORATION*

*for*

*SWARTZ CREEK AREA ART GUILD INC*

*ID NUMBER: 70771F*

*received by facsimile transmission on October 26, 2010 is hereby endorsed*

*Filed on October 26, 2010 by the Administrator.*

*The document is effective on the date filed, unless a subsequent effective date within 90 days after received date is stated in the document.*



*In testimony whereof, I have hereunto set my hand and affixed the Seal of the Department, in the City of Lansing, this 26TH day of October, 2010.*

A handwritten signature in black ink, appearing to read "A. Hughes", written over a horizontal line.

*Director*

BCS/CD-615 (Rev. 08/10)

**MICHIGAN DEPARTMENT OF ENERGY, LABOR & ECONOMIC GROWTH  
BUREAU OF COMMERCIAL SERVICES**

Date Received

This document is effective on the date filed, unless a subsequent effective date within 90 days after received date is stated in the document.

Name

BELLMORE'S TAX SPECIALISTS

Address

1284 N BELSAY RD

City

State

ZIP Code

BURTON

MI

48509

EFFECTIVE DATE:

Document will be returned to the name and address you enter above.  
If left blank, document will be returned to the registered office.

**CERTIFICATE OF AMENDMENT TO THE ARTICLES OF INCORPORATION**

**For use by Domestic Profit and Nonprofit Corporations**

(Please read information and instructions on the last page)

Pursuant to the provisions of Act 284, Public Acts of 1972, (profit corporations), or Act 162, Public Acts of 1982 (nonprofit corporations), the undersigned corporation executes the following Certificate:

1. The present name of the corporation is: SWARTZ CREEK AREA ART GUILD INC

2. The identification number assigned by the Bureau is:

7077 1F

3. Article II AND VI of the Articles of Incorporation is hereby amended to read as follows:

ARTICLE II: AN OBJECTIVE OF THIS GUILD IS TO PROMOTE INTEREST IN THE VISUAL ARTS IN THE GREATER SWARTZ CREEK AREA AND GIVE OPPORTUNITY FOR ACTIVE WORK AND MUTUAL HELPFULNESS WITHIN THE MEMBERSHIP.

THE GUILD IS ALSO ORGANIZED EXCLUSIVELY FOR CHARITABLE, RELIGIOUS, EDUCATIONAL, AND SCIENTIFIC PURPOSES, INCLUDING, FOR SUCH PURPOSES, THE MAKING OF DISTRIBUTION TO ORGANIZATIONS THAT QUALIFY AS EXEMPT ORGANIZATIONS UNDER SECTION 501 (c) (3) OF THE INTERNAL REVENUE CODE, OR CORRESPONDING SECTION OF ANY FUTURE TAX CODE.

ARTICLE VI: UPON DISSOLUTION OF THE ORGANIZATION, ASSETS SHALL BE DISTRIBUTED FOR ONE OR MORE EXEMPT PURPOSES WITHIN THE MEANING OF SECTION 501 (c) (3) OF THE INTERNAL REVENUE CODE, OR CORRESPONDING SECTION OF ANY FUTURE FEDERAL TAX CODE, OR SHALL BE DISTRIBUTED TO THE FEDERAL GOVERNMENT, OR TO A STATE OR LOCAL GOVERNMENT, FOR PUBLIC PURPOSES. ANY SUCH ASSETS NOT DISPOSED OF SHALL BE DISPOSED OF BY THE COURT OF COMPETENT JURISDICTION OF THE COUNTY IN WHICH THE PRINCIPLE OFFICE OF THE ORGANIZATION, IS THEN LOCATED, EXCLUSIVELY FOR SUCH PURPOSES OR TO SUCH ORGANIZATIONS, AS SAID COURT SHALL DETERMINE, WHICH ARE ORGANIZED AND OPERATED EXCLUSIVELY FOR SUCH PURPOSES.

**6. Nonprofit corporation only: Member, shareholder, or board approval**

The foregoing amendment to the Articles of Incorporation was duly adopted on the 21 day of OCTOBER, 2010 by the (check one of the following)

**Member or shareholder approval for nonprofit corporations organized on a membership or share basis**

- members or shareholders at a meeting in accordance with Section 611(2) of the Act.
- written consent of the members or shareholders having not less than the minimum number of votes required by statute in accordance with Section 407(1) and (2) of the Act. Written notice to members or shareholders who have consented in writing has been given. (Note: Written consent by less than all of the members or shareholders is permitted only if such provision appears in the Articles of Incorporation.)
- written consent of all the members or shareholders entitled to vote in accordance with section 407(3) of the Act.

**Directors (Only if the Articles state that the corporation is organized on a directorship basis)**

- directors at a meeting in accordance with Section 611(2) of the Act.
- written consent of all directors pursuant to Section 525 of the Act.

Nonprofit Corporations

Signed this 21 day of October, 2010

By   
(Signature of President, Vice-President, Chairperson or Vice-Chairperson)

RICHARD MATTSON  
(Type or Print Name)

PRESIDENT  
(Type or Print Title)



[Michigan.gov Home](#) | [Business Entity Search Home](#) | [Corps Home](#) | [Contact Corporations](#) | [LARA Home](#)

**CORPORATE ENTITY DETAILS**

**Searched for:** SWARTZ CREEK AREA ART GUILD INC

**ID Num:** 70771F

**Entity Name:** SWARTZ CREEK AREA ART GUILD INC

**Type of Entity:** Domestic Professional Service Corporation

**Resident Agent:** NANCY J. OLDS

**Registered Office Address:** 5360 BOLAND DR. GRAND BLANC MI 48439

**Mailing Address:** MI

**Formed Under Act Number(s):** 192-1962

**Incorporation/Qualification Date:** 6-30-2010

**Jurisdiction of Origin:** MICHIGAN

**Number of Shares:** 0

**Year of Most Recent Annual Report:** 13

**Year of Most Recent Annual Report With Officers & Directors:** 13

**Status:** ACTIVE **Date:** Present

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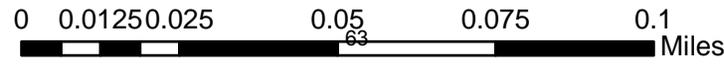
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Market/Roadside  
Stand Location



# City of Swartz Creek

City Council Packet



April 28, 2014



# CREEK MARKET GUIDELINES

City of Swartz Creek DDA  
8083 Civic Drive  
Swartz Creek, MI 48473

The Market Guidelines are intended to provide clear direction to all vendors and establish rules that help the market run smoothly. All vendors are required to follow the direction of the Market Manager and abide by the following Guidelines:

## Definitions

- *Brokered products or goods out of state:* products produced or grown by someone other than the vendor in another state besides Michigan.
- *Brokered products or local area goods:* products produced or grown in the state of Michigan.
- *Eligible Farm Organizations:*
  - Individual, family or family corporations
  - Full partnership of two or more individual farmers
  - Non-profit educational organizations
- *Farmers:* fruit, vegetable and grain growers; producers of eggs, poultry and meat of all domestically raised animals, livestock, aqua culturists, and dairy farmers; growers of field grown/greenhouse/cold frame plants, flowers and Christmas trees.
- *Grown by Principal Farmer:* Principal farmer must be in full control and supervision of the individual steps of productions of crops, including tilling, planting, cultivating, spraying, harvesting and post-harvest handling with his/her own machinery and labor. For vegetables, rental of local farmland is permitted. For orchardists, rental of orchards only is permitted. Any other arrangements must be submitted in writing and approved by the Market Manager.
- *Local Market Area:* Means the following counties: Saginaw, Shiawassee, Genesee, Livingston, Tuscola, Lapeer and Oakland Counties. Other vendors with operations in counties not previously stated may be added if approved by the Market Manager.
- *Market Season:* The 2013 Market Season shall start on **May 1st** and continue through **September 30<sup>th</sup>** as long as the Manager determines that there is enough product or produce to make the market attractive to customers.
- *Other producers:* Other producers permitted to sell at the Market include: maple sugar producers, bakers, and jelly/jam/preserve producers. Principal producer must be in full control of the items sold.
- *Organic producers:* Producers register and following the current rules of the Michigan Department of Agriculture, Pesticide & Plant Pest Management Division.
- *Creek Market* shall be referred to as the Market.
- *Value-added products:* Products derived from fruit or vegetables that are transformed into gourmet food items. Typical value-added products include jams, jellies, preserves, fruit sauces and spreads, pickles, preserved vegetables, chili sauces, extra virgin appellation olive oils, herb-flavored olive oils and vinegars, and salsas. Value-added producers can also include other types of products: cut flowers, dried flower arrangements, wreaths and wall swatches, braided garlic, painted gourds, dried herbs, sachets, soaps made from home-grown herbs, and herbs grown and sold for medicinal purposes. Any product can be considered value-added if it is originally grown (exemptions at the discretion of the Market Manager) by the farmer and increased in value "by labor and creativity."

## **Vendors and vendor mix**

The Market will be made up of a combination of Grower/Producer Vendors, Food Vendors, and Arts and Crafts Vendors. Because the Farmers Market is built around the number of Grower/Producer vendors, emphasis will be on these vendors. The Market Manager will determine the mix of vendors and give selection preference accordingly.

When admitting vendors, preference will be given, with declining priority, to local growers, organic growers, and local artisans. Food vendors, other produce brokers or other artists may be allowed if space permits. In future years, preference will also be given to vendors that have attended the market in the past.

The Market Manager(s) reserve the right to determine the overall size of the market, the number of vendors, and the vendor mix. The Market Manager may refuse admittance to any vendor that he/she feels does not meet the eligibility requirements or does not serve the best interests of the Market.

## **General Guidelines**

1. No commercially produced items or garage sale type items will be allowed to be sold at the market unless specifically approved by the Market Manager.
2. Artisans must hand make, locally produce, or design their products. The Market Manager will review special circumstances.
3. If approved by the Market Manager(s), vendors may sell brokered fruits, vegetables or other products. Proof of origin of resale goods may be required and/or posted at the vendors' booth. If a potential brokered product for sale at the market is already being sold by an existing vendor then the local product may be given preference to sell until all vendor produced products are sold out and the Market Manager has approved the sale of the brokered product.
4. The Market Manager(s) or designee is responsible for the orderly and efficient conduct of the Market and for implementing the guidelines. The Market Manager or his/her designee reserves the right to conduct a farm or facility inspection at any time during the growing season to verify that the product is grown by the vendor.
5. If a vendor is unable to attend a market day that they have informed the Market Manager they will be vending at, then the vendor should make efforts to contact the Market Manager.
6. Disrespect of the Market Manager(s) or other employees is not tolerated and may result in the immediate dismissal of the vendor.
7. Smoking and alcohol use by vendors and their employees shall be prohibited on City property when the Market is open.
8. Vendors are not allowed to park any portion of their vehicle used to bring their goods for sale to the market on any public sidewalk or other required pedestrian or vehicle travel-way.

## **Market Logistics**

1. All vendors must set up in an areas designated by the Manager.
2. Vehicles will be allowed to load and unload in the market area for set up purposes. During operating hours, the vehicles will be located per the Managers discretion (adjacent to vendor stalls or in the designated parking area). Restocking of goods shall be done in accordance with the direction of the Market Manager.
3. Manager may permit goods to be sold directly out of vehicles with written consent.
4. Vendor set up shall be limited to a pre authorized stall, tent, and/or vehicle. Additional signs, products, displays, and features must have the written consent of the manager.
5. No vendor or vendor equipment can be onsite between the hours of 8pm and 8am.

6. No vendor equipment, vehicles, products, signs, or other property is permitted at the market without the presence of the vendor or his/her staff.
7. The rules and ordinances of the city that apply to public parks shall apply to the grounds of the market unless there is a direct and explicit conflict.

## **Items for Sale**

### *General Products for Sale*

1. The sale of the following produce and products are encouraged: Vegetables, fruits, grains, cheese, dairy products, meats, processed foods, jams and jellies and the like, prepared fruit juices, cider, baked goods, maple products, honey, plants, flowers, nursery products, eggs and poultry products, herbs, fish, domestic game, and value added products.
2. Applicable local, state, and Market guidelines must be upheld when selling approved items.
3. Produce and products offered for sale are expected to be of the highest quality. If in the opinion of the Market Manager, a vendor offers for sale inferior produce or products, the vendor may be required to withdraw the item(s).
4. Produce and products should be priced clearly and displayed in a manner that does not mislead customers. Items not produced by the vendor must be marked according to source and/or locality of origin.
5. The Market Manager approves produce and products allowed to be sold at the Market. All items intended for sale should be listed in the vendor application. *Only produce and products approved by the Market Manager may be sold by the vendor(s).*

### *Agricultural Products*

1. Agricultural products should be free of visible defects, disease or insect problems, and should meet standards for quality, freshness, size and grade.
2. Certified organic growers are encouraged to display their certificate, so that customers can make informed decisions of purchases.

### *State and Local Regulations*

1. Vendors selling taxable items must display a valid Michigan Tax Certificate. State sales tax is charged on: candy (including maple candy), prepared meals, cut flowers, nursery products (including vegetable and herb plants), Christmas trees, wreaths, ornamental gourds, art and all handcrafted items. Sales tax is not charged on: Fruits, vegetables, cider, juice, honey, maple sugar, maple cream, baked goods, eggs and egg products, meat, and fresh cut herbs. If you sell any taxable items you must file with the State of Michigan.

Michigan Department of Treasury  
Registration Section  
Treasury Building  
Lansing, Michigan 48922  
Phone: (517) 636-4660

2. Nursery and greenhouse crop vendors must display a valid Michigan Nursery License.

Michigan Department of Agriculture  
P.O. Box 30017  
Lansing, Michigan 48909  
Phone: (800) 292-3939  
Or

Saginaw Regional Office

1585 Concentric Blvd.  
Saginaw, MI 48604  
Phone: (989) 757-7501

3. Vendors selling hot or cold food, processed foods and other perishable items shall do so in compliance with the requirements of the Genesee County Health Department and/or the State of Michigan.

Department of Agriculture.  
Genesee County Health Department  
630 S. Saginaw St.  
Flint, Michigan 48502-1540  
Phone: (810) 257-3612  
Fax: (810) 257-3147

4. Vendors selling by weight must have scales checked annually by a licensed official of the State of Michigan Department of Agriculture's Bureau of Weights and Measures and comply with all requirements of Public Act 283 of 1964. The Bureau of Weights and Measures can be contacted at (517) 655-8202 for more information regarding the law, the serviceperson registration program, or any compliance assistance needs you may have.
5. The weight given on the packaged goods must be accurate.
6. Vendors selling by volume are required to use standard size containers such as pint, quart, ½ peck, peck, ½ bushel and bushel.

### **Guidelines for Selling**

1. Vendors are encouraged to post a sign clearly showing their business name and address.
2. Vendors are encouraged to wear nametags.
3. Vendors are required to bring their own tables, display racks, et cetera. Vendor stalls shall not damage any property or pose a hazard to customers or employees through their erection or operation. Customers should be able to easily access the goods on display.
4. Vendors are required to keep their stand or selling area neat and clear of obstacles, litter and other debris. Vendors are responsible for bringing garbage containers for disposal of waste and debris for the convenience of their customers. At the end of the day, you are required to take home everything that you do not sell including boxes, bags, etc.
5. Vendors are required to clean up all debris in and around their vending booth during and at the end of the Market day.
6. Vendors are encouraged to have business cards available for customers.
7. Vendors are expected to treat customers, other vendors and the Market Manager in a courteous manner.
8. No discrimination is permitted at the Market.
9. Vendors who display or hand out materials from other non-profit groups or organizations may be required to display signage that clearly states that such solicitation is not affiliated with the City of Swartz Creek or the Market.
10. Vendors should not bring dogs, pets or livestock to the market unless otherwise approved by the Market Manager.
11. No hawking or calling attention to products or services or unapproved, amplified music by vendors is permitted during Market hours of operation.
13. The representative of the vendor should be directly involved with or knowledgeable about the production of the produce or products being sold at the Market.
14. The Market Manager has the right to revoke a vendor's permit for continued violation(s) of either city ordinance or market guidelines.

15. Deceptive advertising is expressly prohibited and will result in immediate revocation of vendor permit.
16. No sales, solicitation, display, or similar activities shall be carried out at the market or market parking area without first submitting and obtaining approval of a standard application.
17. Deceptive packaging is illegal and will result in immediate revocation of vendor permit. For Further Information on grading, packaging, and labeling contact:

Michigan Department of Agriculture  
P.O. Box 30017  
Lansing, MI 48909  
Phone: (800) 292-3939

Or

Saginaw Regional Office  
1585 Tittabawassee Road  
Saginaw, MI 48604  
Phone: (989) 758-1778  
Fax: (989) 758-1484

And

Genesee County Health Department  
630 S. Saginaw St.  
Flint, MI 48502  
Phone (810) 257-3612  
Fax: (810) 257-3147

### **Grievance Procedure**

1. Whenever the Market Manager, a city official, or other designee finds any vendor in violation of any of the requirements of these Market Guidelines, cover sheet agreement or any other city ordinance, the Manager shall immediately notify, verbally or in writing, the vendor thereof to correct or abate the violation(s). If the violation is not abated within a reasonable period of time, established by the Manager, then the Market Manager shall immediately revoke the vendor's permit and file a report of such violation with the City Administration.
2. The vendor shall have thirty (30) days to file a grievance or appeal, from the time he or she is notified of any revocation of vendor permit, with the City Council. The City Council shall have the final authority to reinstate a vendor's permit or permanently revoke the permit and thereby disallowing the vendor from doing business at the Market.

### **Reserved Spaces**

1. Each vendor shall be entitled to a minimum of one full selling space, stall or booth per market day. The Market Manager assigns reserved spaces at the beginning of the season. The Market Manager will make every effort to re-assign reserved spaces at the beginning of each season. The Market Manager will make every effort to reassign returning vendors to the same area used the prior market year. There may be occasions in which vendors will be asked to move to another space by the Market Manager.
2. Vendors may not share or sub-let spaces.
3. The Market shall retain spaces for the Market Manager to use for events, promotions, entertainment etc.

## Regulatory Guide for Selling at the Creek Market Place

1. Insurance: Liability insurance is *encouraged* for all vendors selling produce, food, drink and all other products consumed or applied to the skin or hair. Vendors are encouraged to show proof of general liability insurance (premises and product) in the amount of \$500,000 and name the City of Swartz Creek, the Swartz Creek DDA, the Creek Market Place, and the Market Manager as an additional insured.
2. Sanitation for Food Handlers (seller prepared food items):
  - Food handlers must be personally clean and follow sanitary practices in handling food as required by the Genesee County Health Department.
  - Pets are not permitted in areas where food is handled.
  - Food and ingredients must be free of adulterants.
  - Food which requires refrigeration must be stored at temperature according to the Genesee County Health Department and Michigan Department of Agriculture and the Market Guidelines.
  - All utensils, containers and equipment shall be clean and in good condition.
  - Health Certificates are required and must be displayed for food services.

## Products

1. Fruits and Vegetables
  - Bulk displays of unpackaged fresh fruit and vegetables are not subject to grading, packaging and labeling requirements.
  - Closed packages of fresh produce (including honey, cider or maple syrup) require:
    - Name of product (e.g. peppers)
    - Name and address of producer
    - Declaration of quantity
    - Declaration of quality is required for the following products when packaged:
      - Apples: variety, grade, Michigan label
      - Apple cider: whether or not pasteurized
      - Grapes: grade marked unclassified
      - Lettuce: cull lettuce must be designated as such
      - Maple syrup: grade
      - Onions: grade if advertising price
      - Potatoes: grade
2. Dairy Products:
  - All fluid milk must be packaged in properly labeled commercial containers at a facility having a permit from the Michigan Department of Agriculture. Milk must be from your herd, managed and milked by the vendor or at his or her farm by an authorized representative.
  - Butter and cheese must be prepackaged and properly labeled. Refrigeration below 40 degrees Fahrenheit is required. The vendor or his or her representative must make cheese and other dairy products.
  - Frozen desserts (e.g. ice cream) must be packaged and in commercial containers and properly labeled (permit required, please contact the Michigan Department of Agriculture) and refrigeration is required.
  - Serving frozen desserts for immediate consumption is under the jurisdiction of the Genesee County Health Department
3. Eggs from your own farm:
  - Must be marked with exact grade, size, name of producer, and contents. Individual eggs must be weighed, graded and candled. Bulk displays require size and grade. Store eggs in a cool place and maintain less than 45 degrees Fahrenheit. Nest run eggs must be labeled as such and are exempt from rules.

4. Meat, poultry, fish, domestic game meat:
  - All meats, poultry, fish and domestic game meat must meet the regulations of the Genesee County Health Department and the Michigan Department of Agriculture. Appropriate permits must be presented to the Market Manager or representative.
5. Cider and fruit Juices:
  - Cider and fruit juices may be sold only by producers of those fruits. Follow labeling requirements set by the Department of Agriculture and State and Genesee County Department of Health. Fruit may be pressed off farm, and producers must provide name and address of mill. At least 60% of fruit in your juice shall come from your orchards. Up to 40% may come from another farm within the market region. No concentrates are allowed. Apple cider manufacturers are required to hold an appropriate license.
6. Drinks at the Creek Market Place:
  - Fruit juice, cider, milk and teas may be sold by the cup. Bottled water and carbonated beverages may be sold. Commercial teas and coffees may be sold by arrangement by the Market Manager.
7. Dried fruit shall be only from fruit grown and dried by the vendors farming operation.
8. Honey and Bee Products including beeswax candles, propolis and royal jelly extracted and bottled by you from hives in the market region.
9. Jams, Jellies, Preserves and the like must be prepared by you from fresh produce. A majority of fruits or vegetables should be from the Market region.
10. Grain products include pancake mix, granola, pasta and other grain products from grain grown by you. Grain products may be processed off farm, providing only your grain is used in manufacturing of these products.
11. Baked Goods:
 

Baked goods are encouraged to be freshly baked and prepared from scratch. Commercially prepared dough mixes, crusts and shells or filling are discouraged. No commercially canned or frozen fruits or vegetables should be used unless approved by the Market Manager. Any commercially canned or frozen fruits or vegetables used in a product may be required to be noted as such on the product display or price card. Produce not grown in this area such as cookies, bread and “dry” cakes may be sold at the Market if they are protected by a covering or closed packaging. All baked goods must be either individually prepackaged or otherwise protected by a transparent tray cover. Items sold in closed packages must include:

  - Identity of food in package form
  - Name of manufacturer, packer or distributor
  - Place of business
  - Ingredients declaration in descending order of predominance by weight on single panel of the label
  - Net quantity of contents

Cream, custard, pumpkin, meat or other single-crust pies or cream or cheese-filled baked goods may not be sold at the Market unless prepared in an approved, inspected baking facility, packaged or covered, and properly refrigerated. Refrigeration must be provided for perishables, and meet all Genesee County Health Department standards.
12. Home Processed Foods:
 

Home processed foods are regulated under the umbrella of the Michigan Department of Agriculture and its Michigan Food Law of 2000 and 1999 Federal Food Code. Licensing is required and the information can be found at [www.michigan.gov/mda](http://www.michigan.gov/mda). For more information call the Michigan Department of Agriculture.
13. Plants and Nursery Products:
 

Plant and nursery products include annuals, perennials, shrubs, trees, vegetable and fruit and flower plants and other nursery stock. Registration with the Michigan Department of Agriculture is required. Houseplants and cut flowers are excluded from this registration.

Unless specified, items must be grown, foraged and or produced by you on your farm or in your own facility in this region. The following non-edible items grown by you may be sold:

- Field grown/greenhouse/cold frame grown plants and flowers. Bedding and potted plants and flowers must be started by you from seed, cell pack, bulbs, cuttings, plugs or received dormant (e.g., azaleas, hydrangeas, roses.) Large foliage plants from air layered cuttings, rooted in your facilities are allowed. Plants sold must be well established, with good root system and disease and insect free.
  - Christmas Trees.
  - Wreaths, roping, arrangements and displays of fresh or dried flowers or greens.
  - Vines and gourds.
  - Wild and foraged plant materials not protected by law.
  - Wood products from your woodlot, including firewood, mulch chips, wind and woven wood baskets and furniture.
14. Animal Products allowed at the Market include feathers, down, wool and wool yarn, fleece, and leather.
  15. Gift Baskets may be sold, with a majority of items coming from your farm. Other items should be obtained from other Market vendors.
  16. Other items: Products not specifically listed in these rules and regulations must be pre-approved by Market Manager. Products which substantially depart from practices or products currently permitted may be reviewed by the Market Manager and must be approved by city council.
  17. Dog treats and similar items must be approved for sale by the Market Manager and must conform to requirements of the Michigan State Department of Agriculture.

**VENDOR APPLICATION**  
**CREEK MARKET**  
City of Swartz Creek DDA  
8083 Civic Drive  
Swartz Creek, MI 48473  
810-635-4464

Date: \_\_\_\_/\_\_\_\_/\_\_\_\_

Fee: \$50

Applicant Name: \_\_\_\_\_

Business Name & Address: \_\_\_\_\_  
\_\_\_\_\_

Business Phone: \_\_\_\_\_

Fax: \_\_\_\_\_

Business Owner's Name: \_\_\_\_\_

Business Owner's Home Address: \_\_\_\_\_  
\_\_\_\_\_

Business Owner's Home Phone: \_\_\_\_\_

Fax: \_\_\_\_\_

E-Mail Address: \_\_\_\_\_

Webpage: \_\_\_\_\_

May the Creek Market list the following in public media (webpage, newsletters, etc.?)

Business Address: Yes\_\_\_ No\_\_\_  
Business Phone/Fax: Yes\_\_\_ No\_\_\_  
Home Address: Yes\_\_\_ No\_\_\_  
Home Phone/Fax: Yes\_\_\_ No\_\_\_  
Webpage: Yes\_\_\_ No\_\_\_  
Email Address: Yes\_\_\_ No\_\_\_

**Make payments to City of Swartz Creek DDA, 8083 Civic Drive, Swartz Creek, MI 48473**

1. Cash or check payments may be either dropped off or mailed to city hall or collected on the day of the Market by the Market Manager or designee.
2. Payment for vendor booth fees in the form of a check shall be made out to the City of Swartz Creek DDA. All payments shall be receipted.
3. The Market Manager reserves the right to prorate or refund payments for inclement weather, special events, or other hardships.



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Kitchen Permit (If required): Please attach a copy of appropriate certificate(s) from either the Genesee County Health Department and/or Michigan Department of Agriculture.

Notes/Comments:

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### **Market Information**

*Market Location:* The market is located at the North West corner of Miller Road and Fortino Road, Swartz Creek, MI 48473. This market has visibility and access directly to Miller Road in downtown.

*Dates:* The market operate between **May 01 and September 30, 2014.**

*Times:* The Market will be open to the public from 8:00 am to 8:00 pm.

*Market Contact Information:* Adam Zettel, [azettel@cityofswartzcreek.org](mailto:azettel@cityofswartzcreek.org)  
Please contact Adam if you have questions regarding the market or if you want to become a vendor. Mail all correspondence to: City of Swartz Creek, Attn: Adam Zettel, 8083 Civic Drive, Swartz Creek, MI 48473

*Swartz Creek Farmers' Market Participation:*

1. All vendors must complete a Vendor Application before selling at the market and must abide by all Market Guidelines.
2. All vendors must follow the directions of the Market Manager (Adam Zettel) or his/her designee.

### **Application Submittal Checklist**

- Completed Application
- Completed listing of produce and/or products
- Photocopy of State Tax Certification, if you sell taxable items
- Copy of Certificate of Insurance for at least \$500,000 for general liability insurance (premises and product), naming the City of Swartz Creek, the Swartz Creek DDA, and their employees as an additional insured (if applicable).
- Copy of appropriate certificate from either the Genesee County Health Department or the Michigan Department of Agriculture (if applicable)
- Plant growers' license (if applicable)
- Nursery dealers' license (if applicable)
- All other licenses/permits that may be required by law

*Thank you for making this application to the Creek Market. The Market Manager or his/her representative will be contacting you shortly.*

## Vendor Compliance Agreement

I (We), the undersigned, have read the Market Guidelines for the Creek Market, and agree to abide by all rules and regulations.

I (We) further understand that failure to comply with the Market Guidelines and all federal, state, county and local regulations and licensing may mean dismissal from the market.

As a vendor wishing to participate in the Creek Market, I (We) agree to SAVE, HOLD HARMLESS AND INDEMNIFY the Creek Market, the City of Swartz Creek, the Swartz Creek DDA, the Market Manager and his/her designees, and any other property owners associated with the Creek Market from any and all liability or responsibility pertaining to any damages to person or property on the site assigned to me (us) by the above parties, when such damages or liability arise out of acts of my (our) own, or of my (our) employees or associates, located at such site.

I (We) understand and acknowledge that the city is authorized to perform a record check on myself and any attendants that may be present at the market location. I further acknowledge that the Market and/or the city reserve the right to deny my application based upon findings resulting from such record check.

I (We) understand that submission of this application does not guarantee that I (We) will be allowed to vend at the market. I understand that the Creek Market reserves the right to accept or deny entry into the market based upon the market's guidelines for vendors and the Market Manager's discretion. Final decision will be made by the Market Manager.

\_\_\_\_\_  
Name (Print) \_\_\_\_\_  
Date

\_\_\_\_\_  
Name (Signature) \_\_\_\_\_  
Date

Please list the full legal name and date of birth of all booth attendants that may be working at the Creek Market (include yourself if you will be in attendance). Include an additional sheet if necessary. All attendants must understand all market guidelines and all rules.

\_\_\_\_\_  
Name of booth attendant (print) \_\_\_\_\_  
Date of Birth

\_\_\_\_\_  
Name of booth attendant (print) \_\_\_\_\_  
Date of Birth

\_\_\_\_\_  
Name of booth attendant (print) \_\_\_\_\_  
Date of Birth

\_\_\_\_\_  
Name of booth attendant (print) \_\_\_\_\_  
Date of Birth

\_\_\_\_\_  
Name of booth attendant (print) \_\_\_\_\_  
Date of Birth

## *Creek Market Schedule 2014 Season*

Vendor: \_\_\_\_\_

Please indicate with an 'x' the days and times you intend to be present at the market location. Note that adjustments and additions can be made with the written consent of the Market Manager.

	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
8:00am							
9:00am							
10:00am							
11:00am							
12:00pm							
1:00pm							
2:00pm							
3:00pm							
4:00pm							
5:00pm							
6:00pm							
7:00pm							

Please note the date range, along with any additional notes regarding your proposed schedule, in the space below.

Date Start: \_\_\_\_\_ Date End: \_\_\_\_\_

Other notes:

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City of Swartz Creek  
 Delinquent Mowing/Sidewalk/Water/Sewer Accounts

Estimated Amounts to Taxes 2014

**Mowing**

Invoice	Date	Name	Tax ID #	Amount
1300005521	6/10/2013	Robert Gagnon	58-02-503-004	300.00
3 Invoices	8/22/2013	JP Morgan Chase	58-03-533-114	900.00
1200005409	12/28/2012	General Motors	58-31-526-009	300.00
1300005543	6/14/2013	R&T Family Trust	58-36-200-023	300.00
1300005558	7/12/2013	John & Diane Green	58-01-100-019	300.00
<b>Total</b>				<u>\$2,100.00</u>

**Sidewalks**

Invoice	Date	Name	Tax ID #	Amount
1200005399	12/19/2012	Bradley Stiff	58-03-526-004	83.60
1300005602	8/26/2013	Paul Stewart	58-36-529-033	412.00
<b>Total</b>				<u>\$495.60</u>

**Water & Sewer**

Customer Name	Address	Tax ID #	Amount
Anna Frary	7325 Bristol Rd	58-36-100-005	437.05
Dawn Gagnon	5256 Don Shenk	58-02-503-004	465.46
Janis Meader	5410 Don Shenk	58-03-579-002	465.46
U.S. Bank	5337 Durwood	58-03-533-178	48.63
JP Morgan Chase	5388 Durwood	58-03-533-114	419.34
Diane Green	7512 Grove St	58-01-100-019	493.17
Wachovia Bank	5155 Helmsley	58-03-532-013	203.85
Mike & Florica Man	5012 Holland	58-02-529-017	465.46
Value Homes	21 Kingsley	58-35-300-006	59.50
Chad Humphreys	6115 Miller	58-31-527-005	578.71
Donald Clark	6350 Miller	58-31-100-023	569.53
PNC Bank	7165 Miller	58-36-577-021	323.04
Maria Oussoren-Brown	7448 Miller	58-36-300-012	138.48
Ideal Homes & Realty	8247 Miller	58-02-526-061	33.32
Satori Corporation	4264 Morrish	58-35-576-021	691.62
Timothy & Yvonne Hurd	4432 Morrish	58-35-576-003	177.75
Richard Miller	5157 Morrish	58-01-100-013	452.14
Jennifer Ringle	9152 Norbury	58-03-533-039	100.00
Amanda Carlson	5173 Seymour	58-03-533-003	74.66
Patricia Heward	5194 Seymour	58-03-531-073	64.61
Matthew Cummings	5022 Winston	58-02-501-076	148.49
Kari Hajdino	5325 Worchester	58-03-578-009	1354.95
			<u>\$7,765.22</u>

**HERITAGE VILLAGE SPECIAL ASSESSMENT DISTRICT 1**

<b>Parcel Number</b>	<b>Number</b>	<b>Property Address</b>	<b>Assessment 2014</b>
58-30-651-001	3446	CAMBRIDGE ST	\$262.37
58-30-651-002	3452	CAMBRIDGE ST	\$262.37
58-30-651-003	6379	AUGUSTA ST	\$262.37
58-30-651-004	6371	AUGUSTA ST	\$262.37
58-30-651-005	6365	AUGUSTA ST	\$262.37
58-30-651-006	6359	AUGUSTA ST	\$262.37
58-30-651-008	6343	AUGUSTA ST	\$262.37
58-30-651-009	6337	AUGUSTA ST	\$262.37
58-30-651-010	6329	AUGUSTA ST	\$262.37
58-30-651-011	3445	CAMBRIDGE ST	\$262.37
58-30-651-012	3448	MANCHESTER ST	\$262.37
58-30-651-013	6328	AUGUSTA ST	\$262.37
58-30-651-017	3490	CANTERBURY ST	\$262.37
58-30-651-018	3482	CANTERBURY ST	\$262.37
58-30-651-020	6274	AUGUSTA ST	\$262.37
58-30-651-021	6280	AUGUSTA ST	\$262.37
58-30-651-022	6286	AUGUSTA ST	\$262.37
58-30-651-024	3457	HERITAGE BLVD	\$262.37
58-30-651-025	3449	HERITAGE BLVD	\$262.37
58-30-651-027	3435	HERITAGE BLVD	\$262.37
58-30-651-028	3436	HERITAGE BLVD	\$262.37
58-30-651-029	3442	HERITAGE BLVD	\$262.37
58-30-651-031	3460	HERITAGE BLVD	\$262.37
58-30-651-032	3495	CANTERBURY ST	\$262.37
58-30-651-033	3491	CANTERBURY ST	\$262.37
58-30-651-034	3475	CANTERBURY ST	\$262.37
58-30-651-035	3469	CANTERBURY ST	\$262.37
58-30-651-036	3461	CANTERBURY ST	\$262.37
58-30-651-037	3457	CANTERBURY ST	\$262.37
58-30-651-038	3451	CANTERBURY ST	\$262.37
58-30-651-039	6295	AUGUSTA ST	\$262.37
58-30-651-040	6281	AUGUSTA ST	\$262.37
58-30-651-041	3445	CANTERBURY ST	\$262.37
58-30-651-042	6243	ARLINGTON DR	\$262.37
58-30-651-043	6249	ARLINGTON DR	\$262.37
58-30-651-045	6291	ARLINGTON DR	\$262.37
58-30-651-046	6290	ARLINGTON DR	\$262.37
58-30-651-047	6284	ARLINGTON DR	\$262.37
58-30-651-048	6248	ARLINGTON DR	\$262.37
58-30-651-049	6242	ARLINGTON DR	\$262.37
58-30-651-051	6227	ST CHARLES PASS	\$262.37
58-30-651-052	6235	ST CHARLES PASS	\$262.37
58-30-651-053	6245	ST CHARLES PASS	\$262.37
58-30-651-054	6251	ST CHARLES PASS	\$262.37
58-30-651-055	6287	ST CHARLES PASS	\$262.37
58-30-651-056	6293	ST CHARLES PASS	\$262.37
58-30-651-057	6299	ST CHARLES PASS	\$262.37
58-30-651-058	3405	HERITAGE BLVD	\$262.37
58-30-651-060	3425	HERITAGE BLVD	\$262.37
58-30-651-061	3431	HERITAGE BLVD	\$262.37
58-30-651-062	3432	HERITAGE BLVD	\$262.37
58-30-651-063	3426	HERITAGE BLVD	\$262.37

Parcel Number	Number	Property Address	Assessment
			2014
58-30-651-064	3420	HERITAGE BLVD	\$262.37
58-30-651-067	3402	HERITAGE BLVD	\$262.37
58-30-651-068	6315	ST CHARLES PASS	\$262.37
58-30-651-069	6321	ST CHARLES PASS	\$262.37
58-30-651-070	6327	ST CHARLES PASS	\$262.37
58-30-651-071	6333	ST CHARLES PASS	\$262.37
58-30-651-078	6280	CONCORD DR	\$262.37
58-30-651-079	3358	HERITAGE BLVD	\$262.37
58-30-651-080	3352	HERITAGE BLVD	\$262.37
58-30-651-081	3346	HERITAGE BLVD	\$262.37
58-30-651-083	3336	HERITAGE BLVD	\$262.37
58-30-651-095	3263	HERITAGE BLVD	\$262.37
58-30-651-096	3269	HERITAGE BLVD	\$262.37
58-30-651-097	6230	BAINBRIDGE DR	\$262.37
58-30-651-098	6224	BAINBRIDGE DR	\$262.37
58-30-651-100	6212	BAINBRIDGE DR	\$262.37
58-30-651-101	3291	HERITAGE BLVD	\$262.37
58-30-651-102	3297	HERITAGE BLVD	\$262.37
58-30-651-103	3305	HERITAGE BLVD	\$262.37
58-30-651-104	3311	HERITAGE BLVD	\$262.37
58-30-651-105	3319	HERITAGE BLVD	\$262.37
58-30-651-115	6246	MANSFIELD DR	\$262.37
58-30-651-116	6240	MANSFIELD DR	\$262.37
58-30-651-117	6236	MANSFIELD DR	\$262.37
			<u>\$19,940.12</u>

**Springbrook East Special Assessment District 1**

<b>Parcel Number</b>	<b>Number</b>	<b>Property Address</b>	<b>Assessment 2014</b>
58-36-676-002	4380	MAYA LN	\$427.10
58-36-676-003	4374	MAYA LN	\$427.10
58-36-676-004	4370	MAYA LN	\$427.10
58-36-676-006	4358	MAYA LN	\$427.10
58-36-676-007	4350	MAYA LN	\$427.10
58-36-676-009	4340	MAYA LN	\$427.10
58-36-676-010	4336	MAYA LN	\$427.10
58-36-676-011	4330	MAYA LN	\$427.10
58-36-676-012	4326	MAYA LN	\$427.10
58-36-676-014	4316	MAYA LN	\$427.10
58-36-676-015	4310	MAYA LN	\$427.10
58-36-676-016	4306	MAYA LN	\$427.10
58-36-676-017	4298	MAYA LN	\$427.10
58-36-676-018	4290	MAYA LN	\$427.10
58-36-676-019	4286	MAYA LN	\$427.10
58-36-676-021	4289	MAYA LN	\$427.10
58-36-676-022	4297	MAYA LN	\$427.10
58-36-676-023	4301	MAYA LN	\$427.10
58-36-676-026	7264	MAPLECREST CIR	\$427.10
58-36-676-027	7260	MAPLECREST CIR	\$427.10
58-36-676-028	7252	MAPLECREST CIR	\$427.10
58-36-676-029	7242	MAPLECREST CIR	\$427.10
58-36-676-030	7238	MAPLECREST CIR	\$427.10
58-36-676-031	7233	MAPLECREST CIR	\$427.10
58-36-676-033	7245	MAPLECREST CIR	\$427.10
58-36-676-035	7259	MAPLECREST CIR	\$427.10
58-36-676-036	7263	MAPLECREST CIR	\$427.10
58-36-676-037	4375	MAYA LN	\$427.10
58-36-676-038	4379	MAYA LN	\$427.10
58-36-676-052	7163	LINDSEY DR	\$427.10
58-36-676-062	7186	LINDSEY DR	\$427.10
58-36-676-063	7165	RUSSELL DR	\$427.10
			\$13,667.20



December 18, 2013

Tom Svrcet  
8083 CIVIC DRIVE  
SWARTZ CREEK, MI 48473-1498

Re: Communications Facility located at 4355 SOUTH ELMS ROAD, SWARTZ CREEK, MI 48473

Contract #: 68991 FA#: 10076378

City of Swartz Creek,

As you are aware, AT&T Mobility (“AT&T”) has partnered with Md7 to work with you to facilitate certain modifications to the cell site lease on your property. These modifications will allow AT&T to meet current business requirements and enhance your site’s value to the network.

### **Changes in the Wireless Industry**

Recent industry developments are changing how wireless telecommunications carriers operate. In the past, carriers focused on rapidly building out their networks in order to provide the best coverage. Today, while consumers are enjoying greater services and better coverage than ever before, operating costs continue to escalate. As a result, the wireless industry is also focusing on operating networks as efficiently as possible.

### **Eliminating Risk and Increasing Value**

AT&T is addressing this shift by reviewing its cell site portfolio. AT&T has partnered with Md7 to offer selected landlords like you the opportunity to minimize the business risks associated with industry uncertainties and to increase the value of your cell site lease.

### **Criteria for Cellular Site Retention/Rent Guarantee Period**

AT&T is willing to offer the following option to secure a longer-term lease with you:

- **\$1,000.00** per month, commencing **March 01, 2014**
- **10 %** rent increase every 5 years, commencing **March 01, 2019**
- Extension of Lease through **February 29, 2044**

AT&T will modify its termination rights under the lease to guarantee your rental income in the amount of **\$36,000.00** for the next **36** months.

Current Amount of Guaranteed Rent (with terms of the current lease, Section):

**Or**

Md7 will provide a one-time lump sum payment of **\$128,520**. In return, you will grant a ninety-nine (99) year easement on your property and assign the lease rights and rental income under your lease with AT&T to Md7 or an affiliate of Md7. It is important for you to know that the **\$128,520** pre-payment does not change the ownership or control of the rest of your property in any manner.

In order to maintain its long-term flexibility, AT&T will also require the following lease provisions to address future technological and network changes:

- Expansion of Permitted Use

“Lessee, its personnel, invitees, contractors, agents, sublessees, or its authorized sublessees, or assigns may use the Premises, at no additional cost or expense, for the transmission and reception of any and all communications signals and to modify, supplement, replace, upgrade, expand, including but not limited to the number and type(s) of antennas, or refurbish the equipment and/or improvements thereon, or relocate the same within the Premises at any time during the term of this Lease for any reason, or in order to be in compliance with any current or future federal, state or local mandated application, including but not limited to emergency 911 communication services or for any other reason. Lessor shall reasonably cooperate in obtaining governmental and other use permits or approvals necessary or desirable for the foregoing permitted use. If Lessor does not comply with the terms of this section, in addition to any other rights it may have at law, Lessee may terminate this Lease and shall have no further liability to Lessor. If Lessor does not comply with the terms of this section, Lessee will have the right to exercise any and all rights available to it under law and equity, including the right to cure Lessor’s default and to deduct the costs of such cure from any monies due to Lessor from Lessee.”

- Expansion of the Premises

“Lessor grants, to the extent practicable and on a space available basis, at no additional cost or expense, the Lessee the right to enlarge the Premises or the Lessor shall make space available on the Property for Lessee so that Lessee or its authorized sublessees may implement any necessary modifications, supplements, replacements, refurbishments, or expansions to the Communications Facility or to any equipment related thereto, or for any other reasons, as determined by Lessee in its sole discretion.”

- 24/7 Access

“Lessor hereby grants to Lessee, its authorized sublessees, and to any public or private utility serving Lessee’s Communications Facility or related equipment, access to the Premises and to and over the Property twenty-four hours per day, seven days per week (24/7), including but not limited to, access from an accessible, open and maintained public road to the Premises, for the installation, maintenance, repair, modification, alteration, or refurbishment of the Communications Facility or any equipment related to such Communications Facility as such access is deemed necessary by Lessee, in its sole discretion, without the requirement of notice by Lessee to Lessor. In the event that any public or private utility serving Lessee’s Communications Facility is unable to use the access provided to Lessee, the Lessor hereby agrees to grant additional access to Lessee or to such public or private utility, for the benefit of Lessee, at no cost to Lessee and pursuant to the same terms and conditions as noted above. The terms and conditions regarding access in the Agreement remain in full force and effect, except as modified by this paragraph.”

■ Sale of Property

- (a) "Lessor shall not be prohibited from the selling, leasing or use of any of the Property or the Surrounding Property except as provided below.
- (b) If Lessor, at any time during the Term of this Agreement, decides to rezone or sell, subdivide or otherwise transfer all or any part of the Premises, or all or any part of the Property or Surrounding Property, to a purchaser other than Lessee, Lessor shall promptly notify Lessee in writing, and such rezoning, sale, subdivision or transfer shall be subject to this Agreement and Lessee's rights hereunder. In the event of a change in ownership, transfer or sale of the Property, within ten (10) days of such transfer, Lessor or its successor shall send the documents listed below in this subsection (b) to Lessee. Until Lessee receives all such documents, Lessee shall not be responsible for any failure to make payments under this Agreement and reserves the right to hold payments due under this Agreement.
  - i. Old deed to Property
  - ii. New deed to Property
  - iii. Copy of current Tax Bill
  - iv. New IRS Form W-9
  - v. Completed and Signed AT&T Payment Direction Form
  - vi. Full contact information for new Lessor including phone number(s)
- (c) Lessor agrees not to sell, lease or use any areas of the Property or Surrounding Property for the installation, operation or maintenance of other wireless communications facilities if such installation, operation or maintenance would interfere with Lessee's Permitted Use or communications equipment as determined by radio propagation tests performed by Lessee in its sole discretion. Lessor or Lessor's prospective purchaser shall reimburse Lessee for any costs and expenses of such testing. If the radio frequency propagation tests demonstrate levels of interference unacceptable to Lessee, Lessor shall be prohibited from selling, leasing or using any areas of the Property or the Surrounding Property for purposes of any installation, operation or maintenance of any other wireless communications facility or equipment.
- (d) The provisions of this Section shall in no way limit or impair the obligations of Lessor under this Agreement, including interference and access obligations."

■ Rental Stream Offer

"If at any time after the date of this Agreement, Lessor receives a bona fide written offer from a third party seeking an assignment or transfer of the Rent payments associated with this Agreement ("**Rental Stream Offer**"), Lessor shall immediately furnish Lessee with a copy of the Rental Stream Offer. Lessee shall have the right within ninety (90) days after it receives such copy to match the Rental Stream Offer and agree in writing to match the terms of the Rental Stream Offer. Such writing shall be in the form of a contract substantially similar to the Rental Stream Offer. If Lessee chooses not to exercise this right or fails to provide written notice to Lessor within the ninety (90) day period, Lessor may assign the right to receive Rent payments pursuant to the Rental Stream Offer, subject to the terms of this Agreement. If Lessor attempts to assign or transfer Rent payments without complying with this Section, the assignment or transfer shall be void. Lessee shall not be responsible for any failure to make payments under this Agreement and reserves the right to hold payments due under this Agreement until Lessor complies with this Section."

- Taxes

“Lessor shall be responsible for the payment of all real property taxes and assessments levied against the Premises and for any increases in such taxes and assessments that may be due to Lessee’s Communication Facility or to Lessee’s use of the Premises and shall not seek reimbursement from Lessee for any or any portion of such taxes or assessments.”

- Sublease Rights

"Lessee may sublease all or any portion of the Premises to any person or entity licensed by the FCC to operate wireless communications services (hereinafter, a “Sublessee”) upon such terms and conditions as Lessee and Sublessee shall agree (each such agreement a “Sublease”), upon notice to Lessor. From and after the Effective Date hereof, provided a Sublease is subject to the terms and conditions of the Agreement as amended hereby and in consideration of the amended terms herein, Lessor’s consent to a Sublessee or Sublease will not be required. Notwithstanding any terms in the Agreement to the contrary, no revenue sharing from sublessees shall be due to Lessor nor shall Lessor be responsible to review plans from Lessee or its sublessees."

- Removal/Restoration

“In addition to the terms set forth in the Lease, Lessor agrees that the Communications Facility and any related equipment brought to the Premises by Lessee, its agents, contractors, predecessors-in-interest or sublessees, shall be and remain Lessee’s personal property or the personal property of its sublessee(s), as the case may be. Lessor waives any and all rights it may have, including any rights it may have in its capacity as Lessor under the Lease to assert any liens, encumbrances or adverse claims, statutory or otherwise, related to or in connection with the Communications Facility or any portion thereof. Lessee, in its sole discretion, may remove the Communications Facility or any portion of the Communications Facility at any time during the Term of the Lease, without notice to Lessor and without Lessor’s consent. Notwithstanding any terms to contrary, Lessee will not be responsible for the replacement of any trees, shrubs or other vegetation, nor will Lessee be required to remove from the Premises or the Property any foundations or underground utilities. Lessee, may, in its sole discretion, transfer any improvements or alterations to the Premises to Lessor at any time during the Term of the Agreement without notice to the Lessor and without the Lessor’s consent.”

This letter of understanding is subject in all respects to the preparation, execution and delivery of a definitive amendment in form and substance mutually agreeable to each of us. This letter will not be legally binding between us with respect to the proposed business relationship, but instead serves as a statement of our mutual intent to work toward entering into such an amendment.

AT&T values its affiliation with you and hopes to continue a long and mutually profitable relationship in the years to come. After having reviewed these options, please contact me prior to **January 3, 2013**. Thank you for your consideration.

Sincerely,

**Maurice Samuels**

**Md7** | Lease Consultant  
10590 West Ocean Air Dr.  
San Diego, CA 92130  
o (858) 964-0289  
f (858) 724-1476  
msamuels@md7.com

**Authorized Agent for AT&T Mobility**

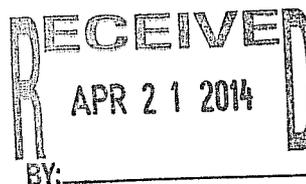
cc: Gregory D. Ohmer  
*Area Manager Real Estate Transaction, AT&T Mobility*





April 15, 2014

Mr. Paul Bueche, City Manager  
City of Swartz Creek  
8083 Civic Dr.  
Swartz Creek, MI 48473



Dear Mr. Bueche:

As part of Comcast's commitment to keep you informed about important developments that affect our customers in your community, I am writing to notify you of some channel changes. Customers are being notified of these changes via bill message.

Effective on or about April 23, 2014, INSP (channel 391), TBN (channel 392), EWTN (channel 393) and Daystar (channel 396) will be available with the Digital Economy level of service.

As always, feel free to contact me directly at 586-883-7075 with any questions you may have.

Sincerely,

A handwritten signature in black ink, appearing to read "Gerald W. Smith".

Gerald W. Smith  
Senior Manager, External Affairs  
Comcast, Heartland Region  
27800 Franklin Rd.  
Southfield, MI 48034

**SWARTZ CREEK POLICE DEPARTMENT  
MOTOR POOL RENTAL HOURS  
MARCH 2014**

	<u>101-301-941</u>	<u>101-302-941</u>	<u>101-303-941</u>	<u>101-304-941</u>
<i>Chief</i> #05-168	24	0	0	0
<i>Detective</i> #05-649	44	0	0	0
<i>Patrol</i> #12-144	171	14	0	0
<i>School</i> #09-401	2	0	100	0
<i>Patrol</i> #13-384	360	1	0	0
<i>K-9</i> #09-226	96	5	0	8
<i>LT.</i> #10-161	100	13	0	0
<b>TOTAL</b>	<b>797</b>	<b>33</b>	<b>100</b>	<b>8</b>

EJS OnSite Officer Daily Departmental Statistics Report

Officer: All Officers	Shift: All Shifts	Assignment: All Assignments
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	03/01/2013 03/31/2013	03/01/2014 03/31/2014
Primary Hours	1,827:15	1,345:45
Miles Driven		
<b>Time Categories (Total Hours)</b>	<b>1,827:15</b>	<b>1,330:45</b>
G Administrative	226:30	96:30
G Clerical	140:00	0:00
G Court	6:00	9:00
G Investigations	98:45	212:00
G Traffic Enforcement	259:30	268:30
G Training	19:00	18:00
G Uniformed	656:00	513:00
R Administration	17:00	20:00
R Clerical	19:00	0:00
R Investigations	1:00	0:00
R Uniformed	27:00	24:45
S Training	8:00	0:00
S Uniformed	157:00	122:15
Z Investigations	6:30	0:00
Z Traffic Enforcement	6:00	0:00
Z Training	7:00	16:00
Z Uniformed	12:30	2:45
ZZ Absent	28:00	8:00
ZZ Holiday	68:00	12:00
ZZ Vacation	64:30	8:00
<b>Activity Categories (Total Count)</b>	<b>4,349</b>	<b>3,803</b>
G Business Checks	2,199	1,375
G Desk Assignments	23	33
G Felony Arrest	3	7
G Initated Calls	965	897
G Meeting	3	0
G Misdemeanor Arrest	32	10
G PD Accident	6	13
G PI Accident	1	2
G Parking Citations	7	13
G Radio Calls	203	267
G Service Request	3	0
G Suspicious Person	50	36
G Vacation Checks	543	846
G Verbal Warning	130	142
G Written Warning	13	18
R Business Checks	9	9
R Radio Calls	8	5
S Business Checks	2	0
S Conference	0	1
S Initated Calls	80	88
S Meeting	40	26
S Misdemeanor Arrest	4	5

**Swartz Creek Police Department**  
**EJS OnSite Officer Daily Departmental Statistics Report**

Date Printed: **04/16/2014**  
 Page Number: **2**

Officer: **All Officers**      Shift: **All Shifts**      Assignment: **All Assignments**

	<b>03/01/2013</b>	<b>03/01/2014</b>
	<b>03/31/2013</b>	<b>03/31/2014</b>
S Radio Calls	2	2
S Verbal Warning	0	2
Z Agency Assist	4	1
Z Currency Seized	1	0
Z Demonstrations	0	1
Z Initated Calls	3	1
Z Narcotics Seized	1	0
Z Negative Tracks	1	0
Z Postive Tracks	2	0
Z Radio Calls	6	1
Z Vehicle Searches	5	2

## Ticket Ledger Report

**Report Criteria:**

Ticket Type	Officer	Start Date	End Date
Traffic	All	03/01/2014	03/31/2014

Number	Name	Date	Location	Description	Officer	Fine
T-1269657		03/02/14	MILLER NEAR MAYA	EXCEEDED POSTED SPEED LIMIT		
T-1269658		03/02/14	MILLER NEAR MAYA	EXCEEDED POSTED SPEED LIMIT		
T-1270136		03/04/14		EXCEEDED POSTED SPEED LIMIT		
T-1269686		03/09/14	RAUBINGER NEAR MILLER	FAIL TO SIGNAL TURN		
T-1269687-A		03/10/14	MORRISH NEAR MARY	EXCEEDED POSTED SPEED LIMIT		
T-1269687-B		03/10/14	MORRISH NEAR MARY	NO PROOF INSURANCE/POSSESS		
T-1221440		03/13/14	MILLER NEAR ELMS	EXCEEDED POSTED SPEED LIMIT		
T-1264503		03/14/14	MORRISH NEAR MAPLE	NO PROOF INSURANCE/POSSESS		
T-1269659-A		03/14/14	ELMS NEAR PARKRIDGE	EXCEEDED POSTED SPEED LIMIT		
T-1269659-B		03/14/14	ELMS NEAR PARKRIDGE	NO PLATE/FAIL TO DISPLAY/EXPI		
T-1270111		03/14/14	BRISTOL NEAR HERITAGE	NO PROOF INSURANCE/POSSESS		
T-1270160		03/14/14	MORRISH NEAR I-69	HEADLIGHTS		
T-1270161		03/15/14	WB I-69 NEAR MORRISH	EXCEEDED POSTED SPEED LIMIT		
T-1270162		03/15/14	WB I-69 NEAR MORRISH	EXCEEDED POSTED SPEED LIMIT		
T-1270163		03/15/14	WB I-69 NEAR MORRISH	EXCEEDED POSTED SPEED LIMIT		
T-1270164		03/15/14	WB I-69 NEAR MORRISH	EXCEEDED POSTED SPEED LIMIT		
T-1270165		03/15/14	WB I-69 NEAR MORRISH	EXCEEDED POSTED SPEED LIMIT		
T-1270166		03/15/14	WB I-69 NEAR MORRISH	EXCEEDED POSTED SPEED LIMIT		
T-1270112		03/15/14	EB I-69 @ MORRISH RAMP	EXCEEDED POSTED SPEED LIMIT		
T-1270167		03/15/14	WB I-69 NEAR MORRISH	EXCEEDED POSTED SPEED LIMIT		
T-1270113		03/16/14	WB I-69 NEAR MORRISH	EXCEEDED POSTED SPEED LIMIT		
T-1269631		03/17/14	MILLER NEAR HOLLAND	TINTED WINDOWS/NO WINDSHIEI		
T-1269688-A		03/17/14	MORRISH NEAR MARY	SEAT BELT 0-4 YR. RESTRAINT FF		
T-1269688-B		03/17/14	MORRISH NEAR MARY	NO PROOF INSURANCE/POSSESS		
T-1269688-C		03/17/14	MORRISH NEAR MARY	EXCEEDED POSTED SPEED LIMIT		
T-1269689		03/18/14	Swartz Creek Car Wash -- 5021 2ND S	REGISTRATION LAW VIOLATIONS		
T-1270114-A		03/19/14	ELMS NEAR MILLER	NO VEHICLE INSURANCE		
T-1270114-B		03/19/14	ELMS NEAR MILLER	NO PLATE/FAIL TO DISPLAY/EXPI		
T-1183762		03/20/14	BRISTOL NEAR ELMS	NO PROOF INSURANCE/POSSESS		
T-1183763		03/20/14	I 69 NEAR MORRISH	FAILED TO MAINTAIN EQUIPMENT		
T-1270168		03/20/14	MILLER NEAR I-69	NO PROOF INSURANCE/POSSESS		
T-1220961		03/21/14	MILLER NEAR ELMS	HEADLIGHTS		
T-1269692-B		03/23/14	MILLER NEAR ELMS	HEADLIGHTS		
T-1269690		03/23/14	MILLER NEAR ELMS	FAIL TO CHANGE ADDRESS		
T-1269691		03/23/14	MILLER NEAR ELMS	NO OPS, NO VALID OPS.		
T-1269692-A		03/23/14	MILLER NEAR ELMS	WHITE LIGHT TO REAR		
T-1269692		03/23/14	MILLER AT ELMS	IMPEDE TRAFFIC		
T-1269634-A		03/23/14	MORRISH NEAR MILLER	NO PROOF INSURANCE/POSSESS		
T-1270115-A		03/25/14	SEYMOUR NEAR OAKVIEW	NO PROOF INSURANCE/POSSESS		
T-1270115-B		03/25/14	SEYMOUR NEAR OAKVIEW	EXCEEDED POSTED SPEED LIMIT		
T-1269985		03/26/14	I-69 AT MILLER	SEAT BELT DRIVER/PASSENGER		
T-1269693		03/26/14	ELMS NEAR BRISTOL	EXCEEDED POSTED SPEED LIMIT		

Tickets so far: 42	Charges so far: 46	Fines Subtotal:	0.00
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## Ticket Ledger Report

**Report Criteria:**

Ticket Type	Officer	Start Date	End Date			
Traffic	All	03/01/2014	03/31/2014			
Number	Name	Date	Location	Description	Officer	Fine
T-1270116		03/28/14	MILLER AT MORRISH	NO PROOF INSURANCE/POSSESS		
T-1270117		03/28/14	I-69 AT MILLER RAMP #002A	DISREGARDED TRAFFIC SIGNAL/		
T-1183764-A		03/28/14	MILLER NEAR SEYMOUR	FAIR TO STOP FOR STOP SIGN		
T-1270169		03/30/14	MORRISH NEAR I-69	FAILED TO MAINTAIN EQUIPMENT		
T-1269986		03/31/14	MILLER NEAR SEYMOUR	RECKLESS DRIVING		
T-1269694-A		03/31/14	ELMS NEAR MILLER	EXPIRED LICENSE		
T-1269694-B		03/31/14	ELMS NEAR MILLER	NO PROOF INSURANCE/POSSESS		
Tickets Total: 49		Charges Total: 54		Fines Total:		0.00

## Uniform Crime Report

**Report Criteria:**

Start File Class	End File Class	Print Zeros?
0100-0	9900-9	Yes

Class	Description	March 2013	March 2014	YR TO DATE
0100-0	Sovereignty	0	0	0
0200-0	Military	0	0	0
0300-0	Immigration	0	0	0
0900-1	Murder/Non-negligent Manslaughter (Voluntary)	0	0	0
0900-2	Negligent Homicide/Manslaughter (Involuntary)	0	0	0
0900-3	Negligent Homicide - Vehicle/Boat/Snowmobile/ORV	0	0	0
0900-4	Justifiable Homicide	0	0	0
1000-1	Kidnapping/Abduction	0	0	0
1000-2	Parental Kidnapping	0	0	0
1100-1	Sexual Penetration Penis/Vagina - CSC 1st Degree	0	0	0
1100-2	Sexual Penetration Penis/Vagina - CSC 3rd Degree	0	0	0
1100-3	Sexual Penetration Oral/Anal - CSC 1st Degree	0	0	0
1100-4	Sexual Penetration Oral/Anal - CSC 3rd Degree	0	0	0
1100-5	Sexual Penetration Object - CSC 1st Degree	0	0	1
1100-6	Sexual Penetration Object - CSC 3rd Degree	0	0	0
1100-7	Sexual Contact Forcible - CSC 2nd Degree	0	0	1
1100-8	Sexual Contact Forcible - CSC 4th Degree	0	0	0
1200-0	Robbery	0	0	1
1300-1	Non-Aggravated Assault	3	5	9
1300-2	Aggravated/Felonious Assault	0	1	1
1300-3	Intimidation/Stalking	1	0	0
1400-0	Abortion	0	0	0
2000-0	Arson	0	0	0
2100-0	Extortion	0	0	0
2200-1	Burglary - Forced Entry	5	2	12
2200-2	Burglary - Entry Without Force (Intent to Commit)	1	0	0
2200-3	Burglary - Entry Without Authority With or Without Force (No Intent)	0	1	2
2200-4	Possession of Burglary Tools	0	1	1
2300-1	Larceny - Pocketpicking	0	0	0
2300-2	Larceny - Purse Snatching	0	0	0
2300-3	Larceny - Theft from Building	1	1	3
2300-4	Larceny - Theft from Coin-Operated Machine/Device	0	0	0
2300-5	Larceny - Theft from Motor Vehicle	2	0	1
2300-6	Larceny - Theft of Motor Vehicle Parts/Accessories	0	0	1
2300-7	Larceny - Other	1	2	6
2400-1	Motor Vehicle Theft	0	0	1
2400-2	Motor Vehicle as Stolen Property	0	0	0
2400-3	Motor Vehicle Fraud	0	0	0
2500-0	Forgery/Counterfeiting	0	1	1
2600-1	Fraud - False Pretense/Swindle/Confidence Game	0	0	3
2600-2	Fraud - Credit Card/Automatic Teller Machine	1	3	3
2600-3	Fraud - Impersonation	0	4	6
2600-4	Fraud - Welfare Fraud	0	0	0
2600-5	Fraud - Wire Fraud	0	0	0
2600-6	Fraud - Bad Checks	1	0	1
2700-0	Embezzlement	0	0	0
2800-0	Stolen Property	0	0	1

## Uniform Crime Report

**Report Criteria:**

Start File Class	End File Class	Print Zeros?
0100-0	9900-9	Yes

Class	Description	March 2013	March 2014	YR TO DATE
2900-0	Damage to Property	1	2	2
3000-1	Retail Fraud - Misrepresentation	0	0	0
3000-2	Retail Fraud - Theft	1	0	8
3000-3	Retail Fraud - Refund/Exchange	0	0	0
3000-4	Retail Fraud - Organized Retail Crime	0	0	0
3500-1	Violation of Controlled Substance - Act	4	0	4
3500-2	Narcotic Equipment Violations	0	0	0
3600-1	Sexual Penetration Non-forcible - Blood/Affinity (CSC 1st/3rd Degr	0	0	0
3600-2	Sexual Penetration Non-forcible - Other (CSC 1st and 3rd Degree)	1	0	0
3600-3	Peeping Tom	0	0	0
3600-4	Sex Offense - Other	0	0	0
3700-0	Obscenity	0	0	0
3800-1	Family - Abuse/Neglect Nonviolent	0	1	3
3800-2	Family - Non-Support	0	0	0
3800-3	Family - Other	0	0	0
3900-1	Gambling - Betting/Wagering	0	0	0
3900-2	Gambling - Operating/Promoting/Assisting	0	0	0
3900-3	Gambling - Equipment Violations	0	0	0
3900-4	Gambling - Sports Tampering	0	0	0
4000-1	Commercialized Sex - Prostitution	0	0	0
4000-2	Commercialized Sex - Assisting/Promoting Prostitution	0	0	0
4000-3	Human Trafficking - Purchasing Prostitution	0	0	0
4100-1	Liquor License - Establishment	0	0	0
4100-2	Liquor Violations - Other	2	1	1
4200-0	Drunkenness - Except OUIL	0	0	0
4800-0	Obstructing Police	0	0	1
4900-0	Escape/Flight	0	0	0
5000-0	Obstructing Justice	3	1	3
5100-0	Bribery	0	0	0
5200-1	Weapons Offense - Concealed	0	1	3
5200-2	Weapons Offense - Explosives	0	0	0
5200-3	Weapons Offense - Other	1	0	0
5300-1	Disorderly Conduct	0	1	1
5300-2	Public Peace - Other	0	0	0
5400-1	Hit & Run Motor Vehicle Accident	2	3	8
5400-2	Operating Under the Influence of Liquor or Drugs (OUIL or OUID)	1	0	3
5400-3	Driving Law Violations	12	3	12
5500-0	Health and Safety	2	0	1
5600-0	Civil Rights	0	0	0
5700-1	Trespass	0	0	0
5700-2	Invasion of Privacy - Other	0	0	0
5800-0	Smuggling	0	0	0
5900-0	Election Laws	0	0	0
6000-0	Antitrust	0	0	0
6100-0	Tax/Revenue	0	0	0
6200-0	Conservation	0	0	0
6300-0	Vagrancy	0	0	0

## Uniform Crime Report

**Report Criteria:**

Start File Class	End File Class	Print Zeros?
0100-0	9900-9	Yes

Class	Description	March 2013	March 2014	YR TO DATE
6400-1	Human Trafficking - Commercial Sex Acts	0	0	0
6400-2	Human Trafficking - Involuntary Servitude	0	0	0
7000-0	Juvenile Runaway	0	0	0
7300-0	Miscellaneous Criminal Offense	9	0	1
7500-0	Solicitation (All Crimes Except Prostitution)	0	0	0
7700-0	Conspiracy	0	0	0
8900-1	SERVICE OF COMMISSION PAPERS	0	0	0
8900-2	UNAUTHORIZED TRANSPORTATION	0	0	0
8900-3	VIOLATION OF RULES/REGISTRATION	0	0	0
8900-4	WARRANTS	0	0	0
8900-5	MOTOR CARRIER SAFETY RULES	0	0	0
8900-6	INSPECTIONS OF HOMES TO BE MOVED	0	0	0
8900-7	MIGRANT AGRICULTURE WORKERS TRANSP	0	0	0
8900-9	ALL OTHER MOTOR CARRIER VIOLATIONS	0	0	0
9100-1	DELINQUENT MINOR	0	0	0
9100-2	RUNAWAYS	0	0	0
9200-1	DIVORCE AND SUPPORT	0	0	0
9200-2	INCAPACITATION	0	0	0
9200-3	WALK-AWAY - MENTAL INSTITUTIONS ETC	0	0	0
9200-4	ORDER FOR PICKUP AND EXAMINATION	0	0	0
9200-5	CIVIL INFRACTION - ALCOHOL POSSES.	0	0	0
9300-1	Property Damage Accident/Personal Injury	5	12	27
9300-2	NON-TRAFFIC PDA	1	3	8
9300-3	TRAFFIC VIOLATIONS/CIVIL INFRACTION	0	0	0
9300-4	TOWED VEHICLE	1	0	6
9300-5	TRAFFIC HAZARD/ABANDONED VEHICLE	0	0	0
9300-6	TRAFFIC POLICING	0	0	0
9400-1	FALSE ALARM ACTIVATION	0	0	0
9400-2	VALID ALARM ACTIVATION	0	0	0
9400-3	REST AREA/ROADSIDE PARK VIOLATIONS	0	0	0
9500-1	ACCIDENTAL FIRE	0	0	0
9500-2	ACCIDENTAL EXPLOSION	0	0	0
9500-4	OPEN BURNING	0	0	0
9500-6	FIRE-HAZARDOUS CONDITIONS	0	0	0
9700-0	ACCIDENTAL SHOOTING	0	0	0
9700-5	ACCIDENTAL DEATH-WATER	0	0	0
9700-6	ACCIDENT - ALL OTHER	0	0	0
9800-2	RECOVERED PROPERTY	0	0	0
9800-3	PROPERTY INSPECTION	0	0	0
9800-4	OTHER INSPECTIONS/WEAPONS	6	0	6
9800-5	ALARMS	0	0	0
9800-6	CIVIL	1	1	3
9800-7	SUSPICIOUS SITUATION	2	0	2
9800-8	LOST AND FOUND PROPERTY	0	0	1
9800-9	OVERDOSE	0	0	0
9900-1	SUICIDE	1	0	0
9900-2	DOA - NATURAL	0	1	1

# Uniform Crime Report

Report Criteria:

Start File Class	End File Class	Print Zeros?
0100-0	9900-9	Yes

Class	Description	March 2013	March 2014	YR TO DATE
9900-3	MISSING PERSON	1	0	0
9900-7	SAFEKEEPING	0	0	0
9900-8	DEPARTMENTAL ASSIST	1	0	2
9900-9	GENERAL - NON CRIMINAL	3	2	7
Totals:		77	53	169

**CITY OF SWARTZ CREEK  
SWARTZ CREEK, MICHIGAN  
PARK AND RECREATION ADVISORY BOARD  
MINUTES OF REGULAR MEETING  
FEBRUARY 26, 2014**

Meeting called to order at 6:00 p.m.

**ROLL CALL:**           **NOTE: Election of Officers will be delayed until next meeting, Mar. 19, 2014**

Members Present:   James Florence, Pat Williams, Joe Perreault, Ron Schultz,

Members Absent:   Rod Gardner, Rae Lynn Hicks, Rick Henry, Edna Gilbert, Mike Shumaker, Larry Cummings

Staff Present:       Tom Svrcek, Adam Zettel

Others Present:     Jordan & Taylor Kietzman, representing the Swartz Creek Lacrosse Team. Lonia Rocha, reporter from THE VIEW newspaper.

**APPROVAL OF AGENDA:**

Motion by Member FLORENCE, Second by Member WILLIAMS  
Motion carried

**APPROVAL OF OCTOBER 23, 2013 MINUTES:**

Motion by Member, PERREAULT, Second by Member WILLIAMS  
Motion Carried

**MEETING OPEN TO THE PUBLIC:** None

**COMMUNICATIONS TO THE BOARD:** Letter of resignation from the Park Board by Edna Gilbert, accompanied by a check to the Board recognizing the work we do. Edna's recognition was accepted with regrets.

- Five Year Park Plan submitted March 29, 2013 and approved by the DNR on February 14, 2014. This plan will expire **December 31, 2017.**
- Mini grant Final Reports - Attached
- Tree Inventory - Attached
- Final Tree planting Report - Attached

**REPORTS:**

A. **Tom Svrcek** - A great big thank you to Pat Williams for all of her work in writing and implementint the Grants for the City and Parks. Also thanks to all who helped with this project. We have damage to the roof of the pavilion in Winshall Park. Repair will be done by private contractor. Meadowbrook is our insurance carrier. We hope to have work complete by spring. We are looking at setting the budgets for 2014/15 fiscal year, so we will have a copy as soon as they are approved. We are looking at paving approaches to the pavilions, but will have to come up with the most economic way to complete the job. The pavilion on the North side of the entrance will be difficult. May not be able to install a sidewalk that will meet ADA spec's!

City Manager Zettel discussed the possibility of seeking the Recreation Passport Grant which is designed as a Maintenance Grant, with a maximum of \$30,000. Grant requires matching funds and or labor. A plan will have to be in place to apply for this grant in 2015. Much discussion followed. We will need to work with Civic Groups to make plans (Mr. Owosso) and raise money. We can continue to apply for the small \$1000 grants (if Pat is willing to write the applications) while we work toward getting larger grants. "PAT JUST SAID SHE WILL CONTINUE TO WRITE GRANTS"

**OLD BUSINESS:**

Joe Perreault ask about the \$10,000 earmarked from the General Fund (not budgeted) for the parks by the previous City Manager, Bueche. In all fairness to our new City Manager, we will look and talk about the possibility of setting this amount of money aside for the parks. The money is very tight! In the mean time the city will provide a watering station at the entrance for watering the flowers. The city is interested in purchasing (GATOR BAGS) water bags and installing them around the trees. The gentleman out here at the Swartz Creek Tree Farm is recommending there use, in that they will provide approximately 30 gallons a week.

**NEW BUSINESS:**

**FRIENDS OF THE LIBRARY:** Will attend our next meeting as they are willing to get with Pat and work with her on finding grant monies. They have a group of ladies who have many contacts and may help our cause. The Urban Forestry Grant is small in nature, \$4 to 5000. Owosso planted 100 oaks at a place called Emerson Grove with money obtained through this grant. We should develop a community plan to get us started on this grant. Properties not occupied could be adopted by us and perhaps develop small park areas.

**LACROSSE TEAM:** Jordan & Taylor Kietzman were here to volunteer their team members to a work day to clean and maintain our park areas. The team will be represented by approximately 40 lacrosse team members. The work day is scheduled for May 3 from 9-2pm. If it rains, then the work day will be scheduled for May 17, 2014.

**CORNERSTONE BAPTIST CHURCH:** The church (thru Paster Chris Yager) has ask the city, park advisory committee for a list of projects we would like their member to work on.

**OTHER BUSINESS:**

Tom will order tags for the projects completed from 1976-1985. The tags must be installed. Tom has everything he needs including pictures.

**If we have anything specific we want for the parks, we are to provide Tom with a list of those items as soon as possible.**

**MEETING OPEN TO PUBLIC:** None

**BOARD MEMBER COMMENTS:** None

**ADJOURNMENT:**

Unanimous voice vote, the meeting adjourned at 6:56p.m. **NEXT MEETING - March 19, 2014 @ 6 p.m.**

*Jim*



## Fund 202 MAJOR STREETS

FUND BALANCE AS OF JUNE 30, 2013                   \$   655,538.00

### PROJECTED Fiscal July 2013 - June 2014

Total Revenues	\$ 398,362.00
Total Appropriations	\$ 305,983.00
<b>Net Revenues/Appropriations</b>	<b>\$ 92,379.00</b>

**Projected Fund Balance June 30, 2014                   \$ 747,917.00**  
**INCREASE IN FUND BALANCE OF \$ 92,379**

### Fiscal July 2014 - June 2015

Revenues	\$ 285,300.00
Project Revenues	\$ 1,775,515.00
<b>TOTAL REVENUES</b>	<b>\$ 2,060,815.00</b>

APPROPRIATIONS	\$ 187,922.00
PROJECT APPROPRIATIONS	\$ 2,183,539.00
<b>TOTAL APPROPRIATIONS</b>	<b>\$ 2,371,461.00</b>

**NET REVENUES/APPROPRIATIONS                   \$ (310,646.00)**

**Projected Fund Balance June 30, 2015                   \$ 437,271.00**  
**DECREASE IN FUND BALANCE OF \$ 310,646**

- This fund is saving about \$100,000 each year after operations.
- Noted savings are essential because they are used periodically for large capital projects, such as Miller Road.
- This fiscal year is projecting an operating budget that is right on track with expectations.
- Project expenses this year have quite an impact on the fund balance for this fund, but it is expected and manageable.
- The FY 2016 fiscal budget should observe savings since there are no immediate projects planned.



# Fund 226 GARBAGE FUND

FUND BALANCE AS OF JUNE 30, 2013                   \$   412,165.00

**PROJECTED Fiscal July 2013 - June 2014**

Total Revenues	\$ 326,808.00
Total Appropriations	\$ 444,440.00
<b>Net Revenues/Appropriations</b>	<b>\$ (117,632.00)</b>

**Projected Fund Balance June 30, 2014                   \$   294,533.00**  
**DECREASE IN FUND BALANCE OF \$ 117,632**

**Fiscal July 2014 - June 2015**

Revenues	\$ 333,869.00
Project Revenues	\$ -
<b>TOTAL REVENUES</b>	<b>\$ 333,869.00</b>

APPROPRIATIONS	\$ 443,012.00
PROJECT APPROPRIATIONS	\$ -
<b>TOTAL APPROPRIATIONS</b>	<b>\$ 443,012.00</b>

**NET REVENUES/APPROPRIATIONS                   \$ (109,143.00)**

**Projected Fund Balance June 30, 2015                   \$   185,391.00**  
**DECREASE IN FUND BALANCE OF \$ 109,143**

-This fund is in bad shape, but it is still manageable.  
 -Operations are not sustainable, but fund balance can cover operations for a couple more years.  
 -A levy change is probably still needed to offset some of the deficit this year.  
   1. An increase of 0.2770 mils would raise \$39,288, resulting in a \$69,854 deficit  
   2. An increase of 0.5541 mils (maximum) would raise \$78,592, resulting in a \$30,550 deficit.  
 -Much of the additional costs are related to one-time increases in wood chipping (~\$30,000)  
 -Waste contract service changes are not practical (I will explain at the meeting)  
 -A renegotiation of the rates for existing services is forthcoming and should result in savings for part of the FY 2015. I will explain this process as well. The impact is completely unknown.

## Fund 248 - DOWNTOWN DEVELOPMENT FUND

FUND BALANCE AS OF JUNE 30, 2013                   \$     41,364.00

**PROJECTED Fiscal July 2013 - June 2014**

Total Revenues	\$	1,223.00
Total Appropriations	\$	6,850.00
<b>Net Revenues/Appropriations</b>	<b>\$</b>	<b>(5,627.00)</b>

**Projected Fund Balance June 30, 2014                   \$     35,737.00**  
**DECREASE IN FUND BALANCE OF \$ 5,627**

**Fiscal July 2014 - June 2015**

Revenues	\$	106,240.00
<b>TOTAL REVENUES</b>	<b>\$</b>	<b>106,240.00</b>
 APPROPRIATIONS	 \$	 79,750.00
<b>TOTAL APPROPRIATIONS</b>	<b>\$</b>	<b>79,750.00</b>
 NET REVENUES/APPROPRIATIONS	 <u>\$</u>	 <u>26,490.00</u>

**Projected Fund Balance June 30, 2015                   \$     62,227.00**  
**INCREASE IN FUND BALANCE OF \$ 26,490**

FUND BALANCE AS OF JUNE 30, 2013                   \$     62,227.00

-This fund is doing great.  
 -Revenues are expected for the first time in half a decade, and funds are projected to be used to offset city expenses related to the parking improvements, streetscape, and demolitions.  
 -The downside is that this fund is highly susceptible to change based on the smallest depreciations in the downtown tax base, resulting in the complete inability to predict future year activity.



## Fund 275 - SENIOR OPERATIONS

FUND BALANCE AS OF JUNE 30, 2013                   \$           50.00

### PROJECTED Fiscal July 2013 - June 2014

Total Revenues	\$	2.00
Total Appropriations	\$	2.00
<b>Net Revenues/Appropriations</b>	\$	-

<b>Projected Fund Balance June 30, 2014</b>	\$	<b>50.00</b>
<b>NO CHANGE IN FUND BALANCE</b>		

### Fiscal July 2014 - June 2015

Revenues	\$	4.00
<b>TOTAL REVENUES</b>	\$	<b>4.00</b>
 APPROPRIATIONS	\$	4.00
<b>TOTAL APPROPRIATIONS</b>	\$	<b>4.00</b>
 NET REVENUES/APPROPRIATIONS	\$	-

<b>Projected Fund Balance June 30, 2015</b>	\$	<b>50.00</b>
<b>NO CHANGE IN FUND BALANCE</b>		

FUND BALANCE AS OF JUNE 30, 2013                   \$           50.00

## Fund 350 CITY HALL DEBT

FUND BALANCE AS OF JUNE 30, 2013                   \$       2,469.00

**PROJECTED Fiscal July 2013 - June 2014**

Total Revenues	\$	81,367.00
Total Appropriations	\$	81,330.00
<b>Net Revenues/Appropriations</b>	<b>\$</b>	<b>37.00</b>

<b>Projected Fund Balance June 30, 2014</b>	<b>\$</b>	<b>2,506.00</b>
<b>INCREASE IN FUND BALANCE \$ 37.00</b>		

**Fiscal July 2014 - June 2015**

Revenues	\$	78,625.00
<b>TOTAL REVENUES</b>	<b>\$</b>	<b>78,625.00</b>
 APPROPRIATIONS	 \$	 78,625.00
<b>TOTAL APPROPRIATIONS</b>	<b>\$</b>	<b>78,625.00</b>
 NET REVENUES/APPROPRIATIONS	 <u>\$</u>	 <u>-</u>

<b>Projected Fund Balance June 30, 2015</b>	<b>\$</b>	<b>2,506.00</b>
<b>NO CHANGE IN FUND BALANCE</b>		

-This is a routine fund that covers one payment each year for the city hall debt service. Money is transferred in from various funds to cover the cost in a ratio that reflects the use of the building.  
 -We recently received notice of an increase in fees for this bond payment of \$525 annually. This is not reflected in these numbers.

## Fund 401 CAPITAL PROJECTS FUND

FUND BALANCE AS OF JUNE 30, 2013                   \$           8.00

**PROJECTED Fiscal July 2013 - June 2014**

Total Revenues	\$	-
Total Appropriations	\$	-
<b>Net Revenues/Appropriations</b>	<b>\$</b>	<b>-</b>

<b>Projected Fund Balance June 30, 2014</b>	<b>\$</b>	<b>8.00</b>
<b>NO CHANGE IN FUND BALANCE</b>		

**Fiscal July 2014 - June 2015**

Revenues	\$	-
<b>TOTAL REVENUES</b>	<b>\$</b>	<b>-</b>
APPROPRIATIONS	\$	-
<b>TOTAL APPROPRIATIONS</b>	<b>\$</b>	<b>-</b>
<b>NET REVENUES/APPROPRIATIONS</b>	<b>\$</b>	<b>-</b>

<b>Projected Fund Balance June 30, 2015</b>	<b>\$</b>	<b>8.00</b>
<b>NO CHANGE IN FUND BALANCE</b>		



# Fund 590 WATER FUND

FUND BALANCE AS OF JUNE 30, 2013                   \$ 1,100,126.00

**PROJECTED Fiscal July 2013 - June 2014**

Total Revenues	\$ 1,542,887.00
Total Appropriations	\$ 1,470,405.00
<b>Net Revenues/Appropriations</b>	<b>\$ 72,482.00</b>

**Projected Fund Balance June 30, 2014                   \$ 1,172,608.00**  
**INCREASE IN FUND BALANCE \$72,482**

**Fiscal July 2014 - June 2015**

Revenues	\$ 1,478,350.00
<b>TOTAL REVENUES</b>	<b>\$ 1,478,350.00</b>
 APPROPRIATIONS	 \$ 1,520,522.00
<b>TOTAL APPROPRIATIONS</b>	<b>\$ 1,520,522.00</b>
 NET REVENUES/APPROPRIATIONS	 <u><b>\$ (42,172.00)</b></u>

**Projected Fund Balance June 30, 2015                   \$ 1,130,436.00**  
**DECREASE IN FUND BALANCE \$ 42,172**

-This fund is doing just fine, but there is not a long term plan for main replacement.  
 -Rates may need to be adjusted to reflect any rate changes coming from Detroit (short term) and the Karegnondi Authority (long term).

# Fund 591 - SEWER FUND

FUND BALANCE AS OF JUNE 30, 2013                   \$ 2,258,362.00

**PROJECTED Fiscal July 2013 - June 2014**

Total Revenues	\$ 1,118,304.00
Total Appropriations	\$ 1,187,671.00
<b>Net Revenues/Appropriations</b>	<b>\$ (69,366.00)</b>

**Projected Fund Balance June 30, 2014                   \$ 2,188,996.00**  
**DECREASE IN FUND BALANCE \$ 69,366**

**Fiscal July 2014 - June 2015**

Revenues	\$ 1,099,270.00
<b>TOTAL REVENUES</b>	<b>\$ 1,099,270.00</b>
 APPROPRIATIONS	 \$ 1,323,870.00
<b>TOTAL APPROPRIATIONS</b>	<b>\$ 1,323,870.00</b>
 NET REVENUES/APPROPRIATIONS	 <u><u>\$ (224,600.00)</u></u>

**Projected Fund Balance June 30, 2015                   \$ 1,964,396.00**  
**DECREASE IN FUND BALANCE \$ 224,600**

-This fund is also in good shape for the time being because of the large amount of fund balance. However, operating expenses are about 10% higher than revenues, and capital maintenance adds even more deficit.  
 -Incremental rate increases should be planned so that a large increase is not needed down the road when savings are reduced and expenses are 25% higher than revenues.  
 -Fee increases from Genesee County are planned for this year and the city council will probably need to pass those along.

# Fund 661 - MOTOR POOL

FUND BALANCE AS OF JUNE 30, 2013 \$ 219,220.00

**PROJECTED Fiscal July 2013 - June 2014**

Total Revenues	\$ 155,159.00
Total Appropriations	\$ 196,550.00
<b>Net Revenues/Appropriations</b>	<b>\$ (41,391.00)</b>

**Projected Fund Balance June 30, 2014 \$ 177,829.00**

**DECREASE IN FUND BALANCE 41,391**

**Fiscal July 2014 - June 2015**

Revenues	\$ 221,698.00
<b>TOTAL REVENUES</b>	<b>\$ 221,698.00</b>
APPROPRIATIONS	\$ 253,054.00
<b>TOTAL APPROPRIATIONS</b>	<b>\$ 253,054.00</b>
<b>NET REVENUES/APPROPRIATIONS</b>	<b><u>\$ (31,356.00)</u></b>

**Projected Fund Balance June 30, 2015 \$ 146,473.00**

**DECREASE IN FUND BALANCE \$ 31,356**

-This fund is in flux because it is uncertain how equipment use with seasonal help and new officers will impact the fund revenues.  
 -Much of this deficit is due to deferred purchases that we intend to make this year, including \$58,000 in the police department and \$40,000 in the department of public works.  
 -No action or change is recommended at this point.

## Fund 865 - SIDEWALKS

FUND BALANCE AS OF JUNE 30, 2013                   \$       4,424.00

**PROJECTED Fiscal July 2013 - June 2014**

Total Revenues	\$	8,652.19
Total Appropriations	\$	9,148.74
<b>Net Revenues/Appropriations</b>	<b>\$</b>	<b>(496.55)</b>

**Projected Fund Balance June 30, 2014                   \$       3,927.45**

**DECREASE IN FUND BALANCE \$496.55**

**Fiscal July 2014 - June 2015**

Revenues	\$	1,500.00
<b>TOTAL REVENUES</b>	<b>\$</b>	<b>1,500.00</b>

APPROPRIATIONS	\$	1,500.00
<b>TOTAL APPROPRIATIONS</b>	<b>\$</b>	<b>1,500.00</b>

<b>NET REVENUES/APPROPRIATIONS</b>	<b>\$</b>	<b>-</b>
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**Projected Fund Balance June 30, 2015                   \$       3,927.45**

**NO CHANGE IN FUND BALANCE**

## Fund 866 - WEED FUND

FUND BALANCE AS OF JUNE 30, 2013                   \$     30,317.00

### PROJECTED Fiscal July 2013 - June 2014

Total Revenues	\$	3,300.00
Total Appropriations	\$	30,427.00
<b>Net Revenues/Appropriations</b>	<b>\$</b>	<b>(27,127.00)</b>

**Projected Fund Balance June 30, 2014                   \$     3,190.00**

**DECREASE IN FUND BALANCE \$27,127**  
**TRANSFER OF \$30,000 TO GENERAL FUND FY14**

### Fiscal July 2014 - June 2015

Revenues	\$	1,500.00
<b>TOTAL REVENUES</b>	<b>\$</b>	<b>1,500.00</b>
APPROPRIATIONS	\$	700.00
<b>TOTAL APPROPRIATIONS</b>	<b>\$</b>	<b>700.00</b>
<b>NET REVENUES/APPROPRIATIONS</b>	<b>\$</b>	<b><u>800.00</u></b>

**Projected Fund Balance June 30, 2015                   \$     3,990.00**

**INCREASE IN FUND BALANCE \$ 800**

## Fund 871 - SEWER SPECIAL ASSESSMENT

FUND BALANCE AS OF JUNE 30, 2013                   \$       3,650.00

**PROJECTED Fiscal July 2013 - June 2014**

Total Revenues	\$	-
Total Appropriations	\$	-
<b>Net Revenues/Appropriations</b>	<b>\$</b>	<b>-</b>

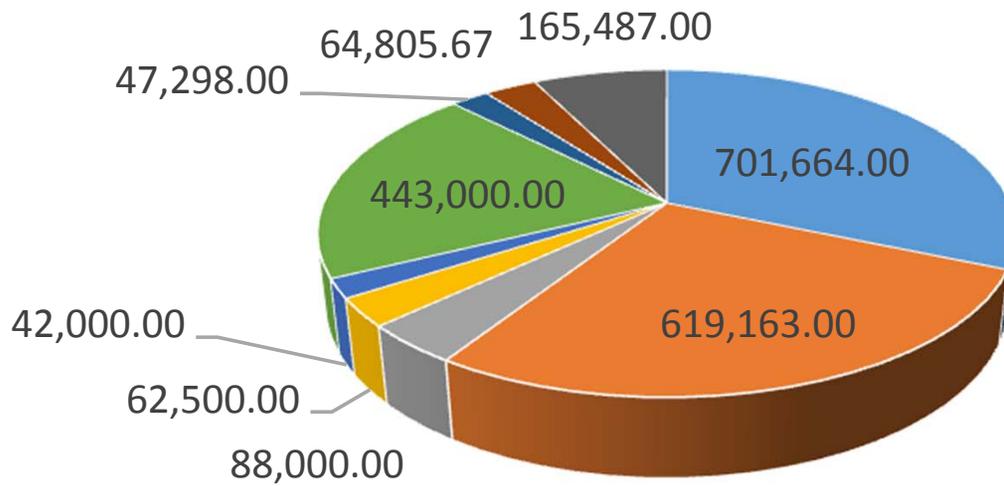
<b>Projected Fund Balance June 30, 2014</b>	<b>\$</b>	<b>3,650.00</b>
<b>NO CHANGE IN FUND BALANCE</b>		

**Fiscal July 2014 - June 2015**

Revenues	\$	-
<b>TOTAL REVENUES</b>	<b>\$</b>	<b>-</b>
APPROPRIATIONS	\$	-
<b>TOTAL APPROPRIATIONS</b>	<b>\$</b>	<b>-</b>
<b>NET REVENUES/APPROPRIATIONS</b>	<b>\$</b>	<b>-</b>

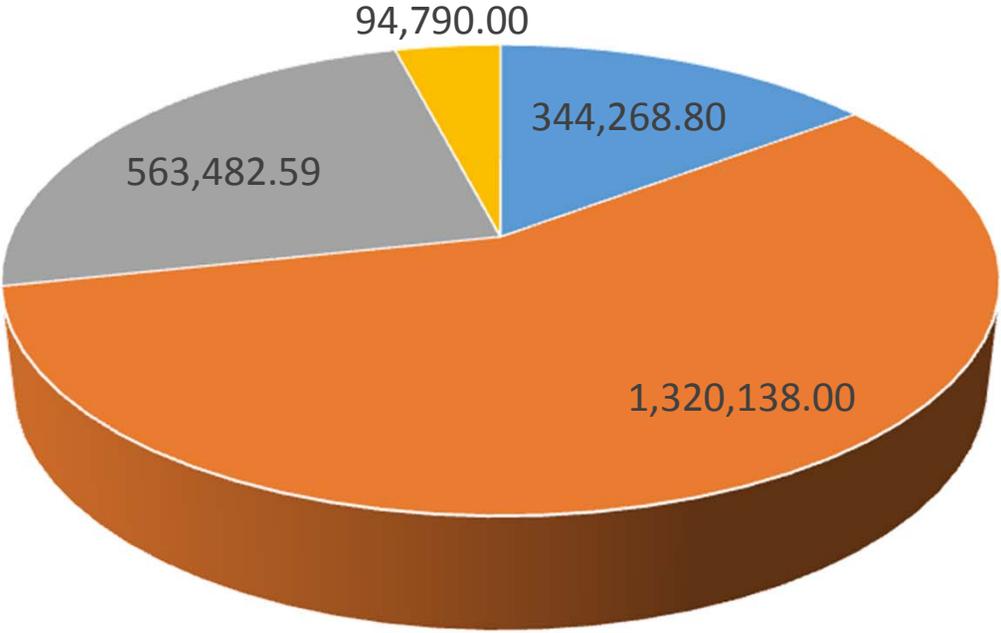
<b>Projected Fund Balance June 30, 2015</b>	<b>\$</b>	<b>3,650.00</b>
<b>NO CHANGE IN FUND BALANCE</b>		

## General Fund Revenue Sources



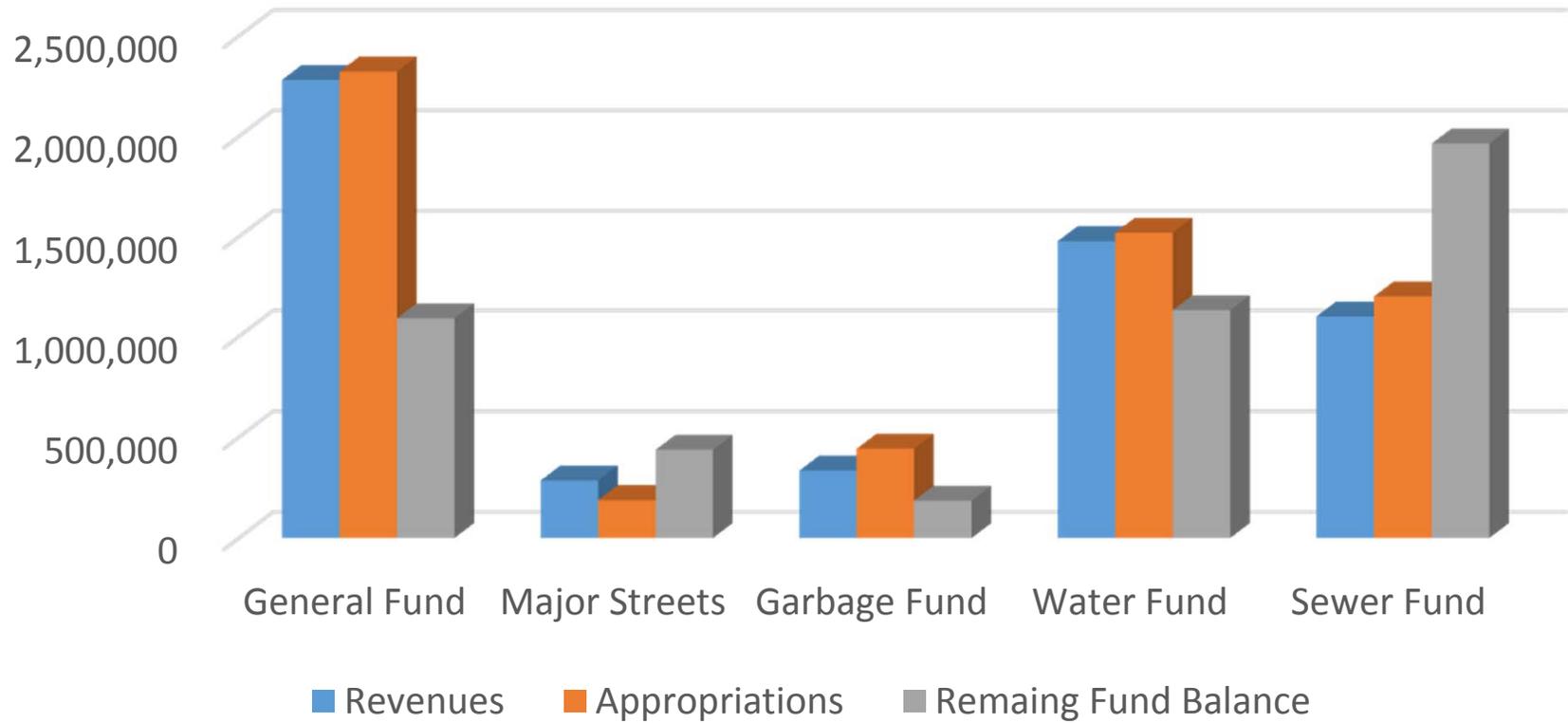
- Property Tax
  - Tower Leases
  - EVIP
- Public Safety SAD
  - Paramutual Returns
  - Admin Fee
- Franchise Fee
  - Revenue Sharing
  - Park, Ord, & Service Fees

# General Fund Appropriations



- Admin (Clerk, Treasurer, Assessing, etc).
- Public Safety
- Dept. Public Works
- Bonds, Retiree Med, etc.

## Large Cap Fund Balance Impact - No Projects



## Small Cap Fund Balance Impact - No Projects

