

**City of Swartz Creek  
AGENDA**

**Regular Council Meeting, Monday, August 24, 2015, 7:00 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. Council Meeting of August 10, 2015 MOTION Pg. 24
5. **APPROVE AGENDA:**
  - 5A. Proposed / Amended Agenda MOTION Pg. 1
6. **REPORTS & COMMUNICATIONS:**
  - 6A. City Manager's Report MOTION Pg. 2
  - 6B. Consumers Energy Service Notice Pg. 32
  - 6C. Intersection Study Proposal (Business Item) Pg. 34
  - 6D. DDA Boundary Amendment Notice Pg. 40
  - 6E. Lift Station Engineering Proposal (Business Item) Pg. 43
7. **MEETING OPENED TO THE PUBLIC:**
  - 7A. General Public Comments
8. **COUNCIL BUSINESS:**
  - 8A. Paul D. Bueche Municipal Building Dedication PROCLAMATION
  - 8B. Dye Road Property Auctions RESO Pg. 12
  - 8C. Fee Schedule Changes (Water, FOIA, Penalty/Interest, Rentals) RESO Pg. 13
  - 8D. Morrish and Miller Intersection Signal Study RESO Pg. 22
  - 8E. Cappy Lane Lift Station Engineering RESO Pg. 23
9. **MEETING OPENED TO THE PUBLIC:**
10. **REMARKS BY COUNCILMEMBERS:**
11. **ADJOURNMENT:** MOTION

**City of Swartz Creek**  
**CITY MANAGER'S REPORT**  
Regular Council Meeting of Monday, August 24, 2015 - 7:00 P.M.

**TO:** *Honorable Mayor, Mayor Pro-Tem & Council Members*  
**FROM:** Adam Zettel, City Manager  
**DATE:** August 18, 2015

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

✓ **RACEWAY STATUS** *(No Change of Status)*

The raceway has dropped their appeal for 2014, but they have filed for 2015. This is great news! Monies that the downtown development authority was encumbering with the intention of refunding can now be counted as unrestricted revenues. I suspect the strategy is revolving around the marketing of the track, and this will be resolved upon sale. For more information pertaining to the appeal, please see prior meeting packets.

Concerning the marketing, there is not much happening as far as we can tell. We held off on rezoning because the owner wanted to do some research and work with us on a plan, but that simply has not happened. Obviously, we should work with them to the extent that they are willing. However, as we move forward with the master plan, I think it is clear that we cannot wait for them to come to the table to do what is in the interest of the community.

✓ **OUTSTANDING APPEALS** *(No Change of Status)*

The two notable appeals are the raceway and the golf course. Both of these facilities had appeals filed in 2014, and both of them were ultimately withdrawn. Due to the uniqueness of these facilities and the value of the appealed amount, the city choose to allocate funds to challenge these appeals and perform necessary appraisals. This will likely be the case again. However, there is still time to work with so consider this an informational update only.

Once the assessor reviews all cases and we have more time to communicate with owners, we will be in a better position to know which appeals should be opposed, negotiated, or accepted.

✓ **STREETS** *(See Individual Category)*

**MORRISH ROAD CLASSIFICATION-BRIDGE CAPACITY** *(No Change of Status)*

Morrish Road has been submitted for classification as a “minor arterial” from a “major collector”. The MDOT is reviewing this and should respond before August.

**MILLER ROAD RESURFACING PROJECT** *(Update)*

Work continues on Miller Road. The project may be substantially complete by the time we meet on the 24<sup>th</sup>, though striping and signs may take a bit longer.

I also hope to be able to report on the estimated costs for this project soon when OHM tallies up change orders and the volume of work completed to date. There is no indication that this project will be under or over budget, with one exception. The traffic control provided by Genesee County as it relates to signal alignment and timing was not included in the project scope. This has been allowed as a participating expense by MDOT, but it could run as high as \$12,000.

Lastly, there have been concerns about the landscape restoration, especially on the south side of Miller. As part of the punch list, a landscape restoration action plan has been requested.

❑ **SIGNAL PHASING STUDY FOR MILLER AND MORRISH** (*Update-Business Item*)

We recently considered a study to optimize the signals at Morrish and Miller Roads. The council received many anecdotal comments about the improved flow at this intersection that is thought to result from the dedicated left turn signals. All parties agree that the details are paramount, making it necessary to collect peak hour traffic counts, including turns, after the project is complete.

OHM has presented a proposal to take a closer look at this. On one hand, this intersection, by all metrics, functions relatively quickly and safely. On the other hand, this is our community's "crossroads" and with new commercial projects coming, it may be the right time to take a look at the flow of the intersection as well as the impact on nearby downtown access points. The proposal to make recommendations on options has a cost of \$5,500. A resolution to approve the expense of such funds out of the major street fund is included.

❑ **20 YEAR STREET PLAN** (*No Change of Status*)

The state legislature continues to draft budgets to fund road repair. Most plans target an increase of \$1.1-\$1.5 billion, in line with the May ballot proposal. If this holds true and the revenues are distributed accordingly, we can expect such a plan to increase funds to the city by about \$250,000 per year. However, the proposals that are being discussed rely heavily on undefined cuts to the state's general fund (city revenue sharing?), as well as above average revenue increases from income and sales taxes.

What the state decides to do (or not do) will have a major impact on funding our plan. Once this is evident, we can move forward with a plan to fund whatever revenue gap exists. As discussed, this could be any combination of assessments, a levy, and a re-apportionment of existing/new state revenues. If the state fails to act or does so in a way that has a negligible impact, we may need to decide to move forward without consideration of the state's contribution.

See the May 11 report for prior details.

❑ **2015 STREET BIDS-SCRAP TIRE GRANT** (*No Change of Status*)

The city is moving forward with engineering of the intersections of Winston and Miller, as well as Fairchild and Miller. We expect this work to be done after school releases in 2016.

✓ **WATER – SEWER ISSUES PENDING** (*See Individual Category*)

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

The city is moving forward with relining of portions of the Worchester Drive sewer line and inspection of sections of Seymour, Greenleaf, Durwood, Valleyview, Birchcrest, Chesterfield, and Chelmsford as approved at the January 26<sup>th</sup> meeting. The scope of work is estimated to cost \$146,320. However, there may be some portions of the project that will require a change order for the purposes of doing a partial excavation where lining is not practical. I will be back with more details.

❑ **KWA** (*No Change of Status*)

The KWA water pipeline held a dedication ceremony on June 17<sup>th</sup> at their proposed water treatment station near Columbiaville. They are still ahead of schedule and under budget. The most recent estimates place the authority in operation by the end of 2016 on a limited basis, serving Flint. It is expected to be serving all authority customers by fall of 2017.

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

The agreement has been approved and awaits a master signature page for all participating communities.

❑ **WATER LOSS** (*No Change of Status*)

We have audited most of our commercial accounts and billing registers in house, replaced a number of large customer meters, and sought to run diagnostics on the county's master meters. Water loss has come down from its noted peak, but the last two quarters are still at over 19%. Since we want this number to be lower than the EPA average of 16%, this tells me that something else is going on in the system. We may give measurements a couple more quarters based on some recent findings. However, if we are still not decreasing loss substantially, we may propose professional leak detection or residential meter analysis services to assist us.

Note that there are still some apparent losses that result from mid-quarter billings (final reads for sales or transfers), as well as at least one large commercial account to audit. These may yet substantially affect our billings.

❑ **WATER RATES** (*Update-Agenda Item*)

Effective September 2, 2015, the rates will go up \$0.38 per 100 cubic feet (8%). This will bring the rate that the city pays to \$5.13/ccf. We currently charge \$5.45/ccf. This notice of rate change is available in both July council packets for reference.

I contacted Genesee County Water & Waste to ascertain whether these increases are considered temporary or permanent, given the timeframe of placing the KWA into service. They indicate that they expect the Detroit authority to pass along two more increases of about 10% before we are getting KWA water. As such, this rate is one we probably cannot ignore.

Based upon prior deliberation and the expectation of at least two more increases from Detroit before the KWA is online, the city council was in favor of adjusting the rate of the city to reflect the impact on our expenses as a direct result of the

increase. To accomplish this, staff calculated the impact based upon the volume of water purchased from the county multiplied by the rate increase and distributed this cost based upon expected retails water sales that are based on the city's commodity charge. The city increase, cent-for-cent, is higher than the county's due to water loss. However, city customers will see a smaller percentage increase. This is because the projected impact results in no change to the readiness to serve charge and a \$0.48 increase to the commodity charge.

The impact on the city's customers is illustrated below:

<u>Usage in Cubic Feet</u>	<u>Existing Rate</u>	<u>Proposed Rate</u>	<u>Percent Change</u>
1000	106.69	111.49	4.50%
1500	133.94	141.14	5.38%
2000	161.19	170.79	5.96%

This adjustment is reflected in the rate schedule that is included on the agenda. The rate would be effective for the last quarter, which begins in late September and is billed in January.

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

The committee met on the 17<sup>th</sup> and was able to review the rest of the code of ethics and nearly half of the personnel handbook. The committee may be able to finish review with one more session, yet to be scheduled.

✓ **SHARED SERVICES, POLICE DEPARTMENTS (No Change of Status)**

On July 27, the city council appointed a police service merger committee comprised of Mr. Krueger, Mr. Pinkston, and Mr. Porath. The initial objective of the committee will be to formulate a draft intercommunity agreement. An initial draft of this is expected at the end of August. In the meantime, committee members have been given literature on Public Act 7 of 1967, the Urban Cooperation Act, which is the basis for the agreement. This is the public act that enabled the Swartz Creek Area Fire Department Operating Agreement.

Once the draft is reviewed by our committee, a joint meeting with Mundy will occur for further deliberation. If agreeable, the agreement will be brought back for approval by the city council to enable a unified body to represent joint interests of the department on an interim basis. Again, the immediate purpose of this action is to be able to propose a method of conducting joint police services. The agreement will be contingent upon final approval by both municipalities. For now, an interim board is required to proceed with labor negotiations and retirement actuaries.

✓ **SPRINGBROOK EAST & HERITAGE VACANT LOTS (No Change of Status)**

Six of the twelve lots in Springbrook East have sold. The association has already been reimbursed for these sales. I expect the other six to sell by this time next year, putting this totally in our rearview mirror.

The city still owns four lots in Heritage Village. We have no plan for these at this time. Perhaps an auction of these lots is in order. In this case, I am not sure if there was an

intention to share additional revenues with the association or not. The city sold one lot in 2014 "at cost." Purchase agreements with other buyers fell through.

✓ **CITY HALL DEDICATION** (*Proclamation*)

The dedication of city hall is to occur on August 24, 2015. The intention is to unveil the "Paul D. Bueche Municipal Building" sign, which will be on the brick wall by the main entrance to city hall. The dedication will be done as a part of city council business and include a proclamation, as well as thoughts and comments from those that wish to speak. We will then return to city council business inside and allow family members more private time. We are not planning on sending formal invitations because we feel there would be an inexhaustible list of invitees that should be welcomed. We don't think we could possibly include everyone, and we don't want those that don't get invited to feel they cannot attend. As such, please contact those that you believe may not yet be aware.

✓ **MEIJER COMMUNITY DONATION** (*No Change of Status*)

I have contacted Meijer, and they definitely wish to have a public event to commemorate their contribution to the community. This is overdue. If any council members have ideas with commemorating their contribution towards the Fortino Sidewalk, now would be the time to bring them up.

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

The planning commission is considering this issue as they amend the master plan. It appears that the planned addition of some asphalt millings to the streets will be cost prohibitive. We may still need to spend some time and money on these streets. Since this is a platted subdivision with public streets, the city is in a position to provide access to the lots by owners for maintenance.

Looking at the problem through a larger lens, we need a drainage and infrastructure solution for the entire plat. With more lots available through tax foreclosure, this may enable the city to have more control over what improvements occur and how they are paid for. The more lots the city controls, the more options we have for making improvements, providing drainage, and recouping costs.

*The original report is included in the April 13, 2015 report.*

✓ **NEWSLETTER** (*No Change of Status*)

The next edition of our community newsletter is expected to be distributed in October. Let me know if you wish to supply content or desire to see specific information covered in this edition. For now, I expect to cover the merger happenings, the new water rates, and winter sidewalk maintenance.

✓ **MEDICAL MARIJUANA MORATORIUM** (*No Change of Status*)

The council placed a moratorium on medical marijuana dispensaries and growing facilities, effective April 23, 2015. This is a 180 day moratorium that is set to expire at the end of October. Among other reasons, the moratorium was put in place to better prepare for pending state legislation that would dramatically alter the playing field.

The planning commission will be considering this issue. If legislation is not passed soon, we should consider amending the ordinance based upon draft versions or other options in lieu of moratoriums.

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

The ordinance has been published and will be effective on August 17, 2015. We have an informational board at city hall, along with all of the appropriate forms. Mailings to owners of known or suspect rentals will begin in August and September.

✓ **K9 UNIT** *(Update)*

The purchase has been approved. I will keep the council informed on the progress of the training and the status of Ike as well.

✓ **DYE ROAD PROPERTIES** *(Update-Business Item)*

The bidding closed late evening on August 6, 2015. The high bid for 3386 Dye was \$3,250 after 13 bids, and there was only one bid of \$2,500 for 3350 Dye. The council can reject all bids and move on without further action, can reject all bids and seek other pricing/negotiations, or can accept the bids as is.

I have no reason to believe that the process was not competitive or transparent, given the signs onsite, the news coverage, and the online listings. Since the intention was to get these properties back on the tax rolls in a potentially productive service, I have drafted a resolution that would do so. However, I have not heard back from one of the bidders, so the sale instruments are not available at this time. They will need to be created if the council agrees to sell the properties

✓ **5017 THIRD STREET** *(Update)*

The purchase agreement is fully executed and improvements in accordance with the instrument are underway. I expect both quit claim deeds to transfer within a week.

✓ **CAPPY LANE LIFT STATION** *(Update-Business Item)*

Rowe collaborated with Genesee County to ascertain the depth of our sewer system with that of the county sewer interceptor. The goal was to gravity feed into the interceptor at a location further east, should the fall of our respective sewers accommodate that. However, after discovering as-built renderings of both systems, they have concluded that this will not be possible. This outcome was expected, but we thought it was worth it to investigate given the magnitude of our proposed investment. A memo is attached regarding this matter.

Since there were no objections, I am returning to council with the proposal to rehabilitate this lift station.

If there are any outstanding questions on the matter, please direct them to me so that I may research them before we revisit the matter.

*The original report on the lift station is as follows:*

The lift station on Cappy Lane is nearing the end of its useful life. While it remains functional and reliable today, the importance of this facility cannot be understated, making replacement and/or upgrades necessary before reliability becomes an issue.

This station is responsible for pumping all of the sanitary sewer from Winchester Village up and into the sewer interceptor that is owned and operated by Genesee County. This interceptor runs parallel to the Swartz Creek and eventually transports all city sewer to the treatment facility on Beecher Road. Without this station, the sewer would have no place to go but up, and “up” is into the homes of the village.

Presently, the station is old and outdated, especially as it relates to electrical components. It is also of a ‘can’ configuration, meaning that all components are under ground and can only be accessed through “confined space” entry protocols. In plain English, all of the components that require inspection and maintenance are located underground in a location that resembles a submarine.

For the past few years, the city has explored a couple options relating to how we discharge sanitary sewer from the village. This is because the county interceptor is known to operate at capacity during rain events, making backups inevitable for the city system. The preferred option was to pump the discharge north to the new Western Trunk Extension that terminates at Miller and Seymour Roads (east intersection). It was this prior upgrade that eliminated the need for a lift station at this location. However, the county informed us that this line would not be in a better position to accommodate flows due to projected capacity. As such, we are left with the less preferred, albeit cheaper option, of replacing the station in its current location.

The construction estimate to complete the upgrade is \$195,500 on the high end. At this time, we are requesting an allocation of \$15,042 for design and bidding of the project. This is included in the current budget.

✓ **ELMS PARK CONVERSION INITIATION-SET PUBLIC HEARING (Update)**

We are moving forward with the Elms Park land conversion. A hearing is scheduled for September 28<sup>th</sup>, and I am moving forward with the other paper work necessary to complete this process.

*Below follows an abridged report as presented in the council packet for August 10, 2015:*

There is an issue with the leasehold (communication tower) we have in Elms Park. The 24 acres of park land was placed in trust for recreational purposes when acquired with Land and Water Conservation Trust Fund monies (LWCF) decades ago. The communication tower was erected in 1997 without state approval to take that area, however small, out of recreational service. This came to light because of our grant application to the Department of Natural Resources (DNR). No good deed goes unpunished I suppose.

Now the Department of Natural Resources, on behalf of the National Park Service (NPS), is requiring action. This will be a procedural nightmare for staff, but nobody is “mad” at the city. In fact, we may even still be eligible for the grant as submitted.

What action is needed? They are requesting that we move forward with the “conversion of grant assisted properties”. In plain English, this means that they want us to replace the land encumbered with the leasehold (wireless communication tower) with land somewhere else in the city that we can dedicated to recreation purposes. They prefer an adjacent site, if available, be dedicated to recreation in lieu of the leasehold.

There is an evident solution and an objective procedural path forward. However, time is of the essence. I propose we move forward with conversion of 2.76 acres of vacant land that the city owns adjacent to Elms Park and the Consumers Power site. I have included maps that will clear this up. This tract of land is NOT technically part of Elms Park or in the park plan. However, this land is passively used by park patrons and is slated to accommodate part of the regional trail system that is proposed. The NPS has tentatively agreed that this would be a good option.

What is next? This process is not the quickest (I have attached the guidance document), and there are many state level reviews that are needed (environmental reviews, State Historic Preservation Office, etc.). Part of the process involves a time period of 30 days for public comment on the concept. I propose we start the clock on that now, if the city council agrees with the concept, in order to get the other reviews moving.

This will not commit the city to “convert” or encumber this property. The city will have time to review this as needed in the same manner that the public can react to the concept. However, I believe all signs point to making this conversion, given the location, access, and use of this property. Frankly, I suspect that the city’s plan all along has been to use this tract for recreation. Councilmember Shumaker may be able to shed some light on this. Note that the city DOES have a documented easement to use the Consumers Power Property for park purposes (we found it Mike!).

The city will still have the option of finding alternate sites in the meantime if there is an objection to using this tract.

✓ **WIRELESS LEASE EXTENSION PROPOSAL (Update)**

The agreement letter proposal from Crown Castle has been approved by the city council. If the tenant desires to move forward, we will receive an official agreement.

In related news, I wish to make the council aware that we received solicitations regularly (one or more a week) regarding the sale of our wireless leases. This is something the city council has looked at before and decided against. In short, a group of investors offers a lump sum payment of cash in exchange for the ongoing revenues of the leases that the city has under contract. The city has opted against this for numerous reasons that include: the loss of site control, the loss of revenue in the long run (due to the city’s inability to invest the sale proceeds), and the risk of losing even greater co-locator revenue.

At this point, our office is getting so many solicitations that we cannot afford them ongoing time for review and comment. In fact, the solicitations are now being received as automated voice mails or mail solicitations, often with no site reference or a

completely incorrect site reference. As such, we are effectively ignoring such requests after a cursory review. If a remarkable solicitation presents itself, I shall report it to the city council.

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

**MONTHLY REPORTS & UPDATES** *(Update)*

No reports.

**CONSUMERS ENERGY NOTICE** *(Update)*

The hearing is the 24th.

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

**PLANNING COMMISSION** *(No Change of Status)*

The planning commission met on August 4th. They did not deliberate on the master plan, pending the joint workshop scheduled for August 31<sup>st</sup>.

The commission also took another look at an amended fence ordinance that would make screening of corner parcel “side yards” much easier. The version they would like to see move forward is very similar to that version the council was given at the last meeting. The next step will be a formal zoning amendment in which a public hearing will be held on October 6, 2015. Based upon public comment, the council will likely see a recommended draft in October.

In other news, the commission deliberated on provisions to enable chickens within the city limits. This was based upon a written request from a resident. There was no support for moving forward with any ordinance changes that would allow chickens in the city.

Lastly, the commission was briefed on the status of the Family Farm & Home site, which was given a 60 extension on July 27<sup>th</sup> for compliance with outdoor sales and storage use by the city council.

**DOWNTOWN DEVELOPMENT AUTHORITY** *(No Change of Status)*

There will not be a regular meeting of the DDA in August. However, please mark your calendars for 6:00 p.m. on Monday, August 31, 2015 for the workshop on downtown properties and plans. The city council, planning commission, and DDA SHOULD attend. The general public is more than welcome to attend what promises to be a pretty focused workshop.

Also, the public hearing for the boundary amendment is scheduled for September 14<sup>th</sup>.

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

There is nothing to report.

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

The park board met on June 3<sup>rd</sup>. They had a number of guests, including an Eagle Scout candidate. There are two proposed donations for Elms Park. One is for a

bench from the Beta Sigma Phi sorority, and the other is for an orienteering course proposed by an Eagle Scout candidate. The city council approved both projects. We await installation.

Their next meeting will be September 2<sup>nd</sup>.

**BOARD OF REVIEW** (*No Change of Status*)

There is nothing to report.

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

✓ **FEE SCHEDULE AMENDMENT** (*Resolution*)

In addition to the water rate increase, the fee schedule has a few more adjustments proposed. This process usually occurs each year in September, and this year most changes reflect adjustments made earlier in the year through various ordinances/resolutions. This means they are adjustments to the fee schedule only and do not actually alter the existing rates the city has in place. Examples include the new FOIA rates mandated by state law and the rental inspection fees approved earlier by the city council.

In addition to these changes, I am proposing fees for two applications reviewed by the zoning board of appeals, including “Appeals” and “Interpretations”. These are standard actions of the ZBA for which there are not currently any fees. The fees set cover stipends to the ZBA members, publication costs that may be needed, and standard processing.

Staff is proposing a standard set of late fee penalties and interest on specific charges. Because we do not currently charge such fees, some folks have discovered that they can avoid paying until the charge ends up on the tax bill. The two main issues there are the timeliness of payment and the costs incurred by the community to carry out on-going monthly billings and the inevitable assessment. Penalties and interest are not expected to generate any money for the city. Rather, we expect those with debts to pay them to avoid such costs. Those extra payments the city will receive are intended to cover the added costs of multiple billings and assessments.

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

- July Check Inquiries:* Check 40715 Waldorf and Sons Inc for \$300 was for the jetting of a storm sewer from Ingalls Street to the creek; Check 40764 for C&H Construction Co. for \$2,029 was for water main excavation and repair on Chesterfield Drive.
- Elms Park Playscape Surface:* Tom is looking to purchase a couple signs that say “slippery when wet.”

**City of Swartz Creek  
RESOLUTIONS  
Regular Council Meeting, Monday, August 24, 2015, 7:00 P.M.**

**Resolution No. 150824-4A                    MINUTES – August 10, 2015**

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

**I Move** the Swartz Creek City Council approve the Minutes of the Regular Council Meeting held Monday, August 10, 2015, to be circulated and placed on file.

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

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

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

**Resolution No. 150824-5A                    AGENDA APPROVAL**

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

**I Move** the Swartz Creek City Council approve the Agenda as presented / printed / amended for the Regular Council Meeting of August 24, 2015, to be circulated and placed on file.

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

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

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

**Resolution No. 150824-6A                    CITY MANAGER’S REPORT**

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

**I Move** the Swartz Creek City Council accept the City Manager’s Report of August 24, 2015, to be circulated and placed on file.

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

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

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

**Resolution No. 150824-8B                    DYE ROAD LOT SALES**

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

**WHEREAS**, the City of Swartz Creek owns two vacant, unimproved parcels of real property on Dye Road, identified as parcel 58-29-551-026, and 58-29-551-028, and;

**WHEREAS**, the city received an unsolicited offer to purchase this property from an adjacent landowner, and;

**WHEREAS**, the planning commission reviewed the proposal at their meeting on June 2, 2015 and found the properties to be of marginal public value, and;

**WHEREAS**, under the city's land sale policy, the city council found that a professional auction was the optimal sale process to be in the best interest of the public for the purposes of expediting the sale of surplus property, and;

**WHEREAS**, the properties were auctioned on August 6, 2015 with the winning bids being \$2,500 for parcel 58-29-551-028 (3350 Dye) and \$3,350 for parcel 58-29-551-026 (3386 Dye),

**NOW, BE IT RESOLVED** that the City of Swartz Creek City Council hereby approves the sales of both parcels under the contract terms with auctioneer, at the prices listed above.

**BE IT FURTHER RESOLVED** that the city manager is directed to create appropriate sale instruments to convey the properties and bring those back to eh city council for review.

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

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

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

**Resolution No. 150824-8C                      AMEND CITY-WIDE RATES, FEES AND CHARGES**

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

**WHEREAS**, the City collects rates, fees, fees for permits, charges for services, cost recovery's and cost recovery for consulting services, and;

**WHEREAS**, such rates, fees, fees for permits, charges for services, cost recovery's and cost recovery for consulting services are a necessary and essential part of the funding for the services that the City provides, and:

**WHEREAS**, the City's Code of Ordinances defines and provides for certain rates, fees, fees for permits, charges for services, cost recovery's and cost recovery for consulting services, and;

**WHEREAS**, other such rates, fees, fees for permits, charges for services, cost recovery's and cost recovery for consulting services are provided for by resolution of the City Council, statutory provision, past practice, policy and other such actions, and

**WHEREAS**, the City has amended the City's Code of Ordinances to provide for various rates, fees, fees for permits, charges for services, cost recovery's and cost recovery for consulting services to be set by resolution of the City Council, and;

**WHEREAS**, the City has need to implement additional rates, fees, fees for permits, charges for services, cost recovery's and cost recovery for consulting services to be set by resolution of the City Council, and;

**WHEREAS**, the City desires to have all such rates, fees, fees for permits, charges for services, cost recovery's and cost recovery for consulting services organized into a single resolution that can be visited periodically and adjusted accordingly.

**NOW, THEREFORE**, Be It Resolved the City of Swartz Creek hereby sets its rates, fees, fees for permits, charges for services, cost recovery's and cost recovery for consulting services in accordance with the following schedule, effective immediately or as soon as practical thereafter, table as follows:

**CITY OF SWARTZ CREEK RATES, FEES PERMITS & CHARGES FOR SERVICES**

**1. Chapter 1: Municipal Ordinance Violations Bureau (Parking Fines)**

The following parking violations shall be punishable by the fines indicated:

<b><u>Offense</u></b>	<b><u>Fine</u></b>
(a) Parking too far from curb	\$ 20.00
(b) Angle parking violations	\$ 20.00
(c) Obstructing traffic	\$ 20.00
 <u>Prohibited parking (signs un-necessary)</u>	
(d) On sidewalk	\$ 20.00
(e) In front of drive	\$ 20.00
(f) Within intersection	\$ 20.00
(g) Within 15 feet of hydrant	\$ 20.00
(h) On crosswalk	\$ 20.00
(i) Within 20 feet of crosswalk or 15 feet of corner lot lines	\$ 20.00
(j) Within 30 feet of street side traffic sign or signal	\$ 20.00
(k) Within 50 feet of railroad crossing	\$ 20.00
(l) Within 20 feet of fire station entrance	\$ 20.00
(m) Within 75 feet of fire station entrance on opposite side of street (signs required)	\$ 20.00
(n) Beside street excavation when traffic obstructed	\$ 20.00
(o) Double parking	\$ 20.00
(p) On bridge of viaduct or within tunnel	\$ 20.00
(q) Within 200 feet of accident where police in attendance	\$ 20.00
(r) In front of theater	\$ 20.00
(s) Blocking emergency exit	\$ 20.00
(t) Blocking fire escape or fire lane	\$ 50.00
(u) In a handicapped space	\$100.00
(v) In prohibited zone (signs required)	\$ 20.00
(w) In alley (signs required)	\$ 20.00
 <u>Parking for prohibited purpose</u>	
(x) Displaying vehicle for sale	\$ 20.00
(y) Working or repairing vehicle	\$ 20.00
(z) Displaying advertising	\$ 20.00
(aa) Selling merchandise	\$ 20.00
(bb) Storage over 48 hours	\$ 20.00
(cc) Wrong side boulevard roadway	\$ 20.00
(dd) Loading zone violation	\$ 20.00
(ee) Bus, parking other than bus stop	\$ 20.00

(ff) Taxicab, parking other than cab stand	\$ 20.00
(gg) Bus, taxicab stand violations	\$ 20.00
(hh) Failure to set brakes	\$ 20.00
(ii) Parked on grade wheels not turned to curb	\$ 20.00
(jj) Parked on lawn extension within right of way	\$ 20.00

All \$20.00 violations not paid within 20 days will be assessed a \$10.00 late fee.

**2. Chapter 2: Liability for Expense of an Emergency Operation (Hazardous Materials Cleanup Cost Recovery)**

Cost shall be actual expenses inclusive of all Police & Fire Department wages, equipment and motor-pool and / or any sub-contracted actual expenses associated with hazardous materials clean-up.

**3. Chapter 2: Liability for Expense of an Emergency Response (Alcohol Related Arrests, Accidents)**

**A.** A cost of \$150 shall be assessed to each defendant convicted of O.U.I.L. – O.U.I.D or O.W.I. The cost recovery shall be collected as a part of the fines and costs set by the 67<sup>th</sup> District Court.

**B.** Actual costs shall be assessed to each defendant convicted of O.U.I.L. – O.U.I.D or O.W.I. in which a motor vehicle accident occurred. The cost recovery shall be collected as a part of the fines and costs set by the 67<sup>th</sup> District Court. In the event the court declines collection, they shall be billed direct to the defendant.

**C.** For the purpose of determining costs for extensive investigation and cleanup recovery for emergency response for alcohol related arrests and accidents, the following table shall be used:

Police Personnel	\$40	Per Hour
Police Clerical	30	Per Hour
Police Car	15	Per Hour
Fire Personnel	20	Per Hour
Fire Pumper	250	Per Hour
Fire Support Vehicles	100	Per Hour

**4. Chapter 5: Cemetery Lots - Purchase**

The cost for purchase of cemetery lots will be \$100.00 per lot.

**5. Chapter 5: Cemetery, Charges for Grave Openings, etc.**

Grave openings shall be actual costs, either as sub-contracted or performed by City Employees, plus a 15% administrative fee.

**6. Chapter 11: Park Reservation Fees**

<u>Elms Park</u>	
Pavilion #1	\$ 70.00
Pavilion #2	\$ 120.00
Pavilion #3	\$ 70.00
Pavilion #4	\$ 120.00

<u>Winshall Park</u>	
Pavilion #1	\$ 70.00
Pavilion #2	\$ 70.00
Pavilion #3	\$ 70.00
Deposit	\$100.00

**7. Chapter 15: Permit, Sidewalk Installation**

\$25.00

8. **Chapter 15: Permit for Excavation, Right of Way or Other City Property**

\$100.00

9. **Chapter 19: Water System Use, Rates and Charges**

(A) Charges for water supply services to premises within the city connected with the water supply system shall be as follows:

*Rates for Quarterly Billings*

**Readiness to serve charge**

5/8", 3/4", 1"	\$52.17
1.5"	\$220.77
2"	\$353.23
3"	\$662.31
4"	\$1,103.85
6"	\$2,207.70

**Commodity charge (per 100 cubic feet of water): \$5.93 (previously was \$5.45)**

Additional meters, connected for the exclusive purpose of registering water consumed and NOT returned to the sewer system shall be charged the commodity charge only (example: lawn sprinkler system).

(B) Any water customer may have water services temporarily shut off for any time period during which the premises, for which the water service is provided, will be unoccupied. The request for such shut off shall be made in writing on forms to be provided by the city. The written request shall specify the reason for the shut off and the date on which the water service shall be shut off.

(C) There shall be a Twenty Dollar (\$20.00) charge for shutting off the water service pursuant to such request and a Twenty Dollar (\$20.00) charge for turning the water service back on, if the shut off or turn on is performed during normal business hours. If this shut off or turn on is performed outside of normal business hours, the charge shall be One-Hundred Dollars (\$100.00). Such charges shall also apply if water is shut off or turned back on pursuant to account delinquency. The City Manager may waive shut off and turn on fees for reasonable cause.

(D) Water customers shall continue to be billed for a readiness to service charge while connected to the system.

(E) Bulk water sales shall be in accordance with the following fee schedule:

**Bulk Water Purchases**

1 cubic ft. = 7.4805

Gallons

Gallons	Cubic ft.	Cost
3,740	499.96658	\$104.00
5,000	668.40452	\$116.00
10,000	1336.809	\$160.00
15,000	2005.2136	\$204.00
20,000	2673.6181	\$247.00

10. **Chapter 19: Water & Sewer Tap Fees**

(A) There shall be paid, with respect to all premises connecting to the water and sanitary sewer system of the city, a tap-in fee pursuant to the following schedules:

- (1) Single-family residence--\$1,500 each for water & sanitary sewer

(2) Multiple-family residence--\$1,500 per unit each for water and sanitary sewer

(B) All other uses connecting to the water and/or sanitary sewer system of the city shall be required to pay tap-in fees at the rate of one-thousand, five hundred dollars (\$1,500) per unit factor, pursuant to the unit factor table provided for by the Genesee County Division of Water and Waste. In no case shall tap-in fees be less than one-thousand, five hundred dollars (\$1,500).

(C) Furthermore, for any structure used generally for more than one (1) purpose, connection fees shall be determined by applying the appropriate unit factors as set by the Genesee County Division of Water and Waste, to the various uses on any level, grade or sub-grade plane of the structure, provided that it is intended that the fees so derived shall be cumulative. Tap fees shall also apply for any additional units that may be calculated and applied by the County WWS pursuant to change in use or otherwise.

**11. Chapter 19: Sanitary Sewer Rates**

*Rates for Quarterly Billings*

Readiness to serve charge (per metered account):	\$58.86
Readiness to serve charge (non-metered accounts):	\$129.11
Commodity charge (per 100 cubic feet of water consumed):	\$1.91

A readiness to serve charge equal to the number of calculated sewer units shall be charged to all customers connected to the city's sewer system to offset fixed costs of system operation. In addition, a commodity charge shall be applied to the sewer bill in an amount equal to the above rate multiplied by the number of ccf that the accompanying water account registers. If the sewer connection is not accompanied by a water meter to register water usage, the charge shall be considered non-metered and no commodity charge shall be applied.

For the purposes of determining sanitary sewer rates, per unit sewage disposal calculations resulting in a fraction of a whole number shall be rounded up to the next highest whole number.

**12. Chapter 20: Weed Cutting Fees**

\$300 per cut

**13. Building & Trade Inspection Fees**

**A. Building Permit Fees: Appendix A 21.06**

\$50.00 for first \$1,000 value \$5.00 per \$1,000 thereafter and \$50.00 for a one-time Inspection fee.

**B. Electrical Inspection Fees**

Application Fee (non-refundable) \$50

**Service**

Through 200 Amp.	\$10
Over 200 Amp. thru 600 Amp.	\$15
Over 600 Amp. thru 800 Amp.	\$20
Over 800 Amp. thru 1200 Amp.	\$25
Over 1200 Amp. (GFI only)	\$50
Circuits	\$5
Lighting Fixtures-per 25	\$6
Dishwasher	\$5
Furnace-Unit Heater	\$5
Electrical-Heating Units (baseboard)	\$4
Power Outlets (ranges, dryers, etc.)	\$7

**Signs**

Unit	\$10
Letter	\$15
Neon-each 25 feet	\$20
Feeders-Bus Ducts, etc.-per 50'	\$6
Mobile Home Park Site	\$6
Recreational Vehicle Park Site	\$4

**K.V.A. & H.P.**

Units up to 20	\$6
Units 21 to 50 K.V.A. or H.P.	\$10
Units 51 K.V.A. or H.P. & over	\$12

**Fire Alarm Systems (excl. smoke detectors)**

Up to 10 devices	\$50
11 to 20 devices	\$100
Over 20 devices	\$5 each

**Data/Telecommunication Outlets**

1-19 devices	\$5 each
20-300 devices	\$100
Over 300 devices	\$300
Energy Retrofit-Temp. Control	\$45
Conduit only or grounding only	\$45

**Inspections**

Special/Safety Insp. (includes cert. fee)	\$50
Additional Inspection	\$50
Final Inspection	\$50
Certification Fee	\$20

**C. Mechanical Inspection Fees**

Application Fee (non-refundable)	\$50
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**Residential Heating System** (includes duct & pipe, new building only)

Gas/Oil Burning Equipment (furnace, roof top units, generators)	\$50
Boiler	\$30
Water Heater	\$30
Damper	\$5
Solid Fuel Equip. (includes chimney)	\$5
Gas Burning Fireplace	\$30
Chimney, factory built (installed separately)	\$30
Solar; set of 3 panels-fluid transfer (includes piping)	\$25
Gas piping; each opening-new installation (residential)	\$20
Air Conditioning (includes split systems) RTU-Cooling only	\$5
Heat Pumps (complete residential)	\$30
Dryer, Bath & Kitchen Exhaust	\$30
	\$5

**Tanks**

Aboveground	\$20
Aboveground Connection	\$20
Underground	\$25
Underground Connection	\$25
Humidifiers/Air Cleaners	\$10

**Piping-minimum fee \$25**

Piping	\$.05/ft
Process piping	\$.05/ft

Duct-minimum fee \$25	\$.10/ft
Heat Pumps; Commercial (pipe not included)	\$20

**Air Handlers/Heat Wheels**

Under 10,000 CFM	\$20
Over 10,000 CFM	\$60
Commercial Hoods/Exhausters	\$15
Heat Recovery Units	\$10
V.A.V. Boxes	\$10
Unit Ventilators	\$10
Unit Heaters (terminal units)	\$15

**Fire Suppression/Protection**

(includes piping) –minimum fee \$20	\$.75/head
Evaporator Coils	\$30
Refrigeration (split system)	\$30
Chiller	\$30
Cooling Towers	\$30
Compressor/Condenser	\$30

**Inspections**

Special/Safety Insp. (includes cert. fee)	\$50
Additional Inspection	\$50
Final Inspection	\$50
Certification Fee	\$20

**D. Plumbing Inspection Fees**

Application Fee (non-refundable)	\$50
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**Mobile Home Park Site**

Fixtures, floor drains, special drains,	\$5 each
Water connected appliances	\$5 each
Stacks (soil, waste, vent and conductor)	\$3 each
Sewage ejectors, sumps	\$5 each
Sub-soil drains	\$5 each

**Water Service**

Less than 2"	\$5
2" to 6"	\$25
Over 6"	\$50
Connection (bldg. drain-bldg. sewers)	\$5

**Sewers (sanitary, storm or combined)**

Less than 6"	\$5
6" and Over	\$25
Manholes, Catch Basins	\$5 each

**Water Distributing Pipe (system)**

¾" Water Distribution Pipe	\$5
1" Water Distribution Pipe	\$10
1 ¼" Water Distribution Pipe	\$15
1 ½" Water Distribution Pipe	\$20
2" Water Distribution Pipe	\$25
Over 2" Water Distribution Pipe	\$30

Reduced pressure zone back-flow preventer	\$5 each
Domestic water treatment and filtering equipment only	\$5
Medical Gas System	\$45

**Inspections**

Special/Safety Insp. (includes cert. fee)	\$50
Additional Inspection	\$50
Final Inspection	\$50
Certification Fee	\$20

**14. Appendix B: Franchises**

\$250 application fee plus actual expenses related to preparation by City Attorney.

**15. Miscellaneous Fees**

**A. Copies:**

Black & White: 10¢ for page.

Color or Mixed Color and Black & White: 25¢ per page (previously was \$0.20)

**B. Freedom of Information Act Requests: (revised section)**

See the City of Swartz Creek Freedom of Information Act Procedures & Guidelines: adopted June 22, 2015 for details. Standard requests shall be charged 10¢ for 8.5 x 11 page (25¢ for color or mixed color) plus all actual costs for outside re-production (i.e. photo re-prints, blueprint copies, digital media storage, etc.). Extensive search requests shall have an additional per hour fee equal to wages only of the lowest paid clerical position employed with the City (\$8.15/hour with a 1.1 fringe multiplier, totaling \$8.97/hour).

**C. Police Reports:**

\$5 for copies under 6 pages, 10¢ for each page thereafter. Extensive research, reproduction costs, etc. shall be charged in accordance with F.O.I.A. requests.

**D. Gun Registrations, Permits & Safety Inspections:**

No Charge

**E. Towing & Impound Fees:**

\$100 for each vehicle towed as incidental to arrest or other civil custody. \$100 for each vehicle towed as abandoned. The Chief of Police may, at his/her discretion, waive any towing fee when in his/her opinion, special circumstance exists. A report shall be filed when any such action is taken.

**F. Weddings:**

\$50 per ceremony (previously was \$25 per ceremony)

**G. Fax Services:**

50¢ per page for the first 10 pages, then \$0.25 per page thereafter (previously was \$0.10)

**H. Notary Services:**

\$10.00 per item (previously was \$5.00 per item)

**I. Insufficient Funds:**

\$25 each for any check returned unpaid for account insufficient, closed or stopped

**J. Penalties on Outstanding Invoices/Miscellaneous Receivables: (new)**

\$10 penalty for unpaid miscellaneous receivables, including but not limited to: utility bills, mowing invoices, sidewalk repair, project reimbursements, charges for services, and retiree coverage contributions. This penalty shall be applied once to "past due" invoices.

K. **Interest on Outstanding Invoices/Miscellaneous Receivables: (new)**  
 1.5% interest per month on outstanding invoices that are 30 days “past due”.

\*Payments made toward outstanding balances shall be applied in the following order: interest, penalties, principle.

**16. Chapter 13 & 16: Development Plans, Administrative Fees, Subdivision Site Plan & Review Fees**

A. Site Plan Review:

Property Re-Zoning	\$250
Single & Multiple-Family (non-plat)	\$300 plus \$5.00 per lot
Cluster Housing Development	\$300 plus \$5.00 per unit
Mobile Home Park	\$400 plus \$5.00 per unit
Commercial Development	\$450 plus \$50.00 per acre/fraction
Industrial Development	\$400 plus \$50.00 per acre/fraction
Office Development	\$350 plus \$50.00 per acre/fraction
Institutional	\$300 plus \$50.00 per acre/fraction
Public/semi-public uses	\$300 plus \$50.00 per acre/fraction
Special Approval or Conditional Use	\$250 plus \$5.00 per acre/fraction
PUD/Mixed Use Review	\$500 plus \$50.00 per acre/fraction Consulting
Fees (All Reviews)	Actual consultant costs
Revisions	½ of original review fee

B. Building and Zoning:

Swimming Pool Permit	\$25
Misc. Zoning Permit	\$25
Sidewalk Permit	\$25
Sign Permit	See Building Permits
Structure Movement Permit	\$95
Demolition Permit (Including ROW Permit)	\$150
Right of Way Permit	\$100
Home Occupation Permit	\$95
Variance Review	\$250 per variance
Zoning Board of Appeals: Petitioned Interpretation Review	\$150 (new fee)
Zoning Board of Appeals: Appeal Review	\$250 (new fee)
Lot Split/Combination: City Ordinance Section 16.2	\$150 plus \$5.00 per lot
Public or Private Road Plan Reviews	\$400 per mile/fraction
Consulting Fees	Actual consultant costs
Zoning Code	\$10 CD, \$25 Paper Copy
Engineering Standards Manual	\$10 CD, \$25 Paper Copy
Medical Marijuana Dispensary/Facility Review	\$500

C. Subdivision Review

Preliminary Subdivision Review-Tentative	\$300 plus \$5.35 per lot
Preliminary Subdivision Review- Final	\$160 plus \$2.70 per lot
Final Plat Review	\$160 plus \$1.00 per lot

**17. Chapter 1: Municipal Civil Infraction Fines**

Civic Infraction Citation Fines:

First Offense	\$100
Second Offense	\$200
Third Offense	\$300

Civic Infraction Notice Fines:

First Offense	\$75
Second Offense	\$150
Third Offense	\$250

**18. Rental Inspection Program Fees (new section)**

Registration	\$75 for the first unit, plus \$20 for each additional unit on a shared premises, with common ownership and management, or within recognized apartment complexes
Follow up inspections	The initial and one follow-up inspection will be performed without additional fees. Subsequent inspections shall be charged at the rate of \$25/unit
Registration Updates/Amendments	No charge
Coverage	The initial fee covers the registration and first inspection and is valid until the resulting certificate of compliance expires
Pro-ration	There shall be no pro-ration of fees

**ADOPTION & REVISION HISTORY:**

Resolution No. 050711-07	Dated July 11, 2005
Resolution No. 100208-06	Dated February 8, 2010
Resolution No. 101206-04	Dated December 6, 2010 (Water-Sewer-RTS)
Resolution No. 111114-05	Dated November 14, 2011 (Park Fees)
Resolution No. 110613-07	Dated June 13, 2011 (Water Fees)
Resolution No. 120611-05	Dated June 11, 2012 (Water Fees)
Resolution No. 120709-05	Dated July 9, 2012 (Bulk Water Fees)
Resolution No. 130610-09	Dated June 10, 2013 (Water Fees)
Resolution No. 130826-8A	Dated August 26, 2013 (K.W.A. Water Fees)
Resolution No. 140922-8B	Dated September 22, 2014 (Utility and MMD Fees)
Resolution No. 1508024-8C	Dated August 24, 2015 (FOIA, Rentals, Utility Fees)

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

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

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

**Resolution No. 150724-8D MORRISH AND MILLER INTERSECTION SIGNAL**

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

**WHEREAS**, the City of Swartz Creek owns, operates, and maintains major streets within the city, and

**WHEREAS**, the signal at Morrish and Miller Roads has been modified on a temporary basis to accommodate traffic shifts during the Miller Road construction project, and

**WHEREAS**, the city council finds that some of these changes, such as a dedicated left turn signal, may aid in reducing wait times for certain traffic movements for vehicles, as well as crossings for pedestrians, and

**WHEREAS**, this interchange serves as the “crossroads” for the Swartz Creek community and can be expected to increase in vehicle and pedestrian activity as development continues in the area, and

**WHEREAS**, the city council desires to optimize the function of this signal for current and future use, and

**NOW, THEREFORE, BE IT RESOLVED** the City of Swartz Creek approves the construction engineering proposal by OHM Advisors, dated July 29, 2015, for an amount not to exceed \$5,500 for design and traffic modelling services related to the signal at Morrish and Miller Roads.

**BE IT FURTHER RESOLVED**, that the City Council directs the Mayor to execute said proposal on behalf of the city and for the city finance director to appropriate such design costs to Fund 202-474.000-801.000 (Major Street Fund).

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

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

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

**Resolution No. 150724-8E                      LIFT STATION UPGRADES**

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

**WHEREAS**, the City of Swartz Creek owns, operates, and maintains a sewer lift station on Cappy Lane, and

**WHEREAS**, this asset has been noted to require certain repairs and upgrades to its pumps, primary housing, and electrical components, and

**WHEREAS**, the owner of the transmission line, Genesee County, will not permit the Cappy Lane station discharge to be connected to an alternate sewer interceptor, and

**WHEREAS**, the engineer finds that the appropriate upgrades for the existing set up shall consist of new dry submersible pumps, with all controls and panels to be located above ground, and

**WHEREAS**, the total cost for installation of the improvements is estimated to be \$195,500, with an additional \$15,042 for design and bidding services, totaling \$210,542, and

**NOW, THEREFORE, BE IT RESOLVED** the City of Swartz Creek approves the construction engineering proposal by ROWE Professional Services Company, dated July 8, 2015, for an amount not to exceed \$15,042 for design and bidding services related to the Cappy Lane lift station.

**BE IT FURTHER RESOLVED**, that the City Council directs the Mayor to execute said proposal on behalf of the city and for the city finance director to appropriate such design costs to Fund 591-537.000-801.000 (Sewer Lift Stations).

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

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

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

**CITY OF SWARTZ CREEK  
SWARTZ CREEK, MICHIGAN  
MINUTES OF THE REGULAR COUNCIL MEETING  
DATE 8/10/2015**

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

Invocation and Pledge of Allegiance.

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

Councilmembers Absent: None.

Staff Present: Chief Rick Clolinger, City Clerk Juanita Aguilar, Officer Nick Paul.

Others Present: Bob Plumb, Sharon Shumaker, Ron Schultz, Elaine Tucker, Terry O'Brien, Connie King, Troy Medore, Wanda Tyler, Diane Sanders.

**APPROVAL OF MINUTES**

**Resolution No. 150810-01**

**(Carried)**

Motion by Councilmember Porath  
Second by Councilmember Gilbert

**I Move** the Swartz Creek City Council hereby approve the Minutes of the Regular Council Meeting held Monday, July 27, 2015 to be amended and placed on file.

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

**APPROVAL OF AGENDA**

**Resolution No. 150810-02**

**(Carried)**

Motion by Mayor Pro Tem Abrams  
Second by Councilmember Gilbert

**I Move** the Swartz Creek City Council approve the Agenda as amended, for the Regular Council Meeting of July 27, 2015, to be circulated and placed on file.

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

**City Manager's Report**

**Resolution No. 150810-03**

**(Carried)**

Motion by Councilmember Shumaker  
Second by Mayor Pro Tem Abrams

**I Move** the Swartz Creek City Council accept the City Manager's Report of August 10, 2015, to be circulated and placed on file.

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

**MEETING OPENED TO THE PUBLIC**

None.

**COUNCIL BUSINESS**

**K-9 Donation from Swartz Creek Women's Club**

**(Presentation)**

GFWC members, Elaine Tucker, Terry O'Brien, Wanda Tyler, Diane Sanders & Rae Lynn Hicks, presented a check for \$1000.00 to the K-9 fund. The council thanked the women's club for all their work.

**Phil Phelps-49<sup>th</sup> District State Representative**

**(Presentation)**

Phil introduced himself and thanked the council for the invite and he proceeded to update the council on some of the insights going on in Lansing. He commented that the biggest issue and reason why they are at a standstill is the road funding.

Discussion Ensued.

**Rick Clolinger Appreciation Proclamation**

Mayor Krueger read the Rick Clolinger Appreciation Proclamation and presented it to Chief Rick Clolinger.

**K-9 PURCHASE**

**Resolution No. 150810-04**

**(Carried)**

Motion by Councilmember Hicks  
Second by Mayor Pro Tem Abrams

**WHEREAS**, the City of Swartz Creek operates a K-9 unit within the police department that is supported by the general fund; and

**WHEREAS**, the existing K-9 is expected to retire within six months; and

**WHEREAS**, the City Council finds the K-9 program to serve a public purpose and authorized the acceptance of donations to support the unit at its regular meeting on April 13, 2015; and

**WHEREAS**, the department has an ongoing professional service relationship with Mid-Michigan Kennels, Inc. for the provision of training and certification of the existing K-9, and the department is satisfied with the provision of such service,

**NOW, THEREFORE, BE IT RESOLVED**, the City of Swartz Creek hereby approves the contract with Mid-Michigan Kennels, Inc. to provide a new German Shepherd Dog, specialized training, and ongoing certification as outlined in the attached "Canine Sales and Training Contract", for a price of \$10,000.

**BE IT FURTHER RESOLVED**, the Swartz Creek City Council hereby directs the Mayor to execute the attached contract and directs the finance director to appropriate necessary funds for this contract from the K-9 donations dedicated account for said purpose, with additional related expenses to be charged to the police department (301) as needed for ancillary officer training wages, vehicle use, and related charges.

Discussion Ensued.

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

NO: None. Motion Declared Carried.

## **RIFLE ACQUISITION AMENDMENT**

**Resolution No. 150810-05**

**(Carried)**

Motion by Councilmember Gilbert

Second by Councilmember Hicks

**WHEREAS**, the City of Swartz Creek police department, at a regular meeting on March 23, 2015, resolved to purchase two Colt LE6920 AR15 carbine, as provided by the city's firearm vendor, Michigan Police Equipment; and

**WHEREAS**, the fiscal year 2015 budget included the purchase of two such rifles; and

**WHEREAS**, the city further resolved to provide a voluntary purchasing program to its full time officers in which four officers opted to purchase the rifles from the city via an approved standard agreement and payroll deduction program; and

**WHEREAS**, the firearms were backordered and not received until after July 1, 2015, in fiscal year 2016; and,

**WHEREAS**, additional full time officers are seeking to purchase the rifles from the city via the approved agreement and payroll deduction program,

**NOW, THEREFORE, BE IT RESOLVED** that the city hereby amends the rifle procurement resolution to enable purchase of two Colt rifles for departmental use, at a cost of \$886 each, from the current fiscal year and further amend the budget to carry-over unspent funds from fiscal year 2015 to enable said purchase from the police equipment fund (101-301.000-976.0).

**BE IT FURTHER RESOLVED** that the city approves the purchase of additional rifles of the same make and cost at the request of qualifying full-time officers that enter into agreement with the city to reimburse the city for said purchase, such funds to be outlaid and reimbursed from a receivable account set up by the finance director.

Discussion Ensued.

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

NO: None. Motion Declared Carried.

## **ELMS PARK CONVERSION**

**Resolution No. 150810-06**

**(Carried)**

Motion by Councilmember Pinkston  
Second by Councilmember Gilbert

**WHEREAS**, the city acquired the 24 acres of land currently known as Elms Park in October of 1972 with the assistance of federal Land and Water ; and

**WHEREAS**, the acquisition requires use of the park in perpetuity for recreational purposes and was based on a site plan, currently held by the Department of Natural Resources; and

**WHEREAS**, the city entered into a leasehold with a wireless communications provider for 3,600 square feet of land area in 2005; and

**WHEREAS**, DNR, after reviewing a request for additional grant assistance in Elms Park, notified the city that this encumbrance requires the addition of replacement park land through a process commonly referred to as "conversion"; and

**WHEREAS**, the city owns 2.76 acres of vacant land on the east side of the Consumers Power property, said property being connected to Elms Park via an easement held with Consumers Power; and

**WHEREAS**, this property is not technically part of the city's park system, but was conceptually planned for a trail and passive recreational use; and

**WHEREAS**, the National Park Service, acting through the DNR, has approved moving forward with the conversion of this property as outlined in the Procedures for Conversion of Grant Assistance Properties guidance sheet; and

**WHEREAS**, the city may still retain grant eligibility if this process is completed by November 1, 2015, making time of the essence; and

**WHEREAS**, the city may still offer other alternatives to this tract at a later date; and

**NOW, THEREFORE BE IT RESOLVED** the City of Swartz Creek hereby conceptually approves the conversion of a parcel of land referred to as parcel number 58-31-100-019 to be used as recreational property in lieu of the leasehold for wireless communications as noted on the attached maps.

**BE IT FURTHER RESOLVED** the council hereby directs the city manager to make available details of this conversion available to the public and to notify the public of this conversion and the ability for public comment by publication in the Swartz Creek View on or about August 27, 2015 or sooner.

**BE IT FURTHER RESOLVED** that city council hereby establishes a public hearing on this matter for September 28, 2015, to be held at the regular city council meeting.

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

## **CELL TOWER AGREEMENT LETTER**

**Resolution No. 150810-07**

**(Carried)**

Motion by Councilmember Porath  
Second by Councilmember Hicks

**WHEREAS**, the city entered into a 30 year agreement with Omnipoint Holdings, Inc., a Delaware Corporation, in December of 2005 for the purposes of leasing land at 8100 Civic Drive for the purpose of erecting and operating a wireless communication tower; and

**WHEREAS**, the city has provided access to the tower for placement of telecommunications equipment under the terms of the lease; and

**WHEREAS**, the tenant, now T-Mobile USA Tower LLC and CCTMO LLC, desire to assert a thirty extension on the lease in order to make future investments and possible co-locators more predictable and desirable; and

**WHEREAS**, the tenant further requests certain options and rights to expedite any such co-location addition and permitting; and

**WHEREAS**, the city has negotiated an additional lump-sum payment, an increase in the annual lease amount, and rent securities payable upon exercise of the aforementioned option in order to effect said changes,

**NOW, THEREFORE, BE IT RESOLVED**, the City of Swartz Creek City Council hereby approves the letter agreement dated July 21, 2015 as included in the city manager report and further directs the Mayor to execute said agreement.

**BE IT FURTHER RESOLVED**, the city manager shall endeavor to pursue completion of the Lease Amendment by tenant and deliver said amendment to the city council for final review and approval.

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

### **PERSONNEL POLICY REVIEW COMMITTEE EXTENSION**

**Resolution No. 150810-08**

**(Carried)**

Motion by Mayor Pro Tem Abrams  
Second by Councilmember Hicks

**WHEREAS**, under the General Operating Rules of the Council, the Mayor, with the advice and consent of Council, may appoint temporary committees whose membership may include persons not on Council; and

**WHEREAS**, such committees must be temporary in nature, have a specific purpose, and include a specific time frame for their activities; and

**WHEREAS**, the city is in the process of adopting a set of personnel policies for use by the city; and

**WHEREAS**, the city appointed a committee of councilmembers and staff to deliberate on the particulars relating to this set of policies on May 11, 2015; and

**WHEREAS**, the operational period for this committee expired at the end of July 2015; and

**WHEREAS**, the council desires to extend the appointment and function of this committee,

**NOW, THEREFORE, BE IT RESOLVED**, the City of Swartz Creek City Council hereby extends the appointments for the temporary committee, to be referred to as the "Personnel Policy Review Committee," for the purpose of reviewing and making recommendations relating to the proposed personnel policies, also known as the employee handbook.

**BE IT FURTHER RESOLVED**, the Personnel Policy Review Committee shall deliver such findings at the regular meeting at or before October 26, 2015 and be subsequently dissolved unless otherwise engaged in further reviews at the direction of the city council.

**BE IT FURTHER RESOLVED**, the membership of the Personnel Policy Review Committee shall be composed of the following individuals:

Councilmember Hicks  
Councilmember Porath  
Councilmember Shumaker  
Michael Gildner – Counsel  
Adam Zettel – Staff Member

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

**MEETING OPEN TO THE PUBLIC:**

None.

**REMARKS BY COUNCILMEMBERS:**

Councilmember Pinkston commented he is glad to see that we got the money for the new dog.

Councilmember Gilbert wished the Chief Happy Birthday and commented on the curb work on Miller Rd. He still believes it isn't that great of a job and commented that he believes it should have been done right.

Councilmember Hicks commented the basketball hoops at Elms Park are gone, and wants to know if a sign is posted or can a sign be posted in the playscape that when it's wet it is slippery. She also commented that it may be nice to send a thank you note for the donations made in the past for the playscape and stating that it is appreciated and still being used.

Councilmember Shumaker commented he appreciated the state representative attending the meeting. He is concerned with state highway construction, i.e. catch basins and would like a sidewalk on Morrish Rd. over the highway.

Councilmember Porath also thanked the representative for showing up at the meeting. He also responded that he is interested in the possibility of a sidewalk over the highway at Morrish Rd. He wanted to know if there was something that can be done about garbage bins being left out several days after garbage pickup.

Mayor Pro-Tem Abrams spoke about a Morrish Rd. sidewalk too. He commented that nobody seems to have time to do things right but we have time to do it over, this was in regards to comments about the construction being done by councilmember Gilbert.

Mayor Krueger wished Chief Clolinger Happy Birthday and hoped he enjoys the rest of his evening.

**Adjournment**

Meeting Adjourned without opposition at 8:34pm

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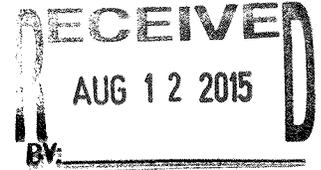
**David A. Krueger**  
**Mayor**

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**Juanita Aguilar, City Clerk**

STATE OF MICHIGAN  
BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

NOTICE OF HEARING  
FOR THE NATURAL GAS CUSTOMERS OF  
CONSUMERS ENERGY COMPANY  
CASE NO. U-17882



- Consumers Energy Company is requesting approval from the Michigan Public Service Commission to increase its rates for the distribution of natural gas and for other relief.
- **A TYPICAL RESIDENTIAL CUSTOMER WHO USES 95 Mcf (THOUSAND CUBIC FEET) OF NATURAL GAS PER YEAR MAY SEE AN INCREASE IN NATURAL GAS DISTRIBUTION COSTS OF APPROXIMATELY \$38.22 PER YEAR IF THE MICHIGAN PUBLIC SERVICE COMMISSION APPROVES THE REQUEST. IF THE PROPOSED INVESTMENT RECOVERY MECHANISM IS APPROVED, INCREMENTAL INCREASES WOULD OCCUR IN 2017, 2018, AND 2019.**
- The information below describes how a person may participate in this case.
- You may call or write Consumers Energy Company, One Energy Plaza, Jackson, Michigan 49201, (800) 477-5050 for a free copy of its application. Any person may review the documents at the offices of Consumers Energy Company.
- A public hearing will be held:

**DATE/TIME:** **Monday, August 24, 2015, at 9:00 a.m.**  
This hearing will be a prehearing conference to set future hearing dates and decide other procedural matters.

**BEFORE:** Administrative Law Judge **Mark D. Eyster**

**LOCATION:** Michigan Public Service Commission  
7109 West Saginaw Highway  
Lansing, Michigan

**PARTICIPATION:** Any interested person may attend and participate. The hearing site is accessible, including handicapped parking. Persons needing any accommodation to participate should contact the Commission's Executive Secretary at (517) 284-8090 in advance to request mobility, visual, hearing or other assistance.

The Michigan Public Service Commission (Commission) will hold a public hearing to consider Consumers Energy Company's (Consumers Energy) July 17, 2015 application, which seeks Commission approval to: 1) adjust its retail natural gas rates to provide additional revenue of approximately \$84.687 million annually based on a projected calendar year 2016 test year; 2) adjust the Company's existing retail natural gas rates to produce a rate of return on common equity of not less than 10.70%; 3) implement a Gas Revenue Decoupling Mechanism to annually reconcile total non-fuel rate case revenues approved by the Commission in the most recent case

to the total non-fuel revenue generated through actual sales during the period of time under evaluation; 4) implement an Investment Recovery Mechanism as described in its filing; 5) modify the rates, rules, and regulations; and 6) grant certain accounting authorizations as described in the Company's filing.

All documents filed in this case shall be submitted electronically through the Commission's E-Dockets website at: [michigan.gov/mpscedockets](http://michigan.gov/mpscedockets). Requirements and instructions for filing can be found in the User Manual on the E-Dockets help page. Documents may also be submitted, in Word or PDF format, as an attachment to an email sent to: [mpscedockets@michigan.gov](mailto:mpscedockets@michigan.gov). If you require assistance prior to e-filing, contact Commission staff at (517) 284-8090 or by email at: [mpscedockets@michigan.gov](mailto:mpscedockets@michigan.gov).

Any person wishing to intervene and become a party to the case shall electronically file a petition to intervene with this Commission by August 17, 2015. (Interested persons may elect to file using the traditional paper format.) The proof of service shall indicate service upon Consumers Energy's – Regulatory Group, One Energy Plaza, Jackson, Michigan 49201.

Any person wishing to appear at the hearing to make a statement of position without becoming a party to the case may participate by filing an appearance. To file an appearance, the individual must attend the hearing and advise the presiding administrative law judge of his or her wish to make a statement of position. All information submitted to the Commission in this matter becomes public information, thus available on the Michigan Public Service Commission's website, and subject to disclosure. Please do not include information you wish to remain private.

Requests for adjournment must be made pursuant to the Michigan Administrative Hearing System's Administrative Hearing Rules R 792.10422 and R 792.10432. Requests for further information on adjournment should be directed to (517) 284-8130.

A copy of Consumers Energy's application may be reviewed on the Commission's website at: [michigan.gov/mpscedockets](http://michigan.gov/mpscedockets), and at the office of Consumers Energy Company. For more information on how to participate in a case, you may contact the Commission at the above address or by telephone at (517) 284-8090.

Jurisdiction is pursuant to 1909 PA 300, as amended, MCL 462.2 et seq.; 1919 PA 419, as amended, MCL 460.54 et seq.; 1939 PA 3, as amended, MCL 460.1 et seq.; 1969 PA 306, as amended, MCL 24.201 et seq.; 1982 PA 304, as amended, MCL 460.6h et seq.; and the Michigan Administrative Hearing System's Administrative Hearing Rules, 2015 AC, R 792.10401 et seq.

**CONSUMERS ENERGY COMPANY HAS REQUESTED THE INCREASES AND OTHER PROPOSALS DESCRIBED IN THIS NOTICE. THE MICHIGAN PUBLIC SERVICE COMMISSION MAY GRANT OR DENY THE REQUESTED INCREASES AND OTHER PROPOSALS, IN WHOLE OR IN PART, AND MAY GRANT LESSER OR GREATER INCREASES THAN THOSE REQUESTED, AND MAY AUTHORIZE A LESSER OR GREATER RATE FOR ANY CLASS OF SERVICE THAN THAT REQUEST.**

July 29, 2015

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

**RE: Proposal for Engineering Services  
Traffic Study for Miller Road at Moorish Road Intersection**

Dear Mr. Zettel:

Orchard, Hiltz & McCliment, Inc. (OHM Advisors) is pleased to submit our engineering services proposal for the traffic study for the intersection of Miller Road at Moorish Road in the City of Swartz Creek.

**Project Understanding**

The City of Swartz Creek desires a study that would examine the traffic operations of the intersection of Miller Road and Moorish Road to determine the most efficient way to move traffic through the intersection. Under the existing 2-phase signal, left-turn movements are experiencing significant delays in the peak periods. This study would help to determine the intersection level-of-service (LOS) for each movement. Depending on the results of the study, upgrading the traffic signal to add left-turn phasing may be appropriate for this intersection.

**Approach to the Project**

Traffic models of the intersection will be created using Synchro/SimTraffic software. Models will be created for the AM and PM peak periods as well as an off-peak period. The models will incorporate new traffic counts at the intersection, existing signal timings and existing geometry.

Once the existing condition models are set, LOS will be determined for each approach and approach movement to determine a baseline for the study. From there the signal will be optimized utilizing the existing signal equipment. The next step would be to determine if further improvements may be necessary, including phasing changes, potentially including the addition of left-turn phasing. Models will be created to show how left-turn phasing could improve operations at the intersection.

Depending on the outcome of the study, the results may be used for a potential project to upgrade/modify the existing traffic signal. The design of any signal upgrades would be included in a separate proposal.

**Scope of Service**

The study area is the intersection of Miller Road at Moorish Road in the City of Swartz Creek. The main goal of this project is to study the traffic operations of the signalized intersection to determine if signal modifications could significantly improve traffic flow at the intersection.



The following items discuss the various elements of our proposal. As seen in the outline below, the project plan has been organized into 4 major tasks:

**Core Tasks:**

1. Data Collection
2. Create Existing Conditions Models
3. Create Optimized Models
4. Project Reporting

The core tasks are elaborated below.

**Task 1. DATA COLLECTION**

Work will begin by reviewing the information provided by various sources, as well as conducting additional data collection as outlined below.

**Subtask 1.1 – Compile and review existing counts, signal timing data and other related data**

For this task, we will collect data from all available sources. We will collect the most recent signal timing permit from Genesee County.

**Subtask 1.2 – Field review of the corridor**

The project area will be visited. General geometric information will be measured. Data to collect includes; number of lanes, lane uses and widths, turn storage, pedestrian crossings, turn restrictions, and posted speed limits.

**Subtask 1.3 - Conduct pedestrian, vehicle volume and turning-movement counts**

OHM will conduct traffic counts at the intersection of Miller Road and Moorish Road. For the purposes of this proposal, we assume OHM staff will conduct the counts.

**Task 2. CREATE EXISTING CONDITIONS MODELS**

We will create traffic model to reflect existing conditions.

**Subtask 2.1 – Create the existing condition model**

This will include adding the geometry, signal timing and traffic volumes. Once the models are complete, we will validate the model to make sure it matches actual field conditions.

**Subtask 2.2 – Analyze the existing intersection for LOS**

The modeling software allows for the determination of traffic operation deficiencies, based on LOS. The existing condition will be evaluated for the AM, PM and off-peak periods to determine the baseline LOS.



### **Task 3. CREATE OPTIMIZED MODELS**

This task involves optimizing the existing condition models and recommending signal phasing improvements.

#### **Subtask 3.1 – Optimize signal using existing signal equipment**

In this task, the signal timing will be optimized for cycle length and splits for the AM, PM and off-peak periods. It is not anticipated that offsets will not be critical to improving operations at this intersection, as the adjacent signals are located at least 1 mile away in the east, west, and south directions. There is also signal within ½ mile to the north at the I-69/Moorish Road interchange.

#### **Subtask 3.2 – Optimize signal with modifications to signal phasing**

With this task, the signal phasing will be modified as necessary to improve LOS. Once the needs are determined, the intersection will again be optimized for cycle length and splits for the AM, PM and off-peak periods.

### **Task 4. PROJECT REPORTING**

OHM takes pride in providing our clients with timely documentation of work progress and results. We will be responsive and prompt in meeting the project reporting requirements.

#### **Deliverables**

A considerable amount of information is expected to be collected and analyzed as part of this project. A complete list of the deliverables is shown below:

- Traffic data:
  - Manually taken pedestrian and vehicle turning-movement counts in hard copy.
- Traffic models:
  - Models of existing network in electronic form
  - Models of proposed network in electronic form
  - Summary of LOS outputs for existing and proposed conditions
  - plan will be generated for the proposed signal location
- Project Report:
  - OHM will submit a report detailing our findings and recommendations. The report will feature the documentation and procedures used for the study.

#### **Time Schedule**

Upon receiving a signed proposal, OHM is prepared to begin conducting data collection in the fall once school is back in session. The preliminary report would be available within one month of collecting traffic counts. The final report would then be available to the City with 5 days after review comments are received from the City and Genesee County.

#### **Proposed Fee**

We propose to provide the above outlined professional services for a lump sum fee of \$5,500 in accordance with our standard hourly rates.

#### **Basis of Payment**

OHM Advisors will invoice the City of Swartz Creek monthly for services completed based on our standard hourly rates.



**Contract Terms and Conditions**

The attached Standard Terms and Conditions, dated March 2003 (Revised Nov. 2012) and shown as Exhibit 1, are incorporated into this proposal by reference.

**Acceptance**

This document, including any attached Exhibits constitutes the entire Agreement between the City of Swartz Creek and Orchard, Hiltz & McCliment, Inc. and shall not be amended, altered or changed, except by written authorization executed by both parties. If this proposal is acceptable to you, please sign both copies and mail one back to us for authorization to proceed.

If you have any questions or require additional information, please contact me at (734) 466-4415. Thank you for giving us the opportunity to provide professional engineering services on this project.

**Orchard, Hiltz, & McCliment, Inc.**  
CONSULTANT

**City of Swartz Creek**  
OWNER

\_\_\_\_\_  
Steven M. Loveland, PE, PTOE  
Project Manager

\_\_\_\_\_  
July 29, 2015

(Signature)

(Name)

(Title)

(Date)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Encl: Standard Terms and Conditions

## STANDARD TERMS and CONDITIONS

1. THE AGREEMENT – These Standard Terms and Conditions and the attached Proposal or Scope of Services, upon their acceptance by the Owner, shall constitute the entire Agreement between Orchard, Hiltz & McCliment, Inc. (OHM ADVISORS), a registered Michigan Corporation, and the Owner. The Agreement shall supersede all prior negotiations or agreements, whether written or oral, with respect to the subject matter herein. The Agreement may be amended only by mutual agreement between OHM ADVISORS and the Owner and said amendments must be in written form.

2. SERVICES TO BE PROVIDED – OHM ADVISORS will perform the services as set forth in the attached proposal or scope of services which is hereby made a part of the Agreement.

3. SERVICES TO BE PROVIDED BY OWNER – The Owner shall at no cost to OHM ADVISORS:

- a) Provide OHM ADVISORS personnel with access to the work site to allow timely performance of the work required under this Agreement.
- b) Provide to OHM ADVISORS within a reasonable time frame, any and all data and information in the Owners possession as may be required by OHM ADVISORS to perform the services under this Agreement.
- c) Designate a person to act as Owners representative who shall have the authority to transmit instructions, receive information, and define Owner policies and decisions as they relate to services under this Agreement.

4. PERIOD OF SERVICE – The services called for in this Agreement shall be completed within the time frame stipulated in the Proposal or Scope of Services, or if not stipulated shall be completed within a time frame which may reasonably be required for completion of the work. OHM ADVISORS shall not be liable for any loss or damage due to failure or delay in rendering any service called for under this agreement resulting from any cause beyond OHM ADVISORS reasonable control.

5. COMPENSATION – The Owner shall pay OHM ADVISORS for services performed in accordance

with the method of payment as stated in the Proposal or Scope of Services. Method of compensation may be lump sum, hourly; based on a rate schedule, percentage of the construction cost, or cost plus a fixed fee. The Owner shall pay OHM ADVISORS for reimbursable expenses for subconsultant services, equipment rental or other special project related items at a rate of 1.15 times the invoice amount.

6. TERMS OF PAYMENT – Invoices shall be submitted to the Owner not more often than monthly for services performed during the preceding period. Owner shall pay the full amount of the invoice within thirty days of the invoice date. If payment is not made within thirty days, the amount due to OHM ADVISORS shall include a charge at the rate of one percent per month from said thirtieth day.

7. LIMIT OF LIABILITY – OHM ADVISORS shall perform professional services under this Agreement in a manner consistent with the degree of care and skill in accordance with applicable professional standards of services of this type of work. To the fullest extent permitted by law, and notwithstanding any other provision of this Agreement, the total liability in the aggregate, of OHM ADVISORS and its Officers, Directors, Partners, employees, agents, and subconsultants, and any of them, to the Owner and anyone claiming by, through or under the Owner, for any and all claims, losses, costs or damages of any nature whatsoever arises out of, resulting from or in any way related to the project or the Agreement from any cause or causes, including but not limited to the negligence, professional errors or omissions, strict liability, breach of contract or warranty, express or implied, of OHM ADVISORS or OHM ADVISORS' Officers, Directors, employees, agents or subconsultants, or any of them shall not exceed the amount of \$25,000 or OHM ADVISORS fee, whichever is greater.

8. ASSIGNMENT – Neither party to this Agreement shall transfer, sublet, or assign any duties, rights under or interest in this Agreement without the prior written consent of the other party.

9. NO WAIVER – Failure of either party to enforce, at anytime, the provisions of this Agreement shall not constitute a waiver of such provisions or the right of either party at any time to avail themselves of such remedies as either may have for any breach or breaches of such provisions.

10. GOVERNING LAW – The laws of the State of Michigan will govern the validity of this Agreement, its interpretation and performance.

11. DOCUMENTS OF SERVICE – The Owner acknowledge OHM ADVISORS' reports, plans and construction documents as instruments of professional services. Nevertheless, the plans and specifications prepared under this Agreement shall become the property of the Owner upon completion of the work and payment in full of all monies due OHM ADVISORS, however, OHM ADVISORS shall have the unlimited right to use such drawings, specifications and reports and the intellectual property therein. The Owner shall not reuse or make any modifications to the plans and specifications without prior written authorization by OHM ADVISORS. In accepting and utilizing any drawings or other data on any electronic media provided by OHM ADVISORS, the Owner agrees that they will perform acceptance tests or procedures on the data within 30 days of receipt of the file. Any defects the Owner discovers during this period will be reported to OHM ADVISORS and will be corrected as part of OHM ADVISORS' basic Scope of Services.

12. TERMINATION – Either party may at any time terminate this Agreement upon giving the other party 7 calendar days prior written notice. The Owner shall within 45 days of termination, pay OHM ADVISORS for all services rendered and all costs incurred up to the date of termination in accordance with compensation provisions in this Agreement.

13. OHM ADVISORS' RIGHT TO SUSPEND ITS SERVICES – In the event that the Owner fails to pay OHM ADVISORS the amount shown on any invoice within 60 days of the date of the invoice, OHM ADVISORS may, after giving 7 days notice

to the Owner, suspend its services until payment in full for all services and expenses is received.

14. OPINIONS OF PROBABLE COST – OHM ADVISORS preparation of Opinions of Probable Cost represent OHM ADVISORS' best judgment as a design professional familiar with the industry. The Owner must recognize that OHM ADVISORS has no control over costs or the prices of labor, equipment or materials, or over the contractor's method of pricing. OHM ADVISORS makes no warranty, expressed or implied, as to the accuracy of such opinions as compared to bid or actual cost.

15. JOB SITE SAFETY – Neither the professional activities of OHM ADVISORS, nor the presence of OHM ADVISORS or our employees and subconsultants at a construction site shall relieve the General Contractor or any other entity of their obligations, duties, and responsibilities including, but not limited to, construction means, methods, sequences, techniques or procedures necessary for performing, superintending or coordinating all portions of the work of construction in accordance with the contract documents and the health or safety precautions required by any regulatory agency. OHM ADVISORS has no authority to exercise any control over any construction contractor or any other entity or their employees in connection with their work or any health or safety precautions. The Owner agrees that the General Contractor is solely responsible for jobsite safety, and warrants that this intent shall be made clear in the Owners agreement with the General Contractor. The Owner also agrees that OHM ADVISORS shall be indemnified and shall be made additional insureds under the General Contractors general liability insurance policy.

16. DISPUTE RESOLUTION – In an effort to resolve any conflicts that arise during the design or construction of the project or following the completion of the project, the Owner and OHM ADVISORS agree that all disputes between them arising out of or relating to this Agreement shall be submitted to nonbinding mediation, unless the parties mutually agree otherwise.

August 17, 2015

TO: Impacted taxing authorities within the City of Swartz Creek.

Genesee County Clerk  
Genesee County Courthouse  
900 S. Saginaw St.  
Flint, MI 48502

Genesee County Board of Commissioners  
Board of Commissioners Office  
1101 Beach St. Room 312  
Flint, MI 48502

Mott Community College  
1401 E. Court St.  
Flint, MI 48503

Mass Transportation Authority  
1401 S. Dort  
Flint, MI 48503

Genesee County Library  
G-4195 W. Pasadena Ave.  
Flint, MI 48504

City of Swartz Creek  
8083 Civic Dr.  
Swartz Creek, MI 48473

Bishop International Airport Authority  
G-3425 West Bristol Road  
Flint, MI 48507-3183

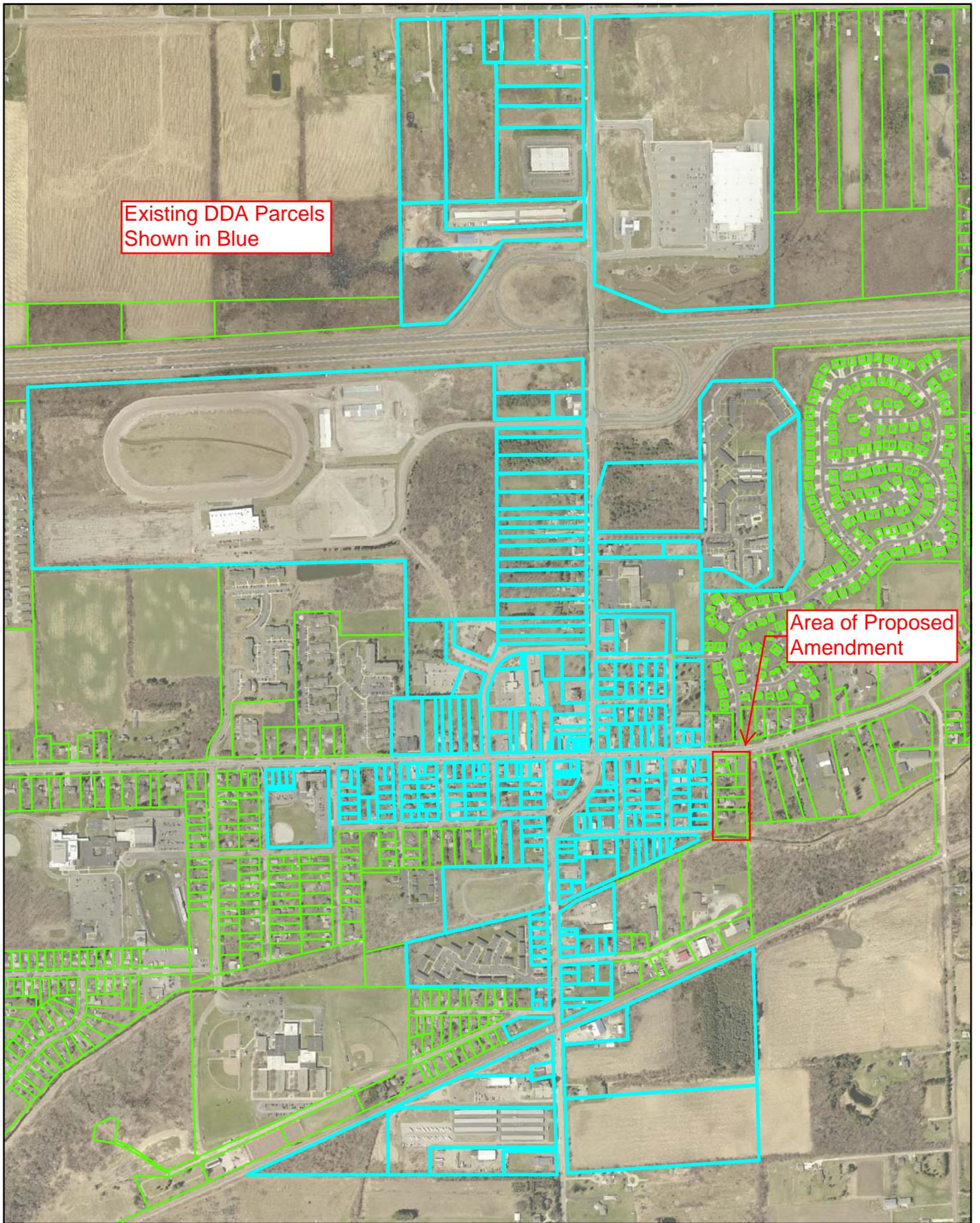
PLEASE TAKE NOTICE that the Swartz Creek City Council, pursuant to and in compliance with MCL 125.1653, will hold a public hearing on Monday, September 14, 2015 at or soon after 7:00 p.m. in the city council chambers, 8083 Civic Drive in the City of Swartz Creek. The purpose of the public hearing is review and seek comment related to an amendment to the Downtown Development Authority ordinance & boundaries, including related amendments to the existing Development Plan and existing Tax Increment Financing Plan.

The proposed new boundaries of the DDA District are attached and include two small businesses and two homes. In addition, the estimated taxing impact of this amendment is included as Table 3. The entire plan and maps depicting the proposed amendments are available electronically and at the Swartz Creek City Hall, 8083 Civic Drive in the City of Swartz Creek.

This notice is given to you pursuant to and in compliance with MCL 125.1653 due to your status as a taxing jurisdiction levying taxes that would be subject to capture if a tax increment financing plan is approved.

Juanita Aguilar  
City Clerk

Enclosures

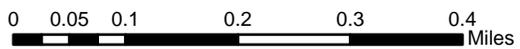


Existing DDA Parcels  
Shown in Blue

Area of Proposed  
Amendment

# City of Swartz Creek DDA Boundary Map

City Council Packet



**Table 3: City of Swartz Creek DDA Expansion Projected Impact By Taxing Jurisdiction**

FY	TV	Capture	Genesee County										Other	Mott		City		Revenue		
			Gen Op	Paramed	Parks	Senior	Health	Vets	MSU	Animal	Airport	Library	MTA	Gen Op	Voted Op	Gen Op	SAD*		Voted Op	
Base	\$320,275	-																		
2016	\$320,275	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
2017	\$326,681	\$6,406	\$35	\$3	\$5	\$4	\$6	\$6	\$1	\$0	\$1	\$3	\$6	\$5	\$9	\$4	\$31	\$31	\$17	\$163
2018	\$333,214	\$12,939	\$71	\$6	\$10	\$9	\$13	\$1	\$1	\$3	\$6	\$13	\$10	\$17	\$8	\$62	\$63	\$34	\$329	
2019	\$339,878	\$19,603	\$108	\$10	\$15	\$14	\$20	\$2	\$1	\$4	\$10	\$20	\$16	\$26	\$13	\$95	\$96	\$51	\$498	
2020	\$346,676	\$26,401	\$145	\$13	\$20	\$18	\$26	\$3	\$1	\$5	\$13	\$26	\$21	\$36	\$17	\$127	\$129	\$69	\$671	
2021	\$353,609	\$33,334	\$184	\$16	\$25	\$23	\$33	\$3	\$1	\$7	\$16	\$33	\$27	\$45	\$21	\$161	\$163	\$88	\$847	
2022	\$360,682	\$40,407	\$223	\$20	\$30	\$28	\$40	\$4	\$2	\$8	\$20	\$40	\$32	\$55	\$26	\$195	\$198	\$106	\$1,027	
2023	\$367,895	\$47,620	\$262	\$23	\$36	\$33	\$48	\$5	\$2	\$10	\$23	\$48	\$38	\$64	\$31	\$230	\$233	\$125	\$1,210	
2024	\$375,253	\$54,978	\$303	\$27	\$41	\$38	\$55	\$5	\$2	\$11	\$27	\$55	\$44	\$74	\$35	\$265	\$269	\$144	\$1,397	
2025	\$382,758	\$62,483	\$344	\$30	\$47	\$44	\$62	\$6	\$2	\$12	\$30	\$62	\$50	\$84	\$40	\$302	\$306	\$164	\$1,588	
2026	\$390,413	\$70,138	\$386	\$34	\$53	\$49	\$70	\$7	\$3	\$14	\$34	\$70	\$56	\$95	\$45	\$339	\$344	\$184	\$1,782	
2027	\$398,222	\$77,947	\$429	\$38	\$58	\$55	\$78	\$8	\$3	\$16	\$38	\$78	\$62	\$105	\$50	\$376	\$382	\$205	\$1,981	
2028	\$406,186	\$85,911	\$473	\$42	\$64	\$60	\$86	\$9	\$3	\$17	\$42	\$86	\$69	\$116	\$55	\$415	\$421	\$226	\$2,183	
2029	\$414,310	\$94,035	\$518	\$46	\$71	\$66	\$94	\$9	\$4	\$19	\$46	\$94	\$75	\$127	\$60	\$454	\$461	\$247	\$2,389	
2030	\$422,596	\$102,321	\$564	\$50	\$77	\$72	\$102	\$10	\$4	\$20	\$50	\$102	\$82	\$138	\$66	\$494	\$501	\$269	\$2,600	
2031	\$431,048	\$110,773	\$610	\$54	\$83	\$78	\$111	\$11	\$4	\$22	\$54	\$111	\$89	\$149	\$71	\$535	\$543	\$291	\$2,815	
2032	\$439,669	\$119,394	\$658	\$58	\$90	\$84	\$119	\$12	\$5	\$24	\$58	\$119	\$96	\$161	\$77	\$577	\$585	\$314	\$3,034	
2033	\$448,462	\$128,187	\$706	\$62	\$96	\$90	\$128	\$13	\$5	\$26	\$62	\$128	\$103	\$173	\$82	\$619	\$628	\$337	\$3,257	
2034	\$457,432	\$137,157	\$755	\$66	\$103	\$96	\$137	\$14	\$5	\$27	\$66	\$137	\$110	\$185	\$88	\$662	\$672	\$360	\$3,485	
2035	\$466,580	\$146,305	\$806	\$71	\$110	\$102	\$146	\$15	\$6	\$29	\$71	\$146	\$117	\$197	\$94	\$706	\$717	\$384	\$3,718	

**Total**                                    **\$1,376,340**    **\$7,580**    **\$667**    **\$1,032**    **\$963**    **\$1,376**    **\$138**    **\$55**    **\$275**    **\$667**    **\$1,374**    **\$1,101**    **\$1,857**    **\$882**    **\$6,646**    **\$6,744**    **\$3,616**    **\$34,974**

\*The special assessment does not levy against personal property, thereby making current capture \$0. Future impacts are not estimated.



# ROWE PROFESSIONAL SERVICES COMPANY

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

July 8, 2015

Mr. Tom Svrcek, DPW Supervisor  
City of Swartz Creek  
8083 Civic Drive  
Swartz Creek, MI 48473

RE: Cappy Lane Sanitary Sewer Lift Station Upgrades-  
Engineering Services Proposal

Dear Mr. Svrcek:

ROWE Professional Services Company is pleased to provide you with a proposal for the above referenced project. The proposed construction will involve upgrades to the sanitary sewer lift station situated south of Cappy Lane. Construction to replace the existing flooded suction stations with new dry submersible pumps. All electrical equipment, controls and panels will be replaced and moved above ground. Coordination with Genesee County will be necessary during the permitting process.

Our fee for engineering services is **\$15,042** (see attached fee breakdown). Our fee includes the following:

- Field Work To Review Existing Sites and Develop Schematic Drawings;
- Design Related Meetings;
- Construction Drawings;
- Contract Documents & Technical Specifications;
- MDEQ / Soil Erosion / Genesee County WWS Permit Applications; and,
- Bidding Process.

We look forward to completing another successful project with the city. If you have any questions, please call.

Sincerely,  
ROWE Professional Services Company

Louis P. Fleury, P.E.  
Project Manager

Attachment

*Having reviewed this proposal including the attached statement of terms and conditions which is a part thereof, acceptance of this proposal is hereby confirmed. ROWE Professional Services Company is authorized to proceed with the work.*

Accepted by: \_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Print Name and Title

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**City of Swartz Creek  
Sanitary Sewer Lift Station Upgrade  
Engineering Services Fee Breakdown  
July 8, 2015**

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**A. Design**

1. Field Work

- Perform site inspections to measure existing surface features for the purpose of developing the site layout drawings.

Project Manager	4 hours @ \$124/hour	\$496
Project Engineer	4 hours @ \$107/hour	\$428
Electrical Subconsultant	LSUM	<u>\$1,250</u>
<b>Fieldwork Subtotal</b>		<b>\$2,174</b>

2. Construction Documents

- Design – Prepare detailed construction drawings, contract documents, specifications.

Project Manager	20 hours @ \$124/hour	\$2,480
Project Engineer	40 hours @ \$107/hour	\$4,280
CAD Drafting	12 hours @ \$87/hour	\$1,044
Electrical (sub-consultant)	LSUM	<u>\$3,500</u>
<b>Design Subtotal</b>		<b>\$11,304</b>

- Permits – Prepare MDEQ, Soil Erosion and Genesee County W.W.S. Permit Applications.

Project Engineer	8 hours @ \$107/hour	\$856
<b>Permits Subtotal</b>		<b>\$856</b>

**B. Bidding Process**

1. Bid Advertisement, Bid Tabulation, Contractor Recommendation

Project Manager	4 hours @ \$124/hour	\$496
Clerical	4 hours @ \$53/hour	<u>\$212</u>
<b>Bidding Subtotal</b>		<b>\$708</b>

**Engineering Services Total      \$15,042**

*Items not included in this proposal are the following:*

- *Topographic Survey*
- *Geotechnical Services*
- *Permit fees*
- *Easement preparation and procurement (if any are necessary)*
- *Construction Staking*
- *Construction Inspection/Contract Administration*

TERMS AND CONDITIONS

The Owner will designate a representative with the authority to provide direction, receive and review information, and make decisions regarding the project. Decisions and direction shall be provided in a timely manner, so as to not delay the project.

The Engineer will perform services in a timely manner, consistent with sound professional practice. The Engineer will strive to perform the services within the established schedule, if any. Services are considered to be complete when deliverables have been presented to the Owner.

The Owner will provide the Engineer with all available information pertinent to the site of the project and access to the project site.

The Engineer will assist the Owner in preparing applications and documents to secure approvals and permits. The Owner is responsible for payment of permit application fees and charges.

Services provided by the Engineer shall be performed with the care and skill normally exercised by other members of the profession practicing under similar conditions.

The Owner shall promptly notify the Engineer of defects or suspected defects in the work.

The Engineer's opinions of construction costs will be based upon experience and historical information.

The Engineer will be responsible for the safety precautions and programs of its employees only.

If the Engineer is reviewing work by contractors or others on behalf of the Owner, the Engineer may only recommend to the Owner that work which does not conform to the project requirements be rejected.

Payment for work completed shall be made within thirty days of invoicing. Unless otherwise provided, invoices will be submitted monthly as the work progresses.

In the event additional work is needed because of a change in scope or unforeseen conditions, the Engineer will submit a proposal defining the modified scope of work and any modifications to the schedule and fee for the Owner's approval.

This agreement may be terminated by either party with fourteen days written notice; however, the Engineer shall be paid for work completed prior to the date of termination.

The Engineer is an independent contractor, responsible to the Owner for the results of this undertaking and is not an employee or agent of the Owner.

The Owner agrees to limit ROWE Professional Services Company's total liability to the Owner and any contractors on the project to \$50,000 or the Engineer's fee, whichever is greater.

The Owner and Engineer each bind themselves and any partners, successors, and assigns of the other party to this agreement. Neither party will assign, sublet, or transfer their interest in this agreement without the consent of the other party.

The terms of this agreement shall be governed by the laws of the State of Michigan. In the event a provision of this agreement is rendered unlawful, the remaining terms and provisions shall remain in effect.

In performance of this work, the Engineer will comply with their policies regarding non-discrimination against employees on the basis of race, color, religion, national origin or ancestry, age or sex.

Terms and Conditions Agreed to:

\_\_\_\_\_  
Owner

\_\_\_\_\_  
ROWE Professional Services Company

**City of Swartz Creek**  
**Cappy Lane Pump Station Upgrades**  
 March, 2015



Upgrade Existing Station  
**CONSTRUCTION COST ESTIMATE**

ITEM	ESTIMATED QUANTITY	UNIT	UNIT PRICE	AMOUNT
Mobilization, Permits, Bonds	1	LS	\$ 10,000.00	\$ 10,000.00
Repainting / Rehabilitating Structure	1	LS	\$ 40,000.00	\$ 40,000.00
New Cathodic Protection System	1	LS	\$ 20,000.00	\$ 20,000.00
Upgrade Electrical Controls / VFDs	1	LS	\$ 50,000.00	\$ 50,000.00
Install Dry Pit Submersible Pumps	1	LS	\$ 25,000.00	\$ 25,000.00
Discharge Piping / Valve Modifications	1	LS	\$ 20,000.00	\$ 20,000.00
Cleanup and Restoration	1	LS	\$ 5,000.00	\$ 5,000.00
<b>SUBTOTAL</b>				\$ 170,000.00
<b>CONSTRUCTION CONTINGENCY (15%)</b>				\$ 25,500.00
<b>SUBTOTAL CONSTRUCTION</b>				<u>\$ 195,500.00</u>
<b>TOTAL</b>				<b>\$ 195,500.00</b>

Assumptions:

1. No upgrades to electrical service / generator.
2. All controls / starters are moved above grade.
3. Does not include SCADA system improvements.
4. Estimate is based upon replacing existing flooded suction pumps with new dry pit submersible and replacing piping.