

**City of Swartz Creek  
AGENDA**

**Regular Council Meeting, Monday, March 28, 2016, 7:00 P.M.  
Paul D. Bueche Municipal 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 March 14, 2016 MOTION Pg. 13
5. **APPROVE AGENDA:**
  - 5A. Proposed / Amended Agenda MOTION Pg. 1
6. **REPORTS & COMMUNICATIONS:**
  - 6A. City Manager's Report MOTION Pg. 2
  - 6B. February Police Authority Minutes Pg. 25
  - 6C. Lift Station Bid Documents & Engineering Proposal (Business Item) Pg. 31
  - 6D. Attorney Opinion – City Council Appointment Pg. 36
  - 6F. Revenue Sharing Chart Pg. 38
7. **MEETING OPENED TO THE PUBLIC:**
  - 7A. General Public Comments
8. **COUNCIL BUSINESS:**
  - 8A. Citizen of the Year Award
  - 8B. Appointments RESO Pg. 10
  - 8C. Lift Station Bid Award RESO Pg. 11
10. **MEETING OPENED TO THE PUBLIC:**
11. **REMARKS BY COUNCILMEMBERS:**
12. **ADJOURNMENT:** MOTION

**March & April Calendar**

Planning Commission:	Tuesday, April 5, 2016, 7:00 p.m., PDBMB
Park Board:	Wednesday, April 6, 2016, 6:00 p.m., PDBMB
City Council:	Monday, April 11, 2016, 7:00 p.m., PDBMB
Downtown Development Authority:	Thursday, April 14, 2016, 6:00 p.m., PDBMB
Fire Board:	Monday, April 18, 2016, 7:00 p.m., PDBMB
City Council:	Monday, April 25, 2016, 7:00 p.m., PDBMB

**City of Swartz Creek**  
**CITY MANAGER'S REPORT**  
**Regular Council Meeting of Monday, March 28, 2016 - 7:00 P.M.**

**TO:** *Honorable Mayor, Mayor Pro-Tem & Council Members*  
**FROM:** Adam Zettel, City Manager  
**DATE:** March 9, 2016

**ROUTINE BUSINESS – REVISITED ISSUES / PROJECTS**

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

The only time sensitive and pressing case for now is the golf course. This appraisal is expected to cost about \$7,500. We expect to sign a proposal to perform an audit of the golf course in the month of March unless other terms are reached. At this point, an appraisal is the only solution since the owner's claim on value is pure ridiculousness.

For now, our assessor recommends we hold position on the raceway and mini-storage while we manage the other cases. Staff has settled negotiated appeals for El Portrero and the Carriage Plaza that the assessor found reasonable upon submission of a privately funded appeal. A complete listing of outstanding appeals is as follows:

Year	Parcel #	Docket #	Owner	Petitioner's Representative	Current Assessed	Current Taxable	Proposed Assessed	Proposed Taxable	Status	Notes
2015	58-32-100-004	15-002500	Shkreli Investments	Fred Gordon	286,600	286,600	50,000	50,000	answered 6/16/15	Gen Valley Golf
										Assessment appears fair - recommend getting an appraisal
2015	58-35-576-039	15-002131	CenterpiecePlaza	Laura Hallahan	182,600	181,762	110,000	110,000	answered 6/9/15	8048 Miller
2015	58-35-576-040	15-002131	CenterpiecePlaza	Laura Hallahan	21,900	19,778	15,000	15,000	answered 6/9/15	8048 Miller
										Assessment appears fair - attorney to file interrogatories to get leases, income and expenses statements for potential appraisal
2015	58-35-400-001	15-001904	Sports Creek	Michael Shapiro	1,207,400	918,667	500,000	500,000	answered 6/9/15	Raceway
										Hold for now - Assessor to acquire more information
2015	58-02-200-033	15-002502	Nemer Enterprises	Kal Nemer	293,400	196,940	190,000	190,000	answered 6/16/15	Morrish Rd office
										Attorney to file interrogatories to get leases, income and expenses statements for potential appraisal
2015	58-02-200-029	15-002787	S.C. Mini Storage	Steve Johnson	765,300	765,300	550,000	550,000	answered 8/4/15	Storage (Morrish)
										Assessment appears fair - pending further deliberation

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

✓ **MORRISH AND BRISTOL SIGNAL** *(Update)*

The Genesee County Road Commission projects the signal cost to be about \$36,000. Clayton Township is considering the need for the signal and their associated costs. I have sent a letter requesting to meet with their leadership to go over the matter in detail. Our hope is that all three parties involved (four if you include Meijer) can come to a cost sharing arrangement.

✓ **2017-2020 TRAFFIC IMPROVEMENT PROGRAM (TIP)** *(No Change of Status)*

The three year plan for street funding has been drafted by the county, and the city has committed to a 20% match for those streets that were awarded funding.

Please note that the area of Worchester that is tentatively funded is only the section between Winston and Cappy Lane. While this is a small section only, the extra funds will doubtlessly help with the planned reconstruction. Unfortunately, if we desire the federal funds, we must wait until next year, at the soonest, to commence work.

Listed below are the portions selected for federal funding, which include:

<u>Road</u>	<u>Point of Beginning</u>	<u>Point of End</u>	<u>Length (Miles)</u>	<u>Lanes</u>	<u>Lane Feet</u>	<u>Width (Feet)</u>	<u>ADT</u>	<u>Total Cost</u>	<u>Federal Match</u>	<u>Local Match</u>
Worchester	Cappy	Winston	0.1	2	1056	28	691	\$172,474	\$137,979	\$34,495
Fairchild	Cappy	Miller	0.28	2	2956.8	44	2456	\$305,104	\$247,234	\$61,021
<b>Cost</b>										
<b>Totals:</b>								\$477,578	\$385,213	\$92,365

- ✓ **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 approved the change. Now we await review by the Federal Highway Administration sometime this calendar year.

- ✓ **MILLER ROAD RESURFACING PROJECT** *(No Change of Status)*  
The city now has a report/change order on the estimated costs for this project, and the news is good. It appears that the savings sought by the city were realized, with a reduction of \$121,355.39. Note that this is not savings under the resolution. This reflects savings under the bid amount of \$1,918,020.56. Since this was beyond our original estimate, the savings were desired to match budgeted amounts. In short, we are right on target.

Also, the noted weeds on Miller have been sprayed, cut, and hydro seeded.

- ✓ **SIGNAL PHASING STUDY FOR MILLER AND MORRISH** *(No Change of Status)*  
OHM has completed a draft of the intersection section study. At this point, they recommended altering the timing for signal phasing throughout the day. This will enable a tailored pattern of timing to better accommodate the various needs observed. Though it is possible to place a dedicated left, it would require well over \$100,000 to do so due to new requirements for “box-span” configurations. Furthermore, this configuration would likely result in a decrease to the service level for certain through-traffic movements.

We are working with Genesee County to implement the timing recommendations so that we can assess the effectiveness. If the council chooses to, we can revisit the other options mentioned.

- ✓ **20 YEAR STREET PLAN – ROAD FUNDING** *(No Change of Status)*  
The ballot question for the street initiative is as follows:

**SWARTZ CREEK STREET INITIATIVE BALLOT PROPOSAL**

Shall the City of Swartz Creek be authorized to levy a millage of up to a maximum of 4.220 mills (\$4.22 Per \$1,000 of taxable value) for twenty (20) years, 2016-2035, inclusive, for the purpose of funding construction and interest costs for the replacement, rehabilitation, repair, and maintenance of public streets and include pavement, sidewalk, curb, gutter, shoulders, and related drainage work within the City of Swartz Creek, the estimated revenues that will be collected during the first year of this millage as authorized and levied to be \$616,000?

The impact and revenues of a levy of 4.220 mils is estimated as follows:

Levy Impacts on Homes	4.220 mil (\$616k/year)	
	Month	Year
Home Value \$70,000 (\$35,000 taxable)	\$12.31	\$147.70
Home Value \$100,000 (\$50,000 taxable)	\$17.58	\$211.70
Home Value \$150,000 (\$75,000 taxable)	\$26.38	\$316.50

At this point, the committee is not expected to meet again until directed by the city council or otherwise called to follow up on existing matters.

- ✓ **2016 STREET BIDS-SCRAP TIRE GRANT** *(No Change of Status)*  
Kennedy has been chosen as the contractor to repair the intersections of Fairchild-Miller and Winston-Miller, including the Winston watermain. The contract has been executed. We expect the work to start after school lets out.
- ✓ **WATER – SEWER ISSUES PENDING** *(See Individual Category)*
  - ✓ **SEWER REHABILITATION PROGRAM** *(No Change of Status)*  
Liqui-Force has just completed the 2015 projects in the Village. We did not encounter any major issues or change orders. Tom will await a final debriefing before final billing. If all goes well, we will look to begin the next phase of televising very soon.
  - ✓ **KWA** *(Update)*  
The KWA is planned to be treating water by June of 2017. At this point, there is a debate beginning regarding whether or not they will add fluoride to the water. Currently, the Detroit system does do so. However, there are strong opinions on both sides of the issue from the standpoint of corrosion and health. The county will look to form a working committee and seek public input before a decision is made.

We have some bad, but not unexpected news regarding rates. While Genesee County is not increasing their revenues through rate changes, Detroit is expected to raise rates 9-11%. This is guess work based upon prior years because the list of increases excludes Genesee County, again. I will keep the council informed.

- ✓ **WATER** *(No Change of Status)*  
We continue to make progress. However, we are unable to read the master meters coming into the city due to technical issues. These are county meters, and the county still has the ability to read them. As such, I am not questioning the usage at

this point in time, though it is tough for us to track. In the meantime, we continue to update key meters.

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

Staff is working to print and publish the handbook.

✓ **CIVIC CAMPUS TREES (No Change of Status)**

I noted last summer that there may be critters and blights affecting the three main species of pine that are planted around the civic campus. This area includes the library/senior center, city hall, the theater, and the public safety building. Dozens and dozens of trees are likely affected to an extent that could result in a mass die-off. I will learn more about the specific maladies and ascertain if we can treat them or if we need to begin cutting. Cost is always an issue in any event. I will have the arborist in around March.

✓ **SHARED SERVICES, POLICE DEPARTMENTS (Update)**

A meeting was held on Wednesday, March 23, 2016 at 7:00 p.m. at the PDBMB. I will distribute minutes when they are available. Big issues right now include the consideration of retirement benefits for employees that transfer to the authority, as well as the labor negotiations. Progress is occurring, but at a slower pace than previously expected. This is not a bad thing, as it gives folks more time to reflect on the changes and double check proposals.

Minutes are included from the February meeting.

The next meeting is scheduled for 10:00 a.m., April 27, 2016 at the Mundy Township Hall

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

The lighting plan has been approved and funds received by the developer to support this. The developer has also placed funds into escrow to fund the remaining items on the punch list, including curb backfill on Russell and sidewalk work. As such, the escrow requirement has been deemed fulfilled on the remaining lots.

Ten of the twelve lots in Springbrook East have sold. I expect the other two to sell in the coming months so we can put this whole matter behind us.

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.

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

We have a recommendation to honor the Meijer donation for the Fortino Drive sidewalk at a Tuesday night concert. This appeared to be well received by the council. Any additional thoughts?

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

I have reached out to Gaines Township on this matter, informally. Since they have platted lots that lack necessary infrastructure adjacent to the city, it makes sense to

work together on drainage and related matters. The previous report on the matter is as follows:

The planning commission considered this issue as a component of the current master plan amendment. Their initial recommendation is to make the area conducive on the construction of single family homes in accordance with the original plat. To do so will require engineered drainage, a section of new sanitary sewer, and some fill/grading to the roads. Future deliberation of the planning commission and city council will determine whether or not this course is followed.

Obviously, the biggest concern is funding of the improvements. Public workshops are recommended to gauge owner interest in participating and to what degree improvements should be done and assessed. Note that the city's lots in this area could be used for storm water storage and/or sales to recoup costs.

✓ **NEWSLETTER (Update)**

The newsletter will go out at the end of the month. As of writing, I plan to have articles contributed from the police department and fire department, as well as information on the Zika virus, the Elms Park projects, temporary signs, and streets.

✓ **MEDICAL MARIJUANA MORATORIUM & GROW HOMES (Update)**

These matters were briefly discussed by the Planning Commission at their meeting on March 1. They asked to have the input of the attorney as it relates to growing, both in homes and in non-residential districts. As evidenced in Fenton, the two are inversely related, meaning that to allow one may limit the other and vice versa.

There appears to be little support for dispensaries (provisioning centers) among the public or various boards and commissions. I expect the planning commission to have a more thorough debate on April 5th that will result in a recommendation for such facilities, as well as growing operations.

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

Bids were opened at 10:00 a.m. on March 8th. There were eight submissions, including one that came in within 1% of the engineers estimate. Rowe analyzed the submissions, and finds no issues with pursuing the low bid. A resolution is included that approves the bid of RBF Construction in the amount of \$301,300. To oversee the project, Rowe is including a construction engineering proposal in the amount of \$20,110. I recommend we move forward with both.

✓ **SUNOCO (Update)**

The grant seeking \$22,000 to assist with the demolition of the building, canopy, and tank removal has been tentatively approved! I have a conference call with the state on Monday to go over their proposed agreement and demolition specifics. We had hoped to have the structures down by Hometown Days, but the delays make it more likely that we will shoot to start just after the festival. Note that the \$22,000 may only cover half of the costs to get the structures down and secure the site. The DDA has allocated \$10,000, but the city will likely be asked to contribute some as well. In addition, there are some in-kind costs and professional service costs that we have incurred to make certain we are handling the environmental aspects properly. Such costs include our

negotiations with Exxon to abate the underground contamination. In the end, I believe it is more than worth it.

The last formal contact we had with Exxon was on February 12<sup>th</sup>. Exxon appears pretty committed to excavating soils and closing the site with the Department of Environmental Quality. With the structures and tanks going, this is very likely.

Lastly, we will need to repurpose the site. Some folks would like to see it sold and developed. Another popular use, and the most likely, is the conversion to plaza/parking space that can ease the parking burden of local businesses and provide an attractive spot for activities on weekends, such as the Farmers Market. I think the next round of Community Development Block Grant Funds would be well spent here.

✓ **ELMS PARK GRANT (Update)**

The grant agreement has been executed by all parties. We are now awaiting bids for the work. We are attempting to separate the bathroom renovation from the more intensive site work, with the goal being to have the bathrooms ready for use mid-summer. However, the default timeline puts the bulk of the work in September of this year.

I am meeting with the engineer late on Thursday. I may have more to report at the meeting.

✓ **FINANCE DIRECTOR DUTIES (No Change of Status)**

Ms. Aguilar has not further specified a retirement date, though she indicated it would be in late 2016. We are moving forward with structuring the office duties with this knowledge.

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

✓ **REVENUE SHARING CHART (Update)**

The Michigan Municipal League is leading an effort to raise awareness of systematic disinvestment in cities by the State of Michigan. Their hope is to have legislative action that will reverse this trend and improve revenue sharing. As part of the information campaign, they have released a database of all cities revenue sharing losses over the last decade. These funds account for revenues received in sales and income tax that were earmarked for schools and cities, but much of those funds went to the state's general fund. The chart is pretty self-explanatory.

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

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

The commission had their regular March meeting on the 1<sup>st</sup>. There was a recommendation on the Springvale site plan, which the city council subsequently approved.

The commission also discussed grow houses and other medical marijuana matters, as noted above. They intend to address this matter again on April 5<sup>th</sup>.

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

There will not be a March DDA meeting. I expect the DDA to meet again on April 14, 2016. Agenda items should include the budget, Family Movie Night, and the Fortino Drive concept. The previous report is as follows:

The DDA met on February 11<sup>th</sup>. Connie King was sworn in and introduced. Due to the resignation of Mr. Nemer, the DDA had need of a new Chair. They selected Mr. Krueger, the Vice-Chair. The DDA then selected Mr. Beedy to be the Vice-Chair.

The board was given an additional presentation by Mr. Arens from Intrigue Studios regarding the concept planning for Fortino Drive. He went over the most recent versions of the site layout and also showed illustrations of potential housing, both detached single family and attached single family (townhomes). At this point, the board is moving forward with a concept that is to include much open space, a turn lane for Paul Fortino Drive, parking on the south side, and upscale housing. The housing parameters include the need for single family dwellings with two car garages. The layouts, as presented, would be 3-4 bedroom homes with ~1,800 square feet.

The DDA maintains that the current concepts are defined enough to gather some preliminary feedback from builders. This feedback is expected to provide insight on the practicality of the product and pricing. Based upon this information, the board could then bounce well refined concepts off of the public and move forward.

✓ **ZONING BOARD OF APPEALS** *(Update)*

The zoning board of appeals held their annual meeting on March 16<sup>th</sup>, 2016, in which they selected officers. Things were a bit different this year because Mr. Schultz has resigned his seat due to a planned move to Flint Township. His departure vacated the seat of Chair. In his absence the board selected Mr. James Packer as the Chair and Mr. Robert Plumb as the Vice-Chair. Mr. Ronald Smith retained his position as board secretary.

The board also planned to hold training at the March meeting. However, with an open vacancy, they elected to wait until April or later to do so, assuming a full complement of board members. There are no other appeals, variances, or interpretations scheduled.

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

The board met on March 2, 2016 to discuss fundraising for the tot-lot. They plan to hold a kickoff on April 14<sup>th</sup> of the efforts to raise at least \$25,000. Features of the fundraiser are intended to include a webpage, social media strategy, online payment platform, paper media, and methods of distribution.

There was no update on the dog park, which was previously approved by the board but has yet to be reviewed by the city council. We await final presentation from the Eagle Scout candidate.

Their next meeting is planned for Wednesday, April 6, 2016, at 6:00 p.m.

✓ **BOARD OF REVIEW (Update)**

Board of Review held hearings for appeals on Monday March 21<sup>st</sup> from 9:00 a.m. – 12:00 p.m. and 6:00 p.m. – 9:00 p.m., Tuesday and Wednesday 22<sup>nd</sup> & 23<sup>rd</sup> 9:00 a.m. – 12:00 p.m. The appeals were generally routine with nothing remarkable to report.

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

✓ **MASTER PLAN HEARING (No Change of Status)**

A master plan public hearing date has been set for the regular planning commission meeting that is to be held on May 3, 2016. Notices and draft plans have been mailed to appropriate parties.

✓ **CITY COUNCIL SEAT VACANCY (Update)**

At the previous meeting, there was discussion about how long the city council appointment would be valid for. It was unclear whether the appointment would expire in November of 2016 because this is the next “regular city election” or if the appointment would extend through 2018, when Mr. Shumaker’s term was supposed to expire.

Mr. Gildner has written an opinion on the matter, indicating that the appointment is to expire in November of 2016. This opinion is shared, with a high degree of confidence, by Mr. Figura, based upon a phone conversation I had with him in early March. Mr. Gildner will be attending our meeting on the 28<sup>th</sup> and can further elaborate if requested. At this point, I will look to notify the media that a seat is available for the 4<sup>th</sup> precinct. Of course, if the city council chooses another course of action, I shall act accordingly.

✓ **APPOINTMENTS (Business Item)**

Ronald Schultz indicated that he is resigning his positions on city boards and commissions. This leaves a number of vacancies that need to be filled and some big shoes to fill. Ron has been an extremely valuable public servant with the community.

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

*Verizon Pole on Miller Road:* The pole has been replaced!

*Ethan Webb:* Mr. Webb attained the rank of Eagle Scout on March 3, 2016. He was the scout that conceived and installed the orienteering course at Elms Road Park. His induction Court of Honor for this will be held on May 24<sup>th</sup> at 7:00 p.m. at the United Methodist Church.

**City of Swartz Creek  
RESOLUTIONS  
Regular Council Meeting, Monday, March 28, 2016, 7:00 P.M.**

**Resolution No. 160328-4A      MINUTES – March 14, 2016**

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

**I Move** the Swartz Creek City Council approve the Minutes of the Regular Council Meeting held Monday, March 14, 2016, to be circulated and placed on file.

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

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

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

**Resolution No. 160328-5A      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 March 28, 2016, to be circulated and placed on file.

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

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

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

**Resolution No. 160328-6A      CITY MANAGER’S REPORT**

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

**I Move** the Swartz Creek City Council accept the City Manager’s Report of March 28, 2016, including reports and communications, to be circulated and placed on file.

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

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

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

**Resolution No. 160328–8B      COMMISSION APPOINTMENTS**

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

**I Move** the Swartz Creek City Council concur with the Mayoral appointments as follows, said terms subject to provisions of the city charter, code of ordinances, state law, and various bylaws (rules and procedures):

**#160314-8D1      MAYOR APPOINTMENT:      Rick Ballreich**  
Genesee Metropolitan Alliance

Remainder of Two-Year Term Expiring November 28, 2016

#160314-8D2 **MAYOR APPOINTMENT:** Joe Perrault  
Construction Board of Appeals  
Remainder of Two-Year Term Expiring November 28, 2016

#160314-8D3 **MAYOR APPOINTMENT:** Doug Sherman  
Construction Board of Appeals  
Remainder of Two-Year Term Expiring November 28, 2016

#160314-8D4 **MAYOR APPOINTMENT:** Sharon Shumaker  
Park Advisory Board  
Remainder of Three-Year Term Expiring December 31, 2018

#160314-8D5 **MAYOR APPOINTMENT:** Robert Plumb  
Zoning Board of Appeals  
Remainder of Three-Year Term Expiring June 30, 2018

#160314-8D6 **MAYOR APPOINTMENT:** James Barclay  
Zoning Board of Appeals – Alternate  
Three-Year Term expiring June 30, 2019

#160314-8D7 **MAYOR APPOINTMENT:** Dick Abrams  
Small Cities Consortium – Alternate  
Three-Year Term expiring November 28, 2016

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

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

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

**Resolution No. 160328-8C LIFT STATION UPGRADE BID AWARD**

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 City Council, after considering options for alternative gravity flow solutions, alternate lift station discharge locations, and in-place upgrades decided to design and bid out in-place upgrades, and

**WHEREAS**, the said 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 upgrades, with potential project add-ons were bid to the public by the city’s engineer, with eight contractors bidding on said project, and

**WHEREAS**, the low bid was made by RBF Construction in an amount of \$301,300, and the engineer recommends approval of this bid,

**NOW, THEREFORE, BE IT RESOLVED** the City of Swartz Creek awards the Cappy Lane sewer lift station upgrades to RBF Construction in the amount of \$301,300, said funds to be appropriated and expensed out of the 591 Sewer Fund.

**BE IT FURTHER RESOLVED**, that the City Council appropriates an additional amount of \$20,110 for construction engineering services to be performed by the city's engineer, Rowe Professional Services Company.

**BE IT FURTHER RESOLVED**, that the City Council directs the Mayor to execute the contractor's agreement and engineering proposal on behalf of the city.

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

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

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

**CITY OF SWARTZ CREEK  
SWARTZ CREEK, MICHIGAN  
MINUTES OF THE REGULAR COUNCIL MEETING  
DATE 03/14/2016**

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.

Councilmembers Absent: Shumaker.

Staff Present: City Manager Adam Zettel, Connie Eskew, Director of Public Service Tom Svrcek.

Others Present: Tommy Butler, Jim Barclay, Steve Shumaker, Bob Plumb, Dennis Cramer, Jim Florence, Boots Abrams, Penny Messer, Sandy Raffaelli, Jim O'Brien, Elaine Tucker, Gerri Bill, Darrell Terpenning, Dave Alexander, Jentery Farmer, Rick Ballreich, Charles Campbell, Dennis Cramer, Carl Carlson.

**Excuse Councilmember Shumaker**

**Resolutions No. 160314-01**

**(Carried)**

Motion by Mayor Pro Tem Abrams  
Second by Councilmember Gilbert

**I Move** the Swartz Creek City council excuse Councilmember Shumaker, he Was called away to fulfill a heavenly obligation.

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

Moment of Silence for Councilmember Shumaker  
Memories of Councilmember Shumaker shared by public and Councilmembers.

**APPROVAL OF MINUTES**

**Resolution No. 160314-02**

**(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 February 22, 2016 to be circulated and placed on file.

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

**APPROVAL OF AGENDA**

**Resolution No. 160314-03**

**(Carried)**

Motion by Mayor Pro Tem Abrams  
Second by Councilmember Gilbert

**I Move** the Swartz Creek City Council approve the Agenda as presented for the Regular Council Meeting of March 14, 2016, to be circulated and placed on file.

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

**City Manager's Report**

**Resolution No. 160314-04**

**(Carried)**

Motion by Councilmember Hicks  
Second by Councilmember Gilbert

**I Move** the Swartz Creek City Council accept the City Manager's Report of March 14, 2016, including reports and communications, to be circulated and placed on file.

Discussion Ensued.

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

**SWARTZ CREEK WOMENS CLUB**

**Presentation**

The Swartz Creek Women's Club presented Mayor David Krueger with a check of \$500.00 to the Elms Rd. Parks improvements. They also wanted everyone to know there will be a chili dinner at the United Methodist Church Friday, March 12, 2016 4-7 p.m., with all donations going to the Cops in the Park program.

**MEETING OPENED TO THE PUBLIC**

Steve Shumaker resides at 7446 Country Meadow, commented in regards to filling the councilmember position.

**COUNCIL BUSINESS**

**CITY COUNCIL APPOINTMENT**

**Resolution No. 160314-05**

**(Carried)**

Motion by Councilmember Gilbert  
Second by Mayor Pro Tem Abrams

**WHEREAS**, City Council Member Michael Shumaker passed away suddenly on March 2, 2016, and;

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

**WHEREAS**, James Florence, a longtime serving member of the planning commission and park board, as well as numerous other community organizations, has volunteered to serve in the capacity as the Fourth Precinct Swartz Creek City Council Member, and;

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

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

**BE IT FURTHER RESOLVED** that City Clerk is directed to administer the oath of office to Mr. Florence and execute other related administrative functions necessary to formalize Mr. Florence’s status as a City Council Member prior to the regular meeting of March 28, 2016.

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

**2 Minute Recess**

**SPRINGVALE SITE PLAN & SPECIAL LAND USE**

Adam Zettel, City Manager informed council that planning commission recommended approval as illustrated in plans with a few conditions noted and informed the council that if any they have any further questions that the owner and his representative are in attendance at meeting to answer.

**Resolution No. 160314-06**

**(Carried)**

Motion by Councilmember Pinkston  
Second by Councilmember Hicks

**WHEREAS**, the city received a proposal to construct a nursing facility on 3.65 acres of vacant land west of Kroger, identified as parcel 58-35-200-007, said land zoned multiple family (RM-1) with a Planned Unit Development overlay zoning classification, and;

**WHEREAS**, the project is a special land use within the RM-1 district and requires a full site plan review, with an additional approval for the special land use, and;

**WHEREAS**, the planning commission, in reviewing the application materials and review criteria in Zoning Ordinance Sections 8, 20, & 26-30, among other sections, found the proposed site plan for a nursing facility meets the intent of the zoning ordinance, and;

**WHEREAS**, the planning commission, in reviewing the same sections, found that some components of the plan, while not rigidly in compliance with the ordinance, can be waived as part of the application for a Nursing Home facility if circumstances support the legislative intent and other applicable review standards, and;

**WHEREAS**, the city council affirms the findings of the planning commission and hereby determines it reasonable to approve the following waivers:

1. Waiver of setbacks required for RM-1 uses in accordance with 30.09 and acceptance of the proposed setbacks
2. Waiver of the lot coverage requirement of 25% and acceptance of a 28% lot coverage
3. Waiver of the minimum unit size of 350 sq. ft. and acceptance of a minimum unit size of 284 sq. ft.
4. Waiver of the RM-1 requirement limiting building length to 180' and acceptance of the building length as proposed
5. Waiver of the courtyard size requirement for dementia care only and acceptance of the dementia care courtyard as proposed
6. Waiver of landscaping requirements and acceptance of the proposed landscaping with the addition of noted screening, and;

**WHEREAS**, the city council affirms the planning commission findings that the site plan, in conjunction with the special land use, meets all other general and specific standards applicable,

**NOW, BE IT RESOLVED** that the Swartz Creek City Council hereby approves the site plan, dated February 8, 2016, revised March 8, 2016, to the city council, subject to the following conditions:

1. Execution of a Development Agreement that includes, among other standards provisions, provisions for infrastructure investment, necessary easements, and offsite improvements.
2. Approval of the site drainage plan and installation by the Genesee County Drain Commission.
3. Continued compliance with all other applicable federal, state, and local statutes, ordinances, and engineering standards.

**BE IT FURTHER RESOLVED** that the Swartz Creek City Council hereby approves the special land use as illustrated on plans, dated February 8, 2016, revised March 8, 2016, subject to the conditions in this resolution.

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

**WATER SYSTEM ORDINANCE AMENDMENT**

**Resolution No. 160314-07**

**(Carried)**

Motion by Councilmember Porath  
Second by Mayor Pro Tem Abrams

**WHEREAS**, the City of Swartz Creek owns, operates, and maintains a water distribution system, and

**WHEREAS**, the City has found that access to and use of the system, in lieu of wells, is in the best interest of the public, and

**WHEREAS**, the City Council, finds that the complete and total prohibition of wells in the city could render some residential properties without a viable or reasonable economic use,

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

**ORDINANCE NO. 428**

An ordinance to amend Section 19 of the City of Swartz Creek Code of Ordinances in order to enable the drilling and use of residential water wells under limited circumstances.

**THE CITY OF SWARTZ CREEK ORDAINS:**

**Section 1. Repeal of Section 19.31.g, City Code of Ordinances and replace it with Section 19.31.g, Drilling, Use of Wells Prohibited.**

Section 19.31.g of the City of Swartz Creek Code of Ordinances is hereby to read as follows:

Drilling, use of wells prohibited. The drilling and use thereof of wells, the water from which is intended for human consumption, is prohibited unless all of the following circumstances apply:

1. The proposed use for any new or replacement well is for service to a single family residential structure.
2. The parcel served does not have access to public water main at the right-of-way or private water main established to serve a condominium or other planned project; OR the structure to be served is 500 feet or more from a public or accessible private water main.
3. The parcel served is two acres in size or larger and is recorded on the 2015 assessment roll.
4. The Genesee County Health Department approves the drilling of said well.

If any existing well, after the effective date of this article shall cease to provide potable water, then in that event the premises served by such well shall be connected to the water system as provided in this article. However, under no circumstances shall an existing well be connected, directly or indirectly, with any portion of the system provided by the city.

**Section 2. Repeal of Conflicting Ordinances.**

The City Council hereby repeals all Ordinances or parts of Ordinances in conflict herewith, including Section 19.31.g.

**Section 3. Effective Date.**

This ordinance shall be effective twenty (20) days after publication.

At a regular meeting of the City Council of the City of Swartz Creek held on March 14, 2016, adoption of the foregoing ordinance was moved by Councilmember Porath and supported by Mayor Pro Tem Abrams.

Voting for: Abrams, Gilbert, Hicks, Krueger, Pinkston, Porath, Florence.  
Voting against: None.

The Mayor declared the ordinance adopted.

\_\_\_\_\_  
David A. Krueger  
Mayor

**CERTIFICATION**

The foregoing is a true copy of Ordinance No. 428, which was enacted by the City Council of the City of Swartz Creek at a regular meeting held on March 14, 2016.

\_\_\_\_\_  
Connie Eskew, City Clerk

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

**SEWER DISPOSAL ORDINANCE AMENDMENT**

**Resolution No. 160314-08**

**(Carried)**

Motion by Mayor Pro Tem Abrams  
Second by Councilmember Porath

**WHEREAS**, the City of Swartz Creek owns, operates, and maintains a sewer collection system, and

**WHEREAS**, the City has found that access to and use of the system, in lieu of private sewage disposal systems, is in the best interest of the public, and

**WHEREAS**, the City Council, finds that the complete and total prohibition of private sewage disposal systems in the city could render some residential properties without a viable or reasonable economic use,

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

**ORDINANCE NO. 429**

An ordinance to amend Section 19 of the City of Swartz Creek Code of Ordinances in order to enable the installation and use of residential septic systems under limited circumstances.

**THE CITY OF SWARTZ CREEK ORDAINS:**

**Section 1. Repeal of Section 19.102.4, City Code of Ordinances and replace it with Section 19.102.4, Required Connection to Available Sanitary Sewer.**

Section 19.102.4 of the City of Swartz Creek Code of Ordinances is hereby to read as follows:

The owner of any house, building, structure, premises, or property used for human occupancy, employment, recreation or other purposes, situated within the county and/or the local unit, and abutting on any street, alley or right-of-way, in which there is located, or may in the future be located, a public sewer or combined sewer within 100 feet of the property line, is hereby required, at the owner's expense, to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer, in accordance with the provisions of this article, when given official notice to do so, provided that such connection shall not be required to be made less than six months nor more than 18 months after the sewer is made available for connection thereto. An exception shall be made when all of the following apply:

1. The proposed use for any new or replacement private sewage disposal system is for service to a single family residential structure.
2. The parcel served does not have access to public sewer collection line at the right-of-way or private sewer line established to serve a condominium or other planned project; OR the structure to be served is 500 feet or more from a public or accessible private sewer collection line.
3. The parcel served is two acres in size or larger and is recorded on the 2015 assessment roll.
4. The Genesee County Health Department approves the installation of said private sewage disposal system.

**Section 2. Repeal of Conflicting Ordinances.**

The City Council hereby repeals all Ordinances or parts of Ordinances in conflict herewith, including Section 19-102.4.

**Section 3. Effective Date.**

This ordinance shall be effective twenty (20) days after publication.

At a regular meeting of the City Council of the City of Swartz Creek held on March 14, 2016, adoption of the foregoing ordinance was moved by Mayor Pro Tem Abrams and supported by Councilmember Porath.

Voting for: Gilbert, Hicks, Krueger, Pinkston, Porath, Florence, Abrams.

Voting against: None.

The Mayor declared the ordinance adopted.

\_\_\_\_\_  
David A. Krueger  
Mayor

**CERTIFICATION**

The foregoing is a true copy of Ordinance No. 429, which was enacted by the City Council of the City of Swartz Creek at a regular meeting held on March 14, 2016.

\_\_\_\_\_  
Connie Eskew, City Clerk

Yes: Gilbert, Hicks, Krueger, Pinkston, Porath, Florence, Abrams.

No: None. Motion Declared Carried.

**COMMISSION APPOINTMENTS**

**Resolution No. 160314-09**

**(Carried)**

Motion by Councilmember Florence  
Second by Mayor Pro Tem Abrams

**I Move** the Swartz Creek City Council concur with the Mayoral appointments as follows, said terms subject to provisions of the city charter, code of ordinances, state law, and various bylaws (rules and procedures):

**#160314-8D1** **MAYOR RE-APPOINTMENT:**  
Downtown Development Authority  
Four-Year Term Expiring March 31, 2020

**Teresa Spence**

- #160314-8D2 **MAYOR RE-APPOINTMENT:** **Connie King**  
Downtown Development Authority  
Four-Year Term Expiring March 31, 2020
- #160314-8D3 **MAYOR APPOINTMENT:** **Ryan Bueche**  
Park Advisory Board  
Remainder of Three-Year Term Expiring December 31, 2018
- #160314-8D4 **MAYOR RE-APPOINTMENT:** **Robert Plumb**  
Zoning Board of Appeals - Alternate  
Three-Year Term expiring June 30, 2019
- #160314-8D5 **MAYOR RE-APPOINTMENT:** **Kathy Ridley**  
Planning Commission  
Three-Year Term Expiring June 30, 2019
- #160314-8D6 **MAYOR RE-APPOINTMENT:** **Bud Grimes**  
Planning Commission  
Three-Year Term Expiring June 30, 2019
- #160314-8D7 **MAYOR RE-APPOINTMENT:** **Larry Cummings**  
Local Officers Compensation Commission  
Five-Year Term Expiring September 30, 2021
- #160314-8D8 **MAYOR RE-APPOINTMENT:** **Wanda Tyler**  
Board of Review  
Three-Year Term Expiring June 30, 2019
- #160314-8D9 **MAYOR APPOINTMENT:** **Jentery Farmer**  
Planning Commission  
Remainder of Three-Year Term Expiring June 30, 2018
- #160314-8D10 **MAYOR APPOINTMENT:** **Joel McRee**  
Fire Board  
One-Year Term: April 1, 2016 - March 31, 2017

Discussion Ensued.

Yes: Hicks, Krueger, Pinkston, Porath, Florence, Abrams, Gilbert.  
No: None. Motion Declared Carried.

**MUNDY TOWNSHIP BUILDING SERVICES AGREEMENT AMENDMENT**

**Resolution No. 160314–10**

**(Carried)**

Motion by Councilmember Hicks  
Second by Mayor Pro Tem Abrams

**WHEREAS**, the city operates a building services department that performs permitting, reviews, and inspections for building and trade occupations within the city limits ; and

**WHEREAS**, the City Council approved entering into a joint services agreement with Mundy Township on January 27, 2014 to provide such services; and

**WHEREAS**, the city created and implemented a rental registration and inspection program that expands the role of the building official; and

**WHEREAS**, Mundy Township seeks an amendment to provide for the expenses and time required of these expanded services,

**NOW, THEREFORE, BE IT RESOLVED** the City of Swartz Creek hereby approves the agreement amendment for joint services with Mundy Township as attached with the condition that the maximum number of rental inspections be changed to 20 per month, and further directs the city manager to execute said amendment.

Discussion Ensued.

Yes: Krueger, Pinkston, Porath, Florence, Abrams, Gilbert, Hicks.  
No: None. Motion Declared Carried.

### **CRACK SEALING BIDS**

**Resolution No. 160314–11**

**(Carried)**

Motion by Councilmember: Gilbert  
Second by Councilmember Hicks

**WHEREAS**, the city's streets are in need of surface treatments as part of the recognized need to apply proper asset management practices to infrastructure assets; and

**WHEREAS**, one of the more fundamental and affordable forms of surface treatment is overband crack sealing, which is generally applied to those street segments that are not in need for more intensive forms of rehabilitation; and

**WHEREAS**, the city conducted a sealed bid process for the application of overband sealant on over three miles of major streets; and

**WHEREAS**, the lowest qualified bid, as submitted by Curbco Inc., includes a cost-per-road-foot proposal and total cost for the application of this treatment; and

**WHEREAS**, the application of this treatment is also desired for Seymour Road; and

**WHEREAS**, the exact quantity of material needed may change due to the impact of the 2016 freeze-thaw cycle,

**NOW, THEREFORE, BE IT RESOLVED** the City of Swartz Creek hereby approves the proposal submitted by Curbco, Inc. in the amount of \$15,115.38 to perform overband crack sealing on major streets, including Elms Road (Miller to N. City Limits), Morrish Road (S. City Limits to I-69), and Miller Road (Morrish to N. Seymour).

**BE IT FURTHER RESOLVED** the City of Swartz Creek allocates \$3,801.60 to apply sealant to Seymour Road (Miller to Norbury) and an additional \$4,729.25 to allow a 25% project contingency, resulting in a total allocation of \$23,646.23, funds to be appropriated to the Major Street (202) fund.

Discussion Ensued.

Yes: Pinkston, Porath, Florence, Abrams, Gilbert, Hicks, Krueger.

No: None. Motion Declared Carried.

### **MEETING OPEN TO THE PUBLIC:**

Bob Plumb resident at 37 Somerset, commented on the appointment of Jim Florence and commended the council for their recommendation.

Tommy Butler resident at 40 Somerset, commented on the appointment of Mr. Florence and questioned the appointment and not being elected.

### **REMARKS BY COUNCILMEMBERS:**

Councilmember Pinkston remarked he was going to miss Mike and Jim Florence is a super replacement. He also mentioned that Al Terpenning and his staff were very professional with their presentation at the Planning Commission meeting and this will be a great project for the community.

Councilmember Gilbert commented on Mike Shumaker and he will be missed very much and welcome to Jim Florence.

Councilmember Hicks mentioned of a conversation she had with Mike and thanked Mr. Florence for taking on the position. She would also like something posted on website/newsletter regarding temporary sign ordinance being we are having several elections this year.

Councilmember Porath reminded everyone a week from Wednesday, March 23<sup>rd</sup> the Police Authority will be meeting at night here at City Hall. He also welcomed Mr. Terpenning to the community in regards to the Springvale project.

Councilmember Florence remarked that he and Mike went back along ways and he was always around to help with the community. He also wanted Al Terpenning to know that he wanted to be on the list for his residents. He wanted the council to know it is a pleasure to be here.

Mayor Pro Tem Abrams, remarked on the charter in regards to the appointment. He also mentioned the burma shave signs for the Art in the Park if they could be put in Elms Park. He commented he missed Mike.

Mayor Krueger announced there will be a Police Authority meeting on Wednesday the 23<sup>rd</sup>, and on Tuesday the 22<sup>nd</sup>, the Genesee County Metropolitan Alliance is having an open house here at City Hall 5-7 p.m. and Save our Streets committee meeting is Monday the 21<sup>st</sup>. He wanted to extend his welcome to Mr. Florence.

Tom Svrcek, Director of Public Service wanted to let the council know he finally got a call back in regards to the broken pole on Miller Rd. and hopefully it will be replaced soon.

**Adjournment**

**Resolution No. 160314-12**

**(Carried)**

Motion by Councilmember Gilbert  
Second by Councilmember Porath

**I Move** the Swartz Creek City Council adjourn the regular meeting at 8:40 pm.

Unanimous Voice Vote.

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**David A. Krueger, Mayor**

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**Connie Eskew, City Clerk**

# MINUTES

Police Authority Board Meeting  
2-24-2016  
Location: Charter Township of Mundy

Meeting was called to order at 10:00 a.m. by Curt Porath. Mr. Porath led the audience in the Pledge of Allegiance.

Roll call was done by Recording Secretary Janette MacAinsh. The following members were present, Curt Porath, David Krueger, Joe Oskey, Dennis Pinkston, and Kay Doerr. Member Tonya Ketzler was not present during roll call and Vane King was not present. Mr. Oskey indicated that Tonya was on her way to the meeting. Also present were Chief Dan Atkinson and Lt. Matt Bade.

## Meeting Minutes:

Mr. Porath asked if everyone had had a chance to go over the Minutes. Chief Dan Atkinson acknowledged the Minutes were not part of the meeting packet. Mr. Porath indicated he had sent them to everyone. Mr. Krueger made a Motion to accept the minutes, Mr. Oskey seconded the Motion. No discussion. **MOTION CARRIED** with no opposition.

## Agenda:

The Agenda was presented by Mr. Porath. Mr. Krueger made a Motion to accept the Agenda; Ms. Doerr supported the motion. No discussion. **MOTION CARRIED** with no opposition.

### 1. Consolidation Review:

Chief Atkinson made a brief statement. Both agencies are working together and using the best practices from each department.

Difficult thing to handle with this merger is Contract negotiations. Chief Atkinson reported that the entire Board met for 2 days and got through about 90% of the Contract issues. Retirement/Wages/and Healthcare are the remaining issues. Believes they are making headway. Retirement concerns are a difficult item to work through. Chair Curt Porath and Chief Atkinson discussed the difficulty. Mr. Porath suggested some expertise and a Committee of 3 to oversee and make recommendations. Committee members to include Joe Oskey, Tonya Ketzler, and Adam Zettel. Want the Committee to review and bring forth some recommendations.

Mr. Porath indicated one of the difficult issues is MERS which is handled a little differently between the Municipality and the Township and some recommendations would be helpful. Choices are that it could be started from scratch or blend them together. Chief Atkinson indicated they had met with MERS as part of the Contract negotiations. He said indications are they would like to freeze the retirement accounts and start fresh with beginning of Authority. Officers would then have 2 MERS accounts however, Officers would lose some of their retirement income by doing that. They are looking for options to make up for the loss and the reason they need the Committee to look at this.

Kay Doerr asked if it was a Defined Contribution or Defined Benefit. Chief Atkinson indicated it was a Defined Benefit, and the preference of the employees, but they are looking at everything. They are trying to keep it equal for the employees as they move forward.

Joe Oskey said with any Consolidation you can't diminish a benefit for the employees working here. Ms. Doerr indicated she didn't believe either benefit plan would diminish it - they're just different systems.

Mr. Oskey indicated he spoke to the Chief briefly and Swartz Creek used Plante Moran and they have some nice expertise on how to do this fair. Believes it's something that can be looked at.

Mr. Porath recognized Tonya Ketzler arrived at 10:12 a.m.

Kay Doerr mentioned that it is in the Agreement that Plante-Moran would be used for the first 3 years. Mr. Porath indicated that that didn't mean we couldn't get outside assistance. Mr. Oskey indicated that Plante-Moran has a lot of good ideas for handling this and it's up to Swartz Creek and Mundy to want to do that. Mr. Porath said that Mr. Oskey may want to bring back a recommendation after the Committee gets together.

David Krueger believes one of the Municipalities has a higher wages up front and lower retirement benefits and the other Municipality has the opposite, but believes the package seems to be very close and really what needs to be negotiated is that within this amount of money per officer how do you guys want it set up so the majority gets what's in their best interest and doesn't believe they can make it per officer; that there will be one Contract. Agrees they should get outside ideas but they'll have to get it by the Officers and Union whatever is decided.

Chief Atkinson shared information from MERS if the retirement was frozen now and started again what they would get. Mr. Porath indicated there are some officers who won't even qualify for some of the retirement.

Joe Oskey asked if OPEB (Other Post-Employment Benefits) were part of the retirement issue and the health care savings account they had talked about and if this was to be part of the concern of the Committee as well for retiree health care or just limit it to the retirement. Mr. Porath indicated he didn't see any reason why they couldn't look at it and needs Committee to indicate what they can accomplish.

Chief Atkinson indicated that in order to continue the plans for the Officers that the Township and City would have to be paid up 100%. He indicated that wasn't an absolute but it's something that will need to be looked at. Chief Atkinson further related that the Officers are very positive about this and want this to work, so there's going to be some give and take.

Chief Atkinson provided an Event Summary of activity and MICR result pages for 2015. Chief Atkinson and Lt. Bade also gave a brief report on incidents happening in the area including the window peeper case, fire on Morrish Rd, and a traffic stop on Maple Rd that provided consent to search an apartment where heroin, cocaine, money and stolen merchandise were found.

Mr. Porath requested someone make a motion to appoint the 3 people to the Committee. Kay Doerr made a motion for Joe Oskey, Tonya Ketzler, and Adam Zettel be assigned to the Committee to look at retirement concerns and health. Joe Oskey supported that Motion. Mr. Krueger asked if it was just retirement concerns or overall wage and retirement package. Chief Atkinson indicated that the wage packet the Board will look at but that there's a lot of retirement and health concerns to look at. No opposition. **MOTION CARRIED.**

#### General Operating Procedures:

Curt Porath wanted to look at the General Operating Procedures which were set aside until this meeting so everyone had a chance to look at it. Mr. Porath proposed that the General Operating Procedures be accepted; Tonya Ketzler made Motion to accept; Mr. Krueger seconded the motion. Mr. Krueger stated that it states that only 3 meetings are required per year and they all deal with budget. Thinks there should be a higher priority given to the work

of the Authority; should have meetings dealing with policing and public safety in the communities and have that as a primary concern. There is also language that Special Meetings can be called by the Police Chief or any 2 Authority members and thinks that it should also state that municipalities that are party to the Authority can call a meeting so that the City or Township could call a meeting not just their representatives on the Board. There was discussion among the group about the number of meetings and the interpretation of what was written and scheduling, and autonomy of the Authority.

David Krueger suggested wording be added that any 2 Authority Members or the City Council or Township Board.

An audience member suggested an annual meeting required be added for all parties specifically to discuss stats and concerns. Authority Members all agreed that that would make sense and Mr. Porath suggested it be in November. Chief Atkinson said he believed that's what is done in Pennsylvania.

There was further discussion about the number of meetings so it doesn't sound like the Board can get by with just 3 meetings. Mr. Porath suggested it be set up for monthly meetings since Operating Procedures can be changed at a later date.

Mr. Porath looking for resolution to amend original motion to accept the Operating Procedures. Tonya Ketzler amended her motion with changes, Mr. Krueger seconded to add monthly meeting and add an annual meeting in November. No further discussion. **MOTION CARRIED**, unanimously.

Mr. Krueger also noted several typos in the document that needed to be corrected.

Vote on original motion to accept the Operating Procedures, with amendments - **MOTION CARRIED**, unanimously.

Mr. Krueger to get with Lt. Bade to go over changes and corrections.

## BUDGETING

Juanita said she didn't have much to share. Basic information had been exchanged in summary which also brought up more questions. Until MERS and Health Benefits liabilities for retirees is a big portion of any package.

Until some decisions are made there are more questions than answers at this time.

#### WEBSITE DESIGN

Jan was asked to look at the website design. She suggested that a firm decision be made about the name of the entity. We don't want to start one with Regional Police Authority if that's not going to be the permanent name.

Chief Atkinson shared that the officers like the name Genesee Metro Police Authority. Discussion about the name having Genesee in it. Ms. Ketzler suggested Metro Police of Genesee County. Thinks it's less aggressive. After some discussion Lt. Bade will submit the name suggestions again.

Chair Porath said this item will be decided at the next meeting.

#### FACILITY

Chief Atkinson said the building on Hill-23 is still being considered. A message from Mr. Guigear was relayed requesting if Authority becomes a reality, would they be interested in a move to the facility if Mundy Township moved forward on the building purchase. Discussion by the Board about building, terms, and furnishing of building. Juanita made comment that not having the numbers or other concerns budget wise, makes a decision difficult.

Motion made by Tonya Ketzler to have Mr. Guigear submit information about the building for the Board to look at; Motion seconded by Mr. Oskey. Discussion: Mr. Krueger related he received information about reasonable rent for a facility. Discussion was it was too early to look at it without the numbers and there would be more issues. No further discussion **MOTION CARRIED**, unanimously.

#### ASSETS

Chief Atkinson related it was being worked on.

#### OPEN TO PUBLIC COMMENTS

Richard Abrams - Thinks implementation costs will be the big deal before the Council and the Board - if its way out of sight it will create heartburn for both sides. Cautioned to be careful about costs and spending of implementation, this won't happen and wants to see it happen.

Juanita said she would hate to see Authority to put out projected budget that is so low that the public says you sold us on this amount and in a year or two the increase has to be by special assessment which would not be good. Have to be realistic about the numbers.

Richard Abrams agrees with Juanita and like idea of Township buying the building and renting it to the Authority and thinks it will work well.

Lt. Bade also said he thinks it's important between Mundy and Swartz Creek that we work out of 1 building. He related the Swartz Creek PD needs work for safety reasons and thinks there are benefits having everyone in one building.

Lt. Bade also mentioned as the pension issue is being considered, someone mentioned a different pension for new hires if that came to be. He related he came from a different department that did that and it created a nightmare situation when you have officers working at different benefit levels, and causes problems during contract negotiations.

Juanita said work has to be done within the limits. It would be great if the numbers would work.

Mr. Porath related it was not going to be easy, but thinks this group can get the job done and wants to see it happen.

Kay Doerr thinks it's wise to look at all the vehicle. Her concern is for the officer that they're not getting promises that can't be kept when it comes to Defined Benefit and Defined Contribution – there's not necessarily one that's better than the other if you truly understand them and they've been set up right.

Mr. Porath related we will decide on name the next time. Kay also asked if the Agenda could have the time on it.

Motion to Adjourn made by Tonya Ketzler and seconded by Joe Oskey.  
**MOTION CARRIED** unanimously.

11:40 a.m.



# ROWE PROFESSIONAL SERVICES COMPANY

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

March 23, 2016

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

Subject: Cappy Lane Lift Station Improvements

Dear Mr. Zettel:

Enclosed, please find a copy of the bid summary for the above referenced project. All bids were opened and read at the bid opening on March 8, 2016. The low bidder is RBF Construction with a contract price of \$301,300.00.

Based on review of the contractor's statement of qualifications from similar projects, we recommend the contract be awarded to RBF Construction.

If you have any questions or need additional information regarding this matter, please feel free to contact me at (810) 341-7500.

Sincerely,  
ROWE Professional services company



Louis P. Fleury, P.E.  
Project Manager

Enclosure: Bid Summary

R:\Projects\15C0157\Docs\Recommendation Letter.docx

**TABULATION OF BIDS**



OWNER: Cappy Lane Pump Station Upgrades  
 PROJECT: City of Swartz Creek  
 JOB NO.: 15C0157  
 DATE: March 8, 2016

Contractor	Lump Sum Bid Price	Electrical/Gas Services Allowance	Total of All Lump Sums
Engineer's Estimate	\$285,000.00	\$15,000.00	\$300,000.00
RBF Construction, Inc.	\$286,300.00	\$15,000.00	\$301,300.00
Waldorf & Sons, Inc.	\$305,821.19	\$15,000.00	\$320,821.19
Lawrence M. Clarke, Inc.	\$335,000.00	\$15,000.00	\$350,000.00
Zito Construction Co.	\$390,979.78	\$15,000.00	\$405,979.78
C & H Construction Co., Inc.	\$404,044.50	\$15,000.00	\$419,044.50
E&L Construction Group, Inc.	\$439,491.00	\$15,000.00	\$454,491.00
American Excavating of Michigan LTD	\$441,229.00	\$15,000.00	\$456,229.00
Oak Construction Corporation	\$479,000.00	\$15,000.00	\$494,000.00



# ROWE PROFESSIONAL SERVICES COMPANY

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

March 23, 2016

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

RE: Cappy Lane Lift Station Upgrades-  
Construction Services Proposal

Dear Mr. Zettel:

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 existing sanitary sewer lift stations situated south of Cappy Lane behind the bus garage. The construction will consist of removing the existing flooded suction pumps, abandoning the existing dry well, installing a new valve vault and installing one of the existing submersible pumps in the existing wet well. Modifications to the existing submersible station will include replacing the existing pumps with new pumps including pumps, rails, chains, etc. The work includes the construction of a new control panel to operate all three pumps and a new natural gas fired stand by generator.

Based on the construction plans, we have developed our scope of work for the construction services required to complete this project. These services will include both construction administration and construction observation.

Our fee for the construction engineering services is **\$20,110** (see attached fee breakdown). Our fee includes the following:

- Preconstruction meeting
- Shop drawing review
- Contract administration (pay applications, change orders, requests for information, etc.)
- Progress Meetings as necessary
- Construction Observation during underground installation
- Periodic Observation during the remainder of the work
- System Startup / Trouble shooting
- As-constructed drawings based on contractor markups

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

Corporate: The ROWE Building, 540 S. Saginaw Street, Ste. 200 • Flint, MI 48502 • O (810) 341-7500 • F (810) 341-7573

With Offices In: Lapeer, MI • Mt. Pleasant, MI • Farmington Hills, MI • Lansing, MI • Grayling, MI • Tri-Cities, MI • Myrtle Beach, SC  
City Council Packet

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

March 28, 2016

Mr. Adam Zettel  
March 23, 2016  
Page 2

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

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**City of Swartz Creek**  
**Cappy Lane Lift Station Upgrades**  
**Construction Engineering Services Fee Breakdown**  
 March 23, 2016

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1. Shop Drawings, Request for Information, Pay Applications, and Change Orders – Review shop drawings for compliance with contract specifications, answer contractor questions, process all pay applications and review/approve change orders. Work also includes preparing as-constructed drawings from contractor redlines.

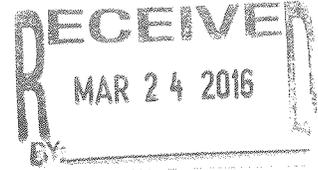
Project Manager	48 hours @ \$135/hour	\$6,480
Project Engineer	16 hours @ \$110/hour	\$1,760
Graduate Engineer	12 hours @ \$90/hour	\$1,080
Electrical Review (sub-consultant)	LSUM	<u>\$1,250</u>
<b>Office Subtotal</b>		<b>\$10,570</b>

2. Construction Observation / Startup – Provide construction observation during periods of underground construction and paving. Provide periodic observation during the remainder of the project, attend pump station startup meeting.

Project Manager	60 hours @ \$135/hour	\$8,100
Construction Observer	16 hours @ \$90/hour	<u>\$1,440</u>
<b>Field Observation Subtotal</b>		<b>\$9,540</b>

<b>TOTAL</b>	<b>\$20,110</b>
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March 21, 2016



Adam Zettel  
City of Swartz Creek  
8083 Civic Drive  
Swartz Creek, Michigan 48473

**RE: Vacancy in Councilman Position**

Dear Mr. Zettel:

With Michael Shumaker's passing, there is a vacancy on City Council that must be filled. The City Charter tells us how that vacancy is to be filled.

We start with Section 4.7 of the Charter which provides:

"If a vacancy occurs in any elective city office, the Council shall, within 30 days after such vacancy occurs, appoint a person who possesses the qualifications required of holders of said office. Each such appointee to an elective shall hold office under such appointment until the Monday following the next regular city election."

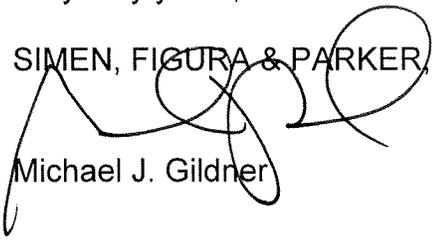
Section 12.1(a) of the City Charter says that a "regular city election" shall be "held on the first Tuesday after the first Monday of November, in every even-numbered year."

When we read these provisions together, we know that City Council must appoint someone to fill the vacancy left by Mr. Shumaker's passing. Council must make that appointment within 30 days from the date of his passing. The person so appointed then holds office "until the Monday following the next regular city election." According to Section 12.1(a), the person so appointed would then serve in that position until November 14, 2016, which is the first Monday following the "next regular city election", which would occur November 8, 2016. If the person appointed wishes to run to fill the unexpired term of Mr. Shumaker's office, he/she can do so along with any other person wishing to compete for that seat.

If you have any questions concerning this opinion, please call.

Very truly yours,

SIMEN, FIGURA & PARKER, P.L.C.

  
Michael J. Gildner

MJG/ksd

# SaveMICity

## Search Results

### You searched for:

County: Genesee, Local Unit of Government: Swartz Creek

Amount of Revenue Sharing Lost Since 2002: **(\$1,831,519.94)**

 [Search Again>](#)

Year	Const. Payments	Statutory Payments	Total Payments	Full Statutory Payments	Statutory Reduction	Full Funding	Cummulative Difference
2003	\$340,114.00	\$190,187.00	\$530,301.00	\$207,917.00	\$17,730.00	\$548,031.00	(\$17,730.00)
2004	\$336,420.00	\$140,190.00	\$476,610.00	\$205,658.80	\$65,468.80	\$542,078.80	(\$83,198.80)
2005	\$344,448.00	\$126,967.00	\$471,415.00	\$210,566.44	\$83,599.44	\$555,014.44	(\$166,798.24)
2006	\$350,312.00	\$115,858.00	\$466,170.00	\$214,151.20	\$98,293.20	\$564,463.20	(\$265,091.44)
2007	\$343,034.00	\$109,253.00	\$452,287.00	\$209,702.04	\$100,449.04	\$552,736.04	(\$365,540.48)
2008	\$354,488.00	\$97,799.00	\$452,287.00	\$216,704.05	\$118,905.05	\$571,192.05	(\$484,445.53)
2009	\$334,324.00	\$97,799.00	\$432,123.00	\$204,377.48	\$106,578.48	\$538,701.48	(\$591,024.01)
2010	\$324,082.00	\$60,248.00	\$384,330.00	\$198,116.39	\$137,868.39	\$522,198.39	(\$728,892.40)
2011	\$388,463.00	\$0.00	\$388,463.00	\$237,473.50	\$237,473.50	\$625,936.50	(\$966,365.90)
2012	\$413,480.00	\$40,869.00	\$454,349.00	\$252,766.78	\$211,897.78	\$666,246.78	(\$1,178,263.68)
2013	\$422,039.00	\$43,788.00	\$465,827.00	\$257,999.03	\$214,211.03	\$680,038.03	(\$1,392,474.71)
2014	\$431,937.00	\$45,900.00	\$477,837.00	\$264,049.83	\$218,149.83	\$695,986.83	(\$1,610,624.55)
2015	\$438,720.00	\$47,301.00	\$486,021.00	\$268,196.39	\$220,895.39	\$706,916.39	<b>(\$1,831,519.94)</b>

Assumes that statutory revenue sharing continued on the same gain or loss pattern as was the case with constitutional revenue sharing.