

**City of Swartz Creek
AGENDA**

**Regular Council Meeting, Monday, August 22, 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 August 8, 2016 MOTION Pg. 30
5. **APPROVE AGENDA:**
 - 5A. Proposed / Amended Agenda MOTION Pg. 1
6. **REPORTS & COMMUNICATIONS:**
 - 6A. City Manager's Report MOTION Pg. 2
 - 6B. Trail Call for Projects & Proposals (Business Item) Pg. 45
 - 6C. Monthly Reports (DPW & Building) Pg. 50
 - 6D. Park Board and Planning Commission Minutes Pg. 65
 - 6E. Smoking Opinion Pg. 73
 - 6F. Ordinance Findings Related to the Keeping of Animals Pg. 74
7. **MEETING OPENED TO THE PUBLIC:**
 - 7A. General Public Comments
8. **COUNCIL BUSINESS:**
 - 8A. Assessing Agreement RESO Pg. 12
 - 8B. Trail Planning Concepts DISCUSSION
 - 8C. Sunoco Property DISCUSSION
 - 8D. Animal Ordinance Amendment (chickens & ducks) RESO Pg. 27
10. **MEETING OPENED TO THE PUBLIC:**
11. **REMARKS BY COUNCILMEMBERS:**
12. **ADJOURNMENT:** MOTION

Next Month Calendar

Police Authority:	Wednesday, August 24, 2016, 10:00 a.m., Mundy Township Offices
Planning Commission:	Tuesday, September 6, 2016, 7:00 p.m., PDBMB
Park Board:	Wednesday, September 7, 2016, 6:00 p.m., PDBMB
Downtown Development Authority:	Thursday, September 8, 2016, 7:00 p.m., PDBMB
City Council:	Monday, September 12, 2016, 7:00 p.m., PDBMB
Fire Board:	Monday, September 19, 2016, 6:00 p.m., Public Safety Building
City Council:	Monday, September 26, 2016, 7:00 p.m., PDBMB

City of Swartz Creek
CITY MANAGER'S REPORT
Regular Council Meeting of Monday, August 22, 2016 - 7:00 P.M.

TO: *Honorable Mayor, Mayor Pro-Tem & Council Members*
FROM: Adam Zettel, City Manager
DATE: August 3, 2016

ROUTINE BUSINESS – REVISITED ISSUES / PROJECTS

✓ **OUTSTANDING APPEALS** *(Update)*

We settled two more appeals. Heather has been working with the owners of the ministorage and has found common and agreeable ground on valuation. I have been communicating with the representatives of the raceway and related parties. We have also been able to settle this case amicably. The new value reduces the taxable value of the entire premises by about \$119,000. The settlement was based upon the expertise of our assessor and the information provided by the petitioner. We shall not need to engage an appraisal company for these appraisals.

The Nemer Enterprises appeal still remains, though the owner verbally indicated a withdrawal. The Genesee Valley Meadows Golf Course appeal and appraisal process is ongoing. Information from the owner is sparse, but we will do what we can. The appriator is confident that a value can be determined that will help all parties resolve the matter.

Staff previously settled negotiated appeals for Centerpiece Plaza, El Portrero, and the Carriage Plaza that the assessor found reasonable upon submission of a privately funded appeal.

I expect a future negotiation for the office building, for which we are awaiting some market data (Huizinga Properties). We will be performing appraisals for property owned by Topvalco (Kroger site) and O'Reilly. A complete listing of outstanding appeals is as follows:

Year	Parcel #	Docket	Owner	Petitioner's Representative	Assessed Current	Taxable Current	Assessed Requested	Taxable Requested	Status	Notes
2015	58-32-100-004	15-002500	Shkreli Investments	Fred Gordon	286,600	286,600	50,000	50,000	Awaiting appraisal	Golf Course
2016	58-32-100-004	15-002500	Shkreli Investments	Fred Gordon	389,900	287,459	50,000	50,000	Awaiting appraisal	Golf Course
2015	58-35-576-039	15-002131	Centerpiece Plaza	Laura Hallahan	182,600	181,762	110,000	110,000	Stipulation pending	
2015	58-35-576-040	15-002131	Centerpiece Plaza	Laura Hallahan	21,900	19,778	15,000	15,000		
2016	58-35-576-039	15-002131	Centerpiece Plaza	Laura Hallahan	181,300	181,300	110,000	110,000		
2016	58-35-576-040	15-002131	Centerpiece Plaza	Laura Hallahan	41,000	19,837	15,000	15,000		
2015	58-35-400-001	15-001904	Sports Creek	Michael Shapiro	1,207,400	918,667	500,000	500,000	answered 6/9/15	
2015	58-02-200-033	15-002502	Nemer Enterprises	Kal Nemer	293,400	196,940	190,000	190,000	Awaiting withdrawal	Morrish Rd office
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	
2016	58-02-200-029	15-002787	S.C. Mini Storage	Steve Johnson	861,000	859,495	550,000	550,000		
2016	58-31-626-002	16-001553	Huizinga Properties	Mark Pendery	131,800	131,800	85,000	85,000	Answered 6/21/16	
2016	58-36-576-012	16-002714	Topvalco/Kroger	H. Adam Cohen	2,239,700	2,044,916	1,100,000	1,100,000	Answered 8/2/16	
2016	58-31-551-006	16-003390	O'Reilly Auto Parts	Thomas Randle	523,900	453,942	150,000	150,000	Awaiting formal petition	

✓ **STREETS** (See Individual Category)

✓ **MORRISH AND BRISTOL SIGNAL** (No Change of Status)

The agreements have been executed locally and sent on for other signatures. I will keep the city council informed on the timeline for signal installation.

✓ **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, 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:

Road	Point of Beginning	Point of End	Length (Miles)	Lanes	Lane Feet	Width (Feet)	ADT	Total Cost	Federal Match	Local Match
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

Cost
Totals: \$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.

✓ **2016 STREET BIDS-SCRAP TIRE GRANT** (Update)

The street projects are finally back on track. Tom expects the paving to begin late the week of the 22nd. The only item not currently scheduled, which we are working on, is the installation of the traffic sensors on Fairchild. These will need to be installed by the county prior to normal function. In the meantime, the signal will be timed only.

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

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

Mr. Svrcek, Rowe PSC, and Liqui-Force are going to be meeting regarding the next phase of sewer work. I expect to have a proposal by September.

✓ **KWA** (*No Change of Status*)

The city of Flint made an announcement on June 21st indicating that they shall remain as a member of the KWA. The project still appears to be on time and on budget.

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

The current rate calculation worksheets place water loss at about 18%. This is consistent from previous accountings, and it is still high. The county agrees and is evaluating their master meters more thoroughly.

Mr. Svrcek believes that recent corrections to the billing system are resulting in additional savings that have yet to be measured based upon the annual water loss review. (The last quarter is about 1.3% lower). We will obviously continue to monitor this. 10-12% is the target range for the time being. This rate is generally accepted to account for hydrant use (flushing, training, fire flows), leaks, breaks, and theft. If we cannot achieve this target by the next evaluation, we will likely look to engage in hydrogen infusion leak detection.

In the meantime, we continue to evaluate master meter and retail billing. We are also physically searching for breaks that may be currently undetected due to their proximity to a storm drain or water body (Swartz Creek).

Note that water loss is difficult to monitor because, unlike systems that pressurize their own systems, we can only track usage on the quarterly basis in which we bill customers. Because this process can take a week, we generally require an annual review to lessen the impact of the extended reading period.

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

The police authority will meet on the morning of August 24th at the Mundy Township offices. This time around, we expect some very positive momentum. By all accounts, the labor agreements are tentatively agreed to, and the staff are now able to focus on their asset lists, housekeeping functions (payroll, budgeting, and polices), as well as the final level of service/unit cost calculation.

It appears that we may have a chance to review the entire consolidation plan in October after all. However, there is still much to do. I encourage our public officials to attempt to attend these meetings or contact authority board staff/board members to learn more about current happenings.

- ✓ **SPRINGBROOK EAST & HERITAGE VACANT LOTS** *(No Change of Status)*
The lighting has been approved, funded, and submitted to Consumers Energy. They are taking forever to get this done. 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.

All lots in Springbrook East have sold. The city is now clear of this project as a land owner interest.

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)*
The contract to create a viable road surface has been approved. The city has cleared brush and debris so the contractor can access this area.

The time may now be appropriate to consider finishing the sanitary sewer line on Young Drive and the area-wide drainage. I have reached out to Gaines Township and some key property owners in the area to ascertain interest. There is interest.

As further elaborated on below, I recommend the Street Project Committee meet to discuss what improvement of this area entails to the city as an owner interest and in its capacity to provide basic services. Once initial findings are made, we could choose to move forward or not based upon circumstances.

- ✓ **NEWSLETTER** *(No Change of Status)*
The next newsletter is set to print in about two months. I welcome ideas. At this point, I am certain that we will do a write up on the street projects for the coming year, as well as routine fall service items.

- ✓ **CAPPY LANE LIFT STATION** *(Update)*
The provision of natural gas to the site to power the new generator now has a solution. Consumers Energy has an easement from the school to access their 2” line. Once other specialty parts are delivered, all components should be accounted for. RBF intends to begin working on the site the week of the 22nd.

The project is on schedule for an October completion. We expect the station to remain operational throughout this process with no disruption in sewage transportation. I will keep the city council advised on the timeline.

For the record, the engineer discovered that the deeds were never properly filed for this property in the first place. A quit claim deed from the county was recorded by the county to ensure proper and clear ownership of this site by the city.

✓ **BUILDING SERVICES (Update)**

Mundy Township has hired Mr. Matt Hart as their full time building official. Mr. Hart is the permanent replacement for Mr. Marty Johnson, whose duties were temporarily filled by Mr. Dennis Smith, an employee of SAFEBuilt.

I met with Mr. Hart and Ms. Tara Ford on Monday, August 15th. We went over the orientation process as it relates to city services. I believe that Mr. Hart and Ms. Ford will be able to deliver the expected level of building, plan review, and administration services that the city expects.

✓ **SUNOCO (Update)**

The demolition is complete, and the city has been reimbursed for expenses related to that in accordance with our grant. As noted previously, we anticipated working with Mobile Exxon to enable further cleanup in the form of soil removal. Note that, as far as we can tell, this cleanup is a responsibility (financially, liability, and otherwise) for Mobile Exxon. Initially, they appeared willing to make this happen so we could all move on with our lives. However, they have stopped communicating on the matter and have not meet any of their timed objectives.

In the absence of their cooperation, I reached out to the case manager at the state DEQ. My hope was to have them encourage Mobile Exxon to proceed. The state could also let us know if there were any other obligations that the city had (as land owner or in managing public safety). I followed up with the DEQ on August 17th and learned that there is no known imminent danger related to this site or the impact on surrounding sites. The case worker indicated that the city can move forward with using the site as long as a “due care” plan is filed. This means that the level of use determines what cleanup or barriers are needed. For example, to use the land as a park, a clay and/or vapor barrier may need to be installed to ensure safe soils contacting skin. To use the site for parking, we may only need to pave it.

Where does this leave us? That is what I would like the city council to discuss. At this point, I suggest we move forward with using the site for a productive purpose or sell it. The DEQ knows we are not liable for the contamination and there are no findings that indicate the contamination is causing issues in our community. So, our options are to attempt to motivate Mobile Exxon to cooperate (an expensive and unlikely endeavor), sell the site (which will not have much value for building use until it is clean), or use it ourselves (which will require a plan and funding source).

Given some of the feedback we have received, there is definitely some public good we can achieve by investing in the site to compliment the downtown. Ideas included a farmers market, plaza, park, and parking lot. There may even be ways to create a place that can function as more than one of these ideas.

Anyway, it is important to have the councilmembers consider this property. While the property’s future is not expected to be determined at our meeting. The city council

could begin down the path by putting one of the city's existing public bodies in charge of making a recommendation on the matter (city council, planning commission, or downtown development authority). As it has been with other matters, such as land sales and land use, the council could seek the advice of the public and one or more of those bodies to move things along.

✓ **STREET PROJECT REVIEW COMMITTEE (Update)**

A meeting is scheduled for August 30th at 5:30 p.m. at the city offices. The group is expected to discuss street lighting, traffic calming (speed control), street name signs, road width (parking), and loan terms.

At this point, the loan application has been submitted, but there has not been any word from the State Infrastructure Bank.

✓ **ELMS PARK RENOVATIONS (Update)**

The restrooms had their final walkthrough on August 4th. There are a couple items that will need to be followed up on, including a fan replacement and lock repair. This project should be done ahead of schedule and on budget.

The remainder of the grant funded improvements will be bid during the winter months when the contractor interest and pricing will be in our favor. While any delay is frowned upon, this will enable the improvements to coincide with the Dog Park and Tot Lot projects. There should not be any adverse impacts on our grant status.

The dog park has been approved. The scouts indicated that this should be installed early in 2017. The park board will be addressing operating rules/guidelines for this facility this summer. In the meantime, we await progress by the scouts.

✓ **CLOCK DONATION (Update)**

The Fortino family is moving forward with plans to install the clock on the traffic island at the corner of Paul Fortino Drive and Civic Drive. As completion approaches, which is expected to be in October, additional recognition is probably in order.

Curb repair work has been finished in the vicinity of the clock location, and Mr. Svrcek is going to order a sample decorative sign for Civic & Paul Fortino Drives that could be used in other areas of the city.

In the meantime, our sign has stopped working (is no longer lighting up). We are correcting this problem and ensuring the power source is adequate and reliable for the sign and clock.

✓ **FIRE SERVICES BUDGET (Update)**

Supervisor Gehringer and I have met on the draft budget. I expect the equipment purchase to be dropped, but everything else appears to be pretty routine. Note that this will be the first year in which the fire department covers the cost of mowing and winter parking lot maintenance.

✓ **WATER TOWER PAINTING (Update)**

We await specifications for bidding the painting of the tower. The contractor anticipates meeting with us in a week or two to go over specifications. At this point, we intend to maintain the status quo, which is a white background and red letters indicating "CITY OF SWARTZ CREEK." If the council decides, by its own action or a delegated action, to have an alternate form of text or logo placed upon the tower, this would need to be done before completion of the bid specifications.

As noted elsewhere in the packet, there may indeed be a viable inter-community purpose for this water tower after all. We are working with the county drain office to learn more.

Lastly, the fence surrounding this property is tired and not in line with our own maintenance standards. We are soliciting some initial estimates to replace the fence with a minimum of vinyl coated chain link (black). We may look to use a commercial grade screening fence behind the residences to enhance their properties. I will report back to the council.

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

✓ **SMOKING OPINION** *(Update)*

A couple meetings ago, a landlord of a mixed use building in the city asked after the legality of tenants smoking in their buildings. The attorney's office generated an opinion indicated that landlords do have such powers. It was also asked if the city could directly enforce this. The attorney and I agree that, even if such enforcement were possible, it is not the city's place to be engaging in this level of landlord/tenant enforcement. The opinion is included in the packet.

✓ **MONTHLY REPORTS** *(Update)*

The July Department of Public Service and Building reports are included.

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

✓ **PLANNING COMMISSION** *(Update)*

The commission held their regular meeting on August 2nd. The keeping of animals, specifically chickens and ducks, was discussed. This has been a topic of debate in our community and many others for about a decade. At their meeting, the commission made a recommendation to amend the ordinance of the city to allow hens and ducks under limited circumstances on parcels with 20,000+ square feet (about ½ acre).

An ordinance based upon the planning commission's recommendation is included for approval. The ordinance that is derived from the template provided by the MSU Extension office. I have also incorporated some comments I have heard from the commission and other members of the community. The ordinance is short and limited in scope, which should make the rules easily understood and enforceable.

Note that I have received a fair amount of concern from community residents that this ordinance make sense for larger parcels, but it probably is ill suited for platted subdivisions such as Winchester Village. As such, the first draft requires a minimum

lot size of 20,000 square feet, just shy of ½ acre, for the housing of chickens. Common lot sizes are as follows:

Winchester Village:	66' x 120' = 7,920 square feet
Winchester Woods:	100' x 200' = 20,000 square feet
Parkridge:	76' x 170' = 12,920 square feet
Elms Road frontage:	105' 302' = 31,710 square feet
Miller at Fortino:	70' x 402' = 28,140 square feet
Otterburn Heights:	100' x 250' = 25,000 square feet
Miller in front of PAC:	95' x 238' = 22,610 square feet
Downtown:	65' 135' = 8,775 square feet

Note that there are variations in lot size in most neighborhoods, including numerous lots in Winchester Village that are over 20,000 square feet in size, most along the creek. The sample ordinance and some resident feedback concerning the keeping of such animals is included in the packet. Note that some of these issues have already been addressed. I also have sample ordinance from Fenton, Chelsea, and Holland available upon request, as well as an academic article from the Environmental Law Institute.

Also, the commission is expected to review a special land use permit for an essential public service feature (Consumers Energy gas equipment) on September 6th for a location on Bristol, near Miller Road.

- ✓ **DOWNTOWN DEVELOPMENT AUTHORITY (Update)**
The DDA met on August 11th. The board approved one façade improvement grant in the amount of \$2,500 to the Swartz Creek Art Gallery. The group also discussed the Sunoco station, the details of which are described above. Their next meeting is scheduled for September 8, 2016.
- ✓ **ZONING BOARD OF APPEALS (No Change of Status)**
The zoning board of appeals held their annual meeting on May 18th, 2016. The board held this meeting for training purposes only. No other meetings are scheduled.
- ✓ **PARKS AND RECREATION COMMISSION (Update)**
The park board met on August 3rd, and discussed their fall fundraiser, as well as ideas to improve Winshall Park. I was not present, but the attached minutes summarize the discussion. In addition to those items listed, it appears that disc golf may be a popular feature for this area. The next meeting is planned for Wednesday, September 7, 2016, at 6:00 p.m.
- ✓ **BOARD OF REVIEW (No Change of Status)**
The Board of Review met on July 19th. Mr. Richard Ballreich was selected as the Chair of the Board. Four parcels were addressed at the meeting, including principle residency exemptions, capping of taxable value, and a disabled veteran exemption. The next meeting is scheduled for December 13, 2016.

NEW BUSINESS / PROJECTED ISSUES & PROJECTS

✓ **ASSESSOR CONTRACT RENEWAL (*Business Item*)**

Included with tonight's agenda is the renewal of the city assessor's contract. The scope of work and other terms are as they have been in the past, inclusive of a 2% increase, from \$29,014.68 annually (monthly installments of \$2,417.89) to \$29,595 annually (\$2,466.25 monthly). This increase reflects the same increases that were generally applied to other staff, effective July 1, 2016. Past practice has been that this contract reflects that increase.

I am very pleased with the performance and results experienced with Landmark Appraisal, and I recommend we continue using their services for the next year.

✓ **TRAIL PLANNING CONCEPTS (*Business Item*)**

The community has been planning and developing a non-motorized path system for over a decade. The plan itself now resides in the Park Plan (let me know if you require a copy). Slowly, but surely, things have been coming together. This has happened mostly in the form of sidewalks combined with bike lanes, but some off street paths have been constructed as well (Elms Road and Meijer).

I have been approached by the Genesee County Metropolitan Planning Commission and the low bidder of their trail schematic engineering study (OHM Engineers), to move forward with some key components of the regional trail system. The priority for our community (which is of great importance regionally) is the connector from the mall (Linden and Norko) to Elms Park in the city.

We have not pursued such connections in the past because the expense was substantial and our funds are dedicated to other areas. However, it has come to light that we may be able to combine state Department of Natural Resources grants with state Department of Transportation grants to fund such segments with little cost to the community. This is great news, and the success of combining these grants has been observed elsewhere in the county.

So, now what? In order to be in a position to apply for these grants, the city must have a good understanding of the exact trail layout and costs associated to make these connections. Such information is included in the schematic engineering documents that OHM bid on at the county level. These deliverables, while small in cost, are crucial to securing grant funding. However, the costs to conduct this preliminary work is not grant funded itself and would need to be paid for by the general fund or the major street fund (note that city is required to spend 1% of our ACT 51 road money revenues on non-motorized transport each year; ~\$5,000).

With that said, now may be the time to begin planning the more major investments in the trail system, with the intention of funding the improvements with grant funds. I would like to have the city council discuss the matter before preparing a resolution.

✓ **CONSUMERS ENERGY FORESTRY GRANT (*Update*)**

The city used to apply for and generally received a couple thousand dollars each year to help with forestry efforts in right-of-ways and in parks. The grant was sponsored by Consumers Energy in an effort to get the right trees in the right places (e.g. low growing

trees under wires and larger canopy trees in open places). This grant has enabled plantings along Miller Road, on the Mary Crapo campus, and near the Verizon building on Ingalls (among other places).

I am working with Tom to put together a list of 25 plantings. If you have ideas, let us know.

Council Questions, Inquiries, Requests, Comments, and Notes

Landscaping Die-off: Meijer and O'Reilly Auto Parts have both experienced a predicable degree of landscaping die-off. Meijer, being about three years old, has probably experienced this problem more significantly. In accordance with the zoning ordinance, both have been notified to rectify the situation by replacing or substituting plants/ground cover.

CCIF: The Genesee County Drain Commission has continued to explore their County Capital Improvement Fee that is levied for sewer and water units. I think they are moving in a positive direction that will make developing new sites in the county more predictable and equitable. A new CCIF rate sheet should be released this calendar year.

Art in the Park: The Art in the Park Event is going to be held on August 27th at Elms Park. This event is put on by the Swartz Creek Kiwanis Club and the Swartz Creek Women's Club as a fundraiser. Over 60 vendors of art are expected to draw some 4,000 people.

Assenmacher 100: This event is going to be held Sunday the 21st. Riders will ride on one of many events that begin and end downtown. This is a long standing ride in the community.

**City of Swartz Creek
RESOLUTIONS
Regular Council Meeting, Monday, August 22, 2016, 7:00 P.M.**

Resolution No. 160822-4A MINUTES – AUGUST 8, 2016

Motion by Councilmember: _____

I Move the Swartz Creek City Council approve the Minutes of the Regular Council Meeting held Monday, August 8, 2016, to be circulated and placed on file.

Second by Councilmember: _____

Voting For: _____

Voting Against: _____

Resolution No. 160822-5A 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 22, 2016, to be circulated and placed on file.

Second by Councilmember: _____

Voting For: _____

Voting Against: _____

Resolution No. 160822-6A CITY MANAGER’S REPORT

Motion by Councilmember: _____

I Move the Swartz Creek City Council accept the City Manager’s Report of August 22, 2016, including reports and communications, to be circulated and placed on file.

Second by Councilmember: _____

Voting For: _____

Voting Against: _____

Resolution No. 160822-8A ASSESSOR’S AGREEMENT RENEWAL

Motion by Councilmember: _____

I Move the City of Swartz Creek approve an agreement with Landmark Appraisal, of Fenton, Michigan, agreement as follows:

**AGREEMENT FOR
PROFESSIONAL ASSESSOR SERVICES**

This Agreement ("Agreement"), made and entered into this 14th day of September, 2015 by and between the **City of Swartz Creek**, a Michigan Municipal Corporation, with principal offices at 8083 Civic Drive, Swartz Creek Michigan 48473 ("City") and, **Landmark Appraisal Company**, 110 Mill St, P.O. Box 489, Fenton Michigan 48430 ("Landmark").

WHEREAS, the City desires to retain Landmark, as an independent contractor, to perform the duties as its certified assessor; and

WHEREAS, Landmark has qualified personnel with the proper State CMAE certification to act in that capacity for and on behalf of the City; and

WHEREAS, the parties wish, by this Agreement, to define their respective rights and responsibilities during the term of this Agreement.

NOW, THEREFORE, in consideration of the mutual covenants set forth herein, the parties hereto, acting by and through their duly authorized representatives, **HEREBY AGREE AS FOLLOWS:**

SECTION I: BASIC SERVICES OF LANDMARK

Landmark shall perform the following service for and on behalf of the City.

1.1 General Duties:

Landmark shall be required to perform all duties of an assessor pursuant to City Charter, Michigan statutory and case law, Michigan State Tax Commission rules, regulations and policies, and all other rules and guidelines established for the proper performance of said position, as same may from time to time be amended, while this Agreement is in effect, and shall conduct and perform same in accordance with all applicable standards of professional conduct required of such Assessors. If material changes in the laws, statutes, rules, guidelines or City Charter during the term of this Agreement result in a substantial additional work burden on Landmark, Landmark and the City agree to enter into good faith negotiations regarding possible amendments to this Agreement. For purposes of this paragraph, the term "substantial additional work burden" shall be determined to exist by mutual agreement of Landmark and the City. If they cannot agree as to whether a substantial additional work burden has been imposed upon Landmark, Landmark and the City shall select a mutually agreeable mediator/arbitrator who shall facilitate the negotiations to assist the parties in reaching such a determination, and if an impasse is reached in such negotiations, shall make said determination. The determination of the mediator/arbitrator shall be final, however, said mediator/arbitrator shall not have authority to establish the amount of additional compensation, if any.

1.2 Office Hours:

During the term hereof, Landmark shall maintain office hours at City Hall at the above address, as follows:

A. Landmark shall devote at least one workday each week to maintaining office hours at the City offices for public appointments. The parties shall specifically agree upon a regular schedule for the maintenance of such office hours. In the event Landmark is unable to be present for office hours on the appointed days, it shall notify the City of the fact as soon as is reasonably practicable and an alternative day shall be substituted.

B. If the specified office days of Landmark fall on a day recognized as a holiday for City employees, then it will be recognized as a holiday by Landmark.

1.3 Public Relations/Customer Service:

Landmark shall work with and advise property owners in the ad valorem taxation system in an attempt to eliminate adversarial situations and establish positive public relations. The parties acknowledge that holding

specific office hours for the public is valuable in the process of providing high quality customer service. The City wants to ensure that members of the public and City staff that need information from Landmark, or wish to speak to Landmark, are able to do so on a relatively convenient basis. In that regard, in addition to the hours specified in Paragraph 1.2, Landmark agrees to meet with or contact residents and City staff members beyond normal office hours as appropriate to address their tax assessment-related concerns. Phone calls and answers to emails and faxes will be responded to in a timely manner, with every effort made to respond to same within 24 hours of receipt by Landmark.

1.4 New Construction/Loss Adjustment:

During the term of this Agreement, Landmark shall physically observe all new construction and real estate improvements through cooperation with the Zoning Administrator and will review all building permits. A copy of all building permits shall be provided for Landmark's use. All permits shall be provided with the correct permanent parcel identification number entered thereon. Likewise, Landmark shall physically observe damaged or destroyed properties with respect to the making of any loss adjustments as shall be necessary in the performance of her duties.

1.5 Economic Condition Factors (ECF):

During the term hereof, Landmark shall review and prepare new land values and economic condition factors (ECF) by areas and apply these factors to property records so that the current assessment is reflected as 50% of true cash value on the assessment record.

1.6 "Proposal A" Requirements:

The requirements of Michigan Public Act 415 of 1994 and all related property tax reform legislation amendments and updates shall be followed and monitored as required. This includes by example, but is not limited to, the filing of all associated reports and forms to fulfill the following requirements:

- A. Approve or deny homestead and agricultural exemptions;
- B. Track property transfer affidavits, matching them with deeds within 45 days of being filed;
- C. Apportion the homestead portion of a combination-use building;
- D. Determine the homestead status of parcels resulting when homestead parcels are split or; and
- E. Calculate both assessed and tentative taxable values for all parcels, taking into consideration losses, new construction and replacement in any given year.

1.7 Assessment Roll Preparation and Records:

Landmark shall enter the assessments onto the Ad Valorem and Industrial Facilities Tax (IFT) assessment rolls and prepare the warrant authorizing the collection of taxes by the City Treasurer. Landmark, in cooperation with the City Treasurer, City Clerk and Finance Officer shall also enter any delinquent City utility payments onto the appropriate rolls. Assessor shall prepare, obtain and maintain, as necessary or desirable, such property cards, photographs, measurements, sketches, records and documents to meet all requirements set by the City and/or the State of Michigan regarding such assessment rolls and shall organize same on a basis that will provide easy access and comprehension of the information contained in each respective file and regarding each respective roll. Such information shall be entered into the City's records system in a reasonable timely fashion.

1.8 Reports:

The City may require Landmark to prepare periodic reports and/or address the City Council regarding the overall activities, progress, problems and corrective measures regarding the various aspects of the duties of Landmark, under this Agreement. The City shall have the right at any time to require Landmark to make available to the City, within 48 hours of notice being provided, all records and documents developed and maintained by Landmark under the terms of this Agreement for review and/or audit. All time spent in the preparation and

presentation of such reports or in gathering and making information available to City by Landmark shall be deemed a part of the services contracted under the terms and provisions of this Agreement.

1.9 Board of Review:

Landmark shall keep records regarding the March Board of Review session in accordance with City Charter, attached hereto as "Exhibit A".

Landmark shall advise and provide adequate information to the Board of Review members as to how the assessments, capped and taxable values were determined to allow them to determine how best to decide a taxpayer's appeal; such information shall include the following:

- A. Sales map indicating all neighborhood increases or decreases
- B. Sales "comparable" book to include the following:
 - 1. Current picture
 - 2. Sales price versus assessment at time of sale
 - 3. Building permits issued before or after the sale.

Landmark shall also maintain records for the July and December Boards of Review and shall advise and provide adequate information to the Board of Review members as to how the assessments, capped and taxable values were determined

1.10 Sales and Appraisal Studies:

Landmark shall prepare sales studies using available data, evaluate all equalization and/or appraisal studies, and respond as appropriate.

1.11 Forms:

Landmark shall file all forms fully completed with the Genesee County Equalization Department, State Tax Commission and other agencies and entities, as required, in a timely manner.

1.12 Defense of Appeals:

This Section shall apply to real and personal, IFT and ad valorem property tax appeals.

The City shall retain ultimate control of all litigation and settlement negotiations. Landmark shall operate under the direction of the City Manager in any litigation regarding a tax appeal, including appeals to the Small Claims Division.

Landmark shall defend all appeals to the Small Claims Division of the Michigan Tax Tribunal. This shall include, but not be limited to, filing necessary petitions, preparing and submitting such material, statistics and other information as is necessary to properly defend any such appeal, and appearing at all hearings and meetings as are required for the purpose of defending said appeal. The City hereby authorizes Assessor to settle, where Landmark deems it appropriate or advisable, any appeal where the difference in SEV is \$150,000 or less. All the foregoing regarding appeals to the Small Claims Division is deemed to be included the services compensated pursuant to the terms and provisions of this Agreement. If, in the opinion of the City, additional outside consulting services are needed, the City shall be responsible for the cost of such services.

In all other potential appeals to the Michigan Tax Tribunal or State Tax Commission, Landmark shall provide as part of the services included under the terms and provisions of this Agreement, such time and effort as is necessary to properly provide to the City information, documents, analysis and advice as may be required in the determination of Landmark or the City to forestall the formal filing of an appeal or to settle a disputed case up to the date of the filing of a petition appealing a decision of the City or any of its agencies or boards to the Michigan Tax Tribunal or State Tax Commission. After the filing of said petition, Landmark shall be available to the City for such further assistance as is required by the City in the defense of such appeal. Landmark shall be available as an expert witness on behalf of the City in any proceedings. In the event of the termination of this Agreement and the necessity for the services of Landmark for purposes of consulting, review of information, analysis or expert testimony after the date of termination, Landmark shall be available, notwithstanding the termination of

this Agreement, for assistance in the defense of such appeals, provided, same shall not apply to appeals filed in the Small Claims Division of the Michigan Tax Tribunal. Landmark shall keep the City Manager informed of all appeals and provide the City Manager with recommendations, the manner in which the appeals are to be handled, proposed settlements and other similar advice.

The above provisions of this Paragraph 1.12 regarding appeals shall apply equally to any appeal of a personal property tax assessment.

1.13 Reappraisal Program:

Landmark shall continue to reappraise parcels in the City each year, as time permits, to ensure proper assessments when parcels are “uncapped.” Maintenance renovations to structures are to be tracked so that said costs can be claimed as “new construction” when property is sold rather than treated as an increase in value that is subject to “uncapping” and results in the possibility of a Headlee rollback. The State Tax Commission recommends regular re-inspection of each property, preferably every five years. Landmark shall work to meet guidelines and standards of the Tax Commission.

1.14 Personal Property Statements, Canvas and Audits:

Landmark shall prepare and maintain the mailing list for personal property tax statements and maintain records for personal property including data entry and calculation of depreciated values and their extension within each statement. Landmark shall conduct a personal property canvas to ensure equity among business owners within the City. Landmark is required to perform random personal property audits when warranted by questionable data or lack of submitted data.

1.15 Equalization Increases:

Landmark shall strive to eliminate across-the-board increases in property values by applying any increases received through the Genesee County Equalization Department to appropriate areas by using the economic condition factors hereinabove described, by adjustment of individual property assessments to 50% of true cash value, or as required by the State Tax Commission, in order to achieve maximum equity by class, and in accordance with the latest laws and regulations then in force.

1.16 Land Division Applications:

Landmark shall work with and assist the City Zoning Administrator in reviewing property descriptions, land division and combination applications for compliancy with local ordinance and the Michigan Land Division Act. Such combinations and divisions shall be placed on the assessment rolls in a timely fashion.

1.17 Assessor Certification:

Landmark shall be, and maintain a minimum certification as a Level III Assessor in the State of Michigan.

1.18 Transportation and Equipment:

Landmark shall provide all necessary transportation and field equipment to perform the services and meet the requirements of this Agreement.

1.19 Indemnification/Employment:

The parties hereto acknowledge that all personnel that may or might be utilized by Landmark in the performance of his/her duties hereunder shall, for all purposes, be considered employees of Landmark and not employees of the City. Landmark shall be responsible for Worker’s Compensation, Unemployment Compensation, state and federal withholding and payment of personnel. Landmark shall indemnify the City and hold the City harmless from any claim, cause of action or other liability that may or might arise by virtue of any claim of any employee of Landmark relating to his/her employment by, or as Landmark.

1.20 Preparation of DDA and Reporting:

Landmark shall be responsible for the recording of any property value changes, new or loss, on the ad valorem and IFT rolls relating to the designation of properties within the Downtown Development Authority (DDA).

1.21 Assessor's Recommendations:

Landmark shall prepare periodic recommendations and conclusions regarding the current state of the City's assessment rolls, by class, together with specific recommendations concerning actions that, in the opinion of Landmark, should be taken in order to achieve maximum equity in the assessment rolls and compliance with all State Tax Commission rules, regulations and guidelines.

1.22 Security of Information:

If any documents, data, drawings, specifications, photographs, property cards, summaries, accounts, reports, software applications or other products or materials are held in the possession of Landmark outside of the City offices, then Assessor shall be under an affirmative duty to provide adequate security to safeguard said materials from fire, theft and other hazards of a like nature or type, while same are in possession of Landmark. This may include, but not be limited to, providing for a fire proof safe or vault in which to store same, preparing and holding duplicates of same in the possession of Landmark, but separately or providing same to the City for possession.

1.23 Optional Services:

Landmark is not responsible for determination and preparation of special assessment rolls for City projects such as sewer, street, drain, etc. The City may request Landmark to perform such services at a rate of compensation agreed to by separate agreement. Landmark shall, however, report outstanding special assessments, properly completed, on forms required by the State Tax Commission, and same shall be deemed part of the services required by this Agreement.

SECTION II: TERM OF AGREEMENT

2.1 Contract Period:

Landmark shall commence performance of the services herein required on October 1, 2016. Unless sooner terminated, this Agreement shall, by its terms, expire September 30, 2017.

2.2 Mutual Right of Termination:

Either party may terminate this Agreement upon ninety (90) days written notice to the other, United States Certified / Registered Mail, return receipt requested, at the addresses as indicated within. This right of termination is specifically exercisable at the sole discretion of either party, and requires no just cause nor other reason or justification for the exercise thereof. The effective date of such termination shall be ninety (90) days from the date of mailing of such notice.

2.3 Termination for Cause or Breach:

Notwithstanding anything to the contrary on this Agreement, either party may immediately terminate this Agreement in the event of material breach by the other. In such case, either party may seek such remedies as shall be available, at law or equity.

2.4 Notice of Termination:

Upon receipt of notice of termination or upon termination of this Agreement by expiration of its term, Landmark shall immediately deliver to the City the originals and original copies of all data, paper and computer files, drawings, specifications, reports, value estimates, summaries and other information and materials as may have been accumulated by Landmark in performing this Agreement, whether completed or in process and same shall be in unaltered form, readable by the City. In the event of the failure or refusal of Landmark to forthwith deliver the above referenced materials, documents and files, City may seek a Circuit Court order compelling the production of same forthwith, and Landmark herein expressly waives notice of hearing thereon agreeing that a

mandatory injunction may immediately issue due to the fact that the failure to receive the stated materials, documents and files will result in irreparable harm to the City without leaving the City an adequate remedy at law, thereby entitling the City to an immediate judgment in its favor in this regard. The City shall be entitled to damages from Landmark for any information, materials or documents that are turned over to the City in unusable or altered form.

2.5 Amendment/Renegotiation:

Nothing herein contained shall be construed to limit or abrogate the rights of the parties to modify or amend this Agreement at any time hereafter, provided however, that no such amendment or modification shall be effective unless in writing and duly executed by both parties hereto, through their authorized representatives.

If the Agreement is not reviewed or extended prior to its expiration date and the City desires to have Landmark continue on a month-to-month basis, the fee will be that which existed for the final month of the original term, being September, 2017.

SECTION III: PAYMENT

3.1 Compensation for Basic Services:

During the term of this Agreement, the City agrees to pay to Landmark, for performance of the Basic Services set forth in Section I of this Agreement, an amount equal to \$29,595 yearly (twenty-nine thousand, five hundred and ninety-five dollars). Landmark shall invoice the City an amount equal to \$2,466.25 on a monthly basis, net due 20 days.

3.2 Pro-ration of Payments on 90-Day Termination:

In the event this Agreement is terminated pursuant to Paragraph 2.2, the City shall pay Landmark to the date of termination on a prorated daily basis for any part of a month for which services have been rendered by Landmark and for which no compensation has been received.

SECTION IV: CITY RESPONSIBILITIES

4.1 Basic Data:

The City shall provide access to Assessor to property description files as currently exist as of the date of execution of this Agreement, containing initial information such as property number, legal description, owner and address information, as well as all data that the City may possess concerning such properties (i.e. measurements, sketches, photographs, etc.)

4.2 Office Equipment:

The City shall provide Landmark with appropriate tax parcel maps, office space and furniture, telephone, voice mail, personal computer, printers, copying machine, fax machine and office supplies (as defined in Paragraph 4.5) as reasonably needed during the duration of this Agreement. Assessor acknowledges that some of the equipment (i.e. fax, printers, copying machine) is shared among all administrative office personnel and Landmark will not have exclusive use of such equipment.

Landmark shall have access to the City's computer network for the use of the following software products: BS&A Equalizer Assessing & Tax Modules, MS Word, Excel Spreadsheets, Arcview, Pictometry or any other similar software that may assist in maintaining quality assessing records. Landmark shall not use any other software within the City's network, download, or upload any software to the City's network, except with the City Manager's prior approval. Landmark shall be liable for any adverse consequence upon the City's computer network or function caused by any software introduced in the network by Landmark without prior consent of the City.

Landmark agrees that City equipment shall be used only for the purposes of fulfilling Assessor's obligations under this Agreement and shall not be used for personal reasons or to conduct other business not authorized under this Agreement.

4.3 Computer:

The City shall supply computer hardware, software and peripherals to perform the property pricing and valuation. The City will maintain the hardware, software and peripheral equipment through a regular maintenance program. The City will back up the system on a daily basis with alternate tapes or disks. Any data loss not due to the negligence of Landmark as a result of hardware or software malfunction will be replaced at the City's expense.

4.4 Map Maintenance/Tax Roll Printing:

The City shall assume the responsibility for printing, stuffing and mailing of the assessment change notices, assessment rolls, tax bills, maps, etc. during the term of this Agreement. Landmark shall develop and maintain land value maps showing dates of property sales, sale amounts and ratio to the current estimated value of the property.

4.5 Office Supplies:

The City shall provide Landmark with office supplies, including computer paper, file folders, hanging folders, new State Tax Commission Assessor's Manual Volumes I and II, assessment notices and forms, postage and such other supplies as shall be necessary for the performance of Assessor's responsibilities hereunder.

4.6 Existing ECF Areas:

The City will provide Landmark with all currently existing information as available in the City files concerning previously completed E.C.F. studies and subsequent conclusions reached by the former City Assessors.

4.7 Preparation of DDA and Reporting:

The Finance Director shall be responsible for the compilation and reporting of all necessary data, forms and documents relating to the operation, tax increment capture and financial condition of the D.D.A.

4.8 Legal Counsel:

The City shall supply legal counsel, at its expense, for Small Claims and full Tax Tribunal hearings, should the need arise.

SECTION V: RE-APPRAISAL, NON-BASIC SERVICES

5.1 Additional Services (Pricing/Reappraisal):

In the event that the City desires to implement some or all of the recommendations made by Landmark as herein contemplated, the City may request and Landmark shall provide such services as are desired by the City, provided however, an addendum to this Agreement, reduced to writing and executed by both parties, shall set forth the terms and provision under which the additional services shall be rendered. Such addendum shall specify the nature, extent and timetable for the performance of such additional services and establish the rate of compensation therefor.

5.2 Implementation/Responsibility:

The parties acknowledge that it shall be the sole responsibility of the City to determine the nature and extent of implementation of Landmark's recommendations under this Section or any other additional, non-basic services. To that end, the City assumes responsibility for defense of any claim, cause of action or other proceeding that may or might be instituted by the Michigan State Tax Commission, or other entity, arising from any failure, or alleged failure, to implement such recommendations.

SECTION VI: MISCELLANEOUS PROVISIONS

6.1 Relationship Between City and Assessor:

In the fulfillment of the services provided herein Landmark and his/her employees, agents and officers shall be at all times be deemed in a relationship of independent contractor to the City.

6.2 Indemnification/Insurance:

Landmark shall secure and maintain general liability and property damage, unemployment, errors and omissions, workers' disability compensation, automobile liability and any other insurance required by law for Landmark, or his/her employees, agents or officers as will protect him/her and the City from claims under the Worker's Compensation Acts and from claims for bodily injury, death or property damage that may arise from his/her negligence or that of his/her employees in the performance of services under this Agreement or failure to properly perform his/her duties as Assessor. Landmark shall save the City harmless and indemnify the City from any claims for bodily injury, death or property damage that may arise due to his/her acts or negligence or that of his/her employees in the performance of services under this Agreement or that arise from error or omissions to properly perform duties as Landmark. Landmark shall, however, have no liability arising out of adjustments to assessments or other actions by Landmark, the City's Board of Review and/or the Michigan Tax Tribunal if such adjustments or actions result from honest differences of opinion regarding the value of the subject property and if Landmark established the assessment pursuant to professional assessment standards. Said policies shall be in such minimum amounts as shall from time to time be acceptable to the City or as set by the City.

A Certificate of Insurance incorporating such requirements and naming the City and its officers and employees as an Additional Insured Party and Certificate Holder along with a certificate showing its premium has been paid and a copy of the policy shall be filed each year with the City Clerk. Any such insurance policy shall provide the City will be given at least thirty (30) days advance notice before cancellation of the policy. The coverage's provided by the General Liability and Automobile Liability policies of Landmark shall be primary to any insurance maintained by the City.

6.3 Non-Assignability:

The parties to this Agreement acknowledge that, inasmuch as the Agreement is in the nature of a Personal Services Contract, and as the City's decision to contract with Landmark is based in part on the perceived expertise and ability of Landmark, it is agreed that Landmark's duties and obligations hereunder may not be assigned, transferred nor conveyed without the advance written approval of the City. Nothing in this Agreement shall prevent Landmark from employing such employees or agents, as Landmark shall deem reasonably necessary to assist him/her in the performance of obligations under this Agreement. Also, in the event that vacation, illness, injury or incapacity in any form, whether elective or imposed, should cause Landmark to be unable to personally fulfill the terms and obligations of this Agreement for a period exceeding three (3) calendar weeks (21 days), Landmark shall provide the City, at Landmark's expense, a certified Level III Assessor to perform any and all such functions as required by this Agreement for the complete term of the absence or incapacity. The City reserves the right to approve or reject, without cause and at its sole discretion, any Assessor designee named to "fill-in" for Landmark for a period exceeding two (2) calendar months (60 days), and to consider, as mutually agreed by the parties hereto, that a rejection of said Assessor designee shall constitute a material breach of the Agreement pursuant to the "material breach" provision of Section 2.3 herein.

6.4 Professional Standards:

Landmark shall be responsible, to the highest levels of competency presently maintained by other practicing professional assessors and appraisers, for the professional and technical soundness, accuracy and adequacy of property valuations, drawings, property inspection data and all other work and materials furnished under this Agreement. At the time of commencement of performance, Landmark shall be properly certified, equipped, organized and financed to perform the services required by this Agreement. Subject to compliance with the requirements of this Agreement, Landmark shall work independently.

6.5 Ownership of Documents:

All documents, data, drawings, specifications, photographs, property cards, summaries, accounts, reports, software applications and other information, products or materials produced or held by Landmark, of whatsoever

nature or type, in connection with this Agreement shall be the sole property of the City with the City having sole and exclusive right, title and interest in any and all records, compilation, documents, papers, maps or manuscripts pertaining to or prepared pursuant to this Agreement. All of the foregoing shall be forwarded to the City at its request and may be used by the City as it sees fit. The City agrees that if any of the foregoing, prepared by Landmark, are used for purposes other than those intended by this Agreement, the City does so at its sole risk and agrees to hold Assessor harmless for such use. All services performed under this Agreement shall be conducted solely for the benefit of the City and will not be used for any other purpose by Landmark without written consent of the City. Any information relating to the services shall not be released without the written permission of the City. Landmark shall act and preserve the confidentiality of all City documents and data accessed for use in Landmark's work products to the extent allowed or required by law. Any requests for information under the Freedom of Information Act shall be immediately forwarded to the City Manager for a proper determination of the response to be provided.

6.6 Validity:

If any paragraph or provision of this Agreement shall be determined to be unenforceable or invalid by any court of competent jurisdiction, such provision shall be severed and the remainder of this contract shall remain in force.

6.7 Survival:

All express representations, indemnifications or limitations of liability made in or given in this Agreement shall survive the completion of all services of Assessor under this Agreement or the termination of the Agreement for any reason.

6.8 Controlling Law/Venue:

This Agreement is to be governed by the laws of the State of Michigan. It is mutually agreed that, in the event of any proceeding, at law or at equity, arising under this Agreement or breach thereof, that the venue of any such action shall be in the County of Genesee and the State of Michigan.

6.9 Authorization:

The respective signatories hereto expressly acknowledge that this Agreement is made and entered into with full authority of the City of Swartz Creek Council and Landmark Appraisal Company and that the persons executing this Agreement on behalf of the respective parties have been duly authorized and empowered to make and enter into this Agreement by said Council and said Assessor.

(Signature Page Follows)

IN WITNESS WHEREOF, the parties hereto have set their hands and seals the day and year first above written.

CITY OF SWARTZ CREEK, MICHIGAN:

LANDMARK APPRAISAL CO:

By: _____
David A. Krueger, Mayor

By: _____
Mark R. MacDermaid, Partner

By: _____
Connie Eskew, City Clerk

EXHIBIT "A"
City of Swartz Creek, Charter Provisions, Taxation

CHAPTER 9. TAXATION*

***State law references:** General property tax act, MCL 211.1 et seq., MSA 7.1 et seq.

Section 9.1. Power to tax--Tax limit.

The city shall have the power to assess taxes and to lay and collect rents, tolls, and excises. During the first five years of the existence of the city, the annual general ad valorem tax levy for municipal purposes shall not exceed one-half of one per cent (5 mills) of the assessed value of all real and personal property in the city as determined by the City's Assessor and Board of Review, or one-quarter of one per cent (2 1/2 mills) of such assessed value, as equalized by the State of Michigan, as required by law, whichever basis of limitation will result in the lesser taxation upon the taxable property in the city. Thereafter, the levy shall not exceed one per cent of the said assessed value as determined by the City's Assessor and Board of Review, or one-half of one percent (5 mills) of such value as equalized by the State of Michigan, as required by law, whichever basis of limitation will result in the lesser taxation upon the taxable property in the city, unless the proposition to approve an increase above the tax rate so limited is first approved by the electors of the city. No such increase shall cause the total tax rate to exceed two per cent of the assessed value of all real and personal property in the city.

State law references: Mandatory that Charter provide for annually levying and collecting taxes, MCL 117.3(g), MSA 5.2073(g).

Section 9.2. Subjects of taxation--Tax procedure.

(a) The subjects of ad valorem taxation for municipal purposes shall be the same as for state, county, and school purposes under the general law.

(b) Except as otherwise provided by this chapter, city taxes shall be assessed, levied, and collected in the manner provided by law.

State law references: Mandatory that Charter provide that subject of taxation for municipal purposes shall be the same as for state, county and school purposes under general law, MCL 117.3(f), MSA 5.2073(f); property subject to taxation, MCL 211.1 et seq., MSA 7.1 et seq.

Section 9.3. Exemptions.

The power of taxation shall never be surrendered or suspended by any grant or contract to which the city shall be a party. No exemptions from taxation shall be allowed, except such as are expressly required or permitted by law.

State law references: Property exempt from taxation, MCL 211.7 et seq., MSA 7.7 et seq.

Section 9.4. Tax day.

Subject to the exceptions provided or permitted by law, the taxable status of persons and property shall be determined as of the thirty-first day of December, or such other date as may subsequently be required by law, which shall be deemed the tax day. Values on the assessment roll shall be determined according to the facts existing on the tax day for the year for which such roll is made, and no change in the status or location of any such property after that day shall be considered by the Assessor or the Board of Review.

State law references: Designation of tax day, MCL 211.2, MSA 7.2; time, place and method of assessment, MCL 211.10 et seq., MSA 7.10 et seq.

Section 9.5. Personal property--Jeopardy assessment.

If the Treasurer finds or reasonably believes that any person who is, or may be, liable for taxes upon personal property, the taxable situs of which was in the city on tax day, intends to depart or has departed from the city; or to remove or has removed therefrom personal property which is, or may be, liable for taxation; or to conceal or conceals himself or his property; or does any other act tending to prejudice, or to render wholly or partly ineffectual the proceedings to collect such tax, he shall proceed to collect the same as a jeopardy assessment in the manner provided by law.

State law references: Jeopardy assessment of personal property taxes, MCL 211.691 et seq., MSA 7.51(1) et seq.

Section 9.6. Preparation of the assessment roll.

Prior to the date of the meeting of the Board of Review in each year, the Assessor shall prepare and certify an assessment roll of all property in the city. Such roll shall be prepared in accordance with the requirements of law, and may be divided into volumes, which the Assessor shall identify the number for purposes of convenience in handling the assessment roll and for locating properties assessed therein. The attachment of

any certificate or warrant required by this chapter to any volume of the roll, either as an assessment roll or as a tax roll, shall constitute the attachment thereof to the entire roll, provided the several volumes are identified in such certificate or warrant. Values of property set forth on the assessment roll shall be determined according to recognized methods of systematic assessment.

State law references: Mandatory that Charter provide for preparation of assessment roll, MCL 117.3(i), MSA 5.2073(i); assessment roll, MCL 211.24 et seq., MSA 7.24 et seq.

Section 9.7. Board of Review.

(a) A Board of Review is hereby created, composed of three members who have the qualifications of holding elective city office as set forth in Section 4.4 of this charter.

(b) The members of the Board of Review shall be appointed by the Council, and may be removed for reasons of nonfeasance or misfeasance by the vote of five members of the Council. The first members shall be appointed during the month of January, 1960, for terms expiring on July 1, 1961, 1962, and 1963. Thereafter one member shall be appointed in the month of May of each year, for a term of three years, commencing on the following July first.

(c) The Board shall, annually, on the first day of its meeting, select one of its members chairman for the ensuing year. The Assessor shall be Clerk of the Board, and shall be entitled to be heard at its sessions, but shall have no vote on any proposition or question.

State law references: Mandatory that Charter provide for a board of review, MCL 117.3(a), MSA 5.2073(a).

Section 9.8. Duties and functions of Board of Review.

For the purpose of revising and correcting assessments, the Board of Review shall have the same powers and perform like duties, in all respects, as are, by law, conferred upon and required of boards of review in townships, except as otherwise provided in this charter. At the time, and in the manner provided in the following section, it shall hear the complaints of all persons considering themselves aggrieved by assessments. If it shall appear that any person or property has been wrongfully assessed or omitted from the roll, the Board shall correct the roll in such manner as it deems just. Except as otherwise provided by law, no person other than the Board of Review shall make any change upon, or addition or correction to, the assessment roll. The Board shall make no such changes, additions, or corrections after it has certified the roll as provided and required by Section 9.11 of this chapter. The Assessor shall make a permanent record of all proceedings of the Board and enter therein all resolutions and decisions of the Board. Such record shall be filed with the Clerk on or before the first day of September following the meeting of the Board of Review.

Section 9.9. Meetings of Board of Review.

(a) The Board of Review shall convene at 9:00 o'clock a.m. on the third Monday in March in each year at a place designated by the Council, or on such other date as may subsequently be required by law for the meeting of boards of review in cities, and shall meet at the same time and continue in session from day to day for not less than three days for the purpose of considering the assessment roll of the city.

(b) The Board of Review may examine on oath any person appearing before it respecting the assessment of property on the assessment roll. Any member of the Board may administer the oath.

State law references: Mandatory that Charter provide for meeting of board of review, MCL 117.3(i), MSA 5.2073(i).

Section 9.10. Notice of meetings.

Notice of the time and place of the annual meeting of the Board of Review shall be published by the Assessor not less than one week nor more than three weeks prior thereto.

Section 9.11. Certification of roll.

After the Board of Review has completed its review of the assessment roll, and not later than the Tuesday following the fourth Monday in March, or such other date as may subsequently be required by law, the majority of its members shall sign a certificate to the effect that the same is the assessment roll of the city for the year in which it has been prepared, as approved by the Board of Review, which certificate, when attached to any volume of the roll shall constitute a conclusive presumption of the validity of the entire roll, as provided in Section 9.6 of this chapter. In the event that the Board of Review shall fail or refuse to so review the assessment roll of the city, such roll, as prepared and presented to the Board of Review by the Assessor shall be the

assessment roll for the year for which it was prepared and shall stand as though it had been certified by the Board of Review.

State law references: Completion of review of assessments prior to first Monday in April required, MCL 211.30a, MSA 7.30(1).

Section 9.12. Validity of assessment roll.

Upon the completion of the assessment roll, and from and after midnight ending the last day of the meeting of the Board of Review, or the first Monday in April, whichever date first occurs, it shall be the assessment roll of the city for county, school and city taxes, and for other taxes on real and personal property that may be authorized by law. It shall be presumed by all courts and tribunals to be valid, and shall not be set aside, except for cause set forth by law.

State law references: Mandatory that Charter provide for levy, collection and return of state, county and school taxes, MCL 117.3(i), MSA 5.2073(i).

Section 9.13. Clerk to certify levy.

Within three days after the Council has made the appropriations for the ensuing year, the Clerk shall certify to the Assessor the total amount which the Council determines shall be raised by general ad valorem taxation, together with such other assessments and lawful charges and amounts which the Council requires to be assessed, reassessed, or charged upon the city tax roll against property or persons.

Section 9.14. City tax roll.

After the Board of Review has completed its review of the assessment roll, the Assessor shall prepare a tax roll, or a combined assessment and tax roll, to be known as the "City Tax Roll." Upon receiving the certification of the several amounts to be raised, assessed, and charged for city taxes, as provided in the preceding section, the Assessor shall proceed forthwith, (1) to spread the amounts of the general ad valorem tax according to and in proportion to the several valuations set forth in said assessment roll, and (2) to place such other assessments and charges upon the roll as are required and authorized by the Council. For convenience, the city tax roll may be divided into two or more volumes.

Section 9.15. Taxes a debt and lien.

The taxes on real and personal property shall become a debt to the city from the owner or person otherwise to be assessed, on the tax day provided by law. The amounts assessed on any interest in real property shall become a lien upon such real property on the first day of July next subsequent to the tax day, and shall so remain, until paid. Said tax liens shall take precedence over all other claims, encumbrances, and liens upon said personal property whatsoever, whether created by chattel mortgage, title retaining contract, execution, or upon any other final process of a court, attachment, replevin, judgment, or otherwise, and no transfer of personal property assessed for taxes shall operate to divest or destroy such lien, except where such property is actually sold in the regular course of retail trade.

Section 9.16. Tax roll certified for collection.

After spreading the taxes and placing other assessments and charges upon the roll, the Assessor shall certify the tax roll, and attach his warrant thereto directing and requiring the Treasurer to collect, prior to March first of the following year, from the several persons named in the roll the several sums mentioned therein opposite their respective names as a tax, charge, or assessment. Said warrant shall grant to and vest in the Treasurer, all the statutory powers and immunities possessed by township treasurers for the collection of taxes. The tax roll shall be delivered to the Treasurer on or before the thirtieth day of June.

State law references: Collection of taxes, MCL 211.44 et seq., MSA 7.87 et seq.

Section 9.17. Tax payment date.

City Taxes shall be due and payable on July first of each year.
(Amended by electors 4-3-67)

Section 9.18. Taxes due--Notification thereof.

The Treasurer shall not be required to make personal demand for the payment of taxes but, upon receipt of the city tax roll, he shall forthwith mail a tax statement to each person named in the tax roll, which mailed statement shall be a sufficient demand for the payment of all taxes assessed. Neither the failure on the part of the

Treasurer to mail such statement, nor the failure of any person to receive the same, shall invalidate the taxes on the tax roll or release any person or property assessed from the liabilities in this chapter in case of nonpayment.

Section 9.19. Tax payment schedule.

The Council shall provide, by ordinance, the tax payment schedule for city taxes, the times when the same may be paid without the addition of collection fees or interest, and the amount of collection fees and interest to be added thereafter. All amounts collected as collection fees and interest shall be paid into the city's treasury for the use and benefit of the city.

Section 9.20. Failure or refusal to pay personal property tax.

If any person shall neglect or refuse to pay any tax on personal property assessed to him, the Treasurer shall collect the same by seizing any personal property of such person, to an amount sufficient to pay such tax, together with any charges and interest added thereto, wherever the same may be found in the State. No property shall be exempt from such seizure. He may sell the property seized, to an amount sufficient to pay the taxes and all charges, fees, penalties, and interest, in accordance with statutory provisions. The Treasurer may also sue the person to whom a personal property tax is assessed, in accordance with the powers granted to him by law.

State law references: Failure or refusal to pay tax, MCL 211.47, MSA 7.91.

Section 9.21. State, county and school taxes.

For the purposes of assessing and collecting taxes for state, county, and school purposes, the city shall be considered the same as a township and all provisions of law relative to the collection of, and accounting for, such taxes and the penalties and interest thereon shall apply. For the purpose of collection of state, county, and school taxes, the Treasurer shall perform the same duties and have the same powers as township treasurers under state law.

State law references: Mandatory that Charter provide for levy, collection and return of state, county and school taxes, MCL 117.3(i), MSA 5.2073(i); state law relative to the assessment, levy and collection of taxes, MCL 211.1 et seq., MSA 7.1 et seq.

Section 9.22. Protection of city lien.

The city shall have power, insofar as the exercise thereof shall not conflict with or contravene the provisions of law, to acquire such an interest in any premises within the city, by purchase at any tax or other public sale, or by direct purchase from or negotiation with the State of Michigan or the owner, as may be necessary to assure to the city the collection of its taxes, special assessments, charges, and any interest thereon which are levied against any lot or parcel of real property or to protect the lien of the city therefor, and may hold, lease, or sell the same. Any such procedure exercised by the city to assure the collection of its taxes or the protection of its tax or other liens shall be deemed to be for a public purpose. The Council may adopt any ordinance which may be necessary to make this section effective.

Section 9.23. Collection of delinquent taxes.

All taxes and charges, together with fees, penalties, and interest upon real property on the tax roll, remaining uncollected by the Treasurer on the first day of March following the date when the roll was received by him shall be subject to one of the following procedures:

(1) The real property against which such taxes and charges are assessed shall be subject to disposition, sale, and redemption for the enforcement and collection of the tax lien against the same in the method and manner which may be provided by ordinance. The Council may provide by ordinance the procedure for the sale and redemption of real property for such unpaid taxes and charges, together with fees, penalties, and interest, by judicial sale on petition filed in behalf of the city. Such procedure shall correspond substantially to the procedure provided by law for the sale by the State of tax delinquent real property and redemption therefrom, except that the acts performed by state and county officers shall be performed by appropriate city officers and that city tax sales shall be held not less than thirty nor more than ninety days prior to the date of corresponding tax sales under the general law.

(2) If no ordinance is in effect pursuant to subsection (1) of this section, such taxes shall be returned to the County Treasurer, to the extent and in the same manner and with like effect as provided by law for returns by township treasurers of township, school and county taxes. Such returns shall include all the additional assessments, charges, fees, penalties, and interest hereinbefore provided, which shall be added to the amount

assessed in said tax roll against such property or person. The taxes thus returned shall be collected in the same manner as other taxes returned to the County Treasurer are collected, in accordance with law, and shall be and remain a lien upon the property against which they are assessed until paid.

Section 9.24. Disposition of real property held by city.

When the city has acquired any interest in property to protect the city's tax lien thereon, the owner of any interest therein by fee title, as mortgagee, or as vendor or vendee under a land contract, shall have the right to purchase the city's interest therein, upon payment to the city of the amount of money which the city has invested therein in the form of taxes, special assessments, charges, fees, penalties, interest, and costs, paid by the city to protect its title in such property. After the lapse of ninety days after the date that the city acquires title to any such property, the Council may remove the same from the market by determining that such property is needed for and should be devoted to public purposes, naming such purposes, or may sell the same at a price which shall be not less than the market value, as determined.

And further, direct the Mayor and City Clerk to endorse and execute this agreement on behalf of the City.

Second by Councilmember: _____

Voting For: _____

Voting Against: _____

Resolution No. 160822-8D KEEPING OF CERTAIN ANIMALS ORDINANCE AMENDMENT

Motion by Councilmember: _____

WHEREAS, the City of Swartz Creek exercises police power to maintain and protect the health, safety, and welfare of the community; and

WHEREAS, the Planning Commission has found that some animals that were previously prohibited in the city may, under the right circumstances, provide more private utility than risk, and

WHEREAS, the Planning Commission has made specific recommendations, in the form of an ordinance amendment, to enable the keeping of chickens and ducks in the city.

THEREFORE, I MOVE the City of Swartz Creek ordain:

ORDINANCE NO. 430

AN ORDINANCE TO AMEND SECTION 3-1 OF THE CODE OF ORDINANCES OF THE CITY OF SWARTZ CREEK TO ENABLE THE KEEPING OF CERTAIN ANIMALS IN THE CITY.

THE CITY OF SWARTZ CREEK ORDAINS:

Section 1. Amendment of Section 3-1 of the Code of Ordinances of the City of Swartz Creek.

Section 3-1 of the Code of Ordinances of the City of Swartz Creek, Michigan, is hereby amended to read as follows:

Sec. 3-1. Keeping of certain animals prohibited.

It shall be unlawful to keep, harbor, own or in any way possess within the corporate limits of the City of Swartz Creek, Michigan unless specifically authorized by an act of Federal, State, or City government:

- (1) Any warm-blooded, carnivorous or omnivorous, wild or exotic animals, dangerous or undomesticated animals which are not of a species customarily used as an ordinary household pet, but one which would ordinarily be confined in a zoo, a farm, or one which would ordinarily be found in the wilderness of this or any other country, or one which otherwise causes a reasonable person to be fearful of bodily harm or property damage (including, but not limited to, pigs, horses, sheep, cattle, poultry (except as enabled by the City), reptiles, goats, primates, raccoons, skunks, foxes, and wild and exotic cats; but excluding fowl, ferrets and small rodents of varieties used for laboratory purposes).
- (2) Any animal having poisonous bites.
- (3) Any person in possession, on the date that this section becomes effective, of a State of Michigan Department of Natural Resources Possession Permit or Game Breeder's License, or Department of the Interior U.S. Fish and Wildlife Service Federal Fish and Wildlife Licenses/Permit, for an animal otherwise prohibited by this section, shall be allowed to keep, harbor, own, or possess the animal(s) specified in said permit and/or license. Said permit and/or license shall not be amended to include additional animal(s) prohibited by this section.
- (4) Any farms existing and in possession of any prohibited livestock, on the date that this section becomes effective, shall be allowed to retain said agricultural livestock or similar animals as protected under the Right To Farm Act.

Sec. 3-2. Keeping of specific fowl varieties permitted.

Chickens and ducks may be raised and kept by occupants of single family dwellings under the following circumstances:

- (1) The property owner shall obtain a zoning permit from the City of Swartz Creek prior to possessing any chicken or duck.
- (2) Chickens and ducks shall be limited, in any combination, to six for parcels 20,000 to 43,560 (one acre) square feet in size, with an additional prorated allowance for three animals for each additional acre of land area. Hatchlings intended for legal onsite residence as adults are exempt from this provision.
- (3) No roosters (male adult chickens) may be kept.
- (4) Chickens and ducks are not allowed in a residence, porch, or attached garage. Hatchlings intended for legal onsite residence as adults are exempt from this provision.
- (5) Chickens and ducks shall be confined to the rear and side yards of parcels.
- (6) The coop shall be a structure that is fixed in place and designed to discourage rodents and wild birds from entering. The facilities shall be constructed of durable materials reflective of the primary structure and should keep dogs, cats, and other animals from gaining entry.
- (7) The coop and enclosures shall be 15' feet from any property line or the respective structure setback that is otherwise applicable, whichever is greater. All coops shall be in the rear or side yards of the parcel and be at least 20' from a neighboring occupied structure.
- (8) Sale of poultry products shall not be permitted in any residential zoning district or from any parcel used primarily for residential use.
- (9) Minimum space and housing requirements for chickens and ducks are as follows (excluding required setbacks, front yard, dwelling space, parking, sloped grounds >25%, water, and wetland):

Indoor (coop/closure) usable floor space per animal: 1.5 square feet

Outdoor usable space (fence enclosed) per animal: 64 square feet

Section 2. Repeal of Inconsistent ordinances.

Any other ordinances of the City of Swartz Creek which are in conflict with the provisions of this ordinance are hereby repealed.

Section 3. Effective Date.

This ordinance shall be effective thirty days after publication.

At a regular meeting of the City Council of the City of Swartz Creek held on August 22, 2016, adoption of the foregoing ordinance was moved by Councilmember ____ and supported by Councilmember ____.

Voting for:

Voting against:

The Mayor declared the ordinance adopted.

David A. Krueger
Mayor

CERTIFICATION

The foregoing is a true copy of Ordinance No. 430, which was enacted by the City Council of the City of Swartz Creek at a regular meeting held on August 22, 2016.

Connie Eskew, City Clerk

Second by Councilmember: _____

Voting For: _____

Voting Against: _____

**CITY OF SWARTZ CREEK
SWARTZ CREEK, MICHIGAN
MINUTES OF THE REGULAR COUNCIL MEETING
DATE 08/08/2016**

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, Florence, Gilbert, Hicks, Krueger, Pinkston, Porath.

Councilmembers Absent: None.

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

Others Present: Tommy Butler, Steve Shumaker, Sharon Shumaker, Bob Plumb, Dennis Cramer, Lania Roche, Ron Schultz, Steven Lang, Boots Abrams.

APPROVAL OF MINUTES

Resolutions No. 160808-01

(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 25, 2016 to be circulated and placed on file.

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

APPROVAL OF AGENDA

Resolution No. 160808-02

(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 August 8, 2016, to be circulated and placed on file.

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

City Manager's Report

Resolution No. 160808-03

(Carried)

Motion by Councilmember Florence
Second by Councilmember Gilbert

I Move the Swartz Creek City Council accept the City Manager's Report of August 8, 2016, including reports, communications to be circulated and placed on file.

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

MEETING OPENED TO THE PUBLIC:

Steven Long, resident at 5356 Worchester Drive, made a request for extra patrolmen to help with the current vandalism problems.

Tommy Butler, resident at 40 Somerset Drive, commented on the lack of media during the recent water break/boil advisory in the city.

AMEND CITY-WIDE RATES, FEES AND CHARGES

Resolution No. 160808-04

(Carried)

Motion by Councilmember Pinkston
Second by Councilmember Porath

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:

<u>Offense</u>	<u>Fine</u>
(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
(kk) Parked on front lawn	\$ 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 67th 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 67th 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

Elms Park

Pavilion #1	\$ 70.00
Pavilion #2	\$ 120.00
Pavilion #3	\$ 70.00
Pavilion #4	\$ 120.00

Winshall Park

Pavilion #1	\$ 70.00
Pavilion #2	\$ 70.00
Pavilion #3	\$ 70.00

Deposit \$100.00

7. Chapter 12: Peddlers and Solicitors License and Background Check
\$50.00

8. Chapter 15: Permit, Sidewalk Installation
\$25.00

9. Chapter 15: Permit for Excavation, Right of Way or Other City Property
\$100.00

10. 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"	\$51.22
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): \$7.07

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

11. 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.

12. Chapter 19: Sanitary Sewer Rates

Rates for Quarterly Billings

Readiness to serve charge (per metered account):	\$52.50
Readiness to serve charge (non-metered accounts):	\$124.61
Commodity charge (per 100 cubic feet of water consumed):	\$2.14

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.

13. Chapter 20: Weed Cutting Fees

\$300 per cut

14. 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)	\$50
Gas/Oil Burning Equipment (furnace, roof top units, generators)	\$30
Boiler	\$30
Water Heater	\$5
Damper	\$5
Solid Fuel Equip. (includes chimney)	\$30
Gas Burning Fireplace	\$30
Chimney, factory built (installed separately)	\$25
Solar; set of 3 panels-fluid transfer (includes piping)	\$20
Gas piping; each opening-new installation	

(residential)	\$5
Air Conditioning (includes split systems)	
RTU-Cooling only	\$30
Heat Pumps (complete residential)	\$30
Dryer, Bath & Kitchen Exhaust	\$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

15. Appendix B: Franchises

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

16. Miscellaneous Fees

A. *Copies:*

Black & White: 10¢ for page.

Color or Mixed Color and Black & White: 25¢ per page

B. *Freedom of Information Act Requests:*

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

G. *Fax Services:*

50¢ per page for the first 10 pages, then \$0.25 per page thereafter

- H. *Notary Services:*
\$10.00 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:*
\$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:*
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.

17. 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
Zoning Board of Appeals: Appeal Review	\$250
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

18. 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

19. Rental Inspection Program Fees

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 Coverage	No charge 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. 130826-06	Dated August 26, 2013 (K.W.A. Water Fees)
Resolution No. 140922-07	Dated September 22, 2014 (Utility and MMD Fees)
Resolution No. 150824-05	Dated August 24, 2015 (FOIA, Rentals, Utility Fees)
Resolution No. 151214-05	Dated December 14, 2015 (Parking)
Resolution No. 160523-05	Dated May 23, 2016 (Water and Sewer)
Resolution No. 160808-8A	Dated August 8, 2016 (Solicitation)

Discussion Ensued.

YES: Krueger, Pinkston, Porath, Abrams, Florence, Gilbert, Hicks,.
NO: Motion Declared Carried.

STREET PROJECT REVIEW COMMITTEE

Resolution No. 160808-05

(Carried)

Motion by Councilmember Gilbert
Second by Mayor Pro Tem Abrams

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 has a 20 year street maintenance plan on file that is funded, in part, by a 20 year street levy; and

WHEREAS, the city has a 5 year master plan on file that includes the consideration of improvements to the Winchester Woods plat; and

WHEREAS, the council desires to enable a committee of residents, councilmembers, and staff to further deliberate on the particulars relating to the borrowing related to 2017 projects, as well as design particulars related to sidewalks, lighting, and potential change orders; and

WHEREAS, the council further desires the committee to consider the Winchester Woods plat as it relates to its suitability to accommodate uses-as-of-right, including single family homes.

NOW, THEREFORE, BE IT RESOLVED, the City of Swartz Creek City Council hereby creates a temporary committee, to be referred to as the "Street Project Review Committee," for the purpose of reviewing and making recommendations relating to the 2017 street project particulars and the Winchester Woods Plat.

BE IT FURTHER RESOLVED, the Street Project Review Committee shall endeavor to deliver such findings at or before the regular meeting on September 26, 2016 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 Street Project Review Committee shall be composed of the following individuals:

Mayor Krueger
Councilmember Hicks
Councilmember Pinkston
Steve Shumaker
Steve Long
Dennis Cramer
Lou Fleury – Consultant Engineer (non-voting)
Adam Zettel – Staff Member (non-voting)

Discussion Ensued.

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

O'REILLY AUTO PARTS APPEAL APPORTIONMENT

Resolution No. 160808-06

(Carried)

Motion by Councilmember Hicks
Second by Mayor Pro Tem Abrams

I Move the City of Swartz Creek amend the budget to allocate \$4,500 of unencumbered, unreserved general fund monies to the assessing department for the purpose of contesting the tax appeals by O'Reilly Auto Parts, parcel 58-31-551-006, costs to include an appraisal, legal services, and other related expenses to be provided by the city's legal counsel and an appraisal firm, Cook, Pray, Rexroth & Associates, as selected by the city manager with the authority of the city council under Section 2-402(a)(2) of the city ordinances.

Discussion Ensued.

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

NO: None. Motion Declared Carried.

TOPVALCO INC. APPEAL APPORTIONMENT

Resolution No. 160808-07

(Carried)

Motion by Councilmember Porath
Second by Mayor Pro Tem Abrams

I Move the City of Swartz Creek amend the budget to allocate \$12,000 of unencumbered, unreserved general fund monies to the assessing department for the purpose of contesting the tax appeal by Topvalco Inc., parcel 58-36-576-012, costs to include an appraisal, legal services, and other related expenses to be provided by the city's legal counsel and an appraisal firm, Cook, Pray, Rexroth & Associates, as selected by the city manager with the authority of the city council under Section 2-402(a)(2) of the city ordinances.

Discussion Ensued.

YES Abrams, Florence, Gilbert, Hicks, Krueger, Pinkston, Porath.

NO: None. Motion Declared Carried.

CONCRETE STREET REPAIR CHANGE ORDER

Resolution No. 160808-08

(Carried)

Motion by Mayor Pro Tem Abrams
Second by Councilmember Porath

WHEREAS, the City of Swartz Creek owns operates and maintains a system of streets; and

WHEREAS, certain, limited sections of the street network are composed of concrete and require more specialization in their repair; and

WHEREAS, Performance Roads of Mt. Clemens was awarded the bid award for the application of an epoxy-aggregate blend to the concrete sections of Miller Road and Natalie Drive at a cost of \$25,400; and,

WHEREAS, the Director of Public Services, after evaluating the year-end budget status, opted to extend the contract scope to include acceleration/deceleration lanes for both I-69 ramps, an additional 1/10th mile of Miller Road (east of ITT), and enhanced traffic control devices for highway safety; and,

WHEREAS, the bid award was a fixed price award that requires a change order to be approved by staff and/or the city council as appropriate; and

WHEREAS, the Swartz Creek staff and City Council finds these repairs to be in the best interest of the immediate street function and long term asset management interests of the community.

NOW, THEREFORE, BE IT RESOLVED, the Swartz Creek City Council hereby approves payment to Performance Roads LLC for additional work performed on Miller Road in accordance with the bid previously accepted on April 25, 2016, in the amount of \$12,000, said additional work.

Discussion Ensued.

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

MEETING OPENED TO THE PUBLIC

Dennis Cramer resident at 5299 Worchester Drive, thanked the city on behalf of the Friends of the Library for letting them use the council chambers for their book sales.

REMARKS BY COUNCILMEMBERS:

Councilmember Porath thanked all the volunteers for the watering of all the flowers in downtown.

Councilmember Florence also commented on the flowers.

Councilmember Hicks suggested the use of the newsletter for emergency procedures for residents to follow in case of water issues.

Councilmember Gilbert commented we need rain.

Councilmember Pinkston is pleased with the assisted living project in process. He also remarked about the Miller/Winston road construction.

Mayor Pro Tem Abrams questioned the deadline of the Miller/Winston road construction. Mr. Svrcek responded it should be done before school starts.

Mayor Krueger commented that the boil advisory was a safety precaution.

Adjournment

Resolution No. 160808-09

(Carried)

Motion by Councilmember Gilbert
Second by Councilmember Hicks

I Move the Swartz Creek City Council adjourn the regular meeting at 8:18 pm.

Unanimous Voice Vote.

David A. Krueger, Mayor

Connie Eskew, City Clerk



August 8, 2016

To: Genesee County Local Units of Government

Subject: Transportation Alternatives Program (TAP) Call for Projects

The Genesee County Metropolitan Alliance, with staff assistance from the Genesee County Metropolitan Planning Commission (GCMPC), is requesting non-motorized projects for the FY 2017 and FY 2020 Genesee County Transportation Alternatives Program (TAP). There is approximately \$270,000 (FY 2017) and \$432,000 (FY 2020) available for TAP eligible projects. All ACT-51 agencies are eligible to submit applications for TAP projects in their jurisdiction. Townships should contact the Genesee County Road Commission (GCRC) concerning potential projects in their township as GCRC must be the applicant. If a non-Act-51 agency is interested in TAP (non-motorized trail / pathway) project, they should contact their local Act-51 agency as the Act-51 agency must be the applicant.

Projects must be submitted online using the MDOT MILogin grant system. Applicants may need to create an account to gain access. Projects submitted using the MILogin grant system will also be eligible for further consideration under the Michigan Department of Transportation's (MDOT) TAP program if not selected for immediate funding. Competitive projects will be able to ensure that the project will be ready for construction in the identified fiscal year. Please keep in mind when developing applications for local transportation alternative projects that the local match must be a minimum of 20%.

Included with this notice is the scoring that will be used to evaluate non-motorized projects and the MILogin instructions to create an account. This is the same scoring used for TAP funds during the 2017-2020 TIP Call for Projects. A map of Genesee County's identified priority trail segments, and other supporting documents are available at www.gcmnpc.org/non-motorized.

Project applications must be submitted to MDOT's grant system by **September 8, 2016 at 5:00 p.m.** Applications will then be scored, evaluated and endorsed by the appropriate committees.

We look forward to hearing from you. Should you have any questions, please do not hesitate to contact Jacob Maurer at (810) 766-6565 or email jmaurer@co.genesee.mi.us.

Sincerely,

Jason Nordberg, Principal Planner
Genesee County Metropolitan Planning Commission

Saginaw County

Tuscola County

Southern Links Trail
(Part of Governor's
Proposed
Showcase
Trail)

Lapeer County

To Ortonville State
Recreation Area

To Clarkston
Start of M-15 Heritage Trail

To Holly

Oakland County

Livingston County

To Birch Run

Shiawassee County

GCMPC

GENESEE COUNTY METROPOLITAN
PLANNING COMMISSION

Coordinate System: NAD 1983 StatePlane Michigan South FIPS 2115 IntFeet
Projection: Lambert Conformal Conic
Datum: North American 1983
False Easting: 13,123,369.5401
False Northing: 0.0000
Central Meridian: 84.3667
Standard Parallel 1: 42.1000
Standard Parallel 2: 43.9667
Latitude Of Origin: 41.5000
Units: Feet

0 1 2 4
City Council Packet

Non-Motorized Priorities

- Tier 1 (Short Term)
- Tier 2 (Mid Term)
- Tier 3 (Long Term)

Existing

- Existing
- - - - - Funded
- [] [] Bike Lane
- Paved Shoulder Connection

Parks Property



August 22, 2016

August 16, 2016

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

RE: Trail Schematic Scope of Services

Dear Mr. Zettel:

It was wonderful to meet with you on Tuesday, July 19, 2016. Based on that meeting OHM Advisors has provided a Scope of Services to perform Trail Schematic Design for segments of trail that will allow for connectivity from the existing Genesee Valley Trail to and throughout the City of Swartz Creek.

OHM Advisors has assembled a project team that provides cost-effective services while finding innovative solutions to meet restrictive deadlines. This team has spent much of their professional and personal recreational time with and on trails being committed to the ideology that trails are essential to creating a higher quality of life for the surrounding community, and has worked with communities to help plan, acquire funding, facilitate public input, design, and construct trails for many of the communities we have served. OHM Advisors will use this experience and understanding to develop a trail system design within the City of Swartz Creek that provides a seamless integration of existing/proposed trails to develop a system of continuity for future funding.

Simply stated, OHM Advisors will design a trail that protects and celebrates the physical and cultural environment while being in accordance with federal and state guidelines and requirements. OHM Advisors understands the County will be using these scoping designs and cost estimates to acquire grants. The first is from the Federal Highway Administration through the Michigan Department of Transportation (MDOT) and the other from the Michigan Department of Natural Resources (MDNR).

OHM Advisors is very familiar with the State of Michigan granting process and understands the level of effort required for site development plans including:

1. Depicting the entire site that is proposed to be developed;
2. Natural features and above grade utilities;
3. All existing uses including buildings and other developments;
4. The placement of all scope items on the scope documents;
5. Detailed Cost Estimate.

Portions of this trail are referenced to the Genesee County Parks proposal that was submitted upon in 2015 and consist of:



- Segment 1, Miller Road from South Dye to Elms Road is the southern segment of a proposed pathway joining the proposed South Dye Road Trail to Elms Road Park via existing bicycle lanes on Miller Road. This trail segment will require easements from the MDOT at the I-69 ramp and Consumers Energy at Tallmadge Court to the Elms Road Park. Both entities are aware of this trail segment and support the project.
- Segment 2, connects Elms Road Park to the Elms Road Elementary School via an existing Consumers Energy easement.
- Segment 3, is approximately a 3-mile-long branch of trailway that travels south along Elms Road from its intersection with Miller to connect with the West Branch of the Swartz Creek. The proposed trail would traverse west along the Creek's edge and then the County Drain to Seymour Road.

OHM Advisors will provide schematic trail design services that may be used for the submittal of grants.

The deliverables will include schematic design plans, materials list and quantities, and cost estimate.

Schematic Engineering Section 1, Miller Road from South Dye to Elms Road:	\$2,105.00
Schematic Engineering Section 2, Elms Road Park to Elementary:	\$1,985.00
Schematic Engineering Section 3, Miller and Elms Road to Seymour via the Creek	\$9,150.00
Total:	\$13,240.00

Segment 1 price is consistent with what was bid out through Genesee County Parks in 2015.

Should you find this agreement acceptable, please sign and return to us for our files. We look forward to providing professional services on this project. If you have any questions, please contact us.

Sincerely,
OHM Advisors

Vanessa Warren, Project Manager

Enclosure: *Standard Terms and Conditions*



**City of Swartz Creek
Trail Schematic Design Services
Professional Services**

Accepted By: _____

Printed Name: _____

Title: _____

Date: _____

**Public Works
Monthly Work Orders**

08/01/16

Work Order # Work Order Status	Location ID	Customer Name Service Address	Date Recd Date Comp	Type
FNRD16-1022	BR30-000176-0000-04	HILTZ, BUD & GAYLE 176 BROOKFIELD DR	07/01/16	FINAL READ
INSP16-000004	BR10-005038-0000-01	SOVIS, ROBERT 5038 BRADY ST	07/01/16	TREE INSPECTION
FNRD16-1025 COMPLETED	J110-009206-0000-06	WETHERELL, CLAYTON & ALICAI 9206 JILL MARIE LN	07/01/16 07/01/16	FINAL READ
FLAG16-0137	CI10-008083-0000-01	CITY OF SWARTZ CREEK 8083 CIVIC DR	07/02/16	LOWER/RAISE FLAG
MNT16-0219 COMPLETED	CI10-008100-0000-01	PUBLIC SAFETY BUILDING 8100 CIVIC DR	07/05/16 07/05/16	BUILDING MAINTENA
READ16-0492 COMPLETED	DO10-005310-0000-01	WILLIAMS, KATHRYN 5310 DON SHENK DR	07/05/16 07/05/16	READ METER
WTON16-0936 COMPLETED	MA20-008098-0000-06	LAFRAMBOISE, KRISTIE 8098 MAPLE ST	07/05/16 07/05/16	WATER TURN ON
FNRD16-1026 COMPLETED	OA10-005255-0000-02	ALLARD, JEFFREY 5255 OAKVIEW DR	07/06/16 07/06/16	FINAL READ
WOFF16-1495 COMPLETED	RA10-004525-0000-02	ALEXANDER, BRIAN 4525 RAUBINGER RD	07/06/16 07/06/16	WATER TURN OFF
FLAG16-0138 COMPLETED	CI10-008083-0000-01	CITY OF SWARTZ CREEK 8083 CIVIC DR	07/07/16 07/08/16	LOWER/RAISE FLAG
WTON16-0937 COMPLETED	RA10-004525-0000-02	ALEXANDER, BRIAN 4525 RAUBINGER RD	07/07/16 07/07/16	WATER TURN ON
FNRD16-1021 COMPLETED	CH20-009064-0000-02	MOORE, ZACHARY 9064 CHESTERFIELD DR	07/08/16 07/08/16	FINAL READ
FLAG16-0139	CI10-008083-0000-01	CITY OF SWARTZ CREEK 8083 CIVIC DR	07/08/16	LOWER/RAISE FLAG
FNRD16-1030 COMPLETED	ST10-006333-0000-01	BROWN, ROBERT 6333 ST CHARLES PASS	07/08/16 07/08/16	FINAL READ
TRDN16-0064	CA10-008348-0000-01	CHENAIL, DOUGLAS 8348 CAPPY LN	07/08/16	TREE-TAKE DOWN
FLAG16-0140	CI10-008083-0000-01	CITY OF SWARTZ CREEK 8083 CIVIC DR	07/08/16	LOWER/RAISE FLAG
SWBK16-0063 COMPLETED	JE10-004010-0000-02	HATCH, JANICE 4010 JENNIE LN	07/08/16 07/08/16	SEWER BACKUP
FNRD16-1028 COMPLETED	LU10-009143-0000-03	HOSLER, MATTHEW 9143 LUEA LN	07/11/16 07/11/16	FINAL READ
FNRD16-1029 COMPLETED	BR30-000176-0000-04	HILTZ, BUD & GAYLE 176 BROOKFIELD DR	07/11/16 07/11/16	FINAL READ
INSP16-000005	GR20-007493-0000-01	TIHELKA, STANLEY L 7493 GROVE ST	07/11/16	TREE INSPECTION

Work Order # Work Order Status	Location ID	Customer Name Service Address	Date Recd Date Comp	Type
WOFF16-1496 COMPLETED	CH20-008512-0000-05	VERRAN, JENNIFER 8512 CHESTERFIELD DR	07/11/16 07/11/16	WATER TURN OFF
GWO16-0362 COMPLETED	EL10-004125-0000-01	ELMS PARK 4125 ELMS RD	07/11/16 07/11/16	GENERIC WORK ORDE
FNRD16-1031	ST10-006333-0000-01	BROWN, ROBERT 6333 ST CHARLES PASS	07/11/16	FINAL READ
FNRD16-1032 COMPLETED	DO10-005197-0000-01	BRANSON, WALLACE J 5197 DON SHENK DR	07/11/16 07/11/16	FINAL READ
FNRD16-1033 COMPLETED	MI10-006176-0000-02	CAMP, STACIE 6176 MILLER RD	07/11/16 07/21/16	FINAL READ
DAPU16-0021	MI10-006144-0000-01	VEVERKA, JOYCE 6144 MILLER RD	07/12/16	DEAD ANIMAL PICK
GWO16-0363	EL10-004125-0000-01	ELMS PARK 4125 ELMS RD	07/12/16	GENERIC WORK ORDE
LNDS16-0114 COMPLETED	WO10-005210-0000-02	TANNER, REBECCA 5210 WORCHESTER DR	07/13/16 07/14/16	LANDSCAPING
FNRD16-1036 COMPLETED	EL20-007509-0000-01	MCCOLLOM, WALTER 7509 ELIZABETH CT	07/14/16 07/15/16	FINAL READ
FNRD16-1027 COMPLETED	DU10-005233-0000-02	BROWN, KELLY 5233 DURWOOD DR	07/15/16 07/15/16	FINAL READ
FLAG16-0141	CI10-008083-0000-01	CITY OF SWARTZ CREEK 8083 CIVIC DR	07/15/16	LOWER/RAISE FLAG
FNRD16-1035 COMPLETED	CE10-009293-0000-03	BROWN, PHILLIP 9293 CEDAR CREEK CT	07/18/16 07/18/16	FINAL READ
SIGN16-0014 COMPLETED	JE10-004147-0000-02	COBB, RYAN 4147 JENNIE LN	07/18/16 07/19/16	CHECK TRAFFIC SIG
FNRD16-1037	DU10-005153-0000-04	LANCASTER-MAY, TERRY 5153 DURWOOD DR	07/18/16	FINAL READ
CKME16-0299	FA10-005068-0000-02	NEUMANN, TAMARA 5068 FAIRCHILD ST	07/18/16	CHECK METER
CKME16-0297	HI10-009251-0000-01	MATTSON, RICHARD 9251 HILL RD	07/18/16	CHECK METER
FLAG16-0142	CI10-008083-0000-01	CITY OF SWARTZ CREEK 8083 CIVIC DR	07/19/16	LOWER/RAISE FLAG
MTRP16-0495	CC10-007364-0000-01	CUMMINGS, LARRY 7364 CROSSCREEK DR	07/19/16	METER REPAIR
FLAG16-0143	CI10-008083-0000-01	CITY OF SWARTZ CREEK 8083 CIVIC DR	07/19/16	LOWER/RAISE FLAG
CKME16-0298 COMPLETED	OA10-005247-0000-01	TREVILLIAN, DARLENE 5247 OAKVIEW DR	07/19/16 07/19/16	CHECK METER
CKME16-0300	CC10-007360-0000-02	BECK, LYNN 7360 CROSSCREEK DR	07/19/16	CHECK METER
FNRD16-1038	LU10-009082-0000-03	PETERSON, ROGER	07/20/16	FINAL READ

Work Order #	Location ID	Customer Name	Date Recd	Type
Work Order Status		Service Address	Date Comp	
		9082 LUEA LN		
FNRD16-1039 COMPLETED	SP10-004376-0000-01	EVERSON, CAROL 4376 SPRINGBROOK DR	07/20/16 07/20/16	FINAL READ
SPR-000008	HT10-003402-0000-01	HUDKINS, ROSCOE 3402 HERITAGE BLVD	07/20/16	SPRINKLER METER
SPR-000009	HT10-003263-0000-01	WOODSIDE BUILDERS 3263 HERITAGE BLVD	07/20/16	SPRINKLER METER
BXRP16-0112 COMPLETED	MO10-004344-0000-01	JOHNSON, JAMES R 4344 MORRISH RD	07/20/16 07/22/16	CURB BOX REPAIR
FNRD16-1040	DO10-005196-0000-01	WIINAMAKI, THOMAS 5196 DON SHENK DR	07/20/16	FINAL READ
WOFF16-1498 COMPLETED	OA10-005255-0000-02	ALLARD, JEFFREY 5255 OAKVIEW DR	07/20/16 07/21/16	WATER TURN OFF
WOFF16-1497	CH20-008512-0000-05	VERRAN, JENNIFER 8512 CHESTERFIELD DR	07/21/16	WATER TURN OFF
MNT16-0220 COMPLETED	CI10-008095-0000-01	PERKINS LIBRARY 8095 CIVIC DR	07/21/16 07/21/16	BUILDING MAINTENA
GARB16-0006 COMPLETED	EL10-004125-0000-01	ELMS PARK 4125 ELMS RD	07/21/16 07/22/16	PICK UP GARBAGE
16-000002 COMPLETED	CI10-008083-0000-01	CITY OF SWARTZ CREEK 8083 CIVIC DR	07/21/16 07/21/16	WATER LEAK
CKME16-0301	MY10-004358-0000-02	LEWIS, DONALD 4358 MAYA LN	07/21/16	CHECK METER
FNRD16-1043 COMPLETED	YA10-007115-0000-09	GOODAR, AMANDA 7115 YARMY DR	07/22/16 07/22/16	FINAL READ
FNRD16-1045	HO10-005026-0000-03	WALTON, JILLIAN 5026 HOLLAND DR	07/22/16	FINAL READ
WOFF16-1499	DO10-005197-0000-01	BRANSON, WALLACE J 5197 DON SHENK DR	07/25/16	WATER TURN OFF
SETM16-0037	HT10-003263-0000-01	WOODSIDE BUILDERS 3263 HERITAGE BLVD	07/25/16	SET METER
MNT16-0221	CI10-008095-000B-01	SENIOR CENTER 8095 CIVIC DR 000B	07/25/16	BUILDING MAINTENA
FNRD16-1048	HT10-003457-0000-01	MOY, DANNY 3457 HERITAGE BLVD	07/25/16	FINAL READ
SWR16-0055	GR10-005238-0000-01	HUNT, KELLY 5238 GREENLEAF DR	07/26/16	SEWER DRAIN PROBL
FNRD16-1049	GR10-005395-0000-02	FREEMAN, KATHLEEN 5395 GREENLEAF DR	07/26/16	FINAL READ
FNRD16-1051	DY10-003304-0000-01	MOSBEY, KENNETH 3304 DYE RD	07/27/16	FINAL READ
BXRP16-0113	CH20-008512-0000-05	VERRAN, JENNIFER 8512 CHESTERFIELD DR	07/27/16	CURB BOX REPAIR

Work Order # Work Order Status	Location ID	Customer Name Service Address	Date Recd Date Comp	Type
WOFF16-1500	DO10-005321-0000-07	HEINZ, JENNIFER 5321 DON SHENK DR	07/28/16	WATER TURN OFF
WOFF16-1501	CE10-009295-0000-04	SZUKALA, ELISHA 9295 CEDAR CREEK CT	07/28/16	WATER TURN OFF
WOFF16-1502	WI10-005200-0000-08	COLLETT, KELLEY 5200 WINSHALL DR	07/28/16	WATER TURN OFF
WOFF16-1503	WI10-005124-0000-04	RANDALL, JACK 5124 WINSHALL DR	07/28/16	WATER TURN OFF
WOFF16-1504	MI10-007287-0000-05	JAQUES, JAMES 7287 MILLER RD	07/28/16	WATER TURN OFF
WOFF16-1505	GR10-005331-0000-05	BELVILLE, DAN 5331 GREENLEAF DR	07/28/16	WATER TURN OFF
WOFF16-1506	WI10-005185-0000-10	SANDERS, BRIANA 5185 WINSHALL DR	07/28/16	WATER TURN OFF
WOFF16-1507	EL10-004126-0000-11	MASCHINO, DAVID 4126 ELMS RD	07/28/16	WATER TURN OFF
CBRP16-0012	HT10-003263-0000-01	WOODSIDE BUILDERS 3263 HERITAGE BLVD	07/28/16	CATCH BASIN REPAI
LNDS16-0115	DU10-005326-0000-01	WYATT, DONALD 5326 DURWOOD DR	07/28/16	LANDSCAPING
FNRD16-1044	CH20-009080-0000-03	DEAN, JESSICA 9080 CHESTERFIELD DR	07/29/16	FINAL READ
FNRD16-1047	DU10-005397-0000-01	DIEM, JOHN 5397 DURWOOD DR	07/29/16	FINAL READ
LNDS16-0116	WI10-005421-0000-03	BARBIER, TED 5421 WINSHALL DR	07/29/16	LANDSCAPING
WTON16-0938	EL10-004126-0000-11	MASCHINO, DAVID 4126 ELMS RD	07/29/16	WATER TURN ON
FNRD16-1055	FA10-005111-0000-16	OBERT, RYAN 5111 FAIRCHILD ST	07/29/16	FINAL READ
FNRD16-1056	GR10-005219-0000-01	PHELPS, NORMA D 5219 GREENLEAF DR	07/29/16	FINAL READ
WTON16-0939	MO10-005070-0000-01	PAVLICA, LINDA JEAN 5070 MORRISH RD	07/29/16	WATER TURN ON
FNRD16-1046	AB10-007082-0000-03	SMITH ,VICKIE 7082 ABBEY LN	07/29/16	FINAL READ

Total Records: 81

DPS ACTIVITY

JULY 2016

	<u>REGULAR</u>	<u>HOLIDAY</u>	<u>VACATION</u>	<u>ABSENT</u>	<u>OT</u>	<u>DT</u>
101 GENERAL FUND						
262.0 ELECTIONS						
345.0 P S BLDG	45.86	0.43	2.25	0.05		
781.0 AMPHI-PARK	10.00		0.11	0.14		
782.0 WINSHALL PARK	131.02	2.59	4.69	0.27		
783.0 ELMS PARK	88.22	4.90	9.57	0.35		
784.0 BICENT. PARK	4.00	0.11	0.11	0.01		
790.0 SENIOR CENTER/LIBRARY	73.36	2.33	3.09	0.25		
793.0 CITY HALL	21.12	1.12	2.69	0.03		
794.0 COMM PROMO	13.50	0.68	0.55	0.06		
796.0 CEMETERY	14.00	0.96	1.50	0.05		
202 MAJOR STREET FUND						
429.0 SAFETY						
441.0 PARK & RIDE	14.00	0.34	0.44	0.11		
463.0 STREET MAIN	83.00	3.44	19.07	3.91		
474.0 TRAFFIC	3.00		0.22		6.00	
478.0 SNOW & ICE						
482.0 ADMIN	14.72	0.64	3.84			
203 LOCAL STREET FUND						
429.0 SAFETY						
463.0 STREET MAIN	139.50	7.45	8.86	0.42		
474.0 TRAFFIC	2.50		0.17			
478.0 SNOW & ICE						
482.0 ADMIN	4.60	0.20	1.20			
226 GARBAGE FUND						
528.0 COLLECT	10.52	0.35	2.55	0.01		
530.0 WOODCHIPPING	117.52	3.17	9.16	1.23		
782.0 WINSHALL PARK GARBAGE	22.00	0.86	0.88	0.16	6.00	7.00
783.0 ELMS PARK GARBAGE	27.00	0.81	1.05	0.20	6.00	7.00
793.0 CITY HALL	3.90	0.22	0.31	0.01		
590 WATER						
540.0 WATER SYSTEM	192.20	6.14	42.62	0.69		
540.0 WATER-ON CALL	7.00	0.81	1.07			
542.0 READ & BILL	56.25	1.80	6.86	1.68		
793.0 CITY HALL	9.75	0.55	0.78	0.01		
591 SEWER						
536.0 SEWER SYSTEM	67.20	3.12	16.34	0.02		
536.0 SEWER-ON CALL	7.00	0.81	1.07			
537.0 LIFT STATION	18.00	0.79	2.92	0.24		
542.0 READ & BILL	56.25	1.80	6.86	1.64		
793.0 CITY HALL	9.75	0.55	0.78	0.01		
661 MOTOR POOL FUND						
795.0 CITY GARAGE	67.76	1.03	16.39	0.95		
DAILY HOURS TOTAL	1334.50	48.00	168.00	12.50	18.00	14.00

July 2016	MILES DRIVEN		GALLONS GAS PURCHASED		GALLONS DIESEL PURCHASED
#5-16 2WD gas	604.0		47.0		
#7-15 4WD gas	602.0		74.0		
#3-08 P/U 4WD gas	352.0		44.5		
09-03 P/U 4WD diesel	263.0		25.0		
#2-08 P/U 4WD gas	438.0		54.4		
#6-00 BACKHOE diesel					
#11 DUMP gas			50.0		
#12-02 DUMP diesel					
#12-04 DUMP diesel					
#12-99 GENERATOR gas					
#17 CASE BACKHOE diesel					21.0
#19 JD TRACTOR diesel					
#06-99 BUCKET TRUCK gas					
#21 WOOD CHIPPER diesel					23.0
#807 STREET SWEEPER diesel	49.0				43.0
#42 ASPHALT HEATER diesel					
#37 TRAIL ARROW					
#10-15 GEN gas					
TOTAL	2308.0		294.9		87.0

DPS Equipment Rental
 July 2016
 Page 1

Nature Of Work		1,3,07'03, 09'03	1,3,07'03, 09'03a	5-16	06'00	06'00a	6-99	09'02	11	11a	12'02	12'02a	12-04	12-04a
101.262 Elections	1													
101.450 Forestry	2													
101.781 Pajtas Amphi	3	3												
101.782 Winshall Pk	4	20		6										
101.783 Elms Pk	5	26.5		16										
101.784 Bicentennial Pk	6	4												
101.790 Sen Ctr./Lib	7	4		8							2			
101.345 PS Bldg	8	2.5		8										
101.793 City Hall	9	0.5		6										
101.794 Comm Promo	10	4.5											2	
661.795 City Garage	28	8		3	7						7			
101.796 City Cam	11													
202.463 Maint. Major	12	16					2						2	
202.474 Traffic-Major	13													
202.478 Snow/Ice-Maj	14													
202.482 Major-Admin	15			16										
203.463 Maint-Local	16	63.5							6					
203.474 Traffic-Local	17	14.5												
203.478 Snow/Ice-Local	18													
203.482 Local-Admin	19			5										
226.528 Waste Collect	20	2		6										
226.530 Woodchipping	21	7.5		6					23					
590.540 Water System	24	54.5		60									8	
590.542 Water-Read/Bill	27	16.75												
591.536 Sewer System	25	9		60										
591.537 Sewer Lift Stat	26	7												
226.782 Winshall Pk Gbg	22	10.5												
226.783 Elms Pk Gbg	23	14												
591.542 Sewer Read/Bill	27	16.75												
Total		305	0	200	7	0	2	0	29	0	9	0	12	0

DPS Equipment Rental
 July 2016
 Page 2

Nature Of Work		Portable Generator	17	Sweeper	19	Chipper	#42 Arrow	Arrow Board	Trailer	Roller	Pressure Washer	Post Hole Digger	01'98	open
101.262 Elections	1													
101.450 Forestry	2													
101.781 Paltas Amphitheater	3													
101.782 Winshall Pk	4		2											
101.783 Elms Pk	5		2											
101.784 Bicentennial Pk	6													
101.790 Sen Ctr./Lib	7													
101.345 PS Bldg	8													
101.793 City Hall	9													
101.794 Comm Promo	10													
661.795 City Garage	28		1											
101.796 City Cem	11													
202.463 Maint. Major	12		1	8										
202.474 Traffic-Major	13													
202.478 Snow/Ice-Maj	14													
202.482 Major-Admin	15													
203.463 Maint-Local	16			6	6	11	8							
203.474 Traffic-Local	17		6											
203.478 Snow/Ice-Local	18													
203.482 Local-Admin	19													
226.528 Waste Collect	20		1											
226.530 Woodchipping	21					23								
590.540 Water System	24		25	2										
590.542 Water-Read/Bill	27 1/2													
591.536 Sewer System	25													
591.537 Sewer Lift Stat	26													
Total		0	38	16	6	34	8	0	0	0	0	0	0	0

City of Swartz Creek Building Permit List

2016

Permit No.	Date	Applicant	Phone	Tax ID No.	Value of Const/Permit Fee	Location	Type of Construction
Building							
PB1600030	07/08/16	Upright Construction LLC	(989) 395 5510	58-36-530-005	\$2,352	4193 HICKORY LN	48473-Res Deck
PB1600032	07/15/16	C & L Ward Bros Co	(810) 503 1161	58-36-526-016	\$10,753	4154 JENNIE LN	48473-Roofing
PB1600033	07/05/16	John Fick Excavating	(810) 635 9708	58-25-576-018	\$0	3384 ELMS RD	48473-Demolish Structure
PB1600034	07/14/16	WOODSIDE BUILDERS, IN	(810) 635 2227	58-36-676-065	\$172,550	4292 LINDSEY DR	48473 Res Single Family
PB1600036	07/20/16	Wenzlick Patio and Awning In	(810) 659 1674	58-36-676-022	\$8,330	4297 MAYA LN	48473-Res Add/Alter/Repair
PB1600037	07/25/16	JSL Carpentry	(810) 513 6213	58-35-776-118	\$3,120	118 ASHLEY CIR	48473-Res Deck
PB1600039	07/25/16	Signature Homeworks Inc.	(810) 955 8111	58-01-502-118	\$4,032	5037 FIRST ST	48473-Res Deck

Total: 7 Permits Value: \$201,137 Fee Total: \$1,745.00 Total Number of Dwelling Units 1

Electrical

PE1600028	07/12/16	Meekhof Electric, Inc.	(616) 669 1876	58-02-100-009	\$0	8603 MILLER RD	48473- Electrical
PE1600029	07/06/16	S & K Electric	(810) 691 2963	58-36-300-017	\$0	7510 MILLER RD	48473- Electrical
PE1600030	07/12/16	Quality One Electric Inc	(810) 210 1878	58-02-200-029	\$0	5256 MORRISH RD	48473- Electrical
PE1600031	07/20/16	Eagle Express Electric LLC	(810) 624 1301	58-02-503-047	\$0	8397 CAPPY LN	48473- Electrical

Total: 4 Permits Value: \$0 Fee Total: \$438.00 Total Number of Dwelling Units 0

Mechanical

PM1600030	07/12/16	Wm Floyd Heating Co	(810) 232 1160	58-02-526-027	\$0	8197 MILLER RD	48473- Mechanical
PM1600031	07/18/16	Goyette Mechanical	(810) 742 8530	58-03-400-010	\$0	5448 SEYMOUR RD	48473- Mechanical
PM1600032	07/25/16	Kallas Heating & Cooling	(810) 635 4159	58-36-651-084	\$0	4407 SPRINGBROOK DR	48473- Mechanical
PM1600033	07/25/16	Adkisson & Sons Htg & Clg In	(810) 695 9300	58-36-528-009	\$0	4197 RED OAK LN	48473- Mechanical

City of Swartz Creek Building Permit List

2016

08/03/16

City Council Packet

Permit No.	Date	Applicant	Phone	Tax ID No.	Value of Const/Permit Fee	Location	Type of Construction
PM160034	07/25/16	Terry Allen Plbg & Htg Co	(810) 232 8270	58-03-526-005	\$0	9048 CHESTERFIELD DR	Mechanical
Total: 5 Permits Value: \$0 Fee Total: \$715.00							Total Number of Dwelling Units 0

Plumbing

PP160014	07/12/16	Wm Floyd Heating Co	(810) 232 1160	58-02-526-027	\$0	8197 MILLER RD	48473-Plumbing
PP160015	07/21/16	HUDKINS, ROSCOE & PAT		58-30-651-067	\$0	3402 HERITAGE BLVD	48473-Plumbing
PP160016	07/25/16	Reid & Sons Plumbing, Inc.	(989) 743 5380	58-31-100-018	\$0		Plumbing
Total: 3 Permits Value: \$0 Fee Total: \$510.00							Total Number of Dwelling Units 0

58

Right of Way

PROW-0029	07/14/16	NEMER, KHALIL		58-36-676-065	\$0	4292 LINDSEY DR	48473 Right of way
PROW-0030	07/21/16	CONSUMERS ENERGY		58-03-531-069	\$0	5226 SEYMOUR RD	48473-Right of way
Total: 2 Permits Value: \$0 Fee Total: \$0.00							Total Number of Dwelling Units 0

Zoning

PZ16-0011	07/29/16	Bedrock Building, Inc.	(810) 691 0808	58-03-576-008	\$6,000	9283 HILL RD	48473-Shed
PZ16-0014	07/19/16	LUNA, KRISTINA		58-36-526-019	\$4,000	4184 JENNIE LN	48473-Fence
Total: 2 Permits Value: \$10,000 Fee Total: \$50.00							Total Number of Dwelling Units 0

August 22, 2016

City of Swartz Creek Building Permit List

2016

Permit No.	Date	Applicant	Phone	Tax ID No.	Value of Const/Permit Fee	Location	Type of Construction
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Permit Total: 23

Value: \$211,137

Fee Total: \$3,458.00

Permit.DatIssued Between 7/1/2016 12:00:00
AM AND 7/31/2016 11:59:59 PM

Enforcements By Category

BLIGHT

Enforcement Number	Address	Status	Filed	Closed
E16-322	9189 OAKVIEW DR	Violation	07/11/16	
E16-323	5126 MORRISH RD	Closed	07/14/16	08/01/16
Total Entries: 2				

WEED COMPLAINT

Enforcement Number	Address	Status	Filed	Closed
E16-321	7512 GROVE ST	Complete	07/11/16	07/26/16
E16-324	8093 MILLER RD		07/22/16	
Total Entries: 2				

Total Records: 4

Population: All Records
Enforcement.Date: Filed Between 7/1/2016 12:00:00 AM AND 7/31/2016 11:59

Inspection List

08/03/16

Address	Parcel Number	Inspection Type	Scheduled	Completed	Result	Inspector
8012 MAPLE ST	58-02-530-045	Status	07/05/2016	07/05/2016	No Change	Jeremy Pizzala
5086 MORRISH RD City Council Packet	58-02-200-014	Status	07/05/2016	07/05/2016	No Change	Jeremy Pizzala
717 LINDSEY DR	58-36-676-051	Final	07/05/2016	07/05/2016	Approved	Bob Davis
723 LINDSEY DR	58-36-676-042	Rough	07/05/2016	07/05/2016	Approved	Larry Gramer
8063 CRAPO ST	58-02-530-027	Final	07/05/2016	07/05/2016	Approved	Larry Gramer
4276 KROGER DR	58-36-400-010	Progress	07/05/2016	07/05/2016	Approved	Larry Gramer
5388 DURWOOD DR	58-03-533-114	Status	07/06/2016	07/06/2016	No Change	Dennis Smith
8093 MILLER RD	58-02-528-001	Status	07/06/2016	07/06/2016	No Change	Dennis Smith
7510 MILLER RD	58-36-300-017	Service	07/06/2016			Dane Diesler
3384 ELMS RD	58-25-576-018	Backfill	07/06/2016	07/07/2016	Approved	Dennis Smith
5256 DON SHENK DR	58-02-503-004	Status	07/07/2016	07/11/2016	Partially Complied	Jeremy Pizzala
5375 SEYMOUR RD	58-03-533-031	Status	07/07/2016	07/07/2016	No Change	Dennis Smith
9128 CHESTERFIELD DR N	58-03-526-015	Final	07/07/2016			Dennis Smith
4276 KROGER DR	58-36-400-010	Underground	07/07/2016	07/07/2016	Approved	Bob Davis
7100 ABBEY LN	58-36-526-056	Final	07/07/2016			Dennis Smith
4276 KROGER DR	58-36-400-010	Underground	07/08/2016	07/08/2016	Approved	Bob Davis
7167 LINDSEY DR	58-36-676-051	Final	07/11/2016	07/11/2016	Approved	Leon Buning
7512 GROVE ST	58-01-100-019	Code	07/11/2016			Tom Svrcek
9189 OAKVIEW DR	58-03-531-096	Ordinance	07/11/2016	07/11/2016	Partially Complied	Jeremy Pizzala
5086 MORRISH RD	58-02-200-014	Status	07/12/2016	07/12/2016	No Change	Jeremy Pizzala
8502 CHELMSFORD DR	58-02-501-042	Final	07/12/2016	07/28/2016	Approved	Bob Davis
8454 CAPPY LN Auc	58-02-502-020	Final	07/12/2016	07/13/2016	Approved	Bob Davis
444 SPRINGBROOK DR List	58-36-651-072	Final	07/12/2016	07/12/2016	Approved	Bob Davis
5800 WORCHESTER DR 20	58-02-551-002	Final	07/12/2016	07/12/2016	Approved	Bob Davis
5333 OAKVIEW DR	58-02-501-110	Status	07/12/2016	07/12/2016	Complied	Jeremy Pizzala
4276 KROGER DR	58-36-400-010	Underground	07/12/2016	07/12/2016	Approved	Bob Davis
8103 MILLER RD	58-02-528-002	Citation	07/13/2016	07/13/2016	No Change	Dennis Smith

Inspection List

08/03/16

Address	Parcel Number	Inspection Type	Scheduled	Completed	Result	Inspector
7233 LINDSEY DR	58-36-676-042	Insulation	07/13/2016	07/13/2016	Approved	Dennis Smith
5052 FAIRCHILD ST City Council Packet	58-02-526-086	Final	07/13/2016	07/13/2016	Disapproved	Dennis Smith
5325 SEYMOUR RD	58-03-533-031	Status	07/14/2016	07/14/2016	Partially Complied	Dennis Smith
3247 ELMS RD	58-30-551-019	Final	07/14/2016	07/14/2016	Approved	Bob Davis
5292 WORCHESTER DR	58-02-551-003	Final	07/14/2016	07/14/2016	Approved	Bob Davis
5292 WORCHESTER DR	58-02-551-003	Final	07/14/2016	07/14/2016	Approved	Leon Buning
4292 LINDSEY DR	58-36-676-065	Right of Way	07/14/2016			Tom Svrcek
5126 MORRISH RD	58-02-200-019	Ordinance	07/14/2016	07/18/2016	Violation(s)	Jeremy Pizzala
4276 KROGER DR	58-36-400-010	Underground	07/14/2016	07/14/2016	Approved	Bob Davis
5292 WORCHESTER DR	58-02-551-003	Final	07/18/2016	07/18/2016	Approved	Dennis Smith
5256 MORRISH RD	58-02-200-029	Final	07/18/2016	07/18/2016	Approved	Leon Buning
8012 MAPLE ST	58-02-530-045	Status	07/19/2016	07/19/2016	No Change	Jeremy Pizzala
5256 MORRISH RD	58-02-200-029	Final	07/19/2016	07/19/2016	Approved	Dennis Smith
4292 LINDSEY DR	58-36-676-065	Footing	07/19/2016	07/19/2016	Approved	Dennis Smith
5052 FAIRCHILD ST	58-02-526-086	Final	07/19/2016	07/19/2016	Approved	Dennis Smith
4292 LINDSEY DR	58-36-676-065	Swr Tap In	07/19/2016			Bob Davis
4276 KROGER DR	58-36-400-010	Underground	07/19/2016	07/19/2016	Approved	Bob Davis
5375 SEYMOUR RD	58-03-533-031	Status	07/20/2016	07/21/2016	Complied	Jeremy Pizzala
5014 FORD ST	58-02-528-012	Status	07/20/2016	07/20/2016	No Change	Jeremy Pizzala
8103 MILLER RD	58-02-528-002	Court Report	07/21/2016	07/21/2016	Violation(s)	Tara Ford
8093 MILLER RD	58-02-528-001	Status	07/21/2016	07/21/2016	Violation(s)	Jeremy Pizzala
5044 MORRISH RD	58-02-529-010	Citation	07/21/2016			Jeremy Pizzala
4276 KROGER DR	58-36-400-010	Underground	07/21/2016	07/21/2016	Approved	Leon Buning
5226 SEYMOUR RD	58-03-531-069	Right of Way	07/21/2016			Tom Svrcek
8093 MILLER RD	58-02-528-001	Site Inspection	07/22/2016			Tom Svrcek
4292 LINDSEY DR	58-36-676-065	Backfill	07/25/2016	07/25/2016	Approved	Dennis Smith
5227 GREENLEAF DR	58-03-533-085	Final	07/25/2016	07/25/2016	Approved	Dennis Smith

Inspection List

08/03/16

Address	Parcel Number	Inspection Type	Scheduled	Completed	Result	Inspector
8012 MAPLE ST	58-02-530-045	Status	07/26/2016	07/26/2016	No Change	Jeremy Pizzala
5086 MORRISH RD	58-02-200-014	Status	07/26/2016	07/26/2016	No Change	Jeremy Pizzala
4124 JENNIE LN	58-36-526-016	Final	07/26/2016	07/26/2016	Approved	Dennis Smith
5188 HELMSLEY DR	58-03-532-002	Final Zoning	07/26/2016	07/26/2016	Approved	Dennis Smith
8093 MILLER RD	58-02-528-001	Status	07/28/2016	07/28/2016	No Change	Jeremy Pizzala
118 ASHLEY CIR	58-35-776-118	Post Hole	07/28/2016	07/28/2016	Approved	Dennis Smith
7040 PARK RIDGE PKWY	58-36-527-011	Final	07/28/2016	08/02/2016	Approved	Bob Davis
8197 MILLER RD	58-02-526-027	Underground	07/28/2016	07/28/2016	Approved	Bob Davis

Inspections: 62

Population: All Records

Inspection.Date:TimeScheduled Between 7/1/2016 12:00:00 AM AND 7/31/2016 11:59:59 PM

**CITY OF SWARTZ CREEK SWARTZ
CREEK, MICHIGAN
MINUTES OF PLANNING COMMISSION MEETING
July 5, 2016**

Meeting called to order at 7:00 p.m. by Commissioner Stephens.

Pledge of Allegiance.

ROLL CALL:

Commissioners present: Culinski, Florine, Grimes, Krueger, Pinkston, Ridley, Stephens.

Commissioners absent: Farmer.

Staff present: Adam Zettel, City Manager.

Others present: Bob Plumb, James Barclay and Krystle Schlund.

APPROVAL OF AGENDA:

Resolution No. 160705-01

(Carried)

Motion by Commissioner Krueger support by Commissioner Grimes
The Swartz Creek Planning Commission approves the agenda for the July 5 2016
Planning Commission meeting as printed.

Unanimous Voice Vote
Motion declared carried.

APPROVAL OF MINUTES:

Resolution No. 160705-02

(Carried)

Motion by Commissioner Krueger support by Commissioner Grimes the Swartz
Creek Planning Commission approves the minutes for the May 3, 2016 Planning
Commission meeting as printed.

Yes Florine, Grimes, Krueger, Pinkston, Ridley, Stephens, Culinski.
No: None. Motion declared carried.

MEETING OPENED TO THE PUBLIC:

None.

BUSINESS:

Urban Livestock

Discussion

Adam Zettel, City Manager wants to the commission to reconsider ordinances, permits or keeping things status quo.

Resolution No. 160705-03

(Carried)

Motion by Planning Commission Member Krueger
Second by Planning Commission Member Grimes

I Move the Swartz Creek Planning Commission direct Mr. Zettel, City Manager to draw up a change in the ordinance allowing raising of fowl and rescind the part that you can't do that and make minimum requirements on ordinance and consider that at our next meeting.

Yes: Florine, Grimes, Krueger, Pinkston, Ridley, Stephens, Culinski.
No: None. Motion declared carried.

Meeting Open to Public:

James Barclay, resides at 8420 Cappy Ln., would definitely like to see limits to the ordinance.

Remarks By Planning Commission:

Commissioner Krueger mentioned it was a good meeting and very excited about changes in city.

Commissioner Ridley commented about the pile of dirt by 69 & Kroger.

Commissioner Stephens commented on the loss of Carl Conner.

Adjourn

(Carried)

Resolution No. 160705-04

Motion by Planning Commission Member Grimes
Second by Planning Commission Member Krueger

I Move the Swartz Creek Planning Commission adjourns the July 5, 2016 Planning Commission meeting.

Unanimous voice vote,

Motion declared carried.

Meeting adjourned at 7:35 p.m.

Robert T. Florine, Secretary

**CITY OF SWARTZ CREEK SWARTZ
CREEK, MICHIGAN
MINUTES OF PLANNING COMMISSION MEETING
August 2, 2016**

Meeting called to order at 7:00 p.m. by Commissioner Stephens.

Pledge of Allegiance.

ROLL CALL:

Commissioners present: Culinski, Florine, Krueger, Pinkston, Stephens.

Commissioners absent: Binder, Farmer, Grimes, Ridley.

Staff present: Adam Zettel, City Manager.

Others present: None.

EXCUSE OF MEMBERS

Resolution No. 160802-01

(Carried)

Motion by Commissioner Krueger support by Commissioner Florine to excuse Commissioner Binder and Grimes they are working at the election today.

Unanimous Voice Vote
Motion declared carried.

APPROVAL OF AGENDA:

Resolution No. 160802-02

(Carried)

Motion by Commissioner Krueger support by Commissioner Florine
The Swartz Creek Planning Commission approves the agenda for the August 2, 2016
Planning Commission meeting as printed.

Unanimous Voice Vote
Motion declared carried.

APPROVAL OF MINUTES:

Resolution No. 160802-03

(Carried)

Motion by Commissioner Krueger support by Commissioner Grimes the Swartz
Creek Planning Commission approves the minutes as amended for the July 5, 2016

Planning Commission meeting as printed.

Unanimous Voice Vote
Motion declared carried.

MEETING OPENED TO THE PUBLIC:

None.

BUSINESS:

Urban Livestock

Discussion

Adam Zettel, City Manager presented a model ordinance for the commission to review and asked for direction to proceed. Discussion proceeded with agreed changes to Sec. 3-2.

Resolution No. 160802-04

(Carried)

Motion by Commissioner Krueger support by Commissioner Culinski moves to accept the changes of the ordinance and recommend it to the city council.

Yes: Florine, Krueger, Pinkston, Stephens, Culinski.

No: None. Motion declared carried.

Meeting Open to Public:

None.

Remarks By Planning Commission:

Commissioner Culinski commented the assisted living project is looking nice.

Commissioner Florine commented in regards to Springbrook East on north side of Lindsey there is a section in need of a sidewalk.

Commissioner Krueger asked if there was any new business on the horizon for future meetings. Mr. Zettel responded about a site plan from Consumers Energy on Bristol Rd.

Adjourn

(Carried)

Resolution No. 160802-05

Motion by Planning Commission Member Krueger
Second by Planning Commission Member Culinski

I Move the Swartz Creek Planning Commission adjourns the August 2, 2016 Planning Commission meeting.

Unanimous voice vote,

Motion declared carried.

Meeting adjourned at 7:49 p.m.

Robert T. Florine, Secretary

CITY OF SWARTZ CREEK
SWARTZ CREEK, MICHIGAN
PARK AND RECREATION ADVISORY BOARD
MINUTES OF REGULAR MEETING
August 3, 2016

Meeting called to order at 6:18 p.m. at the Paul D. Bueche Municipal Building.

Members Present: Ryan Bueche, James Florence, Rick Henry, Rae Lynn Hicks, Sharon Shumaker,

Members Absent: Larry Cummings, Joe Perreault, Dennis Reno & Pat Williams

Staff Present: Tom Svrcek

Others Present: Lania Rocha, Steve Shumaker

APPROVAL OF AGENDA: Motion by Florence to approve the agenda as amended, supported by Shumaker. Motion carried.

APPROVAL OF MINUTES: Motion by Florence, to approve minutes of July 6, 2016 with additions to Old Business C, supported by Bueche. Motion carried.

MEETING OPEN TO THE PUBLIC: Steve Shumaker commented about the random parking all over Elms Park during the Slip and Slide event. We all recognized the park was overly full and many cars parked on lawn area. Steve wonders if there is anything that could be done to control parking.

COMMUNICATIONS TO THE BOARD:

- A. July 6, 2016 Minutes
- B. Staff Letter – Slip and Slide made \$1200 and donation of \$1000. \$2200 is a good start.

REPORTS:

- A. DPW REPORT: Mr. Svrcek advised the final walk through and inspection of the renovated restroom will take place tomorrow, 8/4 and the project came in under budget. The city has scheduled installing a 2' concrete apron around all of the pavilions to increase the ease of entry for handicapped patrons. The
- B. Dog Park is tentatively planned for 2017.

OLD BUSINESS:

- A. New Bi-Centennial sign has been installed at the park on Morrish Rd. Thanks you Sharon Shumaker. Looking for a cleaning product to clean the old copper plates. (still looking)
- B. Trail and Accessibility Improvements, Winshall Park: There is a great deal of interest in improving the environment in and around the park. Maybe a fence could be installed along the creek to keep children safe. Provide activities for older kids and perhaps we could get the school system to become involved in park improvements. Everybody likes the playscape in the park, The question was ask if the Croquet Club would be interested in moving into Winshall Park.

- C. Fundraising: We had much discussion about fundraising, including: Dunk Tanks, Splash Pads, use of fire hose with Water Sprinklers at top of slide hill. Pumpkin lawn bowling in October.
 - a. Fundraising sign is complete and installed on the North side of park entrance. Thanks to Joe for all his hard work.
 - b. Increase the number or tents at the top of the hill for COOOOIIING!

Perhaps Farm & Home would donate equipment to the city for watering flowers.

NEW BUSINESS: None.

MEETING OPEN TO THE PUBLIC: No Comments.

ADJOURNMENT: Meeting adjourned at 7:20 p.m.

NEXT MEETING: September 7, 2016, 6:00 p.m. at the Paul D. Bueche Municipal Building.

James Florence, Secretary

MEMORANDUM

To: Mike
From: Rich
Re: Medical Marijuana prohibitions within mixed use structures
Date: 08/01/2016

Issue 1:

Whether smoking medical marijuana may be prohibited in mixed use buildings.

Answer:

- Attorney General Bill Schuette has issued an opinion that an owner of a hotel, motel, apartment building, or other similar facility can prohibit the smoking of marihuana and the growing of marihuana plants anywhere within the facility and imposing such a prohibition does not violate the Michigan Medical Marijuana Act. 2011 Mich. OAG No. 7261 (Mich.A.G.), [2011 WL 4429166](#), Office of the Attorney General, State of Michigan, Opinion No. 7261, September 15, 2011
- The state Senate has passed a bill that would allow landlords to ban tenants from smoking or growing medical marijuana in their rental units. Senate Bill 72 passed on a 34-3 vote. The Bill still requires a ¾'s majority vote of the Michigan House.

Issue 2:

Whether the smoking ban applies to medical marijuana:

Answer:

- 2009 PA 188, which prohibits smoking in public places and food service establishments, applies exclusively to the smoking of tobacco products. Because marihuana is not a tobacco product, the smoking ban does not apply to the smoking of medical marihuana.
- **MCL 333.26427 prohibits the smoking of marijuana in any public place.**

Excerpt from MSU Extension Urban Farming Sample Zoning Phamphlet

- 2. Poultry:
 - a. Raising poultry is limited to |six| per parcel in residential zoning districts irrespective of section 10XX.E.1.I.(1). of this Ordinance.
 - b. No roosters (male adult chickens) may be kept.
 - c. Poultry are not allowed in a residence, porch or attached garage.
 - d. Poultry shall be confined (including area of free range) to within the parcel.
 - e. The coop shall be designed to discourage rodents and wild birds from entering. The facilities should be built to keep dogs, cats and wildlife from gaining entry.
 - f. The poultry facility shall be [5-10] feet from any property line or the respective setback required in the zoning district for accessory structures, whichever is greater. The poultry facility shall be [10-20] or more feet from a neighboring occupied structure.
 - g. Sale of poultry products shall not be allowed in residential zoning districts.
 - h. An AGRICULTURE-LIKE operation shall annually report its continued existence to the zoning administrator for purposes of reducing impact and spread of a disease through prompt identification of poultry locations. The zoning administrator shall maintain a list of all AGRICULTURE-LIKE operations allowing for a quicker response to a disease outbreak.
 - i. AGRICULTURE-LIKE operations shall not be located within four miles of an existing AGRICULTURAL commercial poultry operation.

If poultry are not to be allowed anywhere as an AGRICULTURE-LIKE land use, then this part should be deleted.

One should consider a different maximum number of poultry allowed based on different parcel sizes, and in different zoning districts. The actual minimum number of acres will be different for different parts of the state and will depend on the soil type(s) and slopes found within the municipality. See Appendix B (page 35) for more discussion on parcel and pasture size per animal.

The four mile isolation from agricultural commercial operations is for the protection of the commercial poultry operation from spread of disease (e.g., avian influenza) and biosecurity where a backyard flock is the source in a disease event.

This section on poultry is mainly based on recommendations from Michigan State University Extension Bulletin E-3136 *Suggestions for Ordinances Allowing Backyard Poultry*, Karcher, Wylie, Fulton; (October 2010).

- j. Minimum space and indoor housing requirements (exclusively for the animal and not located within setbacks; front yard; waterfront yard; dwelling; sand dune with slopes greater than 18 percent; beach contiguous to a lake or stream; wetland; and slopes over 25 percent).

Animal	Hen (eggs)	Broiler (meat)	Turkey
Indoor usable floor space per animal	{1-1.5 square foot} 1 square foot	{1 square feet}	{4.2-5 square feet}
Outdoor usable space (fenced, enclosed) per animal	{43.6 square feet} 64 square feet	{10.8 square feet}	{65 square feet}
Type of housing	Enclosed barn/coup. Local policy may require certain construction appearance.	Enclosed barn/coup. Local policy may require certain construction appearance.	Enclosed barn/coup. Local policy may require certain construction appearance.
Setback	20 feet [or the respective setback required in the zoning district]. 5-10 feet or 10-20 feet from neighbor's residence, whichever is greater.	20 feet [or the respective setback required in the zoning district].	20 feet [or the respective setback required in the zoning district].

From:
To: [Adam Zettel](#)
Subject: Chickens and Ducks
Date: Tuesday, July 19, 2016 1:19:32 PM

I read the city is thinking about allowing chickens and ducks. I think this is a horrible idea. A great number of us have small yards and close neighbors. Both animals can easily create bad odors if not properly cleaned up after. I would not want them next door to me. Some people might be very courteous about it. Some might not. Once it's legal it will be harder to control. This has the potential to create conflicts/resentments between neighbors.

Are you able to forward this to the council or do I need to contact them individually?

Nate Henry
5411 Don Shenk

Sent from Windows Mail

Below is feedback on the initial draft from resident Krystle Frost via email on July 7, 2016. My comments are underlined.

For section 3-2:

Part 1 indicates obtaining a permit. Would this be eliminated, as it seemed at the meeting they (the members) wanted no part in extra paperwork? This is up to the commission. I think a Zoning Permit, which is a simple application that costs \$25 is appropriate to know where this is happening and to ensure it is occurring within guidelines.

Part 2 gives what I see as 1/4 and 1/2 acre respectively. Are there any lots in the city that reach 3/4 or 1 acre or more? Would it be appropriate to allow them more than 6 per their land size? I increased the minimum yard size based upon comments from Village residents. I accommodated Ms. Frost's request.

Part 4: This may start to get nitpicky, but often the local tractor stores sell chickens and ducks as babies. Typically I think people keep those indoors, either in a garage or basement until they can survive outside with their adult feathers. Should this be amended to say adult fowl shall not reside in a residence? Or does that not necessarily matter? I accommodated this comment.

Part 8: Would this imply it's including even selling to neighbors? Perhaps wording that suggests no roadside stand advertising of sales or operating a sales operation? The intent is for personal consumption only.

Part 9: In reference to the outdoor run square footage per chicken - this is simply a thought bouncing around in my head. I know the local tractor supply store sells coops along with a built-in "run" that is make for up to 3 chickens. It definitely does not meet the 64 square feet per chicken number. If my math is correct, it approximates to an 8'x8' section per chicken. That becomes quite a chunk with 6 chickens. Should this number stay as it's an appropriate space or do you feel the number could go down some? This matches the MSU best practice. I am open to other suggestions.