

**City of Swartz Creek
AGENDA**

**Regular Council Meeting, Monday, September 26, 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 September 12, 2016 MOTION Pg. 17
5. **APPROVE AGENDA:**
 - 5A. Proposed / Amended Agenda MOTION Pg. 1
6. **REPORTS & COMMUNICATIONS:**
 - 6A. City Manager's Report MOTION Pg. 2
 - 6B. Sunoco Sight Licensing Agreement – Boring Plan (Business Item) Pg. 23
 - 6C. Five Year Street Investment Plan & Engineering Proposal (Business Item) Pg. 27
 - 6D. POLC Letter of Agreement (Business Item) Pg. 30
 - 6E. Household Hazardous Waste Collection Day Pg. 31
 - 6F. Consumers Energy Notice Pg. 32
 - 6G. Fireboard Meeting Calendar Pg. 34
 - 6H. Minutes (Draft Street Committee) Pg. 35
 - 6I. CDBG Call for Applications (Business Item) Pg. 39
 - 6J. Medical Marijuana Memorandum Pg. 62
7. **MEETING OPENED TO THE PUBLIC:**
 - 7A. General Public Comments
8. **COUNCIL BUSINESS:**
 - 8A. Police Officers Labor Council Letter of Agreement RESO Pg. 12
 - 8B. Sunoco Sight Licensing Agreement RESO Pg. 13
 - 8C. Set Public Hearing – Community Development Block Grant RESO Pg. 14
 - 8D. Street Report: Engineering and Bidding Additions RESO Pg. 14
 - 8E. CDBG Signature Card Update RESO Pg. 15
10. **MEETING OPENED TO THE PUBLIC:**
11. **REMARKS BY COUNCILMEMBERS:**
12. **ADJOURNMENT:** MOTION

Next Month Calendar

| | |
|---------------------------------|---|
| Police Authority: | Wednesday, September 28, 2016, 10:00 a.m., PDBMB |
| Planning Commission: | Tuesday, October 4, 2016, 7:00 p.m., PDBMB |
| Park Board: | Wednesday, October 5, 2016, 6:00 p.m., PDBMB |
| City Council: | Monday, October 10, 2016, 7:00 p.m., PDBMB |
| Downtown Development Authority: | Thursday, October 13, 2016, 7:00 p.m., PDBMB |
| Fire Board: | Monday, October 17, 2016, 7:00 p.m., Public Safety Building |
| City Council: | Monday, October 24, 2016, 7:00 p.m., PDBMB |

City of Swartz Creek
CITY MANAGER'S REPORT
Regular Council Meeting of Monday, September 26, 2016 - 7:00 P.M.

TO: *Honorable Mayor, Mayor Pro-Tem & Council Members*
FROM: Adam Zettel, City Manager
DATE: September 21, 2016

ROUTINE BUSINESS – REVISITED ISSUES / PROJECTS

✓ **OUTSTANDING APPEALS (Update)**

The Genesee Valley Meadows Golf Course has been settled. Based upon the settlement of lands situated in Flint Township, our private appraisal, and input from the golf course representatives we settled on a true cash value of \$400,000. This is a reduction of \$379,800, but it is \$300,000 higher than their original proposal. The impact on taxable value is far less, being a reduction of \$87,459. This process has been long and unpleasant, but I think the result is acceptable and fair. I thank the council for budgeting funds to address this matter.

Other appeals that the city is preparing to do full appraisals on are the Topvalco (Kroger) property and O'Reilly Auto Parts. These are newer submissions that will take some time to resolve themselves.

I expect a future negotiation for the office building, for which we are awaiting some market data (Huizinga Properties). A complete listing of outstanding appeals is as follows (updates to this list are pending our assessor's return from a trip; the raceway is settled):

| 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)*
We finally received a fully executed copy of the cost sharing agreement for this signal. As previously indicated, we await action by Consumers Energy prior to the light installation by Genesee County Road Commission staff.
- ✓ **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:

| <u>Road</u> | <u>Point of Beginning</u> | <u>Point of End</u> | <u>Length (Miles)</u> | <u>Lanes</u> | <u>Lane Feet</u> | <u>Width (Feet)</u> | <u>ADT</u> | <u>Total Cost</u> | <u>Federal Match</u> | <u>Local Match</u> |
|----------------|---------------------------|---------------------|-----------------------|--------------|------------------|---------------------|------------|-------------------|----------------------|--------------------|
| Worchester | Cappy | Winston | 0.1 | 2 | 1056 | 28 | 691 | \$172,474 | \$137,979 | \$34,495 |
| Fairchild | Cappy | Miller | 0.28 | 2 | 2956.8 | 44 | 2456 | \$305,104 | \$247,234 | \$61,021 |
| 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 work is finally completed. We learned quite a bit regarding simultaneous water main and street work. We will take some of these lessons and apply them to future projects in the form of public education and enhanced waste collection methods. The projects were under budget by about \$8,000
- ✓ **WATER – SEWER ISSUES PENDING** *(See Individual Category)*
- ✓ **SEWER REHABILITATION PROGRAM** *(Update)*
Mr. Svrcek, Rowe PSC, and Liqui-Force are going to be meeting regarding the next phase of sewer work. We have a tentative proposal but are still awaiting the updating of maps and affirmed costs. I expect to have the next phase in front of the city council on October 10th, with work to begin in October. The areas of focus are still in Winchester Village, including the last block of Chesterfield and the line between Greenleaf and Seymour.
- ✓ **KWA** *(No Change of Status)*
The authority estimates full operations by summer of 2017, so we may only be a couple quarters away from seeing a more sustainable rate structure.

For the most part, the politics and operations of the authority appear stable and professional. However, there is still a lingering shadow related to the Flint Water Crisis that involves an ongoing state investigation. Hopefully, there are no future state interventions that alter operations, costs, or political organization of the authority.

✓ **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 met on the morning of August 24th at the Mundy Township offices. There is a tentative labor agreement that covers all patrol officers. This is a big milestone in the evaluation of the authority operations. Staff has also obtained the services of a professional CPA to assist with establishing the “housekeeping” functions of the authority (payroll, budgeting, staffing, etc.). I have been communicating with our staff and their CPA on moving the budget and operational plan forward. Progress has been slow.

The special meeting that was scheduled for September 21, 2016 at 10:00 a.m. at the PDBMB was cancelled. More preparation was necessary. In order to ensure the concerns of the city council and public are addressed in the authority merger informational presentation, I sat down with the Authority Board Chair and staff to compile a list of outstanding needs.

Below are items that the agreement requires (4.03(3)):

1. Annual Meeting Calendar
2. Standard Operating Procedures
3. Investment Policy
4. Lien Policy

5. 911 Agreements/Documents
6. Mutual Aid Agreements
7. Lease Agreement (principle office)
8. Personnel Manual
9. Rules of Procedure for Governing Body
10. Ethics Policy
11. Model Contract for services to other agencies
12. Collective Bargaining Agreements

Items that are desired to produce a sound budget and to demonstrate the service level include:

1. Organization Chart for all staff
2. Job Descriptions for all positions
3. Patrol districts, if any
4. Sample one month schedule
5. Tentative agreements/proposals for:
 - a. Liability Insurance
 - b. Workers Compensation
 - c. Property Insurance
 - d. Payroll, finance, and other professional services
 - e. Legal Services
6. Equipment rental or equipment purchase schedule
7. Delineated costs of transition (badges, leathers, uniforms, decals, etc.)

The regular meeting for the 28th is still on the schedule as well. I know that staff and consultants are working diligently on preparing and compiling the above information. If there are any other questions or forms of documentation sought, please let me know. Between the Authority and City, we hope to have a series of public hearings on this matter in October.

If anyone is interested in learning more about the proposed details of the authority prior to final proposals and hearings, I encourage you to contact Mr. Clolinger or Mr. Atkinson directly. I am also available.

✓ **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.

✓ **WINCHESTER WOODS LOTS (Update)**

The street committee considered this neighborhood at their meeting on August 30th. They believe the city should reach out to all property owners with vacant lots. However, it is thought that a cost estimate for the required improvements (sanitary and storm water) should be prepared beforehand. City engineer, Lou Fleury, is looking into the work previously done to see if the storm water plan is detailed enough to price out. At this point, he feels another \$6,000 - \$8,000 is needed to revisit the plans for the current scope and needs.

Gaines Township tentatively agreed to work with us on finding solutions, as had the church on Hill Road that may be involved with the location of utilities. I await more formal commitments before discussing the specifics of engineering.

✓ **NEWSLETTER (Update)**

The next newsletter is set to print within the next month. 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. Someone suggested an article on dog etiquette as well.

✓ **CAPPY LANE LIFT STATION (Update)**

Concrete pads have been poured, the new forcemain has been tied-in, and Consumers has installed the service to the site. We have confirmed with Kennedy Industries that the equipment will be ready by October 1st. There will not likely be any activity out there until then.

✓ **SUNOCO (Business Item)**

As noted in the last report, Mobile Exxon sent a notice to our environmental legal counsel that they wish to access the site for soil removal. Though we have heard this before, the prudent course is to ascertain the potential for this to occur in a timely manner. At this time, our attorney recommends a baby step, which consists of allowing Exxon to access the site to do soil borings for additional environmental due diligence. They have agreed to do so under the terms of the site license agreement.

This agreement will allow them to trespass for a brief period of time (1-3 days). They will conduct borings as noted in the attachment, restore the site, and leave. They will then deliver their findings to us. With that information, all parties can plan the next step, if any.

If Exxon desires to access the site in the future to remove the surface and soils, we will look to enter into another such agreement in which the city shall seek remuneration for the impact of this access on our site and the adjacent infrastructure. If such negotiations ensue, I intend to engage our environmental consultant, the environmental attorney, and Mr. Gildner on our behalf in order to ensure our position is optimized for legal, liability, and financial purposes. I will keep the city council informed. At this point, I see the borings as a minor engagement with little or no impact on the city. In exchange, all parties should have much better information related to the site. I have included a resolution to move forward.

✓ **STREET PROJECT UPDATES (Business Item)**

This is a standing section of the report on the status of streets as it relates to our dedicated levy, 20 year plan, ongoing projects, state funding, and committee work.

Another meeting of the street committee was held on Tuesday, September 13th at 5:30 p.m. at the city offices. Minutes are attached that reflect the deliberations and recommendations. There was a high degree of public involvement and some recommendations were made that have resulted in a proposed scope change on this agenda.

The committee made recommendations to add new scope items to the engineering and bid list for 2017. This was done knowing that the final work scope will depend upon bid prices, and some projects may need to be postponed a year.

The first change was to add Winston Drive to the list. Because the north and south ends are expected to be redone in 2017, staff and committee felt that Winston should be included so as not to further damage the new sections by returning in future years. It was also felt that the disruption in 2017 would impact Winston, again, and another future project would be an extreme inconvenience. As such, the committee recommends this be added to the bid list. The engineering and expected construction costs are included in the engineer's letter.

The other recommendation was related to the scope of Ingalls Street. The original proposal is to rehabilitate Ingalls from McLain to Hayes, excluding Hayes to Morrish as well as McLain to Fairchild. The committee desires to complete all sections at once, potentially adding \$150,000 to next year's budget. Part of the reason for doing so is to address a safety issue on Ingalls Street between Fairchild and School. This section of street lacks a sidewalk on the north side, and it is also a very wide section (35 feet), which encourages speeding by the school. The committee recommends the entire section from Fairchild to School be narrowed, with new sidewalk on the north side. This comes highly recommend from Mr. Clolinger, who noted numerous vehicle-pedestrian incidents in this area over the years. The added cost for this is estimated to be \$90,000.

The committee understands that these additions may increase the cost scope beyond the budget. The expectation is to bid all projects and review the scope and costs in the spring prior to awards, thereby ensuring affordability.

The group also discussed street lighting, traffic calming (speed control), street name signs, road width (parking), and Winchester Woods. Traffic calming medians and new lights were given much support by the committee and the public. The traffic circle concept was much divided, and no decision to pursue such a concept was recommended. The engineer indicated that such changes could continue to be reviewed while bids are out, and a change in scope could be done as a change order or alternate bid later on. There are no future meetings scheduled.

In other news, I still have not gotten a definitive answer from the state regarding the loan requirement to pay prevailing wages. As noted previously, the State is not certain if the city shall need to pay prevailing wages to make use of these loan funds. To do so would significantly increase our costs. If such wages are required, our engineer estimates that the project shall cost approximately 8% more. As an alternate, I have

contacted a well-respected municipal bonding firm in metro Detroit. They indicate that traditional bonding would take 90 days, cost about \$50,000 to underwrite, and result in a ~3% interest rate. Mrs. Korth is crunching the numbers to compare this type of bond with our state loan (with higher wage costs) to see how they perform side-by-side. I will keep the council informed.

For a more complete written report, see the street committee minutes and the street report above.

✓ **ELMS PARK RENOVATIONS** *(No Change of Status)*

The restrooms are complete, and the books are closed on this component of the project. 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 clock installation is ongoing!

✓ **FIRE SERVICES BUDGET** *(Update)*

The fire board did not approve their budget at their meeting on September 19th. I expect to have this in front of the City Council on October 24th pending another review by the fire board on October 17th. They are proposing a 6.9% increase (including some new equipment such as phones and a copier).

✓ **WATER TOWER PAINTING** *(Update)*

Bids will be released soon. We expect the tower to be painted beginning in April. The process is expected to take about three weeks and will restore the tower to its previous condition.

✓ **TRAIL PLANNING CONCEPTS** *(Update)*

We await OHM to begin investigating trail options. I suspect they will look for park board, planning commission, and general input at some point. I will keep the council informed.

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

The grant to support the planting of 25 trees in right of ways has been submitted. We hope to be awarded \$2,500.

✓ **SPECIAL LAND USE – ESSENTIAL PUBLIC SERVICE** *(No Change of Status)*

Consumers Energy applied for a special land use to place gas regulatory equipment on Bristol Road at Miller Road. The application was not sufficient for the planning commission to make findings at their regular September meeting on the 6th. There was also comment by a few neighbors that were very concerned about fumes, safety, and visibility of the equipment. Consumers was able to verbally indicate changes and

upgrades that would improve the installation. They requested to postpone a determination until the next regular meeting, pending a new submission. The planning commission agreed.

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

✓ **CONSUMERS ENERGY** *(Update)*

There are a number of notices for CMS in the packet. Among those is a pretty hefty gas distribution rate increase.

✓ **FIRE BOARD CALENDAR** *(Update)*

The calendar for the fire board is attached. Note that the meetings are now all set for 6:00 p.m.

✓ **HAZARDOUS WASTE COLLECTION** *(Update)*

Collection will be on Saturday, October 22nd from 10am to 2pm in Mt. Morris and the east side of Flint.

✓ **MEDICAL MARIJUANA** *(Update)*

The state has finally passed laws that impact medical marijuana in a significant way. These laws will be effective in approximately 90 days. Mr. Gildner, Esq. has sent a memorandum briefly discussing this matter. He recommends we rethink our position. This could include outlawing such dispensaries outright, as permitted by the new laws, maintaining our current ordinances, or modifying our ordinances. We have the ability to pursue one of the approaches prior to the laws' implementation. If more time is required, a moratorium is possible.

Mike should be available on Monday to discuss this. Note that the governor has signed these laws. If council members desire to elevate this to a discussion or business item, please let me know. At this time, I do not have enough information to recommend a course of action.

✓ **MINUTES** *(Update)*

Minutes for the street committee are included. Enjoy!

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

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

The commission held their regular meeting on September 6th. Two business items were discussed, the Consumers Energy gas regulator and the Gaines Township Master Plan. Please see those sections of the report for details. The next regular meeting is scheduled for October 4, 2016. Also, I am attempting to get our three newest planning commission members scheduled to attend the Michigan Association of Planning Conference in October. They are looking at their availability.

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

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. There will not be a September meeting, with the October meeting scheduled for October 13, 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** *(No Change of Status)*

The park board met on September 7th and had one of their best attended and most engaging meetings in a long time. Minutes are included in the packet. New business included discussion of disc golf at Winshall. Concerning this topic, Mr. Larry Bush indicated that Hometown Days may purchase the 54 acres on the other side of the creek, enabling many community assets to be shared. The board heard from the public on this topic, and there were many exciting ideas. There was also discussion about park maintenance with the exercise trail, tables, signs, and pavilions.

The Recreation Passport Grant work for phase II is pending, as is the dog park. Fundraising for the tot lot continues successfully, with a pumpkin sale planned for September 30th. The next meeting is planned for Wednesday, October 5, 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

✓ **COMMUNITY DEVELOPMENT BLOCK GRANT HEARING** *(Business Item)*

The city is in line to plan for and spend its three year allotment of Federal Community Development Block Grant funds. An application to do so is required by November 18th. Previously, the city would spend these funds on minor improvements in areas that qualified as low to moderate income. Such projects included the streetscapes in downtown, the alley parking lot in downtown, and the lighting in front of Elms Park.

Unfortunately, we no longer have such areas according to the census. We have the option to qualify such areas, but this is highly unlikely because a signed survey with 90% or greater response rate would need to demonstrate greater than 50% low to moderate income for a certain geography.

As such, we are limited to spending funds on removing barriers to accessibility in public buildings or sidewalk curb cuts for physical investment. Another option is to allocate funds to home improvements in the city (e.g. if a homeowner is cited for a bad roof and can't afford to replace it, these funds could be allocated by the county on our behalf to assist). This may be our most viable and impactful option.

Before a decision can be made, we must hold a public hearing. Before we can hold a public hearing, we must schedule a public hearing. I have included a resolution to do so.

Related to this matter, the county desires new signature cards to reflect Ms. Eskew's promotion to City Clerk. Such a resolution is attached.

✓ **POLICE OFFICERS LABOR COUNCIL AGREEMENT (*Business Item*)**

The AFSCME unit and the Supervisors' unit have recently had their labor agreements approved for three and one year periods, respectively. These were done to coincide with the termination of the previous agreements to the best of our ability (June 30, 2016).

The Police Officers Labor Council (POLC) group opted to delay negotiation of a replacement agreement for the same time period due to the ongoing negotiation with the police authority. It was agreed by both parties that simultaneous negotiations would be extremely distracting and problematic. As such, the delay was observed with the understanding that public safety officers' labor agreement changes can be retroactive to the agreement start date of July 1, 2016.

Soon after contract negotiations with the authority were complete, I met with the POLC representative to discuss the City of Swartz Creek agreement. An offer that generally coincides with the other labor groups was offered (2% wage increase). In conjunction with extending the previously committed transfer payment of \$1,250 (should the police services transfer to the authority), this offer was tentatively accepted.

As a measure of good faith for our standing relationship and the potential for a transfer to the authority. The letter of agreement is not for an extended period. If a transfer does not occur, the letter indicates that we are to negotiate for a full term agreement. I have included the letter and a resolution to accept it.

The wages offered were budgeted for the current fiscal year.

Council Questions, Inquiries, Requests, Comments, and Notes

Street Plan: As requested the standing or working five year street investment plan is included in the packet.

Library Card Month: September is Library Card Month. If you don't have one, get one!

**City of Swartz Creek
RESOLUTIONS
Regular Council Meeting, Monday, September 26, 2016, 7:00 P.M.**

Resolution No. 160926-4A MINUTES – SEPTEMBER 12, 2016

Motion by Councilmember: _____

I Move the Swartz Creek City Council approve the Minutes of the Regular Council Meeting held Monday, September 12, 2016, to be circulated and placed on file.

Second by Councilmember: _____

Voting For: _____

Voting Against: _____

Resolution No. 160926-5A 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 September 26, 2016, to be circulated and placed on file.

Second by Councilmember: _____

Voting For: _____

Voting Against: _____

Resolution No. 160926-6A CITY MANAGER’S REPORT

Motion by Councilmember: _____

I Move the Swartz Creek City Council accept the City Manager’s Report of September 26, 2016, including reports and communications, to be circulated and placed on file.

Second by Councilmember: _____

Voting For: _____

Voting Against: _____

Resolution No. 160926-8A POLC LABOR CONTRACT LETTER OF AGREEMENT

Motion by Councilmember: _____

WHEREAS, the City of Swartz Creek entered into agreement with the Police Officers Labor Council on April 30, 2012 to provide for conditions and provisions of employment; and

WHEREAS, the collective bargaining agreement expired on June 30, 2016 and was not previously negotiated per mutual agreement so as not to interfere with ongoing labor negotiations with the Metro Police Authority of Genesee County (Authority); and

WHEREAS, both parties are desirous of a continuing working agreement; and

WHEREAS, a potential transfer of covered employees to the Authority is pending review by the City of Swartz Creek and Township of Mundy

NOW, THEREFORE BE IT RESOLVED that the City of Swartz Creek City Council hereby approve the Letter of Agreement Between the City of Swartz Creek and the Police Officers Labor Council, representing Swartz Creek Police Officers as recorded in the City Council Packet of September 26, 2016, and further, authorize and direct the Mayor and City Clerk to execute the letter on behalf of the City.

Second by Councilmember: _____

Voting For: _____

Voting Against: _____

Resolution No. 160926-8B SUNOCO PROPERTY SITE LICENSE AGREEMENT

Motion by Councilmember: _____

WHEREAS, the city resolved to acquire real property, commonly known as the “Sunoco Gas Station” located at 5012 Holland Drive, parcel 58-02-529-017, from the Genesee County Treasurer’s Office on June 22, 2015; and

WHEREAS, the city subsequently submitted a Baseline Environmental Assessment and registered three underground gasoline storage tanks and one underground fuel oil tank with the State of Michigan; and

WHEREAS, the community desires to eliminate the blight and repurpose this site as a means to eliminate potential hazards and nuisances; and

WHEREAS, the city removed the structures and tanks from the site in the summer of 2016; and

WHEREAS, the ExxonMobile Oil Corporation desires to engage in the cleanup of this site and potential surroundings and has a need to access the site in order to conduct soil borings in order to ascertain the needs of such a cleanup; and

WHEREAS, the city, via the city’s primary legal counsel, has retained the services of specialized legal counsel to recommend a course of action; and

WHEREAS, said legal counsel has proposed and negotiated a site license agreement that will empower ExxonMobile Oil Corporation to continue due diligence on the site while protecting the interests of the city and general public as the first step in a potential site cleanup.

NOW, THEREFORE BE IT RESOLVED that the City of Swartz Creek City Council approves the Limited Site License Agreement as recorded in the City Council Packet of September 26, 2016 and directs the Mayor to execute said agreement on behalf of the city.

Second by Councilmember: _____

Voting For: _____

Voting Against: _____

Resolution No. 160926-8C CDBG PUBLIC HEARING

Motion by Councilmember: _____

WHEREAS, the City of Swartz Creek City Council receives an allocation of Community Development Block Grant Funds from Genesee County on a three year cycle; and

WHEREAS, the such funds must be applied for, awarded, and used in accordance with guidelines set by the county on eligible purposes; and,

WHEREAS, \$28,819 in funds are available to the City of Swartz Creek, pending an application to use such funds on eligible projects by November 18, 2016; and,

WHEREAS, the city council must hold a public hearing prior to application in which public comment related to the use of such funds, previous projects, and alternate projects can be heard.

NOW, THEREFORE, BE IT RESOLVED THAT the Swartz Creek City Council hereby directs the City Clerk to post notice of a public hearing of the City Council for the purposes outlined in the application packet, said hearing to occur at or shortly after 7:00 p.m. on Monday, October 10, 2016 in the city council chambers of the Paul D. Bueche Municipal Building located at 8083 Civic Drive, Swartz Creek, Michigan.

Second by Councilmember: _____

Voting For: _____

Voting Against: _____

Resolution No. 160926-8D 2017 STREET PROJECTS SCOPE AMENDMENT

Motion by Councilmember: _____

WHEREAS, the City of Swartz Creek owns, operates, and maintains a system of major streets, local streets, and water main, and

WHEREAS, the city has a twenty year asset management plan on file that is funded in part by a twenty year street levy, and

WHEREAS, this plan, which includes various levels of preventative maintenance, preservation, and reconstruction on city streets, as well as water main replacement, was assessed by the Street Project Selection Committee at a series of meetings occurring between July 12, 2016 and September 13, 2016, and

WHEREAS, the committee made a series of recommendations regarding specific preventative maintenance, preservation, and reconstruction projects for completion in 2017 (year two), as well as subsequent projects for future years, and

WHEREAS, new findings relating to Winston Drive and Ingalls Street were considered by the committee, and a subsequent recommendation to add Winston Drive and Ingalls Street segments (with new sidewalk) was made by the committee.

NOW, THEREFORE, BE IT RESOLVED the City of Swartz Creek City Council affirms the recommendation of the Street Project Selection Committee to commence engineering work and bidding for the following streets and water main:

| <u>Street</u> | <u>Repair Type</u> | <u>Est. Construction Cost</u> |
|---------------|--------------------|-------------------------------|
| Winston | Reconstruct | \$200,000 |
| Ingalls | Preservation | \$216,000 |
| | Total: | \$416,000 |

| <u>Water Main</u> | <u>Repair Type</u> | <u>Est. Cost</u> |
|-------------------|--------------------|------------------|
| Winston | Replace | \$150,000 |
| | Total: | \$150,000 |

BE IT FURTHER RESOLVED, that the City Council approves the engineering proposal by ROWE Professional Services Company, dated September 20, 2016, for an amount not to exceed \$34,220 for design and bidding services related to the above projects, with appropriations to be made to Fund 101 (General), Fund 202 (Major Streets), Fund 204 (Municipal Streets) and Fund 590 (Water) as directed by the finance director.

BE IT FURTHER RESOLVED, that the City Council directs the Mayor to execute said engineering proposal on behalf of the city.

Second by Councilmember: _____

Voting For: _____

Voting Against: _____

Resolution No. 160926-8E CDBG SIGNATURE CARDS

Motion by Councilmember: _____

WHEREAS, the City of Swartz Creek participates in the Genesee County Community Development Program; and

WHEREAS, the Genesee County Community Development Program has requested that we update our authorized signature cards.

NOW, THEREFORE, BE IT RESOLVED that the following individuals be authorized to request reimbursement from the Community Development Block Grant Program:

1. Connie Eskew, City Clerk
2. Adam Zettel, City Manager
3. Deanna Korth, City Treasurer
4. Thomas Svrcek, City Director of Public Services

Second by Councilmember: _____

Voting For: _____

Voting Against: _____

**CITY OF SWARTZ CREEK
SWARTZ CREEK, MICHIGAN
MINUTES OF THE REGULAR COUNCIL MEETING
DATE 09/12/2016**

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

Invocation and Pledge of Allegiance.

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

Councilmembers Absent: Florence.

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, Jim Barclay, Steven Long, Boots Abrams, Ron Schultz, Betty Binder, Jack Wheatley, Dough Stephens, Andy Harris, Todd Beedy, Jim Thompson.

Excuse Councilmember Florence

Resolutions No. 160912-01

(Carried)

Motion by Councilmember Gilbert
Second by Mayor Pro Tem Abrams

I Move the Swartz Creek City council excuse Councilmember Florence.

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

APPROVAL OF MINUTES

Resolutions No. 160912-02

(Carried)

Motion by Councilmember Porath
Second by Councilmember Gilbert

I Move the Swartz Creek City Council hereby approve the Minutes of the Regular Council Meeting held Monday August 22, 2016 to be circulated and placed on file.

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

APPROVAL OF AGENDA

Resolution No. 160912-03

(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 September 12, 2016, to be circulated and placed on file.

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

City Manager's Report

Resolution No. 160912-04

(Carried)

Motion by Councilmember Hicks
Second by Councilmember Gilbert

I Move the Swartz Creek City Council accept the City Manager's Report of September 12, 2016, including reports and communications to be circulated and placed on file.

Discussion took place.

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

MEETING OPENED TO THE PUBLIC:

Betty Binder, resident at 8079 Bristol Road, invited everyone to the Vietnam Veterans of America 175 is putting on a POW-MIA flag retirement Friday at 7:00 p.m. at Blue Bell Beach.

Steve Shumaker, resident at 7446 Country Meadow Drive, commented about councilmember Pinkston being liason for the Gaines Twp. Master plan. He also commented on the assessor contract. He asked the council to put some procedures in place for consistency in attending dignitary funerals.

Dennis Cramer, resident at 5299 Worchester Drive, commented on the trail system and how it effects the Masonic Lodge. He mentioned that there is a tree branch that needs removed on Worchester Drive. He was asked by Mike Diericks Swartz Creek Computers, to pass along the concept of using the ITT tech building for a future city tech college.

Doug Stephens, Chairman of Art in the Park, wanted to thank everyone for all the help with sponsoring the program. We raised over \$10,000 between the three groups, Kiwanis Club, Womens Club and the Art Guild. They are thinking about a two day show instead of a one day show for next year and asked the council to take that into consideration.

Jim Thompson resident at 8196 Miller Road, wanted to thank everyone for supporting the venture of Art in the Park.

TRAIL SCHEMATIC ENGINEERING

Resolution No. 160912-05

(Carried)

Motion by Councilmember Gilbert
Second by Mayor Pro Tem Abrams

WHEREAS, the City of Swartz Creek Master Plan, as well as the Parks and Recreation Plan, encourage the establishment and expansion of a non-motorized trail system within the city that will connect to the Genesee Valley Trail at Dye Road; and

WHEREAS, the city intends to seek funding support from the Michigan Department of Transportation, The Michigan Department of Natural Resources, other local agencies, and general fundraising to support the construction of such trails; and

WHEREAS, schematic engineering is a useful and necessary component to illustrate routes, establish construction costs, and garner interest in the non-motorized trail network; and

WHEREAS, OHM Advisors provided low bids to the Genesee County Metropolitan Planning Commission for services related to the creation of schematic engineering; and

WHEREAS, OHM, who was approved by the city via the Qualified Bidding Selection Process, submitted pricing to the city for schematic engineer for three proposed trail segments in the city; and

WHEREAS, the City Council has an obligation to spend 1% of Act51 street monies on non-motorized transportation, and amount equal to about \$50,000 over ten years.

THEREFORE, I MOVE the City of Swartz Creek City Council approves the schematic engineering proposal submitted by OHM Advisors on August 16, 2016, funds to be paid from Fund 202, the Major Street Fund in the amount of \$13,240.00 and further directs the Mayor to execute said proposal on behalf of the city.

Discussion took place.

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

NO: Motion Declared Carried.

APPROVING AMENDMENT NO. 1 TO THE INTERLOCAL AGREEMENT, WHICH ESTABLISHED A JOINT POLICE AUTHORITY WITH THE CHARTER TOWNSHIP OF MUNDY PURSUANT TO THE MICHIGAN CONSTITUTION OF 1963, ARTICLE 7, § 28, AND THE URBAN COOPERATION ACT OF 1967, BEING ACT NO. 7 OF THE MICHIGAN PUBLIC ACTS OF 1967, EX. SESS.

Resolution No. 160912-06

(Carried)

Motion by Councilmember Pinkston
Second by Councilmember Porath

WHEREAS, the City of Swartz Creek (“City”) operated a police department to provide public safety to the residents and visitors to the City; and

WHEREAS, the Charter Township of Mundy (“Township”) operated a police department to provide public safety to the residents and visitors to the Township; and

WHEREAS, in September 2014, the City and Township executed an **AGREEMENT TO OVERSEE POLICE DEPARTMENT**, whereas the Township’s Police Chief would oversee the City’s Police Department; and

WHEREAS, the **AGREEMENT TO OVERSEE POLICE DEPARTMENT** included the officers of the City and Township being sworn in as officers of both the City and Township police departments; and

WHEREAS, as the City and Township explored whether it would be in the best interest of the City and Township to jointly establish a Police Authority (“Police Authority”); and

WHEREAS, the Michigan Constitution of 1963, Article 7, § 28, and the Urban Cooperation Act of 1967, Act No. 7 of the Michigan Public Acts of 1967, Ex. Sess., being MCL § 124.501, *et seq.*, permit governmental units to exercise jointly with other governmental units any power, privilege or authority which such governmental units share in common which each might exercise separately; and

WHEREAS, the City and Township are both a “public agency” as that term is defined under Act 7 of the Michigan Public Acts of 1967, Ex. Sess., being MCL § 124.501, *et seq.* The Township and City both possess the power, privilege, and authority under State law to provide police protection to the residents and visitors to their respective municipalities; and

WHEREAS, the City and Township executed an Interlocal Agreement attached hereto as Exhibit A (“Agreement”) whereby establishing the Police Authority, pursuant to the Michigan Constitution of 1963, Article 7, § 28, and the Urban Cooperation Act of 1967, Act No. 7 of the Michigan Public Acts of 1967, Ex. Sess., being MCL § 124.501, *et seq.*; and

WHEREAS, pursuant to Section 9.11 of the Agreement, the Agreement may be modified or amended upon written agreement of all of the parties to the Agreement and approved as provided in Act 7 by the governing bodies of the parties prior to becoming effective; and

WHEREAS, the parties to the Agreement desire to amend the Agreement for the limited purpose of changing the name of the police authority; and

WHEREAS, pursuant to Section 1.02(3) of the Agreement, proposed Amendment No. 1 to the Agreement shall be effective on the date that all of the following are satisfied:

- (i) Amendment No. 1 to the Agreement is approved and executed by the City Council of the City of Swartz Creek; and
- (ii) Amendment No. 1 to the Agreement is approved and executed by the Township Board of the Charter Township of Mundy; and
- (iii) Amendment No. 1 to the Agreement is filed with the county clerk of Genesee County, Michigan.
- (iv) Amendment No. 1 to the Agreement is filed with the Secretary of State of the State of Michigan.

NOW, THEREFORE, Be It Resolved that the City of Swartz Creek hereby approves Amendment No. 1 (attached hereto as Exhibit B) to the Interlocal Agreement (attached hereto as Exhibit A) and authorizes the Mayor to execute the Interlocal Agreement.

Yes: Porath, Krueger, Pinkston, Abrams, Hicks.
No: Gilbert.

Street Updates

Discussion

Adam Zettel, City Manager, updated the council on street committee meetings. He mentioned the possibility of conventional means of borrowing such as bonds. The committee is also looking at issues such as width of sidewalks, the traffic circle in Winchester Village and the addition of Ingalls Street with an additional north side sidewalk. The committee should have a recommendation back to council by the 26th.

STREET USAGE PERMIT, ANNUAL SCHOOL HOMECOMING FOOTBALL PARADE

Resolution No. 160912-07

(Carried)

Motion by Councilmember Porath
Second by Councilmember Gilbert

I Move the City of Swartz Creek approve the application of the Swartz Creek Student Council to conduct their annual High School Homecoming Parade on Friday, September 30, 2016 from 4:45 pm to 6:30 pm. Parade route as follows:

Crapo/Maple, Northbound to Miller
Miller Westbound to Fairchild
Fairchild Southbound to Middle School

Under the direction and control of the office of the Chief of Police and in accordance with the stipulations and conditions set forth in the permit and application, including the provision of proper insurance.

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

MEETING OPENED TO THE PUBLIC

Tommy Butler resident at 40 Somerset Drive, commented he has better water pressure now since the main was fixed. He also commented on the Police Authority name change.

REMARKS BY COUNCILMEMBERS:

Councilmember Pinkston appreciated Doug Stephens coming in tonight and his comments in regards to Art in the Park.

Councilmember Gilbert commented on the ordinance regarding political signs.

Councilmember Hicks has some questions in regards to Police Authority agreement. She also requested a park rental report for the year.

Councilmember Porath commented on the Mundy Twp. Auxiliary committee.

Mayor Pro Tem Abrams commented in regards to the Police Authority budget he would like to see implementation cost over and above assets that are expected. He also commented about the paving of west side of Winston.

Mayor Krueger commented on the police authority budget.

Mr. Zettel responded in regards to the police authority that the city council affirms participation by resolution.

Adjournment

Resolution No. 160912-08

(Carried)

Motion by Councilmember Gilbert
Second by Councilmember Hicks

I Move the Swartz Creek City Council adjourn the regular meeting at 8:42 pm.

Unanimous Voice Vote.

David A. Krueger, Mayor

Connie Eskew, City Clerk

LIMITED SITE LICENSE AGREEMENT

This Limited Site License Agreement ("Agreement") is entered into by the City of Swartz Creek (hereinafter referred to as "City"), ExxonMobil Oil Corporation (hereinafter "ExxonMobil") and Groundwater & Environmental Services, Inc., (hereinafter referred to as "Consultant"), for the purpose of granting a limited license to enter upon certain described property upon the following terms and conditions specified herein.

With respect to a parcel of real estate, located at 5012 Holland Drive, in the City of Swartz Creek, State of Michigan (the "Property"), ExxonMobil and the Consultant hereby request, and the City, the title owner of the Property, hereby grants to ExxonMobil and Consultant, subject to the terms and conditions herein set forth, a LIMITED LICENSE to enter upon the Property for the purpose of installing soil borings as part of the performance of corrective action to address a release of petroleum products on the Property.

1. This grant of a limited license is subject to, and shall be effective only upon compliance by ExxonMobil and the Consultant with the provisions of this Agreement in the manner described below.

2. Before any entry is made upon the Property under this Agreement, ExxonMobil agrees to submit to the City a written plan (the "Plan") describing the work ExxonMobil proposes to undertake in connection with the soil borings. Such Plan shall describe in full detail: 1). the name and title of all individuals proposed by ExxonMobil to enter upon the Property as its representative(s), 2). the task(s) to be performed by such individual, 3). the manner and procedures proposed to be undertaken for accomplishing the soil borings, 4). the type of equipment to be used during the soil boring project, and 5). the name, telephone number and address of one person designated by ExxonMobil as the primary contact for the City during the soil boring project.

3. ExxonMobil and/or the Consultant agree to notify the City at least three days before entering upon the Property under this Agreement. Performance of the soil borings shall occur on mutually agreed upon dates and times.

4. ExxonMobil and/or Consultant agree to deliver to the City a copy of all data generated in connection with the soil boring project within five (5) business days after receipt thereof by ExxonMobil or the Consultant from an analytical testing laboratory. ExxonMobil and/or Consultant also agree to deliver to the City a copy of all reports within five (5) business days after such report shall be prepared in any final written form by the Consultant.

5. ExxonMobil agrees that it will cause any area of the Property that is disturbed during performance of the soil boring project to be restored to the condition which existed prior to such undertaking within a reasonable time not to exceed 30 days after completion of the activities listed in the Plan unless, ExxonMobil and the City agree otherwise.

6. Once this Agreement is properly executed by the parties, it shall continue in force for a period of 21 days unless terminated earlier as provided herein. Termination of this Agreement will become effective immediately upon receipt by the other parties of written notification from the terminating party. Upon termination, ExxonMobil will immediately restore the Property to its prior condition in compliance with Paragraph 5 above.

7. ExxonMobil and the Consultant covenant and agree to indemnify, save free and hold harmless the City, its employees, contractors, representatives and assignees, from any and all liability, costs or expenses of whatever nature, incurred by the City with respect to any assertion made against it of liability arising out of an activity under, or the utilization of this Agreement by ExxonMobil, the Consultant, their employees, agents, contractors, sub-contractors or representatives.

8. Nothing in this Agreement is intended to waive any compliance with any Federal, State or Local law, statute, ordinance, rule or regulation. Further, ExxonMobil and the Consultant hereby expressly consent that all their activities undertaken pursuant to this Agreement shall be in compliance with all Federal, State or Local laws, statutes, ordinances, rules and regulations. ExxonMobil and Consultant shall indemnify the City from any losses, damages, claims or demands of whatever nature which arise as a result of their agents, employees, contractors or sub-contractor's failure to observe any applicable safety, health or environmental laws or regulations.

9. ExxonMobil, the Consultant, their representatives, agents, employees, contractors or sub-contractors shall conduct their activity on the City's property in a manner to minimize damage to the Property. ExxonMobil and Consultant shall be fully responsible for marking all utilities at the Property prior to conducting the soil borings. ExxonMobil and Consultant shall use their best efforts to minimize disruptions to Holland Drive and Miller Road in the exercise of implementing the Plan.

10. Any samples, waste materials, pollutants, contaminants, or groundwater, which is generated or collected during activities conducted under this Agreement, shall become the property of ExxonMobil and shall be handled, stored, treated, transported and disposed of in strict accordance with all applicable Federal, State or Local law, statute, ordinance, rule or regulation. Under no circumstances shall any containerized waste materials, pollutants or contaminants be left on the Property at the end of any work day without the written permission of the City.

11. Under no circumstance shall any tools, equipment or any other property be left on the Property at the end of any work day without the written permission of the City.

12. The laws of the State of Michigan shall apply to the interpretation of this Agreement and to the resolution of any dispute or conflict arising out of any matter set forth herein.

13. This Agreement is not assignable except with the prior written approval of the City.

14. Nothing in this Agreement shall be construed as waiving any claim the City may have against ExxonMobil and the same are expressly reserved.

15. This Agreement contains the entire agreement of the parties relating to the installation of soil borings. The parties acknowledge that there have been no representations or understandings other than those expressly set forth in this Agreement. This Agreement may be executed in any number of counterparts, each of which shall be deemed to be an original.

16. The undersigned specifically represent that they are authorized to execute this Agreement and that the parties have the right and capacity to perform the acts contemplated by this Agreement.

Executed by the respected parties on the dates as below stated:

CITY OF SWARTZ CREEK

Dated: _____

BY:
Its _____

GROUNDWATER & ENVIRONMENTAL
SERVICES, INC.

Dated: _____

By:
Its: _____

EXXONMOBIL OIL CORPORATION

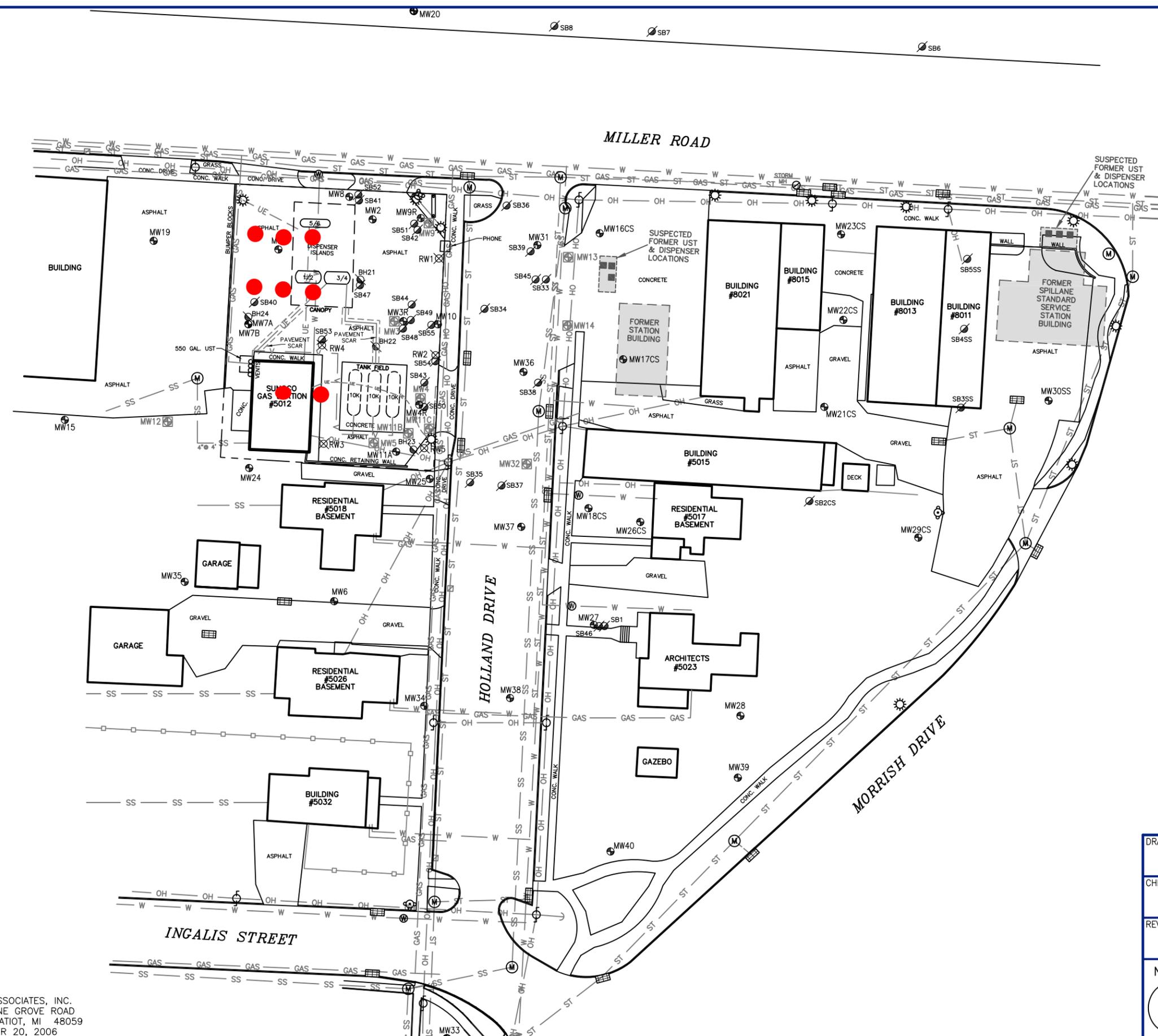
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Dated: _____

By:
Its: _____

LEGEND

- FENCE
- CATCH BASIN
- UTILITY MANHOLE
- UTILITY POLE
- LIGHT POLE
- HYDRANT
- WATER VALVE
- RECOVERY WELL
- MONITORING WELL
- ABANDONED/DESTROYED MONITORING WELL
- OH — OVERHEAD UTILITY LINE
- SS — UNDERGROUND SANITARY SEWER LINE
- ST — UNDERGROUND STORM SEWER LINE
- GAS — UNDERGROUND GAS LINE
- W — UNDERGROUND WATER LINE
- TEL — UNDERGROUND TELEPHONE LINE
- UE — UNDERGROUND ELECTRIC LINE
- P — PRODUCT PIPING LINE
- CS FORMER CITIES STATION
- SS FORMER SPILLANE STATION
- SOIL BORING (ENECOTECH, 1993)
- SOIL BORING (TOLTEST, 1996)
- Proposed Soil Sample Location



| | | |
|-------------------------------|--|-----------------|
| DRAFTED BY: E.V. (N.J.) | SOIL SAMPLE LOCATION MAP | |
| CHECKED BY: | EXXONMOBIL OIL CORPORATION FORMER MOBIL #03-COT 5012 HOLLAND DRIVE SWARTZ CREEK, MICHIGAN | |
| REVIEWED BY: | Groundwater & Environmental Services, Inc. 10381 CITATION DRIVE, SUITE 500, BRIGHTON, MICHIGAN 48116 | |
| NORTH | SCALE IN FEET | DATE 1-15-16 |
| | | FIGURE |

SOURCE:
CTI & ASSOCIATES, INC.
4146 PINE GROVE ROAD
FORT GRATIOT, MI 48059
NOVEMBER 20, 2006

M:\Graphics\1700-Detroit\ExxonMobil\03-COT Swartz Creek\03-COT Swartz Creek SM.dwg, B-50, E.Vega

Proposed Street Repair Schedule

| Year | 2017 (Year 2) | | 2018 (Year 3) | | 2019 (Year 4) | | 2020 (Year 5) | |
|-----------------|--------------------|---------------|---------------|---------------|---------------|---------------|---------------|----------------|
| Street | Worcester | Reconstruct | Daval | Reconstruct | Birchcrest | Preservation | Morrish | Maintenance |
| Cost | | \$ 770,000.00 | | \$ 700,000.00 | | \$ 300,000.00 | | \$ 130,000.00 |
| Water Main Cost | | \$ 596,000.00 | | \$ 450,000.00 | | | | |
| Street | Chesterfield | Reconstruct | Winston | Reconstruct | Fairchild | Preservation | Helmsley | Reconstruction |
| Cost | | \$ 650,000.00 | | \$ 240,000.00 | | \$65,000 | | \$ 440,000.00 |
| Water Main Cost | | \$ 450,000.00 | | \$ 180,000.00 | | | | \$ 300,000.00 |
| Street | Abbey | Preservation | | | | | Elms | Maintenance |
| Cost | | \$ 300,000.00 | | | | | | \$48,000 |
| Street | Brady, McLain | Maintenance | | | | | | |
| Cost | | \$ 30,000.00 | | | | | | |
| Street | 1st, 2nd, 3rd | Maintenance | | | | | | |
| Cost | | \$ 30,000.00 | | | | | | |
| Street | Ford, Wade, Jennie | Maintenance | | | | | | |
| Cost | | \$ 50,000.00 | | | | | | |
| Street | N. Seymour | Maintenance | | | | | | |
| Cost | | \$ 25,000.00 | | | | | | |
| Street | Holland | Maintenance | | | | | | |
| Cost | | \$ 10,000.00 | | | | | | |
| Street | Hayes | Maintenance | | | | | | |
| Cost | | \$ 10,000.00 | | | | | | |
| Street | Ingalls | Preservation | | | | | | |
| Cost | | \$ 300,000.00 | | | | | | |

| | | | | | | | | |
|-------------|-------------|-----------------|-------------|---------------|-------------|---------------|-------------|---------------|
| Total Costs | Streets | \$ 2,175,000.00 | Streets | \$ 940,000.00 | Streets | \$ 365,000.00 | Streets | \$ 618,000.00 |
| | Water Mains | \$ 1,046,000.00 | Water Mains | \$ 630,000.00 | Water Mains | \$ - | Water Mains | \$ 300,000.00 |

| | | | | | | | | |
|--------------|-------------|-----------------|-------------|---------------|-------------|---------------|-------------|---------------|
| Available \$ | Streets | \$ 1,296,000.00 | Streets | \$ 600,000.00 | Streets | \$ 600,000.00 | Streets | \$ 600,000.00 |
| | Water Mains | \$ 1,200,000.00 | Water Mains | \$ 220,000.00 | Water Mains | \$ 220,000.00 | Water Mains | \$ 220,000.00 |

| | | |
|------------|--------------------------------|-----------------|
| | <u>Years (2017 & 2018)</u> | |
| Costs | Streets | \$ 3,115,000.00 |
| | Water Mains | \$ 1,676,000.00 |
| | Total | \$ 4,791,000.00 |
| Available | Streets | \$ 1,896,000.00 |
| | Water Mains | \$ 1,420,000.00 |
| | Total | \$ 3,316,000.00 |
| Difference | Streets | \$ 1,219,000.00 |
| | Water Mains | \$ 256,000.00 |

Total \$ 1,475,000.00 Minimum Loan Amount

Draft: July 13, 2016



ROWE PROFESSIONAL SERVICES COMPANY

*Large Firm Resources. Personal Attention.*sm

September 20, 2016

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

RE: 2017 Street Paving Program
Design Engineering Services - Additional Scope

Dear Mr. Zettel:

Pursuant to your request, ROWE Professional Services Company is pleased to provide this proposal for additional construction to be completed with the upcoming paving in 2017. The project will involve paving and water main replacement on Winston Drive. In addition, Ingalls Street will be extended to Fairchild Street and Morrish Road (approximately 780 feet). Ingalls Street will be narrowed between School Street and Fairchild Street to accommodate sidewalk on the north side. Construction cost for these items is estimated at \$566,000 and is summarized below:

Winston Drive

| | |
|--------------------------------|------------------|
| ▪ Road Reconstruction | \$200,000 |
| ▪ <u>Watermain Replacement</u> | <u>\$150,000</u> |
| WINSTON DRIVE TOTAL | \$350,000 |

Ingalls Street Extension

| | |
|--|-----------------|
| ▪ Street Preservation (780 feet) | \$126,000 |
| ▪ <u>Sidewalk/Curb and Gutter (two blocks)</u> | <u>\$90,000</u> |
| INGALLS STREET EXTENSION TOTAL | \$216,000 |

Our fee to provide design engineering for the above-listed additional scope is **\$34,220**. This fee does not include survey work, as council previously approved this in July. This budget is based upon providing all work required to prepare the contract bid packages and advertise projects for construction. A breakdown of the services we will provide is attached.

We look forward to completing another successful project with the city. If you should have any questions or need any additional information, please do not hesitate to contact me at our corporate office.

Sincerely,
ROWE Professional Services Company

Louis P. Fleury, PE
Project Manager

Attachment

R:\sdesk\Proj\PROPOSAL\CU\swartzcreek\2017pavingproject\ingallswinstonproposal.docx

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

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

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

**City of Swartz Creek
Paving Program 2017
Design Engineering Services - Additional Scope**

September 2016

- Prepare contract documents and technical specifications for both contracts.
- Prepare log style plans for preservation projects and preventative maintenance projects.
- Prepare construction drawings, including plan/profile information and utility improvements (including storm sewer and water main), for reconstruction work.
- Prepare soil erosion control permit for proposed work for reconstruction work and coordinate with Genesee County Water and Waste Services.
- Prepare MDEQ water main construction permit application and coordinate with Genesee County Water and Waste Services.
- Coordinate contract bidding including advertisement, bid opening, bid tabulation, and recommendation for all contracts.

Fee Breakdown:

| | |
|-------------------------------------|-----------------------|
| Water Main Design | \$9,000 |
| Street Reconstruction Design | \$16,220 |
| <u>Street Preservation</u> | <u>\$9,000</u> |
| TOTAL | \$34,220 |

Permit fees, construction observation, contract administration, construction staking, easement acquisition (if necessary) are not included in this fee.

**LETTER OF AGREEMENT
CITY OF SWARTZ CREEK
AND
THE POLICE OFFICERS LABOR COUNCIL
REPRESENTING SWARTZ CREEK POLICE OFFICERS**

WHEREAS, The Collective Bargaining Agreement (“CBA”) between the Police Officers Labor Council (“Union”) representing The Full-time Swartz Creek Police Officers (“Employees”) and The City of Swartz Creek (“Employer”) has expired on June 30, 2016.

WHEREAS, Both parties are desirous of a continuing working agreement.

WHEREAS, The Union has been engaged in negotiations with “The Metro Police Authority of Genesee County” (“The Authority”) which would transfer all Swartz Creek Police Officers to the jurisdiction of The Authority.

WHEREAS, The Authority agreement with the Union may not become effective until on or around January 1, 2017.

NOW, IT IS THEREFORE AGREED by the parties:

1. The Employer will provide to the Employees a two percent (2%) wage increase retroactive from July 1, 2016 until such date that The Authority assumes responsibility for the CBA negotiated with the Union.
2. The Employer will provide each Employee a one (1) time lump sum payment of one thousand two hundred fifty dollars (\$1,250.00) as previously agreed by signed addendum.
3. That all other terms and conditions of the CBA shall remain in full force until negotiated or a transfer of Employees to the Authority CBA, whichever is first.
4. That should the transfer of employees to the Authority CBA not occur by January 1, 2017 the CBA between the Employer and The Union shall immediately open for negotiations.

FOR THE CITY OF SWARTZ CREEK

FOR THE UNION

date

HAL TELLING, Labor Rep. POLC date

date

GREG RACOSTA, Steward date

Household Hazardous Waste, Electronics, & Appliance Recycle Day

Saturday, October 22, 2016
10AM - 2PM



Trinity Assembly of God
4363 W. Mt. Morris Rd.
Mt. Morris, MI 48458



Flint East - Water Service Center
3310 East Court St.
Flint, MI 48506

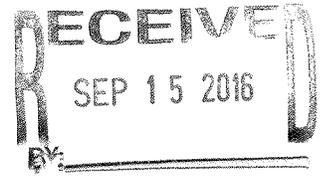
✓ ACCEPTED ITEMS

- Oil Based Paint & Solvents
- Aerosols
- Corrosives (Acids/Bases)
- Pesticides/Herbicides
- Reactives/Oxidizers
- Automotive Fluids
- Mercury (Elemental)
- Fluorescent Bulbs
- Electronics - All Kinds
- Old Prescriptions
- Fire Extinguishers
- Smoke Detectors
- Tires - up to 7 (off rim)
- Appliances
- Air Conditioners
- Propane Cylinders
(Up to 30 lbs/ea. acceptable)
- Batteries -
Mixed Household & Auto
- Biomedical Sharps
(In Rigid/Sealed Containers)

✗ NON-ACCEPTED ITEMS

- General Refuse
- Paper/Documents for Shredding
- Industrial/Commercial Waste
- Explosives
- Ammunition
- Fireworks
- Weapons
- Yard Waste
- 55 Gallon Drums of Waste
- Radioactive Materials
- Compressed Gas Cylinders
(Propane Acceptable up to 30 lbs)





**STATE OF MICHIGAN
BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION**

**NOTICE OF HEARING
FOR THE NATURAL GAS CUSTOMERS OF
CONSUMERS ENERGY COMPANY
CASE NO. U-18127**

- Consumers Energy Company requests that the Michigan Public Service Commission grant accounting and ratemaking approval of its depreciation rates for the Company's gas utility plant.
- The information below describes how a person may participate in this case.
- You may call or write Consumers Energy Company, One Energy Plaza, Jackson, Michigan 49201, (800) 477-5050 for a free copy of its application. Any person may review the documents at the offices of Consumers Energy Company.
- A public hearing in this matter will be held:

DATE/TIME: **Wednesday, September 28, 2016, at 9:00 a.m.**
This will be a prehearing conference to determine future hearing dates and other procedural matters.

BEFORE: Administrative Law Judge **Sharon L. Feldman**

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

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

The Michigan Public Service Commission (Commission) will hold a public hearing to consider Consumers Energy Company's (Consumers Energy) August 1, 2016 application, which seeks Commission approval of the proposed depreciation accrual rates for its gas utility plant. Consumers Energy Company proposes revisions in depreciation rates that would result in a decrease of \$3.4 million in annual depreciation expense relative to the depreciation rates currently in effect, (based on year-end 2015 plant balances).

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

Any person wishing to intervene and become a party to the case shall electronically file a petition to intervene with this Commission by September 21, 2016. (Interested persons may elect to file using the traditional paper format.) The proof of service shall indicate service upon Consumers Energy's Legal Department – Regulatory Group, Consumers Energy Company, One Energy Plaza, Jackson, Michigan 49201.

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

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

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

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

[THE MICHIGAN PUBLIC SERVICE COMMISSION MAY APPROVE, REJECT, OR AMEND PROPOSALS MADE BY CONSUMERS ENERGY.]

1063-G

DATE: 09/19/2016

TO: Swartz Creek Area Fire Board
Swartz Creek Area Fire Department Personnel

FROM: Acct/Clerical Specialist Kim Borse

Subject: Swartz Creek Area Fire Board 2016 Meeting Schedule (update)

| DATE: | WEEKDAY: | TIME: | TYPE: |
|--------------------|-----------------|--------------|---|
| January 26, 2016 | Tuesday | 7:00 p.m. | Regular |
| February 23, 2016 | Tuesday | 7:00 p.m. | Regular |
| March 21, 2016 | Monday | 7:00 p.m. | Regular |
| April 18, 2016 | Monday | 7:00 p.m. | Election of Officers (postponed until May) |
| May 16, 2016 | Monday | 6:00 p.m. | Election of Officers |
| June 20, 2016 | Monday | 6:00 p.m. | Regular |
| July 18, 2016 | Monday | 6:00 p.m. | Regular |
| August 15, 2016 | Monday | 6:00 p.m. | Regular |
| September 19, 2016 | Monday | 6:00 p.m. | Regular |
| October 17, 2016 | Monday | 6:00 p.m. | Regular |
| November 21, 2016 | Monday | 6:00 p.m. | Regular |
| December 19, 2016 | Monday | 6:00 p.m. | Regular |

****All meetings will be held at Station 1 unless otherwise posted.****

**CITY OF SWARTZ CREEK
SWARTZ CREEK, MICHIGAN
STREET PROJECT SELECTION COMMITTEE
MINUTES OF SEPTEMBER 13, 2016**

Meeting called to order by Chairman Krueger at 5:30 p.m.

Members Present: Dennis Cramer, Lou Fluery, Rae Lynn Hicks, David Krueger, Dennis Pinkston, Steve Long, Steve Shumaker, & Adam Zettel

Members Absent: None

Others Present: Tom Svrcek, James Barclay, Curt Porath, Richard Abrams, Renae Howard, Stan & Nancy Dungerow, Brian & Julie Brooks, Jill Wittock, Deb Foote, & Heather Miller.

APPROVAL OF AGENDA: Motion by Cramer to approve the agenda, with the addition of the September 13, 2016 meeting minutes, supported by Shumaker. Motion carried unanimously by voice vote.

APPROVAL OF MINUTES: Motion by Hicks to approve the August 30, 2016 minutes, as amended, supported by Shumaker. Motion carried unanimously by voice vote.

MEETING OPEN TO THE PUBLIC:

No general comments

Business: Update: Lighting, traffic circle, medians

Mr. Zettel indicated that the Arlington fixtures, which are used downtown, were previously found to be acceptable by the committee, but we were still waiting on the LED Avery fixture cost. The cost of the Arlington is \$1,600 each. The number and placement of fixtures was found to be most efficient if limited to existing lights. Additional conduit for more lights was thought to be too costly at about 9\$ per foot, making additional lighting cost prohibitive.

Discussion on the traffic circles and median installations commenced. Mr. Fleury showed a video on how the traffic circle would look. This device, in combination with the medians, was advocated by staff as a means to calm traffic in the area, reduce acceleration noise, and positively brand the subdivision. General concerns of the public were that the lack of stopping would make traffic less safe, especially for pedestrians. Stan Dungerow lives on the corner, and his household does not believe this will help traffic. He is opposed. Ms. Howard, also a corner resident, was concerned about the impact on her property, animals, and fence. Ms. Wittock and others felt this was not a safety improvement.

Medians, pedestrian and decorative were heavily favored by the public. No formal recommendation was made. The status quo is to design and bid the projects out to reflect their current composition. Medians and/or the traffic circle could be added later. Mr. Fleury was going to check other similar communities for pedestrian safety information.

Ingalls Scope and Width

At the August 30th meeting, staff described the Ingalls Street project as currently proposed. It was felt that 2017 may be the time to include the other remaining two blocks (Hayes to Morrish & Mclain to Fairchild). This would add \$150,000 to the 2017 scope, but the work is proposed for future years. There was also discussion about narrowing Ingalls from School to Fairchild (from 35' to 30'). This would slow traffic, allow installation of a sidewalk, and still provide two-way traffic with parking. Mr. Clolinger and the group strongly supported this idea. The added cost is estimated to be \$70,000, however, this was only for the large block. Mr. Fleury indicated that the cost for both blocks would be \$90,000.

Motion by Mr. Cramer to recommend the addition of the full scope of Ingalls Street from Morrish Road to Fairchild Street, including the proposed narrowing and sidewalk addition from School to Fairchild Street, said additions to cost a combined \$240,000. Support by Mrs. Hicks. Motion carried by unanimous voice vote.

Winchester Woods Introduction

Mr. Zettel indicated that Gaines Township and the church are tentatively agreeable to cooperating to find drainage and utility solutions. More time is needed to determine the specific level of involvement. Mr. Fleury said that is company could study the area needs and report pricing for \$6,000-\$8,000. No action was taken.

State Infrastructure Bank Loan

Mr. Zettel informed the committee that the loan has conditional approval for \$1.6 million dollars, to be repaid over 10 years at 2.5% interest. This payment will be subject to actual borrowing needs and apportionment among funds, but it should result in an annual \$147,000 debt service to the street funds. The estimate was \$150,000 per year. However, the loan may necessitate payment of higher wages, making more conventional financing desirable. Bonding would be expected to cost \$50,000 and take ninety days. The rate might be as high as 3%. He said he is awaiting an interpretation from the state on the need for prevailing wages. Subsequent to the meeting, Mr. Fleury indicated the project costs could be 7% higher with those wages (5.5% when compared to the added upfront costs of bonding, not including additional note interest).

Winston Drive Scope Additions

Staff informed the committee of the need or opportunity to complete Winston Drive in 2017. This street is a priority because the north entrance was completed in 2016, and the south entrance (which could potentially include traffic calming devices) is slated for 2017, making future reconstruction of this half-block very difficult and potentially damaging to the new roads.

The cost to add this block would be \$420,000 including road and watermain work.

| | |
|---------------------------|-----------|
| Road Construction: | \$200,000 |
| Watermain Construction: | \$150,000 |
| Construction Engineering: | \$45,000 |
| Preliminary Engineering: | \$25,000 |

Motion by Mr. Cramer to recommend the addition of the full scope of Winston Drive from Worchester to the 2016 project boundaries, including the proposed watermain, said additions to cost a combined \$420,000. Support by Mr. Long. Motion carried by a 4 to 1 voice vote.

Sidewalk Replacement

Sidewalks under new watermain, which will be placed next to the old watermain on the same side, will need to be removed and replaced. Staff asked the committee if 4' or 5' sidewalk was desirable. It was noted that replacement squares on the opposite side of the street would be replaced by whatever was in place and that 5' sidewalk was originally priced in the estimates.

Motion by Mr. Cramer to recommend the use of 5' sidewalk in areas where new sidewalk is needed due to complete removal. Support by Mr. Long. Motion carried by unanimous voice vote.

MEETING OPEN TO THE PUBLIC:

No general comments.

MEMBER COMMENTS:

Mr. Shumaker noted that he voted against the Winston Drive scope addition because it would exceed the budget of the loan.

Mr. Cramer thanked the attending audience and noted that the events now in motion would benefit everyone.

Mr. Krueger thanked the members and attending residents for coming out and putting in input. He also thanked Mr. Pinkston for bringing in pizza.

Mr. Pinkston asked how many vacant lots were in the Woods. Mr. Zettel did not have the immediate answer. Post meeting, it was found that there are 73 (36 in Gaines Township and 37 in the City). There is also the possibility of platting 8 more in the city on church property.

A future meeting was note scheduled.

Motion by Mr. Cramer to adjourn, supported by Mr. Shumaker. Motion carried unanimously by voice vote. Adjourned at 7:45 p.m.

AHZ

MEMORANDUM

TO: 2017 Community Development Block Grant (CDBG) Program Applicants

FROM: Sheila Taylor, Principal Planner
Genesee County Metropolitan Planning Commission

DATE: September 15, 2016

SUBJECT: Genesee County Community Development Block Grant (CDBG) Application for 2017 Group 2 Applicants

Please find an attached copy of the 2017 Community Development Block Grant (CDBG) Program Application for Group 2 applicants. Staff will be calling to schedule meetings to come out and review the application with each of the Group 2 applicants on a one-to-one basis.

All application items must be completed and returned to the Genesee County Metropolitan Planning Commission, 1101 Beach Street, Room 223 Flint, Michigan 48502, no later than **5:00 p.m. on Friday, November 18, 2016.**

If you have any questions or concerns regarding the application, please call Ms. Claire Wilke, Planner II at (810) 257-3010.

Thank you.



Genesee County Metropolitan Planning Commission

Community Development Block Grant Program

2017 Group 2 **Construction Projects Application**

*City of Flushing, City of Swartz Creek, Clayton Township, Flint Township,
Flushing Township, Gaines Township, Mt. Morris Township, Mundy
Township, and Village of Gaines*

Due: November 18, 2016



Genesee County 2017 Community Development Block Grant (CDBG) Program

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Genesee County 2017 Community Development Block Grant (CDBG) Program

What is CDBG?

The U.S. Department of Housing and Urban Development (HUD) provides Community Development Block Grant (CDBG) funds to entitlement community grantees, like Genesee County, to carry out a wide range of community development activities. These activities are directed primarily toward revitalizing neighborhoods, encouraging economic development, and providing improvements to community facilities and services in low to moderate income areas.

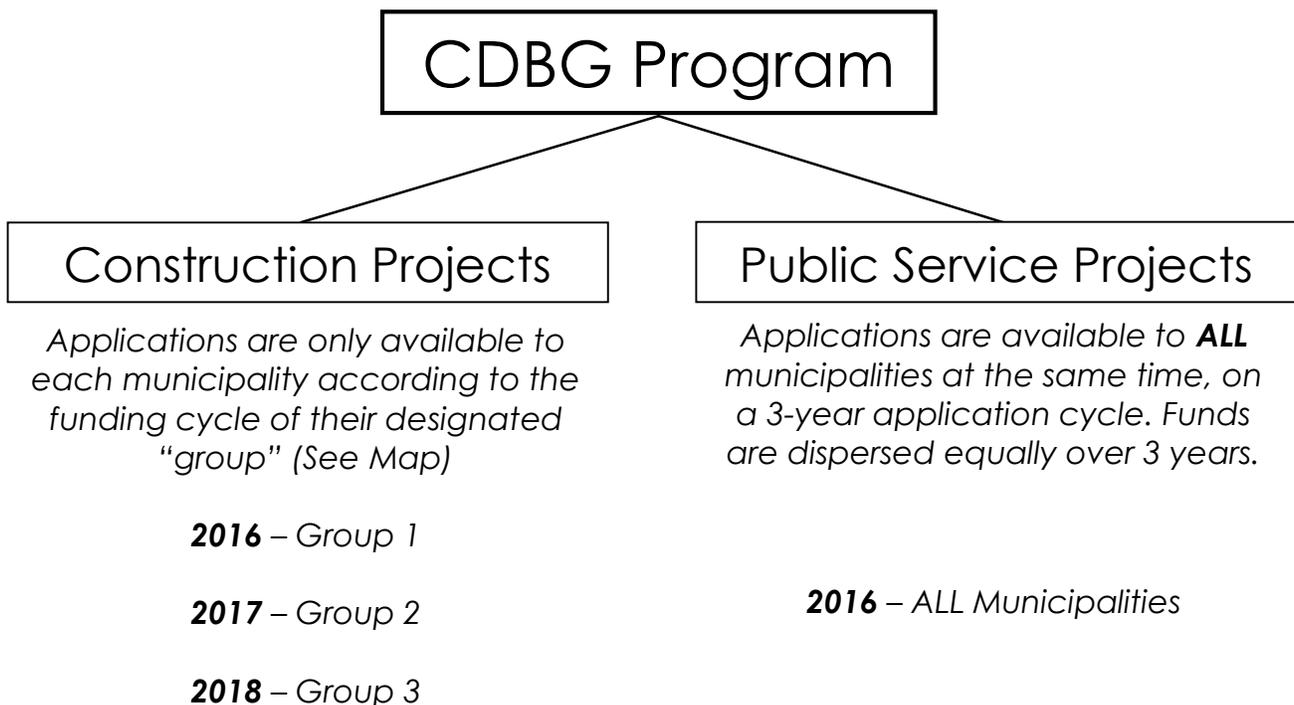
To determine annual CDBG award amounts, HUD uses a funding formula comprised of several measures of community need. These measures include: the extent of poverty, population, housing, and overcrowding.

CDBG funds must be used for activities that benefit low and moderate-income areas or households (Attachment A). In addition, each CDBG assisted activity must meet at least one of the following National Objectives for the program:

1. Provide benefit to low and moderate income persons and households;
2. Aid in the prevention or elimination of slums or blight conditions; or
3. Address community development needs having a particular urgency (urgent need).

Genesee County CDBG funds are allocated between 29 local units of government on a rotating, three-year cycle (Attachment B). Currently the three-year cycle of funding is 2016 - 2018, with 2017 as the second year in the cycle.

Questions concerning the Construction Project Application can be directed to Ms. Claire Wilke at 810-766-6564.



Genesee County 2017 Community Development Block Grant (CDBG) Program

What Projects Are Eligible Under CDBG?

Projects that are located in low to moderate income areas (Attachment A), or directly benefiting low to moderate income persons or households, and that meet a National Objective are typically eligible under the CDBG program. The following list can help you identify the types of community needs you may be able to address with a CDBG funded project. Please keep in mind that this list is not all-inclusive and new project ideas are encouraged.

General Projects

- Sidewalk Improvements
- Street Improvements
- Water/Sewer Improvements
- Code enforcement activities
- Improvements to lighting in public places
- Improvements/additions to neighborhood parks/recreational facilities
- Acquisition of real property
- Special Assessment Assistance
- Construction/Rehabilitation of publicly owned buildings (not used for general government)
- Streetscape improvements in neighborhoods/commercial districts
- Purchase firefighting equipment
- Demolition and clearance activities
- Single family housing rehabilitation/improvements
- Provide housing to individuals and families with special needs

Projects in Areas Not Designated as Low to Moderate Income & Income Surveys

If there is an area within your community that is believed to be a low to moderate income area, but did not qualify as such through the Census, you may choose to send income surveys (Attachment C) to each household in that area, in order to document low to moderate income status.

The following instructions will assist you through the income survey process:

- Determine the area to be surveyed
- Divide the area into streets or street segments
Example: 3 miles on Oak Street may be divided into three 1-mile segments, such as: Oak from Maple to Cherry; Oak from Cherry to Birch; and Oak from Birch to Hickory
- Identify the street address on each survey form to be delivered
- Mail or hand-deliver survey forms to each household, including a postage-paid return envelope addressed to Genesee County Metropolitan Planning Commission, 1101 Beach Street, Room 223, Flint, MI 48502-1470
- Inform GCMPC staff of the addresses surveyed on each street or segment
- A 90% return rate must be accomplished in order to determine low to moderate income status
- 51% of the returned surveys must reflect low to moderate income households in order to achieve low to moderate income area status

Genesee County 2017 Community Development Block Grant (CDBG) Program

- GCMPC staff will do a visual house count and general inspection of the area after obtaining documentation of low to moderate income area status

If you would like to propose a project in an area that requires income surveying, surveys should be mailed out no later than the 2017 CDBG Program Application submittal date. GCMPC staff is available to answer any questions you may have regarding income surveys and how they should be administered.

Fire Station Projects & Fire Runs

In order to determine project eligibility for improvements to fire stations, the building of new fire stations or for the purchase of firefighting equipment, fire run data for that station must be submitted with the 2017 CDBG Program Application. Fire runs should cover a one year time period of May 1, 2015 – April 30, 2016, with 51% or more of the fire runs having been to low or moderate income areas. An electronic version (Microsoft Excel) of the fire run data must be submitted via email to Ms. Claire Wilke, Planner II at CWilke@co.genesee.mi.us.

What Are The Public Involvement Requirements for CDBG Project Proposals?

All potential projects that your community is considering submitting for funding must be mentioned, discussed and recorded within minutes at a local public needs hearing, in order to be considered for approval under the Genesee County CDBG Program. The following requirements must be followed for properly conducting a public needs hearing:

Prior to the Local Public Needs Hearing

- A public notice of the hearing must be published in your local paper at least one week in advance of the hearing (Attachment D)
- Request an Affidavit from the publisher to submit as proof of publication with your CDBG Application

At the Local Public Needs Hearing

- Must be held as part of an official meeting of your governing body
- The requirements of the Open Meetings Act and any other applicable state or local laws must be adhered to
- An attendance list must be signed by all those attending the hearing (Attachment F)
- The public must be advised of the estimated amount of 2017 CDBG funds available to your community
- The public must be provided with a list of the types of eligible projects under CDBG
- The public must be given an opportunity to express community development needs and to propose projects
- The public should be asked for comments on your past CDBG activities
- Any potential projects to be included in the CDBG Application must be discussed at this hearing

Genesee County 2017 Community Development Block Grant (CDBG) Program

- Detailed meeting minutes must be taken and submitted with the application

After the Local Public Needs Hearing

- Keep the official minutes and attendance sheet on file
- Review and consider all proposed projects, including those from public comment, to determine which projects your community should apply for and the dollar amount of each
- At a subsequent official public meeting of your governing body, pass a resolution reflecting the selected projects and the amount or percentage of funding to be dedicated to each project
- Detailed meeting minutes should be taken at the subsequent public meeting, including the award amount or percentage of funding to be dedicated to each project
- Submit to GCMPC, with this application, proof of a public notice publication, meeting minutes from the local public needs hearing, attendance list from the local public needs hearing, and the minutes or resolution from the subsequent meeting where the proposed projects and dollar figures were approved

What Is My Community's CDBG Allocation Amount?

Genesee County CDBG funds are allocated between 29 local units of government on a rotating, three-year cycle. The three-year cycle of funding is 2016 - 2018, with May 1, 2017 – April 30, 2018 as the second year.

The following communities are in Group 2 of the 2016 - 2018 funding cycle: City of Flushing, City of Swartz Creek, Clayton Township, Flint Township, Flushing Township, Gaines Township, Mt. Morris Township, Mundy Township, and the Village of Gaines.

The following table reflects the **estimated** 2017 CDBG Allocation of each community in Group 2.

| Community | Estimated 2017 Allocation |
|-----------------------------|----------------------------------|
| City of Flushing | \$37,265 |
| City of Swartz Creek | \$28,819 |
| Clayton Township | \$42,219 |
| Flint Township | \$212,502 |
| Flushing Township | \$49,686 |
| Gaines Township | \$30,592 |

Genesee County 2017 Community Development Block Grant (CDBG) Program

| | |
|----------------------------|-----------|
| Mt. Morris Township | \$183,546 |
| Mundy Township | \$70,706 |
| Village of Gaines | \$2,781 |

The dollar amounts listed in the table are only estimates and are subject to change based on actual funding received by Genesee County from the U.S. Department of Housing and Urban Development. *Approximately 15% of the allocation can be used for 3 year public service projects.*

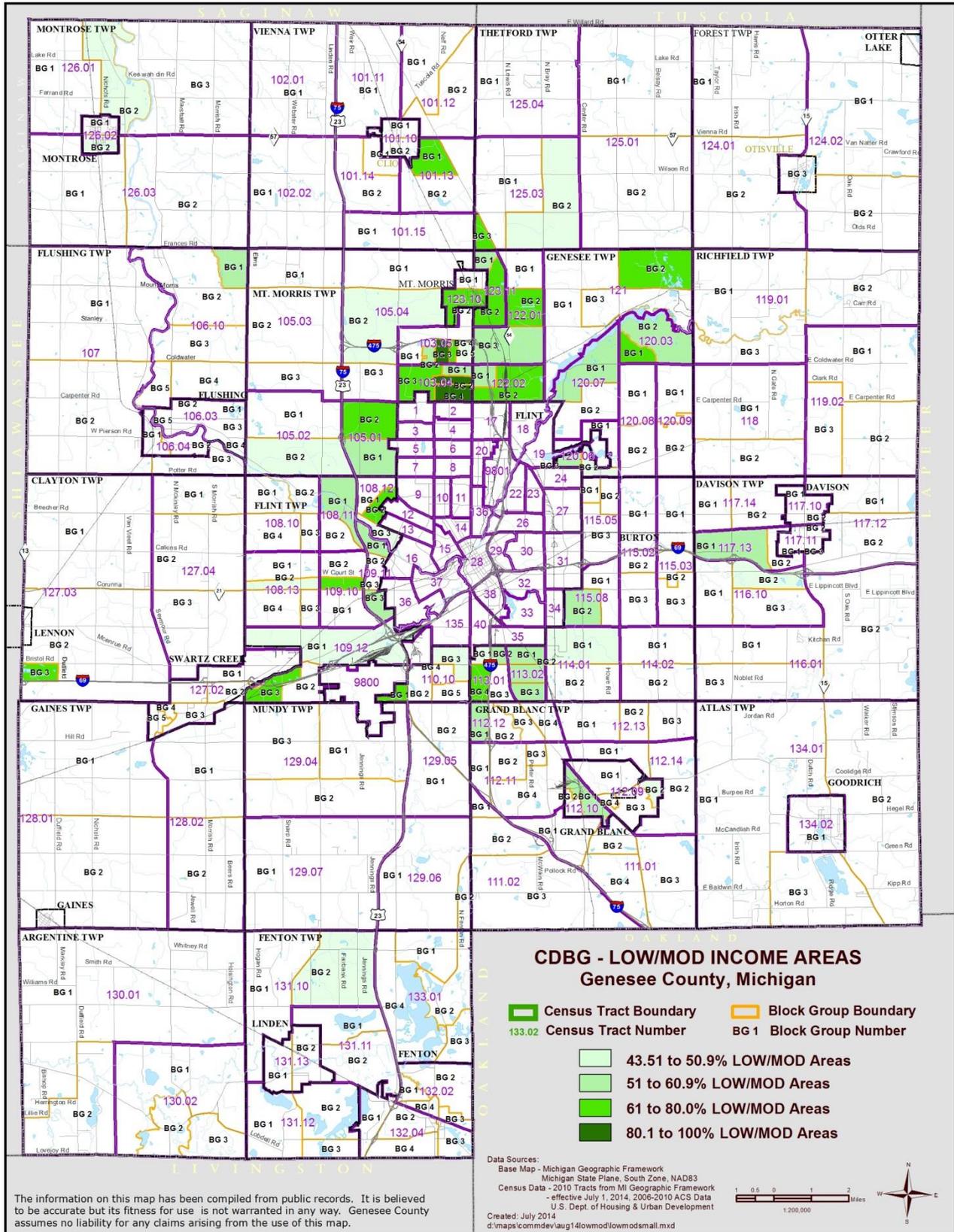
What Information Should Be Provided For Each CDBG Project Proposal?

A 2017 Genesee County Community Development Block Grant (CDBG) Project Proposal form should be completed for each proposed 2017 CDBG project. One proposal form should be completed, in its entirety, for each project. Incomplete project proposals will not be considered for funding.

One 2017 CDBG Project Proposal form is provided in the application packet. Communities proposing more than one 2017 CDBG project may make copies of the Project Proposal form or additional forms may be requested electronically from GCMPC staff.

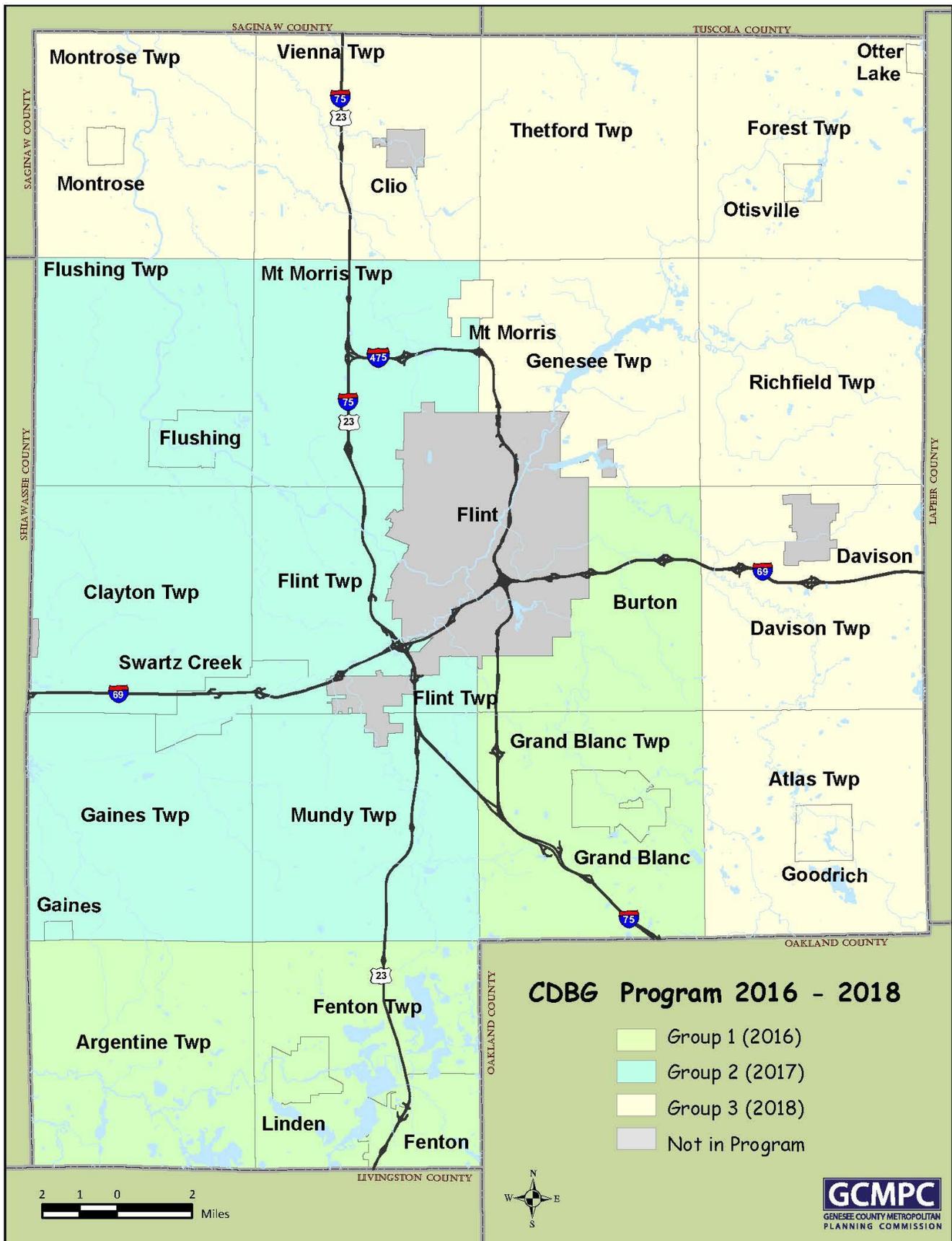
Genesee County 2017 Community Development Block Grant (CDBG) Program

Attachment A – Genesee County Low and Moderate Income Areas Map



Genesee County 2017 Community Development Block Grant (CDBG) Program

Attachment B – Genesee County CDBG Funding Groups 2016 – 2018 Map



Genesee County 2017 Community Development Block Grant (CDBG) Program

Attachment C – Income Survey Form

Dear Resident of: _____
(address)

The _____ is conducting an Income Survey to assess the need
(unit of government) for public improvements in your area.

Please indicate the total number of persons comprising your household. Then indicate in the appropriate box, listed under income, your gross household income from all sources. Gross income includes all monies earned (before taxes) by **all persons** residing within your household.

Number of Persons in Household: _____

Total Household Income:

- \$ 0 - \$29,500
- \$29,501- \$33,700
- \$33,701- \$37,900
- \$37,901- \$42,100
- \$42,101- \$45,500
- \$45,501- \$48,850
- \$48,851- \$52,250
- \$52,251- \$55,600
- \$55,601+

Signature: _____ Date: _____

An envelope has been provided for your use in returning this form to the Genesee County Metropolitan Planning Commission (GCMPC) Room 223, 1101 Beach Street, Flint, MI 48502. Thank you for your cooperation.

Very truly yours,

(Local Official)

Genesee County 2017 Community Development Block Grant (CDBG) Program

Attachment D – Sample Public Notice of Local Public Needs Hearing

Public Notice

The (Name of Local Unit of Government) will hold a public needs hearing on the use of its 2017 Federal Community Development Block Grant (CDBG) Program funds on (Date) at (Time) at (Location and Address).

The purpose of the hearing is to offer an opportunity for citizens to express their ideas on community needs and project proposals concerning the use of Federal CDBG funds for the 2017 Program Year. The hearing will also provide an opportunity for citizens to comment on past CDBG projects.

Genesee County 2017 Community Development Block Grant (CDBG) Program

Attachment E – Sample Press Release for Local Public Needs Hearing

Press Release

(Name of Local Unit of Government) to hold Community Development Hearing

The (Name of Local Unit of Government) will hold a Community Development Public Needs Hearing on (Date) at (Time) at (Location and Address).

The purpose of the hearing is to offer an opportunity for citizens to express their ideas on community needs and project proposals concerning the use of Federal Community Development Block Grant (CDBG) funds for the 2017 Program Year.

The (Name of Local Unit of Government) expects to receive approximately \$ (Estimated 2017 Project Funding) of 2017 CDBG funds. The funds are provided by the Genesee County Metropolitan Planning Commission Community Development Program from an annual entitlement grant received from the U.S. Department of Housing and Urban Development (HUD).

The funds are intended primarily for projects in low and moderate income neighborhoods.

Genesee County 2017 Community Development Block Grant (CDBG) Program

Attachment F – Sample Attendance List for Local Public Needs Hearing

(Name of Local Unit of Government) 2017 Community Development Block Grant Public Needs Hearing

Attendance List

Name

Address

1. _____
2. _____
3. _____
4. _____
5. _____
6. _____
7. _____
8. _____
9. _____
10. _____
11. _____
12. _____
13. _____
14. _____
15. _____
16. _____
17. _____
18. _____
19. _____
20. _____

**Please complete Pages 15 – 22 and return to Genesee
County Metropolitan Planning Commission by:**

Friday, November 18, 2016

Genesee County 2017 Community Development Block Grant (CDBG) Program

2017 Community Development Block Grant (CDBG) Application Packet

Ms. Sheila Taylor, Principal Planner
Genesee County Metropolitan Planning Commission
1101 Beach Street, Room 223
Flint, MI 48502

Ms. Taylor,

Please find enclosed a completed 2017 Community Development Block Grant Program Application for:

(Name of Local Unit of Government)

Below, I have marked each of the required items that are included within this application:

- Completed Project and Funding Summary Page
- Completed Public Service Project Proposal or N/A
- Completed Project Proposal Form for each proposed 2017 project
- Local Needs Hearing Proof of Public Notice Publication
- Local Needs Hearing Sign-In Sheet
- Local Needs Hearing Minutes
- Minutes of Meeting Where CDBG Project Funds Were Allocated to each Project
(including the name of each project and the dollar amount or percentage of funding for each project)
- Copy of Conflict of Interest Policy
- Income Surveys (if applicable)
- Fire Runs (if applicable)

Signature and Title of Authorized Official

Date

Genesee County 2017 Community Development Block Grant (CDBG) Program

Please Return No Later Than Friday, November 18, 2016

Project and Funding Summary Page

Local Unit of Government: _____ Estimated 2017 Allocation: \$ _____

Public Service Project: _____ Amount: \$ _____ Percent of Allocation: _____ %

Project Proposal 1: _____ Amount: \$ _____ Percent of Allocation: _____ %

Project Proposal 2: _____ Amount: \$ _____ Percent of Allocation: _____ %

Project Proposal 3: _____ Amount: \$ _____ Percent of Allocation: _____ %

Project Proposal 4: _____ Amount: \$ _____ Percent of Allocation: _____ %

Project Proposal 5: _____ Amount: \$ _____ Percent of Allocation: _____ %

TOTAL: \$ _____ TOTAL: _____ %

Summation of Proposed Project Amounts Match Total 2017 Allocation

Summation of Proposed Project Percentages Is Equal to 100%

**Project Proposal Form for
Construction and Improvement Projects**

Genesee County 2017 Community Development Block Grant (CDBG) Program

Project Proposal Form

Project Information

1. Community:
2. Project Name:
3. 2017 CDBG Funds to be Allocated:
4. Percent of 2017 CDBG Funds to be Allocated:
5. Other Project Financing:
 - a. State: Dollar Amount: \$
Source:
 - b. Local: Dollar Amount: \$
Source:
 - c. Other: Dollar Amount: \$
Source:
6. Project Location:
 - a. Address:
 - b. Census Tract(s):
 - c. Block Group Numbers:
7. Geographic area to be served (describe below or include a map):
8. Estimated number of persons and/or households to benefit from this project:
9. Scope of work (provide as much detail as possible):

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[Empty dashed box for project description]

10. Proposed Project Timeline (include all important milestones):

[Empty dashed box for project timeline]

11. Is this project part of a larger geographically targeted revitalization effort? Yes No

12. If you answered "Yes" to question 11, please describe the location, strategy and goals of the revitalization plan:

[Empty dashed box for revitalization plan details]

Citizen Participation

13. Was this project discussed at a 2017 CDBG Public Needs Hearing? Yes No

14. Was this project discussed at the County 2017 CDBG Public Needs Hearing? Yes No

15. Was this project discussed at a previous year's public needs hearing? Yes No

16. Describe your community's process for addressing complaints about this project (attach copies of any and all complaints received regarding this project and the response provided by your community):

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Relocation

17. Will this project require permanent or temporary displacement of residents? Yes No
18. Will this project necessitate the acquisition of private property? Yes No
19. Will this project necessitate acquisition of private property for easements? Yes No

Income Surveys and Fire Runs

20. If necessary, were income surveys completed for this project? Yes No N/A
21. If necessary, were fire runs completed for this project? Yes No N/A

Objectives and Outcomes

22. Select the National Objective this Project Meets:

- Provides benefit to low and moderate income persons and households;
- Aids in the prevention or elimination of slums or blight conditions; or
- Addresses community development needs having a particular urgency because existing conditions pose a serious and immediate threat to the health or welfare of the community for which other funding is not available.

23. Select the Objective of the Genesee County Consolidated Plan this Project Meets:

- Suitable Living: A suitable living environment is a neighborhood characterized by a healthy real estate market, attractive public amenities, a sense of safety and security and where residents are involved in neighborhood concerns.
- Decent Housing: Decent housing activities provide benefits to individuals and families by ensuring decent, safe and sanitary housing, opportunities for homeownership, affordable rents and a range of housing choices.
- Economic Opportunities: Economic opportunities build economic power within the neighborhood, from supporting the development of small businesses to assisting people in getting and maintaining quality jobs.

24. Select the Intended Outcome Related to this Project:

- Improved Availability/Accessibility: Make basic services and amenities available to low/moderate income areas, persons or households.

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- Improved Affordability: Make an activity more affordable to low/moderate income areas, persons or households.
- Sustainability: Using resources in a targeted area to help make the area more viable.

Environmental Considerations

- 25. Does this project involve a structure more than 50 years old? Yes No
a. If yes, what year was the structure built? _____
- 26. Does this project involve activity at or near a designated historic site? Yes No
- 27. Does this project involve excavation in an archeologically-sensitive area? Yes No
- 28. Does this project involve the conversion of farmland to other uses? Yes No
- 29. Does this project involve ground-disturbing activity? Yes No
If yes,
 - a. Provide a description of the width, length and depth of proposed ground disturbing activity:

 - b. Previous land use and disturbances: _____
 - c. Current land use and conditions: _____

Alternative Analysis

- 30. Why was this activity site chosen?
- 31. Please list alternative sites for this type of activity, which were examined or discussed at your public needs hearing, or previous meetings, as a need and/or a deficiency.
- 32. What alternative means of attaining the improvement were discussed (such as, special assessment district, service charges, different media, gravel resurfacing rather than paving, etc.)?
- 33. Why were alternative means discarded?

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[Empty dashed box for response to question 34]

34. What would be the results if this project were not carried out?

[Empty dashed box for response to question 35]

35. Are there any other projects taking place in the Proposed Project area using federal, state, or local funds? Please describe.

[Empty dashed box for response to question 35]

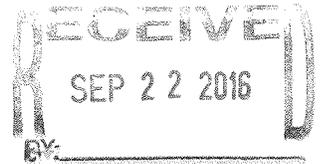
Analysis of Impacts

36. Land Development - Will the Proposed Project increase residential or commercial development? How will cleared land be used?

[Empty dashed box for response to question 36]

37. Community Services - Will the Proposed Project enhance those services currently available and will this project fulfill an identified need? Please explain.

[Empty dashed box for response to question 37]



MEMORANDUM

TO: All municipal clients of Simen, Figura & Parker, P.L.C.
FROM: Michael J. Gildner, Esq.
DATE: September 16, 2016
RE: State Law Changes to Medical Marijuana

**This memo is provided as a public service by
Simen, Figura & Parker, P.L.C.**

Since the Michigan Medical Marijuana Act took effect in 2008, there has been much debate and several attempts to amend what most everyone agrees is a confusing and poorly drafted piece of legislation. Some of our communities have adopted moratoriums on the subject, others approved ordinances to regulate the subject in one form or another, and others chose not to take action at the local level while debate continued at both the state and federal levels. Whichever route your municipality took, you should reevaluate it in light of recent activity by the Michigan Legislature.

A series of separate but related bills is now awaiting the Governor's signature. The one most significant to municipalities is entitled the "Medical Marijuana Facilities Licensing Act." Among other things, the Act says that a municipality could enact an ordinance to authorize one or more types of marijuana facilities (like dispensaries or provisioning centers) and charge an annual local licensing fee up to \$5,000. It would also permit a tax rate of 3% on the gross retail income of each such facility. Another bill would allow for the manufacture and use of marijuana-infused products by qualifying patients.

We urge you to reevaluate your approach to the medical marijuana debate given these expected changes to state law. Patients and providers will act on these changes immediately and you should be prepared to address their calls and questions when they arrive.

Please call our office with questions or concerns. Michael Gildner can be reached on his cell at (810) 577-0179 or at the office at (810) 235-9000.