

**City of Swartz Creek
AGENDA**

**Regular Council Meeting, Monday, December 04, 2017, 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 November 27, 2017 MOTION Pg. 16
5. **APPROVE AGENDA:**
5A. Proposed / Amended Agenda MOTION Pg. 1
6. **REPORTS & COMMUNICATIONS:**
6A. City Manager's Report MOTION Pg. 2
6B. AMAR Policies and Procedures Pg. 23
6C. Comcast Notice Pg. 42
6D. Traffic Control Order 172 Pg. 43
7. **MEETING OPENED TO THE PUBLIC:**
7A. General Public Comments
8. **COUNCIL BUSINESS:**
8A. AMAR Policies and Procedures RESO Pg. 13
8B. Traffic Control Order RESO Pg. 14
9. **MEETING OPENED TO THE PUBLIC:**
10. **REMARKS BY COUNCILMEMBERS:**
11. **ADJOURNMENT:** MOTION

Next Month Calendar

Planning Commission:	Tuesday, December 5, 2017, 7:00 p.m., PDBMB
Park Board:	Wednesday, December 6, 2017, 5:30 p.m., PDBMB
City Council:	Monday, December 11, 2017, 7:00 p.m., PDBMB
Downtown Development Authority:	Thursday, December 14, 2017, 6:00 p.m., PDBMB
Metro Police:	Wednesday, December 20, 2017, 10:00 a.m., Metro PD HQ
ZBA:	Wednesday, December 20, 2017, 6:00 p.m., PDBMB

City of Swartz Creek
CITY MANAGER'S REPORT
Regular Council Meeting of Monday, December 4, 2017 - 7:00 P.M.

TO: *Honorable Mayor, Mayor Pro-Tem & Council Members*
FROM: Adam Zettel, City Manager
DATE: November 29, 2017

ROUTINE BUSINESS – REVISITED ISSUES / PROJECTS

- ✓ **MICHIGAN TAX TRIBUNAL APPEALS** *(No Change of Status)*
 The 2016 Huizinga appeal has been settled without much change. Since the petitioner is not happy with this value, they will not settle the 2017 appeal. Heather recommends that we do an appraisal for the 2017 appeal since our values are still very far apart.

The golf appraisal is underway. They do not appear to be cooperating. The allocation of value between the city and Flint Township is as much an issue as the establishment of a total true cash value for the entire course. While all the road frontage, structures, and much acreage is in the city, there is more land area for the course in the township. This circumstance is problematic for us.

- ✓ **STREETS** *(See Individual Category)*
 - ✓ **MORRISH SIGNALS** *(No Change of Status)*
 We approved the update and Morrish approach signal upgrade. We await scheduling for work. My understanding is that this could take awhile.
 - ✓ **2017-2020 TRAFFIC IMPROVEMENT PROGRAM (TIP)** *(No Change of Status)*
 The county is beginning to align the 2019 projects for 2018 preliminary engineering. We are being informed that, since the engineering is to be less than \$25,000, the city shall not need to engage the qualified bidding selection process (QBS). This is good news because the QBS process is long and arduous, requiring an absurd amount of staff hours and paper filings in order to have an engineering expense that is reimbursable with federal funds. This has been affirmed by MDOT as of September 18, 2017.

The city has only one project slated for federal funding through the regional planning commission Traffic Improvement Program (TIP). Fairchild is to be designed in 2018 and constructed in 2019, which is the last year of the three year TIP cycle. After that, we hope that Miller, west of Morrish will be in the 2020-2022 cycle. Seymour is not on the radar at this point, though we may try to put it on the next cycle as well.

Listed below is the breakdown for Fairchild, including federal funding:

<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>
Fairchild	Cappy	Miller	0.28	2	2956.8	44	2456	\$312,306	\$249,845	\$62,461

✓ **STREET PROJECT UPDATES (Update)**

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. Information from previous reports can be found in prior city council packets.

We are setting our sites on 2018 and Daval Drive. Once the final payments are made for 2017 work, we can review our accounts and ascertain if more 2018 rehabilitation or preventative maintenance work is in the cards, or if we retain fund balance for larger projects on the horizon (Chelmsford/Oxford, Helmsley, Oakview, etc.).

The street committee will convene for the purpose of making recommendations regarding the communication, staging, and schedule for 2018.

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

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

Lining work is approved for Chelmsford and Valleyview Drives. Inspection of Winshall should occur around November 13th, with pipe preparation for Chelmsford and Valleyview at the same time. Lining is expected around November 27th.

This program is on schedule and budget. Based upon current rates and existing fund balance, staff may recommend expending more in the next year or two on the sewer rehabilitation plan in order to get some higher risk assets completed more quickly. This could include Winshall Drive and Miller Road sections.

✓ **WATER MAIN REPLACEMENT – PLAN COMPLIANCE (No Change of Status)**

I have updated the map database with pipe information that will make compilation of the report possible. There is still a lot of hydrant data and valve data that may not be able to make the 2018 report. However, the work done so far will give us a great handle on our existing assets and the strategy to maintain them.

The result will be a complete map and database that we convert into a water master plan and reliability study that the Michigan Department of Environmental Quality expects to have by January (see below).

The council approved the proposal from the engineer to seek grant funds for the next water main replacement that is integrated with our 20 year street plan. 2018 will be Daval, followed by Chelmsford and Oakview in subsequent years. Obviously, Miller and Morrish Roads are mid-term priorities for replacement and may be looked at separately for such grant/loan funding.

Previous report details follow:

Genesee County Drain Commission - Water and Waste Services still intends to update its 2003 Water Master Plan this year. During this process, they are going to analyze the Swartz Creek area to ascertain what current and future needs are. This information will then be used by their consultant to make determinations concerning additional water feeds into the area and the sizing of the water main, including Miller Road.

Their plan is to rely less on Miller Road and more on secondary feeds that could approach the city from the north, south, and west. This would be good for us in the long run and negates the concern that Miller Road would need to be increased in size and/or used as an intercommunity transmission line.

The city is working with the county to abandon the Dye Road water main in the vicinity of the rail line. This line is prone to breaks, which can be very costly and dangerous near the rail spur. The intention would be to connect our customers to the other side of the street, onto the county line. It appears the transition cost would be about \$25,000. We will work with the county on this matter and report back on our findings.

✓ **WATER SYSTEM STATE REVIEW** *(No Change of Status)*

Michigan Department of Environmental Quality staff have performed an annual review of our operations. They are requiring some documentation and changes:

1. We are required to have a 5 and 20 year capital improvement plan (see above).
2. The city must have a valve maintenance program that includes a general schedule for exercising valves. Staff will document our policy moving forward.
3. The city must supply our purchase contract with Genesee County for our water supply. This document is on file and shall be provided to the DEQ.
4. The city must provide a water main inventory (see above).
5. The city must provide an updated Emergency Response Plan. We have this on file and shall do so.

✓ **NPDES STATE REVIEW** *(No Change of Status)*

The permit has been resubmitted to the state. Lots of work was put into this by Rebecca and Jody! After speaking to the state official overseeing our application, I believe we are in a good spot as it relates to the completeness and timeliness of the permit at this point. I will keep the council informed. The previous report follows:

Michigan Department of Environmental Quality staff have performed a paper audit of our storm water management policies, ordinances, and procedures. They have a number of requests for supplemental paperwork that the city and Genesee County Drain Commissioner's office (Surface Water Management Division) must provide.

Tom and Rebecca are working to provide the required information. The state staff involved are very accommodating, and I do not expect any issues with reporting.

This request stems from the National Pollutant Discharge Elimination System, which resulted in the cooperative program operated by the county in which the city participates. They charge an annual fee to conduct monitoring, public education, and reporting. They also assisted in the draft of the city's massive storm water ordinance that was passed relatively recently.

✓ **POLICE SERVICE** *(Update)*

The Metro PD met on November 21st at the new police department building next to the Hill Road Meijer. This facility is now operational and all meetings are projected to be held there moving forward.

The meeting covered topics including the 2018 budget, officer selection, and a potential contract for service with Thetford Township. A budget was approved for 2018, which is lower than the 2017 budget in terms of total expenditures (note that the comparison is made after converting 2017 from an eleven month budget to a twelve month budget to match 2018).

Officers were kept the same for 2018 as they were in 2017. The Thetford issue was not discussed at the meeting, and it appears the Thetford Township board did not move ahead with any presentation or vote on the matter as well.

The December meeting will be held on December 20th at 10:00 a.m. at the new police headquarters on Hill 23 Drive.

The previous report follows:

The potential contract for service with Thetford Township is the subject of much discussion. The draft agreement indicates that the Metro will sell them a lower level of service at a lower rate than what the city and township pay. The thought is that the service needs to be cheaper to get others on board and test the service while a Police Protection Unit cost is developed that would apply to all units.

The board is still deliberating whether and under what terms to provide service. My initial reaction is that the lower rates do our tax payers in the city a disservice. I also have concerns about the distance and similarities between departments. The board has a committee that will look at some of the particulars, especially cost.

The authority board is also investigating prosecutors (the city uses Simen, Figura, Parker; the township uses F. Jack Belzer). I am not sure if the staff/board will bid this service, engage in some other selection process, or hire someone in house. My initial reaction to this is that the city and township should be able to select their own prosecutors (note that the authority can still retain their own general counsel). To do so, we may need to work with the authority and Mundy to arrange to have each municipality pay for their own services.

- ✓ **HERITAGE VACANT LOTS** *(No Change of Status)*
Sale instruments approved at the November 13 meeting will be available for inspection for at least 30 days. They will appear on the January 9, 2018 agenda for further review and potential approval.

- ✓ **WINCHESTER WOODS LOTS** *(No Change of Status)*
A meeting was held on August 22nd and was well attended. Invitations were sent to all owners in Winchester Woods as noted in the previous meeting packet. The conversation was engaging and rational. However, not much consensus resulted. What I was able to take away from the conversation is that the woods area is an asset that most folks would rather see left intact. There was not much support for investing in improvements to make the lots usable for single family construction.

There was some support for area-wide and/or focused drainage improvements in the form of piping and ditching. I will look to create a survey instrument when things calm down in the fall that might better inform us of what people would like to see happen.

The previous report follows:

The city engineer has created a set of investment options for this subdivision. If the agenda was not jam packed, this would be up for presentation/discussion. For the time being, the proposals are included for review and future discussion (albeit small in scale). One proposal costs \$2.6 million and addresses all outstanding drainage, sanitary sewer, and water service needs. This design is the text book solution to all existing drainage issues, of which there are many. It also prepares the vacant lots for development. I suspect this is too much investment for this area to endure, no matter how the assessment is appropriated.

A second proposal costs \$750,000 and only addresses the immediate needs necessary to make the vacant land buildable. This includes sanitary sewer installation on a more limited basis, as well as targeted drainage to alleviate future impacts. Note that this is still about \$20,000 per lot (vacant lots only)

As noted previously, Paul Fortino from Gaines was also able to attend consultation with the city engineer. He has not shown interest in interjurisdictional cooperation when asked to participate in design and/or construction.

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

Let me know if you have thoughts on the fall newsletter that was just distributed or have ideas for the spring newsletter due out in April.

✓ **HOLLAND SQUARE** *(No Change of Status)*

The DDA approved a proposal from OHM, per the direction of the DDA, to create schematic engineering for a site that enables parking and pavilion use. It appears that the concept of using the space for parking, with a possible structure for complimentary uses is desirable. The streetscape for Miller Road, west to Paul Fortino/Hayes is also being brought back into focus. The plan is to respect the desires of the nearby properties owners and work closely with them on the use and layout of the city site, continuing to look for opportunities and threats that should be addressed.

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

The final renovations (accessible parking, walkways, and exercise equipment) are substantially complete! The tot lot build was on September 30th, and the project went well. Final grading around the edges is still expected. Once complete, the facility should be open. Plans will then be set for sign recognition of donors, the naming of the facility, the provision for fencing, and some benches.

Note that the piles of dirt by Elms Road and I-69 are awaiting grading to increase the elevation of the proposed dog park.

✓ **TRAILS** *(No Change of Status)*

The cooperative grant to the Michigan Department of Transportation was submitted on October 27th. We received initial comments and have responded favorably. This places us right on schedule to move into a DNR application in the spring as listed in the timeline below.

Nothing else is required of the city at this point. However, should the DNR grant be awarded (October 2018), the city and township would be expected to move into the design phase of the project. I have attached the engineering cost proposal by OHM to do this. What this amounts to is a need to fund our share of \$79,000 in the 2019 fiscal year. We would then look to fund our share of \$118,500 in the next fiscal year for construction engineering of the project itself (assuming a summer of 2019 construction). The expectation is that all other costs will be covered by the MDOT and DNR grants. If not, the local obligation may be too much to bear. As it is projected, the city's share of \$118,500 (~\$106,650) is still very heavy for a single fiscal year of park investment.

S. Dye Rd. / Miller Rd. Non-Motorized Path				
		Grant Request		Local Funds
		MDOT TAP	MDNR Trust Fund	
Construction (35% local match)	\$790,000	\$ 513,500		
			\$ 276,500	
Final Design (10%)	\$ 79,000		\$ 23,500	\$ 55,500
Final Engineering (15%)	\$ 118,500			\$ 118,500
Total	\$987,500	\$ 513,500	\$ 300,000	\$ 174,000
<u>Tentative Schedule</u>				
Sep-17	Inter-community project resolution			
	Letters of support			
	Trail maintenance agreement			
Oct-17	Draft MDOT application			
Nov-17	Submit application for 2019 MDOT TAP funds			
Dec-17	MDOT TAP Review Session			
Jan-18	Draft MDNR application			
Mar-18	Submit application to MDNR Trust fund			

- ✓ **REDEVELOPMENT READY COMMUNITIES BRANDING** (No Change of Status)
We are moving forward! I will be meeting with the state MEDC soon to put together a game plan for specific actions to move us forward.
- ✓ **BRANDING** (No Change of Status)

The DDA is narrowing down potential logos and taglines. Once this is done, a more detailed marketing strategy can be delivered. I have attached the consultant's most recent submission of various logos and taglines that have resulted from months of deliberation, surveys, and input. Surprisingly, the dragon did not surface during this conversation to the extent that I was included. Mid-way through the process, the survey results and DDA began to gravitate towards logos that represented the 'town and country' theme, with inclusion of the creek and arch concepts.

Variations of "where town and country join hands" were discussed and are presented. At the November meeting, the DDA appear to prefer to go back to the original tagline. Currently preference at this time is for logo number five, with uniform and arched lettering above the image and a bit more simplicity. The designer is going to deliver a number of variants of this particular logo at the next meeting, including changes to color, font, border, etc.

✓ **MEDICAL MARIJUANA LAND USES** (*No Change of Status*)

I have attached the Michigan Municipal League Medical Marijuana Facilities – Opt In/Opt Out informational handbook.

The planning commission had more deliberation at their November meeting regarding an amendment of the zoning code to enable four of the five state licensed facilities (provisioning centers are not included):

1. Growing
2. Processing
3. Testing
4. Transportation

This time the discussion was more focused on the ordinance as it might relate to the raceway property. On the day of the meeting, staff and Mayor Krueger met with someone that indicates they have an interest in developing the raceway as an industrial park. In order to do so, they indicate that they would seek cannabis growers and processors as potential building tenants.

This created much discussion. My professional opinion is that light industrial uses would be preferred at this site for the following reasons: these uses would diversify the economy, they would create demand for hospitality services on north Morrish Road and in downtown, the project would remove an apparent glut of usable commercial property, industrial users require far less services/traffic accommodations than retail/hospitality, and the resources gleaned from an industrial tax base would enable the city to focus those resources on quality of life endeavors in other areas.

The apparent risks or downsides are real or perceived externalities (odor, crime, etc.), as well as any stigma that might be attached to having the uses in the community.

Moving forward, the planning commission put off any decision by one month so the owner interest could further discuss their concept plan and strategy. The city was

also going to look to investigate the impact that industrial scale growers/processors have had on desirable communities in western states that have been decriminalizing medical marijuana for longer periods of time.

This could be a critical issue for the entire community. Some folks are decisively opposed to anything related to these statutes based upon established principles. Other folks believe this could be a practical and productive use of otherwise defunct raceway property. For the time being, we will allow the developer to put their best foot forward so that everyone can get a look at the situation and respond as informed individuals.

As drafted, the four permitted uses are proposed to be limited to special land uses within industrial districts. Note that the city can entirely opt out of regulating and permitting any of the state regulated uses.

✓ **DOG PARK** *(No Change of Status)*

The Eagle Scout candidates are back on the case. There is now a fundraising platform set up to make this happen (GoFundMe). If you are interested in contributing or know of another person or entity that might be, feel free to contact me.

✓ **FIVE YEAR PARK PLAN** *(No Change of Status)*

A draft was included in the October 23, 2017 packet. The park board reviewed the document at their regular meeting on November 1st. Some minor changes were made, and the plan is available to the public through November 30th, with a public hearing planned for the December park board meeting. **A hearing will also be held on December 11th at the city council meeting.** Rowe Professional Services Company drafted the revised plan. They collected information from the park board at their July meeting regarding goals and the action plan.

✓ **RADAR FEEDBACK SIGNS** *(No Change of Status)*

The police authority continues to explore options. They reported findings that point to a more efficient system at their September meeting. Lt. Bade may be planning a road trip to see a number of the signs in action around the area. Hopefully, they will have purchase options soon.

If the authority does not proceed, the city can still engage in its own program.

✓ **CONSUMERS CONSERVATION PILOT PROGRAM** *(No Change of Status)*

The webpage for this program is now up and running. By all accounts, their kickoff was very successful, and the community is getting engaged. I have noticed some radio ads, as well as a billboard on I-69. Please check this program out and register if you have not already!

Part of the program includes a \$15,000 donation to one of two local projects. These projects include the future "Holland Square" and the trail system that is proposed. Obviously, these resources would be put to good use!

✓ **DURAND AREA INDUSTRY - PROJECT TIM** *(No Change of Status)*

This matter is starting to gain the attention of the world. Unfortunately, I have no new information regarding the rumored industrial investment that is planned for the Durand area. The best information that I have found was included in the June 26 city council packet. What appears to be affirmed is that some sort of steel or raw material producer is interested in constructing a large facility north of Durand. This facility is alleged to be valued at close to \$5 Billion and would employ hundreds of employees. It is also being promoted as an engine for numerous spin off businesses.

The scale of this investment and its impact would be unprecedented and would dramatically impact the housing, retail, and service market for Swartz Creek, as well as potential industrial demand. However, no information has been substantiated to ameliorate concerns over air quality impacts. Since our community is 4-5 miles east by north east, we are in the immediate crosshairs of any such impacts. I have heard that the facility could be a potential polluter, and I have heard that it could have no measurable or observable impacts on air quality.

At this point, we find ourselves as a stakeholder in this project without much information to respond. I will do my best to learn more and report to the city council. This is something that, if it proceeds, will have a tremendously positive impact on our town, or a mixed impact (economic/environmental). Since various state and federal agencies are involved, we should be prepared to inform ourselves and use our formal and collective voice to promote the best interest to the Swartz Creek community.

✓ **TAX REVERTED PROPERTY LIST** *(No Change of Status)*

For the time being, the accepted course of action is to hold the Heritage property, pending use in accordance with the current development and sale process that the neighborhood association is coordinating with J.W. Morgan Inc.

I have received a call from an alleged property interest of the Second Street vacant land. They indicated that they missed the tax payments for various reasons and would like the property back. The contact indicated that the house adjacent to the site was owned by the same owner, but had the taxes paid by an escrow company. I indicated that the city is likely to take ownership of this property due to circumstances, but a letter to the city council requesting sale back to them would be the best way to proceed with any attempt to reacquire it.

✓ **5157 MORRISH ROAD DEMOLITION** *(No Change of Status)*

We continue to have delays with Consumers Energy disconnection utilities. Until this is complete we cannot move forward, though it appears the windows and affiliated asbestos sealant are gone. Thoughts on reuse? Standard practice for single lot properties is to sell them to an adjacent land owner. There has been interest by local builders in placing new housing, similar to the bungalow homes that were built about a decade ago on First and Wade.

✓ **FIRE DEPARTMENT** *(No Change of Status)*

The fire board had their November meeting on November 20th. They have tentatively chosen to move forward with a process to review and interview Dave Plumb for the

position of fire chief. It appears that Mr. Cole opted not to meet with the fire board personnel committee to discuss a possible severance.

Follow up conversations with Mr. Gehringer indicate that we are close on changes to the interlocal agreement that would provide for membership qualifications and voting provisions. I am awaiting word from them on our last proposal, which eliminated the neutral seventh member (retaining supermajority requirements) and offered a compromise to membership (two elected officials for each unit).

✓ **DON SHENK HOME REHABILITATION (Update)**

Bedrock Building Inc. was awarded the contract for rehabilitation work. The alternate that includes the work on the basement appears to be affordable, but the contractor indicated that we have until about mid-January to make a decision. The plan is to begin work immediately in January and have a week or two in the home to ascertain the likelihood of change orders or overruns prior to making a decision.

Reminder: the city CANNOT profit from this endeavor. Tax rules require that proceeds to be returned to the county. So, the city could recover any investments in owning, operating, improving, and maintaining the house, but the city cannot sell it for more than those investment inputs and keep the proceeds.

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

✓ **COMCAST NOTICE (Update)**

Comcast is communicating some channel lineup changes.

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

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

The planning commission held a regular meeting on November 7th. The Medical Marihuana ordinance and Redevelopment Ready Communities items were the only agenda items and are discussed above.

The next meeting is scheduled for December 5.

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

A DDA met on November 9th, with six members attending. Ongoing business includes the Sunoco (Holland Square) and branding. Holland Square and branding are discussed above. In addition, the DDA opted to invest more in the Christmas happenings that are planned.

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

A variance application for a pole sign at the KFC location was approved by the Zoning Board of Appeals at their regular meeting on November 15, 2017. Two conditions were added. The first was to relocate the sign to comply with a 10' lot line setback. The second was to include 6' high evergreen screen around the base. Draft minutes are included.

There is also a variance application for a residential accessory structure. This is scheduled for December 20th.

- ✓ **PARKS AND RECREATION COMMISSION** *(No Change of Status)*
 Their meeting was held on November 1st. Primary matters were reported elsewhere in the packet (park plan & trails). The minutes of the meeting describe other business in more detail. Their next meeting is on December 6. This will likely be the last meeting in which the park plan is altered prior to approval. Moving forward, it appears Park Board meetings shall be scheduled for 5:30 p.m.!
- ✓ **BOARD OF REVIEW** *(No Change of Status)*
 The March Board of Review met on July 18, 2017. I believe they meet again for specific appeals in December.

NEW BUSINESS / PROJECTED ISSUES & PROJECTS

- ✓ **TRAFFIC CONTROL ORDER** *(Business Item)*
 This week, it was brought to my attention that the parking allowance on streets within the reconstruction zone is on the same side as the water main. Since no parking signs are all being replaced at this time, it was recommended by the street administrator, and supported by Metro PD, to relocate parking to the side of the street without water main.

 Doing so will eliminate the conflict with hydrants and potential right-of-way access for any digs. There were some concerns with placing parking on the short curves of Worcester, but Lt. Bade is confident that it will not be a problem. There will certainly be a learning curve and some complaints, but this is a best practice that should increase the total parking and reduce potential conflicts during events like the garage sale. A traffic control order is included to effect this change.
- ✓ **AUDIT OF MINIMUM ASSESSING REQUIREMENTS POLICIES** *(Business Item)*
 The assessor has submitted a letter with a recommendation regarding three policies specific to assessing and taxation. The AMAR review has specific requirements for best practice as it relates to numerous policies, procedures, forms, and practices. To align with these, she recommends we take action on three of these. Her letter thoroughly explains the needs. I concur with her recommendations and have drafted a resolution that will affect the requested changes.

Council Questions, Inquiries, Requests, Comments, and Notes

Miller Road Drain: We have recovered MDOT easements that have been conveyed to the city. We will work with the engineer to develop a plan for repair of any faults. For the record, the city did receive a written statement from the county drain office in late August indicating that the creek was under the county's jurisdiction and that any tile on the property would be the owner's responsibility. My calls to the office staff responsible at the GCDC have not been returned.

**City of Swartz Creek
RESOLUTIONS
Regular Council Meeting, Monday, December 4, 2017, 7:00 P.M.**

Resolution No. 171204-4A MINUTES – NOVEMBER 27, 2017

Motion by Councilmember: _____

I Move the Swartz Creek City Council approve the Minutes of the Regular Council Meeting held Monday, November 27, 2017, to be circulated and placed on file.

Second by Councilmember: _____

Voting For: _____

Voting Against: _____

Resolution No. 171204-5A 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 December 4, 2017, to be circulated and placed on file.

Second by Councilmember: _____

Voting For: _____

Voting Against: _____

Resolution No. 171204-6A CITY MANAGER’S REPORT

Motion by Councilmember: _____

I Move the Swartz Creek City Council accept the City Manager’s Report of December 4, 2017, including reports and communications, to be circulated and placed on file.

Second by Councilmember: _____

Voting For: _____

Voting Against: _____

**Resolution No. 171204-8A RESOLUTION TO APPROVE VARIOUS POLICIES,
PROCEDURES, AND FEES RELATED TO THE
MICHIGAN STATE TAX COMMISSION AUDIT OF
MINIMUM ASSESSING REQUIREMENTS**

Motion by Councilmember: _____

WHEREAS, the Michigan Tax Commission conducts an Audit of Minimum Assessing Requirements (AMAR) of Townships and Cities; and

WHEREAS, the city assessor is preparing for an audit that is scheduled for 2019 and may include the 2018 assessing roll and accompanying policies and procedures; and

WHEREAS, the assessor recommends that that the city council update and affirm written procedures for the granting and auditing of real property exemptions, guidelines for poverty exemptions, and the waiver of interest and penalty for failure to file a Property Transfer Affidavit.

NOW, THEREFORE BE IT RESOLVED that the City of Swartz Creek adopts the Procedures and Application for Real Property Exemptions under Michigan Compiled Laws 211.7 as included in the City Council Packet of December 4, 2017.

BE IT FURTHER RESOLVED that the City of Swartz Creek adopts the Poverty Exemption Guidelines and application as included in the December 4, 2017 City Council Packet.

BE IT FURTHER RESOLVED that the City of Swartz Creek hereby waives penalties and interest that is otherwise required to be levied for failure to file a Property Transfer Affidavit under MCL 211.27b.

Second by Councilmember: _____

Voting For: _____

Voting Against: _____

Resolution No. 171204-8B

RESOLUTION TO APPROVE TRAFFIC CONTROL ORDER NUMBER 172, TO RELOCATION OF NO PARKING ORDER ON WORCHESTER DRIVE, A SECTION OF WINSTON DRIVE, AND A SECTION OF CHESTERFIELD DRIVE

Motion by Councilmember: _____

WHEREAS, the city owns and operates a system of major and local streets, including traffic control devices; and

WHEREAS, Chapter 18, Article II of the Swartz Creek City Charter adopts the provisions of the Michigan Manual on Uniform Traffic Control Devices, 2009 Edition; and

WHEREAS, Section 1A.08 of the Michigan Manual on Uniform Traffic Control Devices, 2009 Edition places local control of the regulation of traffic devices; and

WHEREAS, the street administrator and staff from the Metro Police Department of Genesee County recommend that stopping, standing, and parking be prohibited on the south side and permitted on the north side of Chesterfield, prohibited on the east side and permitted on the west side of Worchester, and prohibited on the east side and permitted on the west side of Winston.

NOW, THEREFORE BE IT RESOLVED that the City of Swartz Creek approve Traffic Control Order #172 as a permanent order and direct the staff to place and/or remove signs in accordance with the MUTCD.

Second by Councilmember: _____

Voting For: _____

Voting Against: _____

**CITY OF SWARTZ CREEK
SWARTZ CREEK, MICHIGAN
MINUTES OF THE REGULAR COUNCIL MEETING
DATE 11/27/2017**

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

Councilmembers Absent: None.

Staff Present: City Manager Adam Zettel, Clerk Connie Eskew, Treasurer Deanna Korth, Director of Public Services Tom Svrcek & City Attorney Chris Stritmatter.

Others Present: Lania Rocha, Steve Shumaker, Bob Plumb, Lou Fleury, Bud Grimes, Sandy Raffaelli, Faye Porath, Ashley Frase, Pam Hill, Matt Bade, Dave Plumb, Roy Hodge, Suzy Hodge & Janet Hodge.

APPROVAL OF MINUTES

Resolution No. 171127-01

(Carried)

Motion by Councilmember Porath
Second by Councilmember Gilbert

I Move the Swartz Creek City Council approve the Minutes of the Regular Council Meeting held Monday November 13, 2017, to be circulated and placed on file.

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

APPROVAL OF AGENDA

Resolution No. 171127-02

(Carried)

Motion by Councilmember Cramer
Second by Councilmember Gilbert

I Move the Swartz Creek City Council approve the Agenda as, amended for the Regular Council Meeting of November 27, 2017, to be circulated and placed on file.

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

NO: None. Motion Declared Carried.

CITY MANAGER'S REPORT

Resolution No. 171127-03

(Carried)

Motion by Councilmember Florence
Second by Councilmember Gilbert

I Move the Swartz Creek City Council accept the City Manager's Report of November 27, 2017, including reports and communications, to be circulated and placed on file.

Discussion Ensued.

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

MEETING OPENED TO THE PUBLIC:

Lou Fleury, Rowe Professional Services, gave an update on street construction. Major items are complete. Restoration and more tree planting will be done in the spring.

COUNCIL BUSINESS:

RESOLUTION TO APPROVE THE 2016-2017 FISCAL YEAR AUDIT BY INDEPENDENT AUDITOR PLANTE-MORAN **Presentation**

Plante-Moran representatives informed the council that they spent approximately 250 hours auditing the city. The city received an unmodified opinion which is the highest level of assurance you can receive. A review of governmental fund revenue, taxable value, governmental fund expenditures, long term liabilities, components of governmental fund-fund balance, general fund-fund balance and looking ahead and items for consideration.

Resolution No. 171127-04

(Carried)

Motion by Councilmember Hicks
Second by Councilmember Florence

WHEREAS, Section 8.13 of the City Charter requires an audit of all accounts of the city government; and

WHEREAS, independent auditors, retained by the city per a qualified bidding selection process, have completed said audit for the most recent fiscal year, 2017; and

WHEREAS, said audit contains financials for related public utilities, enterprise accounts, and the Downtown Development Authority; and

WHEREAS, the audit, as presented to the city council on November 27, 2017, has been found to meet generally accepted accounting standards and required reporting provisions of state and local law.

NOW, THEREFORE, BE IT RESOLVED, the City of Swartz Creek accept the 2016-2017 Fiscal Audit Report prepared by Plante-Moran, a copy of which is attached hereto, and further, direct such to be published, distributed, circulated and placed on file in a manner prescribed by law.

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

NO: None. Motion Declared Carried.

RESOLUTION TO APPROVE 2018 DAVAL DRIVE WATER MAIN AND RECONSTRUCTION AND CONSTRUCTION ENGINEERING

Resolution No. 171127-05

(Carried)

Motion by Councilmember Gilbert
Second by Councilmember Hicks

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, the reconstruction and rehabilitation features of the second year of the plan were awarded to Glaeser Dawes through a sealed bidding process, 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 multiple meetings during the 2017 construction season, and

WHEREAS, the city council finds that the negotiated pricing offered by Glaeser Dawes to complete Daval Drive reconstruction in 2018 remains competitive and the quality of the work is adequate, and

WHEREAS, awarding the contract to Glaeser Dawes will enable approximately four additional months to fine tune project components such as staging, communication, and sub-contractor schedules, and

WHEREAS, this project shall require construction engineering services to ensure proper materials, procedures, and results.

NOW, THEREFORE, BE IT RESOLVED the City of Swartz Creek City Council affirms the recommendation of the street committee and approves the negotiated project amount by Glaeser Dawes Corporation, as filed with the city, in the amount of \$1,086,161.60 for street and water main work.

BE IT FURTHER RESOLVED, that the City Council approves the engineering proposal by ROWE Professional Services Company, dated November 21, 2017, for an amount not to exceed \$124,952 for construction engineering services related to the awarded project.

BE IT FURTHER RESOLVED, that appropriations to the projects and engineering shall be made to Fund 101 (General), Fund 202 (Major Streets), Fund 203 (Local Streets), Fund 204 (Municipal Streets) and Fund 590 (Water) as directed by the Treasurer.

BE IT FURTHER RESOLVED, that the City Council directs the City Manager to execute any and all contracts, permits, agreements, and related documentation to said project award engineering proposal on behalf of the city.

BE IT FURTHER RESOLVED, that the City Council directs the Street Project Review Committee to provide recommendations to the engineer, contractor, and staff regarding areas for process improvement during the 2018 construction season.

Discussion Ensued.

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

NO: None. Motion Declared Carried.

RESOLUTION TO APPROVE REHABILITATION BIDS FOR 5256 DON SHENK

Resolution No. 171127-06

(Carried)

Motion by Mayor Pro Tem Pinkston
Second by Councilmember Cramer

WHEREAS, the city acquired a residential structure in the community that is in need of repairs and improvement; and

WHEREAS, a temporary committee was created to review conditions and prepare bid specifications to restore the residence; and

WHEREAS, such specifications were released for sealed bids, with the bid opening occurring on November 22, 2017; and

WHEREAS, the responsible low bid was found to be submitted by Bedrock Building Inc., of Linden, Michigan in the amount of \$48,650 for the Base Bid and \$14,300 for Alternate 1 (Basement).

NOW, THEREFORE, BE IT RESOLVED, the City of Swartz Creek City Council hereby approves the Base bid, as submitted by Bedrock Building, Inc. for rehabilitation services for 5256 Don Shenk Drive in the amount of \$48,650, in accordance with the attached bid specifications.

NOW, THEREFORE, BE IT RESOLVED, the City of Swartz Creek City Council hereby authorizes the City Manager to execute the change order for the Alternate 1 bid, as submitted by Bedrock Building, Inc. for rehabilitation services for 5256 Don Shenk Drive in the amount of \$14,300, in accordance with the attached bid specifications, subject to budget allowances and project circumstances.

BE IT FURTHER RESOLVED, the City of Swartz Creek City Council directs the Treasurer to account for expenses related to this rehabilitation in a separate account, with the intention of accounting for investment expenses and potential sale proceeds.

Discussion Ensued.

YES: Porath, Cramer, Florence, Hicks, Krueger, Pinkston.

NO: Gilbert. Motion Declared Carried.

RESOLUTION TO APPROVE TRAFFIC CONTROL ORDER NUMBER 171, TO ELIMINATE ONSTREET PARKING ON INGALLS BETWEEN FAIRCHILD AND SCHOOL STREETS

Resolution No. 171127-07

(Carried)

Motion by Councilmember Porath
Second by Councilmember Cramer

WHEREAS, the city owns and operates a system of major and local streets, including traffic control devices; and

WHEREAS, Chapter 18, Article II of the Swartz Creek City Charter adopts the provisions of the Michigan Manual on Uniform Traffic Control Devices, 2009 Edition; and

WHEREAS, Section 1A.08 of the Michigan Manual on Uniform Traffic Control Devices, 2009 Edition places local control of the regulation of traffic devices; and

WHEREAS, the street administrator and staff from the Metro Police Department of Genesee County recommend that parking on the north side of Ingalls, between Fairchild Street and School Street be prohibited due to the narrowing of the road.

NOW, THEREFORE BE IT RESOLVED that the City of Swartz Creek approve Traffic Control Order #171 as a permanent order and direct the staff to place and/or remove signs in accordance with the MUTCD.

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

NO: None. Motion Declared Carried.

RESOLUTION TO APPROVE STREET USAGE PERMIT, ANNUAL FIRE DEPARTMENT CHRISTMAS PARADE

Resolution No. 171127-08

(Carried)

Motion by Councilmember Cramer
Second by Councilmember Florence

WHEREAS, the City of Swartz Creek issues street closure permits for the purposes of holding public events from time-to-time; and,

WHEREAS, the Swartz Creek Area Firefighters Association has submitted application for such a street closure for the purposes of hosting an annual Christmas parade in downtown Swartz Creek; and,

WHEREAS, the Chief of Police finds the application satisfactory and the City Council finds the time, place, and manner of the parade to be conducive to the health, safety, and welfare of the community.

NOW, THEREFORE, BE IT RESOLVED THAT the City of Swartz Creek accept the Chief of Police’s recommendation and approve the Swartz Creek Area Fire Fighters Association’s Street Usage Application to hold an annual Christmas Parade on Saturday, December 2, 2017 from 6:00 PM to 7:00 PM, route, stipulations and conditions as set forth in the application packet, a copy of which is attached hereto, under the direction and control of the office of the Chief of Police.

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

NO: None. Motion Declared Carried.

MEETING OPENED TO THE PUBLIC:

Roy Hodge, 8057 Miller Road, made council aware of the parking dilemma that the tree lighting event caused the businesses.

Tom Svrcek, Director of Public Services, wanted to thank the Women’s Association on the success of the tree lighting event. It was a beautiful night and very well attended. He also thanked everyone who attended the Genesee County Water Treatment Plant open house.

REMARKS BY COUNCILMEMBERS:

Councilmember Porath wasn’t able to attend Genesee County Water Treatment Plant open house and would like to go if another opportunity comes up. Events downtown do need to be coordinated with local businesses for parking issues that may occur.

Councilmember Florence he also agreed that the parking issues downtown need to be communicated with local businesses.

Councilmember Hicks attended the Genesee County Water Treatment Plant open house and commented it was a nice facility. She commented on a repair needed at the tot lot and asked what the status was on the fence at Elms Park.

Tom Svrcek replied it would probably be done next spring.

She mentioned that there was construction boards still on a property at corner of Miller/Winston that need to be taken care of. She requested the library electricity be taken care of for the Dec. 2nd Christmas event.

Councilmember Gilbert attended the Genesee County Water Treatment Plant open house and it was very interesting. He inquired on leaf pickup.

Councilmember Cramer would like an aircraft warning light on the water tower.

Mayor Krueger reminded everyone that on December 2nd is the annual Christmas parade and all the events and activities downtown.

Councilmember Porath reminded everyone that there is a special Police Authority meeting on November 28th at the new office.

ADJOURNMENT

Resolution No. 171127-09

(Carried)

Motion by Councilmember Gilbert
Second by Mayor Pro Tem Pinkston

I Move the Swartz Creek City Council adjourn the regular meeting at 8:38 p.m.

Unanimous Voice Vote.

David A. Krueger, Mayor

Connie Eskew, City Clerk



**City Offices &
Public Services Department**

M-F 8 am - 12 noon
1 pm - 4:30 pm
810-635-4464
810-635-2887 fax

Police Department

M-Thurs 8 am - 12 noon
1 pm - 3 pm
810-635-4401
810-635-3728 fax
**Any emergency or
non business hours
Call 911**

November 14, 2017

Dear Swartz Creek City Council:

The Michigan State Tax Commission conducts an Audit of Minimum Assessing Requirements (AMAR) of Townships and Cities. Genesee County, and therefore The City of Swartz Creek, is scheduled to be audited during 2019. This audit could encompass either the 2018 or 2019 assessment roll. There are a few items on the upcoming audit that require that procedures, policies or resolutions be approved by City Council. In order to be proactive, I am attaching information and requesting the City Council address these issues prior to January 1, 2018, so that we may begin implementing them for the 2018 assessing year.

1. The local unit must have written procedures, including audit procedures, for determining how to grant real property exemption or remove real property exemptions when the property no longer qualifies for the exemption.

We currently have procedures and an application in place but they have never been formalized or approved by Council. I have attached procedures and an application for this and am requesting that the Council adopt them. We have created a spreadsheet for all real properties in Swartz Creek that are currently receiving exemption under MCL 211 and are currently in the process of auditing them.

2. The local unit must have poverty exemption guidelines which include an asset test.

The City currently has poverty exemption guidelines but they do not include a specified amount for the asset test. We have reviewed the existing policy and application and have made a few changes. The City Council will need to determine a maximum dollar amount of assets a property owner can have and still receive a poverty exemption. This asset amount does not include the homeowner's principal residence for which they are requesting the exemption.

I am requesting that the City Council approve the attached Poverty Exemption Guidelines and Application which sets a maximum dollar amount for the asset test.

3. MCL 211.27b (attached) requires The City to levy interest and penalty for failure to file a Property Transfer Affidavit. Section 5 states "The governing body of a local tax collecting unit may waive, by resolution, the penalty levied under subsection (1) (c) or (d)."

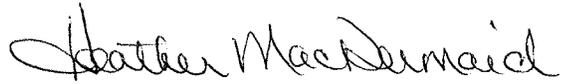
Swartz Creek has never levied interest and penalty for this but does not have a resolution to waive them. The cost of tracking and levying for this will exceed the amount of money that The City would collect in doing so. I am requesting that The City Council pass a resolution which meets the requirements.

*Paul D. Bueche Municipal Building
8083 Civic Drive, Swartz Creek, Michigan 48473-1377*



If you have any questions, please feel free to contact me.

Sincerely,

A handwritten signature in black ink that reads "Heather MacDermaid". The signature is written in a cursive style with a large initial 'H'.

Heather MacDermaid
City of Swartz Creek Assessor

CITY OF SWARTZ CREEK

Procedures and application for real property exemptions under MCL 211.7

All property owners requesting exemption of ad valorem property taxes for real property in The City of Swartz Creek under MCL 211 must complete and file the attached application with the Assessor prior to December 31 of the year prior to the year the exemption is being sought. Applications must be signed by the property owner or an authorized officer. All applications must include the attachments required on the application.

Real property exemptions will only be granted that meet one of the requirements under MCL 211.

All existing real property exemptions will be reviewed annually by the Assessor's Office. A letter and application will be sent to any property owners where the validity of the exemption is in question or if there is reason to believe a change in ownership or use of the property has occurred.

City of Swartz Creek
Application for Ad Valorem Property Tax Exemption
(As provided by provisions of the General Property Tax Act, PA 206 of 1893, as amended)

Date: _____

Parcel Number: 58-_____

Property Address: _____

Property Owner: _____

Applicant's Name and Title: _____

Applicant's Phone Number: _____

What MCL Chapter 211 Section is the exemption being claimed under: Section 211. _____

Description: _____

What is the purpose of the corporation, as stated in the Articles of Incorporation?

What purpose is the property being used for?

What percent of the property is being used for the above purpose? _____

Is the property being used, by you or any others, for any purpose except the above? _____

If yes, please explain:

Attach the following:

1. Letter of exempt status from the IRS
2. Articles of Incorporation
3. A deed showing ownership of the property

I certify under penalty of perjury that the information contained on this document is true and correct to the best of my knowledge.

Signature of Owner or Officer:

Signature

Printed Name

Date



STATE OF MICHIGAN
DEPARTMENT OF TREASURY
LANSING

RICK SNYDER
GOVERNOR

NICK A. KHOURI
STATE TREASURER

Bulletin 6 of 2017
June 6, 2017
Poverty Exemption

TO: Assessors and Equalization Directors
FROM: State Tax Commission
SUBJECT: Exemption of Principal Residence by Reason of Poverty

Bulletin 5 of 1995, Bulletin 7 of 2010 and Bulletin 5 of 2012 are rescinded.

MCL 211.7u provides for a property tax exemption, in whole or part, for the principal residence of persons who, by reason of poverty, are unable to contribute to the public charges. Principal residence is defined in MCL 211.7dd as a principal residence or qualified agricultural property. MCL 211.7u(1) states that this section does not apply to property of a corporation. Even if a corporation or a limited liability company meets the definition of a principal residence or a qualified agricultural property, it is not be eligible to receive a poverty exemption.

Local Unit Responsibilities:

MCL 211.7u requires local units to annually adopt a policy, including an asset test, used to approve or deny poverty exemptions.

First, local units must annually adopt guidelines which specify the total household income which will be used to approve or deny poverty exemptions. Statute requires that the income levels shall not be set lower than the federal poverty guidelines updated annually by the U.S. Department of Health and Human Services and published by the State Tax Commission in their annual Procedural Changes Bulletin.

According to the U.S Census Bureau, "income" includes, but is not limited to:

- Money, wages, salaries before deductions, regular contributions from persons not living in the residence
- Net receipts from non-farm or farm self-employment (receipts from a person's own business, professional enterprise, or partnership, after business expense deductions)
- Regular payments from social security, railroad retirement, unemployment, worker's compensation, veteran's payments, public assistance, supplemental security income (SSI)
- Alimony, child support, military family allotments
- Private and governmental retirement and disability pensions, regular insurance, annuity payments

- College or university scholarships, grants, fellowships, assistantships
- Dividends, interest, and net income from rentals, royalties, estates, trusts, gambling or lottery winnings

Second, the local unit policy must include an asset test. The purpose of an asset test is to determine the resources available: cash, fixed assets or other property that could be converted to cash and used to pay property taxes in the year the poverty exemption is filed. The local unit should require that claimants provide a list of all assets when applying for a poverty exemption. Following is a list of assets that may be included in the annual guidelines.

- A second home, land, vehicles
- Recreational vehicles such as campers, motor-homes, boats and ATV's
- Buildings other than the residence
- Jewelry, antiques, artworks
- Equipment, other personal property of value
- Bank accounts (over a specified amount), stocks
- Money received from the sale of property, such as, stocks, bonds, a house or car (unless a person is in the specific business of selling such property)
- Withdrawals of bank deposits and borrowed money
- Gifts, loans, lump-sum inheritances and one-time insurance payments
- Food or housing received in lieu of wages and the value of food and fuel produced and consumed on farms
- Federal non-cash benefits programs such as Medicare, Medicaid, food stamps and school lunches

The Michigan Tax Tribunal in *Robert Taylor v Sherman Twp.*, Docket No. 236230 ruled that the asset test does not include the value of the principal residence. Additionally, the Michigan Court of Appeals in *Ferrero v Township of Walton*, No. 302221, ruled that the homestead property tax credit is not to be considered income for poverty exemption purposes.

The local unit policy may provide for an applicant to own possessions in addition to the principal residence and still receive a poverty exemption. Examples may include, but are not limited to:

- Additional vehicles
- More land than a minimum "footprint" for the home
- Equipment or other personal property of value, including recreational vehicles (campers, motor homes, boats, ATV's etc.)
- Bank account(s) (a maximum amount should be specified)

Third, MCL 211.7u(1) allows for partial poverty exemptions to be granted. A partial poverty exemption is an exemption of a percentage of the taxable value of the principal residence rather than the entire taxable value. The local unit can limit poverty exemptions to partial exemptions or to minimum or maximum exemption of their choosing. The State Tax Commission recommends that local governing bodies include within their annual guidelines, language and criteria for granting partial exemptions and/or minimum or maximum exemptions.

Finally, the State Tax Commission recommends that local units develop an application to be used by claimants and a written policy that details the process. To assist local governing bodies, the State Tax Commission has developed a sample application and resolution. See attached.

Taxpayer Filing Requirements:

In order to receive a poverty exemption, a taxpayer must annually file a completed application form and all required additional documentation, with the supervisor, assessor, or the Board of Review where the property is located. The application form may be obtained from the local unit where the property is located and may be submitted on or after January 1 but before the day prior to the last day of the December Board of Review during the year in which the exemption is requested.

To ensure an application is received in time to be heard by a Board of Review, the State Tax Commission recommends the claimant contact the local governing unit directly to verify deadline dates for submission of an application.

In addition to annually filing the application, in order to be eligible for the poverty exemption, a taxpayer must do all of the following:

1. Own and occupy the principal residence.
2. Provide federal and state income tax returns for the current or immediately preceding year, including any property tax credits, for all persons **residing in the principal residence** (disclosure of the income of an owner who is not residing in the principal residence is not required). An alternative affidavit may be filed for all persons residing in the residence who were not required to file federal or state income tax returns in the current or immediately preceding year. (See Form 4988, *Poverty Exemption Affidavit*)
3. Produce a valid driver's license, or other form of identification, if requested by the supervisor, assessor or Board of Review.
4. Produce a deed, land contract, or other evidence of ownership of the property, if requested by the supervisor, assessor or Board of Review.
5. Meet the federal poverty income guidelines determined annually by the U.S. Department of Health and Human Services OR meet allowable alternative income guidelines adopted by the local governing body.
6. Meet the asset level test adopted by the local governing body.
7. Meet additional tests reasonably adopted by the local governing body.

Board of Review Responsibilities:

MCL 211.7u(1) indicates: The principal residence of persons who, in the judgment of the supervisor and board of review, by reason of poverty, are unable to contribute to the public charges is eligible for exemption in whole or part from taxation under this act.

The State Tax Commission has determined that the supervisor shall make a recommendation regarding the claimant's petition and the Board of Review shall consider, review and then approve or deny the exemption request.

Additionally, MCL 211.7u(5) states, in part: The Board of Review shall follow the policy and guidelines of the local assessing unit in granting or denying an exemption under this section.

When reviewing an application, the Board of Review should consider all information available to them at that time. They should consider all documentation originally submitted by the taxpayer and any additional relevant information that is available to the Board of Review.

The Board of Review can deviate from the adopted policy and guidelines of the local unit only when there are "substantial and compelling reasons why there should be a deviation from the policy and guidelines." If the Board of Review deviates from the adopted policy and guidelines, they are required by statute to communicate the substantial and compelling reasons for the deviation from the guidelines in writing to the taxpayer.

Appeal Rights:

A property owner or assessor may appeal a decision of the March Board of Review by completing and submitting a petition to the Michigan Tax Tribunal no later than July 31 of the same year. A property owner or assessor may appeal a decision of the July or December Board of Review by completing and submitting a petition to the Michigan Tax Tribunal within 35 days of the July or December Board of Review's denial of the poverty exemption.

An application for poverty exemption, for a specific principal residence, may only be acted upon by the Board of Review once a year. If an application is denied at the March Board of Review, it may not be reheard by the July or December Board of Review during the same calendar year. The taxpayer must file an appeal of the March Board of Review determination to the Michigan Tax Tribunal. Similarly, if an application is denied at the July Board of Review, the December Board cannot rehear that application, the taxpayer must file an appeal to the Michigan Tax Tribunal.

A person who files a claim for poverty exemption is not prohibited from also appealing the assessment on the same property in the same year.

CITY OF SWARTZ CREEK REQUIREMENTS FOR POVERTY EXEMPTION

In order to be eligible for the poverty exemption, the claimant must do and meet all of the following requirements on an annual basis:

REQUIREMENTS

1. The applicant *must* own and occupy as a homestead the property for which the exemption is requested. The applicant *must* also produce a valid driver's license or other form of identification showing place of residence.
2. The applicant *must* file a written petition with the Board of Review between January 1 of each year and the last scheduled meeting day of the March Board of Review on the form provided by the Swartz Creek City Assessor's Office. Alternate filing deadlines are prior to the last scheduled meeting day of the July or December Board of Review. **Note:** The filing of this claim constitutes an appearance before the March Board of Review for the purpose of preserving the right to appeal to the Michigan Tax Tribunal.
3. Applicant *must* provide federal and state income tax returns for all persons residing in the homestead including any property tax credit returns and/or State of Benefits Paid from Michigan Department of Social Services or Social Security Administration. These income tax returns may be those filed in the current year or in the immediately preceding year. Any additional information regarding the poverty application must be in writing and attached to the petition form (**Note:** If an applicant is not required to file a federal or state income tax return then they must show proof of income and proof of reason why an income tax return need not be filed.).
4. The household assets may not exceed \$10,000, excluding the principle residence. Household assets are listed on the Application for Poverty Exemption Petition.
5. The applicant must produce a deed, land contract or other evidence of ownership of the property for which an exemption is requested to support the information provided on the Poverty Petition.
6. The applicant must produce a written explanation for all household members over the age of eighteen (18) years of age that are not cited as contributors to the household income.

7. An applicant must meet the Federal Poverty Income Standards as defined and determined annually by the United States Office of Management and Budget:

IMPORTANT NOTE: PA390 of 1994 states that the poverty exemption guidelines established by the governing body of the local assessing unit SHALL also include an asset level test.

8. The Poverty Exemption applicant must provide additional relevant documentation requested by the Assessor or Board of Review in order to fully investigate an application.
9. Handicapped individuals shall be considered the same as persons age 65 and older.

GUIDELINES FOR GRANTING POVERTY EXEMPTIONS:

1. Poverty Exemptions shall not be granted if:
 - a. If the applicant’s household annual taxable and nontaxable interest and dividend incomes are more than \$200.00.
 - b. Real Estate holding other than the Homestead are owned.
2. A poverty situation does not exist when Property Taxes do not exceed five percent (5%) of the household income.
3. The Board of Review shall not grant a decrease of more than 50% of SEV for any reason.

Poverty Exemptions must be processed annually. Under no circumstances will a poverty exemption be extended for a subsequent year without renewal of the poverty petition.

If an applicant for Poverty Exemption meets all of the requirements of this policy, then the State Equalized Value (SEV) decrease on the property shall be as follows:

Household Income Within ____% of Poverty Threshold	Percent SEV Shall Decrease
Within 95% up to the Poverty Threshold	20%
Between 85% and 94.99%	30%
Between 75% and 84.99%	40%
Below 75%	50%

APPEAL OF POVERTY EXEMPTIONS TO THE MICHIGAN TAX TRIBUNAL:

A property owner may appeal the March Board of Review's decision on a poverty exemption to the Michigan Tax Tribunal. This appeal must be made by June 30. A property owner may appeal the July Board of Review's decision or December Board of Review's decision to the Michigan Tax Tribunal within 35 days from the date of the decision. The assessor may also appeal a Board of Review's decision on a poverty exemption to the Michigan Tax Tribunal.

S:\ASSESSOR\ASSESSOR\BOARD OF REVIEW\REQUIREMENTS FOR POVERTY EXEMPTION

PETITION NO. _____

**CITY OF SWARTZ CREEK
APPLICATION FOR POVERTY EXEMPTION PETITION**

DATE: _____

PARCEL NO. _____

NAME: _____

DATE OF BIRTH: _____

PROPERTY ADDRESS FOR WHICH RELIEF IS BEING SOUGHT:

ADDRESS: _____

TELEPHONE NO. _____

NUMBER OF DEPENDENTS: _____

AGES: _____

LIST ALL OCCUPANTS OF THIS HOME AND THEIR RELATIONSHIP ATTACH A SEPARATE SHEET IF NECESSARY:

NAME	RELATIONSHIP
_____	_____
_____	_____
_____	_____

STATE EQUALIZED VALUE (SEV): _____

DO YOU OWN ANY OTHER REAL ESTATE? YES _____ NO _____
IF YES, PLEASE LIST LOCATION, VALUE AND TYPE (INCLUDING OWNERSHIP VIA PARTNERSHIPS, CORPORATIONS, ETC.)

LOCATION	VALUE	TYPE OF USE
_____	_____	_____
_____	_____	_____

EMPLOYMENT STATUS: ARE YOU, YOUR SPOUSE OR OTHER MEMBERS OF THE HOUSEHOLD EMPLOYED?

SELF	YES _____	NO _____	FULL TIME _____	PART TIME _____
SPOUSE	YES _____	NO _____	FULL TIME _____	PART TIME _____
OTHERS	YES _____	NO _____	FULL TIME _____	PART TIME _____

HOUSEHOLD INCOME:

<u>SOURCE</u>	<u>AMOUNT PER MONTH</u>	<u>AMOUNT PER YEAR</u>
WAGES/SALARIES/TIPS	\$ _____	\$ _____
SOCIAL SECURITY/SSI	\$ _____	\$ _____
PENSION/RETIREMENT	\$ _____	\$ _____
INTEREST/DIVIDENDS	\$ _____	\$ _____
RENT/BUSINESS	\$ _____	\$ _____
DISABILITY PAYMENTS	\$ _____	\$ _____
ADC	\$ _____	\$ _____
GENERAL ASSISTANCE	\$ _____	\$ _____
ALIMONY	\$ _____	\$ _____
CHILD SUPPORT	\$ _____	\$ _____
UNEMPLOYMENT BEN.	\$ _____	\$ _____
INCOME FROM		
OTHER MEMBERS	\$ _____	\$ _____
OTHER SOURCES		
OF INCOME	\$ _____	\$ _____
TOTAL INCOME	\$ _____	\$ _____

DEBTS:

<u>NAME OF CREDITOR/ADDRESS</u>	<u>BALANCE</u>	<u>PYMT AMOUNT</u>
1. _____ _____	\$ _____	\$ _____
2. _____ _____	\$ _____	\$ _____
3. _____ _____	\$ _____	\$ _____
4. _____ _____	\$ _____	\$ _____

ASSETS: (Value and underlying obligation)
(Check all applicable boxes)

_____ Home \$ _____ Owe: \$ _____

Auto \$ _____	Owe: \$ _____
Boats/RV/Etc. \$ _____	
Bank account \$ _____	
Stock/Bonds/ CDs \$ _____	
Other (Identify) _____	
_____	Owe: \$ _____
_____	Owe: \$ _____
_____	Owe: \$ _____

REQUIREMENTS: (Please check those items provided with your petition)

- _____ 1. VALID DRIVER’S LICENSE OR OTHER FORM OF I.D.
 - _____ 2. FEDERAL INCOME TAX RETURN
 - _____ 3. STATE INCOME TAX RETURN
 - _____ 4. DEED, LAND CONTRACT OR OTHER EVIDENCE OF OWNERSHIP
 - _____ 5. WRITTEN EXPLANATION FOR HOUSEHOLD MEMBERS OVER 18 YEARS OF AGE LIVING AT HOMESTEAD AND NOT CITED AS CONTRIBUTORS TO THE HOUSEHOLD INCOME
 - _____ 6. ADDITIONAL RELEVANT DOCUMENTATION (Please List)
- _____
- _____
- _____

I HEREBY DECLARE THAT THE INFORMATION PROVIDED ON THIS FORM IS COMPLETE AND TRUE TO THE BEST OF MY ABILITY. (Signature of those listed on Deed or Land Contract required).

SIGNED: _____ SIGNED: _____

SUBSCRIBED AND SWORN TO BEFORE ME THIS _____ DAY OF _____ 20__.

 NOTARY PUBLIC
 _____ COUNTY, MICHIGAN
 COMMISSION EXPIRES: _____

THE GENERAL PROPERTY TAX ACT (EXCERPT)
Act 206 of 1893

211.27b Failure to notify assessing office; adjustment.

Sec. 27b. (1) If the buyer, grantee, or other transferee in the immediately preceding transfer of ownership of property does not notify the appropriate assessing office as required by section 27a(10), the property's taxable value shall be adjusted under section 27a(3) and all of the following shall be levied:

(a) Any additional taxes that would have been levied if the transfer of ownership had been recorded as required under this act from the date of transfer.

(b) Interest and penalty from the date the tax would have been originally levied.

(c) For property classified under section 34c as either industrial real property or commercial real property, a penalty in the following amount:

(i) Except as otherwise provided in subparagraph (ii), if the sale price of the property transferred is \$100,000,000.00 or less, \$20.00 per day for each separate failure beginning after the 45 days have elapsed, up to a maximum of \$1,000.00.

(ii) If the sale price of the property transferred is more than \$100,000,000.00, \$20,000.00 after the 45 days have elapsed. However, if the appropriate assessing office determines that the failure to notify the assessing office within 45 days after the property's transfer of ownership was due to reasonable cause and not the willful neglect of the buyer, grantee, or other transferee, the penalty under subparagraph (i) shall be imposed. If the appropriate assessing office makes a determination that the failure to notify the assessing office within 45 days after the property's transfer of ownership was a result of the willful neglect of the buyer, grantee, or other transferee, that assessing office shall promptly send that buyer, grantee, or other transferee written notice, by certified mail, of that determination. A buyer, grantee, or other transferee who is assessed the penalty under this subparagraph may appeal that determination to the Michigan tax tribunal.

(d) For real property other than real property classified under section 34c as industrial real property or commercial real property, a penalty of \$5.00 per day for each separate failure beginning after the 45 days have elapsed, up to a maximum of \$200.00.

(2) The appropriate assessing officer shall certify for collection to the treasurer of the local tax collecting unit if the local tax collecting unit has possession of the tax roll or the county treasurer if the county has possession of the tax roll any additional taxes due under subsection (1)(a) and any penalty due under subsection (1)(c) or (d).

(3) The treasurer of the local tax collecting unit if the local tax collecting unit has possession of the tax roll or the county treasurer if the county has possession of the tax roll shall collect any taxes, interest, and penalty due pursuant to this section, and shall immediately prepare and submit a corrected tax bill for any additional taxes due under subsection (1)(a) and any interest and penalty due under subsection (1)(b). A penalty due under subsection (1)(c) or (d) may be collected with the immediately succeeding regular tax bill.

(4) Any taxes, interest, and penalty collected pursuant to subsection (1)(a) and (b) shall be distributed in the same manner as other delinquent taxes, interest, and penalties are distributed under this act. Any penalty collected under subsection (1)(c) or (d) shall be distributed to the local tax collecting unit.

(5) The governing body of a local tax collecting unit may waive, by resolution, the penalty levied under subsection (1)(c) or (d).

(6) If the taxable value of property is increased under this section, the appropriate assessing officer shall immediately notify by first-class mail the owner of that property of that increase in taxable value. A buyer, grantee, or other transferee may appeal any increase in taxable value or the levy of any additional taxes, interest, and penalties under subsection (1) to the Michigan tax tribunal within 35 days of receiving the notice of the increase in the property's taxable value. An appeal under this subsection is limited to the issues of whether a transfer of ownership has occurred and correcting arithmetic errors. A dispute regarding the valuation of the property is not a basis for appeal under this subsection.

(7) If the taxable value of property is adjusted under subsection (1), the assessing officer making the adjustment shall file an affidavit with all officials responsible for determining assessment figures, rate of taxation, or mathematical calculations for that property within 30 days of the date the adjustment is made. The affidavit shall state the amount of the adjustment and the amount of additional taxes levied. The officials with whom the affidavit is filed shall correct all official records for which they are responsible to reflect the adjustment and levy.

(8) Notification of a transfer of ownership provided as required under section 27a(10) or a levy of additional taxes, interest, and penalty under this section shall not be considered a determination of or evidence of the classification of the property transferred as real or personal property.

History: Add. 1994, Act 415, Imd. Eff. Dec. 29, 1994;—Am. 1996, Act 476, Imd. Eff. Dec. 26, 1996;—Am. 2012, Act 382, Imd. Rendered Wednesday, October 11, 2017

Page 1

Michigan Compiled Laws Complete Through PA 123 of 2017

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Courtesy of www.legislature.mi.gov

Michigan State Tax Commission
Audit of Minimum Assessing Requirements
AMAR Review Sheet

The State Tax Commission, per MCL 211.10f, has jurisdiction to determine substantial compliance with the requirements of the General Property Tax Act. The AMAR review reflects the minimum assessing requirements of a local unit of government based on statute and STC Rules, Policy, Bulletins and Publications. Local units of government that do not meet one or more of the minimum requirements must submit a corrective action plan detailing how and when the deficiencies will be resolved.

Failure to submit an acceptable corrective action plan, or failure to resolve the deficiencies as outlined within the corrective action plan that is approved by the State Tax Commission, will result in a determination of substantial non-compliance and may result in the State Tax Commission assuming jurisdiction of the assessment roll of the local unit of government. Failure to meet one or more of the minimum AMAR requirements does not automatically result in State Tax Commission assumption of jurisdiction of the assessment roll.

Local Unit Background Information:

Year of Audit: _____ Name of Local Unit: _____ Name of County: _____
Name of Assessor: _____ Assessor Certification Level: _____
Name of Supervisor, City Manager or Mayor: _____ Title: _____
Mailing Address for Supervisor, City Manager or Mayor: _____

What date did the assessor certify the assessment roll? _____

What is the Residential Coefficient of Dispersion (COD) for the local unit? _____

What is the Residential Price Related Differential (PRD) for the local unit? _____

Does the L-4022 in possession of the local unit match the L-4022 in possession of the County Equalization Director and the information uploaded on the L-4023 on the E-File Site?

YES: _____ NO: _____

MCL 211.7cc requires interest at a rate of 1.25% per month or fraction of a month to be charged to the owner of property that has been issued a PRE denial notice. Upon collecting the interest, MCL 211.7cc also details the required distribution of the interest depending on the governmental unit that issued the denial notice. Was Form 4142 completed and submitted to the Michigan Department of Treasury by a County, City or Township when the State's portion of PRE denial interest is remitted? YES: _____ NO: _____

Does the local unit have written procedures, including audit procedures, for determining how to grant real property exemptions or remove real property exemptions when the property no longer qualifies for the exemption? YES: _____ NO: _____

Assessment Roll Analysis:

- 1. Does the local unit have properly calculated and appropriately documented Economic Condition Factors that meet State Tax Commission requirements per MCL 211.10e and STC ECF Publications?

Requirement Met: YES: _____ NO: _____

Notes:

- 2. Does the local unit have accurate Land Value Maps that meet the State Tax Commission requirements per MCL 211.10e and State Tax Commission Land Value Map Publications?

Requirement Met: YES: _____ NO: _____

Notes:

- 3. Does the local unit have Land Value Determinations that are appropriately documented, properly calculated and meet State Tax Commission requirements per MCL 211.10e and State Tax Commission Land Value Determination Publications and less than 1% land adjustments without reason?

Requirement Met: YES: _____ NO: _____

Notes:

- 4. Does the true cash value on the local unit record cards agree with the true cash value indicated on the assessment roll with less than 1% overrides and less than 1% flat land values – excluding DNR PILT Property (STC Policy)?

Requirement Met: YES: _____ NO: _____

Notes:

5. Personal Property Review:

a) Does the local unit conduct an annual personal property canvass?

YES: _____ NO: _____

b) Did the local unit grant any exemptions under MCL 211.9o (Small Business Taxpayer Exemption)?

YES: _____ NO: _____

c) If the answer to item 5b is yes, does a sampling indicate the local unit properly processed the exemptions received? This includes: Original signature on affidavit, affidavit filled out completely, affidavit timely received, affidavit received annually and if not received the exemption is removed, parcel number created for any business that was granted an exemption, ensuring that a parcel with the exemption is not retired, all locations within the local unit are considered when granting the exemption.

Requirement Met: YES: _____ NO: _____

Notes:

6. Review of Exemptions Granted under MCL 211.7u (poverty exemptions)

a) Did the local unit grant any exemptions under MCL 211.7u (Poverty Exemption)?

YES: _____ NO: _____

b) Does the local unit have poverty exemption guidelines?

YES: _____ NO: _____

c) Does the local unit poverty exemption guidelines include an asset level test?

YES: _____ NO: _____

d) Does a sampling of the exemptions granted under MCL 211.7u indicate that the statutory requirements were met and that the local unit policy was followed?

Requirement Met: YES: _____ NO: _____

Notes:

7. Does a sample of the July and December Board of Review actions indicate the Board met the requirements of MCL 211.53b and considered only those items over which they have statutory authority?

Requirement Met: YES: _____ NO: _____

Notes:

8. Does the local unit follow the requirements under MCL 211.27b to levy the interest and penalty for failure to file a Property Transfer Affidavit? If waived did the local unit waive the interest and penalty by resolution and is that resolution kept on file?

Requirement Met: YES: _____ NO: _____

Notes:

Comments:

I hereby declare that the foregoing information submitted is a complete and true statement.

Signature

Date

By checking this box, I agree and confirm that the signature I have typed above is the electronic representation of my original, handwritten signature when used on this document and creates a legally-binding contract. I further understand that signing this document using my electronic signature will have the same legally-binding effect as signing my signature using pen and paper.



November 17, 2017



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

Dear City Clerk:

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

On or around January 11, 2018, NBCS Bay Area, NBCS Boston, NBCS Chicago, Outside TV, SportsNet NY, and World Fishing Network will no longer be available on Sports Entertainment Package. Spike will move from Digital Preferred to Sports Entertainment Package. Please note that Spike is rebranding as "Paramount Network" on January 18, 2018.

As always, feel free to contact me directly at 517-334-5686 with any questions you may have.

Sincerely,

John P. Gardner
Director, External Affairs
Comcast, Heartland Region
1401 E. Miller Rd.
Lansing, MI 48911

TRAFFIC CONTROL ORDER

In accordance with Chapter 18, Article II of the Code of Ordinances, and pursuant to the Michigan Manual on Uniform Traffic Control Devices adopted by the City of Swartz Creek, an investigation has been conducted by the traffic control engineer, relative to conditions at:

**Chesterfield Drive between Seymour and Winston
Worcester Drive
Winston Drive between Miller and Chesterfield**

And as a result of said investigation, do hereby direct that: **Stopping, Standing, and Parking be prohibited on the south side and permitted on the north side of Chesterfield, prohibited on the east side and permitted on the west side of Worcester, and prohibited on the east side and permitted on the west side of Winston.**

This Traffic Control Order shall become effective on the **4th** day of **December, 2017**, at **8:00AM AND upon sign installation.**

The following Traffic Control Order(s) is/are hereby rescinded:

TCO affects no other known existing order.

This order shall expire ninety (90) days from the date of filing, except that upon approval by the Council for the City of Swartz Creek, it shall remain in effect indefinitely until such time as rescinded temporarily by executive TCO, or permanently by action of the Council.

Chief of Police / Traffic Engineer

Filed with the Office of the City Clerk on _____ of _____, _____

City Clerk / Deputy City Clerk

Approved by the City Council, at a meeting held the 4th day of December, 2017, Resolution Number: 171204-__.

City Clerk / Deputy City Clerk