

**City of Swartz Creek
AGENDA**

**Regular Council Meeting, Monday, October 14, 2019, 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 23, 2019 MOTION Pg. 23
5. **APPROVE AGENDA:**
5A. Proposed / Amended Agenda MOTION Pg. 1
6. **REPORTS & COMMUNICATIONS:**
6A. City Manager's Report MOTION Pg. 3
6B. Staff Reports & Park Board Minutes Pg. 31
6C. Distracted Driving Ordinance Example Pg. 55
6D. Safe Routes to School Information Pg. 56
6E. Comcast Notices Pg. 66
6F. Dark Store Information & Preliminary Appeal Notice Pg. 68
6G. Agreement for Police Services Pg. 83
6H. Helmsley TCO Pg. 86
6I. Manufactured Housing Response Pg. 87
7. **MEETING OPENED TO THE PUBLIC:**
7A. General Public Comments
8. **COUNCIL BUSINESS:**
8A. Safe Routes to School Support RESO Pg. 17
8B. Shelter Ordinance Adoption RESO Pg. 18
8C. Distracted Driving Ordinance DISCUSSION
8D. Agreement for Police Services (Mari-Dan) & Metro Assignment RESO Pg. 21
8E. Traffic Control Order #176 (Helmsley Parking) RESO Pg. 21
8F. Mosquito Control DISCUSSION
9. **MEETING OPENED TO THE PUBLIC:**
10. **REMARKS BY COUNCILMEMBERS:**
11. **ADJOURNMENT:** MOTION

Next Month Calendar

City Council:	Monday, October 14, 2019, 7:00 p.m., PDBMB
Zoning Board of Appeals:	Wednesday, October 16, 2019, 6:00 p.m., PDBMB
Fire Board:	Monday, October 21, 2019, 6:00 p.m., Public Safety Bldg
Swartz Creek Chamber:	Tuesday, October 22, 2019, 12:00 p.m., TBD
Metro Police Board:	Wednesday, October 23, 2019, 10:00 a.m., Metro Headquarters
City Council:	Monday, October 28, 2019, 7:00 p.m., PDBMB
Planning Commission:	Tuesday, November 5, 2019, 7:00 p.m., PDBMB
Park Board:	Wednesday, November 6, 2019, 5:30 p.m., PDBMB
Downtown Development Authority:	Thursday, November 14, 2019, 6:00 p.m., PDBMB

City of Swartz Creek Mission Statement

The City shall provide a full range of public services in a professional and competent manner, assuring that the needs of our constituents are met in an effective and fiscally responsible manner, thus promoting a high standard of community life.

City of Swartz Creek Values

The City of Swartz Creek's Mission Statement is guided by a set of values which serve as a common operating basis for all City employees. These values provide a common understanding of responsibilities and expectations that enable the City to achieve its overall mission. The City's values are as follows:

Honesty, Integrity and Fairness

The City expects and values trust, openness, honesty and integrity in the words and actions of its employees. All employees, officials, and elected officials are expected to interact with each other openly and honestly and display ethical behavior while performing his/her job responsibilities. Administrators and department heads shall develop and cultivate a work environment in which employees feel valued and recognize that each individual is an integral component in accomplishing the mission of the City.

Fiscal Responsibility

Budget awareness is to be exercised on a continual basis. All employees are expected to be conscientious of and adhere to mandated budgets and spending plans.

Public Service

The goal of the City is to serve the public. This responsibility includes providing a wide range of services to the community in a timely and cost-effective manner.

Embrace Employee Diversity and Employee Contribution, Development and Safety

The City is an equal opportunity employer and encourages diversity in its work force, recognizing that each employee has unlimited potential to become a productive member of the City's team. Each employee will be treated with the level of respect that will allow that individual to achieve his/her full potential as a contributing member of the City staff. The City also strives to provide a safe and secure work environment that enables employees to function at his/her peak performance level. Professional growth opportunities, as well as teamwork, are promoted through the sharing of ideas and resources. Employees are recognized for his/her dedication and commitment to excellence.

Expect Excellence

The City values and expects excellence from all employees. Just "doing the job" is not enough; rather, it is expected that employees will consistently search for more effective ways of meeting the City's goals.

Respect the Dignity of Others

Employees shall be professional and show respect to each other and to the public.

Promote Protective Thinking and Innovative Suggestions

Employees shall take the responsibility to look for and advocate new ways of continuously improving the services offered by the City. It is expected that employees will perform to the best of his/her abilities and shall be responsible for his/her behavior and for fulfilling the professional commitments they make. Administrators and department heads shall encourage proactive thinking and embrace innovative suggestions from employees.

City of Swartz Creek
CITY MANAGER'S REPORT

Regular Council Meeting of Monday, October 14, 2019 - 7:00 P.M.

TO: *Honorable Mayor, Mayor Pro-Tem & Council Members*

FROM: Adam Zettel, City Manager

DATE: October 9, 2019

ROUTINE BUSINESS – REVISITED ISSUES / PROJECTS

✓ **MICHIGAN TAX TRIBUNAL APPEALS** *(Update)*

We are proceeding with answering the Kroger appeal. I have also included some information on 'dark stores' that follows our discussion at the last meeting. This information should better illustrate the problem with such appeals and the importance in refuting them.

We also have two small claim commercial appeals pending. One is for the medical office building on the east end, commonly known as the VPH Building. The other is for the apartments on Brady Street.

We will keep the council informed regarding appeals and the need for appraisals as we move into fall.

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

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

Fairchild Street is substantially complete. We have limited restoration and other punch list items. Since this is an MDOT project, final close-out will take longer, but the road is open and usable.

The project includes a mill and resurface of the road way. We are also converting overhead street lights to LED and adding two additional LED pedestrian lights. Enhanced crosswalks are included in the project as well. Traffic should remain open throughout the project.

✓ **2020-2023 TRAFFIC IMPROVEMENT PROGRAM (TIP)** *(Update)*

We have opted not to advance the project as offered by the county. Doing so would conflict with our water main project on Morrish and make funding a bit more problematic.

Note that the total scope of the project is around \$1,050,000, with 20% being the cities, contribution.

The previous report follows:

Morrish Road from Bristol to Miller has been funded. The city has committed the match portion to this project, which is 80-20. It is unclear what year this project will be undertaken, but we want it done subsequent to the USDA water main work. This MAY span two construction seasons. We have put the engineers on notice

regarding our desire to widen Paul Fortino to the north so that a left turn lane may be added. This will occur whether or not the townhome project proceeds.

✓ **QUALIFIED BIDDING SELECTION PROCESS (Update)**

We published our request for engineering services on September 27th. We will begin reviewing statements after October 25th, with the intention of having our selection this calendar year. Interest is high.

This process is to ensure the city has a Michigan Department of Transportation pre-qualified engineer to work on projects with federal aid. It is obviously a good practice to apply for non-federal aid projects as well. The selection is valid for up to five years.

✓ **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.

Helmsley Drive is substantially complete. The project included full depth road reconstruction, new drive approaches, new sidewalk (for areas not included in the previous water main replacement), some forestry, and three new pedestrian LED lights. The lights are expected any time, and we staked the street for tree plantings on October 2.

There have been some issues with sub-base clay and water. This has resulted in additional work to ensure that the road bed is meeting standards. However, there is concern that the soil and hydrology will haunt us for this street and potentially adjacent streets in years to come. This is not something we can obviously change. However, there may be alternate barrier types that can compensate for the wet clay. We may also need to consider limited use of concrete as a street material in other areas of the Village. The engineer will look into this.

The engineering proposal for 2020 local streets with OHM is approved and work is underway. The scope includes a section of Oakview, Chelmsford, and Oxford (including the last small stretch of Winston). Note that it is unlikely we will have a budget to do all of those sections in 2020 since state revenues have not been forthcoming as expected. However, it is work that needs to be completed for the USDA watermain on those streets in the next three years.

Notable issues currently include the proposed layout and ownership (school or city) of the bus lane on Oakview by Syring. We will liaise with the school regarding this and how they wish to proceed with the bond improvements.

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

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

The capacity study has been executed and should be underway soon. The Genesee County Drain Commission did verbally commit to reimbursing the city for some of the work related to water and sewer, since they plan to use it from time to

time. I do not have a figure at this time, but I expect it to be half of what is related to sanitary sewer and water line mapping.

As it relates to pipe rehabilitation, this multi-year 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. Projects will be before the city council in the fall.

✓ **WATER MAIN REPLACEMENT - USDA** (*Update*)

Engineering continues. Bond counsel and other team members have been tentatively assembled and await progress. The audit letter has been approved. We only need to come to terms with one more technical aspect of the project, pipe diameter, and we can be ready for bidding this winter! The issue is that the county requires thicker pipe than the USDA allows. We would prefer the thicker pipe since it is more durable and maintains lead connections that are less likely to fail (causing interruptions and expense). We will see what USDA allows.

Prior system report findings follow:

The Genesee County Drain Commission - Water and Waste Services Division Water Master Plan, indicates they are considering a northern loop to provide redundancy and stability to the system. This is good news since Gaines and Clayton Township rely on the overstressed Miller line. There is currently not any cost or participation information available. I will keep the council informed.

The city has been working with the county to abandon the Dye Road water main in the vicinity of the rail line. Note that we are holding this action pending the master plan review. 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.

Lastly, the city should probably complete full demolition on the "Brown Road" site (the old well head) and sell this property. This is not a high priority, but it is now on our radar.

✓ **HERITAGE VACANT LOTS** (*No Change of Status*)

The last of the lots acquired prior to the special assessment have been approved for sale. The city has two more lots that were acquired through the tax reversion process. If there is no objection, I will look to prepare instruments for the two units acquired in 2017 at new, negotiated pricing if requested by the buyer, JW Morgan, at some point in the future.

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

The newsletter is going out soon. Let me know what you think.

✓ **CONSTRUCTION & DEVELOPMENT UPDATE** (*See Individual Category*)

This will be a standing section of the report that provides a consolidated list for a brief status on public and private construction/developmental projects in the city.

1. **(Update)** The **streetscape project on Miller Road** is done except for forestry! Lighting is being completed as I write this, and the scarecrows are up!
2. **The façade grant is** pending for renovations on 5015 Holland. This project may be altered and pushed into 2020. However, renovations at 7530 Miller are nearly complete, and it is looking good!
3. The city hopes to commence construction on **about \$1 million of grant support recreational path in 2020**. The MDOT grant is conditionally awarded and we await word on the DNR grant portion.
4. **(Update)** The first event is behind us! The Chamber, Women's Club, and other downtown business owners continue to plan and expand events in downtown. The Fall Family Fun Day is expanding into the **Jeepers Creekers** event, which will cover multiple weekends in October of 2019. This will include a zombie walk, city-wide decorating, trunk or treat, separate youth and adult movie nights, and related activities. Permits are on the agenda. Try to find a way to support this!
5. **(Update)** The **raceway has applied for 2020 race days**. We do not know if they will be awarded. They intend to use the site for thoroughbred horse racing. They are open to finding additional users for the site to supplement the racing. They are also communicating well in regards to partnering with community groups such as Hometown Days. I find the new owners to be very astute and capable.
6. A Flint based group has a purchase option for **Mary Crapo**. The intent is to use the building and site for senior housing. This would result in new residents in the downtown and the potential for new construction on part of that site. I expect a site plan for about 50 new units in August.
7. The **school bond** passed and many improvements are expected in 2019 throughout the district. Total investment for this effort will exceed \$50 million over two to three years. Plans have been submitted for work on Syring and Elms School.
8. **Street repair in 2020** is to include Chelmsford. We also hope to include the remainder of Winston and Oxford Ct. The city also has grants and loans for about **\$5 million in water main work** to occur between 2020 and 2022.
9. The **Applecreek Station** development of 48 townhomes is seeking final review by the county. These units range in size from 1,389 to 1,630 square feet, with garages. Construction will occur on vacant land in the back of the development, by Springbrook Colony. Site engineering plans have just been submitted by the owner. Rents are expected to be about \$1.00 per square foot (~ \$1,600 a month) which matches rents in Winchester Village. If this project occurs in 2019, 2020 DDA revenues will be positively and substantially improved.
10. The **Brewer Condo Project** was given site plan approval and tentative purchase agreement approval. This includes 15 townhome condos off Morrish Road in downtown. They are approximately 1,750 square feet, with two car garages and basements. Parking on the raceway property has been tentatively approved by the owner, and we are working on a plan to level and maintain the surface to replace lost parking on Paul Fortino Drive.

11. The city council approved the use of **state tax incentives** and local utility waivers for redevelopment sites in downtown, rounding out our efforts to be a certified Redevelopment Ready Community.
12. The **elevator now has a new tenant** that wishes to engage in auctions. Because it is in an industrial district, they should be able to hold limited outdoor sales events with an administrative approval.
13. The next **Springbrook East** phase is under construction. Underground work is nearly complete.

✓ **HOLLAND SQUARE & STREETScape (Update)**

Since we are substantially complete without any major issues, I will look to remove this from future reports.

✓ **TRAILS (Update)**

We re-submitted our application on October 1. Based upon the feedback from the state, we expect to get additional points for environmental benefit, Americans with Disabilities performance standards, and collaboration. I hope to have a positive response regarding this application by December.

Engineering is being completed as we speak. This will ensure that, pending a late award, we will still have time to bid. Bidding early in the year (during the winter months) generally results in better pricing.

The DNR grant is crucial to offset the 35% that the city must cover to match the Enhancement Grant. The MDOT Enhancement Grant is conditionally awarded. We hope this covers 65% of the investment. Work with Consumers Energy and CN Rail is positive for those project components that require their engagement. We are still working with the MTA and GM on some easements and permissions.

Note that the city will still be heavily invested in this, even if both grants are awarded. Count on a general fund outlay of \$200,000 for the local match and additional engineering, construction, and inspection services. Any overages (price changes and change orders) will be locally covered as well.

The project timeline will be revised. At its core, it should still reflect a 2020 construction timeframe. The difference is that we plan to engineer the project sooner than anticipated so we can bid it upon a conditional DNR award in a year's time.

✓ **REDEVELOPMENT READY COMMUNITIES (Update)**

I am told that we can expect to be admitted in to the RRC club this fall! I await word from the state.

✓ **DOG PARK (Update)**

The dedication was held on October 2nd! We move forward! I will remove this section from future reports.

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

This project seems cold and quiet. However, it appears there are still valid purchase agreements in place for the development, and there are state and local bureaucrats

continuing work on contingency plans for utility and traffic modelling. It is anyone's guess at this point. Please see prior packets for information on the project and its evolution.

✓ **TAX REVERTED PROPERTY USE** *(No Change in Status)*

I expected transactions for the approved sales of vacant land on Wade Street and in Heritage Village before June. I communicated with the buyer for Heritage. There is still interest, but it is dependent on some pending sales. I recommend we let the options continue for the moment. The Wade Street buyer is unlikely to follow-through. I am seeking a release. It is very likely that we will need to rebid the Wade Street property.

✓ **8002 MILLER** *(Update)*

The contractor is working more earnestly on the first floor. Occupancy of the upstairs apartment has not been finalized due to some unmet requirements that the contractor is addressing. Time is on our side with this since it gives the user more time to establish their new business and contribute more monthly payments to the project.

Because the upstairs is nearly done, we have replaced the existing agreement with a lease that includes the commercial space AND the upstairs. As of writing, this has not been executed pending inspections.

Note that the proceeds from this lease MUST go to offset the cities investment, effectively counting towards the eventual sale price by the user. This closely resembles a land contract. In fact, the city attorney may recommend we proceed directly to a land contract at this point as a means to recognize the current lease and eventually purchase terms.

✓ **SCHOOL FACILITY PROPOSAL** *(Update)*

It is expected that elementary security entrances and related work will be the first phase of the investment. There are plans in for Syring, with the expectation that this work will commence in 2019.

The school is looking to bring in a construction trailer to oversee this massive set of projects. They intend to have this located near the administration building, but away from work efforts. This will likely be on the property next to the bus garage. Though this is obviously temporary, the project could take a couple years.

Additional bond work shall continue in 2020 and 2021. It will include all facilities, including athletic facilities at the high school. We expect cooperation and benefit in terms of establishing safer connections for walkers, better land grades (e.g. the football field), and more attractive gateways.

✓ **BREWER TOWNHOMES** *(No Change of Status)*

The site plan and sale has been approved. We await transfer of the property pending final approval of the condominium documents by the city attorney. The builder is also still working on final drainage plans with Genesee County. It appears some additional underground investment may be needed. As previously noted, this development is a candidate for water and sewer fee waiver incentives. I will have more information soon.

✓ **SPORTS CREEK RACEWAY & GAMING COMMISSION (Update)**

There is a formal application pending before the state for 2020 race days. The future of the track likely hinges on the outcome of this application. I will keep the council informed.

✓ **CDBG (No Change of Status)**

At this point, we are looking to upgrade street name/stop signs in the downtown area using these funds. Improvements should be eligible for funding in the fall of 2020.

✓ **SAFE ROUTES TO SCHOOL (Business Item)**

The safe routes to school staff have been liaising with our engineer to get a sense of the next steps, including a timeline. The expectation is that an application will be filed on or before October 16th. Prior to the application, we have notified impacted owners and need to approve a resolution of support. The letters were handed administratively. The resolution of support is included in the current packet.

Note that this is support of the application only at this point. We are proceeding with the understanding that preliminary engineering, accurate pricing, and a final construction plan have not been settled. As we proceed with the application revision and potential award, we will have the opportunity to prioritize and select various project components, with the understanding that we will only need to proceed if funding is allocated through the grant.

As of writing, the school has been fantastic to work with. They indicate a willingness and ability to supply many of the desired improvements as they proceed with bond upgrades, including walkways and a potential pedestrian bridge.

See the prior reports for more details. Detailed information on the research and recommendations by the Crim Fitness Foundation are available upon request.

✓ **BUILDING AND ZONING SERVICE DELIVERY (Update)**

This system is up and running. I will look to remove this section from future reports.

✓ **CENSUS COMPLETE COUNT COMMITTEE (Update)**

The committee met on October 1st. They plan to reach out to the Swartz Creek schools for Honor Society students that can acquire volunteer credit for their work with social media to educate the community in the Census 2020. They also plan to have a table at events throughout Jeepers Creekers, educating the community about the importance of the census. The slogan is "Be Counted For 2020 Census". They had a jar full of coffee beans for people to guess at the count and a chance to win a prize from Fireside.

The Complete Count Committee consists of Angie Root, Mary Ann McCarthy, and Chairman Dennis Cramer. They are also working on promotional materials.

✓ **GIS MAPS (No Change of Status)**

We will be working with Rowe to complete map and database creation. We will also seek a partial reimbursement from the Genesee County Drain Commission. Please see the report in the August 12 City Council packet for full details.

✓ **SKILL GAME ORDINANCE (Update)**

Based upon our existing zoning ordinance, any use that comes reasonably close to the state definition of a skill based game would constitute an 'arcade'. This use, at a minimum, is a special land use and would be subject to the highest level of scrutiny by the planning commission and city council, subsequent to a formal public hearing.

Based upon this set of circumstances, the city will always be in a position to place the burden of proof on an applicant to demonstrate a positive public benefit. This maintains a status in which the community can always say 'no'. I am comfortable with this process and will look to remove this section from future reports unless there is an objection. Please see the September 23, 2019 packet for additional details.

✓ **DISTRACTED DRIVING (Update)**

Chief Bade has done a lot of research and found a strong distracted driving ordinance from the City of Troy. We have discussed the matter and believe that a similar ordinance here can be reasonably enforced by police and get the results we are looking for as it relates to having attentive drivers. Please go over it. We will discuss the matter at our meeting and determine if and how we will proceed.

✓ **LOCAL OFFICERS COMPENSATION COMMITTEE (Update)**

The Local Officers Compensation Commission is due to meet this fall. I have tentatively set a meeting date for October 24th. This group makes recommendations regarding compensation of the city council. In the past, we have also made use of their focus to make recommendations regarding the Zoning Board of Appeals.

In 2017, they made some strides to bring stipends up to a more reasonable level that is in line with area communities. I expect them to continue to look at the level of stipends again as it relates to the duties, responsibilities, costs, and time involved. As we encourage members to take on more training and to engage in other city/area board/commission meetings, this could impact the financial demands on our elected officials.

I will also be tasking the LOCC to consider the potential for a stipend reimbursement to cover equipment costs related to council member technology. For example, our community purchases laptops for councilmembers as a hard cost. Some members use the laptops, some do not. We are now at a point where some members desire replacements, upgrades, or alternate technology to suit various levels of functionality. In Linden, the city pays a one-time stipend for this (and related) equipment/supplies for the council members to use as they see fit to satisfy their specific technology needs. Since we are looking at purchasing the next generation of technology (with noted differences in preference), now may be the time to convert to a technology stipend.

I have previously noted a desire to create a discretionary fund for the Mayor and/or council members. This is not something we wish to be in the business of overseeing, based upon conversations with the Treasurer and auditor. Based upon their advice, we

can enable council members or the Mayor to have resources to meet the demands of the job through a taxable stipend. We need to make an effort to acknowledge the intent of any compensation changes (e.g. because the Mayor is often solicited and expected to support community fundraisers and events as an individual, additional compensation appears reasonable).

✓ **SHARED SERVICES AGREEMENT-MUNDY TOWNSHIP (Update)**

Mundy's park will not be completed this year. As such, any need for services is put on hold as it relates to utilizing our labor and maintenance staff/equipment. The previous report follows:

Mundy Township is very interested in utilizing our existing labor and equipment resources to support their new park facility on Hill Road. We have come to verbal terms with each other regarding expectations. I have also ensured we have the capacity and willingness from the DPW Director and union steward that represents the crew that will be doing the work. The city Treasurer is also equipped to track, report, and invoice such services by virtue of extending a system of accounting that we use to enable our staff to maintain the park and ride.

Moving forward, I expect to deliver a short shared services agreement that will enable city labor and equipment to be used to maintain the Mundy Township park. Again, this agreement will resemble the MDOT park-and-ride service expectation, while taking the form of the shared service agreement we have with Mundy Township for building services. Conceptually, I think this is a great idea to create efficiency for the township and more capacity for the city, while ensuring costs are fairly and appropriately covered. The working plan appears to support the concept in terms of its functionality and demand on our resources.

✓ **JEEPERS CREEKERS EVENT (Update)**

The first week is behind us. The event went well from setup to clean up. The attendance was very manageable, which made parking, waste management, and other services more than adequate. By all accounts, Holland Square usage should be very successful moving forward. We did receive one voice mail complaint at city hall from Saturday, regarding noise. The caller did not leave a name, address, or any contact information.

Note that the entire festival is a work in progress, so please be patient as they look to implement and improve things. There are a number of 'firsts' here, including use of the plaza and a film festival. To better describe things, I am including the descriptions as written by the applicant (the Swartz Creek Chamber of Commerce).

Week One: October 5th – Harvest Hoe Down

Join the Swartz Creek Area Chamber of Commerce as we kick off the first Saturday of Jeepers Creekers with a good, ol' fashioned harvest hoedown on Saturday, Oct. 5. We'll bring in the great pumpkin and we'll have food, music and dancing. We're working on some kids games and a cottage market with fresh produce and crafts. Additional events planned for every Saturday in October! (Note: this event also has council and Michigan LCC approved alcohol sales at Holland Square from 3pm to 9pm).

Week Two: October 12th – Tales from the Creek

Some spooky fun is in the works for the second weekend of Jeepers Creekers entitled Tales from the Creek. The day begins with a 5K costumed fun run from 10am to 12pm. Then, later, the whole community is invited to participate in the first-ever Zombie walk through downtown from 4pm to 6pm. What a sight! Even if you don't want to walk, come on out and watch the procession.

The inaugural Michigan Macabre Film Festival starting at 6pm featuring the creative endeavors of independent filmmakers will take place on the Civic Campus, and the evening will include a screening of a spooky Halloween classic.

Week Three: October 19th – Eat, Drink, and Be Scary

It's time for grown-up fun on the 3rd Saturday when Jeepers Creekers presents Eat, Drink, and Be Scary! Activities include a costume contest, business decorating contest and pub crawl. More details to follow. Times may change.

Week Four: October 26th – Fall Family Fun Night

Festivities wrap up on the fourth Saturday when Fall Family Fun Night returns with trunk-or-treat, more bounce houses, a bigger straw mountain, food trucks, treats, games, and more.

In addition, the Jeepers Creekers Committee will announce the winner of the home decoration contest! This year, we're inviting residents in the Swartz Creek Community Schools district to go all out, show their Halloween spirit and decorate their homes and yards.



✓ **SERVER REPLACEMENT (Update)**

Done. I shall remove this section from future reports.

✓ **AUDIT SERVICES (Update)**

I will be discussing the potential for shared audit services and/or bidding with Metro and Mundy. I will inform the council of opportunities. This will be removed from future reports pending an update.

✓ **DISC GOLF (Business Item)**

Disc Golf for the Bristol Road property (let's call it Bristol Fields until something better comes along). This has been moved back to the Park Board. I expect them to come up with a detailed physical plan, supported by a financial statement and timeline analysis.

✓ **OTHER COMMUNICATIONS & HAPPENINGS** *(See Individual Category)*

✓ **MONTHLY REPORTS** *(Update)*

There are a number of routine reports included for your information.

✓ **TELECOM NOTICE** *(Update)*

Comcast is reporting some channel lineup and package changes.

✓ **MANUFACTURED HOUSING UPDATE** *(Update)*

Following our conversation at the last meeting, we have received some information from State Representative Cherry regarding manufactured housing. He is aware of the issues and has indicated a willingness to take complaints and look into legislation that may help. I have also reached out to the city attorney to see if we can take local legislative or corrective action regarding some of the known issues.

✓ **ROSE PEST CONTROL QUOTE AND DESCRIPTION** *(Update)*

With Eastern Equine Encephalitis risks at the fore front of current public health concerns, many communities are considering options for mosquito control. The city has considered this in the past, but has not pursued it.

I am expecting a quote and description of services from Rose Pest Control, a local company that we maintain on retainer to manage pests in our various buildings. This can be a touchy subject for many folks. Pros of mosquito control include some degree of mitigating mosquito borne illness risks and reducing the general nuisance of mosquitos. Cons include the cost, real/perceived health impacts, kill off of other insects, and real/perceived food chain disruption.

I am not sure if the city council has any appetite for this type of service. Obviously, treatment this season would not be timely, but I am including this as a discussion item to ascertain the level of interest from council members for next year. If there is interest, I can invite a treatment expert to a meeting.

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

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

There is no business for the planning commission in October so we will postpone the meeting indefinitely. This is a rare occurrence this year. The next meeting is scheduled for November 5th.

✓ **DOWNTOWN DEVELOPMENT AUTHORITY** *(Update)*

The DDA will meet on October 10th. By the time council meets, we should know if they are going to proceed with the purchase of an inflatable screen and new projector. The idea had a lot of traction from the DDA Board and the Firemen's Association, which is engaged in running Family Movie Night. There is belief that an inflatable screen can replace the deteriorating permanent screen at Pajtas and also offer more location and user flexibility. The next meeting is scheduled for November 14th.

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

The ZBA met on August 21st to consider a use variance that would enable a non-residential use on a residential parcel. The petition requested permitting to perform land grading with the addition of substantial fill on the vacant land located on Seymour Road by the creek.

There was much public participation and deliberation. The ZBA was not able to make findings due to a lack of information regarding the expected impact on the creek flow and potential for flooding. There were also concerns about the final appearance of the fill area.

At the request of the petitioner, the decision was postponed pending the submission of detailed engineering related to the impact on the floodplain. As of writing new technical and narrative information has been submitted. A follow up meeting is scheduled for October 16th, this Wednesday. Packets have gone out and a notification was mailed to property owners within 300 feet as well as to the August meeting attendees that left contact information. Note that this does not constitute a second public hearing.

✓ **PARKS AND RECREATION COMMISSION (*Update*)**

The Park Board met on October 2nd in Elms Park. Despite the rain, there was a great turnout for the dog park dedication, which went very well. Updates were given on projects, volunteer needs for the playscape staining, and Jeepers Creekers.

In addition, disc golf representatives were there. A committee of Mr. Farmer & Mr. Barclay, along with the local disc golf folks, was formed. They will be working to deliver a design plan and budget for the disc golf area on Bristol Road.

The next meeting will be on November 6th at city hall.

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

The BoR met at the city offices on Tuesday, July 16th at 10:30 a.m. to hear principle residency exemptions, poverty exemptions, veteran exemptions, and clerical appeals. There were two PRE and three veteran exemptions.

NEW BUSINESS / PROJECTED ISSUES & PROJECTS

✓ **MARI-DAN POLICING AGREEMENT (*Business Item*)**

Metro PD has been very active in developing relationships with the managers of apartment and housing complexes. In doing so, they are proceeding with new initiatives and ensuring policing rights for common problems that these communities face, such as traffic control.

As a result, Metro and the owners of Mari-Dan Miller Farms are seeking to enter into an agreement that would enable officers to enforce applicable traffic, parking, and general law ordinances on private property. This is not uncommon and is observed in places such as Springbrook Colony. In fact, I suspect such agreements exist from a forgotten era for many such properties.

To affect this change, an agreement is prepared and included in the packet. Note that the agreement is with the City of Swartz Creek, since the city legislates the laws. The resolution then empowers Metro PD to provide the enforcement, as one would expect. I fully support this initiative.

✓ **HELMSLEY PARKING TRAFFIC CONTROL ORDER (*Business Item*)**

The Helmsley Drive project is substantially complete. Because it was a street reconstruction project, all signs were removed and are being replaced. Following the standard practice, we are proposing to switch “No Parking” from one side of the street to the other side. This move is proposed to coincide with the relocation of the water main and hydrants, despite the water main being replaced about a decade ago. Relocating parked vehicles reduces the likelihood of a hydrant-vehicle conflict and frees up additional spots by ensuring such conflicts are not present.

This change requires a Traffic Control Order and resolution. We engaged this process with the previous projects as well. I recommend we proceed.

✓ **SHELTER ORDINANCE (*Business Item*)**

I have included a new ordinance that will require shelters in our community. We are looking at implementing this requirement, following the initiative of Atlas Township and Mundy Township. It appears an out-of-state homebuilding is buying up subdivisions in the area, and they see no problem with the construction of homes without a basement or other suitable shelter area.

I would not have believed that this would be an issue around here, but homes are being built without basements in Cole Creek (Bristol and Morrish), as well as Deer Run (Hill by Jennings). This is not desirable in my opinion. To prevent similar occurrences from happening in the city, I propose we move forward with this shelter ordinance.

✓ **DIRECTOR OF COMMUNITY SERVICES SUCCESSION PLAN (*Update*)**

Tom Svrcek has submitted his notice of retirement, effective on January 3, 2020. Tom has been with the city for over twenty years and has made his mark on all of our current initiatives, from the street program to the downtown flowers. He has brought a fantastic and practical skill set here with him that will be sorely missed. He has also provided a genuine and very human presence within our Department of Public Works that cannot be replaced. We will miss you Tom! But he isn't gone yet, so we better bug him about what he knows 😊

I will be working diligently to ensure a smooth transition as we move forward with a new director. Based upon the ridged regulatory environment around public utilities as well as the massive needs we have with the USDA water main project, recreational investments, and street program, I am inclined to pursue the hiring of a professional engineer that possess administrative and regulatory skills.

Such a position will come at a great financial cost. However, having a certified professional engineer will also ensure that our projects are being overseen with a high degree of scrutiny towards efficient processes, proper methods/materials, optimal desire, safe conduct, etc. I expect this position to result in direct savings for SOME services that are currently billed hourly or contracted through our third party engineers (e.g. hourly

services for drainage troubleshooting in Winchester Woods). I also expect to ensure proper outcomes for the \$10,000,000 worth of water main, sewer investment, streets, and trails that we expect in the next five years. Even so, this is a tall order for a community our size.

As such, I have had discussions with Mundy Township regarding the potential to share approximately 10% of this position's time (and related expenses) with them. Given their circumstances, they find value in this concept. From here, I will look to create a shared service agreement with Mundy to set the expectations and mechanism for a shared Engineer. This will very closely resemble the shared service agreement for the building department, in which they have the staff and the city required the service.

If agreeable to the city council, we can enter into an agreement with Mundy sometime this fall. I can then hire a suitable department head with the understanding that we have a means to recover some of the added expense that comes with having a professional engineer at our disposal. If council is not agreeable to sharing this service, I will proceed with the hire of a non-engineer department head. By all means, let me know your thoughts and concerns.

Council Questions, Inquiries, Requests, Comments, and Notes

Dark Store Legislation: At our last meeting, there was conversation regarding the Kroger tax appeal. This took us down the rabbit hole concerning trends in Michigan Tax Tribunal cases involving "dark stores". I am including some helpful articles and reports regarding this topic and its current trend in law. I am also including another preliminary appeal (which may or may not be signed by a judge). The interesting thing about this one is that it was thrown out of small claims because the court found that the value was higher than what it was assessed for, thereby making the claim for a reduced value too low for that court to have jurisdiction. It didn't stop them from appealing to the MTT, despite a Michigan court literally finding that the value was higher than what was on the books...

Road Bumps: We are looking to grind down many of the bumps on Miller Road. We are hoping we can look at the seam between the asphalt and concrete on Miller by Taco Bell as well.

**City of Swartz Creek
RESOLUTIONS
Regular Council Meeting, Monday, October 14, 2019, 7:00 P.M.**

Resolution No. 191014-4A MINUTES – September 23, 2019

Motion by Councilmember: _____

I Move the Swartz Creek City Council approve the Minutes of the Regular Council Meeting held Monday, September 23, 2019, to be circulated and placed on file.

Second by Councilmember: _____

Voting For: _____

Voting Against: _____

Resolution No. 191014-5A 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 October 14, 2019, to be circulated and placed on file.

Second by Councilmember: _____

Voting For: _____

Voting Against: _____

Resolution No. 191014-6A CITY MANAGER’S REPORT

Motion by Councilmember: _____

I Move the Swartz Creek City Council accept the City Manager’s Report of October 14, 2019, including reports and communications, to be circulated and placed on file.

Second by Councilmember: _____

Voting For: _____

Voting Against: _____

Resolution No. 191014-8A A RESOLUTION TO ESTABLISH A REQUEST FOR FUNDING, DESIGNATE AN AGENT, ATTEST TO THE EXISTENCE OF FUNDS TO CARRY OUT VARIOUS INFRASTRUCTURE PROJECTS AND COMMIT TO IMPLEMENTING A MAINTENANCE PROGRAM FOR INFRASTRUCTURE FUNDED BY THE SAFE ROUTES TO SCHOOL PROGRAM

WHEREAS, the Safe Routes to School program, a federally funded program administered in Michigan by the Michigan Department of Transportation (MDOT); and

WHEREAS, the City of Swartz Creek in partnership with Swartz Creek Community Schools, is applying for funds through MDOT from the Safe Routes to School program to construct certain infrastructure projects throughout the City, including sidewalks, crosswalks, signals, pedestrian bridges, off-street trails, and related features to enable and encourage children to safely walk and bike to school; and

WHEREAS, MDOT requires a formal commitment from the public agency that will be receiving these funds and will be implementing and maintaining these infrastructure projects.

NOW, THEREFORE, BE IT RESOLVED THAT, the City has authorized Adam Zettel, City Manager, to act as agent on behalf of the City to request Safe Routes to School funding, to act as the applicant's agent during the project development, and to sign a project agreement upon receipt of a funding award.

BE IT FURTHER RESOLVED THAT, the City attests to the existence of, and commits to, the funds necessary to carry out the project, including engineering for design and construction, permit fees, administration costs, and cost overruns.

BE IT FURTHER RESOLVED THAT, the City commits to owning operating, funding and implementing a maintenance program over the design life of the facilities constructed with Safe Routes to School funding.

Voting For: _____
Voting Against: _____

Resolution No. 191014-8B

A RESOLUTION TO AMEND SECTION 4 OF THE CODE OF ORDINANCES BY ADDING SECTION 4, ARTICLE 5 SEVERE WEATHER PROTECTION SHELTER

Motion by Councilmember: _____

WHEREAS, the City of Swartz Creek maintains police power over various building, trade, and property maintenance codes related to maintaining the health, safety, and welfare of the public, and

WHEREAS, the need for severe weather protection shelters is pronounced in Genesee County, Michigan.

NOW, THEREFORE, I MOVE the City of Swartz Creek ordains:

**CITY OF SWARTZ CREEK
ORDINANCE NO. 444**

An ordinance to amend Chapter 4 of the Code of Ordinances by removing adding Section 4, Article 5, entitled "Severe Weather Protection Shelter."

THE CITY OF SWARTZ CREEK ORDAINS:

Section 1. Amendment of Chapter 4 of the Code of Ordinances.

The City hereby amends Chapter 4 of the Code of Ordinances of the City of Swartz Creek by adding Section 4, Article 5, entitled "Severe Weather Protection Shelter" to read as follows:

Sec. 4-51. - Title.

This ordinance shall be known and cited as the Swartz Creek Severe Weather Protection Shelter Ordinance.

Sec. 4-52. - Purpose.

The United States has been divided into four zones that geographically reflect the number and strength of extreme windstorms. Genesee County is located near the border of Wind Zones III and IV, which are indicative of an area which experience design wind speeds (3-second gusts) in excess of 200 mph. Local building codes consider the effects of "code-approved" design winds. A tornado can cause winds much greater than those on which local code requirements are based. Having a house built to "code" does not mean that a house can withstand wind from any event, no matter how extreme. Genesee County Emergency Management has reported that Genesee County has the distinction of having more tornadoes than any other county in the state of Michigan. Federal Emergency Management Agency Guidelines indicate Genesee County is in a "high risk" wind zone area and that a shelter is the preferred method of protection from high winds. The purpose of this ordinance is to establish standards for the installation of such shelters for new single-family residential dwelling unit construction.

4-53. - Definitions.

1. *Dwelling*: A structure or portion thereof, which is used exclusively for human habitation.
2. *Dwelling, Single-Family*: A building designed exclusively for one-family residential use.
3. *Modular House*: A house constructed of modular units that have been built elsewhere and which are brought to the site, in whole or in parts, and installed on a permanent foundation.

4-54. - Applicability.

Only single-family dwelling units receiving an approved building permit on or after the effective date of this ordinance shall be subject to the construction standards specified herein.

4-55. - Construction standards.

All single-family residential dwelling units shall be attached to a permanent foundation. Severe weather protection shelter installation shall be in accordance with the in-residence shelter specifications contained in the Federal Emergency Management Agency report. *Taking Shelter From the Storm: Building a Safe Room Inside Your House*, Second Edition, August 1999, as may be amended. However, the shelter location shall be limited to the basement and be directly beneath the dwelling, or house.

4-56. - Exemptions.

Residential structures providing basements or equivalent consistent with BOCA Building Code equal to not less than twenty-five (25) percent of the dwelling's first floor footprint area.

4-57. - Violations.

Violation of this ordinance is a municipal civil infraction. In addition to pursuing a municipal civil infraction proceeding, the City may also institute an appropriate action in a court of competent jurisdiction seeking injunctive, declaratory, or other equitable relief to enforce or interpret this Ordinance or any provision of the Ordinance. All remedies available to the City under this Ordinance and Michigan law shall be deemed to be cumulative and not exclusive. Each day a violation of this ordinance shall exist shall be deemed a separate offense. In addition to a fine to be determined by the City Council, per resolution, the court, at its discretion, may award other costs, attorney's fees, damages, expenses and other remedies as provided by law.

4-58. - Nuisance.

A violation of this ordinance is hereby declared to be a public nuisance, which may be abated by an injunction issued out of a court of record.

Section 2. Effective date.

This Ordinance shall take effect twenty (20) days following publication.

At a regular meeting of the City Council of Swartz Creek held on the _____ day of _____, 2019, Councilmember _____ moved for adoption of the ordinance and Councilmember _____ supported the motion.

The Mayor declared the ordinance adopted.

David Krueger
Mayor

Connie Olger
Clerk

CERTIFICATION

The foregoing is a true copy of Ordinance No. 444 which was enacted by the Swartz Creek City Council at a regular meeting held on the _____ day of _____, 2019.

Connie Olger
City Clerk

Second by Councilmember: _____

Voting For: _____

Voting Against: _____

Resolution No. 190923-8D

RESOLUTION TO APPROVE AN AGREEMENT WITH MARI DAN MILLER FARMS TO ENABLE ENFORCEMENT OF CERTAIN POLICE ORDINANCES ON PRIVATE PROPERTY AND TO ASSIGN ENFORCEMENT RESPONSIBILITIES TO THE METRO POLICE AUTHORITY OF GENESEE COUNTY

Motion by Councilmember: _____

WHEREAS, the City is empowered to provide police protection services throughout the City;

WHEREAS, the City is a party to the Interlocal Agreement Establishing the Metro Police Authority of Genesee County (“the Authority”) whereby it provides police protection services by and through the Authority;

WHEREAS, the City desires to enter into the Agreement for Police Services that is attached hereto (“the Agreement”) with the Mari Dan Miller Farms, that will enable enforcement of the Uniform Traffic Code and other ordinances within the residential housing complex known as Mari-Dan; and

WHEREAS, the City wishes to assign to the Authority, and the Authority agrees to accept, the rights and responsibilities specified in the Agreement.

NOW, THEREFORE, BE IT RESOLVED, that the City of Swartz Creek approves the Agreement for Police Services, with the Mari Dan Miller Farms, as included in the October 14, 2019 city council packet, and directs the City Manager to execute said agreement on behalf of the city.

BE IT FURTHER RESOLVED that the City of Swartz Creek assign or transfer to the Metro Police Authority of Genesee County all of its rights and responsibilities of the Agreement attached hereto.

Second by Councilmember: _____

Voting For: _____

Voting Against: _____

Resolution No. 191014-8E

RESOLUTION TO APPROVE TRAFFIC CONTROL ORDER NUMBER 176, TO RELOCAT NO PARKING SIGNS ON HELMSLEY 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 grants 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 east side and permitted on the west side of Helmsley Drive.

NOW, THEREFORE BE IT RESOLVED that the City of Swartz Creek approve Traffic Control Order #176 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 09/23/2019**

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, Farmer, Gilbert, Hicks, Krueger, Root.

Councilmembers Absent: Pinkston.

Staff Present: City Manager Adam Zettel, Clerk Connie Eskew.

Others Present: Lania Rocha, Bob Plumb, Trudy Plumb, Steve Shumaker, Debby Kubik, Shirley Morgan, Theresa Cornelius, Craig Hansen, Katarina Cross, Danika Ward, Jeff Welsch, Holly Hook, Cheryl Taubitz.

EXCUSE MAYOR PRO TEM PINKSTON

Resolution No. 190923-01 (Carried)

Motion by Councilmember Gilbert
Second by Councilmember Hicks

I Move the Swartz Creek City Council excuse Mayor Pro Tem Pinkston.

YES: Unanimous Voice Vote.
NO: None. Motion declared carried.

APPROVAL OF MINUTES

Resolution No. 190923-02 (Carried)

Motion by Councilmember Root
Second by Councilmember Gilbert

I Move the Swartz Creek City Council approve the Minutes of the Regular Council Meeting held Monday September 9, 2019 to be circulated and placed on file.

YES Gilbert, Hicks, Krueger, Root, Cramer, Farmer.
NO: None. Motion Declared Carried.

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APPROVAL OF AGENDA

Resolution No. 190923-03

(Carried)

Motion by Councilmember Cramer
Second by Councilmember Hicks

I Move the Swartz Creek City Council approve the Agenda as, printed for the Regular Council Meeting of September 23, 2019, to be circulated and placed on file.

YES: Hicks, Krueger, Root, Cramer, Farmer, Gilbert.
NO: None. Motion Declared Carried.

CITY MANAGER'S REPORT

Resolution No. 190923-04

(Carried)

Motion by Councilmember Farmer
Second by Councilmember Cramer

I Move the Swartz Creek City Council accept the City Manager's Report of September 23, 2019, including reports and communications to be circulated and placed on file.

YES: Krueger, Root, Cramer, Farmer, Gilbert, Hicks.
NO: None. Motion Declared Carried.

MEETING OPENED TO THE PUBLIC:

Trudy Plumb, 37 Somerset, doesn't agree with allowing alcohol on city property at Holland Square events.

Holly Hook, 59 Ashley, rent has been raised 30 percent in a years' time, plus adding fees for trash. She just wants the city to be aware of all the issues residents are having there.

Councilmember Cramer recommended they attend one of Representative Cherry's community conversation going on in the next couple of weeks at several area locations.

Bob Plumb, 37 Somerset, has been in contact with Representative Cherry and he was asked to sit on a board regarding this matter. Once he gets a meeting schedule he will share that with the city.

Debby Kubik, 112 Ashley, having many issues at Swartz Creek Estates such as several increases in rent which is causing her to move.

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Jeffrey Welsch & Cheryl Taubitz, 60 Ashley, issues with rent and double billing at Swartz Creek Estates.

Craig Hansen, 11 Kingsley, isn't happy with the holes they put on the side of the house for the water meter. Rent keeps going up and he is moving out due to all the issues at Swartz Creek Estates.

Theresa Cornelius, 11 Kingsley, has had to pay water bill twice at Swartz Creek Estates. Office is holding checks.

Shirley Morgan, 71 Ashley, newly installed water meter having issues and can't be read so she can't pay her bill at Swartz Creek Estates because they are supposed to pay rent with the water bill.

Mayor Krueger commented that the city is looking into passing a shelter ordinance.

COUNCIL BUSINESS:

RESOLUTION TO APPROVE APPRAISAL FOR TOPVALCO INC (KROGER)

Resolution No. 190923-05

(Carried)

Motion by Councilmember Hicks
Second by Councilmember Farmer

WHEREAS, the city assesses property and collects taxes per the Michigan General Property Tax Act; and

WHEREAS, the City Assessor is charged with determining values for property to be taxed under the same act and rules promulgated by the Michigan Department of Treasury, with the intent of valuing real and personal property in the city accurately, fairly, and consistently; and

WHEREAS, from time to time, the city finds it necessary to defend valuations that are appealed by owner interests in order to achieve those intentions.

NOW, THEREFORE, BE IT RESOLVED, the City of Swartz Creek City Council amend the budget to allocate \$8,000 of unencumbered, unreserved general fund monies to the assessing department for the purpose of contesting the tax appeals by parties commonly referred to as the Kroger (TOPVALCO, INC), PID 58-36-576-012, costs to include an appraisal, legal services, and other related expenses to be provided by the city's legal counsel and an appraisal firm, as selected by the city manager or assessor, with the authority of the city council under Section 2-402(a)(2) of the city ordinances.

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BE IT FURTHER RESOLVED, the City of Swartz Creek City Council approve the proposal from Kevin Groves Appraisals, Inc., as included in the city council packet of September 23, 2019 and further direct the Mayor to execute said proposal on behalf of the city.

Discussion Ensued.

YES: Root, Cramer, Farmer, Gilbert, Hicks, Krueger.
NO: None. Motion Declared Carried.

RESOLUTION TO PURCHASE PLOW AND RELATED EQUIPMENT FOR THE WOOD CHIPPER 4X4 TRUCK

Resolution No. 190923-06

(Carried)

Motion by Councilmember Gilbert
Second by Councilmember Cramer

WHEREAS, the city is replacing a 1999 Chevy 1 Ton Pickup Truck with a comparable piece of equipment, a 2019 Ford F350, which requires modifications to enable collection, storage, and dumping of wood chips; and

WHEREAS, the City's Purchasing Ordinance, Chapter 2, Article VI, Section 2-406 provides for and encourages cooperative government purchasing practices; and

WHEREAS, the Director of Public Services has selected a plow equipment package from the State of Michigan Vehicle Contract; and

WHEREAS, Knapheide Truck Equipment in Flint, Michigan holds the MIDeal Contract for the desirable Western plow package; and

WHEREAS, the 2020 Motor Pool Fund has sufficient funds set aside for this planned equipment replacement.

NOW, THEREFORE, BE IT RESOLVED, the City of Swartz Creek approves the purchase of the 2019 Ford Diesel F350 plow equipment assembly from Knapheide Truck Equipment in the amount of \$6,584.05 plus associated fees and expenses, to be apportioned from the Motor Pool Fund (661).

YES: Root, Cramer, Farmer, Gilbert, Hicks, Krueger.
NO: None. Motion Declared Carried.

RESOLUTION TO APPROVE CONCEPTUAL PLANNING OF A DISC GOLF COURSE ON VACANT LAND LOCATED ON BRISTOL ROAD

Resolution No. 190923-07

(Carried)

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Motion by Councilmember Root
Second by Councilmember Farmer

WHEREAS, the City owns, operates and maintains parks and other facilities used for active and passive recreation; and

WHEREAS, the city owns approximately twenty acres of unimproved land that fronts Bristol Road between the General Motors facility and Heritage Village Condominiums; and

WHEREAS, said land has been noted as a potential recreational asset in the community plans; and

WHEREAS, improvements upon said land have been found to be unattainable due to grade, drainage, and financial restraints; and

WHEREAS, an extension of the Genesee Valley Trail is planned to be constructed on the frontage of this site in 2020; and

WHEREAS, the Parks and Recreation Advisory Board, after consultation with representatives of area disc golf groups, recommended the creation of a disc golf plan for said land at their regular meeting on September 4th; and

WHEREAS, the Park Board, staff, and local experts have the capacity to develop a use plan, with a timeline and financial impact assessment to the City Council.

NOW, THEREFORE, the City of Swartz Creek City Council hereby authorizes the Park Board to oversee the development of a disc golf plan for city-owned property on Bristol Road.

Discussion Ensued.

YES: Cramer, Farmer, Gilbert, Hicks, Krueger, Root.

NO: None. Motion Declared Carried.

RESOLUTION TO APPROVE PROFESSIONAL AUDIT SERVICES AS REQUIRED TO RECEIVE FEDERAL FUNDS IN EXCESS OF \$750,000 FOR THE USDA GRANT AND LOAN ASSISTANCE FUNDS RELATED TO WATER MAIN REPLACEMENT

Resolution No. 190923-08

(Carried)

Motion by Councilmember Cramer
Second by Councilmember Hicks

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

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WHEREAS, the city is replacing streets, water main, and other public improvements as part of an ongoing investment strategy, and

WHEREAS, the city provides local and transmission water main that serves city residents and area residents alike, and

WHEREAS, the city has been provisionally awarded USDA grant and low interest loans that would defray some of the expense of providing for this local and regional water main infrastructure, and

WHEREAS, the expense of \$750,000 or greater of federal dollars requires a “Single Audit” to be performed by a qualified third party, and

WHEREAS, Plante Moran, PLLC, functioning as the city’s auditor, delivered a proposal, dated September 11, 2019 to provide such services.

NOW, THEREFORE BE IT RESOLVED that the City of Swartz Creek City Council accepts the proposal from Plante Moran, PLLC, in the amount of \$5,500 for the noted services.

BE IT FURTHER RESOLVED that the City of Swartz Creek directs the Treasurer to apportion expenses from the water fund.

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

YES: Farmer, Gilbert, Hicks, Krueger, Root, Cramer.

NO: None. Motion Declared Carried.

A RESOLUTION TO APPROVE BIDS FOR SNOW AND ICE REMOVAL FROM CITY PARKING AREAS AND SIDEWALKS

Resolution No. 190923-09

(Carried)

Motion by Councilmember Farmer

Second by Councilmember Root

WHEREAS, the City of Swartz Creek sought sealed bids for the removal of snow and ice from city-owned properties, with an emphasis on parking areas, for services to be provided through April 2022; and

WHEREAS, Ace Outdoor Services was found to be the responsible low bidder out of two submitted bids.

NOW, THEREFORE, BE IT RESOLVED, the City of Swartz Creek accept the low bid of \$560.00 per “push”, for snow removal as per the specifications set forth in the bid package, and award the work to Ace Outdoor Services, LLC of Grand Blanc, Michigan, for a period ending April 30, 2022, with the stipulation that Ace Outdoor Services, LLC enter into a contractor’s agreement with the City.

Discussion Ensued.

YES: Gilbert, Hicks, Krueger, Root, Cramer, Farmer.

NO: None. Motion Declared Carried.

MEETING OPENED TO THE PUBLIC:

Steve Shumaker, 7446 Country Meadow, agreed on the need for a Shelter Ordinance.

REMARKS BY COUNCILMEMBERS:

Councilmember Gilbert still having issues with vehicles speeding on Miller Road.

Councilmember Hicks suggested Swartz Creek Estates residents form a committee and keep documentation of complaints/issues and ask the other park to join in with the committee.

Councilmember Cramer would like councilmembers to consider a stipend mentioned in council packet for the purchase of a laptop or tablet. He thinks the new logo for Jeepers Creekers looks great.

Councilmember Root invited everyone to Fireside Coffee Saturday, September 28, 2019 10am-3pm for roastery and warehouse tours.

Mayor Krueger mentioned it was God & Guns Appreciation Day last Saturday and it was Batman’s 60th Anniversary.

ADJOURNMENT

Resolution No. 190923-10

(Carried)

Motion by Councilmember Gilbert
Second by Councilmember Cramer

I Move the Swartz Creek City Council adjourn the regular meeting at 8:14 p.m.

Unanimous Voice Vote.

David A. Krueger, Mayor

Connie Eskew, City Clerk

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DPS ACTIVITY SEPTEMBER 2019

	<u>REGULAR</u>	<u>HOLIDAY</u>	<u>VACATION</u>	<u>ABSENT</u>	<u>OT</u>	<u>DT</u>
101 GENERAL FUND						
262.0 ELECTIONS						
345.0 P S BLDG	30.72	0.22	0.22	0.22		
781.0 AMPHI-PARK						
782.0 ABRAMS PARK	10.50	0.26	0.18	0.15		
783.0 ELMS PARK	67.40	1.41	0.91	1.28		
784.0 BICENT. PARK						
790.0 SENIOR CENTER/LIBRARY	39.86	0.42	0.21	0.20		
793.0 CITY HALL	12.95	0.15	0.15	0.15		
794.0 COMM PROMO	64.32	2.90	2.99	2.13		
796.0 CEMETERY	8.07	0.94		0.50		
202 MAJOR STREET FUND						
429.0 SAFETY						
441.0 PARK & RIDE	14.08	0.32	0.03			
463.0 STREET MAIN	88.16	2.04	12.02	0.89		
474.0 TRAFFIC	78.32	3.30	0.12	5.69	2.00	
478.0 SNOW & ICE						
482.0 ADMIN	15.17	0.89	0.89	0.89		
203 LOCAL STREET FUND.						
429.0 SAFETY						
463.0 STREET MAIN	46.18	2.43	1.33	0.62		
474.0 TRAFFIC	67.40	2.63	0.12	3.07		
478.0 SNOW & ICE						
482.0 ADMIN	21.54	1.27	1.27	1.27		
226 GARBAGE FUND						
528.0 COLLECT	24.25	1.10	0.14	0.13		
530.0 WOODCHIPPING	77.25	4.74	3.98	3.49		
782.0 ABRAMS PARK GARBAGE	25.13	0.77	0.06	0.18	4.00	5.00
783.0 ELMS PARK GARBAGE	29.11	0.77	0.06	0.63	4.00	5.00
793.0 CITY HALL	2.72	0.01	0.01	0.01		
590 WATER						
540.0 WATER SYSTEM	85.91	5.66	6.81	3.10		2.00
540.0 WATER-ON CALL	1.00	0.10				
542.0 READ & BILL	22.13	1.28	2.23	0.48		
793.0 CITY HALL	6.80	0.02	0.02	0.02		
591 SEWER						
536.0 SEWER SYSTEM	58.63	3.41	2.61	2.42		
536.0 SEWER-ON CALL	1.00	0.10				
537.0 LIFT STATION	3.14	0.18	0.18	0.18		
542.0 READ & BILL	22.13	1.28	2.24	0.48		
793.0 CITY HALL	6.80	0.02	0.02	0.02		
661 MOTOR POOL FUND						
795.0 CITY GARAGE	29.83	1.38	0.20	0.30		
DAILY HOURS TOTAL	960.50	40.00	39.00	28.50	10.00	12.00

**Public Works
Monthly Work Orders**

10/03/19

Work Order # Work Order Status	Location ID	Customer Name Service Address	Date Recd Date Comp	Type
BXRP19-0173 COMPLETED	SE20-005101-0000-01	SHIPLEY, PATSY 5101 SEYMOUR RD	09/05/19 09/09/19	CURB BOX REPAIR
BXRP19-0174	MO10-004463-0000-04	FORTINO, DAVID 4463 MORRISH RD	09/19/19	CURB BOX REPAIR
FLAG19-0209 COMPLETED	CI10-008083-0000-01	CITY OF SWARTZ CREEK 8083 CIVIC DR	09/11/19 09/12/19	LOWER/RAISE FLAG
FNRD19-1609 COMPLETED	EL10-003414-0000-01	RIDLEY, ARTHUR 3414 ELMS RD	09/06/19 09/06/19	FINAL READ
FNRD19-1621 COMPLETED	CH20-009298-0000-01	HARBURN, LYNN 9298 CHESTERFIELD DR	09/06/19 09/06/19	FINAL READ
FNRD19-1625 COMPLETED	CH20-009135-0000-01	MILLER, ROBERT 9135 CHESTERFIELD DR	09/09/19 09/06/19	FINAL READ
FNRD19-1626 COMPLETED	CH30-007563-0000-01	SMIGIEL, JAMES 7563 CHURCH ST	09/03/19 09/04/19	FINAL READ
FNRD19-1627 COMPLETED	HI10-009235-0000-03	SHAW, ALISEAH 9235 HILL RD	09/03/19 09/04/19	FINAL READ
FNRD19-1628 COMPLETED	DO10-005208-0000-02	KINNEY, LINDA 5208 DON SHENK DR	09/03/19 09/04/19	FINAL READ
FNRD19-1629 COMPLETED	HT10-003323-0000-02	LANPHEAR, JUSTINE 3323 HERITAGE BLVD	09/06/19 09/06/19	FINAL READ
FNRD19-1630 COMPLETED	CE10-009287-0000-05	NIKHIL-DEVEN PROPERTIES LLC 9287 CEDAR CREEK CT	09/09/19 09/10/19	FINAL READ
FNRD19-1631 COMPLETED	MI10-006319-0000-04	CORNERSTONE BAPTIST CHURCH 6319 MILLER RD	09/10/19 09/10/19	READ METER
FNRD19-1632 COMPLETED	IN10-008051-0000-05	SALDANA, TREENA 8051 INGALLS ST	09/11/19 09/12/19	FINAL READ
FNRD19-1633 CANCELLED	CC10-007354-0000-01	DAVIDSON, JUDITH 7354 CROSSCREEK DR	09/23/19 09/23/19	FINAL READ
FNRD19-1634 CANCELLED	CC10-007350-0000-01	URECHE, ARTHUR 7350 CROSSCREEK DR	09/24/19 09/24/19	FINAL READ
GWO19-0536 CANCELLED	GR10-005226-0000-01	ELSTON, FREDERICK 5226 GREENLEAF DR	09/09/19 09/27/19	GENERIC WORK ORDE
GWO19-0537 COMPLETED	CI10-008095-000B-01	SENIOR CENTER 8095 CIVIC DR 000B	09/11/19 09/11/19	GENERIC WORK ORDE
GWO19-0538	CO30-006280-0000-02	TILLEY, MICHAEL 6280 CONCORD DR	09/16/19	GENERIC WORK ORDE
GWO19-0539 COMPLETED	DI10-007464-0000-01	ORR, JANET E 7464 DIANE CT	09/23/19 09/23/19	GENERIC WORK ORDE
GWO19-0540	EL10-004125-0000-01	ELMS PARK 4125 ELMS RD	09/23/19	GENERIC WORK ORDE

Work Order #	Location ID	Customer Name	Date Recd	Type
Work Order Status		Service Address	Date Comp	
GWO19-0541	MI10-008468-0000-02	HOHENSTEIN, JOANN 8468 MILLER RD	09/24/19	GENERIC WORK ORDE
GWO19-0542 COMPLETED	MO10-005152-B101-01	RIVERSIDE MANOR TOWNHOUSES 5152 MORRISH # B101 RD	09/25/19 09/25/19	GENERIC WORK ORDE
GWO19-0543	CC10-007363-0000-01	KAPLA, BRUCE 7363 CROSSCREEK DR	09/30/19	GENERIC WORK ORDE
GWO19-0544	CO20-007453-0000-04	VIAR, CHERYL A 7453 COUNTRY MEADOW DR	09/30/19	GENERIC WORK ORDE
INSP19-000035 COMPLETED	WI10-005330-0000-02	LUCAS, JOHN J 5330 WINSHALL DR	09/04/19 09/06/19	TREE INSPECTION
INSP19-000036 COMPLETED	NO10-009143-0000-01	BRITTAIN, FRANK 9143 NORBURY DR	09/10/19 09/12/19	TREE INSPECTION
MNT19-0303 COMPLETED	CI10-008095-000B-01	SENIOR CENTER 8095 CIVIC DR 000B	09/10/19 09/11/19	BUILDING MAINTENA
MNT19-0304 COMPLETED	CI10-008095-0000-01	PERKINS LIBRARY 8095 CIVIC DR	09/23/19 09/23/19	BUILDING MAINTENA
MTRP19-0571 COMPLETED	DU10-005274-0000-02	BURT, EUNICE 5274 DURWOOD DR	09/10/19 09/12/19	METER REPAIR
MTRP19-0572	WO10-005168-0000-02	LEWIS, LISA 5168 WORCHESTER DR	09/17/19	METER REPAIR
MTRP19-0573 COMPLETED	BR10-005056-0000-02	SHUMATE, ESTELLA 5056 BRADY ST	09/17/19 09/17/19	METER REPAIR
MTRP19-0574 COMPLETED	EL10-004061-0000-02	THIELL, REBECCA 4061 ELMS RD	09/18/19 09/18/19	METER REPAIR
MTRP19-0575 COMPLETED	MO10-005073-0000-01	CASWELL, JOAN 5073 MORRISH RD	09/18/19 09/18/19	METER REPAIR
MTRP19-0576 COMPLETED	HE10-005131-0000-03	KRAJNIAK, CHRISTINE 5131 HELMSLEY DR	09/23/19 09/23/19	METER REPAIR
MTRP19-0577 COMPLETED	BR10-005056-0000-02	SHUMATE, ESTELLA 5056 BRADY ST	09/23/19 09/23/19	METER REPAIR
MTRP19-0578 CANCELLED	SP10-004413-0000-01	OLIVER, SHIRLEY 4413 SPRINGBROOK DR	09/23/19 09/23/19	METER REPAIR
MTRP19-0579 COMPLETED	SP10-004413-0000-01	OLIVER, SHIRLEY 4413 SPRINGBROOK DR	09/24/19 09/24/19	METER REPAIR
MTRP19-0580 COMPLETED	DR10-000001-0000-01	HIGH SCHOOL, SWARTZ CREEK 1 DRAGON DR	09/30/19 10/01/19	METER REPAIR
READ19-0704 COMPLETED	MI10-008603-0000-04	SWAR LLC 8603 MILLER RD	09/03/19 09/03/19	READ METER
READ19-0705 COMPLETED	KR20-004276-0000-01	SPRINGVALE ASSISTED LIVING 4276 KROGER DR	09/06/19 09/06/19	READ METER
READ19-0707 COMPLETED	CA10-008336-0000-01	SWARTZ CREEK SCHOOLS- WAREHO 8336 CAPPY LN	09/19/19 09/19/19	READ METER
READ19-0709	CH40-004266-0000-03	HASENOHRL, CAROL	09/19/19	READ METER

Work Order #	Location ID	Customer Name	Date Recd	Type
Work Order Status		Service Address	Date Comp	
COMPLETED		4266 CHAPEL LN	09/23/19	
READ19-0710 COMPLETED	CH40-004275-0000-01	GRIMSKE, FRANK 4275 CHAPEL LN	09/19/19 09/23/19	READ METER
READ19-0711 COMPLETED	CH40-004297-0000-04	MILLS, LARRY 4297 CHAPEL LN	09/19/19 09/19/19	READ METER
READ19-0712 COMPLETED	CH20-008480-0000-04	SCARBERRY, TIMOTHY 8480 CHESTERFIELD DR	09/19/19 09/19/19	READ METER
READ19-0713 COMPLETED	CH20-009032-0000-02	ANDERS, SHAWN 9032 CHESTERFIELD DR	09/19/19 09/23/19	READ METER
READ19-0714 COMPLETED	CH20-009230-0000-02	CASS, SAMANTHA M F 9230 CHESTERFIELD DR	09/19/19 09/19/19	READ METER
READ19-0715 COMPLETED	CH20-009321-0000-03	MILLER, SCOTT 9321 CHESTERFIELD DR	09/19/19 09/19/19	READ METER
READ19-0716 COMPLETED	CO10-004468-0000-01	HAMMOND, LAUREL L 4468 COLONY CT	09/19/19 09/20/19	READ METER
READ19-0717 COMPLETED	CC10-005914-0000-02	CHRISTENSEN, DOLORES & DENNI 5914 CROSSCREEK DR	09/19/19 09/19/19	READ METER
READ19-0718 COMPLETED	CC10-007350-0000-01	URECHE, ARTHUR 7350 CROSSCREEK DR	09/19/19 09/19/19	READ METER
READ19-0719 COMPLETED	CC10-007363-0000-01	KAPLA, BRUCE 7363 CROSSCREEK DR	09/19/19 09/19/19	READ METER
READ19-0720 COMPLETED	CC10-007438-0000-04	LAWREY, RONALD G 7438 CROSSCREEK DR	09/19/19 09/19/19	READ METER
READ19-0721 COMPLETED	DI10-007464-0000-01	ORR, JANET E 7464 DIANE CT	09/19/19 09/19/19	READ METER
READ19-0722 COMPLETED	DU10-005171-0000-01	HEATH, ROSEMARY 5171 DURWOOD DR	09/19/19 09/19/19	READ METER
READ19-0723 COMPLETED	DU10-005221-0000-01	DIKOS, THOMAS 5221 DURWOOD DR	09/19/19 09/19/19	READ METER
READ19-0724 COMPLETED	EL10-004301-0000-04	O'REILLEY AUTO PARTS 4301 ELMS RD	09/19/19 09/20/19	READ METER
READ19-0725 COMPLETED	EL10-004220-0000-02	DOUGLAS CORPORATION OF MICHIGAN 4220 ELMS RD	09/19/19 09/20/19	READ METER
READ19-0727 COMPLETED	FA10-005027-0000-01	BRYANT, DELMAR 5027 FAIRCHILD ST	09/19/19 09/20/19	READ METER
READ19-0728 COMPLETED	HE10-005196-0000-02	THOMAS, VANESSA 5196 HELMSLEY DR	09/19/19 09/19/19	READ METER
READ19-0729 COMPLETED	LI10-004292-0000-02	TOPPI, RODNEY 4292 LINDSEY DR	09/19/19 09/20/19	READ METER
READ19-0730 COMPLETED	LU10-009071-0000-02	PARISH, LEE ANN 9071 LUEA LN	09/19/19 09/20/19	READ METER
READ19-0731 COMPLETED	MI10-007030-0000-02	THE EVOLUTION CO. II, LLC 7030 MILLER RD	09/19/19 09/20/19	READ METER

Work Order #	Location ID	Customer Name	Date Recd	Type
Work Order Status		Service Address	Date Comp	
READ19-0732	MI10-007306-0000-02	KLINSKE, CINDY 7306 MILLER RD	09/19/19	READ METER
READ19-0733 COMPLETED	OA10-005202-0000-03	AUSTIN, JOSEPHINA 5202 OAKVIEW DR	09/20/19 09/20/19	READ METER
READ19-0734 COMPLETED	PA10-007112-0000-06	MCFARLANE, KEELY 7112 PARK RIDGE PKY	09/20/19 09/20/19	READ METER
READ19-0735 COMPLETED	SC20-005079-0000-08	OTT, JACOB 5079 SCHOOL ST	09/20/19 09/20/19	READ METER
READ19-0736 COMPLETED	SP10-004280-0000-03	COX, MARY 4280 SPRINGBROOK DR	09/20/19 09/20/19	READ METER
READ19-0737 COMPLETED	WI20-005043-0000-01	MCAULEY, MICHAEL 5043 WINSTON DR	09/20/19 09/20/19	READ METER
READ19-0738 COMPLETED	WO10-005173-0000-02	CATES, ROBERTA 5173 WORCHESTER DR	09/20/19 09/20/19	READ METER
READ19-0739 COMPLETED	YA10-007115-0000-12	ORR, STEPHEN 7115 YARMY DR	09/20/19 09/20/19	READ METER
READ19-0740 COMPLETED	DR10-000001-0000-01	HIGH SCHOOL, SWARTZ CREEK 1 DRAGON DR	09/23/19 09/23/19	READ METER
READ19-0741 COMPLETED	MO10-005152-B119-01	RIVERSIDE MANOR CLUBHOUSE 5152 MORRISH # B119 RD	09/23/19 09/23/19	READ METER
READ19-0742 COMPLETED	DR10-000001-0000-01	HIGH SCHOOL, SWARTZ CREEK 1 DRAGON DR	09/30/19 09/30/19	READ METER
REPL19-0070 COMPLETED	DY10-003462-0000-02	MTA 3462 DYE RD	09/04/19 09/04/19	METER REPLACEMENT
RPLR19-0038 COMPLETED	FA10-005027-0000-01	BRYANT, DELMAR 5027 FAIRCHILD ST	09/17/19 09/17/19	REPLACE READER
SAMP19-0031 COMPLETED	CI10-008083-0000-01	CITY OF SWARTZ CREEK 8083 CIVIC DR	09/12/19 09/12/19	WATER SAMPLES
SETM19-0088 COMPLETED	AU10-006365-0000-01	WEDEL, RALPH & WALTER 6365 AUGUSTA ST	09/23/19 09/23/19	SET METER
STRT19-0103 COMPLETED	DO10-005362-0000-02	FOOTE, DEBBIE 5362 DON SHENK DR	09/20/19 09/20/19	STREET REPAIR
TRDN19-0093 COMPLETED	DU10-005283-0000-02	BRANDON, CARL 5283 DURWOOD DR	09/06/19 09/20/19	TREE-TAKE DOWN
WOFF19-2258 CANCELLED	MA20-008095-0000-03	PASHEEK, RYAN L 8095 MAPLE ST	09/09/19 09/09/19	WATER TURN OFF
WOFF19-2259 CANCELLED	MO10-005138-0000-06	BROWN, MICHELLE 5138 MORRISH RD	09/09/19 09/09/19	WATER TURN OFF
WOFF19-2260 COMPLETED	MI10-008169-0000-03	JAGGER, MICHAEL 8169 MILLER RD	09/10/19 09/10/19	WATER TURN OFF
WOFF19-2261 CANCELLED	SE20-005361-0000-03	ASBURY, MICHELLE 5361 SEYMOUR RD	09/10/19 09/10/19	WATER TURN OFF
WOFF19-2263 CANCELLED	MI10-009056-0000-02	SYKES, COLLEEN	09/23/19	WATER TURN OFF

Work Order #	Location ID	Customer Name	Date Recd	Type
Work Order Status		Service Address	Date Comp	
COMPLETED		9056 CHELMSFORD DR	09/23/19	
WOFF19-2264	LU10-009128-0000-03	MC CROON, ERIC	09/23/19	WATER TURN OFF
COMPLETED		9128 LUEA LN	09/23/19	
WTON19-1328	MI10-008169-0000-03	JAGGER, MICHAEL	09/10/19	WATER TURN ON
COMPLETED		8169 MILLER RD	09/10/19	
WTON19-1329	CH10-009056-0000-02	SYKES, COLLEEN	09/23/19	WATER TURN ON
		9056 CHELMSFORD DR		
WTON19-1330	MI10-005404-0000-01	MORELL, DONALD	09/25/19	WATER TURN ON
COMPLETED		5404 MILLER RD	09/25/19	

Total Records: 89

Report Generated: 10/3/2019 1:23 PM

Report Options: Scheduled From: 9/1/2019 To: 9/30/2019

Nature Of Work	4WD 7-15,3-08 2-08, 09-03	4WD 7-15,3-08 2-08, 09-03a	2WD 5-16	JCB Backhoe 06'00a	Backhoe w/breaker 06'00a	Bucket Truck 6-99	Brush Hog 09'02	Dump 11	Dump w/plow 11a	Dump 12'02	Dump w/plow 12'02a	Dump 12-04	Dump w/plow 12-04a
101.262 Elections													
101.450 Forestry													
101.781 Pajtas Amphi													
101.782 Winshall Pk	8		2.03										
101.783 Elms Pk	28		4.78										
101.784 Bicentennial Pk													
101.790 Sen Ctr/Lib	42.5		2.72										
101.345 PS Bldg	29.5		3.01										
101.793 City Hall	36.5		2.64										
101.794 Comm Promo	20.5		1.07										
661.795 City Garage	4		2.29									10	
101.796 City Cem	4		0.05										
202.463 Maint-Major	21		2.21										
202.474 Traffic-Major	27		0.26										
202.478 Snow/Ice-Maj													
202.482 Major-Admin			12.27										
203.463 Maint-Local	5.5		2.58										
203.474 Traffic-Local	17		0.32										
203.478 Snow/Ice-Local													
203.482 Local-Admih			17.43										
226.528 Waste Collect	8		1.82										
226.530 Woodchipping	26		1.82					25				4	
590.540 Water System	117.5		26.63										
590.542 Water-Read/Bill	51		0.39										
591.536 Sewer System	20.5		21.5										
591.537 Sewer Lift Stat			2.54										
226.782 Winshall Pk Gbg	24		0.12										
226.783 Elms Pk Gbg	23		0.1										
591.542 Sewer Read/Bill	51		0.92										
Total	564.5	0	109.5	0	0	0	0	25	0	0	0	14	0

Nature Of Work	Portable Generator	Case Backhoe 17	Sweeper	JD Tractor 19	Chipper	#42 Arrow	Arrow Board	Trailer	Roller	Pressure Washer	Post Hole Digger	Kubota 5-18
101.262 Elections												
101.450 Forestry												
101.781 Pajtas Amphitheater												
101.782 Winshall Pk		4										2
101.783 Elms Pk		1										3
101.784 Bicentennial Pk												
101.790 Sen Ctr./Lib												
101.345 PS Bldg												
101.793 City Hall												
101.794 Comm Promo												
661.795 City Garage		3										18
101.796 City Cem												
202.463 Maint. Major			4			5						
202.474 Traffic-Major												
202.478 Snow/Ice-Maj												
202.482 Major-Admin												
203.463 Maint-Local		1	38									
203.474 Traffic-Local												
203.478 Snow/Ice-Local												
203.482 Local-Admin												
226.528 Wast Collect					29							
226.530 Woodchipping												
590.540 Water System												
590.542 Water-Read/Bill												
591.536 Sewer System												
591.537 Sewer Lift Stat												
Total	0	9	42	0	29	5	0	0	0	0	0	23

September 2019	MILES DRIVEN		GALLONS GAS PURCHASED		GALLONS DIESEL PURCHASED
#5-16 2WD gas	798.0		58.5		
#7-15 4WD gas	672.0		68.3		
#3-08 P/U 4WD gas	704.0		53.7		
#10-18 P/U diesel	572.0				50.0
#2-08 P/U 4WD gas	335.0		24.0		
#6-00 BACKHOE diesel					
#11 DUMP gas	234.0		34.0		
#12-02 DUMP diesel	34.0				
#12-04 DUMP diesel	100.0				
#12-99 GENERATOR gas					
#17 CASE BACKHOE diesel					
#19 JD TRACTOR diesel					
#06-99 BUCKET TRUCK gas					
#21 WOOD CHIPPER diesel					21.0
#807 STREET SWEEPER diesel	124.0				30.5
#42 ASPHALT HEATER diesel					
#37 TRAIL ARROW					
#10-15 GEN gas					
#5-18 KUBOTA (Hours)	26.0		7.0		
gas can			12.0		
TOTAL	3573.0		257.5		101.5

09/27/2019

CHECK REGISTER FOR CITY OF SWARTZ CREEK
CHECK DATE FROM 09/01/2019 - 09/30/2019

Highlighted amount is total for that vendor

Check Date	Check	Vendor Name	Description	Amount
Bank GEN CONSOLIDATED ACCOUNT				
09/12/2019	47017	ADAM ZETTEL	REIMB ONLINE APPRAISAL COURSE	99.99
09/12/2019	47018	ADS PLUS PRINTING LLC	NAMEPLATES OLGER/ZUNIGA	20.00
09/12/2019	47019	CAROL MCKENZIE/SHEAR EXCELLENCE	ELMS PARK DEPOSIT REFUND 9/6/19 #2	100.00
09/12/2019	47020	CHARTER TOWNSHIP OF MUNDY	JULY 2019 JOINT INSP & PERMIT FEES	5,330.30
09/12/2019	47021	COFFIELD OIL COMPANY INC	FUEL	17.98
09/12/2019	47022	CONNIE OLGER	BANK MILEAGE CONNIE AUG 2019	13.57
			MILEAGE TO MT PLEASANT MAMC	118.32
				131.89
09/12/2019	47023	CONSUMERS ENERGY	8/5-9/3/19 A 8095 CIVIC DR	716.18
09/12/2019	47024	CONSUMERS ENERGY	8/5-9/3/19 A 4510 MORRISH RD	5.26
09/12/2019	47025	CONSUMERS ENERGY	8/5-9/3/19 A 5015 HOLLAND DR LOT LIGHTS	3.37
09/12/2019	47026	CONSUMERS ENERGY	8/5-9/3/19 A 9099 MILLER RD	1.89
09/12/2019	47027	CONSUMERS ENERGY	8/5-9/3/19 A 8059 FORTINO DR	22.87
09/12/2019	47028	CONSUMERS ENERGY	8/5-9/3/19 A 5361 WINSHALL DR #2 RESTRMS	12.31
09/12/2019	47029	CONSUMERS ENERGY	8/5-9/3/19 A 8083 CIVIC DR	619.79
09/12/2019	47030	CONSUMERS ENERGY	8/5-9/3/19 A 5121 MORRISH RD	298.23
09/12/2019	47031	CONSUMERS ENERGY	8/1-8/31/19 48473 LED LIGHT RD WORCHESTE	503.04
09/12/2019	47032	CONSUMERS ENERGY	8/1-8/31/19 4524 MORRISH RD	53.70
09/12/2019	47033	CONSUMERS ENERGY	8/1-8/31/19 TRAFFIC LIGHTS 1781	416.23
09/12/2019	47034	CONSUMERS ENERGY	8/1-8/31/19 STREET LIGHTS 1294	8,204.51
09/12/2019	47035	CONSUMERS ENERGY	8/1-8/31/19 SIRENS TRAFFIC LIGHTS 1997	27.53
09/12/2019	47036	CONSUMERS ENERGY	8/1-8/31/19 ELMS PARKING LOT AREA LIGHTS	33.91
09/12/2019	47037	CONSUMERS ENERGY	8/6-9/4/19 A 8100 CIVIC DR	953.67
09/12/2019	47038	CONSUMERS ENERGY	8/6-9/4/19 A 8301 CAPPY LN	181.62
09/12/2019	47039	CONSUMERS ENERGY	8/7-9/5/19 A 4125 ELMS RD 4353	23.95
09/12/2019	47040	CONSUMERS ENERGY	8/7-9/5/19 A 4125 ELMS RD PAVILION 4437	5.01
09/12/2019	47041	CONSUMERS ENERGY	8/7-9/5/19 A 6425 MILLER PARK & RIDE	38.96
09/12/2019	47042	DEANNA KORTH	BANK MILEAGE DEANNA	22.62
09/12/2019	47043	ENERGY REDUCTION COALITION	EXCESS BENEFIT PAYMENT	1,136.79
09/12/2019	47044	FAMILY FARM AND HOME INC	AUGUST 2019 DISCOUNT	182.91
09/12/2019	47045	FIDELITY SECURITY LIFE INSUR/EYEMED	SEPT 2019 RETIREE VISION (6)	43.44
09/12/2019	47046	FLINT CLEANING SUPPLIES	AIR FRESHENER/CLEANSER	45.12
09/12/2019	47047	FLINT WELDING SUPPLY	CYLINDER COMPRESSED OXYGEN	5.00
09/12/2019	47048	GENESEE CTY DRAIN COMMISSIONER	NPDES PHASE II FEES 7/1-9/30/19	750.38
09/12/2019	47049	GEREALDINE CHURCH	ELMS PARK DEPOSIT REFUND 9/7/19 #2	100.00
09/12/2019	47050	GILL ROYS HARDWARE	AUGUST 2019 INVOICES LESS DISCOUNT	327.56
09/12/2019	47051	GLAESER DAWES	HELMSLEY DRIVE STREET RECONSTRUCTION	340,411.93
09/12/2019	47052	HC RYAN & COMPANY LLC	PAYROLL CHECKS (QTY 500)	177.45
			ACCTS PAYABLE CHECKS (QTY 2000)	246.90
				424.35
09/12/2019	47053	HYDRO DESIGNS INC	AUG-OCT 2019 WATER CROSS CONN CNTRL & CO	879.00
09/12/2019	47054	INTEGRITY BUSINESS SOLUTIONS	TOILET TISSUE (2 CT)	109.98
09/12/2019	47055	IRENE LEWIS	ELMS PARK DEPOSIT REFUND 8/31/19 #3	100.00
09/12/2019	47056	JEANETTE BROWN	ELMS PARK DEPOSIT REFUND 9/7/19 #1	100.00
09/12/2019	47057	JESSICA FUSON	ELMS PARK DEPOSIT REFUND 8/31/19 #1	100.00
09/12/2019	47058	JODY KEY	BANK MILEAGE JODY AUGUST 2019	45.24
09/12/2019	47059	JOSE A MIRELES	MOW & TRIM CITY PROPERTIES	1,145.00
			MOW & TRIM CITY PROPERTIES	1,145.00
				2,290.00
09/12/2019	47060	KAPPA ALPHA PSI FRATERN-FLINT AL CH	ELMS PARK DEPOSIT REFUND 9/7/19 #4	100.00
09/12/2019	47061	KCI	ESTIMATED POSTAGE UB BILLS	880.90
09/12/2019	47062	LEGACY ASSESSING SERVICES INC	SEPT 2019 ASSESSING SERVICES OCTOBER 201	2,566.00

09/12/2019	47063	MARQUITA COLLINS	ELMS PARK DEPOSIT REFUND 8/31/19 #2	100.00
09/12/2019	47064	MATTHEW R WADDILL	PLUG TIRE	10.00
09/12/2019	47065	MICHIGAN LUMBER CO	WOOD	107.68
09/12/2019	47066	MORE LIFE TABERNACLE	ELMS PARK DEPOSIT REFUND 9/2/19 #2	100.00
09/12/2019	47067	MY-CAN LLC	PORT-A-JON RENTAL	280.00
			PORT-A-JON RENTAL	780.00
				1,060.00
09/12/2019	47068	PARAGON LABORATORIES INC	WO-080819 (356086)/EML WTR SAMPLES	1,105.00
09/12/2019	47069	PASHION COOPER	ELMS PARK DEPOSIT REFUND 9/7/19 #3	100.00
09/12/2019	47070	PLANTE & MORAN PLLC	BILL #1 FY19 AUDIT	19,550.00
09/12/2019	47071	RIVERDALE BAPTIST CHU-DON FLENNIKEN	ELMS PARK DEPOSIT REFUND 9/8/19 #2	100.00
09/12/2019	47072	ROWE PROFESSIONAL SERVICES CO	GIS MAPPING SERVICES	3,112.50
09/12/2019	47073	SELF SERVE LUMBER CO.	LUMBER/ROOFING/TRIM/BOLTS	159.76
09/12/2019	47074	SHERWIN WILLIAMS	YELLOW PAINT	27.79
			GLASS BEADS 50#	53.54
			YELLOW PAINT (2)/BRUSH (2)	64.40
				145.73
09/12/2019	47075	SIMEN FIGURA & PARKER PLC	AUGUST 2019 MONTHLY INVOICE	1,092.00
09/12/2019	47076	STATE OF MICHIGAN DEPT TRANS	SIGNAL ENERGY QTR 1 & QTR 2 2019	83.78
09/12/2019	47077	SUBURBAN AUTO SUPPLY	ANITFREEZE/K-SEAL	26.98
			REAR TURN SIGNAL	2.29
			STARTING FLUID	3.99
			HOSE SPLICE	1.99
			FUEL HOSE/MINI SCR CLA	5.36
			STARTING FLUID/ELECTRONIC CLNR	14.57
			CARB CLEAN	5.19
			GREASE FITTING (4)	4.96
				65.33
09/12/2019	47078	SUPER FLITE OIL CO INC	AUGUST 2019 FUEL - DPW	1,418.92
09/12/2019	47079	SWARTZ CREEK AREA FIRE DEPT.	MONTHLY RUNS AUGUST 2019	2,398.73
09/12/2019	47080	VERIZON WIRELESS	MONTHLY INVOICE 7/24-8/23/19	303.36
09/12/2019	47081	YOLANDA HARRISON	ELMS PARK DEPOSIT REFUND 8/31/19 #4	100.00
09/16/2019	47082	STATE OF MICHIGAN	STATE DIST 5-50 LAND BANK PMT	464.98
09/25/2019	47083	BIO-SERV CORPORATION	PEST CONTROL - PUBLIC SAFETY BLDG	57.00
			PEST CONTROL - CITY HALL/LIBRARY-SR CTR	110.00
				167.00
09/25/2019	47084	BLUE CARE NETWORK-EAST MI	OCT 2019 RETIREE MEDICAL CLOLINGER	1,243.63
			OCT 2019 COBRA O'BRIEN	614.00
				1,857.63
09/25/2019	47085	BRADYS BUSINESS SYSTEMS	EML/COPY MACHINE MAINT AGREEMENT	356.32
09/25/2019	47086	CENTERPIECEPLAZA.COM LLC	8048 MILLER RESTORATION FROM STREETSCAPE	1,125.00
09/25/2019	47087	COMMUNITY IMAGE BUILDERS	PLANNING CONSULT/DEVELOPMENT REVIEWS	1,114.50
09/25/2019	47088	DANIEL L RHANOR	REPLACE 2 PHOTO CELL CONTROLS	145.00
09/25/2019	47089	DELTA DENTAL PLAN	OCT 2019 RETIREE DENTAL (6)	424.98
09/25/2019	47090	DORNBOS SIGN & SAFETY INC	PEDESTRIAN SIGN (2)	755.70
09/25/2019	47091	FERGUSON WATERWORKS #3386	RISER (4)	794.32
09/25/2019	47092	FIRST AMERICAN TITLE INC CO	UB REFUND FOR 6156 MILLER	4.56
09/25/2019	47093	GENESEE CTY DRAIN COMMISSIONER	WATER 7/31-8/28/19 2,132,245 CF	138,704.09
09/25/2019	47094	GREEN TECH SYSTEMS LLC	MILLER RD STREETSCAPE APP #3	158,046.92
09/25/2019	47095	I T RIGHT INC	SERVER SHOWING OFFLINE IN MAV DASHBOARD	285.90
09/25/2019	47096	JOSE A MIRELES	MOW & TRIM CITY PROPERTIES	1,145.00
09/25/2019	47097	METRO POLICE AUTH OF GENESEE COUNTY	AUG 2019 ORDINANCE FEES	1,202.85
09/25/2019	47098	OFFICE DEPOT CREDIT PLAN	MONTHLY INVOICE/OFFICE SUPPLIES	24.47
09/25/2019	47099	OHM ADVISORS	STREETSCAPE/PARKING LOT DESIGN AND BIDDI	2,846.00

09/25/2019	47100	OHM ADVISORS	PLAN SCANNING	261.25
09/25/2019	47101	OHM ADVISORS	SPRINGBROOK E PHASE II CONST SERVICES	4,759.75
09/25/2019	47102	OHM ADVISORS	BIGGBY ENG REVIEW #1	375.00
09/25/2019	47103	OHM ADVISORS	TRAIL DYE TO ELMS	4,443.50
09/25/2019	47104	STATE OF MICHIGAN DEPT TRANS	ROAD RESTORATION/REHAB CAPPY LN TO MILLE	1,117.56
09/25/2019	47105	SUBURBAN AUTO SUPPLY	AW30 HYD OIL 5 GAL	128.97
09/25/2019	47106	SUSAN ARVOY	MILEAGE/FOOD OKEMOS TRAINING	130.32
09/25/2019	47107	THOMAS SVRCEK	GRAND TRAVIS RESORT CONF HOTEL SVRCEK	763.80
			REIMB OVID OUTDOOR POWER	65.72
				<u>829.52</u>
09/25/2019	47108	UNUM LIFE INSURANCE	OCT 2019 RETIREE LIFE (3)	35.10
09/25/2019	47109	VERNON OUTDOOR EQUIP SMALL ENGINE	SPEED FEED/SPSRING COMPRESSION	63.96
09/25/2019	47110	U. S. POST OFFICE	POSTAGE FOR NEWSLETTER	613.90
GEN TOTALS:				
Total of 94 Checks:				721,780.25
Less 0 Void Checks:				0.00
Total of 94 Disbursements:				<u>721,780.25</u>

City of Swartz Creek Building Permit List 2019

Permit No.	Date	Applicant	Phone	Tax ID No.	Value of Const/Permit Fee	Location	Type of Construction
Building							
PB1900058	09/25/19	WOODSIDE BUILDERS, INC	(810) 635 2227	58-36-552-010	\$0	\$151.00 7550 MILLER RD	48473-Demolish Structure
PB1900063	09/10/19	C & L Ward Bros Co	(810) 652 6622	58-25-576-022	\$14,872	\$100.00 7018 BRISTOL RD	48473-Roofing
PB1900064	09/24/19	Built Best Barns	(989) 205 2534	58-03-531-161	\$19,800	\$244.00 9257 CHESTERFIELD DR	48473-Pole Barn
PB1900067	09/17/19	Jack Ray Randall	(810) 423 5813	58-36-527-009	\$0	\$100.00 7024 PARK RIDGE PKWY	48473-Roofing
PB1900068	09/30/19	DAVIS, JASON & MANDI	(810) 280 5837	58-35-400-007	\$29,700	\$274.00 8228 MILLER RD	48473-Pole Barn
PB1900070	09/26/19	DEFLORIO, LINDA K TRUST		58-02-503-019	\$4,200	\$165.00 5148 DON SHENK DR	48473-Res Add/Alter/Repair
PB1900071	09/27/19	Werth Roofing & Siding Inc	(810) 736 5252	58-03-533-146	\$9,500	\$100.00 5152 DURWOOD DR	48473-Roofing

Total: 7 Permits Value: \$78,072 Fee Total: \$1,134.00 Total Number of Dwelling Units 0

Electrical

PE1900044	09/05/19	SP Electric	(810) 449 9513	58-02-200-032	\$0	\$175.00 5200 MORRISH RD	48473-Electrical
PE1900045	09/05/19	Creative Electrical Solutions	(810) 730 2671	58-36-651-241	\$0	\$134.00 7351 CROSSCREEK DR	48473-Electrical
PE1900046	09/12/19	Crandell Electric	(810) 625 5204	58-02-526-014	\$0	\$146.00 5097 SCHOOL ST	48473-Electrical
PE1900047	09/17/19	LJ Electric LLC	(810) 644 7769	58-03-533-086	\$0	\$144.00 5233 GREENLEAF DR	48473-Electrical
PE1900048	09/19/19	Bowen Electric, LLC	(810) 407 7205	58-36-651-157	\$0	\$134.00 7404 CROSSCREEK DR	48473-Electrical
PE1900049	09/16/19	FREDELL, ROBIN	(810) 624 2715	58-36-200-020	\$0	\$325.00 7221 BRISTOL RD	48473 Electrical
PE1900050	09/25/19	Meekhof Electric, Inc.	(616) 885 4781	58-31-551-005	\$0	\$135.00 4315 ELMS RD	48473-Electrical
PE1900051	09/30/19	DAVIS, JASON & MANDI	(810) 280 5837	58-35-400-007	\$0	\$282.00 8228 MILLER RD	48473-Electrical

Total: 8 Permits Value: \$0 Fee Total: \$1,475.00 Total Number of Dwelling Units 0

City of Swartz Creek Building Permit List 2019

Permit No.	Date	Applicant	Phone	Tax ID No.	Value of Const/Permit Fee	Location	Type of Construction
PM190072	09/05/19	Goyette Mechanical	(810) 742 8530	58-03-534-043	\$0 \$160.00	9290 JILL MARIE LN	48473-Mechanical
PM190073	09/05/19	BB Service Technician LLC	(810) 348 7255	58-36-676-070	\$0 \$275.00	4268 LINDSEY DR	48473 Mechanical
PM190074	09/05/19	Thomas Albright & Assoc Inc	(810) 659 7884	58-36-651-241	\$0 \$135.00	7351 CROSSCREEK DR	48473-Mechanical
PM190075	09/09/19	Goyette Mechanical	(810) 742 8530	58-01-502-039	\$0 \$165.00	5031 FIRST ST	48473-Mechanical
PM190076	09/09/19	P & H Plumbing & Heating, Inc	(810) 736 3830	58-36-651-067	\$0 \$160.00	7483 COUNTRY MEADOWS	48473-Mechanical
PM190077	09/17/19	LJ Electric LLC	(810) 644 7769	58-03-533-086	\$0 \$165.00	5233 GREENLEAF DR	48473-Mechanical
PM190078	09/16/19	FREDELL, ROBIN	(810) 624 2715	58-36-200-020	\$0 \$325.00	7221 BRISTOL RD	48473 Mechanical
PM190079	09/18/19	SK Heating & Cooling	(810) 407 7205	58-36-651-157	\$0 \$165.00	7404 CROSSCREEK DR	48473-Mechanical
PM190080	09/23/19	Davison Heating & Cooling LL	(810) 658 8484	58-02-526-064	\$0 \$155.00	5025 FAIRCHILD ST	48473-Mechanical
PM190082	09/30/19	Goyette Mechanical	(810) 742 8530	58-31-501-006	\$0 \$190.00	4015 ELMS RD	48473-Mechanical

Total: 10 Permits Value: \$0 Fee Total: \$1,895.00 Total Number of Dwelling Units 0

Plumbing

PP190020	09/16/19	FREDELL, ROBIN	(810) 624 2715	58-36-200-020	\$0 \$390.00	7221 BRISTOL RD	48473 Plumbing
PP190021	09/30/19	DAVIS, JASON & MANDI	(810) 280 5837	58-35-400-007	\$0 \$285.00	8228 MILLER RD	48473-Plumbing

Total: 2 Permits Value: \$0 Fee Total: \$675.00 Total Number of Dwelling Units 0

Right of Way

PROW-0151	09/24/19	CONSUMERS ENERGY		58-36-300-035	\$0 \$100.00	4491 FREDRICK ST	48473-Right of way
PROW-0152	09/09/19	KEENE, JASON & KATHERIN		58-03-531-047	\$0 \$100.00	5260 BIRCHCREST DR	48473-Right of way
PROW-0153	09/10/19	Kleinfelder	(508) 397 8351	58-01-502-059	\$0 \$100.00	5121 MORRISH RD	48473 Right of way

City of Swartz Creek Building Permit List 2019

Permit No.	Date	Applicant	Phone	Tax ID No.	Value of Const/Permit Fee	Location	Type of Construction
Total:		3 Permits	Value: \$0		Fee Total: \$300.00		Total Number of Dwelling Units 0

Zoning

PZ19-0021	09/05/19	RANDALL, DAVID O SR & E		58-02-200-032	\$0	\$25.00	5200 MORRISH RD	48473-Fence
PZ19-0022	09/12/19	HELLINGER, CHARLES		58-25-576-021	\$1,200	\$25.00	7028 BRISTOL RD	48473-Shed
PZ19-0023	09/11/19	WILLIAMSON, BOBBY G		58-03-533-199	\$3,400	\$25.00	5441 SEYMOUR RD	48473-Fence
Total:		3 Permits	Value: \$4,600		Fee Total: \$75.00		Total Number of Dwelling Units 0	

Permit Total: 33 Value: \$82,672 Fee Total: \$5,554.00

Permit.DateIssued Between 9/1/2019 12:00:00 AM AND 9/30/2019 11:59:59 PM

Inspection List

Address	Parcel Number	Inspection Type	Scheduled	Completed	Result
7489 GROVE ST	58-01-100-010	Status	09/03/2019	09/04/2019	Partially Complied
8403 CAPPY LN	58-02-503-048	Initial	09/04/2019	09/04/2019	Violation(s)
7530 MILLER RD	58-36-300-020	Final	09/04/2019	09/04/2019	Disapproved
5354 MILLER RD	58-29-551-014	Reinspection	09/04/2019	09/04/2019	Complied
5398 DON SHENK DR	58-03-579-004	Initial	09/04/2019	09/04/2019	Complied
5274 WINSHALL DR	58-02-553-015	Initial	09/04/2019	09/04/2019	Complied
4459 FORTINO DR	58-35-576-031	Final	09/04/2019	09/04/2019	Approved
6365 AUGUSTA ST	58-30-651-005	Final	09/05/2019	09/05/2019	Approved
5200 MORRISH RD	58-02-200-032	Final	09/05/2019	09/05/2019	Approved
7317 BRISTOL RD	58-36-100-006	Status	09/09/2019	09/09/2019	Complied
5234 SEYMOUR RD	58-03-531-068	Final Zoning	09/09/2019	09/09/2019	Approved
9209 OAKVIEW DR	58-03-531-108	Final	09/09/2019	09/09/2019	Approved
5228 WORCHESTER DR	58-02-502-003	Final	09/10/2019	09/10/2019	Approved
5472 MILLER RD	58-29-551-002	Status	09/10/2019	09/11/2019	No Change
5192 WORCHESTER DR	58-02-502-009	Status	09/10/2019	09/11/2019	No Change
5019 HAYES ST	58-02-529-006	Status	09/10/2019	09/11/2019	Partially Complied
4282 LINDSEY DR	58-36-676-067	Final	09/10/2019	09/10/2019	Approved
5200 MORRISH RD	58-02-200-032	Final	09/10/2019	09/10/2019	Approved
5212 GREENLEAF DR	58-03-533-066	Slab	09/11/2019	09/11/2019	Approved
5304 WINSHALL DR	58-02-553-011	Initial	09/11/2019	09/11/2019	Complied
169 BROOKFIELD	58-35-776-169	Final Re-inspection	09/11/2019	09/11/2019	Approved
9292 JILL MARIE LN	58-03-534-042	Final Zoning	09/12/2019	09/12/2019	Approved
4282 LINDSEY DR	58-36-676-067	Final	09/12/2019	09/12/2019	Approved
4268 LINDSEY DR	58-36-676-070	Rough	09/12/2019	09/12/2019	Approved
81 HAMILTON ST	58-35-776-081	Final-Reinspection	09/12/2019	09/12/2019	Approved
125 ASHLEY CIR	58-35-776-125	Final-Reinspection	09/12/2019	09/12/2019	Approved
158 BROOKFIELD	58-35-776-158	Final-Reinspection	09/12/2019	09/12/2019	Approved
123 ASHLEY CIR	58-35-776-123	Final-Reinspection	09/12/2019	09/12/2019	Approved
163 BROOKFIELD	58-35-776-163	Final-Reinspection	09/12/2019	09/12/2019	Approved
105 ASHLEY CIR	58-35-776-105	Final-Reinspection	09/12/2019	09/12/2019	Approved
4268 LINDSEY DR	58-36-676-070	Rough	09/12/2019	09/12/2019	Approved
18 BROOKFIELD	58-35-776-018	Final	09/17/2019	09/17/2019	Approved
45 KINGSLEY	58-35-776-045	Final	09/17/2019	09/17/2019	Approved
7221 BRISTOL RD	58-36-200-020	Service	09/18/2019	09/18/2019	Approved
7530 MILLER RD	58-36-300-020	Final	09/18/2019	09/18/2019	Approved
8129 INGALLS ST	58-02-200-005	Initial	09/18/2019	09/18/2019	Violation(s)

Inspection List

Address	Parcel Number	Inspection Type	Scheduled	Completed	Result
8129 INGALLS ST 2	58-02-200-005	Initial	09/18/2019	09/18/2019	Violation(s)
5428 MILLER RD	58-29-551-007	Initial	09/19/2019	09/19/2019	Violation(s)
7483 COUNTRY MEADOW DR	58-36-651-067	Final	09/19/2019	09/19/2019	Approved
5019 HAYES ST	58-02-529-006	Status	09/23/2019	09/24/2019	Partially Comple
5472 MILLER RD	58-29-551-002	Status	09/23/2019	09/24/2019	Partially Comple
5274 GREENLEAF DR	58-03-533-059	Ordinance	09/23/2019	09/24/2019	No Violation
7316 MILLER RD	58-36-300-006	Final Zoning	09/23/2019	09/23/2019	Approved
5058 WINSTON DR	58-02-501-071	Ordinance	09/23/2019	09/24/2019	Violation(s)
5307 DURWOOD DR	58-03-533-175	Reinspection	09/23/2019	09/23/2019	Complied
8250 MILLER RD	58-35-400-018	Final	09/23/2019	09/23/2019	Approved
5192 WORCHESTER DR	58-02-502-009	Status	09/24/2019	09/24/2019	Partially Comple
5251 SEYMOUR RD	58-03-533-014	Ordinance	09/24/2019	09/24/2019	No Violation
4036 ELMS RD	58-36-526-068	Initial	09/24/2019	09/24/2019	Violation(s)
5209 DON SHENK DR	58-02-503-065	Initial	09/24/2019	09/24/2019	Complied
7351 CROSSCREEK DR	58-36-651-241	Final	09/24/2019	09/24/2019	Approved
7351 CROSSCREEK DR	58-36-651-241	Final	09/24/2019	09/24/2019	Approved
4459 FORTINO DR	58-35-576-031	Final	09/24/2019	09/24/2019	Approved
8103 CRAPO ST	58-02-530-042	Status	09/25/2019	09/25/2019	Complied
4036 ELMS RD	58-36-526-068	Reinspection	09/25/2019	09/25/2019	Complied
4459 FORTINO DR	58-35-576-031	Final	09/25/2019	09/25/2019	Approved
7024 PARK RIDGE PKWY	58-36-527-009	Final	09/25/2019	09/25/2019	Approved
5032 BRADY ST	58-02-527-007	Status	09/30/2019		
5152 MORRISH RD	58-02-200-023	Status	09/30/2019		
9331 CHESTERFIELD DR	58-03-531-168	Site Inspection	09/30/2019		
5428 MILLER RD	58-29-551-007	Reinspection	09/30/2019	09/30/2019	Complied
5148 DON SHENK DR	58-02-503-019	Footing	09/30/2019	09/30/2019	Approved

Inspections: 62

Population: All Records

Inspection.DateTimeScheduled Between 9/1/2019 12:00:00 AM AND 9/30/2019 11:59:59 PM

Certificates With Inspections

10/01/2019

Certificate Number	Address	Date Applied	Since	Issued	Last Inspection	Expires	Status
CR160073	5307 DURWOOD DR	11/17/2016		09/23/2019	09/23/2019	09/23/2021	Certified
Reinspection	MATT	Matt Hart	Completed	Complied			
Initial	JKEY	Matt Hart	Completed	Violation(s)			
CR190076	4036 ELMS RD	09/09/2019	09/09/2019	09/09/2019	09/25/2019	09/09/2021	Certified
Reinspection	MATT	Matt Hart	Completed	Complied			
Initial	JKEY	Matt Hart	Completed	Violation(s)			
CR190077	7551 CHURCH ST	09/13/2019	09/13/2019	09/13/2019		09/13/2021	Suspended
Initial	KBROWN	Matt Hart	Scheduled				

Population: All Records

Record Count: 3

Certificate.DateIssued Between 9/1/2019 12:00:00 AM
AND 9/30/2019 11:59:59 PM

Enforcements By Category

10/01/19

BLIGHT

Enforcement Number	Address	Status	Filed	Closed
E19-082	5058 WINSTON DR	Violation	09/23/19	
E19-085	9331 CHESTERFIELD DR	Inspection Pending	09/26/19	
Total Entries: 2				

PARKING

Enforcement Number	Address	Status	Filed	Closed
E19-083	5251 SEYMOUR RD	No Violation	09/23/19	09/24/19
Total Entries: 1				

RENTAL NON-COMPLIANCE

Enforcement Number	Address	Status	Filed	Closed
E19-086	5267 DON SHENK DR	Violation	09/30/19	
Total Entries: 1				

UNLICENSED VEHICLES

Enforcement Number	Address	Status	Filed	Closed
E19-081	5274 GREENLEAF DR	No Violation	09/12/19	09/24/19
Total Entries: 1				

WEED COMPLAINT

Enforcement Number	Address	Status	Filed	Closed
E19-084	7512 GROVE ST		09/24/19	
Total Entries: 1				

Total Records: 6

City Council Packet

Population: All Records

Enforcement.DateFiled Between 9/1/2019 12:00:00 AM AND 9/30/2019 11:59:00 AM

October 14, 2019

Metro Police Authority Offense Summary

For Swartz Creek

Occurred 9/1/2019 - 9/30/2019

Offense	Total Offenses
1171 - 11001 - CSC First (1st) Degree -Penetration Penis/Vagina	2
1177 - 11007 - CSC Second (2nd) Degree - Forcible Contact	1
1178 - 11008 - CSC Fourth (4th) Degree - Forcible Contact	1
1306 - 13002 - Aggravated/Felonious Assault - Non-Family - Strong Arm	1
1313 - 13001 - Assault and Battery/Simple Assault	4
1380 - 13003 - Telephone Used for Harassment, Threats	1
2101 - 21000 - Extortion - Threat to Injure Person	1
2204 - 22002 - Burglary - No Forced Entry - Residence (Including Home Invasion)	1
2399 - 23007 - Larceny (Other)	1
2608 - 26005 - Fraud by Wire	1
2901 - 29000 - Damage to Property - Business Property	1
2902 - 29000 - Damage to Property - Private Property	1
3562 - 35001 - Marijuana - Possess	1
3805 - 38003 - Contribute to Delinquency of Minor (Except Alcohol)	1
5015 - 50000 - Failure to Appear	3
5202 - 52001 - Concealed Weapons - Carrying Concealed	1
5311 - 53001 - Disorderly Conduct	1
8011 - 54001 - Motor Vehicle Accident - Failed to Stop and Identify	1
8013 - 54001 - Motor Vehicle Accident - Failed to Report Accident	1
8041 - 54002 - Operating Under the Influence of Intoxicating Liquor	1
8051 - 54003 - Exceeded Posted or Unposted Maximum	1
8172 - 54003 - Traffic - Disregarded Police Officer	1
8273 - 54003 - Traffic - Driving on Susp/Revoked/Refused License	6
8277 - 54003 - Traffic - Registration Law Violations	1
9018 - 99008 - Miscellaneous - K9 Search	2
9910 - 93001 - Traffic, Non-Criminal - Accident	10
9911 - 93002 - Traffic, Non-Criminal - Non-Traffic Accident	6
9943 - 98007 - Inspections/Investigations - Suspicious Situations	1
9944 - 98008 - Inspections/Investigations - Lost and Found Prop	1
9945 - 98009 - Inspections/Investigations - Drug Overdose	1
9953 - 99008 - Miscellaneous - General Assistance	2

Metro Police Authority Offense Summary

For Swartz Creek

Occurred 9/1/2019 - 9/30/2019

Offense	Total Offenses
9954 - 99009 - Miscellaneous - Non-Criminal	1
9956 - 99008 - Miscellaneous - Assist to Other Police Agency	1
Total	60

FANG ACTIVITY REPORT

September 2019

09/03 – FANG detectives utilized a confidential informant to purchase heroin from a dealer. The dealer was identified and the investigation is ongoing.

09/04 – FANG detectives received information that narcotics were being delivered to several addresses in the Flint area. FANG detectives contacted US Postal agents and put a flag on the addresses. As a result US Postal intercepted 5 kilograms of crystal meth being shipped to two of the addresses. FANG detectives conducted controlled deliveries of the crystal meth to both addresses. Shortly after the packages were delivered a white male picked the packages up at both addresses. A traffic stop was conducted and the man was taken into custody and charged with PWID crystal meth.

09/05 – FANG detectives utilized a confidential informant to purchase heroin from a know dealer. The dealer was identified and the investigation is ongoing.

09/09 – FANG detectives conducted an undercover purchase of \$60 of crack cocaine from a known dealer in the Flint area. The investigation is ongoing.

09/10 – FANG detectives utilized a confidential informant to purchase 1 gram of heroin from a known dealer in the Flint area. The investigation is ongoing.

09/17 – FANG detectives utilized a confidential informant to purchase crystal meth from a dealer in the Flint area. A search warrant was conducted on the dealer's residence on 09/20.

09/18 – FANG detectives utilized a confidential informant to purchase an 8 ball of crystal meth. Surveillance was conducted after the buy and a traffic stop was made on the dealer. Located in the dealer's car was 1 handgun and 76 grams of crystal meth. A search warrant was then conducted at the residence that the dealer had come from. As a result of the search warrant an additional small amount crystal meth was found.

09/19 – FANG detectives executed a search warrants at the address of a known drug dealer. As a result, FANG detectives seized user amounts of cocaine. The dealer was identified and arrested.

09/20 – As a result of the CI buy on 09/17, FANG detectives conducted a search warrant at the address of a known meth dealer. FANG detectives recovered 1 handgun, 1 shotgun and user amounts of crystal meth.

09/23 – FANG detectives were contacted by US Postal agents regarding an address that FANG had flagged. As a result of the address being flagged US Postal agents had intercepted ¼ kilo of cocaine headed to the FLINT area. FANG detectives conducted a controlled delivery to the address with an anticipatory search warrant to follow. The package was delivered to that address and was accepted and taken into the residence. The search warranty was then executed. After speaking with the occupant of the house it was learned that a dealer from Southfield was coming to pick up the cocaine. FANG detectives waited for the

man to arrive and then took him into custody. The dealer admitted the drugs were his. He was lodged and charged with PWID cocaine.

09/25 – FANG detectives conducted an undercover buy of heroin from a known dealer in the Flint area. The dealer met the undercover officer in the parking lot of an Auto Zone. Once the drug deal was complete, FANG officers and MSP uniformed troopers surrounded the dealer in the parking lot of the Auto Zone. The dealer signed a consent form for detectives to search his residence. At the residence FANG detectives located 53 grams of fentanyl and \$4100.

09/26 – FANG detectives received information on a heroin dealer in the Flint area. FANG detectives were able to locate the dealer who was driving in his vehicle. The dealer had a suspended driver's license and a traffic stop was conducted by Flint Twp. PD. The driver was found to be in possession of heroin and was lodged.

09/27 – FANG detectives utilized a confidential informant to purchase heroin from a dealer in the Flint area. The dealer was identified and the investigation is ongoing.

09/30 – FANG detectives utilized a confidential informant to purchase heroin from a known dealer in the Flint area. While conducting surveillance after the deal FANG detectives witnessed the dealer conduct another drug deal with a male and female. The male and female drove away from the scene and FANG detectives followed them to their residence. FANG detectives contacted the couple in their driveway. They admitted to buying heroin and turned over 2 bindles of suspected heroin to FANG detectives. The couple is currently cooperating with FANG and the investigation is ongoing.

Also on this date, FANG detectives conducted an undercover buy of heroin from a dealer in Flint Twp. The dealer was identified and the investigation is ongoing.

CITY OF SWARTZ CREEK
SWARTZ CREEK, MICHIGAN
PARK AND RECREATION ADVISORY BOARD
MINUTES OF REGULAR MEETING
October 2, 2019

Meeting called to order at 5:34 p.m. by Chairperson Hicks at Elms Road Parka.

Members Present: Larry Cummings, Jentery Farmer, James Barclay, Rick Henry, Rae Lynn Hicks, Connie Eskew, Joe Perrault, & Trudy Plumb.

Members Absent: Fountain.

Staff Present: Tom Svrcek & Adam Zettel.

Others Present: Erik Jamison, Lania Rocha, Bob Plumb. Eric Melen, Ryan Melen, Walt Melen, Kelli Melen.

APPROVAL OF AGENDA: Motion by Hicks to adopt the consent agenda of October 2, 2019. Motion carried by voice consent.

MEETING OPEN TO THE PUBLIC: None.

COMMUNICATIONS TO THE BOARD:

- A. September 4, 2019 Minutes
- B. Staff Letter

REPORTS:

- A. DPW REPORT: Tom requested approval for millings to be put down to connect the parking lot to the dog park.

Motion by Barclay to approve millings be put down to connect the dog park to the parking lot, support by Perrault. Motion carried by voice vote.

BUSINESS:

- A. Dog Park Dedication: Eric & Ryan Melen thanked all who donated monies, labor and supplies. They still need to stain some of the exercise equipment, due to weather it didn't get done in time. A sign is on order
- B. Disc Golf: Barclay & Farmer agreed to arrange a committee and setup committee meetings. The committee will include local disc golf leaders. A request was made to find the property line stakes.
- C. Playscape Stain: September 14th staining project was cancelled due to lack of participation. Hicks will work on sections of playscape when she can.

MEETING OPEN TO THE PUBLIC: None.

BOARD MEMBER COMMENTS: Hicks wants to make sure Dog Park Rules are on the website. She also wants to make sure we send Dawes Construction a thank you.

ADJOURNMENT: Meeting adjourned at 5:57 p.m.

NEXT MEETING: November 6, 2019, 5:30 p.m.

Connie Olger, Secretary

City of Troy Traffic Ordinance Excerpts (Distracted Driving)

1.20.5 “Distracted Driving” means the following:

1. The physical manipulation of any 2-way wireless electronic communication device used for dialing numbers; or scrolling; or typing or entering multiple letters, numbers, symbols, or other text; or the sending, receiving, and reading of any non-voice data in the device while the motor vehicle is in motion on any highway or street or place open to the general public within the City of Troy. As used in this subsection, a wireless 2-way communication device does not include a global positioning or navigation system that is affixed to the motor vehicle.
2. The physical manipulation or handling of any wireless entertainment or electronic communication device for the purpose of speaking into, or listening to voice data, while the motor vehicle is in motion on any highway or street or place open to the general public within the City of Troy; or
3. Any action by the driver of a motor vehicle that diverts his or her attention resulting in the failure to use due care and caution in the safe operation of a motor vehicle while the vehicle is in motion on any highway or street or place open to the general public within the City of Troy. Such action can include but is not limited to: eating, reading, writing, performing personal hygiene/grooming, physical interaction with pets, passengers, or unsecured cargo, any of which is done in a manner that prohibits the driver from maintaining direct physical control of the motor vehicle steering mechanism with at least one hand that is free of all other objects and used entirely to form a controlled grip on the steering mechanism.

Distracted Driving; Violation as Civil Infraction.

- 1 A person shall not engage in distracted driving within the City of Troy.
- 2 A person who violates this section is responsible for a civil infraction.
- 3 Exceptions. This section does not apply to a person who is using a electronic communication device to do one or more of the following:
 - 3.1 Report a traffic accident, medical emergency or serious road hazard.
 - 3.2 Report a situation in which the person believes his or her personal safety is in jeopardy.
 - 3.3 Report or avert the perpetration or potential perpetration of a criminal act against the individual or another person.
 - 3.4 Carry out official duties as a police officer, law enforcement official, member of a paid or volunteer fire department, or operator of an emergency vehicle.



Adam Zettel, AICP
City Manager
810.287.2147
azettel@cityofswartzcreek.org

October 10, 2019

Dear Resident/Property Owner,

The City of Swartz Creek has been working in partnership with Swartz Creek Community Schools on a Safe Routes to School program in the City. The goal of the partnership is to promote the safety of children walking to and from school.

The City is preparing to submit an application to address some of the safety issues identified during the walking safety assessment. If the application is successful, the City will be able to install news sidewalks, non-motorized trails, crosswalks, or bridges in identified areas with no construction cost to the individual property owner. This will be possible through MDOT's Safe Routes to School program. It is our hope that the new walks and related features will promote a safer walking environment for children.

In the next several weeks you will notice a survey crew out surveying the areas identified to help prepare design and construction estimates for the grant application. If the City is successful, construction of the improvements will commence in 2020 or 2021. All improvements will be constructed in the public right-of-way, similar to other areas within the City that have sidewalks. In some cases, additional permanent or temporary right-of-way may be required.

Please accept this letter and concept plan as a notice of this potential project. If you have any questions or comments, please feel free to contact Adam Zettel at 810.635.4464 or via e-mail at azettel@cityofswartzcreek.org.

Property owners are also invited to attend a City Council meeting to address the Safe Routes to School program and plans. The next regular meeting is scheduled to be held at the city offices at 8083 Civic Drive, Swartz Creek, MI, on October 14, 2019 at 7:00 p.m. If the City is awarded the grant, the City will follow-up with those property owners in the proposed areas of need with further details.

Sincerely,

Adam H. Zettel, AICP
City Manager
City of Swartz Creek

8083 Civic Drive
Swartz Creek Michigan 48473
Phone: (810)-635-4464 Fax: (810)-635-2887
www.cityofswartzcreek.org <ftp://cityofswartzcreek.org>



OPINION OF PROBABLE CONSTRUCTION COST

ORCHARD, HILTZ & McCLIMENT, INC.

34000 Plymouth Road, Livonia, Michigan, 48150

Telephone: (734) 522-6711 FAX: (734) 522-6427

PROJECT: Safe Routes to Schools Preliminary Estimates
 LOCATION: Swartz Creek, MI
 WORK:

DATE: September 25, 2019
 PROJECT #: 4023190060
 ESTIMATOR:
 CHECKED BY:
 CURRENT ENR:

ITEM CODE	DESCRIPTION	UNIT	TOTAL	UNIT PRICE	COST
CATEGORY 1 - SCMS - Fairchild and Cappy					
1500001	Mobilization, Max	LSUM	1	\$ 10,000.00	\$ 10,000.00
2040020	Curb and Gutter, Rem	Ft	40	\$ 10.00	\$ 400.00
2040070	Utility Pole, Rem	Ea	1	\$ 350.00	\$ 350.00
2047011	Pavt, Rem, Modified	Syd	9	\$ 7.00	\$ 63.00
2047011	Sidewalk, Rem, Modified	Syd	53	\$ 7.00	\$ 371.00
2047051	Pav, Grind, Modified	LSUM	1	\$ 1,000.00	\$ 1,000.00
3020001	Aggregate Base	Ton	5	\$ 18.00	\$ 90.00
5010025	Hand Patching	Ton	3	\$ 120.00	\$ 360.00
8010003	Driveway, Reinf Conc, 8 inch	Syd	55	\$ 65.00	\$ 3,575.00
8030010	Detectable Warning Surface	Ft	10	\$ 45.00	\$ 450.00
8030030	Curb Ramp Opening, Conc	Ft	40.00	\$ 25.00	\$ 1,000.00
8030036	Sidewalk Ramp, Conc, 6 inch	Sft	200	\$ 7.00	\$ 1,400.00
8030044	Sidewalk, Conc, 4 inch	Sft	2635	\$ 5.00	\$ 13,175.00
8100371	Post, Steel, 3 lb	Ft	14	\$ 5.00	\$ 70.00
8100403	Sign, Type III, Rem	Ea	1	\$ 4.00	\$ 4.00
8100404	Sign, Type IIIA	Sft	9	\$ 15.00	\$ 135.00
8110041	Pavt Mrkg, Ovly Cold Plastic, 12 inch, Crosswalk	Ft	58	\$ 6.00	\$ 348.00
8110045	Pavt Mrkg, Ovly Cold Plastic, 24 inch, Stop Bar	Ft	10	\$ 12.00	\$ 120.00
8127051	Traffic Control	LSUM	1	\$ 10,000.00	\$ 10,000.00
CATEGORY 2 -SCMS - South Entrance On-Site					
1500001	Mobilization, Max	LSUM	1	\$ 30,000.00	\$ 30,000.00
2020002	Tree, Rem, 19 inch to 36 inch	Ea	15	\$ 600.00	\$ 9,000.00
2040070	Utility Pole, Rem	Ea	1	\$ 350.00	\$ 350.00
7077050	Pedestrian Bridge	Ea	2	\$100,000.00	\$ 200,000.00
8030044	Sidewalk, Conc, 4 inch	Sft	8186	\$ 5.00	\$ 40,930.00
8127051	Traffic Control	LSUM	1	\$ 10,000.00	\$ 10,000.00
CATEGORY 3 -SCMS - South Entrance Off-Site					
1500001	Mobilization, Max	LSUM	1	\$ 10,000.00	\$ 10,000.00
2020002	Tree, Rem, 19 inch to 36 inch	Ea	3	\$ 600.00	\$ 1,800.00
2040020	Curb and Gutter, Rem	Ft	40	\$ 10.00	\$ 400.00
2040070	Utility Pole, Rem	Ea	5	\$ 350.00	\$ 1,750.00
2047011	Pavt, Rem, Modified	Syd	9	\$ 7.00	\$ 63.00
3020001	Aggregate Base	Ton	5	\$ 18.00	\$ 90.00
5010025	Hand Patching	Ton	3	\$ 120.00	\$ 360.00
8010005	Driveway, Nonreinf Conc, 6 inch	Syd	100	\$ 55.00	\$ 5,500.00
8030010	Detectable Warning Surface	Ft	20	\$ 45.00	\$ 900.00
8030030	Curb Ramp Opening, Conc	Ft	20	\$ 25.00	\$ 500.00
8030036	Sidewalk Ramp, Conc, 6 inch	Sft	200	\$ 7.00	\$ 1,400.00



OPINION OF PROBABLE CONSTRUCTION COST

ORCHARD, HILTZ & McCLIMENT, INC.

34000 Plymouth Road, Livonia, Michigan, 48150

Telephone: (734) 522-6711 FAX: (734) 522-6427

PROJECT: Safe Routes to Schools Preliminary Estimates
 LOCATION: Swartz Creek, MI
 WORK:

DATE: September 25, 2019
 PROJECT #: 4023190060
 ESTIMATOR:
 CHECKED BY:
 CURRENT ENR:

ITEM CODE	DESCRIPTION	UNIT	TOTAL	UNIT PRICE	COST
8030044	Sidewalk, Conc, 4 inch	Sft	4864	\$ 5.00	\$ 24,320.00
8100371	Post, Steel, 3 lb	Ft	14	\$ 5.00	\$ 70.00
8100405	Sign, Type IIIB	Sft	7	\$ 15.00	\$ 105.00
8110041	Pavt Mrkg, Ovly Cold Plastic, 12 inch, Crosswalk	Ft	25	\$ 6.00	\$ 150.00
8127051	Traffic Control	LSUM	1	\$ 10,000.00	\$ 10,000.00
CATEGORY 4 - Syring Elem - Winshall Park					
1500001	Mobilization, Max	LSUM	1	\$ 10,000.00	\$ 10,000.00
2020002	Tree, Rem, 19 inch to 36 inch	Ea	22	\$ 600.00	\$ 13,200.00
2040020	Curb and Gutter, Rem	Ft	80	\$ 10.00	\$ 800.00
2040070	Utility Pole, Rem	Ea	3	\$ 350.00	\$ 1,050.00
2047011	Pavt, Rem, Modified	Syd	18	\$ 7.00	\$ 126.00
3020001	Aggregate Base	Ton	9	\$ 18.00	\$ 162.00
5010025	Hand Patching	Ton	5	\$ 120.00	\$ 600.00
8010005	Driveway, Nonreinf Conc, 6 inch	Syd	104	\$ 55.00	\$ 5,720.00
8030010	Detectable Warning Surface	Ft	20	\$ 45.00	\$ 900.00
8030030	Curb Ramp Opening, Conc	Ft	60	\$ 25.00	\$ 1,500.00
8030036	Sidewalk Ramp, Conc, 6 inch	Sft	300	\$ 7.00	\$ 2,100.00
8030044	Sidewalk, Conc, 4 inch	Sft	7593	\$ 5.00	\$ 37,965.00
8100371	Post, Steel, 3 lb	Ft	42	\$ 5.00	\$ 210.00
8100403	Sign, Type III, Rem	Ea	3	\$ 4.00	\$ 12.00
8100404	Sign, Type IIIA	Sft	27	\$ 15.00	\$ 405.00
8110041	Pavt Mrkg, Ovly Cold Plastic, 12 inch, Crosswalk	Ft	90	\$ 6.00	\$ 540.00
8110045	Pavt Mrkg, Ovly Cold Plastic, 24 inch, Stop Bar	Ft	45	\$ 12.00	\$ 540.00
8127051	Traffic Control	LSUM	1	\$ 10,000.00	\$ 10,000.00
8157050	Proposed Tree	Ea	10	\$ 500.00	\$ 5,000.00
CATEGORY 5 - Syring Elem - Seymour Rd.					
1500001	Mobilization, Max	LSUM	1	\$ 10,000.00	\$ 10,000.00
2020002	Tree, Rem, 19 inch to 36 inch	Ea	5	\$ 600.00	\$ 3,000.00
2040020	Curb and Gutter, Rem	Ft	200	\$ 10.00	\$ 2,000.00
2040070	Utility Pole, Rem	Ea	1	\$ 350.00	\$ 350.00
2047011	Pavt, Rem, Modified	Syd	45	\$ 7.00	\$ 315.00
3020001	Aggregate Base	Ton	22	\$ 18.00	\$ 396.00
5010025	Hand Patching	Ton	11	\$ 120.00	\$ 1,320.00
8010005	Driveway, Nonreinf Conc, 6 inch	Syd	104	\$ 55.00	\$ 5,720.00
8030010	Detectable Warning Surface	Ft	140	\$ 45.00	\$ 6,300.00
8030030	Curb Ramp Opening, Conc	Ft	140	\$ 25.00	\$ 3,500.00
8030036	Sidewalk Ramp, Conc, 6 inch	Sft	1500	\$ 7.00	\$ 10,500.00
8030044	Sidewalk, Conc, 4 inch	Sft	7138	\$ 5.00	\$ 35,690.00
8100371	Post, Steel, 3 lb	Ft	56	\$ 5.00	\$ 280.00



OPINION OF PROBABLE CONSTRUCTION COST

ORCHARD, HILTZ & McCLIMENT, INC.

34000 Plymouth Road, Livonia, Michigan, 48150

Telephone: (734) 522-6711 FAX: (734) 522-6427

PROJECT: Safe Routes to Schools Preliminary Estimates
 LOCATION: Swartz Creek, MI
 WORK:

DATE: September 25, 2019
 PROJECT #: 4023190060
 ESTIMATOR:
 CHECKED BY:
 CURRENT ENR:

ITEM CODE	DESCRIPTION	UNIT	TOTAL	UNIT PRICE	COST
8100403	Sign, Type III, Rem	Ea	6	\$ 4.00	\$ 24.00
8100404	Sign, Type IIIA	Sft	63	\$ 15.00	\$ 945.00
8110041	Pavt Mrkg, Ovly Cold Plastic, 12 inch, Crosswalk	Ft	310	\$ 6.00	\$ 1,860.00
8110045	Pavt Mrkg, Ovly Cold Plastic, 24 inch, Stop Bar	Ft	60	\$ 12.00	\$ 720.00
8127051	Traffic Control	LSUM	1	\$ 10,000.00	\$ 10,000.00
CATEGORY 6 - Elms Rd. Elem - Bristol Rd.					
1500001	Mobilization, Max	LSUM	1	\$ 35,000.00	\$ 35,000.00
2020002	Tree, Rem, 19 inch to 36 inch	Ea	26	\$ 600.00	\$ 15,600.00
3020001	Aggregate Base	Ton	1271	\$ 18.00	\$ 22,878.00
3070126	Shoulder, CI II, 4 inch	Syd	1055	\$ 10.00	\$ 10,550.00
8010005	Driveway, Nonreinf Conc, 6 inch	Syd	1287	\$ 55.00	\$ 70,785.00
8030044	Sidewalk, Conc, 4 inch	Sft	22927	\$ 5.00	\$ 114,635.00
8060030	Shared use Path, Grading	Ft	2400	\$ 20.00	\$ 48,000.00
8060040	Shared use Path, HMA	Ton	434	\$ 110.00	\$ 47,740.00
8127051	Traffic Control	LSUM	1	\$ 10,000.00	\$ 10,000.00
SUBTOTAL FOR CATEGORY 1 - SCMS - Fairchild and Cappy					\$ 42,911.00
SUBTOTAL FOR CATEGORY 2 -SCMS - South Entrance On-Site					\$ 290,280.00
SUBTOTAL FOR CATEGORY 3 -SCMS - South Entrance Off-Site					\$ 57,408.00
SUBTOTAL FOR CATEGORY 4 - Syring Elem - Winshall Park					\$ 90,830.00
SUBTOTAL FOR CATEGORY 5 - Syring Elem - Seymour Rd.					\$ 92,920.00
SUBTOTAL FOR CATEGORY 6 - Elms Rd. Elem - Bristol Rd.					\$ 375,188.00
TOTAL OPINION OF PROBABLE CONSTRUCTION COST =					\$ 949,537.00



OPINION OF PROBABLE CONSTRUCTION COST

ORCHARD, HILTZ & McCLIMENT, INC.

34000 Plymouth Road, Livonia, Michigan, 48150

Telephone: (734) 522-6711 FAX: (734) 466-4557

PROJECT: Safe Routes to Schools Preliminary Estimates
 LOCATION: Swartz Creek, MI
 WORK: _____

DATE: September 25, 2019
 PROJECT #: 4023190060
 ESTIMATOR: _____
 CHECKED BY: _____
 CURRENT ENR: _____

ITEM CODE	DESCRIPTION	UNIT	TOTAL	UNIT PRICE	COST
CATEGORY 1 - Fairchild - Morrish					
1500001	Mobilization, Max.	LS	1	\$ 18,000.00	\$ 18,000.00
2020004	Tree, Rem, 6 inch to 18 inch	Ea	5	\$ 500.00	\$ 2,500.00
2040020	Curb and Gutter, Rem	Ft	57	\$ 10.00	\$ 570.00
2047011	Pavt, Rem, Modified	Syd	285	\$ 7.00	\$ 1,995.00
3020001	Aggregate Base	Ton	1231	\$ 18.00	\$ 22,158.00
3077011	Shoulder, CI II, 4 inch	Syd	559	\$ 10.00	\$ 5,590.00
5017031	HMA, Repair	Ton	5	\$ 120.00	\$ 600.00
8017011	Driveway, Nonreinf Conc, 6 inch	Syd	75	\$ 55.00	\$ 4,125.00
8020038	Curb and Gutter, Conc, Det F4	Ft	169	\$ 25.00	\$ 4,225.00
8030010	Detectable Warning Surface	Ft	40	\$ 45.00	\$ 1,800.00
8030036	Sidewalk Ramp, Conc, 6 inch	Sft	604	\$ 7.00	\$ 4,228.00
8030044	Sidewalk, Conc, 4 inch	Sft	467	\$ 5.00	\$ 2,335.00
8060040	Shared use Path, HMA	Ton	510	\$ 110.00	\$ 56,100.00
8067001	Shared use Path, Grading	Ft	2515	\$ 20.00	\$ 50,300.00
8100370	Post, Steel, 2 lb	Ft	154	\$ 5.00	\$ 770.00
8100402	Sign, Type III, Erect, Salv	Ea	1	\$ 150.00	\$ 150.00
8100404	Sign, Type IIIA	Sft	65	\$ 15.00	\$ 975.00
8110039	Pavt Mrkg, Ovly Cold Plastic, 12 inch, Cross Hatching, White	Ft	80	\$ 4.00	\$ 320.00
8167011	Turf Establishment, Performance	Syd	3152	\$ 3.00	\$ 9,456.00
8257051	Traffic Control	LS	1	\$ 10,000.00	\$ 10,000.00
SUBTOTAL FOR CATEGORY 1 - Fairchild - Morrish					\$ 196,197.00
TOTAL OPINION OF PROBABLE CONSTRUCTION COST =					\$ 196,197.00





- -Intersection will be updated to reduce conflict points between pedestrians and motorists.
- -New sidewalk to complete pedestrian network on Cappy Ln, allows for safe travel between middle and high school.
- -New creekside recreation path to connect Morrish Rd, School St, McClain St.



● -Possible pedestrian bridge and on campus path to be pursued by Swartz Creek schools.

● -Intersections updated with A.D.A. compliant crosswalks and curb cuts.

● -New sidewalk to complete pedestrian network along Maple St.



-New sidewalk to complete pedestrian network along Seymour Rd.

-Intersection updated with A.D.A. compliant curb cuts and crosswalks.



-New sidewalk to complete pedestrian network.



-Intersection will be updated with A.D.A. compliant crosswalks and curb cuts.



September 17, 2019

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



Re: Turner Classic Movies Moving to Sports Entertainment Package

Dear City Clerk:

We are committed to keeping you and our customers informed about changes to Xfinity TV services. Accordingly, please note that effective October 23, 2019, we will make the following changes to the channel lineup:

WJBK FOX (channels 2 & 1002), WKAR PBS (channels 21 & 1023), WKBD CW (channels 9 & 1050) and WXYZ ABC (channels 11 & 1007) will no longer be available.

FOX programming can still be found on channels 8, 234, and 1066. PBS programming can still be found on channels 239 and 1019. CW programming can still be found on channels 15, 236 and 1046. ABC programming can still be found on channels 7, 231 and 1012.

We are notifying impacted customers of these changes through a bill message.

Please feel free to contact me at 734-359-2077 if you have any questions. Please note, this is a new telephone number as of September 26, and update your records accordingly.

Sincerely,

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



October 2, 2019



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

Re: Xfinity TV Channel Updates

Dear City Clerk:

We are committed to keeping you and our customers informed with Xfinity TV changes and enhancements. Below we share details regarding new programming that we are launching and the drop of a channel from our line-up.

New Channel Effective October 29, 2019

For our customers who subscribe to the Xfinity Latino package, on October 29 we will begin offering a new Spanish-language channel, Kanal D Drama. Kanal D Drama is a Spanish-language network featuring telenovelas and series. We are communicating this change to our affected customers through a bill message.

Loss of Channel Effective December 5, 2019

We also wanted to inform you that MVStv will be dropped from Xfinity Latino on December 5. We are communicating this change to our affected customers through a bill message.

We are excited about the addition to our robust entertainment offerings and for the opportunity to continue enhancing our Xfinity TV product.

Please feel free to contact me at 734-359-2077 if you have any questions.

Sincerely,

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

Municipalities hope for legislation on dark-store loophole

Sydney Smith

When **Meijer Inc.** last month nearly halved the taxable value of its 195,000-square-foot store in Marquette just a year after it opened, the move set off an outcry from advocates for local government.

The Walker-based supercenter retailer had successfully used the so-called “dark store” theory to argue that the taxable value of its store should be based on property values for nearby closed or vacant stores. The reason: Meijer and other retailers argue their facilities feature unique designs, rendering them functionally obsolete after they open.

When retailers take their disputes to the Michigan Tax Tribunal, Michigan communities are often forced to settle cases instead of taking them through a costly trial. Officials argue that either way they’re left with less revenue to fund public services.

“It takes away from our municipality, our fire department,” said Scott Hess, superintendent of Comstock Township, where **Menard Inc.** won a Michigan Tax Tribunal case that reduced the township’s revenue by almost \$60,000 in 2018 and 2019 combined.

“Those are the impacts big box stores have when they contest their assessment,” Hess said.

According to the **Michigan Municipal League**, prior to the dark store theory, big box stores in Michigan were assessed at an average rate of \$55 per square foot. That number has dropped dramatically in recent years.

Today, Lowe’s stores are now assessed at about \$22.10 per square foot, while Menard’s and Target centers are valued at \$24.97 per square foot, according to the MML.

The retailers’ practices have drawn the scrutiny of officials and observers across the state, particularly in more rural areas that struggle to meet the increased demands for services stemming from the big box stores.

The outcry has been most acute from communities in Michigan’s Upper Peninsula, where the *Iron Mountain Daily News*, in a July 8 editorial, called the dark-store loophole a practice that has “spread across Michigan like a cancer. Something needs to be done.”

“We can appreciate the low prices, but it could be at the expense of our pocketbooks should new or higher millages be proposed to shore up funding for the services we’ve come to expect from our local governments,” the editorial board wrote.

As the big box tax disputes continue to ramp up, municipalities and community advocates hope bipartisan legislation in Lansing will make a difference in curbing the dark-store loophole. House Bills 4025 and 4047, with more than a dozen co-sponsors, were introduced and referred to the Committee on Local Government and Municipal Finance in January. Senate Bills 26 and 39, which are sponsored by both Democrats and Republicans, have yet to have a hearing after they were introduced in January.

Local government advocates, including the **Michigan Townships Association (MTA)**, hope legislators will hear the bills this cycle because the loss of revenue from the big box stores is affecting services in Michigan communities.

“We have had communities that may have spent millions of dollars to extend services to a commercial area where big box stores want to locate, only to have their assessed values reduced extensively,” said Judy Allen, director of government relations at MTA.

MTA’s goal is to have the state pass legislation that would require the Tax Tribunal to look at the three standard models used to estimate property values. These include reviewing the sales prices of comparable properties, along with estimating the cost of the building while accounting for depreciation. Another is based on the income a property generates. Retailers have used dark store theory to argue against the income approach in favor of the comparable sales approach.

“It puts assessors in a very awkward situation, because it almost goes against everything that we were trained in assessing and appraising property,” said Charles Decator, city assessor in Grandville.

The MTA remains hopeful the legislation and a dark-store case pending in Escanaba could set a precedent for how the cases are handled in the courts, Allen said. Escanaba in 2016 won a tax dispute with Menard’s in the Michigan Court of Appeals, which said the Tax Tribunal should consider other factors in determining the assessed value.

“If you have a store that’s going out of business and it’s vacant, they would say that their store should be valued similar to a store of that size that had closed,” Allen said. “You could have a store that was brand new, not even open, claim they should be valued as if somebody had gone out of business.”

DARK stores

BY ILENE WOLFF

A QUESTION OF VALUE

Courts may ultimately decide if big-box retail stores merit local tax breaks because their facilities are custom-designed and of less value to anyone else.

Since the Great Recession, many big-box stores across the state have successfully appealed community assessments to the Michigan Tax Tribunal. As a result, there's less money for infrastructure, public safety, and education.

It was 2010, and Michigan's economy was still in a freefall due to the Great Recession. The future of the auto industry was shaky, mortgage companies were foreclosing on homeowners at unprecedented rates, and many businesses shrank or shut down altogether.

At the same time, local communities watched helplessly as their property tax revenues dwindled. Consider the Michigan Tax Tribunal wiped out \$5 million in assessed value from 2008 to 2010 for a Target store in Novi after the retailer's lawyers used what has come to be known as the Dark Store Theory.

Novi lost out on hundreds of thousands of dollars in property tax revenue that day. Since then, use of the theory has caused towns across Michigan to forfeit hundreds of millions of tax dollars collected from big-box stores that had been used to provide services and fund infrastructure. Conversely, homeowners, small retailers, and other businesses couldn't persuade the tax tribunal to extend the same treatment to their assessments.

"The Target store was really where it all started," says Micheal R. Lohmeier, Novi's assessor since 2016 and a tax tribunal judge from 2005 to 2006. "Lots of assessors and private appraisers were shocked by it."

The theory maintains that big-box stores like those owned by Target Corp. and its counterparts The Home Depot Inc., Lowe's Cos. Inc., IKEA, Costco Wholesale, Meijer Inc., Menard Inc., and Walmart are chronically overvalued because they're sized and built in such a way that any potential buyer would have to make a significant investment to make them suitable for another use. This lowers their value to anyone other than

the current user; the theory goes.

"Across the country, retailers put properties up for sale priced around the assessed value, but those properties didn't sell until the price was dramatically lowered," says Amy Drumm, vice president of government affairs at the Michigan Retailers Association in Lansing. "They saw a pattern of over-assessment and started reviewing the assessed values on their other properties. When they appealed those high valuations, they were most often successful in lowering the valuation at the Michigan Tax Tribunal."

The shock felt in the appraisal community was largely the result of the theory running counter to a basic tenet of the profession: that a property should be appraised at its highest and best use. In the case of the Target store in Novi, that would be as a thriving and income-producing store, and not as a location that had closed and gone dark.

Novi had assessed the market value on the property at \$10.3 million, \$10.1 million, and \$9.1 million in 2008, 2009, and 2010, respectively.

For the same years, Target says the market value was \$8 million, \$6.2 million, and \$5 million (property taxes are computed using one-half of the market value).

The tax tribunal, an administrative court for appeals on all state taxes, set the market value at \$8 million for 2008, \$6.3 million for 2009, and \$5.1 million for 2010. "You can see the tribunal pretty much went with Target's values," Lohmeier says.

Since that seminal Michigan case with Target, which had net earnings of nearly \$3 billion in 2018 (FY), the tribunal has ruled on many more Dark Store Theory cases, and retailers and municipalities have settled tax assessment disputes in and out of court. At times, all a retailer had to

do was threaten to go to the tribunal and assessors would settle, several assessors maintain.

For example, Macy's appealed Troy's 2018 market valuation of \$14.4 million for its anchor store at Oakland Mall, maintaining the market value is \$6.5 million. In a February consent judgment, the city and retailer settled on a market value of \$10 million. For 2018, Macy's had net income of almost \$1.2 billion.

In Livonia, the city entered into a consent judgment with Walmart in 2016, knocking down the market value of a store to \$10.3 million from \$12.6 million in 2015, and to \$9.7 million from \$12 million in 2016. Walmart posted net income of nearly \$9 billion in 2018.

In Sterling Heights, meanwhile, Lowe's got its 2018 market value lowered to \$5.5 million from \$6.7 million in a consent judgment. Lowe's reported net income of \$3.4 billion in 2018.

To avoid a potentially lower judgement of an assessment, community assessors have learned to avoid decisions from the tribunal. In Michigan, commercial and industrial property assessments are appealed directly to the tax tribunal, bypassing the local Board of Review.

"Most of us settle cases with the best numbers we can get," says Dean Babb, the assessor for Chesterfield Township. "I'm confident that every big-box settlement I've gotten is higher than I would have gotten from the Michigan Tax Tribunal."

In addition to big-box stores, smaller retailers and even non-retailers have started copying the big-box formula.

As a result, Michigan municipalities lost out on at least \$100 million of revenue from 2013 to 2017, according to the Michigan Association of Counties. According to an MAC blog post, "This



MICHEAL LOHMEIER

process is shifting more of the burden onto homeowners to fund the basic public services all Michigan communities and businesses utilize each day."

What's more, a report from Standard & Poor's, titled "Dark Store Tactic by Big-Box Retailers Could Pressure U.S. Municipal Budgets and Credit Quality," offers additional perspective.

"Many of the successful appeals that we have observed have resulted in tax settlements in the millions of dollars, and at comparatively little cost to the big-box retailers," the report states. "Furthermore, a few favorable court decisions upholding the validity of Dark Store Theory can reverberate throughout a state, as in both Michigan and Indiana, resulting in scores of in- and out-of-court settlements and compounding the potential gains to retailers many times over."

According to the Michigan Association of Counties, in 2015 smaller retailers in Oakland County were paying 72 percent more per square

foot in property taxes compared with the rate paid by big-box stores.

Just as Michigan cities and towns have felt the negative effects of the Target-Novis court case, they've been eyeing another case for relief.

The Michigan Court of Appeals ruled in 2016 that the tribunal had applied the law incorrectly, and said it must reopen a tax assessment appeal case by Menards' parent company for its store in Escanaba.

The higher court ordered the tax tribunal to take additional evidence regarding the market effect of deed restrictions on parcels used as comparable properties in the appraisal used by Menards for its case. The appeals court judges also said the retailer and city must be allowed to submit additional evidence using a cost-less-depreciation approach to valuation.

Cost-less-depreciation starts with the cost of a new property and subtracts depreciation based on tables supplied in the state's Assessors Manual. It's

the appraisal method historically used in Michigan, but there are two other options. One considers the rental income from a property, while the third method uses the sales prices of properties that, ideally, are comparable and have sold within the past year.

Among the eight comparable sales Menards submitted as evidence, four had deed restrictions to thwart competition by inhibiting their use in the future as retail sites. Menards' appraiser testified that he talked to brokers, sellers, and buyers, and was convinced the deed restrictions had no impact on their sales price.

The tax tribunal found the argument credible, even though other testimony from an expert appraisal reviewer criticized Menards' appraisal for not adjusting for the deed restrictions, according to the appeals court ruling.

The appeals court also noted the Menards appraiser's report showed that two of the comps with no deed restrictions had the highest selling price per square foot. The judges ruled that if information from the effect of the deed restrictions is insufficient to reliably adjust the value of the comps, they shouldn't be used.

In a statement, Menards said, "These types of property tax appeals are quite common. We hired a consulting firm to handle these types of appeals and they, in turn, make recommendations for all of our properties, including those in Michigan. The firm follows standards as outlined by state law and the Uniform Standards of Professional Appraisal Practices and the Appraisal Institute."

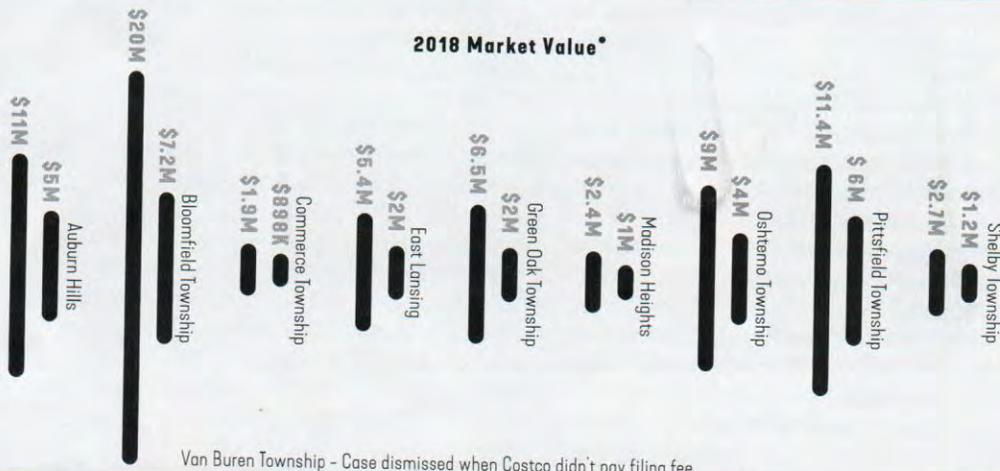
Robert Valentine, Escanaba's treasurer, says Menards' statement is what he would expect.

"When you look at the higher Menards store valuations in neighboring states, it's easy to see that there's a problem in Michigan. I'm not an appraiser, and I don't know if such appraisals comply with industry and ethical standards, but I do know that the tribunal is charged with determining fair value, and part of that process involves assigning weight to the evidence presented by

Tax Matter

AS MICHIGANDERS FLOCK TO

membership retailer Costco for big-screen TVs, bottled water, or quinoa salad, lawyers for the stores are trying to lower the company's tax bills. For 2018 alone, legal teams filed paperwork petitioning the Michigan Tax Tribunal to lower market value assessments for 10 Costcos in the state. If successful, or if the retailer settles out of court, Costco's tax bill will likely be reduced. To the right are tax assessments for state Costco stores and how they may be lowered.



both sides," he says.

"In my view, a reasonable, impartial person should not assign any meaningful weight to an appraisal which uses blighted, deed-restricted dark stores for sales comps. I also believe it's unreasonable to suggest that such deed restrictions have no effect of value, as has been argued by Menards."

In the Escanaba case, Menards disputed the city's opinion that the property had a market value of \$7.8 million for 2012, \$8 million for 2013, and \$8.2 million for 2014. The retailer said the market value for each year was \$3.4 million, or \$20 per square foot.

The tax tribunal set the 2012 market value at \$3.3 million, \$3.5 million for 2013, and \$3.7 million for 2014. Menards is appealing its 2016-2018 assessments, as well.

Valentine says the city has lost tens of thousands of dollars in revenue due to the lower market value set by the tribunal. The city also spent more than \$100,000 defending the Menards case, although its expenditures have been offset by contributions from neighboring communities that joined in the case.

"We have lots of roads that could be getting paved with the lost money in the Menards case and other dark store cases," Valentine says, "but Escanaba has stopped short of saying we (let a librarian go) or we haven't paved the worst road in town because, at the end of the day, you reduce your budget to the revenue stream."

Babb, of Chesterfield Township, also has a Menards in his community. He had assessed its market value at \$12.6 million for 2013. The retailer says it should be \$3.5 million, Babb says. "They paid more than \$3 million for the land," he says.

Babb was two weeks away from trial over the disputed Menards value when the tribunal's decision on Escanaba came out. His case was similar to the assessor's in the Upper Peninsula city. "All of the differences in the appraisals that we were going to hang our hat on, the judge said he was fine with it," Babb says.

As a result, Menards and Chesterfield Township settled on a market value of \$5.3 million, meaning the retailer would pay taxes on \$2.7 million — less than they paid for the land.

Julie Brixie became well-versed in the activities surrounding the Dark Store Theory during her 10 years as the treasurer of Meridian Township, just east of East Lansing. She scoffs at the idea that big-box stores have been overvalued by assessors.

"I think that's patently false," she says. "That idea is one that's been put forth by corporate lawyers in trying to take advantage of a tax loophole imposed by the Snyder administration."

The loophole came about because Gov. Rick Snyder's appointees to the tax tribunal "allowed

different things than the law says," Brixie says. "There's been a court decision saying what they did was wrong."

Brixie got elected again in November, but this time to the State House of Representatives. One of the first things she did after taking office was to join with two colleagues, Rep. Beau LaFave and Sen. Ed McBroom, in introducing a package of bills to thwart the Dark Store Theory. LaFave and McBroom's districts are in the Upper Peninsula and include Escanaba.

The bills have been referred to committees, and Brixie says she's confident they'll move forward to the full legislative body before reaching the governor's desk for signing.

"I want to level the playing field, so mom and pop stores are taxed at the same level per square foot as the big-box stores," Brixie says. "In Michigan, the average assessment per square foot for a big-box store is \$24.39."

In contrast, the average assessment for a Michigan mom and pop store is more in line with that of a Lowe's in North Carolina or South Carolina, where the company's properties are deemed to be worth \$79 per square foot and \$55 per square foot, respectively, or a Home Depot in Georgia, assessed at an average of \$65 per square foot, or a Walmart in Arkansas, assessed at an average of \$52 per square foot, Brixie says.

Dave Maturen, a certified general real estate appraiser and former state representative, introduced legislation to end the use of the Dark Store Theory and "special carve-outs for big-box stores" in 2015. His bill had more than 50 co-sponsors and gained approval in the House of Representatives by a vote of 97-11. "I was elated, I was ecstatic," he says. "Then it went to the Senate and basically died."

While his bill failed in the Senate Tax Policy Committee because the chairman didn't bring it up for consideration before the entire body, the current bills are being considered by two different committees.

Like Maturen's bill, the current bills have bipartisan support. "You would think that means something, but it would mean a lot more if it gets to the floor," he says of the proposed legislation. "If it gets out of committee and gets to the floor, I think it has a good chance of passing."

Still, the legislation, if passed, would have no effect on assessments that have already been lowered. And due to Proposal A, which was approved in 1994, growth on a property's taxable value is limited to the rate of inflation or 5 percent, whichever is lower (if the property is sold, it's re-assessed).

As a result, "If taxable value has been reduced by half due to the Dark Store Theory, from \$5 million to \$2.5 million, it would take roughly 45 years at a 1.5 percent increase per year to get the taxable value back to \$5 million," Maturen says. **db**

Worthless?

LEGAL TEAMS IN MICHIGAN GET

property assessments lowered for big-box stores, whose corporate parents pay less in property taxes as a result, by arguing that the build-to-suit stores are unique and virtually worthless to anyone else. But try telling that to someone who has acquired and reused one.

For example: a Home Depot store in Meridian Township was a Meijer Source Club outlet in its past life, Walmart in Dearborn used to be a Kmart, and an independent grocery distributorship occupies a former Sam's Club in Westland.

Also in Westland, the city government spent \$10 million to buy and retrofit a 63,000-square-foot former Circuit City, and turned it into city hall. Granted, Circuit City was technically not a big box, which the International Council of Shopping Centers defines as at least 100,000 square feet. Some refer to these smaller stores as "junior boxes."

The Circuit City renovation was an undertaking nonetheless, and included an updated HVAC system, LED lights with timers, and low-flow toilets. Several city departments now work under one roof for the first time, while the far-flung buildings the city vacated were either demolished or sold.

"It would have cost us \$15 million to build new," says Westland Mayor Bill Wild. "It's really helped us with our image."

He points out that the new city hall was a catalyst for new construction nearby, including a new shopping and dining district. "A lot of developers and investors walk into our modern, efficient building (and that's) their first impression of our city," Wild says.

In Royal Oak, meanwhile, Beaumont Health turned a former Home Quarters home improvement store into a health and wellness center to provide outpatient therapies. The building also houses Beaumont's Weight Control Center.

Out-of-state, a former Macy's store in Alexandria, Va., is now a homeless shelter. And three years ago, a group of investors bought 235 Sears and Kmart stores for \$2.7 billion, and turned them into offices, apartment complexes, and a luxury shopping mall.

Far from worthless, closed big box stores rarely stay dark for long.

— Ilene Wolff

Michigan Supreme Court strikes down controversial 'dark store' tax appeal

Nick Manes

LANSING — The Michigan Supreme Court on Friday denied an appeal from big box retailer **Menard Inc.**, effectively ending the so-called “dark store” practice of property valuation in the state.

In an [order](#) handed down today, the state’s Supreme Court denied Menard Inc.’s request for an appeal in its lawsuit against the city of Escanaba because the justices felt they were “not persuaded that the questions presented should be reviewed by this Court.”

The order upholds a May 2016 ruling by the **Michigan Court of Appeals**, stating that the **Michigan Tax Tribunal** erred in its ruling against the city of Escanaba in an appeal of the property tax assessment on a Menards store that was based on the dark store theory.

According to a joint statement by the **Michigan Municipal League** and the **Michigan Townships Association**, the Supreme Court order comes as a victory for groups that have been fighting to end the practice that allows retailers to argue that newly built stores should be assessed as though they were closed because they would have little value to other users, as *MiBiz* [previously reported](#).

“No longer can big box stores obtain unfair and substantial tax reductions based upon unrealistically low artificial values, while our other taxpayers contribute based upon the value of their properties,” Stephanie Simon Morita, a Farmington Hills attorney with **Johnson Rosati Schultz & Joppich PC** who wrote an amicus brief in the Court of Appeals case, said in a statement. “This order levels the playing field and helps to ensure that all taxpayers, large and small, are treated similarly.”

The Menard store case against Escanaba will head back to the state’s Tax Tribunal for reconsideration and additional evidence, according to a statement. In the past, the Tax Tribunal has largely ruled in favor of retailers in their disputes against municipalities.

Townships and cities across the state argue that the methodology often leaves them having to reimburse significant property taxes and have led to cuts in public services.

Critics of the practice also called on the state Legislature to pass House Bill 4397, legislation sponsored by State Rep. David Maturen, R-Brady Township, which supporters say backs up the Supreme Court’s Friday order.

“Now is the time to clear up any confusion in the minds of businesses and city officials on this issue,” Chris Hackbarth, director of state and federal affairs at the Michigan Municipal League, said in a statement. “Rep. Maturen’s bill does just that, and will add stability to the property tax assessment process.”



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING

ORLENE HAWKS
DIRECTOR

Aniket Dhadphale,
Petitioner,

MICHIGAN TAX TRIBUNAL
SMALL CLAIMS DIVISION

v

City of Swartz Creek,
Respondent.

MAHS Docket No. 19-000791

**PROPOSED ORDER TRANSFERRING CASE FROM SMALL CLAIMS TO THE
ENTIRE TRIBUNAL DIVISION**

Personnel Presiding: Steve Goldstein, Administrative Law Judge
Location of Hearing: Flint, Michigan
Hearing Held on: September 5, 2019
Appearances on Behalf of Petitioner: Laura M. Hallahan, Attorney (by telephone)
Appearances on Behalf of Respondent: Heather MacDermaid, Assessor

PROCEDURAL HISTORY

Petitioner protested the subject property’s assessment to the 2019 March Board of Review (MBOR).

The MBOR issued its decision denying the Petitioner’s protest of the subject property’s assessment.

On May 3, 2019, Petitioner filed a Petition with the Tribunal. Respondent filed its Answer on May 14, 2019.

SUMMARY OF EVIDENCE

A. Petitioner’s Evidence and Contentions

Petitioner’s contentions of TCV, SEV and TV:

Parcel Number: 58-29-551-011

Year	TCV	SEV	TV
2019	\$237,200	\$118,600	\$118,600

Petitioner filed the following evidence, all of which was admitted unless otherwise indicated:

Filed on August 14, 2019

- a. March 29, 2018 Warranty Deed
- b. First Amendment to Agreement for Purchase and Sale, dated March 6, 2018
- c. Purchase Price Schedule, dated March 21, 2018
- d. Broker Price Opinion, dated September 12, 2017 with attachments

Petitioner contends the subject is a wood-framed, 7,092 square foot building with metal walls, built in 1985. Petitioner further contends the subject's second story consists of approximately 7,000 square feet of unfinished space, devoid of drywall, ceilings or mechanical and that Respondent's assessment fails to account for this fact.

Petitioner further contends that Respondent's records inaccurately describes the subject as a 13,128 square foot structure, with 5,744 square-feet of office and pharmacy and the remaining square footage as storage. Petitioner also asserts the subject currently operates as a pharmacy serving the assisted living community, that it delivers its product to facilities and that the subject structure itself sees little or no foot traffic.

Petitioner further asserts that Respondent's sales comparisons include no location or zoning adjustments, nor do they discuss similarities or differences, which results in an inaccurate assignment of the subject's TCV. Petitioner also asserts that Respondent's sales comparisons include no adjustments for differences in construction grade and quality.

Finally, Petitioner contends the subject was purchased in March 2018 for \$221,000 and because the property was listed and marketed, was an arm's length transaction subject to normal market pressures. Petitioner relies on the purchase price and its Broker's Opinion as evidence that the subject's TCV should be set at \$237,200.

B. Respondent's Evidence and Contentions

The property's TCV, SEV, and TV, as established for the tax year at issue:

Parcel Number: 58-29-551-011

Year	TCV	SEV	TV
2019	\$437,200	\$218,600	\$218,600

Respondent's revised contention of value (as identified in its August 13, 2019 Valuation Disclosure and at hearing)

Parcel Number: 58-29-551-011

Year	TCV	SEV	TV
2019	\$500,000	\$250,000	\$250,000

Respondent offered the following evidence, which was admitted unless indicated otherwise:

1. Filed with Answer
 - a. 2018 Board of Review Decision
2. Filed on August 13, 2019
 - a. Sales comparison approach adjustment grid
 - b. Photographs of subject and sales comparable(s)
 - c. Articles regarding Drug Enforcement Administration (DEA) search of the VPH Pharmacy
 - d. Property Record Card

Respondent contends the subject's revised TCV is based on four sales comparisons all of which sold between December 2017 and August 2018, within a year of December 31, 2018 (tax day). Respondent asserts that three of the four comparisons are located in the City of Swartz Creek, are situated on main roads and are located within close proximity to one another and thus no location adjustments are necessary.

Respondent asserts that lot size adjustments were applied to comparisons 1 and 2 to reflect significantly smaller lots, and that comparisons 2, 3 and 4 are similar frontage (between 125 and 132 feet), and that a lot's depth does not add significant value to commercial properties, which is reflected in the lot size adjustments. Respondent further asserts the subject was valued based on its use as a wholesale pharmacy, as well as interior features such as secured doors, which it contends adds value. Respondent also asserts that it cited comparison properties containing both warehouse and office space and made appropriate adjustments for these uses.

Respondent indicates that Petitioner's purchase of the subject was not an arm's length transaction because the pharmacy formerly housed in the subject was raided by the DEA and the pharmacy owner thereafter declared bankruptcy. Respondent further contends that, as a result of the raid and subsequent bankruptcy proceeding, the subject sat vacant for 2 ½ years and was not adequately maintained. Respondent argues that, by the time Petitioner purchased the subject, the former owner's bankruptcy case was ongoing and that the owner was under duress and the transaction ultimately a distressed sale.

Finally, Respondent contends that Petitioner's September 12, 2017 Broker's Opinion is unreliable, because the cited comparison sales transactions occurred between 2014 and the middle of 2017, too far removed from tax day to be reliable indicators of the subject's TCV.

FINDINGS OF FACT

Based on a preponderance of the evidence presented, the following facts are established:

1. The subject property is a 13,128 square-foot, commercially zoned office/warehouse located at 5376 Miller Road, Swartz Creek, Flint Township, built in 1985 and remodeled in 2005.
2. The subject's main level consists of 5,744 square feet of combined office space, some of which is being used as a wholesale pharmacy primarily serving the assisted living community. The second level consists of 7,382 square feet of unfinished space used primarily for storage.
3. The average level of assessment in effect for the property's classification is 50%.
4. On March 29, 2018, Petitioner purchased the subject property for \$221,000. The prior owner operated as a pharmacy which, in September 2015, was raided by the DEA. The prior owner ultimately filed for bankruptcy protection. The subject sat vacant from September 2015 until March 2018 and was not adequately maintained, forcing the prior owner to sell the property under duress. The sale was therefore not pursuant to an arm's length transaction subject to normal market pressures.
5. Petitioner determined the subject's TCV's at \$237,200 based on the purchase price and a September 12, 2017 Broker's Opinion.
6. Respondent revised the subject's TCV at \$500,000, averaging the approximate values derived from the cost less depreciation and sales comparison approaches to valuation.

CONCLUSIONS OF LAW

The following authority and reasoned opinion support the Tribunal's determination.

In Michigan, property taxes are calculated by multiplying the taxable value of a property by the millage rate.¹ Taxable value may not exceed 50% of the property's true cash value.² Taxable value is the lesser of 50% of the property's true cash value, often referred to as "assessed value," and the "capped" value.³

¹ See Michigan Department of Treasury, *What is a millage rate and where do I find it?* <https://www.michigan.gov/taxes/0,4676,7-238-75545_43715-154015--,00.html> (accessed August 23, 2018).

² Const 1963, art 9, § 3; MCL 211.27a(2).

³ MCL 211.27a(2).

A proceeding before the Tax Tribunal is original, independent, and de novo.⁴ The Tribunal's factual findings are to be supported by competent, material, and substantial evidence.⁵ Further, "[i]t is the duty of the [T]ax [T]ribunal to select the approach which provides the most accurate valuation under the circumstances of the individual case."⁶ In doing so, the Tribunal shall consider the three most common approaches to valuation - the capitalization of income approach, the sales comparison or market approach, and the cost-less-depreciation approach.⁷

Under Michigan law, even in an otherwise arms-length transaction, "the purchase price paid in a transfer of real property is not the presumptive true cash value." MCL 211.27(6). "A great many factors enter into the determination of a sale price, such as need or ability to utilize the property, potential income, actual income, age and physical condition, tax considerations, and financing costs."⁸

Furthermore, in order to be accepted as an indicator of value, a property must have sold "after reasonable exposure in a competitive market under all conditions requisite to a fair sale, with the buyer and seller each acting prudently, knowledgeably, and for self-interest, [with] neither . . . under undue duress."⁹

Here, Petitioner asserts the subject's purchase price and the September 2017 Broker's Opinion establish the subject's TCV, and that the prior pharmacy's legal issues and its owner's subsequent bankruptcy are irrelevant to the issue of whether the subject was purchased pursuant to an otherwise arm's length transaction.

Respondent contends the DEA raid on the prior pharmacy, its owner's bankruptcy, and the subject's neglect are all relevant considerations because they suggest the owner was under financial duress when Petitioners purchased the subject property, that it was sold under distressed conditions and that the transaction was other than arm's length subject to normal market pressures.

⁴ MCL 205.735a(2).

⁵ See *Antisdale v City of Galesburg*, 420 Mich 265, 277; 362 NW2d 632 (1984); *Dow Chemical Co v Dep't of Treasury*, 185 Mich App 458, 462-463; 462 NW2d 765 (1990).

⁶ *Antisdale*, 420 Mich at 277; citing *Pantlind Hotel Co v State Tax Comm*, 3 Mich App 170; 141 NW2d 699 (1966).

⁷ See *Meadowlanes Ltd Dividend Housing Ass'n v City of Holland*, 437 Mich 473, 484-485; 473 NW2d 636 (1991); *Pantlind Hotel Co*, 3 Mich App 170.

⁸ *First City Corp v City of Lansing*, 153 Mich App 106, 115; 395 NW2d 26 (1986).

⁹ *The Appraisal of Real Estate*, 14th Edition, p. 58

The Tribunal concludes that, in this case, the purchase price is not the most reliable indicator of the subject's TCV. Respondent asserts the subject was previously used as a pharmacy, that the pharmacy was raided by the DEA, and that the subject's owner filed for bankruptcy protection. Petitioner failed to rebut this evidence to any significant degree. Petitioner also failed to produce evidence regarding when the subject was originally listed for sale and at what price, its listing history, price reductions, etc. These are factors to be considered when ascertaining whether a sales transaction results from an arm's-length transaction subject to "normal" market pressures. Evidence that a property owner is in bankruptcy is, at a minimum, some evidence that a seller may be motivated by severe financial constraints to sell real property for a price significantly lower than that which it could command under normal circumstances.

Here, the evidence establishes the subject's prior owner operated a pharmacy that was raided by the DEA and that the owner subsequently filed bankruptcy. The evidence also establishes the subject was poorly maintained, if at all, for a 2 ½ year period while the owner was in bankruptcy. These factors lead the Tribunal to reasonably infer the subject may have sold for a price which is not reflective of its TCV.

The Tribunal further concludes that Petitioner's September 12, 2017 Broker's Price Opinion does not represent the most reliable indicator of the subject's TCV. In fact, the opinion disclaims any inference it should be treated as an appraisal. Furthermore, it was completed some 14 months prior to tax day and includes five outdated comparison sales transactions, three of which occurred in 2016, one in June 2017 and one in September 2014. All five transactions are too far removed from tax day to be considered reliable indicators of TCV for the 2019 tax year under review. Therefore, the opinion is accorded limited weight.

Respondent revised the subject's TCV at \$500,000, averaging the approximate values derived from the cost less depreciation and sales comparison approaches to valuation. The cost approach yielded a TCV of \$448,300, and the sales approach concluded a TCV of \$590,760.

The cost approach is most applicable in valuing new or proposed construction when the improvements represent the highest and best use of the land as though vacant and the land value is well supported.¹⁰

Respondent submitted the subject's Property Record Card (PRC), utilizing the cost less depreciation approach to valuation. The PRC reflects a 2019 land value of \$118,600 and building value of \$100,000 for an SEV of \$218,600 and TCV of 437,200. Petitioner raised no substantive issues

¹⁰ *The Appraisal of Real Estate*, Appraisal Institute, 14th Edition, p. 566

with the PRC, asserting only that the 7,000-square-foot upper level is unfinished.

Here, the PRC indicates, and the parties agree, that the subject was originally constructed in 1985 and renovated in 2005. It is therefore not of new construction. Accordingly, the Tribunal concludes that the cost-less-depreciation approach does not represent the most reliable indicator of value and hence is not the best evidence of the subject's TCV.

Respondent comparisons 1, 2 and 4 involve transactions of commercial properties located in Swartz Creek between December 1, 2017 and August 2018, within the relevant lookback period prior to tax day. Comparison 3 involves the sale of a commercial property similar in size to the subject but located in Clio, Vienna Township.

Respondent's sales comparison adjustment grid reflects that sales prices were adjusted to account for differences based on relevant areas of comparison. For example, all four comparisons were adjusted, on a per square foot basis, for material differences such as size, occupancy/use (i.e., solely office space or combined office/warehouse space), effective age, construction/quality, etc.

Since most relevant adjustments were applied, the Tribunal concludes the Respondent's comparisons are the most reliable indicators of the subject's TCV and will therefore be accorded significant evidentiary weight. Those comparisons produced adjusted per-square-foot prices ranging from \$38.98 to \$55.77. Respondent's revised TCV of \$500,000, or \$38.09 per square foot, falls slightly below the bottom end of that range.

Petitioner is appealing the true cash and taxable values of the subject property, classified as commercial, for the 2019 tax year. Based on a preponderance of the evidence, the Tribunal determines the subject's TCV is at least \$500,000 based on Respondent's sales comparisons, and that the state equalized value in contention is therefore greater than \$100,000, which exceeds the authority of the Small Claims Division.¹¹ As such, transferring this case to the Entire Tribunal Division is required.

Therefore, IT IS ORDERED that this case is TRANSFERRED from the Small Claims Division to the Entire Tribunal Division.

¹¹ See TTR 263 and MCL 205.762.

JUDGMENT

This is a proposed decision and not a final decision.¹² As such, no action should be taken based on this decision. After the expiration of the time period for the opposing party to file a response to the exceptions, the Tribunal will review the case file, including the POJ and all exceptions and responses, if any, and:

1. Issue a Final Opinion and Judgment (FOJ) adopting the POJ as the final decision.
2. Issue an FOJ modifying the POJ and adopting the Modified POJ as the final decision.
3. Issue an Order vacating the POJ and ordering a rehearing or such other action as is necessary and appropriate.

EXCEPTIONS

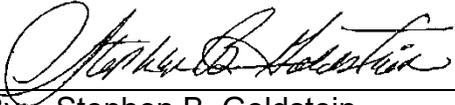
This POJ was prepared by the Michigan Administrative Hearings System. The parties have 20 days from date of entry of this POJ to notify the Tribunal **in writing, by mail or by electronic filing, if available**, if they do not agree with the POJ and to state in writing why they do not agree with the POJ (i.e., exceptions).

Exceptions are **limited** to the evidence submitted prior to or at the hearing and any matter addressed in the POJ. There is no fee for filing exceptions and the opposing party has 14 days from the date the exceptions were mailed to that party to file a written response to the exceptions.¹³

Exceptions and responses filed by *e-mail or facsimile* will **not** be considered in the rendering of the Final Opinion and Judgment.

A copy of a party's written exceptions or response **must** be sent to the opposing party **by mail or email, if** email service is agreed upon by the parties, and proof must be submitted to the Tribunal demonstrating that the exceptions or response were served on the opposing party.

Entered: October 7, 2019


By: Stephen B. Goldstein
Administrative Law Judge

¹² See MCL 205.726.

¹³ See MCL 205.762(2) and TTR 289(1) and (2).

AGREEMENT FOR POLICE SERVICES

This Agreement for Police Services is between the City of Swartz Creek, a Michigan home rule city (“the City”), and Mari-Dan Miller Farms, an apartment complex located in the City (“the Owner”).

Recitals

WHEREAS, the Owner owns and operates Mari-Dan Miller Farms, an apartment community in the City, located at 4935 Ita Court, Swartz Creek, Michigan 48473 (“the Property”);

WHEREAS, the Property is private even though portions of it might be open to the general public;

WHEREAS, the City provides police protection services throughout the City;

WHEREAS, MCL 257.951 of the Uniform Traffic Code (PA 62 of 1956) authorizes the City, with the consent of, or at the request of, a person who is in charge of a private road or parking lot, whether or not that road or parking lot is open to the general public, to contract with that person for the City to enforce provisions of the uniform traffic code on that private road or parking lot; and

WHEREAS, the Owner has requested that the City provide police protection services on the Property and the City is willing to do so according to the terms and conditions of this Agreement.

THEREFORE, in consideration of the covenants, conditions and stipulations contained herein, the parties agree as follows:

Service Agreement

1. The Owner authorizes the City to provide police protection services, including but not limited to, enforcement of the Uniform Traffic Code and all city, county, state or federal laws or ordinances now in effect or adopted hereafter, throughout the Owner’s Property;

2. The City hereby retains and reserves unto itself, without limitation, all powers, rights, authority, duties, and responsibilities conferred upon and vested in it by the Laws and the Constitution of the State of Michigan, including:

- i. The manner and method of establishing, managing, supervising and financing police protection services in the City;
- ii. The manner and method of hiring employees, determining their qualifications and conditions of employment, to hire, dismiss, demote or

suspend employees; to layoff if necessary; to determine the number and scheduling of all employees; to promote or transfer all employees if needed; to determine the size of the work force; and to assign duties to and to direct all employees;

- iii. To determine services, supplies, and equipment; to determine all methods and means of distributing, disseminating its services, methods, scheduling, and standards of operation; to determine the means, methods, and processes of carrying on its services and duties;
- iv. To establish, maintain and enforce rules, regulations, policies and procedures relating to the provision of police protection services.

3. The Owner acknowledges that neither the City nor any of its agents, representatives, officers, employees, contractors or assigns shall be considered agents, officers, representatives, or employees of the Owner. In no event shall this Agreement be construed as establishing a partnership or joint venture or similar relationship between the parties hereto.

4. There will be no payment of charges or fees for the services rendered hereunder. However, the City or its agents, contractors or assigns shall retain all costs, fines or fees that may be assessed or collected as a result of the services provided.

5. The Owner agrees to defend, indemnify, release and hold harmless the City, including its employees, officers, officials, agents, contractors and assigns, from any claim, action, or proceeding brought against the City or its employees, officers, officials, agents, contractors and assigns resulting from the services provided pursuant to this Agreement.

6. All notices by either party to the other shall be in writing, delivered personally, by certified or registered mail, return receipt requested, or by overnight courier, and shall be deemed to have been given when delivered personally or when deposited in the United States mail, postage prepaid, addressed as follows:

If to City:

Adam Zettel
City Manager
Swartz Creek City
8083 Civic Drive
Swartz Creek, MI 48473

If to Owner:

Site Manager
4935 Ita Court
Swartz Creek, MI 48473

7. The signatories to this Agreement represent that they have actual or apparent authority to sign it.

8. This Agreement shall be effective starting October __, 2019, and shall continue in full force and effect through December 31, 2020. At the end of the initial term, the Agreement shall renew automatically from year to year, until terminated by either party by providing sixty (60) days prior written notice to the other party for any or no reason.

For: Mari-Dan Miller Farms

For: The City of Swartz Creek

By: Brenda Alexander
Its: Site Manager

By: Adam Zettel
Its: City Manager

Date:_____

Date:_____

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:

Helmsley Drive, between Oakview Drive and Chelmsford Drive

And as a result of said investigation, do hereby direct that: **Stopping, Standing, and Parking be prohibited on the east side and permitted on the west side of Helmsley Drive.**

This Traffic Control Order shall become effective on the **15th** day of **October, 2019**, 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 14th day of October, 2019, Resolution Number: 191014-__.

City Clerk / Deputy City Clerk



49TH DISTRICT
STATE CAPITOL
P.O. BOX 30014
LANSING, MI 48909-7514

MICHIGAN HOUSE OF REPRESENTATIVES

JOHN D. CHERRY

STATE REPRESENTATIVE

PHONE: (517) 373-7515
FAX: (517) 373-5817
JohnCherry@house.mi.gov

September 25th, 2019

Bob Plumb recently contacted State Rep. Cherry's office regarding the concerns brought up at the most recent city council meeting regarding the manufactured home parks in Swartz Creek. I filled him in on the actions Rep. Cherry has taken and he suggested I send the same information over to you. Enclosed in this packet, you will find a copy of the letter sent to all residents of any manufactured home park that this office received more than two complaints from. Also enclosed is a copy of the Consumer Complaint Form from the Attorney General's office, the Statement of Complaint Form for the Bureau of Construction Codes, and a copy of the legislative Landlords and Tenants Guide. These were sent along with the letter to residents.

Representative Cherry is also researching legislative action that can be taken regarding this issue. If you would like, we'd be more than happy to set up a call or meeting for you to speak with him. Thank you for your attention to this issue! If you have any questions, please feel free to contact me at 517-373-7515.

All the best,

Mikaylah Heffernan
Legislative Director
Representative John Cherry



49TH DISTRICT
STATE CAPITOL
P.O. BOX 30014
LANSING, MI 48909-7514

MICHIGAN HOUSE OF REPRESENTATIVES

JOHN D. CHERRY
STATE REPRESENTATIVE

PHONE: (517) 373-7515
FAX: (517) 373-5817
JohnCherry@house.mi.gov

July 25, 2019

Dear Resident,

I have been contacted by residents of manufactured home parks unfair treatment by park management and owners. As a result, I am sending out the attached forms and letters to all residents in manufactured home parks that at least one resident has contacted me to report unfair treatment. I am aware that some practices that have been reported do not currently have options for legal redress. I am currently reviewing potential legislation to protect residents from unfair treatment. To file a complaint with the Attorney General's office regarding treatment or predatory practices by park management, you may submit a paper or online report. This can be done anonymously. A paper submission form is included in this packet. To access the online submission form, follow this link: <https://secure.ag.state.mi.us/complaints/consumer.aspx>

If you have any questions regarding the information attached here, I would urge you to reach out to either my office or to the Office of Licensing and Regulation Division within the Consumer Protection Bureau of the Attorney General's office. To contact the Consumer Protection Bureau, they may be reached by phone at 517-335-7632, Monday through Friday, 8:00 am-5:00 pm. They can also be reached by email at miag@michigan.gov. If your community is interested, you may also be able to form a home owners association for your manufactured home park. More information can be found by contacting the National Manufactured Home Owners Association (NMHOA) by at 202-800-9795 or by web at <http://www.nmhoa.org>. It is important to note that as a state representative, I cannot give legal advice. If you would like information on accessible housing lawyers in Genesee county, I would suggest you reach out to Legal Services of Eastern Michigan at (800) 322-4512. If you qualify, you may be able to obtain free legal services relating to your housing problem. If you are facing problems such as homelessness, lack of food or high utility bills, call 2-1-1. Michigan 2-1-1 may also be able to connect you to resources that will provide you legal aid.

If you have any questions regarding the information attached, or if there are other issues I may be able to help you with, please feel free to reach out by phone at 517-373-7515 or by email at JohnCherry@house.mi.gov.

Sincerely,

John Cherry
State Representative House District 49



Statement of Complaint

Michigan Department of Licensing and Regulatory Affairs
 Bureau of Construction Codes/Licensing and Compliance Division
 PO Box 30254, Lansing, MI 48909
 517-241-9316
 E-Mail: lara-bcc-compliance@michigan.gov

COMPLAINT NUMBER - FOR OFFICIAL USE ONLY

Authority: 1972 PA 230, 1956 PA 217, 1984 PA 192, 2002 PA 733 Penalty: Failure to provide the information may result in denial of your request.	LARA is an equal opportunity employer/program. Auxiliary aids, services and other reasonable accommodations are available upon request to individuals with disabilities.
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Please read form in its entirety before completing. •Mail form and all applicable attachments to the address listed above.

NOTE: The Bureau is limited in its scope of authority.

- We do not act as a court of law, we cannot order that monies be refunded, contracts be canceled, damages be awarded, etc.
- We do not provide legal advice.
- We do not take action in matters involving business practices.
- We do not return copies of documents, pictures, plans, or plats.

It is suggested you first contact the person or firm about whom you have a complaint to see if a settlement can be reached. If this is unsuccessful, you may want to consult an attorney to determine your civil options, file an action in Small Claims Court, or contact your local prosecutor. This may be done in conjunction with or in lieu of filing a complaint with this Department.

THIS COMPLAINT RELATES TO THE FOLLOWING:					
<input type="checkbox"/> Electrical Licensee	<input type="checkbox"/> Mechanical Licensee	<input type="checkbox"/> Plumbing Licensee	<input type="checkbox"/> Boiler Licensee	<input type="checkbox"/> Elevator Licensee	
<input type="checkbox"/> Mobile Home Retailer	<input type="checkbox"/> Mobile Home Park	<input type="checkbox"/> Barrier Free	<input type="checkbox"/> Inspector	<input type="checkbox"/> Local Government	
<input type="checkbox"/> Building Official	<input type="checkbox"/> Plan Reviewer				

I. Complainant Information (information about you)

YOUR NAME: (Last, First, Middle Initial)	E-MAIL ADDRESS:		
YOUR STREET ADDRESS:	CITY:	STATE:	ZIP CODE:
COUNTY:	TELEPHONE NUMBER (Include Area Code):	FAX NUMBER (Include Area Code):	
Preferred Method of Contact: <input type="checkbox"/> Regular Mail <input type="checkbox"/> E-Mail (Note: Larger-sized responses may need to be sent via regular mail)			

II. Complaint Information (who the complaint is against)

NAME OF BUSINESS OR INDIVIDUAL COMPLAINT IS REGARDING:		LICENSE NUMBER (If Known):	
CONTACT PERSON:	TELEPHONE NUMBER (Include Area Code):	COUNTY:	
STREET ADDRESS:	CITY:	STATE:	ZIP CODE:
Have you contacted the above named business or individual regarding your complaint? <input type="checkbox"/> Yes <input type="checkbox"/> No			
If yes, what was the result? (Please provide copies of any documents related to the above contact)			

Address of issue or where work was performed if different than complaint information.		
Have you contacted the local unit of government responsible for code enforcement? <input type="checkbox"/> Yes <input type="checkbox"/> No		
If yes, what was the result?		
NAME OF THE CODE OFFICIAL:	NAME OF LOCAL JURISDICTION:	
Did you file a claim with any other state or local agency <input type="checkbox"/> Yes <input type="checkbox"/> No If "Yes", list agency(ies). (Attach additional sheets if necessary)		
Have you started legal action? <input type="checkbox"/> Yes <input type="checkbox"/> No		
If yes, where?	Case Number:	Current Status of Claim:
Explain how you would like to see this complaint resolved:		

III. Details of Complaint - Briefly explain your complaint, include pictures and/or documents as necessary. Note: Originals will not be returned. Attach additional sheets if necessary to clearly document the violations you believe have occurred.

DATE THE WORK/ISSUE OCCURRED?	HAS THE PHYSICAL EVIDENCE BEEN PRESERVED (if applicable)? <input type="checkbox"/> Yes <input type="checkbox"/> No
Explanation of Complaint:	

IV. Attachments Supporting Complaint - Please indicate which documents have been attached. Note: Additional documentation may be requested to support your complaint.

<input type="checkbox"/> Contracts/Price Quotes/Estimates <input type="checkbox"/> Notes you have taken <input type="checkbox"/> Permit and inspection records from the local unit of government <input type="checkbox"/> Court documents (if applicable) <input type="checkbox"/> Other: _____	<input type="checkbox"/> Proof of payment for work performed (cancelled check, receipt, closing statement) <input type="checkbox"/> Advertisements <input type="checkbox"/> Clear photographs showing the alleged violation and the date photos were taken
---	--

I understand this form is a public record under 1976 PA 442, the Freedom of Information Act, and that the agency may be sending a copy of this form to the business/person complained against. If this complaint is accepted and, after investigation, it is necessary to hold a formal hearing, I agree to voluntarily testify at the hearing regarding this complaint.

SIGNATURE:	DATE:
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MICHIGAN ATTORNEY GENERAL CONSUMER COMPLAINT / INQUIRY FORM



If you have an inquiry or want to file a consumer complaint, it is easy as 1, 2, 3, just follow the steps below.

1. What You Need to Know *Before* You File Your Complaint

- Complaints and supporting materials become public records when they are submitted to the Attorney General's office. This means that under the Michigan Freedom of Information Act, some of your materials may be disclosed to anyone who asks for them.
- Your complaint may be sent to the business you are complaining about, and it may be sent to other governmental agencies for their review.
- Some complaints may become the subject of civil or criminal cases and may be disclosed as part of a court proceeding.
- Any information that you give to us will not be sold, rented, or leased.
- We do not return documents, so **make copies of everything that you submit and do NOT submit any original documents.**
- **Do not send sensitive personal information**, like your social security number or credit card information, unless it is necessary for the investigation of your complaint.
- If you believe that you must submit sensitive information, then please send the complaint and any attachments by mail and include your name or Attorney General file number if you have one. **Never send sensitive personal information in an email.**
- Not all consumer complaints are handled by the Attorney General. By law, many other state and federal agencies assist consumers. [Consult the Complaint Directory](#) to find the agency or division that can best help you.

2. How We Process Your Complaint

When we receive your complaint, we will send you a confirmation receipt with your assigned Attorney General file number. The Consumer Protection Division receives thousands of consumer complaints, so it may take a few weeks until your complaint is fully processed.

The Attorney General's office helps consumers by informally mediating complaints. In many cases, this assistance will help you resolve your problem. However, if our mediation is not successful, the Attorney General cannot act as a private attorney on your behalf.

Our mediation process includes a letter from our Consumer Protection Division to the business or individual identified in your complaint. A copy of your complaint and submitted materials will be included with a request for a response.

We will contact you in writing after we have received a reply. If we do not hear back from the business or individual identified in your complaint within 30 days, we will recontact them regarding your complaint.

In some cases, we may be unable to get any cooperation from the business or individual. If they refuse to respond, we will confirm this to you in writing. You may then want to consider filing suit in Small Claims Court or consulting with a private attorney to review your legal options.

3. Filing Instructions

- All complaints should be submitted using our Consumer Complaint form.
- **DO NOT SEND ORIGINALS.** All documents should be on 8-1/2" x 11" paper. You may send your documents here:

Consumer Protection Division
P.O. Box 30213
Lansing, MI 48909-7713
Fax: 517-241-3771

Send by regular mail or fax as listed above. If you have any questions, please call the Consumer Protection Division Monday through Friday from 8:30 AM to 4:30 PM at 517-335-7599 or toll free **877-765-8388**.

Consumer Complaint Form / Inquiry Form

Last Name: _____ First Name: _____

Street Address: _____ City: _____ State: _____ Zip Code: _____ County: _____

Cell Phone: _____ Home Phone: _____ Work Phone: _____

Email Address: _____ Fax: _____

Are you a veteran or active-duty service member? Yes No

Primary Company or Person Your Complaint is About

Company or Name: _____

Street Address: _____
City: _____ State: _____ Zip Code: _____ County: _____

Phone: _____
Fax: _____ Email Address: _____

Website Address: _____

Secondary Company or Person Your Complaint is About

Company or Name: _____

Street Address: _____
City: _____ State: _____ Zip Code: _____ County: _____

Phone: _____
Fax: _____ Email Address: _____

Website Address: _____

Complaint Information

Is your complaint about a bill? Yes No *If yes, please provide a copy.*

Approximate Monetary Value: \$ _____

Did you sign a contract? Yes No Where did you sign this contract? _____

Is a court action pending? Yes No Do you have an attorney representing you on this matter? Yes No

Motor Vehicle Warranty Complaint Information

If your complaint involves motor vehicle manufacturer warranties or non-dealer service contracts, please fill out this section. Most other auto-related complaints, including dealer complaints and complaints concerning automotive repairs and repair facilities, must be filed with the Department of State's Bureau of Information Security, Regulatory Monitoring Division: 888-767-6424.

Vehicle Make, Model, and Year: _____

VIN Number: _____



Complaint Details/Inquiry

Describe your complaint/inquiry and tell us what attempts you have made to correct it, and how you would like it resolved.