

**City of Swartz Creek**  
**AGENDA**

**Virtual Council Meeting, Monday, January 11, 2021, 7:00 P.M.**  
**Paul D. Bueche Municipal Building, 8083 Civic Drive Swartz Creek, Michigan 48473**

1. **CALL TO ORDER**
2. **INVOCATION:**
3. **ROLL CALL:**
4. **MOTION TO APPROVE MINUTES:**  
4A. Council Meeting of December 14, 2020 MOTION Pg.
5. **APPROVE AGENDA:**  
5A. Proposed / Amended Agenda MOTION Pg. 1
6. **REPORTS & COMMUNICATIONS:**  
6A. City Manager's Report MOTION Pg. 4  
6B. Staff Reports & Meeting Minutes Pg.  
6C. School CCIF Relief Request Pg.  
6D. Cross Connection Program Pg.  
6E. Engineering Proposal Pg.  
6F. CDBG Applications Pg.  
6G. Easement Valuations Pg.
7. **MEETING OPENED TO THE PUBLIC:**  
7A. General Public Comments
8. **COUNCIL BUSINESS:**  
8A. Cross Connection Ordinance RESO Pg.  
8B. School CCIF Charges RESO Pg.  
8C. Morrish Road Preliminary Engineering Award RESO Pg.  
8D. Easement Offers RESO Pg.  
8E. CDBG Formal Applications RESO Pg.  
8F. Closed Session RESO Pg.
9. **MEETING OPENED TO THE PUBLIC:**
10. **REMARKS BY COUNCILMEMBERS:**
11. **ADJOURNMENT:** MOTION Pg.

**Next Month Calendar**

Downtown Development Authority:	Thursday, January 14, 2021, 6:00 p.m., PDBMB (Virtual)
Fire Board:	Monday, January 18, 2021, 2021, 6:00 p.m., (Virtual)
Zoning Board of Appeals:	Wednesday, January 20, 2021, 6:00 p.m., PDBMB (Virtual)
City Council:	Monday, January 25, 2021, 7:00 p.m., PDBMB (Virtual)
Metro Police Board:	Wednesday, January 27, 2021, 10:00 a.m., (Week early, virtual)
Planning Commission:	Tuesday, February 2, 2021, 7:00 p.m., PDBMB (Virtual)
Park Board:	Wednesday, February 3, 2021, 5:30 p.m., PDBMB (Virtual)
City Council:	Monday, February 8, 2021, 7:00 p.m., PDBMB (Virtual)
Zoning Board of Appeals:	Wednesday, February 17, 2021, 6:00 p.m., PDBMB (Cancelled)

## **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  
VIRTUAL REGULAR CITY COUNCIL MEETING ACCESS INSTRUCTIONS  
MONDAY, JANUARY 11, 2021, 7:00 P.M.**

The regular virtual meeting of the City of Swartz Creek city council is scheduled for **January 11, 2021** starting at 7:00 p.m. and will be conducted virtually (online and/or by phone), due to health concerns surrounding Coronavirus/COVID-19 and rules promulgated by the Michigan Department of Health and Human Services.

To comply with the **Americans with Disabilities Act (ADA)**, any citizen requesting accommodation to attend this meeting, and/or to obtain the notice in alternate formats, please contact Connie Olger, 810-429-2766 48 hours prior to meeting,

**Zoom Instructions for Participants**

**To join the conference by phone:**

1. On your phone, dial the teleconferencing number provided below.
2. Enter the **Meeting ID** number (also provided below) when prompted using your touch-tone (DTMF) keypad.

**Before a videoconference:**

1. You will need a computer, tablet, or smartphone with speaker or headphones. You will have the opportunity to check your audio immediately upon joining a meeting.
2. Details, phone numbers, and links to videoconference or conference call is provide below. The details include a link to “**Join via computer**” as well as phone numbers for a conference call option. It will also include the 9-digit Meeting ID.

**To join the videoconference:**

1. At the start time of your meeting, enter the link to join via computer. You may be instructed to download the Zoom application.
2. You have an opportunity to test your audio at this point by clicking on “Test Computer Audio.” Once you are satisfied that your audio works, click on “Join audio by computer.”

You may also join a meeting without the link by going to [join.zoom.us](https://join.zoom.us) on any browser and entering the Meeting ID provided below.

If you are having trouble hearing the meeting, you can join via telephone while remaining on the video conference:

1. On your phone, dial the teleconferencing number provided below.
2. Enter the **Meeting ID number** (also provided below) when prompted using your touchtone (DMTF) keypad.
3. If you have already joined the meeting via computer, you will have the option to enter your participant ID to be associated with your computer.

**Participant controls in the lower left corner of the Zoom screen:**



Using the icons in the lower left corner of the Zoom screen you can:

- Mute/Unmute your microphone (far left)
- Turn on/off camera (“Start/Stop Video”)
- Invite other participants
- View participant list-opens a pop-out screen that includes a “Raise Hand” icon that you may use to raise a virtual hand during Call to the Public
- Change your screen name that is seen in the participant list and video window
- Share your screen

Somewhere (usually upper right corner on your computer screen) on your Zoom screen you will also see a choice to toggle between “speaker” and “gallery” view. “Speaker view” show the active speaker.

**Connie Olger is inviting you to a scheduled Zoom meeting.**

Topic: Council Meeting

Time: January 11, 2021 07:00 PM Eastern Time (US and Canada)

Join Zoom Meeting

<https://us02web.zoom.us/j/83275202957>

Meeting ID: 832 7520 2957

One tap mobile

+13126266799,,83275202957# US (Chicago)

+19292056099,,83275202957# US (New York)

Dial by your location

+1 312 626 6799 US (Chicago)

+1 929 205 6099 US (New York)

+1 301 715 8592 US (Washington D.C)

+1 346 248 7799 US (Houston)

+1 669 900 6833 US (San Jose)

+1 253 215 8782 US (Tacoma)

Meeting ID: 832 7520 2957

Find your local number: <https://us02web.zoom.us/u/kYKQxngAR>

**If you have any further questions or concern, please contact 810-429-2766 or email [colger@cityofswartzcreek.org](mailto:colger@cityofswartzcreek.org).**

**A copy of this notice will be posted at City Hall, 8083 Civic Drive, Swartz Creek, Michigan.**

## **CITY OF SWARTZ CREEK VIRTUAL (ELECTRONIC) MEETING RULES AND PROCEDURES**

In order to conduct an effective, open, accessible, and professional meeting, the following protocols shall apply. These protocols are derived from the standard practices of Swartz Creek public meetings, Roberts Rules of Order, the City Council General Operating Procedures, and other public board & commission procedures. These procedures are adopted to govern participation by staff, councilpersons and members of the public in all City meetings held electronically pursuant to PA 228 of 2020. Note that these protocols do not replace or eliminate established procedures or practices. Their purpose is to augment standing expectations so that practices can be adapted to a virtual meeting format.

The following shall apply to virtual meetings of the city's public bodies that are held in accordance with the Open Meetings Act.

1. Meetings of the City Council, Planning Commission, Zoning Board of Appeals, Downtown Development Authority, Park Board, or committees thereunder may meet electronically or permit electronic participation in such meetings insofar as (1) the Michigan Department of Health and Human Services restricts the number of persons who can gather indoors due to the COVID-19 pandemic; (2) persons have an illness, injury, disability or other health-related condition that poses a risk to the personal health or safety of members of the public or the public body if they were to participate in person; or (3) there is in place a statewide or local state of emergency or state of disaster declared pursuant to law or charter by the governor or other person authorized to declare a state of emergency or disaster.
2. All meetings held hereunder must provide for two-way communication so that members of the public body can hear and respond to members of the general public, and vice versa.
3. Members of the public body who participate remotely must announce at the outset of the meeting that he/she is in fact attending the meeting remotely and by further identifying the specific physical location (by county, township, village and state) where he/she is located. The meeting minutes must include this information.
4. Notice of any meeting held electronically must be posted at the City Offices at least 18 hours before the meeting begins and must clearly explain the following:
  - (a) why the public body is meeting electronically;
  - (b) how members of the public may participate in the meeting electronically, including the specific telephone number, internet address or similar log-in information needed to participate in the meeting;
  - (c) how members of the public may contact members of the public body to provide input or ask questions on any business that will come before the public body at the meeting;
  - (d) how persons with disabilities may participate in the meeting.

5. The notice identified above must also be posted on the City's website homepage or on a separate webpage dedicated to public notices for non-regularly scheduled or electronic public meetings that is accessible through a prominent and conspicuous link on the website's homepage that clearly describes the meeting's purpose.
6. The City must also post on the City website an agenda of the meeting at least 2 hours before the meeting begins.
7. Members of the public may offer comment only when the Chair recognizes them and under rules established by the City.
8. Members of the public who participate in a meeting held electronically may be excluded from participation in a closed session that is convened and held in compliance with the Open Meetings Act.

### **MAINTAINING ORDER**

Public body members and all individuals participating shall preserve order and shall do nothing to interrupt or delay the proceedings of public body.

All speakers shall identify themselves prior to each comment that follows another speaker, and they shall also indicate termination of their comment. For example, "Adam Zettel speaking. There were no new water main breaks to report last month. That is all."

Any participants found to disrupt a meeting shall be promptly removed by the city clerk or by order of the Mayor. Profanity in visual or auditory form is prohibited.

The public body members, participating staff, and recognized staff/consultants/presenters shall be the only participants not muted by default. All other members must request to speak by raising their digital hand on the virtual application or by dialing \*9 on their phone, if applicable.

### **MOTIONS & RESOLUTIONS**

All Motions and Resolutions, whenever possible, shall be pre-written and in the positive, meaning yes is approved and no is defeated. All motions shall require support. A public body member whom reads/moves for a motion may oppose, argue against or vote no on the motion.

### **PUBLIC ADDRESS OF COUNCIL**

The public shall be allowed to address a public body under the following conditions:

1. Each person who wishes to address the public body will be first recognized by the Mayor or Chair and requested to state his / her name and address. This applies to staff, petitioners, consultants, and similar participants.
2. Individuals shall seek to be recognized by raising their digital hand as appropriate on the digital application.

3. Petitioners are encouraged to appropriately identify their digital presence so they can be easily recognized during business. If you intend to call in only, please notify the clerk in advance of your phone number.
4. The city clerk shall unmute participants and the members of the public based upon the direction of the mayor or chair. Participants not recognized for this purpose shall be muted by default, including staff, petitioners, and consultants.
5. Individuals shall be allowed five (5) minutes to address the public body, unless special permission is otherwise requested and granted by the Mayor or Chair.
6. There shall be no questioning of speakers by the audience; however, the public body, upon recognition of the Mayor or Chair, may question the speaker.
7. No one shall be allowed to address the public body more than once unless special permission is requested, and granted by the Mayor or Chair.
8. One spokesperson for a group attending together will be allowed five (5) minutes to address the public body unless special permission has been requested, and granted by the Mayor or Chair.
9. Those addressing the public body shall refrain from being repetitive of information already presented.
10. All comments and / or questions shall be directed to and through the Mayor or Chair.
11. Public comments (those not on the agenda as speakers, petitioners, staff, and consultants) are reserved for the two "Public Comment" sections of the agenda and public hearings.

## **VOTING RECORD OF PUBLIC BODIES**

All motions, ordinances, and resolutions shall be taken by "YES" and "NO" voice vote and the vote of each member entered upon the journal.

**City of Swartz Creek**  
**CITY MANAGER'S REPORT**

Regular Council Meeting of Monday, January 11, 2021 - 7:00 P.M.

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

**FROM:** Adam Zettel, City Manager

**DATE:** January 6, 2021

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**ROUTINE BUSINESS – REVISITED ISSUES / PROJECTS**

✓ **MICHIGAN TAX TRIBUNAL APPEALS** *(No Change in Status)*

We have an appeal filed in addition to the office at 5376 Miller Road. An appraisal for this property has been ordered from Kevin Groves Appraisals, Inc. I will keep the council informed on the progress of this appeal.

The new appeal is for Family Farm and Home. This is part of a disturbing trend we are hearing about in which businesses use the economy of the COVID year to set their taxable values substantially lower, knowing that they cannot improve with the economy during a rebound (Proposal A). What is more disturbing is that some industries saw banner years, fast food and yard/hardware among them, however the appeals are still coming in.

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

✓ **2020-2023 TRAFFIC IMPROVEMENT PROGRAM (TIP)** *(Business Item)*

Morrish Road is slated for 2022 federal funding. Note that the total scope of the project is around \$1,050,000, with 20% being the city's contribution.

The city has committed the match portion to this project, which is 80-20. The project is slated to be complete in 2022, one year after the water main installation in this area. At this point, we are prepared to proceed with preliminary engineering for this project. The engineers have included work scope regarding our desire to widen Paul Fortino to the north so that a left turn lane may be added. We expect this will occur whether or not the townhome project proceeds.

A proposal for PE is attached. This includes the timeline and fee. I recommend we proceed. Doing so will keep us on track for a winter bidding next year.

✓ **STREET PROJECT UPDATES** *(No Change in Status)*

*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.*

Street projects for 2020 are finished!

Chelmsford and Oakview (to Seymour) will be completed next year.

The city accepted the low bid by Glaeser Dawes for 2020 and 2021 work projects, including our street reconstruction projects. This is the company that completed

the first three phases of the street/water main reconstruction projects in the city since 2017.

Lighting contracts with Consumers Energy have been approved.

Mr. Harris and I will be working with OHM to ascertain what preventative maintenance projects or rehabilitation projects might be added to 2021 and beyond.

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

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

Work is complete on the sewer collectors on the west end of downtown (Fairchild, McLain, Ingalls, Brady, Hayes, and Holland).

We will also be inspecting and cleaning areas of high fat, oil, and grease concentration in the system, such as Elms and Miller. We will be able to ascertain if we have any restaurant grease trap maintenance issues/enforcement to contend with.

We are still working to geo-locate sewer lines, manholes, and some services so we can map them and track maintenance data on GIS. The Genesee County Drain Commission has verbally committed 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.

Note that the most recent inspections are PACP compliant (Pipeline Assessment Certification Program). These inspections provide a GIS based video, along with standard pipe and maintenance scoring for use by state agencies and our assessment management planning efforts.

✓ **SEWER CAPACITY INITIATIVE** (*No Change in Status*)

The scope of work is indeed smaller than originally thought. This means that the excavation and piping needs are smaller, as is the impact on property owners. Engineering services have been approved. Prior to commencing in full, we hope to acquire permanent easements for the run of the new line. We will be working with Springbrook and the Masonic Lodge. I will keep the council informed.

The previous report follows:

ROWE has a potential solution for the district three capacity problem. They recommend a by-pass of specific portions of the collection system that function as a choke point through the installation of a larger capacity sewer line. This will require a sizable construction effort, approaching \$500,000. It will also require cooperation with Springbrook Home Owners Association, the United Methodist Church, and the Masonic Lodge. I am hopeful all those property owners will be agreeable and have been communicating with all three groups, with positive feedback.

Rowe has begun their design. We would like to perform this work in 2021. Once crews can begin work, they will survey the area and prepare engineering documents that will get us to bid.

Concerning inflow and infiltration (I&I), the county met with communities about the current status and long term solutions for the sanitary sewer systems. This is something we have been actively reducing for years through manhole water proofing and pipe lining. However, there are still issues, and the higher levels of government are pushing hard to reduce I&I.

In pursuing the 'general permit' that is issued by EGLE, the county will be mandating targets for I&I reduction. We do not know what this will look like for our community since many things come into play, including the current wet weather ratio, the ability of surface water management to effectively remove water from problem areas, and the capacity of the county interceptor. A plan is expected to be crafted by 2022. I will keep the council informed.

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

Work is complete on:

Oakview from Winston to Daval (Complete)  
Winston from Chesterfield to Oakview (Complete)  
Oxford Court (Complete)

The majority of water main has been installed from Tallmadge to Dye however the Contractor will be returning this year to complete the connection near Dye Road and install water services.

The water main installation on Bristol from Elms to Miller is underway. Once main is complete and all tests have passed the Contractor will begin working on services.

We have sent notice to all impacted properties of record.

*UPDATE: MAIN ON CHELMSFORD, FROM WINSTON TO DAVAL, IS NOT BEING REPLACED BECAUSE IT WAS REPLACED IN 2000.*

Chelmsford and Oakview (to Seymour) will be completed next year, along with the remainder of the water main work, which will include Morrish Road from Fortino to I-69 and Miller from Raubinger to Elms.

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.

✓ **WATER SYSTEM MASTER PLAN (Update)**

The city must complete a Water System Master Plan by mid-2021 for compliance with America's Water Infrastructure Act of 2018 (AWIA). The city must also update a Risk and Resilience Assessment (RRA) and Emergency Response Plan (ERP). The Water System Master Plan will address the requirements of the Michigan Department of Environment, Great Lakes, and Energy (EGLE) Safe Drinking Water Act (Act 399) for both the Water Reliability Study (Part 12) and General Plan (Part 16) portions.

This Water Master plan will ultimately be used by the City to address high-priority asset needs that are critical to the City's infrastructure performance, hydraulic capacity, and planning for future capital and operating expenditures. The City last completed an update in 2013.

Under AWIA, the RRA & ERP must certify to the Environmental Protection Agency (EPA) that the RRA has been completed by June 30, 2021. The certification that the ERP has been completed is due 6 months after RRA certification. The RRA identifies key water system assets and potential threats to those assets, and the Emergency Response Plan identifies the procedures and processes the City will employ to address the identified threats.

The investigation and analysis to complete these tasks is highly sophisticated. As such, we have retained OHM to provide these studies and reports. They are at work on the matter.

✓ **UTILITY BILL PENALTIES, INTEREST, AND TURN OFFS (No Change in Status)**

We have decided to commence with utility bill penalties after the January billing payment date. We will send this notice out with all invoices and directly to those with outstanding balances. This does NOT mean that shut offs will occur. We will be accepting payment plans on an extended basis that will go beyond the standard shut off time period.

Again, we understand that there were allowances made to overcome hardships, so we do not wish to financially punish folks or take unreasonable action on collections or shut offs. However, we do need to move forward sooner or later. Further down the road, we shall need to consider if the outstanding balances will need to go on the July 2021 tax assessment roll, or if some delay will be necessary. We will keep the council informed.

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

The last of the lots acquired prior to the special assessment have been sold. We approved permits for single family homes on September 30th. The city also has two more lots that were acquired through the tax reversion process.

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

The January (winter) edition of the newsletter is going to be drafted soon. Send me ideas.

✓ **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. The city has been recommended for funding through the **DNR Trust funds for 2021 construction of the Genesee Valley Trail**. The MDOT grant is conditionally awarded. We hope to combine this with the Safe Routes to School initiative for 2021 construction.
2. **(Update)** The **raceway did not benefit from any last minute 2020 state statutory changes**. The owner may be looking to repurpose the site at this point, but he has not affirmed that yet. I have debriefed with Senator Ananich and Mr. Schafer, and they plan to reconvene this month to go over the prospect for 2021 legislation. If it does not appear highly favorable, I suspect we will be looking at working with Mr. Schafer to plan and market the site for a new use.
3. Communities First has a purchase option for **Mary Crapo**. They seek to extend this option from February of 2021 to June of 2021 or to purchase the property outright from the school in order to seek funding from the state. Their first application was denied. The zoning, site plan, and PILOT for the 40 unit building conversion have been approved by the city. The land purchase and state approvals are still pending. The park board recommends against the lease unless terms are dramatically improved to allow flexible public use. They have until 2/1/21 to make the purchase.
4. The **school bond** passed and many improvements are expected in 2020 throughout the district. Total investment for this effort will exceed \$50 million over two to three years. Work has commenced on Syring and Elms School, as well as the high school athletic complex. Plans are being submitted for the Middle School The schools in the city are in a rigorous state of improvement at the moment. It also appears that the school will be adding a walking path on their high school campus that should be integrated with other pedestrian features.
5. **Street repair in 2020** is complete. We will be completing the remainder of Chelmsford and Oakview to Seymour in 2021. The city also has grants and loans for about **\$5 million in water main work** to occur between 2020 and 2022. COVID 19 may put a stop to some or all work efforts.
6. 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. This project is on hold pending the sewer relief project.

7. The **Brewer Condo Project** was given site plan approval and tentative purchase agreement approval (July 22, 2019). This includes 15 townhome condos off Morrish Road in downtown. They are approximately 1,750 square feet, with two car garages and basements. A drainage solution has just been approved by the county. The developer indicates they may be able to start soon. They will be working to finalize the master deed and condominium documents so that the purchase agreement can be executed and the property transferred. The resolutions and agreement still enable this activity, despite the delay. If council members wish to revisit this, please let the council know. Otherwise, we hope to have the transfer and start of construction occur this fall.
8. The next **Springbrook East** phase is under construction. They have pulled their first home permit.

✓ **TRAILS** (*Business Item*)

We had a very productive meeting with GM. However, we still believe we should proceed with our easement acquisition process based upon the history and timeline. This includes the necessity of making a fair market offer, with the understanding that if it is rejected the city can continue to pursue eminent domain actions. This will be required for GM and for one other property, a residential parcel with a non-communicative owner.

To proceed, I am including the appraisals for both parcels as digital files. Based upon these appraisals, we can make a good faith offer. Per our attorney's advice, I recommend we do so. A resolution is included. The previous report follows.

The DNR is recommending funding of the Trust Fund grant application in the amount of \$300,000! This is fantastic news which should cover the absolute lion's share of the construction amount. As always, the bids could come in high or construction change orders could add costs, but we are definitely in a good spot. I suspect high exposure will be \$150,000 of local funds at this point. Hopefully, this will cover most of it!

✓ **REDEVELOPMENT READY COMMUNITIES** (*No Change of Status*)

We are supposed to have a joint meeting of the council, planning commission, and DDA this calendar year. This is an obvious challenge to do in person with COVID, and might be even more difficult with a virtual meeting of the same group. Given the large amount of appointments that are due in the near future, compounded with our need to revisit the master plan, I am working with the state on solutions. They recommend we push this into early 2021. We could host a virtual workshop on master planning or otherwise bring the larger group together to host a state-of-the city style event. I will keep the council informed.

There is a buyer for the Lovegrove Building. We met with them onsite. Though they have not yet closed on the property, it appears that they will soon. They have plans for relatively robust maintenance and upgrades at the property, and they would like to cooperate on parking, site access, and downtown events.

Though it does not appear they have any immediate plans to engage in a larger scale transformative project, I do believe they have some good users coming to the site and

will be investing sufficient resources to bring the building up to functional expectations. I think this is a good step forward.

We are still able to offer our RRC incentives. We will continue to work with property owners to educate and encourage them to consider the benefits of property enhancement and the incentives that can be leveraged to that end.

I have had conversations with them and they are entertaining the possibility of transforming the property in accordance with the Request for Proposals. Either way, we will be moving forward, and I am confident they will act as positive change agents for the building and downtown!

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

I am seeking release from the buyers of tax reverted property on Wade. I am doing so because the council granted sale approval over one year ago, but the purchase agreements remain unsigned after numerous requests. We can look to reoffer the properties or allow time to mature the prospects more.

✓ **8002 MILLER** *(Update)*

We have received a \$500 check towards the rent in the drop box in mid-December, but it bounced. The tenant has still not returned calls or communicated with me in any way. We do not intend to relent on the legal proceedings at this point unless directed to by the city council. In my opinion, not enough has been communicated or contributed to maintain a healthy lease. The previous report is below.

The city attorney has been authorized to commence eviction. Per our conversation, I have reached out to the tenant and informed her that our desire is still to maintain a workable relationship that can enable her business to use the premises and thrive. I have instructed her to communicate with us on the matter. As of writing, I have a text message that indicates a desire to finance a purchase of the property outright. She indicated that she would know more at the end of this week (12/4/20). If she cannot make a bonafide attempt to maintain the lease or show a good faith effort to purchase, the attorney's work will continue unimpeded.

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

The school is continuing to work on most facilities. Major efforts underway include the admin building. Much site and building work at the city elementary schools is finishing up, as are the athletic facilities. More work on the high school and middle school campuses is slated for 2021. .

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

County approvals have been granted for storm water. The developer now indicates they may be able to start soon. They will be working to finalize the master deed and condominium documents so that the purchase agreement can be executed and the property transferred. The resolutions and agreement still enable this activity, despite the delay. If council members wish to revisit this, please let the council know. Otherwise, we hope to have the transfer and start construction occur this fall.

✓ **CDBG** *(Update)*

For the next three year cycle, we had a pre-application approved for senior services and downtown lighting/sidewalks. The application is due January 15<sup>th</sup>. The amount of funding available for the 2022-2024 cycle is \$42,025. I have filled out applications to the best of my ability and included them in the packet for review by the city council. These applications should still be able to be amended given the timelines, however, we must act with a resolution prior to January 15<sup>th</sup>.

The senior services application is very routine. The downtown sidewalk and lighting initiative is not as clear cut. To address this, I have estimated sidewalk costs for priority areas. This has consumed the available funds relatively quickly, so I did not include additional streets or lighting at this time. The applications and resolution are included.

We have accepted bids for the purchase of decorative street signs. This project includes the purchase and installation of decorative street signs throughout the downtown area. We hope to proceed as soon as orders can be made. The bid is less than anticipated, which is always good. We will purchase the signs and look to seek reimbursement for reasonable labor and equipment costs related to installation by our crews. This should get us close to the available allotment.

- ✓ **SAFE ROUTES TO SCHOOL** *(No Change of Status)*  
A conditional award has been made by the MDOT! We have also funded and awarded engineering for this effort. This is a substantial grant for another \$600,000+ for trails and walkways in the community! This will enable installation of paths near the middle school, Elms, and Syring for student safety. These connections will also enhance our trail network.

- ✓ **GIS MAPS** *(No Change of Status)*  
Staff is now able to edit the maps and accompanying data fields for our GIS system. This includes underground water, sewer, and storm facilities. We are also mapping basic street data. This system is going to be accessible by our staff anywhere in the city by mobile device and will enable locational support, as well as important maintenance and related data fields related to infrastructure.

We are also exploring the use of work order applications with GIS that will save some time and better integrate data analytics for our infrastructure. Some of these features may be viewable by the public as well once we are established.

- ✓ **SHARED SERVICES AGREEMENT-MUNDY TOWNSHIP** *(No Change of Status)*  
The agreement to provide equipment and labor to perform routine maintenance at the new park in Mundy has been signed. Services are due to begin on December 1, but there is a hold on commencement per Mundy's request. I will keep the council informed.

- ✓ **DISC GOLF** *(No Change of Status)*  
A parking area with two drives has been installed. Site grading, including the extension of the eastern berm continues. In addition, Woodside Builders has donated some culverts for drain crossings. Things are coming together! However, no fundraiser has been done this year, so there are no baskets or pads.

The park board is considering the purchase of the baskets and pads using budgeted funds. This might enable us to hit the ground running in 2021. The difficulty comes from the usage of the site for water main construction staging. While Glaeser Dawes is doing a great service in providing this, they have a heavy footprint there and will continue to do so most of the 2021 warm months. This makes recreational use problematic. We will work with GD and the volunteers to see what options we have this winter.

✓ **WELL-HEAD SITE** (*No Change of Status*)

The potential user is still considering the city property. If they proceed, they will conduct a full title search, partial survey, and environmental analysis. They agree to share all of their findings in exchange for access. If there is still interest, they will need to secure zoning approval from Vernon Township in Shiawassee County. They will look to seek a letter of agreement with the city at some point during this process.

With that said, no commitments have been made. The city council will still have ample opportunity to consider a tenant after a site design is completed and findings regarding water rights impact, zoning, and finance are considered. The previous report follows:

For some time, we have known that our well-head in Shiawassee County is of minimal value. A sale seems unlikely due to its circumstances. If Project Tim were a go, things would be different. However, that appears unlikely. In the meantime, the old pump house and fencing should probably be removed to make sure there are no risk factors left on the site.

As chance would have it, a company that provides high speed internet is interested in using this site for the purpose of installing a 25' x 28' enclosure with a satellite transmitter for area residents. They are offering to pay \$500/monthly to do so. They would also incur other incidental costs, including real and personal taxes that may be incurred. I am including their letter and concept plans. I indicated that the council may have an interest.

This is up for discussion at the meeting [January 13, 2020]. The upside is income. The downside is that it might encumber the site with a user that could compromise a future use. Even so, we could probably mitigate this.

✓ **MARY CRAPO** (*No Change of Status*)

The project applicants did not receive funding with their first application to the state. They plan to apply again in February. They expect to be successful and be funded by May of 2021. Since the option to purchase the property from the school expires in February, they are seeking an extension or a purchase. I do not know if this is likely or not. The previous report follows.

The zoning, site plan, and PILOT have been approved for the 40 units of senior housing within the original building. The land sale is still pending by the school, and the state will be considering funding.

The developer offered a lease to the city, but this matter has stalled. While the maintenance and improvement of a recreational area in downtown has many intrinsic benefits, there are costs and limits as indicated in the lease mark up. I included this in

the April 13<sup>th</sup> packet for discussion. In concept, a long term lease can make much sense to preserve this feature and make enhancements. However, the developer limited options for use (ballfield) and created some uncertainty with the limits on lease rights. There is also the ever-present matter of providing resources to maintain such a feature.

So, the real issue is, do we seek a ballfield area to be held in public trust (at the city's cost), or do we enable the developer to own it for their use. The park board considered this matter at their May and June meetings (with school administration input at the June meeting). There was no interest in leasing the park for a ballpark only. This appears to reflect a requirement that the owners maintain the ballfield for the school or pay the school to relocate it. If this is the case, they might see the city as a means to uphold their obligations.

The board resolved to reject the lease option as written at the May meeting and affirmed this stance in June. There is still a degree of interest for a lease if the city could maintain it as total green space or if the city had the ability to choose the recreational use.

Currently, Communities First feels the ballfield must be retained as the exclusive use of the site because that is what they feel the community desires. It appears Communities First will owe the school district \$70,000 if the ball field is removed. I communicated the findings of the park board to Communities First. They have until 2/1/21 to make the purchase.

✓ **COVID 19 (Update)**

Our operations remain limited, and there is no end in sight. The orders continue to be extended, and the vaccine application or a reduction in cases/hospitalizations is not imminent. However, it does appear that a federal stimulus is being implemented. This will help things in the short term.

✓ **8067 MILLER ROAD (Update)**

I had a home rehab specialist walk through the property. I hope to get some feedback on whether we should sell it as-is or to what degree it might be advisable to fix it up.

We opted not to winterize it based upon the advice of the boiler technician, who indicated that it is more work than what it is worth. Instead, we will put those resources into enhanced insulation.

The previous report follows:

We have acquired the property and taken over maintenance and upkeep. I am holding off on the survey and any interior finishing, pending the plan for use of the Lovegrove Building. As of writing, it appears there is no desire to use this property to enhance the Lovegrove investments, beyond the need for a rear yard easement to Hayes Street.

With that said, I recommend that the city carve out the easement and sell the property with restrictions on the deed (residential only, no rentals, first right of refusal for city, etc.). This should be done once improvements are made or underway for the

Lovegrove building. Note that it is still possible to hold the building for future public use (museum, visitor center/restrooms, chamber building, etc.). **IF THIS IS DESIRED, PLEASE SHARE YOUR OPINION WITH THE COUNCIL!** We will not likely get another shot at this.

✓ **CARES FUNDING** *(No Change of Status)*

We have learned that our initial reimbursement request for DPW staff, which was a grey area, is probably not fundable. We have received an allocation, but we will likely refuse this based upon the evolving expectations. It is the right thing to do.

We have also learned that the funds for payroll reimbursement of first responders are insufficient to reimburse all agencies fully. Metro has already received a prorated amount of over \$100,000. Their board is awaiting the final reimbursement and ascertaining other conditions before deciding what to do with those proceeds (pension support was at the top of the list). We are still waiting to hear if the fire department will be reimbursed. There is also a chance that the funding source could be increased.

The previous report follows:

We have fantastic news! Public Act 144 of 2020 was signed into law on July 31, 2020. This state law enables additional governmental units to now qualify for the First Responder Hazard Pay Premiums Program and the Public Safety and Public Health Payroll Reimbursement Program. Metro PD and SCAFD can now apply for payroll reimbursement for wages spent for the qualifying period. They were previously unable to do so. If successful, we can expect to get a refund from those agencies. This will be a big deal for us financially. Keep in mind that the expectation is that we shall maintain any such proceeds for future use when the inevitable revenue sharing cuts hit.

In addition to this outlet, we did submit payroll reimbursement for qualifying activities of our DPW staff. This appears to be a grey area for some, but we wish to get our tax dollars back to the greatest extent possible. Deanna and her staff worked very diligently to get a submission into the state prior to the deadline of July 17<sup>th</sup>. We expect nothing, but we hope to get about \$25,000.

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

The city master plan was last updated in 2016 and is expected to be revisited every five years. This provision could be as simple as accepting the plan as current and valid, or it could be as extensive as a complete rewrite. In speaking with the Mayor, it appears to be prudent to start this process later this year or the beginning of 2021. This will enable the new city council (November election) to consider the scale of the review based upon the post-election environment.

✓ **ORV ORDINANCE** *(No Change of Status)*

Per guidance from the city council, I am working with the attorney to draft an ordinance that would enable enclosed ORV's on select streets (shoulders or 25 mph speed limits and under) under select circumstances (operator, ORV features, etc). When this is ready for review, we shall bring it to the council for discussion.

✓ **RACEWAY** *(Update)*

The raceway friendly legislation is not going through this year. Senator Ananich indicates he has a strategy for doing so in 2021, but the owner may not have any interest in waiting longer. In fact, their previous statements indicated that they would like to move on if there was not legislation in place by January of 2021. I have debriefed with Senator Ananich and Mr. Schafer, and they plan to reconvene this month to go over the prospect for 2021 legislation. If it does not appear highly favorable, I suspect we will be looking at working with Mr. Schafer to plan and market the site for a new use.

I hope to have a clear strategy quickly. I believe that an option to pursue further legislation has a small chance of success, leaving us in a stagnant situation which we have little control over. If the owner chooses to redevelop the site, we will be very involved and busy indeed. I suspect the community is more than able and willing to play that role. I will keep the council informed.

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

✓ **MONTHLY REPORTS** *(Update)*

There are some routine reports included for your information.

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

✓ **PLANNING COMMISSION** *(Update)*

The January 4<sup>th</sup> meeting has been cancelled due to the proximity to the holiday, the inability to have in-person meetings, and a lack of agenda items. The next meeting is scheduled for February 3, 2021.

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

The next meeting date is January 14, 2021

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

There is a sign variance application pending. This will be heard at the January 20, 2021 meeting.

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

The Park Board met on January 6<sup>th</sup>. They selected new officers for 2021. Mr. Farmer is the Chair. Mrs. Fountain is the Vice-chair. Mrs. Olger is the Secretary. The board also considered the donation of a tree planting with an accompanying memorial, which they tentatively accepted pending the determination of a final location.

✓ **BOARD OF REVIEW** *(Update)*

The Board of Review will convene in March.

At the December Board of Review, they had a total of twelve petitions, including veterans' exemptions, Principle Residence Exemptions (PREs), and a couple of recappings from people that hadn't filed PTAs. The Sanctuary of Swartz Creek also had an attorney appeal their exemption status for 2019. It was denied for the same reason that the assessor had denied it, that the people owned it along with the church.

- ✓ **CLERK'S OFFICE/ELECTION UPDATE (Update)**  
Nothing much to report. Connie plans on spending the next couple of months reorganizing our vaults and records along with my routine tasks.
- ✓ **DEPARTMENT OF COMMUNITY SERVICES/ENGINEERING UPDATE (Update)**  
Happy New Year! We're looking forward to an exciting 2021! Routine tasks will be the focus as we move through the winter months. As a reminder, please respect the snow plows when you see them on the road. Our number one goal is to provide safe roadways for users. Please have patience and allow extra space when sharing the road with the snow removal equipment.
- ✓ **TREASURER UPDATE (Update)**  
January utility bills were finalized and mailed to residents and payments for taxes and utility bills have kept the front office staff busy during December and early January. Staff has continued to work on various projects around the office in addition to processing a variety of paperwork including utility billing payment arrangements and property transfer affidavits. The December BoR met so packets and minutes were prepared for that meeting. The December invoice submission for USDA reimbursement was processed along with the quarterly reports required as part of the grant and loan program. Work continues on revisions needed to the chart of accounts to align it with the new uniform chart of accounts approved by the Michigan Treasury Department in November 2020. Routine duties were performed including but not limited to writing and processing routine journal entries, processing tax distributions, bank wires, review of accounts payable invoices, preparation and review of payroll remittance payments, and other financial matters impacting the city.

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

- ✓ **CCIF COSTS TO SCHOOL (Business Item)**  
Based upon circumstances, I am recommending some relief to the school for the charging of our water and sewer connection fees. This is an issue that has been previously raised under the School Facility Proposal heading above.

To summarize, the county has audited Syring Elementary's REU factors for water and sewer tap fees and consumption. They did so as a result of the school bond building permits that agencies have been reviewing. The Residential Equivalent Unit records indicate that this is a 2 unit building (which is very low for a school). The new county audit places this at 30 units, post construction. This results in additional charges of \$56,000 to be paid by the school to the county and \$84,000 to the city.

We have invoiced the school accordingly. However, I have apprehensions about this large connection fee for a building that has been previously permitted on the system since its construction. We did not find any records that clarified what the original unit factor/connection charge amounts were for the school. However, it stands to reason that the school would not be on the system if connection fees were not paid.

Given the extreme nature of the record discrepancy, it might be a simple matter of data entry, wherein the paper REU equivalent was entered into the billing software as “2” instead of “28” sometime in the past. Unfortunately, we cannot know.

The school is seeking relief. This was not an expected expense on their behalf, nor was it a planned or budgeted revenue on our part. As such, we are in a position to accommodate some relief, provided that the council finds it is acting in good faith to provide the school and the rest of our customer base fair and equal treatment.

This is entirely up to the city council. Here are some points that I encourage the council to consider.

1. The school has been connected to the system for over 50 years. While we cannot affirm the connection fees, this connection predates the county CCIF fee program, and I have a high degree of confidence that the school paid fees that were appropriate at the time of connection.
2. The school maintains a strong and strengthening relationship with the city that has provided benefits in numerous ways. Examples include the Safe Routes to School Partnership, Cappy Lane pocket-park, agreement on local building/trade programs, voluntary compliance with aesthetic building codes for which the school is otherwise exempt, material cost-sharing, and general community development cooperation/communication.
3. The city and school provide for our respective services based upon the contributions of many common tax payers and rate payers within the community.
4. This expense is an unexpected and unbudgeted cost that will diminish the school funds for bond work. The revenue to the city is likewise an unbudgeted, unexpected, and (likely) redundant windfall.
5. Lost city revenues for quarterly billings due to the error amount to an estimated \$8,005.92 in sewer charges (assuming the county does not back bill the city the readiness-to-serve charges, which they have not done). The error did not result in any lost quarterly water revenues.

Summarily, I recommend relief for some, if not most of the city’s outstanding fees. I strongly suspect that the school has paid their fair share historically, making this invoice redundant. However, I do believe that we should collect an amount sufficient to cover the noted deficiencies in item #5 above. I do not expect the county to back-bill quarterly rates, nor was this our intention. Ultimately, this is a council decision. I have crafted a resolution to provide relief, but I have left the amount blank.

✓ **WATER CROSS CONNECTION ORDINANCE (*Business*)**

The council has recently engaged the city’s cross connection inspection company to perform residential inspections to comply with new state mandates. As noted at that time, an update to our ordinance is required to ensure we are aligned with the promulgated rules of the state and expectations of our planned inspection program. We have that update before us. It consists of Section 19-32 (g), Testing. This sets the timeline for testing to meet the State Rules. I recommend approval

✓ **CLOSED SESSION (*Business Item*)**

Mr. Gildner notified me that we have an update concerning pending litigation/mediation. He requests a closed session to provide additional detail about an advisable strategy. This is a purpose permitted for discussion in a closed session, and I find it to be advisable to do so in this case. A resolution is included to move the council into a closed session for this purpose.

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

*In Person Meetings:* The mandates and Open Meetings Act provisions have been extended, the later through March. I see no end in sight.

*Morrish Road Bridge Expense:* When you review the \$600 expense in the check run for this, know that it is related to an audit that the state performed on the 2013 federal bridge project on Morrish Road. Not only did they not transfer withheld contractor funds to the city that were set aside for the workmanship issues on the concrete guardrails (remembers this?), they found that this amount was unbilled by the state and due.

*Notable Code Issues:* Our attorney is pushing a court date as quickly as possible on the Miller Road camping; we hope to have demolition permits for the homes on Miller by Elms that are blighted soon; we are working on the two unpermitted signs on Miller (Letavis & Burkeshire).

*November Bacti Samples:* Due to a limited number of sampling bottles and a delayed shipment of replacements, we submitted five samples to the state instead of six. This will be reported in our annual Consumer Confidence Report as a missed sample violation. The state indicates that this is not uncommon or indicative of a problem, but it is the first occurrence for our community that I am aware of. We have made adjustments to our inventory process to avoid a repeat occurrence.

*Mundy Park:* The city has begun servicing the park with snow removal services. There are no issues so far. We will continue to monitor this.

**City of Swartz Creek  
RESOLUTIONS**

**Virtual Regular Council Meeting, Monday, January 11, 2021, 7:00 P.M.**

**Motion No. 210111-4A**

**MINUTES – December 14, 2020**

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

**I Move** the Swartz Creek City Council approve the Minutes of the Regular Council Meeting held Monday, December 14, 2020, to be circulated and placed on file.

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

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

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

**Motion No. 210111-5A**

**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 January 11, 2021, to be circulated and placed on file.

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

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

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

**Motion No. 210111-6A**

**CITY MANAGER’S REPORT**

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

**I Move** the Swartz Creek City Council accept the City Manager’s Report of January 11, 2021, including reports and communications, to be circulated and placed on file.

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

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

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

**Resolution No. 210111-8A**

**RESOLUTION TO APPROVE AN ORDINANCE,  
ORDINANCE 451 TO AMEND PART II SECTION 19-32  
OF THE ORDINANCE, BACKFLOW CONNECTION AND  
CROSS CONNECTION CONTROL**

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

**WHEREAS**, to remain compliant to the Safe Drinking Water Act of 1976, PA 339, the City of Swartz Creek instituted a Cross Connection Control and Compliancy Program,

and solicited and awarded sealed bids to HydroCorp of Troy, Michigan to implement the program, and;

**WHEREAS**, it is mandatory for the City to continue the program in order to remain compliant with the Act and MI-DEQ Regulations, and;

**WHEREAS**, additional guidance from the Michigan Department of Environment, Great Lakes, and Energy requires that the city expand its cross connection control program to residential users, and;

**WHEREAS**, the City of Swartz Creek has retained HydroCorp to commence residential inspections, necessitating an ordinance update to Section 19-32 "Testing".

**NOW, THEREFORE, THE CITY OF SWARTZ CREEK ORDAINS.**

**CITY OF SWARTZ CREEK  
ORDINANCE NO. 451**

An ordinance to amend Part II of the Code of Ordinances by adding removing and replacing Section 19-32, entitled "Backflow prevention and cross connection control"

**THE CITY OF SWARTZ CREEK ORDAINS:**

**Section 1. Amendment of Part II, removal and replacement of Section 19.32 of the Code of Ordinances.**

The City hereby amends Part II of the Code of Ordinances of the City of Swartz Creek by Removing Section 19-32 in its entirety and replacing it with Section 19-32, entitled "Backflow prevention and cross connection control" to read as follows:

Sec. 19-32. - Backflow prevention and cross connection control.

(a) *Introduction.* The intent of this section is to establish a program for the identification, detection and elimination of unprotected cross connections within the public water supply system in order to prevent contamination of the city's public potable water supply from the backflow or back-siphonage of non-potable sources of water or water borne contaminants or pollutants. This section provides guidelines for the proper use of backflow prevention devices, and identifies facilities where the potential for cross connections and the backflow of contaminants will require the use of approved backflow prevention devices.

No physical connection shall be installed or maintained between lines carrying a public potable water supply and pipes, pumps or tanks supplied from or with the potential of being supplied from any non-potable source. Where dual supplies are necessary or desired, lines carrying water from the public water supply system shall be protected against back flow of polluted or contaminated water by means of approved backflow, back-pressure, or back-siphonage devices.

(b) *Adoption by reference.* The city hereby adopts by reference the water cross connection rules of the State of Michigan, being Rules 325.11401 through 325.11407 of the Michigan Administrative Code ("Rules"), and the City of Swartz

Creek Cross Connection Control Program ("program") as prepared by the City of Swartz Creek Department of Public Services and dated October 9, 2001, two copies of which rules and program shall be maintained on file with the city clerk and be available for public inspection during all regular office hours of the city. Any person or firm violating any of the provisions of the rules or the program shall, except as otherwise provided by law, be subject to the penalties and sanctions provided for in this Code.

- (c) *Inspections.* It shall be the duty of the city to cause inspections to be made of all properties served by the public water supply where cross connections with the public water supply are deemed possible. The frequency of inspections and follow-up inspections based on potential health hazards involved shall be as provided for in and as authorized by the rules and the program.
- (d) *Right to enter.* As provided for in the rules and the program and as permitted by law, duly authorized employees and/or representatives of the city shall have the right to enter, at any reasonable time, any property served by a connection to the public water supply system of the city for the purpose of inspecting the piping system or water supply system thereof for cross connections.
- (e) *Cross connections in violation of this division.* As provided for in the rules and the program and as permitted by law, the city is authorized and directed, after providing reasonable notice thereof, to discontinue water service to any property wherein any connection in violation of this division exists, and to take such other precautionary measures deemed necessary to eliminate any danger of contamination of the public water supply system. Water service to such property shall not be restored until cross connections have been eliminated in compliance with the provisions of the rules, the program and this division.
- (f) *Potable water system to be protected from contamination.* The potable water supply made available on the properties served by the public water supply shall be protected from possible contamination as specified by this division and by the state and city plumbing code. Any water outlet which could be used for potable or domestic purposes and which is not supplied by the potable system must be labeled in a conspicuous place as:

"WATER UNSAFE  
FOR DRINKING"

- (g) *Testing.* That all testable backflow prevention assemblies shall be tested initially upon installation, relocation and/or repair to be sure that the assembly is working properly. Subsequent testing of assemblies shall be on an annual basis or as required by the City and in accordance with State of Michigan requirements. Only individuals that hold an active ASSE 5110 tester's certification shall be qualified to perform such testing. That individual(s) shall certify the results of his/her testing.
- (h) *This division supplementary to state plumbing code.* This division does not supersede the state plumbing code, but is supplementary to it.
- (i) *Violations of this division a misdemeanor.* Any person or customer found guilty of a violation of any of the provisions of this division or any written order of the city

department of public services, in pursuance thereof, shall be deemed guilty of a misdemeanor.

**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 11th day of January, 2021, Councilmember \_\_\_\_\_ moved for adoption of the ordinance and Councilmember \_\_\_\_\_ supported the motion.

YES:

NO:

The Mayor declared the ordinance adopted.

\_\_\_\_\_  
David Krueger  
Mayor

\_\_\_\_\_  
Connie Olger  
Clerk

**CERTIFICATION**

The foregoing is a true copy of Ordinance No. 451 which was enacted by the Swartz Creek City Council at a regular meeting held on the 11th day of January, 2021.

\_\_\_\_\_  
Connie Olger  
City Clerk

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

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

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

**Resolution No. 210111-8B**

**RESOLUTION TO PROVIDE PARTIAL RELIEF TO THE SWARTZ CREEK COMMUNITY SCHOOLS FOR CHARGES RELATED TO WATER AND SEWER CONNECTIONS FOR AN EXISTING SCHOOL**

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

**WHEREAS**, the City of Swartz Creek has historically required connection charges to be paid when new users connect or expand upon connections to water and/or sewer infrastructure within the city; and

**WHEREAS**, Syring Elementary, located at 5300 Oakview Drive, has been connected to the system for over 50 years; and

**WHEREAS**, a lack of a record is not indicative of a lack of a permit to connect due to the city's recent incorporation in 1959 and subsequent management of the private sewer system within Winchester Village; and

**WHEREAS**, the Swartz Creek Community Schools (SCCS) have undertaken a bond for district improvements, resulting in a small expansion to Syring School, further requiring review by local building agencies and the Genesee County Drain Commission Water and Waste Services Office, among others; and

**WHEREAS**, the current digital record indicates that Syring had only two Residential Equivalent Units assigned; however, the county audit indicated that the facility should be set at 30 REU's; and

**WHEREAS**, the GCDC-WWS invoiced the school for the additional 28 units of water and 28 units of sewer per its County Capital Improvement Fee (CCIF) policy, an amount of \$56,000; and

**WHEREAS**, the City of Swartz Creek issued charges for the same number of units in accordance with our own fee schedule, an amount equal to \$84,000 (\$1,500 per REU water and \$1,500 per REU sewer); and

**WHEREAS**, the City Council finds that is much more likely than not that the school has been permitted to connect to the sewer system in the past in accordance with connection charges that existed at the time; and

**WHEREAS**, the school has paid lower than normal quarterly charges for sewer as a result of this error, the billable amount of which is estimated to be \$8,005.92; and

**WHEREAS**, the City of Swartz Creek City Council desires to maintain a system of charges and fees that is fairly and equally applied, in which customers are not unbilled without cause nor overbilled.

**NOW, THEREFORE, BE IT RESOLVED**, the City of Swartz Creek hereby reduces the amount of sewer units to be billed to the SCCS to \_\_\_\_, down from 28, thereby reducing the amount owed to \$\_\_\_\_\_.

**BE IT FURTHER RESOLVED**, the City of Swartz Creek hereby reduces the amount of water units to be billed to the SCCS to \_\_\_\_, down from 28, thereby reducing the amount owed to \$\_\_\_\_\_.

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

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

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

**Resolution No. 210111-8C**

**RESOLUTION TO APPROVE THE MORRISH ROAD  
PRELIMINARY ENGINEERING CONTRACT**

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

**WHEREAS**, the city submitted a resurfacing project for Morrish Road to the Genesee County Metropolitan Planning Commission for approval in the Traffic Improvement Program; and

**WHEREAS**, the project was approved for construction during the 2022 season, with allocations of funds and cost sharing as outlined herein; and

<u>Road</u>	<u>Point of Beginning</u>	<u>Point of End</u>	<u>Total Cost</u>	<u>Federal Match</u>	<u>Local Match</u>
Morrish	Bristol	Miller	\$1,054,575	\$843,660	\$210,915

**WHEREAS**, the city needs to select a professional engineer to perform preliminary engineering design work for this project; and

**WHEREAS**, the city is NOT required to have a federally pre-qualified engineer perform the service because the preliminary engineering cost is under \$100,000; and

**WHEREAS**, OHM Advisors IS a federally pre-qualified engineer, and they submitted a proposal to perform the engineering service as stipulated and qualified by the Traffic Improvement Program; and

**WHEREAS**, the city finds OHM Advisors to be a qualified firm performing a professional service.

**NOW, THEREFORE, BE IT RESOLVED** the City of Swartz Creek approve the design engineering proposal by OHM Advisors as dated December 11, 2020 and included in the January 11, 2021 city council packet, in the amount of \$75,700 for Morrish Road.

**BE IT FURTHER RESOLVED** the City of Swartz Creek authorizes and directs the Mayor to execute this proposal on behalf of the city.

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

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

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

**Resolution No. 210111-8D**

**A RESOLUTION TO AUTHORIZE FAIR MARKET VALUE OFFERS TO TWO OWNERS THAT POSSESS PROPERTY REQUIRED TO CONSTRUCT THE GENESEE VALLEY TRAIL EXTENSION AND RELATED SAFE ROUTES TO SCHOOL PATHS**

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

**WHEREAS**, the City of Swartz Creek has formally planned for, acquired funds for, and intends to construct an extension of the Genesee Valley Regional Trail as well as a connected Safe Routes to School lateral, and

**WHEREAS**, the trail is a high priority regional asset that functions as an integral part of a non-motorized transportation network, as well as a recreational asset, and

**WHEREAS**, the trail extension will provide value public use for walkers, bikers, joggers, and other users by providing a direct health and recreational benefit and by providing access to non-motorized travel between key destinations, and

**WHEREAS**, MDOT standards for construction require a substantial and ridged footprint to accommodate the 10 foot wide path and accompanying shoulders, and

**WHEREAS**, some sections of the path lack the proper right-of-way to accommodate the path, and

**WHEREAS**, some permanent easements have not yet been acquired through donation or good faith offers acquisition, and

**WHEREAS**, the properties that still require such easements include 0.05 acres located at 5420 Miller Road and 0.94 acres located at 6060 Bristol Road, and

**WHEREAS**, the city has retained the services of a highly qualified and certified appraisal to determine the fair market value for the easement areas identified.

**THEREFORE, BE IT RESOLVED** that the City of Swartz Creek authorizes city staff and the city attorney to make good faith offers to obtain the easements in question in accordance with the values identified in the appraisals performed by Integra Realty Resources, said values being \$1,350 for the easement over 5420 Miller and \$25,380 for the easement over General Motors property.

**BE IT FURTHER RESOLVED** that the City Manager shall bring forth purchase instruments related to the easement acquisitions to the city council for review or otherwise report the disposition of the owners upon the good faith offers.

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

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

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

**Resolution No. 210111-8E RESOLUTION TO APPROVE THE CITY CDBG ALLOCATION**

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

**WHEREAS**, the City of Swartz Creek City Council receives an allocation of Community Development Block Grant Funds from Genesee County on a three year cycle, with the next allocation expected to be \$42,025; and

**WHEREAS**, applications are now being accepted for service projects and construction projects; and,

**WHEREAS**, projects must meet specific criteria as noted on the pre-application forms, including expenditure in low/moderate income areas, or serving a low/moderate income population while accomplishing a national objective; and,

**WHEREAS**, the funds for services can equal up to 15% of the three year allocation for approved and eligible purposes; and,

**WHEREAS**, the city council held a public hearing on November 9, 2020 to hear public comment related to the use of such funds,

**NOW, THEREFORE, BE IT RESOLVED THAT** the Swartz Creek City Council dedicate 15% of the three year Community Development Block Grant Distribution, an amount estimated to be \$6,303.75, to support services, including labor, at the Swartz Creek Area Senior Center, Inc., a recognized non-profit senior citizens center located at 8095 Civic Drive, Swartz Creek, MI 48473.

**BE IT FURTHER RESOLVED THAT** the Swartz Creek City Council dedicate 85% of the three year Community Development Block Grant Distribution, an amount estimated to be \$37,721.25, to support the improvement of sidewalks downtown.

**BE IT FURTHER RESOLVED THAT** the Swartz Creek City Council approves the applicants for funding as included on Genesee County Planning Commission applications as included in the January 11, 2020 city council packet.

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

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

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

**Resolution No. 210111-8F**

**CLOSED SESSION TO STRATEGIZE WITH THE CITY ATTORNEY (ROLL CALL VOTE)**

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

**WHEREAS**, the City of Swartz Creek City Council and City Attorney desire to consider options related to potential/pending litigation, and;

**WHEREAS**, the MCL 15.268(e) permits a governing body to enter a closed session to consult with the city attorney regarding a trial or settlement strategy in connection with pending litigation, finding that an open meeting would have a detrimental financial effect on the settlement position of the city.

**NOW THEREFORE, BE IT RESOLVED** the City of Swartz Creek City Council exit the regular session of the city council and enter into a closed session for the purpose of discussion with the city attorney.

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

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

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

**Motion No. 210111-8G**

**RETURN TO OPEN SESSION**

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

**I Move** the Swartz Creek City Council exit the closed session and return to open session.

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

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

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

**Motion No. 210111-11A**

**ADJOURN**

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

**I Move** the Swartz Creek City Council adjourn the regular council meeting of January, 11, 2021, and set Zoom as the venue for the next regularly scheduled council meeting of January 25, 2021.

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

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

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