

City of Swartz Creek

AGENDA

Regular Council Meeting, Monday, September 23, 2024, 7:00 P.M.

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

THIS WILL BE A HYBRID MEETING, WITH IN PERSON ATTENDANCE BY COUNCIL MEMBERS.

1. **CALL TO ORDER:**
2. **INVOCATION & PLEDGE OF ALLEGIANCE:**
3. **ROLL CALL:**
4. **MOTION TO APPROVE MINUTES:**
 - 4A. Council Meeting of September 9, 2024 MOTION Pg. 31
 - 4B. Closed Session Council Meeting of September 9, 2024 MOTION Sealed
5. **APPROVE AGENDA:**
 - 5A. Proposed / Amended Agenda MOTION Pg. 1
6. **REPORTS & COMMUNICATIONS:**
 - 6A. City Manager's Report MOTION Pg. 8
 - 6B. Staff Reports & Meeting Minutes Pending
 - 6C. Car Show Permits Pg. 37
 - 6D. MSHDA Grant Agreement Pending
 - 6E. Financial Services Agreement Pg. 41
 - 6F. Swartz Creek Fine Arts Pajtas Lease Renewal Pg. 43
 - 6G. Railway Crossing Repair Submission Pg. 49
 - 6H. Capital Asset Policy Pg. 52
7. **MEETING OPENED TO THE PUBLIC:**
 - 7A. General Public Comments
8. **COUNCIL BUSINESS:**
 - 8A. Women's Club Check Presentation PRESENTATION
 - 8B. Miller Settlement Citizen of the Year PRESENTATION
 - 8C. MSDHA Grant Agreement RESO Pg. 26
 - 8D. Capital Asset Policy RESO Pg. 26
 - 8E. Financial Services RESO Pg. 27
 - 8F. Car Show Permits RESO Pg. 27
 - 8G. Swartz Creek Fine Arts Lease RESO Pg. 29
 - 8H. Springbrook Colony Streets DISCUSSION
9. **MEETING OPENED TO THE PUBLIC:**
10. **REMARKS BY COUNCILMEMBERS:**
11. **ADJOURNMENT:** MOTION Pg. 30

Next Month Calendar (Public Welcome at All Meetings)

Metro Police Board:	Wednesday, September 25, 2024, 11:00 a.m., Metro HQ
Planning Commission:	Tuesday, October 1, 2024, 7:00 p.m., PDBMB
Downtown Development Authority:	Thursday, October 10, 2024, 6:00 p.m., PDBMB
City Council	Monday, October 14, 2024, 7:00 p.m., PDBMB
Park Board:	Tuesday, October 15, 2024, 5:30 p.m. PDBMB
Zoning Board of Appeals:	Wednesday, October 16, 2024, 6:00 p.m., PDBMB
Fire Board:	Monday, October 21, 2024, 6:00 p.m., Station #2
City Council:	Monday, October 28, 2024, 7:00 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
VIRTUAL REGULAR CITY COUNCIL MEETING ACCESS INSTRUCTIONS
MONDAY, SEPTEMBER 23, 2024, 7:00 P.M.**

The regular meeting of the City of Swartz Creek city council is scheduled for **September 23, 2024** starting at 7:00 p.m. and will be conducted in hybrid form. The meeting will be available virtually (online and/or by phone). Council members and staff must attend in-person. The general public may attend in-person or virtually.

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 Renee Kraft, 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 provided 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:

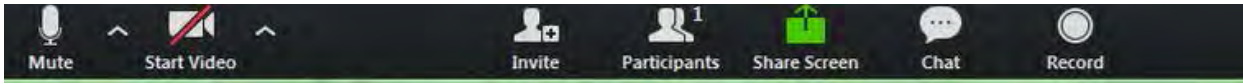
1. At the start time of your meeting, enter the link to join via computer. You may be instructed to download the Zoom application.
2. You have an opportunity to test your audio at this point by clicking on “Test Computer Audio.” Once you are satisfied that your audio works, click on “Join audio by computer.”

You may also join a meeting without the link by going to join.zoom.us 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 (DTMF) 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.

Renee Kraft is inviting you to a scheduled Zoom meeting.

Topic: Swartz Creek City Council Meeting

Time: September 23, 2024 at 7:00 PM Eastern Time (US and Canada)

Join Zoom Meeting

<https://us02web.zoom.us/j/83096401128>

Meeting ID: 830 9640 1128

One tap mobile

+13017158592,,83096401128# US (Washington DC)

+13126266799,,83096401128# US (Chicago)

Dial by your location

+1 301 715 8592 US (Washington DC)

+1 312 626 6799 US (Chicago)

+1 929 205 6099 US (New York)

+1 253 215 8782 US (Tacoma)

+1 346 248 7799 US (Houston)

+1 669 900 6833 US (San Jose)

Meeting ID: 830 9640 1128

Find your local number: <https://us02web.zoom.us/j/kz4Jb4etg>

If you have any further questions or concerns, please contact 810-429-2766 or email rkraft@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) 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 who 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, September 23, 2024 - 7:00 P.M.

TO: *Honorable Mayor, Mayor Pro-Tem & Council Members*
FROM: Adam Zettel, City Manager
DATE: September 18, 2024

ROUTINE BUSINESS – REVISITED ISSUES / PROJECTS

- ✓ **MICHIGAN TAX TRIBUNAL APPEALS** *(No Change of Status)*
There have not been any commercial appeals for 2024 as of yet. Though some commercial appeals reach the tribunal in July, I suspect there will not be any for this calendar year.

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

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

The 2026-2029 TIP cycle is now open for project submissions. Projects are due by September 30th, which will need to include a resolution from the council at that time or shortly thereafter.

We are submitting the asphalt rehabilitation of sections of Miller Road, Dye to Morrish. This section has a decent base, but the surface will begin to deteriorate quickly based upon the expected life cycle of the rehabilitation. This road was last paved in 2014. We will attempt to secure some funds to conduct limited concrete repairs for the section at the I-69 and Miller interchange.

I am asking the engineers to create a backup submission for Elms Road as well. While Elms and Bristol may be showing more stress, the scale of Miller Road, combined with its volume, width, and functional classification make Miller a better candidate for the optimization of federal funds. We are updating traffic counts for all of these segments.

The application will be submitted by staff. If awarded, 80% of the project will be funded with federal funds, including preliminary and construction engineering. County staff do not know if another buy-out option will be available.

- ✓ **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.

Street reconstruction for Winchester Village is moving forward with paving occurring this week. We believe restoration efforts have improved, despite the dry weather. Once the temperature cools and moisture returns, we expect tree installation. This will almost certainly be in October. If all goes to plan, we will create the punch list in mid-October and close out the project this year.

As noted previously, there is a claim concerning aggregate. It is substantial, at about \$375,000. Our engineer is reviewing the claim and facts of the case. We do not have a formal response yet.

Street rehabilitation with limited drainage in Winchester Woods is nearly complete! Paving has occurred for all areas except a section of Young Drive. We expect the contractor to return any day to commence the last of the ditching work and finish paving. We also expect the smaller sections approved for resurfacing to be done at this time.

The sections are:

1. Maple (Crapo to end)	\$36,032.25
2. School (Ingalls to end)	\$38,426.00
3. Raubinger (Apartment to bridge)	\$27,781.25
Total	\$102,239.50 estimated = +\$1,500 additional mobilization

In addition, there may be enough budget to extend the School Street repair north to butt up with the most recent repair North of Ingalls. We are also exploring rehabilitation of a small stretch on Morrish (a major street) south of Miller.

If affordable and prudent, small sections may be added to this scope, provided we are able to move the street plan forward at competitive prices. One such addition is the extension of the School Street repairs to align with the most recent repair on the north end.

The previous report follows.

We solicited bids for seal coating overlays (FOG seal) for select streets that are in need of preservation but are not yet in need of a mill and resurfacing. This application was last applied to downtown streets (First, Second, Third, Wade, etc.) about twelve years ago. Bids were opened on the 18th. Unfortunately, this process appears to be in high demand. One bid holder that had shown great interest opted not to bid on the job at all, and the successful low bidder cannot start until May of 2025.

With that said, I included the bid tab and the complete bid by Highway Maintenance & Construction in the July 22, 2024 packet. Their price to complete all work is \$171,560.10. The breakdown, without crack fill and mobilization, is as follows for the three select neighborhoods:

Heritage Village:	\$74,012.40
Augusta Drive	
Canterbury Trail	
Heritage Blvd	
Arlington Drive	
Manchester Street	
St Charles Pass	
Mansfield Drive	

Concord Drive	
Bainbridge Drive	
Jefferson Street	
Otterburn Heights:	\$33,654.60
Abbey Lane	
Jennie Lane	
Yarmy Drive	
Parkridge:	\$51,893.10
Parkridge Parkway	
Silver Maple Lane	
Locust Lane	
Red Oak Lane	
Mountain Ash Court	
Birch Lane	
Hickory Lane	
Springbrook East	(No price)
Maya Lane	
Maplecrest Circle	
Lindsey Drive	
Russell Drive	
Alex Marin Drive	

I am not recommending a course of action at this time. With the timeline for this work extending ten months, we have the opportunity to further analyze and prioritize our maintenance needs prior to making a decision. In the meantime, it appears the county may have a vendor purchase order for this service that we may be able to benefit from, not unlike the cooperative salt purchase. I am making inquiries, but I have not heard anything yet.

This information is vital to ensuring we are cautious about spending as it relates to other obligations, such as Don Shenk. Conversely, we are very mindful that timely maintenance, that is significantly more affordable, is the key to a sustainable asset management strategy. With that said, we may find that not all neighborhoods appear to be in a multi-year budget that includes known priorities, or we may find that we can add Springbrook East or other areas at the unit cost of \$3.15/sq yd.

Please consider the bid packet and the neighborhoods in question, including the potential for Springbrook East. Drive or walk them if you can. If the budget does appear constrained, selecting which areas to target in 2025 could be a very demanding prioritization task for the city.

In addition, we have ordered engineering services for Don Shenk Street reconstruction, as well as Cappy Lane and water main work. Note that Don Shenk does not require water main replacement, and part of Cappy Lane is also of newer street and water main. We should have enough funds to complete this project in the 2025 construction season. If not, I will recommend use of major street fund dollars for Cappy Lane and/or short term internal borrowing.

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

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

Sewer work is wrapping up, and we expect the televised video and a statement of findings this fall. We can then ascertain the need, if any for additional sewer work on the first segments that we inspected. The previous report follows.

The first three miles of cleaning and inspections (two sections of Miller, Dye, and all of Elms) have commenced. I expect this project to be completed very soon. We will report the findings to the city council regarding the potential for additional sewer repair work in the areas that were televised.

This effort is part of a program to clean and inspect the entire sewer system approximately every eight years. We believe this is a prudent time frame until we can assess all lines at least once. Note that Genesee County was on a seven-year schedule, but after an experience study, they moved to a ten-year schedule. Further note that some segments (e.g. Miller and Elms) will be done more frequently due to known build-up issues.

This program will ensure proper flow of the system, but it cannot ensure elimination of all blockages. Televising of the lines will be conducted with inspection of manholes. This will provide the city with information to plan future lining, excavation, or manhole rehabilitation projects, if any. As noted previously, we believe we have addressed most, if not all, of the high-risk clay lines. The cleaning and inspection program will determine if any of the newer clay lines (1970s era) require work. With this information we can create a revised asset management plan.

✓ **WATER MAIN REPLACEMENT - USDA** *(No Change of Status)*

All water main work is substantially complete. There is some obvious restoration to do, which will take USDA closeout into winter, but for all intents and purposes, the water main is in and we are done with this phase of USDA work.

✓ **WATER/SEWER SYSTEM MISCELLANEOUS** *(Update)*

See prior reports (May 28, 2024) for updates on PFAS and water affordability. At a meeting of the WWS Advisory Committee on September 18, it was reported that the federal government has declared PFAS to be a toxic substance. The county ceased land application at this time and has been depositing waste in approved land fills. This has resulted in an additional expense that is estimated to total \$2,000,000 annually for the county.

As of writing, there is no rate increase planned, nor have there been additional restrictions on what products can possess PFAS. The later is of concern because all water intake and distribution tests indicate that there are no traces of PFAS, but waste water from businesses and homes DOES contain PFAS. They estimate that 60% of the PFAS effluent comes from residential users that have PFAS in their homes and products.

The hydrant painting is underway. I expect this will be a project they are working on for much of the summer. We are not pleased with the pace. This project includes lead abatement cleaning of all hydrants with sandblasting, as well as a complete new coating (yellow). Note that we may add hydrants that have just been installed or that were

recently installed due to early onset rust. We expect to split this cost with the contractor for those that sustained installation wearing (a common occurrence with new installation).

Work is complete on a new section of water main that will connect Elms/Maple to Hill, and on to Morrish. This will provide some additional redundancy for the system. Water main is being installed on Elms, between Maple and Hill. Connection down Hill to Seymour is expected next year. I am making inquiries to the county to see if this is something we need to plan for. It does not appear that a connection is imminent.

These two connections will greatly increase reliability in the city, especially on our extreme west end, where we have a pronounced need for a second feed from either Clayton or Gaines. As a side note, this could encourage some new development south of the city, which is common to experience when utilities are extended during strong economic periods.

The wireless transponder tower at Elms Park is up and running well. We have about 50 meters that cannot be read wirelessly now that both towers are up. However, we suspect this is because they have older model transponders, which we plan to replace. Even now, I believe the project is successful. If we can get most of these transponders to read once replaced, we will be very pleased indeed.

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

Another privately owned lot is having a new home built. The water service could not be located, so the city provided one at our expense.

The city also has two more lots that were acquired through the tax reversion process. There is interest by the builder to proceed with acquisition and construction. In addition, the association manager reached out about permitted designs and builders for the subdivision. There could be renewed interest in some building. This would finally clear us of the subdivision and put the association in a better position to build membership and dues for their operations.

Though the city cannot retain funds in addition to expenses for these lots, we are still expected to sell them at market value. Listings in Heritage for vacant units are \$10,000-\$12,000, and none of them are moving. I propose a price of \$10,000 for each lot. If there is no objection, I will bring this back to the council for the first step of the sale process.

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

The summer newsletter is out. Let me know what you think. The next newsletter is expected to go out in October.

✓ **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. Additional **demolitions have been undertaken by the owner of the raceway.** The owner intends to have the site razed for future use in 2024-2025. The site is not formally for sale, nor is there a concept plan for reuse. I contacted the owner on

May 15 and encouraged him to market the site, with the understanding that 'mega site' acreage is selling for \$30,000/acre.

2. **(Update)** The **reuse of Mary Crapo is becoming a reality**. The school has approved phase one of a varsity baseball field. Construction is underway on phase one. There will be two pickleball courts that can double as skating in the winter. There has been some pushback on the pickleball courts due to the potential for noise. Schools are exempt from zoning, so the city has no say in this officially. If noise is an issue, we will work with the school and neighborhoods to reduce it.
3. **(Update)** **Street repair in 2024** is substantially complete. We await tree planting and a final walk through for punch list items. The Woods project is expected to be completed quickly when the asphalt contractors mobilize any day now. In addition, we have ordered repair by the GCRC of a small section of Elms, which was finished mid-summer. School, Maple, and Raubinger are due for repairs by T.G. Priehs at the end of September. We await affirmation that they can do this. There is not a contractor available to apply a FOG seal to select streets in 2024, but we will be conducting crack fill repairs city-wide.
4. The **Brewer Condo Project** first tri-plex is complete and all units are sold. The developer is looking to partner with other builders to complete new units as-is or with the potential redesign that includes a first floor master. Such units would likely be a two unit. They believe that, with site development costs increasing, this project will look more attractive and competitive because the other units are ready to be constructed upon.
5. The current phase of **Springbrook East is about to complete construction**. We created a punch list for the infrastructure improvements. Once complete, the plan is for the city to approve a formal street dedication soon (these streets are public). CE lighting has been approved. **There was a sale of this project's future phases and real estate**. It appears JW Morgan and another partner are in control of future phases.
6. **(Update)** The **southwest corner of Elms & Miller** was seeing some increased activity. We met with the owner and an architect on some preliminary plans in the spring. Neither the designer nor our staff have heard anything since, but the property owner says this is still cooking.
7. **(Update)** **Park projects** currently include an active grant application for Otterburn, pavilion repairs at Elms (now complete) and application of more asphalt millings to all parking areas. The park board recommends interpretive signs, bike racks, and benches for the coming year. Pickleball courts are now in at Elms Park. A FLOCK camera has been installed at Elms, and fence repair is on the way, with new fences to go in at Elms. Sidewalk repairs are complete. Benches are going in. Signs will likely be in 2025 as we work to develop content with the historical society.
8. **New Businesses**. Financing for the Book Nook appears to have been approved. The former A1 Treat Barn site has been razed and is for sale. Our demolition order requires the sign to be taken down, though the owners have not complied yet.
9. **Mundy Megasite/Costco**. The Michigan legislature has affirmed \$250,000,000 to this site, primarily for land acquisition. Concerning the MEGA site, acquisition of some properties that are under contract has occurred. This makes the prospect of something happening here much more real, even if it is on a smaller scale. Note that there is still no movement on street infrastructure strategies or investment. We are told that no improvements will be implemented without a user. Costco has

commenced work for their new location off Hill Road by US 23 and they indicate they will be done by Thanksgiving.

10. **Holland Square** has plans and a preliminary cost for construction of a market-style shelter. A steering committee has met and is working towards a final product, with results by fall. Currently, the architect and builder are revising plans. We are working on preliminary compliance for a \$75,000 MSHDA grant!
11. **Wayfinding** is another project that the DDA is pursuing. It has funding support of \$20,000 from the state and \$20,000 from the DDA. A steering committee has been established for this purpose. Consultants were in town to work on this on July 30th and 31st. They delivered their findings for review by the steering committee on September 4th. I expect them to present to the city council on October 14th.
12. The DDA is considering a **Social District**. With the potential for another tavern coming, the city has the ability to designate a commons area in the community. This was discussed by the DDA on April 11th. There was no desire to proceed at this point.

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

We are getting some feedback from the MEDC, and it does appear that we are substantially complete with fulfilling the needs to recertify this fall. We will liaise with the state to make sure and bring back any additional needs to the council.

The wayfinding program (see below) is mostly funded through this program. Thanks MEDC!

The Methodist Church project is being marketed. As of writing, there do not appear to be any active leads.

There are not any active downtown property initiatives at the moment.

The DDA is also taking the lead on Holland Square, which is a candidate for a future crowdfunding program. Please see the dedicated section below.

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

The owners adjacent to the Wade Street property emailed me on August 13th and indicated that they would be willing to purchase the lot for \$6,000. Please indicate your interest in discussing this again in open or closed session. The previous report follows.

The neighbor to the north of the city lot called and expressed interest in buying this to add to their homesite. I made an inquiry of the assessor to determine its value. She indicated that it would be worth \$15,000 but for the floodplain. She feels \$5,000 to \$6,000 would be fair given the floodplain building requirements. I relayed this to the neighbor, and I received an email reply from them. They offered \$3,000 cash to purchase this lot. The council did not wish to entertain this price and dropped the issue.

The council has the option of having the planning commission and/or DDA make a recommendation regarding the disposition of this lot to a neighbor. This is not being placed on the agenda at this time, but if any council member believes this offer is worth considering it is probably worth discussion. Let me know.

✓ **CDBG** (*Update*)

We are closing out our sidewalk program with the county. It appears that unused funds were not able to be transferred to the senior center. Overall, I am glad that we got sidewalk connectors into the trail, but we discovered that the funds are tougher to spend than ever. I recommend we stick with the purchase of durable goods and single source services, such as lighting, for future awards.

In other news, the full applications for the next cycle (2025-2027) have been submitted. This includes senior services and downtown decorative lighting. Since we have had so many issues getting bids on CDBG work, the decorative lighting was chosen, in part, because Consumers Energy is a sole-source provider that is exempt from many of the federal requirements. This should create less issues in making use of future funds.

✓ **DISC GOLF (Update)**

Shattered Chains is doing a lot of work as we end summer. New tee pads are going in, ditching is getting done, and fairways are mowed!

✓ **PAVILION COMMITMENT/GRANTS (Update)**

We noted previously, the three communities that are getting the award from Kildee's office have agreed to split the \$850,000 evenly, making our share \$283,333.33. This is great news and feeds into our other grant application! I was notified that a grant sub-recipient agreement is being drafted by Genesee County Parks. Once complete, we will be in a position to make something happen at Otterburn!

Our grant writer has submitted another application for Otterburn Park. See the March 11, 2024 packet for details. The project now includes a pavilion, restrooms, a path, bike station, gates, sign, and ADA parking. The estimated total cost is \$600,000. This concept includes all original work items, excluding the disc golf and sledding hill (now complete), as well as a secondary pavilion on the far north of the site, which is not affordable. As of writing, we have gotten our preliminary score and are working with the state to improve this by the final submission date on October 1.

✓ **SPEEDING AND TRAFFIC CONTROL (Update)**

We are going to mark Ingalls with the new scheme as soon as possible. I have a contact with the schools paint marking subcontractor that is working on Mary Crapo. They have the plan and should be in a position to make this happen soon.

Some of the markings for "25 MPH" and "30 MPH" are in various locations across the city. Combined with our other efforts, we expect this will help create more awareness and help to reduce speeds.

Note that both the contractor and staff find the stencils to be a bit small. We are ordering professional stencils that we can use in perpetuity. We will apply these in other areas. If the update appears dramatic and positive, we will likely black out and paint over the existing markings.

✓ **FIBER INSTALLATION (No Change of Status)**

Fiber installation continues across the city. We have been working with Frontier on some issues related to restoration. In doing so, we have found a good contact that has been very responsive to specific issues with the fiber installation, older assets of Frontier, and general

quality control. This service will provide the community with valuable high-speed service, as well as the potential for enhanced 5G.

✓ **SOLAR SYSTEM MODEL (Update)**

We have ordered the signs installed. It is now just a matter of time. Wayfinding signs are on hold until the council can review the wayfinding concepts. See the April 8, 2024, council packet for more details.

✓ **CROSS CONNECTION SHUT OFFS (No Change of Status)**

Much progress has been made since the residential cross connection inspection program inception. However, a number of homes have not had the opportunity to comply, and some are still hesitant to comply. We have renewed the program for another two years and hope to get through most of the units by the end. Some will likely not comply without a turn off, but that is a last resort.

As previously noted, we have postponed imminent shut-offs and the related hearings before the city council. I have concerns that there are not enough inspection slots for all outstanding inspections to sign up, making the process impossible to complete for all users. We are going to consider the matter in the coming months to come up with a long term strategy that is predictable, fair, and productive as it relates to getting compliance with the residential cross connection inspections.

This is not something we wish to be pursuing, but the expectations for cross connection are objective and reasonable.

✓ **SENIOR CENTER ARPA WINDFALL (No Change of Status)**

The senior center and city now have an agreement to use the \$100,000 in additional ARPA funds. They are proposing to buy a 14-passenger bus for \$120,000 to \$135,000. See the March 11, 2024 report for more details on this award and process.

✓ **SUPPLEMENTAL FINANCIAL SERVICES (Business Item)**

Kim Lynch is providing our supplemental financial services through September. She is doing a great job with our audit. As noted, I believe that supplemental services will be a part of our administrative service indefinitely, so I have been communicating with Mrs. Lynch and a similarly qualified firm to present options to the council regarding more sustainable services. I recommend we select a consultant to provide such services through at least the end of the fiscal year.

As of writing, Mrs. Lynch is taking on more work with her primary client and is not in the best position to run the city's finances. An alternate provider is Taylor & Morgan CPA's, a firm that works with many area municipalities, including Mundy Township and Metro PD. I am including their proposal.

A notable difference with this proposal is that they are not offering services based on a flat monthly retainer. They propose an hourly rate that they estimate will total \$25,000 to \$30,000 annually. I recommend we assume that our needs will place us on the high end of this total, just to be conservative. However, I am hopeful that Mrs. Nichols continues to grow into the finance role, and that will result in a reduced need for contractual services.

With that said, this is a very qualified firm, and they are offering a very reasonable price. I have worked with Taylor & Morgan for a number of years through Meto PD, and I am confident they will deliver a reliable and professional service that is backed up by a large staff. The downside is that we might not get the personal service we are used to with a single point contractor. Given the circumstances, I recommend we proceed. If things are not going well, we can terminate with written notice at any time.

✓ **WAYFINDING PROJECT** *(No Change of Status)*

Guide Studio was in town on July 30th and 31st. They met with staff and the steering committee to go over needs, take comments, and tour the community. I think the time spent was very productive. The steering committee then met with Guide on September 4th. They were presented with draft imagery, recommended sign locations, and sign content. Further refinements are being worked on. I expect them to report to the city council in-person on October 14th. The previous report follows.

The DDA, in accordance with their planning documents, is pursuing a wayfinding and branding sign plan for the entire city. The city council formed a steering committee to proceed with engaging in professional services to plan a complete wayfinding sign scheme. Any installations are likely to be phased in over many years and include DDA and city general funds.

The city council will still have final say in any signs purchased and installed on city property or in the right of way.

✓ **SOCIAL DISTRICT** *(No Change of Status)*

The DDA had a discussion about the potential for a social district in the downtown area. There is some potential for this to have a positive impact by attracting events and visitors to encourage commerce and desirable activities in the community. There is also the potential for this to generate undesirable nonsense, bad behavior, litter, etc. The DDA did not act on this. They intend to independently consider how a district might impact the community, be received by the residents, and support businesses. See the April 8, 2024 packet for more details.

✓ **GROUND MOUNTED SOLAR EQUIPMENT MORATORIUM** *(Update)*

The moratorium on ground mounted solar is still in effect and will be through November planning commission. We received yet another request for small-scale solar as a primary use! With that said, I requested our planner to commence work on an ordinance for utility scale solar farms (those exempt from state regulations), as well as solar as an accessory use (e.g. solar panels in yards or on roofs of other existing structures).

I have reviewed a draft solar ordinance for such systems as an accessory use (e.g. residential supplement), and we have the MSU Extension guide for planning/zoning for such systems. I expect to use these tools, along with assistance from CIB Planning, to present a first draft of an ordinance to the planning commission at their October meeting. The packet should be out by the 26th!

✓ **WATER TOWER LEASE AGREEMENT** *(No Change of Status)*

As most in the community are aware, Verizon appears to be having wireless connectivity issues in the west side of town, from about the High School to Winchester Woods. This

problem was so bad for us, that we switched carriers. Verizon has been working on a solution for a couple years, including the search for space south of town for a new tower.

They have approached the city to use the water tower. I think this is a win-win. Using the city tower will greatly improve service to the community, while providing some financial resources to the city. Since the tower is used by two wireless providers currently, this request will be treated as a colocation. This means that the city will be responsible for approving the site plan at the planning commission level for a permitted use, as well as a lease for occupancy.

As of writing, there is not a site plan available, but I do have a draft lease (included in the April 8, 2024 packet). I am attempting to increase the lease amount, as well as to get a site plan to both the planning commission (for site plan review), as well as to the council (for general review) as soon as possible.

Again, I think this will shape up to be a win-win, provided the city does not need to invest in the site and the user is not installing obnoxious equipment. We will have more information related to such circumstances moving forward.

✓ **HOLLAND SQUARE CROWDFUNDING PROJECT (*Business Item*)**

We are working to formalize the \$75,000 in MSHDA grant funds. This will make the powering of the structure, along with lighting and sound, a reality! MSHDA is asking that we sign off on a grant agreement by September 30th. Since this is our last meeting, I am hopeful they will provide us with such an agreement prior to our meeting. As of writing, I do not have it. If it is not available prior to our meeting, I will include as much of the supporting documentation as I can and ask the council to enable myself or the Mayor to execute the agreement when it is available.

The project is still being reviewed by the committee and we await updated costs and plans for the structure and technology components. We are nearing the creation of detailed plans, which will provide more finely tuned costs and imagery for review by the city council. I seek to have this in the month of September. The previous report follows.

The Holland Square Steering Committee met on May 30th. We believe we explored many opportunities and areas of concern to narrow in on what appears to be the most viable and desirable project. The concept remains the same, but there have been some additions relating to power, lighting, sound, and architectural style. The architect and contractor are working on renderings now.

Our community continues to pursue a crowd funding match for a public place enhancement. The Public Places, Community Spaces opportunity is a powerful incentive and can provide up to \$50,000 towards a downtown project (perhaps as much as \$75,000 if it includes universal design)!

The DDA believes that the primary objective for such funds is to invest in Holland Square to provide built-in structures for community seating, vending, entertainment, and related activities. There are a couple examples of this already that seem to work well in public spaces. Such a concept would activate Holland Square along Miller Road by providing social interactions, market activities, and some recreation. It would also include lighting,

sound systems, and some shade/weather protection. Parking would be reduced but only minimally.

Over the last year, the DDA has worked with a local architect (thanks AMA Architects for the in-kind work), and a local builder (thanks JW Morgan) to refine a design, materials, and cost. This has resulted in concept plans for a pergola style structure, with a total base installation price of about \$150,000. With the addition of the grant, we expect the project to total around \$225,000.

The city council created a steering committee to finalize project details for review by the city. The council will have the final say in any structure constructed on city property.

✓ **WEBSITE ACCESSIBILITY (Update)**

Our new website is live. Please take a look and give us any feedback on errors, omissions, or recommendations! We are now fully compliant with all accessibility standards. I will remove this section from future reports.

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

✓ **MONTHLY REPORTS (Update)**

Monthly reports are included.

✓ **RAILWAY CROSSING RECONSTRUCTION REQUEST (Update)**

We were able to submit a joint application with CN Southern (Grand Trunk Western) to repair the Miller Road crossing by GM. This project was overdue in our minds, and OHM was able to work with CN to get a repair audit and cost to rebuild this crossing. They estimate this will cost about \$340,000. We have submitted an application to MDOT that we hope will result in 60% funding by MDOT and 40% by CN. Our share, if successful, would be \$0. I am including the estimate and a commitment letter from CN. The application was submitted on September 16th. The announcement timeframe is unknown.

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

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

There was NOT a September Planning Commission Meeting due to a lack of agenda items.

A moratorium for ground based solar installations remains. This gives the community 180 days to consider regulations for ground based solar applications and permits. We will monitor state legislation and look to see how best to proceed this summer and into fall.

The next regular meeting is scheduled for October 1, 2024. I expect to have some draft zoning ordinance language presented at this meeting.

✓ **DOWNTOWN DEVELOPMENT AUTHORITY (Update)**

The DDA met on September 12, 2024. They went over community updates, the potential for forestry on Morrish (I-69 to Fortino), a sponsorship request, and also had a closed session agenda item (real estate).

A \$500 sponsorship was approved for the Swartz Creek Historical Society to host a car show on October 13th. This is the same event that the council is considering.

The DDA did opt to fund a substantial forestry effort on Morrish Road between I-69 and Miller. This is a pilot project to ascertain the impact of concentrated forestry as it applies to traffic calming, canopy restoration, aesthetics, and budget. This stretch was chosen because it has ample right of way room, a new water main, limited overhead conflicts, and is a key gateway to downtown. The project is expected to result in the planting of about 40 large and medium canopy trees.

The closed session topic was related to a real estate matter, the details of which are confidential.

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

There was a variance requested related to an accessory dwelling unit at 8040 Maple Street. The ZBA deliberated on this matter at their regular meeting on September 18th and approve the request.

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

The park board held their regular monthly meeting on September 17, 2024. They discussed the Butterfly Garden proposal at Abrams Park, the creek bank at Elms, and a Halloween decorating contest. The butterfly garden donation is seeking cooperation on powering and watering an irrigation system. It was tabled for a month so more could be learned about the impact of this request.

In addition, I submitted a DNR grant for forestry efforts in Abrams Park. The grant request is to cover 50% of tree purchase and planting costs for about 40 new trees. We should have results in about a month.

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

The Board of Review met on July 16th. They recapped (reversed an uncapping) of taxable value for one petitioner's property. They will meet next in December.

✓ **CLERK'S OFFICE/ELECTION UPDATE (Kraft) (Update)**

Routine duties include record management, publications, FOIA request, human resources, payroll approval and everything related to elections.

ELECTION DATES FOR 2024:

General Election: November 5, 2024 –

Early Voting dates for the general election are October 26–November 3 from 8am – 4pm.

Ballots should arrive some time this week and will be distributed shortly thereafter.

✓ **DEPARTMENT OF COMMUNITY SERVICES UPDATE (Bincsik) (Update)**

- ❑ DPS is going to take over plowing our lots from the vendor this winter. The plan has been in the making for quite some time. It first consisted of getting the two winged main road plow trucks built and in service. This frees up a person to help plow the lots and sidewalks. We also needed the new pickups so our fleet would be reliable. Going

forward DPS believes it can plow the city's lots effectively and provide the entities and residents with a better and more timely service.

- ❑ DPS continues to GPS water and sewer assets. This will be ongoing for most of the year as we have time available.
- ❑ Structures have had the concrete poured around them. Final paving should happen sometime around the end of September or in early October.
- ❑ Restoration work is complete on Greanleaf. The contractor should be finishing up with restoration in the next couple of weeks. It's important to note the city and OHM have been meeting and working with the restoration contractor to get improved results from the restoration work. The contract has a "performance based section" regarding restoration. Our efforts to get them to change their methods appears to be working as the newest restoration work has quite a bit of grass growing in these areas after only a few days. Regarding addresses that have already been restored and have substandard results, we are working with the contractor to get them corrected. Corrective action may consist of "weed and feed" application, "slit seeding", killing the existing and starting over, some, or all of the above. DPS has noticed several residents watering the newly planted grass and the results are excellent.
- ❑ Contractor is supposed to paint Seymour Rd. in the near future as most of the heavy construction traffic is now behind us.
- ❑ DPS continues to update water meter transponders, registers and meters as needed to allow the new meter reading collectors to read meters. This will be ongoing for several months.
- ❑ TG Priehs will be returning later in the construction season to work on Young Drive and finish some ditching and culvert work on Oakview and Chesterfield. TG Priehs has stated they will be back September 12th.
- ❑ Sewer cleaning has been completed and we have received some video. Contractor has completed the manhole inspections and is starting to cut any protruding taps.
- ❑ Hydrant blasting and painting has started and will continue.
- ❑ Summer DPS help has returned to school. We currently still have three part timers. One will be done working end of September and the others have shown interest in year round part time work. We are currently considering this option.

✓ **TREASURER UPDATE (Nichols) (Update)**

The auditors from Plante & Moran are close to completing onsite fieldwork for the FY24 audit. Our staff is continuing to work with them on open items as they arise.. Routine operations include, but are not limited to, processing payments for utility bills, tax bills, delinquent personal and qualified real taxes, building permits, daily/weekly/monthly journal entries, bank wires, review/approval of accounts payable invoices, issuance of building permits and rental inspection collections, processing payroll, accounting for grants and projects and other financial matters impacting the city.

✓ **ECONOMIC DEVELOPMENT UPDATE (Update)**

With the departure of Samantha, Mundy is seeking new candidates as a replacement. They are confident that they will be able to bring someone on in October with a very similar skill set, and that person will be able to continue duties with the city. I will report findings to the council. If the replacement offers a different skill set, it may be necessary to move some of these duties to myself, another staff member, a third party, or to discontinue the duty altogether. Barring such findings, I will maintain the agreement with Mundy to secure 30% of the new hire's time.

See the August 12, 2024 council packet for Samantha's last report.

NEW BUSINESS / PROJECTED ISSUES & PROJECTS

✓ **SPRINGBROOK STREET DEDICATION INQUIRY** (*Business Item*)

A pair of members from the Springbrook Colony Homeowners Association Board requested a meeting concerning their streets. I sat down with them on September 12th to hear what their concerns were. In short, membership seeks to have the common areas streets dedicated to the city to become part of the public system.

We spoke at length as it relates to the history and context of this issue. A summary description follows:

In the mid-1980s, SBC was planned and approved as a private condominium, with water, sewer, streets, and other features to be constructed by the developer and maintained by the HOA. As such, the assets were not built to the public standard. Decades later, the State DEQ/EGLE found that the water system would need to be turned over to the city because the HOA could not operate a system that passed water through to other customers (Apple Creek). The city and HOA negotiated and there was agreement to turn the system over to the city, with conditions. For example, because the system was not installed to public standards, the city will not be responsible for damage or costs related to system failures or maintenance obligations, e.g. the city will not replace a home foundation or landscaping arrangement that is too close to a water pipe.

Given the findings of the DEQ/EGLE and subsequent results, the city required all condominium projects to have their water, sewer, storm, and street infrastructure built to the public standard. This is true of Springbrook East and Heritage, which have been dedicating such infrastructure to the city after it is complete and approved by the city engineer.

With the understanding that some HOA elements could and were becoming public assets, the city engaged the SBC HOA during the development of the original street asset management plan (around 2014-2015). The question of whether or not the HOA wanted to dedicate their streets to the city for inclusion in the plan was asked. The HOA rejected this idea (I suspect they did so because city streets were awful at the time and HOA streets were in better shape). Had the HOA decided to participate, the plan would have included the HOA streets and the levy would have been adjusted upwards accordingly.

Since there was not participation, there is no reasonable way to make the streets public and include them in the plan. However, this could occur in the future.

In 2024, there appears to be a general sentiment that the city is pretty good at street asset management. As HOA streets continue to age, the HOA membership has thereby posed the question of whether or not the city can take over the streets at this time.

My response was that, under the current circumstances, the city could not engage in meaningful street rehabilitation or reconstruction in SBC, even if the streets were accepted by the city. This could not occur until and if the street levy is renewed with a plan that accounts for such needs. This is not due for another twelve years.

With that said, the HOA still wishes to discuss the potential for the city to take over the streets and conduct winter and routine maintenance. The understanding is that the streets COULD be accounted for in the next plan. This is ultimately a city council decision. The challenges are that the streets are not built to a public standard, the streets are deteriorating, and our winter maintenance may conflict with their current, unified service.

The upsides are that the HOA streets have held up surprisingly well since original construction. This indicates a strong road base. They have also engaged in regular maintenance. Lastly, they have plans to mill and resurface some of their streets to a depth of 4". With that said, it is conceivable that the city could partner with the HOA to explore and audit the street conditions, develop a short and long term maintenance plan, and craft an agreement that transfers the streets to the city with specific provisions or conditions (e.g. financial contributions from the HOA, minimum repairs, or limited city responsibility).

I recommend we discuss this at the meeting. There is no obligation by the city to take these streets. The question has been asked before and will be again. It is not unreasonable, but the city is not in a strong position to help at the moment. However, with the understanding that a transfer and repairs are years away, we should prepare now for any potential negotiation.

✓ **CAR SHOW PERMITS (*Business Item*)**

There is a request to use Holland Square and Holland Drive for a car show on Sunday, October 13, 2024. This is a first-time request from a reputable and long-standing local non-profit. The Swartz Creek Historical Society is looking to raise funds to further their efforts. They see a car show as a good way to garner visibility and support.

Since this is also the type of event that businesses and residents find enjoyable and desirable downtown, the DDA has opted to sponsor this event if the city council approves it. I am including their permit requests and see no reason not to approve the event. A resolution is included.

✓ **SWARTZ CREEK FINE ARTS PAJTAS AMPHITHEATER LEASE (*Business Item*)**

The Swartz Creek Fine Arts Association lease for the Pajtas Amphitheater grounds expires at the end of October. This is a ten-year lease with very limited terms and conditions which I suspect have been in place since 1984. The city continues to own the grounds, mow the property, and manage large scale forestry. The SCFA owns, operates, and maintains the band shell.

My observations are that the SCFA are outstanding stewards of their assets and make good use of the grounds. Their concert series, which just finished its fortieth year, is well run and well attended (weather pending). They have also been very agreeable to working with third parties, such as the DDA movie night events. Over the years, they have also made improvements to their concession and drop off area.

As such, I find this to be a beneficial and long-term arrangement that benefits their group and the community. I am including the lease in its current form, updated for the next ten years. The SCFA advocates we maintain the status quo on this agreement for the next ten years. I see no reason not to. A resolution is also included to this end.

✓ **CITIZEN OF THE YEAR AWARD (Presentation)**

The Mayor will be awarding the Miller Settlement Award at our meeting! I am keeping the identity secret, but if you really want to know beforehand, I can tell you.

✓ **CAPITAL ASSET POLICY UPDATE (Business Item)**

As part of our asset tracking policy, we track the value of all assets that have a value of \$2,500 or higher. This has been the case for ten years. Prior to this, the threshold was \$1,000. As we communicate with our auditor and staff, it is time to increase this so that the policy accounts for meaningful assets without demanding depreciation tracking for non-durable apparatus and equipment (such as software). The impetus for this change is wholly to account for inflation.

We recommend we increase this to \$5,000, which reflects the current industry standard. Believe it or not, we explored changing this amount to \$5,000 back in 2014. As such, this request is a bit conservative, but since we are a small city with limited assets, I think this will still work. I am including a resolution that reflects our current policy with the change from \$2,500 to \$5,000.

✓ **WOMEN'S CLUB CHECK PRESENTATION (Presentation)**

The Women's Club is donating \$911 dollars to the Metro Police Authority to support their 9-1-1 Camp! These funds were raised by the club during their various activities. This has been a contribution that the club has made for a number of years which has been very helpful. I expect some club members to be attending to present the check to Chief Bade.

✓ **ELMS PARK WIRELESS TOWER UPDATE (Update)**

The owners of the tower that is in Elms Park have reached out to request a rent abatement. Because the tower does not have a rent paying user, the city has granted a temporary reduction in the past. I do believe that they are sincere in their efforts to find a new tenant, in the absence of which, they are losing money. I instructed them to send their request for writing for the council to review. I have not received it yet.

Council Questions, Inquiries, Requests, Comments, and Notes

Orienteering Course: The city will work with the scouts to restore station #2 of the course at Elms. Walt Melen agreed to help, but has been out of town.

Miller Camping: This matter is under enforcement by Metro PD. There is a valid and active building permit for a single family home onsite. The owner has applied for a zoning permit to allow for temporary housing in the form of the RV. This is pending.

**City of Swartz Creek
RESOLUTIONS**

Regular Council Meeting, Monday, September 23, 2024, 7:00 P.M.

Motion No. 240923-4A

MINUTES – September 9, 2024

Motion by Councilmember: _____

I Move the Swartz Creek City Council approve the Minutes of the Regular Council Meeting held Monday, September 9, 2024, to be circulated and placed on file.

Second by Councilmember: _____

Voting For: _____

Voting Against: _____

Motion No. 240923-4B

CLOSED SESSION MINUTES – September 9, 2024

Motion by Councilmember: _____

I Move the Swartz Creek City Council approve the Minutes of the Closed Session Council Meeting held Monday, September 9, 2024, to be retained in accordance with state law.

Second by Councilmember: _____

Voting For: _____

Voting Against: _____

Motion No. 240923-5A

AGENDA APPROVAL – September 23, 2024

Motion by Councilmember: _____

I Move the Swartz Creek City Council approve the Agenda as presented / printed / amended for the Regular Council Meeting of September 23, 2024, to be circulated and placed on file.

Second by Councilmember: _____

Voting For: _____

Voting Against: _____

Motion No. 240923-6A

CITY MANAGER'S REPORT

Motion by Councilmember: _____

I Move the Swartz Creek City Council accept the City Manager's Report of September 23, 2024 including reports and communications, to be circulated and placed on file.

Second by Councilmember: _____

Voting For: _____

Voting Against: _____

Resolution No. 240923-8C

RESOLUTION TO APPROVE A MSHDA GRANT AGREEMENT FOR HOLLAND SQUARE

Motion by Councilmember: _____

WHEREAS, the City of Swartz Creek was awarded a special purpose grant by the Michigan State Housing & Development Authority, and;

WHEREAS, the City of Swartz Creek staff have submitted required documentation to the MSHDA as it relates to the potential project's composition, price, timeline, and process for construction, and;

WHEREAS, the MSHDA further requires compliance with a number of regulatory and legislative terms and conditions, and;

WHEREAS, the collective terms and conditions for the award are assembled in various documents as included in the September 23, 2024 city council packet, including , and;

WHEREAS, the city finds that the terms and conditions are reasonable to receive funds.

NOW, THEREFORE, BE IT RESOLVED, that the City of Swartz Creek City Council approves the MSHDA grant agreement, as identified and included in the September 23, 2024 City Council Packet, and further authorizes and directs the city manager to execute said agreement and any related forms, documents, and sub-agreements necessary to secure funding.

Second by Councilmember: _____

Voting For: _____

Voting Against: _____

Resolution No. 240923-8D

RESOLUTION TO APPROVE AN UPDATED CAPITAL ASSET POLICY

Motion by Councilmember: _____

WHEREAS, the City of Swartz Creek creates and maintains a database to track its governmental assets, and;

WHEREAS, the database includes the asset description, value, depreciation schedule, and other pertinent information, and;

WHEREAS, the current \$2,500 threshold for such assets, which was set in 2014, is outdated and low by industry standards, and;

WHEREAS, exploration of current thresholds with the city auditors and financial advisors indicates that \$5,000 to \$7,500 is a reasonable contemporary range for the minimum asset value.

NOW, THEREFORE, BE IT RESOLVED, that the City of Swartz Creek approve the update Capital Asset Policy as included in the September 23, 2024 city council packet.

Second by Councilmember: _____

Voting For: _____

Voting Against: _____

Resolution No. 240923-8E

**RESOLUTION TO APPROVE A PROPOSAL FOR
SUPPLEMENTAL FINANCIAL SERVICES**

Motion by Councilmember: _____

WHEREAS, the City of Swartz Creek has onboarded and trained new staff in the duties of the Treasury and the Clerk; and

WHEREAS, the city's administrative staffer that is responsible for payroll and accounts payable is retiring at the end of 2024 and is transferring duties to the City Treasurer and front desk administrator; and

WHEREAS, the city has removed finance related duties from the City Treasurer and assigned them to a contractual employee, as of March 2024, however, said provider is no longer able to continue providing those services at the level required; and

WHEREAS, the City of Swartz Creek finds that it would be more prudent and cost-effective to retain said financial services as a separate professional service; and

WHEREAS, Taylor & Morgan CPA's has submitted an engagement letter that outlines basic terms and conditions for such a professional service; and

WHEREAS, the city finds Taylor & Morgan to be a qualified firm providing a professional service.

BE IT FURTHER RESOLVED, that the City Council directs the City Manager to execute said engagement letter on behalf of the city and for the city treasurer to appropriate such costs commensurate with the appropriation of the city's audit.

Second by Councilmember: _____

Voting For: _____

Voting Against: _____

Resolution No. 240923-8F

**RESOLUTION TO APPROVE A FESTIVAL PERMIT FOR A
CAR SHOW IN OCTOBER OF 2024**

Resolution No. 240923-8F2 SCAHS MUNICIPAL PROPERTY RESERVATION PERMIT

I Move the Swartz Creek City Council approve and authorize the SCAHS application for street closing / usage permit for Sunday October 13, 2024 from 11:00 a.m. until 5:00 p.m. for purposes of conducting a festival, including market vendors, and food service in Holland Square under the following stipulations:

- 1. Insurance certificate naming the City as an additional insured party in the amount not less than \$1,000,000.00 (One Million Dollars).
- 2. General approval, and under the direction and control of the Office of the Chief of Police.

Resolution No. 240923-8F3 SCAHS STREET USAGE PERMIT

I Move the Swartz Creek City Council approve and authorize the SCAHS application for street closing / usage permit for Sunday, October 13, 2024 from 11:00 a.m. until 5:00 p.m. for purposes of conducting a car show on Holland Drive under the following stipulations:

- 1. Insurance certificate naming the City as an additional insured party in the amount not less than \$1,000,000.00 (One Million Dollars).
- 2. General approval, and under the direction and control of the Office of the Chief of Police.

Second by Councilmember: _____

Voting For: _____

Voting Against: _____

Resolution No. 240923-8G RESOLUTION TO APPROVE A TEN YEAR LEASE WITH THE SWARTZ CREEK FINE ARTS ASSOCIATION FOR USE OF THE PAJTAS AMPHITHEATER GROUNDS

Motion by Councilmember: _____

WHEREAS, the Lessor owns certain land in the City of Swartz Creek which is used for public purposes, said land being commonly known as Pajtas Amphitheater, which is located at 8095 Civic Drive, Swartz Creek, MI; and

WHEREAS, the Lessee is a charitable organization recognized as such pursuant to Section 501 (c) (3) of the Internal Revenue Code and is engaged in the promotion of fine arts performances and education in the City; and

WHEREAS, the Lessee has constructed at its own expense and with the Lessor's permission certain improvements on the Property which improvements are used for theatrical presentations and programs staged by the Lessee and/or by other public, educational and theatrical organizations with the permission of the Lessee; and

WHEREAS, the Lessor finds that the use of the Property by the Lessee and the construction by the Lessee at its own expense of the improvements thereon inures to the benefit of the City and its citizens and helps reduce the burden of government.

NOW THEREFORE, BE IT RESOLVED the Swartz Creek City Council approves a ten year renewal lease with the Swartz Creek Fine Arts Association, as included in the September 23, 2024 city council packet, for the lease of certain property that the City owns, description and uses provided within, and further, direct the Mayor and City Clerk to execute the lease in behalf of the City.

Second by Councilmember: _____

Voting For: _____

Voting Against: _____

Motion No. 240923-11A

ADJOURN

Motion by Councilmember: _____

I Move the Swartz Creek City Council adjourn the regular council meeting of September 23, 2024.

Second by Councilmember: _____

Voting For: _____

Voting Against: _____

**CITY OF SWARTZ CREEK
SWARTZ CREEK, MICHIGAN
MINUTES OF THE REGULAR COUNCIL MEETING
DATE September 9, 2024**

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, Spillane, Gilbert, Hicks, Krueger, Knickerbocker, Henry.

Councilmembers Absent: None.

Staff Present: City Manager Adam Zettel, Clerk Renee Kraft.

Others Present: Metro PD Chief Bade, Ellen Pavkovich, Maryanne McLanahan

Others Virtually Attended: Lania Rocha

APPROVAL OF MINUTES

Resolution No. 240909-01

(Carried)

Motion by Councilmember Spillane
Second by Councilmember Henry

I Move the Swartz Creek City Council approve the Minutes of the Regular Council Meeting held Monday August 26, 2024 to be circulated and placed on file.

YES: Spillane, Gilbert, Hicks, Krueger, Knickerbocker, Henry, Cramer.
NO: None. Motion Declared Carried.

APPROVAL OF AGENDA

Resolution No. 240909-02

(Carried)

Motion by Councilmember Henry
Second by Councilmember Gilbert

I Move the Swartz Creek City Council approve the Agenda as printed for the Regular Council Meeting of September 9, 2024 to be circulated and placed on file.

YES: Gilbert, Hicks, Krueger, Knickerbocker, Henry, Cramer, Spillane.
NO: None. Motion Declared Carried.

CITY MANAGER'S REPORT

Resolution No. 240909-03

(Carried)

Motion by Councilmember Cramer
Second by Councilmember Gilbert

I Move the Swartz Creek City Council accept the City Manager's Report of September 9, 2024, including reports and communications to be circulated and placed on file.

Discussion Ensued.

YES: Hicks, Krueger, Knickerbocker, Henry, Cramer, Spillane, Gilbert.
NO: None. Motion Declared Carried.

MEETING OPENED TO THE PUBLIC:

Ellen Pavkovich: Discussed a 3' hole at Birchcrest and mailboxes not properly put back after road improvements.

Maryanne McLanahan: Asked when the fire hydrants will be painted. Response-soon. Mentioned that speeding is still happening. She questioned the bus route changing. It was suggested that she discuss that with the school board.

COUNCIL BUSINESS:

RESOLUTION TO APPROVE PICKUP TRUCK UPFIT PURCHASES USING MIDEAL STATE-WIDE PRICING, AS AMENDED

Resolution No. 240909-04

(Carried)

Motion by Mayor Pro Tem Hicks
Second by Councilmember Cramer

WHEREAS, the City of Swartz Creek purchasing ordinance encourages the use of cooperative extended purchasing programs, and;

WHEREAS, the City of Swartz Creek desires to upfit two 2024 Chevrolet Silverado 4x4 pickup trucks with plows, bulk head light bars, and toolboxes, and;

WHEREAS, the State of Michigan MiDEAL extended purchasing program allows local governmental units to cooperate with the State to benefit from cooperative pricing on specified vehicle types, and;

WHEREAS, the MiDEAL prices for supplies and installation for a Western Plow, BackRack, running boards, tool boxes, and lighting is \$16,432, per vehicle, and;

WHEREAS, pricing submitted by Vehicle Accessories and Knapheide totals \$13,153.88, per vehicle, and can be supplied locally.

NOW, THEREFORE, BE IT RESOLVED, that the City of Swartz Creek recognizes the MiDEAL Extended Purchasing Program pricing as an acceptable threshold for competitiveness and approves the quotes from Knapheide and Vehicle Accessories, as included in the September 9, 2024 City Council Packet, funds to be appropriated from 661 Motor Pool.

Discussion Ensued.

YES: Krueger Knickerbocker, Henry, Cramer, Spillane, Gilbert, Hicks.

NO: None. Motion Declared Carried.

COMMISSION APPOINTMENT

Resolution No. 240909-05

(Carried)

Motion by Councilmember Gilbert

Second by Mayor Pro Tem Hicks

WHEREAS, the laws of the State of Michigan, the Charter and Ordinances of the City of Swartz Creek, interlocal agreements in which the City of Swartz Creek is a member, and previous resolutions of the city council require and set terms of offices for various appointments to city boards and commissions, as well as appointments to non-city boards and commissions seeking representation by city officials; and

WHEREAS, there exists a vacancy for such a position; and

WHEREAS, said appointment is a Mayoral appointment subject to affirmation of the city council.

NOW, THEREFORE, BE IT RESOLVED, the Swartz Creek City Council concur with the Mayor and City Council appointment as follows:

#240909- 8B1 MAYOR APPOINTMENT:

David Witter

Park and Recreation Board, Mundy Resident

Remainder of four-year term, expiring December 31, 2026

Discussion Ensued.

YES: Knickerbocker, Henry, Cramer, Spillane, Gilbert, Hicks, Krueger.
NO: None. Motion Declared Carried.

**RESOLUTION TO APPROVE A PARADE PERMIT FOR THE SWARTZ CREEK
COMMUNITY SCHOOLS HOMECOMING PARADE ON OCTOBER 4, 2024**

Resolution No. 240909-06

(Carried)

Motion by Councilmember Knickerbocker
Second by Councilmember Gilbert

WHEREAS, the City of Swartz Creek owns, operates, and maintains a network of major and local streets; and

WHEREAS, the streets, upon the finding of a public benefit and no unreasonable hardship, may be permitted for closure from time to time as permitted by the city council; and

WHEREAS, the Swartz Creek Community Schools seeks a street closure permit for the annual Homecoming Parade, to commence at 5:00 p.m. on Friday, October 4, 2024; and

WHEREAS, the city council, following the recommendation of the police authority, finds that the application, including insurance, is complete and that this event offers a public benefit without imposing an unreasonable hardship.

NOW, THEREFORE, BE IT RESOLVED that the City of Swartz Creek approves the application of the Swartz Creek Community Schools to conduct their annual High School Homecoming Parade on Friday, October 4, 2024, from 4:45 pm to 6:30 pm. Parade route as follows:

Crapo/Maple, Eastbound to Morrish
Morrish, Northbound to Miller
Miller, Westbound to Fairchild
Fairchild, Southbound to Middle School
Cappy, West to PAC/High School Entrance (Homecoming Court only)

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

Discussion Ensued.

YES: Henry, Cramer, Spillane, Gilbert, Hicks, Krueger, Knickerbocker.
NO: None. Motion Declared Carried.

MEETING OPENED TO THE PUBLIC:

Maryanne McLanahan: Can't wait for the pickleball court to open. Stated the sidewalks near here are nice and questioned if they will continue down the road? Mr. Zettel responded that it won't happen this year.

CLOSED SESSION TO CONSIDER A REAL ESTATE PURCHASE OR LEASE (ROLL CALL VOTE)

Resolution No. 240909-07

(Carried)

Motion by Councilmember Spillane
Second by Councilmember Gilbert

WHEREAS, the City of Swartz Creek City Council desires to consider options related to a potential real estate transaction, and;

WHEREAS, the MCL 15.268(d) permits a governing body to enter a closed session to consider the purchase or lease of real property, 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 discussing a real estate purchase or lease.

Discussion Ensued.

YES: Cramer, Spillane, Gilbert, Hicks, Krueger, Knickerbocker, Henry.
NO: None. Motion Declared Carried.

EXIT CLOSED DOOR SESSION

Resolution No. 240909-08

(Carried)

Motion by Councilmember Cramer
Second by Councilmember Gilbert

Motion to exit closed door session and return to meeting.

YES: All Aye.
NO: None. Motion Declared Carried.

REMARKS BY COUNCILMEMBERS:

Councilmember Spillane: There is a house near him that has a garage sale every weekend.

Councilmember Henry: The decorative piece on the stop sign on Winshall at Duvall is buried. The fire hydrants are rusting through the primer. Abrams Park has trees about to loose the leaves. He suggested to continue to mow weekly to keep them at bay.

Councilmember Cramer: The groundbreaking ceremony for the Abrams Park flagpole will be September 18, 2024 at 6:00pm. He has enjoyed being on the Wayfinding Steering Committee.

Mayor Pro Tem Hicks: Stated the Wayfinding Steering Committee is one of the best we have had and she suggests listening to what they have to say.

Councilmember Knickerbocker: He will be a write-in candidate at the November election.

ADJOURNMENT

Resolution No. 240909-08

(Carried)

Motion by Councilmember Gilbert
Second by Councilmember Cramer

I Move the Swartz Creek City Council adjourn the regular meeting at 8:34 p.m.

Unanimous Voice Vote.

David A. Krueger, Mayor

Renee Kraft, CMC, MiPMC, City Clerk



RESOLUTION # _____

CITY OF SWARTZ CREEK
(An Equal Opportunity Employer)
STREET CLOSURE/USE APPLICATION

DATE OF REQUEST: 10/13/24 9/12/24
SPONSOR ORGANIZATION: Swartz Creek AREA HISTORICAL Society
AUTHORIZED REPRESENTATIVE: David Spillane Ryan Spillane
WORK ADDRESS: _____ HOME ADDRESS: 6498 Bristol Rd S.C.
PHONE NO: WORK () _____ HOME: (810) 635 7439 CELL: (810) 835 7675
EMAIL ADDRESS: dspillane47@yahoo.com
TYPE OF EVENT: (check box)
PARADE ☐ ** (Draw Route on Attached Map) CARNIVAL ☐
FOOT/BIKE RACE ☐ CRAFT SHOW ☐
CONCERT ☐ OTHER: CAR SHOW
DATE OF EVENT: 10/13/24
TIME OF EVENT: FROM: 12:00 AM (PM) TO: 4:00 AM (PM)
ESTIMATED NUMBER OF PARTICIPANTS: up to 100 cars
DESCRIPTION OF EVENT; NOTE STREETS REQUESTED TO BE CLOSED/USED:
Fund Raiser Car Show. Use of Holland Square, Holland Dr.
And Park Pavillion (Shumaker Park)

The applicant agrees, as a condition of the granting of this permit, to hold the City of Swartz Creek, its officers, employees, and agents harmless from any liability from any injuries caused to persons or property in connection with this event. To that end, the applicant shall provide the City with evidence of insurance for such liability in an amount determined adequate by the City Attorney, but in no case less than \$ 1,000,000/2,000,000 aggregate and the City of Swartz Creek shall be named as an insured party on said policy. The policy shall also contain a provision providing the City with ten (10) days written notice of cancellation.

FOR: Swartz Creek Area Historical BY: David Spillane President
(Organization) (Authorized Representative)

APPROVED BY: _____
(Chief of Police) (Street Administrator)

* The throwing of any item(s) from any vehicle during the course of a parade is strictly prohibited and violations may result in criminal prosecution and/or the denial of future permit applications.

**The Chief of Police reserves the right to determine the length of time that any street(s) remain(s) closed to traffic.



Hastings Mutual Insurance Company

GENERAL LIABILITY DECLARATION

RENEWAL DECLARATION * * EFFECTIVE 11/04/23

N 20

POLICY NUMBER	POLICY PERIOD		AGENCY	P
	FROM	TO		
GL 9528261	11/04/23	11/04/24	0001699	00
NAMED INSURED AND ADDRESS			AGENCY	ACCT#Z659528261
SWARTZ CREEK AREA HISTORICAL SOCIETY 11353 COOK RD GAINES MI 48436			TEL. NO. 810-244-9200 BGM INSURANCE AGENCY INC 1063 W HILL RD STE E FLINT MI 48507	
INSURED SINCE: 11/2003			THIS POLICY IS BILLED BY THE COMPANY-I	

POLICY INCEPTION: 12:01 A.M. STANDARD TIME AT THE ADDRESS STATED ABOVE

THE INSURED IS ASSOCIATION

IN RETURN FOR THE PAYMENT OF THE PREMIUM, AND SUBJECT TO ALL THE TERMS OF THIS POLICY, WE AGREE WITH YOU TO PROVIDE THE INSURANCE AS STATED IN THIS POLICY.

LIMITS OF INSURANCE:

GENERAL AGGREGATE LIMIT - PREMISES/OPERATIONS	\$1,000,000
PRODUCTS - COMPLETED OPERATIONS AGGREGATE LIMIT	\$1,000,000
EACH OCCURRENCE LIMIT	\$1,000,000
PERSONAL AND ADVERTISING INJURY LIMIT	\$1,000,000
MEDICAL EXPENSE LIMIT, ANY ONE PERSON	\$5,000
DAMAGE TO PREMISES YOU RENT LIMIT	\$100,000

CERTIFIED ACTS OF TERRORISM
TOTAL PREMIUM:

\$7.00
\$438.00



Hastings Mutual Insurance Company

GENERAL LIABILITY DECLARATION

RENEWAL DECLARATION * * EFFECTIVE 11/04/23

N 20

POLICY NUMBER	POLICY PERIOD		AGENCY	P	
	FROM	TO			
GL 9528261	11/04/23	11/04/24	0001699	00	
NAMED INSURED AND ADDRESS			AGENCY ACCT#Z659528261		
SWARTZ CREEK AREA HISTORICAL SOCIETY 11353 COOK RD GAINES MI 48436			TEL. NO. 810-244-9200 BGM INSURANCE AGENCY INC 1063 W HILL RD STE E FLINT MI 48507		
INSURED SINCE: 11/2003			THIS POLICY IS BILLED BY THE COMPANY-I		

POLICY SCHEDULE OF NAMES AND ADDRESSES

LOCATION(S) OF PREMISES.

LOCATION 001
8083 CIVIC DR
SCHWARTZ CREEK MI
48473 1377

LOCATION 002
4110 MORRISH RD
SWARTZ CREEK MI
48473 7900

ADDITIONAL INSURED

ADDITIONAL INSURED
CG 20 11
CITY OF SWARTZ CREEK
CITY MANAGER
8083 CIVIC DR
SWARTZ CREEK MI
48473

ADDITIONAL INSURED
CG 20 11
SWARTZ CREEK CAGE FIELDHOUSE
4110 MORRISH RD
SWARTZ CREEK MI
48473

Phone: (810) 635-4464



Where Friendships Last Forever

Fax: (810) 635-2887

City of Swartz Creek Municipal Property Reservation Application

Date of Reservation: Oct. 13 2024 Reservation location: Holland Square and Holland Dr.



One time event



Recurring event

Name of Responsible Party: Swartz Creek Area Historical Society

Address: 11353 Cook Rd Phone: 810 635 7439

City: Gaines Mi. 48436 Zip Code: 48436

Nature of Activity: Car Show Fund Raiser Approx. # Attendees 100 +

Arrival Time: 11:00 am

Departure Time: 5:00 pm

Responsible Party Signature: David Spillane David Spillane President SCAR

E-Mail Address: dspillane47@yahoo.com



Proof of Insurance Provided

Please check all that will be needed



Water



Waste collection



Electricity



Other Services - Specify: Porta Potty

Grant to cover dash plaques and trophies
Co-sponsor?

I have received a copy of the Plaza Rules:



IF THERE ARE PROBLEMS DURING THE EVENT CONTACT 911.

City Official _____

Date _____

September 10, 2024

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

Dear Mr. Zettel:

This letter is to confirm our understanding of the terms and objectives of our engagement to provide consulting services to the City of Swartz Creek. These services will be performed on an as-needed basis beginning October 1, 2024 and will include:

- Assisting the City Manager in preparing annual budgets and amendments.
- Preparing for and facilitating the annual financial statement audit.
- Addressing additional financial management items and issues as they arise.

We will invoice you monthly on a per hour basis at our standard hourly rates for the following individuals:

Partner-Shawna Farrell, CPA:	\$250.00/hour
Manager-Sheri Sprygada, CPA:	\$190.00/hour
Senior Accountant-Janet Fras:	\$155.00/hour
Staff Accountant:	\$120.00/hour

The fees above include all costs for travel and out-of-pocket expenses and are subject to annual increases. We estimate the total annual cost for these services to range between \$25,000 and \$30,000. Our invoices for those fees will be rendered each month as work progresses and are payable upon presentation. This agreement can be terminated by written notice of either party.

Our engagement cannot be relied upon to disclose errors, fraud, or illegal acts that may exist. However, we will inform the appropriate level of management of any material errors that come to our attention and any fraud or illegal acts that come to our attention, unless clearly inconsequential.

In view of the limitations described above, you agree not to take or assist in any action seeking to hold us liable for damages due to any deficiency in the financial statements we prepare and you agree to hold us harmless from any liability and related legal costs arising from any third-party use of the financial statements in contravention of the terms of this agreement.

Should you require financial statements for third-party use, we would be pleased to discuss with you the requested level of service. Such engagement would be considered separate and not deemed to be part of the services described in this engagement letter.

In no event shall either party be liable to the other, whether a claim be in tort, contract, or otherwise, for any indirect, consequential, punitive, exemplary, lost profits, or similar damages in claims relating to services provided under this engagement.

If a dispute arises out of or relates to this contract or engagement letter, or the breach thereof, and if the dispute cannot be settled through negotiation, the parties agree first to try in good faith to settle the dispute by mediation administered by the American Arbitration Association under the Library Mediation Rules before resorting to arbitration, litigation or some other dispute resolution procedure. Any claims filed relating to the services covered in this engagement must be filed within one year of the completion of the engagement.

BRIGHTON, MICHIGAN

FLINT, MICHIGAN

FLINT OFFICE

G-2302 STONEBRIDGE DR., BUILDING D
FLINT, MICHIGAN 48532
OFFICE 810.230.8200 FAX 810.230.8203

TROY, MICHIGAN

CHARLOTTE, NORTH CAROLINA

Except for the fraudulent behavior, willful misconduct, or gross negligence of our officers, employees, or agents as finally determined by judicial proceeding, our liability to you for services rendered under this engagement letter shall be limited to the fees paid to us for such services or work product giving rise to liability.

This engagement letter, and all related services and work product, will be governed by and subject to the laws of the State of Michigan.

We appreciate the opportunity to be of service to you and believe this letter accurately summarizes the significant terms of our engagement. If you have any questions, please let us know. If you agree with the terms of our engagement as described in this letter, please sign and return to us.

Sincerely,

Taylor & Morgan, P.C.

Taylor & Morgan, P.C.

Acknowledged:
City of Swartz Creek

Officer Signature

Title

Date

LEASE AGREEMENT
Between
THE CITY OF SWARTZ CREEK
And
THE SWARTZ CREEK FINE ARTS ASSOCIATION

THIS AGREEMENT, is made this ____ day of October, 2024, between the City of Swartz Creek, a Michigan Municipal Corporation, with principal offices at 8083 Civic Drive, Swartz Creek, Michigan 48473 (the “Lessor”), and the Swartz Creek Fine Arts Association, Inc., a Michigan non-profit corporation, with principal offices at 8099 Civic Drive, P.O. Box 98, Swartz Creek, Michigan 48473 (the “Lessor”).

WHEREAS, the Lessor owns certain land (the “Property”) in the City of Swartz Creek (“City”) which is used for public purposes; and

WHEREAS, the Lessee is a charitable organization recognized as such pursuant to Section 501 (c) (3) of the Internal Revenue Code and is engaged in the promotion of fine arts performances and education in the City; and

WHEREAS, the Lessee has constructed at its own expense and with the Lessor’s permission certain improvements on the Property which improvements are used for theatrical presentations and programs staged by the Lessee and/or by other public, educational and theatrical organizations with the permission of the Lessee; and

WHEREAS, the Lessor finds that the use of the Property by the Lessee and the construction buy the Lessee at its own expense of the improvements thereon inures to the benefit of the City and its citizens and helps reduce the burden of government;

NOW, THEREFORE, the Lessor and the Lessee, acting by and through their duly authorized agents, hereby agree as follows:

1. LEASE

The Lessor does this day lease unto the Lessee, and said Lessee does hereby hire and take as Lessee under said Lessor the following described premises (the “Property”) situated in the City of Swartz Creek, County of Genesee and State of Michigan, to-wit:

Part of Lot 45 of “Supervisor’s Plat of Swartz Creek” as
recorded in Liber 17 on page 42, of the Genesee County Plat

records, described as beginning at a point on the West line of said Lot 45 which is North along said West line, 329.59 feet from the Northwest corner of Lot 37 of said plat; thence continuing North along said West line of Lot 45, 223.0 feet; Thence South 89 Deg 54 Min East, 293.35 feet; thence South 0 Deg 06 Min West, 223.00 Containing 1.50 acres of land more or less.

The Property is to be used and occupied by the Lessee for the purpose of presenting musical concerts and other purposes reasonable related thereto and in keeping with its own charitable and the City's public purposes and for no other purposes or uses whatsoever.

2. TERM AND RENT

The term of this lease shall be ten (10) years, commencing on November 1, 2014 and ending October 31, 2034, unless sooner terminated as herein provided. The rent payable for said ten (10) year period shall be One Dollar (\$1.00) payable on or before the date hereof.

3. ADDITIONAL RENT

As additional rent hereunder, the Lessee shall at its one sole expense maintain the improvements it has constructed on the Property and may, with the advance written permission of the Lessor, construct such other improvements as the Lessor shall deem appropriate for the public functions of the property.

4. REMOVAL OF IMPROVEMENTS

Any improvements constructed by the Lessee, whether constructed prior to the date of the agreement or at any time thereafter, shall, upon termination of this agreement for any reason, become the sole property of the City. If, prior to the termination of this agreement for any reason, the City determines that it needs the property, or any portion thereof, for any other public purpose, it may terminate this lease and may, at its sole expense remove the improvements from the Property or from that portion of the Property as determined by the City.

5. ASSIGNMENT

The Lessor shall not assign this lease, nor permit the same or any part thereof, to be used for any other purpose than as above stipulated, without the written consent of the Lessor.

6. PERSONAL PROPERTY

All personal property placed or moved on the Property, shall be placed or moved there at the risk of the Lessee or owner thereof, and Lessor shall not be liable for any damage to said personal property, or to the Lessee from any act of negligence of any other person whomsoever.

7. COMPLIANCE WITH ALL LAWS

The Lessee at its sole expense shall comply with all laws, orders, and regulations of Federal, State and Municipal authorities, and with any direction of any public officer, pursuant to the law, which shall impose any duty upon the Lessor or the Lessee with respect to the Property. The Lessee, at its sole expense, shall obtain all licenses or permits which may be required for the conduct of its business within the terms of this lease, or for the making of repairs, alterations, improvements, or additions, and the Lessor, where necessary, will join the Lessee in applying for all such permits or licenses.

8. LESSOR'S REMEDIES

The prompt payment of the rent for the Property upon the dates named, and the faithful observance of the rules and regulations printed upon this lease, and which are hereby made a part of this covenant, are the conditions upon which the lease is made and accepted and any failure on the part of the Lessee to comply with the terms of said lease, or any of said rules and regulations now in existence, the option of the Lessor, work a forfeiture of this lease, and all of the rights of the Lessor hereunder, and the Lessor, his agents or attorneys, shall thereupon have the right to enter said premises, and remove all persons therefrom forcibly or otherwise, and the Lessee thereby expressly waives any and all notice required by laws to terminate tenancy, and also waives any and all legal proceedings to recover possession of said premises, and expressly agrees that in event, of a violation of any of the terms of this lease, or of said rules and regulation, now in existence, or which may hereafter be made, said Lessor, his agent or attorneys may immediately re-enter said premises and dispossess Lessee without legal notice or the institution of any legal proceedings whatsoever.

9. ABANDONMENT OF LEASE

If the Lessee shall abandon or vacate the Property before the end of the term of this lease, or shall suffer the rent to be in arrears, the Lessor may, at his option, forthwith cancel this lease, and, if the Lessor so requests the Lessee shall, at its sole expenses, remove the improvements or any portion thereof from the Property.

10. UTILITIES

The Lessee agrees that it will pay all charges for gas, electricity, water, sewer or other utilities on the Property.

11. LIABILITY AND INSURANCE

The Lessor shall not be liable for injury or damage to person or property occurring upon the Property, unless caused by or resulting from the negligence of the Lessor or any of the Lessor's agents, servants, or employees in the operation or maintenance of the Property, it being the specific intent of the Lessee to hold the Lessor harmless from any and all claims arising from the Lessee's operation and maintenance of the Property and/or the improvements thereon. To that end, the Lessee shall obtain and at all times maintain in full force and effect a policy of general public liability insurance covering its use of the Property and naming the Lessor as an additional insured thereon. Said policy shall be in such amount as shall be determined by the Lessor, but in no event less than \$1,000,000 (one-million dollars), and further, shall provide that the Lessor will be given ten (10) days written notice of termination of the policy for any reason. The Lessee shall pay all premiums due thereon.

12. INSOLVENCY OF LESSEE

If the Lessee shall become insolvent or if bankruptcy proceeding shall be begun by or against the Lessee, before the end of the term of this lease, the Lessor is hereby irrevocably authorized at its options, to forthwith terminate this lease, as for a default. Lessor may elect to accept rent from such receiver, trustee, or other judicial officer during the term of their occupancy in their fiduciary capacity on behalf of the Lessee without affecting Lessor's rights as contained in this lease, but no receiver, trustee, or other judicial officer shall never have any right, title or interest in or to the Property by virtue of this lease.

13. TIME IS OF THE ESSENCE

It is understood and agreed between the Lessor and the Lessee that time is of the essence of this lease.

14. NOTICES

Written notice send by first class mail or delivered to either party at the address for each party as set forth in the first paragraph of this lease shall constitute sufficient notice to such party, in comply with the terms of this lease.

15. CUMULATIVE RIGHTS

The rights of the Lessor under the lease shall be cumulative, and failure on the part of the Lessor to exercise promptly any rights given hereunder shall not operate to forfeit any of said rights.

16. SIGNS

Any sign or advertising to be used in connection with the Lessee's use of the Property shall be first submitted to the Lessor for approval before installation of the same.

17. LEASE EXTENSION

The Lessor may extend this lease for successive ten (10) year terms if the Lessee requests such extension in writing prior to the expiration of the lease term or any ten (10) year extension thereof upon such terms as may be agreed upon.

IN WITNESS WHEREOF, the parties hereto have executed this lease on the day and year first above written.

CITY OF SWARTZ CREEK

**SWARTZ CREEK FINE ART
ASSOCIATION, INC.**

David A. Krueger, Mayor

, President

Renee Kraft, Clerk

, Secretary

Approved as to Form:

Michael Gildner, City Attorney

Dated: _____, 2024

STATE OF MICHIGAN)

)

GENESEE COUNTY)

Before me, a Notary Public in and for the said State and County, personally came David A. Krueger and Juanita Aguilar to me known to be the persons named in the foregoing lease, and they acknowledge that they executed the same for the purpose therein expressed.

IN WITNESS WHEREOF, I have set my hand this _____ day of _____, 2024.

_____, Notary Public

Genesee County, Michigan

My Commission expires: _____

STATE OF MICHIGAN)

)

GENESEE COUNTY)

September 11, 2024

Rob Merinsky
Project Manager
Swartz Creek, MI

RE: 2025 Local Grade Crossing Surface Program

Dear Road Agency Partner:

Per the requirements of the local highway-railroad grade crossing surface program, it is our understanding that you are eligible to make application to the Michigan Department of Transportation (MDOT) for access to these annual program funds. Selected projects are to be funded with 60% state crossing funds, and 40% railroad funds – there is no expectation of any road agency financial participation. Application materials and instructions are now available on-line at the MDOT Office of Rail's web page, located at www.michigan.gov/mdotrail.

As part of the program, railroads are required to provide detailed estimates (including confirmation of MMUTCD-compliant traffic control/detour plans that have been approved by the road agency) and a commitment by the railroad to provide 40% of the funding for any project selected as part of the program. Consequently, this transmittal is to validate that Grand Trunk Western Railroad Company has voluntarily submitted the attached detailed estimate for the work necessary to REBUILD the Miller Road, road crossing. The National Inventory number for this crossing is 283739R. In the event the project is selected for funding, the Grand Trunk Western Railroad Company. agrees to provide 40% of the necessary funding.

Please feel free to contact my office directly at 716-544-9145 if you have any questions about the railroad's proposal. If you have questions about the new surface program, you may contact MDOT's Local Grade Crossing Program Office at 517-335-3054.

Sincerely,

Thomas L. Brasseur
Manager of Public Works

Attachments:

- ☐ Detailed railroad estimate or quote based on relevant unit pricing for crossing components
- ☐ Proof of continuing contract or intent to solicit competitive bids, if work is to be subcontracted
- ☐ Traffic control/detour plan validated with road agency

SPECIAL NOTE: in compliance with MCL 462.309(4), any change in elevation of a grade crossing greater than 1 inch requires advance mutual agreement between the railroad and road agency. Please be sure to review all proposed work and coordinate with the road agency accordingly.



Southern Region

Operations Special Capital Project Estimate

Design and Construction
Homewood, IL

Project Name

Location: Swartz Creek Miller RD 283739R
Company Name: Grand Trunk Western Railroad Company
Subdivision Name: FLINT
Mile Post: 264.07
State: MI
Survey Network Number:
Track Network Number:
Signal Network Number:
Buy American Certification Required? Yes
Agency: Michigan DOT
Labor Additive Type: Agency/CN Approved

Labor	\$83,802
Material	\$94,225
Other	\$163,578
Total Capital Cost	\$341,605
PW Material	\$0
Donation	\$0
TOTAL PROJECT COST	\$341,605
Created By:	JWD
Revised By:	
Created Date:	August 16, 2024
Date Revised:	
Status:	Draft

Description	GANG SIZE	DAYS	MANDAYS	PRICE	TOTAL
LABOR					
Unload/Distribute Material	5	3	15	\$450	\$6,750
Construct Track	8	4	32	\$450	\$14,400
Surfacing	4	1	4	\$450	\$1,800
Welding	2	5	10	\$450	\$4,500
Install Crossings	8	1	8	\$450	\$3,600
S&C Labor	1	2	2	\$500	\$1,000
TOTAL DIRECT LABOR		MD:	71		\$32,050

Description	TOTAL
MATERIAL	
New Rail	\$11,746
Field Welding	\$1,341
Track Spikes	\$999
Rail Anchors	\$744
Minor OTM	\$5,270
Track Ties	\$25,231
Ballast	\$5,241
Crossing Materials	\$38,106
Signal & Communications Material	\$1,060
Subtotal New / Capitalized Material	\$89,738
TOTAL DIRECT MATERIAL	\$89,738

Description	UM	QTY	PRICE	TOTAL
OTHER				
Engineering				
PTC Survey	DAY	1	\$1,500.00	\$1,500
Total Engineering				\$1,500
Real Estate				
Total Real Estate				\$0
Grading				
Asphalt equipment, cutting and mobilization	LS	1	\$15,000.00	\$15,000
Total Grading				\$15,000
Contractor Track Construction				
Install Pavement	TON	160	\$258	\$41,280
Remove Pavement	TON	160	\$31	\$4,960
Assist panel install	EA	1	\$15,000.00	\$15,000
Total Contractor Track Construction				\$61,240
Utilities				
Total Utilities				\$0
Signal and Communications				
Total Signal and Communications				\$0
Bridge & Structures				
Total Bridge & Structures				\$0
Hauling/Disposal				
Unloading Material	LS	1	\$7,500	\$7,500
Offsite Disposal of Debris	LS	1	\$8,500	\$8,500
Total Hauling/Disposal				\$16,000
Miscellaneous				



Southern Region

Operations Special Capital Project Estimate

Design and Construction
Homewood, IL

Project Name

Traffic Control	LS	1	\$17,500	\$17,500
Per Diem (BMW Labor)	MD	69	\$87	\$6,003
Per Diem (S&C Labor)	MD	2	\$140	\$280
Contingency	SUM	10%	\$310,550	\$31,055
Rental Equipment	SUM	1	\$15,000	\$15,000
Total Miscellaneous				\$69,838

TOTAL OTHER	\$163,578
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Description	UM	QTY	PRICE	TOTAL
ADDITIVES				
Labor Capitalized Surcharges	USD	\$32,050	161.47%	\$51,752
Material Capitalized Surcharges	USD	\$89,738	5.00%	\$4,487
TOTAL ADDITIVES				\$56,239

DONATION	Amount	TOTAL
TOTAL DONATION		\$0

TOTAL CAPITAL COST	\$341,605
TOTAL NON-CAPITALIZED COST (PW MATERIALS)	\$0
TOTAL DONATION	\$0
TOTAL PROJECT COST	\$341,605

MATERIAL FORECAST FOR :

Material Description	State Tax	UM	QTY	Unit Price	Total
NEW RAIL					
RAIL 136 LB ALL MANUF/METAL/PROCESS	6.00%	FT	320	\$30.11	\$11,746
					TOTAL NEW RAIL \$11,746
FIELD WELDING					
THERMITE KIT 136 #	6.00%	EA	10	\$126.50	\$1,341
					TOTAL FIELD WELDING \$1,341
TRACK SPIKES					
SPIKE TRACK 5/8IN X 6IN AREMA 60 PER CAN	6.00%	CAN	18	\$45.51	\$999
					TOTAL TRACK SPIKES \$999
RAIL ANCHORS					
ANCHOR RAIL 136# HD OVR DRV STOP TS1313	6.00%	EA	300	\$2.03	\$744
					TOTAL RAIL ANCHORS \$744
MINOR OTM					
RAIL TRANSITION 136# 19'6" OR 20' TS1110	6.00%	EA	4	\$890.87	\$4,344
Screw, Lag, 5/8"x12", Camcar, Torx,	6.00%	EA	216	\$3.52	\$926
					TOTAL MINOR OTM \$5,270
TRACK TIES					
TIE PRE-PLT STD #1-8'6", 16"/6" PL	6.00%	EA	48	\$144.00	\$8,426
Tie, Switch, 10ft, Pre-pltd, 16in, 6in Base Tps	6.00%	EA	86	\$160.30	\$16,805
					TOTAL TRACK TIES \$25,231
BALLAST					
BALLAST - MAINLINE	6.00%	TN	300	\$16.48	\$5,241
					TOTAL BALLAST \$5,241
CROSSING MATERIALS					
CROSSING RECYC.RUBBER 132/136# 10' TIES	6.00%	EA	108	\$283.93	\$37,380
DEFLECTOR PLATE SET	6.00%	EA	1	\$594.82	\$726
					TOTAL CROSSING MATERIALS \$38,106
Signals & Communications Materials					
S&C MATERIALS (Per S&C Dept Estimate)	6.00%	LS	1	\$1,000.00	\$1,060
					TOTAL SIGNAL & COMMUNICATIONS \$1,060
V.4.5					TOTAL MATERIAL \$89,738

City of Swartz Creek Capital Asset Policy
September 23, 2024

Capital Assets are defined by the City of Swartz Creek of those items having an initial cost of more than \$5,000 and an estimated useful life in excess of one year. Such assets will be recorded at historical cost or estimated historical cost if purchased or constructed.

Donated capital assets are recorded at estimated fair market value at the date of donation.

Capital assets include property, equipment, and vehicles acquired after July 1, 2014 will be depreciated using the straight-line method and the schedule below.

Current fixed assets will continue to be depreciated based on the method and term of life of assets recorded at the time of purchase or acquisition by the City of Swartz Creek

Buildings – 39 years
Improvements – 10-40 years
Machinery and Equipment - 5-7 years
Infrastructure – 15-25 years
Sewer and Water systems - 40 years
Vehicles – 3-5 years
Office Furnishings – 5-7 years
Other tools and equipment – 3-7 years
Software – 3 years
Roads – 20 years
Sewer Relining – 40 years

Donated contributed capital account 900-000/000-674.100