

**City of Swartz Creek
AGENDA**

**Regular Council Meeting, Monday December 3, 2012 7:00 P.M.
City Hall Building, 8083 Civic Drive Swartz Creek, Michigan 48473**

1. **CALL TO ORDER:**
2. **INVOCATION AND PLEDGE OF ALLEGIANCE:**
3. **ROLL CALL:**
4. **MOTION TO APPROVE MINUTES:**
 - 4A. Regular Council Meeting of November 26, 2012 MOTION Pg. 6, 9-13
5. **APPROVE AGENDA**
 - 5A. Proposed / Amended Agenda MOTION Pg. 6
6. **REPORTS & COMMUNICATIONS:**
 - 6A. [City Manager's Report](#) (Agenda Item) MOTION Pg. 6, 2-5
 - 6B. TCO's #166 & 167 (Agenda Item) Pg. 14-15
 - 6C. MPSC Complaint, Frontier Communications (Agenda Item) Pg. CD
 - 6D. Election Certification, Council Seats Pg. 16
 - 6E. BS & A Building Module Proposal Pg. 17-25
 - 6F. Legislative Update, Personal Property Tax Pg. 26-30
 - 6G. Cross Access Easement, Cappadon LLC Pg. 31-33
 - 6H. MI-DEQ NPDES-IDEP Notice Pg. 34-35
 - 6I. MPSC Hearing Notice, Consumers Energy Pg. 36-37
7. **MEETING OPENED TO THE PUBLIC:**
 - 7A. General Public Comments
8. **COUNCIL BUSINESS:**
 - 8A. Traffic Control Order #166, West Miller & Bristol Signal RESO. Pg. 7, 14-15
 - 8B. Traffic Control Order #167, East Miller & Bristol Signal RESO. Pg. 7, 14-15
 - 8C. Boards & Commissions, Correct Park Board Appointments RESO. Pg. 7, 5
 - 8D. MPSC Complaint, Frontier v. City DISC. Pg. 5, CD
9. **MEETING OPENED TO THE PUBLIC:**
10. **REMARKS BY COUNCILMEMBERS:**
11. **ADJOURNMENT:**

City of Swartz Creek
CITY MANAGER'S REPORT
 Regular Council Meeting of Monday December 3, 2012 7:00 P.M.

TO: Honorable Mayor, Mayor Pro-Tem & Council Members
FROM: PAUL BUECHE // City Manager
DATE: 30-November-2012

OLD / ROUTINE BUSINESS – REVISITED ISSUES / PROJECTS

✓ **MAJOR STREET FUND, TRAFFIC IMPROVEMENTS** (See Individual Category)

2011-2014 T.I.P. APPLICATION (Status)

Here is a schedule of City projects that are funded or in the queue (shaded).

2011-2014 TIP, PENDING PROJECTS FUNDED & QUEUED (shaded)

Project	Year	Grant	City Match	P.E.	C.E.	Total
Bristol Road @ GM-SPO	2013	\$54,912	\$13,728	\$8,000	\$16,000	\$92,640
Morrish Road Bridge Deck Over Creek	2013	\$584,000	\$132,000*	\$30,000	\$60,000	\$806,000
Miller Between Tallmadge & Dye	Unfunded	\$951,602	\$237,901	\$76,000	\$120,000	\$1,385,503
Miller Between Seymour & Elms	Unfunded	\$1,635,357	\$408,839	\$100,000	\$160,000	\$2,304,196
Totals:		\$3,225,871	\$792,468	\$214,000	\$356,000	\$4,588,339

*Includes Enhancements, Walk-Way & Lighting

Design on the Morrish Road Bridge is complete and has been submitted to MDOT for review. Incorporated into the design are the non-participating enhancements as well as the road closure for construction. The project is estimated to last for two months and will be timed while the school is on summer break (2013).

On a related matter, the five year TIP call for projects will be coming up shortly. Staff meetings with our engineer are suggesting that we put all of Miller Road between Seymour and Dye in, as well as the Bristol Road cuts in front of GM-SPO and the corresponding sections of Bristol. This should just about take care of our major streets for a little while. Any other suggestions please let me know.

✓ **COUNTY WWS ISSUES PENDING** (See Individual Category)

KAREGNONDI WATER AUTHORITY (Status)

The County Board of Commissioners has approved the sale of bonds to raise revenue to construct the intake for the new pipeline. As of date, we have no new information on what the end user cost will be. I'll keep the Council informed on developments.

SEWER I&I PENALTIES, REHABILITATION (Status)

We approved Phase IV of the sewer rehabilitation project (Winshall Drive) at the meeting of July 25th, the cost being \$82,492.50 (work halted at around \$10k). The TV work revealed we have two breaches to the main that need to be excavated to repair. We approved light design engineering, survey and bid package preparation in the amount of \$6,847 at the meeting of February 27th. After extensive review of all options, we bid for excavation and repair with the low bidder being Joe Raica

Excavating of Fowlerville Michigan in the amount of \$146,500. We held a pre-construction meeting with residents that are affected on October 10th with work beginning on October 15th. As of writing, the excavations have been completed with only some minor restoration work left. I'll forward the final cost reconciliation when we get it.

❑ **BEAR CREEK SANITARY SEWER AGREEMENT** (*Status*)

Design of the bridge has been accepted by MDOT and it appears they will not require the relocation of the sanitary sewer line. I'm going to give the project a bit more time before approaching the county on a solution for ownership of the line.

✓ **MARATHON REDEVELOPMENT PROJECT** (*Status*)

The Council selected the Biggby Project at the Special Meeting of February 20th. Here is the revised schedule:

RFP Issued	September 8, 2011
Pre-Bid Meeting	September 29, 2011 @ 4:00 p.m.
RFP Response Deadline	November 1, 2011 @ 4:00 p.m.
Presentations by Invitation:	February 2, 2012
Council Selection:	February 20, 2012
Purchase Agreement:	June, 2012
Planning Commission Site Plan:	January, 2013
Building Demo	October, 2012
UST Removal	December, 2012
Commence Construction:	T.B.D.

As discussed at the meeting of July 23rd, we are in Circuit Court for quiet title acquisition. Mr. Gildner advises that most of the lien holders have defaulted. He is negotiating a stipulation with the banks involved and is most confident that he can succeed. We entered into an agreement with HCP (Atkinson Construction) to demo the station, assuming the risk while waiting for a clear title. We also entered into an agreement with Marathon on the UST removal with work scheduled for the first week of December. Demolition on the building has been completed.

✓ **PERSONNEL & POLICIES & PROCEDURES** (*Status*)

Pending.

✓ **CITY PROPERTY, 4438 MORRISH ROAD** (*Status*)

We'll look at a disposition for the house at 4438 Morrish in the spring.

✓ **LABOR CONTRACTS, SHARED SERVICES, BUILDING DEPARTMENT** (*Status*)

The POLC, AFSCME, Supervisor, Assessor, Zoning Administrator and Part-Time Police Officers have been settled. The remaining loose ends are the building inspector's employment agreement, which in part is addressed in the Shared Services Study and the City Manager contract. Included with tonight's packet is a quote for the building module of our accounting software, BS&A. I dropped this in tonight's packet as information only at this time. We'll be visiting this issue in the very near future. The shared services committee continues to meet and should have a report back to the Council around the first of the year.

✓ **FIRE DEPARTMENT: BUDGET, CONTRACT & COST RECOVERY** (*Status*)

The contract is still expired and operating on a roll over clause.

✓ **SPRINGBROOK EAST & HERITAGE ASSOCIATION S.A.D.** (*Status*)

All that remains is to accept the streets into our Act #51 Street System. This process is a bit lengthy insofar as legal steps required assuring a proper transfer. Mr. Figura has

prepared the paperwork on this end. There are several steps the Associations need to complete before we can begin our process. As soon as we get past this busy spurt, I'll fire up the Associations to start the process.

✓ **SIGN ORDINANCE** (*Status*)

We used the shared services ad-hoc committee to chat about this issue. The only problem with it is the amortization of non-conforming signs, being December 31, 2012. It was agreed upon that this is a very aggressive requirement and should be eliminated. Non-conforming signs may be better dealt with by trying to individually manage them through deterioration, new building and renovation permits, etc. The ordinance is in to Mr. Gildner to review and amend before being brought back to the Council. I hope to have it for a reading in December.

✓ **SCHOOL PERFORMING ARTS CENTER** (*Status*)

Construction and associated "dry weather dust" continues to progress.

✓ **MEIJER SITE PLAN & ADDENDUM** (*Status*)

The Council approved an amended site plan allowing for the construction of a gross square foot store of 192,214 along with related changes to parking, traffic circulation, lighting, landscaping, and signage, all of which have been deemed by the City's staff as minor and within the general concept of the original site plan approval. On paid-in capital, Meijer funded improvements capped at \$1,500,000. To date, they have paid \$1,095,000. They owe the City \$52,873, which when invoiced and paid, will put their contribution, to date, for the Morrish project at \$1,147,873. This leaves \$352,127 left to fund traffic signals and other related improvements. MDOT has given final approval for the traffic signal and Mr. LaMourie has begun final design and shop drawings. The state delays have placed us under a time constraint as there's about a four month stack delay in ordering steel. On the other side, construction on the site is in high gear. I've included a few on-site photos with tonight's disk.

✓ **FIVE-YEAR PARKS & RECREATION PLAN, ELMS PARK PROJECT** (*Status*)

Awaiting a draft, expected sometime in November.

✓ **TRAFFIC SIGNALS, BRISTOL & MILLER** (*Resolution*)

The Police Chief has drafted a temporary Traffic Control Order to place both lights on flash, caution for Miller and red stop for the other intersection legs. I have a resolution with tonight's agenda to make the temp TCO's permanent.

✓ **CLASS "C", "SDM" LIQUOR LICENSES, NEW** (*Status*)

Referred to the Planning Commission.

✓ **I-69 MORRISH ROAD BRIDGE REPAIR, FLOOD RELIEF GRANT** (*Status*)

Pending design and bid.

✓ **TRI-COUNTY LEASE AGREEMENT** (*Status*)

As we discussed at the July 23rd Meeting, we have lease agreements with Tri-County Wireless, an internet provider, for the location of a transceiver on top of the water tower at Miller & Seymour. The lease is scheduled to expire this month and Tri-county requests to renew it. They are paid up in good standing. I'm proceeding with a contract renewal based on our disinterest in WI-FI service. I should have something back within the next meeting or two for approval.

✓ **CITY WEB SITE, RELATED SERVICES** (*Status*)

We have a draft that's very close to completion. It is accessible via the internet. Included in the council packet is a questionnaire with a web address for viewing along with a questionnaire for information on councilmembers. If the council can fill these out and submit them at tonight's meeting, we can probably complete the site within a week. The office staff, under Juanita's direction, worked endlessly on this. I think the effort paid off. We welcome any council comments, suggestions and even criticism's that you may have.

NEW BUSINESS / PROJECTED ISSUES & PROJECTS

✓ **BOARDS & COMMISSIONS** (*OOPS!*) (*Resolution*)

I got the Park Board appointments a bit twisted. Mr. Plumb had resigned sometime ago, yet we had him as re-appointed at the last meeting. I have a resolution to rescind all the appointments with a new resolution to re-appoint. In addition, I may have one more change to another appointment. I'll bring this one back at the next meeting.

✓ **MPSC COMPLAINT, FRONTIER v CITY** (*Discussion*)

Included with tonight's packet (on your CD), is an action filed against the City with the Michigan Public Service Commission over the City's denial of a right of way permit to bore tele-communications lines under Morrish Road, relative to the Meijer project. This matter goes back to the \$45k owed the City by originally Verizon and now Frontier, over the 2006 Bristol Road Project. I've set this for discussion at tonight's meeting to explore options.

Council Questions, Inquiries, Requests and Comments

- *Deteriorated Retaining Walls & Planters at City Buildings.* The wall along the north side of the building has been repaired. We are looking at options on some of the other repairs around the site.
- *Additional Lighting, Miller – Fairchild Intersection.* We are back trying to get a review by Consumers Energy.
- *Flood Damage, Apple Creek Apartments.* Although there's no clear answer, existing property rights would prevent the City from blocking existing buildings, even in the event that they were destroyed by flood or fire.
- *Deteriorated Grain Elevator Building, Morrish at CNA Crossing.* Pending.

City of Swartz Creek
RESOLUTIONS
Regular Council Meeting, Monday December 3, 2012 7:00 P.M.

Resolution No. 121203-4A MINUTES – NOVEMBER 26, 2012

Motion by Councilmember: _____

I Move the Swartz Creek City Council approve the Minutes of the Regular Council Meeting held November 26, 2012 to be circulated and placed on file.

Second by Councilmember: _____

Voting For: _____

Voting Against: _____

Resolution No. 121203-5A AGENDA APPROVAL

Motion by Councilmember: _____

I Move the Swartz Creek City Council approve the Agenda as presented / printed / amended for the Regular Council Meeting of December 3, 2012, to be circulated and placed on file.

Second by Councilmember: _____

Voting For: _____

Voting Against: _____

Resolution No. 121203-6A CITY MANAGER’S REPORT

Motion by Councilmember: _____

I Move the Swartz Creek City Council approve the City Manager’s Report of December 3, 2012, to be circulated and placed on file.

Second by Councilmember: _____

Voting For: _____

Voting Against: _____

Resolution No. 121203-8A

TRAFFIC CONTROL ORDER #166, MILLER & BRISTOL WEST TRAFFIC SIGNAL

Motion by Councilmember: _____

I Move the City of Swartz Creek, in accordance with the City Engineer and Chief of Polices' Recommendation, approve Traffic Control Order #166 and direct the staff to place the Miller & Bristol west traffic signal on flash, caution yellow for the Miller Road east-west legs, and red stop for the Bristol Road cutover leg.

Second by Councilmember: _____

Voting For: _____

Voting Against: _____

Resolution No. 121203-8B

TRAFFIC CONTROL ORDER #167, MILLER & BRISTOL EAST TRAFFIC SIGNAL

Motion by Councilmember: _____

I Move the City of Swartz Creek, in accordance with the City Engineer and Chief of Polices' Recommendation, approve Traffic Control Order #167 and direct the staff to place the Miller & Bristol east traffic signal on flash, caution yellow for the Miller Road east-west legs, and red stop for the plant and plaza ingress – egress.

Second by Councilmember: _____

Voting For: _____

Voting Against: _____

Resolution No. 121203-8C

BOARDS & COMMISSIONS, PARK BOARD

Motion by Councilmember: _____

WHEREAS, the City Council initiated appointments to the Parks and Recreation Board at its regular meeting of November 26, 2012, excerpts from the appointments as follows:

Boards, Commissions & Representatives

Resolution No. 121126-04 Carried)

*Motion by Councilmember Hicks
Second by Councilmember Hurt*

I Move the Swartz Creek City Council concur with the Mayor and City Council appointments as follows:

Mayor's Appointments:

#121126-8H *Parks & Recreation Advisory Board
Terms Expiring December 31, 2015*

**PAT WILLIAMS
RODNEY GARDNER
MICHAEL SHUMAKER
RICK HENRY
RONALD SCHULTZ
DAVID PLUMB
RAE LYNN HICKS
RAY THORNTON**

JAMES FLORENCE
EDNA GILBERT *(Alternate)*
JOE PERREAULT *(Alternate)*

Discussion Took Place.

YES: *Krueger, Porath, Shumaker, Abrams, Gilbert, Hicks, Hurt.*
NO: *None. Motion Declared Carried.*

WHEREAS, appointments to the Park Board were in error as an older list was substituted that reflected one member who had left the board, and in the interest of accuracy, the City desires to correct the appointments.

NOW, THEREFORE, I Move the City of Swartz Creek rescind Resolution #121126-04 (8H) and further, concur with the Mayor's appointments as follows:

Parks & Recreation Advisory Board
Terms Expiring December 31, 2015

PAT WILLIAMS
RODNEY GARDNER
MICHAEL SHUMAKER
RICK HENRY
RONALD SCHULTZ
JOE PERREAULT
REA LYNN HICKS
RAY THORNTON
JAMES FLORENCE
EDNA GILBERT *(Alternate)*

Second by Councilmember: _____

Voting For: _____

Voting Against: _____

City of Swartz Creek
Regular Council Meeting Minutes
Of the Meeting Held
Monday November 26, 2012 7:00 P.M.

CITY OF SWARTZ CREEK
SWARTZ CREEK, MICHIGAN
MINUTES OF THE COUNCIL MEETING
DATE 11/26/2012

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 to the Flag.

Councilmembers Present: Abrams, Gilbert, Hicks, Hurt, Krueger, Porath, Shumaker.

Councilmembers Absent: None.

Staff Present: City Manager Paul Bueche, City Clerk Juanita Aguilar.

Others Present: Tommy Butler, Boots Abrams, Bob Plumb, Steve Shumaker, Jim Florence, Sharon Shumaker, Ron Schultz, W. Steve Wensko, Lou Fleury.

APPROVAL OF MINUTES

Resolution No. 121126-01

(Carried)

Motion by Councilmember Porath
Second by Councilmember Shumaker

I Move the Swartz Creek City Council hereby approve the Minutes of the Regular Council Meeting, as corrected, held November 12, 2012, to be circulated and placed on file.

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

APPROVAL OF AGENDA

Resolution No. 121126-02

(Carried)

Motion by Mayor Pro-Tem Abrams
Second by Councilmember Hurt

I Move the Swartz Creek City Council approve the Agenda, as corrected, for the Regular Council Meeting of November 26, 2012, to be circulated and placed on file.

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

REPORTS AND COMMUNICATIONS:

City Manager's Report

Resolution No. 121126-03

(Carried)

Motion by Councilmember Shumaker
Second by Councilmember Hicks

I Move the Swartz Creek City Council approve the City Manager's Report of November 26, 2012, to be circulated and placed on file.

Discussion Took Place.

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

All other reports and communications were accepted and placed on file.

MEETING OPENED TO THE PUBLIC:

Ron Schultz, 4279 Springbrook, spoke about the lights in the Catholic Church parking lot. Mr. Schultz stated that the lights are too bright and requested that someone check into it.

Tommy Butler, 40 Somerset, asked if the Mayor had an office at City Hall. Mr. Butler spoke about the CDBG grant. Mr. Butler stated that on the list of proposed projects, he did not see anything for the young people of the City. City Manager Bueche stated that the grant is limited in what the City can use it for.

COUNCIL BUSINESS:

Boards, Commissions & Representatives

Resolution No. 121126-04

(Carried)

Motion by Councilmember Hicks
Second by Councilmember Hurt

I Move the Swartz Creek City Council concur with the Mayor and City Council appointments as follows:

Mayor's Appointments:

#121126-8A Fire Board, City Citizen Representative
Term Expiring November 10, 2014

RAY THORNTON

#121126-8B	Fire Board, City Citizen Representative Term Expiring November 10, 2014	RICK CLOLINGER
#121126-8C	Fire Board, Council Representative Term Expiring November 10, 2014	DAVID HURT
#121126-8D	Planning Commission, Administrative Officer: Term Expiring November 10, 2014	PAUL BUECHE
#121126-8E	Planning Commission, Council Representative: Term Expiring November 10, 2014	C. DAVID HURT
#121126-8F	Metro Alliance, Council Representative: Term Expiring November 10, 2014	JOHN GILBERT
#121126-8G	Metro Alliance, Citizen Representative: Term Expiring November 10, 2014	RONALD SCHULTZ
#121126-8H	Parks & Recreation Advisory Board Terms Expiring December 31, 2015	PAT WILLIAMS RODNEY GARDNER MICHAEL SHUMAKER RICK HENRY RONALD SCHULTZ DAVID PLUMB RAE LYNN HICKS RAY THORNTON JAMES FLORENCE EDNA GILBERT (Alternate) JOE PERREAULT (Alternate)
#121126-8I	FANG, Delegate & Alternate: Terms Expiring November 10, 2014	RAE LYNN HICKS RICK CLOLINGER
#121126-8J	WWS Representative, Delegate & Alternate Term Expiring November 10, 2014	THOMAS SVRCEK PAUL BUECHE
#121126-8K	911 Consortium Term Expiring November 10, 2014	PAUL BUECHE
#121126-8L	Street Administrator, MPO-TAC, Delegate Term Expiring November 10, 2014	THOMAS SVRCEK
#121126-8M	GAIN, Delegate & Alternate: Terms Expiring November 10, 2014	DAVID HURT RICK CLOLINGER

Council Appointments:

#121126-8N	Construction Board of Appeals (3 Positions) Terms Expiring November 10, 2014	DOUGLAS STEPHENS MICHAEL SHUMAKER RONALD SCHULTZ DAVID KRUEGER MIKE SHUMAKER RICHARD ABRAMS
#121126-8O	Small Cities, Delegate & Alternate: Terms Expiring November 10, 2014 Ex-Officio (<i>Non-Expiring</i>):	DAVID KRUEGER MIKE SHUMAKER RICHARD ABRAMS
#121126-8P	Zoning Board of Appeals, Council Representative Term Expiring November 10, 2014	CURT PORATH
#121126-8Q	Zoning Board of Appeals, Citizen Representative Term Expiring November 5, 2015	RONALD SCHULTZ

#121126-8R Zoning Board of Appeals, Citizen Representative
Term Expiring November 5, 2015

JAMES PACKER

#121126-8S Shared Services Ad-Hoc Committee
Term Expiring November 10, 2014

**DAVID KRUEGER
RICHARD ABRAMS
DAVID HURT**

Discussion Took Place.

YES: Krueger, Porath, Shumaker, Abrams, Gilbert, Hicks, Hurt.

NO: None. Motion Declared Carried.

Traffic Signals, Miller and Bristol

(Discussion)

City Manager Bueche spoke about the report from ROWE regarding the traffic signals at Miller and Bristol, suggesting removal of both traffic lights.

MEETING OPENED TO THE PUBLIC:

Sharon Shumaker, 4084 Jennie Lane, announced that her husband, Councilmember Shumaker, won the World Champion Pipe Smoking Contest.

REMARKS BY COUNCILMEMBERS:

Councilmember Hurt thanked everyone for bearing with his coughing.

Councilmember Hicks stated that the Park Board is currently working on a grant for improving the parks as well as the five year plan.

Councilmember Porath asked what the cost was to apply for the parks grant. Ms. Hicks stated that she didn't believe there was a cost for the grant but that the five year park plan came with a cost of around \$5,000.

Mayor Pro-Tem Abrams spoke about the City not having an office for the Mayor. Mr. Abrams stated that the Small Cities and Villages meeting will be on the 5th of December. Mr. Abrams asked when the Shared Services Committee was going to meet again. Mr. Bueche stated that December 5 would be the next meeting.

Mayor Krueger stated that the Council meetings for December would be the first two Mondays of that month.

Adjournment

Resolution No. 121126-05

(Carried)

Motion by Mayor Pro-Tem Abrams
Second by Councilmember Shumaker

I Move the City of Swartz Creek adjourn the Regular Session of the City Council meeting at 7:52 p.m.

YES: Unanimous Voice Vote.
NO: None. Motion Declared Carried.

David A. Krueger, Mayor

Juanita Aguilar, City Clerk

City of Swartz Creek
A Municipal Corporation

TRAFFIC CONTROL ORDER

In accordance with Article II of the Code of Ordinances, and pursuant to the Uniform Traffic Code adopted by the City of Swartz Creek, an investigation has been conducted by the traffic control engineer, relative to conditions at: **Miller Rd. at the West Bristol Rd. extension. (2) Overhead Traffic Control Signals.**

And as a result of said investigation, do hereby direct that: **The (2) overhead Traffic Control Signals be placed on Flashing Caution in all directions permanently.**

This Traffic Control Order shall become effective on the **29th** day of **November, 2012**, at **8:00AM**.

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

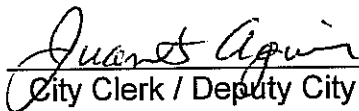
TCO affects no other existing order.

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



Chief of Police / Traffic Engineer

Filed with the Office of the City Clerk on 29th of November, 2012



City Clerk / Deputy City Clerk

Approved by the City Council, at a meeting held the _____ day of _____,
_____, Resolution Number: _____.

City Clerk / Deputy City Clerk

City of Swartz Creek
A Municipal Corporation

TRAFFIC CONTROL ORDER

In accordance with Article II of the Code of Ordinances, and pursuant to the Uniform Traffic Code adopted by the City of Swartz Creek, an investigation has been conducted by the traffic control engineer, relative to conditions at: **Miller Rd. at Bristol Rd. (2) overhead Traffic Control Signals.**


And as a result of said investigation, do hereby direct that: **The (2) overhead Traffic Control Signals be placed on Flashing Caution in all directions permanently.**

This Traffic Control Order shall become effective on the **29th** day of **November, 2012**, at **8:00AM**.

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

TCO affects no other existing order.

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



Chief of Police / Traffic Engineer

Filed with the Office of the City Clerk on 29th of November, 2012



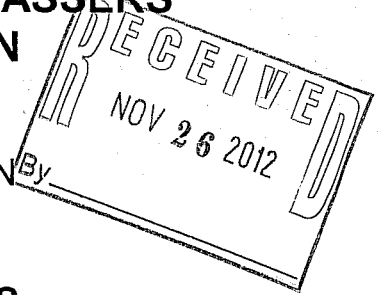
City Clerk / Deputy City Clerk

Approved by the City Council, at a meeting held the _____ day of _____,
_____, Resolution Number: _____.

City Clerk / Deputy City Clerk

**CANVASS OF VOTES
GENESEE COUNTY BOARD OF CANVASSERS
GENESEE COUNTY, MICHIGAN**

NOVEMBER 6, 2012
CERTIFICATE OF DETERMINATION
GENESEE COUNTY



CITY OF SWARTZ CREEK OFFICES

STATE OF MICHIGAN)
)ss
COUNTY OF GENESEE)

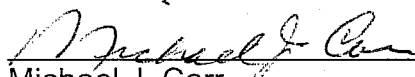
The Board of County Canvassers of Genesee County, Michigan, having ascertained and canvassed the votes of said City of Swartz Creek at the Election held on Tuesday, the 6th day of November, Two Thousand and Twelve;

Do hereby certify and determine the number of votes given for candidates for the following City of Swartz Creek Offices:

Council Member At Large – 4 Year Term (Vote for 3)

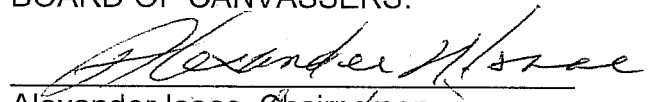
Richard B. Abrams 1,738 (Elected)
John A. Gilbert 1,326 (Elected)
David Krueger 1,552 (Elected)
Ronald E. Schultz 1,313

ATTEST:

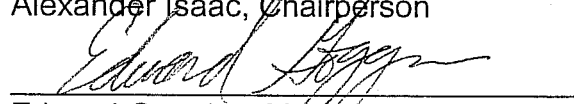


Michael J. Carr
Clerk of Board of County Canvassers

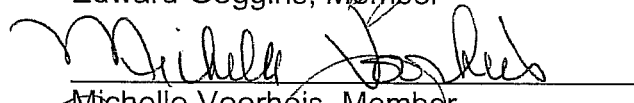
BOARD OF CANVASSERS:



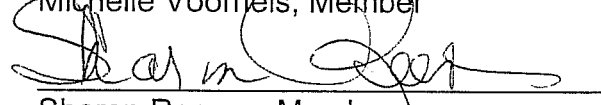
Alexander Isaac, Chairperson



Edward Goggins, Member



Michelle Voorheis, Member



Sharon Reeves, Member

DATED: NOV 14 2012

Proposal for Software and Services, Presented to...

City of Swartz Creek, Genesee County MI

November 16, 2012

Quoted by: Steve Rennell



Thank you for the opportunity to quote our software and services.

At BS&A, we are focused on delivering unparalleled service, solutions, support, and customer satisfaction. You'll see this in our literature, but it's not just a marketing strategy... it's a mindset deeply embedded in our DNA. Our goal is to provide such remarkable customer service that our customers feel compelled to remark about it.

*We are extremely proud of the many long-term customer relationships we have built. Our success is directly correlated with putting the customer first and consistently choosing to **listen**. Delivering unparalleled customer service is the foundation of our company.*

Contents

Please return all pages, retaining a copy for your records.

Cost Summary; Totals.....	3, 4
Annual Service Fees.....	5
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Attachments

Please retain for your records.

Hardware Requirements
SQL Server Pricing



Cost Summary

Application and Annual Service Fee prices based on an approximate parcel count of 2,714. Software is licensed for use only by municipality identified on the cover page. If used for additional entities or agencies, please contact BS&A for appropriate pricing.

Prices subject to change if the actual count is significantly different than the estimated count.

Applications, New Purchase

Building Department .NET	\$5,370
--------------------------	----------------

Implementation and Project Management

Services include:

- Analyzing customer processes to ensure all critical components are addressed
- Creating and managing the project schedule in accordance with the customer's existing processes and needs
- Providing a central contact between the customer project leaders, developers, trainers, IT staff, and other resources required throughout the transition period
- Coordinating and/or performing data extractions necessary for both testing and final conversions
- Installing the software and providing IT consultation for network, server, and workstation configuration and requirements
- Testing and reviewing converted data

\$640

Training

- \$850/day
- Days quoted are estimates; you are billed for actual days used

Building Department .NET	Days: 3	\$2,550
--------------------------	---------	----------------

Travel Expenses

Travel expenses included with Software Setup and Training	No charge
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Cost Totals

Not including Annual Service Fees

Applications	\$5,370
Implementation and Project Management	\$640
Training	\$2,550
Travel Expenses	\$0

Total Proposed **\$8,560**



Annual Service Fees, New Purchases

Unlimited service and support during your first year with the program are included in your purchase price. Thereafter, Service Fees are billed annually. BS&A Software reserves the right to increase the Annual Service Fee by no more than the yearly Consumers Price Index (CPI).

Building Department .NET \$1,070

Total Annual Service, New Purchases \$1,070



Optional Item(s)

Additional Training - Building Department Report Designer

Most of our Building Department customers heavily use our Report Designer, which is included free with the program. Report Designer Training is not included in the training quoted on this proposal and is highly recommended. You may attend a class at our office in Bath Township, or we can train at your location. Report Designer Training is typically completed in one day.

Please check the option you are interested in. Report Designer Training will be scheduled after successful implementation and training of your Building Department software.

- Classroom training, \$195/person/day
- On-site training (unlimited attendees), travel included, \$850/day

Program Customization

BS&A strives to provide a flexible solution that can be tailored to each municipality's needs. However, in some cases, custom work may be required. Typical examples include:

- ˘ custom payment import/lock box import
- ˘ custom OCR scan-line
- ˘ custom journal export to an outside accounting system
- ˘ custom reports

If you require any custom work, please let us know so that we can better understand the scope of your request and include that in a separate proposal.

Acceptance

Signature constitutes...	
1. An order for products and services as quoted <i>Quoted prices do not include Program Customization or training beyond the estimated number of days</i>	
2. Agreement with the proposed Annual Service Fees	
3. Acceptance of BS&A's hardware recommendations required to efficiently run the .NET applications	
Signature	Date



BS&A PLEDGE. We offer a one-year, risk-reversal pledge on our software. If, up to a year after installation, you are not happy with our software and service, you can return our software for a full refund.

Returning Accepted Proposal to BS&A

Please return the entire proposal, with signature/date (this page) and contact information (next page) filled out, by any of these methods:

Mail: BS&A Software
14965 Abbey Lane
Bath, MI 48808

Fax: (517) 641-8960

Email: srennell@bsasoftware.com

Once your proposal is received, a BS&A representative will contact you to begin the scheduling process.

Contact Information

If any mailing addresses are PO Boxes, please also provide a Street Address for UPS/Overnight mail.

If additional contacts need to be submitted, please make a copy of this page.

Key Contact for Implementation and Project Management

Name _____ Title _____

Phone/Fax _____ Email _____

Mailing Address _____

City, State, Zip _____

Support Contact

Name _____ Title _____

Phone/Fax _____ Email _____

Mailing Address _____

City, State, Zip _____

Program Update Contact

Name _____ Title _____

Phone/Fax _____ Email _____

Mailing Address _____

City, State, Zip _____

Continued on the next page...

Questions? Please call Steve Rennell at (855) 272-7638 or email srennell@bsasoftware.com

Page 8 of 9

Prices good for a period of 90 days from date on quote

Contact Information, continued

IT Contact

Name _____ Title _____

Phone/Fax _____ Email _____

Mailing Address _____

City, State, Zip _____



REPLACE DON'T ERASE

www.replacedonterase.com

November 26, 2012

Lieutenant Governor Calley
State of Michigan
P.O. Box 30013
Lansing, MI 48909

Dear Lieutenant Governor Calley,

We appreciated the opportunity to meet with you last week regarding your new Personal Property Tax Reform proposal. We, as the Replace Don't Erase coalition, are supportive of a solution as long as it provides replacement revenue by a consistent, reliable source. Though your new proposal is a significant improvement over the current Senate bills (1065-1072), it still needs significant work.

Below is a list of initial concerns from the members of our coalition. We ask that you please take them into serious consideration as you move forward with this proposal, and we look forward to working with you on these issues in the coming weeks and months.

Michigan Association of Counties and Michigan Municipal League

- The cut or elimination of the PPT must not take effect if the ballot proposal to dedicate the use tax to replacement revenues is not approved by Michigan voters. The two must be tie-barred. If the use tax is not approved by Michigan voters, the cut to PPT must not take effect.
- What are the formulas for calculating the Essential Services Assessment (ESA) and the reallocation of the use tax? Without the formulas it's difficult to determine the impact on our communities.
- How broad is the authority of the state-wide entity created to reallocate the use tax? We would need to limit their ability to create conditions on this funding in the future.
- Understanding that you are working with what you consider available funds, please understand we are too, and we also have obligatory services to pay for. That being said, 80% reimbursement is not acceptable; we need to get closer to 100%. The ESA should be allowed for all public safety, not just police, fire and ambulance. It must include all public safety functions, including jails, 9-1-1 Authorities, and Special Public Safety Millages, public health, etc.
- Cutting our revenue by varying amounts across the state without providing relief from our obligations will force locals to make up the revenue elsewhere. This combined with ESA shifts the taxing burden from the state to the locally

REPLACE DON'T ERASE

- elected body. Assessing and increase and/or a new tax is as unpopular locally as it is state-wide, and it shifts the tax burden.
- In the last decade the state has used revenue sharing as a way to balance the GF. If the battery credit money is not available there will be a significant hole in the state budget, and we need a guarantee that it won't go after revenue sharing to fill a hole created by the battery credits.
 - What about debt millages? If the money isn't there from the ESA or use tax, that represents an automatic tax increase for homeowners.
 - Is the ESA option for businesses an annual option or a one-time option? What about abatements that expire? If it's an annual option, do we still keep the assessors and keep track of personal property? How will we determine the rate for ESA?
 - The PPT/ESA opt out that the business can elect will be very difficult to administer. It should be all or nothing and if PPT is going away that should no longer be an option.

Midland County Council on Aging

- 80% reimbursement for voter-approved millage such as Senior Millage undermines voter intent and local authority – should be 100% replacement.
- There is no proposed mechanism in the new proposal to allow voter-approved millages to make-up the additional 20% as is provided to local governments.
- There should be no delay in reimbursement to locals – exemptions should not begin until full replacement is available concurrent with exemptions.
- The mechanism for reimbursement to each local unit needs to be clear.
- The 1mill limit on senior millages needs to be increased in statute.

MASB and MAISA/MASA

- Reductions to Special Education mileage revenue puts programs and services for special needs children at risk.
- Reductions to vocational education revenue depletes the skilled workforce training that our businesses are demanding.
- Without 100% replacement of the revenue for school bond millages, the state constitution requires an automatic tax increase to cover the difference, transferring the PPT tax burden to local residents. That means taxpayers in 400 local school districts would face automatic property tax increases if the PPT revenues are not replaced.
- If the 18 mills for non-homestead are reduced for local districts, the school aid fund must make up the difference for those districts, thereby creating a reduction in money available in the fund.

REPLACE DON'T ERASE

- Lame Duck is not enough time to consider such a multi-faceted proposal. We need more time for all parties to fully understand the proposal and how it would affect local taxpayers, local essential services, local public schools, employers, and the state.
- As other members of the coalition strongly agree, the statewide vote for alternative disbursement of the use tax must be tie barred to the PPT repeal bills so that the funding source for replacement is directly tied to the loss of revenue. The PPT cut shall not take effect if the use tax is not approved by Michigan voters.

Thank you for your attention. We look forward to working with you to move closer to a suitable solution.

Replace Don't Erase Coalition

CC: Senator Jack Brandenburg
Senator Dave Hildenbrand
Senator Mike Nofs
Senator Randy Richardville
Representative Jase Bolger, Speaker of the House
Representative Vicki Barnett
Representative Phil Cavanagh
Representative Bob Constan
Representative Jeff Farrington
Representative Frank Foster
Representative Jud Gilbert
Representative Rudy Hobbs
Representative Kenneth Horn
Representative Andrew Kandrevas
Representative Lisa Posthumus Lyons
Representative Mark Meadows
Representative Eric Nesbitt
Representative Margaret O'Brien
Representative Rick Olson
Representative Mark Ouimet
Representative Jim Townsend
Representative John Walsh

In review, the plan proposed by Lt. Governor Calley does the following:

In accordance with what passed the Senate:

- Small Taxpayer PPT exemption: Beginning in 2014 a taxpayer's commercial and industrial personal property within a local tax collecting unit will be exempt, so long as the combined value of the property within the unit is less than \$40,000.
- Exemption for new personal property: Beginning in 2016 new eligible manufacturing personal property and eligible manufacturing personal property that was new in 2012-2015 will be 100% exempt.
- Existing (not new) personal property exemption: Beginning in 2016 eligible manufacturing personal property that was new in 2005 and before will be 100% exempt. In each subsequent year, one additional year is added to the exemption until all existing eligible manufacturing personal property would be exempt in 2022.
- Eligible manufacturing personal property: all industrial and commercial personal property located on a parcel of real property if the personal property is used more than 50% of the time in industrial processing and direct integrated support.

Plus Lt. Governor Calley's new proposal:

- Our members can levy an essential services assessment (ESA) on industrial real property to replace 100% of lost PPT revenue for police and fire. The specifics of the formula are yet to be given.
- The ESA is an option for businesses. They can either continue to pay PPT OR opt into the ESA. We told them this is an administrative nightmare, but an option helps get around Bolt issues.
- They intend to replace 80% of everything else (not police and fire) using a percentage of the use tax. It would require a **statewide vote of the people** to allow the authority to take a portion of the use tax. They are using the battery credits as a barometer for the amount they'll need in the use tax, but they are saying it would be no more than 1.5% of the 6% use tax to replace PPT. According to the Department of Treasury, 1.5% of the use tax = \$300 million. If you do the math that's about 63% of what our losses would be (as a coalition we're losing around \$470 million).
- The formula for reimbursement will go into the statute, but the authority has broad power.
- If you look at the last page of the attached spreadsheet I don't think their numbers add up, but they claim 100% reimbursement for police and fire and 80% for everything else.
- It goes into effect Jan. 1, 2014 so the intent is the statewide vote in November of next year.
- The vehicle bills for the above framework are House Bills 6022, 6024-6026.

Per additional conversations with the LG's office last week, they are still working on the formula for the ESA.

- They are now proposing the ESA be assessed on the federal personal property reporting standard instead of industrial real property. This helps alleviate our concern that businesses will relocate to townships that do not provide essential services and therefore will not levy the ESA.
- Originally they were saying the ESA would be an option for businesses but now they are looking at it being a requirement and not allowing PPT to exist at all which would lessn our administrative burden.

So what next?

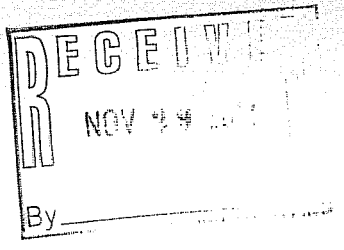
- Last week the Coalition sent a list of concerns/questions to the LG. See additional attachment.
- Yesterday the League met with Mitch Bean to get him to run the numbers. We have told the LG's office we can neither support nor oppose any plan without an independent assessment of the numbers.
- We expect the LG to publicly reveal his plan and discuss it in the House Tax Policy Committee on Wednesday, November 28.
- The Replace Don't Erase Coalition is holding a media roundtable on Wednesday afternoon to discuss the merits (or lack thereof) of the plan.



City Offices
M-F 8am-4:30pm
810.635.4464
810.635.2887 fax

Police Department
Emergency 911
M-F 8am-5pm
810.635.4401
810.635.3728 fax

Public Services Department
M-F 8am-4:30pm
810.635.4464



2-November-2012

CAPPADON LLC
C/O Ms. MARY CAPPAS
7400 West 75th Avenue
Schererville, Indiana 46375

Re: Cross Access Easement, Burger King Swartz Creek

Dear Ms. CAPPAS,

First off, thanks for your response on the previous correspondence. As you know, the City of Swartz Creek Michigan has acquired the title for an abandoned Marathon station at Miller & Elms with the intent to re-develop the property, or at a minimum, demolish the building and restore the lot to grade. Through a public offering for RFP's, the City has selected Atkinson Construction / Holiday Shores of Durand, who proposed an upscale coffee shop. Traffic management for all the parcels in the northwest quadrant of the Miller-Elms Intersection, specifically ingress and egress, has been tricky at best. In knowing this, the City provided for cross access easements during the site plan approval process of adjacent businesses. As we near the end of development for this quadrant of the intersection, the City needs to align and finalize paperwork associated with site plan approvals.

I spoke with Mr. John Lindholm, the attorney representing you, who desired a change in the corporate address for Cappadon. I have drafted a new easement that reflects this change. We ask that you execute this document and return it to the City in the pre-addressed envelope. If you have any questions, please feel free to contact me at (810)-635-4464. In advance, your attention to this matter is greatly appreciated.

Sincerely,

Paul Bueche
City Manager
City of Swartz Creek

Attachment

8083 Civic Drive Swartz Creek, Michigan 48473-1377
www.cityofswartzcreek.org



**INGRESS/EGRESS EASEMENT
CITY OF SWARTZ CREEK, MICHIGAN**

KNOW ALL MEN BY THESE PRESENTS: that Cappadon LLC, a limited liability corporation formed under the laws of the State of Michigan, party of the first part, whose address is 7400 West 75th Avenue, Schererville, IN 46375 for and in consideration of the sum of One (\$1.00) Dollar and other good and valuable consideration paid to it by City of Swartz Creek, party of the second part, whose address is 8083 Civic Drive, Swartz Creek, MI 48473, being exempt pursuant to MCLA 207.505(a), and MCLA 207.526(a) an easement for the purpose of providing vehicular ingress, egress and circulation to and from the following described premises:

Parcel No: 58-36-576-015

LOTS 1 & 2 EXC A PARCEL OF LAND BEG AT NE COR OF LOT 1 TH S 79.2 FT TH SWLY ALONG SLY LINE OF LOTS 1 & 2 183.17 FT TH NLY 188.5 FT TH E 200 FT TO PL OF BEG & LOTS 3 & 4 BERLIN CUMMINGS ACRES & A PARCEL OF LAND BEG S 88 DEG 44 MIN 15 SEC W 360 FT FROM E 1/4 COR OF SEC 36 TH S 88 DEG 88 DEG 44 MIN 15 SEC W 60 FT TH N 25 SEC 50 MIN 10 SEC E 67.39 FT TH N 0 DEG 35 MIN 40 SEC W 265.47 FT TH N 87 DEG 12 MIN 50 SEC E 30.02 FT TH S 0 DEG 35 MIN 40 SEC E 326.27 FT TO PL OF BEG OWNED & OCCUPIED AS ONE PARCEL (12) FR 58-36-400-008, 58-36-576-014;

In a public easement and right of way thereon which is to be located approximately as follows:

An easement for the purposes of ingress and egress the centerline of which is described as: BEGINNING at a point on the easterly line of the above described parcel, said point being northerly, 53 feet from the southeasterly corner of said parcel; thence southwesterly, along said centerline with said easement being 40 feet in width, a distance of 226.22 feet, more or less, to a point on the westerly line of said parcel and the POINT OF TERMINUS, said point being northerly, 48 feet from the southwesterly corner of said parcel. Also, BEGINNING at a point on the southerly line of said parcel which is northeasterly, 97.5 feet from said southwesterly corner of said parcel; thence northwesterly, parallel with the westerly line of said parcel, along the centerline with said easement being 65 feet in width, 29 feet more or less to the POINT OF TERMINUS. The sidelines of said easement shall be prolonged or shortened so as to begin or terminate on the easterly, westerly, and southerly parcel lines and the and the southerly easement line.

The instrument shall be binding upon and inure to the benefit of the parties hereto, their representative, successors and assigns.

Dated this 26 day of November, 2012.

Cappadon LLC, a Michigan Limited Liability Corporation

By [Signature]
Its MEMBER PARTNER

By Mary Cappas
Its Administrator

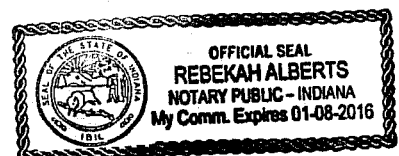
~~STATE OF MICHIGAN)~~
INDIANA
SS
COUNTY OF ~~GENESEE)~~
LAKE

The foregoing instrument was acknowledged before me this 26 day of November, 2012, by Mary Cappas, the Administrator, a Responsible Party on behalf of the company.

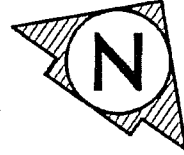
[Signature]
Notary Public, Laake, Indiana County, Michigan

My Commission Expires: 01-08-2016

Drafted by and return to:
ROWE Professional Services Company
PO Box 3748
Flint, MI 48502

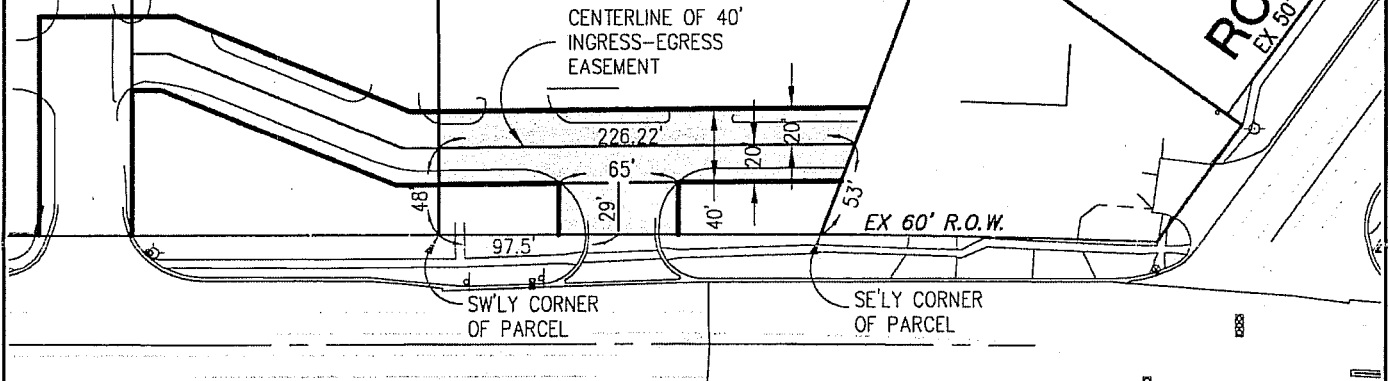


EASEMENT SKETCH



OWNER: CAPPADON, LLC
 TAX ID #: 58-36-576-015

CENTERLINE OF 40'
 INGRESS-EGRESS
 EASEMENT



MILLER ROAD

ELMS

CITY OF SWARTZ CREEK

SECTION 36 T7N - R5E CITY OF SWARTZ CREEK
 GENESEE COUNTY, MICHIGAN

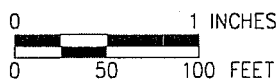


ROWE PROFESSIONAL SERVICES COMPANY

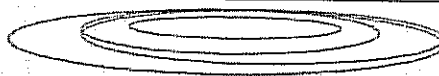
The ROWE Building
 540 S. Saginaw St., Ste. 200; P. O. Box 3748
 Flint, MI 48502

O: (810) 341-7500
 F: (810) 341-7573
 www.rowepsc.com

FIELD:	MDJ
DRAWN:	MAC
CHECKED:	JJF
DATE:	7-31-21
REVISED:	
SHEET:	1 OF 1
SCALE:	1" = 100'



JOB NO.: 05C0186



MDEQ

June 13 / October 1 meetings

On June 13 and October 1 the new permit advisory group met with the MDEQ to go over the new 2013-2017 permit. The biggest change for Genesee County Communities and Nested Jurisdictions is there is no more watershed permits. All new permits issued will be individual permits. Communities can still work together and combine services, but each permit will be custom to each permittee. Instead of filling out a brief application and then spelling out the details of your Certificate of Coverage (COC) in your Storm Water Pollution Prevention Initiative (SWPPI), now all those details will have to be included in the application process so each community permit can be customized. Recognizing that the application process will be much more labor intensive, the MDEQ has decided to phase in the permits over several years. Instead of applying for the new 2013 permit this year, the Flint River Watershed area will go through the application / permit process in 2014-15. This also means that your community will continue to be covered under the 2003 permit until the new permit takes effect some time in 2015.

SWPPI

On June 11, 2012 the MDEQ sent the Drain office a letter with concerns and comments on the County's SWPPI that was resubmitted in Oct 2011. Our office and Tetra Tech met with Stephanie Kammer of the MDEQ and went over those concerns. Based on the letter and our meeting the County's SWPPI was revised and resubmitted in July. Once the County's SWPPI has been accepted, the local communities can expect to see a letter from the MDEQ to revise their SWPPI. Sue from the Drain Commissioner's Office will be available to assist with any SWPPI related concerns.

Annual Report

On July 27, 2012 the MDEQ sent out a letter to permittees notifying them that effective October 1, 2012, the progress report for the NPDES PH II permit will change from annual to biennial (every other year). This is often referred to as the annual report. For continuity the Drain Commissioner's Office sent out questionnaires this October to the Communities and Nested Jurisdictions to report on their activities from Oct 1, 2011 to September 30, 2012. Permittees were requested to fill out the questionnaire and keep it for submission in 2013. Nested Jurisdictions were requested to fill out the questionnaire and submit it to the Drain Commissioner's Office. Next fall another annual questionnaire will be sent out and both this years and next's will then be submitted together to the State as the biennial progress report.

Public Education

Public Education Booth

Once again in August, we spent the week at the County Fair educating the public on water quality. Thank you to all the community volunteers that took a shift and help educate. This year we made a new arrangement with the Conservation district to provide staff to work the education booth both at the Fair and at other events. It has worked out great. Last year we were able to speak to 662 people, but with the beautiful weather and the additional staff to support the volunteers we were able to double that number and speak to over 1334 people at the fair. Also this fall we had a presence at the CRIM races for the first time and have had the booth at both the Flint and Grand Blanc Farmers Markets.

Riparian Meetings

Once again we offered free workshops to riparian land owners. For those residents that live on the water, specifically this year those who live on the Swartz Creek, Misteguay Creek or the Lower Flint River, they may have different concerns than residents that do not live on the water. Over the years we have spoken to many riparian landowners that are concerned about bank erosion, nuisance animals such as beavers and their dams, and more recently garbage and debris stockpiling in the water. These workshops have provided us the opportunity to meet with residents in small groups and discuss their specific concerns, and possible solutions.

IDEP

As we close on the 2011-12 fiscal year we have completed a significant portion of the IDEP dry weather screening. All of the Phase II permittees, except those listed below have had their outfalls mapped and dry weather screened. If an Illicit connection is confirmed a letter is sent to all affected parties, the property owner, the local community, the State of Michigan DEQ, and any other enforcement agencies such as the Health Department. Once the illicit connection is eliminated, the Drain Commissioner's Office will follow up to confirm the illicit connection has been eliminated.

An Illicit connection or an isolated dumping is often found through methods other than dry weather screening. Such as a resident can call reporting an incident, or an employee can witness a potential illicit connection while out in the field for another reason. Once you are notified of a potential illicit connection, a record must be kept even if you are not the enforcing authority. The monitoring and Mapping Subcommittee has created a spill notification form for your convenience. The form can be found on our website at the following address

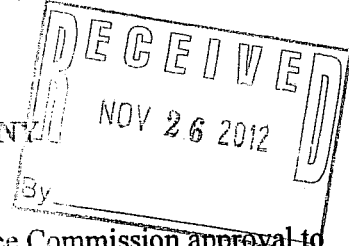
http://www.qcdcswm.com/PhaseII/Permit_Forms/Permit_Form.htm or in the IDEP plan as an attachment. These records should be kept, so you can include them in your annual report.

Due to the number of outfalls involved, not all Genesee County and City of Burton outfalls have been mapped and dry weather screened.

As part of the IDEP mapping, all the nested jurisdictions under Genesee County have been sent a letter this month requesting maps of their storm sewer systems. Starting this fall the County through Tetra Tech will be scheduling on site physical inspections for nested jurisdictions to review the storm operation and maintenance procedures. This program will not affect Local communities.

STATE OF MICHIGAN
BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

NOTICE OF HEARING
FOR THE CUSTOMERS OF
CONSUMERS ENERGY COMPANY
CASE NO. U-17082



- Consumers Energy Company requests Michigan Public Service Commission approval to reconcile its gas revenue pursuant to its gas utility Pilot Revenue Decoupling Mechanism for the period June 1, 2011 through April 30, 2012.
- The information below describes how a person may participate in this case.
- You may call or write Consumers Energy Company, One Energy Plaza, Jackson, Michigan 49201, (800) 477-5050, for a free copy of its application. Any person may review the application at the offices of Consumers Energy Company.
- The first public hearing in this matter will be held:

DATE/TIME: December 5, 2012, at 9:00 a.m.
This hearing will be a prehearing conference to set future hearing dates and decide other procedural matters.

BEFORE: Administrative Law Judge Mark E. Cummins

LOCATION: Constitution Hall
525 West Allegan
Lansing, Michigan

PARTICIPATION: Any interested person may attend and participate. The hearing site is accessible, including handicapped parking. Persons needing any accommodation to participate should contact the Commission's Executive Secretary at (517) 241-6160 in advance to request mobility, visual, hearing or other assistance.

The Michigan Public Service Commission (Commission) will hold a public hearing to consider Consumers Energy Company's (Consumers Energy) August 30, 2012 application, which seeks approval to reconcile revenue pursuant to the natural gas utility Pilot Revenue Decoupling Mechanism (PRDM) for the period June 1, 2011 through April 30, 2012. Consumers Energy also seeks approval to adjust its existing retail gas rates to recover the amount of \$17,283,698, plus interest, in additional revenue.

All documents filed in this case shall be submitted electronically through the Commission's E-Dockets website at: michigan.gov/mpscdockets. Requirements and instructions for filing can be found in the User Manual on the E-Dockets help page. Documents may also be submitted, in Word or PDF format, as an attachment to an email sent to: mpscdockets@michigan.gov. If you require assistance prior to e-filing, contact Commission staff at (517) 241-6180 or by email at: mpscdockets@michigan.gov.

Any person wishing to intervene and become a party to the case shall electronically file a petition to intervene with this Commission by November 28, 2012. (Petitions to intervene may also be filed using the traditional paper format.) The proof of service shall indicate service upon Consumers Energy's Legal Department – Regulatory Group, One Energy Plaza, Jackson, Michigan 49201.

Any person wishing to appear at the hearing to make a statement of position without becoming a party to the case may participate by filing an appearance. To file an appearance, the individual must attend the hearing and advise the presiding administrative law judge of his/her wish to make a statement of position. All information submitted to the Commission in this matter becomes public information: available on the Michigan Public Service Commission's website, and subject to disclosure.

Requests for adjournment must be made pursuant to the Commission's Rules of Practice and Procedure R 460.17315 and R 460.17335. Requests for further information on adjournment should be directed to (517) 241-6060.

A copy of Consumers Energy's request may be reviewed on the Commission's website at: michigan.gov/mpscedockets, and at the office of Consumers Energy Company, One Energy Plaza, Jackson, MI. For more information on how to participate in a case, you may contact the Commission at the above address or by telephone at (517) 241-6180.

Jurisdiction is pursuant to 1909 PA 300, as amended, MCL 462.2 et seq.; 1919 PA 419, as amended, MCL 460.54 et seq.; 1939 PA 3, as amended, MCL 460.1 et seq.; 1982 PA 304, as amended, MCL 460.6h et seq.; 1969 PA 306, as amended, MCL 24.201 et seq.; and the Commission's Rules of Practice and Procedure, as amended, 1999 AC, R 460.17101 et seq.

November 8, 2012