

**City of Swartz Creek
AGENDA**

**Regular Council Meeting, Monday, November 22, 2021, 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:**
3. **ROLL CALL:**
4. **MOTION TO APPROVE MINUTES:**
4A. Council Meeting of November 8, 2021 MOTION Pg. 33
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 Pg. 42
6C. Comcast Notice Pg. 53
6D. Carriage Commons Properties Pg. 56
6E. Christmas Event Permits Pg. 59
6F. Transportation Improvement Program Applications Pg. 63
6G. Proposed Budget Adjustments Pg. 81
6H. CBIZ OPEB Actuarial Proposal Pg. 84
6I. Audit Materials (Digital Only) Letter
Audit
Federal Audit
7. **MEETING OPENED TO THE PUBLIC:**
7A. General Public Comments
8. **COUNCIL BUSINESS:**
8A. Audit Presentation RESO Pg. 26
8B. Carriage Commons Property RESO Pg. 27
8C. Christmas Street and Plaza Permits RESO Pg. 28
8D. Appointments RESO Pg. 28
8E. Miller & Seymour Road Preservation Projects Support RESO Pg. 29
8F. Meeting Schedule Adjustment RESO Pg. 30
8G. Chart of Accounts/Budget Amendment RESO Pg. 31
8H. CBIZ OPEB Actuarial Proposal RESO Pg. 31
9. **MEETING OPENED TO THE PUBLIC:**
10. **REMARKS BY COUNCILMEMBERS:**
11. **ADJOURNMENT:** MOTION Pg. 32

Next Month Calendar

Metro Police Board:	Wednesday, November 24, 2021, 10:00 a.m., Metro HQ
Park Board:	Wednesday, December 1, 2021, 5:30 p.m., PDBMB
City Council:	Monday, December 6, 2021, 7:00 p.m., PDBMB
Planning Commission:	Tuesday, December 7, 2021, 7:00 p.m., PDBMB
Downtown Development Authority:	Thursday, December 9, 2021, 6:00 p.m., PDBMB
City Council:	Monday, December 13, 2021, 7:00 p.m., PDBMB
Zoning Board of Appeals:	Wednesday, December 15, 2021, 6:00 p.m., PDBMB
Fire Board:	Monday, December 20, 2021, 6:00 p.m., Public Safety Building

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, NOVEMBER 22, 2021, 7:00 P.M.**

The regular virtual meeting of the City of Swartz Creek city council is scheduled for **November 22, 2021** starting at 7:00 p.m. and will be conducted virtually (online and/or by phone), due to health concerns surrounding Coronavirus/COVID-19 and rules promulgated by the Michigan Department of Health and Human Services.

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

Zoom Instructions for Participants

To join the conference by phone:

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

Before a videoconference:

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

To join the videoconference:

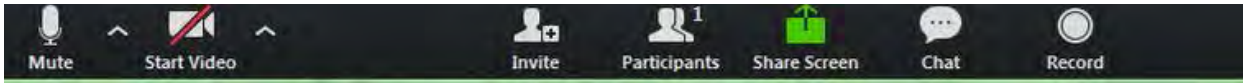
1. At the start time of your meeting, enter the link to join via computer. You may be instructed to download the Zoom application.
2. You have an opportunity to test your audio at this point by clicking on “Test Computer Audio.” Once you are satisfied that your audio works, click on “Join audio by computer.”

You may also join a meeting without the link by going to join.zoom.us on any browser and entering the Meeting ID provided below.

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

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

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



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

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

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

Connie Olger is inviting you to a scheduled Zoom meeting.

Topic: Swartz Creek City Council Meeting

Time: November 22, 2021 07:00 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 concern, please contact 810-429-2766 or email colger@cityofswartzcreek.org.

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

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

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

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

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

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

MAINTAINING ORDER

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

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

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

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

MOTIONS & RESOLUTIONS

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

PUBLIC ADDRESS OF COUNCIL

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

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

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

VOTING RECORD OF PUBLIC BODIES

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

City of Swartz Creek
CITY MANAGER'S REPORT
Regular Council Meeting of Monday, November 22, 2021 - 7:00 P.M.

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

FROM: Adam Zettel, City Manager

DATE: November 17, 2021

ROUTINE BUSINESS – REVISITED ISSUES / PROJECTS

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

The city approved the appraisal for the Meijer Store, and our service provider is already at work. The firm that the city retained has testified successfully against Meijer for the City of Flat Rock. I am hopeful we can get an outright win, petition withdrawal, or very favorable negotiation.

See the July 26, 2021 report for details on the Meijer appeal.

We continue with an appraisal of Family Farm and Home. This is for an appeal filed last year.

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

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

Applications for the next round of TIP have been submitted for Seymour and Miller (Morrish to N. Seymour). All major streets are eligible, but these are in the worst shape, by far. They are also the most likely to be awarded, since the points are largely based on condition, traffic counts, and multi-modal function (e.g. bike lanes).

To complete the application, we require resolutions of support from the city council. Since the estimated costs were not available until the 11th, I did not have these available for our last meeting on the 8th. However, the county is allowing the resolutions to be submitted at this time. With that said, the city would be acknowledging the projects and the financial commitment for 20% of the total project costs (engineering, construction, and observation). For Miller, the total cost is \$1,346,197 (\$269,239 city share). For Seymour, the total cost is \$1,356,858 (\$271,372 for the city share).

I am including a single resolution for both projects. I hope the city council supports these projects. If awarded, we will be in really good shape with our major street network (Miller, Seymour, Morrish, Elms, Fairchild, Winston, Ingalls, Oakview, & Bristol). The remaining street that requires preservation and/or reconstruction is Cappy. However, this is not likely to ever see funding due to its traffic counts. Before we know it, Elms and Bristol will be back in the hopper.

The previous report follows:

Morrish Road is slated for 2022 federal funding. Note that the total scope of the project is around \$843,660, with 25% being the city's contribution (\$214,625). The

city has committed the match portion to this project, which is 75-25. However, the federal allocation is capped at 75% of the original estimate, making the maximum federal reimbursement \$629,035. After three years and some project change orders, we are seeing an engineer's estimate that is \$1.1M prior to payment for construction engineering, which would add another \$150,000.

This is creating some obvious heartburn. The local match on this could easily balloon to 50%, which would place a tremendous strain on our road resources. We are working to reduce the project scope, as well as to seek a TIP amendment to increase this amount.

The project is slated to be complete in 2022. We are proceeding with preliminary engineering for this project. The engineers have included work scope regarding our desire to widen Paul Fortino to the north so that a left turn lane may be added. We are also including a mid-block crossing at Apple Creek Station.

In addition, we expect to ramp up with the next round of TIP submissions. This is the phase in which we request funding of specific major streets through the federal programs next three year cycle. Andy and I have been working on a strategy, and we believe we have no choice but to submit Miller Road (Morrish to N. Seymour) and ONLY this segment. In the past, we have submitted other major streets as backup. While they have funded (Morrish and Fairchild), we have not been adequately addressing our largest and most crucial asset.

To better position our community, we are completing PE for Miller Road early and keeping it as a standby project for other unspent TIP funds in the county (e.g. if the GCRC or another community in Genesee receives funding for a project but cannot complete it for some reason, a 'shovel-ready' project can take its place). Doing so will put our project on stand by and also demonstrate to the selection committee the degree of our commitment to having Miller Road funded in the next cycle. We now have a proposal for this work. I recommend proceeding. The design needs to be complete anyway, and doing it sooner may open more doors for funding.

Lastly, the county has put Miller and Elms intersection on a short list for potential roundabout candidates. It is unclear if there will be any additional funds (safety, air quality, or other). However, we are taking the first steps to take this into consideration. This intersection certainly poses some safety and efficiency issues.

✓ **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.

As of writing, Eastern has not completed the asphalt on Oakview and Chelmsford. However, the base levels of asphalt, storm systems, curbs, sidewalks, and forestry are complete. If we cannot get Eastern to finish prior to the meeting, it is likely that we will need to wait until spring. This is not ideal, but streets can certainly handle multiple seasons without a top coat without sustaining damage.

OHM is preparing preliminary engineering for the remainder of Winchester Village and Winchester Woods. This is a very large scope of work. If we were not pursuing the USDA phase II, we would likely engineer a single street, perhaps Greenleaf. However, with the USDA funding prospect, it is possible that we will have a much larger scope of work to complete in the two year performance period.

We will report the status of the USDA grant so that we can better plan for future projects.

✓ **BRIDGE WORK** *(No Change of Status)*

We met with the MDOT representative and the city's bridge engineers (Rowe PSC) to go over our bridge inspection file in mid-September. This was an informal audit, and everything went well. During the process, I learned that there may be 95% match maintenance funds available for the bridge decks. This could be timely for us. With the understanding that cooperation is key to awards, I have asked Rowe to coordinate with the county or other agencies to create a work package. I hope to have something before the council soon. However, like with the TIP, work would be years out.

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

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

A large lining program has been approved. This will finish up with most of downtown and include Miller, from Elms to Morrish. The project is expected to commence in January.

We held off on cleaning and inspections for future lining projects for the time being. When we consider our recent discussions regarding a jetting truck, it might be best to consider these only after we know if we are to do them in-house or with a contractor. Note that we are still looking at costs for in-house vs contracted cleaning. See the "sewer truck" section below for details.

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

The west Miller, Morrish, Bristol Road, and Village segments are complete. The contractor will be starting soon on the final component of USDA phase I, which is the Miller Road segment from Elms to Raubinger.

Note that Morrish Road paving and paint markings are temporary. We have timed this so that repairs commence next year with the Transportation Improvement Program funds.

OHM is working on an application for another round of USDA grant/loans. This will help us afford the remainder of the Winchester Village Streets:

Greenleaf
Winshall
Durwood
Norbury
Whitney
Seymour (South of Miller)

If we are going to do this, we may need to skip a street reconstruction in 2022 so that the USDA process is ready to go. The upside is that 2023 and 2024 could see the total completion of all Village water main and streets. Doing so will also require another street bond (funded with existing revenues). This is something we can probably arrange for ten years like we did with the first segment of road work.

If the USDA application is approved, we will know our obligations towards additional notes or access to grants. We can then formalize a workable financial and construction plan to finish the Village streets and water main. Note that we seek preliminary engineering for the streets at this meeting (not water main at this time).

As presented by the GCDC on April 12, the new county Master Plan includes a northern loop and southern loop option to provide redundancy and stability to the system. This is good news since Gaines and Clayton Township rely on the overstressed Miller line. There will not be any cost participation by the city, but the timeline is unclear. There are rumors that recovery act funds may be put forth to accelerate a loop.

The city is revisiting an effort to work with the county to abandon the 8" Dye Road water main in the vicinity of the rail line (west side of Dye). This line is prone to breaks, which can be very costly and dangerous near the rail spur. The intention would be to connect our customers to the other side of the street, onto the county 16" line. It appears the transition cost would be about \$25,000. Mr. Harris and I have learned of the needs from the county and are ready to proceed. We may look to add this as USDA work or bring back a separate proposal. Note that the city line will be abandoned, but the city will still retain the customers.

✓ **WATER SYSTEM MASTER PLAN** *(No Change of Status)*

The water reliability study has been submitted to the state. They are reviewing the document and will provide feedback, if needed. Once finalized, we can integrate the findings into the city capital improvement plan.

✓ **UTILITY BILLING CREDIT CARD USAGE AND RATES** *(No Change of Status)*

We have some good news. Credit card usage for the city has surpassed 15%, which is a great industry benchmark. We expect we can get this to go even higher. As of writing, we expect this to reduce our in-person interactions by about 1,200+ each year. It is also certainly responsible for reductions in user late fees, overdue billing administrative time, and shut offs.

The downside is that the cost to customers is about \$10,000 each year in credit card fees, aggregated over all users for the year. This is certainly not helping us achieve greater usage. We wish to have the council consider budgeting \$20,000 each year for fees. If the city picked up this charge, the hope is we would double credit usage and achieve about 1/3 credit card usage. This charge would be less than 1% of revenues and would greatly reduce our in-person customer service and overdue bill efforts. While the city would not reap \$20,000 in offset savings, we would have another customer service tool at our disposal that most do not.

Lastly, there are rumors of a strategic sewer rate increase from the county. We have not gotten one of these in a while. There is no word on whether we will see one or in what amount at this time. We should be prepared to pass this along if implemented. Concerning water, there is cause to consider an inflationary increase in the near future to cover our expenses, especially if the council is agreeable to covering credit card fees.

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

The last of the lots acquired prior to the special assessment have been sold. 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. 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 fall newsletter was distributed in October. Winter will be upon us shortly. Let me know if you have ideas!

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

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

1. **(Update)** The city has been recommended for funding through the **DNR Trust funds for 2021 construction of the Genesee Valley Trail**. We expect a grant agreement soon. The MDOT grant is conditionally awarded, with conditions being nearly fulfilled. We hoped to combine this with the Safe Routes to School initiative for 2022 construction. As of writing the SRTS project appears to be a 2023 project.
2. The **raceway owner is still considering racing**. The state has more bills in the works. We should know something soon. As a backup plan, the owner will be looking to repurpose the site and cooperate with our master plan process. For now, they have a temporary zoning permit to store surplus vehicles for GM. See details below.
3. Communities First has a purchase option for **Mary Crapo**. This option has apparently been extended by the School Board through February of 2022. Their first application and second applications were denied. The zoning, site plan, and PILOT for the 40 unit building conversion have been approved by the city. The land purchase and state approvals are still pending. The park board recommends against the lease unless terms are dramatically improved to allow flexible public use.
4. The **school bond** passed and many improvements have occurred and many are expected throughout the district. Total investment for this effort will exceed \$50 million over two to three years. The improvements so far are very

impressive, especially what is occurring at the middle and high schools. The project is likely to result in another access to Cappy Lane for the high school. It also appears that the school will be adding a walking path on their high school campus that should be integrated with other pedestrian features.

5. **(Update) Street repair in 2021** will be wrapping up soon, but we still await the final top coat of asphalt. The contractor is currently working on a section of water main on Miller Road to replace yet this year, between Raubinger and Elms.
6. **(Update) The Apple Creek Station** development of 48 townhomes is on hold due to construction material availability and cost. They continue to seek final review by the county. If there is no change in status by the end of the year, we will remove this from future reports. These units range in size from 1,389 to 1,630 square feet, with garages. Construction will occur on vacant land in the back of the development, by Springbrook Colony. Site engineering plans have just been submitted by the owner. Rents are expected to be about \$1.00 per square foot (~ \$1,600 a month) which matches rents in Winchester Village.
7. **(Update) The Brewer Condo Project** is proceeding with building construction at this phase. The project includes 15 townhome condos off Morrish Road in downtown. They are approximately 1,750 square feet, with two car garages and basements. Not everyone is a fan, but we believe it will be a positive addition to the downtown in the long run.
8. The next **Springbrook East** phase is under construction. They have pulled many home permits. There is currently an issue with a home that is under construction, with said home being placed outside the building footprint. A hearing on the variance was held on October 20th, and all dimensional variances were approved. We are requiring staking of all building footprint and foundation walls prior to commencement.

✓ **TAP/DNR TRAIL** *(No Change of Status)*

We are making great progress affirming easements with the MDOT. They have some procedural requirements for easement acquisition that are very different for current projects, as well as past projects. Our project is being caught in the transition period, and it is not obvious to MDOT that all the boxes are checked. This is delaying us and is requiring appraisal work for some SRTS parcels and TAP parcels alike. The previous report follows.

The DNR indicates that funds are now officially obligated for the Trust Fund grant, in the amount of \$300,000! We now have a grant agreement to approve. This is a standard form instrument that we must abide by to get the funds.

It appears there might still be an opportunity to roll this in with the SRTS trail. Either way, we expect to bid in about six months. As always, the bids could come in high or construction change orders could add costs, but we are definitely in a good spot. I suspect high exposure will be \$150,000 of local funds at this point. Hopefully, this will cover most of it!

✓ **SAFE ROUTES TO SCHOOL** *(No Change of Status)*

We are working on the four easements that are required for this project. Two have been signed already (school and Kincaid Apartments). The Kincaid fairground parcel

easement has been approved by council and is awaiting execution. We continue to communicate with the farmers on Bristol Road by Elms Elementary (Jaworsky). We are conducting an appraisal for Jaworsky, as required by MDOT, but this should result in an agreeable purchase for the city council to consider.

I do not recommend we proceed with the condemnation proceedings for any of the remaining properties at this point. I will monitor our progress and report back to the city council.

Preliminary engineering is underway. This project is likely to be done in 2022, or 2023. There is still a chance that this will be combined with the TAP/DNR project.

This is a substantial grant for another \$650,000+ for trails and walkways in the community! This will enable installation of paths near the middle school, Elms, and Syring for student safety. These connections will also enhance our trail network.

✓ **REDEVELOPMENT READY COMMUNITIES** *(Update)*

We met with our MEDC liaison in late October. They are pleased with our progress and we are more than pleased with their programs and assistance.

We submitted a grant on behalf of a new downtown business (Burrito Bros) for the MEDC Match on Main grant. We hope this is awarded and will result in up to \$25,000 for investments in their downtown location (former Daves)! If so, we expect to activate the outdoor dining area! We should know if this is successful by December.

The master plan is proceeding, and the city received the funds in September 2021, to assist with this (\$30,000). The MEDC continues to offer much in-kind support to our efforts.

Our community needs to find specific projects to exercise a crowd funding match for a public place enhancement. This is a big deal and can provide up to \$50,000 towards a downtown project!

A link to this program is here: <https://www.miplace.org/programs/public-spaces-community-places/>

Perhaps Otterburn Park would be a good place to start, if nothing downtown presents itself.

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

We have some interest in the Wade Street property from J.W. Morgan. Since this property is just taking up space and generating mowing bills, we should consider unloading it. This is especially true since it is likely to lose its tax exempt status. An infill bungalow house might be the way to go. The floodplain is complicating matters. We will be looking into this.

There is also the matter of a fire pit that has been left onsite. While the city has been actively caring for this property. It is possible that the house to the north continues to use it for recreation. Like other properties, we have not actively excluded use. However,

it might be wise to do so for liability reasons. Since there were no objections at the first August meeting, I have ordered staff to clear the site of the fire pit and other features not belonging to the city. We will get to it when we can.

✓ **8002 MILLER (Update)**

The tenant owes more than \$12,000, despite some incremental payments. Mr. Stritmatter is proceeding with eviction per the city council's motion. A hearing is scheduled for November 30th. Our thought is that we will not seek financial claims against the tenant if the tenant leaves both units immediately and in good condition.

The tenant indicates that they are working on a SBA loan for purchase. They have also decorated (quite nicely) for Christmas. However, no additional payments have come in. It is unclear what their actions will be when November 30th comes.

✓ **CDBG (No Change of Status)**

Applications were submitted for the 2022-2024 cycle which will go towards senior services and new downtown residential neighborhood sidewalks. We signed updated agreements to receive and use this funds on September 2nd. Work will be in 2023 for the downtown sidewalks though.

✓ **GIS MAPS (No Change of Status)**

We are looking at activating our GIS by further auditing the data and creating 'widgets' to help us with specific tasks. The widgets would be applications that are made specifically to perform and track tasks, such as hydrant flushing, valve turning, and sewer cleaning. These applications will serve as a depository for GIS information on the asset, its current status, and future management. Depending on the scope of work, we may bring some of the proposals for application creation to the city council.

As of writing, we learned that we may be able to inventory our assets at an even lower price, enabling us to inventory sidewalk, traffic signs, and right-of-way trees. With the ability to tie these assets to our work order system, we may be able to construct and use one of the most advanced GIS/work order systems in the region. This would help us tremendously in our ability to conduct long term maintenance and capital improvement planning.

✓ **DISC GOLF (No Change of Status)**

Otterburn Park and the disc golf course is moving into the next phase! Basket 18 (the sledding hill) is looking amazing! The contractor is smoothing out some fairways and adding some topography to the rest of the course. We also have a plan for a circle-drive parking lot, with pavilion.

The disc golf committee has been working hard to place holes for baskets, clear fairways, and raise funds. They have been out there doing some very intense volunteering in October.

✓ **MASTER PLAN UPDATE (Update)**

CIB, in conjunction with Smith Group, are working on the Master Plan/DDA Plan. The planning commission, along with the steering committee and focus group, have made a lot of progress on the design guidelines and downtown subarea plans. There should

be a composite draft of the master plan, including vision, goals, and objectives for the December meeting. I do not have anything at this point.

The Planning Commission is the forum for most of the review, with the DDA invited to participate in all PC meetings. All city officials are encouraged to take a very active role in this process. Formal review and public hearings will be conducted at the PC, DDA, and Council level as required by statute.

Formalization of the plan is likely going to be in early 2022.

✓ **RACEWAY** *(No Change of Status)*

The owner is holding some degree of hope for new legislation to enable racing. However, they continue to proceed with reuse. GM is temporarily storing cars onsite. The owner is also looking to engage in our master plan process. Again, I think they are considering marijuana uses so start pondering that and seeking input from constituents.

The previous report follows.

I have reached out to the state MEDC folks to see what assistance we may get to plan, market, or rehabilitate the site. I am getting positive feedback so far, but we have not concluded anything.

The raceway owner is ready to move on. They are going to test the market for possible buyers and users of the site. We have been communicating with them concerning the city's ability to provide services, specifically traffic to the site. We have also been stressing our desire to place low-impact uses there that compliment (or at least are not detrimental) to the adjacent properties.

This conversation has led us away from high-traffic retail and apartment uses. We are leaning towards consideration of a modern light industrial park. This could provide daily users that complement the downtown and retail of the city, while having a low impact on services and the surrounding areas. Of course, a site this size is likely to have multiple users and might still offer sites for hospitality, hotel, or condo space. We would need to work on a plan together to ascertain how the community should proceed.

I also suspect that the owner will get potential buyers in the marijuana growing or production industries. This is something that the city considered when the five medical marijuana license types were decriminalized in Michigan. All such licenses were prohibited. With the impact of such sites (growing and production only; not retail) being observable in more and more Michigan communities, our community should revisit this as a potential springboard to getting the site functional.

✓ **COVID AID** *(No Change of Status)*

We updated our list of funding ideas for ARPA funds based upon input received. The U.S. Department of Treasury has extended the reporting deadline for the Project and Expenditures Report from October of this year to April 30, 2022. As noted, I think we can easily fill this list up with COVID related matters and deferred maintenance projects that can be funded through the revenue loss component of ARPA.

MAKE NO MISTAKE, THIS MONEY WILL NOT GO FAR! Our community is ahead of most in terms of basic infrastructure and maintenance. However, planned investments in our existing capital improvement plan and deferred maintenance will chew through this very rapidly. Especially when considering the funding demands that are forthcoming for fire equipment, potential overages in streets/trails, and inflationary costs.

With that said, we still should include every essential or potential expenditure on the list so that the prioritization and options remain on the table in future years. We definitely have some things to do sooner than later, but the funds will be with us for many fiscal years to come.

The previous report follows:

It appears that our community will be receiving about ~\$550,000 in stimulus funds. This allocation is supposed to be a direct federal allocation (via the State of Michigan) under the American Rescue Plan Act of 2021. We are going to be able to apply for the first distribution (50%) in early July. We will do so, with the understanding that we still have time to commit to an eligible expense. These funds will need to be spent in approximately 24 months and are not to be comingled with other operating funds.

Initial recommendations from the National League of Cities include expenditures on essential sanitation infrastructure, such as water and sewer. They also note the importance of economic recovery. This MAY include allocations to improvements related to downtown and recreation. It MAY also include direct allocations to businesses in the form of loans or grants. While the categories have been laid out, it is not obvious what specific expenses are permitted.

Another available option is the recovery of revenues below the ~4% bench mark set by the feds. What this boils down to is that we can place said funds into our general fund to the extent that revenues are not meeting national benchmarks. We continue to educate ourselves and make inquiries.

✓ **PAVILION COMMITMENT** *(No Change of Status)*

The city council has committed to installing a pavilion at Otterburn Park, including a commitment of \$20,000. The family joined us at the August 4 Park Board meeting. After discussion, it appears that a relatively large pavilion, with electricity and a concrete slab is desired.

A consultation with Tri-City Construction indicates that we can probably have a 30x40 foot steel pavilion installed on a 4" slab for about \$35,000. This is a good price, and the initial cut-sheets look good. Park Board believes this is a good direction to go in. I suspect a project like this could get much in terms of donations and in-kind assembly help.

The family appears supportive. We are seeking a time to meet to go over details. This is certainly likely to be bid. However, I am hopeful the council gives Tri-City a good look. They are a Swartz Creek Chamber member and offered to attend meetings and consult

when other companies were scarce. We will look to get something specific in front of the city council this winter.

✓ **WATER OPERATIONS SERVICES** *(No Change of Status)*

We are in a position to proceed with an agreement with the GCDC-WWS to supply operational services to the city regarding the water distribution system. This has enabled us to have a broader array of options in selecting the next DPW Director. However, there is no rush to act quickly. We have the ability to take our time further study and consider options. One of the first items of business as we onboard a new director is to consider this option. I will keep the council informed.

✓ **SECURITY CAMERAS** *(No Change of Status)*

We are looking at pricing to run conduit in the park. This will have the benefit of providing power (potentially) to additional pavilions. It is also essential if we are to power cameras and provide a feed to the recording device. Once complete, we can better plan for a security system.

✓ **HYDROCOP ISSUES** *(Update)*

Inspections occurred on the week of November 15th. Despite the efforts of the city and Hydrocorp, there were about 15% of the appointment slots that were unfilled.

✓ **SEWER TRUCK** *(No Change of Status)*

We have some initial cost-benefit analysis done. However, we are not sold on a recommendation yet.

We have looked at five years' worth of contracted jetting services (non-routine). These average \$3,325 a year. Based upon the proposed cleaning/jetting price for routine services, we are pricing \$76,507 a year (25,502 lineal feet at year at \$3.25/ft.). Lastly, we are estimating a conservative \$40,000 for storm sewer cleaning (lineal feet and catch basin count is yet unknown). In total, this equates to \$119,832 per year.

We estimate our equipment purchase price to be ~\$45,000 per year (accounting for purchase and resale). This leaves \$74,832 for labor, fuel, disposal fees, and miscellaneous expenses. Assuming an \$80/hour equipment operation and labor charge for a single operator, we have about 935 labor hours included in that cost (about half a full time employee or a crew of two for four months).

These are very conceptual numbers, but they put us in a reasonable place in my opinion. None of these calculations include the potential for contracted use in other communities, use of the hydro excavator, or training.

Again, there is no recommendation from staff at this point, but we are very interested to hear what council members think of the concept as it is shaping up. The previous report follows:

In an effort to ensure great sewer reliability and long term asset management, Mr. Bincsik has been weighing the benefit of purchasing a sewer jetting truck. Having such a piece of equipment will eliminate our need to rely on third party contractors during after-hour sewer backups, a tenuous proposition these days.

The purchase will also enable us to conduct our own main line jetting program. This is something we absolutely cannot do at this time without large scale contracted services. Even then, we are lucky to clear each main line every 10 years. With our own piece of equipment, we would look to clear each main line every 3-5 years, with problem areas addressed every year or so (Miller and Elms).

The cost is substantial (~\$450,000), but it will reduce our need to contract with private sewer cleaning companies. Most importantly, it will enable our own crews to respond to emergencies involving the sanitary and storm sewer system. We will certainly see a reduction in contracted jetting services, but I expect no overall savings when weighed against the purchase. However, we still recommend looking at this option, since the goal is to enhance our services. The sewer fund IS in a position to cover the purchase and operating costs.

Another benefit is that this will bring high-level work back 'in-house'. This will enable us to supply more labor hours to the DPW in general, thereby offsetting the cost of an additional labor position. This is something we have been working towards for some time to have a larger scale of operations throughout the year.

At any rate, we are only including this narrative, an email price quote, and some images at this time. If there is an appetite to move in this direction, we can indicate our interest and bring back a formal proposal or set of proposals for such equipment. Mr. Bincsik may be at our meeting to indicate his preference for this make and model.

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

The following wages were approved by the city council, at the recommendation of the LOCC, on November 8th.

ZBA Chair:	\$26.25 per meeting (\$25 previously)
ZBA Commissioners:	\$21.00 per meeting (\$20 previously)
Board of Review Members:	\$78.75 per meeting (\$75 previously)

The council compensation will be effective ~~on~~ December 4th unless overruled by the city council. This process is considered passive approval, so that the council does not have to actively participate in their compensation.

The proposed compensation follows:

Mayor:	\$94.50 per meeting (\$90 previously)
Council Member:	\$89.25 per meeting (\$85 previously)
Mayor:	\$1,260 per year (\$1200 previously)
Council Member:	\$630 per year (\$600 previously)

✓ **METRO POLICE BUDGET (Update)**

Based upon the discussions between the City of Swartz Creek and Mundy Township, it appears some amendments to the interlocal agreement are forthcoming. I expect such

amendments to include local unit budget ratification and standing committees related to budget, finance, and labor negotiations. The previous report follows:

The Metro Police Board reviewed labor agreements and the budget for the next fiscal year at their regular meeting on October 27th. All of the agreements and the budget were tabled. There is general concern over the budget increases to the municipalities, being an increase of 3.67%. In the words of Township Administrator, Chad Young, this is 'manageable, but not sustainable.' I agree with this sentiment.

What is a bit more concerning is some specific aspects of the labor agreements. While the agreements propose modest wage increases across the board (2-2.5%), there are also provisions for shift premiums increases, longevity, and more substantial increases for executive staff. These increases are likely to factor into final average compensation for those nearing retirement, which will impact future pension payments. This, in turn, will impact the pension fund.

With that said, there are shared concerns for the sustainability of the pension fund with Metro Police. This has dropped from 100% funded upon formation to 86% funded as of the last actuarial. Much of this is due to changes in MERS assumptions. However, dramatic increases to FAC will certainly require significantly more funding in future years. As such, the Metro Board wishes to see if there are other ways to compensate the officers so that the cost is known and accounted for in present budgets, instead of impacting future pension payments. I am including financial excerpts from the Metro Board packet for reference.

- ✓ **CENSUS REDISTRICTING** *(No Change of Status)*
As census numbers come in, we are seeing redistricting for the state senate, state house, and county board of commissioners. There is also redistricting for the US House. At this point, we may see a conflict with our current county commissioner. I will provide all of the final maps and corresponding offices when they are done.
- ✓ **MS4 PERMITTING CONTRACTURAL SERVICES** *(Update)*
We have approved the service agreement. I expect to have some educational material soon. I will remove this section from future reports barring larger updates or future council action.
- ✓ **OTHER COMMUNICATIONS & HAPPENINGS** *(See Individual Category)*
 - ✓ **MONTHLY REPORTS** *(Update)*
We have routine departmental reports for review.
 - ✓ **COMCAST UPDATE** *(Update)*
Comcast is sending notice of some channel eliminations.
- ✓ **BOARDS & COMMISSIONS** *(See Individual Category)*
 - ✓ **PLANNING COMMISSION** *(No Change of Status)*
The Planning Commission met on November 2, 2021. They held a public hearing and further deliberated on a new pond ordinance that will provide a basis for review of ponds as an accessory use. See the Pond Ordinance section below.

The master plan draft is still in progress. As such, there was not a review at this meeting. Attendance has been an issue this fall for members of the commission. We only had five of nine for the October meeting. The next meeting is scheduled for December 7th.

✓ **DOWNTOWN DEVELOPMENT AUTHORITY (Update)**

The DDA has two appointments on the agenda. One is a reappointment of Mr. Jamison. The other is to fill the vacancy left by Mr. Eckerdt, who resigned effective at the end of his term (November 22nd).

The DDA activity is mostly limited to the master plan, which is no small matter. The master plan is focusing on downtown sub-area plans and design guidelines. While the DDA has not met since August, they are requested to attend to plan drafts and to participate in planning commission meetings. Their next meeting is scheduled for December 9th.

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

The ZBA met on October 20 to hear a variance related to the construction of a new condominium outside of the building envelope in Springbrook East. There was a fair amount of public attendance. The variance was approved without conditions. There was no business in November. Their next meeting is scheduled for December 15th.

✓ **PARKS AND RECREATION COMMISSION (No Change of Status)**

The Park Board met on November 3rd. The parks have been winterized. There were updates on disc golf, Otterburn Park, food trucks in the parks, and the trails (see above).

The park board reviewed the reservation form and park rules as well. This is generally an annual practice. There were some minor updates to the provisions prohibiting alcohol use and park regulations specific to the dog park area, mostly wordsmithing to clarify established rules. However, there were a couple new additions that were felt to contribute toward a cleaner environment. Section 4, subsections 18 & 19 include these new provisions for fasteners and confetti/balloon use. The council affirmed these changes at their meeting on November 8th.

Draft minutes are included. Their next meeting is December 1 at the city offices.

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

The Board of Review will meet on December 14th at 3pm. This session will hear qualified errors, principal residence exemptions, poverty exemptions and veteran exemptions.

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

I have prepared the council member petition packets and have these available. I wish everyone a Happy Thanksgiving!

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

Street and water main projects on Oakview and Chelmsford are completed less the installation of the street lights and the final wearing course of asphalt. Over the past several weeks I have been relaying completion dates to council and the work has remained incomplete. Glacier Dawes has been echoing my desire to have the worked completed this fall to give the residents the closure they deserve on these projects and allow DPS to complete winter maintenance activities easier. I will continue to press the contractor to get the work done this fall as opposed to next spring but I am quickly losing my optimism that the project will be completed this fall

Park bathrooms are closed and winterized until next spring. Port a johns are still available.

DPS completed fall hydrant winterization and maintenance.

✓ **TREASURER UPDATE** (*Update*)

Preparation of Federal and State year-end reports have been completed. These will be filed once the financial statements are approved at Council. Work continues on various projects around the office. Routine operations include, but not limited to, daily/weekly/monthly journal entries, bank wires, review/approval of accounts payable invoices, building department permits and rental inspection collections, processing payroll, receipt of tax and utility billing payments, accounting for grants and projects and other financial matters impacting the city.

NEW BUSINESS / PROJECTED ISSUES & PROJECTS

✓ **AUDIT** (*Business Item*)

Copies of the Fiscal Year 2021 audit have been circulating for about a month. Digital copies have been sent out again for review. At our meeting, we will be joined by our auditor for a presentation of the audit.

I can tell you that findings for the city's processes and fiscal performance are outstanding and include an 'unmodified' opinion. This means that the city is maintaining solid practices related to our processes, accuracy, checks/balances, and security.

In addition, our funds continue to meet expectations related to maintaining positive operational cash flows. In fact, we saw a substantial increase in the general fund. However, this is due to specific project delays and a lack of labor for the past year or so. The auditor will be going over this and other funds. There are no surprises, concerns, or notable trends.

With that said, I expect the council should feel comfortable accepting the audit. Feel free to contact us before the meeting or to raise questions, comments, or concerns to the auditor or staff at the meeting.

I have included a resolution to accept the audit.

✓ **APPOINTMENTS** (*Update*)

Steve Long has resigned from the Park Board. Mr. Eckerdt has opted not to remain on the DDA upon his term expiration (November 22, 2021). There is also another term on

the DDA that expires on the same day (Erik Jamison). The mayor is recommending reappointment of Mr. Jamison to the DDA, appointment of Dawn Jamison to the Park Board, and the appointment of Richard Ryan, Jr. to the DDA in place of Mr. Eckerdt. A resolution is included to affirm these mayoral appointments.

✓ **CHRISTMAS PARADE & TREE LIGHTING PERMITS** (*Business Item*)

Included with tonight's program is a request from the Swartz Creek Area Fire Fighters Association to conduct the annual Christmas Parade. This year's event has been scheduled for Saturday December 4, 2021. They seek use of Holland Square for the entire day (8:00 AM to 10:00 PM). They intend to operate a winter market in the square during the day, followed by the tree lighting event after the parade.

The parade is expected to start at 6:00 PM. The starting point is now the Middle School. The route then follows Miller east to Morrish Road, where it will pause and remain for the tree lighting events. At this point, Fairchild will open, and Miller (Fairchild to Hayes) will also open. Miller from Hayes to Morrish will remain closed with Holland Square until 9 or 10 pm. This route was started a few years back in order to engage the downtown businesses. It is workable but definitely more stressful to traffic. Given the desire to expand Christmas offerings in town, it is doable.

An application on the new form is attached, along with a resolution to approve the request.

✓ **CARRIAGE COMMONS TAX REVERTED PROPERTIES** (*Business Item*)

Last summer, the city had the opportunity to purchase certain properties from the Genesee County Treasurer because such properties were in tax foreclosure. Among them, were two vacant properties (condo units) in Carriage Commons. The city passed on these at that time since they were found to be unbuildable and of little value. In fact, they were/are likely to be a liability to anyone that owns them, which is no doubt why they were in tax foreclosure, despite the robust real estate market.

My opinion was (and still is) that the condominium association is in the best position to maintain, manage, and find the highest and best use for these, if any such use exists. It might be possible to consolidate the units to make one buildable area if the master deed is amended. Since the association is the most vested in this outcome and controls the process, it makes sense to put them in control of the units.

With that being said, the units went up for auction. There were no buyers. I think this is a good thing. In the past, folks from out of town would buy such properties, discover the issues, and cease any maintenance and/or tax payments. At this point, it appears this cycle has stopped.

With the failure to sell at auction, the properties are now set to transfer to the city under state law. We have received notice from the Genesee County Treasurer that this property SHALL be transferred to the city UNLESS the city council objects to this transfer by December 30, 2021. I recommend we do exactly that for the reasons stated above. If the city does refuse, the Genesee County Land Bank will acquire the units. They will be a good steward, at a minimum. However, I expect the units to be transferred to the association in the near future.

I have included a resolution to refuse transfer.

✓ **AMENDMENT TO THE CHART OF ACCOUNTS/BUDGET (*Business Item*)**

As the council is aware, the city has needed to make some required changes to its chart of accounts. The chart of accounts is the budgeting and account template by which the city's revenues and expenses are recorded (funds, departments, and accounts). This system is reflected by the prescribed numbers that are associated with specific account numbers for all line-item revenues and expenses.

As we have proceeded with adopting our recent budgets, such changes have been made to the chart of accounts. At this time, we have some further recommendations within the park department of the general fund that we wish to implement. The intent is to reduce the number of accounts that are associated with minor activities, such as the bi-centennial park and Veterans' Memorial. This will make accounting a bit easier and the budget documents easier to digest.

Specifically, the change will include:

1. Reduction of the number of accounts by 41
2. Elimination of the need to create an additional 17 new accounts for the new trail
3. Elimination of three departments
4. Time savings for the DPW and payroll departments to record and process payroll and equipment use
5. Reduction of the number of accounts that need budget detail each year

Note that the percentage of expenses budgeted for the consolidated department represents 0.35% of the total General Fund expenditures. This is very nominal in relation to the amount of work done to track that detail. I have prepared a resolution to accept the new chart of accounts in the form of a budget amendment. Note that the total amounts to be collected and expended to not change as a result of this amendment.

✓ **COUNCIL MEETING SCHEDULE CHANGE (*Business Item*)**

The Mayor proposes that we meet an hour early for our final regular meeting of 2021. This would be a change from a 7pm start on December 13th to 6pm. The reason is to be able to invite the city council to a performance at the Swartz Creek Performing Arts Center. Dave has graciously sponsored an event that starts at 7pm on the 13th, and he wishes to eliminate the conflict with our meeting. Given that this will be our 2nd meeting in eight days, and in the holiday season, I suspect the agenda will be very light and manageable.

✓ **RETIREE HEALTH CARE ACTUARIAL PROPOSAL (*Business Item*)**

Each year the city has various financial documents that must be prepared. Routine documents were the budget, audit, and retirement plan actuarial. Starting in 2017, Governmental Accounting Standards Board (GASB) standards have added requirements for Other Post Employment Benefit (OPEB) valuations. Specifically, GASB 74 and 75 require valuation statements for retiree healthcare that are similar to those statements for pensions.

Unlike the pensions, the provider of the benefits does not provide an annual accounting or actuarial of this data. As such, the city has needed a qualified professional service to do it. The city used Gabriel, Roeder, Smith & Company (GRS) for the first OPEB actuarial report. Though the reports can be updated to maintain validity for more than one year, a new report was required the very next year because of the transfer of employees to METRO. At that time, the city switched to CBIZ for the next round of reports.

With that said, we need to redo the full OPEB evaluation at this time, which can be updated twice over the next three years. We believe CBIZ is doing a good job, and their cost is about \$2,000 less than the last estimate by GRS. Deanna recommends we stay with them and proceed with approving the agreement. I agree with her. I have included a resolution for approval.

Council Questions, Inquiries, Requests, Comments, and Notes

December Schedule: Council schedule is for the 1st and 2nd Monday in December. Customer service hours will be limited December 27th through December 29th due to staff limitations.

**City of Swartz Creek
RESOLUTIONS
Regular Council Meeting, Monday, November 22, 2021, 7:00 P.M.**

Motion No. 211122-4A **MINUTES – NOVEMBER 8, 2021**

Motion by Councilmember: _____

I Move the Swartz Creek City Council approve the Minutes of the Regular Council Meeting held Monday, November 8, 2021, to be circulated and placed on file.

Second by Councilmember: _____

Voting For: _____

Voting Against: _____

Motion No. 211122-5A **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 November 22, 2021, to be circulated and placed on file.

Second by Councilmember: _____

Voting For: _____

Voting Against: _____

Motion No. 211122-6A **CITY MANAGER’S REPORT**

Motion by Councilmember: _____

I Move the Swartz Creek City Council accept the City Manager’s Report of November 22, 2021, including reports and communications, to be circulated and placed on file.

Second by Councilmember: _____

Voting For: _____

Voting Against: _____

Resolution No. 211122-8A **RESOLUTION TO ACCEPT THE 2020-2021 FISCAL YEAR AUDIT BY INDEPENDENT AUDITOR PLANTE-MORAN**

Motion by Councilmember: _____

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

WHEREAS, independent auditors, retained by the city per a qualified bidding selection process, have completed said audit for the most recent fiscal year, 2021; and

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

WHEREAS, the audit, as presented to the city council on November 22, 2021, has been found to meet generally accepted accounting standards and required reporting provisions of state and local law.

NOW, THEREFORE, BE IT RESOLVED, the City of Swartz Creek approve the 2020-2021 Fiscal Audit Report prepared by Plante-Moran, a copy of which is attached hereto, and further, direct such to be published, distributed, circulated and placed on file in a manner prescribed by law.

Second by Councilmember: _____

Voting For: _____

Voting Against: _____

Resolution No. 211122-8B

RESOLUTION TO REFUSE AUTOMATIC TRANSFER OF TAX REVERTED PROPERTIES

Motion by Councilmember: _____

WHEREAS, MCL 211.78 m(6) provides that foreclosed properties unsold at the mandatory yearly auction shall be listed and provided by the county treasurer to the clerk of the appropriate local jurisdiction, with said property to be transferred to said local unit of government; and

WHEREAS, the statute allows the local unit to object to the transfer and the Genesee County Treasurer will accept such objections, as written or directed by the city council, through December 30, 2021 ; and,

WHEREAS, the City Council finds the properties in question, 9072 Luea Lane and 9070 Luea Lane to be vacant and unbuildable units with little or no public value; and,

WHEREAS, the Genesee County Land Bank, the Carriage Commons Condominium Association and/or similar entities, are found to be better suited to maintain and manage these properties.

NOW, THEREFORE, BE IT RESOLVED THAT the Swartz Creek City Council objects to the automatic reversion of 9072 Luea Lane and 9070 Luea Lane to the City and directs the city manager to act on the city council's behalf to send written notice affirming this objection to the Genesee County Treasurer's Office by December 30, 2021.

Second by Councilmember: _____

Voting For: _____

Voting Against: _____

Resolution No. 211122-8C

RESOLUTION TO APPROVE STREET USAGE PERMIT FOR THE ANNUAL FIRE DEPARTMENT CHRISTMAS PARADE & A HOLLAND SQUARE USAGE PERMIT FOR THE ANNUAL TREE LIGHTING AND MARKET

Motion by Councilmember: _____

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

WHEREAS, the Swartz Creek Area Firefighters Association has submitted an application for such a street closure for the purposes of hosting an annual Christmas parade in downtown Swartz Creek, as well as an application to use Holland Square and the adjacent streets for a Christmas Market and Tree Lighting event; and,

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

NOW, THEREFORE, BE IT RESOLVED THAT the City of Swartz Creek accept the Chief of Police’s recommendation and approve the Swartz Creek Area Fire Fighters Association’s Street Usage Application to hold an annual Christmas Parade on Saturday, December 4, 2021 from 6:00 PM to 10:00 PM (Miller from Hayes to Morrish), route, stipulations and conditions as set forth in the application packet, a copy of which is attached hereto, under the direction and control of the office of the Chief of Police.

BE IT FURTHER RESOLVED THAT the City of Swartz Creek City Council hereby approves the Swartz Creek Area Fire Fighters Association’s Municipal Property Reservation form to hold an annual Christmas Market and tree lighting event on Saturday, December 4, 2021 from 8:00 AM to 9:00 PM, with lot closure and conditions as set forth in the application packet, a copy of which is attached hereto, under the direction and control of the office of the Director of Public and Community Services.

BE IT FURTHER RESOLVED THAT the City of Swartz Creek City Council hereby authorizes and directs the Mayor to ensure quality weather, not too hot or too cold, with just the right amount of seasonal snow, for said events.

Second by Councilmember: _____

Voting For: _____

Voting Against: _____

Resolution No. 211122-8D

COMMISSION APPOINTMENTS

Motion by Councilmember: _____

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 exist vacancies in a number of said positions; and

WHEREAS, said appointments are Mayoral appointments, subject to affirmation of the city council.

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

#211122-8D1 **MAYOR APPOINTMENT:** Dawn Jamison
Park and Recreation Advisory Board, Citizen
Partial term year term, expiring June 30, 2022

#211122-8D2 **MAYOR RE-APPOINTMENT:** Erik Jamison
Downtown Development Authority, Citizen & Property Interest
Four year term, expiring November 17, 2025

#211122-8D3 **MAYOR APPOINTMENT:** Richard Ryan, Jr.
Downtown Development Authority, Citizen & Property Interest
Four year term, expiring November 17, 2025

Second by Councilmember: _____

Voting For: _____

Voting Against: _____

Resolution No. 211122-8E

**RESOLUTION TO SUPPORT APPLICATIONS TO THE
TRANSPORTATION IMPROVEMENT PROGRAM AND
TO COMMIT MATCH FUNDS**

Motion by Councilmember: _____

WHEREAS, the City of Swartz Creek owns, operates, and maintains a system of streets; and,

WHEREAS, Michigan Public Act 51 of 1951 established a system of taxation, revenue sharing, and definitions for street systems; and,

WHEREAS, the city possesses 10.86 miles of 'Major' streets that are eligible for MDOT funding at a ratio of 80% federal to 20% local through the Genesee County Regional Planning Commission Transportation Improvement Program; and,

WHEREAS, the city has very recently been award funds to rehabilitate east Miller and Fairchild Street, with previous awards to Bristol, Morrish, and Elms Roads; and,

WHEREAS, west Miller and Seymour are qualifying major streets that require timely rehabilitation; and,

WHEREAS, the city has made application to the TIP for Miller and Seymour, but the application is not complete until the governing body resolves to support the projects and commit match funds.

NOW, THEREFORE, BE IT RESOLVED THAT the City of Swartz Creek hereby supports the preservation application for Miller Road, from Morrish to North Seymour, in the total amount of \$1,346,197, and further commits to matching \$269,239 in local funds to the project.

BE IT FURTHER RESOLVED THAT the City of Swartz Creek hereby supports the preservation application for Seymour Road, from the south city limits to Miller Road, in the total amount of \$1,356,858, and further commits to matching \$271,372 in local funds to the project.

Second by Councilmember: _____

Voting For: _____

Voting Against: _____

Resolution No. 211122-8F

RESOLUTION TO AMEND THE 2021-2022 COUNCIL MEETING SCHEDULE

Motion by Councilmember: _____

WHEREAS, Act 261 of the Public Acts of the State of Michigan of 1968, as amended, requires a public notice of the schedule of regular meetings of the Swartz Creek City Council be given once each calendar year or fiscal year and that said notice shall show the regular dates and times for the meeting and the place at which meetings are held; and

WHEREAS, the Act directs that notice be posted prominently at the principle office of the City of Swartz Creek or at the public building at which meetings are held or published in the newspaper of general circulation in Swartz Creek, and

WHEREAS, the city council adopted a schedule for the 2022 fiscal year on June 14, 2021 but now finds it desirous to alter the start time of the December 13, 2021.

NOW, THEREFORE, pursuant to the Act, public notice is hereby given that regular meeting of December 13, 2021 shall be held in the Paul D. Bueche Municipal Building Council Chambers located at 8083 Civic Drive, Swartz Creek, Michigan, 6:00 P.M.

BE IT FURTHER RESOLVED that the Clerk is hereby directed to post a copy of this resolution in a prominent place in the City Offices of the City of Swartz Creek.

BE IT FURTHER RESOLVED that the City Clerk is hereby directed to supply forthwith, upon request, a copy of this resolution to any newspaper of general circulation in the

political subdivision in which the meetings will be held and/or to any radio or television station that regularly broadcasts into the City of Swartz Creek.

Second by Councilmember: _____

Voting For: _____

Voting Against: _____

Resolution No. 211122-8G

RESOLUTION TO APPROVE CHANGES TO THE CHART OF ACCOUNTS WITH A BUDGET ADJUSTMENT

Motion by Councilmember: _____

WHEREAS, Act 621 of P.A. 1978 provides for a uniform budgeting system for local units of government; and

WHEREAS, Act 275 of P.A. of 1980 further prohibits deficit spending by local units of government; and

WHEREAS, the City Council has reviewed the City’s 2021 – 2022 budget and finds that it desires to alter the chart of accounts to simplify the budgeting and accounting processes; and

WHEREAS, the City Council has received the current chart of accounts and proposed chart of accounts and finds that no additional revenues or expenses are proposed.

THEREFORE BE IT RESOLVED, the Swartz Creek City Council hereby authorizes and directs the city treasurer to make all necessary budget adjustment amendments in accordance with the supplemental documentation (pages 81 to 83) attached.

Second by Councilmember: _____

Voting For: _____

Voting Against: _____

Resolution No. 211122-8H

RESOLUTION TO APPROVE A PROFESSIONAL SERVICE AGREEMENT WITH CBIZ BENEFITS & INSURANCE SERVICES, INC. (CBIZ) FOR ACTUARIAL VALUATION OF THE CITY’S RETIREE HEALTH CARE COSTS

Motion by Councilmember: _____

WHEREAS, the City of Swartz Creek offers certain Other Post-Employment Benefits (OPEB), in the form of health care contributions or premium payments, in addition to pension benefits, and

WHEREAS, the City currently provides for payment of said benefits on a pay-as-you-go basis, and

WHEREAS, the Governmental Accounting Standards Board (GASB) has set standards and released Statements 67, 68, 74, & 75 which require actuarial valuations on said OPEB expenses, said statements to be performed for fiscal year ending June 30, 2017 and subsequent fiscal years, and

WHEREAS, the City also seeks to determine the current liability of said benefits and the ongoing contributions required to fund said benefits as part of its annual budgeting process, and

WHEREAS, CBIZ is recognized as a qualified and competent professional service company, under Ordinance Section 2-402, that is able to perform such actuarial studies with approval of the City Council.

NOW, THEREFORE, BE IT RESOLVED the City of Swartz Creek City Council approves the completion of the Administration Services Agreement dated December 1, 2021 for such professional services, with total costs for the engagement not exceeding \$12,600, for a period of three years, as outlined in the proposal.

BE IT FURTHER RESOLVED, that the City Council directs the City Manager to execute said proposal on behalf of the city and for the city finance director to appropriate such costs to all impacted funds as appropriate.

Second by Councilmember: _____

Voting For: _____

Voting Against: _____

Motion No. 211122-11A

ADJOURN

Motion by Councilmember: _____

I Move the Swartz Creek City Council adjourn the regular council meeting of November 22, 2021.

Second by Councilmember: _____

Voting For: _____

Voting Against: _____

**CITY OF SWARTZ CREEK
SWARTZ CREEK, MICHIGAN
MINUTES OF THE REGULAR COUNCIL MEETING
DATE 11/08/2021**

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: Fountain, Florence, Hicks, Krueger, Pinkston, Henry.

Councilmembers Absent: Gilbert.

Staff Present: City Manager Adam Zettel, Clerk Connie Olger, Director of Public & Community Services Rob Bincsik, City Attorney Chris Stritmatter.

Others Present: Erik Jamison, Steve Long.

Others Virtually Attended: Lania Rocha, Bob Plumb.

EXCUSE COUNCILMEMBER GILBERT

Resolution No. 211108-01

(Carried)

Motion by Councilmember Henry
Second by Councilmember Florence

I Move the Swartz Creek City Council excuse Councilmember Gilbert.

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

APPROVAL OF MINUTES – OCTOBER 25, 2021

Resolution No. 211108-02

(Carried)

Motion by Councilmember Florence
Second by Councilmember Fountain

I Move the Swartz Creek City Council approve the Minutes of the Regular Council Meeting held Monday October 25, 2021 to be circulated and placed on file.

YES Hicks, Krueger, Pinkston, Henry, Fountain, Florence.
NO: None. Motion Declared Carried.

APPROVAL OF MINUTES - OCTOBER 28, 2021

Resolution No. 211108-03

(Carried)

Motion by Councilmember Henry
Second by Mayor Pro Tem Hicks

I Move the Swartz Creek City Council approve the Minutes of the Special Council Meeting held Monday October 28, 2021, to be circulated and placed on file.

YES: Hicks, Krueger, Pinkston, Henry, Fountain, Florence.
NO: None. Motion Declared Carried.

APPROVAL OF AGENDA

Resolution No. 211108-04

(Carried)

Motion by Councilmember Fountain
Second by Councilmember Henry

I Move the Swartz Creek City Council approve the Agenda as, printed for the Regular Council Meeting of November 8, 2021, to be circulated and placed on file.

YES: Krueger, Pinkston, Henry, Fountain, Florence, Hicks.
NO: None. Motion Declared Carried.

CITY MANAGER'S REPORT

Resolution No. 211108-05

(Carried)

Motion by Mayor Pro Tem Hicks
Second by Councilmember Florence

I Move the Swartz Creek City Council accept the City Manager's Report of November 8, 2021, including reports and communications to be circulated and placed on file.

YES: Pinkston, Henry, Fountain, Florence, Hicks, Krueger.
NO: None. Motion Declared Carried.

MEETING OPENED TO THE PUBLIC:

Steve Long 5356 Worchester Drive, on behalf of Roger Sharp he wants to invite all councilmembers to the reception for the Firefighters and Police Officers Saturday, November 13, 2021 @ 5 p.m. at Fire Station 1.

COUNCIL BUSINESS:

RESOLUTION TO ADOPT ORDINANCE 456, AN ORDINANCE TO REGULATE PONDS

Resolution No. 211108-06

(Carried)

Motion by Councilmember Pinkston
Second by Councilmember Fountain

WHEREAS, the Public Act 110 of 2006, the Michigan Zoning Enabling Act, enables cities to regulate land use through the creation and enforcement of zoning maps and regulations, and

WHEREAS, the city, in pursuing certification as a Redevelopment Ready Community, performed a zoning audit that revealed the need for incremental changes to the zoning ordinance and;

WHEREAS, the planning commission, with the assistance of staff, and input by the public, reviewed specific changes to the zoning ordinance at their regular meeting on November 2, 2021, and;

WHEREAS, the planning commission, at a public hearing at their meeting on November 2, 2021, and in reviewing the criteria in Zoning Ordinance Section 31.04, found the proposed zoning ordinance amendments to be in the best interest of the public and recommended approval.

THEREFORE, I MOVE the City of Swartz Creek ordains:

**CITY OF SWARTZ CREEK
ORDINANCE NO. 456**

An ordinance to amend the Code of Ordinances: Zoning Appendix A to add Section 13.13 Ponds

THE CITY OF SWARTZ CREEK ORDAINS:

Section 1. Addition of Articles to Appendix A of the Code of Ordinances.

The City hereby adds Section 13.13 to the Code of Ordinances of Appendix A as follows:

Section 13.13. - Ponds.

(A) Definition

Pond, Accessory Use: A facility (natural or excavated) capable of holding 24 inches or more of water, with an area larger than 100 square feet. Such basins are intended to be an accessory use to improved property and have aesthetic or intrinsic value as a water resource. Such basins are not intended for storm water management and may or may not have an outlet.

(B) Application and review procedures.

1. Application shall be made to the city zoning administrator. Applications shall contain the following information:
 - a. Name and address of the applicant.
 - b. Legal description of the property upon which the pond will be established.
 - c. Site plan submitted in accordance with article XXI, Site Plan Review.
2. Evidence shall also be presented at the time of application that the Genesee County Drain Commission and Michigan Department of Environmental Quality have granted the necessary permits and/or approvals to the applicant for the construction of the pond or have released the applicant from any obligation thereto.
3. The applicant shall also, at the discretion of the building official or zoning administrator at the time of application, provide evidence from a licensed excavator, civil engineer, or similar allied professional that water can be continuously maintained in the pond once it is constructed, that the drainage pattern of the site will preclude drainage of water onto adjacent property or toward buildings, and that the natural or manmade drainage pattern of the area will remain unaffected.
4. The zoning administrator may require full site plan review by the planning commission at his or her discretion.

(C) Requirements.

1. Ponds shall be an accessory use.
2. The minimum lot size for any pond shall be 1.5 acres.
3. The minimum setback distance for the pond shall be a minimum of 50 feet from any property line or right of way line. A pond may cross a property line only when all properties are

owned by the applicant or upon submittal of an easement allowing such occupation.

4. There shall be a horizontal distance of not less than 25 feet from any overhead transmission lines.
5. The pond shall not have a slope steeper than one to three (1:3) for the first ten feet around the perimeter of the pond.
6. All areas disturbed during construction shall be seeded with grasses and maintained in good condition to prevent erosion.
7. The zoning administrator or planning commission may, at its discretion, require the installation of a fence not less than four feet in height to protect the health, safety, and welfare of the property owners and/or tenants, neighboring uses, and residents.
8. No pond is to be located closer than 25 feet to a building, septic fields, or property easements.
9. All materials removed as a result of the pond excavation must be retained on-site and distributed about the property so as not disturb or redirect the natural flow of water and drainage of the property. The Building Official may require a plan submitted for a pond include drawings showing adequate methods to prevent overflow of water onto adjacent properties or right-of-ways.

(D) Fees required.

1. Fees shall correspond to the standard Zoning Permit fee for administrative reviews and the applicable Site Plan Review fee for full site plan review by the planning commission, as set by the City Council.
2. The zoning administrator, building official, or planning commission may require posting of a performance bond or other surety to cover the estimated cost of completion or removal of the pond facility.

Section 2. Effective date.

This Ordinance shall take effect thirty (30) days following publication

Discussion Ensued.

YES: Henry, Fountain, Florence, Hicks, Krueger Pinkston.
NO: None. Motion Declared Carried.

RESOLUTION TO APPROVE APPRAISAL FOR MEIJER PROPERTY

Resolution No. 211108-07

(Carried)

Motion by Councilmember Florence
Second by Councilmember Fountain

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

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

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

WHEREAS, the city council approved a proposal from Integra Realty Resources on September 27, 2021, however, the city attorney recommended a consulting with additional appraisers after recent court findings.

NOW, THEREFORE, BE IT RESOLVED, the City of Swartz Creek City Council amend the budget to allocate \$25,000 of unencumbered, unreserved general fund monies to the assessing department for the purpose of contesting the tax appeals by parties referred to as 4141 Morrish Road; PID 58-36-100-014; Meijer, Inc., costs to include an appraisal, legal services, and other related expenses to be provided by the city’s legal counsel and an appraisal firm, as selected by the city manager or assessor, with the authority of the city council under Section 2-402(a)(2) of the city ordinances.

BE IT FURTHER RESOLVED, the City of Swartz Creek City Council approve the proposal from Frohm & Widmer, Inc., as included in the city council packet of November 8, 2021, and further direct the Mayor to execute said proposal on behalf of the city.

Discussion Ensued.

YES: Fountain, Florence, Hicks, Krueger, Pinkston, Henry.
NO: None. Motion Declared Carried.

ZBA AND BOR COMPENSATION

Resolution No. 211108-08

(Carried)

Motion by Councilmember Henry
Second by Mayor Pro Tem Hicks

WHEREAS, the Zoning Board of Appeals is an adjudicatory board established by state law and appointed by the Swartz Creek City Council to fulfill obligations in accordance with PA 110 of 2006 and the city Code of Ordinances; and

WHEREAS, the ZBA members are compensated \$20 per meeting and the chair of the ZBA is compensated \$25 per meeting; and

WHEREAS, the Board of Review is a board established by state law and appointed by the Swartz Creek City Council to fulfill obligations in accordance with PA 206 of 1893 and the city Code of Ordinances; and

WHEREAS, the BOR members are compensated \$75 per meeting; and

WHEREAS, the City Council can establish and adjust the compensation of the ZBA and the BOR; and

WHEREAS, the Swartz Creek Local Officers Compensation Commission, at their regular meeting on October 28th, recommended an increase to this compensation in the amount of 5% to offset general inflation.

NOW, THEREFORE, BE IT RESOLVED that the City of Swartz Creek City Council hereby adopts the following compensation table for Swartz Creek Zoning Board of Appeals and Board of Review Members:

ZBA Chair:	\$26.25 per meeting
ZBA Commissioners:	\$21.00 per meeting
Board of Review Members:	\$78.75 per meeting

Discussion Ensued.

YES: Florence, Hicks, Krueger, Pinkston, Henry, Fountain.
NO: None. Motion Declared Carried.

RESOLUTION TO AMEND THE PARK RULES

Resolution No. 211108-09

(Carried)

Motion by Councilmember Fountain
Second by Councilmember Florence

WHEREAS, the City of Swartz Creek owns, operates, and maintains public park and recreation facilities and desires to promote safe and equitable use of those facilities; and

WHEREAS, the city regulates use of city parks through the adoption of "Park Rules and Regulations" as enabled by enforceable under City Ordinance Section 11-47,

Park Rules and Regulations, which reads as follows: the City Council may by resolution adopt rules and regulations governing the use of parks, including prohibitions or restrictions on uses and acts within parks; and

WHEREAS, the city park and recreation commission recommends amending of the attached Park Rules and Regulations to re-word certain provisions and to add regulations pertaining to the use of fasteners and confetti/balloons.

NOW, THEREFORE, BE IT RESOLVED, the Swartz Creek City Council hereby approve the amended park rules as attached, including the reservation form.

Discussion Ensued.

YES: Hicks, Krueger, Pinkston, Henry, Fountain, Florence.

NO: None. Motion Declared Carried.

RESOLUTION TO APPROVE PROFESSIONAL SERVICES FOR MS4 COMPLIANCE

Resolution No. 211108-10

(Carried)

Motion by Mayor Pro Tem Hicks
Second by Councilmember Fountain

WHEREAS, the City of Swartz Creek owns, operates, and maintains a system of storm water collection assets that drain to the Swartz Creek and other public water bodies of the state; and

WHEREAS, the city is required to comply with standards pertaining to the Municipal Separate Storm Sewer System (MS4); and

WHEREAS, the city and its current provider of MS4 services, the Genesee County Drain Commission, is seeking to satisfy the Michigan Department of Environment Great Lakes and Energy regulations; and

WHEREAS, the city solicited a proposal from a pre-approved engineer that specializes in sanitary and storm sewer matters to remedy the situation.

NOW, THEREFORE, BE IT RESOLVED, the Swartz Creek City Council hereby approves the professional service agreement dated October 19, 2021, as submitted by DLZ in the amount of \$12,028 and authorize and direct the Mayor to execute said agreement on behalf of the city.

Discussion Ensued.

YES: Hicks, Krueger, Pinkston, Henry, Fountain, Florence.

NO: None. Motion Declared Carried.

MEETING OPENED TO THE PUBLIC:

Erik Jamison 5017 Holland Drive, Christmas festivities and parade on Saturday, December 4, 2021. The parade line up is at 5 p.m. and parade starts at 6 p.m... The parade starts at the Middle School and heads east down Miller Road to Holland Square. The road will be closed after parade ends at Morrish Road. Santa will then light the tree and several festivities will take place at Holland Square. There will be a vendor market at 3 p.m.

REMARKS BY COUNCILMEMBERS:

Councilmember Florence noticed the new condos on Fortino Drive foundation looks high. Mr. Zettel responded he had a call from the developer and was told it is done right.

Councilmember Henry questioned if there was anything happening on Veterans Day. Mr. Zettel responded he is not aware of anything but there always is and event. Mr. Henry asked when the catch basin on Wade would be repaired. Mr. Bincsik responded very soon.

Mayor Pro Tem Hicks asked if there was any news on the flower shop. Mr. Stritmatter responded that the hearing is November 30th.

Councilmember Pinkston mentioned that Flint City Council has 6 new members and hopefully they will get something done there. JW Morgan is now the vice president of Home Builders Association of Michigan, it's nice that a local person has gotten statewide recognition.

Mayor Krueger weather has been good and hope it continues so the street construction will get done.

ADJOURNMENT

Resolution No. 211108-11

(Carried)

Motion by Councilmember Pinkston
Second by Councilmember Florence

I Move the Swartz Creek City Council adjourn the regular meeting of November 8, 2021, at 8:07 p.m.

Unanimous Voice Vote.

David A. Krueger, Mayor

Connie Olger, City Clerk

REVENUE AND EXPENDITURE REPORT FOR CITY OF SWARTZ CREEK
PERIOD ENDING 10/31/2021

GL NUMBER	2021-22 ORIGINAL BUDGET	2021-22 AMENDED BUDGET	YTD BALANCE 10/31/2021	AVAILABLE BALANCE	% BDGT USED
Revenue					
Fund 101 - General Fund					
000.000 - General	2,374,764.00	2,374,764.00	2,058,523.56	316,240.44	86.68
172.000 - Executive	0.00	0.00	9,350.00	(9,350.00)	100.00
215.000 - Administration and Clerk	30.00	30.00	0.00	30.00	0.00
301.000 - Police Dept	4,250.00	4,250.00	6,169.20	(1,919.20)	145.16
336.000 - Fire Department	0.00	0.00	1,560.29	(1,560.29)	100.00
345.000 - PUBLIC SAFETY BUILDING	26,500.00	26,500.00	6,706.77	19,793.23	25.31
371.000 - Building/Zoning/Planning	54,950.00	54,950.00	28,572.75	26,377.25	52.00
410.000 - Building & Zoning & Planning	0.00	0.00	135.00	(135.00)	100.00
444.000 - Sidewalks	1,500.00	1,500.00	0.00	1,500.00	0.00
448.000 - Lighting	9,221.52	9,221.52	2,573.84	6,647.68	27.91
523.000 - Grass, Brush & Weeds	4,000.00	4,000.00	2,915.00	1,085.00	72.88
694.000 - Community Development Block Grant	37,822.50	37,822.50	0.00	37,822.50	0.00
728.005 - Holland Square Streetscape	40,000.00	40,000.00	40,000.00	0.00	100.00
780.500 - Mundy Twp Park Services	17,000.00	17,000.00	2,344.96	14,655.04	13.79
782.000 - Facilities - Abrams Park	140.00	140.00	70.00	70.00	50.00
783.000 - Facilities - Elms Rd Park	6,500.00	6,500.00	2,800.00	3,700.00	43.08
786.000 - Non-Motorized Trailway	813,500.00	813,500.00	0.00	813,500.00	0.00
790.000 - Facilities-Senior Center/Libr	5,300.00	5,300.00	1,482.50	3,817.50	27.97
TOTAL REVENUES	3,395,478.02	3,395,478.02	2,163,203.87	1,232,274.15	
Expense					
000.000 - General	13,520.00	13,520.00	4,506.20	9,013.80	33.33
101.000 - Council	25,448.50	25,269.07	9,783.97	15,485.10	38.72

GL NUMBER	2021-22 ORIGINAL BUDGET	2021-22 AMENDED BUDGET	YTD BALANCE 10/31/2021	AVAILABLE BALANCE	% BDGT USED
172.000 - Executive	114,594.96	135,163.40	65,037.11	70,126.29	48.12
215.000 - Administration and Clerk	30,870.00	30,870.00	8,705.42	22,164.58	28.20
228.000 - Information Technology	17,000.00	17,000.00	11,135.20	5,864.80	65.50
247.000 - Board of Review	2,520.00	2,520.00	242.22	2,277.78	9.61
253.000 - Treasurer	100,265.60	100,265.60	34,519.83	65,745.77	34.43
257.000 - Assessor	45,016.00	70,016.00	11,878.13	58,137.87	16.96
262.000 - Elections	36,122.00	36,122.00	4,384.99	31,737.01	12.14
265.000 - Facilities - City Hall	26,150.76	26,099.76	2,315.81	23,783.95	8.87
266.000 - Legal Council	18,000.00	18,000.00	4,886.00	13,114.00	27.14
301.000 - Police Dept	7,900.00	7,951.00	11,775.90	(3,824.90)	148.11
301.266 - Legal Council PSFY	17,000.00	17,000.00	6,762.00	10,238.00	39.78
301.851 - Retiree Employer Health Care PSFY	21,000.00	21,000.00	6,825.08	14,174.92	32.50
334.000 - Metro Police Authority	1,060,000.00	1,060,000.00	267,334.00	792,666.00	25.22
336.000 - Fire Department	160,634.00	170,784.00	65,342.72	105,441.28	38.26
345.000 - PUBLIC SAFETY BUILDING	34,932.96	34,593.46	13,125.49	21,467.97	37.94
371.000 - Building/Zoning/Planning	138,690.12	148,690.12	41,071.92	107,618.20	27.62
410.000 - Building & Zoning & Planning	0.00	0.00	9,482.22	(9,482.22)	100.00
444.000 - Sidewalks	1,200.00	1,200.00	0.00	1,200.00	0.00
448.000 - Lighting	106,000.00	106,000.00	26,006.30	79,993.70	24.53
523.000 - Grass, Brush & Weeds	1,200.00	1,200.00	995.00	205.00	82.92
567.000 - Facilities - Cemetery	2,083.16	2,083.16	400.00	1,683.16	19.20
694.000 - Community Development Block Grant	39,832.50	39,832.50	72.98	39,759.52	0.18
728.000 - Economic Development	350.00	350.00	427.44	(77.44)	122.13

GL NUMBER	2021-22 ORIGINAL BUDGET	2021-22 AMENDED BUDGET	YTD BALANCE 10/31/2021	AVAILABLE BALANCE	% BDGT USED
780.500 - Mundy Twp Park Services	7,483.00	7,483.00	2,773.35	4,709.65	37.06
781.000 - Facilities - Pajtas Amphitheat	2,705.00	2,705.00	3,224.66	(519.66)	119.21
782.000 - Facilities - Abrams Park	37,830.05	37,830.05	8,723.51	29,106.54	23.06
783.000 - Facilities - Elms Rd Park	83,812.94	83,812.94	24,000.62	59,812.32	28.64
784.000 - Facilities - Bicentennial Park	2,194.00	2,194.00	303.82	1,890.18	13.85
786.000 - Non-Motorized Trailway	824,200.00	827,970.00	13,625.06	814,344.94	1.65
787.000 - Veterans Memorial Park	3,045.90	3,045.90	1,400.71	1,645.19	45.99
788.000 - Otterburn Disc Golf Park	10,000.00	10,000.00	0.00	10,000.00	0.00
790.000 - Facilities-Senior Center/Libr	32,340.34	32,200.00	9,358.37	22,841.63	29.06
793.000 - Facilities - City Hall	0.00	0.00	2,512.55	(2,512.55)	100.00
794.000 - Community Promotions Program	48,244.20	48,244.20	12,952.92	35,291.28	26.85
796.000 - Facilities - Cemetery	0.00	0.00	53.33	(53.33)	100.00
797.000 - Facilities - City Parking Lots	6,800.00	6,800.00	2,510.96	4,289.04	36.93
851.000 - Retired Employee Health Care	21,000.00	21,000.00	4,038.89	16,961.11	19.23
965.000 - Transfers Out	250,000.00	250,000.00	250,000.00	0.00	100.00
TOTAL EXPENDITURES	3,349,985.99	3,418,815.16	942,494.68	2,476,320.48	
Fund 101 - General Fund:					
TOTAL REVENUES	3,395,478.02	3,395,478.02	2,163,203.87	1,232,274.15	63.71
TOTAL EXPENDITURES	3,349,985.99	3,418,815.16	942,494.68	2,476,320.48	27.57
NET OF REVENUES & EXPENDITURES	45,492.03	(23,337.14)	1,220,709.19	(1,244,046.33)	
Fund 202 - Major Street Fund					
Revenue					
000.000 - General	525,080.00	525,080.00	108,228.37	416,851.63	20.61
441.000 - Miller Rd Park & Ride	5,000.00	5,000.00	599.47	4,400.53	11.99
478.000 - Snow & Ice Removal	2,100.00	2,100.00	0.00	2,100.00	0.00

GL NUMBER	2021-22 ORIGINAL BUDGET	2021-22 AMENDED BUDGET	YTD BALANCE 10/31/2021	AVAILABLE BALANCE	% BDGT USED
931.000 - Transfers IN	575,000.00	575,000.00	575,000.00	0.00	100.00
TOTAL REVENUES	1,107,180.00	1,107,180.00	683,827.84	423,352.16	
Expense					
228.000 - Information Technology	1,225.00	1,225.00	428.00	797.00	34.94
441.000 - Miller Rd Park & Ride	6,126.15	6,126.15	1,313.39	4,812.76	21.44
449.500 - Right of Way - General	15,000.00	15,000.00	22.50	14,977.50	0.15
449.501 - Right of Way - Storms	25,000.00	25,000.00	0.00	25,000.00	0.00
452.100 - Safe Routes to School Grant	113,200.00	113,200.00	1,500.00	111,700.00	1.33
454.000 - Major Streets Projects	175,700.00	193,550.00	22,417.50	171,132.50	11.58
463.000 - Routine Maint - Streets	156,558.87	156,686.67	23,008.35	133,678.32	14.68
463.307 - Oakview - Seymour to Chelmsford	489,192.92	489,192.92	381,861.58	107,331.34	78.06
473.000 - Routine Maint - Bridges	1,500.00	1,500.00	0.00	1,500.00	0.00
474.000 - Traffic Services	59,184.00	59,184.00	8,788.34	50,395.66	14.85
478.000 - Snow & Ice Removal	57,425.00	57,425.00	788.30	56,636.70	1.37
482.000 - Administrative	15,707.00	15,707.00	3,890.39	11,816.61	24.77
538.500 - Intercommunity storm drains	12,500.00	12,500.00	1,720.66	10,779.34	13.77
TOTAL EXPENDITURES	1,128,318.94	1,146,296.74	445,739.01	700,557.73	
Fund 202 - Major Street Fund:					
TOTAL REVENUES	1,107,180.00	1,107,180.00	683,827.84	423,352.16	61.76
TOTAL EXPENDITURES	1,128,318.94	1,146,296.74	445,739.01	700,557.73	38.89
NET OF REVENUES & EXPENDITURES	(21,138.94)	(39,116.74)	238,088.83	(277,205.57)	
Fund 203 - Local Street Fund					
Revenue					
000.000 - General	176,535.00	176,535.00	31,417.63	145,117.37	17.80
449.000 - Right of Way Telecomm	15,000.00	15,000.00	0.00	15,000.00	0.00
478.000 - Snow & Ice Removal	1,400.00	1,400.00	0.00	1,400.00	0.00
931.000 - Transfers IN	100,000.00	100,000.00	100,000.00	0.00	100.00

GL NUMBER	2021-22 ORIGINAL BUDGET	2021-22 AMENDED BUDGET	YTD BALANCE 10/31/2021	AVAILABLE BALANCE	% BDGT USED
TOTAL REVENUES	292,935.00	292,935.00	131,417.63	161,517.37	
Expense					
228.000 - Information Technology	1,225.00	1,225.00	428.01	796.99	34.94
429.000 - Occupational Safety	33.53	33.53	0.00	33.53	0.00
449.500 - Right of Way - General	27,500.00	27,500.00	7,222.49	20,277.51	26.26
449.501 - Right of Way - Storms	1,500.00	1,500.00	0.00	1,500.00	0.00
463.000 - Routine Maint - Streets	283,091.05	283,140.73	16,635.18	266,505.55	5.88
463.107 - Chelmsford - Seymour to Oakview	318,712.17	318,712.17	254,574.38	64,137.79	79.88
474.000 - Traffic Services	18,797.00	18,797.00	1,283.91	17,513.09	6.83
478.000 - Snow & Ice Removal	42,646.00	42,646.00	633.88	42,012.12	1.49
482.000 - Administrative	18,325.00	18,325.00	2,917.67	15,407.33	15.92
538.500 - Intercommunity storm drains	10,000.00	10,000.00	1,720.66	8,279.34	17.21
TOTAL EXPENDITURES	721,829.75	721,879.43	285,416.18	436,463.25	
Fund 203 - Local Street Fund:					
TOTAL REVENUES	292,935.00	292,935.00	131,417.63	161,517.37	44.86
TOTAL EXPENDITURES	721,829.75	721,879.43	285,416.18	436,463.25	39.54
NET OF REVENUES & EXPENDITURES	(428,894.75)	(428,944.43)	(153,998.55)	(274,945.88)	
Fund 204 - MUNICIPAL STREET FUND					
Revenue					
000.000 - General	663,443.00	663,443.00	692,954.90	(29,511.90)	104.45
TOTAL REVENUES	663,443.00	663,443.00	692,954.90	(29,511.90)	
Expense					
905.000 - Debt Service	169,409.62	169,409.62	11,683.14	157,726.48	6.90
965.000 - Transfers Out	500,000.00	500,000.00	500,000.00	0.00	100.00
TOTAL EXPENDITURES	669,409.62	669,409.62	511,683.14	157,726.48	
Fund 204 - MUNICIPAL STREET FUND:					
TOTAL REVENUES	663,443.00	663,443.00	692,954.90	(29,511.90)	104.45
TOTAL EXPENDITURES	669,409.62	669,409.62	511,683.14	157,726.48	76.44
NET OF REVENUES & EXPENDITURES	(5,966.62)	(5,966.62)	181,271.76	(187,238.38)	

GL NUMBER	2021-22 ORIGINAL BUDGET	2021-22 AMENDED BUDGET	YTD BALANCE 10/31/2021	AVAILABLE BALANCE	% BDGT USED
Fund 226 - Garbage Fund					
Revenue					
000.000 - General	431,875.00	431,875.00	433,259.64	(1,384.64)	100.32
TOTAL REVENUES	431,875.00	431,875.00	433,259.64	(1,384.64)	
Expense					
101.000 - Council	3,903.13	3,903.13	1,710.30	2,192.83	43.82
172.000 - Executive	8,768.24	8,768.24	3,295.81	5,472.43	37.59
215.000 - Administration and Clerk	4,476.00	4,476.00	1,353.09	3,122.91	30.23
228.000 - Information Technology	1,800.00	1,800.00	1,114.44	685.56	61.91
253.000 - Treasurer	16,979.60	16,979.60	10,351.53	6,628.07	60.96
257.000 - Assessor	800.00	800.00	0.00	800.00	0.00
265.000 - Facilities - City Hall	4,939.28	4,939.28	665.73	4,273.55	13.48
528.000 - Sanitation Collection	324,932.08	324,932.08	81,038.95	243,893.13	24.94
530.000 - Wood Chipping	55,129.08	55,529.16	20,776.65	34,752.51	37.42
782.000 - Facilities - Abrams Park	7,731.00	7,731.00	5,060.88	2,670.12	65.46
783.000 - Facilities - Elms Rd Park	13,141.00	13,141.00	6,349.19	6,791.81	48.32
793.000 - Facilities - City Hall	0.00	0.00	337.58	(337.58)	100.00
TOTAL EXPENDITURES	442,599.41	442,999.49	132,054.15	310,945.34	
Fund 226 - Garbage Fund:					
TOTAL REVENUES	431,875.00	431,875.00	433,259.64	(1,384.64)	100.32
TOTAL EXPENDITURES	442,599.41	442,999.49	132,054.15	310,945.34	29.81
NET OF REVENUES & EXPENDITURES	(10,724.41)	(11,124.49)	301,205.49	(312,329.98)	
Fund 248 - Downtown Development Fund					
Revenue					
000.000 - General	88,007.00	88,007.00	36,966.45	51,040.55	42.00
TOTAL REVENUES	88,007.00	88,007.00	36,966.45	51,040.55	
Expense					
173.000 - DDA Administration	2,804.00	2,804.00	2,500.51	303.49	89.18

GL NUMBER	2021-22 ORIGINAL BUDGET	2021-22 AMENDED BUDGET	YTD BALANCE 10/31/2021	AVAILABLE BALANCE	% BDGT USED
728.002 - Streetscape	41,945.00	41,945.00	40,000.00	1,945.00	95.36
728.003 - Facade Program	12,500.00	12,500.00	0.00	12,500.00	0.00
728.004 - Family Movie Night	5,181.75	5,181.75	2,285.00	2,896.75	44.10
TOTAL EXPENDITURES	62,430.75	62,430.75	44,785.51	17,645.24	
Fund 248 - Downtown Development Fund:					
TOTAL REVENUES	88,007.00	88,007.00	36,966.45	51,040.55	42.00
TOTAL EXPENDITURES	62,430.75	62,430.75	44,785.51	17,645.24	71.74
NET OF REVENUES & EXPENDITURES	25,576.25	25,576.25	(7,819.06)	33,395.31	
Fund 402 - Fire Equip Replacement Fund					
Revenue					
000.000 - General	200.00	200.00	3.41	196.59	1.71
931.000 - Transfers IN	75,000.00	75,000.00	75,000.00	0.00	100.00
TOTAL REVENUES	75,200.00	75,200.00	75,003.41	196.59	
Expense					
336.000 - Fire Department	0.00	60,000.00	0.00	60,000.00	0.00
TOTAL EXPENDITURES	0.00	60,000.00	0.00	60,000.00	
Fund 402 - Fire Equip Replacement Fund:					
TOTAL REVENUES	75,200.00	75,200.00	75,003.41	196.59	99.74
TOTAL EXPENDITURES	0.00	60,000.00	0.00	60,000.00	0.00
NET OF REVENUES & EXPENDITURES	75,200.00	15,200.00	75,003.41	(59,803.41)	
Fund 590 - Water Supply Fund					
Revenue					
000.000 - General	1,100.00	1,100.00	60.72	1,039.28	5.52
540.000 - Water System	2,184,700.00	2,184,700.00	593,708.87	1,590,991.13	27.18
543.230 - Water Main Repair USDA Grant	785,000.00	785,000.00	313,275.72	471,724.28	39.91
TOTAL REVENUES	2,970,800.00	2,970,800.00	907,045.31	2,063,754.69	
Expense					
101.000 - Council	13,208.82	13,096.67	4,275.88	8,820.79	32.65
172.000 - Executive	32,468.60	32,340.32	12,069.04	20,271.28	37.32
215.000 - Administration and Clerk	15,467.00	15,467.00	4,895.68	10,571.32	31.65

GL NUMBER	2021-22 ORIGINAL BUDGET	2021-22 AMENDED BUDGET	YTD BALANCE 10/31/2021	AVAILABLE BALANCE	% BDGT USED
228.000 - Information Technology	5,925.00	5,925.00	2,849.18	3,075.82	48.09
253.000 - Treasurer	63,947.00	63,947.00	20,727.81	43,219.19	32.41
265.000 - Facilities - City Hall	12,641.35	12,641.35	1,711.95	10,929.40	13.54
540.000 - Water System	2,168,464.32	2,170,523.17	443,926.16	1,726,597.01	20.45
542.000 - Read and Bill	52,590.00	52,590.00	8,697.88	43,892.12	16.54
543.230 - Water Main Repair USDA Grant	1,215,556.27	1,215,556.27	341,184.26	874,372.01	28.07
793.000 - Facilities - City Hall	0.00	0.00	840.77	(840.77)	100.00
850.000 - Other Functions	11,300.00	11,300.00	0.00	11,300.00	0.00
905.000 - Debt Service	38,997.88	45,997.88	10,393.94	35,603.94	22.60
TOTAL EXPENDITURES	3,630,566.24	3,639,384.66	851,572.55	2,787,812.11	
Fund 590 - Water Supply Fund:					
TOTAL REVENUES	2,970,800.00	2,970,800.00	907,045.31	2,063,754.69	30.53
TOTAL EXPENDITURES	3,630,566.24	3,639,384.66	851,572.55	2,787,812.11	23.40
NET OF REVENUES & EXPENDITURES	(659,766.24)	(668,584.66)	55,472.76	(724,057.42)	
Fund 591 - Sanitary Sewer Fund					
Revenue					
000.000 - General	3,000.00	3,000.00	131.43	2,868.57	4.38
536.000 - Sewer System	1,255,140.00	1,255,140.00	326,697.17	928,442.83	26.03
TOTAL REVENUES	1,258,140.00	1,258,140.00	326,828.60	931,311.40	
Expense					
101.000 - Council	13,213.82	13,101.67	4,275.43	8,826.24	32.63
172.000 - Executive	32,385.60	32,257.32	11,837.62	20,419.70	36.70
215.000 - Administration and Clerk	15,472.00	15,472.00	4,899.86	10,572.14	31.67
228.000 - Information Technology	5,625.00	5,625.00	2,849.17	2,775.83	50.65
253.000 - Treasurer	59,937.00	59,937.00	20,727.58	39,209.42	34.58
265.000 - Facilities - City Hall	11,542.35	11,542.35	1,580.05	9,962.30	13.69
536.000 - Sewer System	989,736.79	989,736.79	170,212.91	819,523.88	17.20

GL NUMBER	2021-22 ORIGINAL BUDGET	2021-22 AMENDED BUDGET	YTD BALANCE 10/31/2021	AVAILABLE BALANCE	% BDGT USED
537.000 - Sewer Lift Stations	10,907.00	10,907.00	5,839.09	5,067.91	53.54
542.000 - Read and Bill	55,658.00	57,752.48	21,336.72	36,415.76	36.95
543.310 - Sewer District Rehabilitation	400,000.00	443,178.75	178,423.35	264,755.40	40.26
543.400 - Reline Existing Sewers	183,128.00	183,128.00	0.00	183,128.00	0.00
543.401 - Flush & TV Sewers	75,000.00	75,000.00	0.00	75,000.00	0.00
793.000 - Facilities - City Hall	0.00	0.00	840.78	(840.78)	100.00
850.000 - Other Functions	9,400.00	9,400.00	0.00	9,400.00	0.00
TOTAL EXPENDITURES	1,862,005.56	1,907,038.36	422,822.56	1,484,215.80	
Fund 591 - Sanitary Sewer Fund:					
TOTAL REVENUES	1,258,140.00	1,258,140.00	326,828.60	931,311.40	25.98
TOTAL EXPENDITURES	1,862,005.56	1,907,038.36	422,822.56	1,484,215.80	22.17
NET OF REVENUES & EXPENDITURES	(603,865.56)	(648,898.36)	(95,993.96)	(552,904.40)	
Fund 661 - Motor Pool Fund					
Revenue					
000.000 - General	190,000.00	190,000.00	41,354.56	148,645.44	21.77
TOTAL REVENUES	190,000.00	190,000.00	41,354.56	148,645.44	
Expense					
172.000 - Executive	9,758.00	11,199.00	10,503.97	695.03	93.79
228.000 - Information Technology	970.00	970.00	362.80	607.20	37.40
253.000 - Treasurer	7,853.00	7,853.00	2,442.61	5,410.39	31.10
265.100 - Facilities - City Garage	434,064.88	434,192.68	20,196.76	413,995.92	4.65
795.000 - Facilities - City Garage	0.00	0.00	1,595.13	(1,595.13)	100.00
850.000 - Other Functions	18,750.00	18,750.00	0.00	18,750.00	0.00
TOTAL EXPENDITURES	471,395.88	472,964.68	35,101.27	437,863.41	
Fund 661 - Motor Pool Fund:					
TOTAL REVENUES	190,000.00	190,000.00	41,354.56	148,645.44	21.77
TOTAL EXPENDITURES	471,395.88	472,964.68	35,101.27	437,863.41	7.42
NET OF REVENUES & EXPENDITURES	(281,395.88)	(282,964.68)	6,253.29	(289,217.97)	

Metro Police Authority Offense Summary

For Swartz Creek

Occurred 9/1/2021 - 9/30/2021

Offense	Total Offenses
1313 - 13001 - Assault and Battery/Simple Assault	3
1316 - 13003 - Intimidation	1
1380 - 13003 - Telephone Used for Harassment, Threats	1
2203 - 22001 - Burglary - Forced Entry - Non-Residence	2
2304 - 23006 - Larceny - Parts and Accessories from Vehicle	1
2609 - 26007 - Fraud - Identity Theft	1
4801 - 48000 - Resisting Officer	1
5006 - 50000 - Obstructing Justice	1
5012 - 50000 - Probation Violation	1
5309 - 53002 - Harassing Communications	1
5311 - 53001 - Disorderly Conduct	2
5707 - 57001 - Trespass (Other)	1
8041 - 54002 - Operating Under the Influence of Intoxicating Liquor	2
8051 - 54003 - Exceeded Posted or Unposted Maximum	2
8271 - 54003 - Traffic - No Operators License	1
8273 - 54003 - Traffic - Driving on Susp/Revoked/Refused License	3
8277 - 54003 - Traffic - Registration Law Violations	1
8280 - 54003 - Traffic - No Proof of Insurance	1
8328 - 54003 - Motor Vehicle Violation	1
9910 - 93001 - Traffic, Non-Criminal - Accident	12
9911 - 93002 - Traffic, Non-Criminal - Non-Traffic Accident	2
9943 - 98007 - Inspections/Investigations - Suspicious Situations	1
9944 - 98008 - Inspections/Investigations - Lost and Found Prop	1
9945 - 98009 - Inspections/Investigations - Drug Overdose	1
9953 - 99008 - Miscellaneous - General Assistance	2
9954 - 99009 - Miscellaneous - Non-Criminal	1
Total	47

Metro Police Authority Offense Summary

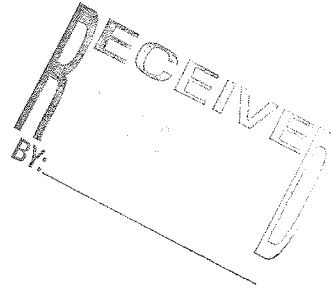
For Swartz Creek

Occurred 10/1/2021 - 10/31/2021

Offense	Total Offenses
1313 - 13001 - Assault and Battery/Simple Assault	2
1376 - 13003 - Intentional Threat to Commit Act of Violence Against Schools	2
1380 - 13003 - Telephone Used for Harassment, Threats	1
2203 - 22001 - Burglary - Forced Entry - Non-Residence	1
2205 - 22002 - Burglary - No Forced Entry - Non-Residence	1
2308 - 23003 - Larceny - From Building (Includes library, office used by public, etc)	1
2399 - 23007 - Larceny (Other)	1
2902 - 29000 - Damage to Property - Private Property	1
3073 - 30002 - Retail Fraud Theft 1st Degree	1
3084 - 30004 - Organized Retail Fraud - Removing, Destroying, Deactivating or Knowingly Evade Any Component of an Antishoplifting or Inventory Control Device to Prevent the Activation of That Device, or to Facilitate Another Person In Committing an Organized Retail Crime	1
8051 - 54003 - Exceeded Posted or Unposted Maximum	1
8174 - 54003 - Traffic - Furnish False Info to Police Officer	1
8271 - 54003 - Traffic - No Operators License	1
8273 - 54003 - Traffic - Driving on Susp/Revoked/Refused License	1
8277 - 54003 - Traffic - Registration Law Violations	2
8280 - 54003 - Traffic - No Proof of Insurance	1
8281 - 54003 - Traffic - No Operators/Chauffers License on Person	1
8328 - 54003 - Motor Vehicle Violation	3
8920 - 89003 - Violation - Insurance - Fail to File PLPD Insurance	1
9910 - 93001 - Traffic, Non-Criminal - Accident	10
9911 - 93002 - Traffic, Non-Criminal - Non-Traffic Accident	4
9942 - 98006 - Inspections/Investigations - Family Trouble	1
9947 - 99002 - Miscellaneous - Natural Death	2
9948 - 99003 - Miscellaneous - Missing Persons	2
9953 - 99008 - Miscellaneous - General Assistance	2
Total	45



November 4, 2021



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

RE: Programming Advisory

Dear City Clerk:

We are committed to keeping you and our customers informed about changes to Xfinity TV services. As part of that ongoing commitment to keep you informed, we wanted to update you on the following:

Effective December 31, 2021, NBC Sports Network (NBCSN) will cease operations.

Also, pursuant to P.A. 480 of 2006, Section 9 (4), Comcast Cable's local operating entity hereby reports that Comcast does not deny access to services to any group of potential residential subscribers because of the race or income of the residents in the local area. A similar report has been filed with the Michigan Public Service Commission.

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

Sincerely,

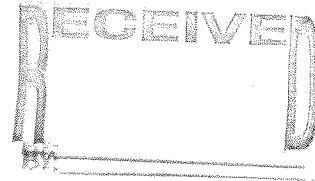
A handwritten signature in black ink, appearing to read "Ben Miller".

Benjamin Miller
Director, External Affairs
Comcast, Heartland Region
1401 E. Miller Rd.
Lansing, MI 48911



November 11, 2021

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



RE: Important Information—Price Changes

Dear City Clerk,

At Comcast, we are always committed to delivering the entertainment and services that matter most to our customers in Swartz Creek, as well as exciting experiences they won't find anywhere else. We are also focused on making our network stronger in order to meet our customers' current needs and future demands. As we continue to invest in our network, products, and services, the cost of doing business rises. Rising programming costs, most notably for broadcast TV and sports, continue to be the biggest factors driving price increases. While we absorb some of these costs, these fee increases affect service pricing. As a result, starting January 1, 2022, prices for certain services and fees will be increasing, including the Broadcast TV Fee and the Regional Sports Network Fee. Please see the enclosed Customer Notice for more information.

We know you may have questions about these changes. Please feel free to contact me at 734-359-2077 if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Ben Miller".

Benjamin Miller
Director, External Affairs
Comcast, Heartland Region
1401 E. Miller Rd.
Lansing, MI 48911

Enclosure

Important information regarding your Xfinity services and pricing

Effective January 1, 2022

Xfinity TV	Current	New
Digital Starter	\$62.45	\$65.45
Entertainment	\$15.00	\$17.00
Choice TV Select	\$30.00	\$32.50
Choice TV Select - - with TV Box (Flex upgrade)	\$37.50	\$41.00
Broadcast TV Fee	\$14.80	\$17.55
Regional Sports Fee	\$9.10	\$9.50
Service to Additional TV	\$7.50	\$8.50

Xfinity Internet	Current	New
Connect	\$56.00	\$59.00
Connect More	\$76.00	\$79.00
Fast	\$86.00	\$89.00
Superfast	\$96.00	\$99.00
Ultrafast	\$106.00	\$109.00
Gigabit Extra	\$116.00	\$119.00

Xfinity Equipment	Current	New
TV Box	\$7.50	\$8.50

Atlas Township, Burton, Clayton Township, Clia, Davison, Davison Township, Flint, Flint Township, Flushing, Flushing Township, Gaines Township, Genesee Township, Grand Blanc City, Grand Blanc Township, Mt. Morris Township, Mundy Township, Richfield Township, Swartz Creek, Vienna Township


85291000 (0010, 0020, 0030, 0040, 0050, 0060, 0070, 0080, 0090, 0100, 0110, 0120, 0130, 0140, 0150, 0190, 0200, 0210, 2660, 2700, 4030, 5000)


P158AH22



GENESEE COUNTY

TREASURER
DEB CHERRY

 (810) 257-3054

 (810) 257-3885

DATE: November 2, 2021
TO: Local Unit Treasurer / Local Unit Clerk
FROM: Deborah L. Cherry
Genesee County Treasurer
SUBJECT: Tax Reverted Property Disposition

MCL 211.78 m(6) provides that a list of properties in your unit not previously sold by the foreclosing governmental unit (Genesee County) at the mandatory yearly auctions shall be provided to the clerk of the city, village or township in which the property is located. This list is attached. The law also allows that your unit (city, village or township) may object in writing to the transfer of one or more of the properties set forth on this list. **On or before December 30, all property on this list shall be transferred (revert back) to your unit (city, village or township) unless written objection is made by your unit (city, village or township).**

If your unit wishes to obtain these properties, then you do not have to do anything as the reversion is automatic. However, as a courtesy, we are requesting an email be sent to Callie Auten at cauten@co.genesee.mi.us stating your unit will be accepting the properties.

If you wish to **object to the transfer** of one or more properties, please obtain board authority in the form of 1) a specific resolution rejecting the listed property, or 2) a resolution directing an individual to write the objection with the same authority as the board. The written objection should be sent to the attention of Carla Vandefifer and received by the Genesee County Treasurer's Office by **December 16, 2021**. If it will be difficult for you to meet this deadline, please contact Callie to discuss your options, however, with the timing of the holidays this year, extending this deadline will be very difficult as the deeds need to be recorded by December 31, 2021. Your cooperation in this matter is appreciated.

If you have questions, please feel free to contact Callie at the email address noted above or at (810)257-3481.

Thank You

1101 Beach Street, Room 144 Flint, MI 48502

Real Estate Summary Sheet

Information herein deemed reliable but not guaranteed

11/03/2021 11:27 AM

Parcel: 58-03-626-031
Owner's Name: DKCI, LLC
Property Address: 9072 LUEA LN
SWARTZ CREEK, MI 48473-1082
Liber/Page: 201903080011381
Split: / /
Public Impr.: None
Topography: None

Current Class: 402.RESIDENTIAL-VACANT
Previous Class: 402.RESIDENTIAL-VACANT
Taxable Status: TAXABLE
Prev. Taxable Status: TAXABLE
Gov. Unit: 58 CITY OF SWARTZ CREEK
MAP #:
School: 25180 SWARTZ CREEK COMMUNITY SCH
Neighborhood: 11 11-CARRIAGE COMMONS CONDOS

Created: / /
Active: Active

Mailing Address:

DKCI, LLC
4496 WOOD DUCK CT
LINDEN MI 48451

Description:

UNIT 31 CARRIAGE COMMONS

Most Recent Sale Information

Sold on 06/29/2018 for 0 by RIDENOUR, JEFFREY & TROY.

Terms of Sale: 21-NOT USED

Liber/Page: 201903080011381

Most Recent Permit Information

None Found

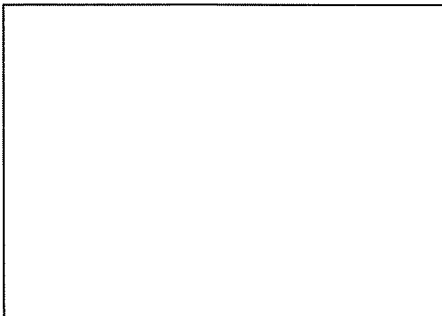
Physical Property Characteristics

2022 S.E.V.:	16,700	2022 Taxable:	14,671	Lot Dimensions:	
2021 S.E.V.:	16,700	2021 Taxable:	14,671	Acreage:	0.00
Zoning:	R-4 (*)	Land Value:	33,300	Frontage:	1.0
PRE:	0.000	Land Impr. Value:	0	Average Depth:	0.0

Improvement Data

None

Image



Real Estate Summary Sheet

Information herein deemed reliable but not guaranteed

11/03/2021 11:27 AM

Parcel:	58-03-626-032	Current Class:	402.RESIDENTIAL-VACANT
Owner's Name:	DKCI, LLC	Previous Class:	402.RESIDENTIAL-VACANT
Property Address:	9070 LUEA LN SWARTZ CREEK, MI 48473-1082	Taxable Status	TAXABLE
Liber/Page:	201903080011381	Prev. Taxable Status	TAXABLE
Split:	//	Gov. Unit:	58 CITY OF SWARTZ CREEK
Public Impr.:	None	MAP #	
Topography:	None	School:	25180 SWARTZ CREEK COMMUNITY SCH
		Neighborhood:	11 11-CARRIAGE COMMONS CONDOS

Mailing Address:	Description:
DKCI, LLC 4496 WOOD DUCK CT LINDEN MI 48451	UNIT 32 CARRIAGE COMMONS

Most Recent Sale Information

Sold on 06/29/2018 for 0 by RIDENOUR, JEFFREY & TROY.

Terms of Sale:	21-NOT USED	Liber/Page:	201903080011381
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Most Recent Permit Information

None Found

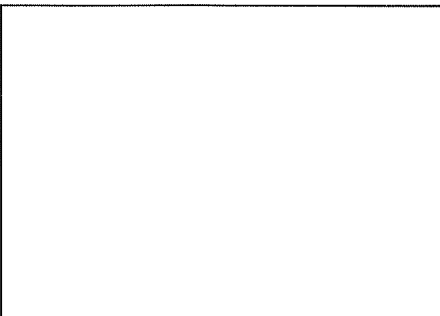
Physical Property Characteristics

2022 S.E.V.:	16,700	2022 Taxable:	14,671	Lot Dimensions:	
2021 S.E.V.:	16,700	2021 Taxable:	14,671	Acreage:	0.00
Zoning:	R-4 (*)	Land Value:	33,300	Frontage:	1.0
PRE:	0.000	Land Impr. Value:	0	Average Depth:	0.0

Improvement Data

None

Image





CITY OF SWARTZ CREEK STREET CLOSURE/USE APPLICATION

DATE OF REQUEST: 12/4/21
 SPONSOR ORGANIZATION: FIREFIGHTERS ASSOCIATION
 AUTHORIZED REPRESENTATIVE: ERIK JAMISON
 WORK ADDRESS: 5100 CIVIC DR. HOME ADDRESS: _____
 PHONE NO: WORK (907) 441-4216 HOME: () _____ CELL: () _____
 EMAIL ADDRESS: JAMISON@SCAFD.COM

TYPE OF EVENT: (check box)
 PARADE ** (Draw Route on Attached Map) CARNIVAL
 FOOT/BIKE RACE CRAFT SHOW
 CONCERT OTHER: _____

DATE OF EVENT: 12/4/21
 TIME OF EVENT: FROM: 6 AM/PM TO: 10 AM/PM
 ESTIMATED NUMBER OF PARTICIPANTS: 100

DESCRIPTION OF EVENT; NOTE STREETS REQUESTED TO BE CLOSED/USED:
PARADE BEGINNING AT MIDDLE SCHOOL, NORTH ON FAIRCHILD, EAST ON MILLER.
STOPPING AT MILLER AND REMAINING UNTIL FESTIVITIES CONCLUDE.
MILLER FROM MORRIS TO HAYES TO REMAIN CLOSED AFTER PARADE FOR FESTIVITIES.

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: FIRE FIGHTERS ASSOCIATION (Organization) BY: ERIK JAMISON (Authorized Representative)
 APPROVED BY: [Signature] (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.

CITY OF SWARTZ CREEK PARADE REGULATIONS

The approval of a street closure request and/or a “parade permit” is based on the assumption that the event coordinator(s) fully understand and accept the following regulations regarding the event:

1. The throwing of any object(s) from any vehicle during the course of the parade is prohibited by ordinance. Violations of this ordinance could result in prosecution and/or the denial of future permit requests.
2. The closing of major thoroughfares entails the rerouting of thousands of motorists and the interruption of commerce. It is imperative that parades begin and end on time so as not to unnecessarily disrupt the usual course of traffic and business.
3. Parade organizers must provide a means of direct communication between the event coordinator and the Chief of Police (or his designate) during the course of the parade in order to address any dangerous conditions that may develop during the course of the event.
4. The practice of parade participants jumping onto or off of moving vehicles in the parade is prohibited.
5. When determining the staging area for parade participants, organizers should ensure that the area is sufficient in size to accommodate all entries without creating traffic or pedestrian hazards.

It is the responsibility of the event coordinator(s) to ensure that all parade participants are made aware of the regulations that directly affect them and by signing this document hereby acknowledge that they have received a copy of these regulations and accept said responsibility.

By: 
(Event Coordinator or Representative)

For: FIREFIGHTERS ASSOCIATION
(Organization)

Phone: (810) 635-4464

Fax: (810) 635-2887



Where Friendships Last Forever

City of Swartz Creek Municipal Property Reservation Application

Date of Reservation: 12/4/21 Reservation location: HOLLAND SQUARE

One time event

Recurring event

Name of Responsible Party: FIREFIGHTERS ASSOCIATION

Address: 8100 CIVIC DR Phone: 810 441 4216

City: SWARTZ CREEK Zip Code: 48473

Nature of Activity: PARADE & ASSOCIATED ACTIVITIES Approx. # Attendees 100

Arrival Time: 8:00 Departure Time: 9:00 pm

Responsible Party Signature: [Signature]

E-Mail Address: JAMISON@SCAFD.COM

Proof of Insurance Provided

Please check all that will be needed

Water

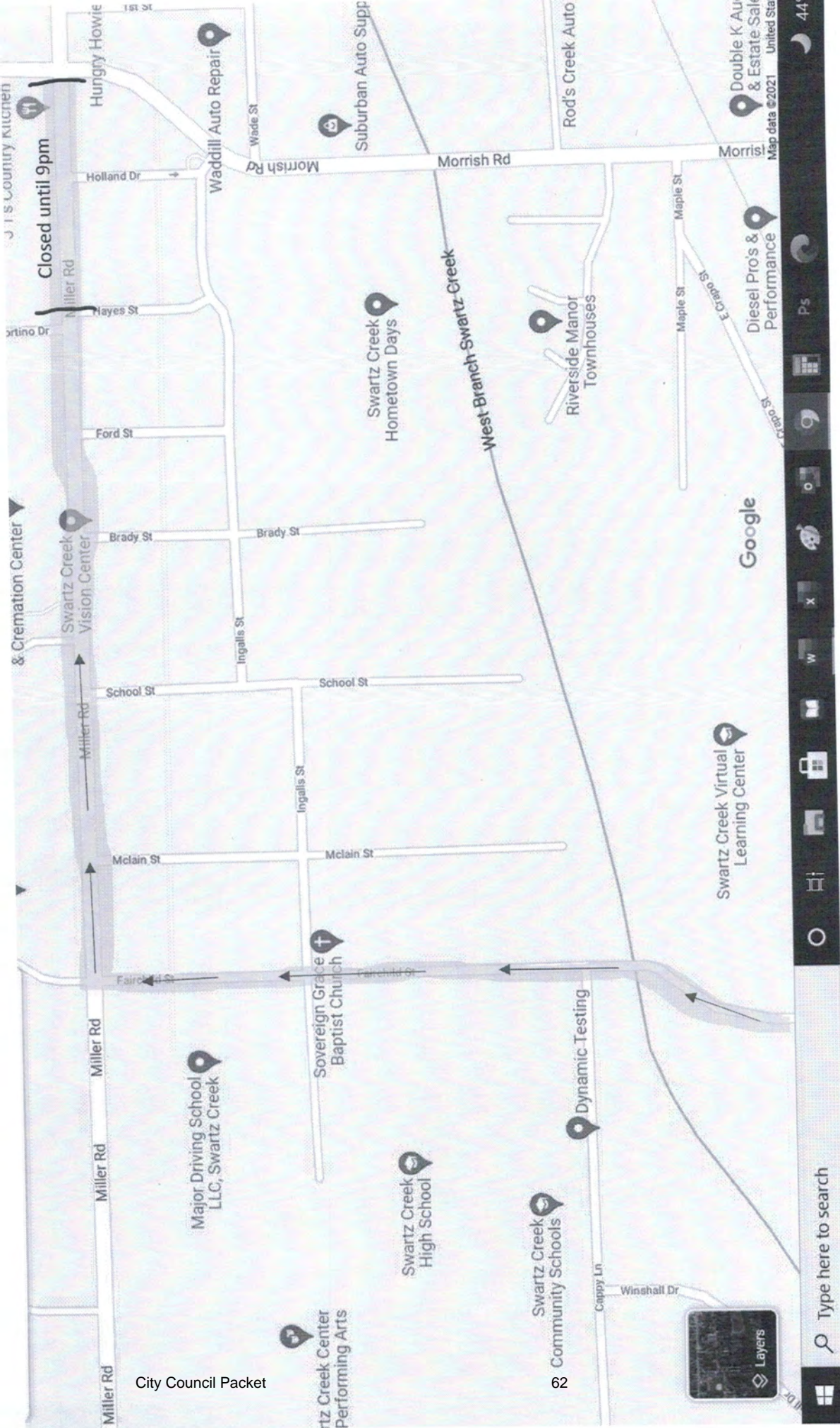
Waste collection

Electricity Other Services – Specify: _____

I have received a copy of the Plaza Rules:



IF THERE ARE PROBLEMS DURING THE EVENT CONTACT 911.



Closed until 9pm

Preservation/Reconstruction/PASER 5

Project Application



FY 2023-2026 Transportation Improvement Program



GENESEE COUNTY
METROPOLITAN PLANNING
COMMISSION



Preservation/Reconstruction/PASER 5 Project Application

TO: Alicia Williams, Planner
Genesee County Metropolitan Planning Commission

Please indicate application type:

Preservation (PASER 5) Application (15% of funds in this category are reserved for preservation projects with a PASER 5 rating)

Preservation Application (60% of funds in this category are reserved for preservation projects)

Reconstruction Application (25% of funds in this category are reserved for reconstruction projects)

Application Agency:

Contact Person:

Phone/E-Mail: Ext: /

Proposed Project Information

(Please attach commitment from local funding agency in the form of a Resolution of Support. This is required for eligibility)

Road Name

Point of Beginning

Point of End

Project length in Feet

Current Number of Lanes

Number of Lane Feet in Project

Current Pavement Width in Feet

Current ADT

If in a township, which one?

Project Description: (Please refer to list provided)

Description Note:

NOTE: Please provide a narrative describing the details of the project on the following page.

Detailed Project Description

Please provide a list of any alternatives to the proposed improvement and a brief explanation as to their shortcomings.

Alt #1

Alt #2

Estimated Project Cost

Item	Total Cost	Federal Funds Requested	Local Match	Other Source of Funds	Funds Type & Amount
R.O.W	\$		(100%)	(Y/N)	
Preliminary Engineering	\$	(80%)Maxx \$	(20%) Min \$	(Y/N)	
Construction Engineering	\$	(80%)Max \$	(20%) Min \$	(Y/N)	
Construction	\$	(80%) Max \$	(20%) Min \$	(Y/N)	
Total Project Cost	\$	\$	\$	(Y/N)	
Other Non-Participating Work	Total Cost \$	Work Summary (ex: water main replacement)		(Y/N)	

NOTE: The PE and CE must be identified above to be eligible for funding.

Proposed Implementation Schedule
(Indicate beginning month and ending month for each activity)

Circle as many as needed Preferred Fiscal Year =1 Second Preferred year = 2	2023	2024	2025	2026
---	------	------	------	------

Item	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept
R.O.W Acquisition												
Preliminary Engineering												
Construction Engineering												
Grade Inspection												
Bid Letting												
Construction												
Non-Participating												

Performance Measures and TIP Projects

A key feature of the Fixing America’s Surface Transportation (FAST) Act is the establishment of a performance and outcome-based program, originally introduced through the Moving Ahead for Progress in the 21st Century (MAP-21) Act. The objective of a performance-based program is for states and MPOs to invest resources in projects that collectively will make progress toward the achievement of national goals. 23 CFR 490 outlines the seven areas in which performance goals are required. These seven areas include: Safety; Infrastructure Condition; Congestion Reduction; System Reliability; Freight Movement; Environmental Sustainability, and Reduced Project Delivery Delay. Keep in mind that projects should be able to address performance measures which will help Genesee County meet its targets. A list of performance measures and targets is included at the end of this application.

PAVEMENT CONDITION (65 Points Available)

2021 PASER Rating:

PASER Rating Note:

PASER RATING	POINTS
1-2	65
3	60
4	50
5	35
6	10
7-10	0

AVERAGE DAILY TRAFFIC (17 Points Available)

What is the ADT for this road segment? (Don’t use counts older than 2017.)

Per Thru Lane ADT	Points
7,000 and Above	17
6,999 to 6,000	15
5,999 to 5,000	12
4,999 to 2,000	7
1,999 or less	5

PERFORMANCE PRINCIPLES (18 Points Available)

1. COMPLETE STREETS (3 Points Available)

Which of the complete streets design elements are planned as part of this project? (ie: bike lanes, sidewalks, ADA accessible crosswalks, pedestrian crossings, transit facilities, etc.) If none, please explain. Does your project increase the safety of the street?

2. SAFETY - (5 Points Available)

Points will be given to projects that implement safety improvements in conjunction with normal roadway improvements, including implementation of Roundabout Study Top Tier Intersections. Safety improvements such as 4-to-3 lane conversions, signage and/or signal upgrades, lane re-striping, access management, turn lane additions, etc. all qualify. Please describe below the safety improvements proposed for this project.

3. AREA-WIDE IMPACT - (10 Points Available)

Agency judgement shall be taken into consideration in this category. There are certain important and significant criteria which do not fit into any of the above categories. Nevertheless, these should be included in establishing priorities. This criterion includes the following:

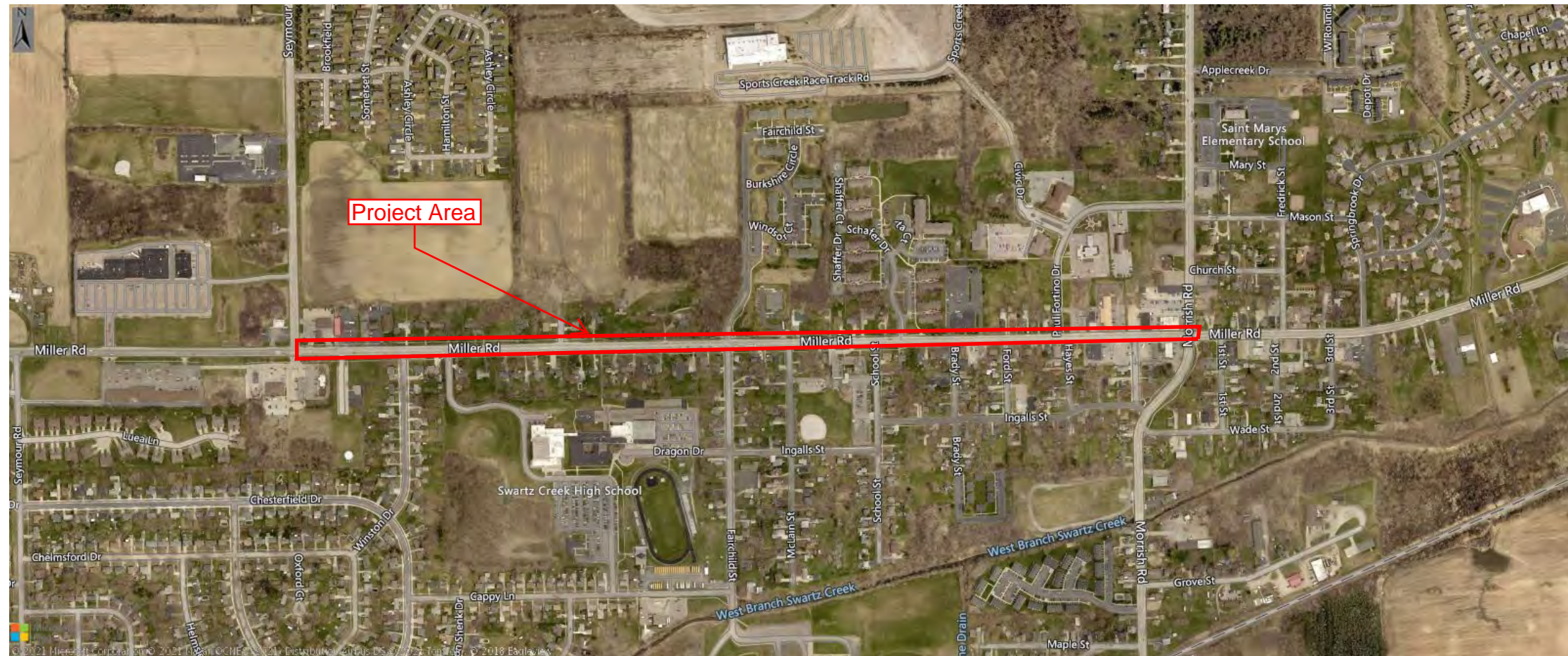
- a. Is this project located in an Environmental Justice (EJ) Zone identified in the Genesee County 2045 Long Range Transportation Plan? If so, what are the effects of the project, both positive and negative, and how do you plan to mitigate the negative effects?
(2 Points)

b. Please identify and explain any additional transportation-related improvements taking place in the area. (2 Points)

c. Is this project located in a traditional downtown area? Please explain the importance of this project to the community's traditional downtown. (4 Points)

d. Regarding system reliability and congestion mitigation, points are available for projects that improve traffic flow, transit, and freight movement. Write a narrative that describes how your project can improve: travel time; congestion; freight movement; traffic signals; intersection accidents; and corridor timing. (2 Points)

Miller Road



Preservation/Reconstruction/PASER 5

Project Application



FY 2023-2026 Transportation Improvement Program



GENESEE COUNTY
METROPOLITAN PLANNING
COMMISSION



GENESEE COUNTY
METROPOLITAN ALLIANCE

Preservation/Reconstruction/PASER 5 Project Application

TO: Alicia Williams, Planner
Genesee County Metropolitan Planning Commission

Please indicate application type:

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Preservation Application (60% of funds in this category are reserved for preservation projects)

Reconstruction Application (25% of funds in this category are reserved for reconstruction projects)

Application Agency:

Contact Person:

Phone/E-Mail: Ext: /

Proposed Project Information

(Please attach commitment from local funding agency in the form of a Resolution of Support. This is required for eligibility)

Road Name

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Project length in Feet

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Current ADT

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Total Project Cost	\$	\$	\$	(Y/N)	
Other Non-Participating Work	Total Cost \$	Work Summary (ex: water main replacement)		(Y/N)	

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Construction												
Non-Participating												

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PAVEMENT CONDITION (65 Points Available)

2021 PASER Rating:

PASER Rating Note:

PASER RATING	POINTS
1-2	65
3	60
4	50
5	35
6	10
7-10	0

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3. AREA-WIDE IMPACT - (10 Points Available)

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- a. Is this project located in an Environmental Justice (EJ) Zone identified in the Genesee County 2045 Long Range Transportation Plan? If so, what are the effects of the project, both positive and negative, and how do you plan to mitigate the negative effects?
(2 Points)

b. Please identify and explain any additional transportation-related improvements taking place in the area. (2 Points)

c. Is this project located in a traditional downtown area? Please explain the importance of this project to the community's traditional downtown. (4 Points)

d. Regarding system reliability and congestion mitigation, points are available for projects that improve traffic flow, transit, and freight movement. Write a narrative that describes how your project can improve: travel time; congestion; freight movement; traffic signals; intersection accidents; and corridor timing. (2 Points)

Seymour Road



REVENUE AND EXPENDITURE REPORT FOR CITY OF SWARTZ CREEK
 PERIOD ENDING 11/30/2021
 Revised Parks & Recreation

GL NUMBER	DESCRIPTION	2021-22		
		AMENDED BUDGET	YTD BALANCE 11/30/2021	AVAILABLE BALANCE
Fund 101 - General Fund				
Revenues				
Dept 780.000 - Parks & Recreation				
101-780.000-674.000	Contributions & Donations	0.00	0.00	0.00
101-780.000-642.100	Sale of paving bricks for vets	0.00	0.00	0.00
101-780.000-642.200	Misc sales for vet's park	0.00	0.00	0.00
101-780.000-674.787	Contributions & Donations Vets Park	0.00	0.00	0.00
101-780.000-677.000	Reimbursements	0.00	0.00	0.00
101-780.000-677.787	Reimbursements Vets Park	0.00	0.00	0.00
Total Dept 780.000 - Parks & Recreation		0.00	0.00	0.00
Dept 782.000 - Facilities - Abrams Park				
101-782.000-597.000	Grants from Private Entities	0.00	0.00	0.00
101-782.000-651.000	Use and Admission Fee	140.00	70.00	70.00
101-782.000-674.000	Contributions & Donations	0.00	0.00	0.00
Total Dept 782.000 - Facilities - Abrams Park		140.00	70.00	70.00
Dept 783.000 - Facilities - Elms Rd Park				
101-783.000-597.000	Grants from Private Entities	0.00	0.00	0.00
101-783.000-651.000	Use and Admission Fee	6,500.00	2,800.00	3,700.00
101-783.000-674.783	Contributions & Donations Elms Road Pa	0.00	0.00	0.00
101-783.000-677.000	Reimbursements	0.00	0.00	0.00
Total Dept 783.000 - Facilities - Elms Rd Park		6,500.00	2,800.00	3,700.00
Dept 786.000 - Non-Motorized Trailway Project				
101-786.000-510.201-786.000	MDOT Transportation Alt Program Grant	513,500.00	0.00	513,500.00
101-786.000-560.000-786.000	State DNR Grant	300,000.00	0.00	300,000.00
Total Dept 786.000 - Non-Motorized Trailway		813,500.00	0.00	813,500.00
TOTAL REVENUES		820,140.00	2,870.00	817,270.00

Expenditures

Dept 780.000 - Parks & Recreation				
101-780.000-702.000	Wages	1,629.00	43.00	1,586.00
101-780.000-704.100	FICA - Employer's Share	99.00	3.42	95.58
101-780.000-704.200	Medicare - Employer's Share	24.00	0.78	23.22
101-780.000-705.000	Medical Insurance - ER	173.00	39.23	133.77
101-780.000-705.100	Vision Benefits	2.00	0.28	1.72
101-780.000-705.200	Dental Benefits	22.00	2.95	19.05
101-780.000-706.000	Life Insurance - ER cost	2.00	0.43	1.57
101-780.000-707.000	Retirement Contributions-ER	15.00	6.97	8.03

GL NUMBER	DESCRIPTION	2021-22		
		AMENDED BUDGET	YTD BALANCE 11/30/2021	AVAILABLE BALANCE
101-780.000-707.100	Health Care Savings Plan - ER	15.00	0.09	14.91
101-780.000-708.000	Sick & Accident Premiums-ER	18.00	2.93	15.07
101-780.000-726.000	Supplies	650.00	0.00	650.00
101-780.000-801.000	Contractual Services	3,770.00	9,120.00	(5,350.00)
101-780.000-910.100	Property Insurance	545.90	480.63	65.27
101-780.000-920.000	Utilities	1,500.00	693.45	806.55
101-780.000-930.000	Repairs and Maintenance	1,850.00	3,800.00	(1,950.00)
101-780.000-941.000	Equipment Rental	1,400.00	73.40	1,326.60
101-780.000-961.000	Miscellaneous	0.00	0.00	0.00
101-780.000-976.000	Equipment	0.00	0.00	0.00
Total Dept 780.000 - Parks & Recreation		11,714.90	14,267.56	(2,552.66)

Dept 782.000 - Facilities - Abrams Park

101-782.000-702.000	Wages	16,434.00	3,677.91	12,756.09
101-782.000-704.100	FICA - Employer's Share	1,024.00	229.18	794.82
101-782.000-704.200	Medicare - Employer's Share	239.00	53.55	185.45
101-782.000-705.000	Medical Insurance - ER	2,357.00	783.46	1,573.54
101-782.000-705.100	Vision Benefits	30.00	8.90	21.10
101-782.000-705.200	Dental Benefits	361.00	80.22	280.78
101-782.000-706.000	Life Insurance - ER cost	52.00	16.66	35.34
101-782.000-707.000	Retirement Contributions-ER	632.00	275.47	356.53
101-782.000-707.100	Health Care Savings Plan - ER	288.00	47.90	240.10
101-782.000-708.000	Sick & Accident Premiums-ER	248.49	93.51	154.98
101-782.000-726.000	Supplies	2,000.00	319.87	1,680.13
101-782.000-801.000	Contractual Services	500.00	0.00	500.00
101-782.000-910.100	Property Insurance	133.56	117.59	15.97
101-782.000-910.500	Workers Comp Insurance	241.00	227.00	14.00
101-782.000-920.000	Utilities	2,290.00	720.38	1,569.62
101-782.000-930.000	Repairs and Maintenance	6,000.00	3,598.79	2,401.21
101-782.000-941.000	Equipment Rental	4,000.00	505.08	3,494.92
101-782.000-961.000	Miscellaneous	500.00	0.00	500.00
101-782.000-976.000	Equipment	500.00	0.00	500.00
Total Dept 782.000 - Facilities - Abrams Park		37,830.05	10,755.47	27,074.58

Dept 783.000 - Facilities - Elms Rd Park

101-783.000-702.000	Wages	29,452.00	6,562.99	22,889.01
101-783.000-704.100	FICA - Employer's Share	1,837.00	406.55	1,430.45
101-783.000-704.200	Medicare - Employer's Share	429.00	95.10	333.90
101-783.000-705.000	Medical Insurance - ER	4,122.00	1,328.03	2,793.97
101-783.000-705.100	Vision Benefits	55.00	13.61	41.39
101-783.000-705.200	Dental Benefits	663.00	115.22	547.78
101-783.000-706.000	Life Insurance - ER cost	92.00	25.70	66.30
101-783.000-707.000	Retirement Contributions-ER	1,124.00	493.85	630.15
101-783.000-707.100	Health Care Savings Plan - ER	522.00	67.47	454.53
101-783.000-708.000	Sick & Accident Premiums-ER	542.00	147.76	394.24
101-783.000-726.000	Supplies	3,000.00	333.37	2,666.63
101-783.000-801.000	Contractual Services	2,000.00	0.00	2,000.00
101-783.000-910.100	Property Insurance	475.94	419.04	56.90

GL NUMBER	DESCRIPTION	2021-22		
		AMENDED BUDGET	YTD BALANCE 11/30/2021	AVAILABLE BALANCE
101-783.000-910.500	Workers Comp Insurance	249.00	234.00	15.00
101-783.000-920.000	Utilities	2,000.00	945.51	1,054.49
101-783.000-930.000	Repairs and Maintenance	25,500.00	16,026.77	9,473.23
101-783.000-941.000	Equipment Rental	11,000.00	2,018.18	8,981.82
101-783.000-961.000	Miscellaneous	250.00	0.00	250.00
101-783.000-976.000	Equipment	500.00	0.00	500.00
Total Dept 783.000 - Facilities - Elms Rd Park		83,812.94	29,233.15	54,579.79
Dept 786.000 - Non-Motorized Trailway Project				
101-786.000-801.400-786.000	Design Engineering	0.00	4,505.06	(4,505.06)
101-786.000-801.450-786.000	Construction Engineering	118,500.00	0.00	118,500.00
101-786.000-801.500-786.000	MDOT Project Pmts	705,700.00	0.00	705,700.00
Total Dept 786.000 - Non-Motorized Trailway		824,200.00	4,505.06	819,694.94
Dept 788.000 - Otterburn Disc Golf Park				
101-788.000-726.000	Supplies	3,000.00	1,729.90	1,270.10
101-788.000-930.000	Repairs and Maintenance	7,000.00	0.00	7,000.00
101-788.000-976.000	Equipment	0.00	0.00	0.00
Total Dept 788.000 - Otterburn Disc Golf Park		10,000.00	1,729.90	8,270.10
TOTAL EXPENDITURES		967,557.89	60,491.14	907,066.75
Fund 101 - General Fund:				
TOTAL REVENUES		820,140.00	2,870.00	817,270.00
TOTAL EXPENDITURES		967,557.89	60,491.14	907,066.75
NET OF REVENUES & EXPENDITURES		(147,417.89)	(57,621.14)	(89,796.75)

CBIZ Benefits & Insurance Services, Inc.

Administration Services Agreement (the "Agreement")

Plan Sponsor:

City of Swartz Creek
8083 Civic Drive
Swartz Creek, Michigan 48473

Deanna Korth, City Treasurer
dkorth@cityofswartzcreek.org

Plan Administrator:

Same as Plan Sponsor
 Plan Administration Committee appointed by Plan Sponsor

Service Provider:

CBIZ Benefits & Insurance Services, Inc.
6050 Oak Tree Blvd S.
Suite 500
Cleveland, OH 44131
Attn: Legal Department

Effective Date:

December 1, 2021

This Agreement is by and between the Plan Administrator and CBIZ Benefits & Insurance Services, Inc. ("CBIZ") on behalf of the Plan to perform the services outlined in this Agreement. CBIZ, understands that the Plan Administrator is the fiduciary with authority to contract on behalf of the Plan. In addition, we require that the Plan Sponsor also sign this Agreement as a party, agreeing to be liable for payment of our fees that are not permitted to be paid by the Plan pursuant to the Employee Retirement Income Security Act, as amended ("ERISA") as well as the balance of our fees in the event of nonpayment by the Plan.

The undersigned, as a representative of the Plan Administrator, acknowledges that the Plan Administrator is the responsible plan fiduciary for the Plan (that is, the fiduciary with authority to cause the Plan to enter into this Agreement), and hereby engages CBIZ to provide the services described in this Agreement and each applicable Statement of Work ("Statement of Work" or "SOW").

The Plan Sponsor, Plan Administrator, and Plan are jointly referred to in this Agreement as "Client."

1. Fiduciary Authority. The Plan Administrator has the authority to cause the Plan to enter into this Agreement.
2. Services. CBIZ agrees to provide the following services in relation to the Plan:
 - (a) Core Services. CBIZ shall perform the administration services for the Plan that are specified as Core Services in the attached Appendix A to each applicable SOW.
 - (b) Additional Services. CBIZ shall perform additional services requested by Plan Administrator, which may include such services as may be specified in the "Additional Services" Section of each Appendix A.
 - (c) CBIZ represents and warrants that it has the capabilities necessary to perform the services shown on each Appendix A, and will do so in a manner consistent with the standards of the industry, in a professional, timely and accurate manner.
3. Fees and Billing Procedures.
 - (a) Fee Schedule. As compensation for its services under the Agreement, CBIZ shall be entitled to fees computed in accordance with the fee schedule attached as Appendix B to each SOW ("Fee Schedule"), as amended from time to time in accordance with subsection (d)(x) below.
 - (b) Additional Services. Additional services requested by the Client will be billed on a fixed fee or an hourly basis at current hourly rates, as described in each Appendix B of this Agreement, and shall be paid by the Client pursuant to the terms of this Agreement.
 - (c) Third Party Compensation. In certain instances, CBIZ reasonably expects to receive compensation for its services under this Agreement from third parties. In such instances, such compensation will be disclosed in each applicable Appendix D.
 - (d) Fee Payment Terms.
 - i. The Plan (or, at its discretion, the Plan Sponsor) may pay the fees charged. If the fees are paid by the Plan, they may be charged to the Plan's trust fund or to participant accounts (if and in the manner so permitted in the Plan document).
 - ii. The Core Service fees shall be billed at the end of the plan year quarter to which they apply (e.g., 2021 plan year fees for a calendar year plan would be billed as of March 31, June 30, September 30, and December 31 of 2021). Such fees shall be based on an estimate of the number of participants in the Plan for such year. Any adjustment required to the Core Service fees based on the actual number of participants in the Plan or any other difference between the assumptions used for the Core Services and actual experience will be billed upon completion of the administration work for the relevant year.

- iii. Fees for Additional Services shall be billed upon the completion of such services in a special invoice or as part of the quarterly fee billing for Core Services. CBIZ reserves the right to require prepayment of fees for any Additional Service or to provide progress billing and payment of such billing while a lengthy project is being worked on.
- iv. Invoices are due upon receipt. If fees are to be paid to CBIZ out of the Plan, the Plan Administrator will instruct the recordkeeper to issue payment of those fees from Plan assets.
- v. Balances not paid within 30 days after the initial invoice date will be subject to a one percent (1%) per month service charge for each month or partial month until the invoice is paid in full.
- vi. If the Plan does not pay the fees within sixty (60) days of the date of the applicable invoice, the Plan Sponsor hereby agrees that it will be obligated to pay the fees.
- vii. It is the Plan Administrator's responsibility to determine that all fees for services provided by CBIZ in accordance with the attached Fee Schedule(s) are reasonable expenses to the extent payable by the Plan. If the Plan Administrator objects to an amount charged on an invoice, the Plan Administrator should advise CBIZ of such objection within 15 days after the initial invoice date, and should pay all amounts not in dispute. CBIZ will work with the Plan Administrator to resolve any dispute as to fees on a prompt basis. Any amount from the original invoice that was disputed but ultimately resolved in CBIZ's favor shall be subject to the service charge discussed in subsection (v) above.
- viii. If fees are not paid within 60 days, CBIZ may cease work on any matter until the account is brought current. If fees are outstanding more than 90 days, CBIZ may withdraw from this engagement immediately at its discretion. CBIZ's withdrawal under such circumstances does not affect Client's obligations to pay any outstanding balance.
- ix. CBIZ is not responsible for any late tax filings or penalties, fines, taxes, or other charges that may be assessed as a result of its nonperformance of services while fees remain unpaid, as discussed in subsection (viii) above.
- x. Fees may be altered at any time by CBIZ in its discretion by the provision of a new Appendix B to an applicable SOW, to be effective not less than 60 days after such notice is provided. Notwithstanding the foregoing, the amount of Core Service Fees, as reflected on each applicable Appendix B to this Agreement shall be increased automatically effective annually, beginning on the first anniversary of the Effective Date of this Agreement, and continuing each year thereafter, at the rate of three percent (3%) per year. No additional or separate notice of this annual increase needs to be provided.

4. Limitation on Services. Unless provided through a separate written agreement, CBIZ does not perform the following services:
- (a) *Investment Advice.* CBIZ does not and will not provide investment advice, for a fee or otherwise, to any person including Client, the Plan, or the Plan's participants and beneficiaries.
 - (b) *Fiduciary Services.* Client has sole discretionary authority and control over the administration of the Plan, and exclusive control over the assets of the Plan. Unless explicitly provided elsewhere in this Agreement, and only to the extent so provided, Client acknowledges that neither CBIZ nor any of its employees are fiduciaries of the Plan and Trust, nor is any of them the Administrator of the Plan as that term is defined in the Employee Retirement Income Security Act of 1974, as amended ("ERISA"). Client acknowledges that the Plan Administrator is the Plan Administrator under ERISA and, as such, is responsible for all administrative duties incident to the maintenance of the Plan and is a "named fiduciary," as defined in ERISA.
 - (c) *Discretionary Services.* Except as otherwise provided in this Agreement or its Appendices, CBIZ has no discretionary authority, control, or responsibility over the Plan or over the administration of Plan assets. Neither CBIZ, nor its officers, employees, and agents shall have any liability whatsoever for the payment of any damages, interest, taxes, fines or penalties which arise out of or are in connection with any acts or omissions of a Plan trustee, sponsor, fiduciary, administrator, or party-in-interest.
 - (d) *Legal or Accounting Services.* CBIZ is not a law or accounting firm, and does not provide legal or accounting advice. Client should consult with an attorney or accountant experienced in employee benefit plan matters regarding any questions or concerns that Client may have relative to the Plan.

5. Client Responsibilities. Client acknowledges and represents that:
- (a) Client shall be responsible for the items discussed in this section and in Appendix C to each applicable SOW to this Agreement which outlines additional Client Responsibilities as between Client and CBIZ only.
 - (b) CBIZ shall not be liable for any acts or omissions with respect to the Plan that were committed prior to the Effective Date of this Agreement.
 - (c) *Timely Provision of Accurate and Complete Information.* Client shall provide CBIZ with requested information on a timely basis (i.e., within the time frame specified by CBIZ when the request is communicated to Client), and will be responsible for ensuring that the provided information is accurate and complete. CBIZ will rely exclusively on information provided by Client or Client's authorized advisors, whether oral or in writing, and will have no responsibility to independently verify the accuracy of that information. Client acknowledges that inaccurate information and/or late information could result in penalties and excise taxes and possibly Plan disqualification. CBIZ assumes no responsibility for, and shall not have any liability for, any consequences that result from CBIZ's inability to complete its work in the ordinary course of its business due to the failure of Client to provide information to CBIZ in accordance with agreed upon timelines. If it is necessary for CBIZ to repeat any portion of its services due to incorrect or incomplete information or instructions provided by the Plan Sponsor, CBIZ will charge an additional fee to be determined when the error is discovered.
 - (d) *Timely Deposit of Contributions and Loan Repayments.* Client shall be solely responsible for making sure contributions and loan repayments are funded to the Plan's trust when required for tax deductibility and to comply with ERISA and DOL Regulations regarding the fund and timing of contributions and participant loan repayments.

- (e) *Timely Filing of Government Reports.* Except as otherwise provided in this Agreement or its Appendices, Client shall be responsible for the timely filing of all government reports with the appropriate agency. Client acknowledges that failure to timely file required government reports may result in penalties which shall be the sole responsibility of Client (and not of CBIZ) if assessed.
 - (f) *Information to be Provided to Participants and Beneficiaries.* Client shall be responsible for providing the necessary information to Client's participants, including notices, elections, and reports required by law.
 - (g) *Information Regarding the Plan Sponsor, Participating Employees, Other Plans, and Business Acquisitions and Dispositions.* The Plan's operation and tax qualification are affected by other plans sponsored by Client (whether currently active or terminated and whether or not CBIZ administered the plan) and by other companies owned partially or entirely by, or related to, Client or its principals. Client is responsible for informing CBIZ of the existence of any other plans that it sponsors or companies that it owns or that are owned by one or more of Client's owners, and of notifying CBIZ when there is a change in this information or in the tax filing status of Client (e.g., a change from S corporation to C corporation status, a change to an LLC, etc.).
 - (h) *Discretionary Decisions.* Except as otherwise provided in this Agreement or its Appendices, Client is responsible for all discretionary decisions relating to the Plan, including the interpretation of plan document provisions, and the work performed by CBIZ involves the ministerial carrying out of such decisions. To assist Client, CBIZ may, when requested, provide advice to Client about administrative matters (but not about investments).
 - (i) *Bonding Obligations.* ERISA Section 412 requires that, with certain exceptions, every fiduciary of an employee benefit plan and every person who handles funds or other property of a plan shall be bonded in accordance with the provisions of that section. Client is responsible for obtaining any necessary bond.
6. Receipt of Disclosure. The law requires that service providers give its Clients an estimate of their fees a reasonable time before a Client enters into the services contract. This Agreement, including the Appendices, together constitute CBIZ's compliance with this law.
7. Information Privacy. CBIZ and Client agree that they will not (a) use any non-public personal information, regardless of the source of the data, for any purpose other than communicating with Client, participants and beneficiaries; (b) sell, sublicense, or resell non-public personal information to any third party; (c) use the non-public personal information for any unlawful purpose; (d) use the non-public personal information for any purpose other than its own internal purposes; (e) use the non-public personal information to identify or solicit potential plan sponsors for its products; or (f) use the non-public personal information for any purpose that would violate the privacy obligation policy and any other terms and provisions of the Gramm-Leach-Bliley Act (15 U.S.C. § 6801 et seq.) or the Federal Fair Credit Reporting Act (15 U.S.C. § 1681 et seq.). CBIZ represents and warrants that it is in compliance with all applicable laws and regulations with respect to any non-public personal information it receives with respect to any Plan participant or beneficiary.
8. Limitation of Liability. Unless otherwise prohibited by law or applicable professional standard, Client agrees that CBIZ, any entity related to it and their respective personnel, current or former, shall not be liable to Client, Plan participants, Plan Trustee(s) or any other party for any claims, liabilities, or expenses relating to this Agreement in connection with any service provided by CBIZ except to the extent that CBIZ has engaged in willful misconduct or fraud. In addition, CBIZ's liability shall be limited for each SOW to the amount of the fees paid by Client to CBIZ pursuant to such SOW for the year in which the error occurred. Unless otherwise prohibited by law or applicable professional standard, CBIZ, any entity related to it or their respective personnel, current or former, shall not be liable for consequential, special, indirect, incidental, punitive, or exemplary losses or damages relating to this Agreement. Furthermore, CBIZ, any entity related to it, or their respective personnel, current or former, shall not be liable for the cost of procurement of substitute services, technology or rights or for the interruption use or loss or corruption of data or for any breach of cybersecurity that occurs despite their best efforts at maintaining the security of computer files. This limitation on liability provision shall apply to the fullest extent of the law, whether in contract, statute, tort (such as negligence), professional standard, or otherwise, and shall survive the termination of this Agreement.
9. Termination.
- (a) Either the Plan Administrator or CBIZ may terminate this Agreement at any time without cause after providing 60 days' advance notice. Client agrees to pay the reasonable costs related to the transition of the administrative services to a successor service provider, which shall be billed as Additional Services using CBIZ's standard hourly rate and must be paid by Client prior to the provision of any transition services.
 - (b) If either Client or CBIZ materially breaches this Agreement, the nonbreaching party must provide notice of such breach and 30 days within which the breaching party may cure the breach. If the breach remains uncured after such time, the nonbreaching party then may terminate this Agreement immediately.
 - (c) CBIZ may terminate this Agreement immediately in the event of nonpayment of fees, as discussed above in Section 3(d)(viii).
 - (d) This Agreement shall be deemed terminated if the Plan is terminated upon the filing of the final Form 5500.
 - (e) Upon termination of this Agreement, all fees owed to CBIZ, including fees for administrative services for the current year earned through the date of termination of the Agreement, will be immediately payable in full.
 - (f) No prepaid fees are refundable upon termination of this Agreement.
10. Miscellaneous.
- (a) *Disclosure of Fee Information Required by Form 5500.* Certain information regarding CBIZ's fees must be disclosed on an annual basis on Form 5500. If CBIZ prepares Client's Form 5500, CBIZ will disclose that information as part of such preparation. If CBIZ does not prepare the Form 5500, it will provide the necessary information to the Form preparer upon reasonable request (and with timely and appropriate notice) to enable the Form 5500 to be completed on a timely basis.

- (b) *Notices.* Any and all notices required or permitted under this Agreement shall be in writing and shall be sufficient in all respects if (i) delivered personally, (ii) mailed by registered or certified mail, return receipt requested and postage prepaid, (iii) sent via a nationally recognized overnight courier service to the address on the first page of this Agreement, or such other address as any party shall have designated by notice in writing to the other party, or (iv) as otherwise mutually agreed by the parties. In addition, Client expressly agrees to accept electronic communication of any notice, advice, or report in lieu of a printed copy at the email address listed on the first page of this Agreement or such other email address as Client may designate in writing to CBIZ. Client may revoke this consent at any time by providing notice to CBIZ pursuant to this section.
- (c) *Assignability.* This Agreement is not assignable by either party hereto without the prior consent of the other party. Consent shall not be required, however, where an entity becomes an assignee due to the purchase of substantially all of the assets or stock of CBIZ or by virtue of becoming the successor to CBIZ's business (whether by merger, consolidation, stock sale, or otherwise).
- (d) *Effect.* This Agreement shall be binding upon and shall inure to the benefit of the parties and their respective heirs, successors, survivors, administrators and assigns.
- (e) *Entire Understanding and No Third Party Beneficiaries.* This Agreement supersedes all written and oral agreements, communications or negotiations among the parties and it constitutes the complete and full understanding and agreement of the parties with regard to the services to be provided pursuant to this Agreement. None of the provisions of this Agreement shall be for the benefit of, or enforceable by, any person (other than the Plan, the Plan Sponsor, the Plan Administrator, or CBIZ or its affiliates) including, without limitation, any participant or any beneficiary covered by the Plan.
- (f) *Severability.* If any one or more of the provisions of this Agreement shall, for any reason, be illegal or invalid, such illegality or invalidity shall not affect any other provision of this Agreement and this Agreement shall be enforced as if such illegal or invalid provision had not been contained herein.
- (g) *Headings.* All headings used herein are for ease of reference only and in no way shall be construed as interpreting, decreasing or enlarging the provisions of this Agreement.
- (h) *Applicable Law.* The laws of the State of Ohio shall govern this Agreement in all respects, including but not limited to the construction and enforcement thereof, unless preempted by ERISA or other federal law.
- (i) *Arbitration Agreement.* To the extent permitted by law, all controversies between Client and CBIZ, which may arise out of or relate to any of the Services provided by CBIZ under this Agreement, or the construction, performance, or breach of this or any other agreement between CBIZ and Client, whether entered into prior to, on or subsequent to the date hereof, shall be settled by binding arbitration in Cleveland, Ohio, under the Commercial Arbitration Rules of the American Arbitration Association. Judgment upon any award rendered by the arbitrator(s) shall be final and binding on the parties, and judgment upon the award rendered may be entered in any court, state or federal, having jurisdiction. Client understands that this agreement to arbitrate does not constitute a waiver of the right to seek a judicial forum where such waiver would be void under applicable federal or state securities laws.

IN AGREEING TO ARBITRATION, CBIZ AND CLIENT ACKNOWLEDGE THAT, IN THE EVENT OF A DISPUTE ARISING FROM THIS AGREEMENT, THEY ARE EACH GIVING UP THE RIGHT TO HAVE THE DISPUTE DECIDED IN A COURT OF LAW BEFORE A JUDGE OR JURY AND INSTEAD EACH ACCEPTS THE USE OF ARBITRATION FOR RESOLUTION.

- (j) *Amendments.* This Agreement and/or its Appendices may be modified with the written consent of both the Plan Administrator and CBIZ. CBIZ may modify its fees at any time, as discussed in Section 3(d)(x) above. In addition, if CBIZ provides the Plan Administrator with an amendment to the Agreement clearly identified as an amendment of this Agreement, and the Plan Administrator does not object to the amendment within 60 days of receipt, such amendment shall be considered to have been agreed to by the Plan Administrator when actions are taken by the Plan Administrator that indicate an intention to continue performance under this Agreement. Such actions include, without limitation, the response to requests for information by CBIZ, the initiation of additional work or projects, or the payment of fees in compliance with the new agreement by the Plan Administrator after the date such amendment is provided.
- (k) *Waiver of Limitation.* Nothing in this Agreement shall in any way constitute a waiver or limitation of any rights which Client or Plan or any other party may have under ERISA or federal or state laws. Furthermore, no failure by CBIZ to exercise any right, power, or privilege that it may have under this Agreement shall constitute a waiver of its ability to exercise that right, power, or privilege in either that or any subsequent situation.
- (l) *Execution.* This Agreement may be executed in any number of counterparts, each of which shall be deemed to be an original, but all counterparts, together, constitute only one Agreement.

The undersigned Plan Administrator has full power and authority under the provisions of the applicable instruments governing the Plan, to execute, deliver and perform the obligations under this Agreement. The execution and delivery of this Agreement and the appointments and investments contemplated hereby have been duly authorized in accordance with the provisions of the instruments governing the Plan and underlying trust and are in accordance with all requirements applicable to the Plan's governing instruments and under ERISA, and other applicable law.

This Agreement shall not be binding on CBIZ until accepted by it, in writing, as indicated by its signature below.

City of Swartz Creek

Service Provider:
CBIZ Benefits & Insurance Services, Inc.

By: _____

By: _____

Print Name: _____

Print Name: _____

Title: _____

Date: _____

Date: _____

Client agrees that CBIZ may utilize its name in representative client lists.

YES, Client agrees that CBIZ may utilize its name in representative client lists.

NO, Client does not agree to permit CBIZ to utilize its name in representative client lists.

**STATEMENT OF WORK #1 | APPENDIX A
RETIREMENT PLAN SERVICES – NON FICUDIARY PLAN(S) & ASSUMPTIONS**

Plan: City of Swartz Creek Retiree Health Care Plan

**STATEMENT OF WORK #1/APPENDIX A
RETIREMENT PLAN SERVICES – NON FIDUCIARY
PLAN(S) & ASSUMPTIONS**

This SOW #1 shall become an SOW to the Administration Services Agreement between the City of Swartz Creek and CBIZ Benefits & Insurance Services, Inc. ("CBIZ") dated December 1, 2021 (the "Agreement"). The signature(s) below authorize adding this SOW to the Agreement:

City of Swartz Creek

**Service Provider:
CBIZ Benefits & Insurance Services, Inc.**

By: _____

By: _____

Print Name: _____

Print Name: _____

Title: _____

Date: _____

Date: _____

Subject to the terms and conditions described in this Agreement, CBIZ shall provide the administrative/consulting/actuarial services as set forth in this Appendix A in connection with the following Plan(s):

City of Swartz Creek Retiree Health Care Plan

The scope of services and associated fees are based upon the assumptions below. If there are any material changes to the assumptions that result in an increase in CBIZ's costs, CBIZ and Client will work together in good faith to negotiate a revised scope of services and fees for such changes.

- The plan year is July 1 through June 30.
- The Plan is considered a Single Employer Plan.

Subject to the terms and conditions described in the Agreement, CBIZ shall provide the administrative, consulting, actuarial or compliance services as set forth below.

The services that are reported as **Core Services** represent services that the Client authorizes CBIZ provide on behalf of the plan within the fixed fee agreement. **Additional Services** represent services that CBIZ will not be responsible for unless requested to provide by the Client. Any Additional Services, regardless of how engaged via written project plan or otherwise, will be performed and governed by the terms and conditions set forth in this Agreement.

The fee arrangement for the **Core Services** are identified based upon the following categories:

- **Included** in annual fixed fee
- Billed based upon a flat fee per event
- Billed based on hourly time charges

Services	Core Services	Additional Services
Actuarial Valuation under GASB No. 74 and 75		
Planning session to review the program, in particular, discussing the substantive benefit plans as they pertain to retiree healthcare benefits. The review will address the valuation date, current number of eligible active and retired employees, current costs associated with the plan(s), historical cost increases, employee turnover, time line and other pertinent information.	Included	
A detailed data request, discussion of all required data, and establishment of a mutually agreed timeline to supply all necessary data.	Included	
A review of actuarial assumptions to determine and discuss with the Plan Sponsor all assumptions including turnover, mortality, healthcare trend, morbidity, retirement rates, spousal rates, starting per-capita healthcare costs, discount rate and investment return. Once the assumptions are approved by the Plan Sponsor, the valuation will begin.	Included	
A review of the investment and funding policies in accordance with the discount rate calculation process under GASB Nos. 74 & 75, and/or recommendation to establish formal policies to take advantage of funding methodologies.	Included	
A summary of liabilities and Actuarially Determined Contributions as of the valuation date with adequate supporting detail. Report will include up to three (3) breakouts by division/bargaining unit for Supervisors, AFSCME and Fraternal Order of Police. Examples will be used to illustrate the liability development process, as applicable.	Included	
Formal actuarial valuation reports and certification. These reports can be shared with all auditors and the general public.	Included	
Follow up and support includes discussion of results with plan sponsor. Questions from interested parties, such as auditors, will be answered, within reason.	Included	
Interim-Year Financial Disclosures under GASB No. 74 and 75		
"Roll-forward" of actuarial valuation results to interim-year measurement dates. These reports can be shared with all auditors and the general public.	Included	
Update of actuarial assumptions and methods included, as applicable	Included	
Disclosure of actual investment statements and benefit payments	Included	
Public Act 202 of 2017		
Compliance Guide discloses necessary calculations and information for the Plan Sponsor to complete Form 5572 under Public Act 202 of 2017.	Included	
Disclosure and calculation of plan metrics using the <i>Uniform Assumptions</i> published annually by the State of Michigan.	Included	
Additional Services		
Actuarial experience studies		Hourly / Flat Fee
Deterministic funding projections or stochastic modeling		Hourly / Flat Fee
Analysis of potential plan design changes		Hourly / Flat Fee

**STATEMENT OF WORK #1 | APPENDIX B
FEES AND CHARGES**

Subject to the terms and conditions described in this Agreement, the following fees and charges shall be due from the Client for the CBIZ Services described in Appendix A:

CORE SERVICES	
June 30, 2021 Actuarial Valuation Fee (payable upon project completion)	\$7,250
June 30, 2022 Interim-Year Financial Disclosure under GASB No. 75 (payable upon project completion)	\$2,175
June 30, 2023 Interim-Year Financial Disclosure under GASB No. 75 (payable upon project completion)	\$2,175
Public Act 202 of 2017 Compliance Guide and Additional Calculations	\$1,000

ADDITIONAL SERVICES

Fees will be charged based on time and expense. A written project plan and fee estimate will be provided in advance of commencing any work on any Additional Services where the fee is expected to exceed \$5,000. Where CBIZ is able to work on a fixed-fee basis for these services, we will provide a firm written fixed-fee quote in lieu of an estimate. Any Additional Services, via written project plan or otherwise, shall be governed by the terms and conditions of the Agreement.

The table below illustrates our hourly rates in effect as of January 1, 2021 that will apply with respect to Additional Services.

Level	Hourly Rates
Executive/Senior Vice President	\$500 - \$750
Vice President/Actuary	\$400 - \$550
Managing Consultant	\$300 - \$400
Consultant	\$250 - \$325
Associate	\$150 - \$275
Clerical Support	\$95

CBIZ hourly rates establish the benchmark for the value of our services. Our hourly rates are adjusted from time to time; generally, such changes occur on a firm-wide basis once every twelve months. We are keenly aware of time expenditures and make every effort to achieve the most cost-beneficial mix of hours, rates, and experience in responding to your actuarial, consulting and administrative needs.

In determining the fee in unique situations, CBIZ may also take into account such factors as the novelty and complexity of the issues involved, the skills required, familiarity with the specific area, the magnitude of the matter, the results achieved, customary fees for similar actuarial services, and time limitations imposed by you or by circumstances. CBIZ final fees may be revised upward or downward from the fee amount calculated on an hourly basis in order to reflect these types of factors.

**STATEMENT OF WORK #1 | APPENDIX C
PLAN SPONSOR / PLAN ADMINISTRATOR RESPONSIBILITIES**

All terms defined in the Agreement shall apply to this Appendix C.

**Section 1: Plan Sponsor
General Responsibilities**

In conjunction with the services described in Appendix A, the Plan Sponsor agrees to perform all fiduciary duties and responsibilities, including but not limited to those listed below, on a timely basis:

- Provide CBIZ with complete, accurate, and reliable information, data, documents and other records necessary for CBIZ to perform the services set forth in Appendix A and this Appendix C and provide CBIZ with requested management decisions, approvals and acceptances.
- Maintain the Plan(s) in full compliance, both as to operation and form with all applicable federal, state and local laws, regulations, and ordinances.
- Be solely responsible for all services and functions other than as specified in Appendix A.
- Be solely responsible for payment of fees and other expenses and otherwise maintaining relationships with benefits payors, claims administrators, and any other third party service providers with respect to or on behalf of the Plan.
- Maintain all plan related records (at both the Plan and employee levels) in compliance with DOL regulations, including copies of reports provided by CBIZ.
- Cooperate and assist with CBIZ in its attempt to fulfill its responsibilities under this Agreement, as specified in Appendix A.