

**CITY OF SWARTZ CREEK  
SWARTZ CREEK, MICHIGAN  
MINUTES OF THE REGULAR COUNCIL MEETING  
DATE 05/09/2022**

The meeting was called to order at 7:00 p.m. by Mayor Krueger in the Swartz Creek City Council Chambers, 8083 Civic Drive.

Invocation and Pledge of Allegiance.

Councilmembers Present: Cramer, Florence, Gilbert, Krueger, Pinkston, Henry.

Councilmembers Absent: Hicks.

Staff Present: City Manager Adam Zettel, Clerk Connie Olger, City Attorney Chris Stritmatter

Others Present: Erik Jamison, Jason Dover, David Mayers, Jared Oginsky, Jenifer Almasy, Toby Dover, Paulette Dover Paul Spaniola, Metro PD Chief Bade.

Others Virtually Attended: Lania Rocha, Rae Lynn Hicks.

**APPROVAL OF MINUTES**

**Resolution No. 220509-01**

**(Carried)**

Motion by Councilmember Florence  
Second by Councilmember Gilbert

**I Move** the Swartz Creek City Council approve the Minutes of the Regular Council Meeting held Monday April 25, 2022, to be circulated and placed on file.

YES Florence, Gilbert, Krueger, Pinkston, Henry, Cramer.  
NO: None. Motion Declared Carried.

**BUDGET WORKSHOP MINUTES – April 25, 2022**

**Resolution No. 220509-02**

**(Carried)**

Motion by Councilmember Henry  
Second by Councilmember Gilbert

**I Move** the Swartz Creek City Council approve the Minutes of the Budget Workshop Session held Monday, April 25, 2022, to be placed on file.

YES Gilbert, Krueger, Pinkston, Henry, Cramer, Florence.  
NO: None. Motion Declared Carried.

### **CLOSED SESSION MINUTES – April 25, 2022**

#### **Resolution No. 220509-03**

**(Carried)**

Motion by Councilmember Cramer  
Second by Councilmember Florence

**I Move** the Swartz Creek City Council approve the Minutes of the Closed Session Council Meeting held Monday, April 25, 2022, to be placed on file.

YES Krueger, Pinkston, Henry, Cramer, Florence, Gilbert.  
NO: None. Motion Declared Carried.

### **APPROVAL OF AGENDA**

#### **Resolution No. 220509-04**

**(Carried)**

Motion by Councilmember Gilbert  
Second by Councilmember Henry

**I Move** the Swartz Creek City Council approve the Agenda as, printed for the Regular Council Meeting of May 09, 2022, to be circulated and placed on file.

YES: Krueger, Pinkston, Henry, Cramer, Florence, Gilbert.  
NO: None. Motion Declared Carried.

### **CITY MANAGER'S REPORT**

#### **Resolution No. 220509-05**

**(Carried)**

Motion by Councilmember Pinkston  
Second by Councilmember Gilbert

**I Move** the Swartz Creek City Council accept the City Manager's Report of May 09, 2022, including reports and communications to be circulated and placed on file.

YES: Pinkston, Henry, Cramer, Florence, Gilbert, Krueger.  
NO: None. Motion Declared Carried.

### **MEETING OPENED TO THE PUBLIC:**

Jenifer Almassy introduced herself as a candidate for the 69<sup>th</sup> House seat.

Paul Spaniola has interest in the city owned property at 4505 Fortino Drive. He is looking at having Paul's Pipe Shop at this location and would like to discuss the possibility of purchasing the property. Mr. Zettel asked that Mr. Spaniola reach out to him, and they can talk about the issues with the property and the building requirements.

Toby Dover, 5222 Don Shenk Drive, introduced himself and is available for any questions or information regarding the Dragon Cruise car show that is on the agenda.

## **COUNCIL BUSINESS:**

### **RESOLUTION TO APPROVE BOND COUNSEL PROFESSIONAL SERVICES**

**Resolution No. 220509-06**

**(Carried)**

Motion by Councilmember Florence  
Second by Councilmember Cramer

**WHEREAS**, the City of Swartz Creek endeavors to complete certain street and water main projects in calendar year 2023-2024 as part of the city's 20 year street plan and water main replacement program; and

**WHEREAS**, the city has established a dedicated street levy and water rate structure that will provide for the completion of such improvements over the life of the plans; and

**WHEREAS**, initial capital reinvestment is expected to create financial needs that exceed the annual collections for the street levy and sustainable water fund reserves available through 2024; and

**WHEREAS**, the city desires to exercise its municipal bonding authority, as detailed in Charter Section 8.10, to borrow sufficient funds to complete the improvements without compromising the ability to dedicate future revenues to ongoing repairs, rehabilitation, and reconstruction; and

**WHEREAS**, city staff has solicited a proposal from a reputable bond counsel firm, Miller Canfield, with which the city has an existing relationship from the 2017 bonding process, in order to provide necessary legal professional services for the private placement and/or public sale of municipal bonds.

**NOW, THEREFORE, BE IT RESOLVED** the City of Swartz Creek City Council approves the completion of the Proposals to Serve as Bond Counsel, submitted by Miller Canfield, dated April 18, 2022 for water and April 18, 2022 for street bonds, for such professional services.

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

Discussion Ensued.

YES: Henry, Cramer, Florence, Gilbert, Krueger, Pinkston.

NO: None. Motion Declared Carried.

## **RESOLUTION TO APPROVE MUNICIPAL FINANCIAL ADVISOR PROFESSIONAL SERVICES**

**Resolution No. 220509-07**

**(Carried)**

Motion by Councilmember Henry  
Second by Councilmember Florence

**WHEREAS**, the City of Swartz Creek endeavors to complete certain street and water main projects in calendar year 2023-2024 as part of the city's 20 year street plan and water main replacement program; and

**WHEREAS**, the city has established a dedicated street levy and water rate structure that will provide for the completion of such improvements over the life of the plans; and

**WHEREAS**, initial capital reinvestment is expected to create financial needs that exceed the annual collections for the street levy and sustainable water fund reserves available through 2024; and

**WHEREAS**, the city desires to exercise its municipal bonding authority, as detailed in Charter Section 8.10, to borrow sufficient funds to complete the improvements without compromising the ability to dedicate future revenues to ongoing repairs, rehabilitation, and reconstruction; and

**WHEREAS**, city staff has solicited a proposal from a reputable bond counsel firm, Bakertilly Municipal Advisors, LLC, with which the city has an existing relationship from the 2017 bonding process, in order to provide necessary legal professional services for the private placement and/or public sale of municipal bonds.

**WHEREAS**, city staff, after phone consultations, review of qualifications, review of pricing, and reference checking, recommends Bakertilly Municipal Advisors, LLC, as the professional service provider for said services.

**NOW, THEREFORE, BE IT RESOLVED** the City of Swartz Creek City Council approves the Letters of Engagement submitted by The PFM Group, Financial & Investment Advisors, dated May 3, 2022, to provide bonding financial services.

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

YES: Cramer, Florence, Gilbert, Krueger, Pinkston, Henry  
NO: None. Motion Declared Carried.

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**RESOLUTION TO APPROVE SWARTZ CREEK AREA CHAMBER OF COMMERCE STREET FESTIVAL, GENERAL STREET & PROPERTY USE PERMITS**

**Resolution No. 220509-08**

**(Carried)**

Motion by Councilmember Cramer  
Second by Councilmember Florence

**I Move** the City of Swartz Creek approve and authorize the Swartz Creek Area Chamber of Commerce's application for street closing and City property use permits for the following locations:

1. 5012 Holland Drive
2. Miller Road (Morrish to Hayes)
3. Holland between Miller and Ingalls
4. Park Land located to the North and Northwest of the intersection of Morrish and Ingalls

Street and City property use subject to the following stipulations:

1. Insurance certificate naming the City as insured in the amount not less than \$1,000,000.00 (One-Million Dollars)
2. Sufficient number of portable bathrooms placed and located, and litter control program in accordance and under the approval of Director of Community Services.
3. Approval by the Chief of Police. Traffic control and pedestrian safety plan in accordance with and under the approval of office of Chief of Police.

**Resolution No. 220509-08C2      SWARTZ CREEK CHAMBER, HOLLAND SQUARE USAGE PERMIT**

**I Move** the Swartz Creek City Council approve and authorize the Swartz Creek Area Chamber of Commerce, Inc's application for use of Holland Square from 4pm to 9pm on June 23, July 28, August 25, and September 22, under the following stipulations:

1. Insurance certificate naming the City as an additional insured party in the amount not less than \$1,000,000.00 (One Million Dollars).
2. General approval, and under the direction and control of the Office of the Chief of Police.
3. Adherence to the city's event and public plaza usage procedures

**Resolution No. 220509-08C3      SWARTZ CREEK CHAMBER, STREET USAGE PERMIT**

**I Move** the Swartz Creek City Council approve and authorize the Swartz Creek Area Chamber of Commerce, Inc's application for street closing / usage permit for from 4pm to 9pm on June 23, July 28, August 25, and September 22 for purposes of conducting a car show on Miller Road (Morrish to Hayes) and Holland Drive under the following stipulations:

1. Insurance certificate naming the City as an additional insured party in the amount not less than \$1,000,000.00 (One Million Dollars).
2. General approval, and under the direction and control of the Office of the Chief of Police.
3. Adherence to the city's street closure and usage procedures.

YES: Florence, Gilbert, Hicks, Krueger, Pinkston, Henry, Cramer.

NO: None. Motion Declared Carried.

**RESOLUTION TO APPROVE AN AGREEMENT WITH GENESEE COUNTY FOR THE AWARD AND USE OF \$400,000 IN COUNTY ARPA FUNDS**

**Resolution No. 220509-09**

**(Carried)**

Motion by Councilmember Gilbert  
Second by Councilmember Cramer

**WHEREAS**, the city is working to construct an extension of the Genesee Valley Trail through the city, from Dye Road to Elms Park; and

**WHEREAS**, the city has received funds from MDOT, the DNR, and its own general fund; and

**WHEREAS**, inflation has increased the cost of the project, resulting in a substantial increase to the local contribution; and

**WHEREAS**, Genesee County released a call for projects, with the intention of awarding County ARPA funds to qualifying and competitive projects in the region; and

**WHEREAS**, the County Board of Commissioners awarded the City of Swartz Creek \$400,000 towards the construction of the Genesee Valley Trail Extension; and

**WHEREAS**, the Genesee County Metropolitan Planning Commission is overseeing the ARPA awards and has prepared an agreement that sets terms and conditions for the use and reimbursement of said funds.

**NOW, THEREFORE, BE IT RESOLVED**, the City of Swartz Creek City Council approves the agreement between the City of Swartz Creek and Genesee County as included in the May 9, 2022 City Council Packet and authorizes and directs the City Manager to execute said agreement on behalf of the city.

Discussion Ensued.

YES: Gilbert, Krueger, Pinkston, Henry, Cramer, Florence.

NO: None. Motion Declared Carried.

## **RESOLUTION TO APPROVE A PURCHASE AGREEMENT FOR THE SALE OF REAL PROPERTY OWNED BY THE CITY**

**Resolution No. 220509-10**

**(Carried)**

Motion by Councilmember Pinkston  
Second by Councilmember Cramer

**WHEREAS**, the city owns a commercial building located at 8002 Miller Road, PID 58-35-576-049; and

**WHEREAS**, the city allowed the existing tenant to remain in the building and executed a new lease to set terms and conditions of occupancy; and

**WHEREAS**, after making necessary improvements to the structure, the city updated the lease for the first floor retail and upper floor residential, with the intention of enabling the tenant to purchase the property; and

**WHEREAS**, the tenant has not been able to pursue the purchase of the property and is selling the business; and

**WHEREAS**, the city has an offer to sell the property to coincide with the sale of the business operations; and

**WHEREAS**, the property was a tax reverted property and the city cannot retain funds from a sale that exceed funds invested in the property, an amount determined to be less than \$136,798, including estimated commissions and closing costs from a sale; and

**WHEREAS**, a buyer has made an offer to purchase the property for the price of \$141,000.

**NOW, THEREFORE, BE IT RESOLVED**, the City of Swartz Creek City Council authorizes the City Manager, in consultation with the city attorney, to complete and execute the purchase agreement as included in the May 9, 2022 city council packet, including a provision for the requisite public inspection period contingency.

**BE IT FURTHER RESOLVED**, the sale instrument shall be made available to the general public, for a period of not less than 30 days, in accordance with the City's Land Sale Policy of April 28, 2014.

**BE IT FURTHER RESOLVED**, the purchase agreement shall be reviewed by the city council subsequent to the review period.

**BE IT FURTHER RESOLVED**, the City of Swartz Creek City Council designates, authorizes, and directs the Mayor to act as signatory and to execute any and all sale and transfer instruments required to transfer the property at closing.

Discussion Ensued.

YES: Hicks, Krueger, Pinkston, Henry, Cramer, Florence, Gilbert.

NO: None. Motion Declared Carried.

#### **MEETING OPENED TO THE PUBLIC:**

Paul Spaniola inquired on the September car cruise date he was concerned there would be a conflict with the VFW's cruise. Jason Dover responded they were not the same date.

#### **REMARKS BY COUNCILMEMBERS:**

Councilmember Gilbert inquired about the millings from Morrish Road project. Mr. Zettel responded that he wasn't sure what they did with them.

Councilmember Cramer thanked the community for supporting the food basket fundraiser.

Councilmember Pinkston mentioned his aunt owned the 8002 Miller Road Florist years ago.

Councilmember Florence commented on the potholes at Elms Park and the barrels on Miller Road.

Mayor Krueger noticed Miller Road streetlights had been replaced.



**ADJOURNMENT**

**Resolution No. 220509-11**

**(Carried)**

Motion by Councilmember Gilbert  
Second by Councilmember Cramer

**I Move** the Swartz Creek City Council adjourn the regular meeting at 8:04 p.m.

Unanimous Voice Vote.

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**David A. Krueger, Mayor**

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**Connie Olger, City Clerk**