

**CITY OF SWARTZ CREEK
SWARTZ CREEK, MICHIGAN
MINUTES OF THE REGULAR COUNCIL MEETING
DATE 12/05/2022**

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, Spillane, Gilbert, Hicks, Krueger, Henry.

Councilmembers Absent: Pinkston.

Staff Present: City Manager Adam Zettel, Clerk Connie Olger.

Others Present: Lania Rocha, Rob Merinsky, Ken Brill, Metro PD Chief Bade.

Others Virtually Attended: None.

EXCUSE COUNCILMEMBER PINKSTON

Resolution No. 221205-01

(Carried)

Motion by Councilmember Gilbert
Second by Councilmember Hicks

I Move the Swartz Creek City Council excuse Councilmember Pinkston.

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

APPROVAL OF MINUTES

Resolution No. 221205-02

(Carried)

Motion by Councilmember Spillane
Second by Councilmember Gilbert

I Move the Swartz Creek City Council approve the Minutes of the Regular Council Meeting held Monday November 28, 2022, to be circulated and placed on file.

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

APPROVAL OF AGENDA

Resolution No. 221205-03

(Carried)

Motion by Councilmember Henry
Second by Councilmember Gilbert

I Move the Swartz Creek City Council approve the Agenda as, printed for the Regular Council Meeting of December 05, 2022, to be circulated and placed on file.

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

CITY MANAGER'S REPORT

Resolution No. 221205-04

(Carried)

Motion by Councilmember Cramer
Second by Councilmember Henry

I Move the Swartz Creek City Council accept the City Manager's Report of December 05, 2022, including reports and communications to be circulated and placed on file.

Discussion Ensued.

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

MEETING OPENED TO THE PUBLIC:

None.

COUNCIL BUSINESS:

RESOLUTION TO APPROVE COMMISSION APPOINTMENTS

Resolution No. 221205-05

(Carried)

Motion by Mayor Pro Tem Hicks
Second by Councilmember Cramer

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

WHEREAS, the City desires to enter into the Agreement for Police Services that is attached hereto (“the Agreement”) with Swartz Creek Estates, that will enable enforcement of the Uniform Traffic Code and other ordinances within the residential housing complex known as Swartz Creek Estates; and

WHEREAS, the City wishes to assign to the Authority, and the Authority agrees to accept, the rights and responsibilities specified in the Agreement.

NOW, THEREFORE, BE IT RESOLVED, that the Swartz Creek City Council approves the Agreement for Police Services, with Swartz Creek Estates, as included in the December 5, 2022 city council packet, and directs the City Manager to execute said agreement on behalf of the city.

BE IT FURTHER RESOLVED that the City of Swartz Creek assign or transfer to the Metro Police Authority of Genesee County all of its rights and responsibilities of the Agreement attached hereto.

Discussion Ensued.

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

RESOLUTION TO DECLARE AN INTENTION TO BORROW USDA FUNDS TO REPLACE WATER MAIN AND TO PERFORM RELATED WORK

Resolution No. 221205-07

(Carried)

Motion by Councilmember Spillane
Second by Councilmember Henry

WHEREAS, the City of Swartz Creek, County of Genesee, State of Michigan (the “City”) intends to issue and sell revenue bonds (the “Bonds”), pursuant to Act 94, Public Acts of Michigan, 1933, as amended, in an amount not to exceed Eight Million Dollars (\$8,000,000) for the purpose of paying the cost of acquiring and constructing water supply system improvements including water main replacement and extension, new hydrants, valves and other services, demolition and restoration of related infrastructure and features, including all appurtenances and attachments (the “Project”); and

WHEREAS, the Revenue Bond Act, Act 94, Public Acts of Michigan, 1933, as amended (“Act 94”), provides a means for financing the purchase, acquisition, construction, improvement, enlargement, extension, and repair of public improvements such as the Project through the issuance of revenue bonds; and

WHEREAS, a notice of intent to issue bonds must be published before the issuance of the aforesaid bonds in order to comply with the requirements of Section 33 of Act 94; and

WHEREAS, the City intends at this time to state its intentions to be reimbursed from proceeds of the Bonds for any expenditures undertaken by the City for the Project prior to issuance of the Bonds.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The City Clerk is hereby authorized and directed to publish a notice of intent to issue bonds in the *Swartz Creek View*, a newspaper of general circulation in the City.
2. Said notice of intent shall be published as a one-quarter (1/4) page display advertisement in substantially the form attached hereto as Exhibit A.
3. The City Council does hereby determine that the foregoing form of Notice of Intent and the manner of publication directed is the method best calculated to give notice to the water supply system's users and the City's taxpayers and electors of this Council's intent to issue the bonds, the purpose of the bonds, the security for the bonds, and the right of referendum relating thereto.
4. The City makes the following declarations for the purpose of complying with the reimbursement rules of Treas. Reg. § 1.150-2 pursuant to the Internal Revenue Code of 1986, as amended:
 - a) As of the date hereof, the City reasonably expects to reimburse the City for the expenditures described in (b) below with proceeds of debt to be incurred by the City.
 - b) The expenditures described in this paragraph (b) are for the costs of acquiring and constructing the Project which were or will be paid subsequent to sixty (60) days prior to the date hereof.
 - c) The maximum principal amount of debt expected to be issued for the Project, including issuance costs, is \$8,000,000.
 - d) A reimbursement allocation of the expenditures described in b) above with the proceeds of the borrowing described herein will occur not later than 18 months after the later of (i) the date on which the expenditure is paid, or (ii) the date the Project is placed in service or abandoned, but in no event more than three (3) years after the original expenditure is paid. A reimbursement allocation is an allocation in writing that evidences the City's use of the proceeds of the debt to be issued for the Project to reimburse the City for a capital expenditure made pursuant to this resolution.
 - e) The expenditures described in b) above are "capital expenditures" as defined in Treas. Reg. § 1.150-1(b), which are any costs of a type which are properly chargeable to a capital account (or would be so chargeable with a proper election or with the application of the definition of

placed in service under Treas. Reg. § 1.150-2(c)) under general Federal income tax principles (as determined at the time the expenditure is paid).

f) No proceeds of the borrowing paid to the City in reimbursement pursuant to this resolution will be used in a manner described in Treas. Reg. § 1.150-2(h) with respect to abusive uses of such proceeds, including, but not limited to, using funds corresponding to the proceeds of the borrowing in a manner that results in the creation of replacement proceeds (within Treas. Reg. § 1.148-1) within one year of the reimbursement allocation described in d) above.

5. All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be and the same hereby are rescinded.

Discussion Ensued.

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

NO: None. Motion Declared Carried.

RESOLUTION TO DECLARE AN INTENTION TO BORROW STREET FUNDS TO RECONSTRUCT AND REHABILITATE CITY STREETS

Resolution No. 221205-08

(Carried)

Motion by Councilmember Henry
Second by Councilmember Hicks

WHEREAS, the City of Swartz Creek, County of Genesee, State of Michigan (the "City") intends to issue general obligation limited tax bonds pursuant to Act 34, Public Acts of Michigan, 2001, as amended ("Act 34"), in an aggregate principal amount of not to exceed Eight Million Dollars (\$8,000,000) (the "Bonds") for the purpose of paying all or part of the costs of certain capital improvements in the City, consisting of road improvements, including all related equipment, appurtenances and attachments (the "Project"); and

WHEREAS, a notice of intent to issue the Bonds must be published before the issuance of the Bonds in order to comply with the requirements of Section 517 of Act 34; and

WHEREAS, the City intends at this time to state its intentions to be reimbursed from proceeds of the Bonds for any expenditures undertaken by the City for the Project prior to issuance of the Bonds.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The City Clerk is authorized and directed to publish a notice of intent to issue bonds in the *Swartz Creek View*, a newspaper of general circulation in the City.

2. The notice of intent shall be published as a display advertisement not less than one-quarter (1/4) page in size in substantially the form attached to this resolution as Exhibit A.

3. The City Council does hereby determine that the foregoing form of Notice of Intent to Issue Bonds and the manner of publication directed is the method best calculated to give notice to the City's electors and taxpayers residing in the boundaries of the City of the City's intent to issue the Bonds, the maximum amount of the Bonds, the purpose of the Bonds, the source of payment for the Bonds and the right of referendum relating thereto, and the newspaper named for publication is hereby determined to reach the largest number of persons to whom the notice is directed.

4. The City makes the following declarations for the purpose of complying with the reimbursement rules of Treas. Reg. § 1.150-2 pursuant to the Internal Revenue Code of 1986, as amended:

(a) The City reasonably expects to reimburse itself with proceeds of the Bonds for certain costs of the Project which were paid or will be paid from the general funds of the City subsequent to sixty (60) days prior to today.

(b) The maximum principal amount of debt expected to be issued for the Project, including issuance costs, is \$8,000,000.

(c) A reimbursement allocation of the capital expenditures described above with the proceeds of the Bonds will occur not later than 18 months after the later of (i) the date on which the expenditure is paid, or (ii) the date the Project is placed in service or abandoned, but in no event more than three (3) years after the original expenditure is paid. A reimbursement allocation is an allocation in writing that evidences the City's use of the proceeds of the Bonds to reimburse the City for a capital expenditure made pursuant to this resolution.

(d) The expenditures described in b) above are "capital expenditures" as defined in Treas. Reg. § 1.150-1(b), which are any costs of a type which are properly chargeable to a capital account (or would be so chargeable with a proper election or with the application of the definition of placed in service under Treas. Reg. § 1.150-2(c)) under general Federal income tax principles (as determined at the time the expenditure is paid).

(e) No proceeds of the borrowing paid to the City in reimbursement pursuant to this resolution will be used in a manner described in Treas. Reg. § 1.150-2(h) with respect to abusive uses of such proceeds, including, but not limited to, using funds corresponding to the proceeds of the borrowing in a manner that results in the creation of replacement proceeds (within Treas. Reg. § 1.148-1) within one year of the reimbursement allocation described in d) above.

5. All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be and the same hereby are rescinded.

Discussion Ensued.

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

MEETING OPENED TO THE PUBLIC:

None.

REMARKS BY COUNCILMEMBERS:

Councilmember Gilbert questioned when street construction would take place on Grove Street. Mr. Zettel responded it is on the list, but it is on the lower priority list. Councilmember Gilbert wishes everyone stays healthy.

Mayor Pro Tem Hicks thanked Nate, Becca, Donovan, Dave Meyers, and everyone who helped with the parade. The tree looks good with all the lights.

Councilmember Cramer commented that he and the mayor have a meeting with Senator John Cherry on December 9th at Fireside Coffee regarding the potential use at the race way. Prayers go out to Dr. Pinkston.

Councilmember Henry invited everyone to the Chambers Event December 9th @7 a. p-m.

Councilmember Spillane participated in the parade and would suggest it should be mandatory that any group that requests a parade permit also be told there will be a meeting with all attending parties for participation & planning. He enjoyed the parade and looks forward to them continuing.

Mayor Krueger reminded everyone that our next council meeting will be at 6 p.m. so everyone can attend the Genesee Wind Symphony Performance at the PAC.

ADJOURNMENT

Resolution No. 221205-09

(Carried)

Motion by Councilmember Gilbert
Second by Councilmember Henry

I Move the Swartz Creek City Council adjourn the regular meeting of
December 5, 2022, at 7:52 p.m.

Unanimous Voice Vote.

David A. Krueger, Mayor

Connie Olger, City Clerk