

**CITY OF SWARTZ CREEK  
SWARTZ CREEK, MICHIGAN  
MINUTES OF THE REGULAR COUNCIL MEETING  
DATE 02/27/2023**

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

Invocation and Pledge of Allegiance.

Councilmembers Present: Cramer, Spillane, Gilbert, Hicks, Krueger, Knickerbocker, Henry.

Councilmembers Absent: None.

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

Others Present: Brenda Huyck, Blake Strozier.

Others Virtually Attended: Lania Rocha.

**APPROVAL OF MINUTES**

**Resolution No. 230227-01** **(Carried)**

Motion by Councilmember Spillane  
Second by Councilmember Gilbert

**I Move** the Swartz Creek City Council approve the corrected Minutes of the Regular Council Meeting held Monday February 13, 2023, to be circulated and placed on file.

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

**APPROVAL OF AGENDA**

**Resolution No. 230227-02** **(Carried)**

Motion by Councilmember Henry  
Second by Councilmember Gilbert

**I Move** the Swartz Creek City Council approve the Agenda as presented for the Regular Council Meeting of February 27, 2023, to be circulated and placed on file.

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

## **CITY MANAGER'S REPORT**

**Resolution No. 230227-03**

**(Carried)**

Motion by Councilmember Cramer  
Second by Councilmember Henry

**I Move** the Swartz Creek City Council accept the City Manager's Report of February 27, 2023, including reports and communications to be circulated and placed on file.

Discussion Ensued.

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

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

None.

### **COUNCIL BUSINESS:**

#### **RESOLUTION TO AMEND AMERICAN TOWER CELL TOWER AGREEMENT FOR SITE 412754 (ELMS ROAD)**

**Resolution No. 230227-04**

**(Failed)**

Motion by Mayor Pro Tem Hicks  
Second by Councilmember Henry

**WHEREAS**, the city entered into an agreement with New Par, a Delaware Partnership, in June of 1997 for the purposes of leasing land at 4355 Elms Road for the purpose of erecting and operating a wireless communication tower; and

**WHEREAS**, the tenant, entered into a management agreement with "American Tower" in 2015; and

**WHEREAS**, the agreement was amended and extended in June of 2016; and

**WHEREAS**, American Tower is managing the portfolio of tower assets and leases in what is becoming an increasingly diluted market for tower space; and

**WHEREAS**, American Tower proposes a decrease in the current lease amount to better situate the tower for ongoing and potential leases with wireless users; and,

**WHEREAS**, the City of Swartz Creek City Council finds that the current situation warrants a price reduction to ensure access to competitive space on the site.

**NOW, THEREFORE, BE IT RESOLVED**, the city council accepts “Option 1” of the term sheet, dated February 6, 2023 and directs the city manager to bring a lease amendment back to the city council for further review.

Discussion Ensued.

YES: None.

NO: Krueger, Knickerbocker, Henry, Cramer, Spillane, Gilbert, Hicks.  
Motion Declared Failed.

**RESOLUTION TO APPROVE SIGNERS FOR THE MUNICIPAL EMPLOYEES’  
RETIREMENT SYSTEM OF MICHIGAN PLANS**

**Resolution No. 230227-05**

**(Carried)**

Motion by Councilmember Gilbert  
Second by Councilmember Cramer

**WHEREAS**, this Resolution is entered into under the provisions of 1996 PA 220 and the Municipal Employees’ Retirement System of Michigan (“MERS”) Plan Document, as each may be amended; and,

**WHEREAS**, this resolution applies to reporting unit(s) #2504 of the participating municipality listed below; and,

**WHEREAS**, the City of Swartz Creek (“Employer”) is a participating municipality with the Municipal Employees’ Retirement System of Michigan (“MERS”) and has adopted one or more retirement, insurance, investment or other post-employment benefit products administered by MERS; and,

**WHEREAS**, MERS requires signatures of an authorized representative of the Employer to execute contracts with MERS, the entry of which is authorized by the governing body and permitted under the applicable MERS Plan Document(s); and,

**WHEREAS**, the Employer wishes to designate certain job position(s), the holder(s) of which may sign MERS’ contracts relating to the adoption, amendment and termination of MERS’ products, and defined benefit service credit purchase approvals on behalf of Employer to implement decisions and actions of the governing body; and,

**WHEREAS**, this Resolution is not intended to apply to MERS forms or any other MERS document except as specifically mentioned herein.

**NOW, THEREFORE, BE IT RESOLVED**, the holders of the following job position(s) are hereby Authorized Officials that can sign: (1) MERS Adoption Agreements, Resolutions, Participation Agreements, Administrative Services Agreements, Withdrawal Agreements and any other contracts between MERS and the Employer with respect to Employer's participation in any MERS-administered product and any amendments and addendums thereto, and (2) MERS Defined Benefit service credit purchase approvals:

1. City Manager
2. City Clerk

**BE IF FURTHER RESOLVED**, This Resolution may be revoked in writing or amended by the Governing Body at any time, provided that it will not be effective until such writing or amended Resolution is received by MERS. The Governing Body agrees that MERS may rely upon this Resolution as conferring signing authority upon the holders of the above job position(s) to bind Employer with respect to MERS.

Discussion Ensued.

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

NO: None. Motion Declared Carried.

## **PARK PLAN**

## **PUBLIC HEARING**

### **START 7:44 P.M.**

Mr. Zettel commented that the Park Board has been working on the Five Year Park Plan for the last 8 or so months. Park Board made a recommendation to approve it at the December Council meeting but due to a publication error it had be published in January and with a 30 day notice it is now coming to council in February for approval. The draft has been circulating for quite a while.

Mayor Krueger explained that it is necessary to approve multi year plans so we can apply for funding for state government and others to give us grants to use in our parks.

Councilmember Spillane questioned if March 1<sup>st</sup> was a deadline that needed to be approved by. Mr. Zettel responded it would have been February 1<sup>st</sup> for the DNR Trust Fund which we wouldn't be applying for this year anyways because we have an open trust fund grant. It appears it is March 1<sup>st</sup> for the Passport Grant, which he believes our grant writer is going to write for one of those. Certainly, this is useful for our congressional directed spending application that we are going to make at Kildee's office. Councilmember Spillane asked in all the years we have been putting this plan together how much money have we received for the investment in engineering. Mr. Zettel responded we got \$300,000 for a current trust fund, we did a recreation passport grant around 2016 if is not sure but thought it was about a \$60,000- \$80,000 project at

Elms Park. He doesn't know if there was any success between 2003-2013. He has high confidence that it is going to be helpful and continuing a pipeline of some grant funds, even if they are not the DNR ones there are other ones like the SPARK grant and this plan would be crucial to even be eligible, I think it is worth having.

The Mayor commented that this is the third plan the council is approving and we have to go through these steps every time we revise the plans every five years. Mr. Zettel commented that all the plans are so close that maybe in 2027 we can see if it's advisable to have a Master Plan, DDA Plan and Park Plan all in one process.

Councilmember Henry wanted to thank the people who worked on the Park Plan for indulging all his comments and suggestions.

**END: 7:48 P.M.**

## **RESOLUTION TO APPROVE THE FIVE YEAR PARK AND RECREATION PLAN**

**Resolution No. 230227-06**

**(Carried)**

Motion by Councilmember Knickerbocker  
Second by Councilmember Henry

**WHEREAS**, the City of Swartz Creek seeks to continue, create and adopt a five-year Parks and Recreation Plan in order to provide the best possible services to its residents and visitors, to remain compliant with requirements of the State Department of Natural Resources and Environment, and further, to remain eligible for various grant funds that are, or may become available; and

**WHEREAS**, the City engaged the services of its Engineering Firm, Rowe Professional Services of Flint Michigan, to work with and assist the City's Parks and Recreation Advisory Board in drafting a five-year Parks and Recreation Plan, a draft having been completed and available for public review for thirty days; and

**WHEREAS**, the City advertised and held a public hearing at its regular Council Meeting of February 27, 2023 to obtain public comments and Council discussion on the draft.

**NOW, THEREFORE, I Move** the City of Swartz Creek hereby adopt the 2023 – 2027 Five Year Parks and Recreation Plan, and further, direct the staff and City Consultant to publish and circulate the plan in accordance with law.

Discussion Ensued.

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

**RESOLUTION TO APPROVE AN AMENDED POVERTY EXEMPTION POLICY AS PART OF THE MICHIGAN STATE TAX COMMISSION AUDIT OF MINIMUM ASSESSING REQUIREMENTS**

**Resolution No. 230227-07**

**(Carried)**

Motion by Councilmember Spillane  
Second by Councilmember Henry

**WHEREAS**, the Michigan Tax Commission conducts an Audit of Minimum Assessing Requirements (AMAR) of Townships and Cities; and

**WHEREAS**, the city has adopted various policies and procedures related to these requirements, including a local Poverty Exemption Policy; and

**WHEREAS**, the State Tax Commission Policy Regarding Requests for Percentage Reductions in Taxable Value for Poverty Exemptions Under MCL 211.7u, has been updated as of January 19, 2021; and

**WHEREAS**, the city updated and affirmed written guidelines for poverty exemptions in 2021 and must continue to update and affirm specific wage thresholds for the policy.

**NOW, THEREFORE BE IT RESOLVED** that the City of Swartz Creek adopts the City of Swartz Creek Requirements of Poverty Exemption, as included in the February 27, 2023, city council packet, including the updated set income levels for exemption.

**BE IT FURTHER RESOLVED** that the City of Swartz Creek hereby waives penalties and interest that is otherwise required to be levied for failure to file a Property Transfer Affidavit under MCL 211.27b.

Discussion Ensued.

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

**RESOLUTION TO APPROVE 2023 SEWER LINING PROJECTS**

**Resolution No. 230227-08**

**(Carried)**

Motion by Councilmember Henry  
Second by Councilmember Cramer

**WHEREAS**, the city selected Liqui-Force Services (USA) Inc. (currently known as Inliner Solutions.), to perform certain sewer inspections and repairs in 2008

based upon a competitive request-for-proposal process that included fixed unit costs for services; and

**WHEREAS**, based upon the quality and reliability of work performed, Inliner has remained the city's contractor for these specialized services past the original 2012 term of the contract; and

**WHEREAS**, Inliner has agreed to extend their unit costs through December 31, of 2023 for the purpose of completing work on the sanitary sewer system; and

**WHEREAS**, additional sewer rehabilitation work has been identified by staff and the city engineer based upon current inspections and consultation with the 20 year sewer plan.

**NOW, THEREFORE, BE IT RESOLVED** the City of Swartz Creek hereby approves the proposal and associated unit costs, in part, to perform rehabilitation on the sanitary sewer system as outlined for segments of Miller Road and Segments of Morrish Road as outlined on the updated proposal dated February 2, 2023, in the amount of \$646,078, plus a 5% contingency, funds to be appropriated to the Sewer 590 fund.

**NOW, THEREFORE, BE IT FURTHER RESOLVED** the City of Swartz Creek hereby directs the city manager to create and execute a standard contractor agreement with the contractor.

Discussion Ensued.

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

NO: None. Motion Declared Carried.

**RESOLUTION TO AUTHORIZE APPLICATION TO THE MACC AND TO APPROVE A MATCH OF UP TO \$10,000**

**Resolution No. 230227-09**

**(Carried)**

Motion by Councilmember Cramer  
Second by Councilmember Henry

**WHEREAS**, the City of Swartz Creek is a Redevelopment Ready Community with a Downtown Development Authority; and

**WHEREAS**, there are plans and opportunities to partner with the Swartz Creek Area Historical Society to create more opportunities to showcase the community's history, artistic abilities, and to create places of interaction and engagement in the community; and

**WHEREAS**, the Michigan Arts and Culture Council is soliciting grant applications for qualifying projects; and

**WHEREAS**, staff have worked to package a qualifying project to submit by the due date of March 1.

**NOW, THEREFORE, BE IT RESOLVED** the City of Swartz Creek hereby authorizes and directs staff to submit the MACC Community Partners Grant.

**NOW, THEREFORE, BE IT FURTHER RESOLVED** the City of Swartz Creek commits \$10,000 to match this project, should it be awarded, with the condition that the DDA will be requested to allocate \$5,000 of this match.

Discussion Ensued.

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

NO: None. Motion Declared Carried.

ABSTAIN: Spillane.

**MEETING OPENED TO THE PUBLIC:**

None.

**REMARKS BY COUNCILMEMBERS:**

Councilmember Gilbert, "Think Spring".

Councilmember Knickerbocker commented is was a good meeting with a lot of information. There is a Chamber Luncheon tomorrow at noon at the American Legion. Also, Chili Cookoff was postponed and now it will be March 25<sup>th</sup> at the American Legion

Mayor Pro Tem Hicks commented that the Biggby shed is sad and the materials used don't match the existing building.

Councilmember Cramer is looking forward to voting on the new ordinance with curfew to help Hometown Days.

Councilmember Spillane commented on the SRTS and will the scope of work be reduced due to the increase in cost. Mr. Zettel responded the bids are high and we will have to look at our options. He commented on not getting the SPARK grant and many other grants he feels influencers always get the money.

Mayor Krueger commented everyone think spring and hopefully we will avoid the ice storms.



**ADJOURNMENT**

**Resolution No. 230227-10**

**(Carried)**

Motion by Councilmember Gilbert  
Second by Councilmember Henry

**I Move** the Swartz Creek City Council adjourn the regular council meeting of February 27, 2023 at 8:25 p.m.

Unanimous Voice Vote.

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**David A. Krueger, Mayor**

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**Connie Olger, City Clerk**