

**CITY OF SWARTZ CREEK
SWARTZ CREEK, MICHIGAN
MINUTES OF THE REGULAR COUNCIL MEETING
DATE 10/23/2023**

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, Treasurer Deanna Korth, Chief Bade.

Others Present: Ashley Fraser-Plante Moran, M. McLanahan, Jim Barclay

Others Virtually Attended: Renee Kraft, Clerk Designee

APPROVAL OF MINUTES

Resolution No. 231023-01

(Carried)

Motion by Councilmember Spillane
Second by Councilmember Cramer

I Move the Swartz Creek City Council approve the amended Minutes of the Regular Council Meeting held Monday October 9, 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. 231023-02

(Carried)

Motion by Councilmember Henry
Second by Councilmember Gilbert

I Move the Swartz Creek City Council approve the Agenda as amended for the Regular Council Meeting of October 23, 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. 231023-03

(Carried)

Motion by Councilmember Cramer
Second by Councilmember Gilbert

I Move the Swartz Creek City Council accept the City Manager's Report of October 23, 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:

Jim Barclay 8420 Cappy Lane, discussed his displeasure about contracted workers entering his property. Questioned if they have had background checks. Stated it might be a violation of his 4th amendment rights. City Manager Zettel responded that his belief is that the meter is public property and the city can service it when necessary. He will investigate the background checks. Mayor Krueger stated it is legal for the city to shut off water, but should they? The attorney was quoted as stating it is not a violation of a person's 4th amendment rights.

COUNCIL BUSINESS:

AUDIT PRESENTATION

RESOLUTION TO ACCEPT THE 2022-2023 FISCAL YEAR AUDIT BY INDEPENDENT AUDITOR PLANT-MORAN

Resolution No. 231023-04

(Carried)

Motion by Mayor Pro Tem Hicks
Second by Councilmember Henry

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, 2023; 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 October 23, 2023, 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 2022-2023 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.

Discussion Ensued.

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

NO: None. Motion Declared Carried.

RESOLUTION TO AMEND THE PARK RULES, RESERVATION FORM, AND RENTAL AGREEMENT

Resolution No. 231023-05

(Carried)

Motion by Councilmember Gilbert

Second by Councilmember Henry

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 and 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, Reservation Form (inclusive of rates), and Rental Agreement.

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

Discussion Ensued.

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

RESOLUTION TO AMEND THE PARK RULES, RESERVATION FORM, AND RENTAL AGREEMENT

Resolution No. 231023-06

(Carried)

Motion by Mayor Pro Tem Hicks
Second by Councilmember Henry

Motion to change the form and strike out “The City Council may waive or alter such rules on a case by case basis or permanent bases for reservations, events, or users by resolution.” Under Ordinance No. 453 – Applicability.

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

RESOLUTION TO APPROVE CULVERT INSPECTIONS

Resolution No. 231023-07

(Carried)

Motion by Councilmember Knickerbocker
Second by Councilmember Cramer

WHEREAS, the City of Swartz Creek owns, operates, and maintains major and local streets; and,

WHEREAS, certain creeks and drains cross said streets by way of large diameter culverts; and,

WHEREAS, the city does not have an inventory of said culverts that includes an updated inspection report for each asset; and,

WHEREAS, Genesee County is willing to reimburse some or all of qualifying culvert inspections that municipalities have submitted for said reimbursement; and,

WHEREAS, the city has submitted a reimbursement request, as well as a quote to inventory and inspect said assets from the city’s primary engineering consultant, OHM Advisors.

NOW, THEREFORE, BE IT RESOLVED THAT the City of Swartz Creek approves the culvert data collection proposal submitted by OHM Advisors on October 5, 2023, costs to be appropriated to the major or local street funds, as appropriate.

BE IT FURTHER RESOLVED THAT the City of Swartz Creek City Council hereby authorizes and directs the Mayor to execute said proposal on behalf of the city.

Discussion Ensued.

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

NO: None. Motion Declared Carried.

RESOLUTION TO APPROVE CREDIT CARD POLICY

Resolution No. 231023-08

(Carried)

Motion by Councilmember Spillane
Second by Councilmember Cramer

WHEREAS, Public Act 266 of 1995 requires all municipalities within the State of Michigan to formulate and maintain written policies when authorizing the use of credit cards for the purchase of goods and services for the official business of the municipality; and;

WHEREAS, certain goods and services, especially those procured through internet transactions, are most readily made using a municipal, tax exempt account that is registered with a valid credit card; and;

WHEREAS, the City of Swartz Creek desires to authorize certain city employees to use credit cards for the purchase of goods and services for the official business of the municipality.

NOW, THEREFORE, BE IT RESOLVED THAT that the Swartz Creek City Council does hereby adopt and establish the City of Swartz Creek Credit Card Policy for the use of credit cards for the purchase of goods and services for the official business of the City of Swartz Creek, as included in the October 23, 2023 City Council Packet

Discussion Ensued.

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

NO: None. Motion Declared Carried.

RESOLUTION TO DIRECT THE CITY MANAGER TO PROVIDE A REPORT FOR THE PUBLIC SAFETY SERVICES ASSESSMENT RENEWAL, SET PUBLIC HEARING FOR SPECIAL ASSESSMENT DISTRICT

Resolution No. 231023-09

(Carried)

Motion by Councilmember Henry
Second by Councilmember Knickerbocker

WHEREAS, the city has, by charter limitation, a general operating maximum levy of 5.0 mills, currently reduced by Headlee rollbacks to 4.6938, the levy of which for the City of Swartz Creek was determined to be among the bottom 3% of the 279 cities in the state of Michigan prior to the 2013 Public Safety Special Assessment; and

WHEREAS, Michigan and Genesee County experience frequent recessions including a sudden and plummeting crash in property values beginning in 2009, that have decreased the city's revenues significantly; and

WHEREAS, the taxable value of the city has not recovered; and

WHEREAS, additional reductions in revenues from statutory state revenue sharing and the closure of Sports Creek Raceway further diminished the city's ability to provide essential services with a 5 mil charter limitation on the general operating levy; and

WHEREAS, the City enacted a ten year public safety special assessment in 2013 to defray a portion of fire and police service expenses, thereby enabling the city to return to prior service levels; and

WHEREAS, the ten year special assessment has expired, and the city must replace those revenues or risk massive service reductions; and

WHEREAS, PA 33 of 1951 (MCL 41.801 et seq, as amended) allows for the creation of a special assessment district city wide for public safety; and

WHEREAS, the City council desires to establish a city wide special assessment district;

NOW, THEREFORE, BE IT RESOLVED the Swartz Creek City Council hereby refers this project to the City Manager and directs the City Manager to prepare a report to be brought before the Council for review and determination at the Regular City Council Meeting, to be held in the City Council Chambers on Monday, November 13, 2023 at 7:00 PM, of which the report shall include:

- a. a description of the assessment district, parcels and boundaries; and
- b. an estimated cost of public safety Police & Fire Services, including operating costs, lost revenues and anticipated operating expense increases for coming years; and
- c. recommended levy amount along with projected revenue collections

BE IT FURTHER RESOLVED, that the City Staff is hereby directed to schedule a public hearing to be held at the Regular Council Meeting of Monday, November 13, 2023 at 7:00 PM, or as soon thereafter as the public can be heard, in the manner prescribed by law

Discussion Ensued.

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

RESOLUTION FOR ZBA AND BOR COMPENSATION

Resolution No. 231023-10

(Carried)

Motion by Councilmember Cramer
Second by Councilmember Henry

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 \$21 per meeting and the chair of the ZBA is compensated \$26.25 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 \$78.75 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 September 29th, recommended an increase to this compensation in the amount of 8.465% 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: | \$28.47 per meeting |
| ZBA Commissioners: | \$22.78 per meeting |
| Board of Review Members: | \$85.42 per meeting. |

Discussion Ensued.

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

RESOLUTION TO APPROVE CONTRIBUTION TOWARD THE SOLAR SYSTEM MODEL

Resolution No. 231023-11

(Carried)

Motion by Mayor Pro Tem Hicks
Second by Councilmember Henry

WHEREAS, the city owns, operates, and maintains a system of parks and recreational grounds; and,

WHEREAS, the city is a redevelopment ready community, with an updated parks and recreation plan that encourages engaging active recreational amenities in its parks and along its non-motorized paths; and,

WHEREAS, the city has conceived of a model solar system, generally consisting of interpretive signs that will be placed along the Genesee Valley Trail between Elms and Otterburn Park; and,

WHEREAS, there is also a need to place trail head signs and wayfinding signs in Otterburn and Elms Park, as well as along the trail, to orient visitors and residents; and,

WHEREAS, the city is eligible for MEDC funds through the Public Places and Community Spaces crowdfunding program, funds that can match up to 50% of such projects; and,

WHEREAS, staff will endeavor to raise as much of the local match of \$25,000 as possible through community and sponsorship contributions; and,

WHEREAS, the match is a significant amount to be raised over the timeframe of the program, and the city finds public value in the installation of wayfinding and the solar system model; and,

WHEREAS, the Swartz Creek Park Board considered the matter at their October 17, 2023 meeting and recommends city general fund support for the project.

NOW THEREFORE, BE IT RESOLVED that the Swartz Creek City Council hereby approves the contribution of \$8,750 to the crowdfunding effort, funds to be split evenly between Otterburn and Elms Park departments.

Discussion Ensued.

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

RESOLUTION TO AMEND THE 2023-2024 COUNCIL MEETING SCHEDULE

Resolution No. 231023-12

(Carried)

Motion by Councilmember Gilbert
Second by Councilmember Henry

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 City 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 2024 fiscal year on May 8, 2023 but now finds it desirous to alter the start time of the December 11, 2023 meeting.

NOW, THEREFORE, pursuant to the Act, public notice is hereby given that regular meeting of December 11, 2023 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

Discussion Ensued.

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

MEETING OPENED TO THE PUBLIC:

Marriane McLanahan – Questioned if the city can help neighbors who need to trim trees.

REMARKS BY COUNCILMEMBERS:

Councilmember Cramer: October 31, 2023 at 10:00am a Green For Life tour is scheduled.

Councilmember Henry: Discussed the Public Safety Services Resolution.

Pro Tem Knickerbocker: Mentioned the Swartz Creek Chambers luncheon tomorrow is at Cumulus Media on Taylor Dr.

Councilmember Spillane: Questioned if the microphone at the podium will ever be repaired? City Manager Zettel responded that it works, just not to well. Questioned who the credit cards are issued to? Response- Clerk, City Manager and DPW. Discussed the highway signs and if they need approval for changes? City Manager stated the council deviated from the ordinance.

Mayor Krueger: Deanna Korth's retirement party will be held at The Draft on October 27, 2023 at noon.

ADJOURNMENT

Resolution No. 231023-08

(Carried)

Motion by Councilmember Gilbert
Second by Councilmember Henry

I Move the Swartz Creek City Council adjourn the regular meeting at 9:08 p.m.

Unanimous Voice Vote.

As approved.

Renee Kraft, CMC, MiPMC

David A. Krueger, Mayor

Renee Kraft, CMC, MiPMC, City Clerk