

**CITY OF SWARTZ CREEK
SWARTZ CREEK, MICHIGAN
MINUTES OF THE REGULAR COUNCIL MEETING
DATE February 12, 2024**

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 Renee Kraft.

Others Present: Metro PD Chief Bade, Rob Merinsky-OHM, Mark Rochford-Baker Tilly, Jim Barclay, Carol Richardson, M. McLanahan.

Others Virtually Attended: Lania Rocha, Samantha Fountain

APPROVAL OF MINUTES

Resolution No. 240212-01

(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 January 22, 2024, 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. 240212-02

(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 February 12, 2024, 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. 240212-03

(Carried)

Motion by Councilmember Cramer
Second by Councilmember Henry

I Move the Swartz Creek City Council accept the City Manager's Report of February 12, 2024, 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:

Carol Richardson: Lives on Don Shenk and thanked Swartz Creek for filling in the pot holes. Driver's don't watch where barriers are from Don Shenk to Cappy Lane and would like signs to be addressed.

Mary McLanahan: Discussed traffic issues on Ingalls.

COUNCIL BUSINESS:

RESOLUTION TO APPROVE A PROFESSIONAL SERVICE AGREEMENTS WITH BAKER TILLY FOR TEMPORARY BOND INVESTMENT AND ARBITRAGE REBATE SERVICES RELATED TO THE STREET CAPITAL IMPROVEMENT BONDS

Resolution No. 240212-04

(Carried)

Motion by Mayor Pro Tem Hicks
Second by Councilmember Cramer

WHEREAS, the City of Swartz Creek performs many routine financial services related to bookkeeping, budgeting, reporting, investing, audit preparation, and analysis, as well as specialized financial functions related to grants, bonding, and federal compliance, and

WHEREAS, the City recently acquired a large capital improvement bond for the purpose of reconstructing city streets, and

WHEREAS, the prevalent interest rates prudently demand investment to best leverage funds until such time as payments are made and complete for services rendered, a time period expected to be at least nine months, and

WHEREAS, there are opportunities for prudent investment available, and

WHEREAS, Section 148 of the Internal Revenue Service Code and related U.S. Treasury regulations limit investment returns on funds borrowed by a governmental agency, potentially necessitating yield limits, rebates, and reporting, and

WHEREAS, the provision of additional third party financial services has been anticipated to supplement staff in managing this unique and temporary financial situation, and

WHEREAS, Baker Tilly is the current financial advisor for the city for bonding and related investment services.

NOW, THEREFORE, BE IT RESOLVED the City of Swartz Creek City Council approves the Custodial Agreement, Arbitrage Monitoring and Reporting Services Agreement, and Bond Proceeds Investment and Arbitrage Rebate Services Agreement with Baker Tilly Investment Services, as included in the February 12, 2024 city council packet.

BE IT FURTHER RESOLVED, that the City Council authorizes and directs the Mayor to execute said agreements on behalf of the city and for the city finance director to oversee the administration of the service.

Discussion Ensued.

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

RESOLUTION TO APPROVE EXTENSION OF CROSS CONNECTION PROGRAM AGREEMENTS

Resolution No. 240212-05

(Carried)

Motion by Councilmember Gilbert
Second by Councilmember Henry

WHEREAS, to remain compliant to the Safe Drinking Water Act of 1976, PA 339, the City of Swartz Creek instituted a Cross Connection Control and Compliancy Program, and solicited and awarded sealed bids to HydroCorp of Troy, Michigan to implement the program, and;

WHEREAS, HydroCorp has brought the City into full compliancy with the Act and MI-DEQ Regulations, and;

WHEREAS, it is mandatory for the City to continue the program in order to remain compliant with the Act and MI-EGLE Regulations, and;

WHEREAS, additional guidance from the Michigan Department of Environment, Great Lakes, and Energy requires that the city expand its cross connection control program to residential users, and;

WHEREAS, the city commenced with residential inspections in 2021 and must continue the program to remain compliant with EGLE guidance, and;

WHEREAS, the work performed by HydroCorp is a specialized professional service and cannot be done by regularly employed crews of the City, and;

WHEREAS, it is efficient and desirable for the City to remain with a single company to maintain compliancy and continued continuity of the established records currently maintained by HydroCorp, Inc.

NOW THEREFORE, BE IT RESOLVED the City of Swartz Creek appropriate an amount not to exceed \$1,682 per month for 24 months, total accrued amount not to exceed \$40,368, payment for expansion and continuation of the City's Cross Connection Compliancy and Control Program, to HydroCorp, a Michigan corporation located in Troy, Michigan, agreement period to run from February 1, 2024 through January 31, 2026, funds to be appropriated from 590, Water Supply Fund.

BE IT FURTHER RESOLVED THAT, the City Council approves the cross connection professional services agreements included in the February 12, 2024 city council packet and direct the Mayor and City Clerk to execute said agreement on behalf of the city.

Discussion Ensued.

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

NO: None. Motion Declared Carried.

RESOLUTION TO APPROVE PROFESSIONAL SERVICES FOR MS4 COMPLIANCE AND FAT, OIL, AND GREASE PROGRAM OVERSIGHT

Resolution No. 240212-06

(Carried)

Motion by Councilmember Knickerbocker

Second by Councilmember Henry

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 also operates a business inspection program to ensure fats, oils, and greases are properly disposed of within the community sanitary sewer system; and

WHEREAS, the city solicited a proposal from a pre-approved engineer that specializes in sanitary and storm sewer matters to oversee both MS4 and the FOG program; and

WHEREAS, both programs are established, but reapplication to the MS4 program is required in 2024.

NOW, THEREFORE, BE IT RESOLVED, the Swartz Creek City Council hereby approve the professional service agreement dated January 17, 2024, as submitted by DLZ in the amount of \$9,200 and authorize and direct the Mayor to execute said agreement on behalf of the city.

Discussion Ensued.

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

NO: None. Motion Declared Carried.

RESOLUTION TO APPROVE A LIQUOR LICENSE FOR 8010 MILLER ROAD

Motion by Councilmember Spillane, seconded by Councilmember Cramer.
No Vote.

Motion to rescind resolution by Councilmember Spillane, seconded by Councilmember Cramer.

WHEREAS, the City of Swartz Creek geography possesses an unclaimed Class C Liquor License as relegated by the State of Michigan Liquor Control Commission; and

WHEREAS, the owner of a business at 8010 Miller Road, is seeking to attach said license to their property with the intention of adding a cafe to the site; and

WHEREAS, the City of Swartz Creek and the Swartz Creek Downtown Development Authority allow such uses within the Central Business District; and

WHEREAS, the City of Swartz Creek maintains rights to review and approve or deny use of the site based upon potential site plans and building conditions prior to final review and inspection by the State of Michigan.

NOW, THEREFORE, BE IT RESOLVED, the City of Swartz Creek recommends that the application by the Bellas Book Nook & Café, LLC. for a Class C Liquor License 8010

Miller Road, Swartz Creek, Michigan be considered for approval by the Michigan Liquor Control Commission.

RESOLUTION TO POSTPONE APPROVAL OF A LIQUOR LICENSE FOR 8010 MILLER ROAD

Resolution No. 240212-08

(Carried)

Motion by Councilmember Henry
Second by Councilmember Gilbert

Discussion Ensued.

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

RESOLUTION TO APPROVE STREET REHABILITATION WORK FOR THE WINCHESTER WOODS STREET PROJECT

Resolution No. 240212-09

(Carried)

Motion by Councilmember Henry
Second by Councilmember Cramer

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

WHEREAS, the city uses a twenty year street improvement plan to guide maintenance, rehabilitation, and reconstruction investments in the street network, as aligned with the 20 year street levy; and

WHEREAS, the streets in Winchester Woods are included in the plan for rehabilitation, with some streets past their anticipated improvement date and some streets not yet approaching their improvement date; and

WHEREAS, the city borrowed funds for street related capital improvements to advance street reconstruction and rehabilitation in accordance with the street plan; and

WHEREAS, the city also applied for and was awarded approximately \$250,000 by the state to perform rehabilitation on streets in Winchester Woods; and

WHEREAS, The city's engineer, OHM Advisors, designed specifications and plans for the Winchester Woods streets, with sealed bids on such plans being opened on January 18, 2024; and

WHEREAS, the low bid for this project is \$873,445.99 from T.G. Priehs, LLC.; and

WHEREAS, OHM Advisors, who surveyed and designed the project, will be in the community overseeing the Winchester Village improvements and has submitted a proposal for construction engineering services in Winchester Woods.

NOW, THEREFORE, BE IT RESOLVED the City of Swartz Creek City Council approves the bid by T.G. Priehs, LLC as a unit cost bid in the amount of \$873,445.99.

BE IT FURTHER RESOLVED, that the City of Swartz Creek City Council also approves construction engineering services as outlined in the attached proposal by OHM Advisors, dated February 7, 2024.

BE IT FURTHER RESOLVED, that the City Council directs the Mayor to execute said agreements on behalf of the city and for the city treasurer to appropriate such costs to the Local Street Fund.

Discussion Ensued.

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

MEETING OPENED TO THE PUBLIC:

Jim Barclay: Questioned if ditches/culverts will be worked on? Was glad they postponed the liquor license.

Carol Richardson: Discussed the speed limit sign on the Morrish Road bridge over I-69.

REMARKS BY COUNCILMEMBERS:

Councilmember Cramer: DDA is planning a pavilion off Miller Road.

Councilmember Spillane: Feeling compliant about speed – would like to see a resolution as far as speed limit complaints to resolve some issues. Would like markings at Ingalls Street. Believes a long term solution would be street trees as a long term community asset for all roads and streets to go along with tree city designation and to calm traffic. Managers reports has carried resolution thoughts since October. We need a solution on agenda to be resolved by June 1.

Councilmember Knickerbocker: Discussed a change order.

Mayor Pro Tem Hicks: A Cappy resident questioned that people have to fix sidewalks and pay for it. Asked where the watermain is going to be replaced. Response-anywhere you see an old hydrant. Listend to a webinar on marijuana, explaining that growers are

changing their land to AG for tax break. Fire board is reviewing the by-laws of the Fire department.

ADJOURNMENT

Resolution No. 240212-08

(Carried)

Motion by Councilmember Gilbert
Second by Councilmember Henry

I Move the Swartz Creek City Council adjourn the regular meeting at 9:03 p.m.

Unanimous Voice Vote.

David A. Krueger, Mayor

Renee Kraft, CMC, MiPMC

Renee Kraft, CMC, MiPMC, City Clerk