

**CITY OF SWARTZ CREEK
SWARTZ CREEK, MICHIGAN
MINUTES OF THE REGULAR COUNCIL MEETING
DATE April 8, 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: Paul Junge, Terry O'Brien, M. McLanahan

Others Virtually Attended: Lania Rocha, Jeff Kelley

APPROVAL OF MINUTES

Resolution No. 240408-01 (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 March 25, 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. 240408-02 (Carried)

Motion by Councilmember Henry
Second by Councilmember Cramer

I Move the Swartz Creek City Council approve the Agenda as printed for the Regular Council Meeting of April 8, 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. 240408-03

(Carried)

Motion by Councilmember Cramer
Second by Councilmember Gilbert

I Move the Swartz Creek City Council accept the City Manager's Report of April 8, 2024, including reports and communications and as amended 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:

Paul Junge: Running for 8th Congressional District. Discussed topics the residents in the District are concerned with.

Terry O'Brien: Discussed litter on Miller Road and elsewhere throughout the city. Would like to see more young people volunteer to help keep Swartz Creek clean.

COUNCIL BUSINESS:

RESOLUTION TO APPROVE CONSUMERS ENERGY LIGHTING REMOVAL AND REPLACEMENT WORK ORDERS – WINCHESTER VILLAGE

Resolution No. 240408-04

(Carried)

Motion by Mayor Pro Tem Hicks
Second by Councilmember Cramer

WHEREAS, the street lights in the city are owned and operated by Consumers Energy Company (CE), a Michigan utility with principle offices located at One Energy Plaza, Jackson MI, 49201; and

WHEREAS, CE is the sole provider of street lights, electrical delivery, and maintenance on said lights in the County of Genesee, including Swartz Creek City; and

WHEREAS, CE supplies street lighting services to the city under a current standard street lighting contract which outlines specific fixture counts and types, said contract restated on November 1, 2014 and revised from time to time; and

WHEREAS, the City seeks additional changes to the street lighting services agreement that include changes to lighting types and subsequent billing for LED and decorative lighting; and

WHEREAS, Consumers Energy requires approval of an amendment to the existing street light contract and affirmation of the work orders to remove the existing lighting and install new lighting in accordance with the restated and amended lighting contract.

NOW THEREFORE, BE IT RESOLVED, it is hereby deemed advisable to authorize Consumers Energy Company to make changes in the lighting service as provided in the Standard Lighting Contract between the Company and the City of Swartz Creek, dated November 1, 2014, modified on November 1, 2018, in accordance with the Agreement for Modifications of Electric Facilities, dated February 5, 2024 and Authorization for Change in Standard Lighting Contract, as included in the April 8, 2024 City Council Packet.

BE IT FURTHER RESOLVED, that it is hereby deemed advisable to enter into a contract with Consumers Energy Company for furnishing lighting service within the City of Swartz Creek for a period of one year and thereafter from year to year, in accordance with the terms of the contract heretofore submitted to the city council.

BE IT FURTHER RESOLVED, that the city agrees to the terms and conditions of form 547 as included in the city council packet of April 8, 2024 and further directs the City Clerk to execute said agreements and forms that represent the aforementioned terms and conditions.

BE IT FURTHER RESOLVED, that the city agrees to furnish payment to Consumers Energy in accordance with invoice #9326542631, charges totaling \$39,932 for furnishing and installation of lights, costs to be apportioned to the local street fund.

Discussion Ensued.

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

NO: None. Motion Declared Carried.

RESOLUTION TO APPROVE CONSUMERS ENERGY LIGHTING REMOVAL AND REPLACEMENT WORK ORDERS – HERITAGE VILLAGE

Resolution No. 240408-05

(Carried)

Motion by Councilmember Gilbert

Second by Mayor Pro Tem Hicks

WHEREAS, the street lights in the city are owned and operated by Consumers Energy Company (CE), a Michigan utility with principle offices located at One Energy Plaza, Jackson MI, 49201; and

WHEREAS, CE is the sole provider of street lights, electrical delivery, and maintenance on said lights in the County of Genesee, including Swartz Creek City; and

WHEREAS, CE supplies street lighting services to the city under a current standard street lighting contract which outlines specific fixture counts and types, said contract restated on November 1, 2014 and revised from time to time; and

WHEREAS, the City seeks additional changes to the street lighting services agreement that include the addition of lighting to a newer neighborhood and subsequent billing for such new lights; and

WHEREAS, Consumers Energy requires approval of an amendment to the existing street light contract and affirmation of the work orders to remove the existing lighting and install new lighting in accordance with the restated and amended lighting contract.

NOW THEREFORE, BE IT RESOLVED, it is hereby deemed advisable to authorize Consumers Energy Company to make changes in the lighting service as provided in the Standard Lighting Contract between the Company and the City of Swartz Creek, dated November 1, 2014, modified on November 1, 2018, in accordance with the Agreement for Modifications of Electric Facilities, dated January 1, 2024 and Authorization for Change in Standard Lighting Contract, as included in the April 8, 2024 City Council Packet.

BE IT FURTHER RESOLVED, that it is hereby deemed advisable to enter into a contract with Consumers Energy Company for furnishing lighting service within the City of Swartz Creek for a period of one year and thereafter from year to year, in accordance with the terms of the contract heretofore submitted to the city council.

BE IT FURTHER RESOLVED, that the city agrees to the terms and conditions of form 547 as included in the city council packet of April 8, 2024 and further directs the City Clerk to execute said agreements and forms that represent the aforementioned terms and conditions.

BE IT FURTHER RESOLVED, that the city agrees to furnish payment to Consumers Energy in accordance with invoice #9326483865, charges totaling \$2,339 for furnishing and installation of lights, costs to be apportioned to the local street fund.

Discussion Ensued.

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

NO: None. Motion Declared Carried.

RESOLUTION TO APPROVE AN EXTENDED BID FOR HYDRANT PAINTING

Resolution No. 240408-06

(Carried)

Motion by Councilmember Knickerbocker
Second by Councilmember Henry

WHEREAS, the City of Swartz Creek owns, operates, and maintains a water distribution system, which includes approximately 400 hydrants; and

WHEREAS, the hydrants on the system are of various ages, makes, and models, all of which should have an operating life of approximately 75 years; and

WHEREAS, the City maintains hydrants each year by operating the valves, flushing barrels, and lubricating nozzles; and

WHEREAS, the City seeks to add functional longevity to the hydrants installed prior to 2017 by stripping previous layers of paint and applying new coats of paint in a professional manner; and

WHEREAS, City Ordinance Section 2-406 encourages cooperative bidding, and the City of Battle Creek just solicited bids of an acceptable specification for said services; and

WHEREAS, the contractor of the low bid, Blas Tek, is offering to extend their bid, with the approved unit costs, to the City of Swartz Creek; and

WHEREAS, the City is opting to ensure that no lead paint is improperly removed or disposed of.

NOW THEREFORE, BE IT RESOLVED, the City of Swartz Creek hereby approves the Fire Hydrant Sandblasting & Painting bid price extension by Blas Tek in the amount of \$153 per unit, with approximately 300 units to be completed, including specifications as included in the April 8, 2024 city council packet, plus lead abatement, subject to completion of a standard contractors agreement by the city manager.

Discussion Ensued.

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

RESOLUTION TO IMPOSE A MORATORIUM ON GROUND SOLAR LAND USES

Resolution No. 240408-07

(Carried)

Motion by Councilmember Spillane
Second by Councilmember Cramer

WHEREAS, the City of Swartz Creek Michigan Zoning Appendix A does not have provisions for large scale ground mounted solar equipment; and

WHEREAS, ground mounted solar installations of a commercial and industrial nature are becoming more prolific in rural and urban areas; and

WHEREAS, the State of Michigan Legislature, through Public Act 233 of 2023, has enacted legislation that will limit local control of the siting of such facilities, effective in November of 2024; and

WHEREAS, the City of Swartz Creek desires to create definitions, classifications, and regulations that pertain to ground mounted solar that will serve the best interest of the community and comply with state law; and

WHEREAS, the absence of any local regulations creates uncertainty and risk for potential developers of ground mounted solar, land owners, and impacted third parties in the City of Swartz Creek; and

WHEREAS, the City of Swartz Creek City Council finds that the siting of ground mounted solar and/or review of such facilities without siting considerations in the form of zoning constitutes a threat to the public health, safety and welfare of the city, by which no other action short of imposing a moratorium can adequately protect such health, safety and welfare.

NOW, THEREFORE, BE IT RESOLVED that the Swartz Creek City Council by this Resolution determines to place a moratorium upon the issuance of any permit, the processing of any permit application, the processing of any rezoning request, the processing of any site plan, the processing of any special land use, the processing of any variance or interpretation, and the processing of any other application under the zoning ordinance for the purpose of siting or installing ground mounted solar equipment, within its City Limits for a period of one hundred eighty (180) days, to allow the City Council to consider amendments to its Zoning Ordinances.

BE IT FURTHER RESOLVED that in compliance with section 25.15 of the zoning code for the City of Swartz Creek, this moratorium shall be effective immediately upon publication of this resolution in a newspaper of general circulation, date of publication May 2, 2024 (date amended).

Discussion Ensued.

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

RESOLUTION TO APPROVE INVOICE FOR COSMOS IN THE CREEK AND RELATED SIGN ACQUISITION

Resolution No. 240408-08

(Carried)

Motion by Councilmember Henry
Second by Mayor Pro Tem Hicks

WHEREAS, the City of Swartz Creek, through its Park Board, has planned, designed, and raised funds to install a model solar system, trail head signs, and related signs along the Genesee Valley Trail Extension; and,

WHEREAS, the crowdfunding campaign to raise \$50,000 is complete, with support from the Michigan Economic Development Corporation; and,

WHEREAS, Signs By Crannie has been the concept and design consultant for the project signs that were used in the crowdfunding campaign; and

WHEREAS, the City Council of Swartz Creek wishes to proceed with the concept as designed and proposed by Signs By Crannie, and further finds that this type of product is difficult to bid because of the specific design nature of each sign type and that proceeding with the purchase as presented to donors is in the financial best interest of the City.

NOW, THEREFORE BE IT RESOLVED the Swartz Creek City Council approves the concept and related invoice dated May 12, 2023 by Signs By Crannie, with expenses to be appropriated from funds raised for the purpose, with any additional expenses to be apportioned to Elms or Otterburn Park as appropriate.

Discussion Ensued.

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

NO: None. Motion Declared Carried.

MEETING OPENED TO THE PUBLIC:

Marianne McClanahan: Stated her insurance increased. Discussed sidewalks being put in near her with CDBG funds-she doesn't want them on her side. Discussed police presence near her house-she wants them to sit there, but not out in the open.

REMARKS BY COUNCILMEMBERS:

Councilmember Gilbert: Commented that solar panels have to be spaced enough for deer to go through.

Councilmember Spillane: The Historical Society meeting will be held this Wednesday and Boots Abrams will be the speaker.

Councilmember Knickerbocker: Stated that April 27 is National Drug Take Bake Day (10:00 am-2:00 pm) and also Shred Day (10:00 am-1:00 pm).

Councilmember Cramer: Commented that Act 233 is further eroding our sovereignty at the local level and he wants it repealed. Stated that global warming is based on a false premise.

Mayor Pro Tem Hicks: Commented on election integrity of election inspectors.

Mayor Krueger:

ADJOURNMENT

Resolution No. 240408-09

(Carried)

Motion by Councilmember Gilbert
Second by Mayor Pro Tem Hicks

I Move the Swartz Creek City Council adjourn the regular meeting at 8:42 p.m.

Unanimous Voice Vote.

David A. Krueger, Mayor

Renee Kraft, CMC, MiPMC-2
Renee Kraft, CMC, MiPMC II, City Clerk